

MINUTES

The Town of Manteo Planning and Zoning Board met in Regular Session on Tuesday, October 12, 2004 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

The following members were absent:

Also present at the meeting:

- Fred Featherstone, Zoning Admin.
- Erin Burke, Planner
- Becky Breiholz, Town Clerk

Chairman Parker called the meeting to order at 6:00 p.m.

SUBJECT: Adoption of Agenda

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

SUBJECT: Approval of Minutes Regular Meeting September 14, 2004-Town Clerk Becky Breiholz found some typographical errors and corrected the minutes prior to the meeting.

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

PUBLIC COMMENTS-

SUBJECT: Review Site Plan Haven Creek Baptist – Ben Cahoon Architect of the project commented that the Haven Creek Baptist Church is a historic building and they are in need of space for growth and would prefer not to relocate. This is a struggle because the site has numerous non conformities that are long standing like lot coverage, set backs and parking. They have tried to accommodate their needs to the maximum extent possible and are accommodating them with some growth but not all the growth they would like to have for the future and there are limitations. What they are proposing on the plan is the existing condition where they have a free standing block building on site which will be eliminated and are dropping back to a single structure on site, the rear addition which is slightly in the setback is being eliminated and the new addition on the rear of the existing building will comply with the rear yard setback, They are improving

the traffic circulation on site, increasing the number of parking spaces on site, treating storm water on site bringing a good bit of the parking into compliance with plantings interspersed within the parking lot. Mr. Cahoon commented “the issue of contention is that portions of the additions on the street side of the building are in the setbacks, the existing building is well into the setback, while they would argue that the non conformity is not being increased; it is being shifted from the free standing building and beg this Boards discretion.” Member Daniels asked when the church was built and Mr. Overton with the church commented 1854 but the congregation is older than that. Member Woody commented about handicap accessibility and Mr. Cahoon commented that it includes accommodating handicap accessibility. Town Planner Erin Burke gave the Board a list and until the following items are addressed, the site plan can not be recommended for approval by the planning staff. Notice to adjacent property owners were sent on September 22, 2004.

1. The building is currently not in compliance with the setback ordinance for the front yard, which is 25’. The new structure shall comply with setback requirements of 25’. (Article VII, Section 7.02, *Dimensional Requirements for R-2*)
2. The setback noted on the southwest portion of the property must be noted at 15’ because it is considered a corner lot. (Article VII, Section 7.02, *Dimensional Requirements for R-2*)
3. The one-way entrance area to the church must be 22’ because there is parking on one side of the drive aisle. (Article VI, section 6.01, *Internal Circulation*)
4. The parking requirements state the need for 52 parking spaces, one per every four seats in the sanctuary. (Article VI, Section 6.01, *Minimum Parking Requirements for Public and Semi-Public Uses*)
5. Parking bumpers must be used. (Article VI, section 6.01, *Internal Circulation*)
6. There shall be interspersed islands within the parking lot because there are more than 30 spaces. (Article VI, section 6.01, *Planting*)
7. The opaque buffers shall include *both* fence and screening plants.
8. The Development Notes shall be amended to say that Refuse Disposal shall be accomplished with roll-out trash containers and not dumpster pick-up.

Town Planner Ms. Burke went over each item, some of which she had already spoken with Mr. Cahoon about, starting with item #2 was an oversight of the architect and the 15 foot setback will be corrected on the site plan. Item #3 mentions the one way entrance to the church that has angled parking and Ms. Burke commented that she has it as 22 feet which is incorrect but needs to be 13 feet instead of the 12 feet as noted on the site plan. Item #4 Parking requirements were discussed and there needs to be documentation on the site plan that there is some type on/off street parking. Item #5 parking bumpers need to be used in the parking lot. Item #6 needs to be interspersed islands because there is more than 30 spaces and Mr. Cahoon’s argument here is that they have a longer piece of vegetation in the middle and there is the one they traded for as space at the dumpster pad. #7 Opaque buffers shall include fencing and screening and on the notes Mr. Cahoon made mention of fence or screen and because it is technically a commercial use abutting residential and a fence interspersed with trees is recommended. #8 on the site plan

development notes it says dumpster location and the dumpster pad has been done away with so this needs to be removed and replaced with roll out trash containers. Item #1 was discussed at length and our ordinance says no such non conforming structure shall be increased or altered. Mr. Cahoon commented “they have eliminated the non conformity in the rear yard entirely roughly about 240 square foot and adding to the front of the church non conformity and couldn’t they say the non conformity in all the yards is being reduced?” Square footage of the buildings was discussed and the non conformity in the rear is about 240 square feet which would be eliminated and taking the handicap ramp into account they are adding roughly 344 square feet which means they are increasing the non conformity about 100 feet. Member Woody commented that there are things that need to be taken into consideration and one is that it is a historic property and the Town wants to protect and preserve, and it appears to her it somewhat supports handicap accessibility and the overall site is enhanced. Member Woody commented that our ordinance does not speak to this directly and with our planner we need to find the glitches in the ordinance and correct them. Mr. Featherstone commented that they also need to think about, is that they are allowing in our ordinance conditional uses in residential neighborhoods and to be legal this building could not cover 30 percent of that lot and this is something to be considered in the future and do we restrict it to historical buildings. Member Woody commented that she is okay with this and in light of this we need to go back to our zoning ordinance to reflect these things for future conditions. Chairman Parker commented that they discussed one way in and on way out and notices it is two way in and Mr. Cahoon commented that originally it was because they thought a dumpster pad was going to be there which has been eliminated and his other concern is about cars stacking back as they older people are dropped off. The other concern our ordinance talks about is the lighting source and if it has 100 watt or less incandescent you can have any kind of fixture and the fixture they have chosen is not 100 watt or less and they would like the lighting plan shown on the site plan. It was recommended that 3 trees of 2 inch caliper be placed in the island between the two parking zones. There needs to be a level of screening between the two uses and the plantings and fencing would be more aesthetically pleasing. Member Scarborough commented that being it is a historic site and doing away with the free standing building and removing the encroachment on the north east corner can’t we mitigate this and recommend approval. Member Woody and Daniels feel the same way. Chairman Parker commented that there is no mechanism in the ordinance to do it, but no doubt in what we are seeing is an improvement on the property and he feels comfortable with recommending to the BOC if the members can give there reasoning.

MOTION: Member Daniels seconded by Member Woody to recommend to the BOC approval with the following conditions 1) set back must be noted on southwest corner at 15 feet; 2) the one way entrance to church must be 13 feet; 3) parking requirements state the need for 52 parking spaces, one per every four seats in the sanctuary the off street parking needs to be documented; 4) parking bumpers must be used 5)there shall be interspersed islands in the parking because there are more than 30 spaces and 3 trees with 2 inch caliper on the main island and one tree on the corner between spaces 11 and 12; 6) opaque buffers shall include both fence and screening plants; 7) development notes shall be amended to say that refuse disposal shall be

accomplished with roll out trash containers and 8) show the lighting plan on the site plan with was approved by the following vote: Ayes: Members Parker, Walker, Woody, Scarborough and Daniels. Noes: None. Absent: none

Chairman Parker commented that he thinks a motion should be made to include the language to recognize that it is a historic structure, is non commercial and that a portion of what is in the set back is handicap parking and the Board was comfortable with this statement. The Board had a lengthy discussion on allowing more flexibility Member Woody commented that they need to recognize those areas where they can improve on existing ordinances, our intent of what is done tonight is not reflective in the ordinance and yet she thinks the ordinance has that intent so they need ordinances that relate to this need to be looked at in aspect to historic properties and handicap accessibility and allow the Board the flexibility to work with them. Mr. Featherstone commented that the site probably could have been designed to have no non conformities on it, a handicap ramp is required by law but does not need to be in the setback, and thinks this is a case for the Board of Adjustment and that is how you get relief from this ordinance. Member Woody would like staff to look at the zoning ordinances that applied tonight and see if something can be done to allow flexibility especially for historic properties.

SUBJECT: Discussion of sidewalk advertising dispensers. It was brought to staff's attention about the bank of dispensers at the waterfront and the concern to some is that it is unsightly and during high winds litters the downtown area. Ms. Burke asked the Board if this is a concern she will research the issue further, she has done some research. It is not so much as regulating the newspaper dispensers since they are heavy and locked but this is mostly for the plastic dispensers with free guides. Consensus for the Board was for the members to take a look at the dispensers downtown and get residents opinions and then bring back for discussion.

SUBJECT: Sidewalk issue on corner of Queen Elizabeth and Fernando Street-Mr. Featherstone received the bid for the sidewalk and that he also spoke with Mr. Fearing who has agreed to give an easement to allow the sidewalk to go to Old Tom Street.

MOTION: Member Daniels seconded by Member Walker to recommend to the BOC that they proceed with the installation of the sidewalk was approved by the following vote: Ayes: Members Parker, Walker, Woody, Scarborough and Daniels. Noes: None. Absent: none

Chairman Parker gave the members a brief update of the last BOC meeting. Planner Erin Burke attended a storm water meeting last week with the Mayor, Town Manager and representatives from Hobbs, Upchurch to discuss how to use a grant that we received from the Clean Water Management Trust Fund for storm water run off. Some problems on how to address the downtown area were discussed. It was decided that Dr. Stein, Dr. House and Dr. White will try to address the plan that is more conforming to the 20 year plan.

SUBJECT: Review to do list-most everything has to do with the new zoning ordinance.

MOTION: Member Daniels seconded by Member Woody to adjourn the meeting at 7:24 pm. was approved by the following vote: Ayes: Members Parker, Woody, Walker, Scarborough and Daniels. Noes: None. Absent: none

This the 12th day of October 2004

Bill Parker, Chairman

ATTEST:

Becky Breiholz, Town Clerk