



HIGHLAND BEACH BUILDING DEPARTMENT

3614 S. Ocean Boulevard
Highland Beach, FL 33487
Ph: (561) 278-4540

PLANNING BOARD STAFF REPORT

MEETING OF: **JANUARY 11, 2024**

TO: **PLANNING BOARD**

FROM: **INGRID ALLEN, TOWN PLANNER**

SUBJECT: **APPLICATION BY B&M MARINE CONSTRUCTION, INC. FOR AN AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL EXCEPTION REQUEST (DEVELOPMENT ORDER NO. 21-0008) TO INSTALL A 465 SQUARE FOOT MARGINAL DOCK, AND A 257 LINEAR FOOT SEAWALL AND CAP, FOR THE PROPERTY LOCATED AT 4801 SOUTH OCEAN BOULEVARD (APPLICATION NO. 23-0010)**

I. GENERAL INFORMATION:

Applicant (Property Owner): Boca Highland Center, Inc.
4801 South Ocean Boulevard
Highland Beach, FL 33487

Applicant's Agent: David Nutter
B & M Marine Construction, Inc.
1211 South Military Trail, #220
Deerfield Beach, FL 33442

Property Characteristics:

Comprehensive Plan Land Use: Multi Family Low Density

Zoning District: Residential Multiple Family Low Density (RML)

Parcel PCN#: 24-43-47-09-00-001-0100

Property Background:

On November 10, 2021, the Planning Board approved a Special Exception request to install a 1,315 square foot marginal dock, a 271 linear foot seawall and cap, a 120 square foot finger pier, and a 16,000 pound capacity boat lift for the property (Development Order No. No. 21-0008) motion carried 6-0).

Request and Analysis:

The Applicant is requesting an amendment to a previously approved special exception request (Development Order No. 21-0008) to install a 465 square foot marginal dock, and a 257 linear foot seawall and cap for the property located at 4801 South Ocean Boulevard within the Boca Highlands development. As indicated above, the Applicant received a special exception approval from the Planning Board on November 10, 2021; however, the Applicant wishes to amend the square footage of the marginal dock and the linear footage of the seawall and cap as follows:

STRUCTURE TYPE	ORIGINAL APPROVAL	AMENDMENT
DOCK	1,315 square feet (includes 3.8' x 2.5' extension).	465 square feet
SEAWALL/CAP	271 linear feet	257 linear feet

The previously approved 120 square foot finger pier, and 16,000 pound capacity boat lift are to remain unchanged. The Applicant also proposes to backfill an 830 square foot area between the existing and new seawall. Pursuant to Section 14.1 of the Town Code, the following provisions pertaining to “land filling” apply:

*Any person desiring to add to or extend any lands, areas, including submerged lands, to remove sand, rock or earth from any submerged lands, to construct a finger canal, lagoon or yacht basin within the territorial limits of the town by any means, including, but not limited to, hydraulic dredging, pumping, dragline, dynamiting or shovel, shall first **make application to the town commission for permission to do so.** Such written application shall be accompanied by a plan or drawing showing the area to be filled and also showing the area from which any fill material is to be dredged or removed by other means. Specifications sufficient in detail as to clearly outline how the dredging or filling procedure will take place must also accompany the application.*

As noted above, a land fill request will be reviewed and considered by the Town Commission.

The Applicant has obtained both Florida Department of Environmental Protection (FDEP) and US Army Corps of Engineers (ACOE) approval for the above-referenced items. The corresponding file/permit numbers for each agency are provided in the table below. Note that the FDEP and ACOE approvals reference the proposed marginal dock at 476 square feet rather than 465 square feet as proposed on the Applicant’s request to the Town (see Applicant’s narrative table provided as part of the Application). The Applicant indicates that the area used for the FDEP and ACOE approvals was calculated using total length and width without regard to the dock corners (see “square footage note” on sheet 2 of 9 of Applicant plans).

FDEP (PERMIT NO.)	ACOE (FILE NO.)
50-196034-008-EM	SAJ-2007-01043 (NWP/GP-KMM)

Pursuant to Section 6-128(b) of the Town Code, all seawalls west of State Road A1A shall be at Base Flood Elevation (BFE) or higher as provided by the FEMA FIRM maps. The BFE for the property is currently at 6 feet. The Applicant's proposed seawall is 6.0 feet NAVD.

Section 30-67(b) of the Town Code indicates that docks, seawalls, and boat lifts in the Residential Multiple Family Low Density (RML) zoning district require special exception approval by the Planning Board. Section 30-36(a) of the Town code states that the Planning Board may approve, approve with conditions, or deny a request for special exception relating to seawalls, bulkheads, retaining walls and accessory marine facilities.

If the Planning Board approves the request, the Applicant will be required to obtain a building permit from the Town of Highland Beach Building Department following such approval and prior to initiation of construction. Pursuant to Section 30-21(g) of the Town Code, commencement of construction shall be initiated within two (2) years following the date of approval by the Planning Board.

Staff reviewed the Applicant's proposed request and finds that it is consistent with the special exception provisions of Section 30-36 of the Town Code, were applicable, and consistent with the Town Comprehensive Plan and Code of Ordinances. If the Planning Board should grant approval of the request, staff recommends the following condition of approval which is based on the Applicant's plan set, date stamped received by the Building Department on December 14, 2023:

1. Contingent upon Town Commission approval of a land fill permit pursuant to Chapter 14 of the Town Code of Ordinances.

Should you have any questions, please feel free to contact me at (561) 637-2012 or iallen@highlandbeach.us

**Attachments: Application
Aerials
FDEP approval
ACOE approval
HOA approval
Applicant Plans (11X17)**