June 14, 2016
3:00 pm

PLEDGE OF ALLEGIANCE

SWEARING IN BY CLERK'S OFFICE: All Staff/Public Wishing to Speak

PLEASE TURN ALL CELL PHONES AND PAGERS OFF BEFORE ENTERING CHAMBERS

PUBLIC HEARING APPLICATION

1. **SP-16-03 – ELMIRA’S WILDLIFE SANCTUARY**
   Barney Salmon, Planner
   Request: Approval of a Special Permit to allow an Animal Services (Wild and Exotic) facility in the form of a wildlife sanctuary. The site is located at 13910 and 13920 Seminole Trail, Wimauma (Manatee County). Both properties are zoned A/NCO (General Agricultural/North Central Overlay District), (6.69± and 6.91± acres respectively).

**PUBLIC NOTICE**

Within 21 calendar days of today's public hearing, the Hearing Officer shall issue a written report detailing the findings of fact, conclusions of law and recommendations regarding approval or denial of an application for development approval (LDC Section 312.8.B.6).

If you wish to receive notice of the final decision or recommendation of the Hearing Officer, you must supply the Planning Department with two stamped, self-addressed envelopes for that purpose (LDC Section 312.8.B.7).

Rules of Procedure for this public hearing are in effect pursuant to Sections 312.8B and 316 of the Manatee County Land Development Code. Copies of these sections of the Code are available for review, or purchase at cost, at the Building and Development Services Department, 4th Floor, Manatee County Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida.

According to Florida Statutes, Section 286.0105, any person desiring to appeal any decision made by a Hearing Officer with respect to any matter considered at this Public Hearing will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

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SP-16-03 – Elmira's Wildlife Sanctuary

Request: Approval of a Special Permit to allow an Animal Services (Wild and Exotic) facility in the form of a wildlife sanctuary. The site is located at 13910 and 13920 Seminole Trail, Wimauma (Manatee County). Both properties are zoned A/NCO (General Agricultural/North Central Overlay District), (6.69± and 6.91± acres respectively).

Hearing Officer: 06/14/16
## PROJECT SUMMARY

<table>
<thead>
<tr>
<th>CASE#:</th>
<th>SP-16-03(DTS # 20100165)</th>
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<tbody>
<tr>
<td>PROJECT NAME:</td>
<td>Elmira’s Wildlife Sanctuary</td>
</tr>
<tr>
<td>APPLICANT(S):</td>
<td>Leo Mills Jr.</td>
</tr>
<tr>
<td>REQUEST:</td>
<td>Special Permit for an Animal Services (Wild and Exotic) facility in the form of a wildlife sanctuary, including shelter, an existing office, storage areas and animal pens within a fenced wildlife compound.</td>
</tr>
<tr>
<td>CASE PLANNER:</td>
<td>Bernard Salmon</td>
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<tr>
<td>STAFF RECOMMENDATION:</td>
<td>APPROVAL</td>
</tr>
</tbody>
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## SITE CHARACTERISTICS AND SURROUNDING AREA

| ADDRESS: | 13910 and 13920 Seminole Trail, Wimauma (Manatee County) |
| GENERAL LOCATION: | 1900 feet south of the Hillsborough County line on 13910 Seminole Trail, Wimauma |
| SIZE: | 6.69 ± and 6.91 acres (13.61 ± combined) |
| EXISTING USE(S): | Animal Services (Wild and Exotic) facility in the form of a wildlife sanctuary and shelter. |
| PREVIOUS APPROVAL(S): | None |
| ZONING: | A / NCO (General Agriculture) |
| FLOOR AREA RATIO (FAR): | .007 |
| FUTURE LAND USE CATEGORY: | AG-R (Agriculture Rural-one dwelling unit per acre). |
| OVERLAY DISTRICT(S): | NCO (North Central Overlay) |

## STAFF SUMMARY

The request is for a Special Permit for an Animal Services (Wild and Exotic) facility in the form of a wildlife sanctuary and shelter on a combined 13.61 ± acre site. The current site consists of 6.69± acres and located at 13910 Seminole Trail. The sanctuary has recently purchased a 6.91 acre site immediately to the north for future expansion. There are no wild or exotic animals on the recently purchased parcel of land nor any structures proposed in the immediate future. The additional acreage will not be used to add more animals, but to provide larger areas for existing animals.

This use was established by the current owner without County approvals approximately 8 years ago. The activity was cited by Code Enforcement for operation of a wildlife sanctuary without proper approvals in 2008. The operation remained open because the animals already there have/had no other facility that would accept them. No new animals were added to the existing facility and no improvements were made. Because this facility is a non-profit, it has taken time to accumulate the necessary funding to legitimize the sanctuary.
The site consists of numerous pens (approximately 23) for housing of wild and exotic animals. There are also existing support buildings on site. There is a 250 square foot storage building where food and medicines are stored for the animals. There is a small 371 square foot office on site where the volunteers congregate and coordinate the various duties involved in caring for the animals daily needs onsite. There is always someone on site 24 hours a day to monitor and ensure the safety of the animals and ensure that they are confined. The caretaker's resident is approximately 480 square feet. There is also a 1,300 square foot modular building that will be removed from the site. It once was uses as the caretaker's residence but requires major repair and is now used for additional storage. The individual animal pens have an electrified fence. The overall perimeter is also fenced to further ensure the safety of the animals and containment for access to adjacent properties. All the animals are confined within their pens. Some pens have 2 to 3 animals of the same species within them.

Staff has not limited the number of animals that would be permitted within the sanctuary, as per the applicant, the number of animals has been limited based on the number of volunteers that staff this sanctuary. There are 42 animals on site now which includes birds and small animals. The most that have been on site in the past was 50 animals. Within the last few years, 8 animals have died and have not been replaced. Of the existing animals on site, 18 are classified as Class I animals (tigers, bears, etc.). The state requires a $2,000,000.00 liability insurance policy or a $10,000.00 bond and the sanctuary has both. The state requires a minimum of 5 acres.

The Florida Wildlife Commission (FWC) regulates enclosure sizes and cage amenities. The commission also has requirements to protect both animals and their handlers. The United States Department of Agriculture (USDA) regulates the care of the animals. An annual veterinarian visit and report is required every year. Vaccinations are also required. Both USDA and FWC inspect at least twice a year. These visits are all surprise inspections.

Section 1005.-Off-Street Parking requires one parking space per 400 gross office area. The current parking existing on site is 14 spaces. This is used for volunteer parking with the majority of the parking a grass surface.

Elmira's Wildlife Sanctuary is a non-profit corporation supported solely by members and private contributions. There are no paid employees and is staffed entirely by volunteers. They provide a refuge for wild and exotic animals including life management and enrichment to animals in need of a home. There is an outreach program that includes educational opportunities to increase community awareness of the animals. These programs are available at scheduled times during the week.

The animals at Elmira's come from private owners, facilities that have closed, or from over breeding situations. Elmira's was started in 1998 when the original founders started rescuing large exotic animals in need of a home. Incorporated as a non-profit corporation in 2005, Elmira's moved to its current location in 2008 and has a variety of animals; from tigers, bears, wolves and other mammals. Many of these animals would have been sent to established hunting areas in the United States where they have “canned” hunts. This terminology reflects the type of hunting where the animals are set free in areas that are fenced and people “hunt” them for sport. All of these animals were raised as infants and do not have a fear of humans but are still considered wild.

The site is in the AG-R; Agriculture-Rural Future Land Use Category, which allows low intensity and rural recreational facilities.

The site is zoned A (General Agriculture District). According to LDC matrix, Table 4-1; an Animal Service (wild and exotic) facility may be permitted in the A zoning district by Administrative Permit subject to Section 531.5.

A. The property upon which the facility is located shall have one (1) acre for each wild or exotic animal; and
B. All necessary state permits shall be obtained for the housing of wild or exotic animals and all the conditions of the state permits shall be met.

Since Elmira's does not meet Section 531.5.A, “The property upon which the facility is located shall have one (1) acre for each wild or exotic animal...” it was determined that a Special Permit was required to continue operation. The nexus for this determination was based partially on Section 531.41.k of the Land Development Code. Section 531.41.k states,

zoo’s, shelters, breeding facility of wild and exotic animals, animal boarding facilities, circuses or circus exhibitions are considered high intensity recreation and allowed by Special Permit in the A zoning category.
Elmira’s sanctuary is not considered a high intensity recreational use but does share one aspect of Section 531.41.k; that of an animal boarding facility. Furthermore; Animal Services (Wild and Exotic) is specifically defined in Section 200 by definition as, “Animal Services (Wild and Exotic Animals)” and includes “boarding” (temporary or permanent) and “rehabilitation” within that definition. Both these uses and terminology is shared between Section 531.41.k. and Section 531.5.A. allowed by Special Permit

Based on the fact that a high intensity use (zoo) is permitted by Special Permit; then, an animal sanctuary which is not considered a high intensity use would be permitted by Special Permit also.

The site also lies within the North Central Overlay District.

The site is in Flood Zone X Category. There are no wetlands on the site.

Staff has limited concern because of the remoteness of this use. The site is naturally buffered with existing vegetation along the perimeters. With the purchase of the property to the north there is further separation between residential use and Elmira’s sanctuary. There is only one residence adjacent to the preserve and they are located on the parcel to the south. There have been no complaints with the operation of this wildlife refuge.

The site is within the North Central Overlay District. The purpose of this district is to “promote the North Central Overlay District which will be harmonious with the existing community and in accord with the vision of the community for it future…” The purpose further includes preserving the feel and look of the area, striving for development that is attractive and harmonious with a small town, utilizing characteristics of the existing landscaping, promoting trail networks, parks, focal points, and safe and convenient pedestrian circulation and standards for building placement to enhance the pedestrian quality of development. Because of its remote location, and its existing surrounding vegetation within and along its borders, it is basically hidden from public view and does have a rural feel.

To access this site, one is required to cross the Hillsborough County line and then double back into Manatee County. It is approximately ½ mile from the Hillsborough County line. Access to this site is circuitous and somewhat difficult to locate. This can actually be an advantage since this site is primarily a wildlife refuge and not a park or zoo.

It was determined that the wildlife sanctuary fell under the definition of “Animal Services”:

Animal Services (Wild and Exotic Animals) shall mean the boarding (temporary or permanent), rehabilitation, shelter, breeding, sale, and similar activities, of any Class I or II wildlife as listed in Section 68A-6.002, FAC. For the purpose of this code, this definition does not include zoo, shelter and circus uses (See "Recreation, High Intensity"). In addition to the Class I and Class II Wildlife, the following animals shall be considered Wild and Exotic for purposes of land use regulation:

A. Primates collectively referred to as "prosimians," including but not necessarily restricted to lemurs, bushbabies, lorises and tarsiers.

B. Primates collectively referred to as "anthropoids," including but not necessarily restricted to New World Monkeys (cebids), Old World Monkeys (cercopithecids), gibbons and great apes.

Elmira’s is primarily a shelter for wild and exotic animals and is identified as a component or the use; Animal Services. Animal Services is a permitted use under the A zoning district and allowed administratively if it meets the litmus test identified within Section 531.5 Animal Services

531.5. Animal Services (Wild and Exotic Animals).

The intent of this section is to regulate the character, location, and magnitude of the land use aspects of various land uses that involve wild and exotic animals.

A. The property upon which the facility is located shall have one (1) acre for each wild or exotic animal; and

B. All necessary state permits shall be obtained for the housing of wild or exotic animals and all the conditions of the state permits shall be met.
## STAFF RECOMMENDED STIPULATIONS

1. This Special Permit shall not be effective until it has been recorded in the Public Records of Manatee County, Florida by the applicant and a copy of the recorded Order is received by the Planning Department.

2. The Special Permit will serve as a Final Site Plan (Plot Plan standards) upon approval of the Special Permit.

3. The site plan submitted with this application shall be part of this approval.

4. Parking bumper will be placed at the end of all parking stalls on site.

5. Entrance at Seminole Trail must be paved from the edge of roadway to the existing right of way line.

6. The driveway isle width will require to be 24 feet wide to accommodate backing out on to the drive aisle.

7. All necessary state permits shall be obtained for the housing of wild or exotic animals and all the conditions of the state permits shall be met.

## SURROUNDING USES & ZONING

| NORTH | Vacant; zoned A (General Agriculture) |
| SOUTH | Vacant; zoned A (General Agriculture) |
| EAST  | Single-family residence, zoned A. (General Agriculture) |
| WEST  | Seminole Trail. Beyond; Single family residence, zoned A (General Agriculture) |

## SITE DESIGN DETAILS

| SETBACKS: (per LDC Section 531.39) | Front - 50'  
Sides - 10'  
Rear - 25' |
| OPEN SPACE: | 6.22 acres (98%) at the 13910 Seminole Trail address and 6.91 acres (100%) at the 13920 Seminole Trail address. |
| BUFFERS: | Minimum Required  
Provided  
Roadway: 20'  
20'+  
South: 10'  
40'+  
West: 10'  
40'+  
East: 10'  
40'+  
North: 10'  
40'+  
*There is a 371 sf office that is 11’9” from south property line |
| ACCESS: | One access point: Seminole Trail |
| WETLAND ACREAGE & IMPACTS | No wetlands on site |
| FLOOD ZONE(S) | X per FIRM Panel 120153 0065B |
| AREA OF KNOWN FLOODING | Project is located entirely within Zone X |
| UTILITY CONNECTIONS | Septic and well (no central water or sewer available) |
POSITIVE ASPECTS

- The site has indirect access off of U.S. 301 which then connects to Seminole Trail which is a stabilized dirt road
- The site is in a rural area of north County; just south of Hillsborough County line which is compatible with this use
- Low density residential development within the area
- Building and pens are located internal to the site
- The facility has not had any complaints since inception 8 years ago
- The site is primarily a sanctuary for wild animals that have been rejected by their owners
- No trees are being removed

NEGATIVE ASPECTS

- Potential noise from tigers growling at night

MITIGATING MEASURES

- The nearest single-family residential dwelling is a minimum of 1,000 feet away
- Additional screening will be provided adjacent to residential uses as required by Code
- Animals secured in pens to include perimeter electric fencing
- All animals were raised by human caretakers as cubs/infants
- This site is screened on all 4 sides with existing vegetation.
- Existing buildings on site are more than 200 feet from Seminal Trail
- Majority of structures are internal to site
- No pen is closer than 300 feet from the perimeter of the site
- There is limited lighting on site.

SPECIAL PERMIT CRITERIA PURSUANT TO SECTION 505 OF THE LAND DEVELOPMENT CODE:

1. Is the proposed use consistent with the Comprehensive Plan?
   The site is in the AG-R/NCO (Agricultural General-Rural/North Central Overlay District) FLUC/Overlay.
   An Animal Services (Wild or Exotic) facility is allowed by Special Permit in the A zoning district per Table 4-1 of Land Use Matrix. Additionally, the use is subject to requirements listed in LDC Section 726.
   This proposal was reviewed for consistency with Policy 2.1.2.7 of the Comprehensive Plan which requires review of proposed request for compatibility and appropriate timing. Staff finds this proposal meets the requirements of the Comprehensive Plan with recommended stipulations. The site is in a rural area, with limited potential of unsolicited human interaction with sanctuary animals. The site is “off the beaten path” and somewhat difficult to find.

2. Is the establishment, maintenance, or operation of the proposed use detrimental to, or will it endanger, the public health, safety, or general welfare?
   The wildlife sanctuary will not be detrimental to the public health, safety, or general welfare. This is a secured wildlife facility with enhanced perimeter containment barriers to ensure separation between the animals and human interaction. The site is difficult to locate, making it even more unlikely for human–animal encounters.

3. Will the establishment of the use impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district?
   The site is surrounded by properties zoned agriculture. The surrounding properties consist of large undeveloped tracts of land. The current sanctuary is relatively small (less than 7 acres). The recently purchased site to the north will be for future expansion and consists of 6.91 + acres. Staff believes the continued use as a wildlife sanctuary should not impede normal and orderly development and improvement of surrounding properties. The sanctuary is not illuminated at night and is open from 10 am and 6 pm. There is safety lighting on site. The lighting is
4. **Has the applicant complied with the requirements for Level of Service review?**
   According to LDC Section 510.2.4, a Certificate of Level of Service is not required with a Special Permit.

5. **Do adequate measures exist, or will they be taken, to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion on Public Street?**
   The site has frontage along Seminal Trail, an unpaved rural road. Access from US301 to Surona Rd, which has a 20’ wide pavement width which connects to Seminal Trail. The existing conditions shows adequate ingress and egress to the site.

6. **Is the proposed use consistent with the community character of the immediate neighborhood of this proposed development?**
   The Animal Services (Wild and Exotic) facility can be found consistent with the community character of the immediate and surrounding neighborhood (a combination of large vacant parcels zone A). The applicant has purchased an additional +6.91 acres to the north for future expansion, and has been included in this application. It is well screened from surrounding properties and is well of "the beaten path". All but one 371 square foot modular office are over 80 feet from the side property line. The closest structure to Seminole Trail is over 290 feet away. There are no lights proposed or existing on site. All structures are existing on site. There is a proposal for a new building but it is under 1,000 square feet which would only require a building permit and not site plan approval.

7. **Will development of the proposed use have a substantial adverse affect on a known archaeological, historical, or cultural resource located on or off the parcel proposed for this development?**
   The site is not within an area of moderate to high archaeological potential. There are no known archaeological, historical, or cultural resources on this site.

8. **Will the design of the proposed use minimize adverse effects, including visual impacts, of the proposed use on adjacent property?**
   This site is currently in operation as a wildlife sanctuary. Parking areas are setback over 50 feet from Seminole Trail and separated (45’) from the adjacent property to the east that has a single family home on site. There are no buildings proposed for development or additional parking proposed. The animal pens are located internal to the site. The site is heavily vegetated along the perimeter of the site and along Seminole Road. No additional landscaping is proposed. The applicant has purchased the parcel to the north consisting of 6.91 acres for future expansion.

9. **Have the adequate provisions been made, or will they be made, for buffers, landscaping, public open space, or other improvements associated with the use?**
   The site plan shows adequate screening from nearby properties. The majority of the site is vacant open area (98%). The applicant proposes additional landscaping around animal pens and along the perimeter. This landscaping is not required but provided for additional shade for the animal housing and aesthetics. The additional landscaping also will help buffer and "animal roars" when and if they occur. The landscaping on site meets the landscape requirements.

10. **Does the proposed use meet all other standards or requirements set forth in the Land Development Code, which apply to the use in the zoning district for which this development seeks approval?**
    The proposed use meets the applicable standards set forth in the LDC which may apply to the use in the A zoning district, as well as those requirements for a wild and exotic animals listed in LDC Section 511 and North County Overlay.
### CONDITIONAL USE CRITERIA PURSUANT TO SECTION 531 OF THE LAND DEVELOPMENT CODE for STANDARDS FOR SPECIFIC USES

531.5. Animal Services (Wild and Exotic Animals).

The intent of this section is to regulate the character, location, and magnitude of the land use aspects of various land uses that involve wild and exotic animals.

A. The property upon which the facility is located shall have one (1) acre for each wild or exotic animal; and

B. All necessary state permits shall be obtained for the housing of wild or exotic animals and all the conditions of the state permits shall be met.

### REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED

None

### ATTACHMENTS

1. Maps - Future Land Use, Zoning and Aerial
2. Copy of Newspaper Advertising
3. Plot Plan
4. Public Comment Letter
Parcel ID #s: 366400000, 366800001

Project Name: Elmira's Wildlife Sanctuary
Project #: SP-16-03
DTS#: 20100165
Proposed Use:

S/T/R: Sec 1 Twn 33 Rng 19
Acreage: 13.6
Existing Zoning: A
Existing FLU: AG-R
Overlays: NCO
Special Areas: NONE

CHH: NONE
Watershed: NONE
Drainage Basin: UNNAMED SLOUGH
Commissioner: Larry Bustle
NOTICE OF ESTABLISHMENT OR CHANGE OF A REGULATION AFFECTING THE USE OF LAND IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Hearing Officer for Manatee County, will conduct a Public Hearing on Tuesday, June 14, 2016 at 3:00 p.m. at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton Florida to consider and act upon the following matter:

SP-16-03 - Elmira’s Wildlife Sanctuary
Request: Approval of a Special Permit to allow an Animal Services (Wild and Exotic) facility in the form of a wildlife sanctuary. The site is located at 13910 and 13920 Seminole Trail, Wimauma (Manatee County). Both properties are zoned A/NCO (General Agricultural/North Central Overlay District), (6.69± and 6.91± acres respectively).

Rules of Procedure for this public hearing are in effect pursuant to Section 312.8 of the Manatee County Land Development Code. Copies of this section of the Code are available for review at the Building and Development Services Department.

All interested parties are invited to appear at this Hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Hearing Officer and entered into the record.

Interested parties may examine the Official Zoning Atlas, the application, related documents, and may obtain assistance regarding this matter from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 4th Floor, Bradenton, Florida, telephone number (941) 748-4501 ext. 6878 or email at: planning.agenda@mymanatee.org.

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THE PUBLIC HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY HEARING OFFICER
Manatee County Building and Development Services Department
Manatee County, Florida

Date of pub: June 1, 2016
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**MANATEE COUNTY HEARING OFFICER**

Manatee County Building
and Development Services
Department
Manatee County, Florida
06/01/16
From: Liz [mailto:llehew@aol.com]
Sent: Tuesday, June 07, 2016 3:00 PM
To: Barney Salmon
Cc: John Barnott; Larry Bustle
Subject: Public Hearing Case # SP-16-03 (to be heard 06/14/16)

RE: Public Hearing Case # SP-16-03 (to be heard 06/14/16): Special Permit request to allow and animal services (wild and exotic) facility to operate in the form of a wildlife sanctuary at 13910 Seminole Trail in unincorporated Manatee County.

June 7, 2016

Mr. Barney Salmon,

I am absolutely stunned to learn that the Elmira’s Wildlife Sanctuary has been allowed to operate as a wildlife sanctuary for wild and exotic animals (that pays no property taxes) without County approval to do so for almost two full years. How can this even happen? And now, they want a hearing to obtain a special permit so they can stay and operate. As a homeowner (I live across the street from the sanctuary) and tax payer I am concerned about allowing this special permit to be blindly granted without some consideration for the residents on Seminole Trail.

When Elmira’s first formally opened June of 2014, they informed the residents on Seminole Trail, via a letter, that they would essentially be ‘good neighbors’ and would be minimally open to the public to minimize the traffic impact. They were only going to run 4 tours a month; 2 every other Saturday. As residents we had to accept their move in, and erroneously assumed they had the approval of Manatee County to operate the sanctuary. Now we find out they never had the proper approval from the county to operate! To make matters worse, those tours have increased in two years to no less than 14 tours a month, and in addition, they host private tours, sleepovers, birthday parties and fundraising activities. The impact to our small dirt road has been extreme, as well as the danger to our families because of the speed at which the visitors travel down the country road. The road is rutted out, wash-boarded out and occasionally has literally crumbled on the shoulders. Elmira’s does NOTHING to help maintain the road. In order to keep the road passable for residents and emergency vehicles, a local resident periodically drags the road and every now and again the County comes out and grates it, but this is not enough. The road is barely sufficient to service the 10 residences on the road but in no way can it continue to hold up to the ever increasing traffic demands that the sanctuary's visitors are putting upon it.

I am asking that the special permit for Elmira’s to operate NOT be granted, unless there is a written contingency for a scheduled maintenance plan for Seminole Trail that is either paid for by Elmira’s or Manatee County and strictly enforced.
by the County. As well, I request a speed limit sign be posted as you enter onto the Manatee County side of Seminole Trail if the permit is granted.

The welfare of the Seminole Trail residents has to be placed at a higher priority than the welfare of wild and exotic animals.

Sincerely,

Liz Wadsworth
13921 Seminole Trail
941-737-3695

CC: Commissioner Larry Bustle
    Building Services Dept. Director John Barnott