

**TOWN OF PINE LEVEL
MINUTES OF THE
PINE LEVEL PLANNING BOARD MEETING
JUNE 25, 2009**

MEETING INFORMATION

The Pine Level Planning Board met on Thursday, June 25, 2009 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

√ Chairman Randy Holloman	√ Faye Starling (alt)
√ Berry Godwin	X Tracy Harned (alt)
√ Terry Rains	√ Bob Harvey
√ Nester McClain	√ David Strickland
√ Janet Kleinert	

Others present for the meeting were Zoning Administrator Dave Holmes, Bob Harned and sons, and Salvatore Navarro.

MINUTES

Nester McClain made a motion to approve the minutes from the May 28, 2009 and June 11, 2009 meeting. Terry Rains seconded the motion. Dave Holmes said that on the memo he had submitted in the first paragraph he meant to say compromise instead of comprise. The minutes were unanimously approved as written after that correction.

TEXT AMENDMENT FOR BOB AND TRACY HARNED

Chairman Randy Holloman stated that Bob and Tracy Harned had made application for a text amendment in the zoning ordinance. The application and text amendment are included with these minutes. The text amendment submitted reads as follows:

Section 405.1 Agricultural Uses (page 48)

Buildings or structures used for the keeping of livestock, fowl or other agricultural permitted uses shall be located in the rear yard and shall not be located closer than fifty (50) feet from any property line. No livestock shall be kept within the town limits of Pine Level with the following exception: Livestock (not to include swine and turkeys) shall be permitted within the town limits of Pine Level within the RA Zoning District only on recorded parcels of land five (5) acres or greater. Livestock allowed under this special condition shall be permitted to be kept in all yards (rear, side and front). Feed lot operations are not allowed and horses and cattle shall not exceed one animal per one acre of land.

Chairman Holloman said he wanted to remind everyone that when the Planning Board reviews applications, all members have duties as planning board members as stated on page 69 Section C – Conflict of Interest. He said for the record that Tracy would not be allowed to vote. He said due to her absence there was no need to excuse her from voting.

Chairman Randy Holloman next read from page 80 of the zoning ordinance Section 608.1 concerning text amendments.

Chairman Randy Holloman then turned the meeting over to Dave Holmes. Dave said that he looked at the property which is 27 acres in a RA (residential-agriculture) district on Micro-Pine Level Road. He said this was a unique request. He said he couldn't see anything wrong with Bob Harned having horses or cows but no swine. He said that the State Legislature can give towns the right to regulate farms in town and in the ETJ. He said that an accessory such as this cannot come within 50 feet of the property line. He said that he had no problem with the text amendment Bob Harned submitted but he would leave this decision up to the planning board.

Berry Godwin questioned if other towns in the county our size allow this. He said the ordinance states that livestock is not permitted in the city limits of Pine Level. Berry said that the board needs to be careful on what they allow in the ETJ.

Bob Harned said that there were cattle on both sides of his property. He said he had contacted adjacent property owners Leon Oliver, JC Grammar, Danny Oliver and Donnie Mitchell. He said they had no objections to his request.

Mr. Salvatore Navarro commented asking the board to be specific in the wording of the text amendment. He said to be specific in stating what he can have now and in the future. For example, only allow cows or horses.

Dave informed the board that an overlay district had been discussed. He said that he didn't want to modify the ordinance for one person. He said the text amendment would take care of what Bob and Tracy Harned wanted to do.

Berry Godwin said that the whole zoning ordinance is to protect property owners. The town is growing out into the ETJ and will continue to grow and the town needs to enforce our zoning ordinance in town and in the ETJ. He asked why the board was even considering this request. He said the town does not need this in the city limits of Pine Level. He questioned the board as to how they could even consider this request.

Terry Rains then made a motion to recommend to the town board to not accept the text amendment as written. Bob Harvey seconded the motion. The motion was passed unanimously.

UPDATE ON CROCKER FARMS SUBDIVISION

Dave Holmes next informed the board that he had contacted Dennis Blackmon concerning Crocker Farms Subdivision. Dave said that he advised Mr. Blackmon that they would need to rezone from RS (residential subdivision) to RH (residential housing). Dave said that since this is a special project they would need to obtain a Special Use Permit. Chairman Randy Holloman said that ST Wooten Construction Company was doing soil samples on the property and that the engineer was doing studies on the dry pond area. Dave Holmes said that would be a total of 271 units in this project and that would mean approximately 1500 to 1800 more people. Everyone wants this project to work out and would love to have this PUD in Pine Level.

MEETING ADJOURNED

There being no further business Berry Godwin made a motion to adjourn the meeting. David Strickland seconded the motion. Motion passed unanimously. The meeting ended at 7:15 p.m.

Connie Capps
Deputy Clerk

Randy Holloman, Chairman