



AGENDA

Town of Hillsboro Beach Commission Meeting

January 11, 2022
10:00 AM



MAYOR

Honorable Deborah L. Tarrant

VICE MAYOR

Honorable Irene Kirdahy

COMMISSIONERS

Honorable Vicky Feaman
Honorable Barbara Baldasarre
Honorable Jane Reiser

TOWN MANAGER

William "Mac" Serda, ICMA-CM

TOWN ATTORNEY

Donald J. Doody

TOWN CLERK

Sherry D. Henderson, CMC

HILLSBORO BEACH TOWN HALL

1210 Hillsboro Mile
Hillsboro Beach, FL 33062
954-427-4011



TOWN OF HILLSBORO BEACH

1210 Hillsboro Mile, Hillsboro Beach, Florida 33062

January 11, 2022 | 10:00 AM

REGULAR TOWN COMMISSION MEETING 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 Regular Town Commission Meeting will be held Tuesday, January 11, 2022 immediately following adjournment of the Board of Zoning Appeals. A quorum of the Town Commission will be physically present at the meeting. The public can attend in person. 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

APPROVAL OF AGENDA

I. APPROVAL OF MINUTES

- A. December 7, 2021 Board of Zoning Appeals Public Hearing
- B. December 7, 2021 Regular Town Commission Meeting

II. PRESENTATIONS

III. SITE PLAN REVIEW

- A. **QUASI-JUDICIAL PUBLIC HEARING** - Eric Fordin, with Related Group, Authorized Agent for Property Owners, is seeking Site Plan Approval for Property Located at 1174 - 1185 Hillsboro Mile, Hillsboro Beach, FL 33062.

Staff: Presented by Jim Hickey, Development Planner (CG&A)

Address: 1174-1185 Hillsboro Mile, Hillsboro Beach, FL 33062

Request: The Applicant/Owner is requesting site plan approval for property

All Interested Parties are Sworn in by the Town Attorney

- ☐ Staff Presentation
- ☐ Commission Discussion
- ☐ Public Hearing Opened
- ☐ Public Comments

- ☐ Public Hearing Closed
- ☐ Commission Discussion
- ☐ Commission Motion & Second
- ☐ Commission Vote

IV. ORDINANCES

A. Ordinance No. 2021-09

Amendment to the Town's Code of Ordinance, Chapter 12 Land Development Code Amending Sec. 12-396 to Provide for the Use of Artificial Synthetic Turf. (Second Reading)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING CHAPTER 12 ENTITLED "LAND DEVELOPMENT CODE"; BY SPECIFICALLY AMENDING SECTION 12-396 ENTITLED "APPROPRIATE PLANT SELECTION, LOCATION AND ARRANGEMENT" TO PROVIDE FOR THE USE OF ARTIFICIAL TURF; PROVIDING FOR AN AMENDMENT TO PROCEDURE, REVIEW CRITERIA, AND DESIGN STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

B. Ordinance No. 2022-01

Amendment to the Town's Code of Ordinance, Amend Hours of Operation of Lawn Maintenance Equipment (First Reading)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING ARTICLE VII ENTITLED "NOISES" BY SPECIFICALLY AMENDING SECTION 7-93 TO AMEND THE HOURS OF OPERATION OF LAWN MAINTENANCE EQUIPMENT HOURS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

C. Ordinance No. 2022-02

Amendment to the Town's Code of Ordinance, Amending Section 6-132 Providing for Suspension in Enforcement in an Event of Emergency (First Reading)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING ARTICLE VI ENTITLED "NUISANCES" BY SPECIFICALLY AMENDING SECTION 6-132 ENTITLED "LANDSCAPING"; PROVIDING FOR A SUSPENSION IN ENFORCEMENT IN AN EVENT OF AN EMERGENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

D. Ordinance No. 2022-03

Amendment to the Town's Code of Ordinance, Chapter 12 Land Development Code Amending Sec. 12-261 to Provide for An Exception to the Height Regulations of Chapter 12 for Elevator Equipment. (First Reading)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING CHAPTER 12 ENTITLED "LAND DEVELOPMENT CODE"; BY SPECIFICALLY AMENDING SECTION 12-261 ENTITLED "HEIGHT REGULATIONS" TO PROVIDE FOR AN EXCEPTION TO THE HEIGHT REGULATIONS OF CHAPTER 12 FOR ELEVATOR EQUIPMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

V. DISCUSSION & POSSIBLE ACTION

A. Discussion on Limiting Assemblage of Parcels

- B. Discussion on Updates to the Land Development Code

VI. RESOLUTIONS & CONTRACTS

A. Resolution No. 2022-01

Consideration to Approve and Authorize Proper Town Officials to Execute and Deliver a Letter of No Objection to the Plat Note Amendment and Non-Vehicular Access Line Amendment for the Development Project Located at 1174-1185 Hillsboro Mile, Hillsboro Beach, Florida 33062.

B. Resolution No. 2022-02

Consideration to Accept the Recommendation of the Evaluation and Selection Committee and Determining that Grau & Associates is the Most Responsive and Most Responsible Proposer for Professional External Audit Services RFP NO. 2021-02.

VII. CONSENT

A. INVOICES FOR APPROVAL

1. A. **GCDE Invoice#38761 Services Dec 2021 \$5,169.80 (General Matters)**
- B. **GCDE Invoice# 38762 Services Dec 2021 \$3,262.50 (Development)**
- C. **GCDE Invoice# 38763 Services Dec 2021 \$157.50 (Writ of Garnishment)**
- D. **LSF Shuttle Invoice# 21-1231-26 Service Dec 2021 \$6,551.86**
- E. **CG&A Invoice# 91656 Service Dec 2021 \$32,292.48**
- F. **RMA Invoice# 4649 Service Nov 2021 \$6,325.00**

VIII. BEACH REPORT

- A. Update on Beach Renourishment Project with City of Deerfield Beach
- B. Coastal and Waterway Consultant

IX. STAFF UPDATES

A. Police Department

Presented by Chief Jay Szesnat

B. Building Department

Presented by Steve Mitchell, Building Official, CG&A

C. Code Compliance

Presented by Bernard Pita, Code Enforcement, CG&A

X. TOWN MANAGER REPORT

- A. Town Hall Improvements Update

XI. TOWN ATTORNEY REPORT

XII. TOWN COMMISSION COMMENTS/REPORTS

XIII. PUBLIC COMMENTS

XIV. ADJOURNMENT

PLEASE TAKE NOTICE AND BE ADVISED that if any interested person desires to appeal any decision

made by the Town Commission, Special Master or any other Boards or Commissions of the Town with respect to any matter considered at this meeting or hearing, such interested person will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The meeting/hearing may be continued from day to day, time to time, place to place, as may be found necessary during the aforesaid meeting. IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA) THIS DOCUMENT CAN BE MADE AVAILABLE IN AN ALTERNATE FORMAT (LARGE PRINT) UPON REQUEST AND SPECIAL ACCOMMODATIONS CAN BE PROVIDED UPON REQUEST WITH THREE (3) DAYS ADVANCE NOTICE. Please contact Sherry D. Henderson, IIMC-CMC, Town Clerk (954) 427-4011 Town Hall - 1210 Hillsboro Mile, Hillsboro Beach, Florida 33062.



DRAFT

**MINUTES
TOWN OF HILLSBORO BEACH
BOARD OF ZONING & APPEALS MEETING
DECEMBER 7, 2021**

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Deborah L. Tarrant called the meeting to order at 9:00 a.m. Roll was called with the Commission members and staff present as listed below.

Town Commission:

Mayor Deborah L. Tarrant
Vice Mayor Irene Kirdahy
Commissioner Jane Reiser

Commissioner Barbara Baldassarre
Commissioner Vicky Feaman

Town Staff:

Town Manager Mac Serda
DJ Doody, Town Attorney
Town Clerk Sherry D. Henderson, CMC

Mayor Tarrant commented on the outstanding attendance both online and in-person. She reviewed the process for public comment and explained comments would be limited to three (3) minutes per person.

Town Attorney DJ Doody explained the Quasi-Judicial procedures to be followed throughout the meeting. He noted emails and written comments would not be read aloud but had been reviewed by Board members and would be entered into the record.

I. QUASI-JUDICIAL PUBLIC HEARINGS

- A.** Mark Rothenberg, with Ellermar Luxury Home Builders, authorized agent for property owner is seeking variance to the height limitations governing the proposed structure located at 925 Hillsboro Mile, Hillsboro Beach, FL, 33062, property east of RS-2 zoning district; parcel number 484320000400

Mr. Doody swore in all those giving testimony at the hearing.

Joe Arenal, Development Planner with RMA, presented the item. He explained the applicant was working on plans for a four (4) story, single-family house and was currently responding to site plan review comments. He noted the proposed home included 26,465 square feet of air-conditioned space and 38,625 square feet total under

roof and was zoned RS-2. He stated the site plan approval would be addressed separately.

Mr. Arenal stated the applicant was requesting a variance to exceed the maximum allowable building height of 35 feet by four (4) feet, one (1) inch for elevator mechanical equipment, for an overall height of 39 feet, one (1) inch. He outlined the distances from the proposed maximum height to the property lines and stated the requested elevator was close to the center of the residence.

Mr. Arenal discussed the items submitted with the application, and stated staff found the application would pose minimal to no impact to adjacent homes, and if the applicant could justify the selection of elevator type and physical space necessity, staff would recommend acceptance of the variance. He explained the height allowances made for single-family residences in neighboring communities.

Mark Rothenberg, Ellermar Luxury Home Builders, presented on behalf of the owner. He explained the request was not for the entire home, but an elevator shaft in the middle of the building. He stated he and the architect were present to answer any questions.

Vice Mayor Kirdahy asked why a traction type elevator was used as opposed to a hydraulic lift, as that was requiring the additional height.

David Alekna, Tower Elevator, explained that it was an environmentally sensitive area, and the hydraulic lift would be an oil-based system. He noted there were issues with the functioning of the hydraulic system after prolonged exposure to salt water. He stated the traction option would give a much better performance and be more environmentally friendly.

Vice Mayor Kirdahy stated most of the elevators in the area were hydraulic and did not have issues. She asked whether the traction elevator was also faster. Mr. Alekna responded that speeds can vary, but top-end traction elevators would be faster.

Mr. Alekna stated they had also gone with what is called a basement option, locating the majority of the hoist machine and controls down in the building, so only those items absolutely needed to support the elevator were located above.

Mayor Tarrant opened a public hearing on the application.

Rick McCarty, 921 Hillsboro Mile, stated the property is two (2) doors from him and has sat idle for more than 10 years. He commented that he was not hearing a hardship from the applicant, and other options were available. He recommended the variance be denied.

Mayor Tarrant closed the public hearing.

Commissioner Reiser asked staff whether any other comments were made by surrounding residents. City Manager Mac Serda stated none were received by staff.

Mr. Rothenberg noted the immediate neighbors on either side had been consulted, and because of the location, they had no objection.

Commissioner Baldasarre asked Mr. Rothenberg to define the hardship.

Mr. Rothenberg stated he is not an elevator expert, so they hired a consultant, and it was the elevator expert with 30 years of experience who had advised on the type of elevator to best serve a four (4) story structure such as this home. He noted they had minimized the impact of the variance request by only elevating the area of the shaft as necessary to accommodate the elevator.

Shane Ames, architect on the project, discussed servicing and leaked hydraulic oil with other elevators and stated they had gone through exhaustive design work to find an elevator for this project. He noted the size of the elevator shaft and stated the hardship is to be environmentally sensitive to the community.

Mayor Tarrant commented that the Town Code addresses antennas and chimneys, but it is past time the code address elevators. She stated her position was that this project would not require a variance if the Code was up to date. She asserted every single-family home being built in Town was requiring an elevator, and she would prefer this type of elevator be used for the reasons discussed.

Vice Mayor Kirdahy agree the Codes needed to be looked at, and stated she did not really see a hardship, as there is an alternative.

Mr. Arenal added that when the Code was written, the majority of residents had pitched roofs, which was probably why elevators were not included in the exceptions for RS-2.

Motion made by Commissioner Reiser, seconded by Commissioner Baldasarre, to approve the variance request for 925 Hillsboro Mile due to the hardship of eliminating potential oil leakage into the ground beneath the home. She stated the Code should be reviewed to address the issue without need for variance in the future. In a roll call vote, the **motion** passed unanimously. (5-0)

- B.** Eric Fordin, with the Related Group, authorized agent for the development project located at 1174-1185 Hillsboro Mile, Hillsboro Beach, FL 33062, requests a variance pursuant to Section 12-283 of the Town's Code to exceed the height limitations in Section 12-142.

Mr. Doody swore in all those giving testimony at the hearing.

Jim Hickey, Town Planner with CG&A, presented the item. He explained the applicant was requesting a variance from Section 12-142A of the Land Development Code (LDC) to allow for an increase in height and number of stories within the Residential Medium (RM-16) zoning district. He stated the applicant was also requesting consideration of a variance for the percentage of usage of the rooftop which would be processed through a separate variance request and analysis.

Mr. Hickey provided a background on the RM-16 district, explaining in that district there is a limit of 35 feet in height and three (3) stories. He noted most tall buildings in Town are within the RM-30 district, which has different requirements. He stated the property is made up of two (2) vacant parcels, including parcel A on the west side of the road, which is 5.4 acres between Hillsboro Mile and the Intracoastal, and parcel B, which is located on the east side of Hillsboro Mile.

Continuing, Mr. Hickey explained approximately 1/3 of parcel B is identified as a Local Area of Particular Concern (LAPC) and includes beach which cannot be developed. He stated the LAPC was designated in 1992 and is the only conservation area within the Town, totaling 2.78 acres on the eastern portion of the site. Mr. Hickey stated the conservation area begins 10 feet to the west of the dune and is identified as an endangered habitat. He stated the LAPC includes mitigation recommendations which require obtaining Broward County approval and following specific construction requirements if that approval is obtained. He discussed those requirements briefly and clarified the only development allowed in that area would be dune crossovers.

Mr. Hickey stated the applicant had submitted a site plan to develop the site on July 29, 2021. He explained the proposed site plan includes a total of 121 units, with nine (9) residential units proposed for parcel A within three (3) story structures with a maximum of 35 feet, and 112 multi-family condominium-style units on parcel B. He stated the proposed units on the east side of Hillsboro Mile would be constructed within a 15-story, 170-foot tower with an additional two (2) underground stories for garage and storage, and a rooftop level with private amenities. He noted the variance was only for the east parcel of the property, where the height is measured by the average dune height.

Continuing, Mr. Hickey explained how staff had reviewed the application, including analysis by the consultant planner, survey, traffic, engineering, and landscaping, and comments were provided to the applicant on November 2, 2021. He noted the applicant was informed at that time that the proposed development did not meet the height requirements as outlined in Section 12-142, and the applicant submitted an application for a variance on November 8, 2021. He reviewed the applicable Code sections, including those which set forth the instances of hardship necessary and the development criteria for the zoning district. He discussed how the LAPC was addressed within the Comprehensive Plan.

Mr. Hickey reviewed analysis of other heights in the community and staff recommendations. He stated the parcel contains a large conservation area which makes this site unique and does present a hardship in maximizing the development of this site. He stated the applicant's request for additional height would assist in providing sufficient use of the land, however, the proposed development would increase the height by 135 feet and increase the number of stories five (5) times beyond the allowable height of three (3) stories. He reviewed four (4) conditions recommended by staff if the application were to be approved, including:

1. Proposed site plan must meet the number of stories and height approved by the Board;
2. Applicant must receive approval by Broward County for any alteration and improvement of the conservation area;
3. Should the proposed site plan associated with this variance request not be approved, submittal of a revised variance application will require reconsideration by the Board along with site plan approval;
4. Site plan shall include access for Town vehicles and their contractors for beach renourishment and/or emergency purposes.

Debbie Orshefsky, Esq., attorney with Holland & Knight, presented on behalf of the applicant. She introduced the developers, design team, and engineers. She asked that all materials submitted to the Town Clerk and included in the backup materials, as well as her presentation, be included within the public record for the meeting. She shared a video outlining the vision for the project.

Ms. Orshefsky provided a background on the evolution of the design on the site, discussing the practical difficulties realized upon beginning the site plan process. She reviewed a *PowerPoint* presentation which discussed density, heights, and the conservation area. She noted parcel B loses approximately 33 percent of its developable area due to the conservation area and asserted this was the essence of the unusual and practical difficulties. Continuing, Ms. Orshefsky reviewed the overall proposed project, focusing on the setbacks and landscaping proposed. She shared a series of images and

noted the additional setbacks and dune protection shown in comparison to neighboring developments.

Ms. Orshefsky stated part of the reason for requesting the variance was to allow for greater distance between the buildings, extensive landscaping, and better air and light. She discussed the footprint and setbacks and reviewed the allowances within the Code and Comprehensive Plan which allow for variances to innovate in development projects.

John McWilliams, Kimley Horn, discussed the traffic impact study and traffic generation comparison. He stated CG&A had reviewed the methodology and the results, and no congestion issues were expected.

Ms. Orshefsky discussed the public benefits of the proposed project, including beach access and renourishment easement, sea turtle compliance, 125,310 square feet of safeguarded and enhanced coastal dune, landscaping on A1A, open space, and iconic architecture. Continuing, Ms. Orshefsky addressed concerns regarding construction impact. She stated the west site could be used for staging and supply, and discussed surveys, vibration monitoring, and other methods of mitigating impact on the neighborhood. She discussed outreach by the developers, including a virtual meeting, in-person meeting, email and in-person follow up.

Mayor Tarrant called for a recess at 10:22 a.m.

Mayor Tarrant called the meeting to order at 10:30 a.m.

Mayor Tarrant opened a public hearing on the item.

Laura Matasko, 1187 Hillsboro Mile, discussed what was important was the quality of life for the families of Hillsboro Beach and stated there was no hardship. She asserted if the plan was accepted, it would be devastating to the residents of Virginia Kaye.

Cindy Patel, 1160 Hillsboro Mile, stated the old-world charm of Hillsboro Beach was what brought people to the area. She noted they had chosen not to purchase in Miami or Fort Lauderdale, which is where this huge building looked as though it belonged. She discussed traffic concerns and stated the developer should have known the limitations, and the project should be denied.

John Kennelly, Jr., property owner at 1187 Hillsboro Mile, stated his father had owned the land and sold it to the developers. He explained during meetings prior to the purchase, he had personally explained the limitations to the developers. He asserted the presentation was misleading, including the setbacks of the garage, the argued hardship, and the Coastal Construction Control Line (CCCL).

Charles Doherty, 1194 Hillsboro Mile, spoke in opposition to the variance. He noted he appreciated the public benefit outlined, but there were not grounds for a hardship.

Andy Dandell, 1194 Hillsboro Mile, stated he had lived in Hillsboro Mile for 43 years. He explained he loves the Town, but the project takes away from everything it stands for.

Javier Garcia, 1203 Hillsboro Mile, stated the reality was that the Town must evolve, or it will be left behind. He asserted this was a well-known developer who was proposing to build something very different on the one-of-a-kind parcel, and the value provided to the tax base was incredible. He encouraged an open mind.

Al Shore, 1147 Hillsboro Mile, stated the new owner of the property bought knowing it was only zoned for three (3) stories. He discussed the value of the project and the potential profit and stated the tax benefit was a false argument. He asserted approving the variance would set a precedent and asked that it be denied.

Chris Black, 1173 Hillsboro Mile, echoed previous comments that there was not a true hardship. He stated the Town did not owe the developers the opportunity to maximize their profit and asserted they either did not do their due diligence or planned to roll over the Commission of a small town. He asked that the Commissioners listen to the residents and turn down the application.

Mark Raphael, 1172 Hillsboro Mile and owner at 1189 Hillsboro Mile, spoke in opposition to the proposal. He noted the neighboring properties are three (3) story buildings and asserted the height restriction was instituted to maintain the aesthetics on Hillsboro Mile. He stated the project would be obtrusive and stick out like a sore thumb.

Carol Weber, 1187 Hillsboro Mile, stated she and her husband bought in the community because they love the style and did not want to be a part of high rises which cast a shadow on the beach and impede the view of neighbors. She noted the builder would put up something high class and first rate, but asserted the height was not necessary.

Bill Hauer, 1161 Hillsboro Mile, shared a story of calling the property the “fox’s house” because of the wildlife habitat. He commented on traffic concerns and stated he did not want Hillsboro Beach to end up looking like Boca Raton but also did not want to stop someone developing their land if it could be documented there would not be impacts.

Dr. Garry Condon, representing the Walsh Family of 1187 Hillsboro Mile, spoke in opposition to the variance. He stated the height was five (5) times the limit and reflective glass construction did not meet the “homey” feel of the community. He asserted it was self-centered on the developer’s part and would have negative impacts. He stated granting the variance would be inconsistent and inappropriate.

Danielle DiNapoli, 1169 Hillsboro Mile, stated she was initially opposed to the 15-story project, until she was educated regarding the benefits to the Town. She asserted the Landmark should not be a comparison. She stated she was in support of a building greater than three (3) stories, but less than 15-stories.

George Zikratov, 1194 Hillsboro Mile, stated he would like the Board to consider the length of the project. He asserted in his experience tall buildings with underground parking take much longer and the community will suffer for years while it is constructed.

Christine Maxx, 1170 Hillsboro Mile, shared her experience living in Hillsboro Beach and in a beachside community in Maine. She stated the traffic study was skewed because it was conducted in July and addressed previous discussion regarding reducing density on Hillsboro Mile. She asserted she could not understand the hardship or the practical difficulties of the site.

Rich Croscoe, 1194 Hillsboro Mile, stated he is a new resident, and the thing that has stuck with him was the legacy of the Board and past denials of similar applications. He asserted the Board has a tremendous responsibility, and stated he hopes they weigh the consequences of their actions.

Beth Vogl, 1170 Hillsboro Mile, stated she had been a resident for 50 years and explained she thought the argument was trying to have both the LAPC as a 33 percent hardship on the parcel and also spread the units over two (2) parcels. She stated she believed the LAPC should have been clear to the developers all along but understood that would be a continued argument. She asked the Board to consider the fudging of numbers going on with the application.

Donna Scheurer-Purre, 1173 Hillsboro Mile, there were a lot of misleading statements going on and stated no amount of linguistic gymnastics would change the fact that having a building five (5) times the height allowable by law would be detrimental to the residents. She asserted the variance should not be granted because the property could be used without and purchasing a restricted property did not constitute a hardship.

Jim Lambert, 981 Hillsboro Mile, stated it seemed to him every opposition to the project were from residents within a stone's throw of the building. He asserted the Board's job was to think of not just those residents, but the entire Town. He stated the land had been vacant for years, and anyone moving to the community had to expect it would be developed eventually. He commented on the financial benefit of the tax revenue to the Town.

Celinda Sawtelle, 1052 Hillsboro Mile, stated not only is the developer asking for a huge variance, but he also planned to put swimming pools, garages, and recreation in the side yards to drive the neighbors crazy.

Nicole Geisser, 1203 Hillsboro Mile, stated the project has a lot of good potential for the Town, and obviously some not great things. She noted the Board needed to consider the future of Hillsboro Beach. She stated while the height is not advantageous, the project could be part of making the entire Town more landscaped and beautiful.

Manny Peñate, 1170 Hillsboro Mile, stated he did not want to be on the wrong end of the equation, but he moved to Hillsboro Beach fully knowing the property had to be developed sooner or later. He asserted anyone who was reasonable in moving to the community became familiar with the Codes, the history of their property, and the rules.

Gail Wiser, 1160 Hillsboro Mile, stated she spoke at the October public meeting, and her comments were all about the height of the building. She explained the developer had reached out to her following the meeting to address her concerns, but she continued to believe this variance shifts the hardship from the developers to the residents of the Town.

Mayor Tarrant closed the public hearing and invited Ms. Orshefsky to respond to questions asked.

Ms. Orshefsky addressed the comments, including heights of other properties, distance from the project to other properties, the zoning district, and clarifying that the proposed building area is entirely landward of the CCCL. She stated the only CCCL comment was in reference to the dune crossovers. Continuing, Ms. Orshefsky discussed the setbacks of the podium, explaining the required setback was 15 feet and 25 feet were provided for within the proposal. She noted the condominium documents for the property would specifically prohibit any type of Airbnb rental, and the minimum rental would be one (1) year. She asked John McWilliams, Kimley Horn, to explain how the traffic impact study submitted in July reflects an annual basis.

Mr. McWilliams explained the Florida Department of Transportation (FDOT) makes peak season adjustment factors for every week of the year. He stated in addition to being adjusted for peak season, the study was adjusted for potential anomalies related to COVID-19 and for future growth in traffic. He noted the study and methodologies were reviewed and approved by the Town's consultant and FDOT.

Ms. Orshefsky reviewed the comments regarding the length of the construction period. She stated because there is an east and west parcel, the entire project could be built at the same time using the area between the villas and A1A as a laydown area for materials. She

explained the typical construction time for this type of project would be 24 months. Continuing, Ms. Orshefsky stated a three (3) story structure would have almost double the construction period.

Ms. Orshefsky clarified points on the LAPC and how it translates into hardship for the project. She noted the property is not deed restricted to any particular use. She explained it was approved and platted for 11 single-family homes 30 years ago, but that project had been unsuccessful. She noted the developers will work with the Town to advance public policies in any way necessary to support development but any kind of private compensation is inappropriate.

Continuing, Ms. Orshefsky addressed the distinction between calculation of density and developable area. She discussed comments regarding case law and hardship and stated the Town's Code is very clear on the matter. She stated the staff report and appeal document outline the standards specifically, and asserted the developer believes all of the circumstances meet both the hardship and particular difficulty standards.

Mayor Tarrant called for Commission discussion. She noted for the public that due to Florida Sunshine Laws, this was the first time the Commissioners were able to speak to one another on the matter.

Mr. Doody explained approval of the variance would require a 4/5 vote.

Mayor Tarrant stated in her opinion, a 15-story building is too much for the Town of Hillsboro Beach to work into its existing fabric. She noted height is only one (1) element to worry about and does not exist in a vacuum. She referenced a letter being circulated in the community focusing on height and the developer's profit, while not dealing with any of the other issues related to the project. Mayor Tarrant stated the challenge is to look at the whole package and come up with something that works. She clarified misconceptions and assumptions stemming in part from the letter, explaining an increase in traffic, a need for additional police officers, strain on infrastructure, or construction equipment and noise, or impact to the stability of neighboring properties were not reasonable objections, because that could be said for any development on the site.

Continuing, Mayor Tarrant stated the Town's Comprehensive Plan, zoning, and Code provide for 188 units on the property. She noted the developer's proposal for 121 units is less than 2/3 what the zoning allows and pointed out the options are not between the proposed project and no development. She stated if the concern is increased traffic and more people on the beach, the proposed project provides far fewer new residents. Mayor Tarrant addressed impact of construction on the stability of neighboring structures and explained if residents feel their building may not be stable, they need to deal with that regardless of how many stories this project has. She noted the greater the footprint of the

project, the more pilings, and the less distance from neighboring properties.

Mayor Tarrant stated it was a misconception that whatever decision is made will set a precedent and start Hillsboro Beach down a path of high-rise development. She noted this parcel is 600 feet on each side of the road and is one (1) of a kind. She explained she had asked the Town Attorney to prepare an Ordinance establishing a maximum lot size of 300 feet to control assemblage of lots and noted it would not impact existing parcels.

Mayor Tarrant addressed the comments that this property does not present a hardship, and the developer's desire for more profit was what the variance request was all about. She stated the property most definitely has a hardship under the definition. She asserted the mandatory conservation area covers 1/3 of the east lot, and while the developer knew this when making the purchase, that does not matter according to case law.

Continuing, Mayor Tarrant addressed misconceptions that the developer sought to plunder the community. She asserted they are not threatening to build something ugly or undesirable but are running a business. She stated there are a lot of successful businesspeople in town, and no one goes into business to lose money. She explained the Code contributes to an undesirable end product, because it was not written for a 600-foot parcel. She explained the question is, if the Code did not anticipate the issue currently faced, what is the best alternative for the Town.

Mayor Tarrant recapped her points and stated the Board needs to understand the Code and what it allows before evaluating the proposal. She stated a 565 foot long, three (3) story building could be built on each side of the road and asserted a single structure would be the most cost-effective way to build. Continuing, Mayor Tarrant stated in some circumstances, the revenue generated by an apartment rental complex is more attractive than what could be generated by single unit ownership. She noted the Code could not prohibit this and asserted it should also be a consideration.

Mayor Tarrant stated as height comes down, density goes up, and front and side setbacks get smaller. She noted the developer was proposing larger setbacks than required with this project on the west side. She asserted this deeper setback was the way to avoid the concrete canyon affect seen in other communities. Mayor Tarrant pointed to the aerial view in the presentation and stated the idea that Hillsboro Beach is all low-rise is false. She discussed how the proposal would marry with the properties beside it, and how awful it would be to have a continuous three (3) story building in the same area.

Mayor Tarrant stated if they could figure out the right balance, there were three (3) important benefits the project could bring to the Town. First, she noted the Town still needs a beach access point - pointing out the 30-year agreement with Deerfield Beach will eventually end, and the small group of people who derailed the purchase of 1205 &

1206 Hillsboro Mile which would have provided beach access for future nourishment projects. She stated the developer is offering a 25-foot easement to the Town, which would become extremely important to future generations in Hillsboro Beach. She asserted if the developer builds to the Town's Code, that access point would be lost.

Second, Mayor Tarrant stated if they could come to an agreement on this parcel, Hillsboro Beach residents would not have to be assessed for beach nourishments as far as she can see into the future. She noted for some people, a \$400 per year beach assessment is tough. She stated the tax revenue from a new development could contribute to a beach reserve, and acknowledged that for 50 years, the Town had not been able to find a dependable developer and a project that works. She asserted the longer the property sits empty, the greater the burden on current residents.

Third, Mayor Tarrant explained for the past few years before the pandemic, property values in Hillsboro Beach were lagging relative to the rest of Broward County. She stated in her opinion, one (1) of the reasons is the aesthetics of concrete poles and powerlines. She noted the developer had offered to contribute to the capital expense of burying the powerlines for the entire Town. Mayor Tarrant asserted the developer was required to bury the powerlines for their parcel only, not to contribute to the cost for the entire Town. She stated getting rid of the poles would have a tremendous positive impact for every taxpayer and every property in Town, in addition to making the barrier island safer.

Mayor Tarrant stated the Related Group is well respected, part of a large and stable conglomerate that would not leave the Town with fly-by-night situations as faced in the past. She noted this is a large parcel, and there are not a lot of developers who can handle it without risk to the Town. Mayor Tarrant asserted not every developer who brings a project forward is someone you want to do business with, and said the Town is fortunate the Related Group is interested in this parcel as they know what they are doing and do it well. She stated the developer had asked for input from residents and had offered to work with a taskforce of individuals. She noted they had agreed to remove the 100-foot boat slip from their plan at the request of neighboring residents. She stated the group was trying to be responsive, and asserted most residents wanted to see an agreement on an end product that benefits the Town, and that the Town can be proud of.

Mayor Tarrant acknowledged this was a very complicated situation with a lot at stake, and a lot more aspects to consider than just height. She shared her disappointment with the number of people jumping on the rumor mill and taking aim at the Commission by spreading false information. She noted the Commissioners had not attended the public meeting due to Sunshine Law and based on the advice of legal counsel.

Vice Mayor Kirdahy reiterated the comments regarding Sunshine Law, noting the Commissioners cannot discuss an issue in any way, shape, or form prior to the meeting.

She thanked Mayor Tarrant for saying everything as well as she did. She stated she understood the comments people had made about why they are nervous about the project. Vice Mayor Kirdahy asked the developer for clarification on the height of the Landmark Condominiums. She noted they had referred to the building as 15 stories, but she is next door, and it is not.

Ms. Orshefsky referenced the online resources and stated those were used to determine the heights of all buildings presented. She stated according to Emporis, which tracks heights nationally, it is counted as a 15-story, 182-foot-tall building. She noted she did not know if that included the parking levels.

Vice Mayor Kirdahy stated she spent the weekend reading through the materials and asked for clarification on the height of the garage as well as the disposition of the geotechnical report. She explained she would like to see the report because of the load bearing considerations of the sand.

Ms. Orshefsky responded that geotechnical analysis had been done for the developer's purposes, and the submitted as part of the building permit process as is required. She pointed to the *PowerPoint* slide showing the parking and explained the portion underground, reiterating that the zero measure is the average dune height.

Vice Mayor Kirdahy stated she would like to see the geotechnical report to review the specific numbers related to a building of height on the sand. She noted she appreciated that so many constituents wrote to the Board regarding the issue, but she did not think anyone who volunteers for the Town should be threatened.

Commissioner Baldassarre thanked Mayor Tarrant for the summary she had put together. She stated she lives in a 10-story condominium and does not see anything negative about being in a condo, though sometimes she thinks that is the expression in the community. She noted she can appreciate that looking up from a two (2) or three (3) story can leave you feeling dwarfed, but she did not get that feeling when looking at the developer's images.

Commissioner Baldassarre agreed 15 stories is very high in terms of the Town, and stated they needed to consider that, and noted she also dreads the thought of seeing a canyon of concrete. She stated she believes they need to come to resolution on the matter and added that while she appreciates the concerns of the neighbors, they need to think about the whole Town. Commissioner Baldassarre stated living in a condominium gives people an opportunity to live in a place where they could not afford a larger single-family house.

Commissioner Reiser thanked Mayor Tarrant for her comments and stated the entire Board knew what it was like to receive difficult letters. She stated she also experienced

being spoken to face-to-face by someone who stated the Mayor and Commission had sold the Town down the river, and thanked Town Manager Serda for being present and explaining the situation to the constituent.

Commissioner Reiser thanked the developers, noting the architecture was beautiful and would enhance the Town in addition to being a welcome addition from a financial standpoint. She stated regardless of what is built on the parcel, there would be additional traffic and ongoing construction. She asserted everyone knows the property is not going to stay vacant forever.

Continuing, Commissioner Reiser stated this is not Boca Raton or another area with many tall buildings, and what probably upsets most people in Town is that it is 15 stories. She noted judging by the letters and comments made, that was too high. She stated the Town is charming and would like to retain that charm. She added that only five (5) people had spoken in support of the project, and it says something that public opinion was so heavily weighted against a high building, but they need to be careful what they wish for. Commissioner Reiser stated she believed that if they could come to a compromise on the height, it would satisfy more people and benefit everybody.

Commissioner Feaman stated she agreed with the comments of the other Commissioners. She asserted she was not in favor of 15 stories but was also not a fan of three (3) stories. She stated she knows because of how good the developer is, they can come to a beautiful compromise somewhere in between.

Mayor Tarrant asked the developer to share their thoughts after hearing from the constituency and the Commission.

Ms. Orshefsky stated they appreciated the consideration and had tried to put forth a big picture, because the site is unique and important. She noted an alternative 12-story concept included within the submitted plan. She stated while adjustments would be made to the setbacks, the two (2) story amenity building would be no closer than 100 feet from the center line of A1A and the west parcel setback would be approximately 150 feet. She pointed out this was almost double the required setback.

Mr. Doody asked whether the applicant was proposing an amendment to the variance application. Ms. Orshefsky responded in the affirmative, explaining they would reduce the height of the proposed structure to 12 stories and 140 feet in height, with north and south setbacks at half the height on the east parcel, no change to the podium and landscaped area. She stated the villas on the west parcel would likely be modified from villas to three (3) story condominiums with front setbacks that exceed the requirements.

Mayor Tarrant stated she thought 12 stories was too much and suggested 10 or 11 stories would be what fits. She asked that the applicant come back with plans that show the Board with a plan that fits the community. She stated she was not comfortable granting an open-ended variance with no control over what happens on the west side.

Commissioner Feaman asked that the developer consider 10 stories.

Ms. Orshefsky stated the developer are unable to make changes on the fly and noted it would be helpful if there was a consensus on the number of stories so that they can return with a proposal that is consistent. She asserted no variances would be requested on the west parcel.

Mayor Tarrant clarified that if units had to be moved from the east side to the west side, the villas would go away, and it would become a single footprint building. Ms. Orshefsky stated that was correct.

Mayor Tarrant asked whether that would mean the parking garage on the east side would be smaller and the podium reduced as a result, because residents on the west side would not park on the east side. Ms. Orshefsky explained each side has parking of its own. She noted they would evaluate the podium setback.

Eric Fordin, Managing Director of Related Group, stated they had no problem working with the lower height. He stated the issue with the podium was that they were trying to meet an amenity level where they could place pools. He explained in order to face the pools looking at something other than the conservation area, they needed it to be 10 feet above the grade. Mayor Tarrant stated that brought up something she had not thought of, in that not only does the conservation area take away footprint possibilities, it reduces the value of the first floor in terms of residences.

Mr. Fordin stated in most buildings, pool areas are seaward or east of the tower, but they cannot do that here because of the conservation area. He referenced earlier comments regarding the CCCL.

Mayor Tarrant noted for clarification, more than half of the properties in Town were built with the CCCL running through the middle of them. She asked whether the pool could be put on the roof. Mr. Fordin explained they had planned rooftop pools for the penthouses and to study whether a sunset pool could be placed on the roof. He stated everyone wants to be at beach level for the pool.

Mr. Doody stated he would respectfully prefer that the Commission not provide a consensus at this time, in order to maintain the integrity of the record regarding the application. He noted the applicant could request the application be tabled to allow time

to submit an amended application for variance.

Ms. Orshefsky stated she would like to request deferral of the item to modify the application consistent with the remarks heard from the Board and bring it back in January.

Discussion ensued as to how best to continue the application.

Ms. Orshefsky asked on behalf of her client whether a 10-story configuration with the same podium configuration could be moved forward at this meeting, or if tabling was the only option available.

Mr. Doody asked whether the applicant was orally making an amendment to the application for height variance to 10 stories. Ms. Orshefsky stated that was correct, with an overall height of 130 feet, setbacks half the height of the building, and the same podium configuration.

Commissioner Reiser asked for clarification on the second variance application for the roof. Mr. Doody explained that was not before the Board until the next agenda item. He asked that the Board entertain a motion to table and allow for a submission of documentation related to the variance.

Town Clerk Sherry Henderson asked whether public comment would remain closed if the item was continued to January 11. Mr. Doody stated the public comment could be reopened.

Mr. Serda asked if the continuance would be time certain to January 11. Mr. Doody explained it could be continued again.

Motion made by Commissioner Baldasarre, seconded by Vice Mayor Kirdahy, to continue the Quasi-Judicial hearing of the variance for 1174-1185 Hillsboro Mile to the January 11, 2022 meeting to provide an opportunity to amend the application. In a roll call vote, the **motion** passed unanimously. (5-0)

- C. Eric Fordin, with the Related Group, authorized agent for the development project located at 1174-1185 Hillsboro Mile, Hillsboro Beach, FL 33062, requests a variance pursuant to Section 12-283 of the Town's Code to exceed the height limitations in Section 12-142.

Mr. Doody swore in all those giving testimony at the hearing.

Ms. Orshefsky requested that the item be tabled to January 11, 2022.

Motion made by Commissioner Reiser, seconded by Vice Mayor Kirdahy, to continue the Quasi-Judicial hearing of the variance for 1174-1185 Hillsboro Mile to the January 11 meeting to provide an opportunity to amend the application. In a roll call vote, the **motion** passed unanimously. (5-0)

II. ADJOURNMENT

Motion made by Commissioner Feaman, seconded by Commissioner Baldassarre, to adjourn the meeting. In a roll call vote, the **motion** passed unanimously. (5-0)

There being no further business before the Board of Zoning and Appeals, the meeting was adjourned at 12:37 p.m.

ADOPTED THIS _____ DAY OF _____, 2022

By: _____
Deborah L. Tarrant, Mayor

ATTEST:

Sherry D. Henderson, CMC, Town Clerk



WRITTEN PUBLIC COMMENTS

Public Comments emailed to the Town Clerk –Were Read aloud at Meeting and Entered into the Record

DECEMBER 7, 2021

**Board of Zoning & Appeals
Quasi-Judicial Public Hearing**

Town of Hillsboro Beach
1210 Hillsboro Mile
Hillsboro Beach, FL 33062
TownofHillsboroBeach.com
954-427-4011

From: Ivan Eland <gazelle_czar@yahoo.com>
Sent: Wednesday, December 1, 2021 8:30 AM
To: dtarrant@townofhillsborobeach.com
Cc: townclerk@townofhillsborobeach.com
Subject: New Development at 1185 Hillsboro Mile

Mayor Tarrant,

Thank you for inviting comments on the proposed new development at 1185 Hillsboro Mile.

Spurring my current comments was my attendance at the developer's pitch meeting at the Embassy Suites Hotel in Deerfield Beach last night (November 30). The developer pitched to an overflow crowd, indicating a great public interest in the project. When it came time for questions, it was obvious that the audience was overwhelmingly skeptical of the current plan by developer. No one in the crowd, including me, expressed opposition to developing these parcels of land, but instead the vociferous criticism centered mainly on the 15-story height of the proposed condo building on the ocean side of the property.

I largely concurred with the sentiments of the crowd: Whole-heartedly supporting development of the property but being concerned that that the three-story ordinance seems likely to be waived for no compelling reason. After all, the development is in the northern part of Hillsboro, which is almost all low-rise housing that appears to comply with the three-story limit. There is low-rise housing on either side of the proposed development, making the proposed high-rise ocean condo building stick out like a sore thumb.

For me, however, the question goes deeper into a "rule of law" issue. Height exceptions to the ordinance should be given out only under exceptional circumstances. Otherwise, why have height limits in the first place? Also, I think some of the crowd seemed motivated by the bad precedent that this might set for the future. That is, if variances to the three-story rule are handed out liberally, especially in sections of town that currently are mainly low-rise housing, this might signal to future developers that they can just buy up older (or really any) low-rise housing, likely get a variance from Hillsboro Beach, and then put up a skyscraper. Therefore, I and others at the meeting, worried that someday Hillsboro Beach will look similar to Pompano Beach, which has many prominent high-rise buildings.

In this case, no compelling reason seems to exist to override the height ordinance and the low-rise vibe of the northern section of Hillsboro Beach to make way for this skyscraper. Is this the tip of the iceberg for beachside "urban renewal?"

At minimum, the town's decision for the variance on the project seems rushed. The white signs on the road (hard to read because they are strangely parallel to A1A instead of the normal perpendicular to traffic), which announce the project and the December 7 meeting, just went up last Sunday November 28 for a decision to be made on December 7. Also, the 9 am start time of the meeting ensures much less attendance than would a meeting at 6 or 7 pm at night.

Sincerely,.

I.R. Eland

From: stengelkc8@bellsouth.net <stengelkc8@bellsouth.net>
Sent: Thursday, December 2, 2021 7:57 AM
To: TownClerk@TownofHillsboroBeach.com
Subject: Zone changes

I do not want zoning changes to occur. Thank you.

Marianne Stengel 1169 Hillsboro Mile #505

-----Original Message-----

From: Tj Black <tjblack02@aol.com>
Sent: Friday, December 3, 2021 12:57 PM
To: TownClerk@townofhillsborobeach.com
Cc: Tom Black <tjblack02@aol.com>
Subject: Request for 1174-1185 variance

Town Clerk,

Regarding the requested Variance on the old Kanalee property, I am writing to object to this height exception which would put this development far higher than any of it's neighbors. Not only would it visually dominate the north end of our town, but would detrimentally block the views for all its neighbors to view the skyline.

I recommend that it be in total, no higher than its neighbors like the Island House or Opal Towers and hopefully somewhat lower for adjacent properties.

Tom and Judy Black
1149 Hillsboro Mile, PH-1N
Hillsboro Beach, FL

Sent from my iPhone

-----Original Message-----

From: XP D <c.dogas@yahoo.com>

Sent: Friday, December 3, 2021 3:51 PM

To: TownClerk@townofhillsborobeach.com

Subject: Dezer/Related Group proposal for development of 1174 – 1185 Hillsboro Mile

I am a property owner at **1167 Hillsboro Mile (overlook)** and I am AGAINST granting the developer a variance to build a 15 story building! We have a code that should be followed, it will create lots of traffic and more importantly we should learn the lesson from the recent Miami Surfside incident where it is believed that the construction may have contributed to the building collapse!

As elected officials, I hope the zoning board will decide for the benefit of the taxpayers/residents of Hillsboro mile and NOT for the developer - the variance to build 15 story building should NOT be granted.

Respectfully,

Chris Dogas | 862-210-4961

Sent from my iPhone

-----Original Message-----

From: Robin Dogas <rdogas12@gmail.com>

Sent: Friday, December 3, 2021 3:57 PM

To: TownClerk@townofhillsborobeach.com

Subject: Dezer/Related Group Plan/Variance

As an owner at **1167 Hillsboro Mile (The Overlook)** I strongly disapprove of granting a height variance for a building that will loom horribly over our entire little town. They also complain about dealing with the sea grapes; there are too many large condos and not enough sea grapes. They should not be able to develop on the area of the parcel with sea grapes. Period. Why are we feeling so compelled to give them whatever they ask for? They agree to fewer condos for height-no! How about they play by the existing rules and are not allowed to build their ridiculous huge building!

Let's stand up for our community!

Robin Dogas

Overlook Condo

Sent from my iPhone

Please make note of my new email address rdogas12@gmail.com 610-390-3206

-----Original Message-----

From: jgail.wagner@gmail.com <jgail.wagner@gmail.com>

Sent: Saturday, December 4, 2021 6:57 PM

To: TownClerk@Townofhillsborobeach.com

Cc: Foote Shirley <bestfootefwd@aol.com>; Jane Sabbagh <IntracoastalLife@gmail.com>;

Lorie Berrick <lorie.berrick@gmail.com>; irenegiordano@gmail.com; Robert Sablich

<bobsablich@gmail.com>; Ralph Amato <coolrelic@msn.com>

Subject: Request for Height Variance

Dear Commissioners,

I understand that a request for a height variance will be discussed at your meeting on December 7, 2021 at 9 am. I am out of town that day and cannot attend, but I would like to state my concerns.

I have resided in Hillsboro Beach and Yacht Villas for 14 years and I love our little town. We simply don't fit in with the development as proposed. It would change the character of our neighborhood in a very negative way. We aren't and don't aspire to be Miami Beach. We lead a quieter and more laidback life in Hillsboro Beach and 15 story high rise residences will create traffic issues with gated guarded entrances. Why can't we continue to support our 3 story limit in our neighborhood? The traffic study was conducted in July which doesn't represent our much heavier winter season traffic.

According to the Shade study my villa and the other villas on the south of HBYV will be in shade in the winter mornings. I enjoy sitting on my front patio getting morning sun on cooler winter mornings and such a change in height variance to 15 stories will adversely affect me and many other residents of our wonderful town.

What possible benefit will the residents of Hillsboro Beach gain by this proposal? Why are there zoning rules if we can just make exceptions to them?

Respectfully,

Johnnie Wagner

Sent from my iPhone

From: RONALD DELFINI <rhelfini@yahoo.com>
Sent: Sunday, December 5, 2021 12:42 PM
To: TownClerk@TownofHillsboroBeach.com
Subject: 1174-1185 Hillsboro Mile

I am a 25 year resident at **1194 Hillsboro Mile unit 61** I wish to express my strong opposition to the height variance request at 1174-1185 Hillsboro Mile. This property is very close to me and the size of this request will change the whole character of the town. I am concerned with the amount of traffic backups on A!A with the three gated guard entrance.

Interesting that their traffic study was done in July rather than the height of the season.

The proposed height of the building will also affect the sunlight on adjacent properties including mine. We don't want to be sitting by the pool in the shade all day. I am in Connecticut and will not be present for the hearing, but I would like my strong opposition recorded

Ronald H Delfini | 203-415-6373

From: Dmlackner <dmlackner@aol.com>
Sent: Sunday, December 5, 2021 1:11 PM
To: townclerk@townofhillsborobeach.com
Subject: Variance Request for 1174-1185 Hillsboro Mile

Dear Hillsboro Beach Commissioners,

I would like to first thank you for your service. You all dedicate a lot of your time to the Town of Hillsboro Beach for what I understand is not very much compensation and not a lot of people are willing to make that sacrifice. So, for that, I truly thank you all.

You are all currently confronted with a request from Related/Dezer Group to give them a variance that exceeds our current building height and setback restrictions by over 140 feet. At first, one might think this is a difficult decision you have been confronted with but in reality, it is quite easy. Until the laws of our town are formally changed to allow such a structure the answer should very quickly be to not approve this request. The fact that we have laws that very clearly define what is allowed makes your jobs extremely easy. There may be temptations by the commission to approve this project that are not yet clear to the rest of the town, but I know for certain more tax revenue, more traffic, and higher demand on our already maxed out utilities does not make Hillsboro Beach a better place to live.

If it is not clear in the previous two paragraphs, please let it be known that my request is for the currently elected commissioners of Hillsboro Beach to only approve projects that fit within our building and construction laws. If the commission feels that the laws are out of date or don't currently represent the greater mindset of the town, put the changes on a ballot for all in town to vote.

Kindest regards,

Drew M. Lackner 1194 Hillsboro Beach

From: neilpoc@aol.com <neilpoc@aol.com>
Sent: Sunday, December 5, 2021 2:37 PM
To: TownClerk@TownofHillsboroBeach.com
Subject: Hearing re. 1175-1185 Hillsboro Mile Plan Approval

Ms. Henderson, CMC Town Clerk.

Dear Madam,

As a longtime resident of **1194 Hillsboro Beach** I wish to inform you that I am opposed to the request of a height variance for the development proposed at 1174-1185.

The Town of Hillsboro Beach has had a well established reasonable and effective height plan limitation that has maintained the unique and pleasing character of this island for several years.

Granting the proposed variance will not only itself change the character and aspect of the nearby residences but will introduce a precedent that might, within a few years, replace this last remnant of a South Florida coastal community that once existed. A slippery slope of ever higher and intrusive towers.

That part of the proposed development on the west side of A1A which conforms more closely to the existing height requirements would appear to pose no problem to neighbors or add much to the overall traffic impact, water and sewer needs or overlook. However the proposed tower on the east side of A1A does change all of those things in a negative direction.

I am therefore opposed to allowing any changes to the current height restrictions currently in place.

Thank you.

Sincerely, **Neil Pocock.**

From: J GALLAGHER <jgall56@bellsouth.net>
Sent: Sunday, December 5, 2021 2:57 PM
To: townclerk@townofhillsborobeach.com
Subject: 2 Empty Lots Variance

I am writing to say that I object to the Request for Variance on the proposed 15 story development north of us on the grounds that it will be by far the most out of place structure in our town dominating the skyline, and blocking our views north by great measure. The town should limit their height to 7 floors per our town requirement or lower for their immediate neighbors. It will just stick out like a sore thumb. Just like the Association in Highland Beach that was allowed to build higher than the rest of the town. Please say no to the developers. **Joan Gallagher**

From: Laura Fish <fishonthemile@gmail.com>

Date: December 5, 2021 at 7:59:09 PM EST

To: Deb Tarrant <dtarrant@townofhillsborobeach.com>

Cc: mserda@townofhillsborobeach.com, ikirdahy@townofhillsborobeach.com, vfeaman@townofhillsborobeach.com, bbaldasarre@townofhillsborobeach.com, jreiser@townofhillsborobeach.com

Subject: Height Variance for 1174-1185

Dear Mayor Deb and All. I hope the email finds you (all) well.

Please note I would like my comments to be recorded for public record.

The reason for my email is to let you know clearly and without a doubt I am against the town approving the height variance that is being requested by the owners of 1174-1185.

The new owners were well aware of the height laws and the conservation of the dune areas when they purchased this property out of bankruptcy. In fact these are the same 2 reasons I purchased here over 21 years ago. This is what assured me that the small town feel that I moved here for would be preserved. If I wanted a big slick city feel of glass and pomp, I would not have bought my forever home at the Windsor in Hillsboro Beach. There are many other locations on a beach that would have fulfilled that type of living. I bought on The Mille and invested my savings in a home and community that promised- based on the laws a 3 story height limit.

*I find it quite insulting that these builders would think that not being able to build on our dunes is a 'hardship' which should be a reason they need to go higher than the law permits.

*I find it quite insulting that these builders believe their status allows them to push us around and insist they are beautifying our already gorgeous neighborhood with a 180 foot tall monstrosity. 3 stories is our municipal restriction. That is what they purchased and this should be what they present to the commission.

*I find it quite insulting that these builders would think that the neighbor's rights are less important than their own. Again- they came into this investment knowing the laws.

Ms. Mayor:

What happens when the Kennelly family (or other former applicants for height variances) sues the town if this height variance is approved since their previous requests for variances were denied? Who pays for the lawsuit(s)? I don't know anyone here who would want their taxes raised to fight something in the courts that should have been avoided by respecting the existing laws.

Can you and the commission be personally sued since the majority of the owners in Hillsboro Beach and in the direct building adjacencies do not want this variance to pass? Isn't it the job of our elected officials to carry out the wishes of their constituents?

Is this (likely lawsuit) something that has already been included in the new owners budget?

Based on the Surfside tragedy, I am very concerned for the safety and stability of the Hillsboro Windsor and other adjacent buildings. How can I be certain that the pilings that need to hold such an extraordinary amount of weight not effect the safety of my building?

(continues next page →)

I am not against the lots being built on, Ms Mayor- I am against the loss of our community because of greed. The Hillsboro Beach community was never about conspicuous wealth, it's about living the lifestyle away from that.

I implore you to vote NO to this egregious height request so we can continue living our lives in a peaceful and healthy environment.

Sincerely, Laura Fish Apt 703 Hillsboro Windsor

-----Original Message-----

From: jan cody <jancody27@gmail.com>

Sent: Friday, December 3, 2021 5:04 PM

To: dtarrant@townofhillsborobeach.com

Cc: ikirdahy@townofhillsborobeach.com; vfeaman@townofhillsborobeach.com;

bbaldesarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; jancody27@gmail.com

Subject: Construction Variance,

As a resident of Hillsboro Beach for the past 20 years I am currently extremely concerned about the discussion of a requested variance for a high rise development at 1174-1185 Hillsboro Mile. The first concern I had when purchasing my condo at the Hillsboro Windsor was whether I would lose my ocean view due to future construction on what was then the Kenneally lot.

I was told that the town had a moratorium on construction above 3 1/2 stories. Indeed, the permit later granted for The Enclave on that space would have seemed a very good fit. This application, however, seems outrageous on so many levels. I do trust our commissioners to act responsibly and to act on behalf of the residents in this matter.

To be clear, as a resident of Hillsboro Beach and as to the proposed building project at 1174-1185 Hillsboro Mile, I object to a variance as to change the height. I request that this be included as public record.

Thank you for all you do on our behalf,

Jan Cody

Sent from my iPad

From: Pat Marmousez <marmousezpat@gmail.com>

Date: December 5, 2021 at 5:37:22 PM EST

To: dtarrant@townofhillsborobeach.com

Cc: ikidahy@townofhillsborobeach.com, vfeaman@townofhillsborobeach.com, jreiser@townofhillsborobeach.com

Subject: 1174-1185 Hillsboro Mile

Please

As a resident and owner in Hillsboro Mile, I beg you to vote No to the current project of 1174-1185.

Patricia Marmousez, 1199 Hillsboro Mile.

From: George Wilcox <george@umn.edu>

Date: December 5, 2021 at 5:34:50 PM EST

To: jreiser@townofhillsborobeach.com

Subject: Development at 1174-1185 Hillsboro Mile

George & Leni Wilcox

Hillsboro Windsor Condominiums #507

Dear Commissioner Reiser

Please see attached PDF and have it entered into the public record for the Tuesday, December 7th, 2021 meeting.

December 5, 2021

Dear Mayor Deb Tarrant, Vice Mayor Irene Kirdahy, Commissioners Barbara Baldassarre and Jane Reisner

As owners of the Hillsboro Windsor Condominiums (Apt. 507), we would like this communication entered in the public record for the December 7th, 2021 meeting concerning the development plans and request for variance for the property at 1174-1185 by Related Group and Dezer Developers.

Although we appreciate the proposed setbacks and other amenities that the proposal could provide, we are deeply concerned that the 15-story twin tower design would negatively impact the stability of the fragile beachfront, obscure views, threaten the structural integrity of neighboring buildings, and increase noise and traffic on Hillsboro Mile.

The longstanding three story limit for that property was wisely established to protect neighbors and quality of life for our community. We therefore cannot support a variance to that limit. Indeed, the developer purchased the property knowing full well that the three-story restriction was in code.

We thank our commissioners, Mayor, and Vice Mayor for their service to our community, and we ask them to support the community of Hillsboro Beach by voting NO to the variance requested by Related Group and Dezer Developers.

Sincerely,



George and Leni Wilcox

From: Pat Engle <pjengle@aol.com>

Date: December 5, 2021 at 2:11:44 PM EST

To: dtarrant@townofhillsborobeach.com, ikirdahy@townofhillsborobeach.com, vfeaman@townofhillsborobeach.com, bbaldasarre@townofhillsborobeach.com, jreiser@townofhillsborobeach.com

Subject: 1174-1175 proposed project

Reply-To: Pat Engle <pjengle@aol.com>

Dear Commissioners.

When I purchased my condo I did so knowing the the empty lot at 1174-1185 was only subject to a three story limit and I was comfortable with that. I am resident of the Windsor which is very close to this proposed development. If we had wanted our community to build higher rise buildings as a norm, I would have chosen to live in those places. Hillsboro Mile was not that kind of place and I wish it to remain as such.

To be clear I OBJECT to a variance as to a change in height. A much lower height would be preferred. PLEASE DO NOT GRANT THIS HEIGHT VARIANCE TO THIS DEVELOPER.

Pat Engle

From: Richard Maggiore <richardmaggiore524@gmail.com>

Date: December 4, 2021 at 2:38:26 PM EST

To: dtarrant@townofhillsborobeach.com, ikirdahy@townofhillsborobeach.com, vfeaman@townofhillsborobeach.com, bbaldasarre@townofhillsborobeach.com, jreiser@townofhillsborobeach.com

Subject: Variance for 1174-1185 Hillsboro Mile

Please include this letter as public record - Dear Mayor, Vice-Mayor & Commissioners:

The reason I moved to Hillsboro Beach is to get away from high rise development. Hillsboro Beach is not Pompano Beach or Fort Lauderdale.

When the developers purchased this property they knew full well what the zoning was. However, they have decided to attempt to make the most of their investment at the expense of all the residents of our town.

Hillsboro Beach is not Pompano Beach or Fort Lauderdale. This kind of development will change our entire town and should not even be considered. The previous owner of this property asked for a variance and was denied. In order to grant a variance there needs to be a Hardship. Other than making more money, what is the Hardship?

I realize that this development will bring an increase in Tax Revenue, but what they don't say is the additional cost of adding several new Police Officers and additional fire Rescue personal.

There is really no legitimate Hardship for the developer. However, if this Variance is approved, the only Hardship will be on the people of Hillsboro Beach that have to put up with this!

Respectfully,

Richard J Maggiore,

Past Mayor, Town of Hillsboro Beach

From: kwoody0322@aol.com

Date: December 5, 2021 at 12:22:46 PM EST

To: dtarrant@townofhillsborobeach.com, ikirdahy@townofhillsborobeach.com, vfeaman@townofhillsborobeach.com, bbaldasarre@townofhillsborobeach.com, jreiser@townofhillsborobeach.com

Subject: Vote "NO" to the Variance Request for 1174 - 1185

Reply-To: kwoody0322@aol.com

Dear Hillsboro Beach Commissioner's:

As an owner in the Hillsboro Island House for thirty-two years and someone who grew up in Ft. Lauderdale, this beautiful, charming, special town, has managed, other than for one unfortunate variance given years ago, to maintain its charming character. As you know, that is very difficult to do here in South Florida. Most of what I grew up with has been paved over with concrete stores or high rises. That is just what Hillsboro Beach resident's *do not* want. Hillsboro Beach is not that kind of town. We want this exceptional town to remain as is. The development of this magnitude will change our beautiful mile *forever!*

That said, these developers have known for years this property was zoned with a three-story height restriction. Other developers who have purchased these parcels in the past with variance requests, were denied by the commission.

They are going to approach this request as an economic disadvantage due to the environmental restrictions. They knew everything about this property prior to purchase. Because their preference of requesting an ordinance change did not look promising, they now are going to approach it as a hardship. Let's be honest, once one variance is given, that will set the stage for a bombardment of height variance requests along the mile. It is all about money. They do not care about the destruction of the character of the town. Developers will be ready to move in on the next property, such as those that have upcoming expiring land leases.

Traffic issues...it doesn't matter what the traffic study shows, when you live and experience it everyday, particularly certain times of the year, talking to the residents is the best traffic study. We know with the influx of people moving into the county, things will only get worse as time goes on. We all know, A1A/Hillsboro Beach is an attraction for drivers.

These developers are doing a sell job when they speak of helping the town pay for underground lines, landscaping, and taxes. We do know the tax amount will not be as large on a development within the CODE, but the underground lines and landscaping are a requirement. As far as, the easement to access the beach for future nourishment, what is wrong with our agreement with Deerfield Beach?

The RESIDENTS are the TOWN. As elected officials by the residents, WE THE RESIDENT'S OF HILLSBORO BEACH DO WANT the parcels developed, but NOT 15 stories, plus the 7ft. elevator, etc.

PLEASE DO NOT let the development of these two monstrosities or future ones, be ***your legacy!***

Please do NOT GRANT THE HEIGHT VARIANCE request by the developers.

As a resident of Hillsboro Beach, regarding the proposed building project at 1174-1185 Hillsboro Mile, I object to a variance as to a change in height.

We are unique and we like it this way!

****Please include my letter as public record. Thank you.**

Karen Olsen | 1160 Hillsboro Mile, #501

From: "Mary E. Vogl" <bvogl@att.net>

Date: December 4, 2021 at 2:35:28 PM EST

To: dtarrant@townofhillsborobeach.com, ikirdahy@townofhillsborobeach.com, vfeaman@townofhillsborobeach.com, bbaldasarre@townofhillsborobeach.com, jreiser@townofhillsborobeach.com

Cc: Mac Serda <mserda@townofhillsborobeach.com>

Subject: Property Development located at 1174-1185 Hillsboro Mile

Dear Mayor Tarrant, Vice-Mayor Kirdahy, Commissioner Feaman, Commissioner Baldasarre, Commissioner Reiser and Mr. Mac Serda, I submit to you as Town Commissioners facing the decision regarding development of the property located at 1174-1185, this letter for the public record. In addition, I trust that this Commission as neighbors, fellow residents, and elected officials, will clearly understand and respect my concerns.

My family first came to Hillsboro Beach in 1970. I was 12 years old at the time...50 years later, we are still here! While my parents have since passed away, both my sister, and I continue to reside happily, here on the Mile. Like so many of our fellow residents, we are "all in". Weddings, engagements and countless other family events, have been tied to this 3 ½ mile stretch of sand. I recall a phone conversation with my mother (It must have been around 1976 – I was in college) explaining what good news it was that a height ordinance had been passed in Hillsboro Beach. She was relieved to know that the awful construction boom that had been progressing up the coast was going to be prevented from taking over her little town. No doubt you might find it interesting that she was a resident of Le Baron!

So here we are, forced once again to stand up to large, unpopular development in our community. To be 100% clear, I am not at all opposed to developing this property. It has been an eyesore (albeit a valuable one) for far too long!

After having listened to the developers' Zoom meeting, I find it impossible to believe that they cannot devise a plan to construct 121 luxury condo units (as they have proposed), on this 11 acre site, without breaking every ordinance we have! Their choice of what to construct on this property is their business. It should not be any of our concern as long as they stick to our rules and regulations. If they choose to "build ugly," so be it. This Commission has no reason to accept this site plan as the only possible solution, which, I believe, is what is being insinuated by requesting a height variance. A choice is not a "hardship". As such, it appears that the developers are leaving the Commission no choice but to deny the request for a height variance. It is my strongly held belief that the persistence with which the Dezer/Related Group is pursuing these 175' high condo towers illustrates that this land was purchased without ever intending to build within our codes. That kind of bully tactic need not be rewarded.

I honestly feel badly that this project is causing such animosity because so much of this proposal is favorable. What's not to like about fewer, but larger units that result in increased

tax revenues, and serve a supply and demand need? But regulating density, for density's sake alone, is a slippery slope. I believe that the developers would like you to green-light this project because they hope you will 'buy in' to the idea that it is better than the zoned alternative. Is this actually true? According to their Zoom meeting, 20% of the 11 + acre site has a LOPC designated area in the area around the beach dunes. (I believe this designation went into effect in 1993 - 28 years after the Zoning ordinances were adopted , so not exactly recent history or a secret!)). Thus the total buildable area is 9+ acres. This site lies within R-16 Zoning, which means from a practical perspective the greatest number of units that might be considered for any developer interested in working within our height restrictions is 144 units (9 acres x 16). So to be clear, how can 23 fewer units justify a 135' over zoned height variance?

On a more conceptual level, as many of our older, smaller condo buildings age, there is no doubt that some may become financially unfeasible, and redevelopment may well become our new normal. The Mile has always had a variety housing options for the wealthiest "masters of the universe" to the little old pensioner. Let's all agree that no one comes to Hillsboro Beach to show off one's wealth or social status. With just one road and no commercial clubs, bars or restaurants, we are rather boring....exactly the way we like it! As newer buildings inevitably replace older ones, and units become larger and glitzier, we may reduce our population and at the same time, loose the less financially fortunate amongst us. I urge you all to find you own moral compasses and realize that supporting density reduction for density's sake threatens to take away the soul of a town.

Once this project is approved, in whatever form that may take, I urge the Commission to create a Redevelopment Ordinance. Timing will be critical, as developers will be circling like sharks around our barrier island. Thank you for you time and commitment to our town.

Beth Vogl - Harborside Condominium

From: Max Heppner <maxbheppner@gmail.com>

Date: December 4, 2021 at 2:20:57 PM EST

To: Deb Tarrant <dtarrant@townofhillsborobeach.com>, ikirdahy@townofhillsborobeach.com,
vfeaman@townofhillsborobeach.com, bbaldasarre@townofhillsborobeach.com,
jreiser@townofhillsborobeach.com

Subject: Height variance request

Dear Mayor Deb and Commissioners.

Please include my remarks in the public record as being strongly opposed to having the developer add 50 % more height to the towers they plan to build in Hillsboro Beach. Just step across the border from Deerfield Beach to Boca along the Beach and see the 15-story buildings overshadow everything. Or have a look at Sunny Isles, where the same firm is building and has built high rises. The blockage of views and immense traffic snarls will give you pause.

You have consistently resisted such variances, for good reason, and the reasons haven't changed. The issue is, will we accede to make our town look like Sunny Isles, or will we preserve what we most value here: Neighborliness, quiet, privacy, easy access, and . . . our image as a lovely beach area.

The developers have consistently tried to slither past restrictions. For example, they took a quiet summer afternoon to make and present a traffic flow study to show that our road can handle whatever. Now look at the backup from Hillsboro Blvd. Or look in another week or two. You'll see traffic backed up all the way from the bridge to our border with Deerfield Beach. Then add what all the extra traffic will cause with 15-story towers in our area, and you won't need another single fact to say no.

So keep saying no, even though I'm sure they'll dangle some sort of side benefit in front of your eyes. None of it is worth dealing with the impact of the proposed variance. I am 88 years old and enjoy and have enjoyed living here. I want my children and grandchildren to have the same option. With wild development, which won't stop if these developers get their way the first time, the Hillsboro Beach we know and love will no longer exist.

Please vote no.

Like just two letters: NO

Many thanks,



Max B. Heppner
maxbheppner@gmail.com

1147 Hillsboro Mile, Apt. 415
Hillsboro Beach, FL 33062

From: Freny Deboo <deboofreny@gmail.com>

Date: December 4, 2021 at 1:17:37 AM EST

To: dtarrant@townofhillsborobeach.com, ikirdahy@townofhillsborobeach.com, vfeaman@townofhillsborobeach.com, bbaldasarre@townofhillsborobeach.com, jreiser@townofhillsborobeach.com

Subject: Proposed height variance change by the developer at 1174-1185 Hillsboro Mile property.

Dear Commissioners,

As residents of Hillsboro Beach, following are our main concerns regarding proposed height variance change by the developer at 1174-1185 Hillsboro Mile property:

1. When we purchased our property in Hillsboro Beach, we did so knowing that the empty lot at 1174-1185 was only subject to a 3 story limit.
2. As the residents of Hillsboro Beach, we certainly want the parcel of land developed, but not 15 stories plus the 7 ft elevator.
3. The developer bought the property fully knowing what the height limitation was (3 story height) with its easements.
4. To allow a project of this proposed magnitude and its affects on adjacent properties with much lower, older buildings by heavy construction work (according to Developer, at least 150 pilings that run 150 feet deep), all this is of major concern to us.

We therefore, respectfully request that you do not grant the developer's proposed height variance.

We wish you a joyful start to the holiday season!

Sincerely,

Freny Deboo

Hillsboro Beach Residents

Sent from my iPhone

From: Paul Rock <rock.p@att.net>
Date: December 3, 2021 at 11:16:59 PM EST
To: jreiser@townofhillsborobeach.com
Subject: Denial of Variance of Lots 1174-1185

I am very concerned about the development of Lots 1174-1185. I understand that a "big developer" wants to override the height limits of Hillsboro Beach for their personal gain. I love living in Hillsboro Beach and bought here specifically because of the community and how it was developed for a secure, safe and inviting community. I bought here knowing that the empty lot at 1174-1185 was only subject to a 3 story limit and appreciated this for our comfort and security, especially since I live in close proximity to these lots. I specifically did NOT want to live where high rise buildings were the norm! I am very upset that a variance is being considered for this developer. I believe that long-standing residents' concerns should override the profitable desires of big developers, who come into our community and leave us with problems that ensue.

It is my understanding that the developer bought this property knowing exactly what the height limitations were (3 story height) with its easements. They purchased this property under full disclosure of this restriction, but are now trying to manipulate these limitations - and our community - for their own selfish personal gain. If this developer changes our limitations under these circumstances, why would any regulation in Hillsboro Beach be safe? I understand many variance requests have been made for this property as well as other property in Hillsboro Mile and have been denied by the Commission. If this developer is allowed anything above 3 stories, it would seem to us to be a special privilege for this specific developer. A claim of economic disadvantage due to the developer's deciding what he would like to do with the property, is not adequate to establish a hardship entitling him to a variance at our expense.

A project of this size and scope would have harmful and, I believe, damaging affects on lower and older established buildings and the detrimental strain of years of substantial construction - I have heard of at least 150 pilings running as deep as 150 feet on our beach community, would be significant. This would be much more invasive and damaging than construction within our code.

I believe the residents concerns should be the Commissioners' (which the residents elected) priority... not the profit of a big developer! The questionable promises of a big developer cannot hold up to the damage of changing our codes, harm to our community and disregard for the concerns of the residents of Hillsboro Mile. A developer that comes in, buys property knowing the restrictions and then manipulates the situation (with promises and scare tactics) for his own profitable advantage, is not someone who will benefit our community.

Simply put, as a resident of Hillsboro Beach, re the proposed building project at 1174-1185 Hillsboro Mile, I object to a variance as to a change in height. If the Commission denies the variance, the developer will have to present another proposal with a lower height.

If the Commission approves the variance, the potential lawsuits against this project and from future developers in Hillsboro Mile, is very probable, with the resulting costs to residents.

As long-time residents of Hillsboro Mile (over 10 years), I want this parcel of land developed; however, not 15 stories plus the 7-foot elevator, etc. etc. I request that my email be included as public record. Please do NOT GRANT THIS HEIGHT variance for this developer

David Rock 1160 Hillsboro Mile #506

**Paul and Myra Rock
1160 Hillsboro Mile #502**

From: Kentos Rock <rockbrg@yahoo.com>

Date: December 3, 2021 at 10:58:31 PM EST

To: jreiser@townofhillsborobeach.com

Subject: Request for denial of variance for Lots 1174-1185

We are very concerned about the development of Lots 1174-1185. We understand that a "big developer" wants to override the height limits of Hillsboro Beach for their personal gain. We love living in Hillsboro Beach and bought here specifically because of the community and how it was developed for a secure, safe and inviting community. We bought here knowing that the empty lot at 1174-1185 was only subject to a 3 story limit and appreciated this for our comfort and security, especially since we are in close proximity to these lots. We specifically did NOT want to live where high rise buildings were the norm! We are very upset that a variance is being considered for this developer. We believe that long-standing residents' concerns should override the profitable desires of big developers, who come into our community and leave us with problems that ensue.

It is our understanding that the developer bought this property knowing exactly what the height limitations were (3 story height) with its easements. They purchased this property under full disclosure of this restriction, but are now trying to manipulate these limitations - and our community - for their own selfish personal gain.

If this developer changes our limitations under these circumstances, why would any regulation in Hillsboro Beach be safe? I understand many variance requests have been made for this property as well as other property in Hillsboro Mile and have been denied by the Commission. If this developer is allowed anything above 3 stories, it would seem to us to be a special privilege for this specific developer. A claim of economic disadvantage due to the developer's deciding what he would like to do with the property, is not adequate to establish a hardship entitling him to a variance at our expense.

A project of this size and scope would have harmful and, we believe, damaging affects on lower and older established buildings and the detrimental strain of years of substantial construction - we have heard of at least 150 pilings running as deep as 150 feet on our beach community, would be significant. This would be much more invasive and damaging than construction within our code.

We believe the residents concerns should be the Commissioners' (which the residents elected) priority... not the profit of a big developer!

The questionable promises of a big developer cannot hold up to the damage of changing our codes, harm to our community and disregard for the concerns of the residents of Hillsboro Mile. A developer that comes in, buys property knowing the restrictions and then manipulates the situation (with promises and scare tactics) for his own profitable advantage, is not someone who will benefit our community. Simply put, as a resident of Hillsboro Beach, re the proposed building project at 1174-1185 Hillsboro Mile, I object to a variance as to a change in height. If the Commission denies the variance, the developer will have to present another proposal with a lower height.

If the Commission approves the variance, the potential lawsuits against this project and from future developers in Hillsboro Mile, is very probable, with the resulting costs to residents.

As long-time residents of Hillsboro Mile (over 25 years), we want this parcel of land developed; however, not 15 stories plus the 7-foot elevator, etc. etc.

Please do NOT GRANT THIS HEIGHT variance for this developer

We request that our email be included as public record.

Paul and Myra Rock - 1160 Hillsboro Mile #502

From: Roberta Ross <bertieross@yahoo.com>

Date: December 3, 2021 at 5:33:32 PM EST

To: dtarrant@townofhillsborobeach.com, ikirdahy@townofhillsborobeach.com,
vfeaman@townofhillsborobeach.com, bbaldasarre@townofhillsborobeach.com,
jreiser@townofhillsborobeach.com

Subject: Height Variance at 1174-1185 empty lot

I wish to have this letter entered into Public Record:

Hello,

When my husband & I purchased 10 1/2 years ago, Hillsboro Beach's beach was calm, quiet, peaceful and still a bit wild.

We would often, before buying here, drive up Hillsboro Mile and enjoy the canopy of trees and the ability to look at the intracoastal and beach side and just enjoy the pleasant drive, so different from all other beach communities.

Now we hear there is to be a height variance on 2 new proposed towers allowing the builder to build up to 15 stories (which likely will go higher with under building parking). This is not the proper building for our quiet piece of paradise.

All the additional traffic this will cause on the A1A will be considerable and extra noise and traffic on the beach as well.

Not to mention the smaller adjacent properties and the environmental impact to the area, not just for the construction years but for all years to come.

We have stayed in properties in Pompano Beach and seen other towns north and south of Hillsboro with their massive buildings. It changes the whole atmosphere of the community and this is not something that Hillsboro Beach needs or wants.

An economic disadvantage due to the developer's preference as to what he would like to do with the property is not sufficient to constitute a hardship entitling them to a variance. To allow the development of this parcel of land from 3 stories zoning to anything above without regard to its surrounding designations is a special privilege to this developer. Many variance requests have been made (previous owners of the property are one) over time for this property as well as others along the mile, that were denied by the commission. I fail to see why now this height variance should be granted.

We urge you to vote No to the proposal and have the builder go back to their drawing board to come up with a better plan.

It seems these days that everyone is in a big hurry to make a buck and have everything their way and be damned to all those who don't want what they want. That builder bought the property knowing the height that the property allowed and shouldn't be allowed to just bulldoze their way over all others who were here before them to have their way.

Thank you for your consideration of our opinions and objection to the height variance.

Roberta Ross.

From: Scott Williams <scott@wowadvisors.com>

Date: December 6, 2021 at 9:53:30 AM EST

To: jreiser@townofhillsborobeach.com

Subject: Document1

December 6, 2021

To Commissioner Jane Reiser

Town of Hillsboro Beach

Not being a “political person” I found myself returning home to Hillsboro many months ago and passing town hall on the later part of “election day”. Again, not subscribing to a political party or agenda, the only reason I stopped to vote for the current administration was for their continued efforts to preserve the beauty and lifestyle that is Hillsboro Mile.

As most who have lived in South Florida for many years and many decades, we have come to have to accept change. But all it takes is for one to drive through Galt Ocean Mile, Hallandale, North Miami and other congested communities to find yourself asking “what were they thinking”? And to answer that question is one thing: money.

If democracy is the will of the people, then capitalism is the will of the dollar. And when the two conflict the will of the dollar finds its way to influence elected officials to bypass the will of the people. I recognize that there is a small minority who want to see the addition of a high rise in our town, expansion of the tax base and the short term “perks” that the developer may offer; but this is contrary to residents’ will in establishing a height ordinance in the first place.

We applaud your efforts in enforcing this ordinance with the prior property owner and urge you to continue to abide by this height restriction wisely established many years ago. We have placed our trust in you; please don’t let us down.

Sincerely,

Scott & Mary Beth Williams

1170 Hillsboro Mile

From: Pat Marmousez <marmousezpat@gmail.com>

Date: December 5, 2021 at 5:37:22 PM EST

To: dtarrant@townofhillsborobeach.com

Cc: ikidahy@townofhillsborobeach.com, vfeaman@townofhillsborobeach.com, jreiser@townofhillsborobeach.com

Subject: 1174-1185 Hillsboro Mile

Please

As a resident and owner in Hillsboro Mile, I beg you to vote No to the current project of 1174-1185.

Patricia Marmousez, 1199 Hillsboro Mile.

From: PAUL GOLTZ <paulgoltz@cs.com>
Date: December 5, 2021 at 11:29:36 AM EST
To: jreiser@townofhillsborobeach.com
Subject: Fwd: Development at 1174-1185 Hillsboro Mile
Reply-To: PAUL GOLTZ <paulgoltz@cs.com>

Dear Commissioner Reiser,
First, Please make this communication as public record.

I am an owner at the Hillsboro Windsor Condominium (Apt. #607) and am very concerned about the proposed development plans for 1174-1185.

Specifically, I understand that the owner of the property intends to petition the Community to build twin 15 story condominium towers on the property - which is currently not permitted.

Please note that when my wife and I purchased our present unit, we did so knowing that the empty lot (1174-1185) was subject to a 3 story limit, and that was a comfort to us.

I do not feel that the developer should use whatever means to adjust the current zoning regulations for the land - as they bought the property full well knowing that the height limit was three stories with its respective easements.

To allow the development of this parcel of land from 3 story zoning to anything above that (without regard to its surrounding designations) is a *Special Privilege* to this developer. As you well know, many variance requests have been made over time for this property - that were all denied by the Commission.

I would like to remind you that all of us residents in Hillsboro Beach should have a say in this zoning change proposal and we expect the elected Commissioners to preserve our resident rights.

To be clear, as a resident of Hillsboro Beach and as to the proposed building project at 1174-1185 Hillsboro Mile, **I object to a variance as to a change in height of building structures.**

Commissioner Reiser, please do not let us down and **please do not grant this height variance for this developer!**

Thank you for keeping Hillsboro Beach as a beautiful and unique destination and, for your service to our community.

Sincerely,

Paul R. Goltz
1169 Hillsboro Mile #607

From: Laureen Fleck <laureenfleck@yahoo.com>

Date: December 4, 2021 at 5:57:50 PM EST

To: jreiser@townofhillsborobeach.com

Subject: Variance property 1177-1185

Dear Commissioner Reiser,

I would like my opinion heard and recorded with regard to the land development at 1174-1185.

Some points to consider include;

- The developer does not have a right to change the height zoning when it could be deemed as injuring the rights of others, especially adjacent property owners, regardless of the perks they claim the height variance will provide the town.
- The developer is using scare tactics such as the use of words like “ugly” and “monolith” and “rental property” and other negative words when it relates to what could be built on the property, WITHIN CODE and should not be accepted.

To be clear, as a resident of Hillsboro Beach and as to the proposed building project at 1174-1185 Hillsboro Mile,

I object to a variance as to a change in height.

Please DO NOT GRANT THIS HEIGHT variance for this developer!

Sincerely,

**Laureen M Fleck
Owner and Resident
1173 Hillsboro Mile
Unit 2-1
Hillsboro Beach, Florida 33062**

Laureen M. Fleck, PhD, FNP-BC, CDCES, FAANP
Family Nurse Practitioner

Associate Graduate Faculty
Christine E. Lynn College of Nursing
Florida Atlantic University
Boca Raton, Florida 33431

From: Lori <lori_mailbox@yahoo.com>

Date: December 4, 2021 at 5:24:59 PM EST

To: jreiser@townofhillsborobeach.com

Subject: PLEASE VOTE NO to 1174-1185 Height Variance

Thank you in advance for reading this note and considering resident feedback in this very important deliberation and decision.

As property owners and residents of Hillsboro Beach, we object to a variance as to a change in height structure as it pertains to the proposed building project at 1174-1185 Hillsboro Mile.

We purchased a second home in Hillsboro Beach almost 8 years ago. In 2014, we purchased a condo unit at the Hillsboro Colonnade, thinking we would dip our toe in the water of owning a vacation home, and appreciating the serenity and aesthetic of individual (albeit estate) homes and lower rise buildings in the community. Last year we sold that unit and purchased another at the Overlook, upon deciding that we love the town (it is a hidden gem) and plan to make it our permanent home and retirement residence in the future.

Hearing that a developer is looking to disrupt what residents hold so dear about the community (all for the mighty profit) is very distressing. There will be no material benefits realized by HB residents, that outweigh the detrimental impacts of allowing the development of a 2-tower, 15-story (atop a 30ft berm) project. A smaller project, built within the parameters of existing zoning rules, will nicely fill out the vacant land, be consistent with, and preserve the look and feel of the "Mile".

The developer asserts that the project will offer perks in the form of tax revenue, landscaping, underground lines, etc. Those will come anyway with a project that is in line with existing zoning rules and codes.

What is also upsetting is that the developer purchased the property with eyes wide open, knowing what the zoning rules and limitations are. Their primary focus is on maximizing their profit potential, they are not concerned for residents of the community. It's arrogant for them to expect that the town will bend and change as these developers flex their financial muscle and bring in lawyers and experts. Claiming hardship, i.e. that they will be economically disadvantaged by not granting them a variance, is not good enough reason to overturn rules that have served this town well for so long.

Another concern is safety, that is the potential impact that the magnitude of heavy construction (e.g. driving pilings) will have on the surrounding area and buildings. The Overlook is in very close proximity - if this were to go forward, we hope the Commission will compel the developer to obtain engineering reports for our (and other) buildings prior to construction, and then deliver engineering reports again after completion of the project, to assure that the construction activity did not adversely affect surrounding structures. Further, if repairs are needed for surrounding buildings as a result of the construction, the developer should be held accountable (either funds in escrow or insurance coverage) for those repairs. Given the recent tragic events in South Florida, this concern should not be minimized.

We're confident that, if the Commission should reject the height variance request, this re-known and experienced developer will leverage its resources to come up with a plan that will enhance and be additive to our community, while also complying with existing rules and codes.

Please vote "NO" and do not grant the height variance.

Thanks again for your consideration.

Kind regards,
Michael and Lori Sullivan
1167 Hillsboro Mile

NOTE: THIS CORRESPONDENCE MAY BE INCLUDED AS PUBLIC RECORD.

From: digga25@aol.com
Date: December 3, 2021 at 5:00:41 PM EST
To: dtarrant@townofhillsborobeach.com
Cc: bbaldasarre@townofhillsborobeach.com, ikirdahy@townofhillsborobeach.com,
vfeaman@townofhillsborobeach.com, jreiser@townofhillsborobeach.com
Subject: 1174-1185 Hillsboro Mile Development
Reply-To: digga25@aol.com

Madam Mayor

Regarding the proposed development of this property. WE are opposed to the approval of the variance for the building heights. We have been in Hillsboro Beach since 1984 and have stayed here because of the uniqueness of the area. A high rise with many units will strain our newly rebuilt infrastructure, and make an already heavy seasonal traffic flow, much worse. The developer had to know there was a height restriction and should not be granted a variance due to hardship. As a tax payer and home owner on Hillsboro Mile we object to the approval of a height variance. Let the developer come up with a better plan to fit our area and keep it like it is. Thank you.

Sincerely

Fred and Jayne Ramey
1194 Hillsboro Mile
Hillsboro Beach, Florida 33062

From: Celinda Sawtelle <celindasawtelle@gmail.com>
Date: December 3, 2021 at 4:17:59 PM EST
To: jreiser@townofhillsborobeach.com
Subject: Hbm

Celinda Sawtelle

Hello commissioner Reiser,

I know that you're just getting a custom to the Town Commission. I served for over three years and I found it very difficult.

I hope that you hear the voice of the people we have one group that has 160 signatures so far against allowing this variance. They also have a lawyer and they have money pledged to pay that lawyer. I am not a part of that group but I do not want to see two huge skyscraper buildings built on that property. It will open the door for more and more huge buildings on the mile until we just look like Boca. Please hear the voice of the people and when you vote vote for the people not for anything else.

Please make this letter from me a part of public record

Celinda Sawtelle

On 12/3/21, 3:57 PM, "Celinda Sawtelle" <celindasawtelle@gmail.com> wrote:

Dear Mayor

Many residents are against building big high-rises. Granting this variance would be against everything that Hillsboro Mile stands for. It would no longer be the low keyed elegant small town. It would be the start of big business.

I am a real estate agent and have been a specialist on the mile for years. 90% of the time when I sell some thing on Hillsboro mile I tell them that they're buying a lifestyle. I tell them if they are a high-rise type that they probably won't like it here. Many of the very people that I've sold to are now horrified that we may have a huge building on the mile.

Even if you get more revenue from having a huge building you're still gonna have to hire more police you're going to have more traffic more dogs on the beach. More human dramas for our police to deal with our fire department to respond too. Right now the economy is faltering and many people believe there is inflation coming. If this happens while they're building the high-rise felt turn it all into rentals anyway. So it's a threat of them building rentals is scary just think —It's not how high the building in that drives whether it's rental or not It's how fast they can sell them to make a profit.

I hope you make a history for yourself by listening to the Town people cry out to keep our building codes the way they are. I would think that you would like to go down in history as being the voice of the people not the voice of big business.

Please make this letter a part of public record.

Celinda Sawtelle

----- Forwarded message -----

From: **Celinda Sawtelle** <celindasawtelle@gmail.com>

Date: Fri, Dec 3, 2021, 4:03 PM

Subject: Hillsboro mile

To: <ikirdahy@townofhillsborobeach.com>

Hello Irene,

You have done some really good things on the commission. Now I'm asking you to be the voice of the people as we cry out to not change the building codes because some multi millionaire wants to make more money.

Drilling a two level garage and then putting another 190 feet on top of it makes my head spin. This is not the kind of structures that Hillsboro mile is known for. Please maintain the quality of our town.

Many of us that moved to Hillsboro mile did so because of the pristine beach and the peace and quiet and the wonderful small town quaint flavor. Allowing a variance for this builder is just going to open the door for more and more tall buildings.

Please make this letter a part of public record. We will all see you on the seventh

Celinda Sawetelle

From: Nancy Robbins <nbdr13@icloud.com>

Date: December 3, 2021 at 3:46:58 PM EST

To: Deb Tarrant <dtarrant@townofhillsborobeach.com>, vfeaman@townofhillsborobeach.com,
bbaldasarre@townofhillsborobeach.com, ikirdahy@townofhillsborobeach.com, jreiser@townofhillsborobeach.com

Subject: Please vote NO

This parcel of land subject to a new ordinance in height being voted on December 7, 2021.

My concerns;

Is decidedly unfair to the residents and neighbors in Hillsboro who built according to zone.

It will open the gate way to further development further damaging the character of Hillsboro Beach.

I along with many other fellow residents chose Hillsboro over Pompano for the very reason of lower building heights.

Even with buildings at 7 stories high there is no sun on our beach by 3 PM this time of year. Imagine 15 stories dwarfing the sun on the beach.

The developer bought in an area knowing the zoning was only three story height.

Developers profit is not our problem. Nor is it yours as our commissioners as only you can be our safety net to protect our community.

The developers will not build anything that is not marketable. The perceived threat of 188 units three stories high dwarfing A1 A is not reasonable nor attractive to the buyers they are seeking.

This the right time to say no!

Thank you for the work you've doing now and in the past to keep Hillsboro Beach as a unique beautiful community.

Respectfully submitted,

Nancy Robbins

HIH

From: Sharon Gardzinski <idodeps@gmail.com>

Date: December 6, 2021 at 11:09:46 AM EST

To: dtarrant@townofhillsborobeach.com, ikirday@townofhillsborobeach.com, vfeaman@townofhillsborobeach.com, bbaldasarre@townofhillsborobeach.com, jreiser@townofhillsborobeach.com

Subject: 1174-1185 Empty Lot Variance Request

Hello, Commissioners:

Please see attached. Thank you for taking the time to listen to my concerns.

Sharon Julian

1160 Hillsboro Mile #102 Hillsboro Beach, FL 33062

On Monday, December 6, 2021, 9:05 AM, [boggiethemile <boggiethemile@bellsouth.net>](mailto:boggiethemile@bellsouth.net) wrote:

Mayor Deb I request this note be recorded for Public record. Thank you in advance.

I know that Laura Fish my Life Partner for 20 years in apartment 703 in the Hillsboro Windsor has also sent a letter to you and the Town Commission stating her main concerns with regards to this proposed variance Nextdoor to our building and I also have an important note to add to Her letter.

When our search for a permanent home after we retire was underway we had to fortunate timing and luck to arrive at apartment 703 at the Windsor which is the only high rise building adjacent to the property in question.

What we've had for this entire time in our home has been Magical and beyond. We are afforded an existence that we literally have to pinch ourselves every morning and afternoon at the Sunrise and Sunsets we have experienced for almost 22 years. Now due to this variance request we are in danger of loosing all of that pure JOY. Physically located on the North side of the Windsor we have a patio that when added to our balcony space is right around 1,400 square feet equaling the square footage inside of our apartment. We use every square foot of both inside and outside every day and with complete privacy in the past which is now in peril. Our Constitution guarantees in amendments 4-5-9 the privacy in your own home and has been backed up in many US Supreme Court challenges. You wish to talk about HARSHIPS well feeling like a proverbial fish in the fish bowl has to be considered as a #1 HARSHIP that is oh so real. We will never feel safe inside our own bedrooms again whose window's have a northern exposure and we normally enjoy having our windows and blinds open except in the dead of summer and this we can never do again with two towering buildings full of Occupants right Nextdoor. Forget totally the use of our North facing patio that we have enjoyed and our privacy for 22 years with the knowledge that our privacy was protected by our current Building Codes at three stories with a maximum height of no more than 50' from the elevation of A1A. The invasion of our privacy inside and outside of our home as it was when we purchased it is against the laws of our Country and these privacy's need to be protected and that cannot happen if our building codes were usurped. So PLEASE Mrs. Mayor and our Town's Commissioners protect our Home and the enjoyment we have had every day for the past 22 years. Our HARSHIP will be materialized and IS REAL if this height variance is extended to this group of Owner's who purchased this land knowing you cannot touch the protected Seagraped dunes, and that our building codes when the deal was done was limited to a (3) stories and maximum height of 50 feet... I'm begging you to please reject this variance request and protect our home and privacy. Sincerely and with respect.

David Boeggeman Hillsboro Windsor, apt. 703.

On 12/5/21, 6:44 PM, "Andy Plennert" <AndyP@weberflavors.com> wrote:

Dear Ms Tarrant,

My family has owned the condo at the Hillsboro Colonnade for at least fifty years and have seen a a number of changes in the area. Regarding the proposed size and nature of the facility being proposed on the two large lots just north of us, will overcrowd the area and drastically increase an already heavy traffic pattern on Hillsboro Ocean Mile. Also, the atmosphere of the mile will be disrupted by an over populated large facility. We enjoy the laid-back beach feeling of our coastal community.

I hope this note finds you and your family in the best of health and spirits especially during this Christmas season.

The best,

Andrew & Sharon Plennert

1161 A-1-A Hillsboro

730 S Seminary

Park Ridge, Illinois 60068

From: Vicky Feaman <vfeaman@townofhillsborobeach.com>

Date: December 5, 2021 at 5:53:13 PM EST

To: chris fleck <cfleck@yahoo.com>

Subject: Re: Variance request for 1174-1185

On Dec 5, 2021, at 1:58 PM, chris fleck <cfleck@yahoo.com> wrote:

Commissioner Feaman,

Please VOTE NO on the developer variance request for the following reasons.

1. The developer will definitely reduce the height significantly if the commission does not approve.
2. The recent community meeting had 60+ residents there that DO NOT WANT a 15 story building (with atonly one exception).
3. There is zero downside to the commission voting No. They said they will negotiate if not approved.
4. The Architect is misrepresenting the setbacks, only showing the building tower not the garage that takes essentially the entire buildable property, the same as a 3 story legal alternative. The Garage is 15 ft above the street Plus a 4 foot wall. Take a look at any neighboring building, 19 feet is the top of the second floor. That is how big the Garage is, 550 feet wide. Landscaping will not hide all of that.
5. The attorney is using the word "peculiar" to avoid using the word "Hardship" which is what is required to consider a variance. The reality is the developer could still make 10's of millions in profit with 3 story buildings. They just won't make the maximum possible. That does NOT CONSTITUTE HARDSHIP. They knew the building restrictions when they invested in the property.
6. The Developer said a 3 story building would require the same 100+ 150 foot deep pilings to build on as the 15 Story. This is Absolutely FALSE.
7. The Developer is stating they will "contribute" to sand re-nourishment. But they are not stating how much funding and zero commitment. Zero contract means Zero funding.
8. The residents are also concerned, as I am, of the precedence this will set for other developers to request a variance, and sue if they don't get it. The net result is cranes for a decade and Gault mile jr.
9. The town residents want and have a right to see legitimate plans for a legal 3 story development and then consider alternatives.
10. Please do not let the developers steam roll over you and the town residents.

Thank you for listening.

Chris Fleck
1173 Hillsboro Mile.

From: Janice Solis <janicesolis@mac.com>

Date: December 4, 2021 at 3:56:11 AM EST

To: bbaldasarre@townofhillsborobeach.com, jreiser@townofhillsborobeach.com

Subject: 1174-1185 Hillsboro Mile Request for Height Variance

Commissioners,

I object to the request for height variance for the 11274-1185 Hillsboro Mile property.

I fear:

The construction of a project that size would endanger the stability of the ground upon which the Hillsboro Windsor Building, 1169 Hillsboro Mile, sits. The collapse of my building and the danger to our owners is a real possibility.

The constant traffic of huge construction vehicles and workers would not only be noisy and dirty, but would destroy our new road and possibly our new sewer system, to say nothing of adding to traffic back ups and delays due to our bridges, normal residential traffic, and seasonal visitor traffic.

The proposed 15 story height of the twin towers goes against our zoning laws. I'm sure this was known when the developer purchased the property.

Buildings of that height would also impede views of all surrounding neighbors.

Sincerely,

Janice Solis, Hillsboro Windsor

From: Manny Penate <mpenate@icloud.com>

Date: December 4, 2021 at 10:52:24 AM EST

To: jreiser@townofhillsborobeach.com

Subject: Height variance 1174-1185

Hi Jane,

My name is Manny Peñate. I serve on the Harborside board and strongly oppose the height variance for all the reasons listed below. Hope you'll support the community in this decision.

- When we purchased here, we did so knowing that the empty lot at 1174-1185 was only subject to a 3 story limit and that was a comfort to us. If we had wanted our community to build higher rise buildings as a norm, we would have chosen to live in those places that allow Big Development. Hillsboro Mile was not that kind of place, and we wish it to remain as such.
- The developer bought the property fully knowing what the height limitations was (3 story height) with its easements.
- This developer purchased the property with this full disclosure but are now trying to obtain a variance because their proforma doesn't allow as much profit as they would like.
- An economic disadvantage due to the developer's preference as to what he would like to do with the property is not sufficient to constitute a hardship entitling them to a variance.
- To allow the development of this parcel of land from 3 stories zoning to anything above without regard to its surrounding designations is a special privilege to this developer. Many variance requests have been made (Previous owners of the property are one) over time for this property as well as others along the mile, that were denied by the commission.
- A project of this proposed magnitude and its effects on adjacent and much lower, older buildings and the strain of years of heavy, heavy construction – Developer said at least 150 pilings that run 150 feet deep is of particular concern! Surfside allegations come to mind. A smaller project in line with the code, would have a much lesser affect.
- The town residents should not suffer because Big Development cannot make money.
- The RESIDENTS are THE CITY and not the commissioners who are their ELECTED officials to preserve residents' rights.
- The perks the developer is offering the town (taxes, landscaping, underground lines, etc.) will come in any case from the development of the property so those used as a basis for the development are disingenuous at best.

- The developer does not have a right to change the height zoning when it could be deemed as injuring the rights of others, especially adjacent property owners, regardless of the perks they claim the height variance will provide the town.
- The developer using scare tactics such as the use of words like “ugly” and “monolith” and “rental property” and other negative words when it relates to what could be built on the property, WITHIN CODE, should not be accepted. This developer is well known for a lot of things (both positive and negative) and I am certain that with the acreage they can make a beautiful rendering with MUCH less height. They simply would not put their name to this project on an ugly structure – won’t happen, never has with them.
- To be clear, as a resident of Hillsboro Beach and as to the proposed building project at 1174-1185 Hillsboro Mile, I object to a variance as to a change in height.

WE THE RESIDENTS OF HILLSBORO BEACH DO WANT the parcel developed but not 15 stories plus the 7-foot elevator, etc.

- Please do NOT GRANT THIS HEIGHT variance for this developer

Thank you in advance,
Manny Peñate
Harborside Board

On Dec 3, 2021, at 10:12 AM, Danielle Dinapoli <ddinaps314@aol.com> wrote:

>>

>> Greetings all,

>> I am a resident of Hillsboro mile 1169 and initially was against the 15 story high rise proposed.

>> I attended the embassy suite meeting and was excited to see the beauty’s ii of the natural landscaping and care in minimizing the width of the building.

>> I spoke at the meeting the landmark is not a fair comparison it is 2 miles away, but buildings within our mile radius is a fair comparison and would not stand out as an isolated structure.

>> After the meeting and speaking with other home owners a fair compromise would be to keep the building width footprint but reduce to the height to 10/11 stories. This of course would be without compromising the architectural building design as communicated by the architect.

>> I am looking forward to the meeting next week.

>> **Danielle DiNapoli**

From: Donna Scheurer-Purre <Donnas@FoodforthePoor.com>

Date: Tuesday, November 30, 2021 at 4:16 PM

To: Deborah Tarrant <deboraharrant@aol.com>

Subject: 1174-1185 Property Variance Proposal

Dear Deb,

I want to thank you and the commission for the years of service to the residents of the Town of Hillsboro Beach and all of the other commissioners who have worked on our behalf. In the past, I always felt that my interests were looked after. Today, as I sit here and go over everything I have read and yes heard from the calls I have been on, I am not so sure.

When we purchased here, we did so knowing that the adjacent property to us was only subject to a 3 story limit and that was a comfort to us, as was the many big developers who came and went trying to change the MILE to a Miami Beach, Surfside, or now Pompano Beach by changing the zoning laws for their own benefit. If we had wanted that, we would have chosen to live in those places that allow Big Development. Hillsboro Mile was not that kind of place, and we wish it to remain as such.

To be clear, as an adjacent neighbor to the proposed building project at 1174-1185 Hillsboro Mile, you should know that I object to a variance as to a change in height (change the zoning from 3-stories to 15 stories plus, plus for elevators, etc.)

I would also like to state that this developer bought the property fully knowing what the height limitations was (3 story height) as I bought my property knowing that the zoning was only for 3-stories directly next door to me. This developer purchased the property with this full disclosure but are now trying to obtain a variance because their proforma doesn't allow as much profit as they would like. We were told by the PR Firm that the developer is preparing a proforma to determine if they can make enough profit with following the law. Not enough profit is surely not a hardship.

I am hoping that the commission will agree that a mere economic disadvantage due to the developer's preference as to what he would like to do with the property is not sufficient to constitute a hardship entitling them to a variance. I am hoping that commission will see through his veil and not grant the developers wishes as to height in existence to the current zoning laws of our town.

To allow the development of this parcel of land from 3 stories zoning to anything above without regard to its surrounding designations (and I am sorry) seems like a special privilege to this developer. I am sure you are aware of the many variance requests (Previous owners of the property are one) over time for this property as well as others along the mile, that were denied by the commission. Putting up a huge building of this size, in light of a 3-story limit is unconscionable and against my rights as an adjacent property owner.

The developer does not have a right to change the height zoning when it could be deemed as injuring the rights of others, especially adjacent property owners, regardless of the perks they claim the height variance will provide the town.

Thank you again for all you do, I am hoping that your last huge ruling for the residents of this town, as you end your term, will be in alliance with us as adjacent property owners, all residents of Hillsboro Beach and for our rights and not the rights of a developer with big bucks and words of perks to the town. I hope that you will take to heart the wishes of those property owners on the mile both adjacent, nearby and all along the mile to the proposed tower(s) as we will clearly be harmed if a large 15 story condominium building is erected. Thank you.

Sincerely,

Donna Purre
1173 Hillsboro Mile Hillsboro Beach, FL 33062

From: Donna Scheurer-Purre <Donnas@FoodforthePoor.com>
Date: Thursday, December 2, 2021 at 7:55 AM
To: Deborah Tarrant <dtarrant@townofhillsborobeach.com>
Subject: 1174-1185 Property Variance Proposal

Thanks Deb for your reply.

I did attend the meeting last night and as I am sure you already know, there was plenty of opposition to the height variance for many valid reasons. There was no misinformation as it came directly from the sources.

I am sure many will look now more closely at the variance request and reasons for preference to change the zoning on these parcels. To me, and I am no expert (yet 😊) again, they went into the purchase with eyes wide open as to the conservation easement, height restrictions, previous requests for variances, etc. (Eric-Developer, mentioned he has been trying to purchase this property for years, and even from the previous owner – so he was well aware) but now they are crying they cannot make the financials work for them. The town should not suffer because Big Development cannot make money. They mentioned the city looked at this and the city that and approved it – as you know, the RESIDENTS are THE CITY and not the commissioners who are their elects (not sure I said that right) to preserve their rights. I would also add that the perks they are offering the town (taxes, landscaping, underground lines, etc.) will come in any case from the development of the property so those used are disingenuous at best, in my and others humble opinion.

I know you do NOT scare easily, so when they use words like “ugly” and “monolith” and “rental property” and other negative words when it relates to what could be built on the property, WITHIN CODE, you won’t be swayed! This developer is well known for a lot of things (both positive and negative) and I am certain that with the acreage they can make a beautiful rendering with MUCH less height. They simply would not put their name to this project on an ugly structure – won’t happen, never has with them. They do, however bully commissioners and make promises – kept or not. Also, and a disturbing, that from what we all heard, it seemed that they thought they have already won the commission over and will get what they want on December 7. This is very disturbing, and hard to believe, especially knowing you!

Deb, I am confident you will listen to the residents and as your last great thing you will do for the residents of Hillsboro Beach before you retire as mayor, WILL NOT GRANT THIS HEIGHT variance for this developer, as you have for many other’s wanting unreasonable height. Please finally, understand WE THE RESIDENTS OF HILLSBORO BEACH DO WANT the parcel developed but not 15 stories plus the 7-foot elevator, etc. I am requesting, because I don’t know if it happens, that this and my other email become a part of the public record on this issue. Have a great day and see you soon!

Donna

Donna Purre
1173 Hillsboro Mile
(ADJACENT TO SUBJECT PROPERTY)

-----Original Message-----

From: Deb Tarrant <dtarrant@townofhillsborobeach.com>

Sent: Saturday, December 4, 2021 3:35 PM

To: Sherry D. Henderson <shenderson@townofhillsborobeach.com>

Cc: Mac Serda <mserda@townofhillsborobeach.com>; deabiraphaelraphael@me.com

Subject: FW: New building

I am forwarding you the message below, although it does not request to be included in the public record for Tuesday's meeting.

Thank you,

Deb Tarrant, Mayor
Town of Hillsboro Beach

On 12/4/21, 1:48 PM, "Deb Raphael" <deabiraphaelraphael@me.com> wrote:

10 tops 7 or 8 better . We are not Boca!! It's our Sanctuary

Deb Raphael

Sent from my iPhone

From: Pattanee Sricharoenchit Forst <pattanee_9@hotmail.com>

Date: Saturday, December 4, 2021 at 1:06 PM

To: Deborah Tarrant <dtarrant@townofhillsborobeach.com>

Subject: The building at empty lot 1174-1185

To whom it may concern,

When we purchased here, we did so knowing that the empty lot at 1174-1185 was only subject to a 3 story limit and that was a comfort to us. If we had wanted our community to build higher rise buildings as a norm, we would have chosen to live in those places that allow Big Development. Hillsboro Mile was not that kind of place, and we wish it to remain as such.

Best Regards,

Pattanee Forst
1173 Hillsboro Mile. Apt 1-2
Hillsboro Beach, FL 33962

From: FROM <povweezielou7@aol.com>
Reply-To: FROM <povweezielou7@aol.com>
Date: Saturday, December 4, 2021 at 12:00 PM
To: Deborah Tarrant <dtarrant@townofhillsborobeach.com>
Subject: Re: Dec. 7 Zoning Board of Appeals Meeting

I live at **1169 Hillsboro mile** I am against rezoning or variances changing at 1174-1185.

Thanking you in advance. **Louise Povinelli**

-----Original Message-----

From: Deb Tarrant <dtarrant@townofhillsborobeach.com>

Sent: Monday, December 6, 2021 6:38 PM

To: Sherry D. Henderson <shenderson@townofhillsborobeach.com>

Cc: Patricia Hall <patriciahishon@aol.com>; Mac Serda <mserda@townofhillsborobeach.com>;
paulechelard@me.com

Subject: Re: Variance for Hillsboro Residences

Madam Clerk, please include this correspondence in the public record for tomorrow's meeting.

Thank you,
Deb Tarrant, Mayor
Town of Hillsboro Beach

On 12/6/21, 9:41 AM, "Paul Echelard" <paulechelard@me.com> wrote:

Hi Deb

I am sending this email to express my opposition to granting this variance. I have lived in Hillsboro Beach for over 30 years at Overlook. I have served on the Board of Directors at Overlook and was President for over 25 years. I also am a friend of DJ Doody and worked with him on many legal situations.

I agree they should build on the land but do not want to see a 15 story building on the site. I was at the recent presentation at the Embassy Suites and was surprised no Commissioners were there nor any one from the town to hear the concerns of the residents. This was very disappointing as it is hard to understand how you are getting feedback from the people who elected you.

I can tell you 100% of the residents at the meeting were opposed to the variance being granted. There were numerous reasons for the opposition which the town representatives and commissioners should have heard. Hopefully you have received the unfiltered feedback from your constituents.

The team doing the presentation was extremely arrogant and did nothing to reassure the residents present. In fact the meeting turned into a free for all with most getting the feeling that their feedback really did not matter as according to them the town has already given their approval. They stated they had enough money to get the variance done. Interestingly there is also a "rumor" going around that one of the commissioners was getting the building she lives in painted and a new sea wall in exchange for their approval. Hopefully there is a fair process occurring.

If you are interested in discussing my opinions/observations, please feel free to call me at 561-350-1858. Also, please feel free to ask DJ about me as I think he will tell you I am an honest, caring and objective person who really wants what is best for the community I have lived in for over 30 years.

Thanks for your time.

Paul Echelard – Hillsboro Overlook

From: Carla Palmore <cppalmore@gmail.com>

Date: Monday, December 6, 2021 at 11:17 AM

To: Deborah Tarrant <dtarrant@townofhillsborobeach.com>, <ikirdahy@townofhillsborobeach.com>, <bbaldasarre@townofhillsborobeach.com>, <vfeaman@townofhillsborobeach.com>, <jreiser@townofhillsborobeach.com>

Subject: Development at 1174-1185

Dear Hillsboro Beach Mayor and Commissioners:

We are writing to let you know how much we are against Dezer Development building a 15-story two condo structure at 1174-1185 Hillsboro Mile. Though they said the building would be consistent with the character of Hillsboro Beach, nothing could seem further from the truth. When the three-story height limit was imposed, there were good reasons. We should not allow a variance for a 15-story structure under any circumstances. As our elected officials, we hope that you will not grant the height variance that has been requested. Dezer Development should come up with actual architectural plans and designs for three-story condo buildings which it does not seem they have ever done for this site.

Sincerely,

Carla and Mark Palmore

1057 Hillsboro Mile

Hillsboro Beach, FL

Sherry D. Henderson

From: Maureen Cassidy Osgood <mcassidyosgood@gmail.com> on behalf of Maureen Cassidy Osgood
Sent: Monday, December 6, 2021 4:50 PM
To: Hillsboro City Hall SHERRY
Cc: Richard Dick Osgood
Subject: Sherry, our comments

We are

THE OSGOODS

from Virginia Kaye Unit 1E commenting on the proposed project contiguous to our property.

We believe the town ordinances have served our community well for many years. These ordinances were well thought out and well intentioned.

We are in favor of any project that is in compliance with these town codes and ordinances.

This project is an extreme reach from allowable codes and as abutters to this property, we are vehemently opposed to the requested variances that would allow a 15 story skyscraper in our little town. These variances would ultimately be a huge pull on all of the town resources from every level in addition to years and years of construction noise going on adjacent to our bedroom windows.

Richard & Maureen Osgood

► RECEIVED ◀

DEC 06 2021

December 6, 2021

To the Town Commission of Hillsboro Beach,

We wish this letter to become part of the PERMANENT RECORD.

Pursuant to any decision made about the vacant lots 1174 to 1185.

We, as citizens of HB for 32 years have been confident that our elected Commissions would continue to represent the BEST interests of this town while in office. These interests DO NOT include VARIANCES for high rise structures. Our town is just that....a townit is NOT Miami Beach!

We are hoping that YOU will maintain that standard also. The former commissions have been able to maintain that standardWe would have to ask what makes YOU different if you cannot?

What EXACTLY makes this proposition irresistible?

John Kennelly's plans were nowhere near this greedy and overwhelming and he was refused.

PLEASE KEEP the TOWN'S INTEREST FIRST.

MAKE DEZER – RELATED GROUP COMPLY WITH WHAT THEY ALREADY KNEW WERE EXISTING LIMITATIONS WHEN LAND WAS PURCHASED!!!

Kris Smith, Frank Williams

Harborside Condominium

1170 Hillsboro Mile

From: Sharon Gardzinski <idodeps@gmail.com>

Date: December 6, 2021 at 11:09:46 AM EST

To: dtarrant@townofhillsborobeach.com, ikirday@townofhillsborobeach.com, vfeaman@townofhillsborobeach.com, bbaldasarre@townofhillsborobeach.com, jreiser@townofhillsborobeach.com

Subject: 1174-1185 Empty Lot Variance Request

December 6, 2021

Town of Hillsboro Beach Commissioners
Re: 1174-1185 Hillsboro Mile Proposed Development

Dear Commissioners:

I am in opposition of a height variance being granted for the proposed development at the above-referenced property. Granting the variance that is requested will do our town and its residence an injustice. This developer should go down to the south of us and develop in the midst of the concrete jungle in Ft. Lauderdale. This doesn't belong in our town.

Just as I knew what a quaint town this was when I bought 30 years ago, so did the developer know what the height and land restrictions were on this property when it was purchased.

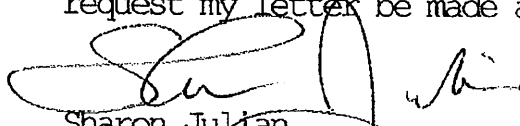
Our residents should not have to tolerate this monstrosity being built and ruining the architecture of our town just because the developer wants to make money or thinks he is up against a hardship by our town's height restrictions.

When the land just south of the Hillsboro Island House was developed, the builder complied with the height requirements.

Once you grant a variance of this magnitude, it is an invitation for more developers to move in and forever change our town, and not for the better.

The developer hasn't been granted the variance and has already pushed the envelope requesting more height to accommodate a pool on the rooftop.

I strongly urge the commission to listen to the people of this town and preserve the lifestyle we all bought into. I request my letter be made are part of the public record.



Sharon Julian
1160 Hillsboro Mile, #102
Hillsboro Beach, FL 33062

Town Clerk

From: Jane Reiser <jreiser@townofhillsborobeach.com>
Sent: Monday, December 6, 2021 10:36 AM
To: Town Clerk
Subject: Fwd: Height Variance for 1174-1185

Jane Reiser
Commissioner
Town of Hillsboro Beach

Begin forwarded message:

From: Laura Fish <fishonthemile@gmail.com>
Date: December 5, 2021 at 7:59:09 PM EST
To: Deb Tarrant <dtarrant@townofhillsborobeach.com>
Cc: mserda@townofhillsborobeach.com, ikirdahy@townofhillsborobeach.com, vfeaman@townofhillsborobeach.com, bbaldasarre@townofhillsborobeach.com, jreiser@townofhillsborobeach.com
Subject: Height Variance for 1174-1185

Dear Mayor Deb and All. I hope the email finds you (all) well.

Please note I would like my comments to be recorded for public record.

The reason for my email is to let you know clearly and without a doubt I am against the town approving the height variance that is being requested by the owners of 1174-1185.

The new owners were well aware of the height laws and the conservation of the dune areas when they purchased this property out of bankruptcy. In fact these are the same 2 reasons I purchased here over 21 years ago. This is what assured me that the small town feel that I moved here for would be preserved. If I wanted a big slick city feel of glass and pomp, I would not have bought my forever home at the Windsor in Hillsboro Beach. There are many other locations on a beach that would have fulfilled that type of living. I bought on The Mlle and invested my savings in a home and community that promised- based on the laws a 3 story height limit.

***I find it quite insulting that these builders would think that not being able to build on our dunes is a 'hardship' which should be a reason they need to go higher than the law permits.**

***I find it quite insulting that these builders believe their status allows them to push us around and insist they are beautifying our already gorgeous neighborhood with a 180**

Town Clerk

From: gim722@comcast.net
Sent: Monday, December 6, 2021 10:47 AM
To: TownClerk@townofhillsborobeach.com
Subject: Variance

I am opposed to allowing a 15 story condo at the location in question.

First let me say that I moved to Hillsboro Beach because it didn't have towering condos like the Gault mile.

Furthermore, the traffic in the town has gotten worse since I moved here eleven years ago and this will just add to the problem.

If the variance is granted, what comes next ? A thirty story condominium.

I strongly oppose the town granting the variance and believe the current regulations should be enforced.

Thank you, Ray Gimmler
1167 Hillsboro Mile Unit 604
Sent from my iPhone

Town Clerk

From: Sue <randswilson@comcast.net>
Sent: Monday, December 6, 2021 11:04 AM
To: townclerk@townofhillsborobeach.com
Subject: Tomorrow's meeting

Hello,

My husband and I have a condominium in The Hillsboro Windsor and have had it since 1998. We have always enjoyed the small town feel of Our beautiful Hillsboro Mile. It will be lost if a 15 story building, on either or both sides of A1A, is (are) erected.

I really don't understand how we got this far. We have height restrictions on building construction - with very good reason. So why is this big city deep pockets group allowed to thwart them so readily? Isn't this in contradiction to our characteristics.

We didn't move to Fort Lauderdale or Miami for these reasons.

Increased traffic, pollution, impact on our most fragile beaches - we hardly disagree! Keep Hillsboro the small town it is please!

Exquisite single family homes and low rise condos please.

Best regards

Ray and Sue Wilson
Unit 409

Sent from my iPhone

Town Clerk

From: Jim Rauh <jrauh@neo.rr.com>
Sent: Monday, December 6, 2021 1:21 PM
To: townclerk@townofhillsborobeach.com
Subject: 1174-1185 variance

Our comments are directed to the Board of Zoning Appeals, all Town Commissions and Town Boards:

Let it be documented that we are not in favor of the height variance sought for the new construction at 1174-1185 Hillsboro Mile.

Due to the negative impacts of the proposed construction height over current zoning, we are asking that the variance is not granted. Many of our neighbors agree with our request.

Sincerely,
James and Valorie Rauh
Owners
1169 Hillsboro Mile
Condo 603
Hillsboro Beach, FL 33062

Sent from Mail for Windows

Town Clerk

From: betscole@optonline.net
Sent: Monday, December 6, 2021 2:17 PM
To: townclerk@townofhillsborobeach.com
Subject: Height Variance 1174-1185 Hillsboro Mile

Good afternoon, Ms. Henderson:

Please see and forward my comments below regarding the request for a height variance at 1174-1185 Hillsboro Mile. If this is not the right time for public comment, please let me know if public comment period dates have been scheduled.

Dear Commission,

This email is to provide comment on the request for a height variance for 1174-1185 Hillsboro Mile. My family owns a unit at 1169 Hillsboro Mile and is concerned about the adverse impacts this construction project would have on surrounding residents. It is understood that this property is prime real estate that is likely to be developed. However, the construction of a condominium that is significantly higher than all the structures in Hillsboro Beach will have a significantly longer construction period. During this extended period, nearby residents will be impacted long-term by construction noise, dust, vibration, and diesel trucks/equipment. Please prioritize the health and mental health of your current residents during your decision-making processes.

Thank you,
The McDonald Coleman Family

Sent from my iPhone

Town Clerk

From: Jane Reiser <jreiser@townofhillsborobeach.com>
Sent: Monday, December 6, 2021 2:51 PM
To: Town Clerk
Subject: Fwd: Proposed Development 1174-1185 HILLSBORO MILE

Jane Reiser
Commissioner
Town of Hillsboro Beach

Begin forwarded message:

From: michael weinberg <yanks4@gmail.com>
Date: December 6, 2021 at 1:09:12 PM EST
To: Deb Tarrant <dtarrant@townofhillsborobeach.com>, ikirdahy@townofhillsborobeach.com, vfeaman@townofhillsborobeach.com, bbaldasarre@townofhillsborobeach.com, jreiser@townofhillsborobeach.com
Cc: yanks4@gmail.com, Penny Weinberg <artypenny@gmail.com>
Subject: **Proposed Development 1174-1185 HILLSBORO MILE**

Dear Commission & Mayor Tarrant,

My wife and I would like to respectfully object to a variance to change the height requirements established by the Town of Hillsboro Beach. The project being proposed is a gross distortion to both the landscape and the overall culture of the north end of Hillsboro Beach.

We are a narrow barrier island as you approach Deerfield Beach with an overload of traffic as it is right now, especially for a good 6-7 months, November-Jun, of each year.

Since we moved into the Town some 15 years ago, Hillsboro Beach was always subject to a 3 story limit. We purchased and stayed along with hundreds of other residents because we felt safe and protected by these laws and regulations. We adapted to the unpretentiousness of our Town and enjoyed that it wasn't Ft. Lauderdale or Miami Beach, we didn't have the room for that nor the desire for such an eyesore.

Many developers in the past have attempted to challenge the rules, but were denied for a reason(s), this project should be no different. Not to mention that those developers previously denied would have recourse to come back at us.

We are not questioning the desire to develop the property, however, not in this way with 2-15 story skyscrapers dominating the surrounding landscape.

If the developers are crying economic hardship because they can't get what they want, well they knew the rules going in. They should not be able to profit at the expense of the long term, tax paying residents that have supported the Town of Hillsboro Beach for many many years.

The size and scope of this project is simply overkill, a money maker for the investors, to make \$100,000,000 at everyone else's expense. Their lack of caring for the surrounding residents is appalling.

They offered to change their design to better suit the neighborhood and they should, not just getting a free pass on this. Once developed in a more conducive fashion, the Town will still benefit from increased taxes, landscaping and

Town Clerk

From: Jane Reiser <jreiser@townofhillsborobeach.com>
Sent: Monday, December 6, 2021 2:52 PM
To: Town Clerk
Subject: Fwd: Development at 1174-1185

Jane Reiser
Commissioner
Town of Hillsboro Beach

Begin forwarded message:

From: Carla Palmore <cppalmore@gmail.com>
Date: December 6, 2021 at 11:18:10 AM EST
To: "Deb Tarrant, Mayor" <dtarrant@townofhillsborobeach.com>, ikirdahy@townofhillsborobeach.com, bbaldasarre@townofhillsborobeach.com, vfeaman@townofhillsborobeach.com, jreiser@townofhillsborobeach.com
Subject: Development at 1174-1185

Dear Hillsboro Beach Mayor and Commissioners:

We are writing to let you know how much we are against Dezer Development building a 15-story two condo structure at 1174-1185 Hillsboro Mile. Though they said the building would be consistent with the character of Hillsboro Beach, nothing could seem further from the truth. When the three-story height limit was imposed, there were good reasons. We should not allow a variance for a 15-story structure under any circumstances. As our elected officials, we hope that you will not grant the height variance that has been requested. Dezer Development should come up with actual architectural plans and designs for three-story condo buildings which it does not seem they have ever done for this site.

Sincerely,

Carla and Mark Palmore
1057 Hillsboro Mile
Hillsboro Beach, FL

Town Clerk

From: Michael Boyna <likkrish@sbcglobal.net>
Sent: Monday, December 6, 2021 4:21 PM
To: townclerk@townofhillsborobeach.com
Subject: Comment submission: Height variance proposal 1174-1185 Hillsboro Mile

Good afternoon, Commissioners:

I am writing to voice opposition to granting the proposed height variances at the above-stated location and would like this communication to be made part of the public record.

As a family that has been among the longest-term residents at 1187 Hillsboro Mile, there are several components to our opposition, namely:

- A main attraction to this property has always been its homey feel, compared to more industrial high-rise and hotel structures. Erecting a building that is roughly 5 times the current height restriction, and with a reflective glass construction, hardly says "homey".
- The current height limits should not have come as a surprise to the developer; while it is reasonable that they need to build to a certain height/capacity for optimum profitability, there are certainly myriad other locations that would fit their needs without necessitating unwanted changes in/variances to existing building codes.
- Destroying the ambiance of this section of The Mile seems a bit self-centered on the developer's part, not to mention the disruption to the lifestyle of current residents, and adverse effects on the Local Area of Particular Concern (LAPC) and negative effects on the Intercoastal seawall (seen in the past due to construction that was on a much smaller scale than what is being proposed).
- Since previous requests for variances have been denied by the commission and given that the Commissioners are elected in part to protect the rights of Hillsboro Beach residents, it would seem inconsistent and inappropriate to grant a special variance privilege to this developer.
- It is my understanding that the developer has, understandably, tried to bolster the perceived benefits of their project by describing possible alternative developments in negative terms, i.e.: the kind(s) of less desirable thing(s) that *could* be developed on the property. While a valid marketing strategy, it also makes the faulty assumption that installing something the neighbors don't want is the best possible development option.

We urge the commission NOT to grant the proposed height variance.

I plan to attend the meeting tomorrow via Zoom

Sincerely
Michael R Boyna
(for the Walsh family @ 1187 Hillsboro Mile #6W)
630.470.1086

Town Clerk

From: Cynthia Hiland <chilandnpb@yahoo.com>
Sent: Monday, December 6, 2021 4:29 PM
To: townclerk@townofhillsborobeach.com
Subject: Variance

Some rumors are flying regarding a city council member who lives adjacent to the property in question regarding a height variance. Rumors are regarding favor in terms of tennis courts and other upgrades to the adjacent residence building as well . If this is the case or the member has other association with the development she should recuse herself from voting. Thank you for your consideration. Cynthia Hiland
1167 Hillsboro Mile HB 33062

Sent from my iPhone

Town Clerk

From: Charles Doherty <cd@rebartonage.com>
Sent: Monday, December 6, 2021 5:36 PM
To: townclerk@townofhillsborobeach.com
Subject: Fwd: 1174-1185 Hillsboro Mile Variance

From:
Charles Doherty
[1194 Hillsboro Mile #27](#)
[Hillsboro Beach, Fl 33026](#)
516.241.9122

I am writing as a Hillsboro Beach property owner to object to the granting of a variance for the property at 1174-1185 Hillsboro Beach.

In this case, property owners were aware, or should have been aware, of the zoning restrictions and the conservation easement on the subject property at the time of purchase in December 2020.

Developers have no legal grounds for claiming a hardship, other than maximizing the economic return on the property.

The so called "hardship" claimed by the developers is clearly "self-created" and contrary to settled Florida law.

Granting the variance will also change the nature and character of the community, and is also a violation of Florida Law.

For all of the reasons listed below, the Town of Hillsboro Beach may not lawfully grant the variance request.

Criteria for Granting Variances - Generally

Both before and after 1985, the courts have followed long-established Florida law that a variance cannot be granted for self-created actions – and this requirement is codified in most city and county codes in Florida. Even after 1985, the courts have been very strict in their review of the hardship required to obtain a variance.

Generally, a variance is authorized if due to circumstances unique to the applicant's property itself and not shared by other property in the area, there exists an undue and unnecessary hardship created by the zoning regulations

1. The hardship cannot have been self-created.

The hardship criteria found in variance provisions has a long line of cases and has been strictly construed by the courts. Josephson v. Autrey, 96 So.2d 784 (Fla. 1957).

The criteria has been interpreted to mean three things:

a. A mere economic disadvantage due to the owner's preference as to what he would like to do with the property is not sufficient to constitute a hardship entitling the owner to a variance. Burger King v. Metropolitan Dade

County, 349 So.2d 210 (3 DCA 1977); Metropolitan Dade County v. Reineng, 399 So.2d 379 (3 DCA 1981); Nance, supra; Crossroads Lounge v. City of Miami, 195 So.2d 232 (DCA 1967). If, however, the only allowable uses are economically impossible, then a variance would be allowed. Nance II.

b. Neither purchase of property with zoning restrictions on it, nor reliance that zoning will not change, will constitute a hardship. Friedland v. Hollywood, 130 So.2d 306 (DCA 1961); Elwyn v. Miami, 113 So.2d 849 (3 DCA 1959).

c. If a purchaser buys land with a condition creating a hardship upon it, the owner is only entitled to such variance as his predecessor in title was entitled. Coral Gables v. Geary, 383 So.2d 1127 (3 DCA 1980).

The requirement that a variance hardship cannot be self-created is required by most codes and Florida case law. In *Re Kellogg*, 197 F. 3rd 1116, 1121 (11th Cir. 1999). *Josephson v. Autrey*, 96 So.2d 784 (Fla. 1957) (superceded by statute on other grounds in *Grace v. Town of Palm Beach* 656 So.2d 945 (Fla. DCA 1995); *Town of Ponce Inlet v Rancourt*, 627 So.2d 586, 588 (Fla. DCA 1993).

Case law, as well as the Land Development Regulations control the degree of showing needed to support the approval of a variance from the express requirements of local regulations. The days of the "weeping variance" have been replaced by strict interpretation of what is required to show entitlement to a variance from local Code provisions under the case law. *Town of Indialantic v. Nance*, 400 So.2d 37 (5 DCA 1981), *affd.* 419 So.2d 1041; appealed again at 485 So.2d 1318 (5 DCA 1986), *rev. den.* 494 So.2d 1152.

Post 1985, the First District Court of Appeals in *City of Jacksonville v. Taylor*, 721 So.2d 1212 (Fla. 1st DCA 1998) *Bernard v. Town Council of Palm Beach*, 569 So.2d 853 (Fla. 4th DCA, 1990); *Metropolitan Dade County v. Betancourt*, 559 So. 2d 1237; *Town of Indiatlantic v. Nance*, 485 So.2d 1318 (Fla. 5th DCA 1986), and *Town of Indiatlantic v. Nance* ("Nance I"), 400 So.2d 2137 (Fla. 5th DCA 1981); *Maturo v. City of Coral Gables*, 619 So.2d 455 (Fla. 3rd DCA 1993); *Herrara v. City of Miami*, 600 So.2d 561 (Fla 3rd DCA 1992) *rev. denied* 613 So.2d 2 (Fla. 3rd DCA 1992). In *Re Kellogg*, 197 F. 3d 1116, 1121 (11th Cir. 1999).

Pre 1985 cases had similar holdings and include *Blount v. City of Coral Gables*, 312 So. 2d 208 (Fla. 3rd DCA 1975) ("Nor are the Blounts entitled to a variance from the above zoning ordinance...as the hardship was self-created because they knew of the restricted zoning ordinance.")(citing other Florida cases on this issue); *Clarke v. Morgan*, 327 So.2d 769 (Fla. 1975); *Friedland v. Hollywood*, 130 So.2d 306 (DCA 1961); *Elwyn v. Miami*, 113 So.2d 849 (3 DCA 1959); *Coral Gables v. Geary*, 383 So.2d 1127 (3 DCA 1980).

The purchase of property with zoning restrictions on the property will normally not constitute a hardship. *Friedland v. Hollywood*, 130 So.2d 306 (DCA 1961); *Elwyn v. Miami*, 113 So.2d 849 (3 DCA 1959). *Namon v. DER* 558 So. 2d 504 (Fla 3rd DCA 1990) and the cases cited therein address cases where property is purchased AFTER adoption of prohibitory regulations. The court in *Namon* recognized such pre-existing notice as applied to takings analysis in Florida cases, as follows:

"Appellants are deemed to purchase the property with constructive knowledge of the applicable land use regulations. Appellants bought unimproved property. A subjective expectation that the land could be developed is no more than an expectancy and does not translate into a vested right to develop the subject property. See *Graham v. Estuary Properties, Inc.*, 399 So.2d 1374, 1382, 1383 (Fla.), *cert. denied sub nom.* *Taylor v. Graham*, 454 U.S. 1083, 102 S. Ct. 640, 70 L. Ed. 2d 618 (1981)

'...[a]n owner of land has no absolute and unlimited right to change the essential natural character of his land so as to use it for a purpose for which it was unsuited in its natural state and which [injures] the rights of others." *Namon* at 505, (original citation omitted) see also *Ruckelshaus v. Monsanto Co.*, 467 U.S. 986, 1005, 104 S. Ct. 2862, 2874, 81 L.E.2d 815, 834 (1984).

"A 'reasonable investment-backed expectation' must be more than a 'unilateral expectation or an abstract need'; Namon citing *Claridge v. New Hampshire Wetlands Board*, [125 N.H. 745, 485 A.2d 287, 291](#) (1984)

"A person who purchases land with notice of statutory impediments to the right to develop that land can justify few, if any, legitimate investment-backed expectations of development rights which rise to the level of constitutionally protected property rights"; cf. *Elwyn v. City of Miami*, 113 So.2d 849, 852 (Fla. 3d DCA) **"One who purchases property while it is in a certain known zoning classification, ordinarily will not be heard to claim as a hardship a factor or factors which existed at the time he acquired the property."**, cert. denied, 116 849 (Fla. 1959).

Case law also indicates that a mere economic "disadvantage" or the owner's mere preference as to what he would like to do with the property is not sufficient to constitute a hardship entitling the owner to a variance. *Burger King v. Metropolitan Dade County*, 349 So.2d 210 (3 DCA 1977); *Metropolitan Dade County v. Reineng*, 399 So.2d 379 (3 DCA 1981); *Crossroads Lounge v. City of Miami*, 195 So.2d 232 (DCA 1967).

Neither purchase of property with zoning restrictions on it, nor reliance that zoning will not change, will constitute a hardship. *Friedland v. Hollywood*, 130 So.2d 306 (DCA 1961); *Elwyn v. Miami*, 113 So.2d 849 (3 DCA 1959).

If the owner participated in an affirmative act which created the hardship (such as by purchasing a substandard size lot), then the hardship should be ruled self-created. *Coral Gables v. Geary*, 383 So.2d 1127 (3 DCA 1980).

2. Consistency with neighborhood and scheme of regulations.

Granting the variance must not adversely affect the zoning scheme as a whole. **Granting of a variance is illegal, and beyond the authority of any local administrative body, where the proposed variance is not shown to be in harmony with, and not "in derogation of the spirit, intent, purpose, or general plan of [the zoning] regulations."** *Troup v. Bird*, 53 So.2d 717 (Fla. 1951).

**"A variance should not be granted where
the use to be authorized thereby will
alter the essential character of the
locality, or interfere with the zoning
plan for the area and with rights of
owners of other property."**

Elwyn v. City of Miami, 113 So.2d 849 (Fla. 3rd DCA 1959).

It is the land, and not the nature of the project, which must be unique and create a hardship. *Nance, supra*; *Ft. Lauderdale v. Nash*, 425 So.2d 578 (4 DCA 1982) (many other common violations in the neighborhood do not constitute a hardship); *City of Miami v. Franklin Leslie*, 179 So.2d 622 (3 DCA 1965).

3. Other Code criteria. Various codes may also include the following criteria (See, e.g., prior F.S. 163.170(8), repealed 1985):

- a. The granting of the variance will not accord applicant any special privileges;
- b. The variance is the minimum one for the reasonable use of the applicant's land;
- c. The grant of the variance will be harmonious and noninjurious to the surrounding land; and
- d. The variance will not be contrary to the public interest.

Most court cases have focused on the hardship (whether it is the result of unique physical characteristics of the land in question or whether it is really an impermissible self-created hardship). However, all variance standards must be met. The standards themselves must be definite, City of Miami v. Save [Brickell Ave., 426](#) So.2d 1100 (3 DCA 1983), and the criteria must be mandatory, and not permissive (i.e., "shall consider criteria" means "must comply with criteria"), id.; Drexel v. City of Miami Beach, 64 So.2d 317 (Fla. 1953).

Granting of a variance is illegal, and beyond the authority of any local administrative body, where the proposed variance is not shown to be in harmony with, and not "in derogation of the spirit, intent, purpose, or general plan of [the zoning] regulations." Troup v. Bird, 53 So.2d 717 (Fla. 1951). All development orders, including variances, must be consistent with duly adopted Comprehensive Plan policies, objectives and goals under Florida Statutes 163.3215 (which also establishes procedures to challenge variances on the grounds of consistency with comprehensive plan policies). Machado v. Musgrove, 519 So. 629 (Fla. 3rd DCA 1987). And the remedy awarded by courts if a development order is found to be inconsistent with a comprehensive plan policy can include demolition of offending structures. Pinecrest Lakes v Shidel, 795 So. 2d 191 (Fla. 4th DCA).

. Burden of Proof. The burden to prove the existence of the required hardship and unique conditions is always on the applicant. Gomez v. City of St. Petersburg, 550 So.2d 7 (2 DCA 1989). **Therefore, if the owner presents no evidence that the property cannot be used without the variance, there must be a denial.** Herrera v. Miami, 600 So.2d 561 (3DCA 1992).

As per the above, I respectfully request that the Hillsboro Beach Board of Zoning and Appeals follow settled Florida law and deny the request for variance.

Sincerely,

Charles Doherty
1194 Hillsboro Beach #27
Hillsboro Beach, FL 33062

--

Thank you,
cd

--

Thank you,
cd

Town Clerk

From: KAREN GUZIK <karenguzik@aol.com>
Sent: Monday, December 6, 2021 6:46 PM
To: TownClerk@townofhillsborobeach.com
Subject: Variance request for 1174-1185 Hillsboro Mile

We oppose this variance request because we feel it does not reflect the character or appeal of our town. Hillsboro Beach needs to preserve its current height requirements for any new buildings.

Many of us chose to live in Hillsboro Beach because unlike Pompano, Galt Ocean Mile, and Fort Lauderdale Beach, it is not a high rise concrete jungle.

Extremely high buildings not only block our sunshine, but also the beautiful blue skyline views that we currently enjoy.

Thank you,
Tom and Karen Guzik
1167 Hillsboro Mile #706

Sent from my iPhone

Sherry D. Henderson

From: Maureen Cassidy Osgood <mcassidyosgood@gmail.com> on behalf of Maureen Cassidy Osgood
Sent: Monday, December 6, 2021 4:50 PM
To: Hillsboro City Hall SHERRY
Cc: Richard Dick Osgood
Subject: Sherry, our comments

We are

THE OSGOODS

from Virginia Kaye Unit 1E commenting on the proposed project contiguous to our property.

We believe the town ordinances have served our community well for many years. These ordinances were well thought out and well intentioned.

We are in favor of any project that is in compliance with these town codes and ordinances.

This project is an extreme reach from allowable codes and as abutters to this property, we are vehemently opposed to the requested variances that would allow a 15 story skyscraper in our little town. These variances would ultimately be a huge pull on all of the town resources from every level in addition to years and years of construction noise going on adjacent to our bedroom windows.

Richard & Maureen Osgood

DEC 06 2021

December 6, 2021

To the Town Commission of Hillsboro Beach,

We wish this letter to become part of the PERMANENT RECORD.

Pursuant to any decision made about the vacant lots 1174 to 1185.

We, as citizens of HB for 32 years have been confident that our elected Commissions would continue to represent the BEST interests of this town while in office. These interests DO NOT include VARIANCES for high rise structures. Our town is just that....a townit is NOT Miami Beach!

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PLEASE KEEP the TOWN'S INTEREST FIRST.

MAKE DEZER – RELATED GROUP COMPLY WITH WHAT THEY ALREADY KNEW WERE EXISTING LIMITATIONS WHEN LAND WAS PURCHASED!!!

Kris Smith, Frank Williams

Harborside Condominium

1170 Hillsboro Mile

From: Sharon Gardzinski <idodeps@gmail.com>

Date: December 6, 2021 at 11:09:46 AM EST

To: dtarrant@townofhillsborobeach.com, ikirday@townofhillsborobeach.com, vfeaman@townofhillsborobeach.com, bbaldasarre@townofhillsborobeach.com, jreiser@townofhillsborobeach.com

Subject: 1174-1185 Empty Lot Variance Request

December 6, 2021

Town of Hillsboro Beach Commissioners
Re: 1174-1185 Hillsboro Mile Proposed Development

Dear Commissioners:

I am in opposition of a height variance being granted for the proposed development at the above-referenced property. Granting the variance that is requested will do our town and its residence an injustice. This developer should go down to the south of us and develop in the midst of the concrete jungle in Ft. Lauderdale. This doesn't belong in our town.

Just as I knew what a quaint town this was when I bought 30 years ago, so did the developer know what the height and land restrictions were on this property when it was purchased.

Our residents should not have to tolerate this monstrosity being built and ruining the architecture of our town just because the developer wants to make money or thinks he is up against a hardship by our town's height restrictions.

When the land just south of the Hillsboro Island House was developed, the builder complied with the height requirements.

Once you grant a variance of this magnitude, it is an invitation for more developers to move in and forever change our town, and not for the better.

The developer hasn't been granted the variance and has already pushed the envelope requesting more height to accommodate a pool on the rooftop.

I strongly urge the commission to listen to the people of this town and preserve the lifestyle we all bought into. I request my letter be made are part of the public record.



Sharon Julian
1160 Hillsboro Mile, #102
Hillsboro Beach, FL 33062

Town Clerk

From: Jane Reiser <jreiser@townofhillsborobeach.com>
Sent: Monday, December 6, 2021 10:36 AM
To: Town Clerk
Subject: Fwd: Height Variance for 1174-1185

Jane Reiser
Commissioner
Town of Hillsboro Beach

Begin forwarded message:

From: Laura Fish <fishonthemile@gmail.com>
Date: December 5, 2021 at 7:59:09 PM EST
To: Deb Tarrant <dtarrant@townofhillsborobeach.com>
Cc: mserda@townofhillsborobeach.com, ikirdahy@townofhillsborobeach.com, vfeaman@townofhillsborobeach.com, bbaldasarre@townofhillsborobeach.com, jreiser@townofhillsborobeach.com
Subject: Height Variance for 1174-1185

Dear Mayor Deb and All. I hope the email finds you (all) well.

Please note I would like my comments to be recorded for public record.

The reason for my email is to let you know clearly and without a doubt I am against the town approving the height variance that is being requested by the owners of 1174-1185.

The new owners were well aware of the height laws and the conservation of the dune areas when they purchased this property out of bankruptcy. In fact these are the same 2 reasons I purchased here over 21 years ago. This is what assured me that the small town feel that I moved here for would be preserved. If I wanted a big slick city feel of glass and pomp, I would not have bought my forever home at the Windsor in Hillsboro Beach. There are many other locations on a beach that would have fulfilled that type of living. I bought on The Mille and invested my savings in a home and community that promised- based on the laws a 3 story height limit.

***I find it quite insulting that these builders would think that not being able to build on our dunes is a 'hardship' which should be a reason they need to go higher than the law permits.**

***I find it quite insulting that these builders believe their status allows them to push us around and insist they are beautifying our already gorgeous neighborhood with a 180**

foot tall monstrosity. 3 stories is our municipal restriction. That is what they purchased and this should be what they present to the commission.

*I find it quite insulting that these builders would think that the neighbor's rights are less important than their own. Again- they came into this investment knowing the laws.

Ms. Mayor:

What happens when the Kennelly family (or other former applicants for height variances) sues the town if this height variance is approved since their previous requests for variances were denied? Who pays for the lawsuit(s)? I don't know anyone here who would want their taxes raised to fight something in the courts that should have been avoided by respecting the existing laws.

Can you and the commission be personally sued since the majority of the owners in Hillsboro Beach and in the direct building adjacencies do not want this variance to pass? Isn't it the job of our elected officials to carry out the wishes of their constituents?

Is this (likely lawsuit) something that has already been included in the new owners budget?

Based on the Surfside tragedy, I am very concerned for the safety and stability of the Hillsboro Windsor and other adjacent buildings. How can I be certain that the pilings that need to hold such an extraordinary amount of weight not effect the safety of my building?

I am not against the lots being built on, Ms Mayor- I am against the loss of our community because of greed. The Hillsboro Beach community was never about conspicuous wealth, it's about living the lifestyle away from that.

I implore you to vote NO to this egregious height request so we can continue living our lives in a peaceful and healthy environment.

Sincerely, Laura Fish Apt 703 Hillsboro Windsor

Town Clerk

From: gim722@comcast.net
Sent: Monday, December 6, 2021 10:47 AM
To: TownClerk@townofhillsborobeach.com
Subject: Variance

I am opposed to allowing a 15 story condo at the location in question.

First let me say that I moved to Hillsboro Beach because it didn't have towering condos like the Gault mile.

Furthermore, the traffic in the town has gotten worse since I moved here eleven years ago and this will just add to the problem.

If the variance is granted, what comes next ? A thirty story condominium.

I strongly oppose the town granting the variance and believe the current regulations should be enforced.

Thank you, Ray Gimmler
1167 Hillsboro Mile Unit 604
Sent from my iPhone

Town Clerk

From: Sue <randswilson@comcast.net>
Sent: Monday, December 6, 2021 11:04 AM
To: townclerk@townofhillsborobeach.com
Subject: Tomorrow's meeting

Hello,

My husband and I have a condominium in The Hillsboro Windsor and have had it since 1998. We have always enjoyed the small town feel of Our beautiful Hillsboro Mile. It will be lost if a 15 story building, on either or both sides of A1A, is (are) erected.

I really don't understand how we got this far. We have height restrictions on building construction - with very good reason. So why is this big city deep pockets group allowed to thwart them so readily? Isn't this in contradiction to our characteristics.

We didn't move to Fort Lauderdale or Miami for these reasons.

Increased traffic, pollution, impact on our most fragile beaches - we hardly disagree! Keep Hillsboro the small town it is please!

Exquisite single family homes and low rise condos please.

Best regards

Ray and Sue Wilson
Unit 409

Sent from my iPhone

Town Clerk

From: Jim Rauh <jrauh@neo.rr.com>
Sent: Monday, December 6, 2021 1:21 PM
To: townclerk@townofhillsborobeach.com
Subject: 1174-1185 variance

Our comments are directed to the Board of Zoning Appeals, all Town Commissions and Town Boards:

Let it be documented that we are not in favor of the height variance sought for the new construction at 1174-1185 Hillsboro Mile.

Due to the negative impacts of the proposed construction height over current zoning, we are asking that the variance is not granted. Many of our neighbors agree with our request.

Sincerely,
James and Valorie Rauh
Owners
1169 Hillsboro Mile
Condo 603
Hillsboro Beach, FL 33062

Sent from [Mail](#) for Windows

Town Clerk

From: betscole@optonline.net
Sent: Monday, December 6, 2021 2:17 PM
To: townclerk@townofhillsborobeach.com
Subject: Height Variance 1174-1185 Hillsboro Mile

Good afternoon, Ms. Henderson:

Please see and forward my comments below regarding the request for a height variance at 1174-1185 Hillsboro Mile. If this is not the right time for public comment, please let me know if public comment period dates have been scheduled.

Dear Commission,

This email is to provide comment on the request for a height variance for 1174-1185 Hillsboro Mile. My family owns a unit at 1169 Hillsboro Mile and is concerned about the adverse impacts this construction project would have on surrounding residents. It is understood that this property is prime real estate that is likely to be developed. However, the construction of a condominium that is significantly higher than all the structures in Hillsboro Beach will have a significantly longer construction period. During this extended period, nearby residents will be impacted long-term by construction noise, dust, vibration, and diesel trucks/equipment. Please prioritize the health and mental health of your current residents during your decision-making processes.

Thank you,
The McDonald Coleman Family

Sent from my iPhone

Town Clerk

From: Jane Reiser <jreiser@townofhillsborobeach.com>
Sent: Monday, December 6, 2021 2:51 PM
To: Town Clerk
Subject: Fwd: Proposed Development 1174-1185 HILLSBORO MILE

Jane Reiser
Commissioner
Town of Hillsboro Beach

Begin forwarded message:

From: michael weinberg <yanks4@gmail.com>
Date: December 6, 2021 at 1:09:12 PM EST
To: Deb Tarrant <dtarrant@townofhillsborobeach.com>, ikirdahy@townofhillsborobeach.com, vfeaman@townofhillsborobeach.com, bbaldasarre@townofhillsborobeach.com, jreiser@townofhillsborobeach.com
Cc: yanks4@gmailcom, Penny Weinberg <artypenny@gmail.com>
Subject: **Proposed Development 1174-1185 HILLSBORO MILE**

Dear Commission & Mayor Tarrant,

My wife and I would like to respectfully object to a variance to change the height requirements established by the Town of Hillsboro Beach. The project being proposed is a gross distortion to both the landscape and the overall culture of the north end of Hillsboro Beach.

We are a narrow barrier island as you approach Deerfield Beach with an overload of traffic as it is right now, especially for a good 6-7 months, November-Jun, of each year.

Since we moved into the Town some 15 years ago, Hillsboro Beach was always subject to a 3 story limit. We purchased and stayed along with hundreds of other residents because we felt safe and protected by these laws and regulations. We adapted to the unpretentiousness of our Town and enjoyed that it wasn't Ft. Lauderdale or Miami Beach, we didn't have the room for that nor the desire for such an eyesore.

Many developers in the past have attempted to challenge the rules, but were denied for a reason(s), this project should be no different. Not to mention that those developers previously denied would have recourse to come back at us.

We are not questioning the desire to develop the property, however, not in this way with 2-15 story skyscrapers dominating the surrounding landscape.

If the developers are crying economic hardship because they can't get what they want, well they knew the rules going in. They should not be able to profit at the expense of the long term, tax paying residents that have supported the Town of Hillsboro Beach for many many years.

The size and scope of this project is simply overkill, a money maker for the investors, to make \$100,000,000 at everyone else's expense. Their lack of caring for the surrounding residents is appalling.

They offered to change their design to better suit the neighborhood and they should, not just getting a free pass on this. Once developed in a more conducive fashion, the Town will still benefit from increased taxes, landscaping and

utility modernization.

When questioned about traffic impact on an already exhausted 2 lane road, their answer was that they reduced the density from 175 to 120 units. This does not come close to answering the question. An independent study should be done by our Town and compared to the one done by the developer, at the developers expense. This study should be made public to the residents, long before undertaking any kind of vote on the matter. Any planned urban development worth anything, and this magnitude is on that scope, has a comprehensive traffic study attached to it.

Of grave concern, especially in these times of building collapse and the danger of more, would be the level of construction required to complete this massive project. Hundreds upon hundreds of new pylons going hundreds of feet deep along the ocean cannot help but have a seismic impact on the surrounding older buildings, including the closest and only other building near it of any comparable size although half the size, the Hillsboro Windsor. The Windsor is undertaking over \$250,000 of concrete repairs now, how much of that would be compromised. Shouldn't we find out and have the developers guarantee the findings?

For these and many reasons, we respectfully request that the variance to erect 15 story towers on the 1174-1185 property be denied. This is not about money, but quality of life.

Michael Weinberg

Town Clerk

From: Jane Reiser <jreiser@townofhillsborobeach.com>
Sent: Monday, December 6, 2021 2:52 PM
To: Town Clerk
Subject: Fwd: Development at 1174-1185

Jane Reiser
Commissioner
Town of Hillsboro Beach

Begin forwarded message:

From: Carla Palmore <cppalmore@gmail.com>
Date: December 6, 2021 at 11:18:10 AM EST
To: "Deb Tarrant, Mayor" <dtarrant@townofhillsborobeach.com>, ikirdahy@townofhillsborobeach.com, bbaldasarre@townofhillsborobeach.com, vfeaman@townofhillsborobeach.com, jreiser@townofhillsborobeach.com
Subject: **Development at 1174-1185**

Dear Hillsboro Beach Mayor and Commissioners:

We are writing to let you know how much we are against Dezer Development building a 15-story two condo structure at 1174-1185 Hillsboro Mile. Though they said the building would be consistent with the character of Hillsboro Beach, nothing could seem further from the truth. When the three-story height limit was imposed, there were good reasons. We should not allow a variance for a 15-story structure under any circumstances. As our elected officials, we hope that you will not grant the height variance that has been requested. Dezer Development should come up with actual architectural plans and designs for three-story condo buildings which it does not seem they have ever done for this site.

Sincerely,

Carla and Mark Palmore
1057 Hillsboro Mile
Hillsboro Beach, FL

Town Clerk

From: Michael Boyna <likkrish@sbcglobal.net>
Sent: Monday, December 6, 2021 4:21 PM
To: townclerk@townofhillsborobeach.com
Subject: Comment submission: Height variance proposal 1174-1185 Hillsboro Mile

Good afternoon, Commissioners:

I am writing to voice opposition to granting the proposed height variances at the above-stated location and would like this communication to be made part of the public record.

As a family that has been among the longest-term residents at 1187 Hillsboro Mile, there are several components to our opposition, namely:

- A main attraction to this property has always been its homey feel, compared to more industrial high-rise and hotel structures. Erecting a building that is roughly 5 times the current height restriction, and with a reflective glass construction, hardly says "homey".
- The current height limits should not have come as a surprise to the developer; while it is reasonable that they need to build to a certain height/capacity for optimum profitability, there are certainly myriad other locations that would fit their needs without necessitating unwanted changes in/variances to existing building codes.
- Destroying the ambiance of this section of The Mile seems a bit self-centered on the developer's part, not to mention the disruption to the lifestyle of current residents, and adverse effects on the Local Area of Particular Concern (LAPC) and negative effects on the Intercoastal seawall (seen in the past due to construction that was on a much smaller scale than what is being proposed).
- Since previous requests for variances have been denied by the commission and given that the Commissioners are elected in part to protect the rights of Hillsboro Beach residents, it would seem inconsistent and inappropriate to grant a special variance privilege to this developer.
- It is my understanding that the developer has, understandably, tried to bolster the perceived benefits of their project by describing possible alternative developments in negative terms, i.e.: the kind(s) of less desirable thing(s) that *could* be developed on the property. While a valid marketing strategy, it also makes the faulty assumption that installing something the neighbors don't want is the best possible development option.

We urge the commission NOT to grant the proposed height variance.

I plan to attend the meeting tomorrow via Zoom

Sincerely
Michael R Boyna
(for the Walsh family @ 1187 Hillsboro Mile #6W)
630.470.1086

Town Clerk

From: Cynthia Hiland <chilandnpb@yahoo.com>
Sent: Monday, December 6, 2021 4:29 PM
To: townclerk@townofhillsborobeach.com
Subject: Variance

Some rumors are flying regarding a city council member who lives adjacent to the property in question regarding a height variance. Rumors are regarding favor in terms of tennis courts and other upgrades to the adjacent residence building as well . If this is the case or the member has other association with the development she should recuse herself from voting. Thank you for your consideration. Cynthia Hiland
1167 Hillsboro Mile HB 33062

Sent from my iPhone

Town Clerk

From: Charles Doherty <cd@rebartonage.com>
Sent: Monday, December 6, 2021 5:36 PM
To: townclerk@townofhillsborobeach.com
Subject: Fwd: 1174-1185 Hillsboro Mile Variance

From:
Charles Doherty
[1194 Hillsboro Mile #27](#)
[Hillsboro Beach, FL 33026](#)
516.241.9122

I am writing as a Hillsboro Beach property owner to object to the granting of a variance for the property at 1174-1185 Hillsboro Beach.

In this case, property owners were aware, or should have been aware, of the zoning restrictions and the conservation easement on the subject property at the time of purchase in December 2020.

Developers have no legal grounds for claiming a hardship, other than maximizing the economic return on the property.

The so called "hardship" claimed by the developers is clearly "self-created" and contrary to settled Florida law.

Granting the variance will also change the nature and character of the community, and is also a violation of Florida Law.

For all of the reasons listed below, the Town of Hillsboro Beach may not lawfully grant the variance request.

Criteria for Granting Variances - Generally

Both before and after 1985, the courts have followed long-established Florida law that a variance cannot be granted for self-created actions – and this requirement is codified in most city and county codes in Florida. Even after 1985, the courts have been very strict in their review of the hardship required to obtain a variance.

Generally, a variance is authorized if due to circumstances unique to the applicant's property itself and not shared by other property in the area, there exists an undue and unnecessary hardship created by the zoning regulations

1. The hardship cannot have been self-created.

The hardship criteria found in variance provisions has a long line of cases and has been strictly construed by the courts. Josephson v. Autrey, 96 So.2d 784 (Fla. 1957).

The criteria has been interpreted to mean three things:

a. A mere economic disadvantage due to the owner's preference as to what he would like to do with the property is not sufficient to constitute a hardship entitling the owner to a variance. Burger King v. Metropolitan Dade

County, 349 So.2d 210 (3 DCA 1977); Metropolitan Dade County v. Reineng, 399 So.2d 379 (3 DCA 1981); Nance, supra; Crossroads Lounge v. City of Miami, 195 So.2d 232 (DCA 1967). If, however, the only allowable uses are economically impossible, then a variance would be allowed. Nance II.

b. Neither purchase of property with zoning restrictions on it, nor reliance that zoning will not change, will constitute a hardship. Friedland v. Hollywood, 130 So.2d 306 (DCA 1961); Elwyn v. Miami, 113 So.2d 849 (3 DCA 1959).

c. If a purchaser buys land with a condition creating a hardship upon it, the owner is only entitled to such variance as his predecessor in title was entitled. Coral Gables v. Geary, 383 So.2d 1127 (3 DCA 1980).

The requirement that a variance hardship cannot be self-created is required by most codes and Florida case law. In *Re Kellogg*, 197 F. 3d 1116, 1121 (11th Cir. 1999). *Josephson v. Autrey*, 96 So.2d 784 (Fla. 1957) (superceded by statute on other grounds in *Grace v. Town of Palm Beach* 656 So.2d 945 (Fla. DCA 1995); *Town of Ponce Inlet v Rancourt*, 627 So.2d 586, 588 (Fla. DCA 1993).

Case law, as well as the Land Development Regulations control the degree of showing needed to support the approval of a variance from the express requirements of local regulations. The days of the “weeping variance” have been replaced by strict interpretation of what is required to show entitlement to a variance from local Code provisions under the case law. *Town of Indiatlantic v. Nance*, 400 So.2d 37 (5 DCA 1981), *affd.* 419 So.2d 1041; appealed again at 485 So.2d 1318 (5 DCA 1986), *rev. den.* 494 So.2d 1152.

Post 1985, the First District Court of Appeals in *City of Jacksonville v. Taylor*, 721 So.2d 1212 (Fla. 1st DCA 1998) *Bernard v. Town Council of Palm Beach*, 569 So.2d 853 (Fla. 4th DCA, 1990); *Metropolitan Dade County v. Betancourt*, 559 So. 2d 1237; *Town of Indiatlantic v. Nance*, 485 So.2d 1318 (Fla. 5th DCA 1986), and *Town of Indiatlantic v. Nance* (“Nance I”), 400 So.2d 2137 (Fla. 5th DCA 1981); *Maturo v. City of Coral Gables*, 619 So.2d 455 (Fla. 3rd DCA 1993); *Herrara v. City of Miami*, 600 So.2d 561 (Fla 3rd DCA 1992) *rev. denied* 613 So.2d 2 (Fla. 3rd DCA 1992). In *Re Kellogg*, 197 F. 3d 1116, 1121 (11th Cir. 1999).

Pre 1985 cases had similar holdings and include *Blount v. City of Coral Gables*, 312 So. 2d 208 (Fla. 3rd DCA 1975) (“Nor are the Blounts entitled to a variance from the above zoning ordinance...as the hardship was self-created because they knew of the restricted zoning ordinance.”)(citing other Florida cases on this issue); *Clarke v. Morgan*, 327 So.2d 769 (Fla. 1975); *Friedland v. Hollywood*, 130 So.2d 306 (DCA 1961); *Elwyn v. Miami*, 113 So.2d 849 (3 DCA 1959); *Coral Gables v. Geary*, 383 So.2d 1127 (3 DCA 1980).

The purchase of property with zoning restrictions on the property will normally not constitute a hardship. *Friedland v. Hollywood*, 130 So.2d 306 (DCA 1961); *Elwyn v. Miami*, 113 So.2d 849 (3 DCA 1959). *Namon v. DER* 558 So. 2d 504 (Fla 3rd DCA 1990) and the cases cited therein address cases where property is purchased AFTER adoption of prohibitory regulations. The court in *Namon* recognized such pre-existing notice as applied to takings analysis in Florida cases, as follows:

“Appellants are deemed to purchase the property with constructive knowledge of the applicable land use regulations. Appellants bought unimproved property. A subjective expectation that the land could be developed is no more than an expectancy and does not translate into a vested right to develop the subject property. See *Graham v. Estuary Properties, Inc.*, 399 So.2d 1374, 1382, 1383 (Fla.), *cert. denied sub nom.* *Taylor v. Graham*, 454 U.S. 1083, 102 S. Ct. 640, 70 L. Ed. 2d 618 (1981)

'...[a]n owner of land has no absolute and unlimited right to change the essential natural character of his land so as to use it for a purpose for which it was unsuited in its natural state and which [injures] the rights of others." *Namon* at 505, (original citation omitted) see also *Ruckelshaus v. Monsanto Co.*, 467 U.S. 986, 1005, 104 S. Ct. 2862, 2874, 81 L.E.2d 815, 834 (1984).

"A 'reasonable investment-backed expectation' must be more than a 'unilateral expectation or an abstract need'; Namon citing *Claridge v. New Hampshire Wetlands Board*, [125 N.H. 745, 485 A.2d 287, 291](#) (1984)

"A person who purchases land with notice of statutory impediments to the right to develop that land can justify few, if any, legitimate investment-backed expectations of development rights which rise to the level of constitutionally protected property rights"; cf. *Elwyn v. City of Miami*, 113 So.2d 849, 852 (Fla. 3d DCA) **"One who purchases property while it is in a certain known zoning classification, ordinarily will not be heard to claim as a hardship a factor or factors which existed at the time he acquired the property."**, cert. denied, 116 849 (Fla. 1959).

Case law also indicates that a mere economic "disadvantage" or the owner's mere preference as to what he would like to do with the property is not sufficient to constitute a hardship entitling the owner to a variance. *Burger King v. Metropolitan Dade County*, 349 So.2d 210 (3 DCA 1977); *Metropolitan Dade County v. Reineng*, 399 So.2d 379 (3 DCA 1981); *Crossroads Lounge v. City of Miami*, 195 So.2d 232 (DCA 1967).

Neither purchase of property with zoning restrictions on it, nor reliance that zoning will not change, will constitute a hardship. *Friedland v. Hollywood*, 130 So.2d 306 (DCA 1961); *Elwyn v. Miami*, 113 So.2d 849 (3 DCA 1959).

If the owner participated in an affirmative act which created the hardship (such as by purchasing a substandard size lot), then the hardship should be ruled self-created. *Coral Gables v. Geary*, 383 So.2d 1127 (3 DCA 1980).

2. Consistency with neighborhood and scheme of regulations.

Granting the variance must not adversely affect the zoning scheme as a whole. **Granting of a variance is illegal, and beyond the authority of any local administrative body, where the proposed variance is not shown to be in harmony with, and not "in derogation of the spirit, intent, purpose, or general plan of [the zoning] regulations."** *Troup v. Bird*, 53 So.2d 717 (Fla. 1951).

**"A variance should not be granted where
the use to be authorized thereby will
alter the essential character of the
locality, or interfere with the zoning
plan for the area and with rights of
owners of other property."**

Elwyn v. City of Miami, 113 So.2d 849 (Fla. 3rd DCA 1959).

It is the land, and not the nature of the project, which must be unique and create a hardship. *Nance*, supra; *Ft. Lauderdale v. Nash*, 425 So.2d 578 (4 DCA 1982) (many other common violations in the neighborhood do not constitute a hardship); *City of Miami v. Franklin Leslie*, 179 So.2d 622 (3 DCA 1965).

3. Other Code criteria. Various codes may also include the following criteria (See, e.g., prior F.S. 163.170(8), repealed 1985):

- a. The granting of the variance will not accord applicant any special privileges;
- b. The variance is the minimum one for the reasonable use of the applicant's land;
- c. The grant of the variance will be harmonious and noninjurious to the surrounding land; and
- d. The variance will not be contrary to the public interest.

Most court cases have focused on the hardship (whether it is the result of unique physical characteristics of the land in question or whether it is really an impermissible self-created hardship). However, all variance standards must be met. The standards themselves must be definite, *City of Miami v. Save Brickell Ave., 426 So.2d 1100* (3 DCA 1983), and the criteria must be mandatory, and not permissive (i.e., "shall consider criteria" means "must comply with criteria"), *id.*; *Drexel v. City of Miami Beach, 64 So.2d 317* (Fla. 1953).

Granting of a variance is illegal, and beyond the authority of any local administrative body, where the proposed variance is not shown to be in harmony with, and not "in derogation of the spirit, intent, purpose, or general plan of [the zoning] regulations." *Troup v. Bird, 53 So.2d 717* (Fla. 1951). All development orders, including variances, must be consistent with duly adopted Comprehensive Plan policies, objectives and goals under Florida Statutes 163.3215 (which also establishes procedures to challenge variances on the grounds of consistency with comprehensive plan policies). *Machado v. Musgrove, 519 So. 629* (Fla. 3rd DCA 1987). And the remedy awarded by courts if a development order is found to be inconsistent with a comprehensive plan policy can include demolition of offending structures. *Pinecrest Lakes v Shidel, 795 So. 2d 191* (Fla. 4th DCA).

. Burden of Proof. The burden to prove the existence of the required hardship and unique conditions is always on the applicant. *Gomez v. City of St. Petersburg, 550 So.2d 7* (2 DCA 1989). **Therefore, if the owner presents no evidence that the property cannot be used without the variance, there must be a denial.** *Herrera v. Miami, 600 So.2d 561* (3DCA 1992).

As per the above, I respectfully request that the Hillsboro Beach Board of Zoning and Appeals follow settled Florida law and deny the request for variance.

Sincerely,

Charles Doherty
1194 Hillsboro Beach #27
Hillsboro Beach, FL 33062

--

Thank you,
cd

--

Thank you,
cd

Sherry D. Henderson

From: Deb Tarrant <dtarrant@townofhillsborobeach.com> on behalf of Deb Tarrant
Sent: Monday, December 6, 2021 7:24 PM
To: Sherry D. Henderson
Cc: Mac Serda; yanks4@gmail.com
Subject: FW: Proposed Development 1174-1185 HILLSBORO MILE

Madam Clerk, please include this communication in the public record for tomorrow's meeting.

Thank you,

Deb Tarrant, Mayor
Town of Hillsboro Beach

On 12/6/21, 1:09 PM, "michael weinberg" <yanks4@gmail.com> wrote:

Dear Commission & Mayor Tarrant,

My wife and I would like to respectfully object to a variance to change the height requirements established by the Town of Hillsboro Beach. The project being proposed is a gross distortion to both the landscape and the overall culture of the north end of Hillsboro Beach.

We are a narrow barrier island as you approach Deerfield Beach with an overload of traffic as it is right now, especially for a good 6-7 months, November-Jun, of each year.

Since we moved into the Town some 15 years ago, Hillsboro Beach was always subject to a 3 story limit. We purchased and stayed along with hundreds of other residents because we felt safe and protected by these laws and regulations. We adapted to the unpretentiousness of our Town and enjoyed that it wasn't Ft. Lauderdale or Miami Beach, we didn't have the room for that nor the desire for such an eyesore.

Many developers in the past have attempted to challenge the rules, but were denied for a reason(s), this project should be no different. Not to mention that those developers previously denied would have recourse to come back at us.

We are not questioning the desire to develop the property, however, not in this way with 2-15 story skyscrapers dominating the surrounding landscape.

If the developers are crying economic hardship because they can't get what they want, well they knew the rules going in. They should not be able to profit at the expense of the long term, tax paying residents that have supported the Town of Hillsboro Beach for many many years.

The size and scope of this project is simply overkill, a money maker for the investors, to make \$100,000,000 at everyone else's expense. Their lack of caring for the surrounding residents is appalling.

They offered to change their design to better suit the neighborhood and they should, not just getting a free pass on this. Once developed in a more conducive fashion, the Town will still benefit from increased taxes, landscaping and utility modernization.

When questioned about traffic impact on an already exhausted 2 lane road, their answer was that they reduced the density from 175 to 120 units. This does not come close to answering the question. An independent study should be done by our Town and compared to the one done by the developer, at the developers expense. This study should be made public to the residents, long before undertaking any kind of vote on the matter.

Any planned urban development worth anything, and this magnitude is on that scope, has a comprehensive traffic study attached to it.

Of grave concern, especially in these times of building collapse and the danger of more, would be the level of construction required to complete this massive project. Hundreds upon hundreds of new pylons going hundreds of feet deep along the ocean cannot help but have a seismic impact on the surrounding older buildings, including the closest and only other building near it of any comparable size although half the size, the Hillsboro Windsor.

The Windsor is undertaking over \$250,000 of concrete repairs now, how much of that would be compromised.

Shouldn't we find out and have the developers guarantee the findings?

For these and many reasons, we respectfully request that the variance to erect 15 story towers on the 1174-1185 property be denied. This is not about money, but quality of life.

Michael Weinberg

Sherry D. Henderson

From: Deb Tarrant <dtarrant@townofhillsborobeach.com> on behalf of Deb Tarrant
Sent: Monday, December 6, 2021 7:39 PM
To: Sherry D. Henderson
Cc: Wendy Walsh; ev; Timothy Walsh; Randy Nazette; caroluweber@yahoo.com; likkrish@sbcglobal.net; Mac Serda
Subject: Re: Height variance proposal for 1174-1185 Hillsboro Mile

Madam Clerk, please include the correspondence below in the public record for tomorrow's meeting.

Thank you,

Deb

Deb Tarrant, Mayor
Town of Hillsboro Beach



From: Michael Boyna <likkrish@sbcglobal.net>
Date: Monday, December 6, 2021 at 3:59 PM
To: Deborah Tarrant <dtarrant@townofhillsborobeach.com>, "ikirdahy@townofhillsborobeach.com" <ikirdahy@townofhillsborobeach.com>, "jreiser@townofhillsborobeach.com" <jreiser@townofhillsborobeach.com>
Cc: Wendy Walsh <wendyw1@mac.com>, ev <evelynw.ht@gmail.com>, Timothy Walsh <twalsh@amerlic.com>, Randy Nazette <rnazette@nazettelaw.com>, "caroluweber@yahoo.com" <caroluweber@yahoo.com>
Subject: Height variance proposal for 1174-1185 Hillsboro Mile

Good afternoon, Commissioners:

I am writing to voice opposition to granting the proposed height variances at the above-stated location and would like this communication to be made part of the public record.

As a family that has been among the longest-term residents at 1187 Hillsboro Mile, there are several components to our opposition, namely:

- A main attraction to this property has always been its homey feel, compared to more industrial high-rise and hotel structures. Erecting a building that is roughly 5 times the current height restriction, and with a reflective glass construction, hardly says "homey".
- The current height limits should not have come as a surprise to the developer; while it is reasonable that they need to build to a certain height/capacity for optimum profitability, there are certainly myriad

other locations that would fit their needs without necessitating unwanted changes in/variances to existing building codes.

- Destroying the ambiance of this section of The Mile seems a bit self-centered on the developer's part, not to mention the disruption to the lifestyle of current residents, and adverse effects on the Local Area of Particular Concern (LAPC) and negative effects on the Intercoastal seawall (seen in the past due to construction that was on a much smaller scale than what is being proposed).

- Since previous requests for variances have been denied by the commission and given that the Commissioners are elected in part to protect the rights of Hillsboro Beach residents, it would seem inconsistent and inappropriate to grant a special variance privilege to this developer.

- It is my understanding that the developer has, understandably, tried to bolster the perceived benefits of their project by describing possible alternative developments in negative terms, i.e.: the kind(s) of less desirable thing(s) that *could* be developed on the property. While a valid marketing strategy, it also makes the faulty assumption that installing something the neighbors don't want is the best possible development option.

We urge the commission NOT to grant the proposed height variance.

I plan to attend the meeting tomorrow via Zoom

Sincerely

Michael R Boyna

(for the Walsh family @ 1187 Hillsboro Mile #6W)

630.470.1086

Sherry D. Henderson

From: Deb Tarrant <dtarrant@townofhillsborobeach.com> on behalf of Deb Tarrant
Sent: Monday, December 6, 2021 7:45 PM
To: Sherry D. Henderson
Cc: Sabino Tollis; Mac Serda
Subject: FW: 1174-1185 VARIANCE CHANGE

Madam Clerk, please include this in public comments for tomorrow's meeting.

Thank you,

Deb

Deb Tarrant, Mayor
Town of Hillsboro Beach



From: Sabino Tollis <stollis47@comcast.net>
Date: Monday, December 6, 2021 at 5:55 PM
To: Deborah Tarrant <dtarrant@townofhillsborobeach.com>, <ikirdahy@townofhillsborobeach.com>, <vfeam@townofhillsborobeach.com>, <bbaldasarre@townofhillsborobeach.com>, <jreiser@townofhillsborobeach.com>
Subject: 1174-1185 VARIANCE CHANGE

Dear Hillsboro Beach Commissioner's:

It is with great concern I write to you regarding a variance request by the developers of the two parcels on the north end of town. The parcels I am referring to are 1174-1185.

When my wife and I purchased our condo at 1160 Hillsboro Mile, Hillsboro Island House, never did it cross our minds that a part of this exceptional community could be at risk of becoming a Sunny Isles, Boca Raton, or Pompano Beach. We did not purchase our home in either one of those beach communities for that reason.

These developers have known about these parcels since the early 2000's. They knew when they purchased the two properties, what they would be up against with the strict State environmental and turtle restrictions along the beach.

They are attempting to buy your approval with their offerings of the easement to the beach for future beach nourishment and helping financially with the underground utilities.

We the residents can not be bought. I hope the same for you Commissioner's who represent the residents.

The residents do want the parcels developed, but NOT with two 15 story high rises. There is nothing wrong with the charm and character of Hillsboro Beach. We are the envy of many people of other towns/cities.

The developers are planning to make this a hardship due to the environmental restrictions and loss of land they can build on.

PLEASE DO NOT GRANT THE HEIGHT VARIANCE REQUEST BY THE DEVELOPERS!

I object to a variance change as to the height. Have them stay within the town CODE. THERE WAS A REASON THE FOUNDING FATHER'S IMPLEMENTED THESE CODES!

Please include my letter as public record.

Best,

Sabino Tollis
1160 Unit 303

Sherry D. Henderson

From: Deb Tarrant <dtarrant@townofhillsborobeach.com> on behalf of Deb Tarrant
Sent: Wednesday, December 8, 2021 8:20 PM
To: Sherry D. Henderson
Cc: Mac Serda; cdrimarc@gmail.com; kristen@cdrinternational.net
Subject: FW: Correction Re: Please include this letter as public record

Madam Clerk, please include the email thread below in the written public record for yesterday's meeting.

Thank you,

Deb

Deb Tarrant, Mayor
Town of Hillsboro Beach



From: "Kristen@cdrinternational.net" <kristen@cdrinternational.net>
Date: Tuesday, December 7, 2021 at 8:25 AM
To: Deborah Tarrant <dtarrant@townofhillsborobeach.com>, <ikirdahy@townofhillsborobeach.com>, <vfeaman@townofhillsborobeach.com>, <bbaldasarre@townofhillsborobeach.com>, <jreiser@townofhillsborobeach.com>
Cc: Marc Gabrielle <cdrimarc@gmail.com>
Subject: Correction Re: Please include this letter as public record

One quick correction to our original letter to be entered as public record...

The deed restriction referenced in the original letter below contains a detail which needs corrected. I had meant to type that the current deed restriction is for 12, not 6, single family dwellings.

Thank you,
Kristen Maxx

On Dec 6, 2021, at 9:39 PM, kristen@cdrinternational.net wrote:

****Please include this letter as public record****

To Our Town of Hillsboro Beach Elected Representatives,

This letter is to express concerns for the proposed development project of the 1174-1185 Hillsboro Mile property. We all can agree that this is a very rare and valuable property. As a resident residing at Harborside (1170 Hillsboro Mile), both my husband and I imagined that, of course, one day this property would be developed. We agree with responsible and reasonable development of this very unique property. We do have concerns over various parts of this development proposal. Our concerns for the December 7th town meeting rest primarily with the developer's proposed height variance request for the two 15-story towers to be erected on the Eastern part of this property. We feel this is not a reasonable development, see that it does not fit into current town law, nor does it comply with the property's current deed restrictions.

We ask our commissioners to uphold our town's current height restriction of 35 feet. There is a current deed restriction for this property giving very specific limitation to the development of this land. As such, the deed restriction provides for up to 6 single family homes to be built, and in accordance with the current height limit of 35 feet. The developers knew our current building and zoning laws and the limitations of this property when they purchased it. One of the many reasons we love Hillsboro Beach is the unique character it has as you drive down A1A and particularly how our beautiful stretch of beach looks from the ocean. It is special, in that, our island does not look like Pompano Beach, or Boca Raton, or many of the other stretches of development along our neighboring Atlantic coastline. We see this as important to keep this feel in our town. This is why we moved here, and what we enjoy about our Mile.

The current height variance request with the developer's proposal is grossly over current height limitation. The argument that there is an "economic disadvantage" because of the 35 foot limitation is laughable given that the developers purchased this property for a fraction of its' value. My husband and I are business owners and understand the desire to maximize profits. Yet, it seems this group of developers is not only wanting to maximize profits, but in the process, change the rules completely in order to get the most profit out. As a resident, we hope that our commissioners would vote against such a request, and instead stick to what our current limits allow for. There is still plenty of profit to be had. Many variance requests for this same property have been presented in the past and denied over time by the commission. Why would this developer get special privileges granted? Town residents should not suffer, just because big development cannot make the amount of profits they want. It sets the stage for more of this to become expectation for the future.

To be clear, as a resident of Hillsboro Beach and as to the proposed building project at 1174-1185 Hillsboro Mile, **We object to a height variance to be granted for this development.**

Thank you for your service to our town and representation as our elected officials.

Very Sincerely,
Kristen Maxx and Mark Gabrielle
1170 Hillsboro Mile, #304
Hillsboro Beach, FL 33062

Sent from my iPhone

Sherry D. Henderson

From: Mark Raphael <MRaphael@riverrealty.com> on behalf of Mark Raphael
Sent: Tuesday, December 7, 2021 8:22 PM
To: Deb Tarrant
Cc: Deb Raphael; Sherry D. Henderson; Mac Serda
Subject: Re: The Residences at Hillsboro Mile

Thanks, Deb, for your timely response.

Mark L. Raphael
Associate Broker
River Realty Services
845-656-2226
mraphael@riverrealty.com

From: Deb Tarrant <dtarrant@townofhillsborobeach.com>
Sent: Tuesday, December 7, 2021 5:57 PM
To: Mark Raphael <MRaphael@riverrealty.com>
Cc: Deb Raphael <deabiraphaelraphael@me.com>; Sherry D. Henderson <shenderson@townofhillsborobeach.com>; Mac Serda <mserda@townofhillsborobeach.com>
Subject: Re: The Residences at Hillsboro Mile

Thank you for your comments below Mark, and also for your comments today at the meeting. I received this too late to forward on before the meeting, but the Town Clerk is copied here and your written comments will be included with the minutes of the meeting.

With regard to the shade study, it was published along with the other documents presented as back-up for today's meeting and can be found on the Town's website as part of the agenda package for today's meeting.

Regards,

Deb

Deb Tarrant, Mayor
Town of Hillsboro Beach



From: Mark Raphael <MRaphael@riverrealty.com>

Date: Monday, December 6, 2021 at 9:32 PM

To: Deborah Tarrant <dtarrant@townofhillsborobeach.com>, "ikirdahy@townofhillsborobeach.com" <ikirdahy@townofhillsborobeach.com>, "bbaldasarre@townofhillsborobeach.com" <bbaldasarre@townofhillsborobeach.com>

Cc: Deb Raphael <deabiraphaelraphael@me.com>

Subject: Fw: The Residences at Hillsboro Mile

Dear Mayor and Commissioners:

It is with dismay that I write this email to you regarding the proposal for the vacant lot at 1174-1185 Hillsboro Mile. I own several condominiums adjacent to this property and do not support this proposal; specifically constructing a 15 + story building of 175 ft where the mandatory height is 3 stories (35 ft) in conformity with other buildings adjacent to this property. Note that for 3/4 miles from 1172-73 Hillsboro Mile (directly to the South of this property) and north to the Embassy Suites, all buildings conform to this height.

I imagine that this height restriction of three stories was instituted for a reason; that is, to maintain the aesthetics and feel of the area of limited height buildings and multi-million-dollar single family homes to the South of this property. The only multi-unit building that was constructed since 2004 when I became an owner on the Mile, is the one at 1200 Hillsboro Mile which is 3 stories and in conformity with its neighboring properties.

From the renderings that I have seen from the developers showing neighboring buildings against the backdrop of this proposed building on the East side of A1A, the only thing I can think of is that this building "sticks out like a sore thumb"--its obtrusive and totally incompatible with its neighboring properties.

This is not the only thing that is concerning. Being next door to this property, my family will have to endure several years of the noise, dust and disturbance to traffic by the construction crews for this massive building. If there was a more modest building constructed, there would be considerably less environmental disturbance in the area.

I also don't agree with the rationale that a building of this size, with the massive amount of space in the units needs to be built on this site so that the developers can make a maximum profit while destroying the ambience of our community.

In my zoom meeting in the summer with the developers and their representatives, I expressed concern that this tall building would negatively affect the amount of sun on the beach for this stretch of land. I was promised that a shade study was done and it addressed this concern. To date, I have not received or seen this study. I can only judge this from other properties with 1/2 the height to my south that have very little sun on their beach all afternoon particularly in the late fall and winter months.

It also seems to me that the developers are trying to buy their way into the hearts and votes of our town officials through promise of a higher tax base, beach access to the town for renourishment, underground utilities and pictures of lush landscaping along A1A. I would imagine that these perks would be included in any case with a smaller scale development.

I urge the Mayor and Commissioners to vote no to a variance to construct a 15+ story building on the East side of A1A, and only consider a plan that is more in keeping with the current height requirements.

Very truly yours,

Mark Raphael

owner of 1172 Hillsboro Mile Bldg 4 unit 2 and 1189 Hillsboro Mile #3, #6, #12 and #16

845-656-2226

mraphael@riverrealty.com

Sherry D. Henderson

From: Deb Tarrant <dtarrant@townofhillsborobeach.com> on behalf of Deb Tarrant
Sent: Tuesday, December 7, 2021 5:49 PM
To: Gary Ecoff
Cc: Sherry D. Henderson; Mac Serda
Subject: Re: Dezer/Related Project

Thank you, Gary, for your ability to see the big picture. I received this message too late to forward for the meeting today, but I have copied the Town Clerk and Town Manager here to be sure your comments are included in the public record.

Best regards,

Deb

Deb Tarrant, Mayor
Town of Hillsboro Beach



From: Gary Ecoff <ge@bambrellausa.com>
Date: Monday, December 6, 2021 at 8:42 PM
To: Deborah Tarrant <dtarrant@townofhillsborobeach.com>
Cc: "bbaldasarre@townofhillsborobeach.com" <bbaldasarre@townofhillsborobeach.com>, "vfeaman@townofhillsborobeach.com" <vfeaman@townofhillsborobeach.com>, "ikirdahy@townofhillsborobeach.com" <ikirdahy@townofhillsborobeach.com>, "jreiser@townofhillsborobeach.com" <jreiser@townofhillsborobeach.com>
Subject: Dezer/Related Project

Dear Mayor Tarrant and Hillsboro Beach Commissioners,

Please know that while not as vocal of a group, there are many residents on the Mile that are supportive of the proposed project.

The lower density per acre, tax roll enhancement, and future access to the beach for renourishment projects are all positive for the community.

Let's figure out how to encourage world class development while still respecting the current communities needs and concerns. Development is inevitable and Hillsboro Beach can continue to be the gem it already is with projects of this stature in our town.

Regards,
Gary Ecoff
1223 Hillsboro Mile

Gary Ecoff
President
BambrellaUSA, Inc.
www.BambrellaUSA.com



Sherry D. Henderson

From: Vicky Feaman <vfeaman@townofhillsborobeach.com> on behalf of Vicky Feaman
Sent: Tuesday, December 7, 2021 1:25 AM
To: Dana
Cc: shenderson@townofhillsborobeach.com
Subject: Re: Dear Vicky

I will forward to the town clerk to be recorded into the meeting minutes.
Thank you for your email.
Vicky

Sent from my iPad

On Dec 6, 2021, at 5:34 PM, Dana <fanadink@gmail.com> wrote:

- When we purchased here, we did so knowing that the empty lot at 1174-1185 was only subject to a 3 story limit and that was a comfort to us. If we had wanted our community to build higher rise buildings as a norm, we would have chosen to live in those places that allow Big Development. Hillsboro Mile was not that kind of place, and we wish it to remain as such.
- The developer bought the property fully knowing what the height limitations were (3 story height) with its easements.
- This developer purchased the property with this full disclosure but are now trying to obtain a variance because their proforma doesn't allow as much profit as they would like.
- An economic disadvantage due to the developer's preference as to what he would like to do with the property is not sufficient to constitute a hardship entitling them to a variance.
- To allow the development of this parcel of land from 3 stories zoning to anything above without regard to its surrounding designations is a special privilege to this developer. Many variance requests have been made (Previous owners of the property are one) over time for this property as well as others along the mile, that were denied by the commission.
- A project of this proposed magnitude and its effects on adjacent and much lower, older buildings and the strain of years of heavy, heavy construction – Developer said at least 150 pilings that run 150 feet deep is of particular concern! Surfside allegations come to mind. A smaller project in line with the code, would have a much lesser affect.
- The town residents should not suffer because Big Development cannot make money.
- The RESIDENTS are THE CITY and not the commissioners who are their ELECTED officials to preserve residents' rights.
- The perks the developer is offering the town (taxes, landscaping, underground lines, etc.) will come in any case from the development of the property so those used as a basis for the development are disingenuous at best.

- The developer does not have a right to change the height zoning when it could be deemed as injuring the rights of others, especially adjacent property owners, regardless of the perks they claim the height variance will provide the town.
- The developer is using scare tactics such as the use of words like “ugly” and “monolith” and “rental property” and other negative words when it relates to what could be built on the property, WITHIN CODE, should not be accepted. This developer is well known for a lot of things (both positive and negative) and I am certain that with the acreage they can make a beautiful rendering with MUCH less height. They simply would not put their name to this project on an ugly structure – won’t happen, never has with them.
- To be clear, as a resident of Hillsboro Beach and as to the proposed building project at 1174-1185 Hillsboro Mile, I object to a variance as to a change in height.
- If the commission votes no... the developer will have to go off and come up with another proposal. Which is what the developers said they are willing to do. A lower height would be preferred.
- If the commissioners vote to approve .. There will be potential lawsuits to fight this project plus lawsuits from future developers asking for their own variance up and down the mile.
- WE THE RESIDENTS OF HILLSBORO BEACH DO WANT the parcel developed but not 15 stories plus the 7-foot elevator, etc.
- Please do NOT GRANT THIS HEIGHT variance for this developer

--

Thanks much
Dana Topper
201-638-0663

Sherry D. Henderson

From: Vicky Feaman <vfeaman@townofhillsborobeach.com> on behalf of Vicky Feaman
Sent: Tuesday, December 7, 2021 1:22 AM
To: Michael Topper
Cc: shenderson@townofhillsborobeach.com
Subject: Re: Save Hillsboro Public Record requested

I will forward to the town clerk to be recorded into minutes of the meeting.
Thank you for your email.
Vicky

Sent from my iPad

On Dec 6, 2021, at 5:50 PM, Michael Topper <michaelatopper@gmail.com> wrote:

Vicky

- When we purchased here, we did so knowing that the empty lot at 1174-1185 was only subject to a 3 story limit and that was a comfort to us. If we had wanted our community to build higher rise buildings as a norm, we would have chosen to live in those places that allow Big Development. Hillsboro Mile was not that kind of place, and we wish it to remain as such.
- The developer bought the property fully knowing what the height limitations were (3 story height) with its easements.
- This developer purchased the property with this full disclosure but are now trying to obtain a variance because their proforma doesn't allow as much profit as they would like.
- An economic disadvantage due to the developer's preference as to what he would like to do with the property is not sufficient to constitute a hardship entitling them to a variance.
- To allow the development of this parcel of land from 3 stories zoning to anything above without regard to its surrounding designations is a special privilege to this developer. Many variance requests have been made (Previous owners of the property are one) over time for this property as well as others along the mile, that were denied by the commission.
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- If the commission votes no... the developer will have to go off and come up with another proposal. Which is what the developers said they are willing to do. A lower height would be preferred.
- If the commissioners vote to approve .. There will be potential lawsuits to fight this project plus lawsuits from future developers asking for their own variance up and down the mile.
- WE THE RESIDENTS OF HILLSBORO BEACH DO WANT the parcel developed but not 15 stories plus the 7-foot elevator, etc.
- Please do NOT GRANT THIS HEIGHT variance for this developer

Sincerely
Michael Topper
Hillsboro Windsor Resident

Sherry D. Henderson

From: Vicky Feaman <vfeaman@townofhillsborobeach.com> on behalf of Vicky Feaman
Sent: Tuesday, December 7, 2021 1:16 AM
To: Sabino Tollis
Cc: shenderson@townofhillsborobeach.com
Subject: Re: 1174-1185 VARIANCE CHANGE

I will forward to the town clerk to be recorded into the minutes
Of the meeting.
Thank you for your email
Vicky

Sent from my iPad

On Dec 6, 2021, at 8:00 PM, Sabino Tollis <stollis47@comcast.net> wrote:

Begin forwarded message:

From: Sabino Tollis <stollis47@comcast.net>
Subject: 1174-1185 VARIANCE CHANGE
Date: December 6, 2021 at 5:55:23 PM EST
To: dtarrant@townofhillsborobeach.com, ikirdahy@townofhillsborobeach.com,
vfeam@townofhillsborobeach.com, bbaldasarre@townofhillsborobeach.com,
jreiser@townofhillsborobeach.com

Dear Hillsboro Beach Commissioner's:

It is with great concern I write to you regarding a variance request by the developers of the two parcels on the north end of town. The parcels I am referring to are 1174-1185.

When my wife and I purchased our condo at 1160 Hillsboro Mile, Hillsboro Island House, never did it cross our minds that a part of this exceptional community could be at risk of becoming a Sunny Isles, Boca Raton, or Pompano Beach. We did not purchase our home in either one of those beach communities for that reason.

These developers have known about these parcels since the early 2000's. They knew when they purchased the two properties, what they would be up against with the strict State environmental and turtle restrictions along the beach.

They are attempting to buy your approval with their offerings of the easement to the beach for future beach nourishment and helping financially with the underground utilities.

We the residents can not be bought. I hope the same for you Commissioner's who represent the residents.

The residents do want the parcels developed, but NOT with two 15 story high rises. There is nothing wrong with the charm and character of Hillsboro Beach. We are the envy of many people of other towns/cities.

The developers are planning to make this a hardship due to the environmental restrictions and loss of land they can build on.

PLEASE DO NOT GRANT THE HEIGHT VARIANCE REQUEST BY THE DEVELOPERS!

I object to a variance change as to the height. Have them stay within the town CODE. THERE WAS A REASON THE FOUNDING FATHER'S IMPLEMENTED THESE CODES!

Please include my letter as public record.

Best,

Sabino Tollis
1160 Unit 303

Town Clerk

From: Nina Hellfritz <n.hellfritz@aliseo.de>
Sent: Wednesday, December 8, 2021 8:26 AM
To: townclerk@townofhillsborobeach.com
Subject: 1174-1185 Hillsboro Mile Variance

Dear Sirs

I am writing as a Hillsboro Beach property owner to object to the granting of a variance for the property at 1174-1185 Hillsboro Beach.

In this case, property owners were aware, or should have been aware, of the zoning restrictions and the conservation easement on the subject property at the time of purchase in December 2020.

Developers have no legal grounds for claiming a hardship, other than maximizing the economic return on the property.

The so called "hardship" claimed by the developers is clearly "self-created" and contrary to settled Florida law.

Granting the variance will also change the nature and character of the community, and is also a violation of Florida Law.

For all of the reasons listed below, the Town of Hillsboro Beach may not lawfully grant the variance request.

Criteria for Granting Variances - Generally

Both before and after 1985, the courts have followed long-established Florida law that a variance cannot be granted for self-created actions – and this requirement is codified in most city and county codes in Florida. Even after 1985, the courts have been very strict in their review of the hardship required to obtain a variance.

Generally, a variance is authorized if due to circumstances unique to the applicant's property itself and not shared by other property in the area, there exists an undue and unnecessary hardship created by the zoning regulations

1. The hardship cannot have been self-created.

The hardship criteria found in variance provisions has a long line of cases and has been strictly construed by the courts. *Josephson v. Autrey*, 96 So.2d 784 (Fla. 1957).

The criteria has been interpreted to mean three things:

a. A mere economic disadvantage due to the owner's preference as to what he would like to do with the property is not sufficient to constitute a hardship entitling the owner to a variance. *Burger King v. Metropolitan Dade County*, 349 So.2d 210 (3 DCA 1977); *Metropolitan Dade County v. Reineng*, 399 So.2d 379 (3 DCA 1981); *Nance, supra*; *Crossroads Lounge v. City of Miami*, 195 So.2d 232 (DCA 1967). If, however, the only allowable uses are economically impossible, then a variance would be allowed. *Nance II*.

b. Neither purchase of property with zoning restrictions on it, nor reliance that zoning will not change, will constitute a hardship. *Friedland v. Hollywood*, 130 So.2d 306 (DCA 1961); *Elwyn v. Miami*, 113 So.2d 849 (3 DCA 1959).

c. If a purchaser buys land with a condition creating a hardship upon it, the owner is only entitled to such variance as his predecessor in title was entitled to. *Coral Gables v. Geary*, 383 So.2d 1127 (3 DCA 1980).

The requirement that a variance hardship cannot be self-created is required by most codes and Florida case law. In *Re Kellogg*, 197 F. 3d 1116, 1121 (11th Cir. 1999). *Josephson v. Autrey*, 96 So.2d 784 (Fla. 1957) (superceded by statute on other grounds in *Grace v. Town of Palm Beach* 656 So.2d 945 (Fla. DCA 1995); *Town of Ponce Inlet v Rancourt*, 627 So.2d 586, 588 (Fla. DCA 1993).

Case law, as well as the Land Development Regulations control the degree of showing needed to support the approval of a variance from the express requirements of local regulations. The days of the "weeping variance" have been replaced by strict interpretation of what is required to show entitlement to a variance from local Code provisions under the case law. *Town of Indialantic v. Nance*, 400 So.2d 37 (5 DCA 1981), *affd.* 419 So.2d 1041; appealed again at 485 So.2d 1318 (5 DCA 1986), *rev. den.* 494 So.2d 1152.

Post 1985, the First District Court of Appeals in *City of Jacksonville v. Taylor*, 721 So.2d 1212 (Fla. 1st DCA 1998) *Bernard v. Town Council of Palm Beach*, 569 So.2d 853 (Fla. 4th DCA, 1990); *Metropolitan Dade County v. Betancourt*, 559 So. 2d 1237; *Town of Indiatlantic v. Nance*, 485 So.2d 1318 (Fla. 5th DCA 1986), and *Town of Indiatlantic v. Nance* ("Nance I"), 400 So.2d 2137 (Fla. 5th DCA 1981); *Maturo v. City of Coral Gables*, 619 So.2d 455 (Fla. 3rd DCA 1993); *Herrara v. City of Miami*, 600 So.2d 561 (Fla 3rd DCA 1992) *rev. denied* 613 So.2d 2 (Fla. 3rd DCA 1992). In *Re Kellogg*, 197 F. 3d 1116, 1121 (11th Cir. 1999).

Pre 1985 cases had similar holdings and include *Blount v. City of Coral Gables*, 312 So. 2d 208 (Fla. 3rd DCA 1975) ("Nor are the Blounts entitled to a variance from the above zoning ordinance...as the hardship was self-created because they knew of the restricted zoning ordinance.") (citing other Florida cases on this issue); *Clarke v. Morgan*, 327 So.2d 769 (Fla. 1975); *Friedland v. Hollywood*, 130 So.2d 306 (DCA 1961); *Elwyn v. Miami*, 113 So.2d 849 (3 DCA 1959); *Coral Gables v. Geary*, 383 So.2d 1127 (3 DCA 1980).

The purchase of property with zoning restrictions on the property will normally not constitute a hardship. *Friedland v. Hollywood*, 130 So.2d 306 (DCA 1961); *Elwyn v. Miami*, 113 So.2d 849 (3 DCA 1959). *Namon v. DER* 558 So. 2d 504 (Fla 3rd DCA 1990) and the cases cited therein address cases where property is purchased AFTER adoption of prohibitory regulations. The court in *Namon* recognized such pre-existing notice as applied to takings analysis in Florida cases, as follows:

"Appellants are deemed to purchase the property with constructive knowledge of the applicable land use regulations. Appellants bought unimproved property. A subjective expectation that the land could be developed is no more than an expectancy and does not translate into a vested right to develop the subject property. See *Graham v. Estuary Properties, Inc.*, 399 So.2d 1374, 1382, 1383 (Fla.), *cert. denied sub nom.* *Taylor v. Graham*, 454 U.S. 1083, 102 S. Ct. 640, 70 L. Ed. 2d 618 (1981)

'...[a]n owner of land has no absolute and unlimited right to change the essential natural character of his land so as to use it for a purpose for which it was unsuited in its natural state and which [injures] the rights of others.'" *Namon* at 505, (original citation omitted) see also *Ruckelshaus v. Monsanto Co.*, 467 U.S. 986, 1005, 104 S. Ct. 2862, 2874, 81 L.E.2d 815, 834 (1984).

"A 'reasonable investment-backed expectation' must be more than a 'unilateral expectation or an abstract need'; *Namon* citing *Claridge v. New Hampshire Wetlands Board*, 125 N.H. 745, 485 A.2d 287, 291 (1984)

"A person who purchases land with notice of statutory impediments to the right to develop that land can justify few, if any, legitimate investment-backed expectations of development rights which rise to the level of constitutionally

protected property rights"; cf. *Elwyn v. City of Miami*, 113 So.2d 849, 852 (Fla. 3d DCA) "One who purchases property while it is in a certain known zoning classification, ordinarily will not be heard to claim as a hardship a factor or factors which existed at the time he acquired the property.", cert. denied, 116 849 (Fla. 1959).

Case law also indicates that a mere economic "disadvantage" or the owner's mere preference as to what he would like to do with the property is not sufficient to constitute a hardship entitling the owner to a variance. *Burger King v. Metropolitan Dade County*, 349 So.2d 210 (3 DCA 1977); *Metropolitan Dade County v. Reineng*, 399 So.2d 379 (3 DCA 1981); *Crossroads Lounge v. City of Miami*, 195 So.2d 232 (DCA 1967).

Neither purchase of property with zoning restrictions on it, nor reliance that zoning will not change, will constitute a hardship. *Friedland v. Hollywood*, 130 So.2d 306 (DCA 1961); *Elwyn v. Miami*, 113 So.2d 849 (3 DCA 1959).

If the owner participated in an affirmative act which created the hardship (such as by purchasing a substandard size lot), then the hardship should be ruled self-created. *Coral Gables v. Geary*, 383 So.2d 1127 (3 DCA 1980).

2. Consistency with neighborhood and scheme of regulations.

Granting the variance must not adversely affect the zoning scheme as a whole. Granting of a variance is illegal, and beyond the authority of any local administrative body, where the proposed variance is not shown to be in harmony with, and not "in derogation of the spirit, intent, purpose, or general plan of [the zoning] regulations." *Troup v. Bird*, 53 So.2d 717 (Fla. 1951).

"A variance should not be granted where
the use to be authorized thereby will
alter the essential character of the
locality, or interfere with the zoning
plan for the area and with rights of
owners of other property."

Elwyn v. City of Miami, 113 So.2d 849 (Fla. 3rd DCA 1959).

It is the land, and not the nature of the project, which must be unique and create a hardship. *Nance, supra*; *Ft. Lauderdale v. Nash*, 425 So.2d 578 (4 DCA 1982) (many other common violations in the neighborhood do not constitute a hardship); *City of Miami v. Franklin Leslie*, 179 So.2d 622 (3 DCA 1965).

3. Other Code criteria. Various codes may also include the following criteria (See, e.g., prior F.S. 163.170(8), repealed 1985):

- a. The granting of the variance will not accord applicant any special privileges;
- b. The variance is the minimum one for the reasonable use of the applicant's land;
- c. The grant of the variance will be harmonious and noninjurious to the surrounding land; and
- d. The variance will not be contrary to the public interest.

Most court cases have focused on the hardship (whether it is the result of unique physical characteristics of the land in question or whether it is really an impermissible self-created hardship). However, all variance standards must be met. The standards themselves must be definite, *City of Miami v. Save Brickell Ave.*, 426 So.2d 1100 (3 DCA 1983), and the criteria must be mandatory, and not permissive (i.e., "shall consider criteria" means "must comply with criteria"), *id.*; *Drexel v. City of Miami Beach*, 64 So.2d 317 (Fla. 1953).

Granting of a variance is illegal, and beyond the authority of any local administrative body, where the proposed variance is not shown to be in harmony with, and not "in derogation of the spirit, intent, purpose, or general plan of [the zoning] regulations." Troup v. Bird, 53 So.2d 717 (Fla. 1951). All development orders, including variances, must be consistent with duly adopted Comprehensive Plan policies, objectives and goals under Florida Statutes 163.3215 (which also establishes procedures to challenge variances on the grounds of consistency with comprehensive plan policies). Machado v. Musgrove, 519 So. 629 (Fla. 3rd DCA 1987). And the remedy awarded by courts if a development order is found to be inconsistent with a comprehensive plan policy can include demolition of offending structures. Pinecrest Lakes v Shidel, 795 So. 2d 191 (Fla. 4th DCA).

. Burden of Proof. The burden to prove the existence of the required hardship and unique conditions is always on the applicant. Gomez v. City of St. Petersburg, 550 So.2d 7 (2 DCA 1989). Therefore, if the owner presents no evidence that the property cannot be used without the variance, there must be a denial. Herrera v. Miami, 600 So.2d 561 (3DCA 1992).

As per the above, I respectfully request that the Hillsboro Beach Board of Zoning and Appeals follow settled Florida law and deny the request for variance.

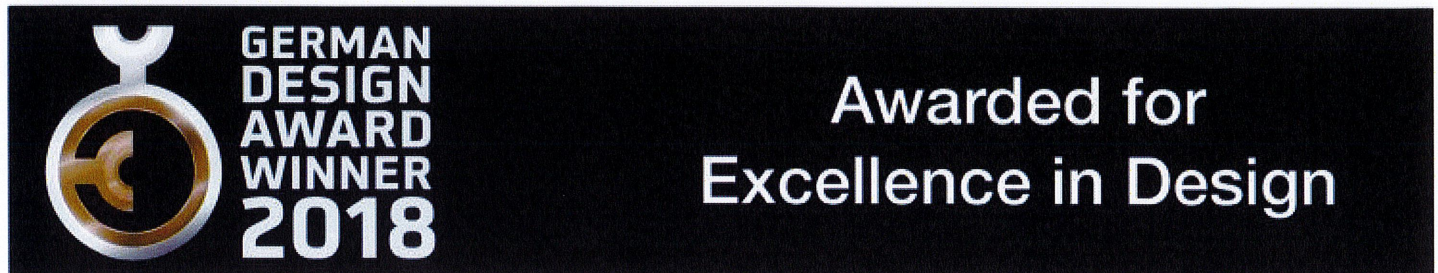
Sincerely,

Nina Hellfritz
Owner 1194 Hillsboromile unit 41
Hillsboro Beach, FL 33062

Mit freundlichen Grüßen / Best regards / Cordialement / Un cordial saludo / Cordiali saluti

Nina Hellfritz-Lange
Managing Partner Global Sales

Aliseo GmbH
Leutkirchstr. 63
77723 Gengenbach
Germany
Tel: +49 7803 60279 10
Fax: +49 7803 60279 51 22
Mobile: +4917611834333
Email: N.hellfritz@aliseo.de
Web: <http://www.aliseo.de>



Geschäftsführer:

Dipl.-Kfm. Dipl.-Volkswirt Claus Michael Hellfritz
Dipl.-Betriebswirt (FH) Jan Hellfritz

Unternehmenssitz: Gengenbach
Amtsgericht: Freiburg HRB 680263

Diese Email-Nachricht ist streng vertraulich und ausschließlich für den benannten Empfänger bestimmt. Sollten Sie nicht der bestimmte Empfänger sein, bitten wir Sie, den Absender zu informieren. In diesem Fall löschen Sie bitte außerdem diese Nachricht. Sie dürfen eine nicht für Sie bestimmte Nachricht oder Anhang weder speichern noch an Dritte weiterleiten. Für die Vollständigkeit oder Richtigkeit dieser Nachricht können wir keine Haftung übernehmen ([Datenschutzerklärung](#))

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Town Clerk

From: Jane Reiser <jreiser@townofhillsborobeach.com>
Sent: Tuesday, December 7, 2021 4:11 PM
To: Mac Serda
Cc: Town Clerk
Subject: Fwd: Today's meeting on Proposed height variance change by the developer at 1174-1185 Hillsboro Mile property.

Hi Mac,

This was sent to all of the commissioners, but I don't want to assume that someone else will forward it to you.

Since this resident is asking questions that I am not qualified to answer, I felt it was best to forward this to you.

Thanks for all of your help preparing for today's meeting.

Regards,
Jane

Jane Reiser
Commissioner
Town of Hillsboro Beach

Begin forwarded message:

From: Freny Deboo <deboofreny@gmail.com>
Date: December 7, 2021 at 1:45:26 PM EST
To: dtarrant@townofhillsborobeach.com, ikirdahy@townofhillsborobeach.com, vfeaman@townofhillsborobeach.com, bbaldasarre@townofhillsborobeach.com, jreiser@townofhillsborobeach.com
Subject: **Today's meeting on Proposed height variance change by the developer at 1174-1185 Hillsboro Mile property.**

Dear Commissioners:

Thank you for today's meeting regarding the above stated height variance proposal by the developer. We now understand the next meeting on developer's proposal will be on January 11, 2022.

As neighboring residents to 1174-1185 Hillsboro Mile property, we are greatly concerned as to who is the final authority looking into developers' meeting of the structural and environmental codes? Would it be the local, state and/or federal? And for peace of our mind, as neighboring residents, who will be certifying in writing that all of the building codes will be met by the developers moving forward ?

Bearing in mind, the surfside condo collapse, this is our major concern with a 10 to 11 floors building next to us. Just the thought of a tall building collapse, is terrifying to us retirees with limited income and resources in case of unfortunate incidents.

While granting the height variance, do consider all of the above.

Once again, thank you for your services and for all you do for the Hillsboro Beach residents.

Best wishes for the holiday season,

Sincerely,
Hillsboro Beach Residents

Sent from my iPhone

Begin forwarded message:

From: Freny Deboo <deboofreny@gmail.com>

Date: December 4, 2021 at 1:17:35 AM EST

To: dtarrant@townofhillsborobeach.com, ikirdahy@townofhillsborobeach.com,
vfeaman@townofhillsborobeach.com, bbaldasarre@townofhillsborobeach.com,
jreiser@townofhillsborobeach.com

Subject: Proposed height variance change by the developer at 1174-1185 Hillsboro Mile property.

Town Clerk

From: Norma <njleary227@aol.com>
Sent: Tuesday, December 7, 2021 10:17 AM
To: Charles Doherty; townclerk@townofhillsborobeach.com
Subject: Re: Fwd: 1174-1185 Hillsboro Mile Variance

I agree with Charles!!
Norma Leary

[Sent from the all new AOL app for iOS](#)

On Monday, December 6, 2021, 5:35 PM, Charles Doherty <cd@rebartonage.com> wrote:

From:
Charles Doherty
[1194 Hillsboro Mile #27](#)
[Hillsboro Beach, FL 33026](#)
516.241.9122

I am writing as a Hillsboro Beach property owner to object to the granting of a variance for the property at 1174-1185 Hillsboro Beach.

In this case, property owners were aware, or should have been aware, of the zoning restrictions and the conservation easement on the subject property at the time of purchase in December 2020.

Developers have no legal grounds for claiming a hardship, other than maximizing the economic return on the property.

The so called "hardship" claimed by the developers is clearly "self-created" and contrary to settled Florida law.

Granting the variance will also change the nature and character of the community, and is also a violation of Florida Law.

For all of the reasons listed below, the Town of Hillsboro Beach may not lawfully grant the variance request.

Criteria for Granting Variances - Generally

Both before and after 1985, the courts have followed long-established Florida law that a variance cannot be granted for self-created actions – and this requirement is codified in most city and county

codes in Florida. Even after 1985, the courts have been very strict in their review of the hardship required to obtain a variance.

Generally, a variance is authorized if due to circumstances unique to the applicant's property itself and not shared by other property in the area, there exists an undue and unnecessary hardship created by the zoning regulations

1. The hardship cannot have been self-created.

The hardship criteria found in variance provisions has a long line of cases and has been strictly construed by the courts. *Josephson v. Autrey*, 96 So.2d 784 (Fla. 1957).

The criteria has been interpreted to mean three things:

a. A mere economic disadvantage due to the owner's preference as to what he would like to do with the property is not sufficient to constitute a hardship entitling the owner to a variance. *Burger King v. Metropolitan Dade County*, 349 So.2d 210 (3 DCA 1977); *Metropolitan Dade County v. Reineng*, 399 So.2d 379 (3 DCA 1981); *Nance*, supra; *Crossroads Lounge v. City of Miami*, 195 So.2d 232 (DCA 1967). If, however, the only allowable uses are economically impossible, then a variance would be allowed. *Nance II*.

b. Neither purchase of property with zoning restrictions on it, nor reliance that zoning will not change, will constitute a hardship. *Friedland v. Hollywood*, 130 So.2d 306 (DCA 1961); *Elwyn v. Miami*, 113 So.2d 849 (3 DCA 1959).

c. If a purchaser buys land with a condition creating a hardship upon it, the owner is only entitled to such variance as his predecessor in title was entitled. *Coral Gables v. Geary*, 383 So.2d 1127 (3 DCA 1980).

The requirement that a variance hardship cannot be self-created is required by most codes and Florida case law. In *Re Kellogg*, 197 F. 3rd 1116, 1121 (11th Cir. 1999). *Josephson v. Autrey*, 96 So.2d 784 (Fla. 1957) (superceded by statute on other grounds in *Grace v. Town of Palm Beach* 656 So.2d 945 (Fla. DCA 1995); *Town of Ponce Inlet v Rancourt*, 627 So.2d 586, 588 (Fla. DCA 1993).

Case law, as well as the Land Development Regulations control the degree of showing needed to support the approval of a variance from the express requirements of local regulations. The days of the "weeping variance" have been replaced by strict interpretation of what is required to show entitlement to a variance from local Code provisions under the case law. *Town of Indialantic v. Nance*, 400 So.2d 37 (5 DCA 1981), *affd.* 419 So.2d 1041; *appealed again at* 485 So.2d 1318 (5 DCA 1986), *rev. den.* 494 So.2d 1152.

Post 1985, the First District Court of Appeals in *City of Jacksonville v. Taylor*, 721 So.2d 1212 (Fla. 1st DCA 1998) *Bernard v. Town Council of Palm Beach*, 569 So.2d 853 (Fla. 4th DCA, 1990); *Metropolitan Dade County v. Betancourt*, 559 So. 2d 1237; *Town of Indiatlantic v. Nance*, 485 So.2d 1318 (Fla. 5th DCA 1986), and *Town of Indiatlantic v. Nance* ("Nance I"), 400 So.2d 2137 (Fla. 5th DCA 1981); *Maturo v. City of Coral Gables*, 619 So.2d 455 (Fla. 3rd DCA 1993); *Herrara v. City of Miami*, 600 So.2d 561 (Fla 3rd DCA 1992) *rev. denied* 613 So.2d 2 (Fla. 3rd DCA 1992). In *Re Kellogg*, 197 F. 3d 1116, 1121 (11th Cir. 1999).

Pre 1985 cases had similar holdings and include *Blount v. City of Coral Gables*, 312 So. 2d 208 (Fla. 3rd DCA 1975) ("Nor are the Blounts entitled to a variance from the above zoning ordinance...as the hardship was self-created because they knew of the restricted zoning ordinance.")(citing other Florida

cases on this issue); *Clarke v. Morgan*, 327 So.2d 769 (Fla. 1975); *Friedland v. Hollywood*, 130 So.2d 306 (DCA 1961); *Elwyn v. Miami*, 113 So.2d 849 (3 DCA 1959); *Coral Gables v. Geary*, 383 So.2d 1127 (3 DCA 1980).

The purchase of property with zoning restrictions on the property will normally not constitute a hardship. *Friedland v. Hollywood*, 130 So.2d 306 (DCA 1961); *Elwyn v. Miami*, 113 So.2d 849 (3 DCA 1959). *Namon v. DER* 558 So. 2d 504 (Fla 3rd DCA 1990) and the cases cited therein address cases where property is purchased AFTER adoption of prohibitory regulations. The court in *Namon* recognized such pre-existing notice as applied to takings analysis in Florida cases, as follows:

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'...[a]n owner of land has no absolute and unlimited right to change the essential natural character of his land so as to use it for a purpose for which it was unsuited in its natural state and which [injures] the rights of others." *Namon* at 505, (original citation omitted) see also *Ruckelshaus v. Monsanto Co.*, 467 U.S. 986, 1005, 104 S. Ct. 2862, 2874, 81 L.E.2d 815, 834 (1984).

"A 'reasonable investment-backed expectation' must be more than a 'unilateral expectation or an abstract need'; *Namon* citing *Claridge v. New Hampshire Wetlands Board*, [125 N.H. 745](#), [485 A.2d 287](#), 291 (1984)

"A person who purchases land with notice of statutory impediments to the right to develop that land can justify few, if any, legitimate investment-backed expectations of development rights which rise to the level of constitutionally protected property rights"; cf. *Elwyn v. City of Miami*, 113 So.2d 849, 852 (Fla. 3d DCA) **"One who purchases property while it is in a certain known zoning classification, ordinarily will not be heard to claim as a hardship a factor or factors which existed at the time he acquired the property."**, cert. denied, 116 849 (Fla. 1959).

Case law also indicates that a mere economic “disadvantage” or the owner’s mere preference as to what he would like to do with the property is not sufficient to constitute a hardship entitling the owner to a variance. *Burger King v. Metropolitan Dade County*, 349 So.2d 210 (3 DCA 1977); *Metropolitan Dade County v. Reineng*, 399 So.2d 379 (3 DCA 1981); *Crossroads Lounge v. City of Miami*, 195 So.2d 232 (DCA 1967).

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If the owner participated in an affirmative act which created the hardship (such as by purchasing a substandard size lot), then the hardship should be ruled self-created. *Coral Gables v. Geary*, 383 So.2d 1127 (3 DCA 1980).

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Granting the variance must not adversely affect the zoning scheme as a whole. **Granting of a variance is illegal, and beyond the authority of any local administrative body, where the proposed variance is**

not shown to be in harmony with, and not "in derogation of the spirit, intent, purpose, or general plan of [the zoning] regulations." Troup v. Bird, 53 So.2d 717 (Fla. 1951).

"A variance should not be granted where the use to be authorized thereby will alter the essential character of the locality, or interfere with the zoning plan for the area and with rights of owners of other property."

Elwyn v. City of Miami, 113 So.2d 849 (Fla. 3rd DCA 1959).

It is the land, and not the nature of the project, which must be unique and create a hardship. Nance, supra; Ft. Lauderdale v. Nash, 425 So.2d 578 (4 DCA 1982) (many other common violations in the neighborhood do not constitute a hardship); City of Miami v. Franklin Leslie, 179 So.2d 622 (3 DCA 1965).

3. Other Code criteria. Various codes may also include the following criteria (See, e.g., prior F.S. 163.170(8), repealed 1985):

- a. The granting of the variance will not accord applicant any special privileges;
- b. The variance is the minimum one for the reasonable use of the applicant's land;
- c. The grant of the variance will be harmonious and noninjurious to the surrounding land; and
- d. The variance will not be contrary to the public interest.

Most court cases have focused on the hardship (whether it is the result of unique physical characteristics of the land in question or whether it is really an impermissible self-created hardship). However, all variance standards must be met. The standards themselves must be definite, City of Miami v. Save [Brickell Ave., 426](#) So.2d 1100 (3 DCA 1983), and the criteria must be mandatory, and not permissive (i.e., "shall consider criteria" means "must comply with criteria"), id.; Drexel v. City of Miami Beach, 64 So.2d 317 (Fla. 1953).

Granting of a variance is illegal, and beyond the authority of any local administrative body, where the proposed variance is not shown to be in harmony with, and not "in derogation of the spirit, intent, purpose, or general plan of [the zoning] regulations." Troup v. Bird, 53 So.2d 717 (Fla. 1951). All development orders, including variances, must be consistent with duly adopted Comprehensive Plan policies, objectives and goals under Florida Statutes 163.3215 (which also establishes procedures to challenge variances on the grounds of consistency with comprehensive plan policies). Machado v. Musgrove, 519 So. 629 (Fla. 3rd DCA 1987). And the remedy awarded by courts if a development order is found to be inconsistent with a comprehensive plan policy can include demolition of offending structures. Pinecrest Lakes v Shidel, 795 So. 2d 191 (Fla. 4th DCA).

. Burden of Proof. The burden to prove the existence of the required hardship and unique conditions is always on the applicant. Gomez v. City of St. Petersburg, 550 So.2d 7 (2 DCA 1989). **Therefore, if the owner presents no evidence that the property cannot be used without the variance, there must be a denial.** Herrera v. Miami, 600 So.2d 561 (3DCA 1992).

As per the above, I respectfully request that the Hillsboro Beach Board of Zoning and Appeals follow settled Florida law and deny the request for variance.

Sincerely,

Charles Doherty
1194 Hillsboro Beach #27
Hillsboro Beach, FL 33062

--

Thank you,
cd

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Thank you,
cd

Town Clerk

From: Svetlana Zikratova <lane.zikr@gmail.com>
Sent: Tuesday, December 7, 2021 9:41 AM
To: TownClerk@townofhillsborobeach.com
Subject: Variance to allow for Additional Height and Number of Stories located at 1174 -1185 Hillsboro Mile and Site Plan Approval – 1174-1185 Hillsboro Mile

Dear Sir/Madam:

Please register this email as our public vote for NOT SUPPORT in regards of the the Property Owner, Hillsboro Mile Property Owner, LLC and his authorized agent requesting approval of a variance from Sec. 12-142A of the Land Development

Code (LDC) to allow for an increase in height and number of stories within the Residential Medium (RM-16) zoning district as well as their request for site plan approval Per Sec. 12-48 of the Land Development Code (LDC) to construct 122 residential units within two vacant parcels located on the west and east side of Hillsboro Mile. The Applicant proposes to construct these units within a 15-story, 170-foot tower.

We believe that if these requests are approved, the East side development will negatively affect the entire surrounding community by eventually destroying the conservation area and decreasing the neighboring properties' values by obstructing the views and overcrowding the private beaches.

Sincerely,
Lana and George Zikratov
1194 Hillsboro Mile, Unit #24

A 1993 agreement with Broward County created a conservation area on Parcel B nearest the Atlantic Ocean comprising 102,526 square feet of land (subject to increased building height approval). This limits the developable area of Parcel B to 175,790 square feet or 4.04 acres nearest to SR A1A. The boundary of this conservation area appears to include the areas seaward of the Easterly Building Line along with existing dunes situated near the CCL.

The subject property is within "The Enclave at Hillsboro Beach" plat as recorded in Plat Book 154, Page 31 of the Broward County records. A restrictive plat note found on page 2 of this plat states that "This plat is restricted to 6 detached single-family homes on Parcel A, and 6 detached single-family homes on Parcel B". This effectively limits the subject property's development to 12 single-family homes.

Town Clerk

From: Jane Reiser <jreiser@townofhillsborobeach.com>
Sent: Tuesday, December 7, 2021 8:46 AM
To: Town Clerk
Subject: Fwd: Correction Re: Please include this letter as public record

Jane Reiser
Commissioner
Town of Hillsboro Beach

Begin forwarded message:

From: kristen@cdrinternational.net
Date: December 7, 2021 at 8:25:09 AM EST
To: dtarrant@townofhillsborobeach.com, ikirdahy@townofhillsborobeach.com, vfeaman@townofhillsborobeach.com, bbaldasarre@townofhillsborobeach.com, jreiser@townofhillsborobeach.com
Cc: Marc Gabrielle <cdrimarc@gmail.com>
Subject: **Correction Re: Please include this letter as public record**

One quick correction to our original letter to be entered as public record...

The deed restriction referenced in the original letter below contains a detail which needs corrected. I had meant to type that the current deed restriction is for 12, not 6, single family dwellings.

Thank you,
Kristen Maxx

On Dec 6, 2021, at 9:39 PM, kristen@cdrinternational.net wrote:

****Please include this letter as public record****

To Our Town of Hillsboro Beach Elected Representatives,

This letter is to express concerns for the proposed development project of the 1174-1185 Hillsboro Mile property. We all can agree that this is a very rare and valuable property. As a resident residing at Harborside (1170 Hillsboro Mile), both my husband and I imagined that, of course, one day this property would be developed. We agree with responsible and reasonable development of this very unique property. We do have concerns over various parts of this development proposal. Our concerns for the December 7th town meeting rest primarily with the developer's proposed height variance request for the two 15-story towers to be erected on the Eastern part of this property. We feel this is not a reasonable development, see that it does not fit into current town law, nor does it comply with the property's current deed restrictions.

We ask our commissioners to uphold our town's current height restriction of 35 feet. There is a current deed restriction for this property giving very specific limitation to the development of this land. As such, the deed restriction provides for up to 6 single family homes to be built, and in accordance with the current height limit of 35 feet. The developers knew our current building and zoning laws and the limitations of this property when they purchased it. One of the many reasons we love Hillsboro Beach is the unique character it has as you drive down A1A and particularly how our beautiful stretch of beach looks from the ocean. It is special, in that, our island does not look like Pompano Beach, or Boca Raton, or many of the other stretches of development along our neighboring Atlantic coastline. We see this as important to keep this feel in our town. This is why we moved here, and what we enjoy about our Mile.

The current height variance request with the developer's proposal is grossly over current height limitation. The argument that there is an "economic disadvantage" because of the 35 foot limitation is laughable given that the developers purchased this property for a fraction of its' value. My husband and I are business owners and understand the desire to maximize profits. Yet, it seems this group of developers is not only wanting to maximize profits, but in the process, change the rules completely in order to get the most profit out. As a resident, we hope that our commissioners would vote against such a request, and instead stick to what our current limits allow for. There is still plenty of profit to be had. Many variance requests for this same property have been presented in the past and denied over time by the commission. Why would this developer get special privileges granted? Town residents should not suffer, just because big development cannot make the amount of profits they want. It sets the stage for more of this to become expectation for the future.

To be clear, as a resident of Hillsboro Beach and as to the proposed building project at 1174-1185 Hillsboro Mile, **We object to a height variance to be granted for this development.**

Thank you for your service to our town and representation as our elected officials.

Very Sincerely,
Kristen Maxx and Mark Gabrielle
1170 Hillsboro Mile, #304
Hillsboro Beach, FL 33062

Sent from my iPhone

Town Clerk

From: Jane Reiser <jreiser@townofhillsborobeach.com>
Sent: Tuesday, December 7, 2021 8:09 AM
To: Town Clerk
Subject: Fwd: Height variance proposal for 1174-1185 Hillsboro Mile

Jane Reiser
Commissioner
Town of Hillsboro Beach

Begin forwarded message:

From: Michael Boyna <likkrish@sbcglobal.net>
Date: December 6, 2021 at 3:59:18 PM EST
To: dtarrant@townofhillsborobeach.com, ikirdahy@townofhillsborobeach.com, jreiser@townofhillsborobeach.com
Cc: Wendy Walsh <wendyw1@mac.com>, ev <evelynw.ht@gmail.com>, Timothy Walsh <twalsh@amerlic.com>, Randy Nazette <rnazette@nazettelaw.com>, caroluweber@yahoo.com
Subject: Height variance proposal for 1174-1185 Hillsboro Mile

Good afternoon, Commissioners:

I am writing to voice opposition to granting the proposed height variances at the above-stated location and would like this communication to be made part of the public record.

As a family that has been among the longest-term residents at 1187 Hillsboro Mile, there are several components to our opposition, namely:

- A main attraction to this property has always been its homey feel, compared to more industrial high-rise and hotel structures. Erecting a building that is roughly 5 times the current height restriction, and with a reflective glass construction, hardly says "homey".
- The current height limits should not have come as a surprise to the developer; while it is reasonable that they need to build to a certain height/capacity for optimum profitability, there are certainly myriad other locations that would fit their needs without necessitating unwanted changes in/variances to existing building codes.
- Destroying the ambiance of this section of The Mile seems a bit self-centered on the developer's part, not to mention the disruption to the lifestyle of current residents, and adverse effects on the Local Area of Particular Concern (LAPC) and negative effects on the Intercoastal seawall (seen in the past due to construction that was on a much smaller scale than what is being proposed).
- Since previous requests for variances have been denied by the commission and given that the Commissioners are elected in part to protect the rights of Hillsboro Beach residents, it would seem inconsistent and inappropriate to grant a special variance privilege to this developer.
- It is my understanding that the developer has, understandably, tried to bolster the perceived benefits of their project by describing possible alternative developments in negative terms, i.e.: the kind(s) of less desirable thing(s) that *could* be developed on the property. While a valid marketing

strategy, it also makes the faulty assumption that installing something the neighbors don't want is the best possible development option.

We urge the commission NOT to grant the proposed height variance.

I plan to attend the meeting tomorrow via Zoom

Sincerely

Michael R Boyna

(for the Walsh family @ 1187 Hillsboro Mile #6W)

630.470.1086

Town Clerk

From: Carol Weber <caroluweber@yahoo.com>
Sent: Monday, December 6, 2021 9:58 PM
To: townclerk@townofhillsborobeach.com
Subject: Comments for Meeting of December 7, 2021 Concerning 1174-1185 Hillsboro Mile

To the Mayor and Commissioners of the Town of Hillsboro Beach

Our names are Carol Weber and Robert Weber and we own an east side cooperative unit (7E) at the Virginia Kaye, located next to 1174-1185 Hillsboro Mile. We would like to state for the record that we are 100% opposed to permitting the developers to build two 15-story high rise complexes on this property. We believe structures such as those would completely alter the wonderful character and charm of Hillsboro Beach and would forever negatively change this area. Before we purchased here we looked at several high rise units and we did not like how they dominated the look of the coastline and we did not like the tremendous shadows they cast as we walked on the beach. The owners/developers knew the regulations when they purchased the land and even though they propose a lower density by building these structures, we would vote for keeping the original density for which it is zoned with structures within the original height limitations and denying this height variance request. If the town permits this height variance, then future owners/developers will likely use this ruling to argue if it is granted for one property, then it should be granted for other properties and on and on it will go. Owners/developers who have a lot of money/power/influence should not be able to flaunt this and get their way. We would ask that the variance be denied.

Town Clerk

From: Sharon Wilcox <smwilcox602@outlook.com>
Sent: Tuesday, December 7, 2021 7:37 AM
To: TownClerk@townofhillsborobeach.com
Subject: Condo Height Restrictions

To Whom It May Concern,

We purchased a unit at Overlook Condominiums because of the height restrictions in the area. The small home-town feel will be lost if any developer builds a 15 story building within Hillsboro Mile. Traffic is already challenging in season as is beach parking. If the 15 story building is approved, Hillsboro Mile will lose its appeal as well as many of its residents. This beautiful area as we know it, along with our peaceful beach will be forever changed. Do not allow any such changes please. Respectfully yours, Sharon Wilcox (Overlook #602)

Sent from my iPhone

Town Clerk

From: Jane Reiser <jreiser@townofhillsborobeach.com>
Sent: Tuesday, December 7, 2021 8:03 AM
To: Town Clerk
Subject: Fwd: Please include this letter as public record

Jane Reiser
Commissioner
Town of Hillsboro Beach

Begin forwarded message:

From: kristen@cdrinternational.net
Date: December 6, 2021 at 9:39:43 PM EST
To: dtarrant@townofhillsborobeach.com, ikirdahy@townofhillsborobeach.com, vfeaman@townofhillsborobeach.com, bbaldasarre@townofhillsborobeach.com, jreiser@townofhillsborobeach.com
Cc: Marc Gabrielle <cdrimarc@gmail.com>
Subject: Please include this letter as public record

****Please include this letter as public record****

To Our Town of Hillsboro Beach Elected Representatives,

This letter is to express concerns for the proposed development project of the 1174-1185 Hillsboro Mile property. We all can agree that this is a very rare and valuable property. As a resident residing at Harborside (1170 Hillsboro Mile), both my husband and I imagined that, of course, one day this property would be developed. We agree with responsible and reasonable development of this very unique property. We do have concerns over various parts of this development proposal. Our concerns for the December 7th town meeting rest primarily with the developer's proposed height variance request for the two 15-story towers to be erected on the Eastern part of this property. We feel this is not a reasonable development, see that it does not fit into current town law, nor does it comply with the property's current deed restrictions.

We ask our commissioners to uphold our town's current height restriction of 35 feet. There is a current deed restriction for this property giving very specific limitation to the development of this land. As such, the deed restriction provides for up to 6 single family homes to be built, and in accordance with the current height limit of 35 feet. The developers knew our current building and zoning laws and the limitations of this property when they purchased it. One of the many reasons we love Hillsboro Beach is the unique character it has as you drive down A1A and particularly how our beautiful stretch of beach looks from the ocean. It is special, in that, our island does not look like Pompano Beach, or Boca Raton, or many of the other stretches of development along our neighboring Atlantic coastline. We see this as important to keep this feel in our town. This is why we moved here, and what we enjoy about our Mile.

The current height variance request with the developer's proposal is grossly over current height limitation. The argument that there is an "economic disadvantage" because of the 35 foot limitation is laughable given that the developers purchased this property for a fraction of its' value. My husband and I are business owners and understand the desire to maximize profits. Yet, it seems this group of developers is not only wanting to maximize profits, but in the process, change the rules completely in order to get the most profit out. As a resident, we hope that our commissioners

would vote against such a request, and instead stick to what our current limits allow for. There is still plenty of profit to be had. Many variance requests for this same property have been presented in the past and denied over time by the commission. Why would this developer get special privileges granted? Town residents should not suffer, just because big development cannot make the amount of profits they want. It sets the stage for more of this to become expectation for the future.

To be clear, as a resident of Hillsboro Beach and as to the proposed building project at 1174-1185 Hillsboro Mile, **We object to a height variance to be granted for this development.**

Thank you for your service to our town and representation as our elected officials.

Very Sincerely,
Kristen Maxx and Mark Gabrielle
1170 Hillsboro Mile, #304
Hillsboro Beach, FL 33062

Sent from my iPhone

Town Clerk

From: Jane Reiser <jreiser@townofhillsborobeach.com>
Sent: Tuesday, December 7, 2021 8:04 AM
To: Town Clerk
Subject: Fwd: The Residences at Hillsboro Mile

Jane Reiser
Commissioner
Town of Hillsboro Beach

Begin forwarded message:

From: Mark Raphael <MRaphael@riverrealty.com>
Date: December 6, 2021 at 9:08:14 PM EST
To: dtarrant@atownofhillsborobeach.com, lkirdahy@townofhillsborobeach.com, vfeaman@townofhillsborobeach.com, bbaldassarre@townofhillsborobeach.com, jreiser@townofhillsborobeach.com
Cc: Deb Raphael <deabiraphaelraphael@me.com>
Subject: The Residences at Hillsboro Mile

Dear Mayor and Commissioners:

It is with dismay that I write this email to you regarding the proposal for the vacant lot at 1174-1185 Hillsboro Mile. I own several condominiums adjacent to this property and do not support this proposal; specifically constructing a 15 + story building of 175 ft where the mandatory height is 3 stories (35 ft) in conformity with other buildings adjacent to this property. Note that for 3/4 miles from 1172-73 Hillsboro Mile (directly to the South of this property) and north to the Embassy Suites, all buildings conform to this height.

I imagine that this height restriction of three stories was instituted for a reason; that is, to maintain the aesthetics and feel of the area of limited height buildings and multi-million-dollar single family homes to the South of this property. The only multi-unit building that was constructed since 2004 when I became an owner on the Mile, is the one at 1200 Hillsboro Mile which is 3 stories and in conformity with its neighboring properties.

From the renderings that I have seen from the developers showing neighboring buildings against the backdrop of this proposed building on the East side of A1A, the only thing I can think of is that this building "sticks out like a sore thumb"--its obtrusive and totally incompatible with its neighboring properties.

This is not the only thing that is concerning. Being next door to this property, my family will have to endure several years of the noise, dust and disturbance to traffic by the construction crews for this massive building. If there was a more modest building constructed, there would be considerably less environmental disturbance in the area.

I also don't agree with the rationale that a building of this size, with the massive amount of space in the units needs to be built on this site so that the developers can make a maximum profit while destroying the ambience of our community.

In my zoom meeting in the summer with the developers and their representatives, I expressed concern that this tall building would negatively affect the amount of sun on the beach for this stretch of land. I was promised that a shade study was done and it addressed this concern. To date, I have not received or seen this study. I can only judge this from other properties with 1/2 the height to my south that have very little sun on their beach all afternoon particularly in the late fall and winter months.

It also seems to me that the developers are trying to buy their way into the hearts and votes of our town officials through promise of a higher tax base, beach access to the town for renourishment, underground utilities and pictures of lush landscaping along A1A. I would imagine that these perks would be included in any case with a smaller scale development.

I urge the Mayor and Commissioners to vote no to a variance to construct a 15+ story building on the East side of A1A, and only consider a plan that is more in keeping with the current height requirements.

Very truly yours,

Mark Raphael
owner of 1172 Hillsboro Mile Bldg 4 unit 2 and 1189 Hillsboro Mile #3, #6, #12 and #16
845-656-2226

mraphael@riverrealty.com

Town Clerk

From: Jane Reiser <jreiser@townofhillsborobeach.com>
Sent: Tuesday, December 7, 2021 8:06 AM
To: Town Clerk
Subject: Fwd: Dezer/Related Project

Jane Reiser
Commissioner
Town of Hillsboro Beach

Begin forwarded message:

From: Gary Ecoff <ge@bambrellausa.com>
Date: December 6, 2021 at 8:42:51 PM EST
To: dtarrant@townofhillsborobeach.com
Cc: bbaldasarre@townofhillsborobeach.com, vfeaman@townofhillsborobeach.com, ikirdahy@townofhillsborobeach.com, jreiser@townofhillsborobeach.com
Subject: Dezer/Related Project

Dear Mayor Tarrant and Hillsboro Beach Commissioners,

Please know that while not as vocal of a group, there are many residents on the Mile that are supportive of the proposed project.

The lower density per acre, tax roll enhancement , and future access to the beach for renourishment projects are all positive for the community.

Let's figure out how to encourage world class development while still respecting the current communities needs and concerns. Development is inevitable and Hillsboro Beach can continue to be the gem it already is with projects of this stature in our town.

Regards,
Gary Ecoff
1223 Hillsboro Mile

Gary Ecoff
President



Town Clerk

From: Jane Reiser <jreiser@townofhillsborobeach.com>
Sent: Tuesday, December 7, 2021 8:07 AM
To: Town Clerk
Subject: Fwd: 1174-1185 VARIANCE CHANGE

Jane Reiser
Commissioner
Town of Hillsboro Beach

Begin forwarded message:

From: Sabino Tollis <stollis47@comcast.net>
Date: December 6, 2021 at 5:55:26 PM EST
To: dtarrant@townofhillsborobeach.com, ikirdahy@townofhillsborobeach.com, vfeam@townofhillsborobeach.com, bbaldasarre@townofhillsborobeach.com, jreiser@townofhillsborobeach.com
Subject: 1174-1185 VARIANCE CHANGE

Dear Hillsboro Beach Commissioner's:

It is with great concern I write to you regarding a variance request by the developers of the two parcels on the north end of town. The parcels I am referring to are 1174-1185.

When my wife and I purchased our condo at 1160 Hillsboro Mile, Hillsboro Island House, never did it cross our minds that a part of this exceptional community could be at risk of becoming a Sunny Isles, Boca Raton, or Pompano Beach. We did not purchase our home in either one of those beach communities for that reason.

These developers have known about these parcels since the early 2000's. They knew when they purchased the two properties, what they would be up against with the strict State environmental and turtle restrictions along the beach.

They are attempting to buy your approval with their offerings of the easement to the beach for future beach nourishment and helping financially with the underground utilities.

We the residents can not be bought. I hope the same for you Commissioner's who represent the residents.

The residents do want the parcels developed, but NOT with two 15 story high rises. There is nothing wrong with the charm and character of Hillsboro Beach. We are the envy of many people of other towns/cities.

The developers are planning to make this a hardship due to the environmental restrictions and loss of land they can build on.

PLEASE DO NOT GRANT THE HEIGHT VARIANCE REQUEST BY THE DEVELOPERS!

I object to a variance change as to the height. Have them stay within the town CODE. THERE WAS A REASON THE FOUNDING FATHER'S IMPLEMENTED THESE CODES!

Please include my letter as public record.

Best,

Sabino Tollis
1160 Unit 303

Town Clerk

From: Jane Reiser <jreiser@townofhillsborobeach.com>
Sent: Tuesday, December 7, 2021 8:07 AM
To: Town Clerk
Subject: Fwd: Save Hillsboro Public record requested

Jane Reiser
Commissioner
Town of Hillsboro Beach

Begin forwarded message:

From: Michael Topper <michaelatopper@gmail.com>
Date: December 6, 2021 at 5:52:29 PM EST
To: jreiser@townofhillsborobeach.com
Subject: Save Hillsboro Public record requested

Jane

- When we purchased here, we did so knowing that the empty lot at 1174-1185 was only subject to a 3 story limit and that was a comfort to us. If we had wanted our community to build higher rise buildings as a norm, we would have chosen to live in those places that allow Big Development. Hillsboro Mile was not that kind of place, and we wish it to remain as such.
- The developer bought the property fully knowing what the height limitations were (3 story height) with its easements.
- This developer purchased the property with this full disclosure but are now trying to obtain a variance because their proforma doesn't allow as much profit as they would like.
- An economic disadvantage due to the developer's preference as to what he would like to do with the property is not sufficient to constitute a hardship entitling them to a variance.
- To allow the development of this parcel of land from 3 stories zoning to anything above without regard to its surrounding designations is a special privilege to this developer. Many variance requests have been made (Previous owners of the property are one) over time for this property as well as others along the mile, that were denied by the commission.
- A project of this proposed magnitude and its effects on adjacent and much lower, older buildings and the strain of years of heavy, heavy construction – Developer said at least 150 pilings that run 150 feet deep is of particular concern! Surfside allegations come to mind. A smaller project in line with the code, would have a much lesser affect.
- The town residents should not suffer because Big Development cannot make money.
- The RESIDENTS are THE CITY and not the commissioners who are their ELECTED officials to preserve residents' rights.
- The perks the developer is offering the town (taxes, landscaping, underground lines, etc.) will come in any case from the development of the property so those used as a basis for the development are disingenuous at best.

- The developer does not have a right to change the height zoning when it could be deemed as injuring the rights of others, especially adjacent property owners, regardless of the perks they claim the height variance will provide the town.
- The developer is using scare tactics such as the use of words like “ugly” and “monolith” and “rental property” and other negative words when it relates to what could be built on the property, WITHIN CODE, should not be accepted. This developer is well known for a lot of things (both positive and negative) and I am certain that with the acreage they can make a beautiful rendering with MUCH less height. They simply would not put their name to this project on an ugly structure – won’t happen, never has with them.
- To be clear, as a resident of Hillsboro Beach and as to the proposed building project at 1174-1185 Hillsboro Mile, I object to a variance as to a change in height.
- If the commission votes no... the developer will have to go off and come up with another proposal. Which is what the developers said they are willing to do. A lower height would be preferred.
- If the commissioners vote to approve .. There will be potential lawsuits to fight this project plus lawsuits from future developers asking for their own variance up and down the mile.
- WE THE RESIDENTS OF HILLSBORO BEACH DO WANT the parcel developed but not 15 stories plus the 7-foot elevator, etc.
- Please do NOT GRANT THIS HEIGHT variance for this developer

Sincerely
Michael Topper
Hillsboro Windsor Resident

Town Clerk

From: Jane Reiser <jreiser@townofhillsborobeach.com>
Sent: Tuesday, December 7, 2021 8:08 AM
To: Town Clerk
Subject: Fwd: Save Hillsboro Public Record requested

Jane Reiser
Commissioner
Town of Hillsboro Beach

Begin forwarded message:

From: Dana <fanadink@gmail.com>
Date: December 6, 2021 at 5:36:25 PM EST
To: jreiser@townofhillsborobeach.com
Subject: Save Hillsboro Public Record requested

Jane

- When we purchased here, we did so knowing that the empty lot at 1174-1185 was only subject to a 3 story limit and that was a comfort to us. If we had wanted our community to build higher rise buildings as a norm, we would have chosen to live in those places that allow Big Development. Hillsboro Mile was not that kind of place, and we wish it to remain as such.
- The developer bought the property fully knowing what the height limitations were (3 story height) with its easements.
- This developer purchased the property with this full disclosure but are now trying to obtain a variance because their proforma doesn't allow as much profit as they would like.
- An economic disadvantage due to the developer's preference as to what he would like to do with the property is not sufficient to constitute a hardship entitling them to a variance.
- To allow the development of this parcel of land from 3 stories zoning to anything above without regard to its surrounding designations is a special privilege to this developer. Many variance requests have been made (Previous owners of the property are one) over time for this property as well as others along the mile, that were denied by the commission.
- A project of this proposed magnitude and its effects on adjacent and much lower, older buildings and the strain of years of heavy, heavy construction – Developer said at least 150 pilings that run 150 feet deep is of particular concern! Surfside allegations come to mind. A smaller project in line with the code, would have a much lesser affect.
- The town residents should not suffer because Big Development cannot make money.
- The RESIDENTS are THE CITY and not the commissioners who are their ELECTED officials to preserve residents' rights.
- The perks the developer is offering the town (taxes, landscaping, underground lines, etc.) will come in any case from the development of the property so those used as a basis for the development are disingenuous at best.

- The developer does not have a right to change the height zoning when it could be deemed as injuring the rights of others, especially adjacent property owners, regardless of the perks they claim the height variance will provide the town.
- The developer is using scare tactics such as the use of words like “ugly” and “monolith” and “rental property” and other negative words when it relates to what could be built on the property, WITHIN CODE, should not be accepted. This developer is well known for a lot of things (both positive and negative) and I am certain that with the acreage they can make a beautiful rendering with MUCH less height. They simply would not put their name to this project on an ugly structure – won’t happen, never has with them.
- To be clear, as a resident of Hillsboro Beach and as to the proposed building project at 1174-1185 Hillsboro Mile, I object to a variance as to a change in height.
- If the commission votes no... the developer will have to go off and come up with another proposal. Which is what the developers said they are willing to do. A lower height would be preferred.
- If the commissioners vote to approve .. There will be potential lawsuits to fight this project plus lawsuits from future developers asking for their own variance up and down the mile.
- WE THE RESIDENTS OF HILLSBORO BEACH DO WANT the parcel developed but not 15 stories plus the 7-foot elevator, etc.
- Please do NOT GRANT THIS HEIGHT variance for this developer

--

Thanks much
Dana Topper
201-638-0663

Town Clerk

From: Jane Reiser <jreiser@townofhillsborobeach.com>
Sent: Tuesday, December 7, 2021 8:09 AM
To: Town Clerk
Subject: Fwd: Height variance proposal for 1174-1185 Hillsboro Mile

Jane Reiser
Commissioner
Town of Hillsboro Beach

Begin forwarded message:

From: Michael Boyna <likkrish@sbcglobal.net>
Date: December 6, 2021 at 3:59:18 PM EST
To: dtarrant@townofhillsborobeach.com, ikirdahy@townofhillsborobeach.com, jreiser@townofhillsborobeach.com
Cc: Wendy Walsh <wendyw1@mac.com>, ev <evelynw.ht@gmail.com>, Timothy Walsh <twalsh@amerlic.com>, Randy Nazette <rnazette@nazettelaw.com>, caroluweber@yahoo.com
Subject: Height variance proposal for 1174-1185 Hillsboro Mile

Good afternoon, Commissioners:

I am writing to voice opposition to granting the proposed height variances at the above-stated location and would like this communication to be made part of the public record.

As a family that has been among the longest-term residents at 1187 Hillsboro Mile, there are several components to our opposition, namely:

- A main attraction to this property has always been its homey feel, compared to more industrial high-rise and hotel structures. Erecting a building that is roughly 5 times the current height restriction, and with a reflective glass construction, hardly says "homey".
- The current height limits should not have come as a surprise to the developer; while it is reasonable that they need to build to a certain height/capacity for optimum profitability, there are certainly myriad other locations that would fit their needs without necessitating unwanted changes in/variances to existing building codes.
- Destroying the ambiance of this section of The Mile seems a bit self-centered on the developer's part, not to mention the disruption to the lifestyle of current residents, and adverse effects on the Local Area of Particular Concern (LAPC) and negative effects on the Intercoastal seawall (seen in the past due to construction that was on a much smaller scale than what is being proposed).
- Since previous requests for variances have been denied by the commission and given that the Commissioners are elected in part to protect the rights of Hillsboro Beach residents, it would seem inconsistent and inappropriate to grant a special variance privilege to this developer.
- It is my understanding that the developer has, understandably, tried to bolster the perceived benefits of their project by describing possible alternative developments in negative terms, i.e.: the kind(s) of less desirable thing(s) that *could* be developed on the property. While a valid marketing

strategy, it also makes the faulty assumption that installing something the neighbors don't want is the best possible development option.

We urge the commission NOT to grant the proposed height variance.

I plan to attend the meeting tomorrow via Zoom

Sincerely
Michael R Boyna
(for the Walsh family @ 1187 Hillsboro Mile #6W)
630.470.1086

Town Clerk

From: Jane Reiser <jreiser@townofhillsborobeach.com>
Sent: Tuesday, December 7, 2021 8:46 AM
To: Town Clerk
Subject: Fwd: Correction Re: Please include this letter as public record

Jane Reiser
Commissioner
Town of Hillsboro Beach

Begin forwarded message:

From: kristen@cdrinternational.net
Date: December 7, 2021 at 8:25:09 AM EST
To: dtarrant@townofhillsborobeach.com, ikirdahy@townofhillsborobeach.com, vfeaman@townofhillsborobeach.com, bbaldasarre@townofhillsborobeach.com, jreiser@townofhillsborobeach.com
Cc: Marc Gabrielle <cdrimarc@gmail.com>
Subject: **Correction Re: Please include this letter as public record**

One quick correction to our original letter to be entered as public record...

The deed restriction referenced in the original letter below contains a detail which needs corrected. I had meant to type that the current deed restriction is for 12, not 6, single family dwellings.

Thank you,
Kristen Maxx

On Dec 6, 2021, at 9:39 PM, kristen@cdrinternational.net wrote:

****Please include this letter as public record****

To Our Town of Hillsboro Beach Elected Representatives,

This letter is to express concerns for the proposed development project of the 1174-1185 Hillsboro Mile property. We all can agree that this is a very rare and valuable property. As a resident residing at Harborside (1170 Hillsboro Mile), both my husband and I imagined that, of course, one day this property would be developed. We agree with responsible and reasonable development of this very unique property. We do have concerns over various parts of this development proposal. Our concerns for the December 7th town meeting rest primarily with the developer's proposed height variance request for the two 15-story towers to be erected on the Eastern part of this property. We feel this is not a reasonable development, see that it does not fit into current town law, nor does it comply with the property's current deed restrictions.

We ask our commissioners to uphold our town's current height restriction of 35 feet. There is a current deed restriction for this property giving very specific limitation to the development of this land. As such, the deed restriction provides for up to 6 single family homes to be built, and in accordance with the current height limit of 35 feet. The developers knew our current building and zoning laws and the limitations of this property when they purchased it. One of the many reasons we love Hillsboro Beach is the unique character it has as you drive down A1A and particularly how our beautiful stretch of beach looks from the ocean. It is special, in that, our island does not look like Pompano Beach, or Boca Raton, or many of the other stretches of development along our neighboring Atlantic coastline. We see this as important to keep this feel in our town. This is why we moved here, and what we enjoy about our Mile.

The current height variance request with the developer's proposal is grossly over current height limitation. The argument that there is an "economic disadvantage" because of the 35 foot limitation is laughable given that the developers purchased this property for a fraction of its' value. My husband and I are business owners and understand the desire to maximize profits. Yet, it seems this group of developers is not only wanting to maximize profits, but in the process, change the rules completely in order to get the most profit out. As a resident, we hope that our commissioners would vote against such a request, and instead stick to what our current limits allow for. There is still plenty of profit to be had. Many variance requests for this same property have been presented in the past and denied over time by the commission. Why would this developer get special privileges granted? Town residents should not suffer, just because big development cannot make the amount of profits they want. It sets the stage for more of this to become expectation for the future.

To be clear, as a resident of Hillsboro Beach and as to the proposed building project at 1174-1185 Hillsboro Mile, **We object to a height variance to be granted for this development.**

Thank you for your service to our town and representation as our elected officials.

Very Sincerely,
Kristen Maxx and Mark Gabrielle
1170 Hillsboro Mile, #304
Hillsboro Beach, FL 33062

Sent from my iPhone

----- Forwarded message -----

From: **Celinda Sawtelle** <celindasawtelle@gmail.com>

Date: Fri, Dec 3, 2021, 4:03 PM

Subject: Hillsboro mile

To: <ikirdahy@townofhillsborobeach.com>

Hello Irene,

You have done some really good things on the commission. Now I'm asking you to be the voice of the people as we cry out to not change the building codes because some multi millionaire wants to make more money.

Drilling a two level garage and then putting another 190 feet on top of it makes my head spin. This is not the kind of structures that Hillsboro mile is known for. Please maintain the quality of our town.

Many of us that moved to Hillsboro mile did so because of the pristine beach and the peace and quiet and the wonderful small town quaint flavor. Allowing a variance for this builder is just going to open the door for more and more tall buildings.

Please make this letter a part of public record. We will all see you on the seventh

Sent from my iPhone

From: Danielle Dinapoli <ddinaps314@aol.com>

Date: December 3, 2021 at 10:12:35 AM EST

To: ikirdahy@townofhillsborobeach.com, Deborah Tarrant
<dtarrant@townofhillsborobeach.com>,
bbaldasarre@townofhillsborobeach.com

Subject: New condo project

Greetings all,

I am a resident of Hillsboro mile 1169 and initially was against the 15 story high rise proposed.

I attended the embassy suite meeting and was excited to see the beauty's of the natural landscaping and care in minimizing the width of the building.

I spoke at the meeting the landmark is not a fair comparison it is 2 miles away, but buildings within our mile radius is a fair comparison and would not stand out as an isolated structure.

After the meeting and speaking with other home owners a fair compromise would be to keep the building width footprint but reduce to the height to 10/11 stories. This of course would be without compromising the architectural building design as communicated by the architect.

I am looking forward to the meeting next week.
Danielle DiNapoli

Sent from my iPhone

From: "Frank J. Kolb, Jr." <fjk@ehlaw.com>
Date: December 4, 2021 at 9:18:25 AM EST
To: "nt:" <dtarrant@townofhillsborobeach.com>, "Vice Mayor Irene Kirdahy:" <ikirdahy@townofhillsborobeach.com>, "Commissioner Vicky Feaman:" <vfeaman@townofhillsborobeach.com>, "Commissioner Barbara Baldasarre:" <bbaldasarre@townofhillsborobeach.com>, "Commissioner Jane Reiser:" <jreiser@townofhillsborobeach.com>
Subject: 1174-1185 Hillsboro Mile Variance request

Frank J. Kolb, Jr | 1173 Hillsboro Mile 1-1

Please see below to be included in the public record. Thank you.

- When we purchased here, we did so knowing that the empty lot at 1174-1185 was only subject to a 3 story limit and that was a comfort to us. If we had wanted our community to build higher rise buildings as a norm, we would have chosen to live in those places that allow Big Development. Hillsboro Mile was not that kind of place, and we wish it to remain as such.
- The developer bought the property fully knowing what the height limitations was (3 story height) with its easements.
- This developer purchased the property with this full disclosure but are now trying to obtain a variance because their proforma doesn't allow as much profit as they would like.
- An economic disadvantage due to the developer's preference as to what he would like to do with the property is not sufficient to constitute a hardship entitling them to a variance.
- To allow the development of this parcel of land from 3 stories zoning to anything above without regard to its surrounding designations is a special privilege to this developer. Many variance requests have been made (Previous owners of the property are one) over time for this property as well as others along the mile, that were denied by the commission.
- A project of this proposed magnitude and its effects on adjacent and much lower, older buildings and the strain of years of heavy, heavy construction – Developer said at least 150 pilings that run 150 feet deep is of particular concern! Surfside allegations come to mind. A smaller project in line with the code, would have a much lesser affect.
- The town residents should not suffer because Big Development cannot make money.
- The RESIDENTS are THE CITY and not the commissioners who are their ELECTED officials to preserve residents' rights.
- The perks the developer is offering the town (taxes, landscaping, underground lines, etc.) will come in any case from the development of the property so those used as a basis for the development are disingenuous at best.

- The developer does not have a right to change the height zoning when it could be deemed as injuring the rights of others, especially adjacent property owners, regardless of the perks they claim the height variance will provide the town.
- The developer is using scare tactics such as the use of words like “ugly” and “monolith” and “rental property” and other negative words when it relates to what could be built on the property, WITHIN CODE, should not be accepted. This developer is well known for a lot of things (both positive and negative) and I am certain that with the acreage they can make a beautiful rendering with MUCH less height. They simply would not put their name to this project on an ugly structure – won’t happen, never has with them.
- To be clear, as a resident of Hillsboro Beach and as to the proposed building project at 1174-1185 Hillsboro Mile, I object to a variance as to a change in height.
- If the commission votes no... the developer will have to go off and come up with another proposal. Which is what the developers said they are willing to do. A lower height would be preferred.
- If the commissioners vote approve .. there will be potential lawsuits to fight this project plus lawsuits from future developers asking for their own variance up and down the mile.
- WE THE RESIDENTS OF HILLSBORO BEACH DO WANT the parcel developed but not 15 stories plus the 7-foot elevator, etc.
- Please do NOT GRANT THIS HEIGHT variance for this developer
- Also, the setbacks North and South are not in keeping with current codes.

Frank J. Kolb, Jr., Esq.
 Kolb & Associates, P.C.
1173 Hillsboro Mile 1-1
 Hillsboro Beach, FL 33062.
 203-469-4475

Marcus Broszio

From: Marcus Broszio <marcbrost@t-online.de> on behalf of Marcus Broszio <marcbrost@t-online.de>

Reply-To: Marcus Broszio <marcbrost@t-online.de>

Date: Monday, December 6, 2021 at 7:20 AM

To: Deborah Tarrant <dtarrant@townofhillsborobeach.com>

Subject: voting

good morning deb ,
my best wishes for nikolaus day, as we call it in berlin , to you and the rest of the team.

according to the voting about the absurd idea to allow a 15 story building here is my clear NO and matching arguments :

- When we purchased here, we did so knowing that the empty lot at 1174-1185 was only subject to a 3 story limit and that was a comfort to us. If we had wanted our community to build higher rise buildings as a norm, we would have chosen to live in those places that allow Big Development. Hillsboro Mile was not that kind of place, and we wish it to remain as such.
- The developer bought the property fully knowing what the height limitations was (3 story height) with its easements.
- This developer purchased the property with this full disclosure but are now trying to obtain a variance because their proforma doesn't allow as much profit as they would like.
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- The perks the developer is offering the town (taxes, landscaping, underground lines, etc.) will come in any case from the development of the property so those used as a basis for the development are disingenuous at best.
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- make a beautiful rendering with MUCH less height. They simply would not put their name to this project on an ugly structure – won't happen, never has with them.
- To be clear, as a resident of Hillsboro Beach and as to the proposed building project at 1174-1185 Hillsboro Mile, I object to a variance as to a change in height.
 - If the commission votes no... the developer will have to go off and come up with another proposal. Which is what the developers said they are willing to do. A lower height would be preferred.
 - If the commissioners vote approve .. there will be potential lawsuits to fight this project plus lawsuits from future developers asking for there own variance up and down the mile.
 - WE THE RESIDENTS OF HILLSBORO BEACH DO WANT the parcel developed but not 15 stories plus the 7-foot elevator, etc.
 - Please do NOT GRANT THIS HEIGHT variance for this developer

herzliche Grüße

Marcus Broszio

Sherry D. Henderson

Michael Topper

From: Irene Kirdahy <ikirdahy@townofhillsborobeach.com> on behalf of Irene Kirdahy
Sent: Monday, December 6, 2021 6:12 PM
To: Sherry D. Henderson
Subject: Fwd: Save Hillsboro Public record requested

----- Forwarded message -----

From: Michael Topper <michaelatopper@gmail.com>
Date: Mon, Dec 6, 2021, 5:49 PM
Subject: Save Hillsboro Public record requested
To: <ikirdahy@townofhillsborobeach.com>

Irene,

- When we purchased here, we did so knowing that the empty lot at 1174-1185 was only subject to a 3 story limit and that was a comfort to us. If we had wanted our community to build higher rise buildings as a norm, we would have chosen to live in those places that allow Big Development. Hillsboro Mile was not that kind of place, and we wish it to remain as such.
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beautiful rendering with MUCH less height. They simply would not put their name to this project on an ugly structure – won't happen, never has with them.

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- Please do NOT GRANT THIS HEIGHT variance for this developer

Sincerely
Michael Topper

Sherry D. Henderson

Manny Penate = Harborside
Condo

From: Manny Penate <mpenate@icloud.com> on behalf of Manny Penate
Sent: Saturday, December 4, 2021 6:47 PM
To: Vicky Feaman
Cc: shenderson@townofhillsborobeach.com
Subject: Re: Height variance 1174-1185

Thank you.

On Dec 4, 2021, at 6:24 PM, Vicky Feaman <vfeaman@townofhillsborobeach.com> wrote:

I have forwarded your email to the town clerk to be recorded into record of meeting.
Thank you for your email
Vicky

Sent from my iPad

On Dec 4, 2021, at 10:51 AM, Manny Penate <mpenate@icloud.com> wrote:

Hi Vicky,

My name is Manny Peñate. I serve on the Harborside board and strongly oppose the height variance for all the reasons listed below. Hope you'll support the community in this decision.

- When we purchased here, we did so knowing that the empty lot at 1174-1185 was only subject to a 3 story limit and that was a comfort to us. If we had wanted our community to build higher rise buildings as a norm, we would have chosen to live in those places that allow Big Development. Hillsboro Mile was not that kind of place, and we wish it to remain as such.
- The developer bought the property fully knowing what the height limitations was (3 story height) with its easements.
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- To allow the development of this parcel of land from 3 stories zoning to anything above without regard to its surrounding designations is a special privilege to this developer. Many

variance requests have been made (Previous owners of the property are one) over time for this property as well as others along the mile, that were denied by the commission.

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- Please do NOT GRANT THIS HEIGHT variance for this developer

Thank you in advance,
Manny Peñate
Harborside Board



DRAFT

**MINUTES
TOWN OF HILLSBORO BEACH
REGULAR COMMISSION MEETING
DECEMBER 7, 2021**

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Deborah L. Tarrant called the meeting to order at 1:28 p.m. Roll was called with the Commission members and staff present as listed below.

Town Commission:

Mayor Deborah L. Tarrant
Vice Mayor Irene Kirdahy
Commissioner Jane Reiser

Commissioner Barbara Baldassarre
Commissioner Vicky Feaman

Town Staff:

Town Manager Mac Serda, ICMA-CM
DJ Doody, Town Attorney, Esq.
Town Clerk Sherry D. Henderson, CMC

Mayor Tarrant recognized the attack on Pearl Harbor 80 years ago on this date – December 7, 1941. She noted an evening bulletin from the Honolulu Star was present at the front of the room. Those in attendance honored a moment of silence in memory of those who lost their lives or were injured in the attack.

APPROVAL OF AGENDA

Town Manager Mac Serda requested the Code Report, item 9C, be deferred to the January 11 meeting, and that item 6D, Resolution 2021-58, be moved to follow Ordinances to accommodate the consultant.

Mayor Tarrant stated she would like to defer item 4A, Ordinance No. 2021-09, to the January 11 meeting. She explained she would like staff to adjust the specifications.

Motion made by Commissioner Feaman, seconded by Vice Mayor Kirdahy, to amend the agenda as requested by Mr. Serda and Mayor Tarrant. In a roll call vote, the **motion** passed unanimously. (5-0)

Motion made by Commissioner Feaman, seconded by Vice Mayor Kirdahy, to approve the agenda as amended. In a roll call vote, the **motion** passed unanimously. (5-0)

I. APPROVAL OF MINUTES

A. Minutes of the November 9, 2021 Board of Zoning & Appeals Public Hearing

Motion made by Commissioner Baldasarre, seconded by Commissioner Feaman, to approve the minutes from the November 9, 2021 Board of Zoning & Appeals Public Hearing as presented. In a roll call vote, the **motion** passed unanimously. (5-0)

B. Minutes of the November 9, 2021 Regular Commission Meeting

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Baldasarre, to approve the minutes from the November 9, 2021 Regular Commission Meeting as printed. In a roll call vote, the **motion** passed unanimously. (5-0)

II. PRESENTATIONS

A. Proclamation of Election – March 8, 2022

Mayor Tarrant read the Proclamation announcing an election on March 8, 2022 to elect two (2) Commissioners to the Town Commission.

III. SITE PLAN APPROVAL

A. Quasi-Judicial Public Hearing – Paul S. Catania II, with Parker Yannette Design Group, Inc., authorized agent for property owner, is seeking Site Plan Approval for property located at 1009 Hillsboro Mile, Hillsboro Beach, FL 33062.

Town Attorney DJ Doody swore in all those giving testimony at the hearing.

Joe Arenal, Development Planner with RMA, presented the item. He explained the plan was for improvement of an existing one (1) story single-family residence, with no improvements on the west side of A1A. He stated the improvements included a pool, spa, reduction in pool deck, pool fence, pool equipment enclosure in rear, replacement of pavers on existing driveway and walkway, and relocation of the generator.

Mr. Arenal stated the site plan application submitted on November 15, 2021, along with plans submitted in response to comments, are consistent with the Town's Land Development Regulations. He explained the following comments still need to be addressed:

1. Provide Florida Department of Environmental Protection (EPA) approval for construction beyond the Coastal Construction Control Line (CCCL). Approval will be required as part of the zoning approval for the building permit application.
2. Compliance with Section 3-9, Requirements for Marine Turtle Protection, for any site lighting.
3. Broward County Tree Removal Permit (if necessary).
4. Construction Site Management Plan per 12-50.

Mr. Arenal stated staff recommended approval with the comments as conditions of approval.

Paul Catania, Parker Yannette Design Group, stated he agreed with Mr. Arenal's summary of the project and was present to answer any questions.

Mayor Tarrant opened public hearing, however there being none to speak, closed the public hearing.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Feaman, to approve the site plan for 1009 Hillsboro Mile with conditions as outlined by staff. In a roll call vote, the **motion** passed unanimously. (5-0)

B. Quasi-Judicial Public Hearing - Eric Fordin, with Related Group, authorized agent for property owner, is seeking Site Plan Approval for property located at 1174-1185 Hillsboro Mile, Hillsboro Beach, FL 33062.

Mr. Doody noted the applicant's counsel wished to make a request.

Pedro Gassant, legal counsel for the applicant, requested the item be tabled to the January 11, 2022 Commission meeting.

Motion made by Commissioner Reiser, seconded by Commissioner Feaman, to table the site plan for 1009 Hillsboro Mile to the January 11 Commission meeting. In a roll call vote, the **motion** passed unanimously. (5-0)

IV. ORDINANCES

A. Ordinance No. 2021-09 Amendment to the Town's Code of Ordinance, Chapter 12 Land Development Code, Amending Sec. 12-396 to Provide for the Use of Artificial Synthetic Turf. (Second Reading)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING CHAPTER 12 ENTITLED "LAND DEVELOPMENT CODE,"; BY SPECIFICALLY AMENDING SECTION 12-396 ENTITLED "APPROPRIATE LANT SELECTION, LOCATION, AND ARRANGEMENT" TO

PROVIDE FOR THE USE OF ARTIFICIAL TURF; PROVIDING FOR AN AMENDMENT TO PROCEDURE, REVIEW CRITERIA, AND DESIGN STANDARDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Item previously tabled for 1/11/2022 Meeting

VI. RESOLUTIONS & CONTRACTS

D. Resolution No. 2021-58

CONSIDERATION TO APPROVE AND AUTHORIZE THE PROPER TOWN OFFICIALS TO EXECUTE A RENEWAL AGREEMENT WITH UNITED HEALTHCARE FOR 2022 EMPLOYEE HEALTH INSURANCE BENEFITS.

Item addressed out of order.

Mr. Doody read the Resolution by title only.

Graeme Pentland, Benefits Consultant with EBS Advisors, explained the annual process of bidding for the best value on health plans for the employees of Hillsboro Beach. He stated the recommendation was to remain with United Healthcare 5.23 percent increase as their network was much more robust than the only competitive bid, in addition to having less exposure to the employee.

Mr. Serda noted for perspective that the Town had budgeted for a 15 percent increase.

Mr. Pentland explained other benefits briefly. He stated dental had a 2 percent increase and vision had no change. He stated following a significant change in the bid for life insurance, they had taken the plan to market and upon moving carriers had received a decrease of 1.4 percent over last year.

Motion made by Commissioner Baldassarre, seconded by Commissioner Reiser, to adopt Resolution 2021-58 as presented. In a roll call vote, the **motion** passed unanimously. (5-0)

Mr. Serda pointed out due to changes made by employees and in the budget process, the renewal represented a decrease in overall actual costs.

V. DISCUSSION & POSSIBLE ACTION

A. Discussion on Addition of Elevator Equipment as an Exception to Height Restrictions Within the Single-Family Residential District

Mayor Tarrant stated an example of this issue had come up as a variance request during the Board of Zoning and Appeals hearing earlier in the day.

Mr. Serda further explained chimneys and antennas are indicated in the Code as exclusions, but elevator mechanical rooms are not. He asked the Commission for feedback on whether they would like staff to review that addition.

Mayor Tarrant stated if the Commissioners were to opt not to add the exemption, she thought some mention of elevators in the Code was still necessary. Discussion ensued on the enhancement of elevators and the lack of hardship related to the upgrade.

Vice Mayor Kirdahy explained the elements can be on the side, but it is probably triple the cost. She noted a lot of elevators in Town are hydraulic lifts, especially in older buildings. She provided additional background on the options.

Discussion continued regarding allowances for elevators in single-family homes and exceptions for condominiums.

Vice Mayor Kirdahy stated there were a number of Code sections which needed to be reviewed.

Mr. Serda stated he had looked into having a consultant review the Code and outlined some of the pros and cons of the review, as well as the process.

Commissioner Reiser asked if it was possible to find out if any of the other municipalities in Broward County had recently done a Code review.

Mr. Doody stated most Codes are too expansive to undertake a total read of, so reviews are done incrementally. Discussion continued regarding items in need of review.

B. Discussion on Weekend Landscape Work

Mayor Tarrant noted the item was on the agenda because she had thought a neighbor was doing demolition on a Saturday. She stated it turned out to be trees being cut.

Mr. Serda stated he had reviewed the Code and found that depending which section of Code you read, landscape work on Saturdays is both allowed and restricted. He asked for direction from the Commission on which corrections should be made.

Mayor Tarrant stated she would like to see buzz saws and similar noise be restricted from use on Saturday.

Vice Mayor asked that an exception for emergency cleanup be included. Mr. Serda responded that he would review the Code to be sure emergencies were addressed. Discussion continued regarding the difference between maintenance and life/safety issues.

Commissioner Feaman expressed concern landscapers are so busy, they are working six (6) days a week to fit everyone in. She asserted she did not think the restriction was fair.

Vice Mayor Kirdahy stated she had a point and noted during the rainy season there are additional restraints.

Mayor Tarrant asserted it was not worth losing that day of her weekend, not being able to go outside. Discussion continued regarding noise concerns.

Mr. Serda stated he would bring back amended language for review.

VI. RESOLUTIONS & CONTRACTS

A. Resolution No. 2021-55

CONSIDERATION TO APPROVE AND AUTHORIZE THE APPROPRIATE TOWN OFFICIALS TO AMEND RESOLUTION NO. 2017-874 TO PROVIDE FOR A PROCEDURE BY THE TOWN COMMISSION RELATIVE TO THE ISSUANCE OF PROCLAMATIONS.

Mr. Doody read the Resolution by title only.

Mr. Serda summarized the change, which allowed for handling proclamations with time sensitivity that does not allow for waiting until the next agenda. He noted the revision allows for three (3) days for Commission review, with any objections resulting in the proclamation being deferred to the next meeting.

Mayor Tarrant asked for clarification regarding the language. Upon further discussion, Mr. Serda requested time to take the Resolution back and make additional changes.

Motion made by Commissioner Baldasarre, seconded by Commissioner Reiser, to table Resolution 2021-55 to the January 11 meeting. In a roll call vote, the **motion** passed unanimously. (5-0)

B. Resolution No. 2021-56

CONSIDERATION TO APPROVE AND AUTHORIZE THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO A REGIONAL INTERLOCAL AGREEMENT FOR COOPERATIVE FIRE, RESCUE, EMERGENCY MEDICAL SERVICES, AND SPECIAL OPERATIONS RESPONSE THROUGH AUTOMATIC AID AND CLOSEST UNIT RESPONSE BETWEEN THE MUNICIPALITIES EXECUTING THE AGREEMENT, THE BROWARD COUNTY SHERIFF'S OFFICE, AND BROWARD COUNTY GOVERNMENT.

Mr. Doody read the Resolution by title only.

Mr. Serda explained the impact of the agreement was not significant as the Town does not have a Fire Department, but at the County's request, the agreement had gone to the Town Attorney's office for discussion and clarification and was now before the Commission. He noted in the spirit of the agreement, it was a benefit for the Town to participate.

Mr. Doody stated he had called the County Attorney's office and advised an addendum in addition to signing the agreement, because it was not applicable. He asserted because the Town does not have a Fire Department, they cannot comply with the agreement as written.

Motion made by Commissioner Feaman, seconded by Vice Mayor Kirdahy, to adopt Resolution 2021-56 in conjunction with the addendum. In a roll call vote, the **motion** passed unanimously. (5-0)

C. Resolution No. 2021-57

A RESOLUTION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, EXPRESSING SUPPORT OF THE BEAGLE FREEDOM PROJECT CALLING ON DR. ANTHONY FAUCI'S ORGANIZATION, THE NATIONAL INSTITUTE OF HEALTH (NIH), TO IMMEDIATELY STOP FUNDING ANY RESEARCH THAT USES ANIMALS.

Mr. Doody read the Resolution by title only.

Mayor Tarrant stated the item was on the agenda at her request, and explained it was brought to her attention by the City of Hallandale Beach, who passed a similar Resolution. She provided additional background on the NIH using animals in research.

Motion made by Commissioner Reiser, seconded by Commissioner Feaman, to adopt Resolution 2021-57 with "animals" changed to "felines, canines, and primates." In a roll call vote, the **motion** passed unanimously. (5-0)

D. Resolution No. 2021-58

CONSIDERATION TO APPROVE AND AUTHORIZE THE PROPER TOWN OFFICIALS TO EXECUTE A RENEWAL AGREEMENT WITH UNITED HEALTHCARE FOR 2022 EMPLOYEE HEALTH INSURANCE BENEFITS.

Item previously addressed.

VI. CONSENT AGENDA

A. Invoices for Approval

1. **Inframark:** Invoice #70332 services November 2021 **\$7,402.41**
2. **GCDE** Invoice #38308 10/27/2021 through 11/29/21 **\$5,374.80** (General Matters)
3. **GCDE** Invoice #38310 November 2021 **\$3,848.90** (Development)
4. **GCDE** Invoice #38310 November 9-10 2021 **\$90** (Writ of Garnishment)
5. **CG&A:** Invoice #90783 services November 2021 **\$52,969.61**
6. **RMA:** Invoice #4642 services October 2021 **\$5,575.00**
7. **LSF Shuttle:** Invoice #21-1130-26 Services rendered November 2021 **\$5,615.88**

Motion made by Commissioner Baldassarre, seconded by Commissioner Feaman, to approve the Consent Agenda as printed. In a roll call vote, the **motion** passed unanimously. (5-0)

VII. BEACH REPORT

A. Coastal and Waterway Consultant

Mr. Serda stated the job description for the consultant was in the backup materials and invited the Commissioners to provide input. He noted they would begin advertising for a part-time employee or consultant to support beach efforts.

Mayor Tarrant noted she would like to see “resiliency” added to the title and made additional language recommendations.

Commissioner Feaman noted the specialty should be in coastal engineering rather than just engineering.

Mayor Tarrant asked whether Town could stipulate flexibility in the position based on need, as opposed to a specific timeframe.

Mr. Serda stated they could if it was part-time.

B. Update on Beach Renourishment Project with City of Deerfield Beach

Mr. Serda stated his plan had been for Moffat & Nichol to come to the January meeting to give a status update because they had made significant progress on the beach management and mitigation report, and in February would be a presentation from Coastal Protection Engineering on the joint project with Deerfield Beach. Consensus was to push the presentations back a month based on the full agenda for January.

C. Hillsboro Inlet District

Mr. Serda explained he had approached the attorney for the Hillsboro Inlet District, who acts as the Director, to start a discussion, but it had not gone as well as he would have liked. He noted he had hoped to find a compromise at an administrative level before pushing it to the District Commission regarding the issue of back passing and dredging in the inlet. He stated their position was that it was prohibited by their Charter. Mr. Serda noted the attorney asked that he speak to the district in their public meeting. He noted he had not yet formulated his thoughts into a discussion to present but was still hoping to move it forward.

D. Sand Placement

Mr. Serda stated he had spoken with Deerfield Beach, and they were moving forward with the placement of the 10-12,000 cubic yards of sand they have been storing. He noted the timeline is currently between March and May 2022, and the funds have been budgeted. He stated things were looking positive for getting that sand onto the beach.

VIII. STAFF UPDATES

A. Police Department

1. October 2021 Monthly Activity Report

Police Chief Jay Szesnat presented his report. He stated it had been busy and focused, and asked whether for any feedback on the report.

Mayor Tarrant stated it was interesting how many of the notable events were marine related now that the boat was in the water a fair amount of time. Chief Szesnat agreed they were seeing a lot more activity and conducting a lot more assists. Discussion ensued as to daytime and nighttime hours of the unit.

Mayor Tarrant shared an official letter from Rear Admiral Brendan C. McPherson, District Commander with the U.S. Coast Guard, extending appreciation for the response to a medical emergency with his 22-year-old daughter in November. She stated she would respond personally with a handwritten letter. Chief Szesnat added that he would notify the officers involved and add the letter to their personnel files.

Commissioner Feaman thanked Chief Szesnat for getting the crosswalk sign replaced.

2. Convert Dispatch Position to Police Officer Position

Chief Szesnat stated there was a unique opportunity following the retirement of a long-term communications employee. He asked permission to fill the non-sworn communications position with a sworn officer to add an additional layer of support for day-to-day needs. He stated it would also create a light duty position in the event an officer is injured.

Mayor Tarrant stated she thought it was an excellent idea.

Mr. Serda explained it would be one (1) of the four (4) communications positions, and if it does not work out, there would be an opportunity to shuffle following a retirement in a year or so. Discussion continued regarding how the position would be filled.

B. Building Department

Steve Mitchell, Building Official, CG&A, presented the Building Department report. He stated 2021 was Town's busiest year thus far in the department.

Mayor Tarrant noted 12 of the 52 single family homes in the Town are currently interacting with the Building Department.

Mr. Serda stated Mr. Mitchell was also helpful in managing capital projects and noted he had been appreciative of the insight in navigating the Town Hall renovation. He thanked Mr. Mitchell for his help and stated he never shrugs away a request.

C. Code Compliance

Item previously tabled.

IX. TOWN MANAGER REPORT

A. Update on Town Hall Renovation

Mr. Serda provided a brief update on the Town Hall renovation. He discussed water damage which was discovered during the work on the building and the materials which were being used for the repair.

Mayor Tarrant noted she was disappointed in the workmanship of the painter. She stated the old light fixtures and shutters were painted around instead of removed.

Commissioner Reiser stated Town Hall looks great, and the holiday lights are beautiful. She thanked Mr. Serda for a great job.

B. Update on RFP 2021-02 Professional External Audit Services

Mr. Serda stated there had been six (6) responses to the RFP for the audit and asked for a volunteer to chair the Auditor Selection Committee as required by Code.

Vice Mayor Kirdahy agreed to serve on the committee.

C. Discussion on Maximum Lot Size for Redevelopment

Mr. Serda stated the item had been brought forward for discussion at the last Commission meeting and noted Mr. Hickey was developing the scope of work. He noted he had received a signed contract to review the excavation Ordinance.

D. Town Employee Recognition – Bob Knapstein, Water Plant

Mr. Serda expressed his appreciation for Bob Knapstein, who handled an issue with the a valve on the beach tank on Thanksgiving morning, repairing the valve and preserving the bocce ball court. He thanked Mr. Knapstein for his time and assistance.

Mr. Serda commented on the community feedback he receives on Steve Mitchell and noted he gives an incredible level of service for the Town of Hillsboro Beach. He stated the same is true of Town Clerk Sherry Henderson and Police Chief Jay Szesnat giving their effort and energy and doing outstanding work.

X. TOWN ATTORNEY REPORT

Mr. Doody asked the Commissioners to refrain from engaging in any discussions regarding the pending Development Order applications, as the January meeting would be a Quasi-Judicial hearing. He stated residents will be reaching out and the Commission should be circumspect and selective in their responses to maintain the integrity of the January Public Hearing proceedings.

XI. TOWN COMMISSION COMMENTS/REPORTS

A. Commissioner Jane Reiser

Commissioner Reiser stated she attended the Water Department Academy meeting and went to Green Cay Nature Center in Boynton Beach and it was beautiful.

B. Commissioner Vicky Feaman

Commissioner Feaman offered kudos to Waste Pro for making two (2) runs over the weekend to get the job done.

C. Commissioner Barbara Baldasarre

Commissioner Baldasarre shared an update on the Broward League of Cities meeting. She noted a holiday get-together was planned for Thursday. Commissioner Baldasarre stated the Condo Forum group was meeting in person for the first time the following week.

D. Vice Mayor Irene Kirdahy

None.

E. Mayor Deborah L. Tarrant

None.

XII. PUBLIC COMMENTS

Beth Vogl, 1170 Hillsboro Mile, stated she had something nice to say about Mr. Serda. She noted once Related Group withdrew the Ordinance, she was totally confused, and Mr. Serda spent two (2) hours with her and a neighbor to explain. She asserted in the midst of all the chaos, that was pretty extraordinary and should be recognized.

XIII. ADJOURNMENT

Motion made by Commissioner Baldasarre, seconded by Commissioner Feaman, to adjourn the meeting at 3:10 p.m. In a roll call vote, the **motion** passed unanimously. (5-0)

ADOPTED THIS _____ DAY OF _____, 2022

By: _____
Deborah L. Tarrant, Mayor

ATTEST:

Sherry D. Henderson, CMC
Town Clerk



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: January 11, 2022
SUBJECT: Site Plan Approval – 1174-1185 Hillsboro Mile

The Property Owner, Hillsboro Mile Property Owner, LLC and authorized agent, Eric Fordin (Applicant) are requesting site plan approval Per Sec. 12-48 of the Land Development Code (LDC) to construct 130 residential units within two vacant parcels located on the west and east side of Hillsboro Mile.

Background

The current owners purchased the property located at 1174 -1185 Hillsboro Mile in December 2020 and are in the process of obtaining the necessary land development approvals in order to develop the property. The site includes two separate parcels. Parcel A is 5.4 acres and is located between Hillsboro Mile (A1A) and the Intracoastal Waterway. Parcel B is 6.4 acres and is located on the east side of Hillsboro Mile. Parcel B is identified a Local Area of Particular Concern (LAPC) and which includes portions of the beach area and a conservation easement exists on approximately 1/3 of the parcel. The site plan approval is for development on both Parcel A and B.

Documents Submitted

Information submitted with the proposed Site Plan Approval request include an application, survey, Architectural plans, landscape plans, civil plans, landscape plans and irrigation plans. In addition, the applicant provided a Traffic Impact Analysis which has been reviewed by the Town's traffic consultant.

Previous Development Proposal

On July 29, 2021, the Applicant submitted a site plan to develop the site. The proposed site plan included a total of 121 units. Nine townhome units are proposed for Parcel A (west of Hillsboro Mile) within 2-story structures plus a roof level and have a maximum height of 35 feet. Within Parcel B, there were 112 multi-family condominium-style units on the east side of Hillsboro Mile. The Applicant originally proposed to construct these units within a 15-story, 170-foot tower. The building included two underground stories for parking. The Applicant resubmitted the second submittal of the site plan which was ultimately scheduled for the December 7 2021, Town Commission meeting. As this site plan is dependent on approval of a variance for height, the Town's Zoning Board of Appeals (Board) held a duly noticed public hearing and ultimately denied the variance request. Due to this denial, the Applicant requested to table the site plan until a redesign and resubmittal could be completed.

Revised Development Proposal

The revised site plan, two variance requests, and a request for a plat note amendment and non-vehicular access line application were all resubmitted on December 17, 2021. The original submittal included 130 units, but the Applicant has recently reduced the number of units within the site plan to 115 units, which is 7 less units than the first site plan request and well below the allowable number of units (188) per the land use and zoning of the site. Twenty-five residential units are proposed for Parcel A (west of Hillsboro Mile) within a 3-story structure including underground parking with a maximum height of 35 feet (see Attachment A for a revised design of the building on Parcel A). The development will also include a 1,068 square-foot tennis center along with an amenity area. The current proposal includes 90 units on Parcel B. These units would be constructed within a 10-story, 130-foot tower with two underground stories for garage and storage and a rooftop level with private amenities. This height and number of stories requires a variance from the height within the zoning district as the maximum height within the RM-16 zoning district is 3 stories and 35 feet.

Additional Land Development Actions Required

This site plan cannot be approved by the Town Commission until the Zoning Board of Appeals considers and approves two land development actions, which include:

1. Variance to increase the height of the property to 10 stories and 130 feet above the maximum height allowed which is 3 stories and 35 feet per section 12-142(A) of the LDC.
2. Variance to allow the use the allowable 20% of the rooftop area for mechanical equipment and decorative screening above the proposed height of 130 feet an additional 15 feet to 145 feet as Section 12-142(B) of the LDC allows an additional 15 feet of height above the 35-foot maximum height to 50 feet.

If the site plan is approved, the Applicant is also requesting that the Town adopt a resolution to provide a letter of support for a plat note amendment to allow for 115 units on Parcel A and Parcel B as the current plat note allows for 12 single-family homes. In addition to the plat note, the Applicant is requesting the resolution support an amendment to the non-vehicular access line (NVAL) to have the platted openings on the plat relocated to be consistent with the proposed driveway openings on the site plan.

Analysis

Information submitted with the Site Plan Approval request include an application, Architectural Plans, Civil Plans, Landscape Plans and Irrigation Plans. There was also traffic impact analysis statement as well as the stormwater management report which was reviewed by the Town planner and representatives from Calvin Giordano and Associates (CGA) completed review of these documents and have provided comments which are attached to this site plan.

General Description of the Development Proposal

Parcel A: West side of Hillsboro Mile

The proposed development for this parcel includes the construction of 25 multi-family units located within one structure along the intercoastal waterway. The revised design includes an amenity area in the middle of the building that is open on floors 2 and 3 which provide a vertical break in the design of the building reducing the massing of the building. The units on the third floor would have a rooftop deck with a small “splash pool” for each unit. In addition, Parcel A is proposed to have a 1,068 square-foot tennis center. There are 114 parking spaces enclosed within the building for the residential development and 19 open spaces for the private recreation and tennis center.

Parcel B: East Side of Hillsboro Mile

This parcel is proposed to contain 90 condominium-style residential units within a 130-foot structure. The first two stories would be located underground and will be used for parking and storage. The lobby level will contain an 8,573 square-foot lobby area and have two amenity areas approximately 15,162 square feet each. The lobby level will also contain the two main pool areas located on the north and south portion of the property. There will also be the drop off and pickup areas for the building along with 5 parking spaces. On levels 2 through 10, each floor will contain four 2-bedroom units measuring approximately 2,700 SF, two 3-bedroom units measuring approximately 3,400 square feet, and four 4-bedroom units which will range from 4,700 to 5,500 square feet. On the rooftop, there are ten private recreation areas with a pool deck and “splash” pools for the penthouse units.

Architectural Design

Parcel A:

The 3-story structure will be modern in design and contain large windows and balconies along the Intracoastal Waterway. The rooftop areas will also face the intracoastal with a shaded area as well as a small pool for each unit. The revised design includes a break of approximately 50 feet within the second and third stories so that the overall massing of the structure is reduce and will appear as two separate buildings. There were no renderings provided for the Tennis Center or the eastern façade of the building so there is no way for staff to determine if the entire design is consistent in design and colors to the proposed structure on Parcel B.

Parcel B:

The condominium-style units will be located within a multi-story building with two floors of parking below grade, and 10 stories of a modern glass building with glass balconies along all four sides of the building. The current site plan shows a total of 90 units The building will be set back closer to A1A due to the conservation easement which will remain in place and be enhanced.

STANDARDS / RESULTS

Town of Hillsboro Beach Zoning Code, Applicable Requirements

Sec. 12-142. - Height regulations.

Residential	Required Maximum Height	Proposed
Multiple Family Dwelling Residential RM-16	For property east of SR A1A, no building shall exceed 35 feet or 3 stories in height above the dune elevation For property on the west side of SR A1A, no building or structure shall be erected or altered to a height exceeding 35 feet and shall not exceed 3 stories above the roadway crown elevation of SR A1A adjacent to the property.	Parcel B: 130' and 10 stories (variance required) Parcel A: 35' and 3 stories
	It is further provided that purely decorative features such as cupolas, tower, railings, not including signs, nor containing any living areas and not covering more than 20 percent of	Parcel A: 20% with maximum height of 50' Parcel B: 20% to a maximum height of 145'

	the roof area may be erected to an additional height not to exceed 15 feet, provided that the overall height of the building shall not exceed 50 feet.	(Variance Required)
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Sec. 12-124. - Yard regulations.

Residential	Required Setbacks	Proposed
Front Setback	On the east and west sides of State Highway A1A there shall be an open yard having a depth of not less than 85 feet from the center line of the State Highway A1A	Parcel A: 150' to 182' from centerline of A1A for residential building; Tennis center 100' from centerline of A1A Parcel B: 74' 6" to 112' 4" for residential building from centerline of A1A; 45' podium from centerline of A1A
Side yard	Not less than 15 feet measured from the roof overhang, or 6 inches per foot of building height, whichever is greater Parcel A North Side: 15' South Side: 15' Parcel B North Side Podium: 15' North Side: 87' 6" South Side Podium: 15' South Side: 87' 6"	Parcel A: North Side: 34' South Side: 23' Parcel B: North Side Podium: 25' North Side: 65' South Side Podium: 25' South Side: 65'
Rear yard, ocean front	No building or part of a building shall extend easterly beyond a line as shown on plat of easterly building line as defined herein. Retaining walls, fences, barricades, whether connected with the buildings or for the improvement of lots shall not be built, erected or constructed closer than the building setback line as shown on the plat. Required: 0' to easterly building line	Provided: ~85' (due to conservation area)
Rear yard, Intracoastal	No building or part of building shall be erected closer than 15 feet to the easterly right-of-way line of the Intracoastal Waterway, or 15 feet east of any seawall which is erected east of the easterly right-of-way line of the Intracoastal Waterway or easterly beyond the line shown on the plat of easterly building line. Required: 15'	Provided: 32'

Sec. 12-143. – Off Street Parking

Residential	Standards	Proposed
	there shall be provided sufficient parking space, fully covered and solidly enclosed, in the ratio of not less than 1½ parking spaces for each dwelling unit. Area of garage beyond building shall be covered with adequately furnished patio, recreational area, landscaped area, driveway or temporary guest parking. Parcel A: 42 spaces Parcel B: 153 spaces	Parcel A: 114 enclosed spaces, 19 outdoor spaces Parcel B: 282 enclosed spaces and 5 outdoor spaces

Sec. 12-145. – Area and Density

Residential	Standards	Proposed
Density Allowed	11.77 gross acres x 16 units/acre = 188 units	Site plan shows 118 units 28 units on Parcel A 90 units on Parcel B (10.02 units/acre)

Per Section 12-48, the Town Commission shall review the application for final site plan approval per the requirements set forth below.

- (C) Committee review and approval. The Development Review Committee shall review the application for final site plan approval for conformity to the requirements of this division and shall make 1 of the following determinations:
- (1) That the application meets the requirements of this division, in which case the Development Review Committee shall forward a recommendation to the Town Commission. The Town Commission shall consider the DRC recommendation and other factors, as appropriate, in considering the approval of the application for final site plan. The DRO or a designee, after receiving evidence of approval by the Town Commission, shall indicate such approval by signing the final site plan. A final site plan signed by the DRO pursuant to this division shall constitute a development order granting an application for final site plan approval;
 - (2) That the application does not meet the requirements of this division in which case the Town Commission shall direct the DRO to issue a development order denying this application;
 - (3) That the application does not meet the requirements of this division but that the required changes to the application do not warrant filing a new application, in which case the applicant shall be allowed to submit a corrected site plan to the DRO within 30 calendar days of the Town Commission meeting. The DRO shall act on the corrected application as provided in this division and if found to meet the conditions, as approved, will sign the final site plan; or
 - (4) That the application does not meet the requirements of this division, but that the required changes to the application are of such a minor nature that an additional review by the Town Commission is not warranted, in which case the Town

Commission shall approve the application for final site plan with specified conditions, and the DRO or a designee, after receiving a revised site plan application in conformance to the specified conditions, shall indicate such approval by signing the final site plan.

Changes from Previous Submittal

The following chart depicts the proposed changes to the previous site plan than the one currently proposed.

	Parcel A			Parcel B		
	Previous Submittal	Current Submittal	Net	Previous Submittal	Current Submittal	Net
Residential Units	9 units	25 units	+16	112 units	90 units	-22
Parking	36 spaces	133 spaces	+97	224 spaces	287 spaces	+63
Building setback						
North	134 feet	34 feet	100	107 feet	65 feet	-42
South	23 feet	23 feet	0	107 feet	65 feet	-42
Building length	440 feet	540 feet	+100	381 feet	465 feet	+84
Building height*	35 ft 3 stories	35 ft 3 stories	0 0	170 feet 15 stories	130 feet 10 stories	-40 -5

*Variance required to increase height above 35 feet and 3 stories.

Residential Units

As compared to the site plan proposed in December, the current proposal reduces the total number of units by 7 units with an additional 16 units planned for the west side of A1A in a 3-story condominium building. The proposed height of the tower is 10 stories and the Applicant's request is for 90 units.

Parking

The total number of parking spaces increases by 160 spaces in the revised site plan with the addition of only 9 residential units. The majority of the additional parking is located on Parcel A and a portion of the increase is due to the increase in units from 9 units to 25 units. The parking does include the tennis center and amenity center, however, the parking ratio on Parcel A is 5.32 parking spaces per unit.

Parcel B has an additional 63 parking spaces yet has 22 fewer residential units. When questioned, the Applicant stated the parking areas were redesigned due to changes in the building design and stated additional parking over code required minimums are common with units with larger square footage. The Town's LDC requires 153 spaces, and this building will contain almost double the amount of parking (an additional 134 spaces or 88% more) than the Land Development Code requires and a parking ratio of 3.19 spaces per unit.

Building Setbacks and Lengths

Due to the current design, there will be a reduction of 100 feet of setbacks for Parcel A and 84 feet for Parcel B. That change equates into a proposed building lengths of 540 feet on Parcel A and 465 feet on Parcel B, a 22% increase for both buildings. These changes will increase the massing of the building as you drive along A1A and view the buildings. It should be noted that the revised

design of the building will contain a 54-foot opening in the center of the building, thereby creating the look of two buildings that are 161 feet and 324 feet wide. In addition, this building will be set back more than 150 feet from the centerline of A1A which is well beyond the 85 feet required by the Town's Land Development Code.

Review of Site Plan Submittal

The revised site plan was reviewed by representatives from planning, traffic, engineering, and landscaping to determine the plan's consistency with Town and Broward County codes when necessary. Their review and analysis are provided within Attachment A. A summary of their comments is provided below.

Planning:

The largest concern in this review is the addition of parking spaces in both Parcels A and why almost the parking required is almost double code requirements. The Applicant has stated that the units are larger so additional parking is required along with storage space, but fewer spaces could reduce the overall podium length increasing the setbacks for the residents to the north and south of the property. In addition, the plan set did not include a rendering of the east façade of new residential building on Parcel A (3-story condominium building) or the tennis center to verify that the designs will be consistent with the remainder of the development. There are some other minor comments which need to be addressed prior to final sign off of the site plan.

Part of the proposed site plan includes the use of the rooftops of both residential structures. For each of the upper-level units, there will be access to a private rooftop with a small "splash pool" that will be for those residents only. Within the tower, there will also be a sunset pool located on the western half of the building. The use of the rooftop for use other than for mechanical equipment is not identified within the Town's Code. And although the use of rooftops for recreational use has become popular, these developments are maximizing utilizing 80% of the rooftop for this use. Twenty percent of the rooftop is being used for decorative features which is allowed to be 15 feet higher than the maximum height of the structure. In addition, there is concern with the use of palms and higher landscaping on these rooftops which are not also contemplated within the Town Code.

Traffic:

The traffic engineer is currently still reviewing the submittal. As part of the submittal, the Applicant provided a revised traffic study as the number of units and location of these units has changed so further review is necessary. The main comment is to ensure there is sufficient queuing on Parcel B to allow for queuing of residents and visitors entering the site. There are also some edits needed to the site plan regarding the flow of traffic along the marina area and the proposed roundabout on the site plan.

Engineering:

Some additional information is required for onsite and offsite features, water and utility plans, drainage plans, pavement and marking plans, cross sections of roadways, and site triangles. In addition, as substantial work will occur to the seawall on Parcel A, the seawall would need to be increased in height to 7' NAVD per Ordinance 2020-05.

Landscaping:

The irrigation plans submitted were incomplete and need to be revised. In addition, there is additional comments from previous submittals that have not been met along with some minor site plan changes that need to be reviewed and addressed.

Recommendation

Based on the analysis provided by the Town planner and the review team, there are some changes needed to the proposed site plan prior to final sign off of the plan. In addition, this site plan is contingent on approvals of the two variance applications by the Zoning Board of Appeals prior to consideration for final site plan. These variance applications must be approved to allow for approval of the site plan. For these reasons, the Town planner cannot recommend approval unless the variances are considered by the Board and approved.

Should the Town Commission consider and approve the site plan, the consultant planner recommends the following conditions of approval:

1. Proposed site plan shall be consistent with the two variances approved by the Zoning Board of Appeals;
2. All buildings and accessory structures shall be consistent in design;
3. Applicant shall respond to all comments provided in Appendix A and shall provide a revised set of plans to the Town staff prior to final sign off;
4. Applicant shall work with the Town Attorney to draft a beach access easement agreement outlying the use of this easement by the Town prior to issuance of a building permit for vertical construction.
5. Provide construction site management plan which is considered by the Town Commission prior to approval of a building permit.

Applicant's Recommended Conditions of Approval

The Applicant has suggested the following conditions of approval should the Town Commission consider approving the site plan:

- A. In the event the Governor of Florida issues an executive order pursuant to Section 252.363, Florida Statutes, tolling the time for development orders, the owner waives its rights to file the requisite notice and seek such tolling unless the subject executive order is applicable to a State of Emergency declared for an area which includes Broward County.
- B. The final building construction plans for the 3-story building on Parcel A will incorporate the design change depicted on Attachment A to construct a 2-story (Levels 2 and 3) minimum 50' wide open landscaped terrace above the project amenity level (Level 1) located approximately 160 feet from the north façade of the building.
- C. The Town Commission hereby grants an extension of the effective period of final site plan approval as follows: if, after the expiration of 2 years from the date of approval by the Town Commission becoming final and not subject to approval, a period of 90 days occurs in which no valid building permit is in effect, the final site plan approval shall be null and void unless further extended by the Town Commission.
- D. Prior to the issuance of a certificate of occupancy for any principal structure on the Property, submit a "Beach Renourishment and Maintenance Access Easement" granting the Town the right to utilize the Beach Access Easement delineated on the approved site plan for beach

- renourishment and maintenance which shall be subject to approval by the Town Attorney. This easement will be recorded within 5 days of receipt of written approval from the Town Attorney.
- E. Developer hereby voluntarily agrees to contribute \$4,500,000.00 to the Town, fifty (50%) percent of which shall be used by the Town to offset the cost of undergrounding utilities in Hillsboro Mile and fifty (50%) percent shall be used by the Town to offset the cost of any expenses incurred by the Town for beach renourishment (hereinafter referred to as the "Voluntary Contributions"). Prior to the issuance of a building permit for the Project, Developer will pay the Town \$2,250,000.00 as the first installment for payment of the Voluntary Contributions; the balance of the Voluntary Contributions will be paid by the Developer to the Town prior to issuance of a certificate of occupancy for the Project. The Voluntary Contributions shall be deposited by the Town in Town trust funds to be created by the Town and to be named: "Town of Hillsboro Beach Underground Utility Trust Fund" and "Town of Hillsboro Beach- Beach Renourishment Trust Fund". In the event the aforesaid trust funds are not created at the time Developer pays the Voluntary Contributions, the Town shall deposit such funds in appropriate accounts and not comingle such funds, so they are available for their intended use.

Attachments:

- Development Application including proposed final site plan and Applicant's backup
- Appendix A: Revised Section Showing Proposed Building on Parcel A
- Appendix B: Comments from plan reviewers



TOWN OF HILLSBORO BEACH
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www.townofhillsborobeach.com

DEVELOPMENT APPLICATION

Submittal Date: _____

Zoning Board Meeting Date: _____

Property Control # _____

Town Commission Meeting Date: _____

PROPERTY OWNER(S)		AUTHORIZED AGENT	
NAME: Hillsboro Mile Property Owner LLC		NAME: Eric Fordin	
ADDRESS: 315 S. Biscayne Boulevard Miami, FL 33131		ADDRESS: 315 S. Biscayne Boulevard Miami, FL 33131	
PHONE: 954-418-8033	CELL: 786-402-0807	PHONE: 954-418-8033	CELL: 786-402-0807
E-MAIL: efordin@relatedgroup.com	FAX: ---	E-MAIL: efordin@relatedgroup.com	FAX: ---

APPLICANT'S CERTIFICATION

(I) Eric Fordin (owner), (architect) or authorized agent, affirm and certify that I understand and will comply with 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.

Eric Fordin
 Signature

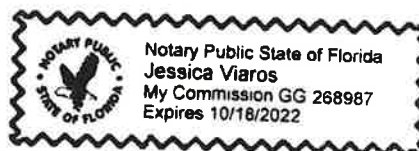
Eric Fordin
 Print Name

STATE OF FLORIDA, COUNTY OF Broward Miami Dade

The foregoing instrument was acknowledged before me on this 26th day of July, 2021, by Eric Fordin as Authorized Signatory for Hillsboro Mile Property owner, LLC.
 Personally know ☒ or has produced identification _____. Type of Identification _____

Jessica Viaros
 Notary Signature

Jessica Viaros
 Print Notary Name



CHECK BELOW WHERE APPLICABLE

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

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: 1174-1185 Hillsboro Mile District: _____

Proposed Zoning: RM-16 (same as existing)

Existing Comprehensive Plan Designation: Residential Medium 16 units per acre

Proposed Comprehensive Plan Designation: No change

Existing Land Use: Vacant

Proposed Land Use: Residential

Total Site Area: _____ Sq. Ft. 11.768 Acres

Flood Zone Category: Various (see survey)

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. Vacant

Describe the type of operation or business proposed; or the proposed construction. Residential

Estimated construction cost: \$333,000,000.00

Describe in detail the phasing of the proposed development. 1 Phase

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 Justification Statement and Project Narrative Letter describing the request.

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. _____

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

Yes ☐ No ☒ If yes, please note date of previous approval. _____

(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)

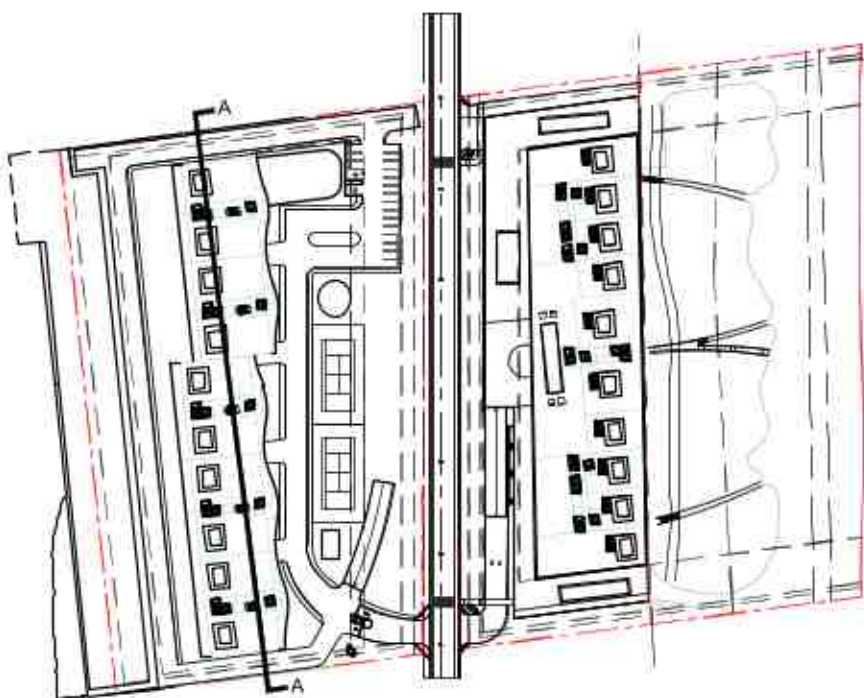
Items to be added after page 4 of the backup of the site plan

2021.12.17 FINAL_APPLICATION FOR SITE PLAN SUBMITTAL-REVISED.PDF

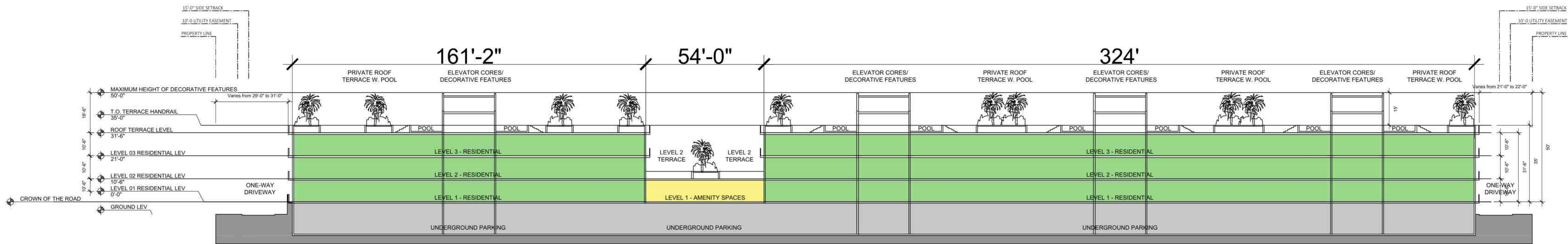
ALL IR PLANS: IR1-10 - IR5-10

ALL LANDSCAPE PLANS: L0-00 THROUGH L5-30

ATTACHMENT "A"



KEY PLAN



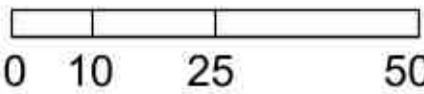
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1174-1185 HILLSBORO MILE
Hillsboro Beach, FL 33062

SECTION - PARCEL A



SCALE: SCALE TO FIT

DATE:
01/03/2022

A3-04



TOWN OF HILLSBORO BEACH DEVELOPMENT REVIEW COMMENTS

Discipline: Planning
 Reviewed by: Jim Hickey, AICP (jhipkey@cgasolutions.com)
 Review Date: 12/17/2021
 Phone: (954) 766-2786
 Fax: (954) 921-8807
 Application: Development Review
 Project Name: 1177 Hillsboro Mile
 Project Number: 21-4197
 Comments Based on Plan Submittal: 3rd submittal

	No comments
X	Comments as follows or attached
	Approved with comment

DRC Comments:

1. ~~Plat note amendment will be required as development allows 6 single family homes on Parcel A and six single family homes on Parcel B or a total of 12 units. Note Amendment and NVAL Amendment Applications submitted. Comment addressed~~
2. Verify that Access openings on plat are consistent with locations of proposed driveways. ~~Not addressed. Verify parcel entries are the same as plat openings.~~ **Complies. An NVAL Amendment application was submitted.**
3. Proposed height of tower on Parcel B does not meet height maximum set forth in Sec 12-142 of the Land Development Code
 - a. No building or structure shall exceed 35 feet and shall not exceed 3 stores above the dune elevation east of Hillsboro Mile and 35' above crown of road west of Hillsboro Mile **Variance submitted.**
 - b. Decorative features, not including signs, nor containing any living areas and not covering more than 20 percent of the roof area may be erected to an additional height not to exceed 15 feet. **Variance submitted.**
4. ~~Verify that garage is not higher than 30' to meet required setback. Side yard on each side of the building must have a width of not less than 15 feet measured from the roof overhang, or 6 inches per foot of building height, whichever is greater. Comment addressed~~
5. ~~Density is a maximum gross density of 16 dwelling units per acre Sec. 12-215 Comment addressed~~
6. ~~Provide SF of residential in data table for the site plan Comment addressed~~
7. Parking required space size is 9x18 and must have direct and unobscured access from a paving aisle unless waived by DRC. **Need to verify with Traffic reviewer**
 - a. Using Tandem parking for required parking. **Comment addressed**
8. ~~Site needs to be accessible by single use truck 12-489(A)(3)(a) Comment addressed~~

9. Provide construction site management plan which is considered by the Town Commission prior to approval of site plan and building permit. **Not provided in submittal**
- ~~10. 45' setback for the podium ends at the edge of the 10' roadway easement. Required setbacks are within the 10' roadway easement. Staff to review FDOT plans to determine impact of roadway construction on required setback. Utility easements also part of this area. **Comment addressed.**~~
- ~~11. Remove wheel stops from A1-07 in front of garages of townhomes. **Comment addressed.**~~
- ~~12. Provide heights of all structures of building on A3-02 and identify what is included in each. **Comment addressed.**~~
- ~~13. Provide maximum height of townhomes on A3-03 **Comment addressed.**~~
- ~~14. Provide maximum height of private recreation area on A3-04 **Comment addressed.**~~
- ~~15. Provide rendering of delivery area for east side of AA from roadway **Comment addressed.**~~
16. Need to verify traffic has reviewed truck movements in this location. **Comment not addressed**
- ~~17. Provide photometrics for main pool areas to ensure light spillover does not encroach into adjacent properties. **Comment addressed.**~~
- ~~18. What are the hours of operation for the tennis center? Is the center for owners of the development only? **For owners only. Comment addressed.**~~
- ~~19. If utilized by FDOT, there will be no front landscaping area between roadway and podium. **Comment addressed.**~~
 - ~~a. Same for east and west side of A1A.~~
 - ~~b. 22' utility easement also part of this area. Are there requirements/restrictions on what can be planted here?~~
- ~~20. Setback for dock on NW corner should be a minimum of 15' from property line **31' provided. Comment addressed.**~~
- ~~21. State whether gross or net acreage is being used in A0-05 **Comment addressed.**~~
- ~~22. Show neighboring ownership and zoning on A1-00 **Comment addressed.**~~
- ~~23. Provide dimensions of all landscape buffers including beach path on north side of property on A-00 **Comment addressed.**~~
- ~~24. 107' 7" measurement for side setbacks do not include balconies. What is the setback with balconies included? **Both dimensions provided. Comment addressed.**~~
- ~~25. Remove wheel stops from A1-07 for garage parking **Comment addressed.**~~
- ~~26. Are restaurant/coffee areas being used by the public or residents only? If public, restaurant will require a Conditional use **Comment addressed.**~~
- ~~27. A3-03 height of building including all structures. **Comment addressed.**~~
- ~~28. Provide percentage of roof area per Sec 12-142(B) "It is further provided that purely decorative features such as cupolas, tower, railings, not including sign, nor containing any living areas and not covering more than 20% of the roof area may be erected to an additional height not to exceed 15 feet..." **Variance being requested**~~
29. Why is there an increase in parking within Parcel B (tower) if there are fewer units?

30. In the previous submittal, parking requirements were provided for the private recreation building on Parcel A. Are those spaces included within the calculation for the 3-story condo?
31. Missing the street view/rendering of condo building on Parcel A showing length of building and side setbacks being met (should be A3-04)
32. Are balconies proposed for the building on Parcel A? If so, provide front and side setbacks.
33. Minor typo of "zoning": on A0-05
34. Minor typo on A3-01 to add a ' after 112 to describe that measurement in feet
35. Have the site setbacks for the condo building on Parcel A increased or decreased?
36. Tennis center sf has been decreased and amenity center on Parcel A increased. Has parking been reassessed?
37. Traffic needs to review new access to garage on Parcel B and trips produced at intersection of Parcels A and B and A1A.
38. On sheet A1-07, are the hashed marked areas driveways for the units?
39. Lobby level starts at level 2 in the plans. Where is level 1?
40. Provide front setback of tennis center and amenity area on Parcel A.



**TOWN OF HILLSBORO BEACH
DEVELOPMENT REVIEW COMMENTS**

Discipline: Landscaping
Reviewed by: Bill Tesauro (jhickey@cgasolutions.com)
Review Date: 12/17/2021
Phone: (954) 921-7781
Fax: (954) 921-8807
Application: Development Review
Project Name: 1177 Hillsboro Mile
Project Number: 21-4197
Comments Based on Plan Submittal: 3rd submittal

	No comments
X	Comments as follows or attached
	Approved with comment

Development Review Committee 3rd Review Comments

Planning

1. Please be advised that the proposed tree disposition plans are reviewed and approved by the Broward County for all tree preservation and tree permits. *** Recommend contacting them ASAP. Also, please provide all the existing Sea grapes which are on the survey and tree disposition plans and all the existing trees on the west parcel (which are not) that are being proposed for removal/ relocation on the tree mitigation chart. Also, please relocate the existing Sabal palms that are proposed for removal. Lastly, if any existing trees are proposed to be preserved, please indicate the proposed grade changes and the distance of any proposed impervious areas to them.
2. Please clarify, label and provide all the dimensions for the landscape buffers to be at least the minimum required 10' wide. NOTE: It appears that some landscape buffers have some discrepancies with other sheets and cross sections. Also, the buffer near the entrance of the access road on the SE side appears to be less than 10' wide.
3. Please dimension and provide the proposed landscape islands to verify that they are at least the minimum required 9' wide including curbs with 8' wide landscape areas. NOTE: The landscape island between the handicap space the amenity building is deficient. Also, please provide at least the minimum required shade tree or three palms in each landscape island. Lastly, please label and provide the required Type "D" cubing around each landscape island.
4. Please provide no more that 10 parking spaces in a row without at least the minimum required 9' wide including curbs with 8' wide landscape areas. NOTE: 20 spaces are proposed in a row. Also, please provide at least the minimum required shade tree or three palms in each landscape island.
5. Please provide a complete irrigation plan to review per the code requirements. NOTE: Plans were provided. However, they were incomplete.
6. Please clarify the proposed civil cross section slopes with existing grades, proposed grades, slopes, retaining walls and how does any grade changes affect the proposed landscaping and adjacent properties per code requirements.

7. Please provide all the proposed and existing underground lines on the landscape plans to verify if there are any conflicts with the proposed or existing trees.
8. Please provide all the tag lines symbols and quantities on the planting plans for the specific accents, hedges, shrubs, vines, and groundcovers and not a cafeteria selection of proposed species with no specifications. NOTE: Please provide at least the minimum required height, spread and on center spacing for the proposed accents, hedges, shrubs, ground cover and vines. NOTE: All proposed ground covers require a minimum of 50% coverage at time of planting and hedges need to be continuous.
9. Please correct some tag lines symbols and quantities on the planting plans for the proposed tree and palms.
10. Please clarify the proposed grass pavers system (Is it Grass Pavers which sod is laid on top for support of vehicles) and provide a detail with specializations.
11. Please provide the proposed, relocated, and existing lighting on the landscape plan with the required minimum separation of 12' from the lights and large trees or 7' from the lights for palms. Recommend dashed circle for the separation. NOTE: A tree is required in the landscape islands. *** All proposed lighting must meet the Turtle lighting requirements, including any proposed landscape lighting. ***Did not see a lighting plan in the submittal.
12. Please provide the required 36" tall screening around the proposed or existing FPL transformers, A/C units, generators, above ground utilities, and irrigation pump.
13. Please move all category one trees at least 10' away from the buildings, as they may cause future damage to the buildings.
14. Please provide the proposed building landscape planters specifications (size, depth), how they are being waterproofed, the proposed drainage and irrigation.
15. Please add Florida Grade #1 number on to the proposed large Strangler Fig Ficus trees.
16. Recommend not utilizing the proposed Mahogany trees as they drop hard fruit which can damage vehicles and cause a tripping hazard. Lastly, I would recommend that the proposed Coconut palms not be utilized as part of the roof planting, so not allow any coconuts to be utilized as projectiles.
17. Recommend hedges around all the proposed tennis courts. Also, recommend the proposed single Sabal palms be in clusters of three or more and at staggered heights.
18. Please be advised that **as a conditional approval** the preserved existing ecological beach dune community must be reviewed, approved, and permitted by all the required governmental agencies.
19. Please be advised that **as a conditional approval** all overhead lines must be buried.
20. Please be advised as that **as a conditional approval** written approval from the easement holders must be provided to the Town for the proposed landscaping with in them.



**TOWN OF HILLSBORO BEACH
DEVELOPMENT REVIEW COMMENTS**

Discipline: Engineering
Reviewed by: Heidi Belle Henderson, P.E. (hhenderson@cgasolutions.com)
Review Date: 12/22/2021
Phone: (954) 266-6484
Fax: (954) 921-8807
Application: Development Review
Project Name: 1177 Hillsboro Mile
Project Number: 21-4197
Comments Based on Plan Submittal: 3rd submittal

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

DRC Comments:

1. Please provide a response letter for following comments. Please give specific responses to the open issues, not generic responses such as "see plan" or "corrected".
2. Please provide Site Plan with sufficient detail, and dimensions for all onsite and offsite features.

2nd Review: Dimensions were added, but sufficient detail is not provided at entrances to show that the site can meet the FDOT requirements for width and throat depth in the pre-submittal letter for all three connections to the roadway.
3rd Review: Comment not sufficiently addressed. FDOT requires a minimum of 25' radii on category C drive connections per table 214.3.1 in the 2019 FDOT Design Manual.
3. Please provide Engineering plans with sufficient details and dimensions for all onsite and offsite features.

2nd Review: Although additional information was provided there is still information that is missing to determine constructability of the site as designed. Please provide additional information as indicated in further comments below and as shown on the attached plan comments.
3rd Review: Comment not sufficiently addressed with new submittal plans.
4. Please provide Water & Sewer Utility plans with sufficient details, standard details, specifications, pavement restoration etc.

2nd Review: Although additional information was provided there is still information that is missing to determine constructability of the site as designed. Please provide additional information as indicated in further comments below and as shown on the attached plan comments.

3rd Review: Comment still not sufficiently addressed with new plan submittal.

5. ~~Please delineate the flood zones on the civil plan sheets.~~

~~2nd Review: OK~~

6. Confirm code section Sec. 12-268. – Seawalls has been met.

2nd Review: East of A-1-A there is a VE 12, VE 9 and X from east to west respectively; west of A-1-A, there is zone X from the road west to the existing seawall and an AE 5 west of the seawall. Please verify which floodplain governs the construction elevation of the seawall. Existing seawall is at 9.0' NAVD, this is a replacement, please confirm if there is an existing permit for this seawall which may aid in determining if it may remain at that elevation.

The AE 5 appears to govern the seawall in the SW and NW // west quadrants. If the AE 5 does govern, then the code indicates that the maximum height of the seawall should be 7.0 ft, NAVD. Please discuss with your land use attorney to ensure conformance to code.

3rd Review: Although 5' NAVD is the minimum seawall elevation for property within the AE 5 flood zone, the maximum seawall required for the same in ord. 2020-05 is 7' NAVD for any new or substantially improved seawall. If there has been a determination by an attorney that this requirement does not apply, please provide this in written format at the next submittal.

7. Please add the proposed Finished Floor Elevation.

2nd Review: Looks like FFE for both sides of roadway are lower than the existing grade. Sections do not appear to indicate how the proposed conditions will tie into the existing conditions.

As the summary tables with the proposed elevations for both Basin A and Basin B do not match the output for the same events obtained in Cascades, it is difficult to determine whether the FFE proposed would meet the determined criteria.

Please clearly indicate FFE on the building sections so that we may confirm that the stormwater criteria have been met.

3rd Review: FFE appear to meet criteria. OK

8. Please provide Pavement Marking and Signage Plan with sufficient details.

2nd Review: There appear to be some inconsistencies with dimensions in the parking areas. See comments on the plans.

3rd review: This comment has not been sufficiently addressed with the revisions. Please see the attached plan with comments related to the site plan and dimensions.

9. ~~Raised sidewalk and ADA curb ramps shall be provided along north of Compass Way and Alley intersection. Please call out on the plans.~~

~~2nd Review: OK, but additional information will need to be provided at building permit to ensure compliance with maximum slopes.~~

~~3rd Review: OK~~

~~10. Please provide Stormwater Pollution Prevention plans with sufficient details.~~

~~2nd Review: Double row silt fence required along conservation areas and seawall.~~

~~Construction entrances need to be shown to roadway. Wheel cleaning will be required.~~

~~3rd Review: OK~~

11. All dimensions and horizontal controls shall be shown on Site Plan and Engineering Plans.

2nd Review: Dimensions were added, but sufficient detail is not provided at entrances to show that the site can meet the FDOT requirements for width and throat depth in the pre-submittal letter for all three connections to the roadway.

3rd Review: In general, additional detail will be needed to determine constructability of the revised site plan.

12. Please provide cross sections along all sides of the subject property and driveways to demonstrate driveway slope, sidewalk cross slope (2% maximum), landscape areas cross slope (4:1 maximum).

2nd Review: Cross sections do not appear to properly depict the plan grades as shown in the plan view. I have marked up the sheets with additional information. This is not a final design, but additional information should be provided to show that the project can be constructed as proposed.

3rd Review: Not enough information has been provided on the proposed cross-sections to determine the constructability of the site as shown. Please revise the cross sections by adding slopes, grades, pavement section areas, etc. to show that the site will tie into existing inside the property and the interior drainage will function as intended.

~~13. Please identify all ADA ramp and ramp type, accessible route, curb ramp, curb ramp type on site plan and PGD plans (onsite and offsite). Apparently, sidewalk curb ramps are missing at the corners of the property.~~

~~2nd Review: If no connection is proposed and no sidewalk is required along A1A, why are there sidewalks ending on the southern portion of the west side?~~

~~3rd Review: OK~~

14. Please show the proposed dumpster location if applicable on the Site Plan and Engineering Plans. Demonstrate waste management trucks accessibility.

2nd Review: The east side appears to function for rear load trucks if there are no raised center islands. If there are raised center islands, how will this function? Also, it appears that on the north side of the building the slope on the cross section for the service access is 4:1 to tie into existing, how will this function for emergency vehicles?

3rd Review: OK for waste trucks, but the functionality for emergency vehicles is still in question with the new plan particularly on the west side.

15. Water meter shall be placed at R/W limits or utility easements.

~~2nd Review: Are existing water services properly sized for the western services to be converted to double services?~~

~~3rd Review: There is no documentation provided to determine if the lines on either site are properly sized.~~

~~16. Any road Cuts for utilities connections, curb cuts and/or others within the ROW shall be restored.~~

~~2nd Review: MOT plans will need to be submitted under building permitting.~~

~~3rd Review: OK~~

17. Please provide water and sewer details.

2nd Review: Is there adequate depth on the existing sewer laterals to accommodate extension to and through the buildings? Also, are there adequate hydrants for fire suppression for both parcels?

3rd Review: Details have been provided, but no specific information has been included on the plans to show constructability of the utilities as shown. There is no documentation provided to determine the adequate size of the potable water lines or fire lines into both sites.

Also, it is likely that there will need to be hydrants extended on both sites for the maximum reach for fire fighting for multiple story buildings. Please address all fire review comments as needed.

18. Please provide projected water, sewage and solid waste generations amounts in tabular format. Please provide water/sewer availability letter from utility providers.

2nd Review: Please provide availability letter(s) from utility providers.

3rd Review: The project water, sewage and solid waste generation amounts were not submitted for the project during this submittal. Please provide. Also provide availability letters from utility providers based on the current project.

19. Please show sight triangles for applicable driveways on Site plan and engineering plans.

2nd Review: Please dimension triangles and show how the dimensions were calculated.

3rd Review: Comment still not addressed. Please provide calculations to show that the 10'x10' triangle is properly sized for an FDOT driveway connection per section 212.11.1 of the FDOT design manual.

20. Please indicate the parking space dimensions for all parking spaces on Site Plan and Engineering plans.

2nd Review: There are a few issues with the site plan as dimensioned. Please clarify areas indicated on the plans. ARQ to ensure dims are shown inside the garage.

3rd Review: Comment needs further clarification as indicated in comments on the attached plans.

21. Please demonstrate compliance with ADA and accessibility code for all Sidewalk locations onsite and offsite with sufficient grades and slope requirement.

2nd Review: There will need to be additional information provided at Building permit to show that ADA can be met as there is not sufficient information to show that the requirements are being met on this plan.

3rd Review: Comment still applies. Please use FDOT standard plan details and call out which will be used in each ramp location. Additional grades will be required to show that this plan will meet the ADA and accessibility code overall.

22. Please clarify if irrigation is proposed.

2nd Review: Is a single 2" meter of adequate size to serve the parcels? Primarily on the western parcel?

3rd Review: Comment still not address with any data indicating the required size for the proposed irrigation system.

~~23. Please confirm the existing drainage patterns.~~

~~2nd Review: OK~~

24. Please provide the drainage report.

2nd Review: Additional grading details and elevations will need to be provided to show that the 25-yr 3-day event can be contained within each basin prior to any discharge leaving the site. The cross sections don't contain adequate information to show the berm location and any offsite flows. Details on the drainage wells will need to be provided to ensure that the calculations included are correct and additional information will need to be provided to show the extent of the drainage improvements.

3rd Review: The cross sections still do not contain adequate or accurate information to show the constructability of the site. There are no details on the plans to show how the drainage wells will function or how the drainage from the garage access points will be handled. Please provide additional information on how both drainage systems will function.

25. Additional comments may follow.

Advisory Comment

1. All outside agency approvals such as South Florida Water Management District (SFWMD), Florida Department of Transportation (FDOT), Florida Department of Environmental Protection (FDEP), etc. will be required prior to the issuance of the building permit.

Heidi Henderson

*Heidi Belle Henderson, P.E.
Project Manager*



TOWN OF HILLSBORO BEACH
DEVELOPMENT REVIEW COMMENTS

Discipline: Traffic Engineering
Reviewed by: Diana White, P.E. / James Kemp E.I
Review Date: 1/4/2022
Phone: (954) 921-7781
Fax: (954) 921-8807
Application: 1175 Hillsboro Mile

Comments Based on Submittal: 3rd Submittal

☐	No comments
☒	Comments as follows or attached
☐	Approved with comment

1. Please be advised that A1A, within the limits of the proposed project, is part of the Broward County Trafficway Plan and a Plat Note Amendment Application needs to be filed with Broward County Planning and Development Management Division to request the amendment of the plat recorded in Broward County Public Records for the proposed permanent access driveways crossing the Non-Vehicular-Access Line (NVAL). Please provide a copy of the NVAL amendment documents for the Town's review. If the NVAL amendment agreement documents have already been approved and recorded by Broward County, please provide a copy for the Town's records.

KHA Response 11/03/21: See attached application and sketch and legal that was recently submitted to Broward County. Agreement will be provided under separate once approved and recorded.

CGA Response 11/15/21: Please be advised that no application and/or sketch and legal descriptions were received with this submittal.

KHA Response 12/17/21: The subject application and sketch/legal descriptions are attached.

CGA Response 12/21/21: Satisfied.

2. Please provide a copy of the driveway connection approval letter from FDOT District 4 for the proposed driveways connections to A1A for the east and west parcels.

KHA Response 11/03/21: The Pre-Application letter was received from FDOT District 4 on November 2, 2021, and is included in Attachment X.

CGA Response 11/15/21: Satisfied. Please note that no Attachment X was found on the submittal package, but the FDOT letter was located.

KHA Response 12/17/21: The pre-application letter is attached.

CGA Response 12/21/21: Satisfied.

3. Please provide a detailed narrative of the operations (ingress/egress) for the proposed access gates for service vehicles in the full traffic impact study. Narrative must include a detailed explanation of how the service vehicles will be handled by the proposed gates, largest size of the expected service vehicle, gate operations, service vehicles frequency, etc. Site must provide enough inbound vehicle reservoir for the service vehicles. Vehicles are not permitted to be queued on the public right of way of an external roadway system.

KHA Response 11/03/21: The narrative of the proposed access and entry gate operations has been updated in the report based on updates to the site plan. As noted in the updated report, access to the proposed development will be provided via three (3) driveways along SR A1A/Hillsboro Mile. Two (2) full-access driveways will be located along the east side of the roadway providing access to 112 multifamily units with the southern driveway providing passenger vehicle access and the northern driveway providing loading vehicle access exclusively. One (1) full-access driveway will be located along the west side of the roadway providing access to nine (9) townhomes and residential amenities providing passenger and loading vehicle access. The proposed development provides dedicated loading areas to accommodate loading maneuvers within the site, outside of public right-of-way. Note that the largest anticipated loading vehicle is a single unit (SU-30) truck.

Additionally, the proposed entry gates will provide one (1) entry lane for the high-rise (east) and two (2) entry lanes for townhome (west) development. The proposed entry gate for the high-rise development is located approximately 100 feet (22 feet for the service position and 78 feet of storage) from public right-of-way on the east side of SR A1A/Hillsboro Mile. The proposed entry gate for the townhouse development is located approximately 65 feet (22 feet for the service position and 43 feet of storage) from public right-of-way on the west side of SR A1A/Hillsboro Mile. At the request of FDOT District 4, an entry gate is proposed for the loading vehicle access driveway serving the high-rise development. Note that approximately 36 feet of storage is provided between the proposed gate and the public right-of-way, which can accommodate an SU-30 truck. Note that a dock master will be present on site to direct loading vehicles in and out of the loading and associated maneuvering areas provided onsite. Specific service vehicle frequency/schedule is unknown at this time. However, it is anticipated to be consistent with typical developments of this type.

Please refer to the updated traffic report.

CGA Response 11/15/21: Partially addressed. The 36' of storage for service vehicles along the east side of A1A includes the 10' of roadway easement. Please relocate the gates to accommodate sufficient stacking for a delivery truck. The inbound reservoir area shall not include the stacking distance beyond the roadway easement.

KHA Response 12/17/21: The site plan/gate location has been revised to provide 30' of storage between the gate to the outer edge of the easement line consistent with the length of a SU-30 design vehicle. Note that largest expected vehicle to use the delivery area is an SU-30.

CGA Response 12/21/21: Satisfied

4. Please show the distance from the ultimate ROW line to all proposed gates on the site plan. Vehicles are not permitted to be queued on the public right of way of an external roadway system.

KHA Response 11/03/21: The required measurements have been added to the site plan included in Appendix A of the report. As mentioned in the report, the 95th percentile queue length is less than one (1) vehicle behind the service position during the A.M. and P.M. peak hours for both the high-rise development entry gate and the townhome development entry gate. The 95th percentile queue length represents the queue length that will not be exceeded 95 percent (95%) of the time. Therefore, the analysis determined that one (1) entry lane is sufficient to accommodate all anticipated queues on-site without extending into the right-of-way and/or easement along SR A1A/Hillsboro Mile. Please refer to the updated traffic report.

CGA Response 11/15/21: Partially addressed. The 36' of storage for service vehicles along the east side of

A1A includes the 10' of roadway easement. Please relocate the gates to accommodate sufficient stacking for a delivery truck. The inbound reservoir area shall not include the stacking distance beyond the roadway easement.

KHA Response 12/17/21: The site plan/gate location has been revised to provide 30' of storage between the gate to the outer edge of the easement line consistent with the length of a SU-30 design vehicle. Note that largest expected vehicle to use the delivery area is an SU-30.

CGA Response 12/21/21: Satisfied.

5. The Town of Hillsboro Code of Ordinances defines a stacking space as 12 feet wide by 22 feet in length. Please revise the entry gate analyses provided in Appendix G, based on the number of stacking spaces calculated from the first stopping (either a gate or a card reader point, etc) to the right of way line.

KHA Response 11/03/21: The entry gate analysis has been revised to utilize stacking spaces 22 feet in length in lieu of the 25 feet previously assumed. Please refer to the updated traffic report.

CGA Response 11/15/21: Satisfied.

KHA Response 12/17/21: Note that development plan/site plan has been revised since the previous submittal. The traffic study and associated entry gate analysis has been updated consistent with the current plans and is included in this resubmittal.

CGA Response 12/21/21: Satisfied.

6. Please provide the average daily traffic volume to be expected by the two proposed sites. These volumes will help determine the proposed main access driveways design criteria to be used.

KHA Response 11/03/21: Daily weekday trip generation calculations have been included in Appendix E of the updated report. Please refer to the updated traffic report.

CGA Response 11/15/21: Satisfied.

KHA Response 12/17/21: Note that development plan/site plan has been revised since the previous submittal. The traffic study and associated entry gate analysis has been updated consistent with the current plans and is included in this resubmittal.

CGA Response 12/21/21: Satisfied.

7. Please modify table shown on page 54 of the study dated 7.27.21. Only 48-hour traffic volume counts were requested for this analysis. Also, please verify the volumes listed, table provided does not reflect data collected for the site or the appropriate count station number. Please modify other tables or appendices as necessary.

KHA Response 11/03/21: The report has been updated to note the 48-hour traffic volume counts collected. The COVID-19 Volume Adjustment Calculations table has been updated accordingly. Volumes have been verified to be correct as previously submitted. Please refer to the updated traffic report.

CGA Response 11/15/21: Satisfied.

8. Page 17 of the study under the "Future Total Traffic", refers to Volume developmental worksheets for

the study intersections. However, there were no intersections studied as part of this TIA. Please revise the section of the study.

KHA Response 11/03/21: The narrative provided under the Future Total Traffic section of the report has been updated accordingly. Please refer to the updated traffic report.

CGA Response 11/15/21: Satisfied.

9. Page 95 in Appendix F, refers to Volume developmental worksheets for the study intersections, please modify the title of the worksheet. Also, please identify somewhere on the table the AM and PM peak hours utilized for the develop volumes.

KHA Response 11/03/21: The title of the volume development sheets have been updated accordingly. The AM and PM peak hours have been noted on the segment volume development sheets included in Appendix F of the report. Please refer the updated traffic report.

CGA Response 11/15/21: Satisfied.

10. According to the valet analysis provided, both parcels will have access to the proposed valet services on the east parcel, please indicate this in the study under the Valet Operations Analysis section.

KHA Response 11/03/21: As mentioned in the report, valet is only provided for the high-rise development. All users accessing the townhome development will be required to self-park.

CGA Response 11/15/21: Satisfied.

11. Please update the copy of the site provided in Appendix A, after the following review comments have been addressed.

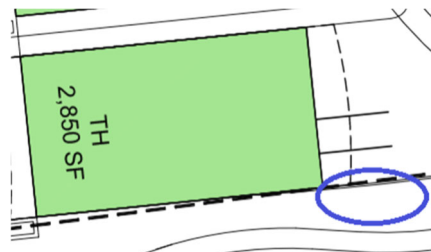
KHA Response 11/03/21: The site plan included in Appendix A of the report has been updated. Please refer to the updated traffic report.

CGA Response 11/15/21: Satisfied.

KHA Response 12/17/21: Note that development plan/site plan has been revised since the previous submittal and has been included in the updated traffic impact study.

CGA Response 12/21/21: Satisfied.

12. Please provide sufficient back out area for the southernmost parking stall at the proposed 2,850 SF townhouse (West side of A1A)



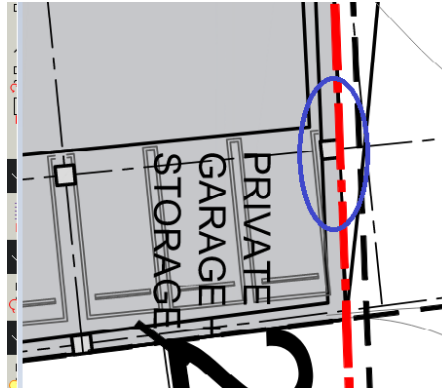
Response: ARQ

CGA Response 11/15/21: No response provided and not addressed.

KHA Response 12/17/21: Surface parking stalls and below grade garage stalls have been revised to provide adequate backout parking on both the east and new west sites. See architectural sheets A1-01, A1-02 and A1-07 and A1-07.1 along with civil sheets C2.00 thru C2.04 for details.

CGA Response 12/21/21: Satisfied. The redesign of the site eliminated this conflict.

13. Please provide sufficient back out area for the easternmost parking stall along the south side of the proposed parcel B Underground parking -Lower & Upper Level (East side of A1A)



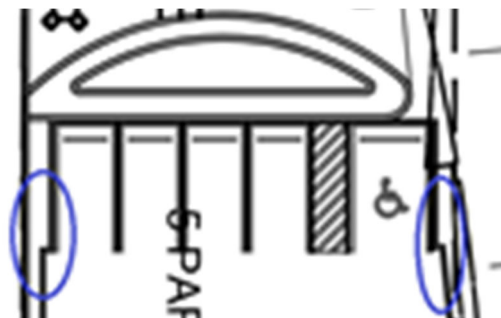
Response: ARQ

CGA Response 11/19/21: No response provided and not addressed.

KHA Response 12/17/21: Surface parking stalls and below grade garage stalls have been revised to provide adequate backout parking on both the east and new west sites. See architectural sheets A1-01, A1-02 and A1-07 and A1-07.1 along with civil sheets C2.00 thru C2.04 for details.

CGA Response 12/21/21: Satisfied. See sheets A1-01 and A1-02 for redesign of this area.

14. Please provide sufficient back out area for the two parking stalls shown below, just south of the proposed terrace.(East side of A1A)



Response: ?

CGA Response 11/19/21: No response provided and not addressed.

KHA Response 12/17/21: Surface parking stalls and below grade garage stalls have been revised to provide

adequate backout parking on both the east and new west sites. See architectural sheets A1-01, A1-02 and A1-07 and A1-07.1 along with civil sheets C2.00 thru C2.04 for details.

CGA Response 12/21/21: Satisfied. See page A1-03 for revised area.

15. Please clarify and differentiate between the Lower and Upper Levels of Underground Parking. Plan Sheets A1-01 and A1-02 have the same call-out labels along the parking drive-aisle that read “UNDERGROUND PARKING -LOWER LEVEL” however, both of these callouts have different parking calculations and each plan sheet has a different name. Please address this issue.

Response: ?

CGA Response 11/19/21: No response provided and not addressed.

KHA Response 12/17/21: A1-02 has been revised to state “Upper Level” of the garage while A1-01 indicates “Lower Level”.

CGA Response 12/21/21: Satisfied.

16. Please be advised that plan sheet C4.00 depicts the maneuverability of a WB-40 truck, the design vehicle, for the east and west side parcels. The turnaround movement for the truck along the east parcel shows the truck going over “ART” as well as the designated pedestrian area along the lobby floor. Please address this issue.

Response: ARQ. The art is above the turning movement of the WB-40, which is the template used for a emergency fire truck.

CGA Response 11/15/21: Satisfied

KHA Response 12/17/21: The arrival court for the east parcel has been revised and now allows for emergency vehicles to navigate around the arrival court/lobby drop off area. See autoturn sheet C5.00 for that analysis.

CGA Response 12/21/21: Satisfied.

17. Plan sheet C4.01 Maneuverability Plan Ground, shows three different truck access scenarios going in but there are none demonstrating that the same truck can go out. Site should be able to provide complete access (egress and ingress) for the design vehicle. Please address this issue

KHA Response 11/03/21: See revised sheets C5.00-C5.02 for the addition of the egress routing.

CGA Response 11/19/21: Partially addressed. Egress maneuvers have been included. Note: The fire truck entering the east parcel is shown going over the curb entering the driveway. Additionally, this vehicle was not fully shown exiting the driveway.

KHA Response 12/17/21: See revised sheets C5.00-C5.03 for the updated autoturn exhibits.

CGA Response 1/04/21: Partially Satisfied. The fire truck on C5.00 maneuvering the east parcel is still not shown fully exiting the site

18. The paving and Grading plan does not identify the “Beach Path (Limited Service Access)”, northern portion of the east parcel, as being proposed to be paved. However, plan sheet C4.01 provides a scenario of a WB-40 truck driving through the Beach Path. Please provide a paved surface for truck accessibility along the Beach Path.

Response: ARQ. The revised PGD plan sheet C3.03 is showing the path to be stabilized surface. This is for emergency access and limited town use only. A paved surface is not permitted within the conservation/dune area.

CGA Response 11/15/21: Satisfied.

KHA Response 12/17/21: The revised PGD plan sheet C3.03 is showing the path to be stabilized surface. This is for emergency access and limited town use only. A paved surface is not permitted within DOT ROW nor the conservation/dune area.

CGA Response 12/21/21: Satisfied.

19. Provide dimensions of proposed standard and parallel parking stalls in accordance with Town of Hillsboro Beach Code of Ordinances Section 12.49

Response: ARQ. See attached sheets C2.01-C2.04 for the dimensions of the parking stalls on the west parcel.

CGA Response 11/19/21: Partially addressed. Dimensions for the east parcel parking spaces were not provided.

KHA Response 12/17/21: See attached sheets C2.01-C2.04 for the dimensions of the parking stalls on the west parcel and architectural plan sheets A1-01, A1-02, and A1-07, A1-07.1 for dimensions of stalls within the garage structure.

CGA Response 12/21/21: Satisfied.

20. Please provide a pavement marking and signage plan prepared by a registered professional engineer in the State of Florida should be provided for review and comments.

KHA Response 11/03/21: See attached sheets C2.01-C2.04 for the pavement marking and signage plans.

CGA Response 11/19/21: Partially Satisfied. See Comments 25 to 30 bellow. Additionally, please provide a signing and striping plan for the upper and lower parking garage floors.

KHA Response 12/17/21: See attached sheets C2.01-C2.04 for the pavement marking and signage plans.

CGA Response 12/21/21: Satisfied.

21. Please ensure 8 feet of clear trunk for the following two trees adjacent to the site distance triangles by the southern access gate for the west parcel.

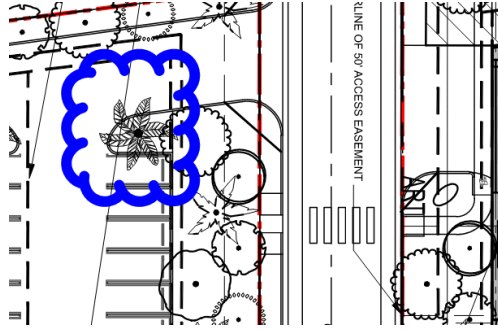
Response: ARQ

CGA Response 11/19/21: No response was provided, partially satisfied. The north tree canopy does not encroach in the sight triangle any longer. However, according to the plant list, the south tree QV provides 4' of Clear Trunk.

KHA Response 12/17/21: 8' of CT will be assured for the two trees adjacent to the site distance triangles by the southern access gate for the west parcel. The CT for these trees is noted as 8' in the Ground Level Tree Plan, sheet L1-12.

CGA Response 12/21/21: Partially Satisfied. Having the 8' CT call-out label is confusing with the table shown on L1-12 . Please add those two trees within close proximity to the clear visibility triangles to the table specifying the 8' CT previously requested.

22. Please ensure 8 feet of clear trunk for the proposed palm tree by the guest parking lot for the west Parcel



Response: ARQ

CGA Response 11/15/21: Not response was provided; however, this driveway has been removed.

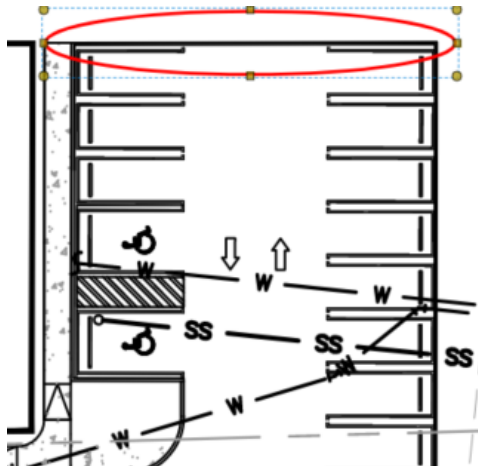
KHA Response 12/17/21: 8' of CT will be assured for the two trees adjacent to the site distance triangles by the southern access gate for the west parcel. The CT for these trees is noted as 8' in the Ground Level Tree Plan, sheet L1-12

CGA Response 12/21/21: Satisfied. This driveway/intersection has been removed.

23. Additional comments may be provided after the submittal of the revised traffic impact study and the signing and pavement marking plan.

KHA Response 11/03/21: Noted.

24. Provide sufficient back-out area for the redesigned parking-lot north of the Tennis Courts on the west parcel.



KHA Response 12/17/21: Applicable changes to the updated plans have been incorporated, see civil sheet C2.00 thru C2.04.

CGA Response 12/21/21: Satisfied. This section has been redesigned.

25. Provide Dead End Signage According to MUTCD Chapter 2C (See enclosed, red-lined mark-up)

KHA Response 12/17/21: This dead-end condition has been removed.

CGA Response 12/21/21: Satisfied.

26. Provide a "Keep Right" Sign to face vehicles coming out of the parking-lot (See enclosed, red-lined mark-up)

KHA Response 12/17/21: See civil sheet C2.01 for revised signage to encourage travel around roundabout.

CGA Response 12/21/21: Satisfied.

27. 24' is wide enough for two-way traffic; since this is a small traffic circle, modify the diameter of the circle with pavement marking to discourage travel on both directions along the east side of the circle. (See enclosed, red-lined mark-up)

KHA Response 12/17/21: See civil sheet C2.01 for revised pavement marking and signage to encourage travel around roundabout. Additional detail may be required once specific pavement material is identified and will be provided during building permit review.

CGA Response 12/21/21: Satisfied.

28. Modify the 6" white to YELLOW, also Diagonal crosshatch markings that are utilized to discourage travel on certain paved areas shall slant away from traffic. Please modify the direction. See MUTCD Chapter 3 (See enclosed, red-lined mark-up)

KHA Response 12/17/21: See civil plan sheets C2.00 thru C2.04 for updated striping plans.

CGA Response 12/21/21: Satisfied.

29. Diagonal crosshatch markings that are utilized to discourage travel on certain paved areas shall slant away from traffic. Please modify the direction. See MUTCD Chapter 3 (See enclosed, red-lined mark-up)

KHA Response 12/17/21: See civil plan sheets C2.00 thru C2.04 for revised crosshatch at entrance.

CGA Response 12/21/21: Satisfied. Crosshatch was removed in the new design.

30. Please provide a Stop Bar and Stop Sign at the exit of the parking garage to the access street on the east parcel. (See enclosed, red-lined mark-up)

KHA Response 12/17/21: See civil plan sheet C2.04 for added stop bar and sign exiting the garage structure.

CGA Response 12/21/21: Satisfied.

31. The project trips in Table 4 of the revised TIA for the SB movement South of Project Site do not match Figure 5 trip assignment. Please revise these to be consistent.

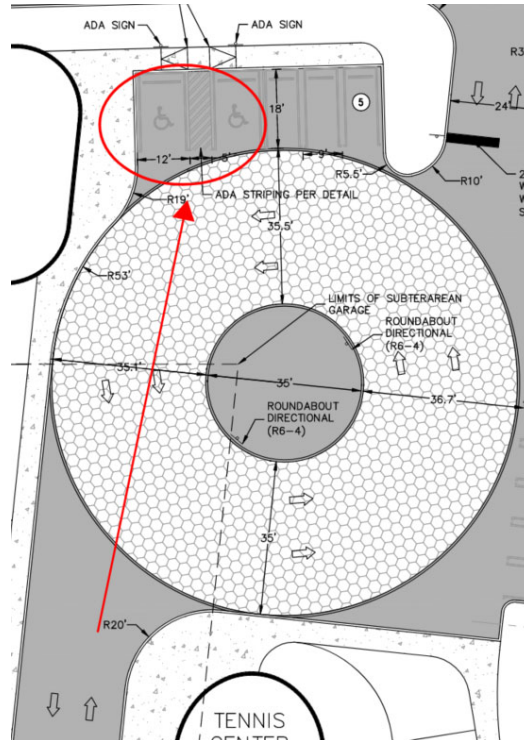
32. The mid-rise development now only proposes one entry lane into the site. Please revise the gate queuing analysis to utilize only 1 entry lane. Additionally, using 10% of total traffic as guests, there would be at least 1 guest vehicle entering in the PM Peak Hour. Please revise the Gate Queuing Analysis to account for the guest vehicle as well. Also, please provide a detailed narrative within the report of how visitors or guests traffic whose call is unattended or non-desired by the residents will be processed by the gate. Having residential traffic behind unwanted guests may generate unnecessary queues. Please address this issue and modify the site plan if needed.

34. Please clarify if the entrance to the one-way marina access drive will be one-way or two-way. The Architectural Plans show this as a one-way entrance, but the Civil Plans show a stop bar and stop sign exiting and entering to a road which is 15-foot wide. A 15 feet in width is wide enough to handle vehicular traffic in one direction ONLY. Please address this issue and provide the necessary modifications to the civil and architectural plans.

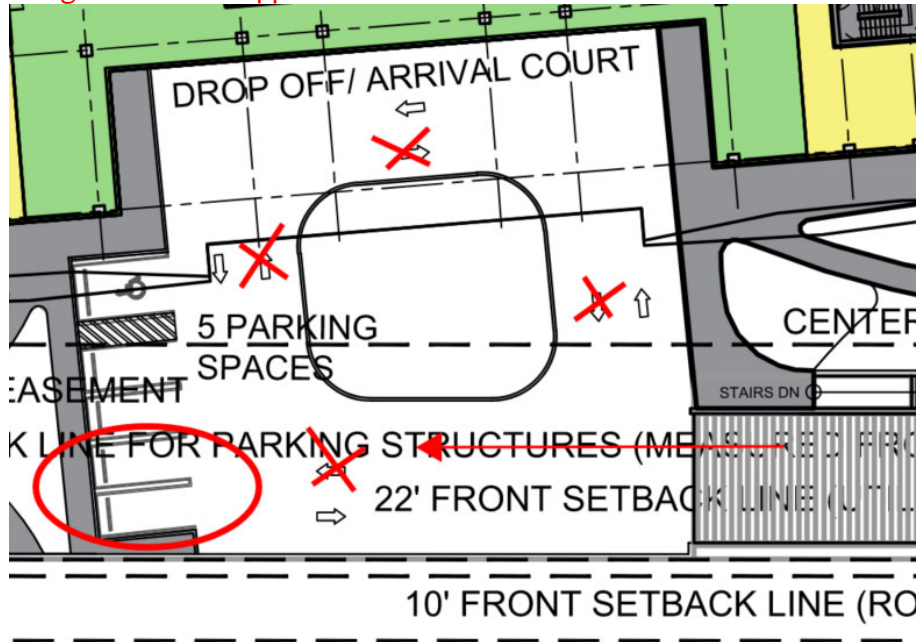
35. Please include a signing and pavement marking plan for the drop-off and arrival area for the east parcel. This level was not included in the plans.

36 . Circulatory roadways around central islands operate in a counterclockwise direction. The Civil plans show the counterclockwise operation for the proposed roundabout on the west parcel on some plan sheets but on other ones is shown as two-way, at the same time the architectural plans show circulation in both directions. Please address this issue on both sets of plans. Additionally, the circulation around the drop-off/arrival court for the east parcel is shown as a two-way and it shall be counterclockwise.

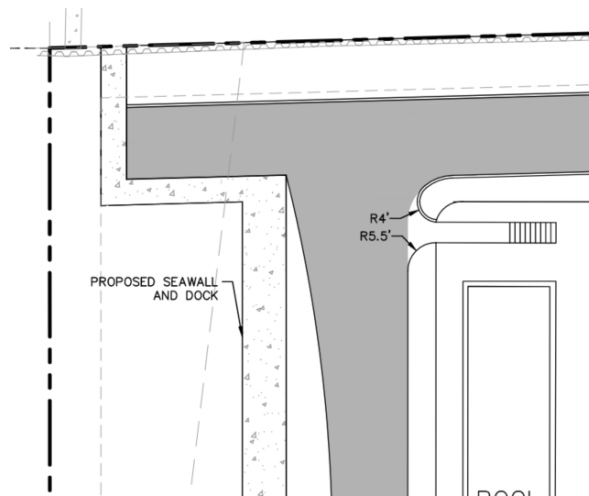
37. The visibility of the two ADA stalls for northbound traffic approaching the roundabout on the west parcel, may encourage travel in the opposite direction. Please consider removing, relocating, the two ADA parking stalls or modifying the radius of the central island.



38. As indicated in comment 36 above the traffic circulation around center islands shall be counterclockwise. The visibility of the two parking stalls for northbound traffic approaching the arrival/drop-off area on the east parcel, may encourage travel in the opposite direction. Please address this issue.



39. Please provide Type 4 object markers for the end of the road on the north side of the west parcel.



[Handwritten signature]

Date: January 5th, 2021

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



APPLICATION FOR FINAL SITE PLAN APPROVAL

ARCHITECTURAL SET-REVISED 12/17/2021

SHEET LIST	
SHEET NAME	SHEET NUMBER
COVER	A0-00
SURVEY	A0-01
SURVEY	A0-02
AVG. DUNE ELEVATION CERTIFICATE	A0-03
LOCATION MAP	A0-04
ZONING DATA SUMMARY	A0-05
PROJECT DATA	A0-06
STREET VIEWS	A0-07
STREET VIEWS	A0-08
OVERALL SITE PLAN	A1-00
PARCEL B - UNDERGROUND PARKING - LOWER LEVEL	A1-01
PARCEL B - UNDERGROUND PARKING - UPPER LEVEL	A1-02
PARCEL B - LOBBY LEVEL	A1-03
PARCEL B - LEVEL 03-10	A1-04
PARCEL B - ROOF LEVEL	A1-05
PARCEL A - UNDERGROUND PARKING BSMT. LEVEL	A1-06
PARCEL A - GROUND LEVEL	A1-07
PARCEL A - LEVELS 02-03	A1-08
PARCEL A - ROOF LEVEL	A1-09
OPEN AREA PLAN	A1-11
GREEN AREA PLAN	A1-12
CONSERVATION AREA PLAN	A1-13
PAVED RECREATIONAL AREA PLAN	A1-14
BUILDING COVERAGE PLAN	A1-15
PAVED DRIVEWAYS AND PARKING PLAN	A1-16
ADDITIONAL HEIGHT COVERAGE	A1-17
SECTION - PARCEL B	A3-01
SECTION 02 - PARCEL B	A3-02
SECTION - PARCEL A	A3-03
RENDERING	A4-01
RENDERING	A4-02
RENDERING	A4-03
RENDERING	A4-04
RENDERING	A4-05
RENDERING	A4-06
RENDERING	A4-07
RENDERING	A4-08

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1174-1185 HILLSBORO MILE
Hillsboro Beach, FL 33062

COVER

SCALE:

Sherri Gutierrez

DATE:
12/17/2021

A0-00

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1174-1185 HILLSBORO MILE

Hillsboro Beach, FL 33062

SURVEY

SCALE:

Sherri Gutierrez

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DN: CN=Sherri Gutierrez,
OU=A01410C00000176916500AD000092F3,
O=Arquitectonica International Corporation, C=US
Date: 2021.12.17 16:16:14-0500'

DATE:
12/17/2021

A0-02



JULY 14, 2021

RE: 1174-1185 HILLSBORO MILE, HILLSBORO BEACH, FL

TO WHOM IT MAY CONCERN:

1. I AM A PROFESSIONAL LAND SURVEYOR AND MAPPER DULY LICENSED TO PRACTICE IN THE STATE OF FLORIDA UNDER P.L.S. NO. 4775, WITH THE FIRM OF SCHWEBKE-SHISKIN & ASSOCIATES, INC. THE PROPERTY DESCRIBED BELOW HAS RECENTLY BEEN SURVEY UNDER MY DIRECT SUPERVISION.

2. THE TOP OF THE DUNE OF THE PROPERTY SHOWN HAS AN AVERAGE ELEVATION OF 19.10' (NAVD-1988) AS DETERMINED BY OUR SURVEY ON NOVEMBER 24, 2020, UNDER FILE NUMBER B-2054.

LEGAL DESCRIPTION:

PARCEL 1:

PARCEL B OF THE ENCLAVE AT HILLSBORO BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 154, PAGE 31, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

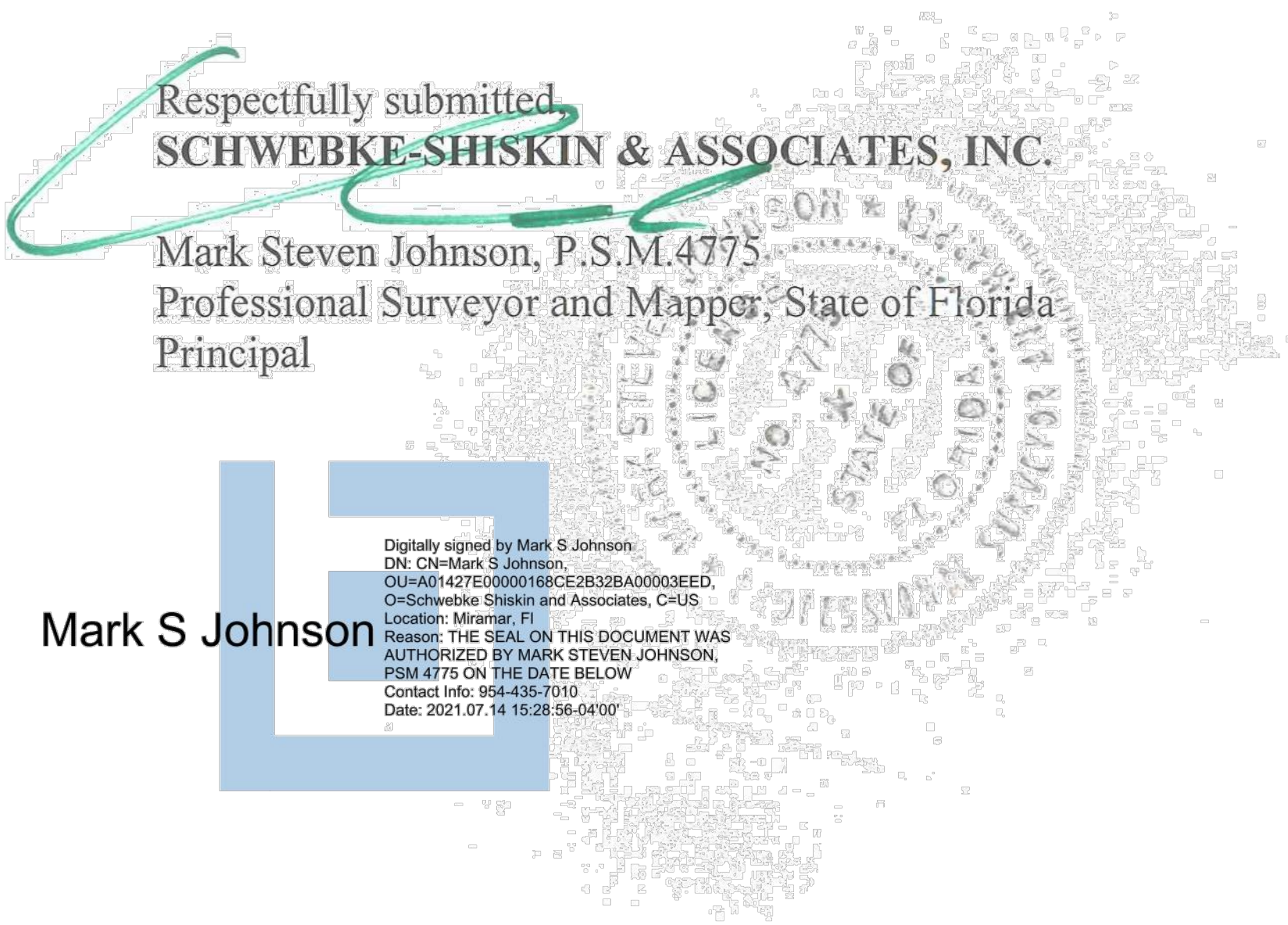
PARCEL 2:

PARCEL A, LESS THE NORTH 100 FEET OF THE SOUTH 200 FEET, OF THE ENCLAVE AT HILLSBORO BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 154, PAGE 31, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

AND

3240 CORPORATE WAY - MIRAMAR, FLORIDA 33025 // PHONE (954) 435-7010

THE NORTH 100 FEET OF THE SOUTH 200 FEET OF PARCEL A, OF THE ENCLAVE AT HILLSBORO BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 154, PAGE 31, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.



SCHWEBKE SHISKIN + ASSOCIATES

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1174-1185 HILLSBORO MILE
Hillsboro Beach, FL 33062

AVG. DUNE ELEVATION
CERTIFICATE

SCALE:

Sherri Gutierrez

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DN: CN=Sherri Gutierrez,
OU=ARQUITECTONICA INTERNATIONAL CORPORATION, C=US
Date: 2021.12.17 15:16:27-0500

DATE:
12/17/2021

A0-03



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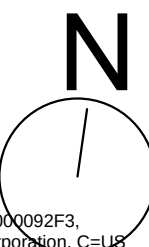
1174-1185 HILLSBORO MILE
Hillsboro Beach, FL 33062

LOCATION MAP

SCALE:

Sherri Gutierrez

Digitally signed by Sherri Gutierrez
DN: cn=Sherri Gutierrez,
ou=ARQUITECTONICA INTERNATIONAL CORPORATION, c=US
Date: 2021.12.17 15:16:39-0500



DATE:
12/17/2021

A0-04

	PERMITTED/ALLOWED	PROPOSED
Product Type	SFR, Multifamily Residential	SFR, Multifamily Residential
PARCEL A		
Lot size:	±234,316 sf(5.379 Acres)	
To be developed as		Condo
Density	See combined parcel requirement below	28 Units
Stories	3 Stories max.	3 Stories + Roof level
Height (measured from Crown of Road to top of roof terrace hand rail)	max. 35 FT	3 Story condo flats: 35'-0" at top of roof handrail. (Private terrace at 31'-6")
Side Setback North Property Line	Required: 15'-0"	Provided: 33'-6"
Side Setback South Property Line	Required: 15'-0"	Provided: 25'-1"
Front setback of Building from centerline of A1A	Required: 85'-0"	Provided: 170'-0"
Rear setback of Building from outer edge of seawall	Required: 15'-0"	Provided: 32'-0
Total Parking Spaces #	Required Parking: 1 1/2 parking spaces for each dwelling unit. (28 Units x 1.5 = 42 spaces)	Parking Garage: 114 enclosed parking spaces; 19 open parking spaces in total
PARCEL B		
Lot size:	±278,316 sf (6.389 Acres)	
To be developed as		Condo
Density	See combined parcel requirement below	102 Units
Stories	10 Stories**	10 Stories
Building Height (measured from Avg. Dune Elevation, See A0-03 Survey)	130'-0"***	130'-0"
Podium Height (measured from Avg. Dune Elevation, See A0-03 Survey)	See Sec. 12-143 (A)	See Sec. 12-143 (A)
Side Building Setback North Property Line	Required: 65'-0"	Provided: 65'-0" (excluding balconies)
Side Building Setback South Property Line	Required: 65'-0"	Provided: 65'-0" (excluding balconies)
Side Podium Setback North Property Line	Required: 25'-0"	Provided: 25'-0"
Side Podium Setback South Property Line	Required: 25'-0"	Provided: 25'-0"
Front setback of Building from centerline of A1A	Required: 85'-0"	Provided: 94'-0"
Front setback of Podium from centerline of A1A	Required: 45'-0"	Provided: 45'-0"
Total Parking Spaces #	Required Parking: 1 1/2 parking spaces for each dwelling unit. (102 Units x 1.5 = 153 spaces)	Parking Garage: 287 enclosed parking spaces in total, 5 open parking spaces Visitor parking: 3 enclosed parking spaces in total & 5 open parking spaces in total
COMBINED DATA		
Combined lot size:	278,316 sf (6.389 Acres)+234,316 sf(5.379 Acres) = 512,632 SF(11.768 Acres)	
Total Density	Allowed: 16 dwelling units per acre max. (11.768 x 16 = 188 Units)	Provided: 130 Units
Building Coverage	Allowed: 35% max. (179,421.2 SF)	Provided: 29.54% (151,466 SF)
Paved driveways and parking areas	Allowed: 15% max. (76,894.8 SF)	Provided: 12.66% (64,903 SF)
Open Area (Open space for open recreational and green areas.)	Required: 50% min. (256,316 SF)	Provided: 51% (261,461 SF)
Green Area (All green areas shall be planted and maintained in lawn and/or landscaping.)	Required: 35% min. (179,421.2 SF)	Provided: 35% (179,421 SF)
Conservation Area (Please refer to the 1993 Broward Co. Agreement - Conservation Area Map)	Required: 20% min. (102,526.4 SF)	Provided: 24.44% (125,309.7 SF)
Paved Recreational area (swimming pools, pool deck, shuffle board, tennis courts.)	Allowed: 15% max. (76,894.8 SF)	Provided: 11.38% (58,363 SF)

*Applying the 6 inches per foot of building height standard (See Sec. 12-144 (B)).

**Subject to increased height approval.

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1174-1185 HILLSBORO MILE
Hillsboro Beach, FL 33062

ZONIING DATA SUMMARY

SCALE:

Sherri Gutierrez

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OU=A01410C0000176916500AD000092F3,
O=Arquitectonica International Corporation, C=US
Date: 2021.12.17 10:16:51 -0500

DATE:
12/17/2021

A0-05

PROPOSED										PARCEL A											
PARCEL B										Intracoastal Condo											
Oceanfront Condo										Private Recreation Building + Tennis Amenity											
										Vault											
	Units	Resi NSF	Amenity SF	Parking SF	Parking Spaces #	Tandem Parking Spaces	Total pkg. #	GSF	Floorplate SF	Units	Parking SF	Private Garage Parking Spaces #	Resi NSF	GSF	Floorplate SF	Parking Spaces #	Amenity SF	Amenity GSF	Floorplate SF	Parking Spaces #	Vault SF
Roof Level			900 SF	Private Recreation Area + Mechanical				8,290 SF	54,196 SF							(Non-tandem)				(Non-tandem)	
Level 10	10 Units	38,500 SF						42,807 SF	54,196 SF												
Level 09	10 Units	38,500 SF						42,807 SF	54,196 SF												
Level 08	10 Units	38,500 SF						42,807 SF	54,196 SF												
Level 07	10 Units	38,500 SF						42,807 SF	54,196 SF												
Level 06	10 Units	38,500 SF						42,807 SF	54,196 SF												
Level 05	10 Units	38,500 SF						42,807 SF	54,196 SF												
Level 04	10 Units	38,500 SF						42,807 SF	54,196 SF												
Level 03	10 Units	38,500 SF						42,807 SF	54,196 SF												
Level 02	10 Units	38,500 SF						42,807 SF	54,196 SF												
Lobby Level	LOBBY		38,897 SF		5 Spaces		5 Spaces	39,864 SF	94,652 SF												
Underground Parking - Upper Level	PARKING			71,168 SF	103 Spaces	25 Spaces	128 Spaces	87,169 SF	87,169 SF												
Underground Parking - Lower Level	PARKING			85,921 SF	121 Spaces	38 Spaces	159 Spaces	94,900 SF	94,900 SF												
TOTAL	90 Units	346,500 SF	39,797 SF	157,089 SF	229 Spaces	63 Spaces	292 Spaces	615,486 SF	818,681 SF	28 Units	63,090 SF	114 Spaces	103,320 SF	119,865 SF	244,559 SF	114 Spaces	9,868 SF	11,295 SF	11,295 SF	19 Spaces	540 SF
COMBINED TOTAL																					
Units	118 Units																				
Parcel B Parking Spaces #	292 Spaces																				
Parcel B Parking Ratio	3 Spaces per unit (8 spaces for visitor parking)																				
Parcel A Parking Spaces #	133 Spaces																				
Parcel A Parking Ratio	5 Spaces per unit																				
Combined Parking Spaces #	425 Spaces																				
Parking SF	220,179 SF																				
Resi NSF	449,820 SF																				
Resi GSF	735,351 SF																				
Total GSF	786,983 SF																				
Total Floorplate SF	1,075,075 SF																				

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Hillsboro Beach, FL 33062

PROJECT DATA

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STREET VIEWS

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STREET VIEWS

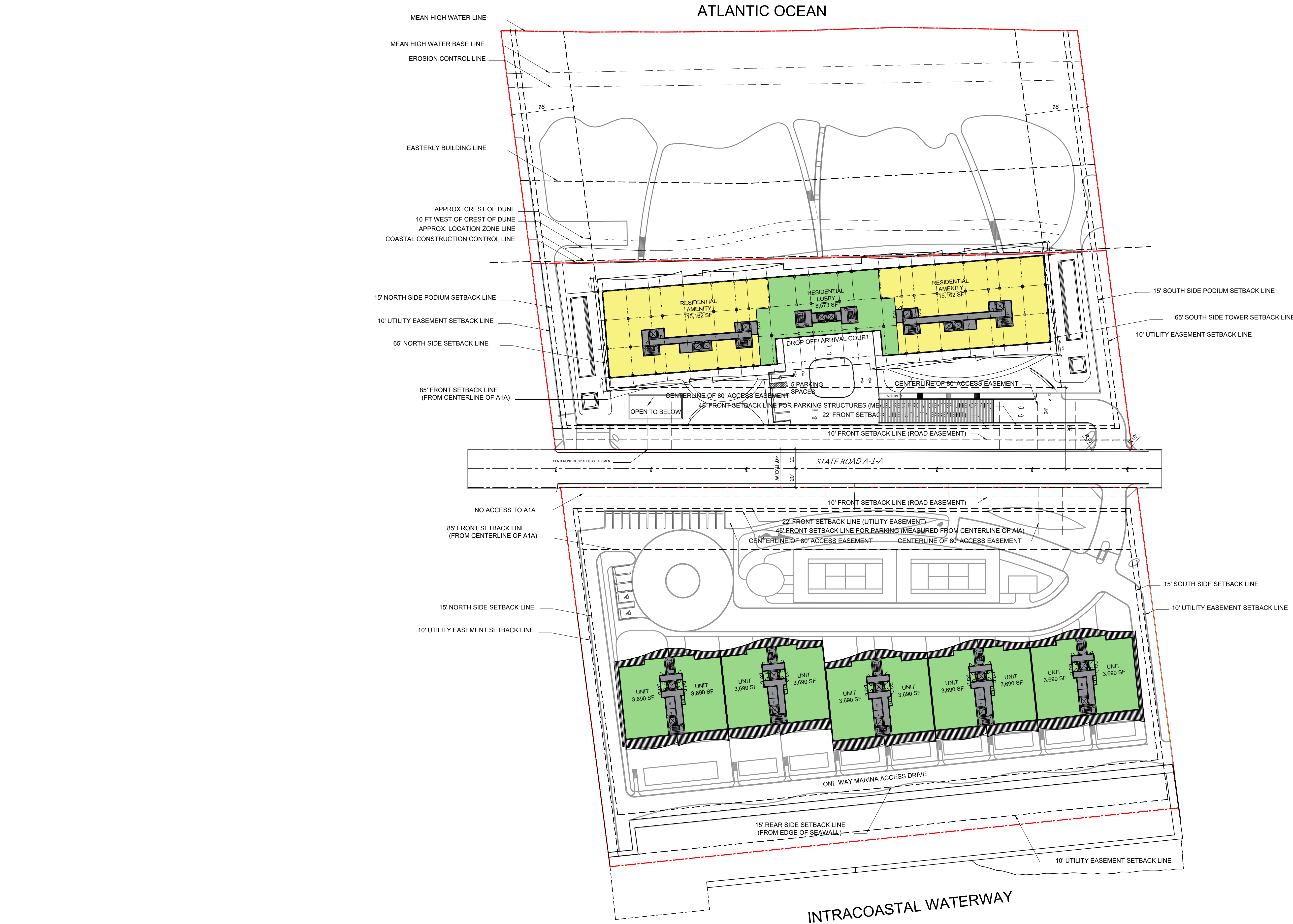
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OVERALL SITE PLAN

010 25 50 100

SCALE: 1"=50'-0"

Sherri Gutierrez

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Date: 2021.12.17 15:17:45-0500

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A1-00

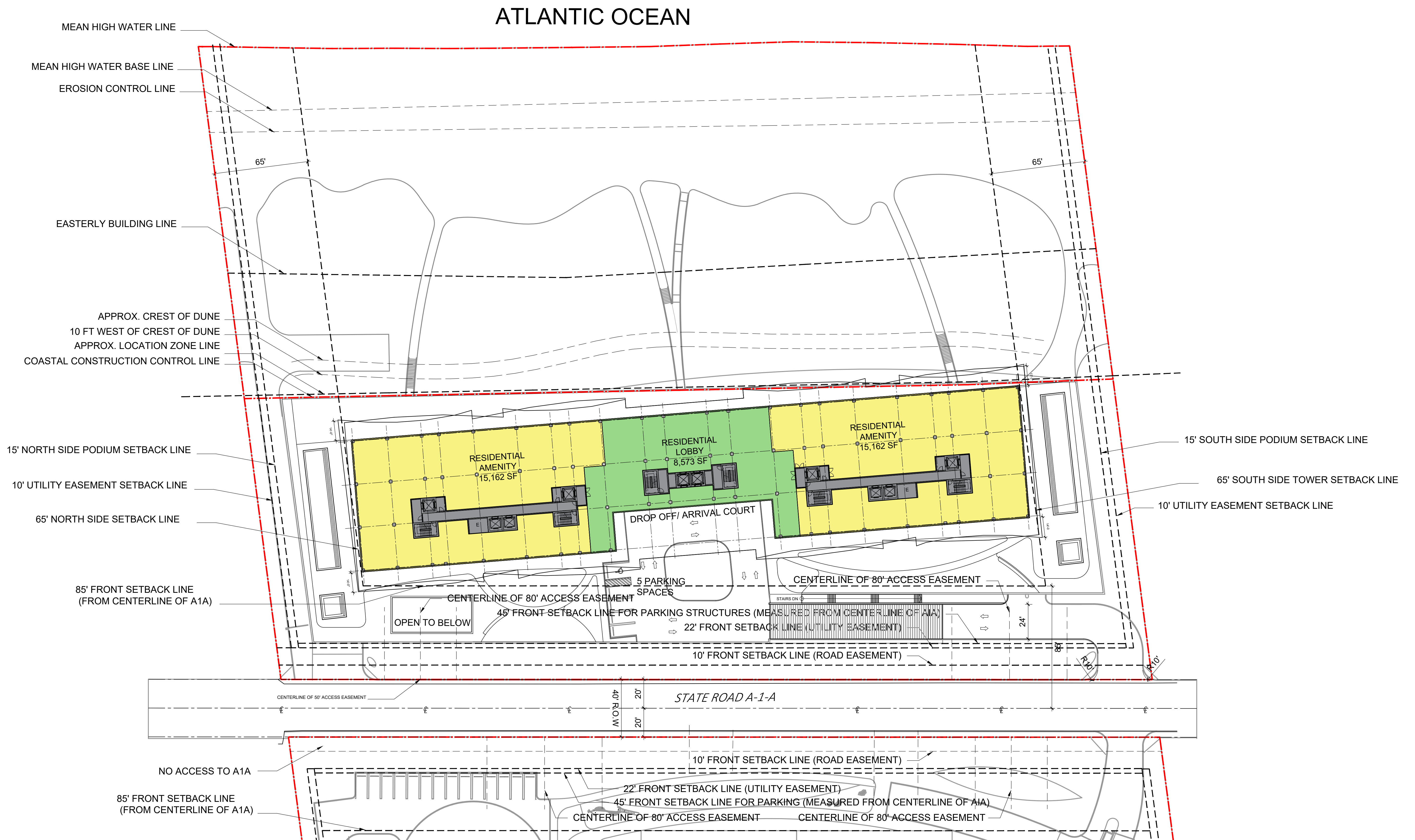
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OU=A01410C000001769, 650, 1D000092F3,
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A1-02



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PARCEL B - LOBBY LEVEL 02

DATE:
12/17/2021

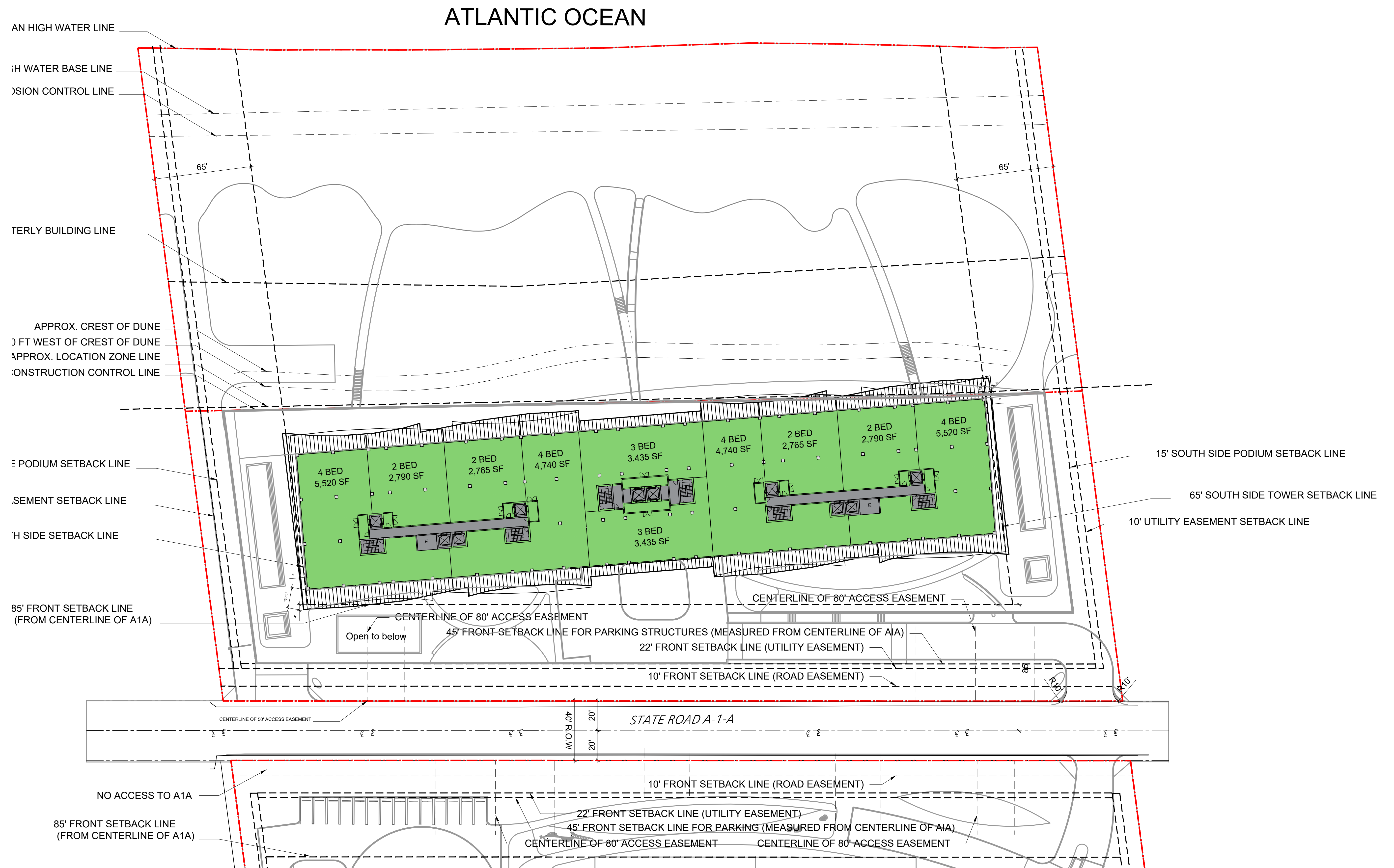
A1-03

SCALE: 1/32"=1'-0"

Sherri Gutierrez

0 10 25 50

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PARCEL B - LEVELS 03-10

0 10 25 50
SCALE: 1/32"=1'-0"

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Date: 2021.12.17 15:18:35-0500

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A1-04

[illegible]

85' FRONT SETBACK LINE
(FROM CENTERLINE OF A1A)

15' NORTH SIDE SETBACK LINE

10' UTILITY EASEMENT SETBACK LINE

85' FRONT SETBACK LINE
(FROM CENTERLINE OF A1A)

NO ACCESS TO A1A

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PARCEL A - BASEMENT LEVEL

0 10 25 50

SCALE: 1/32"=1'-0"

Sherri Gutierrez

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A1-06

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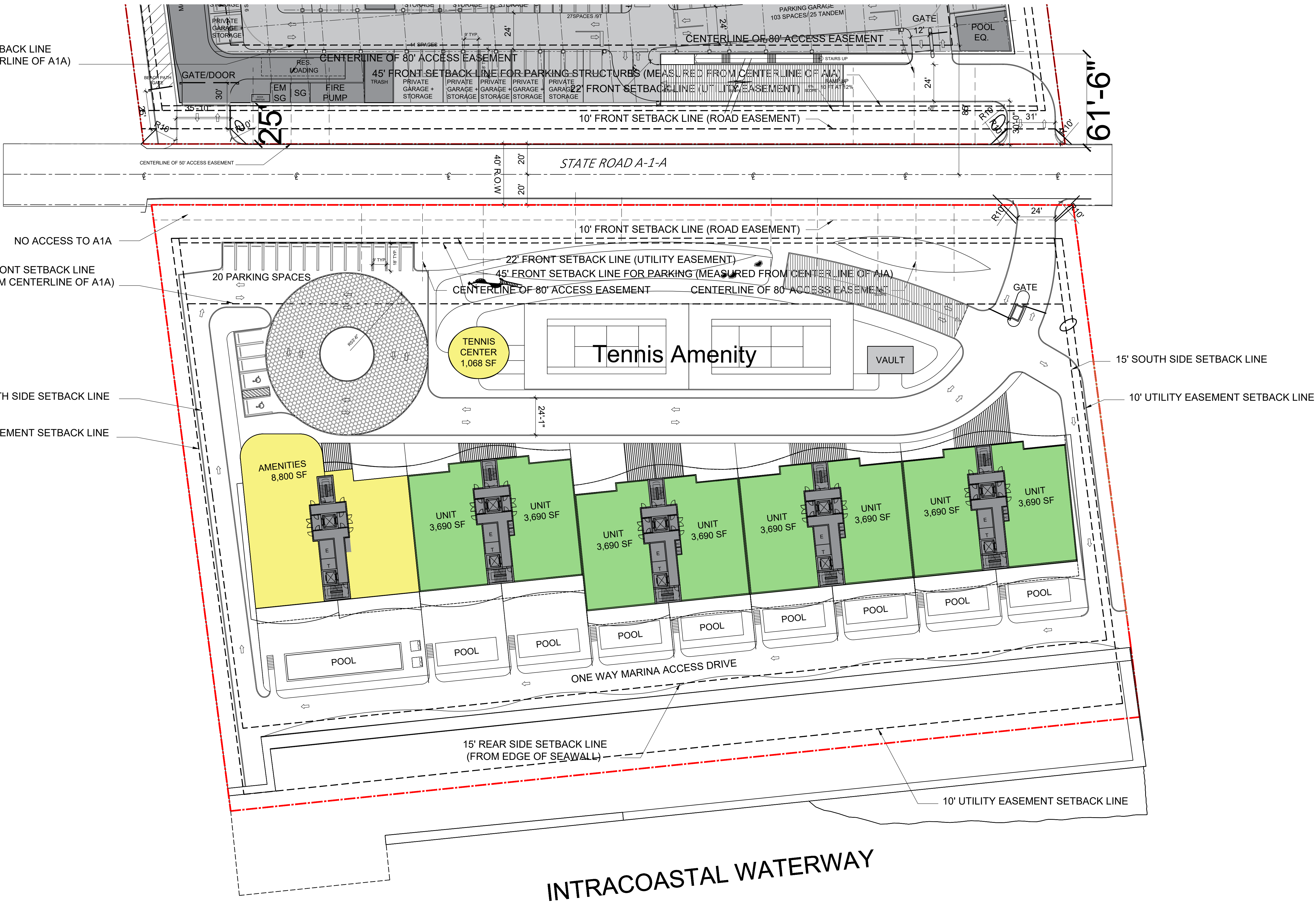
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85' FRONT SETBACK LINE
(FROM CENTERLINE OF A1A)

85' FRONT SETBACK LINE
(FROM CENTERLINE OF A1A)

15' NORTH SIDE SETBACK LINE

10' UTILITY EASEMENT SETBACK LINE



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PARCEL A - GROUND LEVEL

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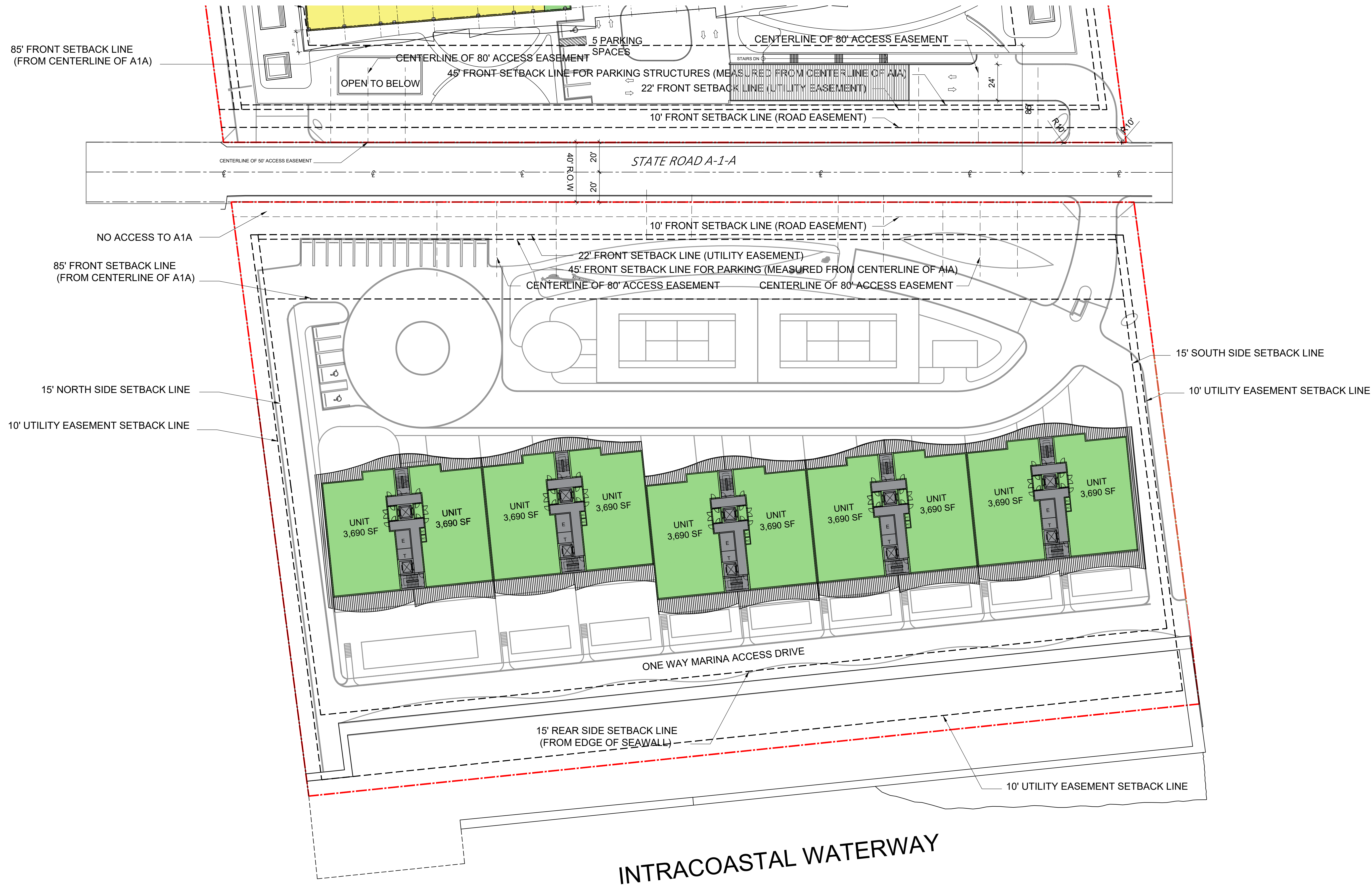
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A1-07



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PARCEL A - LEVELS 02 AND 03

0 10 25 50

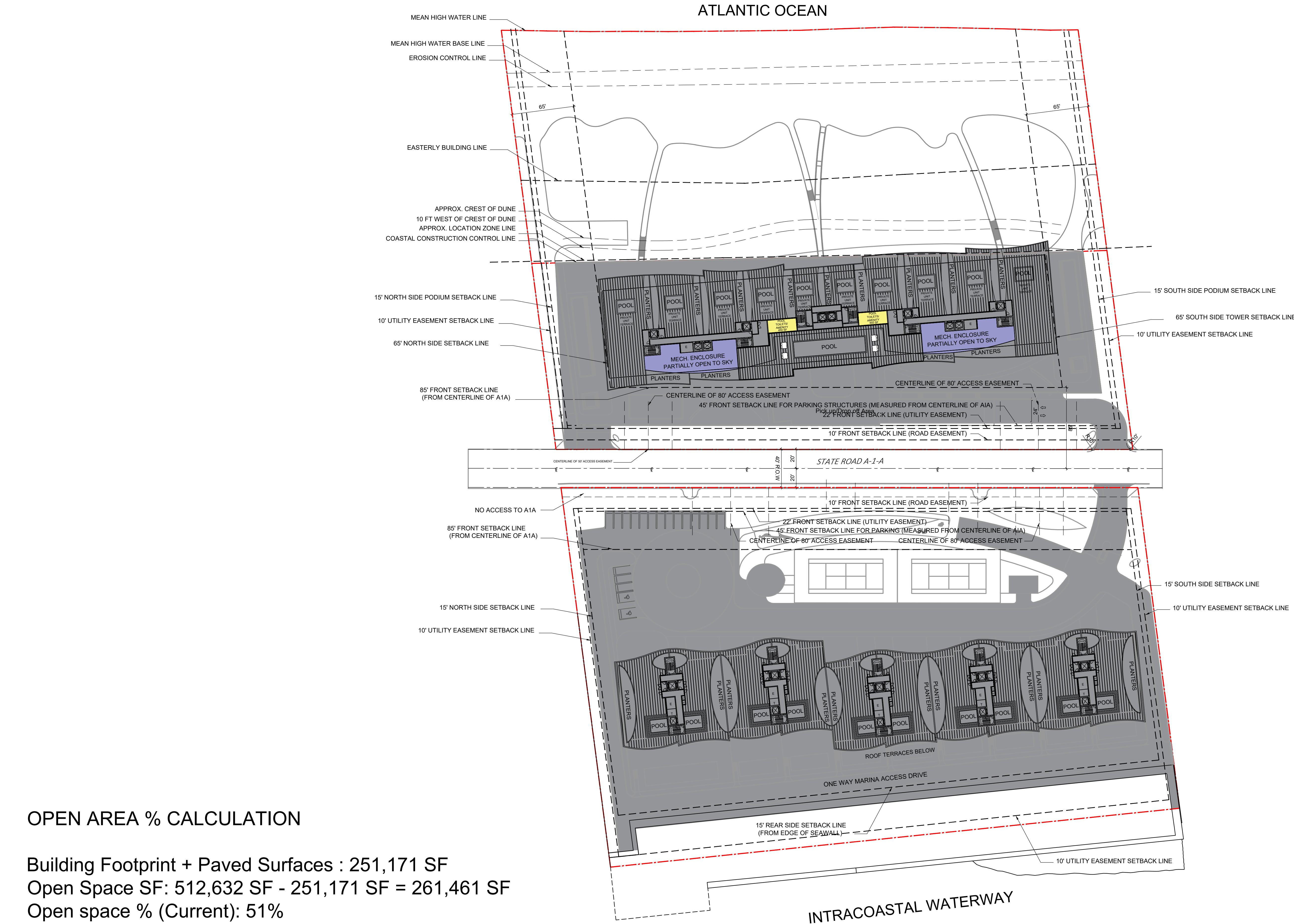
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A1-08



OPEN AREA % CALCULATION

Building Footprint + Paved Surfaces : 251,171 SF
Open Space SF: 512,632 SF - 251,171 SF = 261,461 SF
Open space % (Current): 51%
Min. % Open space required: 50%

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OPEN AREA PLAN

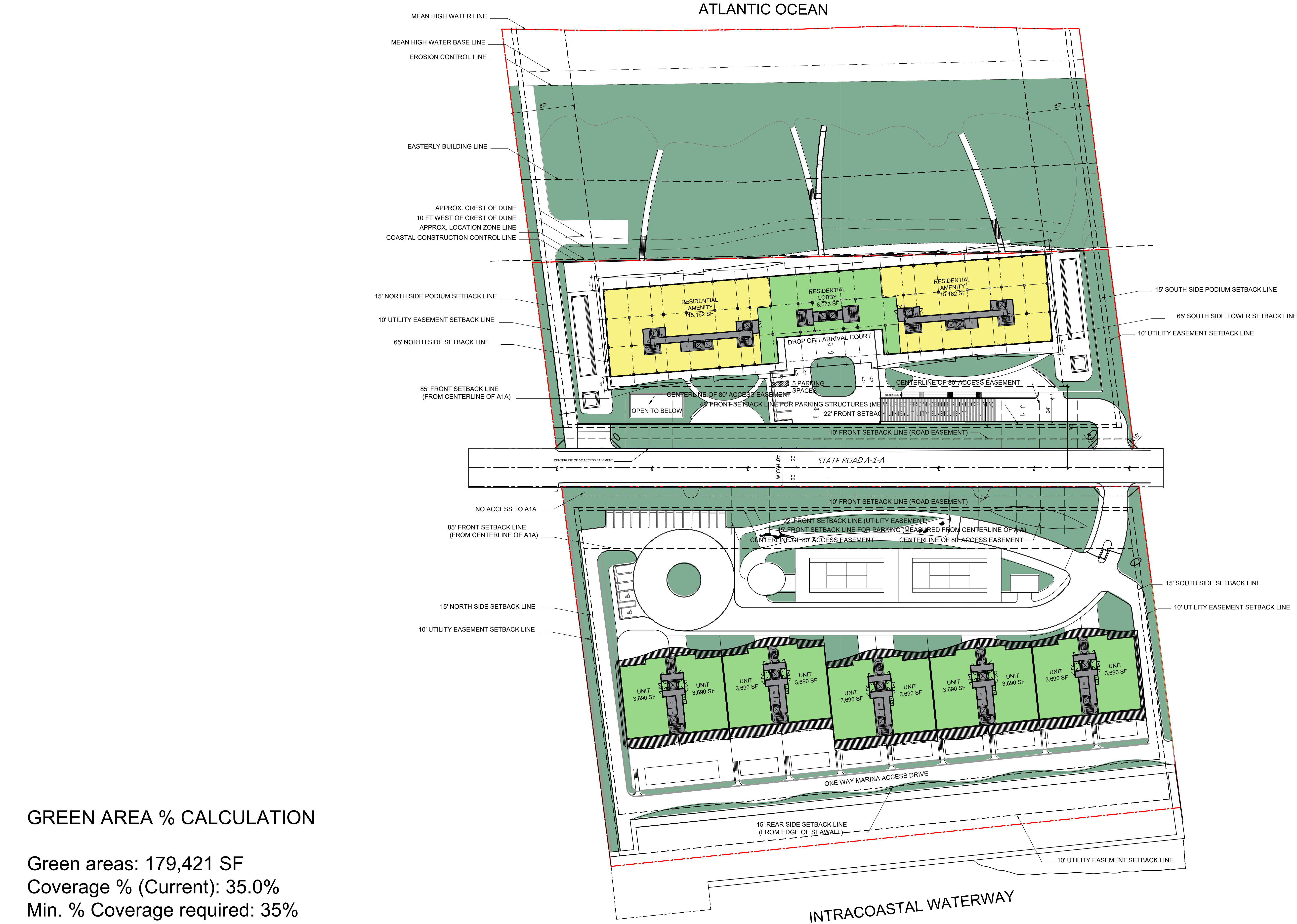
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Sherri Gutierrez

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Date: 2021.12.17 15:18:45-0500

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A1-11



GREEN AREA % CALCULATION

Green areas: 179,421 SF
Coverage % (Current): 35.0%
Min. % Coverage required: 35%

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GREEN AREA PLAN

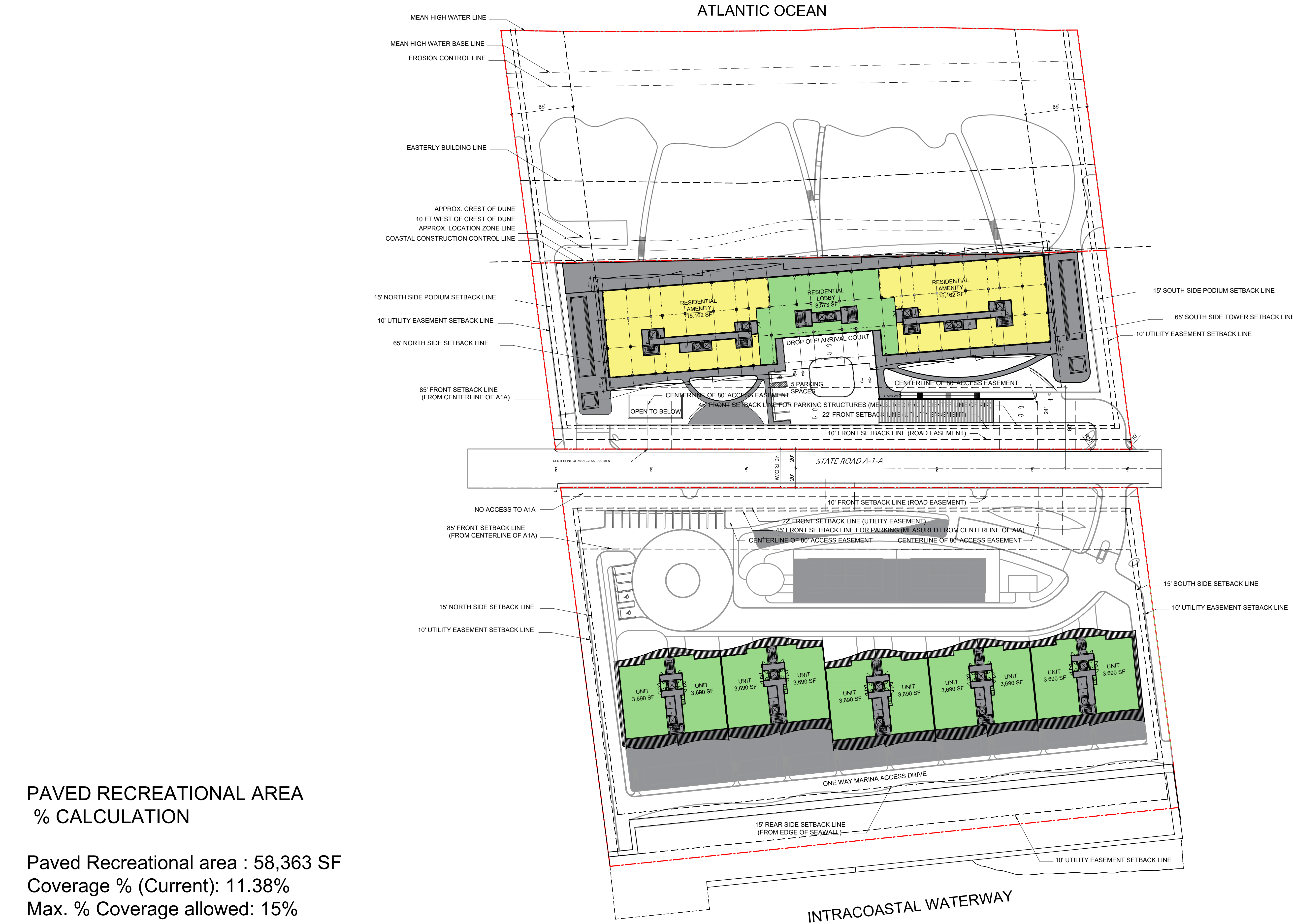
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DATE:
12/17/2021

A1-12



PAVED RECREATIONAL AREA
% CALCULATION

Paved Recreational area : 58,363 SF
Coverage % (Current): 11.38%
Max. % Coverage allowed: 15%

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PAVED RECREATIONAL AREA PLAN

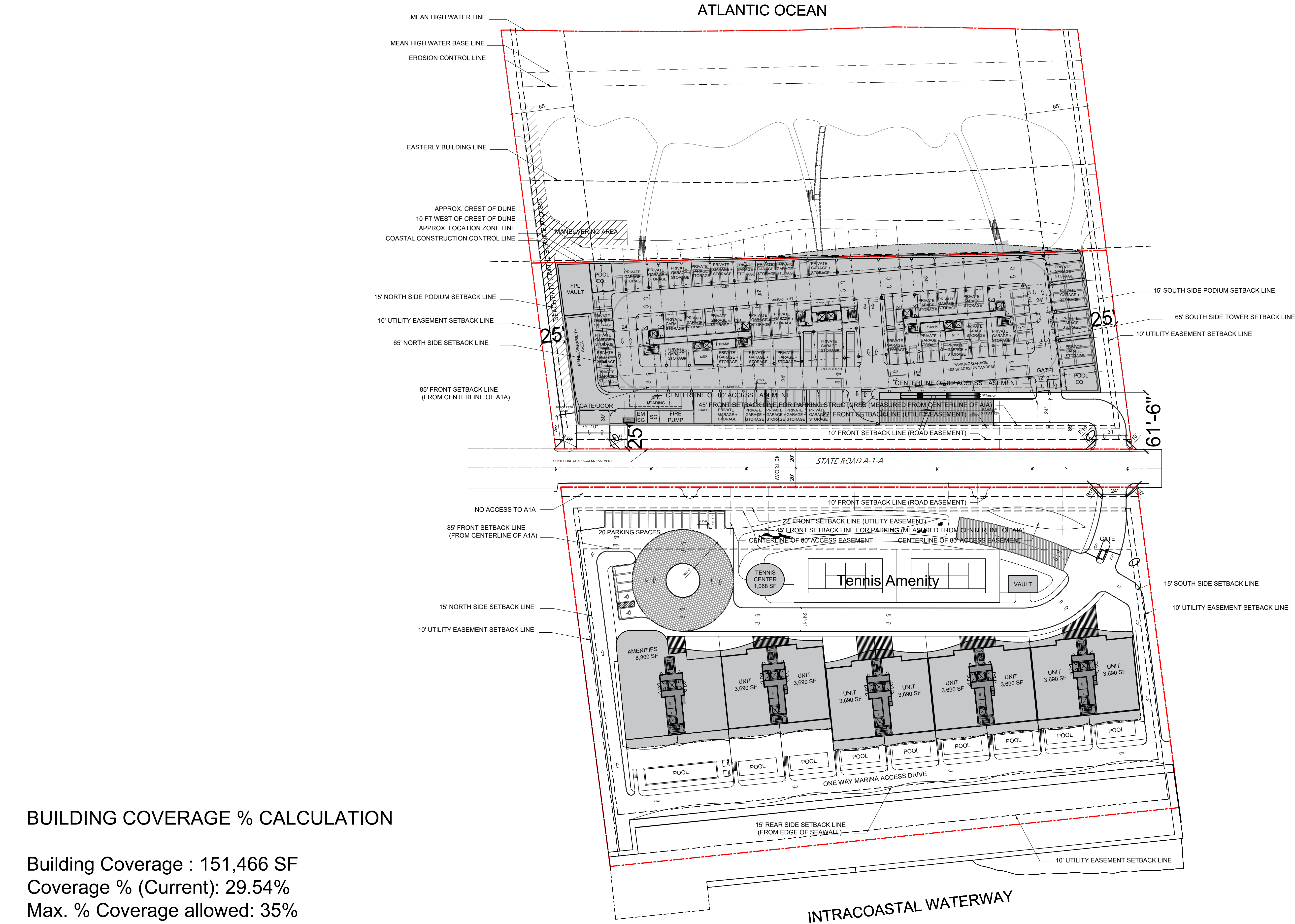
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Sherri Gutierrez

Digitally signed by Sherri Gutierrez
DN: CN=Sherri Gutierrez, OU=ARQUITECTONICA INTERNATIONAL CORP, O=ARQUITECTONICA INTERNATIONAL CORP, email=SGutierrez@arqint.com, c=US
Date: 2021.12.17 15:20:25-0500

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A1-14



BUILDING COVERAGE % CALCULATION

Building Coverage : 151,466 SF
Coverage % (Current): 29.54%
Max. % Coverage allowed: 35%

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1174-1185 HILLSBORO MILE
Hillsboro Beach, FL 33062

BUILDING COVERAGE PLAN

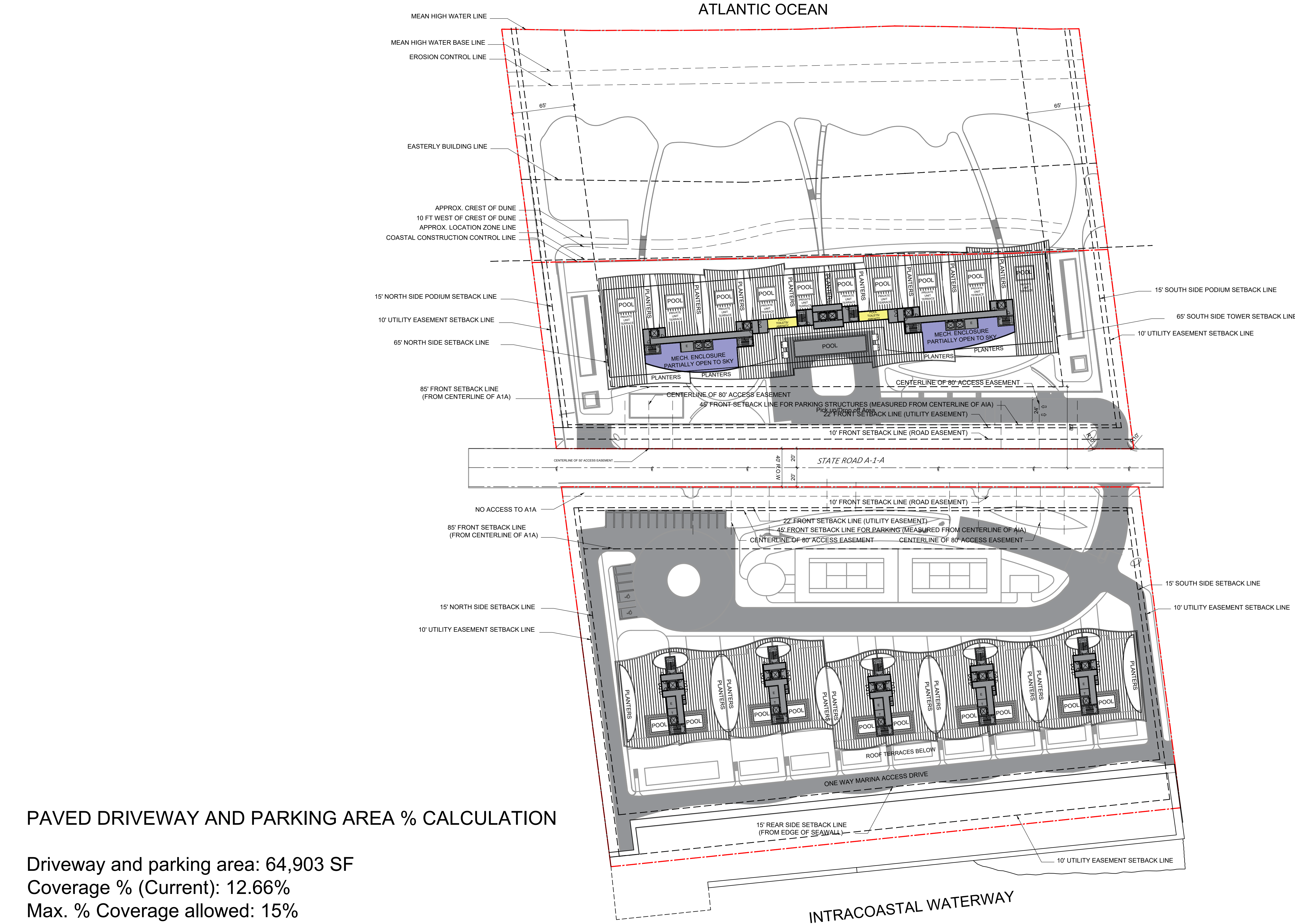
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Sherri Gutierrez

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Date: 2021.12.17 15:20:39-0500

DATE:
12/17/2021

A1-15



PAVED DRIVEWAY AND PARKING AREA % CALCULATION

Driveway and parking area: 64,903 SF
Coverage % (Current): 12.66%
Max. % Coverage allowed: 15%

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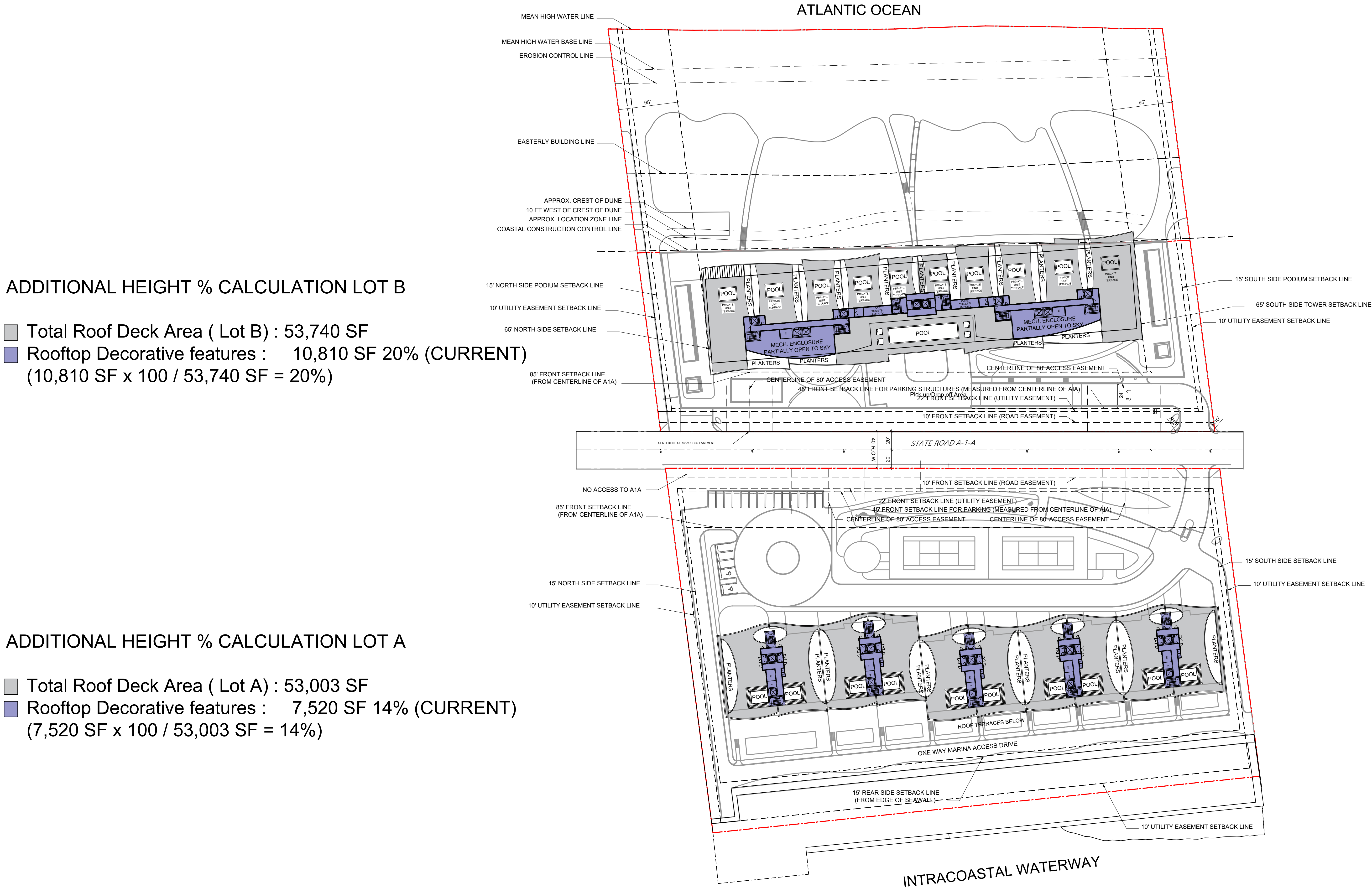
PAVED DRIVEWAYS AND PARKING
PLAN

SCALE: 1"=50'-0"

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Digitally signed by Sherri Gutierrez
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A1-16



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ADDITIONAL HEIGHT COVERAGE

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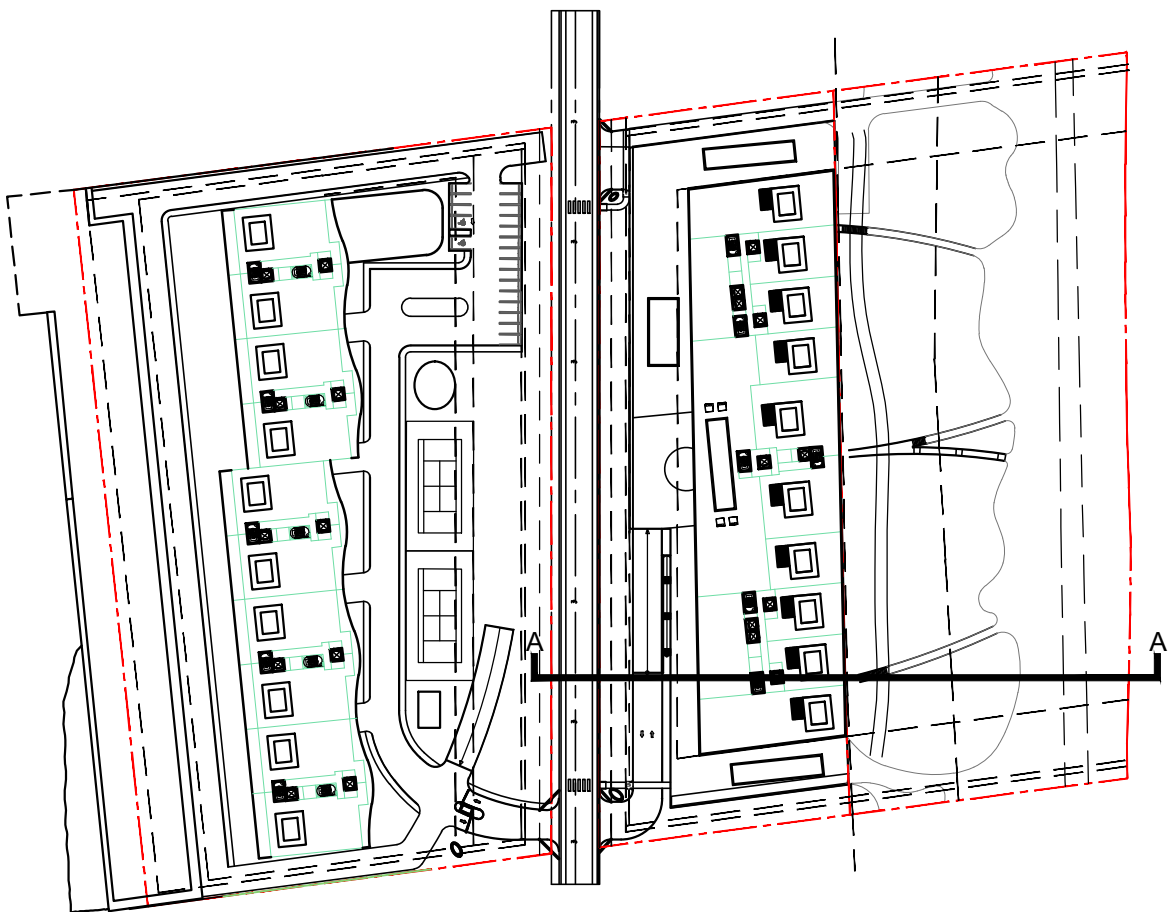
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Sherri Gutierrez

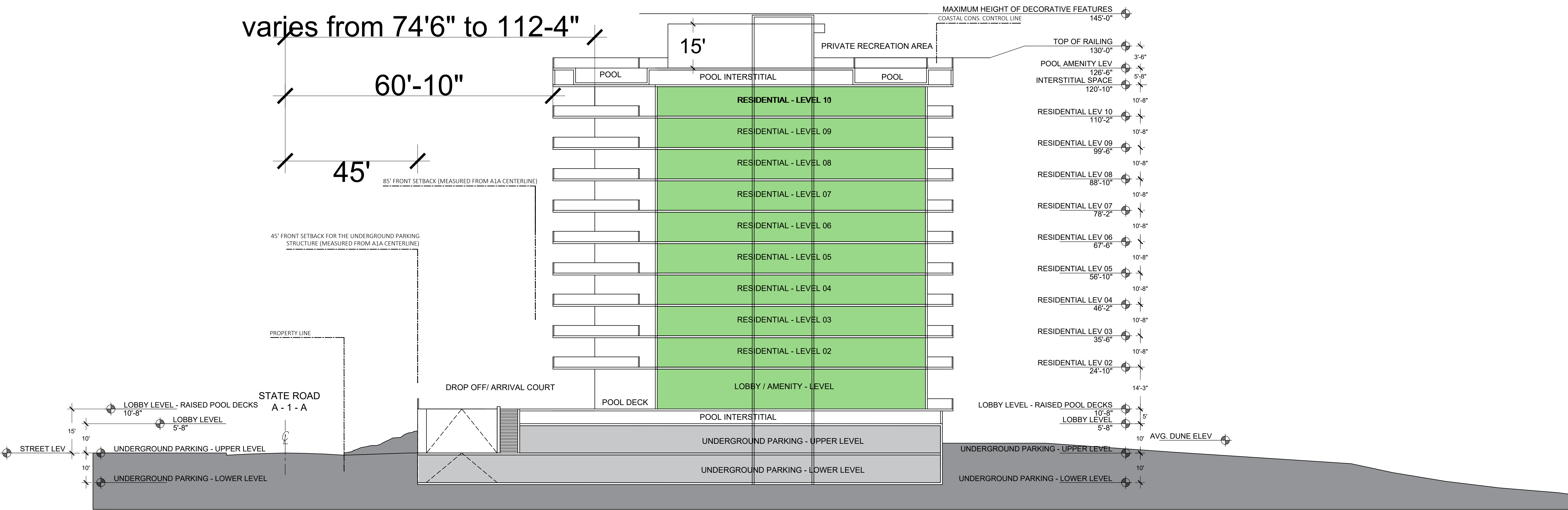
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12/17/2021

A1-17



KEY PLAN



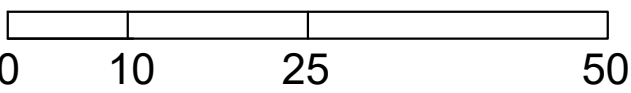
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SECTION - PARCEL B



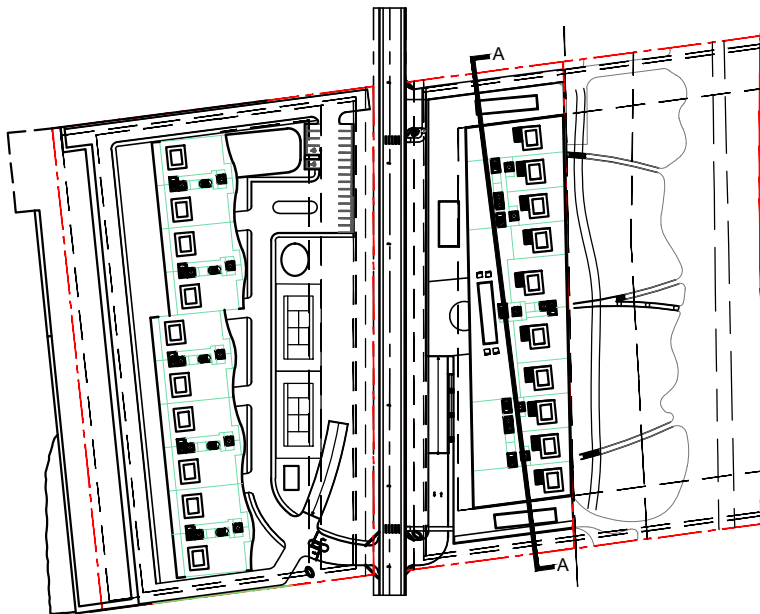
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Sherri Gutierrez

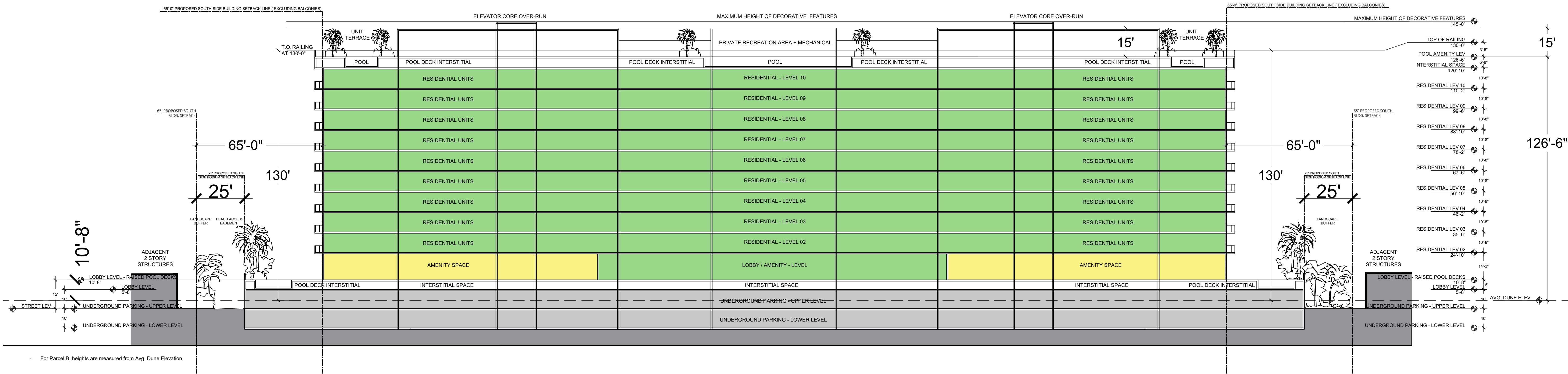
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DATE:
12/17/2021

A3-01



KEY PLAN



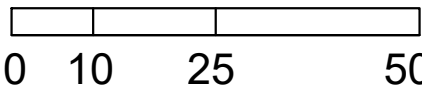
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1174-1185 HILLSBORO MILE
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SECTION - PARCEL B



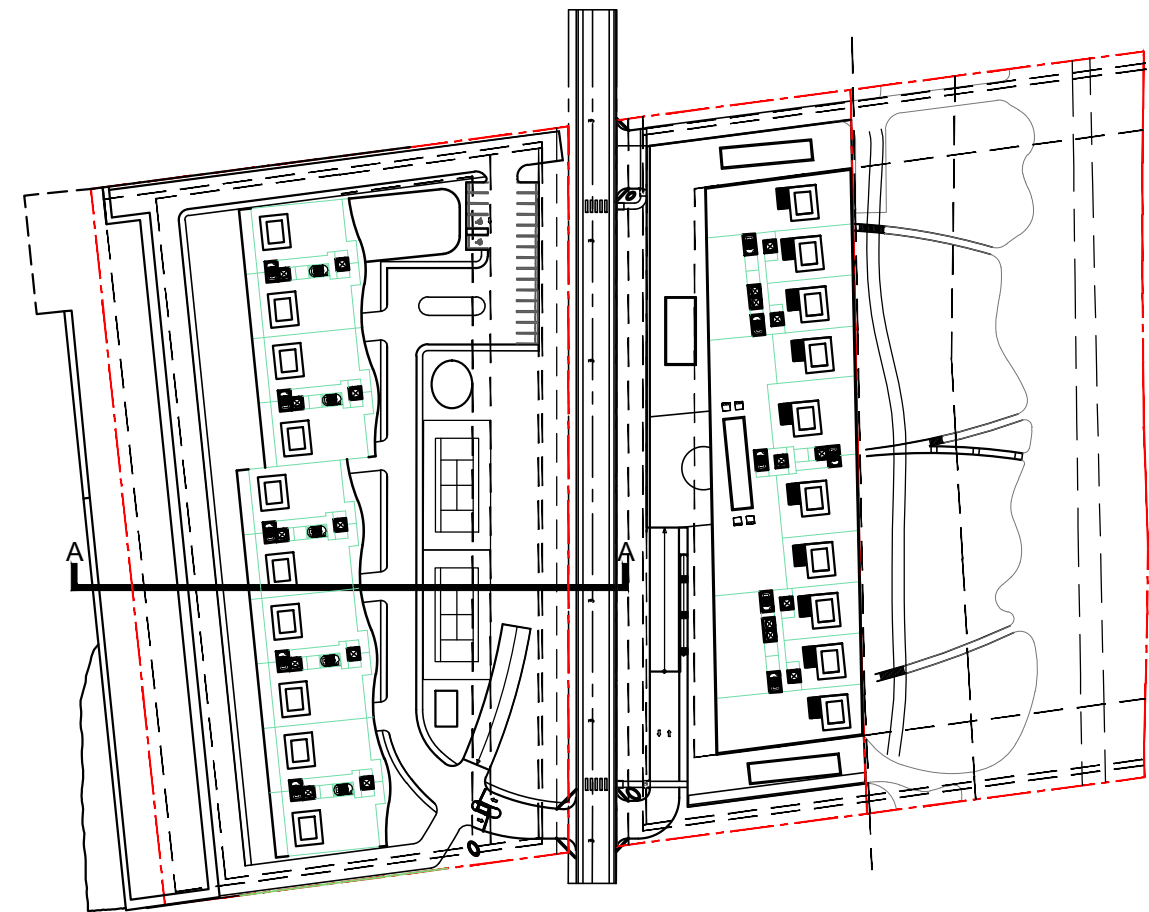
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Sherri Gutierrez

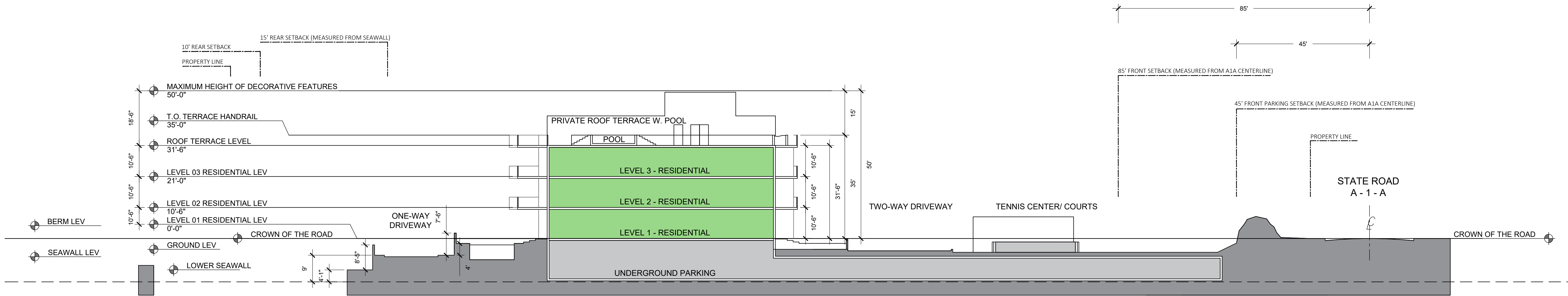
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o=Arquitectonica International Corporation, c=US
Date: 2021.12.17 15:21:31-0500

DATE:
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A3-02



KEY PLAN



- For Parcel A, heights are measured from Crown of the Road of the State Road A1A.

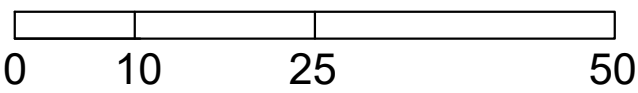
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1174-1185 HILLSBORO MILE
Hillsboro Beach, FL 33062

SECTION - PARCEL A



SCALE: 1/16"=1'-0"

Sherri Gutierrez

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A3-03



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1174-1185 HILLSBORO MILE
Hillsboro Beach, FL 33062

RENDERING
LOOKING NORTH

SCALE:

Sherri Gutierrez

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OU=AD1410C0000176916500AD000092F3,
O=Arquitectonica International Corporation, C=US
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DATE:
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A4-01



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1174-1185 HILLSBORO MILE
Hillsboro Beach, FL 33062

RENDERING
VIEW LOOKING SOUTH
Sherri Gutierrez

SCALE:

Digitally signed by Sherri Gutierrez
DN: cn=Sherri Gutierrez,
ou=ARQUITECTONICA INTERNATIONAL CORPORATION, c=US
Date: 2021.12.17 15:22:09-05'00'

DATE:
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A4-02



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1174-1185 HILLSBORO MILE
Hillsboro Beach, FL 33062

RENDERING-LOOKING WEST
LOT B SOUTH PROPERTY LINE
Sherri Gutierrez

SCALE:

DATE:
12/17/2021

A4-03

Digitally signed by Sherri Gutierrez
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o=Arquitectonica International Corporation, c=US
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RENDERING-LOOKING EAST
LOT B SOUTH PROPERTY LINE

SCALE:

Sherri Gutierrez

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A4-04



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RENDERING-LOOKING EAST
LOT B NORTH PROPERTY LINE

SCALE:

Sherri Gutierrez

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RENDERING-LOOKING WEST
LOT B NORTH PROPERTY LINE

SCALE:

Sherri Gutierrez

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RENDERING
LOT A LOOKING SOUTH
Sherri Gutierrez

SCALE:

DATE:
12/17/2021

A4-07

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OU=ARQUITECTONICA INTERNATIONAL CORPORATION, C=US
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Hillsboro Beach, FL 33062

RENDERING
LOT A LOOKING NORTH
Sherri Gutierrez

SCALE:

DATE:
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A4-08

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1174-1185 HILLSBORO MILE
HILLSBORO BEACH, FL 33062

SITEPLAN APPLICATION LANDSCAPE SUBMITTAL

ARQUITECTONICA GEO

LANDSCAPE ARCHITECTS

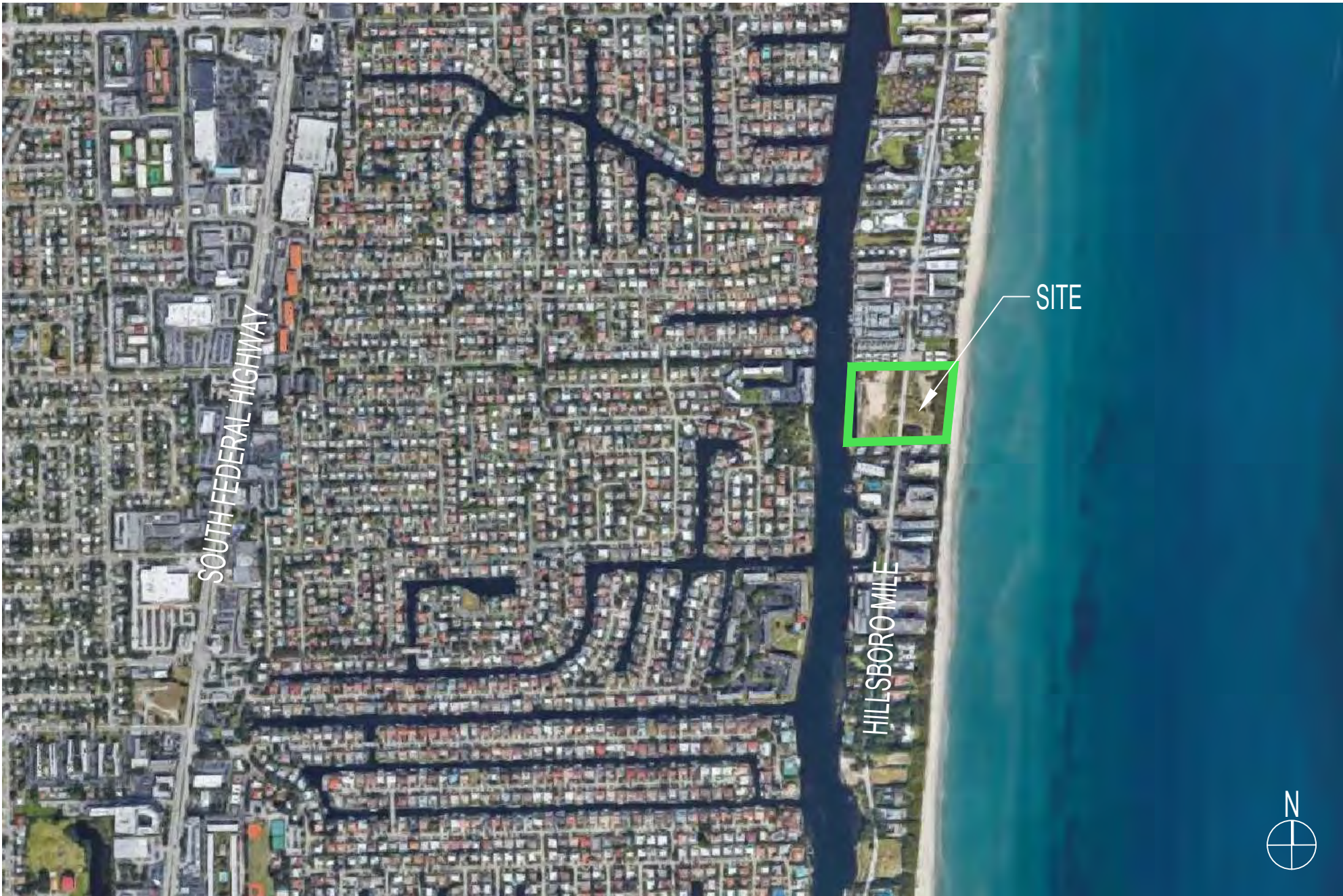
2900 OAK AVE

MIAMI, FLORIDA 33133

Phone (305)372 1812 Fax (305)372 1175

Website: www.arquitectonicageo.com

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DESCRIPTION		
(SITE PLAN APP. LANDSCAPE SUBMITTAL)		
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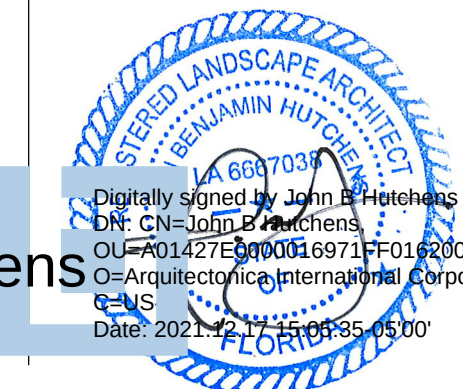
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1174-1185 HILLSBORO MILE

Hillsboro Beach, FL 33062

John B Hutchens



LANDSCAPE INDEX

DATE:
12/17/2021

L0-00

GENERAL NOTES

1. These plans reflect the scope of the Landscape Architect external services. For Architectural, Civil, please refer to the appropriate consultant documents.
2. The locations of all site amenities are approximate and may be adjusted in the field with owner and/or their representatives approval. See plans for locations of fixed amenities.
3. The locations of plants, as shown in these plans, are approximate. The final locations may be adjusted to accommodate unforeseen field conditions to comply with safety criteria, to avoid creating unsafe sight conditions, or as otherwise directed by or approved by the landscape architect or owner's representative.
4. Construction shall comply with all local building codes.
5. All dimensions shall be verified in the field prior to construction. Written dimensions shall take precedence over scaled drawings.
6. If a discrepancy should arise between layout geometry and design intent, design intent shall take precedence.

GENERAL GRADING NOTES

1. All grading information provided is intended for aesthetic purposes and to show relationships only. For detailed grading information see Civil Engineers drawings.
2. Rough grading and site preparation shall be completed for review by Landscape Architect / or owners representative and FDOT District Operations Manager (when in R.O.W) prior to final grading.
3. Roadway grading and transition areas to be reviewed and approved by Civil / Traffic Engineer.
4. Grading and calculations for retention areas to be provided by Civil Engineers.
5. Contractor shall not substantially modify grading plan without the approval of designer. All site aesthetic grading is subject to review and approval of the landscape architect or owner's representative.
6. All graded areas shall be dragged with a drag mat or hand radeel to blend in small imperfections and round off any sharp lines that may have been constructed by equipment. All areas to be planted shall have no water holding pockets.

GENERAL SITE LIGHTING NOTES

1. All electrical wiring and circuiting by Electrical Engineer in future permit set.
2. Shop drawings shall be required by manufacturers and/or contractors for all connections, footers, electrical requirements and color samples for review and approval by the landscape architect or owner's representative.
3. Photometrics to be provided by the Engineer and coordinated with Landscape Architect/or owner representative FDOT District Operations Manager (when in R.O.W).
4. Transformers and other exterior ballasts shall be hidden from general view with landscaping and /or appropriate enclosures. This should be coordinated with Landscape architect.
5. Lighting requirements for Marine Turtle protection at time of site plan submittal shall be in accordance with section 155.5402 A & B of the City of Pompano Beach Zoning Code.

FDOT GENERAL NOTES

1. Governing Standards and Specifications: **2016 Florida Department of Transportation, Design Standards, and 2016 Standard Specifications for Road and Bridge Construction.**
2. Contractor shall repair any and all damage done to FDOT property during demolition, relocation &/or installation activities at his sole expense.
3. Architectural Pavers installation for sidewalks and/or driveways within FDOT right of way shall comply with current FDOT Standard Specification 526.
4. Ownership of all suitable excavated materials, as determined by the Department, shall remain in the Department until a final acceptance of the permitted project is fulfilled. Excavated materials shall be hauled by the Permittee, at their cost & expense from the site to the Broward Operations Center or stockpiled in those areas as directed by the Department, including asphalt millings.

FDOT PLANTING NOTES

1. Landscape installation shall comply with current FDOT Standard Specifications 580-2.1.
2. For the portion of landscape plant material that will be installed within the FDOT Right of Way refer to FDOT Design Standard Index 544 Landscape Installation.
3. Mulch in R.O.W shall be 3" recycled mulch certified by the Mulch and Soil Council (MSC). Submit proof of certification to the FDOT District Operations Permit Landscape Inspector upon inspection.
4. Sodded areas will be in accordance with Design Standard Index 105 and Standard Specifications Sections 162, 570, 981, 982, 983, 987 of the Department's latest edition of Governing Design Standards and Standard Specifications. All disturbed areas will be sodded within one (1) week of installation of said permitted work

FDOT IRRIGATION NOTES

1. DOT requires 24 hour emergency access to water source
2. Contractor shall provide FDOT District Operations Manager with a set of "As-Built" Irrigation plans

GENERAL LANDSCAPE NOTES

1. The Contractor shall be responsible for verifying all underground utilities prior to digging in any area. The contractor shall notify all necessary utility companies 48 hours minimum prior to digging for verification of all underground utilities, irrigation and all other obstructions and coordinate with Owner's Representative prior to initiating operations. Drawings are prepared according to the best information available at the time of preparing documents.
2. The contractor is responsible to ensure proper watering and maintenance of new and relocated plant materials during the one year warranty period.
3. Contractor is to report any discrepancies between the construction drawings and field conditions to the Owner's Representative immediately.
4. Landscape Contractor shall coordinate all work with related contractors and with the general construction of the project in order not to impede the progress of the work of others or the contractor's own work. Landscape contractor shall provide schedule of his/her work two weeks in advance, beginning two weeks prior to commencing landscape trade construction.
5. The location of the landscape holding area will be identified by the Owner or Owner's Representative. The Contractor shall adhere to the access routes to and from the holding area without disrupting or impeding access to the site by others. Contractor is responsible for the maintenance of all plant materials, including temporary irrigation and fertilization if necessary during construction, while being held in landscape holding areas.
6. The Contractor shall bear all costs of testing of soils, amendments, etc. associated with the work and included in the specifications. Prior to commencement of the landscape planting work the Contractor shall provide complete soil tests with recommendations for soil treatment in the construction area.
7. Landscape Contractor shall field stake the location of all plant material or field stake the plants prior to initiating installation for the review and approval of the Owner's representative and/or Landscape Architect and FDOT District Operations Manager (when in R.O.W). Note: **No planting shall commence until there is a functional irrigation system in the area to be planted. No trees shall be planted on top of irrigation lines.**
8. Landscape Contractor shall field adjust location of plant material as necessary to avoid damage to all existing underground utilities and/ or existing above ground elements. All changes required shall be completed at the Contractor's expense and shall be coordinated with Owner's Representative and the Landscape Architect, and FDOT District Operations Manager (when in R.O.W).
9. Any substitutions in size and/or plant species must be approved by the Landscape Architect or Owner's Representative and FDOT District Operations Manager (when in R.O.W) prior to modification of the contract, purchasing and delivery of plants. All plants will be subject to approval by Landscape Architect and/or Owner's Representative before planting can begin. All plant materials will not include any plants considered to be invasive by the Town of Hillsboro Beach.
10. Contractor shall refer to the landscape planting details, general notes and the project manual and/or specifications for further and complete landscape planting instructions.
11. Landscape Contractor shall coordinate all planting work with permanent or temporary irrigation work. Landscape Contractor shall be responsible for all hand watering as required by Owner's Representative to supplement irrigation watering and rainfall. Landscape Contractor shall be responsible for hand watering in all planting areas, regardless of the status of existing or proposed irrigation.
12. Landscape Contractor shall clean the work areas at the end of each working day. Rubbish and debris shall be collected and deposited off-site or in an approved disposal area daily. All materials, products and equipment shall be stored in an organized fashion as directed by the Owner's Representative.
13. Landscape Contractor shall re-grade all areas disturbed by plant removal, relocation and/or installation work. Landscape Contractor shall replace (by equal size and quality) any and all existing or new plant material disturbed or damaged by plant removal, relocation, and/or installation work.
14. Site distance concerns must be maintained for clear site visibility from thirty (30) inches to seventy-two (72) inches, tree trunks are excluded as specified in appropriate municipal codes.

GENERAL LANDSCAPE NOTES CONTD

15. Guying / staking practices shall not permit nails, screws, wires, etc., to penetrate outer surface of any tree or palm. Trees or palms rejected due to this practice shall be replaced at the Contractor's expense.
16. Burlap material, wire cages, plastic straps, etc., must be cut and removed from top one-half (1/2) of root ball.
17. Trees grown in grow bags or grow bag type material are not allowed.
18. All planting materials shall meet or exceed local requirements as specified by local plant standards.
19. All landscape installations shall meet or exceed the minimum requirements as shown in appropriate municipal codes.
20. The Contractor shall be responsible for the guarantee of all plant material for a period of twelve (12) months from the date of substantial completion. Substantial completion constitutes the beginning of guarantee period.
21. Plant size specifications take precedence over container size.
22. Contractor to verify quantities and report any discrepancies to Owners representative and/or Landscape Architect.
23. All plant material shall be graded Florida #1 or better.
24. All proposed planting beds will be planted out correctly with proper spacing.
25. All tree work will require permitting by a registered Broward County Tree Trimmer.
26. Burlap, wire cages, etc., be removed half way down root balls.
27. Trees must be protected during entire project until completion.
28. No tree/palm roots shall be cut or damaged due to construction activities on site. If there are any tree/palm root conflicts, contact Urban Forestry staff for assistance.
29. All tree removal and relocated trees will require a tree permit and bonding from Broward County prior to the commencement of work.
30. All landscaping shall meet or exceed code specification requirements.
31. Call Sunshine One Call Service at 811 before you dig.
32. A tree removal and/or relocation permit shall be obtained from Broward County prior to the commencement of any work.
33. All landscaping shall be warranted for 1 year after final acceptance.
34. All groundcovers shall be installed at 50% coverage and 100% within 6 months after final acceptance.
35. All Landscape islands shall be excavated to a depth of 30" and backfilled with the specified planting mix. Also, landscape areas or planters along the buildings require excavation to a depth of 12" and backfilled with specified planting soil mix.
36. No landscape substitutions shall be made without the Town of Hillsboro Beach approval.
37. An underground, rust free, automatic irrigation system with a rain sensor shall be installed with 100% overlap prior to final inspection.
38. All PVC risers must be painted flat black and irrigation system shall have no overspray onto impervious areas.
39. All plants to be top dressed in 3" deep layer of arsenic free organic mulch.
40. All trees or palms in lawn areas shall receive a 2-foot diameter mulch ring around the trees and the mulch must be pulled away 3" from the trunks.
41. All above ground elements, including but not limited to a/c units, transformers, and irrigation pumps shall be screened with landscaping to 36" at installation.
42. All existing landscaping, including but not limited to tree, palms, shrubs, groundcover, sod, irrigation, grading, and curbing destroyed during the construction shall be restored/replaced prior to final inspection.
43. Remove all invasive exotic plants from the site.
44. All owners of the land or their agents shall be responsible for the maintenance of the landscaping per code.
45. All shrubs and groundcovers of different species planted adjacent to each other shall be separated by a minimum of 18".
46. All planting to be done in accordance with proper horticultural practices.
47. Call the Town of Hillsboro Beach landscape inspector to schedule a pre-construction landscape meeting prior to commencement of construction.

SOIL PREPARATION AND SOIL MIX

1. All plants noted for removal shall be relocated as shown on plans or removed and properly disposed of offsite at contractors expense unless otherwise noted.
2. Before finishing top soil grading, scarify & rake subsoil clear of stones (1" diameter and larger), debris, rubbish, and remaining roots from removed plant material to a depth of 6".
3. Plant holes should be dug and the sides and bottom of the hole should be stable, regardless of depth. Soil scarification is necessary if sides of the hole are compacted.
4. Contractor to apply approved pre-emergent herbicide in accordance with manufacturer's rate and specifications. Contractors to provide manufacturer's specifications for approval.
5. Planting soil mix for planters, trees, shrubs, and ground cover & grasses shall be determined by soil analysis prior to planting landscape.

The planting soil mix should be what comes out of the hole so the plant adapts to the surrounding/existing soil and grows into it. This is why the sides and the bottom of the planting hole should never be compacted with the digging implements. Never fertilize newly planted plants and trees. Please note that peat moss will eventually decompose and clog soil pores thereby inhibiting the plants water and oxygen consumption.

6. Topsoil shall be natural, fertile, agricultural soil capable of sustaining vigorous plant growth. It shall be of uniform composition throughout, with admixture of subsoil, it shall be free of stones, lumps, live plants and their roots, sticks, and other extraneous material. Top soil brought in should match as well as possible the existing soil texture and Ph. Planted material should never be "mounded" or raised; the soil will eventually wash away exposing the roots and it will be difficult to establish the plant material due to drought and excessive soil transpiration. All plant/tree material should be installed with the root collar exposed (approximately 1/2" to 1"). Landscape contractor should find the uppermost lateral root and plant that just below the soil surface.
7. Smooth topsoil without compaction to two inches (2") below finish grade in areas to be sodded without compaction.
8. Finish grade all topsoil areas to a smooth non-compacted, even surface assuring positive drainage away from the structures and eliminate any low areas except in retention areas where water may collect.
9. Contractor to remove debris and excess material immediately from job site while keeping in mind that heavy equipment will compact soil to the detriment of water drainage and the health of the newly installed plants. All planting areas with compacted soil will have surfaces scarified to a min. of 6" in depth.

10. Organic Compost. Suitable organic compost to blend with soil material consists of finely divided compost with a pH range of 5 to 7.5, and is composed of highly decomposed (75% with no visible plant fibers) organic matter. The organic compost material shall be ground so that 90% or more passes a 1/2-inch screen. The compost shall be uniform quality, free from toxins, ashes, construction debris, cement, boulders, tar residues, tarred paper, boards, chips, plastic, glass, or any other undesirable material. No compost shall be delivered in a frozen or muddy condition. The compost shall have a minimum of 25% humic matter. The electrical conductivity (based upon salt content) shall be less than 5000 micro-mohs/cm. The compost shall be produced by recognized member company of US Composting Council. The compost shall be tested by approved laboratory using test Methods for the Examination of Composting and Compost (TMECC) and has received USEPA Seal of Testing Assurance. The compost shall be measured on a cubic yard basis for mixing with soil materials. Note: The requirements for 25% humic matter and 90% passing a 1/2-inch screen exceed the US Composting Council Standards. Organic compost mulch need not meet these additional requirements, but the material should not be used to mix with soil materials.

11. Organic Humic Material. Humic matter (used in the above standard for organic compost) shall consist of finely divided compost or granular textured humic matter with a pH range of 5 to 7.5, composed of fully decomposed (no visible plant fibers) organic matter. The organic humic material shall be ground so that 75% of the volume of particles are not visible and passes a #140 screen and 100% of the volume passes a #60 screen. The organic humic material shall have a minimum of 75% humic matter content. The electrical conductivity (based upon salt content) shall be less than 5000 micro-mohs/cm. The organic humic material shall be measured on a cubic yard basis for mixing with soil materials.

12. The following uplan and wetland soil blends illustrate the concept for a sandy hummocky landscape typical to some barrier islands where there is a wetland area between steep sandy dunes. The purpose is to mimic the natural soil sequence across the dunes and swales for restoration of the maritime forest.

- i. sandy dune ridge - 80% sandy soil and 20% organic compost.
- ii. sandy dune forest slope - 70% sandy soil and 30% organic compost.
- iii. sandy dune toe slope - 60% sandy soil and 40% organic compost.

13. The planting soil must be 50% muck and 50% sand and must free of construction debris, weeds, rocks, and ph. between 6.5 and 7.0.

PLANTING SPECIFICATIONS

1. The contractor is responsible for maintaining, in full, all planting areas (including watering, spraying, mulching, mowing, fertilizing, etc.) Until the job is accepted, in full, by the owner, its representative and Landscape Architect and FDOT District Operations Manager (when in R.O.W).
2. All plant material shall be protected during transport and delivery to final location with shade cloth or other acceptable means of windburn prevention. Plant/tree material shall conform to Florida # 1 as described in Florida grades & standards, the latestest issue.
3. All trees must be guyed or staked as shown in details.
4. When plant material is delivered onsite, it shall not be laid down for more than two hours. Plant material when stored onsite shall be placed and maintained in good condition in a vertical position. All plants held onsite shall be kept watered regularly in sufficient amounts to permit continuous and vigorous growth.
5. Installation of all plant material shall be installed in a sound, workmanlike manner and according to accepted good planting and tree relocation procedures with the quality of plant materials as hereinafter described. All elements of landscaping shall be installed so as to meet all applicable ordinances and code requirements.
6. There shall be no chains or cables used directly on trees or palms, handle with 2" minimum width nylon straps or equal.
7. Contractor shall assure drainage and percolation of all planting pits. Prior to installation of plant material, contractor shall fill all tree pits with water before planting to assure that proper drainage and percolation is available. Correct if required to assure percolation. Contractor is responsible for replacement of all plants lost due to inadequate drainage conditions. Plant/tree material that has bark scraped off due to shipping, handling, and installation issues may be rejected upon inspection by the L.A.
8. Contractor to request inspection of project in writing. If all work is satisfactory and complete in accordance with conditions of contract documents, then the owner, its representative, and landscape architect and FDOT District Operations Manager (when in R.O.W), shall declare the project substantially complete.
9. Substantial completion constitutes the beginning of guarantee period.
10. Contractor to replace rejected plant within two (2) weeks of notice.
11. Crown pruning of any trees or palms is generally not approved by the national arborist association standards. When it is approved, it must be done in writing.
12. Xeriscaping principles as outlined in the South Florida Water Management District Xeriscap Plant Guide 2 shall be applied throughout landscape installation and maintenance.
13. All applications of fertilizer shall be performed by a commercial fertilizer applicator, certified by the Department of Agriculture and Consumer Services pursuant to Section 482.1562, Florida Statutes.
14. All applications of pesticides, including "weed and feed" products, should be made in accordance with State and federal law and the most recent edition of the Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries.
15. All trees and palms shall be braced or guyed, and all nylon straps or wood bracing shall be removed within one year of final inspection.
16. All plant material shall receive at minimum NPK fertilizer with minor trace elements and that 50% of the nitrogen must be derived from an organic source.
17. All above ground elements, including but not limited to a/c units, transformers, and irrigation pumps shall be screened with landscaping to 36" at installation.
18. All sod to be healthy, weed/pest free (including fungus and disease) laid smooth with tight alternating/abutting joints over 2" topsoil and conform to curbs and planters.
19. All plant root balls shall be 10% above grade and the wire baskets, burlap, string, and rope must be removed.
20. All fire hydrants and fire check valves shall have a minimum 7.5' clearance from the front and sides with 4' clearance from the rear to all landscape material.
21. All lights shall have a minimum 12' separation on large trees and 7'on palms.
22. All planting pits shall be a minimum of 2X the root ball diameter.

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LANDSCAPE NOTES

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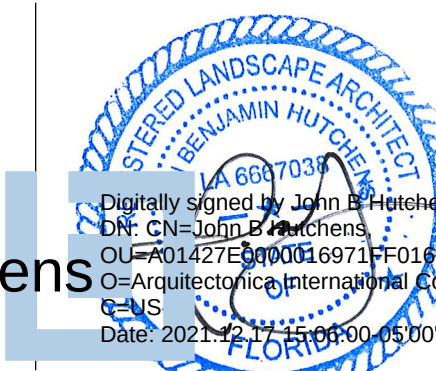
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BROWARD COUNTY CODE OF ORDINANCES - CHAPTER 39			
SEC. 39-87. MINIMUM LANDSCAPE REQUIREMENTS - MULTIFAMILY - PARCEL A			
CATEGORY	REQUIREMENT	REQUIRED	PROVIDED
SHADE TREES	ANY PROPERTY LINE ABUTTING A PUBLIC THOROUGHFARE: 1 SHADE TREE SPACED 30 FT. ON CENTER	606' / 30' = 21	21
	ANY PROPERTY LINE NOT ABUTTING A PUBLIC THOROUGHFARE: 1 SHADE TREE SPACED 30 FT. ON CENTER WHEN ABUTTING SINGLE FAMILY OR DUPLEX RESIDENTIAL	742' / 30' = 25	25
	OPEN SPACE: 1 TREE PER 2,000 SQ. FT. OF LOT AREA	234,316 / 2,000 = 118	161 TREES + 70 PALMS (23 TREES) = 184
	NATIVE: FIFTY PERCENT (50%) OF ALL VEGETATION TO BE NATIVE TO SOUTH FLORIDA	184 X 50% = 92	161
SHRUBS	OPEN SPACE: 10 SHRUBS PER EVERY 2,000 SQ. FT. OF LOT AREA	10 X (234,316 / 2,000) = 1,180	1,250
	NATIVE: FIFTY PERCENT (50%) OF ALL VEGETATION TO BE NATIVE TO SOUTH FLORIDA	1,250 X 50% = 625	1,000
TURF	MAXIMUM FIFTY PERCENT (50%) OF ALL LANDSCAPED AREA	59,665 x 50% = 29,832 SQ. FT.	3,733 SQ. FT.
ECOLOGICAL COMMUNITIES	ENCOURAGED	ENCOURAGED	MARITIME HAMMOCK AND MANGROVE FOREST SPECIES

BROWARD COUNTY CODE OF ORDINANCES - CHAPTER 39			
SEC. 39-87. MINIMUM LANDSCAPE REQUIREMENTS - MULTIFAMILY - PARCEL B			
CATEGORY	REQUIREMENT	REQUIRED	PROVIDED
SHADE TREES	ANY PROPERTY LINE ABUTTING A PUBLIC THOROUGHFARE: 1 SHADE TREE SPACED 30 FT. ON CENTER	606' / 30' = 21	21
	ANY PROPERTY LINE NOT ABUTTING A PUBLIC THOROUGHFARE: 1 SHADE TREE SPACED 30 FT. ON CENTER WHEN ABUTTING SINGLE FAMILY OR DUPLEX RESIDENTIAL	888' / 30' = 30	30
	OPEN SPACE: 1 TREE PER 2,000 SQ. FT. OF LOT AREA	278,316 / 2,000 = 140	107 TREES + 39 PALMS (19 TREES) = 146
	NATIVE: FIFTY PERCENT (50%) OF ALL VEGETATION TO BE NATIVE TO SOUTH FLORIDA	146 X 50% = 73	127
SHRUBS	OPEN SPACE: 10 SHRUBS PER EVERY 2,000 SQ. FT. OF LOT AREA	10 X (278,316 / 2,000) = 1,400	1,500
	NATIVE: FIFTY PERCENT (50%) OF ALL VEGETATION TO BE NATIVE TO SOUTH FLORIDA	1,500 X 50% = 750	1,200
TURF	MAXIMUM FIFTY PERCENT (50%) OF ALL LANDSCAPED AREA	20,517 SQ. FT. x 50% = 10,258 SQ. FT.	0 SQ. FT.
FOUNDATION PLANTING	20% OF BUILDING FRONTAGE FACING WIDEST RIGHT-OF-WAY	550 LF X 20% = 110 LF	500 LF
ECOLOGICAL COMMUNITIES	ENCOURAGED	ENCOURAGED	BEACH DUNE AND MARITIME HAMMOCK SPECIES

LANDSCAPE AREAS SCHEDULE			
SYMBOL	DESCRIPTION	QTY	%
1	PERVIOUS LANDSCAPE AREAS	235,494 sf	48
2	IMPERVIOUS AREAS	252,832 sf	52



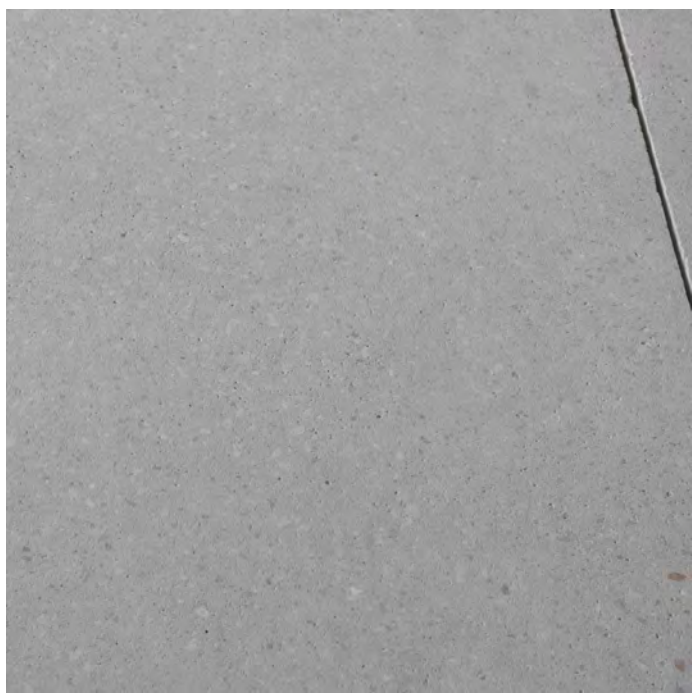
HARDSCAPE MATERIALS



PEDESTRIAN PAVERS - IVORY



VEHICULAR PAVERS - TAN



CONCRETE SIDEWALK



MULCH MINI PINE BARK NUGGETS

PALMS



COCOS NUCIFERA
COCONUT PALM



COCOTHRINAX ARGENTATA
SILVER PALM



SABAL PALMETTO
CABBAGE PALM



THRINAX RADIATA
FLORIDA THATCH PALM

TREES



BURSERA SIMARUBA
GUMBO LIMBO



CASIA BAKERIANA
PINK SHOWER TREE



COCOLOBU UVIFERA
SEA GRAPE



CLUSIA ROSEA
AUTOGRAPH TREE



CONOCORPUS ERECTUS
GREEN BUTTONWOOD



CONOCORPUS ERECTUS
VAR. SERICEUS
SILVER BUTTONWOOD



COCOLOBU DIVERSIFOLIA
PIGEON PLUM



FICUS AUREA
STRANGLER FIG



QUERCUS VIRGINIANA
SOUTHERN LIVE OAK



SWIETENIA MAHOGANI
WEST INDIAN MOHAGANY



TABEBUIA CARAIBA
YELLOW TABEBUIA

SHRUBS



ARGUSIA GNAPHLODES
DUNE SEA LAVENDER



BACCHARIS DIOICA
BROOMBUSH FALSE WILLOW



CHRYSOBALANUS ICACO "HORIZONTALIS"
HORIZONTAL COCOPLUM



CLUSIA ROSEA 'NANA'
DWARF PITCH APPLE



EUGENIA FOETIDIA
SPANISH STOPPER



PSYCHOTRIA LIGUSTRIFOLIA
BAHAMA COFFEE



SERENOA REPENS VAR. SERICEUS
SILVER SAW PALMETTO

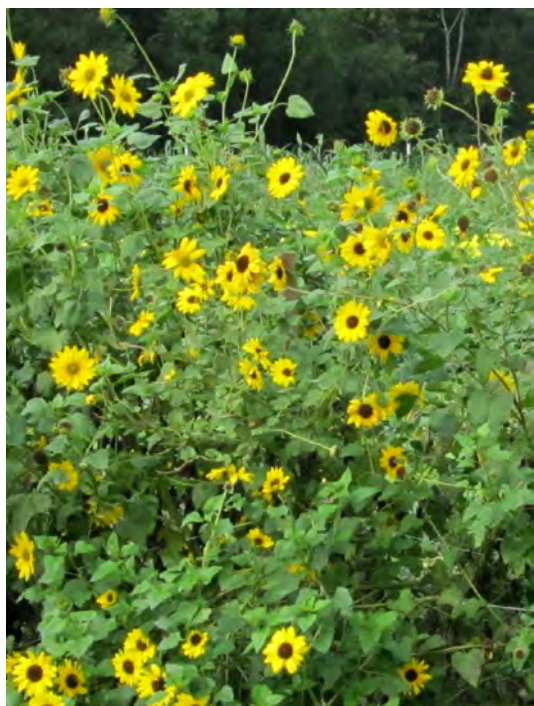


SURIANA MARITIMA
BAY CEDAR

GROUNDCOVERS AND GRASSES



ERNODEA LITTORALIS
GOLDEN CREEPER



HELIANTHUS DEBILIS
BEACH SUNFLOWER



HYMENOCALLIS LATIFOLIA
SPIDER LILY



MULHENBURGIA CAPILLARIS
PINK MUHLY GRASS



NEPHROLEPIS EXALTATA
BOSTON FERN



SPARTINA BAKERI
CORDGRASS



TRIPSACUM FLORIDANA
GAMMA GRASS



UNIOLA PANICULATA
SEA OATS



ZAMIA INTEGRIFOLIA
COONTIE

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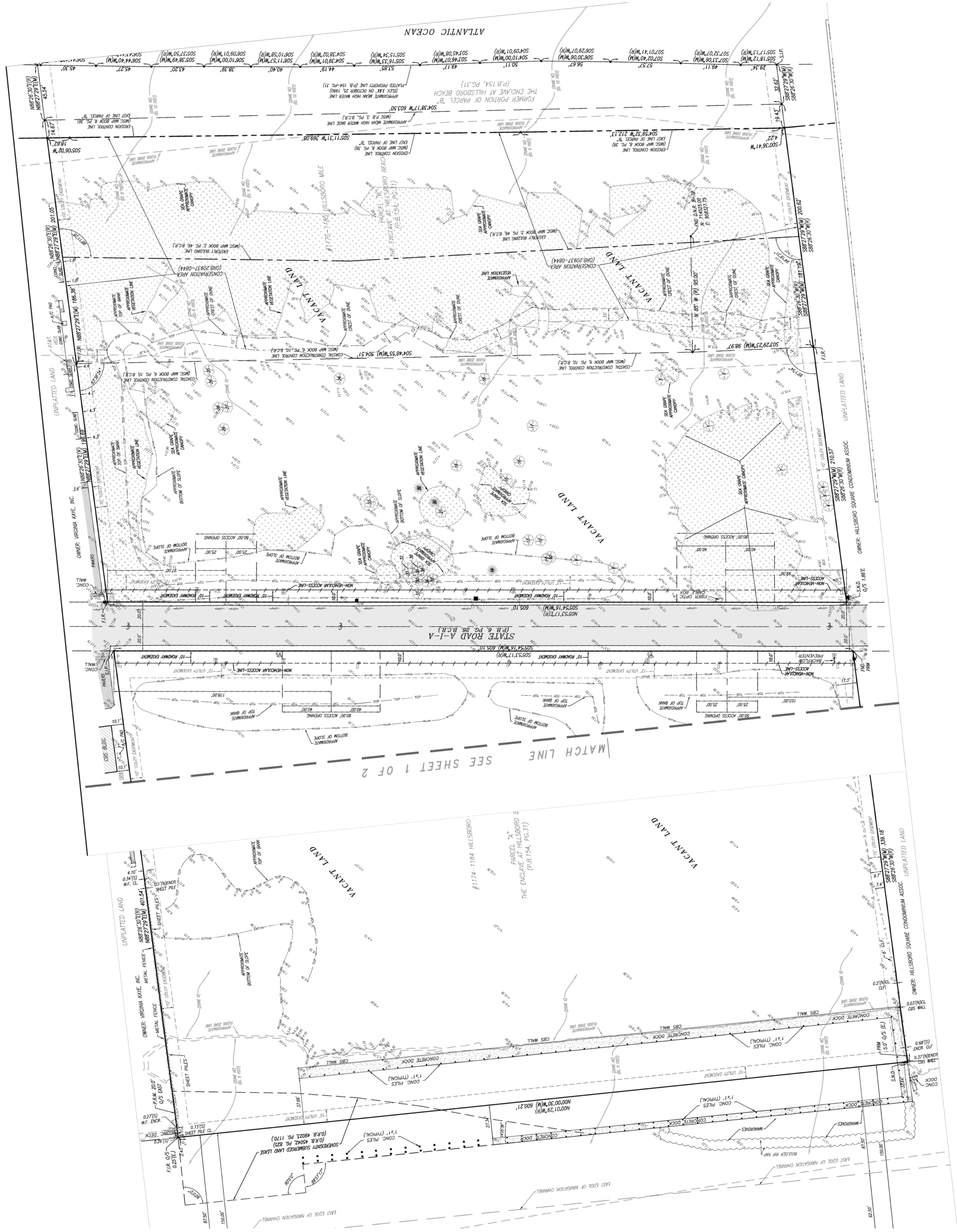
John B Hutchens



LANDSCAPE IMAGES

DATE:
12/17/2021

L0-03



TREE TABLE

TREE NO	COMMON NAME	SPECIES	DIA. IN.	HT. FT.	CNPY. Ø FT.
1	CABBAGE PALM	"Sabal palmetto"	10	18	8
2	CABBAGE PALM	"Sabal palmetto"	10	15	10
3	CABBAGE PALM	"Sabal palmetto"	12	15	10
4	CABBAGE PALM	"Sabal palmetto"	12	25	15
5	CABBAGE PALM	"Sabal palmetto"	12	25	15
6	CABBAGE PALM	"Sabal palmetto"	12	25	15
7	CABBAGE PALM	"Sabal palmetto"	12	25	15
8	CABBAGE PALM	"Sabal palmetto"	8	30	10
9	CABBAGE PALM	"Sabal palmetto"	8	15	12
10	CABBAGE PALM	"Sabal palmetto"	10	15	12
11	CABBAGE PALM	"Sabal palmetto"	10	15	12
12	CABBAGE PALM	"Sabal palmetto"	15	12	15
13	CABBAGE PALM	"Sabal palmetto"	13	25	10
14	CABBAGE PALM	"Sabal palmetto"	12	20	20
15	CABBAGE PALM	"Sabal palmetto"	14	20	15
16	CABBAGE PALM	"Sabal palmetto"	13	15	15
17	CABBAGE PALM	"Sabal palmetto"	15	15	15
18	CABBAGE PALM	"Sabal palmetto"	11	20	10
19	CABBAGE PALM	"Sabal palmetto"	14	20	15
20	CABBAGE PALM	"Sabal palmetto"	13	25	25
21	CABBAGE PALM	"Sabal palmetto"	13	20	20
22	CABBAGE PALM	"Sabal palmetto"	13	20	20
23	CABBAGE PALM	"Sabal palmetto"	12	25	10
24	CABBAGE PALM	"Sabal palmetto"	10	20	15
25	CABBAGE PALM	"Sabal palmetto"	14	10	15
26	CABBAGE PALM	"Sabal palmetto"	10	15	20
27	CABBAGE PALM	"Sabal palmetto"	10	20	15
28	CABBAGE PALM	"Sabal palmetto"	10	20	10
29	CABBAGE PALM	"Sabal palmetto"	14	15	15
30	CABBAGE PALM	"Sabal palmetto"	12	25	10
31	CABBAGE PALM	"Sabal palmetto"	12	25	10
32	CABBAGE PALM	"Sabal palmetto"	12	25	15
33	CABBAGE PALM	"Sabal palmetto"	13	15	0
34	CABBAGE PALM	"Sabal palmetto"	18	25	20
35	CABBAGE PALM	"Sabal palmetto"	10	25	20
36	CABBAGE PALM	"Sabal palmetto"	13	20	20
37	CABBAGE PALM	"Sabal palmetto"	12	20	20
38	CABBAGE PALM	"Sabal palmetto"	12	20	20

NOTE:
THE TREE INFORMATION AS INDICATED ON THE "TREE LIST" IS SUBJECT TO REVISION BY SUBSEQUENT SITE INSPECTION BY A CERTIFIED ARBORIST OR OTHER INDIVIDUAL WITH SIMILAR EXPERTISE.

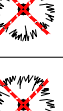
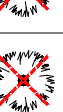
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 DN: CN=John B Hutchens
 OU=AO14272E8300016971FF016
 O=Architecture International C
 C=US
 Date: 2021.12.17 15:04:33 -0500

L1-00

Tree Disposition Schedule								
Trees	Code	Qty	Botanical Name	Common Name	DBH	Height	Canopy	Disposition
	01	1	Sabal palmetto	Cabbage Palmetto	10"	18'	8'	Remove
	02	1	Sabal palmetto	Cabbage Palmetto	10"	15'	10'	Remove
	03	1	Sabal palmetto	Cabbage Palmetto	12"	15'	10'	Remove
	04	1	Sabal palmetto	Cabbage Palmetto	12"	25'	15'	Remove
	05	1	Sabal palmetto	Cabbage Palmetto	12"	25'	15'	Remove
	06	1	Sabal palmetto	Cabbage Palmetto	12"	25'	15'	Remove
	07	1	Sabal palmetto	Cabbage Palmetto	12"	25'	15'	Remove
	08	1	Sabal palmetto	Cabbage Palmetto	8"	30'	10'	Remove
	09	1	Sabal palmetto	Cabbage Palmetto	8"	15'	12'	Remove
	10	1	Sabal palmetto	Cabbage Palmetto	10"	15'	12'	Remove
	11	1	Sabal palmetto	Cabbage Palmetto	10'	15'	12'	Remove
	12	1	Sabal palmetto	Cabbage Palmetto	15"	12'	15'	Remove
	13	1	Sabal palmetto	Cabbage Palmetto	13"	25'	10'	Remove
	14	1	Sabal palmetto	Cabbage Palmetto	12"	20'	20'	Remove
	15	1	Sabal palmetto	Cabbage Palmetto	14"	20'	15'	Remove
	16	1	Sabal palmetto	Cabbage Palmetto	13"	15'	15'	Remove
	17	1	Sabal palmetto	Cabbage Palmetto	15"	15'	15'	Remove
	18	1	Sabal palmetto	Cabbage Palmetto	11"	20'	10'	Remove
	19	1	Sabal palmetto	Cabbage Palmetto	14"	20'	15'	Remove
	20	1	Sabal palmetto	Cabbage Palmetto	13"	25'	25'	Remove
	21	1	Sabal palmetto	Cabbage Palmetto	13"	20'	20'	Remove
	22	1	Sabal palmetto	Cabbage Palmetto	13"	20'	20'	Remove
	23	1	Sabal palmetto	Cabbage Palmetto	12"	25'	10'	Remove
	24	1	Sabal palmetto	Cabbage Palmetto	10"	20'	15'	Remove
	25	1	Sabal palmetto	Cabbage Palmetto	14"	10'	15'	Remove
	26	1	Sabal palmetto	Cabbage Palmetto	10"	15'	20'	Remove
	27	1	Sabal palmetto	Cabbage Palmetto	10"	20'	15'	Remove
	28	1	Sabal palmetto	Cabbage Palmetto	10"	20'	10'	Remove
	29	1	Sabal palmetto	Cabbage Palmetto	14"	15'	15'	Remove
	30	1	Sabal palmetto	Cabbage Palmetto	12"	25'	10'	Remove
	31	1	Sabal palmetto	Cabbage Palmetto	12"	25'	10'	Remove
	32	1	Sabal palmetto	Cabbage Palmetto	12"	25'	15'	Remove
	33	1	Sabal palmetto	Cabbage Palmetto	13"	15'	0'	Remove
	34	1	Sabal palmetto	Cabbage Palmetto	18"	25'	20'	Remove
	35	1	Sabal palmetto	Cabbage Palmetto	10"	25'	20'	Remove
	36	1	Sabal palmetto	Cabbage Palmetto	13"	20'	20'	Remove
	37	1	Sabal palmetto	Cabbage Palmetto	12"	20'	20'	Remove
	38	1	Sabal palmetto	Cabbage Palmetto	12"	20'	20'	Remove

[illegible]

TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	HEIGHT	SPREAD	DBH	CLEAR TRUNK	NATIVE	DROUGHT TOL.	CATEGORY	CREDIT	TOTAL CREDITS
	BS2	12	Bursera simaruba	Gumbo Limbo	12'	8'	2"	4'	Yes	Yes	1	300	3600
	CA2	8	Clusia rosea	Autograph Tree	12'	8'	2"	4'	Yes	Yes	1	300	2400
	CD	49	Coccoloba diversifolia	Pigeon Plum	12'	8'	2"	4'	Yes	Yes	2	150	7350
	CE	54	Conocarpus erectus	Green Buttonwood	12'	8'	2"	4'	Yes	Yes	1	300	16200
	CS	63	Conocarpus erectus 'Sericeus'	Silver Buttonwood	12'	8'	2"	4'	Yes	Yes	2	150	9450
	QV2	7	Quercus virginiana	Southern Live Oak	12'	8'	2"	4'	Yes	Yes	1	300	2100
	SM2	6	Swietenia mahagoni	West Indian Mahogany	12'	8'	2"	4'	Yes	Yes	1	300	1800

42900

REPLACEMENT TREE CATEGORY (SEE APPENDIX 1)	REPLACEMENT CANOPY AREA CREDIT (IN SQUARE FEET)
CATEGORY 1 TREE	300
CATEGORY 2 TREE	150
CATEGORY 3 TREE	100
CATEGORY 4 TREE (PALMS)	50

REPLACEMENT TREE CATEGORY	REPLACEMENT SPECIFICATIONS
CATEGORY 1 TREE	MINIMUM 12 FEET IN HEIGHT AND 2 INCHES DBH
CATEGORY 2 TREE	MINIMUM 8 FEET IN HEIGHT
CATEGORY 3 TREE	MINIMUM 6 FEET IN HEIGHT
CATEGORY 4 TREE (PALMS)	MINIMUM 6 FEET CLEAR TRUNK OR GREYWOOD



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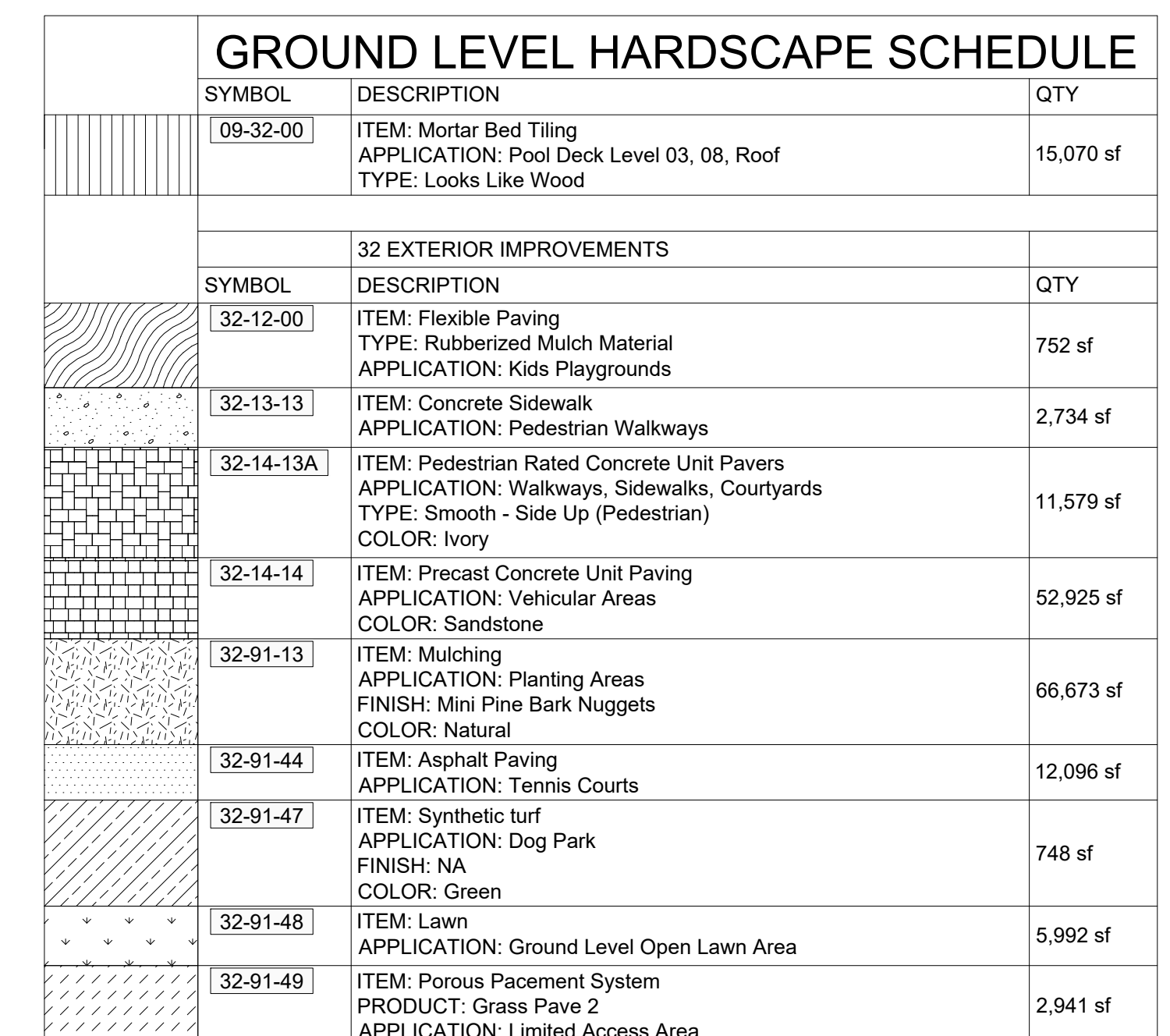
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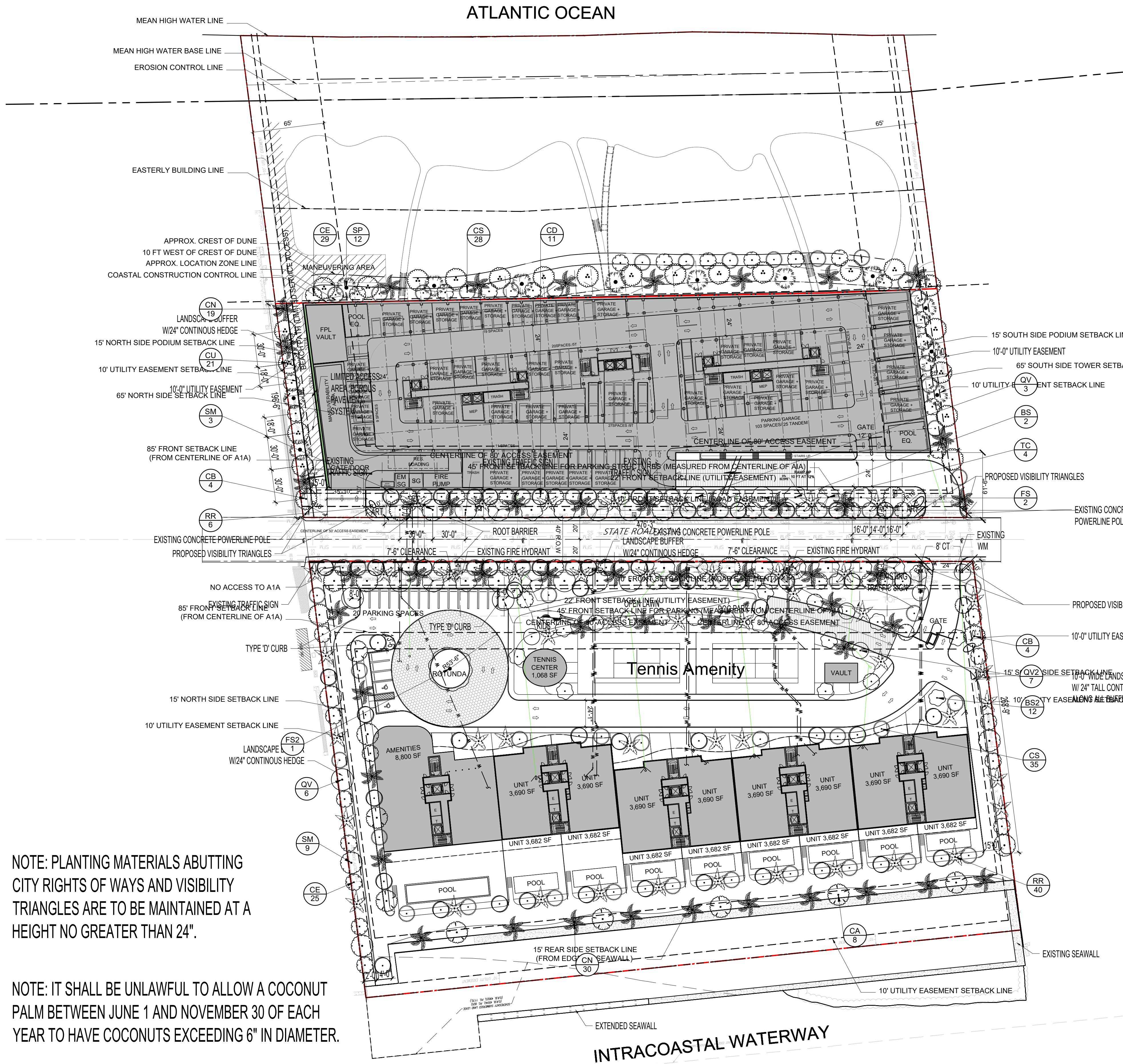


RCEL A - GROUND LEVEL /
. B - UNDERGROUND PARKING -
ER LEVEL RENDERED PLAN

DATE:
12/17/2021

L1-10





NOTE: PLANTING MATERIALS ABUTTING CITY RIGHTS OF WAYS AND VISIBILITY TRIANGLES ARE TO BE MAINTAINED AT A HEIGHT NO GREATER THAN 24".

NOTE: IT SHALL BE UNLAWFUL TO ALLOW A COCONUT PALM BETWEEN JUNE 1 AND NOVEMBER 30 OF EACH YEAR TO HAVE COCONUTS EXCEEDING 6" IN DIAMETER.

GROUND LEVEL TREE SCHEDULE

TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	HEIGHT	SPREAD	DBH	CLEAR TRUNK	NATIVE	DROUGHT TOL.
	BS2	12	Bursera simaruba	Gumbo Limbo	12'	8'	2"	4'	Yes	Yes
	BS	4	Bursera simaruba	Gumbo Limbo	16'	12'	4"	5'	Yes	Yes
	CB	8	Cassia bakeriana	Pink Cassia	16'	12'	4"	5'	No	Yes
	CA	8	Clusia rosea	Autograph Tree	16'	12'	4"	5'	Yes	Yes
	CD	49	Coccoloba diversifolia	Pigeon Plum	12'	8'	2"	4'	Yes	Yes
	CU	21	Coccoloba uvifera	Sea Grape	16'	12'	4" min	5'	Yes	Yes
	CE	54	Conocarpus erectus	Green Buttonwood	12'	8'	2"	4'	Yes	Yes
	CS	63	Conocarpus erectus 'Sericeus'	Silver Buttonwood	12'	8'	2"	4'	Yes	Yes
	FS	5	Ficus aurea	Strangler Fig	16' min.	12' min.	4" min	5'	Yes	Yes
	FS2	1	Ficus aurea	Strangler Fig (Specimen, Collected)	30'	30'	24" Minimum	8' Min.	Yes	Yes
	QV2	7	Quercus virginiana	Southern Live Oak	12'	8'	2"	4'	Yes	Yes
	QV	9	Quercus virginiana	Southern Live Oak	16'	12'	4" min	5'	Yes	Yes
	SM2	6	Swietenia mahagoni	West Indian Mahogany	12'	8'	2"	4'	Yes	Yes
	SM	12	Swietenia mahagoni	West Indian Mahogany	16'	12'	4" min	5'	Yes	Yes
	TC	9	Tabebuia caraiba	Silver Trumpet	16'	12'	4"	5'	No	Yes
PALMS										
	CN	49	Cocos nucifera	Coconut Palm (CERTIFIED LY)	24'			16' GW	No	Yes
	RR	48	Roystonea regia	Royal Palm	30'			20' GW	Yes	Yes
	SP	12	Sabal palmetto	Cabbage Palmetto	20'-24' CT				Yes	Yes

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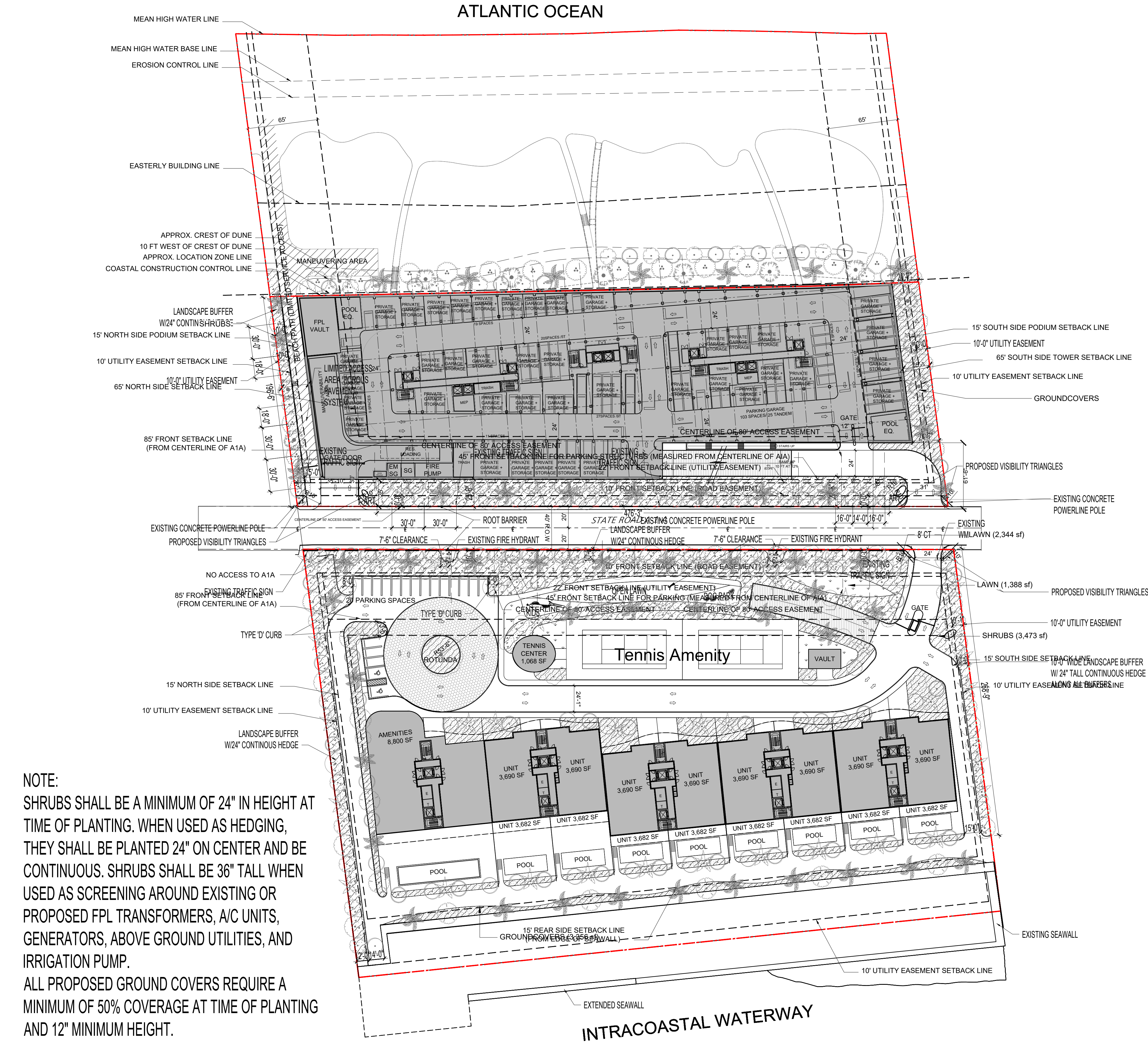
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RCEL A - GROUND LEVEL /
B - UNDERGROUND PARKING -
UPPER LEVEL TREE PLAN

DATE:
12/17/2021

L1-12



NOTE:
SHRUBS SHALL BE A MINIMUM OF 24" IN HEIGHT AT TIME OF PLANTING. WHEN USED AS HEDGING, THEY SHALL BE PLANTED 24" ON CENTER AND BE CONTINUOUS. SHRUBS SHALL BE 36" TALL WHEN USED AS SCREENING AROUND EXISTING OR PROPOSED FPL TRANSFORMERS, A/C UNITS, GENERATORS, ABOVE GROUND UTILITIES, AND IRRIGATION PUMP.
ALL PROPOSED GROUND COVERS REQUIRE A MINIMUM OF 50% COVERAGE AT TIME OF PLANTING AND 12" MINIMUM HEIGHT.

GROUND LEVEL SHRUB & GCVR SCHEDULE

	SHRUBS Argusia gnaphalodes – Dune Sea Lavender Baccharis dioica – Broombush Falswillow Chrysobalanus icaco 'horizontalis' – Horizontal Cocoplum Clusia rosea 'nana' – Dwarf Clusia Eugenia foetida - Spanish Stopper Psychotria ligustrifolia - Bahama coffee Serenoa repens 'cinerea' – Silver Saw Palmetto Suriana maritima – Bay Cedar -	43,673 sf
	GROUNDCOVERS Ernodea littoralis – Golden Creeper Helianthus debilis – Dune Sunflower Hymenocallis latifolia – Spider Lily Muhlenbergia capillaris – Muhly Grass Nephrolepis exaltata – Boston Fern Spartina patens – Sand Cordgrass Tripsacum floridana – Gamma Grass Uniola paniculata – Sea Oats Zamia pumila – Coontie -	23,021 sf
	LAWN Stenotaphrum secundatum St Augustine Grass -	5,992 sf

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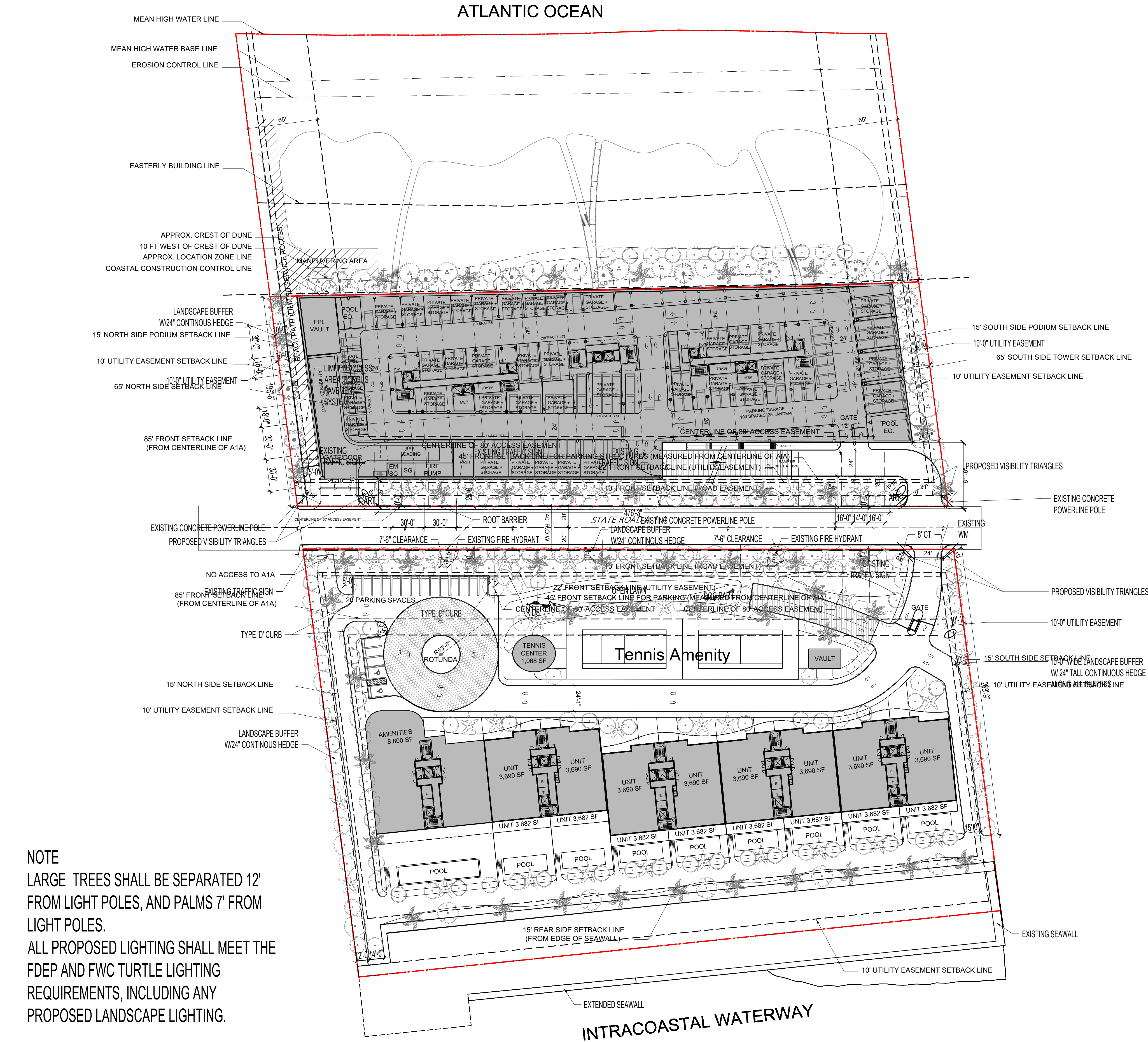
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RCEL A - GROUND LEVEL /
B - UNDERGROUND PARKING -
SHRUBS AND GROUNDCOVER PLAN

DATE:
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L1-13



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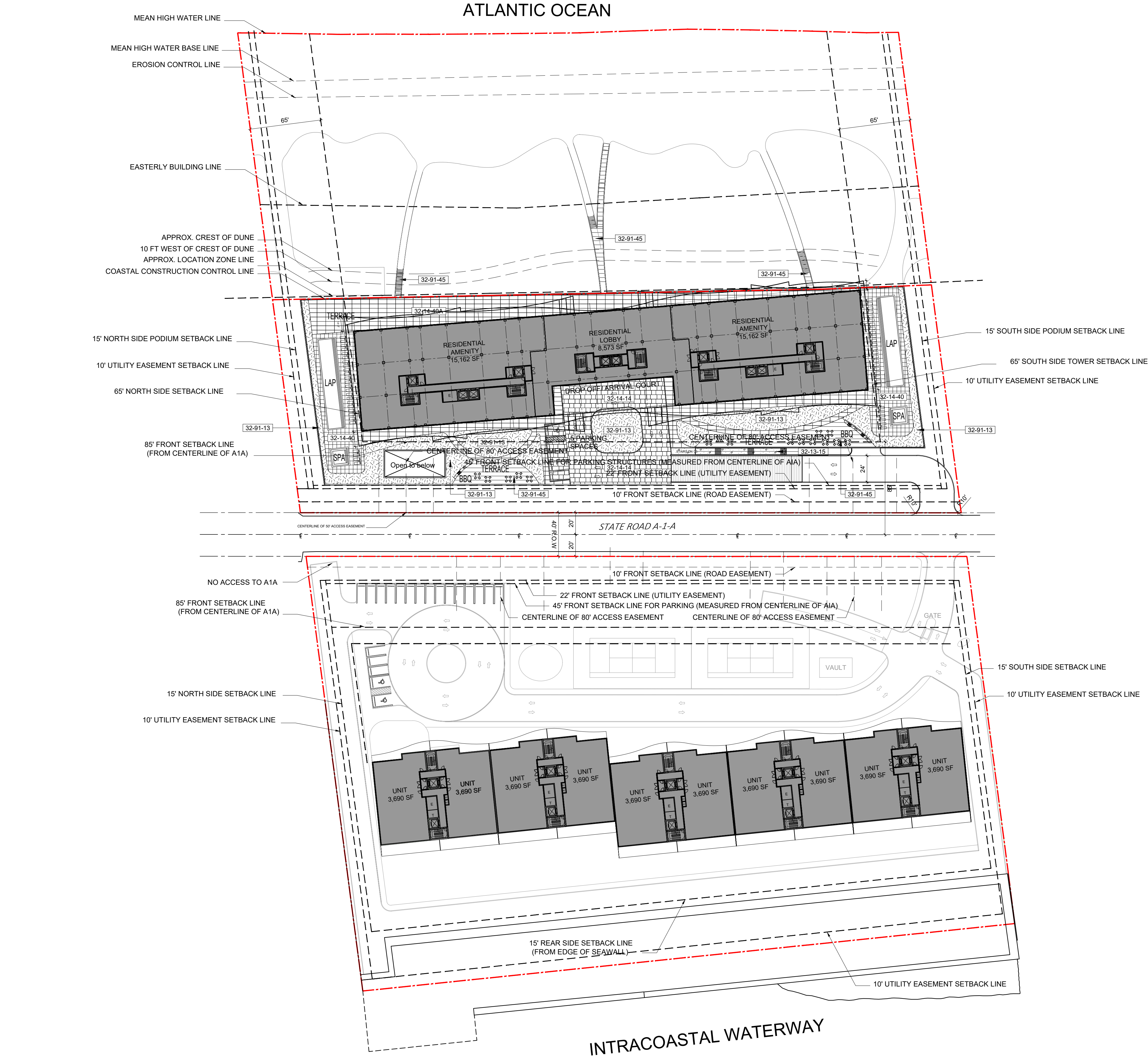


RCEL A - GROUND LEVEL /
B - UNDERGROUND PARKING -
LIGHTING PLAN

DATE:
12/17/2021

L1-14





LOBBY LEVEL HARDSCAPE SCHEDULE		
32 EXTERIOR IMPROVEMENTS		
SYMBOL	DESCRIPTION	QTY
	32-13-15 ITEM: Concrete Paving APPLICATION: Maintenance Path	632 sf
	32-14-14 ITEM: Precast Concrete Unit Paving APPLICATION: Vehicular Areas COLOR: Sandstone	7,981 sf
	32-14-40 ITEM: Shellstone Paver APPLICATION: Lobby Level Pool Deck Areas MANUFACTURER: Tremron PRODUCT: Shellstone COLOR: White SIZE: 12"x12"	7,911 sf
	32-14-40A ITEM: Stone Tiling APPLICATION: Lobby Level COLOR: Sand Stone	14,283 sf
	32-91-13 ITEM: Mulching APPLICATION: Planting Areas FINISH: Mini Pine Bark Nuggets COLOR: Natural	11,458 sf
	32-91-45 ITEM: Wood Floor Decking APPLICATION: Lobby Level, Roof Top Level FINISH: Ipe Oil SIZE: 2"x4"x6" MANUFACTURER: Keys Deck & Dock Supply CONTACT EMAIL: info@keysdecksanddocks.com	4,769 sf

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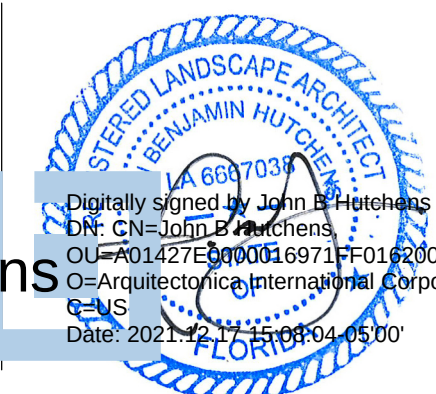
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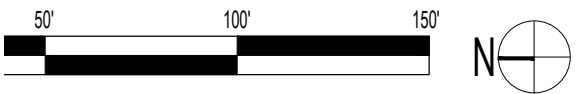
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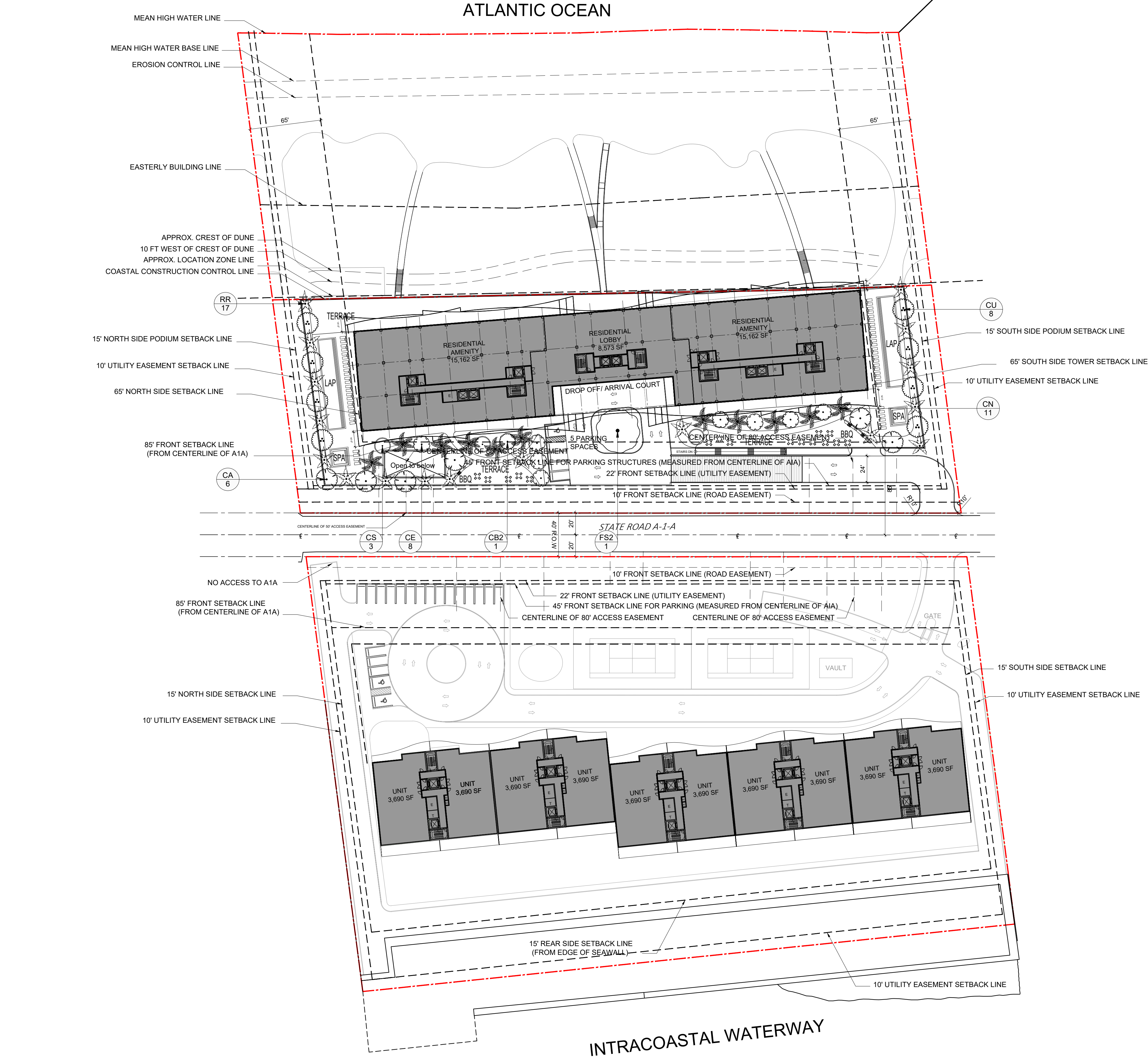


LOBBY LEVEL
HARDSCAPE PLAN



DATE:
12/17/2021

L1-21



LOBBY LEVEL TREE PLAN

TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	HEIGHT	SPREAD	DBH	CLEAR TRUNK	NATIVE	DROUGHT TOL.
	CB2	1	Cassia bakeriana	Pink Cassia	12'	8'	2"	4'	No	Yes
	CA	6	Clusia rosea	Autograph Tree	16'	12'	4"	5'	Yes	Yes
	CU	8	Coccoloba uvifera	Sea Grape	16'	12'	4" min	5'	Yes	Yes
	CE	8	Conocarpus erectus	Green Buttonwood	12'	8'	2"	4'	Yes	Yes
	CS	3	Conocarpus erectus 'Sericeus'	Silver Buttonwood	12'	8'	2"	4'	Yes	Yes
	FS2	1	Ficus aurea Specimen, Collected	Strangler Fig (Specimen, Collected)	30'	30'	24" Minimum	8' Min.	Yes	Yes
PALMS	CODE	QTY	BOTANICAL NAME	COMMON NAME	HEIGHT	SPREAD	DBH	CLEAR TRUNK	NATIVE	DROUGHT TOL.
	CN	11	Cocos nucifera CERTIFIED LY	Coconut Palm (CERTIFIED LY)	24'			16' GW	No	Yes
	RR	17	Roystonea regia	Royal Palm	30'			20' GW	Yes	Yes

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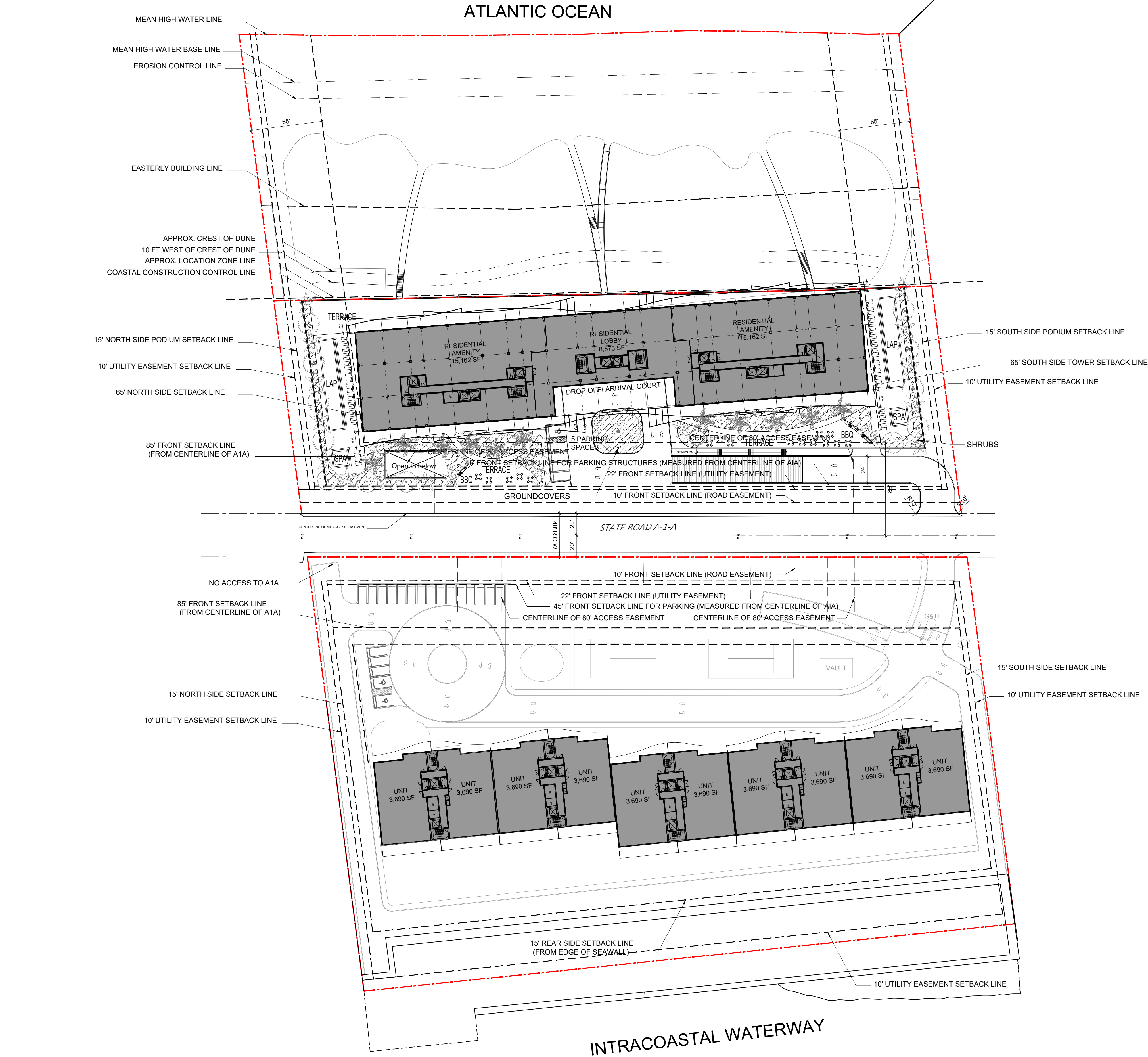
John B Hutchens



LOBBY LEVEL
TREE PLAN

DATE:
12/17/2021

L1-22



SHRUBS AND GROUNDCOVER SCHEDULE

	SHRUBS	9,733 sf
	GROUNDCOVERS	1,724 sf

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LOBBY LEVEL
3 AND GROUNDCOVER PLAN

DATE:
12/17/2021

L1-23



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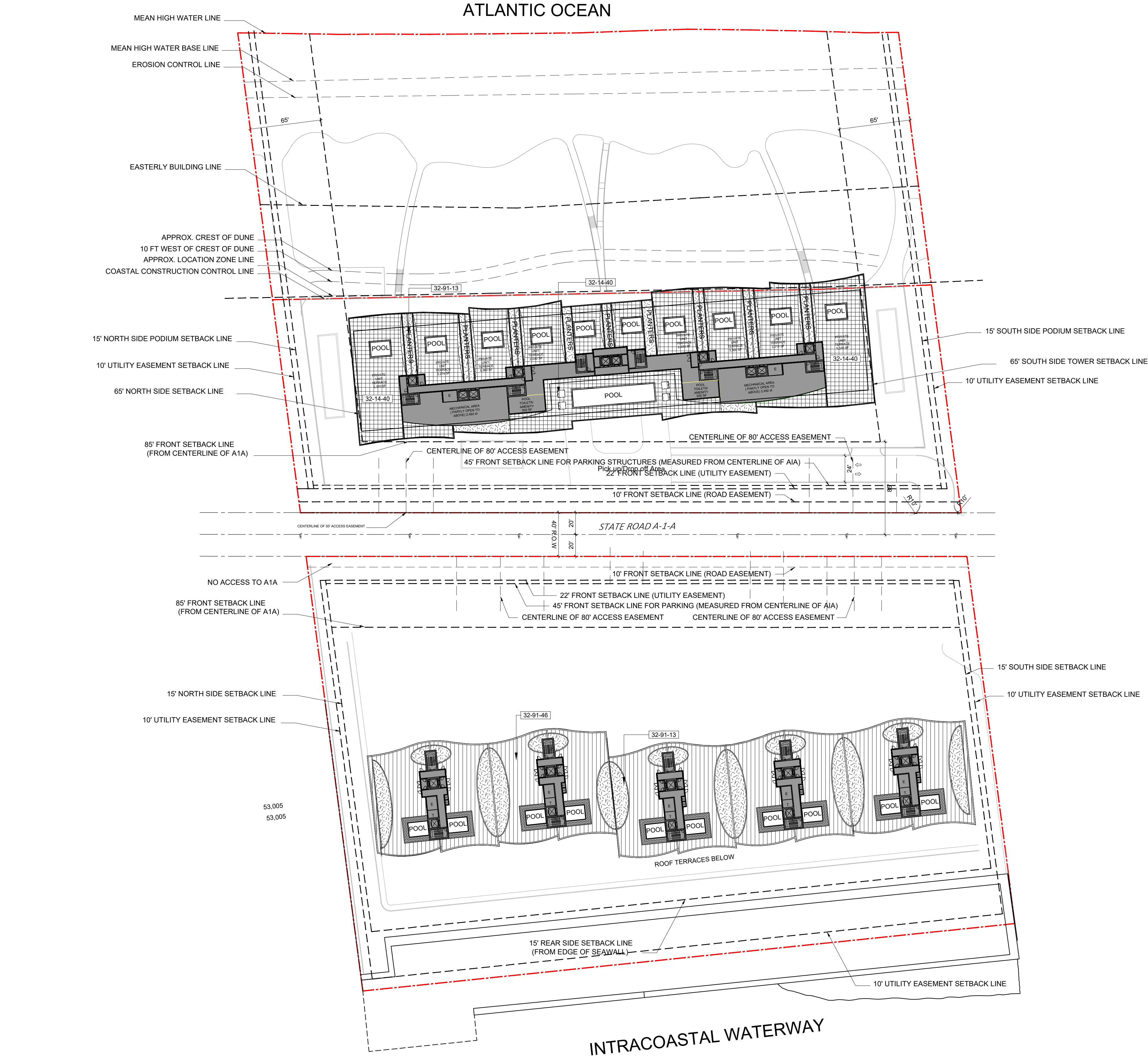
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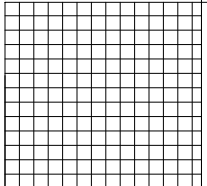
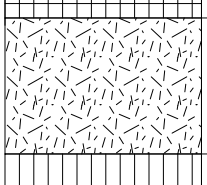


ROOF
RENDERED PLAN

DATE:
12/17/2021

L1-30



ROOFTOP HARDSCAPE SCHEDULE		
32 EXTERIOR IMPROVEMENTS		
SYMBOL	DESCRIPTION	QTY
	32-14-40 ITEM: Shellstone Paver APPLICATION: Lobby Level Pool Deck Areas MANUFACTURER: Tremron PRODUCT: Shellstone COLOR: White SIZE: 12"x12"	30,957 sf
	32-91-13 ITEM: Mulching APPLICATION: Planting Areas FINISH: Mini Pine Bark Nuggets COLOR: Natural	16,708 sf
	32-91-46 ITEM: Wood-Look Tile APPLICATION: Rooftop Pools	27,803 sf

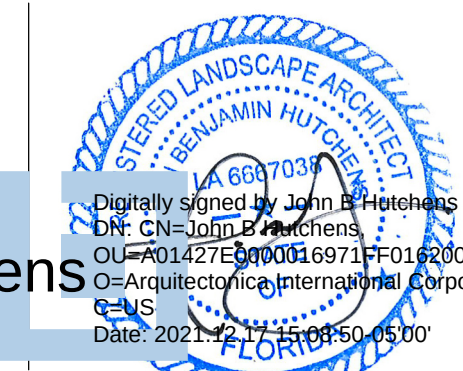
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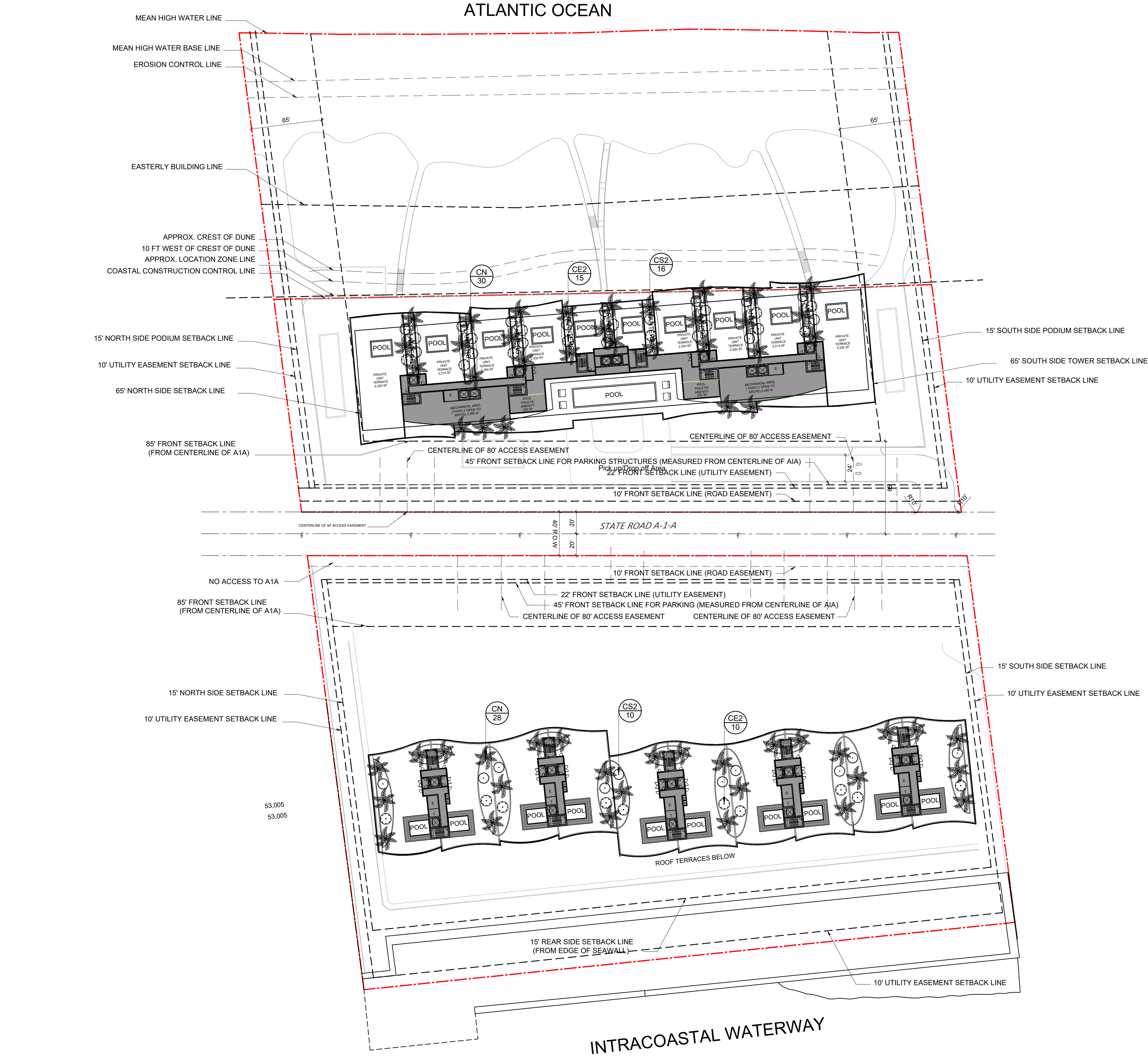


ROOF
HARDSCAPE PLAN



DATE:
12/17/2021

L1-31



ROOF TOP TREE SCHEDULE										
TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	HEIGHT	SPREAD	DBH	CLEAR TRUNK	NATIVE	DROUGHT TOL.
	CE2	25	Conocarpus erectus	Green Buttonwood	16'	10'	4" min	5'	Yes	Yes
	CS2	26	Conocarpus erectus 'Sericeus'	Silver Buttonwood	12'	10'	2" min	4'	Yes	Yes
PALMS	CODE	QTY	BOTANICAL NAME	COMMON NAME	HEIGHT	SPREAD	DBH	CLEAR TRUNK	NATIVE	DROUGHT TOL.
	CN	58	Cocos nucifera CERTIFIED LY	Coconut Palm (CERTIFIED LY)	24'			16" GW	No	Yes

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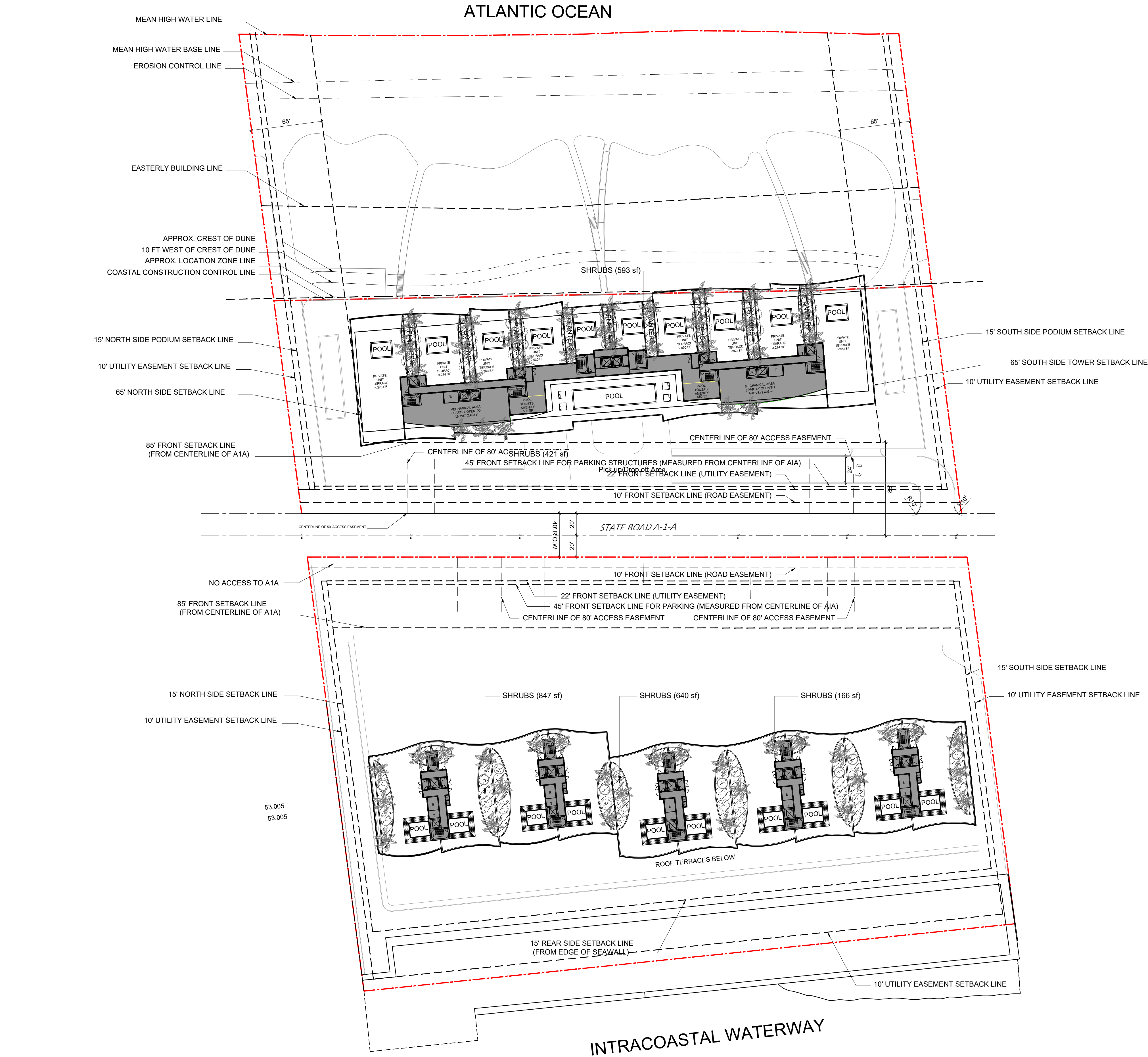
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ROOF
TREE PLAN

DATE:
12/17/2021

L1-32



ROOFTOP SHRUBS AND GROUNDCOVER SCHEDULE

	SHRUBS	16,592 sf
	Argusia gnaphalodes – Dune Sea	
	Lavender	
	Baccharis dioica – Broombush Falswillow	
	Chrysobalanus icaco 'horizontalis' – Horizontal Cocoplum	
	Clusia rosea 'nana' – Dwarf Clusia	
	Eugenia foetida - Spanish Stopper	
	Psychotria ligustrifolia - Bahama coffee	
	Serenoa repens 'cinerea' – Silver Saw	
	Palmetto	
	Suriana maritima – Bay Cedar	
	-	

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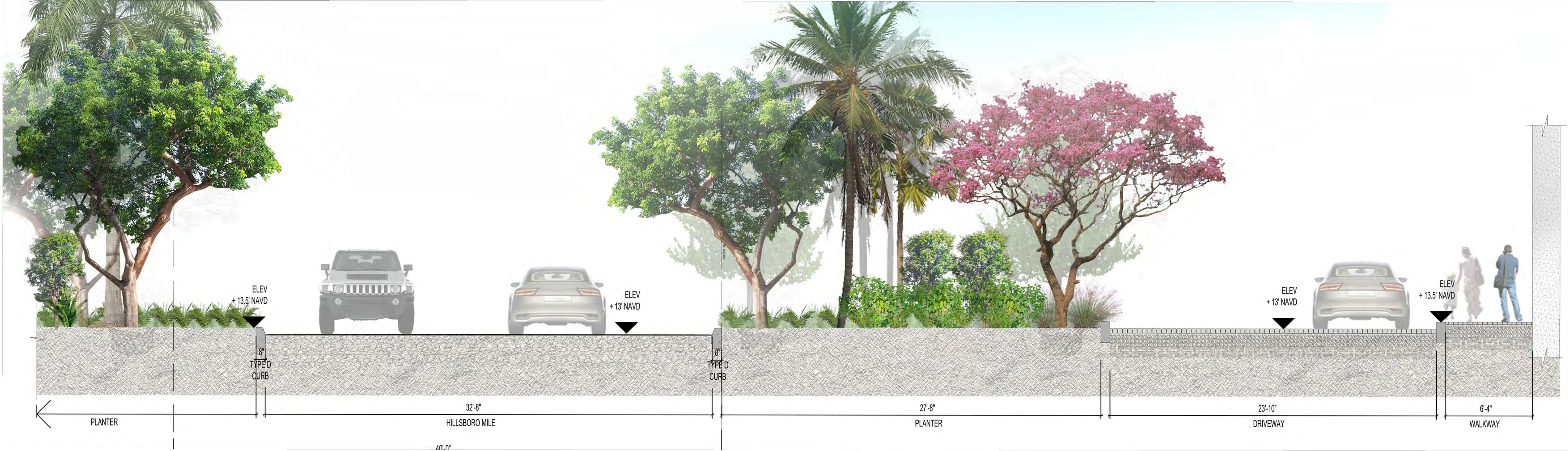
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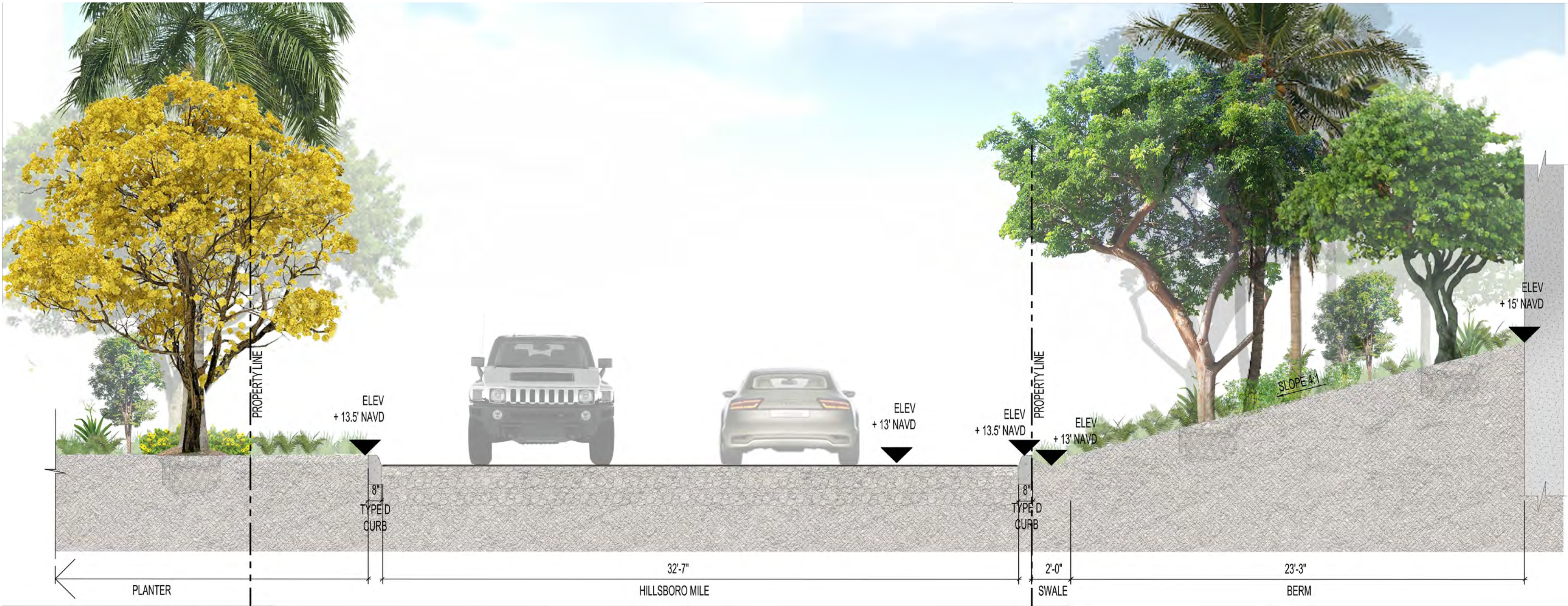
ROOF SHRUB AND
GROUNDCOVER PLAN

DATE:
12/17/2021

L1-33



① HILLSBORO MILE STREETSCAPE SECTION
SCALE: 1/4"=1'-0"



② HILLSBORO MILE STREETSCAPE SECTION
SCALE: 1/4"=1'-0"



③ GROUND LEVEL KEY PLAN
SCALE: NTS

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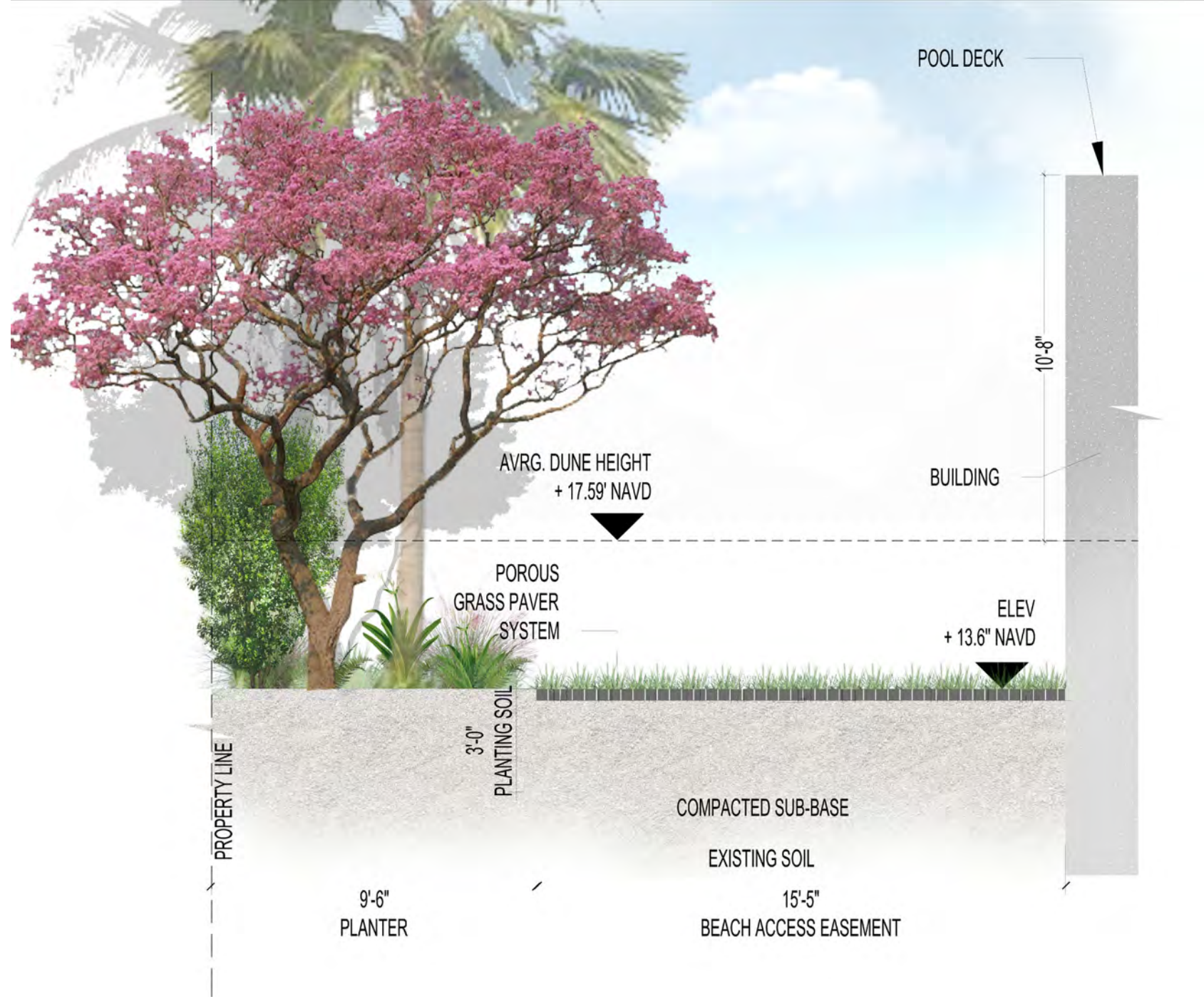
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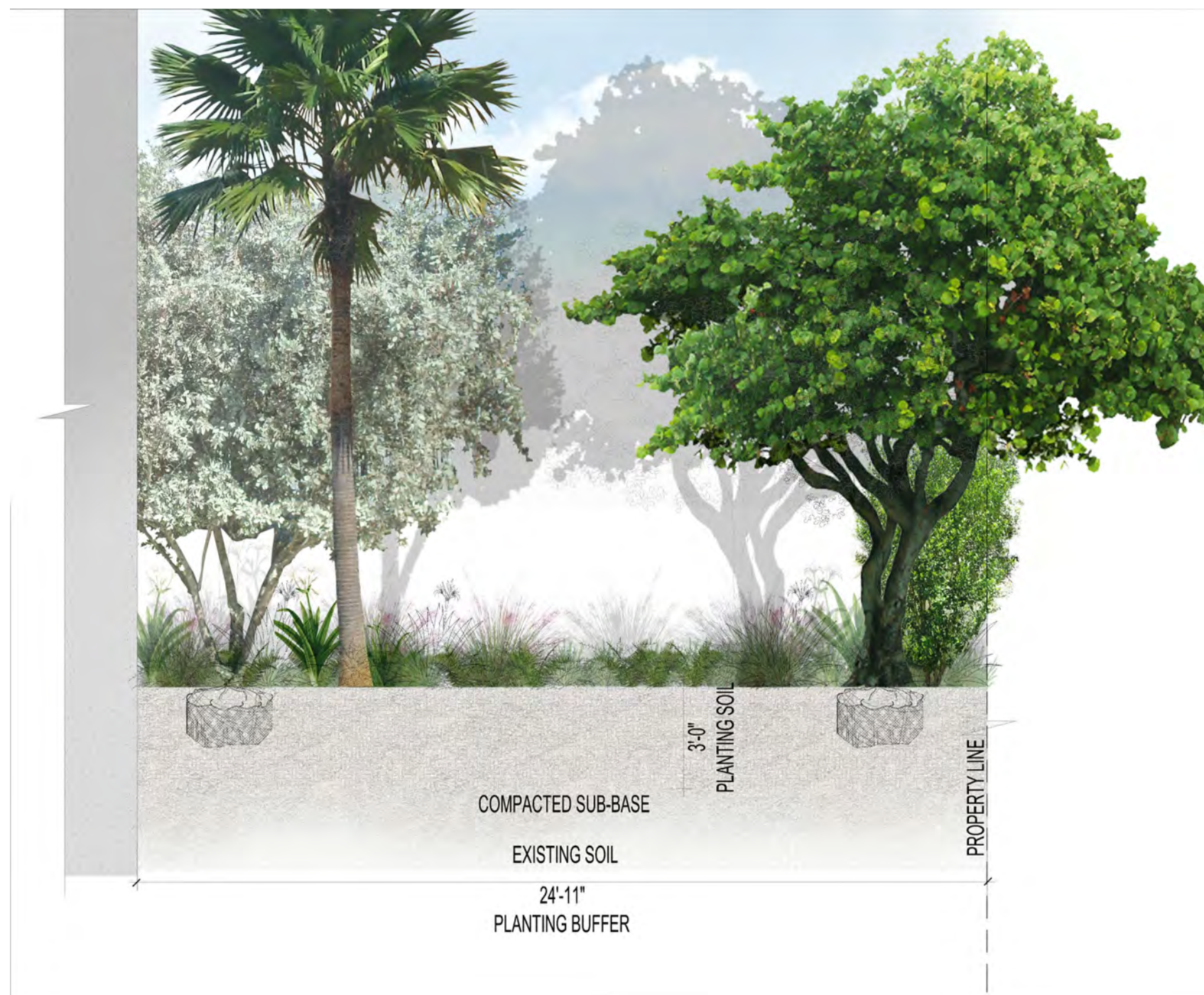
UND LEVEL STREETSCAPE
RENDERED SECTIONS

DATE:
12/17/2021

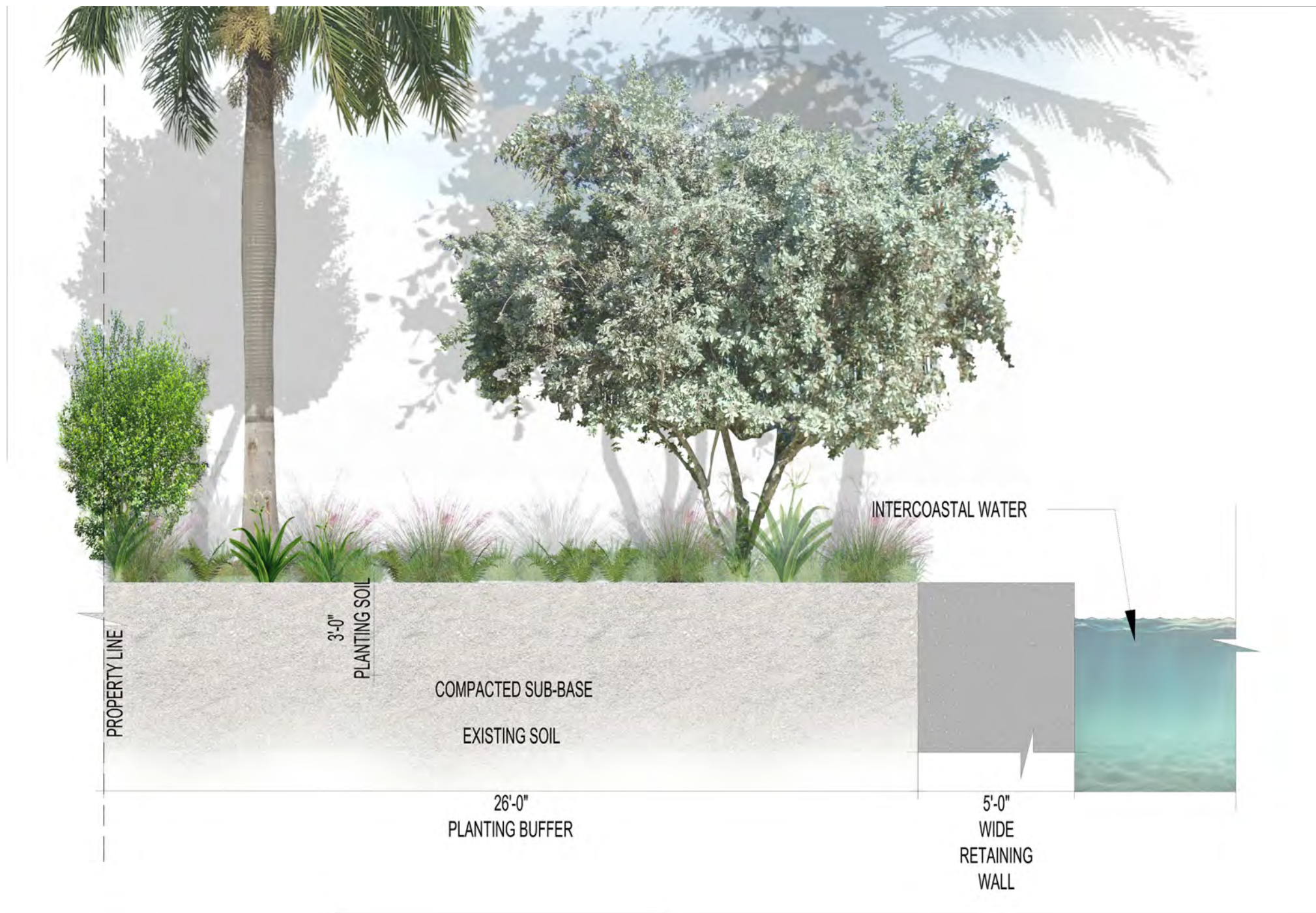
L3-10



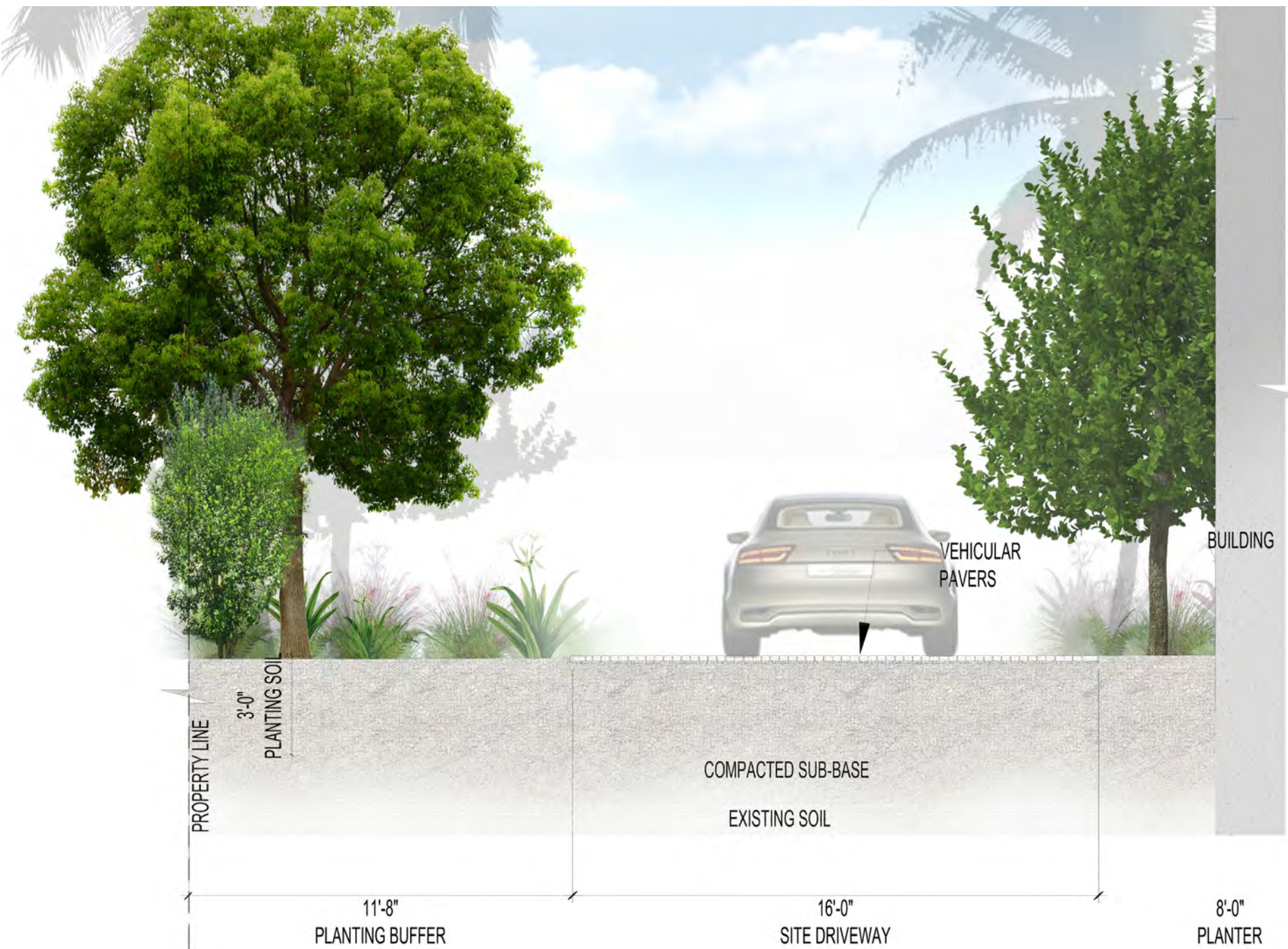
③ PARCEL B NORTH SIDE SECTION
SCALE: 1/4"=1'-0"



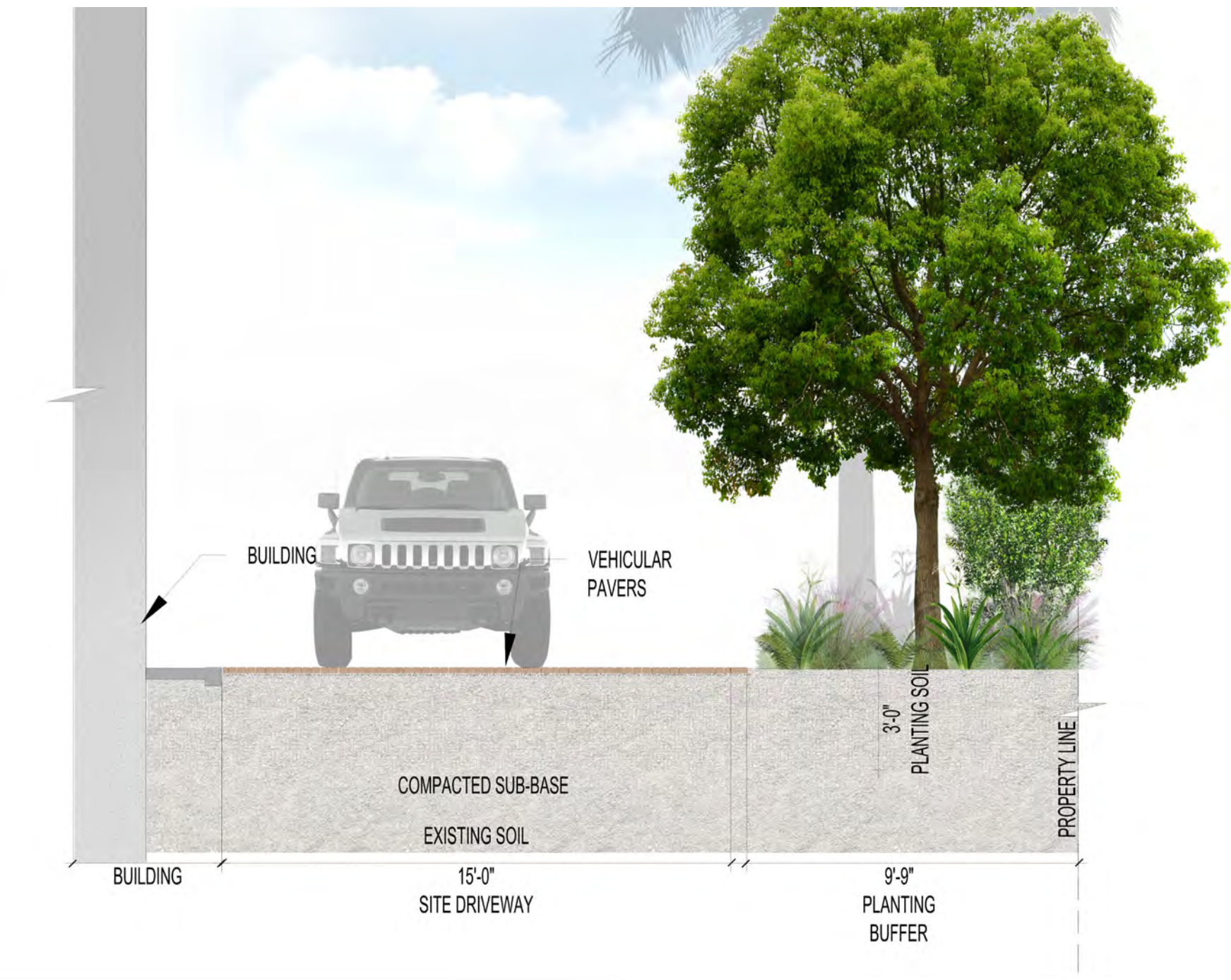
② PARCEL B SOUTH SIDE SECTION
SCALE: 1/4"=1'-0"



① PARCEL A NORTH SIDE SEA WALL SECTION
SCALE: 1/4"=1'-0"



④ PARCEL A NORTH SIDE SECTION
SCALE: 1/4"=1'-0"



⑤ PARCEL A SOUTH SIDE SECTION
SCALE: 1/4"=1'-0"



⑥ GROUND LEVEL KEY PLAN
SCALE: NTS

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GROUND LEVEL LANDSCAPE
RENDERED SECTIONS

DATE:
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L3-11



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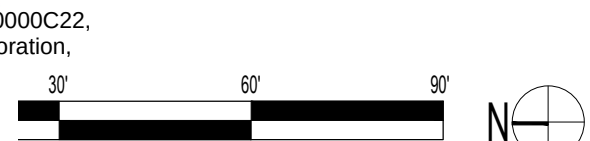
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3 - UNDERGROUND PARKING
3 - LEVEL RENDERED PLAN



DATE:
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L4-10



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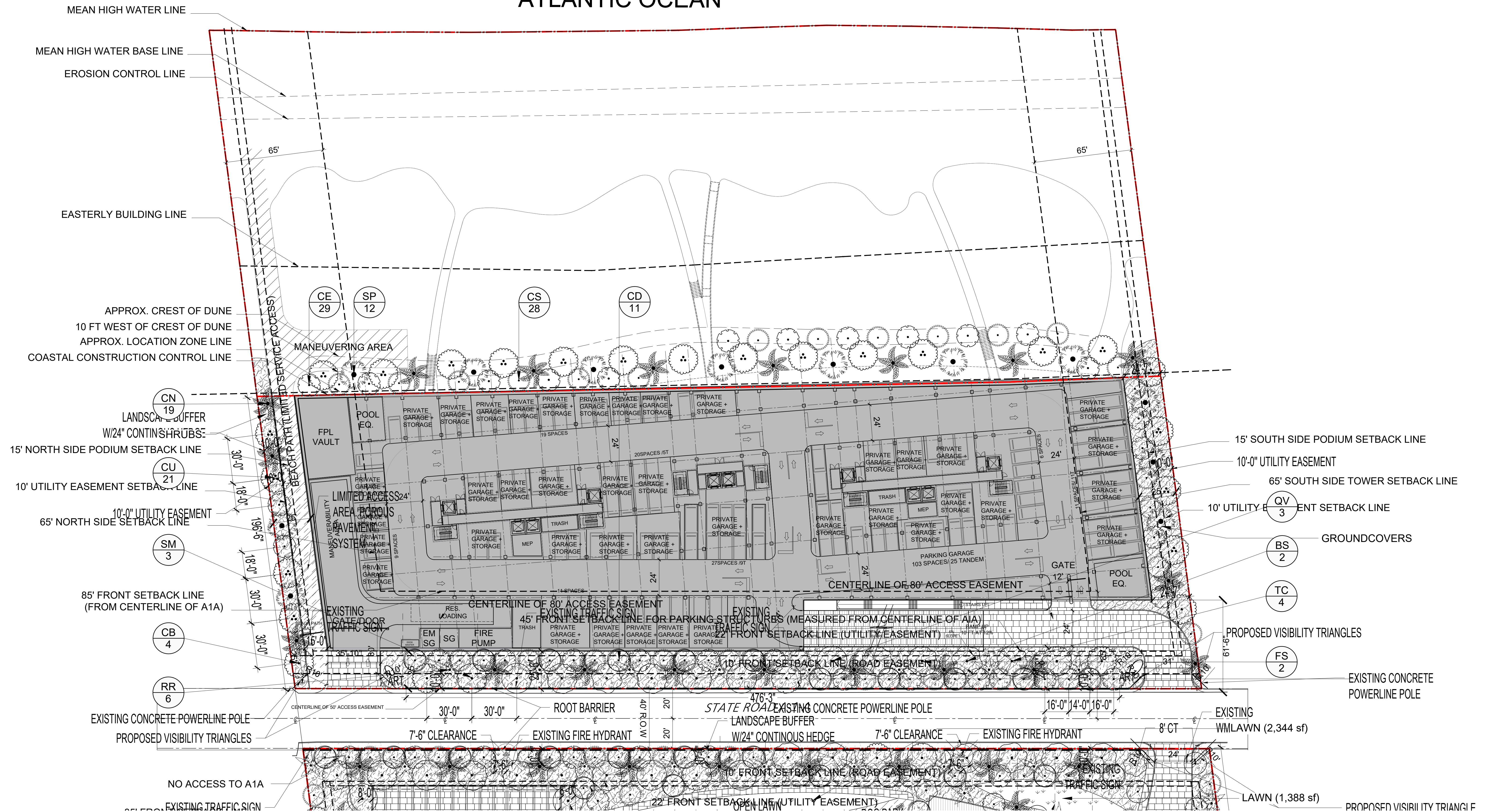
RCEL A - GROUND LEVEL
RENDERED PLAN

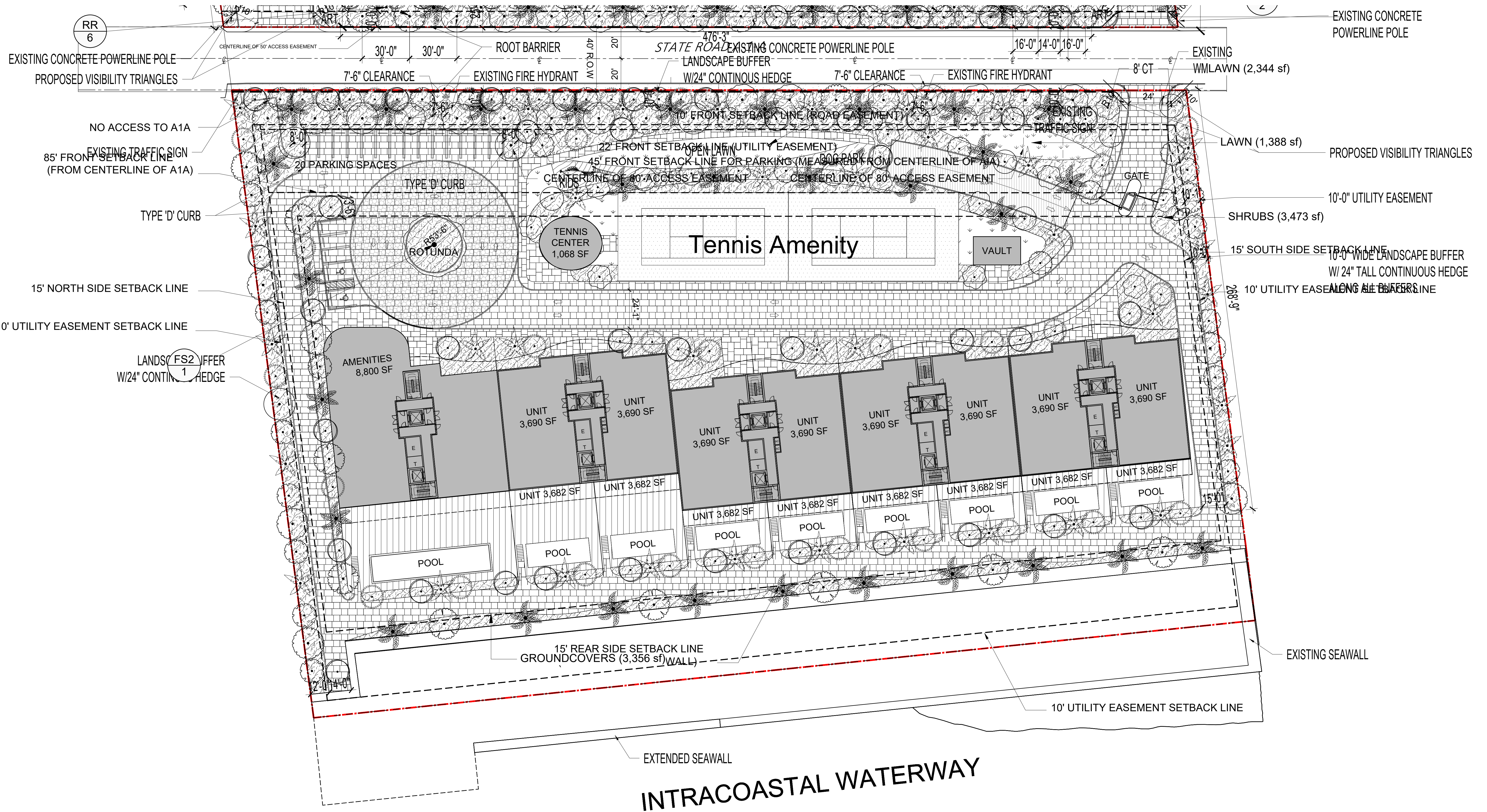


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L4-11

ATLANTIC OCEAN





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RCEL A - GROUND LEVEL
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L4-13



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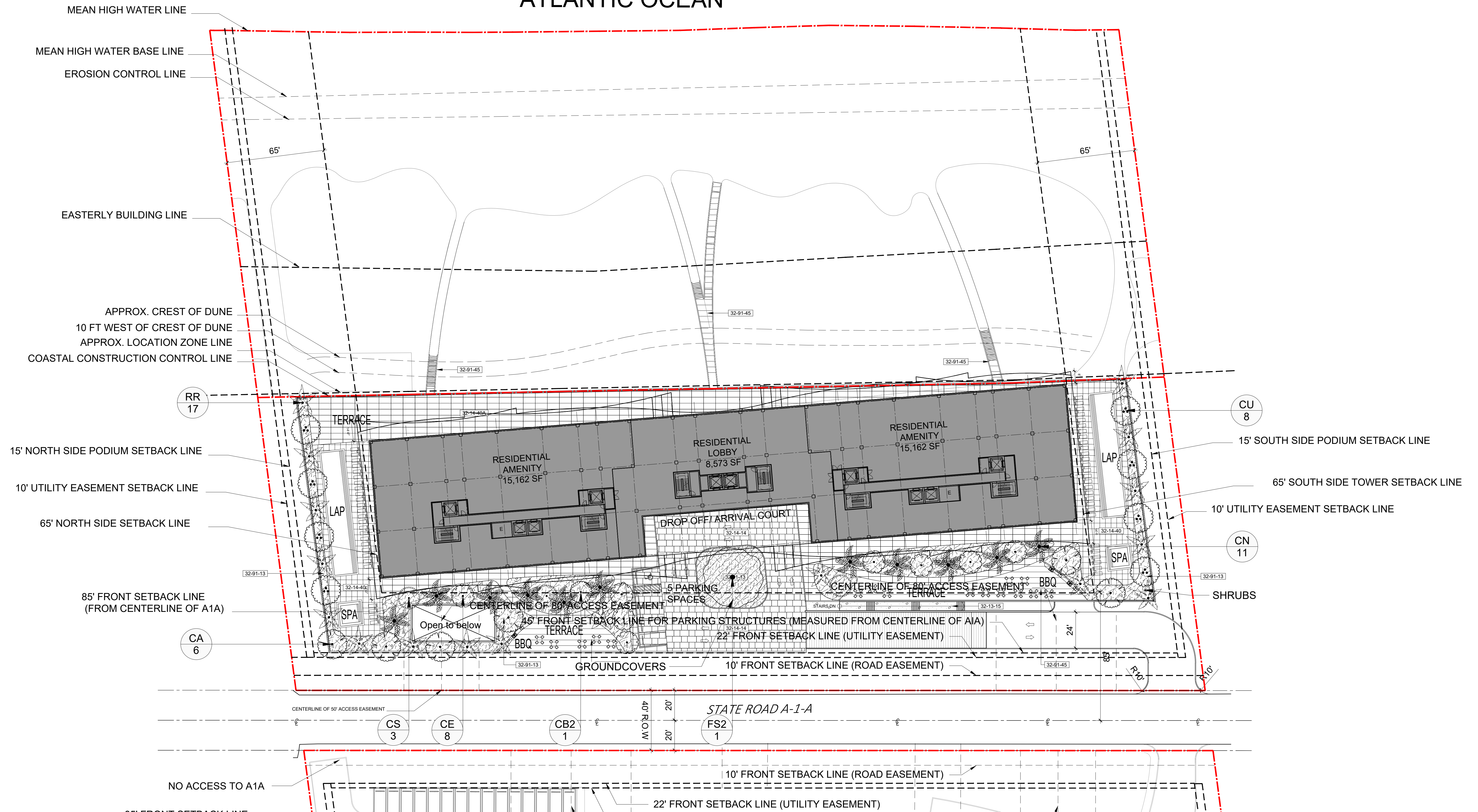


ARCEL B LOBBY LEVEL
RENDERED PLAN

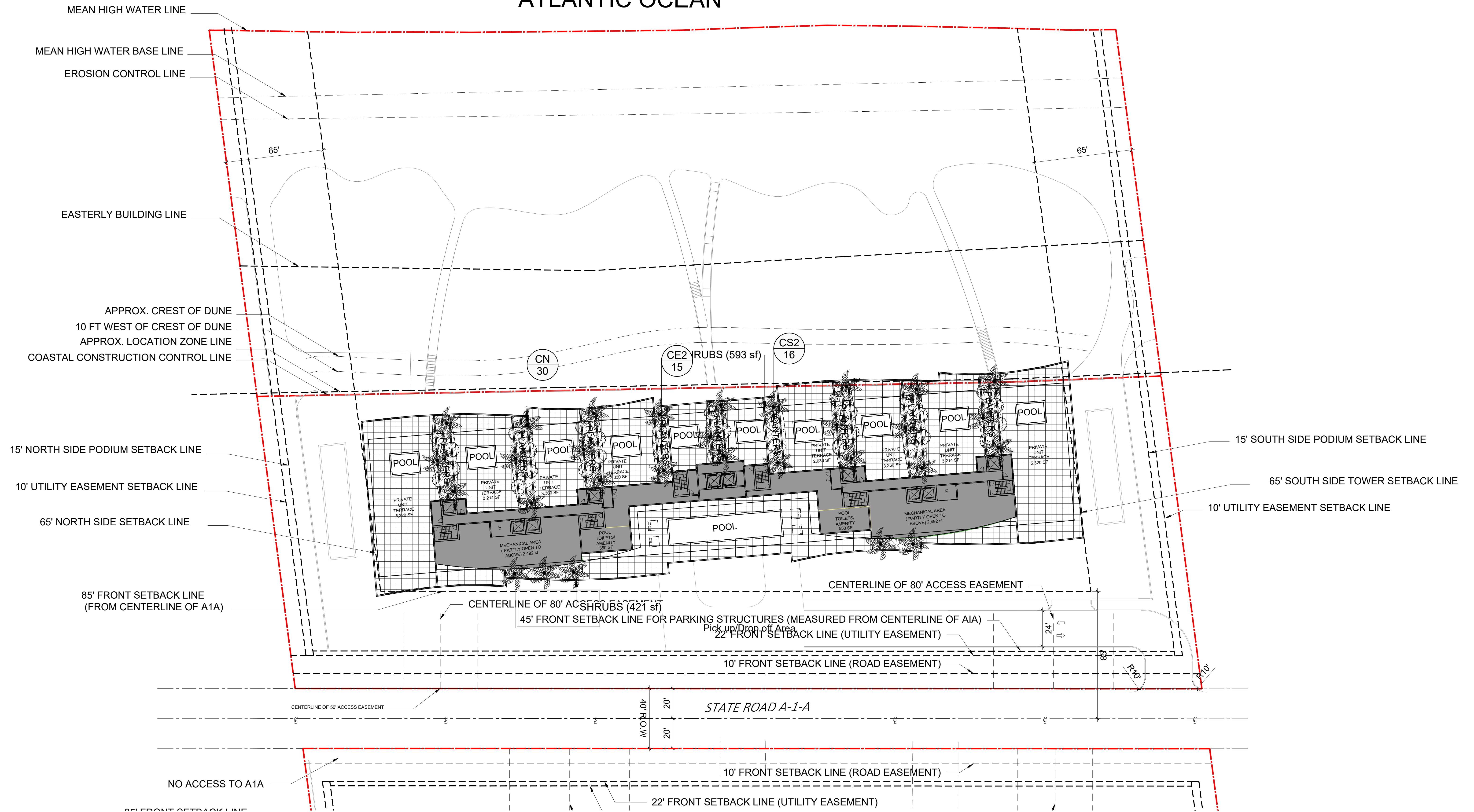
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L4-20

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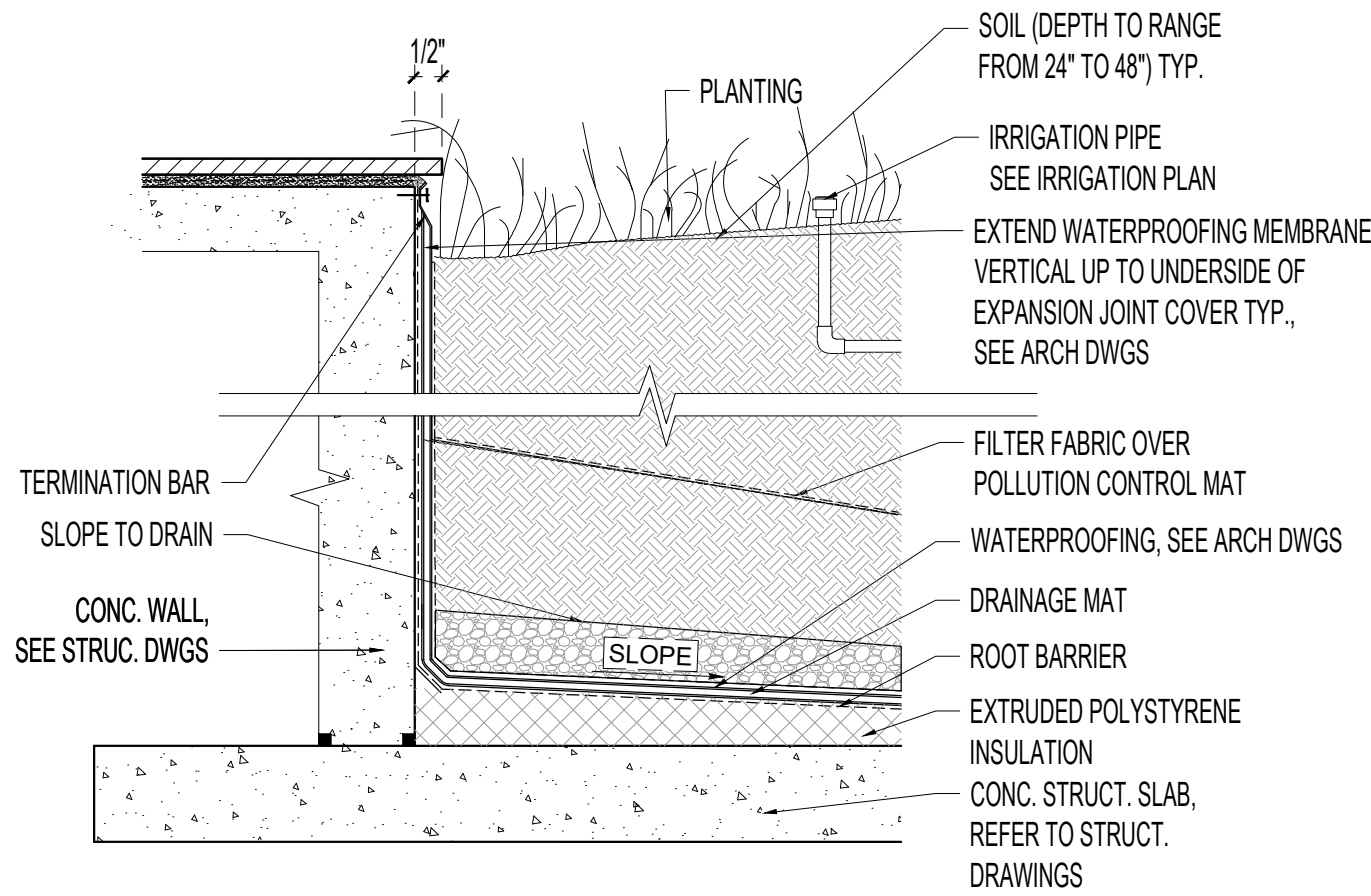


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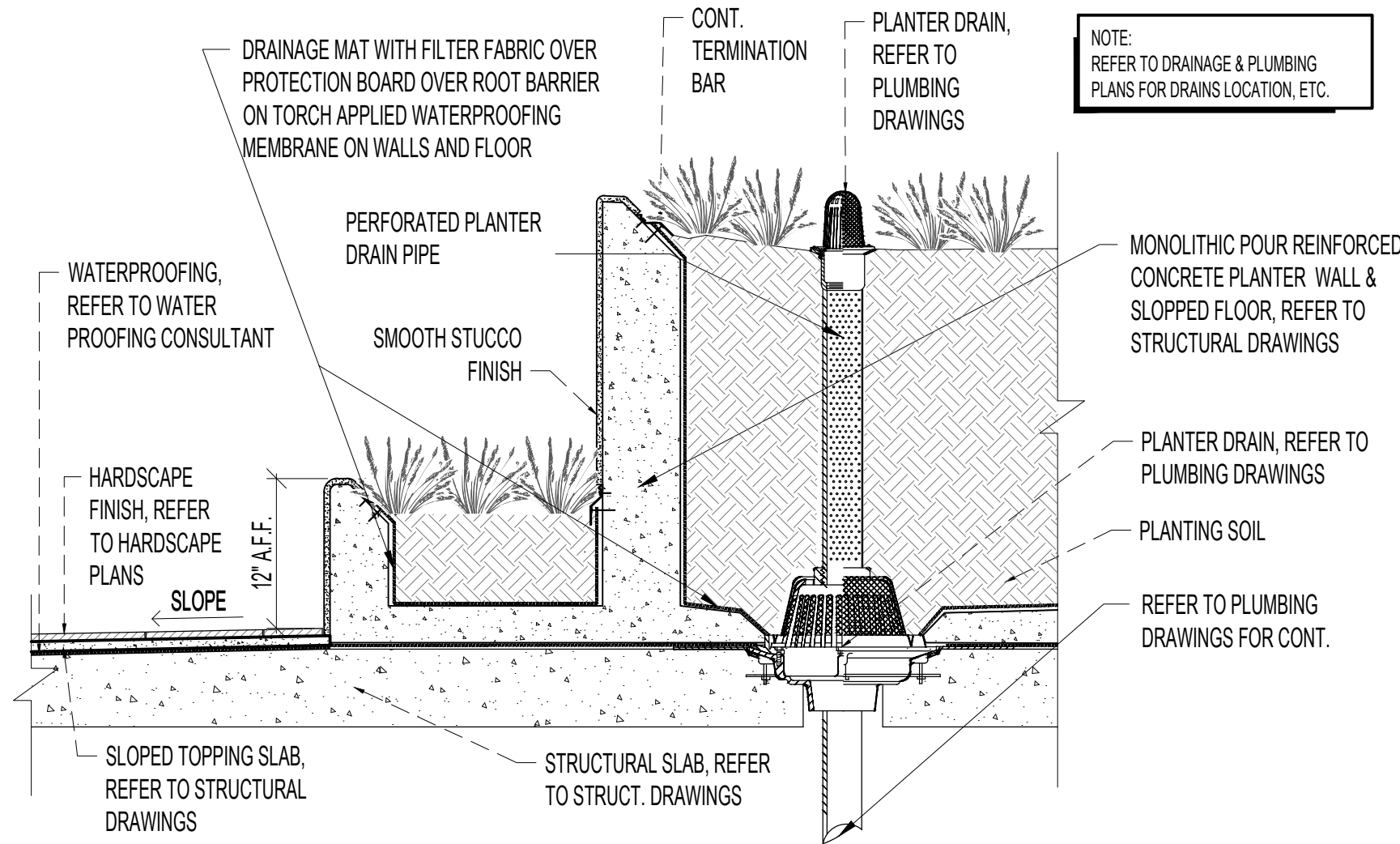




③ TREE RELOCATION PROCEDURAL SPEC.
SCALE: NTS

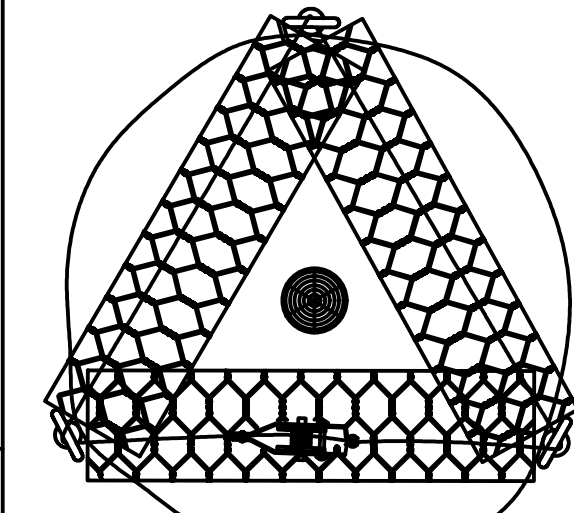


6 FLUSH DECK PLANTER
SCALE: 3/4"=1'-0"

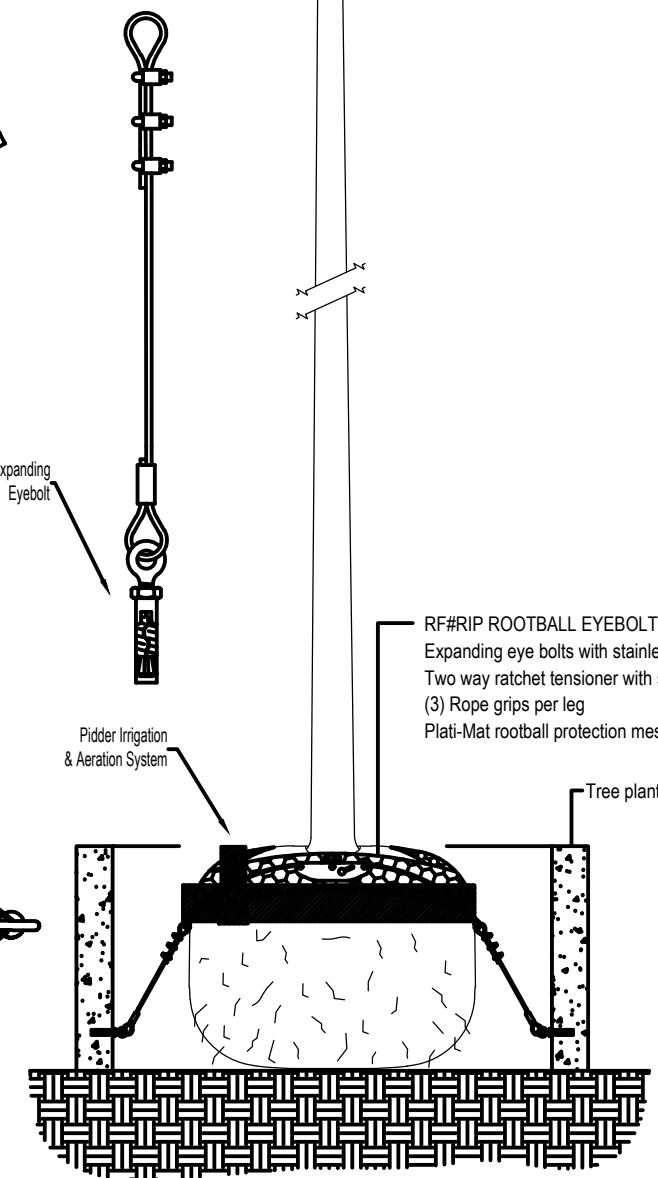
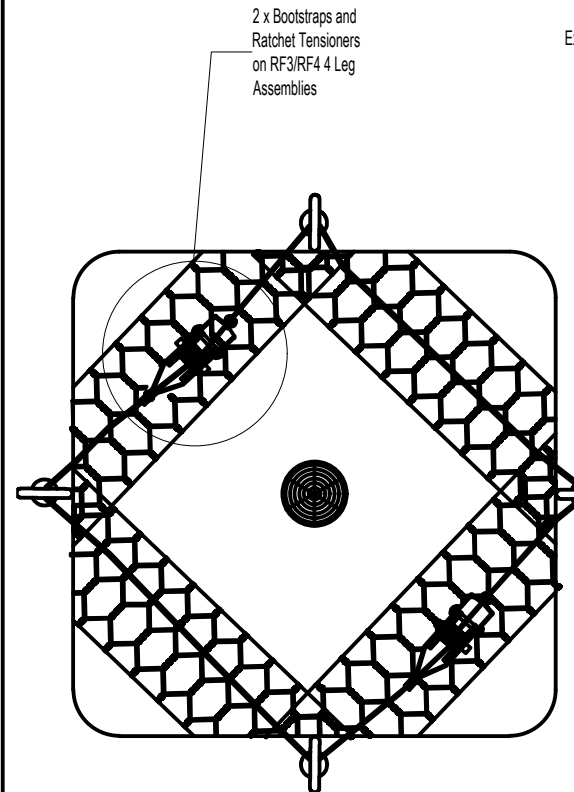


7 TIERED RAISED PLANTER
SCALE: 3/4"=1'-0"

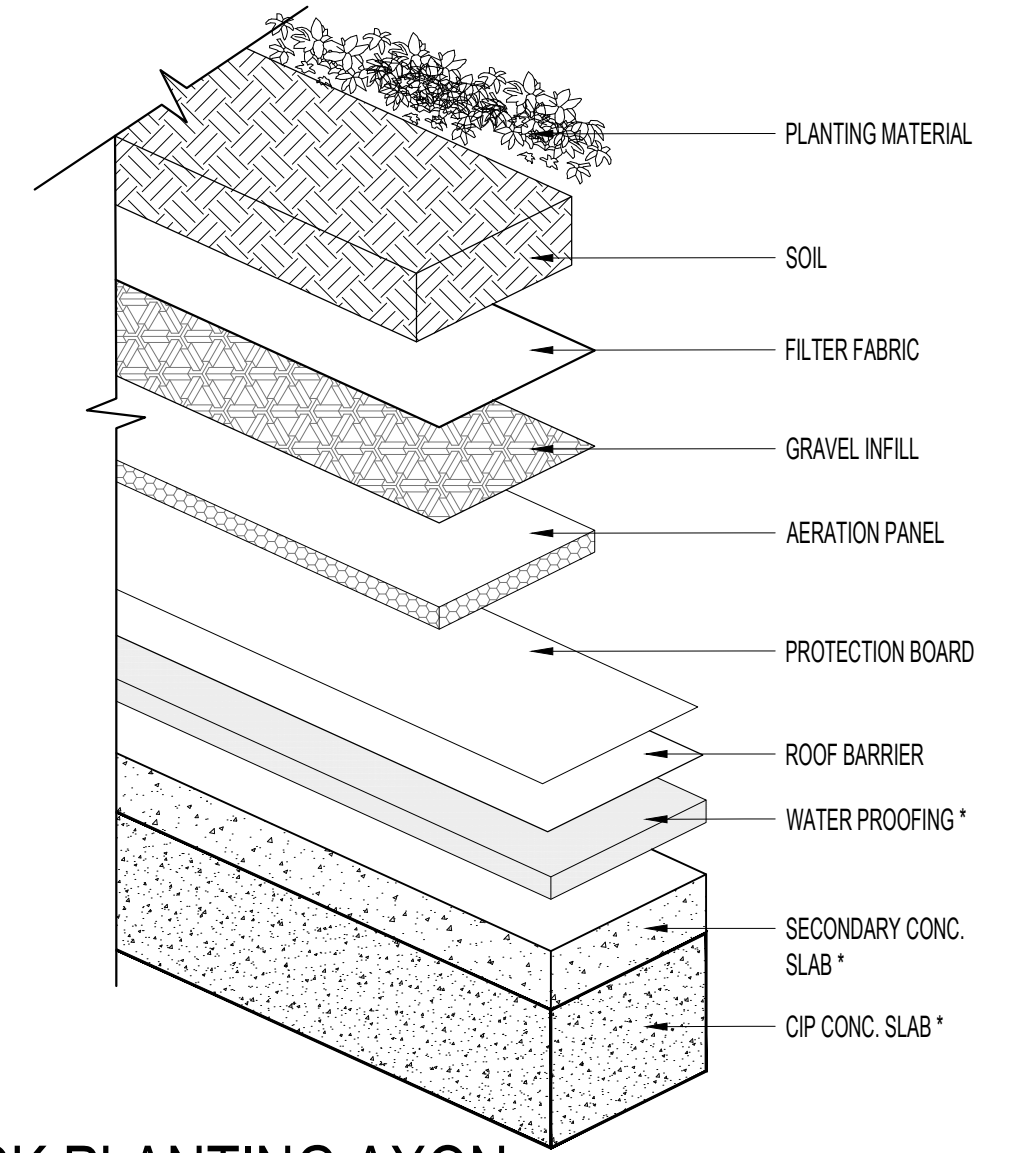
NOTES
1. DO NOT SCALE FROM THIS DRAWING
2. THIS DRAWING IS CONSTRUCTED USING LAYERS WHICH CAN BE TURNED ON OR OFF AS REQUIRED
3. DUE TO SETTLEMENT ALL TREES SHOULD BE RE-TENSIONED AFTER PLANTING



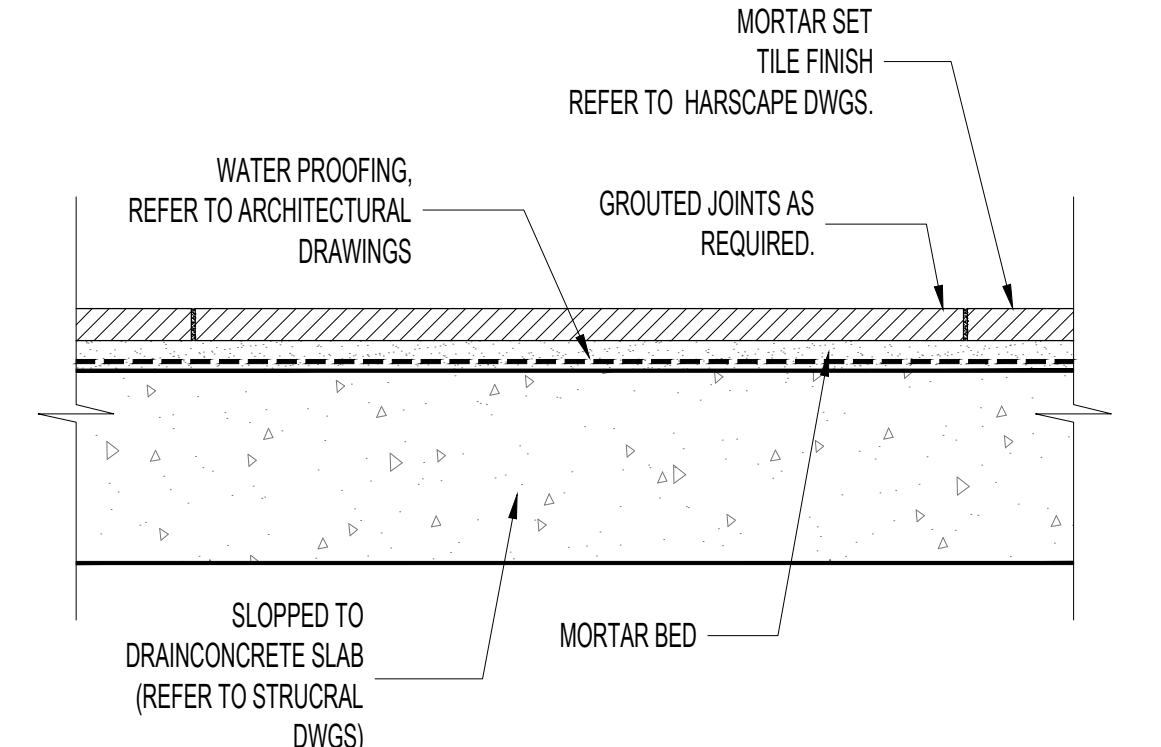
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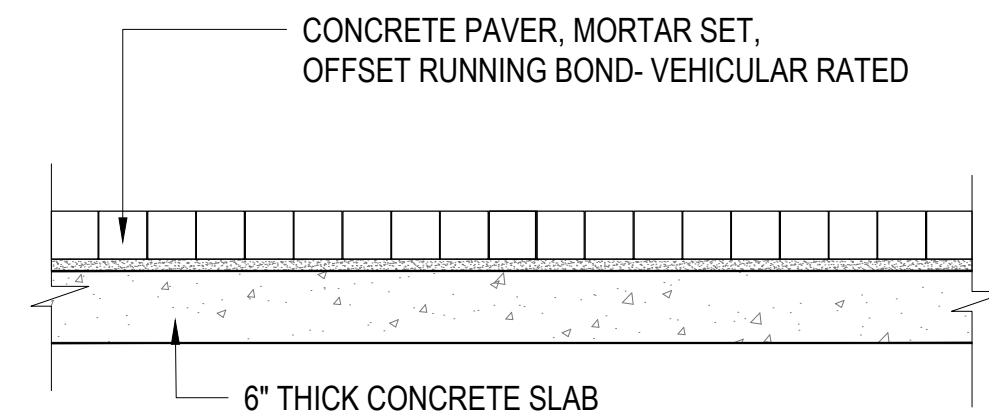
4 DECK TREE ANCHOR - PLATIPUS SYSTEM
SCALE: NTS



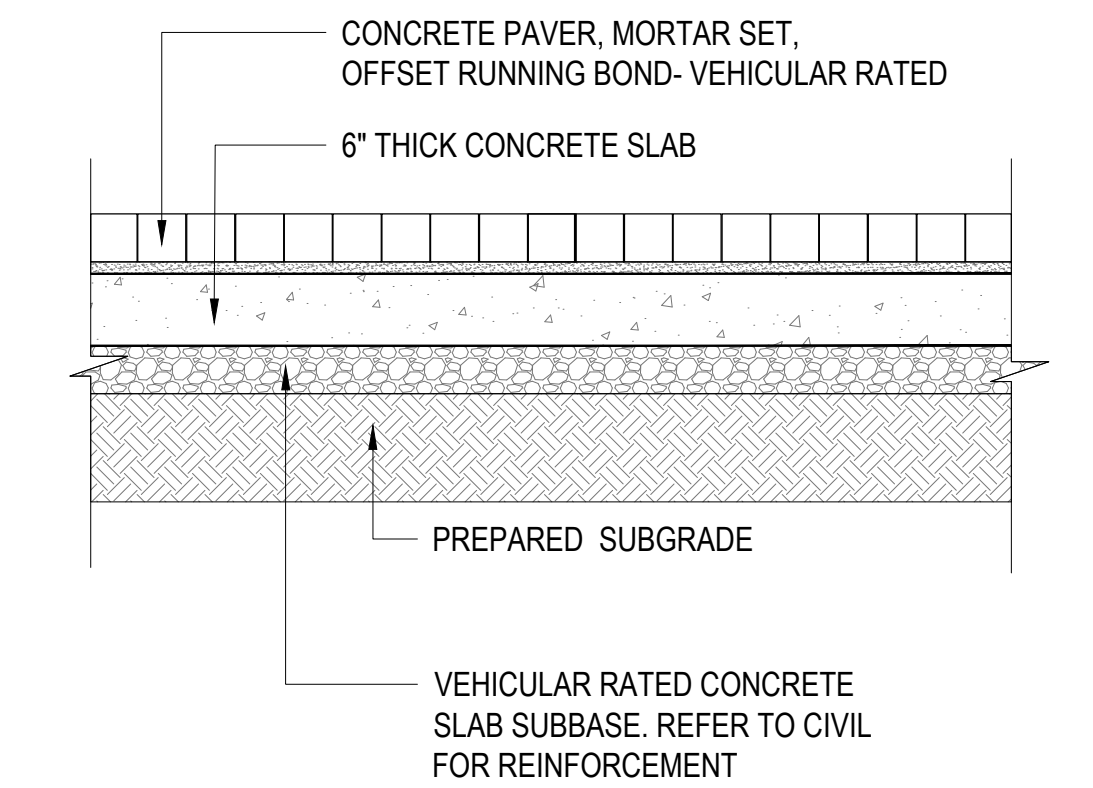
1 DECK PLANTING AXON.
SCALE: NTS



2 DECK TILING
SCALE: 2"=1'-0"



5 PAVERS AT ELEVATED ROADWAYS
SCALE: 3/4"=1'-0"



3 PAVERS AT ROADWAYS ON GRADE
SCALE: 3/4"=1'-0"

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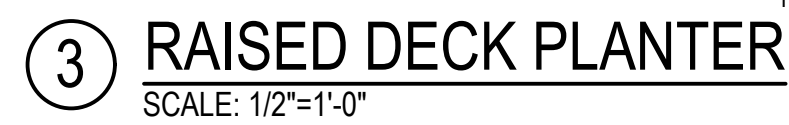
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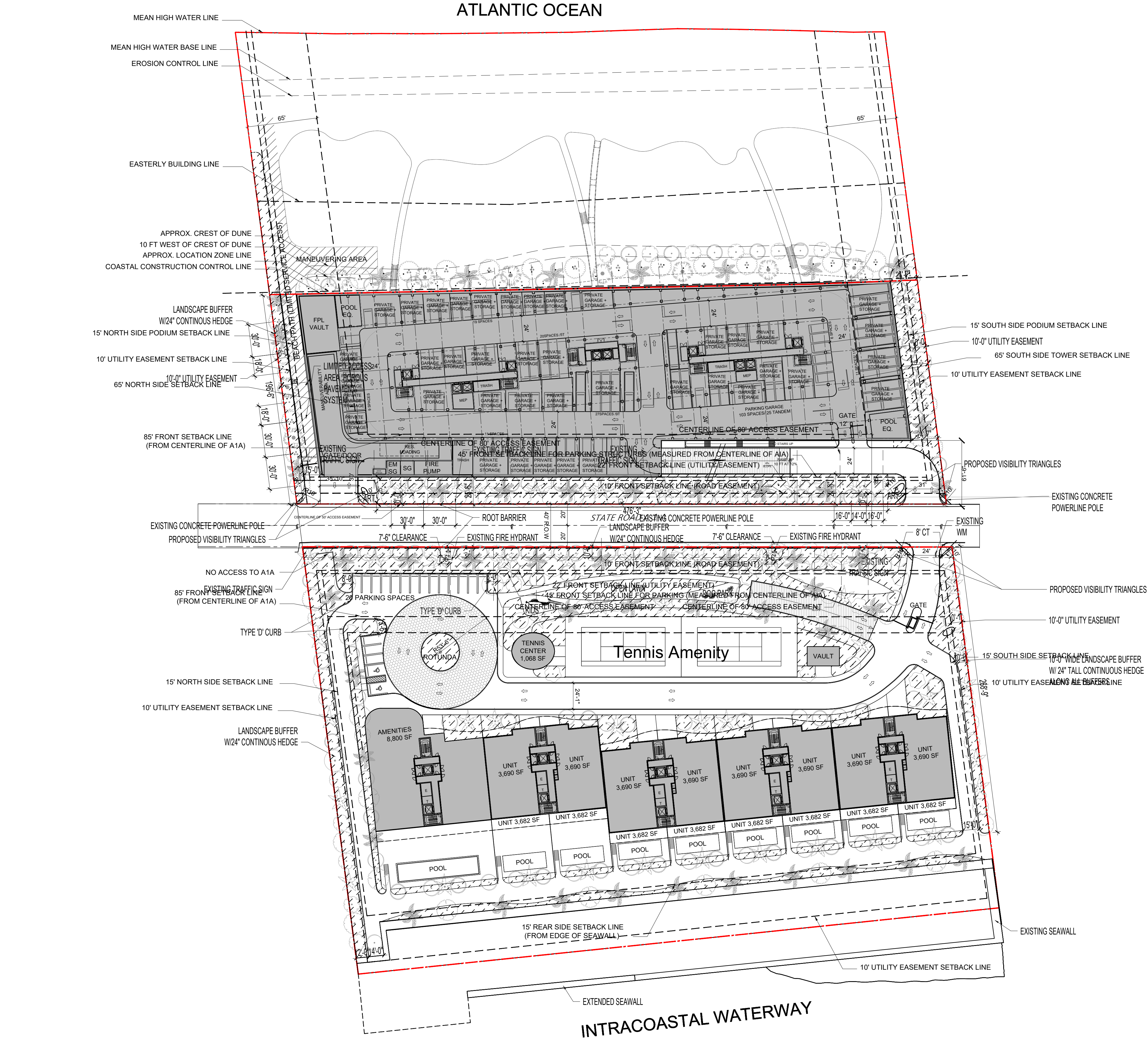


LOBBY LEVEL
LANDSCAPE DETAILS

DATE:
12/17/2021

L5-20





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ARQUITECTONICA GEO
RESILIENT LANDSCAPES

1174-1185 HILLSBORO MILE
Hillsboro Beach, FL 33062

John B Hutchens

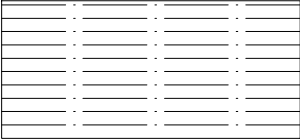


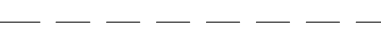
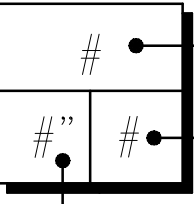
RCEL A - GROUND LEVEL/
B - UNDERGROUND PARKING -
R LEVEL IRRIGATION PLAN

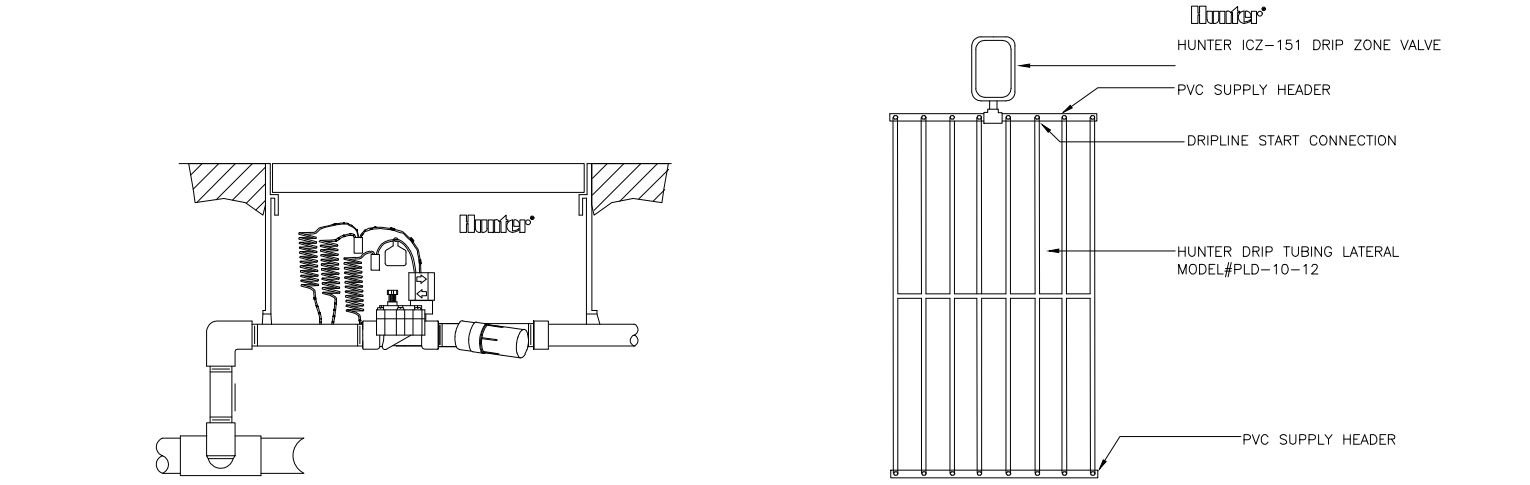
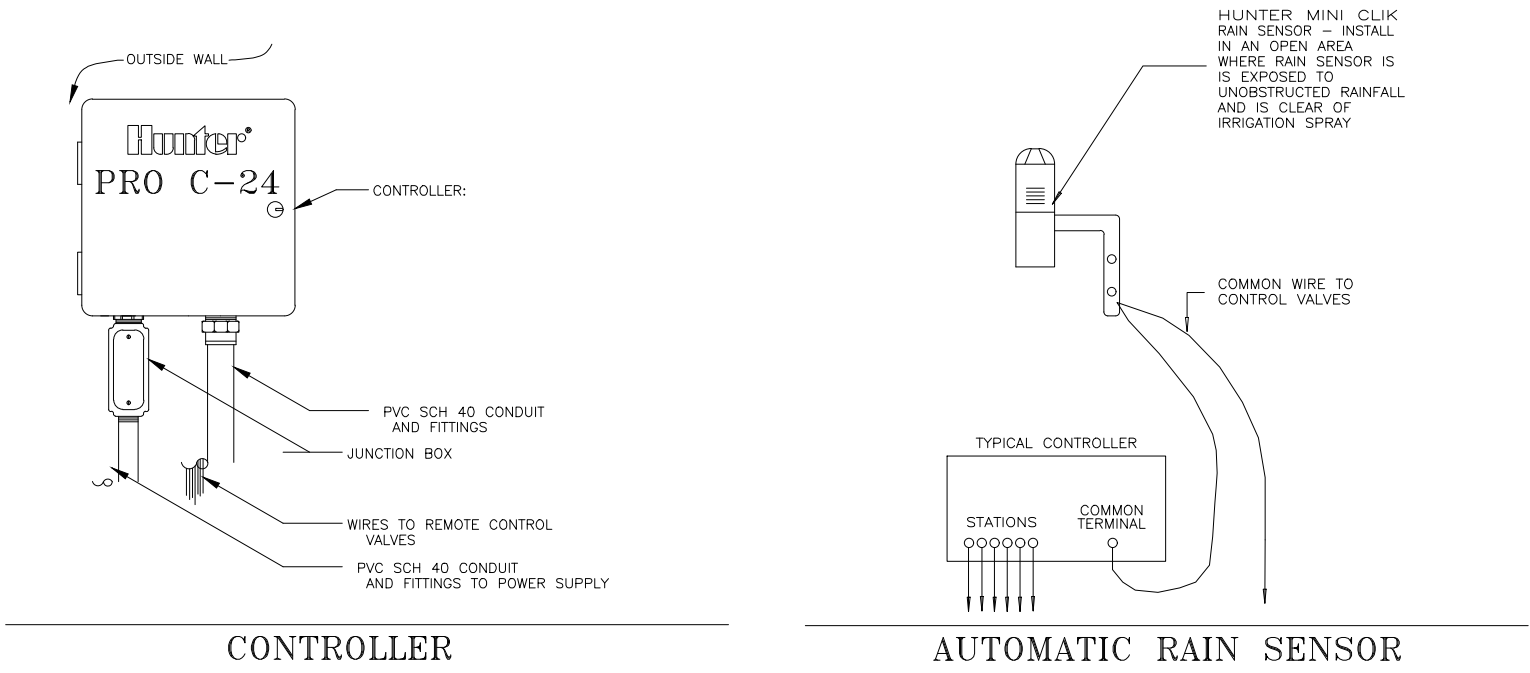
DATE:
12/17/2021

IR1-10

IRRIGATION_SCHEDULE

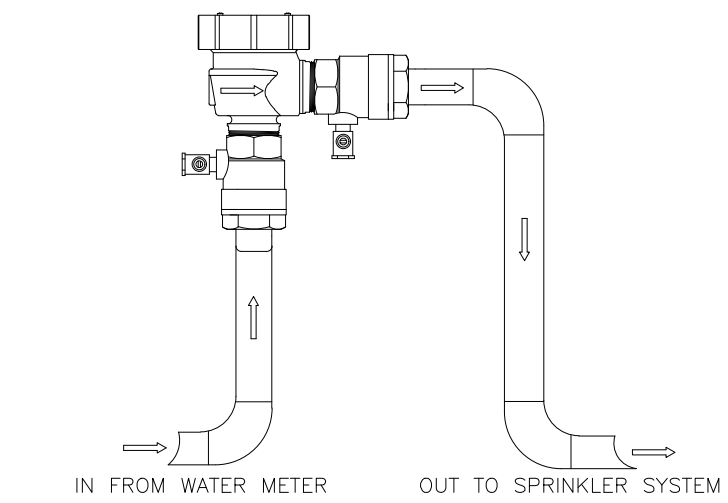
SYMBOL	MANUFACTURER/MODEL/DESCRIPTION
	Hunter ICZ-151-40 Drip Control Zone Kit. 1-1/2" ICV Globe Valve with 1" HY100 filter system. Pressure Regulation: 40psi. Flow Range: 20 GPM to 60 GPM. 120 mesh stainless steel screen.
	Area to Receive Dripline Hunter PLD-10-12 (12) In-Line Pressure Compensating Landscape Dripline with Built-In Check Valve. 1.0GPH emitters at 12.0" O.C. Dripline laterals spaced at 12.0" apart, with emitters offset for triangular pattern. UV Resistant.

SYMBOL	MANUFACTURER/MODEL/DESCRIPTION
	Febco 765 2" Pressure Vacuum Breaker, brass with ball valve SOV. Install 12" (305MM) above highest downstream outlet and the highest point in the downstream piping.
	Hunter PRO-C-24 24 Station Outdoor Modular Controller.
	Hunter MINI-CLIK Rain Sensor, mount as noted
	Water Meter 2" Existing Water Meter
	Irrigation Lateral Line: PVC Schedule 40
	Irrigation Mainline: PVC Schedule 40 PVC Schedule 40 irrigation pipe.
	Pipe Sleeve: PVC Schedule 40 Typical pipe sleeve for irrigation pipe. Pipe sleeve size shall allow for irrigation piping and their related couplings to easily slide through sleeving material. Extend sleeves 18 inches beyond edges of paving or construction.
	Valve Callout Valve Number Valve Flow Valve Size

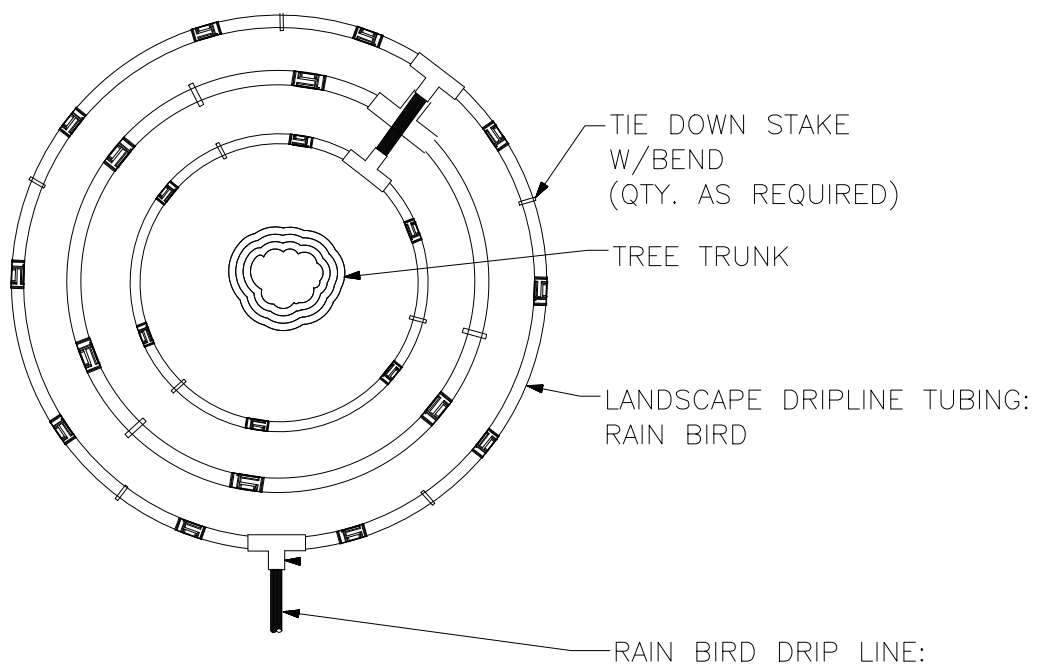


HUNTER ICZ-100/25 DRIP ZONE VALVE

HUNTER DRIP LINE



BACKFLOW PREVENTER



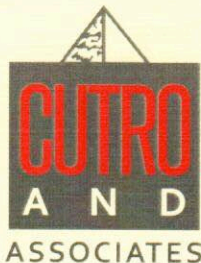
DRIP LINE AROUND TREE

GENERAL NOTES

- Pipe sizes shall conform to those shown on the drawings. No substitutions of smaller pipe sizes shall be permitted, but substitutions of larger sizes may be approved. All damaged and rejected pipe shall be removed from the site at the time of said rejection.
- All mainline, lateral line and control wire conduit under paving shall be installed in separate sleeves. Sleeves shall be a minimum of twice (2X) the diameter of the pipe to be sleeved.
- Install all backflow prevention devices and all piping between the point of connection and the backflow preventer as per local codes.
- Final location of the backflow preventer and automatic controller shall be approved by the owner's authorized representative.
- 120 VAC electrical power source at controller location shall be provided by others. The electrical contractor shall make the final connection from the electrical source to the controller.
- All sprinkler heads shall be set perpendicular to finish grade unless otherwise specified.
- The irrigation contractor shall flush and adjust all sprinkler heads and valves for optimum spray with minimal overspray onto walks, streets, walls, etc.
- This design is diagrammatic. All piping, valves, etc., shown within paved areas is for design clarification only and shall be installed in planting areas wherever possible. The contractor shall locate all valves in shrub areas where possible.
- It is the responsibility of the irrigation contractor to familiarize himself with all grade differences, location of walls, retaining walls, structures and utilities. The irrigation contractor shall repair or replace all items damaged by his work. He shall coordinate his work with other contractors for the location and installation of pipe sleeves through walls, under roadways and paving, etc.
- Do not willingly install the sprinkler system as shown on the drawings when it is obvious in the field that unknown obstructions, grade differences or differences in the area dimensions exist that might not have been considered in the engineering. Such obstructions or differences should be brought to the attention of the owner's authorized representative. In the event this notification is not performed, the irrigation contractor shall assume full responsibility for any revisions necessary.
- All sprinkler equipment not otherwise detailed or specified shall be installed as per manufacturer's recommendations and specifications.
- The irrigation contractor shall install check valves on all heads in areas where finish grade exceeds 4:1, where post valve shut-off draining, of the irrigation head occurs or as directed by the owner's authorized representative.
- The contractor shall provide 1800 PCS (pressure compensating screens) as necessary to reduce or eliminate overspray onto streets, walks or other areas as directed by the owner's authorized representative.
- All control wires shall be installed in PVC conduit.
- All remote control valves, gate valves, quick couplers, control wire and computer cable pull points shall be installed in approved valves boxes with covers.
- The installation devices are to be guaranteed for the period of (1) year from the date of final acceptance.

Always call 811 two full business days before you dig to have underground utilities located and marked.

Sunshine811.com



CERTIFICATION LETTER

Town of Hillsboro Beach

Date: December 28, 2021

Applicant: Related Group

Legal Description: A portion of Parcel A of The Enclave At Hillsboro Beach as recorded in Plat Book 154 Page 31 in the Public Records of Broward County, Florida. AKA: Lots O-1 thru O-6 and I-1 thru I-6

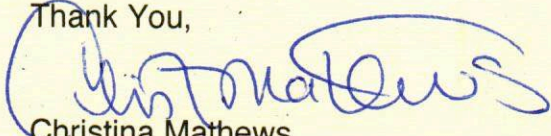
Address or General Location: 1174-1185 Hillsboro Mile

Type of Application: Variance and Site Plan

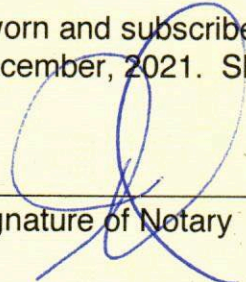
This letter certifies that the attached list of property owners was prepared using the latest tax folio rolls supplied by the Broward County Property Appraisers Office as of December 17, 2021. This list includes all properties within 300 feet from each property line of the subject site in compliance with the Town of Hillsboro Beach notification regulations.

This letter also certifies that the attached notification was sent to the persons on the list of property owners. The notice was mailed December 28, 2021.

Thank You,


Christina Mathews

Sworn and subscribed before me this 28th day of December, 2021. She is personally known to me.



Signature of Notary

1025 Yale Drive
Hollywood, Florida 33021
954-920-2205

Email: cutroplanning@yahoo.com



TOWN OF HILLSBORO BEACH, FLORIDA

Board of Zoning Appeals Meeting

Tuesday, January 11, 2022, at 9:00AM

For Development Project Located at:
1174-1185 Hillsboro Mile, Hillsboro Beach, Florida 33062

VARIANCE and SITE PLAN APPROVAL REQUESTS

NOTICE IS HEREBY GIVEN the Town of Hillsboro Beach, Florida will hold a Board of Zoning Appeals Meeting Quasi-Judicial Public Hearing on January 11, 2022, at 9:00 A.M. Eric Fordin, with the Related Group, authorized agent for land development project located at **1174-1185 Hillsboro Mile, Hillsboro Beach, FL 33062** requests two (2) Variance Requests pursuant to Section 12-283 of the Town's Code to exceed the height limitations in Section 12-142 of the Code as follows:

1. As to Section 12-142(a), a variance to permit 10-story, 130-foot building where 3 stories and 35 feet of height is permitted.
2. As to Section 12-142(b), a variance from section 12-142(B) to permit decorative features above the maximum height of the building of 130' so long as such decorative features comprise an area of 10,810 square feet or less and have a maximum height of 145'.

NOTICE IS FURTHER GIVEN the Town of Hillsboro Beach Commission will meet for a Regular Town Commission Meeting immediately following adjournment of the Board of Zoning Appeals meeting for consideration of Site Plan Approval for property located at **1174-1185 Hillsboro Mile, Hillsboro Beach, FL 33062**.

Information on the Variance Requests and Site Plan Approval Request 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 January 11, 2022 as well as virtually via Zoom or can be provided in writing to the Town Clerk prior to the Public Hearing via email: TownClerk@TownofHillsboroBeach.com.

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.

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.

Sherry D. Henderson, CMC Town Clerk
TOWN OF HILLSBORO BEACH, FLORIDA
12/27/2021

ORDINANCE NO. 2021-09

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING CHAPTER 12 ENTITLED "LAND DEVELOPMENT CODE"; BY SPECIFICALLY AMENDING SECTION 12-396 ENTITLED "APPROPRIATE PLANT SELECTION, LOCATION AND ARRANGEMENT" TO PROVIDE FOR THE USE OF ARTIFICIAL TURF; PROVIDING FOR AN AMENDMENT TO PROCEDURE, REVIEW CRITERIA, AND DESIGN STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission hereby finds it is in the best interest of the Town to amend the Town Code of Ordinances, by specifically amending Chapter 12 related to appropriate plant selection, location and arrangement;

WHEREAS, the Town Commission deems it in the best interest of the Town to allow for the use of artificial turf under specific conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF HILLSBORO BEACH, FLORIDA THAT:

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

Section 2. Chapter 12 entitled "Land Development Code" of the Town's Code of Ordinances, specifically Section 12-396 entitled "Appropriate Plant Selection, Location, and Arrangement" is hereby amended as follows:

Sec. 12-396 - Appropriate plant selection, location and arrangement.

(M) The use of artificial ~~plants and vegetation~~ turf shall be substituted for natural ~~plants and vegetation~~ turf grass only in those instances where an ~~conditional use~~ application is filed by the property owner and the application is approved by the Town Manager or his or her designee ~~Commission Administrator or designee~~ for all single-family residences, all multi-family residences, and the hotel located within the Town. ~~The conditional use allowing for the use of artificial plants and vegetation turf for landscaping shall be subject to the following:~~

(1) Procedure. Artificial Turf Permit Required. All conditional uses shall be subject to approval of the Town Commission, and no conditional use shall be approved until after a public hearing by the Town Commission, at which time all interested parties shall have an opportunity to be heard. The Artificial Turf Permit application shall include, at a minimum, the following information:

1. A site plan of the intended area of installation showing the location of the artificial turf, area of living plant material, and method of separation between these areas. All other minimum landscape requirements for the property shall be required.
 2. Details regarding existing or proposed irrigation proximate to the artificial turf.
 3. Brand and type of artificial turf including all manufacturer specifications and warranties. The application shall also include a sample of the material to be installed.
 4. A scaled cross section and details of the proposed materials and installation, including but not limited to subgrade, drainage, base or leveling layer, and infill.
- (2) Review criteria. The Town Manager or his or her designee ~~Commission~~ shall ~~not~~ approve a conditional use, ~~unless and until it finds that the use of artificial turf based on compliance with the following criteria:~~
- a) ~~The use of artificial plants and vegetation is deemed desirable for the public convenience or welfare, and the use is in harmony with the purpose and intent of this chapter and will not be detrimental or injurious to the town.~~
 - (b) ~~When granting approval for a conditional use, the Town Commission may attach conditions and safeguards, as it may determine is necessary for the protection and aesthetic appearance of the town.~~
 - (c)(a) Design Standards. The application shall meet all of the following ~~criteria~~ design standards, and shall where appropriate:
 1. ~~Harmony with adjacent uses (existing or zoned). Simulate the appearance of live turf, organic turf, grass, sod or lawn, and shall have a minimum~~ teneight (108) year "no fade" / excessive wear and tear warranty.
 2. ~~Use not hazardous to the town. Have a minimum face weight of 75 ounces per square yard.~~
 3. ~~The landscape plan identifying the location and dimension of the use of artificial plants and vegetation is compatible with the character and aesthetics of the town. Be manufactured from~~ 100% recyclable polyethylene monofilament, UV stabilized, dual yarn system, with polyurethane coating and manufactured in the United States.
 4. Have backing that is permeable.
 5. Be lead free and flame retardant.
 6. Be of a type known as cut pile infill with pile fibers of a minimum height of 1.75 inches and a maximum height of 2.5 inches, except for Putting Greens , which may have a minimum height of ¼ inch.
 - (b) Installation Standards. Artificial turf shall comply with all of the following installation standards and shall:
 1. Be installed in a manner prescribed by the manufacturer by a Florida-licensed general contractor with valid general liability and workers compensation insurance, a valid County business tax receipt or County occupations license, and

1 whose full time crew are identified as employees in a manner prescribed by the
2 manufacturer.

3 2. Be installed over an evenly graded, porous crushed rock aggregate material that
4 is a minimum of three inches in depth or four inches un-compacted. Any and all
5 existing green vegetation, grass, or weeds shall be removed down to crushed rock
6 aggregate surface.- Paver Sand to be installed at a minimum of two inches un-
7 compacted or up to three inches un-compacted to form the second layer of sub-
8 base.

9 3. Supplied and installed with a high density polyethylene (HDPE) nailer board at a
10 minimum height of 2.5" at any open edges (i.e. landscape beds, tree wells, etc.) to
11 retain the aggregate sub-base and act as a turf nailer fastened every 6" on center.

12 3. Be anchored at all edges and seams consistent with the manufacturer's
13 specifications.

14 4. Not have visible seams between multiple panels.

15 5. Have seams that are joined in a tight and secure manner using a minimum six inch
16 wide seaming membrane and glued with synthetic turf adhesive.

17 6. Be a minimum of six feet from a tree or palm and 12 inches
18 from hedges, shrubs, or groundcover, including the separator.

19 7. Have an infill medium consisting of clean silica sand or other mixture, pursuant to
20 the manufacturer's specifications that shall:

21 a. Be brushed into the fibers to ensure that the fibers remain in an upright
22 position;

23 b. Provide ballast that will help hold the artificial turf in place; and

24 c. Provide a cushioning effect; and;

25 d. be at minimum rate of 2lbs per square foot

26 8. No water barrier inhibiting percolation shall be placed under the artificial turf.

27 (c) Additional Standards. Artificial turf shall comply with all of the following
28 installation standards:

29 1. Consistent with an approved landscape plan, areas of living plant material shall
30 be installed and/or maintained in conjunction with the installation of artificial
31 turf. Living plant material shall be provided per the minimum code
32 requirements.

33 2. Irrigation systems proximate to the Artificial Turf shall be designed and installed
34 so that no Irrigation affects the artificial turf.

35 (d) Maintenance Standards. Artificial turf shall comply with all of the following
36 maintenance standards and shall:

37 1. Be maintained in an attractive and clean condition, and shall not contain holes,
38 tears, stains, discoloration, seam separations, uplifted surfaces or edges, heat
39 degradation or excessive wear.

40 2. Be maintained in a green fadeless condition and free of weeds, debris, and
41 impressions.

42 (e) Prohibitions. Artificial turf shall not be used as a screening material where screening
43 is required by the Code.

44
45 ~~(3) Conditional use approval amendments. A conditional use approval is specific to the~~
46 ~~landscape plan and any supplemental conditions approved. Modifications to any of the~~

~~specifics or conditions of the approval shall be deemed a code violation and subject to code enforcement action and/or revocation of the conditional use approved.~~

(4) Each application ~~for a conditional use under this section~~ for artificial turf shall be submitted with a landscape plan and accompanied by a check made payable to the town in an amount set from time to time by resolution adopted by the Town Commission to offset administrative fees and costs.

Section 3. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

Section 4. That all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. It is the intention of the Town Commission of the Town of Hillsboro Beach, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Town of Hillsboro Beach, Florida, and the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention.

Section 6. This Ordinance shall be effective after its passage and adoption by the Town Commission of the Town of Hillsboro Beach.

PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH,
FLORIDA, ON FIRST READING, THIS 9th DAY OF NOVEMBER, 2021.

PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA,
ON SECOND AND FINAL READING, THIS _____ DAY OF _____, 2022.

By: _____
Deborah L. Tarrant, Mayor

ATTEST:

By: _____
Sherry D. Henderson, CMC, Town Clerk

APPROVED AS TO FORM:

Donald J. Doody, Town Attorney



Printed: 12/10/2021 11:24:10 AM

Page 1 of 3

Order ID: 7104389

* Agency Commission not included

GROSS PRICE * : \$187.65

PACKAGE NAME: SSC Notice of Public Meeting

Order ID: 7104389

* Agency Commission not included

GROSS PRICE * : \$187.65**PACKAGE NAME: SSC Notice of Public Meeting****Product(s):** Sun Sentinel, Affidavit, Floridapublicnotices.com, Classified.ss.com_Legal**AdSize(s):** 1 Column**Run Date(s):** Monday, December 27, 2021**Zone:** Full Run**Color Spec.** B/W**Preview**

**TOWN OF HILLSBORO BEACH, FLORIDA
PUBLIC HEARING****ARTIFICIAL SYNTHETIC TURF
TUESDAY, JANUARY 11, 2022, AT 9:00
AM**

NOTICE IS HEREBY GIVEN that prior to the Town of Hillsboro Beach Commission's consideration of the Second Reading of Ordinance 2021-09, a Public Hearing will be held on Tuesday, January 11, 2022, at 9:00 AM. The Public can attend in person or provide comments via Live Zoom Video Conference.

ORDINANCE NO. 2021-09
ARTIFICIAL SYNTHETIC TURF ORDINANCE

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING CHAPTER 12 ENTITLED "LAND DEVELOPMENT CODE"; BY SPECIFICALLY AMENDING SECTION 12-396 ENTITLED "APPROPRIATE PLANT SELECTION, LOCATION AND ARRANGEMENT" TO PROVIDE FOR THE USE OF ARTIFICIAL TURF; PROVIDING FOR AN AMENDMENT TO PROCEDURE, REVIEW CRITERIA, AND DESIGN STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

All interested parties may appear at said meeting and be heard with respect to the proposed Ordinance, which may be inspected by the public. Email the Town Clerk at TownClerk@TownofHillsboroBeach.com

JOIN LIVE ZOOM MEETING Tuesday, January 11, 2022, at 9:00 AM (Eastern)
Log-in details available on website.

PROVIDING PUBLIC COMMENT
Persons desiring to provide public com-

Order ID: 7104389

* Agency Commission not included

GROSS PRICE * : \$187.65**PACKAGE NAME: SSC Notice of Public Meeting**

Persons wishing 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 may be submitted via email to 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
12/27/2021

12/27/2021 7104389

ORDINANCE NO. 2022-01

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING ARTICLE VII ENTITLED "NOISES" BY SPECIFICALLY AMENDING SECTION 7-93 TO AMEND THE HOURS OF OPERATION OF LAWN MAINTENANCE EQUIPMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Hillsboro Beach is predominately a residential community that enjoys a quality of life consistent with the residential character of the Town; and

WHEREAS, the Town Commission finds and determines that to maintain the quality of life enjoyed by the residents of the Town that any noise generated from any source which would disturb the public peace and welfare of the Town should be enforced on a twenty-four (24) hour basis; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF HILLSBORO BEACH, FLORIDA THAT:

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

Section 2. Article VII entitled "Noises" of the Code of Ordinances is hereby amended as follows:

ARTICLE VII. - NOISES

Sec. 7-93. - Loud and unnecessary noises.

(A) It shall be unlawful to create, maintain or otherwise cause any unreasonably loud, disturbing and unnecessary noises of such character, intensity and duration as to disturb the public peace and welfare and otherwise be detrimental to the life and health of any individual, within the limits of the town.

(B) Any person or corporation violating this section shall be fined not less than \$100.00, and subsequent violations shall be fined \$500.00 for each violation, and a separate offense shall be deemed committed on each day during or on which a violation occurs.

(C) Landscape maintenance equipment noise.

(1) Operation of lawn maintenance equipment shall be limited to the hours of 8:00 am to 4:00 pm Monday through Friday and prohibited on Sundays and all legal holidays. ~~Landscape maintenance equipment may be used on Saturdays from 9:00 a.m. to 1:00 p.m. only.~~

(2) Landscape maintenance equipment includes but is not limited to lawn mowers, edgers, hedge trimmers, yard tractors, leaf blowers, lawn vacuum machines, and monofilament line grass trimmers.

(3) Landscape maintenance equipment shall not exceed a decibel level of 65 dBA as measured at 75 feet from the point of operation.

Section 3. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

Section 4. That all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. It is the intention of the Town Commission of the Town of Hillsboro Beach, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Town of Hillsboro Beach, Florida, and the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention.

Section 6. This Ordinance shall be effective fifteen (15) days after its passage and adoption by the Town Commission of the Town of Hillsboro Beach.

PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, ON FIRST READING, THIS ____ DAY OF ____, 2022.

PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, ON SECOND AND FINAL READING, THIS ____ DAY OF ____, 2022.

By: _____
Deborah L. Tarrant, Mayor

ATTEST:

By: _____
Sherry D. Henderson, CMC

1 APPROVED AS TO FORM:

2 _____
3 Donald J. Doody, Town Attorney

1 and 6:00 p.m. on all other days. The use of gas operated implements commonly referred to as
2 "leaf blowers" shall be expressly prohibited on Saturdays, Sundays and national holidays.

3
4 (C) In the event of an emergency such as a tropical event, the Town Manager shall be authorized
5 to suspend the enforcement of this Section and any other Section of the Town Code of Ordinances
6 to allow for clean up efforts.

7
8 **Section 3.** If any section, subsection, sentence, clause or provision of this Ordinance is
9 held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

10
11 **Section 4.** That all ordinances or parts of ordinances and all resolutions or parts of
12 resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

13
14 **Section 5.** It is the intention of the Town Commission of the Town of Hillsboro Beach,
15 that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances
16 of Town of Hillsboro Beach, Florida, and the Sections of this ordinance may be renumbered,
17 re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word
18 or phrase in order to accomplish such intention.

19
20 **Section 6.** This Ordinance shall be effective fifteen (15) days after its passage and
21 adoption by the Town Commission of the Town of Hillsboro Beach.

22
23 PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH,
24 FLORIDA, ON FIRST READING, THIS ____ DAY OF ____, 2022.

PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA,
ON SECOND AND FINAL READING, THIS ____ DAY OF ____, 2022.

25
26 By: _____

27 Deborah L. Tarrant, Mayor

28 ATTEST:

29
30 By: _____

31 Sherry D. Henderson, CMC

32
33 APPROVED AS TO FORM:

34 _____
35 Donald J. Doody, Town Attorney

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING CHAPTER 12 ENTITLED "LAND DEVELOPMENT CODE"; BY SPECIFICALLY AMENDING SECTION 12-261 ENTITLED "HEIGHT REGULATIONS" TO PROVIDE FOR AN EXCEPTION TO THE HEIGHT REGULATIONS OF CHAPTER 12 FOR ELEVATOR EQUIPMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission hereby finds it is in the best interest of the Town to amend the Town Code of Ordinances, by specifically amending Chapter 12 related to the exception of height regulations for elevator equipment;

WHEREAS, the Town Commission deems it in the best interest of the Town to allow for the exception of elevator equipment from the height regulations of Town's Land Development Code in Chapter 12.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF HILLSBORO BEACH, FLORIDA THAT:

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

Section 2. Chapter 12 entitled "Land Development Code" of the Town's Code of Ordinances, specifically Section 12-261 entitled "Height Regulations" is hereby amended as follows:

Sec. 12-261 – Height Regulations

The height limitations of this article shall not apply to:

(A) Master radio or television antennae;

(B) Chimneys;~~or~~

(C) Flag poles;~~or~~ or

(D) Elevator components

Section 3. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

Section 4. That all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. It is the intention of the Town Commission of the Town of Hillsboro Beach, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Town of Hillsboro Beach, Florida, and the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention.

Section 6. This Ordinance shall be effective after its passage and adoption by the Town Commission of the Town of Hillsboro Beach.

PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, ON FIRST READING, THIS ____ DAY OF ____, 2022.

PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, ON SECOND AND FINAL READING, THIS ____ DAY OF ____, 2022.

By: _____
Deborah L. Tarrant, Mayor

ATTEST:

By: _____
Sherry D. Henderson, CMC, Town Clerk

APPROVED AS TO FORM:

Donald J. Doody, Town Attorney



TOWN OF HILLSBORO BEACH

1210 Hillsboro Mile
Hillsboro Beach, FL 33062

Phone: (954) 427-4011
www.townofhillsborobeach.com

Agenda Item Cover Memo

Agenda Item: Discussion on Limiting Assemblage of Parcels

Submitting Dept: Town Clerk, Sherry Henderson, Town Clerk

Agenda Date: January 11, 2022

1. BACKGROUND/HISTORY

2. CURRENT ACTIVITY

2. FINANCIAL IMPACT

3. RECOMMENDATION

ATTACHMENTS: None



TOWN OF HILLSBORO BEACH

1210 Hillsboro Mile
Hillsboro Beach, FL 33062

Phone: (954) 427-4011
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Agenda Item Cover Memo

Agenda Item: Discussion on Updates to the Land Development Code
Submitting Dept: Town Clerk, Sherry Henderson, Town Clerk
Agenda Date: January 11, 2022

1. BACKGROUND/HISTORY

2. CURRENT ACTIVITY

2. FINANCIAL IMPACT

3. RECOMMENDATION

ATTACHMENTS: None



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: January 11, 2022
SUBJECT: Request for Resolution for a letter of no objection for a Plat Note and Non-Vehicular Access Line Amendments – 1174-1185 Hillsboro Mile

The Property Owner, Hillsboro Mile Property Owner, LLC and authorized agent, Eric Fordin (Applicant) are requesting the Town provide letter(s) of no objection to accompany their applications to Broward County to change the number of allowable residential units on the plat and to amend the location of the driveway openings on the parcels.

Background

The subject property is located at 1174 -1185 Hillsboro Mile and contains two vacant parcels. The current owners purchased the property in December 2020 and are in the process of obtaining the necessary land development approvals to develop the property. The site includes two separate parcels. Parcel A is 5.4 acres and is located between Hillsboro Mile (A1A) and the Intracoastal Waterway. Parcel B is 6.4 acres and is located on the east side of Hillsboro Mile. Parcel B is identified a Local Area of Particular Concern (LAPC) and which includes portions of the beach area and a conservation easement exists on approximately 1/3 of the parcel. This request is to amend the plat restriction note and the Non-Vehicular Access Line on the recorded plat of The Enclave at Hillsboro Beach, according to Plat Book 154, Page 31.

On July 29, 2021, the Applicant submitted a site plan to develop the site. The proposed site plan includes a total of 121 units. Nine residential units were proposed for Parcel A (west of Hillsboro Mile) within 3-story structures and have a maximum height of 35 feet. There were 112 multi-family condominium-style units proposed for Parcel B on the east side of Hillsboro Mile. The Applicant proposed to construct these units within a 15-story, 170-foot tower. The consultant planner, along with analysis by survey, traffic, engineering, and landscaping reviewed the initial site plan and provided comments to the Applicant on November 2, 2021. On December 7, 2021, the Zoning Board of Appeals (Board) held a duly noticed public meeting for a variance request for a 15-story, 170-foot structure on Parcel B. That request was denied by the Board.

Subsequently, on December 17, 2021, the Applicant resubmitted a revised site plan which proposes a total of 115 units, which will require two variance requests by the Zoning Board of Appeals. This agenda report details the Applicant's request a resolution from the Town Commission to submit a letter of no objection to amend the plat restriction note to allow 115 units as the current plat allows 12 units. The Town Commission may ultimately approve less units, however the plat note must have at least the same amount of units proposed on the site plan. The

plat note requires approval by the Broward County Commission and recorded in an agreement and recorded in the Broward County public records.

Additionally, the Applicant is requesting the Commission approve a resolution to submit a request to amend the platted Non-Vehicular Access Line (NVAL) which controls where driveways can be placed within the parcels. The following pages separately review the plat note amendment, followed by the NVAL amendment, each with its own analysis and recommendation.

I. PLAT RESTRICTING NOTE

The Applicant is required to make application to the Broward County Planning and Development Management Division and as such needs a letter of no objection or resolution from the Town that provides concurrence with the applicant's request to amend the plat restricting note consistent with their site plan.

The current plat restricting note permits 6 detached single family dwelling units on Parcel A and 6 detached single family dwelling units on Parcel B for a total of 12 dwelling units. To provide for consistency with the proposed site plan approval, the plat note amendment proposed by the applicant states:

This plat shall be restricted to 28 multi-family units on Parcel A and 102 multi-family units on Parcel B.

Analysis

The Town planner acknowledges a plat note amendment must be filed at Broward County and upon County Commission approval a plat note amendment agreement must be recorded in the public records prior to the Town issuing a building permit for a principal building.

The language of the note amendment will need to be modified to reflect the current proposed development which is proposed to contain 25 units on Parcel A and 90 units on Parcel B. This note should be updated to be consistent with the proposed site plan.

The applicant should clarify or provide written documentation that Broward County permits the proposed language "multi-family units" in lieu of garden apartments and high-rise as the Town's letter of no objection/resolution must exactly match the proposed note language on the County delegation request application. (It is noted that Broward County usually requires the plat note to specify the type of multi-family unit (garden apartment, mid-rise, high-rise, etc.). The proposed building on Parcel B is clearly a high-rise while the proposed building on Parcel A may be considered garden apartment for County review purposes.

The applicant should also be aware that an updated FDOT pre-approval letter may be required for the County submittal. The June 17, 2021, letter refers to 121 dwelling units and the site plan has been revised to propose 115 units. Any updated letter from FDOT to correct the number of units should be forwarded to the Town upon receipt.

Recommendation for Plat Note Amendment

The Town planner recommends that a letter of no objection be provided to the applicant upon approval of the proposed site plan with the following conditions:

1. Note amendment shall be amended to read:

“This plat shall be restricted to 25 multi-family units on Parcel A and 90 multi-family units on Parcel B.”

2. Applicant shall provide confirmation from Broward County Planning and Development Management prior to issuance of said letter of no objection that the proposed note as provided by the applicant with the use of “multi-family units” is valid or provide the exact language the County so instructs. If a Town resolution is the method of concurrence, this confirmation of the proposed note language should be provided prior to the Town Council meeting of January 11, 2022.
3. A copy of the County submittal package and receipt shall be provided to the Town once submitted to Broward County.

II. NON-VEHICULAR ACCESS LINE AMENDMENT

The Applicant is required to apply to the Broward County Planning and Development Management Division and as such needs a letter of no objection or resolution from the Town providing concurrence with the applicants request to amend the NVAL and establish new openings consistent with the proposed site plan.

Analysis

The Enclave at Hillsboro Beach, recorded at Plat Book 154, Page 31, provides for a Non-Vehicular Access Line (NVAL) along both sides of State Road A1A with four (4) permitted unrestricted access openings at the following locations:

- A 50-foot opening centered 103 feet north of the south plat limit of Parcel A
- An 80-foot opening centered 178 feet south of the north plat limit of Parcel A
- A 50-foot opening centered 90 feet south of the north plat limit of Parcel B
- An 80-foot opening centered 99 feet north of the south plat limit of Parcel B

The two southern openings are generally aligned across from one another on State Road A1A while the two northern openings are off set from each other.

The proposed site plan proposes two (2) openings on Parcel A and one (1) opening on Parcel B. Thus, the requested NVAL amendment proposed new driveway locations along both sides of State Road A1A with the following openings:

- A 25-foot opening centered 22.59 feet north of the south plat limit of Parcel A
- A 32-foot opening centered 20.87 feet north of the south plat limit of Parcel B
- A 36-foot opening centered 22.61 feet south of the north plat limit of Parcel B

The 25-foot and the 32-foot openings are generally aligned with each other across State Road A1A. The Applicant proposes that the 32-foot opening will handle the primary passenger vehicle traffic for Parcel B while the 36-foot opening will primarily handle loading and delivery.

A review of the proposed sketch and descriptions that will accompany the Broward County delegation request for amending the NVAL and that will be recorded with the Agreement to Amend the NVAL, finds that the written descriptions accurately reflect the locations and width

requirements for the proposed driveways shown on the proposed site plan as well as agree with the illustrated NVAL on sheets 2 of Exhibits B and C.

However, it is advised that the applicant update the sketches (sheets 2 in Exhibit B (Old NVAL) and C (New NVAL)) to graphically depict in similar fashion the way the openings are shown on the recorded plat. In working with Broward County in the past, the Plat Review Section at Broward County Highway Construction and Engineering Division often requires this graphic which may help avoid delays in Broward County's acceptance of the delegation request.

The Applicant should also be aware that an updated FDOT pre-approval letter may be required for the County submittal. The June 17, 2021, letter refers to 121 dwelling units and the site plan has been revised to propose 115 units. Any updated letter from FDOT to correct the number of units should be forwarded to the Town upon receipt.

Recommendation for NVAL Amendment:

The consultant planner recommends that a letter of no objection or resolution be provided to the applicant upon approval of the proposed site plan with the following condition:

1. A copy of the County submittal package and receipt (including any updated FDOT pre-approval letter reflecting 115 units, and any updated sketch and descriptions) shall be provided to the Town as soon as possible after submittal is made.

Attachments:

Development Application including Applicant's backup (including NVAL sketch and descriptions)

Recorded Plat of "The Enclave at Hillsboro Beach"

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SECTION 5. All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

SECTION 6. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered eliminated and will in no way affect the validity of the other provisions of this Resolution.

SECTION 7. This Resolution shall become effective immediately upon its passage and adoption.

ADOPTED by the Town Commission of the Town of Hillsboro Beach, Florida this _____ day of _____ 2022.

TOWN OF HILLSBORO BEACH, FLORIDA

Deborah L. Tarrant, Mayor

ATTEST:

Sherry D. Henderson, CMC, Town Clerk

RESOLUTION NO. 2022-01

RECORD OF TOWN COMMISSION VOTE:

	<u>YES</u>	<u>NO</u>
MAYOR DEBORAH I. TARRANT	☐	☐
VICE MAYOR IRENE KIRDAHY	☐	☐
COMMISSIONER VICKY FEAMAN	☐	☐
COMMISSIONER BARBARA BALDASARRE	☐	☐
COMMISSIONER JANE REISER	☐	☐

Holland & Knight

515 E. Las Olas Boulevard, Suite 1200 | Ft. Lauderdale, FL 33301 | T 954.525.1000 | F 954.463.2030
Holland & Knight LLP | www.hklaw.com

Debbie M. Orshefsky
(954) 468-7871
debbie.orshefsky@hklaw.com

December 16, 2021

VIA EMAIL:mserda@townofhillsborobeach.com

William "Mac" Serda, Town Manager
Town of Hillsboro Beach
1210 Hillsboro Mile
Hillsboro Beach, FL 33062

Re: Plat Note Amendment and Amendment of Non Vehicular Access Lines ("NVAL")
related to the "Enclave Plat" recorded at Plat Book 154, page 31 Public Records of
Broward County, FL (the "Plat")

Dear Mr. Serda:

On behalf of Hillsboro Property Owner, LLC, the owner of the property located at 1174-1185
Hillsboro Mile, we are hereby resubmitting requests for Letters of No Objection with respect to
the following:

1. Amendment to the note on the Plat

From:

*This plat shall be restricted to 6 detached single-family homes on Parcel A and 6 detached
single-family homes on Parcel B*

To:

*This plat shall be restricted to 28 multifamily units on Parcel A and 102 multifamily units
on Parcel B.*

2. Amend the existing NVALs as set forth on the enclosed sketch and legals entitled "New
NVAL Parcel A" and "New NVAL Parcel B"; also enclosed are the sketch and legals for
the existing NVALs entitled "Old NVAL Parcel A" and "Old NVAL Parcel B."

These requests to modify the Plat must be submitted to Broward County for approval by the Broward County Commission and that application requires a Letter of No Objection from the Town of Hillsboro Beach. We appreciate this request being placed on the Town Commission agenda for consideration at the January 11, 2022 Commission meeting.

Sincerely,

Debbie M. Orshefsky
Debbie M. Orshefsky

cc: Jim Hickey, Town Consulting Planner (via email/ with enclosures)
Sherry Henderson, Town Clerk (via email/with enclosures)
Mr. Eric Fordin
Mr. Arthur Gallagher
Mr. Josh Horning

REQUEST FOR LETTER OF NO OBJECTION AND MODIFICATION OF NVAL

The property is currently wholly contained with the plat titled "The Enclave at Hillsboro Beach" as recorded in Plat Book 154 Page 31, Broward County Records. The original restrictive plat note is included below (found on page 2 of the plat under the title 'Restrictions')

RESTRICTIONS

THIS PLAT IS RESTRICTED TO 6 DETACHED SINGLE FAMILY HOMES ON PARCEL A, AND 6 DETACHED SINGLE FAMILY HOMES ON PARCEL B. THIS NOTE IS REQUIRED BY CHAPTER 5, ARTICLE IX, BROWARD COUNTY CODE OF ORDINANCES, AND MAY BE AMENDED BY APPROVAL OF THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS.

Petitioner is proposing to amend the restrictive note on the Plat as follows:

From:

This plat shall be restricted to 6 detached single-family homes on Parcel A and 6 detached single-family homes on Parcel B

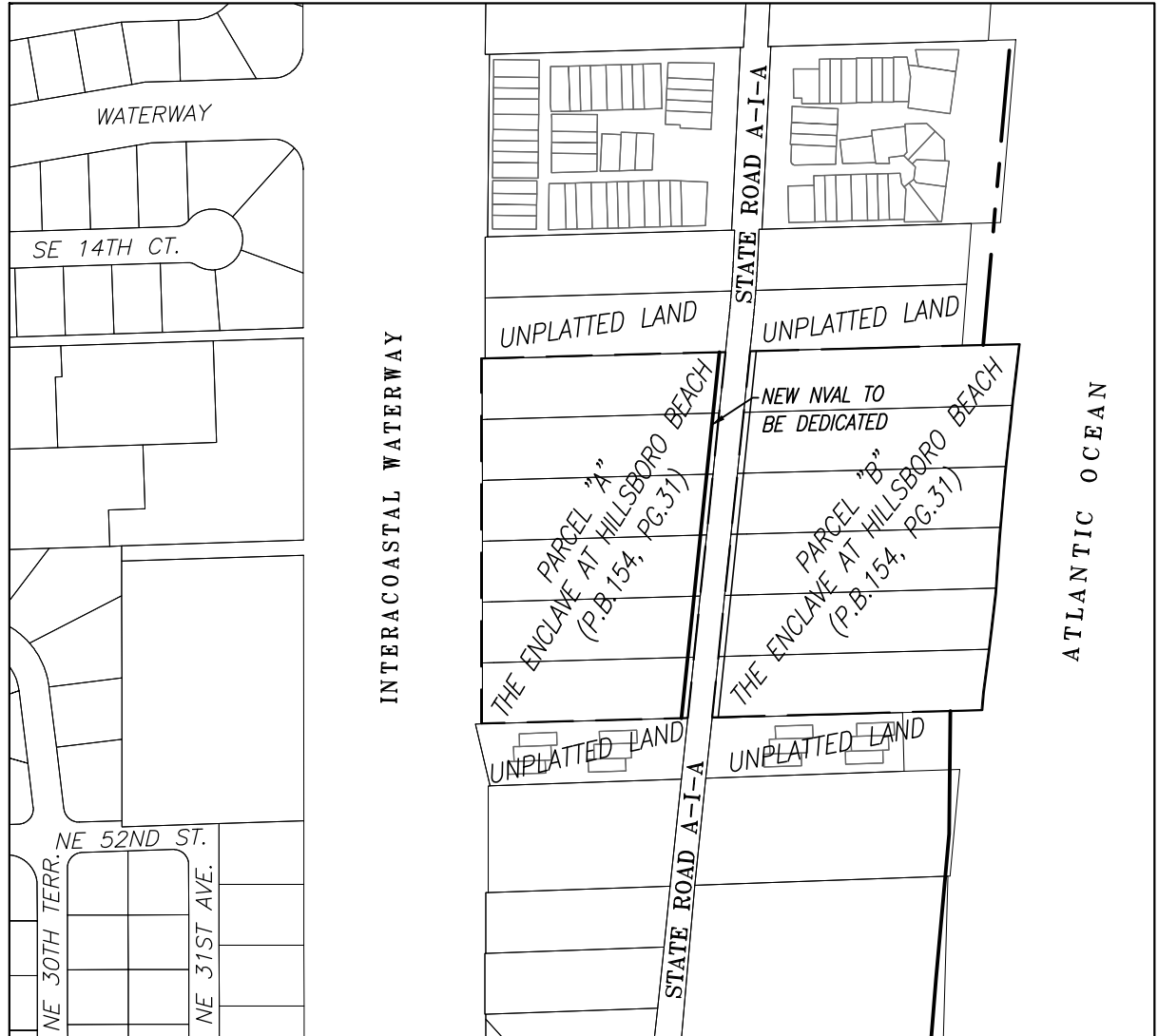
To:

This plat shall be restricted to 28 multifamily units on Parcel A and 102 multifamily units on Parcel B

The language above has been discussed with Broward County Planning and Development Management Division for consistency.

Additionally, this project will require a modification to the Non-Vehicular Access Line (NVAL) as recorded in the referenced plat. Attached are the legal descriptions for the existing NVALs (the "Old NVAL") and legal descriptions for the proposed NVALs (the "New NVALs").

SKETCH TO ACCOMPANY LEGAL DESCRIPTION NEW NON-VEHICULAR ACCESS LINE



LOCATION SKETCH

LEGEND:

P.O.C.	DENOTES POINT OF COMMENCEMENT	U.E.	DENOTES UTILITY EASEMENT
P.O.B.	DENOTES POINT OF BEGINNING	D.E.	DENOTES DRAINAGE EASEMENT
P.O.T.	DENOTES POINT OF TERMINATION	MAINT.	DENOTES MAINTENANCE
P.B.	DENOTES PLAT BOOK	EASMT.	DENOTES EASEMENT
O.R.B.	DENOTES OFFICIAL RECORDS BOOK	DRAIN.	DENOTES DRAINAGE
PG.	DENOTES PAGE	NVAL	DENOTES NON-VEHICULAR ACCESS LINE
PGS.	DENOTES PAGES	---	DENOTES NON-VEHICULAR ACCESS LINE
⊙	DENOTES CENTER LINE	⊙	DENOTES CENTER LINE
R/W	DENOTES RIGHT-OF-WAY		

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY MARK STEVEN JOHNSON, P.S.M. 4775

EXHIBIT "C"
SHEET 1 OF 3 SHEETS

Schwebke-Shiskin & Associates, Inc.

LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025

PHONE No.(954)435-7010

FAX No. (954)438-3288

ORDER NO. 213478

DATE: AUGUST 9, 2021

THIS IS NOT A "BOUNDARY SURVEY"
CERTIFICATE OF AUTHORIZATION No. LB-87

PREPARED UNDER MY SUPERVISION:

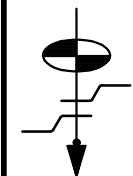
Mark Steven Johnson

MARK STEVEN JOHNSON, PRINCIPAL
FLORIDA PROFESSIONAL LAND SURVEYOR No. 4775

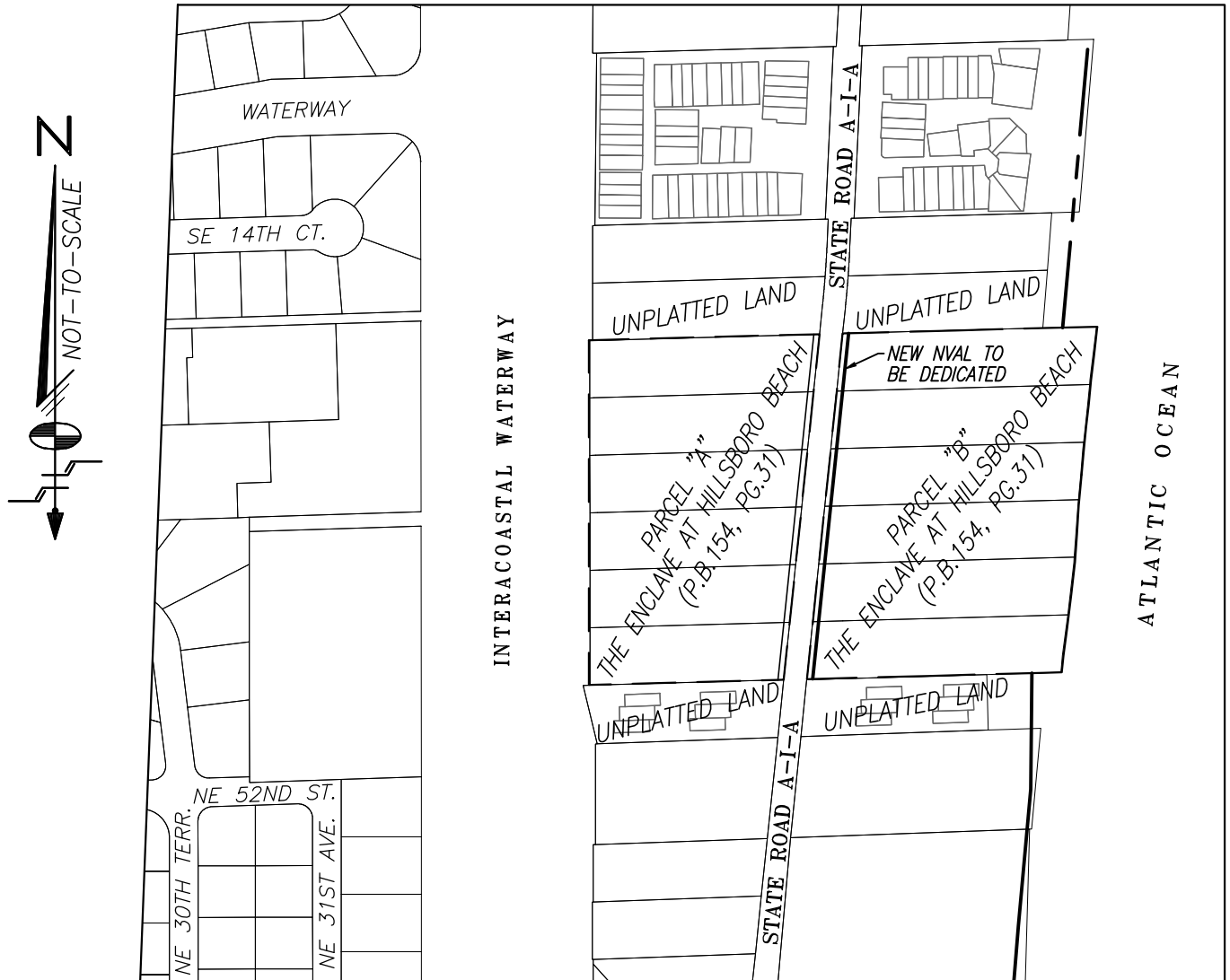
REVISIONS

ALLOWED OPENINGS

10/26/21-#214310



SKETCH TO ACCOMPANY LEGAL DESCRIPTION NEW NON-VEHICULAR ACCESS LINE



LOCATION SKETCH

LEGEND:

P.O.C.	DENOTES POINT OF COMMENCEMENT	U.E.	DENOTES UTILITY EASEMENT
P.O.B.	DENOTES POINT OF BEGINNING	D.E.	DENOTES DRAINAGE EASEMENT
P.O.T.	DENOTES POINT OF TERMINATION	MAINT.	DENOTES MAINTENANCE
P.B.	DENOTES PLAT BOOK	EASMT.	DENOTES EASEMENT
O.R.B.	DENOTES OFFICIAL RECORDS BOOK	DRAIN.	DENOTES DRAINAGE
PG.	DENOTES PAGE	NVAL	DENOTES NON-VEHICULAR ACCESS LINE
PGS.	DENOTES PAGES	---	DENOTES NON-VEHICULAR ACCESS LINE
⊙	DENOTES CENTER LINE	⊙	DENOTES CENTER LINE
R/W	DENOTES RIGHT-OF-WAY		

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EXHIBIT "C"
SHEET 1 OF 3 SHEETS

Schwebke-Shiskin & Associates, Inc.

LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025
PHONE No.(954)435-7010 FAX No. (954)438-3288

ORDER NO. 213478

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PREPARED UNDER MY SUPERVISION:

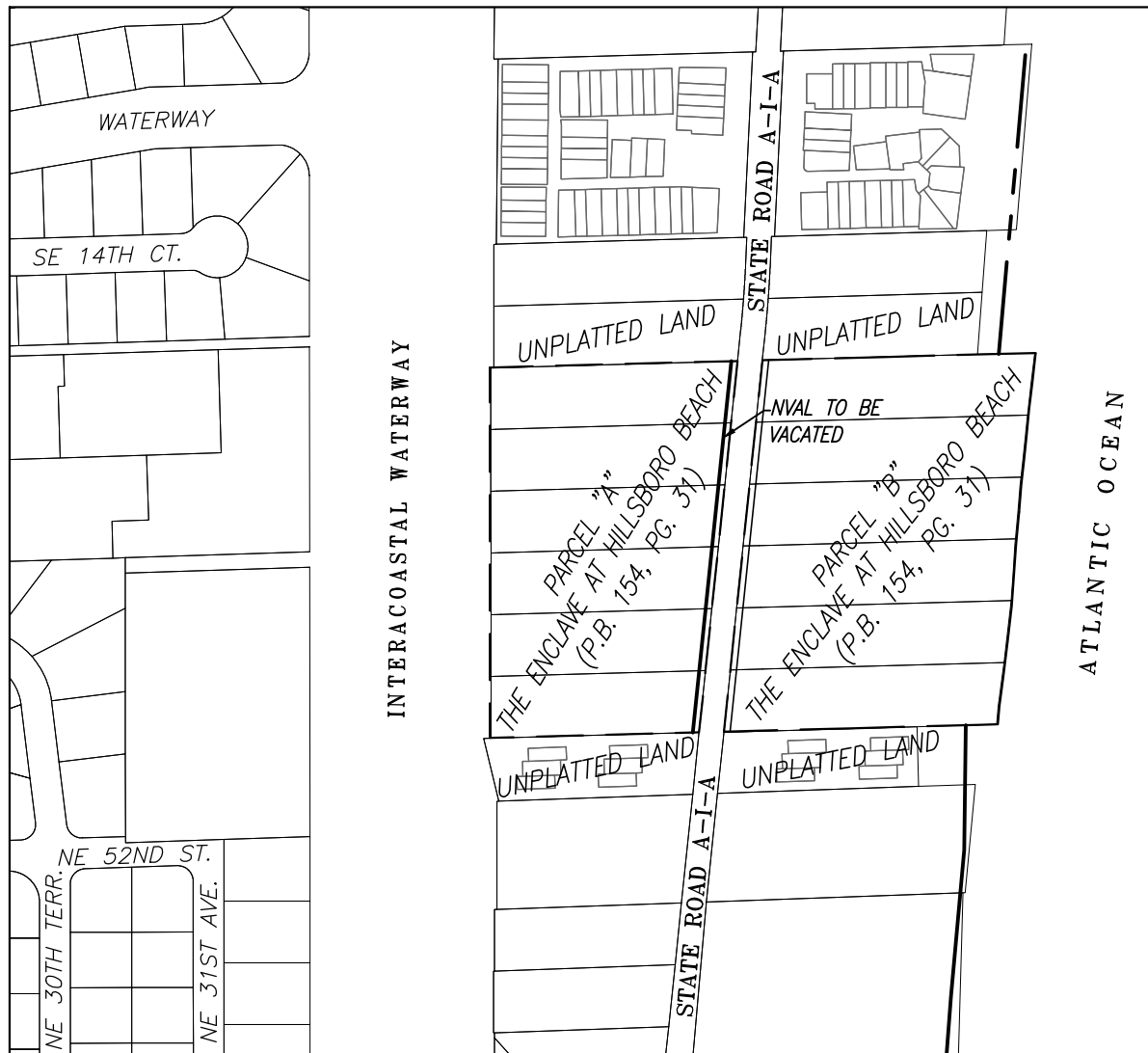
Mark Steven Johnson

MARK STEVEN JOHNSON, PRINCIPAL
FLORIDA PROFESSIONAL LAND SURVEYOR No. 4775

REVISIONS

ALLOWED OPENINGS
10/26/21-#214310

A schematic diagram of a circuit. It features a DC voltage source on the left, represented by a long vertical line and a shorter, thicker vertical line. This source is connected in series with a Zener diode, which is shown as a circle with a vertical line through it and a horizontal line at the bottom. The Zener diode is connected to a load resistor, represented by a zigzag line. The output voltage across the load resistor is labeled 'V'. The text 'NOT-TO-SCALE' is written vertically along the right side of the circuit diagram. A large 'Z' is placed at the bottom right of the diagram.



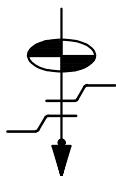
LEGEND:

P.O.C.	DENOTES POINT OF COMMENCEMENT
P.O.B.	DENOTES POINT OF BEGINNING
P.O.T.	DENOTES POINT OF TERMINATION
P.B.	DENOTES PLAT BOOK
O.R.B.	DENOTES OFFICIAL RECORDS BOOK
PG.	DENOTES PAGE
PGS.	DENOTES PAGES
CL	DENOTES CENTER LINE
R/W	DENOTES RIGHT-OF-WAY

U.E.	DENOTES UTILITY EASEMENT
D.E.	DENOTES DRAINAGE EASEMENT
MAINT.	DENOTES MAINTENANCE
EASMT.	DENOTES EASEMENT
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NVAL	DENOTES NON-VEHICULAR ACCESS LINE
---	DENOTES NON-VEHICULAR ACCESS LINE
⌀	DENOTES CENTER LINE

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY MARK STEVEN JOHNSON, P.S.M. 4775

EXHIBIT "B"
SHEET 1 OF 3 SHEETS



LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025
PHONE No.(954)435-7010 FAX No. (954)438-3288

ORDER NO. 213478

DATE: AUGUST 9, 2021

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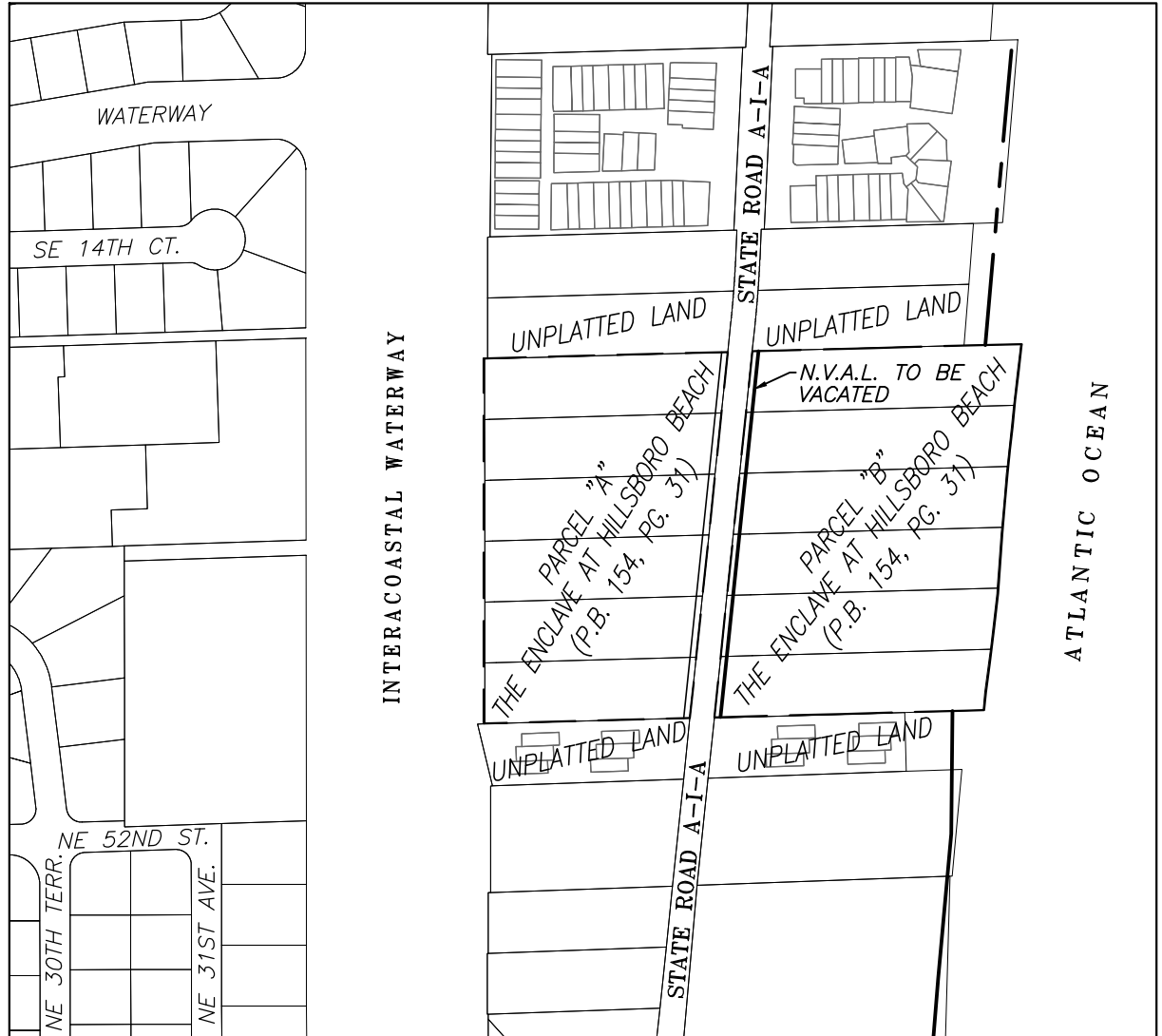
PREPARED UNDER MY SUPERVISION:

Mark Steven Johnson

MARK STEVEN JOHNSON, PRINCIPAL
FLORIDA PROFESSIONAL LAND SURVEYOR No. 4775

REVISIONS

SKETCH TO ACCOMPANY LEGAL DESCRIPTION OLD NON-VEHICULAR ACCESS LINE



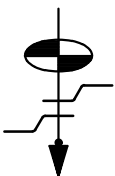
LOCATION SKETCH

LEGEND:

P.O.C.	DENOTES POINT OF COMMENCEMENT	U.E.	DENOTES UTILITY EASEMENT
P.O.B.	DENOTES POINT OF BEGINNING	D.E.	DENOTES DRAINAGE EASEMENT
P.O.T.	DENOTES POINT OF TERMINATION	MAINT.	DENOTES MAINTENANCE
P.B.	DENOTES PLAT BOOK	EASMT.	DENOTES EASEMENT
O.R.B.	DENOTES OFFICIAL RECORDS BOOK	DRAIN.	DENOTES DRAINAGE
PG.	DENOTES PAGE	NVAL	DENOTES NON-VEHICULAR ACCESS LINE
PGS.	DENOTES PAGES	---	DENOTES NON-VEHICULAR ACCESS LINE
⊙	DENOTES CENTER LINE	⊙	DENOTES CENTER LINE
R/W	DENOTES RIGHT-OF-WAY		

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY MARK STEVEN JOHNSON, P.S.M. 4775

EXHIBIT "B"
SHEET 1 OF 3 SHEETS



Schwebke-Shiskin & Associates, Inc.

LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025

PHONE No.(954)435-7010

FAX No. (954)438-3288

ORDER NO. 213478

DATE: AUGUST 9, 2021

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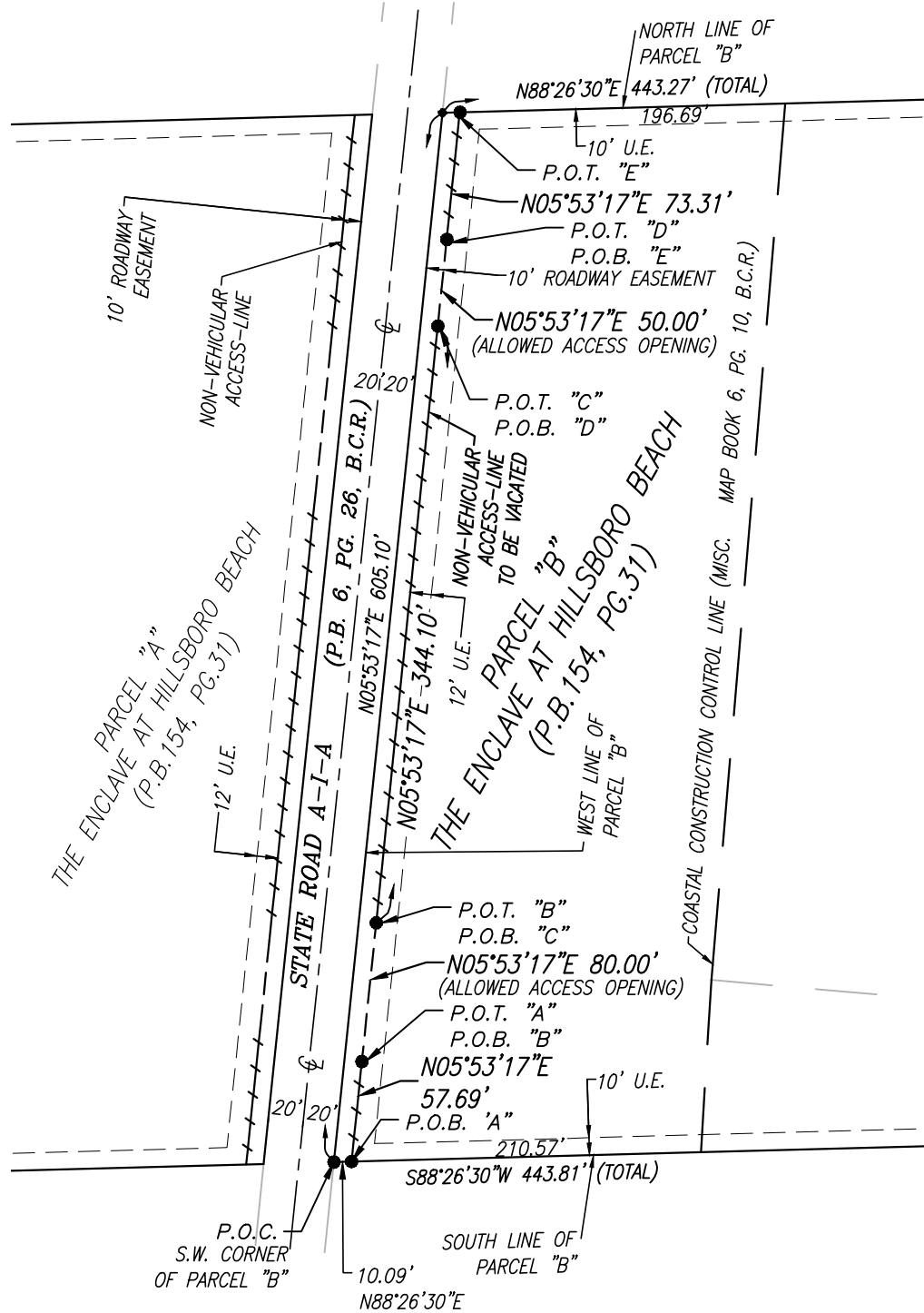
PREPARED UNDER MY SUPERVISION:

Mark Steven Johnson

MARK STEVEN JOHNSON, PRINCIPAL
FLORIDA PROFESSIONAL LAND SURVEYOR No. 4775

REVISIONS

SKETCH TO ACCOMPANY LEGAL DESCRIPTION OLD NON-VEHICULAR ACCESS LINE



THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY MARK STEVEN JOHNSON, P.S.M. 4775

EXHIBIT "B"
SHEET 2 OF 3 SHEETS

Schwebke-Shiskin & Associates, Inc.

LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025

PHONE No. (954) 435-7010

FAX No. (954) 438-3288

ORDER NO. 213478

DATE: AUGUST 9, 2021

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CERTIFICATE OF AUTHORIZATION No. LB-87

PREPARED UNDER MY SUPERVISION:

Mark Steven Johnson

MARK STEVEN JOHNSON, PRINCIPAL

FLORIDA PROFESSIONAL LAND SURVEYOR No. 4775

REVISIONS

LEGAL DESCRIPTION TO ACCOMPANY SKETCH OLD NON-VEHICULAR ACCESS LINE

LEGAL DESCRIPTION:

PARCEL "B" – OLD NVAL:

A PORTION OF PARCEL "B" BEING A NON-VEHICULAR ACCESS LINE AND BEING COINCIDENT WITH THE EAST LIMITS OF THE 10-FOOT WIDE ROADWAY EASEMENT AS SHOWN WITHIN PARCEL "B"; ACCORDING TO THE PLAT OF "THE ENCLAVE AT HILLSBORO BEACH", AS RECORDED IN PLAT BOOK 154 AT PAGE 31, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

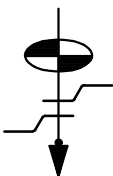
COMMENCE AT THE SOUTHWEST CORNER OF PARCEL "B", ACCORDING TO THE PLAT OF "THE ENCLAVE AT HILLSBORO BEACH", AS RECORDED IN PLAT BOOK 154 AT PAGE 31 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE NORTH 88 DEGREES 26 MINUTES 30 SECONDS EAST, ALONG THE SOUTH LINE OF SAID PARCEL "B", FOR 10.09 FEET TO THE POINT OF BEGINNING "A" OF A NON-VEHICULAR ACCESS LINE; THENCE NORTH 05 DEGREES 53 MINUTES 17 SECONDS EAST, ALONG A LINE THAT IS PARALLEL WITH AND 10.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO, THE WEST LINE OF SAID PARCEL "B", FOR 57.69 FEET TO THE POINT OF TERMINATION "A" OF THE NON-VEHICULAR ACCESS LINE AND THE POINT OF BEGINNING "B" OF AN 80.00 FOOT WIDE ALLOWED ACCESS OPENING; THENCE CONTINUE NORTH 05 DEGREES 53 MINUTES 17 SECONDS EAST, ALONG THE LAST DESCRIBED COURSE, FOR 80.00 FEET TO THE POINT OF TERMINATION "B" OF THE ALLOWED ACCESS OPENING AND THE POINT OF BEGINNING "C" OF A NON-VEHICULAR ACCESS LINE; THENCE CONTINUE NORTH 05 DEGREES 53 MINUTES 17 SECONDS EAST, ALONG THE AFORE-DESCRIBED COURSE, FOR 344.10 FEET TO THE POINT OF TERMINATION "C" OF THE NON-VEHICULAR ACCESS LINE AND THE POINT OF BEGINNING "D" OF A 50.00 FOOT WIDE ALLOWED ACCESS OPENING; THENCE CONTINUE NORTH 05 DEGREES 53 MINUTES 17 SECONDS EAST, ALONG THE AFORE-DESCRIBED COURSE, FOR 50.00 FEET TO THE POINT OF TERMINATION "D" OF THE ALLOWED ACCESS OPENING AND THE POINT OF BEGINNING "E" OF A NON-VEHICULAR ACCESS LINE; THENCE CONTINUE NORTH 05 DEGREES 53 MINUTES 17 SECONDS EAST, ALONG THE AFORE-DESCRIBED COURSE, FOR 73.31 FEET TO THE POINT OF TERMINATION "E" OF THE NON-VEHICULAR ACCESS LINE; SAID POINT OF TERMINATION "E" LYING ON THE NORTH LINE OF SAID PARCEL "B"; SAID LAST DESCRIBED FIVE COURSES BEING COINCIDENT WITH THE EAST LIMITS OF THE SAID 10-FOOT-WIDE ROADWAY EASEMENT, LYING WITHIN THE LIMITS OF SAID PARCEL "B", AS SHOWN ON THE SAID PLAT OF "THE ENCLAVE AT HILLSBORO BEACH"; ALL LYING AND BEING IN GOVERNMENT LOT 4 OF SECTION 8, TOWNSHIP 48 SOUTH, RANGE 43 EAST, TOWN OF HILLSBORO BEACH, BROWARD COUNTY, FLORIDA.

SURVEYOR'S NOTES:

- 1) THE BEARINGS SHOWN HEREON RELATE TO AN ASSUMED BEARING OF S05°53'17"W ALONG THE EAST RIGHT-OF-WAY LINE OF STATE ROAD A-1-A ADJACENT TO PARCEL A & PARCEL B, THE ENCLAVE AT HILLSBORO BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 154, PAGE 31, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
- 2) THE LEGAL DESCRIPTION AS SHOWN HEREON WAS PREPARED BY THIS FIRM.
- 3) ORDERED BY: RELATED GROUP
- 4) AUTHENTIC COPIES OF THIS SKETCH AND LEGAL DESCRIPTION MUST BEAR THE ORIGINAL SIGNATURE AND SEAL OF THE ATTESTING FLORIDA LICENSED SURVEYOR AND MAPPER.

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY MARK STEVEN JOHNSON, P.S.M. 4775

EXHIBIT "B"
SHEET 3 OF 3 SHEETS



Schwebke-Shiskin & Associates, Inc.

LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025

PHONE No.(954)435-7010

FAX No. (954)438-3288

ORDER NO. 213478

DATE: AUGUST 9, 2021

THIS IS NOT A "BOUNDARY SURVEY"

CERTIFICATE OF AUTHORIZATION No. LB-87

PREPARED UNDER MY SUPERVISION:

Mark Steven Johnson

MARK STEVEN JOHNSON, PRINCIPAL

FLORIDA PROFESSIONAL LAND SURVEYOR No. 4775

REVISIONS

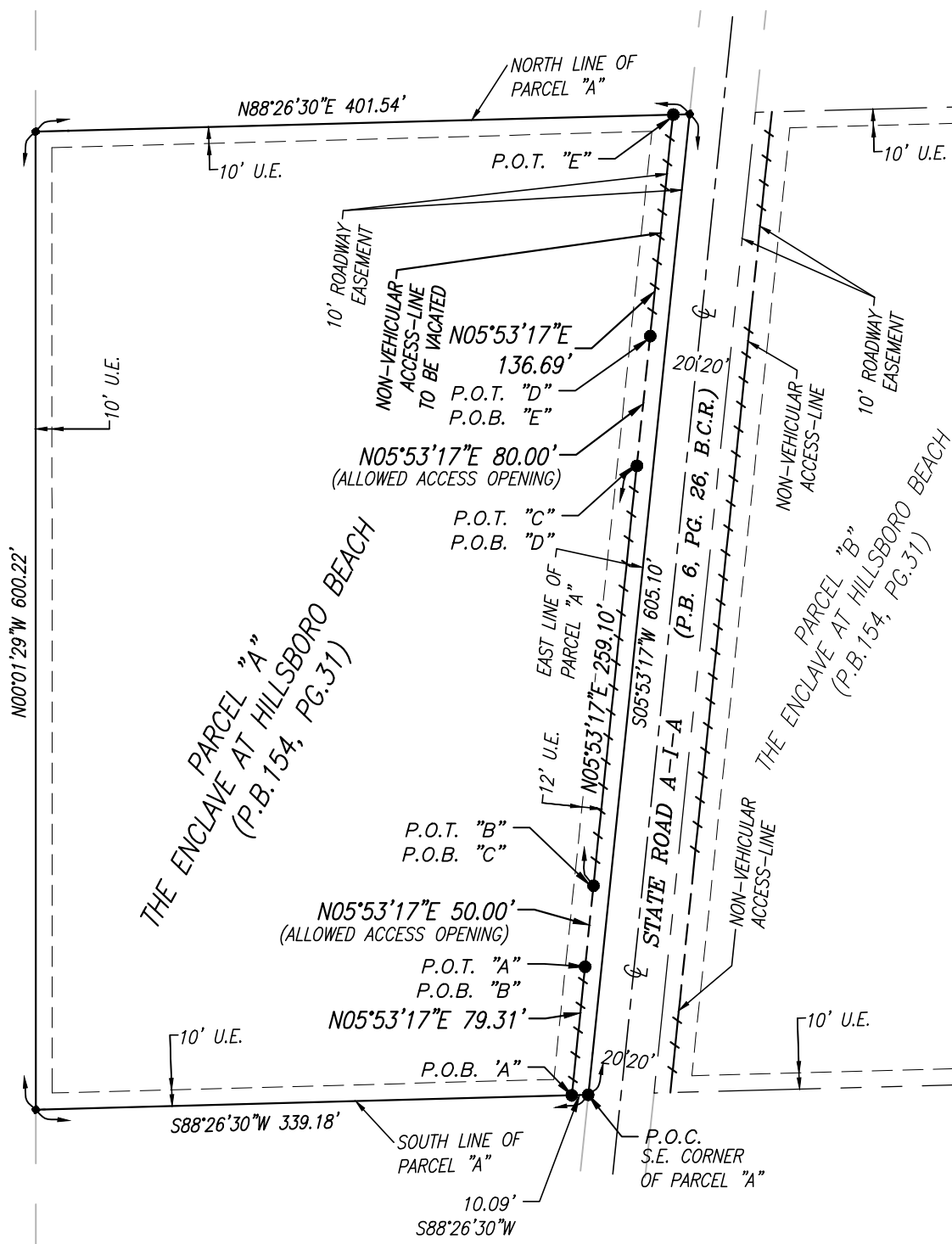
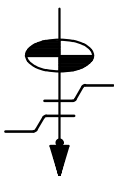


EXHIBIT "B"
SHEET 2 OF 3 SHEETS



MARK STEVEN JOHNSON, PRINCIPAL
FLORIDA PROFESSIONAL LAND SURVEYOR No. 4775

Page 317 of 374

LEGAL DESCRIPTION TO ACCOMPANY SKETCH OLD NON-VEHICULAR ACCESS LINE

LEGAL DESCRIPTION:

PARCEL "A" – OLD NVAL:

A PORTION OF PARCEL "A" BEING A NON-VEHICULAR ACCESS LINE AND BEING COINCIDENT WITH THE EAST LIMITS OF THE 10-FOOT-WIDE ROADWAY EASEMENT AS SHOWN WITHIN PARCEL "A"; ACCORDING TO THE PLAT OF "THE ENCLAVE AT HILLSBORO BEACH", AS RECORDED IN PLAT BOOK 154 AT PAGE 31, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

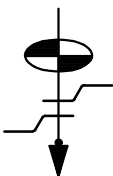
COMMENCE AT THE SOUTHEAST CORNER OF PARCEL "A", ACCORDING TO THE PLAT OF "THE ENCLAVE AT HILLSBORO BEACH", AS RECORDED IN PLAT BOOK 154 AT PAGE 31, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE SOUTH 88 DEGREES 26 MINUTES 30 SECONDS WEST, ALONG THE SOUTH LINE OF SAID PARCEL "A", FOR 10.09 FEET TO THE POINT OF BEGINNING "A" OF A NON-VEHICULAR ACCESS LINE; THENCE NORTH 05 DEGREES 53 MINUTES 17 SECONDS EAST, ALONG A LINE THAT IS PARALLEL WITH AND 10.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF SAID PARCEL "A", FOR 79.31 FEET TO THE POINT OF TERMINATION "A" OF THE NON-VEHICULAR ACCESS LINE AND THE POINT OF BEGINNING "B" OF A 50.00 FOOT WIDE ALLOWED ACCESS OPENING; THENCE CONTINUE NORTH 05 DEGREES 53 MINUTES 17 SECONDS EAST, ALONG THE LAST DESCRIBED COURSE FOR 50.00 FEET TO THE POINT OF TERMINATION "B" OF THE ALLOWED ACCESS OPENING AND THE POINT OF BEGINNING "C" OF A NON-VEHICULAR ACCESS LINE; THENCE CONTINUE NORTH 05 DEGREES 53 MINUTES 17 SECONDS EAST, ALONG THE AFORE-DESCRIBED COURSE, FOR 259.10 FEET TO THE POINT OF TERMINATION "C" OF THE NON-VEHICULAR ACCESS LINE AND THE POINT OF BEGINNING "D" OF AN 80.00 FEET WIDE ALLOWED ACCESS OPENING; THENCE CONTINUE NORTH 05 DEGREES 53 MINUTES 17 SECONDS EAST, ALONG THE AFORE-DESCRIBED COURSE, FOR 80.00 FEET TO THE POINT OF TERMINATION "D" OF THE ALLOWED ACCESS OPENING AND THE POINT OF BEGINNING "E" OF A NON-VEHICULAR ACCESS LINE; THENCE CONTINUE NORTH 05 DEGREES 53 MINUTES 17 SECONDS EAST, ALONG THE AFORE-DESCRIBED COURSE, FOR 136.69 FEET TO THE POINT OF TERMINATION "E" OF THE NON-VEHICULAR ACCESS LINE; SAID POINT OF TERMINATION "E" LYING ON THE NORTH LINE OF SAID PARCEL "A"; SAID LAST DESCRIBED FIVE COURSES BEING COINCIDENT WITH THE WEST LIMITS OF THE SAID 10-FOOT-WIDE ROADWAY EASEMENT, LYING WITHIN THE LIMITS OF SAID PARCEL "A", AS SHOWN ON THE SAID PLAT OF "THE ENCLAVE AT HILLSBORO BEACH"; ALL LYING AND BEING IN GOVERNMENT LOT 4 OF SECTION 8, TOWNSHIP 48 SOUTH, RANGE 43 EAST, TOWN OF HILLSBORO BEACH, BROWARD COUNTY, FLORIDA.

SURVEYOR'S NOTES:

- 1) THE BEARINGS SHOWN HEREON RELATE TO AN ASSUMED BEARING OF S05°53'17"W ALONG THE EAST RIGHT-OF-WAY LINE OF STATE ROAD A-1-A ADJACENT TO PARCEL A & PARCEL B, THE ENCLAVE AT HILLSBORO BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 154, PAGE 31, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
- 2) THE LEGAL DESCRIPTION AS SHOWN HEREON WAS PREPARED BY THIS FIRM.
- 3) ORDERED BY: RELATED GROUP
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THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY MARK STEVEN JOHNSON, P.S.M. 4775

EXHIBIT "B"
SHEET 3 OF 3 SHEETS



Schwebke-Shiskin & Associates, Inc.

LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025

PHONE No. (954) 435-7010

FAX No. (954) 438-3288

ORDER NO. 213478

DATE: AUGUST 9, 2021

THIS IS NOT A "BOUNDARY SURVEY"

CERTIFICATE OF AUTHORIZATION No. LB-87

PREPARED UNDER MY SUPERVISION:

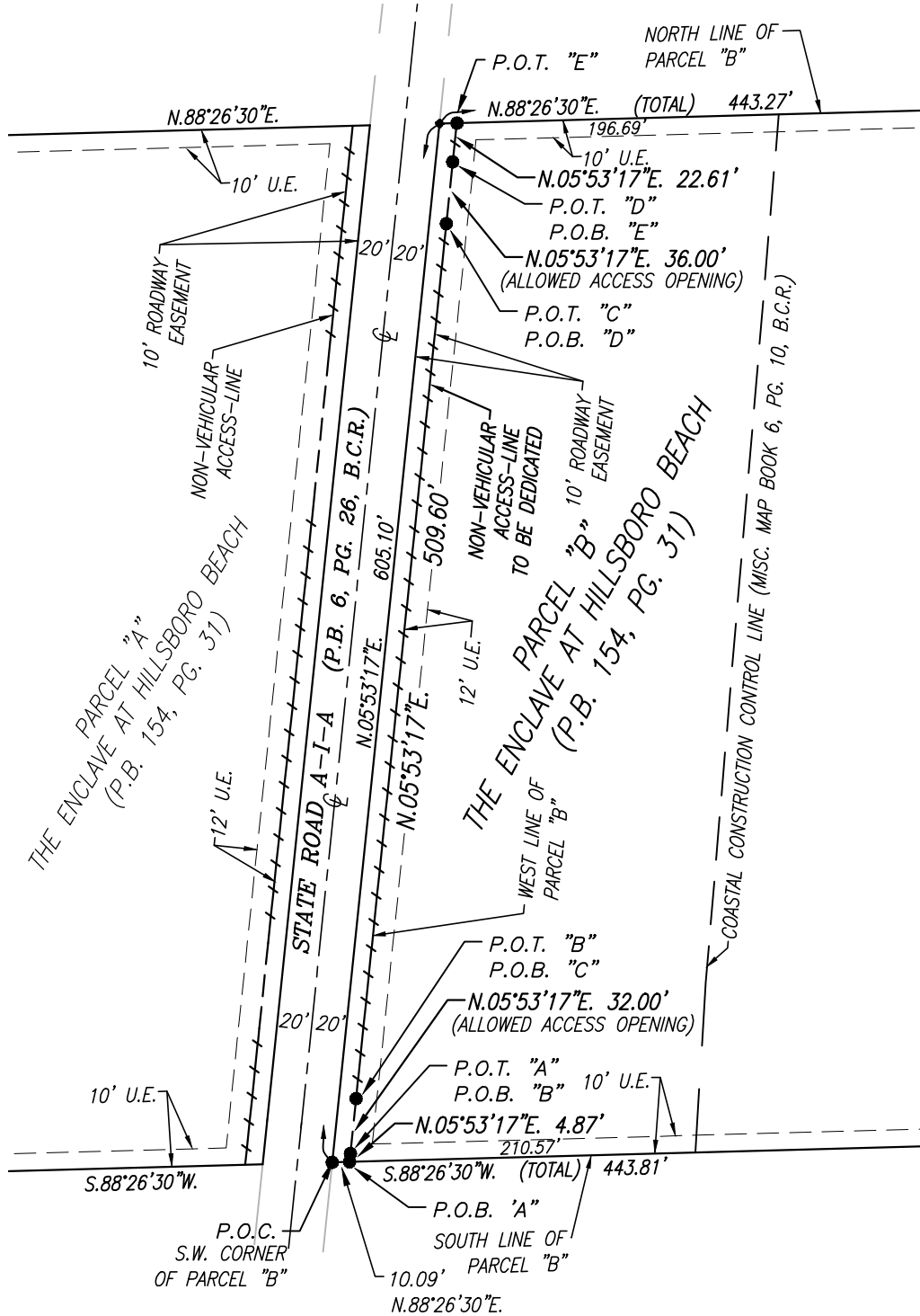
Mark Steven Johnson

MARK STEVEN JOHNSON, PRINCIPAL

FLORIDA PROFESSIONAL LAND SURVEYOR No. 4775

REVISIONS

SKETCH TO ACCOMPANY LEGAL DESCRIPTION NEW NON-VEHICULAR ACCESS LINE



THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY MARK STEVEN JOHNSON, P.S.M. 4775

EXHIBIT "C"
SHEET 2 OF 3 SHEETS

Schwebke-Shiskin & Associates, Inc.

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PHONE No.(954)435-7010 FAX No. (954)438-3288

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Mark Steven Johnson

MARK STEVEN JOHNSON, PRINCIPAL
FLORIDA PROFESSIONAL LAND SURVEYOR No. 4775

REVISIONS

ALLOWED OPENINGS
10/26/21-#214310

LEGAL DESCRIPTION TO ACCOMPANY SKETCH NEW NON-VEHICULAR ACCESS LINE

LEGAL DESCRIPTION:

PARCEL "B" – NEW NVAL:

A PORTION OF PARCEL "B" BEING A NON-VEHICULAR ACCESS LINE AND BEING COINCIDENT WITH THE EAST LIMITS OF THE 10-FOOT WIDE ROADWAY EASEMENT AS SHOWN WITHIN PARCEL "B"; ACCORDING TO THE PLAT OF "THE ENCLAVE AT HILLSBORO BEACH", AS RECORDED IN PLAT BOOK 154 AT PAGE 31, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

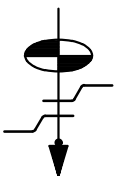
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SURVEYOR'S NOTES:

- 1) THE BEARINGS SHOWN HEREON RELATE TO AN ASSUMED BEARING OF S05°53'17"W ALONG THE EAST RIGHT-OF-WAY LINE OF STATE ROAD A-1-A ADJACENT TO PARCEL A & PARCEL B, THE ENCLAVE AT HILLSBORO BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 154, PAGE 31, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
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EXHIBIT "C"
SHEET 3 OF 3 SHEETS



Schwebke-Shiskin & Associates, Inc.

LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025

PHONE No.(954)435-7010

FAX No. (954)438-3288

ORDER NO. 213478

DATE: AUGUST 9, 2021

THIS IS NOT A "BOUNDARY SURVEY"

CERTIFICATE OF AUTHORIZATION No. LB-87

PREPARED UNDER MY SUPERVISION:

Mark Steven Johnson

MARK STEVEN JOHNSON, PRINCIPAL

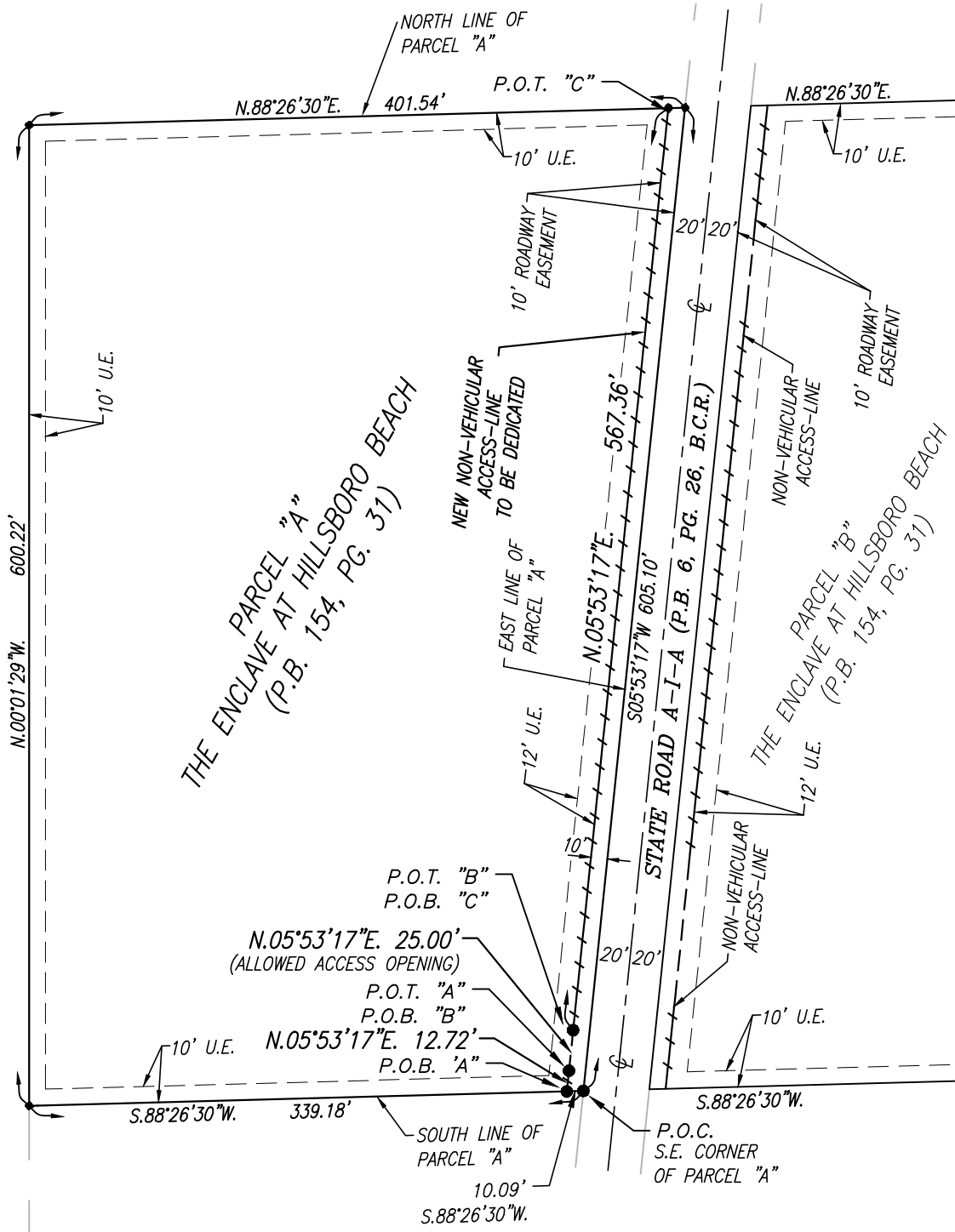
FLORIDA PROFESSIONAL LAND SURVEYOR No. 4775

REVISIONS

ALLOWED OPENINGS

10/26/21-#214310

SKETCH TO ACCOMPANY LEGAL DESCRIPTION NEW NON-VEHICULAR ACCESS LINE



THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY MARK STEVEN JOHNSON, P.S.M. 4775

EXHIBIT "C"
SHEET 2 OF 3 SHEETS

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REVISIONS

ALLOWED OPENINGS

10/26/21-#214310

LEGAL DESCRIPTION TO ACCOMPANY SKETCH NEW NON-VEHICULAR ACCESS LINE

LEGAL DESCRIPTION:

PARCEL "A" – NEW NVAL:

A PORTION OF PARCEL "A" BEING A NON-VEHICULAR ACCESS LINE AND BEING COINCIDENT WITH THE WEST LIMITS OF THE 10-FOOT WIDE ROADWAY EASEMENT AS SHOWN WITHIN PARCEL "A"; ACCORDING TO THE PLAT OF "THE ENCLAVE AT HILLSBORO BEACH", AS RECORDED IN PLAT BOOK 154 AT PAGE 31, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

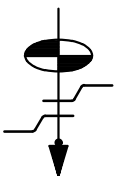
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SURVEYOR'S NOTES:

- 1) THE BEARINGS SHOWN HEREON RELATE TO AN ASSUMED BEARING OF S05°53'17"W ALONG THE EAST RIGHT-OF-WAY LINE OF STATE ROAD A-1-A ADJACENT TO PARCEL A & PARCEL B, THE ENCLAVE AT HILLSBORO BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 154, PAGE 31, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
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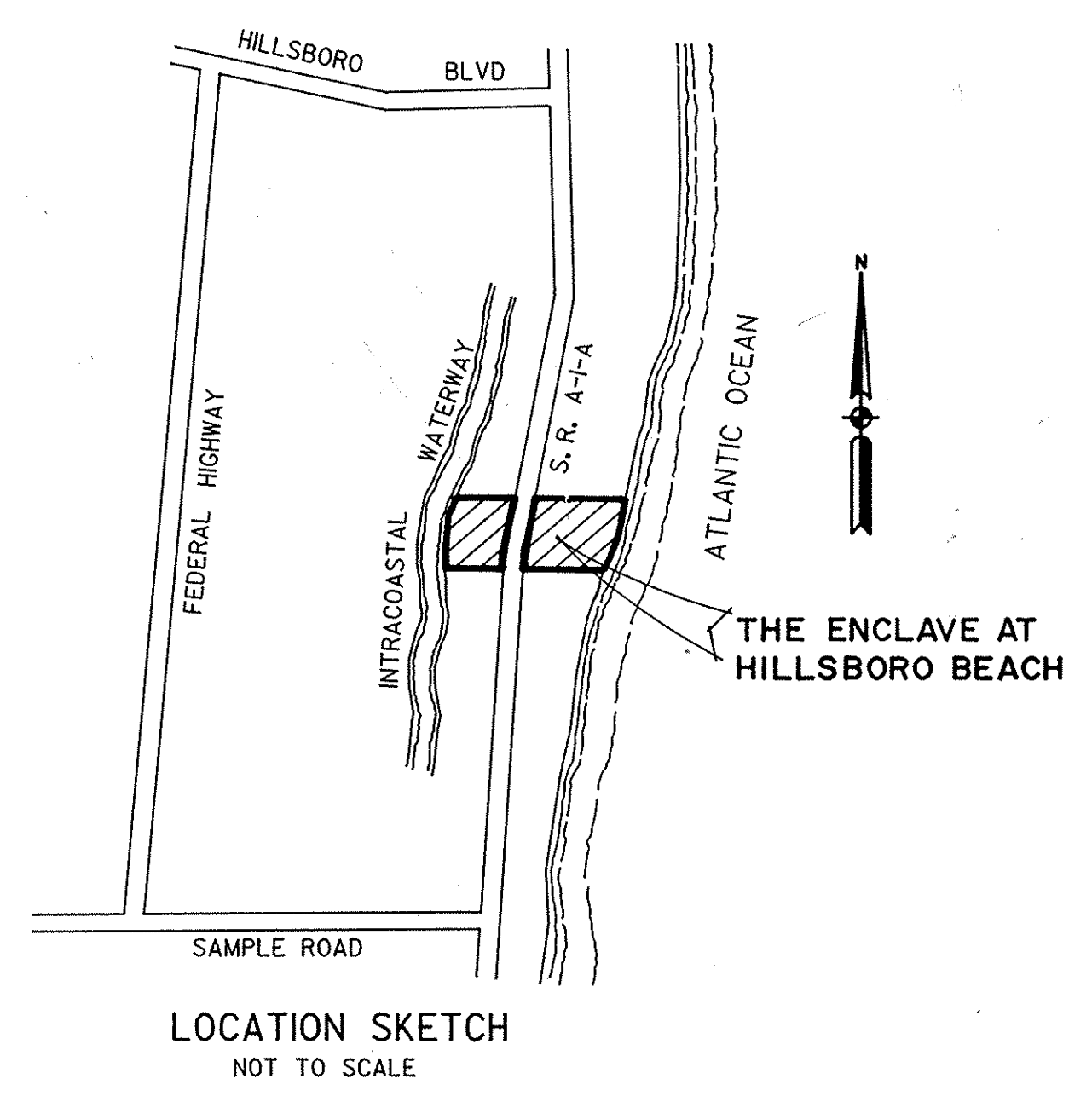
REVISIONS

ALLOWED OPENINGS

10/26/21-#214310

"The Enclave at Hillsboro Beach"
A PORTION OF GOVERNMENT LOT 4 OF SECTION 8, TOWNSHIP 48 SOUTH, RANGE 43 EAST,
TOWN OF HILLSBORO BEACH, BROWARD COUNTY, FLORIDA

PREPARED BY:
KEITH AND SCHNARS, P.A.
ENGINEERS - PLANNERS - SURVEYORS
6500 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA 33309
(305) 776-1616
NOVEMBER, 1990



DEDICATION

STATE OF FLORIDA } SS KNOW ALL MEN BY THESE PRESENTS THAT
COUNTY OF BROWARD } JOHN B. KENNELLY

OWNER OF THE LANDS DESCRIBED HEREON AS BEING INCLUDED WITHIN THIS PLAT, HAS CAUSED SAID LANDS TO BE SURVEYED AND PLATTED IN THE MANNER SHOWN HEREON, SAID PLAT TO BE KNOWN AS "THE ENCLAVE AT HILLSBORO BEACH."
EASEMENTS SHOWN HEREON ARE DEDICATED TO THE PERPETUAL USE OF THE PUBLIC, FOR PROPER PURPOSES.

IN WITNESS WHEREOF, THE OWNER HAS CAUSED THESE PRESENTS TO BE EXECUTED THIS 5 DAY OF MAY, A.D. 1991.

WITNESS [Signature] BY: John B. Kennelly
Conrad L. Chaney
WITNESS

ACKNOWLEDGEMENT

STATE OF FLORIDA } SS BEFORE ME PERSONALLY APPEARED
COUNTY OF BROWARD } JOHN B. KENNELLY

TO ME WELL KNOWN AND KNOWN TO ME TO BE THE INDIVIDUAL DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AS OWNER OF THE LANDS DESCRIBED HEREON AND THAT HE ACKNOWLEDGED BEFORE ME THAT HE EXECUTED SUCH DEDICATION AS OWNER, AND THAT SAID DEDICATION IS THE FREE ACT AND DEED OF SAID OWNER.

WITNESS MY HAND AND SEAL THIS 5 DAY OF MAY A.D. 1991.

DECEMBER 09, 1991
MY COMMISSION EXPIRES: Maurice O. Rhinehardt
NOTARY PUBLIC, STATE OF FLORIDA

NOTE

THIS PLAT CONTAINS LAND THAT HAS BEEN DESIGNATED AS A NATURAL RESOURCE AREA BY THE BROWARD COUNTY COMMISSION. ANY CLEARING ACTIVITIES MUST BE IN COMPLIANCE WITH COUNTY ORDINANCE 89-6.

NOTE

DEVELOPMENT WITHIN THIS PLAT MUST BE CONSISTENT WITH THE MITIGATION RECOMMENDATIONS CONTAINED WITHIN THE ENVIRONMENTAL IMPACT REPORT AS INCORPORATED IN THAT CERTAIN ENVIRONMENTAL IMPACT AGREEMENT BETWEEN BROWARD COUNTY AND DEVELOPER APPROVED BY THE BOARD OF COUNTY COMMISSIONERS ON 2-8-92. THE ENVIRONMENTAL IMPACT AGREEMENT DELINEATES A CONSERVATION AREA WHICH MAY ONLY BE AMENDED BY AN AMENDMENT TO THE ENVIRONMENTAL IMPACT AGREEMENT BETWEEN BROWARD COUNTY AND THE DEVELOPER.
Recorded Clerk's File # 93-314489.

NOTE

THIS PLAT IS A LOCAL AREA OF PARTICULAR CONCERN AND HAS BEEN DESIGNATED BY THE BOARD OF COUNTY COMMISSIONERS AS ENVIRONMENTALLY SENSITIVE.

MORTGAGEE'S CONSENT

STATE OF FLORIDA } SS KNOW ALL MEN BY THESE PRESENTS THAT
COUNTY OF BROWARD } MAURICE O. RHINEHARDT, TRUSTEE

THE UNDERSIGNED HEREBY CERTIFIES THAT HE IS THE HOLDER OF A MORTGAGE UPON THE PROPERTY DESCRIBED HEREON AND DOES HEREBY JOIN IN AND CONSENT TO THE DEDICATION OF THE LAND DESCRIBED IN SAID DEDICATION BY THE OWNER THEREOF AND AGREES THAT ITS MORTGAGE WHICH IS RECORDED IN OFFICIAL RECORDS BOOK 17850, PAGE 295, OF THE PUBLIC RECORDS OF BROWARD COUNTY, SHALL BE SUBORDINATED TO THE DEDICATION SHOWN HEREON.

IN WITNESS WHEREOF, PAUL C. WOLFE HAS CAUSED THESE PRESENTS TO BE SIGNED IN HIS NAME THIS 16 DAY OF MAY A.D. 1991.

Enid N. Miranda Maurice O. Rhinehardt
WITNESS BY: MAURICE O. RHINEHARDT, TRUSTEE
Carolyn Bethelton
WITNESS

ACKNOWLEDGEMENT

STATE OF FLORIDA } SS BEFORE ME PERSONALLY APPEARED
COUNTY OF BROWARD } MAURICE O. RHINEHARDT

TO ME WELL KNOWN AND KNOWN TO ME TO BE THE INDIVIDUAL DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT, ACKNOWLEDGED BEFORE ME THAT HE EXECUTED SAID INSTRUMENT AS SUCH INDIVIDUAL AND THAT SAID INSTRUMENT IS THE FREE ACT AND DEED OF SAID INDIVIDUAL.

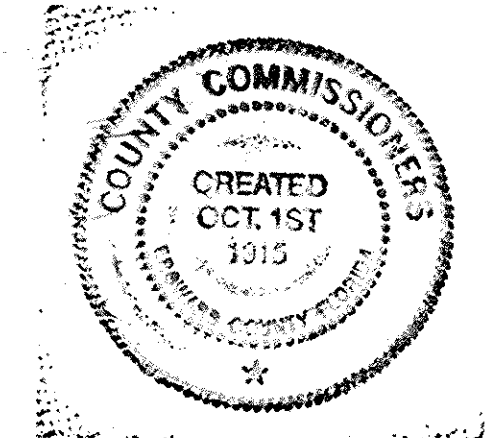
WITNESS MY HAND AND SEAL THIS 16 DAY OF MAY A.D. 1991.

OCTOBER 17, 1993
MY COMMISSION EXPIRES: Carolyn Bethelton
NOTARY PUBLIC, STATE OF FLORIDA

TOWN OF HILLSBORO BEACH

THIS PLAT IS HEREBY APPROVED AND ACCEPTED FOR RECORD.

BY: Donald C. McKit BY: David S. Damman
MAYOR TOWN CLERK
5/20/91 5/20/91
DATE: DATE:



BROWARD COUNTY DEPARTMENT OF STRATEGIC PLANNING AND GROWTH MANAGEMENT

THIS PLAT IS HEREBY APPROVED AND ACCEPTED FOR RECORD.

BY: [Signature] DATE: April 2, 1991
DIRECTOR

BROWARD COUNTY ENGINEERING DIVISION

THIS PLAT IS HEREBY APPROVED AND ACCEPTED FOR RECORD.

BY: Henry P. Cook BY: Emilio V. Llufrío
HENRY P. COOK EMILIO V. LLUFRIÓ
FLORIDA P.E., REG. NO. 12506 FLORIDA P.L.S., REG. NO. 4429
DIRECTOR OF ENGINEERING COUNTY SURVEYOR
DATE: 5-2-93 DATE: 7-29-93

BROWARD COUNTY PLANNING COUNCIL

THIS IS TO CERTIFY THAT THE BROWARD COUNTY PLANNING COUNCIL APPROVED THIS PLAT SUBJECT TO ITS COMPLIANCE WITH DEDICATION OF RIGHTS OF WAY FOR TRAFFICWAYS THIS 6th DAY OF DECEMBER A.D. 1990.

BY: Ala Goldberg DATE: JUNE 27, 1991
CHAIRPERSON

THIS PLAT COMPLIES WITH THE APPROVAL OF THE BROWARD COUNTY PLANNING COUNCIL OF THE ABOVE DATE AND IS HEREBY APPROVED AND ACCEPTED FOR RECORD THIS DAY OF , A.D. 1993.

BY: [Signature] DATE: July 30, 1993
ADMINISTRATOR OR DESIGNEE

BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT, COUNTY RECORDS DIVISION- MINUTES SECTION

THIS IS TO CERTIFY THAT THIS PLAT COMPLIES WITH THE PROVISIONS OF CHAPTER 177, FLORIDA STATUTES, AND WAS ACCEPTED FOR RECORD BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, THIS 4th DAY OF FEBRUARY A.D. 1992.

ATTEST: B. JACK OSTERHOLT COUNTY ADMINISTRATOR
BY: Mary Ann Daily DEPUTY
BY: [Signature] CHAIR
CHAIR COUNTY COMMISSION

BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT, COUNTY RECORDS DIVISION- RECORDING SECTION

THIS INSTRUMENT WAS FILED FOR RECORD THIS 6th DAY OF August A.D. 1993, AND RECORDED IN PLAT BOOK 154, PAGE 31, RECORD VERIFIED.

ATTEST: B. JACK OSTERHOLT COUNTY ADMINISTRATOR
BY: Carole C. Dryce DEPUTY

DESCRIPTION

ALL THAT PART OF GOVERNMENT LOT 4 OF SECTION 8, TOWNSHIP 48 SOUTH, RANGE 43 EAST, LYING BETWEEN A LINE PARALLEL WITH AND THREE THOUSAND (3,000) FEET SOUTHERLY OF THE NORTH LINE OF SAID SECTION, AND A LINE PARALLEL WITH AND THIRTY-THREE HUNDRED (3,300) FEET SOUTHERLY OF THE NORTH LINE OF SAID SECTION, SITUATE AND BEING IN BROWARD COUNTY, FLORIDA.

TOGETHER WITH:
ALL THAT PART OF GOVERNMENT LOT 4 OF SECTION 8, TOWNSHIP 48 SOUTH, RANGE 43 EAST, LYING BETWEEN A LINE PARALLEL WITH AND TWENTY-SEVEN HUNDRED (2,700) FEET SOUTHERLY OF THE NORTH LINE OF SAID SECTION AND A LINE PARALLEL WITH AND THREE THOUSAND (3,000) FEET SOUTHERLY OF THE NORTH LINE OF SAID SECTION, SITUATE AND BEING IN BROWARD COUNTY, FLORIDA.

SAID LANDS LYING IN THE TOWN OF HILLSBORO BEACH, BROWARD COUNTY, FLORIDA, CONTAINING 11.212 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

WE HEREBY CERTIFY THAT THE ATTACHED PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS RECENTLY SURVEYED, SUBDIVIDED AND PLATTED UNDER OUR RESPONSIBLE DIRECTION AND SUPERVISION, THAT THE SURVEY DATA SHOWN CONFORMS TO THE APPLICABLE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AND WITH THE APPLICABLE SECTIONS OF CHAPTER 21HH-6, FLORIDA ADMINISTRATIVE CODE. THE PERMANENT REFERENCE MONUMENTS (P.R.M.'S) WERE SET IN ACCORDANCE WITH SECTION 177.091 OF SAID CHAPTER 177. THE BENCHMARKS SHOWN ARE REFERENCED TO THE NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D.) OF 1929 IN CONFORMITY WITH STANDARDS ADOPTED BY THE NATIONAL OCEAN SURVEY FOR THIRD ORDER CONTROL STANDARDS.

DATE JUNE 04, 1991 KEITH AND SCHNARS, P.A.
Thomas Gene Lunsford
BY: THOMAS GENE LUNSFORD
PROFESSIONAL LAND SURVEYOR #4646
STATE OF FLORIDA
(FOR THE FIRM)

ENCLAVE AT HILLSBORO	CHECKED BY	DATE
PRELIMINARY CHECK	LUNSFORD	11/90
ENGINEERING DEPT.		
FIELD BNDRY SURVEY	WICHSE	10/90
CALCULATIONS	LEONHARDT	11/90
PRM'S SET	PETERS	2/91
PLANNING DEPT.	GARCIA	11/90
FINAL CHECK	LUNSFORD	3/91
VAX FILE # P13603:3603UPL01.DGN		

08-06-93 - 2:31 PM OK 20946-446

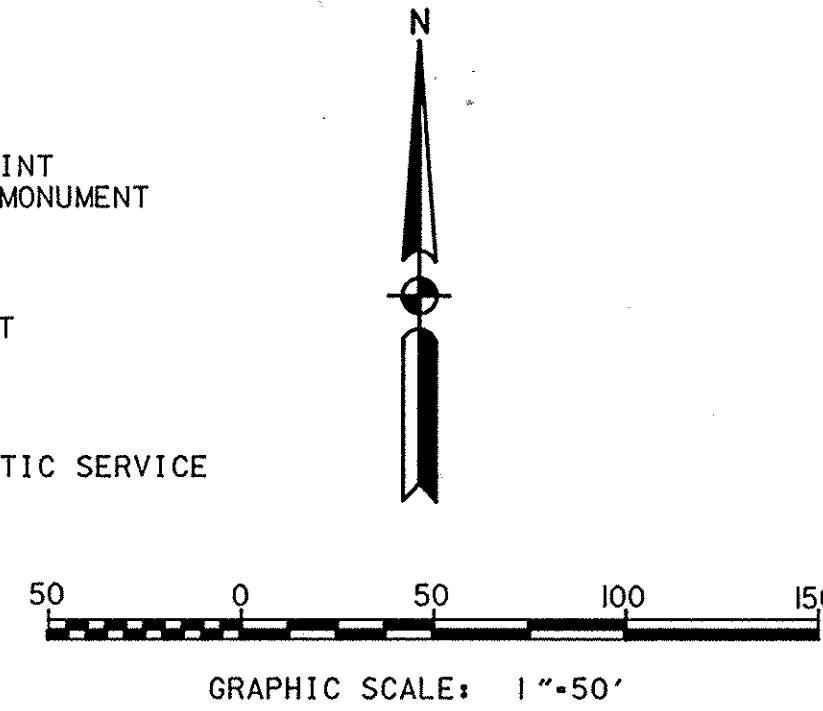
"The Enclave at Hillsboro Beach"

A PORTION OF GOVERNMENT LOT 4 OF SECTION 8, TOWNSHIP 48 SOUTH, RANGE 43 EAST,
TOWN OF HILLSBORO BEACH, BROWARD COUNTY, FLORIDA

PREPARED BY:
KEITH AND SCHNARS, P.A.
ENGINEERS - PLANNERS - SURVEYORS
6500 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA 33309
(305) 776-1616
OCTOBER, 1990

LEGEND

B.M. - BENCHMARK
B.C.R. - BROWARD COUNTY RECORDS
CCCL - COASTAL CONSTRUCTION CONTROL LINE
C - CENTERLINE
COR. - CORNER
D.C.R. - DADE COUNTY RECORDS
D.E. - DRAINAGE EASEMENT
D.N.R. - DEPARTMENT OF NATURAL RESOURCES
ELEV. - ELEVATION
MISC. - MISCELLANEOUS
N.T.S. - NOT TO SCALE
NO. - NUMBER
O.R.B. - OFFICIAL RECORD BOOK
O/S - OFFSET
P.C.P. - PERMANENT CONTROL POINT
P.R.M. - PERMANENT REFERENCE MONUMENT
P.B. - PLAT BOOK
P.G. - PAGE
P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCEMENT
R/W - RIGHT-OF-WAY
SEC. - SECTION
SQ. FT. - SQUARE FEET
USC&GS - U.S. COAST AND GEODETIC SERVICE



AREA TABULATION

PARCEL "A"	222,218 SQ. FT.	5.101 ACRES
PARCEL "B"	266,214 SQ. FT.	6.111 ACRES
TOTAL	488,432 SQ. FT.	11.212 ACRES

SURVEY NOTES

- ① INDICATES SET PERMANENT REFERENCE MONUMENT.
- SURVEY DATA IN FIELD BOOK 648.
- BEARINGS SHOWN HEREON ARE BASED ON FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1927, BASED ON TIES TO COASTAL CONTROL MONUMENTS R-10 AND R-12 OF THE COASTAL CONSTRUCTION CONTROL LINE (NOVEMBER 17, 1981, 8:55 A.M.) (MISC. MAP BOOK 6, PG. 10, B.C.R.)
- THE MEAN HIGH WATER LINES DEPICTED HEREON WERE LOCATED IN ACCORDANCE WITH CHAPTER 177, PART II, FLORIDA STATUTES AND RULE 18-5 FLORIDA ADMINISTRATIVE CODE ON OCTOBER 25, 1990. ELEVATIONS FOR THIS PURPOSE WERE BASED ON TIDE STATION NO. 872-2859, ELEV. = 1.75', ADJUSTED TO 1960-1978 EPOCH.
- BENCHMARK ELEVATIONS SHOWN HEREON ARE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 AND WERE ESTABLISHED FROM BENCHMARKS SUPPLIED BY USC&GS X311, ELEV. = 14.596', 0.8 MILES SOUTH OF THE INTERSECTION OF S.R. 810 AND S.R. A-1-A, 45' SOUTH OF THE S.W. CORNER OF ROYAL FLAMINGO VILLAS AND 2' WEST OF A CONCRETE POLE.
- +++++ INDICATES NON-VEHICULAR ACCESS LINE.

RESTRICTIONS

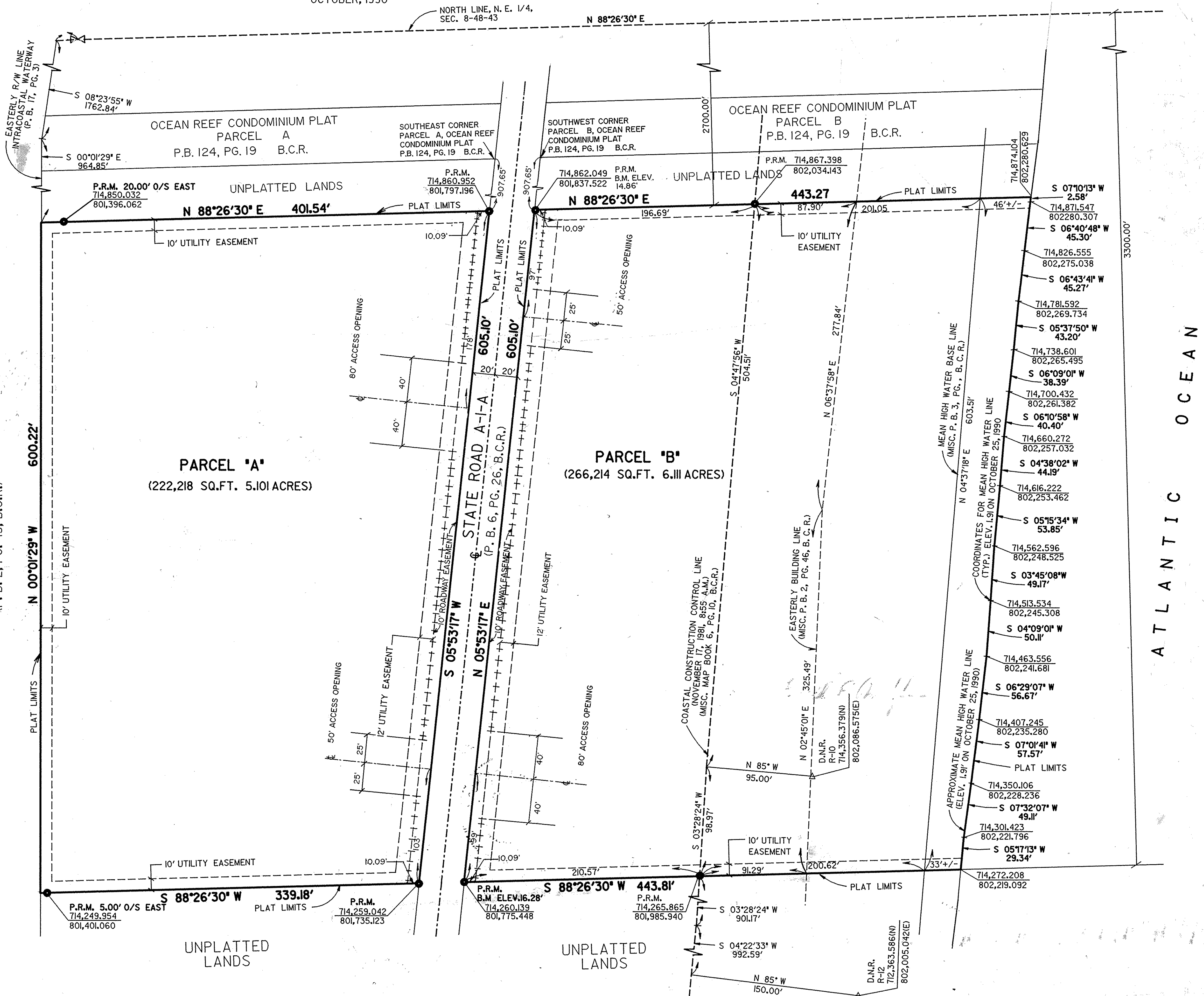
THIS PLAT IS RESTRICTED TO 6 DETACHED SINGLE FAMILY HOMES ON PARCEL A, AND 6 DETACHED SINGLE FAMILY HOMES ON PARCEL B. THIS NOTE IS REQUIRED BY CHAPTER 5, ARTICLE IX, BROWARD COUNTY CODE OF ORDINANCES, AND MAY BE AMENDED BY APPROVAL OF THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS.

THE NOTATION AND ANY AMENDMENTS THERETO ARE SOLELY INDICATING THE APPROVED DEVELOPMENT LEVEL FOR PROPERTY LOCATED WITHIN THE PLAT AND DO NOT OPERATE AS A RESTRICTION IN FAVOR OF ANY PROPERTY OWNER INCLUDING AN OWNER OR OWNERS OF PROPERTY WITHIN THIS PLAT WHO TOOK TITLE TO THE PROPERTY WITH REFERENCE TO THIS PLAT.

NOTICE

THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

INTRACOASTAL WATERWAY
(P.B. 17, PG. 3, B.C.R.)
(P.B. 2, PG. 43, B.C.R.)





1210 Hillsboro Mile
Hillsboro Beach, FL 33062

TOWN OF HILLSBORO BEACH

Phone: (954) 427-4011
www.townofhillsborobeach.com

Agenda Item Cover Memo

Agenda Item: Engagement Letter for Financial Auditing Services 2021, 2022, 2023
Submitting Dept.: Finance
Agenda Date: January 11, 2022

1. BACKGROUND/HISTORY

The Town is required to conduct an annual financial audit each year by a qualified public accounting firm under rules of the State Auditor General and in accordance with Florida Statutes.

On October 5, 2021, the Commission decided to publicly solicit responses from qualified accounting firms to provide annual financial auditing services for the Town of Hillsboro Beach. As a result, a request for proposals ("RFP") was prepared and an audit committee was established pursuant to Florida Statutes Section 218.391(3)(e).

On November 19, 2021, the Town held its RFP response opening and received a total of five (5) proposals as listed below.

- Berger, Tombs, Elam, Gaines & Frank
- Caballero, Fierman, Llerena & Garcia, LLP
- Grau & Associates
- Keefe McCullough
- Marcum LLP

2. CURRENT ACTIVITY

The Audit Committee publicly met on December 17, 2021, to evaluate the proposals received and has recommended and ranked, in order of preference, the five (5) firms, in accordance with the Florida Statutes, Section 218.291 (3)(e).

- Rank 1 - Grau & Associates (highest)
- Rank 2 - Marcum LLP
- Rank 3 - Keefe McCullough
- Rank 4 - Caballero, Fierman, Llerena & Garcia, LLP
- Rank 5 - Berger, Tombs, Elam, Gaines & Frank

In accordance with Florida Statutes Section 218.391(4)(b), since compensation is one of the factors established in the RFP and used in the evaluation of proposals, “the governing body shall select the highest-ranked qualified firm or must document in its public records the reason for not selecting the highest-ranked qualified firm.”

The Florida Auditor General Audit Selection Guidelines state that if an entity chooses to select a firm other than the Audit Committee’s highest recommended firm “it would be reasonable to assume that justification is necessary and should be documented for the selection of any firm over a higher ranked firm.”

3. FINANCIAL IMPACT

Pricing was one of the factors utilized in the Audit Committee’s evaluation of the proposals, but carried a weight of only 30% in the scoring, with qualifications (40%) and project approach (30%) comprising the entire selection criteria. Below is a summary of the firm’s proposed pricing. The total amount includes the cost for the base services as well as the cost to complete the compliance requirements expected in Year 2 & 3.

Proposing Firm	FY 2021	FY 2022	FY 2023	Total
Grau & Associates	\$25,000	\$29,500	\$30,000	\$84,500
Marcum LLP	\$22,995	\$30,350	\$31,300	\$84,645
Berger, Tombs, Elam Gaines & Frank	\$29,500	\$29,500	\$29,500	\$88,500
Keefe McCullough	\$29,000	\$32,000	\$32,500	\$93,500
Caballero Fierman Llerena & Garcia, LLP	\$32,500	\$37,500	\$37,500	\$107,500

4. RECOMMENDATION

The Audit Committee recommends awarding the proposal to the highest ranked firm of Grau & Associates. The audit engagement will provide for an initial three (3) year contract with the option of two (2) one-year renewals subject to approval by the Town Commission.

Attachments:

- 1) Selection and Evaluation Committee (SEC) Ranking Sheet

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WHEREAS, the Town Commission deems it to be in the best interests of the Town to approve the ranking as recommended by the Selection Committee and authorize the proper Town officials to accept the Proposal and Enter into an Agreement with Grau & Associates for Financial Auditing Services;

SECTION 1. The foregoing "WHEREAS" clause is true and correct and hereby ratified and confirmed by the Town Commission. All exhibits attached hereto are hereby incorporated herein.

SECTION 3. The appropriate Town officials are authorized and directed to execute the necessary documents to comply with this Resolution.

SECTION 5. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered eliminated and will in no way affect the validity of the other provisions of this Resolution.

SECTION 6. This Resolution shall become effective immediately upon its passage and adoption.

1 **ADOPTED** by the Town Commission of the Town of Hillsboro Beach, Florida this
2 _____ day of _____ 2022.
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6 TOWN OF HILLSBORO BEACH, FLORIDA
7

8 _____
9 Deborah L. Tarrant, Mayor
10

11 ATTEST:
12

13 _____
14 Sherry D. Henderson, CMC, Town Clerk



RFP NO. 2021-02

Professional External Auditing Services

Town of Hillsboro Beach, Florida

Bids due 11/19/2021 at 2:00 PM Eastern

BID	COMPANY NAME	ADDRESS	CITY, STATE ZIP COD	DATE	TIME	BASE BID
1	Grau & Associates Certified Public Accountants	951 Yamato Road, Suite 280	Boca Raton, FL 33431	11/17/2021	1:00 PM	FY 2021 - \$25,000 / \$4,000 compliance FY 2022 - \$25,500 / \$4,000 compliance FY 2023 - \$26,000 / \$4,000 compliance
2	Caballero Fierman Llernea & Garcia, LLC	8950 SW 74th Ct Suite 1210	Miami, FL 33156	11/18/2021	12:57 PM	FY 2021 - \$32,500 / \$5,000 compliance FY 2022 - \$32,500 / \$5,000 compliance FY 2023 - \$32,500 / \$5,000 compliance
3	Keefe McCullough CPA's + Trusted Advisors	6550 N. Federal Highway, 4th Floor	Fort Lauderdale, FL 33308	11/18/2021	3:47 PM	FY 2021 - \$29,000 / \$5,000 compliance FY 2022 - \$29,500 / \$5,000 compliance FY 2023 - \$30,000 / \$5,000 compliance
4	Berger Toombs Elam Gaines & Frank	600 Citrus Ave. Suite 200	Fort Pierce, FL 34950	11/19/2021	10:34 AM	FY 2021 - \$29,500 /consult for add'l svcs FY 2022 - \$29,500 /consult for add'l svcs FY 2023 - \$29,500 /consult for add'l svcs
5	Marcum Accountants & Advisors	450 East Las Olas Boulevard, 9th Floor	Fort Lauderdale, FL 33301	11/19/2021	10:55 AM	FY 2021-\$22,995.00 / \$6500 or \$5500 compliance FY 2022 -\$23,850.00/ \$6500 or \$5500 compliance FY 2023 - \$24,800.00 /\$6500 or \$5500 compliance

CERTIFIED by the Town Clerk, Sherry D. Henderson, CMC

Total of (5) five sealed bids received for RFP No. 2021-02



**TOWN OF HILLSBORO BEACH
SELECTION AND EVALUATION COMMITTEE (SEC)
RANKING SHEET**



REQUEST FOR PROPOSAL #: 2021-02

TITLE: Professional External Auditing Services

Ranking of Companies:

Company 1: Grau

Company 2: Marcum

Company 3: McCullough

Company 4: Caballero

Company 5: Berger

As a member of the Selection and Evaluation Committee I agree with the following ranking and recommend the Commission award based on the ranking of the firms as indicted below.

Steve Kadishy
Committee Member Signature

12/17/2021
Date

Priscilla Lenz
Committee Member Signature

12/17/2021
Date

Paula Dennis
Committee Member Signature

12/17/2021
Date

TOWN OF HILLSBORO BEACH
RFP Reference Sheet
RFP # 2021-02 - PROFESSIONAL EXTERNAL AUDIT SERVICES

Grau	Town of South Palm Beach
1. Was there audit staff turnover year to year for critical roles (i.e. Audit Senior/Supervisor, Manager)? If so, how did this impact the quality of the audit or the time required from staff?	No turn over- same staff
2. Did the auditor meet your filing deadlines?	Yes
3. How well did they work with your staff? With management? How did they handle differences/disagreements with regards to findings?	Findings - minor issues - no citations, met and talked through any issues
4. Were you satisfied with the level of service that you received?	Yes
5. Did they possess the knowledge of accounting and auditing issues critical to your business? How did this impact the quality of the end product?	Yes, no single audit needed
Contact Person	Robert Kellogg

Marcum	City of Boca Raton
1. Was there audit staff turnover year to year for critical roles (i.e. Audit Senior/Supervisor, Manager)? If so, how did this impact the quality of the audit or the time required from staff?	No turnover, no effect
3. How well did they work with your staff? With management? How did they handle differences/disagreements with regards to findings?	Very well, and quick to respond
4. Were you satisfied with the level of service that you received?	Yes
5. Did they possess the knowledge of accounting and auditing issues critical to your business? How did this impact the quality of the end product?	Yes
Contact Person	Cjenkins

Village of Key Biscayne
No – the Supervisor and the Partner had remained the same year to year. Only turnover is with low level staff which has minimal impact on the quality of the audit.
Communicated well with staff and management however I did not like the handling of the findings as they should have been verbal recommendations rather than findings.
Yes
Yes, very knowledgeable CPA's that deliver a top quality product.
Benjamin Nussbaum

TOWN OF HILLSBORO BEACH
RFP Reference Sheet
RFP # 2021-02 - PROFESSIONAL EXTERNAL AUDIT SERVICES

Berger	Terracina CDD	The Reserve CDD	Port of the Islands CDD
1. Was there audit staff turnover year to year for critical roles (i.e. Audit Senior/Supervisor, Manager)? If so, how did this impact the quality of the audit or the time required from staff?	Not before the pandemic, last year but did not effect the quality but effected time.	As a general statement, they were short on staff.	No
2. Did the auditor meet your filing deadlines?	Not all the time, they were a few weeks late	No, but no fault to the auditor, records requested were not provided timely.	Yes
3. How well did they work with your staff? With management? How did they handle differences/disagreements with regards to findings?	Great to work with / no findings	Yes 20+ years	No problems
4. Were you satisfied with the level of service that you received?	Great to work with	Yes	great wo work with use them for all their districts.
5. Did they possess the knowledge of accounting and auditing issues critical to your business? How did this impact the quality of the end product?	No	Yes	No
Conact Person	Jeff Walker	Darren Mossing	Cal Teague

Keefe	City of Margate	City of Coconut Creek	Town of Davie
1. Was there audit staff turnover year to year for critical roles (i.e. Audit Senior/Supervisor, Manager)? If so, how did this impact the quality of the audit or the time required from staff?	same partner several years	No has been the same	No had for 8 years. Highly recommend
2. Did the auditor meet your filing deadlines?	yes ahead	Yes	Yes
3. How well did they work with your staff? With management? How did they handle differences/disagreements with regards to findings?	very well - never had a finding	Very good discuss finding or difference and come to compromise	Yes work well, hash it hout - no findings
4. Were you satisfied with the level of service that you received?		Yes	Yes
5. Did they possess the knowledge of accounting and auditing issues critical to your business? How did this impact the quality of the end product?	yes excellent resource	Yes very knowledgeable	Yes very knowledgeable
Conact Person	Mary - Finance Director	Karen	Bill Ackerman

Caballero	Miami Shores Village	City of South Miami
1. Was there audit staff turnover year to year for critical roles (i.e. Audit Senior/Supervisor, Manager)? If so, how did this impact the quality of the audit or the time required from staff?	always someone different. No have to switch every 3 years	No same people year to year
2. Did the auditor meet your filing deadlines?	yes	Yes
3. How well did they work with your staff? With management? How did they handle differences/disagreements with regards to findings?	very easy to work with. No findings. Help with OPEB	Very well no findings
4. Were you satisfied with the level of service that you received?	love them	Yes
5. Did they possess the knowledge of accounting and auditing issues critical to your business? How did this impact the quality of the end product?	definitely without a doubt	Yes
Conact Person	Holly	

TOWN OF HILLSBORO BEACH

RFP Pricing Summary

RFP # 2021-02 - PROFESSIONAL EXTERNAL AUDIT SERVICES

Pricing - Base Services

Item

Proposing Firm	FY 2021	FY 2022	FY 2023	Total
Marcum LLP	\$22,995	\$23,850	\$24,800	\$71,645
Grau & Associates	\$25,000	\$25,500	\$26,000	\$76,500
Berger, Tombs, Elam Gaines & Frank	\$29,500	\$29,500	\$29,500	\$88,500
Keefe McCullough	\$29,000	\$29,500	\$30,000	\$88,500
Caballero Fierman Llerena & Garcia, LLP	\$32,500	\$32,500	\$32,500	\$97,500

Pricing - Compliance

Proposing Firm	FY 2021	FY 2022	FY 2023	Total
Grau & Associates	\$4,000	\$4,000	\$4,000	\$12,000
Berger, Tombs, Elam Gaines & Frank	*	*	*	*
Caballero Fierman Llerena & Garcia, LLP	\$5,000	\$5,000	\$5,000	\$15,000
Keefe McCullough	\$2,500	\$2,500	\$2,500	\$7,500
Marcum LLP	\$6,500	\$6,500	\$6,500	\$19,500

* Included in Base Pricing

Anticipated Cost

Proposing Firm	FY 2021	FY 2022	FY 2023	Total
Grau & Associates	\$25,000	\$29,500	\$30,000	\$84,500
Marcum LLP	\$22,995	\$30,350	\$31,300	\$84,645
Berger, Tombs, Elam Gaines & Frank	\$29,500	\$29,500	\$29,500	\$88,500
Keefe McCullough	\$29,000	\$32,000	\$32,500	\$93,500
Caballero Fierman Llerena & Garcia, LLP	\$32,500	\$37,500	\$37,500	\$107,500

TOWN OF HILLSBORO BEACH
SELECTION AND EVALUATION COMMITTEE (SEC)
CONFLICT OF INTEREST STATEMENT



REQUEST FOR PROPOSAL #: 2021-02
TITLE: Professional External Audit Services

You have been selected to participate in the evaluation of responses received as the result of the competitive solicitation referenced above. Your selection was based upon your qualifications and knowledge in this area and your ability to develop an objective/subjective analysis of each response. You are required to report to the Town any actual or potential conflict of interest.

It is essential that the integrity of the evaluation process be maintained to insure that each proposal is given fair and equal consideration. The written/electronic responses to the solicitation and any subsequent respective clarifications and/or negotiations must stand-alone. As an evaluation committee member or as a Subject Matter Expert (SME), you must be objective and guard against any tendency to favor a particular manufacturer, firm or individual.

It is important that you understand the importance of following the Florida Sunshine law, which is in effect during the evaluation process and proceedings of the SEC meetings. Once the evaluation process has started, it is essential that any contact with the offeror's be through the Town Manager or Town Clerk. Additionally, you are not to communicate any information about this solicitation process, except during formal SEC meetings, with any vendor or potential vendor prior to award by the Town of Hillsboro Beach, nor shall you discuss proposal evaluations with anyone other than the Town Manager or Town Clerk. Any conversations with fellow SEC members during the time of silence should only be during publicly posted meetings. The Florida Sunshine law is in effect until the Town of Hillsboro Beach has awarded the contract. Vendors have been directed in the solicitation documents to make all contact with the Town Clerk during the solicitation and evaluation process.

To emphasize the importance of the above characteristics, you are asked to sign the following statement:

I have read and understand the above and agree to be bound by the State of Florida Sunshine law, rules and principles represented. I know of no conflict of interest on my part nor have I committed any indiscretion nor accepted any gratuities or favors that would compromise my impartiality. My recommendations shall be based upon an objective/subjective review of the offeror's response and the appropriate award criteria from the solicitation in accordance with the Town of Hillsboro Beach's code, policies and procedures.

Priscilla Lenzen
Committee Member Signature

12/17/2021
Date

PRISCILLA LENZEN
Printed Member Name

COMMENTS: _____

TOWN OF HILLSBORO BEACH
SELECTION AND EVALUATION COMMITTEE (SEC)
CONFLICT OF INTEREST STATEMENT



REQUEST FOR PROPOSAL #: 302102
TITLE: Account Payable Manager - INSRAMARK

You have been selected to participate in the evaluation of responses received as the result of the competitive solicitation referenced above. Your selection was based upon your qualifications and knowledge in this area and your ability to develop an objective/subjective analysis of each response. You are required to report to the Town any actual or potential conflict of interest.

It is essential that the integrity of the evaluation process be maintained to insure that each proposal is given fair and equal consideration. The written/electronic responses to the solicitation and any subsequent respective clarifications and/or negotiations must stand-alone. As an evaluation committee member or as a Subject Matter Expert (SME), you must be objective and guard against any tendency to favor a particular manufacturer, firm or individual.

It is important that you understand the importance of following the Florida Sunshine law, which is in effect during the evaluation process and proceedings of the SEC meetings. Once the evaluation process has started, it is essential that any contact with the offeror's be through the Town Manager or Town Clerk. Additionally, you are not to communicate any information about this solicitation process, except during formal SEC meetings, with any vendor or potential vendor prior to award by the Town of Hillsboro Beach, nor shall you discuss proposal evaluations with anyone other than the Town Manager or Town Clerk. Any conversations with fellow SEC members during the time of silence should only be during publicly posted meetings. The Florida Sunshine law is in effect until the Town of Hillsboro Beach has awarded the contract. Vendors have been directed in the solicitation documents to make all contact with the Town Clerk during the solicitation and evaluation process.

To emphasize the importance of the above characteristics, you are asked to sign the following statement:

I have read and understand the above and agree to be bound by the State of Florida Sunshine law, rules and principles represented. I know of no conflict of interest on my part nor have I committed any indiscretion nor accepted any gratuities or favors that would compromise my impartiality. My recommendations shall be based upon an objective/subjective review of the offeror's response and the appropriate award criteria from the solicitation in accordance with the Town of Hillsboro Beach's code, policies and procedures.

Paula Davis
Committee Member Signature

12/17/21
Date

Paula Davis
Printed Member Name

COMMENTS: _____

TOWN OF HILLSBORO BEACH
SELECTION AND EVALUATION COMMITTEE (SEC)
CONFLICT OF INTEREST STATEMENT



REQUEST FOR PROPOSAL #: 2021-02
TITLE: Professional External Audit Services

You have been selected to participate in the evaluation of responses received as the result of the competitive solicitation referenced above. Your selection was based upon your qualifications and knowledge in this area and your ability to develop an objective/subjective analysis of each response. You are required to report to the Town any actual or potential conflict of interest.

It is essential that the integrity of the evaluation process be maintained to insure that each proposal is given fair and equal consideration. The written/electronic responses to the solicitation and any subsequent respective clarifications and/or negotiations must stand-alone. As an evaluation committee member or as a Subject Matter Expert (SME), you must be objective and guard against any tendency to favor a particular manufacturer, firm or individual.

It is important that you understand the importance of following the Florida Sunshine law, which is in effect during the evaluation process and proceedings of the SEC meetings. Once the evaluation process has started, it is essential that any contact with the offeror's be through the Town Manager or Town Clerk. Additionally, you are not to communicate any information about this solicitation process, except during formal SEC meetings, with any vendor or potential vendor prior to award by the Town of Hillsboro Beach, nor shall you discuss proposal evaluations with anyone other than the Town Manager or Town Clerk. Any conversations with fellow SEC members during the time of silence should only be during publicly posted meetings. The Florida Sunshine law is in effect until the Town of Hillsboro Beach has awarded the contract. Vendors have been directed in the solicitation documents to make all contact with the Town Clerk during the solicitation and evaluation process.

To emphasize the importance of the above characteristics, you are asked to sign the following statement:

I have read and understand the above and agree to be bound by the State of Florida Sunshine law, rules and principles represented. I know of no conflict of interest on my part nor have I committed any indiscretion nor accepted any gratuities or favors that would compromise my impartiality. My recommendations shall be based upon an objective/subjective review of the offeror's response and the appropriate award criteria from the solicitation in accordance with the Town of Hillsboro Beach's code, policies and procedures.

Irene Korday, VM
Committee Member Signature

12/17/21
Date

Irene Korday
Printed Member Name

COMMENTS: —



TOWN OF HILLSBORO BEACH

RFP: 2021-01 Professional External Audit Services
Evaluation Selection Committee Meeting

December 17, 2021 | 2:00 PM

SIGN-IN SHEET

RFP: 2021-02
Professional Audit Svcs.

<u>Print Name</u>	Company Name	Phone #	Email Address
1. Jessica Raderstorf	Keefe McCullough	954-771-0896	Jessica.Raderstorf@ kmccpa.com
2. Andrew Fiermen	Caballero Fiermen Urena & Garcia, LLP	786-390-5831	afiermen@cflscps.com
3.			
4.			
5.			

Under Florida law, this sign-in sheet is a public records. If you do not want your information released in response to a public records request, do not sign-in.



TOWN OF HILLSBORO BEACH

1210 Hillsboro Mile
Hillsboro Beach, FL 33062

Phone: (954) 427-4011
www.townofhillsborobeach.com

Agenda Item Cover Memo

Agenda Item: A. GCDE Invoice#38761 Services Dec 2021 \$5,169.80 (General Matters)
B. GCDE Invoice# 38762 Services Dec 2021 \$3,262.50 (Development)
C. GCDE Invoice# 38763 Services Dec 2021 \$157.50 (Writ of Garnishment)
D. LSF Shuttle Invoice# 21-1231-26 Service Dec 2021 \$6,551.86
E. CG&A Invoice# 91656 Service Dec 2021 \$32,292.48
F. RMA Invoice# 4649 Service Nov 2021 \$6,325.00

Submitting Dept: Finance, Zoilyn Yamin , Office Assistant

Agenda Date: January 11, 2022

1. BACKGROUND/HISTORY

2. CURRENT ACTIVITY

2. FINANCIAL IMPACT

3. RECOMMENDATION

ATTACHMENTS:

1. GCDE Invoice 38761 (\$5,169.80)
2. GCDE Invoice #38763 (\$157.50)
3. GCDE Invoice 38762 \$3,262.50
4. LSF Shuttle Invoice #21-1231-26
5. CG&A Invoice #91656 \$32,292.48
6. RMA Invoice #4649 \$6,325

GOREN, CHEROF, DOODY & EZROL, P.A.
Attorneys at Law
3099 East Commercial Boulevard
Suite 200
Fort Lauderdale, Florida 33308
Telephone (954) 771-4500

TOWN OF HILLSBORO BEACH
1210 Hillsboro Mile
Hillsboro Beach FL 33062

Attn: Mac Serda, Town Manager

Page: 1
12/30/2021
ACCOUNT NO: 1182-0606490
STATEMENT NO: 38761

General Matters

			HOURS	
11/30/2021	SMS	Research and revisions to Memorandum on Voting Conflict.	0.80	
	DJD	Telephone conference call with Aaron Horowitz, Esq.; review e-mails; review summaries from Jim Hickey.	1.50	
12/01/2021	SMS	Research and draft memorandum related to Service Dogs vs. Emotional Support Dogs related to ADA and Florida law.	2.20	
	DJD	Prepare for Town Commission meeting; address conflict issue; research Emotional Support Animals on beach.	1.80	
12/03/2021	DJD	Prepare for Commission meeting; address issues associated with emotional support dogs on the beach.	1.80	
12/05/2021	DJD	Review emails.	0.40	
12/06/2021	DJD	Review agenda; Telephone conference with City Officials, review emails; Prepare for Commission Meeting.	2.80	
	SMS	Research on opportunity to be heard and submittal of documentation at public comments.	1.20	
12/07/2021	DJD	Prepare for and attend Town Commission meeting.	7.40	
12/09/2021	DJD	Finalize Development Order; review email.	0.50	
12/11/2021	DJD	Review email from Joe Arenal.	0.40	
12/14/2021	DJD	Telephone conference with Joe Arenal re: site plan.	0.30	
12/16/2021	DJD	Review emails; Telephone conference with Town Manager, Mac Serda.	0.40	
12/17/2021	DJD	Telephone conference with Town Manager, Mac Serda.	0.20	
12/20/2021	DJD	Address Opioid Settlement Procedure.	0.20	
12/29/2021	DJD	Initial review of suggested revisions and Parkland Ordinance.	0.80	
		FOR CURRENT SERVICES RENDERED	22.70	5,107.50

RECAPITULATION			
TIMEKEEPER	HOURS	HOURLY RATE	TOTAL
D.J. DOODY	18.50	\$225.00	\$4,162.50
SEAN M. SWARTZ	4.20	225.00	945.00

TOWN OF HILLSBORO BEACH

General Matters

Page: 2
12/30/2021
ACCOUNT NO: 1182-0606490
STATEMENT NO: 38761

Photocopies	<u>62.30</u>
TOTAL EXPENSES THRU 12/29/2021	<u>62.30</u>
TOTAL CURRENT WORK	5,169.80
BALANCE DUE	<u>\$5,169.80</u>

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE



GOREN, CHEROF, DOODY & EZROL, P.A.
Attorneys at Law
3099 East Commercial Boulevard
Suite 200
Fort Lauderdale, Florida 33308
Telephone (954) 771-4500

TOWN OF HILLSBORO BEACH
1210 Hillsboro Mile
Hillsboro Beach FL 33062

Page: 1
12/30/2021
ACCOUNT NO: 1182-1200994
STATEMENT NO: 38763

Writ of Garnishment -

			HOURS	
12/10/2021	SMS	Discussion and review related to necessary amounts to be deducted and correspondences.	0.40	
12/13/2021	SMS	Correspondences related to payment confirmation and garnishment.	0.30	
		FOR CURRENT SERVICES RENDERED	0.70	157.50

RECAPITULATION

TIMEKEEPER	HOURS	HOURLY RATE	TOTAL
SEAN M. SWARTZ	0.70	\$225.00	\$157.50
TOTAL CURRENT WORK			157.50
BALANCE DUE			\$157.50

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE

GOREN, CHEROF, DOODY & EZROL, P.A.
Attorneys at Law
3099 East Commercial Boulevard
Suite 200
Fort Lauderdale, Florida 33308
Telephone (954) 771-4500

TOWN OF HILLSBORO BEACH
1210 Hillsboro Mile
Hillsboro Beach FL 33062

Attn: Mac Serda, Town Manager

Page: 1
12/30/2021
ACCOUNT NO: 1182-1200993
STATEMENT NO: 38762

Development

			HOURS	
12/01/2021	DJD	Review memos from James Hickey; review DRC comments; Telephone conference with Town Manager and Town Planner.	1.30	
12/02/2021	DJD	Telephone conference with Town Commission members; Review staff reports; Telephone conference with Debbie Orshefsky.	2.40	
12/03/2021	DJD	Telephone conference with Debbie Orshefsky, Esq. ; Telephone conference with Mayor Tarrant; Telephone conference with Commissioner Baldasarre.	3.20	
12/06/2021	DJD	Telephone conference with Debbie Orshefsky; prepare for Town Commission meeting.	2.50	
12/08/2021	DJD	Participate in conference call.	0.90	
12/22/2021	DJD	Telephone conference with Jim Hickey and Mac Serda; Review code; Review emails; Telephone conference with Debbie Orshefsky; Telephone conference with Jim Hickey.	2.40	
12/23/2021	DJD	Review of emails from Debbie Orshefsky; Review Ads; Address variances.	1.50	
12/28/2021	DJD	Review emails.	0.30	
		FOR CURRENT SERVICES RENDERED	14.50	3,262.50

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
D.J. DOODY	14.50	\$225.00	\$3,262.50

TOTAL CURRENT WORK 3,262.50

BALANCE DUE \$3,262.50

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE



Invoice Date: 12/31/2021
Date Invoice Submitted: 1/4/2022
Invoice #: 21-1231-26
Account: 32-TOWNH

TO: TOWN OF HILLSBORO BEACH
1210 Hillsboro Mile
Hillsboro Beach, FL 33062

inframark@avidbill.com

INVOICE

Transportation Services Provided
For the month of
Dec-21

SHUTTLE BUS	3 days a week 9:00am to 5:50pm (8.83/day)		
	123.62 Service Hrs. @ \$53.00/Hr.	\$	6,551.86
Mon - Wed - Fri	14 Svc Days @ 8.83 Svc Hrs/Day = 123.62 Svc Hrs. (see details)		

Total Amount due this Invoice	\$	6,551.86
-------------------------------	----	----------

For Billing Inquiries Please Call Thomas Rankine (954) 463-0845

Remittance Instructions:

Limousines of South Florida, Inc.
2000 N SR 7
Lauderdale Lakes, FL 33313

Thank you for the Opportunity to Service your Transportation Needs

Town of Hillsboro Ridership Summary

December-21

Daily Passengers:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		23		51	
42		48		46	
46		50		45	
46		46		42	
49		42		23	

Total Monthly Passengers:

0
599

Daily Revenue Miles:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		103.00		106.00	
106.00		106.00		100.00	
105.00		106.00		105.00	
106.00		106.00		106.00	
106.00		106.00		106.00	

Total Monthly Revenue Miles:

0.0
1473.0

Total Scheduled Revenue Miles

1523.7

Total Vehicle Hours

135.4

Total Revenue Hours

123.6

Service Days

14

Missed Service in Minutes

0

Passengers per revenue hour

4.8

Total Monthly Vehicle Miles: **

1,802.0

AM - 1st day this month

PM - Last day this month

Veh 2017

14,545

16,371

Alt Veh #



Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS™
1800 Eller Drive, Suite 600, Fort Lauderdale, Florida 33316
Phone: 954.921.7781 • Fax: 954.921.8807

TOWN OF HILLSBORO BEACH
1210 HILLSBORO MILE
HILLSBORO BEACH, FL 33062

Invoice number 91656
Date 12/31/2021

Project **179902 HILLSBORO BEACH BUILDING
CODE**

Billing period through December 31, 2021

CGA PM: Peter Deveaugh

emailto: Mac Serda (mserda@townofhillsborobeach.com)

cc: Stephen.Bloom@inframark.com
terri.lusk@inframark.com
ranathan@townofhillsborobeach.com
Sherry D. Henderson (shenderson@townofhillsborobeach.com)
Billing 85% of Permit Fees Collected

Invoice Summary

Description	Contract Amount	Percent Complete	Total Billed	Prior Billed	Remaining	Current Billed
BUILDING CODE SERVICES	0.00	0.00	1,309,064.80	1,276,772.32	-1,309,064.80	32,292.48
FLOOD PLAIN MANAGEMENT	0.00	0.00	562.50	562.50	-562.50	0.00
REIMBURSABLES	0.00	0.00	0.00	0.00	0.00	0.00
Total	0.00	0.00	1,309,627.30	1,277,334.82	-1,309,627.30	32,292.48

Permit Fees - \$ 37,785.27
Town Revenue- \$ 5,667.79
CGA Revenue - \$ 32,117.48
CGA Admin Fee- \$ 175.00
CGA Total- \$ 32,292.48

Description	Contract Amount	Percent Complete	Total Billed	Prior Billed	Remaining	Current Billed
BUILDING CODE SERVICES	0.00	0.00	1,309,064.80	1,276,772.32	-1,309,064.80	32,292.48
Total	0.00	0.00	1,309,064.80	1,276,772.32	-1,309,064.80	32,292.48

Invoice total 32,292.48



**Town of Hillsboro Beach
Building Department
Finance Report**

**Start Date: 12/1/2021
End Date: 12/31/2021**

	Permit Fees	Town Revenue	Fire Fees	Zoning Fees	Admin Fees	CGA Revenue	BORA	DBPR	DCA
MTD	\$37,785.27	\$5,667.79	\$300.00	\$750.00	\$175.00	\$32,117.48	\$646.00	\$498.17	\$348.72
YTD	\$183,355.53	\$27,503.33	\$1,350.00	\$2,100.00	\$575.00	155,852.20	\$3,187.00	\$2,456.74	\$1,710.78

Invoice Date:
January 5, 2022

Services from
11/01/21 thru 11/30/21

Invoice Number: 4649
1 of 6



REINVENTING YOUR CITY

Town of Hillsboro Beach
Attn: Mayor Deborah L. Tarrant
1210 Hillsboro Mile
Hillsboro Beach, FL 33062
Re: Services

General Planning

	Date and Description (date) (detail)	(hours)
general	11/9/2021 call from SFBE	0.25
general	11/15/2021 emails + code research - pool company	0.50
general	11/18/2021 coordinate with Mariana	0.25
general	11/19/2021 call from Realtor	0.25
900	11/15/2021 exchange emails with Van Kirk Pools	0.25
965	11/3/2021 email from attorney split lot I hals with owner on opposite side + call with attorney	0.50
965	11/3/2021 exchange emails with DJ + call with attorney	0.50
965	11/4/2021 email from attorney	0.25
1155	11/4/2021 email from Mac	0.25
1155	11/5/2021 coordinate with Mac	0.25
1155	11/5/2021 call Diane + email including code sections	0.50
1155	11/6/2021 attempt at site visit - road blocked (flooded)	1.00
	11/8/2021 email from Diane + email from Mac + call with Diane	0.50
1155	11/8/2021 email from Diane	0.25
1155	11/9/2021 pick up survey from condo	1.00
1155	11/9/2021 generate solution sketch - code research	1.25
1155	11/10/2021 email coordinate solution with Mac	0.25
1155	11/10/2021 FDOT approval needed	0.25
1155	11/12/2021 drop off survey	Flat Rate #5
1231	11/8/2021 calls with appraiser + email from appraiser	0.50
	11/10/2021 review email from appraiser lot size + research / response	0.50
1231	11/17/2021 email from Appraiser + email to DJ	0.25
1231	11/19/2021 email from Appraiser	0.25
1231	11/19/2021 email to DJ	0.25
1231	11/27/2021 code research - density	0.50
1231	11/27/2021 email from appraiser	0.25
turf ordinance	11/10/2021 emails + review + mark up	0.75
Total General Planning		11.50

Invoice Date:
January 5, 2022

Services from
11/01/21 thru 11/30/21

Invoice Number: 4649
2 of 6



REINVENTING YOUR CITY

Town of Hillsboro Beach
Attn: Mayor Deborah L. Tarrant
1210 Hillsboro Mile
Hillsboro Beach, FL 33062
Re: Services

Site Plan / Variance Rev.

	Date and Description (date)	(detail)	(hours)
925 east site plan	11/3/2021	call w/ Architect	0.25
	11/4/2021	email to Joan - status	0.25
	11/4/2021	email from architect	0.25
	11/4/2021	call w/ Joan	0.25
	11/14/2021	review plans	6.00
	11/16/2021	comments to Joan	0.75
	11/16/2021	email from Arch + review + response	0.75
	11/17/2021	email from Arch	0.25
	11/22/2021	calls w/ Joan	0.50
			9.25
925 east variance	11/15/2021	email variance application	0.25
	11/15/2021	call w/ Joan - variance	0.25
	11/16/2021	email from Joan	0.25
	11/18/2021	review emailed plans	1.00
	11/22/2021	owner notification + public notice	1.25
	11/30/2021	staff report + emails	1.50
	11/30/2021	coordinate w/ Architect + Sherry	0.25
			4.75
961 site plan	11/4/2021	James Cruz email - status	0.25
	11/10/2021	coordinate plan status w/ James Cruz	0.25
	11/10/2021	coordinate application w/ Sherry	0.25
	11/12/2021	email from James Cruz - response narrative	0.50
	11/12/2021	coordinate calls + emails with James Wentzel + call with design team	1.00
	11/12/2021	research mailing list	0.50
	11/12/2021	email from James Cruz revised Civil Plans + review	0.50
	11/14/2021	research surveys for adjacent properties - emailed to James Wentzel	1.00
	11/15/2021	call w/ James W	0.25
	11/15/2021	plan review	3.00

Invoice Date:
January 5, 2022

Services from
11/01/21 thru 11/30/21

Invoice Number: 4649
3 of 6



REINVENTING YOUR CITY

Town of Hillsboro Beach
Attn: Mayor Deborah L. Tarrant
1210 Hillsboro Mile
Hillsboro Beach, FL 33062
Re: Services

	11/15/2021	email comments to Bomar	0.25
	11/16/2021	review plan emailed by Architect	0.50
	11/19/2021	email from Architect - building height	0.50
	11/22/2021	review plan emailed by Architect	0.50
	11/22/2021	email from Landscape Architect	0.25
	11/22/2021	email from consultants + James Wentzel	0.25
	11/24/2021	email James Wentzel	0.25
	11/27/2021	review email plans from Landscape Arch + emails	1.00
	11/27/2021	call w/ Landscape Architect	0.25
			11.25
971 site plan	11/4/2021	email exchange w/ Architect + call - status	0.50
	11/8/2021	calls + email from Architect	0.50
	11/10/2021	coordinate w/ Sherry	0.25
	11/17/2021	call with Architect	0.25
			1.50
1009 site plan	11/1/2021	calls w/ Architect	0.25
	11/2/2021	email from Architect-review-code rsch-email	0.50
	11/5/2021	respond to Arch emailed questions + review attached plans + call	0.50
	11/10/2021	email DJ + code research	0.50
	11/11/2021	call w/ Architect - FDEP submittal	0.25
	11/11/2021	email from Architect	0.25
	11/12/2021	multiple emails from Architect	0.50
	11/12/2021	research mailing list	0.50
	11/12/2021	email architect + Sherry	0.25
	11/12/2021	call w/ Architect - Dev Application	0.50
	11/13/2021	email with Architect	0.25
	11/15/2021	follow up email on Dev App signature + Fee	0.25
	11/15/2021	emailed plans architect + review + response	0.50
	11/15/2021	email from Sherry + file Dev Application	0.25
	11/22/2021	owner notification + public notice	1.25
	11/28/2021	coordinate with Architect	0.25
	11/30/2021	staff report + emails	1.50
			8.25

Invoice Date:
January 5, 2022

Services from
11/01/21 thru 11/30/21

Invoice Number: 4649
4 of 6



REINVENTING YOUR CITY

Town of Hillsboro Beach
Attn: Mayor Deborah L. Tarrant
1210 Hillsboro Mile
Hillsboro Beach, FL 33062
Re: Services

Total Site Plan / Variance Review	Time - hrs.	35.00
-----------------------------------	-------------	-------

Permitting

Address	Date and Description (date) (detail)	(hours)
925	Permit # (286011) R1	
	11/4/2021 pick up file	Flat Rate #1
	11/5/2021 review	0.75
	11/8/2021 drop off	Flat Rate #3
		0.75
957	Permit # (122367)	
	11/22/2021 coordinate review	0.25
	11/24/2021 review	0.75
	11/25/2021 coordinate results	0.25
		1.25
957	Permit # (449373)	
	11/1/2021 call + email w/ Nikolas	0.50
	11/4/2021 email from Steve Mitchell	0.25
	11/4/2021 email Nikolas	0.25
	11/4/2021 email from Antonio Toro	0.25
	11/4/2021 pick up	Flat Rate #1
	11/5/2021 review	1.00
	11/8/2021 drop off	Flat Rate #3
	11/8/2021 call + email w/ Nikolas	0.25
	11/9/2021 call w/ Mariana	0.25
	11/12/2021 emails from Nikolas + review emailed plan	1.00
		3.75

Invoice Date:
January 5, 2022

Services from
11/01/21 thru 11/30/21

Invoice Number: 4649
5 of 6



REINVENTING YOUR CITY

Town of Hillsboro Beach
Attn: Mayor Deborah L. Tarrant
1210 Hillsboro Mile
Hillsboro Beach, FL 33062
Re: Services

985 Permit # (452256) SFR

11/1/2021 research, scan + email elevation certificate	0.25
11/12/2021 call from consultant	0.25
11/12/2021 call w/ Justice	0.25
11/15/2021 call + email Justice + review emailed plans	0.75
11/15/2021 call w/ Justice	0.25
11/16/2021 email to Steve - Zoning ok (except FDOT)	0.25
11/18/2021 call with Justice	0.25
	2.25

1015 Permit # (122363)

11/22/2021 coordinate review	0.25
11/24/2021 review	0.75
11/25/2021 coordinate results	0.25
	1.25

1085 Permit # (455121) generator

11/2/2021 Generator coordination file w/ Mariana	0.25
11/3/2021 call w/ applicant	0.25
11/10/2021 call w/ applicant	0.25
11/10/2021 email from applicant review - respond	0.75
11/11/2021 coordinate w/ Mariana	0.25
11/12/2021 review emailed plans	0.75
11/15/2021 call w/ applicant	0.25
	2.75

1131 Permit # (468522)

11/8/2021 pick up file	Flat Rate #3	
11/8/2021 inspection		1.25
11/9/2021 drop off	Flat Rate #4	
		1.25

Invoice Date:
January 5, 2022

Services from
11/01/21 thru 11/30/21

Invoice Number: 4649
6 of 6



REINVENTING YOUR CITY

Town of Hillsboro Beach
Attn: Mayor Deborah L. Tarrant
1210 Hillsboro Mile
Hillsboro Beach, FL 33062
Re: Services

1200 Permit # (285863)

11/5/2021 pick up file	Flat Rate #2	
11/5/2021 review file		0.50
11/8/2021 inspection		1.25
11/9/2021 drop off	Flat Rate #4	
11/10/2021 email + call Tim Rowe		0.50
		2.25

General Planning Hours	11.50
Site Plan / Variance Review Hours	35.00
Permitting Hours	15.50
Sub-total Hourly Services	62.00

Total Hours	62.00
Hourly Rate	100.00
Amount Due	6200.00

5 drop off/pick up at \$25 each	125.00
Total Amount Due	\$ 6,325.00



Hillsboro Beach Police Monthly Report

To: Town Manager, Mac Serda
 From: Police Chief, Jay Szesnat
 Subject: November 2021 Monthly Report

Patrol Snapshot:

Activity	Current Month	October 2021	November 2020
Contacts			
Motor Vehicle	70	56	73
Crosswalk	35	37	29
Marine Unit	95	107	103
Beach Unit	1	10	50
Cyclists	74	95	82
Arrests	2	0	3
Service			
Alarms	7	10	23
Assist other Agency	6	7	5
Dogs on Beach/Animal	4	7	3
Vessel	2	11	1
Noise	2	3	1
Open Doors	3	4	3
Police Assists	85	84	46
Domestic/Disturbances	0	1	0
Sick/Injured	16	10	8
Crash	2	0	2
Trespassing	8	17	55
Security Checks	6762	5456	6281
Total Calls	224	261	171

Personnel – News:

The selection process having been completed for the Communications Resource Supervisor position. On November 15th we held a promotion ceremony for our new Communications Resource Supervisor... Congratulations to CRS Brittney Jarboe! Family, Co-workers, Town Staff, and several of our Elected Officials attended the ceremony. We celebrated outdoors on a most beautiful day, with a cookout and a significant showing of support for our new supervisor. Best of luck Brittney!

Investigations Snapshot:

November 2021 (new)	Actively Working	Inactivated/Cleared
	Fraud (#200811)	
	Death Investigation (#211267)	
	Information/Stalking (#212196)	
	Stolen Vehicle (#202724)	
	Burglary Conveyence (#212318)	
	Criminal Mischief (#212431)	
	Grand Theft (#212286)	

November Notable Events:

On November 13th our HBPD Officers responded to an emergency medical call at the U.S. Coast Guard cottages regarding a young women who recently had brain surgery and was bleeding from her nose and mouth. Our prompt response, facilitation of BSO Fire Rescue's ingress/egress, contributed to the expedited transportation and advanced treatment for this patient.

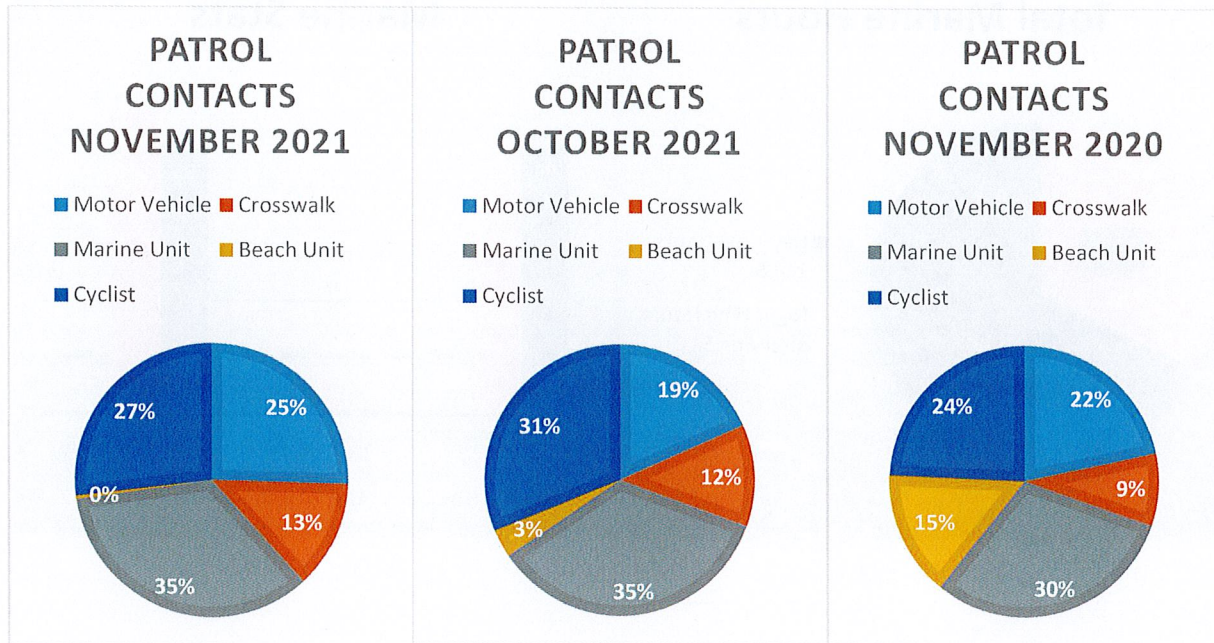
On November 14th HBPD Officers on patrol observed a suspicious unattended vehicle in the 1000 block of Hillsboro Mile. Upon further investigation, officers located a suspect concealing himself aboard one of the vessels docked along the ICW. The suspect was apprehended and charged with criminal trespassing as there was no evidence of a theft or attempted break-in. His early detection and the prompt arrest may have prevented a more situation from developing.

On November 22nd our HBPD Command Staff were invited to attend an annual HOA meeting at one of our condominiums. We provided updates on the new bicycle laws for substandard lanes, information on the increased amount of scams and fraudulent crime, and tips to increase safety during the holiday season.

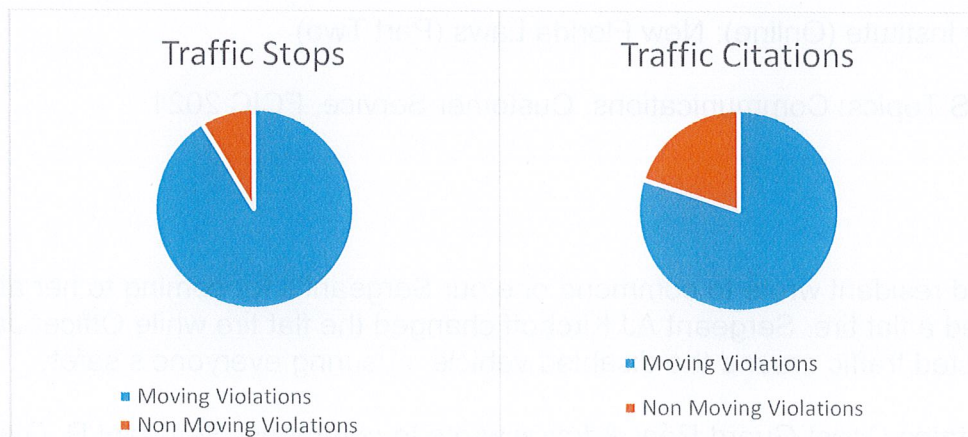
On November 22nd our HBPD Officers responded to assist the Broward Sheriff's Office Deputies responding to a stabbing report behind the Embassy Suites. Upon arrival, we located several parties entering and attempting to conceal themselves on the beach in our jurisdiction. The subjects were promptly detained and turned over to the Broward Sheriff's Deputies investigating the incident.

Patrol Services:

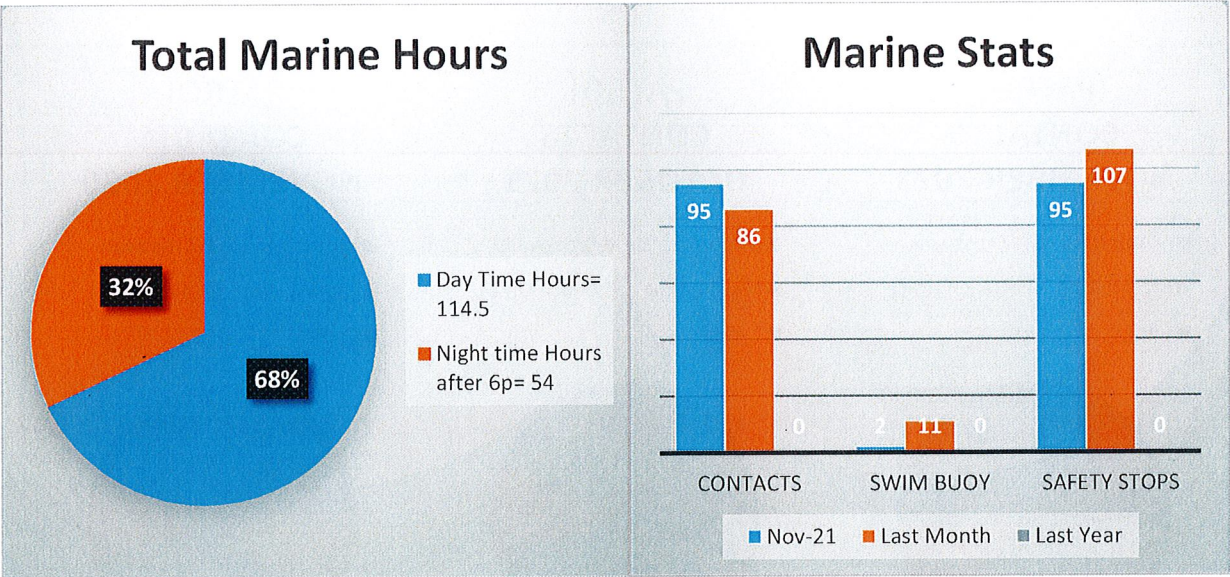
Contacts:



Traffic:



Marine/Beach Patrol:



Training:

Police Law Institute (Online): New Florida Laws (Part Two)

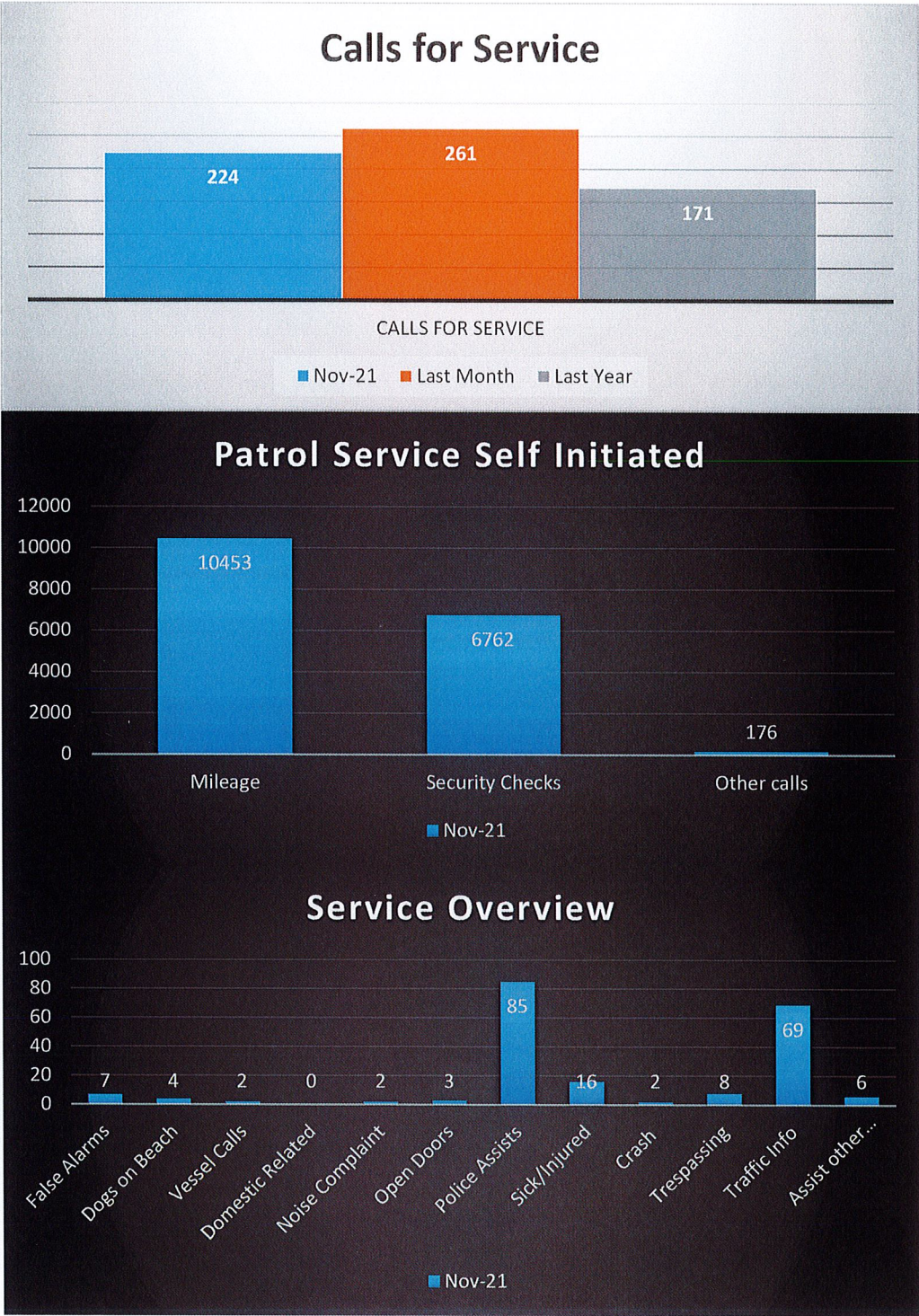
Power DMS Topics: Communications, Customer Service, FCIC 2021

Letters:

A seasoned resident wrote to commend one our Sergeant's for coming to her aid when she suffered a flat tire. Sergeant AJ Kirchoff changed the flat tire while Officer James Nolan directed traffic around the disabled vehicle, ensuring everyone's safety.

A United States Coast Guard Rear Admiral wrote to commend; Sergeant R. Gianino, Officer S. Kelly, and Detective A. Pope for their roles in expediting the BSO Fire Rescue response, transportation, and ultimately the specialized medical treatment his daughter received during her critical medical emergency.

Overall Calls for Service:



2021 Vehicle Mileage PD

Unit	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TM
160	4,572	4,015	3,663	3,912	4,478	2,420	3,310	3,300	3,676	4,041	4,464		41,851
161	3,508	3,577	3,864	1,918	2,781	3,989	3,598	4,348	3,977	5,074	4,363		40,997
162	86	18	77	36	64	20	15	26	14	0	0		356
2163	1,754	1,459	1,786	2,935	2,772	2,956	2,890	2,492	2,150	1,732	1,626		24,552
164	668	381	1,484	1,277	1,262	1,257	1,248	432	1,383	1,033	1,246		11,671
166	1,173	1,361	1,197	317	1,134	743	1,643	1,312	1,098	1,232	1,176		12,386
TOTAL	11,761	10,811	12,071	10,395	12,491	11,385	12,704	11,910	12,298	13112	12875		131,813
GALLONS	900	862	924	1,025	1,060	990	1,009	1039	1121.6	1101.9	1017.3		11,051

Specialty Vehicles PD

Marine 1	121.5	92	53	141	123	129	161	150	143	147.17	137		1397.67
ATV	15	30.6	28.9	21	4	18.6	25.4	12	12.3	7.9	1		176.7

Water Department

170	64	144	149	102	82	177	148	56	340	123	53		1,438
172	341	316	299	376	509	499	567	295	302	419	364		4,287
173	113	181	260	297	24	138	93	101	320	15	116		1,658
174	483	570	442	630	482	503	543	520	408	618	573		5,772
TOTAL	1,001	1,211	1,150	1,405	1,097	1,317	1,351	972	143	1,175	1,106		13,155
GALLONS	47.4	144.8	68.9	166	146	73	145	87.2	139.4	207	113.8		1,339

Vehicle/Mileage Recap NOVEMBER 2021

Unit	Type	Primary Use	EOM	BOM	CMM	PMM	INC/DEC
160	SUV	Road Patrol	69,613	65,149	4,464	4,041	423
161	SUV	Road Patrol	67,250	62,887	4,363	5,074	-711
162	Crown Vic.	Training/Decoy	125,144	125,144	0	0	0
2163	SUV	Road Patrol	24,921	23,295	1,626	1,732	-106
164	Charger	Chief	86,279	85,033	1,246	1,033	213
166	Charger	Admin	192,064	190,888	1,176	1,232	-56
		Police		TOTALS	12,875	13,112	-237
170	Pickup Truck	Maintenance	95,807	95,754	53	123	-70
172	Pickup Truck	Water Dept	59,174	58,810	364	419	-55
173	Pickup Truck	Water Dept	6,159	6,043	116	15	101
174	Pickup Truck	Water Dept	10,985	10,412	573	618	-45
		Water Dept		Totals	1,106	1,175	-69
		EOMH		BOMH	CMH	PMH	INC/DEC
M1	Boat (new engine)	Patrol	1170.46	1033.6	137	147	-10
165	ATV	Patrol	350	349	1	7.9	-6.9

Key

EOM= End of Month

BOM= Beginning of Month

CMM= Current Month Mileage

PMM= Previous Month Mileage

INC/DEC= Increase/Decrease

EOMH= End of Month Hours

BOMH= Beginning of Month Hours

CMH= Current Month Hours

PMH= Previous Month Hours

2021 Gas Usage Police Department

Employee	Department	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total Gallons
1-Szesnat	Police	50.6	34.2	49.8	50.8	68.4	42.5	33.3	42.2	50.6	83.1	0.0		505.5
2-O'Neill	Police	0.0	0.0	0.0	15.1	0.0	32.3	0.0	0.0	15.9	0.0	58.8		122.1
3-Pugliese	Police	63.5	77.4	53.2	15.9	48.3	32.2	83.5	51.8	59.3	34.1	51.3		570.5
4-Mastandrea	Police	116.9	8.0	52.0	18.0	28.2	0.0	50.1	0.0	13.9	0.0	0.0		287.1
5-Clark	Police	71.4	88.8	103.8	87.0	112.0	115.8	67.3	49.8	100.4	105.1	122.9		1024.3
6-Gianino	Police	48.8	7.4	17.5	105.0	55.0	75.0	69.8	79.7	87.4	106.7	31.4		683.7
7-Kirchoff	Police	0.0	69.5	91.2	107.5	113.4	16.1	68.9	0.0	0.0	55.0	0.0		521.6
8-McGrath	Police	98.5	98.1	89.8	78.5	133.6	95.0	67.9	149.8	117.3	98.8	133.9		1161.2
9-Kelly	Police	0.0	5.9	0.0	29.5	5.4	0.0	12.9	8.2	43.2	9.5	23.9		138.5
10-Steel	Police	97.2	4.2	5.2	0.0	0.0	13.9	18.0	17.0	34.0	0.0	0.0		189.5
11-Nolan	Police	25.8	67.8	79.4	99.8	95.4	97.9	104.0	95.5	33.1	31.6	0.0		730.3
12-Pope	Police	0.0	24.0	10.4	0.0	0.0	2.3	22.6	9.3	21.1	107.4	84.4		281.5
13-Stengel	Police	0.0	5.3	11.0	7.4	0.0	0.0	6.0	3.9	3.3	0.0	0.0		36.9
14-Torres	Police	0.0	32.8	29.1	60.6	0.0	53.1	75.4	59.5	18.0	35.1	39.0		402.6
16-MacLellan	Police	202.7	181.7	146.2	176.1	221.3	250.8	232.7	177.6	347.5	113.2	282.8		2332.6
18-Beauparlant	Police	124.3	135.5	172.0	154.0	179.2	117.9	96.8	118.9	92.6	190.6	130.0		1511.8
15-Grant	Police	0.0	0.0	0.0	0.0	0.0	33.2	0.0	176.0	68.5	131.7	38.8		448.2
26-Joseph	Maintenance	0.0	21.8	13.6	20.0	0.0	12.2	0.0	0.0	15.5	0.0	20.1		103.2
17- Fondo	Police	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0
Police Totals	TOTALS	899.7	862.4	924.2	1025.2	1060.2	990.2	1009.2	1039.2	1121.6	1101.9	1017.3	0.0	11051.1

Gas Usage Water Department

19-Garray	Water Dept	0	39	0	16.4	0.0	0	78.5	0	40.7	31	31.6		237.2
20-Bullard	Water Dept	28.4	54.9	51.3	135.4	130.5	56	49.3	57.4	80.7	26.6	82.2		752.7
21-Charles	Water Dept	19	50.9	17.6	14.6	15.9	16.9	17.4	29.8	18	149	0.0		349.1
22-Knapstein	Water Dept	0	0	0	0	0.0	0	0	0	0	0	0.0		0
23-Rivera	Water Dept	0	0	0	0	0.0	0	0	0	0	0	0.0		0
Water Totals		47.4	144.8	68.9	166.4	146.4	72.9	145.2	87.2	139.4	206.6	113.8	0	261.1

Gas Tank 34.5" = 2214 GALLONS



1210 Hillsboro Mile
Hillsboro Beach, FL 33062

TOWN OF HILLSBORO BEACH

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

TO: Mayor Deb Tarrant and Commission

FROM: Steve Mitchell, Building Official

DATE: December 30th, 2021

SUBJECT: November 2021 Building Department Report

Plan review has been completed and permits issued for all the Single-Family Residences (SFR) and major interior renovations submitted in 2021. Currently five new homes are permitted or under construction, four significant interior remodels are in progress, one guest house is in review, and three additional homes are in the site plan review process.

Interior Renovation permit applications for condominiums continue to come in at a steady pace, and common area improvements are planned or in progress for several properties. As permitted work increases, unpermitted work follows. Stop Work orders were posted at six sites in the last two weeks of 2021.

Plans for the fire restoration and improvements at Opal Towers West have been reviewed and returned for corrections. The building must continue to maintain a 24 hour-a-day Fire Watch, as ordered by BSO Fire, that will remain in place until the fire alarm / fire sprinkler system repairs and upgrades are completed, tested, approved and fire resistive construction is restored.

Respectfully Submitted,

Steven Mitchell

Building Official | Chief Electrical Inspector
Building Code Services | Town of Hillsboro Beach

Calvin, Giordano & Associates, Inc.



1210 Hillsboro Mile | Hillsboro Beach FL 33062
Office: 954.427.4011 | Fax: 954.427.4834 | Cell: 954.592.5057
Fort Lauderdale | Miami-Dade | West Palm Beach | Clearwater/Tampa | Estero | Port St. Lucie

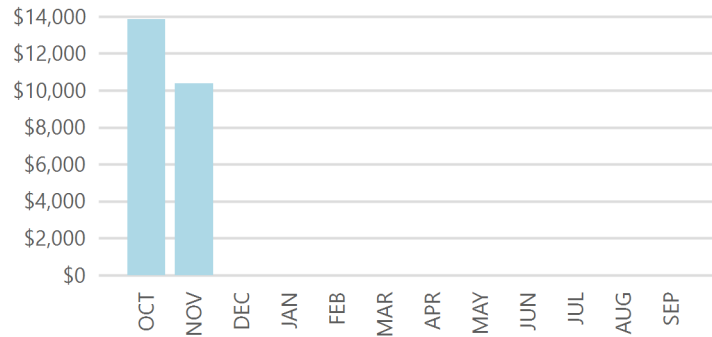


**Town of Hillsboro Beach
Building Department
Summary Report**

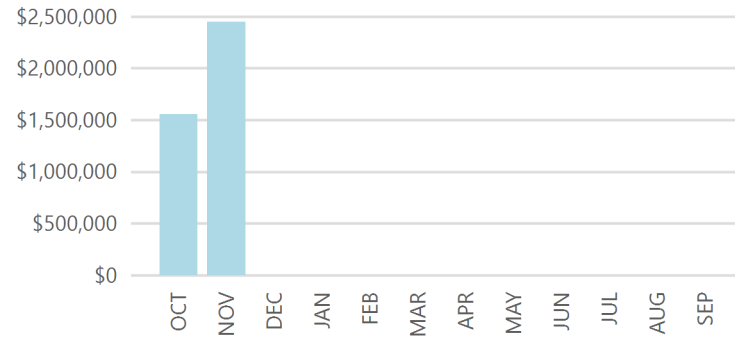
**Start Date: 11/1/2021
End Date: 11/30/2021**

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
Construction Value	\$1,555,179	\$2,448,499	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Building Permit Fees	\$83,459	\$62,111	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Fire & Zoning Fees	\$1,350	\$1,050	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Revenue	\$84,809	\$63,161	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CGA Expense	\$70,940	\$52,795	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Town Revenue	\$13,869	\$10,367	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Net Revenue



Construction Value



Sep	YTD
\$0	\$4,003,677
\$0	\$145,570
\$0	\$2,400
\$0	\$147,970
\$0	\$123,735
\$0	\$24,236



**Town of Hillsboro Beach
Building Department
Finance Report**

**Start Date: 11/1/2021
End Date: 11/30/2021**

	Permit Fees	Town Revenue	Fire Fees	Zoning Fees	Admin Fees	CGA Revenue	BORA	DBPR	DCA
MTD	\$62,111.31	\$9,316.70	\$750.00	\$300.00	\$175.00	\$52,794.61	\$1,313.32	\$1,003.33	\$686.91
YTD	\$145,570.26	\$21,835.54	\$1,050.00	\$1,350.00	\$400.00	123,734.72	\$2,541.00	\$1,958.57	\$1,362.06



**Town of Hillsboro Beach
Building Department
Permit Report**

**Start Date: 11/1/2021
End Date: 11/30/2021**

Permit Type	# Issued	Building Permit Fees
ANTENNAS, POLE & TOWERS	1	1,200.50
COMMERCIAL A/C CHANGE OUT	1	944.64
COMMERCIAL ALTERATION	1	2,322.00
COMMERCIAL BACKFLOW	1	125.00
COMMERCIAL FIRE ALARM	1	95.00
COMMERCIAL PLUMBING MISCELLANEOUS	1	125.00
COMMERCIAL RE-ROOF	1	22,855.34
RESIDENTIAL A/C CHANGE OUT	8	1,329.78
RESIDENTIAL ALTERATION	13	23,816.84
RESIDENTIAL DOCK	1	887.55
RESIDENTIAL ELECTRICAL MISCELLANEOUS	1	125.00
RESIDENTIAL SITE	1	603.00
RESIDENTIAL STRUCTURAL MISCELLANEOUS	1	777.50
RESIDENTIAL WATER HEATER	2	220.00
RESIDENTIAL WINDOWS/DOORS/SHUTTERS	20	6,589.16
SIGN	1	95.00
	55	\$62,111.31



**Town of Hillsboro Beach
Building Department
Issued Permits Report**

**Start Date: 11/1/2021
End Date: 11/30/2021**

Folio #	Permit #	Date Issued	Job Address	Job Sub Division	Construction Value
RESIDENTIAL ALTERATION					
484317AB1500	21340254-0	11/1/2021	1050 HILLSBORO MILE (UNIT 901W)	HILLSBORO LE BARON CONDO	\$9,700.00
484308CM0400	21340326-0	11/3/2021	1169 HILLSBORO MILE (UNIT 501)	HILLSBORO WINDSOR CONDO	\$4,300.00
484308BC1380	21340374-0	11/4/2021	1236 HILLSBORO MILE (UNIT 406)		\$67,100.00
484308BC1530	21340375-0	11/4/2021	1236 HILLSBORO MILE (UNIT 510)	PORT DE MER CONDO	\$24,500.00
484317NZ0260	21340416-0	11/8/2021	1035 HILLSBORO MILE (UNIT 45)	HILLSBORO MILE TOWER CO-OP	\$61,200.00
484308AH1310	21340505-0	11/12/2021	1147 HILLSBORO MILE (UNIT 301)	OPAL TOWERS CONDO	\$145,500.00
484308AP0130	21340513-0	11/12/2021	1199 HILLSBORO MILE (UNIT 131)	HILLSBORO IMPERIAL APTS CONDO	\$24,550.00
484317AA0380	21340610-0	11/17/2021	1057 HILLSBORO MILE (UNIT 614)	DIAMONDHEAD CONDO	\$14,900.00
484308AP0260	21340671-0	11/18/2021	1199 HILLSBORO MILE (UNIT 221)	HILLSBORO IMPERIAL APTS CONDO	\$24,550.00
484308CA0340	21340731-0	11/22/2021	1155 HILLSBORO MILE (UNIT 407)	HILLSBORO OCEAN CLUB CONDO	\$361,415.00
484308AH1040	21340738-0	11/22/2021	1149 HILLSBORO MILE (UNIT 1004)		\$17,700.00
484317AB0500	21340761-0	11/23/2021	1051 HILLSBORO MILE (UNIT 606E)	HILLSBORO LE BARON CONDO	\$14,500.00
Grand Total					\$769,915.00



**Town of Hillsboro Beach
Building Department
Activity Report**

**Start Date: 11/1/2021
End Date: 11/30/2021**

Discipline	Total # of Inspections	Plan Review	Permits Applied
Building	89	39	20
Electrical	42	20	9
Plumbing	57	19	9
Mechanical	19	18	11
Fire	3	3	2
Zoning	0	10	3
Totals	210	110	54



**Town of Hillsboro Beach
Building Department
Plan Review Times Report**

**Start Date: 11/1/2021
End Date: 11/30/2021**

	Number of Reviews	Average Days In Review	Most Days In Review
Completed Reviews	109	5.18	23.11

Town of Hillsboro Beach
Building Department
Current Large Projects 10/26/2021

<u>Address</u>	<u>Contractor</u>	<u>Type</u>	<u>Status</u>
925	Elleamar	SFR	Site-Plan Review pending
925	Elleamar	Guest House	Issued
957	Arvani	SFR	Issued
961	Bomar	SFR	Site-Plan Review pending
963	Gonzalez	Interior Reno	Issued
971	Baron	SFR	Site-Plan Review pending
981		Guest House	1 st Review Completed - rejected
985	WA Bentz	SFR	Issued
995	SPF	Interior Reno	Issued
995	SPF	Site	Issued
999	Bomar	SFR	Issued
1007	Bomar	Interior Reno	Issued
1009	PPM	Interior Reno	Issued
1079		Demo	Completed
1105	HMJC	SFR	Issued
1150	JAR	MFR	1 st Review Completed - rejected



Town of Hillsboro Beach
1210 Hillsboro Mile
Hillsboro Beach, FL 33062

Code Compliance Summary Report

From 11/1/2021 To 11/30/2021 Corridor (All Corridors)

Case Totals for Period

Cases Open at Start of Period	126
Cases Opened During Period	0
Cases Opened as result of Complaint	0
Cases Closed During Period	71
Cases Closed due to compliance	70
Cases Open at End of Period	55
Inspections	1
Reinspections	73
Total	74
Special Magistrate Cases During Period	0

Case Summary by Officer

Officer	Open at Start	Opened During Period	Opened as result of Complaint	Closed During Period	Closed due to compliance	Open at End of Period
B. Pita/N/A	124	0	0	71	70	53
M. Sotolongo/N/A	2	0	0	0	0	2
Total	126	0	0	71	70	55



Town of Hillsboro Beach
1210 Hillsboro Mile
Hillsboro Beach, FL 33062

Code Compliance Summary Report

From 11/1/2021 To 11/30/2021 Corridor (All Corridors)

Inspections by Officer

Officer	Inspections	Reinspections	Total
B. Pita/N/A	1	73	74
Total	1	73	74

Summary of Cases Opened by Incident Type

Incident Type	Number
Total	

Revenue Summary

	Period Start	During Period	Period End
Total Fines Assessed	\$175,300.00	\$47,500.00	\$222,800.00
Total Payments	\$0.00	\$0.00	\$0.00
Balance	\$175,300.00		\$222,800.00



Case Action Report*

From 11/1/2021

To 11/30/2021

Corridor (All Corridors)

<u>Date Issue</u>	<u>Incident Type</u>	<u>Site Address</u>	<u>Status</u>	<u>Documents Issued</u>		
7/30/2021	Building Permit Required	1187 HILLSBORO MILE, HILLSBORO BEACH, FL 33062 4W	Open	<u>Date Issue</u>	<u>Type</u>	<u>Officer Assigned</u>
				11/9/2021	Notice of Violation	B. Pita
				11/9/2021	Complaint	B. Pita
				11/24/2021	Notice of Hearing	S. Lowe

*Cases included in this report are those where the owner was first cited within the date range and corridor specified



TOWN OF HILLSBORO BEACH

1210 Hillsboro Mile
Hillsboro Beach, FL 33062

Phone: (954) 427-4011
www.townofhillsborobeach.com

Agenda Item Cover Memo

Agenda Item: Town Hall Improvements Update

Submitting Dept: Town Clerk, Sherry Henderson, Town Clerk

Agenda Date: January 11, 2022

1. BACKGROUND/HISTORY

2. CURRENT ACTIVITY

2. FINANCIAL IMPACT

3. RECOMMENDATION

ATTACHMENTS: None