



STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
NOTICE OF INTENT TO FIND THE  
CITY OF FORT MYERS  
COMPREHENSIVE PLAN AMENDMENTS IN COMPLIANCE  
DOCKET NO. 03-1-NOI-3603-(A)-(I)

The Department gives notice of its intent to find the Amendments to the Comprehensive Plan for the City of Fort Myers adopted by Ordinance No. 3119 on May 19, 2003, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted City of Fort Myers Comprehensive Plan Amendments and the Department's Objections, Recommendations and Comments Report, (if any), are available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the City of Fort Myers City Hall, Planning Department, 2<sup>nd</sup> Floor, 2200 Second Street, Fort Myers, Florida 33901.

Any affected person, as defined in Section 163.3184, F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Amendments to the City of Fort Myers Comprehensive Plan are In Compliance, as defined in Subsection 163.3184(1), F.S. The petition must be filed within twenty-one (21) days after publication of this notice, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to the local government. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

After an administrative hearing petition is timely filed, mediation is available pursuant to Subsection 163.3189(3)(a), F.S., to any affected person who is made a party to the proceeding by filing that request with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation shall not affect a party's right to an administrative hearing.

-s-Charles Gauthier, AICP

Chief, Bureau of Local Planning

Department of Community Affairs

Division of Community Planning

2555 Shumard Oak Boulevard

Tallahassee, Florida 32399-2100



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

(941) 479-8309

Writer's Direct Dial Number: \_\_\_\_\_

Bob Janes  
District One

January 23, 2003

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Ray Eubank, Administrator  
Florida Department of Community Affairs  
Division of Community Planning  
Bureau of Local Planning  
2555 Shumard Oak Boulevard  
Tallahassee, FL. 32399-2100

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

James G. Yaeger  
County Attorney

Re: Amendments to the Lee Plan  
Adoption Submission Package (DCA No. 02-2) for the 2001/2002 Regular Comprehensive  
Plan Amendment Cycle

Diana M. Parker  
County Hearing  
Examiner

Dear Mr. Eubank:

In accordance with the provisions of F.S. Chapter 163.3184 and of 9J-11.011, this submission package constitutes the adopted 2001/2002 Regular Comprehensive Plan Amendment Cycle to the Lee Plan (DCA No. 01-1), known locally as CPA 2001-09, CPA 2001-10, CPA 2001-11, CPA 2001-12, CPA 2001-15, CPA 2001-18, CPA 2001-22, CPA 2001-23, CPA 2001-24, CPA 2001-27, CPA 2001-28, CPA 2001-31, CPA 2001-32, CPA 2001-33, and CPA 2001-35. The adoption hearing for these plan amendments was held at 9:30 am on January 9, 2003.


Included with this package, per 9J-11.011(5), are three copies of the adopted amendments, supporting data and analysis, and the following seven adopting ordinances: Ordinance No. 03-01, Ordinance No. 03-02, Ordinance No. 03-03, Ordinance No. 03-04, Ordinance No. 03-05, Ordinance No. 03-06, and Ordinance No. 03-07. Also included, per F.S. 163.3184(7) and (15), is the required sign in form allowing a courtesy informational statement to interested citizens. By copy of this letter and its attachments I certify that this amendment has been sent to the Regional Planning Council, the Florida Department of Transportation (FDOT), the Department of Environmental Protection, the Florida Department of State, the Florida Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, Division of Forestry, and the South Florida Water Management District.

The initial staff reports for the proposed amendments were sent to the DCA with a transmittal cover letter dated September 19, 2002. All amendments previously reviewed by the Department in this current cycle of amendments were adopted by the Board of County Commissioners. Changes have occurred in CPA 2001-12, CPA 2001-10, CPA 2001-27, and CPA 2001-28. CPA 2001-12 has been revised since the time of transmittal. The connection between Three Oaks Parkway and Oriole Road has been revised and has been coordinated with the adjacent property owners. One revision to CPA 2001-10 was made in response to comments raised by the Department in the ORC Report. The Board of County Commissioners adopted the amendment with the deletion of Policy 21.9,

regarding the protection of mangroves on Captiva Island. The Board has directed staff to look further into applying such a policy county wide. In amendment CPA 2001-27 a new Objective and Policy have been added to the Community Facilities and Services Element of the Lee Plan regarding the incorporation of green infrastructure into the surface water management systems of proposed developments as well as providing definitions for green infrastructure and flow-way in the Glossary. Since transmittal, staff has met with the public and state agencies on issues raised at the Transmittal hearing. Staff has revised the transmitted language as a result of those meetings. The revisions to the subject amendment were sent to the DCA for review on November 8, 2002 prior to the issuance of the ORC Report and were adopted by the Board. CPA 2001-28 has added a new table reflecting the new 2003/2007 fiscal year to the CIP. The Board of County Commissioners adopted CPA 2001-12, CPA 2001-10, CPA 2001-27, and CPA 2001-28 with the noted changes.

If you have any questions, or if I can be of any assistance in this matter, please feel free to call me at the above telephone number.

Sincerely,  
**DEPT. OF COMMUNITY DEVELOPMENT**  
**Division of Planning**



Paul O'Connor, AICP  
Director

All documents and reports attendant to this adoption are also being sent, by copy of this cover, to:

David Burr  
Interim Director  
Southwest Florida Regional Planning Council

Mike Rippe, District Director  
FDOT District One

Executive Director  
South Florida Water Management District

Plan Review Section  
Department of Environmental Protection

Florida Department of State

Florida Fish and Wildlife Conservation Commission

The Department of Agriculture and Consumer Services, Division of Forestry



**Charlie Green**  
**Clerk of Circuit Court**  
**Lee County, Florida**

STATE OF FLORIDA

COUNTY OF LEE

I Charlie Green, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby Certify that the above and foregoing, is a true and correct copy of Ordinance No. 03-04, adopted by the Board of Lee County Commissioners, at their meeting held on the 9th day of January, 2003.

Given under my hand and seal, at Fort Myers, Florida, this 15th day of January, 2003.

CHARLIE GREEN,  
Clerk of Circuit Court  
Lee County, Florida

By *Michèle B Cooper*  
Deputy Clerk



FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM  
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 03-02

(e.g., 93-001)

PRIMARY KEYFIELD

DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD

DESCRIPTOR: Land Use Planning

OTHER KEYFIELD

DESCRIPTOR: Planning

ORDINANCE DESCRIPTION: 2001/2002 Lee Plan Amendment

(25 Characters Maximum Including Spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT #1: 89-02, as amended AMENDMENT #2: \_\_\_\_\_

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL #1: \_\_\_\_\_ ; REPEAL #3: \_\_\_\_\_  
REPEAL #2: \_\_\_\_\_ ; REPEAL #4: \_\_\_\_\_

(Others Repealed: List All That Apply): \_\_\_\_\_

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: \_\_\_\_\_

KEYFIELD 1 CODE: \_\_\_\_\_ KEYFIELD 2 CODE: \_\_\_\_\_

KEYFIELD 3 CODE: \_\_\_\_\_

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM  
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 03-04  
(e.g., 93-001)

PRIMARY KEYFIELD  
DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD  
DESCRIPTOR: Land Use Planning

OTHER KEYFIELD  
DESCRIPTOR: Planning

ORDINANCE DESCRIPTION: 2001/2002 Lee Plan Amendment  
(25 Characters Maximum Including Spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

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ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL #1: \_\_\_\_\_ ; REPEAL #3: \_\_\_\_\_  
REPEAL #2: \_\_\_\_\_ ; REPEAL #4: \_\_\_\_\_

(Others Repealed: List All That Apply): \_\_\_\_\_

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: \_\_\_\_\_  
KEYFIELD 1 CODE: \_\_\_\_\_ KEYFIELD 2 CODE: \_\_\_\_\_  
KEYFIELD 3 CODE: \_\_\_\_\_

LEE COUNTY ORDINANCE NO. 03-04  
(Consent Ordinance)

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE LAND USE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENTS APPROVED ON THE CONSENT AGENDA DURING THE COUNTY'S 2001/2002 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the Lee County Comprehensive Plan (hereinafter referred to as the "Lee Plan") Policy 2.4.1 and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners; and,

WHEREAS, the Lee County Board of County Commissioners, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ( "LPA") held public hearings pursuant to Chapter 163, Part II, Florida Statutes, and the Lee County Administrative Code on March 25, April 22, July 22, and August 26, 2002; and,

WHEREAS, the Board of County Commissioners, pursuant to Florida Statutes and the Lee County Administrative Code held a public hearing for the transmittal of the proposed amendments on September 4 and 5, 2002. At those hearings the Board approved a motion to send, and did later send, the proposed amendment to the Florida Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the transmittal hearings on September 4 and 5, 2002, the Board



announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC report on November 22, 2002; and,

WHEREAS, the Board moved to adopt the proposed amendments to the Lee Plan set forth herein during its statutorily prescribed public hearing for the plan amendments on January 9, 2003.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:**

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted a series of public hearings to consider proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the certain amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as amended, will continued to be the "Lee Plan." **This ordinance may be referred to as the "2001/2002 Regular Comprehensive Plan Amendment Cycle Consent Ordinance."**

SECTION TWO: ADOPTION OF LEE COUNTY'S 2000/2001 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE (Consent Agenda Items)

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting amendments, as revised by the Board of County Commissioners on January 9, 2003, known as: CPA2001-11, CPA2001-15, CPA2001-22, CPA2001-23, CPA2001-24, CPA2001-31, CPA2001-32, CPA2001-33, and CPA2001-35. The aforementioned amendments amend the text of the

Lee Plan including the Future Land Use Map series, the Transportation Map series, and the tables of the Lee Plan. A brief summary of the content of those amendments is set forth below:

**CPA 2001-11**

Amend the Future Land Use Element, Policy 1.2.2, the Airport Commerce descriptor policy, to broaden the allowable uses and to establish relationships and criteria for those uses.

**CPA 2001-15**

Amend the Future Land Use Map series, Map 1, by updating the Conservation Lands land use categories.

**CPA 2001-22**

Amend the Future Land Use Map Series, Map 12, the Water Dependent Overlay (WDO) Zones, by evaluating and updating the status of the overlay areas and the Goals, Objectives, and Policies that pertain to the WDO.

**CPA 2001-23**

Evaluate and amend the Future Land Use Map series, Map 20, the Agricultural Overlay and Goal 9, Agricultural Land Uses, and its subsequent objectives and policies.

**CPA 2001-24**

Update Table 2(b), Recommended Operational Improvements on Constrained Roads.

**CPA 2001-31**

Amend Policy 80.1.7 of the Conservation and Coastal Management Element by updating the policy to reflect a new percentage for replacement values and revising the target date when development regulations will require implementation of this policy.

**CPA 2001-32**

Amend the Intergovernmental Coordination Element and the Community Facilities Element to bring the elements into compliance with the provisions of F.S. Chapter 163.3177

**CPA 2001-33**

Amend the Build Back Policy of the Procedures and Administration Element by replacing references to the term "cost" with the term "value."

**CPA 2001-35**

Review all elements of the Lee Plan, and replace, where applicable, references to the Lee County Regional Water Supply Authority with Lee County Utilities or the Division of Natural Resources in conjunction with the County taking over the responsibilities of the Water Supply Authority.

The corresponding Staff Reports and Analysis, along with all attachments for these amendments are adopted as "Support Documentation" for the Lee Plan.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the

powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board of County Commissioners that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

#### SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

#### SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner Albion, who moved its adoption. The motion was seconded by Commissioner Janes, and, when put to a vote, the vote was as follows:

Robert P. Janes	Aye
Douglas St. Cerny	Aye
Ray Judah	Aye
Andrew Coy	Aye
John Albion	Aye

DONE AND ADOPTED this 9<sup>th</sup> day of January 2003.

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

BY: Michelle S. Cooper  
Deputy Clerk

BY: Ray Judah  
Chairman

DATE: 1/9/03

Approved as to form by:

Donna Marie Collins  
Donna Marie Collins  
County Attorney's Office





FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM  
CODRS CODING FORM

COUNTY: Lee COUNTY ORDINANCE #: 03-05  
(e.g., 93-001)

PRIMARY KEYFIELD  
DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD  
DESCRIPTOR: Land Use Planning

OTHER KEYFIELD  
DESCRIPTOR: Transportation Planning

ORDINANCE DESCRIPTION: 2001/2002 Lee Plan Amendment  
(25 Characters Maximum Including Spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT #1: 89-02, as amended AMENDMENT #2: \_\_\_\_\_

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL #1: \_\_\_\_\_ ; REPEAL #3: \_\_\_\_\_  
REPEAL #2: \_\_\_\_\_ ; REPEAL #4: \_\_\_\_\_

(Others Repealed: List All That Apply): \_\_\_\_\_

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: \_\_\_\_\_  
KEYFIELD 1 CODE: \_\_\_\_\_ KEYFIELD 2 CODE: \_\_\_\_\_  
KEYFIELD 3 CODE: \_\_\_\_\_

LEE COUNTY ORDINANCE NO. 03-05  
(Access Management Plan for Alico, Bonita Beach, Lockett Roads)

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2001-12 (PERTAINING TO THE CREATION OF SPECIFIC ACCESS MANAGEMENT PLANS FOR ALICO ROAD, BONITA BEACH ROAD, AND LUCKETT ROAD IN THE VICINITY OF I-75 AND TO INCLUDE ACCESS MANAGEMENT MAPS IN THE FUTURE LAND USE MAP SERIES) APPROVED DURING THE COUNTY'S 2001/2002 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND ACCESS MANAGEMENT MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") Policy 2.4.1 and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for private individuals to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held public hearings pursuant to Florida Statutes and the Lee County Administrative Code on July 22, 2002 and August 26, 2002; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on September 5, 2002. At that hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2001-12 pertaining to the creation of specific access management plans for Alico, Bonita Beach, and Lockett Roads in the vicinity of I-75 and including access management maps in the Future Land Use Map series to the Florida

Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the September 5, 2002 meeting, the Board announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report. DCA issued their ORC Report on November 22, 2002; and,

WHEREAS, at a public hearing on January 9, 2003, the Board moved to adopt the proposed amendment to the Lee Plan adopting the access management plans and maps more particularly set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:**

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "2001/2002 Regular Comprehensive Plan Amendment Cycle CPA2001-12 Alico Road, Bonita Beach, and Lockett Roads Access Management Ordinance."**

SECTION TWO: ADOPTION OF LEE COUNTY'S 2000/2001 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting amendments, as revised by the Board of County Commissioners on January 9, 2003, known as CPA2001-

12. CPA2001-12 amends the Plan to modify Policy 1.3.8 to create specific access management plans for Alico Road, Bonita Beach Road, and Lockett Road in the vicinity of I-75, and also includes access management maps in the Future Land Use Map series.

The corresponding Staff Reports and Analysis, along with all attachments for this amendment are adopted as "Support Documentation" for the Lee Plan.

### SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

### SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

### SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

### SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this

ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner Albion, who moved its adoption. The motion was seconded by Commissioner Coy, and, when put to a vote, the vote was as follows:

Robert P. Janes	Aye
Douglas St. Cerny	Aye
Ray Judah	Aye
Andrew Coy	Aye
John Albion	Aye



DONE AND ADOPTED this 9<sup>th</sup> day of January 2003.

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

BY: Michèle S Cooper  
Deputy Clerk

BY: Ray Judah  
Chairman

DATE: 1/9/03

Approved as to form by:

Donna Marie Collins  
Donna Marie Collins  
County Attorney's Office



**Charlie Green**  
**Clerk of Circuit Court**  
**Lee County, Florida**

STATE OF FLORIDA

COUNTY OF LEE

I Charlie Green, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby Certify that the above and foregoing, is a true and correct copy of Ordinance No. 03-05, adopted by the Board of Lee County Commissioners, at their meeting held on the 9th day of January, 2003.

Given under my hand and seal, at Fort Myers, Florida, this 15th day of January, 2003.

CHARLIE GREEN,  
Clerk of Circuit Court  
Lee County, Florida

By Michelle S. Cooper  
Deputy Clerk



**CPA2001-12-M/T  
BoCC SPONSORED  
AMENDMENT  
TO THE**

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LEE COUNTY COMPREHENSIVE PLAN

---

**THE LEE PLAN**

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BoCC Adoption Document

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*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(941) 479-8585*

**January 9, 2003**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2001-12-M/T**

**Text Amendment**

**Map Amendment**

✓	<b>This Document Contains the Following Reviews:</b>
✓	<b>Staff Review</b>
✓	<b>Local Planning Agency Review and Recommendation</b>
✓	<b>Board of County Commissioners Hearing for Transmittal</b>
✓	<b>Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report</b>
✓	<b>Board of County Commissioners Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: July 1, 2002

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING AND LEE COUNTY  
DEPARTMENT OF TRANSPORTATION

**2. REQUEST:**

Modify Policy 1.3.8 to create specific access management plans for Alico Road, Bonita Beach Road, and Lockett Road in the vicinity of I-75 (follow-up to PAT 99-27). In addition, include access management maps in the Future Land Use Map series.

**B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:**

**1. RECOMMENDATION:** Planning and DOT staff recommends that the Board of County Commissioners transmit the proposed amendment as provided under Part II, Section C, the Staff Recommendation portion of this report.

## 2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Since 1998, the Lee Plan has included Policy 1.3.8 that specifies the spacing criteria for driveway connections and median openings on County roads in the area near the interchanges of Interstate 75 (Alico Road, Bonita Beach Road, Corkscrew Road and Lockett Road).
- The standards are intended to be more restrictive than general arterial standards, reflecting the critical need for operational efficiency around the interstate interchanges.
- The standards are defined as 880 feet to the first connection (driveway) and 1760 feet to the first median opening, as measured from the end of the longest ramp.
- Shortly after adoption it became clear that the generalized standards didn't adequately reflect the existing conditions and already-granted development approvals for these roads.
- PAT 99-27 was adopted by the Board in November, 2000, amending Policy 1.3.8 to identify a specific access management plan for Corkscrew Road that better reflected the existing and approved conditions around that interchange.
- Similar access management plans need to be developed and adopted for the interchange areas of Alico Road, Bonita Beach Road and Lockett Road.
- Besides the text revisions in Policy 1.3.8, maps of the access management plan for Corkscrew Road were developed as supporting information for PAT 99-27, but they were not officially incorporated into the Lee Plan.
- Similar maps will be developed as part of the access management plans for the other three roads.
- Incorporation of the access management plan maps into the Future Land Use Map series would better help interested parties understand the plan requirements.

## C. BACKGROUND INFORMATION

Policy 1.3.8 addresses the access management standards for the County-maintained roads that connect to I-75, and now includes a specific access management plan for Corkscrew Road. The policy is reproduced below:

***POLICY 1.3.8:*** *The following access control standards will apply to the interstate interchange areas of Lockett Road, Alico Road, Corkscrew Road, and Bonita Beach Road. Access control issues for Daniels Parkway west of I-75 are governed by the controlled access resolution adopted by the Board of County Commissioners on October 4, 1989, as may be amended from time to time. The other interchange areas are state roads where access is controlled by the Florida Department of Transportation under the provisions of Rule 14-97.003, FAC. The standard is a strict requirement during the rezoning and development order processes for cases after the effective date of this policy.*



*Access Control Standards for Lockett Road, Alico Road and Bonita Beach Road*

1. *The distance to the first connection will be at least 880 feet, provided such location is outside the federal limited access right-of-way line. A connection is generally defined as a driveway or roadway, limited to right-in/right-out movements, but can include a directional median opening. This distance will be measured from the end of the upstream interchange ramp or the beginning of the downstream interchange ramp, whichever is farther from the centerline of the interstate. A single connection per property not meeting this connection spacing standard may be provided, pursuant to the connection permit process, if no reasonable access to the property exists and if permitting authority review of the connection permit application provided by the applicant determines that the connection does not create a safety, operational or weaving hazard.*
2. *The minimum distance to the first full movement median opening will be at least 1760 feet as measured from the end of the upstream interchange ramp or the beginning of the downstream interchange ramp, whichever is farther from the centerline of the interstate.*
3. *Connections and median openings consistent with the above spacing standards may still be denied in the location requested when the Lee County Traffic Engineer determines, based on the engineering and traffic information provided in the permit application, that the safety or operation of the interchange or the limited access highway would be adversely affected. (Added by Ordinance No. 98-09, Relocated by Ordinance No. 99-18)*
4. *Connections and median openings existing prior to 1998 that do not meet the standards are allowed to remain (unless they need to be closed for operational safety reasons), but cannot expand movements, except in the case of County roadway extensions.*

*Access Control Standards for Corkscrew Road*

*The access on Corkscrew Road is limited to the following movements and locations, from west to east and excluding the area within the interstate limited access right-of-way:*

<i>STATION</i>	<i>DISTANCE<sup>(1)</sup></i>	<i>MEDIAN OPENING?</i>	<i>MOVEMENT</i>	<i>CONNECTION</i>
172+84	n/a	Yes	All	Three Oaks Parkway
179+44	660 ft.	Yes	EB to NB Left-in <sup>(2)</sup> Rt-in/Rt-out from N&S	Corkscrew Crossings (#1)
185+29	585 ft.	Yes	All	Corkscrew Crossings (#2)
187+83	254 ft.	No	Rt-in/Rt-out from N <sup>(3)</sup>	Pic-N-Run Entrance
190+34	253 ft.	Yes	EB to NB Left-in Rt-in/Rt-out from N	Esterio Int. Com. Park (#3)
194+29	395 ft.	Yes	WB to SB Left-in NB to WB Left-out Rt-in/Rt-out from S	Corkscrew Woodlands
221+47	n/a	Yes	U-turns only	None
230+14	867 ft.	Yes	EB to NB Left -in Rt-in/Rt-out from N&S <sup>(4)</sup>	Miromar Outlet Mall
236+73	660 ft.	Yes	All	Ben Hill Griffin Pkwy.

<sup>(1)</sup>*Distance measured from next connection to the west.*

<sup>(2)</sup>*A WB to SB left-in may be allowed at this location if necessary.*

*<sup>(3)</sup>The previously-approved driveway for the Pic-N-Run may remain provided there is not other access; however, if Pic-N-Run establishes a connection to the frontage road system and other access locations, the driveway must be removed.*

*<sup>(4)</sup>The Right-in/Right-out from the south already exists at Station 230+65. This connection may be shifted west to any point between Stations 226+30 and 230+65 if proven not to be a traffic safety hazard.  
(Relocated and Amended by Ordinance No. 00-22)*

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

The decision to initially amend Policy 1.3.8 to only incorporate a specific access management plan for Corkscrew Road was based primarily on the need for rapid action in the face of on-going development requests along that road. The expectation was that more specific access management plans for Alico Road, Bonita Beach Road and Luckett Road would be developed at a later date. The development of the Corkscrew Road plan was done in consultation with the affected property owners, and the plan development for the other roads should include a similar opportunity for property owner input. The inventory, plan development and public involvement aspects of this process make it very time consuming. At this time, an access management plan has been developed for Alico Road and provided to all of the adjacent property owners for comment. While the plan for Luckett Road has been drafted there has been no public comment opportunity as yet, and the Bonita Beach Road plan is still in the process of being drafted by the design consultant for the six-lane widening from Imperial Street to I-75. Therefore this amendment will only focus on the changes related to the Alico Road plan, and future amendments will be necessary to address Bonita Beach Road and Luckett Road.

As was done with the Corkscrew Road plan, staff began the process by using a stationing system to precisely locate the existing intersections on Alico Road on either side of the interchange, and then reviewed existing zoning and development order approvals to identify already-granted accesses. The 880-foot and 1760-foot locations specified in the original policy were also located for reference. We also referred to the County's design plans for six-laning Alico Road, which go from US 41 to Three Oaks Parkway, and FDOT's PD&E Study for expansion of the Alico/I-75 interchange, which includes six-laning Alico Road from Three Oaks Parkway to Ben Hill Griffin Parkway. From that information we developed an access management plan from Oriole Road to Ben Hill Griffin Parkway, excluding the portion within the state's limited access right-of-way for the interchange. The access locations are identified by station number with the allowable movements, proposed as a text addition to Policy 1.3.8 and identified on the attached maps.

Working from west to east, the first intersection is at Oriole Road, which is proposed to be a full movement median opening that will likely be signalized with the County's widening of Alico Road. A three-legged intersection today, there is a developer proposal to extend the road north, making it a four-legged intersection in the future.

The next proposed connection is at Station 170+54.54, for the Alico Interchange Park DRI. The DRI approval includes a regional mall site south of Alico Road and west of Three Oaks Parkway, and this connection was proposed and approved as part of the DRI review. Staff was reluctant to allow more than right-in/right-out at this intersection, because of the proximity to the future signalized intersection of Oriole Road to the west and the existing signalized intersection at Three Oaks Parkway to the east. However, the

DRI analysis indicated that the level of traffic associated with the development with the inclusion of the mall would overwhelm the Alico/Three Oaks intersection, so this median opening was approved to allow some relief. Since the approval was based on the assumed impacts of the regional mall, if the mall is ultimately located elsewhere, then a right-in/right-out may be adequate. Staff has added note (2) to make that clear, and the plan purposely doesn't identify an expansion of movements for access to the property to the north, which doesn't have an existing development approval and will have access to Three Oaks Parkway.

The next intersection is Three Oaks Parkway, proposed to remain as a full access intersection with the planned extension to the north.

Continuing east past the interchange's limited access right-of-way, the next connection would be at what is referred to today as the Coca Cola entrance. While full movement is allowed at that location today, the plan calls for right-in/right-out connections to the Coke plant to the north and the University Plaza CPD to the south, with the median opening limited to an eastbound-to-northbound left-in. An opposing left-in to the south property may be allowed if it can be shown to work, as indicated in note (3). This configuration was based on the analysis done as part of FDOT's PD&E study for the expanded interchange, which recognized that Ben Hill Griffin Parkway will become a major entrance for the Southwest Florida International Airport's new midfield terminal. That will create a tremendous demand for eastbound-to-northbound left turns from Alico Road to Ben Hill Griffin Parkway, and that expected level of traffic (combined with other traffic accessing Florida Gulf Coast University and other area development) and proximity dictates the need to limit the median opening movements at the Coca Cola entrance. Both the Coca Cola plant and adjacent development on the north side and the University Plaza on the south side will also have access through internal road connections to Ben Hill Griffin Parkway.

Finally, the last intersection identified in the access management plan is the full access intersection with Ben Hill Griffin Parkway, which exists to the south and will soon be extended to the north as part of the midfield terminal project.

Besides adding the specific access management plan details for Alico Road to Policy 1.3.8, staff is also proposing an addition in the main paragraph that would essentially be a caveat that applies to all four roads covered under the policy. Even though staff is specifying allowable turning movements where there are median openings as part of the individual access management plans, the County Attorney's Office has rendered an opinion that the County continues to have the right to modify or eliminate those allowable movements if it proves necessary to protect the public's health, safety and welfare. Those kind of operational issues are a valid exercise of the government's police power, and cannot be contracted away in access management plans, controlled access resolutions, zoning resolutions, land transfer agreements or other documents. As a valid exercise of the police powers, such actions to limit movements in the future would be non-compensable, according to the County Attorney's interpretation of current case law. To make this situation clear, staff is proposing to add two sentences, which read as follows: "*The specified turning movements are not to be construed as conveying a property right or creating any expectation that they will be a permanent feature. The County reserves the right to modify or further restrict movements as it deems necessary to address operational and safety issues.*"



In order to allow the affected property owners an opportunity for input, staff mailed a copy of the text changes and maps to each of the adjacent land owners on February 4, 2002. The cover letter provided some explanation of the policy development and proposed changes and asked for comments back by March 4, 2002. We only received one response, from property trustee Paul H. Freeman, but he identified a concern for both himself and the property trustee across the street, Harold Horowitz. The concern related to the connection at Station 170.54.54, for the Alico Interchange Park DRI. Mr. Freeman was satisfied with the movements allowed to and from his property to the south, but questioned why the same movements weren't also shown for Mr. Horowitz's property to the north. As explained above, staff would have preferred to not have any median opening at that location because of the proximity to signalized intersections to the east and west (995 feet and 720 feet, respectfully). Any full movement median opening has the potential to be signalized, and if this location was also signalized it would create spacing problems. Spacing problems in turn lead to safety and capacity problems. However, we were trying to be consistent with previous approvals, and the expected traffic from the Alico Interchange Park DRI with a regional mall appeared to warrant the allowed movements. We did note that the movements could be further limited if the regional mall is not part of the picture at that location. There is no current development approval for Mr. Horowitz's property and he will have the ability to access Three Oaks Parkway, so we purposely did not identify an access at this location to the north.

There is one additional issue to consider in relation to these access management plans. When the Corkscrew Road plan was proposed as part of PAT 99-27, maps showing the connection locations and allowable movements were attached to the staff write-up, just as they are for this proposal. However, only the text changes to Policy 1.3.8 were incorporated into the Lee Plan. In order to assist people in reviewing and determining the requirements of the specific access management plans, staff proposes that the maps also be included in the Lee Plan, as part of the Future Land Use Map series.

## **B. CONCLUSIONS**

As a follow-up to PAT 99-27, which added a specific access management plan for Corkscrew Road to Policy 1.3.8, similar plans also need to be defined and added for Alico Road, Bonita Beach Road and Lockett Road. At this time, staff is only proposing to add the specific access management plan for Alico Road, which has been developed in recognition of existing conditions and previous development approvals, and has been provided to all of the affected property owners for comment. Future amendments will be necessary to incorporate plans for Bonita Beach Road and Lockett Road as they are completed. The maps associated with each specific access plan should also be included in the Lee Plan, as part of the Future Land Use Map series.

## **C. STAFF RECOMMENDATION**

Planning staff recommends that the Board of County Commissioners transmit the proposed plan amendment. The proposed text changes are as follows, with additions underlined and deletions in strike-through format:

*POLICY 1.3.8: The following access control standards will apply to the interstate interchange areas of Lockett Road, Alico Road, Corkscrew Road, and Bonita Beach Road. The specified turning movements are not to be construed as conveying a property right or creating any expectation that they will be a permanent feature. The County reserves the right to modify or further restrict movements as it deems necessary to address operational and safety issues. Access control issues for Daniels Parkway west of I-75 are governed by the controlled access resolution adopted by the Board of County Commissioners on October 4, 1989, as may be amended from*

time to time. The other interchange areas are state roads where access is controlled by the Florida Department of Transportation under the provisions of Rule 14-97.003, FAC. The standard is a strict requirement during the rezoning and development order processes for cases after the effective date of this policy.

Access Control Standards for Lockett Road, ~~Alico Road~~ and Bonita Beach Road

1. The distance to the first connection will be at least 880 feet, provided such location is outside the federal limited access right-of-way line. A connection is generally defined as a driveway or roadway, limited to right-in/right-out movements, but can include a directional median opening. This distance will be measured from the end of the upstream interchange ramp or the beginning of the downstream interchange ramp, whichever is farther from the centerline of the interstate. A single connection per property not meeting this connection spacing standard may be provided, pursuant to the connection permit process, if no reasonable access to the property exists and if permitting authority review of the connection permit application provided by the applicant determines that the connection does not create a safety, operational or weaving hazard.
2. The minimum distance to the first full movement median opening will be at least 1760 feet as measured from the end of the upstream interchange ramp or the beginning of the downstream interchange ramp, whichever is farther from the centerline of the interstate.
3. Connections and median openings consistent with the above spacing standards may still be denied in the location requested when the Lee County Traffic Engineer determines, based on the engineering and traffic information provided in the permit application, that the safety or operation of the interchange or the limited access highway would be adversely affected. (Added by Ordinance No. 98-09, Relocated by Ordinance No. 99-18)
4. Connections and median openings existing prior to 1998 that do not meet the standards are allowed to remain (unless they need to be closed for operational safety reasons), but cannot expand movements, except in the case of County roadway extensions.

Access Control Standards for Alico Road

The access on Alico Road is limited to the following movements and locations, from west to east and excluding the area within the interstate limited access right-of-way:

<u>STATION</u>	<u>DISTANCE<sup>(1)</sup></u>	<u>MEDIAN OPENING?</u>	<u>MOVEMENT</u>	<u>CONNECTION</u>
<u>160+59.33</u>	<u>n/a</u>	<u>Yes</u>	<u>All</u>	<u>Oriole Road</u>
<u>170+54.54</u>	<u>995.21 ft.</u>	<u>Yes<sup>(2)</sup></u>	<u>Rt-in/Rt-out from S WB to SB Left-in NB to WB Left-out<sup>(2)</sup></u>	<u>Alico Int. Park DRI</u>
<u>177+74.54</u>	<u>720 ft.</u>	<u>Yes</u>	<u>All</u>	<u>Three Oaks Parkway</u>
<u>222+81</u>	<u>n/a</u>	<u>Yes</u>	<u>EB to NB Left-in<sup>(3)</sup> Rt-in/Rt-out from N&amp; S</u>	<u>Coca-Cola Bottling Co. (N) University Plaza (S)</u>
<u>234+44</u>	<u>1163 ft.</u>	<u>Yes</u>	<u>All</u>	<u>Ben Hill Griffin Pkwy.</u>

<sup>(1)</sup>Distance measured from next connection to the west.

<sup>(2)</sup>This access point may be further limited if a regional mall is not developed at the southwest corner of Alico Road/Three Oaks Parkway.

<sup>(3)</sup>A WB to SB left-in may be allowed if sufficient right-of-way is provided and an analysis demonstrating acceptable operation is submitted to and approved by LCDOT.



*Access Control Standards for Corkscrew Road*

*The access on Corkscrew Road is limited to the following movements and locations, from west to east and excluding the area within the interstate limited access right-of-way:*

<i>STATION</i>	<i>DISTANCE<sup>(1)</sup></i>	<i>MEDIAN OPENING?</i>	<i>MOVEMENT</i>	<i>CONNECTION</i>
172+84	n/a	Yes	All	Three Oaks Parkway
179+44	660 ft.	Yes	EB to NB Left-in <sup>(2)</sup> Rt-in/Rt-out from N&S	Corkscrew Crossings (#1)
185+29	585 ft.	Yes	All	Corkscrew Crossings (#2)
187+83	254 ft.	No	Rt-in/Rt-out from N <sup>(3)</sup>	Pic-N-Run Entrance
190+34	253 ft.	Yes	EB to NB Left-in Rt-in/Rt-out from N	Esterio Int. Com. Park (#3)
194+29	395 ft.	Yes	WB to SB Left-in NB to WB Left-out Rt-in/Rt-out from S	Corkscrew Woodlands
221+47	n/a	Yes	U-turns only	None
230+14	867 ft.	Yes	EB to NB Left -in Rt-in/Rt-out from N&S <sup>(4)</sup>	Miromar Outlet Mall
236+73	660 ft.	Yes	All	Ben Hill Griffin Pkwy.

<sup>(1)</sup>*Distance measured from next connection to the west.*

<sup>(2)</sup>*A WB to SB left-in may be allowed at this location if necessary.*

<sup>(3)</sup>*The previously-approved driveway for the Pic-N-Run may remain provided there is not other access; however, if Pic-N-Run establishes a connection to the frontage road system and other access locations, the driveway must be removed.*

<sup>(4)</sup>*The Right-in/Right-out from the south already exists at Station 230+65. This connection may be shifted west to any point between Stations 226+30 and 230+65 if proven not to be a traffic safety hazard.  
(Relocated and Amended by Ordinance No. 00-22)*

The maps for the access plan for Corkscrew Road that were attached to PAT 99-27 and the maps for Alico Road that are attached to this package are included in the amendment proposal, to be made part of the Future Land Use Map series.

### **PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: July 22, 2002 & August 26, 2002

#### **A. LOCAL PLANNING AGENCY REVIEW**

##### *July 22, 2002 LPA Review*

At the July meeting, staff asked the LPA to table the item until the August meeting. Staff had heard again from Mr. Paul Freeman, the one property owner who had commented on the access plan for Alico Road, about his desire for a full connection north and south between Oriole Road and Three Oaks Parkway. Mr. Freeman wanted time to hire a traffic consultant to evaluate his proposal and convince staff to support it. As of the mail-out date for the August LPA meeting, staff had only heard from Mr. Freeman once, two days before, and he was still working on hiring a consultant. Staff's report remains unchanged from the July version, with the exception of the addition of this explanation and the access plan maps for Corkscrew Road, which have previously been approved by the LPA and BOCC, but are now proposed to be made part of the Future Land Use Map series.

##### *August 26, 2002 LPA Review*

Mr. Sheldon noted that there was a distinction between limiting access to address health, safety and welfare issues and to address operational issues, which can overlap but are not necessarily the same thing. Mr. Stuart indicated that he had clients in the area and recused himself from the vote. Mr. Paul Freeman addressed the LPA, explaining some of the history of the roads and access in the area and the plans and development approvals of he and his brother, Alan. Although he had not yet hired a traffic consultant, his preliminary discussions with one indicated that signalization may address staff's concerns, and he had talked to the DOT Director about that possibility. He wanted the opportunity to continue to work with DOT on the issue.

#### **B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

- 1. RECOMMENDATION:** The LPA recommended that the Board of County Commissioners transmit this proposed amendment, and that staff continue to work with Mr. Freeman to define the allowable access between Oriole Road and Three Oaks Parkway before the adoption hearing, on a motion by Mr. Sheldon and a second by Ms. Brookman.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

**C. VOTE:**

<b>NOEL ANDRESS</b>	<u>AYE</u>
<b>MATT BIXLER</b>	<u>AYE</u>
<b>SUSAN BROOKMAN</b>	<u>AYE</u>
<b>RONALD INGE</b>	<u>AYE</u>
<b>GORDON REIGELMAN</b>	<u>ABSENT</u>
<b>ROBERT SHELDON</b>	<u>AYE</u>
<b>GREG STUART</b>	<u>ABSTAIN</u>

**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: September 5, 2002

**A. BOARD REVIEW:** Staff explained the access plan development process and the concerns raised by Paul Freeman, and explained the LPA's recommendation for transmittal and that staff continue to work with Mr. Freeman to address his concern. Staff noted that they had met with Mr. Freeman the day before and would continue to work with him through the adoption hearing.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

1. **BOARD ACTION:** The Board voted unanimously to transmit this amendment, on a motion by Commissioner Judah and a second by Commissioner Albion.
  
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff.

**C. VOTE:**

JOHN ALBION	<u>AYE</u>
ANDREW COY	<u>ABSENT</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
DOUG ST. CERNY	<u>AYE</u>



**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,  
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: November 22, 2002

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

The DCA had no objections, recommendations or comments concerning this amendment.

**B. STAFF RESPONSE**

At the Board transmittal hearing, staff had indicated they would continue to work with Paul and Alan Freeman to address their concerns about the degree of access to be allowed for their parcels between Three Oaks Parkway and Oriole Road. Because they had approval for a regional mall on the south side, which already allowed full movement to and from that parcel, the proposed access plan retained that access. On the north side, however, no specific development plan had ever been submitted to the County and the parcel would have access to Three Oaks Parkway and potentially Oriole Road, so staff did not propose any access. The Freeman's indicated that it had always been their intention to have the northern parcel access Alico Road at the median opening identified for the regional mall parcel to the south, creating a full access median opening at that location. Staff's concern was that the full opening would eventually require signalization, causing an operational and level of service problem because of the proximity to the signalized intersections at Three Oaks Parkway and Oriole Road.

Since the transmittal hearing, DOT Traffic Section staff have conducted SYNCHRO and HCM analyses of 4 different intersection configurations for year 2005 to determine whether the Freeman's request was workable. Their conclusion is that the full movement median opening at Station 170+54.54 (between Three Oaks Parkway and Oriole Road) would operate acceptably and allow an acceptable level of service on Alico Road as long as it remains unsignalized. Therefore, staff is proposing to modify the recommended policy language and the map to reflect a full movement median opening at that location, subject to restrictions should a signal be warranted in the future. As with all other proposed median openings, the caveat language being added to the policy indicating that the County reserves the right to modify or further restrict movements as it deems necessary for operational or safety reasons would also apply. The attached map 1 of 3 for the Alico Road Access Management Plan has been modified as discussed above, and the proposed revisions to the policy language are below, with new additions in double-underline and deletions in strike-through.

<u>STATION</u>	<u>DISTANCE<sup>(1)</sup></u>	<u>MEDIAN OPENING?</u>	<u>MOVEMENT</u>	<u>CONNECTION</u>
<u>170+54.54</u>	<u>995.21 ft.</u>	<u>Yes<sup>(2)</sup></u>	<u>Rt-in/Rt-out from S</u> <u>WB to SB Left-in</u> <u>NB to WB Left-out All<sup>(2)</sup></u>	<u>Alico Int. Park DRI</u>

<sup>(1)</sup>Distance measured from next connection to the west.

<sup>(2)</sup>This access point may be further limited if a regional mall is not developed at the southwest corner of Alico Road/Three Oaks Parkway. Unsignalized only. Subject to future restrictions if traffic signal warranted.

<sup>(3)</sup>A WB to SB left-in may be allowed if sufficient right-of-way is provided and an analysis demonstrating acceptable operation is submitted to and approved by LCDOT.



**PART VI - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: January 9, 2003

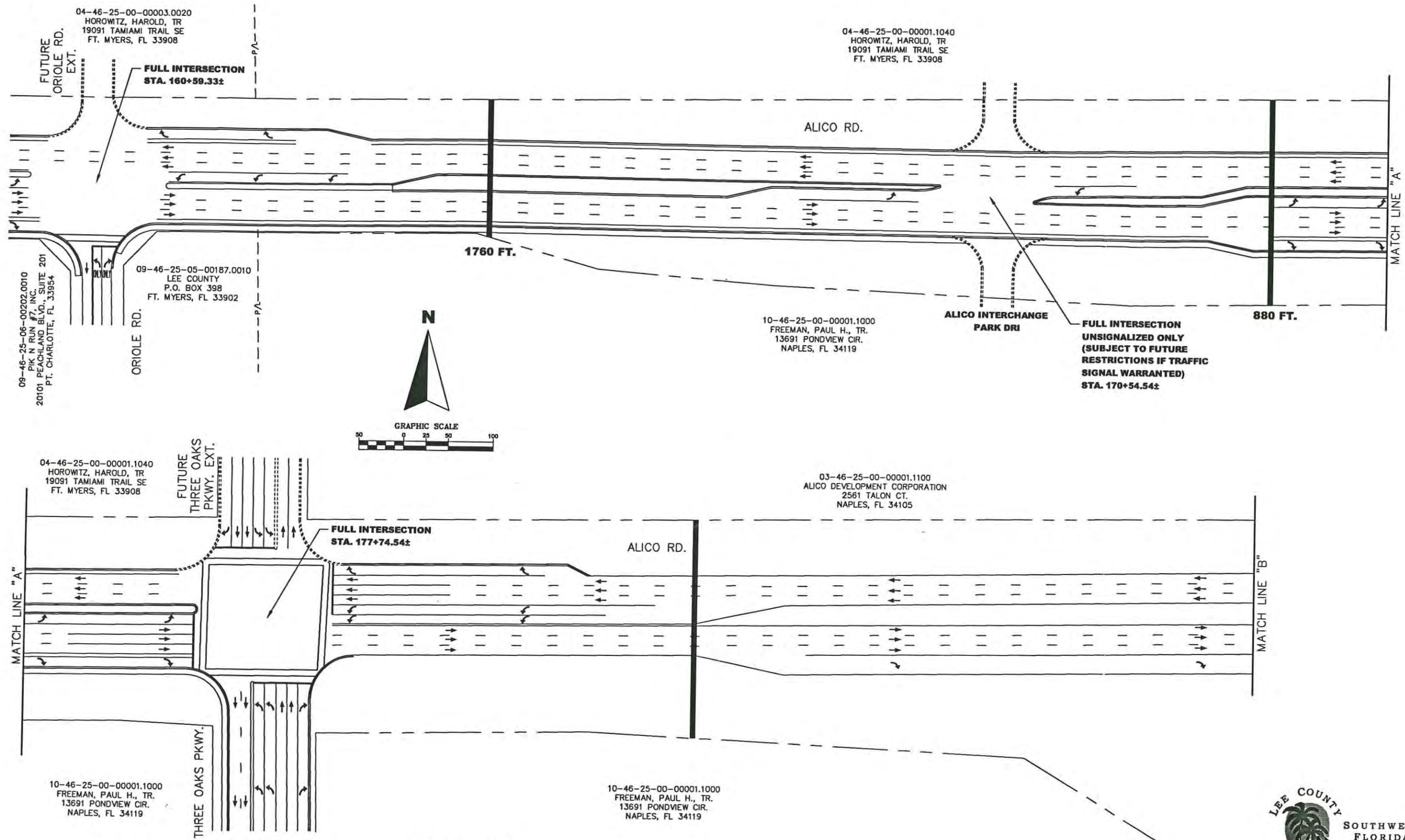
**A. BOARD REVIEW:** Following a DOT staff explanation of the change between Oriole Road and Three Oaks Parkway, Commissioner Judah questioned the feasibility of allowing the median opening and then closing it later if a signal is warranted. Staff noted that the property owners were on notice with the language in the amendment, and assured him that the County views every median opening as an operational feature that can be revised based on operational or safety concerns. Staff also indicated that while this change represented somewhat of a compromise from its earlier position, staff was comfortable with it.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

1. **BOARD ACTION:** The Board voted unanimously to adopt the amendment, on a motion by Commissioner Albion and a second by Commissioner Coy.
  
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff.

**C. VOTE:**

<b>JOHN ALBION</b>	<u>AYE</u>
<b>ANDREW COY</b>	<u>AYE</u>
<b>BOB JANES</b>	<u>AYE</u>
<b>RAY JUDAH</b>	<u>AYE</u>
<b>DOUG ST. CERNY</b>	<u>AYE</u>

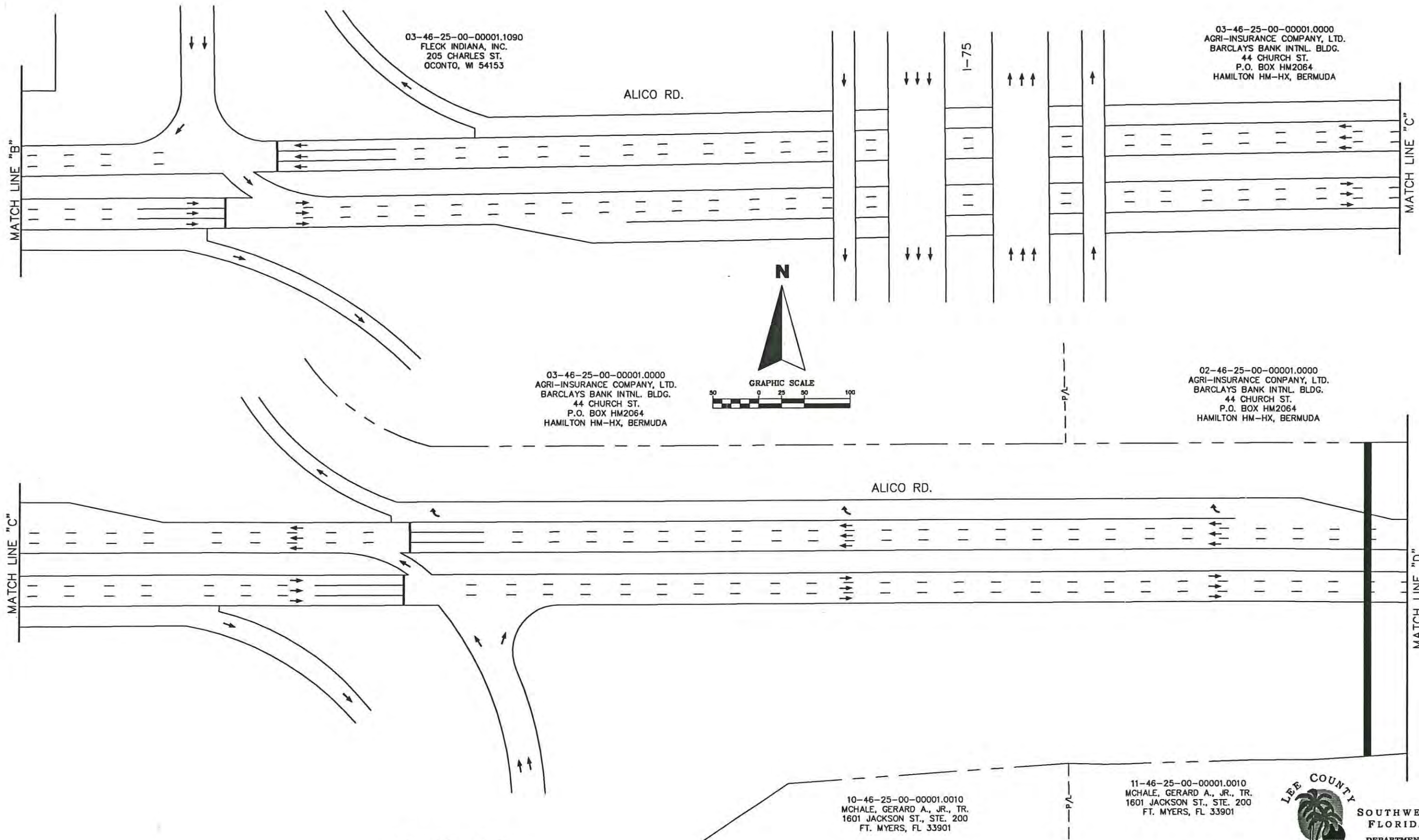


**MAP 3J**  
**ALICO ROAD ACCESS PLAN**  
**ORIOLE ROAD TO BEN HILL GRIFFIN PARKWAY**



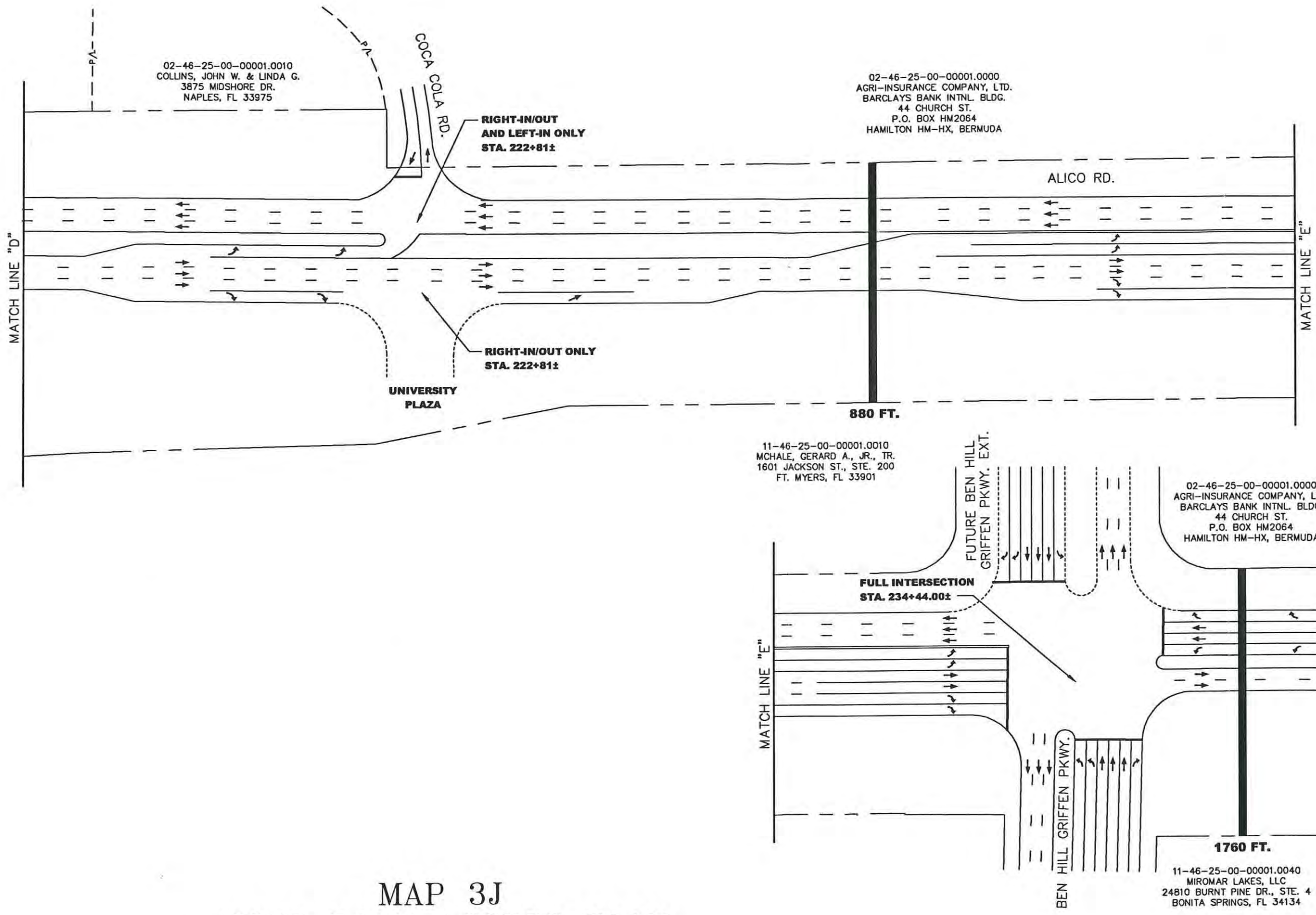
Director: Scott M. Gilbertson P.E.





MAP 3J  
ALICO ROAD ACCESS PLAN  
ORIOLE ROAD TO BEN HILL GRIFFIN PARKWAY





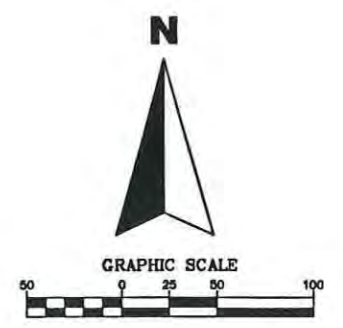
02-46-25-00-00001.0010  
 COLLINS, JOHN W. & LINDA G.  
 3875 MIDSHORE DR.  
 NAPLES, FL 33975

02-46-25-00-00001.0000  
 AGRI-INSURANCE COMPANY, LTD.  
 BARCLAYS BANK INTNL. BLDG.  
 44 CHURCH ST.  
 P.O. BOX HM2064  
 HAMILTON HM-HX, BERMUDA

11-46-25-00-00001.0010  
 MCHALE, GERARD A., JR., TR.  
 1601 JACKSON ST., STE. 200  
 FT. MYERS, FL 33901

02-46-25-00-00001.0000  
 AGRI-INSURANCE COMPANY, LTD.  
 BARCLAYS BANK INTNL. BLDG.  
 44 CHURCH ST.  
 P.O. BOX HM2064  
 HAMILTON HM-HX, BERMUDA

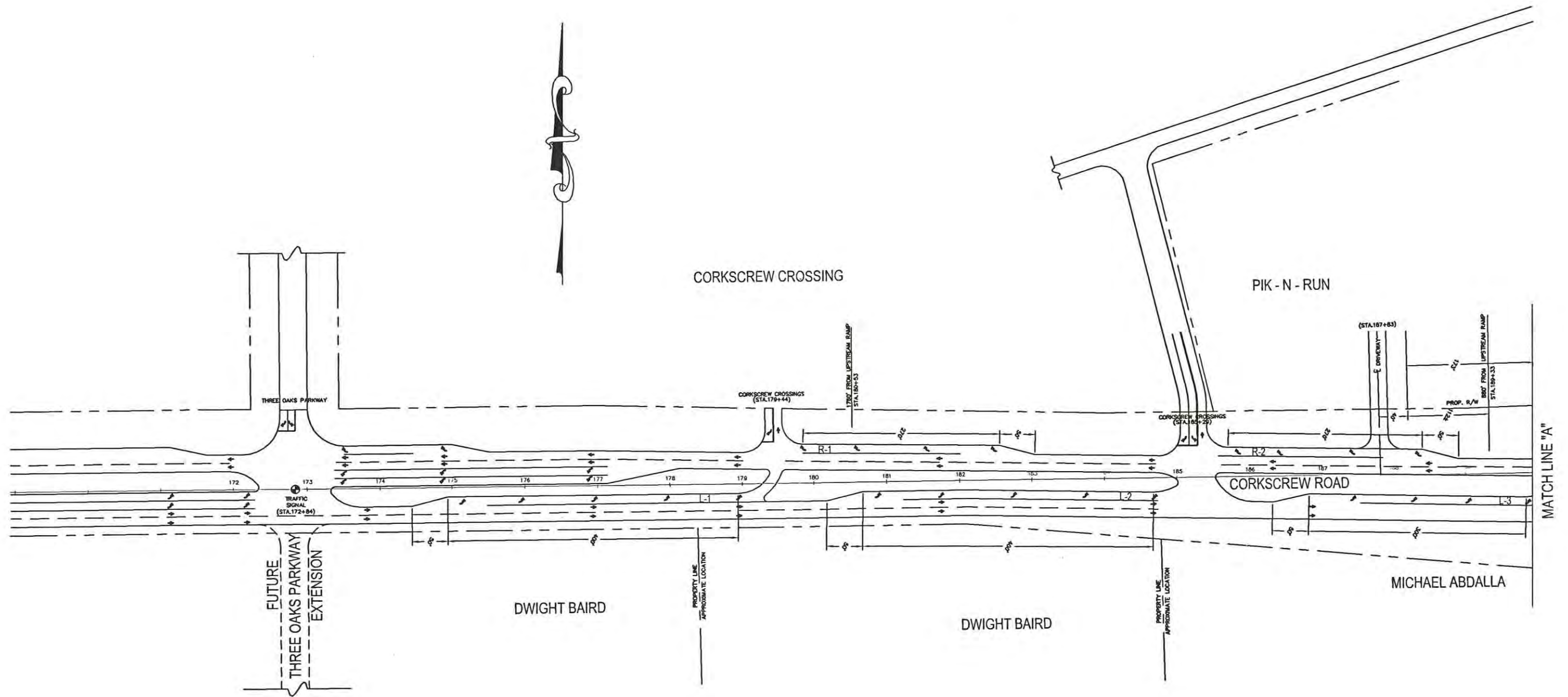
11-46-25-00-00001.0040  
 MIROMAR LAKES, LLC  
 24810 BURNT PINE DR., STE. 4  
 BONITA SPRINGS, FL 34134



MAP 3J  
 ALICO ROAD ACCESS PLAN  
 ORIOLE ROAD TO BEN HILL GRIFFIN PARKWAY







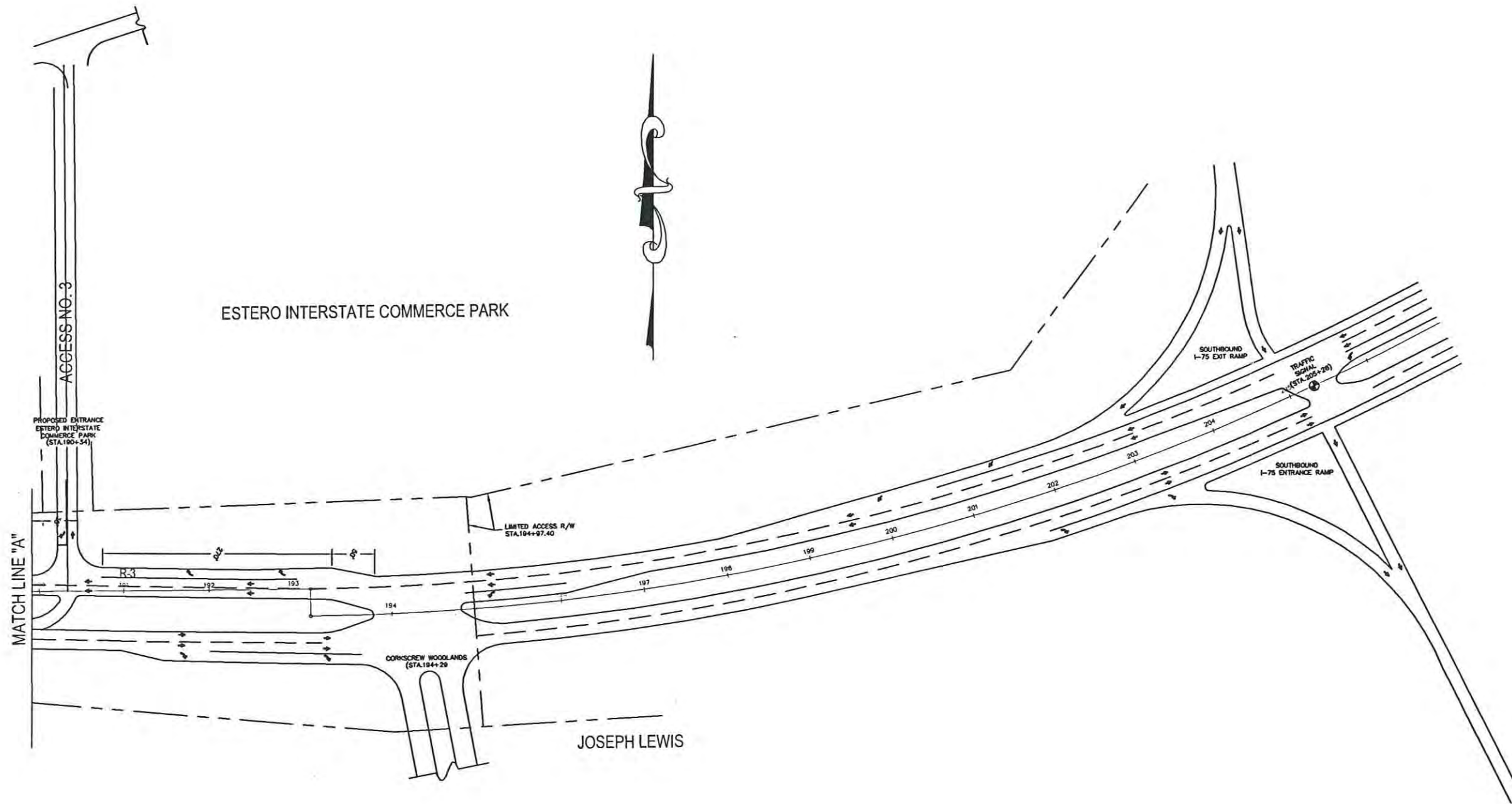
MAP 3K  
 CORKSCREW ROAD-ACCESS PLAN  
 THREE OAKS PKWY. TO BEN HILL GRIFFIN PKWY.



Director: Scott M. Gilbertson P.E.

MAP 3K - PAGE 1 OF 3  
 (ADDED BY ORDINANCE # 03 - 05 )  
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MAP 3K  
 CORKSCREW ROAD-ACCESS PLAN  
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