

**DRAFT
 MINUTES OF THE MARINE ADVISORY BOARD
 100 NORTH ANDREWS AVENUE
 8TH FLOOR CONFERENCE ROOM
 FORT LAUDERDALE, FLORIDA
 THURSDAY, NOVEMBER 7, 2013 – 6:00 P.M.**

<u>Board Members</u>	Attendance	Cumulative Attendance May 2013 - April 2014	
		<u>Present</u>	<u>Absent</u>
Barry Flanigan, Chair	P	5	1
James Harrison, Vice Chair	A	5	1
F. St. George Guardabassi	P	5	1
Norbert McLaughlin	P	6	0
Jim Welch	P	5	1
Robert Dean	A	4	2
John Holmes	A	4	2
Bob Ross	P	6	0
Joe Cain	P	3	3
Tom Tapp	P	2	4
Herb Rassing	P	6	0
Frank Herhold	A	5	1
Zane Brisson	A	3	3
Erik Johnson	A	4	2
Jack Newton	P	1	0

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
 Matt Domke, Downtown Facilities Dockmaster
 Levend Ekendiz, Intracoastal Facilities Dockmaster
 Officer Quintin Waters, Marine Police Staff
 Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. Call to Order / Roll Call

matched by the City. He concluded that the load-in and load-out at the recent Boat Show had gone very smoothly.

**VI. Waiver of Limitations – ULDR Sec. 47-19.3 C, D, & E – Las Olas, LLC –
720 Idlewyld Drive**

Mr. Cuba noted that this Item had been presented at the Board's October 2013 meeting, which had resulted in a motion by the Board for the Applicant to make specific changes to the Application. These changes included proof of permitting for dredging and an as-built survey for the dock.

Mr. Cuba added that although Mr. Herndon was not present, he had informed Staff that the concerns he had expressed at the October meeting have been fully satisfied by the Applicant.

Kyle Martinez, representing the Applicant, provided the as-built survey for the dock, which showed that the boat lift will meet the necessary setback requirements. He continued that a dredging permit had been acquired for the removal of debris from the area, and was included in the members' information packets.

Chair Flanigan observed that while he had not been present for discussion of this Application in October, he has visited the subject site.

There being no 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. Cain, to approve. In a voice vote, the **motion** passed unanimously.

VII. Waiver of Limitations – ULDR Sec. 47-19.3 C & E – Martin E. and Nicole Hanaka – 1627 SE 7 Street

Tyler Chappell of the Chappell Group, representing the Applicants, explained that this Item had been scheduled for presentation at a previous meeting, but was deferred due to concerns raised by the property's neighbors. Since that time, the Applicants have modified their design to be parallel to the existing dock instead of perpendicular. The proposed dock is roughly 16 ft. closer to the existing dock than originally proposed.

Matt Mitchell of the Chappell Group, also representing the Applicants, showed a PowerPoint presentation on the Application, stating that the Applicant is seeking a waiver for a finger pier that would extend 25 ft. from the property line. The Applicant's property lies on one of the wider areas of the New River. He showed several views of the property, including aerial and ground-level photographs.

Mr. Matthews showed a survey of the existing dock, which is a concrete marginal dock with a semicircular radius and a boat lift on its west end. The Application would provide access for one additional slip, which was originally planned as a perpendicular finger pier extending into the river; however, as concerns were raised by the Applicant's neighbors, different design options were considered and the Applicant has since reached out to these neighbors.

He continued that at least one neighbor has provided a letter of support for the new proposal, which would provide a fixed-access platform extending from the marginal dock and a parallel floating dock extending in front of the existing radius. The new layout represents a reduction of more than 16 ft. from the original proposal. The total distance of the structural extension from the property line is 31 ft., which represents only a 6 ft. extension beyond the allowed 25 ft. threshold.

Mr. Matthews concluded that the necessary regulatory permits were issued for the Application's previous configuration. If the Board approves the Application, the Applicant will need to modify these permits and reconfigure the layout; however, no issues with any regulatory agencies are anticipated. The floating dock will provide access for one additional slip, which would most likely be used for a small recreational vessel; in addition, the waterway is very wide at the location. The proposed dock is 113 ft. from the City's 30% width of waterway line and 117 ft. from the Army Corps of Engineers' waterway line, or 230 ft. from the channel.

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

Sam Hill, private citizen, stated that he represented a nearby property owner who was out of town. He asserted that the owner is very appreciative of the changes made by the Applicant. He asked, however, why the proposed dock could not be designed to fit within the guidelines of Code without requiring a variance.

Mr. Matthews replied that the proposed configuration provides slip access on the outside of the dock, as well as the opportunity for the Applicant to use kayaks and paddleboards inside the floating dock, which prevents some of the disturbances from waves on the New River. If the structure is moved 6 ft. back to be consistent with the guidelines, this would allow only 2 ft. between the radius and the inside edge of the dock.

Mr. Hill asked if the variance would be passed on to a new owner if the Applicant sold his property. Mr. Cuba confirmed this.

Charles Kelsey, private citizen, said he lives on the western side of the subject property. He explained that he is concerned because the Applicant currently wishes to dock a small vessel at the proposed structure; however, he wished to know if the Applicant would be allowed to dock a large vessel, such as an 80 ft. boat, in the same space,

which would obstruct Mr. Kelsey's view of the New River. He concluded that he would like an assurance that this would not happen.

Mr. Chappell advised that a large vessel could not be accommodated on the outside of the proposed structure; in addition, if the Applicant wished to dock a large vessel at the property, he would need to place piles on the outside of the dock, which would require another waiver Application. Mr. Cuba confirmed that no additions could be made to the structure without first coming before the Board once more.

Murray Hanaka, Applicant, explained that his wife cannot access the water to kayak or paddleboard at present, which was why the Application was submitted. He asserted that they have no plans to dock a larger boat at the property.

It was noted that the individual who had provided an email in support of the project was also present at the meeting.

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.

Mr. Ross asked if the floating dock would have specific load capabilities, which would prevent it from accommodating a yacht. Mr. Chappell confirmed this, noting that the currents from the waterway would also limit the size of a vessel at the floating dock.

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

Mr. Tapp commented that he felt this Application was a good example of an Applicant working with his neighbors to arrive at a solution, with the Board serving as mediation.

VIII. Reports

- **Reminder: January 14th MAB**

Mr. Cuba recalled that the January 2014 Board meeting has been rescheduled for January 14, 2014.

- **ICW Dredge Status**

Mr. Luscomb reported that a conceptual mitigation plan design, based on the mitigation of 1.8 acres of seagrass, has been submitted to the County. The plan identifies a habitat restoration site on the western corner of Deerfield Island. The area would be re-graded and a protective barrier would be placed around the location to encourage the growth of seagrass. The County is expected to respond to this plan within 30 days. The plan was also submitted to all regulatory agencies, including FIND. He noted that FIND has all