

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20040332

1. REQUESTED MOTION:

ACTION REQUESTED: Amend Resolution 89-10-11 to add an access point on the north side of Daniels Parkway at Highway Station 2529+01, for Gateway Charter School.

WHY ACTION IS NECESSARY: All requests for a new access point onto a controlled access roadway are required to obtain Board supermajority approval as part of a Resolution.

WHAT ACTION ACCOMPLISHES: Approves a request for an additional access point from a school to Daniels Parkway, a controlled access facility, 675 feet west of Gateway Boulevard.

**2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # 5**

A9A

3. MEETING DATE:

04-06-2004

4. AGENDA:

CONSENT
 ADMINISTRATIVE
 APPEALS

 PUBLIC
 WALK ON
TIME REQUIRED: 15 minutes

**5. REQUIREMENT/PURPOSE:
(Specify)**

STATUTE
 ORDINANCE
 ADMIN. 11-10
 CODE
 OTHER

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER
B. DEPARTMENT Transportation
C. DIVISION

BY: Scott Gilbertson

BACKGROUND: The Warranty Deed for this section of Daniels Parkway, dated July 7, 1982, was recorded in OR Book 1644, Page 1721. Condition "A" of the Deed reserves the right to construct accesses at 660' intervals. Correspondence from 1988 to 1992 discussed an access road to Daniels Parkway at the northwest corner of Gateway Boulevard. Regardless of the earlier deed provision or discussions, the Board of County Commissioners retains the right and authority to exercise its police power to modify roadway median openings, access points and turning movements to protect the health, safety and welfare of the traveling public. The Daniels Parkway Controlled Access Resolution was last amended in Resolution 01-01-28 to include this section of Daniels Parkway. A request for a new access point to the subject parcel was not included in Resolution 01-01-28. Staff has reviewed the traffic study for the Gateway Charter School provided by the applicant and determined that the request for a new access point on the north side 675 feet west of Gateway Boulevard complies with the requirements of AC-
CONTINUED ON PAGE 2

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>3/18/04</i> <i>[Signature]</i>	NA	NA		<i>[Signature]</i>	OA <i>[Signature]</i>	OM <i>[Signature]</i>	Risk <i>[Signature]</i>	GC <i>[Signature]</i>	<i>[Signature]</i> 3.18.04

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

Rec. by CoAtty
Date: *3/19/04*
Time: *11:50*
Forwarded To:
Budget

RECEIVED BY
COUNTY ADMIN. *[Signature]*
3/19/04
COUNTY ADMIN
FORWARDED TO *[Signature]*
3/19/04
[Signature]

BLUE SHEET 20040332

7. BACKGROUND (Continued):

11-10. The site has reasonable access to Gateway Boulevard; however, the proposed access road appears to reduce congestion at the Daniels Parkway intersection with Gateway Boulevard. It also appears to improve safety by separating the student drivers from the bus and parent pick-up traffic. Approval of a new access point to a controlled access facility is at the sole discretion of the Board and requires a supermajority vote of approval to amend the Controlled Access Resolution. A draft amended Resolution is attached.

LEE COUNTY RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AMENDING RESOLUTION NO. 89-10-11, AS AMENDED, WHICH DESIGNATED DANIELS ROAD AS A CONTROLLED ACCESS ROAD AND ESTABLISHED PERMANENT ACCESS POINTS

WHEREAS, Section 10-285(h) of the Lee County Land Development Code provides for the designation of certain streets in Lee County as "controlled access" facilities to which permanent access points are restricted to locations established and set by design study and plans adopted by resolution of the Lee County Board of County Commissioners; and

WHEREAS, the Board of County Commissioners retains the right and authority to exercise its police power to modify roadway median openings, access points and turning movements to protect the health, safety and welfare of the traveling public; and

WHEREAS, on October 4, 1989, the Board of County Commissioners adopted Resolution No. 89-10-11, which designated Daniels Road as a controlled access road, from U.S. 41 to State Road 82, and established permanent access points; and

WHEREAS, Resolution No. 89-10-11 was subsequently amended on April 5, 1993 by Resolution No. Z-92-073, to add a connection point and median opening at Station 170+95 +/-50 on the south side;

WHEREAS, Resolution No. 89-10-11 was further amended by Board Resolutions adopted as follows:

1. Resolution No. Z-93-045, adopted September 15, 1993, to add a connection point at Station 312+86 +/-50 on the north side for a temporary right-in/right-out access only; and
2. Resolution No. 97-12-04, adopted December 2, 1997, to add a connection point at Station 135+93.59 on the north side for a full movement connection point at an existing median opening; and
3. Resolution No. 98-03-07, adopted March 24, 1998, to add a right-turn in only connection point at Station 158+40± on the south side of Daniels Parkway; and
4. Resolution No. 99-08-23, adopted August 17, 1999, to add a right-in/right-out only connection point at Station 156+80 on the north side of Daniels;

5. Resolution No. 01-01-28, adopted January 23, 2001, identified and designated access points on Daniels Parkway from Treeline Avenue to State Road 82 and

WHEREAS, John McGarvey requests an additional connection point to allow right-in/right-out access only on the north side of Daniels Parkway at highway station 2529+01, approximately 675 feet west of Gateway Boulevard to serve the Gateway Charter School.

WHEREAS, the Lee County Department of Transportation has concluded that the designated connection point will not hinder traffic capacity nor be contrary to the protection of the health, safety and welfare of the citizens of Lee County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lee County, Florida that:

1. Daniels Parkway, from U.S. 41 to State Road 82, including its intersections, is designated as a controlled access road facility.
2. Absent subsequent Board action in accordance with applicable County regulations, the connection points are limited to those identified on attached Exhibit "A." Provided, however, no vested right to a particular connection point location is granted by virtue of adopting Exhibit "A." The County retains full power and authority to exercise its police power to modify connection points, median openings and turning movements to protect the health, safety and welfare of the traveling public.
3. Resolution No. 89-10-11 is further amended to add a new connection point to Daniels Parkway, a controlled access facility from U.S. 41 to State Road 82, for right in/right out access only on the north side of Daniels Parkway at highway station 2529+01, approximately 675 feet west of Gateway Boulevard to serve the Gateway Charter School.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner _____, and seconded by Commissioner _____ and, upon being put to a vote, the result was as follows:

ROBERT P. JANES	_____
DOUGLAS R. ST. CERNY	_____
RAY JUDAH	_____
ANDREW W. COY	_____
JOHN E. ALBION	_____

DULY PASSED AND ADOPTED THIS _____ DAY OF _____, 2004.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY
COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Chairman

APPROVED AS TO FORM

BY: _____
Office of the Lee County Attorney

STA	access	spacing south	spacing north	origin	movements	connection
100+00 +/-50	F			1	All	US 41
111+09 +/-50	F	1109	1109	1	All	Bell Tower Drive/Sauer Drive
125+05 +/-50	F	1396	1396	1	All	Big Pine Way/Brynwood Lane
135+94 +/-50	F	1089	1089	1	All	Dominion Apts/Pine Villa Lane
139+54 +/-50	F	n/a	n/a	1	All	Fowler IDD Canal maintenance access only
142+72 +/-50	F	678	678	1	All	Church Parcel/Ponderosa Way
148+41 +/-50	S	569	569	1	EBL NBL Rt in/out	Morgan La-Fee Lane
155+00 +/-50	F	n/a	n/a	1	All	Ten Mile Canal maintenance access only
155+37 +/-50	N	n/a	n/a	1	All	Seminole Gulf Railway
156+80 +/-50	N	n/a	839	3	Right in/out	Metropolis Avenue
158+40 +/-50	S	999	n/a	3	Right in/out	Metro Parkway
161+83 +/-50	F	343	503	1	All	Admiral Park Boulevard
170+95 +/-50	F	912	912	3	All	Plantation Road
180+57 +/-50	F	962	962	1	All	Brookshire Lakes Drive/International Drive
192+63 +/-50	F	1206	1206	1	All	Ben C. Pratt/Six Mile Cypress Parkway
205+11 +/-50	F	1248	1248	1	All	Eagle Ridge Drive
233+06 +/-50	S	2795	n/a	1	Right in/out	Cross Creek /American Colony Boulevard
248+50 +/-50	F	1544	4339	1	All	Freshman Lane
265+46 +/-50	F	1696	1696	1	All	Sophomore Lane
279+08 +/-50	F	1362	1362	1	All	Pinto Lane
292+68 +/-50	F	1360	1360	1	All	Appaloosa Lane
306+30 +/-50	F	1326	1326	1	All	Paiomino Lane/Fiddlesticks Boulevard
319+56 +/-50	F	1326	1326	1	All	Skyport Avenue
326+63 +/-50	N	707	707	1	EBL SB Rt in/out	Danport Boulevard
334+10 +/-50	F	747	747	1	All	I-75
349+87 +/-50	F	1577	1577	1	All	Rest Area; Recommend closing SBL
368+30 +/-50	N	1843	1843	1	EBL SBL SB Rt in/out	Jetport Commerce Parkway
371+51 +/-50	S	321	n/a	1	Right in/out	Treeline Avenue (back)
378+23 +/-50	F	672	993	1	All	

RECEIVED
PUBLIC RESOURCES
2004 MAR 25 PM 3:10

Daniels Parkway Extension Designated Access Points
Proposed Amendment to Resolution 89-10-11

STA	access	spacing south	spacing north	origin	movements	connection
2408+50 +/-50	F			1	All	Treeline Avenue (forward) STA estimated
*	S	TBD	TBD	1	Right in	Sabal Ridge Subdivision
*	S	TBD	TBD	1	Right out	Sabal Ridge Subdivision
2447+00 +/-50	F	3850	3850	1	All	Chamberlin Parkway STA estimated
2457+25 +/-50	N	1025	1025	1	EBL Right in/out	Relocation of North access road
2468+23 +/-50	F	1098	1098	2	All	Richenbacher Parkway/Radar Road
2483+11 +/-50	F	1488	1488	2	All	Airside Drive West
2497+85 +/-50	F	1474	1474	2	All	Airside Drive East
2509+30 +/-50	N	1145	1145	2	EBL Right in/out	Commonwealth Boulevard
2519+38 +/-50	F	1008	1008	2	All	West Links Drive
2529+01 +/-50	N	n/a	963	3	All	Gateway Charter School access road
2535+76 +/-50	F	1638	675	2	All	Gateway Boulevard
2543+27 +/-50	S	751	751	1	NBL Right in/out	Fuel Farm Road
2550+31 +/-50	N	n/a	n/a	1	Right in/out	Wellfield maintenance access
2562+00 +/-50	F	1873	1873	1	All	
2593+00 +/-50	F	3100	3100	1	All	
2603+75 +/-50	F	n/a	n/a	1	All	FPL maintenance access only
2606+20 +/-50	F	n/a	n/a	1	All	FPL maintenance access only
2610+50 +/-50	F	1750	1750	1	All	
2628+00 +/-50	F	1750	1750	1	All	
2634+00 +/-50	N & S	n/a	n/a	1	Right in/out	Temporary Agricultural Access
2641+50 +/-50	F	1350	1350	1	All	
2666+00 +/-50	F	2450	2450	1	All	
2675+00 +/-50	F	900	900	1	All	
2690+29 +/-50	F	1529	1529	1	All	State Road 82 (Immokalee Road)
average spacing		1333	1366 1350			

1 - original plan

2 - Development Order

3 - revision

*On January 23, 2001, the Board designated one right in and one right out access point to be located between Treeline Avenue (Sta 2408+50) and Chamberlin Parkway (Sta 2447+00) at DOT's discretion. The access points can be co-located or separate.

However, only a total of one right in and one right out movement is granted in the event two access points are constructed.

All costs related to the construction of the access point or points will be borne solely by the developer.