MINUTES

The Town of Manteo Planning and Zoning Board met in Regular Session on Tuesday, November 14th , 2006 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 Bebe Woody
Member Jamie Daniels (Vice-Chair)
Member Christine Walker (arrived 6:10)

The following members were absent:

Also present at the meeting: Erin Trebisacci, Planner
Becky Breiholz, Town Clerk

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

SUBJECT: Approval of Minutes Regular meeting October 10th-

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

SUBJECT: Approval of Minutes of Joint Recessed meeting October 11th

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

Member Walker arrived at 6:10 pm

SUBJECT: Approval of Minutes Joint Recessed meeting with the Board of Commissioners October 26th, 2006-Page 2 last sentence change to "even as population is growing," and on page 7 Motion to adjourn Member Daniels was not present.

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

The Board wanted to clarify the point brought up in the October 10th minutes on page 3 first paragraph; Member Scarborough commented about Mr. Boniface's statement about effluents to make note that it was still not going to change the number of gallons dumped into the bay.

PUBLIC COMMENTS- none

SUBJECT: Subdivision Plat Review Osprey Point-The Klimkiewicz Family LLC has decided to resubmit this subdivision with a change in the land area within lots three and four. The eastern portion of this tract will now be designated as a common area and the covenants have been reviewed by the Town Attorney. All of the covenants have been deemed compliant with previous conditions according the Town Attorney. They are available for review in the Planners office. There are no additional changes to the subdivision plat. The conditions listed below are from a previous review and approval made in August of this year. Staff recommends approval with the following conditions: 1) A non-exclusive access easement from developers to Parcel 2 shall be recorded and shown on the final plat. This shall allow future developments of Parcel 2 to access US 64/264 via Cavalier Court. Member Daniels asked about the 5 previous conditions and Planner Trebisacci commented that 4 of those have already been addressed. Mrs. Trebisacci commented that lots 3 and 4 have become smaller and the common area has become larger; before lot 3 extended out into the marsh and lot 4 had an elongated shape where there were some uplands; but the property owners do not wish any development to occur in those areas and still has the 4 limited common areas identified as boat slips on the north side of the canal. Member Scarborough asked about the easement for lot 2 and Mrs. Trebisacci commented that the easement must be between the property owners of parcel 1 and parcel 2; the easement must provide access from parcel 2 onto Cavalier Court. Ray Meekins, surveyor for the property commented that this is an approved subdivision and are back to make changes to lots 3 and 4 for both aesthetic and conservation and needs to get it straight in his mind that the Town is requesting an easement for parcel 2 to get to the highway and Mrs. Trebisacci commented yes and this condition was included in the first time it was approved. Mr. Meekins commented that they are requesting that this plat replace the one that was approved; they are taking land that could be developed and putting it into the home owners association. The previous conditions are the same and addressed by the Town Attorney's review.

MOTION: Member Daniels seconded by Member Walker to recommend approval with staff's recommendation was approved by the following vote: Ayes: Members Parker, Woody, Walker, Scarborough and Daniels. Noes: none. Absent: none.

SUBJECT: Sketch Plan Review Cypress Cove Out Parcels A & B The applicant has submitted a sketch plan for out parcels A &B or as they are noted on the plan "North Site" and "South Site. Mrs. Trebisacci read her narrative to the Board : For simplicity sake staff has decided to review each site individually. It is important to note that because this is a sketch plan review lighting, landscaping, buffers, and actual building

elevations have not been submitted but will be required in order to complete a full site plan review when the need arises. The parking that has been provided along Cypress Lane is set on a diagonal to allow for more street side parking. The Department Head review for this project by the Police Department brought-up the concern of the number of officers available to provide services to both this project and others.

North Site:
The North Site contains 4 commercial units and 4 residential units. The parking required for the area is 17 spaces and 23 spaces are provided. The maximum number of spaces allowed is 22 so one space will need to be removed. During Department head review, Publics works mentioned the need to have commercial cardboard pick-up and locating a future dumpster site if the need arises. The suggestion of using parking space #12 was made.

South Site:
The South Site contains 5 commercial units, one of those units is on all three floors of the building and 4 residential units. The parking required for the area is 22 spaces and there are 27 provided. The Public Works department raised the same concerns on this site as they did on the North Site. They suggested the designation of parking spaces # 4 or 5 as potential expansion sites. They also mentioned the need to have the commercial cardboard pick-up for the commercial space on this site. The Water and Sewer Department expressed concern over the location of the water line that services this site. They requested to see a copy of the site plan with the utilities located as early as possible in order to prevent any conflicts. Mrs. Trebisacci also commented about the stamped crosswalks offsetting the area making people realize it is a smaller area and more pedestrian scale.

The diagonal parking was discussed and Member Scarborough commented someone coming off highway 64, diagonal parking in spaces 17 through 23 hooks right and if they are going to park in 24-27 they will have to turn around and come back and wanted to know why they could not be all in the same direction and it was commented because Cypress Lane is two-way traffic. Lengthy discussion took place on parking and the difficulty it will present in space 27. John Robbins commented that he consulted the Manteo Way of Building when he laid it out and everything in B3 zoning encourages on street parking so if you have diagonal or parallel parking you would have that issue. Chairman Parker commented he agrees that it would be better if there was a place to turn around, but sometimes that is the way it is and the thing they have to look at is to make sure that people are not going to do crazy things, with a little bit of planning. Member Woody commented that there were a couple of suggestions from Manteo Way of Building Committee: "when you get ready to do the elevations to look at the height from the ground up to the first floor how that is going to look because downtown it doesn't look very good," another suggestion was "the possibility of whatever you do for the fronts facing each other if it were possible to wrap that a little bit so that from the road you would get the same visual feeling," and the other thing was "they wondered about if you use iron fencing how it will hold up."

Mr. Robbins commented that it is critical for the developers of the property to get that parking in there, on the north side they have 23 spaces proposed and with 4 residential units many families today have 2 vehicles so they went with 2 vehicles per residential uses giving them 8 spaces; then that left 15 spaces for four commercial units and that is less than 3 spaces for each commercial unit, granted they will be sharing but he did the lot coverage calculations and they are only at 51% lot coverage on the entire site and under the 70%. Mrs. Trebisacci commented that Public Works may need an additional dumpster site and she would feel more comfortable leaving space 12 with an asterisk saying possible use for a future dumpster and if the need arises it will be there. Parking calculations were discussed and Member Daniels asked what if a restaurant is put in would it have a higher parking requirement and Mrs. Trebisacci commented because it is mixed use it identifies it as commercial space it does not go into whether or not it is office space, retail space or a restaurant. If there is a restaurant it will change the gallon per day calculations for water and sewer. Chairman Parker commented that there is some concern about driving on Cypress Lane and does not think it is wide enough to do a median.

Review to do list

The Board reviewed the "to do" list.
Mrs. Trebisacci commented that she has be in contact with Weeping Radish and they have planted trees in parking lot and should be compliant sometime in December.

Preserve America-still pending and Chairman Parker, Member Woody and Mrs. Trebisacci developed a list of all the different partnerships the Town participates with other groups and which came about while working on the grant because they asked what other projects the Town was involved in which he handed out.

Newsletter-Chairman Parker commented that his ties in with the hiring of a Public Information Officer that the Board of Commissioners discussed at their November regular meeting and they directed the Town Manager to investigate the position and to find out what other towns are doing.

Signs public restrooms still not up; not ordered or designed; Mrs. Trebisacci commented that they could possibly put up temporary ones until they can get ones designed.

Setbacks in B1/B2 –A lengthy discussion took place on this topic. Member Scarborough has concerns about buffer and fences and Member Daniels commented "if a B1 property has 100% lot coverage but if it abuts a residential property doesn't it have to have a buffer?" Planner Trebisacci commented that if a commercial property abuts a residential property it must have a buffer and there are 3 opaque buffers in the ordinance that the developer may choose from. Unless there is a common wall agreement if has to have a buffer. Member Scarborough is concerned that you can build it right on the back line. Mrs. Trebisacci commented "you have to have a buffer between a commercial property

and a residential property; it is a requirement in the landscaping portion of the ordinance." Chairman Parker commented that right now the ordinance says 5 foot and he thinks the question is if the 5 feet is enough, so asked the Board to ponder that. The Board discussed Section 15.4b Chairman Parker commented he thinks the ordinance is saying is that when a commercial use abuts a residential use that there has to be 5 feet that is thickly planted. Member Daniels commented "the cable building over here they were going to put a fence around it they had to put the fence back and put plantings on the outside of the fence they don't maintain it like they should." Member Scarborough "maybe over there it is enforceable but you never enforce a fence and a buffer 5 feet on the outside of the fence back of Times Print on the main highway or RD Sawyer Motor Company it is just something that could never be enforced and drive the enforcement official crazy he would have to be out there with calipers and a measuring stick and a horticulture book identifying the trees town hall just can't do that." Member Scarborough commented "we should be able to put our fence against the line and then have a buffer on the inside of the fence planting on the inside of the fence we shouldn't have to go outside our fence and maintain 5 feet along our neighbor's property line Member Scarborough: they can do totally vegetated without any fence and that is something we should have at least 10 feet and recommend fallow strip let nature take its course. Chairman Parker-we tried to preserve some in these subdivisions and developments tried to preserve some of the natural ones because they are often times the best. Chairman Parker: 5 feet is not a whole lot when there is a gas station next to a house I don't think that is too much to ask. Member Scarborough: Member Scarborough commented "if you want to clear your property all the way to the line you should be able to put the fence on your line and do your vegetation on the inside of the fence if you got to go out on the other side of the fence and maintain 5 feet along your neighbors rear property line that's something never going to be enforced which is my point." Chairman Parker commented "it is just a fact, as we build closer and closer to these others that buffers are just one of the most basic things we can do to try and make what really are not compatible uses to hopefully make them to co-exist side by side."

Chairman Parker commented that last months minutes addressed the list of planning goals that were identified by the townspeople and Members Woody and Daniels were unable to attend so he gave them a copy of the outliers, which were goals from the different joint meetings.

BOARD MEMBER CONCERNS

Member Walker-asked about stop signs and was told NCDOT came and took them down and thinks that if NCDOT is so concerned about the roads in Manteo that they need to get out and start fixing and paving them. Mrs. Trebisacci commented that a statement should go to the Board of Commissioners. Member Woody commented this Board needs to make a statement that NCDOT needs to come into and repair the roads. Mrs. Trebisacci commented she will put this in her department head report. The pothole on Devon was discussed. Member Woody commented there are potholes everywhere and thinks this Board needs to show its support to make a statement that if DOT is

going to manage and maintain our streets then we need to get a request into them to come in and repair them.

MOTION: Member Woody seconded by Member Walker to recommend to the BOC that if NCDOT wants to manage our streets and roads a request needs to be made to them that they need to come in and repair them was approved by the following vote: Ayes: Members Parker, Daniels, Scarborough, Walker, Woody, Noes: None. Absent:

Member Woody gave a brief update of the new committee meeting of the Manteo Way of Building.

Member Scarborough commented about modular homes as long as they are designed and have roof pitch they should be allowed; a discussion took place on the difference between mobile homes and modular homes. Mrs. Trebisacci commented our ordinance puts them in same category as mobile homes. Jennifer Frost commented that they are built beyond the state building codes and not the same as trailers. The Board would like a text amendment to allow them.

MOTION: Member Woody seconded by Member Walker to adjourn at 7:35 pm was approved by the following vote: Ayes: Members Parker, Daniels, Scarborough, Woody, Noes: None. Absent: Walker

This the 14th day of November 2006

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Bill Parker, Chairman

ATTEST:

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Becky Breiholz, Town Clerk