

RESOLUTION R-10-042
NEWPORT ISLES GATEWAY
/ CC MANATEE DEVELOPMENT, LLC
PDMU-10-01(G) - DTS#20100008

A Resolution of the Board of County Commissioners of Manatee County, Florida regarding land development, approving a Gateway Master Plan for a project previously proposed as "Newport Isles" on property generally located north of Buckeye Road, east of Grass Farm Road, and extending north to the Hillsborough County line, consisting of approximately 734 ± acres within the North County Gateway Overlay District; providing for specific approval regarding building setbacks and height; providing for conditions of approval; setting forth findings; providing for severability and providing for an effective date.

WHEREAS, CC Manatee Development, LLC (the "Applicant") filed an application for a North County Gateway Overlay Master Plan (hereinafter "Gateway Overlay Master Plan") for approximately 734 ± acres described in Exhibit "A", attached hereto, (the "Property"); and

WHEREAS, the Planning staff has recommended approval of the Gateway Overlay Master Plan, as described in the Planning staff report; and

WHEREAS, the applicant filed an application for Special Approval for a Mixed Use project, alternative development under a Gateway Overlay Master Plan, Gross Density exceeding 1 dwelling unit/acre, Non-Residential uses exceeding 30,000 sq. ft., and development adjacent to a perennial Stream; and

WHEREAS, the applicant filed an application for Specific Approval for an alternative to Section 702.5.2.3 (setback based on height) of the Land Development Code; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on March 11, 2010 to consider the Gateway Overlay Master Plan, received the staff recommendation and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

WHEREAS, the Manatee County Planning Commission, as the County's Local Planning Agency, found the Gateway Overlay Master Plan consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code and recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. FINDINGS OF FACT. The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners. The Board of County Commissioners of Manatee County, after considering the testimony, evidence, documentation, application for the Gateway Overlay Master Plan, the recommendation and findings of the Planning Commission, as well as all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. The Board of County Commissioners has received and considered the report of the Planning Commission concerning the application for a Gateway Overlay Master Plan as it relates to the real property described in Exhibit "A" of this Ordinance.

B. The Board of County Commissioners, after due public notice, held a public hearing on March 30, 2010 regarding the proposed Gateway Overlay Master Plan described herein in accordance with the requirements of Manatee County Land Development Code and has further considered the information received at the public hearing.

C. The Board of County Commissioners hereby finds that the Gateway Overlay Master Plan has demonstrated how compatibility between residential and non-residential uses can be achieved and how provisions have been made for all required public facilities in accordance with Section 604.12.4, LDC (Ordinance No. 09-08).

D. For the purposes of granting Special Approval, the Board finds that the project as described generally on the Gateway Overlay Master Plan and as conditioned herein, will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

E. Notwithstanding the failure of this Gateway Overlay Master Plan to comply with the requirements of LDC Section 702.5.2.3, the Board finds that the public purpose of the LDC regulations are satisfied to an equivalent degree for areas that are developed exclusively for North County Gateway Overlay uses.

Section 2. MASTER PLAN. A Gateway Overlay Master Plan is hereby approved for a project previously proposed as as "Newport Isles" on property generally located north of Buckeye Road, east of Grass Farm Road, and extending north to the Hillsborough County line, consisting of approximately 734 ± acres within the North County Gateway Overlay District. The allowable uses within the Gateway Overlay Master Plan are detailed on Sheet 2 of the "Newport Isles Gateway Overlay Master Plan," a copy of which is on file in the Planning and Development Department. Said uses are within the range of uses and intensities provided for in the IL (Industrial-Light) Future Land Use Category.

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for a Mixed Use project, alternative development under a Gateway Overlay Master Plan, Gross Density exceeding 1 dwelling unit/acre, Non-Residential uses exceeding 30,000 sq. ft., and a development adjacent to a perennial stream. Special Approval shall continue in effect and shall expire concurrent with the Master Plan for the project approved pursuant to Section 2 hereof. Specific Approval is hereby granted for an alternative to Section 702.5.2.3 (setback based on height) of the LDC. Specific Approval shall continue in effect and shall expire concurrent with the Master Plan for the project approved pursuant to Section 2 hereof.

Section 4. REVOCABILITY. The Board of County Commissioners, at its option, based upon evidence in the record and exclusive of all other remedies available to the Board pursuant to the Land Development Code and applicable law, may revoke the approval of any portion of the Gateway Overlay Master Plan for which no Preliminary Site Plan or Final Site Plan or other development orders have been issued in order to prevent issuance of further development orders and prevent the exceedance of numerical thresholds for development of regional-impact review. In the event the approval of all or a portion of the Gateway Overlay Master Plan is revoked by the

Board, the Board shall adopt a resolution providing for such revocation and Notice of Revocation shall be recorded in the public records.

Section 5. MONITORING REQUIREMENT. It shall be the obligation of the applicant or their successors in interest for any development proposed to be approved by a Final Site Plan permitted in the IL (Industrial-Light) Future Land Use Classification to demonstrate to the County that any development approved by way of a Final Site Plan is below the threshold of intensity of uses required to undergo review as a development of regional-impact pursuant to applicable laws in accordance with the requirements of Section 604.12, LDC.

Section 6. SEVERABILITY. If any section, sentence, clause, or other provision of this Resolution shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Resolution.

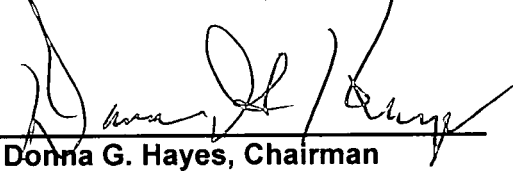
Section 7. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, this resolution is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 6. EFFECTIVE DATE. This resolution shall take effect immediately upon adoption.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 30th day of March, 2010.



**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

BY: 
Donna G. Hayes, Chairman

**ATTEST: R. B. SHORE
Clerk of the Circuit Court**

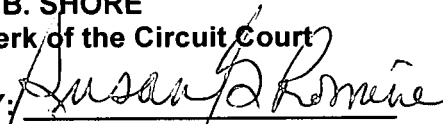
BY: 
Deputy Clerk

Exhibit "A"

**LEGAL DESCRIPTION
Newport Isles**

PARCEL A

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 3, TOWNSHIP 33 SOUTH, RANGE 18 EAST; THENCE RUN S 00°20'10" E ALONG THE EAST LINE OF SECTION 10, TOWNSHIP 33 SOUTH, RANGE 18 EAST, A DISTANCE OF 1330.80 FEET; THENCE N 89° 37' 21" W ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST ¼ OF SAID SECTION 10, A DISTANCE OF 1331.98 FEET; THENCE S 00° 15' 10" E ALONG THE WEST LINE OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 10, A DISTANCE OF 1302.39 FEET; THENCE N 89°44'36" W ALONG THE NORTHERLY MAINTAINED RIGHT OF WAY LINE OF BUCKEYE ROAD, A DISTANCE OF 1383.72 FEET; THENCE NORTHERLY AND EASTERLY THE FOLLOWING TWO COURSES ALONG THE EASTERLY BOUNDARY OF PROPERTY DESCRIBED IN O.R. BOOK 1743, PAGE 4860; THENCE N 01° 33'34" E, A DISTANCE OF 772.94 FEET; THENCE S 89°38'59" E, A DISTANCE OF 439.51 FEET; THENCE N 00°27'07" E ALONG THE EASTERLY LINE OF PROPERTY DESCRIBED IN O.R. BOOK 1743, PAGE 4860 AND O.R. BOOK 1692, PAGE 2290, A DISTANCE OF 807.11 FEET; THENCE N 89°38'49" W ALONG THE NORTHERLY LINE OF PROPERTY DESCRIBED IN O.R. BOOK 1692, PAGE 2290, A DISTANCE OF 141.72 FEET; THENCE NORTHERLY THE FOLLOWING TWO COURSES ALONG THE EASTERLY LINE OF PROPERTY DESCRIBED IN O.R. BOOK 1768, PAGE 550; THENCE N 32°23'22" W, A DISTANCE OF 542.68 FEET; THENCE N 01°21'06" W, A DISTANCE OF 593.32 FEET; THENCE S 89°03'23" E ALONG THE SOUTHERLY RIGHT OF WAY LINE OF GRASS FARM ROAD DESCRIBED IN O.R. BOOK 172, PAGE 345 AND O.R. BOOK 172, PAGE 347 A DISTANCE OF 178.73 FEET; THENCE N 00°56'37" E ALONG EAST RIGHT OF WAY LINE OF GRASS FARM ROAD, A DISTANCE OF 66.00 FEET; THENCE N 89°03'23" W, ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID GRASS FARM ROAD, A DISTANCE OF 2436.86 FEET; THENCE N 00°39'39" E ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID GRASS FARM ROAD, A DISTANCE OF 2558.50 FEET; THENCE N 89°20'21" W ALONG THE NORTH LINE OF SAID GRASS FARM ROAD, A DISTANCE OF 66.00 FEET; THENCE N 00°39'39" E ALONG THE WESTERLY LINE OF AFOREMENTIONED SECTION 3, A DISTANCE OF 2054.86 FEET; THENCE N 88°55'52" E, A DISTANCE OF 5036.79 FEET; THENCE S 01°00'25" W ALONG THE EAST LINE OF SAID SECTION 3, A DISTANCE OF 4822.84 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTIONS 3 AND 10, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 653.44 ACRES.

PARCEL B

BEGINNING AT THE NORTHEAST CORNER OF SECTION 3, TOWNSHIP 33 SOUTH, RANGE 18 EAST, THENCE RUN S 01°00'25" W ALONG THE EAST LINE OF SAID SECTION 3, A DISTANCE 700.68 FEET; THENCE S 88°55'52" W, A DISTANCE OF 5036.79 FEET; THENCE

N 00°39'39" E ALONG THE WEST LINE OF SAID SECTION 3, A DISTANCE OF 700.54 FEET;
THENCE N 88°55'52" E ALONG THE NORTH LINE OF SAID SECTION 3, A DISTANCE OF
5041.02 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 3, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE
COUNTY, FLORIDA.

CONTAINING 81.00 ACRES.