

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (941) 479-8585

Bob Janes  
District One      September 19, 2002

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

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

Re: Amendments to the Lee Plan  
Transmittal Submission Package for the 2001/2002 Regular Amendment Cycle

Dear Mr. Eubank:

In accordance with the provisions of F.S. Chapter 163.3184 and of 9J-11.006, this submission package constitutes the transmittal of the proposed 2001/2002 Regular Amendment Cycle to the Lee Plan. The Local Planning Agency held public hearings for these plan amendments on the following dates: March 25, 2002; April 22, 2002; July 22, 2002; August 26, 2002. The Board of County Commissioners transmittal hearing for the plan amendments was held on September 4, 2002 and September 5, 2002. Per 9J-11.006(1)(a)(3), Lee County is requesting that the Department review the proposed amendments and provide an Objections, Recommendations, and Comments (ORC) Report. The proposed amendments are not applicable to an area of critical state concern. The Board of County Commissioners has stated its intent to hold an adoption hearing upon receipt of the ORC Report.

A summary of the plan amendment content and effect is attached to this letter. The name, title, address, telephone number, facsimile number, and email address of the person for the local government who is most familiar with the proposed amendments is as follows:

Mr. Paul O'Connor, AICP  
Lee County Planning Division Director  
P.O. Box 398  
Fort Myers, Florida 33902-0398  
(941)479-8585  
Fax (941)479-8319  
Email: [occonnops@leegov.com](mailto:occonnops@leegov.com)

Included with this package, per 9J-11.006, are six copies of the adopted amendment, and supporting data and analysis. By copy of this letter and its attachments I certify that these amendments have been sent to the Regional Planning Council, the Florida Department of Transportation (FDOT),

the Department of Environmental Protection, Florida Department of State, Florida Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, Division of Forestry, and the South Florida Water Management District.

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



Paul O'Connor, AICP  
Director

All documents and reports attendant to this transmittal 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

## 2001/2002 LEE PLAN AMENDMENT CYCLE

### SUMMARY OF PLAN AMENDMENT CONTENT AND EFFECT

- CPA 2001-09** Amends the Future Land Use text by adding a new Vision Statement, Goal, Objectives and Policies specific to the Bayshore Community. The Policies generally address Land Use, Transportation, Sewer and Water, and Parks and Recreation. The intent of the amendment is, in part, to provide for slow and steady growth in the Bayshore Community and to prevent incompatible uses such as mining and intense commercial uses from developing in the community.
- CPA 2001-10** Amends the Future Land Use text by adding a new Goal, Objective and ten Policies specific to the Captiva Island Community. The policies address such things as establishing a landscaping code for Captiva, creating a document clearing house to aid residents in monitoring development requests, a requirement for owners or agents for any rezoning, variance, or special exception to hold a public informational session on Captiva and a policy for Lee County to encourage and support efforts by Captivans to develop and submit ordinances that help maintain the historical character of the land. This is a privately initiated amendment sponsored, in part, by Lee County Government.
- CPA2001-11** Amends 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. Providing for Commercial Retail uses in Airport Commerce allows the County to better use the airport to attract new business in order to promote economic growth and diversification. Flexibility in the planning requirements for future business and industrial lands in the Airport Commerce category is of paramount importance. Commercial functions located within business and industrial parks provide beneficial services to employees. In addition Policy 1.2.2 is being amended by removing "and other hospitality services" due to the fact that it is not a defined term. The LDC does not have this as a use group or a defined use. Also, the Lee County Land Development Code (LDC) provides that caretakers residences can be approved in association with an industrial development, therefore Policy 1.2.2 is being amended to allow caretakers residences.
- CPA2001-12** The amendment adds to Policy 1.3.8 a specific access management plan for Alico Road in the vicinity of the I-75 interchange, and adds maps of the specific access management plans to the Future Land Use Map series. The addition of specific access management plans for the four County-maintained roads that connect to the interstate allows for a recognition of already-existing conditions and previous development approvals, rather than relying on the generalized spacing standards included in Policy 1.3.8. This action is a follow-



up to PAT 99-27, which added the specific access management plan for Corkscrew Road. Future amendments are anticipated to add the specific access management plans for Lockett Road and Bonita Beach Road.

- CPA2001-15** Amends the Future Land Use Map (FLUM) series to include in the Conservation Lands category those lands acquired by Lee County, the State of Florida (TIITF), and the private conservation foundation, the Calusa Land Trust, and reclassify an FDOT maintenance yard from the Conservation Lands FLUM category to the Public Facilities FLUM category.
- CPA2001-18** Amends the Future Land Use text by replacing the existing Vision Statement with new language, and by adding new policies and amending existing policies specific to the Pine Island Community. Amends the Future Land Use Map by creating a new Coastal Rural Land Use Category. Highlights of the Plan are the creation of the Coastal Rural Land Use Category which will replace the Rural designation on Pine Island and replace an additional 157 acres of land currently in the Outlying Suburban designation. Another policy changes the way development orders will be allocated once the 910 vehicle trip calculation has been reached. Other policies address changes to the sign regulations, architectural and site design standards, riparian areas, septic drainfields and historic building designation on Pine Island.
- CPA2001-22** Amends Map 12 of the Future Land Use Map Series, 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 zones. This amendment addresses 40 WDO zones, of which 6 are proposed for amendment. The remaining zones do not present compelling reasons for amendment. As currently codified, the Lee Plan Goals, Objectives, and Policies sufficiently address WDO concerns.
- CPA2001-23** Amends the Future Land Use Map series, Map 20, The “Contiguous Agricultural Parcels Over 100 Acres” map by updating the overlay to reflect current conditions. Changes to the map include mapping lands that are currently in agricultural use and meet the other criteria outlined in Objective 9.1 (as proposed in this amendment). Objective 9.1 is being amended to clarify the criteria for selecting properties to be included on the overlay map. The existing Lee Plan language does not match the parcels that are shown on the current overlay. The adopted 1994 Overlay included parcels that were smaller than 100 acres; however, Objective 9.1 states “Place all existing active and passive agricultural uses on all parcels in excess of 100 acres...” The revised language clarifies that Ag parcels less than 100 acres in size will only be included on the overlay if they are contiguous to other Ag uses resulting in an “Ag Area” larger than 100 acres. The new language clarifies that properties must be outside of Future Land Use Categories that are anticipated to develop with urban uses during the life of the plan. Finally, language is added to require this overlay to be reviewed every 2 years.

- CPA2001-24** This amendment simply updates Table 2(b), Recommended Operational Improvements on Constrained Roads, to reflect the latest thinking on operational improvements for the constrained roads. The table is also being expanded to include all of the constrained roads, whether an operational improvement is identified at this time or not, to avoid any confusion when comparing to Table 2(a) (the list of constrained roads). A note is also being added to make clear that, even if no specific operational improvement is identified in the table at this time, operational improvements may be determined to be necessary in relation to specific development requests.
- CPA2001-27** Amends the Community Facilities and Services Element, Goal 40: Coordinated Surface Water Management and Land Use Planning on a Watershed Basis by adding a new Objective and Policy regarding incorporation of green infrastructure into the surface water management systems of proposed developments, and providing definitions for green infrastructure and flow-way in the Glossary. Incorporating green infrastructure and flow-ways into surface water management design will help protect the groundwater and surface water in Lee County. Also, green infrastructure furthers Lee County's efforts in achieving EPA's non-degradation water quality criteria for stormwater discharges to designated Outstanding Florida Waterways and compliance with future total maximum daily loads established for impaired water-bodies.
- CPA2001-28** Amends the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program. Lee Plan Policy 70.1.1 requires a Capital Improvements Program to be prepared and adopted on an annual basis. Florida Statute 163.3177(3)(b) requires that the Capital Improvements Element of the comprehensive plan be amended annually to reflect the modifications of the adopted Capital Improvement Program (CIP). This amendment incorporates the most recently adopted CIP in the Capital Improvements Element.
- CPA2001-31** Amends 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. At this time the Lee County Land Development Code addresses these issues through Sections 6-405 and 6-472. The amendment also changes modifications to buildings from 20% to 25% of its replacement value which is consistent with the Federal Emergency Management Agency's current threshold. Additionally the amendment changes the policy language from 'one or more losses of \$1,000.00 or more' to a repetitive loss as defined by the Federal Emergency Management Agency. The intent of the policy has been recorded into the county regulations.



**CPA2001-32**

Amends the Intergovernmental Coordination Element and the Community Facilities Element to bring the element into compliance with the provisions of F.S. Chapter 163.3177. In order to comply with the provisions of F.S. Chapter 163.3177 the Lee Plan should be amended to include a new policy in the Intergovernmental Coordination Element, under Goal 109, that refers to Goal 46: Education as the source for coordinating the comprehensive plan with the plans of the school board. Staff also recommends that a new policy, under Goal 46: Education, be adopted to address the coordination of population projection planning.

**CPA2001-33**

Amends the Build Back Policy of the Procedures and Administration Element by replacing references to the term "cost" with the term "value." The proposed amendment will clear up language differences between the Lee Plan and what is contained in the Lee County Post Disaster Ordinance No. 95-14. Both of the terms "replacement cost" and "replacement value" are found in the Post Disaster Ordinance. By replacing the current term "replacement cost" with the term "replacement value," structure damage will be defined to account for variability in the market, such as labor and materials.

**CPA2001-35**

Amends all elements of the Lee Plan, where applicable, by replacing 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 Lee County Regional Water Supply Authority is referenced in several instances throughout the Lee Plan with regard to their role in water resource issues. The Lee County Regional Water Supply Authority was officially dissolved as of June 30, 2001. Most of the functions of the Lee County Regional Water Supply Authority have been taken over by Lee County Utilities and Lee County Division of Natural Resources.

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

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LEE COUNTY COMPREHENSIVE PLAN

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**THE LEE PLAN**

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DCA Transmittal Document

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

**September 5, 2002**

**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.



*(3)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.*

*(4)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 Lockett 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 Lockett 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 Lockett 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.



*(3) 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	Estero 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.

*(1) Distance measured from next connection to the west.*

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

*(3) 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.*

*(4) 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:**

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

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

DATE OF ORC REPORT: \_\_\_\_\_

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

**B. STAFF RESPONSE**



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

DATE OF ADOPTION HEARING: \_\_\_\_\_

**A. BOARD REVIEW:**

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

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**JOHN ALBION**

\_\_\_\_\_

**ANDREW COY**

\_\_\_\_\_

**BOB JANES**

\_\_\_\_\_

**RAY JUDAH**

\_\_\_\_\_

**DOUG ST. CERNY**

\_\_\_\_\_

04-46-25-00-00003.0020  
 HOROWITZ, HAROLD, TR  
 19091 TAMIAMI TRAIL SE  
 FT. MYERS, FL 33908

04-46-25-00-00001.1040  
 HOROWITZ, HAROLD, TR  
 19091 TAMIAMI TRAIL SE  
 FT. MYERS, FL 33908

FUTURE  
 ORIOLE RD.  
 EXT.

FULL INTERSECTION  
 STA. 160+59.33±

ALICO RD.

MATCH LINE "A"

1760 FT.

09-46-25-06-00202.0010  
 PIK N RUN #7, INC.  
 20101 PEACHLAND BLVD., SUITE 201  
 PT. CHARLOTTE, FL 33954

09-46-25-05-00187.0010  
 LEE COUNTY  
 P.O. BOX 398  
 FT. MYERS, FL 33902

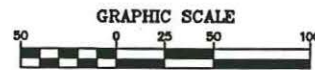
ORIOLE RD.

ALICO INTERCHANGE  
 PARK DRI

RIGHT-IN/OUT  
 LEFT-IN/OUT  
 (CONTINGENT ON REGIONAL  
 MALL DEVELOPMENT)  
 STA. 170+54.54±

880 FT.

10-46-25-00-00001.1000  
 FREEMAN, PAUL H., TR.  
 13691 PONDVIEW CIR.  
 NAPLES, FL 34119



04-46-25-00-00001.1040  
 HOROWITZ, HAROLD, TR  
 19091 TAMIAMI TRAIL SE  
 FT. MYERS, FL 33908

FUTURE  
 THREE OAKS  
 PKWY. EXT.

FULL INTERSECTION  
 STA. 177+74.54±

ALICO RD.

03-46-25-00-00001.1100  
 ALICO DEVELOPMENT CORPORATION  
 2561 TALON CT.  
 NAPLES, FL 34105

MATCH LINE "A"

MATCH LINE "B"

10-46-25-00-00001.1000  
 FREEMAN, PAUL H., TR.  
 13691 PONDVIEW CIR.  
 NAPLES, FL 34119


THREE OAKS PKWY.

10-46-25-00-00001.1000  
 FREEMAN, PAUL H., TR.  
 13691 PONDVIEW CIR.  
 NAPLES, FL 34119

NO.	DATE	BY	REVISIONS - DESCRIPTION

DESIGNED: L.W.	DATE: 1/02	HORIZ. SCALE: 1"=50'
DRAWN: L.L.C.	DATE: 1/02	1"=100' (11"x17')
CHECKED: L.W.	DATE: 1/02	VERT. SCALE: N/A
PROJ. NO.:	FILE: 010462902	N/A (11"x17')

APPROVED BY: \_\_\_\_\_  
 REGISTERED PROFESSIONAL ENGINEER  
 FLORIDA CERTIFICATE NO. \_\_\_\_\_  
 DATE: \_\_\_\_\_


 PUBLIC WORKS  
 LEE COUNTY  
 SOUTHWEST  
 FLORIDA  
 1500 MONROE STREET  
 (941) 479-8900 www.lee-county.com/publicworks/dot/ta.htm

DEPARTMENT  
 of  
 TRANSPORTATION  
 FORT MYERS, FLORIDA 33901

**ALICO ROAD**  
**ORIOLE RD. TO I-75**  


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**ACCESS PLAN**



03-46-25-00-00001.1090  
 FLECK INDIANA, INC.  
 205 CHARLES ST.  
 OCONTO, WI 54153

03-46-25-00-00001.0000  
 AGRI-INSURANCE COMPANY, LTD.  
 BARCLAYS BANK INTNL. BLDG.  
 44 CHURCH ST.  
 P.O. BOX HM2064  
 HAMILTON HM-HX, BERMUDA

ALICO RD.

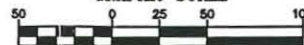
I-75

MATCH LINE "B"

MATCH LINE "C"

N

GRAPHIC SCALE



03-46-25-00-00001.0000  
 AGRI-INSURANCE COMPANY, LTD.  
 BARCLAYS BANK INTNL. BLDG.  
 44 CHURCH ST.  
 P.O. BOX HM2064  
 HAMILTON HM-HX, BERMUDA

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

ALICO RD.

MATCH LINE "C"

MATCH LINE "D"


10-46-25-00-00001.0010  
 MCHALE, GERARD A., JR., TR.  
 1601 JACKSON ST., STE. 200  
 FT. MYERS, FL 33901

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

NO.	DATE	BY	REVISIONS - DESCRIPTION

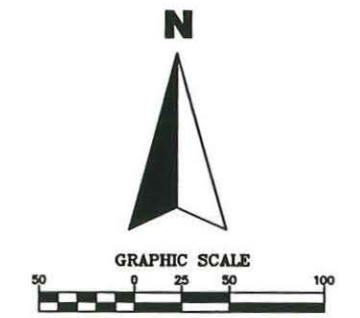
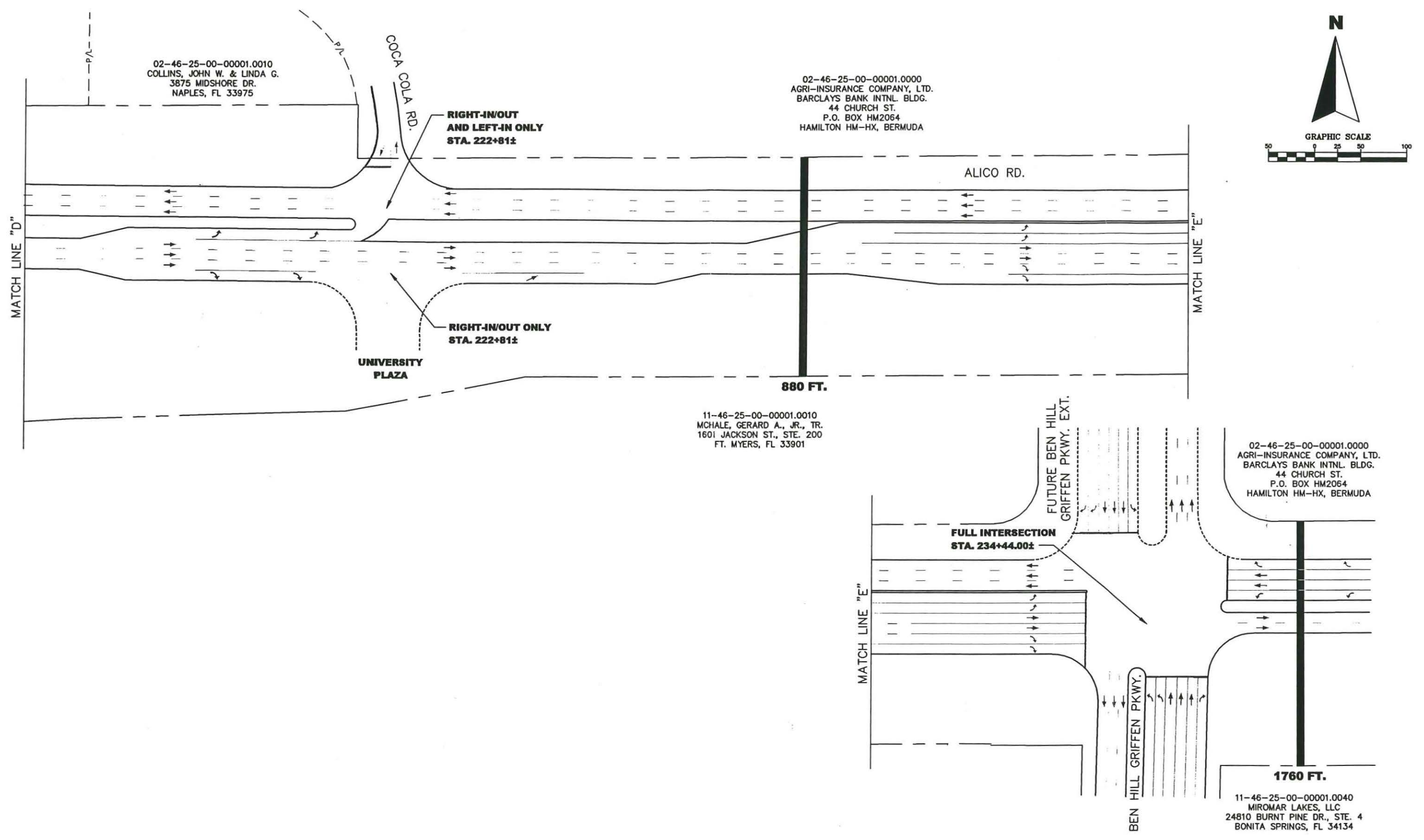
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 CHECKED: L.W. DATE: 1/02 VERT. SCALE: N/A  
 PROJ. NO.: FILE: 010482903 N/A (11"x17")

APPROVED BY: \_\_\_\_\_  
 REGISTERED PROFESSIONAL ENGINEER  
 FLORIDA CERTIFICATE NO. \_\_\_\_\_  
 DATE: \_\_\_\_\_

 PUBLIC WORKS  
 LEE COUNTY  
 SOUTHWEST  
 FLORIDA  
 1800 MONROE STREET FORT MYERS, FLORIDA 33901  
 (941) 479-8800 www.lee-county.com/publicworks/dotWeb.htm

**DEPARTMENT of TRANSPORTATION**

**ALICO ROAD AT I-75**  
 ACCESS PLAN



NO.	DATE	BY	REVISIONS - DESCRIPTION

DESIGNED: L.W.	DATE: 1/02	HORIZ. SCALE: 1"=50'
DRAWN: L.L.C.	DATE: 1/02	1"=100' (11"x17')
CHECKED: L.W.	DATE: 1/02	VERT. SCALE: N/A
PROJ. NO.:	FILE: 010482904	N/A (11"x17')

APPROVED BY: \_\_\_\_\_  
 REGISTERED PROFESSIONAL ENGINEER  
 FLORIDA CERTIFICATE NO. \_\_\_\_\_  
 DATE: \_\_\_\_\_

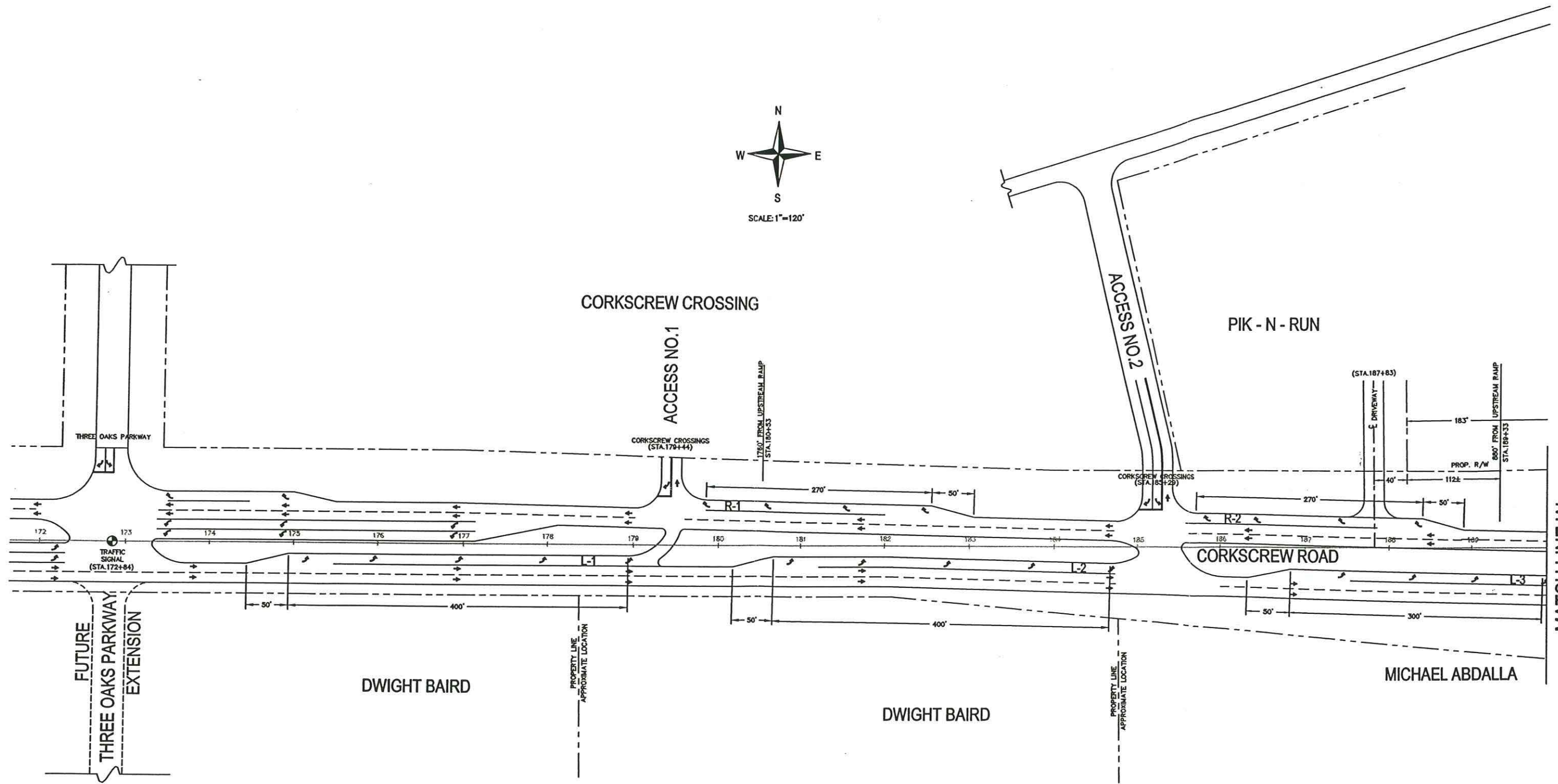
PUBLIC WORKS  
 LEE COUNTY  
 SOUTHWEST  
 FLORIDA  
 1500 MONROE STREET  
 FORT MYERS, FLORIDA 33901  
 (941) 479-9800 www.lee-county.com/publicworks/dot/titles.htm

DEPARTMENT  
 of  
 TRANSPORTATION

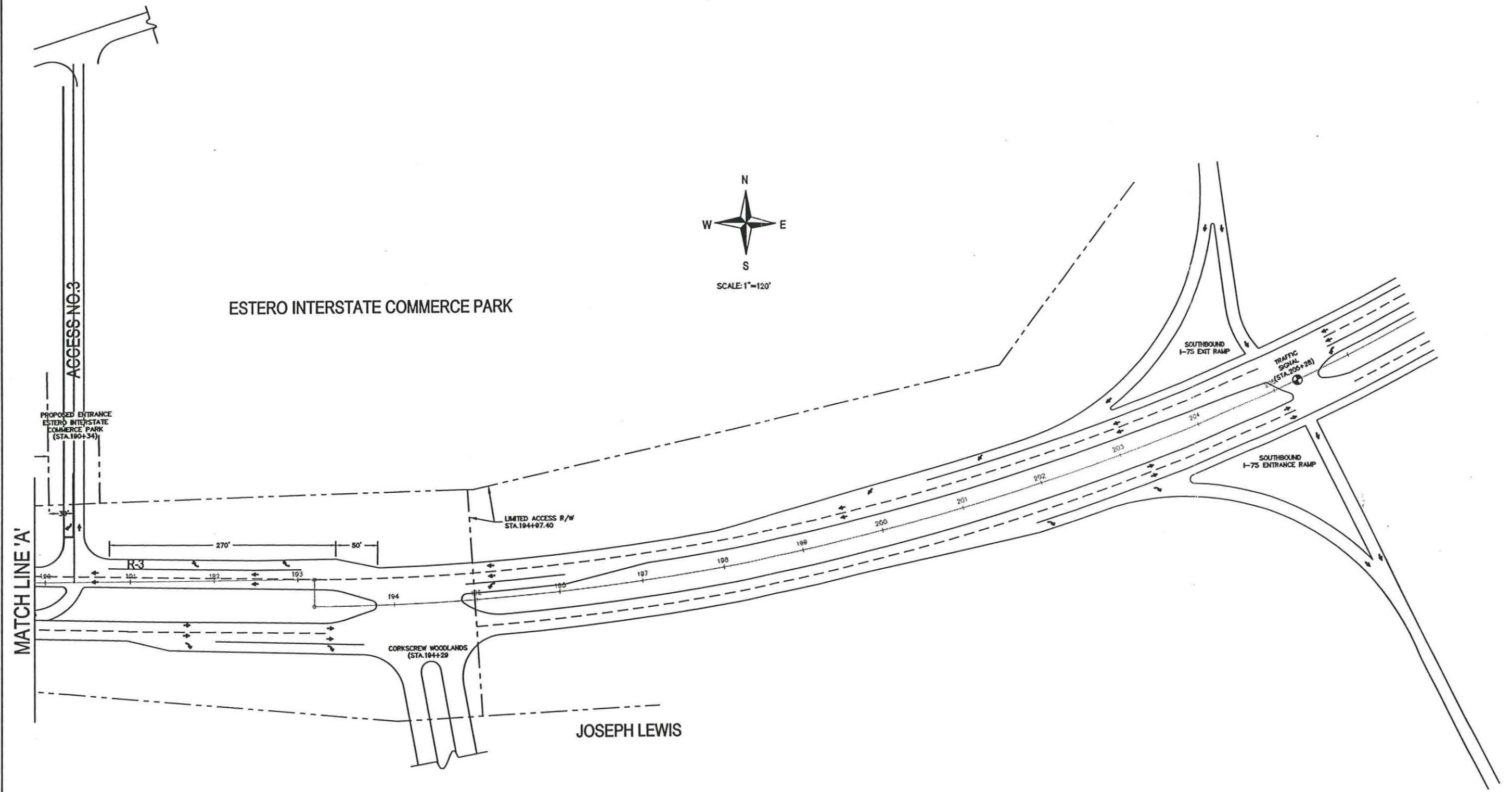
**ALICO ROAD**  
**I-75 TO BEN HILL GRIFFEN PARKWAY**  
 ACCESS PLAN

SHEET  
 3  
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 3  
 SHEETS



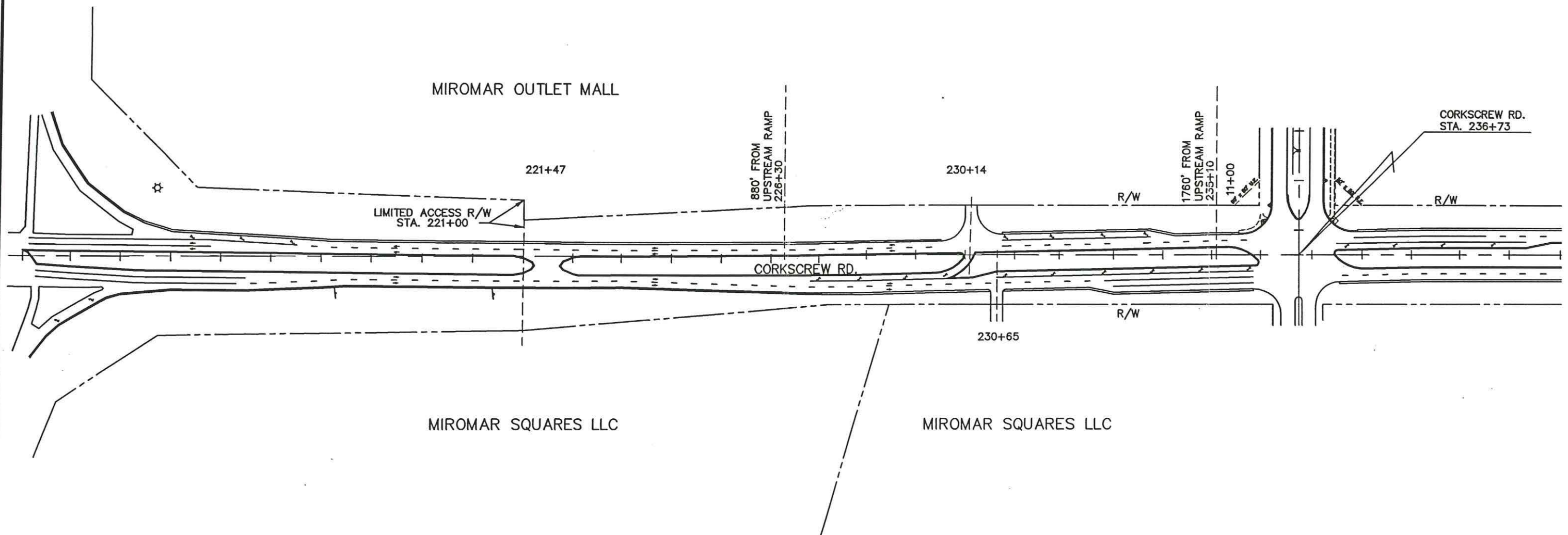
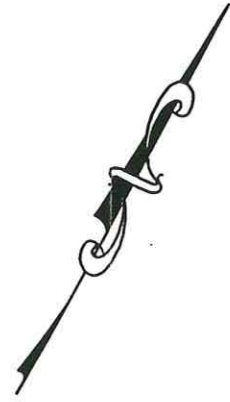


JOB NO: 990623 FILE:	REVISIONS						DESIGNED BY T.B.T. 3/21/00	NAME T.B.T.	DATE 3/21/00	DRAWN A.J.R.	DATE 3/21/00	APPROVED BY:	METRO TRANSPORTION GROUP, INC. A/K/A SOUTHWEST TRANSPORTATION ENGINEERING, INC. 134E COLONIAL BLVD., SUITE 30 FORT MYERS, FLORIDA 33907 (841) 278-3380	CORKSCREW ROAD ACCESS PLAN THREE OAKS PARKWAY TO I-75
	DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION								



JOB NO: 990623 FILE:	REVISIONS				DESIGNED BY	NAME	DATE	DRAWN	NAME	DATE	APPROVED BY:	METRO TRANSPORTION GROUP, INC. A/X/A SOUTHWEST TRANSPORTATION ENGINEERING, INC. 1342 COLONIAL BLVD., SUITE 30 FORT MYERS, FLORIDA 33907 (841) 278-3090	CORKSCREW ROAD ACCESS PLAN THREE OAKS PARKWAY TO I-75
	DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION	T.B.T.	3/21/00	A.J.R.	3/21/00			
								CHECKED					
								SUPERVISED BY:					





APPROVED BY: \_\_\_\_\_  
 REGISTERED PROFESSIONAL ENGINEER  
 FLORIDA CERTIFICATE NO. \_\_\_\_\_  
 DATE: \_\_\_\_\_

NO.	DATE	BY	REVISIONS - DESCRIPTION

DESIGNED: M.A.R. DATE: 1/00 HORIZ. SCALE: 1"=200'  
 DRAWN: M.T.G. DATE: 1/00 VERT. SCALE: \_\_\_\_\_  
 CHECKED: M.A.R. DATE: 1/00 FILE NAME: 000032801  
 PROJECT NO: 0713 DATE: 1/00 DISK NO.: 07001

FUBLIC WORKS ADMINISTRATION  
 1000 MONROE STREET  
 841-470-8000  
  
 FORT MYERS, FLORIDA 33901  
 DEPARTMENT OF TRANSPORTATION

**CORKSCREW ROAD  
 ACCESS PLAN**  
 I-75 TO BEN HILL GRIFFIN PARKWAY

SHEET  
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 1  
 SHEETS