33.00
$6.00 BILLED

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

2603438

OF LEE COUNTY, FLORIDA

OR2050

PG4081

RECORD VERIFIED - CHARLIE GREEN, CLERK

WHEREAS, Donald Frankel, et al have been properly filed an application on a project known as The Old Hickory Club for:

Rezoning from AG-2 to Residential Planned Development, to permit a residential development with a maximum of 858 conventional single-family, zero lot line and Golfside Villas and multi-family condominium units with buildings not to exceed 45 feet in height on 313.3 total acres of land. The proposed development will also include a country club, golf course, driving range, putting green, pro shop, private clubhouse (with food and beverage service), consumption-on-premises (COP), tennis courts, swimming pool, other non-commercial recreational facilities, accessory uses, administrative office, speciality retail shops, real estate sales office, models, signs, entrance gates, gatehouses, sewage treatment plant, maintenance building, lakes and environmentally sensitive preserve areas.

NOTE: If approved the Master Concept Plan will deviate from the following Lee County standards:

(1) Minimum setback between structures and a section line of 75 feet (202.15.B.3.a.), to 20 feet for the north/south line between Sections 27 and 28 as well as the east/west line between Sections 22 and 27;

(2) Minimum setback between structures and a quarter section line of 60 feet (202.15.B.3.b.), to 0 feet for the east/west line in Section 27;

(3) Maximum depth for a water retention excavation of 12 feet (518.B.), to 20 feet;

(4) Minimum water retention excavation setbacks to a quarter section line of 60 feet (518.C.2), to 0 feet for the east/west line in Section 27;

(5) Minimum water retention excavation setbacks to a street right-of-way of 150 feet (518.C.4.), to 50 feet;

(6) Requirement that the banks for a water retention excavation shall be sloped at a ratio not greater than 6:1 to a water depth of 4 feet below the dry season water table (518.D.), to 4:1;

(7) Withdrawn;

(8) Withdrawn;

(9) Requirement that along local streets, residential developments (those other than individual lots for single and/or two family dwellings units), shall provide a minimum buffer Type "B" [DSO C.5.d.(6)(b)(ii)], to no buffer along local streets within the bounds of the unified development;

8-8-88

(10) Minimum setback for roads shown on the Official Trafficways Map, but do not appear on the Lee County Circulation Plan Map of such a size as set forth in Section 202.15.B.2. of the Lee County Zoning Regulations, measured from the applicable centerline of the right-of-way, the width of which shall be shown on the Official Trafficways Map (per Section C.3.m.(2)(a) of the Lee County Development Standards Ordinance) to:

a) Reduce to zero the setback from the proposed 100 foot north/south collector shown on the Official Trafficways Map along the eastern boundary of the subject property.

b) Relocate the proposed 100 foot east/west collector shown on the Official Trafficways Map which runs across the subject property and allow the applicant to provide for that alignment along the southernmost part of the property based upon DOT&E determination.

c) Reduce the setback by 40 feet along the proposed collector shown on the Official Trafficways Map along the northern boundary of the subject property.

d) Reduce the width of the right-of-way proposed for Palomino Road shown on the Official Trafficways Map from 200 feet to 150 feet;

(11) Minimum building setback from the centerline of an arterial street without a frontage road of ½ the right-of-way plus 50 feet (202.15.B.2.a.) to a setback of ½ the right-of-way plus 20 feet along Palomino Road;

(12) Minimum building setback from the centerline of a 35 foot private roadway easement of ½ the right-of-way plus 20 feet (202.15.B.2.a.) to a setback of ½ the right-of-way plus 15 feet for zero lot line units only;

(13) Minimum building separation for the attached villa housing of 10 feet from the building on the side opposite the zero setback line (431.C.b.[2]) to 0 feet for the 2 interior units; therefore allowing the land on which the attached villas are constructed to be sold as individual lots;

(14) Minimum building separation for the detached zero lot line housing of 10 feet from the building opposite the zero setback line (431.C.2.b.[2]) to 0 feet from both lot lines with a minimum 5 foot separations between buildings;

(15) Minimum rear setback of 20 feet (434.01.B.2.) to 5 feet for zero lot line housing only;

(16) Minimum 20 foot drainage maintenance right-of-way to be provided along lakes (DSO C.4.b.) to a 20 foot drainage maintenance easement which will be included as part of the lot; and

(17) Maximum reduction of any parameter of intensity (i.e. the number of dwelling units or density rate) of 10 percent that may be approved administratively as a minor change by the Department Director (804.03.H.2.a.) to a reduction of 65 percent.

WHEREAS, the subject property is located on the east side of Palomino Road approximately 1/2 mile south of Daniels Road, described more particularly as:

OR2050 PG4082

LEGAL DESCRIPTION: In Section 27, Township 45 South, Range 25 East, Lee County, Florida:

> The West One Half (W½) of Section 27, Township 45 South, Range 25 East lying in Lee County, Florida.

WHEREAS, the applicant has indicated the property's current STRAP number is 27-45-25-00-00001.0000; and

WHEREAS, proper authorization has been given to Charles Huether, President of Old Hickory Club by James G. Frankel, owner of the subject parcel, and proper authorization has been given to Ink Engineering, Inc. and Pavese, Garner, Haverfield, Dalton, Harrison & Jensen, by Charles Huether, trustee, of the subject property and President of Old Hickory Club, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Planning and Zoning Commission, with full consideration of all the evidence available to the Planning and Zoning Commission; and

WHEREAS, the Lee County Planning and Zoning Commission fully reviewed the matter in a public hearing held on March 7, 1988; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Planning and Zoning Commission, the documents on file with the county, and the testimony of all interested persons.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE with conditions a rezoning from AG-2 to Residential Planned Development, to permit a residential development with a maximum of 858 conventional single-family, zero lot line and Golfside Villas and multi-family condominium units with buildings not to exceed 45 feet in height on 313.3 total acres of land. The proposed development will also include a country club, golf course, driving range, putting green, pro shop, private clubhouse (with food and beverage service), consumption-on-premises (COP), tennis courts, swimming pool, other non-commercial recreational facilities, accessory uses, administrative office, speciality retail shops, real estate sales office, models, signs, entrance gates, gatehouses, sewage treatment plant, maintenance building, lakes and environmentally sensitive preserve areas.

OR2050 PG4083

Approval is made with the following conditions:

1. The Master Concept Plan is a one-sheet plan titled "OLD HICKORY GOLF AND COUNTRY CLUB," prepared by Ink Engineering, Inc., printed July 25, 1988 and received July 26, 1988, except as modified herein.

2. The schedule of uses is limited to the following:

   Ancillary Commercial Uses, limited to the following:
   - Administrative Offices
   - Consumption on Premises (1) within the Clubhouse
   - Food and Beverage Service, Limited
   - Real Estate Sales Office
   - Specialty Retail Shops, Group I
     (Tennis & Golfing Equipment)

   Club, Private
   Country Club with clubhouse
   858 Dwelling Units with buildings not to exceed 45 feet in height to consist of:
   - conventional multi-family buildings
   - conventional single-family residences
   - Zero lot line units
   - Townhouses

   Entrance Gates
   Essential Services
   Essential Service Facility - Groups I and II
   Excavation, Water Retention
   Gatehouse
   Model Homes, Model Units, and Model Display Center
   Modification of Section Line and Street Setbacks as specifically noted in the deviation
   Recreational Facilities, Private
   - 18 Hole Golf Course including maintenance building, cart storage facility, rain shelters
   - Tennis Courts
   - Swimming Pools and Cabanas (2)
   - Picnic Area
   - Golf Driving Range
   - Practice Green
   - Nature Walk
   - Other Similar Non-commercial Facilities

   Residential Accessory Uses
   Signs in compliance with Lee County Sign Ordinance

   Any additional uses not listed herein shall be reviewed as an amendment to the Master Concept Plan.

3. Prior to final plan approval, the Master Concept Plan shall be modified to incorporate revisions to the schedule of uses and deviations as contained in these conditions.

4. Approval of this request does not exempt the applicant from compliance with all other Zoning and Development Review regulations, except for those specifically noted herein.

5. The developer shall bear the sole responsibility for the repair and maintenance of the on-site sewage treatment plant. Should the plant be cited for any alleged failure to maintain those minimum operating conditions set forth in applicable permits and licenses, no development orders or permits, as defined in Section 163.3164, Florida Statutes, shall be issued, and no work authorized by then existing, otherwise valid development orders or permits shall be allowed, unless and until the plant is recertified as meeting such minimum operating conditions.

6. To mitigate future hurricane disaster potential and insure compliance with the Lee Plan, the developer shall establish a homeowners' or residents' association to provide an educational program for hurricane preparedness. The program shall consist of annually describing the risks of the hurricane hazards to the residents, as well as the actions to mitigate the dangers which these hazards present.

OR2050 PG4084

In addition, at the completion of development construction or each phase thereof, a development representative shall provide to Lee County Emergency Medical Service a site plan depicting the official street names and building addresses within the development.

Also a development representative shall contact Lee County Emergency Medical Service to discuss the designation of emergency helicopter landing zones and the accessibility of the EMS units.

7. Prior to final development plan approval, the developer shall submit an exotic vegetation removal and maintenance plan. All exotic vegetation located within all environmentally sensitive areas shall be removed. The plan may allow existing melaleuca to remain on site along the perimeter of the property and within the golf course area, subject to the following: The melaleuca along the property perimeter shall be removed at such time as the required planted buffer provides an adequate visual screen or within five years, whichever occurs first.

   The melaleuca located within the golf course area shall be removed at such time as the planted trees attain an average height of 15 feet or within five years, whichever occurs first. The plan shall include maintenance provisions to control the re-invasion of exotic vegetation for a minimum of 3 years after removal. The removal and maintenance plan shall be subject to approval by the Department of Community Development.

8. Prior to final plan approval, the plan shall be revised to designate the Resource Protection Areas and the flow-way area as "Preserve Areas". All crossings through "Preserve Areas" shall be labeled as golf path/bridges. All crossings and roads shall be adequately culverted.

9. Prior to final development order approval, the applicant shall flag and survey the boundaries of the wetland areas and the flow-way located on site subject to approval by the Department of Community Development.

10. Prior to the completion of a sales contract for individual lots or units, the developer shall provide to the prospective buyer notification of current and projected future aircraft noise levels over the proposed development in the form of a deed covenant or a written notice.

11. Prior to final plan approval, the applicant shall modify the Master Concept Plan to show the proper location of the centerline and right-of-way for Palomino Road and the appropriate setbacks. In addition, the exact points of access shall be indicated on the Plan.

12. Notwithstanding the approval of the site plan, no deviation from neighborhood park requirements is granted.

13. Deviations (7) and (8) have been withdrawn. Deviations (2), (4), (9), (10a), (10b), (10c), (12), and (13) are hereby APPROVED. Deviations (6) and (17) are hereby DENIED. Deviation (1) is hereby APPROVED for that portion of the section line between sections 27 and 28 which is not incorporated into the roadway. The remaining section line and that line between sections 22 and 27 are hereby DENIED. Deviation (3) is hereby APPROVED to the confining layer or 20 feet, whichever is less. Deviation (5) is hereby APPROVED to 50 feet for internal roadways only. Deviation (11) is hereby APPROVED to 25 feet for all buildings and structures. Deviation (13) is APPROVED subject to approval by the County Fire Official prior to issuance of a Preliminary Development Order, to ensure adequate fire protection/access. Deviation (14) is hereby APPROVED to 5 feet. Deviation (15) is hereby APPROVED for those units that are adjacent to permanent open space (fairways or recreation areas). Deviation (16) is hereby APPROVED provided no buildings or structures are constructed within this easement. Deviation (10d) has been withdrawn.

OR2050 PG4085

Site Plan 87-237 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this approval of Residential Planned Development zoning:

a) The proposed uses are, as limited by the conditions herein, appropriate at the subject location;

b) Sufficient safeguards to the public interest are provided by the recommended conditions to the Master Concept Plan and by other applicable regulations;

c) All conditions found on the Master Concept Plan and recommended by staff are reasonably related to the impacts on the public's interest created by or expected from the proposed development;

d) The deviations being recommended for approval enhance the achievement of the objectives of the planned development; and

e) The general intent of these regulations, to protect the public health, safety, and welfare, is preserved and promoted.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner John E. Manning, and seconded by Commissioner Bill Fussell and, upon being put to a vote, the result was as follows:

John E. Manning	AYE
Charles L. Bigelow, Jr.	AYE
Mary Ann Wallace	NAY
Bill Fussell	AYE
Donald D. Slisher	AYE

DULY PASSED AND ADOPTED this 8th day of August, A.D., 1988.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

FILED
JAN 21 89
CLERK CIRCUIT COURT
BY _____ D.C.

Approved as to form by:

_____
County Attorney's Office

OR2050 PG4086

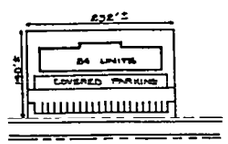
(5144L/48)

OR2050 PG4087

RECORDED & RECORD VERIFIED
Charlie Green
CLK CIRCUIT CT COURT

FEB 2 8 43 AM '89

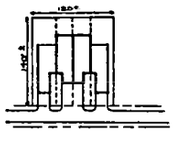
4-STORY CONDOMINIUM



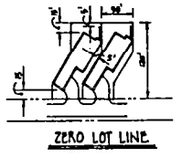
2-STORY CONDOMINIUM



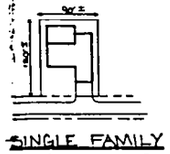
GOLFSIDE VILLAS

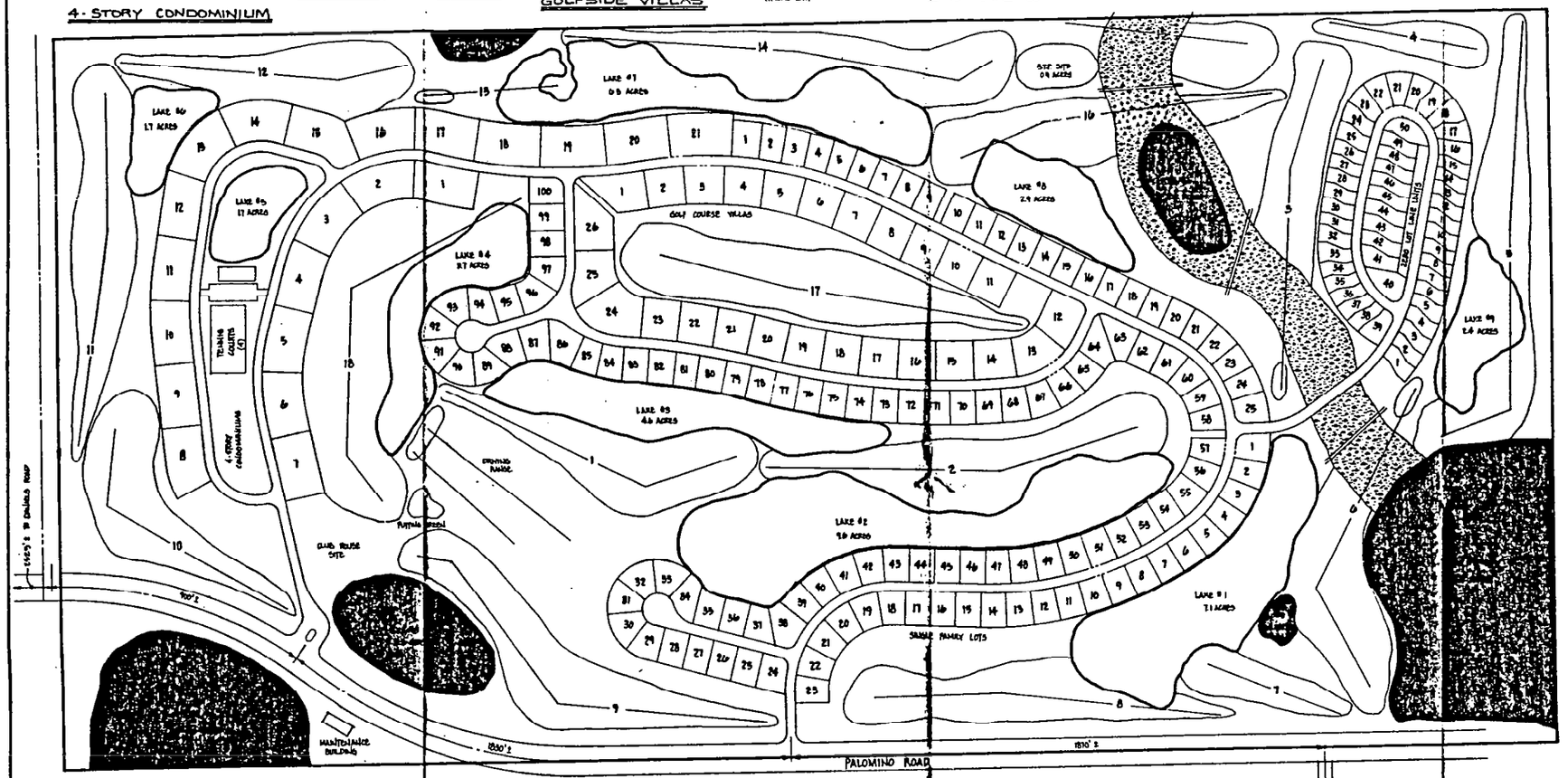


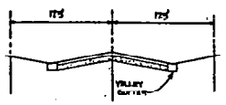
ZERO LOT LINE
TYPICAL UNIT



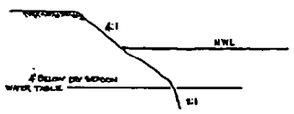
SINGLE FAMILY
CONVENTIONAL LOT



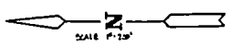




TYPICAL ROAD SECTION N.T.S.



TYPICAL LAKE SECTION N.T.S.



PROPOSED SCHEDULE OF USES

CLUB, PRIVATE
COMMERCIAL USES, LIMITED TO THE FOLLOWING:
- ADMINISTRATIVE OFFICES
- CONSUMPTION ON PREMISES
- FOOD AND BEVERAGE SERVICE, LIMITED
- REAL ESTATE SALES OFFICE
- SPECIALTY RETAIL SHOPS (TENNIS & GOLFING EQUIPMENT)

COUNTRY CLUB
DWELLING UNITS
- CONVENTIONAL MULTIPLE FAMILY BUILDING
- CONVENTIONAL SINGLE FAMILY RESIDENCE
- ZERO LOT LINE SINGLE FAMILY RESIDENCE
- TOWNHOUSE

ENTRANCE GATES
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITY - GROUPS I AND II
EXCAVATION, WATER RETENTION
GATEHOUSE
MODEL HOMES, MODEL UNITS, AND MODEL DISPLAY CENTER
MODIFICATION OF SECTION LINE AND STREET SETBACKS
RECREATIONAL FACILITIES, PRIVATE
- 18 HOLE GOLF COURSE
- TENNIS COURTS
- SWIMMING POOLS
- PICNIC AREA
- GOLF DRIVING RANGE
- PRACTICE GRIN
- CLUBHOUSE WITH: RESTAURANT AND LOUNGE
  LOCKER ROOMS
  PRO SHOP
  MANAGER'S OFFICE
  CART BARN
  MULTI-USE ROOM
- OTHER SIMILAR NON-COMMERCIAL FACILITIES

RESIDENTIAL ACCESSORY USES
SIGNS

PROPOSED SCHEDULE OF DEVELOPMENT REGULATIONS

1. Minimum setback between structures and a section line of 72 feet (per Section 908.15.B.2.a. of the Lee County Zoning Regulations) to 30 feet for the north/south line between Sections 27 & 28 and the east/west line between Sections 28 & 27.

2. Minimum setback between structures and a quarter section line of 60 feet (per Section 908.15.B.2.a. of the Lee County Zoning Regulations) to 0 feet for the easement line in Section 27.

3. Minimum depth for excavation for water retention of 12 feet (per Section 518.B of the Lee County Zoning Regulations) to 10 feet.

4. Minimum excavation setback for water retention to a quarter section line of 60 feet (per Section 518.C.2 of the Lee County Zoning Regulations) to 0 feet for the easement line in Section 27.

5. Minimum excavation setback for water retention to a street right-of-way of 150 feet (per Section 518.C.4. of the Lee County Zoning Regulations) to 50 feet.

6. Measurement from the top of bank of an excavation for water retention shall be sloped at a ratio not greater than 3:1 to a water depth of 5 feet below the dry season water table (per Section 518.D of the Lee County Zoning Regulations) to 4:1.

7. Minimum required buffer type 'B' along local streets for residential developments other than those for single family detached and family dwelling units (per Section C.3.b.(1)(b)(i) of the Lee County Development Standards Ordinance) to no buffer along local streets within the bounds of the uniting developments.

8. Minimum setback for roads shown on the Official Trafficways Map, but do not appear on the Lee County Circulation Plan Map of-fsets a side as set forth in Section 908.15.B.2. of the Lee County Zoning Regulations measured from the ultimate centerline of the right-of-way, (on Palmetto Road) as shown on the Official Trafficways Map (per Section C.3.a. Chart of the Lee County Development Standards Ordinance) to:

   a) eliminate the proposed 100 foot north/south collector shown on the Official Trafficways Map along the eastern boundary of the subject property.

   b) relocate the proposed 100 foot east/west collector shown on the Official Trafficways Map which runs across the subject property along the southern boundary, (one-half of the section line).

   c) reduce the width of the right-of-way for the proposed collector shown on the Official Trafficways Map along the northern boundary of the subject property from the 100 foot to 60 feet.

   d) reduce the width of the right-of-way proposed for Palomino Road shown on the Official Trafficways Map from 200 feet to 100 feet.

9. Minimum building setback from the centerline of an arterial street without a frontage road of 1/2 the right of way (90 feet (per Section 908.15.B.2.a. of the Lee County Zoning Regulations) to a setback of 1/2 the right of way (80 feet along Palomino Road.

10. Minimum building setback from the centerline of a 50 foot private roadway easement of 1/2 the right of way (40 feet (per Section 908.15.B.2.a. of the Lee County Zoning Regulations) to a setback of 1/2 the right-of-way (15 feet for zero lot line units only.

11. Minimum building separation for the attached villa housing of 10 feet from the building on the side opposite the zero setback line (per Section 431.C.6.(1)(b) of the Lee County Zoning Regulations) to 0 feet for the 8 interior united townhouse allowing the line on which the attached villas would be located on the property line.

12. Minimum building separation for the detached zero lot line housing of 10 feet from the building opposite the zero setback line (per Section 431.C.6.(1)(b) of the Lee County Zoning Regulations) to 0 feet from both lot lines with a minimum 5 feet separations between buildings.

13. Minimum rear setback of 20 feet (per Section 934.01.B.2. of the Lee County Zoning Regulations) to 3 feet for zero lot line housing only.

14. Minimum 20 foot private maintenance right-of-way to be provided along lanes (per Section C.3.b. of the Lee County Development Standards Ordinance) to a 20 foot drainage maintenance easement which will be included as part of the lot.

15. Minimum reduction of any percentage of intensity (i.e. the number of dwelling units per acre) ratio of 10 percent that may be authorized administratively to a minor change by the Department Director (per Section 906.H.2.b. of the Lee County Zoning Regulations) to a reduction of 25 percent.

SITE DATA

TOTAL ACREAGE	123.31 AC.	
RESOURCE PROTECTION AREAS	27.84 AC.	
LAKES	35.01 AC.	
CLUBHOUSE SITE	2.66 AC.	
SEWAGE TREATMENT AREA	1.80 AC.	
MAINTENANCE AREA	1.89 AC.	
DWELLING UNITS		
- CONVENTIONAL SINGLE FAMILY LOTS	109	
- ZERO LOT LINE UNITS*	59	
- GOLFSIDE VILLAS	130	
- 2 STORY CONDOMINIUM UNITS	168	
- 4 STORY CONDOMINIUM UNITS	252	
	858 TOTAL	

MAXIMUM BUILDING HEIGHT : 45'

NOTES: TYPICAL LOTS FOR MULTI-FAMILY AND ZERO LOT LINE UNITS MAY VARY SLIGHTLY FROM THOSE SHOWN ON THIS PLAN ONCE FINAL ARCHITECTURAL PLANS ARE COMPLETED, SPECIFIC LOT AREAS FOR MULTI-FAMILY AND ZERO LOT LINE CONFIGURATIONS WILL THEN BE DETERMINED BY THE SPECIFIC DIMENSIONS OF THE INDIVIDUAL UNITS PURSUANT TO SECTION [illegible] OF THE LEE COUNTY ZONING REGULATIONS.

THE LOCATION OF MODELS FOR THE 4 STORY CONDOMINIUM UNITS, RESIDENTIAL CONDOMINIUM UNITS, GOLFSIDE VILLAS, AND ZERO LOT LINE UNITS ARE SHOWN ABOVE. MODELS REQUESTED IN ALL 100 CONSECUTIVE SINGLE FAMILY LOTS WITH A MAXIMUM 10 MODEL HOMES PERMITTED AT ONE TIME.

MAINTENANCE AREA MAY BE DEPICTED ADJACENT TO SEWAGE TREATMENT AREA.

APPROVED
Master Concept Plan
Site Plan # 87-237 Page 1 Of 1
Subject to conditions in Resolution Z-87-237
Zoning Case # 87-12-7 DCI

RECEIVED
JUL 26 1988
ZONING COUNTER

PRINTED ON
JUL 25 1988

INK ENGINEERING INC.
ENGINEERS • SURVEYORS • PLANNERS
PHONE (813) 936-3500 • 6300 BEAU DRIVE • NORTH FORT MYERS, FLORIDA 33903

DATE			
SCALE			
DESIGN			
DRAWN			
APPROVED	DATE	REVISION	BY

OLD HICKORY GOLF & COUNTRY CLUB
A RESIDENTIAL PLANNED DEVELOPMENT
SECTION 27, T 45 S, R 25 E.
LEE COUNTY, FLORIDA

THE O.D. HICKORY CLUB
8511 TRAILWOODS DRIVE
FORT MYERS, FLORIDA 33907
(813) 278-8802

DWG. NO. 8749
OF