

**TOWN OF PINE LEVEL
MINUTES OF THE
PINE LEVEL PLANNING BOARD MEETING
MAY 31, 2011**

MEETING INFORMATION

The Pine Level Planning Board met on Tuesday, May 31, 2011 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)
√ Nester McClain	√ Sal Navarro (alt)
√ Janet Kleinert	√ Bob Harvey
√ Terry Rains	√ David Strickland

Staff present for the meeting was: Deputy Clerk Connie Capps and Zoning Administrator Dave Holmes. Others present for the meeting were Mr. Richard D. Braswell, Mr. Ravi Kohli, Mr. Tommy Melvin, and grandson Dustin.

MINUTES

Chairman Randy Holloman opened the meeting stating that the planning board has not met since January 27, 2011 due to not having any business to discuss. He welcomed everyone to the meeting. He asked for any discussion on the minutes from the January 27, 2011 meeting. A motion was made by Bob Harvey to approve the minutes as written. Nester McClain seconded the motion. The minutes were unanimously approved as presented.

BOARD OF ADJUSTMENT

PUBLIC HEARING FOR RICHARD D. BRASWELL

At 6:35 p.m., Chairman Randy Holloman said the planning board should convene as the Board of Adjustment in order to hold a public hearing on a conditional use permit filed by Richard D. Braswell. (The public hearing was duly advertised in the Pine Level Edition to the Kenly News on May 18, 2011 and May 25, 2011). Nester McClain made a motion to close the planning board meeting and convene as the Board of Adjustment. Terry Rains seconded the motion. The motion passed unanimously. Chairman Randy Holloman asked if anyone would like to speak during the public hearing they should come forward to be sworn in. Connie Capps swore in Richard D. Braswell.

Chairman Holloman informed the board that Mr. Braswell filed for a conditional use permit in order to open a Childcare and Learning Center at 3243 US 70 Highway East in Pine Level in a HB District (Highway Business) . He then turned the hearing over to Dave Holmes. Dave said that daycares are allowed in all zoning districts except Highway Business. He said any appeals would go before the courts.

Dave said he had reviewed the application. Mr. Braswell was going to be using 3 office sections to the building. He said he did not have any concerns of the use because the State would have regulations for them to follow. He said Mr. Ravi Kohli, who is present would be the builder. He said the access is favorable, and there is always a need for daycares. Dave told the board he recommended approval for the conditional use permit.

Richard D. Braswell spoke next. He explained to the board that he had already performed background checks on the two ladies that will be operating the daycare and everything checked out good. He said the playground would be fenced as per state regulations. He said that the daycare would be 700 feet from the nearest resident. He said capacity of the daycare would be 90 children. The hours of operation would be from 6:30 a.m. to 6:00 p.m. Monday through Friday. Mr. Braswell said that the access has already been approved by the State. Berry Godwin said the only access was Highway 70 and Crystal Boulevard and that the town had closed the end of Crystal Boulevard with a locked gate. Dave said the gate cannot be opened unless it is for fire or emergency situations.

Mr. Braswell said he has started construction on another building, and whatever business is put there would be kid friendly.

Chairman Randy Holloman asked if there were any more questions or discussion on the permit. Since there was none, Nester McClain entered a motion to approve the conditional use permit and Bob Harvey seconded the motion. The board voted unanimously to approve the conditional use permit.

At 6:50 p.m., Berry Godwin made a motion to close the public hearing and reconvene as the planning board. Sal Navarro seconded the motion. Motion passed unanimously.

REZONING APPLICATION FOR MELVIN'S PEST CONTROL

Chairman Randy Holloman next informed the board of a rezoning application filed by Mr. Tommy Melvin of Melvin's Pest Control. The property is located at 1820 US 70-A Highway (Parcel # 12-0-05-032). This property is currently zoned RS (Residential Subdivision). Mr. Melvin would like to have his property rezoned to HB (Highway Business) in order to be able to enlarge his business. Chairman Holloman said that as long as he can remember there had always been a business at this location. Dave Holmes told the board that the town's Land Use Plan showed the parcel as HB but he didn't remember why the board left the parcel as RS while the ordinance was being revised. Dave said that this property has been grandfathered for years and that a business has always been there. By rezoning the property, it would no longer be grandfathered. Dave said Mr. Melvin would like to add additions to both ends of the

existing building which will make it look better. He said they can meet all setbacks if rezoned to HB. He said if left zoned as is, only minor improvements could be made. Dave said he can't find any problems with this request.

Mr. Melvin spoke next. He showed the board the drawing of his expansion. He said that he had purchased the property in 2010 and he said there comes a time when property needs a facelift. He said in order to do what we want to do we must be zoned commercial and at this time we are not. Next discussed was the storage of the chemicals. Mr. Melvin said that they didn't store a lot of chemicals on site. He said what chemicals are stored are in a climate controlled area and will pose no threat to anyone. He said some chemicals are classified as commercial use only, some are for restrictive use, and those chemicals are not stored on the property. Most chemicals are water-soluble. He said the Handy Mart was more dangerous than his business. He said he didn't have any chemicals labeled as explosive. He said many household chemicals are more dangerous than what his business has stored. He said his business is governed by the State and they inspect his business each year.

Mr. Melvin said they would not tear down the building. It will only be hulled out. He said it would be brick with an A-frame and raised ceilings. The additions will be on each side, not front and back. He said they were planning to remove the metal carport and storage building. He said he plans to put up a white fence behind the building which will look good not only for his business but for neighbors as well. He said it will take approximately 180 days to complete. There will only be one spare truck left on the property. The employees will be taking the trucks home. He said Mr. Richard D. Braswell is fixing a temporary mobile unit for him so he can continue business.

Berry Godwin said that there has always been a business at that location, and it has never been a problem. He said it should have been zoned HB all along. Faye Starling said that there was nothing negative about the rezoning.

Chairman Holloman said the board needed to make a recommendation to the town board on the rezoning request. Berry Godwin made a motion to recommend approval of the rezoning request for Melvin's Pest Control from RS to HB. David Strickland seconded the motion. The board voted unanimously to recommend approval of the rezoning request. Dave informed Mr. Melvin that the town board would call for a public hearing at their June meeting and the public hearing would be held in July. If approved by the town board a zoning permit would need to be issued.

MINOR SUBDIVISIONS

Dave discussed with the board about contacting John Morck on making some changes in the language of the subdivision ordinance. He said he wished that he or the planning board could exempt or sign off on certain subdivision plats instead of going through the major subdivision regulations process. He said it was something for the board to think about. He said the State defines what is exempt in subdivisions. Berry Godwin said he thought it was a good idea to let John Morck advise the board on the pros and cons. He said he thought it would always be wise for the planning board to look at all of the

subdivisions. Dave said that the planning board would always take a look at all of them even if the language was changed.

MISCELLANEOUS

Terry Rains brought before the board an issue of residents selling cars out of their yard. He said they were “jumping titles” and that was illegal. He said he wanted the planning board or police department to look into the matter. Dave said that doing business in a residential section would need to be looked into. Dave said he would get with the police department on the matter.

MEETING ADJOURNED

There being no further business to discuss, Terry Rains made a motion to adjourn. Nester McClain seconded the motion. Motion passed unanimously. The meeting ended at 7:30 p.m.

Connie N. Capps
Deputy Clerk

Randy Holloman, Chairman