

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, TO CONSIDER APPROVAL, FOLLOWING FIRST READING/PUBLIC HEARING, OF A THIRD AMENDMENT TO A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY AND TCH 500 ALTON LLC, AS AUTHORIZED UNDER SECTION 118-4 OF THE CITY CODE, AND SECTIONS 163.3220 – 163.3243, FLORIDA STATUTES, WHICH AMENDMENT MODIFIES THE BOUNDARIES OF THE UNIFIED DEVELOPMENT SITE TO INCLUDE 710 ALTON ROAD, 720 ALTON ROAD, AND 740 ALTON ROAD, REMOVES PORTIONS OF FOLIO 02-4203-001-0095 (CANOPY PARK) AND ALL OF FOLIO NUMBER 02-4203-001-0090 (CURRENTLY A PARKING LOT SERVING THE FLORIDIAN CONDOMINIUM) FROM THE SCOPE OF THE AGREEMENT, MODIFIES THE ASSIGNMENT OF DEVELOPMENT RIGHTS FOR THE IMPACTED PROPERTIES, AND OTHERWISE DELINEATES OR MODIFIES THE CONDITIONS FOR THE DEVELOPMENT OF THE PROPERTIES SUBJECT TO THE AGREEMENT LOCATED AT 500-630 ALTON ROAD AND OTHER TERMS FOR DEVELOPMENT CONTINGENT UPON SATISFACTION OF THE CONDITIONS SET FORTH IN THE DEVELOPMENT AGREEMENT; AND FURTHER, SETTING THE SECOND AND FINAL READING OF THE DEVELOPMENT AGREEMENT FOR A TIME CERTAIN.

WHEREAS, on March 9, 2022, Commissioner Ricky Arriola proposed and sponsored legislation to initiate a City Commission discussion regarding the Miami-Dade County Community Health Center at 710 Alton Road to be furthered discussed at the Land Use and Sustainability Committee (LUSC) and the Planning Board; and

WHEREAS, on April 8, 2022, the LUSC discussed the proposal and continued the item to the May 13, 2022 LUSC meeting; and

WHEREAS, on May 13, 2022, the LUSC discussed the proposal and moved the item to the Planning Board and the City Commission and directed the developer to continue its community outreach efforts; and

WHEREAS, on May 25, 2022, the City Commission approved, at First Reading, Ordinances amending the Comprehensive Plan and Land Development Regulations (LDR) to expand the boundaries of the Alton Gateway Overlay (bounded by Alton Road on the east, West Avenue on the west, 5th Street on the south and 8th Street to the north), as well as the Floor Area Ratio (FAR) and height increases in the overlay (the "Amendments Ordinance"); and

WHEREAS, the Amendments Ordinance was approved on May 25, 2022, subject to voter approval of the proposed FAR increase, and Second Reading / Adoption of both ordinances was scheduled for September 14, 2022; and

WHEREAS, the City Commission adopted Resolution No. 2022-32173 on May 25, 2022, which allowed for a special election to be held on August 23, 2022 to request electorate approval via ballot to increase the maximum FAR from 2.0 to 2.6 on the entirety of the Alton Gateway Overlay; and

WHEREAS, on August 23, 2022, 62.02 percent of the City's electorate voted in favor of the ballot question that sought to increase the maximum proposed FAR from 2.0 to 2.6, which made the Amendments Ordinance eligible for City Commission adoption; and

WHEREAS, the City and the Developer have negotiated a new Development Agreement (the "New DA") that encompasses the properties located at of 710 Alton Road, 720 Alton Road, 740 Alton Road, the former 6 Street right of way, 630 Alton Road, Folio 02-4203-001-0095 (Canopy Park), and Folio 02-4203-001-0090 (currently a parking lot serving the Floridian Condominium)(the "Development Site"); and

WHEREAS, the City and the Developer have simultaneously negotiated a third amendment (the "Third Amendment to Existing DA") to that certain Development Agreement dated as if September 27, 2019 by and between the City and TCH 500 Alton, LLC as assignee, which Development Agreement currently governs the properties located at 500-630 Alton Road (the "Existing DA"); and

WHEREAS, the Third Amendment to Existing DA and the New DA are interdependent; and

WHEREAS, in keeping with the practice of having development agreements and any related amendments to the City's Land Development Regulations and/or Comprehensive Plan heard simultaneously, the Amendments Ordinance became a companion to the new DA to apply to the properties located at 600 Alton Road, 630 Alton Road, 710 Alton Road, 720 Alton Road, and 740 Alton Road (the "New DA"), as well as the proposed Third Amendment to Existing DA; and

WHEREAS, on September 14, 2022, Second Reading/Adoption of the Amendments Ordinances was opened and continued; and

WHEREAS, the replacement of the Community Health Center was the threshold issue and Miami-Dade County (County) had to address pending items regarding the Community Health Center agreement between the Developer and the County, the Developer focused efforts on advancing that portion of the project; and

WHEREAS, at the February 1, 2023 City Commission Meeting, an ordinance was referred to the LUSC and Planning Board, amending the Alton Road Historic District Buffer Overlay and Pharmacy Regulations to accommodate the proposed relocation of the Miami Beach Community Health Center (the "Overlay Amendment Ordinance"); and

WHEREAS, on April 19, 2023, the LUSC recommended approval of the Overlay Amendment Ordinance; and

WHEREAS, on May 23, 2023, the Planning Board transmitted the Overlay Amendment Ordinance to the City Commission with a favorable recommendation; and

WHEREAS, a Second reading of the Amendments Ordinance are scheduled for July 26, 2023; and

WHEREAS, the Third Amendment to Existing DA, together with the New DA, reconfigures the boundaries of Canopy Park resulting in a net gain of 6,838 sq feet of land; and

WHEREAS, the Third Amendment to Existing DA removes Folio 02-4203-001-0090 (currently a parking lot serving the Floridian Condominium) from the development site subject to the Existing DA; and

WHEREAS, the Third Amendment also includes a modification to the Declaration of Restrictions in Lieu of Unity of Title recorded at Official Record Book 33144, Pages 3948-3990 of the Public Records of Miami-Dade County, Florida to include the land that will be subject to the New DA and to provide for the transfer of floor area among certain properties within the new unified development site as further described in the Third Amendment; and

WHEREAS, the Administration recommends approval at First Reading of the negotiated Third Amendment to Existing DA, subject to direction from the Commission as to the following matters:

- a. Whether the 740 Alton Road property and corresponding FAR should be included or excluded from the New DA, and accordingly, from the unified development site; and
- b. Whether the surface parking lot proposed adjacent to the revised one-story retail buildings on the south side of the park should remain as proposed, be removed entirely and/or modified to allow for a limited number of spaces parallel to the driveway, to accommodate drop-off/pick-up, loading as well as parking during non-peak times.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, to consider approval, following first reading/public hearing, of a Third Amendment to the Development Agreement dated September 27, 2019 by and between the City and TCH 500 Alton LLC, as authorized under section 118-4 of the city code, and sections 163.3220 – 163.3243, Florida Statutes, which amendment modifies the boundaries of the unified development site to include 710 Alton Road, 720 Alton Road, and 740 Alton Road, removes portions of folio 02-4203-001-0095 (Canopy Park) and all of folio number 02-4203-001-0090 (currently a parking lot serving the Floridian Condominium) from the scope of the agreement, modifies the assignment of development rights for the impacted properties, and otherwise delineates or modifies the conditions for the development of the properties subject to the agreement located at 500-630 Alton Road and other terms for development contingent upon satisfaction of the conditions set forth in the Development Agreement; and further, setting the second and final reading of the development agreement for July 26, 2023 at 1:31pm.

PASSED AND ADOPTED this _____ day of June, 2023.

ATTEST:

RAFAEL E. GRANADO, CITY CLERK

DAN GELBER, MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

6-22-23

Date