

MIAMI BEACH  
PLANNING DEPARTMENT  
Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: July 27, 2021

FROM: Thomas R. Mooney, AICP  
Planning Director

*g/k*

SUBJECT: **PB21-0451, a.k.a. File No. 2226. 633 Alton Rd.**

An application has been filed requesting modifications to a previously issued conditional use permit for a Conditional Use Permit (CUP 2226). Specifically, the applicant is requesting modifications to the ownership, pursuant to Chapter 118, Article IV and Chapter 142, Article V of the City Code.

**RECOMMENDATION**

Approval with conditions.

**BACKGROUND/HISTORY**

*January 28, 2015* Alton 633 Properties, LLC was granted a CUP by the Planning Board for the construction of a new self-storage facility, pursuant to Section 118, Article IV and Section 142, Article II. The CUP was approved with conditions.

**STAFF ANALYSIS**

The applicant is requesting a modification to the existing Conditional Use Permit (CUP) in order to change the ownership. The operator and name of the business will remain the same. The business will now be owned by Baranof Holdings South Beach Storage, LLC. Per the Letter of Intent submitted by the applicant, besides the change in ownership, there is no anticipated change in operation.

Should this request be approved, Condition 1 would be amended as follows:

1. This Modified Conditional Use Permit is issued to Baranof Holdings South Beach Storage, LLC 633 Alton Road Properties LLC and EP Sobe Storage LLC to build and operate a new to operate a self-storage facility. Any change of operator or 50% (fifty percent) or more stock ownership shall require review and approval by the Planning Board as a modification to this Conditional Use Permit. Subsequent owners and operators shall be required to appear before the Board to affirm their understanding of the conditions listed herein.

In order to be consistent with recent CUP approvals, staff is recommending the following additional conditions:

- A. That the requirement for change of ownership be modified to require that *any change of operator or 50% (fifty percent) or more stock ownership shall require the new operator or owner to submit an affidavit, approved by City, to the City of Miami Beach Planning Department, transferring approval to the new operator or owner and acknowledging acceptance of all conditions established herein prior to the issuance of a new Certificate of*

*Use/Business Tax Receipt. A progress report shall be scheduled within 60 days followed by the submission and acceptance of the affidavit.*

- B. That the applicant agrees and shall be required to provide access to areas subject to this CUP (not including private residences) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the terms and conditions of this CUP.

These proposed new conditions have been incorporated into a revised MCUP (see attached). The rest of the conditions remain the same.


**STAFF RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the application be approved subject to the conditions enumerated in the attached Draft Order.

### ZONING/SITE MAP



City of Miami Beach Planning Board  
File No. F2226  
633 Alton Road

 The applicant, Alton 633 Properties, LLC, is requesting Conditional Use approval for the construction of a new self-storage facility, pursuant to Section 118, Article IV and Section 142, Article II.

**MIAMI BEACH**  
PLANNING DEPARTMENT

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**PLANNING BOARD  
CITY OF MIAMI BEACH, FLORIDA**

**PROPERTY:** 633 Alton Road

**FILE NO.** **PB21-0441 a.k.a., File No. 2226**

**IN RE:** The applicant, Alton 633 Properties, LLC, is requesting change of ownership to a previously issued Conditional Use approval for the construction and operation of a self-storage facility, pursuant to Section 118, Article IV and Section 142, Article II.

**LEGAL DESCRIPTION:** Lots 13 and 14 Block 105, Ocean Beach, FLA additional no. 3, according to the plat thereof, as recorded in Plat Book 2, Page 81, of the Public Records of Miami Dade County, Florida

**MEETING DATE:** July 27, 2021 ~~January 28, 2015~~

**MODIFIED CONDITIONAL USE PERMIT**

The applicant, Baranof Holdings South Beach Storage, LLC ~~Alton 633 Properties, LLC~~, is requesting ~~Conditional Use approval for the construction of a new self-storage facility~~ filed an application with the Planning Director pursuant to the requirements of the Conditional Use Permit for the property (PB 2226) which was required for the construction of a new self-storage facility, pursuant to Section 118, Article IV and Section 142, Article II. Notice of the request was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property upon which the application was made.

The Planning Board of the City of Miami Beach makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the of the record for this matter:

That the property in question is located in the CD-2, Commercial Medium Intensity District zoning district within the Flamingo Park local Historic District; and

That the use is consistent with the Comprehensive Plan for the area in which the property is located; and

That the intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan; and

That structures and uses associated with the request are consistent with the Land Development Regulations; and

That the public health, safety, morals, and general welfare will not be adversely affected; and

That necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

**IT IS THEREFORE ORDERED**, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including the staff recommendations, as approved by the Planning Board, and accepted by the applicant, that a Conditional Use Permit as requested and set forth above be GRANTED, subject to the following conditions:

1. This Modified Conditional Use Permit is issued to Baranof Holdings South Beach Storage, LLC 633 Alton Road Properties LLC and EP Sobe Storage LLC to build and operate a new to operate a self-storage facility. Any change of operator or 50% (fifty percent) or more stock ownership shall require review and approval by the Planning Board as a modification to this Conditional Use Permit. Subsequent owners and operators shall be required to appear before the Board to affirm their understanding of the conditions listed herein, the new operator or owner to submit an affidavit, approved by City, to the City of Miami Beach Planning Department, transferring approval to the new operator or owner and acknowledging acceptance of all conditions established herein prior to the issuance of a new Certificate of Use/Business Tax Receipt. A progress report shall be scheduled within 60 days followed by the submission and acceptance of the affidavit.
2. The first floor (ground level) space facing Alton Road shall consist of retail, restaurant or office uses. The design and layout shall be subject to the review and approval of staff.
3. Canopy shade trees consistent with the Alton Road Streetscape Plan shall be required along Alton Road, subject to the review and approval of staff.
4. Prior to the issuance of a building permit for the project, the applicant shall submit an operational plan and narrative for all portions of the project, which shall be subject to the review and approval of staff. At a minimum, such operational plan and narrative shall include the following:
  - a. Deliveries and trash collection shall take place only at the designated areas proposed by the applicant as shown in the plans.
  - b. The applicant shall submit to Planning staff for review and approval a delivery plan and waste removal plan, including the hours of operation, prior to the issuance of a building permit. No deliveries or trash pick-up shall be permitted before 8:00 AM on weekdays and 9:00 AM on weekends.
  - c. All trash containers shall utilize rubber wheels, as well as a path consisting of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.

- d. The trash room shall be air conditioned and sound-proofed in a manner to be approved by staff. The door to the trash room shall remain closed and secured when not in use and all trash dumpsters shall be closed at all times, except when in use.
  - e. The applicant shall secure the property and ensure that it is inaccessible to trespassers after business hours.
5. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. If deemed necessary, at the request of the Planning Director, the applicant shall appear before the Planning Board for a progress report. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).
  6. The Planning Board shall retain the right to call the owner or operator back before them and make modifications to this Conditional Use permit should there be valid complaints. Nothing in this provision shall be deemed to limit the right of the Planning Board to call back the owner or operator for other reasons and for other modifications of this Conditional Use Permit.
  7. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns.
  8. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval.
  9. The applicant shall submit an MOT (Maintenance of Traffic) to Public Works Department staff for review and approval prior to the issuance of a building permit. The MOT shall address any traffic flow disruption due to construction activity on the site.
  10. The applicant shall obtain a full building permit within 18 months from the date of the meeting at which the original CUP was issued, and the work shall proceed in accordance with the Florida Building Code. Extensions of time for good cause, not to exceed a total of one year for all extensions, may be granted by the Planning Board, in accordance with the requirements and procedures in the land Development Regulations.
  11. The applicant shall resolve all outstanding violations and fines on the property, if any, prior to the issuance of a building permit.
  12. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in section 118-194, of the City Code.
  13. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be



returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

14. The executed Conditional Use Permit shall be recorded in the Public Records of Miami Dade County, Florida at the expense of the applicant and returned to the Planning Department. No building permit, certificate of use, certificate of occupancy, certificate of completion or business tax receipt shall be issued until this requirement has been satisfied.
15. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the City Code, and shall be subject to enforcement procedures set forth in Section 114-8 of the Code and such other enforcement procedures as are permitted by law. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.
16. Nothing in this Order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.
17. That the applicant agrees and shall be required to provide access to areas subject to this CUP (not including private residences) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the terms and conditions of this CUP.

Dated: \_\_\_\_\_

PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_  
Rogelio Madan, AICP  
Chief of Community Planning and Sustainability

STATE OF FLORIDA       )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by Rogelio Madan, Chief of Community Planning and Sustainability of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[NOTARIAL SEAL]

\_\_\_\_\_  
Notary:  
Print Name:  
Notary Public, State of Florida  
My Commission Expires:  
Commission Number:

Approved As To Form:  
Legal Department ( )