

November 20, 2025

VIA HAND DELIVERY & EMAIL: givingsa@mydelraybeach.com

Alexis Givings, City Clerk
City of Delray Beach
100 N.W. 1st Avenue
Delray Beach, FL 33444

**Re: Conklin Car Wash
File Number 2025-109-SPR-LV4 & 2025-110-USE-PZB
Notice of Appeal**

Dear Ms. Givings:

On behalf of the Applicant, Fazio Consulting, LLC, I am writing to formally appeal to the City Commission the recommendation of denial of a Level 4 Site Plan Application with Architectural Elevations and Landscape Plan, and including a Conditional Use to allow a 4,207 square foot automatic car wash at 14145 South Military Trail, as received from the Planning and Zoning Board on November 17, 2025.

In accordance with LDR Article 2.5, provided below is the required information to process the appeal:

1. The name of the appellant.

Response: Fazio Consulting, LLC (Applicant and Contract Purchaser)

2. Identification of the action being appealed.

Response: Planning and Zoning Board recommendation of denial.

3. Identification of who took the action and when it was made.

Atlanta Boca Raton Chicago Denver Ft. Lauderdale Las Vegas Los Angeles
Miami New York Orlando Scottsdale Tallahassee West Palm Beach

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Response: The action of denial was imposed on November 17, 2025, by the Planning and Zoning Board.

4. The basis of the appeal.

Response: The Applicant is requesting approval of a Level 4 Site Plan (Level 2 Site Plan and Conditional Use) for an automatic car wash establishment. The proposed car wash features a one-story, 2,819 square-foot car wash tunnel equipped with dryer blowers with silencers, two vacuum producers, and an air system blower. Additionally, there is a proposed 1,388 square-foot space attached to the wash tunnel containing mechanical equipment, storage, restrooms, a breakroom, and office space. There are 19 parking spaces required and provided, and the project meets and exceeds all City Land Development Regulations as confirmed by the City's Staff Report to the Planning & Zoning Board.

The subject 0.99-acre property is vacant and undeveloped. The property was annexed into the City of Delray Beach in 2006 with a Transitional future land use designation and located within the Special Activities Zoning District. Subsequently in 2018, the property received approval for a future land use designation amendment to General Commercial and a rezoning to the General Commercial ("GC") zoning district. In accordance with LDR Section 4.4.9(D), an automatic car wash is a permitted use within the GC zoning district subject to Conditional Use approval.

Provided with the application is a Site Plan which complies with all City Land Development Regulations, along with comprehensive traffic, noise and lighting impact studies, each prepared according to the standards and methodologies required by the Code. The purpose of the technical studies is to ensure the project can be evaluated based on objective, quantifiable criteria, rather than subjective interpretation. These studies demonstrated compliance with Land Development Regulations, and therefore the project should meet the established criteria for eligibility to move forward to City Commission review.

The Appellant is filing this appeal as the Planning and Zoning Board did not base their decision on competent, substantial evidence, particularly as it relates to traffic or noise. Moreover, the standard of review for conditional use applications was not adhered to.

The Code is designed to ensure that Applicants who meet all requirements have a pathway for consideration. When a project complies with all submitted study requirements, preventing City Commission review could be inconsistent with the intent of the Code and the City's adopted review process.

We appreciate your acceptance of this request for appeal and can provide any supplemental documentation, as needed. Provided with this written request is a check in the amount of

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\$1,155.00, which is being submitted to the City Clerk within the fourteen calendar day of the decision/action timeframe.

Sincerely,

GREENSPOON MARDER LLP

A handwritten signature in blue ink, appearing to read "M.H. Scott". The signature is fluid and cursive, with the first name "Matthew" and last name "Scott" clearly legible.

Matthew H. Scott, Partner

MS/l
Enclosure