

ITEM IX

MEMORANDUM MF NO. 18-05

DATE: April 24, 2018

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Manager of Marine Facilities

RE: May 3, 2018 MAB Meeting – Application for Dock Permit –Olas Capital LLC & James D. Wilson / 341 Idlewyld Drive & 333 Poinciana Drive

APPLICATION AND BACKGROUND INFORMATION

The applicant is seeking approval for use, maintenance and repair of two proposed 4' x 25' finger piers on public property abutting the waterway in proximity to both 341 Idlewyld Drive and 333 Poinciana Drive. The applicant initially presented a plan incorporating two 5' x 40' finger piers and associated mooring pilings at the October 5, 2017 MAB, and following neighbor and MAB input, the applicant has submitted this revised proposal. City Code Section 8-144 authorizes the construction and use of docks on public property, and allows for the permit to be issued for a fixed period provided the permit holder agrees to maintain the improvements and seawall. The application indicates that the existing seawall would be repaired and raised to the new required height. Additionally, the proposal specifically indicates that there will be no dockage of vessels on the north side of the north dock. Concurrent with this amended MAB submission, the applicant is processing a variance request with the City's Board of Adjustment prior to City Commission review, specific to riparian rights and vessel setback issues.

PROPERTY LOCATION AND ZONING

The property is located within the Idlewyld Isles RS-8 Residential Low Density Zoning District. The proposed finger piers would be located on the Las Olas Bight, directly adjacent to the Intracoastal Waterway.

ENGINEERING REVIEW REQUIREMENT

As a requirement of City Code Section 8-144, approval of the application is contingent upon all improvements to the property being maintained in accord with City Engineering standards and in full compliance with building and zoning regulations including construction permits required for any future electrical and water feeds to the property.

The granting of this Permit is subject to all of the provisions of City Code Section 8-144 as well as the following terms and conditions, violation of any of which shall be grounds for revocation of the Permit:

1. The fixed period of the Permit issued for use of the Finger Piers and Adjacent Seawall described in the application is for a period of five (5) years in accordance with City Code Section 8-144 (1). The Permit is revocable at the will of the City Commission, without cause with 90 days advance notice.
2. As a special condition, the City reserves the right to remove the proposed dock structures for replacement of the seawall in the event that this might be required during the term of the Permit as determined by the City Engineer. The sole cost of removal and replacement of the Dock shall be the responsibility of the Permit Holder. Furthermore, the Permit Holder

- shall be responsible for maintaining and beautifying a reasonable area in and around the dock location and failure to do so shall be grounds for revocation of this Permit.
3. As a special condition of the Permit, the Permit Holder is prohibited from erecting any signs, landscaping or fencing to restrict public access to the Dock Area except where permitted by Code. The "Dock Area" shall include the finger piers and adjoining seawall.
 4. The public property abutting the waterway or Dock Area being used by the Permit Holder shall be kept open at all times as means of reasonable ingress and egress to the public, but Permit Holder shall have the right to exclude the public from a reasonable portion upon which improvements have been placed, not exceeding fifty (50%) percent of the area.
 5. All improvements to the Dock Area must be in accord with City Engineering design standards and in compliance with applicable building and zoning permit requirements.
 6. The Permit granted herein shall not be assignable without the written approval by Resolution adopted by the City Commission.
 7. Permit Holder shall not charge or collect any rent or fees from anyone using such dock constructed on public property. No signage shall be placed upon such dock indicating it is a private dock.
 8. As a special condition, vessels berthed within the Dock Area are prohibited from extending beyond the maximum distance of 30% of the width of the waterway.
 9. As a special condition, vessels berthed within the Dock Area must not encroach into the easterly or westerly extension of the 5' set-back required for the RS-8 zoning district for Applicant's (Permit Holder's) Property, unless as specified in applicant's narrative a set-back waiver is granted via the City's Board of Adjustment.
 10. As a special condition of the permit, in the event Permit Holder is found by the City Commission to have violated any of the above conditions or is found by the Code Enforcement Board, Special Magistrate or County Court Judge to have violated any Code sections relative to the use of the Dock Area, Dock and Mooring Piles, then the Permit granted herein may be repealed or rescinded by the City Commission upon thirty days' advance notice to the Permit Holder.
 11. Use of the dock is limited to the docking of a vessel owned by the Permit Holder with a copy of the documentation showing the name and registration number of all vessels provided by the Applicant to the Supervisor of Marine Facilities.
 12. The Permit Holder is prohibited from mooring any watercraft or vessel in such a manner that it is "rafted out" from any additional vessel owned or operated by the Applicant.

AC

Attachment

cc: Enrique Sanchez, Deputy Director of Parks and Recreation
Jonathan Luscomb, Supervisor of Marine Facilities

**333 Poinciana Drive and
341 Idlewyld Drive
Private Use of Public Lands**



VIA EMAIL

April 20, 2018

Marine Advisory Board
City of Ft. Lauderdale
100 N. Andrews Avenue
Fort Lauderdale, FL 33301

Re: 341 Idlewyld Dr. & 333 Poinciana Dr., Amended Dock Permit Request

Dear Board Members:

This amended application requests a permit(s) to install two - 4' x 25' finger pier docks directly in front of the properties. Presently, there exists a wooden dock in dire need of repair and is unsafe to use. The proposed finger pier docks will be constructed in accordance with applicable code and permitting guidelines. The proposed docks will be for dockage of vessels specific to the permit holders and will not be for rental. This proposal also restricts the docking of boat on the north side of the north dock. The existing seawall will be repaired, and the new seawall cap will be constructed at the new required height recently adopted by the City of Fort Lauderdale. The finger pier docks will be maintained in accordance with City Guidelines. Previously this application sought a waiver of limitations to install two - 5' x 40' finger pier docks directly in front of the properties. This Board tabled the application on October 5, 2017.

The dock permit(s) are requested pursuant to Section 8-144 which permits a private property owner to request a permit to construct and maintains a dock(s) on public property abutting a waterway. The proposed location is not use for municipal purposes and is directly across from the applicants' properties.

In this case, the properties are situated in a small cove off the main navigation routes of the intracoastal waterway. The approximate distant to the opposite seawall is 340'. This section of the Intracoastal is unlike most other areas where the seawall runs parallel to property lines, this section is on a radius giving the right to each owner to obtain dockage. All the other docks that are along Idlewyld Dr. run parallel to the front property lines. Due to this unique orientation, the riparian rights lines create an extraordinary condition which the applicants believe can be mitigated by this application.

Concurrent with this amended request, the applicants are processing a variance request to the City's Board of Adjustment to permit the construction of the finger pier docks across the unusually oriented – crossing – riparian rights lines, and resultant adjusted setbacks.

Please feel free to contact me with questions or comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Courtney Callahan Crush", is written over a horizontal line.

Courtney Callahan Crush
For the Firm

**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: Olas Capital LLC & James D. Wilson

AGENT: Crush Law, P.A. – Courtney Crush

TELEPHONE NO: _____ (954) 522 2010 FAX NO. _____
(home) (business)

2. APPLICANT'S ADDRESS (if different than the site address):

1. 333 Poinciana Drive, Fort Lauderdale, FL 33301
2. 17235 SW 13th Street, Pembroke Pines, FL 33029

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:

Install two - 5' x 25' finger pier docks shared between 341, 345 Idlewyld & 333 Poinciana owners. The owners will install and maintain per all applicable codes. Permit for use pursuant to city code of ordinances, section 8-144 Private use of Public property abutting waterway.

4. SITE ADDRESS: 341 Idlewyld Dr. & 333 Poinciana Dr., Fort Lauderdale, FL 33301
ZONING: R-8

LEGAL DESCRIPTION:

1. IDLEWYLD 1-19 B LOT 27 & N1/2 26 BLK 12
2. IDLEWYLD 1-19 B N 85 OF LOT 10 BLK 1

5. EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications).



Applicant's Signature

4/20/18

Date

=====

The sum of \$ 300.00 was paid by the above-named applicant on the _____ of _____, 2018 Received by: _____

City of Fort Lauderdale

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

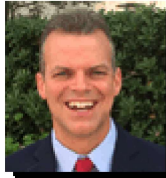
Marine Advisory Board Action

Formal Action taken on _____

Commission Action

Formal Action taken on _____

Recommendation _____
Action _____



Site Address	333 POINCIANA DRIVE, FORT LAUDERDALE	ID #	5042 12 02 0790
Property Owner	WILSON,JAMES D	Millage	0312
Mailing Address	333 POINCIANA DR FORT LAUDERDALE FL 33301	Use	01
Abbreviated Legal Description	IDLEWYLD 1-19 B LOT 27 & N1/2 26 BLK 12		

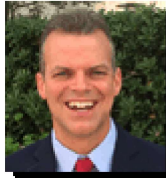
The just values displayed below were set in compliance with **Sec. 193.011**, Fla. Stat., and include a reduction for costs of sale and other adjustments required by **Sec. 193.011(8)**.

Property Assessment Values					
Click here to see 2016 Exemptions and Taxable Values to be reflected on the Nov. 1, 2016 tax bill.					
Year	Land	Building	Just / Market Value	Assessed / SOH Value	Tax
2017	\$337,500	\$2,880,210	\$3,217,710	\$3,217,710	
2016	\$337,500	\$2,880,210	\$3,217,710	\$3,217,710	\$61,562.06
2015	\$596,360		\$596,360	\$596,360	\$11,694.61

2017 Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
Just Value	\$3,217,710	\$3,217,710	\$3,217,710	\$3,217,710
Portability	0	0	0	0
Assessed/SOH	\$3,217,710	\$3,217,710	\$3,217,710	\$3,217,710
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
Taxable	\$3,217,710	\$3,217,710	\$3,217,710	\$3,217,710

Sales History				Land Calculations		
Date	Type	Price	Book/Page or CIN	Price	Factor	Type
3/10/2016	WD-Q	\$3,575,000	113569278	\$30.00	11,250	SF
9/17/2012	WD-E	\$650,000	49102 / 1697			
5/4/2012	PRD-T	\$100	48741 / 1904			
8/25/2010	TD-Q	\$700,000	47349 / 1084			
5/10/2001	QCD	\$100	31621 / 1712	Adj. Bldg. S.F. (Card, Sketch)		6134
				Units/Beds/Baths		1/4/5.5

Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03								
R								
1								



Site Address	341 IDLEWYLD DRIVE, FORT LAUDERDALE	ID #	5042 12 02 0080
Property Owner	OLAS CAPITAL LLC	Millage	0312
Mailing Address	340 SUNSET DR #1710 FORT LAUDERDALE FL 33301	Use	00
Abbreviated Legal Description	IDLEWYLD 1-19 B N 85 OF LOT 10 BLK 1		

The just values displayed below were set in compliance with [Sec. 193.011](#), Fla. Stat., and include a reduction for costs of sale and other adjustments required by [Sec. 193.011\(8\)](#).

Property Assessment Values					
Click here to see 2016 Exemptions and Taxable Values to be reflected on the Nov. 1, 2016 tax bill.					
Year	Land	Building	Just / Market Value	Assessed / SOH Value	Tax
2017	\$127,500		\$127,500	\$127,500	
2016	\$127,500	\$230,430	\$357,930	\$301,460	\$6,389.63
2015	\$252,300	\$394,930	\$647,230	\$519,780	\$11,344.95

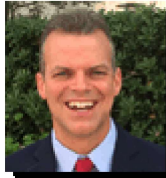
2017 Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
Just Value	\$127,500	\$127,500	\$127,500	\$127,500
Portability	0	0	0	0
Assessed/SOH	\$127,500	\$127,500	\$127,500	\$127,500
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
Taxable	\$127,500	\$127,500	\$127,500	\$127,500

Sales History			
Date	Type	Price	Book/Page or CIN
5/9/2016	WD*-E	\$1,437,400	113692512
12/17/1999	SWD	\$475,000	30125 / 1630
12/1/1991	WD	\$475,000	18967 / 913
5/1/1990	WD	\$450,000	

Land Calculations		
Price	Factor	Type
\$30.00	4,250	SF
Adj. Bldg. S.F.		

* Denotes Multi-Parcel Sale (See Deed)

Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03								
L								
1								



Site Address	345 IDLEWYLD DRIVE, FORT LAUDERDALE	ID #	5042 12 02 0081
Property Owner	OLAS CAPITAL LLC	Millage	0312
Mailing Address	340 SUNSET DR #1710 FORT LAUDERDALE FL 33301	Use	00
Abbreviated Legal Description	IDLEWYLD 1-19 B N 85 OF LOT 11 BLK 1		

The just values displayed below were set in compliance with [Sec. 193.011](#), Fla. Stat., and include a reduction for costs of sale and other adjustments required by [Sec. 193.011\(8\)](#).

Property Assessment Values					
Click here to see 2016 Exemptions and Taxable Values to be reflected on the Nov. 1, 2016 tax bill.					
Year	Land	Building	Just / Market Value	Assessed / SOH Value	Tax
2017	\$127,500		\$127,500	\$127,500	
2016	\$127,500	\$192,630	\$320,130	\$320,130	\$6,355.35
2015					

2017 Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
Just Value	\$127,500	\$127,500	\$127,500	\$127,500
Portability	0	0	0	0
Assessed/SOH	\$127,500	\$127,500	\$127,500	\$127,500
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
Taxable	\$127,500	\$127,500	\$127,500	\$127,500

Sales History			
Date	Type	Price	Book/Page or CIN
5/9/2016	WD*-E	\$1,437,400	113692512

Land Calculations		
Price	Factor	Type
\$30.00	4,250	SF
Adj. Bldg. S.F.		

* Denotes Multi-Parcel Sale (See Deed)

Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03								
L								
1								

Olas Capital, LLC

December 22, 2016

Jeff Modarelli
City Clerk
100 N. Andrews Avenue
City of Fort Lauderdale, FL 33301

Re: The Properties Located 341,345 Idlewyld Dr, and 333 Poinciana Dr. in the City of Fort Lauderdale, Florida (the "Properties")

Dear Mr. Modarelli,

Crush Law, P.A. is authorized to represent Olas Capital, LLC, to obtain a variance allowing shared dockage on the Properties in the City of Ft. Lauderdale.

Sincerely,



David Hackett
Olas Capital, LLC

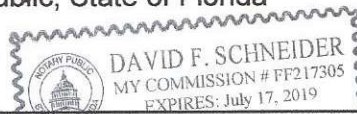
STATE OF FLORIDA
COUNTY OF BROWARD

Sworn to and subscribed before me this 30 day of December 2016, by David Hackett
who is:

Personally known to me _____
OR Produced Identification ✓
Type of Identification Produced FL DRIVERS LICENSE

(SEAL)


Notary Public, State of Florida



Print, type or stamp name of notary

My Commission Expires: _____

January 10, 2017

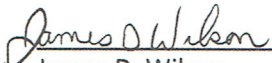
Jeff Modarelli
City Clerk
100 N. Andrews Avenue
City of Fort Lauderdale, FL 33301

Re: The Properties Located 341,345 Idlewyld Dr, and 333 Poinciana Dr. in the City of Fort Lauderdale, Florida (the "Properties")

Dear Mr. Modarelli,

Crush Law, P.A. is authorized to represent me, James D. Wilson, in obtaining a variance allowing shared dockage on the Properties in the City of Ft. Lauderdale.

Sincerely,


James D. Wilson

EXHIBITS

- | | |
|------------|-------------------------------|
| Exhibit 1: | Property Aerial |
| Exhibit 2: | Existing Property Photographs |
| Exhibit 3: | Previously Proposed Request |
| Exhibit 4: | Amended Proposed Request |
| Exhibit 5: | Original Property Surveys |

Exhibit 1: Property Aerial

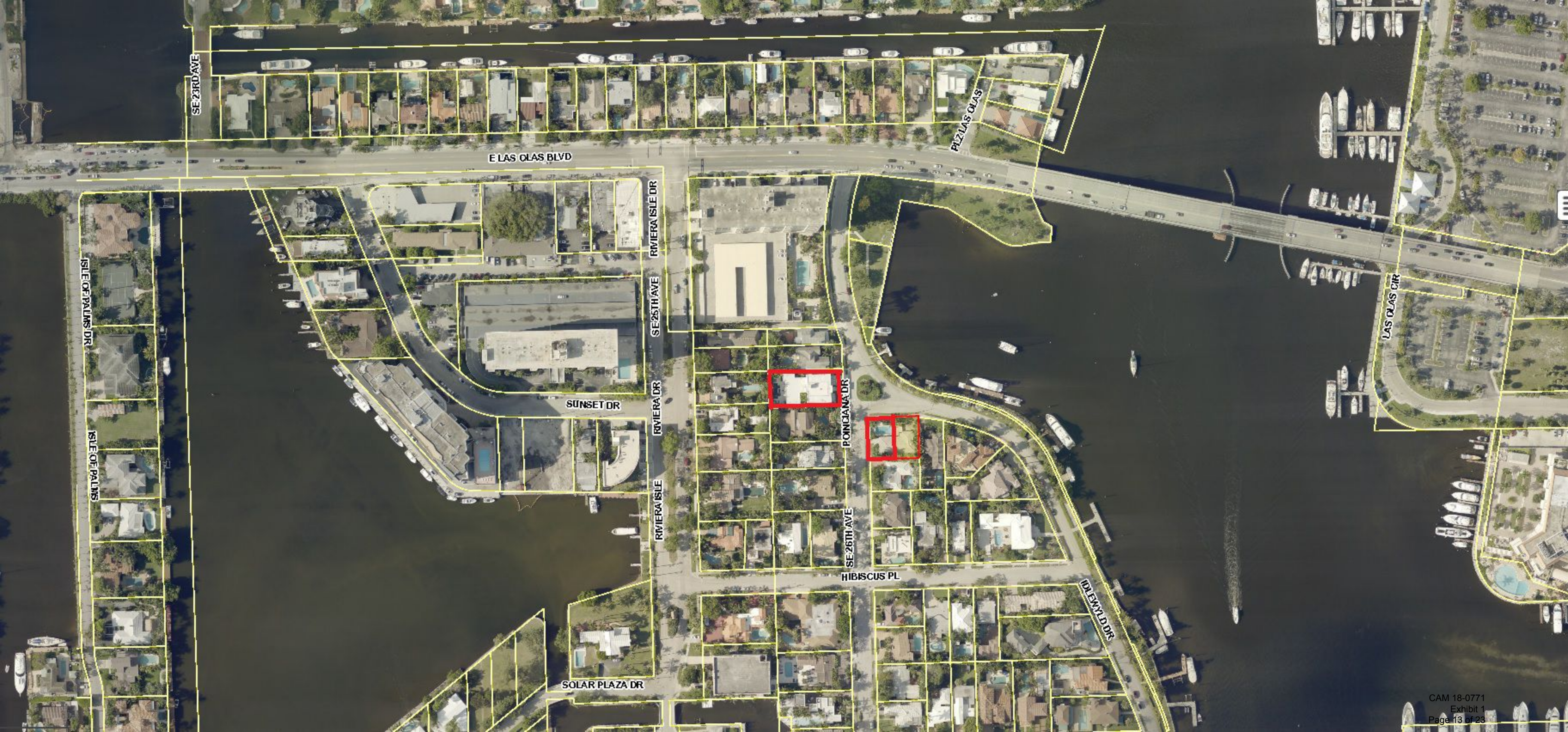


Exhibit 2: Existing Property Photographs





FLORIDA
LUXURIOUS
PROPERTIES
Natalia Selin
954.648.2914

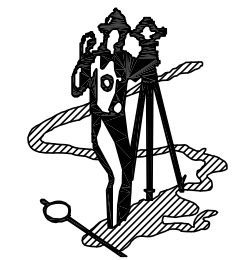
Exhibit 3: Previously Proposed Request

2

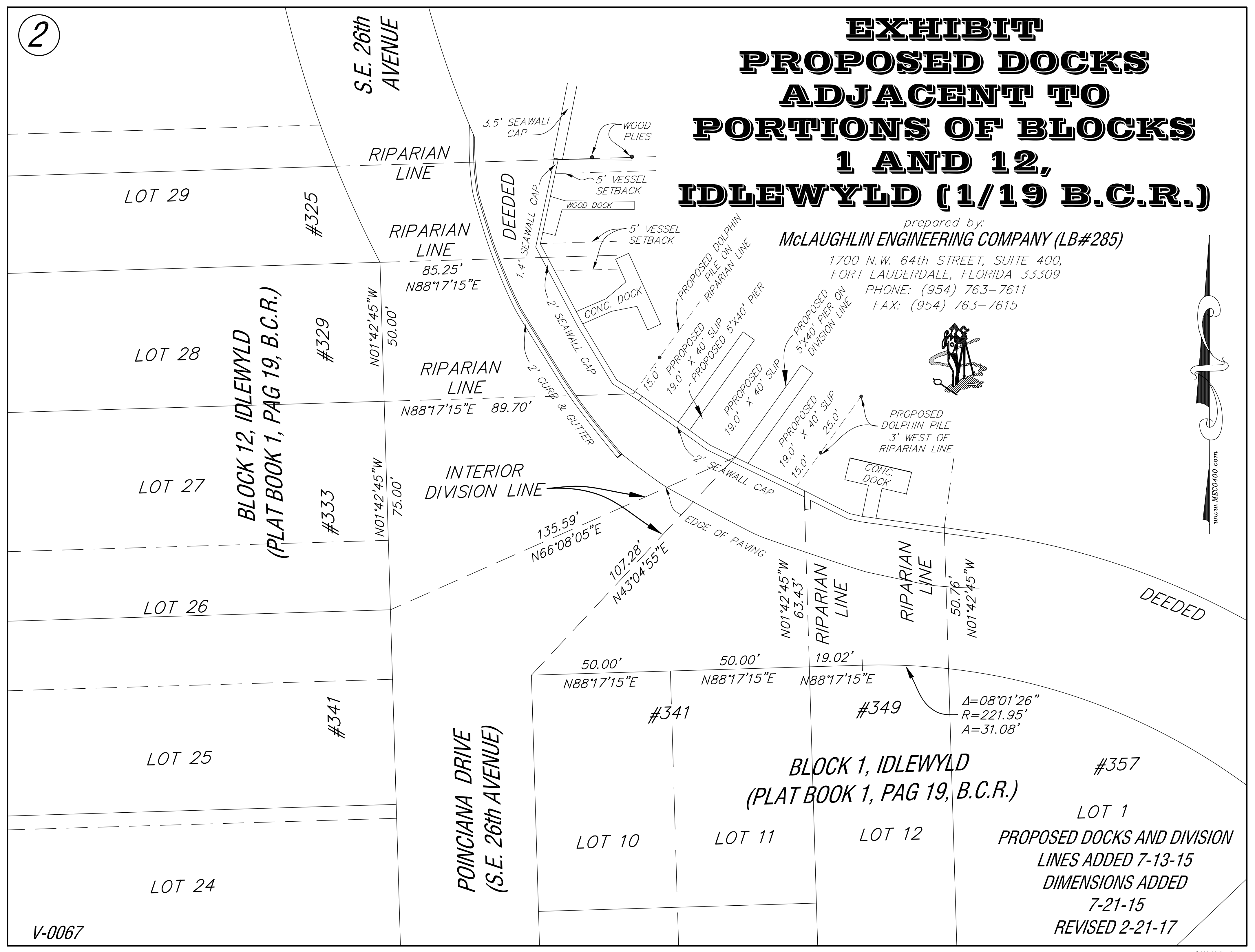
EXHIBIT PROPOSED DOCKS ADJACENT TO PORTIONS OF BLOCKS 1 AND 12, IDLEWYLD (1/19 B.C.R.)

prepared by:
McLAUGHLIN ENGINEERING COMPANY (LB#285)

1700 N.W. 64th STREET, SUITE 400,
FORT LAUDERDALE, FLORIDA 33309
PHONE: (954) 763-7611
FAX: (954) 763-7615



www.MECO400.com



V-0067

Exhibit 4: Amended Proposed Request

1700 N.W. 64th STREET, SUITE 400,
FORT LAUDERDALE, FLORIDA 33309
PHONE: (954) 763-7611
FAX: (954) 763-7615



1

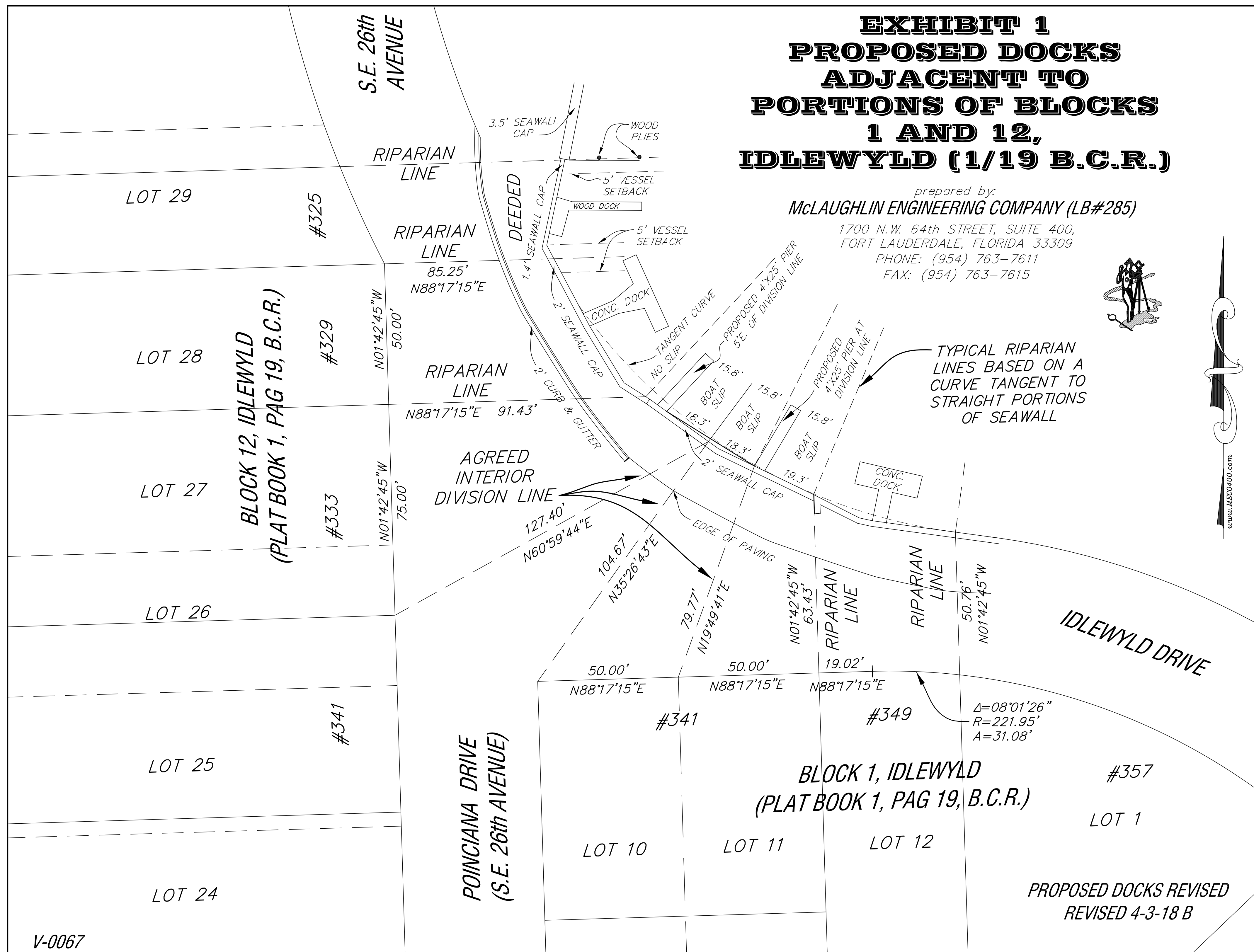
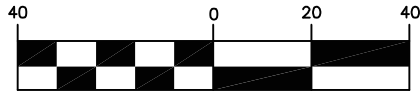


Exhibit 5: Original Property Surveys

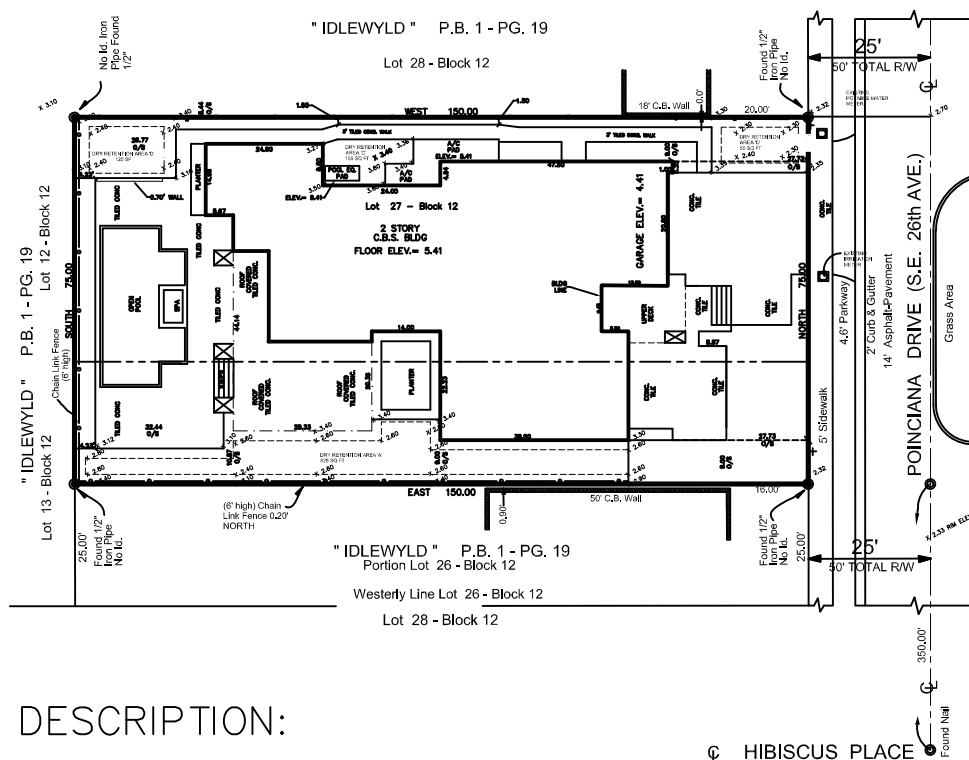
SKETCH OF DESCRIPTION

GRAPHIC SCALE



(IN FEET)

1 inch = 40 ft.



LEGAL DESCRIPTION:

THE NORTH ONE-HALF OF LOT 26 AND ALL OF LOT 27, BLOCK 12, IDLEWYLD ACCORDING TO THE PLAT RECORDED THEREOF IN PLAT BOOK 1, PAGE 19, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA



PAUL A. DAVIS, INC.

LB #0007219

Land Surveyors Land Development • Consultants Planners

2097 N.E. 36TH STREET # 50234 LIGHTHOUSE POINT, FL. 33074

Phone: (954) 421-9101 & (954) 698-9101 fax: (954) 421-5201

Subdivisions & Condominiums Land & Site Planning
Lot Surveys • Mortgage Surveys • Acreage Surveys • Topographic Surveys • Record Plats • Condominium Plats • Construction Layout

DATE	REVISIONS
SCALE:	1" = 40'
DRAWN BY:	N.L.R.
DATE:	XX-XX-XX
JOB NO:	XX-XXXX
F.B./PG.	N/A
FILE	
SHEET NO.	2 OF 2

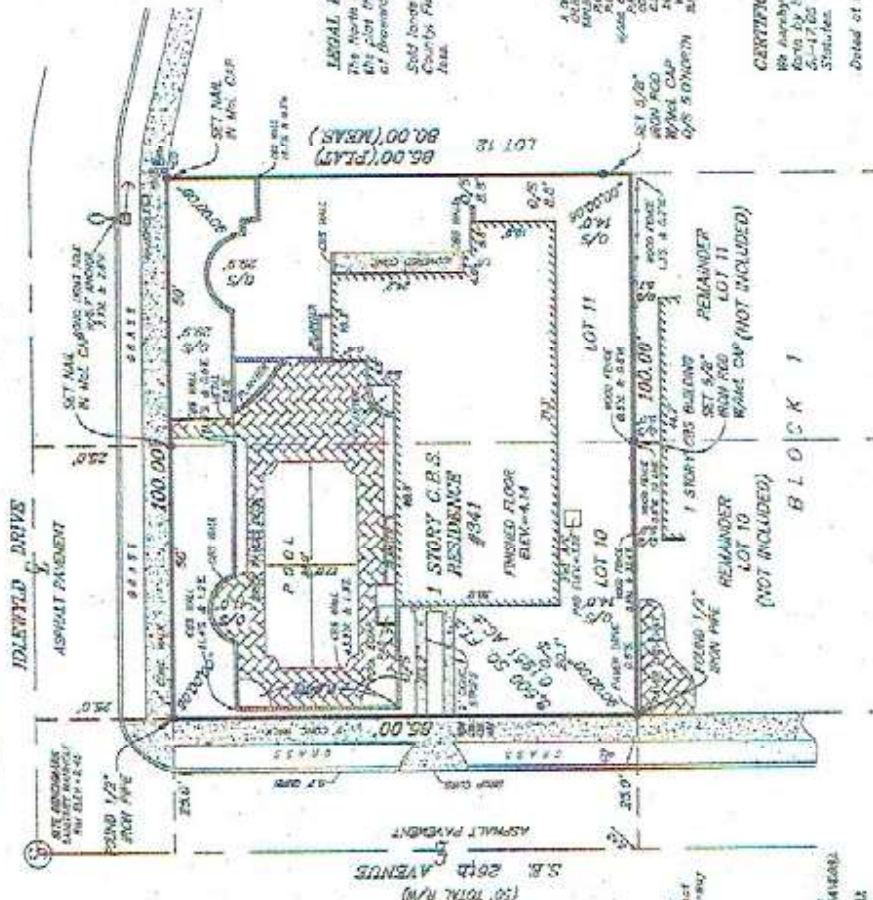
CAM 18-0771

Exhibit 1

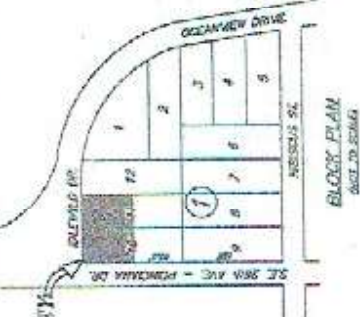
Page 22 of 23

RECORD LAND SURVEY **NORTH 85' OF LOTS 10 & 11, BLOCK 1,** **IDLEWYLD,** **PLAT BOOK 1, PAGE 19, D.C.N.**

GRAPHIC SCALE



THIS SURVEY



LEGAL DESCRIPTION

The North 85' of Lot 10 and 11, Block 1, Idlewylde, according to the plat thereof as recorded in Plat Book 1, Page 19, of the public records of Broward County, Florida.

Said lots shall, together and being in the City of Fort Lauderdale, Broward County, Florida and containing 5,500 square feet or 0.1251 acres, more or less.

LEGEND

- 1 - CENTRAL ANGLE POINT
- 2 - FACIES
- 3 - ADJ. SURV. LINE
- 4 - ADJ. SURV. LINE
- 5 - ADJ. SURV. LINE
- 6 - ADJ. SURV. LINE
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- 100 - ADJ. SURV. LINE

CERTIFICATION

We hereby certify that this survey meets the "Standards of Practice" as set forth by the Florida Board of Professional Surveyors and Mapmakers in Chapter 5-17, Florida Administrative Code, pursuant to Section 4-25.02, Florida Statutes.

Dated at Fort Lauderdale, Florida this 7th day of May, 2016.

McLAUGHLIN ENGINEERING CO.

Scott A. McLaughlin
Professional Surveyor & Mapper No. 2642
State of Florida

NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL

FILE NO. 16-1-047

DRAWN BY: AT
CHECKED BY:

FIELD BOOK NO. 25, 26
JOB ORDER NO. 15127