



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jorge M. Gonzalez, City Manager 

DATE: May 16, 2012

SUBJECT: Discussion regarding changing the permitted uses in a CD-2 district to allow for self storage (requested by Commissioner Libbin at the April 13, 2011 City Commission meeting – Item C4G)

BACKGROUND

Commissioner Libbin referred the above matter for consideration by the Land Use and Development Committee an amendment to the Land Development Regulations of the City Code to permit “self-storage warehouses” in the City’s CD-2, Commercial Medium Intensity zoning districts. The attorneys’ request was made on behalf of their client, Alton 633 Properties, LLC.

The matter was heard by the LUDC at its May 18, 2011 meeting, at which time the Committee continued the matter in order to give the proponents an opportunity to reach out to the members of the Flamingo Park Neighborhood Association. Attached is documentation from Denis Russ of the Neighborhood Association, voicing approval of the proposal in concept, after hearing a presentation to their members.

ANALYSIS

Currently the City Code only permits “warehouse” use in the CD-1, Commercial Low Intensity zoning district as a Conditional Use; this use is not permitted in any other zoning district in the City, and as a main permitted use in the I-1 Urban Light Industrial District.

Because the less intense CD-1, Low Intensity, zoning district already allows for “Warehouses” as Conditional Uses, it may be appropriate to update the actual list of Conditional Uses within the CD-2, Commercial, Medium Intensity, zoning district by adding “Self-Storage Warehouses” as Conditional Uses. However, while staff agrees that there is a need for this use throughout the City, there are a few concerns that must be expressed in this regard.

It should be noted that the CD-2 districts throughout the City are either adjacent to residential uses or separated only by alleys. One of the concerns is the compatibility of self-storage warehouses to the residential areas that are in close proximity, as well as the traffic, parking and the noise that may be generated by this use. A self-storage warehouse is categorized as an establishment engaged in renting or leasing secure space for self-storage such as rooms, compartments, lockers, containers or outdoor space where clients can store and retrieve their goods.¹

¹ U.S. Census Bureau, “Industry Statistics Sampler,” www.census.gov/econ/industry/def

A map showing CD-2 districts throughout the City that would also be affected by this proposed amendment is attached to this report.

As this proposed amendment relates to the property represented by Messrs. Sacks and Pathman located at 633 Alton Road, note that this property is in the expanded Flamingo Park Historic District, and adjacent to an RM-1 residential multifamily district, separated only by an alley from three residential buildings.

Planning Department staff has been working on a conceptual Alton Road Overlay District, and it is suggested that approval of the warehouse concept in this district should be conditioned upon the inclusion of the type of safeguards and protections that the Overlay District guidelines for development include, such as increased rear setbacks and reduced height abutting the adjacent residential properties to the east. Concerns with traffic and parking in this neighborhood need to be addressed so that any adverse impacts to the adjacent residential district are ameliorated. With regard to the use city-wide, it is suggested that the use be subject to Conditional Use approval by the Planning Board, which would address traffic, scale of the project, compatibility, operation and other aspects of this type of operation. These guidelines are as follows:

Sec. 118-192. - Review guidelines.

- (a) Conditional uses may be approved in accordance with the procedures and standards of this article provided that:
- (1) The use is consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.
 - (2) 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.
 - (3) Structures and uses associated with the request are consistent with these land development regulations.
 - (4) The public health, safety, morals, and general welfare will not be adversely affected.
 - (5) Adequate off-street parking facilities will be provided.
 - (6) Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.
 - (7) The concentration of similar types of uses will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.

CONCLUSION

The administration believes that with proper safeguards, an ordinance permitting the introduction of storage warehouse uses in the CD-2 Commercial Medium Intensity District could be acceptable. Staff requests that the Committee provide guidance as how to proceed with this proposal.

RL
JMG/JGG/RGL/ML

**PATHMAN
LEWIS, LLP**
ATTORNEYS AT LAW

WAYNE M. PATHMAN, P.A.
HAROLD L. LEWIS, P.A.
ROGER SLADE*
DAVID E. SACKS
LOUIS P. ARCHAMBAULT
ALAN K. FERTEL**
ANNA MARIE HERNANDEZ
LEWIS D. KUHL***
BRUCE L. BENNETT****
SARA WALTERS
OLEZIA Y. BELCHENKO
MARIA SOLEDAD BODERO *****
ANTHONY VICTOR DE YURRE

* also admitted to practice in New York & Connecticut
** also admitted to practice in New Jersey
*** also admitted to practice in Kentucky
**** Member Washington, D.C. Bar
***** also admitted to practice in Ecuador

March 21, 2011

ONE BISCAYNE TOWER · SUITE 2400
2 SOUTH BISCAYNE BOULEVARD
MIAMI, FLORIDA 33131-1803

TELEPHONE (305) 379-2425
FACSIMILE (305) 379-2420
www.pathmanlewis.com

DAVID E. SACKS
dsacks@pathmanlewis.com

Commissioner Jerry Libbin
Mayor and Commission
Miami Beach City Hall
1700 Convention Center Drive, 4th Floor
Miami Beach, Florida 33139

**RE: Alton 633 Properties, LLC – Land Development
Property: 633 Alton Road, Miami Beach, Florida**

Dear Commissioner Libbin:

On behalf of our client, Alton 633 Properties, LLC, a Florida limited liability company, owner of the above referenced Property, this letter shall serve as our client's request for a referral to the City of Miami Beach City Commission. Specifically, we are requesting the Commission to consider passing an ordinance that will expand the permitted uses in the CD-2, Commercial Medium Intensity District to include self-storage facilities. At present, the main permitted uses in the CD-2 District are as follows¹:

Commercial uses; apartments; apartment/hotels; hotels; and uses that serve alcoholic beverages, bars, dance halls, or entertainment establishments.

We have met with City staff regarding the subject request², and staff is supportive of the requested use for self-storage in the CD-2 District (which already permits commercial uses generally). Further, we believe the community surrounding the Property will be well served by providing a much needed use in the area while having a design that blends with the fabric of the community. At present, self-storage facilities are not specifically permitted in the CD-2 District.

¹ Pursuant to Section 142-302 of the City of Miami Beach Code.

² During our meeting with staff, we were advised that the subject request for referral for self-storage cannot be incorporated into the currently proposed Ordinance for the Alton Road Overlay District.

LUDC#128
LUDC#32

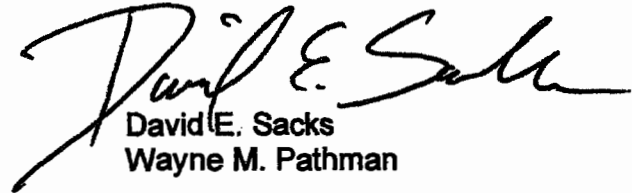
March 21, 2011
Page 2

Based on the foregoing, we respectfully request the subject referral to the Commission and appropriate Committees and Boards for the adoption of an ordinance permitting self-storage intended to benefit the area and City of Miami Beach at large.

Please contact us should you have any questions regarding the foregoing.

Very truly yours,

PATHMAN LEWIS, LLP



David E. Sacks
Wayne M. Pathman

DES/sls

cc: Alan H. Potamkin

r:\sacks david\sacks david - business development\lrs\633 alton-commissioner jerry libbin re_expanding cd-2 zoning district uses.doc

LUDC#129
LUDC#33



MIAMIBEACH

RECEIVED

2011 APR -4 PM 3:41

OFFICE OF THE MAYOR AND COMMISSION

CITY MANAGER'S OFFICE

MEMORANDUM

BY _____

TO: Jorge Gonzalez, City Manager

FROM: Jerry Libbin, Commissioner

DATE: March 25, 2011

SUBJECT: Consent agenda item for the April 13th Commission meeting; a referral to the Land Use Community and Development Committee to consider an adjustment to the permitted uses in a CD2 District

I would like a discussion about the possibility of changing the permitted uses in a CD2 District to allow for self storage.

Please see attached letter of request from David Sacks and Pathman Lewis, LLP with respect to their client.

Please contact my office at ext. 7106 if you have any questions.

Attachment

JL/er

Agenda Item C46

Date 4-13-11

LUDC#127
LUDC#34

5:48:39 p.m.

- C4E Referral To The Land Use And Development Committee To Discuss Administrative Determinations And A Proposal That They Be Published.
(Requested by Vice-Mayor Jonah Wolfson)

ACTION: Referral amended. Item referred first to the Planning Board and then to the Land Use and Development Committee. Richard Lorber to place on the committee agenda and to handle.

- C4F Referral To The Land Use And Development Committee - Discussion Regarding The Rezoning Of Property At 1729 Lenox Avenue.
(Requested by Mayor Matti Herrera Bower)

ACTION: Referred. Richard Lorber to place on the committee agenda and to handle.

- ✱ C4G Referral To The Land Use And Development Committee - Discussion Regarding The Possibility Of Changing The Permitted Uses In A CD2 District To Allow For Self Storage.
(Requested By Commissioner Jerry Libbin)

ACTION: Referred. Richard Lorber to place on the committee agenda and to handle.

City Clerk's Note: Attached to this agenda item is a letter from David E. Sacks and Wayne M. Pathman, RE: Alton 633 Properties, LLC; Property 633 Alton Road

- C4H Referral To The Land Use And Development Committee – Discuss Possible Amendment To The Accessory Use Regulations For RM-2 Zoning District To Permit A Limited Number Of Commercial Accessory Uses In An Apartment Building Adjacent To A Public Baywalk To Be Open To The Public.
(Requested by Commissioner Edward L. Tobin)

ACTION: Referred. Richard Lorber to place on the committee agenda and to handle.

- C4I Referral To The Finance And Citywide Projects Committee - Discussion Regarding A Proposed Ordinance On Ethics Guidelines For Acceptance Of Gifts, Favors, Or Services By City Employees.
(Requested by Vice-Mayor Jonah Wolfson)

ACTION: Referred. Patricia Walker to place on the committee agenda. Legal Department to handle.

- C4J Referral To The Finance And Citywide Projects Committee - Discussion Regarding Security Alliance.
(Requested by Vice-Mayor Jonah Wolfson)

ACTION: Referred. Patricia Walker to place on the committee agenda. Gus Lopez to handle.

David Sacks

From: Denis Russ <Denis@miamibeachcdc.org>
Sent: Wednesday, February 29, 2012 1:24 PM
To: David Sacks
Cc: Jack Johnson; 'Judy Robertson'; jeffdonn@aol.com; 'mark.needle@protransit.org'
Subject: RE: Self Storage Letter

Self Storage Facility
at 633 Alton Road

Dear Mr. Sacks:

Thank you so much for sharing with the Flamingo Park Neighborhood Association your plans to seek an expansion in permitted use to enable this property to serve as a self storage facility.

At our meeting there was recognition of the challenges of the site and the community need for such use. There was general support for your efforts to enable such use at the site.

Of course there was an understanding as well that the project would need to be designed in a way that would be compatible with the urban context, function for the intended use and avoid adverse impact upon the neighborhood. We wish your efforts well and look forward to next step consideration of the design elements as the project advances.

Sincerely,

s/Denis Russ
For Flamingo Park Neighborhood Association

Denis Russ -- 305-672-4782 -- Denis@MiamiBeachCDC.org
Miami Beach CDC, 945 Pennsylvania Ave., Miami Beach, FL 33139
Since 1981 -- Building and Sustaining Community-- Unique, Vibrant, Diverse

From: David Sacks [<mailto:DSacks@pathmanlewis.com>]
Sent: Wednesday, February 29, 2012 12:49 PM
To: Denis Russ
Subject: Self Storage Letter

Denis,

Per our discussion today.

David

David E. Sacks, Esq.
Pathman Lewis, LLP
One Biscayne Tower, Suite 2400
Two South Biscayne Boulevard
Miami, Florida 33131
Ph: 305.379.2425

**PATHMAN
LEWIS, LLP**
ATTORNEYS AT LAW

WAYNE M. PATHMAN, P.A.
HAROLD L. LEWIS, P.A.
DAVID E. SACKS
LOUIS P. ARCHAMBAULT
JOHN A. MOORE*
DAVID JOVE
BRUCE L. BENNETT**
SARA WALTERS
ANTHONY VICTOR DE YURRE
JONATHAN C. BROWN
PETER L. MELTZER

ONE BISCAYNE TOWER · SUITE 2400
2 SOUTH BISCAYNE BOULEVARD
MIAMI, FLORIDA 33131-1803

TELEPHONE (305) 379-2425
FACSIMILE (305) 379-2420
www.pathmanlewis.com

DAVID E. SACKS
dsacks@pathmanlewis.com

January 12, 2012

* also admitted to practice in Texas
** Member Washington, D.C. Bar

Mr. Denis Russ
Community Development Director
Flamingo Park Neighborhood Association
945 Pennsylvania Avenue
Miami Beach, Florida 33139

**RE: Alan Potamkin – 633 Alton Road
Self Storage Use In Flamingo Park Area**

Dear Mr. Russ:

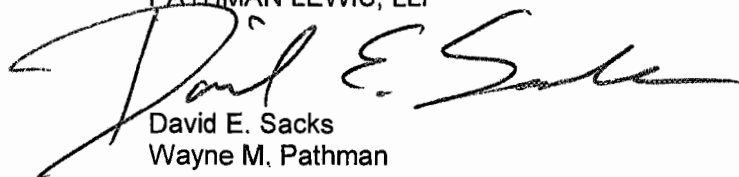
As a follow up to our presentation in connection with the potential expansion for self storage use in the Flamingo Park community, we would like to again thank you for the invitation to make our presentation. As discussed, self storage is a needed use for the area in and around the Flamingo Park Community. As mentioned at the meeting, if the use is allowed, a public hearing would be required before the Historic Preservation Board. The design of the structure (some of which were displayed at the meeting, will be aestically pleasing and a compliment to the Flamingo Park area.

Additionally, and as suggested, we will remain in discussions with your Association regarding the design and other salient aspects of the project in the future.

Again, we appreciate your having met with us and having embraced the concept for self storage in the area, as well as the feedback received from the Association. We look forward to our next meeting with you and the Association and continued support as the project evolves.

Very truly yours,

PATHMAN LEWIS, LLP

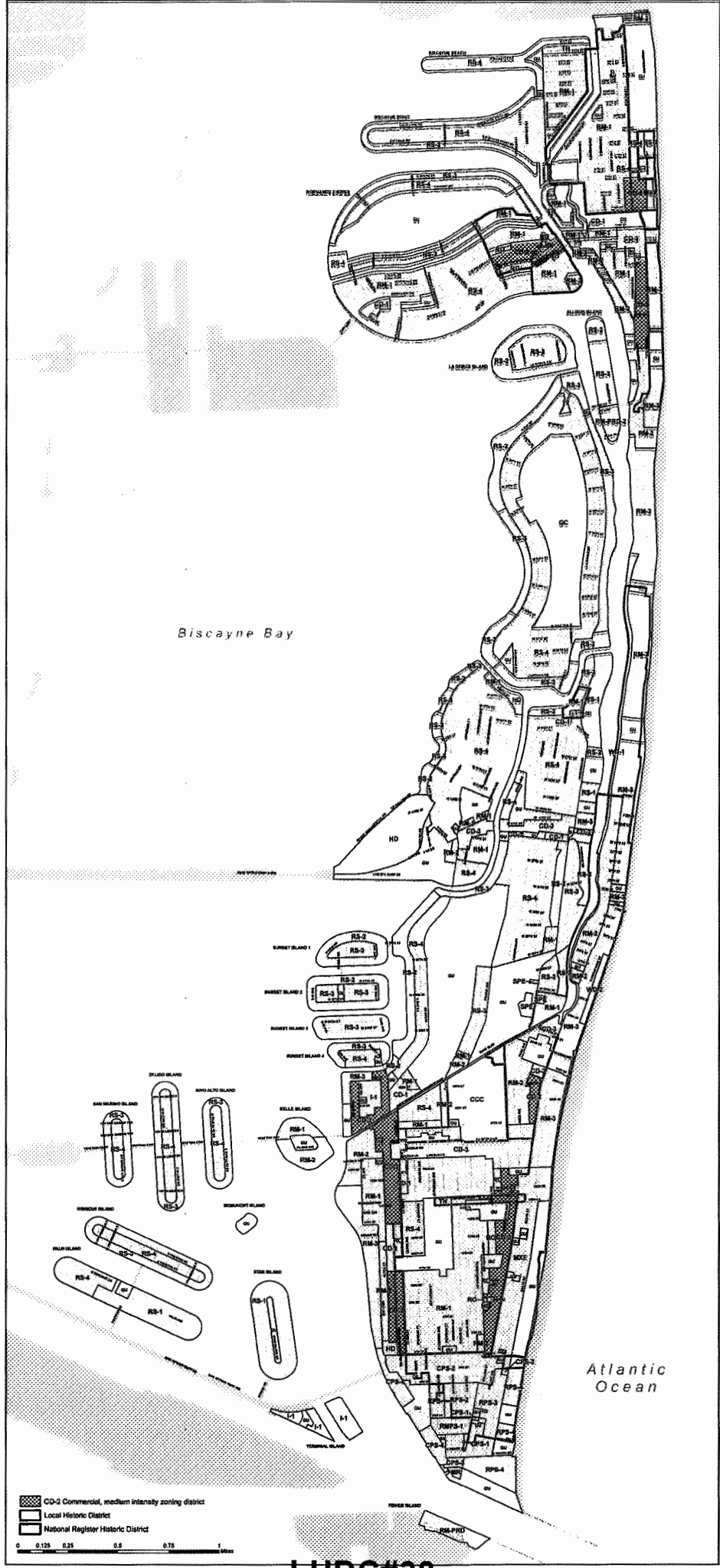


David E. Sacks
Wayne M. Pathman

DES/sls

r:\potamkin alan\potamkin alan - 633 alton road\ltrs\denis russ re follow up to presentation.docx

LUDC#37



LUDC#38

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 5, CD-2 "COMMERCIAL, MEDIUM INTENSITY DISTRICT," SECTION 142-303, "CONDITIONAL USES," BY PROVIDING FOR "SELF-STORAGE WAREHOUSES" AS AN ADDITIONAL CONDITIONAL USE IN THIS ZONING DISTRICT; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, a self-storage warehouse is categorized as an establishment engaged in renting or leasing secure space for self-storage such as rooms, compartments, lockers, containers or outdoor space where clients can store and retrieve their goods¹; and

WHEREAS, the CD-1, Low Intensity, zoning district, a less intense zoning classification than the CD-2, Commercial, Medium Intensity, zoning district, already allows for "Warehouses" as Conditional Uses; and

WHEREAS, it is appropriate to update the actual list of Conditional Uses within the CD-2, Commercial, Medium Intensity, zoning district by adding "Self-Storage Warehouses" as Conditional Uses since the less intense CD-1, Low Intensity, zoning district already allows for "Warehouses" as Conditional Uses; and

WHEREAS, changing the actual list of Conditional Uses within the CD-2, Commercial, Medium Intensity, zoning district by adding "Self-Storage Warehouses" as Conditional Uses is necessary to ensure the that new development is compatible and in scale with the built environment, and is in the best interest of the City.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. That City Code Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 5, CD-2 "Commercial, Medium Intensity District," Section 142-303, "Conditional Uses," is hereby amended as follows:

Sec. 142-303. Conditional Uses.

The conditional uses in the CD-2 commercial, medium intensity district are adult congregate living facilities; funeral home; nursing homes; religious institution; pawnshops; video game arcades; public and private institutions; schools; any use selling gasoline; new construction of structures 50,000 square feet and over (even when divided by a district boundary line), which review shall be the first step in the process before the review by any of the other land development boards; outdoor entertainment establishment; neighborhood impact establishment; open air entertainment establishment; self-storage warehouses; and storage and/or parking of commercial vehicles on a site other than the site at which the associated commerce, trade or business is located. See section 142-1103.

¹ U.S. Census Bureau, "Industry Statistics Sampler," www.census.gov/econ/industry/def (5/4/2011)

SECTION 2. Repealer.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. Codification.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. Severability.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. Effective Date.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this ____ day of _____, 2011.

MAYOR

ATTEST:

CITY CLERK

First Reading:
Second Reading:

**APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION**

Verified by: _____
Jorge G. Gomez, AICP
Planning Director

City Attorney _____
Date

Underscore denotes new language

F:\PLAN\PLB\draft ordinances\self-storage warehouse\Self-storage warehouse ord.doc