

**TOWN OF PINE LEVEL
MINUTES OF
PINE LEVEL PLANNING BOARD MEETING
FEBRUARY 23, 2017**

MEETING INFORMATION

The Pine Level Planning Board met on Thursday, February 23, 2017 at 6:30 p.m. at the Pine Level Town Hall. The meeting was called to order by Chairman Randy Holloman with a quorum present.

ROLL CALL

√ Randy Holloman	√ Faye Starling (alt)
√ Berry Godwin	√ Cecelia Weaver (alt)
√ Nester McClain	√ Janet Kleinert (alt)
√ Randy Jones	
√ Terry Rains	
X Bob Harvey	

Others present: Rodney Cabe, Richard D. Braswell, Andrew Hodge, Chris Johnson, J.T. and Rose Stallings, Glenn Weeks, Evelyn Wool, Mayor Jeff Holt,
Staff present: Zoning Administrator Scottie Hayes and Deputy Clerk Connie Capps.

OATH OF OFFICE

Chairman Randy Holloman said that Randy Jones and Janet Kleinert needed to take the oath of office due to both members resigning their positions and being re-appointed by the Town Board to different positions on the planning board. Deputy Clerk Connie Capps administered the oath of office to these members. Randy Jones was appointed as a regular in-town member and Janet Kleinert to an in-town alternate position.

ELECTION OF OFFICERS FOR 2017

Chairman Randy Holloman said in January the board tabled the election of officers until the February meeting. He then opened the floor for nominations for Chairman, Vice-Chairman and Secretary. Berry Godwin made a motion to nominate Randy Jones for Chairman and Randy Holloman for Vice-Chairman and Janet Kleinert for Secretary. Chairman Holloman said that an alternate could not hold an office position, and also said that he declined for holding any office position, but said that he would nominate

Berry Godwin for Vice-Chairman and Nester McClain for Secretary. Randy Holloman seconded that motion and the board voted unanimously to accept the following officers for the year 2017: Chairman-Randy Jones, Vice-Chairman-Berry Godwin, and Secretary- Nester McClain.

Randy Holloman then turned the meeting over to Chairman Randy Jones. Chairman Randy Jones said he wanted to thank Randy Holloman for his many years of service and guidance and all that had been accomplished in Pine Level. He said that he greatly appreciated his services and he was looking forward to working with him on the planning board. He also thanked the board for their vote of confidence.

MINUTES

Nester McClain made a motion to approve the minutes from the meeting held on January 26, 2017. Terry Rains seconded the motion. The minutes were unanimously approved as written.

PUBLIC HEARING ON VARIANCE REQUEST/RODNEY CABE

Chairman Randy Jones next said that the Planning Board needed to convene as the Board of Adjustment in order to hold a public hearing for a variance request submitted by Rodney Cabe to reduce the side setback requirement from 10 feet to 5 feet for the property located at 86 Country Store Road. (The public hearing was duly advertised in the Pine Level Edition of the Kenly News on January 25, 2017 and February 1, 2017.) Berry Godwin made a motion and Nester McClain seconded the motion to adjourn as the Planning Board and convene as the Board of Adjustment at 6:45 p.m. The vote was unanimous.

Chairman Randy Jones said anyone wanting to speak at the public hearing would need to be sworn in. Rodney Cabe asked the Chairman if the board had any questions on what he submitted. There was none. Chairman Randy Jones said that Rodney Cabe who resides at 86 Country Store Road has applied for a variance request in order to build a two-car garage onto his home. Mr. Cabe will be buying property from his neighbor, contingent upon approval of his variance request by the planning board. He said the zoning ordinance requires a 10 feet side setback from the property line, and Mr. Cabe only has 5 feet. Therefore, he is requesting a variance of 5 feet.

Chairman Randy Jones asked the board if there were any comments, questions or discussion concerning this variance request. The board agreed that they did not have a problem with Mr. Cabe's request. Terry Rains made a motion to approve the variance

request and Berry Godwin seconded the motion. The motion passed on a unanimous vote.

Randy Holloman then made a motion to close the Board of Adjustment public hearing and reconvene as the Planning Board. Janet Kleinert seconded the motion. The motion passed unanimously. The public hearing was declared closed at 6:55 p.m.

CHRIS JOHNSON- CAROLINA SPORTING & SECURITY

Chairman Randy Jones said the board had received a letter from Chris Johnson who operates a business in Pine Level called 4J's Consulting, LLC Carolina Sporting and Security. The Chairman turned the meeting over to Chris so he could explain his request.

Chris Johnson said that he has been operating as a firearms dealer with a retail storefront since March, 2014 in Pine Level. He said that his business is currently classified as a type 01 licensee which allows them to do light gunsmith work. He said as the business has grown, they have taken more and more complex gunsmith work. He said in 2016 the ATF issued a rule interpretation that stated that firearms dealers that are installing flash hidere, threading barrels, and or changing the chamber of a firearm, that these gunsmiths were changing the ballistics of the weapon and thus had to register as a Type 07 licensee, which is to say a licensee which is licensed to produce firearms and perform heavy gunsmithing work.

Chris said that it was important for him to clarify the definition of "manufacturer" of firearms. He said the ATF defines something as simple as assembling the top of a gun to the bottom of a gun as "manufacturing." Meaning that if a customer were to purchase a lower part of a gun from us, and an upper part of a gun, then we cannot legally assemble those two components without being listed as a manufacturer. The end customer themselves can do it, but we cannot. Chris said that they are not seeking to produce firearms from raw steel and components, but the ability to perform activities outside that of a normal dealer would function. He said they have no dreams or intentions of starting a facility to process steel and metals.

Chris stated that they were seeking a letter from the Pine Level Planning Board stating that the current zoning does not preempt them from operating as a type 07 dealer. He said they would not be producing firearms- we do not have a forge, a milling machine, the square footage, insurance, or even the skill set to do such. He said there was a large liability in producing firearms, from patent rights to warranty work. He said as the industry slows down, they were seeking this change to a Type 07 to supplement their

income in the face of declining sales. He said this license change does not alter the way or type of business that we currently do, it just brings us into compliance with current federal guidelines.

He said that they would like a letter from the planning board stating that our location is acceptable for at Type 07-Manufacturing FFL permit. He said the board may place whatever stipulations on our operation that addresses the town's needs and concerns. He said if the course of our needs ever change beyond agreed, we would be willing to relocate to an acceptable area.

Chairman Randy Jones said that the current zoning for his property is HB (Highway Business), but "manufacturing" is only allowed in an LI District. (Light Industry). The Chairman asked Randy Holloman for his advice on the matter. Randy Holloman said that there is nothing listed in the ordinance for gun sales as to what is allowed or not allowed. He said it is just not allowed. He suggested to let the town attorney look at this request. The board agreed.

Berry Godwin asked what the date of renewal would be. Berry Godwin said that since there is nothing in the zoning ordinance for this type of use, the board may need to look into adding such use while updating the ordinance. Randy Holloman also agreed.

Chris Johnson said that March 1st is his renewal date. Chris said if he could not receive this letter from the town to renew the license, he would have to close the doors of his business. Mayor Jeff Holt asked if a letter could be sent to the ATF from the town stating that the Town will authorize him to continue to operate his business at the same location under Type 07 FFL Licensee and place restrictions on the request. Zoning Administrator Scottie Hayes suggested that if the town needed to make periodic checks on his business, it could be done. The board agreed that they did not want to put any business out of business.

After some discussion, the planning board recommended the following to the town board with a motion from Berry Godwin and seconded by Terry Rains:

That the Town of Pine Level write a letter to the ATF to allow 4J's Consulting, LLC (dba Carolina Sporting and Security) located at 3243-202 US Highway 70 East, to be allowed to operate as a type 07 FFL Licensee, in the HB (Highway Business) zoning district for only retail sales, repairs and maintenance, with no manufacturing of weapons. The motion passed unanimously.

REZONING REQUEST FOR GENESIS LIVING (GLENN WEEKS)

Chairman Randy Jones next said the board had received a rezoning request application from Glenn Weeks. He would like to rezone the property located on North Peedin Avenue NCPIN#262415-53-3130 from (C) Commercial to RH (Residential Housing). Chairman Jones said the planning board only needs to offer a recommendation to the Town Board on this request. The town board will be holding the public hearing on this rezoning request on Monday, March 13, 2017 at 7:00 p.m.

Mr. Glenn Weeks showed board members a preliminary color sketch of the homes he would like to build along North Peedin Avenue. He said this project would not be rental property, and they would be maintenance-free, and they fit the needs of today. He said these type of homes are not new to Johnston County. Adjacent property owners Evelyn Wool and JT and Rose Stallings were present to ask questions concerning drainage and flooding that would possibly affect their property. Chairman Randy Jones said when they submit a preliminary/final plat a Storm Water Study would be included. The board also looked at the Comprehensive Land Use Map to see what surrounding properties were zoned in that area which were: Residential- Housing (RH), Commercial (C), and Residential-Agricultural (RA).

After some discussion, Chairman Randy Jones asked for a recommendation from the board on the rezoning request. Berry Godwin said he wanted the board to understand and consider that if the property was rezoned to RH, that anything allowed under the RH classification could be placed on the property. Randy Holloman also said that prior to rezoning any property, the governing board should always review the Comprehensive Use Map to see if the zoning is what the town wants in the future as far as growth is concerned. He said he remembered when the map was designed, the consultants told the board to always consider what the town would like to see as they are coming into Pine Level from all directions. He said the board needed to consider this for all rezoning requests. The board agreed. Since there was no more discussion, Nester McClain made a motion to recommend rezoning the property from C (Commercial) to RH (Residential-Housing). Randy Holloman seconded the motion. The motion passed on a unanimous vote.

SKETCH PLAN FOR MAJOR SUBDIVISION FOR RICHARD D. BRASWELL

Chairman Randy Jones next asked that Richard D. Braswell (Dickie) present his sketch plan to the board of his property on US 70-A Highway. The Chairman said this property is not in the city limits of Pine Level nor in the Pine Level ETJ. He said the board cannot offer a recommendation or make any decision on this sketch plan, but just hear what Mr. Braswell would like to do. He then asked Mr. Braswell to share with the board his

plans. Mr. Braswell shared his sketch plan of the property which is 24.59 acres, and said this property was once known as Pine Tree Retreat. The proposed plan showed approximately 51 lots, a reflecting pond, and walking trails. Mr. Braswell discussed annexation, zoning classification, and water and sewer with the board. He had some ideas and thoughts on the project and wanted the planning board's feedback. The planning board was ok with Mr. Braswell's proposed plan and told him to proceed with his project.

MEETING ADJOURNED

There being no further business to discuss, Berry Godwin made a motion to adjourn. Faye Starling seconded the motion and the meeting ended at 8:45 p.m.

Connie N. Capps, Deputy Clerk

Randy Jones, Chairman