



# PLANNING DIVISION

M E M O R A N D U M



# LEE COUNTY

SOUTHWEST FLORIDA

**to:** Board of County Commissioners

**from:** Paul O'Connor, AICP, Director, Division of Planning  
*POC*

**subject:** Lee County's 2001/2002 Regular Comprehensive Plan Amendment Cycle

**date:** December 23, 2002

Attached are the agenda and staff reports for the public hearing to be held beginning at 9:30 A.M. on Thursday, January 9<sup>th</sup>, 2003. This is an adoption hearing for the 2001/2002 Comprehensive Plan Amendment Cycle. The Board of County Commissioners transmitted the 2000/2001 Lee Plan amendments to the State for review on September 19, 2002. The Department of Community Affairs (DCA) issued its Objections, Recommendations and Comments (ORC) Report on November 22, 2002. The DCA did not pose any objections or recommendations to any of the 15 transmitted amendments. The DCA did provide one comment regarding CPA2001-10, the Captiva Island Community Planning Effort. The comment points out that proposed Policy 21.9, which states that "mangroves on Captiva Island should be protected," is vague and should be revised to establish guidelines on how they should be protected. Per the DCA's comment, staff is proposing modified language in order to satisfy the Captiva residents desire to further protect mangroves on the island.

Three other amendments have been revised to reflect recent updates that have occurred since the transmittal hearing. The next revised amendment is CPA2001-12, which adds a specific access management plan to Policy 1.3.8 for Alico Road in the vicinity of the I-75 interchange, and adds the maps of the specific access management plans to the Future Land Use Map series. 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.

CPA2001-28, which amends the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program, has also been revised to reflect the latest tables approved by the Board at the budget meetings. The changes to the tables occurred after the plan amendment transmittal hearings and are updated in the attached staff report..

The final amendment that is being modified since the transmittal hearing is CPA2001-27. This amendment adds a new Objective and Policy 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 been meeting with the public and state agencies on issues raised at the Transmittal hearing. Staff has revised the proposed language in the attached staff report 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.

Other than these 3 amendments that will require modifications as noted above, the remaining documents were simply updated to reflect that there were no objections, recommendations, or comments by the DCA.

If you have any questions regarding the adoption hearing, do not hesitate to call me at 479-8309.

cc: *Donald Stilwell, County Administrator*  
*Mary Gibbs, Director, Department of Community Development*  
*Minutes*  
*Lee Cares*  
*Tim Jones, Assistant County Attorney*  
*Donna Marie Collins, Assistant County Attorney*  
*Janet Watermeier, Director, Economic Development*  
*Dave Loveland, DOT*  
*Diana Parker, County Hearing Examiner*  
*Wayne Daltry, Smart Growth Director*

**January 9, 2003  
9:30 A.M.  
AGENDA**

- 1. Call to order; Certification of Affidavit of Publication**
- 2. Community Plan Agenda**
- 3. Public Comment on Consent Agenda**
- 4. Consent Agenda:**
  - **Items to be pulled for discussion by the Board**
  - **Motion to approve the balance of items**
  - **Consideration of items pulled for discussion**
- 5. Adopt the following ordinance which adopts the consent agenda items:**

**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.**

- 6. Administrative Agenda**
- 7. Adjourn**

## COMMUNITY PLAN AGENDA

### A. CPA 2001-10

Amend the Lee Plan to incorporate the recommendations of the Captiva Island Community Planning effort, establishing a Goal and subsequent Objectives and Policies specific to the Captiva Island community.

### B. Adopt the following ordinance which adopts CPA 2001-10:

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 CPA2001-10 (PERTAINING TO THE CAPTIVA ISLAND COMMUNITY PLAN) APPROVED 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 OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

### C. CPA 2001-09

Amend the Future Land Use Element text of the Lee Plan to incorporate the recommendations of the Bayshore Steering Committee, establishing a Vision Statement, Goal and subsequent Objectives and Policies specific to the Bayshore Community.

### D. Adopt the following ordinance which adopts CPA 2001-09:

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 CPA2001-09 (PERTAINING TO THE BAYSHORE COMMUNITY PLAN) APPROVED 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 OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

### E. CPA2001-18

Amend the Future Land Use Element of the Lee Plan, text and Future Land Use Map series to incorporate the recommendations of the Greater Pine Island Community Planning effort, establish a new Vision Statement, establish a revised Goal 14, amend subsequent Policies specific to Greater Pine Island, amend Objective 1.4 "Non-Urban Areas" by establishing a new "Coastal Rural" future

land use category and amend the Future Land Use Map series to reclassify from "Outlying Suburban" to "Coastal Rural" 157 acres of agricultural land between Bokeelia and September Estates and to reclassify all "Rural" designated land to "Coastal Rural."

**F. Adopt the following ordinance which adopts CPA2001-18:**

**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 CPA2001-18 (PERTAINING TO THE GREATER PINE ISLAND COMMUNITY PLAN) APPROVED DURING THE COUNTY'S 2001/2002 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND FUTURE LAND USE MAP; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

## CONSENT AGENDA

- A. 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.
- B. CPA 2001-15**  
Amend the Future Land Use Map series, Map 1, by updating the Conservation Lands land use categories.
- C. 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.
- D. 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.
- E. CPA 2001-24**  
Update Table 2(b), Recommended Operational Improvements on Constrained Roads.
- F. 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.
- G. 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
- H. 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."
- I. 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.

## **ADMINISTRATIVE AGENDA**

### **A. CPA 2001-12**

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. Adopt the following ordinance which adopts CPA 2001-12:**

**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.**

### **C. CPA 2001-27**

Amend Community Facilities and Services Element, Goal 40: Coordinated Surface Water Management and Land Use Planning on a Watershed Basis to add a new Objective and Policy regarding incorporation of green infrastructure into the surface water management systems of proposed developments, and provide definitions for green infrastructure and flow-way in the Glossary.

### **D. Adopt the following ordinance which adopts CPA 2001-27:**

**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 CPA2001-27 (PERTAINING TO THE ADDITION OF A NEW OBJECTIVE AND POLICY UNDER GOAL 40 REGARDING THE INCORPORATION OF GREEN INFRASTRUCTURE INTO THE SURFACE WATER MANAGEMENT SYSTEMS OF PROPOSED DEVELOPMENTS AND TO THE ADDITION OF TWO DEFINITIONS TO THE GLOSSARY FOR "GREEN INFRASTRUCTURE" AND "FLOW-WAY") APPROVED 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 OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

**E. CPA 2001-28**

Amend the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program.

**F. Adopt the following ordinance which adopts CPA 2001-28:**

**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 CPA2001-28 (PERTAINING TO TABLES 3 AND 4 OF THE CAPITAL IMPROVEMENT ELEMENT) APPROVED 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 OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**



LEE COUNTY ORDINANCE NO. 03- \_\_\_\_\_  
(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 \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and, when

put to a vote, the vote was as follows:

Robert P. Janes

Douglas St. Cerny

Ray Judah

Andrew Coy

John Albion

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

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Chairman

DATE: \_\_\_\_\_

Approved as to form by:

\_\_\_\_\_  
Donna Marie Collins  
County Attorney's Office

LEE COUNTY ORDINANCE NO. 03-\_\_\_\_\_  
(Access Management Plan for Alico, Bonita Beach, and 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 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 \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and, when put to a vote, the vote was as follows:

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

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

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Chairman

DATE: \_\_\_\_\_

Approved as to form by:

\_\_\_\_\_  
Donna Marie Collins  
County Attorney's Office

**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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BoCC Public Hearing Document  
for the  
January 9<sup>th</sup>, 2003 Adoption Hearing

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

**December 18, 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 Luckett 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:

| STATION | DISTANCE <sup>(1)</sup> | MEDIAN<br>OPENING? | MOVEMENT   | CONNECTION                 |
|---------|-------------------------|--------------------|--|----------------------------|
| 172+84  | n/a                     | Yes                | All  | Three Oaks Parkway         |
| 179+44  | 660 ft.                 | Yes                | EB to NB Left-in <sup>(2)</sup><br>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<br>Rt-in/Rt-out from N                      | Estero Int. Com. Park (#3) |
| 194+29  | 395 ft.                 | Yes                | WB to SB Left-in<br>NB to WB Left-out<br>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<br>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 Luckett 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 Luckett 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 Luckett 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 Luckett 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<br/>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<br/>WB to SB Left-in<br/>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><br/>Rt-in/Rt-out from N&amp; S</u>                | <u>Coca-Cola Bottling Co. (N)<br/>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<br/>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><br>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<br>Rt-in/Rt-out from N                      | Esterio Int. Com. Park (#3) |
| 194+29         | 395 ft.                       | Yes                        | WB to SB Left-in<br>NB to WB Left-out<br>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<br>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>     | <b>AYE</b>     |
| <b>MATT BIXLER</b>      | <b>AYE</b>     |
| <b>SUSAN BROOKMAN</b>   | <b>AYE</b>     |
| <b>RONALD INGE</b>      | <b>AYE</b>     |
| <b>GORDON REIGELMAN</b> | <b>ABSENT</b>  |
| <b>ROBERT SHELDON</b>   | <b>AYE</b>     |
| <b>GREG STUART</b>      | <b>ABSTAIN</b> |

**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    | _____  |
|                | AYE    |
| ANDREW COY     | _____  |
|                | ABSENT |
| BOB JANES      | _____  |
|                | AYE    |
| RAY JUDAH      | _____  |
|                | AYE    |
| DOUG ST. CERNY | _____  |
|                | AYE    |

**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<br/>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><br><u>WB to SB Left-in</u><br><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:**

**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**

\_\_\_\_\_

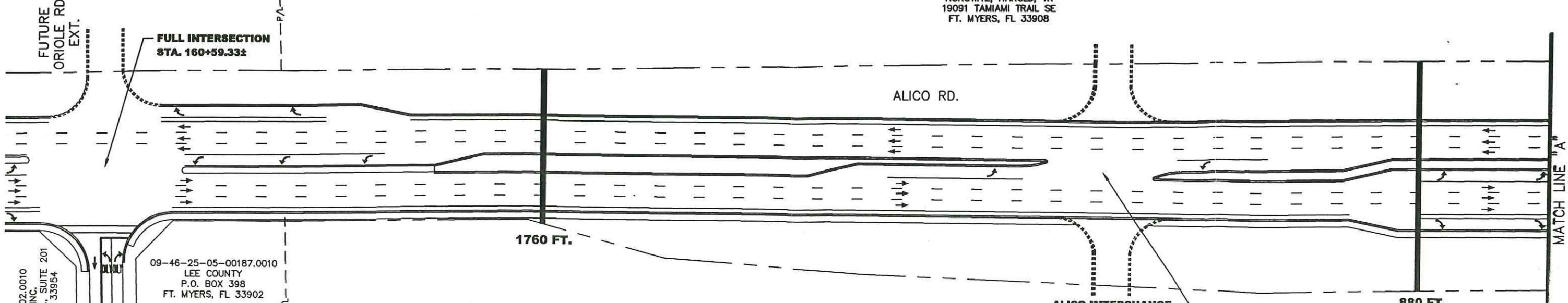
**DOUG ST. CERNY**

\_\_\_\_\_

\_\_\_\_\_

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 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



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

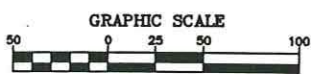
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 LEE COUNTY  
 P.O. BOX 398  
 FT. MYERS, FL 33902

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

ALICO INTERCHANGE  
 PARK DRI

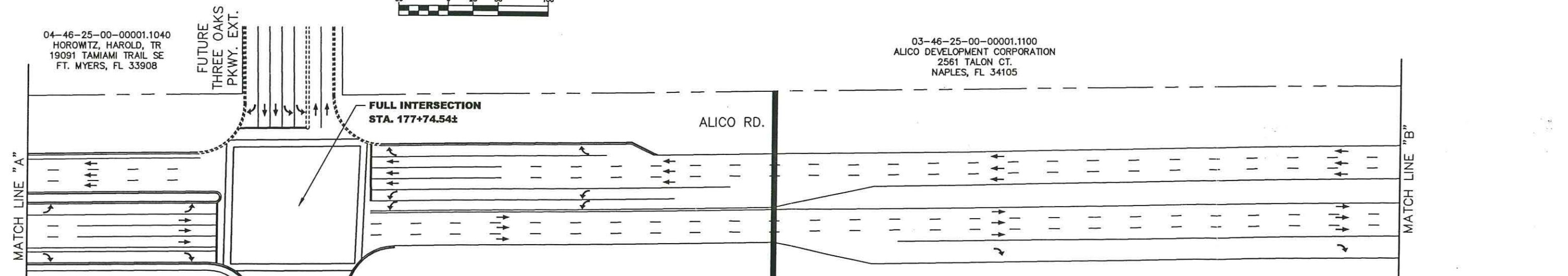
FULL INTERSECTION  
 UNSIGNALIZED ONLY  
 (SUBJECT TO FUTURE  
 RESTRICTIONS IF TRAFFIC  
 SIGNAL WARRANTED)  
 STA. 170+54.54±

880 FT.



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

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



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

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

| NO. | DATE | BY | REVISIONS - DESCRIPTION |
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|                     |                 |                      |
|---------------------|-----------------|----------------------|
| 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.: 010482902 | FILE: 010482902 | N/A (11"x17")        |

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

PUBLIC WORKS  
 LEE COUNTY  
 DEPARTMENT  
 of  
 TRANSPORTATION  
 SOUTHWEST  
 FLORIDA  
 1500 MONROE STREET FORT MYERS, FLORIDA 33901  
 (941) 478-8900 www.lee-county.com/publicworks/dot/94.htm

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

SHEET  
 1  
 of  
 3  
 SHEETS

MATCH LINE "B"

MATCH LINE "C"

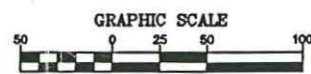
03-46-25-00-00001.1090  
FLECK INDIANA, INC.  
205 CHARLES ST.  
OCONTO, WI 54153

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

N



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

MATCH LINE "C"

MATCH LINE "D"

ALICO RD.

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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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: 010482803 N/A (11"x17")

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

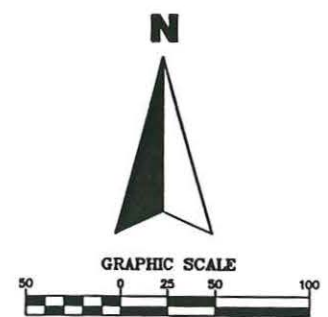
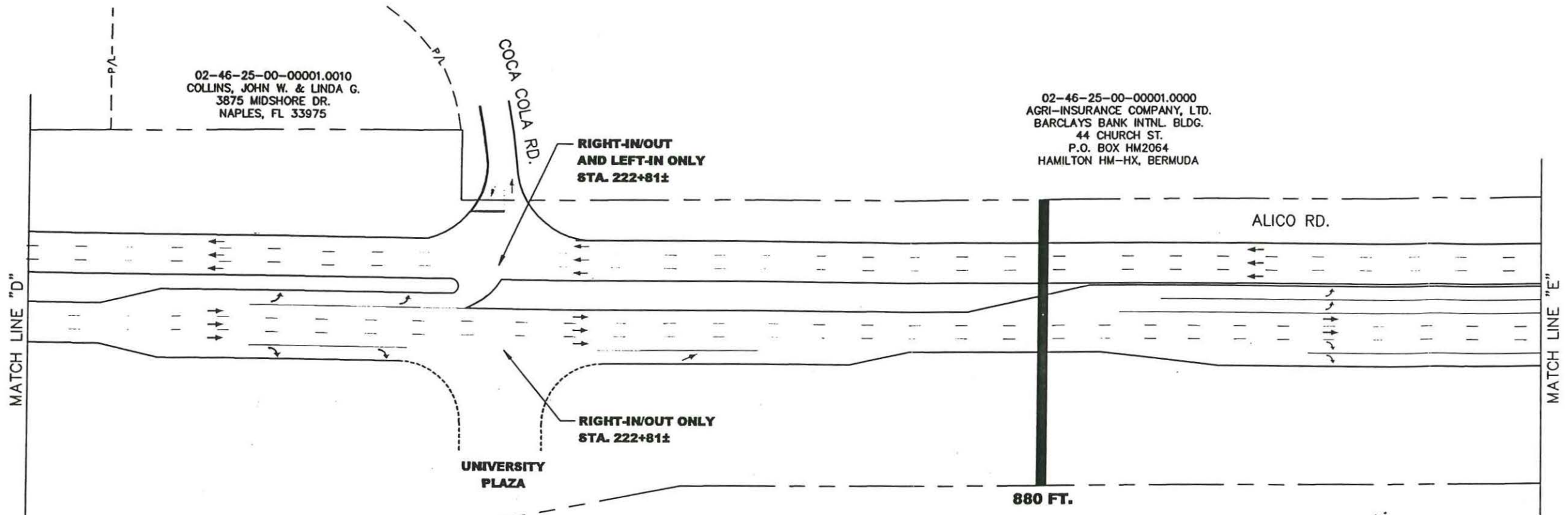


PUBLIC WORKS  
 LEE COUNTY  
 SOUTHWEST  
 FLORIDA  
 1800 MONROE STREET  
 FORT MYERS, FLORIDA 33901  
 (841) 478-8800 www.lee-county.com/publicworks/dot/lee.htm

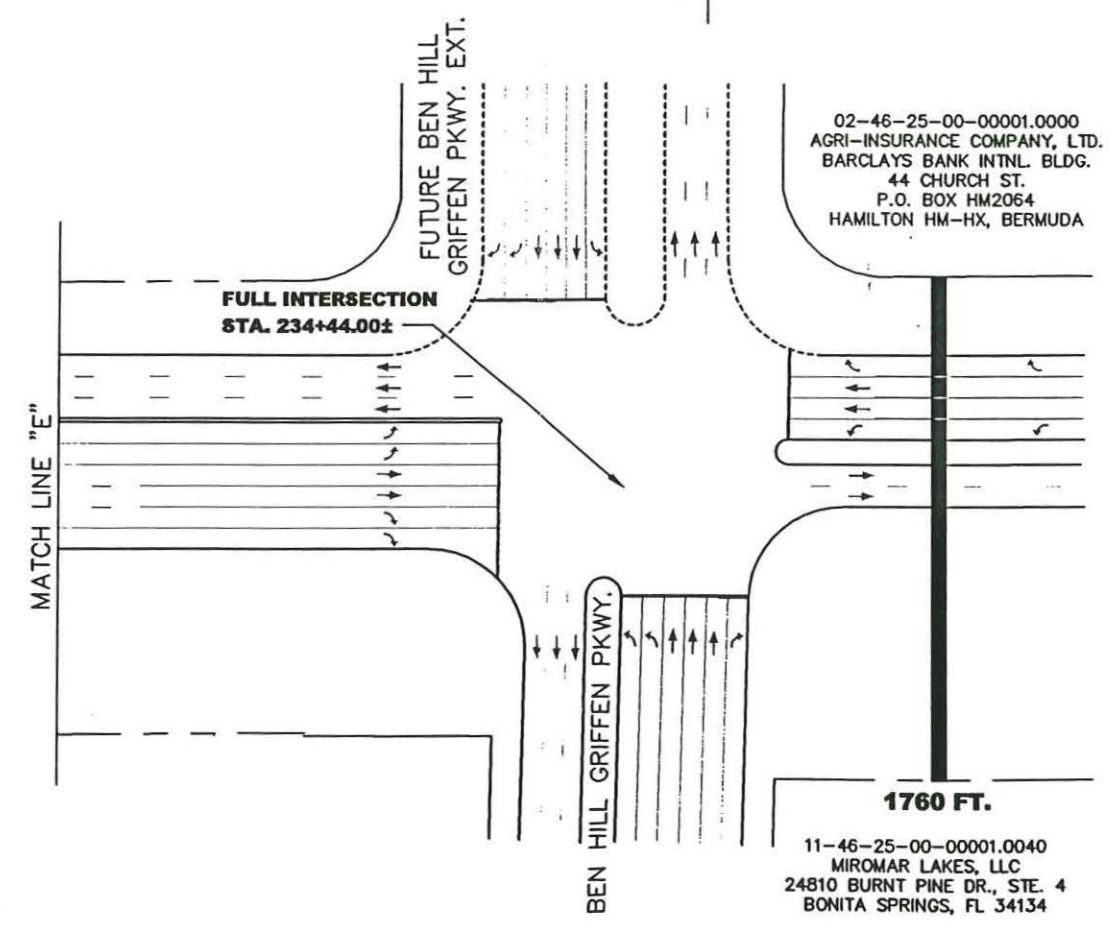
DEPARTMENT  
 of  
 TRANSPORTATION

**ALICO ROAD  
 AT I-75**

ACCESS PLAN



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



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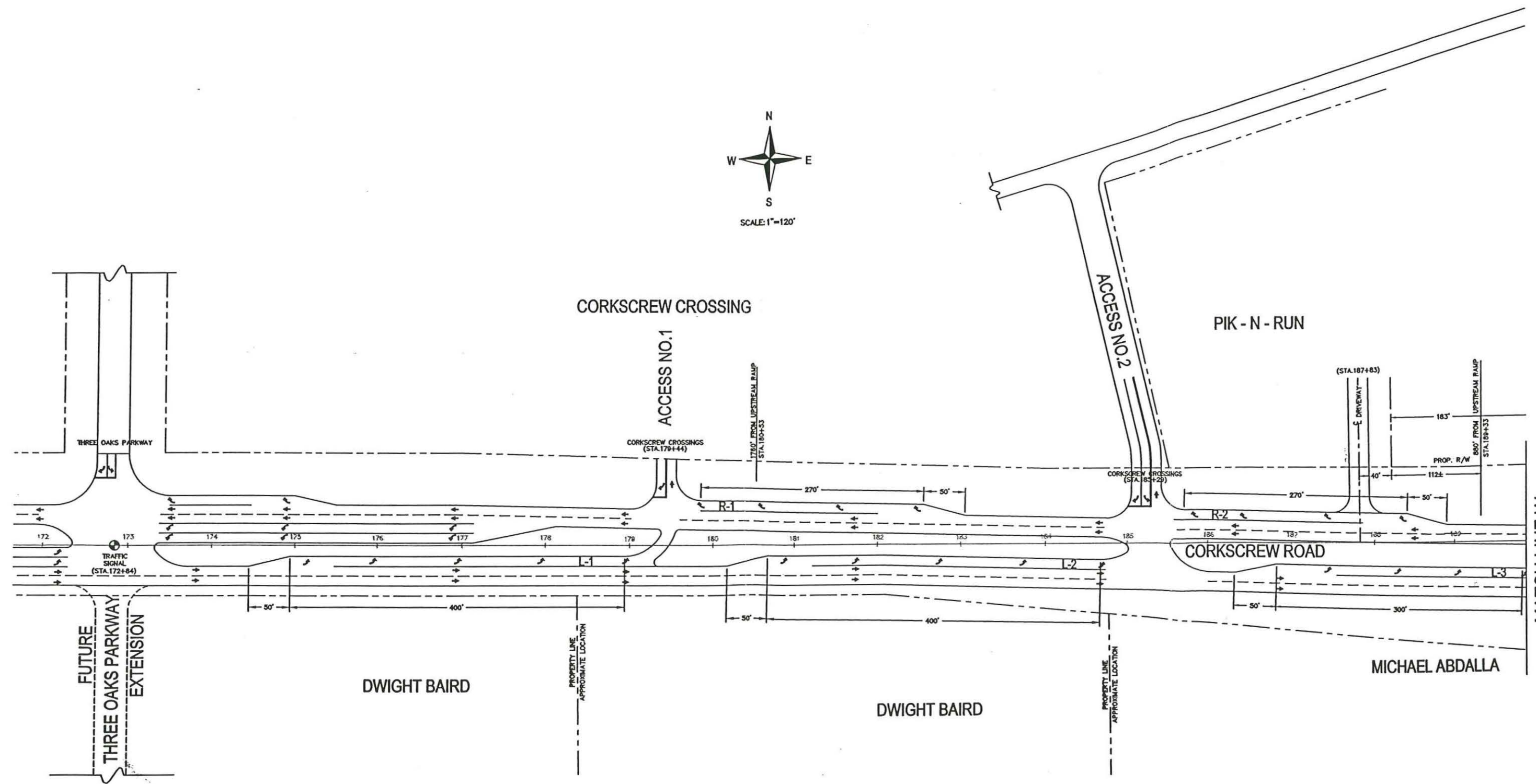
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| DESIGNED: L.W. | DATE: 1/02      | HORIZ. SCALE: 1"=50' |
| DRAWN: L.L.C.  | DATE: 1/02      | V=100' (11"x17")     |
| CHECKED: L.W.  | DATE: 1/02      | VERT. SCALE: N/A     |
| PROJ. NO.:     | FILE: 090462804 | N/A (11"x17")        |

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

 PUBLIC WORKS  
LEE COUNTY  
SOUTHWEST  
FLORIDA  
1800 MONROE STREET  
(841) 478-8900 www.lee-county.com/publicworks/dotfiles.htm

DEPARTMENT  
of  
TRANSPORTATION  
FORT MYERS, FLORIDA 33901

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



JOB NO: 990623  
FILE:

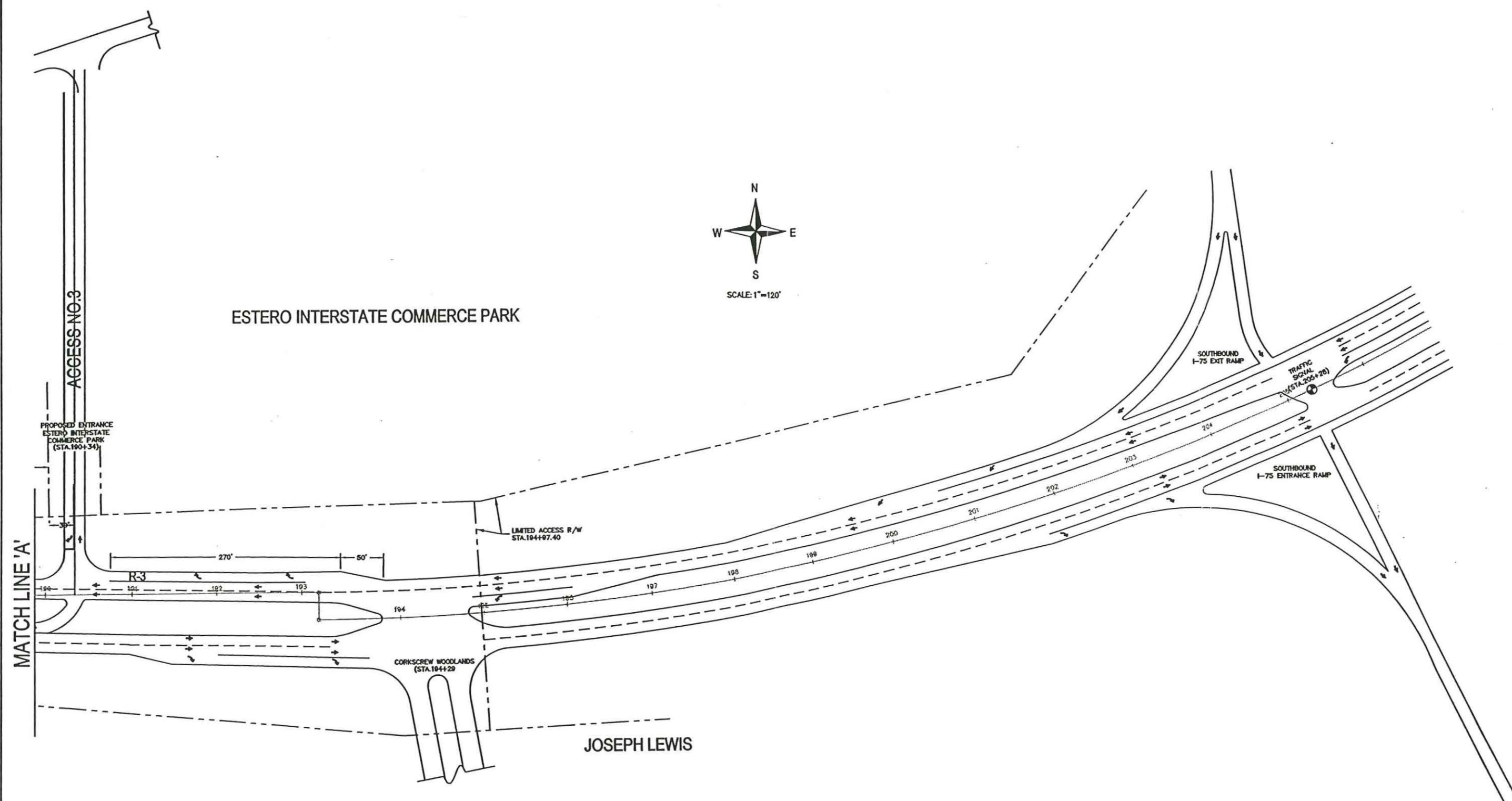
| REVISIONS |    |             |      |    |             |
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|                |        |         |         |        |         |
|----------------|--------|---------|---------|--------|---------|
| DESIGNED BY    | NAME   | DATE    | DRAWN   | NAME   | DATE    |
| CHECKED BY     | T.B.T. | 3/21/00 | A.J.R.  | A.J.R. | 3/21/00 |
| SUPERSEDED BY: | J.M.B. | 3/21/00 | CHECKED |        |         |

APPROVED BY:

METRO TRANSPORTATION GROUP, INC.  
A/K/A SOUTHWEST  
TRANSPORTATION ENGINEERING, INC.  
1542 COLONIAL BLVD., SUITE 30  
FORT MYERS, FLORIDA 33907  
(888) 876-3000

**CORKSCREW ROAD ACCESS PLAN  
THREE OAKS PARKWAY TO I-75**



JOB NO: 990623  
FILE:

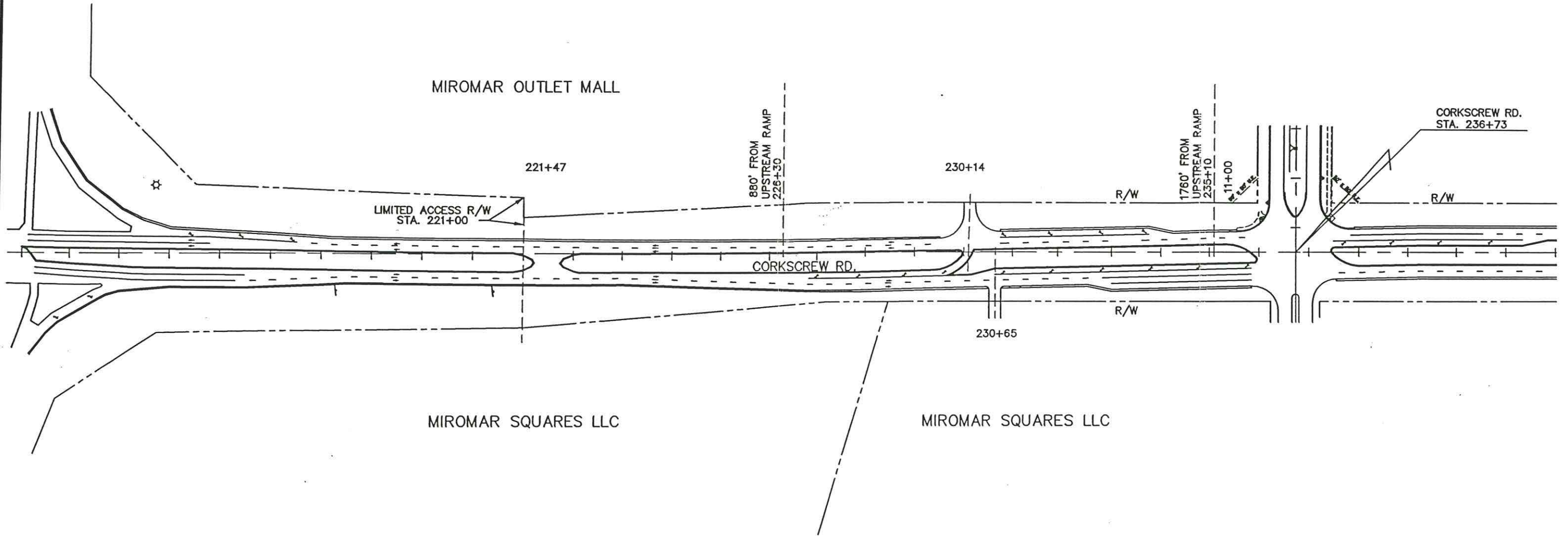
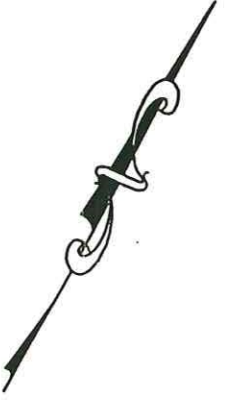
| REVISIONS |    |             |      |    |             |
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| DATE      | BY | DESCRIPTION | DATE | BY | DESCRIPTION |
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|----------------|--------|------|---------|---------|--------|------|---------|
| DESIGNED BY    | T.B.T. | DATE | 3/21/00 | DRAWN   | A.J.R. | DATE | 3/21/00 |
| CHECKED BY     | J.M.B. | DATE | 3/21/00 | CHECKED |        |      |         |
| SUPERVISED BY: |        |      |         |         |        |      |         |

APPROVED BY:

METRO TRANSPORTATION GROUP, INC.  
A/E/A SOUTHWEST  
TRANSPORTATION ENGINEERING, INC.  
1542 COLONIAL BLVD., SUITE 20  
FORT MYERS, FLORIDA 33907  
(811) 278-3000

**CORKSCREW ROAD ACCESS PLAN  
THREE OAKS PARKWAY TO I-75**



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

| NO. | DATE | BY | REVISIONS - DESCRIPTION |
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|--------------|--------|-------|------|---------------|----------|
| DESIGNED:    | M.A.R. | DATE: | 1/00 | HORIZ. SCALE: | 1"=200'  |
| DRAWN:       | M.T.S. | DATE: | 1/00 | VERT. SCALE:  |          |
| CHECKED:     | M.A.R. | DATE: | 1/00 | FILE NAME:    | 00003801 |
| PROJECT NO.: | 0713   | DATE: | 1/00 | DISK NO.:     | 07001    |

PUBLIC WORKS ADMINISTRATION  
  
 1600 MONROE STREET FORT MYERS, FLORIDA 33901  
 841-479-6600  
 DEPARTMENT OF TRANSPORTATION

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

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 of  
 1  
 SHEETS