



Development Services Department

BOARD ACTION REPORT – APPEALABLE ITEM

Project Name: Grieco Parking Lot
Request: Similarity of Use
Board: Planning and Zoning Board
Meeting Date: December 16, 2019
Board Vote: Approved on a 5-1 vote

Board Action:

The Planning and Zoning Board determined on a 5-1 vote (Juli Casale) that the use of “garages and lots for the parking and storage of vehicles” is similar to other Conditional Uses allowed in the Community Facilities (CF) zoning district, particularly to the use listed as a “privately-operated parking lot”, by finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan.

Project Description:

The Applicant, Grieco Motors LLC, has requested a determination of similarity of use to operate a parking lot for private use to park an inventory of vehicles on a property within the CF zoning district. The storage of vehicles is not listed as an allowed use in the CF zoning district. The Applicant has identified similar characteristics between the intended use and a “privately-operated parking lot”, which is allowed as a Conditional Use in the CF zoning district.

Uses identified within the LDRs are allowed only as listed in each zoning district. Pursuant to LDR Section 4.3.2(C), Determination of Similarity of Use, when the use is of a specific nature and is listed as a specific use in another zoning district, the use may be established within the specific zoning district by action of the Planning and Zoning Board in authorizing it through a determination of similarity of use.

Board Comments:

Board comments included, but were not limited to, questions and concerns regarding the impacts of the request in the CF zoning district, the process of similarity of use determinations and conditional use approvals, and the improvements to the proposed site.

Public Comments:

Members of the public spoke for and against the request.

Associated Actions:

No associated actions.

Next Action:

The Board action is final unless appealed by the City Commission.



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Similarity of Use Determination: Lot for the Parking and Storage of Vehicles

Meeting	File No.	Application Type
December 16, 2019	2020-021-SIM-PZB	Similarity of Use

Request

Consideration of a similarity of use request to determine if the use of “garages and lots for the parking and storage of vehicles” is similar to other conditional uses allowed in the Community Facilities (CF) zoning district, particularly to the use listed as a “privately-operated parking lot”.

Request Description

Uses identified within the LDRs are allowed only as listed in each zoning district. Pursuant to **LDR Section 4.3.2(C), Determination of Similarity of Use**, when the use is of a specific nature and is listed as a specific use in another zoning district, the use may be established within the specific zoning district by action of the Planning and Zoning Board in authorizing it through a determination of similarity of use.

The Applicant, Greico Motors LLC, has requested a determination of similarity of use to operate a parking lot for private use to park an inventory of vehicles on a property within the CF zoning district. The storage of vehicles is not listed as an allowed use in the CF zoning district. The Applicant has identified similar characteristics between the intended use and a “privately-operated parking lot”, which is allowed as a Conditional Use in the CF zoning district. However, the intended operations are listed in the Land Development Regulations (LDR) as Conditional Use in the Mixed Industrial and Commercial (MIC) zoning district under the use “garages and lots for the parking and storage of vehicles”.

In the attached request letter, the following similarities are identified between the proposed use of “a parking for private use by the Applicant to park inventory vehicles” and the allowed use of a “public and privately-operated parking lot” within the CF zoning district:

- The use involves the parking of cars.
- Cars will be driven individually to the lot to be parked.
- A private operator will determine which cars can be parked on the lot.
- A gate will secure access to the lot when not in use.

In this case, since the intended use is allowed in the MIC zoning district, specifically listed in the LDRs as “garages and lots for the parking and storage of vehicles”, the specific use may be established within the requested zoning district (CF) by action of the Planning and Zoning Board, authorizing it through a determination of similarity of use.

Review and Analysis

Pursuant to **LDR Section 2.4.5(N)(5), Determination of Similarity of Use**, prior to approving a determination of similarity of use request, the Planning and Zoning Board must find that the requested use is indeed similar to a use allowed in the referenced zoning districts and is in keeping with the stated purpose of the district.

The subject similarity of use request is to determine if “garages and lots for the parking and storage of vehicles” is similar to other conditional uses allowed in the CF zoning district, particularly to the use listed as a “privately-operated parking lot.” While the applicant’s request is specifically associated with the property located at 15 SE 10th Street, which was previously utilized by the Florida Power & Light Company (FPL) as a storage and warehouse site, the determination would be applicable to all properties zoned CF. Attached is a map of all the properties zoned CF within the municipal boundary of Delray Beach.

As part of the requested similarity of use, the Board should consider if the use meets the Purpose and Intent of the CF zoning district, which states that it *“is a special purpose zone district primarily, but not exclusively, intended for locations at which facilities are provided*

to serve public, semi-public, and private purposes. Such purposes include governmental, religious, educational, health care, social service, and special facilities.” The CF zoning district lists “privately-operated parking lots” as a conditional use but is part of the “Special Services and Facilities” category. This category also includes stadiums and arenas, refuse transfer stations, resource recovery facilities, and power transfer stations.

In consideration of the MIC zoning district, **LDR Section 4.4.19(D)(2), Conditional Uses and Structures Allowed**, states that the use of “garages and lots for the parking and storage of vehicles” is allowed as a Conditional Use. However, any outside storage associated with such uses [including the use “garages and lots for the parking and storage of vehicles”] may not be located within 150 feet of any property line adjacent to an arterial roadway (excluding Interstate 95). The uses allowed within the MIC zoning district are intended to “enhance employment opportunities in the industrial, manufacturing and trade sectors, with supporting business and professional office functions,” pursuant to **LDR Section 4.4.19(A) Purpose and Intent**.

While the distinguished uses of a “public and privately-operated parking lot” and the use of “garages and lots for the parking and storage of vehicles” may have similar physical site conditions, these uses provide different services and benefits to the community. A public and/or privately-operated parking lot serves the community on a private or public capacity. Within Delray Beach, public and/or privately-operated parking lots located in the CF zoning district are typically utilized as overflow parking lots for private and public facilities, such as commercial establishments, parks, churches, and the beach area. Conversely, garages and lots for the parking and storage of vehicles are accessory uses that typically do not offer public access and are associated with principal uses that provide services off-site; the requested use is allowed on properties in the MIC zoning district due to the existing industrial fabric of the area and other allowed uses within this district (MIC) and abutting districts.

Review By Others

Determination of Similarity of Use requests are not reviewed by other Boards nor require public or courtesy notices.

Board Action Options

- A. The Planning and Zoning Board determines that the use of “garages and lots for the parking and storage of vehicles” **is similar** to other Conditional Uses allowed in the Community Facilities (CF) zoning district, particularly to the use listed as a “privately-operated parking lot”, by finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan.
- B. The Planning and Zoning Board determines that the use of “garages and lots for the parking and storage of vehicles” **is not similar** to other Conditional Uses allowed in the Community Facilities (CF) zoning district, particularly to the use listed as a “privately-operated parking lot”, by finding that the request is inconsistent with the Land Development Regulations and the Comprehensive Plan.

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October 30, 2019

Via Electronic Delivery

Ms. Anthea Gianniotis
Director, Development Services
City of Delray Beach
100 NW 1st Ave.
Delray Beach, FL 33444

**Re: Grieco Parking, Similarity of Use Determination
15 SE 10th St., Delray Beach Florida**

Ms. Gianniotis:

Please accept this letter as a request for a Similarity of Use Determination pursuant to Section 4.3.2(C)(2) of the City of Delray Beach Land Development Regulations (the “LDR’s”) for the property located at 15 SE 10th St., Delray Beach, Florida (the “Property”).

Grieco Motors LLC (the “Applicant”), submitted a Conditional Use Application for the Property on August 26, 2019. This application requested use of the Property as a privately-operated parking lot. At a meeting on September 24, 2019 with Ms. Debora Slaski, Mr. Scott Pape, and Mr. Steve Tobias, Applicant received word that the Development Services Department would require a formal request for a Similarity of Use as part of this request. Applicant interpreted this direction as a decision of the Director pursuant to Section 1.4.1(C) of the LDR’s. Accordingly, Applicant submits this letter as a formal request for a Similarity of Use Determination pursuant to Section 4.3.2(C)(2) of the LDR’s.

Section 4.4.21(D)(4) of the LDR’s allows “privately-operated parking lots” as a conditional use allowed in the Community Facilities (“CF”) Zoning District. Applicant intends to use the Property as a parking lot for private use by the Applicant to park inventory vehicles. Accordingly, we request a determination that the intended use is similar to the “privately-operated parking lots” use allowed in the LDR’s. As support for this request, Applicant notes the following similarities between the intended and allowed uses:

- The use involves the parking of cars.
- Cars will be driven individually to the lot to be parked.

- A private operator will determine which cars can be parked on the lot.
- A gate will secure access to the lot when not in use.

The distinction between the intended use by Applicant and the typical private parking lot use is that the vehicles will all be owned by a single entity instead of ownership by various entities. In all other respects, the use is identical.

Pursuant to Section 4.3.2(C)(2) of the LDR's, we are requesting a determination of similarity of use that would authorize the proposed use of the Property. If I can provide any additional information, please let me know.

Very truly yours,




/s/ Michael S. Weiner

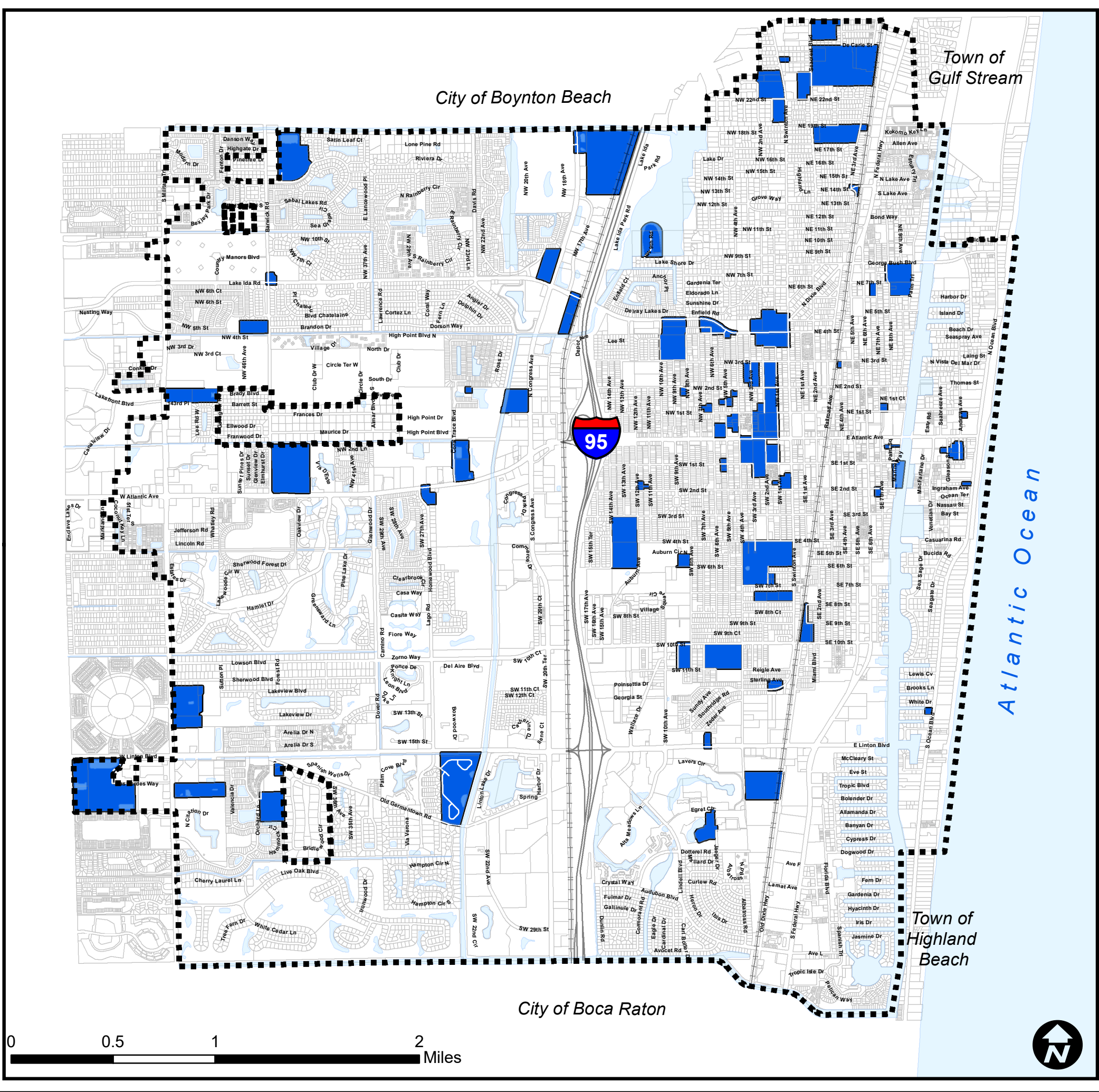
Michael S. Weiner

CC: Ms. Debora Slaski, via Email
Mr. Scott Pape, via Email

Community Facilities (CF) Zoned Properties In Delray Beach

Legend

-  Municipal City Limits
-  Lot Lines
-  Community Facilities



DEVELOPMENT SERVICES DEPT.
PLANNING & ZONING DIV.