



Town of Cedar Point Board of Commissioners  
Agenda Work Session  
September 22, 2017

The Town of Cedar Point Board of Commissioners held an Agenda Work Session on Friday, September 22, 2017. Mayor Hatsell determined a quorum to be present, and opened the meeting at 9:05 AM

PRESENT: Mayor Hatsell, Commissioners Castellano, D. Winberry, Meadows and F. Winberry, Town Administrator Seaberg, Town Attorney Whitford and Town Clerk Calhoun and public

Mayor Hatsell began with discussion concerning the Mixed Use Development (MXOD) proposed draft. The Mayor stated that the Board would go line by line and hear and answer any questions from the public.

Mr. Whitford reminded the Board that *no* property in Town would be rezoned involuntarily to this new district. This new district should be considered as an 'either/or' district, giving property owners and developers the option of choosing either MXOD or the current base zoning.

Commissioner F. Winberry was under the impression that this zoning was to be an addition of a new zoning district to accommodate the Ennett property. He feels that a new zoning district should be created. Commissioner Meadows concurred. Mr. Whitford encouraged further discussion, and then take a poll of the Board after going over document.

Under the heading Mixture of Uses, paragraph 3c., the sentence *75% residential*. Commissioner Castellano made a **Motion** to strike this sentence from the draft. Motion carried unanimously.

Mr. Seaberg pointed out that the intention is to have the commercial area located centrally, in the center area of the Ennett property. Should the developer propose going up, as in, residential over business, then density bonuses would be offered.

Commissioner Castellano stated it would be unfair to any potential developers to make the minimum requirements for residential any higher than 25%, to which the Board agreed.

Under Permitted Uses: Gas Stations must secure a Special Use Permit. According to the draft, any businesses having a drive through window must be 1500 feet from residential areas.

39 Commissioner Castellano felt this number was excessively high and punitive to prospective  
40 developers. The developer should be allowed to present their plans first, then entertain  
41 discussions as to buffering.  
42

43 After discussion, the Board agreed to move drive thru windows to the Conditional Use category,  
44 and standalone restaurants and businesses to remain permitted uses.  
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46 Ms. Amede Hanson expressed concern over businesses being too close to properties in Magen's  
47 Bay; John Zimmerman suggested parameters surrounding uses. Commissioner Castellano  
48 disagreed, stating applicants should be examined individually. Commissioner Meadows agreed,  
49 stating that different conditions can be placed on each Conditional Use permit.  
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51 The Mayor called for a 10 minute break, recessing the meeting at 10:45 AM.  
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53 The Mayor called everyone to order at 10:55 AM.  
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55 Under General Site Design, Phasing: Commissioner Meadows was concerned about the use of  
56 the word shall, "*Each of these components shall be included in mixed-use developments. Each*  
57 *component in this section includes both required and optional site design elements and is*  
58 *intended to allow for flexibility. The site plan shall include a narrative describing how the*  
59 *project will incorporate these characteristics. All mixed-use developments shall contain a*  
60 *minimum fifty (50) percent of the elements of this section.*" The Board agreed the words *may*  
61 *require* may be used in place of shall.  
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63 Under the heading entitled, Density - Pedestrian Facilities: add public water access; the Board  
64 agreed that the 10% requirement was somewhat excessive, and suggested a ratio of 1%.  
65

66 Mr. Whitford outlined the choices the Board will have in making the decision for the MXOD:  
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- 68 • An overlay district: the applicant may petition the Board for an MX zoning, with no  
69 further rezoning required;
- 70 • A new category, MX, that any property could request a rezone and then go through the  
71 zoning change process; or
- 72 • Do the 'sooner and later' concept – do zone now, but in the future have an overlay district  
73 as well.  
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75 The Mayor canvassed the Board, beginning with Commissioner Meadows: Feels confident in  
76 moving forward, however, would like to think over these choices; Commissioner F. Winberry at  
77 first wanted to create a zone but, after discussion, is agreeable to both an overlay and a zone;  
78 Commissioner Castellano agrees with both options, and Commissioner D. Winberry is for  
79 creating a new zone.  
80

81 This matter must go before Public Hearing at the October 24, 2017 regular meeting, and the  
82 Board can decide approval or denial after that.  
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84 Mr. Whitford reminded the Board that every zoning application would stand on its own,  
85 meaning, not every application for MXOD would be approved by the Board.

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87 The consensus from the Board is to move forward with the standalone district, and call a Public  
88 Hearing at Tuesday's meeting. Mr. Whitford also stated he would be including a proposed Text  
89 Change to the Zoning Ordinance concerning Unlisted Uses, Protest Petitions, and the Super  
90 Majority Vote, where the Board of Adjustment on Variances will require a 4/5<sup>th</sup> vote, but  
91 Conditional Use Permits would only require a simple majority.

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93 Moving on to the next discussion item, a Project Budget Ordinance concerning HVAC repairs,  
94 audio visual upgrades, window replacement and window treatments. The Board would like to  
95 see additional quotes for the window replacement.

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97 The matter of placing speed bumps on Hill Street was presented for Board action, with the Board  
98 consensus being no to any speed bumps. Deputy Nelson will continue to patrol the area.

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100 Mr. Seaberg presented an encroachment agreement on Jones Street for the applicant to install a  
101 septic system at the corner of Jones and Sunset. This project would involve the applicant drilling  
102 under Sunset to complete the project. This would require an encroachment agreement between  
103 the Town and the applicant.

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105 There being no further business to discuss, the meeting was adjourned. Commissioner F.  
106 Winberry made a **Motion** to adjourn the meeting. Motion carried unanimously.

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108 The meeting adjourned at 12:46 PM.

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123 Scott Hatsell, Mayor

  
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Jayne Calhoun, Town Clerk