

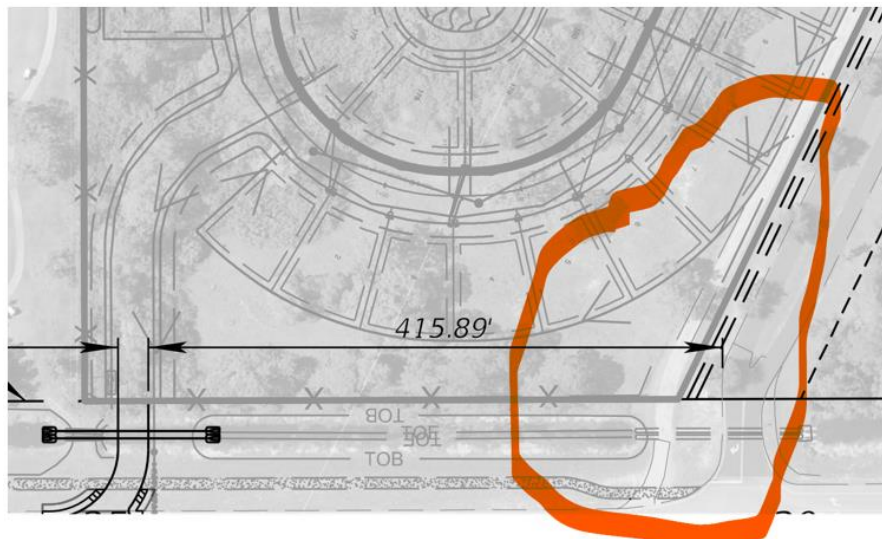
**Information for ALL Pine Lakes Residents.**

**The following is an update (UP TO SEPT 30, 2023) on the French Property.**

There are voluminous amounts of documents that Freedom of Information (FOI) information has been received. Below is a very small summary, surrounding our roads and access to the French Property

On January 21, 2023, ELS via Kimley Horn, filed with Lee County a Permit application in pursuit of developing the French Property.

Please note on this drawing Submitted in January, ELS has no intent of using the property entrance the French's used. ELS HAS MADE NO VERBIAGE IN REFERENCE TO USING OUR ROADS, but drawings show intent/non intent.



On April 17, 2023, Lee County issued an insufficiency letter which had the following request:

14) Please demonstrate on the proposed plans the proposed street access meets or exceeds the

minimum street access requirements per LCLDC Section 10-154(23), 10-291(2), 10-293(3), and 10-296.

- Please provide evidence, that the access road(s), Circle Pine Road and Pine Lakes Boulevard, is

constructed or improved to meet County standards, or improve to meet County standards.

- Please provide evidence of the existing active entity or a proposed entity responsible for the continual

maintenance of the non-County maintained road, Circle Pine Road and Pine Lakes Boulevard, and

provide a draft Privately Maintained Road Operation and Maintenance Covenant for sufficiency review by

the County Attorney's Office. Staff can provide templates and sample privately maintained road operation

and maintenance covenant upon request.

- Please provide evidence of the legal right to access the development via the non-County maintained

road, Circle Pine Road, from the development to a County maintained road for sufficiency review by the

County Attorney's Office and identify exactly where in the documents (what document, what page, what

section, what language) fulfills the requirements.

- In May, ELS filed for an extension. (extension can last months if ELS does not respond)
- On June 26, 2023, ELS refiled for permit with Lee County
- On September 15, 2023, the following was a part of an insufficient letter from Lee County to ELS.

NOTE THE CHANGE IN LANGUAGE FROM ABOVE!

14) Please demonstrate on the proposed plans the proposed street access meets or exceeds the

minimum street access requirements per LCLDC Section 10-154(23), 10-291(2), 10-293(3), and 10-296.

- Please provide evidence of the recorded existing active entity responsible, and identify exactly where in

the documents (what document, what page, what section, what language) fulfills the requirements or a

proposed entity responsible, and provide a draft Privately Maintained Road Operation and Maintenance

Covenant, along with the legal description & sketch of the maintenance area, for the continual

maintenance of the non-County maintained road, Circle Pine Road and Pine Lakes Boulevard, **from the**

**development to a State maintained road**, for sufficiency review by the County Attorney's Office. Staff can

provide templates and sample privately maintained road operation and maintenance covenant upon

request.

- Please provide evidence of the legal right to access the development via the non-County maintained

road, Circle Pine Road, from the development to a County maintained road for sufficiency review by the

County Attorney's Office and identify exactly where in the documents (what document, what page, what

section, what language) fulfills the requirements.

**Regarding The Florida Department of Transportation (FDOT) ELS filed for a permit from the FDOT (FDOT approval needed as per rezoning requirement) in August.**

**FDOT sent the following comments to ELS in September.**

#### **Access Management S1 Comments:**

1. The TIS is dated June 9, 2023, with turning movement counts dated April 13, 2022. With the counts being older than 12 months and with the new developments to the north and south along US 41 (which likely are not represented in the growth rate analysis) we would like to see newer traffic counts be used. Additionally, the traffic counts used do not identify heavy truck traffic volume/percentage and a default 2% heavy vehicle traffic is used in the Synchro analysis. Please revise analysis accordingly.

2. **The plans show an egress only (right-out only) driveway 600 feet north of Pine Lakes Blvd or about 460 feet south of the St Theresa Catholic Church driveway. This driveway connection will not meet the minimum required 660-foot connection spacing as per the Access Management Standards for Controlled Access Facilities. Additionally, the Department does not allow egress-only driveways because it is a safety concern. However, per the Pre-App meeting on November 8, 2022, FDOT would allow a non-conforming right-in/right-out emergency-only access connection.**

3. For the Daily, AM, and PM peak hour trip generation, please appropriately apply the trip generation equation or the trip average rate based on the R-squared

value; if the R-square value is 0.70 or higher, then use the equation, but if it is less than 0.70 then use the average rate if appropriate.

4. These comments are not to be all-inclusive, and it should not be assumed that any issues not addressed in this correspondence are acceptable to this Department. We will submit additional comments once these issues have been addressed.

As you have read above, it appears Lee County will want OUR roads turned over to a **State maintained road**, and the FDOT is focused on entry surrounding the Church and old French Property, completely ignoring entrance via our roads.

This is the latest update. It is continuously and closely monitored with contacts from both Lee County and FDOT.

Watch this space for updates.