

## ITEM VII

### MEMORANDUM MF NO. 15-10

DATE: November 3, 2015

TO: Marine Advisory Board

FROM: Andrew Cuba, Manager of Marine Facilities

RE: November 16, 2015 MAB - Dock Waiver of Distance Limitations  
-Acque Celesti, LLC. c/o Rose Ann Lovell / 900-910 NE 20<sup>th</sup> Avenue

Attached for your review is an application from Acque Celesti, LLC. c/o Rose Ann Lovell / 900-910 NE 20<sup>th</sup> Avenue (see **Exhibit 1**).

### APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting approval for the construction of a 40'x8' marginal floating dock, a 27 sq. ft. fixed dock, dredging to a depth of -7.0 at mean low water, the installation of six (6) triple pile clusters and two (2) mooring piles. 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 2**

<b>PROPOSED STRUCTURES</b>	<b>STRUCTURE DISTANCE FROM PROPERTY LINE</b>	<b>PERMITTED DISTANCE WITHOUT WAIVER</b>	<b>DISTANCE REQUIRING A WAIVER</b>
<b>Triple Pile Cluster #1</b>	<b>+/-44.4'</b>	<b>25'</b>	<b>19.4'</b>
<b>Triple Pile Cluster #2</b>	<b>+/-44.8'</b>	<b>25'</b>	<b>19.8'</b>
<b>Triple Pile Cluster #3</b>	<b>+/-42.7'</b>	<b>25'</b>	<b>17.7'</b>
<b>Mooring Pile #1</b>	<b>+/-80.3'</b>	<b>25'</b>	<b>55.3'</b>
<b>Mooring Pile #2</b>	<b>+/-80.3'</b>	<b>25'</b>	<b>55.3'</b>

ULDR Sections 47-19.3 D. limits the maximum distance of 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 specified that the piling clusters and mooring piles are necessary for safely mooring existing vessels, especially during high wind events and severe weather and that there is an extraordinary width of the waterway at this location.

## PROPERTY LOCATION AND ZONING

The property is located within the B1 Boulevard Business Zoning District. It is situated on the Middle River where the width of the waterway to the closest structure or vessel is +/- 210 feet, according to the Summary Description provided in **Exhibit 1**.

## DOCK PLAN AND BOATING SAFETY

Marine Facilities records reflect that there have been 15 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**

<b>DATE</b>	<b>ADDRESS</b>	<b>MAXIMUM DISTANCE</b>
March 1983	834 N.E. 20 <sup>th</sup> Avenue	Pilings – 45'
April 1983	714 N.E. 20 <sup>th</sup> Avenue	Pilings – 45' Piers – 37'
July 1985	808 N.E. 20 <sup>th</sup> Avenue	Pilings – 48' Piers – 38'
January 1990	840 N.E. 20 <sup>th</sup> Avenue	Pilings – 48' Pier – 48'
September 1992	738 N.E. 20 <sup>th</sup> Avenue	Pilings – 75' Pier – 39'
November 2007	810 N.E. 20 <sup>th</sup> Avenue	Pilings – 68' Piers – 73'
January 2008	852 N.E. 20 <sup>th</sup> Avenue	Pilings – 86' Pier – 49'
October 2008	714 N.E. 20 <sup>th</sup> Avenue	Pier – 108'
November 2012	810 N.E. 20 <sup>th</sup> Avenue	Pilings- 124.4'
May 2013	720 N.E. 20 <sup>th</sup> Avenue	Pilings-80' Pier-42'
May 2013	816 N.E. 20 <sup>th</sup> Avenue	Pilings-112.4'
March 2014	704 N.E. 20 <sup>th</sup> Avenue	Pilings – 125'
October 2014	720 N.E. 20 <sup>th</sup> Avenue	Pilings-125'
November 2014	726 N.E. 20 <sup>th</sup> Avenue	Pilings-125'
February 2015	824 N.E. 20 <sup>th</sup> Avenue	Pilings-106.3'

## 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 City Staff 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

**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: Acque Celesti, LLC. c/o Rose Ann Lovell

TELEPHONE NO: \_\_\_\_\_ 8220  
(home) 954-467-5055 (business) FAX NO. 954-467-8221

2. APPLICANT'S ADDRESS (if different than the site address):
3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: The applicant requests a waiver for the proposed construction of six (6) triple pile clusters and two (2) mooring piles beyond 25 feet from the property line.

SITE ADDRESS: 900-910 NE 20<sup>th</sup> Avenue, Fort Lauderdale Florida 33304

4. ZONING: B1

LEGAL DESCRIPTION: GATEWAY PARK 25-24 B LOT BLK1

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**

Rose Ann Lovell  
Applicant's Signature

9.21.2015  
Date

The sum of \$ \_\_\_\_\_ was paid by the above-named applicant on the \_\_\_\_\_ of \_\_\_\_\_, 2014. 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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**EXHIBIT III  
WARRANTY DEED**



MORGAN, OLSEN & OLSEN, LLP  
633 S. Federal Highway #400A  
Ft. Lauderdale, FL 33301

THIS INSTRUMENT PREPARED BY  
BURTON H. MARS, PRESIDENT  
ALL FLORIDA TITLE COMPANY, INC.  
1995 East Oakland Park Boulevard  
Suite 310  
Fort Lauderdale, Florida 33306  
Our File No. AFT7651

Property Appraiser's  
Parcel ID: 504201-17-0070

WARRANTY DEED

THIS INDENTURE, made this 29<sup>th</sup> day of June, 2015 by AMD HOLDINGS, LLC, A MINNESOTA LIMITED LIABILITY COMPANY, whose address is 4410 London Road, Duluth, MN 55804, GRANTOR, to ACQUE CELESTI, LLC, A FLORIDA LIMITED LIABILITY COMPANY whose address is 840 NE 20<sup>th</sup> Avenue, Fort Lauderdale, FL 33304, GRANTEE.

WITNESSETH that said grantor, for and in consideration of the sum of Ten (\$10.00) Dollars, to them in hand paid by the grantee, and the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the grantee, their heirs and assigns forever, the following described land, situate, lying and being in BROWARD County, Florida, to-wit:

LOT 6, BLOCK 1, OF GATEWAY, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 25, PAGE 24, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

SUBJECT TO:

1. ZONING AND/OR RESTRICTIONS AND PROHIBITIONS IMPOSED BY GOVERNMENTAL AUTHORITY
2. RESTRICTIONS, EASEMENTS AND OTHER MATTERS APPEARING ON THE PLAT OR OF RECORD
3. TAXES FOR THE YEAR 2015 AND SUBSEQUENT YEARS.

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.

2

"Grantor" and "grantee" are used for singular or plural, as context requires.

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:

Witness #1

Sign - [Signature]  
Print - CAROL PERRO

AMD HOLDINGS, LLC  
A MINNESOTA LIMITED LIABILITY COMPANY

BY: [Signature]  
DONALD A. LETOURNEAU, MANAGING MEMBER

Witness #2

Sign - [Signature]  
Print - Bonnie Stone

STATE OF Minnesota }  
COUNTY OF St. Louis } SS:

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of June, 2015  
by DONALD A. LETOURNEAU as MANAGING MEMBER of AMD HOLDINGS, LLC, A  
MINNESOTA LIMITED LIABILITY COMPANY.

[Signature]  
NOTARY PUBLIC

Personally Known X OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_



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

ACQUE CELESTI, LLC

**Filing Information**

<b>Document Number</b>	L15000097314
<b>FEI/EIN Number</b>	NONE
<b>Date Filed</b>	06/03/2015
<b>Effective Date</b>	06/03/2015
<b>State</b>	FL
<b>Status</b>	ACTIVE

**Principal Address**840 NE 20TH AVENUE  
FORT LAUDERDALE, FL 33304 UN**Mailing Address**840 NE 20TH AVENUE  
FORT LAUDERDALE, FL 33304 UN**Registered Agent Name & Address**LOVELL, ROSE ANN  
840 NE 20TH AVENUE  
FORT LAUDERDALE, FL 33304**Authorized Person(s) Detail****Name & Address**

Title MGR

LOVELL, ROSE ANN  
840 NE 20TH AVENUE  
FORT LAUDERDALE, FL 33304 UN

Title MGR

FARQUHAR, LAURIE A  
840 NE 20TH AVENUE  
FORT LAUDERDALE, FL 33304 UN**Annual Reports****No Annual Reports Filed**

**Document Images**

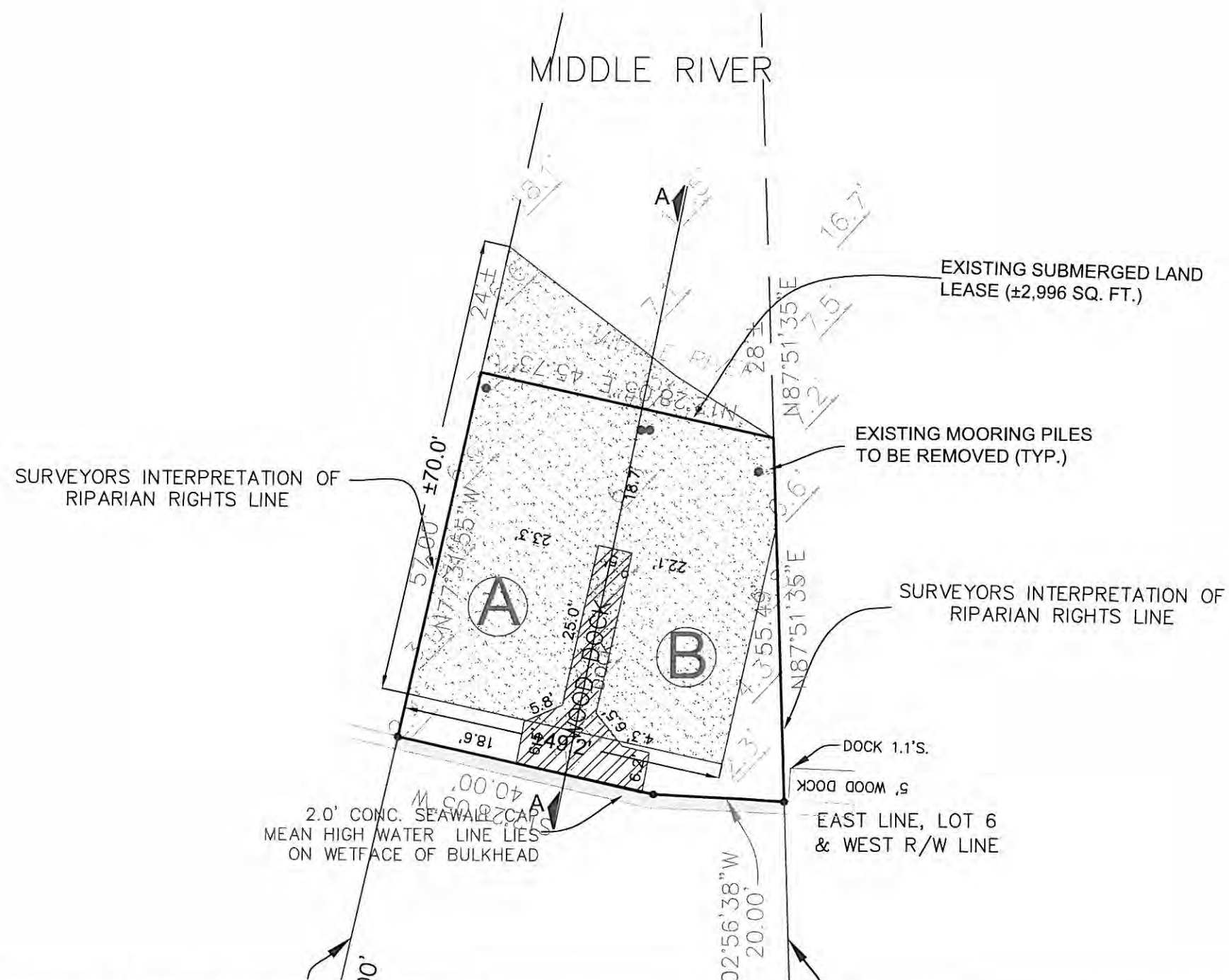
06/03/2015 -- Florida Limited Liability

[View image in PDF format](#)





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State of Florida, Department of State

## **EXHIBIT IV PROJECT PLANS**



## LEGEND

-  EXISTING DOCK TO BE REMOVED (±295 SQ.FT.)
-  PROPOSED DREDGING TO A DEPTH OF 7.0' AT MLWL (±2,876 SQ.FT. - ±200 CU.YDS)
-  EXISTING DEPTHS (REFERENCED TO MLWL (-2.1' NAVD))
-  EXISTING SLIPS

NOTE: SURVEY INFORMATION PROVIDED BY  
McLAUGHLIN ENGINEERING CO.

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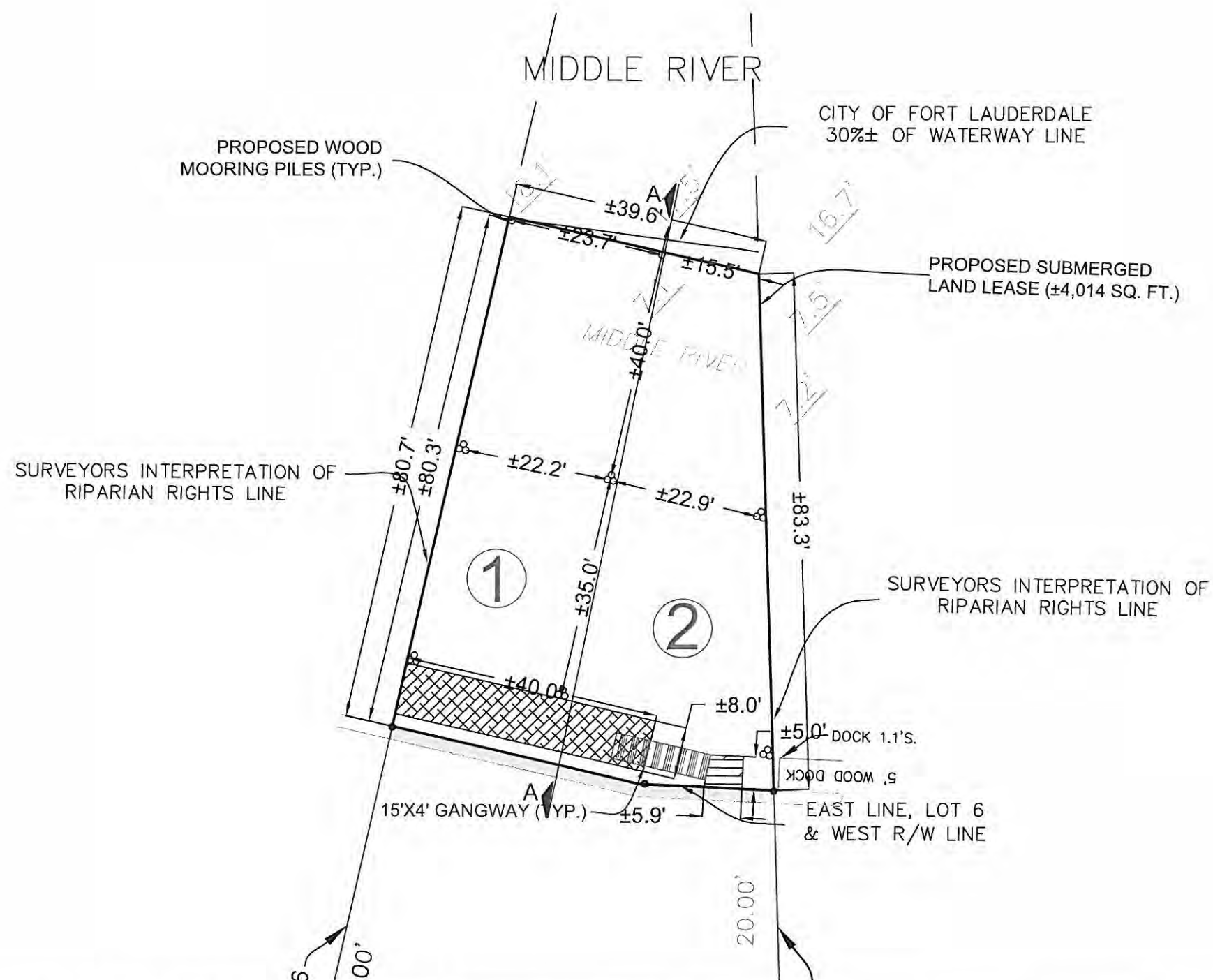
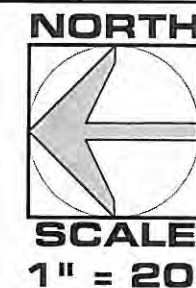
- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Phase I ESAs

900-910 NE 20 AVENUE

PREPARED FOR:  
ACQUE CELESTI, LLC





EXISTING CONDITIONS

Date: 9/16/15	Sheet : 1	of : 4
Proj No.: 15-0043		



PROPOSED SLIP TABLE			
SLIP	LENGTH	BEAM	DRAFT
1	±70'	±19'	±5.5'
2	±70'	±19'	±5.5'

## LEGEND

-  **PROPOSED FLOATING DOCK**  
(±320 SQ.FT.)
-  **PROPOSED FIXED DOCK**  
(±27 SQ.FT.)
-  **PROPOSED SLIPS**
-  **PROPOSED TRIPLE PILE CLUSTERS**

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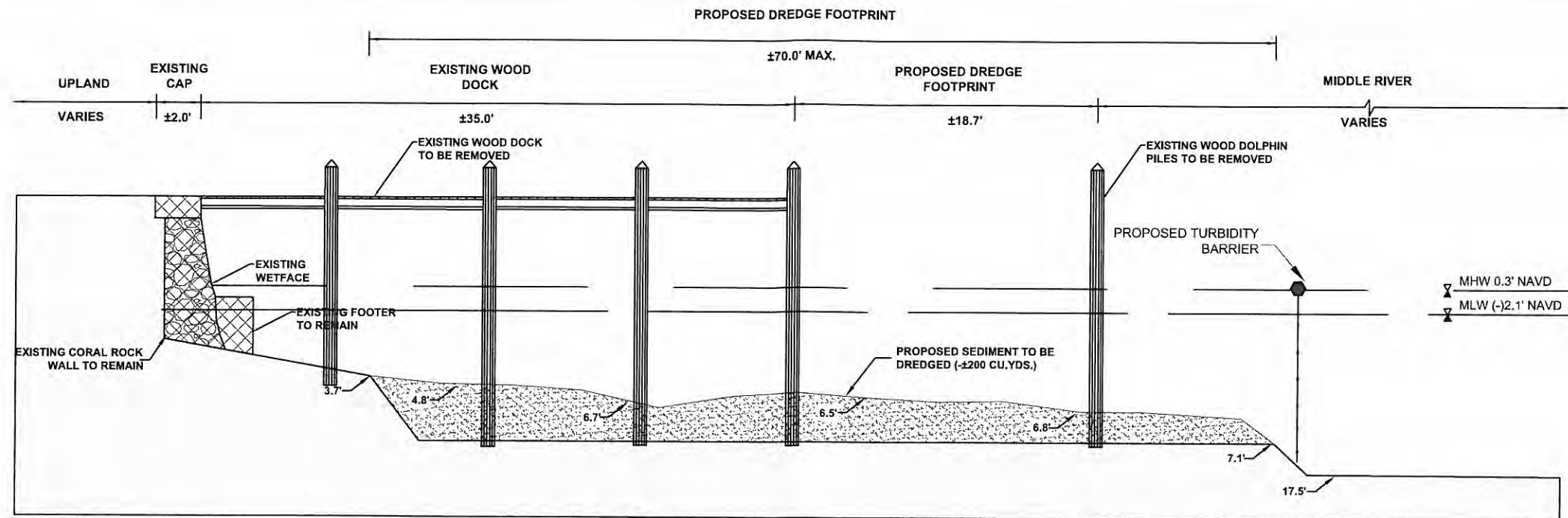
900-910 NE 20 AVENUE

PREPARED FOR:  
ACQUE CELESTI, LLC

### PROPOSED CONDITIONS

Date: 9/16/15	Sheet :  2	of :  4
Proj No.: 15-0043		



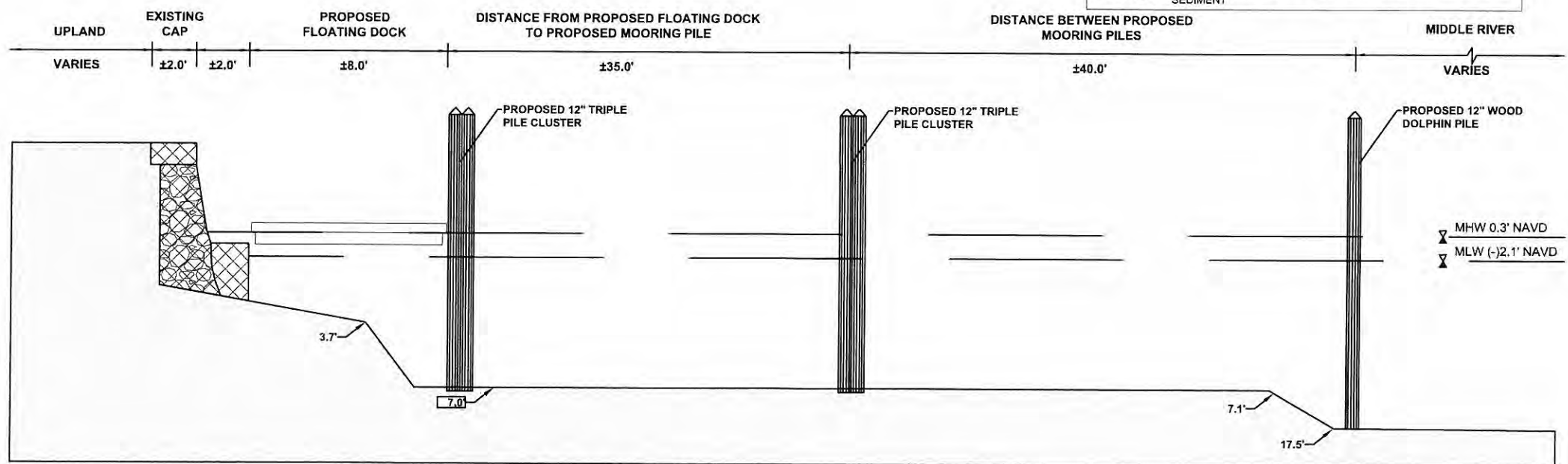


### SECTION A-A EXISTING CONDITIONS

N.T.S.

#### LEGEND

	EXISTING BERM		EXISTING DEPTHS AT MLWL
	PROPOSED DREDGE SEDIMENT		PROPOSED DEPTHS AT MLWL



### SECTION A-A PROPOSED CONDITIONS

N.T.S.

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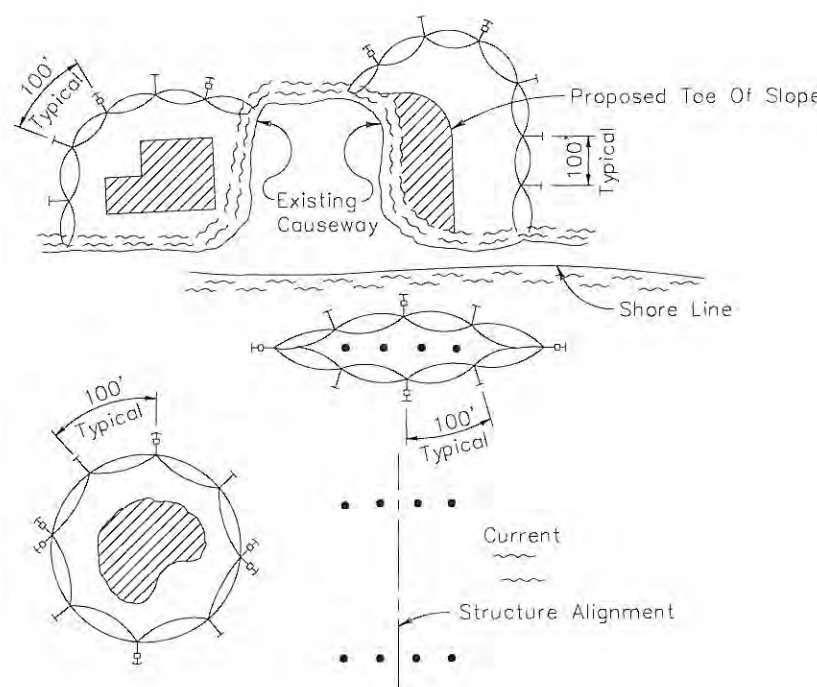
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ACQUE CELESTI, LLC

#### SECTIONS

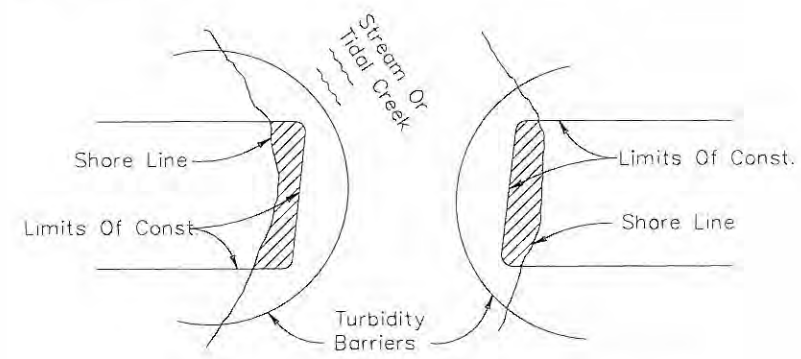
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Proj No.: 15-0043		



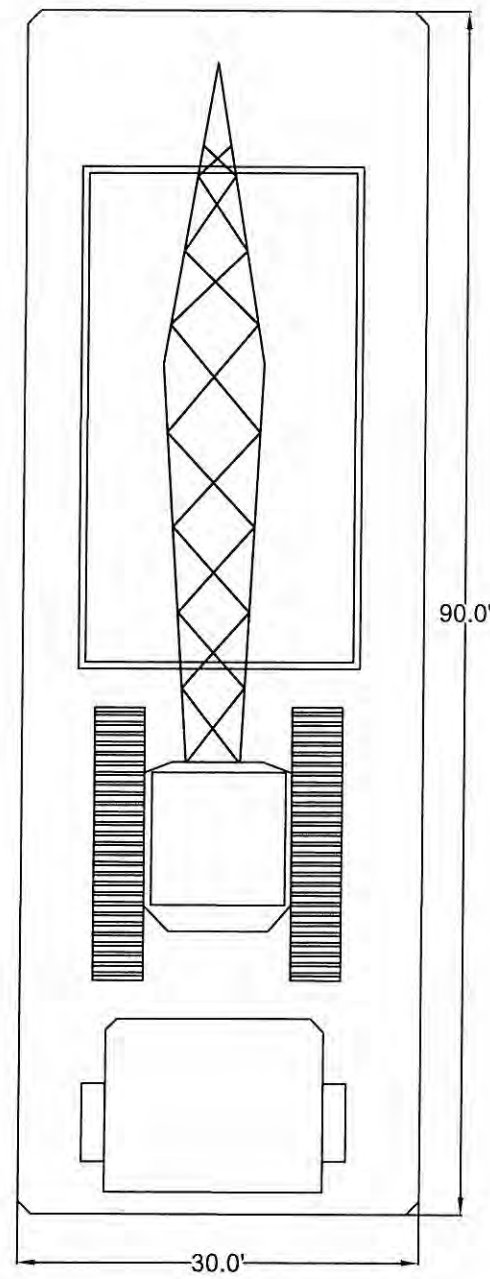
CONSTRUCTION BARGE  
(TYP.)



- LEGEND
- Pile Locations
  - ▨ Dredge Or Fill Area
  - ⊕ Mooring Buoy w/Anchor
  - Anchor
  - Barrier Movement Due To Current Action



Note:  
Turbidity barriers for flowing streams and tidal creeks may be either floating, or staked types or any combinations of types that will suit site conditions and meet erosion control and water quality requirements. The barrier type(s) will be at the Contractors option unless otherwise specified in the plans, however payment will be under the pay item(s) established in the plans for Floating Turbidity Barrier and/or Staked Turbidity Barrier. Posts in staked turbidity barriers to be installed in vertical position unless otherwise directed by the Engineer.



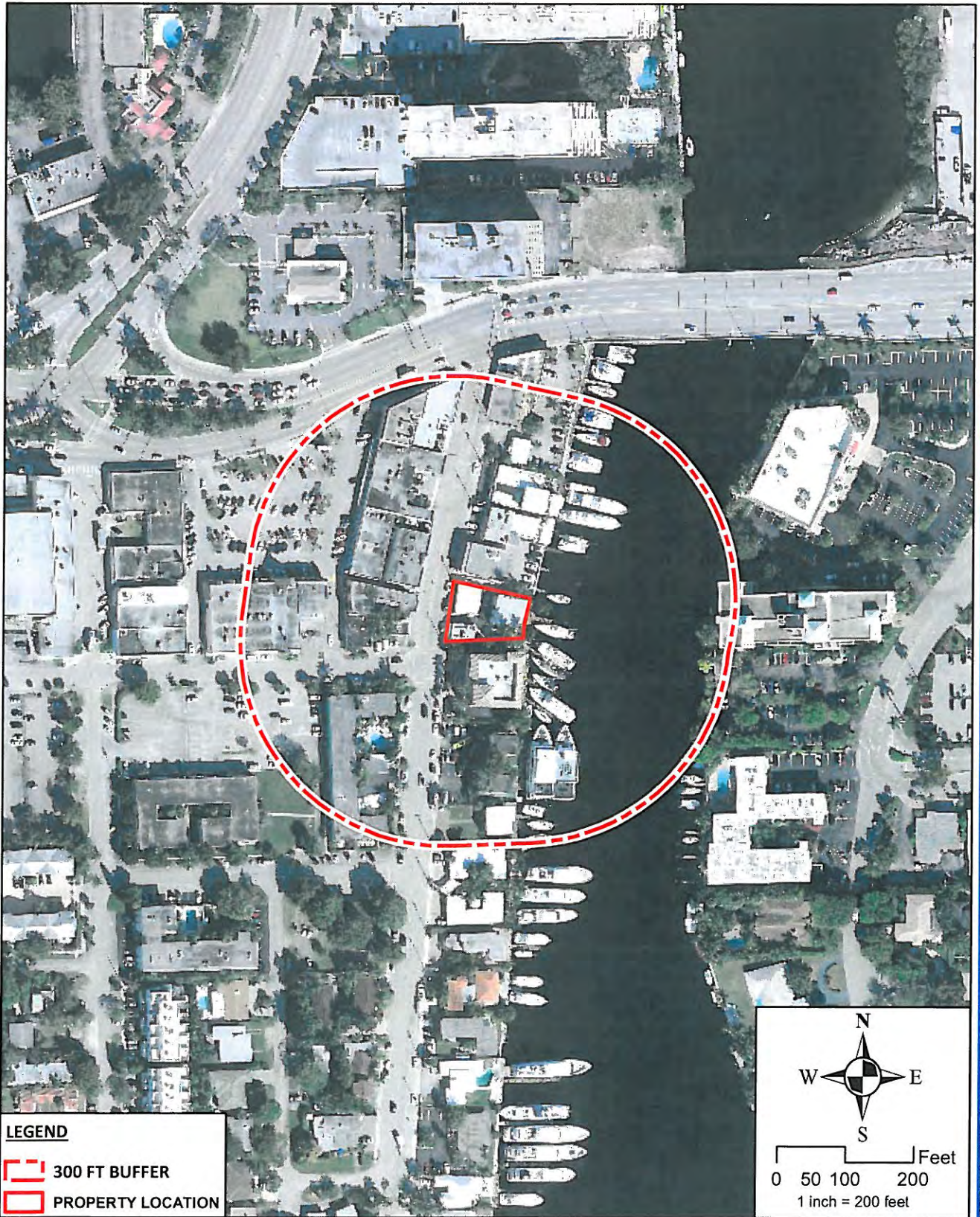
- NOTES:
1. Turbidity barriers are to be used in all permanent bodies of water regardless of water depth.
  2. Number and spacing of anchors dependent on current velocities.
  3. Deployment of barrier around pile locations may vary to accommodate construction operations.
  4. Navigation may require segmenting barrier during construction operations.
  5. For additional information see Section 104 of the Standard Specifications.

TURBIDITY BARRIER APPLICATIONS

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					Date: 9/16/15	Sheet : 4	of : 4
					Proj No.: 15-0043		

**EXHIBIT V  
ZONING AERIAL**





CITY OF FORT LAUDERDALE

900/910 NE 20TH AVENUE.

**GIS**  
Fort Lauderdale

Date: 9/29/2015  
CAM#16-0042

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**EXHIBIT VI  
SUMMARY DESCRIPTION**



**Summary Description**  
**900-910 NE 20<sup>th</sup> Avenue**  
**TCG Project No. 15-0043**

The project site is located along the Middle River at 900-910 NE 20<sup>th</sup> Avenue, in Section 01, Township 50, Range 42, in the City of Fort Lauderdale, Broward County, Florida

The property is located along the Middle River, which is a tidal water. The nearest direct connection to the Atlantic Ocean is 2.9 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 construction of a 40'x8' marginal floating dock, a 27 sq.ft. fixed dock, dredging to a depth of -7.0 at mean low water, the installation of six (6) triple pile clusters and two (2) mooring piles into the Middle River. As measured from the property line, three (3) proposed triple pile clusters and two (2) mooring piles 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 triple pile clusters and mooring piles will require a variance waiver.

The proposed docks, triple pile clusters and mooring piles have been submitted for approval by the Broward County Environmental Protection & Growth Management Department, Florida Department of Environmental Protection, and US Army Corps of Engineers.

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 ( $\pm 210'$ ), 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 structures are consistent with the adjacent waivers and do not exceed the neighbor's current waiver of 112.4'.

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

<b>PROPOSED STRUCTURES</b>	<b>STRUCTURE DISTANCE FROM PROPERTY LINE</b>	<b>PERMITTED DISTANCE WITHOUT WAIVER</b>	<b>DISTANCE REQUIRING A WAIVER</b>
Triple Pile Cluster #1	±44.4'	25'	19.4'
Triple Pile Cluster #2	±44.8'	25'	19.8'
Triple Pile Cluster #3	±42.7'	25'	17.7'
Mooring Pile #1	±80.3'	25'	55.3'
Mooring Pile #2	±80.3'	25'	55.3'

**EXHIBIT VII  
SITE PHOTOGRAPHS**



**1. Northern corner of the subject site, facing south.**



**2. Southern corner of the subject site, facing north.**



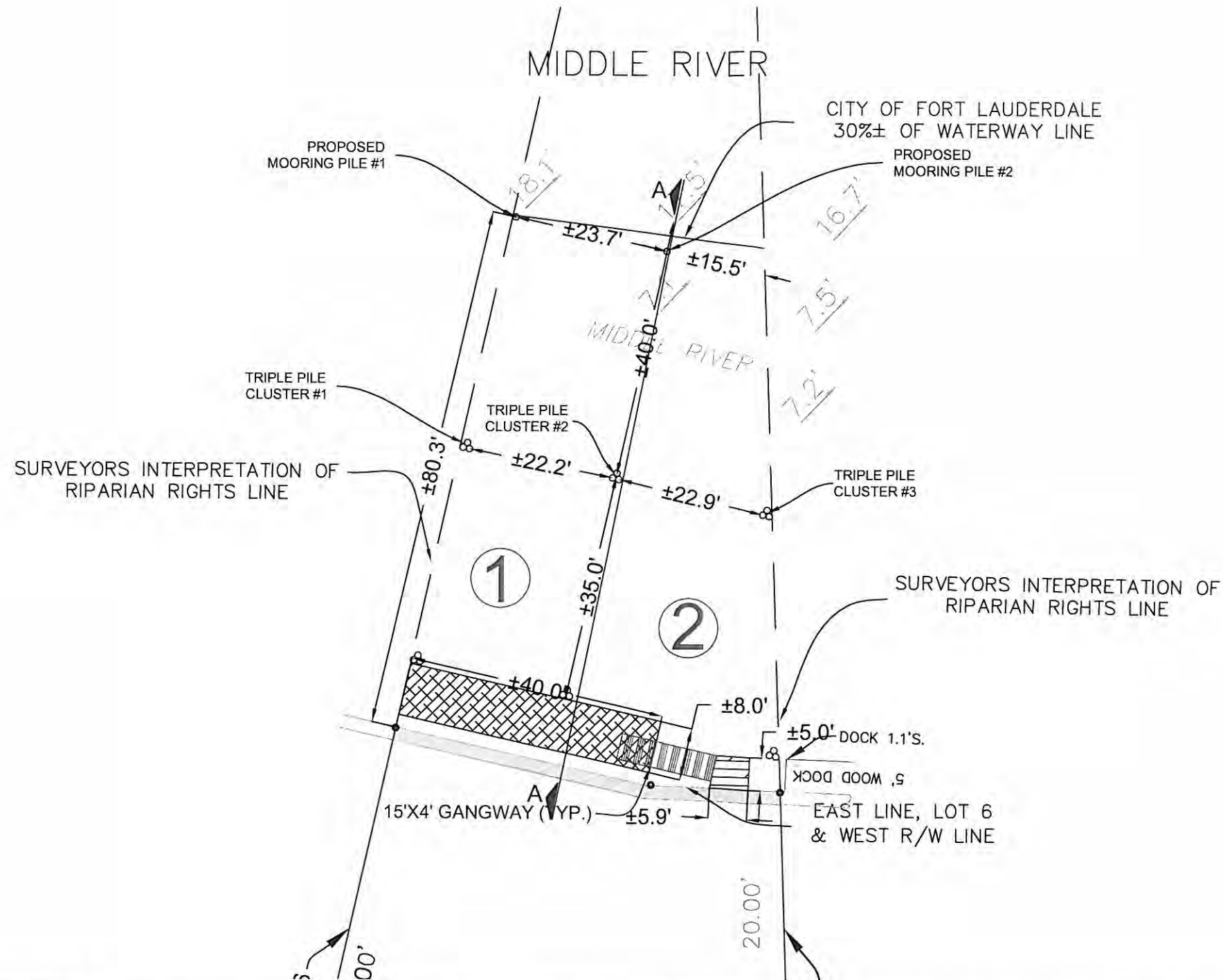
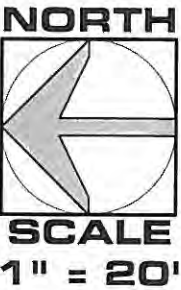


**3. Central portion of the subject site, facing east. Note existing mooring piles.**



**4. Aerial view from the west, facing east.**

**EXHIBIT VIII  
DISTANCE EXHIBIT**



PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
Triple Pile Cluster #1	±44.4'	25'	19.4'
Triple Pile Cluster #2	±44.8'	25'	19.8'
Triple Pile Cluster #3	±42.7'	25'	17.7'
Mooring Pile #1	±80.3'	25'	55.3'
Mooring Pile #2	±80.3'	25'	55.3'

**LEGEND**

PROPOSED FLOATING DOCK (±320 SQ.FT.)

PROPOSED FIXED DOCK (±27 SQ.FT.)

PROPOSED SLIPS

PROPOSED TRIPLE PILE CLUSTERS

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- Mitigation Design & Monitoring
- T&E Species Surveys
- Phase I ESAs

900-910 NE 20 AVENUE

PREPARED FOR:  
ACQUE CELESTI, LLC

DISTANCE EXHIBIT		
Date: 10/2/2015	Sheet : 1	of : 1
Proj No.: 15-0043		