

PLANNING AND ZONING BOARD STAFF REPORT

Conditional Use Approval - All County Paving

Meeting	File No.	Application Type
July 21, 2025	2024-173-USE-PZB (Aggregate) 2024-174-USE-PZB-(Trucks) 2024-175-USE-PZB (Fuel)	Conditional Use
Property Owner / Applicant		Authorized Agent
GCG Real Estate Holdings LLC		Jeff Costello, AICP, FRA-RA, JC Planning Solutions, LLC

Request

Provide a recommendation to the City Commission on a request for conditional use approval to allow concrete products manufacturing, including outdoor storage of aggregate materials (Resolution No. 143-25), a request for conditional use approval to allow Storage of light trucks up to, and including two-ton trucks (Resolution No. 144-25), and a request for conditional use approval to allow bulk storage of gas and oil (Resolution No. 145-25) for All County Paving located at 1180 SW 10th Street.

Site Data & Information

Location: 1180 SW 10th Street

PCN: 12434620010210040, 12434620010210032

Property Size: 4.865 acres (211,954.36 Sq ft)

Land Use: Industrial (I)

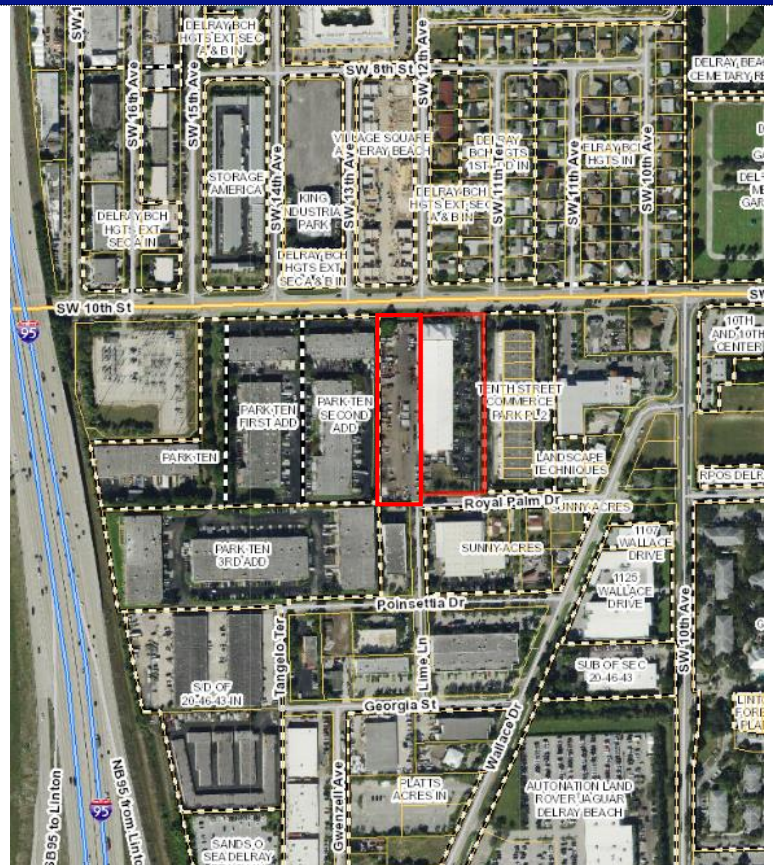
Zoning: Industrial (I) Zoning District

Adjacent Zoning:

- **North:** Residential Medium Density (RM), Residential Single Family (R-1-A), Light Industrial (LI)
- **South, & East:** Mixed Industrial and Commercial (MIC)
- **West:** Industrial (I)

Existing Use: Industrial Warehouse and Admin Office (east lot); Existing illegal site improvements completed without permit or development approvals (west lot)

Proposed Use: Industrial Warehouse, Admin and expansion to operations in the vacant lot including (outdoor storage of aggregate, storage of fuel, and storage of trucks)



Project Planner:

Amy Alvarez, Assistant Director, Alvarez@mydelraybeach.com
Rafik Ibrahim, Principal Planner, ibrahimr@mydelraybeach.com

Background Information

The subject property consists of two contiguous parcels located at 1180 SW 10th Street, identified by PCNs 12-43-46-20-01-021-0040 and 12-43-46-20-01-021-0032. Both parcels are zoned Industrial (I) and carry a Land Use Map designation of Industrial. The principal structure on the site was originally constructed in 1980 and has since operated under multiple ownerships for various industrial purposes. The site is currently developed and operated by All County Paving for administrative and operational support, including equipment staging and the indoor storage of construction-related materials. The western parcel remains legally vacant but contains improvements such as an asphalt driveway, outdoor storage of aggregate and fueling infrastructure that were installed without prior site plan approval or building permits.



On **January 3, 2013**, the City Commission approved a Class I Site Plan Modification and associated waiver to allow the temporary use of two trailers for administrative purposes during the construction of a permanent office building. The Commission's approval was granted with a one-year limitation tied to the issuance of a Certificate of Occupancy and was subject to several conditions, including a prohibition on outdoor storage. During the public hearing, the City Commission expressed concern regarding potential violations related to outdoor equipment storage on the vacant lot. In response, Planning and Zoning staff confirmed that clear conditions would be included to prevent the use of the western parcel for vehicle or material storage.

Those restrictions were reinforced on **January 9, 2013**, when the Site Plan Review and Appearance Board approved a Class III Site Plan for an 8,668 square foot two-story building addition. The certified site plan required that all loading and unloading occur within side or rear yards consistent with Land Development Regulation (LDR) Section 4.4.20(H)(1), prohibiting outdoor storage outside designated areas, and required lighting specifications to be submitted prior to site plan certification.

Subsequent attempts to modify the site plan were either administratively closed or deemed incomplete. A Class I Site Plan Modification was approved in **April 2013** for the installation of a perimeter fence, and again included a note that the vacant western parcel shall not be utilized for the purpose of storage or parking. A request for site plan modification was initiated in 2017, however never finalized or certified.

In **September 2023**, Building Permit No. 23-213647 was denied due to the presence of unpermitted improvements on the western parcel, including a fueling station, asphalt drive, and containment structures. A field inspection conducted on **July 10, 2023**, confirmed the presence of extensive unapproved activity across both parcels. These included the use of multiple unpermitted shipping containers, active vehicle storage and maintenance operations, aggregate and concrete related material, electrical utility extensions, and construction-related work occurring in the absence of a valid site plan or building permit.

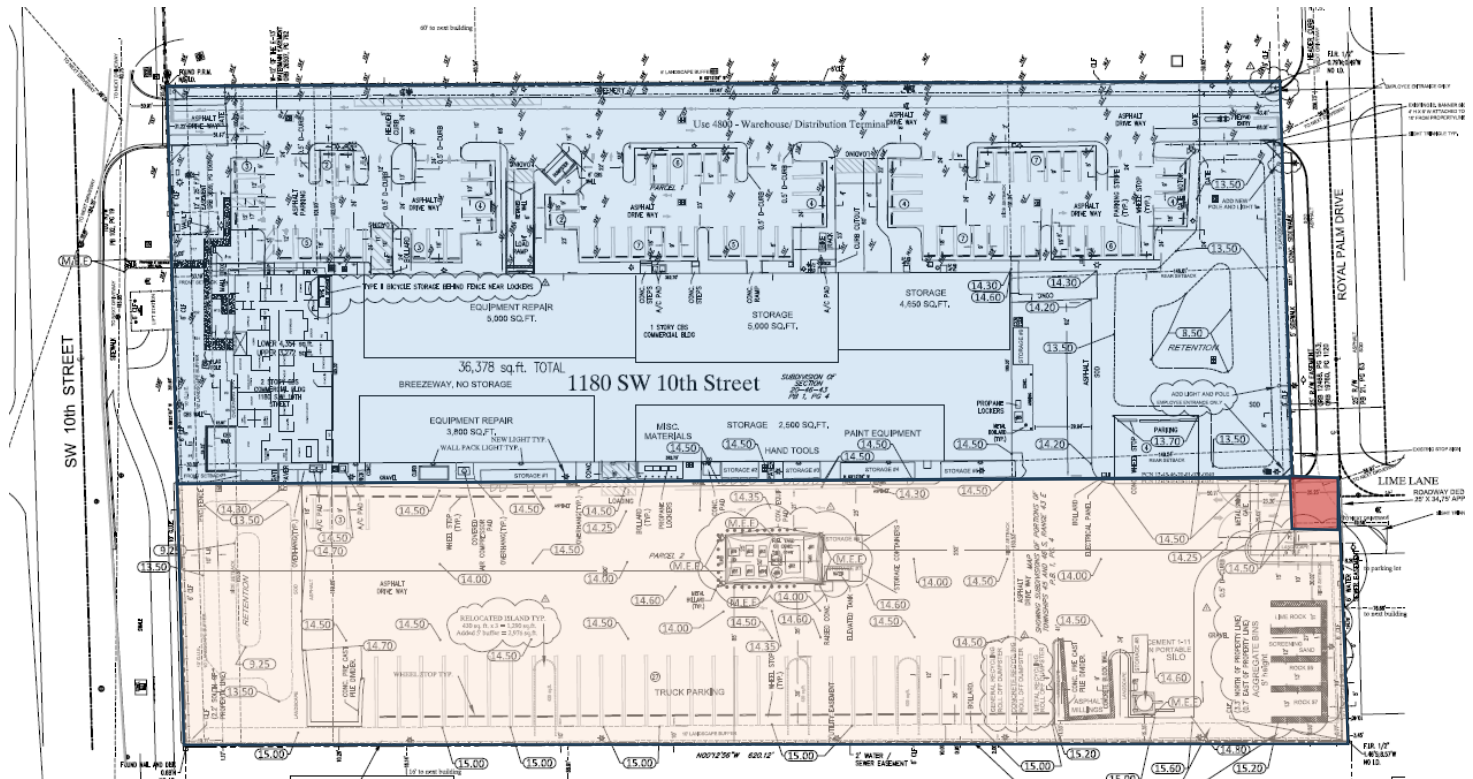
Code Enforcement initiated four separate cases resulting in referrals to the Special Magistrate:

- **Case No. 23-13368.** Cited for conducting construction without permits, for failure to pay required impact and application fees, and for failing to obtain final inspections or a Certificate of Occupancy.
- **Case No. 23-13454.** Citation for the use of the site in violation of the certified site plan, including the storage of heavy vehicles and materials outside approved areas.
- **Case No. 23-13514.** Focused on violations related to the installation of permanent improvements on the unaddressed parcel without required development approvals.
- **Case No. 23-13515.** Cited failure to maintain structures in a safe condition, noting that various container units and fueling infrastructure lacked structural integrity and were exposed to public view without proper screening.

The current application seeks to resolve these issues of noncompliance by consolidating both parcels under a single site plan and requesting Conditional Use approvals for outdoor aggregate storage, fleet vehicle parking, and on-site fuel storage. The application is intended to legalize existing operations, implement appropriate screening and circulation measures, and bring the site into conformance with the City's Land Development Regulations.

Project Description & Request

The development is currently used for industrial operations by All County Paving, including office functions, fleet staging, equipment storage, and material handling. The site includes a permanent office building and associated parking, with historical approvals dating to 2013 (highlighted in blue). The adjacent parcel contains an asphalt surface and diesel fuel station that were installed without site plan approval or building permit and are therefore illegal improvements (highlighted in light red). The recently dedicated right-of-way is highlighted in red.



Request:

The applicant, GCG Real Estate Holdings, LLC, requests approval of three Conditional Uses pursuant to **LDR Section 4.4.20(D), Industrial (I) District**. These uses are subject to review criteria outlined in **LDR Section 2.4.6, Regulation of Uses** and further regulated by **LDR Section 4.6.6, Commercial and industrial uses to operate within a building**. The intent of the request is to legalize and expand the operations of All County Paving across both the primary site and the adjacent parcel under unified ownership, while addressing prior code violations and ensuring regulatory conformance. The requested **Conditional Uses** are described below:

Request	LDR Reference	Description
1	LDR Section 4.4.20(D)(3) Concrete products manufacturing, including concrete block and redimix concrete	The applicant seeks to store loose construction materials such as gravel, sand, aggregate, and asphalt millings within defined, open-air containment bins located on the western parcel. Although no on-site manufacturing or mixing activity is proposed, the storage of raw construction aggregates is classified under this use category due to the nature and volume of materials handled.
2	LDR Section 4.4.20(D)(2) Bulk storage, gas and oil	The application includes the installation of above-ground fuel tanks to support on-site fleet fueling operations. The tanks are located along the western property boundary and enclosed within a concrete containment structure with safety bollards, a steel gate, and secured utility infrastructure. No retail fueling is proposed, and access is restricted to company vehicles.
3	LDR Section 4.4.20(D)(17) Storage of light trucks, up to, and including two-ton trucks, and light construction equipment not over 24 feet long, eight feet wide, and ten feet high	The request includes the off-hour parking and staging of paving-related vehicles, trailers, and light equipment used by All County Paving. These include trucks, tack sprayers, and support units within the dimensional limits defined in the code. All vehicles are to be stored within designated areas outside required setbacks and screened from public view through perimeter landscaping and fencing. The parking layout has been revised to prevent encroachment into right-of-way or neighboring properties.

The proposed improvements aim to bring the operation into full regulatory compliance by legalizing unpermitted site modifications, addressing past code violations, and establishing a functional layout for continued industrial use. **A concurrent Level 1 Site Plan application has been submitted** to establish a unified development across both parcels and was advanced through the City Commission's approval of a right-of-way dedication along the southern frontage on July 8, 2025. Proposed enhancements include perimeter landscape buffers and screening, internal driveways to support vehicle circulation, dedicated zones for outdoor material storage, fuel containment infrastructure, and formalized fleet parking areas. Additional upgrades address stormwater management, landscape design, and operational flow to minimize off-site impacts and align with applicable development standards. **To complete the unification of the two parcels under a single development program, a minor plat will be submitted prior to final site plan certification.**

Review and Analysis

This section provides an evaluation of the Conditional Use requests in accordance with the applicable provisions of the LDR, guided primarily by the review standards established in Section 2.4.6, along with the site plan criteria in Section 3.2.3 and the general findings required under Section 3.1.1. Each of the proposed uses is assessed for its consistency with the intent of the Industrial zoning district, its compatibility with surrounding development, and its alignment with adopted regulatory standards and planning objectives. The specific criteria are outlined below and will be applied to each request as part of the overall consistency analysis.

Establishment of a Conditional Use

LDR Section 2.4.6(A)(1), General. *The City Commission, by motion, after review and recommendation for approval by the Planning and Zoning Board may approve or reject a request for a Conditional Use.*

If the Board provides a recommendation of approval, the request will be scheduled for an upcoming City Commission meeting. However, if the Board does not provide a recommendation of approval, the application would not move forward with the review process to the City Commission.

LDR Section 2.4.6, Conditional Use Process

A Conditional Use is a land use that is not permitted by right within a zoning district but may be allowed subject to additional review and approval. Such uses are generally compatible with the underlying zoning but, due to their operational characteristics or potential impact on surrounding properties, require a more rigorous evaluation to determine whether they are appropriate within a specific context. The review process, as outlined in LDR Section 2.4.6(A), includes an initial sufficiency determination, internal Technical Advisory Committee (TAC) review, recommendation by an advisory board, a public hearing before the Planning and Zoning Board, and final action by the City Commission.

Appendix A - DEFINITIONS: "CONDITIONAL USE".

"A use that would not be appropriate generally or without restriction throughout a zoning classification or district. Such uses, however, if controlled as to area, location, number, or relation to the neighborhood, would promote public appearance, comfort, convenience, general welfare, good order, health, morals, prosperity, and safety of the city."

LDR Section 2.4.6(B)(2), Revocation of Conditional Use

A conditional use approval can be revoked, upon the City Commission only upon making a finding that:

- (a) The approval of the conditional use was obtained by misrepresentation of material fact; or
- (b) The conditional use is not being exercised in compliance with the terms of approval; or
- (c) The conditional use is having a significantly detrimental effect upon the stability of the neighborhood; or
- (d) The conditional use is hindering development or redevelopment of nearby properties.

LDR Section 2.4.6(A)(2), Required Information

The applicant has submitted all standard application materials, including a full narrative detailing operational characteristics, mitigation strategies, and compliance with design and performance standards. A site plan has been provided to show the extent of site improvements, including the location of bins for aggregate materials, truck storage areas, and the fuel yard. Screening, containment, and setbacks are clearly depicted in the attached site plan. The submittal reflects a complete integration of both parcels under a single industrial operation.

LDR Section 2.4.6(A)(4), Conditions of Approval

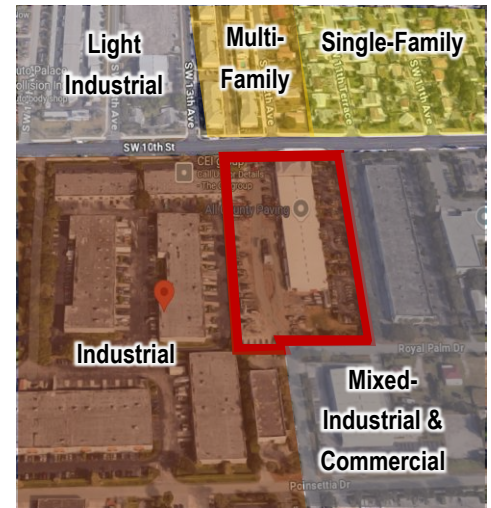
Conditions may be imposed pursuant to Article 2.2. In addition, limitations on the hours of operation and/or the longevity of the use may be imposed.

Conditions may be imposed to protect the stability of the surrounding area and to ensure the use operates in harmony with neighboring properties. The Planning and Zoning Board or City Commission may impose limitations on hours of operation, screening standards, or site operations as deemed necessary. These may be particularly relevant to ensure compatibility with residential uses to the north across SW 10th Street.

In order to grant Conditional Use approval, the City Commission must make positive findings that the use will not have a significantly detrimental effect on neighborhood stability and will not hinder the development or redevelopment of nearby properties. The surrounding development is a mix of industrial and residential development, shown on the map at right and in the table below.

A detailed justification statement has been submitted by the applicant, responding to these criteria for each of the three conditional use requests. The statement (attached) outlines operational safeguards and environmental controls intended to mitigate potential off-site impacts.

Before evaluating the proposed conditional uses individually, the following section provides a general analysis under Chapter 3 of the LDR. This includes findings related to land use compatibility, concurrency, consistency, and compliance with LDR regulations. These provisions apply to all development applications regardless of use and establish the foundation for determining whether the request is appropriate within its context. Following this review, each of the three conditional uses will be analyzed separately to assess



Direction	Zoning Designation	Land Use	Use
North	Residential Medium Density (RM) Residential Single Family (R-1-A) Light Industrial (LI)	Low Density (LD) Transitional (TRN) Commerce (CMR)	Island Cove Residential Single Family Residence Rapid Response
South	Mixed Industrial and Commercial (MIC)	Commerce (CMR) Industrial (IND)	ABC Supply, Inc.
East	Mixed Industrial and Commercial (MIC)	Commerce (CMR)	Multi-use Warehouse Storage
West	Industrial (I)	Industrial (IND)	Multi-use Warehouse Storage

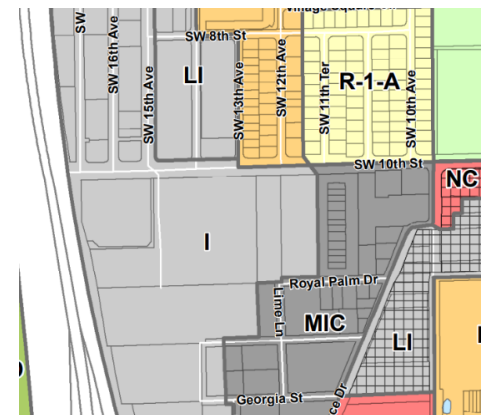
operational characteristics, compliance with applicable zoning criteria, and potential impacts on surrounding properties.

LDR Section 3.1.1, Required Findings

Prior to the approval of development applications, certain findings must be made in a form which is part of the official record. This may be achieved through information on the application, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application.

These findings relate to the following four areas:

- (A) Land Use Map
- (B) Concurrency
- (C) Consistency
- (D) Compliance with the LDR



(A) Land Use Map. *The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Land Use Map.*

The subject site consists of two contiguous parcels located at 1180 SW 10th Street and the adjacent unaddressed lot to the west. Both parcels are zoned Industrial (I) and carry a Land Use Map designation of Industrial (IND). The Industrial zoning district is consistent and compatible with the Industrial land use category and is intended to support a range of employment, manufacturing, distribution, and service functions. The three requested conditional uses are not permitted by right in the Industrial zoning district. Instead, these uses require Conditional Use approval under LDR Section 4.4.20(D), which outlines the conditions under which such operations may be considered within the (I) zoning district. Accordingly, the proposed uses may be authorized through positive findings under LDR Section 2.4.6 by the City Commission, following a recommendation of approval by the Planning and Zoning Board. The review ensures that the request is evaluated not only for regulatory compliance but also for its broader compatibility with adjacent uses and long-range land use policy.

The request maintains consistency with the Land Use Map and does not require an amendment to either the Future Land Use Map or Zoning Map. The continued use of the property for industrial operations remains aligned with the established land use policy for this area. Therefore, this finding is satisfied.

(B) Concurrency. *“Concurrency as defined by Objective NDC 3.1 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan must be met and a determination made that the public facility needs, including public schools, of the requested land use and/or development application will not exceed the ability of the City and The School District of Palm Beach County to fund and provide, or to require the provision of, needed capital improvements in order to maintain the Levels of Service Standards established in Table CIE, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.”*

Water and Sewer. The site is currently serviced by municipal water and sewer. The proposed conditional uses do not involve new building area or significant plumbing modifications that would increase water or sewer demand. The existing service capacity is sufficient to meet operational needs, and the Utilities Department has reviewed and accepted the proposed site plan layout and utility connections. No upgrades or additional demand offsets are required.

Solid Waste. The property is serviced by the Solid Waste Authority of Palm Beach County. As no substantial structural expansion or increase in floor area is proposed, no changes to solid waste generation are anticipated. There is sufficient capacity through the year 2054, and the current method of refuse collection is adequate to support the proposed expansion of use.

Drainage. The proposed improvements do not alter the existing drainage patterns of the site. The engineering plans demonstrate that the site can accommodate stormwater in accordance with applicable design standards. Spot elevations and drainage features are shown on the site plan. City Engineering has reviewed the submitted drainage statement and has found it to be compliant.

Traffic. A Traffic Statement prepared by Simmons & White evaluated the trip generation associated with the proposed conditional uses. The report determined that the project would generate approximately **40 daily trips**, including **4 AM peak-hour trips** and **5 PM peak-hour trips**. These volumes fall below the thresholds that would trigger proportionate share mitigation under Palm Beach County's Traffic Performance Standards. To confirm compliance with countywide concurrency standards, a **TPS letter** was issued by the Palm Beach County Traffic Division. The letter concluded that the project is consistent with the adopted Level of Service standards and does not require additional mitigation. The review found no significant impact on adjacent roadway segments or intersections. The submitted site plan shows three access points: one along SW 10th Street and two along Royal Palm Drive. Truck circulation has been designed to accommodate turning radii for large vehicles, with clearly defined paths for ingress, egress, and internal maneuvering. Parking and staging areas are identified and screened to minimize operational impact on surrounding parcels. Based on the submitted documentation and inter-agency coordination, the proposed development satisfies the transportation concurrency requirements. No adverse impact on the roadway network is anticipated.

Schools. The proposed use is industrial and non-residential in nature. Therefore, school concurrency requirements do not apply. Based on the above evaluation, all applicable concurrency requirements have been met. No adverse impact on public services or infrastructure capacity is anticipated as a result of this request.

(C) Consistency. The following Comprehensive Plan objectives and policies are relevant to the Conditional Use requests:

Neighborhoods, Districts, and Corridors Element

Policy NDC 1.1.2 *Provide a complementary mix of land uses, including residential, office, commercial, industrial, recreational, and community facilities, with design characteristics that provide: similar uses, intensity, height, and development patterns facing each other, especially in residential neighborhoods.*

Policy NDC 1.4.3. *Use the Industrial land use designation to accommodate manufacturing, fabrication, assembly, and warehousing uses on properties where such uses currently exist and in areas identified as appropriate to continue or expand industrial-based uses.*

Policy NDC 1.4.5 *Recognize the importance of maintaining the Industrial land use designation for long term economic prosperity by prohibiting amendments to the Land Use Map that diminish the quantity of property with Industrial land use designation.*

Policy NDC 2.6.3 *Concentrate efforts to improve the condition of the heavy industrial and undeveloped areas along arterial roadways to provide a better image of the community by providing: ongoing code enforcement; and, perimeter landscaping requirements in the land development regulations; and, standards for the maintenance and landscaping of vacant property in the Land Development Regulations.*

Policy NDC 3.4.2 *“Use the development review process to determine whether development, redevelopment, and adaptive reuse are consistent with and complementary to adjacent development, regardless of the implementing zoning designations for each land use designation.”*

The proposed expansion of industrial activity aligns with comprehensive planning goals that support the continued use of designated Industrial areas for manufacturing, storage, and operational functions, consistent with Policies NDC 1.4.3 and NDC 2.6.3. Site improvements, including landscape buffers and enclosed operational areas, contribute to enhancing the corridor’s visual character and meet general expectations for industrial design standards. However, the site’s proximity to residential uses along SW 10th Street raises considerations under Policies NDC 3.4.2 and NDC 1.1.2, which emphasize compatibility in scale, function, and interface across zoning boundaries. While buffering and access controls have been incorporated, the PZB may consider applying operational conditions to ensure long term consistency with adjacent development patterns and to mitigate potential off-site impacts related to visual exposure, traffic, or environmental performance.

Economic Prosperity Element

Policy ECP 3.1.6. *Promote both good job creation and business ownership opportunities when encouraging the development and diversification of industry clusters.*

Policy ECP 3.3.3. *Encourage concentrations of commercial services, amenities, and employment centers and creation of connections between Delray Beach’s vibrant hubs of activity.*

Policy ECP 3.3.7 *Strictly limit activities and comprehensive plan amendments which convert industrial land that would diminish Delray Beach’s economic competitiveness.*

Policy ECP 5.5.2. *Increase essential retail and consumer services and neighborhood-based employment opportunities for residents.*

The proposal reinforces the City’s industrial employment base by supporting the operational needs of an existing locally owned business, consistent with Policy EP 3.1.6. The consolidation of industrial functions onto a single site is expected to improve efficiency and long-term viability. The project is also aligned with Policy EP 3.3.3 by contributing to the spatial continuity of an established industrial corridor and sustaining the clustering of employment-generating uses. While Policy EP 5.5.2 focuses on neighborhood-based services and retail, the project’s potential to preserve and support local industrial employment may offer indirect economic benefits. Overall, the application generally advances the goals of industrial retention and employment support within the framework of the City’s Economic Prosperity Element.

Conservation, Sustainability, and Resiliency (CSR) Element

Objective CSR 1.1 Air Quality *Protect and improve the air quality throughout Delray Beach to meet the National Ambient Air Quality Standards (NAAQS) and other air quality requirements either individually or through partnerships.*

Policy CSR 1.1.1 *Participate in regional or statewide efforts to attain satisfactory air quality that meets or exceeds state and federal standards.*

Policy CSR 1.1.2 *Provide data to and coordinate with monitoring agencies.*

Policy CSR 1.1.5 *Cooperate with relevant agencies to notify the public of air pollution episodes.*

The proposed use includes outdoor storage of aggregate materials and the operation of construction vehicles and fuel tanks. These activities carry the potential to generate dust and vehicle emissions. The applicant has stated in the attached narrative that materials such as sand and screenings will be kept consistently moist to prevent airborne dispersion. While this operational approach supports air quality protection, the project's proximity to residential areas underscores the need for active and ongoing compliance. Continued monitoring and enforcement of dust control, and fuel storage operations will be important to ensure alignment with this objective and its supporting policies.

Objective CSR 2.1 Water Resource Contamination *Focus on detecting and eliminating water resource contamination and instituting preventative measures to protect water supply sources.*

Policy CSR 2.1.1 *Monitor groundwater through wellfield protection programs and other regulatory frameworks.*

Policy CSR 2.2.2 *Inspect and monitor business premises to ascertain that facilities and procedures exist and are utilized to properly manage hazardous materials and wastes commonly occurring as a result of existing or proposed activities in compliance with the Wellfield Protection Program, Industrial Pretreatment Program, and Fire Department inspections.*

Policy CSR 2.3.2 *Maintain the current program of monitoring and inspecting industrial and commercial sites.*

Policy CSR 2.3.3 *Educate residents, businesses, and visitors on practices that protect groundwater from pollution, such as proper disposal of medicines, chemicals, batteries, and hazardous materials.*

Objective CSR 2.3 Water Quality *Implement specific programs to monitor, enforce, reduce, eliminate, and provide environmentally responsible disposal methods of materials that may be hazardous or contaminate the water supply, groundwater, surface water, or other water resources.*

The proposed development falls within Wellfield Protection Zone 4, which requires close review under the City's adopted policies for water resource protection. The project includes above-ground fuel storage within a fully enclosed containment area, and documentation of compliance with Palm Beach County Environmental Resources Management has been provided. These measures align with Objective CSR 2.1 and Policy CSR 2.1.1, supporting the prevention of water supply contamination through appropriate filtering and containment practices. Additionally, the site layout and proposed operational protocols reflect a response to Policy CSR 2.2.2 by outlining the location, capacity, and control of hazardous materials consistent with inspection and permitting standards. Ongoing monitoring of industrial activity and facility inspections, as emphasized in Policy CSR 2.3.2 and Objective CSR 2.3, will be essential to ensure continued environmental performance. While the application addresses infrastructure and compliance measures, further opportunities may exist to strengthen consistency with Policy CSR 2.3.3 through educational outreach or best management practice guidance. Overall, the proposal demonstrates a structured effort to mitigate environmental risk and is generally consistent with the City's water quality and wellfield protection objectives.

Healthy Community Element

Policy HCE 3.4.1 *Inspect and monitor business premises, to ascertain that facilities and procedures exist and are utilized to properly manage hazardous materials and wastes commonly occurring as a result of existing or proposed activities in compliance with the Wellfield Protection Program, Industrial Pretreatment Program, and Fire department inspections.*

Compliance with this policy will depend on sustained coordination with City inspection programs to ensure that fuel storage and material handling practices remain in accordance with established safety protocols.

Summary

The proposed conditional uses demonstrate general consistency with the City's adopted Comprehensive Plan policies related to industrial employment, land use compatibility, environmental protection, and public health. While the project aligns with the broad objectives of maintaining and strengthening industrial areas, **the proximity to residential development and operational characteristics suggest that ongoing regulatory oversight and enforcement will be important to ensure continued policy alignment and mitigation of off-site impacts.**

(D) Compliance with the LDR.

This section evaluates the application's compliance with applicable LDR provisions. Conditional uses are subject to both general and district specific regulations. In addition to procedural requirements under LDR Section 2.4.5, the proposed development must demonstrate compliance with performance standards applicable to the Industrial zoning district, as well as technical regulations governing site circulation, access, screening, parking, and landscape buffers. The analysis below identifies each relevant LDR section and provides staff analysis based on the submitted plans, narratives, and the latest TAC review.

LDR Section 2.2.1 – Process for Review and Action

The application has followed the procedural requirements set forth in LDR Section 2.2.1, which governs the submission, processing, and final action of development applications. The applicant submitted all required materials, and the application was deemed sufficient for Technical Advisory Committee (TAC) review. Comments were issued by relevant departments and resubmitted responses were received in a timely manner, in accordance with the administrative review provisions under Section 2.2.1(C). The application is subsequently scheduled for PZB consideration, consistent with Section 2.2.1(D), and public notice requirements have been met. The staff report prepared for Board review complies with the requirements of Section 2.2.1(E)(1), providing a summary of compliance with the LDR, Comprehensive Plan consistency, and required findings for the conditional use requests. No procedural deviations or deficiencies have been identified, and **the application has met the procedural obligations of Section 2.2.1.**

LDR Section 2.4.6 – Conditional Use Criteria

As outlined earlier in this report, the application includes three conditional use requests under the Industrial zoning district. A detailed analysis of each use will follow the compliance section, assessing site specific conditions, operational characteristics, and regulatory alignment.

Section 4.3.4 – Base District Development Standards

The proposed expansion of the industrial use onto the adjacent vacant lot does not include the construction of new enclosed structures. All improvements are limited to outdoor site functions, including the installation of aggregate material bins, dumpsters, repurposed containers, and above ground fuel storage tanks. As documented in the attached site plan, these features are appropriately located to ensure compliance with LDR Section 4.3.4, maintaining the required setbacks from adjacent property lines and supporting conformity with base district development standards.

LDR Section 4.4.20(D) –Industrial Zoning District, Conditional Uses

Section 4.4.20(D) identifies specific activities that may be permitted within the Industrial zoning district through the conditional use process, subject to performance standards that address operational compatibility, screening, environmental safeguards, and potential impacts on adjacent uses. The proposed improvements reflect general alignment with the intent of this section through site design measures such as buffering, containment, and defined circulation patterns. However, determination of compliance remains contingent upon the approval of each requested use.

LDR Section 4.6.5 – Fencing and Screening Standards

The proposed site plan includes fencing and screening measures in accordance with the standards applicable to industrial uses, particularly those involving outdoor storage and equipment yards. The project incorporates opaque perimeter fencing and solid gates enclosing the fuel tanks, aggregate bins, and fleet storage areas. These components are located along the east and south portions of the site, away from direct visibility from SW 10th Street and buffered from adjacent residential and non-industrial uses. According to Section 4.6.5, fencing for

outdoor storage and equipment yards in industrial districts must meet height and opacity requirements to ensure compatibility with surrounding uses and to minimize visual impacts. The site plan depicts a 6- to 8-foot solid fence, which complies with the required screening height and opacity standards for this zoning district. No chain-link fencing is proposed along public frontages or where residential adjacency exists. Overall, the proposed screening strategy supports compliance with Section 4.6.5 and contributes to the mitigation of aesthetic and operational impacts associated with outdoor industrial activity.

LDR Section 4.6.9 – Off-Street Parking Regulations

The proposed site plan retains the existing warehouse and does not introduce new enclosed floor area, and thus does not alter the minimum parking requirement based on building square footage. A total of 99 vehicle parking spaces are provided, meeting the required number per LDR. The plan includes 3 short-term bicycle racks (Type 1) and 9 long-term bicycle storage spaces (Type 2) located behind secure fencing, exceeding the minimum required bicycle facilities. Parking is distributed across the site to separate employee vehicles from heavy truck activity. Truck operations include:

- **20 single-axle commercial vehicles**, including trucks and vans (½ to 2-ton GVWR), primarily used for crew transport and towing operations. Used daily between 6.00 am and 9.00 pm.
- A fleet of **multi-axle vehicles** ranging from 33,000 to 80,000 GVWR used for hauling materials and equipment trailers (12 to 53 feet in length), operating on a rotating 24-hour schedule. Fleet departures from the site occur two to three times daily between 6.00 am and 9 pm. All trucks and equipment are parked in designated locations within a screened and fenced portion of the site when not in use. No vehicles are stored within required front or rear setbacks. **The parking layout, maneuverability, and separation of employee and fleet activity demonstrate compliance with Section 4.6.9** and support the safe, efficient functioning of both operational and staff needs.

LDR Section 4.6.10 – Off-Street Loading

The proposed expansion does not involve an increase in square footage, and the existing warehouse building remains unchanged. Section 4.6.10 requires nonresidential uses to provide adequate on-site loading areas to ensure that operations do not interfere with traffic circulation or encroach into public rights-of-way. The submitted site plan shows that large vehicles accessing the fuel yard and aggregate storage areas can circulate and maneuver entirely within the site using designated drive aisles and turning radii. The layout provides internal circulation routes that prevent backing onto SW 10th Street and maintain operational separation from adjacent properties. Based on the proposed design, **the loading areas and circulation patterns complies with the intent and requirements of this section.**

LDR Section 4.6.16 – Landscape Regulations

The proposed site improvements comply with the City's landscape requirements for properties within the Industrial (I) zoning district. Perimeter landscaping is provided along the north, south, and west property lines, with an emphasis on buffering the site from nearby residential uses along SW 10th Street. The submitted landscape plan illustrates the installation of canopy trees, hedge materials, and ground cover to screen outdoor storage areas and fuel facilities. The site layout integrates required landscaping elements without interfering with operational circulation or access. In particular, the northern perimeter buffer includes additional screening vegetation to reduce visual impacts on residential properties across SW 10th Street.

Compliance with Section 4.6.16 is demonstrated through the integration of plant material consistent with species, spacing, and installation requirements set forth in the code. A summary of the plant materials is provided in the table at right. Final verification of landscape installation will occur at the building permit stage and upon certificate of occupancy.

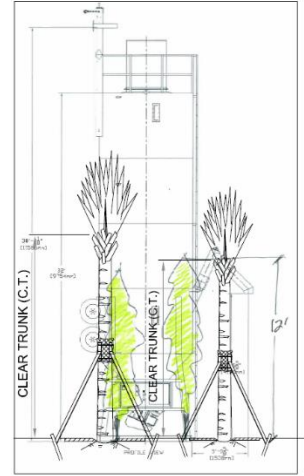
Landscape Tabulations

AREA			REQ.	PROVIDED
WEST 10' LANDSCAPE BUFFER	620'	1 CANOPY TREE PER 30'	21	5 EXISTING CANOPY TREES 10 NEW OAK TREES 18 (6) NEW SABAL PALMS 21
		CONTINUOUS HEDGE		CONTINUOUS HEDGE
EAST 5' LANDSCAPE BUFFER	593'	1 CANOPY TREE PER 30'	20	20 CANOPY TREES
		CONTINUOUS HEDGE		CONTINUOUS HEDGE
NORTH 10' LANDSCAPE BUFFER	326'	1 CANOPY TREE PER 30'	11	13 CANOPY TREES 20 PALMS
		CONTINUOUS HEDGE		CONTINUOUS HEDGE
SOUTH 5' LANDSCAPE BUFFER	283'	1 CANOPY TREE PER 30'	10	10 CANOPY TREES
		CONTINUOUS HEDGE		CONTINUOUS HEDGE
FOUNDATION PLANTINGS 3,600 sq. ft.		CONTINUOUS HEDGE, 536 L.F. LAYERED TIERS		CONTINUOUS HEDGE 20 PALMS 4 ACCENT
PARKING AREAS		1 CANOPY TREE PER ISLAND'	20	28 CANOPY TREES 6 PALMS

Conditional Use Request 1: Concrete products manufacturing, including concrete block and redimix concrete;
LDR Section 4.4.20(D)(3) – Conditional Uses in the Industrial (I) District
Review Standard: LDR Section 2.4.6(A)(5) – Conditional Use Findings

Use Classification and Intent

The applicant proposes to store paving-related aggregates such as sand, gravel, and asphalt millings within open-air bins located on the western parcel of the site. This use is classified as a conditional use within the Industrial zoning district pursuant to LDR Section 4.4.20(D). The storage yard will be constructed with a stabilized surface and will incorporate moisture control practices to suppress dust and promote compliance with air quality standards. A vertical silo is also included as part of the operation. The silo is used solely to mix dry materials that are loaded into trucks for off-site paving work. No on-site manufacturing or batching is proposed. All storage areas are situated outside of required setbacks and have been designed in accordance with LDR Section 4.3.4 and the screening and fencing standards in Section 4.6.5. Internal circulation and containment features have been integrated into the site plan to minimize potential off-site impacts. These improvements aim to legalize the outdoor storage function and reduce environmental or aesthetic concerns.



Compatibility and Neighborhood Context

While the site is located within an established industrial area, residential properties exist directly across SW 10th Street. The proposed aggregate storage area is placed at the western edge of the property, separated from residential uses by the public right-of-way, perimeter fencing, and a landscape buffer. The applicant has identified operational practices such as maintaining moisture in stored materials and confining aggregates within designated bins to help minimize impacts on nearby properties.

LDR Section 2.4.6(A)(5), Findings

a) *Will not have a significantly detrimental effect upon the stability of the neighborhood within which it will be located*

The proposal does not involve new buildings or a major intensification of use. It extends current operations into a vacant parcel within an industrially zoned corridor. The physical buffering and operational safeguards are intended to prevent significant negative effects on surrounding uses. However, due to the site's proximity to residential development, regular monitoring of dust control and maintenance practices is recommended to ensure long-term compatibility.

b) *Will not hinder development or redevelopment of nearby properties*

The site layout improves internal circulation and consolidates industrial functions within a unified footprint. No encroachments on adjacent properties are proposed. While the use does not directly hinder development of nearby parcels, the visibility and scale of outdoor storage could influence how nearby property owners or tenants perceive the corridor. Enhanced screening or limitations on the height of stored materials may help support reinvestment and maintain corridor aesthetics.

Additional Considerations for the Board

- Are the dust control and moisture management practices adequate to protect nearby residential areas from air quality impacts?
- Does the proposed screening and landscaping provide sufficient visual separation from adjacent non-industrial uses?
- Is the height and placement of aggregate storage compatible with the corridor's character and surrounding development context?

Conditional Use Request 2: Bulk storage, gas and oil

LDR Section 4.4.20(D)(2) – Conditional Uses in the Industrial (I) District

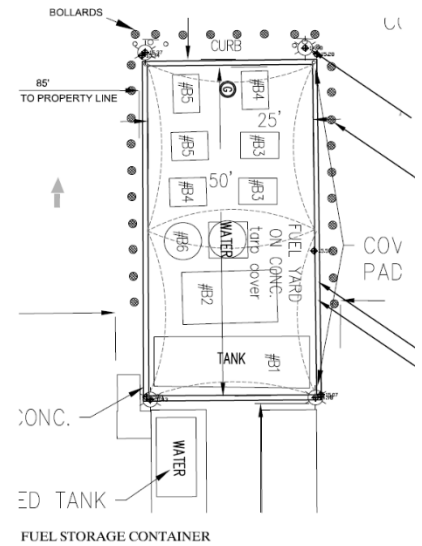
Review Standard: LDR Section 2.4.6(A)(5) – Conditional Use Findings

Use Classification and Intent

Fuel storage is a conditional use within the Industrial zoning district pursuant to LDR Section 4.4.20(D). The applicant proposes to install UL142-listed and certified double-walled diesel tanks (500 gallons each) for internal fleet fueling. These tanks fall below the 550-gallon threshold that triggers Florida Department of Environmental Protection (DEP) regulation and inspection and are designed in conformance with NFPA 30 requirements for flammable and combustible liquids. By enabling on-site refueling, the installation supports operational efficiency and eliminates reliance on off-site fueling stations. The design has been reviewed for compliance with applicable fire code and environmental standards and is supported by documentation from Palm Beach County Environmental Resources Management (ERM). The placement of the tanks reflects thoughtful integration with existing site operations and maintains separation from adjacent uses and circulation routes. The proposed fuel storage is consistent with the character and intent of the industrial corridor and is subject to Conditional Use findings under LDR Section 2.4.6(A)(5).

Compatibility and Neighborhood Context

The proposed fuel storage area is located within a secure and screened portion of the site, away from residential interfaces and internal circulation routes. The tanks are enclosed within a designated containment pad with physical barriers that satisfy applicable fire code, environmental, and wellfield protection requirements. The closest residential uses lie across SW 10th Street, buffered by landscaping and fencing. The fuel system is intended solely for internal company fleet operations, which reduces dependency on off-site fueling and limits traffic or environmental disruption. Although the application demonstrates an intent to adhere to safety and containment practices, the inherent risks associated with fuel storage near residential development may warrant continued oversight to ensure compliance with best management practices.



LDR Section 2.4.6(A)(5), Findings

a) *Will not have a significantly detrimental effect upon the stability of the neighborhood within which it will be located*

The fuel tanks are contained within a dedicated, enclosed area set back from the public right-of-way and shielded from residential views. No public fueling is proposed. The narrative specifies that the tanks are double-walled and situated within a spill containment zone that exceeds local standards. The proposal is further supported by documentation from ERM, reflecting an intent to operate in a compliant and responsible manner. However, the long-term stability of the surrounding area will depend on routine inspections and maintenance of fuel-handling protocols. The Planning and Zoning Board may consider whether additional reporting or visual mitigation is needed to maintain confidence in the ongoing safety of operations.

b) *Will not hinder development or redevelopment of nearby properties*

The proposed fuel facility is self-contained and supports internal fleet operations without disrupting surrounding access, circulation, or development potential. There is no evidence that the installation would limit or obstruct redevelopment opportunities on adjacent parcels. The proposal may in fact reduce trip generation to off-site fueling stations, thereby limiting unnecessary truck traffic in nearby areas. Nevertheless, perception concerns related to industrial intensification and fuel-related hazards could influence how neighboring property owners evaluate the area's reinvestment climate. Clear protocols for fuel management, tank appearance, and emergency access may help reinforce confidence in the site's integration with the evolving industrial corridor.

Additional Consideration for the Board

- Are the safety, containment, and environmental protocols for on-site fuel storage sufficiently documented and enforceable?
- Does the proposed location of the fuel tanks minimize visual and operational conflicts with surrounding properties?
- Would supplemental landscaping or screening treatments further mitigate visibility or enhance compatibility?

Conditional Use Request 3: Storage of light trucks, up to, and including two-ton trucks, and light construction equipment not over 24 feet long, eight feet wide, and ten feet high
LDR Section 4.4.20(D)(17) – Conditional Uses in the Industrial (I) District
Review Standard: LDR Section 2.4.6(A)(5) – Conditional Use Findings

Use Classification and Intent

Truck and equipment parking is a conditional use in the Industrial (I) zoning district pursuant to LDR Section 4.4.20(D). The applicant proposes to utilize the expanded western yard for the temporary overnight parking of commercial vehicles and fleet equipment that support daily off-site construction operations. Vehicles include single-axle light duty trucks, multi-axle dump trucks, haulers, and trailers ranging in size from 12 to 53 feet. The trucks are used for crew transport, delivery of asphalt and materials, and transport of fixed tank trailers. According to the narrative, there is no vehicle rental, leasing, or on-site repair activity. All vehicles are registered, insured, and inspected regularly by FDOT and internal safety personnel. The intent of the request is to improve operational efficiency by centralizing fleet staging within a single fenced and screened yard, consistent with the district's industrial character.

Compatibility and Neighborhood Context

The proposed truck and equipment parking will occur on the western expansion parcel, contiguous to the existing warehouse operations. The parking area is fully enclosed by opaque fencing and situated away from public view, minimizing visual intrusion on SW 10th Street. The narrative notes that no vehicle parking occurs within required setbacks or within the front yard area.

Vehicles and trailers will be parked in a designated, orderly manner within the compound and will not interfere with internal circulation or surrounding properties. Noise and disturbance are mitigated by maintaining clear separation from residential uses to the north, and by situating fleet operations within the core of an industrial corridor. However, the presence of large vehicles may still raise concerns regarding long-term perception of the corridor's image and potential cumulative impacts on adjacent residential areas if not actively managed.

LDR Section 2.4.6(A)(5) Findings

a) *Will not have a significantly detrimental effect upon the stability of the neighborhood within which it will be located*

The requested use is sited within an established industrial area with a long-standing pattern of outdoor storage and truck operations. The vehicles are screened and maintained in clean, operable condition, with no long-term storage of derelict equipment. The enclosure and internal organization of the site help mitigate off-site impacts. Nonetheless, operational noise, early morning departures, and idling equipment may generate perception-based concerns among residential neighbors across SW 10th Street. While no significant adverse effects are anticipated, the long-term character of the corridor should be considered in evaluating neighborhood stability.

b) *Will not hinder development or redevelopment of nearby properties*

The request supports internal site organization and consolidates operational activity in a manner that enhances functional cohesion. Truck parking areas do not obstruct rights-of-way or adjoining parcels. The site layout preserves access and avoids encroachment. While the use is compatible with nearby industrial parcels, it may affect how future residential or mixed-use redevelopment is envisioned across the corridor. Visual and operational buffers, if not maintained, could deter reinvestment in adjacent transitional areas.

Additional Consideration for the Board

- Does the site layout and level of screening adequately address the visual impact of parking heavy trucks near residential properties?
- Are the early morning and late evening fleet operations likely to generate cumulative noise or disturbance beyond what is typical in this corridor?
- Is the use of this site for truck parking contributing to the long-term industrial image of the area, or should transition-sensitive design strategies be considered?

Options for Board Action - Outdoor Storage of Concrete products

- A. Move a recommendation of **approval** of Resolution No. 143-25, approving a conditional use request to allow outdoor storage of concrete products pursuant to LDR Section 4.4.20(D)(3) by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.6(A)(5), and the Land Development Regulations.
- B. Move **denial** of the conditional use request to allow outdoor storage of concrete products pursuant to LDR Section 4.4.20(D)(3) by finding that the request and approval thereof is not consistent with the Comprehensive Plan and does not meet criteria set forth in Section 2.4.6(A)(5), and the Land Development Regulations.
- C. **Continue with direction.**

Options for Board Action - Fuel Storage

- A. Move a recommendation of **approval** of Resolution No. 145-25, approving the conditional use request to allow fuel storage pursuant to LDR Section 4.4.20(D)(2) by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.6(A)(5), and the Land Development Regulations.
- B. Move **denial** of the conditional use request to allow fuel storage pursuant to LDR Section 4.4.20(D)(2) by finding that the request and approval thereof is not consistent with the Comprehensive Plan and does not meet criteria set forth in Section 2.4.6(A)(5), and the Land Development Regulations.
- C. **Continue with direction.**

Options for Board Action - Truck Storage

- D. Move a recommendation of **approval** of Resolution No. 144-25, approving the conditional use request to allow truck storage pursuant to LDR Section 4.4.20(D)(2) by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.6(A)(5), and the Land Development Regulations.
- E. Move **denial** of the conditional use request to allow truck storage pursuant to LDR Section 4.4.20(D)(2) by finding that the request and approval thereof is not consistent with the Comprehensive Plan and does not meet criteria set forth in Section 2.4.6(A)(5), and the Land Development Regulations.
- F. **Continue with direction.**

Public and Courtesy Notices

X Courtesy notices were sent at least 7 calendar days prior to meeting to the following neighborhood groups and homeowner associations:

- Delray Beach Housing Authority
- Delray Beach Heights

Carver Estates is in close proximity to the subject property, does not have an active HOA listing with the City.

X Public Notice was posted at the property 7 calendar days prior to the meeting.

X Public Notice was mailed to property owners within a 500' radius 10 days prior to the meeting.

X Public Notice was posted to the City's website 10 calendar days prior to the meeting.

X Public Notice was posted in the main lobby at City Hall 10 working days prior to the meeting.

X Agenda was posted at least 7 calendar days prior to meeting.

Technical Advisory Committee (TAC) Timeline

Review No.	Submittal Date	TAC Comments Transmitted
1	06/24/2024	08/02/2024
2	11/27/2024	12/30/2024
3	03/07/2025	03/28/2025

4	04/30//2025	05/19/2025
Extensions Requested by the Applicant		
1	09/27/2024	
2	02/28/2025	