

Minutes

Northampton County Planning Commission

June 7, 2011

This was a regular meeting of the Northampton County Planning Commission held on Tuesday, June 7, 2011 at 7:00 p.m. in the auditorium of the former Northampton County Middle School located at 7247 Young Street, Machipongo, Va.

Those present were Chair David Fauber, Mary Miller, Severn Carpenter, David Kabler, Roberta Kellam, John Wescoat, Jr., Michael Ward and Vice-Chair Martina Coker.

Also in attendance were Sandra G. Benson, Director of Planning & Zoning; Peter Stith, Long Range Planner; and Kay Downing, Administrative Assistant.

The meeting was called to order and a quorum established.

The agenda was reviewed and motion was made by Commissioner Kabler to accept the agenda as presented. However, the Chair suggested elimination of Item A. under New Business as staff was not prepared for presentation tonight and that Item. B under Unfinished Business be postponed until the June 15 meeting. Motion to approve the revised agenda was made by Commissioner Ward, seconded by Commissioner Wescoat, and carried 8 to 0.

The first public hearing was called to order.

Public Hearings:

- A. Special Use Permit 2011-05:** The Northampton County Planning Commission and the Board of Supervisors will continue to receive public comments on this matter as filed by William C. Parr for a minor special use permit. The application is to allow for holiday and seasonal events and an event venue on property zoned Agriculture/Rural Business located at 24021 Seaside Road. The property contains 22.67 acres of land and is described as Tax Map 92, double circle 5, parcel A. (disclosure of *ex parte* communications)

The Chair called for *ex parte* communications. Commissioner Kabler noted that he had submitted written observations concerning his field visit to the property when Mr. Parr was present. Commissioner Carpenter stated that he, too, had conducted a field visit in the presence of Mr. Parr and that their conversation would not create a conflict with his voting decision concerning this matter.

Ms. Benson explained that the application for an events venue remains unchanged and reminded the commission that while the applicant had enumerated various conditions which he believed would mitigate potential adverse impacts on neighbors, it would be incumbent

upon the commission to recommend and the Board of Supervisors to impose a set of conditions as deemed appropriate. Staff also provided a memo and graphic illustrating that it appears that the applicant does have slightly over five (5) acres of land under cultivation. Ms. Benson then stressed that based on the data and research, the applicant's property does qualify as an agriculture activity. She added that Mr. Stith had prepared a graphic pertaining to the cultivated area and proposed parking area.

The Chair then called for public comments.

Mrs. Dianne Leggett, resident on Riverside Farm Lane, presented a petition of opposition signed by local property owners of the area. The petition listed reasons for opposition and is attached as part of the official record.

Mr. Wilson Leggett, Jr., of 6335 Riverside Farm Lane stated that all residents of Riverside Farm Lane are now opposed to Mr. Parr's special use permit after being informed about the wide range of activity that would be allowed on the premises adversely impacting the neighboring community.

Mr. Tom Collins of 6369 Riverside Farm Lane stated his opposition noting that the property activity would not be low-impact if 500 patrons are allowed on the property creating security issues and impacting the quality of life to those who live in the surrounding subdivision. He also stated his concern that property values would be adversely affected.

Mr. Andrew Barbour, resident of 6071 Riverside Farm Lane, stated that he had originally supported Mr. Parr's intent to conduct weddings on the property as occurred in 2008. However, he has since changed his mind because of trust and enforceability issues. He stated that Mr. Parr lied to the local homeowners association and that the applicant has mischaracterized his original support. He expressed his opinion that mitigating conditions as previously discussed by the commission would be unenforceable especially the limitations on noise level and number of patrons. After reading from Section 154.042.B.4 Special Use Permit Approval Guidelines, Mr. Barbour asked the commission to recommend denial of the proposed use.

Ms. Louise Orlando, resident 6071 Riverside Farm Lane, stated her opposition in order to insure that the character of the existing community would not be adversely affected. She also expressed her opinion that property values would be diminished and that her children would be homebound when special venues were being held on Mr. Parr's property due to intrusions from patrons and noise.

Mr. Hank Jones, a nearby resident, disagreed that the applicant actually had 5 acres of land under cultivation to qualify this property as an agriculture business. He also voiced concerns about noise levels and other impacts to the neighborhood.

Mr. Parr stated that when Mr. Barbour and others purchased their properties the current zoning regulations were not adopted. He added that Mr. Barbour had supported these zoning regulations and that the application was based on those regulations as adopted and supported by the comprehensive plan. He added that when he purchased the property it was a tomato farm where hundreds of people worked daily throughout the summer months. Mr. Parr stated his opinion that his addendum of conditions proposes mitigation of concerns as have been discussed.

The Chair then read an email from William and Alexis Gardner opposing the petition as well.

There being no other statements, the Chair closed the public comment portion of the hearing.

Commissioner Kellam expressed her opinion that the proposed use was more of a commercial venture than an actual agri-tourism use since the property is not an independently managed farm operation. She then referenced the Special use permit approval guidelines as set forth in §154.042 (B) (4) and expressed the view that the proposed essentially commercial use would be incompatible with the character of the surrounding area which is zoned Existing Subdivision and would likely impair the value of surrounding high-value real estate, which is a known rather than speculative source of revenue.

Commissioner Miller had provided a real estate valuation chart for Northampton and other localities. She noted the county's reliance on real estate taxes as a source of revenue.

Commissioner Kabler stated that while he had changed his mind concerning the application after conducting a site visit and hearing a sound demonstration, he was now concerned that the whole neighborhood seemed to be opposed to the proposal. Mr. Kabler agreed with Mr. Barbour's assertion that enforcement of the conditions as had been discussed by the commission previously would be problematic and also stated that property values are largely dependent upon perception.

Commissioner Kellam stated that other wedding venues are available that do not impact the existing neighboring community.

Commissioner Coker also referenced the special use permit approval guidelines; specifically item (j), which states, "The application, along with the development conditions and safeguards imposed, adequately mitigates the impacts of the proposed use and/or structure." She noted

that the commission had struggled to develop a set of mitigating conditions that seemed adequate and expressed the opinion that the anticipated adverse impacts cannot be mitigated.

Commissioner Miller noted that the use category under which the application was submitted is “Low-Impact Agri-tourism” and stated her opinion that a use should not be considered “low-impact” if 20+ conditions are required to mitigate impacts on surrounding properties. She also expressed the views that enforcement of the conditions discussed was not realistic and that the proposal would be a high-impact use in a mixed residential area not intended for such a use. When asked she added that the property does not contain enough acreage to sufficiently support such an activity especially given the ambient noise factor. Commissioner Kellam concurred noting that farm workers and party patrons do not produce the same type of scenario as far as noise created and alcohol consumption.

Action:

Commissioner Kabler moved to recommend denial of the special use permit, based upon opposition from the neighbors, the perceived decline in property values, the question of whether the proposed use is truly low-impact, the expected change in character of the neighborhood if the use is approved, and the lack of satisfactory findings with respect to the Special use permit approval guidelines as set forth in the zoning ordinance. The motion was seconded by Commissioner Kellam and passed 7-1, with Commissioner Carpenter casting the dissenting vote.

The second hearing was called to order.

- B. Zoning Text Amendment 2011-07:** The Northampton County Board of Supervisors intends to amend the Northampton County Code, Chapter 154 Zoning Code, Appendix A-Use Regulations, Category 3 Commercial Uses in the WV-WC & NB Waterfront Village-Waterfront Commercial and Neighborhood Business Districts; Category 8 MF-Multi-Family Residential Uses in the WV-WC & NB Waterfront Village-Waterfront Commercial and Neighborhood Business Districts; and by amending Appendix B-Densities, Lot Sizes and Dimensions pertaining to side yard setbacks. (disclosure of *ex parte* communications)

Commissioner Ward noted that such *ex parte* communication disclosure is unwarranted as this is a legislative matter.

Supervisor Spencer Murray provided an introduction to the Board’s proposal stressing that planning and land use are critical to sustainable growth; the zoning ordinance is a living document that must be appropriately modified and updated; public sentiment is to be actively

sought through the public hearing process; and private property rights are paramount and are to be preserved where no illegal or other use harmful to the common good is proposed.

The Chair called for public comments.

Mr. Camden Whitehead, a property owner in Oyster who resides in Richmond, stated that the residents support the vision and that the special use and variance processes are appropriate tools for evaluating development in the villages. He noted that his yard in Oyster is often subject to flooding so global warming and sea level rise should be taken into consideration as well in his opinion.

Mr. Art Schwarzschild, resident of Willis Wharf, noted that only about 2 miles or 1% of the county's shoreline is currently designated for water-dependent uses. Mr. Schwarzschild stated that he is not opposed to compatible development that fits with the villages' vision statements, such as a fuel dock, bait and tackle shop, and other marine-related uses, but that in his opinion residences, restaurants, and art studios are not water-dependent.

Mr. Charles Donnell, resident of Oyster, stated that he is opposed to condo development which would not even provide many construction jobs.

Mr. Peter Kafigian of Willis Wharf referenced the memo of justification included in the application and stated disagreement with the "dire economic conditions" cited. He stated that a number of the proposed uses are not water-dependent and expressed the opinion that the proposed changes conflict with the visions of the two waterfront village communities. It was his opinion that a zoning map amendment be warranted when development is proposed. He also questioned the justification of allowing zero lot line development that could result in wall-to-wall buildings.

Mr. Tom Walker, property owner in Willis Wharf, stated that he supports the proposed amendments with the exception of allowing multi-unit residential uses in the commercial zone. He stated that the special use permitting process would be expected to provide adequate consideration of issues such as sewage treatment and stormwater management.

Written comments received from Chris Currier, Steve Parker for The Nature Conservancy, and Jane Kafigian were read for the record and are attached hereto.

There being no other statements, the public comment portion of the hearing was closed and a short break taken.

Commissioners Kellam and Miller expressed concerns about the limited amount of time afforded the commission by the Board in consideration of this text amendment. They also noted that general statutes from the Virginia Code should be used as guidelines. Excerpts from

the code were read by Commissioner Miller as follows, “§15.2-2283 - Purpose of zoning ordinances. Zoning ordinances shall be for the general purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of § 15.2-2200. To these ends, such ordinances shall be designed to give reasonable consideration to each of the following purposes, where applicable: (i) to provide for adequate light, air, convenience of access, and safety from fire, flood, impounding structure failure, crime and other dangers; (ii) to reduce or prevent congestion in the public streets; (iii) to facilitate the creation of a convenient, attractive and harmonious community; (iv) to facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements; (v) to protect against destruction of or encroachment upon historic areas; (vi) to protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, impounding structure failure, panic or other dangers; (vii) to encourage economic development activities that provide desirable employment and enlarge the tax base; (viii) to provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment.”

Also §15.2-2284 was read as follows, “§15.2-2284. Matters to be considered in drawing and applying zoning ordinances and districts. Zoning ordinances and districts shall be drawn and applied with reasonable consideration for the existing use and character of property, the comprehensive plan, the suitability of property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services, the conservation of natural resources, the preservation of flood plains, the protection of life and property from impounding structure failures, the preservation of agricultural and forestal land, the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the locality

Commissioner Kabler expressed his opinion that there has been ample to time to consider the application and supplemental information as provided by staff and that he is familiar with both waterfront villages. He urged the commission to continue its consideration at this time.

The commission reviewed the intent statement for the Waterfront Village-Waterfront Commercial District (WV-WC), at which time it was acknowledged that a strict interpretation would allow only water-dependent uses in the district, although a more permissive interpretation would allow other uses as long as there is provision for water-dependent uses. During their discussion the commission acknowledged that there is a need for additional services and retail offerings to the boating public. The commission also generally concurred that the WV-NB District is the more appropriate location for commercial uses in the villages.

Commissioner Kellam asked if there were any limitations in allowing development within a flood hazard district. Ms. Benson stated that the zoning ordinance contains a Floodplain Overlay District (Section 154.162) which does not preclude development in such areas.

The commission then discussed residential development being allowed in the waterfront commercial district. It was the consensus of most commissioners that residential development was not suitable for the waterfront commercial district as listed as Item 8, Category 8, Multi-Family Residential Uses in the WV-WC District.

Commissioner Kabler, noting that mixed use residential/commercial structures are allowed in certain districts by special use permit, stated that such structures should be allowed in the waterfront commercial district if the use is determined to be water-related. He added that the county should allow for the needs of recreational boaters and services to support such tourism activity. He suggested that staff recommendations be considered by the commission at this time.

Commissioner Coker noted that staff recommendations do not support allowing mixed-use structures in the WV-WC District and if such structures were allowed that it be by special use only.

Commissioner Kellam cautioned that allowing multi-family residential uses in the waterfront commercial district would be contrary to the visions plans and comprehensive plan especially when considering zero lot line development. She also noted that commercial economic development expands the local tax base while residential development is limited and added that the county already has an abundance of undeveloped residential building lots.

Commissioner Miller stated that there is no maximum density limit in the WV-WC District; therefore, residential development should not be permitted.

Commissioner Miller noted that it should be decided if the proposed uses are in violation of the zoning ordinance.

Commissioner Wescoat suggested that the commission weigh the proposed zoning text amendments while thinking about water-related uses and practicalities.

The Chair agreed and presented a suggested definition of "waterfront services" as follows, *"These businesses provide a service to the public waterborne traffic. They provide dock space that is open to and accessible from land and water to all public waterborne traffic when the establishment is closed and may be reserved for the patrons of the establishment only during the hours that the establishment is open for business."*

While discussing water dependent uses versus water related uses, Commissioner Miller expressed her opinion that the WV-NB Neighborhood Business District would be better suited for auxiliary uses and then read the definition of Water-Dependent Facility from the zoning ordinance.

Commissioner Kellam noted that some waterfront property owners are not part of the aquaculture industry and should be allowed to have compatible water-related businesses or activities located along the waterfront as well.

Commissioner Kabler asked if uses should be restricted to water dependent only or can the commission suggest water related uses as well. Ms. Benson stated that the language can be interpreted very strictly or more liberally in her opinion. She added that there is not an exclusive list of activities allowed and that natural resources are to be protected and compliance with the comprehensive plan is also a factor.

The commission then reviewed the proposed text amendments along with staff recommendations. The proposed additions, deletions, and modifications reflect the Planning Commission's recommendations after discussion, consensus, or votes were held on the matter.

Motion was made by Commissioner Coker to allow Items 8, 9, 10 and 11 in the WV-NB District by special use permit only. The motion failed due to the lack of a second.

During discussion Commissioner Kabler noted that those uses could advance economic development and should be considered under a special use permit.

Motion to eliminate uses 8, 9, 10 and 11 in the WV-WC District was made by Commissioner Ward and seconded by Commissioner Miller. The motion carried 8 to 1 with Commissioner Kabler opposed.

Appendix A, Category 3 Commercial Uses In Waterfront Village/WC:

~~8. Art Studio, up to 2,500 sq. ft. _____ to _____ R~~

~~9. Art Studio, over 2,500 sq. ft. up to 5,000 sq. ft. _____ to _____ R~~

~~10. Artisan Studio, up to 2, 500 sq. ft. _____ to _____ R~~

~~11. Artisan Studio, greater than 2,500 sq. ft. to 5,000 sq. ft. _____ to _____ R~~

Commissioner Miller stated her opinion that including such uses in the WV-WC District was distressing and she believed that those uses were intentionally singled-out due to her expertise in the art business. It was her opinion that such uses are incompatible with the WC District and should be removed as they are not water dependent.

Commissioner Miller stated that uses listed as Items 30 and 31 would require 1 parking space per employee plus 1 space per patron. Motion to eliminate those two uses from the WV-WC District was made by Commissioner Miller and seconded by Commissioner Coker. The motion failed 4 to 4 with Commissioners Carpenter, Ward, Kabler and Kellam opposed.

Discussion followed with Commissioner Kellam noting that the Anheuser-Busch Research Center known as the LETR is located in the WV-WC District. Ms. Benson stated the center is a different type of use and should be considered an instructional/research activity.

Commissioner Kabler expressed his opinion that a research center and a retreat center would create the same type of impact. Ms. Benson then read the definition of conference center from the zoning ordinance. Commissioner Kellam noted that a Historic Inn is allowed in the WV-WC District and Items 30 and 31 are the same type of concept as a conference/retreat center.

Commissioner Ward expressed his opinion that the term "conference/retreat" is misleading and it was his opinion that an "inn" would be more compatible.

The Chair then suggested that the commission consider adding a new use to be known as Waterfront Inn, up to 10 rooms with common boat slips as practical by M/S, and defined as a commercial establishment with onsite parking where overnight lodging and/or food service are offered to guests.

Commissioner Wescoat stated that he would support such a proposal.

At 9:55 p.m. motion was made by Commissioner Kabler to continue the meeting beyond 10:00 p.m. Second was made by Commissioner Kellam and carried 8 to 0.

Motion was made by Commissioner Kabler to incorporate a new use known as "Waterfront Inn" as part of a recommendation to the Board to be Item 30 instead of "Conference/Retreat Center". He suggested that the inn be allowed to have at least 10 rooms.

While discussing if an inn should be allowed by major special use permit or minor one, Ms. Benson noted that it is desirable to determine if there needs to a level of sophistication on submittal criteria.

Commissioner Kabler amended his motion to recommend adding "Waterfront Inn" with a maximum of 10 rooms with common boat slips as practical as a major special use.

Discussion was held on how many boat slips should be required and Ms. Benson clarified that the commission could not restrict the use of such a business to boaters exclusively.

Discussion followed on the type of special use permit that should be required. Ms. Benson read from the ordinance and noted that a major special use permit requires a certified plat and

other items to be submitted while a minor one requires a scaled drawing. Commissioner Kellam noted that approval guidelines are the same for both types of special use permits. Commissioner Kabler stated his opinion that a minor special use permit can still be conditioned, but makes it somewhat easier to apply.

Commissioner Miller suggested that an inn be allowed only by a major special use due to the fragility of the waterfront area and clean water concerns.

Second to Commissioner Kabler's motion was made by Commissioner Wescoat and carried 6 to 2 with Commissioners Miller and Ward opposed.

Motion was made by Commissioner Kellam that the commission recommend no changes to Items 30 and 31 as currently exists in the zoning ordinance. Second was made by Commissioner Coker and carried unanimously 8 to 0. Therefore, Items 30 and 31 were not recommended for approval as presented in the zoning text amendment.

~~30. Conference/Retreat Center, up to 10 guest rooms, with accessory goods/services — to
—— M/S~~

~~31. Conference/Retreat Center, 11-25 guest rooms, with accessory goods/services — to
—— M/S~~

Motion to allow Waterfront Inn to have 11-25 guest rooms including accommodations for boaters along with food service offered to guests and patrons by major special use permit was made by Commissioner Kabler and seconded by Commissioner Wescoat.

Commissioner Miller questioned the validity of allowing such a use due to its size.

Commissioner Wescoat disagreed noting that in his opinion there would probably be enough room for only 1 such structure in both waterfront communities due to the limited amount of acreage available.

Commissioner Coker noted her concern about the amount of impervious surface that would be created by such a use especially given parking requirements.

Commissioner Miller added that there may be safety concerns as well due to flooding aspects and evacuation scenarios creating a need for additional emergency services.

Commissioner Miller suggested that the number of rooms allowed be reduced to 12. Commissioner Kabler suggested a maximum of 15 rooms. Commissioner Wescoat noted that larger hotel/motel structures are already allowed by major special use permit in the WV-NB District.

The Chair called for the vote on the motion which failed unanimously 8 to 0.

Commissioner Kabler then moved that waterfront inn, up to 25 rooms, be allowed in the WV-NB District by special use permit. However, Commissioner Kellam noted that motel/hotels up to 25 rooms are already allowed by major special use in the WV-NB District; therefore, no other action was taken on the matter and there was no second to the motion.

The commission then discussed side yard setbacks and zero lot line development. Ms. Benson noted that zero lot line setbacks would apply to only one side of the property and not both sides.

Commissioner Wescoat read staff comments related to this issue. Ms. Benson reminded the commission that shared lot line development is already in the current zoning ordinance under Appendix B. She noted that some clarification may be warranted related to shared lot line development and zero lot line development.

When asked by Commissioner Wescoat, Ms. Benson clarified that Flexible Term Rental Unit would be any accommodation that is rented for a period of less than 12 months. Commissioner Kabler noted that such accommodations would be rented to boaters, kayakers, fishermen, bird watchers, etc., but not suitable as migrant work force housing.

Motion was made by Commissioner Kellam to recommend exclusion of Item 43 presented as Flexible Term Rental Units which was seconded by Commissioner Coker and carried unanimously 8 to 0.

~~43. Flexible term rental units~~ _____ ~~to~~ ~~M/S~~

Discussion was held on the definition of “waterfront services.” A chart of waterfront services offered by other Virginia localities was presented by Commissioner Coker.

Motion was made by Commissioner Kellam to recommend adding the term “Waterfront Services” and its definition to the Board as discussed.

During discussion Commissioner Miller suggested that the term, “ship’s store, plus accessory goods and services” be used instead for Items 71 and 72. She stated her opinion that “other retail” is too broad a term and could even allow a doctor’s office.

The Chair called for the vote and the motion carried 6 to 2 with Commissioners Coker and Miller opposed. Therefore, the definition of Waterfront Services was recommended to the Board as follows: *WATERFRONT SERVICES - These businesses provide a service to the public waterborne traffic. They provide dock space that is open to and accessible from land and water*

to all public waterborne traffic when the establishment is closed and may be reserved for the patrons of the establishment only during the hours that the establishment is open for business.

By consensus, the commission agreed that Item 47 be recommended as proposed with inclusion of the term, "Waterfront Service."

47. Guide/Outfitter Services, Waterfront Service, w/accessory goods/services S to M/S

Motion to accept Item 71 with inclusion of "Waterfront Services" was made by Commissioner Wescoat and seconded by Commissioner Kabler. The motion carried 6 to 2 with Commissioner Ward and Miller opposed.

71. Other retail establishment, Waterfront Services, under 2,500 sq. ft. - to M/S

Motion was made by Commissioner Kellam and seconded by Commissioner Kabler to strike Item 72 as proposed. The motion carried unanimously 8 to 0.

~~72. Other retail establishment, 2,500 – 5,000 sq. ft. _____ to M/S~~

Commissioner Wescoat noted his concern about Item 81 allowing drive thru services. Motion was made by Commissioner Kabler to strike Items 81 and 82 as proposed and to allow Item 83 with the inclusion of "Waterfront Service" by minor special use. Second was made by Commissioner Wescoat and carried 7 to 1 with Commissioner Ward opposed as it was his opinion that a major special use permit would be more suitable for Item 83.

~~81. Restaurant, over 2,500 sq. ft. or any with drive thru service _____ to M/S~~

~~82. Restaurant, any with outdoor seating, no drive thru _____ to M/S~~

83. Restaurant, Waterfront Services, less than 2,500 sq. ft., no drive thru service - to M/S

In Waterfront Village/NB:

Motion was made by Commissioner Kabler to support Item 8 as proposed which was seconded by Commissioner Wescoat and carried unanimously.

8. Art Studio, up to 2,500 sq. ft. M/S to R

Discussion was held on Item 9 with Commissioner Miller noting that due to the size this use should be allowed by minor special use permit. Motion to recommend Item 9 by minor special use permit was made by Commissioner Coker and seconded by Commissioner Kellam. The motion carried unanimously 8 to 0.

9. Art Studio, over 2,500 sq. ft. up to 5,000 sq. ft. - to R M/S

No changes were proposed to items 10 and 11 as currently allowed in the zoning ordinance and presented in the zoning text amendment as well.

10. Artisan Studio, up to 2, 500 sq. ft. R to R

11. Artisan Studio, greater than 2,500 sq. ft. to 5,000 sq. ft. M/S to M/S

No changes were proposed to Item 30 as it currently appears in the zoning ordinance. Motion was made by Commissioner Coker to recommend no change to Item 30 as it currently appears in the zoning ordinance. Second was made by Commissioner Kellam and carried unanimously 8 to 0.

30. Conference/Retreat Center, up to 10 guest rooms, with Accessory goods/services S to ~~M/S~~

Motion was made by Commissioner Wescoat and seconded by Commissioner Kabler to recommend Item 31 by major special use and not as proposed. The motion carried 7 to 1 with Commissioner Miller opposed due to the number of rooms proposed.

31. Conference/Retreat Center, 11-25 guest rooms, with Accessory good/services - to ~~M/S~~

Motion was made by Commissioner Wescoat and second by Commissioner Kabler to accept the proposed changes to Item 43. The motion carried 7 to 1 with Commissioner Ward opposed as it was his opinion that the use should be allowed by major special use and not minor special use.

43. Flexible term rental units S to M/S

Category 8 SF-Single Family Residential Uses

In Waterfront Village/WC:

No changes were recommended for Item 10 as it already appears in the zoning ordinance.

10. Combination Live-Work Unit w/allowable business/Commercial use M/S to M/S

Category 8 MF-Multi-Family Residential Uses

In Waterfront Village/WC:

Motion was made by Commissioner Wescoat to not recommend any change to Item 8 as it currently appears in the zoning ordinance. Second was made by Commissioner Miller and carried unanimously 8 to 0.

8. Mixed-Use structure, residential/commercial, up to 4 single-family dwelling units - to
~~M/S~~ No change recommended

