



**Approved MINUTES
Planning Board Meeting
Tuesday, January 7, 2025
Hampstead Annex
7:00 PM**

MEMBERS PRESENT: Damien Buchanan, Chairman
Ron Satterfield, Vice-Chairman
Jeffrey Pitts,
Delva Jordan,
Margaret Mosca
Jeff Beaudoin
Norman “Ken” Teachey

MEMBERS ABSENT: None

OTHERS PRESENT: Daniel Adams, Planning Director
Justin Brantley, Deputy Planning Director
Taylor Davis, Planner II
Tucker Cherry, Current Planner
Gail Renn, Planning Technician
Members of the Public

1 CALL TO ORDER

Chairman Delva Jordan called the meeting to order at 7:01pm.

2 ROLL CALL

3 INVOCATION

4 PLEDGE OF ALLEGIANCE

5 ADOPTION OF AGENDA

Motion to approve agenda made by Mr. Buchanan, Mr. Pitts.

Motion to approve

	For	Against	Abstained	Absent
Damien Buchanan	X			
Ron Satterfield	X			
Delva Jordan	X			
Margaret Mosca	X			
Jeffrey Pitts	X			
Jeff Beaudoin	X			
Norman (Ken) Teachey	X			
	7			

CARRIED.

6 ADOPTION OF MINUTES

Mr. Buchanan made a motion to approve the December 3, 2024, minutes, seconded by Mr. Beaudoin.

Motion to approve

	For	Against	Abstained	Absent
Damien Buchanan	X			
Ron Satterfield	X			
Delva Jordan	X			
Margaret Mosca	X			
Jeffrey Pitts	X			
Jeff Beaudoin	X			
Norman (Ken) Teachey	X			
	7			

CARRIED.

7 ELECTION OF BOARD MEMBERS

Daniel Adams, Planning Director, stated he would serve as moderator and explained the procedure to adopt both Chairman and Vice-Chairman to the Board Members.

Daniel Adams opened the floor to nominations for the position of Chairman. Mr. Jordan and Mr. Pitts both nominated Damien Buchanan. Due to no further nominations being made, Daniel Adams closed the floor. A vote was taken, and the election of Mr. Buchanan was unanimously approved.

Daniel Adams opened the floor for nominations of Vice-Chairman. Mr. Pitt and Ms. Mosca nominated Ron Satterfield. Due to no further nominations being made,

Daniel Adams closed the floor. A vote was taken, and the election of Mr. Satterfield was unanimously approved.

8 PUBLIC COMMENT

Mr. Delva Jordan, 6290 Stag Park Road, Burgaw, NC 28425. Mr. Jordan shared concerns about the convenience centers set up by Pender County to take your used motor oil. Some of the centers will not take the used motor oil and others are having a problem getting someone to empty their full containers. Daniel Adams addressed the Board and Mr. Jordan stating he would contact Pender County Utilities who manages those sites and ask about this situation.

9 PUBLIC HEARINGS

a) REZONE 2024-79

Taylor Davis, Planner II presented the staff report.

RSC Engineering, PLLC, applicant, on behalf of Hooked-Up Properties LLC, owner, is requesting the approval of a Conditional Zoning Map Amendment to rezone approximately 0.96 acres from the RP, Residential Performance, zoning district to a conditional zoning district. Specifically, the request is to allow three uses, Miscellaneous Store Retailers (NAICS 453); Sporting, Hobby, Book, and Music Stores (NAICS 451); and Support Activities for Road Transportation (NAICS 4884) within the conditional zoning district.

Mr. Buchanan asked, how long has this property been utilized for this use. Ms. Davis stated this question would be better for the applicant to answer and added that the parcel was previously a boat business with a special use permit and then at some point transitioned to the towing business. Mr. Buchanan then asked, do we know how many vehicles will be stored on this parcel. Ms. Taylor stated it would not be a large number of vehicles, maybe 5 to 6, 6 to 8 at a time. Mr. Buchanan stated the conditions of approval do not put a limitation on the number of vehicles allowed. Ms. Taylor stated they do not and added that a condition regarding this could be added. Mr. Buchanan asked if there was a sidewalk on the site plan, Ms. Davis stated she did not believe so.

Mr. Cliff Braham, RSC Engineering, PLLC, addressed the board regarding the proposed 30' by 50' metal building in the rear of the property being used for the towing business office. The existing building in the front of the parcel will eventually be used for retail space possibly a dive shop. Regarding traffic, typically, they see 3 to maybe 5 customers or insurance adjusters a day. Storage of vehicles is typically 5 to 6 vehicles usually sometimes more depending on weekends and holidays.

Mr. Satterfield inquired about the sign that will be installed in the front of the parcel. Mr. Gabriel stated the sign is digital electrical sign and has a 2' by 4'6" base with an 8' high by 6' wide sign face area, which in total makes the sign 12' in height. The board discussed the sign at length comparing it to the Surf City ordinance to ensure compatibility with surrounding signs in Surf City's jurisdiction.

Mr. Satterfield questioned the towed vehicles not being seen from right of way per the conditions and asked will the towing vehicles also be behind a fence so not to be seen from the right of way. Mr. Gabriel stated yes, they would be out of view from right of way. Mr. Buchanan asked Mr. Gabriel about the military vehicle in the front of the parcel. Mr. Gabriel stated he wasn't using it and would move it to the back of the property.

Mr. Teachey asked what is the height of the towing vehicles used. Mr. Gabriel stated he does not tow large trucks; he is a small towing company and most of the vehicles are cars. The tallest towing vehicle is about 6'-10' tall and he would be willing to put up an 8' fence to conceal the towing vehicles.

Mr. Jordan asked if the proposed building in the rear is approved how much area is there between the fence and building and how many vehicles could be stored there. Mr. Cliff Braham, RSC Engineering, PLLC, stated that typically there is not a large number of vehicles on the property at one time. Mr. Buchanan stated, usually you respond to the sheriff's office asking for a car to be removed and typically the owner comes the next day to get the car. Mr. Gabriel stated yes but the parking and towing is a small part of the business. A large part of the business is accident clean up for Surf City Police Department, Pender County Sheriff's Department, NC DOT, and NC State Troopers. Mr. Buchanan asked where are these vehicles stored. Mr. Gabriel stated on his property. He takes the vehicles to the parcel for insurance adjusters or investigators to look at the vehicle prior to being removed. Those vehicles are there typically 3 to 5 days. The towed vehicles that are illegally parked are usually picked up later that day or the next day. If the person(s) does not have insurance, he is obligated to keep the vehicle until it is deemed ready to be taken to the salvage yard. This could take up to 90 days before disposing of them. Mr. Jordan stated that the board has an obligation and responsibility to ensure that the business does not turn into a junk yard. That is why he is questioning how many vehicles can be possibly stored and that a stipulation needs to be added to the conditions to a set number. Mr. Cliff Braham, RSC Engineering, PLLC, stated that Mr. Gabriel understands this concern and will do everything to ensure this parcel will not be used as a junk yard. Mr. Beaudoin asked the applicant if this parcel is for towed vehicles only, not a pick and pull or junkyard uses. Mr. Buchanan asked Daniel Adams if there is a code to govern the use types of the parcel to ensure there will not be a junk yard or pick and pull. Mr. Adams stated by adding it to the conditions to not allow a junk yard or pick and pull. Mr. Beaudoin asked is it 90 days for damaged vehicles. Mr. Gabriel stated typically 90 days, and they do not sell parts off cars. Mr. Beaudoin asked if he was ok with a condition added regarding this. Mr. Buchanan asked about the other uses for renovation of existing building. Ms. Davis stated the miscellaneous uses including a retail thrift shop, bookstore and dive shop. Mr. Gabriel stated at this time, he is looking for the approval of the new building to keep his towing business thriving. He doesn't want a thrift store, would like to make the front building a dive shop down the road.

Mr. Jordan asked if the applicant was in agreement to put a limit on the number of cars on the conditions. The Board discussed this and saw no need to add this type of condition. Mr. Cliff Braham, RSC Engineering, PLLC, addressed this question stating the owner agrees to put up an 8' high fence to conceal these vehicles.

Mr. Paul Gillion, 221 NC Hwy 210, addressed the board. His property abuts the parcel to east and he has concerns for his children's safety as his back/side yard is next to the driveway entrance. He also shares part of that driveway with the parcel for access to his property. Mr. Gabriel stated he would ensure fencing to be installed on the east property line and would not block off the driveway.

The Board discussed the 10' C-1 Buffer including the fencing the 8' fence and required plantings and the traffic using the driveway.

Mr. Buchanan inquired about lighting. Mr. Gabriel stated there is a pole in the front and any other lighting would be put on the building in the rear and would not affect the neighbors on the north and west property lines. Mr. Gabriel stated there is no security lighting at this time.

Mr. Buchanan asked about the fencing and where the barbed wire will be going. Mr. Gabriel stated that he is required by the State of North Carolina to put three strands of barbed wire on 6' fence. Mr. Buchanan asked about the fence that would possibly block access to the neighbor. Mr. Cliff Braham, RSC Engineering, PLLC, stated that the original plan was to install the fence up to the shared driveway. Researching the records, there is no easement agreement between these properties providing access to the neighbor to access Mr. Gabriel's property. There was no written agreement with previous property owner, nor has Mr. Gabriel ever had an agreement made to allow the neighbor to access their property through Mr. Gabriel's property. Mr. Beaudoin asked is the neighbor is ok with all of this or could he possibly move his driveway over. Mr. Jordan asked if there was a way to modify the site plan and not allowing the applicant to block off the neighbor's driveway. Mr. Adams addressed the Board of not brokering an arrangement between the two parties. Ms. Mosca stated the legalities need to be worked out first before they are allowed to amend the site plan.

Mr. Buchanan asked for conditions to be read. Mr. Satterfield read the conditions to be added as follows:

- The site shall not be used as a junkyard or pick and pull facility.
- The owner shall remove blue bins if they're on the owner's property
- Towed or towing vehicles, industrial and/or military vehicles shall not be visible from the ROW.
- Applicant shall install a sidewalk in the ROW unless it is not permitted by DOT, in which case they shall dedicate an easement on their property adjacent to the ROW. The easement shall be 10' in width and run the length of the front property line.
- Loading or storage must be to the rear of the existing building.
- Façade colors shall be low reflectance earth toned muted subtle or neutral colors. Building trim may feature brighter colors as accent material. The use of high intensity metallic fluorescent or day glow neon materials shall be prohibited.

The Board discussed the proposed signage, Ms. Mosca stated to be fair this parcel is not in Surf City's Jurisdiction, and we cannot apply Surf City's regulations to the

proposed sign. Mr. Gabriel showed the Board the proposed sign configurations from his phone.

Ms. Mosca asked for hours of operation for business. Mr. Gabriel stated the office is open 8 am to 5 pm Monday thru Friday and towing is done 24 hours, 7 days a week.

Mr. Adams went over the conditions to be added to the existing conditions and asked Mr. Gabriel if he agreed with the added conditions, Mr. Gabriel stated yes.

Motion made by Ms. Mosca to approve with added conditions to the staff proposed conditions. Mr. Teachey second the motion. All in favor, Mr. Jordan abstained.

Motion to approve

	For	Against	Abstained	Absent
Damien Buchanan	X			
Ron Satterfield	X			
Delva Jordan			X	
Margaret Mosca	X			
Jeffrey Pitts	X			
Jeff Beaudoin	X			
Norman (Ken) Teachey	X			
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CARRIED.

b) Zoning Text Amendment ZTA-2024-28

Justin Brantley, Deputy Planning Director, presented staff report.

Staff is requesting the rear and side setback be reduced to 10' minimum for all accessory structures and reduce the separation requirement to a minimum of 10'. The reason for this request is to give homeowners more flexibility with their property.

John Valentine, 3300 Whitestocking Road, addressed the Board. He stated that he believes all the property owners of Pender County will be happy with this request.

Bryan Flinders, 3410 Whitestocking Road, addressed the Board. He stated it is a good idea for the residents of Pender County.

John Brewer, 201 Saddle Ridge Road, addressed the Board. He stated that his is in agreement with the other two gentlemen.

A motion was made by Mr. Jordan to approve the request in amending the Unified Development Ordinance, Section 5.3.3.A, setbacks and separations for accessory structures, to reduce the required rear yard and side yard setback to 10' minimum with a

10' separation for all accessory structures and it was seconded by Mr. Pitts and was unanimously carried.

Motion to approve

	For	Against	Abstained	Absent
Damien Buchanan	X			
Ron Satterfield	X			
Delva Jordan	X			
Margaret Mosca	X			
Jeffrey Pitts	X			
Jeff Beaudoin	X			
Norman (Ken) Teachey	X			
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CARRIED.

11 NEXT MEETING DATE

February 4, 2025, at 7:00 pm
Pender County Hampstead Annex
15060 US Highway 17
Hampstead, NC 28443

Mr. Teachey wished everyone well as this is his last meeting as a Planning Board Member.

12 ADJOURNMENT

A motion was made to adjourn

Motion to Adjourn

	For	Against	Abstained	Absent
Damien Buchanan	X			
Ron Satterfield	X			
Delva Jordan	X			
Margaret Mosca	X			
Jeffrey Pitts	X			
Jeff Beaudoin	X			
Norman (Ken) Teachey	X			
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CARRIED

Meeting adjourned at 9:08 pm