

**TOWN OF MALABAR
PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY JANUARY 27, 2010
7:30 PM
MALABAR COUNCIL CHAMBER
2725 MALABAR ROAD
MALABAR, FLORIDA**

AGENDA

- A. CALL TO ORDER, PRAYER AND PLEDGE**
- B. ROLL CALL**
- C. ADDITIONS/DELETIONS/CHANGES**
- D. CONSENT AGENDA :**
1. Approval of Minutes
Planning and Zoning Meeting - 12/09/09
Planning and Zoning Meeting - 01/13/10
Exhibit: Agenda Report No. 1
Recommendation: Motion to Approve
- E. PUBLIC HEARING: none**
- F. ACTION:**
2. Final Review of Future Land Use Designation along Babcock Street
Exhibit: Agenda Reports No. 2
Recommendation: Discussion
3. Final Review of Future Land Use Designation along Malabar Road
Exhibit: Agenda Reports No. 3
Recommendation: Discussion
- G. DISCUSSION:**
- H. PUBLIC:**
- I. OLD BUSINESS/NEW BUSINESS:**
- J. ADJOURN**

NOTE: THERE MAY BE ONE OR MORE MALABAR ELECTED OFFICIALS ATTENDING THIS MEETING.

If an individual decides to appeal any decision made by this board with respect to any matter considered at this meeting, a verbatim transcript may be required, and the individual may need to insure that a verbatim transcript of the proceedings is made (Florida Statute 286.0105). The Town does not provide this service in compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town's ADA Coordinator at 321-727-7764 at least 48 hours in advance of this meeting.

TOWN OF MALABAR
PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 1
Meeting Date: January 27, 2010

Prepared By: Denine M. Sherear, Planning and Zoning Board Secretary

SUBJECT: Approval of minutes

BACKGROUND/HISTORY:

The minutes must reflect the actions taken by the Board:

- Who made the Motion
- What is the motion
- Who seconded the motion
- What was the vote

Malabar has historically included discussion to provide the reader the understanding of how the Board came to their vote. It is not verbatim and some editing is done to convey the thought. People do not speak the way they write.

ATTACHMENTS:

Draft minutes of P&Z Board Meeting of December 9, 2009
Draft minutes of P&Z Board Meeting of January 13, 2010

"The following draft minutes are subject to changes and/or revisions by the Planning and Zoning Board and shall not be considered the official minutes until approved by the P&Z Board."

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
December 9, 2009 7:30 PM**

This meeting of the Malabar Planning and Zoning was held at Town Hall at 2725 Malabar Road.

A. CALL TO ORDER, PRAYER AND PLEDGE:

Meeting called to order at 7:30 P.M. Prayer and Pledge led by Chair – Bob Wilbur.

B. ROLL CALL:

CHAIR:	BOB WILBUR,
VICE-CHAIR:	PATRICK REILLY
BOARD MEMBERS:	DON KRIEGER, excused
	BUD RYAN, excused
	LIZ RITTER
ALTERNATE:	CINDY ZINDEL
ALTERNATE:	BRIDGET PORTS
SECRETARY:	DENINE M. SHEREAR
TOWN PLANNER	KEITH MILLS

Also present: Mayor Eschenberg

C. ADDITIONS/DELETIONS/CHANGES: none

D. NOMINATION OF BOARD CHAIR TO SERVE 2009/2010

Ritter / Reilly: Nominate Bob Wilbur as Board Chair to serve 2009/2010

All Vote: Ayes

E. NOMINATION OF BOARD VICE-CHAIR TO SERVE 2009/2010

Ritter/ Ports: Nominate Pat Reilly as Board Vice-Chair to serve 2009/2010

All Vote: Ayes

F. CONCENT AGENDA: none

G. PUBLIC HEARING: none

H. ACTION: none

I. DISCUSSION

1. Future Land Use Designation on Malabar Road

Exhibit: Agenda Reports No. 1

Recommendation: Discussion/Review

Wilbur, to review map for Malabar Road from railroad tracks east side should be "R/LC" and "CG" along west side of tracks north & south.

Discussion among the Board about changing the "CG" along tracks to a more suitable frontage. Mills is reading from code about "CG", suggestions is to recommend "CL" zoning for this area. Zindel, ask what would be a better fit, Wilbur suggest "CL" because it s right up against the tracks, some type of service business, Ritter suggests storage type business.

Mills reads the Zoning District what "CG" requires, needs to be located in highly accessible areas, adjacent to major arteries.

Discussion among the Board about the area along the railroad tracks to change Malabar Road frontage.

Mills reads to the Board the "CL" Zoning District requirements. Mills also explains that a lot of Towns use the areas of the railroad tracks for the downtown area, a lot of the times there is an existing train's station.

The Board is recommending to change "CG" to "CL", along the railroad tracks. It was recommended to leave the "CG" along Malabar Road, on the south side the depth will be approximately 100 feet. On the north side and south 330 feet deep keep it "CG" then behind it make it "CL".

Mills, points out on the south side, that "CG" does not fit the definition of "CG".

The Board suggests, on the north side of Malabar Road go north to Johnston Ave will be "CG" then behind that will be "CL", 500 feet wide. On the south side 330 to end of Public works road, "CG" then south of that "CL".

Ritter asks about US-1, Wilbur suggests at this time to leave east of railroad tracks as it.

2. Future Land Use Designation along Babcock Street

Exhibit: Agenda Reports No. 2

Recommendation: Discussion

Wilbur suggests that "CG" as frontage is good, up to Booth Road. If we are going to move forward with that Foundation Park Blvd extension we need to start thinking about if we have enough "CL" and are we going to keep our "OI" designation for Booth Lane on the north, I thought maybe "OI" or "R/LC".

Reilly asks if the south side of Booth Lane is "RR-65", and if there is houses in that area.

Mills explains a couple years ago, there was someone that came in with a proposal that was going to affect the residents on Lett Lane the Board at that time was very protective of that residential area.

Wilbur and the Board are discussing about no residences north and east of the gas transmission line, so all that can be "CL",

Reilly suggest making the whole width and north side of Booth Rd "OI", along with the two properties that are already "OI", to Prosperity.

Mills, explains that there are residents on the west side of Lett Lane,

The Board is discussing the areas along Babcock Rd from Booth Rd south to Osage to make this "OI" and along Osage to the lot before prosperity.

The lots on the west side of Prosperity to Booth Rd all "R/LC", the large parcel east of Prosperity on the corner of Osage is recommended to be "R/LC". The parcel east of this along I-95 is recommended to be "CL". Make all properties along I-95 "CL" to north Malabar boundaries.

There is extensive discussion among the board about the areas between Osage and Booth Rd to make a suggestion for an affordable housing or a business park in this area or possibly assisted living facility. The advantage is that there is city water and sewer available off Babcock Street from Palm Bay.

Mills, explains as long as zoning is not changing tax base does not change, future land use make "OI" suggests Ritter,

Ports suggest making lots along Babcock Street "OI"; if property owners want to come and change this later they can do so.

Ritter & Wilbur suggesting about "OI" from lot 518 to I-95 south to Osage Rd, west to Babcock Street. Discussion about east of Babcock and west of I-95

Wilbur suggests to make "RLC" on Prosperity Rd on the west side since there is a few homes located on the west side of Prosperity. Things can always go back to code about putting screening or buffering between different zoning areas.

Ritter asks about how much property is needed for schools, churches, Mills explains about 80 acres for 3 schools as an example. It can be another tax base.

Mills, on commercial end of small office buildings, Business Park is a good idea

Wilbur, talks about Foundation Blvd to divide area to do this.

Mills explains uses are not compatible about "RR-65"; try to protect the residential area.

Mills, explains 6 units per acre.

Ports, suggest CL near Neighborhood area.

Wilbur and Reilly is suggesting the first lots all along Babcock Street on the east side to be "OI", this is agreed upon with board members.

- Gave copy of map for hand out for area east of I-95
- Wilbur is suggestion "R/LC" instead of "OI" near I-95.

Discussion is about area in 20 acres parcels near I-95, low income housing areas.

Reilly asked all members to review and bring ideas back to board next meeting.

Mills, to think about it is going to be awhile in reference to residences that are there in this area now.

The Board is discussing what the zoning could be changed to, west of I-95. Mills suggests new land use to open up area for mixed use development, Ports suggests "OI" and "R/LC"

The map of the area west of I-95 is scanned in to present on overhead projection for board to review of all suggestions. (Attached)

Wilbur and all Board discussing changing Land Use on the entire west side of Prosperity Lane "R/LC" from Osage to Booth, make an "R/LC" district. Make "RR-65" area "R/LC". There is "CG" up near the Foundation Park Blvd, leave this "as is".

3. **East Coast Recovery- (Robert N. Jenkins) Storage of Towed Vehicles at: 1450 W. Railroad Avenue, CG Zoning, Jonan Railroad Avenue Storage**
Exhibit: Agenda Reports No. 3
Recommendation: Discussion

Mr. Robert N. Jenkins was not present to present this case concerning the storage of vehicles at this location.

Reilly asks if he is a tenant or owner of property. Ritter asks how he can ask to have code change if he is just renting a lot area.

Mills explains anyone can ask for a code change, a business. The property owner would have to agree to the change.

Discussion among the board of what he wants to do, to tow his vehicles to his rented space at the storage park area.

Zindel asks what would the zoning need to be and Wilbur answers that he would need a junk yard license to tow in vehicles.

Mills explains he does not know the history of this case but he believes the RV storage use was grandfathered in.

The discussion is among the board about what kind of vehicles. Wilbur explains the tenant has rented a unit; this is for industrial use because he has received a "BTR" to operate a business and now he wants to store his vehicles in this area.

Mills, explains the owner of the property somewhat controls what can go on, on the property even though the jurisdiction may allow different things to go on. The zoning of the property would not allow this to go on. This is not the typical use of a mini storage.

Ports, expresses information about leaking fluids, etc reading out of code book.

Mills asks if this is a new "BTR", Sherear, expresses he did not renew his "BTR" for the 2009-2010 license. He was given the "BTR" with the terms he can run his business at this location but no vehicles would be allowed to be stored at this location.

Mills expresses to the Board unless the code is changed for this area then this activity is not allowed at this location.

J. PUBLIC- none

K. OLD BUSINESS/NEW BUSINESS:

Ritter asks about the Town inquiring about the Logue property that is "For Sale" on Highway US-1. Sherear explains that Franklin was inquiring about this property waiting on responses from property owner. Staff will get information on this property for next meeting.

Ports, asks about Adams property on Malabar Rd. Sherear explained the permit was issued to build a storage unit to house boats and trailers. Wilbur explains he provided the proper fire protection to cover his future storage buildings.

L. ADJOURN:

There being no further business to discuss, MOTION: Reilly / Ritter to adjourn this meeting.

Vote: All Ayes. The meeting adjourned at 9:33 P.M.

BY:

Bob Wilbur, Chair

Denine M. Sherear, Secretary

Date Approved

DRAFT

"The following draft minutes are subject to changes and/or revisions by the Planning and Zoning Board and shall not be considered the official minutes until approved by the P&Z Board."

MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
January 13, 2010 7:30 PM

This meeting of the Malabar Planning and Zoning was held at Town Hall at 2725 Malabar Road.

A. CALL TO ORDER, PRAYER AND PLEDGE:

Meeting called to order at 7:33 P.M. Prayer and Pledge led by Vice-Chair – Patrick Reilly.

B. SWEAR IN BOARD MEMBER FOR NEW TERM

The Swearing in of Donald Krieger by Debby Franklin- Town Clerk / Treasurer, to serve on P & Z Board for another term. Krieger reads the Oath.

C. ROLL CALL:

CHAIR:	BOB WILBUR,
VICE-CHAIR:	PATRICK REILLY
BOARD MEMBERS:	DON KRIEGER
	BUD RYAN
	LIZ RITTER
ALTERNATE:	CINDY ZINDEL
ALTERNATE:	BRIDGET PORTS
SECRETARY:	DENINE M. SHEREAR
TOWN PLANNER	KEITH MILLS

Also present: Debby Franklin, Town Clerk/ Treasurer and Mayor Eschenberg

D. ADDITIONS/DELETIONS/CHANGES: none

E. CONSENT AGENDA

1. Approval of Minute- Planning and Zoning Meeting- 10/28/09

Exhibit: Agenda Report No. 1

Recommendation: Action

Motion: Krieger/ Ritter to Approve Correct minutes as noted and corrected below. All Vote: Aye.

Krieger corrections:

- Page 2, the 5th paragraph last sentence on the south side that is opened-up area. Change the opened up to "vacant" area.
- Page 4, last sentence Eil's site selection committee, Change Eil's to EEL's.

F. PUBLIC HEARING: none

G. ACTION:

2. Request for Gate Columns higher than 54" in RR-65 Zoning, 2000 Weber Road, applicant Don Foley

Exhibit: Agenda Report No. 2

Recommendation: Request for Action

Mr. Foley, 3851 Atlantic Ridge Lane, Grant- Valkaria purchased the property located at 2000 Weber Rd Malabar, Mr. Foley's daughter Holiday is expressing and explaining the point of the gates is to embellish property with an entrance to have 7' 6" inch columns. Mr. Foley did explain this will be agricultural land and he would not be building a residence for approximately 1 year or so.

Reilly asks if they can build a gate before the actual residence. Cloutier, explains they can put a gate before a residence.

Mr. Foley, expresses this problem has been going on for several years with the height issues, we would like permission to go to Council. The property is in the "RR-65" zoning.

Mr. Foley expressed about the different Columns in the Town and presented pictures to the Board, one of the examples being Oakmont Subdivision, (Roy Pence) which is located on Marie Street.

Reilly expressed that the reason there is a height limit is so something like the columns at Oakmont does not happen again. This is the limit in the RR-65 Zoning is 6 feet.

Mr. Foley is asking to allow this request to be passed on to Council for review and direction of the 7 foot Column request for the front gate.

Wilbur explains about "entrance ways" and arches, that what were proposed is 6 feet height limits.

Krieger says anybody can go before Council to ask for a review it does not have to be recommended by this Board.

Recommendation has to do with distance from road and

Wilbur, explains to

Zindel, asks how tall are your gates going to be? Foley says the Columns will be about 7 foot in height and gate about 6 inches lower.

Reilly suggests temporarily conforming to the fence height then proceed when the Ordinance is in place.

Krieger explains that we can recommend to Council, with a 6 foot rule to comply.

Mr. Foley explains that this gate entrance sets back, approximately 30 feet,

Wilbur closes discussion to applicant, back to board for discussion.

Ryan, stick to 54" height if it goes to Council.

The discussion is among the board and discussion to Staff of direction.

Board is discussing the Motion to allow Mr. Foley to apply for a 6 foot gate opening.

MOTION: Krieger/Ryan: Recommend Council approve the six (6) foot height for columns for front gate @ 2000 Weber Road.

VOTE: All Ayes

3. Accessory Structure larger than 1,000 square feet, 2290 Raulerson Lane, applicant William Morrison

Exhibit: Agenda Report No. 3

Recommendation: Request for Action

Mr. William Morrison, 2290 Raulerson Lane, explaining the limit too long asking for variance to allow the size of the building which is 1,096 square feet. I need to have approval to build a large Accessory Structure.

Mr. Morrison explains to the Board that he is incorporating two buildings into one large building, under 1 pad and 1 roof.

Wilbur asks the location of the building. Mr. Morrison explains it is east of Wilson and west of Pollack, it backs up to Wilson.

Board would like to make a Motion to allow Mr. Morrison to build the Accessory structure as per specs submitted,

Ryan asks Cloutier if there is there anything not acceptable in plans submitted.

Cloutier says as long as he meets the required setbacks, there should be no problem.

Discussion among the Board about location of Accessory structure, Mr. Morrison explained this structure is to park a Motor Home, and a portion enclosed as a shed which is 15' x 15', a height of 14 feet tall with no doors on the front and back.

Reilly brings the discussion back to the Board.

Action: Ryan/Krieger To Build Accessory Structure with square footage of 1,096 located at 2290 Raulerson Lane, Malabar, FL as submitted by Mr. Morrison property owner as per reviewed by Building Official with proper specs and setbacks.

Vote: All Ayes

H. DISCUSSION:

4. FINAL Review of Future Land Use Designation along Babcock Street

Exhibit: Agenda Report No. 4

Recommendation: Discussion

Discussion among the board, Reilly explains the "R/LC" zoning, to re evaluate the areas that the Board changed the land use to "R/LC".

Mills explains the theory that there is water along the Babcock Street, and to have Commercial along Babcock Street

Business at the residences for RLC

Mills, to add one of the big things for "R/LC" is to have Businesses at Residences.

Krieger expresses that land use is not zoning, we need to modify the "R/LC".

Mills explains you can always modify the zoning.

Mills looks at a downtown situation with "x" number of units per acre, in this area by Babcock Street. The fear is if you assign "R/LC" next to a subdivision, if the ordinance is not clear to differentiate what the Town would except per acre this would cause a problem. The suggestion among the Board is to limit the "R/LC" to areas we discussed to the east side of Town.

Mills said properties that have their land use changed, will then re zone the land use and the town will deliberate these issues.

Purposing to change the land use by "RR-65" or later to buffer the Commercial property the code now allows the variety of different uses.

Ritter explains that we made "OI" along Osage.

Krieger expresses to put "R/LC" between residential and light "OI" this has some commercial and not high density.

Mills, reads the "R/LC" description for mixed use limited residential development, he reads out of code book describing the situated along the west side of US 1, the mixed use was the goal of establishing some businesses mixed with residents to bring "R/LC" west along Malabar Rd, expanding to other areas could happen.

Mills explains we need to start allowing "R/LC" in other areas of the Town, also

he explains the situation, that it is hard to direct specific uses on the "R/LC" property.

Mills suggests having a down town setting; if the Town does not want this then you do not need this in your code for the "R/LC"

Krieger likes the idea of the country combination with business settings.

Mills describes this as a small grid pattern, in this area or buildings that take up a whole block section such as nursing homes, private schools.

The board is discussing mixed use of property and Mills, states that it is popular to have home occupations

Wilbur, expresses that "R/LC" Zoning along US Hwy - 1, may also work along Malabar Road, but is concerned that we do not have that "Down Town Center", how will it turn out with different areas to the west of the Town of Malabar, it is possible "OI" may be better suited.

The Board is discussing changing the "R/LC" to "OI" in several areas, to see what would best suit specific areas and create a greater tax basin. The thinnest areas in Malabar that is along Hwy US-1 is designated "R/LC". Krieger expressed that the intent was to facilitate the people already living in the designated areas zoned "CL" and "R/LC".

Reilly suggest making "R/LC" to "CL", Mills explains and defines to protect the changing of the land uses except for existing residences, if you are trying to create an economic base.

Ryan's input is that "CL" is fine for this area off Babcock Street along I- 95. Wilbur said we need a commercial tax base

Mills, said something to think about is that the area off Osage and Prosperity about it the commercial aspect you are not going to have any exposure because it sits back off Babcock Street.

Krieger suggests going back to "OI", Ritter changes to "OI" with all Board members in favor.

Wilbur, said to make "OI" the whole corner of Osage and Prosperity area. Ryan suggests moving one line over to west.

Reilly, suggests for the next P & Z Meeting (January 27,2010) to provide a blank map of the area west of I-95 with Roads and Lot designations so each Board member can re create land use for this area.

I. PUBLIC

Mayor, Eschenberg, 2835 Beran Lane, talks about "Entrance Ways" and whose court the ball is in the P& Z or the Council. The Council did not understand either one of the Ordinances that were presented. "Entrance Ways" needs to be totally separate from "Column and Gates".

Krieger discusses about the Gate and Column being behind the designated setbacks for the property. It is suggested that there needs to be a completely separate permit for "Entrance Ways".

Eschenberg discusses that the "Land Use" changes are on the clock, it is running the deadline is in November for the Amendment IV. I propose that the P&Z Meeting on February 10, 2010 be a Joint Meeting with Council. One of the Board Members can make a presentation to Council, asking Council to be quiet and take notes and discussion after presentation.

Ryan suggests making a chart and classification of different areas of future "Land Uses", when presenting this to Council.

Krieger suggests that P & Z needs to have one more meeting to go over maps and all future land use before presenting this to Council and perhaps to have a Joint Meeting the second meeting in February.

Eschenberg then suggests meeting with the Council for a Joint Meeting on February 24th, 2010.

J. OLD BUSINESS/ NEW BUSINESS:

K. ADJOURN:

There being no further business to discuss, **MOTION:** Ryan / Wilbur to adjourn this meeting.

Vote: All Ayes. The meeting adjourned at 9:34 P.M.

BY:

Bob Wilbur, Chair

Denine M. Sherear, Secretary

Date Approved

TOWN OF MALABAR
PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: January 27, 2010

Prepared By: Denine M. Sherear, Planning and Zoning Board Secretary

SUBJECT: Review Future Land Use Along Babcock Street

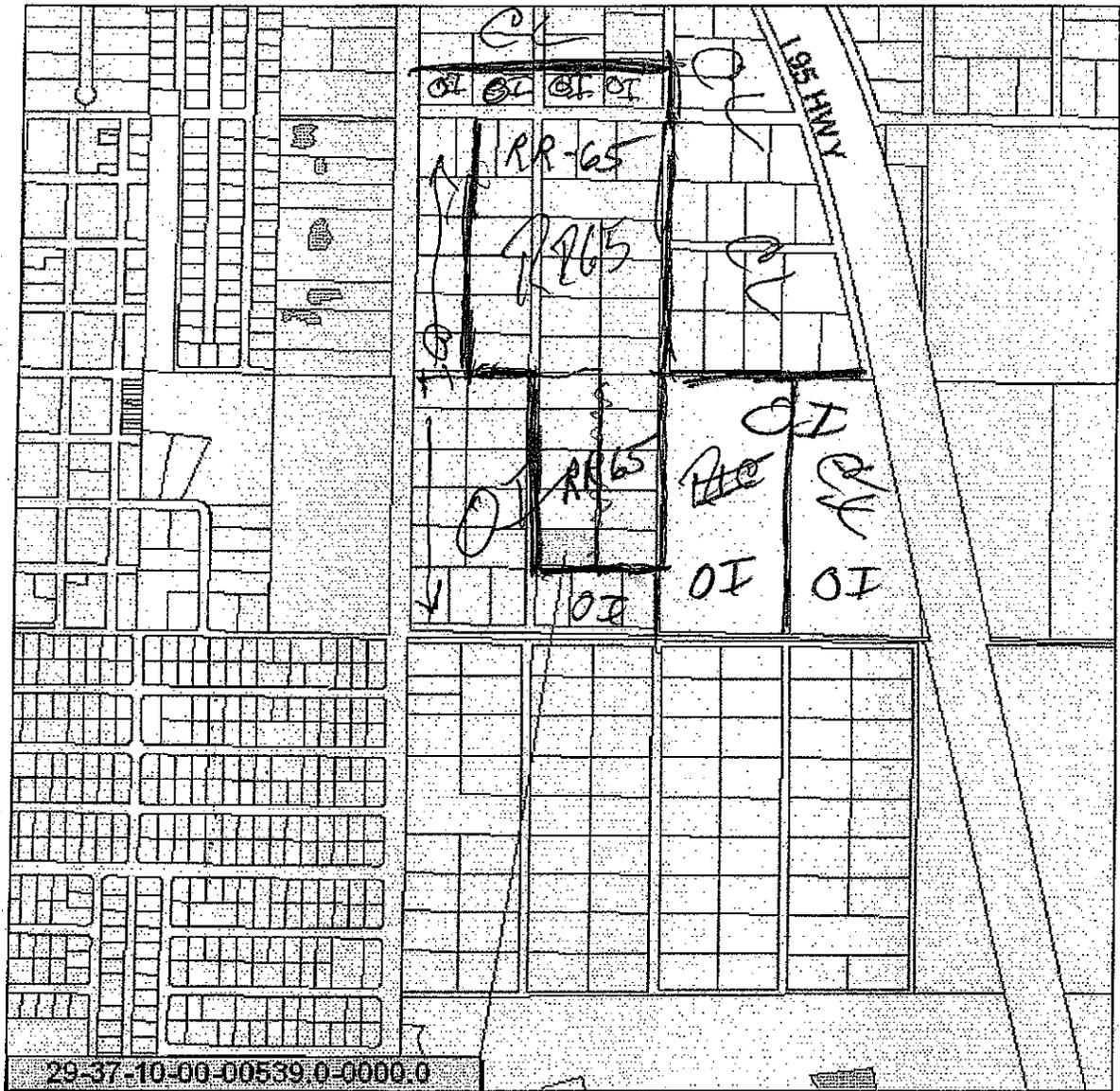
BACKGROUND/HISTORY:

A final review of the Board's proposed changes to the Future Land Use Map designations before sending recommendation to Council for a Joint Meeting proposed on February 24, 2010. Council would like a representative from this Board to present the Future Land Use Map changes at the Joint Meeting.

ATTACHMENTS:

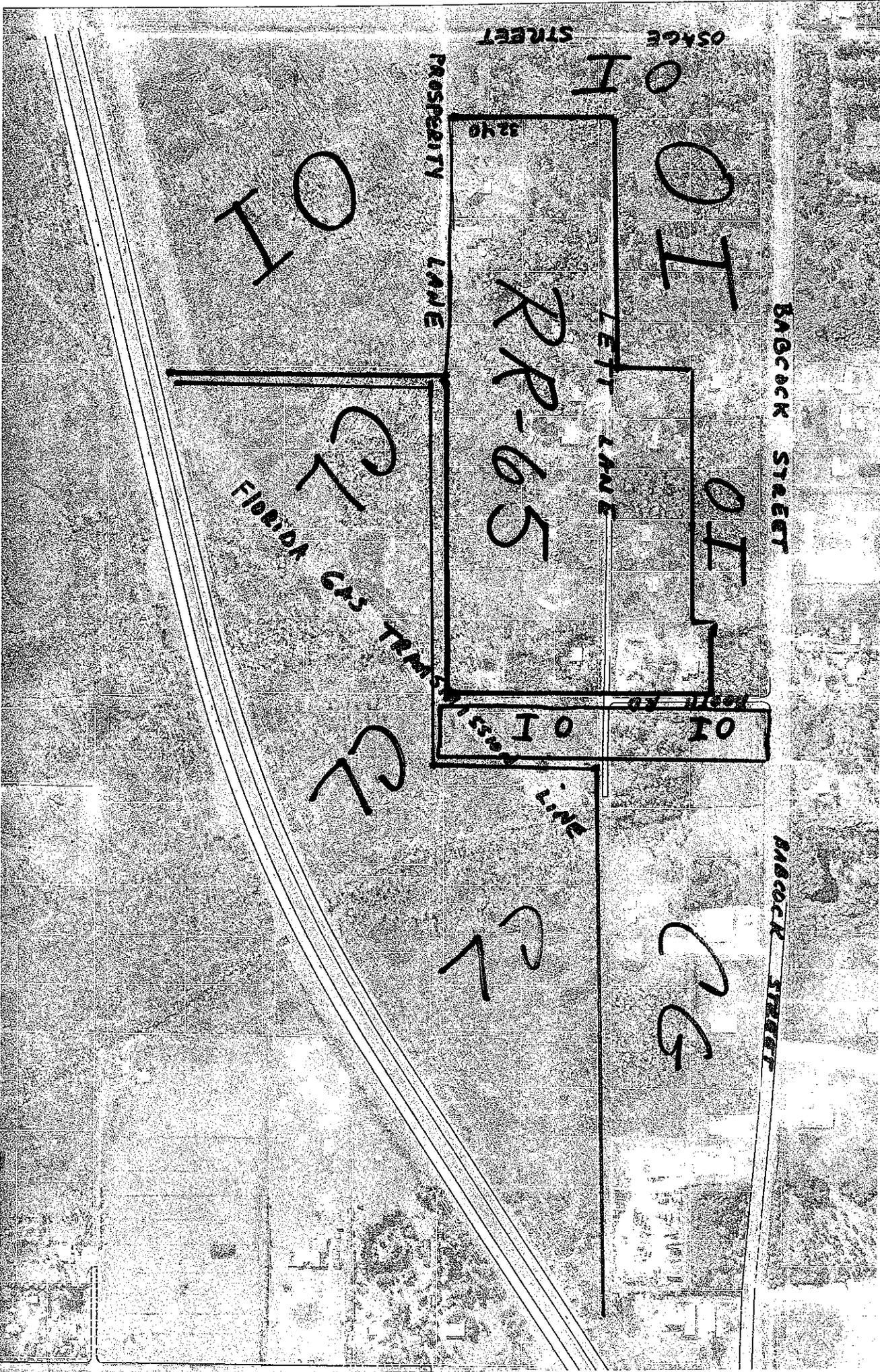
- Map along Babcock Street proposed at P & Z Meeting on January 13, 2010 (2 pages)
- Blank Map along Babcock Street
- Suggestions from Mayor Eschenberg

Jim Ford, CPA
Brevard County Property Appraiser - Map Search



1-13-10

P+Z MEET
01/13/10
Land Use
Suggestion's
ABOVE.



BABCOCK STREET

BABCOCK STREET

OSAGE STREET

PROSPERITY LANE

LEFT LANE

UTILITY LINE

OI

OI

RP-65

OI

CG

CG

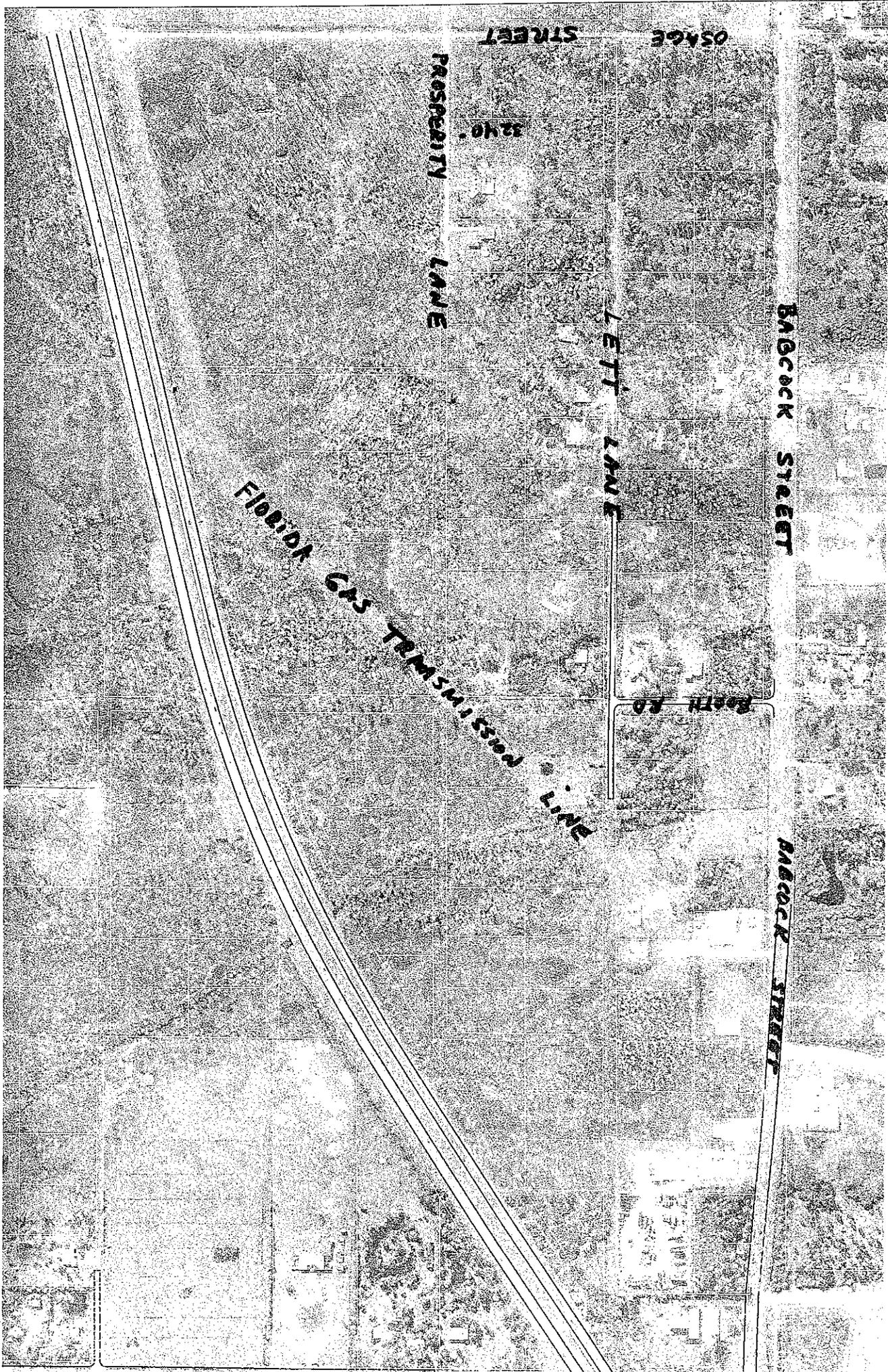
CG

CG

FLORIDA GAS TRANSMISSION

P+Z BOARD (1-13-10)
MEETING

PAGE 2



OSAGE STREET

OSAGE STREET

3240

PROSPERITY LAKE

LETT LAKE

BAGCOCK STREET

FIBER OPTIC GAS TRANSMISSION LINE

BATH RD

BAGCOCK STREET

MEMO

TO: MALABAR TOWN COUNCIL
FROM: MAYOR TOM ESCHENBERG
SUBJECT: JOINT MEETING WITH P&Z

The Planning and Zoning Board has spent considerable time looking at Malabar Road and the Babcock Street area to determine what changes should be made to the comprehensive land use plan. They have completed their work. Prior to public hearings, it is essential that the Council and P&Z be on the same page. In coordination with P&Z, I am calling a joint workshop. The workshop will be on Feb. 24 at 7:30 PM.

This is a regular P&Z meeting night. In order to make this meeting beneficial, I would like to adhere to the following format.

1. P&Z will designate a presenter.
2. The presenter will explain the proposed changes along Malabar Road.
3. While the presentation is being made, Council will only listen and take notes.
4. When the presentation is complete, the floor will be open for questions and discussion.
5. A consensus will be reached between Council and P&Z as to the proposed changes.
6. The same process will be followed for the Babcock Street area.

I commend P&Z for the time and effort they have put in on this task. I ask Council to adhere to the above format so they may have a full understanding of the rationale P&Z used in arriving at the proposed changes. If questions and discussions take place during the presentation, I believe the big picture will be lost.

Thank You

cc:P&Z members

TOWN OF MALABAR
PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 3
Meeting Date: January 27, 2010

Prepared By: Denine M. Sherear, Planning and Zoning Board Secretary

SUBJECT: Review Future Land Use Along Malabar Road

BACKGROUND/HISTORY:

A final review of the Board's proposed changes to the Future Land Use Map designations before sending recommendation to Council for a Joint Meeting proposed on February 24, 2010. Council would like a representative from this Board to present the Future Land Use Map changes at the Joint Meeting.

ATTACHMENTS:

- Map along Malabar Road to provide to Council
- Suggestions from Mayor Eschenberg

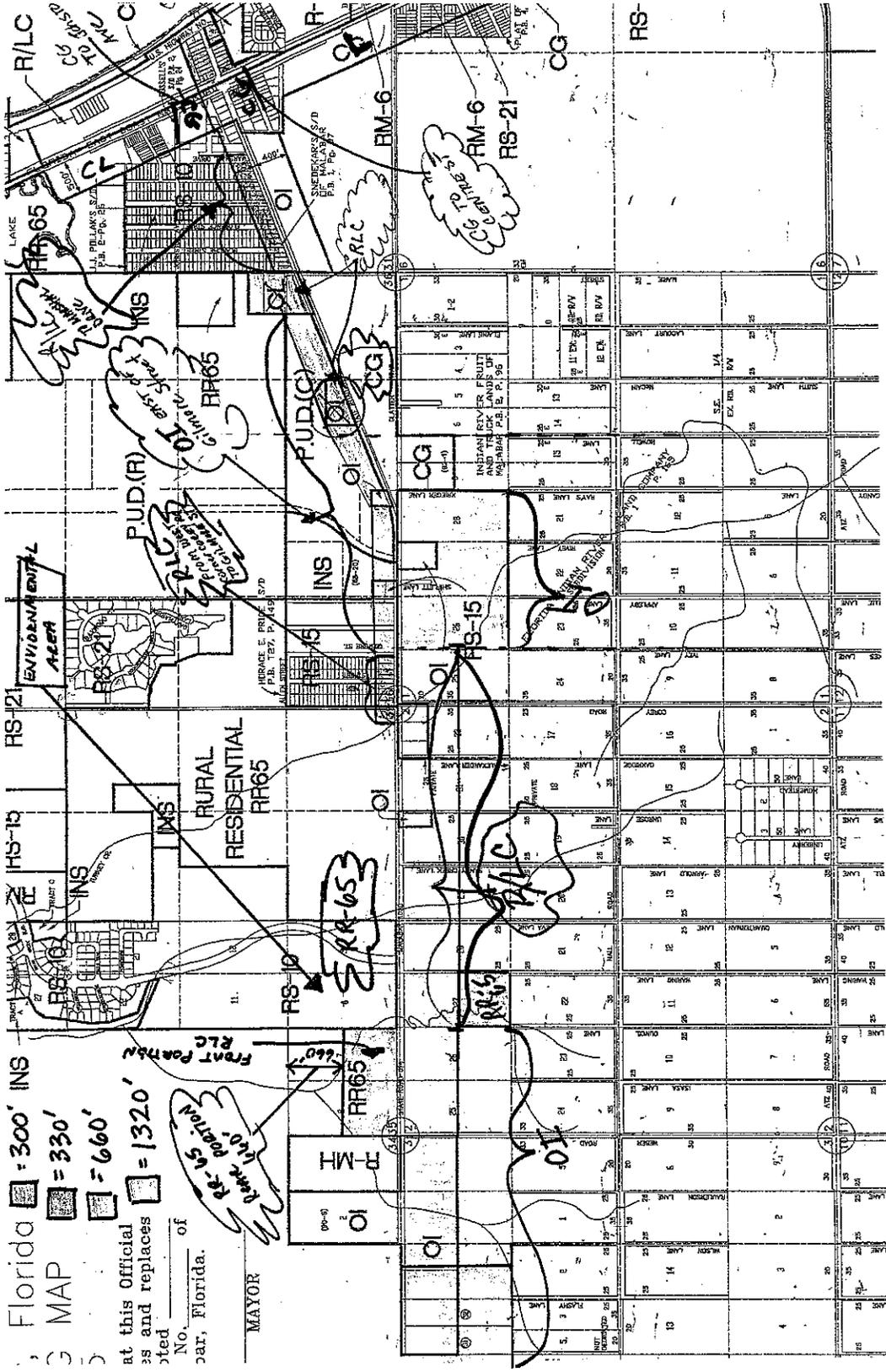
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MAYOR

RS-15
 Name portion

FRONT PORTION
 RLC



MEMO

TO: MALABAR TOWN COUNCIL
FROM: MAYOR TOM ESCHENBERG
SUBJECT: JOINT MEETING WITH P&Z

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