

**TOWN OF PINE LEVEL
MINUTES OF THE
PINE LEVEL PLANNING BOARD MEETING
AUGUST 26, 2010**

MEETING INFORMATION

The Pine Level Planning Board met on Thursday, August 26, 2010 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)
X Berry Godwin	√ Tracy Harned (alt)
√ Nester McClain	√ Sal Navarro (alt)
√ Janet Kleinert	√ Bob Harvey
√ Terry Rains	X David Strickland

Others present for the meeting were Zoning Administrator Dave Holmes, Dan Simmons, Mike Renfrow, and ZB Parker.

MINUTES

Nester McClain made a motion to approve the minutes from the June 24, 2010 meeting. Terry Rains seconded the motion. The minutes were unanimously approved as written. There was no meeting held in July.

REZONING REQUEST FOR VENTURE CAPITAL PARTNERS LLC

Chairman Randy Holloman next reviewed Item #3 on the agenda which was a rezoning request application filed by Venture Capital Partners LLC. Dan Simmons was representing Venture Capital Partners. The property is located on West Blanche Street Extension; Parcel#12M11018C. They would like to rezone this parcel from RA (residential-agricultural) to LI (Light Industry). Chairman Randy Holloman asked Dave Holmes to inform the board on this request.

Dave Holmes informed the board that according to the Table of Permitted Uses on page 21 of the zoning ordinance, any of the uses permitted in LI (Light Industry) would be allowed on the site if rezoned. He said the planning board is responsible for zoning changes in the town. He said not all land is suitable for development. He said the board

needed to look at the Land Use Map that was approved for future growth. He also recommended for the board to look at the impact that LI would have on the surrounding property by rezoning this property to LI. Dave said by rezoning this property would be considered “spot zoning” and could be injurious to the surrounding neighborhood. Dave told the board that currently there are other locations zoned LI in Pine Level.

Dan Simmons said that Tony Braswell owned the property and that he didn’t know what plans of development that Tony desired. He said this location was more suitable for LI. He said if the property were rezoned a site plan would need to be provided. Dan said previously that Tony had asked for this property to be rezoned to RH (residential housing) and that request was denied.

Mr. Z.B. Parker voiced his opinion by stating that the property should remain residential. He said by not knowing what Mr. Braswell intends on putting on the property, it should remain as is. Dave said that any use allowed under LI could be placed there if rezoned.

Bob Harvey said that there was a cemetery that borders the property and that might have some affect on the rezoning too. He also said that he felt that there was not enough information on what was to be placed on the property to make a decision.

Chairman Randy Holloman said he agreed with Dave in that this rezoning does not follow the long-range land use plan. He also said since we do not know what his intentions are at this point. The board members agreed.

Sal Navarro made a motion to deny the rezoning request. Bob Harvey seconded the motion. The motion passed by a unanimous vote. Chairman Randy Holloman informed the board that the town board will be holding a public hearing on this rezoning request on Monday, September 13, 2010 at 7:00 p.m. and suggested that all board members attend.

SUGGESTED CHANGES TO ZONING ORDINANCE

Dave Holmes next presented the board members with a list of zoning changes that he thought needed to be addressed. (The list is made a part of these minutes). After discussing the suggested changes, Terry Rains made a motion to recommend approval of the text changes in the zoning ordinance. Nester McClain seconded the motion. The motion passed on a unanimous vote. Chairman Randy Holloman informed the board that the town board will be holding a public hearing on these changes on Monday, September 13, 2010 at 7:00 p.m.

SUGGESTED TEXT AMENDMENTS

1. **Section 402 SIGNS** – Page 35 of the Zoning Ordinance 402.5 Permitted Signs:
(B) Special Sign Requirements – Subsection (9). Political Signs adding a statement about when political signs may be posted:

Section to read:

(9) Political Signs – All political signs may be set out no sooner than ninety (90) days prior to the election date (primary or general election) and must be removed within seven (7) days after the election to which they pertain. Political signs must be removed after primary elections which are generally conducted a number of months before the general election. **(Note: this recommendation corresponds with Johnston County’s sign ordinance).**

Also Subsection (11) to be amended to read as follows:

(11) Professional Announcement – This category includes signs for home occupations. No more than one sign per establishment shall be allowed. Signs for home occupations in all residential districts shall not exceed ten (10) square feet. **(Note: the ordinance presently allows for twenty square feet, several towns limit such signs to four square feet).**

Add Subsection(18)

(18) Stacking of Signs – Stacking of signs on standards or poles shall be prohibited.

2. **Section 203** DEFINITIONS OF COMMONLY USED TERMS AND WORDS –
Page 6

Accessory building, structure, or use: Change this definition to read as follows:

Accessory building, structure, or use: A building structure, or use that is (1) on the same lot with or (2) of a nature customarily incidental and subordinate to, and (3) of a character related to the principal use or structure on the lot. **(Note: This is for clarification purposes only and does not add a new provision).**

3. **Section 404** – Subsection 404.1 In General – Pages 46. Add the following sentence to this subsection:

Every accessory use and structure shall be located and conducted on the same lot as the permitted principal use or structure. **(Note: for clarification purposes only).**

Same page under Subsection 404.5 – add the following to this sentence:

(Including other accessory buildings). (**Note:** for clarification purposes only).

4. **Section 404** – Subsection 404.10 – Page 47 Fences and Walls.

(B) And (C) to read as follows (**Note:** Both sections are for clarification purposes only)

(B) Rear and side fences greater than seven (7) feet and no more than ten (10) feet in height, shall be of an open type similar to woven wire or wrought iron fencing except where a buffer with different specifications is required elsewhere by this ordinance.

(C) Fences may not exceed seven (7) feet in height, except that in the commercial districts (C and HB) and in the industrial district (LI) where such fences may be no more than (10) feet in height.

5. **Section 304.4** Complexes – Page 18. Our ordinance defines a Complex as one when office centers, institutional, industrial, multi-family dwellings and similar developments have more than one (1) principal building on a single lot and there are five criteria listed

(A) through (E) which must be met. Subsection (C) of these criteria needs to be amended to avoid a conflict with Section 302 RESIDENTIAL ZONING DISTRICT STANDARDS and Section 405.27 Subsection (B) Buffer Yard Requirements on Page 51. On Page 15 it states that the Front Yard requirement for Multi-Family Dwellings is Thirty (30) feet and Page 51 states that there shall be a yard of Fifty (50) feet. However, it could be assumed that only for a complex shall the front yard be 50 feet. This should be made more concise to avoid different interpretations. Subsection (C) could be amended to read as follows:

(c) The distance of every building from the nearest property line shall meet the front yard setback and side yard requirements of the district in which the project is located (except for Multi-Family Dwellings, Condominiums and Town Houses) in which case Section 405.27 (B) shall apply.

EXTENDING THE TWO-MILE ETJ FOR PINE LEVEL

The board discussed the two-mile ETJ extension. Chairman Randy Holloman said that he thought the planning board should recommend to the town board to extend the Town of Pine Level's ETJ. Bob Harvey made a motion to that effect and Terry Rains seconded the motion. The motion passed on a unanimous vote.

MEETING ADJOURNED

There being no further business Janet Kleinert made a motion to adjourn. Faye Starling seconded the motion. The meeting ended at 7:50 p.m.

Chairman Randy Holloman

Connie Capps, Deputy Clerk