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August 19, 2024

Ms. Anthea Gianniotis
Development Services Director
City of Delray Beach
100 Northwest First Street
Delray Beach, Florida 33444

RE: Determination of Similarity of Use

Dear Ms. Gianniotis,

This firm represents Calabash Gunitite, the lessee of 135 N. Congress Avenue. After two preapplication meetings with your staff, we seek a determination of similarity of use to establish my client's gunnite business at the property as there are no direct expressions of the use in the Code. We hope that a thorough review of the facts and logic will compel the Planning and Zoning Board to determine that the proposed use is similar to what is permitted in the Mixed Industrial and Commercial (MIC) zoning district, the wholesaling and manufacturing of ceramics and plaster.

The request from Calabash Gunitite, a wholesale gunnite distributor throughout South Florida is to determine that the proposed use of the property as a gunnite yard. The business sells the raw materials for gunnite and loads the trucks for their customers. There is no manufacturing, processing, mixing, or alteration of the raw materials. Gunitite consists of sand, concrete, and water, however they are not mixed until the user sprays the substance at high pressures, usually in swimming pools. When a truck enters the yard, the sand is loaded into one compartment, with a loader, into the truck, then the truck drives to the silo, where the dry cement is dispensed into a different compartment in the truck. There is no water on the truck. The water is added to the raw materials at the job site with a waterhose spicket from the house. Additionally, the Applicant seeks to establish a business office on site as an ancillary use. All of the required environmental licenses have been obtained by the Applicant for the situs property and included for review.

The MIC zoning district is intended "to provide for a mix of industrial, commercial, and office use in a single zoning district. The uses allowed are intended to enhance employment opportunities in the industrial, manufacturing and trade sectors, with supporting business and professional office functions. Retail uses are appropriate on a limited basis, and only as a secondary use within the district. Residential uses are only allowed within the I-95/CSX Railroad Corridor Overlay District, subject to Article 4.7. The MIC District is applied to properties with a Commerce or Industrial

designation on the Land Use Map.” Permitting the Applicant to establish its gunnite yard at this property enhances employment opportunities in the industrial trade sector, with additional office support that will be required.

The proposed use of a Gunitite yard is consistent with the intent of the MIC and is similar to some of the approved uses in the zoning district. Section 4.4.19(B)(1), of the Delray Beach Land Development Regulations, permits “the manufacturing, fabrication, and wholesale of items and other uses as described in Section 4.4.20(B)(1), (2), and (3).” Section 4.4.20(B)(1) identifies ceramics and plaster, fiberglass, glass, leather, tobacco, and wood as materials that may be manufactured in the MIC. Section 4.4.20(B)(3) says, “The wholesaling, storage, and distribution of any products which may be manufactured, assembled, or fabricated on the premises.” The proposed Gunitite yard and impacts thereof, would be most similar to ceramics and plaster which are allowed to be manufactured and wholesaled in the MIC. Ceramics and plaster come in a variety of flavors like Clay plaster, Gypsum otherwise known as plaster of Paris, Lime plaster, Cement plaster and Heat-resistant plaster.¹ Below is a table showing the types of plaster, how they are made and their uses.

Type of Plaster	How is it made?	Storage, Uses, and Notes
Clay plaster	Mixture of clay, sand and water	Not used for commercial purposes in the region
Gypsum (plaster of Paris)	Gypsum is sorted, washed, and dried to remove impurities. It's then crushed and ground into a fine powder. The gypsum powder is heated to a high temperature in a kiln or calciner, usually between 1600°C and 1800°C, for about two hours. This process removes water from the gypsum, converting it to calcium sulfate hemihydrate, also known as POP. The calcined gypsum is ground again to achieve the desired fineness.	Not uncommon that once produced, the plaster, a fine powder, is stored in water-proof silos or hoppers for distribution. Used in construction, fire-proofing and orthopedic casts.

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<https://en.wikipedia.org/wiki/Plaster#:~:text=To%20make%20lime%20plaster%2C%20limestone,a%20paste%20prior%20to%20use>. (Included for your review)

Lime plaster	limestone (calcium carbonate) is heated above approximately 850 °C (1600 °F) to produce quicklime (calcium oxide). Water is then added to produce slaked lime (calcium hydroxide), which is sold as a wet putty or a white powder. Additional water is added to form a paste prior to use	Plaster is stored in airtight containers for distribution. Uses include general construction.
Cement plaster	Cement plaster is a mixture of plaster, sand, cement, sometimes gravel, and water.	The storage and distribution of the sand is typically spread over a portion of the site with a silo being used to distribute the cement into trucks.
Heat-resistant plaster	Mixture of cement, gypsum, lime, exfoliated insulating aggregate, phosphate shale, small amounts of adhesive binder, and a detergent agent.	Used in the construction industry with distribution being similar to Lime and Cement.

If ceramics and plaster is allowed to be manufactured and wholesaled in the MIC, then gunite should be manufactured and wholesaled in the MIC. The environmental impact of the uses is similar to the proposed use with the gunite yard actually being less intense than what is permitted in the MIC as there is no processing or manufacturing occurring on site.

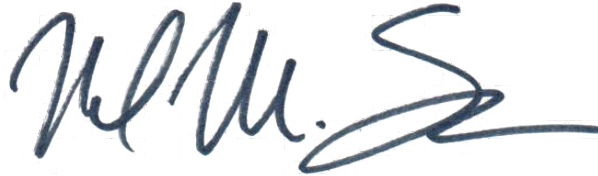
City Staff has insisted that the proposed use of the gunite yard is most like “Concrete products manufacturing, including concrete block and redimix concrete,”² which is a conditional use only allowed in the Industrial zoning district. We argue that concrete products manufacturing is substantially different from a gunite yard. The manufacturing of concrete takes place in four stages: (1) crushing and grinding the raw materials, (2) blending the materials in the right proportions, (3) heating the mix in a kiln, and (4) grinding the burned mixture with gypsum. This process is to blame for 4-8% of the world’s carbon dioxide emissions, which contribute to greenhouse gases. Manufacturing concrete is significantly more intense than the proposed gunite yard as the gunite yard does not require crushing of material, mixing material, heating material, or grinding material. The proposed gunite yard does nothing like that; instead raw materials are stored on site, then loaded into a truck and are delivered to the job site. Once at the job site the raw materials are mixed with water to produce the gunite. The proposed use does not imitate a use similar to concrete products manufacturing.

² Sec. 4.4.20(D)(3)

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Based on the foregoing, I respectfully seek a determination of similarity of use that the proposed gunite yard in is similar to the wholesaling and manufacturing of ceramics and plaster that will allow for the operation of a gunite yard in the MIC zoning district.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil M. Schiller", with a stylized flourish extending to the right.

Neil M. Schiller
For the Firm