



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

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Adoption Document

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January 9, 2003

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



Text Amendment



Map Amendment

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

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 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 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 ⁽¹⁾	MEDIAN OPENING?	MOVEMENT	CONNECTION
172+84	n/a	Yes	All	Three Oaks Parkway
179+44	660 ft.	Yes	EB to NB Left-in ⁽²⁾ 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 ⁽³⁾	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 ⁽⁴⁾	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)

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

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

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

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

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

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

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

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

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

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

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

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

B. CONCLUSIONS

As a follow-up to PAT 99-27, which added a specific access management plan for Corkscrew Road to Policy 1.3.8, similar plans also need to be defined and added for Alico Road, Bonita Beach Road and 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⁽¹⁾</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⁽²⁾</u>	<u>Rt-in/Rt-out from S</u> <u>WB to SB Left-in</u> <u>NB to WB Left-out⁽²⁾</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⁽³⁾</u> <u>Rt-in/Rt-out from N& S</u>	<u>Coca-Cola Bottling Co. (N)</u> <u>University Plaza (S)</u>
<u>234+44</u>	<u>1163 ft.</u>	<u>Yes</u>	<u>All</u>	<u>Ben Hill Griffin Pkwy.</u>

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

⁽²⁾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⁽¹⁾</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 ⁽²⁾ 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 ⁽³⁾	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 ⁽⁴⁾	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:

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

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

DATE OF TRANSMITTAL HEARING: September 5, 2002

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

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

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

C. VOTE:

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

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

DATE OF ORC REPORT: November 22, 2002

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

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

B. STAFF RESPONSE

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

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

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

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

⁽²⁾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.

⁽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.

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

DATE OF ADOPTION HEARING: January 9, 2003

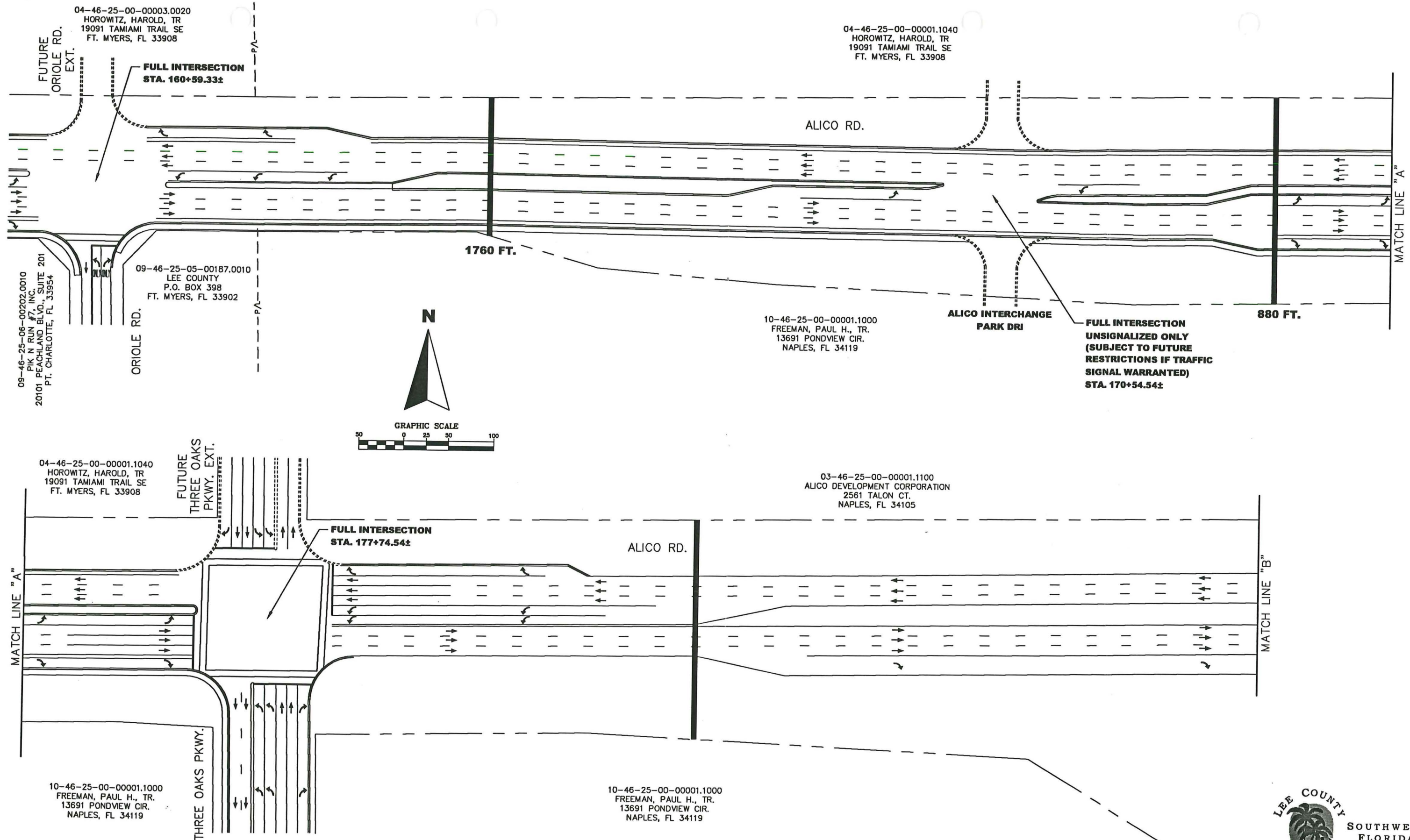
A. BOARD REVIEW: Following a DOT staff explanation of the change between Oriole Road and Three Oaks Parkway, Commissioner Judah questioned the feasibility of allowing the median opening and then closing it later if a signal is warranted. Staff noted that the property owners were on notice with the language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

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

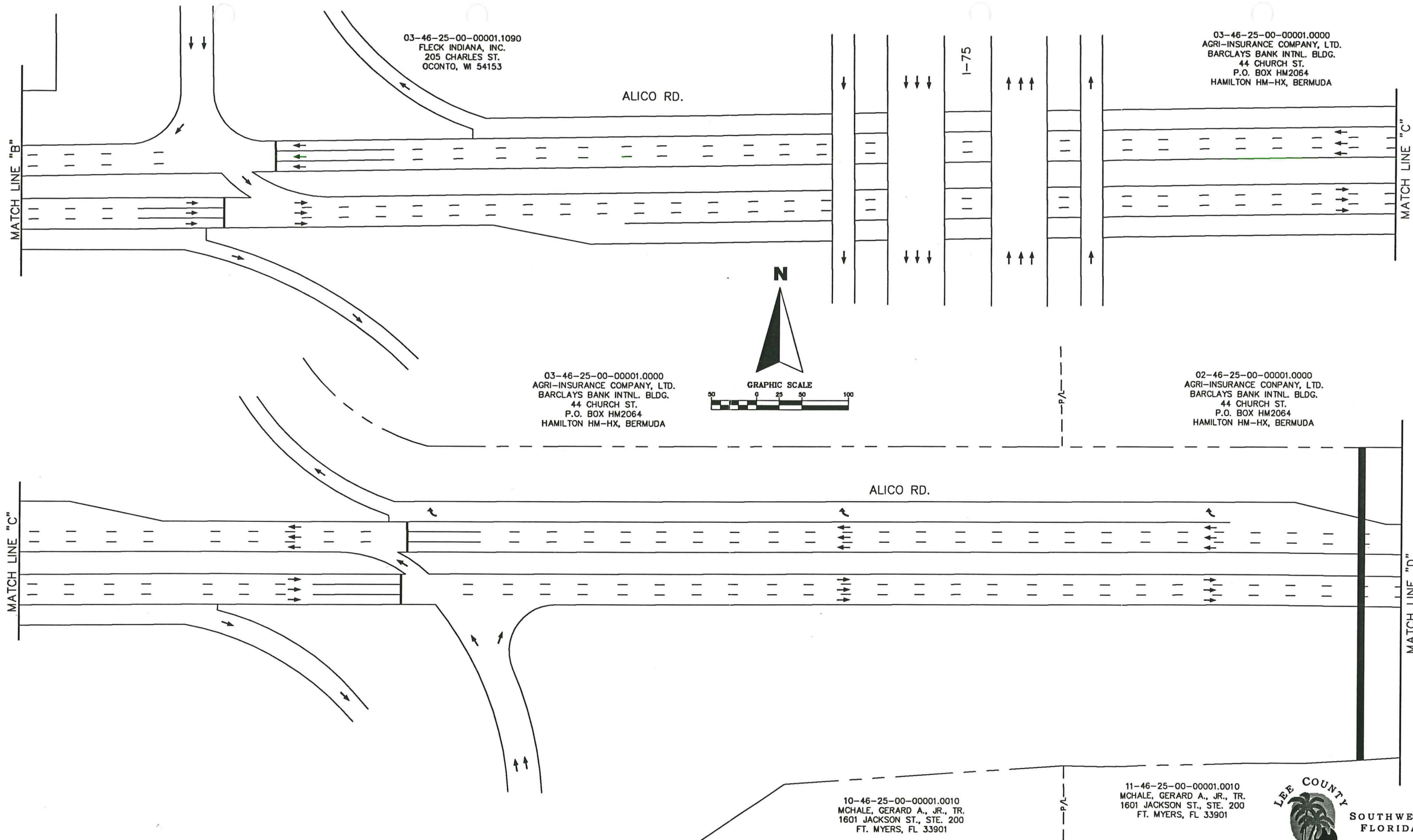
1. **BOARD ACTION:** The Board voted unanimously to adopt the amendment, on a motion by Commissioner Albion and a second by Commissioner Coy.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff.

C. VOTE:

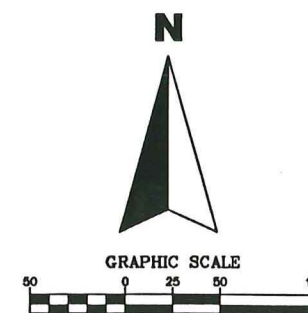
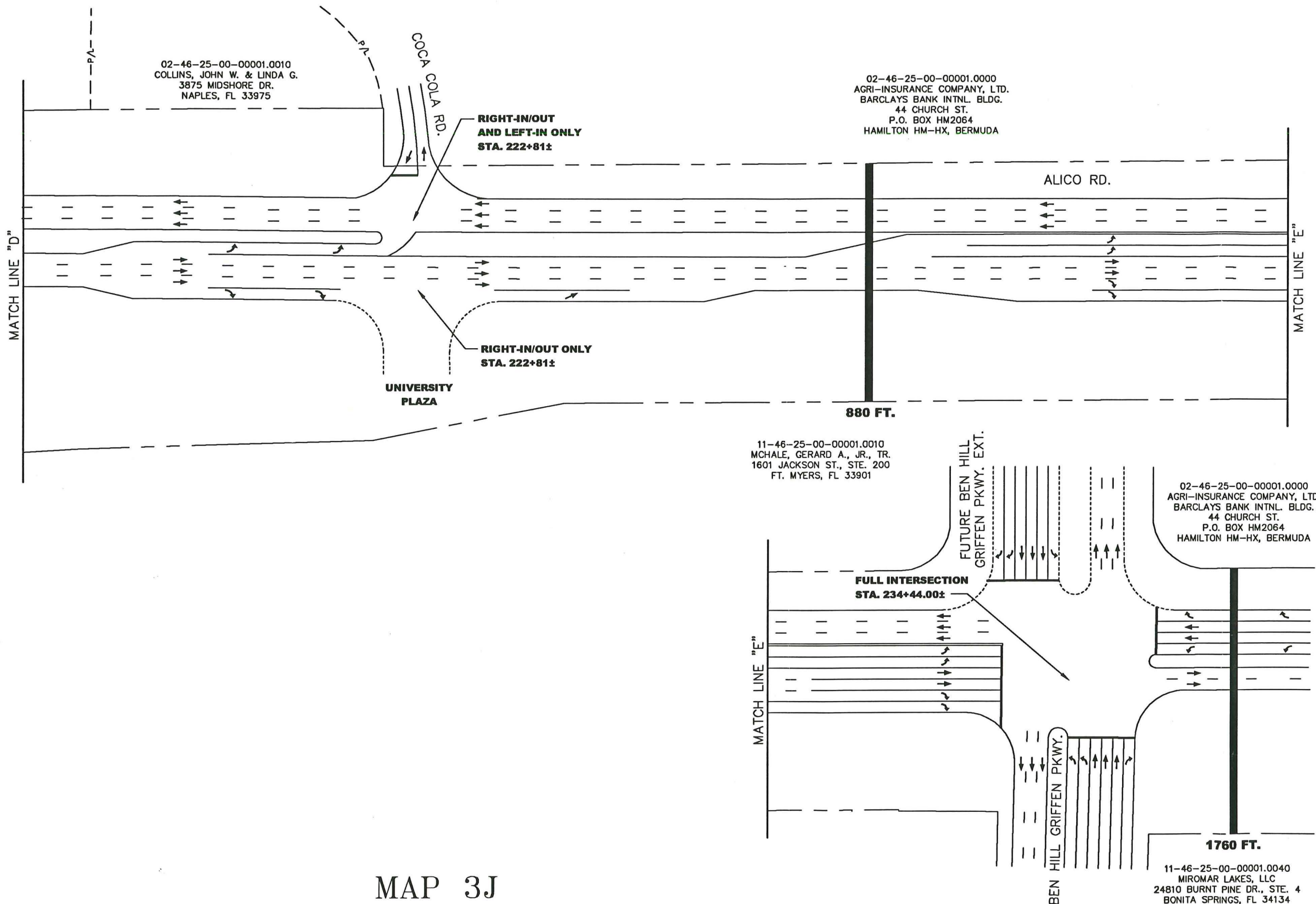
JOHN ALBION	<u>AYE</u>
ANDREW COY	<u>AYE</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
DOUG ST. CERNY	<u>AYE</u>



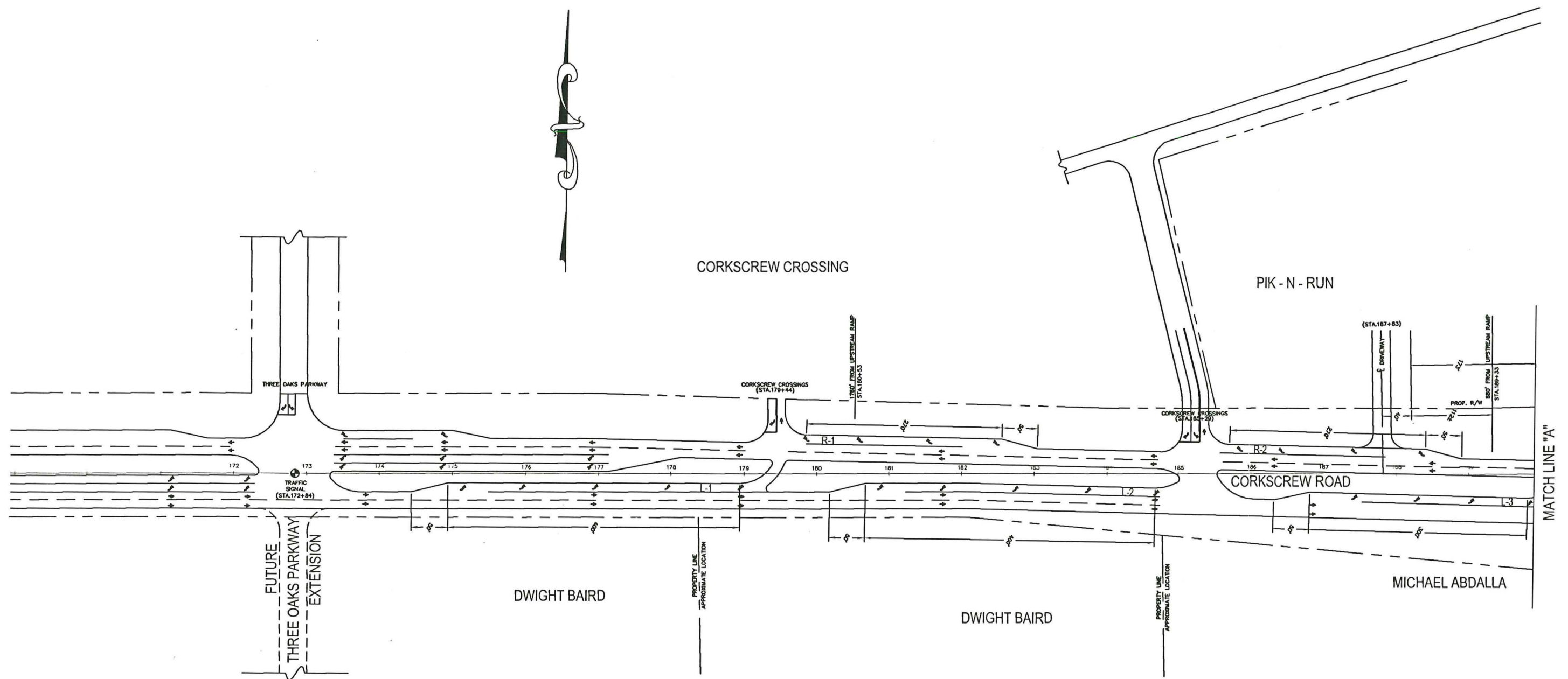
MAP 3J ALICO ROAD ACCESS PLAN ORIOLE ROAD TO BEN HILL GRIFFIN PARKWAY



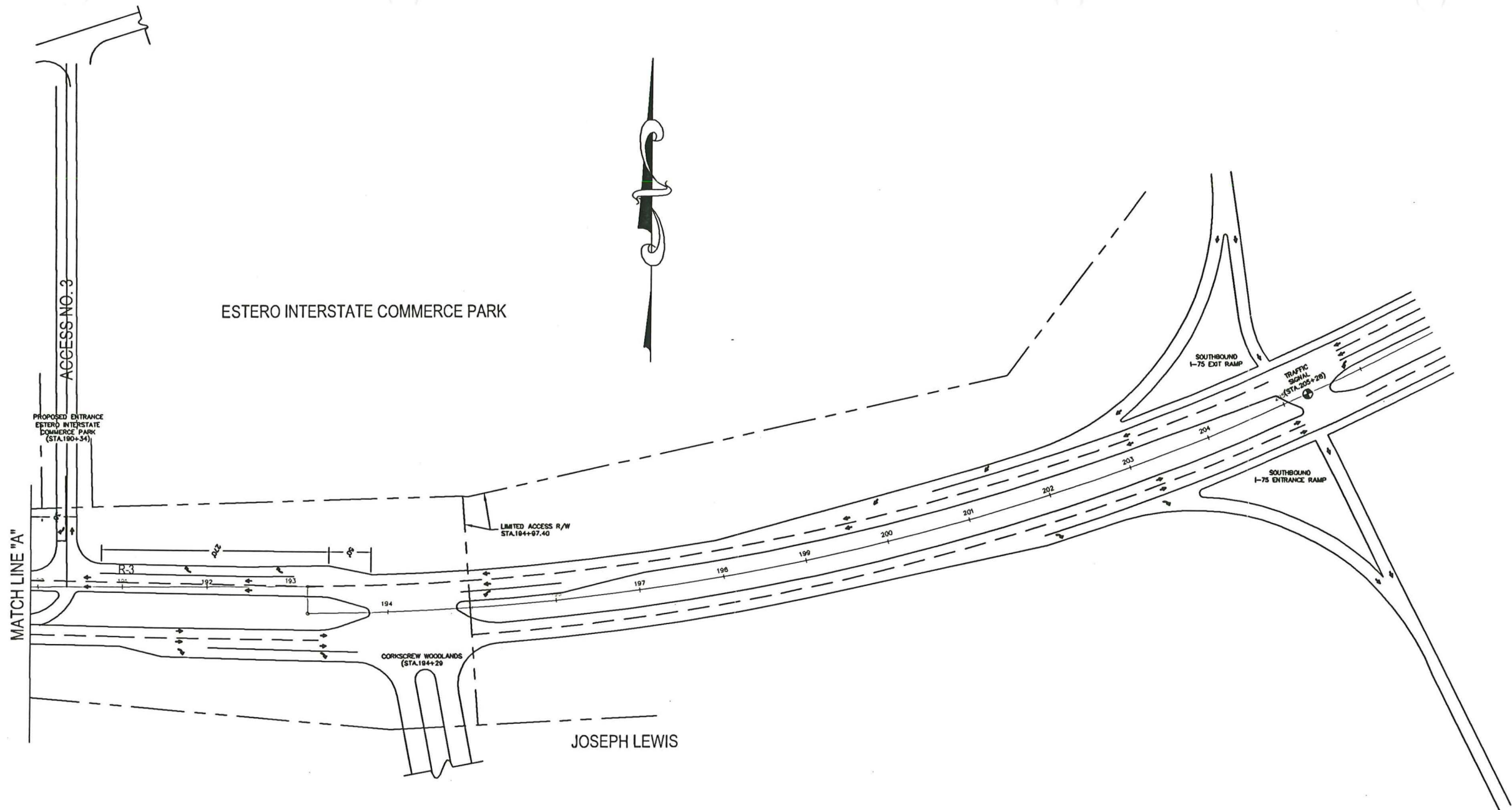
MAP 3J ALICO ROAD ACCESS PLAN ORIOLE ROAD TO BEN HILL GRIFFIN PARKWAY



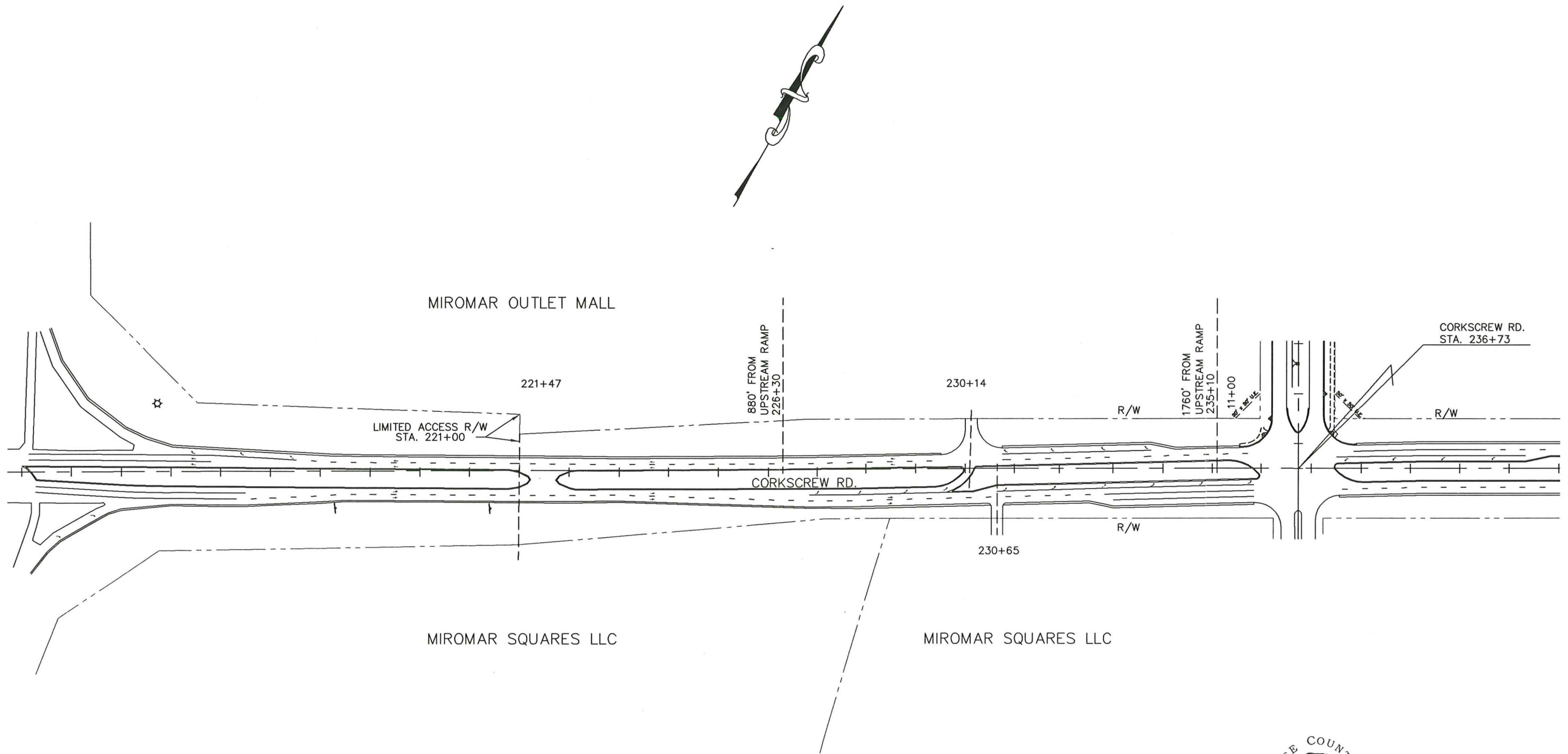
MAP 3J ALICO ROAD ACCESS PLAN ORIOLE ROAD TO BEN HILL GRIFFIN PARKWAY



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



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



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



MAP 3K - PAGE 3 OF 3
 (ADDED BY ORDINANCE # 03 - 05)
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PAVESE, HARRERFIELD, DALTON, HARRISON & JENSEN, L.L.P.

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PLEASE REPLY TO:
FORT MYERS OFFICE

8/7/02 Copy: M. Noble
D. Loveland
File 2001-12

September 3, 2002

Mr. Paul O'Connor
Lee County Planning
1500 Monroe Street
Fort Myers, Florida 33901

RE: CPA 2001-12-M/T

Dear Paul:

I wanted to take this opportunity to write to express concern regarding the proposed amendment. The staff is recommending the addition of the following language:

The specified turning movements are not to be construed as conveying a property right or creating any exception 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 or safety issues.

I represent a property owner who has invested considerable time and effort in the development of property in the southeast quadrant of I-75 and Bonita Beach Road. James A. Bernet owns the property and spent considerable time, effort and money in the entitlement process. The connections to Bonita Beach Road have been permitted and installed. A portion of the property has been sold and is now developed with a Publix shopping center. Adequate and reasonable access to the property is a major concern. Thus, the property owner would like to be put on a list to receive information on any proposed changes to access points, and median cuts on Bonita Beach Road at the earliest possible time.

The property owner is very concerned about the proposed amendment to Policy 1.3.8. James A. Bernet has proceeded forward in reliance on the approvals. It is the owner's understanding that the loss of access, or the loss of a turning movement can be compensable, and that the determination of compensability is a factual determination for the trier of fact. The proposed amendment language appears to predetermine compensability. I would respectfully request that the amendment language be eliminated. The Bernwood Park of Commerce was approved prior to the inclusion of this language and the access points were approved prior to the inclusion of this language. James A. Bernet wants to respectfully place the County on notice that the inclusion of this language in the plan does not divest him of any rights that have vested through the entitlement process. James A. Bernet has proceeded forward in reliance on the approvals that have been granted. The County certainly has the right to adjust access points and turning movements for operational and safety reasons. However, the County should not include the language that seeks to deprive the property owner of just compensation in those instances when the loss of a turning movement or access point is compensable. Since this is a factual determination the County should not usurp the authority of the judiciary to make such a determination, nor should it deprive the property owner of the opportunity to seek such a determination. I would also note that access on Bonita Beach Road was reviewed, studied and established at the time that roadway was widened. The access points were

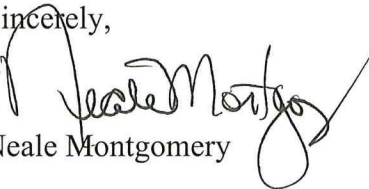
LEE COUNTY
RECEIVED
02 SEP - 6 AM 11:29
COMM. DEV.
PUB. WORKS. CNTR.
SECOND FLOOR

Mr. Paul O'Connor
September 3, 2002
Page 2

reanalyzed as part of the zoning. Right-of-way for a portion of Bonita Beach Road was provided by Mr. Bernet and access was a consideration for the right-of-way. I would respectfully request that Charlie Maurer of Development Associates on behalf of Mr. Bernet be notified of any future studies, plans, or changes.

Your consideration of this matter is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Neale Montgomery", with a long, sweeping horizontal stroke extending to the right.

Neale Montgomery

NM:tlb
F:\WPDATA\NM\ber80access.wpd

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

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**BoCC Public Hearing Document
for the
January 9th, 2003 Adoption Hearing**

*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

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

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 Luckett 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 Luckett 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 Luckett 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 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 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 ⁽¹⁾	MEDIAN OPENING?	MOVEMENT	CONNECTION
172+84	n/a	Yes	All	Three Oaks Parkway
179+44	660 ft.	Yes	EB to NB Left-in ⁽²⁾ 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 ⁽³⁾	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 ⁽⁴⁾	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)

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

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

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

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

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

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

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

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

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

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

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

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

B. CONCLUSIONS

As a follow-up to PAT 99-27, which added a specific access management plan for Corkscrew Road to Policy 1.3.8, similar plans also need to be defined and added for Alico Road, Bonita Beach Road and 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 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⁽¹⁾</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⁽²⁾</u>	<u>Rt-in/Rt-out from S</u> <u>WB to SB Left-in</u> <u>NB to WB Left-out⁽²⁾</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⁽³⁾</u> <u>Rt-in/Rt-out from N&S</u>	<u>Coca-Cola Bottling Co. (N)</u> <u>University Plaza (S)</u>
<u>234+44</u>	<u>1163 ft.</u>	<u>Yes</u>	<u>All</u>	<u>Ben Hill Griffin Pkwy.</u>

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

⁽²⁾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⁽¹⁾</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 ⁽²⁾ 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 ⁽³⁾	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 ⁽⁴⁾	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:

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

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

DATE OF TRANSMITTAL HEARING: September 5, 2002

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

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

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

C. VOTE:

JOHN ALBION

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

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

⁽²⁾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.

⁽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.

**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:

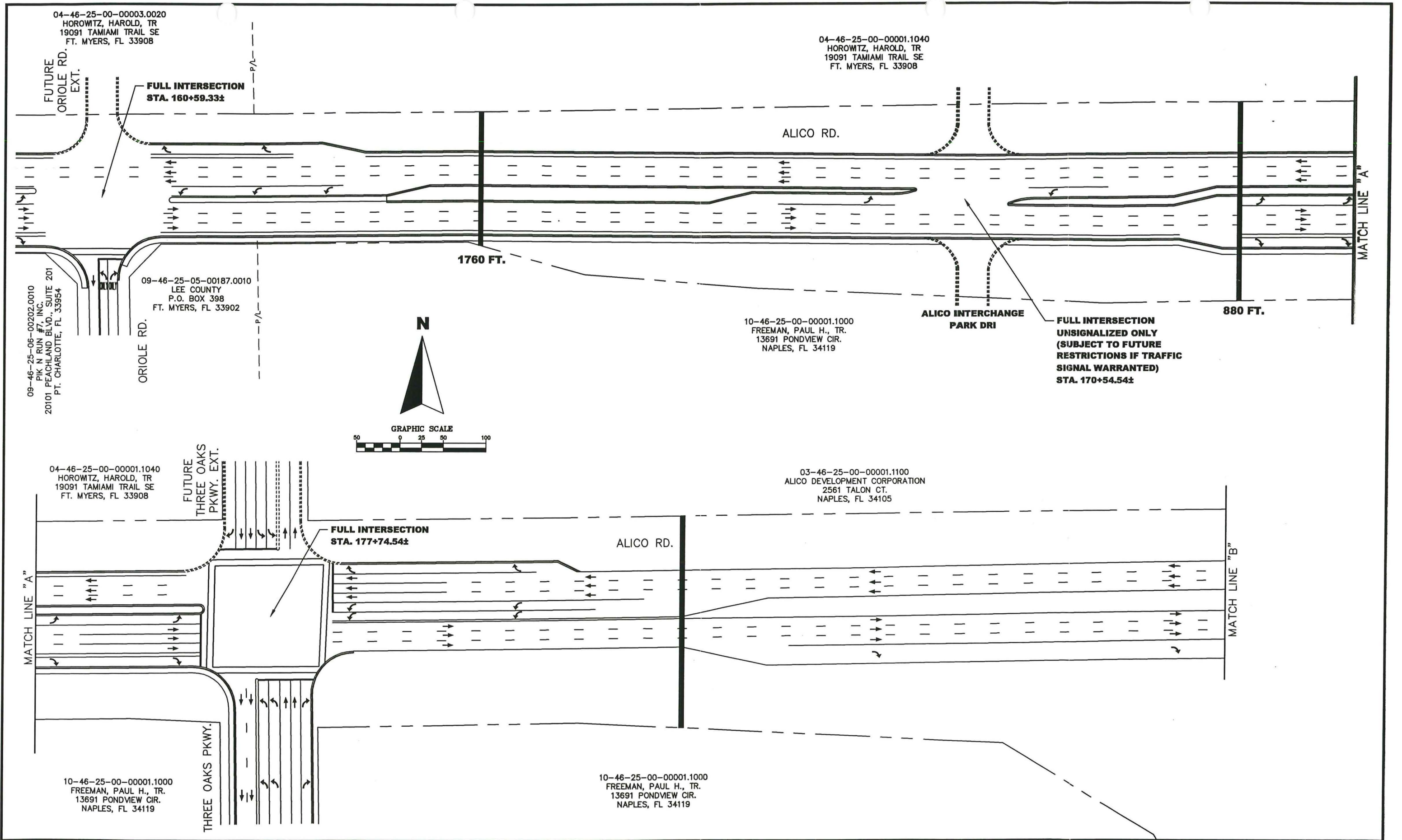
JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY



NO.	DATE	BY	REVISIONS - DESCRIPTION

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CHECKED: L.W.	DATE: 1/02	VERT. SCALE: N/A
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APPROVED BY: _____

REGISTERED PROFESSIONAL ENGINEER
FLORIDA CERTIFICATE NO. _____

DATE: _____

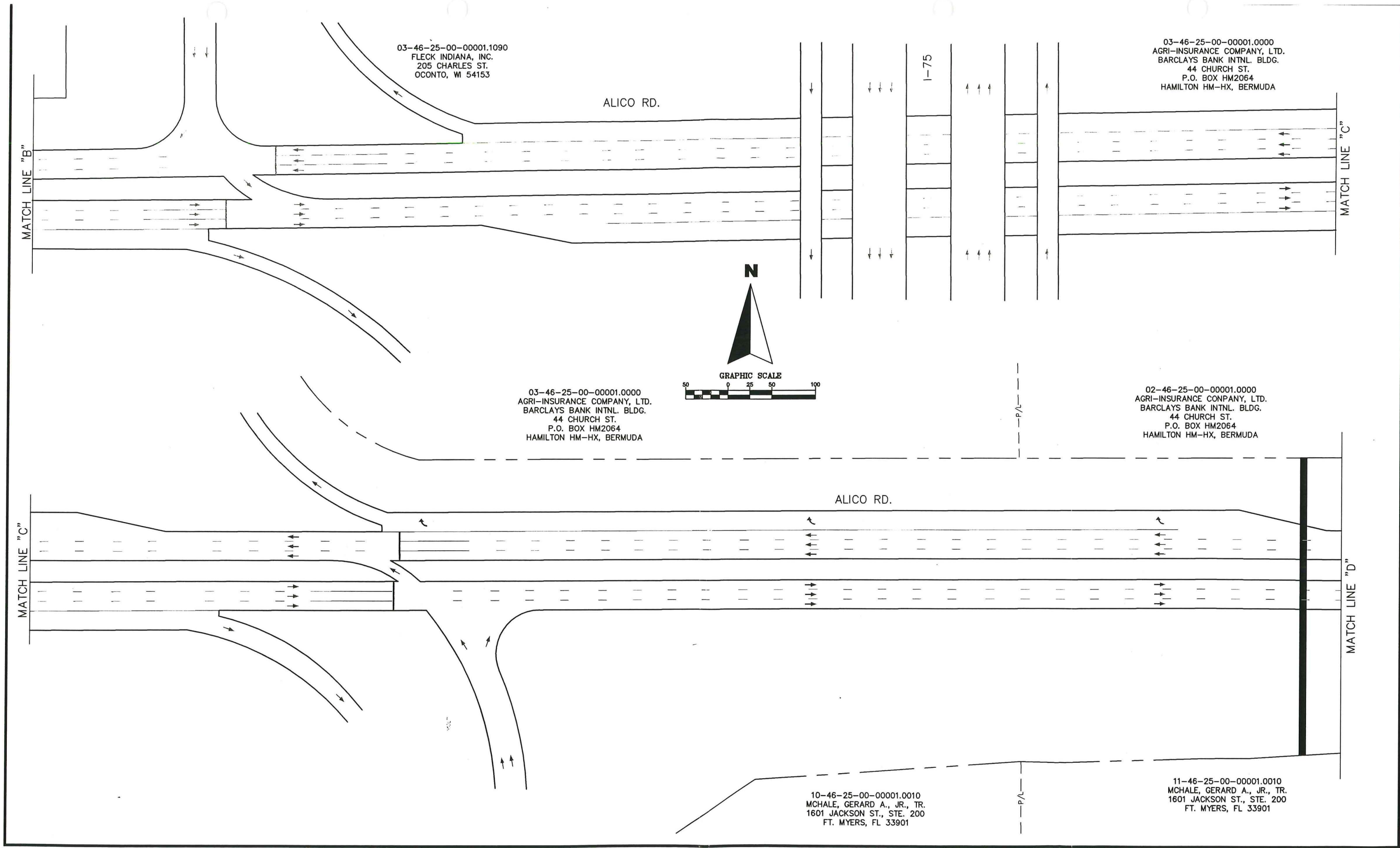


PUBLIC WORKS
LEE COUNTY
SOUTHWEST
FLORIDA
1500 MONROE STREET
(941) 479-8900 www.lee-county.com/publicworks/dotfile.htm

DEPARTMENT
of
TRANSPORTATION

FORT MYERS, FLORIDA 33901

ALICO ROAD
ORIOLE RD. TO I-75
ACCESS PLAN



NO.	DATE	BY	REVISIONS - DESCRIPTION

DESIGNED: L.W.	DATE: 1/02	HORIZ. SCALE: 1"=50'
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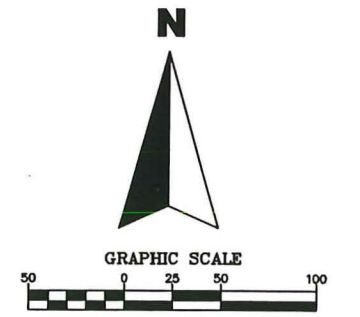
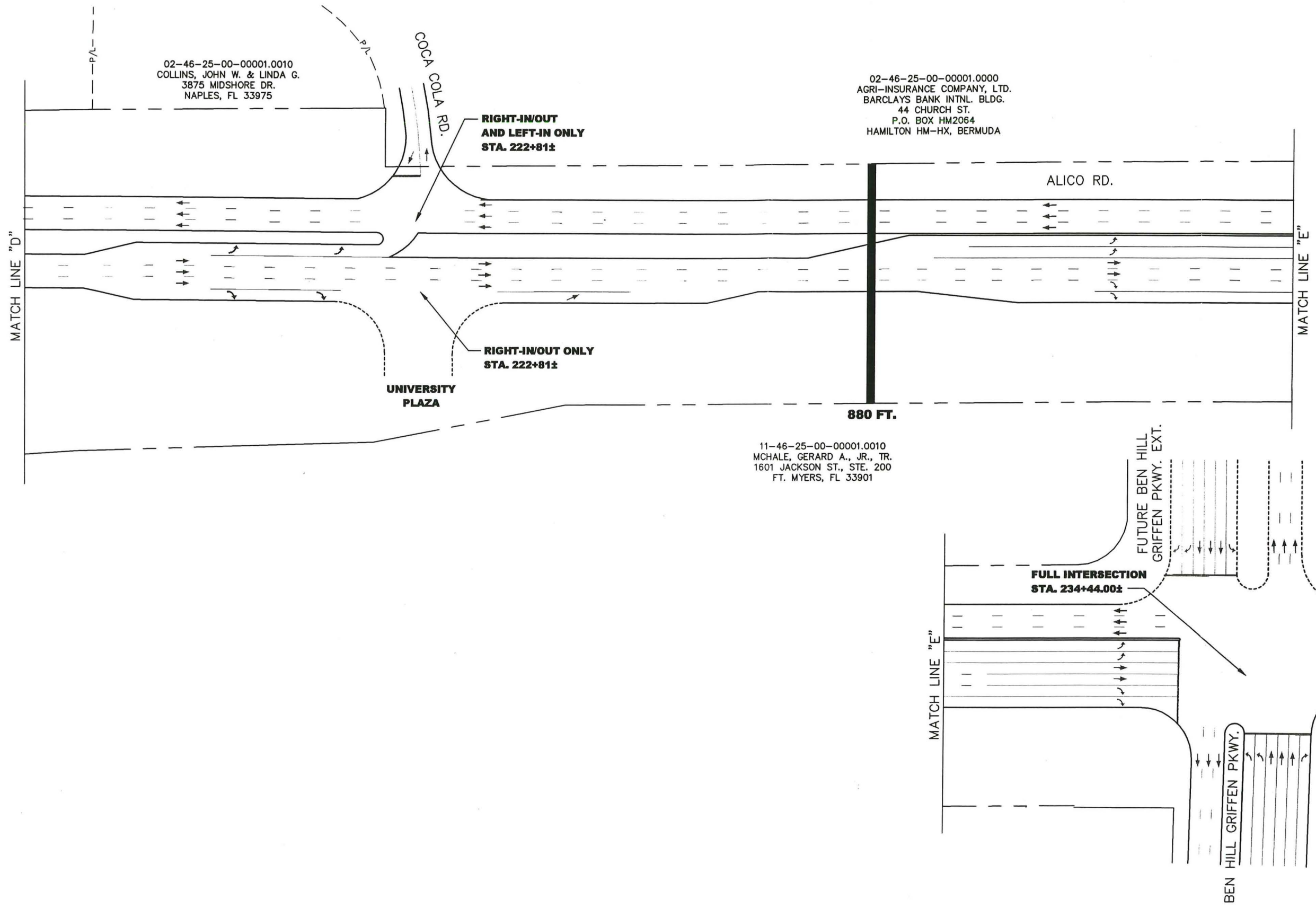
APPROVED BY: _____
REGISTERED PROFESSIONAL ENGINEER
FLORIDA CERTIFICATE NO. _____
DATE: _____



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

DEPARTMENT
of
TRANSPORTATION
FORT MYERS, FLORIDA 33901

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
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APPROVED BY: _____

REGISTERED PROFESSIONAL ENGINEER
FLORIDA CERTIFICATE NO. _____

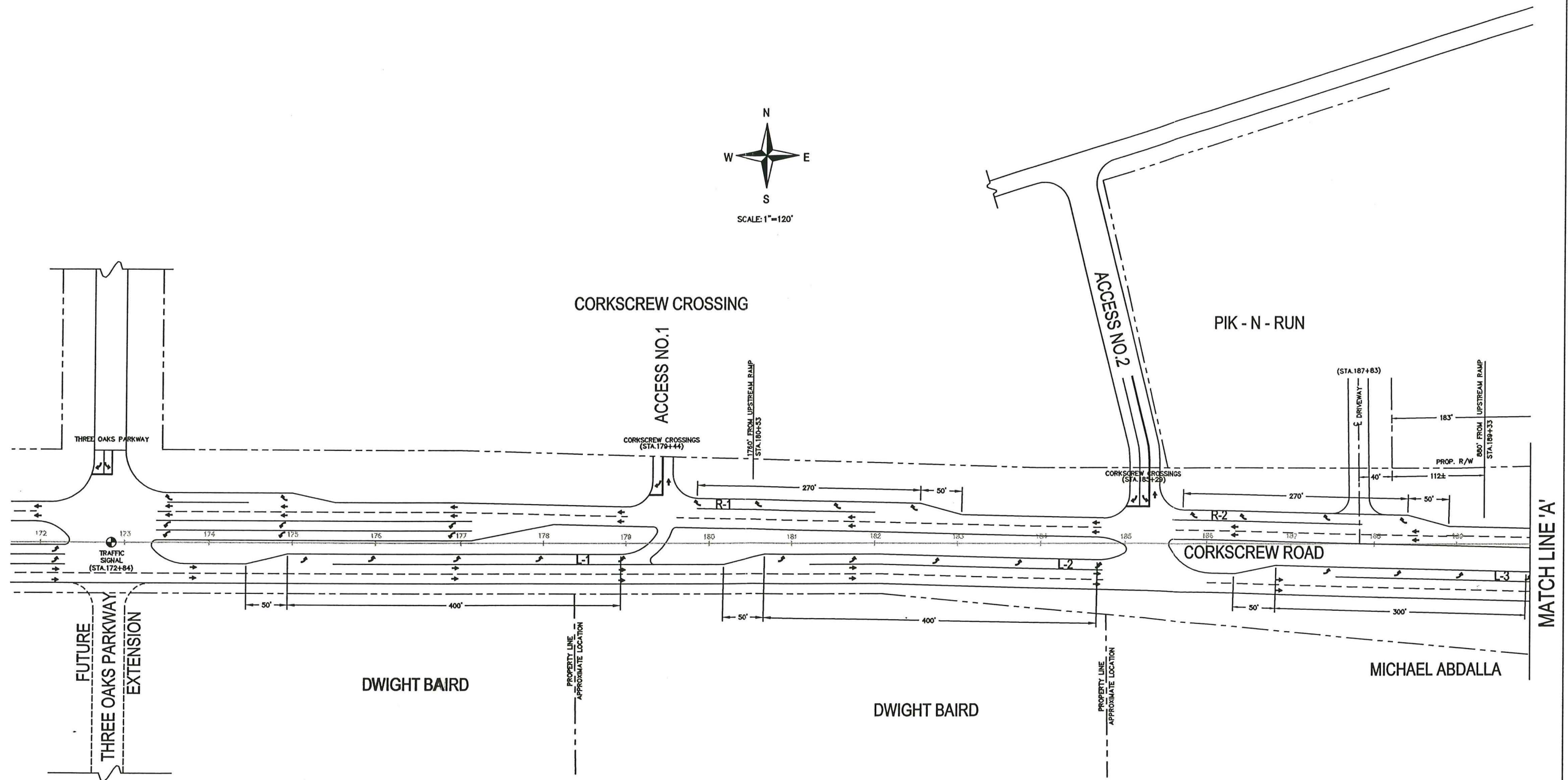
DATE: _____

PUBLIC WORKS
LEE COUNTY
SOUTHWEST
FLORIDA
1500 MONROE STREET
(941) 479-5900 www.lee-county.com/publicworks/dotfile.htm

**DEPARTMENT
of
TRANSPORTATION**

FORT MYERS, FLORIDA 33901

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



JOB NO: 990623
FILE:

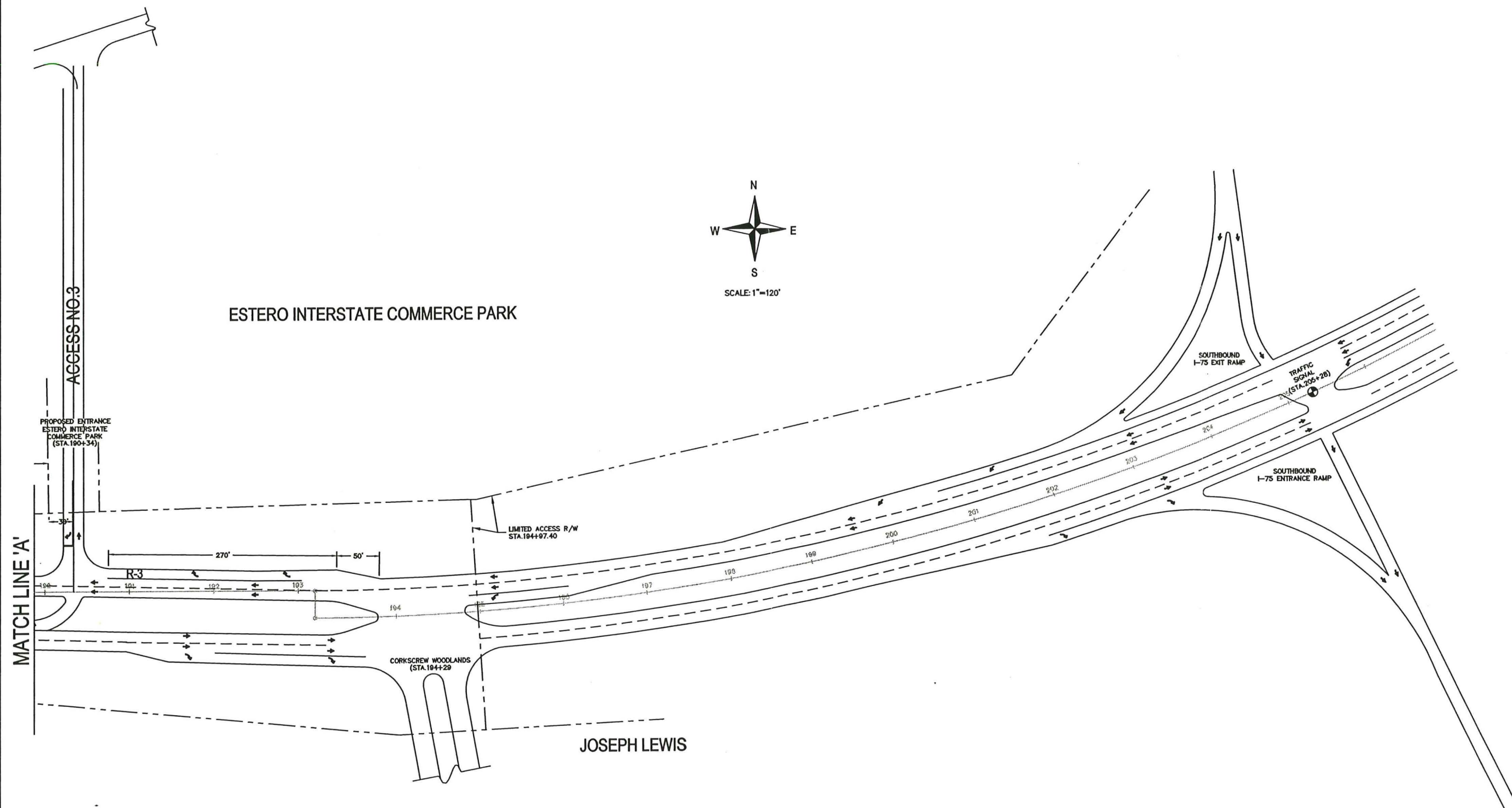
REVISIONS					
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION

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:							

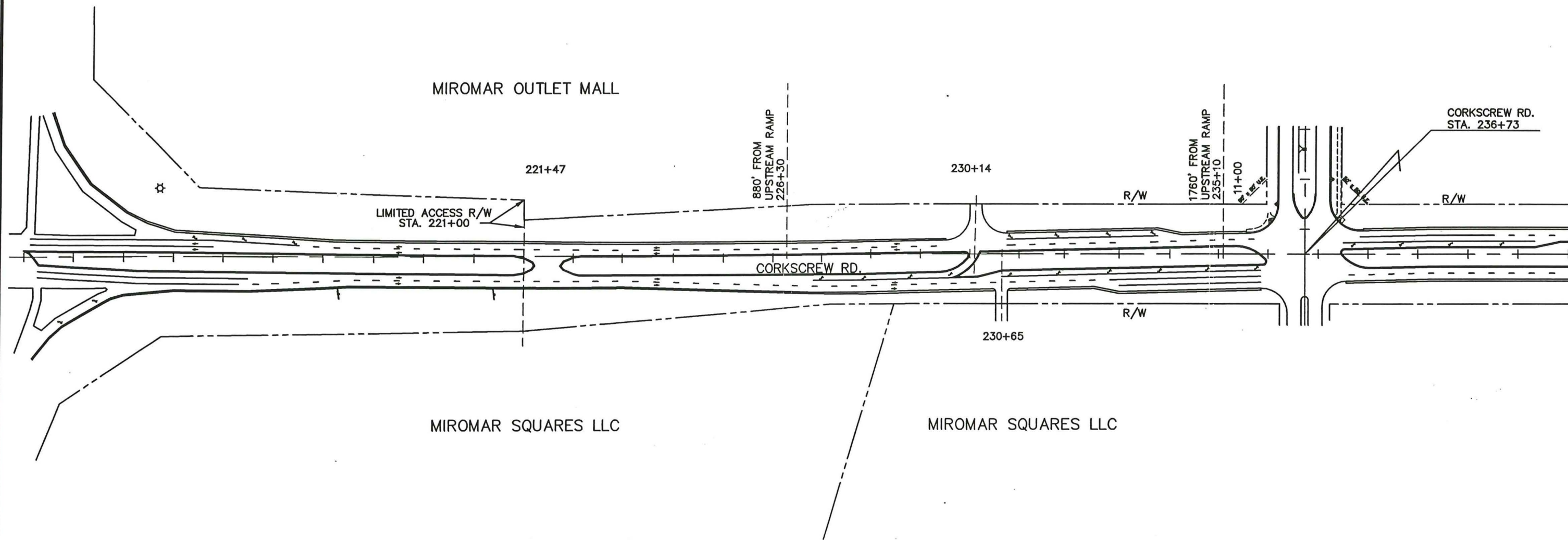
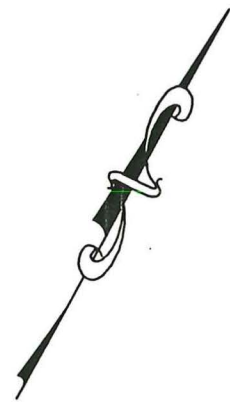
APPROVED BY:

METRO TRANSPORTATION GROUP, INC.
A/E/A SOUTHWEST
TRANSPORTATION ENGINEERING, INC.
1342 COLONIAL BLVD., SUITE 30
FORT MYERS, FLORIDA 33907
(941) 278-3090

CORKSCREW ROAD ACCESS PLAN
THREE OAKS PARKWAY TO I-75



JOB NO: 890623 FILE:	REVISIONS					NAME	DATE	NAME	DATE	APPROVED BY:	METRO TRANSPORTION GROUP, INC. A/E/A SOUTHWEST TRANSPORTATION ENGINEERING, INC. 1342 COLONIAL BLVD., SUITE 30 FORT MYERS, FLORIDA 33907 (841) 278-3080	CORKSCREW ROAD ACCESS PLAN THREE OAKS PARKWAY TO I-75			
	DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION	DESIGNED BY	T.B.T.	3/21/00				DRAWN	A.J.R.	3/21/00
							CHECKED BY	J.M.B.	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: 0000332801
PROJECT NO.: 6713	DATE: 1/00	DISK NO.: 67001

PUBLIC WORKS ADMINISTRATION
1600 MONROE STREET
841-479-8900
FORT MYERS, FLORIDA
33901
lee COUNTY
DEPARTMENT OF TRANSPORTATION

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

SHEET
1
of
1
SHEETS

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

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

DCA Transmittal Document

*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

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

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 Luckett 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 Luckett 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 Luckett 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 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 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 ⁽¹⁾	MEDIAN OPENING?	MOVEMENT	CONNECTION
172+84	n/a	Yes	All	Three Oaks Parkway
179+44	660 ft.	Yes	EB to NB Left-in ⁽²⁾ 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 ⁽³⁾	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 ⁽⁴⁾	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)*

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

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

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

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

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

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

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

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

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

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

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

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

B. CONCLUSIONS

As a follow-up to PAT 99-27, which added a specific access management plan for Corkscrew Road to Policy 1.3.8, similar plans also need to be defined and added for Alico Road, Bonita Beach Road and 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 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⁽¹⁾</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⁽²⁾</u>	<u>Rt-in/Rt-out from S</u> <u>WB to SB Left-in</u> <u>NB to WB Left-out⁽²⁾</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⁽³⁾</u> <u>Rt-in/Rt-out from N&S</u>	<u>Coca-Cola Bottling Co. (N)</u> <u>University Plaza (S)</u>
<u>234+44</u>	<u>1163 ft.</u>	<u>Yes</u>	<u>All</u>	<u>Ben Hill Griffin Pkwy.</u>

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

⁽²⁾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⁽¹⁾</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 ⁽²⁾ 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 ⁽³⁾	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 ⁽⁴⁾	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:

NOEL ANDRESS	AYE
MATT BIXLER	AYE
SUSAN BROOKMAN	AYE
RONALD INGE	AYE
GORDON REIGELMAN	ABSENT
ROBERT SHELDON	AYE
GREG STUART	ABSTAIN

**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: _____

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

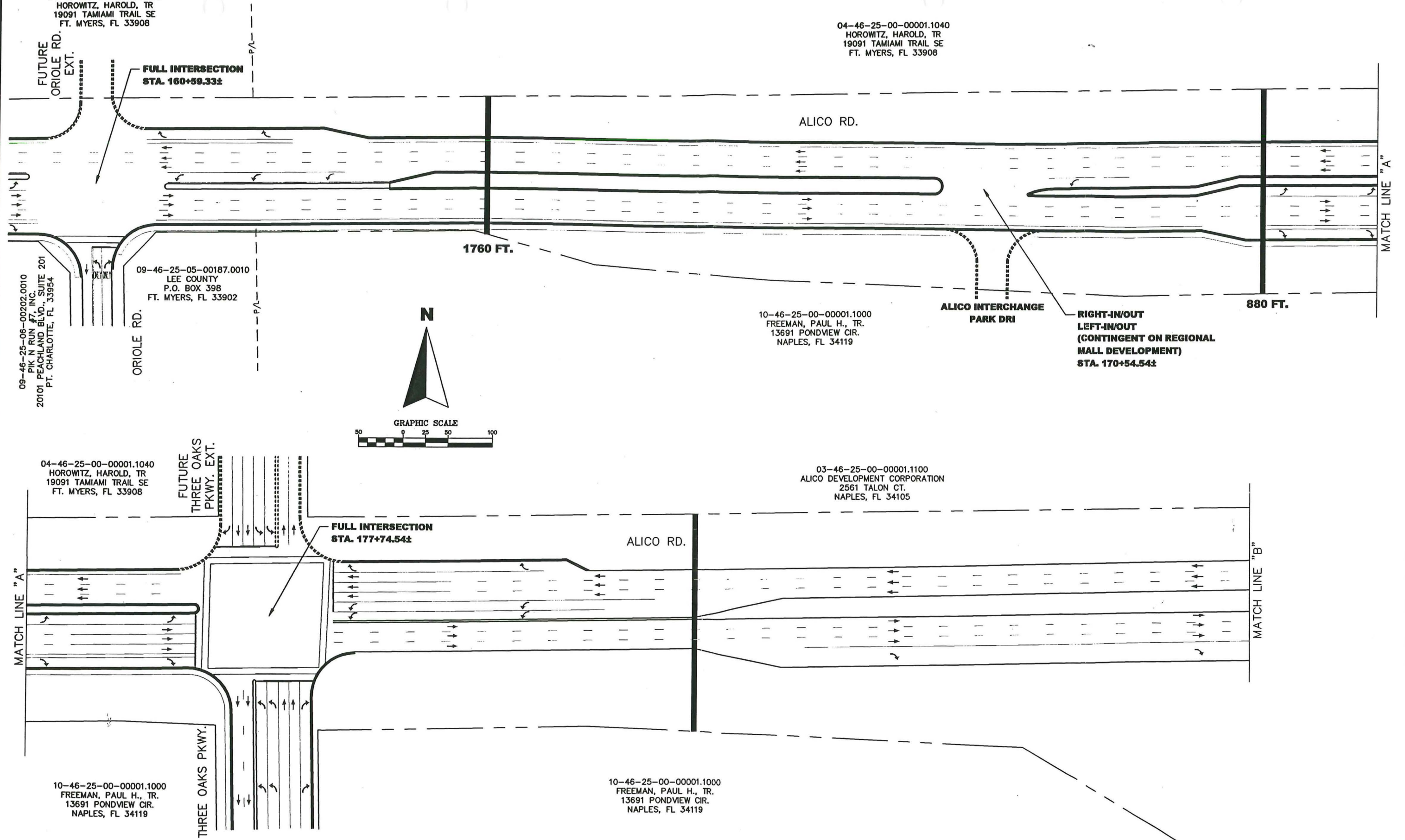
BOB JANES

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



NO.	DATE	BY	REVISIONS - DESCRIPTION

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APPROVED BY: _____
REGISTERED PROFESSIONAL ENGINEER
FLORIDA CERTIFICATE NO. _____
DATE: _____



PUBLIC WORKS
LEE COUNTY
SOUTHWEST
FLORIDA
1500 MONROE STREET
(941) 478-8900 www.lee-county.com/publicworks/dotfile.htm

DEPARTMENT
of
TRANSPORTATION
FORT MYERS, FLORIDA 33901

ALICO ROAD
ORIOLE RD. TO I-75
ACCESS PLAN

MATCH LINE "B"

MATCH LINE "C"

MATCH LINE "C"

MATCH LINE "D"

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

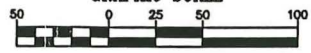
ALICO RD.

I-75

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

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.

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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APPROVED BY: _____
REGISTERED PROFESSIONAL ENGINEER
FLORIDA CERTIFICATE NO. _____
DATE: _____



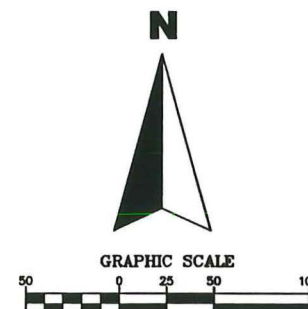
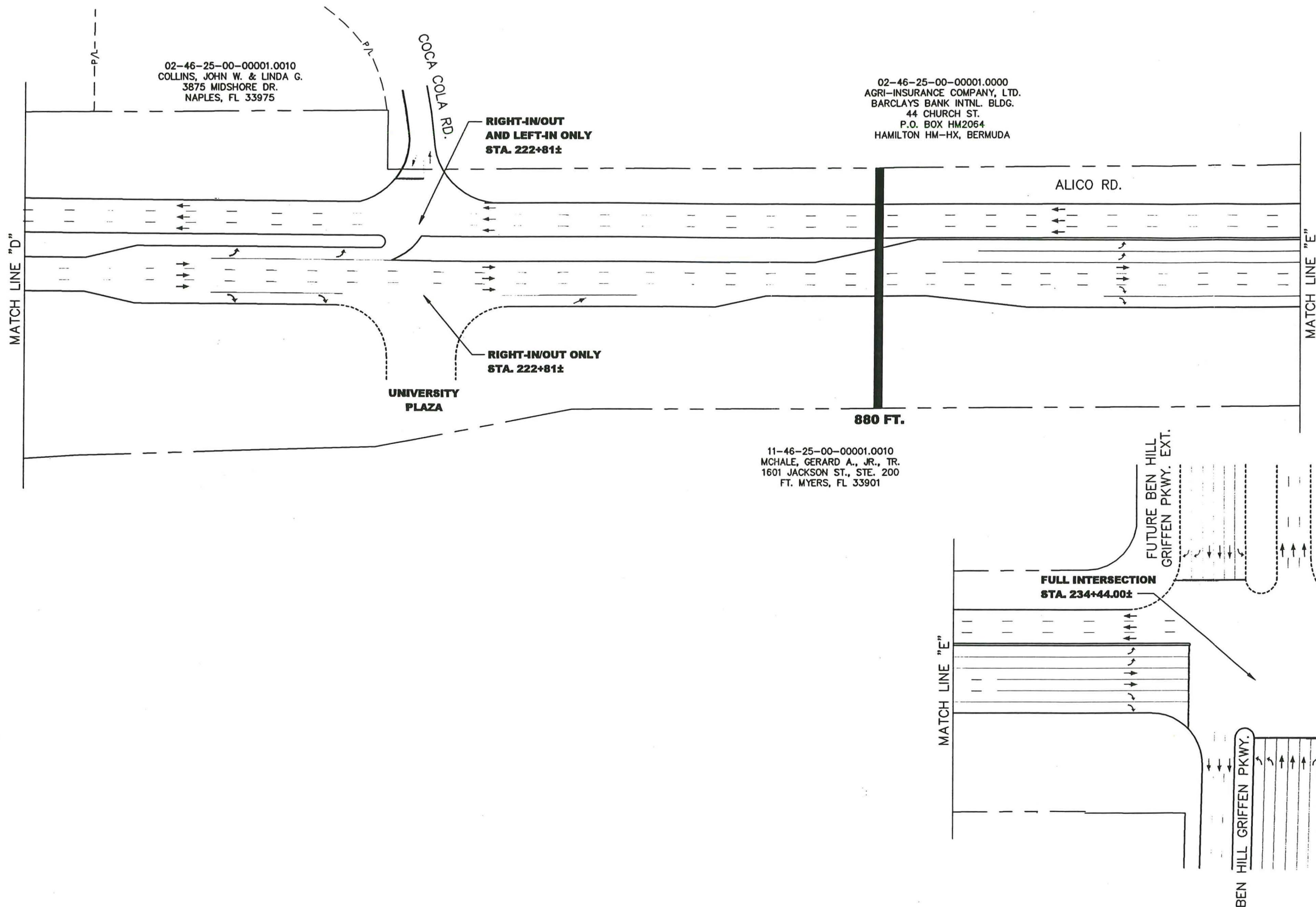
PUBLIC WORKS
LEE COUNTY
SOUTHWEST
FLORIDA
1500 MONROE STREET
FORT MYERS, FLORIDA 33901
(941) 478-8000 www.lee-county.com/publicworks/dotfile.htm

DEPARTMENT
of
TRANSPORTATION

ALICO ROAD
AT I-75

ACCESS PLAN

SHEET
2
of
3
SHEETS



NO.	DATE	BY	REVISIONS - DESCRIPTION

DESIGNED: L.W.	DATE: 1/02	HORIZ. SCALE: 1"=50'
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APPROVED BY: _____

REGISTERED PROFESSIONAL ENGINEER

FLORIDA CERTIFICATE NO. _____

DATE: _____

PUBLIC WORKS
LEE COUNTY
SOUTHWEST
FLORIDA
1500 MONROE STREET
(941) 478-8900 www.lee-county.com/publicworks/dotUse.htm

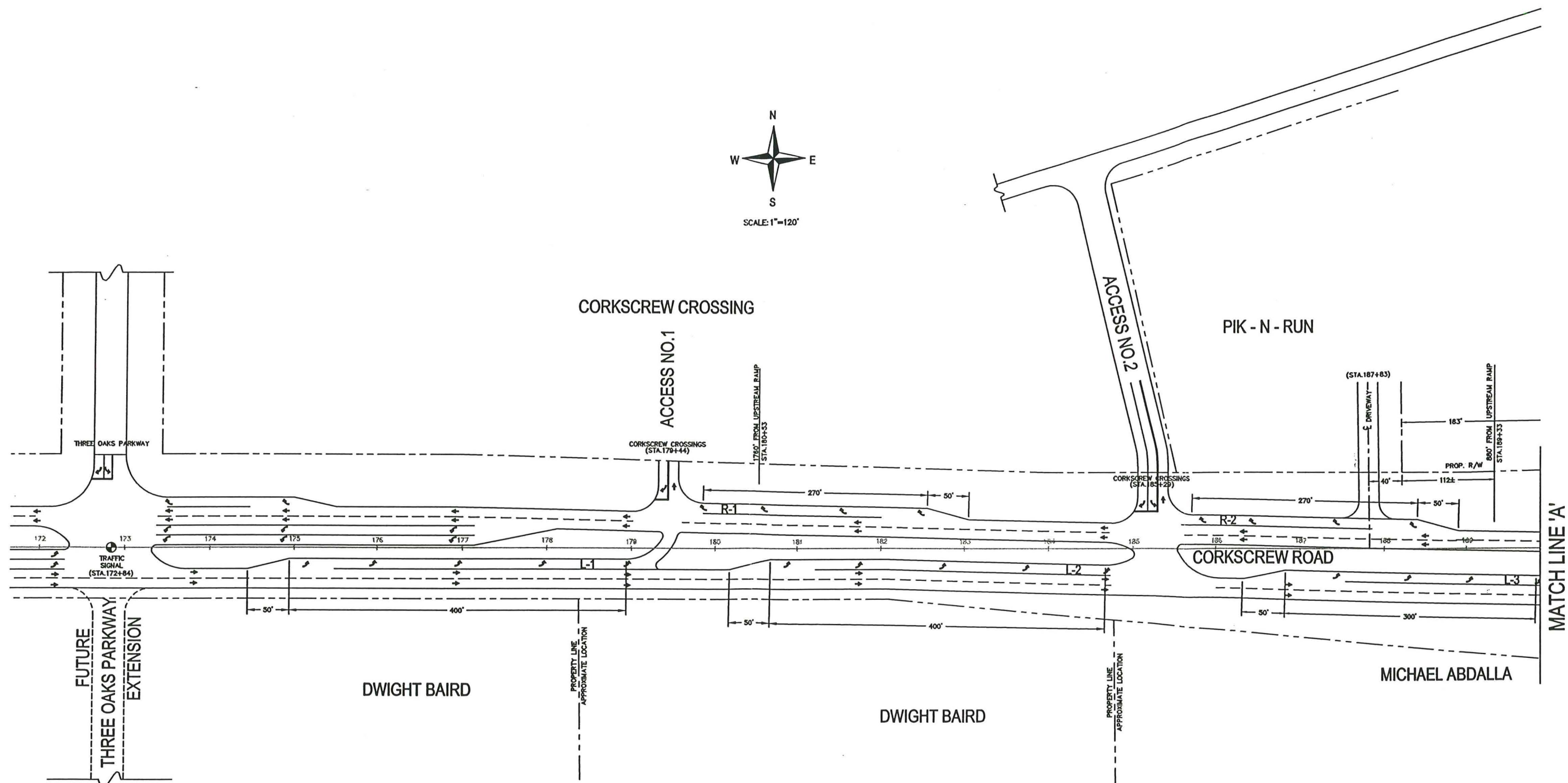
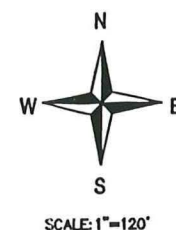
DEPARTMENT
of
TRANSPORTATION

FORT MYERS, FLORIDA 33901

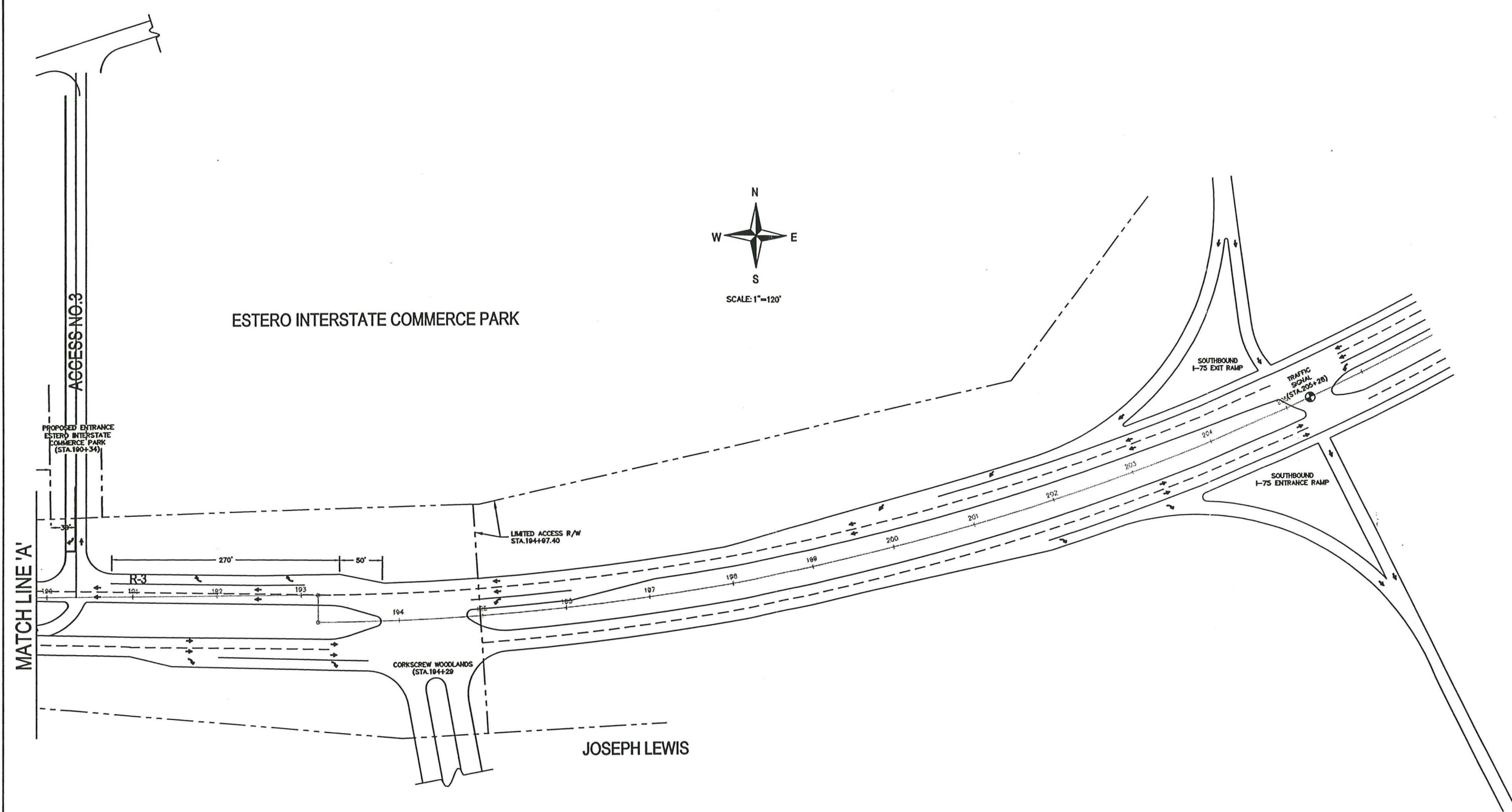
ALICO ROAD

I-75 TO BEN HILL GRIFFEN PARKWAY

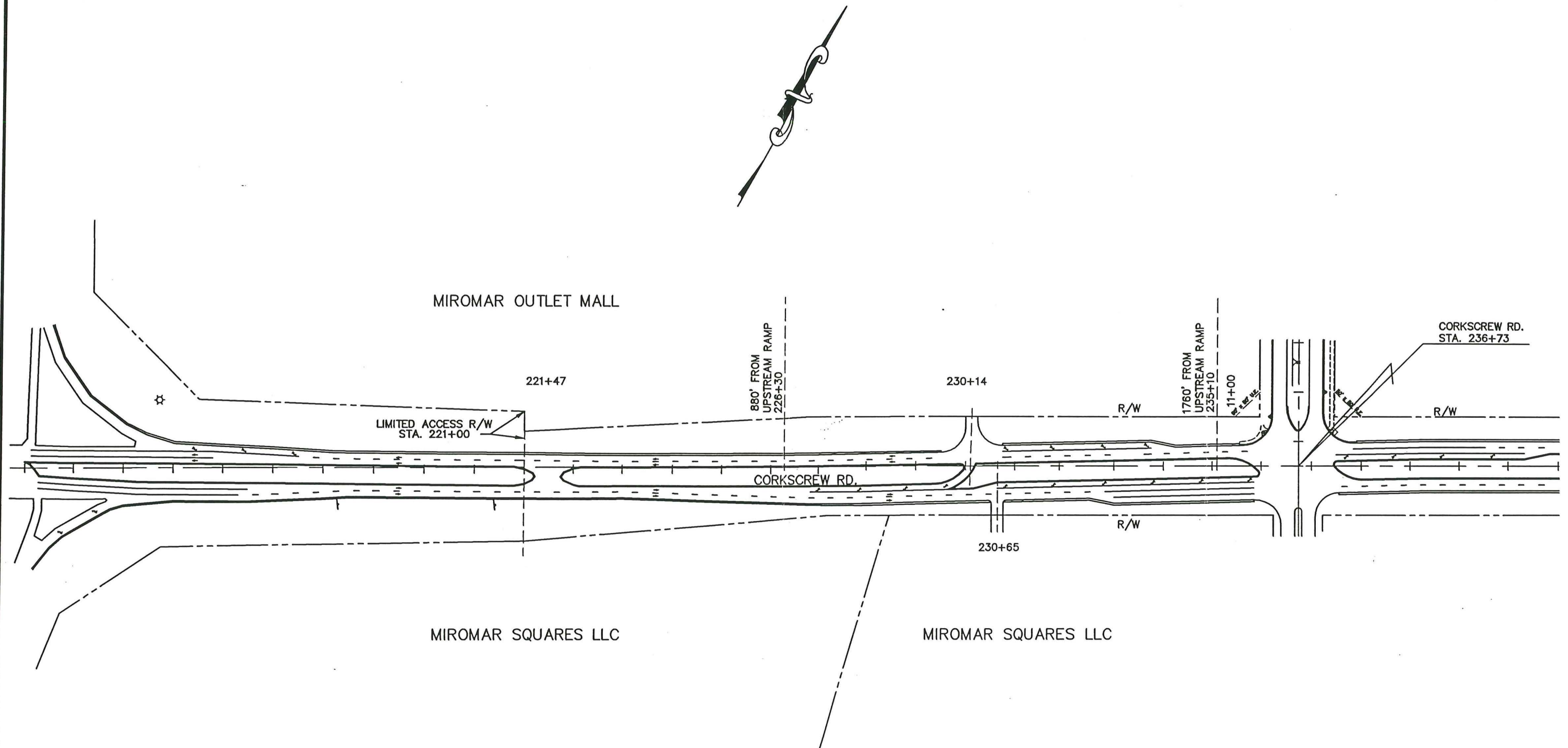
ACCESS PLAN



JOB NO: 990623 FILE:	REVISIONS										APPROVED BY:	METRO TRANSPORTION GROUP, INC. A/E/A SOUTHWEST TRANSPORTATION ENGINEERING, INC. 1342 COLONIAL BLVD., SUITE 30 FORT MYERS, FLORIDA 33907 PH: 813-939-0000	CORKSCREW ROAD ACCESS PLAN THREE OAKS PARKWAY TO I-75				
	DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION	DESIGNED BY	T.B.T.	3/21/00	DRAWN				A.J.R.	3/21/00		
							CHECKED BY	J.M.B.	3/21/00	CHECKED							
							SUPERVISED BY:										



JOB NO: 990623 FILE:		REVISIONS				DESIGNED BY		NAME	DATE	DRAWN		NAME	DATE	APPROVED BY:	METRO TRANSPORTION GROUP, INC. A/K/A SOUTHWEST TRANSPORTATION ENGINEERING, INC. 1342 COLDWATER BLVD., SUITE 30 FORT MYERS, FLORIDA 33907 (841) 270-3000	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 BY	J.M.B.	3/21/00	CHECKED					
								SUPERVISED BY:								



APPROVED BY: _____
 REGISTERED PROFESSIONAL ENGINEER
 FLORIDA CERTIFICATE NO. _____
 DATE: _____

NO.	DATE	BY	REVISIONS - DESCRIPTION

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PROJECT NO.: 0713	DATE: 1/00	DWG. NO.: 07001

PUBLIC WORKS ADMINISTRATION
 1800 MONROE STREET
 841-479-0800
LEE COUNTY
 DEPARTMENT OF TRANSPORTATION
 FORT MYERS, FLORIDA
 33901

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

SHEET
 1
 of
 1
 SHEETS

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

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

LPA Public Hearing Document
for the
August 26th, 2002 Public Hearing

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

August 21, 2002

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

☒

Text Amendment

☒

Map Amendment

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

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 Luckett 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 Luckett 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 Luckett 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 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 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 ⁽¹⁾	MEDIAN OPENING?	MOVEMENT	CONNECTION
172+84	n/a	Yes	All	Three Oaks Parkway
179+44	660 ft.	Yes	EB to NB Left-in ⁽²⁾ 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 ⁽³⁾	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 ⁽⁴⁾	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)*

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

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

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

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

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

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

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

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

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

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

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

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

B. CONCLUSIONS

As a follow-up to PAT 99-27, which added a specific access management plan for Corkscrew Road to Policy 1.3.8, similar plans also need to be defined and added for Alico Road, Bonita Beach Road and 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 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⁽¹⁾</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⁽²⁾</u>	<u>Rt-in/Rt-out from S</u> <u>WB to SB Left-in</u> <u>NB to WB Left-out⁽²⁾</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⁽³⁾</u> <u>Rt-in/Rt-out from N& S</u>	<u>Coca-Cola Bottling Co. (N)</u> <u>University Plaza (S)</u>
<u>234+44</u>	<u>1163 ft.</u>	<u>Yes</u>	<u>All</u>	<u>Ben Hill Griffin Pkwy.</u>

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

⁽²⁾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⁽¹⁾</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 ⁽²⁾ 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 ⁽³⁾	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 ⁽⁴⁾	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. 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

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS

MATT BIXLER

SUSAN BROOKMAN

RONALD INGE

GORDON REIGELMAN

ROBERT SHELDON

GREG STUART

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

DATE OF TRANSMITTAL 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

**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:

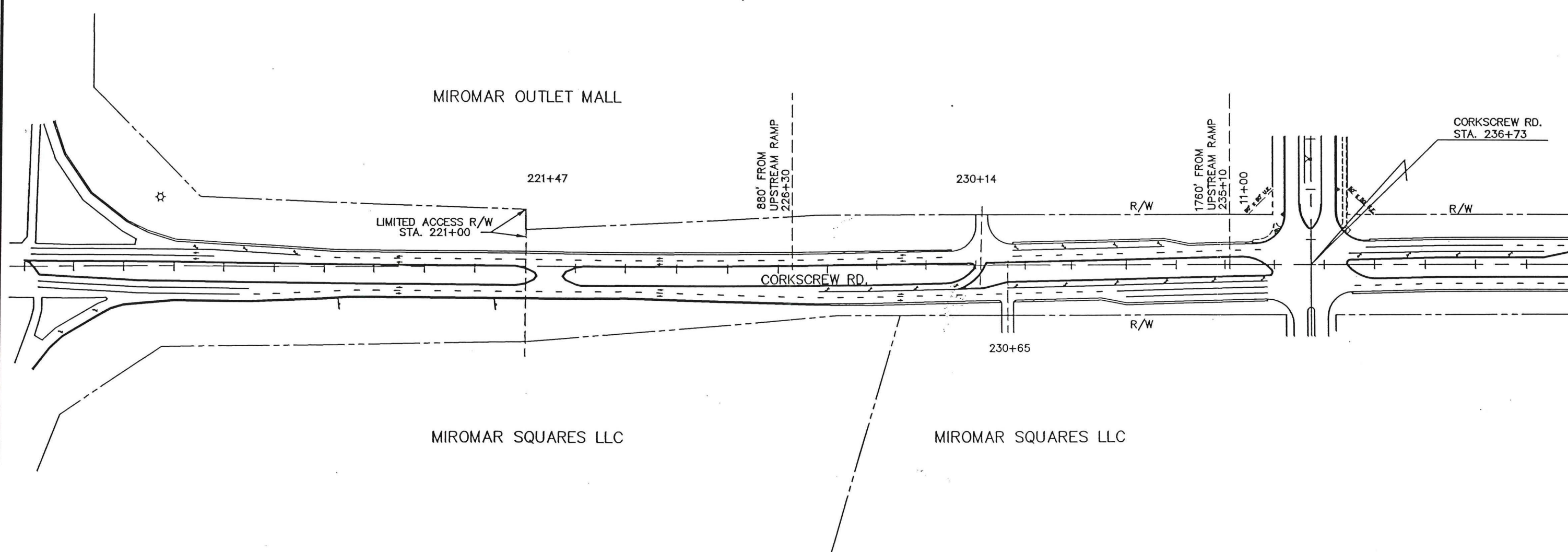
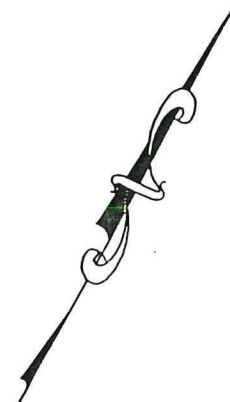
JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY



APPROVED BY: _____
REGISTERED PROFESSIONAL ENGINEER
FLORIDA CERTIFICATE NO. _____
DATE: _____

NO.	DATE	BY	REVISIONS - DESCRIPTION

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PROJECT NO: 0713	DATE: 1/00	DISK NO: 07001

PUBLIC WORKS ADMINISTRATION
1600 MONROE STREET
841-479-8000
FORT MYERS, FLORIDA 33901
LEE COUNTY
DEPARTMENT OF TRANSPORTATION

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

SHEET
1
of
1
SHEETS

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

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

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

**ALICO INTERCHANGE
PARK DRI**

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

N

GRAPHIC SCALE

**FULL INTERSECTION
STA. 177+74.54±**

ALICO RD.

MATCH LINE "A"

	MATCH LINE "B"	
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[illegible]

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PROJ NO.:	FILE: 010482902	N/A (11"x17")

APPROVED BY:

REGISTERED PROFESSIONAL ENGINEER

DATE:



PUBLIC WORKS
LEE COUNTY
SOUTHWEST
FLORIDA
1500 MONROE STREET
(941) 479-8900 www.lcsw.org

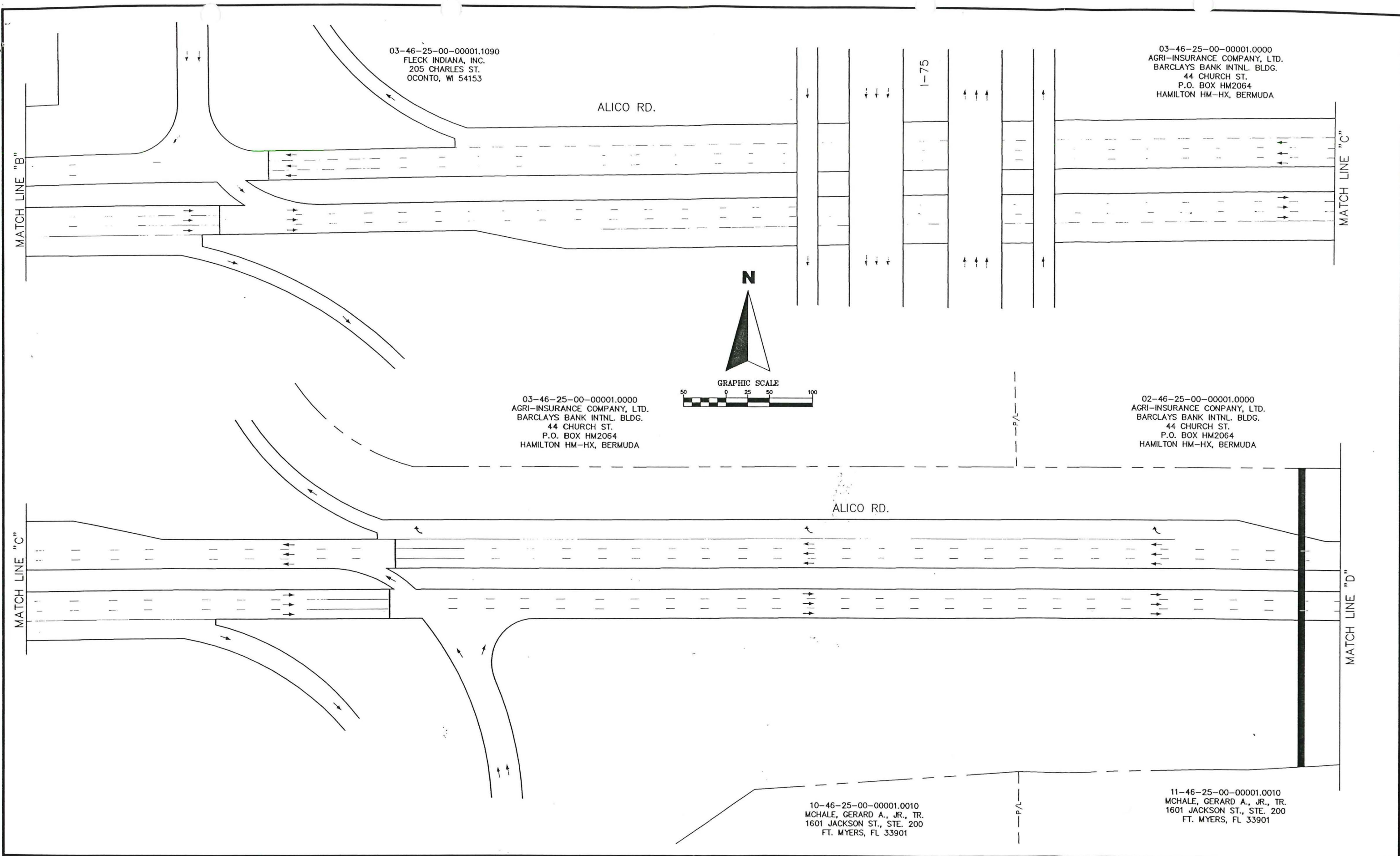
**DEPARTMENT
of
TRANSPORTATION**

FORT MYERS, FLORIDA 33901
county.com/publicworks/dotitle.htm

ALICO ROAD
ORIOLE RD. TO I-75

ACCESS PLAN

SHEET
1
of
3
SHEETS



NO.	DATE	BY	REVISIONS - DESCRIPTION

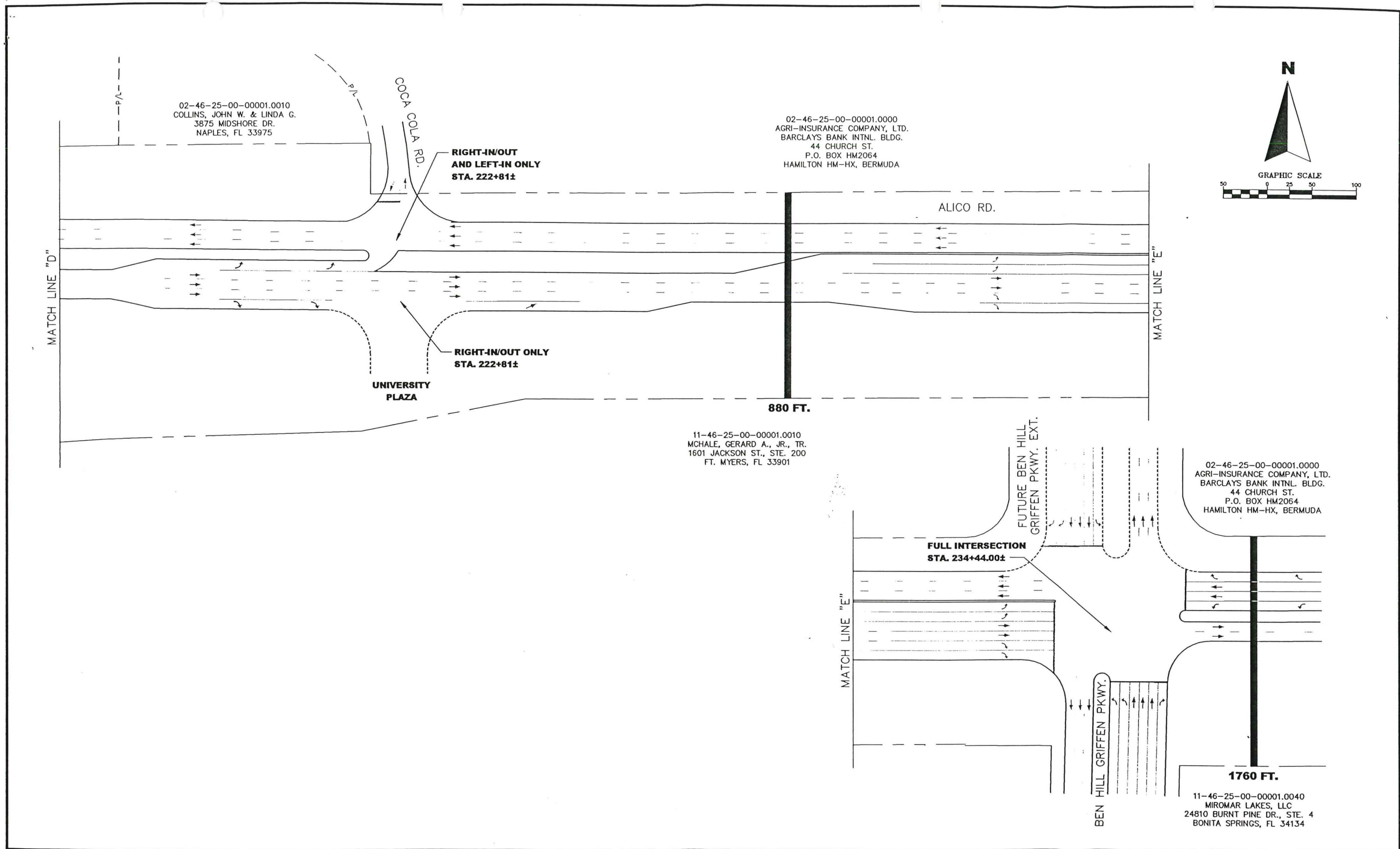
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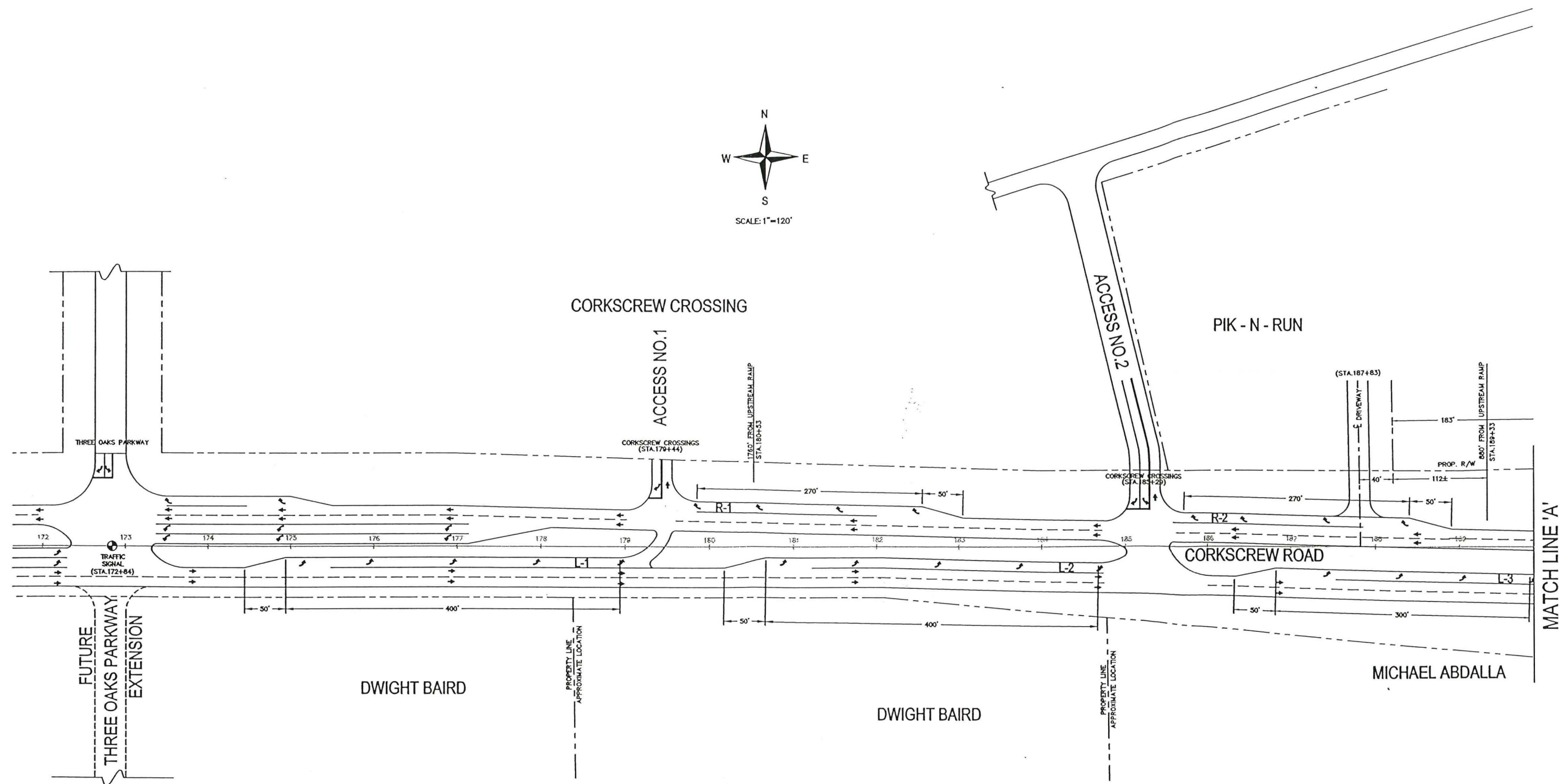
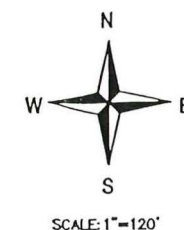
APPROVED BY:
REGISTERED PROFESSIONAL ENGINEER
FLORIDA CERTIFICATE NO.
DATE:

PUBLIC WORKS
LEE COUNTY
SOUTHWEST
FLORIDA
1500 MONROE STREET
(941) 479-8900

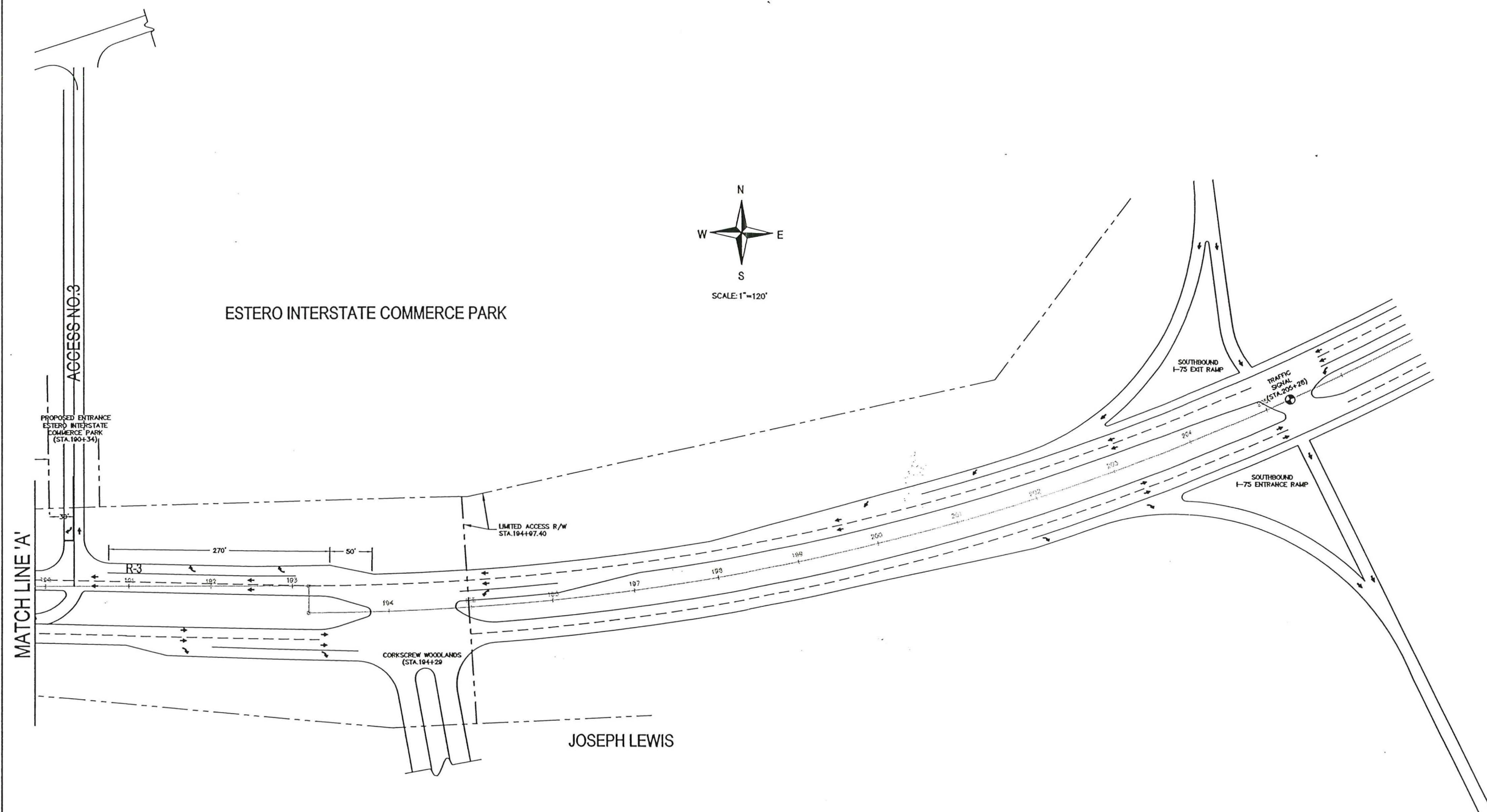
DEPARTMENT
of
TRANSPORTATION
FORT MYERS, FLORIDA 33901
www.lee-county.com/publicworks/dot/le.htm

ALICO ROAD
AT I-75
ACCESS PLAN





JOB NO: 990623 FILE:	REVISIONS										APPROVED BY:	METRO TRANSPORTION GROUP, INC. A/E/A SOUTHWEST TRANSPORTATION ENGINEERING, INC. 1542 COLONIAL BLVD., SUITE 30 FORT MYERS, FLORIDA 33907 (813) 378-3090	CORKSCREW ROAD ACCESS PLAN THREE OAKS PARKWAY TO I-75		
	DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION	DESIGNED BY	NAME	DATE	DRAWN				NAME	DATE
							T.B.T.		3/21/00	A.J.R.					3/21/00
							J.M.B.		3/21/00	CHECKED					
							SUPERVISED BY:								



JOB NO: 090623 FILE:	REVISIONS						NAME	DATE	NAME	DATE	APPROVED BY:	METRO TRANSPORTION GROUP, INC. A/K/A SOUTHWEST TRANSPORTATION ENGINEERING, INC. 1542 GOLDMAN 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	DESIGNED BY	T.B.T.	3/21/00	DRAWN				A.J.R.	3/21/00
							CHECKED BY	J.M.B.	3/21/00	CHECKED					
							SUPERVISED BY:								

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

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

LPA Public Hearing Document
for the
July 22nd, 2002 Public Hearing

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

July 1, 2002

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



Text Amendment



Map Amendment

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

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 Luckett 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 Luckett 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 Luckett 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 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 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 ⁽¹⁾	MEDIAN OPENING?	MOVEMENT	CONNECTION
172+84	n/a	Yes	All	Three Oaks Parkway
179+44	660 ft.	Yes	EB to NB Left-in ⁽²⁾ 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 ⁽³⁾	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 ⁽⁴⁾	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)*

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

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

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

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

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

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

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

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

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

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

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

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

B. CONCLUSIONS

As a follow-up to PAT 99-27, which added a specific access management plan for Corkscrew Road to Policy 1.3.8, similar plans also need to be defined and added for Alico Road, Bonita Beach Road and 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 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⁽¹⁾</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⁽²⁾</u>	<u>Rt-in/Rt-out from S WB to SB Left-in NB to WB Left-out⁽²⁾</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⁽³⁾ Rt-in/Rt-out from N& 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>

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

⁽²⁾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:

STATION	DISTANCE ⁽¹⁾	MEDIAN OPENING?	MOVEMENT	CONNECTION
172+84	n/a	Yes	All	Three Oaks Parkway
179+44	660 ft.	Yes	EB to NB Left-in ⁽²⁾ 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 ⁽³⁾	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 ⁽⁴⁾	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: February 26, 2001

A. LOCAL PLANNING AGENCY REVIEW

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

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS

MATT BIXLER

SUSAN BROOKMAN

RONALD INGE

GORDON REIGELMAN

ROBERT SHELDON

GREG STUART

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

DATE OF TRANSMITTAL 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

**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

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

FUTURE
ORIOLE RE
EXT.

FULL INTERSECTION
STA. 160+59.33±

ALICO RD.

1760 FT.

880 FT.

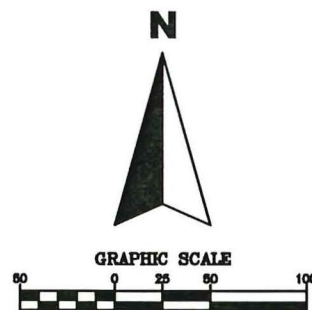
**ALICO INTERCHANGE
PARK DRI**

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

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

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

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

FUTURE
THREE OAKS
PKWY. EXT.

**— FULL INTERSECTION
STA. 177+74.54±**

ALICO RD.

MATCH LINE "A"

MATCH LINE "B"

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 PONDMEW CIR.
NAPLES, FL 34119

NO.	DATE	BY	REVISIONS - DESCRIPTION

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DRAWN: L.L.C.	DATE: 1/02	1"=100' (11"x17")
CHECKED: L.W.	DATE: 1/02	VERT. SCALE: N/A
PROJ NO.:	FILE: 010482902	N/A (11"x17")

APPROVED BY: _____

REGISTERED PROFESSIONAL ENGINEER
FLORIDA CERTIFICATE NO. _____

DATE: _____



**PUBLIC WORKS
LEE COUNTY
SOUTHWEST
FLORIDA**

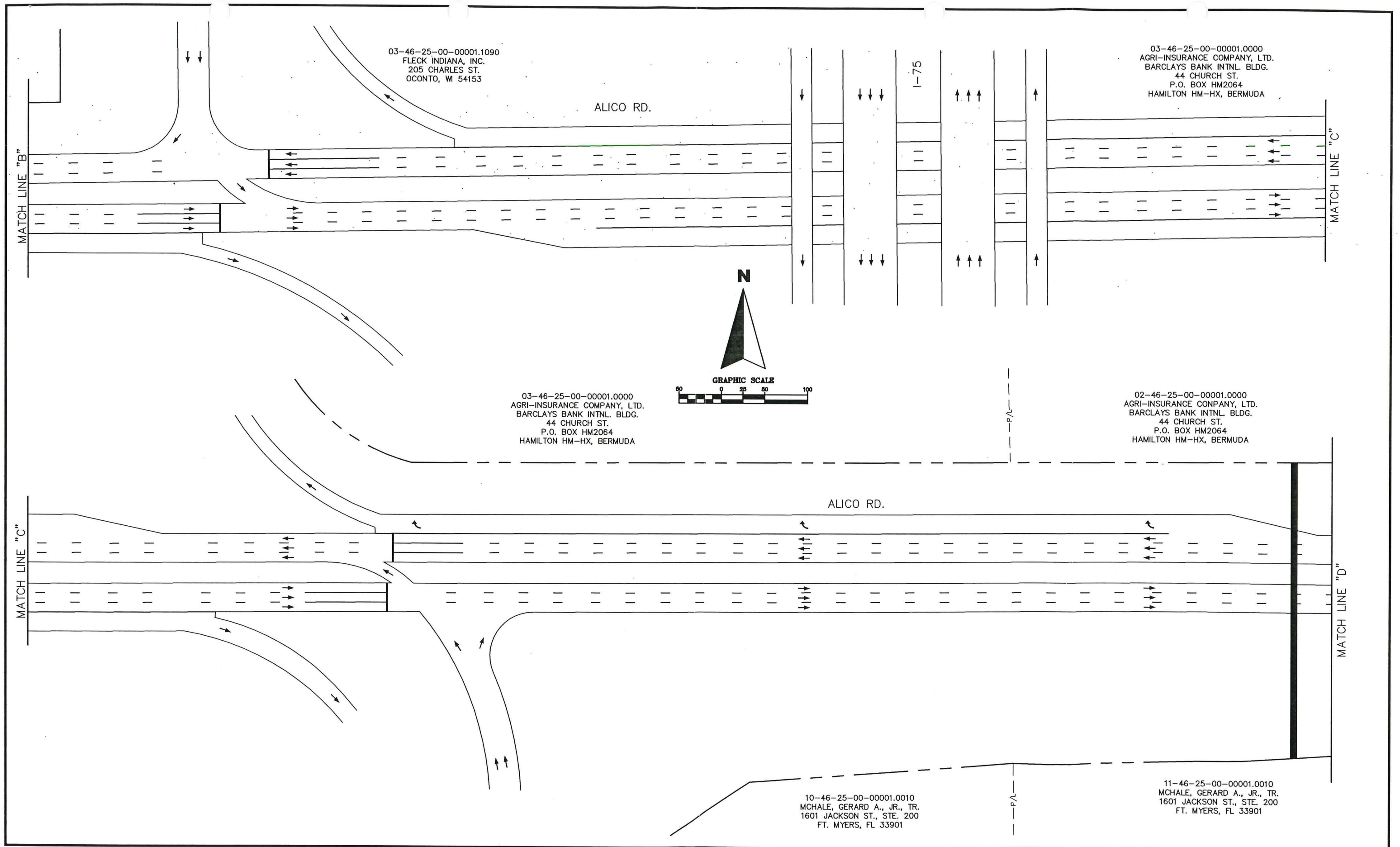
**DEPARTMENT
of
TRANSPORTATION**

1500 MONROE STREET FORT MYERS, FLORIDA 33901
(941) 479-8900 www.lee-county.com/publicworks/dot/lee.htm

ALICO ROAD
ORIOLE RD. TO I-75

ACCESS PLAN

SHEET
1 of 3
SHEETS



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")
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APPROVED BY:
REGISTERED PROFESSIONAL ENGINEER
FLORIDA CERTIFICATE NO. _____
DATE: _____



PUBLIC WORKS
LEE COUNTY
SOUTHWEST
FLORIDA

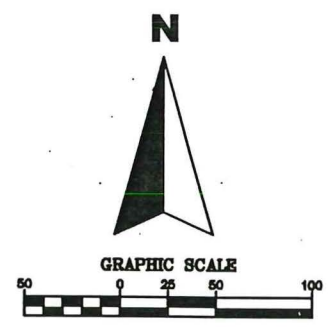
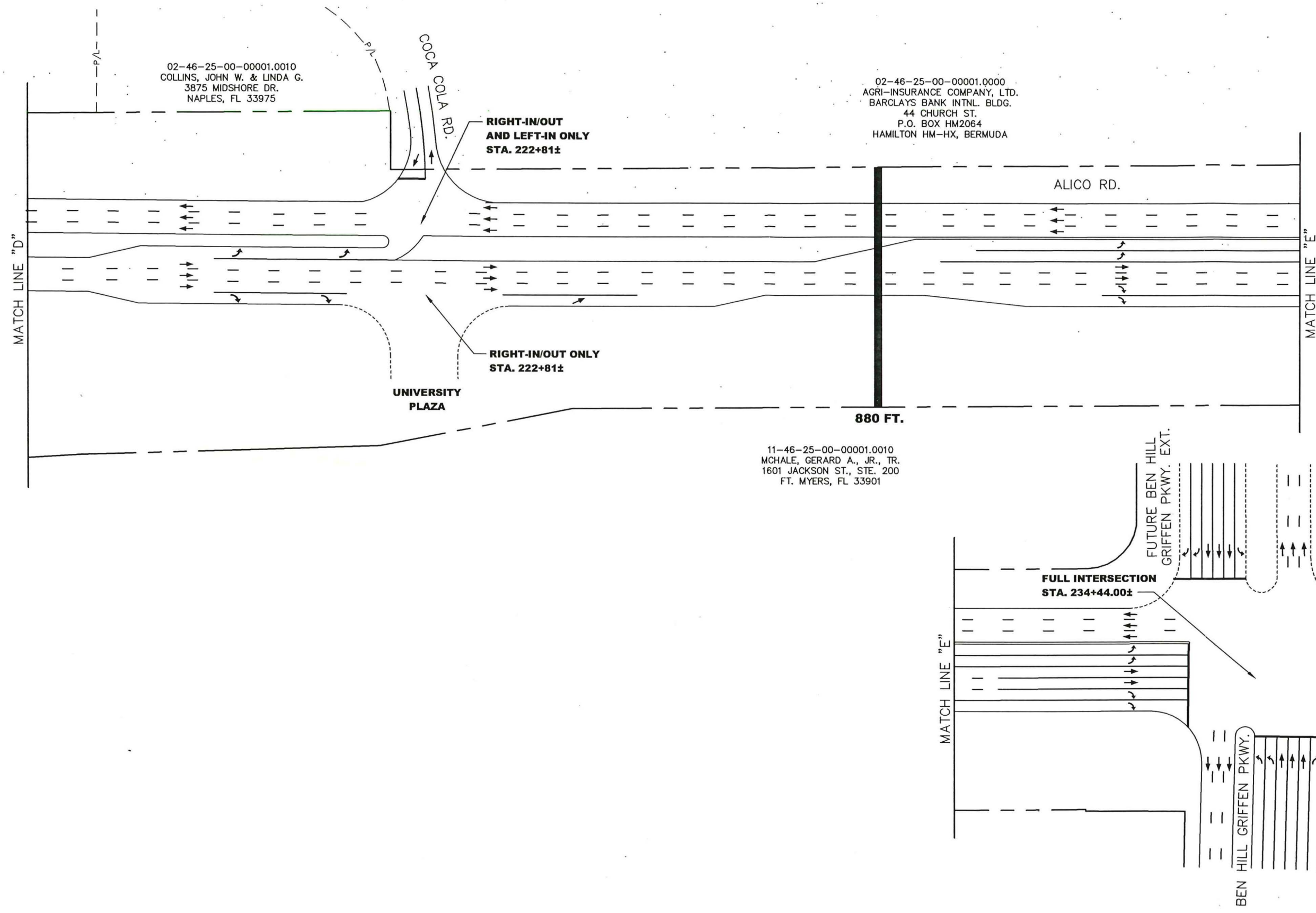
1500 MONROE STREET
(941) 479-8900 www.lee-county.com/publicworks/dotfile.htm

DEPARTMENT
of
TRANSPORTATION

FORT MYERS, FLORIDA 33901

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.: 010482904	FILE: 010482904	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/dotitle.htm

**DEPARTMENT
of
TRANSPORTATION**

FORT MYERS, FLORIDA 33901

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