

**PAT 96-22
BoCC SPONSORED
EAR ADDENDUM AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Adoption Document

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June 3, 1998

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
PAT 96-22**

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

STAFF REPORT PREPARATION DATE: June 9, 1997

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

2. REQUEST:

Amend the Lee Plan's Future Land Use Element by deleting specific language from Policy 6.1.2(4) and by adding a new policy under Objective 1.3 Interstate Highway Interchange Areas clarifying the interchange category's compliance with commercial location standards.

B. BACKGROUND INFORMATION

During the EAR process Goal 6 (Commercial Land Uses) and Goal 13 (Commercial Standards) were consolidated into one goal and revisions to the site location standards were made. The result of these revisions appears to have created an inconsistency within the Goal, specifically in Policy 6.1.2. The Regional Commercial portion of this policy, Policy 6.1.2.(4) specifies that vehicular ingress and egress from regional commercial centers be located at least ½ mile from an expressway interchange. However, a subsequent section, 6.1.2.(9), exempts land within an interchange land use category from meeting site location standards. This exemption would, in effect negate the requirements above, allowing regional commercial centers to have access within a ½ mile of an expressway interchange.

The Lee Plan Evaluation and Appraisal Report Addendum, adopted by the Board of County Commissioners on February 1, 1996, recognized this conflict and contained the following recommendation:

Recommendation: *Review and amend, if appropriate, Policy 6.1.2, the Commercial Site Location standards, as part of the 1996 amendment cycle, to clarify the issue of commercial uses within Interchange Areas.*

This amendment is a result of that recommendation. Further justification is contained in Part II Staff Analysis of this report.

C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Planning staff recommends that the Board of County Commissioners transmit this proposed amendment to the Future Land Use Element deleting specific language from Policy 6.1.2(4.c.) and adding a new Policy 1.3.8 under Objective 1.3 Interstate Highway Interchange Areas. Planning staff recommends that the specific language of the Lee Plan be amended as follows:

POLICY 6.1.2:

4. Regional Commercial

- | | |
|------------------------------|--|
| a. Major Function | Some functions of community commercial, in addition to providing a full range and variety of shopping goods for comparative shopping (such as general merchandise, apparel, furniture, and home furnishings). |
| b. Typical leading tenants | One or more full-line department stores. |
| c. Location | Must be located in such a manner as to provide direct access to two and preferably three arterial roads. Such direct access may be via an internal access road to one or more arterials. Vehicular ingress and egress must be at least ½ mile from an expressway interchange. |
| d. Site Area | 35 to 100 acres |
| e. Range of Gross Floor Area | 400,000 to 1 million square feet or more. |

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. This standard is a strict requirement during the rezoning and development order processes for cases after the effective date of this policy.

Access Control Standard

1. The distance to the first connection shall be at least 880 feet, provided such location is outside the federal limited access right-of-way line. 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 median opening shall 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.

- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** This amendment removes an internal inconsistency from Policy 6.1.2 and fully addresses the issue of operational safety in the interchange areas over which Lee County has control.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The Florida Administrative Code (FAC) 14-97.003, Access Management Classification System and Standards, regulates connections and median openings adjacent to controlled access facilities that are the responsibility of the Florida Department of Transportation (FDOT). FDOT has access permitting authority on the following I-75 Interchanges: State Road 78 (Bayshore Road), State Road 80 (Palm Beach Boulevard), SR 82 (Immokalee Road), SR 884 (Colonial Boulevard), and SR 739 (Daniels Parkway east of I-75). Lee County retains jurisdiction over the rest. The state regulations are provided below:

(J) Connections and median openings on a controlled access facility located up to ¼ mile from an interchange area or up to the first intersection with an arterial road, whichever distance is less, shall be regulated to protect the safety and operational efficiency of the limited access facility and the interchange area. The ¼ mile distance shall be measured from the end of the taper of the ramp furthest from the interchange.

1. The distance to the first connection shall be at least 660 feet where the posted speed limit is greater than 45 MPH or 440 feet where the posted speed limit is 45 MPH or less. This distance will be measured from the end of the taper for that particular quadrant of the interchange on the controlled access facility. A single connection per property not meeting this connection spacing standard shall be provided, pursuant to the connection permit process as defined in Rule Chapter 14-96, 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 pursuant to Rule 14-96.007. In such cases, applications for more than a single connection shall be examined as non-conforming connections pursuant to Rule 14-96.009.

2. The minimum distance to the first median opening shall be at least 1320 feet as measured from the end of the taper of the egress ramp.

3. Connections and median openings meeting spacing standards still may not be permitted in the location requested in the permit application pursuant to Rule 14-96.007 and the criteria in Rule 14-96.007 when the Department determines, based on traffic engineering principles, that the engineering and traffic information provided in the permit application shows that the safety or operation of the interchange or the limited access highway would be adversely affected.

The above standards are specific and clearly address the operational safety issue of interchange areas, which is the major area of concern. The current wording of Policy 6.1.2.(4.c.) is vague and does not clearly address this intent, that is to assure the operational safety of the interchange areas. This vagueness is in part due to the lack of language defining where the ½ mile prohibition on ingress and egress is measured from. Also the policy language does not address all commercial use at the interchanges, just retail commercial use of regional commercial size. Interchange areas are certain to provide a wide range and scale of commercial uses, both retail and non-retail. Standards for the safe and efficient movement of traffic are needed for all uses. The current language does not address the connections and median openings required by this full range of commercial development. Thus the policy does not address, fully and comprehensively, the issue of operational safety. Staff recognizes the operational safety hazards (such as a weaving hazard) that could result from lesser controlled access in the interchange areas.

The above Florida Administrative Code standards do not apply in Lee County to Luckett Road, Daniels Parkway west of I-75, Alico Road, Corkscrew Road, and Bonita Beach Road. Lee County has access permitting authority over these roadway facilities outside of the interstate limited access right-of-way line, and has already addressed Daniels Parkway west of I-75 through its designation as a “controlled access” roadway, with connections and median control established by resolution. However, the rest of the interchange areas under County control need to be addressed.

The Florida Administrative Code standards allow the first median opening within 1/4 mile (1320 feet) whereas the previous County standard referred to ½ mile (2640 feet), at least for regional commercial. Staff is proposing as the new standard for County-controlled interchanges 1/3 mile (1760 feet) as the distance to the first median opening, in order to provide a safe and efficient distance from the interchange to the first potential signalized intersection. As far as the distance to the first connection, we are proposing 1/6 mile (880 feet), half the distance to the first median opening. This 880-foot spacing is greater than the County’s connection separation standard for regular arterials, which is 660 feet, but the major confluence of traffic movements inherent at interstate interchanges demands a higher standard in order to ensure functionality and safety. We feel these spacings will

provide sufficient weaving and storage distances, to ensure a safe travel pattern, while at the same time providing adequate access for the full range of commercial development that can be expected at interchanges.

Staff has also deviated from the state standards that vary the distance to the first connection based on the speed limit, since all of the roadways in question are arterials with speed limits of at least 45 mph. Staff also tried to add more specificity to the measurement reference for both the first connection and the first median opening, since “the end of the taper” still leaves some room for confusion. Staff also attempted to make the language in the policy clearer than in the state code, where necessary.

Once these standards are established, existing connections will be grandfathered in but no new connections will be allowed unless they are consistent with the standards.

B. CONCLUSIONS

The existing language contained in Policy 6.1.2(4.c.) is internally inconsistent with Policy 6.1.2(9) which exempts the location standards in the Interchange land use category. This language should be deleted from Policy 6.1.2(4.c.). The intent of this provision is to assure operational safety in the interchange areas. The existing language in Policy 6.1.2(4.c.) does not address, fully and comprehensively, the intended issue of operational safety. The existing language contained in Florida Administrative Code (FAC) 14-97.003 does not apply to Lockett Road, Daniels Parkway west of I-75, Alico Road, Corkscrew Road, or Bonita Beach Road, as Lee County has access permitting authority over these roadway facilities outside of the interstate limited access right-of-way line.

C. STAFF RECOMMENDATION

Planning staff recommends that the statement that refers to vehicular ingress and egress be deleted from Policy 6.1.2(4.c.) of the Lee Plan. Further, planning staff recommends that a new policy that comprehensively deals with access in the interchange areas be adopted under Objective 1.3 Interstate Highway Interchange Areas. Planning staff recommends that language similar to that contained in Florida Administrative Code (FAC) 14-97.003, Access Management Classification System and Standards be adopted under Objective 1.3 Interstate Highway Interchange Areas, with some changes to reflect County preferences. This would treat all interchange areas in a similar manner. See specific language in Part I, C.1. of this report.

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

DATE OF PUBLIC HEARING: June 12, 1997

A. LOCAL PLANNING AGENCY REVIEW

The LPA had a discussion of whether the Lee Plan or the Land Development Code (LDC) was the proper place for the proposed access standards. The majority of the LPA members agreed with the standards but expressed concern whether the standards should be in the Lee Plan or in the LDC. The motion voted on was to transmit the amendment.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION: The LPA failed to provide a majority recommendation to the Board of County Commissioners concerning this amendment.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

CARRON DAY	<u>ABSENT</u>
RICHARD DURLING	<u>NAY</u>
EARL HAMILTON	<u>AYE</u>
RONALD INGE	<u>NAY</u>
BILL SPIKOWSKI	<u>AYE</u>
GREG STUART	<u>ABSTAINED</u>
MATT UHLE	<u>ABSTAINED</u>

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

DATE OF TRANSMITTAL HEARING: November 5, 1997

A. BOARD REVIEW: One member of the public addressed this issue stating that we have never had intersection separation standards in our Lee Plan; we've always had them in the land development codes; and the reason for that was that gave us flexibility to deal with all sorts of problems that might come up; my recommendation would be that you not transmit that portion of the amendment.

One member of the Board asked to hear from the transportation staff planner, who proceeded to give a short presentation on the proposed amendment; staff stressed the critical nature of traffic movement through these particular interchanges; staff also emphasized that this standard does not affect our existing connections; this is only for new connections after this takes effect.

One member of the Board added that he thought the justification is safe and quick, which I like, traffic flow, so I don't see a down side unless I'm missing something.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board voted to transmit this amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by the staff.

C. VOTE:

JOHN ALBION	<hr/> AYE <hr/>
ANDREW COY	<hr/> AYE <hr/>
RAY JUDAH	<hr/> AYE <hr/>
JOHN MANNING	<hr/> AYE <hr/>
DOUG ST. CERNY	<hr/> AYE <hr/>

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

DATE OF ORC REPORT: February 5, 1998

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

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

B. STAFF RECOMMENDATION

Adopt the amendment as transmitted.

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

DATE OF ADOPTION HEARING: May 27, 1998

A. BOARD REVIEW: The Board provided no discussion on this amendment. This item was approved on the consent agenda.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION: The Board voted to adopt this amendment.

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	AYE
RAY JUDAH	AYE
JOHN MANNING	AYE
DOUG ST. CERNY	ABSENT