

CORKSCREW GROVE LP SETTLEMENT AGREEMENT

PUBLIC HEARING

MAY 17, 2022

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APPLICANT'S EXHIBIT
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Settlement Team

- ❑ Ray Blacksmith, Cameratta Companies (CAM 7-Sub, LLC)
- ❑ Neale Montgomery, Attorney
- ❑ Dan Delisi, AICP, Planner
- ❑ Elizabeth Fountain, P.E./Brandon Frey, P.E., Engineers
- ❑ David Brown, P.G., Hydrogeologist
- ❑ Ted Treesh, Transportation Planner
- ❑ Shane Johnson, Ecologist

Historical/ Procedural Background

- 11/16/2019 Old Corkscrew Plantation (OCP) IPD Rezoning denied by BOCC
- Early 2020 Settlement Discussions Initiated under Chapter 70.001, F.S.
- 08/05/2021 Order Granting Summery Judgement on behalf of Corkscrew Grove Limited Partnership (OCP IPD applicant)
- 04/19/2022 Stipulation of Settlement
- Cameratta to Submit Proposed Development Agreement and Supporting Materials
 - Process established for County and Court Review
- 04/18/2022 Proposed Development Agreement Submitted with supporting information and analysis by Cameratta Companies/CAM 7 on behalf of CGLP to County
- 05/17/2022 Public Hearing before Chief Lee County Hearing Examiner

Submittal Items

JOINT MEMORANDUM OF LEE COUNTY AND CORKSCREW GROVE, LP

TO: Donna Marie Collins
Lee County Hearing Examiner

FROM: Michael Jacob, Deputy County Attorney
Mikki Rozdolski, Planning Manager
Brandon Dunn, Principal Planner
Becky Sweigert, Principal Planner

Neale Montgomery, Attorney for Corkscrew Grove, LP
Daniel B. DeLisi, AICP, Planning Consultant for Corkscrew Grove, LP

RE: Agreement Pursuant to Stipulation of Settlement Under Section 70.001,
Florida Statutes

DATE: May 3, 2022

HEARING: May 17, 2022, 9:00 a.m.

This Memorandum was prepared jointly by Lee County and representatives of Corkscrew Grove, LP ("CGLP") pursuant to the Stipulation of Settlement ("Stipulation") dated April 19, 2022, attached hereto as Attachment "A."

Background

CGLP is the owner/representative of approximately 6.676 acres of land located on both the north and south side of Corkscrew Road, extending to State Road 82 (the "subject property"). A legal description of the subject property is attached as Attachment "2" and an aerial photograph depicting the subject property is attached as Attachment "3." The subject property is designated as DR/GR and Wetlands on the Lee Plan Future Land Use Map and is zoned AG-1 and AG-2.

On March 30, 2011 a rezoning application for 4.202 acres of the subject property (Case No. DCI2011-00007) was filed, seeking approval as an Industrial Planned Development ("IPD") to allow lime rock mining. The application for the IPD was processed and denied by Lee County on November 6, 2019, as reflected in Resolution No. Z-18-008. "CGLP timely presented a claim for monetary damages pursuant to Section 70.001, Fla. Stat., the "Bert Harris Act." The Parties subsequently reached a tentative Stipulated Settlement Agreement to resolve all pending claims.

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(Revised May 13, 2022)

JOINT MEMORANDUM OF LEE COUNTY AND CORKSCREW GROVE LIMITED PARTNERSHIP

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Joint Memorandum

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4. Bert Harris Claim Letter
5. Agreement Pursuant to Stipulation of Settlement (with Exhibits "A" through "P")
 - A. Legal Description
 - B. County Land Swap Property
 - C. Master Concept Plan
 - D. Schedule of Uses
 - E. Conditions of Development and Deviations
 - F. Property Development Regulations
 - G. Restoration and Phasing Plan
 - H. Development Authorization Form
 - I. Protective Species Survey
 - J. Human/Wildlife Coexistence Plan and Protective Species Management Plan
 - K. Offsite Sewer Analysis
 - L. Indigenous Preservation, Restoration, and Management Plan
 - M. Existing Agricultural Areas
 - N. Enhanced Lake Management Plan
 - O. Hydrological Restoration Plan
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6. CGLP Settlement Agreement Project Description prepared by DeLisi, Inc.
7. Hydrologic Restoration Narrative
8. Resolution Z-15-025, Corkscrew Farms (aka. The Place)
9. Resolution Z-20-06, Verdana Village
10. FFD Settlement Agreement
11. FLUCFCS Map
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13. FDEP Jurisdictional Determination
14. Transportation Impact Statement
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16. Staff's Request For Information
 - Q. Priority Acquisition Map
 - R. Priority Acquisition Tier Map
 - S. Priority Restoration Map
 - T. Agricultural Access Map
 - U. Confining Layer Detail
 - V. Roadway Separation Map
 - W. Hydrologic Benefits Map
 - X. Comparable Projects Table
 - Y. Site Pictures Compared to Completed Restoration

Public Hearings Before HEX and BoCC

Hearing Examiner

□ Purpose: To determine whether the Development Agreement protects the public interest served by

“Contravened Regulations”

Lee Plan Policies and LDC Provisions

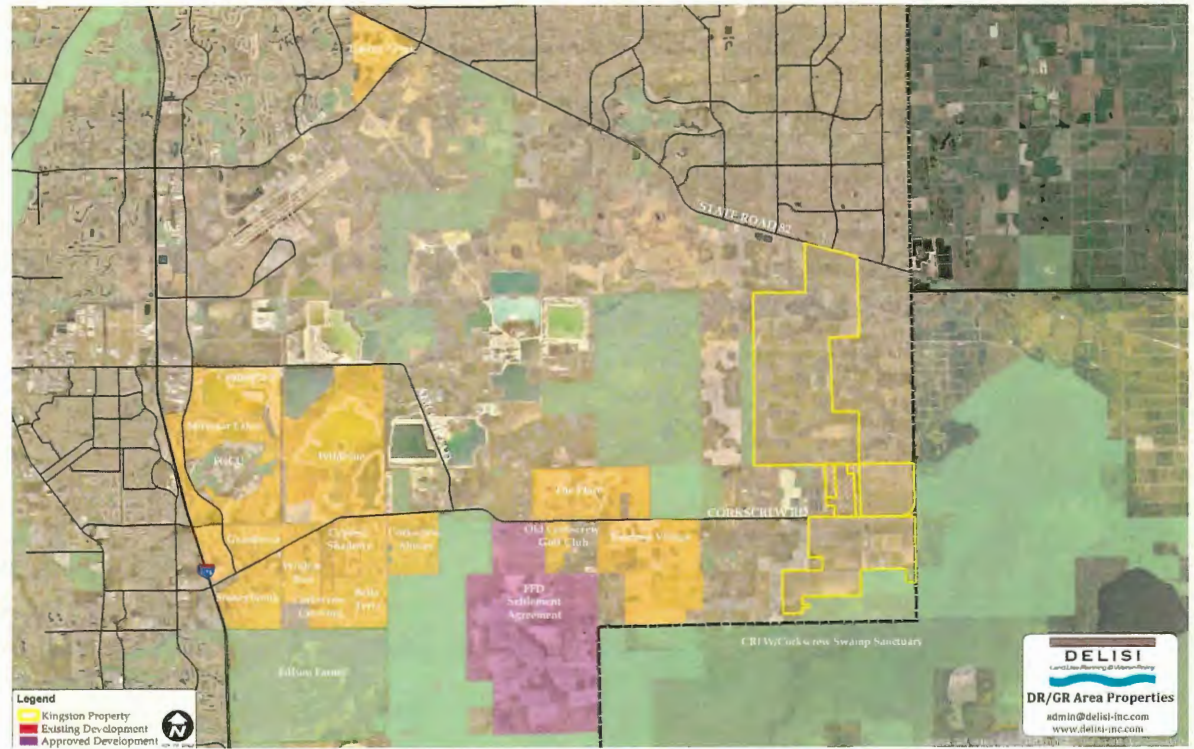
Fla. Stat. Sections 163.3184 and 163.3194

Summary of Proposed Development Agreement

- ❑ Gross residential density of 1.5 du/acre +/- (10,000 du)
 - ❑ Phased over time
 - ❑ Includes amenity uses
- ❑ 700,000 sf of commercial
- ❑ 3,287 acres of Restoration/Conservation/Flowway
- ❑ 61% open space
- ❑ Phased Restoration of Wetlands and Flowways
- ❑ Traffic Mitigation: Road Impact Fees + Prop Share at time of building permit

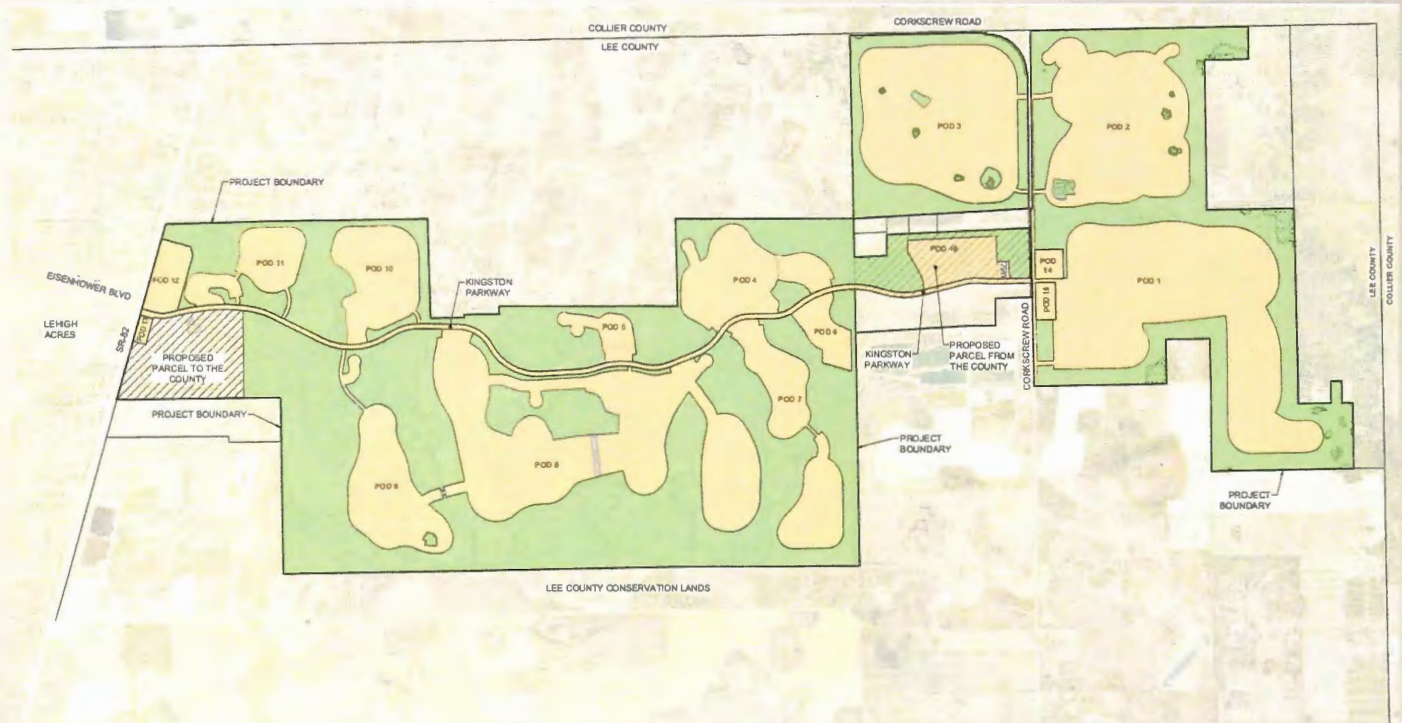
Regional Context

- ❑ Property extends from south of Corkscrew Road to SR 82 (6,676 acres)
- ❑ Lehigh Acres contiguous to the north and north-east
- ❑ Conservation lands contiguous on the south and east in Collier County
- ❑ Imperial Marsh Preserve (Lee Conservation 2020 acquisition to the west)
- ❑ 2 miles +/- east of Verdana Village
- ❑ Includes a property to be swapped with Lee County on the north side of Corkscrew Road (cross hatched area)



Concept Plan

- ❑ Restoration/
Conservation/Flowway
 - ❑ Min. 3,287 acres
- ❑ Connects to existing adjacent preserves
- ❑ 61% total open space, consisting of min. 4,002 acres preserves + water quality lakes and buffers in the development areas



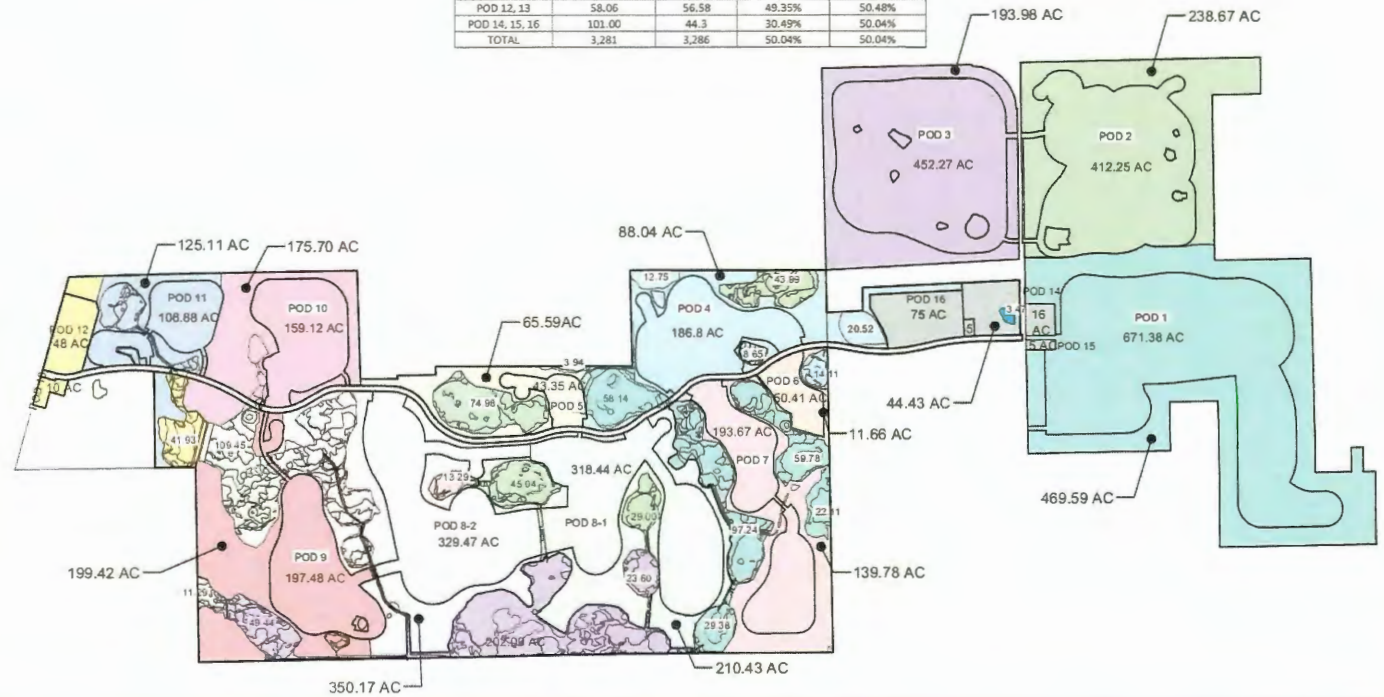
Schedule of Uses

- ❑ Commercial
 - ❑ C-2A uses along State Road 82, consistent with SE Lee Mixed Use Community Map
 - ❑ Policy 33.2.2.1.b.
 - ❑ More limited commercial uses along Corkscrew Road and spine road, consistent with existing permitted Corkscrew DR/GR commercial development
 - ❑ Policy 33.2.4.4.e
- ❑ Residential
 - ❑ Diversity of housing units
- ❑ Broad range of amenities

Restoration Phasing Plan

- ❑ Condition 1c.
- ❑ Requires a minimum cumulative restoration of 50% demonstrated with each development order
- ❑ Ties restoration areas to development areas
- ❑ Requires restoration also tied to density
- ❑ Perpetual Maintenance Responsibility

POD	AREA TO BE DEVELOPED (AC)	RESTORATION AREA (AC)	INDIVIDUAL RESTORATION %	CUMULATIVE RESTORATION %
POD 1	671.38	733.62	52.21%	52.21%
POD 2	412.25	428.25	50.95%	51.74%
POD 3	452.27	469.11	50.91%	51.50%
POD 4	186.8	180.45	49.14%	51.26%
POD 5	43.35	65.59	60.21%	51.52%
POD 6	50.41	11.66	18.79%	50.97%
POD 7	193.67	153.03	44.14%	50.39%
POD 8-1	318.44	307.36	49.11%	50.22%
POD 8-2	329.47	350.17	51.52%	50.38%
POD 9	197.48	199.42	50.24%	50.37%
POD 10	159.12	175.7	52.48%	50.49%
POD 11	106.88	110.33	50.79%	50.50%
POD 12, 13	58.06	56.58	49.35%	50.48%
POD 14, 15, 16	101.00	44.3	30.49%	50.04%
TOTAL	3,281	3,286	50.04%	50.04%




Development Conditions

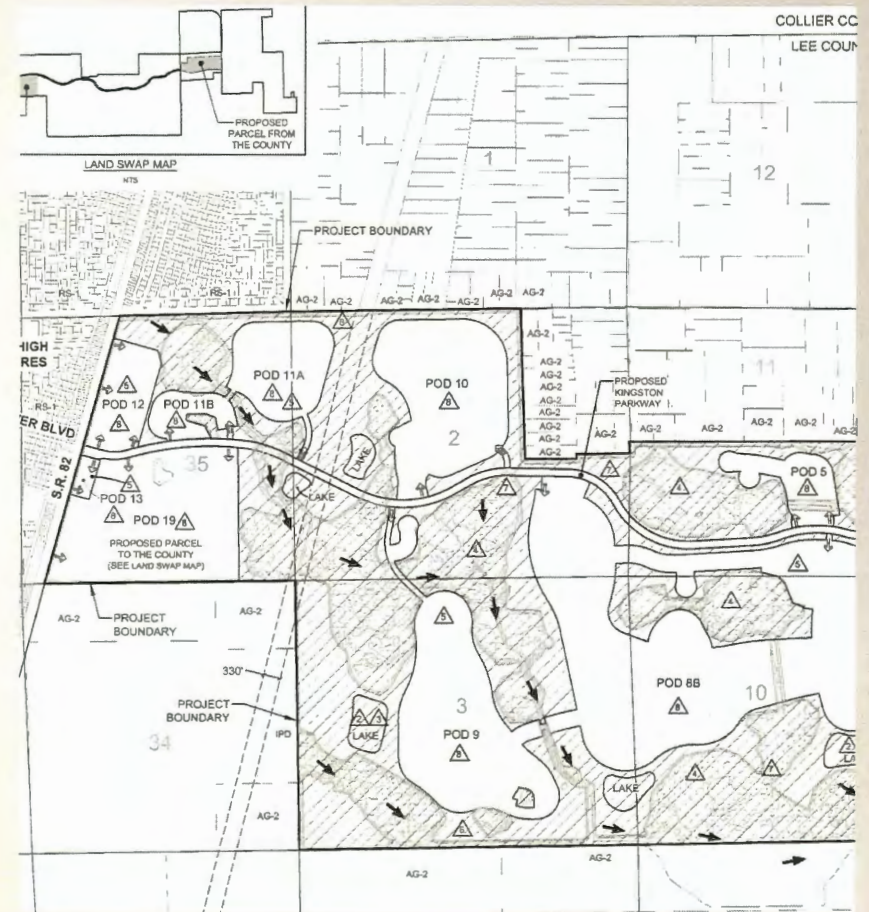
- Condition 4
 - Human Wildlife Coexistence Plan
- Condition 5
 - Open Space Requirement
- Condition 7
 - Restoration/ Conservation areas
- Condition 10
 - Requires native vegetation for required plantings in common areas
- Condition 12
 - Prop-share

Development Conditions

- ❑ Condition 14
 - ❑ Enhanced Lake Management Plan
 - ❑ Water quality monitoring
- ❑ Conditions 15 & 16
 - ❑ Requires central irrigation systems
 - ❑ Eliminates the potential for septic and wells for potable water
- ❑ Condition 18
 - ❑ Hydrologic restoration plan utilizing integrated surface/groundwater model
- ❑ Condition 25
 - ❑ Requires hydrologic connections to provide opportunity to improve flood control in Wildcat Farms

Deviations

- ❑ Consistent with past EEPKO Community approvals
- ❑ Many mirror Verdana Village
- ❑ Deviation locations keyed on the Master Concept Plan as 
- ❑ Meets the standard in the LDC:
 - ❑ Enhances the Planned Development
 - ❑ Protects the public health, safety and welfare.



Consistency with the Lee Plan

- ❑ As noted in the Joint Memorandum dated May 3rd, the project proposed by the Settlement Agreement as an EEPCO Community, was determined to be consistent with multiple Lee Plan Goals, Objectives and Policies, including, but not limited to:
 - ❑ Policy 1.5.4.1 (DR/GR)
 - ❑ Policy 1.5.4.2 (DR/GR)
 - ❑ Policy 1.5.1 (Wetlands)
 - ❑ Policy 33.1.7 - modeling of impacts
 - ❑ Nearly all criteria of the Environmental Enhancement and Preservation Overlay found under Policy 33.2.4

Inconsistencies with Lee Plan

- ❑ Policy 33.2.4.1
 - ❑ Property not designated on Map 2-D
 - ❑ Not within the current EEPCO area
- ❑ **Public Interest is Protected by:**
 - ✓ Allowing more area to be designed consistent with the intent of the overlay allows for more restoration in targeted areas with private funding
 - ✓ Increase in available groundwater consistent with Policy 1.4.5
 - ✓ Large stormwater management infrastructure

Inconsistencies with Lee Plan

- ❑ Policy 33.2.4.2: Requires approval as a Planned Development
 - ❑ Approval being granted through the settlement, not through a Planned Development process
- ❑ **Public Interest is Protected by:**
 - ✓ End product (Development Conditions) is the same
 - ✓ More public hearings required
 - ✓ All modeling and analysis will still be required prior to approval of the first development order
 - ✓ Design commitments similar or consistent, meeting intent of the EEPCCO

Inconsistencies with Lee Plan

- ❑ Policy 33.2.4.2e: Requires the recording of a conservation easement for 55% of the property.
 - ❑ 50% of the private development property, 3,287 acres will be preserved/restored.
- ❑ **Public Interest protected by:**
 - ✓ Provides a minimum of 3,287 acres of restoration/conservation/Flowway in a strategic location at no cost to the public
 - ✓ Eliminates the potential for mining
 - ✓ Each phase has significant documented water quality, quantity, and ecological benefits

Inconsistencies with Lee Plan

- ❑ Policy 33.2.4.2i: Requires elimination of agriculture at time of first development order.
 - ❑ Agriculture will be removed in phases
- ❑ **Public Interest protected by:**
 - ✓ Significant water supply and water quality benefits achieved with each increment of development
 - ✓ Avoidance of unintended consequences of removing thousands of acres of agriculture at once (erosion, exotics, etc.)

Water Supply Benefits

- ✓ 77% reduction in projected water withdrawal
- ✓ Total Estimated reduction of 9.9 million gallons per day (MGD)
- ✓ Large reductions/regional benefits with each increment of development

Phase No.	Existing Agricultural Acres Removed	Proposed Development Acres	Existing Agricultural Annual Water Use (GPD)	Proposed Development Annual Water Use (Est. GPD)	Est. Net Reduction (GPD)	Est. Net Change (Percent)
1	913.9	142.28	2,308,232	500,658	1,807,574	-78%
2	536.5	85.8	1,355,035	301,918	1,053,117	-78%
3	610.4	97.72	1,541,684	343,863	1,197,821	-78%
4	235.41	66.48	653,766	233,945	419,821	-64%
5	80.31	11.6	223,030	40,822	182,208	-82%
6	52.81	27	146,659	95,014	51,645	-35%
7	279.51	47.08	776,238	165,671	610,567	-79%
8A	442.51	72.12	1,228,913	253,781	975,132	-79%
8B	499.71	79.04	1,387,766	278,137	1,109,629	-80%
9	343.31	44.04	953,420	154,959	798,461	-84%
10	298.01	35.32	827,615	124,274	703,341	-85%
11	149.11	28.52	414,098	100,356	313,742	-76%
12	68.21	12	189,427	42,219	147,208	-78%
16	30.9	25	78,044	87,973	-9,929	13%
Spine Road	75.61	58	209,978	204,082	5,895	-3%
NA	188.8	NA	526,097	0	526,097	-100%
Total	4,805	832	12,820,000	2,927,671	9,892,329	-77%

Water Quality Benefits

- ✓ Estimated total reduction of 80% of Total Phosphorous
- ✓ Estimated total reduction of 49% of Total Nitrogen
- ✓ Significant reductions in nutrient loading with each increment of development

Phase	Annual Loading per Phase (kg/yr)				Nutrient Reduction per Phase (%)	
	Existing Conditions		Proposed Conditions		Reduction of Nitrogen (%)	Reduction of Phosphorous (%)
	Nitrogen	Phosphorous	Nitrogen	Phosphorous		
1	1612	164	914	23	43%	86%
2	937.84	96.54	532.09	13.79	43%	86%
3	1104.55	108.9	627.82	17.44	43%	84%
4	554.23	60.74	316.07	11.23	43%	82%
5	201.8	23.38	119.02	6.89	41%	71%
6	136.22	19.46	41.15	5.88	70%	70%
7	448.1	50.78	254.7	8.13	43%	84%
8A	752.35	78.92	427.4	12.25	43%	84%
8B	788.32	82.69	447.39	12.05	43%	85%
9	491.17	53.1	279.17	8.49	43%	84%
10	445.17	47.8	253.28	8.04	43%	83%
11	349.92	43.74	200.95	9.68	43%	78%
12	280.42	30.48	71.73	7.8	74%	74%
16	420.83	59.35	125.33	17.67	70%	70%

Inconsistencies with Lee Plan

- ❑ Policy 33.2.4.3.c: Limits on density
Based on Tier priority acquisition
 - ❑ Settlement allows for density of 1.5 du/acre
- ❑ **Public Interest protected by:**
 - ✓ Infrastructure will be in place, coordinated with and available for development
 - ✓ Strategic location for restoration opportunities
 - ✓ Environmental significance similar to Tier 1 lands in other EEPKO Communities

Inconsistencies with Lee Plan

- ❑ Policies 33.2.4.4d & 33.2.5: Limits Commercial development in SE Lee County to 300,000 sq. ft.
 - ❑ Settlement Agreement allows for 700,000 sq. ft. and 240 hotel units
- ❑ **Public Interest protected by:**
 - ✓ 300,000 square feet was established based on the amount necessary to serve planned residential development in the area
 - ✓ Additional 10,000 units will require additional commercial
 - ✓ Lehigh Acres has a large commercial deficit
 - ✓ Provides for internal capture resulting in a reduction in out of community trips

Inconsistencies with Lee Plan

- ❑ Policies 33.2.4.4e: Limits Commercial development in SE Lee County to Neighborhood levels of commercial
 - ❑ Settlement Agreement allows for 700,000 sq. ft. and 240 hotel units
- ❑ **Public Interest protected by:**
 - ✓ Located far from existing Lee County public water supply wells
 - ✓ Located within an area already designated for a Mixed-Use Community
 - ✓ Future required integrated surface/ groundwater modeling will need to demonstrate no negative impacts to groundwater

Summary/ Conclusion

- ❑ Settlement structured to be similar to prior approvals for residential and commercial development in the Southeast Lee Planning Community.
- ❑ Public Interest is protected by:
 - ✓ Requiring same level of analysis prior to development and consistent design criteria, with a recognition of this property's unique location.
 - ✓ Eliminating future rock mining, existing wells, future septic tanks
 - ✓ County gains 3,287 acres of restored natural lands at no cost to the public
 - ✓ Settlement will result in a 77% reduction in annual water use, a 49% reduction in total nitrogen and an 80% reduction in total phosphorus

Questions?