

Over The Limit: Pine Island Development Cap

# Fears rise as projects go forward

## Lee says '910' count being misunderstood

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Sixteen years ago, Pine Islanders decided the only way to protect their rural lifestyle was to limit building on the largest island on Florida's west coast.

Residents figured that new development, left unchecked, would create unbearable traffic on two-lane Pine Island Road — the only way on and off the island of 9,000 people. They didn't want the gridlock their neighbors on Fort Myers Beach experience when Estero Boulevard turns into a parking lot during tourist season.



Phil Buchanan, 62, has been one of Pine Island's strongest voices in working to keep the island free from further development.

So they came up with a plan, and Lee County officials supported it.

When the traffic on Pine Island Road through Matlacha hit 910 trips during the busiest times of the day, county planners were to stop allowing residential developments.

But now, islanders think the county has reneged.

The road hit that magic traffic number more than a year ago, yet Lee County still is approving developers' projects. And residents are hopping mad.

They are threatening lawsuits or incorporation to take control of Pine Island's fate.

"Incorporation is a big and scary step to many people, but we are becoming more of a target," said Anna Stober, president of the Greater Pine Island Civic Association. "We are an island and the safety of our residents and the maintenance of our quality of life is being threatened."

To protect that quality of life, islanders started looking for solutions back in the 1980s.

The civic association formed committees, held numerous workshops and meetings and came up with the infamous 810/910 rule that was made county law in 1989.

When traffic on Pine Island Road hit 810 trips, the county was to stop any new zoning requests.



Photos by **STEPHEN**

A property at the [HAYFORD/news-press.com](http://HAYFORD/news-press.com) end of McNeff Road in Bokeelia, where a development project has been approved despite a Lee County agreement to halt construction when a predetermined traffic limit was met.

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A property at the end of McNeff Road in Bokeelia, where a development project has been approved despite a Lee County agreement to halt construction when a predetermined traffic limit was met.

When it hit 910 trips, the county was supposed to stop issuing residential development orders.

Architects of the rule used the state's 1965 Highway Capacity Manual to determine Pine Island Road's traffic capacity. The manual said the road could accommodate 1,010 trips during peak hours. They then determined development should be limited at 80 percent and 90 percent of that capacity, setting the 810/910 standard. The numbers are a signal to officials that traffic has reached an unsafe level, bringing heavy congestion, more potholes and general deterioration of the road.

However, since Sept. 14, 2004, when the traffic count went over 910, Lee County has approved five new residential developments comprising 90 additional residences, and is reviewing nine others that would add 799 homes.

If all the developments are approved, Pine Island Road would have 50 percent more traffic — a total of 1,390 trips, if the projects' traffic increases were added together.

County officials now say the Greater Pine Island Community Plan's 910 traffic number is not really the determining factor to limiting development on Pine Island. That's something islanders thought was gospel.

## **NEW RULE**

One county attorney, past and current commissioners and department of transportation officials have agreed residential development should be limited when Pine Island Road's traffic count reaches 1,130 trips, not the 910 stated in the Pine Island plan.

The county commission decided in 2001 to use the higher number, which was drawn from the 1985 Highway Traffic Capacity Manual, not the 1965 version that was available when the community plan was created.

County attorney Tim Jones said the county is not reneging on the 810/910 rule.

"The 810/910 rule is being implemented as I believe it was designed to be," Jones said.

Jones thinks the county is controlling growth and maintaining the quality of Pine Island Road through its interpretation of the rule and reliance on the 1,130-trip limit.

It's Jones' opinion that has changed residents' calls for incorporation from a whisper to a shout.

"The (Greater Pine Island Community Plan) very specifically requires development orders on Pine Island to be curtailed before Pine Island Road is overwhelmed with traffic," said Phil Buchanan, a St. James City resident and community activist. "The 810 count was the warning light and the 910 count was the stop light. To say, when we get to 910, we'll see if we're at the other 1,130 is garbage."

Buchanan, a retired attorney, added he would rather not go down the road to incorporation, but if the county continues to ignore the rule it could become a reality.

The Greater Pine Island Civic Association looked into hiring a consultant this year to determine if Pine Island could be incorporated, but the study was going to cost about \$14,000, more than the association was willing to pay at the time.

"Incorporation and litigation are expensive and troublesome, but I would advise to do both if it comes down to it," Buchanan said.

Fort Myers Beach and Bonita Springs jumped ship and formed their own municipalities because of issues with how Lee County was managing their communities. Lehigh Acres is considering it.

Even Cape Coral, unhappy with the services the county provides for its tax dollars, has

threatened to secede from Lee County altogether.

## **CHANGED DEAL**

Like Buchanan, Bill Spikowski, a private land planner and chief architect of the Greater Pine Island Community Plan, not only believes that the county is interpreting and carrying out the 810/910 rule incorrectly, but that it's also turning its back on it.

"Back in 1989 commissioners decided how to deal with growth on Pine Island," he said. "For 15 years, everything was based on that. Now that the numbers have become a little painful they are intentionally forgetting what they are supposed to be doing.

"The commission will need to follow through on their own plan," he added. "It might take a lawsuit or incorporation, but it shouldn't take that kind of drastic action to (get the county) to follow the plan."

Commissioner Ray Judah said the county is not ignoring the 810/910 rule, but using it as it was intended, as a warning.

"910 is a warning light, but I think the interpretation was that it was the shutdown point," he said. "Unfortunately, (county) policy refers to the 1985 Highway Capacity (Manual), which puts the count at 1,130. That is the issue with the county attorney's office and Pine Island."

Large landowners agree.

Bob Glennon, owner of Master's Landing Palms and a member of Pine Island's Agricultural Land Owners Association, said the 810/910 numbers are only indicators and the new 1,130 count should be more than sufficient to satisfy everyone, developers and residents.

"It is very clear the 810/910 rule was intended as an indicator sign to say it is time to look at the plan, but it was never intended to be used as a mechanism to deny people their property rights," he said. "The 810/910 number can't be the deciding factor on development. The count was raised and approved. The 1,130 number is easily sustained by Pine Island Road.

"The whole scope of Pine Island, that it was this fishing village and full of retirement folks, has all changed."

## **EVACUATION**

Allowing more development means more vehicles on Pine Island Road. And accomplishing a safe evacuation of Pine Island has been a growing concern for county officials since Hurricane Charley struck Aug. 13, 2004, because two-lane Pine Island Road is the only artery to the mainland.

John Wilson, director of county public safety, said there is a plan in place to evacuate Pine Island in the event of a hurricane, but he hasn't determined if it works. He said Pine Island Road would become a one-way eastbound route from Stringfellow Road to the mainland and he has concerns about maintaining the quality of the road for such an event.

"(Hurricane) Charley is a bad example if it works, because nobody left," Wilson said. "We have these plans, but the question is are they going to leave? They didn't for Charley, but will they the next time?"

Spikowski said hurricane evacuation was going to be a factor in determining the 810/910 rule, but too many variables, such as how fast a storm is approaching and from what direction, made it difficult to create definite traffic capacity numbers.

## **SOLUTIONS**

Art studios and restaurants line the narrow, two-lane Pine Island Road through the quaint

community of Matlacha.

Matlacha is a throwback to an old Florida fishing village. Its unique character is worth saving, residents say. But that means keeping the road two lanes because there's not enough room for more without ripping up the area.

And a two-lane road will not support gridlock traffic.

Buchanan said the purpose of the 810/910 rule was to avoid having to build another bridge to Pine Island or to widen Pine Island Road to four lanes through Matlacha, neither of which is feasible because of financing, permitting and other restrictions.

Dave Loveland, Lee DOT manager of transportation and planning, agreed that there are few solutions on tap to improve Pine Island Road.

Loveland said widening the road in Matlacha is not an option. Adding turn lanes in Matlacha could be an option, but Loveland said it hasn't been explored.

He added building an additional bridge could be a possibility, but such a measure is not in the county's long-range plans.

"We are not proposing a new bridge, I am not sure where we would put it," he said. "But you would have some huge environmental permit issues to deal with because we would be crossing protected waterways, and (building a bridge) is hugely expensive."

Loveland said because of a shortage of solutions, when the 1,130 count is actually hit a development moratorium may be issued.

"It is a sticky issue, using traffic service as a growth-management tool," he said. "We would be backed into a corner if it came to that."