

# Tortuga resort to add amenities

*By Lisa Neff, Islander Reporter*

September 6, 2011



David Teitelbaum of Tortuga Inn and city building official Steve Gilbert talk after a city commission hearing on Tortuga's special exception application

The Bradenton Beach City Commission, in three consecutive votes Sept. 1, unanimously approved a controversial expansion at one of the Island's most popular resorts, Tortuga Inn on Gulf Drive.

Opponents of the project vowed to continue their objections specifically over a structure on the beach through the permitting process.

The commission, meeting at city hall last week, approved special exceptions for two accessory uses a take-out cafe and gift shop on the east side of the resort's property, 1325 Gulf Drive N. The commission also approved a special exception request for an accessory structure a pergola on Tortuga's private beach west of Gulf Drive.

The vote on the structure departed from a recommendation made by the planning and zoning board Aug. 23. The P&Z had recommended the cafe and shop, but not the pergola, which members unanimously agreed was a development that is not allowed on preservation land.

Numerous residents of the Bermuda Bay Club, which neighbors Tortuga, also objected to the expansion, in letters and at the recent hearings that emphasized the desire for an open, undeveloped beach.

Tortuga representative David Teitelbaum referred to the opposition as "well organized" and to the anti-expansion group as a "lynch mob."

The east side plan

On resort property east of Gulf Drive, Tortuga plans to renovate existing office space to create the 359-square-foot cafe and 373-square-foot gift shop.

Teitelbaum, president of Tortuga's condominium association, said both services would cater to the resort's guests, not draw the public.

About a dozen Bermuda Bay Club neighbors, as well as their condominium association through an attorney, formally opposed the cafe and gift shop.

However, planning board members and city commissioners, in separate hearings, agreed that both uses on the property were consistent with the resort's R-3 multiple-family zoning.

City staff also took that view. It is not anticipated that any additional parking will be required for the restaurant or gift shop, as they are intended for the use of the existing guests at the resort, building official Steve Gilbert wrote in a memo. Staff recommends approval of this request.

On Sept. 1, the commission, late in a lengthy hearing, voted to approve both the cafe and the gift shop.

I think for the east side, this is a wonderful idea, Commissioner Jan Vosburgh said.

#### The West Side Plan

Far more controversial, was the commission vote on the special exception for an accessory structure a 1,500-square-foot pergola.

Tortuga initially proposed a chickee hut, but Gilbert determined that a roofed structure could not be built at the location because the resort was at its maximum building and lot coverage. So the plan was amended in mid-August to include a pergola.

In a memo to the P&Z, Gilbert said the staff could support special exception approval for the pergola provided the planning board and commission concur that this structure would not constitute 'development' and would be limited to passive' recreation.

The planning board did not reach that conclusion, and instead agreed that the pergola was a development incompatible in its E-1 preservation zone.

P&Z chair Rick Bisio referred to the board's decision in a memo to the commission last week. The pergola would be a clear violation of the intended use of this area, he wrote, adding that preservation should maintain the pristine condition of the land.

Teitelbaum, in one of two memos to the commission, said the P&Z reached its decision in error and to deny the request for the pergola would set a dangerous precedent.

The pergola is not a habitable building but an open, deck structure with support poles with no roof, no electricity and no water, he maintained.

The P&Z, Teitelbaum argued, should have viewed the pergola as a gazebo, an open-air shelter that is allowed in E-1 by special exception, and which would require an accessory-use permit, not a building permit.

Additionally, he said, Tortuga would obtain Florida Department of Environmental Protection approval for the project, and create new dunes to protect nesting habitat for turtles.

A number of people attended the commission meeting to endorse the Tortuga plan, including two employees of the resort, Silver Surf resort owner Barbara Rodocker, convention and visitor's bureau director Elliott Falcione and Manatee County sports promoter Joe Pickett.

Rodocker said, "I can't see a lot of problems with the pergola. Fifteen-hundred square feet is not that much space... I think it

is an asset to the community.”

Pickett said promoting tourism requires some vision and some growth, while Falcione praised Teitelbaum’s commitment to the Island. Mr. Teitelbaum will do a wonderful job protecting the integrity of this island, he said. I wouldn’t be here if I didn’t believe that.

Anna Maria Island Turtle Watch executive director Suzi Fox, however, said what might be a good tourist amenity is not good for turtles.

With praise for Tortuga’s current turtle-friendly program, she said Bradenton Beach can’t continue to allow intrusions on turtle habitat, especially a permanent structure.

Neighbors at the Bermuda Bay Club also strongly objected to the pergola, claiming it would lead to increased trash, traffic and noise and that it was incompatible with the E-1 designation.

It is difficult for me to see how such cheap, ugly structures add to the scenic beauty of Bradenton Beach, read a letter to commissioners signed by Jack and Carole Donovan of the Bermuda Bay Club.

Fritz and Sandy Esch of Bermuda Bay wrote, The chickee hut and/or pergola seems counterproductive to previous city efforts to maintain an open beach view from Gulf Drive North and to provide a natural preserve for sea turtle habitat.

At the hearing, Bermuda Bay resident Leydi Garcia-Nunez said, I like development, but in an area where development can prosper. I think the Tortuga has reached its maximum development.

We have already fought too many times to have that land preserved, she added.

Also, an attorney for Bermuda Bay urged commissioners to value the P&Z decision.

Reminding commissioners of that decision, P&Z vice chair Jo Ann Meilner objected to the pergola and advocated preservation.

Each time citizens have met in the last decade to review Bradenton Beach’s charter, comprehensive plan, land-development code and coastal policies, they have stressed preservation and conservation, Meilner said.

This issue, she said, is not about tourism. This issue is about preservation and development.

Distributing a list of other properties with privately held preservation land, Meilner warned, There are 10 more pieces of property that could be developed if we allow development on this piece of property.

The commission and mayor, however, returned to the argument that the pergola is an open shelter allowed as a special exception in an E-1 preservation district.

Additionally, commissioners said they were convinced that any potential environmental issues would be addressed in a Florida Department of Environmental Protection review of the proposal.

After more than two hours on the issue, and with a consensus on stipulations for the special exceptions, Mayor Bob Bartelt

said, I'm satisfied that all of the requirements of our LDC have been adequately and completely covered.

The commission then began its series of votes, approving the three components of the application.

Opponents, after the meeting, said they would continue to challenge the project at city hall and at the state level, when the DEP permitting process begins.

Before the commission review of the Tortuga application, Bartelt disclosed that he had discussed possibly continuing the hearing with Vosburgh and Commissioner Gay Breuler.

City attorney Ricinda Perry said the mayor had raised a procedural question and did not discuss any details of the application. The mayor, she said, has authority to have procedural discussions with elected officials.