

**Miami River Commission's
Urban Infill and Greenways Subcommittee
May 17, 2019 Minutes**

The Miami River Commission's (MRC) Urban Infill and Greenways subcommittees conducted a public meeting on May 17, 2019, 3 PM, 1407 NW 7 ST. The attendance sign in sheet is enclosed. MRC Urban Infill Subcommittee Chairman Jim Murley conducted the public meeting.

**I. Consideration of Land Use and Zoning Amendment
Applications on South River Drive from 17 Ave to I-836**

For reference this agenda item was previously presented to the Miami River Commission (MRC) and the MRC's October 1, 2018 adopted public meeting minutes state in part:

“Mr. Shedd stated 1543, 1529, and 1515 NW North River Drive in the subject area were recently rezoned from T3 to T4 for a private sector development which provided a voluntary covenant to include a public Riverwalk, new seawall on 16 Ave and improvements to the 16 Ave public greenspace / median. Miami 21 requires new developments to include a public Riverwalk's in T5 and T6. Attendees noted the subject existing single-family homes will never have to provide a public Riverwalk, yet the City and property owners agreed to requiring a future redevelopment in the proposed up zoned and amendment to the comprehensive plan parcels to include a public Riverwalk.

Attending subject property owners provided a statement of support for the land use and zoning amendments signed by all of the riverfront property owners.

MRC Urban Infill Working Group Chairman Jim Murley suggested the Miami River Commission recommend approval of the item with the condition that any future redevelopment include the public Riverwalk.”

Mr. Shedd stated since the MRC subcommittee meeting, the Planning Department did add on the few remaining T3 parcels in this connected subject stretch of riverfront. Mr. Shedd stated the City has not included changing the public park space to Parks (CS) zoning as recommended by the MRC subcommittee Chair Murley. Mr. Shedd stated instead of a voluntary covenant to require a public Riverwalk if the subject parcels are ever redeveloped in the future, the City will be doing a text amendment to Section 3.11 of the zoning code. Mr. Prieguez stated the potential text amendments to Zoning Code 3.11 should be considered first by the City Commission, and Mr. Shedd replied it hasn't been drafted yet. The MRC adopted a unanimous resolution to defer this agenda item, and the potential amendments to Zoning Code 3.11, to the MRC's November 5 public meeting, noon, Lummus Park, 250 NW North River Drive.”

PUBLIC DOCUMENT

Ryan Shedd, City of Miami, distributed and presented the City of Miami's application to amend the land use from "Single Family Residential" to "Low Density Residential" and amend the zoning from T3-L to T4-R on riverfront parcels on the Miami River's south shore depicted on maps essentially from I-836 to NW 17 Ave. In essentially the middle of the subject area several parcels were already approved for the same rezoning, and they offered a voluntary covenant to provide a 20' wide public Riverwalk. Mr. Ryan stated the City of Miami emailed the subject property owners a voluntary covenant indicating not now, but if the existing houses are demolished and a new development constructed consistent with the new increased T4-R density, that they would voluntarily proffer the connecting 20' wide public Riverwalk, which maybe closed at night. There is no development proposed at this time, and currently all the subject single-family houses are all separately individually owned. Mr. Shedd stated the most eastern parcel is owned by Miami Dade County, and currently has split zoning of T3-R in a small western portion of the site, and the majority of the site is currently zoned T6-8-L. Therefore, only the small portion of the County site currently zoned T3-R would become T4-R. Mr. Shedd stated he has communicated with Miami-Dade County about this City pending application to amend land use and zoning. Mr. Shedd noted in the future if the area is redeveloped, the City's Comprehensive Plan requires all new developments on the Miami River to execute and record a Working River Disclosure / Covenant.

Adam Gettinger stated he owns one of the subject properties, thanked the City of Miami for applying to rezone his property, and stated he has already executed and submitted the voluntary covenant to provide the public Riverwalk in the future if his site is ever redeveloped to the density of the proposed increased T4 zoning density. Mr. Juaquin Mejuto noted he owns 1459 NW South River Drive (small vacant triangle which does not have a house) and does not want to sign the voluntary covenant preferring in the future to include the public Riverwalk only if the site is ever redeveloped per the potential new increased zoning density.

Mr. Carlos Salas, President of the Spring Garden Civic Association, stated the City of Miami should not allow the potential for these property owners to ask for a 30% reduction in parking if the site is ever redeveloped. Mr. Shedd stated this area may already be ineligible to seek a parking reduction, and he would check and let Mr. Salas and the MRC know of his findings.

Attendees referenced an October 2018 email from Miami Dade County, which was forwarded to the City of Miami stating:

"the Department of Transportation and Public Work (PTPW) is taking the necessary steps to replace the NW 17th Avenue Bridge over the Miami River. The new bridge will have a wider typical section as well as wider approach roadway and intersections to the south and north of the bridge....The Department is certain that the (5) five parcels (west of 17 ave) will be required for the project."

MRC Chairman Murley suggested the MRC recommend approval of the City of Miami's subject application to amend land use and zoning, subject to the condition that all included parcels submit the signed voluntary covenant for the future public Riverwalk, and any parcels which do not submit the signed covenant to the City of Miami before 2nd reading at City Commission, be removed from the City of Miami's pending application.

II. Consideration of Plans for 517 - 663 NW South River Drive

John Michael Cornell stated he will be recusing himself from this issue, as he is employed by Zerby Interests. Chairman Murley suggested when Mr. Cornell recuses himself at the full MRC public meeting when this item is considered and voted on, that he leave the room.

Chairman Murley asked MRC Director Bibeau if this site had previously been considered by the MRC, and MRC Director Bibeau noted the MRC's adopted November 1, 2004 public meeting minutes stated, "the MRC found the proposed project to be in the best interest of this particular site and area of the Miami River, by a vote of 10-3". Therefore, in January 2005 the MRC recommended approval of the then presented "Nautica on the River" development Major Use Special Permit, land use amendment, and zoning amendment, which the City Commission approved to the current designations. Director Bibeau noted the MRC's adopted November 1, 2004 public meeting minutes state in part, "publicly accessible Riverwalk featuring a 6-foot-wide unobstructed pedestrian path and an additional 5-foot passive zone with landscaping, lighting, etc., which would be constructed and funded by the potential developer. The building is setback 15-20 feet from the Miami River's shoreline." The previously approved "Nautica on the River" design for the site is being replaced with the applicants distributed plans for "Riverhouse 555", and in comparison, the new public Riverwalk and waterfront building setbacks have increased in the current design.

Carlos Diaz, Greenberg Traurig, and Laura Weinstein Berman, Vagabond, distributed and presented 10 copies of their current plans for "Riverhouse 555", and a set of the previously approved plans for "Nautica on the River". The presented plans are consistent with the current land use and zoning, and feature 175 hotel rooms, 39 residential units, offices, and 2 restaurants with no outdoor dining. The applicants stated in theory the existing zoning would allow 400 residential units, which is far greater density than is being proposed. The applicants stated they will retain a professional sound engineer and the restaurants will not be loud because they can't disturb the immediate sites hotel rooms, residences and offices. The applicants stated they will provide the Comprehensive Plans required "Working River Disclosure / Covenant", they currently have a n active Marine Operating Permit with 6 commercial boat slips and are asking for an amendment to have 10 boat slips, located outside of the federal navigable channel. Mr. Diaz stated consistent with the current zoning they are paying the City of Miami \$1,000,000 to purchase additional height to 12 stories on a portion of the building. MRC Director Bibeau noted in previous proposals which purchased additional height via the "Public Benefits" program, the MRC has always recommended the City of Miami use the funding for "Public Benefit" projects located within the subject project's impacted Miami River District.

Carlos Salas, President of the Spring Garden Civic Association (SGCA), stated they met with the applicants on May 8 in Spring Garden. Mr. Salas stated the SGCA was concerned about the proposed developments height, 3 restaurants with outdoor seating, roof top pool and bar, and waiver requests to reduce parking, narrow the public Riverwalk and waterfront building setback. The SGCA is asking the applicants to enter into a voluntary covenant with them to reduce the proposed developments height, prohibit outdoor dining, limit noise, and not reduce parking by 30% as proposed. Mr. Salas cited a news article reporting a 30% ridership reduction on Miami-Dade Transit, and noted the proposal does not include an Uber drop off and pickup location located off of the narrow NW South River Drive.

Mr. Salas read and distributed a letter from Dr. Ernest Martin:

"I would like to express my opposition to the project, 555 River House, located at 516-663 NW South River Drive for the following reasons:

- (1) The project is too close to the 8-story residential building to its immediate west which is already under construction
- (2) The height of the project is overwhelming to its surroundings and specifically to the Spring Garden Historic District directly across the River. The proposed project will create a canyon effect and will carry noise up and down the River.
- (3) It is inappropriate to allow outdoor dining on the ground floor level along the River with residences nearby. There should be no outdoor dining.
- (4) The rooftop pool and bar are also problematic for the same reason. Noise is a huge concern for all nearby residents.

In conclusion, the project is simply too dense, too tall, and has amenities that are inappropriate and incompatible for this area of the Miami River."

Amanda Hand, Spring Garden Civic Association, stated the proposal was seeking 9 waivers, and a reduction in the City of Miami zoning code's required minimum width of the public Riverwalk and waterfront building setback which must be considered by the City Commission. M.S Hand stated the proposal includes outdoor dining on the rooftop, and there are 2 precedents where the City required an outdoor dining waiver for rooftops, therefore she feels the proposal should require an application for an outdoor dining waiver, which is not currently included. In addition, she anticipates that in the future the site will need an outdoor dining permit for the riverfront elevated "public terrace" areas, which are directly adjacent and connected to the proposed indoor restaurant spaces. Ms. Hand noted:

1. Waiver 4 for a 30% parking waiver. This waiver is prohibited within 500 feet of an ungated T3. Spring Garden is an ungated T3 within 500 feet, and thus, the waiver is illegal. The only distance that is measured in walking distance is alcohol distance from schools and churches, because it is specifically provided that it is a walking distance. The project proposes a 30% parking waiver within .5 miles of a TOD, measured radially. You can't argue that one distance is radial, and the other is walking. Therefore, this waiver is illegal.
2. Waiver 7 regarding loading: There are 175 hotel rooms, and 150k sq. ft. of office and commercial with one commercial loading bay. This cannot be sufficient, and it is an Epic Hotel repeat.
3. Waiver 8 and 9: It's unclear if you are matching dominant setbacks on the Street or River side of the property. There are no dominant setbacks on the River side to match. Further, the setback modifications are greater than 10% for a waiver.
 - a. Riverwalk. The argument is that you can only squeeze out 10 feet of Riverwalk at the "pinch points" but that it shouldn't be an issue because there is abutting public space. It appears the reason that the proposal does not include the public space in the required Riverwalk dedication is because that public space is the future outdoor restaurant. There are tables and chairs on a couple of the sheets.
 - b. The building is overbuilt overall because you are requesting a modification of every setback, so it is (almost) 100% lot coverage.
4. Rooftop- there is 34,000 square feet of open rooftop space. I understand it is your position that the rooftop restaurant and bar doesn't require a warrant, but I respectfully disagree. As examples of recent warrants for rooftop venues- the Langford Hotel and Aura.

Mr. Salas asked the MRC subcommittee to defer this item currently under consideration, and defer placing the item on the MRC public meeting agenda until after the applicants agree in writing to all the Spring Garden Civic Associations requests. Attendees noted the applicants deferred their presentation to the MRC subcommittee in April, in order to 1st accept the Spring Garden Civic Association's invitation to meet with them, which occurred on May 8, and again at this MRC subcommittee public meeting. The applicants stated they did not want the item to be deferred a 2nd time today. MRC Urban Infill Subcommittee Chairman Murley stated he will not defer the item under consideration. Attendees noted even if the item is placed on the MRC's June 3 public meeting agenda, The Spring Garden Civic Association is always personally and cordially invited in writing to every public MRC meeting, and anyone has the right to suggest a deferral, revisions, etc., at that time, which may be granted by a majority vote of the MRC. MRC Urban Infill subcommittee Chairman Murley noted the applicants and Spring Garden Civic Association have several different interpretations of what the City Code allows and requires, and the City of Miami is not present to clarify these issues, therefore he is unable to make a non-binding suggestion on this item to the full MRC for their advisory recommendation.

III. Consideration of Plans for 710-760 NW North River Drive

Mr. Ben Fernandez, Bercow, Radell, Fernandez and Larkin, and Architect Hervin Romney, distributed and presented 10 copies of plans for 2 developments, 710-720 NW North River Drive and 750-760 NW North River Drive, which are separated by the vacant 730-740 NW North River Drive in the middle, which they do not own. One of the buildings has 8 residential units and the 2nd building features 10 residential units, with 4 parking spaces per unit. The proposal does not include any vessel dockage; therefore, they will remove the docked boat depicted in the plans. Mr. Fernandez stated the proposal is 100% as of right, with no requested variances, waivers special exceptions, etc.

Mr. Carlos Salas, President of the Spring Garden Civic Association stated they recommend:

- 1) Increased privacy and size of the 4 side yards
- 2) More landscaping and more native plants
- 3) Narrow the 8' balconies

Ms. Amanda Hand, Spring Garden Civic Association, stated as depicted on page 2 of the plans, the private property includes significant square footage of "submerged land" or water in the Miami River, which is incorrectly being calculated as part of the site's required "Open Space". Ms. Hand stated the City code only allows actual land to be counted towards the zoning code's minimum open space requirement, and does not allow counting of square footage in the Miami River. Ms. Hand stated this flaw resulted in the current proposal for 0' building setbacks on the 4 side yards.

MRC Urban Infill Chairman Murley recommended approval of the subject developments with a condition that the applicant make revisions to the plans to demonstrate maximum privacy and or building setbacks on the 4 side yards, beyond the minimum requirements of code.

IV. Consideration of Land Use and Zoning Amendment Applications for 1250 NW 22 Ave

Prior to the meeting the applicant emailed asking for a deferral of their item to the MRC subcommittee's June meeting, followed by the full MRC's July 1 public meeting.

V. New Business

The meeting adjourned.

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

Friday, May 17, 2019
 3:00 PM
 1407 NW 7 ST
 Miami, FL

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3:00 PM
1407 NW 7 ST
Miami, FL

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Hervin Romney	Architect	