

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, APPROVING, FOLLOWING SECOND 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.**

**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 located north of 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” (the “Development Agreement”); and

**WHEREAS**, on June 24, 2020, the City Commission approved the Development Agreement, following First Reading/Public Hearing, and set the Second and Final Reading of the Development Agreement for a time certain at 10:10 a.m. on July 29, 2020; 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 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 Second 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.

**PASSED** and **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

**ATTEST:**

\_\_\_\_\_  
Rafael Granado  
City Clerk

\_\_\_\_\_  
Dan Gelber  
Mayor

APPROVED AS TO FORM AND  
LANGUAGE AND FOR EXECUTION

Rafael Granado      7/17/20  
City Attorney      NK      Date