Miami River Commission Meeting Minutes March 6, 2017

Mr. Horacio Stuart Aguirre, Chairman of the Miami River Commission (MRC), convened the public meeting at noon, March 6, 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

Bruno Barreiro, Miami-Dade County Commissioner

Marlene Avalo, designee for Miami-Dade County Commissioner Bruno Barreiro

Gary Winston, designee for State Attorney

Neal Schafers, designee for Downtown Development Authority

Ernie Martin, Neighborhood Representative Appointed by the City of Miami

Duber Luzardo, designee for Sara Babun

John Michael Cornell, designee for Luis Garcia Appointed by Governor Scott

Philip Everingham, designee for the Marine Council

Sandy O'Neil, designee for Greater Miami Chamber of Commerce

Bruce Brown, Miami River Marine Group

Manny Prieguez, Member at Large appointed by City of Miami

Sallye Jude, Neighborhood Representative appointed by Miami-Dade County

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

You have before you a copy of the Miami River Commission's distributed draft January 23, 2017 public meeting minutes, which were previously sent to you via electronic mail. Is there a motion?

On behalf of the entire MRC I welcome our newest MRC board member John Michael Cornell. As you recall, John Michael Cornell has been a regular attendee of all MRC and subcommittee meetings, representing Hurricane Cove and Terminal 555. Governor Scott appointed Luis Garcia from the famous Garcias Seafood Grille and Fish Market, whom appointed John Michael Cornell to serve as his MRC designee.

You have before you your invitation to the free 21st Annual Miami Riverday, 4/1/17, 1-6 PM, in Lummus Park, featuring free Miami River boat rides, live music, environ mental education, historic re-enactors, kayak and paddleboard races, children activities, food, drinks and more. Your attendance is required. The MRC thanks all of the sponsors shown on the invitation.

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Please help us invite the entire community by taking and distributing as many Riverday invitations as possible.

I. Consideration of Brickell Tunnel Project

The MRC's Urban Infill and Greenways Subcommittee's February 15, 2017 public meeting minutes state in part:

"Neal Schafers, Downtown Development Authorities (DDA) MRC designee, presented the distributed copies of the DDA's Resolution No. 004-2017 adopted on 1/20/17 in response to a presentation from City Commissioner Francis Suarez, which states in part, "Supporting the Brickell Tunnel Project and Urging Placement of the Brickell Tunnel Project on the 5 Year Capital Plan...Urging a Spirit of Cooperation with the Miami River Commission". In addition, a copy of the draft "Miami River Tunnel Feasibility Study" prepared by Atkins on behalf of the MPO was distributed.

Brett Bibeau, MRC Managing Director, stated the MRC's adopted *Miami River Corridor Urban Infill Plan* states in the "Transportation - Implementation Strategies" on page 90, "Request that FDOT, Miami-Dade county and MPO analyze the viability of a tunnel as an alternative to a bridge for future high volume river crossings." Mr. Bibeau stated the proposed Brickell tunnel is the only solution which provides needed continual flow of both vehicular traffic in the tunnel beneath the Miami River, and vessels navigating above the proposed Brickell tunnel in the Miami River's federal navigable channel.

Mark Bailey, Miami River Marine Group, and Mr. Everingham, Marine Council, stated conceptual support for the proposed Brickell tunnel, which is consistent with the *Miami River Corridor Urban Infill Plan*. In order to not block navigation while under construction, Mr Bailey recommended the boring method, not cut and cover. Mr Bailey noted the DDA's resolution in support of the proposed Brickell tunnel includes supporting statements only from the vehicular traffic perspective, and omits noting the proposed tunnel's significant benefits for the job generating marine industrial businesses operating along Port Miami River. Per the Federal register, currently vessels often have to wait for the scheduled openings of the Brickell Bridge.

MRC Greenways subcommittee Chairman Martin stated the proposed Brickell Tunnel would include improved riverfront public park and Riverwalk spaces. MRC Urban Infill Subcommittee Chairman Murley noted the proposal will require additional studies such as an extensive PD&E, which should come back to the MRC. In addition MRC Urban Infill subcommittee Chairman Murley stated any proposed tunnel should include flood gates to protect from storm surge and sea level rise.

MRC Urban Infill Subcommittee Chairman Murley and Greenways subcommittee Chairman Martin suggested the MRC find the proposed Brickell Tunnel to be generally consistent with the MRC's adopted strategic plan, the *Miami River Corridor Urban Infill Plan*."

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A week prior to the MRC's 3/6/17 public meeting, the following backup materials were emailed to the MRC database:

- 1. draft "Miami River Tunnel Feasibility Study" prepared by Atkins on behalf of the MPO
- 2. MRC's Miami River Tunnel Study
- 3. DDA's Resolution No. 004-2017 adopted on 1/20/17 in response to a presentation from City Commissioner Francis Suarez, which states in part, "Supporting the Brickell Tunnel Project and Urging Placement of the Brickell Tunnel Project on the 5 Year Capital Plan...Urging a Spirit of Cooperation with the Miami River Commission"

MRC attendees noted the Brickell Tunnel proposal will require additional studies such as an extensive PD&E, which would come back to the MRC.

The MRC adopted a resolution (11-1) MRC Urban Infill Subcommittee Chairman Murley and Greenways subcommittee Chairman Martin suggested the MRC find the proposed Brickell Tunnel to be generally consistent with the MRC's adopted strategic plan, the *Miami River Corridor Urban Infill Plan*.

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

The MRC's Urban Infill and Greenways Subcommittee's February 15, 2017 public meeting minutes state in part:

"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

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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 2nd 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."

MRC Director Bibeau stated he recently received the distributed proposed text zoning code text amendment which would clearly continue to include the entire Miami River and its tributaries in the Waterfront Standards Section 3.11 and Appendix B.

The MRC unanimously recommended the City of Miami adopt the aforementioned text amendment to Miami 21, and if done so prior to the subject appeal being considered, the MRC would be able to drop the appeal.

III. Consideration of Plan Amendments to Naheem Khan Project at 1175 NW South River Drive

The MRC's February 15 2017 public meeting minutes were distributed a week prior to and during the meeting, which state in part:

"MRC Urban Infill Subcommittee Chairman Murley noted he works for Miami-Dade County which previously approved reimbursable grant funding the County would provide the proposed Naheem Khan project located at County owned 1175 NW South River Drive, after milestones of creating new jobs are met. Therefore he recused himself from the following item discussed under "New Business".

Director Bibeau distributed the MRC's adopted Feb 1, 2016 public meeting minutes which state in part:

I) "Consideration of "Naheem Kahn" Project, 1175 NW South River Drive

The MRC's Urban Infill and Greenways subcommittee's January 21, 2016 public meeting minutes state:

"The Miami River Commission's November 2, 2015 public meeting minutes were distributed stating, 'The following documents were distributed prior to the meeting, presented and reviewed during the public meeting, regarding 1175 NW South River Drive:

- Board of County Commissioner's Economic Prosperity Committee's Agenda Item 2(B), a \$1.5 million "Economic Development Fund" grant to fund a public Riverwalk and new seawall at the "Naeem Khan Project".
- City of Miami's adopted zoning code section 3.11 and Appendix B
- City of Miami's adopted zoning code, "Article 4, Table 3, Building Function: Uses"
- Miami River Commission's Greenways subcommittee's 10/21/15 public meeting minutes
- 1st Draft Plans for Naeem Khan's Proposed Development

Director Bibeau stated the distributed County Agenda item was approved at County subcommittee and will be considered by the full Board of County Commissioners on 11/3/15.

Mr. Naheem Khan, Ms. Rosario Kennedy and Mr. Alfonso Jurardo, Architectonica, distributed and presented the 2nd draft plans and narrative. The 2nd draft plans now feature a vessel along the river, and the public Riverwalk connects to the west with the existing public Riverwalk beneath and adjacent to 12 Ave Bridge, and to the east along the side yard connecting with the existing on road Miami River Greenway on North River Drive at the south east corner of the site.

Mark Bailey, Miami River Marine Group, noted 1175 NW South River Drive, leased by the Board of County Commissioners to Naheem Kahn for his proposed project, is zoned the most restrictive "D3" and the currently designated Land Use is "Port of Miami River". Therefore, Mr. Bailey questioned if the proposed project is consistent with the vacant site's existing land use and zoning, or would it require a land use & zoning amendment, "warrant" or "exception"? Mr Kahn and Ms Kennedy stated the project will use a vessel to import and export containers carrying fabric, beads, etc, in addition to recreational yacht access, therefore is consistent with the existing land use and zoning. Manny Prieguez noted he has shipped containers of seafood from his Miami River Lobster and Stone Crab site on the Miami River. Bruno Barreiro noted this County owned site has been vacant for years, and was previously a County Carpentry shop.

The MRC unanimously recommended the Board of County Commissioners approve the grant for the site's public Riverwalk and new needed seawall, and asked for the specifics of the development proposal to be considered by the MRC's Urban Infill and Greenways subcommittees in November, followed by the full MRC on December 7.'

Ms Rosario Kennedy, Mr Alfonso Jurardo, Architectonica, and Ms Lucia Dougherty, Greenberg Traurig, distributed and presented the revised draft plans. The new plans increase the square footage by widening the west wall by 15' on the site. Ms. Kennedy recommended relocating the City of Miami Fire Department's storage of unused equipment adjacent to the site on South River Drive beneath the 12 Ave Bridge, which the City rents from FDOT.

MRC Director Bibeau distributed the City of Miami's adopted zoning code, "Article 4, Table 3, Building Function: Uses". Ms Dougherty noted the renditions still include a recreational yacht and an international shipping vessel transporting containers containing fabric, garments, and beads. Ms. Dougherty stated the plans will maintain the site's current D3 zoning, Port of Miami River Land Use. Ms Dougherty stated the City of Miami's Zoning Administrator classified this development on the table under "Industrial" as "Manufacturing and Processing" which requires a "Warrant" but requires less parking therefore the plans have sufficient parking spaces, or be classified as a "Marine Related Industrial Establishment" which would be "Allowed by Right", but requires more parking spaces than the plans provide, therefore a reduction of required parking spaces would be required.

Mr Mark Bailey, Miami River Marine Group, asked if the development team had met with the U.S. Coast Guard regarding Homeland Security and MTSA requirements for this new proposed international shipping location, and DERM regarding obtaining the required marine operating permit, and the team replied not yet.

Ms. Dougherty stated the developer is willing to design, permit, fund and construct the public Riverwalk connector on the west end to extend the additional estimated 35 feet on FDOT public ROW in order to connect with the existing public Riverwalk and sideyard connector at the 12 Ave Bridge. The site's new public Riverwalk will feature a new seawall, maybe maintenance dredging along the shoreline, and a 6-foot wide dock. Chairman Aguirre noted the renditions for the dock need large bollards added, and the dock should be made of concrete to accommodate the depicted large shipping vessel.

MRC Urban Infill Subcommittee Chairman Murley and Greenways Subcommittee Martin suggested the MRC find the proposed development consistent with the *Miami River Greenway Action Plan* and the *Miami River Corridor Urban Infill Plan* subject to the following conditions:

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- 1) Securing all vessel requirements established by U.S. Coast Guard, DERM, etc
- 2) Securing FDOT permission to construct the public Riverwalk connector to the west on FDOT ROW at the 12 Ave Bridge and removing the storage lot beneath the Bridge"

During the MRC's Feb. 1 meeting, Ms Rosario Kennedy stated since the MRC's Jan. 21 public subcommittee meeting (quoted above) the development team met with the United States Coast Guard and will be working with them on compliance. Ms Kennedy stated the City of Miami Fire Department is willing to remove the junk yard beneath the 12 Ave Bridge on the south shore. Mr Juardo noted the revised plans now include a loading area, and a public sideyard connector from the sidewalk on South River Drive to this site's public Riverwalk which will connect with the existing Riverwalk and sideyard connector at FDOT'S 12 Ave Bridge, and the color of the on-road Greenway is the required mesa beige. The public Riverwalk is 25 feet wide. Ms Lucia Dougherty stated consultant Christy Brush believes the site will be permitted for 3 boat slips.

MRC Director Bibeau distributed the City of Miami's adopted zoning code, "Article 4, Table 3, Building Function: Uses". Ms Dougherty noted the renditions still include a recreational yacht and an international shipping vessel transporting containers containing fabric, garments, and beads. Ms. Dougherty stated the plans will maintain the site's current D3 zoning, Port of Miami River Land Use. Ms Dougherty stated the City of Miami's Zoning Administrator classified this development on the table under "Industrial" as "Manufacturing and Processing" which requires a "Warrant".

MRC Chairman Aguirre stated this is a mixed-use compromise and improvement on the existing vacant conditions.

Ernie Martin made a motion for the full MRC to support the subcommittee's findings, "the MRC finds the proposed development consistent with the *Miami River Greenway Action Plan* and the *Miami River Corridor Urban Infill Plan* subject to the following conditions:

- 1) Securing all vessel requirements established by U.S. Coast Guard, DERM, etc
- 2) Securing FDOT permission to construct the public Riverwalk connector to the west on FDOT ROW at the 12 Ave Bridge and removing the storage lot beneath the Bridge

The motion was seconded by Manny Prieguez and unanimously adopted by the MRC."

MRC Director Bibeau distributed emails from the development team and renditions of the previously presented project and the revised proposed project, with only the following changes:

- 1) Increase of 1 story on 1 of the 2 proposed buildings. Original 3 and 4 story structures now proposed to become 3 and 5 stories.
- 2) Different exterior wall materials / design

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The developer team emails state, "the design was slightly modified but that the waterfront standards, Riverfront dimensions and overall program remain the same... As promised I have included the Riverwalk Details comparisons from 2015 and 2017 - the walk remains at 25 feet wide. I have also included a site plan comparison ... you will see the 2017 site plan includes the off-site parking under the bridge"

The developer team indicated progress has been made on the MRC's 2 previously recommended conditions of:

- 1) Securing all vessel requirements established by U.S. Coast Guard, DERM, etc
- 2) Securing FDOT permission to construct the public Riverwalk connector to the west on FDOT ROW at the 12 Ave Bridge and removing the storage lot beneath the Bridge

MRC Greenways subcommittee chairman Murley suggested the full MRC re-affirm their previous unanimous recommendation on this item and continue to find the proposed development consistent with the *Miami River Greenway Action Plan* and the *Miami River Corridor Urban Infill Plan* subject to the following conditions:

- 1) Securing all vessel requirements established by U.S. Coast Guard, DERM, etc
- 2) Securing FDOT permission to construct the public Riverwalk connector to the west on FDOT ROW at the 12 Ave Bridge and removing the storage lot beneath the Bridge"

Ms Rosario Kennedy distributed and presented the revised / updated plans:

- 1) Increase of 1 story on 1 of the 2 proposed buildings. Original 3 and 4 story structures now proposed to become 3 and 5 stories.
- 2) Different exterior wall materials / design
- 3) The proposed plans now include a vocational school
- 4) The proposal still incorporates vessels on the site to ship materials, and recreation yacht access for customers
- 5) Site still includes public Riverwalk consistent with Miami 21 Section 3.11, Appendix B, and will include construction of the Riverwalk connector on FDOT land connecting to the existing public Riverwalk to the west beneath the FDOT owned 12 Ave Bridge
- 6) Estimate completion of the proposed development in mid 2019.

The MRC adopted a unanimous resolution recommending finding the presented Naheem Khan project consistent with the *Miami River Greenway Action Plan* and the *Miami River Corridor Urban Infill Plan* subject to the following conditions:

- 1) Securing all vessel requirements established by U.S. Coast Guard, DERM, etc
- 2) Securing FDOT permission to construct the public Riverwalk connector to the west on FDOT ROW at the 12 Ave Bridge and removing the storage lot beneath the Bridge
- 3) The applicant submits presented / amended / updated plans presented to the MRC on 3/6/17 to the City of Miami for permitting
- 4) The project include the public Miami River Greenway signage required by Miami 21

IV. MRC Subcommittee Reports

A. Greenways Subcommittee

The Greenways and Urban Infill Subcommittee's February 15 public meeting minutes were distributed, and our next public meeting is March 22, 2017 at this same address.

I respectfully recommend the City of Miami apply for the currently open state TAP grant funding cycle for \$1 million to construct another section of the public Miami River Greenway.

B. Stormwater Subcommittee - Chair Sallye Jude

The Stormwater subcommittee met last Wednesday. The City of Miami is reviewing 2 bids for the fully funded and permitted Wagner Creek and Seybold Canal Maintenance Dredging and Environmental Cleanup Project. The City estimates selecting the bidder in April, and commencing the project in May 2017.

C. <u>Economic Development and Commerce Subcommittee - Chair Phil</u> Everingham

Next public meeting of the MRC's Economic Development and Commerce Subcommittee will be held April 18, 2:30, 1407 NW 7 ST.

The meeting adjourned.

Miami River Commission Public Meeting

Monday, March 6, 2017 Noon 1407 NW 7 ST Miami, FL

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Miami River Commission Public Meeting

Monday, March 6, 2017 Noon 1407 NW 7 ST Miami, FL

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