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September 3, 2002

Lee County Commissioners
P.O. Box 398
Fort Myers, Florida 33902-0398

RE: GREATER PINE ISLAND COMMUNITY PLAN (CPA 2001-18)

Dear County Commissioners:

On your agenda for Thursday September 5th you will be considering a proposed update to the Greater Pine Island Community Plan.

This hearing is the culmination of over two years of effort. On behalf of all those who have participated, I would like to thank all of you and your staff for the important role Lee County has played in updating this community plan.

As you can tell from the staff report, we have been able to resolve almost all of the questions that have arisen during the review process. We are aware of only two remaining issues that may be contested at your public hearing.

ISSUE #1: REVISIONS TO POLICY 14.2.2, TRAFFIC ON PINE ISLAND ROAD

This policy was adopted in 1989 as the centerpiece of the entire plan; it implements a phased slowing of growth on Pine Island as the capacity of Pine Island Road is reached. The first phase of the restrictions began in 1998 when the peak-hour traffic through Matlacha reached the pre-established threshold of 810 trips, which was based on 80% of the LOS "D" capacity of Pine Island Road.¹

¹ A summary of this issue is provided on pages 7 through 10 of the community plan update and a more detailed discussion is provided in Appendix A.

This plan update recommends some modifications to this policy to make it clearer and to provide certain reasonable exceptions, but the pre-established thresholds would remain exactly the same. Lee County DOT staff has proposed another version of this policy that would dramatically increase the thresholds for these growth restrictions — in effect, the existing restrictions would be suspended and would not be reinstated until approximately the year 2019!

Because the two versions of this policy use different methodologies, I have prepared the attached chart that allows an easy comparison of the effects of each.

The upper curve on the chart shows traffic *in both directions* through Matlacha from 1990 through 2000, with a straight-line projection into the future. Two horizontal lines depict the thresholds in the existing Policy 14.2.2; the first threshold, at 810 trips in both directions, was surpassed in 1998, at which time certain limitations began on rezonings for additional growth.

The lower curve on the chart shows traffic *in the peak direction only* for the same period, also with a projection into the future. This second curve is shown because the methodology proposed by DOT sets the new thresholds in *peak-direction trips* instead of trips in both directions (as well as lowering the level-of-service from “D” to “E”). Two horizontal lines depict the new thresholds proposed by DOT (beginning at 768 *peak-direction* trips). You can see that the projected traffic would not exceed this threshold until about the year 2019.

The DOT proposal was an honest attempt to achieve consistency between Policy 14.2.2 and Lee County’s concurrency program. However, the concurrency program already establishes varying levels of service for roads with different characteristics (for instance, LOS “E” for most arterials; “C” for I-75; “B” for parts of SR 80; etc.).

The (inadvertent) result of the DOT proposal for Policy 14.2.2 would be a policy change of such magnitude that I am totally at a loss to explain it to the Greater Pine Islanders who have worked so diligently to update and refine this plan. Nothing has reduced Pine Island's growth potential since 1989 and nothing is even on the horizon to increase road capacity from the mainland. How could a delay of 21 years in the application of the plan’s most important policy possibly be justified?

I'm sure you can understand why Greater Pine Islanders cannot accept this proposed change. Please transmit the *first version* of Policy 14.2.2 on page 5 of the staff report; this is the version originally proposed as part of this plan update and then refined through later discussions with staff.

ISSUE #2: PROPOSED POLICY 14.4.4 ON DIRECTIONAL SIGNS

Although the staff report doesn’t discuss directional signs specifically, we have been in contact with DOT staff members who have concerns about allowing any new directional signs in the right-of-way.

At present, directional signs are allowed only for subdivisions and non-profit groups, but not for businesses. On Pine Island, many businesses are located along the waterfront rather than along

the highway. Without highway frontage, businesses such as marinas are not permitted to have any signs to advise motorists how to find them. Pages 30 and 31 of our plan explains this dilemma and proposes a pilot program of small directional signs that we would like to propose for Pine Island. These signs would have the business name and an arrow; advertising would be strictly forbidden.

I am attaching some earlier responses we provided to address concerns raised by DOT staff. The bottom line is that we may or may not be able to design a program of directional signs that will be satisfactory to Lee County officials. By adopting Policy 14.4.4, the county will be encouraging us to at least attempt to resolve the DOT concerns and allow small directional signs for businesses that meet carefully defined conditions (such as not being visible from the highway). We anticipate all costs of this program, such as the cost of the signs themselves and increased mowing costs, will be offset through permit fees.

Because this program would require revisions to the county's LDC and administrative code, the county commission will have the ability to accept, modify, or reject our detailed proposal when it is completed. DOT staff is not confident that we can resolve all of their concerns; we appreciate having been so apprised and we accept the risk that this program might not ultimately be accepted. However we urge the county commission to adopt Policy 14.4.4 as proposed and let us work with DOT staff in an attempt to design a program of directional signs that would meet with your approval.

Again, we would like to thank everyone for the high level of cooperation that has been demonstrated throughout this process. We urge you to transmit the proposed amendments to the Lee Plan as set forth on pages 3 through 8 of the staff report, selecting the first option on page 5 for Policy 14.2.2.

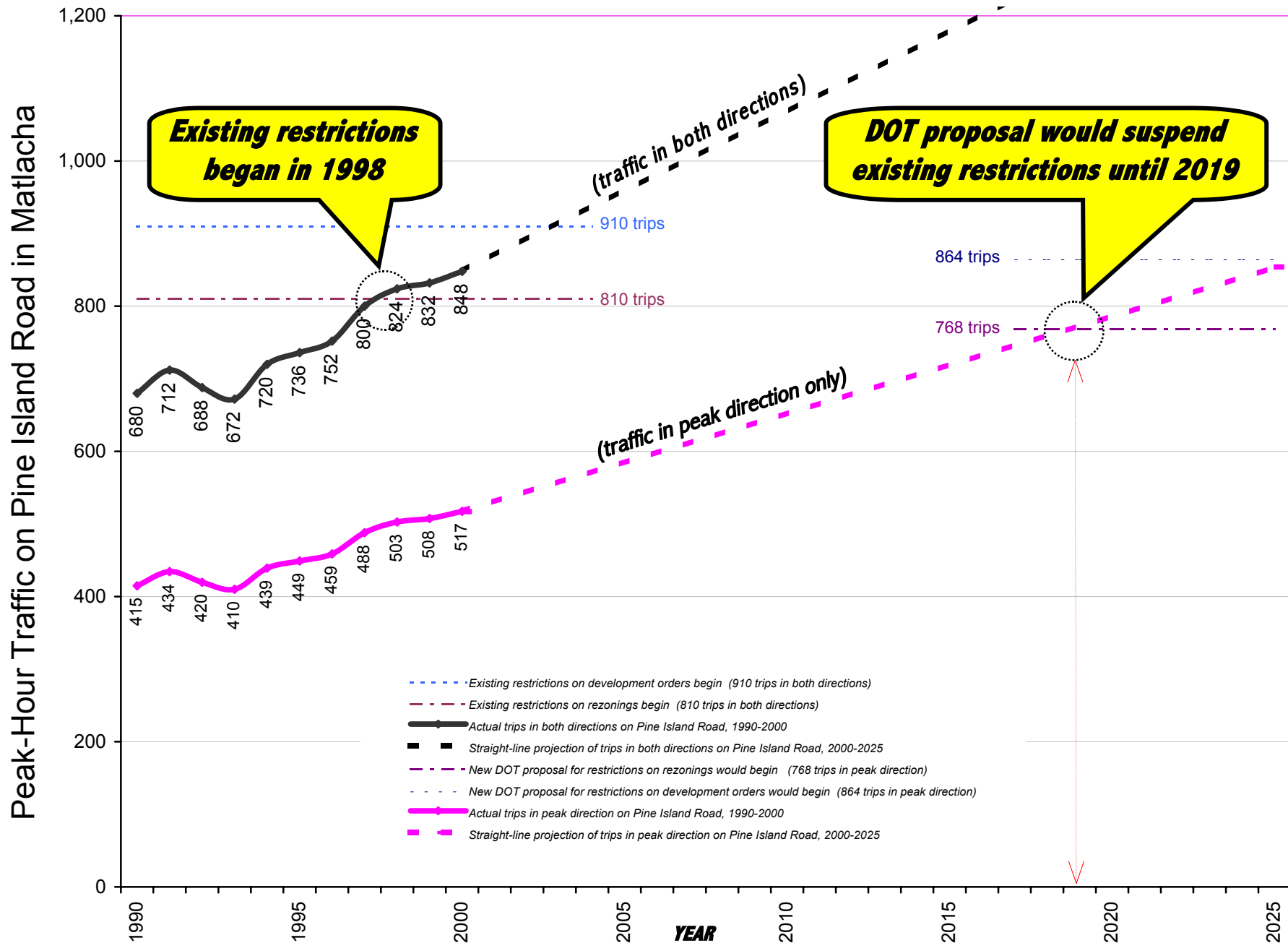
Sincerely,

Bill Spikowski, AICP

ATTACHMENTS:

- Chart: *Effect of DOT Proposal on Existing Restrictions on Greater Pine Island*
- Memo from May 10: *Business Signs in the Right-of-Way on Pine Island*

Effect of DOT Proposal on Existing Restrictions on Greater Pine Island



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MEMORANDUM

TO: David Loveland
FROM: Bill Spikowski
DATE: May 10, 2002
SUBJECT: Business Signs in the Right-of-Way on Pine Island

Thanks for forwarding the concerns expressed by DOT's operations folks regarding the proposal in the Greater Pine Island community plan update to allow some business signs in the right-of-way. I have paired the DOT comments with my thoughts in response.

DOT: *Would this be opened up county-wide – if we allow it on Stringfellow, how can we deny it elsewhere?*

RESPONSE: Proposed Lee Plan Policy 14.4.4 would only apply to "Greater Pine Island," which ends at Matlacha Isles just east of Matlacha, so it would not have any legal applicability elsewhere in Lee County. If the program is a success, of course, there may be an effort from other communities to have the same program. The costs and benefits will be much clearer at that time than they are now; an assessment of those facts could lead toward expansion of the program, or toward its termination!

DOT: *Visibility of businesses on Stringfellow is good, better than in many other areas.*

RESPONSE: This program is for businesses that are *not visible at all* from Stringfellow. If the business is visible, it can put up a conventional identification sign on its building. The implementing regulations for this program will have to be clear on this point.

DOT: *Will you allow a residence to put up a sign? What about the guy that runs a lawn service out of his garage? If not, why not?*

RESPONSE: This program is for businesses only. As for home businesses, the implementing regulations will have to make some subtle distinctions. The guy who runs a lawn service out of his

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garage should not qualify – for him, this would be strictly advertising, since his customers have no need to ever visit the business location. However, a sculptor with a gallery in his garage that is open occasionally maybe should qualify. We would be preparing the first draft of the implementing regulations and then seeking input from county staff prior to taking these regulations to public hearings.

DOT: *Will you allow businesses on side streets to put up a sign on Stringfellow? If yes, you could have 5 or 10 signs at one location.*

RESPONSE: Yes, this program would be aimed at businesses on side streets. For instance, just before Pineland Road I can imagine a number of Pineland businesses all wanting a sign (the marina, the restaurant, the church college, and Randell Research Center, for example). But there is no reason for each of these signs to be on its own pole. The size of these signs and how many could go on a single pole would be matters about which we would seek advice from DOT before proceeding to public hearings.

DOT: *If there is an accident and somebody hits the sign and it damages their vehicle, who is responsible? If the person sues, we would in all likelihood be included no matter what we think is right.*

RESPONSE: These signs would be paid for by the benefitting businesses through permit fees, but since the signs would be produced, installed, and maintained by the county, I'm sure any liability would end up with the county.

DOT: *Signs are expensive to mow around. At each sign the mower has to stop, turn around, and back up to the sign. Then he has to turn around and back up to it again from the other side. Plus you can never get all the grass so there is some hand work, trimming, spraying or something. Each sign post becomes a significant cost and slows down the operation.*

RESPONSE: I think DOT would be able quantify the extra effort in time and materials, In addition to the initial fee to produce and install the sign, let's charge an annual fee for each sign that includes all reasonable maintenance costs.

DOT: *For each sign in the R-o-W, the mower must swing out into traffic creating a safety concern. Most of our vehicle accidents, albeit an infrequent occurrence, have occurred while moving around a sign.*

RESPONSE: None.

DOT: *Wouldn't we have to change our administrative code to allow this to happen?*

RESPONSE: It would certainly require an LDC change, and probably an administrative code change also.

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The county planning department has recommended slightly different wording for our proposed Policy 14.4.4. Their version is as follows:

POLICY 14.4.4: The county will expand its current sign regulations to include specific standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would reduce the size of ground-mounted signs, discourage or disallow internally lit box signs, allow wall signs on buildings near the right-of-way, and allow small directional signs on Stringfellow Road for businesses not visible from the road.

The major change is that the burden is now on the Greater Pine Island community to bring forth an acceptable proposal on business signs. We have agreed to this new language, and if it is adopted, we will be seeking your input on our draft language before any public hearings are scheduled.

Attached are the two pages from the Greater Pine Island community plan update regarding business signs, for your reference.

ATTACHMENT: Pages 30 & 31 on “Business Signs,” from the community plan update