

**CITY OF PALM BAY, FLORIDA**  
**PLANNING AND ZONING BOARD/**  
**LOCAL PLANNING AGENCY**  
**REGULAR MEETING 2024-12**

Held on Wednesday, December 04, 2024, in the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, City Hall, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Chair Randall Olszewski called the meeting to order at approximately 6:00 p.m.

Mr. Donald Boerema led the Pledge of Allegiance to the Flag.

**ROLL CALL:**

<b>CHAIR:</b>	Randall Olszewski	Present
<b>VICE CHAIR:</b>	Robert Good	Present
<b>MEMBER:</b>	Donald Boerema	Present
<b>MEMBER:</b>	Leeta Jordan	Present
<b>MEMBER:</b>	David Karaffa	Present
<b>MEMBER:</b>	Jeffrey McLeod	Absent (Excused)
<b>MEMBER:</b>	Rainer Warner	Present
<b>NON-VOTING MEMBER:</b>	VACANT (School Board Appointee)	Present

The absence of Mr. McLeod was excused.

Mr. David Karaffa was welcomed back to the board in the capacity of a voting member.

**CITY STAFF:** Present were Ms. Lisa Frazier, AICP, Growth Management Director; Ms. Althea Jefferson, AICP, Assistant Growth Management Director; Ms. Tania Ramos, Principal Planner; Ms. Chandra Powell, Recording Secretary; Mr. Michael Rodriguez, Chief Deputy City Attorney

**ADOPTION OF MINUTES:**

**1. Regular Meeting 2024-08; August 7, 2024**

**Motion** by Ms. Jordan, **Seconded** by Mr. Warner to approve the minutes as presented.

**Result:** Carried 6 to 0

**Aye:** Olszewski, Good, Boerema, Jordan, Karaffa, Warner

**Nay:** None

**Abstain:** None

**2. Regular Meeting 2024-09; September 4, 2024**

**Motion** by Mr. Good, **Seconded** by Mr. Warner to approve the minutes as presented.

**Result:** Carried 6 to 0

**Aye:** Olszewski, Good, Boerema, Jordan, Karaffa, Warner

**Nay:** None

**Abstain:** None

**ANNOUNCEMENTS:**

1. Mr. Olszewski announced that Case CP23-00011, Babcock LLC, would not be heard during the meeting. Notices would be sent with meeting dates for the case.
2. Mr. Olszewski addressed the audience on the meeting procedures and explained that the Planning and Zoning Board/Local Planning Agency consists of volunteers who act as an advisory board to the City Council.
3. Mr. Rodriguez asked the board to disclose any ex parte communications regarding the quasi-judicial cases on the agenda. No ex parte communications were disclosed by the board.

**NEW BUSINESS:**

1. **\*\*PS24-00004 - Reserve at Country Club Lakes Estates - Country Club Lakes Developers, LLC (David Bassford, P.E., MBV Engineering, Inc., Rep.) - A Preliminary Subdivision Plan to allow for a proposed 199-lot single-family residential subdivision to be known as Reserve at Country Club Lakes Estates. Tax Parcel 251, Section 28, Township 28, Range 37, Brevard County, Florida, containing 74.24 acres. Located at the terminus of Country Club Drive NE, in the vicinity west of Port Malabar Boulevard NE and east of Riviera Drive NE**

Ms. Ramos presented the staff report for Case PS24-00004. Staff recommended Case PS24-00004 for approval.

Mr. Warner inquired whether the subject 74.24 acres was the entire development or a phase of the project, and he wanted to know if there were any development conditions that had not been met. Ms. Ramos confirmed that the subject 74.24 acres was a phase of the overall development and that all conditions had been met.

Mr. Olszewski wanted to know at what stage of planning was the 199-lot subdivision in relation to the analysis of traffic. Ms. Ramos stated that traffic had been reviewed and approved administratively with the construction plans, and that no conditions were placed on the traffic. Most of the subdivision construction had been completed and a performance bond was posted for the remaining construction. She remarked that platting was just a formality of creating the lots.

Mr. Scott Bussen, Land Development Manager, Landsea Homes Corporation (representative) stated that 1,600 minimum square-foot single-family homes were planned for all 199 lots. The fifth amendment to the declarations of covenants will be recorded with the final plat and will designate perimeter lots at 80 square feet with single-story homes.

Mr. Good asked about the correspondence submitted by area residents regarding drainage problems that appeared to be caused by the development's higher elevation. Mr. Bussen explained the way the project was designed to accept drainage from offsite. Two drainage areas were at the southeast end of the property, and the northeast side of the site for the protected trees would become a catchall. He surmised that the drainage issues might have occurred because of the various stages of construction the development had gone through. He was not made aware of the drainage issues when the problems occurred, but he would have the project engineer look again at elevations.

Mr. Warner inquired about the percentage of land that had been cleared, and he asked about water retention requirements. Mr. Bussen stated that the entire site had been cleared. The project was approximately a month away from certificate of completion, and retention requirements had been surpassed. The project also accepted drainage off Riviera Drive NE and funneled onto Country Club Drive NE.

The floor was opened for public comments, and there were three items of correspondence in the file in opposition to the request.

Ms. Jane Holstein (resident at Riviera Drive NE) spoke against the request. She did not want the project to connect to existing water and sewer on Riviera Drive. Riviera

Drive was already used as a pass-through for vehicles, and the access onto Riviera Drive would bring more traffic and accidents into the area.

Ms. Cheryl Rittenhouse (resident at Eleuthera Drive NE) spoke against the request. She stated that the original developer of the project had agreed to 1,400 square-foot single-story homes adjacent to the Bimini Bay residential homes, and the duplexes were to be at least the minimum size of the existing units. She felt that the pictures provided by the applicant did not match what was occurring at the site. Wildlife was affected by the bulldozing of 100-year-old trees; neighborhood homes were filthy from the 30-foot-high dirt mounds on the subject site; the pond was filled up with run off; and workers used the waterway to wash cement off their tools.

Mr. Michael Valley (resident at Eleuthera Drive NE) spoke against the request. He remarked on how the applicant was previously required by the City Council to install a perimeter fence to the pond with bushes and landscaping. He commented on how the project improperly drained into the Bimini Bay pond. He wanted assurance that previous promises would be kept before the project was allowed to proceed.

Mr. Christopher Ross (resident at Port Malabar Boulevard NE) spoke against the request, and his letter of opposition previously submitted was in the file. The project was elevated at least three to four feet higher than adjacent properties. He described how his and other yards in the area were under water during recent storms.

Ms. Cindy Valley (resident at Eleuthera Drive NE) spoke against the request. She wanted to be sure the pond in the development would be protected for child safety.

Mr. Bill Batting (resident at Ocean Spray Street SW). He commented that the project began in 2108 and the Citizen Participation Plan meeting was held back in 2021. He wanted to know where the drainage outflow from the project went, and he commented on how approximately 43-feet of separation between 1,600 square-foot homes seemed too close. He inquired about using the developer bond to alleviate some of the construction issues. Underlying stormwater and traffic problems would continue to be a growth issue until addressed by the City.

M. Kyle Greene (resident at Port Malabar Boulevard NE) spoke against the request. He stated that his property had flooding issues during the past year. His home was approximately five feet below the dirt baseline for the project, and their silt fence was only three feet high and did not protect the adjacent homes from the constant dirt. Hawks nested in his mango trees because of the trees removed from the subject site.

Ms. Debbie Neiheise (resident at Waialae Circle NE) spoke against the request. She was unable to reach the developer regarding their damage to her yard, roof, and windows. She said that the large piles of dirt had been an ongoing problem.

Mr. Robert Gamble (resident at Waialae Circle NE) spoke against the request. He remarked on how the constant trucks traveling to the site had caused dust problems and there were no water trucks for over two months. Two hundred more homes would cause traffic congestion and would need traffic improvements.

Mr. Henry Wardwell (resident at Waialae Circle NE) spoke against the request. He described how his home had been shaken by the land clearing at the development for two years. Water and traffic problems would worsen with the project.

The floor was closed for public comments.

In response to the comments from the audience, Mr. Bussen explained that the extra dirt on the property was used to meet elevation requirements, and several lots had to be de-mucked. The water and sewer would be connected and deeded to the City. The drainage and streets were private, and all drainage would eventually outfall into the C-1 Canal on the southside. He stated that rain had never caused the canal to overflow.

Mr. Karaffa asked if there had been a recent CPP meeting. Mr. Bussen stated that there had not been another CPP meeting as the project was at the construction stage.

Mr. Rodriguez reminded the board that the subject request was for the plat, and that the board's scope of review was limited to the standards of Chapter 177, Florida Statutes. A final development plan had already been approved for the project.

Mr. Good asked if the ingress/egress off Riviera Drive NE and off Port Malabar Boulevard NE. Mr. Bussen confirmed that the development had two access points with a south entry parallel to Island Green Villas at the terminus of Country Club Drive NE.

Mr. Warner asked if the applicant was willing to rectify any of the issues brought forth by the residents. Mr. Bussen stated that he did not have the authority to approve anything that might be an insurance matter.

Mr. Olszewski stated that he was uncomfortable being pigeon-holed to approve a plat for a 199-lot project from six years ago. The footprint did not presently need 199 homes.

Ms. Frazier explained the process the development had gone through since 2018, which included preliminary and final development reviews. Landscaping, fencing, and CPP discussions occurred during that time. Construction plans and St. Johns River Water Management District permits would make the development adhere to proper drainage and elevations. She suggested that the board send a statement to the City Council to direct staff and the developer to make sure agreements, construction drawings, and permits were being adhered to.

Mr. Olszewski was concerned about granting the plat when the project had failed to meet prior obligations.

Mr. Karaffa suggested continuing the case so that the neighborhood concerns could be addressed.

Mr. Good commented that the density for the project had already been approved, so he would support the plat.

Mr. Boerema was in favor of a board statement to the City Council. He suggested that the bond be used to assist with the damages caused by the development.

Mr. Warner stated that he would be in favor of continuing the case to allow the issues to be addressed.

Mr. Rodriguez concurred that the board could send a statement to the City Council so that staff could investigate necessary enforcement action. He advised that any vote to deny the plat must be based on how the plat did not meet Chapter 177, Florida Statutes.

**Motion** by Mr. Karaffa, **Seconded** by Mr. Warner to continue Case PS24-00004 to the February 5, 2025 Planning and Zoning Board Meeting and that a statement be sent to the City Council with the board's concerns.

Mr. Boerema asked if a continuance was appropriate.

Mr. Rodriguez explained that continuing the case would only delay the plat to hear unrelated information that had no bearing on the plat.

A vote was called on the **Motion** by Mr. Karaffa, **Seconded** by Mr. Warner to continue Case PS24-00004 to the February 5, 2025 Planning and Zoning Board Meeting and that a statement be sent to the City Council with the board's concerns.

**Result:** Failed 5 to 1

**Aye:** Karaffa

**Nay:** Olszewski, Good, Boerema, Jordan, Warner

**Abstain:** None

**Motion** by Ms. Jordan, **Seconded** by Mr. Good to submit Case PS24-00004 to the City Council for approval with a board statement that the City Council instruct City staff to investigate the drainage concerns expressed by the area residents and the development's construction activity.

**Result:** Carried 4 to 2

**Aye:** Good, Boerema, Jordan, Karaffa

**Nay:** Olszewski, Warner

**Abstain:** None

Case PS24-00004 will be heard by the City Council on December 5, 2024.

2. **\*\*FS24-00004 - Reserve at Country Club Lakes Estates - Country Club Lakes Developers, LLC (David Bassford, P.E., MBV Engineering, Inc., Rep.) - A Final Plat to allow for a proposed 199-lot single-family residential subdivision to be known as Reserve at Country Club Lakes Estates. Tax Parcel 251, Section 28, Township 28, Range 37, Brevard County, Florida, containing 74.24 acres. Located at the terminus of Country Club Drive NE, in the vicinity west of Port Malabar Boulevard NE and east of Riviera Drive NE**

Ms. Ramos presented the staff report for Case FS24-00004. Staff recommended Case FS24-00004 for approval.

Ms. Ramos informed the board that in the future final plats would go directly to City Council. However, there were still some plats that would be processed under the old guidelines.

Mr. Scott Bussen, Land Development Manager, Landsea Homes Corporation (representative) stated that the issues the community had with the project were construction problems and unrelated to the plat. He explained that the issues would

be addressed before a certificate of completion could be issued. He assured the board that he would be discussing the drainage concerns with the contractor and engineer.

Mr. Boerema stated that homes were already in place, so elevation issues were a major concern.

Mr. Karaffa indicated his disappointment with Mr. Bussen not responding to residents.

The floor was opened for public comments, and there were three items of correspondence in the file in opposition to the request.

Mr. Rodriguez suggested that the public comments be limited to whether the final plat was consistent with the preliminary plat. Mr. Olszewski agreed.

Ms. Cheryl Rittenhouse (resident at Eleuthera Drive NE) spoke against the request. She stated that a guardrail or fence was needed along the waterway for safety.

Mr. Michael Valley (resident at Eleuthera Drive NE) spoke against the request. He remarked on how the applicant was previously required by the City Council to install a perimeter fence to the pond with bushes and landscaping.

Mr. Christopher Ross (resident at Port Malabar Boulevard NE) spoke against the request, and his letter of opposition previously submitted was in the file. Drainage easements were part of a plat, and the water levels had brought insects, pests, and sand cranes into his backyard.

Ms. Debbie Neiheise (resident at Waialae Circle NE) spoke against the request. She stated that a perimeter fence was supposed to be part of the development.

Mr. Bill Batting (resident at Ocean Spray Street SW). He commented on how changing the designated zoning had led to the problems with the process and project.

The floor was closed for public comments.

Mr. Karaffa asked if the perimeter fence was part of the plat. Mr. Rodriguez stated that the fence was not a platting issue.

**Motion** by Ms. Jordan, **Seconded** by Mr. Good to submit Case FS24-00004 to the City Council for approval with a board statement that the City Council instruct City staff to investigate the drainage concerns expressed by the area residents and the development's construction activity.

Mr. Olszewski noted that the City Council would not receive all the comments since the City Council hearing was the next night.

Mr. Boerema advised the residents to attend the Council meeting to make their concerns known.

A vote was called on the **Motion** by Ms. Jordan, **Seconded** by Mr. Good to submit Case FS24-00004 to the City Council for approval with a board statement that the City Council instruct City staff to investigate the drainage concerns expressed by the area residents and the development's construction activity.

**Result:** Carried 4 to 2

**Aye:** Good, Boerema, Jordan, Karaffa

**Nay:** Olszewski, Warner

**Abstain:** None

**Case** FS24-00004 will be heard by the City Council on December 5, 2024.

## **OTHER BUSINESS:**

### **1. Member Appointment to the Community Development Advisory Board**

A member of the Local Planning Agency/Planning and Zoning Board was required to serve on the Community Development Advisory Board (CDAB)/Affordable Housing Committee. The position was vacated by Mr. Robert Good as he was unable to attend all meetings.

Mr. Boerema declined a nomination to fill the CDAB vacancy as he would be resigning from the Planning and Zoning Board after the board meeting.

Mr. Olszewski was willing to serve on the CDAB on behalf of the Planning and Zoning Board.

**Motion** by Mr. Boerema, **Seconded** by Mr. Karaffa to appoint Mr. Randall Olszewski to serve on the Community Development Advisory Board on behalf of the Planning and Zoning Board.

**Result:** Carried 6 to 0

**Aye:** Olszewski, Good, Boerema, Jordan, Karaffa, Warner

**Nay:** None

**Abstain:** None

**ADJOURNMENT:**

The meeting adjourned at approximately 7:59: p.m.

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Randall Olszewski, CHAIRPERSON

Attest:

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Chandra Powell, SECRETARY

**\*\*Quasi-Judicial Proceeding**