



**REVISED**

# STAFF REPORT

## LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[landdevelopmentweb@palmabayflorida.org](mailto:landdevelopmentweb@palmabayflorida.org)

### Prepared by

Kimberly Haigler, Senior Planner

---

#### CASE NUMBER

CPZ24-00007– Foundation Park Green  
Recycling Center

#### PLANNING & ZONING BOARD HEARING DATE

March 5, 2025

---

#### 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

---

#### SUMMARY OF REQUEST

The applicant is requesting a **Rezoning** from RS-2, Single-Family Residential to LI, Light Industrial

##### Existing Zoning

RS-2, Single Family Residential

##### Existing Land Use

LDR, Low Density Residential

##### Site Improvements

Undeveloped

##### Site Acreage

Approximately 15.4 acres

---

#### 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

---

#### COMPREHENSIVE PLAN

##### COMPATIBILITY

Yes, pending approval of CP24-00011

---

**BACKGROUND:**

Foundation Park Future Investments, LLC has submitted a request for a Rezoning from RS-2, Single-Family Residential to LI, Light 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 LI, Light Industrial zoning 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 zoning of RS-2, Single-Family Residential. However, in 2001 the city initiated a rezoning to LI, Light Industrial for a 67-acre collection of parcels along Foundation Blvd SE, which included the northern 20.6 acres of the subject site (Ordinance 2001-88). 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 map amendment of this 15.4 acres (CP24-00011) and a conditional use for the entire 36-acre site (CU24-00008).

**ANALYSIS:**

The following analysis is per Chapter 172: Zoning Code, Section 172.022(E), which states that all proposed changes to the zoning map shall be reviewed by the factors of analysis applicable to the proposed request. This shall be in accordance with items (a) through (f) of Section 172.022(E)(1):

**(A) The applicant's need and justification for the change and whether it aligns with the community's current or future needs**

The applicant is of the understanding that industrial property is under served in the City and that this rezoning request will enhance the existing industrial corridor.

Staff Response: The applicant seeks to provide a tree and landscape recycle facility which local developers and Public Works Staff have expressed a need for. Currently, all green waste must be taken to the County's Sarno Road landfill site to be mulched.

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) The effect of the change, if any, on a particular property and surrounding properties**

The applicant asserts that the change should have no effect on the surrounding properties.

Staff Response: The adjacent parcels will be protected from any potential visual or noise effects by a required 250 ft (residential) and 100ft (commercial) buffer from the operating equipment as well as an eight (8) foot opaque fence or wall as well as additional landscaping and tree preservation.

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.

**(C) The amount of existing undeveloped land in the general area of the city having the same classification as that requested**

The applicant states that they are of the understanding that industrial property is under served in the City, regardless of how much may be undeveloped and that this rezoning attempts to meet that need.

Staff Response: The 67-acre site is contiguous with approximately 45 acres of other Light Industrial zoned property, which is currently undeveloped ~~but also owned by the applicant ->~~which is separately owned<<. ~~The applicant recently held~~ A Pre-Application Meeting ~~>>was held last year<<~~ for the 21-acre parcel to the west for which a business park is proposed.

**(D) Whether the proposed amendment furthers the purpose of the city's Comprehensive Plan, or other strategic plans applicable to the proposed development and the provisions in the Land Development Code**

The applicant asserts again that they are of the understanding that industrial property is under served in the City and that these rezoning attempts to meet that need. It is also stated that this request meets the Comprehensive Plan Objective FLU 1.4 which recommends that commercial activities be directed at nodes such as has been created along Foundation Park Blvd SE.

Staff Response: 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.

**(E) Whether the requested district is substantially different from that of the surrounding area**

The applicant asserts that the proposed zoning change is for 15.4 acres which is contiguous with 67 acres of Light Industrial zoned land to the north.

Staff Response: There are four (4) existing single-family homes adjacent to this property to the east which should be protected by the required 250-foot buffer. To the west is a platted single-family residential subdivision which was platted in 1925 and has remained largely undeveloped due to lack of roads and utilities service.

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

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.

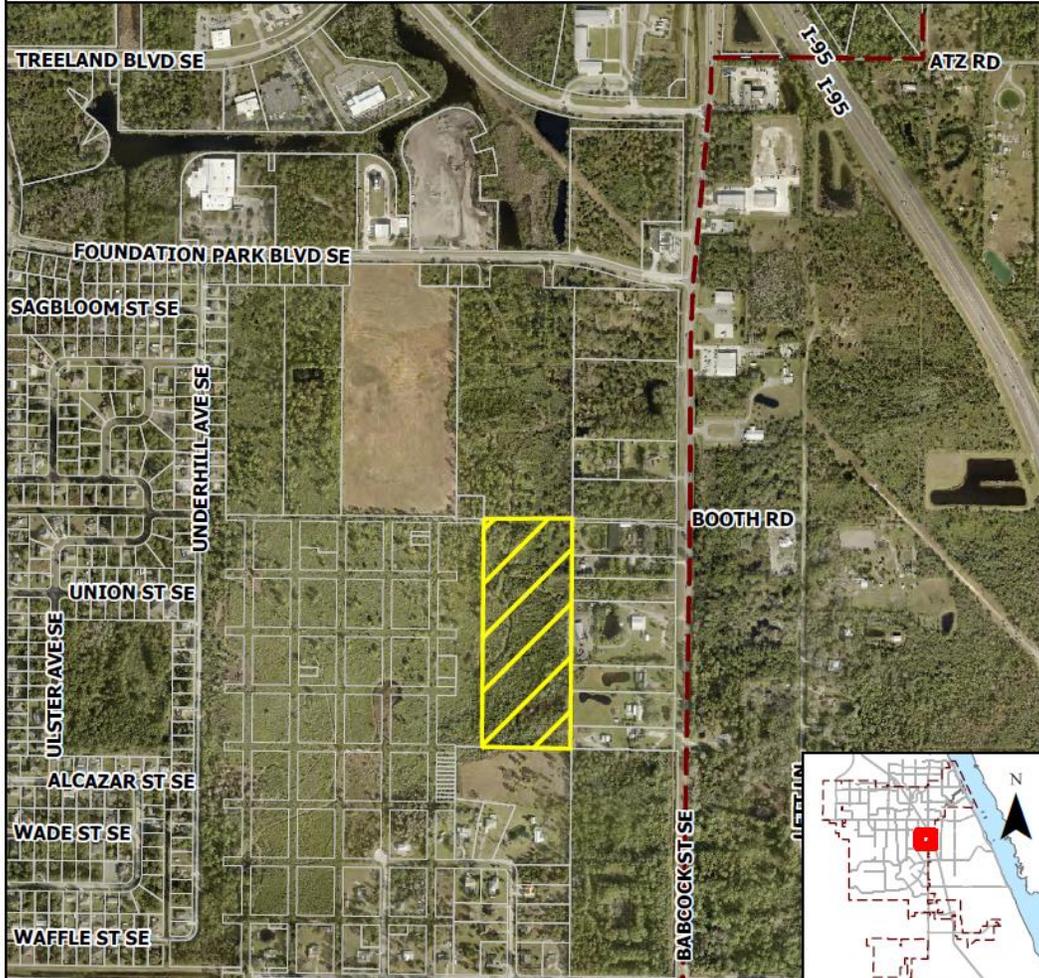
Staff Response: The adjacent properties have a zoning of GC, General Commercial, and RR, Rural Residential. While the Commercial land use provides a good transition for Industrial land uses, the residential parcels will be protected by a required 250 ft buffer from the equipment as well as an eight (8)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

**STAFF FINDINGS:**

Staff recommends approval of Case CPZ24-00007.



Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.

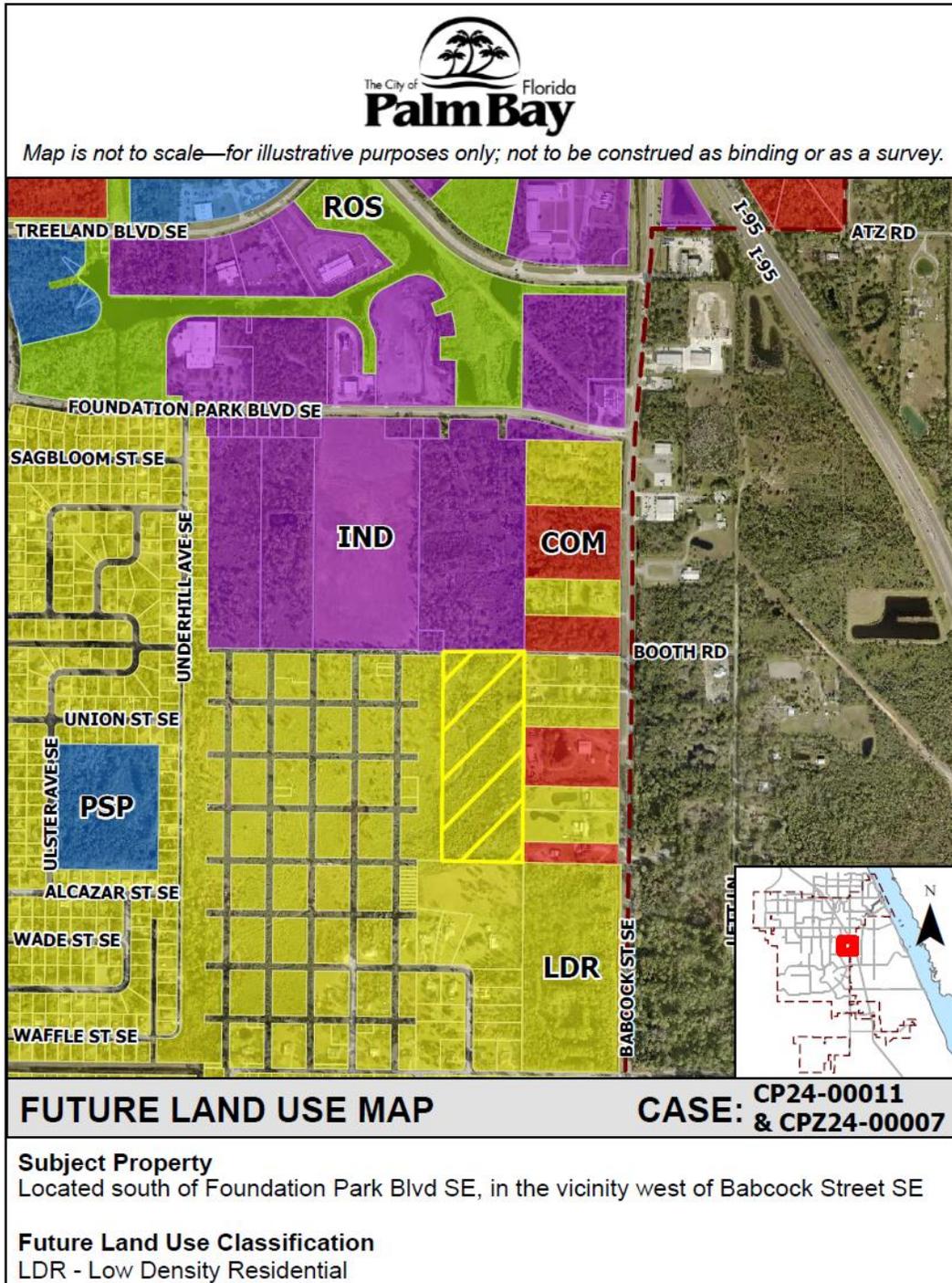


**AERIAL LOCATION MAP**

**CASE: CP24-00011  
& CPZ24-00007**

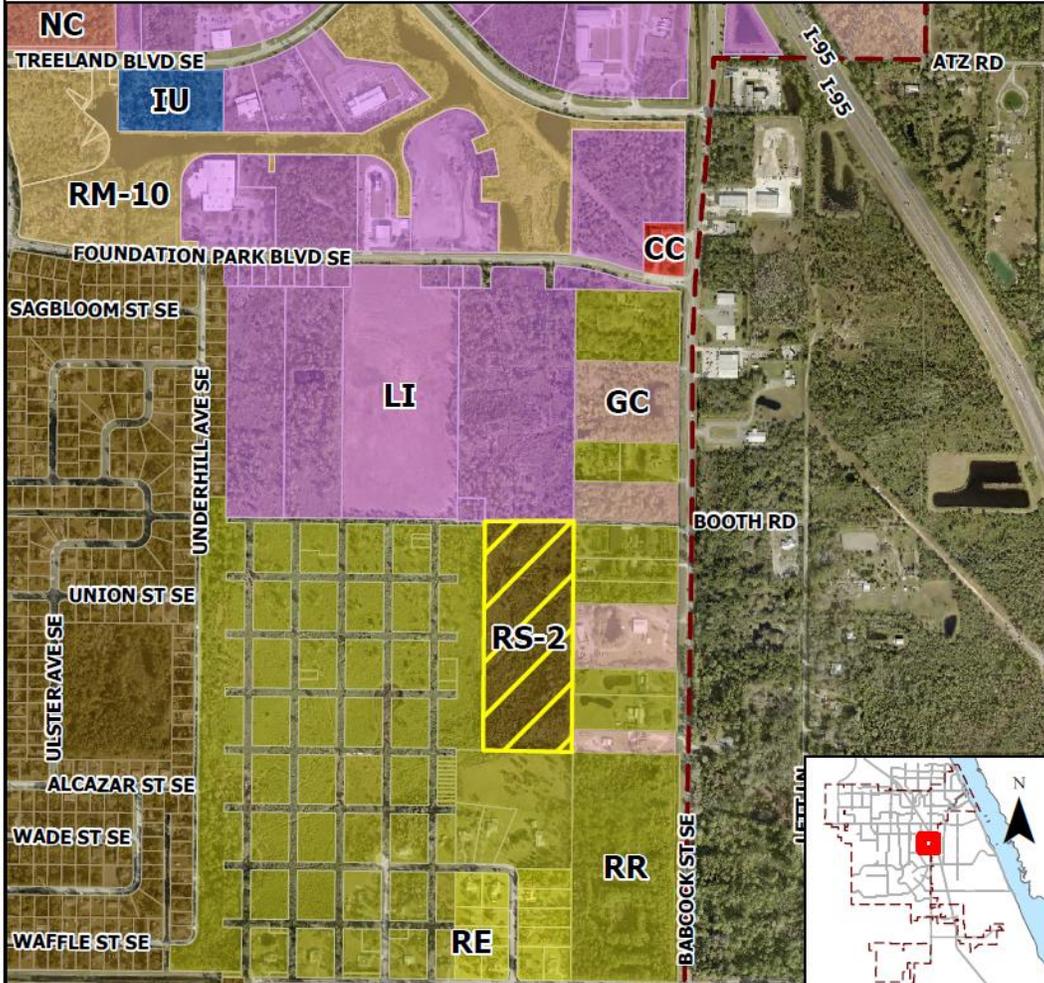
**Subject Property**

Located south of Foundation Park Blvd SE, in the vicinity west of Babcock Street SE





Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



**ZONING MAP** **CASE: CP24-00011 & CPZ24-00007**

**Subject Property**  
Located south of Foundation Park Blvd SE, in the vicinity west of Babcock Street SE

**Zoning District**  
RS-2 - Single Family Residential