

MINUTES

The Town of Manteo Planning and Zoning Board met in Regular Session on Tuesday, May 13, 2003 at 6:30 p.m. at the Manteo Town Hall, 407 Budleigh Street

The following members were present:

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

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 6:35 p.m.

SUBJECT: Adoption of Agenda

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

SUBJECT: Approval of Minutes Regular Meeting April 7, 2003. Member Scarborough page 1 Public comments "typo area should be typo error." Chairman Parker page 3 Subject Directional signs delete the word small in front of NCDOT signs. Member Scarborough page 3 wording says "right away and should be right of way." Town Clerk Becky Breiholz asked the Board that those type of errors can be corrected before the meeting if the member would call and let her know.

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

PUBLIC COMMENTS-

Jim Tobin-owner of Caimen Gardens and gave the Board a report as to the progress regarding the CVS. The project was brought in under B2 zoning and since then the area has been rezoned to B3 and it has been very frustrating addressing the intricacies since the zoning changed from B2 to B3. Mr. Tobin commented that the P&Z Board and BOC requested that they have an alternate access other than the access on US 64/264. We have obtained that access with a drive between Dr. Grossman's and Mike Kellers property. He showed the P&Z a set of preliminary site plans, it is pretty much a straight driveway down the property line and the issue they are unsure of is B2 zoning states that

driveways 50 feet apart on your parcel and in B3 zoning is says the driveway should be a minimum of 400 feet if possible if they are on US64/264 which one of his driveways is. It also states that the Board may require that properties use the same driveway. We have some problems there are already established businesses on adjoining parcels that have two driveways apiece so this driveway is going to come out between them. The other problem is that Mike Keller's property is not in the Town, and his concern is that the visual site line is not blocked.

Chairman Parker allowed the Board to ask questions and Member Daniels asked if they are going to get the land through purchase and Mr. Tobin replied yes. Mr. Tobin also commented that they will have to come back to the Board for a subdivision and Member Daniels asked if subdivision's come to the Planning Board and Mr. Featherstone responded probably not this one. Member Daniels asked if this would be on the agenda next month and Mr. Tobin commented that they have already received approval as long as they have access and if the Town Attorney says this meets the requirements they should be able to get permits issued.

OLD BUSINESS

SUBJECT: Amended site plan review for Shallowbag Bay pending Town Attorney review. John Delucia, Albemarle Engineering, Mr. Jim Rose Developer and Mr. Jim Edsell Attorney were present. Mr. Delucia commented that they had a meeting on the 17th of April with Bill Parker, Jamie Daniels, Fred Featherstone, Chris Seawell, Jack Burrus. They received an opinion from Daniel Khoury, while the easement being reduced to 13 feet for Jack Burrus, Mr. Burrus could still not locate parking over the property line, there still had to be a five foot set back over the actual property line. Mr. Burrus could still utilize that as his parking. They have some revised copies and what they have done is taken the end of the parking lot where it goes into Jack's property and showed eight parking spaces that could be dedicated from their site as off site parking to Jack for use on his site, they comply with the ordinance, they are in existing lot covered areas. What it does to the Shallowbag Bay plan is it reduces the number of total parking spaces that they can count on their site by three, they have lost three spaces while providing eight for Mr. Burrus on the site. They have the ability to swap out the easement that existed on the condominium plats by adding a little bit more easement for Jack to utilize these eight parking spaces. The plan was passed out to Board members showing the reconfigured eight parking spaces, they do have to take a couple of spaces and turn into dumpster area. What this did they lost one of the charter boats and three seats in the restaurant. They have the ability to give Mr. Burrus the additional easement because of declarations for the condominiums that allow Mr. Rose to change that and this will be provided to Mr. Khoury for his review. Other issues discussed were the maintenance of the fence and Mr. Delucia commented those are being addressed in an agreement in accordance with what Town Attorney Khoury had asked. Member Scarborough asked weren't the setbacks of the building from the property line 36.5 on the previous plan. We are basing this on a promise to be reduced, can we be assured that these buildings are going to have at least a 25 foot setback. Mr. Delucia commented they have always been further than the 25 foot setback. Scarborough when the fence was built there was not 25 feet between the

building and the fence. Member Scarborough commented also that the Town of Manteo might be in a pickle if those people who have bought those condominiums based on the 2000 plat plan which didn't show this parking. Mr. Delucia commented when the first condominium plats were put to record and anyone who purchased any of the units knew that the common areas in that area was encumbered by a 20 foot easement, the fence is still going to stay there and the building has always complied with the 25 foot set back. Chairman Parker commented he thinks they have addressed that by saying there would be no parking in that area. Jim Edsell, Attorney commented that he had a telephone conversation with Mr. Khoury about this and Mr. Khoury has confirmed that the setbacks can be measured from the actual property line not the line of the easement; setbacks by the ordinance are measured from the property line. Member Daniels commented the setback is to protect Jim's neighbor from having condo's built right on top of it. Chairman Parker-commented he thinks what Phil's concern is that what has set out to be a building setback gets corrupted by using it for something else. Mr. Edsell commented what they are working on is for the easement to be reduced only to 13 feet and the fence will stay 20 feet in. Jack is going to vacate 7 feet of his easement. The fence serves as a buffer and they will grant Jack an easement for the maintenance and repair and replacement of the fence, but the fence will stay on Shallowbag Bay property and Jack gives up seven feet to back himself up. Mr. Edsell also stated that the interesting thing about the plan and what the Board has been shown tonight is the space Jack is going to give up, our declaration of restrictive covenants actually they reserved the right to replace or relocate the third party easements, so if they take away about 1800 square feet from Jack on that seven feet of easement, they can actually give it to him at the lower end where it does not interfere with Jim's building setbacks. Town Attorney Daniel Khoury in a note dated May 12 made recommendations to the Planning Board before they make their recommendation to the BOC which were the following: 1) Homeowners by laws need to provide for maintenance of wooden fence and for planting and maintenance of required trees, Homeowners budget shall be reviewed by Town attorney to reflect this responsibility; 2) removal or modifications of the present recorded easements; this needs to be recorded; 3) New easements or modifications be recorded; 4) Conditional use permit itself needs to be recorded; 5) Parking area needs to be refined on plat to reflect issues identified in Town Attorney letter of May 1, 2003 (which will be made a part of these minutes); The Planning Board added the two following conditions: 6) Plat should note not be used for approved parking on the narrow part of the easement; 7) Copies of recorded documentation be provided for the Town Planners file after approval.

MOTION: Member Woody seconded by Member Walker to recommend to BOC approval on the condition that the following be completed on the site plan: 1) Homeowners by laws need to provide for maintenance of wooden fence and for planting and maintenance of required trees, Homeowners budget shall be reviewed by Town attorney to reflect this responsibility; 2) removal or modifications of the present recorded easements; this needs to be recorded; 3) New easements or modifications be recorded; 4) Conditional use permit itself needs to be recorded; 5) Parking area needs to be refined on plat to reflect issues identified in Town Attorney letter of May 1, 2003; 6) Plat should note not to be used for approved parking on the narrow part of the easement; 7) Copies of recorded documentation be provided for the Town Planners file after approval by the

following vote: Ayes: Members Parker, Woody, Walker, Scarborough and Daniels.
Noes: None. Absent: None

SUBJECT: Discussion and recommendation of time limits for parking downtown Manteo Parking Study. Member Daniels commented that the problem seemed to be employees and business owners parking there all day and thought the three hour parking limit was satisfactory.

MOTION: Member Daniels seconded by Member Woody to recommend to the BOC to keep the three hour time limit for parking downtown was approved by the following vote: Ayes: Members Parker, Woody, Walker, Scarborough and Daniels. Noes: None. Absent: None.

SUBJECT: Discussion and recommendations for waterfront commercial uses. This is a request from the Board of Commissioner for ways to control waterfront uses. Mr. Featherstone per the BOC request did an inventory of the types of boats using the waterfront docks: 1) North dock (Tranquil House) 17 annual slips, 1 commercial slip inshore fishing, 1 transient slip 2) Two docks (adjacent to town parking lot) 1 parasail slip, 1 ticket sales slip, 1 dolphin tour slip, 1 sailing cruise slip 3) Wilson/Meekins pier (adjacent to Poor Richard's) 1 slip power boat cruise, 1 slip private pontoon boat 4) Center dock adjacent to vacant dentist office) 8 transient slips, 8 semi-annual transient slips, 1 slip donated to the Boy Scouts 5) South dock (adjacent to Clara's) 12 transient slips, 1 annual slip. Chairman Parker spoke with Brad Gunn the dock master who informed him that the docks were pretty maxed out now and no spaces available but that he preferred transient boats at the docks. Member Daniels does not think jet skis should be there. P&Z Board discussed ways to limit commercial uses and encourage transient boaters. The P&Z Board discussed the possibility of not allowing large dinner boats, floating bed and breakfasts. Member Woody had concerns that if there was a commercial business at the town docks and someone gets hurt whose is liable? The P&Z Board had concerns about parking, health and safety. The Board discussed that businesses on the docks should have a permit, and meets the same criteria of any other business that comes into the Town of Manteo. Member Daniels commented possibly limiting boats that carry more than 20 people. Fred Featherstone Planner suggested limiting businesses that duplicate services that are already provided on land. Member Daniels suggested doing a list of approved uses. Mr. Featherstone commented to recommend to the BOC the number of commercial slips available. Chairman Parker will ask the BOC for more direction and ask them if they want a list of uses.

MOTION: Member Daniels seconded by Member Woody to table until next month after receiving more information as to what the BOC wants was approved by the following vote: Ayes: Members Parker, Woody, Walker, Scarborough and Daniels. Noes: None. Absent: None.

Chairman Parker gave a report on the May regular BOC meeting. Chairman Parker gave an update on the last two College of Design meetings that were held.

Break at 8:20 p.m.

Chairman Parker the next topic regards allowing boat building in as a permitted use in B2 and commented that the Mayor is hopeful to work out something for Billy Maxwell, the man who wants to build the boat on Grenville Street and the proposed that his board will go ahead write a zoning amendment. Chairman Parker said he told the Mayor this amendment has not come before the Planning Board and we won't do it formally if you don't want but let the Planning Board have an informal discussion about this. Mr. Featherstone commented that it was never on the Planning Board agenda because he gave Mr. Maxwell the opinion that boat building was not allowed in B2. Chairman Parker stated that the intention as he understands it is to make boat building a permitted use in B2. Member Scarborough commented he thought setbacks and parking would take of the one being discussed. The Board discussed size requirements and if the boat building business is allowed on Grenville a buffer would be required since it abuts residential property. The Board discussed recommending a buffer requirement for boat building for other ones that come up in the future. Mr. Featherstone commented that in the zoning ordinance it will be required to buffer, and also suggested making it a conditional use and require a buffer, and limiting size. Consensus of the Board for Chairman Parker to let the BOC know that they have concerns and recommend a limit on size of the building, that it should be a conditional use, and the need for opaque buffer for all future boat buildings and some language that the boats be stick built or traditional boats building.

SUBJECT: Review To Do List: Pending-Weeping Radish; commercial uses at waterfront; traffic from high school; paving parking lots- how other towns address storm-water provided to P&Z; Policy deadline for information submitted. The Board discussed the traffic from the high school and how they race through the streets and cut through East Carolina Bank and the Schiffman property, consensus of the Board that each member talk to each Commissioner about getting more police enforcement or ask the Board to try for a month that there be no left turns.

BOARD CONCERNS

Member Woody-Asked if we have heard anything from the telephone company and Mr. Featherstone commented he spoke with Mr. Lynch from the phone company and that they would like to do some work to the tower before they put the buffer in. Member Woody also had a question and commented maybe it was part of the planning they talked about redoing the administration building to a hotel, did that also deal with parking or additional parking that may be available to the Town. Ms. Woody is wondering if the Town needs to negotiate a deal with the County to utilize that space. Chairman Parker commented there was some discussion about that becoming a redevelopment site and it should become a part of the master plan.

Member Walker asked about the horse carriage tour business downtown, and if they have a permit. Mr. Featherstone commented they have a privilege license and they went to the Police Department also to be approved. The Board discussed the sign the horse carriage is using and Mr. Featherstone is to inform her that her sign is not allowed. Mr.

Featherstone is also to inform the Outer Banks Kayak business that their sandwich sign is against the ordinances.

MOTION: Member Walker seconded by Member Scarborough to adjourn at 9:45 p.m. was approved by the following vote: Ayes: Members Parker, Woody, Walker, Scarborough and Daniels. Noes: None. Absent: None

This the 13th day of May 2003

Bill Parker, Chairman

ATTEST:

Becky Breiholz, Town Clerk