



**TOWN OF HILLSBORO BEACH**  
1210 Hillsboro Mile, Hillsboro Beach, Florida 33062  
**July 6, 2021 | 9:00 AM**

**BOARD OF ZONING & APPEALS AGENDA**

MAYOR DEBORAH L. TARRANT  
VICE MAYOR IRENE KIRDAHY  
COMMISSIONER VICKY FEAMAN  
COMMISSIONER BARBARA BALDASARRE  
COMMISSIONER JANE REISER

TOWN MANAGER WILLIAM 'MAC'SERDA, ICMA-CM  
TOWN ATTORNEY DONALD J. DOODY, ESQ  
TOWN CLERK SHERRY D. HENDERSON, CMC

**YOU ARE HEREBY NOTIFIED** that a Quasi-Judicial Public Hearing will be held Tuesday, July 6, 2021, at 9:00 AM. A quorum of the Board of Zoning & Appeals will be physically present at the meeting. However, for health and public safety, the meeting will also utilize communications media technology to allow the public to participate via Zoom video conference. **LIVE ZOOM Meeting number: 878 4736 1566 Passcode: 951699**

**CALL TO ORDER AND ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**I. QUASI-JUDICIAL PUBLIC HEARINGS**

**A.** Presented by Jim Hickey, Development Planner with CG&A Solutions

**QUASI-JUDICIAL PUBLIC HEARING - Conditional Use Request submitted by Debbie Orshefsky, Esq. with Holland & Knight LLP, Authorized Agent for BNH IV TRI, LLC - Hillsboro Beach Resort, property located at 1159 Hillsboro Mile, Hillsboro Beach, FL 33062.**

**Address:** 1159 Hillsboro Mile, Hillsboro Beach, FL 33062

**Request:** The Applicant is Requesting Conditional Use Approval to Permit a Restaurant with Beer, Wine, and Alcoholic Beverage Service within the Hillsboro Beach Resort, Submitted Pursuant to Ordinance No. 2021-03

All interested parties are sworn in by Town Attorney

- Staff Presentation
- Commission Discussion
- Public Hearing Opened
- Public Comments
- Public Hearing Closed
- Commission Discussion
- Commission Motion & Second
- Commission Vote

**II. ADJOURNMENT**





1210 Hillsboro Mile  
Hillsboro Beach, FL 33062

## TOWN OF HILLSBORO BEACH

Phone: (954) 427-4011  
Fax: (954) 427-4834

TO: Mayor Tarrant and Town Commission  
THROUGH: Mac Serda, Town Manager  
FROM: Jim Hickey, Planning Consultant   
DATE: June 25, 2021  
SUBJECT: Conditional Use Approval for a Restaurant for The Hillsboro Resort Located at 1159 Hillsboro Mile

The applicant and owners, BNH IV HM TRI, LLC and 1159 Hillsboro Mile LLC, are requesting Conditional Use approval to allow a restaurant which will serve food, beer, wine and alcoholic beverages within The Hillsboro Resort (formerly known as the Seabonay Hotel). The property is located at 1159 Hillsboro Mile on the east side of A1A within the RM-30 Multiple-Family Dwelling Residential District (with 7-story maximum).

### Background

The subject property has operated as the Seabonay Hotel at the current location for a number years. The current owners purchased the property in 2017 and soon began planning a renovation of the existing Hotel. According to documents part of the Conditional Use application, the owners investing \$2.2 Million into the renovation of the hotel. When open, the property will be known as the Hillsboro Resort.

The owners of the property submitted building permits for the property renovations on February 7, 2018 and were issued a building permit to begin work on December 4, 2019. As part of the renovation, it was identified that the proposed changes included a restaurant within the building. In discussions with the owner and the owner's agent, the intent is to open a restaurant that also serves wine, beer and alcohol as part of the experience of the new Hillsboro Resort. As this use is not allowed per the RM-30 Zoning district, the City Commission adopted Ordinance 2021-03 which establishes a process for an applicant to apply for a Conditional Use and allow the Town Commission to consider of this type of use.

### Analysis

Per the adoption of Ordinance 2021-03, Conditional uses shall be subject to approval of the Town Commission and no conditional use shall be approved until a public quasi-judicial hearing is held by the Town Commission, at which time all interested parties shall have an opportunity to be heard.

Per the Town's Land Development Code, the following provides the consultant planner's analysis of the criteria required for Conditional Use approval. The planner's analysis is provided in *italics* below.

Site plan. A site plan shall be submitted. In addition, if not required, traffic generation data shall be included.

*A proposed site plan was provided by the applicant detailing the location of the proposed restaurant as well as the planned locations the hotel will provide food. These areas total approximately 5,136 SF and are within the 10% required by the Land Development Code. These areas include:*

|                            |                 |
|----------------------------|-----------------|
| Restaurant Seating Area    | 735 SF          |
| Restaurant Outdoor Seating | 250 SF          |
| Covered Lounging Area      | 326 SF          |
| Covered Pool Deck          | 1,796 SF        |
| <u>Special Event Space</u> | <u>2,011 SF</u> |
| Total*                     | 5,136 SF        |

\*Applicant's site plan shows 5,136SF, however total uses above equals 5,118SF

*As the restaurant use is being added to the hotel, additional analysis was requested by the Consultant Planner regarding the impact of traffic associated with the restaurant use. The applicant's traffic consultant, TrafTech Engineering provided a letter dated May 8, 2021 stating that the traffic impacts associated with the addition of the restaurant would result in a reduction of traffic in the am and pm peak hours. The Town's traffic engineer, CGA reviewed this statement and requested additional information through a letter dated May 27, 2021. The concern raised by the Town's traffic engineer was whether a traffic study was ever prepared by the applicant showing the site could accommodate all of the proposed uses. She also asked about the addition of the special events area and whether that use was considered in the analysis. As this area could be rented out for private parties, both the Town's consultant planner and traffic engineer have concerns that although this area is relatively small (~2,000 SF), the traffic generated by this use should be analyzed to determine the impact on the existing parking within the property as well as potential impacts on A1A during peak periods.*

*The applicant's traffic consultant, in a letter dated June 9, 2021, states that given the special event space will only be for the exclusive use of hotel guests, no additional traffic impacts are anticipated. The Town's traffic engineer responded to this letter on June 15, 2021, stating that there is still concern with the additional special event use as this will make the resort a more attractive facility to additional guests/employees. Based on this information, the City's traffic consultant is requesting a parking demand study for the existing hotel accommodating the proposed two supporting facilities.*

*In addition, the applicant states that the special event space is to be used solely by the guests of the hotel. As a facility that will be used for future rentals for events such as weddings, birthday parties, anniversaries and the like, it will be difficult if not impossible for the Town to monitor the event space to be used by hotel guests only. This facility, although not a huge facility, could place an additional burden on the existing operations of the resort and impact parking within the facility, forcing vehicles to back up or park on A1A. For these reasons, the consultant planner is recommending a parking demand study be completed to ensure the site can accommodate all facilities proposed for the resort.*

Review criteria. The Town Commission shall not approve a conditional use, unless and until it determines that:

1. The conditional use is deemed desirable for the public convenience or welfare, and the use is in harmony with the purpose and intent of this Article and will not be detrimental or injurious to the surrounding area;

*The proposed restaurant and alcohol use will provide a public convenience for resort guests and lessen the need for guests to travel to other locations for food and drinks. The applicant has stated that the hours of operation will begin at 7am for breakfast and end with dinner service at 10:30pm.*

2. When granting approval for conditional use, the Town Commission may attach conditions and safeguards as it determines is necessary for the protection of the surrounding area and to preserve the spirit and intent of this Article.

*The consultant planner is recommending conditions of approval which are located at the end of the memorandum.*

- (3) The conditional use shall be an accessory use to a hotel use and not occupy more than 10% of the total square footage of the building exclusive of any parking areas.

*The applicant is requesting 5,136 SF of space to be used for these uses which is below the 10% of the total square footage.*

- (4) An application for a conditional use must also meet all of the following criteria, where appropriate:

- (a) Conformance with comprehensive plan.

*The application is in conformance with the Comprehensive plan through the following Objective and Policy:*

*Objective 2.2 Residential Character – Utilize current procedures and regulations to determine the impact that recent development proposals have on maintaining the Town's residential character, with particular emphasis on preserving the single-family estate areas.*

*Policy 2.2.8 – The compatibility of existing and future land uses shall be a primary consideration in the review and approval of amendment to the Broward County and local land use plans. It is recognized that approved redevelopment plan aimed at eliminating or reducing blighted and deteriorating areas may appropriately promote the introduction of land use patterns in variance from existing land use patterns.*

- (b) Harmony with adjacent uses (existing or zoned)

*The property has been operated as a hotel for several years. The addition of a restaurant with alcohol service will add additional uses to the existing hotel. Adding*

*hours of operation for the additional services will assist keeping the resort in harmony with the adjacent existing residential development.*

- (c) Facility levels of service maintained.

*Existing levels of service will be maintained for the existing hotel use. Additional information is regarding overall parking demand to ensure it meets levels of service for the resort.*

- (d) Use not hazardous to nearby housing, particularly traffic; see (B) above.

*See Site Plan analysis on page 2 of memorandum along with conditions of approval at within the Recommendation section.*

- (e) The architectural and site design are compatible with the character of the surrounding area.

*Both the architectural and site design are compatible with the character of the surrounding area and the additional investment to the area will enhance the overall aesthetics of the area.*

- (f) All food and beverages served to patrons of a hotel shall be prepared in an enclosed kitchen and/or bar.

*The applicant has stated that all food and beverages will be prepared in an enclosed kitchen or bar within the hotel building.*

- (g) Cash and credit card payments shall not be accepted. All payment shall be made utilizing a payment system of key cards or charges to a hotel room or a motel room.

*The applicant has stated that the resort will implement a payment system that will charge all restaurant and beverage service to guest rooms. Credit cards will only be used for check in and will cover all food and beverage charges.*

### Recommendation

Based on the application and the review of the Conditional Use approval requirements set forth in the Town's Land Development Code, the consultant planner would not recommend approval of the application as has been provided. The main concern for this is the impact of these additional uses, particularly the event space use may have on the existing parking and site constraints of the property. The applicant has stated that this area will only be used for hotel guests, however, the ability for Town staff to track and enforce this would be extremely difficult to implement. A careful consideration of this space, the proposed number of guests that could be accommodated within this space would be needed for the City's consultants to recommend approval of the application. As the restaurant will have certain restrictions regarding the use of hotel cards for payment, this process is not 100% transferrable to the event space as most events are paid by one person and not individuals attending the event. In the overabundance of caution and to prevent future traffic and parking issues, additional study in this area would be in the best interest of the Town.

Should the Town Commission wish to consider the approval of the application, the consultant planner would recommend the following conditions of approval:

Conditions:

1. Provide a parking demand study that shows that the current supply of parking accommodates all of the proposed uses for the resort.
2. Hours of operation for the restaurant shall be limited to 7 am to 10:30 pm daily.
3. Any outdoor music associated for the resort shall be limited to the times food and alcoholic are served onsite. No amplified music is allowed in the outside areas of the resort.
4. No food or drinks shall be prepared outside the resort building at any time.
5. The Town Commission may wish to re-evaluate the conditions of approval within one (1) year from approval.
6. Applicant shall work with the Town to establish trash pick-up relative to the restaurant facility.
7. For any hotel-sponsored event or any special event, the owner must contact the Town staff within three (3) working days of the event to determine if an off-duty officer is required.

Attachments:

Application including applicant's backup

Applicant's traffic statements along with City traffic consultant's response

# Holland & Knight

515 East Las Olas Boulevard, Suite 1200 | Ft. Lauderdale, FL 33301 | T 954.525.1000 | F 954.463.2030  
Holland & Knight LLP | [www.hklaw.com](http://www.hklaw.com)

Debbie M. Orshefsky  
(954) 468-7871  
[debbie.orshefsky@hklaw.com](mailto:debbie.orshefsky@hklaw.com)

## VIA FEDERAL EXPRESS

Mac Serda  
Town Manager  
Town of Hillsboro Beach  
1210 Hillsboro Mile  
Hillsboro Beach, FL 33062  
Via Federal Express

Re: Conditional Use Application for 1159 Hillsboro Mile -- The Hillsboro Resort (f/k/a The Seabonay Hotel)

Dear Mr. Serda,

Enclosed is the application of BNH IV HM TRI, LLC and 1159 Hillsboro Mile, LLC ("Owners") for a Conditional Use approval to permit a restaurant with beer, wine and alcoholic beverage service within The Hillsboro Resort (the "Hotel") submitted pursuant to Ordinance No.2021-03.

The Hotel is completing major renovations to transform an older hotel into a contemporary boutique full-service hotel. In connection with these renovations, Owners are proposing to operate a full service restaurant with beer, wine and alcoholic beverage service as described in the attached statement "Food and Beverage Service at the Hillsboro Resort". Also enclosed is a statement "Conformance with Criteria for Conditional Use" reflecting the application's conformance with the criteria for a conditional use pursuant to Ordinance No. 2021-03.

Also enclosed are the following:

1. Application fee of \$1,050.00 (we used the application fee amount for a variance, if additional funds are required once you set the fee for a Conditional Use application please advise and they will be provided);
2. Two (2) signed and sealed copies of the site plan approved in connection with the pending work under Town Building Permit # 1914236-0; and

3. Agent Authorization for me to represent the Owners in connection with this application.

We would appreciate having this Application heard by the Town Commission at its next scheduled Commission meeting of June 8, 2021. If you require any additional information please contact me.

Sincerely,

HOLLAND & KNIGHT LLP



Debbie M. Orshefsky

cc: Mr. Daniel Lebensohn (w/encl.)  
Mr. Charles Carreno (w/wencl.)

**TOWN OF HILLSBORO BEACH**  
1210 HILLSBORO MILE, HILLSBORO BEACH, FL 33062  
PHONE (954) 427-4011 • FAX (954) 427-4834  
www.townofhillsborobeach.com

**DEVELOPMENT APPLICATION**

Submittal Date: May 7, 2021

Zoning Board Meeting Date: \_\_\_\_\_

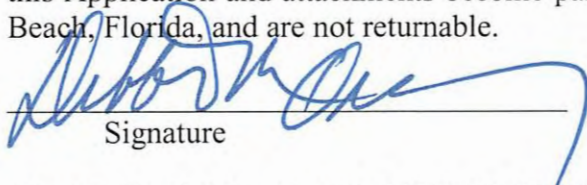
Property Control # \_\_\_\_\_

Town Commission Meeting Date: June 8, 2021

| PROPERTY OWNER(S)                                                  |                    | AUTHORIZED AGENT                                                                              |                    |
|--------------------------------------------------------------------|--------------------|-----------------------------------------------------------------------------------------------|--------------------|
| NAME: BNH IV TRI, LLC and 1159 Hillsboro Mile, LLC                 |                    | NAME: Debbie M. Orshefsky, Esq.                                                               |                    |
| ADDRESS: 819 NE 2 Avenue, Suite 500 Fort Lauderdale, Florida 33304 |                    | ADDRESS: Holland and Knight 515 East Las Olas Blvd. Fort Lauderdale, Florida 33301 suite 1200 |                    |
| PHONE: 954-416-3140 ext. 221                                       | CELL: 917-751-2688 | PHONE: 954-468-7871                                                                           | CELL: 954-328-6424 |
| E-MAIL Daniel@bh3llc.com                                           | FAX:               | E-MAIL debbie.orshefsky@hklaw.com                                                             | FAX:               |

**APPLICANT'S CERTIFICATION**

( I ) Debbie M. Orshefsky, authorized agent, affirm and certify that I understand and will comply will all provisions and regulations of the Town of Hillsboro Beach Florida. I certify that all drawings and specifications for buildings or structures costing \$5,000 or over for commercial buildings or \$10,000 for residential building must be drawn or verified by a state registered architect or engineer and his seal of office imprinted thereon. Additionally, I certify that the drawings that the drawings and specifications show full compliance and do fully comply with the Zoning Code. I understand that if any drawings or specifications are not in full compliance, the application will be rejected. If approved by the Town, the aforementioned real property described herein will be considered, in every respect, to be a part of the Town of Hillsboro Beach and will be subjected to all applicable laws, regulations, taxes and police powers of the Town including the Comprehensive Plan and Zoning Code. I further certify that all statements and diagrams submitted herewith are true and accurate to the best of my knowledge and belief. Further, I understand that this Application and attachments become part of the Official Records of the Town of Hillsboro Beach, Florida, and are not returnable.

  
Signature

Debbie M. Orshefsky, Esq.  
Print Name

STATE OF FLORIDA, COUNTY OF BROWARD

The foregoing instrument was acknowledged before me on this 6<sup>th</sup> day of May, 2021, by Debbie M. Orshefsky as Authorized Agent for BNH IV TRI, LLC and 1159 Hillsboro Mile, LLC

Personally know X or has produced identification \_\_\_\_\_. Type of Identification \_\_\_\_\_

Patricia Kearns  
Notary Signature

Patricia Kearns  
Print Notary Name



PATRICIA KEARNS  
Commission # HH 068564  
Expires November 4, 2022  
Bonded Thru Budget Notary Services

### CHECK BELOW WHERE APPLICABLE

|                                             |                                      |
|---------------------------------------------|--------------------------------------|
| <b>FINAL PLAT - \$1,000.00</b>              | <b>REZONING - \$3,500.00</b>         |
| <b>LAND USE PLAN AMENDMENT - \$3,500.00</b> | <b>SITE PLAN REVIEW - \$2,000.00</b> |
| <b>PRELIMINARY PLAT - \$1,000.00</b>        | <b>VARIANCE - \$1,050.00</b>         |

#### **Conditional Use Approval pursuant to Ordinance # 2021-03**

Hillsboro Beach Town Code Sec. 12.1.3d provides for the collection of service charges or fees, consultant review fees, etc. for the administrative processing and review of applications for development permits submitted to the Town for review and approval. The owner, architect or other authorized agents are urged to attend the Zoning Board of Appeals and Town Commission meetings. Each applicant must familiarize himself with the criteria and procedures. **If all required information is not presented with this application by the submittal date, the project will not be placed on the agenda for review and consideration.** PLEASE NOTE: THE FEES LISTED ABOVE ARE **ADMINISTRATIVE FEES ONLY**. YOU WILL BE BILLED BY THE TOWN OF HILLSBORO BEACH FOR ANY AND ALL ADDITIONAL EXPENSES WHICH WILL BE INCURRED BY THE TOWN THROUGH THE SERVICES OF THE TOWN ENGINEER/PLANNER, LEGAL ADVERTISING, REBUTTALS, CONSULTATION AS WELL AS POSTAGE FOR MAILINGS AND COURIER SERVICES RELATED TO YOUR PROJECT.

**Items Required for Submittal:** Must be submitted **30 days prior** to the Town Commission Meeting date.

1. This application and all applicable fees
2. Narrative letter describing the request
3. Letters from each adjoining property owners (with approvals, if possible) – Variance Application only
4. Approval letter from the Association and minutes (when applicable)
5. Agent's authorization letter (when applicable)
6. 1 electronic copy and 2 signed and sealed – Plans are to be standard architectural size
7. 1 set of plans for the City of Deerfield Fire Inspector / Plans Examiner (when applicable)

**Code References:** (All sections are available for viewing and printing on the website)

- Chapter 12 – Division 1. General Provisions
- Chapter 12 – Division 2. Development Review Requirements

- Chapter 12 – Division 3. Platting and Subdivision Regulations
- Chapter 12 – Division 4. Site Plan Procedures & Requirements
- Chapter 12 – Division 5. Zoning

### GENERAL DATA

Project Location: 1159 Hillsboro Mile District: \_\_\_\_\_

Proposed Zoning: RM-30 no change

Existing Comprehensive Plan Designation: Residential

Proposed Comprehensive Plan Designation: no change

Existing Land Use: hotel

Proposed Land Use: no change

Total Site Area: 46,993 Sq. Ft. 1.08 Acres

Flood Zone Category: X/VE

Is site currently serviced by public water? Yes ☒ No ☐

Is site currently serviced by public sewer? Yes ☒ No ☐

Describe briefly the nature of any improvements presently located on the subject property. 72 Room hotel and related amenities

Describe the type of operation or business proposed; or the proposed construction. Addition of a full service restaurant within the existing hotel

Estimated construction cost: \$2.206M\_\_\_\_\_

Describe in detail the phasing of the proposed development. The hotel is currently being renovated. The renovations include a full service restaurant. The renovations are expected to be completed within the next 30 days.

State the reasons or basis for the Approval request, and explain why this request is consistent with good planning and zoning practice, will not be contrary to the Town's Comprehensive Plan, and will not be detrimental to the promotion of public appearance, comfort, convenience, general

welfare, good order, health, morals, prosperity, and safety of the Town. Additionally, all standards set forth in the Town Code of Ordinances must be addressed. (Attach a separate Justification Statement if insufficient space.

See attached statements (i) Conformance with Criteria for Conditional Use" and (ii) "Food and Beverage Operations at the Hillsboro Resort" which reflects that the proposed conditional use within the existing hotel meets the requirements of newly enacted Ordinance No. 2021-03, including dimensional requirements that the "restaurant seating area be no more than 1,000 square feet and that the "conditional use" occupy not more than 10% of the building area of the hotel (excluding any parking area). The proposed full service restaurant with beer, wine and alcoholic beverage service will be for the exclusive use of hotel guests. Also attached is a report from Joaquin Vargas, Traffic Tech Engineering, Inc., Senior Transportation Engineer, confirming that the incorporation of a full service hotel will result in a reduction in the amount of traffic generated by the existing hotel.

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Has any previous Application been filed within the last year in connection with the subject property?

Yes ☒ No ☐ If yes, briefly describe the nature of the Application.

No.

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Has a site plan been previously approved by the Town Commission for this property?

Yes ☒ No ☐ If yes, please note date of previous approval. Building Permit No. 1914236-0 for renovation of the existing hotel issued 12/04/2019 and 7/8/2019

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- (A) Every general contractor or other person being issued a building permit, shall deposit with the Town Clerk a bond in the amount of \$500 per each \$100,000 with a minimum of \$1,000 for any complete new building or an addition to existing building. The bond shall be in the form of a cashier's check.
- (B) By the deposit of the funds the contractor authorizes the Town of Hillsboro Beach, through its proper officials, to expend all or any portion of the bond to effect cleanup, during and after construction, if not satisfactorily performed by the contractor or person. Subsequent to the satisfactory cleanup of the vicinity of the construction, unused funds in whole or in part will be refunded to the contractor or person.

- (C) (1) It shall be the duty of the general contractor or other person receiving the permit to see that the premises and adjoining public areas shall be policed at all times during and after construction to prevent debris from being discarded on adjoining properties.
- (2) The DRO or the DRO's designate shall certify in writing to the Town Commission his or her determination and recommendation. The building plans and specifications shall be approved by the Town Commission prior to the issuance of a building permit. (1976 Code, CH. 12, Div. 5, Art. XV § 9)

# 1159 HM Manager, LLC

819 NE 2 Avenue, Suite 500  
Fort Lauderdale, FL 33304

May 5, 2021

William "Mac" Serda  
Town Manager  
**TOWN OF HILLSBORO BEACH**  
1210 Hillsboro Mile  
Hillsboro Beach, FL 33062

Hillsboro Beach Resort Renovation Project

Dear Mr. Serda:

Please accept this letter as our authorization for our agent, Debbie M. Orshefsky, to represent our interests as it relates to the forthcoming application being presented to the Town Commission. Ms. Orshefsky's information is as follows:

**Debbie M. Orshefsky | Holland & Knight**  
Partner  
Holland & Knight LLP  
515 East Las Olas Boulevard, Suite 1200 | Fort Lauderdale, Florida 33301  
Phone 954.468.7871 | Mobile 954.328.6424  
[debbie.orshefsky@hklaw.com](mailto:debbie.orshefsky@hklaw.com) | [www.hklaw.com](http://www.hklaw.com)

Should you have any questions, please do not hesitate to contact our office.

Regards,  
**1159 HILLSBORO MILE, LLC**  
**BNH IV HM TRI, LLC**



Daniel Lebensohn  
Managing Principal

## STATEMENT OF CONFORMANCE WITH CRITERIA FOR CONDITIONAL USE

*Section 12-110(C) Review criteria. The Town Commission shall not approve a conditional use, unless and until it determines that:*

- (1) *The conditional use is deemed desirable for the public convenience or welfare, and the use is in harmony with the purpose and intent of this Article and will not be detrimental or injurious to the surrounding area;*

Response: A full service restaurant with alcoholic beverage service within this hotel will allow the hotel to meet customary standards for a full service resort and allow the Owners to upgrade this facility to meet contemporary resort standards in the industry. The restaurant and alcoholic beverage service is provided interior to the site with no exterior signage, thus it will be for the exclusive use of hotel guests and will not create any additional traffic by drawing patrons from outside the hotel.

- (2) *When granting approval for conditional use, the Town Commission may attach conditions and safeguards as it determines is necessary for the protection of the surrounding area and to preserve the spirit and intent of this Article;*

Response: Understood and suggest that the "Food and Beverage Service Operations at the Hillsboro Resort" statement submitted with this conditional use application be included as a condition of approval in granting this conditional use.

- (3) *The conditional use shall be an accessory use to a hotel use and not occupy more than 10% of the total square footage of the building exclusive of any parking areas;*

Response: The restaurant with alcoholic beverage service is accessory to the existing hotel and, as reflected on the "Food and Beverage Service Area Plan" submitted with this conditional use application, the conditional use area occupies less than 10% of "the total square footage of the building...."

- (4) *An application for a conditional use must also meet all of the following criteria, where appropriate:*

- (a) *Conformance with comprehensive plan.*

Response: The Comprehensive Plan includes policies to preserve and protect the residential character of the Town, while permitting commercial use in areas designated for residential use. As reflected in the "Food and Beverage Service Operations at the Hillsboro Resort", the restaurant and alcoholic beverage uses have been designed and will operate in a manner which furthers this policy in the Town Comprehensive Plan.

- (b) *Harmony with adjacent uses (existing or zoned).*

Response: The hotel use is existing and is being upgraded to a contemporary standard for resorts by adding restaurant and alcoholic beverage use primarily within the existing hotel; any exterior restaurant seating area and patio and pool service areas are designed to be within covered areas to capture exterior noise.

- (c) *Facility levels of service maintained.*

Response: Since the restaurant and beverage service uses are for hotel guests only, the impacts of the hotel use on levels of service will be maintained.

- (d) *Use not hazardous to nearby housing, particularly traffic (see (B) above).*

Response: See attached memo regarding traffic impacts of restaurant and alcoholic beverage service uses which concludes that there is no negative impact from these uses.

- (e) *The architectural and site design are compatible with the character of the surrounding area.*

Response: The architectural and site design are not changing from the existing hotel which is under renovation for which building permits were issued in 2019.

- (f) *All food and beverages served to patrons of a hotel shall be prepared in an enclosed kitchen and/or bar.*

Response: Understood and see "Food and Beverage Service Area Plan" submitted with this application.

- (g) *Cash and credit card payments shall not be accepted. All payments shall be made utilizing a payment system of key cards or charges to a hotel room or a motel room.*

Response: Understood, and see "Food and Beverage Service Operations at the Hillsboro Resort" statement included with this application.

# Holland & Knight

515 E. Las Olas Boulevard, Suite 1200 | Fort Lauderdale, FL 33301 | T 954.525.1000 | F 954.463.2030  
Holland & Knight LLP | [www.hklaw.com](http://www.hklaw.com)

Debbie Orshefsky  
+1 954-468-7871  
[debbie.orshefsky@hklaw.com](mailto:debbie.orshefsky@hklaw.com)

## **Food and Beverage Service at the Hillsboro Resort**

### **Restaurant Operations**

Floridian coastal cuisine will be celebrated at the Restaurant at the Hillsboro Resort. The restaurant will be a full-service restaurant open for Breakfast, Lunch and Dinner, a full beverage operation (including beer, wine and alcohol) will be available for all guests staying at the resort. The Hotel has purchased a 4COP-quota license (license #BEV1601736) to permit service of beer, wine and alcohol as described in this operations plan.

Breakfast 7 -10.30

Lunch 11.30 – 2.30

Dinner 5 – 10.30

Lunch and Dinner will require reservations.

Service will be conducted principally within the restaurant with a small capacity for outside dining weather permitting. All food and beverage preparation will be in the restaurant kitchen and attached beverage preparation station, neither of which will be directly accessible to guests only employees. The restaurant will not include a bar with seating, but rather service will be from a beverage preparation station within the "back of house" kitchen area; thus, there is no "Restaurant Bar" as defined in Ordinance No. 2021-03. Attached is a "Food and Beverage Service Area Plan" reflecting that the restaurant use meets the dimensional requirements for this use within a hotel pursuant to Ordinance No.2021-03.

### **Pool / Room Service**

Poolside waiter/waitress food and beverage service for guests enjoying the pool deck will be available from 9am daily through 6pm. Wireless iPad will capture the order and send for production, charges directly going to guest's room account.

Guest rooms will have another specifically designed menu for our guests along with a beverage menu for dining within our guest rooms and suites; room service will be available 24 hours per day and serviced by our room service team.

Some guest rooms will have honor bars with a limited offering of premade cocktails / water for consumption within the room.

# Holland & Knight

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+1 954-468-7871  
[debbie.orshefsky@hklaw.com](mailto:debbie.orshefsky@hklaw.com)

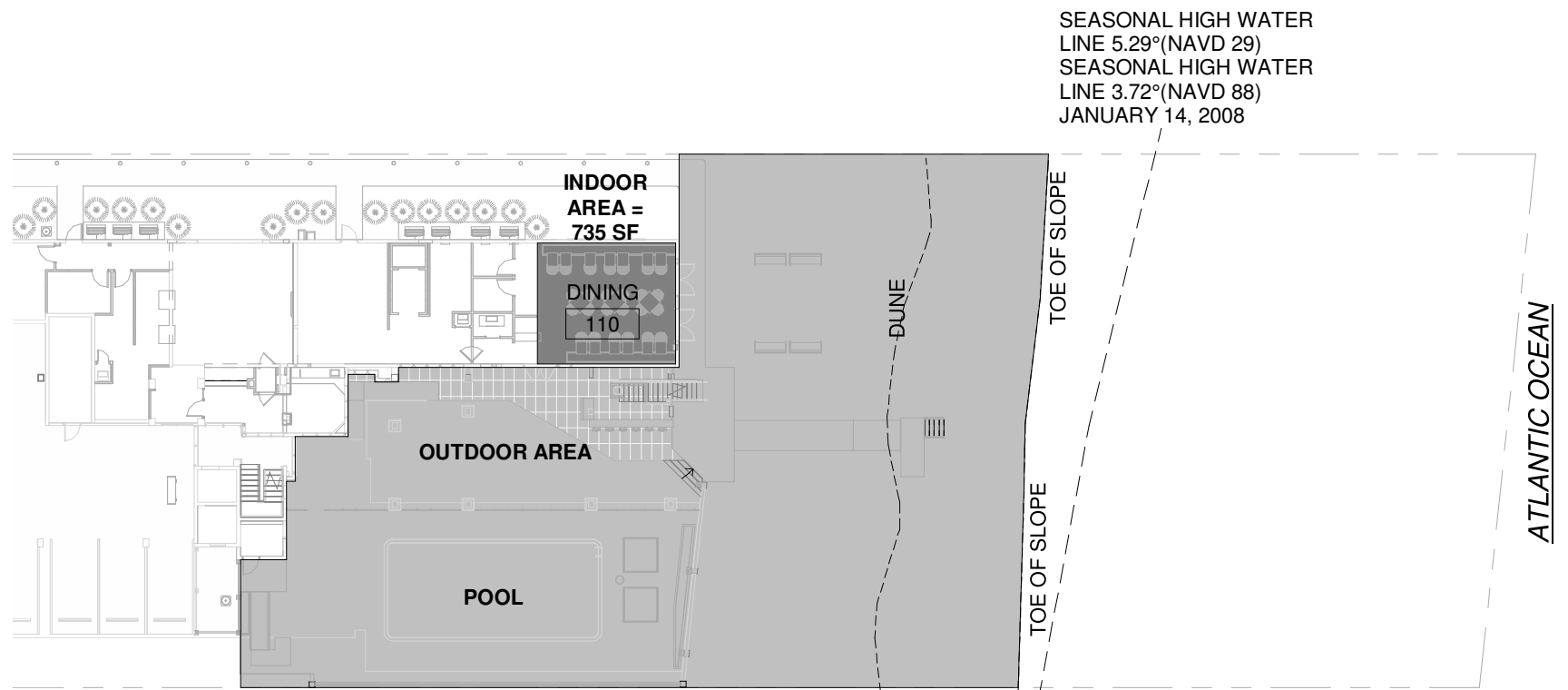
There will be a small boutique store within the main reception area, and this will also have some limited food and beverage snacks and premade cocktails for sale to hotel guests.

## **Music**

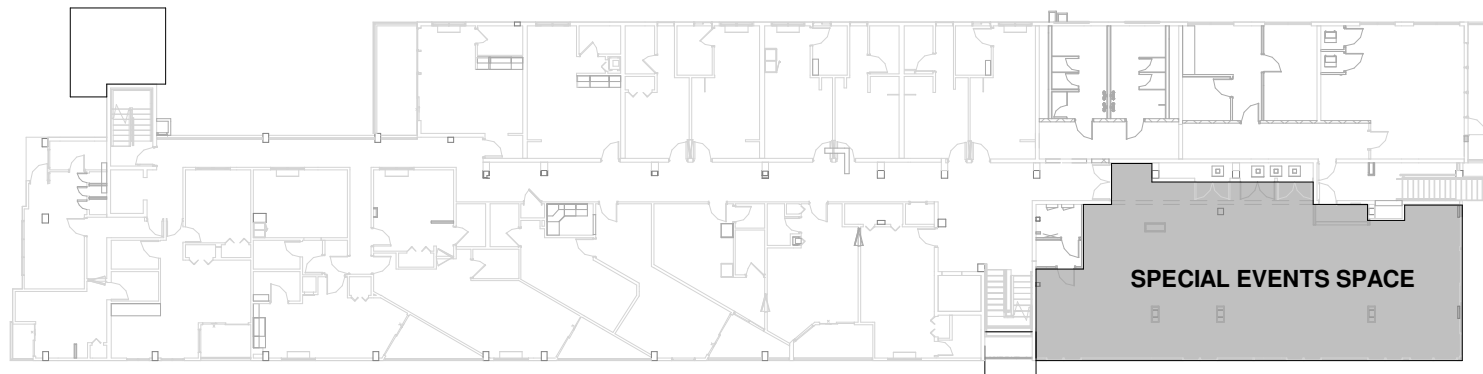
The only exterior speakers are within the covered pool deck area (locations identified on attached "Food and Beverage Service Area Plan") which are recessed into the ceiling on the covered portion of the pool deck thus preventing noise from emanating beyond the pool deck. The music will be ambient/background with a specified controlled volume to assure no noise impacts to neighbors. Our goal is to create a relaxing space where guests can enjoy their time at the resort.

## **Payment**

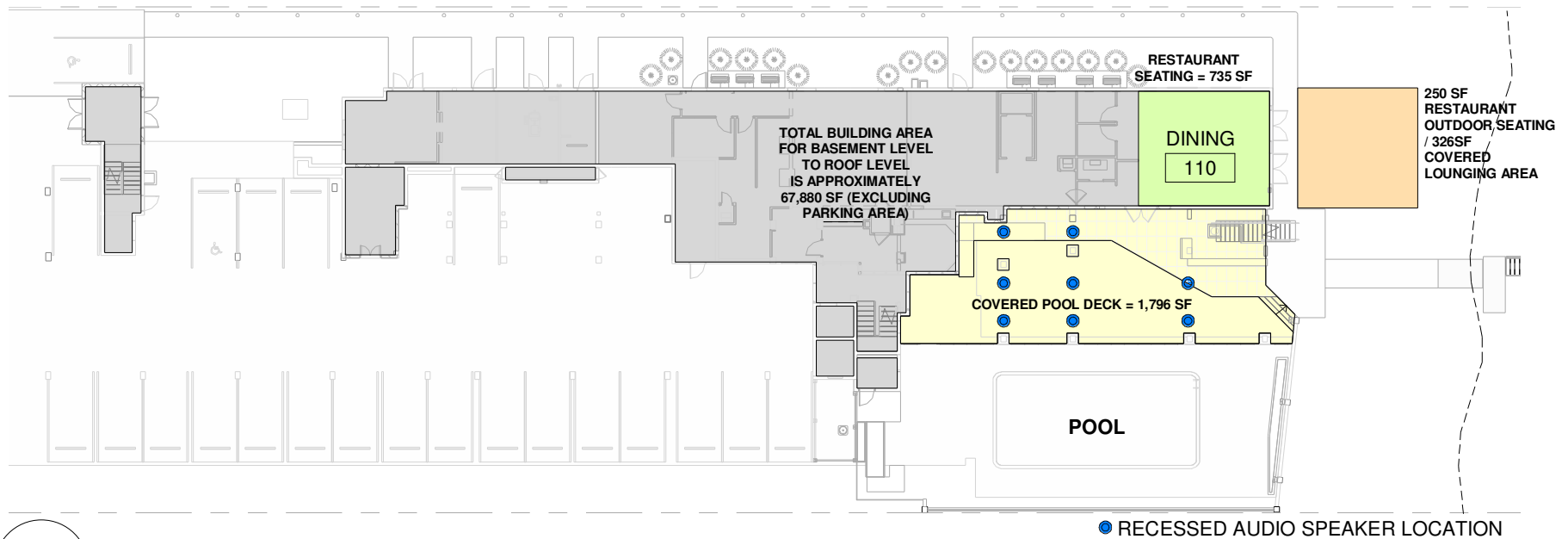
All charges for food and beverage service will be to guest rooms. We will operate using iPad and wireless technology with guest signatures via these devices whilst moving across the hotels service areas. Credit cards will be required at check in to cover all food and beverage charges.



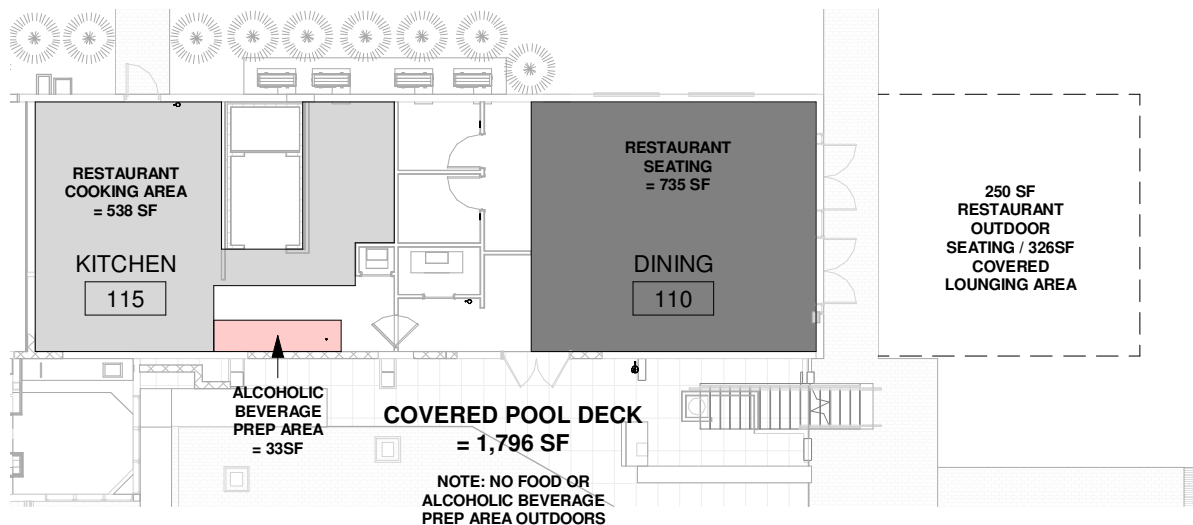
1  
EX6 1ST FLOOR SERVICE AREA  
1" = 30'-0"



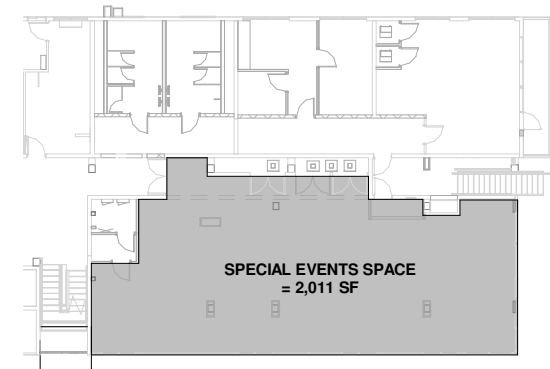
2  
EX6 2ND FLOOR PLAN SERVICE AREA  
1" = 30'-0"



1 1ST FLOOR HOTEL AREAS  
EX7 1" = 30'-0"



2 1ST FLOOR PREPARATION AREAS  
EX7 1/16" = 1'-0"

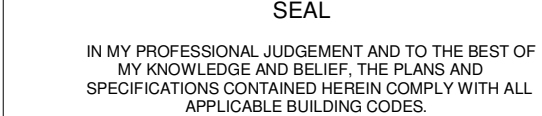


3 2ND SPECIAL EVENT SPACE  
EX7 1" = 30'-0"

NOTE: AREA OCCUPYING CONDITIONAL USE = 5,118 SF; LESS THAN 10% TOTAL BUILDING AREA OF HOTEL



THE DESIGNS AND DRAWINGS PRESENT HEREIN ARE THE SOLE PROPERTY OF URVANX, INC. AND MAY NOT BE COPIED OR DUPLICATED WITHOUT SPECIFIC WRITTEN PERMISSION OF URVANX, INC.



1159 LLC  
1159 Hillsboro Mile  
Hillsboro Beach, Florida 33062

PERMIT SET

## REVISIONS

[illegible]

COVER

|                           |                                   |
|---------------------------|-----------------------------------|
| SHEET TITLE               |                                   |
| DATE <u>04.02.2018</u>    | PROJECT NUMBER<br><br><b>1718</b> |
| DRAWN BY <u>A.V.</u>      |                                   |
| REVIEWED BY <u>C.J.B.</u> |                                   |

SHEET **A-000**

MEP ENGINEER:  
**STEVEN FELLER, P.E., LLC.**  
500 N.E. 3rd Avenue  
Fort Lauderdale, Florida 33301  
PH: 954.467.1402  
FAX: 954.467.5752

May 8, 2021

Debbie M. Orshefsky, Esq.  
Holland & Knight  
515 East Las Olas Boulevard  
Suite 1200  
Fort Lauderdale, Florida 33301

**Re: The Hillsboro Resort (f/k/a The Seabonay Hotel) – 1159 Hillsboro Mile**

Dear Debbie:

Per your request, Traf Tech Engineering, Inc. determined the trip generation impacts associated with a proposed restaurant within The Hillsboro Resort. The proposed restaurant will serve as ancillary use to the hotel for the benefit of hotel guests. According to the Institute of Transportation Engineers (ITE) *Trip Generation Manual* (10<sup>th</sup> Edition), the trip generation rates for hotels assume restaurants. Moreover, ITE states that internal trips occur between hotel guests and the restaurant use during the typical morning and afternoon peak hours. Given that The Hillsboro Resort currently does not have a restaurant within its premises, the addition of a restaurant would reduce traffic impacts during the AM and PM peak hours.

Please give me a call if you have any questions.

Sincerely,

**TRAF TECH ENGINEERING, INC.**

Joaquin E. Vargas, P.E.  
Senior Transportation Engineer



**TOWN OF HILLSBORO BEACH**  
DEVELOPMENT REVIEW COMMENTS

Discipline: Traffic Engineering  
Reviewed by: Diana White, P.E.  
Review Date: 5/27/2021  
Phone: (954) 921-7781  
Fax: (954) 921-8807  
Application: Conditional Use for The Hillsboro Resort (Seabonay Hotel)-  
1159 Hillsboro Mile

Comments Based on Submittal: Development Application dated 5/07/21, and traffic statement dated 5/08/21 prepared by TrafTech.

|                   |                                 |
|-------------------|---------------------------------|
| <u>          </u> | No comments                     |
| <u>    X    </u>  | Comments as follows or attached |
| <u>          </u> | Approved with comment           |

- 
1. Was a traffic study ever prepared for the current use of the hotel/resort? If it was; was the site vested for all the build out space when the site was approved, including the proposed special events area? If it was not, please provide a traffic impact statement that shows the additional traffic to be generated by the special events area.
  2. Is the existing parking count sufficient to handle the current parking demand for the hotel/resort traffic and its employees as well as the future traffic being generated by the proposed special events area? Please provide a parking utilization study to support this.

Date: May 27, 2021

Diana White. P.E.  
Assistant Director of Transportation & Mobility Department  
Calvin Giordano & Associates

June 9, 2021

Debbie M. Orshefsky, Esq.  
Holland & Knight  
515 East Las Olas Boulevard  
Suite 1200  
Fort Lauderdale, Florida 33301

**Re: The Hillsboro Resort (f/k/a The Seabonay Hotel) – 1159 Hillsboro Mile**

Dear Debbie:

In response to the Town of Hillsboro Beach's traffic/parking impacts associated with the "special event space" in connection with the above-referenced 72-room hotel, we offer the following statement:

Given that the "special event space" is for the exclusive use of hotel guests, no new traffic impacts or parking needs are anticipated. Furthermore, this is supported by the Institute of Transportation Engineers (ITE) in their *Trip Generation Manual* (10<sup>th</sup> Edition). ITE states that Land Use 310 – Hotel provides supporting facilities such as restaurants and "meeting and banquet rooms".

Based on the above, the 2,011 square feet designated for special events at The Hillsboro Resort is not anticipated to generate new vehicle trips or parking needs.

Please give me a call if you have any questions.

Sincerely,

**TRAF TECH ENGINEERING, INC.**

Joaquin E. Vargas, P.E.  
Senior Transportation Engineer



**TOWN OF HILLSBORO BEACH**  
**DEVELOPMENT REVIEW COMMENTS**

Discipline: Traffic Engineering  
Reviewed by: Diana White, P.E.  
Review Date: 6/15/2021  
Phone: (954) 921-7781  
Fax: (954) 921-8807  
Application: Conditional Use for The Hillsboro Resort (Seabonay Hotel)-  
1159 Hillsboro Mile

Comments Based on Submittal: Traffic statement dated 6/09/21 prepared by TrafTech.

|   |                                 |
|---|---------------------------------|
|   | No comments                     |
| X | Comments as follows or attached |
|   | Approved with comment           |

1. Was a traffic study ever prepared for the current use of the hotel/resort? If it was; was the site vested for all the build out space when the site was approved, including the proposed special events area?  
If it was not, please provide a traffic impact statement that shows the additional traffic to be generated by the special events area.  
***HKLAW Response June 9<sup>th</sup>, 2021: The hotel is a legally existing non-conforming use which has been under renovation pursuant to a series of building permits issued by the Town for interior and exterior improvements. The proposed Special Event Space, a 2011 square foot room on the second floor of the hotel, will be used exclusively by hotel guests, therefore, no additional traffic than that already permitted by the current hotel use will be generated.***  
***CGA Response June 11, 2021: Addressed, based on the Hillsboro Resort Special Event Memorandum dated June 09, 2021 and prepared by TrafTech Engineering, The Institute of Transportation Engineers (ITE) in their Trip Generation Manual (10th Edition) Land Use 310 is defined by Hotel that provides supporting facilities such as restaurants and “meeting and banquet rooms”; therefore no new traffic impacts are anticipated.***
  
2. Is the existing parking count sufficient to handle the current parking demand for the hotel/resort traffic and its employees as well as the future traffic being generated by the proposed special events area? Please provide a parking utilization study to support this.  
***HKLAW Response June 9<sup>th</sup>, 2021: As noted above, the existing hotel use is a legally existing non-conforming use under renovation, therefore, no parking demand study was required or provided. Since the Special Event Space will be used exclusively by hotel guests, no additional parking is required or provided. In addition, the Town Code does not have a parking rate for hotels, as hotel use is not permitted in the Town unless, as here, the use is a legally existing non-conforming use.***  
***CGA Response June 15, 2021: Understood, however; even though The Institute of Transportation Engineers (ITE) in their Trip Generation Manual (10th Edition) defines Land Use: 310 Hotel, as a place of lodging that provides sleeping accommodations and supporting facilities such as a full-service restaurant, cocktail lounge, meeting rooms, banquet rooms, and convention facilities,***

**The same ITE in their Parking Generation Manual (5<sup>th</sup> Edition) emphasizes that the parking demand for the same land use may be related to the presence of supporting facilities such as convention facilities, restaurants, meeting/banquet space, and other retail. In this case, we have an existing facility without a kitchen and without a special events area, even though the applicant states that the proposed supporting facilities will be for the sole use of hotel guests, these additional supporting facilities will make the hotel a more attractive facility to additional guests/employees. Please provide a parking demand study for the existing hotel accommodating the proposed two supporting facilities. The methodology for the parking study should be discussed in advance.**



Date: June 18, 2021

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Diana White. P.E  
Assistant Director of Transportation & Mobility Department  
Calvin Giordano & Associates

**Holland & Knight LLP**

Fort Lauderdale Account  
524 Grand Regency Boulevard  
Brandon, FL 33510  
(813) 901-4415

Citi Bank N.A.  
Tampa, FL  
Req.#: 2181667

CHECK DATE  
May 06, 2021

**3801608**

63-8655/2660

**CHECK AMOUNT**

**\$1,050.00**

**VOID AFTER 6 MONTHS**

ONE THOUSAND FIFTY AND 00/100 DOLLAR(S)

PAY TO THE ORDER OF TOWN OF HILLSBORO BEACH  
1210 Hillsboro Mile  
Hillsboro Beach, FL 33062

TWO SIGNATURES REQUIRED ON CHECKS OVER \$5,000

HOLLAND & KNIGHT LLP

*Sarah Lyons*



# PUBLIC NOTICE

## TOWN OF HILLSBORO BEACH, FLORIDA

### QUASI-JUDICIAL PUBLIC HEARING

Conditional Use Request  
Tuesday, July 6, 2021, at 9:00AM

**NOTICE IS HEREBY GIVEN** the Town Commission of the Town of Hillsboro Beach, Florida, will hold a Quasi-Judicial Public Hearing **Tuesday, July 6, 2021, at 9:00 AM.** Debbie Orshefsky with Holland & Knight, LLP, authorized agent for the property located at **1159 Hillsboro Mile, Hillsboro Beach, FL 33062** is requesting Conditional Use approval to permit a restaurant with beer, wine, and alcoholic beverage service within the Hillsboro Beach Resort submitted pursuant to Ordinance No. 2021-03.

Information on the Conditional Use can be obtained at Town Hall, 10 days prior to the Public Hearing. Public comments on the request will be received in-person at the Public Hearing on July 6, 2021, virtually via Zoom or can be provided in writing to the Town Clerk prior to the Public Hearing via email: [TownClerk@TownofHillsboroBeach.com](mailto:TownClerk@TownofHillsboroBeach.com).

The public can attend in person or virtually via Zoom video conference and provide public comment.

#### Join Zoom Meeting

<https://us02web.zoom.us/j/87847361566?pwd=Y0FJbHk5VUcxb1F0aUh4Tl3YWVNXUT09>

Meeting ID: 878 4736 1566  
Passcode: 951699

If any person decides to Appeal any decision made with respect to any matter considered at the Public Hearing, he/she will need a record of the proceedings and for such purposes may need to ensure that a verbatim recording of the proceedings is made, which records include the testimony and evidence upon which the Appeal is to be based.

In accordance with the American with Disabilities Act and Florida Statute 286.26, persons with disabilities needing special accommodations to participate in these proceedings should contact the Town Clerk no later than two days prior to the Public Hearing at 954-427-4011 for assistance.

#### PROVIDING PUBLIC COMMENT

Persons desiring to provide public comment may do so by one of the methods listed below. Please be sure to include your name and address for the record. Your comments will be limited to three minutes per person.

- **VIA EMAIL** – Public comments and documents maybe submitted via email to [TownClerk@TownofHillsboroBeach.com](mailto:TownClerk@TownofHillsboroBeach.com). Comments will be read aloud to the Commission and public and incorporated into the record. Emails will be accepted up until the end of the Public Comment portion of the Meeting.
- **LIVE ZOOM PARTICIPATION** – If attending via Zoom online, at the appropriate public comment period, click “raise hand” on the bottom of the “participants” tab, and your audio will be unmuted when you are recognized.

Sherry D. Henderson, CMC Town Clerk  
TOWN OF HILLSBORO BEACH, FLORIDA

  
NOTICE 6.24.2021  
NEWSPAPER PUBLICATION 6.25.2021

**Sold To:**

Town Of Hillsboro Beach - CU00114721  
1210 Hillsboro Mile  
Hillsboro Beach,FL 33062

**Bill To:**

Town Of Hillsboro Beach - CU00114721  
1210 Hillsboro Mile  
Hillsboro Beach,FL 33062

**Published Daily**

**Fort Lauderdale, Broward County, Florida**  
**Boca Raton, Palm Beach County, Florida**  
**Miami, Miami-Dade County, Florida**

**State Of Illinois**

**County Of Cook**

Before the undersigned authority personally appeared  
Jeremy Gates, who on oath says that he or she is a duly authorized representative of the SUN- SENTINEL, a  
DAILY newspaper published in BROWARD/PALM BEACH/MIAMI-DADE County, Florida; that the  
attached copy of advertisement, being a Legal Notice in:

The matter of 11720-Notice of Public Meeting ,  
Town Of Hillsboro Beach  
Was published in said newspaper in the issues of; Jun 25, 2021

Affiant further says that the said SUN-SENTINEL is a newspaper published in said BROWARD/PALM  
BEACH/MIAMI-DADE County, Florida, and that the said newspaper  
has heretofore been continuously published in said BROWARD/PALM BEACH/MIAMI-DADE County,  
Florida, each day and has been entered as second class matter at the post office in BROWARD County,  
Florida, for a period of one year next preceding the first publication of the attached copy of advertisement;  
and affiant further says that he or she has neither paid nor promised, any person, firm or corporation, any  
discount, rebate, commission or refund, for the purpose of securing this advertisement for publication in the  
said newspaper.

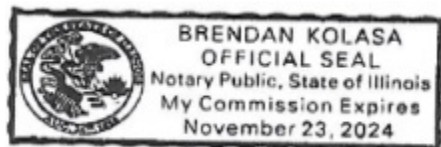


\_\_\_\_\_  
Signature of Affiant

Sworn to and subscribed before me this: June 26, 2021.



\_\_\_\_\_  
Signature of Notary Public



\_\_\_\_\_  
Name of Notary, Typed, Printed, or Stamped  
Personally Known (X) or Produced Identification ( )

**Affidavit Delivery Method:** E-Mail

**Affidavit Email Address:** shenderson@townofhillsborobeach.com  
6982551

**TOWN OF HILLSBORO BEACH, FLORIDA  
QUASI-JUDICIAL PUBLIC HEARING**

**CONDITIONAL USE REQUEST**

**TUESDAY, JULY 6, 2021, AT 9:00AM**

NOTICE IS HEREBY GIVEN the Town Commission of the Town of Hillsboro Beach will hold a Quasi-Judicial Public Hearing on July 6, 2021, at 9:00 AM. Debbie Orshefsky with Holland & Knight, LLP, authorized agent for the property located at 1159 Hillsboro Mile, Hillsboro Beach, FL 33062 is requesting Conditional Use approval to permit a restaurant with beer, wine, and alcoholic beverage service within the Hillsboro Beach Resort submitted pursuant to Ordinance No. 2021-03.

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The public can attend in person or virtually via Zoom video conference and provide public comment. Zoom Meeting log-in details will be provided on Town Website.

If any person decides to Appeal any decision made with respect to any matter considered at the Public Hearing, he/she will need a record of the proceedings and for such purposes may need to ensure that a verbatim recording of the proceedings is made, which records include the testimony and evidence upon which the Appeal is to be based.

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## SUN-SENTINEL

the bottom of the "participants" tab, and your audio will be unmuted when you are recognized.

Sherry D. Henderson, CMC Town Clerk  
6/25/21 6982551

Order # - 6982551