

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, TO CONSIDER APPROVAL, FOLLOWING FIRST READING/PUBLIC HEARING, OF A DEVELOPMENT AGREEMENT AS AUTHORIZED UNDER SECTION 118-4 OF THE CITY CODE, AND SECTIONS 163.3220 – 163.3243, FLORIDA STATUTES, BETWEEN THE CITY AND TSAY INTERNATIONAL, INC. (THE “OWNER”), WHICH DEVELOPMENT AGREEMENT PROVIDES FOR THE OWNER’S VOLUNTARY CONSENT TO THE DESIGNATION OF THE PROPERTY AT 2301 NORMANDY DRIVE (THE “DEVELOPMENT SITE”) AS AN INDIVIDUAL HISTORIC SITE, PURSUANT TO CHAPTER 118, ARTICLE X, DIVISION 4 OF THE CITY CODE, SUBJECT TO AND CONTINGENT UPON THE CITY COMMISSION’S ENACTMENT OF CERTAIN AMENDMENTS TO THE CITY CODE, LAND DEVELOPMENT REGULATIONS AND COMPREHENSIVE PLAN, AT THE CITY COMMISSION’S SOLE DISCRETION; AND, FURTHER, SETTING THE SECOND AND FINAL READING OF THE DEVELOPMENT AGREEMENT FOR A TIME CERTAIN.

WHEREAS, Tsay International, Inc., a Florida corporation (the “Owner”), owns the property located at 2301 Normandy Drive (the “Property” or “Development Site”); and

WHEREAS, on May 9, 2017, the Historic Preservation Board (“HPB”) directed the City’s Planning Department to prepare a Preliminary Evaluation and Recommendation Report (“Preliminary Designation Report”) relative to the possible designation of the Property as an individual local historic site; and

WHEREAS, on October 10, 2017, the HPB reviewed the Preliminary Designation Report and directed the City’s Planning Department to prepare a Formal Designation Report for the Property; and

WHEREAS, on June 10, 2019, the HPB recommended in favor of the proposed designation; and

WHEREAS, the Owner intends to provide its voluntary consent to the designation of the Property as an individual historic site, pursuant to the applicable provisions in Chapter 118, Article X, Division 4 of the City Code, subject to and contingent upon the City Commission’s enactment of certain amendments to the City Code, Land Development Regulations, and Comprehensive Plan, at the City Commission’s sole discretion; and

WHEREAS, the proposed amendments to the Comprehensive Plan would permit hotels, apartment hotels, and suite hotels on individually designated hotel sites on Normandy Drive; and

WHEREAS, the proposed amendments to the Land Development Regulations would, as applicable to properties located north of Normandy Drive, with a lot area greater than 30,000 square feet, which are individually designated as an historic site, (i) list hotels, apartment hotels, and suite hotels as a permitted use; (ii) identify accessory outdoor bar counters, accessory outdoor and open air entertainment establishments with ambient performances only, and accessory neighborhood impact establishments as conditional uses; (iii) list retail, restaurants with or without accessory bars, and personal services as accessory uses; (iv) provide for a maximum building height of 80 feet; (v) amend parking requirements; and (vi) create an exemption from all applicable distance separation requirements for the sale of alcoholic beverages, including from educational facilities; and

WHEREAS, the Owner has proposed that the Owner and the City memorialize these terms in a development agreement, pursuant to Chapter 163 of the Florida Statutes; and

WHEREAS, on June 12 and July 24, 2019, the Land Use and Development Committee ("LUDC") reviewed the proposed development agreement and recommended that the City Commission consider a draft development agreement at First Reading on September 11, 2019, and refer the applicable Comprehensive Plan and Land Development Regulation amendments to the Planning Board; and

WHEREAS, on September 11, 2019, the City Commission held a lengthy discussion and, based upon concerns pertaining to the operation of the existing hotel, deferred action on the Development Agreement for six months; and

WHEREAS, on May 13, 2020, the Owner made a presentation to the City Commission, including an update on the operational and public safety issues associated with the existing hotel; and

WHEREAS, following the presentation, the City Commission directed the Administration to schedule First Reading on the proposed Development Agreement on June 24, 2020; and

WHEREAS, Sections 163.3220 – 163.3243, Florida Statutes, and Section 118-4 of the City's Code require two public hearings to approve a Development Agreement; and

WHEREAS, the City and the Owner have negotiated the Development Agreement, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, for the reasons as outlined in the Commission Memorandum accompanying this Resolution, the Administration recommends that the City Commission approve the Development Agreement on First Reading, and set a Second Reading/Public Hearing.

NOW THEREFORE BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve, following First Reading/Public Hearing, a Development Agreement as authorized under Section 118-4 of the City Code, and Sections 163.3220 – 163.3243, Florida Statutes, between the City and Tsay International, Inc. (the "Owner"), which Development Agreement provides for the Owner's voluntary consent to the designation of the property at 2301 Normandy Drive (the "Development Site") as an individual historic site, pursuant

to Chapter 118, Article X, Division 4 of the City Code, subject to and contingent upon the City Commission's enactment of certain amendments to the City Code, Land Development Regulations, and Comprehensive Plan, at the City Commission's sole discretion; and, further, set the Second and Final Reading of the Development Agreement for a time certain.

PASSED and **ADOPTED** this _____ day of _____ 2020.

ATTEST:

Rafael Granado
City Clerk

Dan Gelber
Mayor

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

R. Gelber 6/16/20
City Attorney NK Date