



## PLANNING AND ZONING BOARD STAFF REPORT

<b>Meeting</b>	<b>File No.</b>	<b>Application Type</b>
June 21, 2021	2019-282-USE-PZB	Conditional Use
<b>Property Owner</b>	<b>Applicant</b>	<b>Authorized Agent</b>
Florida Mag Enterprises Inc	Grieco Motors, LLC	Michael S. Weiner, Esquire

Provide a recommendation to the City Commission regarding a Conditional Use request to allow a privately-operated parking lot for private use, for the property located at 15 SE 10<sup>th</sup> Street.

The subject property is located at 15 SE 10<sup>th</sup> Street ("Property"), on the northeast corner of the intersection of the Florida East Coast (FEC) Railway and SE 10<sup>th</sup> Street. The site is currently developed with three warehouse buildings and associated parking lot. It is zoned Community Facilities (CF) with a Land Use designation of Community Facilities (CF).

[illegible]

Pursuant to LDR Section 2.4.7(E)(1), the City Commission may appeal a decision made by an approving body; appeals are conducted as a new evidentiary hearing in accordance with the City's quasi-judicial procedures. On February 12, 2020, the City Commission considered the similarity of use and voted 4-1 to approve the request to allow a privately-operated parking lot for the purpose of storing vehicles / overflow storage as a conditional use request in the CF zoning district.

The applicant is requesting conditional use approval to allow a privately owned and operated parking lot that will serve as overflow storage for Grieco Motors, pursuant to the Similarity of Use determination made on February 12, 2020. The proposal includes 252 vehicle storage spaces, which include both tandem and standard space types, and 9 employee parking spaces, for a total of 262 parking stalls on site. Improvements to the existing parking lot include new striping, landscape islands, and required site buffering to meet current LDR requirements. Two of the existing warehouses will be demolished and one 3,900 square foot warehouse will also be brought up to meet minimum building and code requirements to allow for ancillary storage on premises. The structure will retain the same building footprint.



As depicted in the rendered site plan, access to and from the site is provided from SE 10<sup>th</sup> Street and through an open security gate; the security gate is noted to be open only during the dealership's business hours. A six-foot high masonry wall with a simulated stone pattern will be installed along both the north (adjacent to SE 10<sup>th</sup> Street) and south (adjacent to SE 9<sup>th</sup> Street) sides of the property. The walls will be set back 10 feet and provide landscaping between the wall and property line to enhance the streetscape while buffering the parking lot full of overflow inventory from the adjacent areas, including the southern portion of the Osceola Park neighborhood to the east and north of the property. The existing chain link fence will be replaced in-kind along the west side of the property, adjacent to the FEC Railway corridor.

The proposed site development includes waivers to certain applicable requirements in the LDR; granting of the relief assists the applicant in further accommodating the desired amount of parking spaces on the property.

- Section 4.6.16(H)(3)(i), Landscape Regulations-Landscape Islands: *Landscape islands shall be placed at intervals of no less than one landscaped island for every 13 standard parking spaces.* The relief sought is to increase the interval to one landscape island for every 15 tandem parking stalls in three locations, and to one landscape island for every fourteen tandem parking stalls at one location. The applicant has noted that the minimum 25% open space requirement is exceeded, as 27% is provided.
- Section 4.6.16(H)(3)(j), Landscape Regulations-Landscape Islands: *Each row of parking spaces shall be terminated by landscape islands with dimensions as indicated above. An exception to this requirement is when a landscaped area, with the dimensions above, exists at the end of the parking row.* The relief is sought to allow the use of tandem parking stalls as opposed to standard parking spaces. Each row of stalls terminates with a landscape island; however, the difference is that tandem parking stalls are utilized.
- Section 4.6.16(H)(3)(k), Landscape Regulations-Landscape Strip between Parking Tiers: *"Whenever parking tiers abut, they shall be separated by a minimum five-foot wide landscape strip. This strip shall be in addition to the parking stall and be free of any vehicular encroachment, including car overhang. In addition, a two-foot hedge shall be installed within this landscape strip and run the entire length of the strip. Pedestrian walkways are permitted to allow passage through the hedge. Nonmountable curbs are not required for these landscaping strips, providing carstops are provided."* The relief is sought to waive the requirement of the five-foot landscape strip and two-foot hedge that run the length of the strip, in order to allow for bullpen parking.



The waivers, while not part of the Planning and Zoning Board recommendation for the Conditional Use, will be scheduled for action by the City Commission concurrent with the Conditional Use. However, the Board can consider the waivers requested as part of the findings in providing a recommendation to the City Commission for the Conditional Use.

## Review and Analysis

The LDRs provide general required findings for conditional uses; there are also requirements specific to each use in the LDRs. An analysis of each is provided below.

### LDR Section 2.4.5(E), Establishment of a Conditional Use

Pursuant to **LDR Section 2.4.5(E)(1), Rule**, *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. If there are concerns with the request, conditions may be imposed in accordance with the following provisions.

Pursuant to **LDR Section 2.4.5(E)(4), Conditions**, *conditions may be imposed pursuant to Section 2.4.4(C). In addition, limitations on the hours of operation and/or the longevity of the use may be imposed.*

**LDR Section 2.4.4(C), Imposition of conditions.** *In granting approval to any development application, the granting body may impose whatever conditions it deems necessary in order to insure:*

- *The compatibility of the use with nearby existing and proposed uses.*
- *Concurrency.*
- *Consistency with objectives and policies of the Comprehensive Plan.*
- *The fulfillment of requirements of these Regulations which should have or could have been fulfilled prior to the approval action but which were not, due to conditions beyond the control of the applicant.*
- *The fulfillment of requirements of these Regulations which could have been fulfilled prior but remain outstanding; thus, providing that they will be accommodated in a later stage of processing.*

In consideration of the request, the Board has the ability to ensure that there is minimal to no impact on the surrounding neighborhood while further enhancing the adjacent corridors. Staff has provided "Board Considerations" to address potential issues or take advantage of opportunities while assisting the request in meeting the required findings for such requests.

Pursuant to **LDR Section 2.4.5 (E)(5), Findings**, *in addition to provisions of Chapter 3, the City Commission must make findings that establishing the conditional use will not:*

- a) *Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located;*
- b) *Hinder development or redevelopment of nearby properties.*

The Board's recommendation to the City Commission must take into consideration whether or not the required development standards specific to privately owned parking lots are sufficient to prevent a significantly detrimental effect upon the stability of the neighborhood, or hinder development or redevelopment of nearby properties. The proposed parking lot has several different zoning districts and a variety of established uses surrounding the subject site:

Adjacent Zoning, Land Use, and Use			
	Zoning Designation	Land Use	Use
North	Community Facilities (CF) and Single-Family Residential (R-1-A)	Community Facilities (CF) and Low Density (LD)	Vacant and Single-Family Residential (Osceola Park)
South	Special Activities District (SAD)	General Commercial (GC) and Transitional (TRN)	Warehouse and Office Building
East	Community Facilities (CF)	Community Facilities (CF)	Vacant
West	Open Space (OS)	Open Space (OS)	FEC ROW and Municipal Park

The residential development to the east is buffered from the proposed development by a strip of City-owned property, and the City-owned park to the west is buffered by the Florida East Coast (FEC) Railway Right-of-Way. The southern property line fronts SE 10<sup>th</sup> Street, which is lined with commercial development on the opposite side of the street. Single-family homes that are part of the Osceola Park neighborhood are located to the north of the site, separated by SE 9<sup>th</sup> Street, and east on the other side of the City-owned parcel. The applicant is required to provide an additional landscaping buffer and masonry wall in the front and rear of the site plan pursuant special regulations for CF zoned property required pursuant to LDR Section 4.4.21(H).

**Required Findings: LDR Section 3.1.1**

*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:*

- Land Use Map
- Concurrency
- Consistency
- Compliance with the LDRs

**(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.*

As previously discussed, on February 12, 2020, the Applicant requested and was granted 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. While the storage of vehicles is not listed as an allowed use in the CF zoning district, the Applicant 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. As such, a conditional use is required pursuant to LDR Section 4.4.21(D)(4).

**(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.*

Compliance with traffic, schools, utilities, and solid waste is described below:

Traffic. The Applicant has received a Traffic Performance Standards (TPS) approval letter from Palm Beach County to replace 4,576 square feet of Warehouse use and 2.293 acres of Outdoor Storage with 4,100 square feet of warehouse and 2.399 acres of outdoor storage. The proposed Project will generate 57 new daily drives, 8 (6/2) New Net AM Peak Hour trips, and 15 (4/11) New Net PM Peak Hour Trips. It is important to note that the trips generated by the parking lot will not impact the adjacent neighborhood as the ingress and egress for the site is along SE 10<sup>th</sup> Street.

The letter referenced was issued on August 26, 2019, and expired on August 26, 2020. The applicant is in the process of getting an updated letter from the County which will be provided to the Commission upon their consideration of the Conditional Use. It is not anticipated that the letter will significantly change.

Schools. Commercial development is not subject to school concurrency evaluation. Therefore, there will be no negative impact on the public school system.

Water. The City’s Water Atlas and the survey indicate water is provided to the site by an 8-inch water main located within the SE 10<sup>th</sup> Street right-of-way.

Sewer. The survey indicates sanitary sewer service is provided to the property. The City’s Sewer Atlas indicates that sewer service is provided to the site by an 8-inch water main located within the SE 10<sup>th</sup> Street right-of-way.

**Solid Waste.** Proposed Storage Building: 3,990 square feet x 7 lbs. = 27,930 lbs. / 2,000 = 14 tons per year

As the property is not proposing any new square footage or a new use, the site will continue to generate 14 tons of solid waste per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2047.

**Drainage.** The applicant has provided 27% open space on the site. The site plan is currently under review, and the review process will ensure sufficiency of site drainage.

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

**Neighborhoods, Districts, and Corridors Element**

**Objective NDC 1.6** *Provide a full range of local or regional community-based uses primarily intended to serve the public by appropriately applying the Community Facilities land use designation.*

**Policy NDC 1.6.2** *Provide a full range of local or regional community-based uses primarily intended to serve the public by appropriately applying the Community Facilities land use designation.*

While the intended use is a private parking lot that will not directly serve the public, it should be noted that the similarity of use has already been approved and the conditional use approval allows for additional review and conditions to ensure compatibility with the surrounding neighborhood. The proposed project is designed to be consistent with the LDR requirements for CF zoned properties, which also includes special regulations for enhanced buffering that are required when a property is adjacent to a residential zoning district (which apply to the subject site). In addition to these requirements, staff has provided additional considerations for the Board that include the provision of additional buffering and specific operational standards to protect the surrounding neighborhood.

**Policy NDC 2.6.4** *Improve the appearance of Delray Beach from the FEC and CSX Railways and Interstate 95 using strategies such as, promoting public art opportunities, requiring landscaping, using the development review process to improve building façades facing the corridors, and using code enforcement as needed.*

As the subject site has not been utilized in recent years, allowing a development that requires additional landscaping will improve the visual environment along the FEC Railway. However, the applicant has included the installation of a new chain-link fence along the FEC Railway. The provision of this type of security barrier would result in a missed opportunity to provide public art if a wall were installed to provide a more interesting and artistic aesthetic for railway travelers moving through Delray Beach.

**Housing Element**

**Policy HOU 1.1.12** *Require that proposals for new development illustrate compatibility with adjacent neighborhoods with respect to noise, odors, dust, traffic volumes and circulation patterns in terms of their potential to negatively impact the safety, habitability and stability of residential areas. If the development will result in a degradation of any neighborhood, the project shall be modified accordingly or denied.*

The applicant states that the vehicles will be individually driven and parked on the site by Grieco employees between the hours of 8 AM and 5 PM. As the vehicles stored on site will all be new, they will only be moved occasionally on a daily basis. The applicant also confirms that no loading or unloading of vehicles will occur on the property or the adjacent right-of-way. A note has been added to the site plan confirming this as well.

**(D) Compliance with the LDRs.** *Whenever an item is identified elsewhere in the LDR, it shall specifically be addressed by the body taking final action on a land development application/request. Such items are found in Section 2.4.5 and in special regulation portions of individual zoning district regulations.*

General compliance with the LDRs has been provided, with the exception of those requirements for which relief has been requested. . The site plan was reviewed initially by the City's Technical Advisory Committee on August 26, 2019, and the applicant has recently submitted their sixth revision. If the Conditional Use and waivers are approved by the City Commission, then the request will be scheduled for consideration by the SPRAB once City Staff determines that the proposed site plan meets all requirements of the applicable LDR. .

**Board Considerations**

In addition to the enhanced buffering requirements for CF zoned property adjacent to single family properties, the Board should consider if further information and/or site improvements should be provided to ensure compatibility with the varied characteristics surrounding the property, particularly the residential neighborhood and FEC corridor.

1. Provide a masonry wall in combination with landscaping surrounding the entire site and eliminate any chain-link fencing.
2. Consider reserving wall space along the western property line to provide a mural or art installation facing the FEC Railway, subject to approval by the Public Arts Advisory Board.
3. Installation of adequate and functioning security lighting shall be installed prior to storing vehicles on site, and lighting levels shall be maintained, per LDR Section 4.6.8i. A building permit shall be submitted for the installation of lighting.
4. Maintenance of the property in a clean and orderly manner shall be observed with any debris and trash removed regularly.
5. Parking, loading, or unloading of the vehicles shall not occur outside of the property boundary. A plan indicating how the site will accommodate delivery of cars shall be provided if utilizing a trailer. If the delivery of autos will occur at the dealership location on South Federal Highway and driven to the subject property, then a note to this delivery limitation shall be provided on the site plan.
6. Close and lock the gate from SE 10<sup>th</sup> Street during non-business hours to ensure security of the site and to avoid vandalism and vehicle theft.
7. No sales activity shall take place on the property; no customers are permitted on the property.
8. No signage or advertising shall be placed on or around the property's perimeter.
9. The location of vehicles by a key fob, alarm, or other noise-emitting method should be prohibited to limit disturbance of adjacent properties.

#### Review By Others

The City Commission will review the conditional use at an upcoming meeting. Subsequent to conditional use approval, the site plan will require approval by the Site Plan Review and Appearance Board (SPRAB).

#### Board Action Options

- A. Move to recommend **approval** to the City Commission of, a Conditional Use request to allow a privately-operated parking lot for private use, for the property located at 15 SE 10<sup>th</sup> Street, finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan.
- B. **Deny** the Conditional Use request to allow a privately-operated parking lot for private use, for the property located at 15 SE 10<sup>th</sup> Street, finding that the request is inconsistent with respect to Land Development Regulations and the policies of the Comprehensive Plan.
- C. **Continue with direction.**

#### Public and Courtesy Notices

X Courtesy Notices were provided to the following neighborhood associations:

- Osceola Park Neighborhood
- Swinton Gardens
- Silver Terrace
- Pine Grove
- Palm State Height
- Bellview

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 5 working days prior to meeting.