



Town of Cedar Point
Planning Board Meeting
September 12, 2017

The Town of Cedar Point Planning Board held its regularly scheduled meeting on Tuesday, September 12, 2017 at 6:30 PM. Chairman John Nash determined a quorum to be present, and opened the meeting with a roll call of the members. Chairman Nash stated he would refrain from making any Motions or voting.

PRESENT: Chairman Nash, Members Heironimus, White, Perry, Town Attorney Whitford, Town Administrator Seaberg, Town Clerk Calhoun and public

ABSENT: Member Zimmerman

The amended Minutes from the June 6, 2017 meeting as well as the Minutes from the July 11, 2017 meeting were presented for Board consideration and approval. Member Perry made a **Motion** to approve the Minutes as presented. Member Heironimus seconded. Motion carried unanimously.

Under New Business, Mr. Seaberg presented a brief summary of expectations for Planning Board members. He gave each of the members a copy of the Cedar Point Ordinances outlining the duties of the Members. He also emphasized that members unable to attend meetings should notify the Town Clerk. Member Perry suggested having an orientation for all new members.

Under Old Business, the Mixed Use Development District (MXOD) was discussed. Chairman Nash was hopeful that this new district would benefit the entire Town. Member White stated that this must be approached carefully and with consideration to both residential and commercial interests. Member Perry urged a cautious approach, and that this direction towards a MXOD is mirroring many towns and cities, moving towards an end result that is generationally blended to appeal to all.

Chairman Nash encouraged the Members to focus on balance, establish guidelines and parameters and look at suitability and density. Also they must consider all possible and appropriate uses, and assure that there are protections included in this ordinance draft. He also encouraged active engagement with and by citizens.

Town Attorney Whitford reminded members that they have to consider the developer's perspective, but also must consider the adjacent property owner's perspective. There is valid debate between having an overlay district and having separate zoning. Is 40% devoted to residential a good minimum number to have? He encouraged Members to look carefully at the formulas for Density Bonuses as well as the Fringe Area; is it adequate? Permitted uses must be examined very closely. The Board of Commissioners cannot deny the application if it is in alignment with the list of permitted uses. A Special Use permit is recommended for some of the permitted uses, with a process involved that must be adhered to by the applicant. Encouraged focus on application and review as well.

Chairman Nash instructed the Members to go through section by section of the draft; this must be given back to the Board of Commissioners and should not return to the Planning Board.

At the beginning, under Purpose and Intent: Member Perry suggested changing the words 'replace' 'prefer' and 'supersede' as they are misleading, since there is not a new zoning district being forced upon anyone. Per Mr. Whitford, the Town may create a new zoning district without any property in mind. Member Perry suggested the following 'wordsmithing' to the last sentence in Paragraph 1. **PURPOSE: In the event of conflict between regulations for mixed use developments and those in other sections of the Zoning Ordinance, the mixed use regulations shall supersede can take precedence unless specifically stated otherwise.** Member Heironimus made a **Motion** to make the suggested changes provided by Member Perry. Member White seconded. Motion carried unanimously.

Paragraph 2. INTENT, subparagraph a. Boundaries of the MXOD. Mr. Seaberg encouraged the members to consider striking the residential areas affected by this overlay from inclusion. Member White objected to this, citing lack of knowledge as to what areas are affected by the overlay. He suggested walking/driving the areas to be considered to get a better feel for what areas are being considered for exclusion. Member Perry made a **Motion** to strike from the MXOD draft the areas of residential zoning included in the overlay. Member Heironimus seconded. Member White voted Nay. Motion carried 2-1.

3. MIXTURE OF USES: Examine closer and add Special Use category for certain items. Group homes should be classified as residential.

Office category, Veterinary services should be a Special Use classification with the pens noted as *indoor*. Add *Boarding* after Veterinary heading.

Commercial category: The following will require a Special Use Classification: a. Gasoline sales, d. nightclubs, g. Marinas, h. recreation facilities indoor/outdoor and public/private, i. repair shops without outdoor operations or storage, l. automobile service shops (without storage or operations), m. Corporate park uses limited to education, scientific and industrial research facilities, research laboratories and medical or dental laboratories, o. breweries or microbreweries.

Institutional, quasi-public use, or public use category: b. colleges and universities

Entertain and lodging category: Amphitheater, Hotels and motels, meeting and events centers

A preliminary site assessment will be conducted; Planning Board and Board of Commissioners input satisfactory in this pursuit.

Member Heironimus made a **Motion** to add: as part of final site plan, applicant can identify Special Use items. Member Perry seconded. Motion carried unanimously.

There was a consensus among members that these edits were satisfactory.

Chairman Nash opened the floor to Public Comment.

Mr. Pete Moffitt, Magens Bay resident was unhappy that some of the public in attendance at the beginning of the meeting did not have the opportunity to speak at the top of the meeting. He also suggested the Town look into a park somewhere within Town limits.

Ms. Janet Kolb, Magens Bay, expressed concern about the MXOD draft, asking what the best interest is for Cedar Point.


Mr. TJ Williams, Crystal Shores, asked for clarification as for what the MXOD is intended. He feels the MXOD should apply to the entire Town. He also pointed out that 85% residential and/or open space would not work for a commercial developer. There are too many restrictions on the current draft.

Mr. Andy Ennett, applicant for the rezone, agreed that no developer would be interested in a development that encompassed a 40% residential percentage. He stated that the communities surrounding us were developing commercial businesses, and Cedar Point is losing valuable tax base by being restrictive.

The Board collectively agreed to recess this meeting to Thursday, September 14, 2017 at 6:00 PM.

Member Perry made a **Motion** to recess the meeting to Thursday, September 14, 2017 at 6:00 PM. Member Heironimus seconded. Motion carried unanimously.

The meeting recessed at 9:58 PM.



John Nash, Chairman



Jayne Calhoun, Town Clerk