

**TOWN OF PINE LEVEL
MINUTES OF THE
PINE LEVEL PLANNING BOARD MEETING
MAY 30, 2013**

MEETING INFORMATION

The Pine Level Planning Board met on Thursday, May 30, 2013 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	X Faye Starling (alt)
√ Berry Godwin	√ Sal Navarro (alt)
√ Nester McClain	√ Cecelia Weaver (alt)
√ Janet Kleinert	√ Bob Harvey
√ Terry Rains	

Others present for the meeting were: Tonia Hill, Angela Rollins, and Connie Pennell.

MINUTES

Berry Godwin made a motion to approve the minutes from the meeting of April 25, 2013. Nester McClain seconded the motion. Minutes were approved as written.

TEMPORARY EVENTS

Chairman Randy Holloman told the board that at the last meeting the board discussed the issue of temporary events. He said that Connie Pennell at Parkside Café had requested to place a concession trailer in the parking lot of Parkside Café to sell ice cream and snow cones but the zoning ordinance only allows this use for 5 days. He said the board had received information from other towns concerning similar uses and events such as this, and according to the information that was received; they are not allowed.

Connie Pennell next addressed the board. She said that she would like to do this as an extension of Parkside Café for the summer. The items she would like to sell would be ice cream, snow cones and lemonade. She said that the area is well lit and there is plenty of parking, bathrooms would be available inside the restaurant. She said she would like to be open until 9 p.m. She said she had met all health requirements with USDA. She said that she makes all the ice cream at Parkside Café and her ice cream is sold at the Crown Coliseum and at the Mudcat Stadium, and also the NC State Fair. She has also sold ice cream at the Ham and Yam Festival in Smithfield. She said that Pine Level residents did not have to leave town to get ice cream.

Connie also said that she had talked with the property owner, James Overbee, about permission to place a concession trailer in the parking lot and he had no problem with it.

She said she would like to place the concession trailer between the two entrance driveways, but would place it wherever the board allowed.

Berry Godwin told Connie that information was received from other towns about allowing concession trailers. He said he was surprised at the response, but no other towns allowed concession trailers to remain on the property the length of time she was requesting. He said other towns only allowed them for weekend festivals or for a one-day event. Berry said that when the ordinance was written, a certain number of parking spaces were allowed for each business that was in the shopping center. He said he was concerned over the extra parking and traffic that the concession trailer would create.

Connie asked if the board would consider her request if she placed the concession trailer beside of the restaurant. She said there are six parking spaces beside the building and she could place the concession trailer in those spaces if the board would consider. She said she would do whatever she needed. She told the board that her business was already established, it was just an extension of her business.

Berry Godwin said someone had asked him if the concession trailer would have an adverse effect on the Parks and Recreation concession revenues. Connie said that it would not affect them because she is not selling drinks and hotdogs.

Chairman Randy Holloman told Connie that there was nothing in black and white in the zoning ordinance concerning this use for more than 5 days. He said every 5 days the permit would need to be renewed.

Berry Godwin told Connie that if the Planning Board allowed the use for her they would have to allow for others. He said things could get out of hand. He said he didn't think the town would want food trucks/concession trailers all over town. Connie said that she understood completely, and that she didn't want them all over town either because it would hurt her restaurant business.

Chairman Randy Holloman said in the Town of Smithfield a food business is allowed to have a food cart during a specific time each day in a short space in front of their business. Regulations fall under the extension of their restaurant.

Chairman Randy Holloman asked if the concession trailer was in good condition. She said it was, and that it was white in color with air conditioned and she was going to put a Parkside Café sign on it.

Terry Rains asked if the Town Board could rule over the Planning Board's decision on this. Chairman Randy Holloman said they could, but they would have to amend the ordinance to allow it.

Berry Godwin said that the way the ordinance reads now the board could allow her to do this as a temporary event for five days, and that he could go along with the fact that her business was already established serving food, and that this would be an extension of her business. He said otherwise the board would need to recommend amending the ordinance to allow her to do business longer than 5 days.

Chairman Randy Holloman suggested allowing Connie a temporary event permit for five days in order to give the Planning Board time to study the situation. He said that during that time Connie will know if the business is doing good or not. The board agreed.

PUBLIC HEARING FOR CONDITIONAL USE PERMIT-TONIA HILL

At 7:00 p.m. the Planning Board closed their meeting and convened as the Board of Adjustment in order to hold two public hearings: (1) a conditional use permit filed by Tonia Hill and (2) a variance request filed by Tonia Hill. Motion made by Bob Harvey and seconded by Terry Rains. These two public hearings were duly advertised in the Smithfield Herald on Sunday, May 19, 2013 and the Pine Level Edition of the Kenly News on Wednesday, May 22, 2013.

Chairman Randy Holloman opened the first public hearing informing the board of a conditional use permit filed by Tonia Hill. He said anyone that would like to speak during the public hearing should be sworn in by Deputy Clerk Connie Capps. Tonia Hill and Angela Rollins were sworn in at this time.

Tonia Hill, who is the owner of Playmates Daycare in Pine Level, informed the board that she applied for a conditional use permit in order to place a 20 x 64 modular unit on the property at 111 East Pine Street (parcel#12008046) to be used as a daycare facility. This property is zoned RH.

Tonia said that the daycare is growing rapidly and she needs more space. She said that she had purchased the property beside and behind the existing daycare and recombined them. She said her lease with Albert Kensak expires in June, at which time she will buy the property. She would like to place a modular unit like the ones the schools have beside the existing daycare. Her plans are to build a gymnasium at the rear of the property in the near future. She said that she would like to see Pine Level Parks and Recreation use the gymnasium also. She said currently she has 170 kids on the roll and a waiting list of 37. She said she serviced 5 elementary schools and two middle schools. She said the summer program is very popular and the kids want to come.

She told the board that the modular unit would have to meet all state regulations exactly like the school modular units. The modular unit would allow her to add 50 more kids. She handed out a floor plan of the unit. She also said that the modular unit will only serve the school age children for the after school program for ages 6-12. It will provide them a separate, quiet place to do homework.

Chairman Randy Holloman asked the board if they had any questions to ask Tonia.

Board members asked what was the year and condition of the modular unit. She said it was a 2008 model and looks very nice. She said that if it were not up to standards, she would not be able to receive funding from DSS, Food and Nutrition etc. She said she would never put something up if it didn't look nice. She said she would landscape around the modular. She also said there would be plenty of parking. She said that she sees no problem with anything.

Board members did not have any more questions. After some discussion Berry Godwin made a motion to grant the conditional use permit. Bob Harvey seconded the motion. The board voted unanimously to grant the conditional use permit.

At 7:30 p.m. the board closed the first public hearing.

PUBLIC HEARING ON VARIANCE REQUEST: TONIA HILL

At 7:30 p.m. Chairman Randy Holloman called the second public hearing to order. Tonia Hill was still under oath.

Chairman Randy Holloman informed the board that Tonia also applied for a variance for the front lot width requirement of the property at 111 East Pine Street. He said that the ordinance requires 100 feet and Tonia's property currently has 62 feet across the front. The variance is for the difference of 38 feet. Tonia informed the board that when she purchases the daycare from Albert Kensak in June, she will meet the requirement.

After some discussion Terry Rains made a motion to grant the variance request. Nester McClain seconded the motion. The board voted unanimously to grant the variance request.

The board told Tonia Hill that they were happy to see her business growing, and that they all wished her much success in her business!

At 7:40 p.m. the Board of Adjustment closed the second public hearing and reconvened as the Planning Board meeting with a motion from Terry Rains and seconded from Nester McClain.

MISCELLANEOUS

Bob Harvey next mentioned to the board a concern about the tractor-trailer business / thrift store along 70-A Highway where the Green Hornet Grill once stood. He said there were outside sales there nearly 7 days a week. The board agreed to send the zoning administrator to check out the situation and report back.

House numbers were also discussed among board members.

MEETING ADJOURNED

There being no further business to discuss, Sal Navarro made a motion to adjourn. Bob Harvey seconded the motion. Motion passed unanimously. The meeting ended at 7:45 p.m.

Connie Capps
Deputy Clerk

Randy Holloman, Chairman