



**MINUTES
TOWN OF HILLSBORO BEACH
BOARD OF ZONING & APPEALS MEETING
NOVEMBER 1, 2022**

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
DJ Doody, Town Attorney
Town Clerk Sherry D. Henderson, CMC

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.** 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.

Jim Hickey, Town Planner with CG&A, presented the item. He explained the item was heard on September 13, 2022, and October 4, 2022. He reviewed the staff report, outlining the history of the development order and requests included in the proposed amendment.

Debbie Orshefsky, Esq., attorney with Holland & Knight, presented for the applicant. She introduced the team present and thanked the Town for its patience. She discussed the importance of accountability and reviewed the types of events requested and the Town's recourse in case of a violation.

Mr. Doody asked whether the applicant would be willing to accept a prohibition on towels hung over the balcony. Ms. Orshefsky stated they would be and noted efforts had already begun to address the issue.

Mayor Tarrant asked for clarification on the event time parameters requested. She reviewed the verbiage of the request. Ms. Orshefsky responded to questions briefly. Discussion continued regarding event definitions and hours.

Mayor Tarrant questioned the number of events being requested. She stated the Commission recognized the social events were the concern and noted she would agree to unlimited business events. She pointed out the Town is already a zoo in January, February, and March, and social events should be further restricted during that time. She added that she would like to see a trial concept with future expansion if it went well.

Ms. Orshefsky shared detail regarding the costs associated with staffing for events and stated one (1) social event per month was not feasible. She discussed a counterproposal regarding the number of events permitted.

Vice Mayor Kirdahy discussed options to balance the needs of both parties. Mr. Doddy offered counsel on how to approach the matter.

Commissioner Reiser suggested a slow rollout to allow the resort to get the ball rolling slowly without committing to many events in the early months.

Ms. Orshefsky referenced the traffic study and valet plan submitted as part of the development process. She noted the presence of stacking space to keep events at the resort from impacting local traffic. Continuing, she explained the business request for flexibility to have morning and cocktail hour events.

Mayor Tarrant stated the resort was not going to become a full-service event venue, so it was necessary for the two (2) sides to come up with compromises everyone can live with. Mayor Tarrant sought a consensus on whether non-social, daytime events should be permitted to have cocktail hours. Discussion continued and consensus was to restrict non-social events to 8 a.m. to 4 p.m., with no restriction on the number.

Vice Mayor Kirdahy suggested cocktail hours might be extended to 7 p.m. to avoid rush hour traffic. She noted the difficulty in managing the people leaving an event despite the official ending time.

Ann Durso, Hillsboro Beach Resort General Manager, shared how the early days of allowing guests from Hillsboro Beach to dine at the hotel restaurant had gone. She stated she was not clear the program was doing what the Commission hoped, and noted the

hotel resort was not a private club.

Ms. Durso commented on use of the event space and stated placing restrictions on the time of events was difficult, as the time of the event should be left to the guest. She discussed existing restrictions, including on the number of guests permitted.

Mayor Tarrant asked that Ms. Durso discuss operational issues. Ms. Durso stated in order to make events work, the resort needed volume. She explained it would be difficult to maintain staff with only eight (8) hours available per month and noted food purchases would also be an issue due to lack of economy of scale. She asked that the resort staff be given an opportunity to prove themselves.

Vice Mayor Kirdahy pushed back against the assertion that limiting the number of guests to 65 was restrictive. She noted with guests, a band, and catering staff, the number was likely to hit the maximum capacity for the room. Ms. Durso disagreed.

Mayor Tarrant led a review of the list of proposed conditions, and a consensus was reached on the following:

- Non-social events will be allowed from 8 a.m. to 4 p.m., seven (7) days per week.
- Unlimited non-social events during appropriate hours
- Twenty-four events in a calendar year which are social in nature
- Any event with a happy hour will count toward the number of social events
- Four (4) events will be allowed in 2022

Commissioner Baldassarre stated she wanted to be careful not to overly restrict. Mayor Tarrant asked that she keep in mind whether she would want to live next to it.

Discussion of the clauses continued. Mr. Doody asked for clarification as required.

Mayor Tarrant asked what amount of time between re-evaluation the Commission was comfortable with. Commissioner Reiser stated she preferred that review take place annually. Mayor Tarrant agreed, noting it should be done at the same time as the restaurant's annual review.

Commissioner Reiser noted that if everything was running smoothly, the annual review would take a few minutes. Mr. Doody provided additional detail on the process.

Mr. Doody asked whether the concern with dirty laundry on the balcony needed to be addressed in the conditions. Discussion ensued, and consensus was to add a condition related to hanging towels over the railing.

Mayor Tarrant noted the staff report raised the point that the restaurant hours and Special Event hours did not align. Mr. Hickey stated he was comfortable with the hours being different but wanted to highlight the discrepancy.

Mayor Tarrant asked whether cash bars should be exempted from the restriction. Mr. Hickey explained that change would require an amendment to Code and noted the request did not include that change.

Mr. Doody suggested the applicant implement a policy against cash bars.

Mr. Hickey noted the audit report for the Special Events did not currently include the restaurant. Discussion ensued regarding reporting related to the restaurant membership.

Commissioner Reiser asked if the hotel menu was posted online so that residents can share and help promote the business.

Mayor Tarrant asked if a list of members could be requested to ensure it is residents only.

Ms. Orshefsky responded to individual items discussed. stated the welcome packet informs guests that towels should not be placed over the balcony, and staff will increase the visibility by placing signage on the sliding glass door to the balcony. She asked that this not be included as a restriction but be handled as good neighbors.

Ms. Orshefsky noted Ms. Durso was uncomfortable with making the list of members a public document. She requested that certification of the residents replace the concern over the list. Discussion continued, and consensus was that the Commission agreed the list would not be required.

Continuing, Ms. Orshefsky referenced the time limitations and asked that Chamber breakfasts be included as an example and birthday parties be removed. She reviewed the changes to the conditions and commented as appropriate. She stated there would be no cash bar at Special Events.

Mayor Tarrant opened a public hearing on the item.

David Ravenisi 1236 Hillsboro Mile, stated he believed two (2) events per month would be detrimental to the business. He stated he liked the exclusivity of having to be a resident of Hillsboro Beach to be a member at the hotel restaurant and asked that the Commission reconsider the credit card policy for the restaurant, as guests of members should be allowed to pick up the check. He commented on traffic briefly.

Lucia Degrezia, 1167 Hillsboro Mile, asserted that Hillsboro Mile is made up of mostly retired residents, and the upscale, boutique hotel should not have such stringent rules.

Mayor Tarrant closed the public hearing.

Commissioner Reiser asked for clarification on whether a guest resident who wanted to pick up the check would be able to create an account on the spot. Ms. Durso stated they would have that ability, as long as they were Hillsboro Beach residents.

Ms. Orshefsky stated the applicant had no objections to the conditions as amended.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Feaman, to amend the amended development order approved on September 13, 2022, to include the list of conditions as presented. In a roll call vote, the **motion** passed unanimously. (5-0)

1. For a period of one (1) year from the date of this Development Order, the Resort may conduct a maximum of twenty-four (24) Special Events per year, commencing January 2023, with four (4) events allowed in 2022. The Special Events subject to this frequency limitation shall not include Special Events which are business or non-social events (corporate retreats and the like) involve no live or amplified music and are scheduled between the hours of 8 a.m. and 4 p.m.
2. During Special Events, the Resort will hire two (2) off-duty police officers to monitor and if necessary, control, vehicular access at the Resort driveway to mitigate queuing on A1A at the Resort driveway and patrol the building and premises. The Special Events subject to the requirement for off-duty police officers shall not include Special Events which are business or non-social events, involve no live or amplified music and are scheduled between the hours of 8 a.m. and 4 p.m.
3. The maximum number of attendees at any Special Event at the Resort shall not exceed 65 attendees.
4. All Special Events will be conducted within the Special Event Space identified on the second floor of the Resort Site Plan submitted with the May 12, 2022, application for amendment to conditional use.
5. Special Events may only be conducted during the following times: 8 a.m. to 10 p.m. Sunday through Thursday and 8 a.m. to 12 a.m. Friday through Saturday.
6. The Town Manager will be advised of an upcoming Special Event at least seven (7) calendar days before the scheduled Special Event and may send the Town Fire Marshal and may send a Town Code Enforcement Officer or other Town official to perform a site visit during any Special Event and confirm compliance with the conditions of this Conditional Use for Special Events by completing the attached Special Event Checklist and submitting it to the Town Manager and the Resort within three (3) business days of any Special Event which the Code Enforcement

Officer attends. The Special Events subject to the requirement for attendance by a Town Code Enforcement Officer shall not include Special Events which are business or non-social events, involve no live or amplified music and are scheduled between the hours of 8am and 4 p.m. The costs incurred by the Town for the Town Code Enforcement Officer or other Town Official attending any Special Event will be paid by the Resort.

7. In the event a completed and submitted Special Event Checklist reveals failure to comply with these conditions, the first notification will constitute a warning. In the event of a second failure in a calendar year, the Town Manager will place an item on the Town Commission agenda for the Town Commission to consider whether to temporarily or permanently revoke the Conditional Use approval for Special Events or impose additional conditions to address the incidence of non-compliance; the record title owner of the Resort will be provided a minimum of 15 days' notice prior to the date of any such Town Commission hearing. In the event the Town Commission passes a resolution terminating the Conditional Use approval for Special Events, any Special Events already scheduled to occur during the upcoming eighteen months (18) will be permitted to occur as scheduled. A list of scheduled events must be provided to the Town within seven (7) days and no new events may be added following that submission.
8. The Town Commission shall re-evaluate the conditions of approval of this Conditional Use for Special Events at its regularly scheduled meeting during the month of December 2023. This re-evaluation will occur annually.
9. No cash bar will be permitted at Special Events.

III. PUBLIC COMMENTS

None.

II. ADJOURNMENT

Motion made by Commissioner Reiser, 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 10:45 a.m.

ADOPTED THIS 6th DAY OF DECEMBER, 2022

By: 
Deborah L. Tarrant, Mayor

ATTEST:


Sherry D. Henderson, CMC Town Clerk