

2025 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

Part 1. Amendment Data

A. Amendment Data

Round	26-A	Intake Date	May 14, 2025
Application Name	Happy Hollow Commerce	Revised Date	N/A
Acres	5.24	Control Number	2005-00335
		FLUA Page	98
		Text Amend?	No
PCNs	00-42-46-18-01-000-0480		
Location	South side of Happy Hollow Road, approximately .44 miles west of Smith Sundry Road.		
BCC District	District 5		
	Current	Proposed	
Tier	Agricultural Reserve	Agricultural Reserve	
Use	Nursery/ Landscape Services Single Family Residential, 1 dwelling unit (3155 SF)	Dispatching Service	
Zoning	Agricultural Reserve District (AGR)	Light Industrial (IL)	
Future Land Use Designation	Agricultural Reserve (AGR)	Commerce with an underlying Agricultural Reserve (CMR/AGR)	
Conditions	None	None	

B. Development Potential

	Current FLU	Proposed FLU
Maximum Square Feet (for non-residential)	0.15 FAR x 228,254 SF = 34,238 SF	0.35 FAR x 228,524 SF = 79,983 SF
Maximum Units (for residential)	Single Family, 1 unit .20 du/acre x 5.24 ac. = 1.00	Single Family, 1 unit .20 du/acre x 5.24 ac. = 1.00
Maximum Beds (for CLF proposals)	None.	None.

Part 2. Applicant Data

A. Agent Information

Name	Brian Terry
Company Name	Insite Studio, Inc.
Address	3601 PGA Boulevard, Suite 220
City, State, Zip	Palm Beach Gardens, Florida 33410
Phone / Fax Number	(561)831-4415
Email Address	Brianterry@insitestudio.com

B. Applicant Information

Name	Eric Masse
Company Name	Ashem Group, LLC
Address	9924 Happy Hollow Rd.
City, State, Zip	Delray Beach, FL 33446
Phone / Fax Number	
Email Address	
Interest	Property Owner

Part 3. Site Data

A. Site Data

Built Features	Built in 1977, Building 1 – 3155 total square footage
Street Address	9924 Happy Hollow Road, Delray Beach, Florida, 33446
Frontage	672.62' LWDD E-1 Canal and 339.72' of depth
Legal Access	The proposed access is from State Road 7. The current access is off of Happy Hollow Rd.
Contiguous under same ownership	There is no adjacent land under the same ownership as the subject site.
Acquisition details	The properties were acquired on April 8, 2005 by Ashem Group, LLC from James and Elizabeth Magafas. The purchase of the property was a fee simple acquisition of \$850,000.
Size purchased	5.24 ac

B. Development History

Previous FLUA Amendments	There are no previous FLUA Amendments for the subject site.
Concurrency	The property currently has a concurrency approval for a 5-acre Wholesale Nursery.
Plat, Subdivision	Palm Beach County Farms Co. Plat No. 1 (Book 2, Page 26)

C. Zoning Approvals & Requests

Reso. No.	App. No.	Status	Type	Description	Changes proposed (if any)
	DRO-2020-01116	Approved with Conditions	DRO	To allow a Wholesale Nursery with collocated Landscape Service use.	
	CONR-2005-00968	Approved	CONR	Concurrency for a 5-acre wholesale nursery	

Part 4. Consistency

A. Surrounding Land Uses.

Adjacent Lands	Use	Future Land Use	Zoning
North	BBX Park Warehouse with accessory office (747,080 SF)	Commerce with an underlying Agricultural Reserve (CMR/ AGR)	Multiple Use Planned Development (MUPD) & Agricultural Reserve - Planned Unit Development with an Underlying Preserve (ARG-PUD/P)
South	Bailey Tree Farm Nursery / Agriculture with Agriculture use building (1,480 SF)	Agricultural Reserve (AGR)	Agricultural Reserve - Planned Unit Development with an Underlying Preserve (ARG-PUD/P)
East	Single Family Residential 1 unit on 4.95 acres with addition and a 260.2' tall Communication Tower with Communication antenna (4,791 SF)	Agricultural Reserve (AGR)	Agricultural Reserve District (AGR)
West	Lake Worth Drainage District Canal & State Road 7 (Urban Principal Arterial, Map TE 3.1)	Agricultural Reserve (AGR)	Agricultural Reserve District (AGR)

Part 5. Public Facilities Information

A. Traffic Information		
	Current	Proposed
Max Trip Generator	ITE 817 Nursery (Garden Center): 108.10 Trips/Acre ITE 818 Nursery (Wholesale): 19.50 Trips/Acre	ITE 110 General Light Industrial 4.87 Trips/1000 SF
Maximum Trip Generation	546	350
Net Daily Trips:	-196 (maximum minus current) -196 (proposed minus current)	
Net PH Trips:	39 (40 In/-1 Out) AM, 7 (-14 In/21 Out) PM (maximum) 39 (40 In/-1 Out) AM, 7 (-14 In/21 Out) PM (proposed)	
Significantly impacted roadway segments that fail Long Range	None	None
Significantly impacted roadway segments for Test 2	None	None
Traffic Consultant	JFO GROUP INC.	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	The nearest Palm Tran Route is 88	
Nearest Palm Tran Stop	Gateway Rd. at Oriole Huntington LA 3.4 miles	
Nearest Tri Rail Connection	Delray Beach Tri Rail Station 8.3 miles	
C. Potable Water & Wastewater Information		
Potable Water & Wastewater Providers	Palm Beach County Water Utilities Department	
Nearest Water & Wastewater Facility, type/size	The nearest point of connection is a 12" potable water main and an 8" sanitary sewer force main located within State Road 7 adjacent to the subject property. The property is located within a Mandatory Reclaimed area however the closest connection to reclaimed is on Lyons Rd. approx.. 5000' east of the subject property.	

D. Drainage Information	
<p>The project site consists of approximately 5.00 acres of contiguous land and is located on the east side of the Lake Worth Drainage District (LWDD) E-1 canal, south side of Happy Hollow Road and is approximately 3,500 feet north of Atlantic Avenue in unincorporated Palm Beach County. Legal, positive outfall presently exists via an existing ditch on the property's southern portion with a culvert connection to the adjacent LWDD E-1 canal. The E-1 Canal flows south to the L-38 Canal which flows east and becomes the SFWMD C-15 Canal. Ultimate discharge is to the intracoastal waterway from the C-15 Canal via the SFWMD S-40 control structure.</p> <p>The site is located in flood zone X with no specified minimum elevations.</p>	
E. Fire Rescue	
Nearest Station	Fire Station 49, 12555 Lyons Road
Distance to Site	3 miles
Response Time	8 minutes and 50 seconds
Effect on Resp. Time	Changing the land use of this property will have minimal impact on Fire Rescue.
F. Environmental	
Significant habitats or species	<p>The 5 acre project site is utilized as a landscape nursery, office, equipment storage, and operations location for a commercial landscape installation and maintenance company (Ashem). The vast majority of the project site has been significantly altered (vegetation removal, filling, grading) from its natural condition. A small remnant pine flatwood area (0.75 acres) remains at the north-east corner of the project site. A few live oaks are located around the south side of the residence/office as landscaping.</p> <p>The north-west section of the project site was utilized for equipment storage and employee parking, while the remaining south section of the project site is a combination of field grown palms, open field, equipment storage, and perimeter buffers of mostly planted ornamentals, a few native trees, and exotic invasive plant species.</p> <p>There do not appear to be any wetlands or surface waters on the project site.</p>
Flood Zone*	The site is located in flood zone X with no specified minimum elevations
Wellfield Zone*	The property is not located in a wellfield protection zone.

G. Historic Resources

Staff review of the County's map of known archaeological sites has identified no known archaeological resources located on or within 500 feet of the above referenced property.

H. Parks and Recreation - Residential Only (Including CLF)

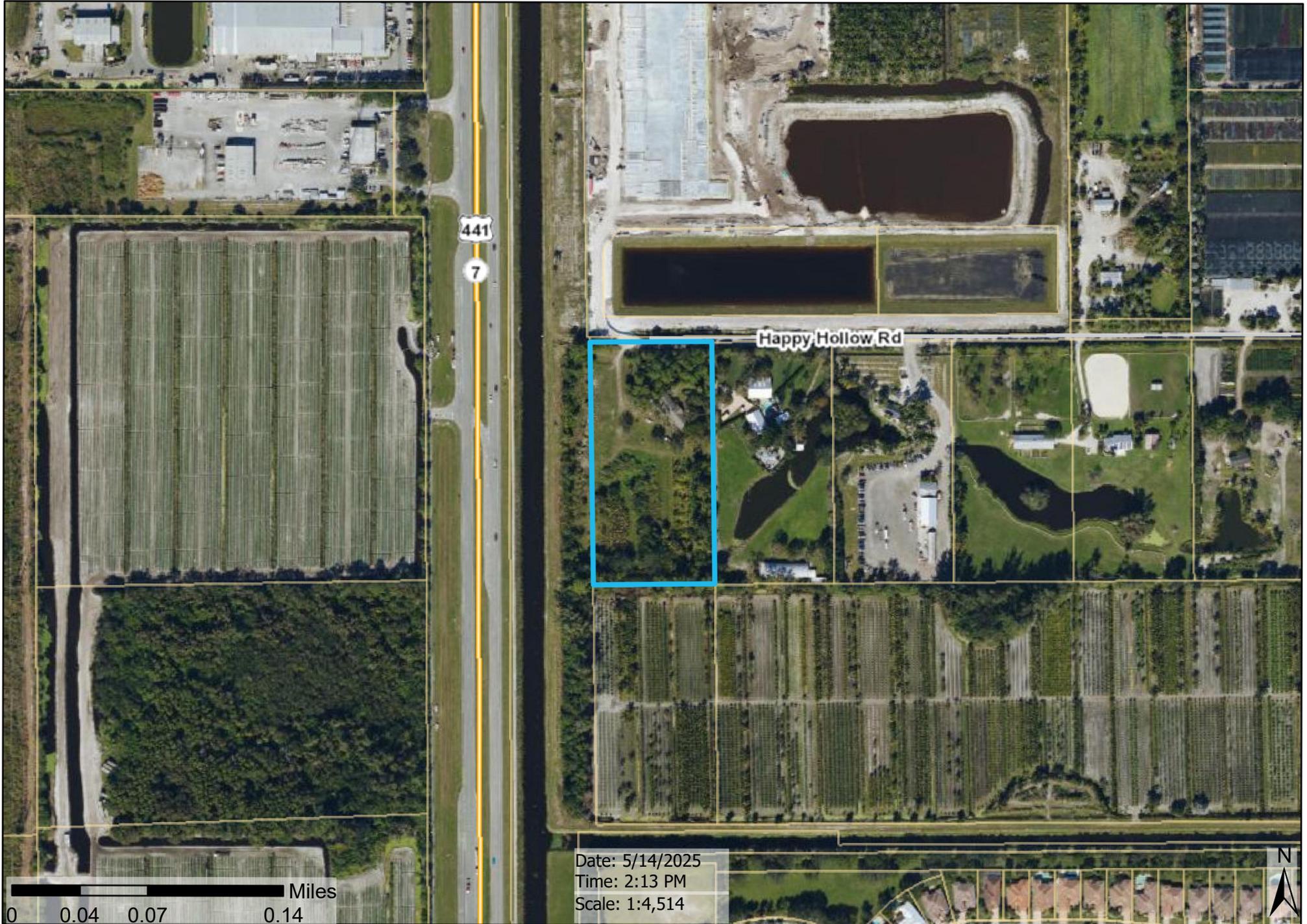
Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
Regional	Indicate the name and location of the park.	0.00339		
Beach	Indicate the name and location of the park.	0.00035		
District	Indicate the name and location of the park.	0.00138		

I. Libraries - Residential Only (Including CLF)

Library Name	Indicate the name and location of the closest County Library		
Address			
City, State, Zip			
Distance	Indicate the distance from the site to the nearest library.		
Component	Level of Service	Population Change	Change in Demand
Collection	2 holdings per person		
All staff	0.6 FTE per 1,000 persons		
Library facilities	0.6 square feet per person		

J. Public Schools - Residential Only (Not Including CLF)

	Elementary	Middle	High
Name			
Address			
City, State, Zip			
Distance			



Date: 5/14/2025
Time: 2:13 PM
Scale: 1:4,514

0 0.04 0.07 0.14 Miles



Property Detail

Location Address : 9924 HAPPY HOLLOW RD
Municipality : UNINCORPORATED
Parcel Control Number : 00-42-46-18-01-000-0480
Subdivision : PALM BEACH FARMS CO PL 1 SUB IN PB 2 PGS 26 TO 28 INC
Official Records Book/Page : 18402 / 1516
Sale Date : 04/08/2005
Legal Description : PALM BEACH FARMS CO PL 1 SUB TR 48 IN SEC 18

Owner Information**Owner(s)**

ASHEM GROUP LLC

Mailing Address

9924 HAPPY HOLLOW RD
 DELRAY BEACH FL 33446 9606

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
04/08/2005	\$850,000	18402 / 01516	WARRANTY DEED	ASHEM GROUP LLC
03/23/2004	\$750,000	16722 / 00852	WARRANTY DEED	MAGAFAS JAMES &
09/01/1995	\$100	09011 / 01786	WARRANTY DEED	
09/01/1995	\$200,000	08973 / 00203	WARRANTY DEED	
01/01/1977	\$50,000	02672 / 01316		

Exemption Information

No Exemption Information Available.

Property Information

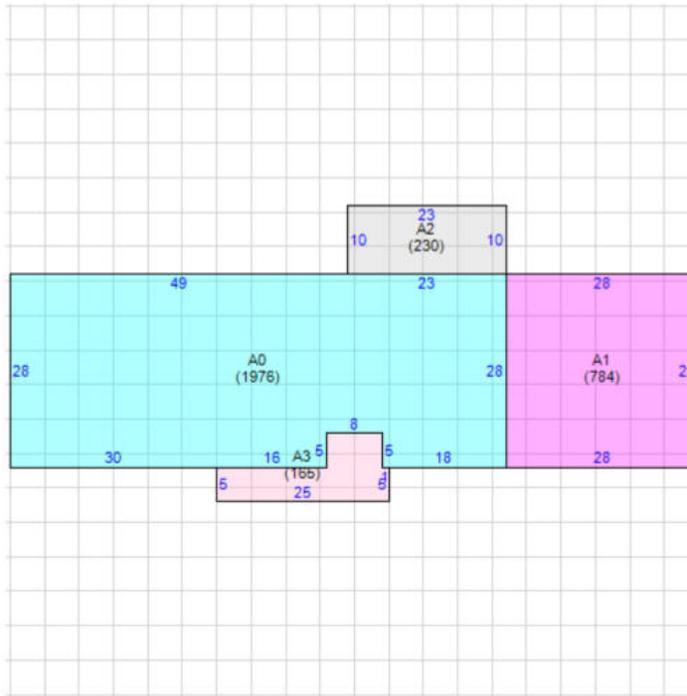
Number of Units : 1
***Total Square Feet :** 0
Acres : 5.00
Property Use Code : 6900—AG Classification ORN/MISC AGRI
Zoning : AGR—AGRICULTURAL RESERVE (00-UNINCORPORATED)

Building Details**Structural Details**

	Structural Element for Building 1
Exterior Wall 1	MSY: CB STUCCO
Year Built	1977
Air Condition Desc.	HTG & AC
Heat Type	FORCED AIR DUCT

Sketch for Building 1

Heat Fuel	ELECTRIC
Bed Rooms	0
Full Baths	1
Half Baths	1
Exterior Wall 2	NONE
Roof Structure	GABLE/HIP
Roof Cover	ASPHALT/COMPOSITION
Interior Wall 1	DRYWALL
Interior Wall 2	N/A
Floor Type 1	CARPETING
Floor Type 2	N/A
Stories	1



Subarea and Square Footage for Building 1

Code Description	square Footage
BAS Base Area	1976
FSP Finished Screened Porch	230
FOP Finished Open Porch	165
FGR Finished Garage	784
Total Square Footage	3155
Area Under Air	1976

Property Extra Feature

Description	Year Built	Units
Utility Building	1977	308
Pole Barns	1981	1440

Property Land Details

Land Line #	Description	Zoning	Acres
3	VACANT RESIDENTIAL	AGR	1
1	SFR	AGR	1
2	SFR	AGR	2
4	SFR	AGR	1

Appraisals

Tax Year	2024	2023	2022	2021	2020
Improvement Value	\$200,339	\$203,443	\$165,949	\$152,458	\$166,225

Land Value	\$1,150,000	\$1,150,000	\$1,150,000	\$700,000	\$698,500
Total Market Value	\$1,350,339	\$1,353,443	\$1,315,949	\$852,458	\$864,725

Assessed and Taxable Values

Tax Year	2024	2023	2022	2021	2020
Assessed Value	\$871,735	\$792,691	\$720,901	\$655,637	\$596,306
Exemption Amount	\$0	\$0	\$0	\$0	\$0
Taxable Value	\$871,735	\$792,691	\$720,901	\$655,637	\$596,306

Taxes

Tax Year	2024	2023	2022	2021	2020
AD VALOREM	\$15,778	\$15,171	\$14,538	\$11,799	\$11,382
NON AD VALOREM	\$787	\$773	\$764	\$734	\$722
TOTAL TAX	\$16,565	\$15,943	\$15,302	\$12,533	\$12,104

Dorothy Jacks, CFA, AAS PALM BEACH COUNTY PROPERTY APPRAISER www.pbcpar.com

Happy Hollow Commerce
Comprehensive Plan Amendment
Large Scale Round 26-A
Submittal Date: May 14, 2025
Sufficiency Date: June 10, 2025

Property Owner / Applicant: Ashem Group, LLC
9924 Happy Hollow Road
Delray Beach, FL 33446

Agent(s): Brian Terry, PLA
Insite Studio, Inc.
3601 PGA Boulevard, Suite 220
Palm Beach Gardens, FL 33410

Engineer: Civil Design, Inc
1400 Centrepark Boulevard, Suite 905
West Palm Beach, FL 33401

Traffic: Juan F. Ortega
JFO Group Inc.
11924 Forest Hill Blvd, Ste 10A-123
Wellington, FL 33414

Property Location

The property is located approximately ½ a mile west of the intersection of Happy Hollow Road and Smith Sundry Road. The property consists of 5.24 acres and identified by the Property Control Number (PCN) 00-42-46-18-01-000-0480. Although current access to the site is from Happy Hollow Rd., the site has roughly 672’ of frontage along State Road 7 / US 441, abutting a LWDD canal ROW.

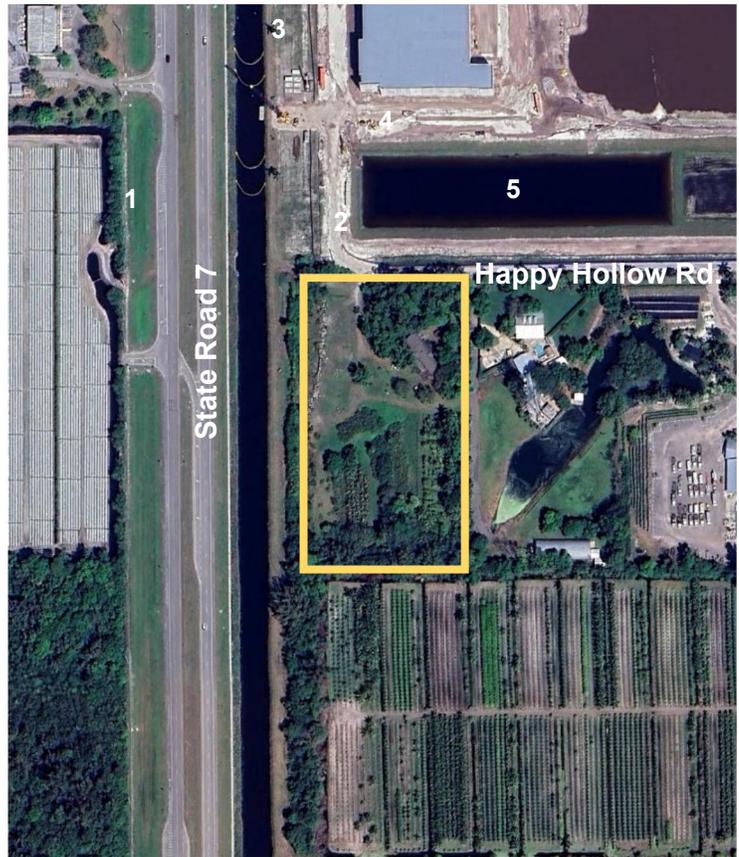


Figure 1: Subject Site

Property History

The subject property is under the jurisdiction of Unincorporated Palm Beach County and does not lie within any Overlay District or Neighborhood Plan. The subject property is within the Agricultural Reserve Tier, within the Agricultural Reserve District (AGR) Zoning District and has an Agricultural Reserve (AGR) Future Land Use (FLU) designation.

In 2021, Palm Beach County staff approved a DRO application which allowed a Wholesale Nursery with collocated Landscape Service use.

Please see the table below for a comprehensive list of previous zoning approvals for the site.

HISTORICAL ZONING APPROVALS		
App. No.	Status	Description
BTR-2020-01780	Complete	Wholesale Nursery
DRO-2020-01116	Approved with Conditions	To allow a Wholesale Nursery with collocated Landscape Service use.
CONR-2005-00968	Approved	Concurrency for a 5.236 acre wholesale nursery

Application Request

The Petitioner has submitted this application to request an amendment to the Palm Beach County Comprehensive Plan, from an Agricultural Reserve (AGR) FLU designation to the Commerce with an underlying Agricultural Reserve (CMR/AGR) FLU designation.

A concurrent Zoning application will also be submitted, requesting rezoning from the Agricultural Reserve (AGR) District to the Industrial Light (IL) Zoning District. Both of these application requests are required in order to accommodate for the development of a Dispatching Service use. The proposed site plan will be composed of a paved parking lot area with retention area to accommodate adequate drainage for the site. The plan also includes a proposed access from State Road 7.

Surrounding Uses

Below are descriptions of the zoning and land uses of the adjacent properties:

North: Identified by multiple PCN's, the 40-acre site has an approved use of *BBX Park* MUPD which consists of Warehouse uses with Accessory Office uses. The property has a FLU designation of Commerce with an underlying Agricultural Reserve (CMR/AGR) and is within the Multiple Use Planned Development (MUPD) & Agricultural Reserve - Planned Unit Development with an Underlying Preserve (ARG-PUD/P). The site was the subject of a recent FLU Amendment from Agricultural Reserve (AGR) to Commerce with an Underlying Agricultural Reserve which was approved with conditions (Application No. LGA-2023-6). The site was also subject to a Rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) District in order to allow for the industrial uses on the site (Application No. ZV/PDD-2022-1469).

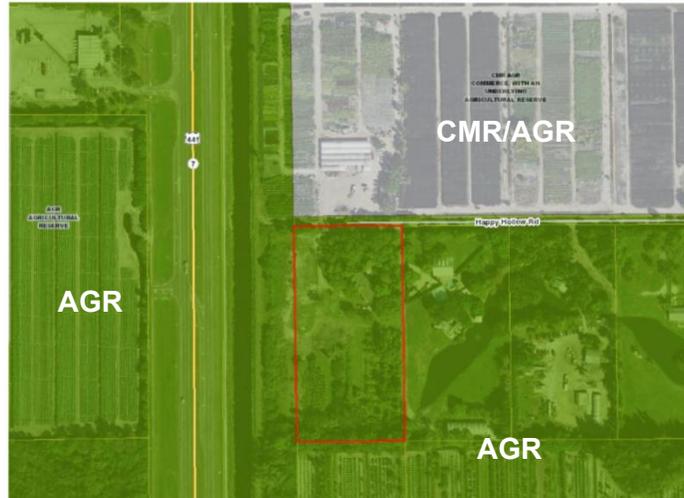


Figure 2: Surrounding FLU Designations

South: Identified by PCN: 00-42-46-18-01-000-049, the property located to the south is known as Bailey Tree Farm nursery and is also located in Unincorporated Palm Beach County. The property has an Agricultural Reserve (AGR) FLU designation and is within the Agricultural Reserve - Planned Unit Development with an underlying Preserve (ARG-PUD/P) Zoning District.

East: Identified by PCN: 00-42-46-18-01-000-0470 and located in Unincorporated Palm Beach County. The property is a single-family residential home and a 260' tall Communications Tower. It property has an Agricultural Reserve (AGR) FLU designation and is within the Agricultural Reserve District (AGR) Zoning District.

West: A section of the Lake Worth Drainage Canal and State Road 7 (Urban Principal Arterial, Map TE 3.1). The property has an Agricultural Reserve (AGR) FLU designation and is within the Agricultural Reserve District (AGR) Zoning District.

FLUA Form - Part 4, A. Consistency

Comprehensive Plan Amendment Review Standards

The Petitioner shall indicate how the proposed FLU designation is consistent with the Comprehensive Plan review standards.

Section G.1 Justification

1) The proposed use is suitable and appropriate for the subject site;

The subject property is currently in an area of the Agricultural Reserve that is experiencing change and growth. Specifically, the State Road 7 corridor is experiencing significant transformation as residents relocate to the new residential communities being constructed along the corridor. Industrial and commercial uses have also moved to the area and expanded along the corridor. Directly north of the site, the State Road 7 Business Plaza *BBX Park at Delray* MUPD has been approved for 669,646 square feet of Warehouse and Accessory Office uses (R-2023-00715; ZR-2023-0012). The approved site plan consists of three 45' warehouse-style buildings, a large parking area, retention pond and wetland preserve area. The site was the subject of a recent Future Land Use Atlas (FLUA) Amendment from the Agricultural Reserve (AGR) to Commerce with an Underlying Agricultural Reserve and approved with conditions (Application No. LGA-2023-6) in order to allow for the industrial uses on the site (ZV/PDD-2022-1469).

In the past 20 years, State Road 7 (SR 7) has evolved into a major corridor, as western communities continue to experience extensive growth. State Road 7 is identified as an Urban Principal Arterial (Palm Beach County Comprehensive Plan Map Series, Map TE 3.1). Naturally, the lands directly abutting SR 7 will continue to develop with more intense and dense uses, compared to the agricultural uses that previously existed. Concurrent to this application is a Rezoning request from the Agricultural Reserve (AGR) District to the Light Industrial District (IL) to allow light industrial uses, specifically the development of a Dispatching Service area that will support the uses in the corridor including the Light Industrial warehouses to the north, and the agricultural and industrial uses located within the Agricultural Reserve.

Additionally, due to the ongoing growth in the surrounding area, there is a demand for low impact industrial uses and dispatching service areas located in close proximity to neighboring established uses and services. Areas within the County, specifically near SR7/US 441, have become a major center for large scale medical, residential and commercial uses, in addition to the large-scale agricultural operations that continue to thrive in the area. The site consists of approximately 5.24 acres, allowing adequate capacity for a light dispatching service use. The proposed Commerce with an underlying Agricultural Reserve FLU change will allow the dispatching service development, which will be consistent with the surrounding industrial and agricultural use make-up of the area.

Notably, proposed access to the site and uses is off State Road 7 to serve along the corridor, and to prevent any traffic impacts on Happy Hollow Road.

2) There is a basis for the proposed amendment for the particular subject site based upon one or more of the following:

- **Changes in FLU designations on adjacent properties or properties in the immediate area and associated impacts on the subject site;**
- **Changes in the access or characteristics of the general area and associated impacts on the on the subject site;**
- **New information or change in circumstances which affect the subject site;**
- **Inappropriateness of the adopted FLU designation; or**
- **Whether the adopted FLU designation was assigned in error.**

Changes in FLU designations on adjacent properties or properties in the immediate area and associated impacts on the subject site;

In 2022, the site directly north of the subject property was the subject of a Future Land Use Amendment and Rezoning application. The Future Land Use amendment from Agricultural Reserve (AGR) to Commerce with an Underlying Agricultural Reserve was approved. This amendment allowed for industrial uses on the site, and the development of over 669,646 square feet of Warehouse and Accessory Office uses which are known as the State Road 7 Business Plaza - BBX Park at Delray. Due to this development, the frontage of the subject site along Happy Hollow Road will have views of the future warehouse buildings and parking areas which are currently under construction. The approval of this development changed the trajectory of compatible uses for the area, especially properties along State Road 7. The site subject to this request is directly affected by this development pattern and therefore the property owner has made the decision for the property to be consistent with the adjacent property to the north.

Changes in the access or characteristics of the general area and associated impacts on the on the subject site;

The properties directly abutting the subject site along with the characteristics of the general area have changed over the recent past have changed in a way that is more aligned with commerce and light industrial uses. The property to the east currently has a 260' tall Communication Tower and Communication Antenna which is prominently visible from the subject site (B-2021-044943). The approved BBX Park referenced above, will bring large-scale warehouse buildings to the area is among other recent changes in development in the Agricultural Reserve. Within a 5-mile radius of the site, there are several other industrial developments including the Bedner Farms Industrial approved in 2023, Atlantic Ave Industrial Corridor, Solid Waste Authority facility approved on November 28, 2005 and Sunflower Industrial approved on July 28, 2021.

Notably, the BBX Park development will access State Road 7 via a bridge connection and the subject site has also proposed access from State Road 7 via a future bridge / culvert.

New information or change in circumstances which affect the subject site;

Given the changing conditions of the area and rising costs of labor and materials, the continued use of the property for agricultural uses is uncertain. The site is no longer in a location where the agricultural industry is thriving and the operation of a whole-sale nursery is incompatible with broader land-use trends for the long term trajectory of the area. As industrial and residential uses encroach on the surrounding properties in the Agricultural Reserve, the viability of maintaining agricultural activities on the property becomes increasingly limited.

Additionally, the property was approved to utilize Landscape Services, however, the viability of the property for this use and associated site restrictions and improvements required make the use unviable. With frontage and potential access to SR7, this site is unique in that it can be developed in a more consistent manner with the adjacent BBX industrial development and also reduce the impacts to adjacent neighbors on Happy Hollow from the operations of the approved Landscape Services use.

- **Inappropriateness of the adopted FLU designation; or**

The current Agricultural Reserve (AGR) Future Land Use designation is increasingly incompatible with the surrounding and emerging land uses, which are more commercial and industrial in nature. The adoption of the Commerce with an Underlying Agricultural Reserve (CMR/AGR) designation for the subject site will allow for the development of light industrial uses, which is consistent with the adjacent properties to the north and surrounding area along State Road 7. Approval of the FLUA will promote compatibility with the BBX Park development and other nearby industrial activities. The FLUA will Facilitate the integration of the subject property into the growing State Road 7 business corridor and support economic growth and job creation. Given these changes in the surrounding area and the growing demand for light industrial and commercial uses, the proposed Future Land Use amendment is deemed necessary and appropriate for the site.

Section G.2 Residential Density Increases

Per Future Land Use Element Policy 2.4-b, provide a written analysis of the following:

- **Demonstrate a need for the amendment.**
- **Demonstrate that the current FLUA designation is inappropriate.**
- **Provide a written explanation of why the Transfer of Development Rights, Workforce Housing, and Affordable Housing Programs cannot be utilized to increase density on the site.**

Demonstrate a need for the amendment.

Apart from the changing conditions in the area, there is a need for more Light Industrial development in South Florida. The Future Land Use change from Agriculture (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR) will allow for Light Industrial uses which is in demand in Florida. According to the 2020 census, Palm Beach County has experienced a 14.2% increase in population from the 2010 census. With a larger population, there is an increased demand for consumer goods and e-commerce, which creates a need for Light Industrial development including warehouses, distribution centers and dispatch services to support the increased demand. Additionally, Industrial occupancy within the Delray market area is at 97%, and in strong demand. This unique site location adjacent to a significant warehouse use and with access to SR 7 provides an opportunity to serve the community with the much needed commerce use.

Demonstrate that the current FLUA designation is inappropriate.

The current FLUA designation is inappropriate due to the surrounding land use changes, changing economic trends and conditions, incompatibility with the surrounding development, lack of agricultural viability, and transportation infrastructure considerations. The site directly north of the subject property recently underwent a FLUA Amendment and a Zoning District change, from Agricultural Reserve (AGR) to Commerce with an Underlying Agricultural Reserve (CMR/AGR), which allows for light industrial uses. This change was made to facilitate the development of BBX Park—a large-scale industrial park comprising over 669,646 square feet of warehouse and office space. These developments are fundamentally different from the current agricultural uses envisioned under the AGR designation and are more aligned with commercial and industrial activities. The subject property is now surrounded by more urbanized and industrial developments, including a communication tower, large-scale warehouse facilities, and business parks. As such, the Agricultural Reserve (AGR) designation does not align with the existing or anticipated uses of neighboring properties, and the site is no longer in a location suited for agricultural activities.

The proposed BBX Park, which will bring extensive warehouse and industrial office space, is a significant indicator of the region's evolving land use. Once developed, this site will feature large warehouse buildings, a retention area, and a wetland area, transforming the visual and functional characteristics of the area. The subject property will now be adjacent to this industrial development, making its current Agricultural Reserve (AGR) designation incompatible with its surroundings.

The proximity of State Road 7, a major arterial road expected to provide direct access to the BBX Park via a new bridge connection, further reinforces the area's suitability for light industrial uses. The AGR designation, which is intended to preserve agricultural lands, is not aligned with the more industrial and commercial character that is rapidly developing along the State Road 7 corridor. The subject property's proposed change to Commerce with an Underlying Agricultural Reserve (CMR/AGR) would make it more compatible with the surrounding area, particularly the northern adjacent property that has already been designated for light industrial uses. The Commerce (CMR) designation allows for a range of commercial and industrial activities to support existing services in the region.

The Agricultural Reserve zoning and land use designation typically apply to areas where farming, ranching, or other agricultural uses are still sustainable. In this case, the increased industrial activity in the vicinity, including the development of a large warehouse park, makes continued agricultural use on the subject site both incompatible and economically unfeasible.

The growth in industrial and commercial uses in the area, including the BBX Park, communication towers, and other industrial developments, requires improved transportation infrastructure to accommodate the increased traffic and logistics needs. The subject site's proximity to State Road 7 and its potential to contribute to the State Road 7 business corridor support the need for a Commerce with an Underlying Agricultural Reserve (CMR/AGR) designation. The existing AGR designation restricts the site's potential for development that would align with the broader transportation network and the region's economic needs.

In light of the above factors—changing land use patterns, the regional shift towards industrial and commercial development, and the incompatibility of the existing AGR designation with the current and future uses in the area—it is evident that the Agricultural Reserve (AGR) designation for the subject property is no longer appropriate. A Future Land Use Amendment to Commerce with an Underlying Agricultural Reserve (CMR/AGR) is needed to align the property with the surrounding industrial and commercial developments, support economic development and industrial growth along the State Road 7 corridor, allow for the development of light industrial uses, such as a dispatching service use, that are consistent with the evolving regional land use context.

Provide a written explanation of why the Transfer of Development Rights, Workforce Housing, and Affordable Housing Programs cannot be utilized to increase density on the site.

The proposed development will not be utilizing the Transfer of Development Rights, Workforce Housing, and Affordable Housing Programs to increase density on the site as the use request does not include any residential uses.

Section G.3 Compatibility

Provide written data and analysis to demonstrate compatibility with the surrounding and adjacent land uses.

The proposed Commerce with an underlying Agricultural Reserve (CMR/AGR) Future Land Use designation is compatible with the surrounding uses, which consists of light industrial, agricultural, and commercial. Additionally, neighboring large-scale developments are composed of light industrial uses. The property across from the subject site along Happy Hollow Road has a Commerce with an underlying Agricultural Reserve (CMR/AGR) FLU designation. The subject site which is vacant and surrounded by development, is also located in an area composed of moderate to high intensity and density.

Section G.4 Consistency with Comprehensive Plan

The applicant has the option of including written data and analysis to demonstrate consistency with specific objectives and policies in the Comprehensive Plan, and Special Plans or Overlays identified in the Future Land Use Element (see the Special Planning Areas Map, LU 3.1).

The Comprehensive Plan has outlined specific policies in relation to sites with the Agricultural Reserve Tier with a Commerce Future Land Use, of which the site complies with all of the criteria, as shown below. *Per Policy 1.5-v, the County shall foster employment opportunities in the Agricultural Reserve Tier by allowing light industrial uses at appropriate locations adjacent to specified roadways to provide a balance of land uses for current and new residents of the Tier. All new future land use amendments requesting industrial type uses in the Agricultural Reserve Tier shall meet the following requirements:*

1. *Limited to the Commerce (CMR) future land use designation;*

The proposed FLUA is requesting an amendment to the Commerce (CMR) FLU designation. This transition will allow light industrial uses in conjunct with the Rezoning request submitting in June 2025.

2. *Located with frontage and access on State Road 7 (north of Rio Grande Avenue), Atlantic Avenue, Boynton Beach Boulevard or have access to these roadways through an existing commercial or industrial site. Sites located west of State Road 7 along the Boynton Beach Boulevard (100th Street South) and Atlantic Avenue corridors must share a common border with a property with commercial or industrial future land use;*

The subject site has approximately 665' of frontage along State Road 7 and has proposed access via culvert from the roadway.

3. *Be accompanied by a concurrent zoning application and conceptual site plan in order to demonstrate that the proposal meets the design, scale, and character requirements of the Tier;*

A concurrent Rezoning request the Light Industrial (IL) District will be submitted in June 2025 which will include a conceptual site plan accommodating a Dispatch Services. The site plan itself is basic and includes a parking area, retention area and preserve area.

4. *Have a minimum of 3 acres and a maximum of 50 acres (with the exception of lands dedicated to rights of way); and*

The subject site is 5 acres.

5. *Preserve shall be required for Commerce sites utilizing Light Industrial, Multiple Use Planned Development, or Planned Industrial Park Development zoning pursuant to FLUE Policy 1.5.1-q and subject to the following exceptions: a. The preserve area requirements shall be based upon the acreage over 16 acres, shall be a minimum of 40% of the total land area over 16 acres, and allow water management tracts in preserve areas contiguous to the development area that provide enhanced environmental features and improved water quality as demonstrated through the future land use amendment process. (Ord. 2022-024, Ord. 2023-032)*

A Preserve area has been located on the conceptual site plan, however since the site is only 5 acres it does not meet 40% expectation outlined about for properties over 16 acres.

The proposed FLUA is also consistent with Policy 2.2.4-c.3. which states, *the Commerce (CMR) future land use designation is intended to accommodate light industrial uses to provide an option for low-trip generating nonresidential and/or employment generating uses on arterial roadways. Industrial uses allowed shall be limited to those that demonstrate Light Industrial characteristics.* The proposed use of the site will be a Dispatching Service which is considered a light industrial use and other than the parking area, will have minimal impact to the land. Since the proposed access is from State Road 7, the traffic generated from the use will not impact any properties to the east of the site.

Section G.5 Consistency with Florida Statues

The applicant has the option of including written data and analysis to demonstrate consistency with Chapter 163.3177, F.S.

Florida Statue Chapter 163.3177 outlines required and optional elements of a comprehensive plan; studies and surveys. The relevant Comprehensive Plan Policies within the County's Plan are outlined in the section above. The subject application also provides various elements to support the amendment process including an vegetation assessment, traffic analysis, survey and a conceptual site plan.



**Water Utilities Department
Engineering**

8100 Forest Hill Blvd.
West Palm Beach, FL 33413
(561) 493-6000
Fax: (561) 493-6085
www.pbcwater.com



**Palm Beach County
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Commissioners**

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Maria Sachs, Vice Mayor
Maria G. Marino
Michael A. Barnett
Marci Woodward
Sara Baxter
Mack Bernard

County Administrator

Verdenia C. Baker

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Affirmative Action Employer"*

November 18, 2024

Civil Design, Inc.
1400 Centrepark Boulevard Suite 906
West Palm Beach, Fl. 33401

Attn: Jeff Trompeter

RE: 9924 Happy Hollow Road
Service Availability Letter

Dear Jeff,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area.

The nearest point of connection is a 12" potable water main and an 8" sanitary sewer force main located within State Road 7 adjacent to the subject property. The property is located within a Mandatory Reclaimed area however the closest connection to reclaimed is on Lyons Road approximately 5000' east of the subject property.

Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD. In addition, the addition of new developments/customers prior to service initiation to the property may affect the available capacity. PBCWUD does not make any representations as to the availability of capacity as of the future service initiation date.

If you have any questions, please give me a call at (561)493-6116.

Sincerely,

Jackie Michels, P.E.
Project Manager

May 9, 2025

Re: **Drainage Statement for:**
9924 Happy Hollow Road, Delray Beach, Florida 33433
PCN: 00-42-46-18-01-000-0480

1. SITE DESCRIPTION

The project site consists of approximately 5.00 acres of contiguous land and is located on the east side of the Lake Worth Drainage District (LWDD) E-1 canal, south side of Happy Hollow Road and is approximately 3,500 feet north of Atlantic Avenue in unincorporated Palm Beach County.

2. LEGAL, POSITIVE OUTFALL

Legal, positive outfall presently exists via an existing ditch on the property's southern portion with a culvert connection to the adjacent LWDD E-1 canal. The E-1 Canal flows south to the L-38 Canal which flows east and becomes the SFWMD C-15 Canal. Ultimate discharge is to the intracoastal waterway from the C-15 Canal via the SFWMD S-40 control structure.

3. FLOOD DESIGNATION

The site is located in flood zone X with no specified minimum elevations.

4. BASIN & ALLOWABLE DISCHARGE

The property is located within the SFWMD C-15 Basin with an allowable discharge rate of 70 CSM for the 25Y-3D storm event. The finished floors will be designed at or above the 100Y-3D, zero discharge event as there is no FEMA specified minimum finished floor elevation.

5. SYSTEM DESIGN

The proposed drainage system will include grading and overland flow to direct stormwater runoff into a proposed dry detention area and exfiltration trenches. The runoff will be treated and attenuated in the dry detention area and trenches in accordance with applicable requirements prior to controlled discharge via a proposed control structure and outfall pipe into the existing southerly ditch which connects to the LWDD E-1 canal via an existing culvert. The final design is predicated on the ultimate site plan configuration.

The proposed drainage system will comply with applicable standards of Palm Beach County, SFWMD, LWDD, FEMA and FDEP including volume, rate, pollutant loads and water quality.

6. LEVELS OF SERVICE

The minimum required levels of service will be met. Specifically:

- a. The parking and drive areas will be designed at or above the 5-year, 1-day storm event.
- b. Perimeter elevations will be designed at or above the 25-year, 3-day storm.
- c. Finished floors will be designed at or above the 100-year, 3-day (zero discharge) storm event.

7. ADJACENT PARCELS & OFF-SITE FLOWS

a. NORTH

The north property limit consists of the existing Happy Hollow Road right-of-way. Happy Hollow Road is unpaved with roadside swales which currently outfall to the LWDD E-1 canal via an existing culvert. Based on a review of the site and available topography, there does not appear to be any offsite flow entering onto or through the property from the north.

b. SOUTH

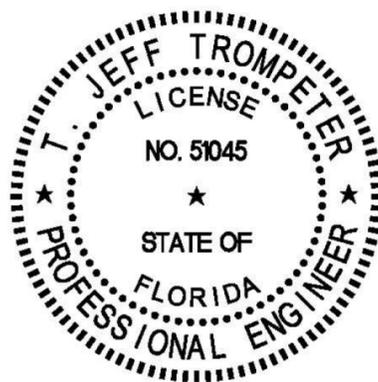
The south property limit is an existing farm consisting of crops with ditches and a piped outfall to the LWDD L-33 Canal for irrigation and discharge. The system was permitted by the SFWMD under permit No. 50-00409-S. Based on a review of the permit file and available topography, there does not appear to be any offsite flow entering onto or through the property from the south.

c. EAST

The east property limit consists of an existing single-family home (9862 Happy Hollow Road). This easterly property appears to be lower than the project property, however this adjacent property outfalls through the southerly ditch and to the LWDD E-1 Canal. The outfall from the east property will be maintained and a drainage easement provided to the easterly property.

d. WEST

The west property limit consists of the LWDD E-1 canal. Based on a review of the survey and available topography, there does not appear to be any offsite flow entering onto or through the property from the west.



THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY T. JEFF TROMPETER, P.E. ON THE DATE ADJACENT TO THE SEAL.

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

Civil Design, Inc.
1400 Centrepark Blvd., Suite 905
West Palm Beach, FL 33401
(561) 659-5760
Registry No. 9664



Fire Rescue

Chief Patrick J. Kennedy
405 Pike Road
West Palm Beach, FL 33411
(561) 616-7000
www.pbc.gov



**Palm Beach County
Board of County
Commissioners**

Maria G. Marino, Mayor
Sara Baxter, Vice Mayor
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County Administrator

Verdenia C. Baker

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Official Electronic Letterhead

May 14, 2025

Insite Studio
Planning & Landscape Architecture
Attention: Camille Swanson
3601 PGA Blvd. Suite 220
Palm Beach Gardens, FL 33410

Re: 9924 Happy Hollow Road

Dear Camille Swanson:

Per your request for response time information to the subject property located approximately .5 miles west of the intersection of Happy Hollow Road and Smith Sundry Road. This property is served currently by Palm Beach County Fire-Rescue Station #49, which is located at 12555 Lyons Road. The maximum distance traveled to subject property is approximately 3.00 miles from the station. The estimated response time to the subject property is 8 minutes 50 seconds.

Changing the land use of this property will have minimal impact on Fire Rescue.

If you have any further questions, please feel free to contact me at 561-616-6909.

Sincerely,

A handwritten signature in blue ink that reads "Cheryl Allan".

Cheryl Allan, Planner II
Palm Beach County Fire-Rescue



VEGETATION ASSESSMENT
9924 Happy Hollow Road Property
November 12, 2024

INTRODUCTION

The intent of this Vegetation Assessment is to provide a general review of natural features located within the boundaries of the subject parcels, particularly the upland (non-wetland) portions of the project site that are subject to review by Palm Beach County Environmental Resources Department (ERM) according to the Unified Land Development Code, Article 14, Chapter C.

The project site is 5 acres in size and is located on the south side of Happy Hollow Road, between State Road 7 and Lyons Road, Delray, Palm Beach County (PCN: 00-42-46-18-01-000-0480). The project site is bounded on all 4 sides by agricultural lands and production.

METHODOLOGY

This Vegetation Assessment is based on aerial (Google Earth ® 2024) photographic interpretation, review of Soil Survey of Palm Beach County (USDA Web Soil), and a previous field reconnaissance by Ecotone Services, Inc. staff on September 22, 2020. An aerial photograph (Scale: 1" = 400') was used to attain a general indication of the natural features of the parcel and to indicate specific points of interest. An on-site review of the subject site's conditions was performed by walking transects through the site while noting plant species, wetland ecosystems, and other potential environmental factors.

SITE CONDITIONS

The 5 acre project site is utilized as a landscape nursery, office, equipment storage, and operations location for a commercial landscape installation and maintenance company (Ashem). The vast majority of the project site has been significantly altered (vegetation removal, filling, grading) from its natural condition. A small remnant pine flatwood area (0.75 acres) remains at the north-east corner of the project site and appears to act as a privacy buffer for the adjacent single family home/office on the south side of this wooded area. A few live oaks are located around the south side of the residence/office as landscaping.

The north-west section of the project site is utilized for equipment storage and employee parking, while the remaining south section of the project site is a combination of field grown palms, open field, equipment storage, and perimeter buffers of mostly planted ornamentals, a few native trees, and exotic invasive plant species.

There do not appear to be any wetlands or surface waters on the project site.



The following is a list of the dominant native and non-native plant species identified within the upland portions of the project site:

<u>Common Name</u>	<u>Scientific Name</u>	<u>Designation</u>
Slash pine	<i>Pinus elliotti var. densa</i>	Native
Sabal palm	<i>Sabal palmetto</i>	Native
Live oak	<i>Quercus virginiana</i>	Native
Laurel oak	<i>Quercus laurifolia</i>	Native
Strangler fig	<i>Ficus aurea</i>	Native
Saw palmetto	<i>Serenoa repens</i>	Native
Foxtail palm	<i>Wodyetia bifurcate</i>	Non-native
Malayan coconut palm	<i>Cocos nucifera</i>	Non-native
Brazilian pepper	<i>Schinus terebinthifolius</i>	Non-native
Earleaf acacia	<i>Acacia auriculiformis</i>	Non-native
Bishopwood	<i>Bischofia javanica</i>	Non-native

NATIVE TREE PROTECTION

A GPS tree inventory was prepared by Ecotone Services, Inc. in June 2020. There are a total of 115 trees and palms (not including nursery stock) on the project site. In place tree protection will occur to the greatest extent possible based on the final approved site plan, site grade changes, and other development circumstances that may impact in place tree preservation. See the attached Tree Disposition Plan for further details.

CONCLUSION

Prior to the commencement of site development, all native trees and palms identified for preservation and/or relocation on the project site will be identified in the field, and protected during site construction with orange construction fence install at the dripline.

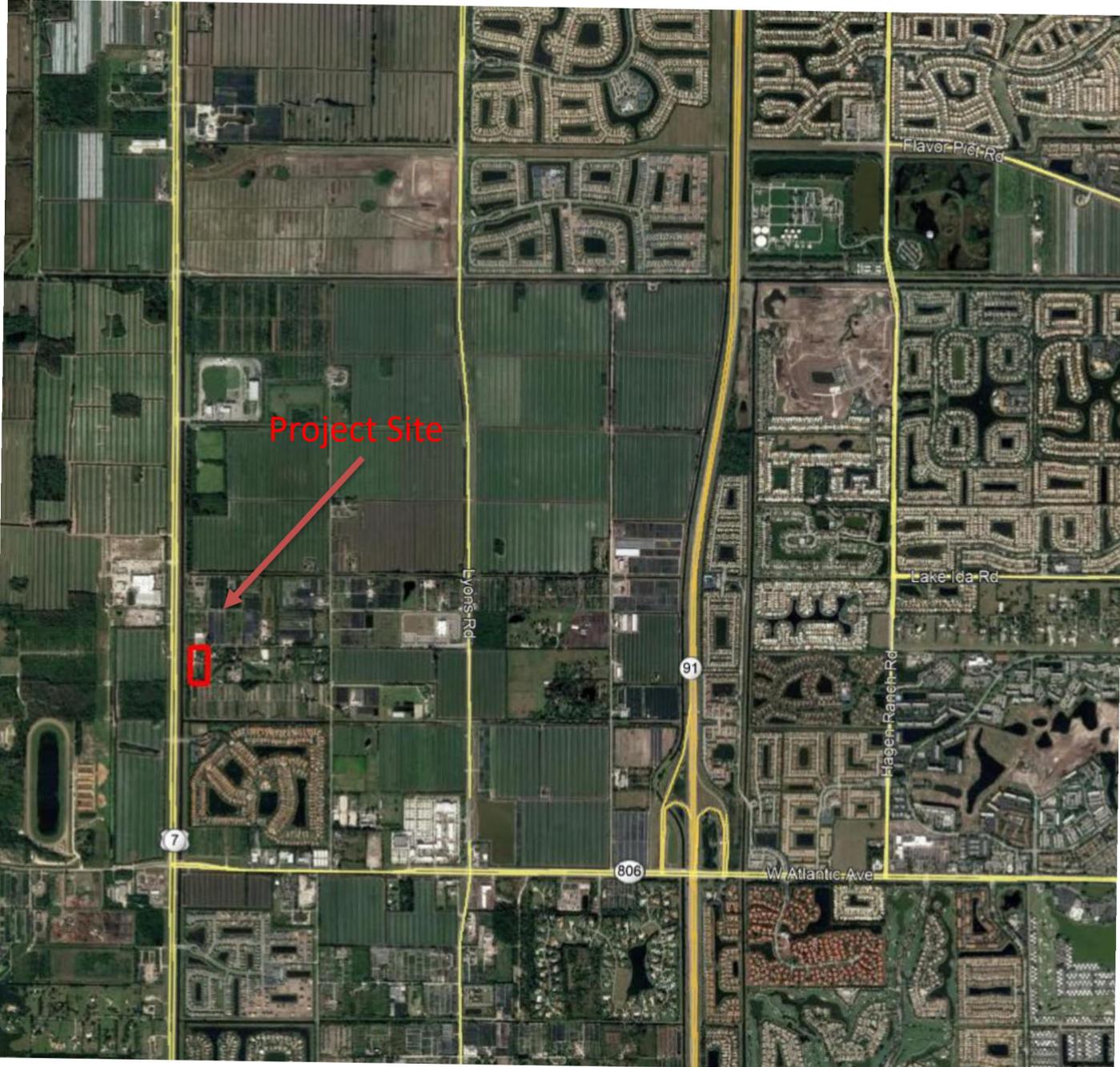
All protected native trees and palms that are in the footprint of site development areas according to the approved final site plan that can be relocated on-site will be relocated using best management practices according to the International Society of Arboriculture.

All protected native trees and palms that must be removed according to the approved final site plan will be replaced according to the most current Tree Replacement Table and Article 14, Chapter C of the ULDC. Prior to issuance of the vegetation removal permit, a Tree Mitigation Plan will be prepared that identifies the species, size, quantities, and individual location of each replacement tree to be planted into common areas and open spaces on the project site.



Ecotone Services, Inc. P.O. Box Fellsmere, FL 32948

www.ecotoneservices.com • (772) 453-3339 • ecotoneservices@gmail.com



Ecotone Services
P.O. Box 556
Fellsemere, FL 32948
(772) 453-3339

Exhibit A

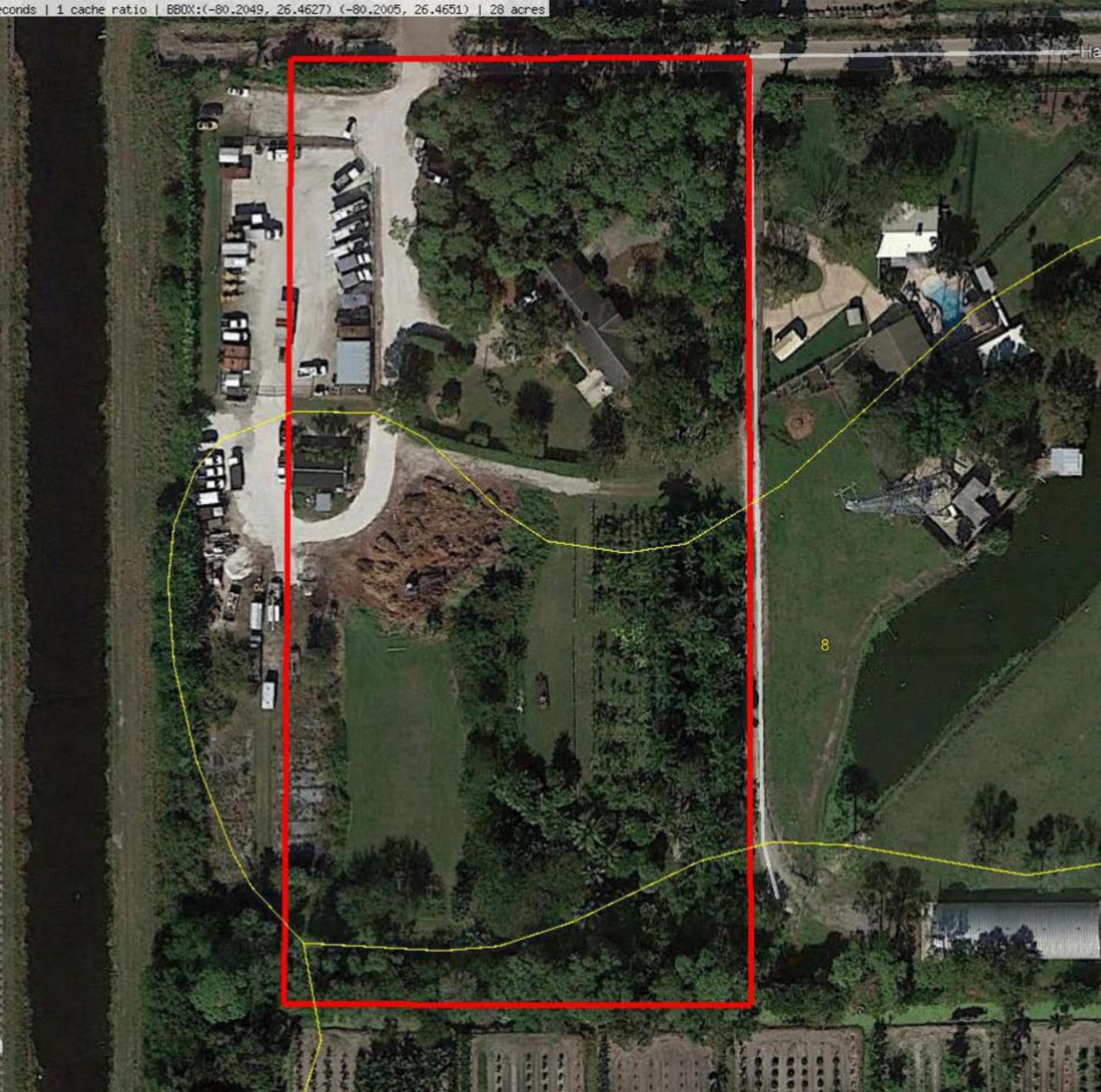
Location Map

9924 Happy Hollow Road Property
Palm Beach County, Florida

Drawn by: JWR
Checked by:
Date: 11/11/2024



seconds | 1 cache ratio | BB0X:(-80.2049, 26.4627) (-80.2005, 26.4651) | 28 acres



Ecotone Services
P.O. Box 556
Fellsemere, FL 32948
(772) 453-3339

Exhibit B

Soils Map

9924 Happy Hollow Road Property
Palm Beach County, Florida

Project No: 2338

Date: 11/11/2024

Drawn by: JWR
Checked by:
Date: 11/11/2024

Scale: Not To Scale



Ecotone Services
P.O. Box 556
Fellsemere, FL 32948
(772) 453-3339

Exhibit C

FLUCCS Map

9924 Happy Hollow Road Property
Palm Beach County, Florida

110 – Residential, low density (0.75 ac) 241 – Tree Nursery (3.5 ac)
411 – Pine flatwood 0.75 ac)

Project No: 2338

Date: 11/11/2024

Drawn by: JWR
Checked by:
Date: 11/11/2024

Scale: Not To Scale

SITE PHOTOGRAPHS – 9924 Happy Hollow Road



Ashem landscape company property entrance off Happy Hollow Road



South view of parking lot area located in NW corner of project site





Center of project site used for equipment storage and additional parking



South view of interior, west perimeter buffer





Live oak in foreground with field grown coconut palms in background



Staging area for equipment and materials in center of site





Single family home used as office



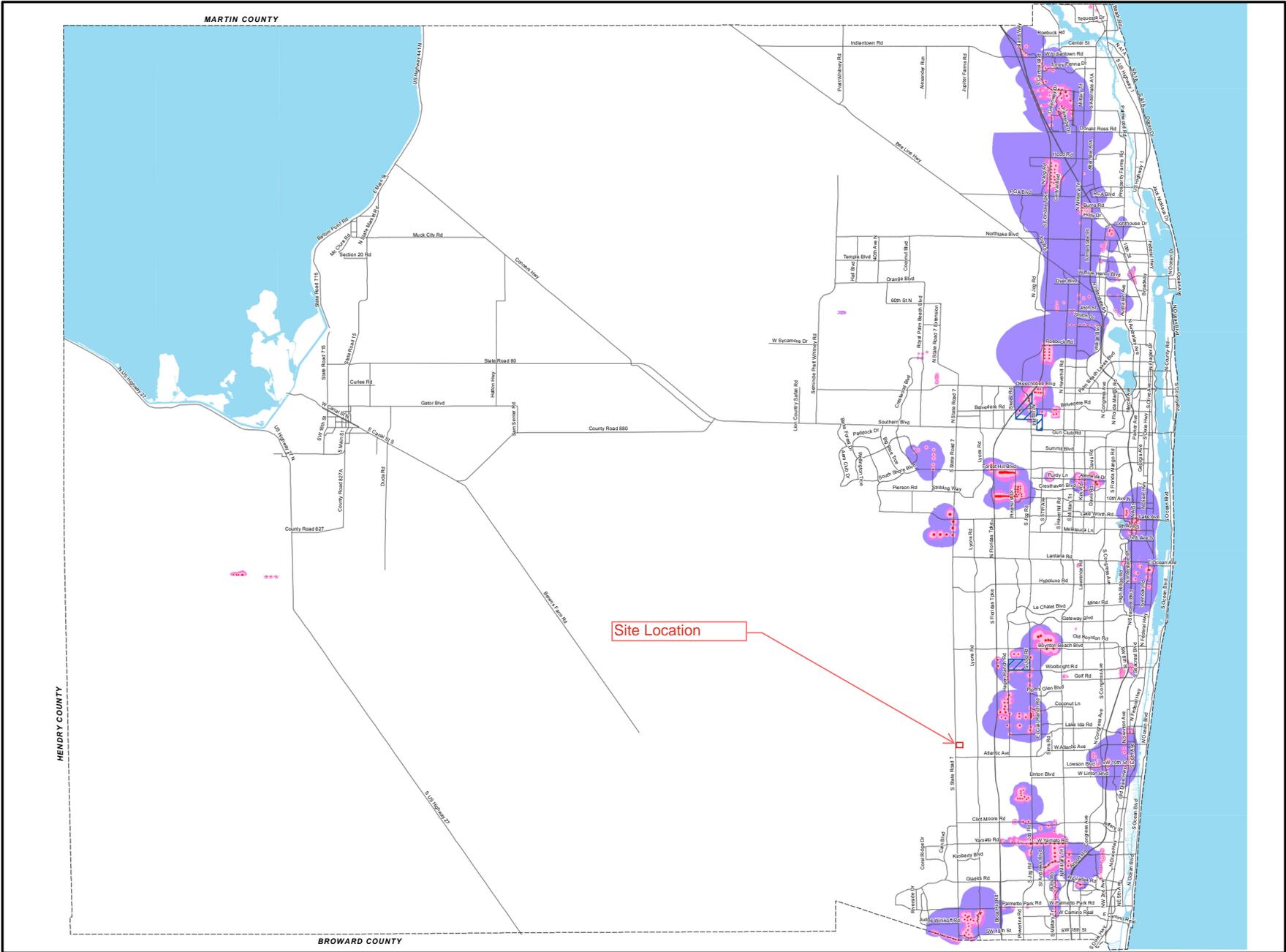
SE corner of project site with additional field grown palms in background





Remnant pine flatwood area at NE corner of project site





MAP LU 4.1
GENERALIZED
WELLFIELD MAP

-  Zone 1
-  Zone 2
-  Zone 3
-  Zone 4
-  Turnpike Aquifer Protection Overlay

SOURCES:
 PBC Dept. of Environmental Resources Management

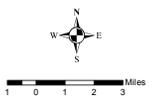
Note: Official Wellfield Protection Maps are kept at, and can be obtained from, the Palm Beach County Department of Environmental Resources Management.

The information presented represents the most readily available data. No guarantee is made as to the completeness or accuracy of the information displayed. Consult appropriate County staff for final determination.

Last Amended in Round 15-1 by Ord. 2015-015



PALM BEACH COUNTY
COMPREHENSIVE PLAN
MAP SERIES

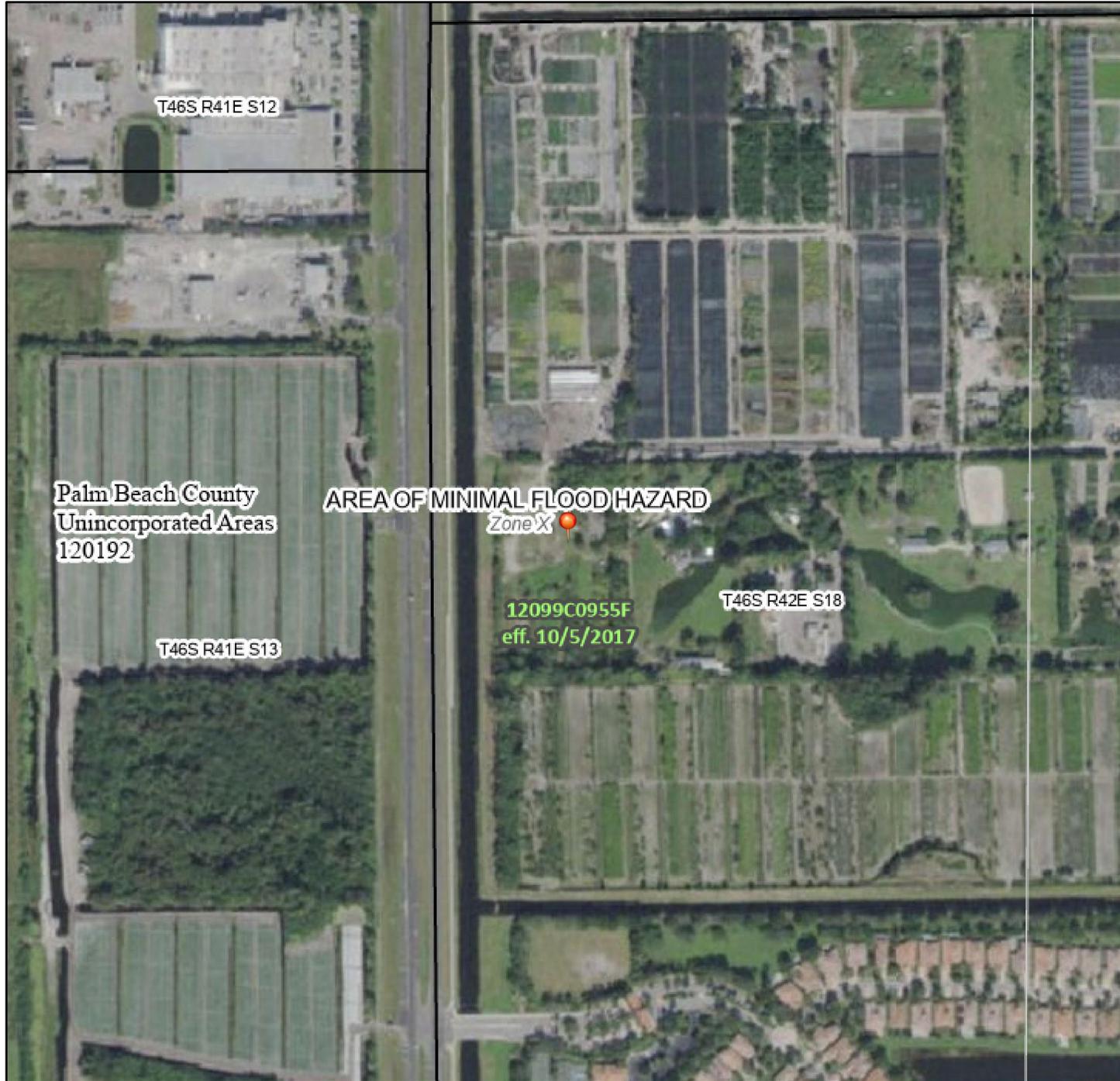


Effective Date: 6/12/2015
 Filename: N:\Map Series\MXD\Adopted
 Contact: PBC Planning Dept.

National Flood Hazard Layer FIRMette



80°12'30"W 26°28'7"N



1:6,000

80°11'53"W 26°27'35"N

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

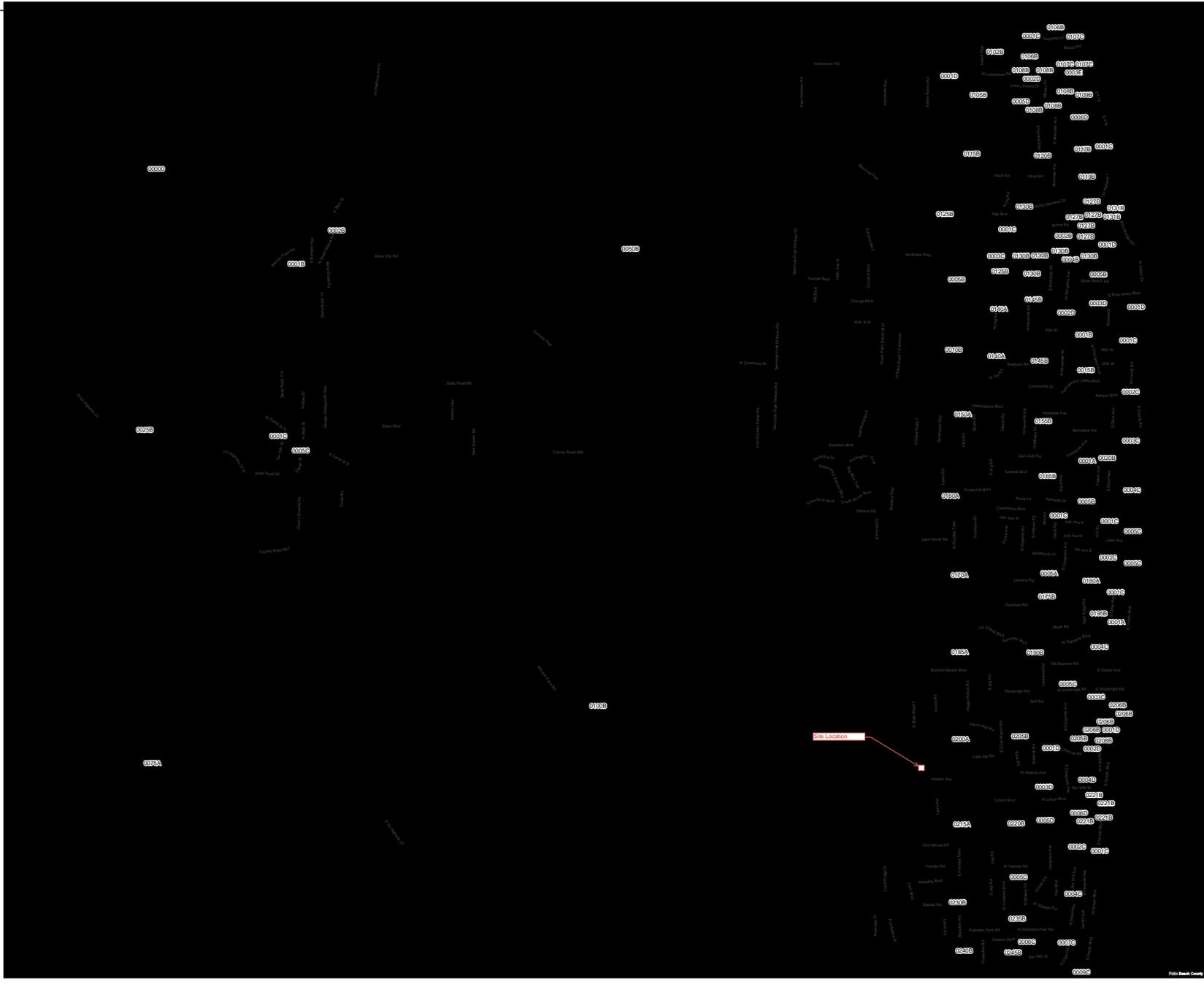
- | | | |
|------------------------------------|--|--|
| SPECIAL FLOOD HAZARD AREAS | | Without Base Flood Elevation (BFE)
<i>Zone A, V, A99</i> |
| | | With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i> |
| | | Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD | | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i> |
| | | Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i> |
| | | Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i> |
| | | Area with Flood Risk due to Levee <i>Zone D</i> |
| OTHER AREAS | | NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i> |
| | | Effective LOMRs |
| GENERAL STRUCTURES | | Area of Undetermined Flood Hazard <i>Zone D</i> |
| | | Channel, Culvert, or Storm Sewer |
| | | Levee, Dike, or Floodwall |
| OTHER FEATURES | | 20.2 Cross Sections with 1% Annual Chance |
| | | 17.5 Water Surface Elevation |
| | | Coastal Transect |
| | | Base Flood Elevation Line (BFE) |
| | | Limit of Study |
| | | Jurisdiction Boundary |
| MAP PANELS | | Coastal Transect Baseline |
| | | Profile Baseline |
| | | Hydrographic Feature |
| | | Digital Data Available |
| | | No Digital Data Available |
| | | Unmapped |
| | | The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location. |



This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **11/11/2024 at 10:26 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



PALM BEACH COUNTY FEMA Flood Zones

- A
- AE
- AH
- AO
- D
- VE
- X
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD



**Planning, Zoning and Building
Department**
 2300 N. Jog Road
 West Palm Beach, FL 33411
 (561) 233-5000
 pzbmap@pbcgov.org
 http://discover.pbcgov.org/pzb/

Printed on: Dec 03, 2021
 Printed by ISS/GIS Service Bureau



**Planning, Zoning
& Building Department**

2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Compliance 233-5500
Contractor Regulations 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbc.gov/pzb



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June 9, 2025

Camille Swanson
Insite Studio, Inc.
3601 PGA Blvd., Suite 220
Palm Beach Gardens, Florida 33410

**RE: Historical and Archaeological Resource Review for the project
named: 9924 Happy Hollow Road; PCN: 00-42-46-18-01-000-0480.**

Dear Ms. Swanson:

This correspondence is in response to your request for a review of the above referenced property in regards to the identification of any cultural resources (historical and archaeological resources) located on or within 500 feet of the property.

Staff review of the County's survey of historic/architecturally significant structures, and of properties designated for inclusion in the National Register of Historic Places (NRHP), has identified no historic or architecturally significant resources on or within 500 feet of the above referenced property.

Staff review of the County's map of known archaeological sites has identified no known archaeological resources located on or within 500 feet of the above referenced property.

Should any artifacts or skeletal remains be encountered during construction, per Florida Statute 872, construction must stop around the remains and the local sheriff and medical examiner be contacted, to knowingly disturb human remains in the State of Florida is a felony.

Should you have any questions or comments, please contact me at (561) 233-5331.

Sincerely,

Christian Davenport, MA, RPA
County Historic Preservation Officer/ Archaeologist

cc: Thuy Shutt, AIA, NCARB, FRA-RA, Planning Director, PBC Planning Division
Jeff Gagnon, AICP, Deputy Planning Director, PBC Planning Division
Bryan Davis, CNU-A, Principal Planner, PBC Planning Division
Nydia Pónton-Nigaglioni, PhD, RPA, Archaeologist/Planner II, PBC Planning Division