



1520 Royal Palm Square Blvd, Suite 100
Fort Myers, FL 33919
Phone: 239-433-4231
www.tdmcivilengineering.com
Certificate of Authorization # 29086

Downtown Express Car Wash Deviation Request and Justification

Revised May 6, 2024

Deviation #1:

Seeks relief from Administrative Code 11-4 Turn Lane Policy (V)(II) Design of Left and Right Turn Lanes. The calculations require a left turn lane at Three Oaks Parkway to be a minimum of 360 feet. Request to permit a left turn lane of 310 feet.

Justification:

Per staff's comment letter dated January 31, 2024 regarding Development Order, DOS2023-00043, the applicant is required to either comply with the extension of the left turn lane or request a deviation from Lee County Administrative Code 11-4 Turn Lane Policy.

Based on the Turn Lane Policy, the addition of the proposed development, Downtown Express Car Wash, requires modifications to the design of existing turn lanes. The development is surrounded by three roads – Three Oaks Parkway, Oaks Town Center Lane, and Oaks Center Drive. Based on the Traffic Impact Statement dated May 2024, the Applicant is requesting a deviation to permit the existing left-turn lane length of 310 feet at Three Oaks Parkway to be sufficient.

The proposed development has a full access connection on Oaks Center Drive. Per the TIS, the proposed development generates 9 AM peak hour trips and 82 PM peak hour trips using the gross floor area calculation (Table 1) and 9 AM peak hour trips and 78 PM peak hour trips using the number of tunnels calculation (Table 2). Based on the Turn Lane Analysis Section 3.4: Oaks Center Drive, turn lanes at Oaks Center Drive are not required.

In addition to the proposed development, other nearby commercial and community developments generate traffic on the same roadways. Based on the Turn Lane Analysis Section 3.5: Three Oaks Parkway at Oaks Center Drive, both left and right turn lanes are required. Based on the Turn Lane Analysis Section 3.6: Three Oaks Parkway at Oaks Town Center Lane, both left and right turn lanes are required. Based on the Turn Lane Analysis Section 3.7: Oaks Center Drive at Oaks Town Center Lane, a right turn lane is required.

In addition to the proposed development, other nearby businesses, including the Athenian Academy Charter School as well as the proposed 6,579 square foot fire station generate vehicle trips to the surrounding roadways. Based on Turn Lane Analysis at Build-Out, Section 3.8: Three Oaks Parkway at Oaks Center Drive, a left turn lane is required. Based on Turn Lane Analysis at

Build-Out, Section 3.9: Three Oaks Parkway at Oaks Town Center Lane, a left turn lane is required.

The Applicant is providing a full-access driveway connection at Oaks Center Drive. No other improvements are required or proposed. The required east-bound right-turn lane and east-bound left-turn/straight lane on Oaks Town Center Lane are currently provided.

The required north-bound right-turn lane and south-bound left-turn lane on Three Oaks Parkway is currently provided with 260' of stacking and an additional 50-foot taper. FDOT FDM Section 212 requires 185' deceleration distance plus 160' (rounded up to 175') of queue for a single left-turn in rural conditions (total required turn-lane length is 360'). The existing left-turn lane length is inadequate by 50', but is inadequate even without the proposed project (by 25'). **The Applicant is requesting a deviation to permit the existing left-turn lane length of 310 feet to be sufficient with the addition of the proposed development.** The required two (2) west-bound egress lanes (one right-turn only and one left-turn/straight only) on Oaks Center Drive are also provided. Both west-bound egress lanes are approximately 150' long and are required to be 125' long per the Turn Lane Policy; therefore, they are adequate. No additional improvements are required or proposed.

The Traffic Impact Statement dated May 2024 states that the proposed development will add twenty-four (24) vehicle trips to Three Oaks Parkway in the peak hour peak direction. The maximum service volume at LOS "E" of Three Oaks Parkway is 1,940 vehicles in the peak hour in the peak direction. The addition of the proposed development will not degrade the level of service of Three Oaks Parkway. The turn lane is existing and totals 310 feet. The optimal length with the proposed development is 360 feet. Allowing the existing turn lane to remain at the existing length of 310' does not create a new hazard or increase an existing hazard which would be considered detrimental to the health, safety and welfare of the traveling public.

AC-11-4 Section VII sets forth the criteria where the Director may grant a deviation. In this case, the traffic generation patterns of the land use (car wash), do not warrant the extension of the existing turn lane on Three Oaks Parkway.

Since the site is zoned commercial planned development, the applicant must demonstrate that each deviation requested "enhance the achievement of the objectives of the planned development and protect the health, safety, and welfare of the general public". The applicant has demonstrated that the addition of the proposed development generates minimal traffic on the surrounding roadways (compared to the nearby existing and planned developments) and that the 310' left turn lane is sufficient. The applicant respectfully requests approval of this deviation.

In addition, the applicant has demonstrated compliance with the criteria for an Administrative Deviation as set forth in LDC Sec. 10-104(b):

(1) The alternative proposed to the standards contained herein is based on sound engineering practices (not applicable to Sections [10-352](#), [10-353](#) and Division 7 of Article III of this chapter);

As demonstrated throughout the Traffic Impact Statement and this Justification, the alternative proposed is based on sound engineering practices. The proposed development generates minimal traffic on the surrounding roadways. Turn lanes are already provided and adequate in every instance where warranted. The only exception is that the left turn lane length on Three Oaks Parkway should be 360' with the addition of the proposed development. The length of

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the turn lane, as currently constructed, is 310'. The difference is minor considering the other existing and planned developments that will impact the turn lane in the near future.

(2) The alternative is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested;

The proposed development generates minimal traffic on the surrounding roadways, as demonstrated by the TIS. The alternative of providing a 310' turn lane instead of a 360' turn lane is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested.

(3) For Division 7 of Article III of this chapter, the required facility would unnecessarily duplicate existing facilities;

Not applicable.

(4) The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision;

Lee County AC-11-4 Section VII states that the Directors may grant a deviation from this policy; therefore, the granting of this deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, or any other ordinance or any Lee Plan provision.

(5) For Sections [10-352](#) and [10-353](#), the utility that would otherwise serve the development cannot provide the service at the adopted level of service standard due to an inadequate central facility; and

Not applicable.

(6) For Sections [10-329\(f\)](#) and [10-418\(4\)](#), the proposed use of hardened structures for restoration of existing lake bank slopes will be evaluated on a case-by-case basis. The application for the hardened structure must demonstrate this is the most appropriate and minimum stabilization technique necessary as designed and sealed by a licensed professional engineer. The application must also demonstrate compliance with [Section 10-418\(3\)](#) for compensatory littorals as well as previously approved littoral and deep lake management plan requirements. However, existing lakes within the DR/GR may not utilize hardened structures through the administrative process.

Not Applicable.