

MINUTES

The Town of Manteo Planning and Zoning Board met in Regular Session on Tuesday, June 14, 2005 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

The following members were absent: Member Christine Walker
Member Jamie Daniels (Vice Chair)
(arrived late)

Also present at the meeting: Erin Burke, Planner
Shannon Twiddy, Finance Officer
Evelyn Rollason, Secretary

Chairman Parker called the meeting to order at 6:03 pm

SUBJECT: Adoption of Agenda as presented or amended –the agenda was amended to remove Item 5 C Malcolm Fearing and will be rescheduled.

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

SUBJECT: Approval of Minutes Special Meeting May 3, 2005

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

SUBJECT: Approval of Minutes Regular Meeting May 10, 2005

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

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

Dawn Enochs-discussed possibly a way to connect the streets behind the courthouse for pedestrians.

SUBJECT: Board of Education-conditional use permit renewal for modular classrooms. The Dare County Board of Education is requesting a renewal of the Conditional Use Permit (CUP) for the modular units located at the three school sites in the Town of Manteo. The DCBOE provided the following information in their request letter:

- Manteo Elementary School has 3 modular units. These units will be needed until summer of 2006, while construction is underway on the new Manteo Elementary School.
- Manteo Middle School has 2 modular units. These units will be needed until late 2005, when the new Manteo Middle School should be completed.

Manteo High School has 8 modular units. As per the Boards instructions these will remain on sight until construction of the additions have been completed and will be removed before the final C.O. has been issued. There is no specified date for completion of construction. Staff recommends approval with the following conditions: If construction of any of the above mentioned schools is completed prior to the expiration of this permit, the modulares shall be removed from that site immediately

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

SUBJECT: Preliminary site plan review for Cypress Cove This Preliminary Plat is before the Board to receive comments and to complete the first required step in the Subdivision Process; At the regular May meeting of the Planning and Zoning Board Skyco Development presented a sketch plan for review by this Board. The preliminary plat is missing some of the features required according to the Subdivision Section of the Zoning Ordinance. Staff cautions the developer against requiring house that may exceed lot coverage. I have spoken with the department heads and they have expressed their opinions on this subdivision. Those opinions are attached as part of this narrative. Staff would also like for the Board to note that the Preliminary Plat is Subject to change, but the final plat shall have a boundary survey and ready to be recorded. Staff recommends approval and that the board request that the final plat have the following:

1. The location of the electric, cable and phone lines;
2. The square footage of each lot be written on the plat;
3. The buildable acreage be stated on the plat

The identification of the easements connecting this property to the north with the Griggs Lumber and Produce Parcel, and the easement connecting this property with the John H. High property. Chairman Parker would like it noted on the plat acreage of high ground and size of out parcels and roadways. John Robbins and Lee Tugwell were present representing Cypress Cove. The alleys and easements were discussed and Mr. Robbins commented that a homeowners association would be formed to cover any undedicated roads and there will be covenants. Several questions were asked about future connectivity of roadways, possibility of deeding wetlands as open space and public access to open space areas. Zoning was discussed and they were asking for B3 and Chairman Parker commented about why they didn't come in as R5. Mr. Tugwell commented that the BOC requires everything that is coming into town to be B3 and they have no problem it being zoned R5 except they would like the out parcels to remain B3. Mr. Tugwell commented that as far as easements and curb cuts go they will be eliminating 5 curb cuts and

replacing it with a road. It was suggested that the two out parcels would follow the Manteo Way of Building. Ms. Burke commented that if it is zoned R5 the residential units would not have to be conditional uses for single family units. Mr. Tugwell commented he has no problem with R5 but the out parcels be zoned B3 which the Board agreed to. Chairman Parker asked beside the road easements they are giving to the Town would they consider giving the wetlands as an easement to the Town. Mr. Robbins commented that they are looking at the options and one of those is placing a conservation easement. Ray Evans adjacent property owner asked about storm water and was concerned about potential flooding on his property. Mr. Robbins and Tugwell gave a lengthy explanation of the State approved BMP (Best Management Practice) that was used to design the storm water and explained base flood elevations, sea level and fill planned for the site could result in a 2' of fill but the design will be using approved practices. Drainage concerns are still being worked out and will be included in future plans but explained how they plan to address areas with catch basins and sloping. Islands in the development were discussed and oaks must be planted under the new ordinance and the Board asked the applicant to consider designing islands to meet the new ordinance. Erin Burke Planner went over staff's recommendations 1) the buildable acreage being included on the plat; square footage of each lot stated on the plat; identify all the utilities. Easements were discussed at length and the Planning Board asked that easements to out parcel B and the Spence property be identified and Mr. Tugwell asked if the easement to the Spence property could be undesignated and just say that they will provide a 36 foot easement there, Ms. Burke commented that they should state in the notes on the plat that an easement will be provided to the Spence property. The police department had some safety concerns; the north entrance a turn lane should be made, but it is not possible the way the corridor has things set up; a median discussed at the island area, proper signage; lighting concerns in the alleyways; speed limit for that road; around the sanitary/sewer pump station properly marked; Public works would like the trash picked up in front of the house rather than the alley. Mr. Tugwell stated they would be adding verbiage to the covenants that prospective owners will have to choose from the house plans based on the drawings they presented earlier to the Board and will have total architectural control. Also discussed was that the out parcels follow the Manteo Way of Building. The Board discussed storm water easements. A lengthy discussion took place on connectivity. Ms. Burke commented that if the Planning Board chooses to make a motion that the motion state these are recommendations not conditions. Ms. Burke read the recommendations that the Board discussed and are as follows: location of electric, cable and phone lines be identified; square footage of the lots be presented on the plat; buildable acreage be stated on the plat; identification of all easements including the Griggs easement, the T.L.'s easement, and the easement to the Spence property be identified; out parcels A and B to be annexed as B3; the residential parcels to be annexed as R5; site plan identify number of lots both market rate and affordable and where the affordable units may be located; square footage of the road, out parcels and individual residential parcels be identified; the islands at the entrance of the development both north and south have the live oaks planted; Manteo Way of Building be applied to the out parcels; the areas for the homeowners association to be identified; easements for the storm water retention areas; the wetlands to be dedicated in conservation in perpetuity possibly to the Town; and the Board of Commissioner's consider connectivity a road in the western area of the site.

MOTION: Member Woody seconded by Member Scarborough that the plan with the above recommendations listed by Ms. Burke be forwarded to the Board of Commissioners was approved as by the following vote: Ayes: Members Parker, Scarborough, Woody. Noes: None. Absent: Members Walker and Daniels

SUBJECT: Discussion of establishing policy for notification of property owners. Currently the Town is required to notify adjacent property owners through a certified mailing. Staff feels that the certified mailing process is very time consuming and is costly to the developer. Since January 1st of this year staff has mailed approximately 175 certified mailings; at a cost of \$10.00 per letter for the developer and hours of assembly for staff. Staff recommends that the Board consider recommending a change in this policy to the Board of Commissioners. With some research staff has found that most communities use a combination of the following:

1. Newspaper Notices
2. Property posting
3. Mailing (not certified)
4. Mailing (certified)

Staff would recommend the use of the Town's website in addition to newspaper notices and property postings. If mailings were to be used the use of non-certified mailing is widely used in the State of North Carolina. Also to be considered, the areas that are using certified mailings, most likely do not have the number of conditional uses that the Town of Manteo ordinance states. If the board feels that certified mailings must be completed for this matter, Staff advises that the developer should complete all the forms, mail the letters, and bring the receipts to the Planning Department to be filed. This process should be done at least two weeks prior to the Planning and Zoning Board meeting. The Board agreed that if staff places an ad in the paper; does first class mailing and place it on the web site that should be sufficient enough and that staff may make that recommendation to the Board of Commissioners.

On the to do list it states the Weeping Radish is finished but it is still pending. Chairman Parker gave the Board an update of the Manteo Middle School. Ms. Burke gave the Board an update of Pirates Cove and they are working very hard on the storm water problem. Chairman Parker commented also about Member Walkers absence and the fact that the ordinance says if you miss two consecutive meetings you are no longer on the Board; the Board had a special meeting in May and since they had the special meeting she has not missed two consecutive meetings and is still on the Board. Chairman Parker also thanked Fred Featherstone for his 17 years of service even though he is no longer working for the Town.

Member Scarborough brought up offering incentives and encouragement for energy efficient buildings; he asked about the emergency band and was informed that we still have the radio but no one is operating it and he might want to discuss this with the police department; he wanted to know if we had the latest flood map and Ms. Burke informed he that there will be a meeting next week that will present the flood maps.

Member Woody-brought up the Nags Head ordinance about the restaurant ordinance that they passed and Ms. Burke gave her a brief overview she received from Nags Head; the Cineplex in Nags Head that is no longer in use was brought to them as a restaurant and in actuality they had a very small kitchen area, lots of bar space and lots of open area and they did not see it as a restaurant use and as a result of that they passed an ordinance that the restaurant has to have a certain square footage of kitchen area in proportion to the rest of the building. Member Woody thinks the Town should probably look into this and what is it we don't want since the County will be moving its administrative offices and there will be vacant buildings downtown. Outside seating was discussed also and she wanted to know what changes it would make to the community if we get liquor by the drink. Member Scarborough would like to put a restriction on new restaurants that open up in the town that they not be allowed to serve liquor by the drink for three years; Chairman Parker was to ask Town Attorney if this was legal. Member Woody would like the Board to think about the tower near her property that has pieces falling off and Ms. Burke is to contact the telephone company and will also check the ordinance regarding the maintenance of the tower. Member Woody also would like to discuss wild feral cats and raccoons and that the ordinance does not address them. Ms. Burke said she would contact the police department to see what kind of contract we have with the County about the removal of these animals. She also talked about the pit bull that is running loose and scaring residents and that there is a man outside the town limits who is feeding feral cats.

Member Daniels arrived

MOTION: Member Woody seconded by Member Scarborough to adjourn the meeting at 8:50 pm. was approved by the following vote: Ayes: Members Parker, Scarborough, Woody, and Daniels. Noes: None. Absent: Members Walker.

This the 14, day of June 2005

Bill Parker, Chairman

ATTEST:

Becky Breiholz, Town Clerk