



Town of Cedar Point
Planning Board Recessed Meeting
September 14, 2017

The Town of Cedar Point Planning Board continued their recessed meeting from Tuesday, September 12, 2017 to Thursday, September 14, 2017 at 6:00 PM. Chairman Nash called roll, and determined a quorum to be present.

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

Chairman Nash indicated there may have been a misunderstanding concerning Public Comment at Tuesday night's meeting. He stated that the Public Comments section had been number 6 on the agenda, but was pre-empted due to the long meeting. But because of the interest in Public Comment, the item was moved up. Those who did not get a chance to speak at the previous meeting were accommodated this evening.

Chairman Nash opened the floor to Public Comment, beginning with Kathy Williams, Magens Bay resident. She believes that MXOD should not be considered.

Mr. Steve Wheaton, Magens Bay, feels it unacceptable that the MXOD will overlay and also was concerned over traffic increase and encouraged the Town to put in an access road to connect Magens Bay to the light at Highway 24.

Mr. TJ Williams, Crystal Shores, reminded everyone that the Town already has a Land Use Plan at work as well as buffering requirements for commercial developments. He believes this MXOD proposal should apply to the entire Town.

Mr. Andy Ennett, applicant, spoke of advantages to having a MXOD in place. He also asked for the residential percentage to be lowered, from a minimum of 40% to 20%. He also pointed out that there is 9 ½ acres buffer between Magens Bay and the actual property that will be developed.

Mr. Seaberg went over the proposed Consistency Statement, as well as the edits made at the Tuesday night meeting.

Member Perry asked for clarification of the 3000 linear feet area that is now known as the Central Business Overlay District (CBOD). Mr. Whitford explained that the MXOD is simply an amendment to the CBOD, and that a prospective developer could be made to develop under the MXOD without asking for a rezone. Mr. Whitford did suggest extending the overlay footage measurement to include the waterfront acreage on the Ennett property. Member Heironimus made a **Motion** to extend the overlay footage to include Bogue Sound. Member Perry seconded. Motion carried unanimously.

Member Perry pointed out that the purpose of the MXOD was not to provide zoning for one property, but to address the future of the Town. She also pointed out that these decisions are being made on behalf of the entire Town, not just Magens Bay exclusively. She believes the residential percentage should be at 25% residential, with 20% devoted to common areas and 10% open spaces. She also questioned putting residential over commercial in buildings, which would merit a density bonus to the developer. Member Perry made a **Motion** to amend the density formula as follows: 25% residential, 20% common areas and 10% open spaces, the balance of which would be commercial, for developments greater than 15 acres. Motion carried unanimously.

Mr. Whitford instructed the Members to address those properties less than 15 acres next. It was discussed, and the Board recommended removing the 15 acre limit altogether. Member White made a **Motion** to remove the 15 acres limit. Member Heironimus seconded. Motion carried unanimously.

The CBOD should not be repealed, rather, this could apply to those developers choosing to remain within the current zoning.

Member Perry made a **Motion** that the CBOD provisions will apply when property within the MXOD are developed according to the base zoning. Member White seconded. Motion carried unanimously.

As for the matter of land demarcated as park land, open and common spaces can be construed as park land. Density bonuses can be given if developer sets aside land use as park land.

The Board then moved onto discussion concerning the development phases. The Final Approval Phase can remain at staff level. The Board of Commissioners should have some input during the development phase.

Member Perry made a **Motion** to amend lines 7 and 9 to Final Development approval, add d. final approval by review of Planning Board, then Board of Commissioners. Member Heironimus seconded. Motion carried unanimously.

Member Perry asked if the Consistency Statement wording would be amended to reflect the changes made in the MXOD Draft, Mr. Seaberg confirmed that the changes would be reflected.

Member Perry made a **Motion** to recommend the Consistency Statement and the draft MXOD as amended. Member Heironimus seconded. Motion carried unanimously.

Member White made a **Motion** to recommend that a standalone MXOD be considered by the Board of Commissioners. Member Perry seconded. Motion carried unanimously.

Mr. Seaberg provided a UDO update, stating that there should be an updated draft in November.

Chairman Nash offered to the floor to any further comments, there were none.

There being no further business to discuss, the meeting was adjourned.

Member Heironimus made a **Motion** to adjourn the meeting. Member Perry seconded.

The meeting adjourned at 7:59 PM.



John Nash, Chairman



Jayne Calhoun, Town Clerk