

OUR VILLAGE

OUR VOICE

www.msvplan.com

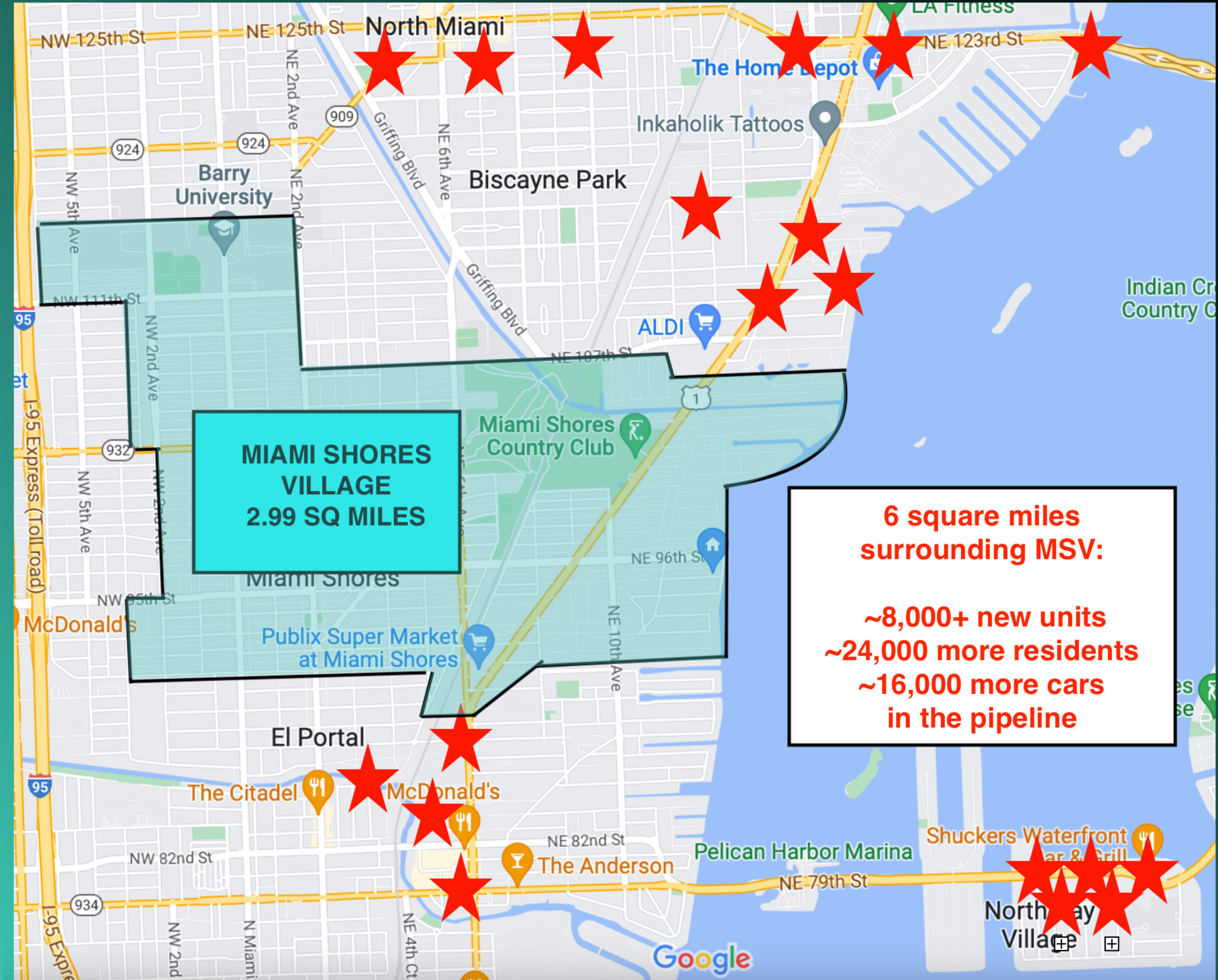


DEVELOPMENT IN THE PIPELINE

(ZONED FOR, PENDING APPROVAL, PERMITTED
OR UNDER CONSTRUCTION)

79TH STREET TO 125TH ST

I-95 TO NORTH BAY VILLAGE



“Developers have gobbled up nearly 20 golf courses in south florida in the last five years.”

“There is so little land that is even buildable in South Florida, that at this point, golf courses are one of the few options left... Alex Yokana, developer at AKAI Estates.”

“If the golf course gobbling continues at pace, there will be another four South Florida courses slated for development by the end of the year.”

April 2, 2022 Sun Sentinel



Comprehensive Plan 101

aka "Comp Plan" 101

Comprehensive Plan 101

What is a Comp Plan?

A Comprehensive Plan is a document created by local governments and residents to determine what the focus and vision of the community should be over a long-term period. The Plan looks at the relationships between land uses, infrastructure, community needs, and dictates how and where a community grows over time.

In short, the comprehensive plan is:

- A public guide to community decision making
- An assessment of the community's needs
- A statement of community values, goals, and objectives
- A blueprint for the community's physical development
- A public legal document adopted by government
- Continuously updated as conditions change

Comprehensive Plan 101

Why do we have a Comp Plan?

Since 1985, Florida law has required that each local government (county or municipal) adopt a comprehensive plan by ordinance, as a legislative act.

Comprehensive Plan 101

Why does a comprehensive plan matter?

Because the Comp Plan has the force of law. After a comprehensive plan has been adopted by a local government, all development of land covered by the plan is required to be consistent with such plan.

So what?

Amendments to plans can be enforced in court, provided the appellant (the person or group challenging the local government action) has the will, the resources, and the lawyers to bring the case through the whole process.

What is in the Comp Plan?

Mandatory Elements of the Comprehensive Plan:

Future Land Use Element (FLUE)

Future Land Use Map (FLUM)

Transportation Element

Water/Sewer Element

Conservation Element

Recreation and Open Space Element

Housing Element

Coastal Management Element

Capital Improvements Element

Intergovernmental Coordination Element

Property Rights Element

All elements must be:

- 1. Internally consistent*
- 2. Based on data and analysis*

Comprehensive Plan 101

Can/how does a Comp Plan change?

Yes, comp plans are updated by the municipality at least every 7 years through a process called the Evaluation and Appraisal Report (EAR) wherein the entire plan is reviewed and amended as necessary. Miami Shores just initiated the EAR process and is facing a July 2023 deadline for submission to the state.

Comp plans can also be amended *by request* of a land owner. This is called a small scale amendment.

Comprehensive Plan 101

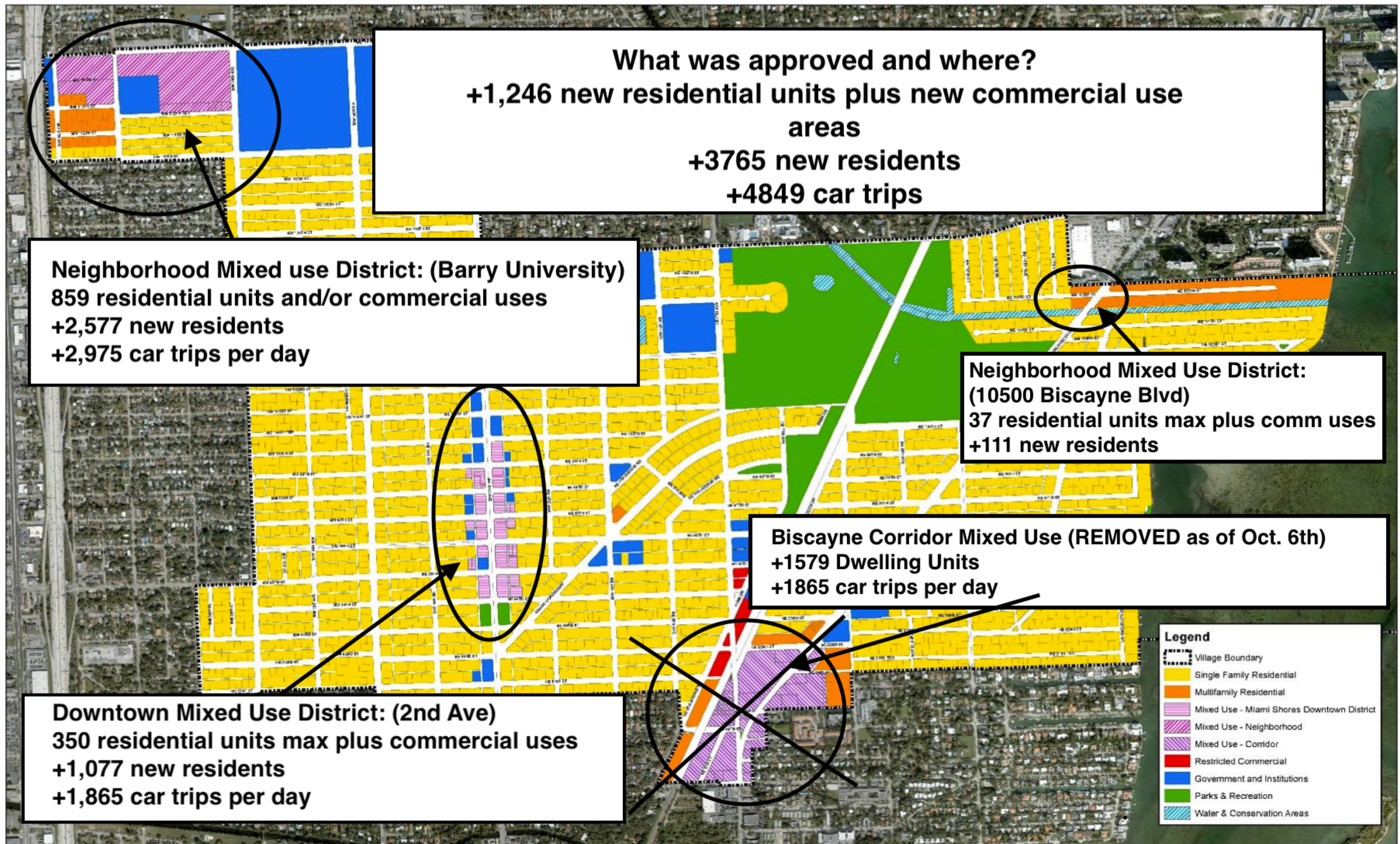
What's the process to amend the comp plan?

3 public hearings are required:

1. Planning and Zoning hearing (the "Local Planning Agency")
2. Village Council 1st reading - aka "transmittal" hearing
Review by DEO and other agencies
3. Village Council 2nd reading - aka "adoption" hearing

30 days after the adoption hearing, if the amendment hasn't been challenged in a court, the amendment becomes law.

COMP PLAN AMENDMENT : WHAT WAS APPROVED ON FEBRUARY 21



FUTURE LAND USE MAP 2022 UPDATE:
RECOMMENDED AMENDMENTS

1 inch = 500 feet

MIAMI SHORES VILLAGE
COMPREHENSIVE PLAN
Date: 8/19/2022

This matrix was added to the Comp Plan and authorizes all types of use adjacent to single-family homes except for general commercial.

Future Land Use District Compatibility Matrix

DISTRICT ADJACENCY	SINGLE FAMILY RESIDENTIAL	MULTI-FAMILY RESIDENTIAL	MIXED USE-DOWNTOWN	MIXED USE-NEIGHBORHOOD	GENERAL COMMERCIAL	RESTRICTED COMMERCIAL	GOVT AND INSTITUTIONS	PARKS AND RECREATION	WATER & CONSERVATION AREAS
SINGLE FAMILY RESIDENTIAL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
MULTI-FAMILY RESIDENTIAL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
MIXED USE-DOWNTOWN	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
MIXED USE-NEIGHBORHOOD	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
GENERAL COMMERCIAL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
RESTRICTED COMMERCIAL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
GOVERNMENT AND INSTITUTIONS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PARKS AND RECREATION	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
WATER & CONSERVATION AREAS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

"Compatible land use" means any use of lands, buildings, and structures which is harmonious to the uses and activities being conducted on the adjoining lands and properties and which does not adversely affect or unreasonably impact the use or enjoyment of the adjoining land.

☒ Land use designations compatible for adjacency

Proposed amended FLUE Goal (**new text**):

Ensure that the **balance**, character and location of future land uses provides for the **highest possible long-term** economic and quality of life benefits, while preserving **and restoring** natural resources, **strengthening and enhancing overall community character**, and **providing appropriate** levels of public services **to meet the needs of the Village's present and future population.**

- > ***“residential character” replaced with “community character”***
- > ***requires that future land uses be “balanced”***

Proposed amended FLUE Objective 1:

Establish land use categories and a Future Land Use Map (FLUM) that provide for compatible and coordinated land uses, allowing for the protection of natural resources and the preservation of community character, as well as ***capitalizing on the Village's redevelopment and economic development opportunities.***

SOME OF THE ISSUES AND HOT TOPICS DEBATED ABOUT THE COMP PLAN.

RED FONT INDICATES STATEMENTS BY COUNCIL AND/OR STAFF.

**BLACK FONT INDICATES FACTS, ISSUES OR QUESTIONS RAISED BY THE PUBLIC IN
RESPONSE TO THE RED STATEMENTS WHICH HAVEN'T BEEN ADDRESSED OR RECTIFIED
AND REMAIN PROBLEMATIC.**

COMP PLAN AMENDMENT : VEHICULAR BARRICADES

The comprehensive plan amendment will not reopen local closed streets (i.e. remove vehicular barricades).

Fact: Policy 2.3 of our existing comprehensive plan is one of several protections for single-family residential areas and provides:

Policy 2.3:

Utilize vehicular barricades to block traffic on Biscayne Boulevard and other arterials and collectors from entering local streets except for local access. Consider other traffic control strategies which will contribute to the safety and character of residential streets.

Amended Policy 2.3 provides:

513 **Policy 2.3:**
514 ~~Utilize vehicular barricades to block traffic on Biscayne Boulevard and other arterials~~
515 ~~and collectors from entering local streets except for local access. Consider, as~~
516 ~~necessary, other traffic control strategies such as pedestrian crossings, speed~~
517 ~~bumps, turn prohibitions, stop signs, and raised pavement markers, and temporary~~
518 ~~barricades to block streets~~ which will contribute to the safety and character of
519 ~~residential streets. Any previously existing street barricades not temporary in nature~~
520 ~~shall be maintained to the extent permitted by applicable law.~~

COMP PLAN AMENDMENT : VEHICULAR BARRICADES

The comprehensive plan amendment will NOT reopen local closed streets (i.e. remove vehicular barricades).

- > There is no dispute that the new text doesn't directly remove the barricades. The issue is that the modification does not *protect* existing vehicular barricades from challenges to remove them.**
- > When the vehicular barricades were installed in the 1980s, the majority of voters approved them and they were legally installed. To the extent Miami-Dade County laws were enacted since then that prohibit vehicular barricades, the existing vehicular barricades should enjoy non-conforming use status.**

COMP PLAN AMENDMENT : VEHICULAR BARRICADES

The comprehensive plan amendment will NOT reopen local closed streets (i.e. remove vehicular barricades).

There are a number of unanswered questions that have been posed to Staff and Council regarding the changes to Policy 2.3:

- > Does Florida law or Miami Dade County require that sentence to be removed from the Comp Plan?*
- > If the Village is not required to remove the sentence, why is it removing it?*
- > If vehicular barricades or other permanent road closures are no longer permitted to be constructed, why can't the comp plan be simply amended to add a sentence that the Village will not install any vehicular barricades in the future?*
- > Why is the Village forfeiting a legal determination on this?*
- > What protection or defense will the Village have against the County or developers if and when they seek to reopen streets that have existing vehicular barricades?*

COMP PLAN AMENDMENT : VEHICULAR BARRICADES

The additional sentence suggested by VM Marinberg, and was approved by the Village Attorneys, "protects" existing vehicular barricades.

"Any previously existing street barricades not temporary in nature shall be maintained to the extent permitted by applicable law."

- > The phrase *"to the extent permitted by applicable law"* is vague and capable of more than one interpretation.
- > Under FL law, vague and ambiguous words and phrases in a document will be construed against the drafter by a court of law.
- > As traffic congestion increases with overdevelopment, developers will want closed roads opened to increase access to and around their developments.

COMP PLAN AMENDMENT : GOLF COURSE

The golf course can't be sold or developed.

- >Restrictive covenant. Bessemer Properties, Inc. and Ethel Hauk (1937)**
- >Reverter clause.**
- >Comp Plan allows fifty percent (50%) incidental, low intensity (1.0 Floor Area Ratio) development of land designated park.**

The golf course is a "park."

The Comprehensive Plan is inconsistent. The golf course is included in the Parks and Recreation section of the FLUE, but is NOT included in park facilities in Chapter 8: Recreation Element.

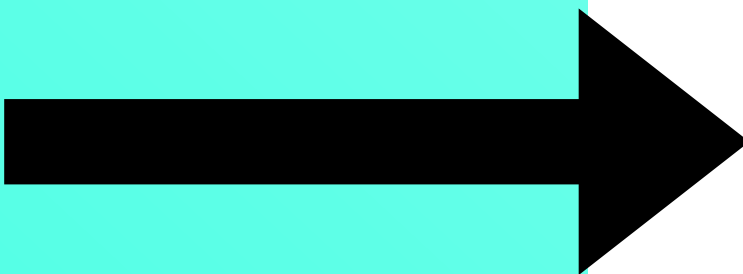
Objective 3: Adequate and efficient provision of public recreation facilities and open space.

In general, ensure that parks and recreation facilities are adequately and efficiently provided. In particular, maintain a system of public park and recreation lands which provides a minimum of 1.25 acres of park land and recreation areas per one thousand (1,000) permanent population.

Monitoring and Evaluation: The Village shall regularly monitor recreation and park lands capacity and demand. The Village shall implement improvements and renovations to these facilities as needed.

Policy 3.1:

The Village shall reserve for recreation the following Village-owned land facilities: 1) Miami Shores Village Community Center, 2) Miami Shores Village Aquatics Center, 3) Brockway Library, 4) Biscayne Bay Park, 5) Memorial Park, 6) Optimist Park, 7) Constitution Park. These facilities shall remain as public recreation facilities unless comparable facilities are provided to replace them.



COMP PLAN AMENDMENT : GOLF COURSE

Miami-Dade County has a more difficult process to sell *park land* so the golf course has added protection.

> Miami-Dade County does NOT consider the Miami Shores Golf Course as a public park. The County does not provide any protection from sale, lease or development of the Miami Shores Golf Course.

> The Village is using the golf course acreage to satisfy its 1.25 acre per 1,000 residents level of service for park/open space despite the fact that the golf course is not open to the public for anything other than golf.

COMP PLAN AMENDMENT : BARRY

Barry U land had unlimited density, no cap and no limitations.

Jan 3, 1989	MSV first comp plan – property is Biscayne Kennel Club	Business Commercial
1993	Comp Plan Amendment to FLUE	Business Commercial → SFR
1997/1998	Barry purchases BKC, southern parcel west of NW 5 th , Barry purchases northern parcel	No change
1999	2010 Comp Plan Adopted -- BKC property is Mixed Use Residential/institutional: <i>“Single-family detached and attached units and multifamily units at a density up to <u>6 units per acre</u> and/or institutional uses at a floor area ratio not greater than 1.0. Institutional uses authorized by this future land use category shall include those authorized by the institutional land use category”</i>	Mixed Use Residential/institutional 6 du/a (“MURI”)
April 2000	MSV approves student union, residence hall by rezoning to S-1 Institutional in exchange for PILOT (payment in lieu of <u>taxes</u>) (Ordinance O-615-00)	Retains MURI
Sept 2008	2025 plan adopted	MURI
Dec 4, 2008	Annexation completed.	
2010	2025 Comp Plan Amendment including FLUM	MURI
2014	2025 Comp Plan Amended	MURI
2014-2016	PZ workshops discussing Barry. Barry never submits plans.	
2018	Current 2025 plan adopted	Institutional

This is a Barry/Lennar Project.

- >This is NOT a Barry U project – it is a Lennar project. Barry entered a memorandum of understanding with Lennar in early 2022 to SELL the land after it is up-zoned from institutional and the site plan is approved from Planning and Zoning.**
- >Barry will not construct, manage or own this property once the sale to Lennar is complete.**
- >Barry is entitled to the Mixed Use Residential/institutional designation.**
- >Lennar is a private developer. Lennar is not entitled to an “institutional” designation. “The Shores” development is Lennar’s project, NOT Barry U’s. The project proposes garden style rental apartments (78%) and fee-simple townhomes (22%) without any commercial or retail component.**

Barry U's property rights are/were violated when the Village designated the land as "institutional" in 2018.

> The subject land is currently being used consistent with the land designation - Institutional. Barry's School of Podiatric Medicine and Doctors Charter School are located on the parcel, although DCS is excluded from the Lennar project because it is subject to a long-term lease between Barry and the Village.

> In 2000, Barry requested that the land be designated "institutional" rather than "commercial," so that it could expand its campus, and would not be assessed property taxes for that parcel that was previously the BKC. Barry participated in a "PILOT" program - payment in lieu of taxes.

COMP PLAN AMENDMENT : FISCAL BENEFITS

The mixed use development will provide fiscal and tax benefits in the form of:

Raise and diversify tax revenue;

Lower millage rate (lower tax bill).

> Zero analysis has been done regarding a net increase in tax revenues and net gain.

> As an institution, Barry U is not assessed property taxes. Barry U has participated in a PILOT program with the Village, where Barry U makes certain payments in lieu of taxes for the vacant parcels.

> Lennar, as a private property owner, will be assessed and required to pay property taxes.

The Village does not need to analyze the impacts of the proposed amendments to the comprehensive plan and FLUM now.

Fla. Statutes section 163.3177(6)(a)(2) governs:

(6) 2. The future land use plan and plan amendments shall be based upon surveys, studies, and data regarding the area, as applicable, including:

a. The amount of land required to accommodate anticipated growth.

b. The projected permanent and seasonal population of the area.

c. The character of undeveloped land.

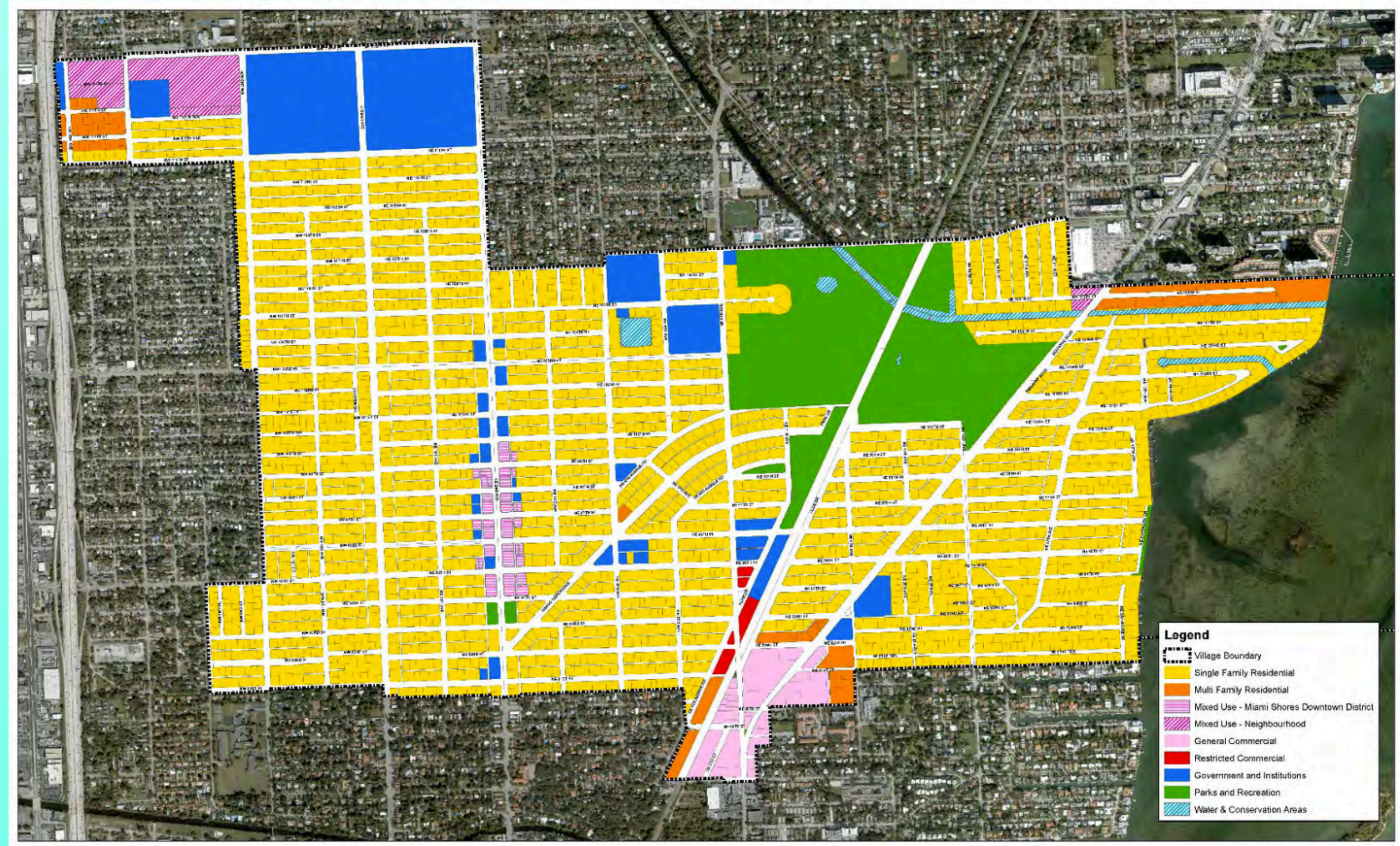
d. The availability of water supplies, public facilities, and services.

The maximum total number of dwelling units proposed in the three mixed use areas is 1,246.

- Neighborhood Mixed Use (Barry U): +850 units
- Neighborhood Mixed Use (10500 BB): +37 units
- Downtown Mixed Use: +359 units
- = 1,246 units
- Total *existing* dwelling units (SFR & MF) 3,864 units
- Current population (2020 Census) 11,567 persons
- Total increase in residents (2.99 person per household)+ 3,726 (32% increase)

COMP PLAN AMENDMENT : FUTURE DEVELOPMENT

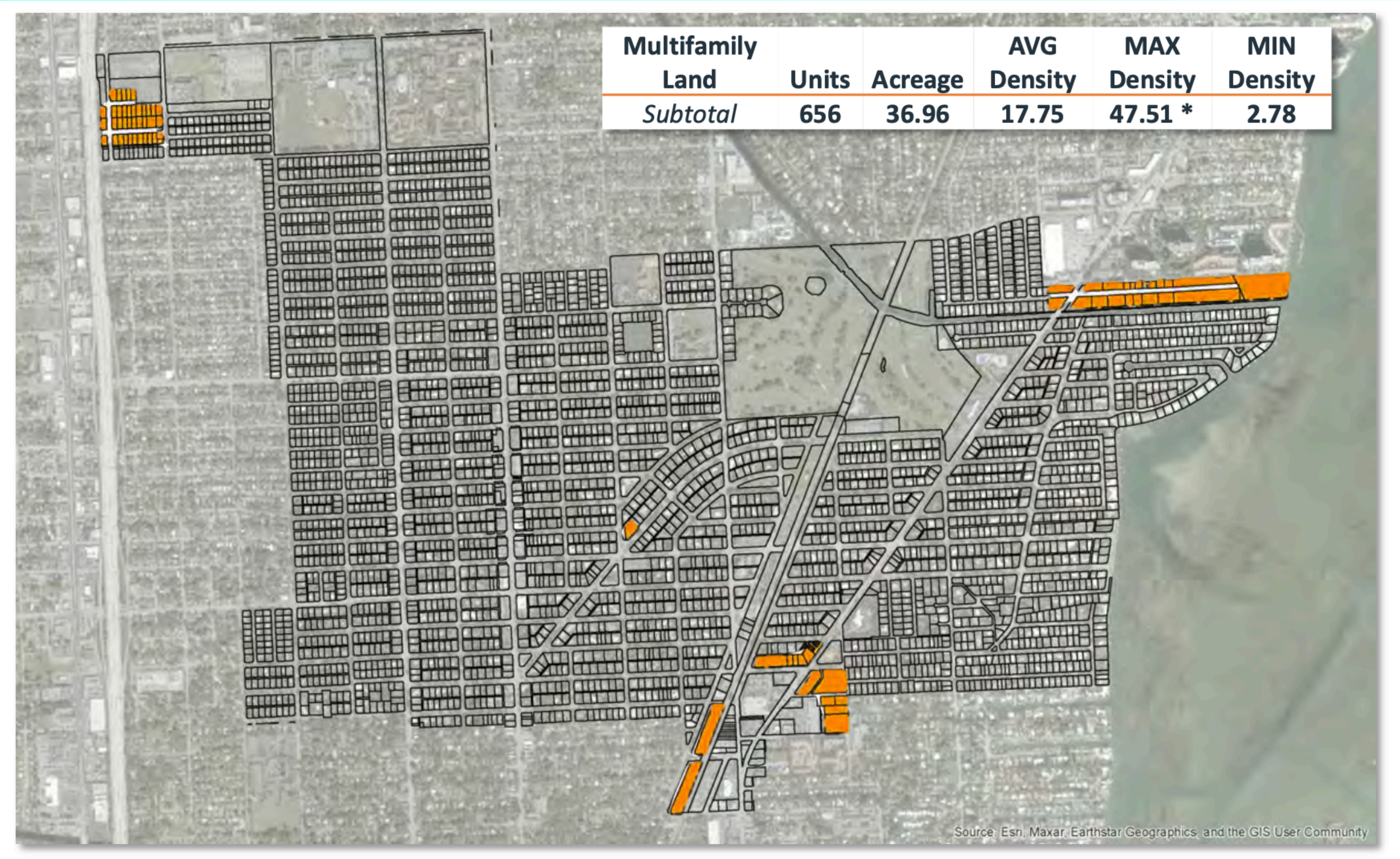
- **AT RISK:** Existing multi-family (ORANGE) and existing commercial (BLUE) are at risk to become commercial or mixed use.
- **AT RISK:** SFR homes (YELLOW) are at risk to be next to or across from 40 and 50 foot mixed use buildings which may or may not include residential units (i.e. retail, civic, institutional, office and/or commercial buildings).



COMP PLAN AMENDMENT : FUTURE DEVELOPMENT

- Re-designating 10500 Biscayne Boulevard from multi-family to mixed use serves as precedent for all currently designated multi-family land (ORANGE on FLUM) to seek an up-zone from multi-family to mixed use.

- If all Multifamily were up-zoned to Mixed Use, then the Village will see an **81% increase in residents**

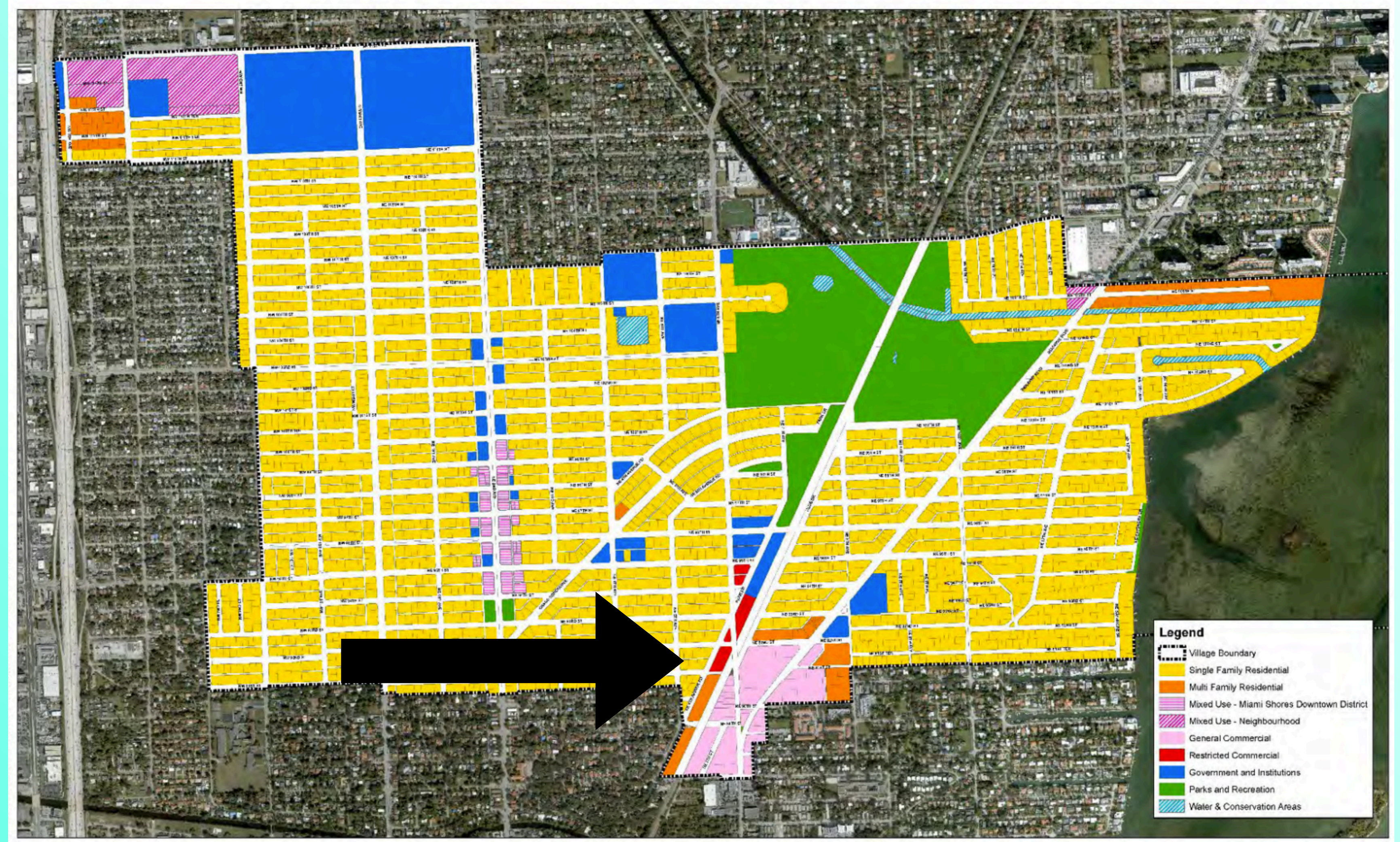


COMP PLAN AMENDMENT : FUTURE DEVELOPMENT

The maximum total number of new dwelling units is 1,246.

Corridor Mixed Use (Publix area) could return:

- 1,600 additional units
- 4,784 additional residents.
- VM Marinberg and Crutchfield recently mentioned including the Corridor Mixed Use on February 21, 2023



The Zoning Code will protect us and is where the “rubber meets the road.”

Zoning did not protect North Bay Village which will soon see construction of the Sunbeam development.



Just because the comprehensive plan allows the mixed use development, doesn't mean it will be built out.

- > Developers are in fact waiting to develop in Miami Shores.**
- > Developments are going up all around Miami Shores and South Florida.**
- > Golf courses are being developed at an alarming rate.**
- > The Comprehensive Plan dictates *future aspirational land uses*.**

Miami Shores Village must provide more housing due to population growth and the housing shortage.

- > Miami Shores Village is an almost built-out 91-year-old 2.5 square mile (above water) residential community that has fixed boundaries.**
- > Miami Shores' current population is 11,567**
- > Between the 2010 and 2020 Census, the Village grew by 1,074 residents at an annual rate of approximately 1% (10% rate of growth during the decade).**
- > Miami Shores' population is 0.42% of the population of Miami Dade County. Miami Shores is only legally responsible to carry the burden of providing housing for its proportionate share of the population (i.e. 0.42%).**