

Miami River Commission's Greenways Subcommittee December 19, 2016 Minutes

The Miami River Commission's (MRC) Greenways subcommittee conducted a public meeting on December 19, 2016, 3:00 PM, 1407 NW 7 Street. The attendance sign in sheet is enclosed. MRC Greenways Subcommittee Chairman Martin conducted the public meeting.

I) Consider Proposed Warrant to Allow a Restaurant in D3 Zoning Located at 125, 129 and 131 NW South River Drive

MRC Managing Director Brett Bibeau stated this afternoon he had received a message from MRC Urban Infill Chairman Murley indicating he had a work scheduling conflict and was now unable to attend the meeting. In addition, Mr. Bibeau indicated earlier in the day Iris Escarra, Greenberg Traurig, had emailed asking for the item which had previously been presented to the Urban Infill subcommittee on September 14 and November 21, therefore they want to proceed to the full MRC's January 9, 2017 public meeting, noon, 1407 NW 7 ST.

Cory Offutt, owner of boatyard and Tow Boat U.S. operator immediately north of the subject site, (151 NW South River Drive) restated his objections as noted in the two previous subcommittee meeting minutes.

Amanda Smith, City of Miami Planning Department, stated this Warrant application is still in "pre-application" status. Ms Smith stated she would share her notes on today's public meeting with the reviewer.

Mark Bailey, Miami River Marine Group, and Phil Everingham, Marine Council, stated they are not in favor of the presented proposal because it fails to demonstrate the primary use is marine industrial (restaurant secondary accessory use) as required by the sites current D3 zoning and Port Miami River designation in the Comprehensive Plan. Derrick Cook, City of Miami Planning Department, stated the City Zoning Code requires a marine industrial / water dependent use on riverfront sites zoned the more restrictive D3 Marine Industrial category with "Port Miami River" designation in the City's Comprehensive Plan, but there are no specific criteria to determine "primary use" versus "secondary / accessory" use.

Director Bibeau noted there are precedents for the MRC Subcommittee Chairman to issue a public memo if their suggestion to the full MRC is modified. For example, sometimes applicants have provided revised plans, revised letters of intent, etc. to address the subcommittee Chairman's recommendations.

II) Consider Proposed Warrant to Allow a Restaurant in D3 Zoning Located at 961 NW 7 ST

The distributed November 21 minutes includes the 1st time this item was considered by the MRC subcommittee. Copies of "Proposed Warrant for Anchor Marine on behalf of Longmore LLC – 961 NW 7 ST Warrant Application Package for Proposed Restaurant Use June 13, 2016" and the projects Oct. 19, 2016 Letter of Intent were distributed. The item was presented by architect Omar Morales, Form Group and Henry Greenberg, Long More LLC. The proposal is an "adaptive re-use" of Anchor Marine Boatyard, with the existing 7,509 square foot building and adjacent outdoor riverfront area becoming a 200 seat restaurant, and the 3,696 square foot building's 1st floor is "marine storage" and the 2nd floor is a "marine charter office" where a vessel charter service will be operated. The site will retain its existing boat slips and they are interested in becoming a water taxi stop.

The plans include 8 new parking spots reserved for the restaurant on City of Miami owned 971 NW 7 ST, folio #01-3135-000-0020, and adjacent City of Miami owned Right of Way, which includes 25 feet of unimproved riverfront shoreline. Mr. Cook stated the City's zoning code allows the City to consider waiving the parking requirements because the project is an "adaptive re-use". Mr. John Michael Cornell, representing the adjacent 555 SW South River Drive, noted their site is currently zoned T6-8-O and in the future wants to have vehicular access through a portion of the City Right of Way located between Anchor Marine's Private Parcel at 961 NW 7 ST and 555 NW South River Drive. Mr. Greenberg stated he is negotiating with a potential valet parking lot in the area that would provide 150 parking spaces, and they would provide more details in writing.

Mr. Mark Burns, City of Miami Asset Management, stated the sites current 30 day revocable license agreement issued in 1999 for the previous owners of the current "Anchor Marine" boatyard use (currently has boats, etc.) will have to be updated. The current 30 day license agreement offers the opportunity for one free covered boat slip for use by a City Marine Patrol vessel. Mr. Greenberg stated they still agree to offer this condition, and MRC Director Bibeau stated he recently communicated with the City of Miami Police Department whom indicated the Marine Patrol would be interested in using the free covered boat slip required under the 30-day license agreement.

Director Bibeau stated the 25 feet of City owned riverfront adjacent to the private parcel has large invasive Brazilian Peppers, and other issues, and this City owned portion of the riverfront could become a section of the public Riverwalk per the City's adopted Comprehensive Plan, the Miami River Greenway Action Plan and Zoning Code (section 3.11). Currently the existing City owned mesa beige on-road Miami River Greenway enters the subject site from west to east along the riverside of NW 7 ST, and the public pathway could be extended to include this riverfront City owned public right of way immediately south east of the private parcel at 961 NW 7 ST, and then tie back into the existing on-road Miami River Greenway which continues south east along NW South River Drive. Director Bibeau noted if approved, the proposed development would have to pay impact and permit fees to the City of Miami, and perhaps that could be the source of the funding for the needed improvements to this riverfront section of City owned public right of way.

Dr Ernie Martin stated he is President of the Spring Garden Civic Association which is a low-density designated historic residential neighborhood located directly across the Miami River from the subject site which currently operating Anchor Marine boatyard. Dr Martin asked about the noise restrictions from the proposed new restaurant at night, and Mr. Cook, City of Miami Planning Department, replied they would be required to abide by the City's current noise restrictions as established in the City Code. Mr. Greenberg stated the proposal is for a fine dining restaurant, not a night club.

Mark Bailey, Miami River Marine Group, Philip Everingham, Marine Council and Cory Offut, Biscayne Towing and Salvage, noted Anchor Marine boatyard opened 43 years ago and remains in operation today on this site, and is a good example of a long time functioning boatyard use which should be maintained along the Miami River. Mark Bailey, Miami River Marine Group, and Phil Everingham, Marine Council, stated they are not in favor of the presented proposal because it fails to demonstrate the primary use is marine industrial (restaurant secondary accessory use) as required by the sites current D3 zoning and Port Miami River designation in the Comprehensive Plan. Derrick Cook, City of Miami Planning Department, stated the City Zoning Code requires a marine industrial / water dependent use on riverfront sites zoned the more restrictive D3 Marine Industrial category with "Port Miami River" designation in the City's Comprehensive Plan, but there are no specific criteria to determine "primary use" versus "secondary / accessory use".

Mr. Greenberg and Mr. Morales agreed to provide an updated Letter of Intent with more information about the sites proposed marine industrial uses such as the "marine storage" and "marine charter office" noted in the plans within the 3,696 square foot building, including the free covered boat slip for a City of Miami marine patrol vessel, valet parking lot location, and amend the plans to show vehicular circulation for the valet and perhaps an extension of the public Miami River Greenway in partnership with the City of Miami on the adjacent City owned property.

MRC Urban Infill Subcommittee Chairman Martin did not recommend approval or denial of the subject Warrant applicant, rather expressed the following issues to be considered and addressed by the MRC, City and applicants:

- 1) Need to include public Riverwalk on adjacent City owned riverfront connecting on both ends to the City's existing adjacent on-road Miami River Greenways along NW 7 ST and NW South River Drive**
- 2) Need to identify secured valet parking lot with sufficient parking spaces for the proposed 200 seat restaurant and revise plans to show valet drop off and pickup circulation**
- 3) Need to clarify area of City owned folio and public Right of Way, and update 30 day revocable license agreement to continue providing free slip for City Marine Patrol and allowing potential future vehicular access for adjacent 555 NW North River Drive and public connecting Miami River Greenway. Is there a public process?**
- 4) Concern about erosion of the marine industry as the proposal would displace Anchor Marine boatyard in operation on this "Middle River" site for 43 years**
- 5) Sound mitigation for adjacent residents**

III) Update Regarding Pending Appeal of Zoning Interpretation on Miami 21's Waterfront Standards, Section 3.11

The MRC's November 14, 2016 public meeting minutes state in part:

"Chairman Aguirre stated on November 2 the City of Miami Zoning Administrator issued a Zoning Interpretation which removes the City of Miami Zoning Code's Waterfront building setbacks, view corridor setbacks and public Riverwalk requirements along the Miami River west of the 5 ST Bridge (Miami 21 Section 3.11 and Appendix B). Since then, the City of Miami Zoning Administrator provided a distributed draft revised zoning administration, which reinserts these important legal requirements into the Zoning Code, as they have been since Miami 21's adoption. The current Zoning interpretation is appealable for only 15 days, which expires on November 17.

MRC board members asked Director Bibeau for additional background information. Director Bibeau replied long before the current Miami 21 Zoning Code was adopted estimated 7 years ago, the public at referendum approved inserting these waterfront building setbacks, view corridors and public walkways along Biscayne Bay and the Miami River, up to the 5th ST Bridge into the City Charter. When the City of Miami presented the draft new zoning code, Miami 21, to the public and the MRC, the Code clearly stated, "In addition to the Miami City Charter requirements, the following Setback, walkways, and waterfront standards shall apply to all waterfront properties within the City of Miami, except as a modifications to these standards for all waterfront properties may be approved by the City Commission pursuant to the procedures established in the City Charter." Expanding the City Charter requirements which had been limited geographically to Biscayne Bay and the Miami River up to the 5 ST Bridge would in addition now apply to "all waterfront properties within the City of Miami". Since Miami 21's adoption estimated 7 years ago, including Section 3.11, these "Waterfront Standards" have been applied, as required by the Code, to 4 developments on the Miami River located west of the 5 ST Bridge. The Issued Zoning interpretation now only applies these legal requirements for the public Riverwalk, waterfront building setbacks and waterfront view corridors to Biscayne Bay and the Miami River east of the 5 ST Bridge.

The Miami River Commission unanimously agreed to file an appeal to the Zoning Interpretation, and continue working with the City of Miami towards amending or reversing the issued Zoning Interpretation, in order for the Code's legal requirements for waterfront walkways, building setbacks and view corridors to remain in place for the entire Miami River and all connecting waterways (up to the salinity dams or terminus, whichever comes first)."

Director Bibeau reported he has been reaching out to the City's Zoning Administrator, but is yet to receive an updated draft zoning interpretation or reversal after the one referenced above, "the City of Miami Zoning Administrator provided a distributed draft revised zoning administration, which reinserts these important legal requirements into the Zoning Code, as they have been since Miami 21's adoption." Director Bibeau stated he hopes to finalize reinserting the Miami River and its tributaries west of 5 ST into section 3.11 and Appendix B before the MRC's Appeal is considered by the City's Planning Zoning and Appeals Board, so the appeal maybe dropped.

The meeting adjourned.

**Miami River Commission's
Urban Infill and Greenways Subcommittees
Public Meeting**

Monday, December 19, 2016

3 PM

1407 NW 7 ST

Miami, FL

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