EXHIBITS

CASE # SEZ2017-00003

CASE NAME: OLDE HICKORY GOLF & COUNTRY CLUB

Attach copy of this form to top of packet of exhibits & place exhibits in case file.

ARE THERE ANY BOARD EXHIBITS? ____YES ____ NO

LOCATION OF BOARDS

If there are any board exhibits, attach another copy of this form to boards for identification purposes.

EXHIBITS

Case # SEZ2017-00003

APPLICANT	STAFF
a. 48 Hour, Exh & Witness lists	a. 48-Hour
b. 2nd 48 Hour, Exh & Witness	
#1 composite exhibit of application	#1 Staff Report
#2 powerpoint	#2
#3	#3
#4	#4
#5	#5
#6	#6
#7	#7
#8	#8
#9	#9
#10	#10

OTHER EXHIBITS

NAME	NUMBER	DESCRIPTION
	#	
	#	
	#	
	#	
	#	
	#	

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

CELEBRATING 25 YEARS IN BUSINESS 1992 - 2017

July 10, 2017

LEE COUNTY HEARING EXAMINER
2017 JUL 10 PM 3:23

Lee County Hearing Examiners Office
1500 Monroe Street – Room 218
Fort Myers, FL 33901

Reference: **Olde Hickory Golf & Country Club**
SEZ2017-00003
Applicant's 48-Hour Letter

Dear Madam Hearing Examiner:

Please accept this as the Applicant's 48 hour letter. LDC and the Administrative Code require an Applicant to advise the Hearing examiner of the issues of concern in the staff report.

The Applicant concurs with the staff report with the exception of the following items:

1. Page 5 of 5 of staff report, Condition 4.: Applicant respectfully requests the Hearing Examiner to consider the following revision to the hours of operation contained in staff's proposed condition 4, to be consistent with hours of operation provided in Attachment J (Legend's COP2010-00102) and Attachment N (Banks Engineering Correspondence and Settlement Agreement).

   The hours of operation for the outdoor consumption on premises (4-COP SFS) in conjunction with the Food and Beverage Service, Limited, will be from 11:00 AM to ~~8:00~~ **9:00** PM, with last call and music out at ~~7:30~~ **8:30** PM, in accordance with the Lee County Noise Control Ordinance.

2. Page 5 of 5 of staff report, Condition 3.: Applicant respectfully requests the Hearing Examiner to consider the following revision to the outdoor entertainment be replaced with the following language consistent with Attachment N (Banks Engineering Correspondence and Settlement Agreement).

   No amplified music shall be permitted in the outdoor seating area. Any music in the outdoor seating area will be ~~**No outdoor live entertainment is permitted; however, background music may be piped into the outdoor seating area, provided the volume is**~~ kept at or below a normal conversation level.

Applicant Exh. # a

• SERVING THE STATE OF FLORIDA •

10511 Six Mile Cypress Parkway • Suite 101 • Fort Myers, Florida 33966
Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523
Engineering License No. EB 6469 • Surveying License No. LB 6690

3. Attachment C to staff report – Conditions – Conditions 3 & 4 – same changes requested as above.

The Applicant's Exhibit and Witness List is attached hereto.

I look forward to seeing you at the upcoming hearing.

Sincerely,
BANKS ENGINEERING

Stacy Ellis Hewitt, AICP
Director of Planning

Attachments: Applicant's Exhibit and Witness List

cc: Jessica Leatherman
Joseph M. Madden, Jr., Esq.

Olde Hickory Golf & Country Club

SEZ2017-00003

HEX Hearing July 13, 2017

Applicant's Exhibit List

1. **PowerPoint Presentation**
2. **Application Package**
3. **Staff Report**

Applicant's Witness List

Stacy Ellis Hewitt AICP, Director of Planning, Banks Engineering, 10511 Six Mile Cypress Parkway, Fort Myers, FL 33966

- **Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.**
- **Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, zoning and land use planning.**

Perez, Maria

From: Stacy Hewitt <SHewitt@BanksEng.com>
Sent: Monday, July 10, 2017 3:50 PM
To: Hearing Examiner
Cc: Leatherman, Jessica; Joe Madden
Subject: SEZ2017-00003 / Olde Hickory Golf & CC
Attachments: SEZ2017-00003-Applicant 48-hr Notice and Exhibit and Witness List.pdf

Good afternoon. I hope all is well.

Attached please find the Applicant's 48-hour letter and exhibit/witness list for the above referenced case. The original is being hand delivered this afternoon.

I look forward to the hearing Thursday.

Thank you and take care,

Stacy Ellis Hewitt, AICP
Director of Planning
BANKS ENGINEERING
10511 Six Mile Cypress Parkway
Fort Myers, Florida 33966
Office: (239) 939-5490
Cell: (239) 770-2527
Fax: (239) 939-2523
E-Mail: shewitt@bankseng.com

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

CELEBRATING 25 YEARS IN BUSINESS 1992 - 2017

July 10, 2017

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Director of Planning

Attachments: Applicant's Exhibit and Witness List

cc: Jessica Leatherman
Joseph M. Madden, Jr., Esq.

Olde Hickory Golf & Country Club

SEZ2017-00003

HEX Hearing July 13, 2017

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2. Application Package
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- **Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.**
- **Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, zoning and land use planning.**

Perez, Maria

From: Stacy Hewitt <SHewitt@BanksEng.com>
Sent: Thursday, August 17, 2017 11:24 AM
To: Hearing Examiner
Cc: Leatherman, Jessica; Joe Madden; Ennis, Audra; Jacob, Michael; Fredyma, John
Subject: SEZ2017-00003 / Olde Hickory Golf & CC
Attachments: SEZ2017-00003-48 Hour Letter-continued hearing with attachments.pdf

Good morning. I hope all is well.

Attached please find the Applicant's 48-hour notice and exhibit/witness list for the continued hearing for the above referenced case. An original is being hand delivered to the Hearing Examiner office today.

I look forward to the hearing Tuesday.

Thank you and take care,

Stacy

Stacy Ellis Hewitt, AICP
Director of Planning

BANKS ENGINEERING

CELEBRATING 25 YEARS IN BUSINESS 1992 - 2017

10511 Six Mile Cypress Parkway
Fort Myers, Florida 33966
Office: (239) 939-5490
Cell: (239) 770-2527
Fax: (239) 939-2523
E-Mail: shewitt@bankseng.com

APPLICANT'S EXHIBIT # b

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

CELEBRATING 25 YEARS IN BUSINESS 1992 - 2017

August 16, 2017

Ms. Laura B. Belflower, Esq.
Lee County Hearing Examiners Office
1500 Monroe Street – Room 218
Fort Myers, FL 33901

Reference: **Olde Hickory Golf & Country Club**
SEZ2017-00003
Applicant's 48-Hour Letter for continued hearing

Dear Madam Hearing Examiner:

Please accept this letter with attachments as the Applicant's 48 hour letter for the continued hearing to provide an update to the request. There have been site plan revisions since the continuance of the hearing that was previously scheduled for July 13, 2017 and continued to August 22, 2017. There has also been additional existing COP license information received from the Florida Division of Alcoholic Beverages and Tobacco office in Tallahassee. Attached please find the following additional information which has previously been provided to staff:

1. Revised COP Special Exception Plan
2. Additional Existing COP license information from State from 1992 demonstrating clubhouse, former snack bar that was historically located between the 9 green and the 10 tee, and the beverage caddy
3. Applicant's proposed conditions in strike-through/underline
4. Applicant's proposed conditions – clean version

There are no existing limitations to where the beverage caddy can serve nor for where consumption on premises in the common areas can take place. This is why the community was unaware that an additional COP approval was required for the poolside area. These backup documents were not available prior to August 2nd.

The attached COP Special Exception Plan demonstrates the proposed indoor and outdoor poolside seating areas and additional seating for temporary events that occur up to 29 times per year at which time the members are notified prior to the events that the pool area will be closed for the event. The temporary events include placement of a temporary bar structure, otherwise food and beverage service is ordered by phone from the clubhouse restaurant or will be from indoor poolside area.

The applicant has attached proposed conditions in strike-through/underline and a clean version for consideration with the requested revisions.

• SERVING THE STATE OF FLORIDA •

10511 Six Mile Cypress Parkway • Suite 101 • Fort Myers, Florida 33966
Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523
Engineering License No. EB 6469 • Surveying License No. LB 6690

The Applicant's Exhibit and Witness List is attached hereto as well.

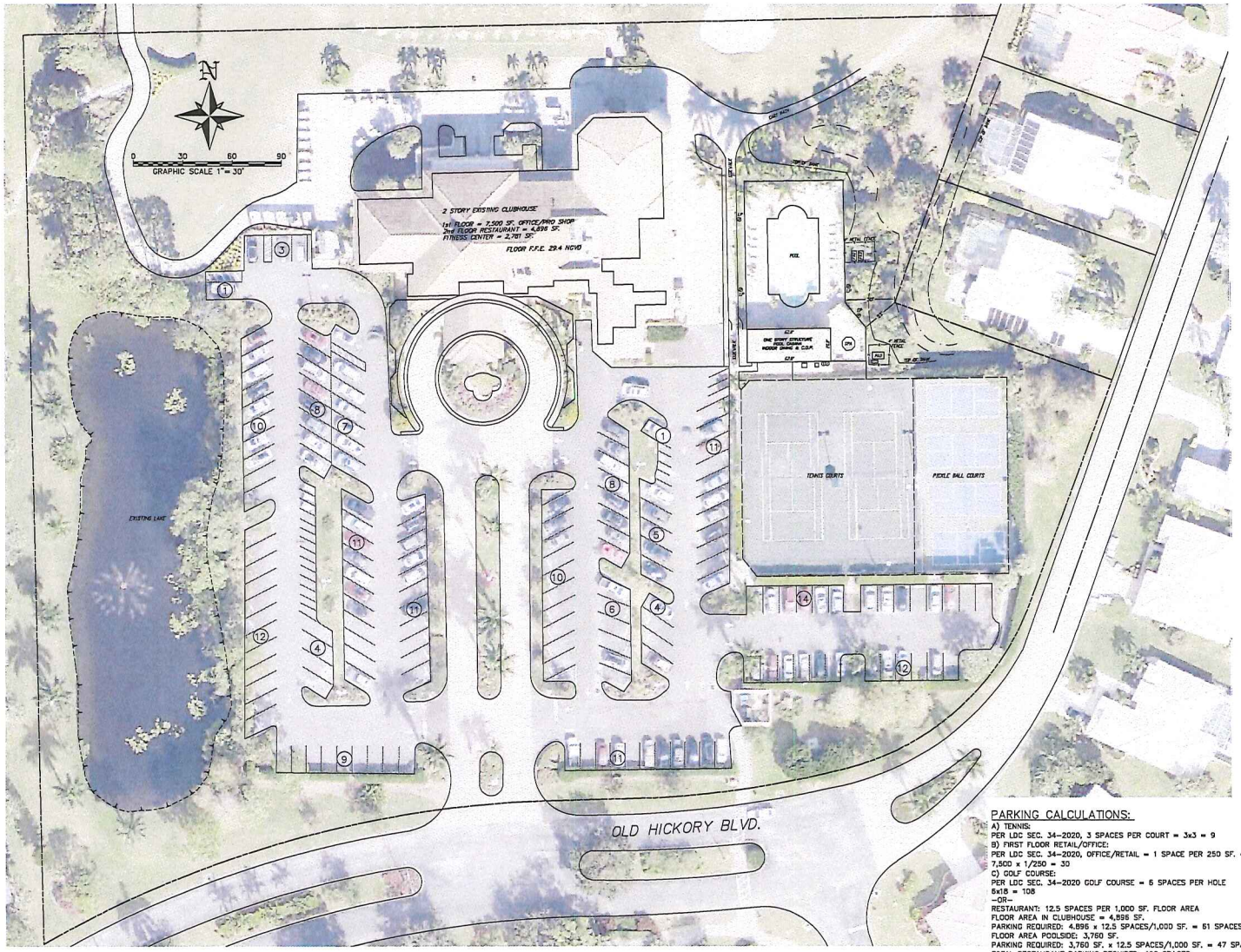
I look forward to seeing you at the upcoming hearing.

Sincerely,
BANKS ENGINEERING



Stacy Ellis Hewitt, AICP
Director of Planning

cc: Jessica Leatherman, Planner
Joseph M. Madden, Jr., Esq.
Audra Ennis, Zoning Manager
Michael Jacob, Deputy County Attorney



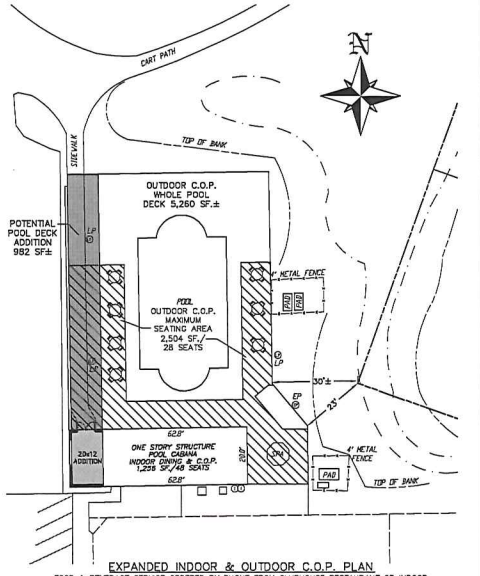
EXISTING CONDITIONS PLAN

	SERVING AREA	SEATS
EXISTING CLUBHOUSE RESTAURANT	4,896 SF.	209
POOLSIDE INDOOR	1,256 SF.	48
POOLSIDE OUTDOOR	MAXIMUM 2,504 SF.	*28
TOTAL	8,656 SF	285

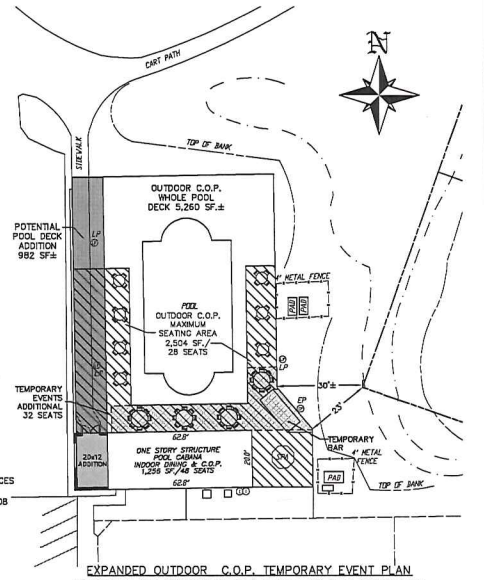
*60 SEATS FOR TEMPORARY EVENTS

PARKING CALCULATIONS:

A) TENNIS:
PER LDC SEC. 34-2020, 3 SPACES PER COURT = 3x3 = 9
B) FIRST FLOOR RETAIL/OFFICE:
PER LDC SEC. 34-2020, OFFICE/RETAIL = 1 SPACE PER 250 SF. =
7,500 x 1/250 = 30
C) GOLF COURSE:
PER LDC SEC. 34-2020 GOLF COURSE = 6 SPACES PER HOLE
6x18 = 108
—OR—
RESTAURANT: 12.5 SPACES PER 1,000 SF. FLOOR AREA
FLOOR AREA IN CLUBHOUSE = 4,896 SF.
PARKING REQUIRED: 4,896 x 12.5 SPACES/1,000 SF. = 61 SPACES
FLOOR AREA POOLSIDE: 3,760 SF.
PARKING REQUIRED: 3,760 SF. x 12.5 SPACES/1,000 SF. = 47 SPACES
TOTAL RESTAURANT PARKING REQUIRED: 108 SPACES
SPACES REQUIRED EQUALS GREATER OF GOLF OR RESTAURANT = 108 SPACES
D) CLUBHOUSE FITNESS CENTER:
PER LDC SEC. 34-2020 RECREATION = 4 SPACES PER 1,000 SF.
2,781 x 4/1,000 = 11 SPACES
TOTAL SPACES REQUIRED: 9+30+108+11 = 158
CAR SPACES PROVIDED: EXIST. 158
GOLF CART SPACES PROVIDED: 21
TOTAL SPACES PROVIDED = 179, 113.3% OF REQUIRED.



EXPANDED INDOOR & OUTDOOR C.O.P. PLAN
FOOD & BEVERAGE SERVICE ORDERED BY PHONE FROM CLUBHOUSE RESTAURANT OR INDOOR



EXPANDED OUTDOOR C.O.P. TEMPORARY EVENT PLAN
UP TO 29 PER YEAR ANNOUNCEMENTS GIVEN TO CLOSE POOL & SPA DURING EVENTS

PREPARED FOR:
OLDE HICKORY GOLF & COUNTRY CLUB MASTER ASSN. INC.
14670 OLD HICKORY BLVD.
FORT MYERS FL. 33912

NO.	DATE	REVISION DESCRIPTION	BY
1	8/15/2017	CLARIFY POOL DECK	SEH

BANKS ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida
10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 8489
SURVEY LICENSE # LB 6890
WWW.BANKSENG.COM

C.O.P. SPECIAL EXCEPTION PLAN
OLDE HICKORY GOLF & COUNTRY CLUB
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
8/2/20117	8150P	C.O.P.		JLS	SEH	AS SHOWN	1

Business Name: The Olde Hickory Golf & Country Club Master Association, Inc.

Location Address: 14670 Olde Hickory Boulevard, Fort Myers, Florida 33912

SECTION IV (NOTE: THE DIVISION DOES NOT REQUIRE THAT ITEMS 1-3 BE COMPLETED IN ORDER)

1. ZONING:

If this application is for the issuance of an alcoholic beverage license where zoning approval is required, the zoning authority must complete "A" and "B".

If this application is for the issuance of an alcoholic beverage license where zoning approval is not required, the applicant must complete section "B".

To be completed by the Local Zoning Authorities.

A. The location (✓) Does Comply ( ) Does Not Comply with zoning requirements for the sale of alcoholic beverages pursuant to this application for a Series 4COP SFX alcoholic beverage license. as per resolution Z-87-237

Signed: [signature] Title: Principal Planner Date: Oct. 14/92

B. Is location within the limits of an Incorporated City or Town? ( ) YES (✓) NO

If "YES", Name of City or Town _____

2. HEALTH:

A. To be completed by the Division of Hotels and Restaurants, the County Health Authority or Department of Health and Rehabilitative Services.

The above establishment (✓) Does Comply ( ) Does Not Comply with the requirements of the Florida Sanitary Code.

Signed: [signature] Date: 10-16-92

Title: Sanitation & Safety Supervisor Agency: Hotels & Restaurants

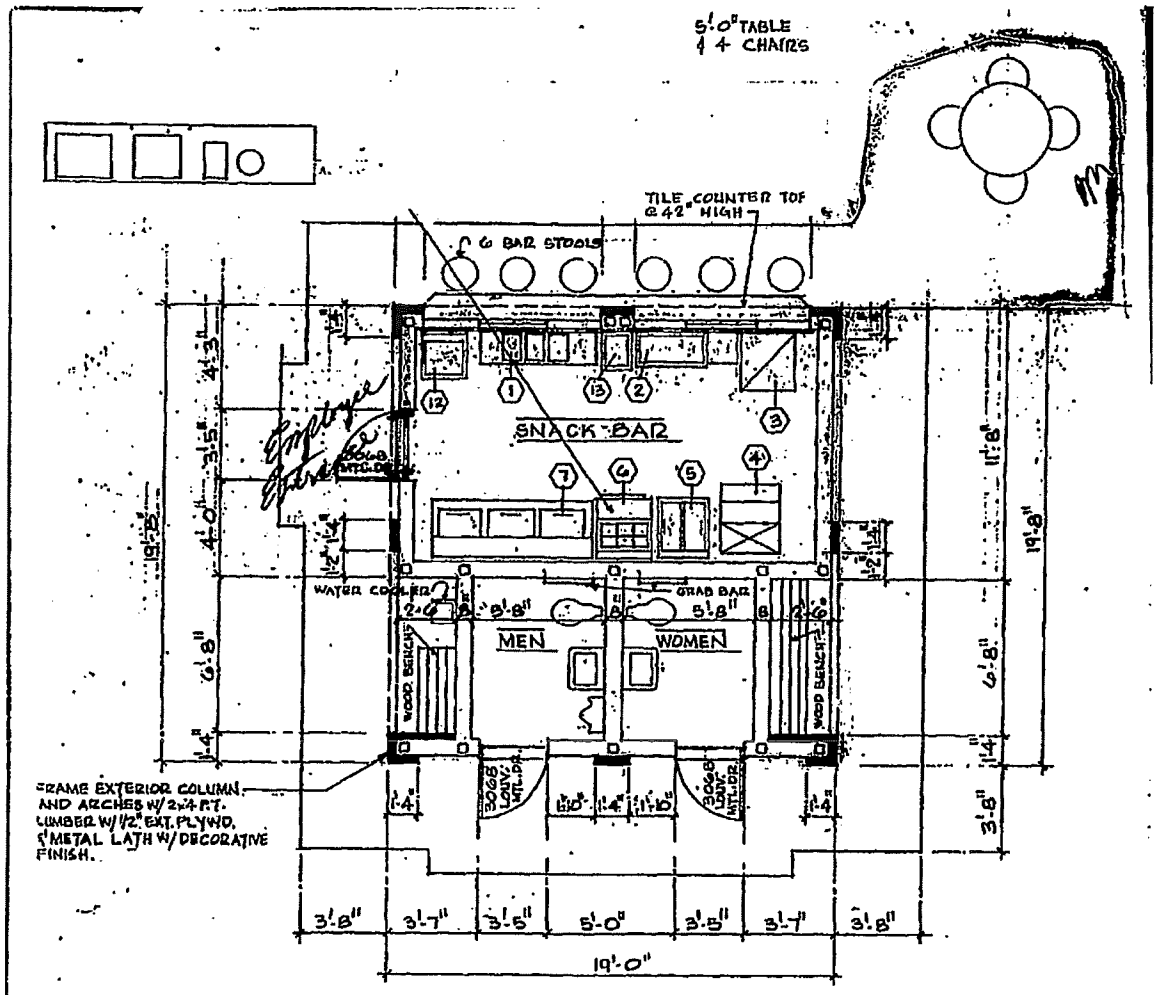
3. RIGHT OF OCCUPANCY

	(YES)	(NO)
A. Does applicant have a legal right of occupancy to the premises?	X	
B. Does applicant own the property?	X	
C. Does applicant rent, lease or sublease the property?		X

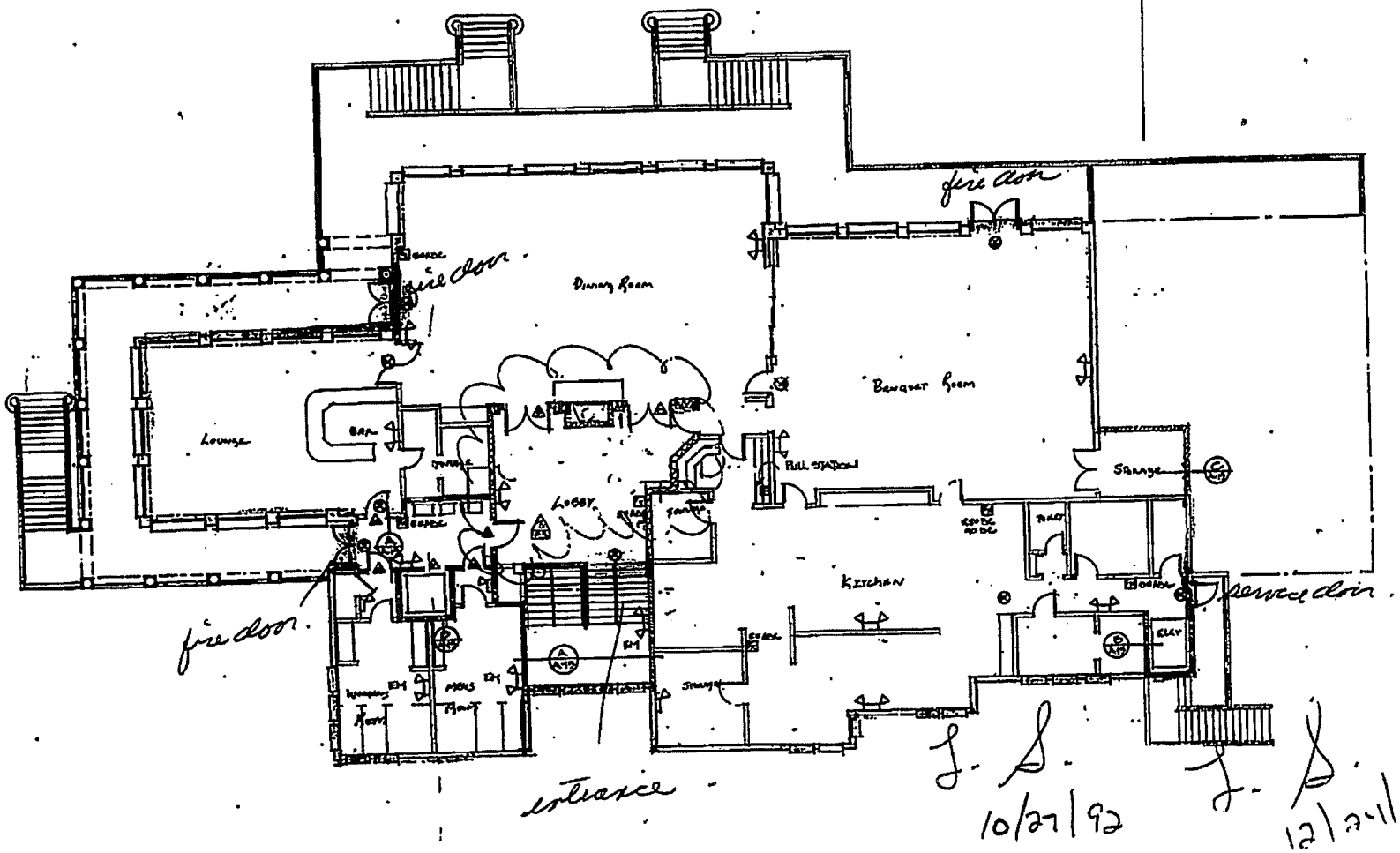
Name of Landlord: _____

Address of Landlord: _____

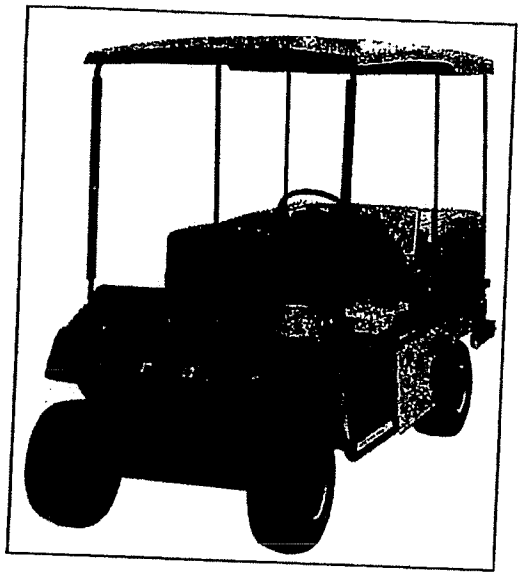
Terms of Rental Agreement: _____

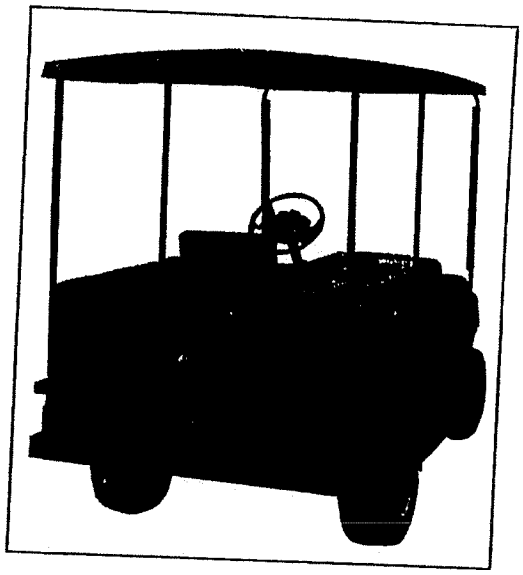


FLOOR PLAN SCALE: 1/4" = 1'-0"


fire door
Dining Room
Banquet Room
Lounge
BAR
Lobby
Full Station
Storage
Kitchen
fire door
fire door
service door
entrance
10/27/92
12/21/97

Gas Powered Beverage Caddy





- 244cc 2-cycle gasoline engine
- Large cooler compartment has 360 can capacity
- Small cooler compartment for ice, sandwiches, candy, etc.
- 12 mph governed speed
- Specifications:

Length: 108"
Width: 48"
Height: 70" (with Sun Canopy)
Ground Clearance: 5"
Turning Circle: 19'6"
Gas tank capacity: 6 gallons
Oil injection tank capacity: 1.5 quarts

RECEIVED
DEPT OF REVENUE
MAY 21 1992
DIV. ALC. BEV. & TOB
FORT MYERS, FLORIDA

- Continuously Variable Transmission for easy operation and no gear shifting
- Standard safety features include headlights, taillights, brakelights, and horn
- Standard fiberglass sun canopy and optional windshield
- Seat and cooler compartments tilt up for easy access to the powertrain

E-Z-GO TEXTRON

E-Z-GO® Division of Textron Inc.
P.O. Box 388
Augusta, Georgia 30913-2699

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Part #82019-G1 1/89 3M

OLDE HICKORY GOLF & COUNTRY CLUB
SEZ2017-00003
Applicant's proposed conditions
August 15, 2017

1. Approval is limited to indoor and outdoor consumption on premises (4-COP SFS) in conjunction with a Food and Beverage Service, Limited located within the pool area as shown on the site plan stamped "Received" by Community Development on ~~**June 27, 2017**~~ **August 15, 2017**(see Attachment F).

2. The outdoor seating area is limited to the ~~**641**~~ **2,504** square-foot hatched area as shown on the site plan (see Attachment F). **Portions of the outdoor seating area may be converted to indoor seating area without further public hearing.**

3. **No amplified music shall be permitted in the outdoor seating area. Any music in the outdoor seating area will be** ~~**No outdoor live entertainment is permitted; however, background music may be piped into the outdoor seating area, provided the volume is**~~ kept at or below a normal conversation level.

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5. All parts of the pool deck must be available for the residents and guests regardless of consuming any food or beverages from the clubhouse restaurant/bar. No portion of the pool deck may be reserved exclusively for customers of said restaurant/bar **with the exception of temporary events as noted on site plan**.

6. Any subsequent development will need to obtain appropriate approvals to ensure consistency with the Land Development Code.

7. Electrical equipment and connections for the temporary bar structure must be kept out of walkways, pool and spa.

OLDE HICKORY GOLF & COUNTRY CLUB
SEZ2017-00003
Applicant's proposed conditions – clean version
August 15, 2017

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2. The outdoor seating area is limited to the 2,504 square-foot hatched area as shown on the site plan (see Attachment F). Portions of the outdoor seating area may be converted to indoor seating area without further public hearing.

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Olde Hickory Golf & Country Club

SEZ2017-00003

Continued HEX Hearing August 22, 2017

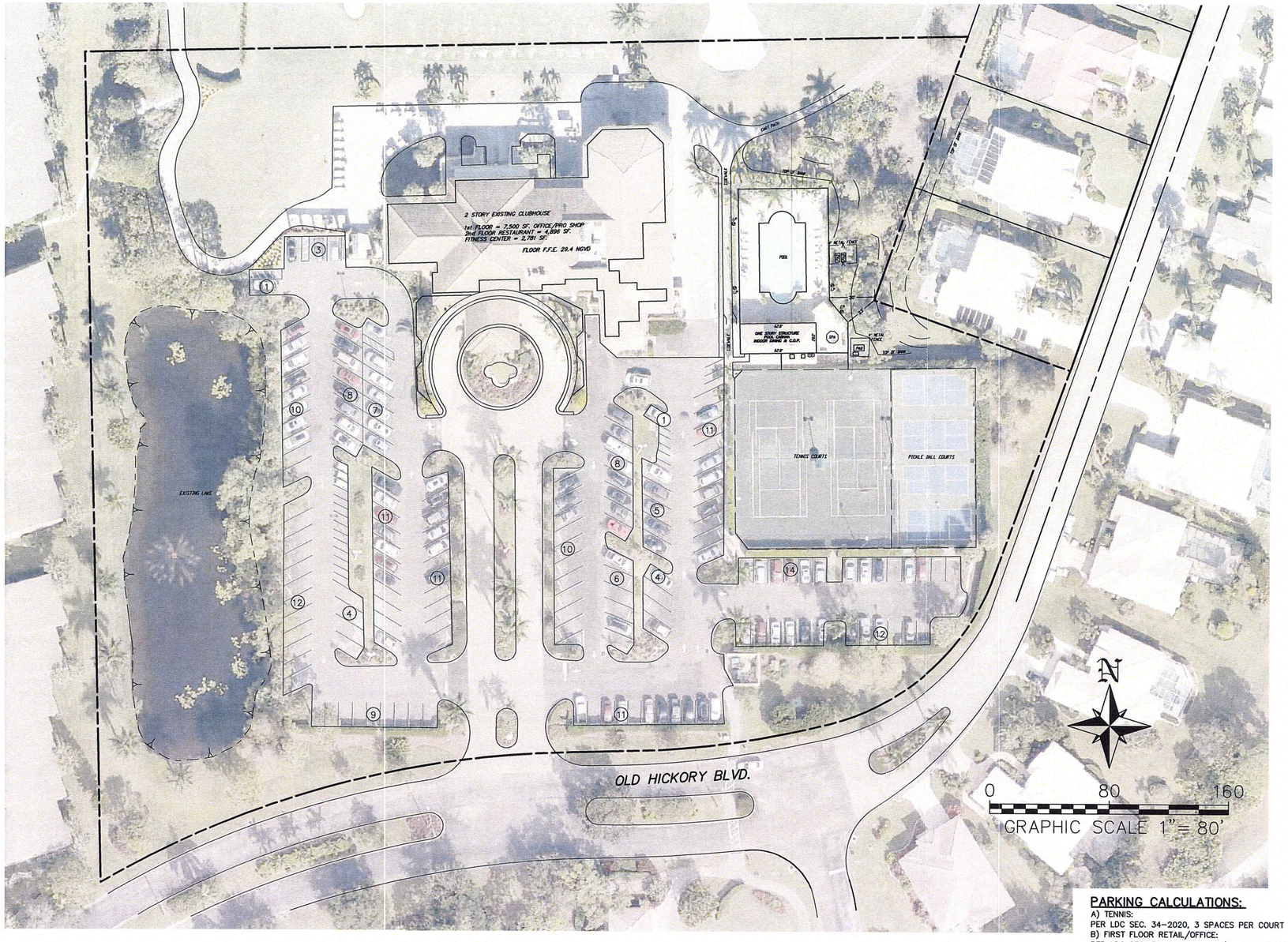
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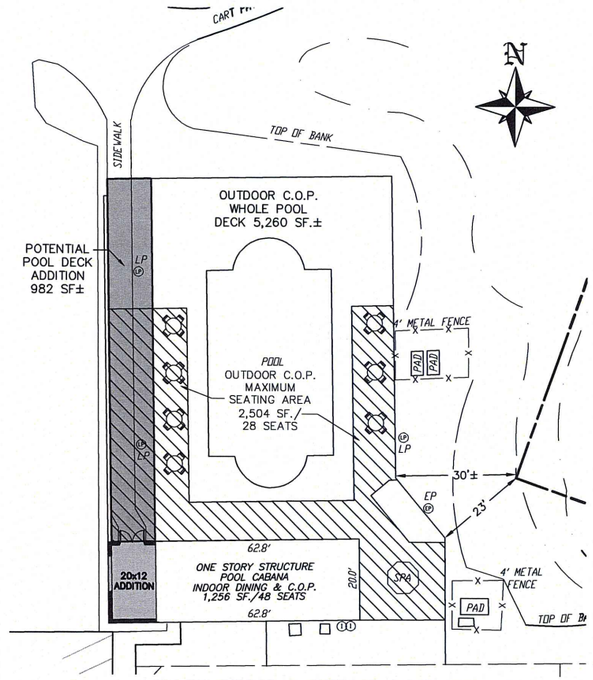
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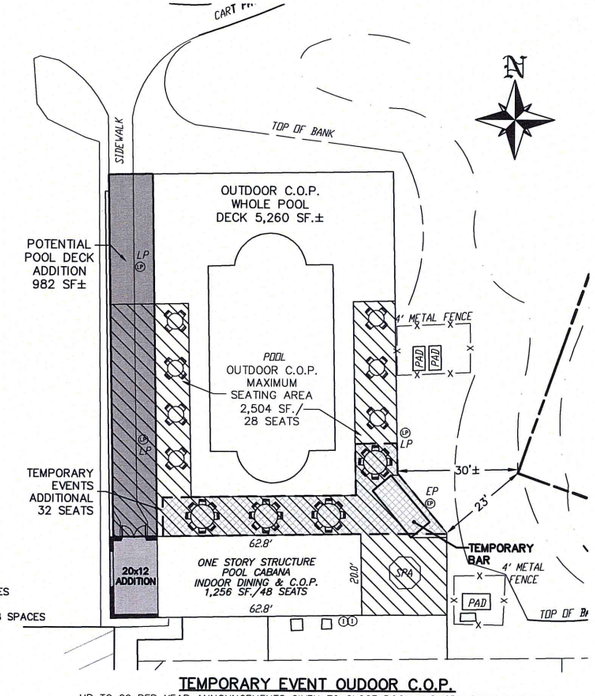


EXISTING CONDITIONS PLAN



EXISTING INDOOR & OUTDOOR C.O.P. PLAN

FOOD & BEVERAGE SERVICE ORDERED BY PHONE FROM CLUBHOUSE RESTAURANT OR INDOOR



TEMPORARY EVENT OUDOOR C.O.P.

UP TO 29 PER YEAR ANNOUNCEMENTS GIVEN TO CLOSE POOL AND SPA DURING EVENTS

	SERVING AREA	SEATS
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PER LDC SEC. 34-2020 GOLF COURSE = 6 SPACES PER HOLE 6x18 = 108
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CAR SPACES PROVIDED: EXIST. 158
GOLF CART SPACES PROVIDED: 21
TOTAL SPACES PROVIDED = 179, 113.3% OF REQUIRED.

PREPARED FOR:
OLDE HICKORY GOLF & COUNTRY CLUB MASTER ASSN. INC.
14670 OLD HICKORY BLVD.
FORT MYERS FL. 33912

NO.	DATE	REVISION DESCRIPTION	BY
1	8/15/2017	CLARIFY POOL DECK	SEH

BANKS ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida
10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

C.O.P. SPECIAL EXCEPTION PLAN

OLDE HICKORY GOLF & COUNTRY CLUB

LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
8/2/2017	8150P	C.O.P.		JLS	SEH	AS SHOWN	1

S:\JOBS\8150\ZONING\(1) OLDE HICKORY GOLF & COUNTRY CLUB C.O.P. SPECIAL EXCEMTION PLAN 8-15-2017.DWG 8/17/2017 8:03 AM JORGE SANCHEZ

APPLICANT'S
EXHIBIT # 1

Lee County
Southwest Florida

APPLICATION FOR SPECIAL EXCEPTION
PUBLIC HEARING
UNINCORPORATED AREAS ONLY

Project Name: Olde Hickory Golf & Country Club

Special Exception for:

- ☐ Use (LCLDC section number and description): _____
- ☐ Solar or Wind energy modifications [34-203(e)(3)]
- ☒ On-premise consumption of alcoholic beverages [34-203(e)(5)]
- ☐ Harvesting of cypress (Taxodium spp.) [34-203(e)(6)]
- ☐ Private aircraft landing facilities [34-203(e)(8)]
- ☐ Wireless Communication Facilities [34-1441]
- ☐ Model Homes [34-1954]
- ☐ Permitted Uses for Model Home on arterial street in RS-1 zoning district in Lehigh Acres [33-1431]

PART 1
APPLICANT/AGENT INFORMATION

A. Name of Applicant: Olde Hickory Golf + Country Club Master Association Inc
Address: 14670 Old Hickory Blvd
City, State, Zip: Fort Myers, FL 33912
Phone Number: (239) 768-2400 E-mail: _____

B. Relationship of Applicant to owner (check one) and provide Affidavit of Authorization form:

- ☒ Applicant is the sole owner of the property. **[34-201(a)(1)a.1.]**
- ☐ Applicant has been authorized by the owner(s) to represent them for this action. **[34-202(b)(1)b. & c.]**
- ☐ Application is County initiated. Attach BOCC authorization.

C. Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(b)(1)c.]

1. Company Name: Banks Engineering
   Contact Person: Stacy Ellis Hewitt, AICP, Director of Planning
   Address: 10511 Six Mile Cypress Pkwy
   City, State, Zip: Fort Myers, FL 33966
   Phone Number: (239) 770-2527 Email: shewitt@bankseng.com

2. **Additional Agent(s):** Provide the names of other agents that the County may contact concerning this application. **[34-202(b)(1)c.]**

PART 2
PROPERTY OWNERSHIP

A. Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-201; 34-204]
Name: Olde Hickory Golf + Country Club Master Association Inc
Address: 14670 Old Hickory Blvd
City, State, Zip: Fort Myers, FL 33912
Phone Number: (239) 768-2400 Email: _____

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B. Disclosure of Interest [34-201; 34-204]:

- ☒ Attach Disclosure of Interest Form. **[34-201; 34-204]**

C. **Multiple parcels:**
- ☐ Property owners list. **[34-202(a)(5)]**
- ☐ Property owners map. **[34-202(a)(5)]**

D. **Certification of Title and Encumbrances [34-202(a)(3)]**
1. Title certification document, no greater than 90 days old. **[34-202(a)(3)]**
2. Date property was acquired by present owner(s): 9/12/1997

PART 3
PROPERTY INFORMATION

A. **STRAP Number(s):** [Attach extra sheets if additional space is needed.]
A Portion of 27-45-25-02-0000D.00CE

B. **Street Address of Property:** 14670 Old Hickory Blvd, Fort Myers, FL 33912

C. **Legal Description (must submit) [34-202(a)(1)]:**
- ☐ Legal description (metes and bounds) (8½"x11") and sealed sketch of the legal description.
  OR
- ☒ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
  AND

Boundary Survey [34-202(a)(2); 34-373(a)(4)a.]:
- ☐ A Boundary survey, tied to the state plane coordinate system.
  OR
- ☐ Not required if the property is located within a subdivision platted per F.S. Chapter 177.

D. **Surrounding property owners** (within 500 feet of the perimeter of the subject parcel or portion thereof that is subject of the request):
1. ☒ List of surrounding property owners. **[34-202(a)(6)]**
2. ☒ Map of surrounding property owners. **[34-202(a)(7)]**
3. ☒ One set of mailing labels. **[34-202(a)(6)]**

Note: When the case is found complete/ sufficient, a new list and mailing labels must be submitted.

E. **Current Zoning of Property:** RPD

- ☒ Provide a list of all Zoning Resolutions and Zoning Approvals applicable to the subject property. **[34-202(a)(8)]**

F. **Use(s) of Property [34-202(a)(8)]:**
1. Current uses of property are: Condominium Club House and amenities
2. Intended uses of property are: Condominium Club House and amenities

G. **Future Land Use Classification (Lee Plan) [34-202(a)(8)]:**

Outlying Suburban		Acres	61.04	% of Total
Wetlands		Acres	38.95	% of Total
		Acres		% of Total

H. **Property Dimensions [34-202(a)(8)]:**

1.	Width (average if irregular parcel):	590± avg	Feet		
2.	Depth (average if irregular parcel):	550± avg	Feet		
3.	Total area:	6.57	Acres or square feet		
4.	Frontage on road or street:	811±	Feet on	Olde Hickory Blvd	Street
	2nd Frontage on road or street:	N/A	Feet on		Street

I. **Planning Communities/Community Plan Area Requirements:** If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session. **[34-202(a)(10)]**

- ☒ Not Applicable
- ☐ Estero Planning Community. **[33-54(a)&(b); Lee Plan Policy 19.5.3]**
- ☐ Captiva Planning Community (Captiva Island). **[33-1612(a)&(b); Lee Plan Policy 13.1.7]**
- ☐ North (Upper) Captiva Community Plan area. **[33-1711; Lee Plan Policy 25.1.1]**
- ☐ Boca Grande Planning Community. **[Lee Plan Policy 22.1.5]**
- ☐ Caloosahatchee Shores Community Plan area. **[33-1482(a)&(b); Lee Plan Policy 21.6.3]**
- ☐ Page Park Community Plan area. **[33-1203(a) & (b); Lee Plan Policy 27.11.2]**
- ☐ Palm Beach Boulevard Community Plan area. **[Lee Plan Policy 23.5.2]**
- ☐ Buckingham Planning Community. **[Lee Plan Policy 17.7.2]**
- ☐ Pine Island Planning Community. **[33-1004(a) & (b); Lee Plan Policy 14.7.1]**
- ☐ Lehigh Acres Planning Community. **[33-1401(a)&(b); Lee Plan Policy 32.12.2]**
- ☐ North Fort Myers Planning Community. **[33-1532(a)&(b)]**
- ☐ North Olga Community Plan area. **[33-1663(a)&(b)]**

J. **Waivers from Application Submission Requirements**: Attach waivers, if any, approved by the Director of Zoning. **[34-202(a)]**

PART 4
ACTION REQUESTED

A. **Request Statement:** Explain the nature of the request and how the property qualifies for the special exception based on the findings/review criteria set forth in 34-145(c)(3) and listed below. **[34-145(c)(3); 34-203(e)(1)]**

1. The request is consistent with the goals, objectives, policies, and intent of the Lee Plan.
2. The request will protect, conserve, or preserve environmentally critical and sensitive areas and natural resources, where applicable.
3. The request will be compatible with existing and planned uses.
4. The request will not be injurious to the neighborhood or detrimental to the public welfare.
5. The request will be in compliance with zoning regulations pertaining to the use and other applicable regulations..
6. In the case of new antenna supporting structure wireless communication facilities, meets the additional criteria of 34-145(c)(3)b.

B. **Traffic Impact Statement (TIS):** Attach a traffic impact analysis of projected trip generation for the use. A TIS is not required for special exceptions for consumption on premises or for solar or wind modifications. **[34-203(e)(2)]**

C. **Site Plan:** Attach a site plan showing: **[34-203(e)(2)]**

1. The location and current use of all existing structures on the site.
2. All proposed structures and uses to be developed on the site.
3. Any existing public streets, easements or land reservations within the site, and the proposed means of vehicular access to and from the site.
4. Other information specific to the type of application or which may be required by the Director.

D. **Additional Information:** Any other reasonable information which may be required by the Director which is commensurate with the intent and purpose of the Land Development Code **[34-202(a)(8)]**

PART 5
ADDITIONAL REQUIREMENTS

A. **Potable Water:** Will the project be connected to potable water and central sewer as part of any development of the property?

- ☒ **YES** (Provide letter from the appropriate utility to which the connection(s) are proposed confirming availability of service.) **[34-202(b)(8)]**
- ☐ **NO** (Provide a narrative explaining why the connection is not planned and how the water and sewer needs of the project will be met.) **[34-202(b)(8)]**

B. Flood Hazard: [34-202(a)(8)]

- ☒ Not applicable
- ☐ The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.
- ☐ The minimum elevation required for the first habitable floor is _____ NAVD (MSL)

C. Excavations/Blasting: [34-202(b)(6)]

- ☒ No blasting will be used in the excavation of lakes or other site elements.
- ☐ If blasting is proposed, provide Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information).

D. Existing Agricultural Use: If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval, an Existing Agricultural Use Affidavit must be provided. Entitle as "Existing Agricultural Uses at Time of Zoning Application". **[34-202(b)(7)]**

E. Airport Zones & Lee County Port Authority (LCPA) Requirements:

- ☐ Not Applicable
- ☒ Property is located within Southwest Regional Airport Noise Zone: **[34-1004]**
- ☐ Property is located within Airport Protection Zone. Indicate which Zone below. **[34-1005]**
  - ☐ Property is located within Airport Runway Clear Zone: **[34-1006]**
  - ☐ Property is located within Airport School Protection Zone: **[34-1007]**
  - ☐ Property is located within Airport Residential Protection Zone: **[34-1009]**
  - ☐ Property is located in an Airport Obstruction Notification Zone and subject to LCPA regulations. **[34-1009]**
- ☐ A Tall Structures Permit is required. **[34-1010]**

F. Solar Or Wind Energy Modifications: [34 -203(e)(3); 34-2196]

1. Evidence that the proposed modifications are the minimum necessary to provide for the solar or wind energy proposal.
2. Evidence that the proposed modifications will not adversely affect adjacent properties. (See LCLDC Section 34-2196.)
3. Evidence that the modifications do not decrease total lot area.
4. Evidence that the principal use, absent the solar or wind aspects, is a permitted use in the zoning district for which it is located.

G. On-Premises Consumption Of Alcoholic Beverages: [34-203(e)(5)]

1. A written statement describing the type of state liquor license to be acquired, e.g., 2 COP, SRX, 11C, etc., and the anticipated hours of operation for the business.
2. The site plan must include a detailed parking plan.

H. Harvesting Of Cypress: [34-203(e)(6)]

1. An aerial photograph with vegetation associations mapped as listed in the Florida Land Use, Cover, and Forms Classification System (FLUCCS).
2. A forest management plan for the proposed harvesting site.
3. A statement indicating the steps that will be taken to ensure that the proposed activity will not have an adverse affect on the environmental sensitivity of the area.

I. Private Aircraft Landing Facilities: [34-203(e)(8)]

1. Indicate the type of facility, as set forth in Florida Administrative Code chapter 14-60.
2. A certified list of all airports and municipalities within 15 miles of the proposed site and all property owners within 1,000 feet of the property or within the minimum required approach zone, whichever is greater.
3. The site plan must indicate the proposed location and length of the effective landing facility, as well as the area included in the approach zone.

J. **Wireless Communication Facilities: [34-1441 et. seq.]**

1. Documentation of authority/acceptance of responsibility for compliance with these regulations, executed by property owner, applicant, and provider who will be placing antennas on the proposed or existing wireless communications facility. **[34-1446 (a) (1)]**
2. Name, address, and telephone contact information for the owners(s) of all proposed or existing antenna-supporting structures and wireless communication facilities with an affidavit that such contact information will be updated annually or upon a change of ownership after the application is approved. **[34-1446(a)(2)]**
3. A copy of license issued by FCC. A broadcast structure must submit a construction permit. **[34-1446(a)(3)]**
4. New antenna-supporting structures must demonstrate there are no existing suitable structures available or higher priority zoning districts in the geographic search area. As part of that demonstration, the application must include a graphical representation of the geographic search area. **[34-1446(a)(4)]**
5. A statement confirming the overall height of the facility and all other facilities on the subject property, in terms of grad and sea-level. **[34-1446(a)(5)]**
6. A letter demonstrating consent from the Executive Director of Lee County Port Authority if the wireless communications facility is to be located within the County airspace notification limits of LCLDC Section 34-1008. **[34-1446(a)(6)a.]**
7. For any wireless communications facility exceeding 35 feet, a letter confirming review and recommendation from the Lee County Mosquito Control District, Sheriff's Department, and Director of Public Safety. **[34-1446(a)(6)]**
8. A letter demonstrating evidence of compliance with applicable Federal Aviation Administration requirements under 14 C.F.R. s. 77, as amended, and evidence of proper Federal Communications Commission licensure, or other evidence of Federal Communications Commission authorized spectrum use. **[34-1446(a)(6)c.]**
9. The Boundary Survey, completed by a registered land surveyor, must show all existing conditions. **[34-1446(a)(7)]**
10. Photo-simulated post-construction renderings of the proposed wireless communications facility, equipment enclosures, and ancillary appurtenances as they would look after construction from areas where the proposed wireless communications facility will be visible according to the balloon test and sight lines. **[34-1446(a)(8)]**
11. Shared use plan or copy of an executed shared use plan must be provided for the existing facility (see Supplement A). **[34-1446(a)(9)]**
12. For all new antenna support structures, a list and map identifying all existing wireless communications facilities to which the proposed facility will be a handoff candidate, including latitude, longitude, and power levels of each. **[34-1446(a)(10)]**
13. Floor plans, elevations, and cross sections on 24" X 36" size paper at a scale no smaller than ¼" = 1' (1:48) of any proposed accessory structures. **[34-1446(a)(11)]**
14. To scale elevation drawings, indicating the roof, facades, doors, and other exterior appearance and materials of the proposed wireless communication facility (signed and sealed by Professional Engineer). **[34-1446(a)(12)]**
15. If the property owner is not a provider, a copy of an executed lease agreement or memorandum of lease between the application or property owner and provider. If no lease agreement has been executed, an affidavit signed by provider attesting to provider's intent to make an application for development order approval to place antennas on the wireless communications facility if the zoning application is approved. **[34-1446(b)(1)]**
16. For antenna supporting structures, the graphic results of the balloon test conducted by the applicant pursuant to the requirements of LCLDC Section 34-1446(d). **[34-1446(b)(2)]**

K. **Model Homes:** Narrative and plans that demonstrate compliance with provisions of LCLDC Chapter 34, Division 24. **[34-1954(a)(2)]**

PART 6 SUBMITTAL REQUIREMENT CHECKLIST	
Two copies required for submittal ***Clearly label your attachments as noted in bold below***	
☒	Completed application for Public Hearing [34-201(b)]
☒	Filing Fee - [34-202(a)(9)]
☒	**Affidavit of Authorization** (notarized) [34-202(b)(1)c]
☐	**Additional Agents** [34-202(b)(1)c.]
☐	**Multiple Owners List (if applicable) [34-201; 34-204]**
☒	**Disclosure of Interest** Form (multiple owners) [34-201(b)(2)a]
☒	**Legal description (must submit one) [34-202(a)(1)]**
☐	Legal description (metes and bounds) and sealed sketch of legal description
	OR
☒	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
☐	**Boundary Survey** (not required if platted lot) **[34-202(a)(2); [34-373(a)(4)a.]**
☐	**Property Owners list** (if applicable) [34-202(a)(5)]
☐	**Property Owners map** (if applicable) [34-202(a)(5)]
☐	Confirmation of **Ownership/Title Certification** [34-202(a)(3)]
☐	**STRAP Numbers** (if additional sheet is required) [34-202(a)(1)]
☒	**List of Surrounding Property Owners** [34-202(a)(6)]
☒	**Map of Surrounding Property Owners** [34-202(a)(7)]
☒	**Mailing labels** [34-202(a)(6)]
☒	List of **Zoning Resolutions** and Approvals [34-202(a)8)]
☐	Summary of **Public Informational Session** (if applicable) [34-202(a)(10)]
☒	**Waivers** from Application Submission Requirements
☒	**Request Statement** [34-145(c)(3); 34-203(e)(1)]
☐	Traffic Impact Statement (**TIS**)
☒	**Site Plan**
☐	**Additional Information** (if applicable)
☒	**Potable Water & Sanitary Sewer.** Letter from the appropriate utility entity indicating the utility entity or explanation of how water and sewer needs will be met if connection will not be made. [34-202(b)(8)]
☐	Existing Agricultural **Use Affidavit** (if applicable) [34-202(b)(7)]
☐	**Excavations/Blasting** (if applicable) [34-202(b)(6)]
☐	**Tall Structures Permit** (if applicable) [34-1010]
☐	**Solar or Wind Energy** Modifications (if applicable) [34 -203(e)(3); 34-2196]
☒	Consumption on Premises (**COP**) (if applicable) [34-203(e)(5)]
☐	Harvesting Of Cypress (if applicable) [34-203(e)(6)]
☐	**Private Aircraft Landing Facilities** (if applicable) [34-203(e)(8)]
☐	**Wireless Communication Facilities** (if applicable) [34-1441 et. seq.]
☐	**Model Homes** (if applicable) [34-1954(a)(2) & (b)]

AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, PETER TSCHERNITZ (name), as GM/COO (owner/title) of The Olde Hickory Golf & Country Club Master Association, Inc. (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Notes:

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.)., then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trustee, then they must include their title of "trustee."*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.*

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

Peter Tscherni

Signature

12/8/2016

Date

*************NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*************
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 12/8/16 (date) by PETER TSCHERNITZ (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL

MELANIE A HUHN
MY COMMISSION # EE871560
EXPIRES March 08, 2017
(407) 398-0153 FloridaNotaryService.com

Melanie A Huhn

Signature of Notary Public

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DISCLOSURE OF INTEREST
AFFIDAVIT

BEFORE ME this day appeared PETER ISCHERMITZ, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 14670 Olde Hickory Blvd., Fort Myers, FL 33912 and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
N/A	

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Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.

Property Owner

PETER TSCHERNITZ
Print Name

************NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS************
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 12/8/16 (date) by PETER TSCHERNITZ (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

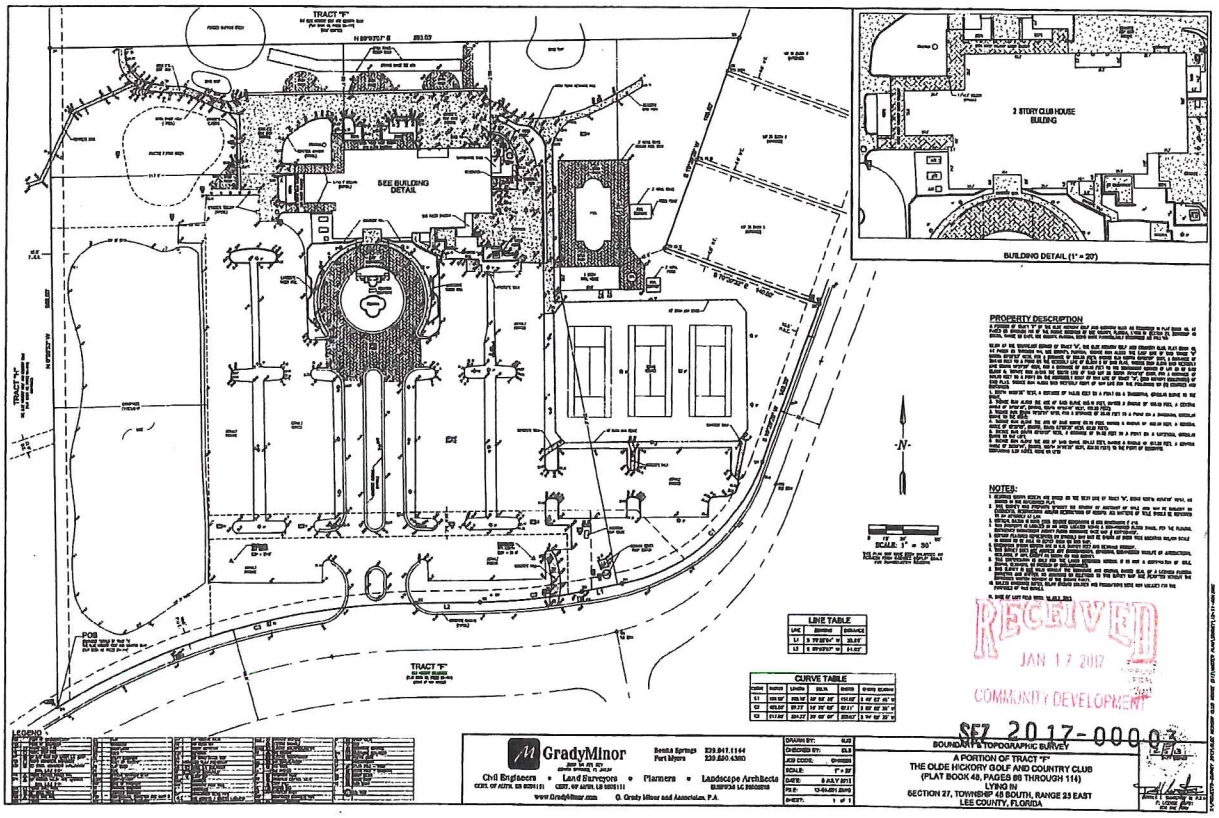
STAMP/SEAL

MELANIE A HUHN
MY COMMISSION # EE871560
EXPIRES March 08, 2017
(407) 398-0153 FloridaNotaryService.com

Melanie A Huhn
Signature of Notary Public

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COMMUNITY DEVELOPMENT

SEZ 2017-00003

List of all Zoning Resolutions and Zoning Approvals applicable to the Olde Hickory Golf & Country Club property:

LDO2013-00054

LDO2015-00346

PD-92-001

Z-87-237

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PRE2016-00342

Lee County
Southwest Florida

REQUEST FOR SUBMITTAL REQUIREMENT WAIVER FOR UNINCORPORATED AREAS ONLY

Upon written request, the Director may modify the submittal requirements for Public Hearings, Development Orders, Limited Review Development Orders and other Administrative Action Applications where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the Director's written response must accompany the application submitted and will become a part of the permanent file.

APPLICATION FOR WAIVER OF REQUIRED SUBMITTAL ITEMS
(indicate the appropriate application type)

- [x] Public Hearing - General Requirements (34-202)
- [ ] Public Hearing - Mining Excavation Planned Development (12-110)
- [x] Public Hearing - Additional Requirements for:
  - [ ] Development of Regional Impact (34-203(a))
  - [ ] Planned Developments (34-203(b))
  - [ ] Planned Development Amendment (34-203(b))
  - [ ] Rezonings Other than Planned Developments (34-203(c))
  - [x] Special Exceptions (34-203(e))
  - [ ] Variances (34-203(f))
  - [ ] Limited Amendment to Existing Mine Zoning Approval [12-121(j)]
  - [ ] Compact Community Planned Development (32-502)
  - [ ] Private Recreational Facilities Planned Development (34-941(g))
- [ ] Development Order - Submittal Requirements (10-152)
  - [ ] Application Form and Contents (10-153)
  - [ ] Additional Required Submittals (10-154)
- [ ] Limited Review Development Order – Submittal Requirements (10-152)
  - [ ] Required Submittals (10-175)
- [ ] Administrative Action Application Requirements [34-204(a)]

State the Type of Administrative Application: _____

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SEZ 2017-00003

PLEASE PRINT OR TYPE:

STRAP Number: Portion of 27-45-25-02-0000D.00CE
Name of Project: Olde Hickory Golf & Country Club

Name of Agent: Stacy Ellis Hewitt, AICP, Banks Engineering
Street Address: 10511 Six Mile Cypress Pkwy, Suite 101
City, State, Zip: Fort Myers, FL 33966
Phone Number: 239-770-2527 Email Address: shewitt@bankseng.com

Name of Applicant*: Olde Hickory Golf + Country Club Master Association Inc
Street Address: 14670 Old Hickory Blvd
City, State, Zip: Fort Myers, FL 33912
Phone Number: (239) 768-2400 Email Address: _____

***If applicant is not the owner, a letter of authorization from the owner must be submitted.**

A. SPECIFIC SECTION(S) AND REQUIREMENT(S) FOR WHICH A WAIVER IS SOUGHT:

	Section Number	Requirement
#1	34-202(a)(3)	Certification of Title
#2	34-202(a)(1)	Legal Description and Sketch
#3	34-202(a)(2); 34-373(a)(4)a.]	Boundary Survey
#4		
#5		
#6		
#7		
#8		
#9		

B. SCOPE OF PROJECT AND REASON(s) FOR REQUEST:

Please provide an explanation of the scope of the project and the reason(s) why you think the request for submittal waiver(s) should be approved. Use additional sheets if necessary and attach to this application form. (Please print or type)

The applicant is preparing an application for a special exception to allow outdoor seating consumption on premises at the amenity center. The applicant is the same owner/applicant that has been actively permitting on the property and the metes and bounds legal description and sketch for the property subject to the special exception request has already been reviewed and approved by Lee County under case number LDO2013-00054. The waiver request is for items that already exist in county records and are not proposed to be revised. Given the extent of property information available in existing Lee County files, the applicant respectfully requests that the waiver be approved. The submittal of any of these documents would have no bearing on the review and processing of the application. The applicant can submit copies of the stamped received approved documents already in county files in lieu of a new signed and sealed original, if staff so desires.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

Signature of Applicant — Date: 12/7/2016

FOR STAFF USE ONLY

DIRECTOR'S DECISION:

- ☐ Request Denied
- ☐ Request Approved
- ☑ Request Approved Per Attached Comments

Director Signature — Date: 12/16

Lee County
Southwest Florida

Case Activity Listing

Case #: PRE2016-00342

12/7/2016
12:42:45PM

Description	Activity Enter Date	Target Date	Activity Completed Date	Status	Assigned To	Done By	Notes
Zoning Comments	12/7/2016		12/7/2016	APPR	CSJ	CSJ	Approved waiver request for certification of title provided legal description, sketch and survey are provided. Copies of previously supplied, county approved, documents will be acceptable in this case.
Submittal Waiver Request	12/7/2016						
Final Document Imported	12/7/2016						
Environmental Review Comments	12/7/2016						
Development Services Comments	12/7/2016						

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CaseActivity.rpt

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CELEBRATING 25 YEARS IN BUSINESS 1992 - 2017

Olde Hickory Golf & Country Club

Request Statement

The applicant is requesting a special exception for outdoor seating consumption on premises (COP) for proposed poolside food and beverage service, limited, that will replace the existing pool cabana at the existing Olde Hickory Golf & Country Club clubhouse.

Olde Hickory Golf & Country Club originally received Residential Planned Development (RPD) zoning approval on August 8, 1988 via zoning resolution Z-87-237. This RPD approval allowed 858 dwelling units, also including "*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, specialty retail shops, real estate sales office, models, signs, entrance gates, gatehouses, sewage treatment plant, maintenance building, lakes and environmentally sensitive preserve areas.*" Consumption on Premises and Food and Beverage Service, Limited, were included in the original approval of the planned development. The RPD was administratively amended on March 11, 1992 by PD-92-001 which allowed a standard group III restaurant in the clubhouse, to be open to the public. Pursuant to 34-1264(a)(3)c., consumption on the premises for other uses within planned developments and planned unit developments require administrative approval or a special exception.

Proposed is a special exception for outside seating consumption on premises. The proposed use will be a poolside bar and grill for members and guests and will not be open to the public (food and beverage service, limited). The type of state liquor license to be acquired for the amenity center includes a 2COP (for the beverage cart) and a 4COP – SRX for the Clubhouse, including the poolside food and beverage service and associated outdoor seating subject to this special exception request.

The property qualifies for the special exception based on the findings/review criteria set forth in 34-145(c)(3) as listed below:

a.1. *The request is consistent with the goals, objectives, policies, and intent of the Lee Plan.*

The existing zoning and development approvals demonstrate the existing development's consistency with the Lee Plan. The request to allow outdoor seating consumption on promises does not change the fact that the project is consistent with the Lee Plan and the LDC.

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a.2. *The request will protect, conserve, or preserve environmentally critical and sensitive areas and natural resources, where applicable.*

Not applicable

a.3. *The request will be compatible with existing and planned uses.*

The request will be compatible with existing and planned uses. The site plan attached to PD-92-001 showed a setback of 25 feet between the pool deck and Lot 26 which is developed with an existing single-family residence. A field location survey of the existing conditions of the site revealed that the existing pool deck is actually located 23 feet from this adjacent lot. The proposed outdoor seating area is located at the location of the existing pool deck and will not encroach into the existing 23-foot setback area. The proposed conditions will provide less of an impact than the existing conditions. The existing conditions have no sound abatement for the poolside activities, only vegetation screening. Although there is currently heavy vegetation separating the pool deck from the adjacent residence, the proposed use will install a sound barrier along this area with the outdoor seating. The sound barrier will consist of a noise abatement wall covered with a special soundproofing liner with an angled top to further deflect noise away from the adjacent residences. The outdoor seating area will also have a retractable pergola. In addition to the wall, heavy vegetation will also be maintained. See below aerial view showing the existing vegetation in this area.



a.4. *The request will not be injurious to the neighborhood or detrimental to the public welfare.*

As stated previously, the proposed outdoor seating area is located at the location of the existing pool deck and will not encroach into the existing 23-foot setback area. The proposed conditions will provide less of an impact than the existing conditions. The existing conditions have no sound abatement for the poolside activities, only vegetation screening. Although there is currently heavy vegetation separating the pool deck from the adjacent residence, the proposed use will install a sound barrier along this area with the outdoor seating. The sound barrier will consist of a noise abatement wall covered with a special soundproofing liner with an angled top to further deflect noise away from the adjacent residences. The outdoor seating area will also have a retractable pergola. In addition to the wall, heavy vegetation will also be maintained. See above aerial view showing the existing vegetation in this area.

a.5. *The request will be in compliance with zoning regulations pertaining to the use and other applicable regulations.*

The request is in compliance with zoning regulations pertaining to the use. Consumption on Premises and Food and Beverage Service, Limited, were included in the original approval of the planned development.

The additional criteria of 34-145(c)(3)b., pertaining to new antenna supporting structure wireless communication facilities, is not applicable to this special exception request.

It should be noted that a TIS is not required for special exceptions for consumption on premises. The attached site plan shows the location and current use of the existing structures on the site. The plan also shows the proposed demolition and development plan, along with existing means of vehicular access to and from the site, which is not proposed to be changed. The site plan includes a detailed parking plan demonstrating compliance with parking requirements. Attached you will also find a written statement describing the type of state liquor license to be acquired and the anticipated hours of operation of the business.

As demonstrated above, there will be no apparent deleterious effect upon surrounding properties and the immediate neighborhood, as represented by property owners within 500 feet of the premises. The existing conditions have a pool deck with only fencing and vegetation within 23 feet of the closest adjacent residence. The proposed conditions will not encroach into this existing 23-foot separation and will install a sound abatement wall along the outdoor seating area and will maintain heavy vegetation. The proposed improvements will also provide sound abatement from the poolside activities that are currently permitted in this area. The premises are suitable in regard to their location, site characteristics and intended purpose. Lighting will be shuttered and shielded from surrounding properties.

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Olde Hickory Golf & Country Club –

Written Statement Pertaining to Potable Water and Sanitary Sewer

Potable Water and Sanitary Sewer connections are already on site; therefore, a Utility Availability letter is not warranted for this project.

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Olde Hickory Golf & Country Club

Written Statement Pertaining to On-Premises Consumption of Alcoholic Beverages

The applicant is requesting a special exception for outdoor seating consumption on premises for proposed poolside food and beverage service, limited, that will replace the existing pool cabana at the existing Olde Hickory Golf & Country Club clubhouse. The type of state liquor license to be acquired for the amenity center includes a 2COP, for the beverage cart, and a 4COP – SRX, for the Clubhouse, including the poolside food and beverage service and associated outdoor seating subject to this special exception request.

The proposed hours of operation for the poolside food and beverage service, limited are 7:00 a.m. to 9:00 p.m., with last call and music out at 8:30 p.m., seven (7) days a week.

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S:\Jobs\81xx\8150\Documents\Lee County\8150_Narrative_Consumption on Premise.doc

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Olde Hickory Golf & Country Club

Parking Calculations

The applicant is requesting a special exception for outdoor seating consumption on premises for proposed poolside food and beverage service, limited that will replace the existing pool cabana at the existing Olde Hickory Golf & Country Club clubhouse. Below are the proposed revisions in strike-thru and underline text to update the parking calculations approved via LDO2015-00346 Master Development Plan:

PARKING CALCULATIONS:

A) TENNIS
PER LDC SEC. 34-2020, 3 SPACES PER COURT = 3X3=9

~~B) POOL CABANA~~
~~PER LDC SEC. 34-2020, RECREATION = 4 SPACES PER 1,000 SF = 1,181 X 4/1000 = 5~~

C) FIRST FLOOR RETAIL/OFFICE
PER LDC SEC. 34-2020, OFFICE/RETAIL = 1 SPACE PER 250 SF = 7,500 X 1/250 = 30

D) GOLF COURSE:
PER LDC SEC. 34-2020 GOLF COURSE = 6 SPACES PER HOLE = 6 X 18 = 108
- OR –
RESTAURANT: 12.5 SPACES PER 1,000 SF FLOOR AREA
FLOOR AREA IN CLUBHOUSE = 4,896 SF
PARKING REQUIRED: 4,896 X 12.5 SPACES/1,000 SF = 61 SPACES
FLOOR AREA POOLSIDE = 2,486 SF
PARKING REQUIRED: 2,486 SF X 12.5 SPACES/1000 SF = 31 SPACES
TOTAL RESTAURANT PARKING REQUIRED: 92 SPACES
SPACES REQUIRED EQUALS GREATER OF GOLF OR RESTAURANT = 108 SPACES

E) CLUBHOUSE FITNESS CENTER:
PER LDC SEC. 34-2020 RECREATION = 4 SPACES PER 1,000 SF = 2,781 X 4/1000 = 11

TOTAL SPACES REQUIRED: ~~9+5~~+30+108+11 = ~~163~~ **158**
CAR SPACES PROVIDED: ~~76+66+26~~ EXIST = ~~168~~ **158**
GOLF CART SPACES PROVIDED: ~~14~~ **21**
TOTAL SPACES PROVIDED= ~~182~~ **179**, ~~115.2~~**113.3**% OF REQUIRED

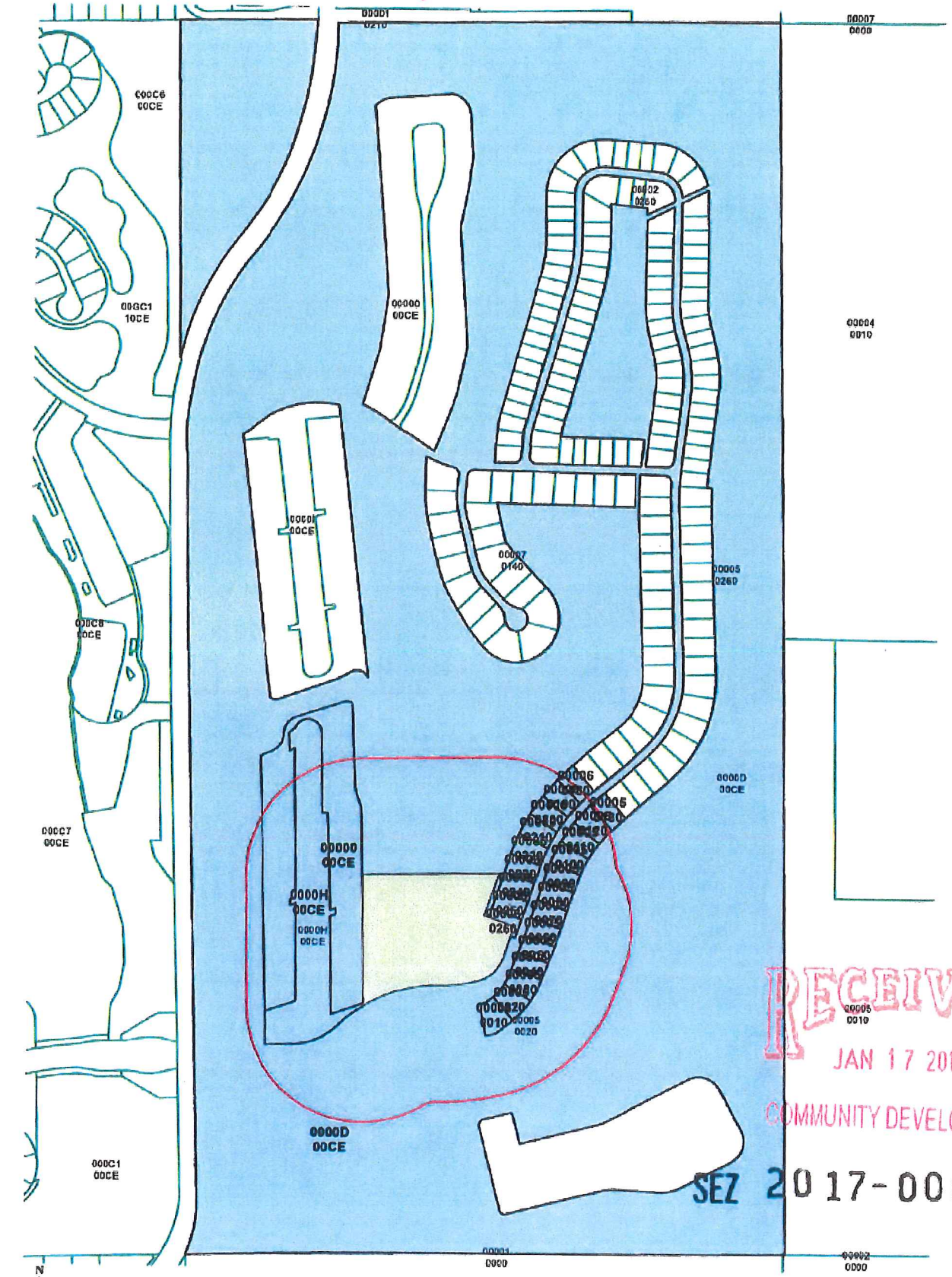
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OWNERSHIP REPORT

12/20/2016

Subject Parcels: 25



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PROPERTY OWNERSHIP REPORT

Date of Report: 12/20/2016 2:10:05 PM
Parcels Affected: 0
Source: Lee County Property Appraiser

SEZ 2017-00003

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION
ANGEL DAVID L + BETTY L 706 EAST 12TH ST DOVER, OH 44622	27-45-25-02-00005.0010 14661 OLD HICKORY BLVD FORT MYERS FL 33912	OLDE HICKORY GOLF + C C BLK 5 PB 48 PG 110 LOT 1
SNOOK JOHN P + JANET L TR 14651 OLD HICKORY BLVD FORT MYERS, FL 33912	27-45-25-02-00005.0020 14651 OLD HICKORY BLVD FORT MYERS FL 33912	OLDE HICKORY GOLF + CC BLK 5 PB 48 PG 110 LOT 2
DEGENHART LARRY R TR 14271 HICKORY LINK CT FORT MYERS, FL 33912	27-45-25-02-00005.0030 14641 OLD HICKORY BLVD FORT MYERS FL 33912	OLDE HICKORY GOLF + C C BLK 5 PB 48 PG 110 LOT 3
BALLANTONE ANTHONY A + MARIAN 14631 OLDE HICKORY BLVD FORT MYERS, FL 33912	27-45-25-02-00005.0040 14631 OLD HICKORY BLVD FORT MYERS FL 33912	OLDE HICKORY GOLF + C C BLK 5 PB 48 PG 110 LOT 4
WHITE MICHAEL J + JANICE V 14621 OLD HICKORY BLVD FORT MYERS, FL 33912	27-45-25-02-00005.0050 14621 OLD HICKORY BLVD FORT MYERS FL 33912	OLDE HICKORY GOLF + C C BLK 5 PB 48 PG 110 LOT 5
UTLEY PATRICIA ANN TR 14611 OLD HICKORY BLVD FORT MYERS, FL 33912	27-45-25-02-00005.0060 14611 OLD HICKORY BLVD FORT MYERS FL 33912	OLDE HICKORY GOLF + C C BLK 5 PB 48 PG 107 LOT 6
JAMES NICOLA L 1712 S SPRINGHOUSE DR BLOOMINGTON, IN 47401	27-45-25-02-00005.0070 14601 OLD HICKORY BLVD FORT MYERS FL 33912	OLDE HICKORY GOLF + C C BLK 5 PB 48 PG 107 LOT 7
LEEDY STANLEY B + VANGINE L 14591 OLD HICKORY BLVD FORT MYERS, FL 33912	27-45-25-02-00005.0080 14591 OLD HICKORY BLVD FORT MYERS FL 33912	OLDE HICKORY GOLF + C C BLK 5 PB 48 PG 107 LOT 8
BREDAHL MICHAEL G + KATHERINE 14581 OLD HICKORY BLVD FORT MYERS, FL 33912	27-45-25-02-00005.0090 14581 OLD HICKORY BLVD FORT MYERS FL 33912	OLDE HICKORY GOLF + C C BLK 5 PB 48 PG 107 LOT 9
FRENCH GERALD J + PATRICIA K 14571 OLD HICKORY BLVD FORT MYERS, FL 33912	27-45-25-02-00005.0100 14571 OLD HICKORY BLVD FORT MYERS FL 33912	OLDE HICKORY GOLF + C C BLK 5 PB 48 PG 107 LOT 10
SCHULTZ FRED B + PAULA J 14561 OLD HICKORY BLVD FORT MYERS, FL 33912	27-45-25-02-00005.0110 14561 OLD HICKORY BLVD FORT MYERS FL 33912	OLDE HICKORY GOLF + C C BLK 5 PB 48 PG 107 LOT 11
HOOK ALFRED J + PATRICIA I 2732 LAKE GEORGE RD OAKLAND, MI 48363	27-45-25-02-00005.0120 14551 OLD HICKORY BLVD FORT MYERS FL 33912	OLDE HICKORY GOLF + C C BLK 5 PB 48 PG 107 LOT 12
HAHNFELD DARLENE TR 13 SUGAR MAPLE CT LAKE IN THE HILLS, IL 60156	27-45-25-02-00005.0130 14531 OLD HICKORY BLVD FORT MYERS FL 33912	OLDE HICKORY GOLF + C C BLK 5 PB 48 PG 107 LOT 13
TAGNER ROBERT A + DOROTHY K 14540 OLD HICKORY BLVD FORT MYERS, FL 33912	27-45-25-02-00006.0180 14540 OLD HICKORY BLVD FORT MYERS FL 33912	OLDE HICKORY GOLF + C C BLK 6 PB 48 PG 107 LOT 18
CHRYSOGELOS ANTHONY TR 14550 OLD HICKORY BLVD FORT MYERS, FL 33912	27-45-25-02-00006.0190 14550 OLD HICKORY BLVD FORT MYERS FL 33912	OLDE HICKORY GOLF + C C BLK 6 PB 48 PG 107 LOT 19
MONTGOMERY ROBERT A + PEGGY S 14560 OLD HICKORY BLVD FORT MYERS, FL 33912	27-45-25-02-00006.0200 14560 OLD HICKORY BLVD FORT MYERS FL 33912	OLDE HICKORY GOLF + C C BLK 6 PB 48 PG 107 LOT 20
DOUCET JOHN D + MARILEE 14570 OLD HICKORY BLVD FORT MYERS, FL 33912	27-45-25-02-00006.0210 14570 OLD HICKORY BLVD FORT MYERS FL 33912	OLDE HICKORY GOLF + C C BLK 6 PB 48 PG 107 LOT 21
BONNETT ROBERT J TR 14580 OLD HICKORY BLVD FORT MYERS, FL 33912	27-45-25-02-00006.0220 14580 OLD HICKORY BLVD FORT MYERS FL 33912	OLDE HICKORY GOLF + C C BLK 6 PB 48 PG 107 LOT 22

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OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION
CONNOR EDWARD C TR + 3809 MILLCREEK DR ANNANDALE, VA 22003	27-45-25-02-00006.0230 14590 OLD HICKORY BLVD FORT MYERS FL 33912	OLDE HICKORY GOLF + C C BLK 6 PB 48 PG 107 LOT 23
LASOFF MITCHELL 14600 OLD HICKORY BLVD FORT MYERS, FL 33912	27-45-25-02-00006.0240 14600 OLD HICKORY BLVD FORT MYERS FL 33912	OLDE HICKORY GOLF + C C BLK 6 PB 48 PG 107 LOT 24
BARKER JOHN E + 2073 HEDFIELD CT BURLINGTON, ON L7M 3V5 CANADA	27-45-25-02-00006.0250 14610 OLD HICKORY BLVD FORT MYERS FL 33912	OLDE HICKORY GOLF + C C BLK 6 PB 48 PG 107 LOT 25
POSTLER ERICH K + BRUNHILDE 19 MID PONDS LN PITTSFORD, NY 14534	27-45-25-02-00006.0260 14620 OLD HICKORY BLVD FORT MYERS FL 33912	OLDE HICKORY GOLF + C C BLK 6 PB 48 PG 107 LOT 26
OLDE HICKORY GOLF + COUNTRY 14670 OLD HICKORY BLVD FORT MYERS, FL 33912	27-45-25-02-0000D.00CE 14670 OLD HICKORY BLVD FORT MYERS FL 33912	OLDE HICKORY GOLF + C C PB 48 PG 89 TRS A B C D E F K + PT TR J (GOLF COURSE)
OLDE HICKORY VERANDAS ASSN 43 BARKLEY CIR #101 FORT MYERS, FL 33907	27-45-25-02-0000H.00CE OLDE HICKORY VERANDAS C/E FORT MYERS FL	PT OF TRACT H OLDE HICKORY OR 2322/3397 COMMON AREA
OLDE HICKORY VERANDAS I-II-III CONDO ASSOCIATION 6719 WINKLER RD STE 200 FORT MYERS, FL 33919	27-45-25-04-00000.00CE OLDE HICKORY VERANDAS C/E FORT MYERS FL	OLDE HICKORY VERANDAS I - II - III CONDO COMMON ELEMENTS

25 RECORDS PRINTED

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27-45-25-02-00005.0010
ANGEL DAVID L + BETTY L
706 EAST 12TH ST
DOVER, OH 44622

27-45-25-02-00005.0020
SNOOK JOHN P + JANET L TR
14651 OLD HICKORY BLVD
FORT MYERS, FL 33912

27-45-25-02-00005.0030
DEGENHART LARRY R TR
14271 HICKORY LINK CT
FORT MYERS, FL 33912

27-45-25-02-00005.0040
BALLANTONE ANTHONY A + MARIAN
14631 OLDE HICKORY BLVD
FORT MYERS, FL 33912

27-45-25-02-00005.0050
WHITE MICHAEL J + JANICE V
14621 OLD HICKORY BLVD
FORT MYERS, FL 33912

27-45-25-02-00005.0060
UTLEY PATRICIA ANN TR
14611 OLD HICKORY BLVD
FORT MYERS, FL 33912

27-45-25-02-00005.0070
JAMES NICOLA L
1712 S SPRINGHOUSE DR
BLOOMINGTON, IN 47401

27-45-25-02-00005.0080
LEEDY STANLEY B + VANGINE L
14591 OLD HICKORY BLVD
FORT MYERS, FL 33912

27-45-25-02-00005.0090
BREDAHL MICHAEL G + KATHERINE
14581 OLD HICKORY BLVD
FORT MYERS, FL 33912

27-45-25-02-00005.0100
FRENCH GERALD J + PATRICIA K
14571 OLD HICKORY BLVD
FORT MYERS, FL 33912

27-45-25-02-00005.0110
SCHULTZ FRED B + PAULA J
14561 OLD HICKORY BLVD
FORT MYERS, FL 33912

27-45-25-02-00005.0120
HOOK ALFRED J + PATRICIA I
2732 LAKE GEORGE RD
OAKLAND, MI 48363

27-45-25-02-00005.0130
HAHNFELD DARLENE TR
13 SUGAR MAPLE CT
LAKE IN THE HILLS, IL 60156

27-45-25-02-00006.0180
TAGNER ROBERT A + DOROTHY K
14540 OLD HICKORY BLVD
FORT MYERS, FL 33912

27-45-25-02-00006.0190
CHRYSOGELOS ANTHONY TR
14550 OLD HICKORY BLVD
FORT MYERS, FL 33912

27-45-25-02-00006.0200
MONTGOMERY ROBERT A + PEGGY S
14560 OLD HICKORY BLVD
FORT MYERS, FL 33912

27-45-25-02-00006.0210
DOUCET JOHN D + MARILEE
14570 OLD HICKORY BLVD
FORT MYERS, FL 33912

27-45-25-02-00006.0220
BONNETT ROBERT J TR
14580 OLD HICKORY BLVD
FORT MYERS, FL 33912

27-45-25-02-00006.0230
CONNOR EDWARD C TR +
3809 MILLCREEK DR
ANNANDALE, VA 22003

27-45-25-02-00006.0240
LASOFF MITCHELL
14600 OLD HICKORY BLVD
FORT MYERS, FL 33912

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27-45-25-02-00006.0250
BARKER JOHN E +
2073 HEDFIELD CT
BURLINGTON, ON L7M 3V5
CANADA

27-45-25-02-00006.0260
POSTLER ERICH K + BRUNHILDE
19 MID PONDS LN
PITTSFORD, NY 14534

27-45-25-02-0000D.00CE
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14670 OLD HICKORY BLVD
FORT MYERS, FL 33912

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FORT MYERS, FL 33907

27-45-25-04-00000.00CE
OLDE HICKORY VERANDAS I-II-III
CONDO ASSOCIATION
6719 WINKLER RD STE 200
FORT MYERS, FL 33919

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OLDE HICKORY VERANDAS I-II-III
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27-45-25-02-00005.0060
UTLEY PATRICIA ANN TR
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14581 OLD HICKORY BLVD
FORT MYERS, FL 33912

27-45-25-02-00005.0100
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SCHULTZ FRED B + PAULA J
14561 OLD HICKORY BLVD
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27-45-25-02-00005.0120
HOOK ALFRED J + PATRICIA I
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OAKLAND, MI 48363

27-45-25-02-00005.0130
HAHNFELD DARLENE TR
13 SUGAR MAPLE CT
LAKE IN THE HILLS, IL 60156

27-45-25-02-00006.0180
TAGNER ROBERT A + DOROTHY K
14540 OLD HICKORY BLVD
FORT MYERS, FL 33912

27-45-25-02-00006.0190
CHRYSOGELOS ANTHONY TR
14550 OLD HICKORY BLVD
FORT MYERS, FL 33912

27-45-25-02-00006.0200
MONTGOMERY ROBERT A + PEGGY S
14560 OLD HICKORY BLVD
FORT MYERS, FL 33912

27-45-25-02-00006.0210
DOUCET JOHN D + MARILEE
14570 OLD HICKORY BLVD
FORT MYERS, FL 33912

27-45-25-02-00006.0220
BONNETT ROBERT J TR
14580 OLD HICKORY BLVD
FORT MYERS, FL 33912

27-45-25-02-00006.0230
CONNOR EDWARD C TR +
3809 MILLCREEK DR
ANNANDALE, VA 22003

27-45-25-02-00006.0240
LASOFF MITCHELL
14600 OLD HICKORY BLVD
FORT MYERS, FL 33912

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BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

CELEBRATING 25 YEARS IN BUSINESS 1992 - 2017

February 10, 2017

Ms. Jessica K. Leatherman
Lee County Development Services
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
FEB 16 2017
COMMUNITY DEVELOPMENT
SEZ 2017-00003

Reference: **OLDE HICKORY GOLF & COUNTRY CLUB**
SEZ2017-00003

Dear Jessica:

This letter is written in response to your review comments dated February 7, 2017. With this letter we are submitting the additional information you requested. Presented below are responses to each review comment.

Comment: Please show available serving area square footage within the clubhouse restaurant and then poolside, provide the seating count for the under roof clubhouse and then poolside, and provide the menu(s).

Response: ***Please see the attached revised Outdoor COP Special Exception Plan. The below table has been added to the plan, pursuant to our discussion:***

	Serving Area	Seats
Existing Clubhouse Restaurant	4,896 SF	148
Proposed Poolside Indoor	1,845 SF	38
Proposed Poolside Outdoor	641 SF	28
Total	7,382 SF	214

Please also see following menus:

- ***Olde Hickory Golf & Country Club Lunch Menu***
- ***Olde Hickory Golf & Country Club Dinner Menu & Dinner Specials***
- ***Sample menu from proposed poolside (Oull Cabana Grill)***

10511 Six Mile Cypress Parkway • Suite 101 • Fort Myers, Florida 33966
Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523
Engineering License No. EB 6469 • Surveying License No. LB 6690

Please do not hesitate to contact me if you have any questions or need anything further.

Sincerely,
BANKS ENGINEERING

Stacy Ellis Hewitt, AICP
Director of Planning

SEH:lnb

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COMMUNITY DEVELOPMENT
SEZ 2017-00003

OLDE HICKORY
GOLF & COUNTRY CLUB

Lunch Menu

Open Daily for Lunch

Monday through Sunday

11:00 A.M. - 3:00 P.M.

"Where excellence in golf & country club living finds a home."

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THE DRIVING RANGE

SOUP DU JOUR
8oz cup 3.75 ~ 16oz bowl 6.5

CHILI
8oz cup 4.25 ~ 16oz bowl 7.5

POTATO SKINS
Four fried potato skins topped with melted cheddar jack cheese, bacon bits and scallions, served with a side of sour cream 7

FRIED MOZZARELLA STICKS
Five golden fried mozzarella sticks served with a side of warm marinara sauce 7

SHRIMP COCKTAIL
Five large chilled served on shredded iceberg lettuce, served with a cocktail sauce, lemon wedge and saltine crackers 10

JUMBO CHICKEN WINGS
Breaded or Naked
Deep fried and prepared in your choice of
Hot, Mild, BBQ, or Teriyaki and served with celery sticks
6 pieces 9 ~ 10 pieces 13.50

FROM THE ROUGH

ROASTED PEAR SALAD
A mix of baby Artesian greens and spinach topped with roasted pears, spiced pecans and bleu cheese crumbles, served with your choice of one our homemade dressings and topped with grilled garlic flatbread 9

FITNESS SALAD
Baby kale and vegetable blend tossed in our homemade fat free citrus poppy vinaigrette, accompanied with toasted almonds, blueberries, craisins, apples, carrots and celery served with a scoop of Quinoa salad and a warm fresh baked roll 9

BISTRO SALAD
Fresh Artesian greens accompanied with red onions, Kalamata olives, roasted red peppers and crumbled feta cheese, topped with sliced vine ripened tomatoes served with grilled garlic flatbread and our homemade balsamic vinaigrette dressing 9

NOT- SO - BASIC MIXED GREENS SALAD
Fresh Artesian greens accompanied with sliced hearts of palm, artichoke hearts, grilled asparagus, shaved red onions, sliced tomatoes, sliced cucumbers and julienne of carrots served with your choice of one of our homemade dressings and warm fresh baked roll 9

ADD ANY OF THE ITEMS BELOW TO THE ABOVE SALADS

Scoop of chicken, egg or tuna salad	3
Sliced grilled chicken breast	4
Grilled bamboo shrimp skewer	6
Grilled Atlantic salmon filet	6
Sliced grilled beef tenderloin	7

SOUP & SALAD COMBO
Cup of soup of the day or homemade chili served with a petite house, Caesar salad or roasted pear salad 8

DRESSINGS
Ranch, Bleu Cheese, Balsamic, Italian, Honey Mustard, French, Citrus-ginger Vinaigrette, 1000 Island, and Oriental Mandarin Orange Ginger

FAT FREE DRESSINGS
Ranch, Raspberry Vinaigrette, Toasted Sesame, Sweet Chili Thai and Citrus Poppy Vinaigrette

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Consuming raw and undercooked meats, poultry, seafood, shellfish or eggs may increase your risk of foodborne illness.

FROM THE TEE BOX

BOAR'S HEAD CHILI AND CHEESE HOT DOG
A foot long all beef hot dog, grilled and topped with our homemade chili, shredded cheddar jack cheese and diced onion 8.5

TRADITIONAL GRILLED CHEESE
Choice of white, whole wheat or rye bread grilled with American, cheddar, provolone or Swiss cheese 8

BACON AND EGG GRILLED CHEESE
Boar's Head Applewood smoked bacon, aged cheddar cheese and a fried egg grilled rye bread 9

FRIED GREEN TOMATO B.L.T. SANDWICH
Southern fried green tomatoes, Applewood smoked bacon and provolone cheese on grilled sourdough bread, garnished with green leaf lettuce and lemon aioli 9

CURRY WURST
Grilled smoked sausage on toasted pretzel hoagie, topped with our homemade German curry sauce 8

THE BIRDIE
Slice chargrilled chicken breast, sautéed peppers, onions and mushrooms and melted aged cheddar jack cheese on a fresh toasted hoagie roll 10

CHICKEN AND WAFFLES
Southern fried boneless chicken breast served with homemade Belgian waffles and maple buttermilk sauce 10

PRIME RIB MUENSTER PANINI
Shaved prime rib, caramelized onions, baby Portobello mushrooms and Muenster cheese layered on grilled sourdough bread, pressed and served with creamy horseradish sauce 11

8 OUNCE SIRLOIN BURGER
Seasoned Angus sirloin patty grilled to your liking and topped with your choice of cheese 12
Add bacon, sautéed mushrooms, sautéed peppers or sautéed onions .50 each

HADDOCK FINGER BASKET
Four haddock strips lightly beer battered and fried golden brown, served with steak fries, Cole slaw, tartar sauce and fresh lemon wedge 10

6 OUNCE GROUPER SANDWICH
Fresh grouper filet prepared grilled, broiled, blackened, beer battered or crunchy and served with tartar sauce and fresh lemon wedge 16

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SEZ 2017-00003

All items above are served with your choice of French fries, shoestring fries, sweet potato fries, homemade chips, onion rings, cottage cheese, Cole slaw, fresh fruit or a house or Caesar salad. Cup of soup may be substituted for $1.25 additional charge.

CHICKEN PIZZAIOLO
Sautéed chicken breast smothered with artichoke hearts and black olives in a fresh tomato sauce served over a bed of wild rice with a side of fresh seasonal vegetables 14

GRILLED SCOTTISH SALMON
Six ounce filet of fresh salmon grilled served with wild rice pilaf, fresh seasonal vegetables and tropical fruit salsa on the side 17

Consuming raw and undercooked meats, poultry, seafood, shellfish or eggs may increase your risk of foodborne illness.

PIZZA

Available Tuesday, Wednesday, Friday and Saturday

CREATE YOUR OWN PIZZA
Pizzas are made to order topped with tomato sauce and a three cheese blend.
Additional toppings include pepperoni, sausage, ham, bacon, mushroom, onion, roasted artichoke, anchovies, black or green olives, sliced tomatoes, bell peppers, spinach, banana peppers, jalapeños, garlic, and fresh mozzarella
12" pizza 12 ~ 16" pizza 14
Additional toppings .50 each

DELI FAVORITES

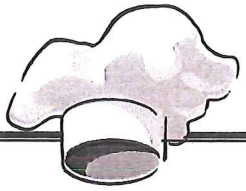
We proudly offer Boar's Head deli meats. All sandwiches are served on white, wheat or rye bread, as a tortilla wrap or on a croissant with your choice of side. Cup of soup may be substituted for $1.25 additional charge.

THE JUNIOR CLUB SANDWICH
Boar's Head turkey, Black Forest ham, Swiss and cheddar cheese served on two slices of bread, stacked lettuce, tomato, Applewood smoked bacon and mayonnaise
Half sandwich 6 ~ Full sandwich 9

DELI SANDWICHES
Turkey breast, baked ham, roast beef, or B.L.T. served with lettuce, tomato and mayonnaise with your choice of American, Swiss, cheddar or provolone
Chicken salad, egg salad or Albacore tuna salad served with lettuce and tomato
Half sandwich 5.5 ~ Full sandwich 8.5

FRESH MAINE LOBSTER ROLL
New England style roll, buttered and grilled, filled with fresh Maine lobster salad, served with Cole slaw and your choice of side 14

Heart Healthy items low in sodium, unsaturated fat and calories.



LET US DO THE COOKING!
We offer curbside service
Call 239.768.2400, Ext. 211

If you are unable to pick up your order, let us know and we will deliver if volume of business allows.

Menu available upon request by e-mailing
foodandbev@oldehickory.cc

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Consuming raw and undercooked meats, poultry, seafood, shellfish or eggs may increase your risk of foodborne illness.

Dinner Menu

APPETIZERS

Crab Louis
Cocktail of colossal blue crab, served with sauce Louis 12

Warm Brie and Artichoke Dip
Served with a fresh baked baguette 6

Southwestern Egg Rolls
Smoked chicken, black beans and pepper jack cheese, served with avocado-poblano ranch 8

Frog Legs
Three pairs of legs marinated, breaded and golden fried,
served with a fresh wedge of lemon and Cajun tartar sauce 10

Escargot
Large snails baked in garlic herb butter, served with toast points 11

ENTRÉE SALADS

Toasted Almond and Goat Cheese
Mixed baby greens topped with fresh berries, roasted red and golden beets,
sliced grilled red onion, toasted almonds and crumbled goat cheese 12

Mediterranean Seafood Salad
Romaine hearts, spinach, black olives, artichoke hearts, cucumbers and tomatoes tossed with a tangy citrus dressing, topped with a fresh seafood salad made with calamari, scallops and shrimp 14

ENTRÉES

Tri-Colored Rotini Pasta
Tossed in Alfredo sauce, topped with sliced, grilled mild Italian sausage, Portobello mushrooms, peppers and sun dried tomatoes, served with a side of garlic bread 15

Vietnamese Noodles
Stir fried egg noodles tossed with bok choy, bean sprouts, carrots, mushrooms,
shrimp and beef in a hoisin sauce, topped with toasted cashews and scallions 18

Chicken Piccata
Six ounce chicken breast sautéed in olive oil, served over Cappelini pasta,
finished with a lemon caper butter sauce and a side of garlic bread 18

Chicken Marsala
Six ounce chicken breast sautéed in olive oil, served over Cappelini pasta,
finished with a mushroom Marsala sauce and a side of garlic bread 18

Grilled Atlantic Salmon
Marinated in orange, lime and tequila, grilled and
served with a mild spiced habanero lime butter 22

Pan Seared Jumbo Sea Scallops
Seasoned with cumin and coriander, served on a sweet corn volute 26

Grilled Pork Tenderloin Medallions
Seasoned with rosemary and a three pepper blend, topped with a creamy brandy demi glaze 19

Liver and Onions
Sautéed veal liver topped with caramelized onions and crispy bacon, finished with a red wine demi
Petite 15 ~ Regular 19

Grilled Veal Rib Chop
Twelve ounce veal chop topped with a mushroom Marsala sauce 26

Twelve Ounce New York Strip
Chargrilled to your liking, finished with our garlic herb butter and crispy fried onions 26

Prime Filet Mignon
USDA Prime, center cut aged beef tenderloin, chargrilled and
finished with our garlic herb butter, served with sauce béarnaise
Six ounce 26 ~ Eight ounce 30

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Dinner Specials

TUESDAY, FEBUARY 7

Spaghetti Bolognaise

Our house recipe meat sauce served over spaghetti with a side of garlic bread 14

Veal Stew Cacciatore

Slow braised veal cubes in a tomato sauce with mushrooms, peppers and sliced olives, served over penne with a side of garlic bread 17

WEDNESDAY, FEBRUARY 8

Gourmet Buffet

Seared Ahi Tuna

Served with wasabi, ponsu sauce and pickled ginger

House Cured Gravlax

Served with a honey dill sauce

Slow Roasted Beef Tenderloin

Served with a brandy peppercorn sauce

Roasted Leg of Lamb

Served with a mustard herb crust and mint demi glaze

Saffron risotto with bronzed scallops and shrimp

Chicken ala Oscar

Topped with jumbo lump crab meat, green asparagus and roasted peppers, finished with sauce hollandaise

Fresh seasonal vegetables and roasted baby baked potatoes

Dessert- *Tropical explosion, mango mousse and vanilla cake slice*

$32.00++ per person

THURSDAY, FEBRUARY 9

Veal Parmesan

Veal cutlet breaded with Italian bread crumbs, pan fried and topped with homemade tomato sauce and mozzarella cheese, served over Cappelini 20

Broiled Red Grouper Filet

Broiled with butter, white wine and onion, finished with lump crab meat and a lemon butter sauce 24

FRIDAY, FEBRUARY 10

Canadian Walleye Filet

Lightly breaded and fried golden, served with tartar sauce 21

Wild Mushroom and Venison Stroganoff

Sautéed sliced venison meat with mushrooms, red wine and onions, finished with a dash of sour cream and served over homemade Spätzle

Petite 18 ~ Regular 21

Prime Rib Carving Station

Sliced and served with a creamy horseradish 26

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SATURDAY, FEBRUARY 11

Club Championship Awards Dinner from 6:00 P.M.- 9:00 P.M.

Please call Bryan at the Club at 239.768.2400 extension 210 to add your spouse for dinner, Spouses and Past Champions are an additional $35 per person

Please ask your server about petite portions that are available or any special requests we can accommodate you with. Consuming raw and undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness.

OULL CABANA GRILL

SOUP DU JOUR

8oz cup 3.75 ~ 16oz bowl 6.5

CHILI

8oz cup 4.25 ~ 16oz bowl 7.5

ROASTED PEAR SALAD

A mix of baby Artesian greens and spinach topped with roasted pears, spiced pecans and bleu cheese crumbles, served with your choice of one our homemade dressings and topped with grilled garlic flatbread 9

FITNESS SALAD

Baby kale and vegetable blend tossed in our homemade fat free citrus poppy vinaigrette, accompanied with toasted almonds, blueberries, craisins, apples, carrots and celery served with a scoop of Quinoa salad and a warm fresh baked roll 9

BISTRO SALAD

Fresh Artesian greens accompanied with red onions, Kalamata olives, roasted red peppers and crumbled feta cheese, topped with sliced vine ripened tomatoes served with grilled garlic flatbread and our homemade balsamic vinaigrette dressing 9

JUMBO CHICKEN WINGS

Breaded or Naked and deep fried with your choice of hot, mild, BBQ, or teriyaki, served with celery sticks
6 pieces 8 ~ 10 pieces 12

SHRIMP COCKTAIL

Five large shrimp chilled and served with cocktail sauce 10

CARIBBEAN CHICKEN SALAD CUPS

Iceberg cups filled with mango chicken salad with Caribbean spices, topped with toasted peanuts 8

TIKI SALAD

Mixed greens, cucumbers, tomatoes, citrus segments, diced grilled pineapple, hearts of palm, avocado and crumbled goat cheese, served with a citrus vinaigrette and a corn muffin 9
Add Grilled Chicken 4
Add Grilled Shrimp or Grilled Mahi 5

6 OUNCE GROUPER SANDWICH

Fresh grouper filet prepared grilled, broiled, blackened, beer battered or crunchy and served with tartar sauce and fresh lemon wedge 16

8 OUNCE SIRLOIN BURGER

Seasoned Angus sirloin grilled to your liking and topped with your choice of cheese 12
Add bacon, sautéed mushrooms, sautéed peppers or sautéed onions .50 each

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SEZ 2017-00003

BOAR'S HEAD HOT DOG

A foot long all beef hot dog, grilled and served with traditional condiments 8.5

12" Pizza Pie **$12.00 each**

16" Pizza Pie **$14.00 each**

Create Your Own Pizza

Thin crust pizza topped with tomato sauce, shredded cheese blend of mozzarella, provolone and Parmesan, with your choice of toppings.

Toppings

Pepperoni, sausage, ham, bacon, anchovies, garlic, black olives, green olives, roasted artichoke, spinach, onions, four cheese blend, fresh mozzarella, sliced tomatoes, mushrooms, bell peppers, banana peppers or jalapenos

Each additional topping $.50

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SEZ 2017-00003

BANKS ENGINEERING

CELEBRATING 25 YEARS IN BUSINESS 1992 - 2017

Professional Engineers, Planners & Land Surveyors

LETTER OF TRANSMITTAL

TO: Ms. Jessica K. Leatherman, Planner
Lee County Community Development
Zoning Counter
1500 Monroe St.
Fort Myers, FL

DATE: April 6, 2017

PHONE: 239-533-8319

FAX:

REFERENCE: **SEZ2017-00003** - Olde Hickory Golf & Country Club JOB NO: 8150P

COPIES	DESCRIPTION
2	State Restaurant Business License
2	State Alcohol Consumption on Premises License

REASON:
- ____ Your Comments
- ____ Your Approval
- X Your Information
- ____ Your Review
- ____ Per Your Request

SENT VIA:
- ____ Regular Mail
- ____ FedEx / UPS
- X Courier
- ____ Pick-up
- ____ E-mail

COMMENTS:

Attached, pursuant to our discussion.

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APR 06 2017
COMMUNITY DEVELOPMENT
SEZ 2017-00003

Stacy Hewitt

Stacy Ellis Hewitt, AICP (239) 770-2527
Director of Planning

cc: Joseph M. Madden, Jr., Esq. (email only)

C:\Users\Megan Bishop\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\0FI2X2E8\8150P-Leatherman-Transmittal-04-06-17.docx

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DIVISION OF HOTELS AND RESTAURANTS
2601 BLAIR STONE ROAD
TALLAHASSEE FL 32399-1011

850-487-1395

OLDE HICKORY GOLF CC MA INC
OLDE HICKORY GOLF CC
14670 OLD HICKORY BLVD
FORT MYERS FL 339120807

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APR 06 2017
COMMUNITY DEVELOPMENT

SEZ 2017-00003

Congratulations! With this license you become one of the nearly one million Floridians licensed by the Department of Business and Professional Regulation. Our professionals and businesses range from architects to yacht brokers, from boxers to barbeque restaurants, and they keep Florida's economy strong.

Every day we work to improve the way we do business in order to serve you better. For information about our services, please log onto www.myfloridalicense.com. There you can find more information about our divisions and the regulations that impact you, subscribe to department newsletters and learn more about the Department's initiatives.

Our mission at the Department is: License Efficiently, Regulate Fairly. We constantly strive to serve you better so that you can serve your customers. Thank you for doing business in Florida, and congratulations on your new license!

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

SEA4603944 ISSUED: 11/08/2016

SEATING FOOD SERVICE (2010)
OLDE HICKORY GOLF CC MA INC
OLDE HICKORY GOLF CC

IS LICENSED under the provisions of Ch.509 FS.
Expiration date : DEC 1, 2017
L16110800000818

DETACH HERE

RICK SCOTT, GOVERNOR

KEN LAWSON, SECRETARY

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF HOTELS AND RESTAURANTS

LICENSE NUMBER	
SEA4603944	NBR. OF SEATS: 209

The SEATING FOOD SERVICE (2010)
Named below IS LICENSED
Under the provisions of Chapter 509 FS.
Expiration date: DEC 1, 2017

NON-
TRANSFERABLE

OLDE HICKORY GOLF CC MA INC
OLDE HICKORY GOLF CC
14670 OLDE HICKORY BLVD
FORT MYERS FL 339120807

ISSUED: 11/08/2016

DISPLAY AS REQUIRED BY LAW

SEQ # L16110800000818

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DIV OF ALCOHOLIC BEVERAGES & TOBACCO
2601 BLAIR STONE ROAD
TALLAHASSEE FL 32399-0783

850.487.1395

OLDE HICKORY GOLF & CC MASTER ASSO INC
OLDE HICKORY GOLF & COUNTRY CLUB
14670 OLDE HICKORY BLVD
FORT MYERS FL 33912

Congratulations! With this license you become one of the nearly one million Floridians licensed by the Department of Business and Professional Regulation. Our professionals and businesses range from architects to yacht brokers, from boxers to barbeque restaurants, and they keep Florida's economy strong.

Every day we work to improve the way we do business in order to serve you better. For information about our services, please log onto **www.myfloridalicense.com**. There you can find more information about our divisions and the regulations that impact you, subscribe to department newsletters and learn more about the Department's initiatives.

Our mission at the Department is: License Efficiently, Regulate Fairly. We constantly strive to serve you better so that you can serve your customers. Thank you for doing business in Florida, and congratulations on your new license!

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

BEV4602220 ISSUED: 03/07/2017
TOB-DUAL LICENSE
RETAILER OF ALCOHOLIC BEVERAGES
OLDE HICKORY GOLF & CC MASTER ASSO INC
OLDE HICKORY GOLF & COUNTRY CLUB
CONSUMPTION ON PREMISES ONLY

IS LICENSED under the provisions of Ch.561 FS.
Expiration date : MAR 31, 2018 L1703070002573

DETACH HERE

RICK SCOTT, GOVERNOR

MATILDE MILLER, INTERIM SECRETARY

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIV OF ALCOHOLIC BEVERAGES & TOBACCO

LICENSE NUMBER	SERIES TYPE	TOBACCO
BEV4602220	4COP SFS	DUAL LICENSE

The RETAILER OF ALCOHOLIC BEVERAGES
Named below IS LICENSED
Under the provisions of Chapter 561 FS.
Expiration date: MAR 31, 2018
CONSUMPTION ON PREMISES ONLY

CANNOT MOVE FROM THIS LOCATION

OLDE HICKORY GOLF & CC MASTER ASSO INC
OLDE HICKORY GOLF & COUNTRY CLUB
14670 OLDE HICKORY BLVD
FORT MYERS FL 33912

ISSUED: 03/07/2017 DISPLAY AS REQUIRED BY LAW SEQ # L1703070002573

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

CELEBRATING 25 YEARS IN BUSINESS 1992 - 2017

LETTER OF TRANSMITTAL

TO: Ms. Jessica K. Leatherman
Lee County Development Services
1500 Monroe Street
Fort Myers, Florida 33901

DATE: 6/27/2017
PHONE:
FAX:

REFERENCE: Olde Hickory Golf & Country Club – SEZ2017-00003 JOB NO: 8150

COPIES	DESCRIPTION
2	Settlement Agreement Packages

REASON:
____ Your Comments
____ Your Approval
____ Your Information
____ Your Review
__X__ Per Your Request

SENT VIA:
____ Regular Mail
____ FedEx / UPS
__X__ Courier
____ Pick-up
____ E-mail

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JUN 27 2017
COMMUNITY DEVELOPMENT

COMMENTS:

Stacy E. Hewitt
MIB

Stacy Ellis Hewitt, AICP
Director of Planning
Email: shewitt@bankseng.com

SEZ 2017-00003

cc: _____

S:\Admin\BEI Templates\2017-25 Years Templates\Transmittals\Transmittal - Stacy Hewitt.docx

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

CELEBRATING 25 YEARS IN BUSINESS 1992 - 2017

June 22, 2017

Ms. Jessica K. Leatherman
Lee County Development Services
1500 Monroe Street
Fort Myers, Florida 33901

SEZ 2017-00003

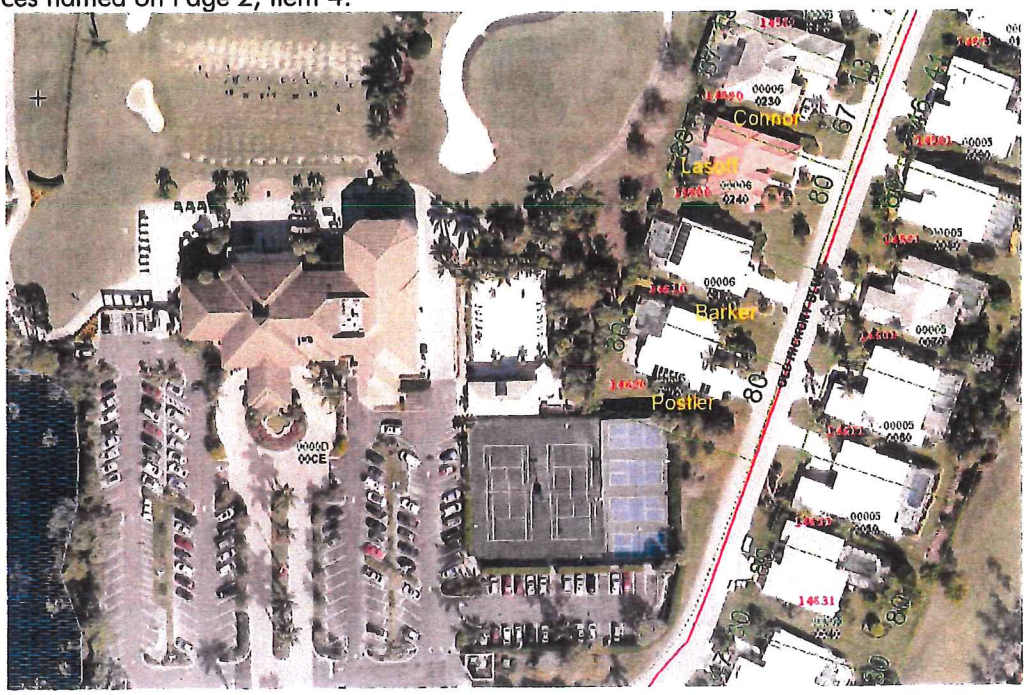
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JUN 27 2017
COMMUNITY DEVELOPMENT

Reference: **OLDE HICKORY GOLF & COUNTRY CLUB**
SEZ2017-00003

Dear Jessica:

This letter is written in response to negotiations and resulting settlement agreement that have transpired since the correspondence received regarding the above referenced case from Pavese Law Firm dated April 4, 2017.

Attached please find the Agreement between Old Hickory Golf & Country Club Master Association, Inc. and Dr. Mitchell Lasoff, together with several other owners dated May 26, 2017 and recorded June 14, 2017 at Instrument No. 2017000129736 of the Public Records of Lee County. Below is an aerial depicting the location of Dr. Lasoff's residence as well as the location of the additional residences named on Page 2, Item 4.



10511 Six Mile Cypress Parkway • Suite 101 • Fort Myers, Florida 33966
Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523
Engineering License No. EB 6469 • Surveying License No. LB 6690

The applicant is submitting the following in accordance with this agreement:

- Page 2, Item 2. Applicant respectfully requests that Lee County incorporate the following conditions into any recommendation of approval of the Special Exception request:
  1) The Association shall advertise that daily phone and walk-up outdoor COP service and sales shall only be from 11:00 a.m. to 5:00 p.m. and enforce said hours.
  2) The Association shall advertise that outdoor COP service for special events, defined as those events held outside when the Association closes its indoor facilities for another function ("Special Events"), and private outdoor events requested by members or individual homeowners' associations ("Private Events") shall only be from 4:00 p.m. to 8:30 p.m. with all patrons and staff leaving the premises and lights out by 9:00 p.m., and enforce said hours.
  3) In October, November, and December there shall be no more than two (2) Special Events per month. In January, February, March, and April there shall be no more than four (4) Special Events per month. Additionally, individual homeowners' associations may hold no more than one (1) private event each, between October 1st and April 30th, and there shall be no more than one (1) private homeowners' association event per month between October 1st and April 30th. There shall be no more than two (2) Special or Private Events in a given week between October 1st and April 30th. Allocations for Special Events or Private Events cannot be carried over from a given week or month.
  4) The use of animated signs (defined as those that are composted of moving parts or lights or lighting devices that change color, flash, alternate illumination, show motion, movement or otherwise change appearance) and neon signs are prohibited. Any signs that are back-lit for display at night shall be oriented to the west away from adjacent residences.
  5) There shall be no amplified music.
  6) Should the Association utilize a permanent or temporary structure ("Structure") for outdoor COP service, the Structure shall not be located in the northeast corner of the pool deck.
- Page 3, Item 5. The applicant respectfully submits the attached amended outdoor COP Special Exception Plan which removes the previously proposed approximately 8-foot tall sound barrier wall which was to be located between the pool and adjacent residences. This wall is no longer a part of this Special Exception application. Since the four adjacent property owners closest to the proposed outdoor COP use have specifically requested that the previously proposed sound barrier wall be removed, the applicant respectfully submits that removal of the sound barrier does not change the fact that the proposed use is compatible with existing and planned uses and will not be injurious to the neighborhood or detrimental to the public welfare.

Please do not hesitate to contact me at (239) 770-2527 if you have any questions or need anything further.

Sincerely,
BANKS ENGINEERING

Stacy Ellis Hewitt, AICP
Director of Planning

SEZ2017-00003

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cc: Joseph M. Madden, Jr.
Audra Ennis, Section Manager, Zoning Department
John Fredyma, Senior Assistant County Attorney
Kathleen O. Berkey, Esq.

INSTR # 2017000129736, Doc Type AGR, Pages 9, Recorded 06/14/2017 at 10:33 AM, Linda Doggett, Lee County Clerk of Circuit Court, Rec. Fee $78.00 Deputy Clerk ERECORD

Prepared by and to be returned to:
Kathleen O. Berkey, Esq.
Pavese Law Firm
P.O. Drawer 1507
Fort Myers, FL 33902-1507

RECEIVED
JUN 27 2017
COMMUNITY DEVELOPMENT

STRAP No.:
27-45-25-02-0000A.00CE

AGREEMENT

THIS AGREEMENT is made this 26th day of May 2017 by and between The Olde Hickory Golf & Country Club Master Association, Inc., a Florida not for profit corporation, whose address is 14670 Old Hickory Boulevard, Fort Myers, Florida 33912 ("Association") and Dr. Mitchell Lasoff, whose address is 14600 Old Hickory Boulevard, Fort Myers, Florida 33912, together with several other owners ("Lasoff").

RECITALS

WHEREAS, Peter Tschernitz ("General Manager"), as General Manager on behalf of Association, applied to Lee County, Florida for a special exception (Case No. SEZ2017-00003) in the Residential Planned Development zoning district to allow an amendment to the existing consumption on premises ("COP") license to allow outdoor consumption on premises by the existing Association pool ("Special Exception") on property located at 14670 Old Hickory Boulevard, Fort Myers, Florida 33912 further identified by STRAP No. 27-45-25-02-0000A.00CE and more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, Association is the record title owner of the Property and Lasoff owns a lot that is approximately 100-feet from the Property, as more particularly described in Exhibit "B" attached hereto and incorporated herein by this reference; and

WHEREAS, Lasoff's lot contains his primary residence; and

WHEREAS, Lasoff has concerns about the impacts of the proposed outdoor COP use on his residence; and

WHEREAS, Association and Lasoff have agreed to certain conditions of approval to be made part of the Special Exception approval, and which conditions will help to address Lasoff's concerns.

NOW THEREFORE, In consideration of the mutual promises contained herein and other good and valuable consideration, the receipt of which is hereby acknowledged by both parties, Association and Lasoff agree as follows:

1. The above recitals are true and correct and incorporated herein by this reference.

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2. Association shall request that Lee County incorporate the following conditions ("Conditions") into any approval of the Special Exception:

1) The Association shall advertise that daily phone and walk-up outdoor COP service and sales shall only be from 11:00 a.m. to 5:00 p.m. and enforce said hours.
2) The Association shall advertise that outdoor COP service for special events, defined as those events held outside when the Association closes its indoor facilities for another function ("Special Events"), and private outdoor events requested by members or individual homeowners' associations ("Private Events") shall only be from 4:00 p.m. to 8:30 p.m., with all patrons and staff leaving the premises and lights out by 9:00 p.m., and enforce said hours.
3) In October, November, and December there shall be no more than two (2) Special Events per month. In January, February, March, and April there shall be no more than four (4) Special Events per month. Additionally, individual homeowners' associations may hold no more than one (1) private event each, between October 1st and April 30th, and there shall be no more than one (1) private homeowners' association event per month between October 1st and April 30th. There shall be no more than two (2) Special or Private Events in a given week between October 1st and April 30th. Allocations for Special Events or Private Events cannot be carried over from a given week or month.
4) The use of animated signs (defined as those that are composted of moving parts or lights or lighting devices that change color, flash, alternate illumination, show motion, movement or otherwise change appearance) and neon signs are prohibited. Any signs that are back-lit for display at night shall be oriented to the west away from adjacent residences.
5) There shall be no amplified music.
6) Should the Association utilize a permanent or temporary structure ("Structure") for outdoor COP service, the Structure shall not be located in the northeast corner of the pool deck.

3. Regardless of whether Lee County incorporates the Conditions into an approval of the Special Exception, if the Special Exception is approved and/or the Association's existing COP license (BEV4602220) is amended or expanded by the State of Florida, the Association and its agents and representatives shall adhere to the Conditions as though they were a part of the Special Exception approval and/or the State of Florida's approval of an amendment to or expansion of the Association's existing COP license (BEV4602220).

4. Lasoff. as well as other owners that are concerned about the outdoor COP service, including the Postlers, Barkers and Connors, shall not object to the Special Exception at the Lee County Hearing Examiner public hearing scheduled for July 13,

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2017, and shall instruct Pavese Law Firm to send a letter withdrawing earlier concerns sent to Lee County Zoning.

5. Simultaneously with the execution and delivery of this Agreement, the Association shall transmit to Lee County an amended outdoor COP Special Exception Plan and a corresponding narrative which explains that the approximately 8-foot tall sound barrier to be located between the pool and Lasoff's lot is no longer a part of its Special Exception application.

6. Association represents and warrants to Lasoff that the execution and delivery of this Agreement has been duly approved by all requisite corporate or partnership action, as applicable, that is required to be taken.

7. Attorneys' Fees. In connection with any litigation, including appellate proceedings, arising out of this Agreement the prevailing party shall be entitled to recover all reasonable attorneys' fees and costs incurred by the enforcement of any of the obligations contained in this Agreement.

8. Injunctive Relief. It is hereby agreed and acknowledged that it will be impossible to measure monetary damages that would be suffered if the parties fail to comply with any of the obligations herein imposed on them and that in the event of any such failure, an aggrieved Person will be irreparably damaged and will not have an adequate remedy at law. Any such Person shall, therefore, be entitled (in addition to any other remedy to which it may be entitled in law or in equity) to injunctive relief, including specific performance, to enforce such obligations, and if any action should be brought in equity to enforce any of the provisions of this Agreement, none of the parties hereto shall raise the defense that there is an adequate remedy at law.

9. Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and the Association's successors in interest, heirs, and assigns.

10. Governing Law. This agreement shall be governed by, construed and interpreted under the laws of the State of Florida.

11. Venue and Jurisdiction. The venue and jurisdiction of any dispute relating to this Agreement shall be construed in accordance with the laws of Florida, and for the purposes of this contract, venue and jurisdiction for any litigation is construed to be in Lee County, Florida, and both parties waive any objection to said venue or jurisdiction.

12. Entire Agreement. This agreement contains the entire understanding of the parties hereto and supersedes any prior agreement. Neither party shall be bound by any terms, conditions, statements, or representations, oral or written, which are not contained in this Agreement. The parties hereby acknowledge they have not been induced, persuaded, or motivated by any promise or representation made by the other party in entering into this Agreement unless expressly set forth herein.

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13. Severability. The illegality, invalidity, or unenforceability of any provision of this agreement shall not affect the remainder of this agreement.

14. Time. Time is of the essence of each provision of this Agreement.

15. Successors and Assigns. All rights and liabilities herein given to, or imposed upon the Association hereto shall extend to and inure to the benefit of the Association's parties, agents, representatives, lessees, employees, heirs, executors, administrators, successors and assigns; and if more than one, shall all be bound jointly and severally by the terms, covenants and agreement herein contained.

16. Amendment. Except as otherwise provided herein, this Agreement may not be amended, altered, or modified except by writing executed by both parties hereto.

17. Section Headings. The section headings and captions in this Agreement are intended for convenience only and shall not be taken into consideration in any construction or interpretation of this Agreement or any of its provisions.

18. Executed Counterparts. This Agreement may be executed in any number of counterparts, each of which when executed and delivered, shall constitute an original, but all counterparts shall together constitute one and the same instrument. The final executed instrument shall be recorded in the Public Records of Lee County at Association's sole expense.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals as of the date set forth above.

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[Remainder of Page Intentionally Left Blank]

SEZ2017-00003

1st Witness
Print Name: Sandra H. Sawicki

2nd Witness
Print Name: Leslie Hutchinson

By: _____
Dr. Mitchell Lasoff

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 25th day of May, 2017. The above-named person is personally known to me or has produced _____ as identification.

Signature of Notary Public
Sheldon B. Matzick
Printed Name of Notary Public
My commission expires on 7/25/2020

(Notary Seal)

Notary Public State of Florida
Sheldon B Matzick
My Commission FF 997346
Expires 07/25/2020

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_____ By: _____
1st Witness Dr. Mitchell Lasoff
Print Name: _____

_____
2nd Witness
Print Name: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of_____, 2017. The above-named person is personally known to me or has produced _____ as identification.

_____
Signature of Notary Public

(Notary Seal)

_____
Printed Name of Notary Public
My commission expires on_____

The Olde Hickory Golf & Country Club Master Association, Inc.

Melanie Huh
1st Witness
Print Name: MELANIE Huh

By: _____
Gerald French, President

Peter Isaacs
2nd Witness
Print Name: PETER ISAACS

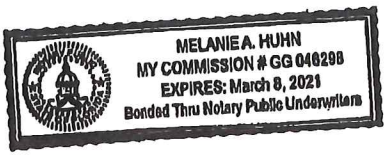
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STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 26 day of MAY, 2017 by Gerald French as President of The Olde Hickory Golf & Country Club Master Association, Inc. on behalf of the Florida not for profit corporation. The above-named person is personally known to me or has produced _____ as identification.

SEZ 2017-00003

(Notary Seal)



Melanie A. Huhn
Signature of Notary Public

MELANIE A. HUHN
Printed Name of Notary Public

My commission expires on 03/08/21

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EXHIBIT "A"

PROPERTY DESCRIPTION

A PORTION OF TRACT "F" OF THE OLDE HICKORY GOLF AND COUNTRY CLUB AS RECORDED IN PLAT BOOK 48, AT PAGES 86 THROUGH 114 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING IN SECTION 27, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF TRACT "H", THE OLDE HICKORY GOLF AND COUNTRY CLUB, PLAT BOOK 48, AT PAGES 86 THROUGH 114, LEE COUNTY, FLORIDA; THENCE RUN ALONG THE EAST LINE OF SAID TRACK "H" NORTH 00°56'53" WEST, FOR A DISTANCE OF 560.00 FEET; THENCE RUN NORTH 89°03'07" EAST, A DISTANCE OF 593.03 FEET TO A POINT ON THE WESTERLY LINE OF BLOCK 6 OF SAID PLAT; THENCE RUN ALONG SAID WESTERLY LINE SOUTH 19°29'28" WEST, FOR A DISTANCE OF 169.60 FEET TO THE SOUTHWEST CORNER OF LOT 26 OF SAID BLOCK 6; THENCE RUN ALONG THE SOUTH LINE OF SAID LOT 26 SOUTH 70°30'32" EAST, FOR A DISTANCE OF 140.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF TRACT "A", (OLD HICKORY BOULEVARD) OF SAID PLAT; THENCE RUN ALONG SAID WESTERLY RIGHT OF WAY LINE FOR THE FOLLOWING SIX (6) COURSES AND DISTANCES;

1. SOUTH 19°29'28" WEST, A DISTANCE OF 143.35 FEET TO A POINT ON A TANGENTIAL CIRCULAR CURVE TO THE RIGHT;
2. THENCE RUN ALONG THE ARC OF SAID CURVE 165.16 FEET, HAVING A RADIUS OF 160.00 FEET, A CENTRAL ANGLE OF 59°08'36", (CHORD, SOUTH 49°03'46" WEST, 157.92 FEET);
3. THENCE RUN SOUTH 78°38'04" WEST, FOR A DISTANCE OF 35.95 FEET TO A POINT ON A TANGENTIAL CIRCULAR CURVE TO THE RIGHT;
4. THENCE RUN ALONG THE ARC OF SAID CURVE 87.73 FEET, HAVING A RADIUS OF 482.50 FEET, A CENTRAL ANGLE OF 10°25'03", (CHORD, SOUTH 83°50'36" WEST, 87.61 FEET);
5. THENCE RUN SOUTH 89°03'07" WEST, A DISTANCE OF 54.82 FEET TO A POINT ON A TANGENTIAL CIRCULAR CURVE TO THE LEFT;
6. THENCE RUN ALONG THE ARC OF SAID CURVE 324.23 FEET, HAVING A RADIUS OF 617.50 FEET, A CENTRAL ANGLE OF 30°50'04", (CHORD, SOUTH 74°00'35" WEST, 320.52 FEET) TO THE POINT OF BEGINNING.

CONTAINING 6.57 ACRES, MORE OR LESS

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EXHIBIT B

LEGAL DESCRIPTION

Lot 24, Block 6, of The Olde Hickory Golf and Country Club, as per map or plat thereof recorded in Plat Book 48, Pages 86 through 114, inclusive, of the Public Records of Lee County, Florida.

STRAP Number 27-45-25-02-00006.0240

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E-recording Report of Recorded Documents

Itemized Fee View

Prepared for: Madden Law Firm LLC
Included Organization: Madden Law Firm LLC
For the period: 06/14/2017
Account number: FLTEH8
Report generated: 06/14/2017 08:49 AM MDT

Documents Recorded

NAME	TYPE	PG	ENTRY	RECORD DATE		SF		AMT	TOTAL	PROCESSED
Lee County, FL										
Jun 14, 2017										
OLDE HICKORY										
20170613100827734	*Agreement*	9	E 2017000129736	06/14/2017 10:33 AM EDT	Submission Fee	4.50	Recording Fee	78.00	82.50	06/14/2017
						0.00	No fee	0.00	0.00	06/14/2017
						4.50		***78.00***	***82.50***	
						4.50		**78.00**	**82.50**	
Totals for Lee County, FL						**4.50**		**78.00**	**82.50**	

Recording Fee Totals

COUNTY	RECORD DATE	SF	AMT	
Lee County, FL	06/14/2017	4.50	78.00	82.50
Totals for Lee County, FL		**4.50**	**78.00**	**82.50**
Total of All Recording Fees		**4.50**	**78.00**	**82.50**

Document Count: 1

Questions Contact:
Simplifile Support 1-800-460-5657, option 3
4844 North 300 West, Suite 202
Provo, UT 84604

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BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

CELEBRATING 25 YEARS IN BUSINESS 1992 - 2017

August 15, 2017

Ms. Jessica K. Leatherman
Lee County Development Services
1500 Monroe Street
Fort Myers, Florida 33901

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Reference: **OLDE HICKORY GOLF & COUNTRY CLUB**
SEZ2017-00003

Dear Jessica:

SEZ2017-00003

This letter is written in response to site plan revisions since the continuance of the hearing that was previously scheduled for July 13, 2017 which was continued to August 22, 2017 and additional existing COP license information received from the Florida Division of Alcoholic Beverages and Tobacco office in Tallahassee. Attached please find two copies of the following additional information:

1. Revised COP Special Exception Plan – 2 sheets (24"x36" & 11"x17")
2. Additional Existing COP license information from State from 1992 demonstrating clubhouse, former snack bar that was historically located between the 9 green and the 10 tee, and the beverage caddy
3. Applicant's proposed conditions in strike-through/underline
4. Applicant's proposed conditions – clean version

There are no existing limitations to where the beverage caddy can serve nor for where consumption on premises in the common areas can take place. This is why the community was unaware that an additional COP approval was required for the poolside area. These backup documents were not available prior to August 2nd.

The attached COP Special Exception Plan demonstrates the proposed indoor and outdoor poolside seating areas and additional seating for temporary events that occur up to 29 times per year at which time the members are notified prior to the events that the pool area will be closed for the event. The temporary events include placement of a temporary bar structure, otherwise food and beverage service is ordered by phone from the clubhouse restaurant or will be from indoor poolside area.

The applicant has attached proposed conditions in strike-through/underline and a clean version for

10511 Six Mile Cypress Parkway • Suite 101 • Fort Myers, Florida 33966
Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523
Engineering License No. EB 6469 • Surveying License No. LB 6690

consideration with the requested revisions. Should you have any questions or require further information, please do not hesitate to contact me at (239) 770-2527.

Sincerely,
BANKS ENGINEERING

Stacy Ellis Hewitt, AICP
Director of Planning

cc: Joseph M. Madden, Jr., Esq.

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Business Name: The Olde Hickory Golf & Country Club Master Association, Inc.

Location Address: 14670 Olde Hickory Boulevard, Fort Myers, Florida 33912

SECTION IV (NOTE: THE DIVISION DOES NOT REQUIRE THAT ITEMS 1-3 BE COMPLETED IN ORDER)

1. ZONING:

If this application is for the issuance of an alcoholic beverage license where zoning approval is required, the zoning authority must complete "A" and "B".

If this application is for the issuance of an alcoholic beverage license where zoning approval is not required, the applicant must complete section "B".

To be completed by the Local Zoning Authorities.

A. The location (✓) Does Comply ( ) Does Not Comply with zoning requirements for the sale of alcoholic beverages pursuant to this application for a Series 4 COP SFX alcoholic beverage license. as per resolution Z-87-237

Signed: [signature] Title: Principal Planner Date: Oct. 14/92

B. Is location within the limits of an Incorporated City or Town? ( ) YES (✓) NO

If "YES", Name of City or Town _____

2. HEALTH:

A. To be completed by the Division of Hotels and Restaurants, the County Health Authority or Department of Health and Rehabilitative Services.

The above establishment (✓) Does Comply ( ) Does Not Comply with the requirements of the Florida Sanitary Code.

Signed: [signature] Date: 10-16-92

Title: Foundation V Safety Supv Agency: Hotels & Rests

3. RIGHT OF OCCUPANCY

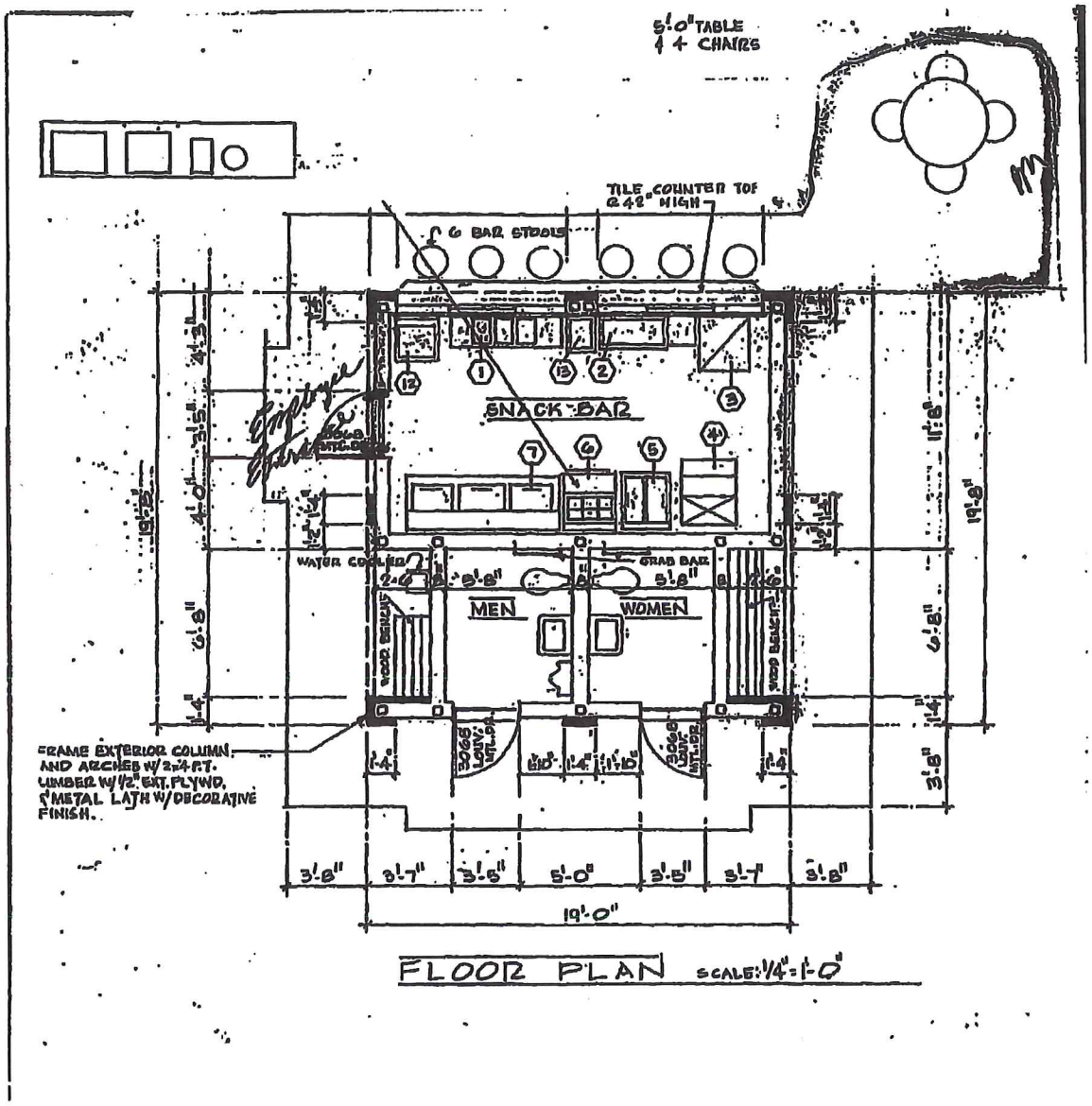
	(YES)	(NO)
A. Does applicant have a legal right of occupancy to the premises?	X	
B. Does applicant own the property?	X	
C. Does applicant rent, lease or sublease the property?		X

Name of Landlord: _____

Address of Landlord: _____

Terms of Rental Agreement: _____

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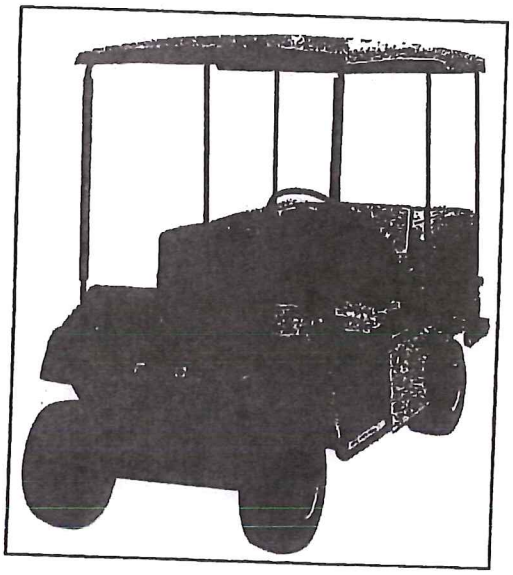
FLOOR PLAN SCALE: 1/4" = 1'-0"

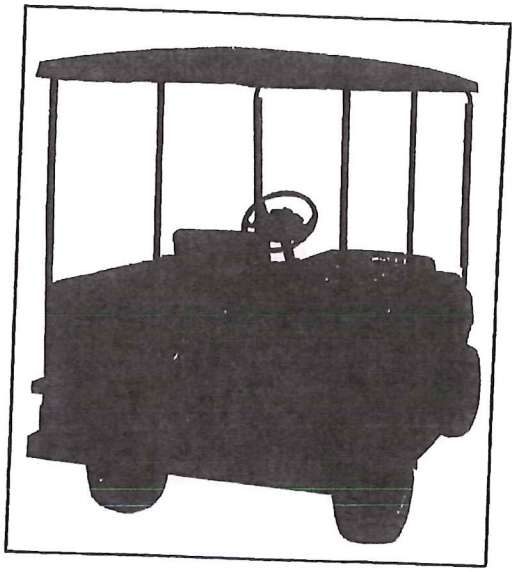
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Gas Powered Beverage Caddy





- 244cc 2-cycle gasoline engine
- Large cooler compartment has 360 can capacity
- Small cooler compartment for ice, sandwiches, candy, etc.
- 12 mph governed speed
- Specifications:

  Length: 108"
  Width: 48"
  Height: 70" (with Sun Canopy)
  Ground Clearance: 5"
  Turning Circle: 19'6"
  Gas tank capacity: 6 gallons
  Oil injection tank capacity: 1.5 quarts

- Continuously Variable Transmission for easy operation and no gear shifting
- Standard safety features include headlights, taillights, brakelights, and horn
- Standard fiberglass sun canopy and optional windshield
- Seat and cooler compartments tilt up for easy access to the powertrain

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DEPT OF REVENUE
MAY 21 1992
DIV. ALC. BEV. & TOB
FORT MYERS FLORIDA

E-Z-GO TEXTRON

E-Z-GO® Division of Textron Inc.
P.O. Box 388
Augusta, Georgia 30913-2699

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Part #82019-G1 1/92 3M

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OLDE HICKORY GOLF & COUNTRY CLUB
SEZ2017-00003
Applicant's proposed conditions
August 15, 2017

1. Approval is limited to indoor and outdoor consumption on premises (4-COP SFS) in conjunction with a Food and Beverage Service, Limited located within the pool area as shown on the site plan stamped "Received" by Community Development on ~~June 27, 2017~~ **August 15, 2017**(see Attachment F).

2. The outdoor seating area is limited to the ~~641~~ **2,504** square-foot hatched area as shown on the site plan (see Attachment F). **Portions of the outdoor seating area may be converted to indoor seating area without further public hearing.**

3. **No amplified music shall be permitted in the outdoor seating area. Any music in the outdoor seating area will be** ~~No outdoor live entertainment is permitted; however, background music may be piped into the outdoor seating area, provided the volume is~~ kept at or below a normal conversation level.

4. The hours of operation for the outdoor consumption on premises (4-COP SFS) in conjunction with the Food and Beverage Service, Limited, will be from 11:00 AM to ~~8:00~~ **9:00** PM, with last call and music out at ~~7:30~~ **8:30** PM, in accordance with the Lee County Noise Control Ordinance.

5. All parts of the pool deck must be available for the residents and guests regardless of consuming any food or beverages from the clubhouse restaurant/bar. No portion of the pool deck may be reserved exclusively for customers of said restaurant/bar **with the exception of temporary events as noted on site plan**.

6. Any subsequent development will need to obtain appropriate approvals to ensure consistency with the Land Development Code.

7. Electrical equipment and connections for the temporary bar structure must be kept out of walkways, pool and spa.

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OLDE HICKORY GOLF & COUNTRY CLUB
SEZ2017-00003
Applicant's proposed conditions – clean version
August 15, 2017

1. Approval is limited to indoor and outdoor consumption on premises (4-COP SFS) in conjunction with a Food and Beverage Service, Limited located within the pool area as shown on the site plan stamped "Received" by Community Development on August 15, 2017 (see Attachment F).

2. The outdoor seating area is limited to the 2,504 square-foot hatched area as shown on the site plan (see Attachment F). Portions of the outdoor seating area may be converted to indoor seating area without further public hearing.

3. No amplified music shall be permitted in the outdoor seating area. Any music in the outdoor seating area will be kept at or below a normal conversation level.

4. The hours of operation for the outdoor consumption on premises (4-COP SFS) in conjunction with the Food and Beverage Service, Limited, will be from 11:00 AM to 9:00 PM, with last call and music out at 8:30 PM, in accordance with the Lee County Noise Control Ordinance.

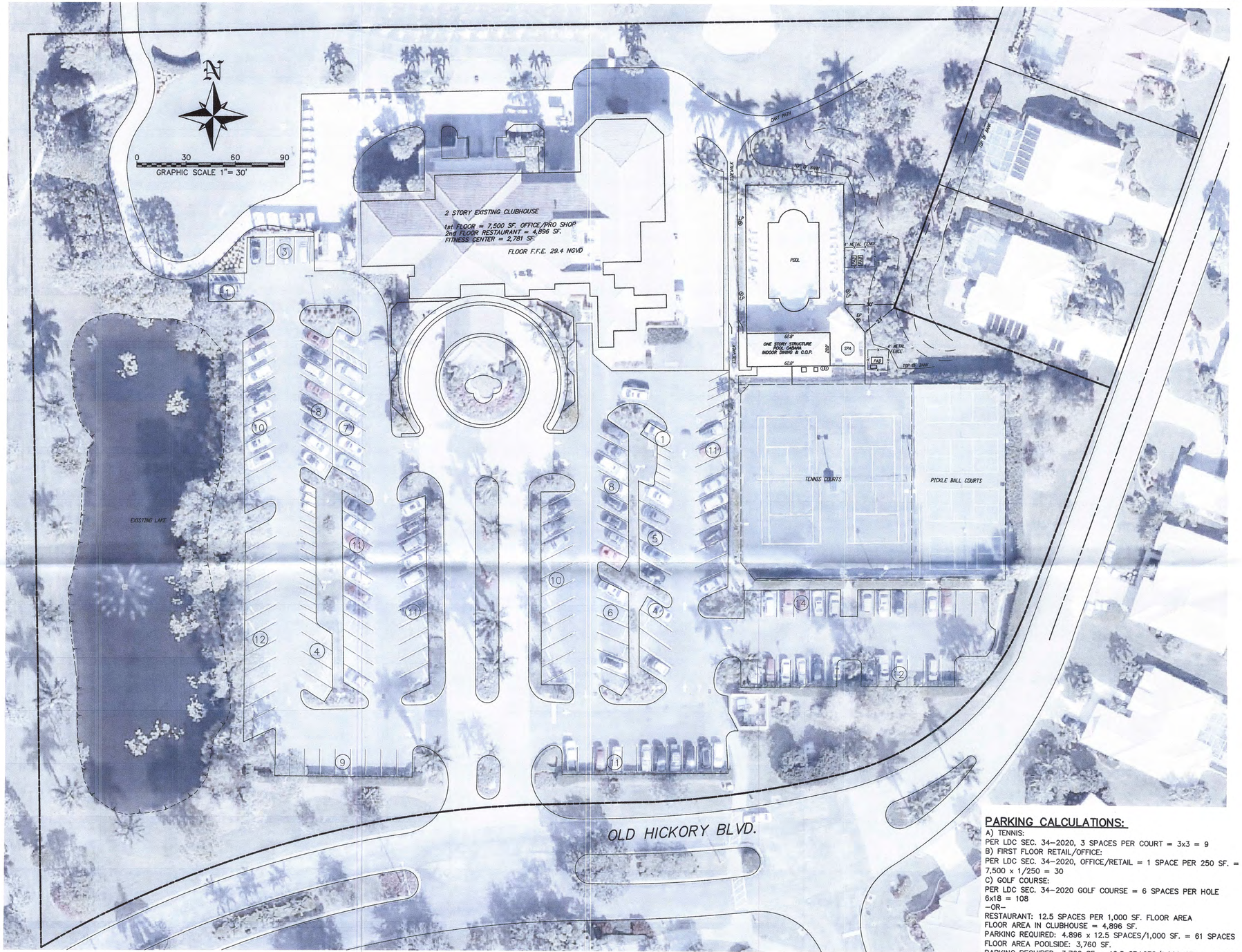
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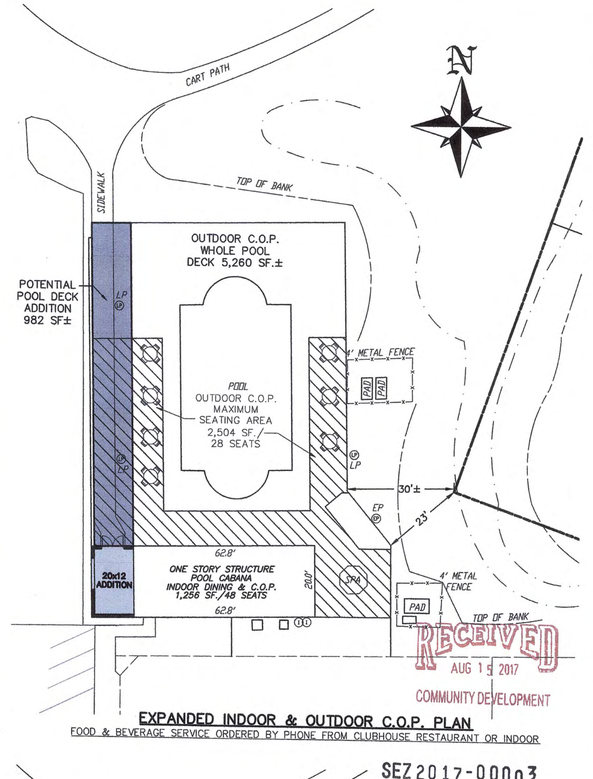
EXISTING CONDITIONS PLAN

	SERVING AREA	SEATS
EXISTING CLUBHOUSE RESTAURANT	4,896 SF.	209
POOLSIDE INDOOR	1,256 SF.	48
POOLSIDE OUTDOOR	MAXIMUM 2,504 SF.	*28
TOTAL	8,656 SF	285

*60 SEATS FOR TEMPORARY EVENTS

PARKING CALCULATIONS:

A) TENNIS:
PER LDC SEC. 34-2020, 3 SPACES PER COURT = 3x3 = 9
B) FIRST FLOOR RETAIL/OFFICE:
PER LDC SEC. 34-2020, OFFICE/RETAIL = 1 SPACE PER 250 SF. = 7,500 x 1/250 = 30
C) GOLF COURSE:
PER LDC SEC. 34-2020 GOLF COURSE = 6 SPACES PER HOLE 6x18 = 108
-OR-
RESTAURANT: 12.5 SPACES PER 1,000 SF. FLOOR AREA
FLOOR AREA IN CLUBHOUSE = 4,896 SF.
PARKING REQUIRED: 4.896 x 12.5 SPACES/1,000 SF. = 61 SPACES
FLOOR AREA POOLSIDE: 3,760 SF.
PARKING REQUIRED: 3,760 SF. x 12.5 SPACES/1,000 SF. = 47 SPACES
TOTAL RESTAURANT PARKING REQUIRED: 108 SPACES
SPACES REQUIRED EQUALS GREATER OF GOLF OR RESTAURANT = 108 SPACES
D) CLUBHOUSE FITNESS CENTER:
PER LDC SEC. 34-2020 RECREATION = 4 SPACES PER 1,000 SF.
2,781 x 4/1,000 = 11 SPACES
TOTAL SPACES REQUIRED: 9+30+108+11 = 158
CAR SPACES PROVIDED: EXIST. 158
GOLF CART SPACES PROVIDED: 21
TOTAL SPACES PROVIDED = 179, 113.3% OF REQUIRED.

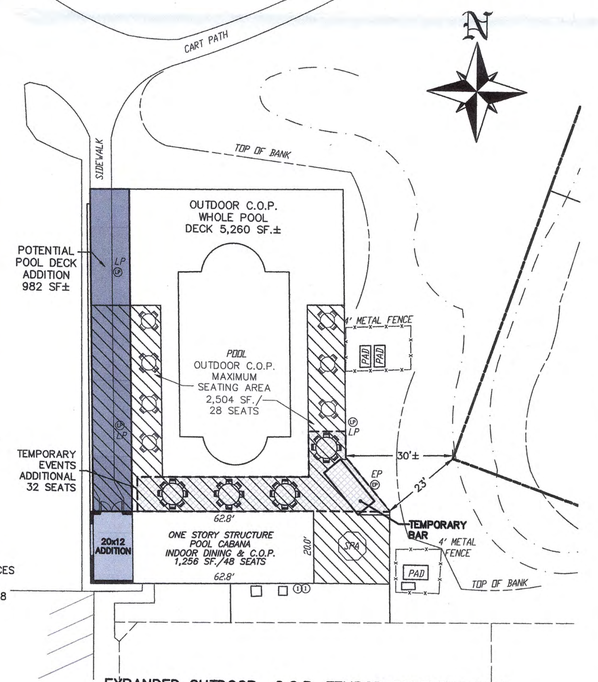


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EXPANDED INDOOR & OUTDOOR C.O.P. PLAN

FOOD & BEVERAGE SERVICE ORDERED BY PHONE FROM CLUBHOUSE RESTAURANT OR INDOOR

SEZ2017-00003



EXPANDED OUTDOOR C.O.P. TEMPORARY EVENT PLAN

UP TO 29 PER YEAR ANNOUNCEMENTS GIVEN TO CLOSE POOL & SPA DURING EVENTS

PREPARED FOR:
OLDE HICKORY GOLF & COUNTRY CLUB MASTER ASSN. INC.
14670 OLD HICKORY BLVD.
FORT MYERS FL. 33912

NO.	DATE	REVISION DESCRIPTION	BY
1	8/15/2017	CLARIFY POOL DECK	SEH

BANKS ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida
10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

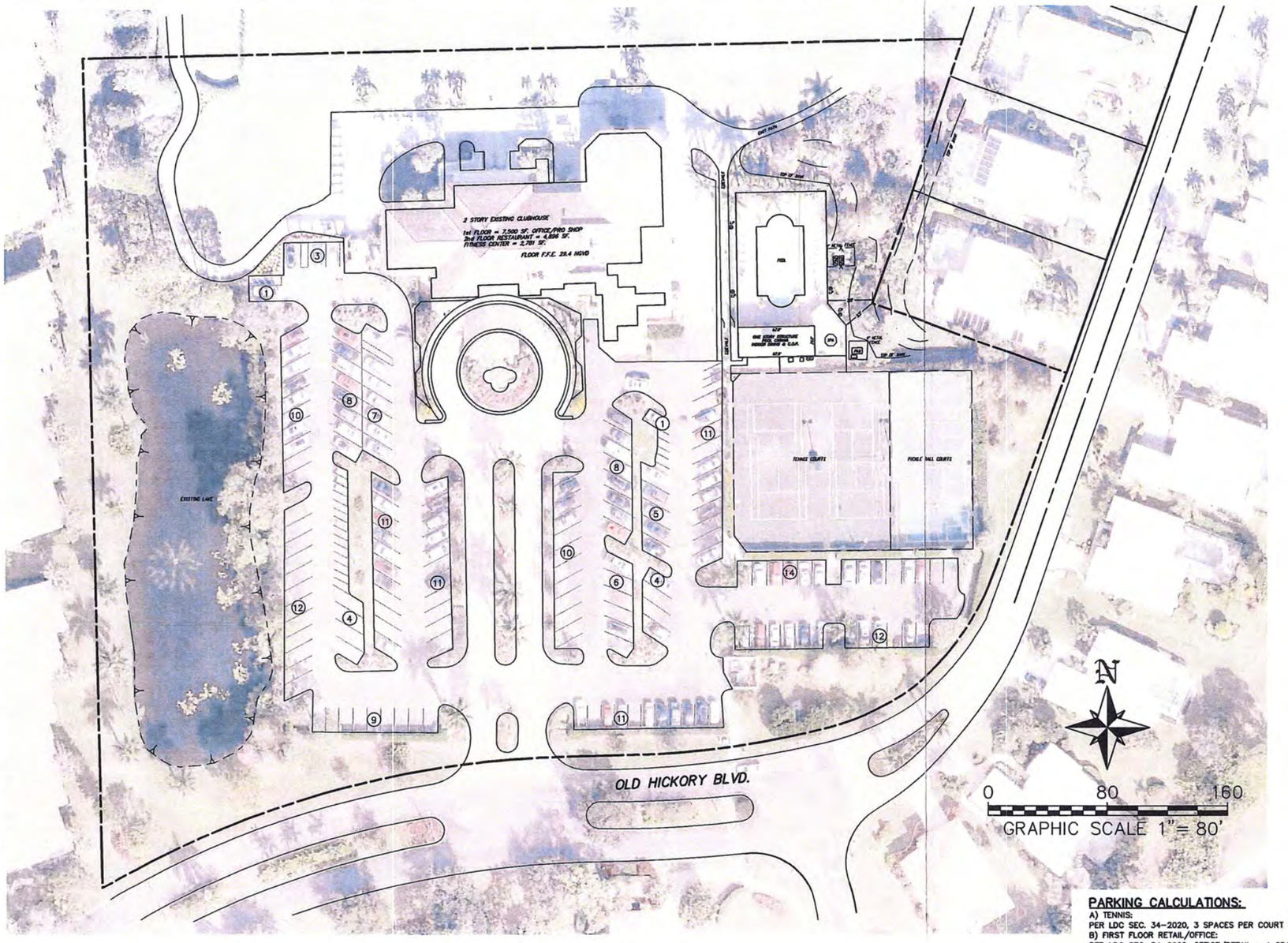
C.O.P. SPECIAL EXCEPTION PLAN
OLDE HICKORY GOLF & COUNTRY CLUB
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
8/2/20117	8150P	C.O.P.		JLS	SEH	AS SHOWN	1

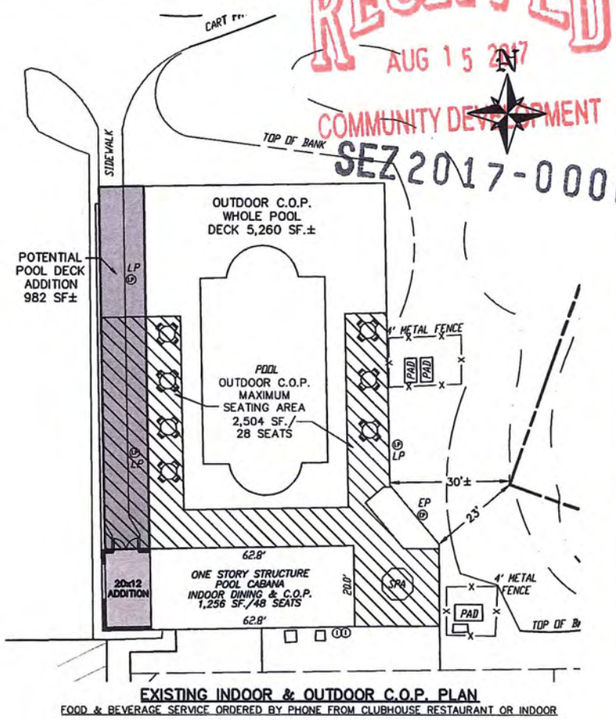
8150

S:\JOBS\8150\DRAWINGS\(1) OLDE HICKORY GOLF & COUNTRY CLUB C.O.P. SPECIAL EXCEPTION PLAN 8-15-2017.DWG 8/15/2017 1:59 PM JORGE SANCHEZ

RECEIVED
AUG 15 2017
COMMUNITY DEVELOPMENT
SEZ 2017-00003

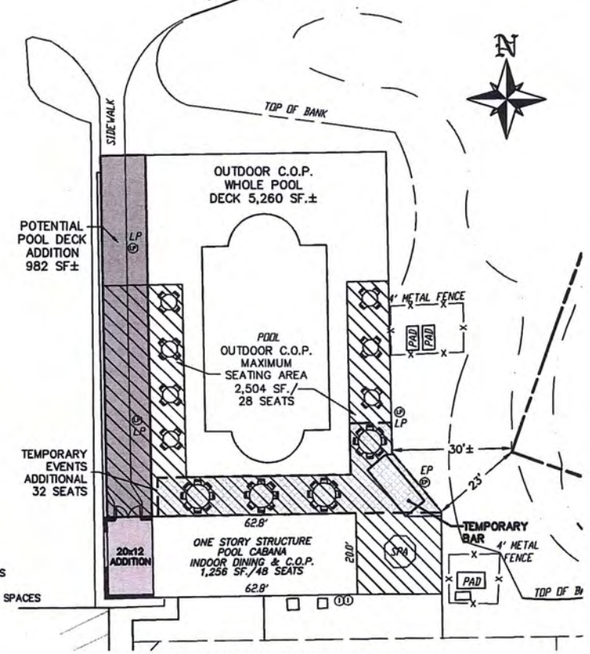


EXISTING CONDITIONS PLAN



EXISTING INDOOR & OUTDOOR C.O.P. PLAN

FOOD & BEVERAGE SERVICE ORDERED BY PHONE FROM CLUBHOUSE RESTAURANT OR INDOOR



TEMPORARY EVENT OUDOOR C.O.P.

UP TO 29 PER YEAR ANNOUNCEMENTS GIVEN TO CLOSE POOL AND SPA DURING EVENTS

	SERVING AREA	SEATS
EXISTING CLUBHOUSE RESTAURANT	4,896 SF.	209
POOLSIDE INDOOR	1,256 SF.	48
POOLSIDE OUTDOOR MAXIMUM	2,504 SF.	*28
TOTAL	8,656 SF	285

*60 SEATS FOR TEMPORARY EVENTS

PARKING CALCULATIONS:

A) TENNIS:
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B) FIRST FLOOR RETAIL/OFFICE:
PER LDC SEC. 34-2020, OFFICE/RETAIL = 1 SPACE PER 250 SF. = 7,500 x 1/250 = 30
C) GOLF COURSE:
PER LDC SEC. 34-2020 GOLF COURSE = 6 SPACES PER HOLE
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SPACES REQUIRED EQUALS GREATER OF GOLF OR RESTAURANT = 108 SPACES
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TOTAL SPACES REQUIRED: 9+30+108+11 = 158
CAR SPACES PROVIDED: EXIST. 158
GOLF CART SPACES PROVIDED: 21
TOTAL SPACES PROVIDED = 179, 113.3% OF REQUIRED.

PREPARED FOR:
OLDE HICKORY GOLF & COUNTRY CLUB MASTER ASSN. INC.
14670 OLD HICKORY BLVD.
FORT MYERS FL. 33912

NO.	DATE	REVISION DESCRIPTION	BY
1	8/15/2017	CLARIFY POOL DECK	SEH

BANKS ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida
10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

C.O.P. SPECIAL EXCEPTION PLAN

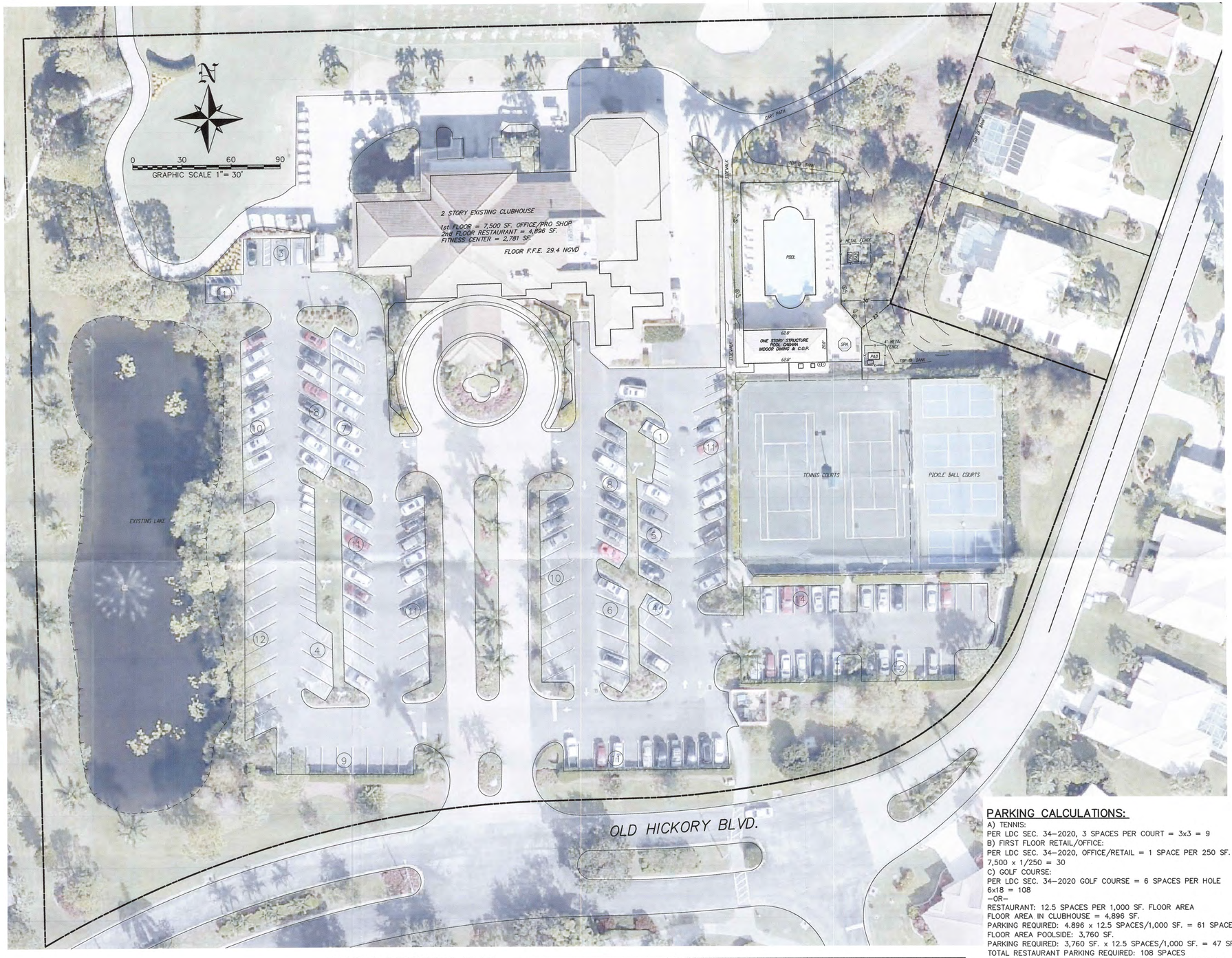
OLDE HICKORY GOLF & COUNTRY CLUB

LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
8/2/2017	8150P	C.O.P.		JLS	SEH	AS SHOWN	1

S:\JOBS\81XX\8150\ZONING\(1) OLDE HICKORY GOLF & COUNTRY CLUB C.O.P. SPECIAL EXCEMTION PLAN 8-15-2017.DWG 8/15/2017 1:58 PM JORGE SANCHEZ

8150



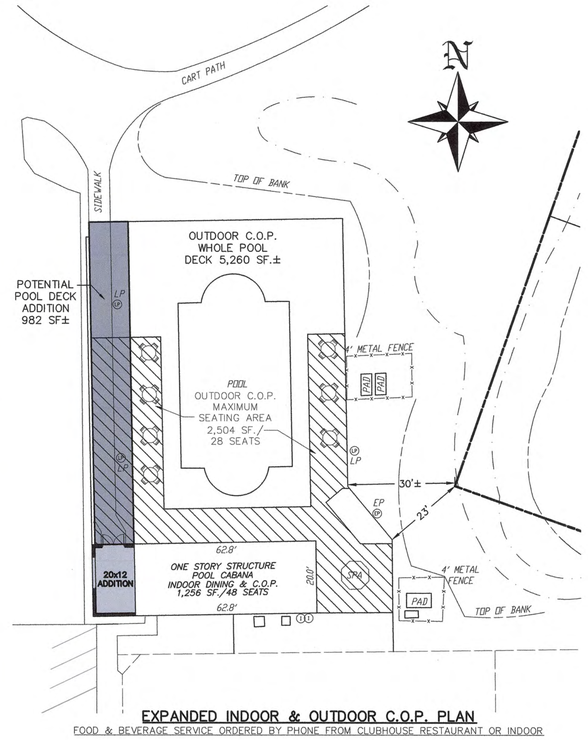
EXISTING CONDITIONS PLAN

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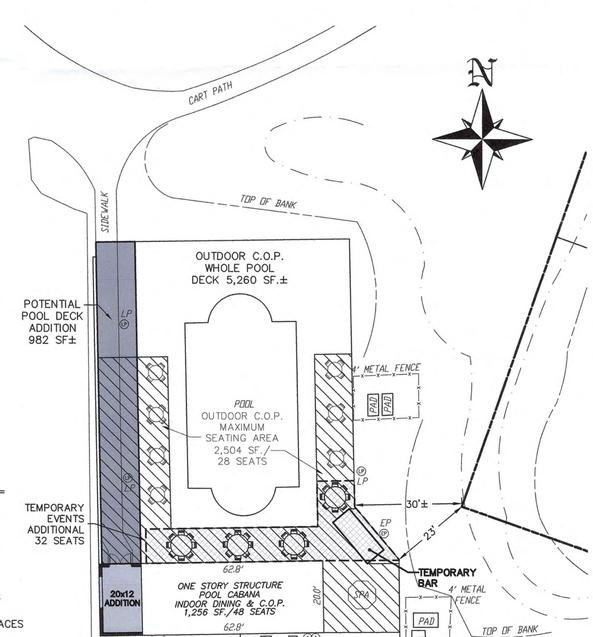
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EXPANDED INDOOR & OUTDOOR C.O.P. PLAN

FOOD & BEVERAGE SERVICE ORDERED BY PHONE FROM CLUBHOUSE RESTAURANT OR INDOOR



EXPANDED OUTDOOR C.O.P. TEMPORARY EVENT PLAN

UP TO 29 PER YEAR ANNOUNCEMENTS GIVEN TO CLOSE POOL & SPA DURING EVENTS

PREPARED FOR:
OLDE HICKORY GOLF & COUNTRY CLUB MASTER ASSN. INC.
14670 OLD HICKORY BLVD.
FORT MYERS FL. 33912

NO.	DATE	REVISION DESCRIPTION	BY
1	8/15/2017	CLARIFY POOL DECK	SEH

BANKS ENGINEERING
Professional Engineers, Planners, & Land Surveyors
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10511 SIX MILE CYPRESS PARKWAY
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PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

C.O.P. SPECIAL EXCEPTION PLAN

OLDE HICKORY GOLF & COUNTRY CLUB

LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
8/2/20117	8150P	C.O.P.		JLS	SEH	AS SHOWN	1

S:\JOBS\8100\8150P\DWG\C.O.P. SPECIAL EXCEPTION PLAN 8-15-2017.DWG 8/17/2017 8:02 AM JORGE SANCHEZ

APPLICANT'S
EXHIBIT # 2

Special Exception Outdoor COP

OLDE HICKORY
GOLF & COUNTRY CLUB

SEZ2017-00003

Lee County Hearing Examiner

Public Hearing

August 22, 2017

Applicant Representatives

Attorney: Joseph M. Madden, Jr., Esq.

Madden Law Firm LLC

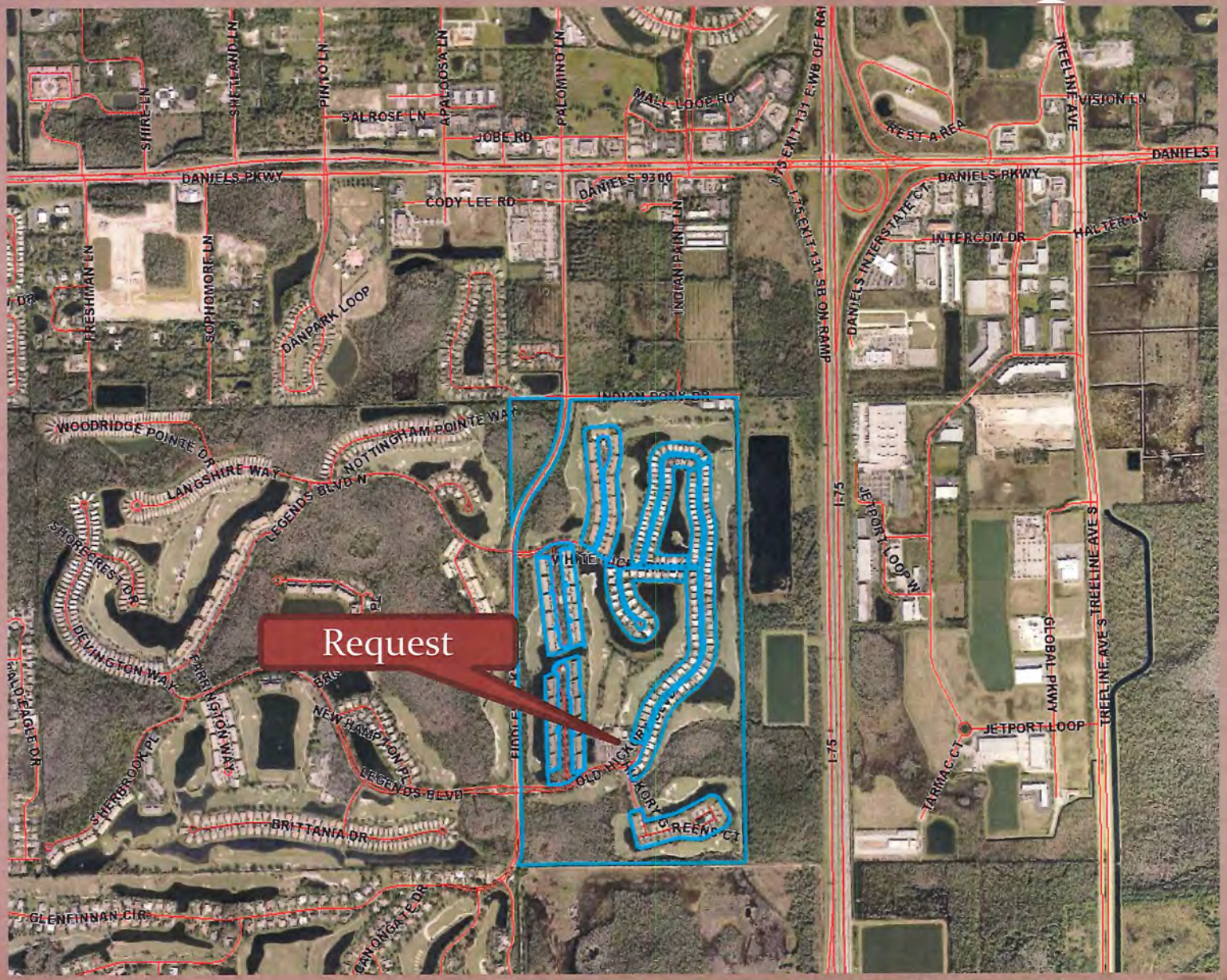
Planner: Stacy Ellis Hewitt, AICP

BANKS ENGINEERING

Applicant: Peter A Tschernitz, MBA, CAM

OLDE HICKORY GOLF & COUNTRY CLUB

Area Location Map



South of Daniels Parkway, East of Fiddlesticks Blvd.

Aerial Map


Request
FIDDLESTICKS BLVD
HICKORY HILL CT
OLD HICKORY BLVD

Summary of Request

Applicant: Olde Hickory Golf & Country Club Master Association, Inc.

Area: 6.57 acres±

Location: Pool at clubhouse located on N. side of Old Hickory Blvd., across from Hickory Greens Ct.

Planning Community: Daniels Parkway

Future Land Use: Outlying Suburban & Wetlands

Request: The request is to expand the existing COP license to allow service to the pool area within the RPD.

Request

A request pursuant to Lee County LDC §34-1264(a)(3)c., for a special exception in the RPD zoning district for the Olde Hickory Golf & Country Club (Z-87-237), to allow an amendment to the existing COP(type 4-COP SFS beer, wine and spirits license) in conjunction with the clubhouse (Group III Restaurant) and (type 2-COP beer and wine license) in conjunction with a beverage cart for the golf course; to allow indoor and **outdoor COP(type 4-COP SFS beer, wine and spirits license) in conjunction with the poolside [Food and Beverage Service] service, limited.**

Staff Report Excerpts

SUMMARY:

Staff recommends **APPROVAL** of the applicant's request with the Conditions found in Attachment C.

These conditions were created to address compatibility concerns with the surrounding land uses and promote harmony between existing and planned uses.

HISTORY OF PARCEL:

The overall property of Olde Hickory Club RPD was originally rezoned from agricultural (AG-2) to Residential Planned Development (RPD) in 1987 per Z-87-237 (see Attachment G). The approval includes 858 dwelling units, a Country Club with a clubhouse, and Recreational Facilities, Private, including an 18-hole golf course and swimming pool. The approval also includes ancillary commercial uses such as Food and Beverage Service, Limited and, at time of approval, Consumption on Premises within the clubhouse. This zoning was administratively amended in 1992 per PD-92-001 to include a Restaurant, Group III, within the clubhouse. This approval allowed the Restaurant to be open for the public for a period of three years, any extension of the public restaurant use would require an amendment otherwise it will remain private for members and guest of members (Attachment H).

Timeline

- 1987 – Zoning Approved
- 1992 – Development Orders
- 1992 – Administrative Zoning Amendment for Restaurant
- Several LDOs over years
- 2013 – LDO addition to clubhouse
- 2016 – LDO redesign parking
- 01/17/2017 – Applied for Special Exception
- 03/27/2017 – Complaint for Violation
- 03/30/2017 – Temporary COPs Submitted
- 5/26/2017 – Agreement signed with neighbors

Development of the site occurred intermittently over the years, beginning in 1992 (Development Orders 92-05-030.00D and 92-10-019.00D). During this time, the clubhouse, golf course, swimming pool, pool house and associated parking were constructed, as shown on aerial imagery. According to the plans approved per PD-92-001, the distance between the pool and pool deck area to the closest residential property line appears to be 25 feet. By 1996, the majority of the RPD was developed; however, a number of Limited Development Orders (LDOs) were issued subsequent to full build-out. In 2013, the clubhouse received approval for a 6,577± square foot addition to the fitness center per LDO2013-00054.

A redesign of the parking lot to replace as one way, angled parking was approved in September of 2016 (LDO2015-00346). According to the approved plans, the applicant demonstrated sufficient parking for the following uses: Tennis Courts, Poolside Cabana, Retail/Office, Golf Course or Restaurant, and the clubhouse Fitness Center.

As it exists today, the two-story clubhouse includes 7,500 square feet of office and a pro shop on the first floor, a 4,896-square-foot restaurant on the second floor, and a 2,781-square-foot fitness center. The pool area includes a 1,181 square foot cabana/pool house and the surrounding deck area and the 18-hole golf course.

Code Enforcement Violation VIO2017-05015 was issued for the subject property for consumption of alcoholic beverages outside the clubhouse without the required COP approval; however, the violation was closed upon receiving temporary extensions of the license to the pool area per COP2017-00053, COP2017-00057, and COP2017-00058. These temporary extensions are permissible through the provisions contained in LDC Section 34-1264(d).

On June 28, 2017, staff received correspondence from Banks Engineering, the applicant's representative, containing a settlement agreement between The Olde Hickory Golf & Country Master Association, Inc. and several private homeowners within the Planned Development. These owners are located immediately adjacent to the pool area. The settlement included conditions intended to address the private parties' concerns about the proposed COP location and operation. This agreement furthers staff recommendation of approval; the request provides measures that consider impacts to adjoining property owners to ensure compatibility with the surrounding residences (see Attachment N).

Please accept this letter with attachments as the Applicant's 48 hour letter for the continued hearing to provide an update to the request. There have been site plan revisions since the continuance of the hearing that was previously scheduled for July 13, 2017 and continued to August 22, 2017. There has also been additional existing COP license information received from the Florida Division of Alcoholic Beverages and Tobacco office in Tallahassee. Attached please find the following additional information which has previously been provided to staff:

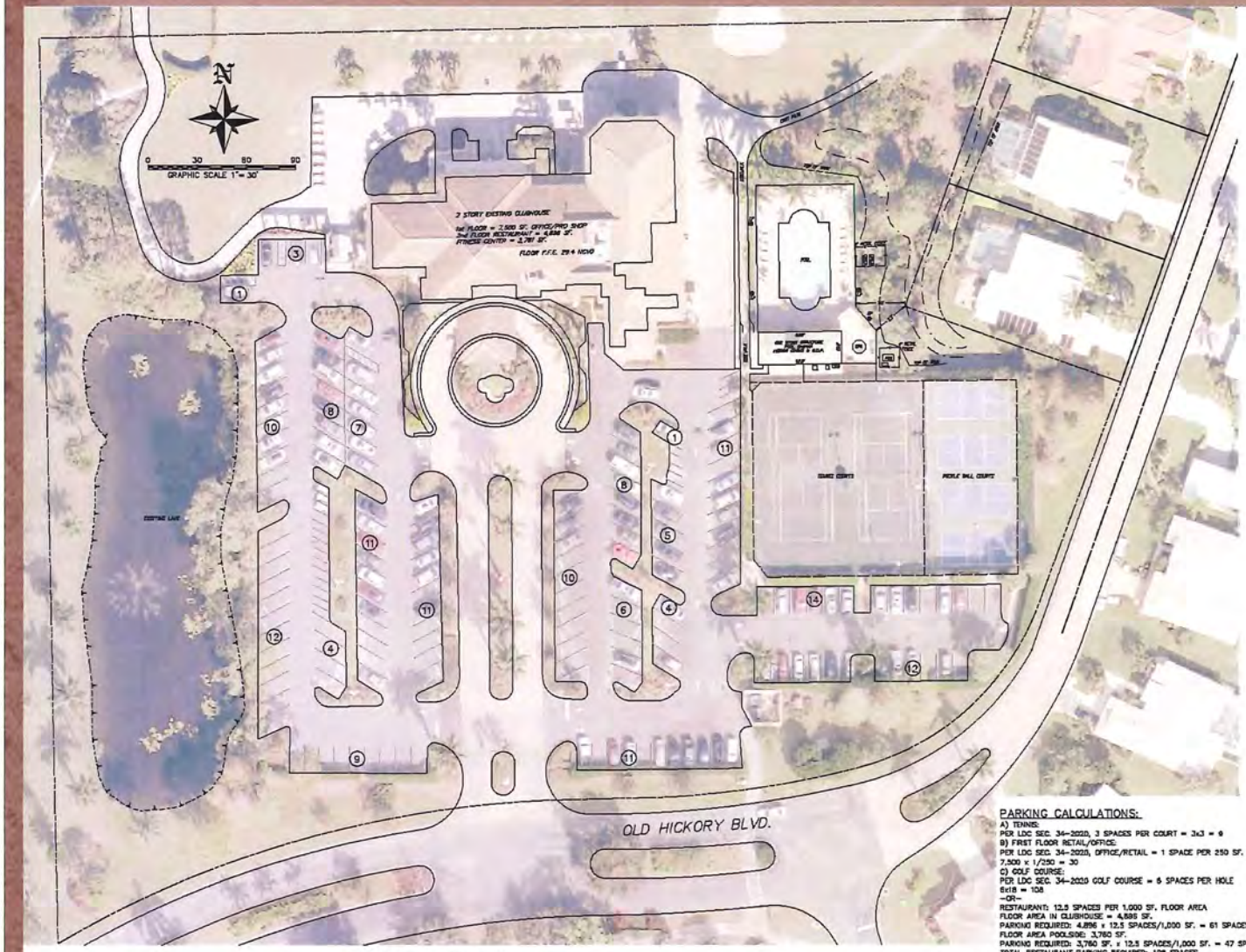
1. Revised COP Special Exception Plan
2. Additional Existing COP license information from State from 1992 demonstrating clubhouse, former snack bar that was historically located between the 9 green and the 10 tee, and the beverage caddy
3. Applicant's proposed conditions in strike-through/underline
4. Applicant's proposed conditions – clean version

There are no existing limitations to where the beverage caddy can serve nor for where consumption on premises in the common areas can take place. This is why the community was unaware that an additional COP approval was required for the poolside area. These backup documents were not available prior to August 2nd.

The attached COP Special Exception Plan demonstrates the proposed indoor and outdoor poolside seating areas and additional seating for temporary events that occur up to 29 times per year at which time the members are notified prior to the events that the pool area will be closed for the event. The temporary events include placement of a temporary bar structure, otherwise food and beverage service is ordered by phone from the clubhouse restaurant or will be from indoor poolside area.

The applicant has attached proposed conditions in strike-through/underline and a clean version for consideration with the requested revisions.

Special Exception Plan

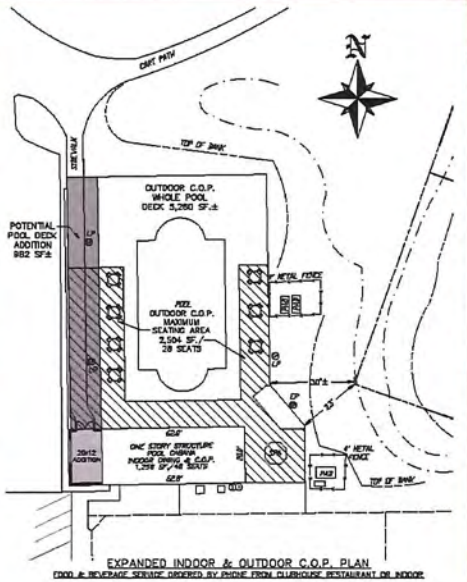


EXISTING CONDITIONS PLAN

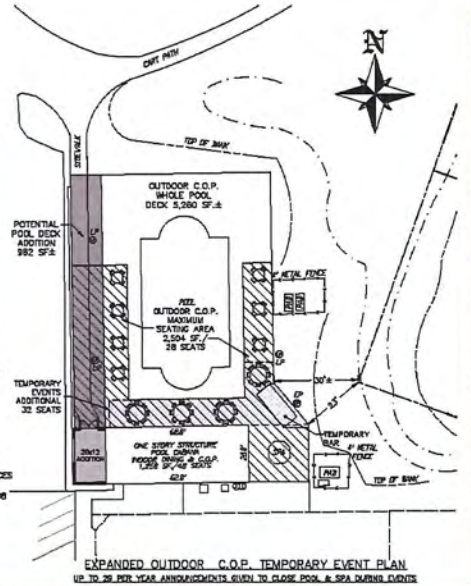
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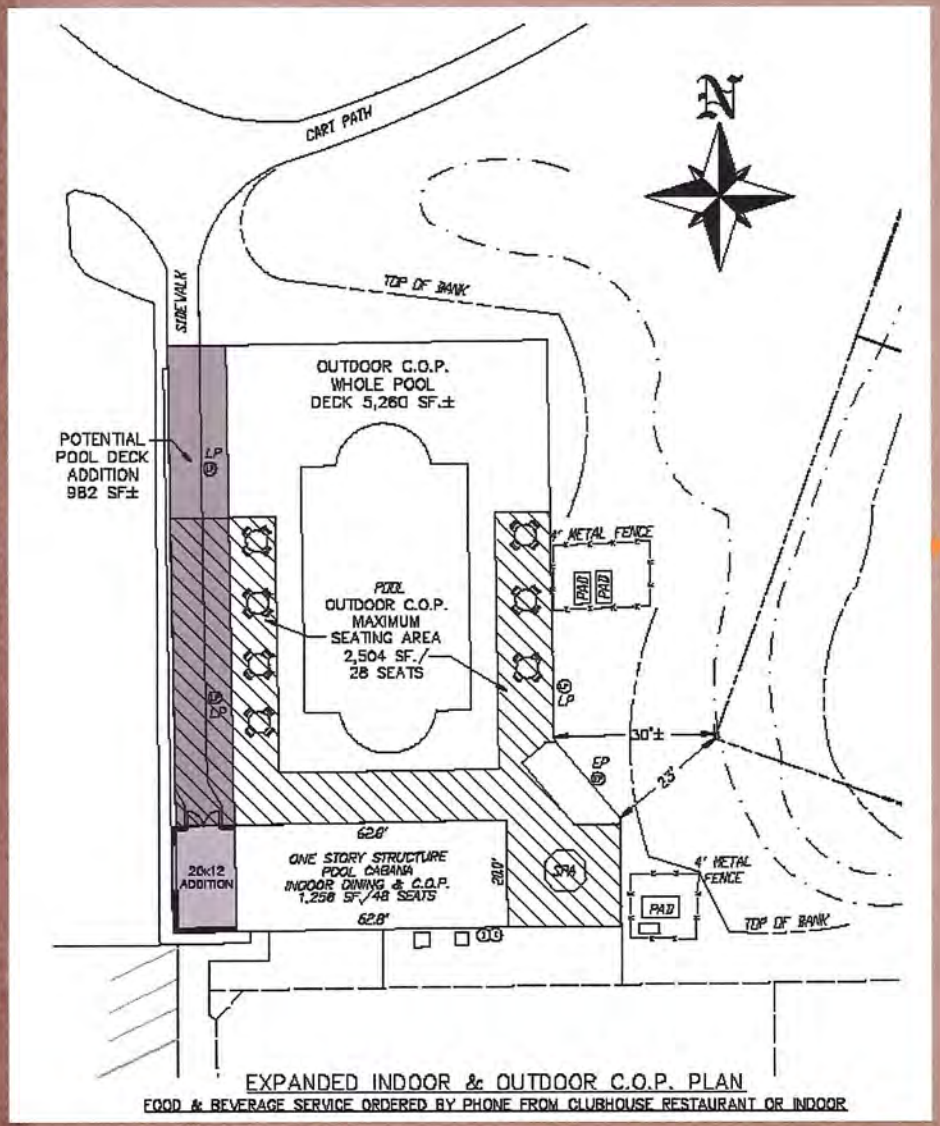


EXPANDED INDOOR & OUTDOOR C.O.P. PLAN
FOOD & BEVERAGE SERVICE ORDERED BY PHONE FROM CLUBHOUSE RESTAURANT OR INDOOR



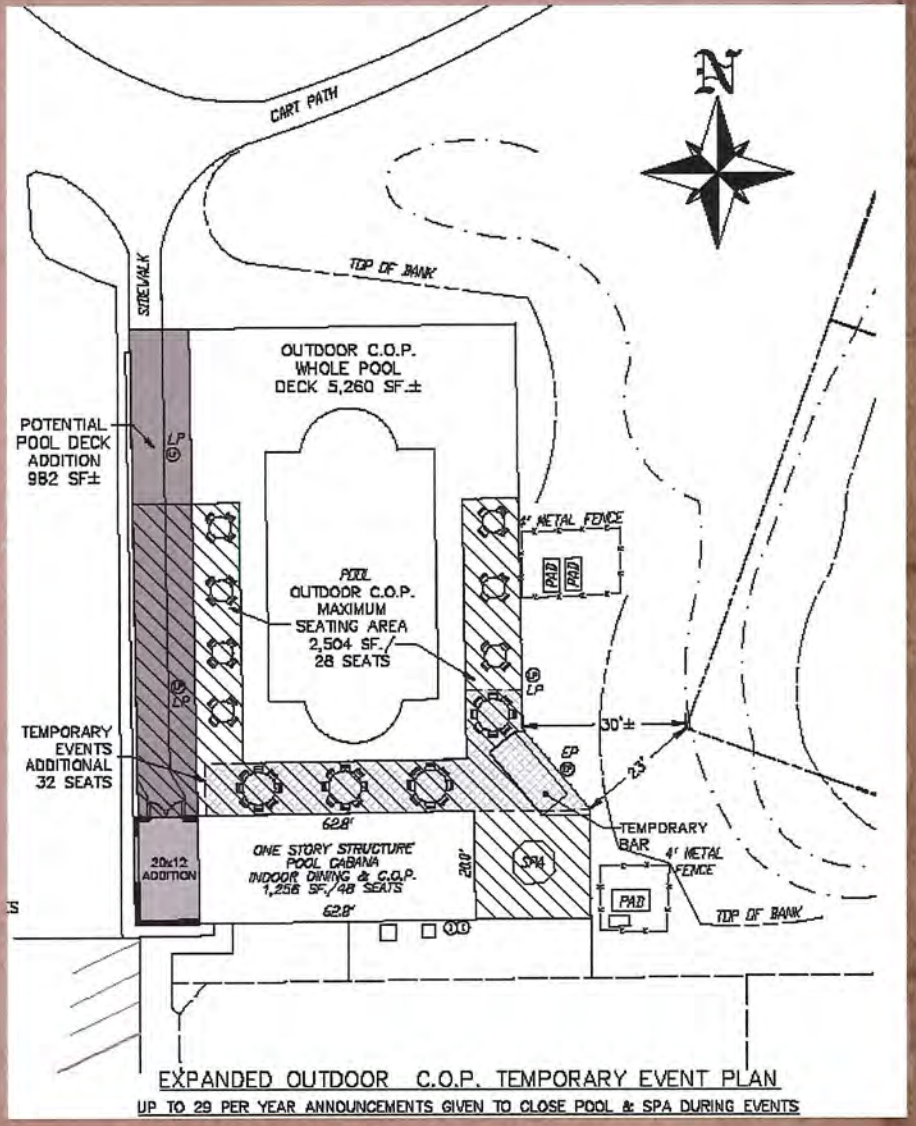
EXPANDED OUTDOOR C.O.P. TEMPORARY EVENT PLAN
UP TO 28 PER YEAR ANNOUNCEMENTS GIVEN TO CLOSE POOL & SPA DURING EVENTS

Special Exception Plan



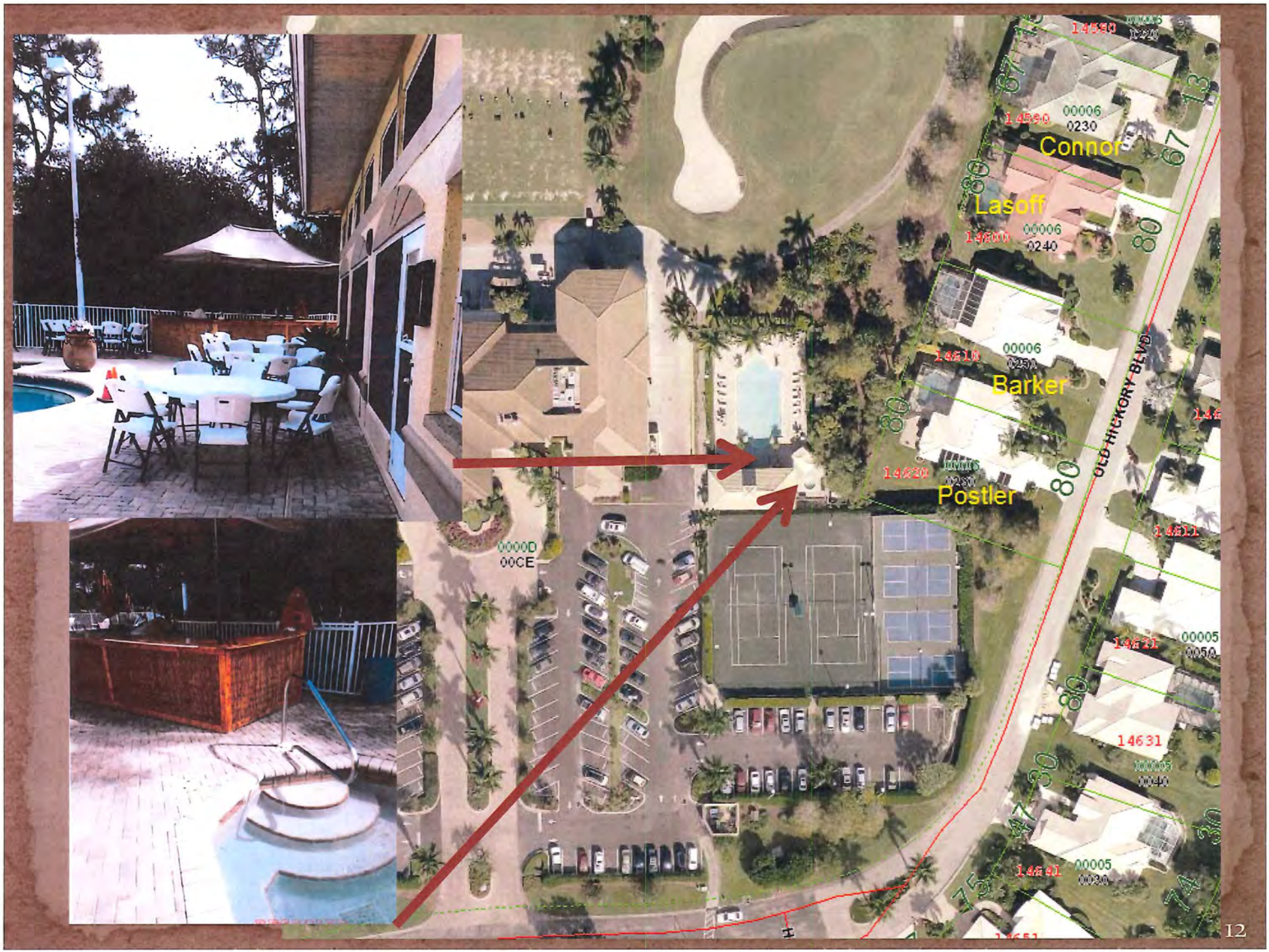
EXPANDED INDOOR & OUTDOOR C.O.P. PLAN

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EXPANDED OUTDOOR C.O.P. TEMPORARY EVENT PLAN

UP TO 29 PER YEAR ANNOUNCEMENTS GIVEN TO CLOSE POOL & SPA DURING EVENTS


Connor
Lasoff
Barker
Postler
OLD HICKORY BLVD
14590
14600
14610
14620
14631
14641
14651
14611
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0230
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00CE

Existing Vegetation



Staff Report Analysis

Staff finds the revised master concept plan consistent with the previous analysis and recommendation. The request to permit indoor and outdoor consumption on premises (4-COP SFS beer wine and liquor license), as conditioned, is appropriate.

The entire swimming-pool deck area consists of:

- existing 4,278-square-foot deck area; and
  - proposed 982-square-foot potential expansion; and
- existing 1,016-square-foot cabana (Food and Beverage Service, Limited); and
  - proposed 240-square-foot addition.

The total area available for outdoor consumption on premises consists of 6,516 square feet.

The applicant proposes an available outdoor seating area consisting of 2,506 square feet, offering 28 seats available regularly and an additional 32 seats for temporary events. These temporary events will not be open to the public, thus negating the need for additional parking spaces. The outdoor seating area has been acknowledged to clarify the request does not impact parking calculations. By proposing 3,760 square feet of dining area composed of a 1,256-square-foot cabana (Food and Beverage Service, Limited) and a 2,506-square-foot outdoor seating area, the applicants would need to supply 47 parking spaces, based on the following calculation:

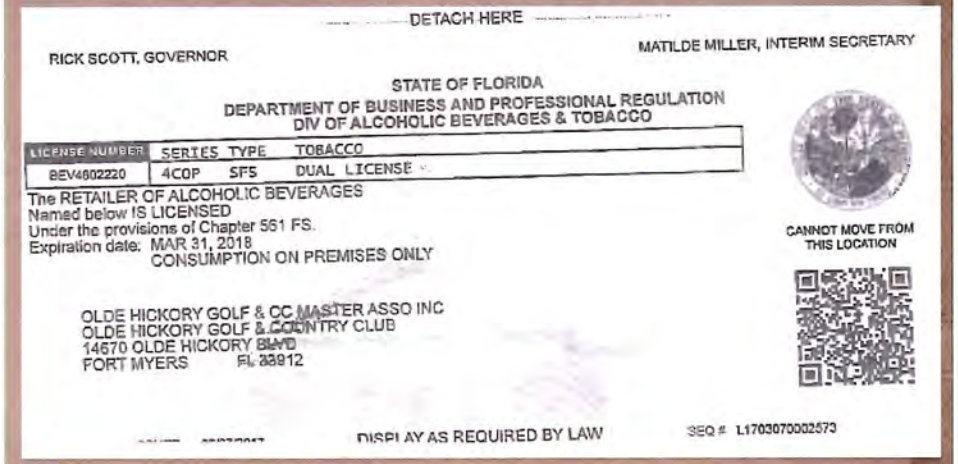
3,760 SF x 12.5 spaces/1000 SF= 47 spaces

The applicant has demonstrated the total parking spaces exceeds the required amount.

The revised master concept plan remains consistent with the Florida Statutes as the available area under permanent roof will still exceed the 2,500-square-foot requirement and the available seats will still exceed the 150-requirement. The applicant has made no revision to the menu, thus remaining consistent with state requirement of sales of food generating more than 50 percent of the revenue.

Staff finds the request to remain consistent with the goals, objectives, policies, and intent of the Lee Plan as discussed in the Staff Report. The request will not impact environmentally critical or sensitive areas. The potential expansion is proposed further from the closest residence and does not appear to disrupt the current configuration of the pool; staff finds the request will not be injurious to the neighborhood and it is compatible with the existing uses. The request is in compliance with zoning regulations with respect to consumption on premises and the applicant has demonstrated compliance with applicable parking regulations.

Staff has no objection to the proposed revisions to the conditions with the exception of minor clarifications.



DETACH HERE

RICK SCOTT, GOVERNOR

MATILDE MILLER, INTERIM SECRETARY

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIV OF ALCOHOLIC BEVERAGES & TOBACCO

LICENSE NUMBER	SERIES	TYPE	TOBACCO
BEV4602220	4COP	SFS	DUAL LICENSE

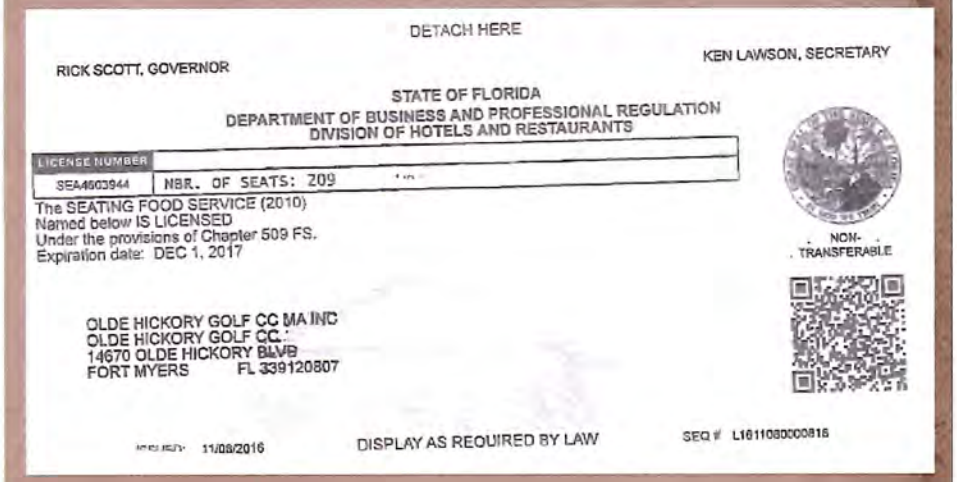
The RETAILER OF ALCOHOLIC BEVERAGES
Named below IS LICENSED
Under the provisions of Chapter 561 FS.
Expiration date: MAR 31, 2018
CONSUMPTION ON PREMISES ONLY

OLDE HICKORY GOLF & CC MASTER ASSO INC
OLDE HICKORY GOLF & COUNTRY CLUB
14670 OLDE HICKORY BLVD
FORT MYERS FL 33912

CANNOT MOVE FROM THIS LOCATION

DISPLAY AS REQUIRED BY LAW

SEQ # L1703070002573



DETACH HERE

RICK SCOTT, GOVERNOR

KEN LAWSON, SECRETARY

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF HOTELS AND RESTAURANTS

LICENSE NUMBER	
SEA4603944	NBR. OF SEATS: 209

The SEATING FOOD SERVICE (2010)
Named below IS LICENSED
Under the provisions of Chapter 509 FS.
Expiration date: DEC 1, 2017

OLDE HICKORY GOLF CC MA INC
OLDE HICKORY GOLF CC
14670 OLDE HICKORY BLVD
FORT MYERS FL 339120807

NON-TRANSFERABLE

ISSUED: 11/08/2016

DISPLAY AS REQUIRED BY LAW

SEQ # L1611080000816

Lee Plan Excerpts

POLICY 1.1.6: The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed.

POLICY 1.5.1: Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 114 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan.

POLICY 5.1.5: Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, **conditions will be attached to minimize or eliminate the potential impacts** or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments.

Staff Conditions – Applicant Agrees

CONDITIONS

1. Approval is limited to indoor and outdoor consumption on premises (4-COP SFS) in conjunction with a Food and Beverage Service, Limited located within the pool area as shown on the site plan stamped "Received" by Community Development on August 15, 2017 (see Exhibit F).

2. The outdoor seating area is limited to the 2,504-square-foot hatched area as shown on the site plan (see Exhibit F). Portions of the outdoor seating area may be converted to indoor seating area without need for a further public hearing.

3. No amplified music shall be permitted in the outdoor seating area. Any music in the outdoor seating area will be kept at or below a normal conversation level and must be maintained in accordance with the Lee County Noise Control Ordinance.

4. The hours of operation for the outdoor consumption on premises (4-COP SFS) in the conjunction with the Food and Beverage Service, Limited will be from 11:00 AM to 9:00 PM, with last call and music out at 8:30 PM.

5. All parts of the pool deck must be available for the residents and guests regardless of consuming any food or beverages from the cabana. No portion of the pool deck may be reserved exclusively for customers of the cabana, except in accordance with the area demonstrated on the site plan (see Attachment "F") for temporary events.

6. Temporary events are to be for members and guests only and are not to be open to the general public.

7. Any subsequent development will need to obtain appropriate approvals to ensure consistency with the Land Development Code.

8. Electrical equipment and connections for the temporary bar structure must be kept out of walkways, pool and spa.

Staff Report Conclusion & Findings

CONCLUSION:

Based upon an analysis of the application and the standards for approval of a special exception in accordance with the LDC Section 34-145(c)(3), staff makes the following findings and conclusions:

a) The request is consistent with the goals, objectives, polices and intent of the Lee Plan as previously noted with respect to Policies 1.1.6, 1.5.1 and 5.1.5;

b) The request will protect, conserve or preserve environmentally critical areas and sensitive areas and natural resources;

c) The request will be compatible with existing and planned uses and will serve to benefit the existing uses. The extension of the current golf course clubhouse and restaurant use is available to the residents of the country club and will not be open to the public;

d) The request will not be injurious to the neighborhood or detrimental to the public welfare. The proposal provides for contained areas of outdoor consumption and limited hours of operation; and

e) The request will be in compliance with all zoning regulations pertaining to the use and other applicable regulations as:

This request is consistent with the Land Development Code Section 34-1264(a)(3)(c), which states *"consumption on the premises for other uses within planned development and planned unit developments require administrative approval or a special exception."* The addition is also consistent with LDC Section 34-1264(b)(3); the site plan demonstrates the available parking is consistent with previous approvals and the current request. Also, the request is in conjunction with uses included within the previous zoning approvals.

Conclusion

- Consistent with findings analysis found in staff report and attachments.
- As demonstrated, there will be no apparent deleterious effect upon surrounding properties and the immediate neighborhood, as represented by property owners within 500 feet of the premises.
- The existing conditions have a pool deck with fencing and vegetation within 23 feet of the closest adjacent residential lot. The proposed conditions will not encroach into this existing 23-foot separation and will maintain heavy vegetation.
- The premises are suitable in regard to their location, site characteristics and intended purpose.
- Respectfully request that the request be approved.

Peter A Tschernitz, MBA, CAM



OLDE HICKORY
GOLF & COUNTRY CLUB

Questions?

Lee County
Southwest Florida

Application for Vegetation Removal

Review the *Submittal Requirements* document prior to completing this application. If the permit applicant is not the owner of the property, a letter of authorization must be submitted with the application. Call 239-533-8585 with questions.

Indicate Request Type:

- ■ **INDIGENOUS MAINTENANCE** *Fee: $30.*

CLEARING FOR SOIL BORING & WELLS *Fee: $30 plus $1 per bore/well.*

NOTICE OF CLEARING (Ag only) *No fee unless work was done without a permit.*

VEGETATION PERMIT (DO#_____) *No fee unless work was done without a permit.*

CLEARING FOR SINGLE FAMILY (Lots more than 5 acres, 2 or more acres on Pine Island, or any lot on a Barrier island) *Fee: $30 plus $1 per tree, not to exceed $25 per acre; fees are double for after the fact permits.*

SINGLE TREE (Common elements) *Fee: $30 plus $1 per tree, not to exceed $25 per acre; fees are double for after the fact permits.* Include the tree species, quantity and location on property below.

Site Address: 14760 Olde Hickory Blvd, Ft. Myers FL 33912

Strap Number(s): 27-45-25-02-0000D.00CE

Property Owner: Olde Hickory Golf and Country Club Masterassociation Inc

Applicant: _____
If other than the owner, a Letter of Authorization must be submitted

Phone Number: 239 768 2400

Email for correspondence: ptschernitz@oldehickory.cc

Signature

8/10/2017
Date

(5/12/2016)

Applicants Exh 3

OLDE HICKORY GOLF & COUNTRY CLUB

NATURAL AREA MAINTENANCE PLAN

Lee County Development Order #: 97-08-128.01L

Lee Country STRAP: 27-45-25-02-0000D.00CE

July 2017

Prepared For:

Olde Hickory Golf & Country Club
c/o: Peter A Tschernitz - General Manager
14670 Olde Hickory Blvd.
Ft. Myers, FL 33912
Phone: 239 768 2400 Ext 201
Email: ptschernitz@oldehickory.cc

Prepared By:



BearPaws Environmental Consulting, Inc.
1599 Covington Circle East Fort Myers FL 33919
Phone: (239) 340-0678
Email: BearPaws.Env.Consulting@GMail.com

Introduction

The Olde Hickory Golf and Country Club community is located in portions of Section 27, Township 45 South, Range 25 East, in Lee County, Florida. More specifically, it is situated east of Fiddlesticks Boulevard and south of Indian Pony Road in Fort Myers, Florida.

Per the Lee County, Land Development Code (LDC), Section 10-415(b)(1), large developments, with existing indigenous native vegetation, must provide open space requirement through the on-site preservation of existing indigenous native vegetation.

The property is composed mainly of a residential golf course community with various preserve (natural) areas established along the perimeter of the golf course and residential community. The natural areas encompass approximately 63.76± acres indigenous habitat on-site. Please refer to the Natural Areas Map, prepared by Ink Engineering, Titled 8749-US, attached as Exhibit A.

Natural Area Maintenance & Fuel Modification

Natural area maintenance on the Old Hickory Golf & Country Club project will include the pruning of vegetation in order to remove any dead materials (dead and/or dying trees and fallen branches) within the preserve; these preserves will be managed in perpetuity. This preserve management also includes the trimming of the saw palmettos (*Serenoa repens*), giving them a "hurricane cut", trimming from the ground up, leaving a few branches at the top (each saw palmetto may be reducted when trimming up to 80-90%), and trunk clearing on any of the existing cabbage palms (*Sabal palmetto*). This trimming frequency can and will occur every 3-5 years.

Exotic Plant Eradication and Nuisance Treatment

The purpose of this plan is to ensure that preserves areas are adequately maintained and that no species are too thinned out. The preserve areas are also to required to be maintained exotic free in perpetuity and nuisance plants are controlled to healthy levels thru a scheduled maintenance program. The list of exotic and nuisance plant species are defined under the Lee County, Land Development Code (LDC), Section 10-420(h).

Debris Removal

The natural areas will be cleaned up at the start of the wildfire (dry) season in order to remove any dead tree limbs, and fallen palm fronds. Native vegetation within the preserve areas will be properly pruned in order to remove any dead material. The preserve areas will be treated for exotic and nuisance vegetation, as necessary. Fuel loads, in the form of dead branches and trimmed debris, which could contribute to fires, will be removed from the preserve. There will be no stockpiling of exotics or any trimmed debris; this will help to minimize the presence of ground fuels for fires within the preserve area, and limit the amount of combustible materials.

Protected Species

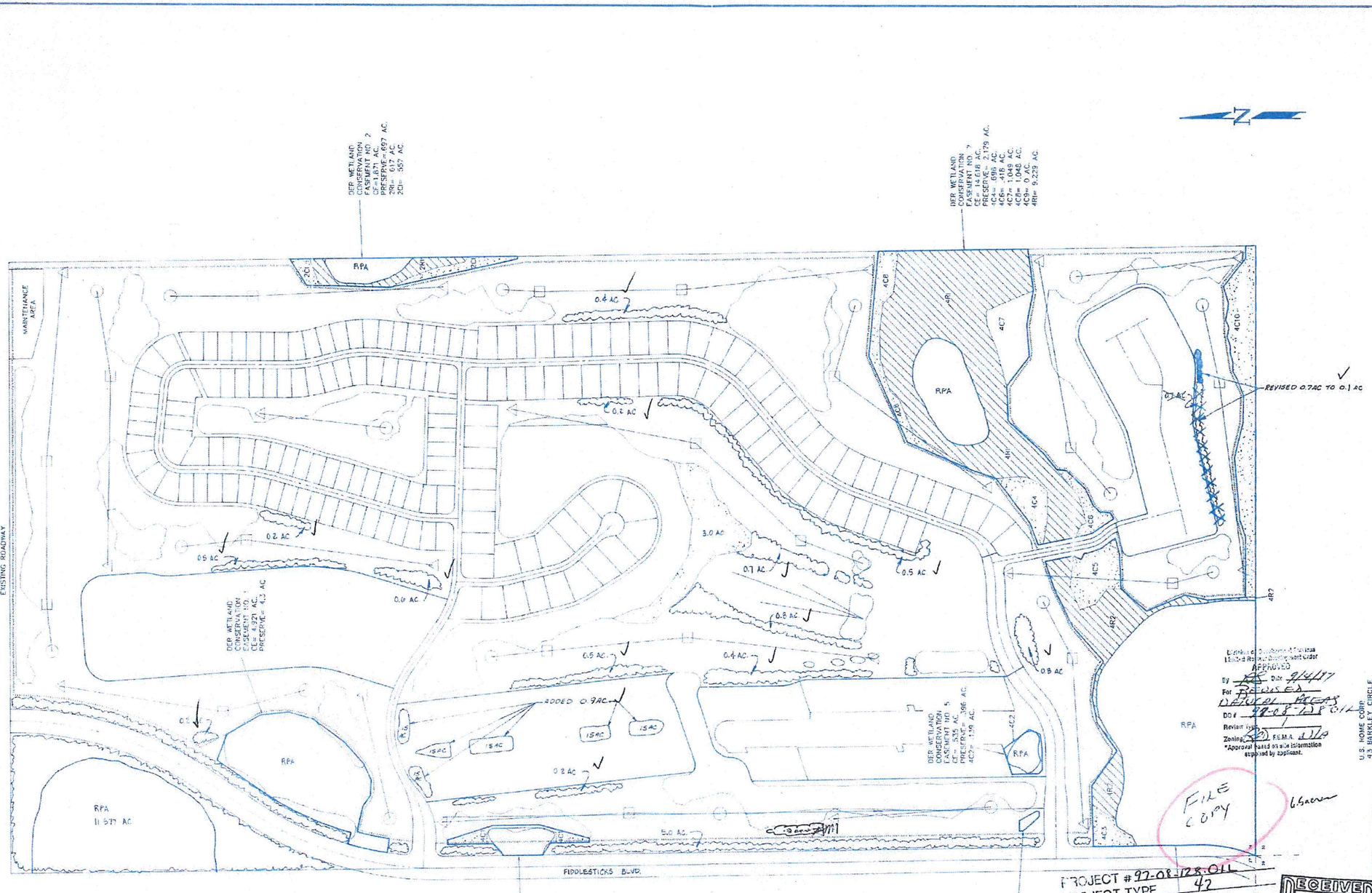
There were no protected species observed on-site during the latest site assessment. As with any preserve, if any listed species (flora and fauna) were located within the protected area, they would be considered an important part of this plan. All species will typically benefit from proper preserve management and thrive in their natural habitat.

Summary

The goal of this management and maintenance plan is to improve the overall conditions of the on-site native areas and provide a natural preserve area for the flora and fauna on the property. These on-site preserve areas provide habitat for nesting and create foraging areas for all kinds of wildlife species.

Exhibit A

Overall Site Plan Showing Natural Preserve Areas



NATURAL AREAS PROVIDED

SUMMARY OF AREAS:

CONSERVATION EASEMENTS, LESS CREATED WETLANDS	=	35.220 AC.
CREATED WETLAND W/ TREE PRESERVATION 50% OF 11.168	=	5.584
NORTHWEST CORNER OF SITE	=	11.557
GOLF COURSE FRINGE	=	11.100
~~TOTAL~~		~~AC.~~
TOTAL WITH REVISED AREAS		63.76 AC

RPA INDICATES RESOURCE PROTECTION AREA

INDICATES CREATED WETLAND AREA W/ TREE PRESERVATION

INDICATES RESTORED AREA (WETLAND)

INDICATES NATURAL AREA

8/15/97

INK ENGINEERING, INC.
ENGINEERS · SURVEYORS · PLANNERS
TEL (813) 995 - 8500 · 6320 BEAU DRIVE · N. FT. MYERS, FLORIDA 33903

DATE NOV '91
SCALE 1"=200'
DESIGN
DRAWN
CHECK 7/21/97 Rev Mon. Areas 6M
APPROVED
DATE REVISION BY

OLD HICKORY GOLF & COUNTRY CLUB
PART OF
SECTION 27, TOWNSHIP 45 S., RANGE 25 E.
LEE COUNTY, FLORIDA

FILE: 8749DER
DWG. NO.
8749-US
1 OF 1

Contributing Flow - This development accepts flow from a 56-acre parcel lying to the northeast. This contributing flow is limited to 4.43 cfs for the 25-year storm event. The flow is passed through the development and discharged into the flow-way. The outfall structure has been enlarged to accomodate the additional flow.

NATURAL AREA CALCULATION:

REQUIRED OPEN SPACE: 40% OF 313.3 ACRES = 125.3 ACRES
REQUIRED NATURAL AREA: 50% OF 125.3 ACRES = 62.7 ACRES
SEE PLAN SHOWING NATURAL AREAS
TOTAL NATURAL AREAS AFTER REVISION 63.76 AC (PROVIDED)

BENCH MARK 12
60d N&W IN POLE
EL. 21.84

BENCH MARK 13
SET 5/8" REBAR
FLANGE BOLT
EL. 24.75 (1' MAX HEIGHT)

BENCH MARK 14
60d N&W EL 18.97

BENCH MARK 15
60d N&W EL 19.11

BENCH MARK 16
60d N&W EL 19.13

BENCH MARK 17
60d N&W EL 18.85

BENCH MARK 18
60d N&W EL 19.21

TEST HYDRANT

FUTURE CONN. TO 66 ACRE COMM. SITE Q = 4.43 CFS

GOLF COURSE RESTROOM FACILITIES

NO FENCE IN WETLAND

FUTURE / OPTIONAL FENCE ALONG PROPERTY LINE (1' MAX HEIGHT)

ZONED RV-3 (VACANT)

ZONED AG-2 (VACANT)

ZONED RM-2 (RES.)

ZONED RPD (VACANT)

ZONED PUD (RESIDENTIAL)

SEE MAINTENANCE AREA

OLD HICKORY CIRCLE

OLD HICKORY BLVD.

WHITE HICKORY LANE

HICKORY FAIRWAY COURT

HICKORY GREENS COURT

HICKORY HILL 10 COURT

HICKORY BLVD.

PROPOSED BENCH MARK

PROPOSED WETLAND

RPA #1

RPA #2

RPA #3

RPA #4

RPA #5

RPA #6

25' FUTURE R/W SETBACK

TYPE 'A' 10' BUFFER

TYPE 'B' 15' BUFFER

TYPE A 10' NATURAL BUFFER

NO FENCE IN WETLAND AREAS

REVISED GTAC TO G.1 AC

PROPOSED WETLAND / FUTURE / OPTIONAL FENCE ALONG PROPERTY LINE - 1' MAX HEIGHT

LAKE 1 · LAKE 2 · LAKE 3 · LAKE 4 · LAKE 5 · LAKE 6 · LAKE 7 · LAKE 8 · LAKE 9 · LAKE 10 · LAKE 11 · LAKE 12

LAKE II BASIN II

BASIN I · BASIN II

SHEET 4 · SHEET 5 · SHEET 6 · SHEET 7 · SHEET 8 · SHEET 10 · SHEET 11 · SHEET 12

TRACT IV
PHASE 9
120 UNITS

PHASE 8
TRACT III
120 UNITS

TRACT III

DRIVING RANGE

SITE CLUBHOUSE PLAN

TENNIS FACILITIES

DRY FIRE HYDRANT (FUTURE)

OUTFALL STR. 1

OUTFALL STR. 2

EX. 16" WATERMAIN

PALOMINO ROAD (FIDDLESTICKS)

INDICATES APPROX. LOCATION OF FUTURE OPTIONAL GOLF COURSE CART PATH.

NOTE: PERIMETER BUFFER LOCATIONS HAVE BEEN ADJUSTED TO PRESERVE NATURAL AREAS. THE BUFFER WIDTHS VARY FROM 10' TO 60' IN WIDTH. BERM & SWALE LOCATIONS HAVE BEEN MODIFIED TO MAINTAIN EXISTING VEGETATION

UTILITIES

WATER: LEE COUNTY UTILITIES
2274 MCGREGOR BOULEVARD
FORT MYERS, FL 33901

SEWER: LEE COUNTY UTILITIES
2115 MCGREGOR BOULEVARD
FT. MYERS, FL 33901

ELECTRIC: FLORIDA POWER & LIGHT CO.
P.O. BOX 420
FORT MYERS, FL 33902

CABLE TV: FALCON CABLEVISION
301 TOMIDA ROAD
NAPLES, FL 33942

TELEPHONE: UNITED TELEPHONE OF FLORIDA
P.O. BOX 370
FORT MYERS, FL 33902

FIRE: SOUTH TRAIL FIRE DEPARTMENT
12960 CRYSTAL DRIVE
FORT MYERS, FL 33912

POLICE: COLD DISTRICT
P.O. BOX 4811
FORT MYERS, FL 33911

SCHOOLS: TO BE DETERMINED

IRRIGATION PROVIDED FROM NON POTABLE SOURCES (SEE NOTE 10-W)

PARKING:

	UNITS	COVERED	UNCOVERED
SINGLE FAMILY	175 LOTS	350 SPACES	35 SPACES
MULTI-FAMILY I	120 UNITS	44 SPACES	196 SPACES
	120 UNITS	44 SPACES	76 SPACES
VILLAS II TOWNHOUSES	96 UNITS	104 SPACES	8 SPACES
CLUBHOUSE/GOLF COURSE			167 SPACES
MAINTENANCE AREA	12 EMP.		5 SPACES
		592 SPACES +	486 SPACES = 1078

TRACT III - 9 BLDGS 120 UNITS 128 SPACES + 84 SPACES = 212

GENERAL:

ELEVATIONS ARE BASED UPON NGVD OF 1929

ROADWAYS ARE PRIVATE AND SHALL BE MAINTAINED BY THE PROPERTY OWNER'S ASSOCIATION

THE SURFACE WATER MANAGEMENT SYSTEM IS TO BE MAINTAINED BY THE PROPERTY OWNER'S ASSOCIATION

IMPACTS TO WETLANDS NO SIGNIFICANT ADVERSE IMPACTS ARE ANTICIPATED MITIGATION SHALL BE PROVIDED FOR AREAS OF ENCROACHMENT

NO ADVERSE IMPACTS TO ON-SITE FLOW WAY ARE ANTICIPATED

IMPACTS TO GROUND AND SURFACE WATER NO SIGNIFICANT ADVERSE IMPACTS ARE ANTICIPATED

DUST CONTROL DURING CONSTRUCTION ACTIVITIES SHALL BE PERFORMED IN ACCORDANCE WITH THE FOLLOWING RECOMMENDATIONS PREPARED BY A REGISTERED ENGINEER AND APPROVED BY A REPRESENTATIVE OF THE PERMITTING AGENCY

SITE DATA:

AREA	313.34 ACRES
PALOMINO ROAD	9.24 ACRES
RPA	27.84 ACRES
LAKES-WETLAND AREAS	44.77 ACRES
ROADS, PARKS AREAS (UNDEVELOPED)	40.44 ACRES
NOTCHBALLS	23.99 ACRES
GREEN SPACE	(50%) ACRES

OPEN SPACE CALCULATIONS:

(215 SF PER UNIT + GREEN SPACE) AREA (A.C. + (A.C.)) / (TOTAL AC. AREA) = (50% OF TOTAL AREA (REQ. OPEN SPACE 40%))

FIRE FLOW CALCULATIONS (PHASES 1 THRU 7 AND 10 THRU 12)

SINGLE FAMILY-175 DUS REQUIRED

(FIRE FLOW REQ.)

VARIOUS MULTI-FAMILY UNITS

MULTI FAMILY (12-UNITS)

MAINTENANCE BLDG.

CLUBHOUSE-SPRINKLERED

FIRE FLOW PROVIDED BY SOUTH TRAIL FIRE DEPARTMENT TEST:

FIDDLESTICKS PIPE-ATTACHING BOARD TEST DEP ON A 12" MC IS 20 YEARS
CANYON WATER EXTENSION 2295 GPM AT 20 PSI W/ 11 DP HOSES

NOTICE: THE WATER FLOW DATA SHOWN ABOVE WAS PROVIDED BY THE SOUTH TRAIL FIRE DISTRICT FOR USE DATE 12/92 AND LOCATION AS SPECIFIED. NO GUARANTEES, WARRANTIES, OR SUPPOSITIONS ARE PROVIDED THAT THESE FLOWS WILL BE AVAILABLE IN THE FUTURE. THE FIRE FLOW CALCULATIONS ARE PROVIDED WITHOUT BENEFIT OF FINAL ARCHITECTURAL PLANS AND THE FEE COMPANY MUST VERIFY THE CONSTRUCTION MATERIALS, BUILDING USES AND FLOWS EXIST AT THE TIME OF BUILDING PERMIT ISSUANCE.

SOILS MAP

SOILS MAP KEY

6	MALLANDALE FINE SAND
10	PAMPANO FINE SAND
12	FELDA FINE SAND
13	BOCA FINE SAND
14	VALKARIA FINE SAND
26	PINEDA FINE SAND
27	POMPANO FINE SAND, D.
28	IMMOKALEE FINE SAND
33	OLDSMAR SAND
39	ISLES FINE SAND, D.
49	FELDA FINE SAND, D.
73	PINEDA FINE SAND, D.

SINGLE FAMILY	175 UNITS
MULTI - FAMILY	258 UNITS
FUTURE MULTI-FAMILY	128 UNITS
	561 UNITS

FIRE FLOW TEST

SOUTH TRAIL FIRE PROTECTION & RESCUE SERVICE DISTRICT

FIRE FLOW CALCULATION - TRACT IV - PHASE 9

ONE-STORY, SIX-PLEX MULTI-FAMILY STRUCTURE
BLDG. AREA = 12,900 SF
BLDG. AREA WITH FIREWALL = 6450 SF

ORDINARY MATERIALS = 1.0 FACTOR
LIGHT HAZARD = 0.75 FACTOR

REQUIRED FLOW = 1.0(1) AC 7.5)
= 1500 GPM (PER LEE CO. REQ.)

FIRE FLOW AVAILABLE 2281 GPM PER SOUTH TRAIL FIRE DEPT. ON 4/6/92 AT 2:30 P.M.

FIRE FLOW CALCULATION - TRACT III - PHASE 8

TWO-STORY, TWELVE-UNIT MULTI-FAMILY STRUCTURE
BLDG. AREA = 22,000 SF

ORDINARY MATERIALS = 1.0 FACTOR
LIGHT HAZARD = 0.75 FACTOR

REQUIRED FLOW = 1.0(18) AC 7.5)
= 2002 GPM (PER LEE CO. REQ.)

FIRE FLOW AVAILABLE 2281 GPM PER SOUTH TRAIL FIRE DEPT. ON 9/10/92 AT 10:00 AM

TWO-STORY, SIXTEEN-UNIT MULTI-FAMILY STRUCTURE
BLDG. AREA = 30,000 SF

4 HR. FIRE WALL REQUIRED A = 15,000 SF

ORDINARY MATERIALS = 1.0 FACTOR
LIGHT HAZARD = 0.75 FACTOR

REQUIRED FLOW = 1.0(31) AC 7.5)
= 3053 GPM (PER LEE CO. REQ.)

FIRE FLOW AVAILABLE 2281 GPM PER SOUTH TRAIL FIRE DEPT. ON 9/10/92 AT 10:00 AM

REVISIONS	BY
5-11-93 REV. WATERMAIN	CJB
2-19-93 ADJUST NATURAL AREA	CJB
12-2-92 REVISE LAKE SHORELINES	MNJ
12-10-92 ADD NATURAL AREA	CJB
12-15-92 REV. ROADWAY	CJB
DATE REVISION	BY

12/92	REVISIONS #5&6 (SEE SHT #1) GM
10-28-92	ADD LAKE 12 LS
10-26-92	ADD PHASES 9 PARKING CJB
10-14-92	ADD LAKE 11 LS
9-4-92	ADD MAT AREA CJB
8-25-92	ADD LAKE 12 CJB
8/25/92	REV. TRACT IV, UNITS & FIRE MRC
8-24-92	REV. TRACT III PARKING CJB
8-24-92	REV. BUFFER CJB
8-7-92	REV. LAKE 10 CJB
11-04-91	UPDATE NATURAL AREAS RJK
10-22-91	REV. CJB
9-9-91	REV. CJB
8-28-91	REV. CJB
5-31-91	REV. BUFFER & ROAD LOCATIONS CJB

DATE	5-31-91
SCALE	1" = 200'
DESIGN	CJB
DRAWN	TDW
CHECK	CJB
APPROVED	

INK ENGINEERING, INC.
ENGINEERS · SURVEYORS · PLANNERS
TEL. (813) 995-8500 · 6320 BEAU DRIVE · N. FT. MYERS, FLORIDA 33903

MASTER PLAN
THE OLD HICKORY GOLF & COUNTRY CLUB
A RESIDENTIAL PLANNED DEVELOPMENT
SECTION 27, TOWNSHIP 45 S., RANGE 25 E.
LEE COUNTY, FLORIDA

FILE: 8749-US
DWG. NO. 8749-US
2 OF 5

U.S. HOME CORP.
43 BARKLEY CIRCLE
FORT MYERS, FLORIDA

8/15/97

Lee County
Southwest Florida

Department of Community Development
Zoning Section

MEMORANDUM

Date: August 21, 2017

To: Hearing Examiner
Applicant

From: J. Leatherman
Planner

Subject: **Olde Hickory Revised MCP and Conditions**
Case No. SEZ2017-00003
STRAP No. 27-45-25-02-000D.00CE (portion thereof)

Staff received additional correspondence from the applicant on August 15, 2017 and would like to provide the following analysis.

The subject property previously received consumption-on-premises approvals specific to the restaurant (4-COP SRX), the snack bar (2-COP), and the beverage caddy (2-COP). On May 19, 1992, a 2-COP license received local zoning sign-off for a snack-bar; however, this approval was only permissible until the completion of the Golf Club House was finaled. On May 21, 1992, a 2-COP license was granted for the beverage caddy. Then, in October of 1992, the restaurant within the clubhouse received approval for 4-COP SRX. A copy of these approvals has been included herein.

Due to the timeline of the application approvals, staff believes the intent was to provide various alternatives to purchase alcoholic beverages while the clubhouse finished development as the clubhouse was the only approved use to have consumption on premises. These options did not require further zoning actions as Florida Statute 565.02(g) permits service bars or portable or temporary bars on the grounds contiguous to its licensees premises and it is staff's position that the snack bar and beverage caddy licenses were approved with an understanding that these service areas would be contiguous to the approved-licensed premises (the clubhouse).

Pursuant to LDC Section 34-1264(a)(3)c., the application request is specific to a use (outdoor consumption on premises for the swimming-pool area) which was not included in the original zoning approval. The original zoning, Zoning Resolution Z-87-237, for the Olde Hickory Residential Planned Development (RPD) approved a Country Club with clubhouse, consumption on premises within the clubhouse, an 18-hole Golf Course, Food and Beverage Service, Limited, and other uses not pertinent to this request. The Resolution did not address or define a common area for the consumption on premises to expand; therefore, approval of this request will permit the expansion of the consumption on premises to the swimming-pool area.

2017 AUG 21 AM 10:25
LEE COUNTY
HEARING EXAMINER

STAFF'S EXHIBIT
2

Staff finds the revised master concept plan consistent with the previous analysis and recommendation. The request to permit indoor and outdoor consumption on premises (4-COP SFS beer wine and liquor license), as conditioned, is appropriate.

The entire swimming-pool deck area consists of:

- existing 4,278-square-foot deck area; and
  - proposed 982-square-foot potential expansion; and
- existing 1,016-square-foot cabana (Food and Beverage Service, Limited); and
  - proposed 240-square-foot addition.

The total area available for outdoor consumption on premises consists of 6,516 square feet.

The applicant proposes an available outdoor seating area consisting of 2,506 square feet, offering 28 seats available regularly and an additional 32 seats for temporary events. These temporary events will not be open to the public, thus negating the need for additional parking spaces. The outdoor seating area has been acknowledged to clarify the request does not impact parking calculations. By proposing 3,760 square feet of dining area composed of a 1,256-square-foot cabana (Food and Beverage Service, Limited) and a 2,506-square-foot outdoor seating area, the applicants would need to supply 47 parking spaces, based on the following calculation:

3,760 SF x 12.5 spaces/1000 SF= 47 spaces

The applicant has demonstrated the total parking spaces exceeds the required amount.

The revised master concept plan remains consistent with the Florida Statutes as the available area under permanent roof will still exceed the 2,500-square-foot requirement and the available seats will still exceed the 150-requirement. The applicant has made no revision to the menu, thus remaining consistent with state requirement of sales of food generating more than 50 percent of the revenue.

Staff finds the request to remain consistent with the goals, objectives, policies, and intent of the Lee Plan as discussed in the Staff Report. The request will not impact environmentally critical or sensitive areas. The potential expansion is proposed further from the closest residence and does not appear to disrupt the current configuration of the pool; staff finds the request will not be injurious to the neighborhood and it is compatible with the existing uses. The request is in compliance with zoning regulations with respect to consumption on premises and the applicant has demonstrated compliance with applicable parking regulations.

Staff has no objection to the proposed revisions to the conditions with the exception of minor clarifications.

Staff proposes the following revised conditions (shown as underlined), please see attached clean version:

1. Staff agrees with applicant's proposal.

2. Staff agrees with applicant's proposal.

3. No amplified music shall be permitted in the outdoor seating area. Any music in the outdoor seating area will be kept at or below a normal conversation level and must be maintained in accordance with the Lee County Noise Control Ordinance.

Staff's revision references the Lee County Noise Control Ordinance more appropriately as it relates to music.

4. The hours of operation for the outdoor consumption on premises (4-COP SFS) in the conjunction with the Food and Beverage Service, Limited will be from 11:00 AM to 9:00 PM, with last call and music out at 8:30 PM.

Staff's revision agrees with the applicant's proposal and relocated the reference to the Lee County Noise Ordinance to earlier condition.

5. All parts of the pool deck must be available for the residents and guests regardless of consuming any food or beverages from the cabana. No portion of the pool deck may be reserved exclusively for customers of the cabana, except in accordance with the area demonstrated on the site plan (see Attachment "F") for temporary events.

6. Temporary events are to be for residents and guests only and are not to be open to the general public.

Staff's revisions are intended to provide clarity that the temporary event location is integrated within the overall outdoor consumption on premises area and is intended to reference the proposed location for additional chairs. The site plan clarifies the swimming-pool and spa will be closed during the temporary events in order to prevent disruption and provide safety measures. Staff finds the occasional temporary event will not impact parking calculations as the events are intended to be for the members and guests only.

7. No change proposed for previous condition #6.

8. Staff agrees with applicant's proposal for previous condition #7.

ATTACHMENT C

CONDITIONS

1. Approval is limited to indoor and outdoor consumption on premises (4-COP SFS) in conjunction with a Food and Beverage Service, Limited located within the pool area as shown on the site plan stamped "Received" by Community Development on August 15, 2017 (see Exhibit F).

2. The outdoor seating area is limited to the 2,504-square-foot hatched area as shown on the site plan (see Exhibit F). Portions of the outdoor seating area may be converted to indoor seating area without need for a further public hearing.

3. No amplified music shall be permitted in the outdoor seating area. Any music in the outdoor seating area will be kept at or below a normal conversation level and must be maintained in accordance with the Lee County Noise Control Ordinance.

4. The hours of operation for the outdoor consumption on premises (4-COP SFS) in the conjunction with the Food and Beverage Service, Limited will be from 11:00 AM to 9:00 PM, with last call and music out at 8:30 PM.

5. All parts of the pool deck must be available for the residents and guests regardless of consuming any food or beverages from the cabana. No portion of the pool deck may be reserved exclusively for customers of the cabana, except in accordance with the area demonstrated on the site plan (see Attachment "F") for temporary events.

6. Temporary events are to be for members and guests only and are not to be open to the general public.

7. Any subsequent development will need to obtain appropriate approvals to ensure consistency with the Land Development Code.

8. Electrical equipment and connections for the temporary bar structure must be kept out of walkways, pool and spa.

DBR 42-001
Rev. 7/91

STATE OF FLORIDA
Department of Business Regulation
Division of Alcoholic Beverages and Tobacco

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE
AND CIGARETTE PERMIT

SECTION I

BUSINESS TELEPHONE # 813/278-1177

TYPE OF LICENSE/PERMIT DESIRED: Check Appropriate Boxes

(X) Alcoholic Beverage License ( ) Cigarette Permit

TYPE OF APPLICATION: Check Appropriate Boxes

(X) New	( ) Change of Location	( ) Change of Business Name
(X) New - Temporary	Temporary	( ) Change of Officers/Stockholders
( ) Transfer	( ) Change in Series	( ) Correction _____
( ) Transfer - Temporary	( ) Decrease in Series	( ) Other _____
( ) Change of Location	( ) Increase in Series	_____

TYPE OF APPLICANT: Check Appropriate Box and List Charter Number, If Applicable

( ) Individual	( ) Partnership	
( ) Corporation	( ) Limited Partnership	( ) Charter Number N42334

1. Applicant's Full Name: The Olde Hickory Golf & Country Club Master Association, Inc.

2. Business Name: Same

3. Location Address: 14670 Olde Hickory Boulevard, Fort Myers, Florida 33912
Street City State Zip

4. Mailing Address: 43 Barkley Circle, Suite 101, Fort Myers, Florida 33907
Street City State Zip

If application is for a NEW license/permit, questions 5-8 are not applicable.

5. Current Owner's Name: _____

6. Current Business Name: _____
Street City State Zip

7. Current Location Address: _____
Street City State Zip

8 Current License/Permit Number: _____ Current Series: _____

9. Series of Licenses/Permits Desired: (4-COP SRX) AND (_____).

10. Complete the following if you are an applicant for a quota, special or club alcoholic beverage license. The license is issued pursuant to _____, Florida Statutes or Special Acts, and as such we acknowledge the following minimum requirements must be met and maintained:

I hereby acknowledge receiving a copy of Rule 7A 3.0141 pertaining to the special qualifications and records keeping requirements for a special restaurant license. The attached copy of the rule is made as part of this application.

11. Does your business include the preparation, service or sale of food? _____. If yes, have you registered with the Division of Hotels and Restaurants as a Public Food Service Establishment? Yes . License/Control # Applied For .

SECTION II

(A). List below the names, titles and interest for all officers, directors, stockholders, limited partners and general partners of the business for which this license or permit is sought. (Attach extra sheets if necessary).

TITLE/POSITION	NAME	STOCK %
President:	* Richard Burgeson	0%
Vice President:	* Peter Lehmann	0%
Secretary:	* Bruce Upton	0%
Treasurer:		
	* Current Licensee on GC, 2 COP	

(B). List below the names and type of interest (i.e. lender, joint account holder, co-signer.) for all persons or entities not listed in part (A) above, who have an interest, directly or indirectly, in this application or the business for which the license/permit is sought. This may include a spouse, corporations, or any form of entity which is connected with the business.

NAME	TYPE OF INTEREST

SECTION III

1. SALES TAX: Owners Name:_____

Business Name:_____

A. Disclosure Authorization. Section A is to be Completed By Owner Only if Transfer of Alcoholic Beverage License.

I hereby authorize the Department of Revenue to release to the aforementioned applicant and to the Division of Alcoholic Beverages and Tobacco the current status of my account #_____.

Sworn to and Subscribed

before me this_____

day of_____, 19___.

_____

Owner or Authorized Corporate Officer Must be Notarized

_____

Notary Public

My Commission Expires:_____

B. Disclosure. Section B is to be Completed by Department of Revenue.

1. This is to verify that the current owner as named in this application has filed all returns and that all outstanding billings and returns have been paid through the period ending_____ or the liability has been acknowledged and agreed to be paid by the applicant. This verification does not constitute a certificate as contained in Section 212.10(1), F.S. (Not applicable if no transfer involved).

2. Furthermore, the named applicant for an Alcoholic Beverage License has complied with Florida Statutes concerning registration for Sales and Use Tax, and has paid any applicable taxes due.

Luther DeLonga

(Signed)

CS II

(Title)

10/12/92

(Date)

DEPARTMENT OF REVENUE STAMP

APPROVED BY
DEPARTMENT OF REVENUE

Business Name: The Olde Hickory Golf & Country Club Master Association, Inc.

Location Address: 14670 Olde Hickory Boulevard, Fort Myers, Florida 33912

SECTION IV (NOTE: THE DIVISION DOES NOT REQUIRE THAT ITEMS 1-3 BE COMPLETED IN ORDER)

1. ZONING:

If this application is for the issuance of an alcoholic beverage license where zoning approval is required, the zoning authority must complete "A" and "B".

If this application is for the issuance of an alcoholic beverage license where zoning approval is not required, the applicant must complete section "B".

To be completed by the Local Zoning Authorities.

A. The location (✓) Does Comply ( ) Does Not Comply with zoning requirements for the sale of alcoholic beverages pursuant to this application for a Series 4COP SRX alcoholic beverage license. as per resolution Z-87-237

Signed: Bryan J. Kelner Title: Principal Planner Date: Oct. 14/92

B. Is location within the limits of an Incorporated City or Town? ( ) YES (✓) NO

If "YES", Name of City or Town _____

2. HEALTH:

A. To be completed by the Division of Hotels and Restaurants, the County Health Authority or Department of Health and Rehabilitative Services.

The above establishment ( ) Does Comply ( ) Does Not Comply with the requirements of the Florida Sanitary Code.

Signed: _____ Date: _____

Title: _____ Agency: _____

3. RIGHT OF OCCUPANCY

	(YES)	(NO)
A. Does applicant have a legal right of occupancy to the premises?	X	
B. Does applicant own the property?	X	
C. Does applicant rent, lease or sublease the property?		X

Name of Landlord: _____

Address of Landlord: _____

Terms of Rental Agreement: _____

	(YES)	(NO)
D. Is the proposed premises MOVABLE or ABLE TO BE MOVED?.....		X
E. Is the proposed premises located in a shopping center, mall or office building?.....		X
F. Is there any access through the premises to any area over which you do not have dominion and control?.....		X
G. Is the premises occupied by anyone not listed on this application?..		X

SECTION V

FEDERAL EMPLOYER'S IDENTIFICATION NUMBER

A. Federal Employer's Identification Number: 65-0248701

B. Not Required ( )

C. Not Available ( ) I will submit to your agency as soon as possible.

SECTION VI

These questions must be answered about this business for every person or entity listed. Copies of agreements and documentation to support the financial arrangements must be submitted with this application.

	YES	NO
1. Is there a management contract or service agreement in connection with this business?.....	(X)	( )
2. Are there any agreements which require a payment of a percentage of gross or net receipts from the business operation?.....	(X)	( )
3. Does anyone hold a mortgage or security agreement for this business?.....	( )	(X)
4. Have you or anyone listed on this application borrowed money from or accepted money, equipment, fixtures, or anything of value from an owner or representative of a distiller, rectifier, blender, bottler, manufacturer, brewer, distributor, exporter, importer or retailer or secured a loan from any source connected with the alcoholic beverage industry?.....	( )	(X)

5. If purchasing the business, what is the purchase price?.....$ N/A

6. List the total investment:.....$ 2,000,000

A. Total CASH invested:.....$ 2,000,000

B. Total LOANS invested.....$ -0-

7. List below the names of all persons, firms or corporations that have or will advance any money for the operation of this business or that will hold any mortgage or security agreement against this business or have the right or ability to receive money from the business.

NAME	TYPE OF LOAN	AMOUNT OF LOAN
U.S. HOME CORPORATION	DEVELOPER SUBSIDY	AS NEEDED

Section VII

Each corporate applicant must complete this section

Has the applicant corporation been convicted of a felony in this state, any other state, or by the United States in the last, past 15 years?

YES_____ NO X

If the answer is "YES", please list all of the particulars including the date of conviction, the crime for which the corporation was convicted, and the City, County, State, and Court where the conviction took place.

SKETCH OF LICENSED PREMISES

Sketches should be drawn in ink and include all walls, doors, counters, sales areas, storage areas, restrooms, bar locations and any other specific areas which are part of the premises sought to be licensed. A multi-story building where the entire building is to be licensed must show each floor.

AFFIDAVIT OF APPLICANTS

"I, the undersigned individual, or if a corporation for itself, it's officers and directors, hereby swear or affirm that I am duly authorized to make the above and foregoing application and, as such I hereby swear or affirm that the attached sketch or blueprint is substantially a true and correct representation of the premises to be licensed and agree that the place of business, if licensed, may be inspected and searched during business hours or at any time business is being conducted on the premises without a search warrant by Officers of the Division of Alcoholic Beverages and Tobacco, the Sheriff, his Deputies, and Police Officers for purposes of determining compliance with the beverage and cigarette laws.

I swear under oath or affirmation under penalty of perjury as provided for in Florida Statutes 559.791, 562.45, and 837.06, that the foregoing information is true to the best of my knowledge and that no other person or entity except as indicated herein has an interest in the alcoholic beverage license and/or cigarette permit and that all of the above listed persons or entities meet the qualifications necessary to hold an interest in the alcoholic beverage license and/or cigarette permit."

STATE OF FLORIDA
County of Lee
Sworn to and subscribed before me
this 14th day of October, 1992.

Richard Burgeson
(Applicant) Richard Burgeson

(Applicant) Bruce Upton

Lori E. Zamniak
Notary Public

OFFICIAL SEAL
LORI E. ZAMNIAK
My Commission Expires
Feb. 6, 1996
Comm. No. CC 178234

My Commission Expires: 2-6-96

AFFIDAVIT OF SELLER

"I, the undersigned, hereby swear or affirm that I am duly authorized to make this affidavit and do hereby consent, on my behalf or on behalf of the seller, to the above transfer, and represent to the Division of Alcoholic Beverages and Tobacco that the license which is being transferred is as shown in the application and that a bona fide sale in good faith has been made to the within applicant of the business for which the foregoing transfer of license is sought."

STATE OF FLORIDA
County of _____
Sworn to and subscribed before me
this _____ day of _____, 19____.

_____
(Seller or Authorized Officer)

_____
(Seller or Authorized Officer)

_____
Notary Public

My Commission Expires: _____

For Division Use Only - do not write below this line

CENTRAL OFFICE USE ONLY

CODE: City _____ County _____
FEIN NUMBER _____
TYPE: _____ FEE: _____
_____ _____
_____ _____
TOTAL: _____

LICENSE # _____ AUDIT # _____
ENTRY DATE: _____ BY: _____
MICROFILM DATE: _____

Signature: _____

DISTRICT OFFICE DATE STAMP

Audited: _____ Unaudited: _____

(FOR STAFF USE ONLY)

REQUEST FOR ZONING COMPLIANCE
FOR APPLICATION FOR
ALCOHOLIC BEVERAGE LICENSE

✓ Consumption On Premises

___ Consumption Off Premises

Applicants Name The Olde Hickory Golf & Country Club Master Assoc., Inc.

Business Name Same

Location Address 14670 Olde Hickory Blvd, Ft Myers 33912

Mailing Address 43 Barkley Circle, Suite 101, Ft. Myers 33907

Phone No. _____

Strap No. S 27 T 45 R 25 A 02 P 0000A.0000

Zoning RPD

Hearing for Special Exception _____Yes _____No

If Yes, what is the Hearing No.?_____

and Resolution No.?_____

(Attach Copy of Resolution)

If No, the applicant must submit sufficient documentation to prove legality of non-conforming C.O.P.

(0106)

(FOR STAFF USE ONLY)

REQUEST FOR ZONING COMPLIANCE
FOR APPLICATION FOR
ALCOHOLIC BEVERAGE LICENSE

____ Consumption On Premises 2 COP — SNACK BAR

____ Consumption Off Premises

Applicants Name The Olde Hickory Golf AND Country Club Master As. INC.

Business Name The Olde Hickory Golf AND Country Club

Location Address 14670 Olde Hickory Blvd. Fort Myers, FL 33912

Mailing Address 43 Barkley Circle, Suite 101, Fort Myers FL 33907

Phone No. 278-1177

Strap No. S 27 T 45 R 25 A 60 P 00001.1-0000

Zoning Resd. Planned Dev. PD-92-001 AMENDMENT CN-2 use

Hearing for Special Exception ____ Yes __✓__ No

If Yes, what is the Hearing No.? 87-12-7 DCI

and Resolution No.? Z-87-237

(Attach Copy of Resolution)

If No, the applicant must submit sufficient documentation to prove legality of non-conforming C.O.P.

(0106)

DER 42-001
Rev. 7/91

STATE OF FLORIDA
Department of Business Regulation
Division of Alcoholic Beverages and Tobacco

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE
AND CIGARETTE PERMIT

SECTION I

BUSINESS TELEPHONE # (813) 278-1177

TYPE OF LICENSE/PERMIT DESIRED: Check Appropriate Boxes

(X) Alcoholic Beverage License ( ) Cigarette Permit

TYPE OF APPLICATION: Check Appropriate Boxes

(X) New	( ) Change of Location	( ) Change of Business Name
( ) New - Temporary	Temporary	( ) Change of Officers/Stockholders
( ) Transfer	( ) Change in Series	( ) Correction _____
( ) Transfer - Temporary	( ) Decrease in Series	( ) Other _____
( ) Change of Location	( ) Increase in Series	_____

TYPE OF APPLICANT: Check Appropriate Box and List Charter Number, If Applicable

( ) Individual	( ) Partnership	
(X) Corporation	( ) Limited Partnership	( ) Charter Number N42334

1. Applicant's Full Name: The Olde Hickory Golf & Country Club Master Association, Inc.

2. Business Name: The Olde Hickory Golf & Country Club SNACK BAR

3. Location Address: 14670 Olde Hickory Boulevard / Fort Myers, Florida 33912
Street City State Zip

4. Mailing Address: 43 Barkley Circle, Suite 101, Fort Myers, Florida 33907
Street City State Zip

If application is for a NEW license/permit, questions 5-8 are not applicable.

5. Current Owner's Name: _____

6. Current Business Name: _____

7. Current Location Address: _____
Street City State Zip

8 Current License/Permit Number: _____ Current Series: _____

9. Series of Licenses/Permits Desired: (2-COP) AND (_____).

10. Complete the following if you are an applicant for a quota, special or club alcoholic beverage license. The license is issued pursuant to _____, Florida Statutes or Special Acts, and as such we acknowledge the following minimum requirements must be met and maintained:

_____

_____

11. Does your business include the preparation, service or sale of food? yes. If yes, have you registered with the Division of Hotels and Restaurants as a Public Food Service Establishment? YES. License/Control # see attached.

SECTION II

(A). List below the names, titles and interest for all officers, directors, stockholders, limited partners and general partners of the business for which this license or permit is sought. (Attach extra sheets if necessary).

TITLE/POSITION	NAME	STOCK %
President:	Gary Haines	0%
Vice President:	Richard Burgeson	0%
Secretary:	Bruce Upton	0%
Treasurer:	Bruce Upton	0%

(B). List below the names and type of interest (i.e. lender, joint account holder, co-signer.) for all persons or entities not listed in part (A) above, who have an interest, directly or indirectly, in this application or the business for which the license/permit is sought. This may include a spouse, corporations, or any form of entity which is connected with the business.

NAME	TYPE OF INTEREST
N/A	

SECTION III

1. SALES TAX: Owners Name: _____

Business Name: _____

A. Disclosure Authorization. Section A is to be Completed By Owner Only if Transfer of Alcoholic Beverage License.

I hereby authorize the Department of Revenue to release to the aforementioned applicar and to the Division of Alcoholic Beverages and Tobacco the current status of my accour # _____.

Sworn to and Subscribed

before me this _____

day of _____, 19___. _____

Owner or Authorized Corporate Officer Must be Notarized

_____

Notary Public My Commission Expires: _____

B. Disclosure. Section B is to be Completed by Department of Revenue.

1. This is to verify that the current owner as named in this application has filed all returns and that all outstanding billings and returns have been paid through the period ending _____ or the liability has been acknowledged and agreed to be paid by the applicant. This verification does not constitute a certificate as contained in Section 212.10(1), F.S. (Not applicable if no transfer involved).

2. Furthermore, the named applicant for an Alcoholic Beverage License has complied with Florida Statutes concerning registration for Sales and Use Tax, and has paid any applicable taxes due.

_____
(Signed)

_____
(Title)

_____
(Date)

DEPARTMENT OF REVENUE STAMP

Business Name: The Olde Hickory Golf & Country Club Master Association, Inc.

Location Address: 14670 Olde Hickory Boulevard, Fort Myers, Florida 33912

SECTION IV (NOTE: THE DIVISION DOES NOT REQUIRE THAT ITEMS 1-3 BE COMPLETED IN ORDER)

1. ZONING:

If this application is for the issuance of an alcoholic beverage license where zoning approval is required, the zoning authority must complete "A" and "B".

If this application is for the issuance of an alcoholic beverage license where zoning approval is not required, the applicant must complete section "B".

To be completed by the Local Zoning Authorities.

A. The location (✓) Does Comply ( ) Does Not Comply with zoning requirements for the sale of alcoholic beverages pursuant to this application for a Series 2COP alcoholic beverage license. Only upon completion of Golf Club House.

Signed: [signature] Title: Principal Planner Date: 05-19-92

B. Is location within the limits of an Incorporated City or Town? ( ) YES (~~✓~~) NO

If "YES", Name of City or Town _____

2. HEALTH:

A. To be completed by the Division of Hotels and Restaurants, the County Health Authority or Department of Health and Rehabilitative Services.

The above establishment (X) Does Comply ( ) Does Not Comply with the requirements of the Florida Sanitary Code.

Signed: [signature] Date: 5/18/92

Title: Safety & San. Spec. Agency: DBP

3. RIGHT OF OCCUPANCY

	(YES)	(NO)
A. Does applicant have a legal right of occupancy to the premises?.....	X	
B. Does applicant own the property?.....		X
C. Does applicant rent, lease or sublease the property?.....	X	

Name of Landlord: U.S. HOME CORPORATION

Address of Landlord: 43 BARKLEY CIRCLE, SUITE 101, FORT MYERS, FLORIDA 33912

Terms of Rental Agreement: ONE YEAR - $1.00 PER YEAR UNTIL U.S. HOME CORPORATION TURNS PROJECT OVER TO THE OLDE HICKORY GOLF & COUNTRY CLUB MASTER ASSOCIATION, INC. UPON THE CONVEYANCE OF 90% OF HOMES.

D. Is the proposed premises MOVABLE or ABLE TO BE MOVED?..... _____ X

E. Is the proposed premises located in a shopping center, mall or office building?..... _____ X

F. Is there any access through the premises to any area over which you do not have dominion and control?..... _____ X

G. Is the premises occupied by anyone not listed on this application?.. _____ X

SECTION V

FEDERAL EMPLOYER'S IDENTIFICATION NUMBER

A. Federal Employer's Identification Number: 65-0248701

B. Not Available ( ) I will submit to your agency as soon as possible.

SECTION VI

These questions must be answered about this business for every person or entity listed. Copies of agreements and documentation to support the financial arrangements must be submitted with this application.

	YES	NO
1. Is there a management contract or service agreement in connection with this business?	(X)	( )
2. Are there any agreements which require a payment of a percentage of gross or net receipts from the business operation?	(X)	( )
3. Does anyone hold a mortgage or security agreement for this business?	( )	( )
4. Have you or anyone listed on this application borrowed money from or accepted money, equipment, fixtures, or anything of value from an owner or representative of a distiller, rectifier, blender, bottler, manufacturer, brewer, distributor, exporter, importer or retailer or secured a loan from any source connected with the alcoholic beverage industry?	( )	(X)

5. If purchasing the business, what is the purchase price?..... $ N/A

6. List the total investment:..... $ _____

A. Total CASH invested..... $ _____

B. Total LOANS invested..... $ _____

7. List below the names of all persons, firms or corporations that have or will advance any money for the operation of this business or that will hold any mortgage or security agreement against this business or have the right or ability to receive money from the business.

NAME	TYPE OF LOAN	AMOUNT OF LOAN

Section VII

Each corporate applicant must complete this section

Has the applicant corporation been convicted of a felony in this state, any other state, or by the United States in the last, past 15 years?

YES_____ NO X

If the answer is "YES", please list all of the particulars including the date of conviction, the crime for which the corporation was convicted, and the City, County, State, and Court where the conviction took place.

D. Is the proposed premises MOVABLE or ABLE TO BE MOVED?..... _____ X

E. Is the proposed premises located in a shopping center, mall or office building?..... _____ X

F. Is there any access through the premises to any area over which you do not have dominion and control?..... _____ X

G. Is the premises occupied by anyone not listed on this application?.. _____ X

SECTION V

FEDERAL EMPLOYER'S IDENTIFICATION NUMBER

A. Federal Employer's Identification Number: 65-0248701

B. Not Available ( ) I will submit to your agency as soon as possible.

SECTION VI

These questions must be answered about this business for every person or entity listed. Copies of agreements and documentation to support the financial arrangements must be submitted with this application.

	YES	NO
1. Is there a management contract or service agreement in connection with this business?.....	(X)	( )
2. Are there any agreements which require a payment of a percentage of gross or net receipts from the business operation?.....	(X)	( )
3. Does anyone hold a mortgage or security agreement for this business?.....	( )	( )
4. Have you or anyone listed on this application borrowed money from or accepted money, equipment, fixtures, or anything of value from an owner or representative of a distiller, rectifier, blender, bottler, manufacturer, brewer, distributor, exporter, importer or retailer or secured a loan from any source connected with the alcoholic beverage industry?.....	( )	(X)

5. If purchasing the business, what is the purchase price?.....$ N/A

6. List the total investment:.....$ _____

A. Total CASH invested.....$ _____

B. Total LOANS invested.....$ _____

DBR 42-001
Rev. 7/91

STATE OF FLORIDA
Department of Business Regulation
Division of Alcoholic Beverages and Tobacco

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE
AND CIGARETTE PERMIT

SECTION I

BUSINESS TELEPHONE # (813) 278-1177

TYPE OF LICENSE/PERMIT DESIRED: Check Appropriate Boxes

(X) Alcoholic Beverage License ( ) Cigarette Permit

TYPE OF APPLICATION: Check Appropriate Boxes

(X) New	( ) Change of Location	( ) Change of Business Name
( ) New – Temporary	Temporary	( ) Change of Officers/Stockholders
( ) Transfer	( ) Change in Series	( ) Correction
( ) Transfer – Temporary	( ) Decrease in Series	( ) Other
( ) Change of Location	( ) Increase in Series	

TYPE OF APPLICANT: Check Appropriate Box and List Charter Number, If Applicable

( ) Individual	( ) Partnership	
(X) Corporation	( ) Limited Partnership	( ) Charter Number N42334

1. Applicant's Full Name: The Olde Hickory Golf & Country Club Master Association, Inc.

2. Business Name: The Olde Hickory Golf & Country Club (Golf cart) MA

3. Location Address: 14670 Olde Hickory Boulevard, Fort Myers, Florida 33912
Street City State Zip

4. Mailing Address: 43 Barkley Circle, Suite 101, Fort Myers, Florida 33907
Street City State Zip

If application is for a NEW license/permit, questions 5-8 are not applicable.

5. Current Owner's Name: _____

6. Current Business Name: _____

7. Current Location Address: _____
Street City State Zip

8 Current License/Permit Number: 4-2189 (2-COP) Current Series: _____

9. Series of Licenses/Permits Desired: (GC (Golf Cart)) AND (_____).

10. Complete the following if you are an applicant for a quota, special or club alcoholic beverage license. The license is issued pursuant to _____, Florida Statutes or Special Acts, and as such we acknowledge the following minimum requirements must be met and maintained:

_____

_____

11. Does your business include the preparation, service or sale of food? No
If yes, have you registered with the Division of Hotels and Restaurants as a Public Food Service Establishment? _____. License/Control # _____.

SECTION II

(A). List below the names, titles and interest for all officers, directors, stockholders, limited partners and general partners of the business for which this license or permit is sought. (Attach extra sheets if necessary).

TITLE/POSITION	NAME	STOCK %
President:	Gary Haines	0%
Vice President:	Richard Burgeson	0%
Secretary:	Bruce Upton	0%
Treasurer:	Bruce Upton	0%

(B). List below the names and type of interest (i.e. lender, joint account holder, co-signer.) for all persons or entities not listed in part (A) above, who have an interest, directly or indirectly, in this application or the business for which the license/permit is sought. This may include a spouse, corporations, or any form of entity which is connected with the business.

NAME	TYPE OF INTEREST
N/A	

Business Name: The Olde Hickory Golf & Country Club Master Association, Inc.

Location Address: 14670 Olde Hickory Boulevard, Fort Myers, Florida 33912

SECTION IV (NOTE: THE DIVISION DOES NOT REQUIRE THAT ITEMS 1-3 BE COMPLETED IN ORDER)

1. ZONING:

If this application is for the issuance of an alcoholic beverage license where zoning approval is required, the zoning authority must complete "A" and "B".

If this application is for the issuance of an alcoholic beverage license where zoning approval is not required, the applicant must complete section "B".

To be completed by the Local Zoning Authorities.

A. The location (✓) Does Comply ( ) Does Not Comply with zoning requirements for the sale of alcoholic beverages pursuant to this application for a Series 2COP Golf Cart alcoholic beverage license. (per discussion w/ Fern Todd 5-21-92) AT

Signed: Michael P. Pavese Title: Planner I Date: 5-21-92

B. Is location within the limits of an Incorporated City or Town? ( ) YES (✓) NO

If "YES", Name of City or Town _____

2. HEALTH:

A. To be completed by the Division of Hotels and Restaurants, the County Health Authority or Department of Health and Rehabilitative Services.

The above establishment (X) Does Comply ( ) Does Not Comply with the requirements of the Florida Sanitary Code.

Signed: Henry J Chmura Date: 5.18.92

Title: Safety & San. Spec. Agency: DRT

3. RIGHT OF OCCUPANCY

	(YES)	(NO)
A. Does applicant have a legal right of occupancy to the premises?.....	X	
B. Does applicant own the property?.....		X
C. Does applicant rent, lease or sublease the property?.....	X	

Name of Landlord: U.S. HOME CORPORATION

Address of Landlord: 43 BARKLEY CIRCLE, SUITE 101, FORT MYERS, FLORIDA 33912

Terms of Rental Agreement: ONE YEAR - $1.00 PER YEAR UNTIL U.S. HOME CORPORATION TURNS PROJECT OVER TO THE OLDE HICKORY GOLF & COUNTRY CLUB MASTER ASSOCIATION, INC. UPON THE CONVEYANCE OF 90% OF HOMES.

SECTION III

1. SALES TAX: Owners Name: _____

Business Name: _____

A. Disclosure Authorization. Section A is to be Completed By Owner Only if Transfer of Alcoholic Beverage License.

I hereby authorize the Department of Revenue to release to the aforementioned applica and to the Division of Alcoholic Beverages and Tobacco the current status of my accou # _____.

Sworn to and Subscribed

before me this _____

day of _____, 19___. _____

Owner or Authorized Corporate Officer Must be Notarized

_____

Notary Public My Commission Expires: _____

B. Disclosure. Section B is to be Completed by Department of Revenue.

1. This is to verify that the current owner as named in this application has filed all returns and that all outstanding billings and returns have been paid through the period ending _____ or the liability has been acknowledged and agreed to be paid by the applicant. This verification does not constitute a certificate as contained in Section 212.10(1), F.S. (Not applicable if no transfer involved).

2. Furthermore, the named applicant for an Alcoholic Beverage License has complied with Florida Statutes concerning registration for Sales and Use Tax, and has paid any applicable taxes due.

Michael A Burnidge
(Signed)

CSI
(Title)

5/20/92
(Date)

DEPARTMENT OF REVENUE STAMP

APPROVED
DEPARTMENT OF REVENUE
Michael Burnidge
FL DEPT. OF REVENUE

D. Is the proposed premises MOVABLE or ABLE TO BE MOVED?..... X ____

E. Is the proposed premises located in a shopping center, mall or office building?..... ____ X

F. Is there any access through the premises to any area over which you do not have dominion and control?..... ____ X

G. Is the premises occupied by anyone not listed on this application?.. ____ X

SECTION V

FEDERAL EMPLOYER'S IDENTIFICATION NUMBER

A. Federal Employer's Identification Number: 65-0248701

B. Not Available ( ) I will submit to your agency as soon as possible.

SECTION VI

These questions must be answered about this business for every person or entity listed. Copies of agreements and documentation to support the financial arrangements must be submitted with this application.

	YES	NO
1. Is there a management contract or service agreement in connection with this business?	(X)	( )
2. Are there any agreements which require a payment of a percentage of gross or net receipts from the business operation?	(X)	( )
3. Does anyone hold a mortgage or security agreement for this business?	( )	(X)
4. Have you or anyone listed on this application borrowed money from or accepted money, equipment, fixtures, or anything of value from an owner or representative of a distiller, rectifier, blender, bottler, manufacturer, brewer, distributor, exporter, importer or retailer or secured a loan from any source connected with the alcoholic beverage industry?	( )	(X)

5. If purchasing the business, what is the purchase price?..... $ N/A

6. List the total investment:..... $ 500.00

A. Total CASH invested..... $ 500.00

B. Total LOANS invested..... $ -0-

7. List below the names of all persons, firms or corporations that have or will advance any money for the operation of this business or that will hold any mortgage or security agreement against this business or have the right or ability to receive money from the business.

NAME	TYPE OF LOAN	AMOUNT OF LOAN
BM	6/21/92	BM

Section VII

Each corporate applicant must complete this section

Has the applicant corporation been convicted of a felony in this state, any other state, or by the United States in the last, past 15 years?

YES _____ NO X

If the answer is "YES", please list all of the particulars including the date of conviction, the crime for which the corporation was convicted, and the City, County, State, and Court where the conviction took place.

STAFF'S
EXHIBIT # 1

LEE COUNTY
HEARING EXAMINER
2017 JUL -6 PM 2:58

LEE COUNTY, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING DIVISION
STAFF REPORT

CASE NUMBER: SEZ2017-00003
TYPE OF CASE: SPECIAL EXCEPTION
HEARING EXAMINER DATE: JULY 13, 2017

REQUEST:

A request pursuant to Lee County Land Development Code §34-1264(a)(3)c., for a special exception in the Residential Planned Development (RPD) zoning district for the Olde Hickory Golf & Country Club (Lee County Zoning Resolution No. Z-87-237), to allow an amendment to the existing consumption on premises (type 4-COP SFS beer, wine and spirits license) in conjunction with the clubhouse (Group III Restaurant) and (type 2-COP beer and wine license) in conjunction with a beverage cart for the golf course; to allow indoor and outdoor consumption on premises (type 4-COP SFS beer, wine and spirits license) in conjunction with the poolside [Food and Beverage Service] service, limited.

The request is to expand the existing license to allow service to the pool area within the Residential Planned Development. Specifically, a portion of STRAP Number: 27-45-25-02-0000D.00CE labeled as Tract F in the Olde Hickory Golf and Country Club Subdivision Plat per Plat Book 48, Pages 86 to 114. The overall subject property consists of 313.3± acres.

SUMMARY:

Staff recommends **APPROVAL** of the applicant's request with the Conditions found in Attachment C.

These conditions were created to address compatibility concerns with the surrounding land uses and promote harmony between existing and planned uses.

HISTORY OF PARCEL:

The overall property of Olde Hickory Club RPD was originally rezoned from agricultural (AG-2) to Residential Planned Development (RPD) in 1987 per Z-87-237 (see Attachment G). The approval includes 858 dwelling units, a Country Club with a clubhouse, and Recreational Facilities, Private, including an 18-hole golf course and swimming pool. The approval also includes ancillary commercial uses such as Food and Beverage Service, Limited and, at time of approval, Consumption on Premises within the clubhouse. This zoning was administratively amended in 1992 per PD-92-001 to include a Restaurant, Group III, within the clubhouse. This approval allowed the Restaurant to be open for the public for a period of three years, any extension of the public restaurant use would require an amendment otherwise it will remain private for members and guest of members (Attachment H).

Development of the site occurred intermittently over the years, beginning in 1992 (Development Orders 92-05-030.00D and 92-10-019.00D). During this time, the clubhouse, golf course, swimming pool, pool house and associated parking were constructed, as shown on aerial imagery. According to the plans approved per PD-92-001, the distance between the pool and pool deck area to the closest residential property line appears to be 25 feet. By 1996, the majority of the RPD was developed; however, a number of Limited Development Orders (LDOs) were issued subsequent to full build-out. In 2013, the clubhouse received approval for a 6,577± square foot addition to the fitness center per LDO2013-00054.

A redesign of the parking lot to replace as one way, angled parking was approved in September of 2016 (LDO2015-00346). According to the approved plans, the applicant demonstrated sufficient parking for the following uses: Tennis Courts, Poolside Cabana, Retail/Office, Golf Course or Restaurant, and the clubhouse Fitness Center.

As it exists today, the two-story clubhouse includes 7,500 square feet of office and a pro shop on the first floor, a 4,896-square-foot restaurant on the second floor, and a 2,781-square-foot fitness center. The pool area includes a 1,181 square foot cabana/pool house and the surrounding deck area and the 18-hole golf course.

Code Enforcement Violation VIO2017-05015 was issued for the subject property for consumption of alcoholic beverages outside the clubhouse without the required COP approval; however, the violation was closed upon receiving temporary extensions of the license to the pool area per COP2017-00053, COP2017-00057, and COP2017-00058. These temporary extensions are permissible through the provisions contained in LDC Section 34-1264(d).

On June 28, 2017, staff received correspondence from Banks Engineering, the applicant's representative, containing a settlement agreement between The Olde Hickory Golf & Country Master Association, Inc. and several private homeowners within the Planned Development. These owners are located immediately adjacent to the pool area. The settlement included conditions intended to address the private parties' concerns about the proposed COP location and operation. This agreement furthers staff recommendation of approval; the request provides measures that consider impacts to adjoining property owners to ensure compatibility with the surrounding residences (see Attachment N).

CHARACTER OF THE AREA:

According to the Olde Hickory Country Club's website, the subject property is described as a place "where excellence in golf and country club living finds a home". The Residential Planned Development promotes harmony between the associated golf and country club recreation and the mix of residential uses including single-family, multi-family and townhomes.

To the north of the property is Indian Pony Drive, which provides access to vacant properties zoned Commercial Planned Development (CPD), Agricultural (AG-2), Special Commercial Office (CS-1) and Single Family Residential (RS-1). To the east are two vacant properties, one zoned CPD and the other AG-2. Located to the south is a vacant AG-2 property. To the west of

the subject property, separated by Fiddlesticks Blvd., is The Legends RPD, which is another Golf & Country Club.

Olde Hickory Golf & Country Club is located within the Daniels Parkway Planning Community according to the Lee Plan. The area consists of rural characteristics and is intended to be developed with low density gated communities. The subject application is internal to the existing community and appears to be consistent with the Planning Community vision.

The subject property is divided into two future land use categories as defined by the Lee Plan; Outlying Suburban and Wetlands. The adjoining properties on either side of the subject property are similarly categorized; however, the property to the north is within the General Interchange category and the property to the south has portions within the Rural category. The Olde Hickory Golf & Country Club Residential Planned Development received approval prior to the adoption of the Lee Plan. The original zoning approval for 858 dwelling units would not be consistent with the efforts to retain low-density development areas (Lee Plan Policies 1.1.6 and 1.5.1); however, according to the development plans submitted in 1992 (92-10-019-00D), there are 561 residential units, which is consistent with the density calculations found in Table 1(a) of the Lee Plan for Outlying Suburban and Wetlands.

ANALYSIS:

The clubhouse and associated Restaurant, Group III, as approved in PD-92-001, operates with an existing license (4-COP SFS) in conjunction with the restaurant and is compliant with State regulations (see State Alcohol License, Attachment L). The proposal requests an extension of the 4-COP SFS license to the poolside area, in conjunction with the proposed Food and Beverage Service, Limited (pool house) and corresponding seating area. The Food and Beverage Service, Limited with a designated outdoor seating area for consumption on premises contains a total area of 2,486 square feet to be considered for approval in regards to the expansion of the license.

As shown on the site plan, the pool deck will not further encroach upon the distance between the edge of the pool area and the closest residential property line. The proposed site plan reflects an existing and proposed distance to be 23.3 feet, which gives the appearance of a construction error based on the original zoning site plan. It should be noted that the pool area and distance to the nearest residential property line has not received approvals to reflect otherwise. This distance, paired with existing vegetation, is intended to minimize disruption to the surrounding residential areas (Lee Plan Policy 5.1.5).

Environmental Services staff has reviewed the request and has found the proposal to have no impacts on open space requirements (see Attachment I). As the application is a Special Exception for consumption on premises, no Traffic Impact Study was provided (per LDC Section 34-203(e)(5)), nor is a review of the available urban services and infrastructure necessary as the request is internal to the site.

It should be noted that the neighboring Residential Planned Development referred to as The Legends received approval to permit a 4-COP SRX (now referred to as SFS) to 4-COP license

change and expansion of the service area to include the swimming pool deck area per COP2010-00102 (see Attachment J).

Pursuant to LDC Section 34-1264(a)(3)(c), consumption on the premises for other uses within planned developments and planned unit developments require administrative approval or a special exception. The original zoning resolution approved Food and Beverage Service, Limited and consumption on premises within the clubhouse. Approval of this special exception would allow the expansion of consumption on premises to serve both the clubhouse and pool house with corresponding seating area.

Florida Statutes will regulate the SFS license in conjunction with food sales, as the license requires that the sale of food generates more than 50 percent of the revenues. The applicants have provided a menu for the existing clubhouse Restaurant, Group III and proposed Food and Beverage, Limited use (see Attachment K). Florida Statutes also requires the restaurant to have at least 2,500 square feet of floor space under a permanent cover and seating for serving at least 150 patrons at one time in the restaurant. The license for the existing restaurant indicates a maximum seating capacity of 209 persons (see Attachment M). The poolside area proposes an additional 66 seats, resulting in a total of 275 seats. The site plan depicts the existing 4,896-square-foot Restaurant, Group III which is under a permanent roof, and the proposed 755-square-foot, under roof, poolside Food and Beverage Service, Limited (see Site Plan, Attachment F). The combined totals will comply with State Regulations for the license requirements.

CONCLUSION:

Based upon an analysis of the application and the standards for approval of a special exception in accordance with the LDC Section 34-145(c)(3), staff makes the following findings and conclusions:

a) The request is consistent with the goals, objectives, polices and intent of the Lee Plan as previously noted with respect to Policies 1.1.6, 1.5.1 and 5.1.5;

b) The request will protect, conserve or preserve environmentally critical areas and sensitive areas and natural resources;

c) The request will be compatible with existing and planned uses and will serve to benefit the existing uses. The extension of the current golf course clubhouse and restaurant use is available to the residents of the country club and will not be open to the public;

d) The request will not be injurious to the neighborhood or detrimental to the public welfare. The proposal provides for contained areas of outdoor consumption and limited hours of operation; and

e) The request will be in compliance with all zoning regulations pertaining to the use and other applicable regulations as:

This request is consistent with the Land Development Code Section 34-1264(a)(3)(c), which states "*consumption on the premises for other uses within planned development and planned unit developments require administrative approval or a special exception."* The addition is also consistent with LDC Section 34-1264(b)(3); the site plan demonstrates the available parking is consistent with previous approvals and the current request. Also, the request is in conjunction with uses included within the previous zoning approvals.

Staff supports the request and recommends approval, subject to the following **CONDITIONS**:

1. Approval is limited to indoor and outdoor consumption on premises (4-COP SFS) in conjunction with a Food and Beverage Service, Limited located within the pool area as shown on the site plan stamped "Received" by Community Development on June 27, 2017 (see Attachment F).

2. The outdoor seating area is limited to the 641-square-foot hatched area as shown on the site plan (see Attachment F).

3. No outdoor live entertainment is permitted; however, background music may be piped into the outdoor seating area, provided the volume is kept at or below a normal conversation level.

4. The hours of operation for the outdoor consumption on premises (4-COP SFS) in conjunction with the Food and Beverage Service, Limited, will be from 11:00 AM to 8:00 PM, with last call and music out at 7:30 PM, in accordance with the Lee County Noise Control Ordinance.

5. All parts of the pool deck must be available for the residents and guests regardless of consuming any food or beverages from the clubhouse restaurant/bar. No portion of the pool deck may be reserved exclusively for customers of said restaurant/bar.

6. Any subsequent development will need to obtain appropriate approvals to ensure consistency with the Land Development Code.

ATTACHMENTS:

A. Expert Witness Information
B. Maps: surrounding zoning, future land use and aerial photography
C. Conditions of Approval
D. Narrative
E. Legal Description
F. Site Plan
G. Z-87-237
H. PD-92-001
I. ES Staff Memo
J. COP2010-00102
K. Menu(s)
L. State Alcohol License
M. State Restaurant License
N. Banks Engineering Correspondence & Settlement Agreement

ATTACHMENT A

LEE COUNTY STAFF EXPERT WITNESS INFORMATION
PROVIDED PURSUANT TO AC-2-6, SECTION 2.2.b(5)(f)3.

Jessica Leatherman, Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, zoning, and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Beth Workman, Planner, Environmental Sciences, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, zoning, and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.



SEZ2017-00003
Aerial

Legend

Subject Property

N

0 125 250 500
Feet

Lee County
Southwest Florida

ATTACHMENT B



SEZ2017-00003
Zoning

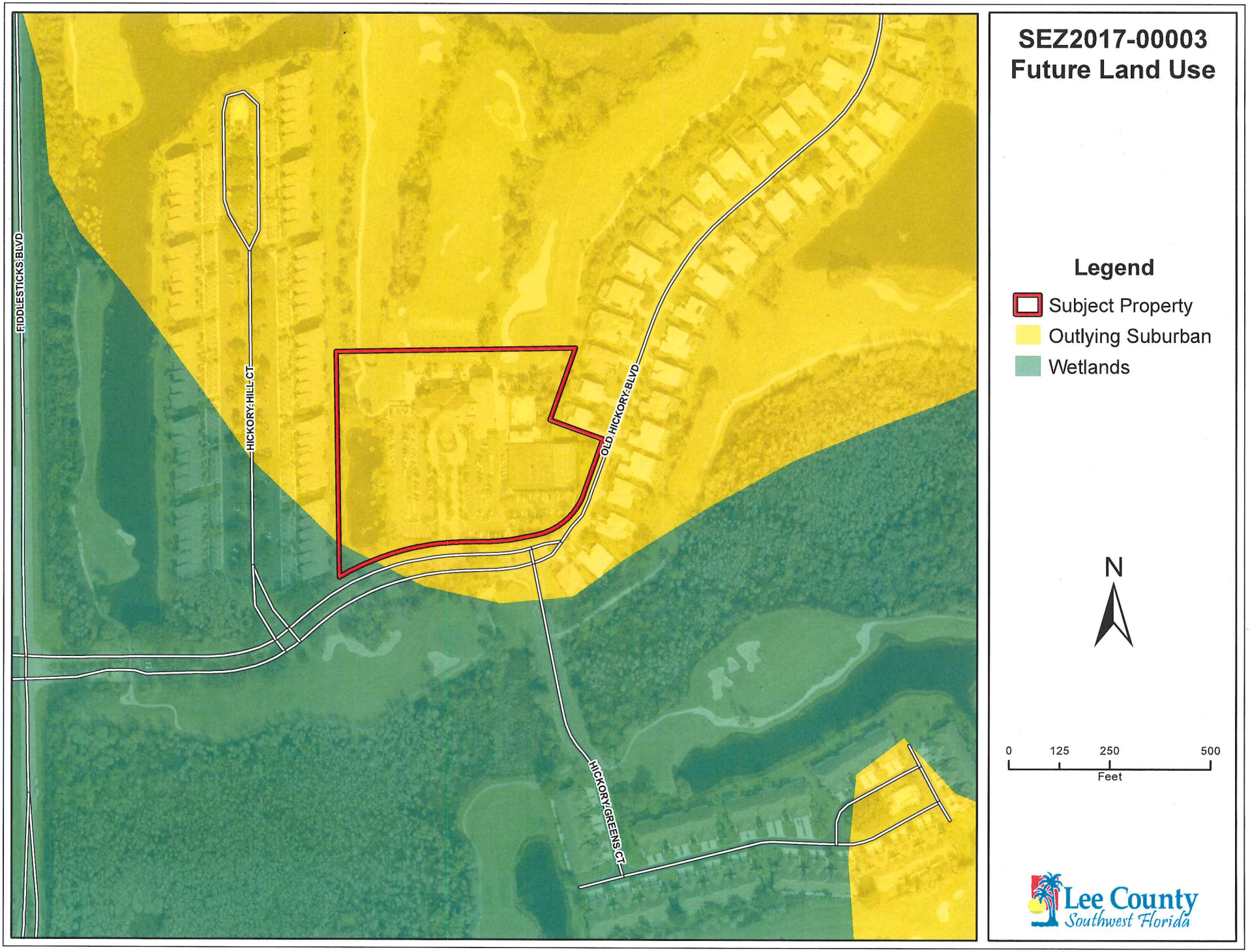
Legend

Subject Property

N

0 125 250 500
Feet

Lee County
Southwest Florida


SEZ2017-00003
Future Land Use
Legend
Subject Property
Outlying Suburban
Wetlands
FIDDLESTICKS BLVD
HICKORY HILL CT
OLD HICKORY BLVD
HICKORY GREENS CT
N
0
125
250
500
Feet
Lee County
Southwest Florida

ATTACHMENT C

CONDITIONS

1. Approval is limited to indoor and outdoor consumption on premises (4-COP SFS) in conjunction with a Food and Beverage Service, Limited located within the pool area as shown on the site plan stamped "Received" by Community Development on June 27, 2017 (see Exhibit F).

2. The outdoor seating area is limited to the 641-square-foot hatched area as shown on the site plan (see Exhibit F).

3. No outdoor live entertainment is permitted; however, background music may be piped into the outdoor seating area, provided the volume is kept at or below a normal conversation level.

4. The hours of operation for the outdoor consumption on premises (4-COP SFS) in conjunction with the Food and Beverage Service, Limited, will be from 11:00 AM to 8:00 PM, with last call and music out at 7:30 PM, in accordance with the Lee County Noise Control Ordinance.

5. All parts of the pool deck must be available for the residents and guests regardless of consuming any food or beverages from the clubhouse restaurant/bar. No portion of the pool deck may be reserved exclusively for customers of said restaurant/bar.

6. Any subsequent development will need to obtain appropriate approvals to ensure consistency with the Land Development Code.

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Olde Hickory Golf & Country Club

Request Statement

The applicant is requesting a special exception for outdoor seating consumption on premises (COP) for proposed poolside food and beverage service, limited, that will replace the existing pool cabana at the existing Olde Hickory Golf & Country Club clubhouse.

Olde Hickory Golf & Country Club originally received Residential Planned Development (RPD) zoning approval on August 8, 1988 via zoning resolution Z-87-237. This RPD approval allowed 858 dwelling units, also including "*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, specialty retail shops, real estate sales office, models, signs, entrance gates, gatehouses, sewage treatment plant, maintenance building, lakes and environmentally sensitive preserve areas.*" Consumption on Premises and Food and Beverage Service, Limited, were included in the original approval of the planned development. The RPD was administratively amended on March 11, 1992 by PD-92-001 which allowed a standard group III restaurant in the clubhouse, to be open to the public. Pursuant to 34-1264(a)(3)c., consumption on the premises for other uses within planned developments and planned unit developments require administrative approval or a special exception.

Proposed is a special exception for outside seating consumption on premises. The proposed use will be a poolside bar and grill for members and guests and will not be open to the public (food and beverage service, limited). The type of state liquor license to be acquired for the amenity center includes a 2COP (for the beverage cart) and a 4COP – SRX for the Clubhouse, including the poolside food and beverage service and associated outdoor seating subject to this special exception request.

The property qualifies for the special exception based on the findings/review criteria set forth in 34-145(c)(3) as listed below:

a.1. *The request is consistent with the goals, objectives, policies, and intent of the Lee Plan.*

The existing zoning and development approvals demonstrate the existing development's consistency with the Lee Plan. The request to allow outdoor seating consumption on promises does not change the fact that the project is consistent with the Lee Plan and the LDC.

RECEIVED JAN 17 2017 COMMUNITY DEVELOPMENT

• SERVING THE STATE OF FLORIDA •

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Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523
Engineering License No. EB 6469 • Surveying License No. LB 6690

SEZ 2017-00003

ATTACHMENT D

a.2. *The request will protect, conserve, or preserve environmentally critical and sensitive areas and natural resources, where applicable.*

Not applicable

a.3. *The request will be compatible with existing and planned uses.*

The request will be compatible with existing and planned uses. The site plan attached to PD-92-001 showed a setback of 25 feet between the pool deck and Lot 26 which is developed with an existing single-family residence. A field location survey of the existing conditions of the site revealed that the existing pool deck is actually located 23 feet from this adjacent lot. The proposed outdoor seating area is located at the location of the existing pool deck and will not encroach into the existing 23-foot setback area. The proposed conditions will provide less of an impact than the existing conditions. The existing conditions have no sound abatement for the poolside activities, only vegetation screening. Although there is currently heavy vegetation separating the pool deck from the adjacent residence, the proposed use will install a sound barrier along this area with the outdoor seating. The sound barrier will consist of a noise abatement wall covered with a special soundproofing liner with an angled top to further deflect noise away from the adjacent residences. The outdoor seating area will also have a retractable pergola. In addition to the wall, heavy vegetation will also be maintained. See below aerial view showing the existing vegetation in this area.



a.4. *The request will not be injurious to the neighborhood or detrimental to the public welfare.*

As stated previously, the proposed outdoor seating area is located at the location of the existing pool deck and will not encroach into the existing 23-foot setback area. The proposed conditions will provide less of an impact than the existing conditions. The existing conditions have no sound abatement for the poolside activities, only vegetation screening. Although there is currently heavy vegetation separating the pool deck from the adjacent residence, the proposed use will install a sound barrier along this area with the outdoor seating. The sound barrier will consist of a noise abatement wall covered with a special soundproofing liner with an angled top to further deflect noise away from the adjacent residences. The outdoor seating area will also have a retractable pergola. In addition to the wall, heavy vegetation will also be maintained. See above aerial view showing the existing vegetation in this area.

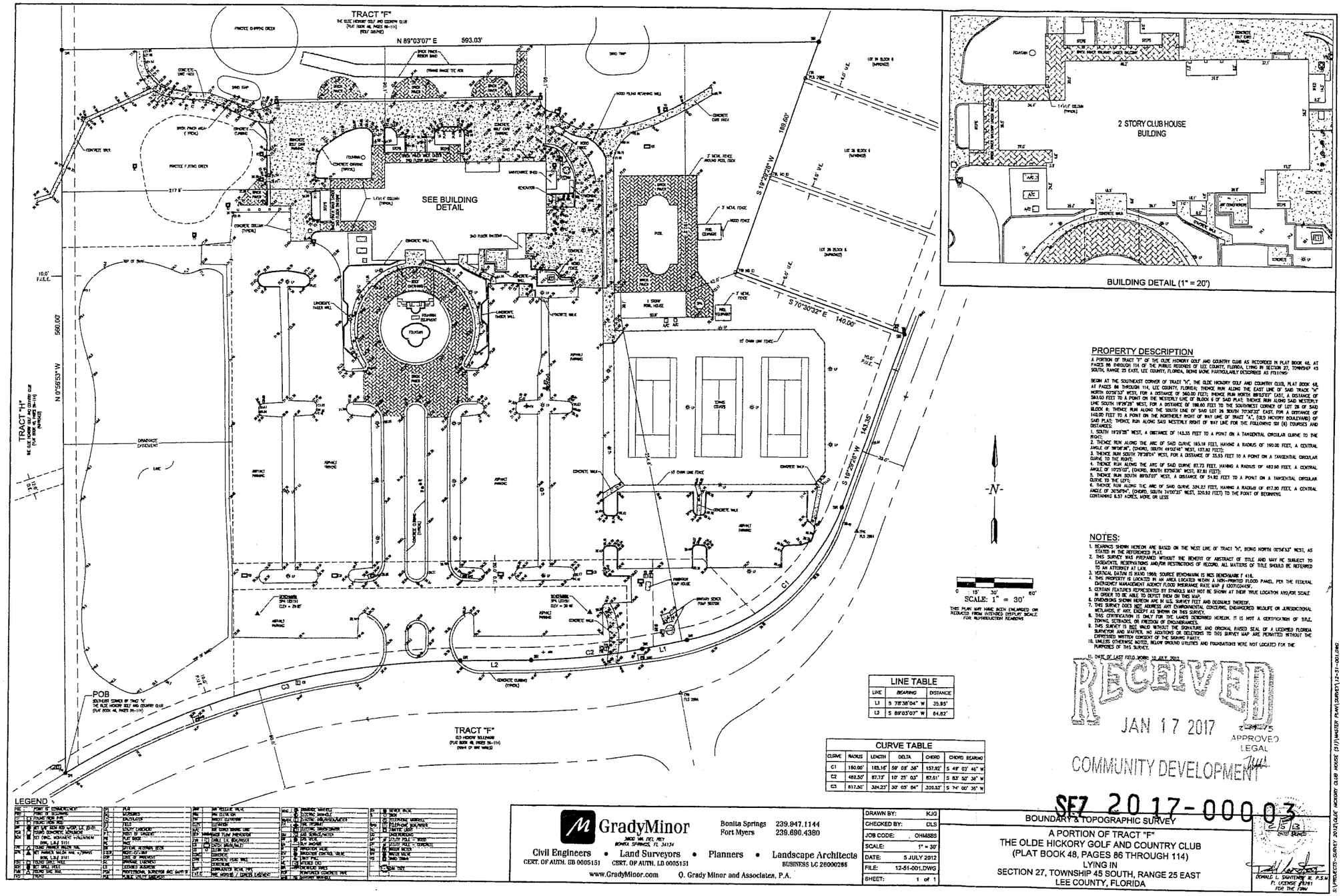
a.5. *The request will be in compliance with zoning regulations pertaining to the use and other applicable regulations.*

The request is in compliance with zoning regulations pertaining to the use. Consumption on Premises and Food and Beverage Service, Limited, were included in the original approval of the planned development.

The additional criteria of 34-145(c)(3)b., pertaining to new antenna supporting structure wireless communication facilities, is not applicable to this special exception request.

It should be noted that a TIS is not required for special exceptions for consumption on premises. The attached site plan shows the location and current use of the existing structures on the site. The plan also shows the proposed demolition and development plan, along with existing means of vehicular access to and from the site, which is not proposed to be changed. The site plan includes a detailed parking plan demonstrating compliance with parking requirements. Attached you will also find a written statement describing the type of state liquor license to be acquired and the anticipated hours of operation of the business.

As demonstrated above, there will be no apparent deleterious effect upon surrounding properties and the immediate neighborhood, as represented by property owners within 500 feet of the premises. The existing conditions have a pool deck with only fencing and vegetation within 23 feet of the closest adjacent residence. The proposed conditions will not encroach into this existing 23-foot separation and will install a sound abatement wall along the outdoor seating area and will maintain heavy vegetation. The proposed improvements will also provide sound abatement from the poolside activities that are currently permitted in this area. The premises are suitable in regard to their location, site characteristics and intended purpose. Lighting will be shuttered and shielded from surrounding properties.



BUILDING DETAIL (1" = 20')

PROPERTY DESCRIPTION

A PORTION OF TRACT "F" OF THE OLDE HICKORY GOLF AND COUNTRY CLUB AS RECORDED IN PLAT BOOK 48, AT PAGES 86 THROUGH 114 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING IN SECTION 27, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF TRACT "H", THE OLDE HICKORY GOLF AND COUNTRY CLUB, PLAT BOOK 48, AT PAGES 86 THROUGH 114, LEE COUNTY, FLORIDA; THENCE RUN ALONG THE EAST LINE OF SAID TRACT "H" NORTH 00°56'53" WEST, FOR A DISTANCE OF 560.00 FEET; THENCE RUN NORTH 89°03'07" EAST, A DISTANCE OF 593.03 FEET TO A POINT ON THE WESTERLY LINE OF BLOCK 6 OF SAID PLAT; THENCE RUN ALONG SAID WESTERLY LINE SOUTH 19°29'28" WEST, FOR A DISTANCE OF 189.60 FEET TO THE SOUTHWEST CORNER OF LOT 26 OF SAID BLOCK 6; THENCE RUN ALONG THE SOUTH LINE OF SAID LOT 26 SOUTH 70°30'32" EAST, FOR A DISTANCE OF 140.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF TRACT "A", (OLD HICKORY BOULEVARD) OF SAID PLAT; THENCE RUN ALONG SAID WESTERLY RIGHT OF WAY LINE FOR THE FOLLOWING SIX (6) COURSES AND DISTANCES:

1. SOUTH 19°29'28" WEST, A DISTANCE OF 143.35 FEET TO A POINT ON A TANGENTIAL CIRCULAR CURVE TO THE RIGHT;
2. THENCE RUN ALONG THE ARC OF SAID CURVE 165.18 FEET, HAVING A RADIUS OF 160.00 FEET, A CENTRAL ANGLE OF 59°08'36", (CHORD, SOUTH 49°03'46" WEST, 157.92 FEET);
3. THENCE RUN SOUTH 78°38'04" WEST, FOR A DISTANCE OF 35.95 FEET TO A POINT ON A TANGENTIAL CIRCULAR CURVE TO THE RIGHT;
4. THENCE RUN ALONG THE ARC OF SAID CURVE 87.73 FEET, HAVING A RADIUS OF 482.50 FEET, A CENTRAL ANGLE OF 10°25'03", (CHORD, SOUTH 83°50'36" WEST, 87.61 FEET);
5. THENCE RUN SOUTH 89°03'07" WEST, A DISTANCE OF 54.82 FEET TO A POINT ON A TANGENTIAL CIRCULAR CURVE TO THE LEFT;
6. THENCE RUN ALONG THE ARC OF SAID CURVE 324.23 FEET, HAVING A RADIUS OF 617.50 FEET, A CENTRAL ANGLE OF 30°05'04", (CHORD, SOUTH 74°00'35" WEST, 320.53 FEET) TO THE POINT OF BEGINNING.

CONTAINING 8.57 ACRES, MORE OR LESS

NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF TRACT "H", BEING NORTH 00°56'53" WEST, AS STATED IN THE REFERENCED PLAT.
2. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF ABSTRACT OF TITLE AND MAY BE SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RESTRICTIONS OF RECORD. ALL MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW.
3. VERTICAL DATUM IS NAVD 1988. SOURCE BENCHMARK IS NGS BENCHMARK F 416.
4. THIS PROPERTY IS LOCATED IN AN AREA LOCATED WITHIN A NON-PRINTED FLOOD PANEL, PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP # 12071C0445F.
5. CERTAIN FEATURES REPRESENTED BY SYMBOLS MAY NOT BE SHOWN AT THEIR TRUE LOCATION AND/OR SCALE IN ORDER TO BE ABLE TO DEPICT THEM ON THIS MAP.
6. DIMENSIONS SHOWN HEREON ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF.
7. THIS SURVEY DOES NOT ADDRESS ANY ENVIRONMENTAL CONCERNS, ENDANGERED WILDLIFE OR JURISDICTIONAL WETLANDS, IF ANY, EXCEPT AS SHOWN ON THIS SURVEY.
8. THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS, OR FREEDOM OF ENCUMBRANCES.
9. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER. NO ADDITIONS OR DELETIONS TO THIS SURVEY MAP ARE PERMITTED WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE SIGNING PARTY.
10. UNLESS OTHERWISE NOTED, BELOW GROUND UTILITIES AND FOUNDATIONS WERE NOT LOCATED FOR THE PURPOSES OF THIS SURVEY.
11. DATE OF LAST FIELD WORK: 10 JULY 2012

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 78°38'04" W	35.95'
L2	S 89°03'07" W	54.82'

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD	CHORD BEARING
C1	160.00'	165.18'	59° 08' 36"	157.92'	S 49° 03' 46" W
C2	482.50'	87.73'	10° 25' 03"	87.61'	S 83° 50' 36" W
C3	617.50'	324.23'	30° 05' 04"	320.53'	S 74° 00' 35" W

LEGEND

POC	POINT OF COMMENCEMENT	CO	CLEAN OUT	FHR	FIRE HYDRANT VALVE	MW	MONITORING WELL
POB	POINT OF BEGINNING	ELEC	ELECTRIC BOX	FFE	FINISH FLOOR ELEVATION	ELEC	ELECTRIC METER/GENERATOR
L1	UTILITIES FROM R/W	EB	ELECTRIC BOX	ELEV	ELEVATION	EM	ELECTRIC MANHOLE/VAULT
L2	UTILITIES FROM R/W	FLH	FLAT HEAD	WMH	WATER METER MANHOLE	FO	FIBER OPTIC
C1	ARC LEN: 165.18 RAD: 160.00 DELTA: 59°08'36" CHORD BRG: S49°03'46"W CHORD LEN: 157.92	SCB	SOUTH CAROLINA	WM	WATER METER	FOH	FIBER OPTIC MANHOLE
C2	ARC LEN: 87.73 RAD: 482.50 DELTA: 10°25'03" CHORD BRG: S83°50'36"W CHORD LEN: 87.61	MH	MANHOLE	WV	WATER VALVE	FOV	FIBER OPTIC VAULT
C3	ARC LEN: 324.23 RAD: 617.50 DELTA: 30°05'04" CHORD BRG: S74°00'35"W CHORD LEN: 320.53	PM	PIPE	GV	GAS VALVE	GM	GAS METER
CM	CONCRETE MONUMENT FOUND	CB	CATCH BASIN (TYP.)	GM	GAS MANHOLE	GV	GAS VALVE
PC	POINT OF CURVATURE	DI	DRAIN INLET	GAS	GAS METER	GM	GAS METER
PT	POINT OF TANGENCY	SDMH	STORM MANHOLE	BFP	BACK FLOW PREVENTOR	BFP	BACK FLOW PREVENTOR
PCP	PERMANENT CONTROL POINT	SDCO	STORM CLEAN OUT	CWE	CABLE T.V. BOX/PEDS	CWE	CABLE T.V. BOX/PEDS
PRM	PERMANENT REFERENCE MONUMENT	SDMH	STORM MANHOLE	CATV	CABLE T.V. BOX/PEDS	CATV	CABLE T.V. BOX/PEDS
⊙	SET 5/8" IRON ROD W/CAP LEE (6351)	SD	STORM DRAIN	CB	CATCH BASIN (TYP.)	CB	CATCH BASIN (TYP.)
●	FOUND CONCRETE MONUMENT	SDI	STORM DRAIN INLET	DI	DRAIN INLET	DI	DRAIN INLET
PRM	SET PERMANENT REFERENCE MONUMENT (PRM) LB 3191	SSMH	SANITARY SEWER MANHOLE	SSMH	SANITARY SEWER MANHOLE	SSMH	SANITARY SEWER MANHOLE
⊙	SET 5/8" IRON ROD W/CAP LEE (6351)	SSCO	SANITARY SEWER CLEAN OUT	SSCO	SANITARY SEWER CLEAN OUT	SSCO	SANITARY SEWER CLEAN OUT
●	FOUND CONCRETE MONUMENT	SS	SANITARY SEWER	SS	SANITARY SEWER	SS	SANITARY SEWER
PCP	SET PERMANENT CONTROL POINT (PCP) LB 3191	FM	FORCE MAIN	FM	FORCE MAIN	FM	FORCE MAIN
▲	SET NAIL & DISK FOUND NAIL & DISK	LS	LIFT STATION	LS	LIFT STATION	LS	LIFT STATION
▲	NAIL FOUND	W	WELL	W	WELL	W	WELL
⊙	SET 5/8" IRON ROD W/CAP LB 3191	IRR	IRRIGATION RISER	IRR	IRRIGATION RISER	IRR	IRRIGATION RISER
●	FOUND 5/8" IRON ROD	IV	IRRIGATION VALVE	IV	IRRIGATION VALVE	IV	IRRIGATION VALVE
⊙	SET NAIL & DISK	ICV	IRRIGATION CONTROL VALVE	ICV	IRRIGATION CONTROL VALVE	ICV	IRRIGATION CONTROL VALVE
●	FOUND NAIL & DISK	WV	WATER VALVE	WV	WATER VALVE	WV	WATER VALVE
⊙	SET 5/8" IRON ROD W/CAP LB 3191	MES	MITERED END SECTION	MES	MITERED END SECTION	MES	MITERED END SECTION
●	FOUND 5/8" IRON ROD	RCP	REINFORCED CONCRETE PIPE	RCP	REINFORCED CONCRETE PIPE	RCP	REINFORCED CONCRETE PIPE
⊙	SET NAIL & DISK	SW	SANITARY MANHOLE	SW	SANITARY MANHOLE	SW	SANITARY MANHOLE
●	FOUND NAIL & DISK						
PRM	PERMANENT REFERENCE MONUMENT						
PCP	PERMANENT CONTROL POINT						
▲	FOUND NAIL						

GradyMinor
3800 VIA DEL REY
BONITA SPRINGS, FL 34134
Civil Engineers • Land Surveyors • Planners • Landscape Architects
CERT. OF AUTH. EB 0005151 CERT. OF AUTH. LD 0005151 BUSINESS LC 26000255
www.GradyMinor.com © Grady Minor and Associates, P.A.

Bonita Springs 239.947.1144
Fort Myers 239.690.4360

DRAWN BY:	KJG
CHECKED BY:	DLS
JOB CODE:	OHM&BS
SCALE:	1" = 30'
DATE:	5 JULY 2012
FILE:	12-51-001.DWG
SHEET:	1 of 1

RECEIVED
JAN 17 2017
APPROVED
LEGAL
COMMUNITY DEVELOPMENT

SEZ 2017-00003

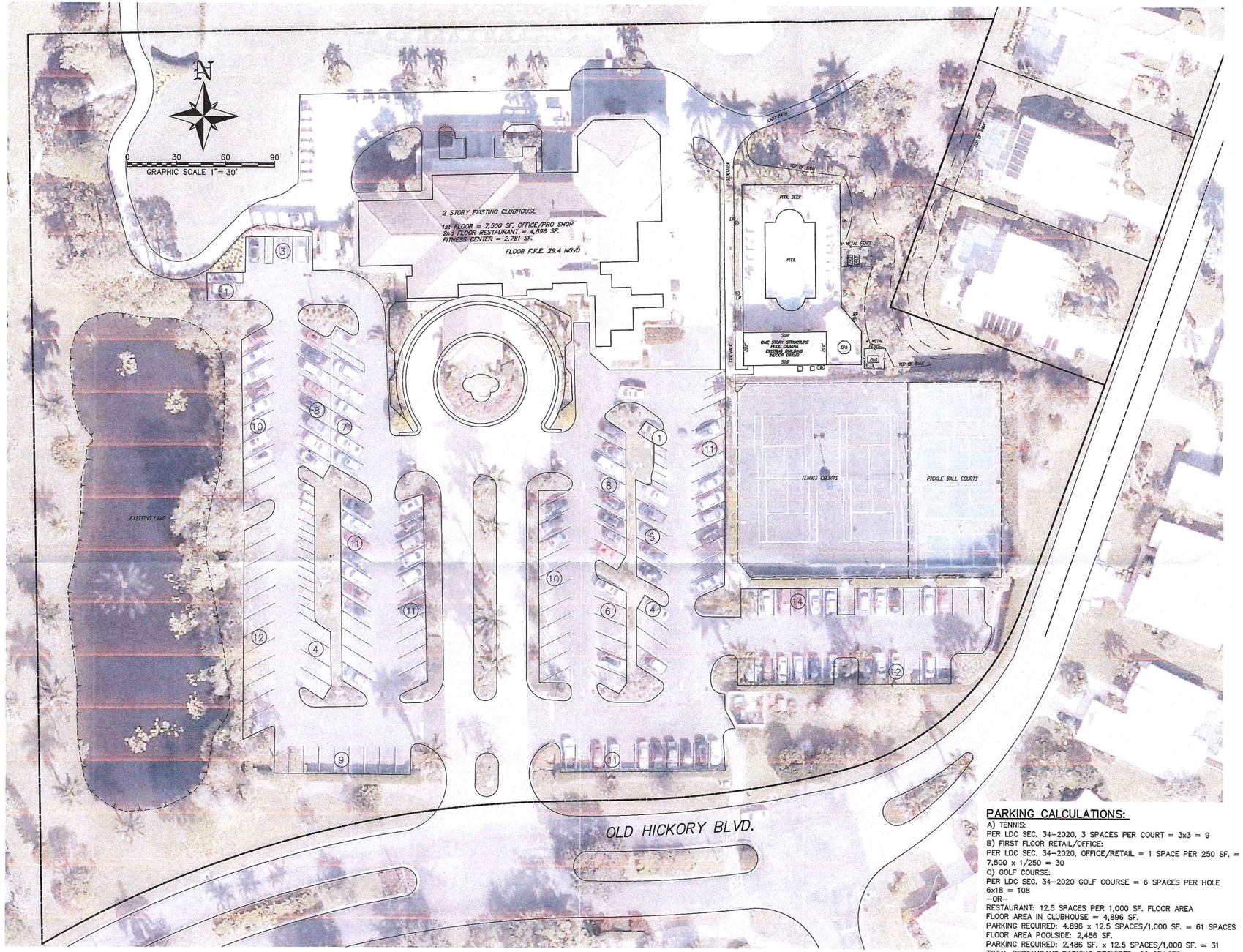
BOUNDARY & TOPOGRAPHIC SURVEY

A PORTION OF TRACT "F"
THE OLDE HICKORY GOLF AND COUNTRY CLUB
(PLAT BOOK 48, PAGES 86 THROUGH 114)
LYING IN
SECTION 27, TOWNSHIP 45 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

STATE OF FLORIDA
DONALD L. SHAFFERY III, P.S.M.
FL LICENSE #6781
FOR THE FIRM

S:\PROJECTS-SURVEY 2012\OLDE HICKORY CLUB HOUSE (3)\MASTER PLAN\SURVEY\12-51-001.DWG

ATTACHMENT E

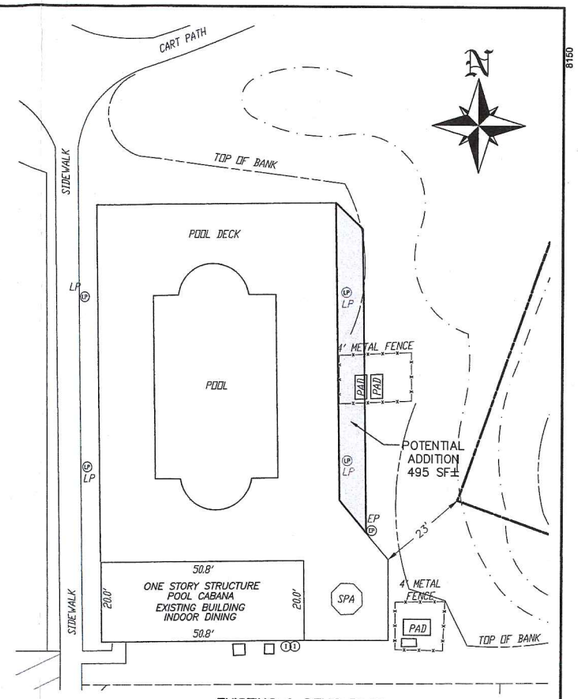


EXISTING CONDITIONS PLAN

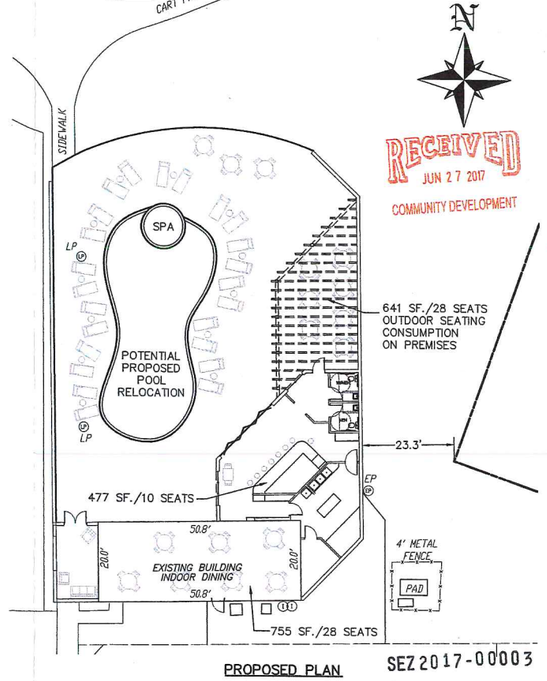
	SERVING AREA	SEATS
EXISTING CLUBHOUSE RESTAURANT	4,896 SF.	209
PROPOSED POOLSIDE INDOOR	1,845 SF.	38
PROPOSED POOLSIDE OUTDOOR	641 SF.	28
TOTAL	**7,382 SF.**	**275**

PARKING CALCULATIONS:

A) TENNIS:
PER LDC SEC. 34-2020, 3 SPACES PER COURT = 3x3 = 9
B) FIRST FLOOR RETAIL/OFFICE:
PER LDC SEC. 34-2020, OFFICE/RETAIL = 1 SPACE PER 250 SF. = 7,500 x 1/250 = 30
C) GOLF COURSE:
PER LDC SEC. 34-2020 GOLF COURSE = 6 SPACES PER HOLE 6x18 = 108
-OR-
RESTAURANT: 12.5 SPACES PER 1,000 SF. FLOOR AREA
FLOOR AREA IN CLUBHOUSE = 4,896 SF.
PARKING REQUIRED: 4.896 x 12.5 SPACES/1,000 SF. = 61 SPACES
FLOOR AREA POOLSIDE: 2,486 SF.
PARKING REQUIRED: 2,486 SF. x 12.5 SPACES/1,000 SF. = 31
TOTAL RESTAURANT PARKING REQUIRED: 92 SPACES
SPACES REQUIRED EQUALS GREATER OF GOLF OR RESTAURANT = 108 SPACES
D) CLUBHOUSE FITNESS CENTER:
PER LDC SEC. 34-2020 RECREATION = 4 SPACES PER 1,000 SF.
2,781 x 4/1,000 = 11 SPACES
TOTAL SPACES REQUIRED: 9+30+108+11 = 158
CAR SPACES PROVIDED: EXIST. 158
GOLF CART SPACES PROVIDED: 21
TOTAL SPACES PROVIDED = 179, 113.3% OF REQUIRED.



EXISTING & DEMO PLAN



RECEIVED
JUN 27 2017
COMMUNITY DEVELOPMENT

PROPOSED PLAN

SEZ 2017-00003

ATTACHMENT F

PREPARED FOR:
OLDE HICKORY GOLF & COUNTRY CLUB MASTER ASSN. INC.
14670 OLD HICKORY BLVD.
FORT MYERS FL. 33912

NO.	DATE	REVISION DESCRIPTION	BY
3	6/14/2017	PER SETTLEMENT AGREEMENT	SEH
2	4/7/2017	UPDATED SEATING	SEH
1	2/14/2017	1ST SUFFICIENCY RESPONSE	SEH

BANKS ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida
10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

OUTDOOR COP SPECIAL EXCEPTION PLAN
OLDE HICKORY GOLF & COUNTRY CLUB
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
12/22/2016	8150P	EXIST. COND.		JLS	SEH	AS SHOWN	1

D:\USERS\JMS\DOCUMENTS\OLDE HICKORY GOLF & COUNTRY CLUB-POOL AREA 3-16-2017.DWG 6/27/2017 10:48 PM JOSE SANCHEZ

33.00
$5.00 BILLED

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

2603438

OF LEE COUNTY, FLORIDA

OR2050

PG4081

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;

ATTACHMENT G

(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 PG1082

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 PG1084

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.

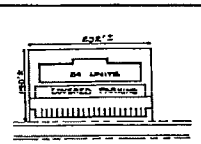
Approved as to form by:

County Attorney's Office

OR2050 PG4086

(5144L/48)

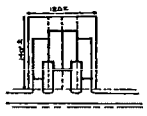
FEB 22 8 43 AM '89



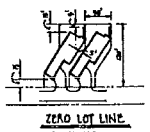
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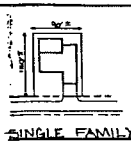
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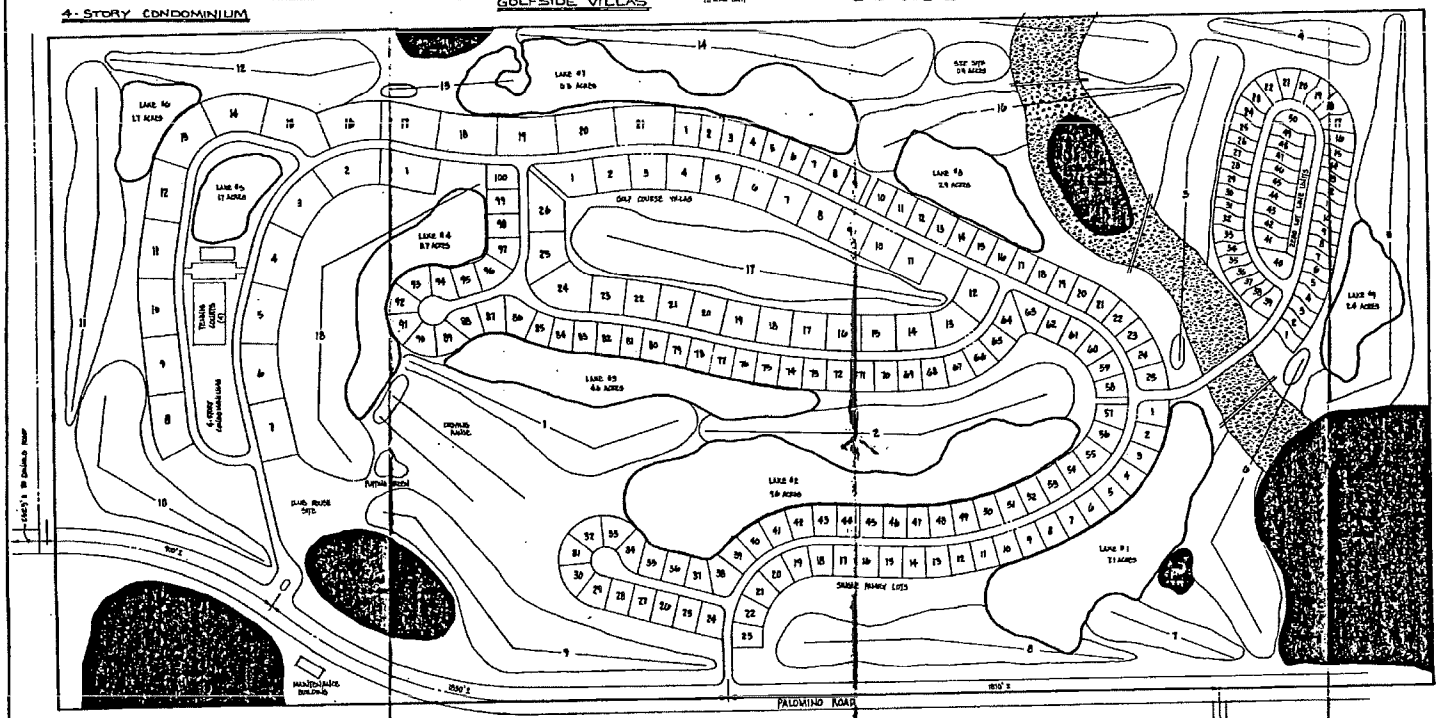
GOLFSIDE VILLAS

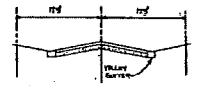


ZERO LOT LINE
TYPICAL UNIT

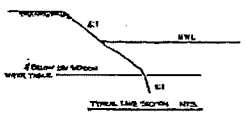


SINGLE FAMILY
CONVENTIONAL LOT

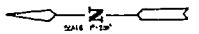




TYPICAL ROAD SECTION N.T.S.



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 (SERVICE & GOLFING EQUIPMENT)
COUNTRY CLUB
DWELLING UNITS
-CONVENTIONAL MULTIPLE FAMILY BUILDING
-CONVENTIONAL SINGLE FAMILY RESIDENCE
-ZERO LOT LINE SINGLE FAMILY RESIDENCE
-TOWNHOUSE
ENTRANCE GATES
ESSENTIAL SERVICE
ESSENTIAL SERVICE FACILITY - GROUPS I AND II
EXCAVATION, WATER RETENTION
GATEHOUSE
MODEL HOMES, HOME SITES, AND MODEL DISPLAY CENTER
MONUMENTATION OF SECTION LINE AND STREET DEFINING
RECREATIONAL FACILITIES, PRIVATE
-18 HOLE GOLF COURSE
-TENNIS COURTS
-SWIMMING POOL
-PICNIC AREA
-GOLF DRIVING RANGE
-PRACTICE GREEN
-COMMUNITY WIDE: RESTAURANT AND LOUNGE
LOCKER ROOMS
PRO SHOP
MANAGER'S OFFICE
CART BARN
MAINTENANCE BUILDING
-OTHER SIMILAR NON-COMMERCIAL FACILITIES
RESIDENTIAL ACCESSORY USES
SIGNS

PROPOSED SCHEDULE OF DEVELOPMENT REGULATIONS

1. Minimum setback between structures and a section line of 75 feet (per Section 34(B.19.D.2.a.) of the Lee County Zoning Regulations) to be met for the northernmost line between Sections 27 & 28 and the westernmost line between Sections 26 & 27.

2. Minimum setback between structures and a quarter section line of 50 feet (per Section 34(B.19.D.2.a.) of the Lee County Zoning Regulations) to be met for the westernmost line in Section 27.

3. Minimum depth for an excavation for water retention of 12 feet (per Section 34(B.9 of the Lee County Zoning Regulations) to be met.

4. Minimum excavation setback for water retention to a quarter section line of or that (per Section 34(B.6.d of the Lee County Zoning Regulations) to be met for the westernmost line in Section 27.

5. Minimum ingress/egress easement for water retention to a street right-of-way of the most (per Section 34(B.6.b. of the Lee County Zoning Regulations) to be 50 feet.

6. Requirement that no boats be used in connection for water retention shall be allowed (this setback not greater than all to a point measured from the centerline of the nearest section line) (per Section 34(B.6.c of the Lee County Zoning Regulations) to be met.

7. Minimum required buffer type 'B' along local streets for residential developments other than those for single family and/or two family dwelling units (per Section 34(B.6(b)(iii)(a) of the Lee County Development Standards Ordinance) to be met.

8. Minimum setback for roads shown on the Official Trafficways Map, but not shown on the Lee County Circulation Plan (per Section 34(B.19.D.2.a.) of the Lee County Zoning Regulations) to be met for the northernmost line between portions of the Subject property and Palomino Road, as shown on the Official Trafficways Map (per Section 34(B.19.D.2.a.) of the Lee County Zoning Regulations) to be met for the following:

a) eliminate the proposed 100 foot northsouth collector shown on the Official Trafficways Map along the western boundary of the subject property.

b) relocate the proposed 100 foot northsouth collector shown on the Official Trafficways Map which runs across the subject property to along the southern boundary line identified on the exhibit 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 100 feet to 80 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 110 the right of way +50 feet (per Section 34(B.15.D.2.a. of the Lee County Zoning Regulations) to be met for the following: +15 feet for zero lot line units only.

10. Minimum building setback from the centerline of a 30 foot private roadway easement of 110 the right of way +50 feet (per Section 34(B.15.D.2.a. of the Lee County Zoning Regulations) to a setback of 110 the right of way +50 feet along Palomino Road.

11. Minimum building setback from the centerline of a 50 foot private roadway easement of 110 the right of way +50 feet (per Section 34(B.15.D.2.a. of the Lee County Zoning Regulations) to a setback of 110 the right-of-way +15 feet for zero lot line units only.

12. Minimum building separation for the attached villa housing of 10 feet from the building opposite the zero setback line (per Section +21.C.2.a.,(2) of the Lee County Zoning Regulations) to 0 feet from both lot lines with a minimum 5 foot separation between buildings.

13. Minimum setback of 20 feet (per Section 34-2(A.2.b. of the Lee County Zoning Regulations) to 5 feet for zero lot line housing units.

14. Minimum 25 foot privately maintenance right-of-ways to be provided along Zero lot line (per Section Cindy of the Lee County Development Standards Ordinance) to a 25 foot drainage and maintenance easement which will be included as part of the lot.

15. Minimum 25 foot privately maintained right-of-ways to be provided along zero lot line (per Section 34(B.9.d. of the Lee County Zoning Regulations) to 0 feet for zero lot line housing units.

16. Minimum requirement of the perimeter of internality file, the number dwelling units of density factor of 10 (per Section 34(B.19.D.2.a. of the Lee County Zoning Regulations) to a minimum of 5 percent.

UNIT DATA

TOTAL ACREAGE	193.0	AC.
RESOURCE PROTECTION AREAS	23.0	AC.
LAKES	29.0	AC.
CLUBHOUSE SITE	2.0	AC.
SEWAGE TREATMENT AREA	2.0	AC.
WATERFRONT AREA	137.0	AC.

DWELLING UNITS		
-CONVENTIONAL SINGLE FAMILY LOTS	198	
-ZERO LOT LINE UNITS	100	
-GOLFSIDE VILLAS	100	
-2 STORY CONDOMINIUM UNITS	136	
-4 STORY CONDOMINIUM UNITS	152	
	836 TOTAL	

MAXIMUM BUILDING HEIGHT : 45'

NOTES: TYPICAL LOTS FOR MULTI-FAMILY AND ZERO LOT LINE UNITS MAY VARY SLIGHTLY FROM WHAT SHOWN ON THIS PLAN ONLY FINAL ARCHITECTURAL PLANS ARE COMPLETED, DETAILED SITE AREAS FOR MULTI-FAMILY AND ZERO LOT LINE DEVELOPMENTS WILL NOT BE DETERMINED BY THE SEWER RESPONSIBILITY OF THE INDIVIDUAL LOTS PRIOR TO SECTION APPROVAL OF THE INDIVIDUAL LOTS WITH A MINIMUM OF 10 UNITS PER SECTION.

THE LOCATION OF MODELS AND THE 4 STORY CONDOMINIUM UNITS, ZERO LOT LINE UNITS, TOWNHOUSE VILLAS, AND TWO FAMILY UNITS ARE SUBJECT TO CHANGE. DETAILS REGARDING THE ALL LOT CONFIGURATIONS, SEWAGE SINGLE LOTS WITH A MINIMUM OF 10 MODEL UNITS DEVELOPED AT ONE TIME.

MAINTENANCE AREA WAS BE DESIGNED 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 28 1988
ZONING COUNTER

PRINTED ON
JUL 28 1988

INK ENGINEERING INC.
ENGINEERS • SURVEYORS • PLANNERS
PHONE (813) 936-5020 • 6220 BEAU DRIVE • NORTH FORT MYERS, FLORIDA 33903

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

DWG. NO. 8749

ADMINISTRATIVE APPROVAL AMENDMENT NUMBER PD-92-001

ADMINISTRATIVE APPROVAL
AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Charles J. Huether, Trustee, represented by U.S. Home Corporation, Contract Purchaser, has filed an application for administrative approval of an amendment to a Residential Planned Development on a project known as Olde Hickory Golf and Country Club to allow the restaurant in the clubhouse to be open to the public pursuant to Lee County Ordinance #91-34 that allows CN-2 uses in an RPD. This amendment would allow one Restaurant, Standard, Group III on property located at 14670 Olde Hickory Boulevard, described more particularly as:

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

> Tract F, THE OLDE HICKORY GOLF AND COUNTRY CLUB, as recorded in Plat Book 48 of the Public Records of Lee County, Florida.

WHEREAS, the property was originally rezoned in hearing number 87-12-7-DCI; and

WHEREAS, Lee County Ordinance 89-04 amends the Zoning Ordinance (Ordinance No. 86-17) to provide for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures.

WHEREAS, the originally approved Lee County Development Order Plans provided some parking for the proposed restaurant as well as the golf course and tennis courts (see Site Plan Sheet 1 of 1, entitled "Old Hickory Clubhouse", last revised 4-18-91, which is attached.)

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Residential Planned Development is APPROVED.

Approval is subject to the following conditions:

ATTACHMENT H

1. The restaurant use shall be limited to a maximum of 8,979 square feet minus any square feet utilized by the pro shop or any other retail use.

2. The restaurant use shall be conducted in conformance with the Olde Hickory Master Site Plan, stamped "received zoning 92Feb13," and Sheet 1 of 1 of a drawing identified as "Old Hickory Clubhouse," prepared by Ink Engineering, dated 2/28/91, last revised 4-18-91 and stamped "D.S.O. Approved."

3. The public restaurant use permitted by this approval shall be limited to a maximum of three years from the date of this Administrative Approval. Any amendment request for an extension of the three years shall be accompanied by a parking study, which shall provide an analysis of parking availability at the clubhouse during lunch and dinner hours for three week days and two weekend days. The exact methodology shall be determined by Zoning and Development Review Divisions prior to the application's submittal.

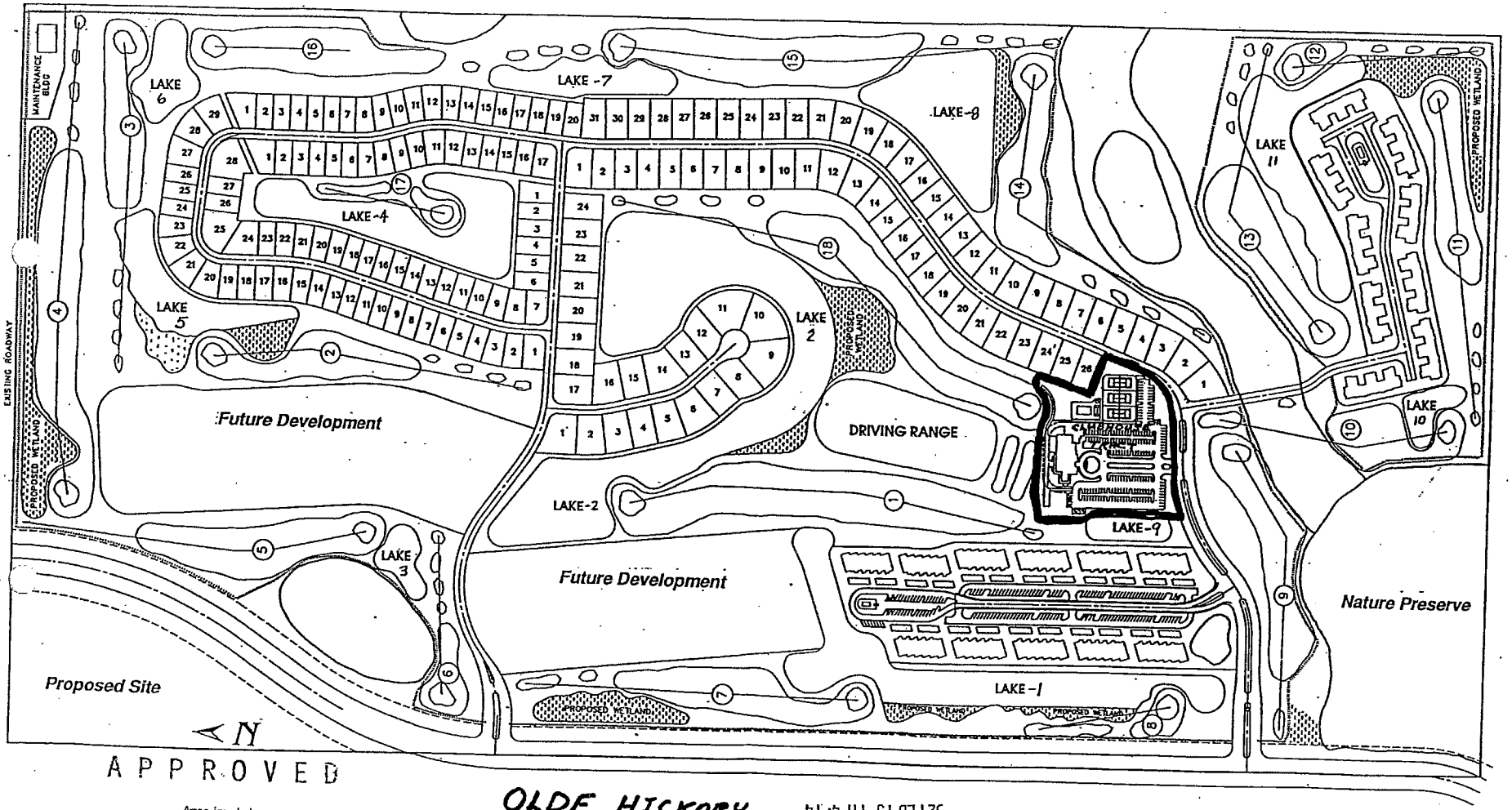
4. The terms and conditions of the original zoning resolution(s) remain in full force and effect.

5. Site Plan AAA-PD-92-001 is attached hereto and is incorporated herein by reference as a reduced copy of the Master Concept Plan.

DULY SIGNED this 11th day of March, A.D., 1992.

BY: Mary Gibbs

Mary Gibbs
Acting Director
Department of Community Development



APPROVED

Amendment to
Master Concept Plan
Subject to conditions in Resolution BOA-PD-92-001
Zoning Case # 87-12-7-OC(a)
Date 3-11-92

OLDE HICKORY
MASTER SITE PLAN

92 FEB 13 PM 4:14
RECEIVED

N

OLD HICKORY CLUB - INLET SCHEDULE FOR CLUBHOUSE

INLET NO.	GR. EL	INVERT	TYPE
59	26.78	18.87	DBI
60-A	21.30	15.95	DBI
60-B	21.20	15.72	DBI
60-C	21.30 E.O.P.	15.43	CURB
60-D	21.30 E.O.P.	15.46	CURB
60-E	21.20	15.35	DBI
60-F	21.20	15.16	DBI
60-G	22.00	15.23	DBI
60-H	24.00	15.73	DBI
60-I	24.00	15.67	DBI
60-J	21.00	17.50	DBI

NOTE:
THIS BUILDING IS TO BE HANDICAP ACCESSIBLE. THE WALKWAY/RAMP IS TO BE 44" MINIMUM WIDTH AND SLOPED NO GREATER THAN 1:12. SEE ARCH. PLANS.

SECTION A-A

SECTION B-B

SECTION C-C

PARKING:
GOLF: 100 FOR GOLF COURSE
15 FOR TENNIS
35 FOR CLUBHOUSE 8,000 ± SQ FT
150 TOTAL
PROVIDED 157 SPACES

DRIVING RANGE
TRACT BOUNDARY
TO BE FIELD LOCATED
PUTTING GREEN (FIELD LOCATE)
CLUBHOUSE BLDG. 2 STORIES
LAKE NO. 9
OLD HICKORY BLVD
BLOCK 6
BLOCK 5
APPROVED
D.S.O. Approved

INK ENGINEERING INC.
ENGINEERS · SURVEYORS
OLD HICKORY CLUBHOUSE
PART OF
SECTION 27, TOWNSHIP 45 S., RANGE
LEE COUNTY, FLORIDA
8749-US

Lee County
Southwest Florida

Department of Community Development
Zoning Division
Environmental Review

MEMORANDUM

Date: **February 3, 2017**

To: **Jessica Leatherman, Planner**

From: **Beth Workman, Environmental Planner**
239.533.8793
EWorkman@leegov.com

Subject: **Olde Hickory Golf and Country Club**
SEZ2017-00003
A portion of 27-45-25-02-0000D.00CE

The applicant is requesting a special exception for outdoor seating consumption on premises (COP) for proposed poolside food and beverage service, limited, that will replace the existing pool cabana at the existing Olde Hickory Golf and Country Club clubhouse.

The proposed change is internal to the site and will be used to serve members and guests only. There are no adverse impacts to open space. The applicant states in the narrative that they will construct a sound barrier wall between the amenity and the single family homes. Environmental Sciences zoning staff have no issues with the request.

Attachments (X)

ATTACHMENT I

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER DECISION

RECEIVED
SEP 29 2010
DEVELOPMENT

SPECIAL EXCEPTION: COP2010-00102
APPLICANT: LEGENDS GOLF & COUNTRY CLUB MASTER ASSOCIATION, INC., in reference to LEGENDS GOLF & COUNTRY CLUB COP
HEARING DATE: SEPTEMBER 2, 2010

I. APPLICATION:

Filed by LEGENDS GOLF & COUNTRY CLUB MASTER ASSOCIATION, INC., 8600 Legends Boulevard, Fort Myers, Florida 33912 (Applicant/Owner); KNOTT, CONSOER, EBELINI, HART & SWETT, P.A., c/o MICHAEL ROEDER, 1625 Hendry Street, Suite 301, Fort Myers, Florida 33901 (Agent).

Request is for a Special Exception in the Residential Planned Development (RPD) zoning district to expand the existing outdoor consumption of alcoholic beverages area of Legends Golf and Country Club to include the swimming pool area. This request is also intended to modify the existing alcoholic beverages license from Consumption on Premises of alcoholic beverages in conjunction with food (4-COP-SRX) to Consumption on Premises of alcoholic beverages (4-COP).

The subject property is located at 8600 Legends Boulevard, Daniels Parkway Planning Community, Section 28, Township 45 South, Range 25 East, Lee County, Florida (District #5).

The Strap numbers as furnished by the Applicant are: 28-45-25-05-0000A.00CE

II. STAFF RECOMMENDATION: APPROVE WITH CONDITIONS

The Department of Community Development Staff Report was prepared by Chahram Badamtchian. The Staff Report is incorporated herein by this reference.

III. HEARING EXAMINER DECISION:

The undersigned Lee County Hearing Examiner **APPROVES** the Applicant's request for a Special Exception to modify the existing liquor license category from 4-COP-SRX to 4-COP and expand the service area to include the swimming pool deck area for the real estate described in Section VIII. Legal Description, WITH THE FOLLOWING CONDITIONS:

A. CONDITIONS:

1. The hours of operation for consumption on premises for the outdoor seating area (including the pool area) will be from 11:00 A.M. to 9:00 P.M..

2. The outdoor seating area is limited to the cross hatched area as shown on the site plan stamped received by Community Development on June 07, 2010 **(EXHIBIT B)**.

ATTACHMENT J

3. Live entertainment and background music are permitted in the pool/outdoor area, provided the volume is kept at or below a normal conservational level.

4. The 4-COP liquor license is not intended for use as a free standing bar. The sale of beer, wine and liquor for consumption on premises must be in conjunction with the food service located within the clubhouse and the pool area.

5. All parts of the pool deck must be available to the residents and guests whether consuming any food or beverages from the clubhouse restaurant or snack bar. No portion of the pool deck shall be reserved exclusively for customers of the said restaurant or snack bar.

IV. HEARING EXAMINER DISCUSSION:

This is a request for a Special Exception to allow the consumption of alcoholic beverages in the pool area of the clubhouse/recreational area of this residential community, located on the west side of Fiddlesticks Boulevard, south of Daniels Parkway. The parcel containing the clubhouse, pool and recreational amenities is located inside the gated community, and is surrounded by lakes (surface water management system), portions of the golf course and various residential pods. This residential development is zoned RPD (Residential Planned Development) and is designated Outlying Suburban in the Lee Plan.

Applicant is the Master Homeowners' Association, which has ownership and control over the community's recreational amenity parcel. They advised that the clubhouse has a full restaurant and has been operating with a 4-COP-SRX liquor license for about 10 years. That type of license requires the service of alcoholic beverages in conjunction with the service of food; the revenue for the food service must be greater than 50 percent. However, during that 10-year time frame, alcoholic beverages have been served both in the clubhouse restaurant and in the pool area. A small snack bar provides food and beverages for residents and their guests in the pool area, when the clubhouse restaurant is closed.

Applicant recently applied to "expand" the alcoholic license to a 4-COP, which would allow them to serve alcoholic beverages without having to serve food. At that time, they learned that their beverage service is in the pool area was "illegal," as it had not been part of the original liquor license approval. The 4-COP-SRX license was only good for the clubhouse restaurant area. A Special Exception is necessary for the outdoor seating in the pool area, because the parcel is within 500 feet of single-family residences.

Applicant explained that the residents of the community were in favor of the Special Exception, noting that there would be no external impacts from the use, since the pool area was located in the middle of their gated community. The residents are well aware of the potential impacts, as alcoholic beverages have been served in the pool area for 10 years.

Staff recommended approval of the Special Exception, with conditions, finding that the request met the criteria for approval in the Land Development Code (LDC), and was consistent with the intent of the Lee Plan and the LDC. They found that the COP use, as conditioned, would not adversely impact any of the residents of this community and would not impact adjacent residential communities.

No members of the public attended the hearing to express an opinion on the COP request, and the Hearing Examiner's files do not contain any letters or notices of support or objection to the request.

The undersigned Hearing Examiner concurs with Staff's analysis, findings and recommendation of approval, as conditioned, finding that the request, as conditioned, meets the criteria for approval set out in LDC Section 34-145, and is consistent with the intent of the Lee Plan and the LDC. She also finds that, given the circumstances surrounding this request, that the use will not adversely impact the nearby residents, and will not impact any of the properties and uses outside this gated residential community.

It is the opinion of the Hearing Examiner that the conditions imposed herein are reasonably related to the impacts anticipated from the proposed use, and, with other regulations, will safeguard the public health, safety and welfare.

V. FINDINGS AND CONCLUSIONS:

Based upon the Staff Report, the testimony and exhibits presented in connection with this matter, the undersigned Hearing Examiner makes the following findings and conclusions:

A. That the Applicant has proved entitlement to the Special Exception, as conditioned, by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.

B. That the COP use, as conditioned, will meet or exceed all performance and locational standards set forth for that use, and is consistent with the intensities and general uses set forth in the Lee Plan.

C. That the COP use, as conditioned, is compatible with existing or planned uses in the surrounding area, and will not place an undue burden upon existing transportation or planned infrastructure facilities, and the development will be served by streets with the capacity to carry traffic it generates.

D. That the COP use, as conditioned, will not adversely affect environmentally critical areas and natural resources.

E. That urban services, as defined in the Lee Plan, are already serving the residential amenity area.

F. That the conditions imposed herein are reasonably related to the impacts anticipated from the proposed uses and, with other regulations, will safeguard the public's interests.

VI. LIST OF EXHIBITS:

STAFF'S EXHIBITS

1. Aerial photograph, with overlay, depicting the subject property and surrounding area, prepared by Lee County DCD, Mapped August 2010, dated 2010 (color) [24" x 36"]

Résumés of Lee County Staff are on file with the Hearing Examiner's Office and are incorporated herein.

APPLICANT'S EXHIBITS

Résumés of Applicant's consultants are on file with the Hearing Examiner's Office and are incorporated herein.

VII. PRESENTATION SUMMARY:

The Hearing Examiner introduced herself and the case, after which she placed all the hearing participants under oath.

Thomas Hart, Esquire, introduced himself as the general counsel for Applicant, the Legends Golf and Country Club Master Association, Inc. Mike Roeder, Director of Planning, who was an expert in the field of planning, was also present. Mr. Hart stated that the case was a request for a Special Exception to expand the alcoholic beverage services at the clubhouse at the Legends Country Club. He thought they were in total agreement with Staff and there were no issues. He stated that Mr. Roeder would be giving the details, but the community wanted the Special Exception, as there was no one present at the hearing to object to it. He noted that the Applicant was the homeowner's association.

Mr. Roeder was called upon to testify, and he asked to be accepted as an expert witness in land use planning and zoning, as he has been in the past. There were no objections from Staff, and the Hearing Examiner accepted him as such. He explained this was a very simple request, which came about when the management of the country club wanted to change their State liquor license from the 4-COP-SRX (service in conjunction with food) to a 4-COP

When the Applicant went to the State to make that change, the State informed them that they had not had the County sign-off on the use of the swimming pool area. They were quite surprised because they have been serving alcohol in that area for the past 10 years. At that time, the Applicant was told that they needed to get a Special Exception to allow the service to continue in the pool area and they contacted Mr. Hart.

He and Mr. Hart then discussed the matter with Staff. Since there is a residence within 500 feet of the pool area, Staff felt the request needed to go through a public hearing. The Applicant agreed to do that, even though the use had been there for years.

Mr. Roeder referred to the site plan attached to the Staff Report and pointed out the clubhouse area. The clubhouse area was a very large complex, and they already had approval for outdoor seating in the area right off of the clubhouse restaurant. What was not approved, unbeknownst to them, was the area around the swimming pool, which was marked on the site plan with crosshatching.

Next, he referred to the area just above the location of the aerobics studio, which was marked with two asterisks. That area contained a small bar and grill for the pool area. They served things like hamburgers, hotdogs, wraps, beer, wine, margaritas, etcetera. They had been doing that for approximately 10 years, because it wasn't cost-effective to keep the dining room open for 10 hours a day for just a few people. They had been selling alcoholic beverages in the pool area for all of that time, not realizing it was not approved. They were present to get that approval.

He thought Staff had identified the two relevant Lee Plan Policies in their analysis. He referred to the definition of Outlying Suburban, which just meant that this type of operation was very consistent with the golf club and clubhouse use. The other pertinent Policy was Policy 5.1.5. He pointed out the homes located within 500 feet of the pool area. In response to the Hearing Examiner's question, he explained the large area to the west was a driving range, not a building.

In this case, the Applicant already had real world experience in the service of alcoholic beverages in the pool area. That had been occurring for about 10 years and there had been no complaints from neighbors or issues with that use. As noted by Mr. Hart, they had not submitted a 24-hour notice, because they had no issues with the Staff Report or Staff's analysis. Staff had worked with them to revise two conditions, before the hearing.

Originally, the Staff Report prohibited live outdoor music, and Mr. Roeder had asked the manager if they ever had live outdoor music. The manager advised that a couple of times a year they have a steel band in the patio area. With that information, Mr. Roeder asked Staff if they could work out some other condition. Mr. Badamtchian came up with language, which required that music in the outdoor area be kept at or below a conversational level.

The Hearing Examiner indicated concern - given the volume of a steel band and other electronically enhanced instruments. Mr. Roeder explained that they realized it was not supposed to be open to rock bands or anything like that. He did not think that Staff understood, at first, that there was the little snack house built onto the pool area. When it was explained to him, Mr. Badamtchian rewrote the condition to include the pool area, which addressed that situation. The Applicant really has no issues with the recommendation or the conditions.

The association really wanted the approval because they have been doing this for a long time and wanted to be in compliance with Lee County regulations. The Hearing Examiner wanted to know if a notification was issued or if it had been presented in a meeting to any of the residents of the development. She also wanted to know if this amenity complex served all of the Legends Golf and Country Club membership, or if it was the amenity for just one small residential area. Mr. Roeder responded it was the clubhouse component for the entire development. The zoning notice was sent to all residents within 500 feet of the pool complex and signs regarding the request had been posted at the clubhouse. Mr. Fredyma pointed out that the Applicant was the Master Association.

At that point, Mr. Hart explained that he didn't know the answer to her specific question. He didn't know if the Association sent the notice. Mr. Roeder reemphasized that the service of alcoholic beverages had been in existence for a long time.

The Hearing Examiner wanted to know if the development was age-restricted, to which Mr. Roeder replied that it was not, but it was a gated community. It was strictly private and only members and their guests would be using the pool area. The Hearing Examiner understood that, if there was a problem. Then the residents could take it up with the Association. She agreed that the requested use would not impact or affect anyone off-property.

Mr. Hart pointed out that anyone with a problem would be calling the same general manager who asked them to bring the case forward before they would be calling Code Enforcement. Mr. Roeder explained that they both endorsed and agreed with the findings and conclusions in the Staff Report.

Mr. Fredyma understood they had no problems with the proposed conditions and that the conditions were the original five conditions, with conditions three and four modified, as discussed and noted in Mr. Badamtchian's 24-hour letter to the Hearing Examiner. Mr. Roeder confirmed that.

Chahram Badamtchian, with Lee County Zoning, introduced himself and asked to be accepted as an expert in land use planning and zoning. Applicant had no objections and the Hearing Examiner accepted him as such. He explained that the Legends Golf and Country Club already had a 4-COP-SRX, which allowed them to serve alcoholic beverages in conjunction with food. They were asking for a 4-COP to serve alcoholic beverages without having to serve food; a 4-COP-SRX requires the restaurant to receive more than 50 percent of its revenue from the sale of food.

The Applicant has been doing it for the past 10 years, but the County chose not to charge an after-the-fact fee. Nothing would be changing. Basically, they were already serving alcoholic beverages around the pool area and they would continue doing the same.

He had added five conditions, and was concerned about the last one, because they had two areas at the pool. One area was for paying customers and one area was for those who were not paying customers. He had conditioned the request, so that the pool area should be accessible to everyone whether or not they made a purchase.

In response to the Hearing Examiner's question, Mr. Badamtchian stated that the paying customer was the one purchasing the liquor. He explained that some people brought their beverages with them, and were directed to the other end of the pool. Mr. Fredyma advised they would not be required to buy a drink to swim.

The Hearing Examiner understood, then, the purpose of the condition was to indicate that the pool deck would be open to everyone, whether or not they were consuming food or beverage. Mr. Badamtchain stated that he did not want one area roped off and reserved for people who were buying drinks. He noted that it was a private club, and the closest houses were separated by a lake, a golf course, and a wall. The pool area was not really visible and the walking distance was greater than 500 feet. The residents wanted to have this amenity in their gated community, and Staff recommended approval of the request.

The Hearing Examiner wanted to know if the 500 feet was measured from the actual pool area or from the property line. In response, Mr. Badamtchian explained that it was measured from the clubhouse property line. At that point, Mr. Roeder reiterated there was a wall around the pool area. The Hearing Examiner explained that she would do a site visit and would look at the pool area.

Mr. Fredyma asked Mr. Badamtchian to refer to the list of property owners who were given notice, noting that it was fairly extensive. Mr. Badamtchian explained that the list included 109 property owners. Mr. Fredyma thought that might answer her question. He noted it did not just go to the association, it went to the property owners surrounding it and he reiterated it was a fairly extensive list. The Hearing Examiner noted she had a five or six-page list of names.

The Hearing Examiner explained that she did not have a particular problem with the request, even with the changes that had been made. She wanted to visit the site, as required by the Lee County LDC, although in this case she would not need to assess off-site impacts, as

there would be none. The Applicant wanted to know if she would need a contact person for the site visit, and the Hearing Examiner told him it would not be necessary.

She explained that since the case was a Special Exception, it would not be going before the Board of County Commissioners (BOCC). She referred to her caseload and indicated she would try to have the Decision out as soon as possible so that they could have it before the season. The hearing was closed.

VIII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. Thomas Hart, Esquire, c/o Knott, Consoer, Ebelini, Hart & Swett, P.A., 1625 Hendry Street, Suite 301, Fort Myers, Florida 33901

ADDITIONAL COUNTY STAFF:

1. John J. Fredyma, Assistant County Attorney, P. O. Box 398, Ft. Myers, Florida 33902

PUBLIC PARTICIPATION:

A. THE FOLLOWING PERSONS TESTIFIED OR SUBMITTED EVIDENCE FOR THE RECORD AT THE HEARING (SEE SECTION VI.):

For: NONE

Against: NONE

General: NONE

B. THE FOLLOWING PERSONS SUBMITTED A LETTER/COMMENT CARD, OR OTHERWISE REQUESTED A COPY OF THE HEARING EXAMINER DECISION:

For: NONE

Against: NONE

General: NONE

IX. LEGAL DESCRIPTION:

See Exhibit A (scanned legal description).

X. UNAUTHORIZED COMMUNICATIONS:

Unauthorized communications shall include any direct or indirect communication in any form, whether written, verbal or graphic, with the Hearing Examiner, or the Hearing Examiner's staff, any individual County Commissioner or their executive assistant, by any person outside of a public hearing and not on the record concerning substantive issues in any proposed or pending matter relating to appeals, variances, rezonings, special exceptions, or any other

matter assigned by statute, ordinance or administrative code to the Hearing Examiner for decision or recommendation. . . . [Administrative Code AC-2-5]

No person shall knowingly have or attempt to initiate an unauthorized communication with the hearing examiner or any county commissioner [or their staff]. . . . [LDC Section 34-52(a)(1), emphasis added]

Any person who knowingly makes or attempts to initiate an unauthorized communication . . . [may] be subject to civil or criminal penalties which may include: [Section 34-52(b)(1), emphasis added]

Revocation, suspension or amendment of any permit variance, special exception or rezoning granted as a result of the hearing examiner action which is the subject of the unauthorized communication. [LDC Section 34-52(b)(1)b.2.]; OR

A fine not exceeding $500.00 per offense, by imprisonment in the county jail for a term not exceeding 60 days, or by both such fine and imprisonment. [LDC Section 1-5(c)]

XI. APPEALS:

This Decision becomes final on the date rendered. A Hearing Examiner Decision may be appealed to the Circuit Court in Lee County. Appeals must be filed within thirty (30) days of the date the Hearing Examiner Decision is rendered. Appeal is by Petition for Writ of Certiorari in accordance with Lee County Land Development Code Section 34-146.

XII. COPIES OF TESTIMONY AND TRANSCRIPTS:

A. A complete verbatim transcript of the testimony presented at the hearing can be purchased from the court reporting service under contract to the Hearing Examiner's Office. The original documents and file in connection with this matter are located at the Lee County Department of Community Development, 1500 Monroe Street, Fort Myers, Florida.

B. The original file and documents used at the hearing will remain in the care and custody of the Department of Community Development. The documents are available for examination and copying by all interested parties during normal business hours.

This decision is rendered this 28th day of September, 2010. Notice or copies of this decision will be delivered to the offices of the Lee County Board of County Commissioners.

DIANA M. PARKER
LEE COUNTY CHIEF HEARING EXAMINER
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: 239/533-8100
Facsimile: 239/485-8406

ATTACH MAP A
ATTACH SITE PLAN (if approved)

Legal Description

Tract A, Legends Golf Clubhouse, a subdivision, located in Section 28, Township 45, Range 25 East, according to the plat thereof on file and recorded in Plat Book 63, Page 84 of the Public records of Lee County, Florida.

Strap Number

28-45-25-05-0000A.00CE

COP2010-00102
Corrected Legal

Legal Reviewed By: BJ 9-28-10

EXHIBIT A

OLDE HICKORY
GOLF & COUNTRY CLUB

Lunch Menu

Open Daily for Lunch

Monday through Sunday

11:00 A.M. - 3:00 P.M.

"Where excellence in golf & country club living finds a home."

RECEIVED
FEB 16 2017
COMMUNITY DEVELOPMENT
SEZ 2017-00003

THE DRIVING RANGE

SOUP DU JOUR
8oz cup 3.75 ~ 16oz bowl 6.5

CHILI
8oz cup 4.25 ~ 16oz bowl 7.5

POTATO SKINS
Four fried potato skins topped with melted cheddar jack cheese, bacon bits and scallions, served with a side of sour cream 7

FRIED MOZZARELLA STICKS
Five golden fried mozzarella sticks served with a side of warm marinara sauce 7

SHRIMP COCKTAIL
Five large chilled served on shredded iceberg lettuce, served with a cocktail sauce, lemon wedge and saltine crackers 10

JUMBO CHICKEN WINGS
Breaded or Naked
Deep fried and prepared in your choice of
Hot, Mild, BBQ, or Teriyaki and served with celery sticks
6 pieces 9 ~ 10 pieces 13.50

FROM THE ROUGH

ROASTED PEAR SALAD
A mix of baby Artesian greens and spinach topped with roasted pears, spiced pecans and bleu cheese crumbles, served with your choice of one our homemade dressings and topped with grilled garlic flatbread 9

FITNESS SALAD
Baby kale and vegetable blend tossed in our homemade fat free citrus poppy vinaigrette, accompanied with toasted almonds, blueberries, craisins, apples, carrots and celery served with a scoop of Quinoa salad and a warm fresh baked roll 9

BISTRO SALAD
Fresh Artesian greens accompanied with red onions, Kalamata olives, roasted red peppers and crumbled feta cheese, topped with sliced vine ripened tomatoes served with grilled garlic flatbread and our homemade balsamic vinaigrette dressing 9

NOT- SO - BASIC MIXED GREENS SALAD
Fresh Artesian greens accompanied with sliced hearts of palm, artichoke hearts, grilled asparagus, shaved red onions, sliced tomatoes, sliced cucumbers and julienne of carrots served with your choice of one of our homemade dressings and warm fresh baked roll 9

ADD ANY OF THE ITEMS BELOW TO THE ABOVE SALADS

Scoop of chicken, egg or tuna salad	3
Sliced grilled chicken breast	4
Grilled bamboo shrimp skewer	6
Grilled Atlantic salmon filet	6
Sliced grilled beef tenderloin	7

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SOUP & SALAD COMBO
Cup of soup of the day or homemade chili served with a petite house, Caesar salad or roasted pear salad 8

DRESSINGS
Ranch, Bleu Cheese, Balsamic, Italian, Honey Mustard, French, Citrus-ginger Vinaigrette, 1000 Island, and Oriental Mandarin Orange Ginger

FAT FREE DRESSINGS
Ranch, Raspberry Vinaigrette, Toasted Sesame, Sweet Chili Thai and Citrus Poppy Vinaigrette

Consuming raw and undercooked meats, poultry, seafood, shellfish or eggs may increase your risk of foodborne illness.

FROM THE TEE BOX

BOAR'S HEAD CHILI AND CHEESE HOT DOG
A foot long all beef hot dog, grilled and topped with our homemade chili, shredded cheddar jack cheese and diced onion 8.5

TRADITIONAL GRILLED CHEESE
Choice of white, whole wheat or rye bread grilled with American, cheddar, provolone or Swiss cheese 8

BACON AND EGG GRILLED CHEESE
Boar's Head Applewood smoked bacon, aged cheddar cheese and a fried egg grilled rye bread 9

FRIED GREEN TOMATO B.L.T. SANDWICH
Southern fried green tomatoes, Applewood smoked bacon and provolone cheese on grilled sourdough bread, garnished with green leaf lettuce and lemon aioli 9

CURRY WURST
Grilled smoked sausage on toasted pretzel hoagie, topped with our homemade German curry sauce 8

THE BIRDIE
Slice chargrilled chicken breast, sautéed peppers, onions and mushrooms and melted aged cheddar jack cheese on a fresh toasted hoagie roll 10

CHICKEN AND WAFFLES
Southern fried boneless chicken breast served with homemade Belgian waffles and maple buttermilk sauce 10

PRIME RIB MUENSTER PANINI
Shaved prime rib, caramelized onions, baby Portobello mushrooms and Muenster cheese layered on grilled sourdough bread, pressed and served with creamy horseradish sauce 11

8 OUNCE SIRLOIN BURGER
Seasoned Angus sirloin patty grilled to your liking and topped with your choice of cheese 12
Add bacon, sautéed mushrooms, sautéed peppers or sautéed onions .50 each

HADDOCK FINGER BASKET
Four haddock strips lightly beer battered and fried golden brown, served with steak fries, Cole slaw, tartar sauce and fresh lemon wedge 10

6 OUNCE GROUPER SANDWICH
Fresh grouper filet prepared grilled, broiled, blackened, beer battered or crunchy and served with tartar sauce and fresh lemon wedge 16

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All items above are served with your choice of French fries, shoestring fries, sweet potato fries, homemade chips, onion rings, cottage cheese, Cole slaw, fresh fruit or a house or Caesar salad. Cup of soup may be substituted for $1.25 additional charge.

CHICKEN PIZZAIOLO
Sautéed chicken breast smothered with artichoke hearts and black olives in a fresh tomato sauce served over a bed of wild rice with a side of fresh seasonal vegetables 14

GRILLED SCOTTISH SALMON
Six ounce filet of fresh salmon grilled served with wild rice pilaf, fresh seasonal vegetables and tropical fruit salsa on the side 17

Consuming raw and undercooked meats, poultry, seafood, shellfish or eggs may increase your risk of foodborne illness.

PIZZA

Available Tuesday, Wednesday, Friday and Saturday

CREATE YOUR OWN PIZZA

Pizzas are made to order topped with tomato sauce and a three cheese blend.
Additional toppings include pepperoni, sausage, ham, bacon, mushroom, onion, roasted artichoke, anchovies, black or green olives, sliced tomatoes, bell peppers, spinach, banana peppers, jalapeños, garlic, and fresh mozzarella
12" pizza 12 ~ 16" pizza 14
Additional toppings .50 each

DELI FAVORITES

We proudly offer Boar's Head deli meats. All sandwiches are served on white, wheat or rye bread, as a tortilla wrap or on a croissant with your choice of side. Cup of soup may be substituted for $1.25 additional charge.

THE JUNIOR CLUB SANDWICH

Boar's Head turkey, Black Forest ham, Swiss and cheddar cheese served on two slices of bread, stacked lettuce, tomato, Applewood smoked bacon and mayonnaise
Half sandwich 6 ~ Full sandwich 9

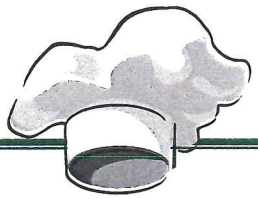
DELI SANDWICHES

Turkey breast, baked ham, roast beef, or B.L.T. served with lettuce, tomato and mayonnaise with your choice of American, Swiss, cheddar or provolone
Chicken salad, egg salad or Albacore tuna salad served with lettuce and tomato
Half sandwich 5.5 ~ Full sandwich 8.5

FRESH MAINE LOBSTER ROLL

New England style roll, buttered and grilled, filled with fresh Maine lobster salad, served with Cole slaw and your choice of side 14

Heart Healthy items low in sodium, unsaturated fat and calories.



LET US DO THE COOKING!
We offer curbside service
Call 239.768.2400, Ext. 211

If you are unable to pick up your order, let us know and we will deliver if volume of business allows.

Menu available upon request by e-mailing
foodandbev@oldehickory.cc

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Consuming raw and undercooked meats, poultry, seafood, shellfish or eggs may increase your risk of foodborne illness.

Dinner Menu

APPETIZERS

Crab Louis
Cocktail of colossal blue crab, served with sauce Louis 12

Warm Brie and Artichoke Dip
Served with a fresh baked baguette 6

Southwestern Egg Rolls
Smoked chicken, black beans and pepper jack cheese, served with avocado-poblano ranch 8

Frog Legs
Three pairs of legs marinated, breaded and golden fried, served with a fresh wedge of lemon and Cajun tartar sauce 10

Escargot
Large snails baked in garlic herb butter, served with toast points 11

ENTRÉE SALADS

Toasted Almond and Goat Cheese
Mixed baby greens topped with fresh berries, roasted red and golden beets, sliced grilled red onion, toasted almonds and crumbled goat cheese 12

Mediterranean Seafood Salad
Romaine hearts, spinach, black olives, artichoke hearts, cucumbers and tomatoes tossed with a tangy citrus dressing, topped with a fresh seafood salad made with calamari, scallops and shrimp 14

ENTRÉES

Tri-Colored Rotini Pasta
Tossed in Alfredo sauce, topped with sliced, grilled mild Italian sausage, Portobello mushrooms, peppers and sun dried tomatoes, served with a side of garlic bread 15

Vietnamese Noodles
Stir fried egg noodles tossed with bok choy, bean sprouts, carrots, mushrooms, shrimp and beef in a hoisin sauce, topped with toasted cashews and scallions 18

Chicken Piccata
Six ounce chicken breast sautéed in olive oil, served over Cappelini pasta, finished with a lemon caper butter sauce and a side of garlic bread 18

Chicken Marsala
Six ounce chicken breast sautéed in olive oil, served over Cappelini pasta, finished with a mushroom Marsala sauce and a side of garlic bread 18

Grilled Atlantic Salmon
Marinated in orange, lime and tequila, grilled and served with a mild spiced habanero lime butter 22

Pan Seared Jumbo Sea Scallops
Seasoned with cumin and coriander, served on a sweet corn volute 26

Grilled Pork Tenderloin Medallions
Seasoned with rosemary and a three pepper blend, topped with a creamy brandy demi glaze 19

Liver and Onions
Sautéed veal liver topped with caramelized onions and crispy bacon, finished with a red wine demi
Petite 15 ~ Regular 19

Grilled Veal Rib Chop
Twelve ounce veal chop topped with a mushroom Marsala sauce 26

Twelve Ounce New York Strip
Chargrilled to your liking, finished with our garlic herb butter and crispy fried onions 26

Prime Filet Mignon
USDA Prime, center cut aged beef tenderloin, chargrilled and finished with our garlic herb butter, served with sauce béarnaise
Six ounce 26 ~ Eight ounce 30

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Dinner Specials

TUESDAY, FEBUARY 7

Spaghetti Bolognaise

Our house recipe meat sauce served over spaghetti with a side of garlic bread 14

Veal Stew Cacciatore

Slow braised veal cubes in a tomato sauce with mushrooms, peppers and sliced olives, served over penne with a side of garlic bread 17

WEDNESDAY, FEBRUARY 8

Gourmet Buffet

Seared Ahi Tuna

Served with wasabi, ponsu sauce and pickled ginger

House Cured Gravlax

Served with a honey dill sauce

Slow Roasted Beef Tenderloin

Served with a brandy peppercorn sauce

Roasted Leg of Lamb

Served with a mustard herb crust and mint demi glaze

Saffron risotto with bronzed scallops and shrimp

Chicken ala Oscar

Topped with jumbo lump crab meat, green asparagus and roasted peppers, finished with sauce hollandaise

Fresh seasonal vegetables and roasted baby baked potatoes

Dessert- *Tropical explosion, mango mousse and vanilla cake slice*

$32.00++ per person

THURSDAY, FEBRUARY 9

Veal Parmesan

Veal cutlet breaded with Italian bread crumbs, pan fried and topped with homemade tomato sauce and mozzarella cheese, served over Cappelini 20

Broiled Red Grouper Filet

Broiled with butter, white wine and onion, finished with lump crab meat and a lemon butter sauce 24

FRIDAY, FEBRUARY 10

Canadian Walleye Filet

Lightly breaded and fried golden, served with tartar sauce 21

Wild Mushroom and Venison Stroganoff

Sautéed sliced venison meat with mushrooms, red wine and onions, finished with a dash of sour cream and served over homemade Spätzle

Petite 18 ~ Regular 21

Prime Rib Carving Station

Sliced and served with a creamy horseradish 26

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SATURDAY, FEBRUARY 11

Club Championship Awards Dinner from 6:00 P.M.- 9:00 P.M.

Please call Bryan at the Club at 239.768.2400 extension 210 to add your spouse for dinner, Spouses and Past Champions are an additional $35 per person

SEZ2017-00003

Please ask your server about petite portions that are available or any special requests we can accommodate you with. Consuming raw and undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness.

OULL CABANA GRILL

SOUP DU JOUR

8oz cup 3.75 ~ 16oz bowl 6.5

CHILI

8oz cup 4.25 ~ 16oz bowl 7.5

ROASTED PEAR SALAD

A mix of baby Artesian greens and spinach topped with roasted pears, spiced pecans and bleu cheese crumbles, served with your choice of one our homemade dressings and topped with grilled garlic flatbread 9

FITNESS SALAD

Baby kale and vegetable blend tossed in our homemade fat free citrus poppy vinaigrette, accompanied with toasted almonds, blueberries, craisins, apples, carrots and celery served with a scoop of Quinoa salad and a warm fresh baked roll 9

BISTRO SALAD

Fresh Artesian greens accompanied with red onions, Kalamata olives, roasted red peppers and crumbled feta cheese, topped with sliced vine ripened tomatoes served with grilled garlic flatbread and our homemade balsamic vinaigrette dressing 9

JUMBO CHICKEN WINGS

Breaded or Naked and deep fried with your choice of hot, mild, BBQ, or teriyaki, served with celery sticks

6 pieces 8 ~ 10 pieces 12

SHRIMP COCKTAIL

Five large shrimp chilled and served with cocktail sauce 10

CARIBBEAN CHICKEN SALAD CUPS

Iceberg cups filled with mango chicken salad with Caribbean spices, topped with toasted peanuts 8

TIKI SALAD

Mixed greens, cucumbers, tomatoes, citrus segments, diced grilled pineapple, hearts of palm, avocado and crumbled goat cheese, served with a citrus vinaigrette and a corn muffin 9

Add Grilled Chicken 4

Add Grilled Shrimp or Grilled Mahi 5

6 OUNCE GROUPER SANDWICH

Fresh grouper filet prepared grilled, broiled, blackened, beer battered or crunchy and served with tartar sauce and fresh lemon wedge 16

8 OUNCE SIRLOIN BURGER

Seasoned Angus sirloin grilled to your liking and topped with your choice of cheese 12

Add bacon, sautéed mushrooms, sautéed peppers or sautéed onions .50 each

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BOAR'S HEAD HOT DOG

A foot long all beef hot dog, grilled and served with traditional condiments 8.5

12" Pizza Pie **$12.00 each**

16" Pizza Pie **$14.00 each**

Create Your Own Pizza

Thin crust pizza topped with tomato sauce, shredded cheese blend of mozzarella, provolone and Parmesan, with your choice of toppings.

Toppings

Pepperoni, sausage, ham, bacon, anchovies, garlic, black olives, green olives, roasted artichoke, spinach, onions, four cheese blend, fresh mozzarella, sliced tomatoes, mushrooms, bell peppers, banana peppers or jalapenos

Each additional topping $.50

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ATTACHMENT L

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DIV OF ALCOHOLIC BEVERAGES & TOBACCO
2601 BLAIR STONE ROAD
TALLAHASSEE FL 32399-0783

850.487.1395

OLDE HICKORY GOLF & CC MASTER ASSO INC
OLDE HICKORY GOLF & COUNTRY CLUB
14670 OLDE HICKORY BLVD
FORT MYERS FL 33912

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Congratulations! With this license you become one of the nearly one million Floridians licensed by the Department of Business and Professional Regulation. Our professionals and businesses range from architects to yacht brokers, from boxers to barbeque restaurants, and they keep Florida's economy strong.

Every day we work to improve the way we do business in order to serve you better. For information about our services, please log onto **www.myfloridalicense.com**. There you can find more information about our divisions and the regulations that impact you, subscribe to department newsletters and learn more about the Department's initiatives.

Our mission at the Department is: License Efficiently, Regulate Fairly. We constantly strive to serve you better so that you can serve your customers. Thank you for doing business in Florida, and congratulations on your new license!

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
BEV4602220 ISSUED: 03/07/2017
TOB-DUAL LICENSE
RETAILER OF ALCOHOLIC BEVERAGES
OLDE HICKORY GOLF & CC MASTER ASSO INC
OLDE HICKORY GOLF & COUNTRY CLUB
CONSUMPTION ON PREMISES ONLY

IS LICENSED under the provisions of Ch.561 FS.
Expiration date : MAR 31, 2018
L1703070002573

DETACH HERE

RICK SCOTT, GOVERNOR

MATILDE MILLER, INTERIM SECRETARY

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIV OF ALCOHOLIC BEVERAGES & TOBACCO

LICENSE NUMBER	SERIES	TYPE	TOBACCO
BEV4602220	4COP	SFS	DUAL LICENSE

The RETAILER OF ALCOHOLIC BEVERAGES
Named below IS LICENSED
Under the provisions of Chapter 561 FS.
Expiration date: MAR 31, 2018
CONSUMPTION ON PREMISES ONLY

CANNOT MOVE FROM THIS LOCATION

OLDE HICKORY GOLF & CC MASTER ASSO INC
OLDE HICKORY GOLF & COUNTRY CLUB
14670 OLDE HICKORY BLVD
FORT MYERS FL 33912

DISPLAY AS REQUIRED BY LAW

SEQ # L1703070002573

ATTACHMENT M

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DIVISION OF HOTELS AND RESTAURANTS
2601 BLAIR STONE ROAD
TALLAHASSEE FL 32399-1011

850-487-1395

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OLDE HICKORY GOLF CC MA INC
OLDE HICKORY GOLF CC
14670 OLD HICKORY BLVD
FORT MYERS FL 339120807

Congratulations! With this license you become one of the nearly one million Floridians licensed by the Department of Business and Professional Regulation. Our professionals and businesses range from architects to yacht brokers, from boxers to barbeque restaurants, and they keep Florida's economy strong.

Every day we work to improve the way we do business in order to serve you better. For information about our services, please log onto **www.myfloridalicense.com**. There you can find more information about our divisions and the regulations that impact you, subscribe to department newsletters and learn more about the Department's initiatives.

Our mission at the Department is: License Efficiently, Regulate Fairly. We constantly strive to serve you better so that you can serve your customers. Thank you for doing business in Florida, and congratulations on your new license!

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

SEA4603944 ISSUED: 11/08/2016

SEATING FOOD SERVICE (2010)
OLDE HICKORY GOLF CC MA INC
OLDE HICKORY GOLF CC

IS LICENSED under the provisions of Ch.509 FS.
Expiration date : DEC 1, 2017 L1611080000818

DETACH HERE

RICK SCOTT, GOVERNOR

KEN LAWSON, SECRETARY

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF HOTELS AND RESTAURANTS

LICENSE NUMBER	
SEA4603944	NBR. OF SEATS: 209

The SEATING FOOD SERVICE (2010)
Named below IS LICENSED
Under the provisions of Chapter 509 FS.
Expiration date: DEC 1, 2017

NON-
TRANSFERABLE

OLDE HICKORY GOLF CC MA INC
OLDE HICKORY GOLF CC
14670 OLDE HICKORY BLVD
FORT MYERS FL 339120807

ISSUED: 11/08/2016

DISPLAY AS REQUIRED BY LAW

SEQ # L1611080000818

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

CELEBRATING 25 YEARS IN BUSINESS 1992 - 2017

June 22, 2017

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Ms. Jessica K. Leatherman
Lee County Development Services
1500 Monroe Street
Fort Myers, Florida 33901

Reference: OLDE HICKORY GOLF & COUNTRY CLUB
SEZ2017-00003

Dear Jessica:

This letter is written in response to negotiations and resulting settlement agreement that have transpired since the correspondence received regarding the above referenced case from Pavese Law Firm dated April 4, 2017.

Attached please find the Agreement between Old Hickory Golf & Country Club Master Association, Inc. and Dr. Mitchell Lasoff, together with several other owners dated May 26, 2017 and recorded June 14, 2017 at Instrument No. 2017000129736 of the Public Records of Lee County. Below is an aerial depicting the location of Dr. Lasoff's residence as well as the location of the additional residences named on Page 2, Item 4.



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S:\Jobs\81xx\8150\Documents\Lee County\8150_SEZ2017-00003-SettlementAgreementSubmittaltoLeeCounty.doc

ATTACHMENT N

SEZ 2017-00003

The applicant is submitting the following in accordance with this agreement:

- Page 2, Item 2. Applicant respectfully requests that Lee County incorporate the following conditions into any recommendation of approval of the Special Exception request:
  1) The Association shall advertise that daily phone and walk-up outdoor COP service and sales shall only be from 11:00 a.m. to 5:00 p.m. and enforce said hours.
  2) The Association shall advertise that outdoor COP service for special events, defined as those events held outside when the Association closes its indoor facilities for another function ("Special Events"), and private outdoor events requested by members or individual homeowners' associations ("Private Events") shall only be from 4:00 p.m. to 8:30 p.m. with all patrons and staff leaving the premises and lights out by 9:00 p.m., and enforce said hours.
  3) In October, November, and December there shall be no more than two (2) Special Events per month. In January, February, March, and April there shall be no more than four (4) Special Events per month. Additionally, individual homeowners' associations may hold no more than one (1) private event each, between October 1st and April 30th, and there shall be no more than one (1) private homeowners' association event per month between October 1st and April 30th. There shall be no more than two (2) Special or Private Events in a given week between October 1st and April 30th. Allocations for Special Events or Private Events cannot be carried over from a given week or month.
  4) The use of animated signs (defined as those that are composted of moving parts or lights or lighting devices that change color, flash, alternate illumination, show motion, movement or otherwise change appearance) and neon signs are prohibited. Any signs that are back-lit for display at night shall be oriented to the west away from adjacent residences.
  5) There shall be no amplified music.
  6) Should the Association utilize a permanent or temporary structure ("Structure") for outdoor COP service, the Structure shall not be located in the northeast corner of the pool deck.
- Page 3, Item 5. The applicant respectfully submits the attached amended outdoor COP Special Exception Plan which removes the previously proposed approximately 8-foot tall sound barrier wall which was to be located between the pool and adjacent residences. This wall is no longer a part of this Special Exception application. Since the four adjacent property owners closest to the proposed outdoor COP use have specifically requested that the previously proposed sound barrier wall be removed, the applicant respectfully submits that removal of the sound barrier does not change the fact that the proposed use is compatible with existing and planned uses and will not be injurious to the neighborhood or detrimental to the public welfare.

Please do not hesitate to contact me at (239) 770-2527 if you have any questions or need anything further.

Sincerely,
BANKS ENGINEERING
Stacy E. Hewitt
Stacy Ellis Hewitt, AICP
Director of Planning

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cc: Joseph M. Madden, Jr.
Audra Ennis, Section Manager, Zoning Department
John Fredyma, Senior Assistant County Attorney
Kathleen O. Berkey, Esq.

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INSTR # 2017000129736, Doc Type AGR, Pages 9, Recorded 06/14/2017 at 10:33 AM, Linda Doggett, Lee County Clerk of Circuit Court, Rec. Fee $78.00 Deputy Clerk ERECORD

Prepared by and to be returned to:
Kathleen O. Berkey, Esq.
Pavese Law Firm
P.O. Drawer 1507
Fort Myers, FL 33902-1507

STRAP No.:
27-45-25-02-0000A.00CE

AGREEMENT

THIS AGREEMENT is made this 26th day of May 2017 by and between The Olde Hickory Golf & Country Club Master Association, Inc., a Florida not for profit corporation, whose address is 14670 Old Hickory Boulevard, Fort Myers, Florida 33912 ("Association") and Dr. Mitchell Lasoff, whose address is 14600 Old Hickory Boulevard, Fort Myers, Florida 33912, together with several other owners ("Lasoff").

RECITALS

WHEREAS, Peter Tschernitz ("General Manager"), as General Manager on behalf of Association, applied to Lee County, Florida for a special exception (Case No. SEZ2017-00003) in the Residential Planned Development zoning district to allow an amendment to the existing consumption on premises ("COP") license to allow outdoor consumption on premises by the existing Association pool ("Special Exception") on property located at 14670 Old Hickory Boulevard, Fort Myers, Florida 33912 further identified by STRAP No. 27-45-25-02-0000A.00CE and more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, Association is the record title owner of the Property and Lasoff owns a lot that is approximately 100-feet from the Property, as more particularly described in Exhibit "B" attached hereto and incorporated herein by this reference; and

WHEREAS, Lasoff's lot contains his primary residence; and

WHEREAS, Lasoff has concerns about the impacts of the proposed outdoor COP use on his residence; and

WHEREAS, Association and Lasoff have agreed to certain conditions of approval to be made part of the Special Exception approval, and which conditions will help to address Lasoff's concerns.

NOW THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt of which is hereby acknowledged by both parties, Association and Lasoff agree as follows:

1. The above recitals are true and correct and incorporated herein by this reference.

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2. Association shall request that Lee County incorporate the following conditions ("Conditions") into any approval of the Special Exception:

1) The Association shall advertise that daily phone and walk-up outdoor COP service and sales shall only be from 11:00 a.m. to 5:00 p.m. and enforce said hours.
2) The Association shall advertise that outdoor COP service for special events, defined as those events held outside when the Association closes its indoor facilities for another function ("Special Events"), and private outdoor events requested by members or individual homeowners' associations ("Private Events") shall only be from 4:00 p.m. to 8:30 p.m., with all patrons and staff leaving the premises and lights out by 9:00 p.m., and enforce said hours.
3) In October, November, and December there shall be no more than two (2) Special Events per month. In January, February, March, and April there shall be no more than four (4) Special Events per month. Additionally, individual homeowners' associations may hold no more than one (1) private event each, between October 1st and April 30th, and there shall be no more than one (1) private homeowners' association event per month between October 1st and April 30th. There shall be no more than two (2) Special or Private Events in a given week between October 1st and April 30th. Allocations for Special Events or Private Events cannot be carried over from a given week or month.
4) The use of animated signs (defined as those that are composted of moving parts or lights or lighting devices that change color, flash, alternate illumination, show motion, movement or otherwise change appearance) and neon signs are prohibited. Any signs that are back-lit for display at night shall be oriented to the west away from adjacent residences.
5) There shall be no amplified music.
6) Should the Association utilize a permanent or temporary structure ("Structure") for outdoor COP service, the Structure shall not be located in the northeast corner of the pool deck.

3. Regardless of whether Lee County incorporates the Conditions into an approval of the Special Exception, if the Special Exception is approved and/or the Association's existing COP license (BEV4602220) is amended or expanded by the State of Florida, the Association and its agents and representatives shall adhere to the Conditions as though they were a part of the Special Exception approval and/or the State of Florida's approval of an amendment to or expansion of the Association's existing COP license (BEV4602220).

4. Lasoff. as well as other owners that are concerned about the outdoor COP service, including the Postlers, Barkers and Connors, shall not object to the Special Exception at the Lee County Hearing Examiner public hearing scheduled for July 13,

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2017, and shall instruct Pavese Law Firm to send a letter withdrawing earlier concerns sent to Lee County Zoning.

5. Simultaneously with the execution and delivery of this Agreement, the Association shall transmit to Lee County an amended outdoor COP Special Exception Plan and a corresponding narrative which explains that the approximately 8-foot tall sound barrier to be located between the pool and Lasoff's lot is no longer a part of its Special Exception application.

6. Association represents and warrants to Lasoff that the execution and delivery of this Agreement has been duly approved by all requisite corporate or partnership action, as applicable, that is required to be taken.

7. Attorneys' Fees. In connection with any litigation, including appellate proceedings, arising out of this Agreement the prevailing party shall be entitled to recover all reasonable attorneys' fees and costs incurred by the enforcement of any of the obligations contained in this Agreement.

8. Injunctive Relief. It is hereby agreed and acknowledged that it will be impossible to measure monetary damages that would be suffered if the parties fail to comply with any of the obligations herein imposed on them and that in the event of any such failure, an aggrieved Person will be irreparably damaged and will not have an adequate remedy at law. Any such Person shall, therefore, be entitled (in addition to any other remedy to which it may be entitled in law or in equity) to injunctive relief, including specific performance, to enforce such obligations, and if any action should be brought in equity to enforce any of the provisions of this Agreement, none of the parties hereto shall raise the defense that there is an adequate remedy at law.

9. Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and the Association's successors in interest, heirs, and assigns.

10. Governing Law. This agreement shall be governed by, construed and interpreted under the laws of the State of Florida.

11. Venue and Jurisdiction. The venue and jurisdiction of any dispute relating to this Agreement shall be construed in accordance with the laws of Florida, and for the purposes of this contract, venue and jurisdiction for any litigation is construed to be in Lee County, Florida, and both parties waive any objection to said venue or jurisdiction.

12. Entire Agreement. This agreement contains the entire understanding of the parties hereto and supersedes any prior agreement. Neither party shall be bound by any terms, conditions, statements, or representations, oral or written, which are not contained in this Agreement. The parties hereby acknowledge they have not been induced, persuaded, or motivated by any promise or representation made by the other party in entering into this Agreement unless expressly set forth herein.

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13. Severability. The illegality, invalidity, or unenforceability of any provision of this agreement shall not affect the remainder of this agreement.

14. Time. Time is of the essence of each provision of this Agreement.

15. Successors and Assigns. All rights and liabilities herein given to, or imposed upon the Association hereto shall extend to and inure to the benefit of the Association's parties, agents, representatives, lessees, employees, heirs, executors, administrators, successors and assigns; and if more than one, shall all be bound jointly and severally by the terms, covenants and agreement herein contained.

16. Amendment. Except as otherwise provided herein, this Agreement may not be amended, altered, or modified except by writing executed by both parties hereto.

17. Section Headings. The section headings and captions in this Agreement are intended for convenience only and shall not be taken into consideration in any construction or interpretation of this Agreement or any of its provisions.

18. Executed Counterparts. This Agreement may be executed in any number of counterparts, each of which when executed and delivered, shall constitute an original, but all counterparts shall together constitute one and the same instrument. The final executed instrument shall be recorded in the Public Records of Lee County at Association's sole expense.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals as of the date set forth above.

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[Remainder of Page Intentionally Left Blank]

1st Witness
Print Name: Sandra H. Saint

By: _____
Dr. Mitchell Lasoff

2nd Witness
Print Name: Leslie Hutchinson

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 25th day of May, 2017. The above-named person is personally known to me or has produced _____ as identification.

Signature of Notary Public
Sheldon B. Matzick
Printed Name of Notary Public
My commission expires on 7/25/2020

(Notary Seal)

Notary Public State of Florida
Sheldon B Matzick
My Commission FF 997346
Expires 07/25/2020

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SEZ 2017-00003

By: _____
Dr. Mitchell Lasoff

_____
1st Witness
Print Name: _____

_____
2nd Witness
Print Name: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of_____, 2017. The above-named person is personally known to me or has produced _____ as identification.

_____
Signature of Notary Public

(Notary Seal)

_____
Printed Name of Notary Public
My commission expires on_____

The Olde Hickory Golf & Country Club Master Association, Inc.

By: _____
Gerald French, President

Melanie Huh
1st Witness
Print Name: MELANIE Huh

2nd Witness
Print Name: PETER ISGRIGG

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STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 26 day of MAY, 2017 by Gerald French as President of The Olde Hickory Golf & Country Club Master Association, Inc. on behalf of the Florida not for profit corporation. The above-named person is personally known to me or has produced _____ as identification.

SEZ 2017-00003

Melanie A. Huhn
Signature of Notary Public

(Notary Seal)

MELANIE A. HUHN
MY COMMISSION # GG 046298
EXPIRES: March 8, 2021
Bonded Thru Notary Public Underwriters

MELANIE A. HUHN
Printed Name of Notary Public
My commission expires on 03/08/21

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SEZ2017-00003

EXHIBIT "A"

PROPERTY DESCRIPTION

A PORTION OF TRACT "F" OF THE OLDE HICKORY GOLF AND COUNTRY CLUB AS RECORDED IN PLAT BOOK 48, AT PAGES 86 THROUGH 114 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING IN SECTION 27, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF TRACT "H", THE OLDE HICKORY GOLF AND COUNTRY CLUB, PLAT BOOK 48, AT PAGES 86 THROUGH 114, LEE COUNTY, FLORIDA; THENCE RUN ALONG THE EAST LINE OF SAID TRACK "H" NORTH 00°56'53" WEST, FOR A DISTANCE OF 560.00 FEET; THENCE RUN NORTH 89°03'07" EAST, A DISTANCE OF 593.03 FEET TO A POINT ON THE WESTERLY LINE OF BLOCK 6 OF SAID PLAT; THENCE RUN ALONG SAID WESTERLY LINE SOUTH 19°29'28" WEST, FOR A DISTANCE OF 189.60 FEET TO THE SOUTHWEST CORNER OF LOT 26 OF SAID BLOCK 6; THENCE RUN ALONG THE SOUTH LINE OF SAID LOT 26 SOUTH 70°30'32" EAST, FOR A DISTANCE OF 140.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF TRACT "A", (OLD HICKORY BOULEVARD) OF SAID PLAT; THENCE RUN ALONG SAID WESTERLY RIGHT OF WAY LINE FOR THE FOLLOWING SIX (6) COURSES AND DISTANCES:

1. SOUTH 19°29'28" WEST, A DISTANCE OF 143.35 FEET TO A POINT ON A TANGENTIAL CIRCULAR CURVE TO THE RIGHT;
2. THENCE RUN ALONG THE ARC OF SAID CURVE 165.16 FEET, HAVING A RADIUS OF 160.00 FEET, A CENTRAL ANGLE OF 59°08'36", (CHORD, SOUTH 49°03'46" WEST, 157.92 FEET);
3. THENCE RUN SOUTH 78°38'04" WEST, FOR A DISTANCE OF 35.95 FEET TO A POINT ON A TANGENTIAL CIRCULAR CURVE TO THE RIGHT;
4. THENCE RUN ALONG THE ARC OF SAID CURVE 87.73 FEET, HAVING A RADIUS OF 482.50 FEET, A CENTRAL ANGLE OF 10°25'03", (CHORD, SOUTH 83°50'36" WEST, 87.61 FEET);
5. THENCE RUN SOUTH 89°03'07" WEST, A DISTANCE OF 54.82 FEET TO A POINT ON A TANGENTIAL CIRCULAR CURVE TO THE LEFT;
6. THENCE RUN ALONG THE ARC OF SAID CURVE 324.23 FEET, HAVING A RADIUS OF 617.50 FEET, A CENTRAL ANGLE OF 30°50'04", (CHORD, SOUTH 74°00'35" WEST, 320.52 FEET) TO THE POINT OF BEGINNING.

CONTAINING 6.57 ACRES, MORE OR LESS

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EXHIBIT B

LEGAL DESCRIPTION

Lot 24, Block 6, of The Olde Hickory Golf and Country Club, as per map or plat thereof recorded in Plat Book 48, Pages 86 through 114, inclusive, of the Public Records of Lee County, Florida.

STRAP Number 27-45-25-02-00006.0240

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E-recording Report of Recorded Documents

Itemized Fee View

Prepared for: Madden Law Firm LLC
Included Organization: Madden Law Firm LLC
For the period: 06/14/2017
Account number: FLTEH8
Report generated: 06/14/2017 08:49 AM MDT

Documents Recorded

NAME	TYPE	PG	ENTRY	RECORD DATE		SF		AMT	TOTAL	PROCESSED
Lee County, FL										
Jun 14, 2017										
OLDE HICKORY										
20170613100827734	*Agreement*	9	E 2017000129736	06/14/2017 10:33 AM EDT	Submission Fee	4.50	Recording Fee	78.00	82.50	06/14/2017
						0.00	No fee	0.00	0.00	06/14/2017
						4.50		***78.00***	***82.50***	
						4.50		**78.00**	**82.50**	
Totals for Lee County, FL						**4.50**		**78.00**	**82.50**	

Recording Fee Totals

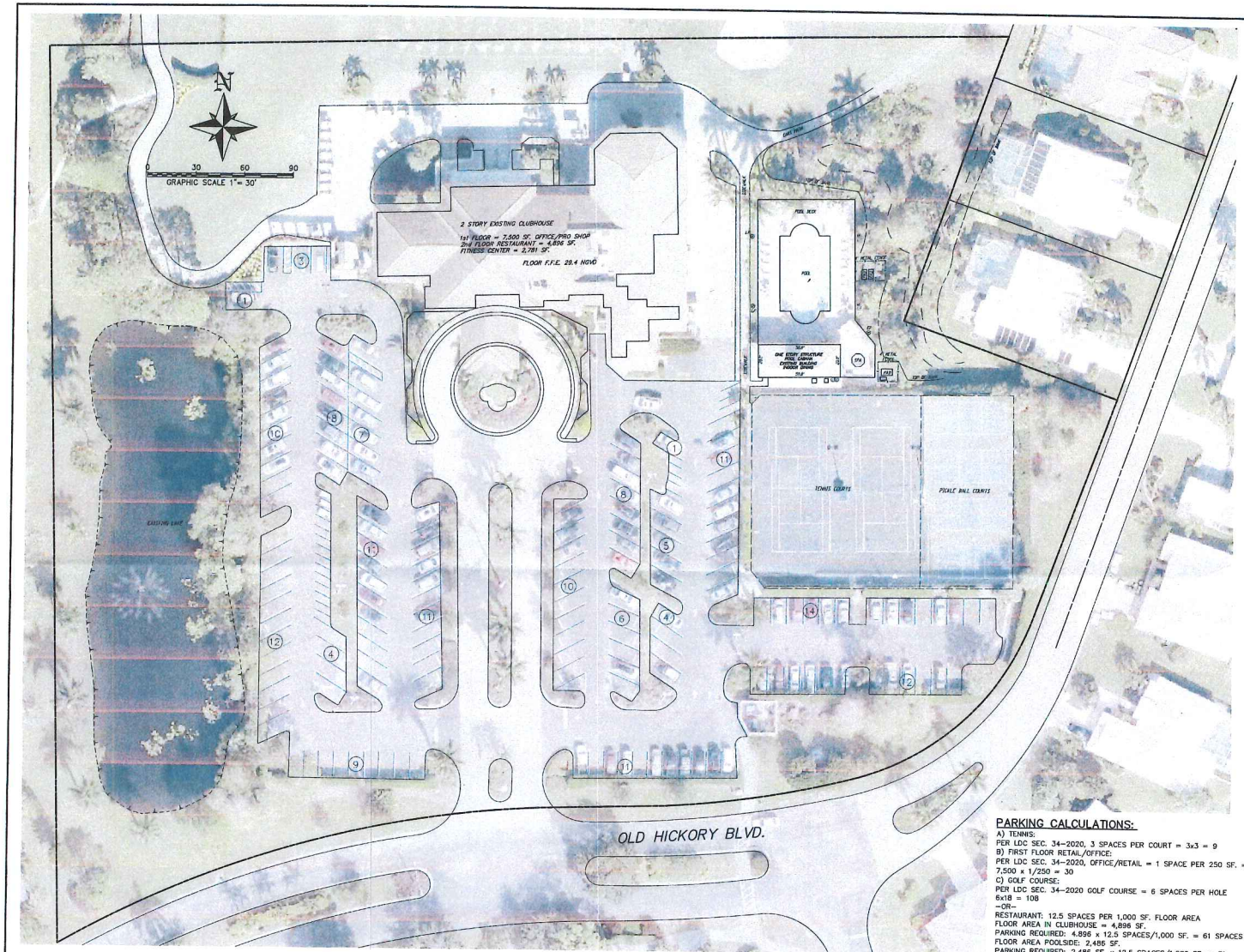
COUNTY	RECORD DATE	SF	AMT	
Lee County, FL	06/14/2017	4.50	78.00	82.50
Totals for Lee County, FL		**4.50**	**78.00**	**82.50**
Total of All Recording Fees		**4.50**	**78.00**	**82.50**

Document Count: 1

Questions Contact:
Simplifile Support 1-800-460-5657, option 3
4844 North 300 West, Suite 202
Provo, UT 84604

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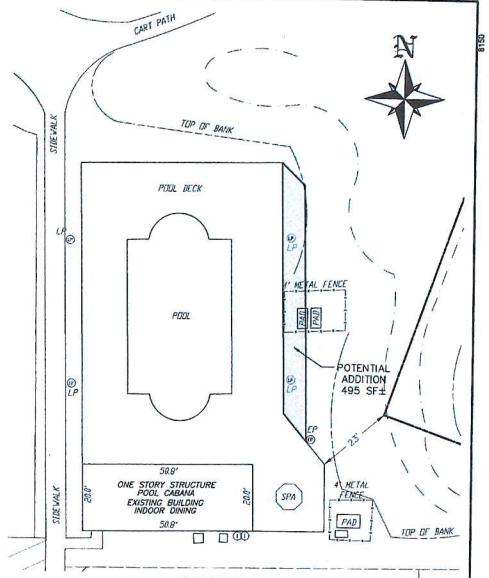


EXISTING CONDITIONS PLAN

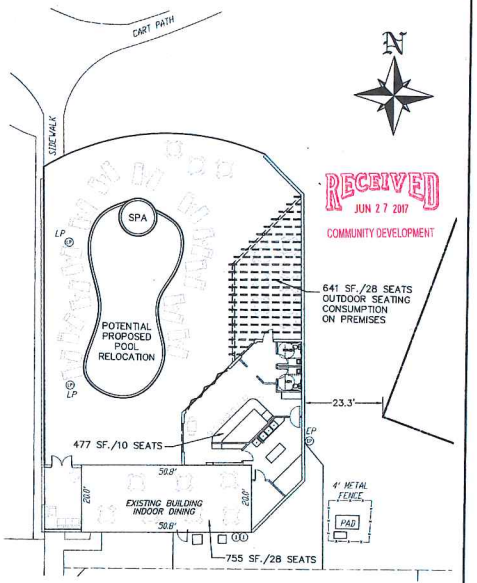
	SERVING AREA	SEATS
EXISTING CLUBHOUSE RESTAURANT	4,896 SF.	209
PROPOSED POOLSIDE INDOOR	1,845 SF.	38
PROPOSED POOLSIDE OUTDOOR	641 SF.	28
TOTAL	7,382 SF.	275

PARKING CALCULATIONS:

A) TENNIS:
PER LDC SEC. 34-2020, 3 SPACES PER COURT = 3x3 = 9
B) FIRST FLOOR RETAIL/OFFICE:
PER LDC SEC. 34-2020, OFFICE/RETAIL = 1 SPACE PER 250 SF. = 7,500 x 1/250 = 30
C) GOLF COURSE:
PER LDC SEC. 34-2020 GOLF COURSE = 6 SPACES PER HOLE
6x18 = 108
-OR-
RESTAURANT: 12.5 SPACES PER 1,000 SF. FLOOR AREA
FLOOR AREA IN CLUBHOUSE = 4,896 SF.
PARKING REQUIRED: 4,896 x 12.5 SPACES/1,000 SF. = 61 SPACES
FLOOR AREA POOLSIDE: 2,486 SF.
PARKING REQUIRED: 2,486 SF. x 12.5 SPACES/1,000 SF. = 31
TOTAL RESTAURANT PARKING REQUIRED: 92 SPACES
SPACES REQUIRED EQUALS GREATER OF GOLF OR RESTAURANT = 108 SPACES
D) CLUBHOUSE FITNESS CENTER:
PER LDC SEC. 34-2020 RECREATION = 4 SPACES PER 1,000 SF.
2,781 x 4/1,000 = 11 SPACES
TOTAL SPACES REQUIRED: 9+30+108+11 = 158
CAR SPACES PROVIDED: EXIST. 158
GOLF CART SPACES PROVIDED: 21
TOTAL SPACES PROVIDED = 179, 113.3% OF REQUIRED.



EXISTING & DEMO PLAN



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PROPOSED PLAN

SEZ 2017-00003

PREPARED FOR:
OLDE HICKORY GOLF & COUNTRY CLUB MASTER ASSN. INC.
14670 OLD HICKORY BLVD.
FORT MYERS FL. 33912

NO.	DATE	REVISION DESCRIPTION	BY
3	6/14/2017	PER SETTLEMENT AGREEMENT	SEH
2	4/7/2017	UPDATED SEATING	SEH
1	2/14/2017	1ST SUFFICIENCY RESPONSE	SEH

BANKS ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida
10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

OUTDOOR COP SPECIAL EXCEPTION PLAN
OLDE HICKORY GOLF & COUNTRY CLUB
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
12/22/2016	8150P	EXIST. COND.		JLS	SEH	AS SHOWN	1