

MINUTES

The Town of Manteo Planning and Zoning Board met in Regular Session on Tuesday, February 14, at 6:00 p.m. at the Manteo Town Hall, 407 Budleigh Street

The following members were present:

- Chairman Bill Parker
- Member Phil Scarborough
- Member Jamie Daniels (Vice Chair)
- Member Bebe Woody
- Member Christine Walker

The following members were absent:

Also present at the meeting:

- Erin Burke, Planner
- Becky Breiholz, Town Clerk
- Johnny Boniface-Building Inspector

Chairman Parker called the meeting to order at 6:05 pm

SUBJECT: Adoption of Agenda as presented or amended.

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

SUBJECT: Approval of Minutes Regular meeting January 10, 2006

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

PUBLIC COMMENTS-Chairman Parker asked if anyone who wishes to speak to please come forward.

Malcolm Fearing-two things he would like to bring to the Board's attention; one is the Salty Dawg project and it is his understanding that parking is going to be used on Fernando Street and he does not believe that the ordinance allows offsite parking; and the second thing he supports is the protection of the Corridor and Highway 400 is on the Corridor and he has had correspondence with the Corridor Commission and this project does not have a certificate of appropriateness. He also talked about the meeting that was held in November with RIBA to explain the new zoning ordinance and to come up with ideas to be presented to the Board for review and these meetings were to continue but that has not happened and he would like to see these meetings continue to discuss issues that are of trouble to the members of the community concerning the zoning ordinance.

SUBJECT: Cypress Cove Final Subdivision Plat-John Robbins gave the Board a brief update of the project and they are working with an attorney getting the covenants and restrictions finalized. The area that is identified as Skyco Development and the parcel

they will retain ownership of is the marsh, the pond and the uplands area which in Article 10.4 of the covenants they will allow for the community to use that area for recreation which will be sited on the deed, and Article 10.3 will also be recorded at the courthouse and something that is vital to the community is removing some of the curb cuts to free up traffic flow, and they are reducing the curb cuts from five to two and they are having easements in the covenants that will be floating easements and recorded that way. They are constructing swales along the property line that will hold up to 3 inches of rainfall. They have also received their stormwater permit which will also be recorded; they have received the permit to hook up to the town's system. Planner Burke commented that Mr. Robbins has addressed two of her major concerns one is the public access that we were told in the original review of this plan that there would be community access to that back parcel. Chairman Parker did not understand the ownership of the back parcel and Mr. Robbins commented that they do not want to develop that piece of land and it will be retained by Skyco Development until they decide what they want to do with it. Chairman Parker asked why it would not be part of the homeowners association and Mr. Robbins commented that it is not integral to the development and it has never been considered a part of the development, it is just marsh lands with a few isolated uplands back there. Mr. Robbins commented that they can take the land and donate it in a conservation easement and they can enjoy the tax benefits and that is the thoughts on it. This area was not included in the lot calculations. This land is encumbered by the storm water easements and the public access area. The Boards concern is that it will be used as intended and not have anything built on it. Mr. Robbins commented that it is a non conforming lot and it is not their goal to put a house back there. Ms. Burke commented that the ordinance specifically addresses that and does not think it will be a problem. Also discussed was a not on the plan that is showing Accessory Dwelling Units with a 5 foot setback. Mr. Robbins commented that it was taken directly from the Town Code. Ms. Burke read from the ordinance and it states not to exceed 20 feet. If there is language in there that is contradictory she is not aware of it. It was found that what he was reading had nothing to do with accessory dwelling units but a building accessory such as storage sheds and garages. Mr. Robbins commented that he could move the lot lines to the center of the alleyway. It was suggested that the sidewalks be shown on the plan when they go to the BOC. This Board reviewed and approved the preliminary for this subdivision on June 14, 2005. The Board of Commissioners annexed the property on September 7, 2005. The out parcels were annexed as B3 and the residential area was annexed as R5. The plat before the board tonight meets the requirements of the ordinance. Each individual residential lot will have to come before the building inspector prior to any permits being issued. The two out parcels will require site specific plans before permits will be issued. It should be noted that the parcel at the rear of the property can not have anything constructed on it that may require a building permit that is because the property is not accessible via public right of way or an easement at least 30 ft. in width. Staff recommends approval.

MOTION: Member Daniels seconded by Member Walker to recommend approval to the BOC Cypress Cove Subdivision with the conditions that the covenants and easements be reviewed by Town Attorney and be reflected on the site plan or referenced on the site; the plans submitted to the BOC shows locations of sidewalks; and the setback note be

changed to reflect the ordinance was approved by the following vote: Ayes: Members Parker, Walker Woody, Scarborough and Daniels. Noes: none. Absent: none

SUBJECT: Salty Dawg (Marshes Light) Site Plan Review Building 1-This Board tabled this building at their October 11th meeting because there was a problem with the setbacks as they were presented. The developer has remedied this problem by eliminating the island in the center of the street called Main Street. This allows for the setback between the mixed use property and the residential property to be 20 feet, as presented on the master plan. This plan directly reflects the Master Plan that the Board of Commissioners approved. The letter that accompanies this submittal explains the temporary stormwater pond. Staff recommends approval with the condition that the letter from NCDENR regarding the temporary stormwater pond be on file prior to the issuance of any permits.

MOTION: Member Daniels seconded by Member Woody to recommend to the BOC approval of the Salty Dawg (Marshes Light) Building 1 with the condition that a letter from NCDENR requiring temporary storm water pond to be on file prior to issuance of any permits was approved by the following vote: Ayes: Members Parker, Walker Woody, Scarborough and Daniels. Noes: none. Absent: none

SUBJECT: Salty Dawg (Marshes Light) Site Plan Review Building 3-This Board tabled this building at their October 11th meeting because there was a problem with the setbacks as they were presented. The developer has remedied this problem by eliminating the island in the center of the street called Main Street. This allows for the setback between the mixed use property and the residential property to be 20 feet, as presented on the master plan. This plan directly reflects the Master Plan that the Board of Commissioners approved. The letter that accompanies this submittal explains the temporary stormwater pond. Staff recommends approval with the condition that the letter from NCDENR regarding the temporary stormwater pond be on file prior to the issuance of any permits.

MOTION: Member Daniels seconded by Member Walker to recommend to the BOC approval of the Salty Dawg (Marshes Light) Building 3 with the condition that a letter from NCDENR requiring temporary storm water pond to be on file prior to issuance of any permits was approved by the following vote: Ayes: Members Parker, Walker Woody, Scarborough and Daniels. Noes: none. Absent: none

A 5 minute break was taken at 7:10 pm

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SUBJECT: Zoning Ordinance discussion The Board received handouts that describe the non conformities of use and buildings and discussed the grandfathering issue. Chairman Parker commented that the Board can review it and come back later to discuss. Member Scarborough is concerned about the existing businesses and the new setbacks if there business is destroyed. Member Daniels would like to table it and discuss at next month meeting.

MOTION: Member Daniels seconded by Member Woody to table the zoning ordinance discussion until March meeting was approved by the following vote: Ayes: Members Parker, Walker Woody, Scarborough and Daniels. Noes: none. Absent: none

OLD BUSINESS

Review to do list- List was discussed

Board Member concerns

The Board discussed Mr. Fearing's concerns that were brought up earlier about Highway 400 being a part of the Corridor and that the Salty Dawg project was in non compliance with the corridor regulations. Chairman Parker commented he thought that the Attorneys have dealt with that and does not think it is a problem.

MOTION: Member Woody seconded by Member Walker to adjourn the meeting 7:50 pm. was approved by the following vote: Ayes: Members Parker, Scarborough, Walker, Woody, and Daniels. Noes: None. Absent: none

This the 14th day of February 2006

Bill Parker, Chairman

ATTEST:

Becky Breiholz, Town Clerk