



## STAFF REPORT

### LAND DEVELOPMENT DIVISION

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#### **Prepared by**

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#### **CASE NUMBER**

CP24-00011– Foundation Park Green  
Recycling Center

#### **PLANNING & ZONING BOARD HEARING DATE**

March 5, 2025

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#### **PROPERTY OWNER & APPLICANT**

Foundation Park Future Investments LLC  
(Bruce Moia, Rep.)

#### **PROPERTY LOCATION/ADDRESS**

Part of Lots 15, 18 of FL Indian River Land Co Subd PB  
1 PG 165, Section 09, Township 29, Range 37 of  
Brevard County, Florida, containing approximately 15.4  
acres. Located south of and adjacent to Foundation  
Park Blvd SE; Tax Account 3030924

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#### **SUMMARY OF REQUEST**

The applicant is requesting a **Small-Scale Comprehensive Plan  
Future Land Use Map Amendment** from LDR, Low Density  
Residential to IND, Industrial

##### **Existing Zoning**

RS-2, Single Family Residential

##### **Existing Land Use**

LDR, Low Density Residential

##### **Site Improvements**

Undeveloped

##### **Site Acreage**

Approximately 15.4 acres

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#### **SURROUNDING FUTURE LAND USE & USE OF LAND**

##### **North**

IND, Industrial; Undeveloped

##### **South**

LDR, Low Density Residential; Single-Family Home

##### **East**

LDR, Low Density Residential;  
Single-Family Homes, Commercial Nursery and  
COM, Commercial; Landscape Supply

##### **West**

LDR, Low Density Residential; Undeveloped

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**BACKGROUND:**

Foundation Park Future Investments, LLC has submitted a request for a Comprehensive Plan Future Land Use Map Amendment from LDR, Low Density Residential to IND, Industrial for the southernmost 15.4 acres of a 36-acre undeveloped parcel located south of and adjacent to Foundation Park Blvd SE and in the vicinity southwest of the intersection of Foundation Park Blvd SE and Babcock St. This amendment would bring the entire 36-acre parcel into the same IND, Industrial land use and would allow for the proposed development of a tree and landscape recycling facility.

The entire 36-acre site was originally platted in 1961 as part of Port Malabar Unit 15 and assigned a land use of Low Density Residential. However, in 2001 the city initiated a large-scale map amendment from LDR, Low Density Residential to IND, Industrial for a 67-acre collection of parcels along Foundation Blvd SE, which included the northern 20.6 acres of the subject site (Ordinance 2001-67). This amendment was the result of the city's efforts to create and enhance commercial and industrial corridors throughout the City, in accordance with the goals established in the City's Comprehensive Plan.

In 2021, the current applicant was granted a textual amendment to establish a tree and landscaping recycling facility as a conditional use within the Light Industrial and Warehousing District (Ordinance 2021-67). This textual amendment also provided a set of specific site plan criterion which is detailed in Section 174.048 of the Code of Ordinances.

Within the past year, the plat and rights-of-way have been vacated for the entire 36-acre site. The applicant has also applied concurrently for a rezoning of this 15.4 acres (CPZ24-00007) and a conditional use for the entire 36-acre site (CU24-00008).

**ANALYSIS:**

All proposed comprehensive plan map amendments shall be submitted to the Planning and Zoning Board which shall analyze the factors of analysis applicable to the proposed amendment prior to making a recommendation to City Council.

**(A) Whether the proposed amendment will have a favorable or unfavorable effect on the city's budget, or the economy of the city.**

The applicant states that the change from residential to industrial use will increase the property's valuation, generating additional tax revenue for the City.

Staff Response: Additionally, the City's Public Works Department removes

vegetation daily during right-of-way and drainage maintenance and currently must bring all debris to the Sarno Road landfill, which is nearly twenty (20) miles round trip. The city has a current agreement with the applicant's land clearing company and expects that having the mulching facility at this much more convenient location will generate savings in fuel, staff time, and vehicle wear.

The City's Economic Development Strategic Plan (2023) identifies this area as part of a "business incubation corridor" and recommends the conservation and enhancement of existing commercial and industrial properties.

**(B) Whether the proposed amendment will adversely affect the level of service of public facilities**

The applicant states that the project would mostly be processing land clearing debris, therefore the impact on public service is expected to be negligible.

Staff Response:

**Utilities:** The Utilities Department has no objection to the proposed Future Land Use Map Amendment. Project development will be required to connect to existing water and sewer which shall be designed, permitted, installed, and inspected at the owner's expense.

**Drainage:** The Public Works Department has no objection to the proposed FLU amendment. If developed, a drainage plan must be prepared in accordance with current regulations and approved by the City, along with appropriate outside agencies, including the St. Johns River Water Management District and Melbourne Tillman Water Control District. The proposed stormwater management system will be reviewed and approved by the City during the site plan review process.

**Public Schools:** The proposed land use does not allow for residential and therefore will have no effect on public schools

**Recreation and Open Space:** The concept plan submitted proposes preserving the southernmost 9-12 acres for wetland mitigation and conservation. In addition, the existing vegetation within the required 100-foot perimeter buffers, which is outside the footprint for development, will be preserved.

**Transportation:** The objectives of the Comprehensive Plan's Transportation Element are to provide a safe, balanced, efficient transportation system that maintains the roadway level of service and adequately serves the needs of the community. Trip generation and/or traffic study will be required as applicable based

on final use. A level of service study will also be required for connection to Foundation Park Blvd. SE. This require that they provide adequate space for the trucks to wait on site, so that no vehicle stacking occurs on public roads.

**(C) Whether the proposed amendment will adversely affect the environment or the natural or historical resources of the city or the region as result of the proposed amendment**

The applicant does not believe there are any historical resources on this site and emphasizes that at least nine (9) acres of wetland are being preserved which would not likely be preserved is the land use were to remain LDR, Low-Density Residential.

Staff Response: The environmental character of the city is maintained through conservation, appropriate use, and protection of natural resources. Any protected species or habitats that may be on the subject property would need to be mitigated as required by State and Federal regulations and per Policy CON-1.6.

According to the Florida Land Use and Cover Classification System, approximately 13.9 acres of the entire 36-acre site is wetlands. The remainder of the site is pine flatwoods. The applicant is proposing the conservation of nearly 12 acres of wetland and upland buffer to mitigate the less than an acre of wetlands that would be impacted.

**(D) Whether the proposed amendment will have a favorable or adverse effect on the ability of people to find adequate housing reasonably accessible to their places of employment**

The applicant asserts that the amendment request does not impede the ability of people to find adequate housing, nor does it impede reasonable access to places of employment. However, no support is provided for this statement.

Staff Response: The 15.4 acres of the site which has a land use of LDR, Low Density Residential is isolated with no right-of-way access and is located a long distance from the utilities that the homes would be required to connect to. This coupled with the fact that most of the area is jurisdictional wetlands has contributed to the site remaining undeveloped since it was platted 1961.

Additionally, the proposed facility is expected to employ 15-20 people and is only a quarter mile from a large area of single-family homes.

**(E) Whether the proposed amendment will promote or adversely impact the public health, safety, welfare, or aesthetics of the region or the city.**

The applicant asserts that the proposed land use change will promote an increase in all these items by reducing trips to the County landfill. The less time these large trucks with vegetative waste spend on the road, ultimately less traffic is generated.

Staff Response: The proposed project will be required to install the first section of sidewalk along the south side of Foundation Park Blvd SE, this will eventually connect the residential area to Babcock Road SE. Section 174.048 of the Code of Ordinances provides protection for the adjacent parcels by requiring an eight (8) foot opaque fence and 100ft (commercial) and 250ft (residential) buffer around the perimeter. In addition, a nine (9) to twelve (12) acre wetland conservation area will be preserved to the south.

To further protect the surrounding properties from the noise produced, tree and landscape recycling operations are restricted to 8:00 a.m. to 6:00 p.m. During permitted business hours, the sound levels generated must adhere to the maximum permissible sound levels as set forth in Table 1 of Section 92.06, of the Palm Bay Code of Ordinances.

**(F) Whether the requested amendment is consistent with all elements of the Comprehensive Plan and established Levels of Services.**

The applicant believes the request is consistent with the Comprehensive Plan, because abuts existing industrial land use properties.

Staff Response: The subject 15.4 acres is contiguous with a 67-acre collection of parcels to its north with a land use of IND, Industrial. This was the result of a large-scale city-initiated map amendment in 2001 to create and enhance commercial and industrial corridors throughout the City, in accordance with the goals established in the City's Comprehensive Plan.

**(G) Whether the request maximizes compatibility (consistent with the definition found in Florida Statutes 163.31649) between uses.**

The applicant asserts that the "residential zoning has existed abutting the industrial zoned property for many years. The proposed development just moves the abutting boundary further south. Compatibility should not change from how it exists today".

Staff Response: The additional buffer requirements required for tree and landscape recycle facilities as established by Section 174.048 of the Code of Ordinances serve to maximize compatibility with the adjacent residential lands.

**(H) Whether the request provides for a transition between areas of different character, density or intensity.**

FLU Element Goal FLU-1 is to ensure a high-quality, diversified living environment through the efficient distribution of compatible land uses.

FLU Objective FLU-1.8 is to ensure that future development activity shall be compatible with established neighborhoods and strive to enhance the character of the community.

Section 174.048 requires that between the facility and adjacent residential properties, a 250 ft buffer be provided from the boundary to any operating machinery. The applicant feels that this provides adequate transition between the land uses.

Staff Response: The adjacent properties have a land use of COM, Commercial and LDR, Low-Density Residential. While the Commercial land use provides a good transition for Industrial land uses, the residential parcels will be protected by a required 250 ft buffer from the equipment as well as an eight (8) foot opaque fence or wall and additional landscaping and tree preservation.

**(I) Whether the request relocates higher density and intensity uses in areas which already feature adequate vehicular access and access to public facilities**

The applicant asserts that the intensity requested will result in a decrease of impact to the vehicular access and public facilities compared to the 45 single-family residential parcels that the site was originally platted for.

Staff Response: The proposed tree and recycling facility will generate far less traffic than the previously platted single family residential development.

**(J) Whether the request has potential for creating land use inequities per Policy FLU 1.12A of the Comprehensive Plan.**

The applicant is of the understanding that industrial property is under served in the City and that this map amendment attempts to meet that need.

Staff Response: The light industrial activity proposed does not appear to contain any component that could lead to water pollution or other impairments which could contribute to higher rates of disease or health problems in the vicinity.

**STAFF FINDINGS:**

Staff recommends approval of Case CP24-00011.











