

**CITY OF PALM BEACH GARDENS**  
**DEVELOPMENT APPLICATION**

**Planning and Zoning Department**  
**CITY OF PALM BEACH GARDENS**  
10500 North Military Trail  
Palm Beach Gardens, FL 33410  
(561) 799-4243 Fax (561) 799-4281

**Request:**

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|--|--|
| <input type="checkbox"/> Planned Community Development (PCD)           | <input type="checkbox"/> Annexation              |
| <input type="checkbox"/> Planned Unit Development (PUD)                | <input type="checkbox"/> Rezoning                |
| <input checked="" type="checkbox"/> Amendment to PCD, PUD or Site Plan | <input type="checkbox"/> Site Plan Review        |
| <input type="checkbox"/> Conditional Use                               | <input type="checkbox"/> Concurrency Certificate |
| <input type="checkbox"/> Amendment to the Comprehensive Plan           | <input type="checkbox"/> Time Extension          |
| <input type="checkbox"/> Administrative Approval                       | <input type="checkbox"/> Miscellaneous           |
| <input type="checkbox"/> Administrative Appeal                         | <input type="checkbox"/> Other _____             |

Date Submitted: March 20, 2019

**Project Name:** Port 32 (Also known as PGA Marina PUD)

Owner: PGA Marina Partners, LLC

Applicant (if not Owner): Same

Applicant's Address: 33 Lockwood Dr, SC 29401 Telephone No. \_\_\_\_\_

Agent: Anne Booth, Urban Design Kilday Studios

Contact Person: Anne Booth E-Mail: aboorth@udkstudios.com

Agent's Mailing Address: 610 Clematis Street, WPB, FL 33401

Agent's Telephone Number: 561-366-1100

**FOR OFFICE USE ONLY**

Petition Number: \_\_\_\_\_ Date & Time Received: \_\_\_\_\_

**Fees Received**

Application \$ \_\_\_\_\_ Engineering \$ \_\_\_\_\_

Receipt Number: \_\_\_\_\_

Architect: \_\_\_\_\_

Engineer: Kimley Horn

Planner: Urban Design Kilday Studios

Landscape Architect: Urban Design Kilday Studios

**Site Information:**

**Note: Petitioner shall submit electronic digital files of approved projects. See attachment for details.**

General Location: NW corner of PGA Boulevard and Intracoastal Waterway

Address: 2385 PGA Blvd, PBG, FL 33418

Section: 5 Township: 42 Range: 43

Property Control Number(s): 52-43-42-05-00-000-1100 and 52-43-42-05-00-000-1480

Acreage: 7.2 Current Zoning: CG1/PUD Requested Zoning: No Change

Flood Zone <sup>B</sup> \_\_\_\_\_ Base Flood Elevation (BFE) – to be indicated on site plan \_\_\_\_\_

Current Comprehensive Plan Land Use Designation: Commercial

Existing Land Use: Commercial (Marina) Requested Land Use: Commercial (Marina)

Proposed Use(s) i.e. hotel, single family residence, etc.: Marina

See attached site plan

Proposed Square Footage by Use: Please see attached site plan

Proposed Number and Type of Dwelling Unit(s) i.e. single family, multifamily, etc. (if applicable):  
N/A

## Justification

Information concerning all requests (attach additional sheets if needed.)  
{Section 78-46, Application Procedures, Land Development Regulations.}

1. Explain the nature of the request: A request to modify the approved master site plan for the PGA Marina and Boating Center to allow three access gates.

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2. What will be the impact of the proposed change on the surrounding area?

The use of the parcel is not changing. The proposed modifications will dramatically improve the existing safety conditions.

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3. Describe how the rezoning request complies with the City's Vision Plan and the following elements of the City's Comprehensive Plan - Future Land Use, Transportation, Housing, Infrastructure, Coastal Management, Conservations, Recreation and Open space, Intergovernmental Coordination and Capital Improvement.

All elements of the City Vision Plan and Comprehensive Plan were addressed with the approval of the overall

PUD. The proposed plan of development meets the standards of the City's PUD requirements and

is consistent with the overall approved master site plan.

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4. How does the proposed project comply with City requirements for preservation of natural resources and native vegetation (Section 78-301, Land Development Regulations)?

All requirements for the preservation of natural resources were addressed at the time of the approval of the PUD.

5. How will the proposed project comply with City requirements for Art in Public Places (Chapter 78-261, Land Development Regulations)?

The applicant will comply as required by code for any AIPP fees.

6. Has project received concurrency certification?

Yes

Date Received:

**Legal Description of the Subject Property**

(Attach additional sheets if needed)

**Or see attached deed for legal description.**

**Location**

The subject property is located approximately 0 mile(s) from the intersection of PGA Blvd and Intracoastal Waterway, on the  north,  east,  south,  west side of PGA Blvd. (street/road).

**STATEMENT OF OWNERSHIP AND DESIGNATION OF AUTHORIZED AGENT**

Before me, the undersigned authority, personally appeared **Joe Miller**, who being sworn on oath, deposes and says:

1. That, he is the **MANAGER OF PGA MARINA PARTNERS, LLC**, which is the owner of certain properties as described in the attached legal description: *(See attached deed)*, and;
2. That, he is authorized to act on behalf of **PGA MARINA PARTNERS, LLC**, with regard to development approvals, applications and permits, and;
3. That, **PGA MARINA PARTNERS, LLC**, is requesting approvals to modify and develop the PGA Marina PUD, and;
4. That, **PGA MARINA PARTNERS, LLC**, has appointed **ANNE BOOTH and URBAN DESIGN KILDAY STUDIOS** to act as Agent on it's behalf to accomplish the above, and;
5. That, **PGA MARINA PARTNERS, LLC**, and/or its successors or assigns, commits to proceed with the proposed development in accordance with the Ordinances and Resolutions of approval and such conditions and safeguards as may be set by the City Council in such Ordinance, and;
6. That, **PGA MARINA PARTNERS, LLC**, or its successors or assigns, commits to complete the development according to the plans approved by such Ordinance, and to continue operating and maintaining such area, functions, and facilities as are not to be provided, operated or maintained by the City of Palm Beach Gardens pursuant to written agreement, and;
7. That, **PGA MARINA PARTNERS, LLC**, commits to bind any successors in title to any commitments made in the approval.

**PGA MARINA PARTNERS, LLC,**

By: \_\_\_\_\_

*Joe Miller, Manager, AMH PGA, LLC, Manager*

Sworn to and subscribed before me this 4<sup>th</sup> day of January, 2018.

(Notary Seal)

*Sandra J. Megrue*  
Notary Public, State of Florida  
Commission Number FF582159  
My Commission Expires: August 13, 2020

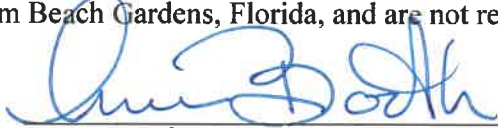


SANDRA J. MEGRUE  
MY COMMISSION # FF 982159  
EXPIRES: August 13, 2020  
Bonded Thru Budget Notary Services

**Applicant's Certification**

I/We affirm and certify that I/we understand and will comply with the land development regulations of the City of Palm Beach Gardens, Florida. I We further certify that the statements or diagrams made on any paper or plans submitted here with are true to the best of my/our knowledge and belief. Further, I/we understand that this application, attachments, and application filing fees become a part of the official records of the City of Palm Beach Gardens, Florida, and are not returnable.

Applicant is:

  
\_\_\_\_\_  
Signature of Applicant

Owner

Anne Booth  
\_\_\_\_\_  
Print Name of Applicant

Optionee

610 Clematis Street, Suite CU02  
\_\_\_\_\_  
Street Address

Lessee

West Palm Beach, FL 33401  
\_\_\_\_\_  
City, State, Zip Code

Agent

561-366-1100  
\_\_\_\_\_  
Telephone Number

Contract Purchaser

561-366-1111  
\_\_\_\_\_  
Fax Number  
abooth@udkstudios.com  
\_\_\_\_\_  
E-Mail Address



Permit # \_\_\_\_\_

**Financial Responsibility Form**

The owner understands that all City-incurred professional fees and expenses associated with the processing of this application request are ultimately the responsibility of the owner. A security deposit shall be deposited in an interest-bearing account with any accrued interest to be retained by the City of Palm Beach Gardens.

The owner and/or designee shall be invoiced on a monthly basis for professional fees such as, but not limited to, consultant engineering services, legal services, advertising costs, and/or any other costs attributable to the processing of the permit for which the City incurred during the previous month. The owner and/or designee shall reimburse the City within thirty (30) days from date of invoice. If payment is not received, the City may utilize the security deposit for re-imbursement purposes. All activities related to the pending permit(s) will cease until any outstanding invoices are paid.

The owner/designee further understands that transfer of this responsibility shall require a completed form, signed and notarized by the responsible party, and delivered to the City Planning and Zoning Department if the name and/or address of the responsible party changes at anytime during the application review process.

[Signature]  
Owner signature

8/5/17  
Date

Joe Miller, Manager, AMH PGA, LLC, Manager  
Owner printed name

52-43-42-05-00-000-1100  
Property Control Number  
& 52-43-42-05-00-000-1480

**DESIGNEE/BILL TO:**  
PGA Marina Partners, LLC  
33 Lockwood Dr.  
Charleston, SC 29401

[Signature]  
Designee Acceptance Signature

**NOTARY ACKNOWLEDGEMENT**

STATE OF South Carolina  
COUNTY OF Charleston

I hereby certify that the foregoing instrument was acknowledged before me this 5<sup>th</sup> day of August, 2017, by Joe Miller. He or she is personally known to me or has produced \_\_\_\_\_ as identification.

[Signature]  
Notary public signature

Rebecca McMenamy  
Printed name

State of SC at-large

My Commission expires: 10/16/2022

March 20, 2019

Mrs. Natalie Crowley, AICP  
Director of Planning and Zoning  
Growth Management Department  
City of Palm Beach Gardens  
10500 North Military Trail  
Palm Beach Gardens, FL 33410



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Urban Planning and Design  
Landscape Architecture  
Communication Graphics

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**RE: PUD AMENDMENT REQUEST - GATES  
PORT 32 (PGA MARINA PUD)**

Dear Mrs. Crowley:

Please accept the attached application as our request, on behalf of the owner and applicant, PGA Partners, LLC, for approval of a PUD Amendment to the PGA Marina PUD located at the northwest corner of PGA Boulevard and the Intracoastal Waterway.

The applicant is proposing to amend the approved site plan to allow the installation of three sets of gates within the marina to provide a method of access control and safety for the public while the marina boat lifts are operating. The applicant has become increasingly concerned about the safety of the public and the vehicles that travel through the marina when the fork lift is operating. With the new lunch time operation of the restaurant there has been an increase in the interactions between vehicles and the fork lift. The applicant has attempted to improve safety by using flagmen, the installation of stop signs and safety cones but these measures have proven to be ineffective. Some of the more serious incidences of interaction include the following:

- April 2018, a car trying to pass the marina forklift hits a parked van.
- May 30th 2018, A restaurant employee in gray Mazda SUV passes the marina forklift too closely and the passenger side mirror makes contact with marina forklift.
- July 21st 2018, A restaurant patron driving a jeep runs over the stop sign and safety cones. He then continues to drive outside the access easement and hits the motors on one of the boats.
- Aug 22nd 2018, A restaurant patron leaving the restaurant gets lost in the boatyard. Her car jumps the landscape curb and runs over multiple car wheel stops. The driver passes out behind the wheel at the stop sign and the car drifts out onto PGA Blvd. A Marina employee goes out to wake up driver and move the car from PGA Blvd. A PBG Police report was issued.
- Sept 26th 2018, A restaurant patron driving a 4Runner going to the restaurant passes the marina forklift and hits a tree.
- Sept 2017, A restaurant employee hits a tree. A police report was issued.

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610 Clematis Street  
Suite CU02  
West Palm Beach, FL 33401  
561.366.1100 561.366.1111 fax  
www.udkstudios.com  
LCC000035

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- Several other incidents have been documented including a Sysco delivery truck leaving the restaurant hitting a parked marina forklift and tearing a hole in the side panel as well as regular incidents where restaurant patrons leaving the restaurant get turned around and they end up hitting boats/motors.

The new northern entrance drive and parking which was intended to provide safer access to the restaurant has been completed, however, the property owner for the restaurant has declined to make the connection therefore all of the restaurant traffic continues to flow through the marina property. The Applicant is very concerned that should a vehicle have an altercation with the forklift resulting in the boat falling on the car, serious injury or loss of life could occur. The applicant feels they have no further options to protect themselves and the public other than providing the proposed gates to temporarily stop traffic while the lifts operates. The primary hours of conflict are during daytime hours when both the restaurant and the marina are operating. Included in this application is a queuing report from the project traffic engineer that demonstrates that the gates will have minimum effect on the flow of traffic. The gates will operate similar to a railroad crossing gate that stays in the up position unless a forklift is present. The forklift driver will have a control for the gates which will only go down when they need to move through the yard. All gates will have the appropriate "click-to-enter" or other devices required by the City Fire Department.

Although two of the gates are proposed within the existing access easement for the restaurant, the location and use of the restaurant access easement are not proposed to be altered as part of this request. The location of the proposed gates will allow the appropriate stacking while the gates are closed and they are strategically located where vehicles will not easily be able to go around them. It is the applicant's understanding that Case Law relating to a property owner's right to make modifications to changes to an easement are allowed, so long as the change does not unreasonably impede the easement owner's access or use of the easement for it's intended purposes.

Please accept the following documents for review and approval of this request:

1. Application Fee of \$5,200.00 (*PUD Amendment application fee of \$2000; Pre-application meeting fee of \$200.00, Engineering Escrow fee of \$1,000, Legal Escrow Fee of \$1000, Advertising Escrow Fee of \$1000*);
2. Development Application, (*9 copies*);
3. Statement of Ownership and designation of authorized agent (*one copy*);
4. Financial Responsibility Form (*one copy*);
5. Special Warranty Deed with ownership documentation (*one copy*);
6. Site Plan prepared by Urban Design Kilday Studios, 1 sheet, dated March 20, 2019 (*9 copies*);
7. Traffic Queuing Statement, prepared by Kimley Horn Associates

8. Sample cut sheet of proposed gate system
9. Disk with electronic copies of application materials (*one copy*).

Thank you for your assistance with processing this request. If you have any questions, please feel free to contact me.

A handwritten signature in black ink, appearing to read "Anne Booth". The signature is fluid and cursive, with the first name "Anne" written in a larger, more prominent script than the last name "Booth".

Sincerely,  
**Urban Design Kilday Studios**

Anne Booth  
Principal

Cc: Joe Miller  
Mike Vinson  
Steve Mathison  
John Whittles