

LEE COUNTY RESOLUTION NO. 22-03-19

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AMENDING RESOLUTION NO. 06-11-30, AS AMENDED, WHICH DESIGNATED BEN HILL GRIFFIN PARKWAY AND TREELINE AVENUE BETWEEN ALICO ROAD AND DANIELS PARKWAY AS A CONTROLLED ACCESS FACILITY IN ACCORDANCE WITH CHAPTER 10 OF THE LEE COUNTY LAND DEVELOPMENT CODE (LDC), AND ESTABLISHING PERMANENT ACCESS POINTS.

WHEREAS, the Board of County Commissioners (Board) is considered the transportation authority in Lee County by virtue of the authority granted in Florida Statutes, Section 125.01(m), to provide and regulate roads; and,

WHEREAS, the Board, as transportation authority, has the power to establish, designate, and regulate controlled access facilities in accordance with Chapter 10 of the Land Development Code (LDC); and,

WHEREAS, the Board desires to designate and establish Ben Hill Griffin Parkway and Treeline Avenue, between Alico Road and Daniels Parkway, as a controlled access facility with fixed access points; and,

WHEREAS, the Board designates roadways as controlled access facilities in order to allow for the safe and relatively unimpeded movement of large volumes of traffic; and,

WHEREAS, the Board finds that the designation of this roadway corridor as a controlled access facility will preserve safety and traffic capacity and, therefore, is in the best interest of the public; and,

WHEREAS, Ben Hill Griffin Parkway and Treeline Avenue, between Alico Road and Daniels Parkway, is designated as a controlled access facility with fixed access points in accordance with Chapter 10 of the LDC; and,

WHEREAS, the fixed access points along this roadway corridor are set forth in detail in the attached exhibit and map; and,

WHEREAS, approval for the construction of a new, or use of an existing access point, median opening, or turning movement is reserved to the County. Approval of such requests will be based upon facts and circumstances applicable to the request at the time of application for development order or permit submittal; and,

WHEREAS, Resolution No. 06-11-30 was adopted by an affirmative vote of a super majority of the Board of County Commissioners; and,

WHEREAS, Resolution No. 08-03-14 was adopted by an affirmative vote of a super majority of the Board of County Commissioners to amend the original controlled access resolution on Ben Hill Griffin Parkway/Treeline Avenue; and,

WHEREAS, Resolution No. 16-03-19 was adopted by an affirmative vote of a super majority of the Board of County Commissioners to also amend the controlled access resolution on Ben Hill Griffin Parkway/Treeline Avenue; and,

WHEREAS, Resolution No. 16-05-08 was adopted by an affirmative vote of a super majority of the Board of County Commissioners to also amend the controlled access resolution on Ben Hill Griffin Parkway/Treeline Avenue; and,

WHEREAS, the Terminal Access MPD has proposed amendments to the Ben Hill Griffin/Treeline Avenue Controlled Access Resolution to relocate a full median opening shown at Station #102+98 to the south to Station #102+19; and,

WHEREAS, the Terminal Access MPD has also proposed to add a new directional median opening 1,056 feet to the south of the proposed relocated full median opening at Station #91+63 to allow a northbound left turn with a southbound right turn in and a right turn out; and,

WHEREAS, the Terminal Access MPD has also proposed to add a new full median opening approximately 2,015 feet to the north of the proposed relocated full median opening at Station #122+34 to allow full turning movements; and,

WHEREAS, the Terminal Access MPD is unable to complete the interconnection of its internal access roadway to the north across private property without wetland impacts on the adjacent property; and,

WHEREAS, the new driveway configuration to the Terminal Access MPD meets the connection separation standards set forth in the Land Development Code Section 10-285; and,

WHEREAS, Lee County DOT has reviewed the Traffic Impact Statement prepared for the Terminal Access MPD and found it meets the technical criteria set forth in Administrative Code 11-10 to relocate and add driveways to a controlled access resolution; and,

WHEREAS, there will be enough space between the accesses to permit safe and efficient weaving and slowing to enter turn lanes without adversely affecting the through traffic on Treeline Avenue; and,

WHEREAS, the Lee County Department of Transportation has concluded that, the modifications will not detrimentally 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 that:

1. Ben Hill Griffin Parkway and Treeline Avenue, between Alico Road and Daniels Parkway, Controlled Access Resolution is hereby amended to relocate the full median opening access previously designated at Station # 102+98 to a new location at **Station #102+19** to allow full turning movements. In addition, the Controlled Access Resolution is amended to add a new directional access point at **Station 91+63** that will accommodate northbound left in, southbound right in, and southbound right out turning movements. Finally, the Controlled Access Resolution is amended to add a new full median opening at **Station 122+34** that will permit full turning movements. These changes to the Controlled Access Resolution are subject to the following conditions:
 - a. The Developer(s) must acquire a release by the FAA of the property necessary to achieve a connection between the private property to the west and the Treeline Avenue/Ben Hill Griffin Parkway road corridor. The property is to be released to Lee County at the expense of the applicant(s) for the accesses.
 - b. The Developer(s) must acquire approval from the South Florida Water Management District and the U.S. Army Corps of Engineers or the Florida Department of Environmental Protection to amend the governing permits issued to the Lee County Port Authority to accommodate the subject access to Treeline Avenue/Ben Hill Griffin Parkway.
 - c. The Developer(s) must request an amendment to the Airport AOPD Master Concept Plan to reflect the accesses to Treeline Avenue from the west at this location.
 - d. The Developer(s) must dedicate for public use the internal access roads on the plat that extend all the way to the northern property line to accommodate future interconnection with the project(s) to the north. The Developer(s) must execute cross access easements that allow for future potential connection with the projects to the north. The dedication of the roadways and execution of cross access easements must be fulfilled during and through the Platting and Development Order Approval process for the property.
 - e. Construction of the roadways that will provide interconnection to the property to the north will be built in accordance with the cross section in the Master Concept Plan to include a minimum 40-feet of right-of-way with a single 5-foot sidewalk, closed drainage, and minimum 11-foot travel lanes.
2. The fixed access points along the roadway corridor are set forth in detail in the attached Exhibit "A" and map/sketch and spreadsheet.

3. The Board's adoption of this resolution does not guarantee, create, or vest in any property owner a right or property interest with respect to a designated access point, median opening, or turning movement. The County retains full power and authority to exercise its police power to modify or close connection points, median openings, and turning movements to protect the health, safety, and welfare of the traveling public
4. Approval for the construction of a new, or use of an existing access point, median opening, or turning movement is reserved to the County. Approval of such requests will be based upon facts and circumstances applicable to the request at the time of application for development order or permit submittal.
5. This resolution was adopted by an affirmative vote of a super majority of the Board of County Commissioners.

Commissioner Hamman made a motion to adopt the foregoing resolution, seconded by Commissioner Ruane. The vote was as follows:

Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

Duly passed and adopted this 2nd day of March, 2022.

ATTEST:
CLERK OF CIRCUIT COURT

BY 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY 
Cecil L Pendergrass, Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

BY 
Office of the Lee County Attorney

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