

EXHIBIT I
APPLICATION FOR WATERWAY WAIVER

CITY OF FORT LAUDERDALE
MARINE FACILITIES
APPLICATION FOR WATERWAY PERMITS, WAIVERS AND LICENSES

Any agreement with the City of Fort Lauderdale and other parties, such as, but not limited to, licenses, permits and approvals involving municipal docking facilities or private uses in the waterways as regulated by Section 8 of the City Code of Ordinances or Section 47-19.3 of the City's Urban Land Development Regulations, shall be preceded by the execution and filing of the following application form available at the Office of the Supervisor of Marine Facilities. The completed application must be presented with the applicable processing fee paid before the agreement is prepared or the application processed for formal consideration (see City of Fort Lauderdale Code Section 2-157). If legal publication is necessary, the applicant agrees to pay the cost of such publication in addition to the application fee.

APPLICATION FORM
(Must be in Typewritten Form Only)

1. LEGAL NAME OF APPLICANT - (If corporation, name and titles of officers as well as exact name of corporation. If individuals doing business under a fictitious name, correct names of individuals, not fictitious names, must be used. If individuals owning the property as a private residence, the name of each individual as listed on the recorded warranty deed):

NAME: L-5 Investments IV LLC c/o Robert and Rosemary Leonard

TELEPHONE NO: 1-800-342-3033 ext 5108 FAX NO.
(home) (business)

2. APPLICANT'S ADDRESS (if different than the site address): 802 NE 20th Avenue Fort Lauderdale, FL 33304

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: The applicant requests a waiver for the proposed construction of ten (10) triple pile clusters and a finger pier beyond 25 feet from the property line.

4. SITE ADDRESS: 726 NE 20TH AVENUE, FORT LAUDERDALE, FL 33304 ZONING: RS-8

LEGAL DESCRIPTION: VICTORIA HIGHLANDS AMD PLAT 15-9 B PT OF BLK 1 F/P/A LOTS 6 LESS N 15,7 LESS S 15 BLK 1 VICTORIA HIGHLANDS

5. EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications). Warranty Deed, Project Plans, Site Photographs, Survey, Aerial Exhibit

[Handwritten Signature]

Applicant's Signature

Date

The sum of \$ _____ was paid by the above-named applicant on the _____ of _____, 2013 Received by: _____

City of Fort Lauderdale

=====
For Official City Use Only
=====

Marine Advisory Board Action

Formal Action taken on _____

Commission Action

Formal Action taken on _____

Recommendation _____
Action _____

EXHIBIT II
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TABLE OF CONTENTS

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**EXHIBIT III
WARRANTY DEED**

2

Prepared by:
JOSEPH M. BALOCCO, ESQ.
JOSEPH M. BALOCCO, P.A.
1323 SE Third Avenue
Fort Lauderdale, FL 33316
Return to: 1/235
Gibson, Kohl, Wolff & Hric
414 South Tamiami Trail
Osprey, FL 34229

#18.50
6066.90

**WARRANTY DEED
(STATUTORY FORM-SECTION 689.02 F.S.)**

THIS INDENTURE, made this 26th day of July, 2013 BETWEEN 726 MIDDLE RIVER, LLC, a Florida limited liability company, Grantor, located at the following address: 1535 SE 17th Street, Suite 107, Fort Lauderdale, FL 33316 and L-5 INVESTMENTS IV, LLC, a Florida limited liability company, Grantee, located at the following address: 802 NE 20th Avenue, Fort Lauderdale, FL 33304.

WITNESSETH, that said Grantor, for and in consideration of the sum of TEN and 00/100 (\$10.00) DOLLARS and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Broward County, Florida, to-wit:

Lot 6, less the North 15 feet thereof, and Lot 7, less the South 15 feet thereof, Block 1, VICTORIA HIGHLANDS, according to the Plat thereof, recorded in Plat Book 9, Page 47, of the Public Records of Broward County, Florida.

Tax Folio No. 504202-13-0050

Subject to: Taxes for the year 2013 and subsequent years; zoning and/or restrictions and prohibitions imposed by governmental authority; restrictions and other matters appearing on the Plat; utility easements of record, provided said easements do not unreasonably interfere with intended use of the property.

and said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

*"Grantor" and "Grantee" are used for singular or plural, as the context requires.

2

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed, and delivered in our presence:

726 MIDDLE RIVER, LLC, a Florida limited liability company

[Signature]
Witness Signature

By: [Signature] (SEAL)
Name: Scott W. Bodenweber
Title: Manager

Joe Bubocca, Jr.
Witness Printed Name

[Signature]
Witness Signature

Reva Fletcher
Witness Printed Name

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 26th day of July, 2013 by Scott W. Bodenweber as Manager of 726 Middle River LLC, a Florida limited liability company, on behalf of said limited liability company, who is personally known to me or has produced a valid driver's license as identification.

Reva Fletcher (SEAL)
Notary Public
Print Name: Reva Fletcher
My Commission Expires: 12/14/14

NOTARY PUBLIC-STATE OF FLORIDA
Reva Fletcher
Commission # EE043443
Expires: DEC. 14, 2014
BONDED THRU ATLANTIC BONDING CO, INC

**FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS****Detail by Entity Name****Florida Limited Liability Company**

L-5 INVESTMENTS IV, LLC

Filing Information

Document Number	L13000099010
FEI/EIN Number	NONE
Date Filed	07/12/2013
State	FL
Status	ACTIVE
Effective Date	07/12/2013

Principal Address802 NE 20TH AVE.
FT. LAUDERDALE, FL 33304**Mailing Address**802 NE 20TH AVE.
FT. LAUDERDALE, FL 33304**Registered Agent Name & Address**KOHL, LAUREN P
414 S. TAMIAMI TR.
OSPREY, FL 34229**Manager/Member Detail****Name & Address**

Title MGRM

LEONARD, ROBERT
802 NE 20TH AVE.
FT. LAUDERDALE, FL 33304

Title MGRM

LEONARD, ROSEMARY
802 NE 20TH AVE.
FT. LAUDERDALE, FL 33304**Annual Reports****No Annual Reports Filed**

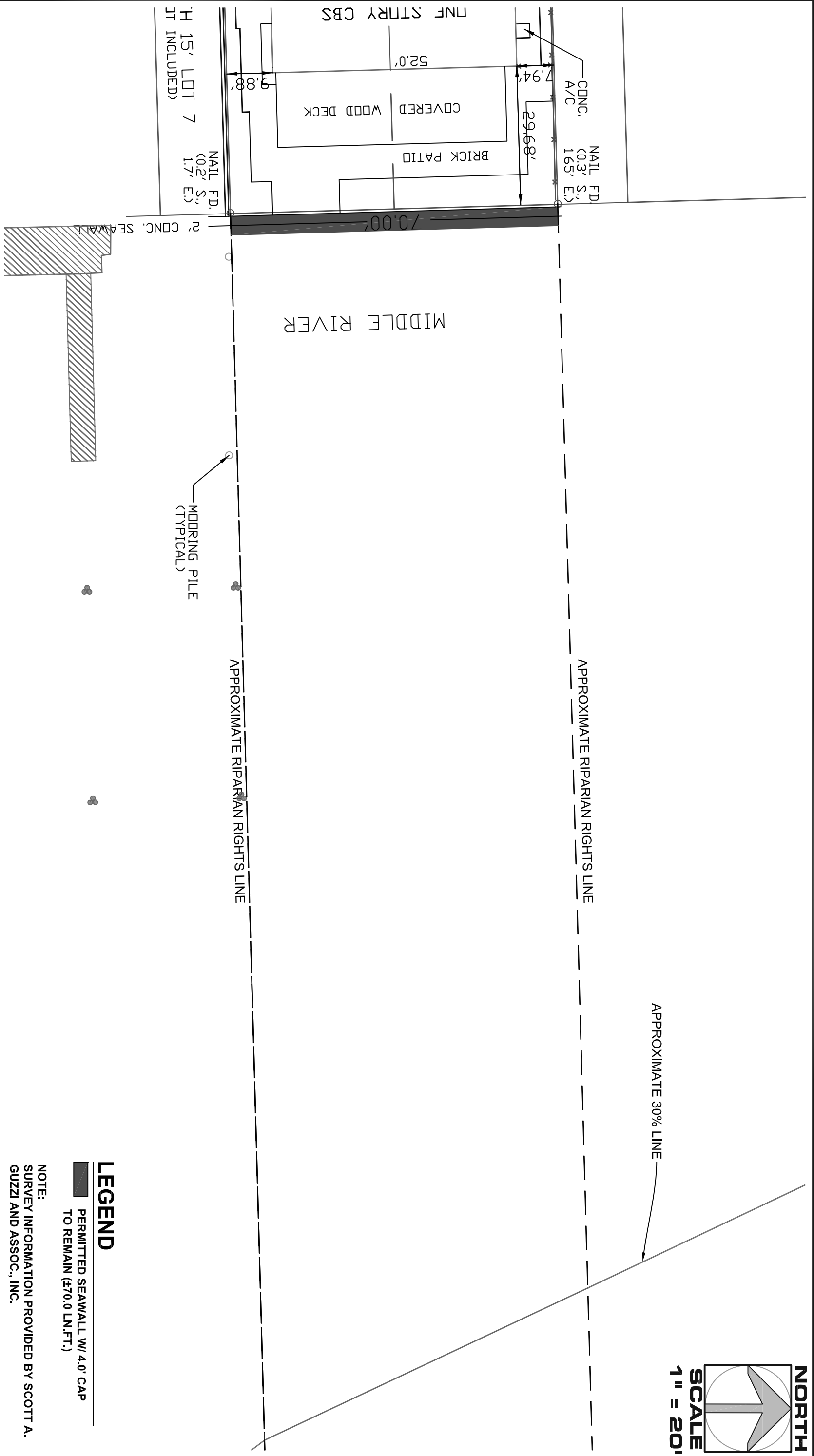
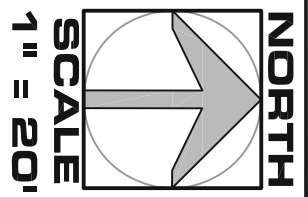
Document Images


07/12/2013 -- Florida Limited Liability

[View image in PDF format](#)

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State of Florida, Department of State

**EXHIBIT IV
PROJECT PLANS**



LEGEND
 PERMITTED SEAWALL W/ 4.0' CAP TO REMAIN (#70.0 LN.FT.)

NOTE:
 SURVEY INFORMATION PROVIDED BY SCOTT A. GUZZI AND ASSOC., INC.

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
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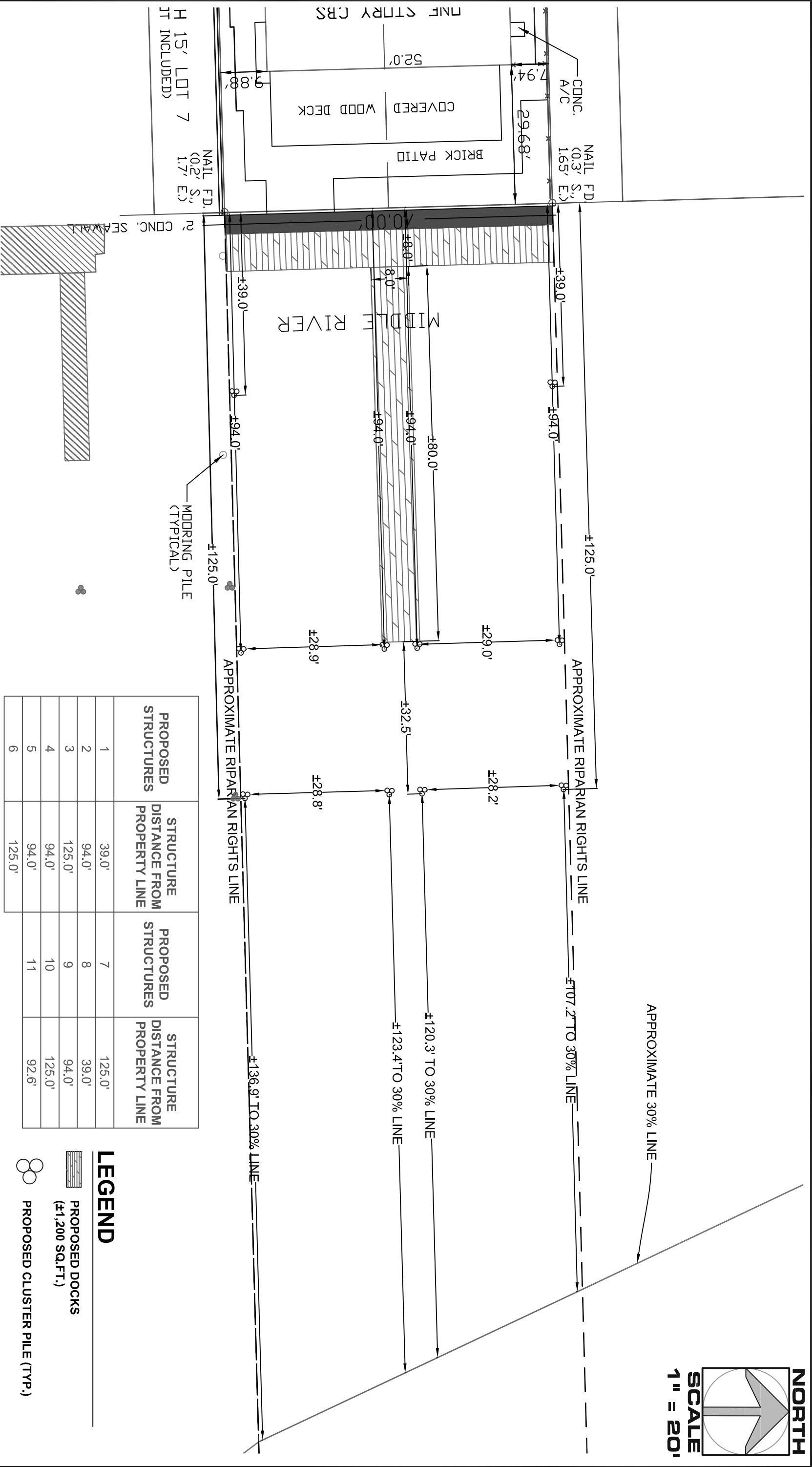
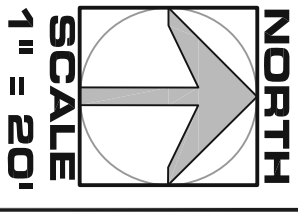
THE Chappell GROUP

714 East McLab Road
 Pompano Beach, Florida 33060
 tel: 954.782.1908
 fax: 954.782.1108
www.thechappellgroup.com

- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- TSE Species Surveys
- Phase I ESAs

726 NE 20TH AVENUE
 PREPARED FOR:
 L-5 INVESTMENTS II, LLC

EXISTING CONDITIONS		of:	3
Date:	7/16/14	Sheet:	1
Proj No.:	13-0026		



PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE
1	39.0'	7	125.0'
2	94.0'	8	39.0'
3	125.0'	9	94.0'
4	94.0'	10	125.0'
5	94.0'	11	92.6'
6	125.0'		

- LEGEND**
- PROPOSED DOCKS (#1,200 SQ.FT.)
 - PROPOSED CLUSTER PILE (TYP.)

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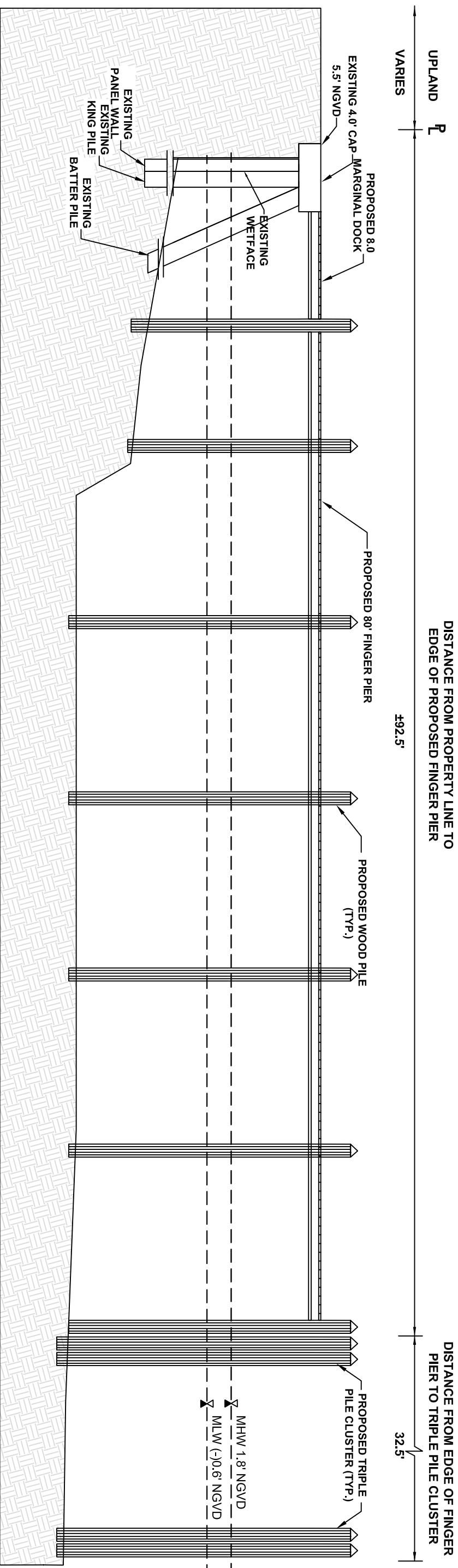
726 NE 20TH AVENUE

PREPARED FOR: L-5 INVESTMENTS II, LLC

PROPOSED CONDITIONS

Date: 7/16/14
Proj No.: 13-0026

Sheet: **2** of: **3**



PROPOSED CONDITIONS
SECTION
N.T.S.

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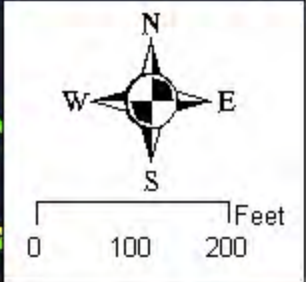
- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- TSE Species Surveys
- Phase I ESAs

726 NE 20TH AVENUE

PREPARED FOR:
L-5 INVESTMENTS II, LLC

SECTIONS	
Date: 7/16/14	Sheet: 3
Proj No.: 13-0026	of: 3

**EXHIBIT V
ZONING AERIAL**



726 NE 20th Avenue



EXHIBIT VI
SUMMARY DESCRIPTION

Summary Description
726 NE 20th Avenue
TCG Project No. 13-0026

The project site is located along the Middle River at 726 NE 20th Avenue, in Section 02, Township 50, Range 42, in the City of Ft. Lauderdale, Broward County, Florida

The property is located along the Middle River, which are tidal waters. The nearest direct connection to the Atlantic Ocean is 2.7 miles to the south at Port Everglades. As the project site is located along the Middle River, the incoming tidal waters (flood) at the site move to the north and the outgoing waters (ebb) move to the south.

The proposed project consists of the installation of ten (10) triple-pile clusters and one (1) finger pier into the Middle River. As measured from the property line, the proposed finger pier and triple pile clusters encroach more than 25' from the property line into the Middle River. As these distances are over the allowable 25' distance into the waterway from the property line, the proposed finger pier and triple pile clusters will require a variance waiver.

The proposed project has been permitted through the Broward County Environmental Protection & Growth Management Department (DF13-1219) and US Army Corps of Engineers (SAJ-2013-03460(LP-KDS)). Application processing with the Florida Department of Environmental Protection (06-0320716-002) is ongoing and is anticipated to be complete in the near future..

The following four (4) matters provide justification for this waiver request:

1. All boat slips and structures will not exceed 30% of the width of the waterway.
2. Due to the extraordinary width of the waterway at this location to the closest structure or vessel ($\pm 636'$), the proposed project will not impede navigation within the Middle River.
3. The additional piles are necessary for safely mooring existing vessels, especially during high wind events and severe weather.
4. The proposed slips are consistent with the adjacent waivers.

If this waiver is approved, the applicant will comply with all necessary construction requirements stated in Section 47-19.3 (C)(D)(E).

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
Triple Pile Cluster #1	±39.0'	25'	±14.0'
Triple Pile Cluster #2	±94.0'	25'	±69.0'
Triple Pile Cluster #3	±125.0'	25'	±100.0'
Triple Pile Cluster #4	±94.0'	25'	±69.0'
Triple Pile Cluster #5	±94.0'	25'	±69.0'
Triple Pile Cluster #6	±125.0'	25'	±100.0'
Triple Pile Cluster #7	±125.0'	25'	±100.0'
Triple Pile Cluster #8	±39.0'	25'	±14.0'
Triple Pile Cluster #9	±94.0'	25'	±69.0'
Triple Pile Cluster #10	±125.0'	25'	±100.0'
Finger Pier #11	±92.6'	25'	±67.6'

**EXHIBIT VII
SITE PHOTOGRAPHS**



1. Northern property boundary, facing east.



2. Northern property boundary, facing south.



3. Southern property boundary, facing north.



4. Southern property boundary, facing east.

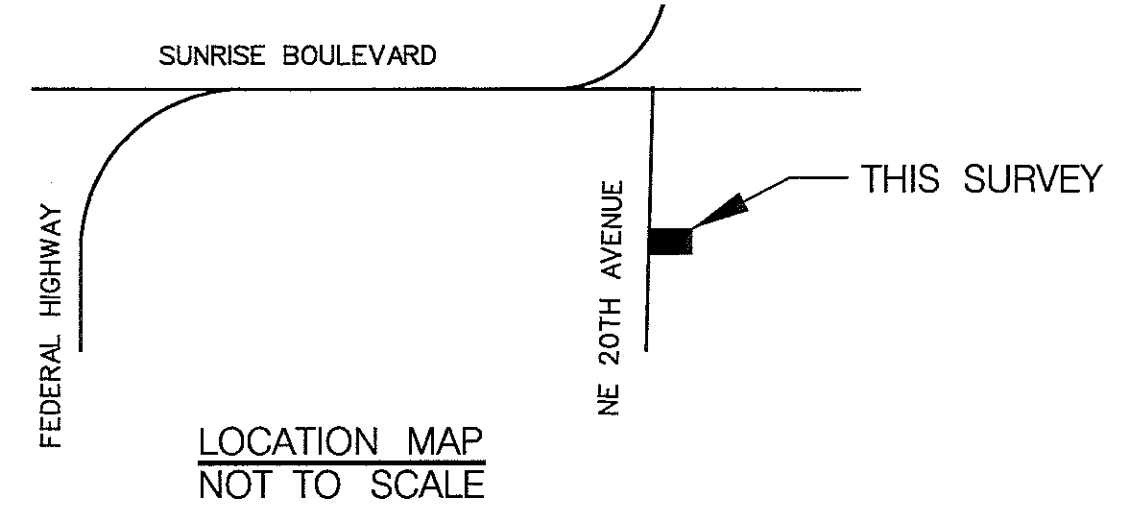
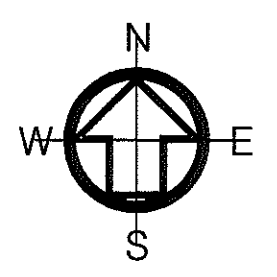


5. Aerial photo facing north, toward the project site.



6. Aerial photo facing west, toward the project site.

**EXHIBIT VIII
ORIGINAL SURVEY**



TREE TABLE:

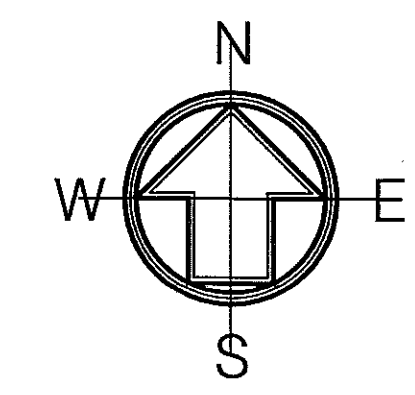
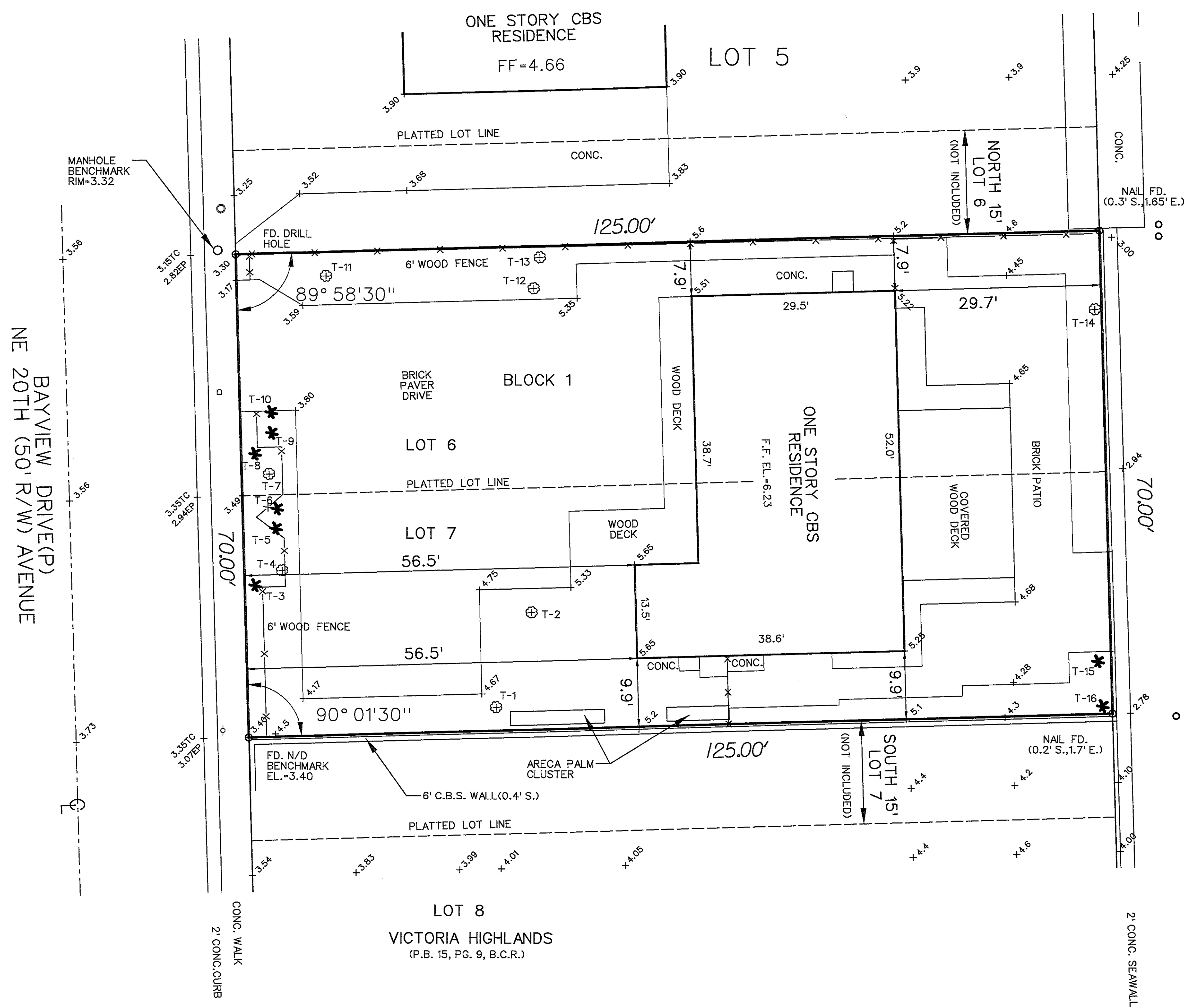
- T-1 5" FIDDLE LEAF FIG (FICUS)
- T-2 8" LIVE OAK
- T-3 6" CHINESE FAN PALM
- T-4 18" BLACK OLIVE
- T-5 7" CHINESE FAN PALM
- T-6 8" CHINESE FAN PALM
- T-7 16" BLACK OLIVE
- T-8 8" CHINESE FAN PALM
- T-9 8" CHINESE FAN PALM
- T-10 5" CHINESE FAN PALM
- T-11 15" LAUREL OAK
- T-12 5" FRANGIPANI
- T-13 10" SILVER BUTTWOOD
- T-14 SMALL DIAMETER MAHOE (THESPIA POPULNEA)
- T-15 10" COCONUT PALM
- T-16 8" COCONUT PALM

LEGAL DESCRIPTION:

LOT 6, LESS THE NORTH 15 FEET THEREOF, AND LOT 7, LESS THE SOUTH 15 FEET THEREOF, BLOCK 1, VICTORIA HIGHLANDS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 47, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

NOTES:

1. REPRODUCTIONS OF THIS SURVEY ARE NOT VALID UNLESS SEALED BY THE SIGNING SURVEYOR.
2. THIS DRAWING IS THE PROPERTY OF SCOTT A. GUZZI & ASSOCIATES, INC. AND SHALL NOT BE USED OR REPRODUCED IN WHOLE OR IN PART WITHOUT PERMISSION OF SCOTT A. GUZZI & ASSOCIATES, INC.
3. THE LANDS SHOWN HEREON WERE NOT REVIEWED FOR RIGHTS-OF-WAY, EASEMENTS, OR OTHER SIMILAR MATTERS OF RECORD. ALL EASEMENTS PER RECORD PLAT UNLESS OTHERWISE NOTED.
4. LEGAL DESCRIPTION FURNISHED BY CLIENT.
5. THIS SURVEY DOES NOT PURPORT TO IDENTIFY IMPROVEMENTS BELOW GRADE, IF ANY, EXCEPT AS SPECIFICALLY NOTED HEREON.
6. BUILDING TIES ARE PERPENDICULAR OR RADIAL TO BOUNDARY LINES UNLESS NOTED OTHERWISE.
7. ANGLES SHOWN HEREON ARE BASED ON FIELD MEASUREMENTS WITHIN THE PLAT ENTITLED VICTORIA HIGHLANDS, PLAT BOOK 9, PG. 47, BROWARD COUNTY RECORDS.
8. ELEVATIONS SHOWN HEREON ARE RELATIVE TO N.G.V.D. 1929 AND ARE BASED ON BROWARD COUNTY ENGINEERING BENCHMARK NO. 1877, ELEVATION +4.551.
9. FLOOD ELEVATION INFORMATION:
 COMMUNITY NO. - 125105 PANEL NO. - 120110217 LOWEST FLOOR ELEVATION - 6.23
 DATE OF FIRM - 8-18-92 SUFFIX - F LOWEST ADJACENT GRADE - 5.2
 FIRM ZONE - AE BASE FLOOD ELEVATION - 6 DIAGRAM NO. - 8
10. PROPERTY ADDRESS: 726 NE 20th AVENUE, FORT LAUDERDALE, FL, 33304
11. CONTAINING 8,750 SQUARE FEET, MORE OR LESS.
12. CERTIFIED TO: L-5 INVESTMENTS IV, LLC
 726 MIDDLE RIVER, LLC
 CHICAGO TITLE INSURANCE COMPANY
 GIBSON, KOHL, WOLFF & HRIC, PL



ABBREVIATIONS:

- A/C - AIR CONDITIONER PAD
- ADJ. - ADJACENT
- BFP - BACK FLOW PREVENTOR
- B.C.R. - BROWARD COUNTY RECORDS
- B.M. - BENCHMARK
- B.O.C. - BACK OF CURB
- CALC. - CALCULATED
- C.B. - CATCH BASIN
- CLF - CHAIN LINK FENCE
- CONC. - CONCRETE
- C.B.S. - CONCRETE BLOCK STRUCTURE
- D - DELTA ANGLE
- D.C.R. - DADE COUNTY RECORDS
- DOOV - DOUBLE DETECTOR CHECK VALVE
- D.E. - DRAINAGE EASEMENT
- E.O.W. - EDGE OF WATER
- EAST - EAST
- ELEVATION - ELEVATION
- FIN. - FINISHED FLOOR
- F.P.L. - FLORIDA POWER & LIGHT CO.
- FOUND - FOUND
- G.F. - GARAGE FLOOR
- INVT. - INVERT
- IR - IRON PIPE
- IR ROD - IRON ROD
- IR ROD & CAP - IRON ROD & CAP
- LME - LAKE MAINTENANCE EASEMENT
- LB - LICENSED BUSINESS
- (LD) - LEGAL DESCRIPTION
- (M) - MEASURED
- M.H. - MANHOLE
- MISC. - MISCELLANEOUS
- N/D - NAIL AND DISK
- N/T - NAIL AND TAB
- NGVD - NATIONAL GEODETIC VERTICAL DATUM
- N/A - NON-APPLICABLE
- N.V.D. - NORTH AMERICAN VERTICAL DATUM
- N - NORTH
- N.T.S. - NOT TO SCALE
- O/S - OFFSET
- OH - OVERHEAD WIRES
- O.R.B. - OFFICIAL RECORD BOOK
- P.B.C.R. - PALM BEACH COUNTY RECORDS
- PG. - PAGE
- P.C.P. - PERMANENT CONTROL POINT
- P.R.M. - PERMANENT REFERENCE MONUMENT
- (P) - PLAT
- P.B. - PLAT BOOK
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- P.O.C. - POINT OF COMPOUND CURVE
- PC - POINT OF CURVATURE
- PRC - POINT OF REVERSE CURVE
- PT - POINT OF TANGENCY
- P.S.M. - PROFESSIONAL SURVEYOR AND MAPPER
- PROP. - PROPOSED
- R - RADIUS
- R/W - RIGHT OF WAY
- S - SOUTH
- SECT. - SECTION
- SF - SQUARE FEET
- SR - STATE ROAD
- T - TOP
- T.O.B. - TOP OF BANK
- T.O.P. - TOP OF PIPE
- TYP. - TYPICAL
- U.E. - UTILITY EASEMENT
- U.P. - UTILITY POLE
- W - WEST

BOUNDARY SURVEY
SCALE: 1"=10'

SURVEYOR'S CERTIFICATION:
 I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON COMPLIES WITH MINIMUM TECHNICAL STANDARDS FOR SURVEYS AS CONTAINED IN CHAPTER 51-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID SURVEY IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SCOTT A. GUZZI, PSM
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA REGISTRATION NUMBER 5106

7-19-13
 DATE OF LAST FIELD WORK

DATE	BY	W/M	CHECKED
7-19-13	SAG		
10-23-08	CAM		
10/9/13	FB/PG		
	BOUNDARY SURVEY (UPDATED)		
	BOUNDARY SURVEY		
	ADDENDUM		

SCOTT A. GUZZI & ASSOC., INC.
 IT'S GOOD!
 Surveyors and Mappers
 Certificate of Authorization No. L-5 8893
 7041 W. Commercial Boulevard, Ste. 6C,
 Tamarac, Florida 33319
 Phone: (954) 722-8339
 Fax: (954) 722-8602
 scottguzzi@aol.com

CLIENT: L-5 INVESTMENTS IV, LLC	DESIGNED BY:	DRAWN BY:	CHECKED BY:	PAGE NO.
SCALE: 1"=10'	DATE:	FIELD BOOK NO.		
726 NE 20th AVENUE FORT LAUDERDALE, FLORIDA				

PROJECT NO.
1165
 SHEET NO.
1 OF 1

**EXHIBIT IX
PROPOSED CONDITIONS AERIAL EXHIBIT**

EXHIBIT X
LETTERS OF SUPPORT

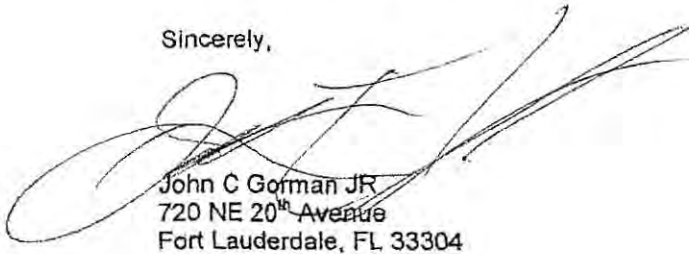
L5 Investments, LLC
c/o Mr. Robert Leonard
726 NE 20th Avenue
Fort Lauderdale, FL 33304

RE: 726 NE 20th Avenue
City of Fort Lauderdale Waiver Request

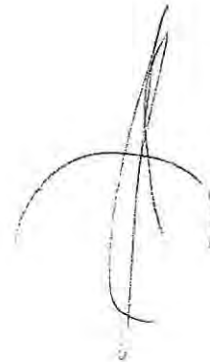
Dear Mr. Leonard,

I have reviewed the plans for the proposed project to install several triple-pile clusters and a new finger pier out into the Middle River beyond the allowable 25 feet. I understand that the proposed project will require a waiver of limitations through the City of Fort Lauderdale along with permitting through the regulatory agencies. I reside at 720 NE 20th Avenue and support the project as proposed.

Sincerely,



John C Gorman JR
720 NE 20th Avenue
Fort Lauderdale, FL 33304



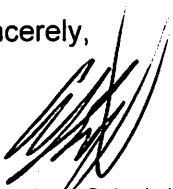
Ms. Rosemary Leonard
726 NE 20th Avenue
Fort Lauderdale, FL 33304

RE: 726 NE 20th Avenue
City of Fort Lauderdale Waiver Request

Dear Ms. Leonard,

I have reviewed the plans for the proposed project to install several triple-pile clusters out into the Middle River beyond the allowable 25 feet. I understand that the proposed project will require a waiver of limitations through the City of Fort Lauderdale along with permitting through the regulatory agencies. I reside at 736 NE 20th Avenue and support the project as proposed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alan G Leigh', written over a light blue horizontal line.

Mr. Alan G Leigh
736 NE 20th Avenue
Fort Lauderdale, FL 33304

DRAFT
MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
FORT LAUDERDALE, FLORIDA
TUESDAY, JULY 15, 2014 – 6:00 P.M.

<u>Board Members</u>	Attendance	Cumulative Attendance May 2014 - April 2015	
		<u>Present</u>	<u>Absent</u>
Barry Flanigan, Chair	P	3	0
James Harrison, Vice Chair	A	2	1
F. St. George Guardabassi	P	3	0
Norbert McLaughlin	P	3	0
Jim Welch	P	3	0
Robert Dean	P	2	1
John Holmes	P	3	0
Bob Ross	P	2	1
Joe Cain	A	1	2
Herb Rassing	P	3	0
Frank Herhold	P	3	0
Zane Brisson	P	3	0
Erik Johnson	P	3	0
Jack Newton	P	2	1
Jimi Batchelor	A	2	1

As of this date, there are 15 appointed members to the Board, which means 8 would constitute a quorum.

It was noted that a quorum was present for the meeting.

Staff

Andrew Cuba, Manager of Marine Facilities
Jonathan Luscomb, Supervisor of Marine Facilities
Sergeant Todd Mills, Marine Police Staff
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. Call to Order / Roll Call

Chair Flanigan called the meeting to order at 6:05 p.m. and roll was called.

II. Approval of Minutes – June 5, 2014

Motion made by Mr. Ross, seconded by Mr. Herhold, to approve. In a voice vote, the **motion** passed unanimously.

III. Statement of Quorum

It was noted that a quorum was present.

IV. Waterway Crime & Boating Safety Report

Sgt. Todd Mills of the Marine Unit reported that during the month of June, there were eight headers, eight miscellaneous reports, and eight vessel accidents. The Marine Unit issued seven marine citations and conducted 55 safety checks. One vessel was stolen in June, and there were three additional crimes involving theft of engines/electronics. He concluded that the City's 4th of July celebration went very smoothly on the water.

Sgt. Mills added that on Sunday, July 20, 2014, a meeting will be held in Tallahassee by the Florida Fish and Wildlife Commission (FWC) to discuss anchorage and mooring issues. He noted that this is a concern with many City residents, and advised that an update will be provided at the next Board meeting. He will be taking photographs, maps, and letters from concerned citizens to the meeting.

The following Item was taken out of order on the Agenda.

VII. Update – Sails Marina

Chair Flanigan introduced Tim Nipple, Dockmaster of the Sails Marina, who was present to discuss mega-yacht dockage. Mr. Nipple recalled that roughly 10 years ago, slips at the Sails Marina were designed for 100 ft. vessels, and have been regularly filled since that time; currently there is a need for slips to accommodate 150 ft. to 200 ft. vessels, some of which have had to be turned away. He emphasized the revenue brought by these large vessels to municipalities, noting that their crews have unlimited disposable income.

Mr. Nipple pointed out that due to the current economy, there is less business for 40 ft. to 60 ft. vessels, while yachts of 150 ft. or more present a strong market. He asserted that Fort Lauderdale needs to find a way to retain this market, particularly from October through June, while local business could be emphasized from July through September. He stated that there is a good deal of frustration in the industry with the lack of mega-yacht dockage, as Fort Lauderdale is where most of these boaters wish to visit.

Mr. Nipple and the Board discussed the seasonal nature of the business, as well as dockage rates, occupancy, and amenities, including fuel and electricity. He reiterated that if space is made for mega-yachts, they would prefer to come to Fort Lauderdale. He estimated that with four mega-yacht-sized slips, Sails Marina brings in roughly \$120,000/month.

**V. Application – Waiver of Limitations – ULDR Sec. 47-19.3 C, D, & E
– John C. Jr. & Cheryl J. Gorman – 720 SE 20th Ave.**

Tyler Chappell, representing the Applicants, showed a PowerPoint presentation, including several aerial views of the property and a current survey. A previous waiver was authorized by the Board for a 42 ft. finger pier and 80 ft. triple pile clusters. The new Application would add 10 ft. to the existing 42 ft. finger pier and extend the triple pile clusters from 80 ft. to 125 ft. This would allow for better mooring of the Applicants' 97 ft. vessel, as well as larger vessels that the owners are considering for purchase.

Mr. Chappell reviewed the distances required by Code, adding that the extraordinary circumstance in this case is the location on one of the widest parts of the Middle River. The request is also a significant distance from the 30% line. The Application would provide safer mooring for vessels, particularly during storm events or wake activity. The waiver is consistent with other waivers issued for nearby properties. Mr. Chappell provided a letter of support from the Applicants' adjacent neighbor to the north.

Mr. Dean commented that because similar waiver requests are likely to be forthcoming from the surrounding neighborhood, the area could seek to create a special zoning district that takes waterway width into consideration. Mr. Chappell advised that residents of the area have been encouraged to form a neighborhood association or group, which could eventually come before the Board and the City Commission to make a request for a special district. Mr. Ross cautioned, however, that the Board should continue to have a voice in the review process due to their knowledge and expertise.

There being no further questions from the Board at this time, Chair Flanigan opened the public hearing. As there were no members of the public wishing to speak on this Item, Chair Flanigan closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Ross, seconded by Mr. Rassing, to approve as stated. In a voice vote, the **motion** passed unanimously.

**VI. Application – Waiver of Limitations – ULDR Sec. 47-19.3 C, D, & E
– Grand Birch, LLC – 321 N. Birch Road**

Heidi Davis, representing Grand Birch LLC, showed a PowerPoint presentation to the Board, explaining that the Applicant wishes to install three triple dolphin piles and 10 mooring piles in the Intracoastal Waterway adjacent to their property. This would allow four boat slips for the adjacent upland condominium project. The proposed pilings would also be used by condominium residents.

Ms. Davis noted that the subject area of the Intracoastal Waterway is 560 ft. wide. A waiver is requested because the dolphin and mooring piles would extend an additional 50 ft. beyond the 25 ft. limit beyond the property line. She noted that the Applicant also plans to remove two existing marginal docks and three existing davits, and will install a marginal dock 520 sq. ft. in size, as well as two 60 sq. ft. finger piers. The piles would extend 13.39% of the width of the waterway.

Extraordinary circumstances for the waiver request include protection, stabilization, and security of vessels to withstand the currents of the Intracoastal Waterway. There are also excessive wakes and high wave pitch from accelerating watercraft in the area, as well as strong winds during storm events. The Army Corps of Engineers, the Florida Department of Environmental Protection, and Broward County have approved the Application and determined that the proposed piles will not create a hazard, nor will they adversely affect natural resources or riparian rights.

Matt Butler of Isiminger & Stubbs Engineering, also representing the Applicant, clarified that all measurements are from the property line, as required by Code, rather than from the wet face of the seawall. The Applicant estimates that vessels docked on the site will be from 70-75 ft. in length. There are no plans for dredging the waterway at this time. It was clarified that while there is no Code requirement for lighting on the piles, the Applicant proposes to place reflective tape on them.

Mr. Newton commented that the Central Beach Alliance (CBA) is opposed to the Application, as its members feel it extends farther than any other waiver in the area and could set a new precedent. They also feel the larger boats could obstruct the view from other properties along the waterway.

There being no further questions from the Board at this time, Chair Flanigan opened the public hearing.

Andrew Freiman, private citizen, stated that he lives across the street from the subject property. He expressed concern with how the Application could affect the navigation of vessels such as the Water Taxi and charter boats, particularly in combination with the impact of the tides.

Mr. Dean also noted that by Federal regulation, the Intracoastal Waterway occupies only 125 ft. of the entire channel in this area; the remaining navigable waterway is considered State bottomland.

As there were no other members of the public wishing to speak on this Item, Chair Flanigan closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Ross, seconded by Mr. Dean, to approve as stated. In a roll call vote, the **motion** passed 11-1 (Mr. Newton dissenting).

VIII. Reports

- **Commission Agenda Reports**

None.

IX. Old / New Business

Mr. Newton requested an update on the Board's efforts to clarify the costs of the proposed Las Olas Marina expansion. Mr. Cuba replied that he was not aware of this as an Agenda Item for the City Commission's August meeting, but noted that updates will be provided to both the Marine Advisory Board and the Beach Redevelopment Board in the future. An environmental feasibility study is planned to ensure that all necessary permits for the proposed expansion may be obtained within the appropriate time frame. A report on this process is expected in autumn 2014.

Mr. Rassing commented that there is ongoing concern regarding the impact of All Aboard Florida on the marine industry and navigation. It was noted that the Board has communicated its concerns to the City Commission regarding this project more than once, in addition to their support of a letter on this issue by the Marine Industries Association of South Florida (MIASF).

The Board discussed how to bring other officials and/or organizations into the discussion of All Aboard Florida's potential impact on the marine industry. It was noted that the best way to proceed could be to share information and educate the public without appearing to be confrontational. Mr. Herhold pointed out that this is the approach taken by the MIAASF, which is gathering data and working with the FEC railway.

The members also addressed the issue of the new south runway at the Fort Lauderdale-Hollywood International Airport, which has a flight path directly over several boatyards. Mr. Dean pointed out that this could affect business in these facilities, as well as the cleanliness of the vessels there. Mr. McLaughlin

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concluded that there are projects that should come before the Board but do not, despite their potential for impact on marine business and recreation. He felt they should be made aware of projects that can affect waterways, even if they are presented for informational purposes only.

There being no further business to come before the Board at this time, the meeting was adjourned at 7:42 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

[Minutes prepared by K. McGuire, Prototype, Inc.]

ITEM V

MEMORANDUM MF NO. 14-13

DATE: August 6, 2014

TO: Marine Advisory Board

FROM: Andrew Cuba, Manager of Marine Facilities

RE: September 23, 2014 MAB - Dock Waiver of Distance Limitations
-L-5 Investments IV LLC c/o Robert and Rosemary Leonard / 726 NE 20th
Avenue

Attached for your review is an application from L-5 Investments IV LLC c/o Robert and Rosemary Leonard / 726 NE 20th Avenue (see **Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

The applicants are requesting approval for the installation of ten triple pile clusters and one finger pier. The distances these structures extend from the property line into the Middle River is shown in the survey in **Exhibit 1** and summarized in **Table 1** below:

TABLE 1

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING WAIVER
Triple Pile Cluster #1	+/-39.0'	25'	+/-14.0'
Triple Pile Cluster #2	+/-94.0'	25'	+/-69.0'
Triple Pile Cluster #3	+/-125.0'	25'	+/-100.0'
Triple Pile Cluster #4	+/-94.0'	25'	+/-69.0'
Triple Pile Cluster #5	+/-94.0'	25'	+/-69.0'
Triple Pile Cluster #6	+/-125.0'	25'	+/-100.0'
Triple Pile Cluster #7	+/-125.0'	25'	+/-100.0'
Triple Pile Cluster #8	+/-39.0'	25'	+/-14.0'
Triple Pile Cluster #9	+/-94.0'	25'	+/-69.0'
Triple Pile Cluster #10	+/-125.0'	25'	+/-100.0'
Finger Pier #11	+/-92.6'	25'	+/-67.6'

ULDR Sections 47-19.3 C. & D. limits the maximum distance of finger piers to 25 feet, or 25%, whichever is less, and dolphin/mooring pilings to 25 feet, or 30% of the width of the waterway, whichever is less. Section 47.19.3.E authorizes the City Commission to waive this limitation based upon a finding of extraordinary circumstances. The applicant has indicated that the piling clusters are necessary for safely mooring existing vessels as well as the extraordinary width of the waterway at this location.

PROPERTY LOCATION AND ZONING

The property is located within the RS-8 Residential Single Family/Low Density District Zoning District. It is situated on the Middle River where the width of the waterway to the closest structure or vessel is +/- 636 feet, and where the closest distance from the outermost proposed piling cluster to the 30% line is +/- 107.2 feet, according to the Summary Description and marine survey provided in **Exhibit 1**.

DOCK PLAN AND BOATING SAFETY

Marine Facilities records reflect that there have been 12 waivers of docking distance limitations approved by the City Commission since 1983. A comparison of these as shown in **Table 2** including the maximum distances of all mooring structures extending into the New River follows:

TABLE 2

DATE	ADDRESS	MAXIMUM DISTANCE
March 1983	834 N.E. 20 th Avenue	Pilings – 45'
April 1983	714 N.E. 20 th Avenue	Pilings – 45' Piers – 37'
July 1985	808 N.E. 20 th Avenue	Pilings – 48' Piers – 38'
January 1990	840 N.E. 20 th Avenue	Pilings – 48' Pier – 48'
September 1992	738 N.E. 20 th Avenue	Pilings – 75' Pier – 39'
November 2007	810 N.E. 20 th Avenue	Pilings – 68' Piers – 73'
January 2008	852 N.E. 20 th Avenue	Pilings – 86' Pier – 49'
October 2008	714 N.E. 20 th Avenue	Pier – 108'
November 2012	810 N.E. 20 th Avenue	Pilings- 124.4'
May 2013	720 N.E. 20 th Avenue	Pilings-80' Pier-42'
May 2013	816 N.E. 20 th Avenue	Pilings-112.4'
March 2014	704 N.E. 20 th Avenue	Pilings – 125'

RECOMMENDATIONS

Should the Marine Advisory Board consider approval of the application, the Resolution under consideration by the City Commission should include at least the following as prescribed in the ULDR and City Code of Ordinances:

1. The applicant is required to comply with all applicable building and zoning regulations as well as any other Federal and State laws and permitting requirements including the Broward County Environmental Protection and Growth Management Department, the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers.
2. As a general condition of approval and in order to review for final consistency with construction of facilities in accord with this application and City building permits the applicant is required to provide the City's Supervisor of Marine Facilities with copies of "As Built" drawings from a certified and licensed contractor.

AC
Attachment

cc: Carl Williams, Deputy Director of Parks and Recreation
Jon Luscomb, Supervisor of Marine Facilities