

MINUTES

The Town of Manteo Planning and Zoning Board met in Regular Session on Tuesday, March 13, 2012 6:00 pm. at the Manteo Town Hall, 407 Budleigh Street

The following members were present: Chairman Bill Parker
Member Phil Scarborough
Member Jack Gregory
Member Grizelle Fearing
Member Bebe Woody

The following members were absent:

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

Chair Parker called the meeting to order 6:00 pm

SUBJECT: Adoption of Agenda as presented or amended –the agenda was amended to add Oaths of Office.

MOTION: Member Fearing seconded by Member Woody to adopt the agenda as amended was approved by the following vote: Ayes: Member Parker, Fearing, Woody, Scarborough and Gregory. Noes: None. Absent: None

Town Clerk Becky Breiholz administered the oath of office to Chairman Bill Parker, Member Phil Scarborough and Member Jack Gregory. Chairman Parker thanked those willing to serve and thanked previous member Beth Storie for her service and welcomed Member Jack Gregory.

SUBJECT: Approval of minute's regular meeting February 14, 2012

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

PUBLIC COMMENTS

SUBJECT: Request for change of Use-Cup Cakery- The Carolina Cupcakery is requesting a change of use to allow for them to bake their cupcakes on site. Currently they are operating as a retail operation and they are baking of site. Both retail and restaurant operations are acceptable uses in the B-1 district where this property is located. They would like to be able to produce cupcakes on site as well as possibly offer some cook classes. Along with the change of use application, an engineer's letter was also submitted from Bissell Engineering indicating that there would be no additional sewer flow associated with this use. Staff recommends that the Planning and Zoning

Board approve the proposed change of use in accordance Zoning Ordinance *Section 12-10 (d) (1) Change of use not requiring a site plan*. Ms. Burke commented that we will review the change of use and when the applicant comes in for a permit the building inspector will review the building codes to make sure it is in compliance.

The applicant clarified that it would not be cooking classes but baking classes and there would be no open flame only an oven. Ms. Burke commented that we will review the change of use and when the applicant comes in for a permit the building inspector will review the building codes to make sure it is in compliance.

MOTION: Member Woody seconded by Member Gregory to approve the change of use for the Cup Cakery was approved by the following vote: Ayes: Member Parker, Fearing, Woody, Scarborough and Gregory. Noes: None. Absent: None

SUBJECT: Review of exterior stairs at historic downtown courthouse. Dare County Arts Council is requesting approval to construct a set of exterior stairs on the north side of the Old Dare County Courthouse. This set of stairs will serve as a secondary means of egress and allow the second floor of the Courthouse to be used by the Arts Council. In addition to constructing the stairs, DCAC is also proposing to move the existing HVAC units to the south side of the Courthouse. Staff recommends approval.

Ms. Burke commented that the PARC committee reviewed this and the only recommendation they had was that if there were to be any changes that it come back for review. Member Gregory was concerned about the loss of green space and the HVAC making a lot of noise around the memorial garden and wanted to know if there were other potential places for the HVAC to be located. Barbara St. Amand with Dare County Arts Council commented that the buildings next door HVAC makes noise but the noise is not intrusive and thinks that their unit will be less intrusive. The unit will be as close to the building as possible and still be accessible and will be enclosed in brick and material to match the courthouse.

MOTION: Member Scarborough seconded by Member Fearing approve the exterior stairs as presented and if there are to be any changes it comes back for review was approved by the following vote: Ayes: Member Parker, Fearing, Woody, Scarborough and Gregory. Noes: None. Absent: None

SUBJECT: Discussion of beekeeping ordinance-This has been discussed at previous meetings and Member Jack Gregory gave the Board some handouts on how beekeeping is done in New Jersey and the Town of Cary. Ms. Burke commented that our Town Attorney Wyatt Booth is doing some clean up of the zoning ordinance and he will review the language to be drafted for this ordinance. Ms. Burke contacted Mr. Leonard with the NC Agricultural Department but he is the representative for all of north east North Carolina and she has not been able to arrange a time for him to come and speak to the Board about beekeeping. She did speak with Susan Evans with Dare County and she will try and work with her to get someone here to do a workshop meeting with the Board on beekeeping rules and regulations and try to address everyone's concerns.

Member Gregory commented that bees can put out 60 to 80 pounds of honey and should fall under a home occupation; he has also found where beekeeping is illegal because of the density and risks. Ms. Burke commented that the State of NC does have a statute that the hives need to be inspected to make sure they are not infected or can contaminate adjacent population. The Board discussed qualifications and different levels of how to operate and control. Chairman Parker would like to table this until we can get an expert here to talk with the Board. Betty Mann from the audience commented she has lived here 77 years and the Town of Manteo did not have beekeeping then and sees no reason for it now. Mrs. Mann's property is next to the site where the beekeeping started and she is highly allergic to bee stings; when the hives were located on the property next to hers she could not go out in her back yard. Edward Mann commented he has no problems with beekeeping if it is done properly, what he has a problem with is six or eight hives wide open and the bees are flying everywhere. Member Gregory asked the Evans' (whose daughter wants a beekeeping ordinance) would be willing to put up a six foot high fence and Mrs. Evans commented that it is not just for their bees, there are other people who want to do beekeeping. Consensus of the Board to postpone this until someone can be found to speak to them about beekeeping and will hold a special workshop meeting if it is needed.

SUBJECT: Discussion of event houses as requested staff has drafted a definition of an Event Home for the Planning and Zoning Board's review.

Event Home. Residential housing unit that is used to host events, including, but not limited to weddings, birthdays, and reunions. Such events shall take place outside of the home unless the home is brought into compliance with commercial safety standards, in which case the interior of the home may be used.

Event Home proprietors shall:

- 1) Provide adequate restroom facilities. Should facilities need to be brought on site they shall be on the property for no longer than 24 hours;
- 2) Provide adequate solid waste receptacles;
- 3) Provide off street parking for vendors associated with the event
- 4) Obey all noise related ordinances;
- 5) Not allow tents and other event related décor to be present on the outside of the home for longer than 24 hours.

This topic was discussed at length. Chairman Parker informed Charles Evans that we have received his request for information and that staff is working on gathering that. Chairman Parker also stated that since he is involved with the operation of a bed and breakfast, he offered to recuse himself from the discussion and Mr. Evans commented that he was fine with him discussing this and wanted to be treated like every one else in the B1 district. Chairman Parker commented that all businesses in B1 provide for a permanent restroom facility. The Board discussed item # 1 and consensus of the Board was to allow restroom facilities brought on site would need to be removed within 72 hours and that something be provided to the town in writing should it not be able to be

removed within that time frame. Also consensus of the Board that porta potties be defined in the ordinance and that the restroom facilities are not the plastic porta potties that they be of the type that have bathroom stalls and potable water in them for sanitation purposes. A condition should state that the porta potties/trailers provide potable water, electricity and placed on site.

Discussion took place on whether or not this was a home occupation or conditional use and Chair Parker commented it is for the B1 district only which allows for commercial use and Ms. Burke commented it was her understanding that it would go through the conditional use process. Member Gregory asked that it be done on a case by case basis and was informed that this would put too much burden on the staff and have to come up with a reasonable criteria. Noise was discussed and it would be helpful if there be a contact person who can be held responsible; Chairman Parker commented that the owner of the property should be the responsible party to see that the noise ordinance is not broken. Mr. Evans commented that it would depend on how the contract is written for the use and does not think the property owner could be held responsible if there is a contract. Member Fearing asked that one of the conditions should be that the owner/coordinator be at the event.

Item #2 solid waste receptacles and it was thought that there is an adequate definition in our ordinance to address this. Item #3 off street parking and after a lengthy discussion on providing off street parking for vendors associated with the event the Board could not reach a consensus and decided to remove it and let the Board of Commissioners handle this item. Item #4 noise was discussed earlier and consensus of the Board is that our noise ordinance was sufficient but should also include that there be a responsible person to contact. Item #5 removal of tents and decorations was discussed and consensus was to change that to removal be done no longer than 72 hours. The Board would also like to add Item #6 and that would limit the guests to 300. Ms. Burke will rewrite the ordinance to include the changes from the discussion and it will need to go to our Town Attorney for review, the Board of Commissioners will need to set a public hearing. Chairman Parker commented that he has a problem with portable restroom facilities and believes this business needs to provide a permanent restroom like other businesses.

MOTION: Member Woody seconded by Member Gregory for staff to rewrite ordinance with changes discussed and send to the Board of Commissioners was approved by the following vote: Ayes: Member Fearing, Woody, Scarborough and Gregory. Noes: Chairman Parker. Absent: None

SUBJECT: Review To do List- Remove event houses from to do list; schedule a workshop session for a beekeeping presentation once staff finds someone who can come and do the presentation. Planting of trees on Sir Walter Raleigh West is on the master plan; discussion of allowing duplexes for existing structures in the B1 district will be placed on next month's agenda. The drainage of the marsh next to Marshes Light was

discussed and the window to burn the marsh is shrinking and Ms. Burke will contact Warren Eadus to find out what the status is on that.

Member Scarborough brought up the ABC driveway width and Ms. Burke commented that the Planning Board turned them down and they did not seek an appeal. They have a 36 foot wide apron and were asking for a 55 foot wide apron.

Member Gregory commented that the BOC would like to turn Budleigh Street into two way and that it would probably eliminate parking on one side. Member Gregory had also taken pictures of some items he thinks need to be addressed. The parking lot at the restaurant next to the Elizabethan Inn has a sign for their parking; made their own parking spaces, hung lights on the trees and thinks the lot needs to be brought into compliance. He also had pictures of Kelly's automotive lot that needs to be cleaned up.

MOTION: Member Gregory seconded by Member Fearing to adjourn at 8:25 pm was approved by the following votes Ayes: Member Parker, Fearing, Woody, Scarborough and Gregory. Noes: None. Absent: None

This 13th day of March 2012

Bill Parker, Chair

ATTEST:

Becky Breiholz, Town Clerk