



**MINUTES
TOWN OF HILLSBORO BEACH
BOARD OF ZONING & APPEALS MEETING
SEPTEMBER 13, 2022**

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 Board 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
Jim Hickey, Planning Director – Inframark

Town Attorney DJ Doody explained the Quasi-Judicial procedures to be followed throughout the meeting. He explained the types of evidence to be presented and the role of each party.

I. QUASI-JUDICIAL PUBLIC HEARINGS

- A.** Artificial Synthetic Turf Conditional Use Request submitted by Heather Danforth with Integrated Perspectives; Authorized Agent for the Royal Flamingo Villas, property located at 1225 Hillsboro Mile, Hillsboro Beach, FL 33062.

Mr. Doody swore in all those giving testimony at the hearing. Board members had no disclosures of ex-parte communication to be made.

Jim Hickey, Town Planner with CG&A, presented the item. He explained the application was for a 9-hole putting course, putting green, and landscaping on the west side of A1A at the Royal Flamingo Villas. He stated the applicant had worked with an engineer to ensure proper drainage was in place, and described the materials proposed. He discussed the criteria for conditional use, and stated staff had found the application met those conditions and recommended approval with conditions, as follows:

1. The proposed products face weights are 53 ounces and 56 ounces per square yard. Per ordinance 2021- 09, Design Standards, "Have a minimum face weight of 75 ounces per square yard." The proposed product seeks a deviation of 22 and 19 ounces per square yard from the code requirements. The applicant provides a justification in that golf products have a short blade height by design and a thicker back weight. Additionally, putting greens perform best with a face weight between 40 and 60 ounces.
2. The proposed product material deviates from the requirements of ordinance 2021-09. Per ordinance 2021-09, Design Standards, "Be manufactured from 100% recyclable polyethylene monofilament, UV stabilized dual yard system, with polyurethane coating and manufactured in the United States. The proposed products yarn types are heat set textured diamond nylon monofilament and the tufting construction is single and knitted yarn. The applicant provides a justification in that nylon is more expensive and a longer lasting product. This is for heavy foot traffic and repeated putting actions.
3. Provide a Broward County Tree Removal permit if applicable

Heather Danforth, Integrated Perspectives, made a presentation on behalf of the applicant. She explained the applicant wanted to invest in a long-term amenity for their guests and had done extensive research. She discussed the type of grass being proposed, and noted the material selected was intended specifically for golf. Continuing, she reviewed the plan and the associated standards of review.

Mayor Tarrant asked whether there would be windmills or other features of a putt-putt course on the property. Ms. Danworth stated that was not the aesthetic being sought, as they were looking for something more professional.

Mayor Tarrant noted concern with adding to drainage issues existing on the Royal Flamingo property. She reviewed the plan and asked for clarification on the materials.

Mayor Tarrant asked whether the neighbors had been made aware that leaf blowers would be a necessary evil to keep the putting green clean. Ms. Danworth stated the material selected would require less maintenance and noted sound would be shielded by the villas.

Mayor Tarrant stated she had done research on the best materials for putting greens, and agreed the material selected was appropriate. Discussion ensued regarding a potential condition related to the drainage and basis for measurement of adverse impact.

Mayor Tarrant asserted she was not comfortable with the additional lighting mentioned on the application and stated the course should not be lit at night. She noted it is a

residential neighborhood and pointed to concern related to turtles. Ms. Danworth stated there was no lighting included in the current iteration of the plan and suggested if that were to be reviewed in the future, a photometric plan will be included.

Vice Mayor Kirdahy asked for clarification on lighting plans. Discussion ensued, and Mr. Serda recommended that site plan approval for any future added lighting be required.

Vice Mayor Kirdahy asked about the drainage system. Discussion continued on potential flooding concerns and Ms. Danworth described the drainage plan in detail.

Mr. Doody clarified that in the case of a drainage issue, the applicant would be required to present a plan for remedial action to cure the problem. He noted that the applicant would not be required to remove the green at that time.

Bruno Richter, a representative of Royal Flamingo asked whether the lighting condition would mean that any lighting on site needed to be approved. Discussion ensued regarding the intent of the condition to avoid having the putting green lit at night.

Commissioner Feaman asked whether the putting green would have an opening and closing time. Ms. Danworth stated times could be added, and noted the on-site manager is responsive to issues.

Mayor Tarrant opened a public hearing on the item.

Cynthia Hiland, 1167 Hillsboro Mile, commented on the water absorption of the material to be utilized on the putting green.

Mayor Tarrant closed the public hearing.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Baldasarre, to grant the Conditional Use application for 1225 Hillsboro Mile, as the applicant has satisfied the criteria in the Code and agreed to the conditions as outlined. In a roll call vote, the **motion** passed unanimously. (5-0)

1. The proposed products face weights are 53 ounces and 56 ounces per square yard. Per ordinance 2021- 09, Design Standards, "Have a minimum face weight of 75 ounces per square yard." The proposed product seeks a deviation of 22 and 19 ounces per square yard from the code requirements. The applicant provides a justification in that golf products have a short blade height by design and a thicker back weight. Additionally, putting greens perform best with a face weight between 40 and 60 ounces.
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3. Provide a Broward County Tree Removal permit if applicable.
4. Any additional lighting shall require Site Plan approval.
5. The putting area shall not be illuminated without prior Town Commission approval.
6. Applicant shall be required to retain any run-off on site, to be revisited after one (1) year.

B. Amendment to Conditional Use for Hillsboro Beach Resort, submitted by Debbie M. Orshefsky, Attorney, Holland & Knight; Authorized Agent for the Hillsboro Beach Resort, property located at 1159 Hillsboro Mile, Hillsboro Beach, FL 33062

Mr. Doody swore in all those giving testimony at the hearing. Board members made disclosures of ex-parte communication.

Jim Hickey, Town Planner with CG&A, presented the item. He explained the applicant had received conditional use approval on July 6, 2021 to operate a restaurant on site and He stated the applicant was asking for changes and amendments to the conditions of approval. He reviewed the requests and staff's response to each as outlined in the staff report and expressed concern with enforcement of the requests.

Debbie Orshefsky, Esq., attorney with Holland & Knight, presented for the applicant. She stated the Hillsboro Beach Resort had worked hard to be a good neighbor and to have a direct dialogue with the community. She discussed changes which had been made in response to concerns and the character of the town. Ms. Orshefsky stated the applicant was asking for permission to create a resident card program to allow residents and guests to utilize the restaurant, as well as for the Town to permit use of the underutilized enclosed special event space.

Mr. Doody asked for clarification on the request. He reviewed two (2) letters submitted by the applicant and asked which was being acted on. Attorney Orshefsky responded briefly, noting the August 25, 2022, letter was correct.

Ms. Orshefsky played a video showing the hotel and event space and making the argument to utilize the business more effectively and efficiently.

Ms. Orshefsky proposed additional conditions to address staff and community concerns and increase accountability:

- Create account system for residents rather than taking credit card payment
- Off-duty police officer to manage traffic for special events
- Nine-month pilot project for event bookings
- Third-party monthly report to Town

Mayor Tarrant thanked management for their prompt responsiveness to concerns from the community. She stated the requests should be addressed individually.

Mayor Tarrant stated there was no benefit to the Town in removing condition d from the original agreement. She asserted this was the mechanism by which the Town could continue to monitor the conditional use.

Ms. Orshefsky stated the wording of the condition created uncertainty for the business, and explained they were hoping to replace that periodic review with reporting.

Mayor Tarrant stated in addition to the request to remove the condition, there were three (3) additional issues to review. She explained the first issue was the request for opening of the event space with a requirement that 50 percent of attendees be registered guests. She agreed with Mr. Hickey's comment that there was no option for enforcement, so it would equate to opening the event center to the public. She asserted there was more to the issue than traffic and parking and stated special events would be a nightmare.

Continuing, Mayor Tarrant addressed the request for opening the event space to Hillsboro Beach residents. She stated this would open the space even further and noted there are plenty of party venues around and the residential nature of Hillsboro Beach does not call for it. She asserted she did not see a benefit to the Town.

Mayor Tarrant stated the third issue was the opening of the restaurant to residents of Hillsboro Beach and was the only piece of the proposal that had potential. She noted the creation of the membership program could be a way to manage the option and stated she would consider it as a conditional use which could be trialed and monitored.

Vice Mayor Kirdahy stated she would like to see the business succeed, but it was the Commission's responsibility to protect the Town. Ms. Orshefsky responded briefly, highlighting the value to the business of managing the concerns of the community.

Mr. Doody clarified the applicant was seeking to implement a resident card program which would allow residents to utilize the restaurant and event space, as well as a 9-month pilot program to allow residents and guests of the hotel to hold events.

Discussion ensued regarding the logistics of ensuring half of event attendees are guests at the hotel.

Mr. Serda discussed the Town's role in enforcement and stated that the issue at hand was balancing coexisting between the business and preserving tranquility for the residents of the Town.

Commissioner Reiser asked how the resident account would work. Ms. Orshefsky explained the resident would be issued a card with an account number and the credit card on file would be billed accordingly.

Mayor Tarrant clarified that if additional permissions are given, they go with the business if it is sold.

Commissioner Reiser stated they want the hotel to succeed, but they do have to look beyond the team currently in place. She noted another management team might not run the business in the same way. Continuing, she referenced the video and stated it was insulting to say the Commission was putting shackles on the business, when they knew what they were getting into when making the purchase. She asserted the Commission had to consider the needs of the entire Town.

Daniel Levenson, BH3 Management, stated when they took over the property, it was unsafe and an eyesore. He asserted the hotel is now a gem for the Town and addressed the concerns related to management and changes in the team. He asked the Commission to consider that a condo in Town could have a birthday party, but the hotel could not.

Commissioner Baldassarre stated she had a similar reaction to the video to that of Commissioner Reiser. She agreed there should not have been surprise at the restrictions placed on the hotel.

Commissioner Reiser asked whether the hotel kitchen could accommodate events. Ms. Orshefsky stated they could and noted that a requirement could be added that the on-premises services be utilized.

Commissioner Reiser asked what would stop the hotel from deciding to use the special event space as restaurant space. Ms. Orshefsky stated it was not intended for overflow restaurant space, and noted the rooms were defined on the site plan.

Matt Hege, Outreach Coordinator, shared his experience in conducting outreach in support of the request. He stated residents had brought up the issue repeatedly of wanting to utilize the restaurant and noted that hotel guests were not allowed to bring in guests.

Mayor Tarrant asserted that was incorrect and guests were allowed to use the restaurant. Ms. Orshefsky referenced the existing conditional use and stated that the Hillsboro Beach Resort was granted approval and implemented food and beverage service for hotel guests only.

Discussion continued. Mr. Doody and Ms. Orshefsky read from the agreement and the Town Code.

Mayor Tarrant opened a public hearing on the item.

Paul Echelard, Overlook Condominium President, 1167 Hillsboro Mile, stated his residents are mixed on the issue. He stated some want to live in a residential area, but others are eager to have the opportunity to eat in the restaurant. He referenced the traffic issues and stated it is important to consider the additional development taking place to the north, and any precedent being set.

Joel Rosenstein, 1155 Hillsboro Mile, stated he lives adjacent to the pool of the hotel, and what is being represented is not accurate. He referenced the prices and stated the reality is not the type of clientele being projected.

Marc Ginsburg, 1221 Hillsboro Mile, stated his family would like to have access to the hotel for breakfast, lunch, and dinner. He suggested the special event issue be deferred and the applicant be allowed to move forward with the resident program on a trial basis. He asserted the criticisms raised would be the same if he were to have an event at a condo clubhouse or at a home.

Cynthia Hiland, 1167 Hillsboro Mile, stated she had stayed at the hotel recently during a remodel. She noted the staff is careful of the rules, and the valets managed parking. She noted nearby condominiums had issues with rentals and noted the hotel management was far superior. She stated she thought residents should be able to walk down the beach to have breakfast or lunch.

Peter, 1167 Hillsboro Mile, asserted the conversation regarding the restaurant was overblown. He stated it would increase the value of the community to be able to walk down the beach to have a nice lunch or drink. He noted a trial period would have very little risk, and asserted the residents are sophisticated and would not be causing noise or partying.

Sheri Rosenstein, 1155 Hillsboro Mile, stated Commissioner Feaman had arranged a meeting for her with the management and they had discussed concerns related to the pool. She noted they had made her feel heard, but then the weekend had come, and the issues returned. She stated she had submitted photos and video to the Town for review.

Frank Kolb Jr., 1173 Hillsboro Mile, expressed concern regarding policing the restrictions. He stated he had watched the meeting when the alcohol permit was approved and noted the slippery slope since that time.

Ray Gimler, 1167 Hillsboro Mile, stated eating at the restaurant should be restricted to those walking, biking, or using ride share aside from handicapped parking. He asserted he did not want to see the community go backward but would like to see a pilot program to allow the residents to utilize the food and beverage services.

Jerry DiMaso, 1161 Hillsboro Mile, agreed with the comments by the Rosensteins that residents can hear everything at the hotel. He stated it may be high-end, but that does not stop people from partying. He asserted it was terrible to be next door to and stated he would vote it down in an instant.

Mayor Tarrant closed the public hearing.

Mr. Doody asked counsel to clarify who would prepare the traffic and parking report related to the pilot program, and what the timing of mitigation would be. Ms. Orshefsky responded briefly. She stated they were seeking a 9-month period beginning December 1 and noted they would only be booking for that period. Discussion continued regarding the proposal.

Mayor Tarrant stated the Town would have to hire an entire staff to manage this issue.

Ms. Orshefsky stated because of the provisions of the agreement, the hotel cannot use the 2,000 square feet of the event space for anything but back of house and storage. She asserted the pool is now locked at 8 p.m. to try to avoid the issues the neighbors had complained about.

Mr. Hickey pointed out the 9-month pilot proposal was in reference to traffic and parking only and would not address the other issues brought up.

Mayor Tarrant stated that she did not believe the event space should be used for global special events. She suggested that the issue be divided up, beginning with the question of whether the Commission should allow the use of the restaurant by Hillsboro Beach residents through a master card membership program.

Commissioner Reiser reiterated that no one wants to see the restaurant fail. She stated she would be comfortable with a condition to allow the residents to use the space, but everything at once was too much for the Town to absorb and there are no controls.

Vice Mayor Kirdahy stated she has conflicting feelings, because she sees issues with food and drink coming out of condos at events. She stated she has no issue with having the restaurant open to residents. She asked for clarification on the program. Ms. Orshefsky stated there would be a \$10 administrative fee with annual renewal.

Mr. Doody asked whether residents would be allowed to bring in non-residents for dinner. Ms. Orshefsky stated that they would, and discussion ensued regarding limits on the number of people in a party.

Commissioner Reiser stated dining would need to be restricted to the restaurant and outside seating, not bringing food to the beach. Ms. Orshefsky responded that management maintains that rule at this time.

Motion made by Commissioner Reiser, seconded by Vice Mayor Kirdahy, to allow residents to purchase membership cards which would gain them access to the food and beverage services at the Hillsboro Beach Resort for a period of one (1) year commencing October 1, 2022. In a roll call vote, the **motion** passed unanimously. (5-0)

Mayor Tarrant asked for consensus that the hotel be permitted to use its space for its own guests. Discussion ensued regarding the intent of the development order and the interpretation of the applicable Ordinance.

Mr. Doody asked for time to review the issues and further hear the remainder of the matter at the October 4, 2022 meeting.

Motion made by Commissioner Baldassarre, seconded by Commissioner Reiser, to table the remainder of the application to the October 4, 2022, meeting. In a roll call vote, the **motion** passed unanimously. (5-0)

III. PUBLIC COMMENTS

Joel Rosenstein, 1155 Hillsboro Mile, asked that the membership cards be photo ID so that they cannot be passed from residents to other individuals.

Mr. Doody expressed concern regarding excluding renters.

Ms. Orshefsky stated the request would require issuing multiple cards to each address, such as to include a husband, wife, and children. She stated the applicant would discuss the matter and present a concept at the October meeting.

Mayor Tarrant suggested the motion regarding the resident membership card be

reconsidered, and discussion continued.

Mr. Doody asked whether the applicant would agree to suspend the membership until after the October 4 meeting. Ms. Orshefsky agreed.

Joe T, no address given, stated a card with a picture was probably a moot point, because the credit card is tied into the card, so if you loan out your card, you are loaning out your credit card. He thanked the Commission for opening the restaurant to the community, and stated it was his opinion that special events should never be approved.

Roberta Meschkow, 1043 Hillsboro Mile, stated non-resident locals can use the same system to get a membership card as they do to get the police sticker in order to prove they are a resident of Hillsboro Beach.

Mayor Tarrant closed public comments.

II. ADJOURNMENT

Motion made by Commissioner Feaman, seconded by Vice Mayor Kirdahy, 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 12:06 p.m.

ADOPTED THIS 4th DAY OF OCTOBER, 2022

By: 
Deborah L. Tarrant, Mayor

ATTEST:


Sherry D. Henderson, CMC
Town Clerk