

**Miami River Commission
Meeting Minutes
January 9, 2017**

Mr. Horacio Stuart Aguirre, Chairman of the Miami River Commission (MRC), convened the public meeting at noon, January 9, 2017, 1407 NW 7 ST.

Miami River Commission (MRC) Policy Committee Members and/or Designees attending:

Chairman Horacio Stuart Aguirre, Appointed by the Governor
Patty Harris, designee for Governor
Frank Balzebre, designee for Miami-Dade County Mayor Gimenez
Marlene Avalo, designee for Miami-Dade County Commissioner Bruno Barreiro
Gary Winston, designee for State Attorney
Philip Everingham, designee for the Marine Council
Sandy O'Neil, designee for Greater Miami Chamber of Commerce
Bruce Brown, Miami River Marine Group
Ernie Martin, Neighborhood Representative Appointed by City of Miami
Manny Prieguez, Member at Large appointed by City of Miami
Duber Lizardo, designee for Sara Babun

MRC Staff:

Brett Bibeau, Managing Director

Others attending interested in the River:

Please see attached sign in sheets.

I) Chair Report – MRC Chairman Horacio Stuart Aguirre

The Miami River Commission unanimously adopted the distributed draft November 14, 2016 public meeting minutes, which were previously distributed via electronic mail.

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

One week prior to the MRC's meeting the following backup materials were emailed to the MRC database:

- MRC Urban Infill Subcommittee's 9/14/16 public meeting minutes
- MRC Urban Infill and Greenways Subcommittee's 11/14/16 public meeting minutes
- MRC Greenways Subcommittee's 12/19/16 public meeting minutes
- Letter of Intent with exhibits
- Plans (sent 1/2/17 and revised plans emailed 1/7/17)

Shahab Karmely, Kar Properties, Nick Cardozo, Yachtlife, Iris Escarra, Greenberg Traurig, and Renate Paris and Gustavo Berenblum, Berenblum, Busch Architecture, showed a video, provided copies and presented “Yachtlife (charters and sales) Lounge and Restaurant”. Ms. Escarra stated the site is zoned D3 and Land Use is Port Miami River, therefore the water dependent primary use will be “Yachtlife” charters and sales, and a designated slip for a commercial fishing vessel will bring fresh seafood catches which will be kept live in tanks, and then visitors may pick out their seafood and purchase it to take home, or have it cooked and eaten at the restaurant. They are seeking a Warrant to allow a restaurant, featuring a public Riverwalk, as a secondary use, which will be utilized by the “Yachtlife” charters and sales, in addition to the planned office space for “Yachtlife”. Ms. Escarra stated there is no on-site parking as all parking will be valet at the identified nearby vacant lot. Mr. Karmely noted Kar Properties will develop One River Point, which the MRC previously recommended approval of, and noted his commitment and belief in the Miami River District. Ms. Escarra stated the site currently does not have any permitted slips, therefore they will submit an application to allow boat slips. Ms. Escarra provided copies of the site’s history of certificates of use for the site which does not have a strong marine industrial past, and has been vacant for many years. Mr. Karmely and Ms. Escarra noted all 4 previous warrants for accessory uses in D3 zoning were recommended for approval by the MRC, and approved by the City Commission, including but not limited to Riverside Wharf (4 restaurants with commercial fishing element) and River Yacht Club (restaurant with Van Dutch Yacht Club and Sales). Ms Escarra provided copies of the MRC’s adopted strategic plan, the “Miami River Corridor Urban Infill Plan” page 25, within the section regarding the riverfront within East Little Havana, “While predominately a residential neighborhood, East Little Havana’s waterfront is predominately industrial in nature. Anchored on the east by Jose Marti Park, with a small area zoned restricted commercial, the majority of the East Little Havana waterfront is zoned for waterfront industrial use. While this use is appropriate and desirable, an expansion of allowable uses to include limited office and commercial (restaurant or retail) as accessory uses only, maintain the requirement for a primary water-dependent use would serve to enliven the on-road Greenway planned for this portion of South River Drive (exists today) as well as increase the economic viability of the existing waterfront industrial sites.”

Cory Offutt, owner of boatyard and Tow Boat U.S. operator immediately north of the subject site, (151 NW South River Drive) and Tucker Gibbs, Esq, stated opposition to the proposed restaurant and concern that it would pressure the boatyard out of business. Mr. Offutt stated his marine industrial boatyard, located in D3 zoning, and Port Miami River Land Use, operates 24 hours a day, seven days a week, and generates industrial conditions of cranes, noise, lights, etc., which are incompatible with the proposed adjacent restaurant use, and the two uses can’t co-exist in harmony. Mr. Offutt stated his boatyard employees 15 people with an average annual income of \$50,000, and provides 2,000 - 3,000 tows per year from this site, which is their only location. Mr. Offutt stated they have a contract with Miami-Dade County to remove derelict vessels, which are towed to the boatyard, broken into pieces and placed into dumpsters. Tucker Gibbs stated he felt the presented proposal did not maintain a primary marine industrial use as required by code and is therefore inconsistent with the sites “Port Miami River” designation in the City’s Comprehensive Plan.

Ms. Escarra stated they would be providing the “Working River Covenant” as required in the City’s Comprehensive Plan for all new riverfront developments, which would indicate they are aware that the Port of Miami River is a working river subject to 24/7 noise, etc. In addition, the current plans now include a wall and landscaping along the subject property line to provide a physical buffer.

The City of Miami’s Miami 21 Zoning Code Section 3.11, states “b Waterfront Walkways Design Standards 1. Waterfront Walkways shall be designed and constructed within the waterfront standards in accordance with these Waterfront Walkway Design Standards and should remain open to public access during all times, but at a minimum shall remain open to the public between 6 AM and 10 PM. Waterfront Walkways are not required within Transect Zones T3, T4-R, D1, D2 and D3 unless the site is a new Commercial retail, Office or restaurant use.”

Ms. Escarra stated in addition to the Warrant, they are seeking City of Miami’s approval to use existing structures, which are not per the current code. Ms. Escarra stated the proposal is to use the sites existing buildings, and features a public Riverwalk which has a 20 foot unobstructed pathway with the exception of one pinch point at the corner of the smaller existing building which is planned to feature the Yachtlife office, and 2 public side-yard pathways to connect the existing public on-road Miami River Greenway along South River Drive to the public Riverwalk. MRC Greenways subcommittee Chairman Martin and Patty Harris recommended the plans to be revised to pull back the corner of the building to widen the public Riverwalk’s pinch point.

Amanda Smith, City of Miami Planning Department, stated this Warrant application notification was signed today, therefore the City may approve or deny the application no sooner than 30 days from now, followed by a 15 day appeal window.

Bruce Brown and 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, and the restaurant as a secondary accessory use, as required by the sites current D3 zoning and Port Miami River designation in the Comprehensive Plan.

MRC Director Bibeau read the following portion of the distributed non-binding Jan 2, 2017 public memo from MRC Urban Infill Chairman Jim Murley and MRC Greenways Subcommittee Chairman Martin:

“Therefore we suggest the MRC recommend approval of the updated warrant proposal with a condition that the site demonstrates continued marine use and public Riverwalk per approved plans and letter of intent.

In addition, we suggest the MRC adopt a 2nd resolution respectfully recommending the City of Miami insert criteria into their Zoning code to assist in future determinations in D3 warrant applications for Marine Industrial as the “primary use” and other uses allowed by Warrant to be measured as the “secondary / accessory use”.

The MRC adopted a resolution to defer the item (9-2) to a “special” MRC meeting on Jan. 23, 2017, noon, 1407 NW 7 ST.

III. Consider Pending Warrant Application (#2016-0094) to Allow a Restaurant in D3 Zoning Located at 961 - 971 NW 7 ST (Anchor Marine Boatyard)

One week prior to the MRC's meeting the following backup materials were emailed to the MRC database:

- MRC Greenways Subcommittee's 12/19/16 public meeting minutes
- Letter of Intent
- Plans

The applicant, Mr. Henry Greenberg, Longmore LLC, provided a brief presentation, and provided a letter of intent for a valet parking lot at 1000-1020 & 1030 NW 7 ST.

The MRC Greenways Subcommittee's 12/19/16 public meeting minutes state:

"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 Director Bibeau read aloud the following portion of the MRC Greenways subcommittee's 12/19/16 public meeting minutes:

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

Director Bibeau stated the City of Miami's warrant application notification was signed over 30 days ago, therefore the City has the right to approve or deny the application at any time.

The MRC adopted a unanimous resolution to defer the item to a "special" MRC meeting on Jan. 23, 2017, noon, 1407 NW 7 ST.

IV. Consider Revised Public Riverwalk Plans at 40 NW North River Drive

Ms. Iris Escarra, Greenberg Traurig and Mr Nino Griego, Itec Design, presented the revised Riverwalk plans for Sushi Samba. They stated the Riverwalk plans are now consistent with City Code requirements, and the minimum width of the unobstructed Riverwalk is the same or greater than previously approved by the MRC.

The MRC adopted a unanimous resolution recommending approval of the revised Sushi Samba Riverwalk, and thanked the City of Miami and Melo Family (developers), Ms Escarra and Mr Griego for the improved Riverwalk design.

V. Update Regarding Appeal of Zoning Interpretation on Miami 21's Waterfront Standards, Section 3.11

MRC Director Bibeau stated the MRC hasn't received the City of Miami Zoning Administrator's revised draft Zoning Interpretation, therefore the item was deferred to the MRC's "special" meeting on Jan. 23, 2017, noon, 1407 NW 7 ST.

The meeting adjourned.

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Monday, January 9, 2017
 Noon
 1407 NW 7 ST
 Miami, FL

<u>NAME</u>	<u>ORGANIZATION</u>	<u>PHONE / FAX / E-MAIL</u>
Benjamin Torrens	citizen / XXXXXX	(305)-301-9281 / b.t.3@pdx.edu
Richarda Brown	City of Miami	954-881-8135
Thomas Conway	125-131 NW 5 River	rcbrown@miamigo.com
Mark Burns	City of Miami	786-218-2757 305-416-1471
PERCEDES ESCARTE	ITEC DESIGN	305-673-2121
ARTURO Galego	IRE DESIGN	305-673-2121
Robert Weinreb	City of Miami,	305 416-1209
Luiz Vicentini	PLANNING DEPT	304 416-1908
Amanda Smith	City of Miami Planning	305-416-1433
L. Balgore	self	786-567-8067 mobile
Michael Roman	City of Miami / Live Healthy Little Havana	305-416-1618
Fran Bolsacke	USDOT / Maritime Administration	786-837-4382
William Fitch	Forward Miami	305-582-7288 wmfitch@me.com
Troy Tylon	RIVERFRONT MASTER ASSOCIATION	770 312 8422
NICHOLAS CARDOZA	YACHTLIFE INC TECHNOLOGIES	305-458-7753
ANDY PENEV	KAR PROPERTIES	212-683-3090
RENATE PARIS	BBA	571 393 4828
Brian Dombrowski	GT	305 577 0630
Iris Escarra	GT	305 577 0737
GUSTAVO Berenblu	BBA	305-200-5257

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<u>NAME</u>	<u>ORGANIZATION</u>	<u>PHONE / FAX / E-MAIL</u>
John C. Robbins Alexandre Salgado ALMA LLINAS	Miami Today Ken Wiselli's office Soto Realty Group	jrobbins@ miamitodaynews.com ASALGADO@miamigov.com alma.llinas@gmail.com
Carlos A. Saeoz	Soft Caribbean	InterShip2002@BellSouth
Mark Bailey Amigade Vilabo	Miami River Main Group SFUMD	markbailey@miamirivermain.net group
HENRY Greenberg	Longmore LLC	917.960.7075
Derrick Cook	City of Miami Planning & Zoning Dept	305.416.1466 Dcook@miamigov.com
TEARYL ZERBT	Terminal 555	tzerby@zerbyinvest.com
JOHN M. CORNEU	T555/HC	(580)214-1475
Garrett Browning	HC	(580)-445-4262
Cory OFFUTT	Biscayne Tower	305-358-148 / Toffutt@adi.com
Tucker Gibbs	Rep. Biscayne Tower	305-448-8980 / tucker@tugibbs.com
Fran K Awarado	The Real Deal reporter	786 253 2668 / falvarado@gmail.com
Oris Blas	5TH STREET MARINA	305-524-2040 / ORIS@5THSTMARINA.COM
DUBER L. LUZARDO	ANTILLEAN MARINE SHIPPING	305-495-5016 / DLUZARDO@ANTILLEAN.COM
ERNEST MARTIN	MRC	305 325 8730 / ernestmartin@connet.net
Marlene Avalo-Gonzalez	MIAMI DADE COUNTY	(305)643-8525 avalo@miamidade.gov

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<u>NAME</u>	<u>ORGANIZATION</u>	<u>PHONE / FAX / E-MAIL</u>
Sandy O'Neil	Gmcc	(305) 713-4535
Manny Prieguez	MRC	305 (345-9070)
Frank Balzebre	Magna Community	Office: 305-986-172
GARY WIDSON	SAV	305-547-0434
Horacio Stuart Aguirre	MRC	Horacio@hsaguirre.com
PHIL EVERINGHAM	MRC/MARINE COUNCIL	305 951-9096; pbeemsdd@hotmail.com
BRUCE BROWN	MRC	305/288-6411 bruce102@bellsouth.net
Lourdes Barrelli	DERM/MDC	305-372-6595 barrell@miamicadegua
Fabian De La Espriella	Miami DDA	DeLaEspriella@miamidda.com
PATRICIA A. HARRIS	MRC	PATTY KAK@GMAIL.COM
Brenda M Betancourt	Resident	(786) 523-1310