



**TOWN OF HILLSBORO BEACH
BOARD OF ZONING & APPEALS MEETING
OCTOBER 5, 2021**

9:00 A.M

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
Town Attorney DJ Doody
Town Clerk Sherry D. Henderson, CMC
Police Chief Jay Szesnat

I. QUASI-JUDICIAL PUBLIC HEARINGS

- A. Site Plan Approval Request submitted by Mr. James Wentzel with Bomar Builders, authorized agent for property located at 1007 Hillsboro Mile, Hillsboro Beach, FL 33062.**

Town Attorney DJ Doody swore in all those giving testimony at the hearing.

Joe Arenal, Town Planner with Calvin, Giordano & Associates (CG&A) presented the item. He explained the applicant was requesting Site Plan Approval for property to include a three (3) story, 2,823 square foot addition on the south side of the property and site improvements to include a half basketball court with site walls and landscaping west of the proposed addition. He stated no improvements were proposed west of A1A.

Mr. Arenal noted four (4) comments remaining to be addressed, to be conditions recommended by staff if the application were to be approved, including:

1. Submittal of Civil Engineering plans for building permit.
2. Broward County Tree removal permit.
3. Construction Site Management Plan per 12-50.
4. Compliance with Section 3-9 requirements for Marine Turtle Protection.

Bob Mayer and James Wentzel with Bomar Builders made a brief presentation.

Mayor Tarrant stated she had visited the property, and seeing it cleared things up for her. She noted there were no setback issues and there was no variance request. She pointed to the construction management plan and stated construction parking needed to be addressed, possibly off-site.

Vice Mayor Kirdahy asked if there was a rendering of the street view upon completion available. Mr. Mayer explained the addition would not be visible from the road.

Town Attorney DJ Doody asked if the applicant accepted the conditions of staff. Mr. Mayer stated they did.

Mayor Tarrant opened a public hearing on the application, 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 Approval Request for 1007 Hillsboro Mile with conditions as outlined by staff. In a roll call vote, the **motion** passed unanimously. (5-0)

- B. Artificial/Synthetic Turf Conditional Use Request submitted by Mr. Peter Farinas with Syntech Turf, authorized agent for property located at 1115 Hillsboro Mile, Hillsboro Beach, FL 33062.**

Town Attorney DJ Doody swore in all those giving testimony at the hearing.

Mr. Arenal presented the item. He explained the applicant was requesting use of artificial synthetic turf on both sides of State Road A1A. He stated the total area of proposed installation was approximately 1,300 square feet using a product called Zoysia Manufactured by Syntech Turf. He explained the results of testing of permeability of the material. Mr. Arenal noted the turf had been installed prior to approval and stated one (1) comment remain unaddressed and was a condition recommended by staff if the application were to be approved.

Comments:

1. Acceptance of the use of synthetic turf in the right of way from FDOT.

Peter Farinas with Syntech Turf and Jim Lambert made a brief presentation.

Mayor Tarrant asked if the applicant was aware of the pending FDOT project along A1A which may impact the turf. Mr. Lambert stated the owner was aware and noted that the

previous owner had replaced sod there every few months because grass would not grow in the area.

Mayor Tarrant opened a public hearing on the application, however there being none to speak, closed the public hearing.

Commissioner Reiser asked about fade, and Mr. Farinas responded briefly.

Vice Mayor asked for clarification on how long the turf should last and asked for a sample to view. Mr. Lambert provided the sample and explained that the turf would be rolled back for the FDOT project rather than requiring replacement.

Mr. Doody asked the applicant to clarify title of the property. Mr. Lambert explained the status of the trust ownership of the property and noted the beneficiary of the trust was the occupant.

Motion made by Commissioner Barbara Baldassarre, seconded by Commissioner Feaman, to approve the Conditional Use Request to install Artificial Synthetic Turf for 1115 Hillsboro Mile. In a roll call vote, the **motion** passed unanimously. (5-0)

- C. Artificial/Synthetic Turf Conditional Use Request submitted by David M. Dayan, authorized agent for property located at 981 Hillsboro Mile, Hillsboro Beach, FL 33062.

Town Attorney DJ Doody swore in all those giving testimony at the hearing.

Jim Hickey, Development Planner with Calvin, Giordano & Associates (CG&A) presented the item. He explained the applicant was requesting use of artificial synthetic turf along the Intracoastal side of his property in lieu of sod. The portion of property is west of State Road A1A, parallel to the property's dock and seawall. He outlined the issues with keeping sod in the area and stated the total area of proposed installation was approximately 2,500 square feet using a product called Suntech.

Mr. Lambert provided a brief presentation. He stated the material was the recommendation of the contractor.

Mayor Tarrant clarified the east side of A1A already had synthetic turf, so this material would match.

Mayor Tarrant opened a public hearing on the application, however there being none to speak, closed the public hearing.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Feaman, to approve the Artificial/Synthetic Turf Conditional Use Request for 981 Hillsboro Mile. In a roll call vote, the **motion** passed unanimously. (5-0)

Mayor Tarrant stated artificial turf was becoming a trend and discussed the possible need for an Ordinance to control the specifications of turf allowable. She recommended a future agenda item to discuss.

Town Manager Mac Serda discussed the lack of industry standard for artificial turf and stated with an Ordinance, applications could be approved by staff rather than going through the Board of Zoning and Appeals process.

Mayor Tarrant continued to review items to include in an Ordinance, including permeability and maintenance.

Mr. Serda stated the maintenance standard adopted by the Town would apply.

Mr. Doody asked that Mayor Tarrant bring the item forward during the Regular Meeting of the Town Commission.

- D. Ms. Debbie Orshefsky with Holland & Knight Law, authorized agent for property located at 1159 Hillsboro Mile, Hillsboro Beach, FL 33062, is requesting Conditional Use Approval to permit a special event space within the Hillsboro Beach Resort, submitted pursuant to Ordinance No. 2021-03.

Town Attorney DJ Doody swore in all those giving testimony at the hearing.

Mr. Hickey presented the item. He explained Conditional Use was before the Board on July 6, but at that time the special event space was pulled out for further analysis. He reviewed the needs study and valet operations plan provided by the applicant and explained staff had analyzed the methodology and compared with other hotels with similar uses. Mr. Hickey noted the intent was to utilize valet service to meet the demand for parking on the site.

Debbie Orshefsky, Holland & Knight, presented on behalf of the applicant. She introduced owner's representative Charles Carreno and traffic engineer Joaquin Vargas. Ms. Orshefsky reviewed the methodology for determining the number of parking spaces required and the standards for trip generation. She stated the hotel had welcomed its first guests the prior week with its limited Certificate of Occupancy..

Mayor Tarrant congratulated the hotel on its soft opening and stated she was looking forward to seeing what she had heard is a beautiful space. She stated she was surprised

and disappointed to see the request come through following the previous discussion. She discussed the reasons the restaurant was warranted and noted that none of those reasons applied to a potential event space. She also mentioned discrepancies in the number of hotel guest rooms for the hotel.

Continuing, Mayor Tarrant addressed the numbers of parking spaces reflected in the proposal and outlined the reasons she did not find it sufficient. She asserted the 19 spaces for special events would be utilized by service personnel for an event and stated she did not believe there was space for stacking vehicles by utilizing a valet.

Mayor Tarrant stated she was also upset the website inaccurately advertised event spaces which had not been approved.

Ms. Orshefsky clarified that 72 hotel rooms existed in the hotel, despite what The Pelican Newspaper may have reported.

Steve Mitchell, Building Official, CG&A, stated the original plan reflected additional rooms, and it was not clear until the last version of the plan. He noted by the configuration of space, the space was set up for a lower number of rooms.

Mayor Tarrant asserted three (3) bedroom rooms could contemplate three couples traveling, and three (3) cars.

Mr. Doody asked Mr. Mitchell to confirm his testimony as to the number of rooms.

Mr. Mitchell stated he did not have the numbers in front of him, but it was in the range of 72.

Ms. Orshefsky explained the Town did not have a parking ratio within the Code for an event space and discussed the rate used to determine the rates. She stated the rate for parking spaces associated with the hotel was a vetted rate used as a standard in other municipalities. She asserted the proposal was a conservative analysis using the Institute of Traffic Engineers (ITE) rate of 0.71 parking spaces per hotel room.

Vice Mayor Kirdahy asked whether an off-site location had been arranged for valet parking for events. Ms. Orshefsky stated if the Town wanted to impose an off-site requirement for parking, it would be easier for the hotel to move staff to another location. She addressed the number of people who would attend a banquet or conference and how many of those would stay at the hotel.

Commissioner Reiser asked for clarification on the number of staff members that would be present on site. Ms. Orshefsky provided additional clarification.

Commissioner Reiser read the valet information on the hotel's website and asked for an explanation as to an advertised discount with a receipt from the restaurant. Mr. Carreno clarified the website was set up in advance of the peak season January through April. He explained the language would be revised to make it clearer the restaurant was only available to hotel guests.

Commissioner Reiser shared information she had gathered regarding other hotels and the comparison between the number of rooms and the number of parking spaces. She stated the numbers did not make sense to her.

Ms. Orshefsky stated the applicant sensed the discomfort, and noted they thought they had addressed the issues but were willing to make additional concessions.

She requested a six (6) month trial period similar to that of the restaurant to give the owners an opportunity to prove themselves.

She stated similar concerns were brought up with the building of the Hillsboro Club, and she hoped the hotel would become an asset to the community the way Hillsboro Club had.

Commissioner Feaman asserted the whole thing changes when high season comes. Ms. Orshefsky stated a six (6) month trial period would take the hotel through the peak season.

Commissioner Reiser suggested the hotel use the trial period for the restaurant to prove itself, then come back to show success before moving on to special events. Ms. Orshefsky stated the food preparation and event space were complementary, and they would like to have the opportunity to take advantage of the high season.

Vice Mayor Kirdahy asserted with the approval already granted, it did not make sense to deny special events. She stated it was her opinion that if they were giving the hotel six (6) months, they had to give them six (6) months to prove themselves without their hands tied. She noted she understood and shared the concerns.

Mayor Tarrant opened the public hearing.

Beth Vogl, 1170 Hillsboro Mile, thanked the Commission for their due diligence and stated she was not in support of the event space. She stated two (2) friends had come to visit the hotel and see a room over the weekend and were encouraged to come back and utilize the bar and restaurant as beach residents.

Gail Wiser, 1160 Hillsboro Mile, stated there had been a discussion regarding remote parking at the previous meeting, but no plan had been presented. She asked the plan for remote parking for employees or guests. Continuing, she asked about added security for special events, inside and outside.

Donna Purre, 1173 Hillsboro Mile, asserted she was not a fan of the project. She stated she had heard something about happy hour and was concerned. She asked how parking would be handled with limited parking spaces.

Cindy Westhuizen, 1155 Hillsboro Mile, expressed concern regarding the event space. She asked how the hotel would control that destination weddings were in front of the hotel and not further down the beach, and stated she had issues with the restaurant potentially being open to the public. Ms. Westhuizen stated the parking needed to be addressed and noted valet drivers in other areas were not always concerned with other drivers on the road.

Town Clerk Sherry D. Henderson read written comments received ahead of the meeting, as follows:

Nancy Robbins asked whether non-hotel guests would be served alcohol in the event space.

Rose Silvers stated the site had been a location for decades and asserted she was in opposition to the event space.

Karen Olson, 1160 Hillsboro Mile, stated she had concerns regarding event parking and noted there had been issues in the past regarding hotel guests parking at the condos. She noted she did not see special events at the hotel as anything but a problem.

Mayor Tarrant closed the public hearing.

Mr. Doody reviewed the criteria for approval of conditional use and conditions. He noted staff had recommended approval and outlined how to include the criteria in a motion.

Mayor Tarrant stated the Commission wanted the hotel to be successful, but their first responsibility was to the residents. She noted there was not a special event space in the initial site plan, and if there had been, this issue may have been addressed then.

Vice Mayor Kirdahy stated she understands the concerns. However, she stated this hotel was a much more upscale establishment than when it was a hotel previously under different management. She stated the Town Commission had given the owner a six (6) month review period to prove themselves.

Motion made by Commissioner Reiser, seconded by Commissioner Baldasarre, to deny the Conditional Use Approval to permit a special event space within the Hillsboro Beach Resort. In a roll call vote, the **motion** passed by majority vote. (4-1). Vice Mayor Kirdahy voted no.

Mayor Tarrant asked that the applicant remove the references to the event space on their website within two (2) weeks and asserted that the use of the space would be monitored.

II. ADJOURNMENT

Motion made by Commissioner Baldasarre, seconded by Commissioner Feaman, 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 10:25 a.m.

ADOPTED THIS 9th DAY OF NOVEMBER, 2021

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

OCTOBER 5, 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: Nancy Robbins <nbdr13@icloud.com>
Sent: Saturday, September 25, 2021 4:51 PM
To: townclerk@townofhillsborobeach.com
Subject: Re: Public Hearing Oct. 5, 2021

Will non-hotel guest be permitted to obtain alcohol at special events or functions.
Is my understanding that only hotel guest would be able to be served.

Nancy

From: BILL SILVERS <rssilvers@bellsouth.net>
Sent: Saturday, October 2, 2021 1:10 PM
To: townclerk@townofhillsborobeach.com
Subject: Hillsboro Resort zoning for Special Events

I have received your letter concerning the Hillsboro Resort applying for event approval. This property has been a problem since I have moved here 32 years ago. They have been trying all kinds of schemes to open this facility to the public. There is certainly no parking for the cars they bring and the problems they will cause to our area. Hillsboro Beach is a residential area and we pay enough taxes to maintain our way of life. It all comes down to Greed and Money by this facility and they should never have been allowed here to begin with. Please do not approve this permit.

Thank you. Rose Silvers, Overlook Condo (1167)