

MINUTES

The Town of Manteo Planning and Zoning Board met in Regular Session on Tuesday, November 10, 2015 at 6:00 p.m. at the Dare County Administrative Building, 954 Marshall C. Collins Drive, Manteo, NC

The following members were present:

Chairman Bill Parker
Member Phil Scarborough
Member Hal Goodman
Member Bebe Woody (arrived 6:20)
Member Grizelle Fearing

The following members were absent:

Also present at the meeting:

Erin Burke, Planner
Becky Breiholz, Town Clerk

Chairman Parker called the meeting to order at 6:00 pm

SUBJECT: Adoption of Agenda as amended or presented

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

SUBJECT: Approval of Minutes Regular Meeting September 8, 2015-Chairman Parker stated that during the discussion of park hours he would like to reverse the hours from 11pm to 7am to 7am to 11pm.

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

PUBLIC COMMENTS-none

NEW BUSINESS

SUBJECT: Review of Porch steps 324 Fernando Street Marshes Light- Planner Erin Burke stated that the address should actually be 342 Fernando. According the Conditional Use Permit for Marshes Light "Prior to the issuance of any building permit, a complete design for each building, including all elevations, shall be reviewed by the Planning Board for compliance with the "Manteo Way of Building." The proposed drawings were reviewed by the PARC and they recommend approval.

MOTION: Member Fearing seconded by Member Scarborough to approve the steps was approved by the following vote: Ayes: Members Parker, Fearing, Scarborough, Goodman Noes: None. Absent: Woody

SUBJECT: Discussion and consideration of site plan review Pirates Cove Pavilion

Planner Erin Burke stated that in 2006 the Town of Manteo Board of Commissioners and Planning and Zoning Board approved "an open air structure" and the Pirate's Cove Pavilion was constructed. In 2010 the owners returned to the Town and requested permission to add restroom facilities, 315 sq. ft. of enclosed storage space and the addition of 3.5' knee walls. At this approval staff reminded the applicant that the structure must remain "an open air unconditioned space." Over the years changes has been added with roll down doors, windows and shutters without coming to the Planning Board for approval as required by the Conditional Use Permit.

In August of this year, the Fishing Tournament advertised the space as air conditioned. Staff did a site inspection as did the Fire Marshal and determined it was no longer an "open air pavilion." There are now windows, shutters and roll down doors installed in all openings allowing the structure to be completely enclosed. The applicant has indicated that the windows and doors are only closed when there is a "storm" however there have been events where the windows, shutters, and doors have been closed.

The intent of the pavilion was to replace the tournament tents that event organizers had trouble with in the past. The structure is now more of a banquet hall than a pavilion. The applicant would like permission to keep the unpermitted alterations as they have been installed.

The intention of the structure was to provide an open air space to host events. The alterations to the structure have deviated from the original intent. Staff recommends a public hearing to be advertised and held on December 8, 2015 regarding the permitting of these alterations.

Chairman Parker commented that Jim Tobin the applicant is present at the meeting and because Member Hal Goodman drew up the plans he will need to be excused from participating in the discussion and voting but he will be able to answer questions as the applicants engineer.

MOTION: Member Scarborough seconded by Member Fearing to recuse Member Hal Goodman from the meeting was approved by the following vote: Ayes: Members Parker, Fearing, Scarborough, Goodman Noes: None. Absent: Woody

Board discussion started with a question about sandbags and Mrs. Burke commented that those are on site in case of a storm and that issue was addressed when the open air pavilion was approved. Mr. Goodman commented that there is a better solution and that

would be to go into the sewer clean-out and put an inflatable stopper in there. One of Member Fearing's concerns is about the egress as she was there for the Dare County Arts Council gala. Mr. Tobin commented that all three (3) doors were open during that event. Member Fearing thinks that you cannot use a garage door as egress. Mr. Tobin commented that the maximum amount of distance to a door can be 200 feet and if you use the door on the west side and the front door there is enough space to meet egress requirements. The doors are roll up doors that are bolted in the up position and in the event of a storm they can be un-bolted and shut. Mr. Tobin commented that he locks the doors in the open position but the Fire Marshall came and put his own lock on the door during a fishing tournament. The Fire Marshall also allowed for every shutter to be closed in the building because the tournament people brought in portable air conditioner units which are legal according to FEMA. Mr. Tobin commented that he did discuss with Ralph Allen about the shutters but there is no record of that. Chairman Parker commented that the space was also to remain un-tempered and that it must remain an open air space with no heating or air conditioning. Mr. Tobin stated that it is legal to bring in temporary air conditioning. Chairman Parker commented that is why we are here because of those changes without approval. Another concern is how the residents feel about the structure. It was brought up that the Pirates Cove Homeowners have used it. Chairman Parker commented that it is probably time to re-examine and change. Member Fearing commented that it is not what it was originally intended to be and no longer fits in the A1 classification that was brought up in the Fire Marshall's review. Member Fearing commented that it is a great facility but does not like the idea that the changes were done without going through the Planning Board as required. Mrs. Burke commented that in the 2006 motion it was stated that any changes has to come back to the Planning Board. Chairman Parker commented that he thinks we need to hold a public hearing. Mrs. Burke wanted to emphasis that there are two parallel concerns; one is the zoning concerns and the building code concerns and the applicant is aware of those two parallel items and even if the Planning Board approves the zoning they will still have to deal with building codes issues. Mr. Tobin commented that all he wants is to be treated fairly and that he has an event scheduled for March and he will still have that event. **Member Woody arrives at 6:20 pm.**

MOTION: Member Fearing seconded by Member Scarborough to schedule a Public Hearing for December 8, 2015 approved by the following vote: Ayes: Members Parker, Fearing, Woody, Scarborough, Noes: None. Absent: None. Excused: Member Goodman

MOTION: Member Fearing seconded by Member Woody to allow Member Goodman back to the meeting was approved by the following vote: Ayes: Members Parker, Fearing, Woody and Scarborough. Noes: None. Absent: None

Review to Do List:

Mrs. Burke stated that at the last meeting the Board asked her to find out if we are collecting occupancy tax for air B&B's and informed the Board that Dare County is collecting that tax. She also contact Twiford's regarding their light and they contacted

Dominion but have not heard anything. It was brought to her attention that the lights at the Visitor Center have been changed and no light plan was submitted as required by our ordinance. She has contacted NCDOT but not heard back from them. She also needs to get with Member Woody regarding signage. The Weeping Radish demolition is taking longer than normal and is because the contractor is selling the wood and repurposing other items such as windows.

The Board discussed the setback issue and there were concerns regarding small single family homes located on the highway. They think there should be some type of thresholds for size of the lot and that it would be a hardship for someone with a single family lot, but at the same time do not want a big business building right next to the highway. They will need to figure out a threshold for lot size. Parking was also discussed in the setback issue.

Member Fearing thought we had on the list about the PNC Bank parking lot and Mrs. Burke commented that the parking lot was being leased to the bank and the owner decided to raise the rent. She said our parking requirements have changed and that they have enough parking for their building without using that area.

Review Violation Ordinance List

Mrs. Burke stated that LA Cabaña and McDonalds have been put on notice for the sandwich board and flags placed in the corridor. She also reported that she stopped at the Outer Banks Vapes store and informed them that the flashing open sign is not allowed and they changed it to a steady light but she does not know if it is back flashing.

Member Woody asked who took care of the bathrooms at the waterfront and Mrs. Burke informed here that the Waterfront Condo Homeowners Association does.

Chairman Parker informed the Members that the PARC committee has received an application for a garage addition but was not ready for the Planning Board review and that it would be coming up on the December agenda and that there were no site plan issues with it.

MOTION: Member Fearing seconded by Member Goodman to adjourn at 7:05 pm was approved by the following vote: Ayes: Members Parker, Fearing, Woody, Scarborough and Goodman. Noes: None. Absent: None.

This the 10th day of November 2015

Bill Parker, Chairman

ATTEST:

Becky Breiholz, Town Clerk

