



**TOWN OF PINE LEVEL**  
**MINUTES OF**  
**PINE LEVEL PLANNING BOARD MEETING**  
**FEBRUARY 22, 2024**

**MEETING INFORMATION**

The Pine Level Planning Board met on Thursday February 22, 2024 at 6:35 p.m. at the Pine Level Town Hall. The meeting was called to order by Vice-Chairman Kevin Kornegay.

**ROLL CALL**

<input checked="" type="checkbox"/> Randy Jones	<input type="checkbox"/> Cecelia Joyner	<input type="checkbox"/> Tonia Hill	<input type="checkbox"/> Shane Strickland (alt 1)
<input type="checkbox"/> Kevin Kornegay	<input type="checkbox"/> Randy Holloman (alt 1)	<input type="checkbox"/> Tammy Register	
<input type="checkbox"/> Berry Godwin	<input type="checkbox"/> Terry Rains (alt 2)	<input type="checkbox"/> Greg Johnson	
<input checked="" type="checkbox"/> Faye Starling	<input checked="" type="checkbox"/> Chuck Hardison (alt 3)	<input type="checkbox"/> Shannan Parrish	

**STAFF PRESENT:** Zoning Administrator Scottie Hayes and Administrative Assistant Ashley Willoughby.

**OTHERS PRESENT:** Matt Johnson, Richard and Sharon Cox.

**AGENDA-**

Motion to approve: Greg Johnson

Second: Cecelia Joyner

Vote: Unanimous

**MINUTES- JANUARY 25, 2024-**

Motion to approve the January 2024 minutes: Randy Holloman

Second: Tammy Register

Vote: Unanimous

**REVIEW SPECIAL USE REQUEST FILED BY TRUVALUE PROPERTIES LLC FOR  
PARCEL# 12N10032 & PARCEL# 12010019D**

Vice-Chairman Kevin Kornegay stated the Planning Board had received a special use request to review filed by TruValue Properties, LLC for a property located behind the Town Hall on E. Pine Street (Parcel ID# 12N10032). Zoning Administrator Hayes provided a brief history of both properties being reviewed for special use requests (which included Parcel ID# 12N10032 and Parcel ID# 12010019D which is later discussed). He referred to two separate variance requests which had been approved, one for each property, back in April of 2014. He explained to the Board members that the owner was required to apply for special use permits in order to build a duplex on each property. He stated the Planning Board had an opportunity to review the requests to consider whether any conditions should be added to the special uses and to make any recommendations to the Town Board.

After some discussion about the specifics of the approved variances, Greg Johnson asked if any of the variances still apply since both were approved in 2014 and nothing had been done to those properties since then. Zoning Administrator Hayes stated he believes once a variance gets approved it becomes attached to the property. Shane Strickland referred to the information within the meeting packet which mentioned G.S. 160A-385.1 and the approved variance. He mentioned that vest rights would go along with the property, however, he believes if the owner were to rezone or change the use of the originally intended structure as requested in the variance it could affect the variance. Berry Godwin voiced his concerns that there could be a possibility the variance could have expired.

After some discussion, Vice-Chairman Kornegay reminded the Board members the only items for consideration were the special use requests and not the variances which had already been approved back in 2014. He asked the Board members to consider whether any conditions were needed for these requests. Randy Holloman made a motion to recommend to the Town Board the approval of the special use permit for the E. Pine Street property contingent on the what they decide about statute of limitations of the variance. The motion was seconded by Shane Strickland and the motion passed by unanimous vote.

Vice-Chairman Kevin Kornegay stated the Planning Board had received a special use request to review filed by TruValue Properties, LLC for a property located on the corner of E. Brown Street and Kornegay Avenue (Parcel ID# 12010019D). He provided the Board members a brief overview of the details of the approved variance for the property. Greg Johnson voiced concerns about approving a special use permit for a property that has three existing homes on it. Vice-Chairman Kornegay stated it was allowed, however, the owner would be unable to sell it individually. There was some discussion about traffic and concerns about the statute of limitations of the approved variance for this property. Terry Rains made a motion to recommend to the Town Board the approval of the special use permit with the condition that the variance had not expired. The motion was seconded by Shane Strickland and the motion passed by unanimous vote.

**Recap:**

**Special Use Request- PARCEL# 12N10032**

*Motion to recommend to the Town Board the approval of the special use permit for the E. Pine Street property contingent on the statute of limitation of the variance.: Randy Holloman*

*Second: Shane Strickland*

*Vote: Unanimous*

**Special Use Request- PARCEL# 12010019D**

*Motion to recommend to the Town Board the approval of the special use permit with the condition that the variance had not expired.: Terry Rains*

*Second: Shane Strickland*

*Vote: Unanimous*

## **OLD BUSINESS**

### **Zoning Permit Submittal Process**

Vice-Chairman Kornegay opened the discussion by providing a brief overview of the Johnston County process and procedures with as-built and foundation surveys. He stated Mr. Hayes could stamp on the zoning permits that a foundation survey was required and once the permit reached the County office it would trigger a stop on their end until the Town received the proper paperwork. He continued to say it would leave the policing to the County. Zoning Administrator Hayes stated the Town Attorney had followed up with him and the information he received from the Town Attorney was included in the meeting packet. He continued to say the Town Attorney said it was legal to require a foundation survey on the form. Vice-Chairman Kornegay stated Zoning Administrator Hayes could determine whether the zoning permit would require a foundation survey based on what was being done. Zoning Administrator Hayes stated what would require a foundation survey would be anything that required a poured foundation or was considered a permanent structure. There was some discussion about concerns of people building on easements and what could be done to resolve the issue. Berry Godwin made a motion to recommend to the Town to change the zoning permit submittal process to require a professional survey stamp on a site plan at the submittal process. Randy Holloman seconded the motion. Vice-Chairman Kornegay stated that would cover poured foundation. After little discussion, Randy Holloman rescinded his second and Berry Godwin rescinded his motion.

Motion to table it: Tonia Hill

Second: Shane Strickland

Vote: Unanimous

Administrative Assistant Ashley Willoughby was instructed to review the information from the County and present at the next meeting.

### **Downtown District**

Motion to table it: Greg Johnson

Second: Shane Strickland

Vote: Unanimous

Vice-Chairman Kornegay stated the sub-committee needed to meet to discuss further information regarding this item.

## **NEW BUSINESS**

### **CELL TOWER- TEXT AMENDMENT DISCUSSION**

Zoning Administrator Hayes informed the Board members there is a property within the ETJ which is zoned RA (Residential- Agricultural) that property owners present are interested in putting in a cell tower. He confirmed cell towers are not currently allowed in the RA District according to the Town's Unified Development Ordinance. He stated the Town Board requested the Planning Board to review and to make a recommendation on this matter. He stated he researched the matter and presented to the Board members his findings (a paper copy has been included as part of the minutes). He said, "According to the UNC School of Government which was revised in 2022, it stated on page 2 section 5 under 332, local regulations may not prohibit or have any effect of prohibiting the provision of personal wireless services. Prohibition includes not only the general ban on all towers in a jurisdiction but all policies that will result all possible sites in the area being rejected." He stated he researched the zoning districts of other towns as well. He asked the owner how many acres the property had. Sharon Cox of 506 E Griswold Street, Selma, NC 27576, said the property had about 27.32 acres and is located near Campground Road. Zoning Administrator Hayes recommended a text amendment to change the Table of Permitted Uses within the Unified Development Ordinance to allow cell towers or telecommunications in a RA District with a special use. Tonia Hill asked Mrs. Cox how much property would the cell tower cover.

Mrs. Cox said she was told it would take one to two acres and a fence would be put around the tower. Tonia Hill then asked where the location of the tower would be placed on the property. Mrs. Cox replied that it would be located towards the back of the property. Mrs. Cox stated services in that area can be spotty. Greg Johnson asked if Mrs. Cox was told how big the company wanted to build the tower. Mrs. Cox stated they did not and informed the Board members that she would not know until the company knew it would be permitted. Shane Strickland stated there is a need for a cell tower with the development that is coming within that area and if the Board could allow it with a special use; then the Boards can put conditions on it to ensure the look and safety of the project.

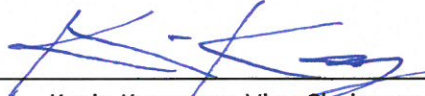
After some discussion, Shane Strickland made a motion to recommend to the Town Board a text amendment to the ordinance to allow cell towers in the RA District with a special use. The motion was seconded by Tonia Hill and the motion passed with only one opposing vote made by Randy Holloman.

The recommendation will go before the Town Board at their next meeting on March 11<sup>th</sup> and where a public hearing will be called to be held at the April 8<sup>th</sup> meeting. Zoning Administrator Hayes informed the Board members if the text amendment would be approved at the public hearing then the property owners would have to apply for a special use permit and come back to the Planning Board for recommendation.

**MEETING ADJOURNED**

There being no further business to discuss, Shane Strickland made a motion to adjourn. Shannan Parrish seconded the motion. Motion passed by unanimous vote. The meeting adjourned at 7:38 p.m.

  
Ashley Willoughby, Administrative Assistant

  
Kevin Kornegay, Vice-Chairman