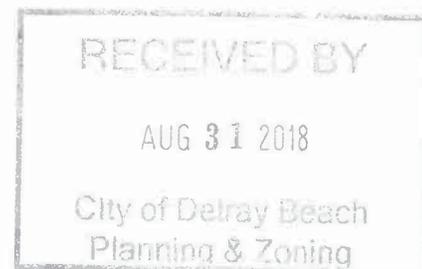


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MICHAEL S. WEINER, ESQ.
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August 31, 2018

Via Hand Delivery

City Commission
City of Delray Beach
Attention: Ms. Katerri Johnson, City Clerk
100 NW 1st Ave.
Delray Beach, FL 33444

Mr. Tim Stillings
Director, Planning & Zoning
City of Delray Beach
100 NW 1st Ave.
Delray Beach, FL 33444

**Re: 601 SE 5th Ave, 604 630 660 & 666 SE 6th Ave., Delray Beach Florida,
Temporary Parking Lot Application**

Dear Ms. Johnson and Mr. Stillings:

Please accept this letter on behalf of the City Commission, which is the granting authority. This letter is the written application for a temporary parking lot use for the properties located at 601 SE 5th Ave. and 604, 630, 660 & 666 SE 6th Ave., Delray Beach Florida (collectively referred to as the "Property").

The application is made on behalf of Florida MAG Enterprises, Inc., the Lessee of the Property ("Applicant"). The consent of Nevile Corp., the owner of the Property, is enclosed with this letter, as is a check for a total fee of thirteen hundred dollars and no cents (\$1,300.00). This includes the fees for the temporary use (\$300.00) and the waivers (\$1,000.00).

Below is a complete list of the information required for a request for a temporary use pursuant to Sec. 2.4.6(F), Land Development Regulations of the City of Delray Beach ("LDRs"), along with a notation for each item for which Applicant will require a waiver. Following this list, we have included a list of conditions that Applicant proposes as part of the approval of the temporary use.

I. Required Information

- a. **Name of Petitioner.** Florida MAG Enterprises, Inc.
- b. **Name of Property Owner and consent therefrom.** Nevile Corp. See attached consent.
- c. **Location of Site.** 601 SE 5th Ave. and 604, 630, 660 & 666 SE 6th Ave., Delray Beach, Florida.

- d. **Purpose, activity to be conducted; site plan with details.** Applicant will use the property for the temporary storage of automobiles. Applicant is in the process of obtaining the necessary approvals to construct two new automobile dealerships along Federal Highway in Delray Beach, Florida. The simultaneous construction of these two automobile dealerships requires additional off-site storage for inventory. Applicant is seeking a temporary solution due to the fact that upon completion of construction of the two new automobile dealerships, the need for off-site storage will be eliminated. Applicant chose the Property due to its proximity to other automotive uses, including temporary storage of vehicles, auto leasing, and car wash uses. The owner of the Property was willing to lease the Property for two years for a temporary use, with the plan to use the Property for new development after the expiration of that lease. Applicant requests a waiver from the requirement that it submit a site plan. Enclosed is a survey of the property.
- e. **Period of Use.** Applicant requests a twenty-two month period of use. Applicant intends to use the property until at least July 15, 2020.

Temporary Parking Lots.

1. Applicant requests a waiver due to the fact that the Property is outside the geographic areas set forth in Section 2.4.6(F)(3)(e)(1) of the LDRs.
2. Applicant confirms that it is in compliance with the requirement that the lot shall not be used to fulfill minimum off-street parking requirements.
3. As discussed above, Applicant requests a waiver of the requirement that it submit a site plan which includes proposed grade elevations, landscaping and other information. Prior to Applicant's lease of the Property, the Property was not well maintained. It included areas of overgrowth visible from the public right-of-way. Applicant has cleared the overgrowth and will use the Property for car storage without the need for repaving.
4. Applicant requests a waiver of the requirement that the City Engineer approve the grading plan for the parking lot and that the Parking Management Advisory Board recommend approval of the site plan. As discussed above, Applicant does not plan to repave the lot or submit a site plan. The lot will be for automobile inventory storage purposes only.
5. Applicant requests a waiver of the one-year period as to temporary use. Applicant requests use of the Property until the expiration of Applicant's lease, which ends on July 15, 2020.
6. Applicant agrees that the temporary parking lot shall be monitored for compliance with the approved conditions, as described in Section II below.

7. Applicant requests a waiver from the requirement that all rock or gravel surfaces shall be removed or covered with top soil after the expiration of the permit. Applicant does not intend to add any rock or gravel.
8. Specifications:
 - a. Applicant requests a waiver of the specifications detailed in Section 2.4.6(F)(3)(e)(8)(a) of the LDRs related to parking lot surface. As discussed above, Applicant does not intend to resurface the lot.
 - b. Applicant intends to operate the lot on the equivalent of an all-valet basis. Only employees will be accessing the lot for the storage of cars.
 - c. Applicant requests a waiver of the requirement that wheel stops be provided at the edge of the parking surface. Applicant does not plan to surface the lot.
 - d. Applicant requests a waiver from the applicability of the requirements of Section 4.6.9(D)(3) of the LDRs for access to the street system and for the construction of driveway aprons from asphalt or concrete. Due to the unique nature of the parking lot use as storage only, these are inapplicable to Applicant.
 - e. Applicant requests a waiver from the landscape strip and/or fence requirements detailed in Section 2.4.6(F)(3)(e)(8)(e) of the LDRs. Applicant intends to provide a perimeter fence with screening. This fence will be six feet high. A drawing showing the proposed location of the fence and gates is enclosed with this letter.
 - f. The parking lot will not be utilized at night.
 - g. Trees of four inches or greater diameter at four and one-half feet above the ground shall not be removed.

II. Proposed conditions

Applicant proposes the following conditions for the temporary parking lot use:

- 1) Applicant will place a cash deposit of nineteen thousand and five hundred dollars and no cents (\$19,500.00) in escrow to be returned after expiration of the permit when the site is vacated. This amount represents three months of rent for the Property. Based on the current approval sought, this amount would be returned after July 15, 2020.
- 2) A prohibition on sales activity on the Property.
- 3) A prohibition on advertising on the Property.
- 4) A prohibition on signage around the Property's perimeter.

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If you have any questions or if we can provide any additional information, please let us know.

Very truly yours,

SACHS SAX CAPLAN

/s/ Michael S. Weiner

Michael S. Weiner

Enclosures: Check for Application Fees
Owners' Consent
Survey
Drawing of Proposed Fences