



Town of Cedar Point
Planning Board Meeting
June 6, 2017

The Town of Cedar Point held their regularly scheduled meeting on Tuesday, June 6, 2017 at 6:30 PM. Chairman John Zimmerman determined a quorum to be present and opened the meeting.

PRESENT: Chairman Zimmerman, Vice Chair Nash, Members Lanier, Castellano, Perry, Heironimus, White, Town Administrator Seaberg, Town Clerk Calhoun and public.

The Minutes of the April 4, 2017 meeting were presented for Board approval. Chairman Zimmerman noted the Member Heironimus was recorded as being both present *and* absent; should read absent. Member Castellano made a **Motion** to approve the Minutes with correction. Member Heironimus seconded. Motion carried unanimously.

Chairman Zimmerman introduced Change in Use application. Mr. Paul Musco is proposing a nightclub brewery concept, with a food truck serving food items such as brick oven pizza and tapas, and local craft beer. Even though this location has historically been a bar, it has been vacant for more than 12 months, necessitating this application. *Chairman Zimmerman asked Mr. Seaberg if this application and proposed bar has been publicized to the adjacent residents of Magen's Bay and Crystal Shores. Mr. Seaberg stated that this type of notification occurred when a Public Hearing date was set by the Board of Commissioners. Chairman Zimmerman stated that a plan must be submitted and a legislative decision made as to whether or not the business would be allowed. Mr. Seaberg agreed. Hours of operation, signage, and noise buffering are among the compliance items listed. Staff has reviewed the application and listed the following requirements prior to moving forward: buffer 'yard D', signed document from Mr. Musco stating that hours of operation will not exceed 2:00 AM, and all employees must be fully clothed. Chairman Zimmerman stated that there were noise complaints in the past when it was a bar, and he expressed concern over the noise being a problem, with this location it becoming a bar again. Mr. Seaberg agreed that there have been noise complaints in the past, and the Deputy was dispatched to resolve the complaints. The Noise Ordinance is very clear about quiet time, which is between the hours 11:00 PM and 7:00 AM.*

Member Perry expressed concern about loud noise, noting residential areas nearby. Mr. Seaberg stated there is a noise ordinance in place that should alleviate any noise issues.

Chairman Zimmerman asked what precipitated this non-conforming status and was it due to having too many bars in Cedar Point. Mr. Seaberg indicated that the non-conforming rule was not specific to just bars, rather to non-conforming properties. However, in 2013, the Town did make changes to requirements for bars.

Member Castellano asked about parking, as the parking lot is presently gravel. Mr. Seaberg indicated that there was discussion amongst the other tenants of the buildings nearby to pave the parking lot in the future. For now there are railroad ties demarcating parking areas.

Member Nash related a conversation he had with Molly Maids' owners, and they are very supportive of this new business. They feel Mr. Musco is a reputable business owner who will operate a good business and respect the residents and other business owners nearby.

Member Nash made a **Motion** to approve and recommend to pass this Change in Use Permit (CUP-17-001) onto the Board of Commissioners for discussion and approval. Member Perry seconded. Chairman Zimmerman voted Nay. Motion carried 6-1.

The proposed Mixed Use Zoning District was the next agenda item. Member Castellano suggested the Board go through each item, and, if necessary, hear member comments and discussion as to any suggestions of changes to be made. *Chairman Zimmerman asked if there was currently a Mixed Use District in the Zoning Ordinance. Mr. Seaberg stated that the closest thing currently found in the Zoning Ordinance was the Business Residential allowance. This allowed a business to operate out of a residence, with certain stipulations.*

- Increase residential density from 20% to 40%
- Auto, RV and boat repair businesses should be scrutinized carefully
- Public access such as green space, fishing, kayaking should be included
- Public restrooms
- Eliminate acreage parameters
- Height restriction – recommend 4 floors max, vice the 6 as is written; strike sentence referencing 10 floors
- Fringe Use Areas – include requirement of a 10 to 20 foot vegetative buffer between residential and commercial add illustration of same. *Chairman Zimmerman asked for some type of illustration such as a picture, further outlining Fringe Use Areas.*
- Parking – examine parking garages further
- Add Traffic Impact Study

Chairman Zimmerman made a **Motion** to table this matter until the July 11, 2017 meeting. Member Perry seconded. Motion carried unanimously.

The next agenda item was in Old Business, election of Chair and Vice Chair. Member Castellano nominated Vice Chair Nash as candidate for Chair, Member Perry seconded. Member Lanier nominated Chairman Zimmerman to continue as Chair. There were no seconds, Vice Chair Nash is now Chair.

Member Perry nominated Member Lanier as Vice Chair; Member Lanier declined. Member Perry then nominated Member Castellano as Vice Chair, who initially declined, citing upcoming military orders. Upon further discussion, Member Castellano agreed to fulfill the duties of Vice Chair until such time as his orders became active. At that time, Mr. Castellano could resign his seat on the Board, and a new Vice Chair shall be nominated to fill the seat. Member Nash seconded. The vote was unanimous and Member Castellano is now Vice Chair.


Chairman Zimmerman opened the floor to public comment.

Mr. Kirby O'Malley, Magen's Bay HOA President: "It's a little surprising how quick this is all moving. The Board of Directors of Magens Bay have retained Harvell and Collins because we don't feel anyone is listening to us and we think that you're singling out somebody to sell their property for more money who doesn't even live here. So we just wanted to let you know that is what we are going to do."

Mr. Pete Moffitt, resident of Magen's Bay: "When all this started, the first thing I did was go to the Zoning Ordinance, especially the section we were talking about changing, and I don't think I've ever seen a more atrocious business district zoning than what was represented in there; and that's what got so many people upset and then when you looked at the record as to how that issue came to the Commission for a vote, or getting to a vote, we would've got upset. And I think what really saved this whole issue at the time was the fact that this whole room was full of people who gave you an idea for the Commission and some really straightforward information. Because in essence what we were looking at over there was an old Ordinance that I think I've heard Chris say was developed by the County, they just picked it up and plopped it down and said now this is Cedar Point's and it had so many variables to it, no wonder we thought they were going to have a water slide, because you could. You could have donkey races in there, you could have anything you wanted to in a Business District. But if you cleaned it up, not you, but if we at the time had cleaned it up and got all that out, then you'd be back where we are now. But the big difference I've found, in spending a lot of time looking at Mixed Use Zoning, that it was basically intended initially as a way to get out of residential and into commercial and the residential went into Mixed Use and that's what made it mixed. Because if you looked at the other categories you got all that in a business district anyway. But check if you would one of the initial issues that you looked at, because the way I understood it, it would be very ambiguous is, you must have 3 which could exclude residential but you have to have 40% towards residential, and in the next paragraph says you had 3 out of 5, which could exclude residential. Maybe I misunderstood? But I'd like to compliment you because now we're coming back and you put a lot of time in this than I think I saw in the whole thing before we came to the Commission and I think we can get something that's really productive for Cedar Point if you keep the speed down. That's always been my concern; that this stuff just gets rushed into. I don't see a big rush so take your time, review it, put it to the public inspection and do all the things you need to do and then get it to the Commission to vote on it. And I think they would have the confidence one way or the other to do what they're comfortable with; but this is a big issue and I think that we're headed in the right direction this time. Thank you for what you are doing."

There being no further business to discuss, the meeting was adjourned. Member Lanier made a **Motion** to adjourn the meeting. Member Nash seconded. Motion carried unanimously.

Meeting adjourned at 6:51 PM.



John Zimmerman, Chairman



Jayne Calhoun, Town Clerk