

**RESOLUTION 13-105**  
**[Amendment to Resolution 09-223**  
**Curiosity Creek Gateway Overlay Master**  
**Plan – PDMU 04-51(G)(R)]**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA REGARDING LAND DEVELOPING APPROVING AN AMENDMENT TO THE APPROVED GATEWAY OVERLAY MASTER PLAN FOR A PROJECT PREVIOUSLY APPROVED AS “CURIOSITY CREEK” ON PROPERTY GENERALLY LOCATED NORTH OF BUCKEYE ROAD, EAST OF U.S. 41, WEST OF GRASS FARM ROAD EXTENDING NORTH TO THE HILLSBOROUGH COUNTY LINE AND EAST OF PORT MANATEE BY ADDING APPROXIMATELY 20± ACRES TO THE APPROVED 788.39± ACRES; PROVIDING FOR SPECIFIC APPROVAL REGARDING BUILDING HEIGHT AND SETBACKS FOR THE ADDED ACREAGE; PROVIDING FOR CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, in 2009, Manatee County approved Resolution 09-223 which resolution approved a Gateway Overlay Master Plan for a project previously proposed as “Curiosity Creek”; and

**WHEREAS**, that approval only included 788.39± acres of the approved Curiosity Creek project; and

**WHEREAS**, the owner of the remaining 20± acres of the Curiosity Creek project wishes to have its acreage included in the Gateway Overlay Master Plan; and

**WHEREAS**, the applicant has filed an application to amend Resolution 09-223 to add the 20± acres owned by it as described in Exhibit “A” attached hereto (the “Property”); and

**WHEREAS**, the existing Gateway Overlay Master Plan approval provides special approvals for a mixed use project, alternate development under a Gateway Overlay Master Plan, gross density exceeding one (1) dwelling unit per acre, non-residential uses exceeding 30,000 square feet and development adjacent to a perennial stream; and

**WHEREAS**, the existing approval authorizes specific approval for an alternate 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 October 10, 2013 to consider amending Resolution 09-223 to add 20± acres, 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 amendment to be 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 amendment of the Curiosity Creek 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 requesting an amendment to Resolution 09-223, the Curiosity Creek Gateway Overlay Master Plan as it related to the real Property described in Exhibit "A" of this Resolution.

B. The Board of County Commissioners held a public hearing on November 7, 2013 regarding the proposed amendment described herein in accordance with the requirements of Manatee County Land Development Code and further considered the information received at the public hearing.

C. The purpose of the North County Gateway Overlay District as described in Policy 2.2.2.9.1 of the Comprehensive Plan is to encourage growth which is consistent with the long-term needs of Port Manatee and the economic health of Manatee County.

D. 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 09-08).

E. For the purposed 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.

F. 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.** Resolution 09-223, the Curiosity Creek Gateway Overlay Master Plan project previously proposed as “Curiosity Creek” on 788.39± acres generally located north of Buckeye Road, east of U.S. 41, west of Grass Farm Road extending north to the Hillsborough County Line and east of Port Manatee is hereby amended to add 20± acres described in Exhibit “A” attached hereto. The allowable uses and required standards within the Gateway Overlay Master Plan are detailed on Sheets 1-4 of the “Gateway Overlay Master Plan for Curiosity Creek” dated October 7, 2013, a copy of which is on file in the Building and Development Services 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 one (1) dwelling unit/acre, Non-Residential uses exceeding 30,000 square feet, and a development adjacent to a perennial stream and specific approval is granted for an alternate to LDC Section 702.5.2.3 as described in the approved Gateway Overlay Master Plan.

**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 Section 125.68(1), Florida Statutes, this resolution is not required to be codified. Therefore, the clerk shall not transmit the ordinance for codification.

**Section 8. 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 November 7, 2013.

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

BY: \_\_\_\_\_



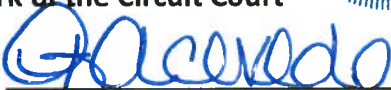
**Larry Bustle, Chairman**



**ATTEST:**

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

BY: \_\_\_\_\_



**Deputy Clerk**

**Exhibit "A"**  
**Legal Description**  
**20 additional acres to be added**

COMMENCING AT THE NORTHEAST CORNER OF SECTION 9, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE RUN N89°48'16" W, A DISTANCE OF 18.08 FEET; THENCE S 05°42'06" W, A DISTANCE OF 2700.53 FEET; THENCE N 89°30'48" W, ALONG THE NORTHERLY MAINTAINED RIGHT OF WAY LINE OF BUCKEYE ROAD, A DISTANCE OF 1199.49 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N 89°30'48" W, ALONG SAID NORTHERLY MAINTAINED RIGHT OF WAY LINE A DISTANCE OF 670.64 FEET; THENCE N 03°04'34" W, A DISTANCE OF 594.73 FEET; THENCE N 03°05'52" W, A DISTANCE OF 7.28 FEET; THENCE N 90°00'00" E, A DISTANCE OF 484.33 FEET; THENCE N 00°00'00" E, A DISTANCE OF 90.05 FEET; THENCE S 89°30'48" E, A DISTANCE OF 218.66 FEET; THENCE S 00°00'00" W, A DISTANCE OF 695.03 FEET TO THE POINT OF BEGINNING.

AND

COMMENCING AT THE NORTHEAST CORNER OF SECTION 9, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE RUN N 89°48'16" W, A DISTANCE OF 18.08 FEET; THENCE S 05°42'06" W, A DISTANCE OF 2700.53 FEET; THENCE N 89°30'48" W ALONG THE NORTHERLY MAINTAINED RIGHT OF WAY LINE OF BUCKEYE ROAD A DISTANCE OF 571.51 FEET TO THE POINT OF BEGINNING; THENCE N 89°30'48" W CONTINUING ALONG SAID NORTHERLY MAINTAINED RIGHT OF WAY LINE A DISTANCE OF 627.98 FEET; THENCE N 00°00'00" E A DISTANCE OF 695.03 FEET; THENCE S 89°30'48" E A DISTANCE OF 602.97 FEET TO A POINT ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT LIES S 79°18'19" W A DISTANCE OF 1440.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO RIGHT A DISTANCE OF 268.79 FEET THROUGH A CENTRAL ANGLE OF 10°41'41" TO THE POINT OF TANGENCY; THENCE S 00°00'00" E A DISTANCE OF 428.01 FEET TO THE POINT OF BEGINNING.

ALL LYING AND BEING IN SECTION 9, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.