

MINUTES

The Town of Manteo Planning and Zoning Board met in Regular Session on Tuesday, March 8th, 2005 at 6:00 p.m. at the Manteo Town Hall, 407 Budleigh Street

The following members were present:

Chairman Bill Parker
Member Jamie Daniels (Vice Chair)
Member Phil Scarborough
Member Christine Walker
Member Bebe Woody (arrived 6:18)

The following members were absent:

Also present at the meeting:

Fred Featherstone, Zoning Adm.
Becky Breiholz, Town Clerk

Chairman Parker called the meeting to order at 6:03 p.m.

SUBJECT: Adoption of Agenda-Chairman Parker asked that the agenda be changed having the Pirates Cove site plan review first.

MOTION: Member Daniels seconded by Member Scarborough to adopt the agenda as amended was approved by the following vote: Ayes: Members Parker, Daniels, Walker, and Scarborough. Noes: none. Absent: Member Woody

SUBJECT: Approval of Minutes Regular Meeting February 8, 2005

MOTION: Member Daniels seconded by Member Walker to approve the minutes as presented was approved by the following vote: Ayes: Members Parker, Scarborough, Walker and Daniels. Noes: none. Absent: Member Woody

PUBLIC COMMENTS

Bob Newman-Sailfish Drive in Pirates Cove-They were surprised to see the proposal because they thought it was to be town homes in that space. They were told it would be patio homes and town homes. Would like this Board to deny this request and believes that in the PUD Section 8.01 D it goes against the intent of that ordinance. People bought expecting the master plan to be adhered to. In spring 2002 Mr. Futrell quoted in the Islander, which is a Pirates Cove Newsletter, "Our plans are not to develop this area for construction but to leave it as it, we will continue to improve it with additional landscaping and hopefully have a park like atmosphere in this area. In May or 2004 at a Pirates Cove Homeowners Association meeting minutes Mr. Futrell stated he had no immediate plans for that area. We do not deny Mr. Futrell's right to develop the property in accordance with the longstanding master plan but believe there are some problems, possibly disclosure problems relating to continued statements that the land would remain open and not six months after making that statement coming forward with amendment for the master plan developing the density in that area, coming in the middle of the winter

when the population at Pirates Cove is at its lowest and the residents are least likely to read about it. Fortunately the Town has a process in place to send certified letters to adjacent homeowners when you get to the site plan step. Mr. Newman asked that the Board also consider the height limitations, this particular parcel exist in B2, not all condos in Pirates Cove are in B2 and in B2 the height limitation is 35 feet to the ceiling joist. He believes that there was error made in the past to allow these condos built above that height, it is true when annexation took place their were condominiums under construction which exceeded that height limitation because they meet the Dare County limit and when Pirates Cove into Town they really had no choice but to allow those structures to be finished that were under construction. This is a different situation, this is B2 and is in a different neighborhood and there is strenuous objection to buildings which are totally out of scale, out of character with the long standing existing town homes and patio homes. Mr. Newman believes that this gives the Board justification to make the developer comply with the height limitations on record, errors of the past to do not set precedent for present decisions. The issue here for the existing homes is one of maintaining the character of the neighborhood in compliance with the zoning regulations. When you take which was long promised as a Town home, single family home neighborhood and with approval of these condominiums you turn it into a 50/50 mix, you have gone against the intent of the master plan that was used to sell the properties and is unacceptable. It does not meet the requirements of 8.01 D intent.

Chairman Parker asked that the letters received from the homeowners be entered into the records and made a part of these minutes.

Member Woody arrived at 6:18 p.m.

Mr. Robert Wells-12 Sailfish commented that he would never deny Mr. Futrell the right to build on his property as long as it is legal and within the rules of the community they live in, but he is disappointed that the developer is going to move ahead with at least one large building and feels it is out of character, will change the lifestyle. Obviously the traffic and parking situations will be impacted as well as drainage problems. He would like to see it stay the way it is.

Steve Whitley-lives in Williamsburg, Virginia but owns a unit at 122 Gulf Stream Villas and is a professional engineer and understands property rights and how the process is worked. What bothers him is the way that it has occurred the process in the Town of Manteo is one of which that the PUD gets approved as he understands it without public hearing process and then the Planning Department will soon thereafter see a site plan which needs to be consistent with the master plan which does not make a lot of sense to him personally because by that time it is too late. He was aware of the master plan but through the years he thinks he was misrepresented about what was going occur in that space. Fourteen town homes is one thing and was surprised to learn that 30 condominiums were going to go in place of the town homes. He doesn't like the idea of the developer coming during stealth of winter and change the density in an area that was anticipated by all to be much less dense and objects to this proposal.

Mark Gerad-1A Sailfish commented he did not receive a certified letter. Everything that has been said is how he feels also. He commented about the parking problems, drainage problems and is opposed to the plan.

Anson Clare 15 Sailfish Point and understands Mr. Futrell has the right to develop his property and has concerns about the increase in density at that space. One of the reasons they bought in Pirates Cove is because of the natural area and a big selling point.

Barbara White-30 Sailfish Point and a full time resident, loves living there and cherishes the space and hates to see anything change the environment they have now and supports what everyone else has said. There is very little green space now and there is not adequate parking now. Ms. White commented that there is only room to park two cars in a driveway and she was given a ticket for parking in front of her own house, people in Manteo can park in front of their houses, their guests can park in front of their houses, but the houses in Pirates Cove particularly in Sailfish Point are being ticketed for parking on the street in front of their own property. There is an exception when there is a tournament visitors are allowed to park on the street, their lawns are torn up and abused, our people are subject to people under the influence of alcohol she is not criticizing this but wants the Board to understand the kind of things they have to deal with. What are they going to do when they have 30 condominiums covering the green space and there is a fishing tournament and there is absolutely no place to park. Another problem is traffic which could easily back up out to Highway 264 and once you get into Pirates Cove the streets are barely large enough for two cars to pass. Another concern is fire safety which was demonstrated recently, there was a fire at the marina, how are we going to get fireman, police and their equipment into these areas and if this had occurred during the summer they would not have been able to get to that space. Storm drainage is a problem and is only going to get worse if there is less ground to absorb the water. Another concern is aesthetics and changing the nature of our neighborhood.

Chairman Parker asked about the tickets and was told it is the homeowners association who made that decision to give tickets because parking on the street made for a cramped space and is controlled by Pirates Cove.

Glen Futrell-the developer and would like to share some facts and information that will be helpful, and gave the history of Pirates Cove. Pirates Cove was originally designed for a higher density than today. It was originally designed for a sewer capacity of 250,000 gallons a day and Pirates Cove paid 43% of the sewer plant in the Town of Manteo. He basically took over the project in 1990 and at that time they were designed for over 800 units, and one of the first things he did was cut density back and they reduced the sewage from 250,000 gallons per day to 195,000 gallons per day. Mr. Futrell spoke specifically about the marina, that area has been zoned B2 from day 1, in the beginning it was originally planned and designed to be all commercial and from day 1 every master plan that has been submitted to the Town for approval everything along the marina has been commercial or multi family. We originally had a restaurant and hotel planned for Sailfish Point and eliminated most of the commercial, he eliminated the hotel and in its place put a parking lot which has 65 spaces. Every master plan they have had has shown that area as multi family or commercial. The particular parcel they are talking about prior

to him coming to Pirates Cove was sold to a man named Wayne Booth in 1990 and was the person that submitted the plan to the Town for the 14 town homes, that was nothing he did. About six or seven years ago Mr. Booth was going to develop that property and it was his intention to come back to the Town and put condos there, and he negotiated a deal with Mr. Booth and bought the property back. The property they are talking about, the green area was master planned for 14 town homes and a commercial building called Market Place, which has been shown on the master plan for 10 or 15 years. That is the area where they have been having the tournaments where they put up the big tent. About two years ago he decided to go ahead with the commercial building and had it designed and submitted to the Town and it was approved that included retail on the bottom and office space on the top and as time went by he did not build that building and studied the area further he came to the conclusion that there was sufficient room to build one more building and still have room for the tournament. As part of that process he made a decision not to build the commercial building but one condo and still have some open space to allow for tournaments. Mr. Futrell talked about parking and stated there are 179 slips in the marina and parking on both sides of the marina and what is required by the Town would have been 144 spaces for the marina but they actually have 300 parking spaces for the marina. And in his opinion he has never seen a parking problem only during the tournaments and thinks they do a decent job controlling the traffic. These tournaments are a tremendous asset to the area and bring millions of dollars and from his viewpoint there is room in that area to continue to have the tournaments or not have the tournaments and build a building in addition to what is being talked about tonight. He wanted to clear the record that the condo built near the parcel they are talking about is not a building built by him, it was an old parcel sold before he took over at Pirates Cove and was a poor building and the drainage is atrocious and is not a problem he created. When he came to Pirates Cove 1-6 in Buccaneer Village was not built by him it was built before he took over the project and the drainage problems were not done by him or that he created anything after that and there will be no drainage problems with the building they are talking about. He has put more parking in that is required in the Town code. He commented that they make it clear to the sales people that they don't promise anything that is not in keeping with what is shown on the plans and he does not think that he has misrepresented anything. All I have promised in prior years is what is on the master plan and in recent years when they have the annual homeowners meeting he would have a short session where he would tell them what is left to be done and what he intended to do and when he got around to the area they are talking about tonight he would say "that is where we have the tournaments, we are grading it and improving the landscaping and I have no plans at this time to do anything other than what we currently do with the tournament. "I did not intend that to say that I would never ever build anything on that property and he doesn't have any plans at this time to not have the tournament in the future. "I have room to build one more building and have the tournament, I have decided not to build the commercial building and I think a commercial building would have been much worse for this area than a condo." He feels he is proposing a building that is in keeping with the master plan.

A recess was taken at 7:10 pm Meeting called back to order at 7:18 pm

NEW BUSINESS

SUBJECT: Site Plan review Pirates Cove Harbor Place II-Staff received the site plan for review on February 15, 2005. Adjacent property owner notification was sent on February 18, 2005. The staff reviewed this plan and received comments from department heads. During staff review a few questions were raised. First there is a shift of the property line on the southwest side of the property. Another concern of the staff was that the Site plan check list that had been sent to the architect, and reviewed with a representative of the developer has not been fulfilled. Also, staff has received multiple phone calls and emails expressing objection to the plan as proposed. The Planning Staff is comfortable recommending that the Planning Board take one of the following actions:

1. The site plan shall be tabled until the following check list items are addressed: iron pins and concrete monuments identified, clarification on the property line boundaries, Dare County Register of Deeds Map Book and page reference is provided, existing and finished grades are shown, width of the ingress/egress to be in compliance and parking spaces clearly numbered on the actual site plan page. Or the Board may choose to:
2. To recommend approval on the following conditions: a) the ingress/egress point shall be no more than 36' and b) the plan shall not be brought to the BOC until the property line that is identified as proposed has been reviewed and approved by the Town Attorney.

Mr. Featherstone commented he wanted to clarify one thing about the Planning Board sending this to the Board of Commissioners or choosing not to; "The Planning Board only makes recommendations to the Board of Commissioners, this is a conditional us and will go to the Board with our recommendation but this doesn't stop it, it must go to the Board of Commissioners. Member Daniels had several questions about the density and how many units are they allowed and Mr. Featherstone commented that regulations in force when this was approved 20 units per acre. Chairman Parker commented that by the 1988 agreement there were 627 units permitted and 580 that have been approved to date and 508 that have been built. Mr. Featherstone commented he is showing the total 282 lots, 315 units for a total of 597 that would include the condo being considered tonight. Chairman Parker commented that the developer purchased a sewer capacity of 195,000 gallons per day and remaining to be used is 26,600 per day. Member Daniels asked about the height limitation. Mr. Featherstone commented that when they were annexed their site plan was approved by Dare County and we inherited the height of the buildings and have consistently let them continue. There is no limit in the PUD. Member Daniels would like an opinion from the Town Attorney on the height limitation and should be proceed according the ordinance or as has been done in the past. Member Woody asked about the parking and Mr. Featherstone commented that they have met their parking requirements. Member Walker asked if it could be either Town homes or condos, that it seemed the property owners had no objection to Town homes. The master plan was amended for condos in January by the Planning Board and February by the BOC and it was commented that notices should have been sent to property owners when they consider a change to the master plan.

MOTION: Member Daniels seconded by Member Woody to table until the following check list items are addressed: 1) iron pins and concrete monuments identified, clarification on the property line boundaries, Dare County Register of Deeds Map Book and page reference is provided, existing and finished grades are shown, width of the ingress/egress to be in compliance and parking spaces clearly numbered on the actual site plan page and 2) the Town Attorney make a recommendation/interpretation on how they should proceed on the height code requirement was approved by the following vote: Ayes: Members Parker, Scarborough, Woody, Walker and Daniels. Noes: None. Absent: None

SUBJECT: Resubmission of Site plan Review “The Flats”. The Planners narrative reads: the site plan being reviewed is a result of the plan previously submitted at the regular February 2005 meeting of the Planning Board. The developer has chosen to rearrange lots 7-17 to create a cul-de-sac. This is permitted according to the Town Zoning Ordinance. The right of way has been widened according to the conditions placed on the site plan at the February meeting. The sidewalks of the site plan have been relocated according to the conditions. Please note that these sidewalks do not have any connectivity. It is recommended that the sidewalk in the cul-de-sac be removed and that there be sidewalk placed on both sides of all streets. Mr. Meekins commented that since they have made changes to rearrange lots, he has made other changes and gave the Board a new site plan; the changes were based on several factors, the further away from the existing sewer the higher the sewer infrastructure has to be so the previous plan passed had the street and cul-de -sac split between the Fearing property which resulted in a longer run for the sewer line and thus a higher street, the sidewalks are next to the road and have a one foot separator for safety and thinks this is a better plan, eliminates the sidewalk in the cul-de-sac and the conditions given at the last meeting have been shown on the new site plan. Sidewalks were discussed at length with Member Parker noting that a clearly separated sidewalk, with grass between the street and sidewalk, was safer for pedestrians. Member Daniels would like the center in the cul-de-sac on the southwest court be broken up and have a tree in the center. Street lighting was discussed and lights have been shown on the site plan and it was asked that another light be placed near the fire hydrant by lot 13. Member Woody asked if there was a residential lighting standard and Mr. Meekins commented that he would research and let them know. Mr. Featherstone commented that the planning board or developer needs to provide street names and they need to be consistent with the Town names already established. Mr. Meekins suggested at lot 18 and 19 to not have the road paved to the end as long as the right of way to the subdivision boundary is not blocked. Discussion took place on the access to these lots and it was suggested that they be flag lots with right of way. The Board discussed doing away with the dead end street but keeping a right away dedicated to the town so that nothing could be built on the easement to provide for future connectivity. The Board discussed street names and they were comfortable with Viccars Lane staying the same and remove extended, and they had no problem with Old Main Road. The Board did not particularly like the name South Flats Court and after discussing decided not to address the street names tonight.

MOTION: Member Daniels seconded by Member Woody to recommend approval to the BOC with the following conditions: complete sidewalks to property boundaries in

front of lot 7 and lot 23 to promote connectivity; add sidewalks in front of lots 11, 12, 13; plant island in the southwest court with tree; Old Main Road shall make a curve to the west to South Flats Court and lots 18 and 19 will be flag lots with a right of way dedicated to the Town of Manteo; 3 street lights shall be located at the intersections was approved by the following vote: Ayes: Members Parker, Scarborough, Woody, Walker and Daniels. Noes: None. Absent: None

OLD BUSINESS

SUBJECT: Review of completed building projects and what the Board liked or didn't like. Chairman Parker gave the Board members poster board and they have two weeks to get their cameras to Town Clerk Becky Breiholz.

Chairman Parker commented about driveways at Roanoke Village that have been stubbed in that go right up to the building so that you have to park on the sidewalk, and thinks this could be a problem.

Member Daniels-commented at the East Carolina Bank when you turn out you can not turn without hitting the curb and the same thing at the new CVS. There is not enough turn. Chairman Parker commented to have Town Planner Burke look at those sites and see if they are reflecting what the ordinance requires and possibly what the guidelines are.

MOTION: Member Daniels seconded by Member Walker to adjourn the meeting at 8:43 pm pm. was approved by the following vote: Ayes: Members Parker, Scarborough, Woody, Walker and Daniels. Noes: None. Absent: None

This the 8th day of March 2005

Bill Parker, Chairman

ATTEST:

Becky Breiholz, Town Clerk