



**TOWN OF PINE LEVEL**  
**MINUTES OF**  
**PINE LEVEL PLANNING BOARD MEETING**  
**NOVEMBER 16, 2023**

**MEETING INFORMATION**

The Pine Level Planning Board met on Thursday November 16, 2023 at 6:30 p.m. at the Pine Level Town Hall. The meeting was called to order by Chairman Randy Jones.

**ROLL CALL**

<input type="checkbox"/> Randy Jones	<input checked="" 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 checked="" type="checkbox"/> Berry Godwin	<input type="checkbox"/> Terry Rains (alt 2)	<input type="checkbox"/> Greg Johnson	
<input type="checkbox"/> Faye Starling	<input checked="" type="checkbox"/> Chuck Hardison (alt 3)	<input checked="" type="checkbox"/> Shannan Parrish	

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

**OTHERS PRESENT:** Richard Arthur, Elliot Arthur, Tony Arthur, John Arthur, Ethan Avery, Carey Chandler, Vann Jones, Merle Hall, Samuel and Debra Heuertz.

**AGENDA-**

Chairman Randy Jones said there is an amendment that needs to be made to the agenda to add an item. He stated the Special Use for the Arthur property needed to be added under old business. Terry Rains made a motion to add the item to the agenda. The motion was seconded by Vice-Chairman Kevin Kornegay and the motion passed by unanimous vote.

**MINUTES- OCTOBER 26, 2023-**

Shane Strickland made a motion to approve the October 2023 minutes and the motion was seconded by Secretary Tonia Hill. The motion passed by unanimous vote.

**EMILY GARDENS PRELIMINARY PLAT**

Chairman Jones informed the board members the preliminary plat before them are the plans for Emily Gardens Subdivision. He asked the representative for Emily Gardens if this map only showed phase one. Administrative Assistant Ashley Willoughby informed the members that this is the preliminary plat map which shows the plans for the entire subdivision, which the developers plan to complete in phases. She said according to the ordinance it requires the preliminary plat to show the entire subdivision and that each phase must be submitted for final plat approval. Randy Holloman stated he thought the board members were only looking at phase one for Emily Gardens. Chairman Jones said we could not look at phase one until we had the whole

preliminary plan approved. He said by having the whole plan the board members could see where each phase will be and when it is divided off. Ms. Willoughby said the preliminary plat sets the number of lots within the subdivision; which sets the number of units at three hundred nine (309). She stated the developers could not go over that number of units, but they could go under if the plans needed to be changed during the final plat approval. She continued to say this preliminary plat is the same map the developers provided during the approval of the special use where the stipulation of the fifty houses per year was made.

Ethan Avery, engineer from Stocks Engineering representing Emily Gardens Subdivision asked to address the board members. Mr. Avery informed the board members that he was the one who completed and submitted the construction drawings for Emily Gardens' phase one. He said the verbiage in the special use document was not preliminary plat and that it needs to be approved before phase one could be approved. He said the Town has already reviewed construction drawings for phase one and confirmed this is the exact same map that the Town has already reviewed referring to details on the playground areas and open spaces. He said they had to shift four (4) lots due to the actual design of phase one, floodplains, and the non-encroachment areas. He continued to say aside from those changes the number of units has not changed since the approval of the special use which included two hundred sixty-nine (269) single family units and forty (40) townhomes. He said he would understand if the board members wanted to take some time to review the map. Zoning Administrator Scottie Hayes said he looked over the map and confirmed that everything was on it except for the street names. He stated he had talked with a lady from the County who said the developers were in the process of getting that done. After farther review of the map and preliminary plat requirements, Chairman Jones wanted to let it be known for the record that the playgrounds within this subdivision will be controlled and maintained by the HOA as per the agreement that was made upon the approval of the Special Use. He stated the HOA must be in place before the developer can sell a lot. He said the developers must submit the HOA proposal for approval to the Town Board and the Town Board then must approve the HOA before any lots could be sold. Carey Chandler, representative of Emily Gardens, wanted to clarify the HOA is required to be in place before the sale but not before the lots are established.

Vice-Chairman Kornegay made a motion to recommend the approval of Emily Garden's preliminary plat with the condition that the items discussed and notated are changed.

The items discussed and notated included the following to be included on the preliminary plat:

- Seal of Registered Land Surveyor
- The names of owners adjoining properties and any adjoining subdivisions of record (new and proposed)
- Corporate limits, townships boundaries, county lines, if on the subdivision tract
- The exact boundary line of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands
- Existing buildings or other structures (indicating use), water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining
- Phase lines for development if subdivision is to take place in phases
- Names of existing and proposed streets, which shall not duplicate any name of any existing street in the town or ETJ
- Identify the location(s) for the mail kiosk(s) for the upper development

The motion was seconded by Tammy Register and Chairman Jones asked if there was any further discussion. Debra Heuertz, 113 Oak Street, wanted to provide some information to the board members about concerns with fenced holding ponds which was discussed at the last Moccasin Creek meeting. Chairman Jones provided some information about the first phase of this development which would include a two hundred (200) foot buffer from Moccasin Creek. Shane Strickland asked Zoning Administrator Hayes to clarify why this board is considering approving this now; what is this holding up if this board choose not to take any action tonight. Chairman Jones said the developers have already submitted phase one and some members have reviewed it. Zoning Administrator Hayes said after they submitted phase one, we figured out the preliminary plat was not approved. Randy Holloman wanted to clarify the only thing the board is approving is making a recommendation to the Town Board of Commissioners to approve the preliminary plat based on the conditions listed. Chairman Jones stated Randy Holloman was correct in his statement. He continued to call for a vote and the motion by unanimous vote.

## OLD BUSINESS

### **Zoning Permit Submittal Process**

Vice-Chairman Kornegay made a motion to table this item until next meeting. Secretary Hill seconded the motion and the motion passed by unanimous vote.

### **Review Special Use Permit filed by Teresa Creech Arthur**

Merle Hall, Hall Land Surveying representing ELJON, LLC, presented copies of the approved driveway permit from DOT for the property. Chairman Jones asked Mr. Hall if he submitted the plans to DOT and wanted to confirm that DOT approved a driveway with the eight (8) buildings included. Mr. Hall stated he could email the full approval package for record. He said now they were looking for a special use recommendation to the Town Council since the driveway permit and annexation concerns have been taken care of. Chairman Jones said the issue at hand now is that a special use can only be obtained for an entire piece of property. Mr. Hall asked where that is located in the ordinance. Chairman Jones quoted section 301.2 Special Use District of the Unified Development Ordinance reading the following, "As a voluntary procedure, the special use district amendment process is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative or speculative proposals that will not be undertaken for some time. Property may be placed in a special use district only in response to a petition by the owners of all property to be included." Mr. Hall asked Zoning Administrator Hayes if anybody else has questioned it. Zoning Administrator Hayes stated he doesn't know of, but he does not, however, there has been a debate. Chairman Jones said he must challenge it because the way it reads says all the property. He stated there are no boundaries other than the fact the parcel has two different zonings of RA (Residential- Agricultural) and RH (Single and Multi- Family). He continued to say multi-family is not allowed in RA and by not having a boundary they are requesting a special use on two different zonings.

Mr. Hall said he reads it differently as it includes all the owners, not the whole entire tract needs to be included in the special use. Vice-Chairman Kornegay asked Mr. Hall to clarify that he is requesting the special use for just that one section and not the entire tract. Mr. Hall confirmed he is only looking for the special use for the portion of the property that meets that zoning requirement. Zoning Administrator Hayes said a boundary line is the issue and there are two different boundary lines being argued. He said the city limit can be considered as a boundary line and so is the property line. Chairman Jones voiced his concern about opening a door to allowing a special use on half a property. Mr. Hall stated he just wanted the special use for the portion of the property that is zoned RH. Chairman Jones voiced his concern over the fact that it is a portion of a property that is not define or has a definite boundary. Vice-Chairman Kornegay asked how Mr. Hall would draw out the special line if it was designated as a special use area. Mr. Hall said he could give a description and a map showing the area. Shane Strickland asked if there is an annexation map. Mr. Hall confirmed there was, and it had already been approved by the Town showing the annexation lines up with the zoning line. Shane Strickland asked Mr. Hall if there were any plans to subdivide the lot and Mr. Hall replied no. Mr. Hall stated they cannot develop the whole property because they are only zoned for the area that is annexed. Chairman Jones made the statement that the property has two zones on one parcel. Mr. Hall said there are many parcels in town that have multiple zoning. Vice-Chairman Kornegay confirmed the parcel is zoned RH and RA. Mr. Hall said it was zoned for what the developers wish to do, and all was left was to get the special use.

Chairman Jones said the Planning Board is only sending a recommendation and it's up to the Town Board to make the final decision. Vice-Chairman Kornegay said one of the purposes of the Planning Board is to consider if any requirements should be included with the special use. Mr. Hall wanted to tell the board members that the original plans were to have a gravel driveway and pave it later. Vice-Chairman Kornegay asked if the intentions of the owners are to have DOT to manage the road. Mr. Hall stated neither DOT nor the Town of Pine Level would manage the road and that the street would be privately owned and maintained by the Arthurs. Vice-Chairman Kornegay asked what his intentions for trash collection were and if each unit will have to pull their own bin or what would it look like. Chairman Jones stated that since it is a private road, he doesn't believe the Town's trash truck would be allowed since a school bus would not be allowed. Zoning Administrator Hayes said a concern would be the fact the trash trucks cannot pull through or not having enough space to turn around. Chairman Jones said he is also concerned with fire trucks be able to turn around in the cul-de-sac area.

After further discussion, Vice-Chairman Kornegay made a motion to recommend the approval of the special use of the RH section of this parcel to allow multi-family complex with the conditions that the street is paved after the completion of four (4) buildings or two (2) years whichever comes first. With no second to the motion, Vice-Chairman Kornegay rescinded his motion. Vice-Chairman Kornegay made a motion to recommend the approval of the special use of the RH section as current on the map with the conditions that the road from US 70-A to the cul-de-sac will be paved after the completion of four (4) buildings or two (2) years, whichever comes first. Secretary Hill seconded the motion and Chairman Jones asked if there were any further discussions. Shane Strickland stated he believes that the board should amend the motion to include emergency turnarounds and fire hydrants. He continued to voice his concerns about it being a special use request and that those items should be included to ensure those requirements are in writing. Secretary Hill rescinded her second to the prior motion and Vice-Chairman Kornegay rescinded his motion.

Shane Strickland made a motion to recommend the approval of the special use permit before us tonight with the conditions that the straight entrance way coming from US 70-A be paved after four (4) buildings are completed or two (2) years whichever comes first; that a fire hydrant will be installed per North Carolina Fire Code if required in the multi-family complex; the turnaround area will meet North Carolina DOT standards for emergency vehicles and only the current annexed RH zoning of the property be a part of the Special Use. The motion was seconded by Vice-Chairman Kornegay and motion passed by unanimous vote. Zoning Administrator Hayes informed Mr. Hall and the Arthurs the two (2) years will start at the submission of the first site plan.

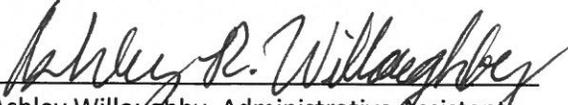
### **NEW BUSINESS**

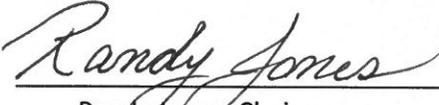
#### **Downtown District**

Zoning Administrator Hayes said he along with Kevin, Tonia, Tammy, and Ashley have been looking into a downtown district which was recommended by former Triangle J representative Curtis Lee. He stated the information provided suggested changes to the Town's ordinance and would like the board members to review to discuss at the next meeting.

### **MEETING ADJOURNED**

There being no further business to discuss, Tammy Register made a motion to adjourn. Randy Holloman seconded the motion. Motion passed by unanimous vote. The meeting adjourned at 8:35 p.m.

  
Ashley Willoughby, Administrative Assistant

  
Randy Jones, Chairman