



**MINUTES
TOWN OF HILLSBORO BEACH
REGULAR COMMISSION MEETING
OCTOBER 1, 2024**

TUESDAY

9:00 A.M.

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Dawn Miller called the meeting to order at 9:02 A.M. Roll was called with the Commission members and staff present as listed below.

Town Commission:

Mayor Dawn Miller

Commissioner Jane Reiser

Commissioner David A. Ravanese

Vice Mayor Barbara Baldassarre

Commissioner Vinnie Andreano

Town Staff:

Town Manager William "Mac" Serda, ICMA-CM

Sean Schwartz, Acting Town Attorney, Esq.

Town Clerk Sherry D. Henderson, CMC

APPROVAL OF AGENDA

Motion made by Commissioner Ravanese, seconded by Commissioner Reiser, to approve the Agenda. In a roll call vote, the **motion** passed unanimously (5-0).

I. APPROVAL OF MINUTES

A. September 4, 2024 First FY25 Budget Public Hearing

Motion made by Commissioner Ravanese, seconded by Vice Mayor Baldassarre, to approve the minutes of the September 4, 2024 Public Hearing. In a roll call vote, the **motion** passed unanimously (5-0).

II. PRESENTATIONS

None.

III. SITE PLAN REVIEW

A. PUBLIC HEARING - 1085 Hillsboro Mile, Hillsboro Beach, FL 33062

Authorized Agent for Property Owner is Seeking Approval and Amendments to Site Plan Originally Approved on 7/11/2023 for Property Located at 1085 Hillsboro Mile, Hillsboro Beach, FL 33062. (Tabled 7/9/2024, request postponement 12/3/2024.)

Owner: Land Banc Trust

Property Owner: Morris Flancbaum

Staff: Graham Long, Development Planner, CG&A

Address: 1085 Hillsboro Mile, Hillsboro Beach, FL 33062

Date of Original Site Plan Approval: Development Order Granted and Issued 7/11/2023

Mayor Miller noted the Variance Request was tabled by the Board of Zoning and Appeals until 12/3/2024 and thus the Site Plan Review was tabled until Dec. 3, 2024 meeting as well .

Motion by Commissioner Reiser, seconded by Commissioner Ravanese, to defer the Site Plan Review until 12/3/2024. In a roll call vote, the **motion** passed unanimously (5-0).

IV. ORDINANCES

A. Ordinance No. 2024-05 – Construction Site Management to Include Sodding of Vacant Lots and Designation of Development Review Official (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 AMENDING SECTION 12-2 ENTITLED "DEVELOPMENT REVIEW ADMINISTRATION", PROVIDING FOR THE DESIGNATION OF A DEVELOPMENT REVIEW OFFICIAL (DRO); PROVIDING FOR AN AMENDMENT TO SECTION 12-50 ENTITLED "CONSTRUCTION SITE MANAGEMENT" TO REQUIRE SODDING OF VACANT LOTS IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Acting Town Attorney Sean Schwartz read the item into the record.

Town Manager William "Mac" Serda, ICMA-CM, advised that Ordinance 2024-05 designates a Development Review Officer and clarifies the Staff member who will be

responsible for the planning review process. It also establishes sod requirements for parcels that come before the Town Commission for demolition but do not have a Site Plan. The Commission's recommendation was to require the addition of sod.

Mr. Serda continued that there have also been discussions regarding whether or not the type of sod should be clarified. He explained that Bahia grass is typically the covering laid by the Florida Department of Transportation (FDOT) on the Turnpike and similar locations. He noted that it is more important to ensure that any grass laid on a site is not allowed to die and is properly maintained than to mandate which type of grass should be used. Code Compliance is asked to ensure maintenance, including mowing and landscaping.

Mayor Miller asked if the Code Section referenced in the Ordinance should include a provision addressing maintenance. Town Manager Serda replied that maintenance is addressed in another element of Code, adding that that element should also be strengthened in relation to Ordinance 2024-05 and will be brought back the following month.

Mayor Miller also asked if the Ordinance should mention replacement of the sod if it dies. Town Manager Serda clarified that the Commission may add the replacement of dead sod as an aspect of maintenance when that element is brought back to a subsequent meeting. He added that artificial sod is also an option.

Commissioner Ravanese pointed out that Code Compliance will be responsible for monitoring the site and alerting the owner of any need to maintain or replace the sod. It was also noted that the intent of sodding a site is to prevent eroded dirt from flowing out onto a roadway.

Commissioner Reiser suggested the use of artificial turf, which would not die and would not require irrigation. Mayor Miller expressed concern with the effect of this material on erosion. Town Manager Serda confirmed that artificial turf, if properly installed, would minimize erosion as well.

It was suggested that information related to maintenance be included in Ordinance 2024-05 as well so property owners will be able to review it without reading all of Code. Town Manager Serda explained that when a property owner brings forth a Site Plan or demolition plan, they meet with Staff to discuss site requirements. He added that if a property owner is looking for maintenance requirements in Code, they should refer to the maintenance rather than the demolition section. He confirmed, however, that Staff can add references to maintenance requirements if that is the Commission's wish, reiterating that maintenance requirements will need to be strengthened at the next meeting.

Mayor Miller recommended that the Ordinance includes the clarification that sod shall be kept in good condition for the duration of the period. Town Manager Serda confirmed that this could be added.

Motion by Commissioner Andreano, seconded by Commissioner Ravanese, to amend Section 4D. In a roll call vote, the **motion** passed unanimously (5-0).

Mayor Miller opened the public hearing.

Mark Ginsberg, 1221 Hillsboro Mile, speaking via Zoom, stated that it would be a mistake to limit beautification requirements to the addition of sod. He pointed out that zero-scaping, planting, mulch, and other options would be preferable to the waste of water on sod over a long period of time.

Bob Mayer, representing Bomar Builders, speaking via Zoom, advised that artificial turf costs roughly \$12 per square foot, which would make it very expensive to sod a large lot with this material. He felt it would be unreasonable to ask a client to invest this type of expense in temporary covering. He also noted that Bahia grass does not require the installation of an irrigation system.

Mayor Miller closed the public hearing.

Town Manager Serda clarified that the sod requirement would take effect 90 days after a property owner has received their demolition permit.

Commissioner Reiser acknowledged Mr. Ginsberg's point during the public hearing, as there is no mention of using materials other than grass. It was clarified, however, that neither mulch nor rock would be desirable solutions. It was also suggested that a site's visibility from the street might be taken into consideration, which would mean an owner may not need to sod an entire site at significant expense.

Mayor Miller observed that the Ordinance states sod shall be placed as ground cover on the section of the lot consisting of open soil or sand. Town Manager Serda emphasized the importance of preventing stormwater or sediment runoff, stating that he had felt the intent was to place ground cover on a site.

It was asked whether an owner would need to landscape a site once they have purchased it. Mayor Miller clarified that the Ordinance would apply only to land on which demolition has occurred or where no ground cover is present. Town Manager Serda reiterated that a property owner must also control stormwater runoff from their site.

Town Manager Serda further clarified that there is currently an open Code case involving a vacant parcel from which sediment runs onto the road. He emphasized the need for maintenance and control of storm runoff after demolition.

Motion made by Commissioner Reiser, seconded by Commissioner Andreano, to approve the Ordinance, including “in good condition” to Section 4D-7. In a roll call vote, the **motion** passed unanimously (5-0).

Motion made by Commissioner Reiser, seconded by Commissioner Ravanesi, to adopt the Code Section that is Ordinance 2024-05 as amended. In a roll call vote, the **motion** passed unanimously (5-0).

B. Ordinance No. 2024-06 Coastal Dune Conservation District (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 AMENDING SECTION 12-100 ENTITLED “IN GENERAL” TO CREATE A NEW DISTRICT ENTITLED “COASTAL DUNE CONSERVATION DISTRICT”; PROVIDING FOR THE CREATION OF A NEW DISTRICT WHICH SHALL COMPRISE THE DESCRIBED LANDS, SITUATE, LYING AND BEING IN HILLSBORO BEACH IN BROWARD COUNTY, FLORIDA, PROVIDING FOR DISTRICT REGULATIONS; PROVIDING FOR THE PURPOSE OF THE DISTRICT; PROVIDING FOR QUALIFYING DEVELOPMENTS; PROVIDING FOR PERMITTED USES; PROVIDING FOR HEIGHT REGULATIONS FOR BOTH THE EAST SIDE AND WEST SIDE OF A1A; PROVIDING FOR PARKING AND YARD REGULATIONS; PROVIDING FOR EXCLUSIONS TO YARD REGULATION; PROVIDING FOR AREA AND DENSITY REGULATION BASED ON PLOT SIZE, AREA DENSITY, AND GROUND COVERAGE; PROVIDING OPEN AREA REGULATIONS; PROVIDING FOR FLOOR AREA REGULATIONS; PROVIDING FOR EMERGENCY POWER REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Acting Town Attorney Schwartz read the item into the record by name and title only.

Planning Consultant Jim Hickey stated that this Item was requested by Hillsboro Mile Property Owner, LLC, represented by agent Jeffrey Bass, to create a new district within the Town entitled the Coastal Dune Conservation District. He provided the Commission with an Agenda Memo summarizing the process and considering the potential changes related to Ordinance 2024-06.

Mr. Hickey recalled that at the previous Commission meeting, there had been significant discussion of height. He emphasized that the proposed structure, known as the

Rosewood building, would not be the tallest structure in the Town, as it is at least 30 feet lower than the Landmark building. He also addressed consistency with the Town's Comprehensive Plan, noting that the Plan's Land Use Element calls for the development of a coastal resort-oriented residential community characterized by uses which reflect a balance of the needs of both the year-round and seasonal populations, as well as minimal disruptions to natural systems.

The Comprehensive Plan's Conservation Element calls for preserving environmentally sensitive lands and local areas of particular concern, using land development regulation procedures for their protection and preservation. This involves the notification and protection of private property owners' rights, balancing conservation areas with development.

Mr. Hickey also noted that the creation of a Conservation District would involve a reduction in density. The current density allows 16 units per acre. The proposed zoning district would reduce density to 10 units per acre. The current zoning would permit 188 units, while the Site Plan proposes the development of fewer than 100 units.

Mr. Hickey continued that the Ordinance would only amend the text in the Town's Land Development Code. An applicant would still need to file a rezoning application, which would be reviewed by the Commission at two public hearings.

Mr. Hickey recommended the following changes:

- P.2 of the Ordinance, line 13: change "...hereby divided into districts where there shall be five" to "...shall be seven"
- P.4 of the Ordinance, line 31: change reference under "Plot, Area, and Density" to designate a minimum square footage for units; he proposed consideration of a minimum of 2000 sq. ft. of ground area per multi-family unit

Mayor Miller referred to the Plot, Area, and Density Section, stating that she had understood this would specify not exceeding a maximum gross density of 10 dwelling units per acre rather than size of unit. Mr. Hickey replied that if the Commission is comfortable with the proposed density, there is no need to establish a minimum square footage; the reason it is proposed would be to require any developer with lower density to have larger units than what is required by Code. He recommended establishing a minimum square footage per dwelling unit, as larger units typically accompany lower density.

Mayor Miller asked if this will mean a developer must seek a variance if they wish to construct smaller units, such as studio units. Mr. Hickey confirmed this, reiterating that lower density is already accomplished without specifying unit size.

Commissioner Reiser asked how the Ordinance's density requirement would affect smaller properties. She pointed out that there will also be side yard and other requirements which will affect the number and size of units on a parcel. Mr. Hickey confirmed that the size of the property itself will ultimately determine a project's density, adding that the Ordinance refers to a minimum acreage of five acres.

Mayor Miller further clarified that the Commission would ensure that their goal of capping density on the site is met, and the developer may decide how to allocate those units in terms of space. Mr. Hickey also noted that the minimum unit size square footage would not be calculated for purposes of density, but for the price point.

Mayor Miller referred to p.2 of the Ordinance, "Qualifying Developments," which list the requirements of a parcel to qualify for consideration as part of the Coastal Conservation District. She noted that the figure "30%" appears twice in this Section, and asked if it was recommended that the Commission remove "consisting of 30% or more of the land to be rezoned." This removal would leave the following language: "...includes a local area of particular concern as designated on the Nature Resource Map Series of the Broward County Land Use Plan."

Mayor Miller continued that an alternative to this suggestion would be "...designation of a conservation easement in favor of Broward County or the Town of Hillsboro Beach, consisting of 30% or more of land to be rezoned." Mr. Hickey replied that both references to 30% are needed in order to cover both alternatives.

Jeffrey Bass, 1515 Sunset Drive, representing the Applicant, briefly highlighted some aspects of the policy discussion, pointing out that the Commission has conducted an extraordinary amount of public hearing on this matter, providing all respondents with ample time. They have held three public hearings when only two are required, all of which include public input.

Mr. Bass requested that the Commission adopt the Ordinance before them due to the reasons discussed in Mr. Hickey's presentation. He noted that Ordinance 2024-06 reduces density and therefore traffic. He also felt the Ordinance addresses overdevelopment by not only reducing density but increasing open space and setbacks and would allow properties that have lain fallow to be used to increase the Town's tax base and pay for Town services.

Mr. Bass continued that the Ordinance will also protect the Town's beaches, creating an incentive for property owners to voluntarily reduce their density and increase setbacks in exchange for greater height.

Mr. Bass observed that Ordinance 2024-06 is consistent with the Town's Comprehensive Plan, as mentioned during Mr. Hickey's presentation. With regard to the regulation of unit size, he suggested that the Commission leave this decision to the market rather than regulating it, or impose a minimum unit size no greater than 2000 sq. ft. He explained that the proposed development will include amenity guest suites smaller than 2000 sq. ft. which could be used by health care workers, family members, guests, or others. He added that the Applicant wished to ensure that any minimum unit size would not apply to those suites.

Mr. Bass concluded by requesting a small amount of time for rebuttal in case the Applicant needed to respond to any issues that may arise.

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

Commissioner Andreano pointed out that the Application does not refer to smaller facilities for guests, health care workers, or others. Mayor Miller clarified that the Applicant would need to allocate the size of these units, most likely making them smaller while allowing other units would be larger.

Mayor Miller opened the public hearing.

Kim Williams, 1221 Hillsboro Mile, asked if Town Staff has discussed the proposed development, including existing Code regulations, with the Applicant. She recalled that in previous discussions of the development, the Commission had emphasized that the variance would apply only to 10-acre properties, which would mean it was limited to the Applicant's property only; however, the discussion now includes five-acre properties. Ms. Williams concluded that this change led her to question the integrity of the discussion regarding the proposed development, and she found it to be disheartening.

Mark Ginsberg, 1221 Hillsboro Mile, speaking via Zoom, stated that the remarks made by the Mayor and Commissioners at the September 10, 2024, Commission meeting, as well as comments made at today's meeting, suggested the real reason for the proposed Ordinance was the desire to see a building constructed to 130 ft. despite court orders disallowing that height on the basis of zoning. He pointed out that the Commission has already approved this height and wishes to allow construction of the building to proceed.

Mr. Ginsberg continued that the Commission appeared to be acting on behalf of the developer rather than the residents who would be affected by the project, and pointed out that even at a lower height, the building could still generate significant tax revenue. He recalled that the Commission amended the qualifying lot size to 10 acres upon approval at first reading; however, this size was later lowered to five acres.

Mr. Ginsberg asserted that the proposed Ordinance would transform three properties of more than five acres in the northern portion of the Town, allowing them to be developed to 130 ft. in height. He concluded that the Ordinance would not survive a legal challenge, and requested that the Commission reconsider the height limit.

Richard Crusco, 1194 Hillsboro Mile, speaking via Zoom, stated that the Applicant is seeking to circumvent a court decision as well as the Town's zoning laws. He advised that members of the Commission had made assurances and guarantees to residents that safeguards were in place to prevent additional properties from building to a height of 130 ft. In addition, at the July 9, 2024 first reading of the proposed Ordinance, it was stated that five-acre properties were not suitable for the proposed type of development, and the Commission had voted unanimously to amend the minimum acreage to 10 acres.

Mr. Crusco continued that if other properties are developed to the same proposed height as the Applicant's property, it would be to the detriment of other neighboring properties. He felt the proposed Ordinance, if passed, would be challenged in court by residents, and urged the Commission to modify the proposed height allowance.

Charles Dougherty, 1194 Hillsboro Mile, speaking via Zoom, requested that the written objections he had transmitted to the Commissioners and the Town Clerk be entered into the record of tonight's meeting. He objected to approval of the proposed Ordinance, pointing out that the issue of guest suites, which was first raised at today's meeting, sounded similar to short-term rental properties, which should not be allowed under Zoning Code for the proposed condominium.

Debbie Sabin, 1221 Hillsboro Mile, speaking via Zoom, stated that lowering the minimum parcel size from 10 acres to five acres "placed a target" on the back of her property as well as that of other smaller condominium properties. She requested that the Commission reconsider their decision and retain existing green space.

Mayor Miller closed the public hearing.

Mr. Bass, representing the Applicant, asserted that both developers and residents may come before the Commission to express their positions on this issue. He characterized the ability to request a zoning change as a Constitutionally protected petitioning activity and took exception to the suggestion that any party's integrity may have been compromised.

Regarding the issue of unit size, Mr. Bass stated that the proposed amenity suites are not vacation rentals, but are suites of less than 2000 sq. ft. The Applicant wished the Commission to indicate that a minimum unit size would apply to the sale of units but not for common areas such as these.

Mr. Bass concluded that there are no variances before the Commission, but a legislative decision to change Zoning Code, which has been done many times over the years. He requested that the Commission adopt the Ordinance with an amendment that if the minimum unit size is decreased to 2000 sq. ft., there would be a clear expression of legislative intent that the restriction would not apply to common area amenities.

Commissioner Ravanese stated that he was tired of having the Commission's character and integrity being questioned, and emphasized the importance of decisions relating to the economy and stability of the Town. He pointed out that beach renourishment assessments are likely pending in the Town's future and revenue must be generated for this purpose.

Commissioner Andreano advised that he did not find it important how much revenue a building may generate, as his only concern was for the benefit of the Town. He noted the importance of placing utilities underground to minimize the effects of hurricanes, and pointed out that the Applicant is willing to help the Town make this improvement.

Commissioner Andreano continued that there are many buildings in the Town which range in height between eight and 15 stories and help the Town financially as well as maintaining its beauty and uniqueness. He also noted that most of the sand purchased by the Town goes toward improving the subject area. He concluded that residents should look at the proposed development more broadly and recognize that the entire Town is "in this together," and that they would be proud of the building once it has been constructed.

Commissioner Ravanese also addressed the purchase of sand, recalling that in 2025, the Town will need to undertake further beach renourishment, which will come at a significant cost. He pointed out that the Town must contribute 12.5% from its reserves toward the purchase of sand, which he estimated at between \$750,000 and \$770,000, and that this money will need to be replaced to continue sound financial operations within the Town.

Commissioner Reiser requested clarification of properties in the Town which are greater than five acres in size. Town Manager Serda confirmed that these include the Sea Club and Flamingo properties.

Commissioner Reiser also noted that the Mayor and Commissioners are required to file financial documents which attest to their integrity. She recalled that the previous Commission saw the proposed project as a win for the Town and concluded that she wanted the project to proceed.

Regarding height, Commissioner Reiser confirmed that the Landmark building is the tallest in the Town at 15 stories in height. She also advised that the Rosewood building was intended to be a "one-and-done" project, and recalled that the Commissioners had campaigned on this issue. She added that she understood why a variance was granted for a Coastal Conservation

Area and concluded that while she was in favor of the Rosewood project, she questioned the Coastal Conservation Area zoning. This variance has been granted for the specific reason of protecting the Rosewood property.

Commissioner Reiser continued that she was concerned about possible future developments such as the Sea Club and the Royal Flamingo. While she felt the Town needs the Rosewood project and she wanted to see it brought to fruition, she questioned why Code needed to be changed.

Vice Mayor Baldassarre recalled that the Rosewood project has been under discussion for several years, and the original discussion included a 25-story structure. It has taken several years to bring the project to a more acceptable format. She added that she has discussed the project with many residents, the majority of whom support it, and pointed out that there are few changes the Commission could impose that would be acceptable to the residents who do not support the project.

Vice Mayor Baldassarre concluded that she was comfortable supporting the proposed 10-story building as well as Ordinance 2024-06. She also took exception to individuals' questioning of the Commission's integrity.

Mayor Miller thanked the residents in attendance for sharing their views and concerns, clarifying that the Town is creating a new zoning district which would meet the legal obligation of allowing other similarly situated properties to make the same change as the Applicant.

Mayor Miller continued that due to the proposed density reduction, the building's footprint would be significantly smaller despite its height. This would allow sites to retain more green space, including 100 ft. setbacks on each side, while reducing density and shrinking the building's footprint. If an applicant meets the criteria, they would be allowed to build to 150 ft.

Mayor Miller also addressed the change from 10 to five acres, stating that there are very few properties in the Town which meet the zoning change's size criteria. The application of the new zoning district would be based on the size of the parcel, including the ability to meet requirements for 100 ft. setbacks and green space, rather than its location.

Mayor Miller cited several buildings in the Town which are over 10 stories in height, many of which are located near private single-family residences. She concluded that while part of the appeal of the Rosewood project is its revenue, the proposal also allows for responsible and reasonable development with certain protections for the Town.

Mayor Miller also addressed comments which had mentioned litigation, noting that there is

no legislation which prevents the Commission from making decisions on how the Town's land is used. She reiterated that most residents are in favor of the Rosewood project and acknowledged the concerns of residents who oppose it.

Mayor Miller also referred to the proposed 25 ft. easement as critically important to the project, as it would provide for continued beach renourishment in the future. She also pointed out that the Town has its own access points to the beach for the purpose of renourishment, and that the cost of renourishment is greater than many may realize.

Motion made by Commissioner Ravanese, seconded by Commissioner Andreano, to amend the Ordinance as written to make the change on p.2, line 13, changing the number of districts from five to seven, and then on p.4, line 31 of the Ordinance. In a roll call vote, the **motion** passed unanimously (5-0).

Motion made by Commissioner Ravanese, seconded by Commissioner Andreano, to approve the Ordinance as amended. In a roll call vote, the **motion** passed 4-1 (Commissioner Reiser dissenting).

Motion made by Commissioner Andreano, seconded by Commissioner Ravanese, to adopt the Ordinance. In a roll call vote, the **motion** carried 4-1 (Commissioner Reiser dissenting).

C. Ordinance No. 2024-07 - Prohibit Gas Powered Leaf Blowers (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 6 ENTITLED "GARBAGE AND TRASH DISPOSAL" BY SPECIFICALLY AMENDING ARTICLE VI ENTITLED "NUISANCES"; PROVIDING FOR THE REGULATIONS ON THE USE OF LEAF BLOWERS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Miller noted that there has been a request to defer Ordinance 2024-07.

Motion made by Vice Mayor Baldassarre, seconded by Commissioner Reiser, that this Ordinance be deferred. In a roll call vote, the **motion** passed unanimously (5-0).

D. Ordinance No. 2024-08 – Require Digital Photographs of Existing Structures to be Submitted as Part of the Construction Site Management Plan (Demolition). (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 AMENDING SECTION 12-50 ENTITLED "CONSTRUCTION SITE MANAGEMENT"; PROVIDING FOR DIGITAL PHOTOGRAPHS OF ALL STRUCTURES PRESENT ON A LOT PRIOR TO ANY DEMOLITION ACTIVITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Acting Town Attorney Schwartz read the Ordinance by name and title only.

Motion made by Commissioner Ravanese, seconded by Vice Mayor Baldassarre, to approve. In a roll call vote, the **motion** passed unanimously (5-0).

E. Ordinance No. 2024-09 – Require Renderings Be Submitted with Site Plan Review Applications. (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 AMENDING SECTION 12-48 ENTITLED "APPLICATION FOR FINAL SITE PLAN APPROVAL"; PROVIDING FOR RENDERINGS REFLECTING IMPROVEMENTS ON PROPOSED SITE PLANS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Acting Town Attorney Schwartz read the Ordinance by name and title only.

Motion made by Commissioner Ravanese, seconded by Vice Mayor Baldassarre, to approve. In a roll call vote, the **motion** passed unanimously (5-0).

V. DISCUSSION & POSSIBLE ACTION

None

VI. RESOLUTIONS & CONTRACTS

A. Resolution No. 2024-41

Resolution of the Town of Hillsboro Beach Mayor and Commissioners Approving and Adopting a Fee to Allow for Alternative Plans Review and Inspections for Private Providers to Provide Plan Review and Building Inspections in Lieu of the Building Department, per Florida Statute 553.791 and Authorize the Appropriate Town Officials to Update the Town's Comprehensive Fee Schedule.

Mayor Miller introduced the Resolution. Acting Town Attorney Schwartz read the resolution by title only into the record.

Town Manager Serda explained that Florida Statutes allow parcel owners the option of using private providers for land review and inspections, which bypasses most Building Department authority or requests. This would mean the Building Department serves only as the custodian of records. He emphasized the need for the Town to have a plan in place to respond to these requests as well as a path for owners who choose this option. The Town must also establish a discount available to owners who choose to proceed with private providers.

Mayor Miller asked if the Town anticipates any further action with respect to this statutory requirement. She pointed out that the Town must also establish a standard operating private provider audit procedure. Town Manager Serda replied that the Town would take custody of the records and review them; if the Building Official feels the inspection was not carried out by qualified individuals or in a timely or proper manner, they may step in and discuss clarification. The Building Official may also withhold a Certificate of Occupancy (CO) until any deficiencies have been corrected.

Commissioner Reiser observed that the Town may develop its own protocol to follow up on the Building Official's decision. Town Manager Serda replied that the Building Official must feel comfortable with the private provider's qualifications and certification. Once they have received the private provider's reports, they may issue the CO, which is ultimately the Building Official's responsibility.

Motion made by Vice Chair Baldasarre, seconded by Commissioner Reiser, to approve 2024-41. In a roll call vote, the **motion** passed unanimously (5-0).

B. Resolution No. 2024-42

Resolution of the Hillsboro Beach Mayor and Commissioners Authorizing the Appropriate Town Officials to Execute Agreement with Port Consolidated, Inc. for Unleaded and Diesel Fuel Piggybacking on the City of Pompano Beach, Florida Same Terms and Conditions of RFP No. E-03-22 Unleaded Gasoline and Diesel Fuel for Southeast Florida Governmental Purchasing Cooperative Group.

Mayor Miller introduced the Resolution, and Acting Town Attorney Schwartz read the Resolution by title only into the record.

Town Manager Serda explained that this is a housekeeping item. The Town purchases fuel and dispenses it to the vehicles and/or vessels in question; however, the Town's

procurement policy allows them to “piggyback” on another municipality’s contract, following the policy established by lead agencies in the Broward Cooperative Purchasing Coalition. He concluded that this is a transparency issue.

Town Manager Serda further clarified that the Town is one of many participants in the Broward Cooperative Purchasing Coalition, which pools its purchasing resources. Each agency takes the lead on a different resource. This system provides greater purchasing power for municipalities.

Motion made by Vice Mayor Baldasarre, seconded by Commissioner Andreano, to approve Resolution 2024-42. In a roll call vote, the **motion** passed unanimously (5-0).

C. Resolution No. 2024- 43

Resolution of the Hillsboro Beach Mayor and Commissioners Authorizing the Appropriate Town Officials to Execute the Agreement Between Broward County and the Town of Hillsboro Beach for the Enhanced Marine Law Enforcement Grant Program FY 2024/2025.

Mayor Miller introduced the Resolution. Acting Town Attorney Schwartz read the Resolution into the record by title only.

Police Chief Jay Szesnat advised that this Resolution extends the Town’s annual agreement with the Enhanced Marine Law Enforcement Grant (EMLEG) program into fiscal year (FY) 2024/2025. The agreement is a matching grant for 416 hours per week and 304 hours of aggressive services. It has increased to \$40,440. It funds the hourly rate used by the Town for Marine Patrol services. The grant pays for most of these services.

Commissioner Andreano requested clarification of the word “aggressive.” Chief Szesnat explained that this depends upon hours: aggressive hours typically begin after 2 p.m. The Marine Patrol seeks to use at least 304 of these hours per year.

Motion made by Commissioner Andreano, seconded by Vice Mayor Baldasarre, to approve. In a roll call vote, the **motion** passed unanimously (5-0).

VII. CONSENT

A. CONSIDERATION FOR APPROVAL

	Vendor	Invoice #	Date	Amount	Description
1.	CG&A	719912	August 2024	\$35,004.86	
2.	LSF	24-0831-26	August 2024	\$5,649.27	
3.	GCDE	61661	Aug/Sept 2024	\$6,572.60	General Matters
4.	GCDE	61663	Aug/Sept 2024	\$1,050.00	Crusco/Doherty ORD
5.	GCDE	61662	Aug/Sept 2024	\$90.00	Development-Related

Motion made by Vice Mayor Baldasarre, seconded by Commissioner Ravanese, to approve the Consent Agenda. In a roll call vote, the **motion** passed unanimously (5-0).

VIII. BEACH REPORT

Town Manager Serda reported that the Town will proceed with beach renourishment in February or March 2025. The Town is in discussion with the City of Deerfield Beach and engineers are coordinating the effort. The delivery schedule and maintenance of traffic (MOT) are currently being determined. Once the plan is formalized, it will be submitted to Deerfield Beach for approval.

IX. STAFF UPDATES

A. Police Department

Police Chief Szesnat reported that the Police Department is actively observing cyclist traffic and preparing for the coming season. He noted that “Coffee with a Cop” is scheduled for October 9, 2024, which is the second Wednesday of the month. The event will be regularly scheduled on that date, although the time will fluctuate.

B. Building Department

Building Official George Folles stated that the Building Department issued a Site Plan permit to the Related Group at their September 16, 2024 meeting. The site is being monitored by the Police Department to ensure that the developer adheres to the Town’s hours of operation. The Building Department is still awaiting a response regarding Parcel A, which is located on the Intracoastal Waterway. No construction permits have been issued for either Parcel A or Parcel B. If approved, work will begin on Parcel B and will

be preceded by a pre-construction meeting with all Departments involved, as well as with the contractor and developer.

Commissioner Reiser asked if structural and zoning permits must be approved before the Town sees any funding toward the undergrounding of utilities. Town Manager Serda replied that his interpretation of this schedule was that 50% of funding will be provided at the issuance of the first primary building permit, with the remaining 50% to be provided at issuance of the CO. He did not expect bifurcation of the two parcels to affect funding.

Mayor Miller asked if the Building Department expects to receive submittals from condominiums related to their milestone reports. Mr. Folles explained that the Broward County Board of Appeals has addressed this issue as part of the Broward County Inspection Report. He expects to receive both milestone reports and building safety inspection reports. He was not certain, however, of the procedure for buildings whose milestone inspections were just approved one to two years ago.

Mr. Folles continued that the Broward County Board of Appeals oversees two different safety inspection programs: structural and electric. He did not believe a building was required to provide a new milestone report if their previous inspection just occurred one to two years ago but expected their next milestone inspection would be in 10 years. If the building wished to submit a report in relation to a problem, however, he would like to see that document. All milestone reports are kept on file at Town Hall.

Mayor Miller asked what is expected of a property owner when they receive a letter stating that a permit has expired. Mr. Folles replied that a letter is mailed to the property owner which encourages the owner to call the Building Official if there is any unusual circumstance related to the expiration. Each situation may be different.

C. Code Compliance

Bernard Pita, Code Compliance Supervisor, CG&A, briefly reviewed Code Compliance cases for which notices have been issued.

Mr. Pita noted that the majority of the open cases were related to annual fire inspections, and all of these cases involved multi-family properties. He has contacted the appropriate property managers for these buildings and connected them with the Fire Inspector so they know what must be done to bring the property into compliance.

Mr. Pita continued that Code Compliance continues to work with properties that have received either courtesy notices or Notices of Violation. The Town's top priorities have

been noise from construction sites, construction site management, and obstructions of rights-of-way.

Commissioner Reiser noted that one of the buildings at which multiple inspection notices were issued is a relatively new structure on the Hillsboro Mile. Mr. Pita explained that these may include maintenance issues as well as Fire Code violations.

X. TOWN MANAGER REPORT

- A. Music on the Green, Featuring Patti & Jozay - 10/10/2024**
FREE Shred, Electronic Recycle, Blood Drive and more - 10/26/2024
Christmas Tree & Menorah Lighting Holiday Program - 12/05/2024

Nothing to report.

XI. TOWN ATTORNEY REPORT

Nothing to report.

XII. TOWN COMMISSION COMMENTS/REPORTS

Nothing to report.

XIII. PUBLIC COMMENTS

Mayor Miller opened the public hearing.

Susan Maybee, 1187 Hillsboro Mile, complimented Town Staff, including the Chief of Police. She also requested clarification of how the Rosewood project would affect the underground burying of utility lines. Mayor Miller replied that the developer will follow their own schedule to complete this project.

With no other individuals wishing to speak, Mayor Miller closed the public hearing.

Mayor Miller reminded all present that Coffee with a Cop is scheduled for October 9, 2024 at 2 p.m. She also briefly reviewed the events listed under the Town Manager Report, and added that the General Election will be held on November 5, 2024. The next Commission meeting is scheduled for November 12, 2024.

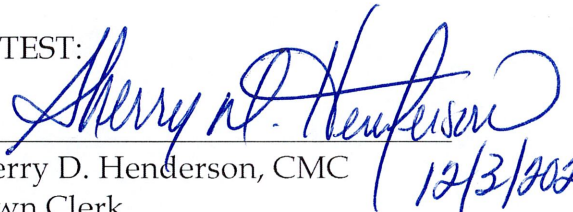
XIV. ADJOURNMENT

Motion made by Commissioner Ravanesi, seconded by Commissioner Reiser, to adjourn the meeting at 11:19 A.M. All were in favor.

ADOPTED THIS 3rd DAY OF December, 2024.

By: 
Dawn Miller, Mayor

ATTEST:


Sherry D. Henderson, CMC
Town Clerk
12/3/2024





*Hand-outs Provided or Presented at Meeting - Entered into the Record and/or
Written Comments emailed to Town Clerk, Entered into the Record.*

OCTOBER 1, 2024

REGULAR COMMISSION MEETING

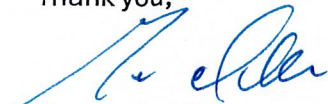
Town of Hillsboro Beach
1210 Hillsboro Mile
Hillsboro Beach, FL 33062
TownofHillsboroBeach.com
954-427-4011

September 13, 2024

To Town of Hillsboro,

My name is George Del Pino and I own Unit 406 at the Landmark. I wanted to give my full support for the Rosewood Residences development. The website with the plans is spectacular. I am also grateful that they will only be having 92 units instead of the potential 188 that it is zoned for. The additional revenue it will bring the Town is also another benefit we should not overlook.

Thank you,



George Del Pino

561-716-1218

Sherry D. Henderson

From: Carol Siatkowski Keane <carolskeane@icloud.com> on behalf of Carol Siatkowski Keane
Sent: Friday, September 20, 2024 12:28 PM
To: shenderson@townofhillsborobeach.com
Subject: Residence Rosewood project. I am in favor of the rosewood Residence project. I t will benefit the community greatly. Lgreatly.

Sent from my iPhone

Sherry D. Henderson

From: Nadia Cromwell <nadia.cromwell58@gmail.com> on behalf of Nadia Cromwell
Sent: Friday, September 20, 2024 12:18 PM
To: shenderson@townofhillsborobeach.com
Subject: Rosewood

I am in favor of the new Rosewood Residence. I think it will enhance our already beautiful neighborhood.
Thank you
Nadia Cromwell
Sent from my iPhone

Sherry D. Henderson

From: Kentos Rock <rockbrg@yahoo.com> on behalf of Kentos Rock
Sent: Friday, September 27, 2024 1:46 PM
To: shenderson@townofhillsborobeach.com
Subject: Ordinance 2024-06

The previous Commission told the residents of Hillsboro Beach that if they approved "one" developer to build OUTSIDE our zoning regulations, you would NOT let this become a pandora's box of "approvals"! And yet... here we are with Ordinance 2024-06! Was the Commission's word not true? We are angry! DO NOT LET ORDINANCE 2024-06 pass. We DO NOT want our beautiful residential Hillsboro Beach to become a high-rise money-making gold mine for rich developers - who will quickly leave AFTER they do their damage. **NO** to Ordinance 2024-06!

Paul & Geri Rock, over 35 years resident of Hillsboro Island House



Sherry D. Henderson <shenderson@townofhillsborobeach.com>

Rosewood Residence

Cosmic Kitchen <cosmickitchenhomer@gmail.com>

Mon, Sep 23, 2024 at 6:06 PM

To: shenderson@townofhillsborobeach.com

To the Mayor, Board, and Town Clerk of Hillsboro Beach,
I am in favor of the Rosewood Residence project. It will benefit the town and all of our residents. From my understanding, it will help fund the underground wiring and beach nourishment in Hillsboro Beach. The tax dollars will help future projects as well. Rosewood Residence has my support. Please enter this into public record.
Michelle Wilson

Sent from my iPhone

Sherry D. Henderson

From: ALICIA OLSEN <olsenrun@msn.com> on behalf of ALICIA OLSEN
Sent: Friday, September 20, 2024 2:15 PM
To: shenderson@townofhillsborobeach.com
Subject: Rosewood Residential Project

Hello Sherry,

I want to let you know how wonderful to see the Rosewood project get started! I see these residential developments

as a great benefit to our town's financial well-being now and for its future growth. And, they will add architectural beauty to our town as well.

Please add this to any public record you feel is appropriate.

Sincerely,

Alicia Olsen

Lebaron resident

Get [Outlook for Android](#)

Sherry D. Henderson

From: Mark Cifarelli <mark@2010autosales.com> on behalf of Mark Cifarelli
Sent: Saturday, September 28, 2024 3:27 PM
To: CommissionerBarbara Baldassarre"; jreiser@townofhillsborobeach.com; David A. Ravanese; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; Mayor Dawn Miller
Subject: New Ordinance Opposition

Good Afternoon

Please let it be known that I, Mark Cifarelli, object to the new ordinance that will allow building up to 130 ft on 5 acres.

I own a unit in Virginia Kaye and I absolutely love the 'old Florida' feel and look of the community. It will now be dwarfed by a massive building on one side and I am very concerned that once you allow developers to circumvent the current 3 story rule, that we will open the floodgates for more gigantic projects.

We will next have to deal with the Ocean Crest project on the other side of our complex. 2 Large projects on either side at the same time will not be fun to deal with.

I oppose allowing large developers to erect massive buildings that will change the landscape of this wonderful town.

I am not against development. It is my opinion that projects could adhere to the current rules and be a welcome addition to the town and generate a generous amount of revenue that the town is looking for. All of the residents I know oppose such gigantic development, but would not be opposed to smaller projects that would enhance the town's upscale look and feel, without making it a mini downtown Ft Lauderdale.

As elected officials, please give serious consideration to resident and owners wishes over developers and money.

David- The Last tme I sent an email you were the only one who responded and I appreciate that very much. It is my fault we have not been able to connect for the call we talked about. I will do my best to reach out this week.

Thank you all for reading,

Mark

Mark Cifarelli

Owner

2010 Auto Sales

343 2nd Ave

Troy, N.Y. 12182

518.238.0263

www.2010autosales.com

Sherry D. Henderson

From: Phyllis Farfaras <pfarfaras@aol.com> on behalf of Phyllis Farfaras
Sent: Sunday, September 29, 2024 12:52 PM
To: bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com;
dravanesi@townofhillsborobeach.com; mserda@townofhillsborobeach.com;
shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com;
dmiller@townofhillsborobeach.com
Subject: Ordinance 2024-06 ---

Good Morning,
I am quite concerned over what is happening in our town.
It appears that the only reason there is to rezone our community is to accommodate the developer(s). This is reprehensible. If there is another reason, I would like to hear it.

Changing the Ordinance will enable a host of developers to flock into Hillsboro Beach and do the same thing, destroying the very essence of our small peaceful town.

Do any one of you live near where these buildings will be built? If so, do you really think this is necessary? My thought is you would think differently if you do and intend to remain in Hillsboro Beach.

Please think ...
Long after you are gone, your legacy will be how you assisted in allowing a big pocketed developer to persuade you in voting to destroy one of the last small towns in South Florida. Is that how you want to be remembered? Or doesn't it matter to you?

Surely there could have been a compromise, please reconsider. We should not have "this" dividing our town. Again, I ask- please reconsider.

Phyllis Farfaras
1194 Hillsboro Mile #23
Hillsboro Beach, Florida 33062

email- pfarfaras@aol.com
cell- (561) 663-1049

Sherry D. Henderson

From: Gail Wiser <gailwiser@outlook.com> on behalf of Gail Wiser
Sent: Sunday, September 29, 2024 5:35 PM
To: bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com;
dravanesi@townofhillsborobeach.com; mserda@townofhillsborobeach.com;
shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com;
dmiller@townofhillsborobeach.com
Subject: Ordinance 2024-06

Dear Commissioners,

I vehemently oppose the ordinance 2024-06 that would allow 3 more properties of 5 acres to build large 130' high buildings in our part of Hillsboro Beach where the ordinance is for 3 stories maximum. What are you looking to create? A north end of mini-high rise building in place of our community that we all bought into? Has services been studied for the impact of the possibilities of these structures? Water/sewer? police? Traffic?

When people purchase into a neighborhood they investigate many aspects of the area. Many of us have chosen Hillsboro Beach because of the atmosphere and beauty of the neighborhood. Now, you commissioners are changing our neighborhood while most of you drive south to your unaffected homes.

At the last meeting, a homeowner at the south end of town asked for consideration to build a fence to prevent trespassers and cars from turning around on his property. You commissioners were thoughtful in your questioning and concerned about the traffic problems at the bridge. I mention this because more than one commissioner stated that the owner knew the ordinance when he bought his property and build his pool. Exactly! So why are you not consistent with these developers! They knew of the 3 story height variance when they bought. I can only conclude either you are greedy with the promise of dollars from the developers and/or you really don't care what the north side of Hillsboro Beach looks like with 2-3 story condos dwarfed between 150+' monsters

Some people have called this "progress". Destruction of the charm when feeling close to nature/beach is taking our culture backwards.

Gail Wiser
Hillsboro Island House

Sherry D. Henderson

From: Paul Rock <prock1937@yahoo.com> on behalf of Paul Rock
Sent: Sunday, September 29, 2024 9:52 PM
To: shenderson@townofhillsborobeach.com
Subject: Ordinance 2024-06

I am firmly against Ordinance 2024-06 amendment. The Commission told Hillsboro Beach residents that Rosewood was a one-time exception. Now we are looking at Ordinance 2024-06 amendment! I believe this Commission is opening Hillsboro Beach up for future wealthy developers to again abuse our zoning laws, make a LOT of money, and leave - with our community picking up the pieces. These builders knew our laws when they bought property! These wealthy developers' goal was to use our beautiful community to make money! They obviously are not concerned with our community and our laws/zoning. I think this Commission is more concerned with short-term money than with the impact this will have on Hillsboro Beach. I want this on public record.

Sherry D. Henderson

From: Gary Kliza <gklizax2@yahoo.com> on behalf of Gary Kliza
Sent: Saturday, September 21, 2024 1:01 PM
To: Town of Hillsboro Beach
Subject: Rosewood

I am in favor of the Rosewood project. It will benefit the community and all of the residents.

Sherry D. Henderson

From: Pat Marmousez <marmousezpat@gmail.com> on behalf of Pat Marmousez
Sent: Monday, September 30, 2024 12:43 PM
To: bbaldasarre@townofhillsborobeach.com
Cc: jreiser@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; dmiller@townofhillsborobeach.com
Subject: Ordonance2024-06

My name is Patricia Marmousez and I chose this place instead of Miami. Hillsboro Beach was a paradise and you will destroy it. The only reason for visiting Miami Beach today, it is for his preserved neighborhood : Art Deco Ocean Drive. Think about that. This place is not for the buildings. Brickell is a business district, North Miami or Pompano Beach.... look their buildings today and think about what Hillsboro will be without sun on the beach in the afternoon. Goodbye the calm, goodbye turtles, goodbye paradise for which I left everything. I know you don't care because of money. But look walls on the beaches from Miami to Hillsboro. The most expansive parts are places without awful buildings. Think for the future and not just for now please. We will lose what we are here for

Sherry D. Henderson

From: Laura Fish <fishonthemile@gmail.com> on behalf of Laura Fish
Sent: Monday, September 30, 2024 11:22 AM
To: bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; dmiller@townofhillsborobeach.com
Subject: Ordinance 2024-06
Attachments: image0.jpeg; image1.jpeg; image2.jpeg; image3.jpeg; Untitled attachment 00328.txt

Hello Mayor and Commissioners,

Please add my comments for the public record that I am vehemently opposed to the rewritten ordinance by Related Group or any of their team for any parcels no matter what their size to be able to bypass our current zoning laws in this zone of 35 feet.

This vote if approved, will destroy the balance and beauty of our community.

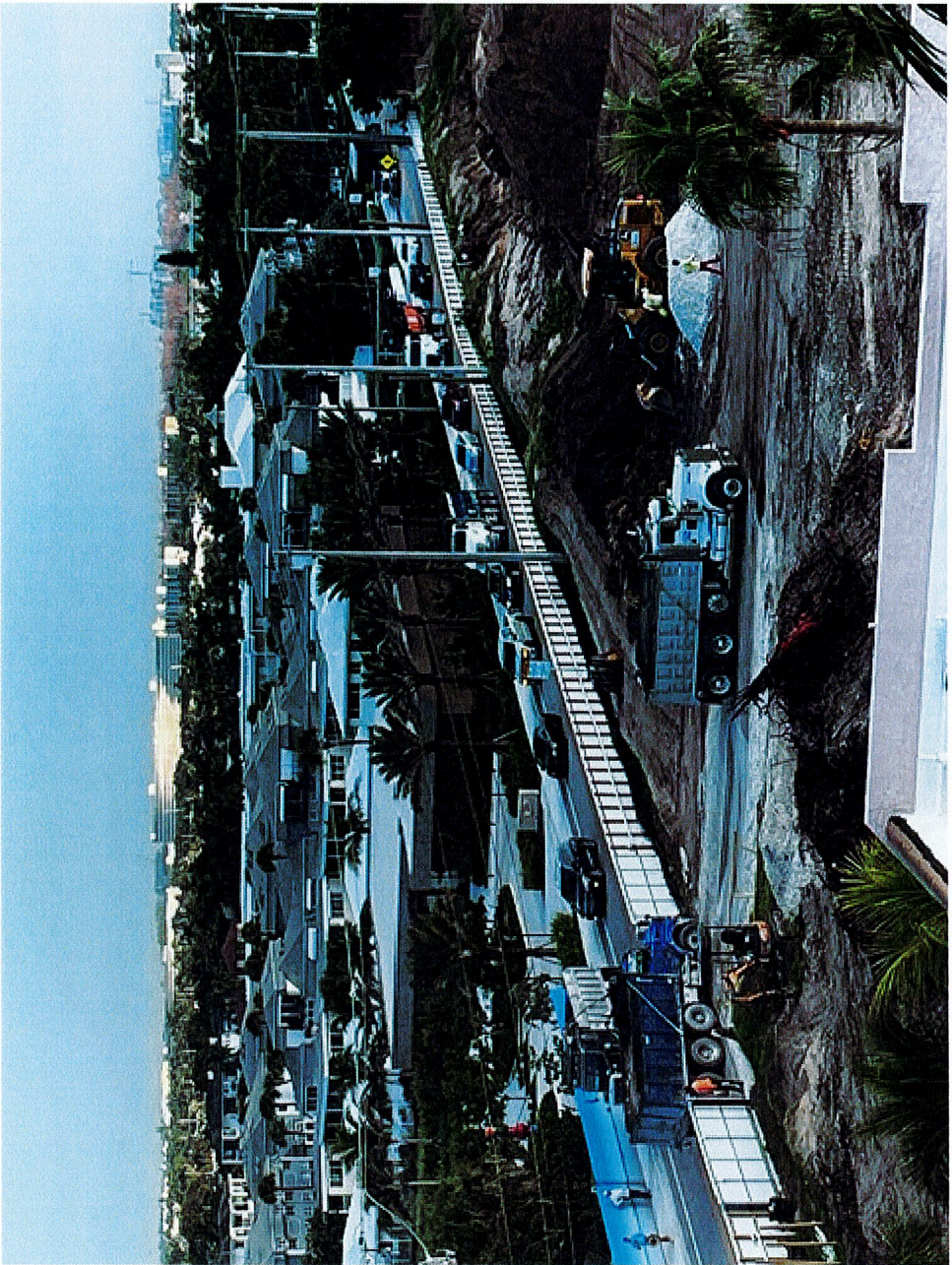
If it's additional tax dollars you are looking for this can just as easily be done without increasing the height 3 times the current legal zoning laws of 35 feet. Even a 100% increase in height would have and could be a windfall for any developer- and at least more palatable for the north side of the community.

Please reconsider this updated zone change debacle in our community and change your votes to no. Please protect and represent the north side of your constituents by voting NO on this ordinance.

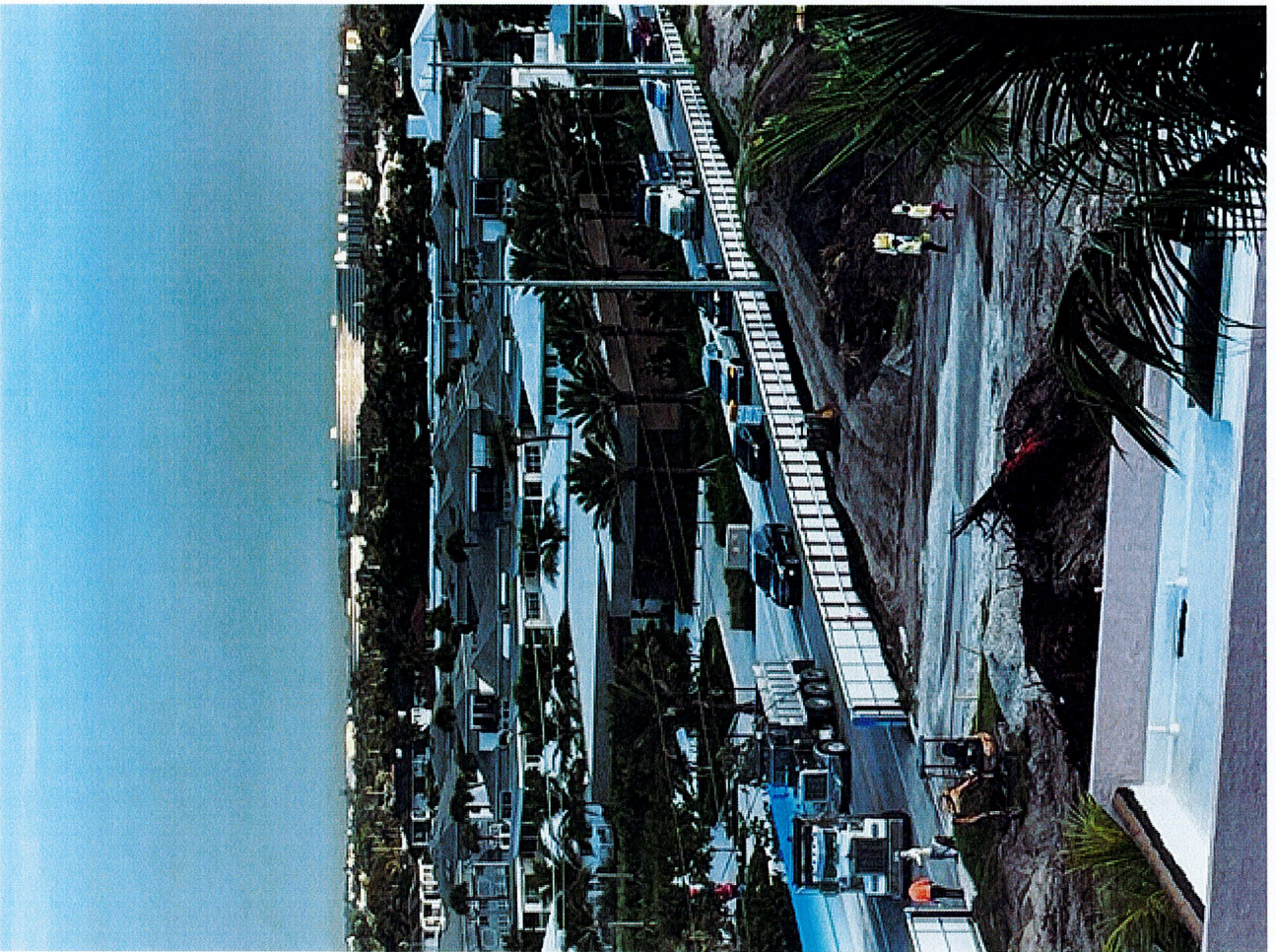
I have included pics of just one example of how dangerous and disturbing the Related Groups initial sand removal has been and how I almost got killed trying to get out of my driveway on the way to work going south.

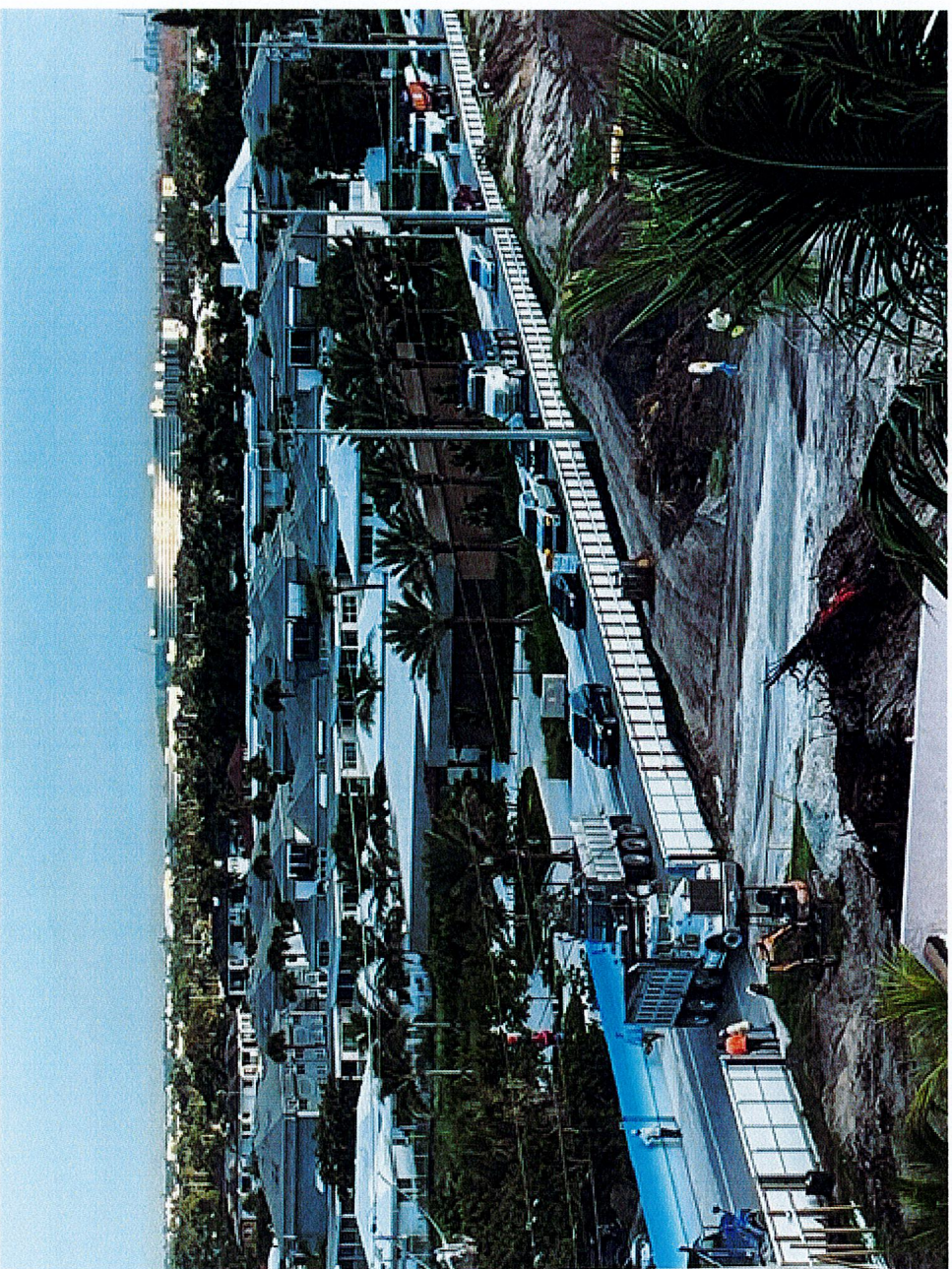
Our driveways were blocked as workmen stopped northbound traffic and angry frustrated drivers did not want me to inch out to go south. Once inching out I could not see the south bound drivers coming and almost got hit. This is life threatening and needs to be addressed.

Sincerely Laura Fish. Hillsboro Windsor









Sherry D. Henderson

From: penny weinberg <artypenny@gmail.com> on behalf of penny weinberg
Sent: Tuesday, October 1, 2024 4:16 AM
To: bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; Dawn Miller; vandreano@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; mserda@townofhillsborobeach.com
Subject: Ordinance 2024-06

Dear Mayor and Commissioners,

My opposition to this variance of our current laws takes into consideration the devastation to our environment both now and in the future. Not only are we digging into porous and unstable sand the blocking of the sunlight to our very protected and fragile dunes can have devastating effects in the future, unknown to present principles. In my experience of residential building when a building of this height and depth penetrates the ground and uses the land surface it causes fissures or cracks in the ground surface. This will also cause water to be displaced from its natural flow causing a change in the environmental habitat. What new wind tunnels will be created by a building of this size and mass? It will cause a shift in the direction of the wind possibly negatively affecting the surrounding buildings. How will the blocking of the sun affect the dunes that were used as a hardship but are now being cantilevered over? Who will police the people walking on the ramp over the dunes down into the beach from doing harm to our dunes? Will the money collected by the city cover the need for outside fire departments to come in the event they are needed? I am seriously hoping that the Town of Hillsboro Beach was not negatively convinced by the money thrown at it that they overlooked three judges decisions against the developer for getting a variance of the current laws not to exceed 35 feet. In addition, I feel that most of the meetings and decisions were made when a lot of the people who live in Town we're not around to voice their opinions. There is no amount of money that can be collected to replace the quiet enjoyment and peaceful environment that has been created in Hillsboro Beach. It used to be known as the hidden jewel, but years worth of traffic, debris, dust and noise will change that moniker to be Fort Lauderdale North. I feel that the commission and the mayor has closed their eyes and sold us out for the sake of money and the need for an easement to bring sand down to the beach which could've been gotten from a building within the rules.

Rules are made to be followed not broken and worked around.

Penny Weinberg
Sent from my iPhone

Sherry D. Henderson

From: michael weinberg <yanks4@gmail.com> on behalf of michael weinberg
Sent: Monday, September 30, 2024 7:40 PM
To: bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; Shenderson@townofhillsborobeach.com; Mac Serda; Dawn Miller
Subject: Ordinance 2024-06

Mayor and Commissioners,

I request that you add my comments to the public record. I strongly oppose the rewritten ordinance allowing the Related Group to somehow work around our current zoning laws of a 35' limit on building. I was told that the Town of Hillsboro Beach needs the easement for sand created by allowing them to build a building of 150'. Can we not get the same easement by not letting them bend the rules. After all I believe that a judge turned down their request three times. Do these court cases mean anything? I find it odd that the Town kept going against the judges decisions by keep trying to find ways to appease Related for what, more money. Wouldn't a project within the current zoning bring much needed revenue? Did we have to have more at the expense of long time residents quiet enjoyment and at the expense of losing our laid back charm with this ogre of a building.

These are not true or even nice people, it's all about the almighty dollar. The claim to want to be neighborly, I don't see it:

When they initially pitched the project, they said that if there were damages made to The Windsor since we were just going to paint our building, I remember clearly them saying that if there was any dust, dirt or debris, causing an effect to the paint, it would be cured by them. They backed off on that. We asked for one seismic monitor to be placed on our property line, that request came with a whole list of legal stipulations, even stating that we could not complain.

At that initial meeting, I asked if any independent traffic studies were being done to see the impact. The answer that I received was that they lowered the density from 180 to 120 apartments. That does not answer the question about the traffic impact the correct answer would've been what does 120 additional units bring to the traffic study. I am still looking for that answer.

Which brings me to the point that Laura Fish of the Hillsboro Windsor brought up. I am not in Hillsboro now, but I did see the pictures that she sent to you. It's appalling that this is happening at this time. Roads are blocked, people are angry, traffic is backed up and it's dangerous and it's not even season yet. What is it going to be like this winter in the town of Hillsboro Beach?

I am not opposed to building on the property but not to this level. I ask that you change your vote to no for the sake of preserving the charm and tranquility that we all deserve.

This Commissions legacy along with that of the previous Mayor, will be, those are the people who helped Related circumvent the rules and allowed this to happen.

Disappointed,
Michael Weinberg
Hillsboro Windsor

Sherry D. Henderson

From: David Rock <david_k_rock@yahoo.com> on behalf of David Rock
Sent: Monday, September 30, 2024 7:09 PM
To: bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com;
dravanesi@townofhillsborobeach.com; mserda@townofhillsborobeach.com;
shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com;
dmiller@townofhillsborobeach.com
Subject: Rejection of Ordinance 2024-06

Hillsboro Beach Town Commission:

I, as a long-time owner-resident of Hillsboro Beach (30+ years), am writing to be on Public Record that I adamantly OPPOSE Ordinance 2024-06.

It is constantly amazing to me that every year someone with the desire to make a quick buck tries to change our beautiful seaside township and trample on the wishes of the people who have been peacefully residing there for years. In short, we have had the rules limiting high-rises in our area for a reason--and this ordinance is yet another attempt to break those rules for a small number of self-interested people.

As it is, the traffic along AIA through Hillsboro Beach is already congested, certainly during high season, and changing the by-laws and adding significantly more congestion will only make that situation worse. The waterborne traffic will additionally increase and with it the noise, hastening the deterioration of the intracoastal embankments and adding to the cost of existing refurbishments, without even mentioning the impact on the environment! Why? Because instead of going to Miami Beach some developer thought it would be cheaper for him to build in our town?

I strongly OPPOSE any amendment to our town's ordinances such as Ordinance 2024-06.

Thank you,
David K. Rock
Hillsboro Island House
1160 Hillsboro Mile

Sherry D. Henderson

From: David Rock <david_k_rock@yahoo.com> on behalf of David Rock
Sent: Monday, September 30, 2024 7:09 PM
To: bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com;
dravanesi@townofhillsborobeach.com; mserda@townofhillsborobeach.com;
shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com;
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I strongly OPPOSE any amendment to our town's ordinances such as Ordinance 2024-06.

Thank you,
David K. Rock
Hillsboro Island House
1160 Hillsboro Mile

Sherry D. Henderson

From: Charles Doherty <cd@rebartonage.com> on behalf of Charles Doherty
Sent: Tuesday, October 1, 2024 8:18 AM
To: Commissioner Barbara Baldassarre;; Commissioner Jane Reiser;; David A. Ravanese; Mac Serda; Sherry D. Henderson; vandreano@townofhillsborobeach.com; dmiller@townofhillsborobeach.com
Cc: Richard Crusco; Ralf Brookes
Subject: Re: Objection to Ordinance 2024-6

Dear Ms Henderson, Mr Serda and Hillsboro Beach Commissioners,

I am again writing to object to Ordinance 2024-6 and request that you include this correspondence, documenting my objection, into the public record at the third reading of the proposed ordinance at today's Commission meeting.

I am a Hillsboro Beach Resident and live within 500-0 feet of the Related/Rosewood property. I strongly object to Ordinance 2024-06. I, along with all of my neighbors, purchased our properties aware of, AND because of, the limitations of the **RM 16** zoning district.

I and my neighbors support smart development of the Related parcel **IN CONFORMANCE** with the current zoning laws. I, along with many members of the Hillsboro Beach community, are opposed to changing the character and charm of Hillsboro Beach by building a 150-0 highrise and are opposed to the Town Commission trading away the quiet enjoyment of our homes so that a deep pocketed developer can generate even more profit.

Further, I object to Ordinance 2024-06 because:

1. **Illegal Spot Zoning** The Ordinance as promulgated constitutes an illegal spot zoning by shifting allowable building heights for one large parcel over 400%, from 35-0 height to over 145-0. The illegal spot zoning of 145-0 is not compatible with the surrounding area, will only benefit one owner, and will be to the detriment of residents in the immediate neighborhood.
2. **Improper Notice** Ordinance 2024-6 constitutes a change to the Land Development Code and as such, the Town has failed to properly notice adjacent neighbors and nearby property owners.
3. **Financial Windfall** Ordinance 2024-06 will provide a substantial, inappropriate and unfair financial windfall to the owner at the expense of the neighboring properties. The Town Commission is giving away tens of millions of dollars in value to the developer for a few million in public improvements.
4. **Illegal Variance** The Town Commission had granted an illegal variance to Related. That illegal variance was struck down by the court and also found to be illegal by the appeals court. This is just another attempt by the Town Commission to circumvent the law and the Court's decision on behalf of a favored deep pocketed developer.
5. **Sensitive Environmental Area** According to the Florida Department of Environmental Protection, Related/Rosewood has already **FAILED** the community in its responsibility to build in an environmentally safe manner.

During preliminary construction, the **Florida Department of Environmental Protection** conducted a **Compliance Evaluation Inspection** and “**multiple violations were discovered.**” Specifically, “...perimeter controls were found to be **insufficient to protect surface waters from potential pollutants.**”

Additionally, the following potential violations were observed:

- **Failure** to conduct inspections according to the construction generic permit.
- **Failure** to maintain records for the construction generic permit.
- *Failure to develop a Stormwater Pollution Prevention Plan for the construction generic permit.*
- **Failure** to properly install/implement Best Management Practices for the construction generic permit.
- **Failure** to properly operate/maintain Best Management Practices for the construction generic permit.

Therefore, in order to protect our incredibly beautiful beach and intracoastal environment, Related/Rosewood **CANNOT be trusted** to be the manager of the proposed **Coastal Dune Conservation District**.

For all of the reasons stated above, I object to the passing of Ordinance 2024-06.

Thank you,

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

Sherry D. Henderson

From: mcphee2@comcast.net
Sent: Tuesday, October 1, 2024 8:38 AM
To: jkirdahy@townofhillsborobeach.com; bbaldasarre@townofhillsborobeach.com;
dmiller@townofhillsborobeach.com; jreiser@townofhillsborobeach.com;
drawanes@townofhillsboro.com; mserda@townofhillsborobeach.com;
shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com
Subject: Ordinance 2004-06 Final Vote

Dear Hillsboro Beach Commissioners,

We are residents of the Hillsboro Island House. We are **vehemently opposed to this Ordinance**. Hillsboro Beach is an extraordinary beautiful island with a three mile stretch of private beach ,residential neighborhoods and very affluent residents.

With that said, **we cannot understand why the Commission would even entertain the idea of allowing these big-time developers, who are in this to make themselves millionaires ! If you do anything, encourage them to go to Pompano Beach and Boca Raton and continue to spoil their beaches.**

The time has come to stand up to these big-time developers and take full control of our island!

Thank you.

Linda McPhee

Sherry D. Henderson

From: penny weinberg <artypenny@gmail.com> on behalf of penny weinberg
Sent: Tuesday, October 1, 2024 6:27 PM
To: bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; Dawn Miller; vandreano@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; mserda@townofhillsborobeach.com
Subject: : Ordinance 2024-06

> Dear Mayor and Commissioners,
> I would like these comments added to the public record.
> My opposition to this variance of our current laws takes into consideration the devastation to our environment both now and in the future. Not only are we digging into porous and unstable sand the blocking of the sunlight to our very protected and fragile dunes can have devastating effects in the future, unknown to present principles. In my experience of residential building when a building of this height and depth penetrates the ground and uses the land surface it causes fissures or cracks in the ground surface. This will also cause water to be displaced from its natural flow causing a change in the environmental habitat. What new wind tunnels will be created by a building of this size and mass? It will cause a shift in the direction of the wind possibly negatively affecting the surrounding buildings. How will the blocking of the sun affect the dunes that were used as a hardship but are now being cantilevered over? Who will police the people walking on the ramp over the dunes down into the beach from doing harm to our dunes? Will the money collected by the city cover the need for outside fire departments to come in the event they are needed? I am seriously hoping that the Town of Hillsboro Beach was not negatively convinced by the money thrown at it that they overlooked three judges decisions against the developer for getting a variance of the current laws not to exceed 35 feet. In addition, I feel that most of the meetings and decisions were made when a lot of the people who live in Town we're not around to voice their opinions. There is no amount of money that can be collected to replace the quiet enjoyment and peaceful environment that has been created in Hillsboro Beach. It used to be known as the hidden jewel, but years worth of traffic, debris, dust and noise will change that moniker to be Fort Lauderdale North. I feel that the commission and the mayor has closed their eyes and sold us out for the sake of money and the need for an easement to bring sand down to the beach which could've been gotten from a building within the rules.
> Rules are made to be followed not broken and worked around.
>
> Penny Weinberg

Sherry D. Henderson

From: penny weinberg <artypenny@gmail.com> on behalf of penny weinberg
Sent: Tuesday, October 1, 2024 6:27 PM
To: bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com;
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vandreamo@townofhillsborobeach.com; shenderson@townofhillsborobeach.com;
mserda@townofhillsborobeach.com
Subject: : Ordinance 2024-06

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>
> Penny Weinberg

Sherry D. Henderson

From: Nancy Griffin <1050nancy@att.net> on behalf of Nancy Griffin
Sent: Friday, October 4, 2024 9:45 AM
To: shenderson@townofhillsborobeach.com
Subject: Rosewood Project - Support

To the Hillsboro Beach Town Commission:

As a resident I want to express my support for the Rosewood Development project. Please enter this into public record:

As a town resident, I wish to express my input that the Rosewood project will benefit Hillsboro Beach in several ways with our community improvements, including the underground wiring and our on-going beach renourishment. Additionally, in the process it will help to ease the burden on the rest of the town residents.

Thank you,

Nancy L. Griffin
1050 Hillsboro Mile, PH4



1210 Hillsboro Mile
Hillsboro Beach, FL 33062

TOWN OF HILLSBORO BEACH

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

TO: Mayor Miller and Town Commission
THROUGH: Mac Serda, Town Manager
FROM: Jim Hickey, Planning Consultant
DATE: October 1, 2024
SUBJECT: Land Development Code Text Amendment to Establish the Coastal Dune
Conservation Zoning District – Third Reading
LOCATION: Citywide

This Agenda report is regarding a request for a text amendment to the Town's Land Development Code (Code) by Hillsboro Mile Property Owner, LLC, and its agent, Jeffrey Bass, to create a new zoning district within the Town of Hillsboro Beach. The applicant wishes to establish a new zoning district category, entitled the Coastal Dune Conservation (CD) district, for the property located at 1174-1185 Hillsboro Mile (Property), the current site of Rosewood Residences project. This request is to place the appropriate language into the City's Land Development Code to establish this district. As this text amendment requires approval by an ordinance, the Town Commission must hold two readings on this item for adoption.

The applicant will need to submit a separate application to rezone the Property from the current RM-16 to the proposed CD zoning district which will change the City's official zoning map. This rezoning application will also require an ordinance which will include two readings by the Town Commission at future meetings.

The Town Commission heard the first reading of the ordinance on July 9, 2024. The City Commission had discussions regarding the proposed language and proposed two potential changes to the language of the ordinance.

1. Amend the minimum acreage from 5 acres to 10 acres; and
2. Amend the density from 12 units to the acre to 10 units to the acre.

On September 10, 2024, the Town Commission held a second reading for this application. Based on the recommendation of the Planning Consultant, the Commission voted to establish the minimum acreage of 5 acres for this zoning district. There were also some minor changes that were recommended which include:

- A. Sec 12-107 (B)(2) Page 2, line 13: Amend percentage of size of conservation area to 30%;
- B. Sec 12-107 (G)(1), Page 4, line 29: Amend 400-foot minimum frontage to 300 feet in width;
- C. Sec 12 -107 (G)(2), Page 4, line 31: Amend plot ground area from 2,900 to 21,780 square feet;
- D. Sec 12 -107 (G)(2), Page 4, line 36: Amend density from 12 units/acre and 10 units/acre;
- E. Sec 12-107(L), Page 5, line 23: add language, "...per Sec. 12-4 or Sec. 12-269.

Proposed Changes

Based on additional review and input received from the Town Commission, the Planning Consultant is recommending two additional changes to the language within the Ordinance:

- A. Sec 12-100, Page 1, line 13: Change number of districts from “5” to “7” as there will be 7 zoning districts if the text amendment is approved;
- B. Sec 12 -107 (G)(2), Page 4, line 31: Amend language from, “Every plot shall have not less than 2,900 square feet of ground area for each multiple-dwelling unit...” to, “Every unit shall have no less than 2,000 square feet in area for each multiple-dwelling unit ...”

Background

The Town’s Board of Zoning Appeals reviewed the proposed site plan and variance application for the Property on February 1, 2022, and unanimously approved both applications. Since that time there have been pending legal issues as well as a text amendment to address this development. In an effort to have a distinct zoning district to adequately address the requirements of this development, the applicant has requested a Code amendment. The proposed district, entitled the “Coastal Dune Conservation Easement” was drafted to maintain the existing recorded conservation easement which is established as a Local Area of Particular Concern per Broward County while allowing for development on the property. In addition, as the existing RM-16 district has a height restriction of 3 floors or 35 feet, and the proposed district would allow for a height of 130 feet.

Staff Analysis

Consistency with the Town’s Comprehensive Plan and Broward Next

In reviewing this application, the Town’s planning consultant reviewed the Town of Hillsboro Comprehensive Plan to determine if the proposed zoning district is consistent with the Plan. The Property has a future land use designation of the site of Residential Medium (16 DU/AC Max.) which allows for a maximum of 16 residential dwelling units per acre. The Comprehensive Plan does not set a maximum height within the plan only the maximum density. The proposed rezoning would be consistent with the requirements set forth in the Comprehensive Plan with respect to the density and permitted uses of the site as a reduction in density is in compliance with the Comprehensive Plan. Specifically, as stated in the Town’s Comprehensive Plan:

Section 3. Zoning as to Permitted Uses and Densities

3.01 Town zoning as to permitted uses and densities must be in compliance with or be more restrictive than the requirements of the Land Use Plan. For purposes of this section "more restrictive" means zoning which permits less than all of the uses permitted by the Land Use Plan on a parcel of land, or, for a parcel of land designated residential by the Land Use Plan Map, a lower residential density than permitted by the Land Use Plan.

As the Town’s Comprehensive plan is based on the density of a particular parcel and not the height or other zoning regulations, this proposed district would be consistent with the Comprehensive Plan.

Likewise, the corresponding land use designation on the Broward County Land Use Plan (Broward Next) is Medium (16) Residential, corresponding to the Town’s density of 16 residential units per acre. Broward

Next does not set height restrictions within the Plan, only density. Therefore, the rezoning is consistent with Broward Next.

Existing Zoning District

Within the existing regulations within the Town's Code, Section 12-102 identifies the RM-16 district as the "RM-16 multiple-family dwelling residential district with 3-story maximum limit. Because of this restriction, the applicant applied for a variance from this height maximum. With the proposed Code amendment, there would not be a need to apply for a variance from height as the proposed district would allow additional height in the district.

The proposed language, as drafted would provide for the property located to 1174-1185 Hillsboro Mile (Applicant's parcel) to develop the existing site plan for Rosewood Residences. It has the maximum zoning regulations of the proposed development which includes the zoning regulations identified below:

	East Parcel (Parcel B)	West Parcel (Parcel A)
Maximum Height	130 feet	35 feet
Setbacks		
Front	100 feet (15 feet above grade) 45 feet (below 15-foot grade)	100 feet (15 feet above grade) 45 feet (below 15-foot grade)
Side	100 feet (15 feet above grade) 35 feet (below 15-foot grade)	25' from roof overhang
Rear	Easterly building line	15 feet from easterly ROW line of Intracoastal or seawall
Plot size	Minimum 5 acres	Minimum 5 acres
Density	10 units/acre	10 units/acre

Other regulations, such as permitted uses, accessory uses, parking, floor area, emergency power, storage, and employee sanitary requirements would be consistent with other sections of the Town Code.

Staff Recommendation

The Town planning consultant is requesting the Town Commission consider the second reading of the proposed ordinance with the proposed changes as provided below:

- A. Sec 12-100, Page 1, line 13: Change number of districts from "56" to "57";
- B. Sec 12 -107 (G)(2), Page 4, line 31: Amend language from, "Every plot shall have not less than 2,900 square feet of ground area for each multiple-dwelling unit..." to,
"Every unit shall have no less than 2,000 square feet in area for each multiple-dwelling unit ..."

Sherry D. Henderson

From: Gary Kliza <gklizax2@yahoo.com> on behalf of Gary Kliza
Sent: Saturday, September 21, 2024 1:01 PM
To: Town of Hillsboro Beach
Subject: Rosewood

I am in favor of the Rosewood project. It will benefit the community and all of the residents.

Sherry D. Henderson

From: Carol Siatkowski Keane <carolskeane@icloud.com> on behalf of Carol Siatkowski Keane
Sent: Friday, September 20, 2024 12:28 PM
To: shenderson@townofhillsborobeach.com
Subject: Residence Rosewood project. I am in favor of the rosewood Residence project. I t will benefit the community greatly. Lgreatly.

Sent from my iPhone

Sherry D. Henderson

From: Nadia Cromwell <nadia.cromwell58@gmail.com> on behalf of Nadia Cromwell
Sent: Friday, September 20, 2024 12:18 PM
To: shenderson@townofhillsborobeach.com
Subject: Rosewood

I am in favor of the new Rosewood Residence. I think it will enhance our already beautiful neighborhood.
Thank you
Nadia Cromwell
Sent from my iPhone

Sherry D. Henderson

From: Kentos Rock <rockbrg@yahoo.com> on behalf of Kentos Rock
Sent: Friday, September 27, 2024 1:46 PM
To: shenderson@townofhillsborobeach.com
Subject: Ordinance 2024-06

The previous Commission told the residents of Hillsboro Beach that if they approved "one" developer to build OUTSIDE our zoning regulations, you would NOT let this become a pandora's box of "approvals"! And yet... here we are with Ordinance 2024-06! Was the Commission's word not true? We are angry! DO NOT LET ORDINANCE 2024-06 pass. We DO NOT want our beautiful residential Hillsboro Beach to become a high-rise money-making gold mine for rich developers - who will quickly leave AFTER they do their damage. **NO** to Ordinance 2024-06!

Paul & Geri Rock, over 35 years resident of Hillsboro Island House



Sherry D. Henderson <shenderson@townofhillsborobeach.com>

Rosewood Residence

Cosmic Kitchen <cosmickitchenhomer@gmail.com>

Mon, Sep 23, 2024 at 6:06 PM

To: shenderson@townofhillsborobeach.com

To the Mayor, Board, and Town Clerk of Hillsboro Beach,

I am in favor of the Rosewood Residence project. It will benefit the town and all of our residents. From my understanding, it will help fund the underground wiring and beach nourishment in Hillsboro Beach. The tax dollars will help future projects as well. Rosewood Residence has my support. Please enter this into public record.

Michelle Wilson

Sent from my iPhone

Sherry D. Henderson

From: ALICIA OLSEN <olsenrun@msn.com> on behalf of ALICIA OLSEN
Sent: Friday, September 20, 2024 2:15 PM
To: shenderson@townofhillsborobeach.com
Subject: Rosewood Residential Project

Hello Sherry,

I want to let you know how wonderful to see the Rosewood project get started! I see these residential developments

as a great benefit to our town's financial well-being now and for its future growth. And, they will add architectural beauty to our town as well.

Please add this to any public record you feel is appropriate.

Sincerely,

Alicia Olsen

Lebaron resident

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