

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

Application No.: ABN/CB-2020-01702
Application Name: Museo Vault
Control No./Name: 2003-00096 (Museo Vault)
Applicant: Westgate Centre LLC
Owners: Westgate Centre LLC
Agent: Dunay, Miskel and Backman, LLP - Beth Schrantz
Telephone No.: (561) 405-3300
Project Manager: Timothy Haynes, Senior Site Planner

TITLE: a Development Order Abandonment **REQUEST:** to abandon a Class A Conditional use for an office/warehouse in the General Commercial Zoning District. **TITLE:** a Class B Conditional Use **REQUEST:** to allow Limited-Access Self-Service Storage.

APPLICATION SUMMARY: Proposed is a Development Order Abandonment (ABN) and a Class B Conditional Use (CB) for the Museo Vault development. The site was previously approved for an 11,250 square foot (sq. ft.) warehouse building with 3,750 sq. ft. of office use, but has not been constructed and is currently vacant.

The Applicant proposes to abandon the prior approved Class A Conditional Use for Office/Warehouse in order to develop a two-story, 49,760 sq. ft. Limited-Access Self-Service Storage Facility. The PSP indicates 14 total parking spaces and two loading spaces located at the interior west side of the proposed structure.

One access point is proposed from Westgate Avenue.

SITE DATA:

Location:	South side of Westgate Avenue, approximately 0.25 miles east of Military Trail.
Property Control Number(s)	00-42-43-25-00-000-1430
Existing Future Land Use Designation:	Commercial High, with an underlying HR-8 (CH/8)
Proposed Future Land Use Designation:	No Change
Existing Zoning District:	General Commercial District (CG)
Proposed Zoning District:	No Change
Total Acreage:	1.43 acres
Affected Acreage:	1.43 acres
Tier:	Urban/Suburban
Overlay District:	Westgate/Belvedere Homes Overlay
Neighborhood Plan:	N/A
CCRT Area:	Westgate
Municipalities within 1 Mile	Haverhill, West Palm Beach
Future Annexation Area	West Palm Beach

RECOMMENDATION: Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received 0 contacts from the public regarding this application.

PROJECT HISTORY:

The subject site received two prior public hearing approvals. The site received the first Board of County Commissioners (BCC) approval on October 28, 2004 for a Class A Conditional Use to allow an office/warehouse under Resolution R-2004-2275. On February 28, 2008, the BCC approved a Status Report (No. 2003-096) for a Development Order Amendment to amend the Conditions of Approval of Resolution R-2004-2275, which was approved under Resolution R-2008-0259.

SURROUNDING LAND USES:

NORTH (Across Westgate Avenue):

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)
Zoning District: General Commercial (CG)
Supporting: Commercial (Cross Country Commerce Center, Control No. 1983-00069)

SOUTH:

FLU Designation: Commercial High, with an underlying HR-8 (CHX/8)
Zoning District: General Commercial (CG)
Supporting: Commercial (Control Name and No. N/A)

EAST:

FLU Designation: Residential High, 18 units per acre (HR-18)
Zoning District: Multi-Family Residential (Medium Density) (RM)
Supporting: Residential (Westgate Station, Control No. 2007-00233)

WEST:

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)
Zoning District: Multi-Family Residential (Medium Density) (RM)
Supporting: Institutional, Public, and Civic (Control Name and No. N/A)

FINDINGS:

Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order Amendment:

When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF), or a Development Order Amendment, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Conditional Use, Rezoning to PDD or TDD, or Development Order Amendment that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

- a. **Consistency with the Plan** – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

PLANNING DIVISION COMMENTS:

- o *Consistency with the Comprehensive Plan:* The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.
- o *Prior Land Use Amendments:* The site was the subject of two prior Future Land Use amendments. The most recent was a County Initiated Land Use amendment for several areas within the Westgate Community Redevelopment Area (CRA) known as Westgate Area Corrective (LGA 2017-023; Ord. 2017-035). The current request was within Site A, which amended the land use from Commercial High (CH) to Commercial High with an underlying 8 units per acre (CH/8) for this parcel, and was adopted without conditions. The preceding future land use atlas amendment was known as Westgate Commerce Center (SCA-2004-048; Ord. 2004-048) which amended the Future land Use designation from CHX (Commercial High with crosshatching) to CH without conditions.

The request to develop a limited access self-storage facility would be consistent with the adopted CH/8 future land use designation.

- o *Intensity:* The maximum Floor Area Ratio (FAR) of .85 is allowed for a non-residential project with a CH/8 FLU designation in the Urban Suburban Tier (62,251 surveyed square feet or 1.429 acres x .85 maximum FAR = 52,913.35 square feet maximum). The request for a total of 49,760 square feet equates to a FAR of approximately 0.80 (49,760 / 62,251 surveyed square feet or 1.429

acres = 0.799 or 0.80 rounded up).

- *Special Overlay District/ Neighborhood Plan/Planning Study Area:* Special Overlay District/ Neighborhood Plan/Planning Study Area: The request is located within the Comprehensive Plan's Revitalization, Redevelopment, and Infill Overlay (RRIO), the Urban Redevelopment Area (URA), the Westgate/Belvedere Homes Community Redevelopment Area Overlay (WCRAO), and the Westgate Countywide Community Revitalization Team (CCRT) Area, which is administered by the Westgate CRA. The applicant submitted a letter of approval from the Westgate CRA dated September 18, 2020, and a revised letter dated May 7, 2021.

The URA requires inter-connectivity in the URA between complementary neighboring land uses for both vehicular and pedestrian cross access per Future Land Use Element Policy 1.2.2-h. Interconnectivity and a cross access easement had been recorded to the parcel to the east (which has a High Residential, 18 units per acre (HR-18) future land use designation), and since developed residentially as the 80-unit Westgate Plaza Apartments. Based on the proposed use on the subject site, and the residential development on the site to the east, that interconnectivity is no longer required, and the Policy does not apply as the uses are not complementary and that the Westgate Avenue sidewalk provides ample pedestrian connection. Furthermore, the recently completed Chuck Shaw Technical Education Center to the west, part of the Palm Beach County School District, is similarly not complementary, and interconnectivity is not required to the west.

b. Consistency with the Code - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

- *Overlays:* The site is located within Urban Highway (UH) sub-area of the WCRAO and is subject to the requirements outlined in Art. 3.B.14. WCRAO, Westgate Community Redevelopment Area Overlay. The Applicant has obtained recommendation from the WCRA with the initial submittal of the application as shown in Exhibit E. Table 3.B.14.E – WCRAO Sub-area Use Regulations permits the proposed Self-Service Storage, Limited Access use subject to the Supplementary Use Standards of Art. 4.B.2.C.37. The two-story Limited Access structure is permitted to have the proposed use on all floors pursuant to Table 3.B.14.E – WCRAO Sub-area Uses Permitted by Floor (1).
- *Property Development Regulations:* The proposed site modifications meet all minimum setback requirements per ULDC Table 3.B.14.E – WCRAO Mixed Use Property Development Regulations (PDR) and the minimum lot size, frontage, width, lot depth, building coverage and FAR per Table 3.D.1.A – Property Development Regulations. The lot meets the minimum 1-acre requirement as the site is 1.43-acres. The lot contains 296.86 ft. of frontage along Westgate Avenue, and also meets the build-to-line requirement of 20 ft. The minimum 100 ft. of width and depth are also in compliance as the site has 296.86 ft. of width and is 209.40 ft. in depth.

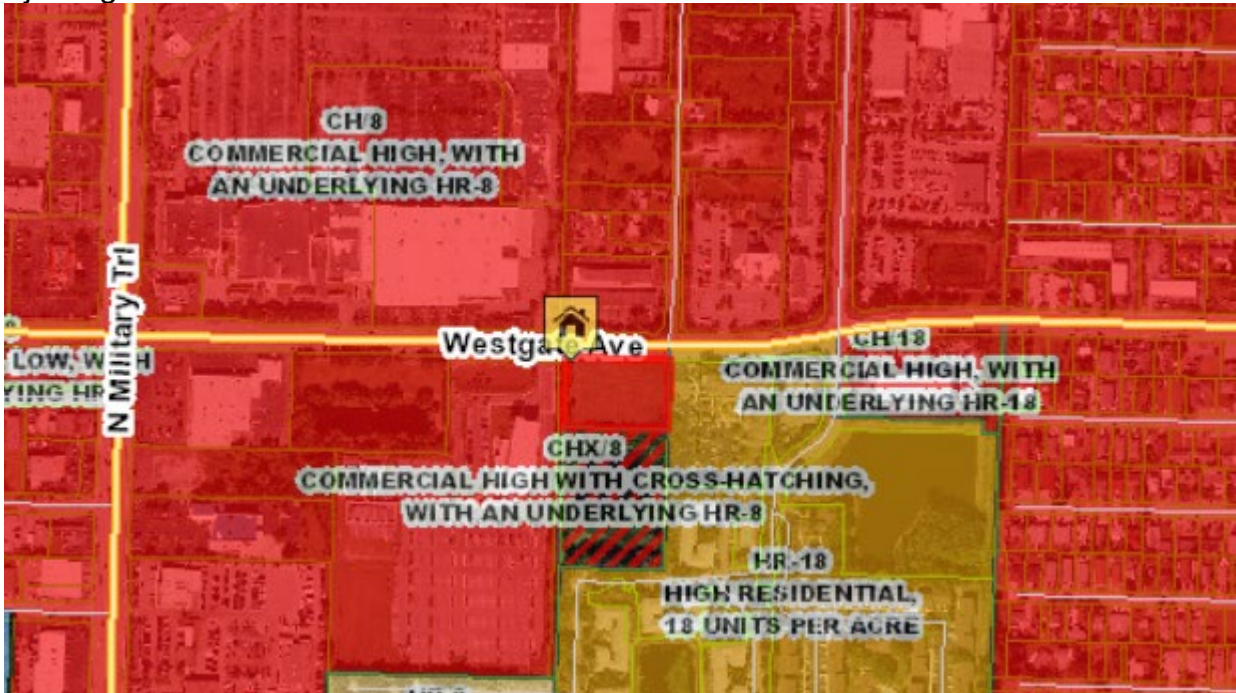
- *Use Regulations:* Limited-Access Self-Service Storage is permitted within the CG zoning district as a Class A Conditional per Table 4.B.2.A – Commercial Use Matrix. However, the WCRAO allows for a new application for a Class A Conditional Use, with a gross land area of 2-acres or less, to be approved as a Class B Conditional Use pursuant to Art. 3.B.14.D.2.b., Class A Conditional Uses on Lots Two Acres or Less. As stated, the subject lot is 1.43-acres and is able to utilize this provision.

The use regulations per Art. 4.B.2.37., Self-Service Storage have been acknowledged and addressed within the Applicant's Justification Statement. Limited Access Self Service storage is defined in the ULDC as a facility consisting of individual, self-contained units that are leased for the storage of business, household, or other personal goods with limited access points from the exterior of the building to interior halls that serve individual storage units. As stated previously, the Limited Access Self-Service use is permitted within the UH sub-area of the WCRAO. No outdoor storage areas and windows utilizing fenestration for the visibility of storage units are proposed as a part of this use.

- *Architectural Review:* This use will be required to comply with the Architectural Guidelines specified in Article 5.C, Design Standards. No Architectural elevations have been provided at this time. The Applicant has indicated they intend to obtain Architectural review approval at time of application for Building Permits for the proposed structure.

- *Parking:* There are 14 regular parking spaces and three loading spaces provided as indicated by the PSP. The onsite parking exceeds the requirements of Table 6.B.1.B – Minimum Parking and Loading Requirements which require only five standard spaces and two loading spaces for the Limited Access Self-Storage use. The 25 ft. drive aisle per Table 6.B.3.A – Minimum Parking Dimensions for Non-Residential Uses and Residential Uses with Shared Parking Lots is maintained along the parking areas.
 - *Landscape/Buffering:* A 15 ft. Right-of-Way (R-O-W) buffer is provided along the north property line per Art. 7.C.2.A., R-O-W Buffer [Width]. The south and west property lines will contain an 8 ft. Compatibility buffer per Art. 7.C.2.B. Compatibility Buffer [Width]. The PSP indicates a 15 ft. incompatibility buffer with a 6 ft. high hedge along the east property line. 8 ft. foundation planting is provided on the east, west, and south side of the structure. Foundation planting along the faced with the required build-to-line may be delete as per Art. 3.B.14.J. 1.a. Foundation Planting [Build-to-line].
 - *Signs:* Two Wall Signs are proposed as part of this application, located on the north and west elevations of the façade. Both signs are proposed to be 6 ft. in total sign area. The proposed signage, as indicated in Figure 6, Preliminary Master Sign Plan, meet the square footage and spacing limitations per Table 8.G.1.A - Wall Sign Standards.
- c. **Compatibility with Surrounding Uses** – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

As proposed, the requested use and site design remain compatible with the surrounding area. Commercial uses exist along the Westgate Avenue corridor. The surrounding land-use designations of the adjoining sites consist of commercial as seen below.



The sub-area of the subject parcel is UH, which is defined as existing commercially developed corridors with little or no changes proposed to current Zoning PDRs or use regulations per Art. 3.A.14.C.2.f. UH, Urban Highway.

To the north is a parcel designated Commercial High, with an underlying HR-8 (CH/8) and within the General Commerical (CG) Zoning district, supporting a commerical office building (Cross Country Commerce Center, Control No. 1983-00069\). Directly south of the site is a parcel containing a retention pond) within the CG Zoning district. To the east is a site within the RM zoning district supporting residential (Control No. 2007-00233, Westgate Station). West of the subject site is with a school containing a FLU Designation of Commercial High, with an underlying HR-8 (CH/8) and a zoning designation.

- d. **Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The proposed site is designed to minimize adverse impacts. As stated in the Landscape/Buffering section, all required perimeter buffering will be installed along the property lines, thus providing visual screening of the use from the R-O-W and the adjacent residentially zoned property to the east. Additionally, the Applicant only proposes a 2-story, 50 ft. maximum height building, which is less than half of the permitted 120 ft. height permitted. Further, based on the WCRAO Art. 3 regulations, the Applicant has the ability to construct up to 10 stories total, which they have recognized is not consistent with the residential development to the east. As such, although the additional height is permitted, the height of the structure has been limited by the Applicant to further prevent visual impacts on the neighboring residential development.

The Applicant has also screened objectionable site features from view from the Westgate Avenue R-O-W and the adjacent properties to the greatest extent possible. The PSP identifies the loading spaces required to be within proposed building. The maneuvering area for these loading spaces are further screened from view by an 8 ft. high wall with foundation planting. The proposed generator also provides 3 ft. screening along all sides. The site design of the PSP indicates additional provisions to negate adverse impacts.

- e. **Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The previously approved site plan preserved two specimen-sized live oaks. The property owner illegally removed the specimen-sized oaks (i.e. a 36 inch and 48 inch). The DBH measurements were from 2005 and the trees were suspected to have grown substantially since then. As part of the enforcement process through ERM (VE-2020-006, issued on October 01, 2020), ERM staff and the property owner reached a settlement agreement, effective March 17, 2021, to plant 10 Live Oaks with a minimum of a seven and one-half inch (7.5 “ D.B.H.) and at least 20 feet tall. Additionally, the applicant must comply with the conditions of approval outlined in the Settlement Agreement.

SITE CONTAMINATION: This site is located within the Westgate/Belvedere Homes CRA Area Brownfield Area.

WELLFIELD PROTECTION ZONE: The property is not located within a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

- f. **Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The proposed request will remain consistent with the development pattern in the area. The Applicant proposes a Limited-Access Self-Storage facility, meeting all subject requirements of the ULDC and WCRAO. The requested commercial use is proposed on an existing commercially zoned property and will remain consistent with the surrounding commercial development along the Westgate Avenue corridor. As such, the proposed use and site modifications will continue in a logical, orderly and timely development pattern of the area.

- g. **Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

ENGINEERING COMMENTS:

The proposed self-storage facility is expected to generate 67 net daily, 4 net AM and 7 net PM peak hour trips. Build-out of the project is expected to be by 2025.

There are no improvements to the roadway system required for compliance with the Traffic Performance since the project has insignificant impacts.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Traffic volumes are in vehicles per hour
Segment: Westgate Ave from Military Trail to Wabasso Dr.
Existing count: Eastbound=502, Westbound=852
Background growth: Eastbound=41, Westbound=62
Project Trips: Eastbound=2, Westbound=2
Total Traffic: Eastbound=545, Westbound=916
Present laneage: 2 in each direction
Assured laneage: 2 in each direction
LOS "D" capacity: 1960 per direction
Projected level of service: LOS D or better in each direction

The Property Owner shall configure the property into a legal lot of record prior to the issuance of the building permit.

PALM BEACH COUNTY HEALTH DEPARTMENT:
This project has met the requirements of the Florida Department of Health.

FIRE PROTECTION:
Staff has reviewed this application and have no comment.

SCHOOL IMPACTS:
Detailed analysis is not required for this non-residential application, as it will not generate any students.

PARKS AND RECREATION:
This is a non-residential project, therefore the Parks and Recreation ULDC provisions do not apply.

h. Changed Conditions or Circumstances – *There are demonstrated changed site conditions or circumstances provided by the Applicant’s Justification Statement that necessitate the amendment.*

The Applicant’s Justification Statement addresses the growing demand for storage facilities to accommodate the residents of the area. Additionally, the commercial development along Westgate Avenue further verifies the demand of commercial uses to service the local community. The formerly approved Warehouse/Office use was determined by the Property Owner to no longer be the best use for the site and proposed the Limited Access Self Storage use in place.

CONCLUSION: Staff have evaluated the standards listed under Article 2.B. and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff is recommending approval of the request, subject to the Conditions of Approval in Exhibit C.

CONDITIONS OF APPROVAL

EXHIBIT C: Class B Conditional Use - Concurrent

ALL PETITIONS

1. The approved Site Plan is dated July 26, 2021. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2025, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

ENVIRONMENTAL

1. As pursuant to Settlement Agreement Number VE-2020-006, a total of ten (10) oaks trees with trunk diameters equal to or greater than 7.50 inches and a minimum height of 20 feet shall be planted on the project site prior to the issuance of the Certificate of Occupancy. The oak trees must be installed utilizing best industry standards and supplied with irrigation, supports, fertilizers and mulch. (CO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. The 10 oak trees shall be identified on the Final Site Plan prior to Final DRO certification. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

3. A protective barrier (e.g., fencing, bollards) shall be constructed between the required ERM trees and any vehicular area. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

SIGNS

1. Prior to final Development Review Officer approval, the Master Sign Plan must be revised to indicate the correct corresponding building width dimensions as indicated on the Site Plan. All proposed sign square footages must be updated accordingly. DRO: ZONING - Zoning)

SITE DESIGN

1. Prior to final Development Review Officer approval, all submitted plans must be revised to reflect the correct application name, plan name and plan numbers. (DRO: ZONING - Zoning)

2. Prior to final approval by the Development Review Officer, the Site Plan shall be revised to relocate the proposed decorative fence on the west side of the subject site, shown within the 8 ft. Compatibility Buffer, outside of the buffer area. If the Applicant requires the fence within the Compatibility Buffer, a Variance will be required to allow for a fence within this area. (DRO: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

- 1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

Figure 1 - Land Use Map

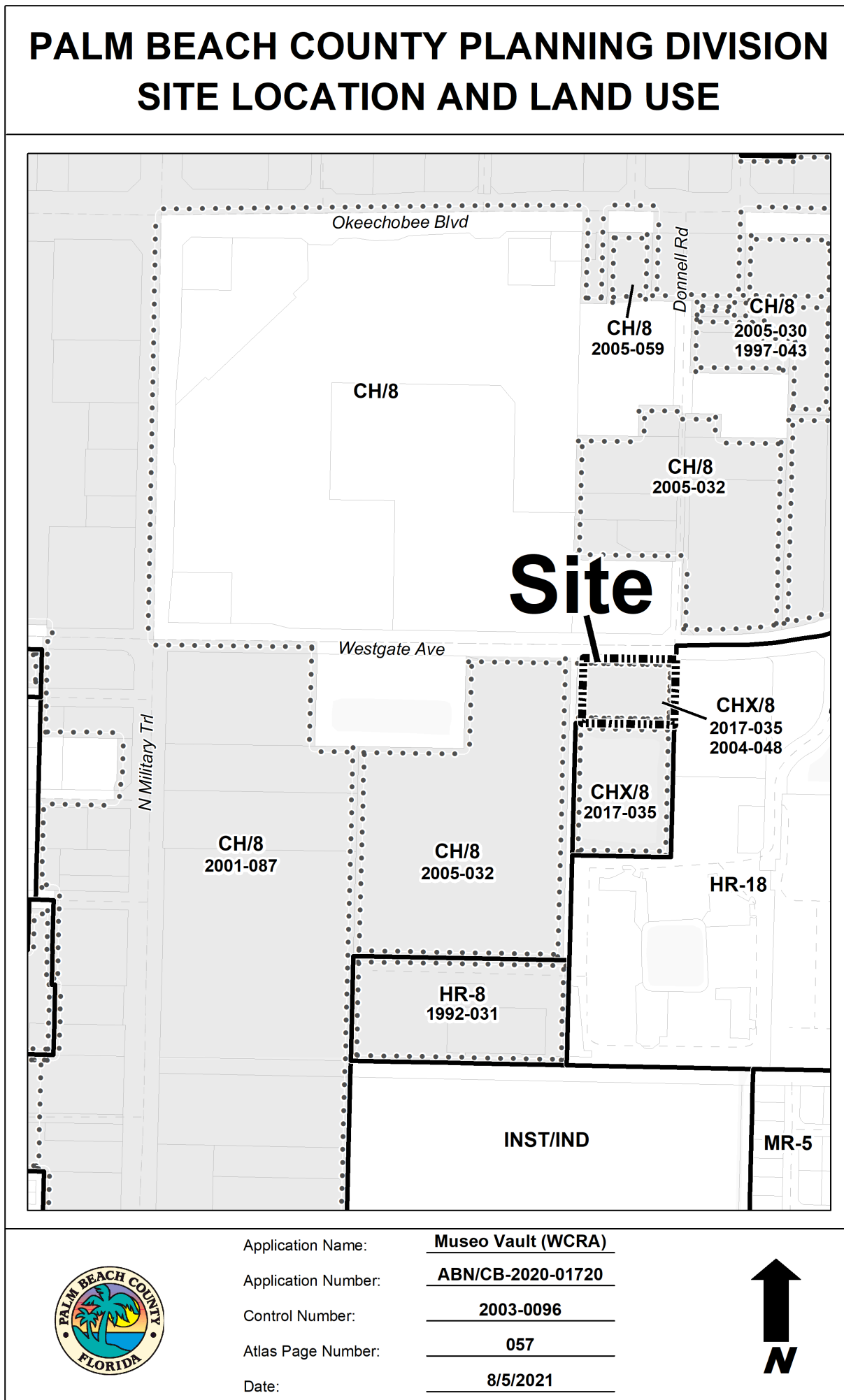


Figure 2 - Zoning Map

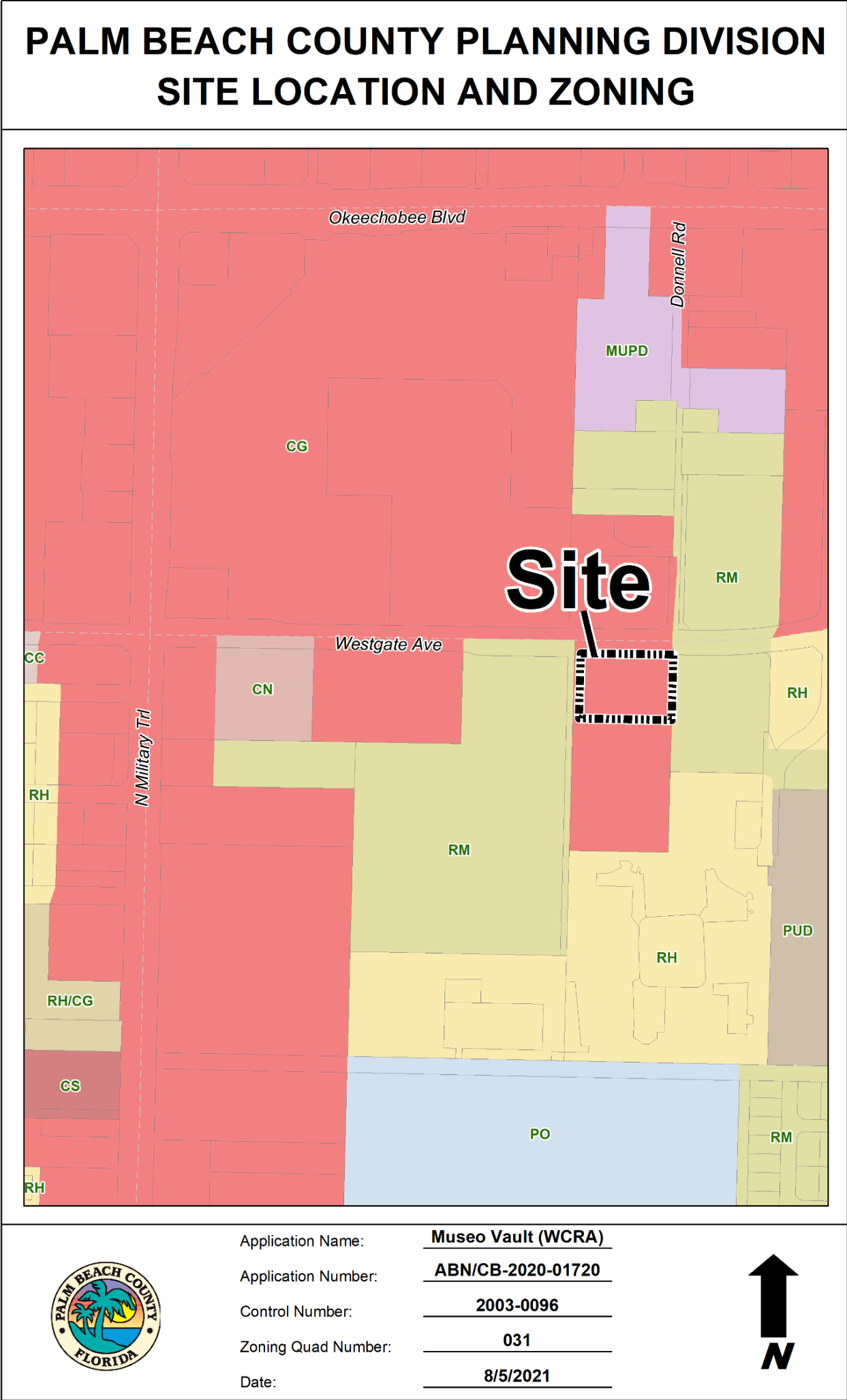
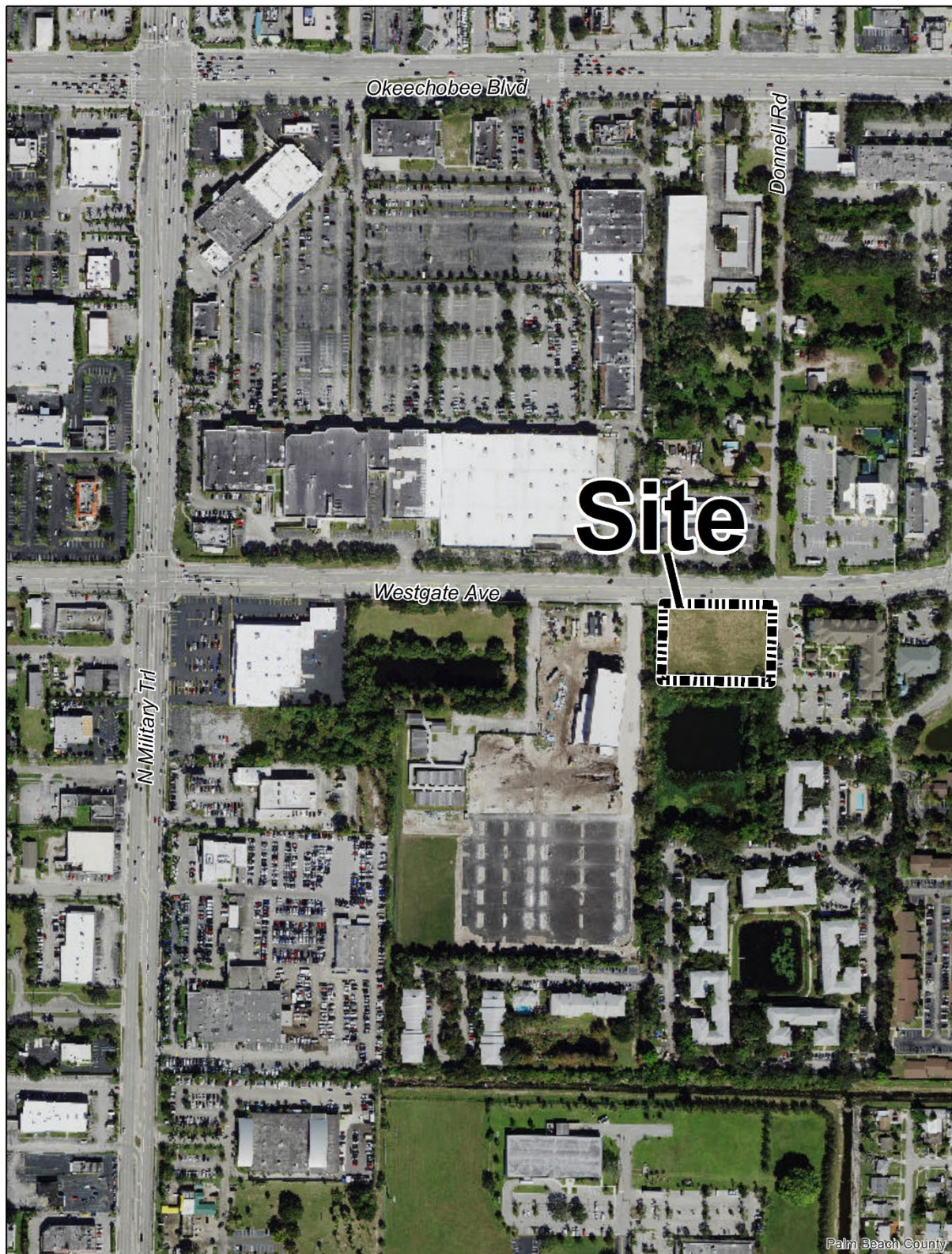


Figure 3 - Aerial

PALM BEACH COUNTY PLANNING DIVISION

SITE LOCATION



Application Name:	<u>Museo Vault (WCRA)</u>
Application Number:	<u>ABN/CB-2020-01720</u>
Control Number:	<u>2003-0096</u>
Atlas Page Number:	<u>057</u>
Date:	<u>8/5/2021</u>



Zoning Commission
Application No. ABN/CB-2020-01702
Museo Vault

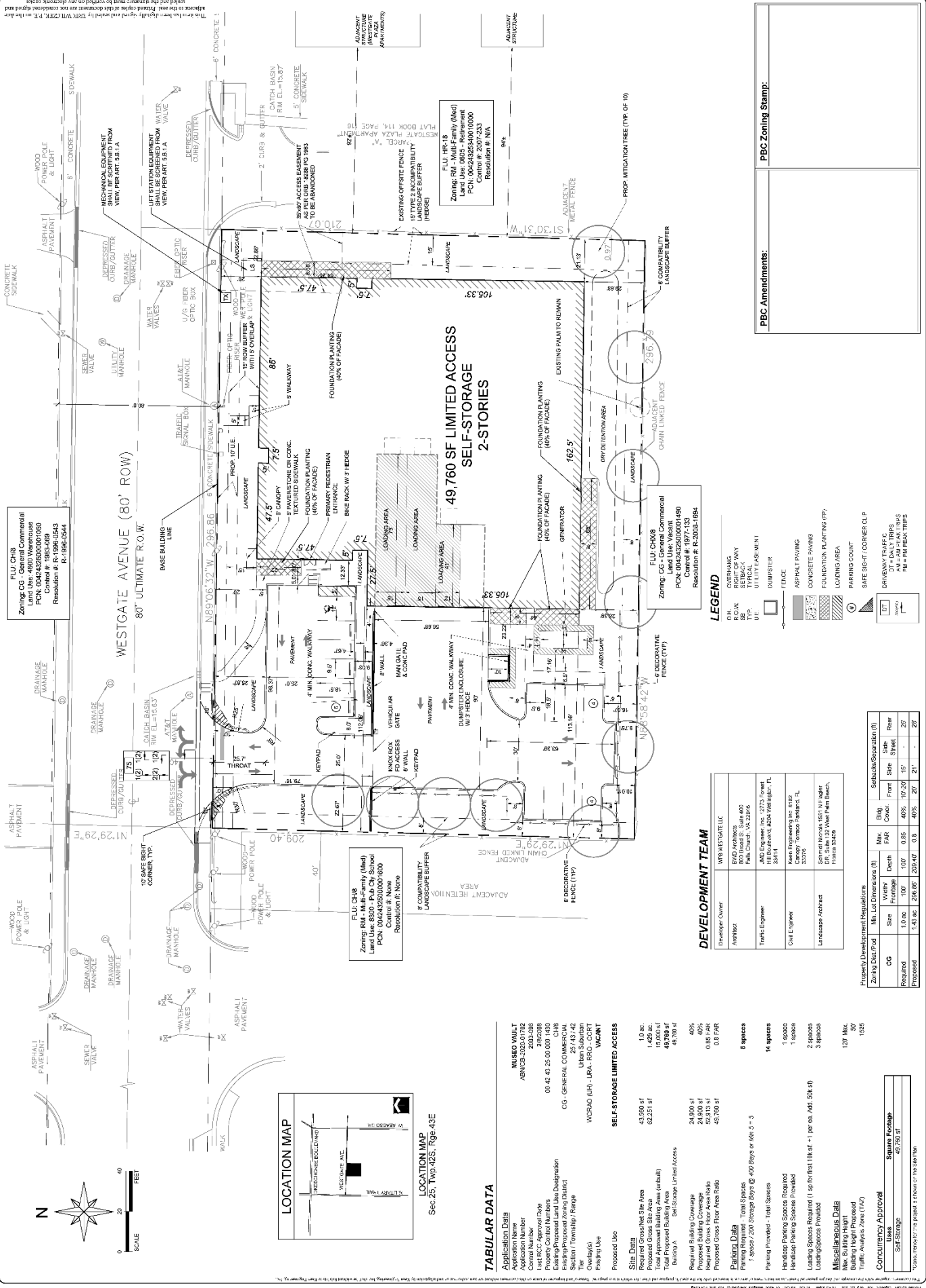


Figure 5 – Preliminary Regulating Plan (Sheet 1 of 1), dated July 26, 2021

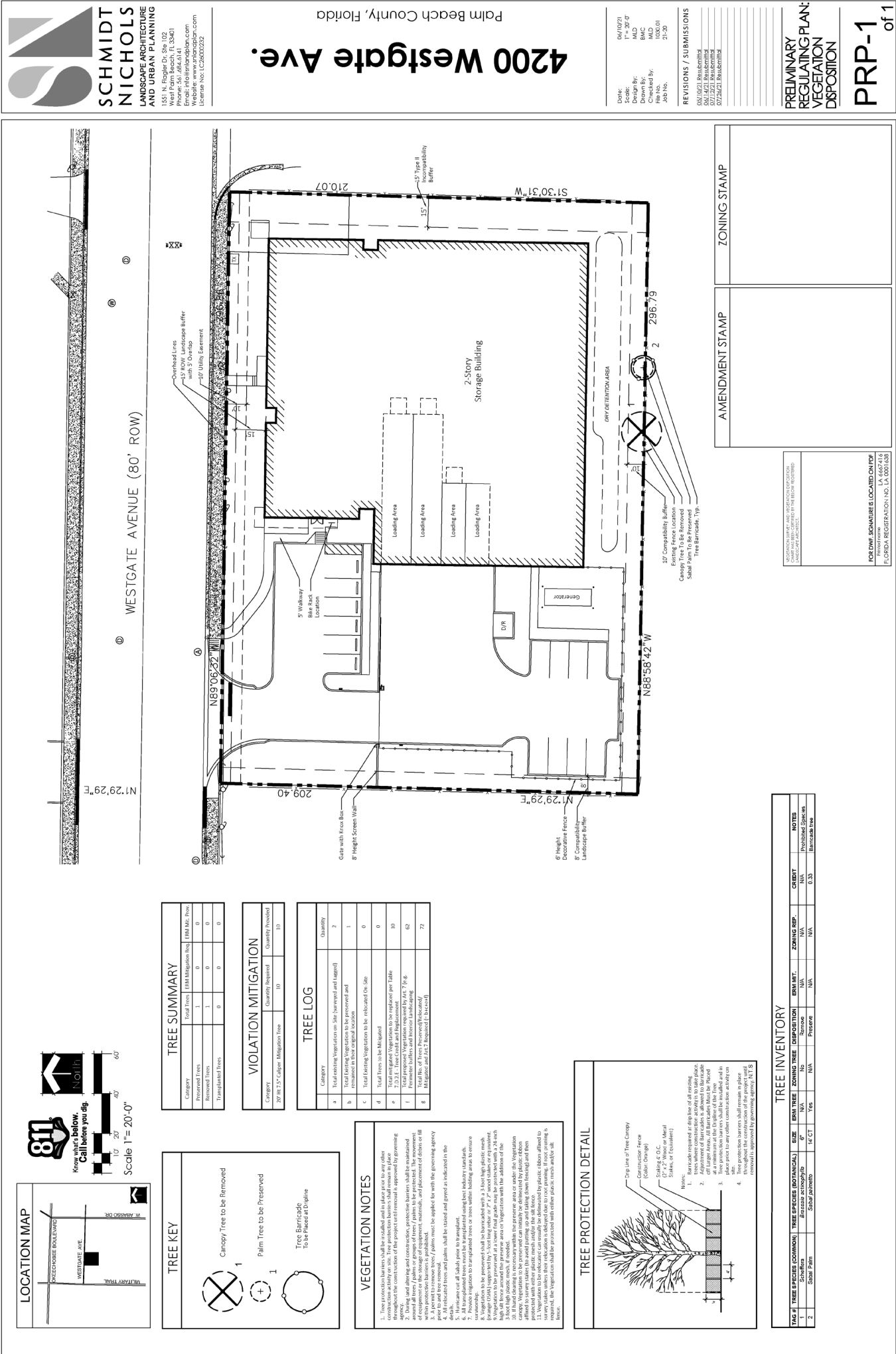


Exhibit D – Disclosure of Ownership

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

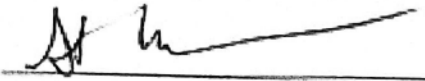
STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Steven Novenstein, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

- 1. Affiant is the [] individual or [x] Manager WPB Westgate, LLC [position - e.g., president, partner, trustee] of WPB Westgate, LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
- 2. Affiant's address is: 28 W. 17TH ST., STE. 801
New York, NY 10011
- 3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
- 4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
- 5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
- 6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

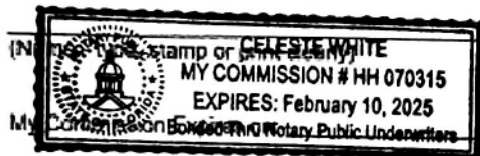
FURTHER AFFIANT SAYETH NAUGHT.

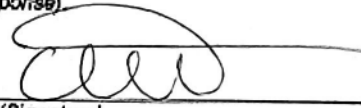

 Steven Nizorenstein, Manager of WPB Westgate, LLC, Affiant
 (Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
 COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14th day of June, 2021 by Steven Nizorenstein, Manager of WPB Westgate, LLC (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).




 (Signature)

NOTARY'S SEAL OR STAMP

EXHIBIT “A”

PROPERTY

The West 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida. Less the North 40.00 feet thereof for Westgate Avenue as recorded in Road Plat Book 2, Page 205 Public Records of Palm Beach County, Florida, Less the West 40 feet and Less the South 425 feet thereof.
Containing 62,251.31 square feet or 1.429 acres +/-

EXHIBIT “B”

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual’s or entity’s interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address
Steven Guttman, 800 S Pointe Drive, #1701, Miami Beach, FL 33139	
The Novenstein Family 2012 Trust, Steven Novenstein as Trustee & Beneficiary	
9605 Positano Way, Lake Worth, FL 33467	
Joshua Guttman GST Trust, Kathleen Guttman as Trustee & Joshua Guttman as Beneficiary	
800 S Pointe Drive, #1701, Miami Beach, FL 33139	
Jordan Guttman 2003 Trust, Kathleen Guttman as Trustee & Jordan Rosner as Beneficiary	
800 S Pointe Drive, #1701, Miami Beach, FL 33139	
COSFAM 2012 Trust, Nicholas Coslov as Trustee & Beneficiary	
800 S Pointe Drive, #1701, Miami Beach, FL 33139	

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

[TO BE COMPLETED AND EXECUTED ONLY WHEN THE APPLICANT IS NOT THE OWNER OF THE SUBJECT PROPERTY]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Todd A. Ruderman, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [] individual or [x] Managing Member [position—e.g., *president, partner, trustee*] of TD NW 29th Street, LLC * [name and type of entity - e.g., *ABC Corporation, XYZ Limited Partnership*], (hereinafter, "Applicant"). * Managing Member of Museo Vault WPB, LLC
Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 3201 West Commercial Boulevard, Suite 218
Fort Lauderdale, FL 33309
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.



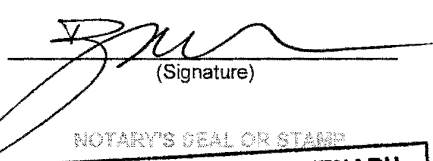
Todd A. Ruderman, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or
☐ online notarization, this 30 day of Sept., 2020 by
Todd A. Ruderman (name of person acknowledging). He/she is personally
known to me or has produced _____ (type of identification) as
identification and did/did not take an oath (circle correct response).

(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: _____

NOTARY'S SEAL OR STAMP

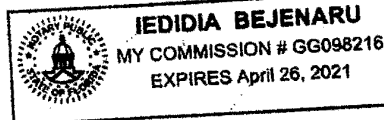


EXHIBIT "A"

PROPERTY

The West ½ of the Northwest ¼ of the Southeast ¼ of the Northeast ¼ of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida. Less the North 40.00 feet thereof for Westgate Avenue as recorded in Road Plat Book 2, Page 205 Public Records of Palm Beach County, Florida, Less the West 30 feet and Less the South 425 feet thereof.

EXHIBIT “B”

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address
Please see supplement to Exhibit "B".	

SUPPLEMENT TO EXHIBIT “B”

Beneficial Ownership of Museo Vault WPB, LLC (“Entity”):

50% Ownership: TD NW 29th Street, LLC (“TD”) 3201 W. Commercial Blvd., Ste. 218
Fort Lauderdale, FL 33309

Beneficial Ownership:

David Schaefer (50% of TD; 25% of Entity)	3 Grove Isle Drive Miami, FL 33133
Todd A. Ruderman, Trustee (50% of TD; 25% of Entity)	c/o Tarco Properties, LLC 3201 W. Commercial Blvd., Ste. 218 Fort Lauderdale, FL 33309

50% Ownership: Tarco Museo, LLC (“Tarco”) 3201 W. Commercial Blvd., Ste. 218
Fort Lauderdale, FL 33309

Beneficial Ownership:

Todd A. Ruderman, Trustee (100% of Tarco; 50% of Entity)	c/o Tarco Properties, LLC 3201 W. Commercial Blvd., Ste. 218 Fort Lauderdale, FL 33309
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Exhibit E – Westgate Approval Letter



May 7, 2021

Ms. Ele Zachariades, Esq.
Dunay, Miskel and Backman, LLP
14 SE 4th Street, Suite 36
Boca Raton, FL 33432

RE: WCRA Recommendation Letter (revised)
PROJECT: 4200 Westgate Avenue
Control No. 2003-096

Dear Ms. Zachariades;

Please be advised that this letter is prepared to address the requirements of Article 3.B.14.D.1 of the Unified Land Development Code (ULDC), as amended.

The applicant requests a recommendation of approval for the project from the Westgate CRA to include the following:

- 1. Abandonment of R-2004-2275 (Class A Conditional Use approval for Office/Warehouse) and R-2008-259 (DOA to amend conditions of approval for R-2004-2275);
- 2. Class B Conditional Use to allow a +/- 49,760 sf Limited Access Self-Storage Facility;
- 3. Final DRO Site Plan approval.

The Westgate CRA reviewed a preliminary site plan dated June 25, 2020, justification by your office, along with other supporting documents, including a preliminary landscape plan, a conceptual architectural rendering, floor plans, and drainage and traffic statements at their September 14, 2020 regular meeting. A revised preliminary site plan dated April 20, 2021, along with new conceptual architectural renderings, has been reviewed by the CRA. The proposed project remains generally compatible with the goals and objectives of the Westgate CRA Community Redevelopment Plan, as amended, and the intent of the WCRAO UH Sub-area to allow for high intensity commercial development.

Sincerely,


Denise Pennell, FRA-RA
Senior Planner/Project Manager
Westgate CRA, Palm Beach County
dpennell@pbcgov.org
561-640-8181x105

1280 N. Congress Avenue, Suite 215 ~ West Palm Beach, Florida 33409 ~ 561.640.8181 ~ westgatecra.org