



CITY OF FORT LAUDERDALE

**DRAFT
MEETING MINUTES
CITY OF FORT LAUDERDALE
MARINE ADVISORY BOARD
THURSDAY, FEBRUARY 3, 2022 – 6:00 P.M.**

		Cumulative Attendance January-December 2022	
Grant Henderson, Chair	P	2	0
Ed Strobel, Vice Chair	P	2	0
Robyn Chiarelli	P	2	0
Bob Denison	A	1	1
Barry Flanigan	P	2	0
Richard Graves	P	2	0
James Harrison	P	2	0
Rose Ann Lovell	P	2	0
Kitty McGowan	P	1	1
Norbert McLaughlin	A	1	1
Ted Morley	P	1	1
Noelle Norvell	P	2	0
Christopher Rotella	P	1	1
Steve Witten	A	1	1

As of this date, there are 13 appointed members to the Board, which means 7 would constitute a quorum.

Staff

Andrew Cuba, Marine Facilities Manager
Jonathan Luscomb, Marine Facilities Supervisor
Officer Kenneth Soma, Fort Lauderdale Police Department
Carla Blair, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. Call to Order / Roll Call

Chair Henderson called the meeting to order at 6:00 p.m. and roll was called.

II. Approval of Minutes – January 6, 2022

Motion made by Mr. Morley, seconded by the Chair Strobel, to approve. In a voice vote, the **motion** passed unanimously.

III. Statement of Quorum

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

IV. Waterway Crime & Boating Safety Report

Officer Kenneth Soma of the Fort Lauderdale Police Department's Marine Unit reported the following activity for January 2022:

- 51 citations
- 2 boating accidents
- 1 hit-and-run accident

V. Dock Waiver – 625 SW 5th Place / Daniel Cole – Cole Properties & Land LLC

Jena Robbins of the Chappell Group, representing the Applicant, recalled that at the Board's January 2022 meeting, a variance application for a dock waiver had been presented on behalf of the client. The property currently has two existing wooden docks and approximately eight mooring piles. These structures accommodate four to five slips, which use perpendicular mooring.

Ms. Robbins explained that the Application's exhibits have been updated to show all structures. In addition to the two finger piers, the property has a 172 linear ft. concrete seawall.

In January, the Application was presented to propose the installation of a 164 linear ft. concrete seawall in order to make this structure uniform across the property. The Application also requested installation of three 50 ft. x 7 ft. floating docks and four wooden mooring pilings. That request would have permitted the structures to extend 55.6 ft. from the property line.

Since January, the Applicant's team has taken comments from the Marine Advisory Board (MAB) and the property's neighbors into consideration. The proposal is now for three 45 ft. floating docks and four additional mooring piles. The Applicant requests waivers for the docks and mooring piles to extend a maximum of 50.6 ft. from the property line. The floating docks will accommodate five 70 ft. slips, which will extend their current length into the waterway.

Ms. Robbins showed views of existing conditions at the subject property, as well as renderings of the proposed changes. She added that the slips will be authorized through a submerged land lease, as the structures will be located on submerged state lands. They will extend approximately 74 ft. from the property line.

The total width of the waterway is 250 ft. The proposed slips are consistent with those of adjacent neighbors as well as neighbors across the waterway. Ms. Robbins also showed photographs of boats traveling on the New River near the location, pointing out

that navigation would not be impeded by the proposed structures and slips. The proposed slips will not exceed the length of the current slips.

Ms. Robbins concluded that the requested waivers would extend a maximum of 50.6 ft. from the property line and a minimum of 20.1 ft. from the property line. Extraordinary circumstances warranting these requests include:

- All structures, pilings, and slips proposed will not exceed 30% of the width of the waterway
- The proposed structures will not impede navigation due to the 250 ft. width of the waterway
- The proposed structures would rehabilitate existing slips already on the property so the Applicant may safely moor his vessels, particularly during high wind events
- Significant boat traffic in the area

Photographs of the existing slips in 2010, 2014, and 2016 show that the slips have been in place for the past 12 years. The slips use perpendicular mooring, which is consistent with neighboring properties to the east. Applications have been filed with the appropriate environmental agencies and the U.S. Army Corps of Engineers. Three nearby neighbors have provided letters of support for the project. The proposed waiver is consistent with existing waivers previously issued in the vicinity of the subject property. Ms. Robbins showed a rendering indicating that the waiver request would not exceed 30% of the width of the waterway.

Mr. Graves requested clarification that the structures will include five 70 ft. slips. Ms. Robbins confirmed this. Mr. Graves advised that residential docks may only accommodate four slips: a higher number would require installation of a fire line.

Tyler Chappell, also representing the Applicant, stated that a slip has been proposed for each upland unit on the subject site. He asserted that the Applicant will meet any necessary fire regulations.

Mr. Graves also asked if the slips would be attached to land units or rented. Mr. Chappell replied that the slips are part of condominium development on the site in which each unit owner is allowed one slip. The Site Plan for the subject property is currently under review by City Staff and the development and slips are intended to be built at the same time.

Mr. Morley observed that it is illegal to rent boat slips to brokers and/or transient vessels. Mr. Chappell reiterated that the owner's intent is to tie the slips to the proposed units, and advised that the Applicant was aware of this prohibition.

Chair Henderson asked for the maximum vessel size that could be moored at the slips. Ms. Robbins advised that this would be 70 ft.

Chair Henderson also asked if a variance was received for the current mooring piles. Mr. Chappell stated he was not aware of a variance for this property "or any of the properties that are in that area."

Mr. Flanigan requested additional information regarding the property's submerged land lease. Mr. Chappell replied that there is currently no submerged land lease on the property, although one is planned for the future to accommodate all the docks and slips. He added that he could not speak to the legality of any boats currently docked at the site.

Mr. Graves asked if slips are deeded when the units are sold. Mr. Chappell stated that a slip may not be deeded in submerged lands: the slips are considered part of the common area of the property, of which every unit owner owns one-fifth.

Mr. Morley addressed extraordinary circumstances, pointing out that the area near the property is a No Wake Zone. Mr. Chappell confirmed this, but pointed out that it is also a high traffic area and not all boats observe wake regulations.

Chair Henderson asked what structures and boats are currently on the property. Mr. Chappell replied that there are two finger piers, mooring piles, and at least one 70 ft. vessel.

Ms. Lovell asked what the property owner would be allowed to construct as of right if the waiver request is not granted. Mr. Chappell stated that he would still be able to dock a 70 ft. vessel at the property, but it would be less safe to do so. Regarding the mooring piles for which there has been no permit, he was not aware of whether or not these could be grandfathered in. He noted, however, that there are no current citations regarding the pilings.

Mr. Chappell continued that the proposed plans would constitute an improvement to the property so the owner could safely moor five 70 ft. vessels. Tonight's request is for floating docks, which are preferable to the current fixed docks. He added that the revised request moves the docks back as far as possible.

Mr. Morley observed that the three letters of support all came from the same individual, while the Board has seen multiple letters opposing the waiver request. Mr. Chappell confirmed that the letters of support are from an adjacent property owner, who also owns a majority of a property across the street.

Vice Chair Strobel recalled that the Board had approved a 38 ft. waiver for a nearby property, which the City Commission had overturned. He also expressed concern with the opposition of neighboring properties who have reached out to the Board.

Mr. Harrison asked if there is any history of safety issues related to the 65 to 70 ft. boats that have been docked at the subject property over the previous several years. Mr.

Chappell replied that he was aware of no such issues. Mr. Harrison stated that he did not see a need for a waiver if there have been no safety concerns. Mr. Chappell stated that larger boats are docked to the east of the property, while only smaller boats are docked to its west. He noted that the Applicant also proposes an additional dock to the west in order to accommodate mooring for five 70 ft. boats.

Mr. Harrison asked if the existing pilings are within Code. Mr. Chappell replied that these pilings would require a waiver, as there is no record of a waiver for them. Mr. Harrison pointed out that this would mean the existing pilings are illegally present, and reiterated that the boats docked at the property are there "illegally as rentals." Mr. Chappell advised that he assumed these boats are rentals.

Mr. Harrison also requested clarification of the water depth at the seawall. Mr. Chappell explained that there are 4 ft. between the seawall and the boat. The Applicant is not proposing to dock a boat close to the seawall.

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

Motion made by Ms. Lovell, seconded by Ms. Chiarelli, to approve. In a roll call vote, the **motion** failed 4-7 (Vice Chair Strobel, Mr. Flanigan, Mr. Graves, Mr. Harrison, Mr. Morley, Ms. Norvell, and Mr. Rotella dissenting).

VI. Presentation – Marine Facilities Updates

Mr. Muscomb showed a PowerPoint presentation on recent Marine Facilities grant-related projects. The first of these is the Bill Keith Preserve shoreline stabilization project, which is in an area near the Lauderdale Marine Center. The edge of this island is eroding slowly. In 2014, the City placed a number of rocks along the shoreline to stabilize the area, which succeeded for five years. He advised that a similar stabilization project along the Intracoastal Waterway in Jupiter was also a success and has helped to restore beaches in that area.

Marine Facilities Staff had left a number of openings in the Bill Keith Preserve project so individuals with kayaks and paddleboards could access the shoreline. The design of the project includes two 40 ft. wide openings. Some existing rocks will be replaced with newer ones. He estimated the cost of this project at \$500,000.

Another project is the Coontie Hatchie Lagoon, which is located north of the Davie Boulevard Bridge. Neighbors in the area wanted a launch for kayaks and canoes at this facility. The City created a lagoon for this purpose, with a beach featuring submerged coquina rock and mangroves. The seawall cap is submerged at a depth of roughly 18 in. under the water at low tide so small boats can access the property and larger boats