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June 2, 2021

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

**Re: Formal Letter of Request of Conditional Use
15 SE 10th Street**

Dear Ms. Gianniotis:

Please accept this letter to supplement the formal request for Conditional Use pursuant to Section 2.4.5(E) of the City of Delray Beach Land Development Regulations (“LDR”). The request for the Conditional Use is for the property located at 15 SE 10th Street, Delray Beach, Florida (the “Property”).

The Property is Zoned Community Facilities (“CF”). LDR Section 4.4.21(D)(4) allows for a “privately-operated parking lot” as a Conditional Use in the CF District.

We requested, and received from the City Commission, a Similarity of Use Determination pursuant to LDR Section 4.3.2(C)(2). The determination stated that the use of “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.” Accordingly, our request for a privately-operated lot for the parking and storage of vehicles can proceed under the conditional use approval process.

At the time of our original submittal for the Conditional Use, we simultaneously applied for site plan approval and requested waivers pursuant to LDR Section 2.4.7(B) of certain landscape requirements found in Sections 4.6.16(H)(3)(i), 4.6.16(H)(3)(j), and 4.6.16(H)(3)(k). The plans that we submitted have undergone the review process with City staff and have been revised based upon the comments received. The documents submitted in our latest resubmittal as part of

this Site Plan review process show the details of the proposed use as a lot for the parking and storage of cars, as required under LDR Section 2.4.5(E)(2).

In addition, the establishment of the proposed Conditional Use is consistent with the required findings specified in LDR Section 2.4.5(E)(5) as follows.

A. Establishment of the Conditional Use will not have a significantly detrimental effect upon the stability of the neighborhood within which it will be located.

Establishment of the proposed lot for the parking and storage of cars will not have a significantly detrimental effect upon the stability of the neighborhood within which it will be located. To the contrary, it will have a beneficial effect upon the stability of the neighborhood. Previously, the site was utilized by Florida Power & Light as a storage facility for equipment and vehicles. The use predated the ban on polychlorinated biphenyls (PCBs). With the establishment of this conditional use, the site will be redesigned, addressing all environmental hazards. The redesign will include the installation of lush landscaping and open space that provides an upgrade to the existing state of the Property in a way that will enhance the existing neighborhood. The proposed use fits within the neighborhood, which contains a mix of uses, residential to the north and a more generalized industrial use to the south.

B. Establishment of the Conditional Use will not hinder development or redevelopment of nearby properties.

The proposed lot for the storage and parking of vehicles will not hinder development or redevelopment of nearby properties. It sits at a road intersection that includes a bisecting railroad crossing. This is a unique feature. A transitional use such as this acts as buffer to nearby properties, shows investment in the area, and acts as a transition, with a low intensity as to use and low impact with respect to design. The redevelopment at the Property, including the upgraded landscaping and the clean-up of the site itself, will in fact present new opportunities for development around it and will help rather than hinder other development.

If I can provide any additional information, please contact my office.

Very truly yours,

SACHS SAX CAPLAN

/s/ Michael S. Weiner

Michael S. Weiner

CC: Ms. Elizabeth Eassa