



## STAFF REPORT

### LAND DEVELOPMENT DIVISION

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#### Prepared by

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#### CASE

CU24-00008 – 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 36  
acres. Located south of and adjacent to Foundation  
Park Blvd SE; Tax Account 3030924

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#### SUMMARY OF REQUEST

A **Conditional Use** to allow the operation of a tree and landscape recycling facility in the LI, Light Industrial and Warehousing District, in accordance with Section 173.021 of the Palm Bay Code of Ordinances.

##### Current Zoning

LI, Light Industrial District and RS-2, Single Family Residential

##### Current Land Use

IND, Industrial and LDR, Low Density Residential

##### Site Improvements

Undeveloped

##### Site Acreage

Approximately 36 acres

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#### SURROUNDING ZONING & USE OF LAND

##### North

RM-10, Single-, Two-, Multi-Family Residential; undeveloped and LI, Light Industrial; Self Storage Facility

##### East

GC, General Commercial; Self Storage Facility, Commercial Nursery and RR, Rural Residential; Single Family Residential

##### South

RR, Rural Residential; Undeveloped

##### West

LI, Light Industrial; Undeveloped and RR, Rural Residential; Undeveloped

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#### COMPREHENSIVE PLAN

Yes, pending approval of CP24-00011

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**BACKGROUND:**

Foundation Park Future Investments, LLC has submitted a conditional use application to allow for the development of a tree and landscape recycling facility on a 36-acre undeveloped property 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 request is in accordance with Section 173.021 of the Palm Bay Code of Ordinances.

In 2021, the owners of the property applied for and were granted a textual amendment to establish a tree and landscaping recycling facility as a conditional use in the Light Industrial and Warehousing District (Ordinance 2021-67). This textual amendment also provided a specific site plan criteria detailed in Section 174.048 of the Code of Ordinances.

**ANALYSIS:**

Section 174.048 of the Code of Ordinances provides specific design requirements to be ensured through the administrative site plan review process.

At 36-acres, the site exceeds the minimum lot size of five (5) acres. To provide an ample buffer for surrounding development, a 100-foot setback is required between commercial property boundary and any operation of tree or landscape recycling machinery. Between the machinery and any residentially zoned land, a 250-foot buffer is required. These buffer areas are illustrated on the conceptual plan submitted and are currently forested. The removal of existing vegetation in any buffer area not to be developed will be prohibited. In addition to the buffers, an eight (8) foot opaque fence or wall will be required surrounding the developed area of the site on all sides.

The vegetated buffers will provide a visual and sound barrier. 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.

**CODE REQUIREMENTS:**

Table 173-3, Uses in Industrial and Other Districts, in the Code of Ordinances establishes "tree and landscape recycling" facilities as a conditional use in the Light Industrial and Warehousing district. To be granted conditional use approval, all requests are evaluated upon review criteria items (1) through (8) of Section 172.024(F) of the Code of Ordinances. A review of these items is as follows:

**Item (1):** Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and

control, and access in case of fire or other emergencies.

The site has proposed a single two-way ingress and egress driveway on Foundation Park Boulevard SE. The addition of a sidewalk along the Foundation Park Blvd frontage will be required at site plan review.

**Item (2):** Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.

The conceptual plan provided illustrates ample number of paved parking spaces for staff and as well as for the parking of additional equipment and vehicles. The buffers required by Section 174.048 protects adjoining properties from any detrimental effects caused by the vehicles.

**Item (3):** Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.

The Utilities Department stated they have no objections to the proposed project. Any upgrades, if necessary, are required to be designed, permitted, installed, and inspected at the owner's expense.

**Item (4):** Adequate screening or buffering will be provided to protect and provide compatibility with adjoining properties.

An eight (8) foot opaque fence and large vegetated buffers are required by Section 174.048 of the Code of Ordinances and are illustrated on the conceptual site plan provided.

**Item (5):** Signs, if any, and proposed exterior lighting will be so designed and arranged to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties.

Any proposed signage will be required to meet the minimum setback requirements of the Land Development Code. Signage, lighting, and photometric plans will be required for administrative site plan review. It shall be noted that the City codes require any lighting to be shielded and/or directed downward to ensure that the lumens equal zero at all property lines to avoid creating a nuisance to adjacent properties.

**Item (6):** Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.

The facility will be required to meet all setback and landscaping requirements of the City's Land Development Code and the buffer requirements of Section 174.048. This will be required during the administrative site plan review. The proposed building on the conceptual plan appears to meet all setback requirements. On the south end of the site, an approximately 9–

12-acre wetland area will be preserved and deed restricted with St. Johns River Water Management District as wetland mitigation. Additional preservation or buffer plantings may be required to provide adequate protection for the wetlands.

**Item (7):** The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of vehicular movement, noise, fume generation, or type of physical activity. The use as proposed for development will be compatible with the existing or permitted uses of adjacent properties.

There appears to be adequate vehicular, public transportation and pedestrian access to the site. While large trucks will be frequenting the site during business hours to deposit vegetation waste, the site is large enough so as to provide plenty of room for many trucks to park within the site so there will be no need for trucks stack up on the public roads The surrounding area is mostly commercial and light industrial development The proposed use is compatible with the existing uses in the area.

**Item (8):** Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including, but not limited to, a reasonable time limit within which the action for which special approval is requested shall begin or be completed, or both.

The Board and Council have the authority and right to impose any additional and justifiable safeguards, and/or conditions, to ensure that the facility operates safely and harmoniously with its surroundings.

**STAFF FINDINGS:**

Staff recommends Case CU24-00008 for approval.











