



## MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Scott Morgan, Interim City Manager

**THRU:** Lisa Frazier, AICP, Growth Management Director

**DATE:** April 3, 2025

**RE:** Resolution 2025-13, granting a conditional use to allow the operation of a tree and landscape recycling facility in LI (Light Industrial and Warehousing District) zoning, in accordance with Section 173.021, Palm Bay Code of Ordinances, on property located in south of and adjacent to Foundation Park Boulevard, in the vicinity west of Babcock Street (36 acres) (Case CU24-00008, Foundation Park Future Investments, LLC). (Quasi-Judicial Proceeding) (CONTINUED FROM 03-20-25 RCM)

### SUMMARY:

As you may recall, the above request was scheduled for the last regular Council meeting. Council voted to continue the request to be considered with the final reading of the accompanying rezoning case.

The applicant is requesting a Conditional Use to allow for 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.

In 2021, the current applicant was granted a textual amendment to establish a tree and landscape 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.

Section 174.048 of the Code of Ordinances provides specific design requirements to be ensured through the administrative site plan review process. These include a 100-foot buffer between commercial property boundary and a 250-foot buffer between the facility operations and adjacent residentially zoned land. The removal of existing vegetation in any buffer area will be prohibited. In addition to the buffers, an eight (8) foot opaque fence or wall will be required surrounding the facility 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.

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. Staff review has determined the site to be compliant with all applicable items.

To address additional concerns regarding the operation of the proposed tree and landscape Recycling facility and its compatibility with adjoining properties, the applicant is willing to accept the following conditions of approval:

- No burning of materials is permitted
- No pressure treated wood debris may be processed
- Required street sweeping of Foundation Park Blvd
- The required buffers shall be placed into a Conservation Easement

This application is accompanied by a future land use map amendment request (CP24-00011) and a rezoning request (CPZ24-00007) for the southernmost 15.4 acres of the subject parcel. Approval of the Conditional Use is contingent on approval of these requests.

**REQUESTING DEPARTMENTS:**

Growth Management

**STAFF RECOMMENDATION:**

Approval

**Planning & Zoning Board Recommendation:**

Planning and Zoning Board minutes are not fully transcribed at this time; the following is an excerpt:

**Motion** by Mr. Filiberto, **Seconded** by Mr. Warner to submit Case CU24-00008 to the City Council for approval with the conditions that there be no burning; no construction material accepted, including pressure treated wood; that daily street sweeping is to occur near Foundation Park Boulevard SE; and that the 12-acre site be deemed a conservation area.

**Result:** Carried 3 to 1

**Aye:** Karaffa, Warner, Filiberto

**Nay:** McNally

**Abstain:** None

**ATTACHMENTS:**

1. CU24-00008 Staff Report
2. CU24-00008 Survey
3. CU24-00008 Site Sketch
4. CU24-00008 Ordinance 2021-67

5. CU24-00008 Citizen Participation Report
6. CU24-00008 Narrative
7. CU24-00008 Application
8. CU24-00008 Letter of Authorization
9. CU24-00008 Legal Acknowledgement
10. CU24-00008 Legal Ad
11. CU24-00008 Applicant Handouts
- 11a. CU24-00008 Applicant Handouts
12. CU24-00008 Citizen Presentation
13. CU24-00008 Citizen Handout
14. CU24-00008 Resolution