



**TOWN OF PINE LEVEL
MINUTES OF
PINE LEVEL PLANNING BOARD MEETING
SEPTEMBER 26, 2024**

MEETING INFORMATION

The Pine Level Planning Board met on Thursday, September 26, 2024 at 6:30 p.m. at the Pine Level Town Hall. The meeting was called to order by Chairman Randy Jones.

ROLL CALL

<u>✓</u> Randy Jones	<u>✓</u> Cecelia Joyner	<u>✗</u> Tonia Hill	<u>✓</u> Shane Strickland (alt 1)
<u>✓</u> Kevin Kornegay	<u>✓</u> Randy Holloman (alt 1)	<u>✓</u> Tammy Register	
<u>✓</u> Berry Godwin	<u>✓</u> Terry Rains (alt 2)	<u>✓</u> Greg Johnson	
<u>✓</u> Faye Starling	<u>✗</u> Chuck Hardison (alt 3)	<u>✓</u> Shannan Parrish	

STAFF PRESENT: Zoning Administrator Scottie Hayes and Interim Town Clerk Ashley Willoughby.

OTHERS PRESENT: Jimmy Barbour, Luis Fraire and son, Andrew Hodge, Amanda Grimm, Samuel and Debra Heuertz

AGENDA-

Motion to approve the agenda with the corrections to move item 6 before item 4 and to renumber after: Vice-Chairman Kevin Kornegay
Second: Randy Holloman
Vote: Unanimous

MINUTES- AUGUST 22, 2024-

Motion to approve the August 2024 minutes: Greg Johnson
Second: Tammy Register
Vote: Unanimous

REVIEW MINOR SUBDIVISION FILED BY LUIS A. RODRIGUEZ FRAIRE

Chairman Randy Jones stated the Board members had received a request for a minor subdivision filed by Luis A. Rodriguez Fraire. He informed them the proposed minor subdivision was located on Ballard Lane inside Pine Level's ETJ. He asked if there was anyone present to speak on behalf of the owner.

Jimmy Barbour, surveyor at 213 S 2nd Street Smithfield, stated the owner, Mr. Fraire, was requesting the roughly 8 ½ acres of land be split into three lots. He mentioned there was an existing house on the right side of the property that Mr. Fraire would like to keep the same and the other side would be split into two lots. Chairman Randy Jones asked if the owner had considered needing any utility services for those lots and whether he had asked for annexation. Mr. Barbour stated he did not know.

Chairman Randy Jones asked Zoning Administrator Scottie Hayes if he looked over the map and to discuss his findings. Zoning Administrator Scottie Hayes stated there were a couple of corrections done to the map from what was originally presented to the Board and he had the corrected map with him at the meeting. Randy Holloman asked if Ballard Lane was a private drive or a public access road. Jimmy Barbour stated he did not know. Chairman Randy Jones asked if the road was in the Railroad's right-of-way. Randy Holloman stated it was. There was some discussion about the Town's definition for minor subdivisions within its ordinance and whether the request would create a non-conforming lot. Randy Holloman stated for the record if the request was approved then it could not be subdivided again for five years according to the ordinance.

Motion to approve the minor subdivision: Vice- Chairman Kevin Kornegay

Seconded by: Greg Johnson

Discussion: Berry Godwin stated he wanted to make sure it would not create non-conforming lots. Chairman Randy Jones confirmed the request would not.

Vote: Unanimous

PROPOSED AMENDMENT TO DOWNTOWN DISTRICT MAP

Chairman Randy Jones asked for an update on the Town Board's meeting about the proposed Main Street (MS) District. Vice-Chairman Kevin Kornegay stated the Town Board did not call for the public hearing for October, but instead voted for it to be held at the November meeting. He mentioned Commissioner Garner stated he wanted the Town Board members to have more time to review and consider the amendments to ordinance.

Chairman Randy Jones wanted to say the committee had done a fantastic job creating the new Main Street (MS) District. He mentioned the new district would allow some of the non-conforming lots the ability to be used for building houses or other businesses while maintaining the density in the downtown area. He wanted to propose the idea of including an additional block (between N Church St. and Pilkington St.) to the map that was originally present to the Town Board. He mentioned the area had more non-conforming lots which would benefit being included in the new MS District. He used Mr. Baker's lot (207 N Church St.) as an example of one of the non-conforming lots that would benefit being in the new district. Vice-Chairman Kevin Kornegay stated for the record Mr. Baker's lot would still not be able to be built on. Interim Town Clerk Ashley Willoughby stated he would be able to build a residential home within the new district. Vice-Chairman Kevin Kornegay mentioned the new district requirements are set at sixty foot now and he thought they did away with the variance or substandard percentage. Ms. Willoughby stated the Town did not do away with either procedure. She continued to say he would not need a variance if the lot were substandard by no more than twenty percent according to the Town's ordinance. Shane Strickland asked how many lots were within the proposed block. Chairman Randy Jones stated there were ten. After a brief discussion, Randy Holloman wanted to clarify what was originally presented to the Town Board for the MS District did not include the block mentioned. Chairman Randy Jones stated after further review of the map he thought adding the block would be beneficial. He continued to say he thought it could be presented to the Town Board at their next meeting to be added before the November public hearing, since the original proposed hearing was delayed. Randy Holloman agreed that it should not be a problem considering the public hearing was tabled and it could be added if the other Planning Board members agreed.

Motion to recommend the approval of the amended map to the Town Board: Vice-Chairman Kevin Kornegay

Seconded by: Terry Rains

Vote: Unanimous

REVIEW REZONING REQUEST- SCOTTIE'S RIDGE PHASE 2

Ms. Willoughby informed the Board members there are four separate parcels involved with the rezoning requests with the future development. She presented a map that showed track two and track four of the development where the portions of the parcels were being considered for rezoning. Chairman Randy Jones stated the owner was requesting rezoning from Agriculture- Residential (AR) and General Business (GB) to Residential Subdivision (RS). He mentioned the parcels are located near US Highway 70 A and Bizzell Grove Church Rd. He stated all that was required by the Planning Board was to review and provide the Town Board with a recommendation based on the application. Zoning Administrator Scottie Hayes wanted the record to show the rezoning requests did not go against Town's Comprehensive Land Use Plan considering the parcels were outside the Town's ETJ when it was created. Berry Godwin asked if the Town Board had annexed the properties. Chairman Randy Jones stated the Town Board had the public hearing for the annexations scheduled for the upcoming meeting along with a public hearing to consider the rezoning requests. The Board members had a brief discussion about their reservations on making recommendations on rezoning requests for parcels not yet annexed into the city limits. Zoning Administrator Scottie Hayes stated he believes the Town Attorney would not have allowed the Town Board to move forward with calling for the public hearings as well as bring it before the Planning Board if there would have been an issue. After further discussion, Greg Johnson made a motion to table this item for thirty days. The motion was seconded by Cecelia Joyner which was followed by discussion. Greg Johnson wanted clarification as to what the partial RS meant on the application form and asked what the AR stood for. Chairman Randy Jones stated the AR was the County's zoning for Agricultural Residential. Andrew Hodge, a representative of the development, asked if it's tabled for thirty days would it come back to Planning Board in November. Chairman Randy Jones stated it would come back in October. Andrew Hodge asked if it would come back to the Town Board in November. Zoning Administrator Scottie Hayes stated was correct. Andrew Hodge asked if he would not be able to turn anything into the Town for the development until November. Interim Town Clerk Ashley Willoughby stated he would still be able to turn in the application for the development on October 14th. Andrew Hodge stated he had hoped to know the zoning prior and be able to submit plans with the RS zoning. Chairman Randy Jones stated the Planning Board would not see those plans until the November meeting.

Vice-Chairman Kevin Kornegay asked why the rezoning request mentioned only partial RS on the application. Ms. Willoughby stated there are multiple parcels involved with this future development. She then showed what portion of each parcel the owner requested for annexation and rezoning on the projection screen. Andrew Hodge confirmed the information she provided to the Board members. Chairman Randy Jones stated that explains why the application mentioned the partial rezoning. He stated the Board members had a motion and second to table this item for thirty days. Randy Holloman wanted to clarify the Town Board had called for the public hearing for the annexation. Chairman Randy Jones confirmed it was. Ms. Willoughby stated the rezoning was done as well which could be pushed. Randy Holloman asked why the Town Board sent the rezoning request to the Planning Board before they had annexed it. Vice-Chairman Kevin Kornegay stated it was on the advice of the Town Attorney. Randy Holloman stated the Planning Board could not make a recommendation according to the ordinance unless it was initiated by the Town Board. He asked if was initiated by the Town Board or by the property owner. Zoning Administrator Scottie Hayes stated it was initiated by the property owner because they applied; however, the Town Board initiated it coming to the Planning Board when it called for the public hearing. Chairman Randy Jones asked if the Town Attorney initiate it coming to the Planning Board. Zoning Administrator Scottie Hayes stated no but when the Town Board was calling for the public hearings, he did not say they could not do it or say it was not legal. Chairman Randy Jones stated according to the ordinance if it was initiated by the Town Board then the Planning Board could review, but not if it was initiated by the property owner. Ms. Willoughby informed the Board members that the owner had applied and due to map issues, the item was tabled for some time until proper maps could be provided to the Town. She stated the Town Attorney asked to have it back on the Town Board's agenda and the Town Board called for the public hearings. She continued to say after the public hearings were called for by the Town Board; the applications were placed on the Planning Board's agenda for recommendation prior to the public hearing. Chairman Randy Jones voiced his concerns about the property still being outside the jurisdiction of the Town. Vice-Chairman Kevin Kornegay stated after the annexation public hearing it could be. Chairman Randy Jones reminded the Board members there was a motion and second.

Berry Godwin wanted to clarify the current zoning of the parcels are with the County and had nothing to do with the Town. He asked if the Town annexes the parcels then would it not need the zoning changed to meet the Town's zoning requirements after the annexation. Chairman Randy Jones stated that was true and gave a personal example of similar situation he experienced years ago. He stated back in 2017, he went to Wilson Mills to ask for annexation on a piece of property. He mentioned at the time of the request he was given the opportunity to choose the zoning he wanted for the property. He stated he did not have to file a request for rezoning because it was being annexed outside the ETJ and therefore, as the owner, he was able to choose the zoning he wanted. He mentioned 160D updates changed the laws and he could not do what he wanted without asking for rezoning. He questions if this is a similar situation now in Pine Level where there is a piece of property outside the ETJ asking for annexation and does the land owner have the right to get to choose their zoning. Ms. Willoughby stated the owners submitted a rezoning request. Vice-Chairman Kevin Kornegay asked if the Planning Board could make a recommendation to Town Board to assign the zoning to the property at the public hearing if the annexation passes. Chairman Randy Jones stated the Board members had a motion and a second to table this item for thirty days. He asked for a vote and the motion passed by unanimous vote.

After some discussion, Chairman Randy Jones stated he would contact the Town Attorney about whether the Town Board could assign the zoning class to properties annexing outside the ETJ. He wanted to see if refunds would be needed to be given for the rezoning requests filed by this owner as well. Shane Strickland asked if there was a law that states a property annexed from one jurisdiction must take the like zoning of the jurisdiction it was being annexed into. Chairman Randy Jones stated he would contact the Town Attorney to verify the questions and concerns mentioned. Shane Strickland stated he believes it should be as simple as assigning the zoning. Zoning Administrator Scottie Hayes stated this was the normal process for zoning changes and he believes the Town Attorney would've advise the Boards against any wrong doings if any0 were being done.

Motion Recap:

Motion to table for thirty days: Greg Johnson

Seconded by: Cecelia Joyner

Vote: Unanimous

DISCUSSION

SUBDIVISION PRE-APPLICATION COMMITTEE

Zoning Administrator Scottie Hayes stated the moratorium was set to expire on October 11th and the Town will start accepting applications on the morning of Monday, October 14th. He believes about five subdivision plans will be submitted that day. He mentioned the committee would meet with the developers and review the plans to ensure all required information was submitted before being presented to the Planning Board for recommendation and Town Board for final approval. He stated the committee would be a crucial process to help prevent prolonged meetings with the number of developments coming. Chairman Randy Jones stated five subdivisions were a lot to review at one time and wanted to prepare the Board members for the possible long meetings to come. He stated having a committee would help with the process on reviewing the requirements for the maps; however, the Board members would still discuss developmental layout and other design concepts or concerns. He mentioned another committee would be needed to review the current subdivision ordinance and this committee would make some recommendations on amendments to some requirements for each map phase for future development based on prior discussions. He stated preliminary plats expire after two years according to the current ordinance. He mentioned he would like to include a stipulation in the ordinance where a development could lose its permitted sewer allocation if it fails to turn dirt by a certain time period. He continued saying the allocation would then go to the next development in line. He stated something needs to be done to prevent developers from just sitting on allocations while others are having to wait. He mentioned possible amendments that involve requiring traffic analysis studies and retention ponds.

After some discussion, Randy Holloman wanted to clarify the Planning Board would be following the sketch plan reviewal process first and then the preliminary plat phase according to the ordinance. Zoning Administrator Scottie Hayes stated was correct. Randy Holloman stated he wanted to make ensure the sketch

plan process would not be skipped with the new developments coming. Ms. Willoughby stated the ladies in the office were well informed on the proper procedures and would not accept anything other than a sketch plan for any new developments.

Chairman Randy Jones expressed the need for better communication between the Town Board and Planning Board when it comes to the available infrastructure for the developments. He continued to say the Town Board is responsible for looking after the infrastructure and the Planning Board is responsible for ensuring the new developments are following the requirements laid out in the ordinance.

There was a brief discussion about the Planning Board's reviewal process after Amanda Grimm asked about the estimated time frame to review the new applications. Chairman Randy Jones stated the applications submitted on October 14th would be brought before the Planning Board at the November meeting if all required information had been submitted. Ms. Willoughby mentioned the ordinance specifies the deadlines to submit items to be placed on the agenda prior to the Planning Board meetings.

OATHS OF OFFICE FOR OCTOBER

Ms. Willoughby informed the Board members that the Town Board approved the following individuals for reappointment to the Planning Board: In-Town members include Randy Jones, Kevin Kornegay, and Faye Starling; ETJ member Tammy Register. She informed those individuals that their oath of office would be administered at the October meeting. She mentioned she had sent the Town Board's recommendation to appoint ETJ member Tammy Register to the County Commissioners and she was waiting to hear back on their approval. Chairman Randy Jones asked when the officer positions open again. Ms. Willoughby stated it would be in December.

OLD BUSINESS

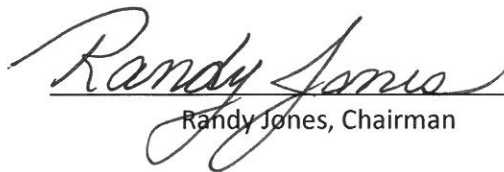
Vice-Chairman Kevin Kornegay wanted to clarify for the record the Zoning Administrator had ten days after the sketch plan submission to schedule a pre-application conference. Chairman Randy Jones stated that was correct.

MEETING ADJOURNED

There being no further business to discuss, Shane Strickland made a motion to adjourn. Vice-Chairman Kevin Kornegay seconded the motion. Motion passed by unanimous vote. The meeting adjourned at 8:12 p.m.



Ashley Willoughby, Interim Town Clerk



Randy Jones, Chairman