

## MINUTES

The Town of Manteo Planning and Zoning Board met in Regular Session on Tuesday, September 9<sup>th</sup>, 2008 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 Beth Storie  
Member Bebe Woody  
Member Christine Walker

The following members were absent:

Also present at the meeting:                 Becky Breiholz, Town Clerk  
John Boniface, Building Inspector  
Commissioner David Farrow

Chairman Parker called the meeting to order at 6:05 pm

The Board congratulated Member Walker on her appointment to the vacant seat of Commissioner and thanked her for her service on the Planning Board.

**SUBJECT:** Adoption of Agenda as presented

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

**SUBJECT:** Approval of Minutes Regular Meeting August 12, 2008

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

PUBLIC COMMENTS- none

### OLD BUSINESS

Chairman Parker commented that we have two text amendments and explained how we arrived at this point; the Board of Commissioners had their public hearing on the setbacks and took action. During Commissioner Concerns another amendment was brought up and they tentatively set another public hearing. Town Attorney Daniel Khoury was concerned about it and investigating it more thoroughly he came across NC State Statute Article 19 160A-387 that requires "all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and

comment.” Also in our own ordinance Section 25-3 it states all proposed amendments shall be referred to the Planning Board.

**SUBJECT:** Discussion and comments on setback text amendment Section 8.02 and 9.02 on US Hwy. 64-This was changed from 50 feet to 15 feet in zoning district B2 and B3 and Chairman Parker commented that he thought maybe those two should be discussed separately. The B3 might be clearer to address first, when the B3 zone was created it was with a 50 set back; so all properties that were voluntary annexed the 50 feet setback applied from the beginning. It has also been referred to as the Midway section; the courthouse, CVS, Cypress Cove, Island Grill and others. Chairman Parker thought it was done due to the faster speed limits, fewer pedestrians and bigger lots and buildings. Member Scarborough does not think a B3 is necessary. Member Storie commented that it does change there, the speed limit is different and less residential and far more commercial and we wouldn't want to have buildings right up on the street where the speed limit is 45 mph. Chairman Parker asked Commissioner Farrow why the Midway section was in the change of setbacks. Commissioner Farrow commented he thought it was all B2 to midway and not sure how B3 got included and was only concerned with B2. Chairman Parker thought their recommendation should be that B3 go back to the original 50 foot setback as it was created. Member Woody asked how come the P&Z Board was not included to start with. Chairman Parker explained that they had previously discussed the setbacks and two members were absent so it was tabled and in the meantime the Commissioner's had scheduled a public hearing for the setbacks at their September 3, meeting. The Planning Board had discussed previously to possibly limit the setback depending on the size of the lot. Commissioner Farrow commented that they were told if they made the rules they could change it and was under the impression that the Planning Board did not have to review it. Chairman Parker commented that the Planning Board voted on recommending the ordinance as presented; and Member Woody stated that the Planning Board did review the new zoning ordinance when it was introduced; Member Scarborough took issue with the ordinance and again stated he saw no need for the B3 zone. Member Storie disagreed and stated that the annexed areas of B3 were different from B2. Member Storie commented that in a area where the speed limit is 45 or higher it is very important that we have proper setbacks so that we don't have buildings that are right up on the highway, also for the look of the Town it does not look right if you have a large building right up on the highway and does not go to the village look that she thinks they are all trying to protect. Member Scarborough commented he prefers 20 foot. Member Walker agreed that the properties in B3 were annexed with the 50 foot setback and that they were consistent. Chairman Parker commented that the intent of B3 is called the gateway and ask that we look at B3 independently from B2 and that Commissioner Farrow did not intentionally mean to include B3.

**MOTION:** Member Woody seconded by Member Storie to recommend to the BOC that B3 setback remain 50 feet as it was designated was approved by the following

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

Discussion of B2 Setbacks-The Planning Board understood Commissioner Farrow's concern about the 50 foot setback in the B2 especially on smaller lots it could be unreasonable but if there was a larger lot such as the Christmas Shop, Chesley Mall they have a larger setback. Member Woody commented that our intent is not to prevent or keep what has been with us so how do we work this so that it is fair. The more appealing the Town is the more it will attract businesses. The Board discussed how it would be fair to the smaller property versus the bigger property located in B2. The intent is to prevent some major building going right on the street impacting the look of the Town. The Board would like for the larger tracts of land in B2 such as the Christmas Shop, Chesley Mall, College of the Albemarle to be setback further than 15 feet and they are discussing new development not those that are already there which are grandfathered. Member Scarborough commented he would like to see the setback be 20 feet with vegetation and no parking within 20. A lengthy discussion took place about the difference between the B1 and B2 districts the setbacks, parking requirements, the changing trends and times and as we attract more businesses we are likely to have people who care less about how the community feels about it. It was discussed where the 50 feet setback came from and Member Woody thought the 50 foot setback came in an effort to be consistent with the corridor. Member Storie commented that she could go with Member Scarborough's 20 feet but would really like to see it be done by lot size or depth. A lengthy discussion took place on the size of the lots and what the Planning Board is concerned with is the larger lots need to be back further 15 feet. Member Storie commented the intention of the zoning would be not to hinder a small lot and to safeguard our Town from having big buildings on the highway that would be a safety hazard and aesthetically. The Board commented that they needed to identify the larger lots in B2 and possibly have a workshop session on the setbacks in B2. Member Storie commented that if we are not stuck on 50 to compromise especially on the bigger lots with the potential for a bigger building. All members were in agreement for the small lots of an acre or less stay at 15 feet, but for the potential bigger lots of one acre or more to be 35 feet setback.

**MOTION:** Member Storie seconded by Member Woody to recommend to the BOC that B2 setback be changed to (Along Highway 64/264) the front yard setback shall be 35 feet for lots larger than one acre and 15 feet for lots of one acre or smaller was approved by the following vote: Ayes: Members Parker, Storie, Woody, Walker and Scarborough. Noes: None. Absent: None

**SUBJECT:** Discussion and comments on text amendment to Article 8 and 9 to allow drive through restaurants. This came from the September 3, 2008 BOC and Chairman Parker asked for the Members comments. Member Woody commented that the local businesses downtown think it will hurt their businesses; the new coffee shop has invested in our community could have a drive through but doesn't want one and she is

confused on how we got here. It was discussed that the townspeople like the small town atmosphere, they like the fact that when they go into a business they know who it is; they like the individuality of each business. It was commented that drive through create more traffic problems, they are usually national chains and compete with our small businesses who have a hard time. We want small businesses that participate in the community and have an individual nature. The Planning Board members asked Commissioner Farrow why it was brought up by the BOC so quickly and bypassed the Planning Board. Commissioner Farrow commented he really does not know why but it was Commissioner Fry who brought it up. Member Scarborough commented that he thought the reason was that it would be convenient for people with small children or pets to go to a drive through window instead of parking. Member Walker commented that when her children were real small that she encountered that problem but the businesses were great; Garden Pizzeria would bring the pizza out to her and she thought you could call any of the local restaurants and is sure they would bring it out to you. Member Storie commented she would rather raise her children in the small town atmosphere than have the momentary convenience of not getting out of the car; to her the bigger picture is what kind of Town we want to live in. Member Scarborough commented that he did not want the main highway to turn into a French fry alley which this would open it up. Member Storie commented that at the BOC meeting the new coffee house on Hwy 64 was used as an example of what a hardship this was, so she went to talk to them since she knew the owners and they said they do not even want a drive through. Chairman Parker commented that the new coffee shop has been such an example of the kind of businesses we want from the planning point of view. Member Walker commented do we want the kind of business that depends upon a drive through to be successful. Member Woody commented this ordinance was given a lot of thought and represented what the townspeople want. Member Storie commented that you have to assume that there is some outside interest that wants to be able to do a drive through here and is asking to get a special consideration and "does not want to change a well thought out zoning ordinance to accommodate a Dunkin Donuts." Consensus of the members was that the ordinance should remain the way it is. Member Woody commented that she would want to make sure that there is no conflict of interest. Chairman Parker thinks that they have said exactly the things that the zoning ordinance says and the Board is saying they think the ordinance should remain the way it is.

**MOTION:** Member Woody seconded by Member Storie to recommend to the BOC that the ordinance remain the same prohibiting drive through was approved by the following vote: Ayes: Members Parker, Storie, Woody, Walker and Scarborough. Noes: None. Absent: None

Review to do list-

Chairman Parker commented that two submittals have been made to the County on the use of the courthouse, The Arts Council and Roanoke Island Historical Association (The Lost Colony). The BOC were asked for a letter of support from the Roanoke Island Historical Association. Member Storie commented that RIHA and the Arts Council are

in negotiations to try to do something together. There are still some more text amendments that the Planning Board needs to review and consensus was to table those until Planner Trebisacci is present.

**BOARD CONCERNS:**

Member Woody asked about the Bail bondsmen sign on Highway 64 and has received complaints about it. John Boniface commented that this Board approved one home business on Harriett Street and the other one was an existing business that changed out and he can't do anything about the sign as long as it meets the ordinance, but he installed a new light and if it does not meet our ordinance he will write a letter to him. Member Woody asked if they should think about regulating colors. Member Woody also commented about the ordinance requiring buffers between residential and commercial be maintained and wants to know if we require maintenance on fences and wants to know if they should have an ordinance regulating the maintenance of fences. The Board will have the Planner to research the maintenance of fences and put it on the to do list.

**MOTION:** Member Walker seconded by Member Storie to adjourn at 7:45 pm was approved by the following vote: Ayes: Members Parker, Storie, Woody, Walker and Scarborough. Noes: None. Absent: None

This 9<sup>th</sup> day of September 2008

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Bill Parker, Chairman

ATTEST:

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Becky Breiholz, Town Clerk