

MINUTES

The Town of Manteo Planning and Zoning Board met in Regular Session on Tuesday, July 13, 2004 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 Christine Walker
- Member Woody
- Member Daniels

The following members were absent:

Also present at the meeting:

- Fred Featherstone, Planner
- Becky Breiholz, Town Clerk

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

SUBJECT: Adoption of Agenda.

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

SUBJECT: Approval of Minutes Regular Meeting June 8, 2004

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

SUBJECT: Presentation on residential housing by Malcolm Fearing. Mr. Fearing wanted to talk to the Planning Board about property he would like to develop and thinks we can work together to come up with a concept for the property. He would like to talk about residential housing not affordable housing and about the Town's vision. There are two areas he would like to talk about, Bowsertown Road near the EMT station and is zoned B2 and the other area is of some property which is in town and some is not. Mr. Fearing showed the Board drawings of the property he would like to see developed, which he owns or has an interest in. He wants a dialogue with the Board to see what their ideas are. He talked about some uses such as a mixed use development, or a one bedroom with a loft or two bedrooms with a loft and keeping it in design with the Town. He would like to target the single person or engaged couple or a young couple starting off or an older retired person who is down sizing. He also would like to talk about prefabrication homes, not a modular home that comes in on wheels, building units that could be built elsewhere and brought in and put together to eliminate the construction time which can save money, but does not want to develop a product that would be a cheap project. He showed the Board drawings to illustrate homes, density and privacy. He would like to

develop a project that will fit in economically with the rest of the neighborhood. What he proposes is a partnership with the Town and would love to see a consideration to extend beyond the Towns corporate limits a plan that would include the area that is not in Town. The Rotary club is working on trying to clean up the transfer station. Mr. Fearing wants to create dialogue and get a vision of how this property can be developed.

PUBLIC COMMENT:

Linda Brown 953 First Street, wants island to keep the small town atmosphere and she represents about 100 neighbors from Roanoke Park Extended who do not want streets in their neighborhoods opened up to use as entries and exits for the new Manteo Middle School, they do not want their neighborhood sliced up opening up dead end streets. They were told that there would only be one way in and one way out. Manteo Middle School is not creating a new traffic problem it has already been there and already established. Ms. Brown invited the Board to come to walk their streets. She also has a petition signed by 100 residents who do not want the traffic in the neighborhood. She suggested putting a road down the south side of the school going from US 64 to Scarborough Town Road, which is now called Driftwood Drive with a gate only to open during the need. She also commented that it is confusing why the Town does not want traffic going through the near by neighborhood near the high school, but wants the traffic to run through their neighborhood. The road on the South side of the middle school would put all roads on school property and out of their neighborhood. Solutions have already been made to lessen the traffic on Hwy. 64, the new bridge and a new high school on the beach. We strongly disagree with sending traffic through our residential area known as Roanoke Park extended, next year or 10 years from now.

Scott Mean presently lives on Bowsertown and just found out about this and he and his wife are buying a house at the end of Amanda Street. They were buying it because it was on a dead end street. He agrees with what Ms. Brown said.

Jerry Austin-lives on Creef Ridge Road and wants to tell the Board this sucks, and can't understand why you people are doing this.

Kay Askew lives on Hwy. 64, and as she said in the last meeting the traffic has changed considerably. The new bridge has made a big impact on Hwy. 64 north end. Her concern is the children in the neighborhood and those that are driving. She commented there is someone directing traffic at the schools now and would like to have someone directing the traffic at the new school and why do we have to open up any other roads.

Member Daniels commented that he wanted to clear up a few things so everyone would know how it works, the school is applying for annexation from the Town to get sewer so it has to come to the Planning Board so that it meets Town zoning ordinances and then the P&Z Board make recommendations to the Board of Commissioner's who in turn make the final decision. Mr. Featherstone, Planner commented that we are reviewing this site plan like we would any other plan that comes into the Town and the things they review for are listed in the ordinance and strictly go by the ordinance.

Nick Nuzzi member of the Dare County Board of Education commented that he came to the last BOC meeting and wants to clarify one thing; “we have a site plan already approved by the County Commissioners that only calls for a one way out and then enter and exit.” “We are in a situation where we need Town sewage, I believe and I’m speaking for my Board, that we will accept that only and we are not encouraging you to open up any roads into these neighbors’ yards.” He feels like there has been a misconception that the School Board is asking to open up all these roads, but we are not asking that. “At this point we are willing to accept what we have already approved by the County and we also have a deed restriction that buffers that whole property to protect the neighbors and personally I’m not going back on my word.” “I think we are willing to look at Washington Street to make that a two way, if that is what the Town is requesting, but personally I would not like to see these roads open, we already have a site plan that’s already been approved, and we are in a situation that all we want is sewer.” At the last meeting he got the opinion that we were the ones pushing to open up the roads but that is not the case and wants to set that record straight. At this time the audience was asking questions about who wants the road opened. (At this point I am unable to hear who is talking.) Chairman Parker stated that Town Clerk Becky Breiholz is unable to hear the comments and asked that the members of the audience come to the microphone) It was commented that none of the residents of Roanoke Park extended knew anything about this until it was reported in the Coastland Times, they were given the promise of a fence on one side and a 50 foot buffer. Mr. Nuzzi commented that he came with David Oaksmith, Chairman of the Board of Education to a workshop with the County Chairman and Commissioners, we sat at a table and “I was under the impression that some members of the Town wanted to open up a few of these streets.” “I believe at that meeting that we compromised down to the fact that the best solution would be to try to take Washington Street, making it a two way street since we already had that approved from the County, that seemed to be the most sensible way to make that a two way street versus an exit only.” “I felt that we all left that meeting with that compromise in hand, knowing we would go back to our mutual boards and make sure that the plan would come about from everybody.” “Out of that meeting is where the opening of the roads came out, and I think we had a mutual agreement that we would try to make Washington Street a two way street not open up all the streets in the neighborhood, which personally I am totally against that.” “The second thing is that our school board is not in a position to give up a 45 foot easement that would run the full length to Mr. White’s.” “We have restrictive covenants that we have agreed to with the County Commissioners, the second thing is that there is a large amount of money that it would cost in excess of a half million dollars even if you deem that necessary for us to get sewer we can’t afford to pay that.” “there is no more money that we can go back to the County and get.” “In my opinion and I think I’m speaking for my Board the only thing that is going to work we will do everything in our attempt to make Washington Street a two way street which will not affect any of the neighbors.” Member Woody asked if you make Washington Street a two way it will not have any impact on the neighbors. Mr. Nuzzi commented “that he is saying that would be a compromise that our Board would approve, and we would prefer just to leave everything the way it is, but if the Town is requesting it I think we are willing to make Washington Street a two way street.” Member Woody then asked “but if the Town is requesting other access you are not willing”? “I don’t want to draw a line in the sand, but

number one I don't think we are able to give that to the Town because we have a restrictive deed that runs the whole perimeter of the property protecting these neighbors and we can't break that buffer so I don't think we can deliver." Chairman Parker commented that he wasn't at the meeting but the minutes of the meeting stated it was concluded that Washington Street should be connected for two way traffic in such a way that parents, teachers and buses would have an alternate means of ingress and egress and it was concluded that there should not be a requirement to open up First, Second or Third Street but providing a 45 foot right of way easement for the long term future should be included for future connectivity when Highway 64 exceeds capacity, so the minutes certainly indicate that. Mr. Nuzzi commented that the minutes do indicate that but I think that was just a workshop only, "I think we can make Washington Street two way but I do not think we can do the 45 foot easement." Linda Brown commented that we are against the 45 foot easement opening up all our streets. Malcolm Fearing-The Town didn't ask for this, but it is here and the school has deadlines to meet. He thinks there are some concerns with storm water runoff that need to be fixed and he thinks the vegetated buffer should not be breached. Member Woody commented that she does not think the Board has a problem looking at these plans, it is their job; it came to us because of consequences, and this board does not in anyway hesitate to do what it has to do and to take into consideration of everyone that speaks and come up with the best solution that we feel has the least impact on everyone. Member Scarborough commented that he believes it is less expensive for the school to tie into Manteo sewer than it would be to maintain their own system and the other thing is we do need an alternate road for emergency use. Different alternate routes were discussed and Chairman Parker called a brief recess at 7:10 pm so that all could look at the map on the wall at Town Hall.

Meeting called back to order at 7:20 pm

SUBJECT: Site Plan Review New Manteo Middle School Member Daniels commented that what they do is make recommendations to the BOC who will make the final decision. Mr. Featherstone provided a memo to the Board with the conditions he recommended based on our ordinance and those conditions will be made a part of these minutes. Mr. Featherstone gave them a little more background, when TOM built the sewer plant it was the most expensive in the state and fear among the town's people that we would lose the capacity quickly and we have one of the highest water and sewer rates in the state so our citizens are burdened with high taxes on the water and sewer, that is why the Board Of Commissioner came up with an ordinance to control the use of our water and sewer outside the corporate limit to protect the capacity. Those outside of the Town limits request utility services would have to comply with the Town's zoning ordinance like those citizens in Town. Mr. Featherstone asked Mr. Winebarger who is with the County Schools some questions about the drainage plan. In the drainage plan it appears that beyond the area of drainage there is a 50 foot buffer and when he did his inspection we found areas of that treed buffer no more than 20 feet in some places. Mr. Winebarger commented that the 50 foot buffer is measured from the property line and while there may or may not be 50 foot of trees there is an issue that has to be resolved on their site as well as adjacent property owners and hope to resolve the issues along the property line with the adjacent property owners. It was one of the conditions placed by

the Dare County Board of Commissioners and they will comply with that 50 foot buffer. There was discussion on drainage and retention areas and Mr. Featherstone asked if they are allowing water to drain off site since our ordinance states all water must be retained on site. It was brought up that there were two sets of site plans received and the first plan shows ponds in the buffer and the second set shows storm water being diverted to Highway 64 NCDOT ditch and one of the conditions for approval will be that stormwater be retained on site. Mr. Featherstone commented that they gave an exterior electrical plan not a lighting plan and Mr. Winebarger commented that if you look at notes in the plan given to them it addresses foot candles. Mr. Featherstone commented some of the items that we will need on the site plan are the percentage of the vegetation in the buffering of parking lot, we also need species that will go in those planted islands. Signage Town's maximum is 36 square feet for total sign and approval from the corridor commission and any wall signage calculations; and not now and not in the future modular classrooms will not be allowed. The estimated enrollment for the school is about 450 but the capacity is 600. Public Works will not be picking up the trash and as designed the dumpster location would not work with our side load truck. Mr. Featherstone asked that one set of plans be given to the Planning Board with revisions and is current. **MOTION** by Member Daniels to recommend approval to the Board of Commissioner the site plan as presented with conditions provided by the Planner died for a lack of a second. Connectivity issue was discussed at length and Mr. Featherstone commented that connectivity is required because it is in the zoning ordinance. They were given two options in Mr. Featherstone's conditions; P&Z would like to remove condition (b) and for it to not be included.

MOTION: Member Daniels seconded by Member Woody to recommend approval of the site plan to the Board of Commissioners with the conditions provided by the planner with option 11 (b) be removed was approved by the following vote: Ayes: Members Parker, Scarborough, Daniels, Walker, Woody. Noes: None. Absent: None

Recessed at 7:55

SUBJECT: Review New Zoning Map- Mr. Featherstone showed the Board the new zoning map showing the annexations, satellite annexations and the zoning designations. The Board can come by and review the map and if there needs to be any corrections let him know.

SUBJECT: Review to do list.

Town Attorney has drafted new form letters for Mr. Featherstone to send out about notification of violations. Chairman Parker commented the BOC passed a Fire Lane Ordinance. Mr. Featherstone sent a certified letter to Weeping Radish about their parking lot violations. Member Daniels asked about the study done by David Stein. It was discussed that this had been finalized but Chairman Parker will check on the status.

BOARD CONCERNS

Member Woody-commented that since there will be future development she would like Chairman Parker to recommend to the BOC about filling the vacant position of Planner that they have budgeted money for.

MOTION: Member Woody seconded by Member Daniels to recommend to the BOC to take action to fill the vacant Planner position that they have budgeted for was approved by the following vote: Ayes: Members Parker, Woody, Walker, Scarborough and Daniels. Noes: None. Absent: none.

Member Woody asked about liquor by the drink and wants to be pro-active instead of waiting for it to happen. She would like to find out what other Towns have done to eliminate the problems that come with liquor by the drink. Planning Members were asked to think about what type of restrictions they would like to apply. Member Scarborough said a restriction could be that a business has to be in business for three years before they can get a liquor license. Member Woody asked about Roanoke Village setbacks on the driveways and Mr. Featherstone commented no. Member Woody asked how do we regulate a fence that is put up so someone can't use their driveway and Mr. Featherstone commented that it would be an issue between the property owners we only regulate the size. She asked when if construction sites are required to have dumpsters for building materials and Mr. Featherstone commented that the only requirement is to have porta potties on construction sites. We do not pick up construction materials from building sites.

MOTION: Member Daniels seconded by Member Walker to adjourn at 8:40 p.m. was approved by the following vote: Ayes: Members Parker, Woody, Walker, Scarborough and Daniels. Noes: None. Absent: none.

This 13th day of July, 2004.

Bill Parker, Chairman

ATTEST:

Becky Breiholz, Town Clerk

These recommendations are based on our ordinance, the County's conditions that were placed on the site (attached here), and public hearings and citizens', commissioners', and town attorney's comments at the Town Hall on July 7th.

Because we are still waiting for several items from the Board of Education (lighting plan, elevations, more copies of the drainage plan, review fees), there may be other recommendations needed when you meet Tuesday night.

Conditions

1. that the conditions approved by the Board of Commissioners become covenants added to the deed and be listed as vested rights on an amended annexation petition.
2. that the light levels at 25' inside property line (center of treed buffer) not exceed 1 foot-candle and that all exterior light fixtures shall be completely of the "cut-off" type (which are "dark sky friendly").
3. that all stormwater runoff be contained on-site to protect the lower elevation lots in the adjoining neighborhoods.
4. that Washington Street be extended onto the property for two-way traffic and connected in such a way that parents, teachers, buses and the general public have an alternate means of ingress and egress to the school.
5. that "a 50' wide vegetative buffer in its natural and undisturbed state shall be provided along the northern, southern and western boundaries of school site. This shall include all underbrush and ground cover as well as trees and shrubbery." (Dare County condition). The vegetative buffer along the east side (the 64 front) shall be 100' wide and maintained in natural state.
6. that a fence at least 6' tall be installed along the inside of the buffer to protect residential lots.
7. that the main entrance connection shall aligned with Mother Vineyard Road.
8. Because the academic, athletic and assembly uses do not occur at the same time, the number of parking spaces is reasonable, but the parking lot shall be interspersed with trees as provided in our ordinance.
9. that the traffic island in the main entrance at Highway 64 be planted with live oak trees like the Judicial Center.
10. that a 36' wide easement of right-of-way be dedicated to the Town of Manteo for future connectivity of streets; the dedication to become effective on July 1, 2020.
11. that the Board of Education do one of the following to provide access to Scarboroughtown Road:
 - a. Provide a 2-way access for parents, teachers, buses and the general public have an alternate means of ingress and egress to the school from Highway 64, a primary road, across the school property with a 36-ft right of way to the vegetative buffer along the south side of the property and connecting to Driftwood St. (across parcel #988013148743). In addition there shall be 36' wide easements of right of way dedicated to the Town of Manteo connecting all streets in the subdivision adjoining the property to the south for future connectivity, the dedication to become effective on July, 2020.

OR

~~b. Provide a 2-way access for parents, teachers, buses and the general public have an alternate means of ingress and egress to the school connected at Washington Street together with the opening and paving of the westernmost portion of Amanda St. and the southernmost portion of Washington St. at its intersection with Harriet St.). In addition there shall be 36' wide easements of right of way dedicated to the Town of Manteo connecting all streets in the subdivision adjoining the property to the south for future connectivity, the dedication to become effective on July, 2020. — Removed as a condition by the Planning Board at their July 13, 2004 meeting~~

13. that the Board of Education consider some area of changeable message board within the allowable freestanding sign area of 36 sq. ft.

14 that the site be maintained in accordance with the Town of Manteo Zoning Ordinance.