



AGENDA | BOARD OF COMMISSIONERS REGULAR MEETING

January 16, 2024 at 4:30 PM

Burgaw Town Center
108 E Wilmington St

- 1. Call to Order**
- 2. Invocation**
- 3. Pledge of Allegiance**
- 4. Approval of Agenda**
- 5. Approval of Consent Agenda**

*Items under Consent are generally of a routine nature. The Board may take action to approve/disapprove all items in a single vote. Any item may be withheld from a general action, to be discussed and voted upon separately at the discretion of the Board.

 - A. Approval of the November 14, 2023 Regular Meeting Minutes**
- 6. Special Requests/Presentations**
 - A. Pender High School JROTC Recognition**

Cody Suggs, Director - Parks, Recreation & Tourism Department
- 7. Departmental Items**
 - A. Public Works Department**

Alan Moore, Public Works Director
 - B. Police Department**

Daniel Fuller, Assistant Police Chief
 - C. Planning Department**

Gilbert Combs, Planning Director
 - I. Resilient Coastal Communities Program Update**

Jessica Gray, Community Development Coordinator - Planning Department

D. Parks, Recreation & Tourism

Cody Suggs, Parks & Recreation Director

I. Burgaw Incubator Kitchen Cleaning Policy Amendments

Cody Suggs, Director - Parks, Recreation & Tourism Department

II. Public Funding Request: The 1865 Society of Pender County, LLC

Cody Suggs, Director - Parks, Recreation & Tourism Department

E. Fire Department

Jim Taylor, Fire Chief

F. Finance Department

Wendy Pope, Finance Officer

G. Facilities & Grounds Department

Damon Stanley, Facilities & Grounds Director

H. Building Inspections Department

Louis Hesse, Building Code Administrator

8. Public Forum

The Public Forum is for non-public hearing items only. Speakers must sign in, step to the podium when recognized, state your name and residence address. Remarks should be limited to three (3) minutes per speaker.

9. Public Hearings

A. Rezoning: Timberly Lane - Penderline, LLC

Gilbert Combs, Planning Director

Consideration of a conditional district rezoning from R-12, Residential to R-7(CZ), Residential Conditional District for a multifamily project containing 40 3-bedroom townhomes located on Timberly Lane (PIN: 3229-36-9052-0000).

I. Resolution 2023-24: Statement of Consistency

Adopting a statement of consistency regarding an amendment of the official zoning map of the Town of Burgaw requested by Andrew Smith of Penderline, LLC to rezone property located on North Timberly Lane (PIN: 3229-36-9052-0000) from R-12, Residential to R-7 (CZ) Residential District Conditional Zoning for a multifamily project containing 40 3-bedroom townhomes.

II. Ordinance 2023-30: Zoning Map Amendment

A map amendment of the official zoning map of the Town of Burgaw requested by Andrew Smith of Penderline, LLC to rezone property located on North Timberly Lane (PIN: 3229-36-9052-0000) from R-12,

Residential to R-7 (CZ) Residential District Conditional Zoning for a multifamily project containing 40 3-bedroom townhomes.

B. Special Use Permit: Timberly Lane - Penderline, LLC

Gilbert Combs, Planning Director

Consideration of a special use permit request for multifamily residential in an R-7(CZ), Residential Conditional Zoning District for 40 3-bedroom townhomes located on Timberly Lane (PIN: 3229-36-9052-0000).

C. FY 2024-25 Budget: Early Citizen Input

James H. Gantt, Town Manager

Early Citizen Input on the FY 2024-2025 Budget

10. Items from Manager

A. Digital Agenda Project

B. Town Hall Campus Parking Lot Update

C. Storm Water Master Plan Project

D. FY 2024-25 Budget Update

E. Public Works Expansion Project Update

11. Items from Attorney

12. Items from Mayor and Board of Commissioners

A. Beautification Committee Updates

Mayor Dawson and Commissioner Dawson, Members of the Beautification Committee

B. Parking on South Dickerson Street

13. Closed Session

A. Pursuant to NC GS 143-318.11(a)(3) Attorney/Client Privilege

14. Adjournment

**TOWN OF BURGAW BOARD OF COMMISSIONERS
REGULAR MEETING**

DATE: November 14, 2023
TIME: 4:30 PM
PLACE: Burgaw Town Center, 108 E. Wilmington Street
BOARD MEMBERS PRESENT: Mayor Olivia Dawson
Mayor Pro-tem Wilfred Robbins
Bill George, Jan Dawson, James Malloy and Vernon Harrell
STAFF PRESENT: James Gantt, Town Manager
Kristin J. Wells, Town Clerk
Kimberly Rivenbark, Deputy Town Clerk
Wendy Pope, Finance Officer
Jim Hock, Police Chief/Assistant Town Manager
Alan Moore, Public Works Director
Cody Suggs, Parks & Recreation Director
Gilbert Combs, Planning Director
Jim Taylor, Fire Chief
Damon Stanley, Facilities & Grounds Manager
Jayna Augst, Recreation Coordinator
Zachary Rivenbark, Town Attorney
MEDIA PRESENT: None
INVOCATION: Commissioner Bill George
PLEDGE OF ALLEGIANCE: All

The meeting was called to order by Mayor Dawson at 4:30 PM and the invocation was led by Commissioner George.

Approval of Agenda

Commissioner Harrell made a motion to approve the agenda as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

Approval of Consent Agenda

Commissioner Robbins made a motion to approve the consent agenda as presented. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

- A. Approval of the October 10, 2023 Regular Meeting Minutes
- B. Approval of the October 10, 2023 Closed Session Minutes
- C. Approval of the February 21, 22, and 24, 2023 Special Meeting Minutes
- D. Approval of the April 18, 2023 Special Meeting Minutes

SPECIAL REQUESTS/PRESENTATIONS

New Employee Introductions – *Department Heads*

Public Works Director, Alan Moore, recognized Derek Robinson as the Utility Technician. Other employees that recently began working for the town were mentioned but not present at the meeting.

Recognition of Desmond Jordan – *Mayor Dawson*

Mayor Dawson recognized Desmond Jordan for his recent accomplishments of setting a state, national and world record. Mr. Jordan attended the United States Powerlifting Association World Championship in Coventry England, and deadlifted over 800 pounds to take first place.

Meet Our Principals

Daniel Sidor, Principal of Pender Early College, introduced himself to the board.

Request of Street Closure – *Dawn Nicole Johnson, Burgaw Chamber of Commerce*

Ms. Johnson discussed the plan for Wright Street between Fremont Street and Wilmington Street for the upcoming Christmas parade. She requested to close off parking spaces on the courthouse side of Wright Street so that bleachers could be placed in the area for spectators. This would also leave space for spectators to sit with chairs, etc. After some discussion, Commissioner Dawson made a motion to approve closing off the parking spaces on the east side of Wright Street, the side of the courthouse, beginning at 8:00 AM on Saturday, December 9, 2023 in preparation for the annual parade. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

DEPARTMENTAL ITEMS

Parks, Recreation & Tourism – *Cody Suggs, Director*

Public Funding Request

Mr. Suggs advised the board that a public funding request in the amount of \$2,000 has been received by Tammie Parris with Pender Education Partnership. The purpose of the request is to help support teacher mini grants, as well as scholarships for students. After discussion, Commissioner Robbins made a motion to approve the funding request in the amount of \$2,000. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

DEPARTMENTAL ITEMS

Departmental Updates – *Department Heads*

Public Works Department – Alan Moore, Director

- Working on drainage projects, ditching, water leaks, sidewalks, and Christmas décor.

Mr. Moore asked the board to look at funding to complete the sidewalk on the south side Lion's Crest's new facility on South Wright Street. After some discussion, Mr. Gantt will look at the handicap accessibility between the town's pocket park and Lion's Crest's building.

Commissioner Harrell requested staff to prioritize the sidewalks around town and determine which ones are a hazard and start with those.

Commissioner Harrell commented on the water meter re-reads listed on the monthly report. He asked why the number was up this past month. Mr. Gantt said the town is transitioning to a cellular device instead of the gateways, which should help with this issue in the future.

Commissioner Harrell asked Mr. Moore about the white goods that are picked up around town and what they do with the scrap metal. Mr. Moore advised the scrap metal is hauled off to receive money for it.

Facilities & Grounds Maintenance – Damon Stanley, Facilities & Grounds Manager

- Working on the downtown area, as well as the cemetery.
- Upgrading landscaping around the town in parks and at facilities.
- Work on the Community House windows will be completed around December 4th.
- Met with Mr. Combs to look at the proposed restroom project at Dees Park and is in the process of getting cost estimates.

Parks, Recreation & Tourism Department – Cody Suggs, Director

- Working along with Mr. Stanley with upgrading the landscaping and facility needs at the parks.
- The master plan survey will be open through the first part of 2024.
- Working on upcoming Christmas events.
- Gave an update on the West Side Trail project and advised the town now has an agreement in hand from NC DOT Rail for the crossing of the railroad right-of-way.
- Gave update from the Parks Foundation meeting.

Planning Department – Gilbert Combs, Director

- Asked if anyone had questions or concerns from the Planning Department monthly report; no one had questions.

Commissioner Harrell commented on the public zoning meeting that was recently planned and then was postponed. He requested that the board be informed of what will be presented and would like the meeting to be scheduled for January 2024. Mr. Gantt advised he would like the new commissioners to become familiar with everything before holding the meeting.

Commissioner Harrell requested information be shared with the public in regards to zoning, what it is and why is it necessary, as well as how future zoning will affect properties.

Finance Department – *Wendy Pope, Finance Officer*

- Working on changing time clock systems; hoping the conversion will take place before the end of the year.
- Met with a representative from the NC League of Municipalities regarding free services available to the town such as grant writing assistances, etc.

Fire Department – *Jim Taylor, Fire Chief*

- Call volume continues to increase.
- Ladder 15 is out of service for repair.
- Currently having issues with the 2001 Pierce engine.
- Firefighter Kratovel handled Fire Prevention Month in October and held 20 events.
- Deputy Chief Jasper and Firefighter Harrell went to assist with a wildfire in Edneyville, NC.

Commissioner Robbins asked how the shut down of Shiloh Fire Department has affected Burgaw. Chief Taylor advised there has been very little fire call increases for that area.

Human Resources – *Kim Rivenbark, Director*

- Brad Robinson was recently hired to fill a vacancy in the Fire Department.
- Advised the picture album for the lobby of the Burgaw Town Center has been completed and is currently working with the artist to have drawings done for the wall. Chief Hock is working on having a plaque completed as requested previously by the board.

Police Department – *Jim Hock, Police Chief*

- Chief Hock gave a brief overview of ‘No Shave November’ and advised some of the officers are participating.
- Jake brake signs have been installed at the entrances into town.
- Captain Fuller will return from National Academy on December 8, 2023.
- The department is working on firearms training.
- Advised a couple of officers have been doing classes to further their law enforcement training.
- The department has provided mutual aid assistance recently for area events and checking stations.

Commissioner Robbins asked about the concern with the traffic in the drop-off lane at C.F. Pope Elementary School. Chief Hock advised he met with the school and went over suggestions to alleviate the traffic concern.

BREAK 5:25 PM – 5:39 PM

PUBLIC FORUM

John Westbrook, 410 E. Fremont Street, commented on the safety concerns at the intersection of Wright Street and Wilmington Street. He said there is a need for bulb outs at the intersection because you can not see around vehicles. Mr. Westbrook said if the town cannot put concrete bulb outs, then painting yellow lines would help. Mr. Westbrook also commented on the need for damaged sidewalks to be replaced.

Dorothy Autry, 406 N. McNeil Street, voiced her concerns about her neighbor operating a business in a residential area, with four or five employees, which has increased traffic in the neighborhood.

Hugh Frasier, 512 NC Highway 53 East, also voiced his concerns about the neighbor operating a business in a residential area.

Joel Garner, 409 N. McNeil Street, said he was the one that the two previous speakers were speaking about. He owns a business at his residence. He said he moved to Burgaw from Wilmington. Mr. Garner said he was not responsible for increased traffic on the street.

Heidi Garner, 409 N. McNeil Street, spoke in regard to the business as mentioned by Mr. Garner. She said it was a blessing to move to Burgaw.

PUBLIC HEARINGS

Public Hearing #1 – *Gilbert Combs, Planning Director*

Consideration of a text amendment to the Unified Development Ordinance to amend section 8.13 Dimensional Requirements; Table of Area, Yard, and Height Requirements. The amendment would increase the maximum height for Office Use in the Office & Institutional Zoning District from 35 feet to 45 feet.

Mayor Dawson declared the public hearing continued at 5:53 PM.

Mr. Combs reviewed the text amendment request as presented at the October 2023 meeting; no changes were made by the applicant.

John Westbrook, 410 E. Fremont Street, asked the board to deny the request. He said the O&I is nestled into a lot of residential areas. He said if the board allows it be right, it could be a real problem. Mr. Westbrook suggested ways to write the ordinance to allow it. He added that he is disappointed that the Planning Board approved it.

Christopher Linton, 506 Jasmine Way, said he was interested in the building and the final footprint. He requested as many trees as possible be left on the property.

Attorney Rivenbark reminded the board this is a request to change all O&I. It is not site specific for this particular property. Attorney Rivenbark and Mr. Combs consulted about the matter and Mr. Combs contacted the engineer and asked if they would like to approach this request another way, other than the blanket rezoning request. The engineer did not respond.

Commissioner Dawson asked if other suggestions were talked over with the applicant. Mr. Combs advised there were three options given to the applicant when they approached the town about the request. There was much discussion about the different options for the applicant. Attorney Rivenbark reiterated that he and Mr. Combs advised the applicant there are other options that may better serve them.

Andy Speck, engineer from Bobbitt Company, gave an overview of the height request and what is within the building plan that goes beyond the allowed 35 feet. He said a stairwell to the roof and mechanical structures would make the height go beyond the allowed 35 feet.

Mayor Dawson clarified with Mr. Combs that a building at the height of 35 feet is currently allowed in any part of an O&I zoning district. Mr. Combs said that is correct and added the maximum height of any building in that district is 35 feet, which includes any type of structure at the top of the building.

Commissioner Dawson commented on the possibility of adding a definition in the ordinance that would refer to the main building being a maximum of 35 feet, not including any type of structure that may extend the height. Attorney Rivenbark suggested that the board think about this before making a motion in the meeting. He suggested that it needs to be very detailed and specific.

There was much discussion by the board (some comments in audible). Mr. Combs said the applicant would be willing to lower the request from 45 feet to 40 feet.

Mr. Westbrook commented again about the request. He said we need to find a way to do what the applicant wants to do, other than a blanket rezoning in all O&I zoning.

Mr. Speck said they reviewed the options, and thought this process was better. Commissioner Robbins said he believes the applicant and the town can work this out and suggested to table the matter. Commissioner Robbins said he does not believe anyone is against the county building this facility. He said the county is an important part of this town and we need to do what we can to help them.

Mr. Gantt said if it is the board's wish to do something other than what the applicant has presented, then the request should be denied and the applicant can review other options with the planning staff and come back to the board.

There were comments from Attorney Rivenbark and Mr. Gantt regarding the option of a conditional rezoning and the lengthy process to make such request.

Having heard all of the discussions, Commissioner Harrell said this is a very worthwhile project that we would like to have in the town, and made a motion to deny the request. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Mayor Dawson declared the public hearing closed at 6:22 PM.

Public Hearing #2A – Gilbert Combs, Planning Director

Consideration of a conditional district rezoning from R-12, Residential to R-7(CZ), Residential Conditional District for a multifamily project containing 40 3-bedroom townhomes located on Timberly Lane (PIN: 3229-36-9052-0000).

Mayor Dawson declared the public hearing open at 6:22 PM.

Detailed presentation and documents are on file in the clerk's office.

Mr. Combs reviewed the request submitted by Andrew Smith/Penderline, LLC.

Leo Andrades, business partner with Andrew Smith, introduced Penderline, LLC and gave an overview of their goals and objectives with the proposed project.

Andrew Smith gave an overview of the project and plan regarding the rezoning request. He reviewed the current zoning district for the property and what he wishes to see it become for the project. Mr. Smith said he appreciated everyone who showed up to the Planning Board meeting for the project. He said there were a lot of emotions about the project and appreciates everyone's input. Mr. Smith advised he has spoken with several town departments to gather more information.

Mr. Smith reviewed various points regarding the project. He said property values are important and the town's land use goal is to promote infill development. He reviewed appraiser reports.

Appraiser Brad White, with G. Brad White and Associates, LLC, spoke in regard to property values around the proposed project. He gave a copy of his impact analysis report to the board for review. At the conclusion of Mr. White's presentation, Mr. Smith reiterated the fact that the property values will not be negatively impacted by the proposed project.

Mr. Smith commented on the adjacent properties and vegetation, buffers, etc. He said the current zoning does not require a buffer yard. With the proposed rezoning, it would require the project to have a buffer yard. He said a large buffer yard would be present, as well as a six foot privacy fence.

Mr. Smith talked about safety; this was a concern brought up during the Planning Board meeting. He said he is not proposing low-income housing. This project is a luxury town home community. Mr. Smith met with Detective Sergeant Williams with the Burgaw Police Department. He said the plan is to put up security cameras within the development, as well as an entry gate. He also said he spoke with the school board and their only request was to include a covered waiting area

for children to stand under while waiting for the school bus. The applicant is in agreement to include this within the project.

Mr. Smith spoke about the traffic concerns that he has heard regarding more people and vehicular traffic in the downtown area. He spoke about how our land use plan encourages infill development and how the location of this project would allow for walking and biking.

Public Comments

John Westbrook, 410 East Fremont Street, voiced his support for the project. He said by rezoning this property, the town is protecting the surrounding properties and providing a transitional use to the single-family area.

Angel Hammers, 318 East Wallace Street, said she does not disagree with having townhomes, but her concern is the flooding issues in the area that the project may cause. She also said she has a safety concern with only one entrance.

Angela Bartlett, 95 Roland Court, is a real estate agent in the area and agrees with the developers in trying to bring more people to the community. She agrees with leaving 400 trees of the 700 trees on the property, but has a concern with the type of trees the developers may plant and will they be native to the area. She added that she is impressed to see the developers putting in a fence and leaving a tree buffer.

Sara Smith, 511 Timberly Lane, voiced her concerns with the project being adjacent to her property. She said her family purchased their home based on the land use plan. She has concerns with the buffers next to her back yard. Ms. Smith also voiced concerns with foot traffic along Timberly Lane, as well as concerns with the flooding in the back of her property.

Emmaline Kozak, resident of 406 East Fremont Street and owner of Burgaw Brewing, said she wants the town to grow and is in support of the project. She added we need more housing for families and children.

Kevin Kozak, resident of 406 East Fremont Street and owner of Burgaw Brewing, said he supports the project and is glad to hear the developers plan to leave a lot of trees. He said this project will be an asset to the community.

Dawn Nicole Johnson, 597 North Drive, Rocky Point and works in Burgaw, voiced her support for the project.

Michelle Hilliard, business owner of 103 West Fremont Street, voiced her support for Leo Andrades, one of the developers of the project. She said his project is providing growth for the town and community support.

Joan Stomski, resident next to daughter at 511 Timberly Lane, said she feels that it is a great idea to grow the community, but she feels that this size of project does not fit into the charm and

quaintness of the town. She is concerned with the dangerous traffic, as well as flooding concerns. She also spoke about her concerns with disturbing the ecosystem, trees, birds and animals.

Cameron Smith, 511 Timberly Lane, said he is opposed to the rezoning of the property. He voiced his concerns on how this project would personally affect his family and property, including the removal of trees and flooding.

Tracy Lewis, 514 Timberly Lane, voiced her concerns and stated she was against the rezoning. She said the town is not ready for this project right now. She also said there is nothing in place in the town to keep children off the corners of the streets. Ms. Lewis said she does not think the schools and buses can accommodate the number of children the development may bring to town.

Hugh Frazier, 512 NC Highway 53 East, spoke about the concerns with flooding.

There being no further public comments, there was much discussion by the board. Some comments were made about the possibility of future sidewalks along Timberly Lane for safety concerns. There was a concern voiced about the number of units proposed, as well as the differences and conditions between R-7 zoning and R-7 CZ zoning. Mr. Combs also explained the reason for the two driveways on the side of the project that lead to nowhere. Mr. Combs said the board can remove the requirement of the two driveway stubs if they wish.

Mr. Smith said this particular public hearing is about the rezoning request, but briefly addressed some of the comments made during the public comments and discussion by the board. He said the trees being left are larger than 10-12 inch diameter. He said if the zoning stays the same as it is today, the property owner could clear cut the entire lot without leaving a buffer. The rezoning request requires a buffer. He said the current zoning would allow no buffer and he could build a three story building if he wanted, but instead is requesting the zoning change and is only planning to construct a two-story building. Mr. Smith also commented on the traffic concern. As a property owner, Mr. Smith said he should not be responsible for traffic issues and road conditions. He has no control concerning people walking on other properties.

Sara Smith, 511 Timberly Lane, said she feels as if the comment about the three-story structure and clear cutting the property is a threat if the developers do not get what they want with the rezoning request to allow the two-story structures with trees.

There were three members of the Town of Burgaw Planning Board present at the meeting. Commissioner Malloy requested to hear from them regarding the project. Chairperson Jennifer Hansen, Member Sam Guidry and Member Char-Lynn Robinson were present. They spoke about their discussions during the recent Planning Board concerning the project. Mr. Guidry voiced his concerns with flooding and life safety involving the need for emergency personnel and being able to turn around in the development. Ms. Robinson explained there was not enough information provided at the Planning Board meeting regarding the project and asked the developer why there was being a rezoning request for the property. Mr. Smith said the current R-12 zoning district only allows single structures; R-7 zoning allows for the proposal of a multi-family development. The current zoning of R-12 would allow approximately 16 single structures/lots, which would then require a paved road, run water and sewer from the main road,

design a storm water plan, perform engineering, etc., it would not be cost effective in the opinion of a developer. Mr. Smith said this is the reason for approaching the project as a multi-family development, which would require rezoning of the property. Commissioner Dawson confirmed Mr. Smith requested a rezoning of R-7 CZ (conditional zoning) to the Planning Board. Mr. Smith confirmed that was correct, based on the recommendation of the planning staff. Mr. Gantt said the “CZ” part of the rezoning request allows the town to have power to apply conditions to the property. Commissioner Dawson said the number of units allowed within the zoning district is the concern.

There was discussion about the density and drainage concerns. Attorney Rivenbark commented on the discussion was going beyond the rezoning request and such items should be discussed during the special use permit public hearing.

Andrea Williams, 215 Murray Town Road, asked if the town approves the rezoning and the developers end up backing out, does that make it easier for another developer to come in and do something similar on the property. Mr. Combs explained this request is for this specific project, so if another person purchased the property after Mr. Smith, they would have to develop it with the same project and conditions presented, or request a rezoning of the property.

Mr. Gantt briefly explained the reasoning behind conditional zoning. Conditional zoning allows the town to have more control over what the developer does on the property.

Mr. Combs said a lot of the comments being made were previously discussed at the planning board meeting. Tim Williams, 215 Murray Town Road, said that the minutes from recent planning board meetings are not online for the public to see.

Commissioner Harrell made a motion to approve the rezoning request. There were additional questions by the board about the conditions, including the number of units, drainage concerns, etc. Due to additional discussions on the conditions, Commissioner Harrell withdrew his motion to approve at this time. The board reviewed the conditions spelled out in the staff report provided by Mr. Combs. Commissioner Dawson confirmed that conditions can be added by the board if they wish.

Commissioner Dawson said she is opposed to the number of units proposed. She said the number of units concerns her with the amount of traffic and drainage. She said she would like to see the number of units reduced and to see the drainage concerns addressed. Commissioner Dawson added her other concern is the side driveway stub leading towards the residence next to the property.

Attorney Rivenbark suggested the board discuss each concern and see if there is a consensus amongst the board related to each issue.

Commissioner Harrell asked the developers what the minimum number of units would still be profitable for them. The developers said 40 townhomes is not too much for the size of property, but willing to have engineers look more closely to address drainage concerns, etc. Mr. Smith reviewed the requirements based on the town’s unified development ordinance. He said they

have gone above and beyond to include various aspects of the project. He said he can reduce the number of parking spaces to help with less water run-off. He also added there is a walking path included around the townhomes that is rock to help with water run off as well.

After much discussion, the Mayor called for a brief break at 9:00 PM. The meeting was reconvened at 9:15 PM.

Upon returning to open session, Commissioner Harrell made a motion to continue Public Hearing #2A and bring back for further discussion at the next meeting. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Public Hearing #2B – Gilbert Combs, Planning Director

Consideration of a special use permit request for multifamily residential in an R-7(CZ), Residential Conditional Zoning District for 40 3-bedroom townhomes located on Timberly Lane (PIN: 3229-36-9052-0000).

Commissioner Harrell made a motion to table Public Hearing #2B until the next meeting. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

Public Hearing #3 – Jessica Gray, Community Development Coordinator

Consideration of a special use permit request for a bar in the B-1, Central Business District, located at 111 East Fremont Street (PIN: 3229-32-7816-0000). The request would permit a bar use to occupy a portion of the existing structure and would include outdoor seating.

Mayor Dawson declared the public hearing open at 9:18 PM.

Detailed presentation and documents are on file in the clerk's office.

Attorney Rivenbark: If everybody will stand where they are if you are planning to speak or testify during public hearing #3 which is generally referred to as Retro Meadery. If you would stand and raise your right hand and I will swear or affirm you from there.

Mayor Dawson: And we're doing this because it is a special use permit.

Attorney Rivenbark: Correct.

Mayor Dawson: Request.

Attorney Rivenbark: So I'm going to start with Ms. Gray if, at the point, where I ask for your name, and go left to right, so, I, state your name [the following persons stated their names in the following order: Jessica Gray, Michael Taylor, Matt Clemmons, Mike Fields, John Westbrook, Emmaline Kozak, Kevin Kozak, Alicia Taylor, Kelly Jacques, Leo Andrades] do solemnly swear or affirm that the testimony you give today be the truth, the whole truth and nothing but the truth, so help you God, and Mr. Gilbert Combs, sorry. Thank you.

Jessica Gray: Thank you Madam Mayor and members of the board. Tonight, we have a special use permit request application from Retro Meadery, LLC. Tonight will be represented by Michael Fields that is sitting in the audience. So he is requesting a special use permit to operate a

wine bar with enclosed outdoor seating area at 111 East Fremont Street. The property is in B-1 central business district and also in the central fire district. The surrounding properties are zoned B-1 and O&I Office and Institutional. To the north of the property is the courthouse and Burgaw Presbyterian Church. West of the property are offices for Community In Schools, attorney offices. East of the building on the other side on South Walker Street is an empty building where they formally had the salt cave business, and then some single family residences...and there are also single family residences south of the building. It's currently used for office space by [inaudible comment] land survey business, [inaudible comment] and supporting staff...at some point in the past, the building had a restaurant and [inaudible comment] rooms in the upper level. The future land use classification is town center, recommending land uses that include small scale commercial, office, educational, governmental, art and cultural, and entertainment. Retro Meadery [inaudible comment] plans to operate in the downstairs unit on the southern end of the building that is currently vacant. The use requested is classified as [inaudible comment] of permitted uses as a bar or as any ICS code [inaudible comment] and is permitted in the B-1 zoning district with approval of major special use permit. Following standards set in section 8.16. In your agenda packet, you should have a copy of their application, that includes the floorplan, information on hours of operation, lighting plan, services provided, water use, number of employees, occupancy and their security and management plan. To the left is the current layout of the interior of the unit. The right is what they plan for the future floorplan. The application submitted indicates maximum occupancy of the space is thirty people. Hours of operation proposed are Monday through Thursday 2:00 PM to 9:00 PM and Friday and Saturday from noon to 10:00 PM. The bar will serve mead as well as beer, wine and other non-alcoholic beverages. Their floorplan shows that they will have arcade games and a variety of seating inside and outside in an enclosed space. Live entertainment is also listed with their services provided. So there's no minimum parking requirements for this use in the B-1 district, but I will note there are thirteen off-street spaces along South Walker Street parallel to the building and a number of public spaces along East Fremont Street. The proposed use would not require a traffic impact analysis and in your packet you will also find a statement from the North Carolina Department of Transportation that they have no comment and there is no driveway permit requirement at this time. So, included in your packet, you will additionally find a letter from North Carolina certified general appraiser, including her parking analysis that she includes there is no evidence that the residential properties would be negatively impacted. Another requirement from section 8.16 is to have a type A buffer next to any residential use, so there is an existing fence in that location and this is kind of what it looks like when you are looking directly on it. So the type A buffer needs to be five feet with accommodation of trees and shrubs, 50% of which need to be evergreen species and by visual obstruction to a height of six feet [inaudible comment]. So, at this point, I will turn it over to Mr. Fields to present his findings of fact.

Michael Fields: Thank you very much. Good evening everybody. Hopefully this one will be an easy one this evening, but thank you all very much. I'm Michael Fields, and my address is over at 580 Meadow Lane, Burgaw. My wife and I have been here for quite some time and she is also a teacher at Little Town Learning Center so we love the town of Burgaw and can't wait to be a part of downtown. So our evidence or finding is that the location of special use is developed according to plan, will be in harmony and absolutely will be in harmony. We want... we are not making any really changes to the building on the outside or anything like that. We do want to put up a privacy fence but it's not going to...it's going to be in harmony with the town, especially with our lighting and everything too and ordinance with the town. Sorry, let me grab my

information real quick. So, the use is allowed pursuant to the ordinance and meets all of the required conditions and specifications, including the limitations set out in the ordinance. The tasting room would fully comply with the sound ordinance meeting the requirements and conditions and specifications outlined in the ordinance has been planned in accordance with local regulations, ensuring that it aligns with the town's guidelines and standards by following these rules. The tasting room will seamlessly integrate into the community contributing positively to local area while respecting the established norms and regulations. The [inaudible comment] the property as proposed will not affect other adjoining, abutting property value which was just stated. We got a statement from a state licensed appraiser about that. We want to work as a neighbor, not just as a business, with the local residents too. The use will not materially endanger the public, health and safety if located where proposed and developed according to the plan submitted as proposed. The tasting room has been meticulously planned to [inaudible comment] public health and safety measures will be put in place and ensure all aspects of the establishment, including its facilities operates and services out of here to strategic health and safety standards, [inaudible comment] inspections, hygiene protocols, self training programs and will be initiated to migrate any potential risks. Furthermore, the layout was designed in the taste room has been carefully orchestrated to facilitate smooth customer flow preventing overcrowding and maintaining a comfortable environment for all patrons. Adequate emergency exits, fire safety equipment, first aid facilities will be installed to address unforeseen situations and prominently [inaudible comment]. Additionally, responsible alcohol service practices are strictly enforced. We all take special training for that, you can see in inspections, we will adhere to that...foremost, that is top priority, the safety of everybody. By fostering a [inaudible comment] responsible drinking containing vigilant approach to health and safety protocols, the tasting room stands to be a testament to its commitment to upholding by the wellbeing and ensuring a secure environment for all visitors. The increase of traffic will not result to endanger to public safety [inaudible comment] I believe the DOT information there suggest that there won't be any increase and won't need a traffic study for that as well. I do want to give a little bit of information about our company, Retro Meadery. We are producers of honey wine. We are the first meadery on the east coast of North Carolina. The next one you hit is in Durham. There are a little over twenty meaderies in North Carolina, so that sets us apart from all the other meaderies that are down here. Our theme is retro. Our plan is not only to provide an entertaining facility with alcoholic beverages, but a entertaining facility for families as well, while providing drinks, and, in my wife's words, very healthy drinks as well, and snacks, that way families can come and enjoy, play retro arcades, have retro movie nights, come over, have a... your kids, your family, different multiple movies that you haven't seen in a long time, and just bring that feel of nostalgia back and have fun with it. We feel that this is something not only for the kids to enjoy, but for families to come together and have an entertainment venue and we hope that starting small like we are with the small facility you have seen here is going to expand and grow as we move into this location. Did you have anything to say Matt? This is part owner, Matthew Clemmons, as well. Any questions for me?

Commissioner Harrell: Sure, so I'm assuming this is going to be a fence along the south wall, to enclose your outdoor seating, is that...

Michael Fields: That is correct. To make it kind of a private area and that way it's not a distraction to...behind the building or to the [inaudible comment].

Commissioner Harrell: Can we pull up the layout, please.

Michael Fields: Absolutely.

Commissioner Harrell: So, just to make sure I'm looking at it the correct way, the bottom of the picture shows the main entrance, is that correct?

Michael Fields: This is the main entrance right here, that's correct.

Commissioner Harrell: And to the left, will be the exterior seating.

Michael Fields: That is correct.

Commissioner Harrell: So the only way to actually get to the exterior seating is by exiting the meadery and then walking over to the exterior.

Michael Fields: Yes, sir. That's correct.

Commissioner Harrell: That makes me a little unsure about that. Just starting there. There's also lighting that is eight or nine feet up and that will be over your...assuming it is a six foot fence...

Michael Fields: That's correct.

Commissioner Harrell: There should, in my opinion, be some sort of shielding between you and the neighbor so that the neighbor doesn't have to look at your lights all night long.

Michael Fields: Absolutely, and I believe the lighting would actually put on...they would be facing the building and not facing outwards towards the neighbors.

Commissioner Harrell: Great, and speaking of those neighbors, have they been contacted?

Michael Fields: Yes, I actually reached out to the resident that is directly beside us.

Mayor Dawson: They're present tonight.

Commissioner Harrell: Okay. I'm assuming we'll hear from you in a bit? Great. Let's see...you'll have music outside?

Michael Fields: We would like too, but we also want to be courteous to our neighbors and if it's going to be an issue with sound, we are more than happy to just have acoustic without amplification, if that's needed. But we are hoping to provide entertainment outside.

Commissioner Harrell: Okay. Let's see, what else. Oh, two hundred and fifty feet from church or residential structure...that seems rather close. The fence will be on the property line.

Jessica Gray: Since they are in the central fire district, they...it can not be more than two similar establishments within the block.

Commissioner Harrell: I thought it read, also two hundred and fifty feet between a residential unit, a church, a public park, I mean this is in the town's regulations, page 5. It says any occupancy less than one-hundred [inaudible comment] establishment, church, elementary school, public park, or existing residential structure.

Jessica Gray: But then it also says, within a central fire district there should be no minimum separation requirements, but no more than two such establishments shall be located per city block, defined as a length of street between two intersections.

Commissioner Harrell: Thank you. Then, my other real concern is the food trucks that will be parked across the street. So, the patrons have to cross the street, which is a highway and then come back across the street.

Michael Fields: Yeah, that's correct. That is an option. We would look at public safety for walking across. Right now, the location that we're thinking about is not ready at the time to do that.

Commissioner Harrell: Sure.

Michael Fields: Leo and I have been discussing on what we could do, but what we really want to do is have menus for like Burgaw Brewing, Fat Daddy's Pizza, and other locations that can be ordered and the customers can bring in their food any time they would like. Can I address your concern about the walkthrough outside.

Commissioner Harrell: Sure.

Michael Fields: Can you give me a little more detail about that?

Commissioner Harrell: Well, I mean, basically, you're exiting the building with alcohol to a public area before you then go into a private area.

Michael Fields: I would ask, wouldn't that kind of be like the same as other establishments...they're able to walk outside with their drink in hand as well and be able to sit outside and enjoy dinner.

Commissioner Harrell: Very good, thank you.

Michael Fields: Any other questions?

Mayor Dawson: Any additional questions? Okay, so we will go into public comment. Mr. Westbrook, your turn again.

John Westbrook: John Westbrook, I live at 410 East Fremont Street and own Burgaw Antiqueplace. I just wanted to come and support this special use. Burgaw is becoming more of a destination and originally, the brewery was going to be kombucha, if you might remember, and they were so successful in Wilmington, they decided to stay and thank God they did, because now we've got Kevin and Emmaline. I like beer better than kombucha, and their meat, and everything else there. The food is good, the beer is cold. I think this will be a real addition to the town of Burgaw. The diversity of uses will bring more even, because they're here and I'm really impressed they want to make it into a family affair and not just a drunk [inaudible comment]. I think that's more appropriate for Burgaw and so, I don't get to go any further. I'll also add that I'm really glad to see they were going to do the mural. I think that adds to the arts and aesthetics of the town and I endorse that as well. I sort of wish they could get from the inside to the outside through the building. I don't mind them walking out and going back in but it just doesn't seem to be integrated as much as it might be if you could have access to the side, than rather them going out and in. My fear is that it won't be used that much. Whereas, if you had through that one window and turn it into a door, it would be more of a flow from the inside to the outside and that's just the architect and how I might would want to use it myself if I was there. Not a negative...I would like to see, actually, be able to walk outside the brewery and walk down the street into the Antiqueplace and carry a beer through and I wouldn't mind it at all. We might want to try that, at some of the festivals and see how it works, so that it's a casual event. It would have to be managed of course and policed in the appropriate way. I'm just excited about these kind of uses coming in Burgaw, the livability, sense of place, creating places that look like they've always been there, was my theme when I was developing [inaudible comment] and that's the town of Burgaw. This adds to that vitality and I think it will be an asset.

Mayor Dawson: Thank you, Johnny. Are you Kelly?

Kelly Jacques: My husband was going to speak, but he got called into work.

Mayor Dawson: That's fine. Would you like to speak?

Kelly Jacques: Yes. Hi, my name is Kelly Jacques. I live at 207 South Walker Street and like I said, my husband was supposed to speak. If I had known he was going to bale on me, I wouldn't have dressed like this, but I will make it short and sweet. I really appreciate you guys reaching out to us, that was awesome. I think what you're doing is awesome. I do have some concerns. We have some concerns. We live right next door, like literally, right next door. With the music and the lights...I don't know everything...but I know that we like to enjoy being outside also. My husband mows the lawn. My kids are having pool parties. We show movies in the back yard, and I want to be just as respectful, and that type of thing. You know, there's a side deck on my porch, and my parents...their bedroom is right there. We moved down from Massachusetts a few years ago after mom had her heart attack. Just quiet, you know. But, my concern is, if we're

outside, we might be bothering y'all, you know. Because we like to play music and those are basically my concerns. Just that our quality of life and, I know you mentioned something about the property value. I haven't looked into it yet really, but that's another major concern of ours. If we go to sell this property and it's right next door to a bar, then that's concerning to us. But I think you guys are doing great, but we live right next door, and that's about it.

Mayor Dawson: Thank you. Kevin Kozak?

Kevin Kozak: My name is Kevin Kozak, 406 East Fremont, part owner of Burgaw Brewing. Just here to say that I 100% support their effort to be downtown. I'm a [inaudible comment] of the art and [inaudible comment] fermentation and more the merrier. I think what they're doing is great. They're going to be great neighbors. Retro arcade games, I'm going that fast to increase my allowance to spend a lot of time there playing games. Not really speaking on your situation directly, but we have a neighbor right behind us at the brewery and we work really well together. We haven't had any problems with our neighbors, so I don't know if that will alleviate any of your fears, but, we are respectful of him and he's respectful of us so it works out really well. If anybody has any concerns about another bar being downtown, don't look at it that way. I think since we have been open since March, I think we have cut off one person to my knowledge, and that was during Blueberry Fest. So, don't think of it as a bar. We've got some concern about the wild west saloon and it just hasn't turned out that way and it's not going to turn out that way at their location either. So, 100% support their effort. Thank you.

Mayor Dawson: Thank you. Emmaline?

Emmaline Kozak: You can skip me, because that is all I was going to say too.

Mayor Dawson: Okay. Mr. Taylor, Michael Taylor.

Michael Taylor: I have just one page to hand out to y'all, if you want to pass it down. May not have enough for the very end.

Mayor Dawson: We'll share.

Michael Taylor: My name is Michael Taylor and my wife, of 712 Whrens Street. My wife Alicia Taylor and myself own the property at 109 East Fremont Street on the west side of the Harrison building, where the owners are applying for the special use permit. Our building was a former doctor's office and it's been leased as office space for the last 33 years. Our tenant is the Pender County office of the Cape Fear Communities in Schools. They help hundreds of Pender County students stay in schools and help them stay on the path to graduation each year. The programs [inaudible comment] from the building, the administrators meet with the student support specialists in our building, conduct trainings, handle personnel matters and doing normal tasks related to administrative work. They also administer teen court, which they had one tonight and they do intact meetings with the juveniles in the office and so much more. I believe that the applicant's special use permit does not meet all the qualifying factors of two of the five parts of section [inaudible comment] UDO, parts A and B. Part A, location, character, special use, I don't believe is in harmony with the area in which it's located. I'm not opposed to a meadery, I'm not opposed to even a bar, I'm just opposed to the location. I like Kevin and I like Johnny. I wish, you know, I wish it could be between your homes, your neighbors, and fit in right there, because [inaudible comment]. There isn't any kind of use on our block like that. We have, on the handout, you know, I realize the two hundred and fifty feet is waived, but the Jacques' home is...their parents' bedroom is forty-one feet from that fence, and this is approximate. I measured that on GIS and you know that's not exact. My office building is thirty-four feet from the outdoor service area and the walls are nineteen feet away from it. It's the outdoor area that I really have a problem with, especially if music is amplified. I also have a problem that there's a

gate on the backside of the outdoor area, which empties right into my parking lot. I told the Fire Chief to ask if that's required as far as fire escape, but he said he hasn't seen it and couldn't judge it until it went through the technical review committee, and that's after it's approved, so he said it depends on various factors. If it is required, I would want it to be...if it's not required, I wouldn't want it there, to empty into my property. If it is required, I would want it to be a fire exit only. You can only get out, not in, because I can see it as a shortcut, people walking down my driveway. There's only...the property owner only owns about two, maybe three feet of...on the west side of that wall...going from the back gate here to Fremont Street. That's a straight brick wall all the way. I'm not sure why that drawing is that way. There must be another space in there. So, I have a concern with that. I have a concern that people going in and out. I have a concern...sure, I have a concern about a bar being there and being open until 10 o'clock at night and people drinking too much. But, during the office hours with my staff, I mean my tenants there, I have [inaudible comment] a quiet and professional workspace that they've always had. All the other properties on the block are either offices, there's the post office way on the other side, there's an after school care inside use, and then there are two homes, one adjacent, just forty-one feet away and that family, I can attest, they enjoy their yard, you know. Tony's father is a Veteran and elderly and enjoys the front porch and waves to cars and people and I just think he deserves not to have music and stuff like that going on. There is also a heat pump in that fenced in back yard. I just can't see how...once a five-foot buffer is put in, you're going to have about fifteen feet for them to walk and then there's a heat pump at that gate. I can just see when the heat pump comes on...turn the music up, we can't hear. It's just disturbing to me. Part A, I just don't think it's in harmony with the homes. Everette Durham's home is just...you can see on that, how far it is...almost two-hundred and fifty feet, and I'm not...I realize it's not required to be two-hundred and fifty feet, but just to show you how close these homes are and the church and my office. There's also Horace Thompson's house, you know. In the other section, it concerns me, is property values. I don't know how long...if my tenant is disturbed and they don't have a working space without the music and people exiting that back gate into the parking lot, you know, at night, leaving trash, urinating, whatever...things like that happen around bars. How well do they want to stay in my building, what kind of tenant am I going to attract there, if that sort of thing is going on. I believe it would affect my property value. I believe that I would have a hard time attracting tenants there, and I think I would have to accept a lower rent. I think it also, if I was to sell it, my building is only...has low baring walls and it was built as office space and that's all it's really good for, except for a residence. So, it can't be a retail space; it's not built for that sort of thing. So, in conclusion, I do have concerns and I don't believe it's in compliance with those two aspects. So, I just ask you to preserve the harmony that the joining and neighboring properties have maintained all these years for the mixed use of residential, institutional and office uses, even though it is part of the central business district, or central fire district. Thank you for this opportunity to speak.

Mayor Dawson: Thank you. Mrs. Alicia, do you want to speak?

Alicia Taylor: My name is Alicia Taylor and I live at 712 Whrens Street. My husband and I own the adjoining property. I am here to ask you to deny the special use request for 111 East Fremont Street. We have all heard Burgaw is going to change, but I believe we must make sure we do not loose what makes Burgaw a good town year round. In the Burgaw of where I was born, and have been almost all of my sixty-nine years, neighbors are considerate of their neighbors. Have you noticed there are few fences in neighborhoods or around town. They aren't needed. The Corbetts and the Taylors have been neighbors in this office district for decades and there were [inaudible]

comment]. It looks to me like the new owners of the Corbett Harrison building, if they had wanted to be good neighbors, they would have discussed their plans to put in a bar and outdoor area with the neighbors. They didn't talk to us. Instead, it looks like they are asking to change the nature of the neighborhood and neighbors be damned. Section 4.7.1(c) states the applicant has the [inaudible comment] to show the proposed use will not affect the adjoining property values. In researching the property values and [inaudible comment], will explain the property values will most likely go down, but it certainly won't increase them. It could be the music that rattles the windows of surrounding offices and houses during the work day that makes the property less desirable. There could be, given the nature of a bar, the presence of intoxicated customers staggering, looking for using outdoor spaces to urinate or vomit, especially since the only bathroom provided will be inside and upstairs. There's a potential problem of second hand smoke coming from the outdoor seating area. These will be customers unlike any this town block has ever seen. These behaviors often accompany bars that will make them an undesirable neighbor and that will lower property value. If our tenants decide they are not comfortable with a bar next door, they may decide to move. Keeping tenants is the best indicator of potential property value and we believe a bar would make our property less desirable. For any future professional, education, or office tenants. Can the developer provide assurance or guarantee that drunk customers will not be trespassing on our property, especially with the west gate at the top and will our tenants be happy with a bar as a neighbor. Section 4.7. [inaudible comment] states the location and character of a special use should be in harmony with the area in which it is located. A bar is definitely not in harmony with the current neighbors. There are only houses and offices on the block, not even retail businesses. Let's look at the neighbors. If this were not in the central fire district, this request would not be considered at all because it is a bar and separation distances would be in effect. We believe the minimum separation distance guidelines are an excellent way to determine whether or not the proposed use is in harmony with the neighborhood. Directly beside the outdoor seating is a private residence. There's a church only two-hundred and twenty-four feet away that has a preschool and afterschool. The proposed outdoor space is less than three feet from our parking lot, where our main tenant is an education, non-profit Communities in Schools. They use the parking lot for their employees and the van that their organization owns. They work with teen court and have young people come to use their offices in preparation. Clearly, a bar is not in harmony with the neighbors. We are having to ask ourselves, how will we keep our parking lot from being used by bar customers trespassing, walking on or even trying to park on our property. There is not room for people to comfortably walk along the west side of the Corbett Harrison Building without being on our driveway. Will we have to get a tow away service; will we have to try to put up a fence on the east side of our parking lot; will the town allow a fence to be put along side of our driveway to keep the bar customers off our property. We've tried to find the answers to these questions in the short time. Each board member should ask, would I want a bar located right beside my house, or my quiet office building. I think your answer would be no. I believe you would say it would destroy the peace and quiet to enjoy my house, or office and yard, and it would probably decrease my property's value. For these reasons, you should deny the special use request. Thank you.

Mayor Dawson: Thank you. Leo?

Leo Andrades: Whew, it's been a long evening. First and foremost, I did not call you, and I do apologize for that. I did get a chance to speak to Tony and his parents, along with the other neighbors, but I did not get a chance to reach out to you, and my apologies for that. It has been a crazy couple of weeks with this meeting, so I did drop the ball there. Just wanted to mention that

because I have the most respect for you as Mr. and Mrs. Taylor. Couple notes I want to hit on...I want take up too much time because I know you all...but I am in favor. I own the lot across the street, 200 and 204 South Walker Street, the empty lot, which I allow the Blueberry Festival, Mr. Cowan, to use every year for the restrooms, port-a-potties. We're still trying to decide what to do with that lot specifically, but right now it seems to be the best use to allow, when they do the Blueberry Fest, the port-a-potties there. I own the building next to it that use to be the salt cave, 204 South Walker. Previously, Pelican Medical, prior to that it was a car shop, welding shop. According to Johnny, it was the hang out spot back in the day where everybody would go in the evening hang in the corner and talk about the things they did the day before. It sounds like a really cool place to be and as I look for tenants for the building, I look at...I own the two lots on the corner and Andrew and I, Penderline, own the Corbett building that we purchased from them. Mr. Corbett's retiring and we're trying to figure out what is the best use for that piece of property and that's just like anything, it's a tough decision. You can't please everyone as much as you want to, but ultimately we feel that it's one of four corners in downtown and our goal is, how do we bring back that corner where we go, hang out with your friends and family and talk about what you did that day. We're so excited that the first thing we would do is wake up the next morning to go back to that spot, based on what Johnny was saying...you know, that's what we want to create there, and how do we do that. The first thing that I think of when Mike came to me, we have a lot of people that call and say hey, I want to do a salon, I want to do a smoke shop, I want to do this, I want to do that, everybody, every entrepreneur has an idea, but we've been very particular about who we put in these buildings and that's why...when Mike came to us, I have personal friends who know Mike and spoke very highly of him and spoke about his business model and what he wanted to do and was intrigued. We met at the building and I like the idea of what he's looking to do, you know, we talk about a bar and stumbling, and being drunk and have to use the bathroom. I really think what he's trying to do is a family establishment, similar to the brewery. My family goes to Asheville when we can to slip away to the mountains and there's this place in Asheville, I can't remember the name, it's a bar and arcade. So the parents go in, pay for a card and it's unlimited games and you can have adult beverages and kids run around and play and when he told me his idea of having an arcade with a meadery...I'm a beekeeper as well; my neighbor Jimmy Wells, got me into beekeeping and I'm hooked, so the idea of mead and bees and the community of Burgaw, has really resonated me personally. As a neighbor across the street, speaking to my [inaudible comment] family here and understand the concern. We don't want downtown Wilmington bars where you have college students and people that are coming from Camp Lejune and just getting hammered on a weekend night. That's not what we are. We're a family community and we need places...young families...where can I go to take my kids to run around where some nice acoustic music being played and enjoy a glass of mead with my wife. That's exciting. We love going to the brewery. Our six children run around in the beer garden and my wife and I will have dinner and enjoy a glass of wine or beer and it's a good experience. So, I'm in support of Mike's trying to do. A couple of things I want to hit on, the fence and the back gate. Totally understand what Mr. Taylor is saying...property lines downtown are real close. The outside area, back side here...you know, if that gate isn't required by fire, we are open in supporting whatever we need to do. There is some heat pumps there, so my suggestion is we have a buffer between the Taylor's property and the heat pumps so there's also a place to hide the trash cans. If you're riding down Walker Street and the building's on your left, all of our tenants pretty much keep their trash cans in this alley, and I also thought that was not very aesthetically pleasing, so my suggestion would be if

you're going to have that outdoor area, have another section that creates a storage area for the trash cans and then it creates an additional buffer for the Taylor's property. Maybe that's helpful. That would be my suggestion there. Regards to property values, as a licensed real estate agent, I completely disagree, respectfully, that this would not hurt property values. I mean, I am always very interested in buying our neighboring properties and would pay more than what they are worth and assume that anyone else looking to buy in downtown Burgaw, especially if there's an active surviving business, there property is mixed use, it's not just residential because you are downtown, so once, if Mike is approved and the business starts and becomes successful and now you have families enjoying that side of town, maybe we would have someone else that wants to have a butcher shop or a bakery or those kind of things on that corner. I think ultimately, it's going to raise the tide and other businesses that want to be in the area. So, I think in regards to property values, sure a bar, if we went off of Wilmington Street and put a bar directly between two homes, that's going to hurt property values. But we're looking at the downtown district, specifically the building is downtown, I don't think that is going to hurt the property values at all. I think actually it would help the property values to have a business that's doing well. I've had a hard time finding tenants for this building. It's either allow anyone to do anything like a smoke shop, which is not what I want there, or more lawyer or doctor's office, nothing against lawyers or doctors, I just don't think that's what we need. I think our town needs places for people to go to enjoy food, enjoy beverages, enjoy their family and their community and I think this is in line with that. As I mentioned, I did talk to Tony's parents, they seemed...you know, [inaudible comment] hear from his wife, thank you for speaking...I didn't hear his side, but his parents seemed to think...you know, they like to walk to the brewery from the house and enjoy...would be somewhat in support depending on the music is what he said, which I think having a certain time for the music to be off is important. Little bit of history of the building, for the last twenty or thirty years it's been Mr. Corbett's office, surveyor...Mr. Corbett was telling some pretty interesting history. I've heard a lot of different stories. A lot of you may not know this, when you first look at that building, there's two kind of glass windows, the front glass window was a waiting area which was the white waiting area and the middle was a colored waiting area and downstairs was a restaurant and upstairs was boarding houses where people would stay overnight. I've heard interesting stories of the things that happened in that building and ladies of the night. I don't know if that stuff is true or not but ultimately Mr. Corbett has done a really good job at keeping that building very professional, but a part of me has some really cool history, that side of town has some really quirky history. How do we play on that history, whether...it's not great history, let's say that...but there's some cool history that we should not forget but we should take and grow with and I think what Mike is trying to do is really cool to that corner of town which is an area that could bring the community together that has some history and I think what Mike is trying to do is a really good example of what we should stand behind as a community. I understand the bar idea is scary, but just remember it's a family establishment and we go into Burgaw Brewing, I never see people falling on their faces or getting hammered, I see families having fun and see a lot of familiar faces I get to say hey to. That's what I expect as a property owner and Mike being the tenant. We're going to hold him to high standard for the community and any suggestions we can to help him get there...even the entrance that was mentioned, having to go outside to go to the side. You know, it's an old building, there's old windows here. Once they get established and start making some money, and it makes sense financially, we can support them putting in a larger entrance that combines the outside to inside, but those are things that, again, what makes physical sense and making smart

decisions and ultimately we want them to first get in there. First, become successful and hopefully will be very successful and we can support them in eventually taking over the whole building. That would be really cool downstairs, the entire downstairs all the way to the front of the courthouse, an arcade, food, we would support that 100%, but this is really kind of a test, a small scale of what they want to do in that building and we wholeheartedly support them. That's all I have. I just wanted to touch on a couple of those things. Thank you. Any questions?

Mayor Dawson: Thank you. Any questions?

Commissioner Harrell: I have one more for Ms. Jacques.

Mayor Dawson: Okay.

Commissioner Harrell: Ms. Jacques, so I kind of got the impression from you that you kind of supported this business, but...

Kelly Jacques: I support their...first of all, I support them reaching out to me, which was awesome like I said. I support what they are doing, but I don't support it next to my house. I know it's a family oriented thing; I don't think that there's going to be drunk people all over my yard, but we like to sit outside also. My family does too, and we do a lot of things for Halloween, fog machines going. Like I said, I don't want to step on their toes and I certainly don't want them stepping on mine. Like I said, my kids have parties outside, we have a pool, so we are constantly outside and our quality of life outside, I feel, is going to be affected because of this. Not to say I don't like the idea, I think it's a great idea, do I want it next to my home, absolutely not. Nothing against them personally or what they're doing. I've lived here for five years and my house is hundred something years old, I like it the way it is. I don't like change much, but I do know I wouldn't like much of anything this caliber of music, the lights, the parking, everything that has to do with it, right next to my house. It is literally...like Mike said, forty-one feet from my parents' bedroom.

Commissioner Harrell: Okay. Thank you.

Michael Fields: May I speak to address a couple of the concerns? I greatly appreciate all the concerns and everyone talking about the business and...very much appreciate that. Me and Matt actually walked down to the location today just to talk about it more. We actually did talk about the heat pump and what we would like to do. Leo pretty much stated that we would probably put a buffer there, which lessens the sound for us too as well. We even considered...talked about...we could even have silent disco nights. They're having one at the aquarium; everyone is wearing headphones. They're listening to music but no one else can hear it. There's different ideas we can do there and especially open with times and days we are able to do this. Especially communicate the events that we would like to have and would like for you to join in on the events and have your family come and join us. Like I said, we want to be a neighbor, not just a business. A business and a neighbor. When it comes to drunk, having people drunk, peeing on the walls or anything like that, this is not an establishment for that. Mead is completely different on its own. Yes, it's an alcohol, but it's also an alcohol that's more costly than your traditional wine or traditional beer. You have people that love mead and at nine-dollars for a five ounce pour or even eight-dollars for a five ounce pour, even though that's very costly for somebody to put back and get drunk off of. It's something to enjoy, it's not something we want our customers to take a lot of. Of course, with the training our employees, Matt and myself have, that would not happen. When it comes to the gate there, the gate's there for an emergency exit. We're not expecting customers to go in and out of that gate, especially to show up blindly on the backside. We want that mainly for emergency exit, but totally fine if we don't want to have the gate there. That can totally be removed, but just wanted it for the health and safety of everybody to have

that there just in case. When it comes to smoking, Matt and I are not smokers. It would be a non-smoking facility. We don't want trash or to have bugs around or anything like that around. When it comes to not having retail locations, I would like to remind you that Bandana's used to be there as a restaurant, close to these locations as well, so that wasn't too far long ago they were there. Also, too I want to remind you that there are two bars that are not that far. They are walking distance to get to from our establishment as well. Again, we want to show we are responsible, we want to show the community that hey, we want to be a part of the community and when it comes to Communities in Schools, children and everything like that, again, my wife works at Little Town Learning Center for eighteen years. I have two kids of my own, I have a four year old and a ten year old. We all go to Lion's Crest; I do kickboxing and my son does jujitsu, were part of the community, we've [inaudible comment], we want to help out as much as possible too. It's not about gaining a profit, it's about being with the community and growing with the community and having fun with it. That's the main thing, and entertainment spot for everybody. Thank you.

Mayor Dawson: Any questions for Mike?

Commissioner Robbins: Bathroom.

Michael Fields: So there are two bathrooms that are upstairs. It's not uncommon to have a location, a bar, or a wine bar that has restrooms upstairs. What's hopefully going to happen with the meadery room we are going to expand, there is a restroom downstairs that will be able to be utilized as well.

Commissioner Dawson: For handicap purposes, you don't have to have a downstairs bathroom?

Michael Fields: I don't believe so. I would have to double check on that, but I don't think that's the case. It is an old historic building too. It could be a possibility that with our next door tenant that we could probably work out a situation where we did have a handicapped person to come in, that they would be able to use the first floor restroom.

Gilbert Combs: I'm happy to address that. This tonight, if they get approval, they would still have to go through planning and building inspections, so Louis would make sure of any requirements they would have to meet. He's right, that because it is an historic building, there are certain things about it that may not be required that would be required today, but Louis is on top of that as you know and whatever is required would be required then.

Michael Fields: Like I said, there are options there that we could probably work with too if it is needed during inspections.

Commissioner Dawson: And if you can, close that back gate for privacy for the adjoining neighbors.

Michael Fields: Absolutely. That's not an issue. It was there for emergency purposes only.

Commissioner Harrell: While you're on the microphone, Gilbert, just so I'm clear on this. If we vote for this use, is a special use permit and does not guarantee that the next business that comes there should there business fold, would be okay to be permitted to be [inaudible comment].

Gilbert Combs: I will say this approval runs with the property.

Commissioner Harrell: Okay, thank you.

Leo Andrades: With that unit or the entire property?

Gilbert Combs: The address 111, you're applying for this...it does have a site plan associated or a floor plan layout so it would be held to that foot and layout. I do want to mention to the board that this is kind of [inaudible comment] and the special use permit process in general is far more difficult to deny a request as long as they are checking all the boxes. General statutes do say that

we are able to, if the board wishes, apply conditions on the property to address some of the concerns. Those conditions would have to be agreed upon by the applicant.

Board member: [inaudible comment]

Attorney Rivenbark: That's what y'all...at the appropriate time, have to vote on, individually.

But, if you wanted to ask about any conditions, such as noise and times for outside entertainment, the applicant would have to agree...now would be the appropriate time to do that.

Commissioner Robbins: Is this the appropriate time to ask questions about the outside music? I have no problem with the inside part of it. I have a hard problem with the outside.

Michael Fields: Okay.

Commissioner Robbins: With...If I was her, I would be in here kicking and screaming about somebody putting a bar beside me with, you know, a family, so...

Michael Fields: Right.

Commissioner Robbins: I don't understand why, if you got to...you know, you're talking about playing music outside. How are we going to regulate that?

Michael Fields: So that's really a want other than a need. So, if the music is the main issue here, it doesn't have to be played outside. It can be played inside. Ultimately, we would like to just have a seating, gathering area outside. Ultimately, when we expand, which is our plan, we will have an area...for like I said, retro movie nights, live entertainment inside and arcade. All that would be housed inside.

Commissioner Dawson: Well, if you're willing to forego the music, I think that will help make the neighbors happy, because they...

Michael Fields: Yea, that's not a problem.

Commissioner Dawson: They want to be good neighbors too.

Michael Fields: Yea, absolutely. Any other questions?

Mayor Dawson: Questions or conditions?

Attorney Rivenbark: I just want to make sure we're clear. He's stated he agrees not to have the music outside. Did that also intend to be outside movies, or...I just want to make sure we're clear here.

Michael Fields: I'd say any artificial sound other than people. So, we would not have that outside.

Attorney Rivenbark: You would not?

Michael Fields: Would not.

Attorney Rivenbark: Okay.

Gilbert Combs: If I can jump in here right quick. One of the points in the use standards states "noise and/or music on bar, cocktail lounge, and/or nightclub premises shall not be audible on any adjacent residentially used property after 10 pm."

Commissioner Dawson: It's my understanding that they're...will not have music at all.

Michael Fields: That's correct. We're just going to forfeit it on the outside.

Gilbert Combs: Okay. Great.

Mayor Dawson: Anything else? Does that meet everybody's...

Attorney Rivenbark: Before you begin the voting process, Madam Mayor, again, for the special use permits, for the situation we have to go through all the elements individually, each commissioner has to vote for or against. If the commissioner votes against, they need to state on the record why they believe that condition has not been met. And again, special use permits are quasi-judicial, based upon expert testimony. The applicant appears to have an expert appraiser, which you should consider, but I would also note for you that North Carolina courts always

allow individual property owner to express an opinion of their own property value, that is considered as well. I think you can consider all the testimony that's been given tonight.
Jessica Gray: Do I need to note [inaudible comment] part presentation as evidence?

Attorney Rivenbark: Yes.

Mayor Dawson: So, prior to reading this, is there anything I need to do? No? Just go through it. Okay. So, I'm going to read the first statement and go down to the line and get a vote.

The following Findings of Facts were read aloud and voted on accordingly:

Item A - The location and character of the special use permit, if developed according to the plan as submitted and approved, be in harmony with the area in which it is located. The special use shall demonstrate conformance to the Land Use Plan or other plan in effect at the time and address the impacts of the project.

Commissioner Malloy: Yes

Commissioner Harrell: Considering the concessions that have been given, I'd have to say, yes.

Commissioner George: No, because of "wine".

Commissioner Dawson: Yes.

Commissioner Robbins: No, it's not in harmony, the reason being, is because it's not...there's nothing like it there...there's nothing like it in the building, there's nothing like it on that entire block. So, that's the reason I would say it's not in harmony.

Item B - The use is allowed pursuant to this ordinance and meets all the required conditions and specifications, including, without limitation, those set out in this ordinance.

There was a pause and inaudible comments by the board. Attorney Rivenbark reminded the board they've got to go through each of the elements, yes, no and state the reason why and then there will be one final vote on the resolution for a special use permit.

Commissioner Robbins: Yes, it does.

Commissioner Dawson: Yes.

Commissioner George: Yes.

Commissioner Harrell: Yes.

Commissioner Malloy: Yes.

Item C – The use of the property as proposed will not affect other adjoining or abutting property values.

Commissioner Malloy: No, because I believe it will affect property values.

Commissioner Harrell: Yes.

Commissioner George: I'll say, yes.

Commissioner Dawson: Yes, for me.

Commissioner Robbins: Yes.

Item D – The use will not materially endanger the public health or safety, if located where proposed and developed, according to the plan as submitted and approved.

Commissioner Robbins: Yes.
Commissioner Dawson: Yes.
Commissioner George: Yes.
Commissioner Harrell: Yes.
Commissioner Malloy: Yes.

Item E – The increase in vehicular traffic resulting from a proposed development would not pose a danger to public safety.

Commissioner Robbins: Yes.
Commissioner Dawson: Yes.
Commissioner George: Yes.
Commissioner Harrell: Yes.
Commissioner Malloy: Yes.

Mayor Dawson: Okay. So, that was all in consideration of the special use permit request, and now we need a motion for the resolution.

Attorney Rivenbark: To allow the bar use with outdoor seating.

Commissioner George: Do what now?

Mayor Dawson: I'm sorry, repeat that?

Attorney Rivenbark: You either need a resolution to approve or deny the use as requested with the concessions as stated on the record by the applicant.

Commissioner Dawson: I make that motion.

Attorney Rivenbark: To approve?

Commissioner Dawson: Yes.

Commissioner Malloy: Second.

Mayor Dawson: All in favor?

Commissioners Dawson, Malloy, Robbins and Harrell voted "aye" and Commissioner George voted "nay". Motion carried.

Mayor Dawson: Okay. So, at this time we will close the public hearing.

Mayor Dawson declared the public hearing closed at 10:29 PM.

ITEMS FROM ASSISTANT MANAGER – *Jim Hock, Assistant Town Manager*

Ordinance 2023-31 Traffic Schedule Ordinance Update

Chief Hock briefly explained Ordinance 2023-31 as presented. He said staff has been updating the ordinance regarding traffic schedules, including stop lights, all-way stops, speed limits, etc. Chief Hock gave an update on the intersection of Bridgers Street and Wright Street with making that an all-way stop. He also gave an update on the number of 25 MPH signs needed to reflect the recent approval by the board regarding residential town-owned street speed limit. There was discussion about keeping Fremont Street between Cowan Street and US Highway 117 By-pass at 35 MPH instead of changing it to 25 MPH as previously approved. Commissioner Harrell made a motion to approve keeping Fremont Street between Cowan Street and US Highway 117 By-

pass at 35 MPH. The motion was seconded by Commissioner Dawson and carried by unanimous vote. After some brief comments, Commissioner Dawson made a motion to approve Ordinance 2023-31 reflecting the 35 MPH on Fremont Street. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Updates on Current Town Projects

Public Works Facility Expansion Project

Chief Hock gave an update on the progress of the Public Works expansion. He showed pictures to the board of the progress.

Burgaw Cemetery Fence

Chief Hock advised the fence project at the Burgaw Cemetery has been completed.

Other items from Assistant Town Manager

Commissioner Harrell asked for an update on the elementary school drop-off line issue. Chief Hock said he reached out to Mike Taylor at the elementary school and hasn't heard back. Chief Hock's recommendation is to include an additional parking area in the back of the school as part of the car line for drop-off and pick-up, therefore, making the line longer and hopefully eliminate the cars backing up along Wright Street in front of the residences.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Consideration of appointing members to the Tourism Development Authority and the Parks & Recreation Advisory Committee

Commissioner Dawson made a motion to appoint Angela Bartlett and Nidhi Shah to the Tourism Development Authority. The motion was seconded by Commissioner Harrell and carried by unanimous vote. Commissioner Harrell made a motion to appoint Cathy Guidry to the Parks & Recreation Advisory Committee. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Other item

Commissioner Robbins thanked Mr. Suggs for serving on the Blueberry Festival committee. He said it is good the town is involved.

ITEMS FROM MANAGER – *James Gantt, Town Manager*

Discussion on the town's current trash service

Mr. Gantt said we are continually having more and more issues with our trash service. Staff gets a lot of complaints about missed pick-ups. Another issue has been the trash service beginning

before 7:00 AM. Dumpsters are also being dumped in the early morning hours. Mr. Gantt said he has met with the district manager numerous times, but there continues to be issues. Commissioner Malloy asked for Mr. Gantt's recommendation. Mr. Gantt said the contract ends in June 2024. He said he would like to end the contract immediately, but this puts the town in a situation that we are not ready for. Mr. Gantt suggests advertising for trash service bids soon and find another company to start at the end of the current contract with GFL. All board members were in favor of allowing Mr. Gantt to solicit bids.

Updates on Current Town Projects

Storm Water Master Plan Grant

Mr. Gantt said staff has submitted things to the state. Bidding will begin in the next few weeks. We expect to award the bid to a consultant in mid-January.

Water/Sewer Systems Upgrades Grant

Mr. Gantt said there is not much to update about this at this time. He is waiting to hear back from Carson Smith's office regarding the state funding.

Digital Agenda Project

Mr. Gantt said this project is still moving along and there will be a couple more meetings set for staff. The goal is to use the agenda software for all of the town's boards and committees. The plan is for staff to begin using the software for the January meeting.

Sidewalk Projects

Mr. Gantt said the concrete is supposed to be poured soon at First National Bank.

Mayor Dawson requested staff do an inventory of the sidewalks and prioritize the sidewalks that need attention. There was brief discussion about sidewalks.

Parks Camera and Access Control System Project

Mr. Gantt advised all the items have been delivered for the project and waiting for the company to do the installation.

Burgaw Town Center Parking Lot Update

Mr. Gantt said he has met with the engineer and made some modifications to fit as many parking spaces as possible. The engineer should have the modifications completed soon, then bidding will begin.

ITEMS FROM ATTORNEY – Zachary Rivenbark, Town Attorney

Attorney Rivenbark stated he has items for closed session, but they can wait until the next meeting.

Other items from the Mayor and Board of Commissioners

Commissioner Harrell requested staff check with NC DOT about the town adding the bulb-outs at the intersection of Wilmington Street and Wright Street. Mr. Gantt will make contact with NC DOT about the town possibly doing the bulb-outs due to safety concerns.

Commissioner Harrell would like to create a program that would allow students of Cape Fear Community College, Pender Early College, and Pender High School to use the incubator kitchen for food service curriculum. Mr. Gantt reminded the board this was previously discussed by the board in previous years. Commissioner Harrell said he is willing to head up this program even though it would be after he is off of the board in December. None of the board members voiced oppositions.

Commissioner Robbins commented on the situation heard during public forum regarding the business on McNeil Street. He said we really need to look at this. Attorney Rivenbark said Mr. Combs issued a notice of violation and Mr. Garner admitted he is in violation. Attorney Rivenbark said Mr. Garner has requested a text amendment that will be heard by the Planning Board at their next meeting.

Commissioner Robbins said he understands the NC Blueberry Festival is in disarray and commented on the town working with the NC Blueberry Festival similar to the way the town and Chamber are working together. Mr. Gantt will look into this.

ADJOURNMENT

Commissioner Harrell made a motion to adjourn. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

The meeting was adjourned at 11:25 PM.

Attest: _____
Kristin J. Wells, Town Clerk

G. Olivia Dawson, Mayor



**Town of Burgaw
ITEM REPORT**

Item: 6A

DATE OF MEETING: January 16, 2024 DEPARTMENT OF ORIGIN: Parks, Recreation, & Tourism	DATE SUBMITTED: 01/04/2024 SUBMITTED BY: Kristin Wells, Town Clerk
AGENDA ITEM DESCRIPTION: Pender High School JROTC Recognition <i>Cody Suggs, Director - Parks, Recreation & Tourism Department</i>	
SUMMARY STATEMENT: The Parks, Recreation & Tourism Department would like to present the Pender High School JROTC with a donation for their assistance with Autumn Fest and the 2023 Christmas on the Square event. Over 15 students were on hand that day to assist vendors with loading and unloading.	
STAFF RECOMMENDATION AND REQUESTED ACTION:	
FINANCIAL IMPACT INCLUDING FUNDING SOURCE:	
FINANCE DIRECTOR COMMENTS:	
ATTACHMENTS (IF ANY): None	



**Town of Burgaw
ITEM REPORT**

Item: 7CI

DATE OF MEETING: January 16, 2024 DEPARTMENT OF ORIGIN: Planning	DATE SUBMITTED: 01/05/2024 SUBMITTED BY: James Gantt, Town Manager
AGENDA ITEM DESCRIPTION: Resilient Coastal Communities Program Update <i>Jessica Gray, Community Development Coordinator - Planning Department</i>	
SUMMARY STATEMENT: The Town of Burgaw is nearing the end of Phase I of the Resilient Coastal Communities Program (RCCP). The consulting firm, Kleinfelder has worked with Town staff to gather and examine existing plans, maps, studies, and other information needed to identify potential storm hazard vulnerabilities and risks along with establishing an advisory Community Action Team (CAT). The CAT is comprised of Town staff, the Kleinfelder consulting team, community representatives, and key government agency representatives. The CAT has met 3 times, helping create a vision and goals for the Resiliency Plan for the Town. A small group went on tour to visit sites around Town where infrastructure projects have been implemented as well as areas that would benefit from improvements. The final step of Phase I is community engagement and a public input meeting is scheduled for Tuesday, January 30th from 5:30-7:30pm at the Burgaw Town Center. The drop-in meeting is being held to hear the needs and concerns of the community regarding flooding and other storm events, and will provide two opportunities for attendees to hear a short presentation about RCCP from Kleinfelder. There will also be a public focus group meeting earlier that day (January 30th) at 12:30pm at the Center-Heritage Place. Opportunity for public input will be available online prior to the meetings and several days following the events. The information gathered will be used for Phase II of RCCP: resilience planning and project identification prioritization for the Town. Inquiries about RCCP or the events can be made with Jessica Gray, Community Development Coordinator, 910-663-3452 or jgray@burgawnc.gov .	
STAFF RECOMMENDATION AND REQUESTED ACTION:	
FINANCIAL IMPACT INCLUDING FUNDING SOURCE:	

FINANCE DIRECTOR COMMENTS:
ATTACHMENTS (IF ANY): None



**Town of Burgaw
ITEM REPORT**

Item: 7DI

DATE OF MEETING: January 16, 2024 DEPARTMENT OF ORIGIN: Parks, Recreation, & Tourism	DATE SUBMITTED: 01/05/2024 SUBMITTED BY: Kristin Wells, Town Clerk
AGENDA ITEM DESCRIPTION: Burgaw Incubator Kitchen Cleaning Policy Amendments <i>Cody Suggs, Director - Parks, Recreation & Tourism Department</i>	
SUMMARY STATEMENT: The Parks, Recreation & Tourism Department is looking to change the cleaning policy at the Incubator Kitchen due to recent issues. In the past, the town has supplied all cleaning equipment for tenants but would now like to mandate that tenants provide their own cleaning equipment. Further discussion will be made available at the meeting. Attached are the suggested changes.	
STAFF RECOMMENDATION AND REQUESTED ACTION:	
FINANCIAL IMPACT INCLUDING FUNDING SOURCE:	
FINANCE DIRECTOR COMMENTS:	
ATTACHMENTS (IF ANY): Burgaw Incubator Kitchen SOP	

Burgaw Incubator Kitchen

Standard Operating Procedures

Rental and Use Policies

1. No live animals are allowed inside the building at any time.
2. No eating or drinking from open containers in the food production area. Only drinks in covered containers are allowed in the food production area and must be kept on lower shelves, below any food items.
3. All users are required to sign-in on a Sign-In Sheet when they arrive at the kitchen. All users must complete the BIK Cleaning Checklist. Please note any equipment that was not properly cleaned by the previous user.
4. Cooler Storage: All items must be clearly identified and labeled with the User's name. Food items must be stored tightly covered. Please keep in mind sanitation guidelines that dictate raw meats, poultry, fish, seafood and eggs must be stored on the bottom shelf. (Freezer storage is allowed at an additional charge. No items are allowed to be left in freezer for more than 24 hours)
5. Please remember this is a shared use facility with no janitorial service. Please make sure that you are cleaning the areas and equipment that you use.
6. Do not leave your personal small wares or cleaning rags in the kitchen.
7. BIK does not provide thermometers or scales for use in production. Users should invest in such equipment to meet their regulatory and record keeping needs.
8. **Housekeeping Policies. User policies include but are not limited to the following:**
 - 1) Users will provide their own cleaning towels, cooking items, sheet pans, ingredients, utensils, small wares and other special items necessary to their specific production needs.
 - 2) No equipment or items owned by BIK shall ever leave the premises.
 - 3) Users will strictly follow the SOP's and Equipment Cleaning Guidelines provided by BIK before, during and after each use of the facility.
 - 4) If User fails to leave the facility in the proper condition, User may receive a warning and be responsible to pay the actual cost of cleaning the facility as determined by BIK. Upon a second such failure, User shall pay a fine (set out in the Rental and Use Policies) and actual cleaning costs. Upon a third such failure, this Agreement shall be terminated.

General Guidelines

Personnel

1. Wear clean clothes that will protect from burns and other injuries. Remove all jewelry before coming into the facility. Earrings, studs, bracelets, rings etc may fall into products or not be

thoroughly cleaned and therefore harbor food particles/bacteria and so cannot be worn while in production.

2. Wear closed toe & heel, skid-proof shoes.
3. No back-packs or jackets or purses in the kitchen or wherever food is being processed.
4. Hairnet or other effective hair restraints must be worn at all times.
5. Wear a clean apron or chef's jacket to cover outside clothing. Apron to be removed before leaving the kitchen such as taking out the trash or going to the restroom.
6. Wash hands frequently with soap before starting work, and after each absence from the work area, after use of the restroom and any time hands become soiled or contaminated. Dry hands with paper towels.
7. No person afflicted with an open cut, infected wound, boil or communicable disease may work in any capacity in the kitchen.
8. No smoking is allowed in the kitchen or in any part of the building.

Facility

1. Do not leave outside doors open unless you are actively bringing in/removing items. Open doors allow insects, birds and rodents to enter the facility. Do not prop doors open.
2. Trash should be emptied into the dumpster after each kitchen use.
3. All equipment and dishes must be returned to their original places after use.
4. Only authorized, pre-approved processing activities may be conducted.
5. Users must provide their own common utensils and equipment including stirring spoons, measuring cups, mixing bowls, cooking trays, etc. and any specialized equipment you may require.

Getting Started and Signing-In

1. Sign in on the Sign-in Sheet at the start of setup (date, name and time)
2. Bring needed supplies to set up your work space. Be sure you have garbage bags, hairnets, aprons, cleaner, and sanitizer in spray bottles. Effective hair restraints are required by both health department and FDA rules and no one is allowed in the kitchen area when production is going on without them.
3. Fill out the BIK Cleaning Checklist to report on the condition of the kitchen as you found it in the "Notes" section if needed.
4. Wash hands, fill up wash, rinse and sanitize sinks.
5. Sanitize all equipment and work surfaces that you will be using.

Cleaning Prior to Starting

1. Clean and sanitize all food contact surfaces and equipment prior to starting work. Sanitizing solution will be prepared according to ServSafe requirements.

During Production

1. Do not allow any doors to remain open. This is a violation of health department and FDA rules.

2. Carefully follow operating guidelines for each piece of equipment. Instruction manuals are available. If you are using a piece of equipment for the first time or for a new use, you must get instruction from the Kitchen Administrator.
3. Be sure to turn on hood exhaust fans before starting up any gas-fired equipment. Turn them off at the end of use.
4. The BIK is equipped with a prep sink. The prep sink is only for washing fresh produce and meats (sanitize thoroughly in-between uses). Dishes must be washed in the Dish Area and not in prep sinks.
5. Keep spray bottles of cleaners or covered drinks on the shelf below the work table, or on the shelves near the sinks, never on the same level, or above food prep areas. Same for radios.

At the Close of Production

1. Break down and clean each piece of equipment used according to guidelines in the instruction book. Be sure to check adjacent equipment and walls for splashes and spills.
2. Clean and sanitize all sinks in the kitchen. Be sure to clean the walls above & around the sinks.
3. Clean and sanitize every place that hands have touched – handles to refrigerators and ovens, faucet and sprayer handles, light switches, etc.
4. Return everything to its original place. If you removed racks from ovens, be sure to put back.
5. No food is to be left in the reach-in coolers in the kitchen at the end of your processing. It will be thrown away. All foods that are to be stored in the freezer are to be properly labeled and removed within 24 hours. Nothing is to be stored on the floors.
6. Remove all trash bags to the dumpster.
7. Rinse and scrub trash cans in the mop room and return the cans to the kitchen area. Do not put new bags in the cans so the next person can tell that the cans have been cleaned.
8. Sweep and mop floors in the areas that you were using. Mop with clean, hot soapy water. Once your mop water starts to look brown, you should replace it, cleaning out your mop at the same time. With finished mopping, clean and rinse mop and mop bucket, wring out mop and hang to dry.

Last Check

1. Turn out all lights before leaving.
2. If you used the rest rooms, be sure they are in good condition – emptied trash cans, cleaned countertops, etc.
3. Return all equipment to proper place.
4. Make sure the trash has been taken out.
5. Fill out and turn in BIK Cleaning Checklist.



**Town of Burgaw
ITEM REPORT**

Item: 7DII

DATE OF MEETING: January 16, 2024 DEPARTMENT OF ORIGIN: Parks, Recreation, & Tourism	DATE SUBMITTED: 01/05/2024 SUBMITTED BY: Kristin Wells, Town Clerk
AGENDA ITEM DESCRIPTION: Public Funding Request: The 1865 Society of Pender County, LLC <i>Cody Suggs, Director - Parks, Recreation & Tourism Department</i>	
SUMMARY STATEMENT: The 1865 Society of Pender County, LLC is requesting funding for their upcoming Juneteenth celebration. Attached is their application for consideration. A small presentation will be made available at the meeting.	
STAFF RECOMMENDATION AND REQUESTED ACTION:	
FINANCIAL IMPACT INCLUDING FUNDING SOURCE:	
FINANCE DIRECTOR COMMENTS:	
ATTACHMENTS (IF ANY): The 1865 Society Public Funding Req	



Town of Burgaw Public Funding Request Form

Parks, Recreation & Tourism
109 North Walker Street
Burgaw, NC 28425
(910) 300-6401
Fax: (910) 259-6644
recreation@burgawnc.gov

Please fill out the application in its entirety to be considered for funding from the Town of Burgaw.
Additional information may be requested.

Project Information			
Project/Event Title: The 1865 Society of Pender County, Inc			
Project/Event Funding Year: 2024			
Project/Event Dates: Fiscal Year 2024			
Organization: The 1865 Society of Pender County, Inc			
Street Address: 513 N Wright Street			
City: Burgaw	State: NC	Zip Code: 28425	
Phone Number: 919-740-7802	Email: the1865society@gmail.com		
Project Sponsor (person with legal authority to sign a contract with the Town): Karen Malloy, President			
Street Address: Post Office Box 1464; 513 N. Wright Street			
City: Burgaw	State: NC	Zip Code: 28425	
Phone Number: 919-740-7802	Email: the1865society@gmail.com		
Sponsor is (please check one): ☒ Non-Profit ☐ Public Agency ☐ Other			
Amount Requested: \$ 2,500			
Match: \$			
Total Project Budget: \$ 2,500			
Project Summary			
Please provide a summary of the project:			
The 1865 Society of Pender County was incorporated and received its 501c3 status in 2023. The project is designed to educate, celebrate and engage future generations regarding our African American Culture and rich history. We envision doing this through the capturing, preservation and reflection of untold stories. Our history has been hidden and or excluded from American History. The upcoming year, 2024, we are planning a more expansive Juneteenth Celebration which includes a Middle School Spelling Bee in partnership with Burgaw Middle School and Communities in Schools (CIS) Awards are to be in three categories totaling \$1000 (\$500, \$250, \$150 and three \$50 gift cards for participants. It will be held on the Courthouse Square and include participation from various organizations, state agencies, vendors, etc.			



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Please provide a breakdown of how the received funds will be used:

The funds will be used to support the Spelling Bee ; . The final round will encompass six students plus all supplies and materials needed prior to the final round. Also we will need to rent port a johns at a cost of (4) \$125 for standard ones and (1) \$275 for a handicapped one. The delivery and return pickup fee is \$35 each way for each port a john. Assistance with the cost for stage rental is also needed.

Have you requested Town funds in the past? If so, how much and how were those funds used?

Yes we have. The town granted us an amount of \$2000 that was used to help promote, sponsor and bring to fruition the very first Juneteenth Celebration for the Town of Burgaw.

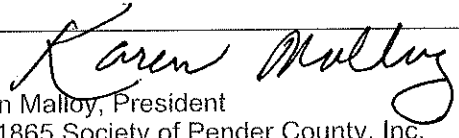
Please provide any additional information you would like to share about this project. If applicable, attach any flyers from this or previous events and pictures.

The 1865 Society's commitment is to bring about unity and equality for all peoples. This can only be done through education, sharing, and experiencing and valuing each other. We are at a point in history where we are more divided than ever. For our children and future generations we must do whatever is necessary to change this culture. The Spelling Bee will help our students develop better communication skills, enhance their public speaking abilities, increase their vocabulary and self confidence.. The Spelling Bee is also a tool to help raise our schools performance.

Requested funding is not guaranteed. Once funds are received, copies of receipts of how funds were used are required to be submitted to the Town within 60 days of the conclusion of the project/event. Failure to submit receipts may result in the denial of future funds requests. Notification to the Town is required if a project/event is postponed. In the event of cancellation, all granted funds shall be returned to the Town.

Applicant/Responsible Party Signature:

Date: December 27, 2023


Karen Malloy, President
The 1865 Society of Pender County, Inc.

Internal Use:

☐ Application Approved - Date: _____ Funds Awarded: \$ _____

☐ Application Denied – Date: _____
Reason for Denial:



Town of Burgaw Public Funding Request Form

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Burgaw, NC 28425
(910) 300-6401
Fax: (910) 259-6644
recreation@burgawnc.gov

Instructions

This application is for operating assistance only. To be considered for grant funding, the organization must complete the application in its entirety.

Successful grant applicants must sign an agreement with the Town of Burgaw subsequent to the award of grant funding. A draft copy of this agreement is provided for your review. A finalized agreement will be prepared and signed once the appropriation is approved and the Town budget has been formally adopted.

Please be sure the application is signed certifying that you have read and agree with the contract.

Applicants will be given the opportunity to present a five-minute presentation to the Town of Burgaw Board of Commissioners in March or April. Please provide contact information if your organization would like to participate. These presentations will be recorded at the meeting for filing.

The deadline for submitting applications is March 1st of each fiscal year. Applications submitted after March 1st are to be considered late and may potentially not be funded.

Return the application and attachments in one of 4 ways:

1. Electronically via email to recreation@burgawnc.gov
2. Fax to (910) 259-6644
3. Mail to Parks, Recreation and Tourism (109 N. Walker Street, Burgaw, NC 28425)
4. Drop off at Town Hall (109 N. Walker Street, Burgaw, NC 28425)

Application Attachments

1. *Optional/Required:* If available, submit a copy of your previous year's financial statement. This is not mandatory but may be requested by the Town of Burgaw Board of Commissioners before funding is approved.

Required Documents

1. If selected for funding, applicants will be required to submit to the Town of Burgaw an invoice in the amount approved and a copy of the organizations W9.
2. The organization will be required to submit copies of receipts on how funds were used within 60 days of the conclusion of the project/event. Failure to submit receipts may result in the denial of future fund requests.



Town of Burgaw Funding Agreement

Parks, Recreation & Tourism
109 North Walker Street
Burgaw, NC 28425
(910) 300-6401
Fax: (910) 259-6644
recreation@burgawnc.gov

Funding Agreement

This AGREEMENT made and entered into this ____ day of _____ 20XX, by and between Town of Burgaw, North Carolina, hereinafter referred to as the "TOWN", and _____ hereinafter referred to as the "AGENCY".

WITNESSETH:

WHEREAS, the AGENCY has requested certain funds from the TOWN to carry out its programs and activities as presented in the application for funding and

WHEREAS, in response to such request, the Board of Town Commissioners has appropriated the sum of \$ _____ for the period July 1, 20XX through June 30, 20XX to support this purpose; said sum being derived from TOWN funds, and

WHEREAS, it is desirable and necessary to enter into this AGREEMENT in order to set forth the terms and conditions for receiving said funds from the TOWN.

NOW THEREFORE, in consideration of the following, the parties hereto do mutually agree as follows:

1. AGENCY agrees and understands that the amounts appropriated by the Board of Town Commissioners may change at any time and therefore TOWN is not obligated to provide to the AGENCY all or any of the funds set forth in this AGREEMENT.
2. The AGENCY agrees to use the funds appropriated and provided by the TOWN in the manner and for the purposes as stated on the Grant forms submitted to the TOWN or as otherwise approved by the Town, which are incorporated by reference into this AGREEMENT.
3. The TOWN shall be entitled to conduct program evaluations of the AGENCY's activities particularly as it relates to the accomplishments of established goals and objectives and the quality and impact of services being delivered. Further, the TOWN shall have authority to review AGENCY'S previous year financial statements. AGENCY agrees to promptly reply with any such request by the TOWN.
4. As a condition of receiving funds from the TOWN, the AGENCY agrees to fully indemnify and hold harmless the TOWN, its officers, agents and employees from and against any and all claims, demands, payments, suits, actions, costs, recoveries and judgments of every kind and description brought out of or occurring in connection with, directly or indirectly, activities funded in part or in whole with funds made available under this AGREEMENT.
5. Applicants will be required to submit an invoice in the amount approved and a copy of the organization's W9 to the TOWN prior to the TOWN releasing any funds. The organization



Town of Burgaw Funding Agreement

Parks, Recreation & Tourism
109 North Walker Street
Burgaw, NC 28425
(910) 300-6401
Fax: (910) 259-6644
recreation@burgawnc.gov

will be required to submit copies of receipts on how funds were used within 60 days of the conclusion of the project/event. Failure to submit receipts may result in the denial of future fund requests.

6. Notification to the TOWN is required if a project/event is postponed. In the event of cancellation, all granted funds shall be returned to the TOWN no later than 10 calendar days following the date of the originally scheduled event.
7. This AGREEMENT may only be amended by written mutual agreement by and between the TOWN and AGENCY.
8. This agreement shall be interpreted in accordance with North Carolina law.
9. TOWN and AGENCY stipulate and agree that Pender County is the proper Court venue in the event of any litigation arising out of or connected to this agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in their names by their duly authorized officers, their seals to be hereto affixed the day and year first above written.

ATTEST

TOWN OF BURGAW

Town Manager

This agreement has been pre-audited in the manner required by the Local Government Budget.

Town Finance Officer

ATTEST

AGENCY

Authorized Agency Member



CASE SUMMARY

Board of Commissioners

Conditional District Rezoning

January 09, 2024

Gilbert Combs, 910-663-3451, gcombs@burgawnc.gov

Staff Recommendation	Conditional approval
Planning Board	10/19/2023; Recommend denial, 6-1
Board of Commissioners	11/14/2023; Continued // 12/12/2023; Continued // 01/09/2024; Scheduled

Request

Request	Rezone PIN #3229-36-9052-0000 from R-12, Residential to R-7 (CZ), Residential for a multifamily project containing 40 townhomes	
Applicant	Andrew Smith / Penderline, LLC	andrew@hampsteadnchomes.com 910-262-6744

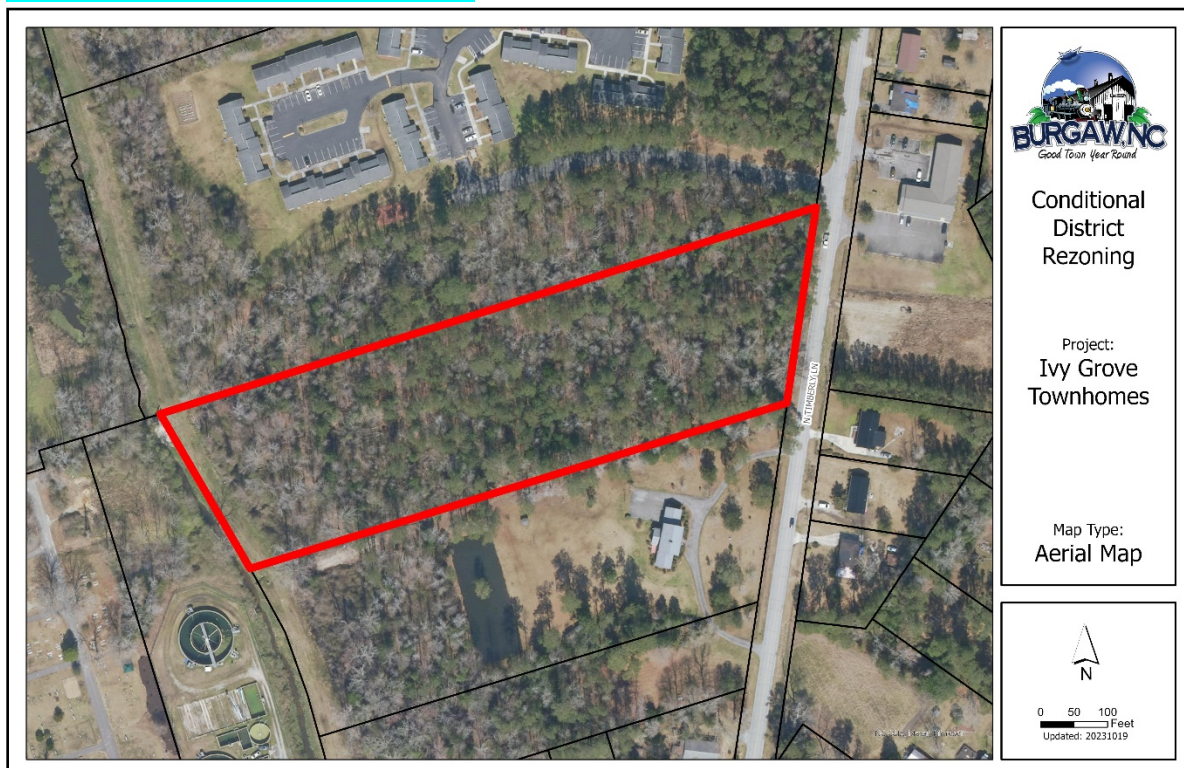
1. Case Overview

Application to rezone ±5.71 acres of undeveloped land located on Timberly Lane (PIN 3229-36-9052-0000) from R-12, Residential District to R-7 (CZ), Residential District Conditional Zoning for a multifamily project containing 40 3-bedroom townhomes.

ITEMS HIGHLIGHTED IN YELLOW ARE NEW BASED ON COMMENTS OR CONSIDERATIONS FROM THE 10/19 PLANNING BOARD MEETING.

ITEMS HIGHLIGHTED IN GREEN ARE NEW BASED ON COMMENTS OR CONSIDERATIONS FROM THE 11/14 BOARD OF COMMISSIONERS MEETING.

ITEMS HIGHLIGHTED IN CYAN ARE NEW BASED ON COMMENTS OR CONSIDERATIONS FROM THE 12/12 BOARD OF COMMISSIONERS MEETING.



2. Summary and Recommendation

2.1 Proposal

The applicant is proposing to construct a 40-unit multifamily townhome project on an existing undeveloped parcel located on North Timberly Lane (US Hwy 117 Bus).

Figure 2.1.A: Proposed Site Plan

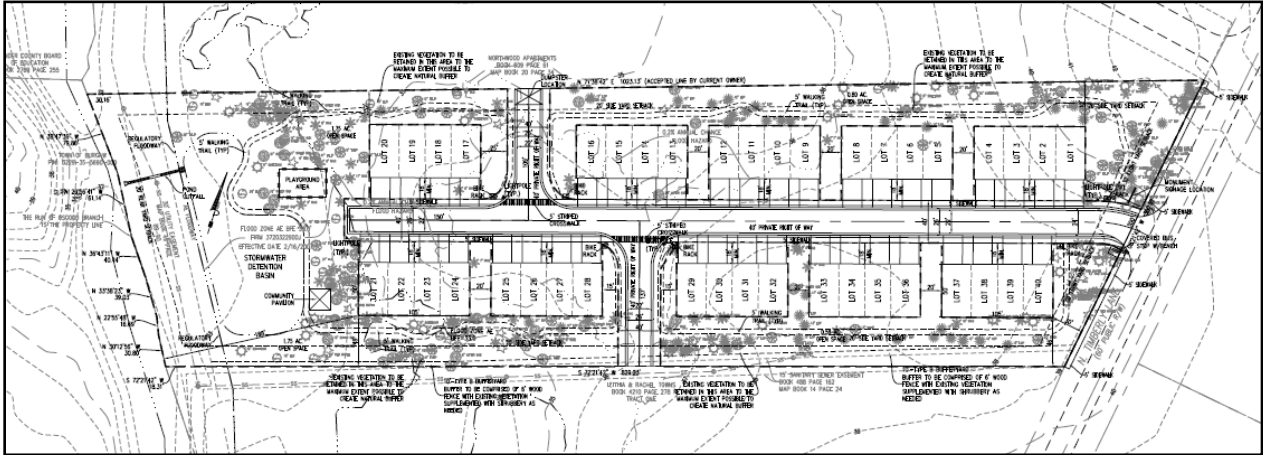


Figure 2.1.B: Front Elevation Examples





2.2 Community Meetings

The two required community meetings were held on 10/10/2023 at 10 AM and 10/10/2023 at 6:00 PM at 204 South Walker. A summary of each meeting can be found in attachment 15.

2.2.1 Criteria for Review and Recommendation

Section 8.8 Conditional Zoning (CZ) Amendments of the Unified Development Ordinance (UDO)

Conditional zoning districts are zoning districts in which the development and use of the property is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. A conditional zoning district allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such a nature or scale that they have significant impacts on both the immediately surrounding area and on the entire community, which cannot be predetermined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of these regulations, the adopted land use plan, and adopted district and area plans. The review process established in this section provides for the accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions, which ensure compatibility of the use with the use and enjoyment of neighboring properties.

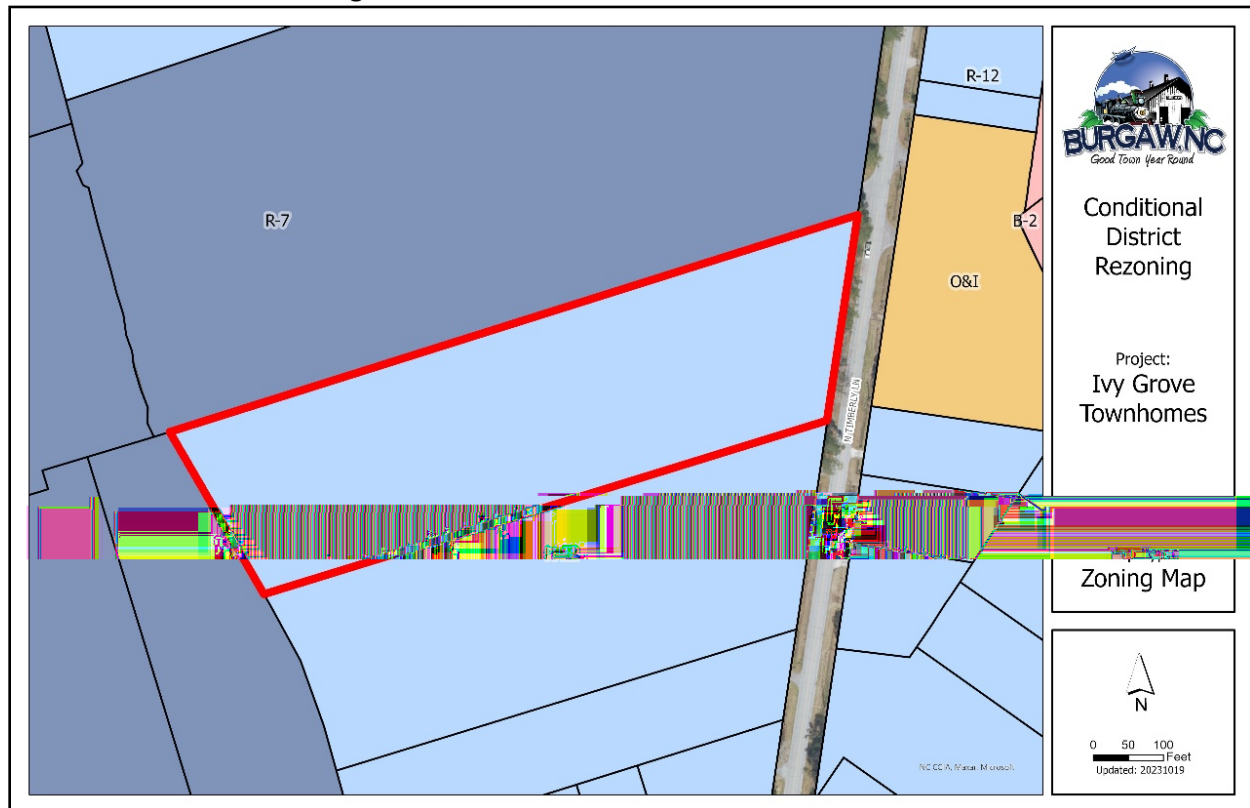
Recommended Conditions

1. The use and development of the subject property shall comply with all regulations and requirements imposed by the Town of Burgaw Unified Development Ordinance and any other applicable federal, state or local law, ordinance or regulation, as well as any condition stated below. In the event of a conflict, the more stringent requirement or higher standard shall apply.
2. Approval of this conditional district rezoning does not constitute technical approval of the site plan. Final approval by the Technical Review Committee and the issuance of all required permits must occur prior to releasing the project to the Building Inspections Department.
3. If, for any reason, any condition for approval is found to be illegal or invalid or if the applicant should fail to accept any condition following approval, the approval of the site plan for the district shall be null and void and no effect and proceedings shall be instituted to rezoning the property to its previous zoning classification.
4. The use and development of the subject property shall be in substantial compliance with the site plan as submitted and accepted by the Board of Commissioners on 1/9/2024.
5. The elevations of each structure shall be in substantial compliance with the elevation examples as submitted and accepted by the Board of Commissioners on 1/9/2024.
6. A proposed connection to future development as shown on the site plan must be retained.
7. A five-foot sidewalk at Timberly Lane along the entire project frontage is required.
8. Six, evenly dispersed, bike racks are required.
9. A covered bus shelter shall be located between either building 10 or 40 and the back of proposed sidewalk.
10. No structure may exceed two stories in height and may not exceed the maximum allowable height of 35 feet.
11. No more than 40 residential units may be constructed.



3. Analysis

3.1 Area Context and Existing Conditions



Surrounding Area	North	South	East	West
Zoning	R-7 Residential	R-12 Residential	O&I Office and Institutional, R-12 Residential	R-7 Residential
Current Land Use	Multi-family residential	Single-family dwelling	Institutional / Vacant Residential	Institutional

3.2 Site History

There are no files related to this property in the Planning Department.

3.3 Environmental

According to a review conducted by Southern Environmental Group, Inc., there are no wetlands or waters of the U.S. present within the boundaries of the parcel. An approval from the US Army Corp of Engineers will be required prior to conditional zoning release. The survey map submitted by the applicant delineates the location of different flood designations on the parcel, to include floodway at the rear of the property.

3.4 Consistency of Proposed Development with Unified Development Ordinance (UDO) Requirements

Preliminary review of the proposed development against the UDO shows it is in general compliance with reviewed sections.



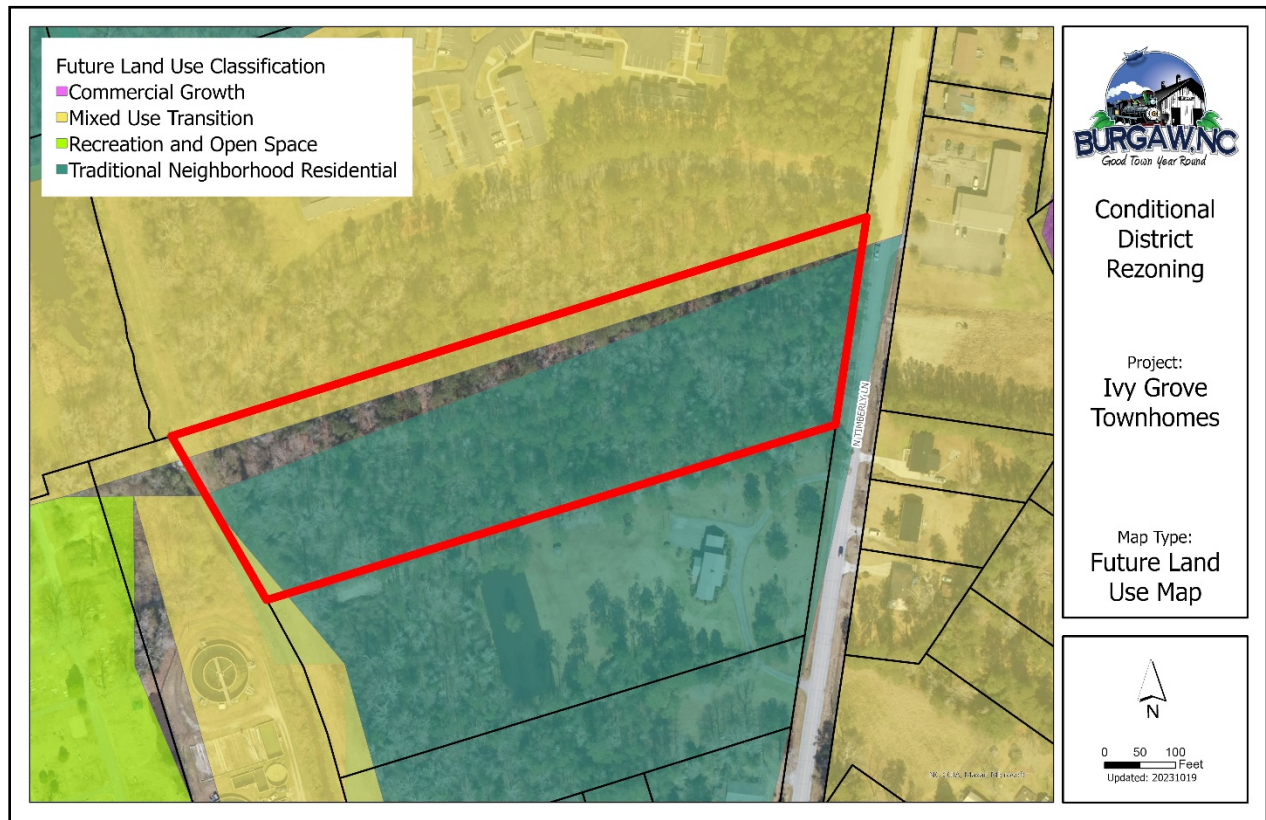
CONSISTENCY WITH APPROVED PLANS

Town of Burgaw Comprehensive Land Use Plan

The proposed amendment is consistent with the policy intent of the Town of Burgaw Comprehensive Land Use Plan. Policies that are most pertinent to the proposed amendment are below. Not all policies carry equal weight and may depend on the specifics of the proposal. The following symbology is employed:

			
Strong Support	Modest Support	Modest Non-support	Strong Non-support

Land Use	
Goal 1: To promote infill development and revitalization of areas with existing infrastructure: Encourage development in areas where the necessary infrastructure—roads, water, sewer, etc.—are available, planned, or can be most cost effectively provided and extended to serve existing and future development	
Goal 1: To promote infill development and revitalization of areas with existing infrastructure: Oppose rezonings and infrastructure improvements that create a “leap frog” development pattern, wherein development bypasses primary growth areas and occurs in isolation or in small clusters	
Economic Development	
Goal 1: To support the profitability and sustainability of existing businesses and industries: Work with the private sector to evaluate economic trends, opportunities, and needs of key industries, with the intention of anticipating issues and taking early action to avoid decline in the city’s commercial areas	
Goal 2: To attract businesses and industries that will enhance the economic health and livability of the town: Ensure the town’s zoning and development codes can accommodate appropriate businesses and industries and a variety of development forms	
Environmental Protection	
Goal 4: To preserve and enhance the town’s tree canopy: Promote the reforestation of tree coverage that is typically lost during urban and suburban development through tree conservation, targeted tree plantings, urban forestry, and street tree plantings	
Public Health and Safety	
Goal 1: To promote land use patterns and transportation systems that encourage physical activity, promote healthy living, and reduce risk for chronic illness: Consider health impacts of development plans and proposals as part of the review process	
Transportation	
Goal 2: To increase the use and effectiveness of alternative transportation modes, such as walking, bicycling, etc.: Require development and redevelopment proposals to accommodate multiple modes of transportation	
Equity Statement	
Transportation: Prioritize construction of new sidewalks and bicycle infrastructure along routes regularly used by those with limited access to motorized vehicles	



Future Land Use Map: Traditional Neighborhood Residential

The Traditional Neighborhood Residential Classification is characterized by its connectivity, both auto and pedestrian, and primarily single-family housing. It includes properties in existing medium-density neighborhoods, undeveloped properties that are surrounded by or adjacent to such neighborhoods, and undeveloped areas suitable for future residential development.

Recommended Land Uses: single-family residential, two-family residential, beds and breakfast

DEVELOPMENT GUIDELINES	
Medium-density residential	●
Street grid connectivity or multi-use paths	NA
Pedestrian and bicycle infrastructure	●
Required cluster developments when needed to protect wetlands and floodways	NA
Impervious maximums in environmentally sensitive areas (hydric soils, wetlands, floodplains, etc.)	NA



CONCLUSIONS AND RECOMMENDATION

The proposal for a 40-townhome multifamily project is consistent with policies and development guidelines in the Town of Burgaw Comprehensive Land Use Plan. Not all development guidelines for the 'Traditional Neighborhood Residential' classification are applicable as these guidelines fall more in line with larger traditional subdivision development. If a traditional subdivision were proposed here under current R-12, residential standards, approximately 16 units could be developed assuming that about 25% of the property would be used for roadways, drainage, easements, etc. If the zoning was straight R-7, residential, and again assuming that about 25% of the project area would be allocated for areas other than residential units, it could produce approximately 26 units. Given the R-7 zoning district is the town's most dense base residential zoning district, and provided the proposed project would yield over 150% the estimated residential yield in R-7, this would not coincide with the intent of the Traditional Neighborhood Residential classification as identified in the future land use map as it relates to medium density residential development. It is important to note that future land use designations are not parcel specific, rather they identify general areas for different types of development as determined during the engagement process for the development of the land use plan.

Of the two required community meetings held, only one person, the adjacent property owner to the south, attended the earlier meeting. His remark on the comment sheet seems opposed to the proposed multifamily project and emphasizes his opinions of character and density.

The conditions proposed are intended to provide accommodation for pedestrian and bicycle activities related to the potential increase in residential units on the site. The stub connection is a requirement of the zoning code. If approved, tree mitigation and other UDO requirements will be determined during the plans review process.

Despite inconsistencies with the future land use map, the proposed plan is supported by a number of policies in the Town of Burgaw Comprehensive Land Use Plan. It may be reasonable to introduce additional conditions to safeguard the property owner immediately to the south. Given the zoning and land uses in the surrounding area and the existing multifamily project immediately to the north, it is reasonable for the Planning Department to give a recommendation for **approval** for this conditional district rezoning.

AT PLANNING BOARD 10/19/2023

Of those in attendance at the Planning Board meeting, 15 signed up with the majority of those in attendance participating in the public input session after staff and applicant presentations. Of those who spoke, one person spoke in favor of the project stating that there is inadequate rental stock in Burgaw and that he was interested in living in one of the units. The gentleman mentioned that there were no affordable options and that the ability to work from home meant he and his wife did not have to live in the bigger city where her office is located. Two didn't seem strongly for or against the project but did mention that the town should consider stresses on the schools and the stormwater infrastructure regarding flooding. One of the two called some of the concerns, "growing pains." All others who spoke were in opposition of the project with the following concerns: light pollution, prying eyes to adjacent single-family residential homes, noise, inconsistency with the Town of Burgaw Future Land Use Map, "big city concerns," preserving the small-town character, parking, and again flooding.

One Planning Board member asked for the applicant to consider including adding a covered bus stop at the project frontage as families with children may live in the townhomes, if approved.



AT BOARD OF COMMISSIONERS 11/14/2023

Of the public in attendance at the Board of Commissioners meeting held on 11/14/2023, the majority of the comments made during the public hearing portion were in opposition of the project as proposed. Common concerns were flood considerations, pedestrian safety and congestion impacts to the general area, and dense residential development so closely placed to single-family dwellings.

AT BOARD OF COMMISSIONERS 12/12/2023

Prior to planning staff presenting the item, the applicant requested and was granted a continuance to modify the proposed plan to address some of the concerns mentioned during public hearings.

NEIGHBORHOOD CONTACT

	Community Meetings	Board of Commissioners
Advertisement Date(s)	10/10/23 AT 10 AM and 6 PM	Sign posted: 10/30/2023 First Class Letters to PO: 10/30/2023 Ad sent: 10/27/2023

ACTIONS TO DATE

<i>Planning Board</i>	10/19/2023; Recommended denial 6-1
<i>Board of Commissioners</i>	11/14/2023; Continued // 12/12/2023; Continued // 01/09/2024; Scheduled

Attachments

- | | |
|--------------------------------------|--------------------------------|
| 1. Application | 11. Zoning Map |
| 2. Deed | 12. Future Land Use Map |
| 3. Site Plan | 13. Community Meeting Notice |
| 4. Proposed Elevation Examples | 14. Community Meeting Notes |
| 5. Legal Description | 15. Appraisal Analysis |
| 6. Survey | 16. Stormwater Statement – GSP |
| 7. Wetlands Statement | 17. Consistency Statement |
| 8. Public Works Service Availability | 18. Ordinance |
| 9. Trip Generation | 19. Resolution |
| 10. Aerial Location Map | |



PETITION FOR CONDITIONAL DISTRICT REZONING

Petitions for conditional district rezoning must be accompanied by eight (8) hard copy sets and one digital copy of required information.

DATE: 9/23/2023 FEE: _____

As the Petitioner(s), I/We Andrew Smith as Penderline, LLC request that the Town of Burgaw Planning Board recommend to the Town of Burgaw Board of Commissioners to change the Official Zoning Map of the Town of Burgaw as defined in the Unified Development Ordinance as follows:

LOCATION OF PROPERTY

PARCEL ID NUMBER: 3229-36-9052-0000

STREET ADDRESS: Timberly Lane, Burgaw

PROPERTY SIZE

ACREAGE 5.71 STREET FRONTAGE (ft) 300.18 DEPTH (ft) 829'-1020'

ZONING

CURRENT ZONING DISTRICT R-12 REQUESTED ZONING DISTRICT R-7 (CZ)

PROPERTY OWNERS

I CERTIFY THAT THE FOLLOWING ARE OWNER(S) OF THE PROPERTY SUBJECT TO THE REZONING REQUEST AS LISTED IN THE PENDER COUNTY REGISTRY.

NAME	ADDRESS
1. <u>Penderline, LLC</u>	1. <u>17117 Hwy 17N Hampstead 28443</u>
2. _____	2. _____
3. _____	3. _____
4. _____	4. _____
5. _____	5. _____

ADJACENT PROPERTIES LIST

Please add below the adjacent properties and property owners required to be notified of the public hearing. Please note the Town Fee Schedule requires an additional fee of \$7 per property required to be notified.

NAME

SMITH, CAMERON LAYNE

ADJACENT PROPERTY ADDRESS

511 N TIMBERLY LANE

PARCEL NUMBER

3229-45-0779-0000

NAME

PHP NORTHWOODS LLC

ADJACENT PROPERTY ADDRESS

601 TIMBERLY LN

PARCEL NUMBER

3229-36-9483-0000

NAME

TOWN OF BURGAW

ADJACENT PROPERTY ADDRESS

304 E WALLACE ST

PARCEL NUMBER

3229-35-5690-0000

NAME

ROWE, DONNA T

ADJACENT PROPERTY ADDRESS

600 N TIMBERLY LN

PARCEL NUMBER

3229-46-6253-0000

NAME

ADJACENT PROPERTY ADDRESS

PARCEL NUMBER

NAME

ADJACENT PROPERTY ADDRESS

PARCEL NUMBER

NAME

ADJACENT PROPERTY ADDRESS

PARCEL NUMBER

NAME

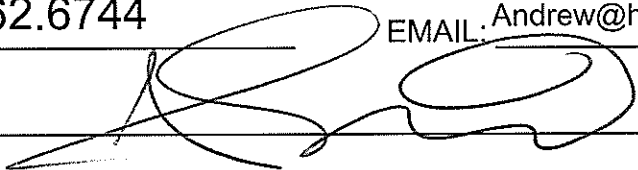
ADJACENT PROPERTY ADDRESS

PARCEL NUMBER

SUPPLEMENTARY INFORMATION

- ♦ PRELIMINARY SITE PLAN (SEE ATTACHED CHECK SHEET)
- ♦ SUPPORTING INFORMATION AND TEXT THAT SPECIFIES THE ACTUAL USE OR USES INTENDED FOR THE PROPERTY AND ANY RULES, REGULATIONS, AND CONDITIONS THAT WILL GOVERN THE DEVELOPMENT AND USE OF THE PROPERTY
- ♦ REPORT OF THE REQUIRED COMMUNITY MEETING TO INCLUDE:
 - A LIST OF THOSE PERSONS AND ORGANIZATIONS CONTACTED ABOUT THE MEETING
 - THE MANNER AND DATE OF CONTACT
 - THE DATE, TIME, AND LOCATION OF THE MEETING
 - A ROSTER OF THE PERSONS IN ATTENDANCE AT EACH MEETING
 - A SUMMARY OF ISSUES DISCUSSED AT THE MEETING
 - A DESCRIPTION OF ANY CHANGES TO THE REZONING PETITION MADE BY THE PETITIONER AS RESULT OF THE MEETING

OWNER INFORMATION

PHONE: 910.262.6744 EMAIL: Andrew@hampsteadnchomes.com
SIGNATURE: 
DATE: 9/23/23

APPLICANT INFORMATION (if different from owner)

PHONE: 910.262.6744 EMAIL: Andrew@hampsteadnchom
SIGNATURE: 
DATE: 9/23/23

OFFICE USE ONLY

COMPLETE APPLICATION RECEIVED BY: _____ DATE: _____

CONDITIONAL DISTRICT REZONING SITE PLAN CHECKLIST

REQUIRED INFORMATION	NOT APPLICABLE WAIVED BY PLANNING	INCLUDED WITH APP
Boundary survey and vicinity map showing the property's total acreage, its zoning classification(s), the general location in relation to adjacent properties, major streets, railroads, and/or waterways, the date, and north arrow		✓
All existing easements, reservations, and rights-of-way		✓
Approximate location of existing and proposed buildings, structures, and other improvements		✓
Proposed use of all lands and structures, including the number and square footage of all units, residential and nonresidential		✓
All yards, buffers, screening, and landscaping required and proposed		✓
All existing and proposed points of access to public streets		✓
Location of flood zones		✓
Location of wetlands		✓
Proposed phasing, if any	N/A	
The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development		✓
Location of all existing and proposed infrastructure on the site, including water, sewer, roads, pedestrian walkways, and open space		✓
Generalized traffic, parking, and circulation plans (including bicycle and pedestrian facilities)		✓
Proposed screening, buffers, and landscaping, as well as proposed treatment of any existing natural features		✓
Existing and proposed topography at five-foot contour intervals or less		✓
The location of existing vegetation and regulated trees		✓
Scale of buildings relative to abutting property		✓
Building elevations and exterior features of proposed development		✓
Master Sign Plan		✓
An evaluation of traffic impacts prepared in accordance with a scope of work established by NCDOT and the UDO)		✓
Inventory of the existing environmental, cultural, historical, and natural site attributes	N/A	
A conceptual plan that shows with reasonable certainty the type and intensity of use for the proposal		✓
Any other information needed to demonstrate compliance with regulations		ATTACHED



Doc No: 20115759
Recorded: 05/17/2023 03:07:02 PM
Fee Amt: \$26.00 Page 1 of 2
Excise Tax: \$300.00
Pender County North Carolina
Sharon Lear Willoughby, Register of Deeds
BK 4812 PG 2795 - 2796 (2)

NORTH CAROLINA GENERAL-WARRANTY DEED

Excise Tax: \$300.00

Parcel Identifier No. 3229-36-9052-0000

✓ Mail after recording to: Coleman Law, PLLC, P.O. Box 340; 105 W. Fremont St., Burgaw, NC 28425
Prepared by: Coleman Law, PLLC, P.O. Box 340; 105 W. Fremont St., Burgaw, NC 28425

PREPARED WITHOUT OPINION OF TITLE

Brief description for the Index: LOT 14 6 4/10 ACRES W/S TIMBERLY LANE

THIS DEED made this 15 day of May, 2023, by and between

GRANTOR

RACHEL TOWNS
PO Box 95
Burgaw, NC 28425

GRANTEE

PENDER LINE, LLC
17117 HWY 17 N.
Hampstead, NC 28443

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee, in fee simple, that certain lot or parcel situated in Burgaw Township, Pender County, North Carolina particularly described as follows:

Beginning at a stake in the Western line of State Highway No. 40, the Northeast corner of Lot No. 13, and running thence with the line of Lot #13 S73-30W 1,025 feet crossing Osgood Branch to a stake in the line of the cemetery lot; thence with the line of the cemetery lot N16-30W 270 feet to a stake; thence N73-30E 100 feet to the run of Osgood Branch; thence crossing said branch and continuing same course with line of lot # 15, 975 feet to a stake in the Western line of highway, corner of lot #15, thence with the Western line of the Highway S9-30W 301 feet to the Beginning, containing six and four-tenths acres more or less.

EXCEPTING, however from the above described property, that portion heretofore deeded to the Town of Burgaw lying East of the Burgaw Cemetery and lying West of Osgood Branch adjacent to said cemetery.

See also Lot 14, Map Book 6 at Page 86

Bk 4812
Pg 2796

The property hereinabove described was acquired by Grantor by instrument recorded in Book: **4210** at Page: **278**. Lethia V. Towns is deceased having passed away on December 6, 2013.

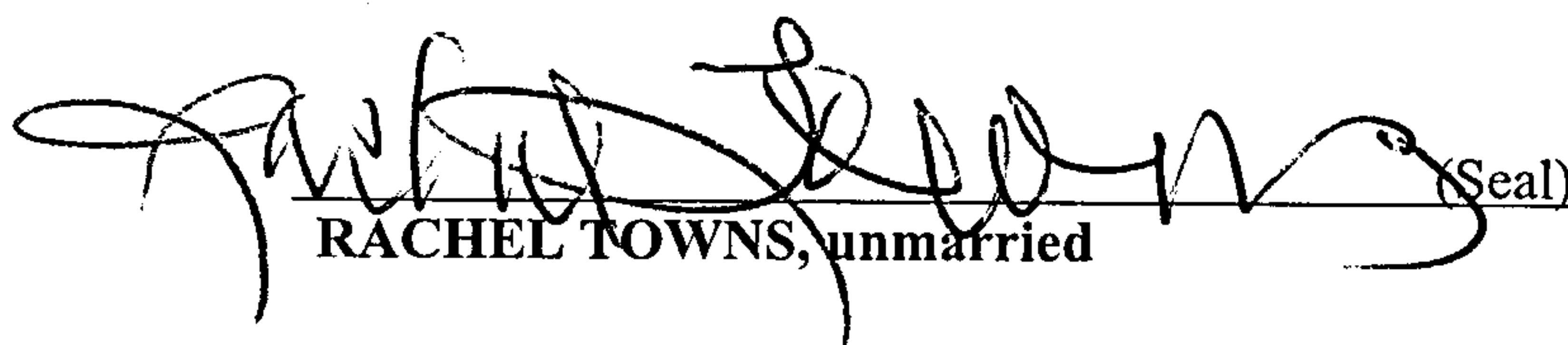
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that the Grantor is seized in the premises in fee simple and will warrant and defend title against the lawful claims of all persons claiming by, under or through Grantor except for the exceptions hereinafter stated, if any.

Title to the property hereinabove described is subject to the following exceptions:

1. County and/or Municipal Zoning Ordinances, Rules and Regulations.
2. Restrictive Covenants, Easements and Rights of way of record.
3. Ad valorem taxes for the year 2023 and thereafter.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

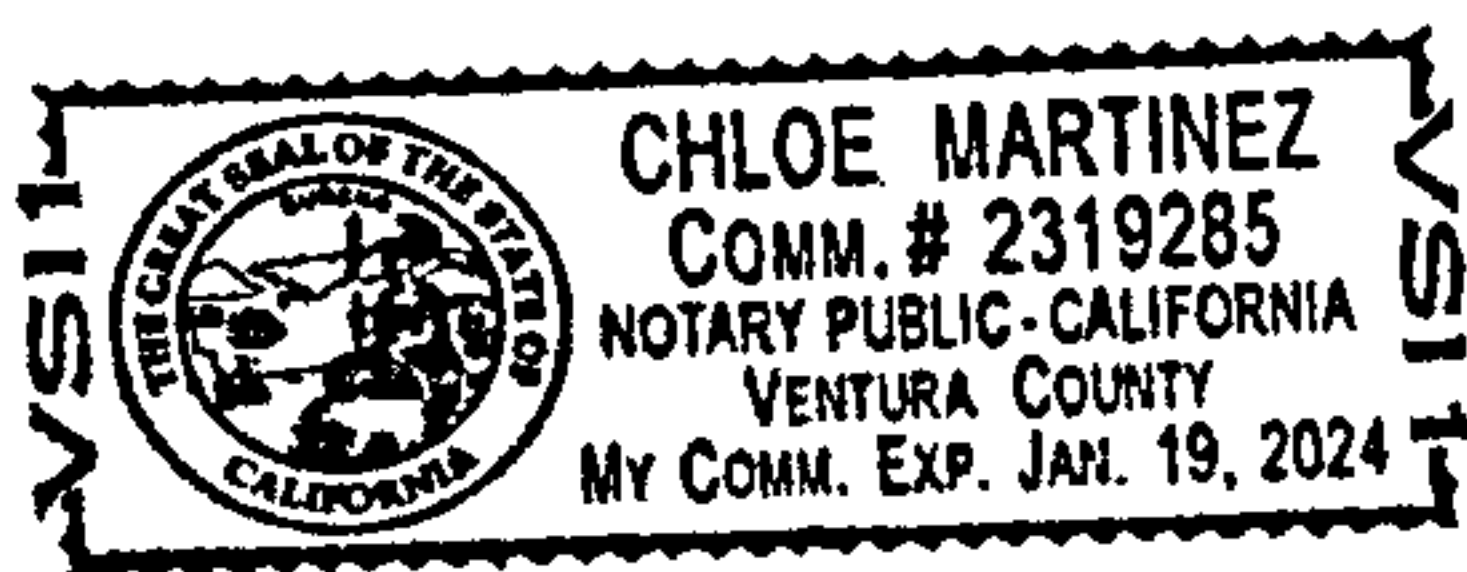
 (Seal)
RACHEL TOWNS, unmarried

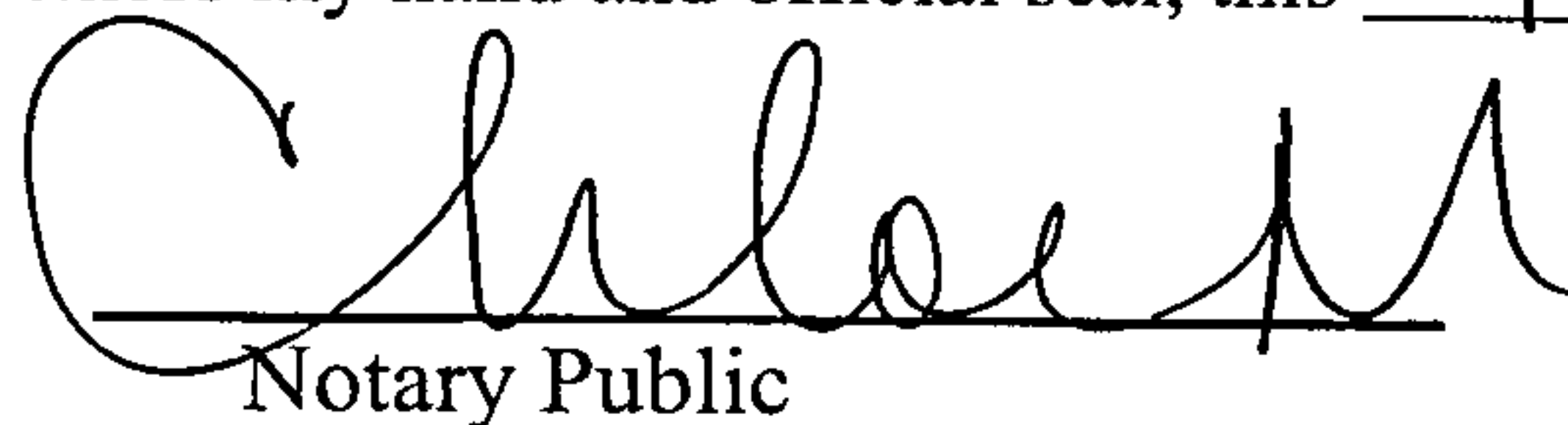
State of California

County of Ventura

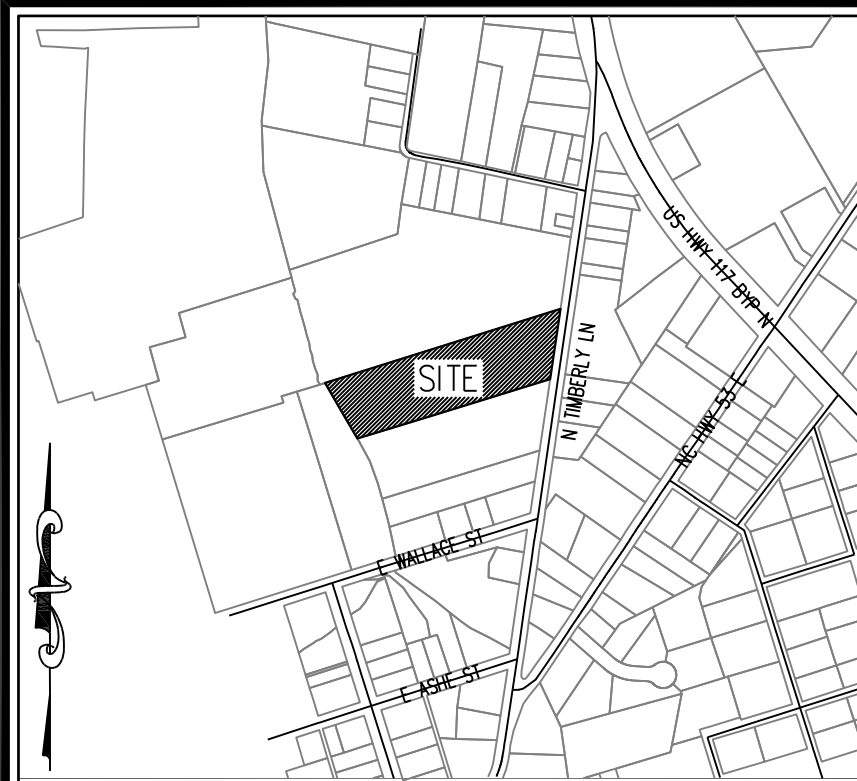
A notary public or other officer completing this certificate Verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

I, the undersigned Notary Public for Ventura County, CA, certify that RACHEL TOWNS personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and official seal, this 15 day of May, 2023.




Notary Public

My commission expires: 01/19/2024



VICINITY MAP
(NTS)

GENERAL NOTES:

- PENDER CO. PARCEL NO.:
PIN-3229-36-9052-0000
SITE ADDRESS: N. TIMBERLY LANE, BURGAW, NC 28425
OWNERSHIP REFERENCE: D.B. 4812, PG. 2795
- TOTAL TRACT AREA: 248,928 SF = 5.71 AC.±
- EXISTING ZONING DISTRICT: R-12
PROPOSED ZONING DISTRICT: R-7 (CZ)
SETBACKS - REQUIRED PROVIDED
30' FRONT 30' FRONT
20' SIDE 32' SIDE
20' REAR 188' REAR
- THIS PROPERTY DOES NOT CONTAIN ANY 404 FEDERAL WETLANDS.
- THIS PROPERTY IS WITHIN A SPECIAL FLOOD HAZARD ZONE PER FEMA FLOOD INSURANCE RATE MAP #3720322900J, EFFECTIVE DATE 2/16/2007. ANY UNITS WITHIN SPECIAL FLOOD HAZARD ZONE TO BE CONSTRUCTED PER FEMA REGULATIONS.

DEVELOPMENT DATA:

LOT AREA - 248,928 SF = 5.71 AC.±
PROPOSED LAND USE: RESIDENTIAL
LOT SIZE FOR R-7 (MULTI-FAMILY):
REQUIRED: 8,000 SF FOR FIRST TWO DWELLING UNITS AND 2,000 SF FOR EACH ADDITIONAL DWELLING UNIT
= 84,000 SF FOR 40 UNITS
PROPOSED: LOT SIZE = 248,928 SF
OPEN SPACE PROVIDED - 3.13 AC. = 54.8%
FRONTAGE: REQUIRED - 75'
PROPOSED - 300'

BLDG. HGT. - 2-STORY / 35'

PARKING -

REQUIRED: 40-3 BEDROOM UNITS @ 3 SPACES/UNIT = 120 SPACES

PROVIDED: 1 GARAGE SPACE & 2 DRIVEWAY SPACES/UNIT

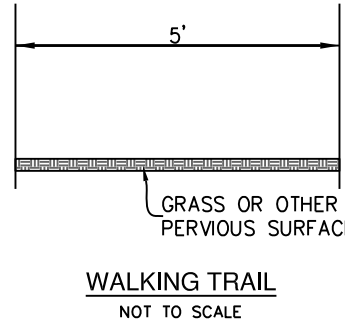
BUA
BUILDINGS - 52,500 S.F.
IMPERVIOUS PAVEMENT - 26,150 S.F.
IMPERVIOUS CONCRETE - 6,700 S.F.
IMPERVIOUS DRIVEWAYS - 19,400 S.F.
TOTAL - 104,750 S.F. (42.1%)

SEWER & WATER CAPACITY:

PROPOSED SEWER - 14,400 GPD (@ 360 GPD FOR 3 BEDROOM UNIT)
PROPOSED WATER - 18,000 GPD (@ 125% SEWER USE)

FIRE HYDRANT TO BE ADDED AT SITE ENTRANCE.

TRASH DUMPSTER TO BE LOCATED AT MIDDLE OF PROPERTY.

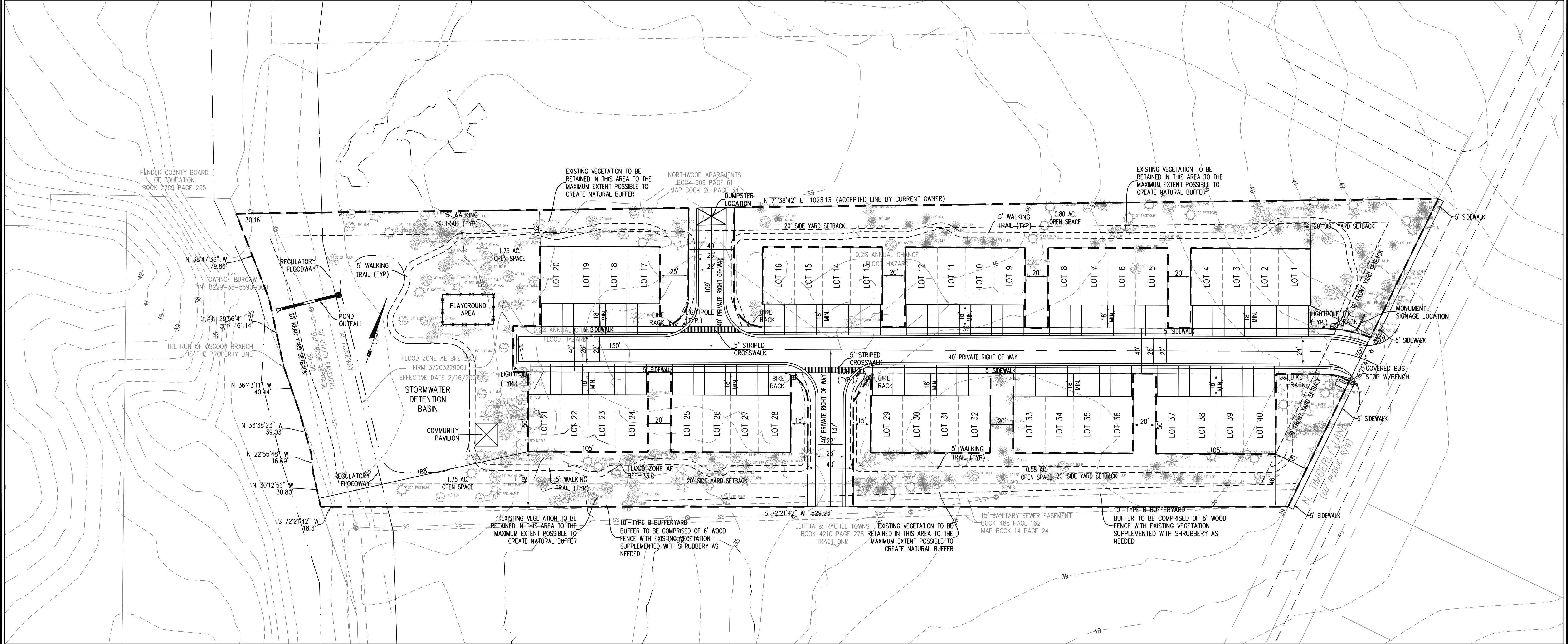


SITE NOTES:

SIDEWALKS, WALKING TRAILS & PARKING LOT LANDSCAPE ISLANDS TO BE MODIFIED AS NECESSARY TO PRESERVE AS MUCH EXISTING VEGETATION AS POSSIBLE.

REGULATORY FLOODWAY NOTE:

REGULATORY FLOODWAY TO REMAIN AT EXISTING ELEVATIONS. POND SLOPES TO BEGIN OUTSIDE OF FLOODWAY. GROUND ELEVATIONS ABOVE POND OUTFALL PIPE TO BE RETURNED TO EXISTING ELEVATIONS.

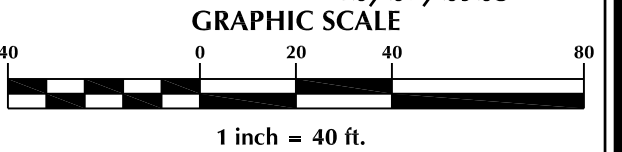
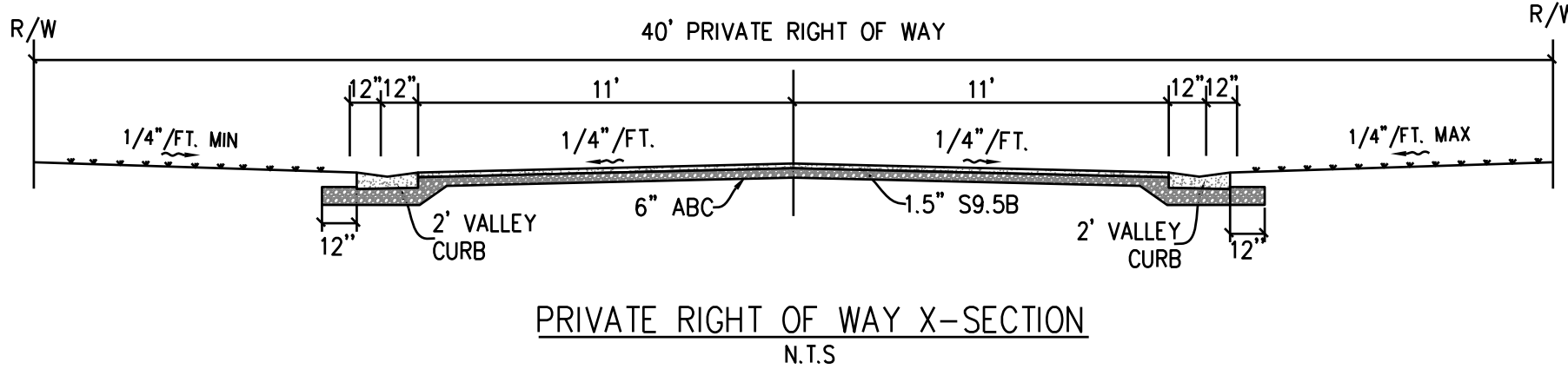


TREE RETENTION/MITIGATION NOTES:

BOTH REGULATED AND SPECIMEN TREES, AS DEFINED BY THE TOWN OF BURGAW UNIFIED DEVELOPMENT ORDINANCE (UDO), SHALL BE CONSIDERED PROTECTED AND REMOVAL SHALL BE MITIGATED.

REGULATED TREES SHALL BE PRESERVED TO THE GREATEST EXTENT PRACTICAL AND INCORPORATED INTO REQUIRED LANDSCAPING. IF REMOVED, THEY ARE TO BE MITIGATED WITH A NEW TREE OF THE SAME SPECIES OR ONE LISTED ON THE TREE BOARD'S SPECIES LIST WITH A MINIMUM CALIPER OF TWO (2) INCHES.

SPECIMEN TREES SHALL BE PRESERVED TO THE GREATEST EXTENT POSSIBLE. IF REMOVED, THEY ARE TO BE MITIGATED WITH REPLACEMENT TREES OF THE SAME SPECIES WITH A MINIMUM CALIPER OF TWO (2) INCHES FOR EVERY SPECIMEN TREE REMOVED, UNLESS THE TREES ARE SHOWN TO BE DEAD, DYING, OR GREATER THAN FIFTY PERCENT (50%) DAMAGED OR DISEASED AS A RESULT OF NATURAL FACTORS.



No.	Revision	Date	By

Designer	GSP	Scale	1" = 40'
Drawn By	GSP	Date	May 2023
License #	P-0718	Job No.	2023-0005

Burgaw Township

IVY GROVE
TOWNHOMES
Pender County

North Carolina

PRELIMINARY PLAN

PREPARED FOR:
Penderline, LLC
17117 US Hwy 17
Hampstead, NC 28443
910-270-4444

GSP CONSULTING, PLLC
ENGINEERING

6626 Gordon Road Unit C Wilmington, North Carolina 28411 tel: 910-442-7870 fax: 910-799-6659

Sheet No.
C-1



Osgood

Hope Tabernacle

8.5
117

Northwood Apartments
Northwood Apartments

Northwood Apartment

Northwood Apartment

N Timberly Ln

Smart Start of
Pender County

Burgaw

117

US HWY 1717 Bypass

5' WIDE
TWO (10')

STORMWATER
RETENTION
BASIN

COUNTY
TRAIL

- | | |
|--------|--------|
| LOT 20 | LOT 16 |
| LOT 19 | LOT 15 |
| LOT 18 | LOT 14 |
| LOT 17 | LOT 13 |
| LOT 12 | LOT 11 |
| LOT 11 | LOT 10 |
| LOT 10 | LOT 9 |
| LOT 8 | LOT 7 |
| LOT 7 | LOT 6 |
| LOT 6 | LOT 5 |
| LOT 4 | LOT 3 |
| LOT 3 | LOT 2 |
| LOT 2 | LOT 1 |
- | | |
|--------|--------|
| LOT 21 | LOT 25 |
| LOT 22 | LOT 26 |
| LOT 23 | LOT 27 |
| LOT 24 | LOT 28 |
| LOT 29 | LOT 33 |
| LOT 30 | LOT 34 |
| LOT 31 | LOT 35 |
| LOT 32 | LOT 36 |
| LOT 37 | LOT 38 |
| LOT 39 | LOT 40 |

Advance Auto Parts
Auto parts store

D L Jordan Company

53

Google



Juniper
1591 square feet



FIRST FLOOR



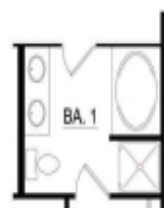
SECOND FLOOR



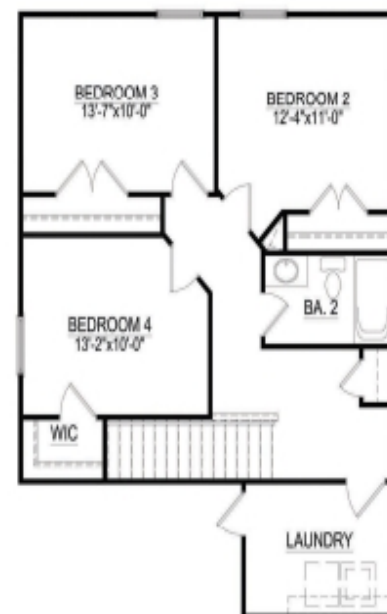
Magnolia
1841 square feet



FIRST FLOOR



OPTIONAL BATH
UPGRADE



SECOND FLOOR









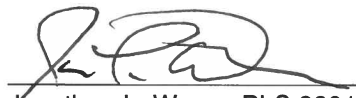
August 7, 2023

Re: Pender Line, LLC Tract, Parcel No. 3229-36-9052-0000

A certain tract or parcel of land lying and being in the Town of Burgaw, Pender County North Carolina and being that tract as described in book 4812 page 2795 records of the Pender County Register and being more particularly described as follows:

Beginning at an iron on the western right of way of North Timberly Lane (60' public right of way), said iron being the southeastern corner of said Pender Line, LLC Tract, said iron also being located N 08-21-42 E 564.58' from an iron at the intersection of said western right of way of North Timberly Lane and the northern right of way of East Wallace Street: Proceed from said point of beginning S 72-21-42 W 829.23' to an iron line marker, thence S 72-21-42 W 18.31' to the run of Osgood Branch, thence with said run N 30-12-56 W 30.80', thence N 22-55-48 W 16.69', thence N 33-38-23 W 39.03', thence N 36-43-11 W 40.44', thence N 29-56-41 W 61.14', thence N 38-47-36 W 79.86', thence leaving said run N 71-38-42 E 30.15' to an iron line marker, thence N 71-38-42 E 1,023.13' to a concrete monument on said western right of way, thence with said western right of way S 08-21-42 W 300.18' to the point of beginning and containing 5.71 acres.

All bearings are N.C. Grid NAD 1983


Jonathan L. Wayne PLS 3391



MAP OF THE

Pender Line, LLC Tract

Parcel No. 3229-36-9052-0000

TOWN OF BURGAW, BURGAW TOWNSHIP, PENDER COUNTY, NORTH CAROLINA

OWNER: PENDER LINE, LLC
17117 HWY 17 N.
HAMPSTEAD, NC 28443

DATE: AUG. 7, 2023

PHP NORHTWOODS LLC
BOOK 4009 PAGE 311
MAP BOOK 20 PAGE 34
MAP BOOK 21 PAGE 53

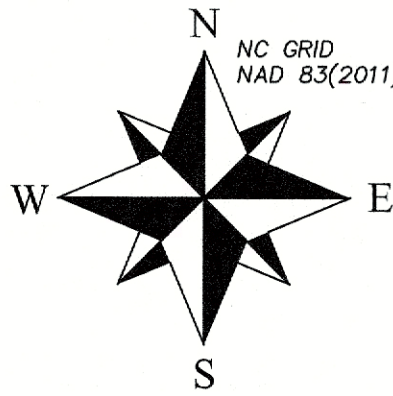
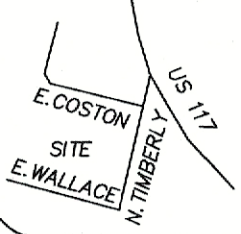
NORTHWOOD APARTMENTS
BOOK 609 PAGE 61
MAP BOOK 20 PAGE 34

BOOK 4210 PAGE 278
TRACT TWO
PIN: 3229-36-9052-000
TOTAL AREA
5.71 Ac.

LEITHIA & RACHEL
TOWNS
BOOK 4210 PAGE 278
TRACT ONE

LOCATION MAP

(NOT TO SCALE)



NC GRID
NAD 83(2011)

PENDER COUNTY BOARD
OF EDUCATION 255
BOOK 2769 PAGE 255

N 71°38'42" E
30.15'

N 38°47'36" W
79.86'

N 29°56'41" W
61.14'

THE RUN OF OSGOOD BRANCH
IS THE PROPERTY LINE

N 36°43'11" W
40.44'

N 33°38'23" W
39.03'

N 22°55'48" W
16.69'

N 30°12'56" W
30.80'

S 72°21'42" W
18.31'

N 71°38'42" E 1023.13' (ACCEPTED LINE BY CURRENT OWNER)

0.2% ANNUAL
CHANCE FLOOD
HAZARD

0.2% ANNUAL
CHANCE FLOOD
HAZARD

FLOOD ZONE
AE BFE 33.0'
FIRM 3720322900J
EFFECTIVE DATE 2/16/2007

IRON LINE
MARKER SET

SANITARY
SEWER
MANHOLE

SANITARY
SEWER
MANHOLE

MAP BOOK 49 PAGE 88-90
30' UTILITY EASEMENT
AE FLOODWAY

IRON LINE
MARKER SET

SANITARY
SEWER
MANHOLE

SANITARY
SEWER
MANHOLE

15' SANITARY
SEWER EASEMENT
BOOK 488 PAGE 162
MAP BOOK 14 PAGE 24

SANITARY
SEWER
MANHOLE

SANITARY
SEWER
MANHOLE

S 08°21'42" W 300.18'
60' PUBLIC RIGHT OF WAY

NORTH TIMBERLY LANE

S 08°21'42" W 564.58'
TO AN IRON AT THE INTERSECTION
OF THE NORTHERN RIGHT
OF WAY OF E. WALLACE STREET

IRON
SET

NOTES

1. AREA COMPUTED BY COORDINATE METHOD
2. ALL DISTANCES ARE HORIZONTAL
3. FOR REFERENCE SEE BOOK 4812 PAGE 2795, MAP BOOK 6 PAGE 86
4. SURVEYED MAY 2023
5. 5.71 ACRES TOTAL AREA
6. THIS PROPERTY IS NOT LOCATED WITHIN 2000' OF AN EXISTING N.C. GRID MONUMENT

LEGEND

E.I.P. = EXISTING IRON PIPE
E.I. = EXISTING IRON
E.C.M. = EXISTING CONCRETE MONUMENT
R\W = RIGHT OF WAY
C.P. = COMPUTED POINT

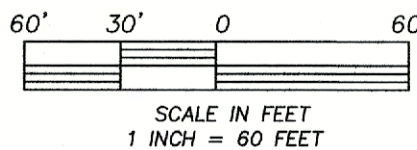
PROPERTY LINE

BUILDING SETBACK

CENTERLINE

EASEMENT

COMPUTED PROPERTY LINE



CERTIFICATE OF ACCURACY AND MAPPING

I, JONATHAN L. WAYNE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED AS NOTED HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND AS NOTED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED IS 1: 20,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 7th DAY OF Aug. A.D. 2023

JONATHAN L. WAYNE PLS L-3391

THIS PLAT IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 7th DAY OF Aug. A.D. 2023

JONATHAN L. WAYNE PLS L-3391

CERTIFICATE OF REGISTRATION BY REGISTER OF DEEDS

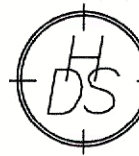
NORTH CAROLINA COUNTY _____ NOTARY PUBLIC IS THE FOREGOING CERTIFICATE OF _____ CERTIFIED TO BE CORRECT. FILED FOR REGISTRATION THIS _____ DAY OF 2023: AT _____ O'CLOCK _____ AND DULY RECORDED IN MAP BOOK _____ PAGE _____

BY: _____

HANOVER DESIGN SERVICES, P.A.

LAND SURVEYORS ENGINEERS LAND PLANNERS

1123 FLORAL PARKWAY
WILMINGTON, N.C. 28403
PHONE: (910) 343-8002
FAX: (910) 343-9941
FIRM CERTIFICATE C-0597
16292 RECORD MAP



Southern Environmental Group, Inc.

5315 South College Road, Suite E · Wilmington, North Carolina 28412
910.452.2711 · Fax: 910.452.2899 · office@segi.us · www.segi.us

September 28, 2023

Mr. Andrew Smith
17117 Hwy 17 N
Hampstead, NC 28443
Andrew@hampsteadnchomes.com

**RE: Cursory Environmental Evaluation
Timberly Lane., Burgaw, Pender Co., North Carolina**

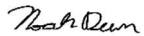
Dear Mr. Smith,

This correspondence is in reference to a parcel of land, totaling 5.71-acres, located on Timberly Lane., with the parcel ID 3229-36-9052-0000, in Burgaw, Pender County, North Carolina.

Our firm was contacted to determine if there were any wetlands or waters of the U.S. present within the boundaries of the parcel. After a thorough review of local soils and USGS topographic data, our firm conducted an on-site evaluation of the property on May 11th, 2023, to determine the extent of wetlands or waters of the U.S., utilizing wetland criteria outlined in the United States Army Corps of Engineers (USACE) 1987 Corps of Engineers Wetlands Delineation Manual (TR-Y-87-1) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (TR-10-20). After a complete inspection of the subject parcels, it is our firm's opinion that there were no wetlands present within the boundaries of the site. However, we strongly suggest getting final concurrence from the USACE.

If you need anything else, or have any questions, please feel free to contact us at (910) 515-8008.

Sincerely,



Noah Dean
Wetlands Biologist

From: [Alan Moore](#)
To: [Gilbert Combs](#)
Subject: RE: [External] Updated Requirements Timberly Lane - 5 Acres Zoning & Special Use Application
Date: Monday, August 14, 2023 9:42:01 AM
Attachments: [image001.png](#)

Water and sewer capacity is available at this location, water would be available on Timberly Ln. and sewer would be available from the North end of property.

From: Gilbert Combs <gcombs@burgawnc.gov>
Sent: Friday, August 11, 2023 12:06 PM
To: Alan Moore <rmoore@burgawnc.gov>; Matthew Myslow <mmyslow@burgawnc.gov>
Subject: FW: [External] Updated Requirements Timberly Lane - 5 Acres Zoning & Special Use Application

Guys,

I've mentioned this before as incoming but want to be sure that there is adequate capacity for 40 3-unit townhomes south of Norwood Apartments.

Please see attached for the proposed plan that should be going before planning board and BOC prior to TRC.

Gilbert Combs | Planning Director



Town of Burgaw
109 N Walker St
Burgaw, NC 28425
(p) 910.663.3451
(f) 910-259-6644
gcombs@burgawnc.gov

From: Andrew Smith <andrew@hampsteadnchomes.com>
Sent: Friday, August 11, 2023 9:00 AM
To: Gilbert Combs <gcombs@burgawnc.gov>
Cc: Jessica Gray <jgray@burgawnc.gov>
Subject: [External] Updated Requirements Timberly Lane - 5 Acres Zoning & Special Use Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Morning, see below.



Date: June 22, 2023

Project: Ivy Grove Townhomes
Burgaw, NC

Re: Project Trip Generation totals

The following Trip Generation Totals are based on the ITE Trip Generation Manual, 11th Edition.

215-Single Family Attached Housing, 40-3 Bedroom Townhomes

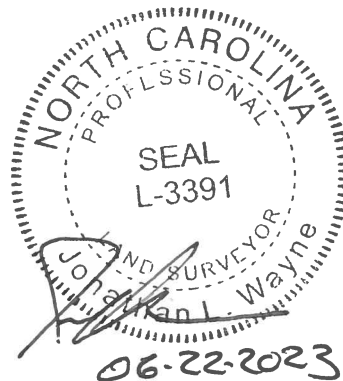
AM PEAK HOUR

20 Trips

PM PEAK HOUR

29 Trips

Total Trips per day = 200





Conditional
District
Rezoning

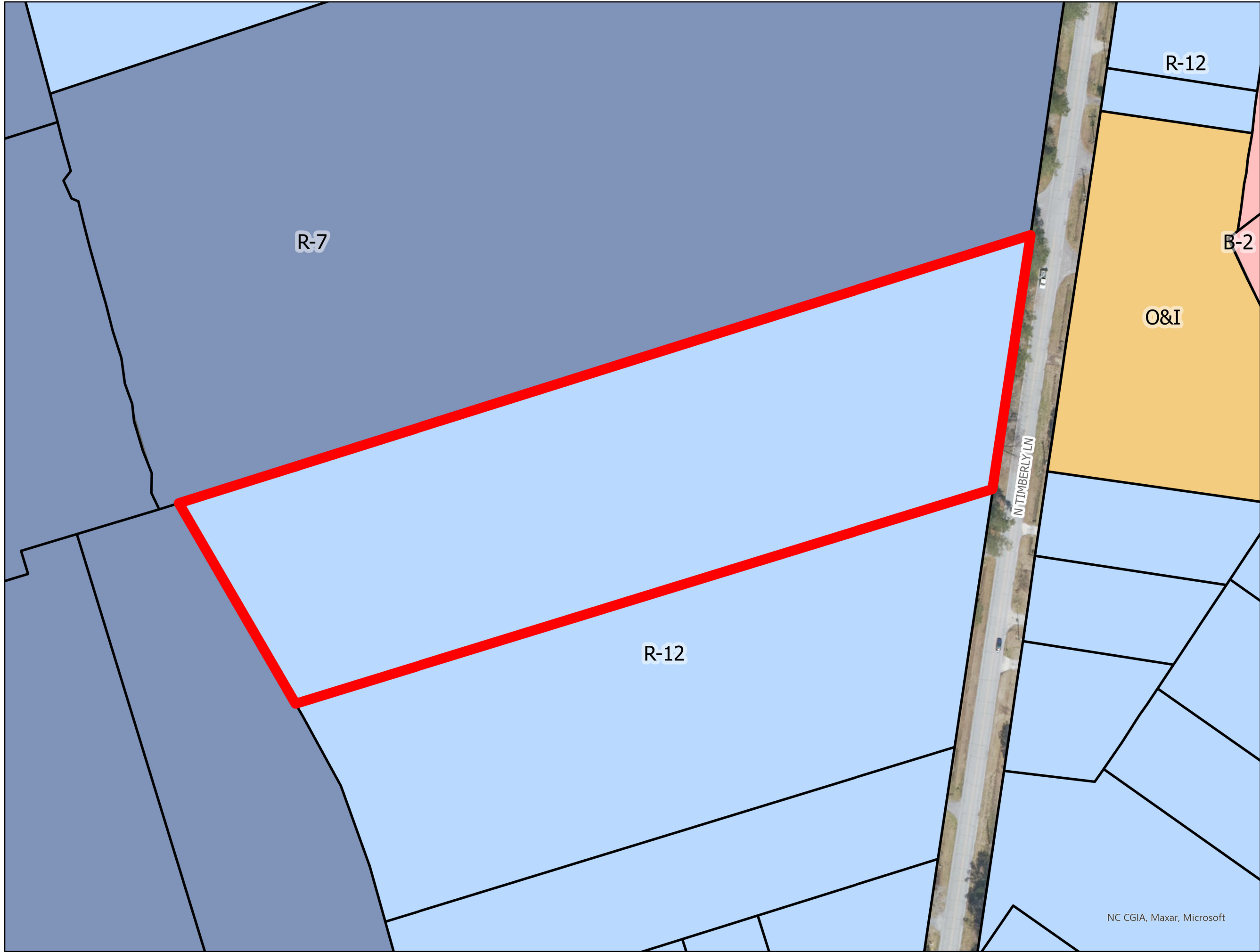
Ivy Grove
Townhomes

Aerial Map



0 50 100 Feet
Updated: 20231019

NC CGIA, Maxar, Microsoft



Conditional
District
Rezoning

Project:
Ivy Grove
Townhomes

Map Type:
Zoning Map



0 50 100 Feet
Updated: 20231019

NC CGIA, Maxar, Microsoft

Future Land Use Classification

- Commercial Growth
- Mixed Use Transition
- Recreation and Open Space
- Traditional Neighborhood Residential



Conditional
District
Rezoning

Project:
Ivy Grove
Townhomes

Map Type:
Future Land
Use Map



0 50 100 Feet
Updated: 20231019

NC CGIA, Maxar, Microsoft

Community Meeting

WHO : Adjacent Property owners of PIN - 3229-36-9052-0000. This property is located on N. Timberly Lane in Burgaw, NC.

WHAT : Requested Zoning Change

WHEN : October 10, 2023 at 10am OR 6pm (Two meetings will be held)

WHERE : 204 S. Walker St. Burgaw, NC

RE: Section 6.3.F

Required Community Meeting—Before the Planning Board will review a petition for a conditional zoning district, the applicant must file with the Town Planner a written report of a minimum of two (2) community meetings held by the applicant. Notice of such a meeting shall be given to property owners and tenants adjacent to the proposed project. At least one community meeting shall be after 6 pm in the evening. Notice of both meetings shall be given two weeks in advance. The report shall include, among other information, a listing of those persons and organizations contacted about the meeting and the manner and date of contact; the date, time, and location of the meeting; a roster of the persons in attendance at each meeting; a summary of issues discussed at the meeting; and description of any changes to the rezoning petition made by the petitioner as a result of the meeting. In the event the petitioner has not held at least one meeting pursuant to this subsection, the petitioner shall file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was held. The adequacy of a meeting held or report filed pursuant to this section shall be considered by the Board of Commissioners in the rezoning request but shall not be subject to judicial review.

This notice is to inform you Pender Line LLC will be holding two community meetings on Oct 10, 2023 . The first meeting will be held at 10am and the second meeting will be held at 6pm. The location of this meeting will be held at 204 S. Walker St in Burgaw.

In attendance will be a member/manager of Pender Line, LLC and adjacent property owners. We welcome you to attend the meeting to address any concerns or questions. We look forward to meeting with you.
Sincerely,

Pender Line, LLC

MEETING ATTENDANCE SHEET

Meeting Date: Tuesday, October 10th

Start Time: 10:00am

Meeting Topic: Application for Rezoning

HOMEOWNER/LOT OWNER IN ATTENDANCE

Name: CAMERON SMITH

Contact Info: (858) 842-8108

QUESTIONS AND/OR REMARKS

How is R-12 ALLOWED TO CHANGE TO 40 UNIT TOWNHOMES?
THIS PROJECT IS OUT OF CHARACTER FOR THE AREA, ZONING
AN LOT SIZE & DENISTY. THIS PROJECT WILL AFFECT MY PRIVACY
& SAFETY. IF ZONES ARE MEANINGLESS, WHY HAVE ANY ZONING?
Signature: _____ Date: _____

MEETING ATTENDANCE SHEET

Meeting Date: Tuesday, October 10th

Start Time: 6:00pm

Meeting Topic: Application for Rezoning

HOMEOWNER/LOT OWNER IN ATTENDANCE

Name:

Contact Info:

QUESTIONS AND/OR REMARKS

Signature:

Date:

**An Analysis of any Potential Impacts
To Surrounding Properties
Resulting from the Development of
The Proposed Ivy Grove Townhomes
To be Located on Timberly Ln (PIN 3229-36-9052-0000)
Burgaw, North Carolina**



Prepared For:

**Mr. Leo Andrades
Penderline, LLC
17117 US Highway 17 N
Hampstead, NC 28443**

Prepared By:

**G. Brad White, MAI
G. Brad White and Associates, LLC
8718 Ramsbury Way
Wilmington, NC 28411**

G. Brad White and Associates, LLC

Professional Appraisal and Consulting Services

8718 Ramsbury Way

Wilmington, NC 28411

Phone (910) 612.2478

bwhite@gbwvaluations.com

November 14, 2023

Mr. Leo Andrades
Penderline, LLC
17117 US Highway 17 N
Hampstead, NC 28443

RE: Impact Analysis of the Proposed Ivy Grove Townhomes
Timberly Ln (PIN 3229-36-9052-0000)
Burgaw, NC

Dear Mr. Andrades:

At your request and authorization, I have performed an analysis to determine the impact on market value, if any, for properties adjoining the proposed Ivy Grove Townhomes to be located on Timberly Lane, further identified as Brunswick County PIN 3229-36-9052-0000 in Burgaw, Pender County, NC. This is the purpose of this assignment.

This consulting assignment is not an appraisal and does not render an opinion of value for any identified property. The intended use of this impact study is to assist the client in their application for rezoning to allow the above-referenced development. The intended user of this consulting assignment is the client, Mr. Leo Andrades as well as the Town of Burgaw Council and/or Planning Department.

The subject site was inspected on November 9, 2023. As part of this assignment, the proposed site plan and renderings were reviewed and incorporated within this report for reference.

The attached report addresses the subject site, the surrounding properties (and any effects to such properties resulting from the development of the proposed Ivy Grove Townhomes. It provides essential data and a summary of the reasoning employed in reaching my conclusions.

Based on my analysis, it is my opinion that the proposed project will maintain or enhance the market value of the contiguous properties with no measurable negative impact on value due to their proximity to the proposed development.

Sincerely yours,


G. Brad White, MAI
NC Certified General Appraiser No. A5053
bwhite@gbwvaluations.com



File No.: 23-116

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SECTION 1: INTRODUCTION

1.1: PURPOSE AND INTENDED USE OF THE CONSULTING ASSIGNMENT

Client	Mr. Leo Andrades
Intended use	to assist the client in their process of obtaining a rezoning from R-12, Residential District to R-7 (CZ), Residential District Conditional Zoning to allow the development of 40, 3-bedroom townhomes
Intended user	In addition to the client, other intended users include the Town Council and Planning Department of the Town of Burgaw, NC
Purpose of the consulting assignment	to determine the impact on market value, if any, for adjacent properties, caused by the proposed development of a 40-unit townhome project

1.2: DATE OF INSPECTION

The subject property was physically inspected on November 9, 2023. On this date, photographs of the subject and the surrounding properties were taken.

1.3: DATE OF THE REPORT

This report, which summarizes the assignment conclusions, was completed and dated November 14, 2023.

1.4: SCOPE OF THE CONSULTING ASSIGNMENT

To perform this consulting assignment, I performed the following steps:

- Inspected the subject site and the surrounding neighborhood;
- Inspected the renderings, site plan and project concept of the proposed improvements in order to gain a good understanding of the scope of the proposed project;
- Collected market information needed to draw informed conclusions relating specifically to Section 6.1.5 (B) (ii) of the Town of Burgaw Unified Development Ordinance which addresses *the benefits and detriments to the landowners, the neighbors, and the surrounding community*.
 1. To perform this, the scientific method is utilized. The question to be tested is "How does a property's location adjacent to a new townhome development, similar to the proposed project, affect its market value?"
 2. The independent variable is the one condition that you change in an experiment. In this case, the independent variable is a location as it relates to similar developments to the one being proposed
 3. The dependent variable is the variable that you measure or observe. In this experiment, measuring the effect of location proximate to similar development to the one proposed, the market value of such comparable properties is the dependent variable.

4. This assignment is not an appraisal. No opinion of market value is given or implied for either the subject property, or any contiguous properties. This assignment is merely a study of the effect on properties that share similar locational characteristics to projects considered similar to the proposed subject.

5. Therefore, it is customary and reasonable for the appraiser to spread the data search geographically, to other areas, in order to gain sufficient understanding of the effects on market value for properties that lie adjacent to similar developments as the proposed Ivy Grove Townhomes.

- Prepared a narrative report setting forth the conclusions derived in this analysis as well as the information upon which the conclusions are based.
- Present my findings orally before the Town of Burgaw Town Council on Tuesday, November 14, 2023

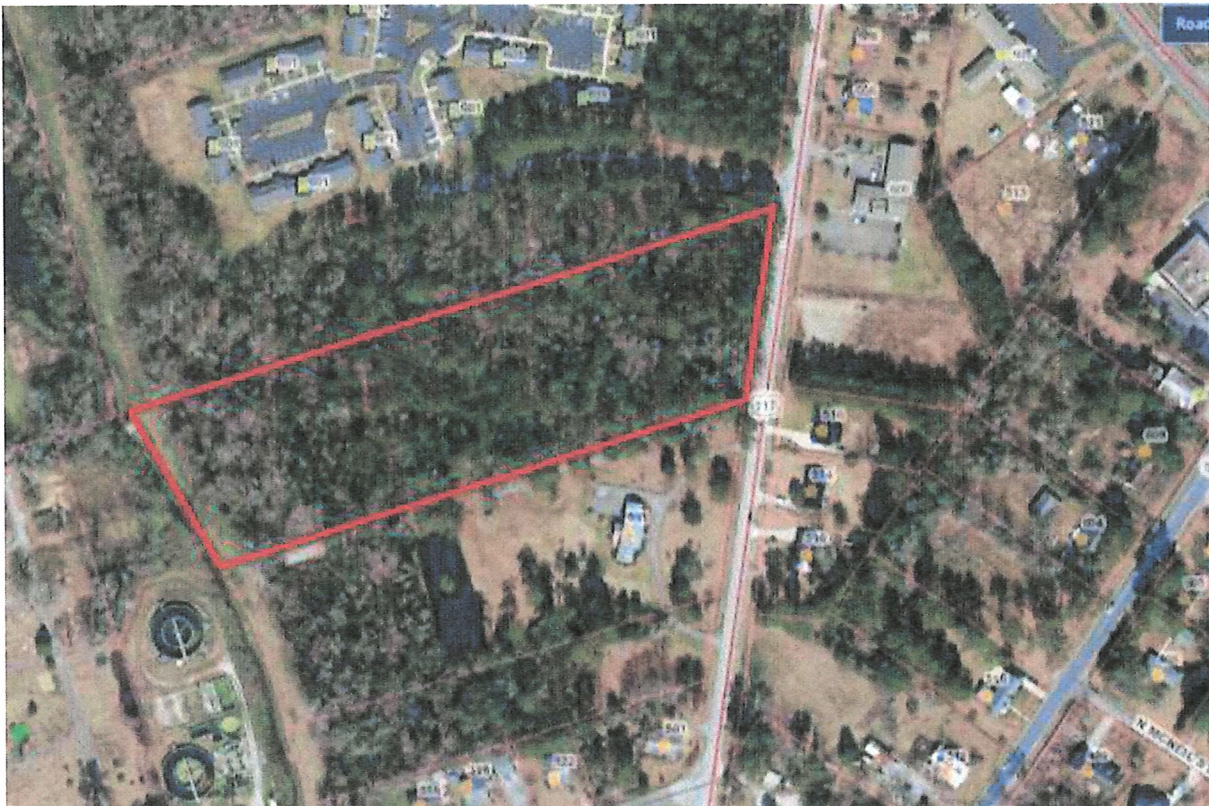
SECTION 2: IDENTIFICATION OF THE SUBJECT SITE

The subject property has not been assigned a physical address, which is typical of vacant properties in Pender County.

The site is located on the west side of Timberly Lanes (US 117 Bus), approximately 550 feet north of its intersection with E. Wallace Street. It is further identified as Pender County Tax Parcel 3229-36-9052-0000.

For illustrative purposes, an aerial photograph of the parcel is located below.

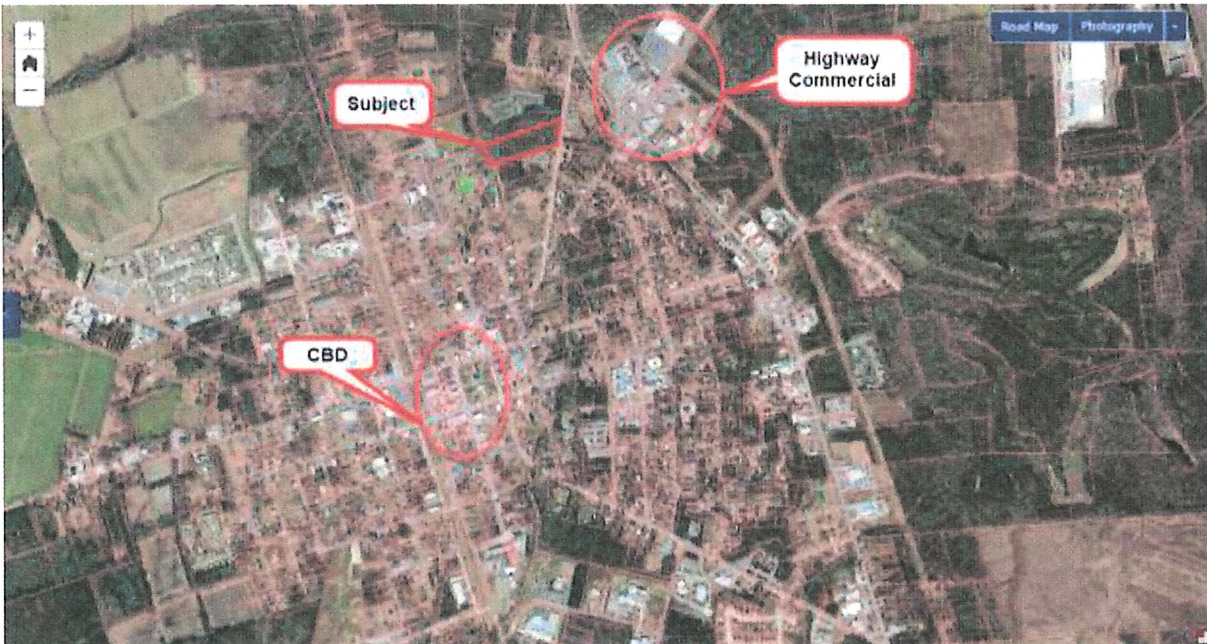
Exhibit 2.1 Aerial Photograph of the Subject Parcel



SECTION 3: THE IMMEDIATE NEIGHBORHOOD

The subject is located in the northeastern portion of the Town of Burgaw. The immediate neighborhood consists of a transitional area between the burgeoning commercial uses along US 117 bypass at its intersection with NC 53, and the town's Central Business District on the southwest.

Exhibit 3.1 Neighborhood Map



Commercial uses just northeast of the subject include, but are not limited to the following:

1. Pender Landing Shopping Center (Food Lion anchor tenant)
2. Auto Zone
3. Hardee's
4. Advance Auto Parts
5. Burgaw Motel
6. Kentucky Fried Chicken
7. Walmart
8. Taco Bell
9. Bojangles'
10. McDonalds
11. Shell Convenience Store
12. GoGas gas outlet
13. Dollar Tree

By way of N. Timberly Lane (US 117 Business) and US 117 Bypass, the intersection of US 117 Bypass and NC 53 is less than 2,000 linear feet 0.38 mi from the subject's northeastern property corner.

The Town of Burgaw Central Business District, as measured to the Pender County Courthouse, lies 0.60 mi southwest via Timberly Lane, NC Hwy 53 (E. Bridgers Street) and N. Walker Street.

Commercial uses within this quaint small-town business district consist primarily of locally-owned street retail uses such as antique stores and coffee shops. These uses are generally zero-lot line, storefronts with no off-street parking. They cater to pedestrians and public parking is ample within the street rights of way. The only two branded retail uses in this portion of town is a freestanding Piggly Wiggly grocery store and a Family Dollar discount retailer; both occupied.

A file mile radius population of the subject property has a population of 8,387 which is expected to grow by almost 10% by 2025.

Radius	1 Mile	3 Mile	5 Mile
Population			
2025 Projection	2,533	5,934	9,210
2020 Estimate	2,312	5,406	8,387
2010 Census	2,116	4,875	7,532
Growth 2020 - 2025	9.56%	9.77%	9.81%
Growth 2010 - 2020	9.26%	10.89%	11.35%
2020 Population by Hispanic Origin	179	526	834
2020 Population	2,312	5,406	8,387
White	1,584 68.51%	3,717 68.76%	5,782 68.94%
Black	661 28.59%	1,500 27.75%	2,303 27.46%
Am. Indian & Alaskan	25 1.08%	56 1.04%	85 1.01%
Asian	8 0.35%	20 0.37%	30 0.36%
Hawaiian & Pacific Island	1 0.04%	8 0.15%	14 0.17%
Other	33 1.43%	106 1.96%	174 2.07%
U.S. Armed Forces	0	1	7
Households			
2025 Projection	836	2,097	3,361
2020 Estimate	762	1,911	3,064
2010 Census	685	1,710	2,745
Growth 2020 - 2025	9.71%	9.73%	9.69%
Growth 2010 - 2020	11.24%	11.75%	11.62%
Owner Occupied	452 59.32%	1,224 64.05%	2,060 67.23%
Renter Occupied	311 40.81%	687 35.95%	1,003 32.73%
2020 Households by HH Income	763	1,910	3,065
Income: <\$25,000	217 28.44%	594 31.10%	965 31.48%
Income: \$25,000 - \$50,000	160 20.97%	456 23.87%	760 24.80%
Income: \$50,000 - \$75,000	139 18.22%	318 16.65%	522 17.03%
Income: \$75,000 - \$100,000	96 12.58%	212 11.10%	318 10.38%
Income: \$100,000 - \$125,000	48 6.29%	97 5.08%	142 4.63%
Income: \$125,000 - \$150,000	41 5.37%	122 6.39%	194 6.33%
Income: \$150,000 - \$200,000	43 5.64%	64 3.35%	84 2.74%
Income: \$200,000+	19 2.49%	47 2.46%	80 2.61%
2020 Avg Household Income	\$66,030	\$61,077	\$59,845
2020 Med Household Income	\$50,736	\$43,691	\$42,531

Burgaw is located within the Wilmington MSA. Wilmington lies approximately 26 miles south, along Interstate 40. Wilmington and New Hanover County have exhibited a northward growth pattern, which positions the town as a good alternative to more densely populated areas to the south.

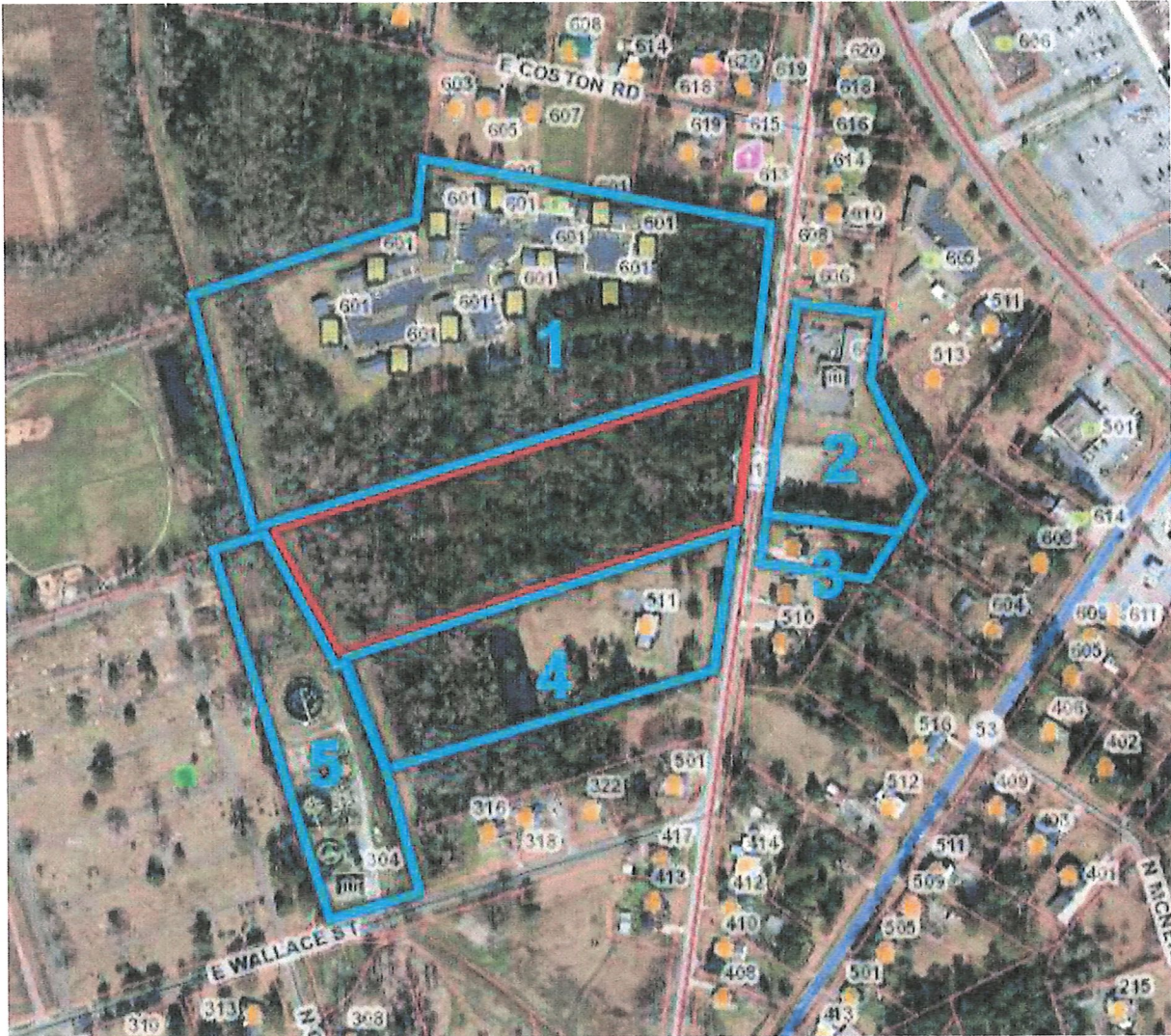
With a population growth expected for the immediate neighborhood, demand for single and multi-family residential uses, as well as commercial uses should remain strong for the foreseeable future.

SECTION 4: CONTIGUOUS PROPERTY USES

For this analysis, **Contiguous Property** is defined as a parcel or lot which adjoins a subject property by either sharing a property line or would share a common property line but for the existence of an intervening right-of-way.

The following five (5) properties are considered contiguous to the subject property.

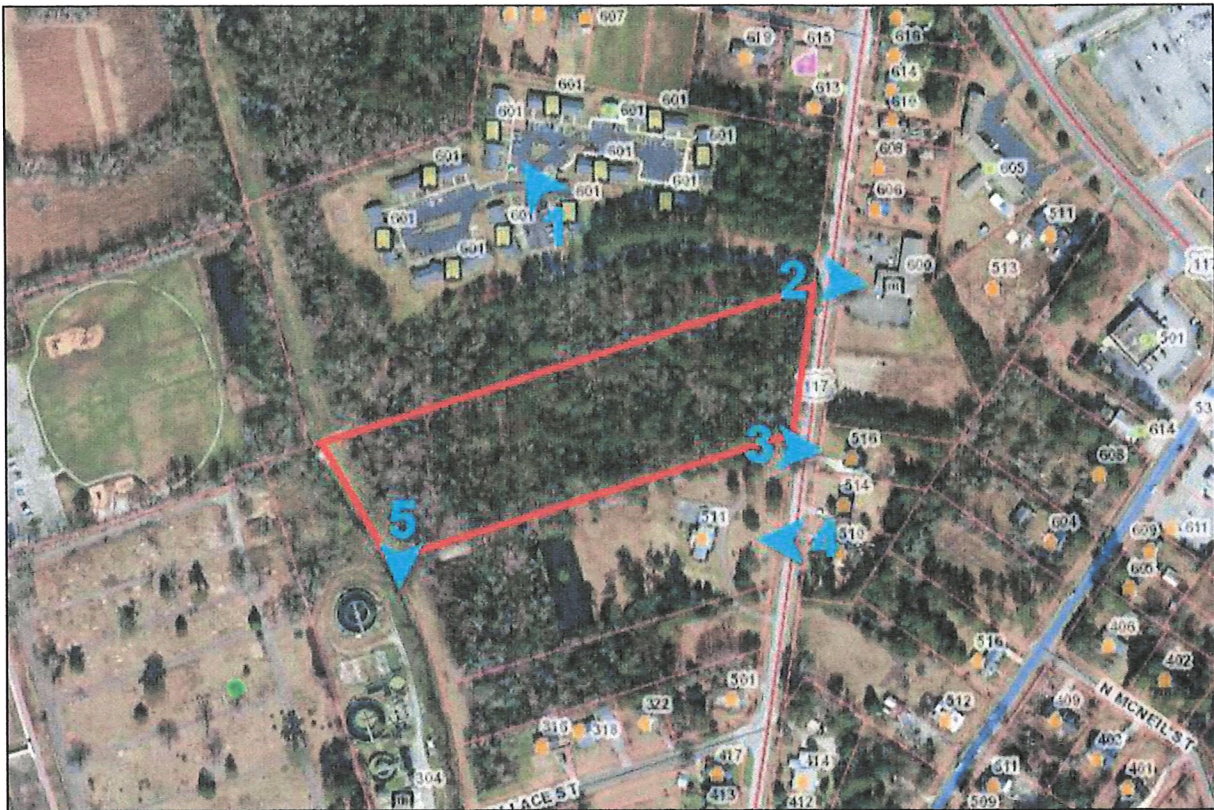
Exhibit 4.1 Contiguous Property Uses



	1. Current Use: Northwoods Apartments Owner: PHP Northwoods, LLC Parcel ID: 3229-36-9483-0000 Size: 12.21 acres Zoning: R-7 Residential Comments: 50 apartment units. 1, 2 and 3-BR units. Section 8 vouchers accepted. Market rents are \$717, \$844 and \$1,021 for 1, 2 and 3-BR units, respectively.
	2. Current Use: Smart Start of Pender County Owner: Donna T. Rowe Parcel ID: 3229-46-6253-0000 Size: 1.93 acres Zoning: O&I Office and Institutional Comments:
	3. Current Use: Single-family dwelling Owner: Leslie Hutcherson Parcel ID: 3229-45-6928-0000 Size: 0.562 acres Zoning: R-12 Residential Comments: 1,000-sf brick ranch built in 1977

	4. Current Use: Single-family dwelling Owner: Cameron Layne Smith Parcel ID: 3229-45-0779-0000 Size: 4.765 acres Zoning: R-12 Residential Comments: 3,000-sf brick dwelling built in 1956. Last known sale 3/3/21 for \$415,000.
	5. Current Use: Municipal water treatment facility Owner: Town of Burgaw Parcel ID: 3229-35-5690-0000 Size: 3.09 acres Zoning: R-7 Residential Comments: Town of Burgaw sewer treatment plant.

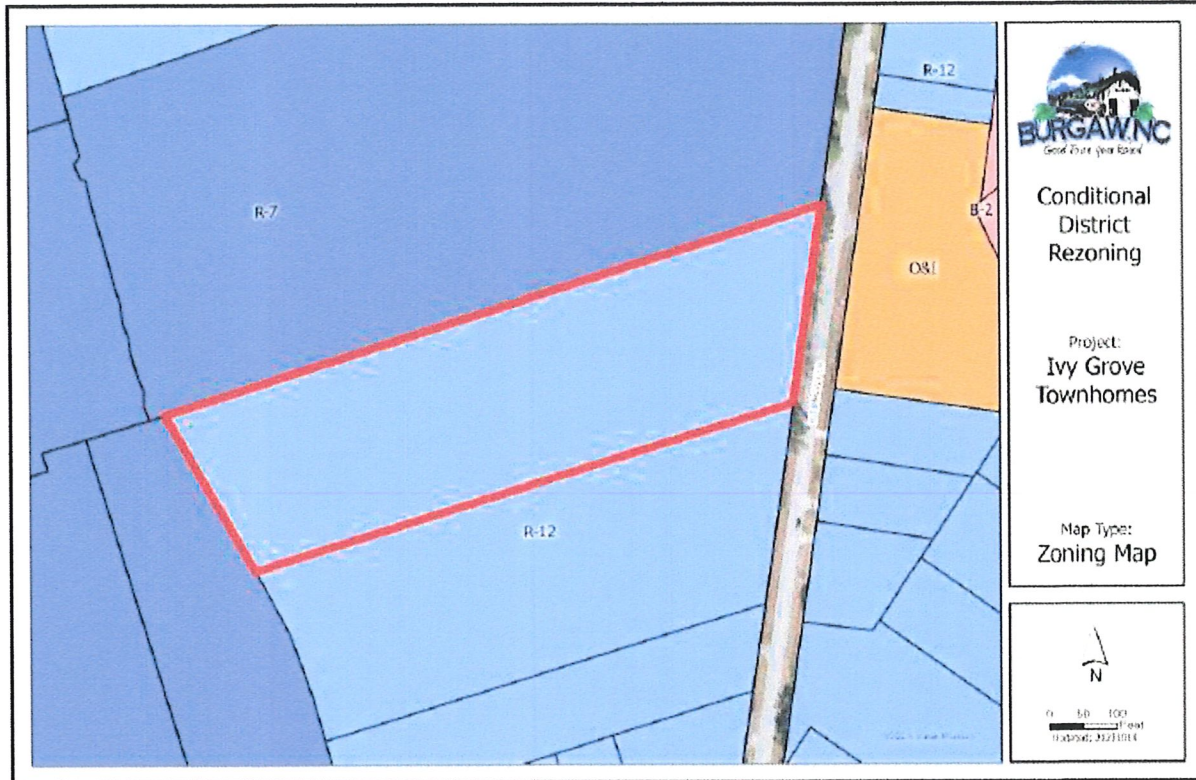
Exhibit 4.2 Location of Photographs of Contiguous Properties



SECTION 5: ZONING

The subject site is currently zoned R-12 Residential, by the Town of Burgaw. The property immediately abutting the subject on the north and west are zoned R-7. The Smart Start of Pender County property to the east is zoned Office and Institutional, O&I. The single-family dwelling to the east is zoned R-12. This is seen in the following zoning map on which the subject property has been identified.

**Exhibit 5.1 Town of Burgaw Zoning Map
Source (Planning Board Case Summary)**



Surrounding Area	North	South	East	West
Zoning	R-7 Residential	R-12 Residential	O&I Office and Institutional, R-12 Residential	R-7 Residential
Current Land Use	Multi-family residential	Single-family dwelling	Institutional / Vacant	Institutional

SECTION 6: EXISTING CONDITIONS AS OF NOVEMBER 9, 2023

	1. Front view
	2. View looking south along Timberly Ln. Subject is wooded area on right.
	3. Interior view of subject from southeastern property corner.



4. View looking north along Timberly Ln as seen from southeastern property corner. Subject on left.



5. Subject marked with red arrow as seen from Timberly Ln, just south of subject

SECTION 7: DESCRIPTION OF THE PROPOSED IMPROVEMENTS

The proposed improvement is described as a 40-unit townhome development to be known as Ivy Grove Townhomes. According to the site plan, the 40 units are to be located within ten (10) buildings; each with four units.

Each unit is to be a two-level floorplan with 3 bedrooms. The site plan shows 149 surface parking spaces, resulting in a parking ratio of 3.73 spaces per unit.

Amenities will include a community pavilion and small dog park. Additional site improvements will include concrete curb and gutter, concrete sidewalks, stormwater retention pond, good landscaping, utility taps and signage.

The site is currently wooded. The site plan indicates a wooded buffer of existing vegetation and supplemented with Leland Cypress and other shrubs as needed to be located on the northern and southern property lines.

According to the developer, each townhome will range from 1,800 – 2,000 sf with an anticipated price point of \$299,000 - \$350,000. The developer has plans to initially sell 16 units and lease the remaining 24 units at market rates reportedly in the range of \$1,800 - \$2,400 per month. The appraiser has not performed a market analysis to determine the validity of this claim.

Based on the renderings provided to the Town of Burgaw, included in the Case Summary by the planning board and incorporated herein for reference, the exterior appears to be a combination of brick and vinyl or cement board siding, with asphalt shingle roof cover over a gable roof structure.

Exhibit 7.1 Proposed Site Plan
Source (Town of Burgaw Planning Board Case Summary)

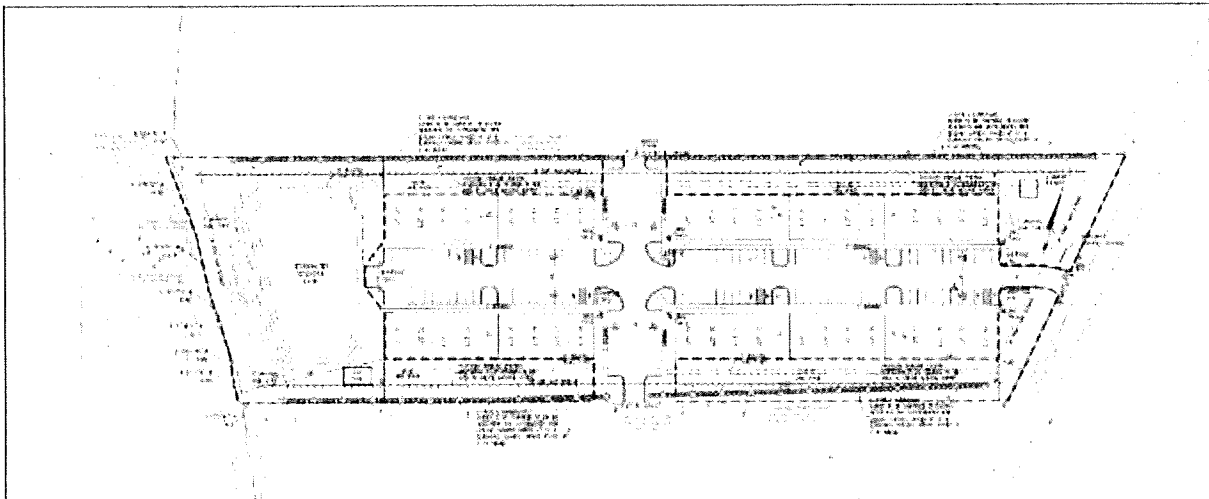


Exhibit 7.2 Front Elevation
Source (Town of Burgaw Planning Board Case Summary)



Exhibit 7.3 Perspective View From Timberly Lane
Source (Town of Burgaw Planning Board Case Summary)



Exhibit 7.4 Zoomed View From Timberly Lane
Source (Town of Burgaw Planning Board Case Summary)



Exhibit 7.5 View From Rear of Project
Source (Town of Burgaw Planning Board Case Summary)



A summary of the proposed construction areas is as follows:

Site Area	±5.71 acres
Units	40 Units
Density	7.01 Units/Acre
Parking	149 spaces 3.73 spaces/unit

SECTION 8: CASE STUDIES

8.1 Justice Farm

Sneads Ferry
Onslow County

Justice Farm Townhomes

Year Built: 2018
Levels: 2
Parking: Surface; unassigned
Price Point: \$179,900 - \$225,000
of Units: 66 on ±16.14 acres or 4.08 units per acre (septic systems required)

Exhibit 8.1 (a) Photos (Source Flex MLS)



Exhibit 8.1 (b) MLS Search Data



Sales in Neighboring Subdivision Lying Contiguous to Townhome Project
11/12/21 – 11/12/23

Table 8.1(c) Contiguous Sales

	Address	Sale Date	Sale Price	Yr. Built	HLA (SF)	Price / SF
1	105 Lawndale Ln	08/02/23	\$292,000	2005	1743	\$167.81
2	103 Lawndale Ln	05/09/23	\$290,000	2005	1290	\$224.81
3	119 Lawndale Ln	03/05/22	\$210,000	2005	1125	\$186.67
4	123 Lawndale Ln	08/17/22	\$260,000	2005	1268	\$205.05

Average Home Size	1,357 sf
Minimum Price per SF	\$186.67
Maximum Price per SF	\$224.81
Average Price per SF	\$196.09
Median Price per SF	\$195.86

Market Conditions Indications:

Table 8.1 (d) Extrapolated Market Conditions Based on Prior Sales

Comp #	Prior Sale Date	Price	Δ%	# of months	Δ% per month
1	09/10/19	\$195,650	49.50%	47	1.05%

Sales in Neighboring Subdivision Not Lying Contiguous to Townhome Project
11/12/21 – 11/12/23

Table 8.1(e) Non-Contiguous Sales

	Address	Sale Date	Sale Price	Yr. Built	HLA (SF)	Price / SF
1	202 Bluebird Ct	04/21/22	\$252,000	2005	1706	\$147.72
2	210 Bluebird Ct	04/26/22	\$264,900	2005	1672	\$157.43
3	202 Vale Ct	09/02/22	\$239,900	2005	1268	\$189.20
4	205 Vale Ct	12/16/21	\$263,000	2005	1737	\$151.41
5	200 Molly Ct	05/23/22	\$247,000	2005	1268	\$194.79
6	210 Molly Ct	05/22/23	\$295,000	2006	1453	\$203.03
7	213 Molly Ct	06/16/23	\$260,000	2010	1355	\$191.88
8	100 Knotts Ct	04/21/23	\$293,000	2006	1463	\$200.27
9	102 Knotts Ct	04/21/22	\$255,000	2006	1355	\$188.19
10	104 Knotts Ct	03/25/22	\$255,000	2005	1461	\$174.54
11	118 Lawndale Ln	09/22/23	\$293,000	2005	1337	\$219.15
12	120 Lawndale Ln	07/11/22	\$267,500	2005	1268	\$210.96
13	141 Lawndale Ln	04/04/22	\$245,000	2006	1284	\$190.81
14	128 Lawndale Ln	06/30/22	\$295,000	2005	1881	\$156.83
15	132 Lawndale Ln	08/25/23	\$295,000	2005	1403	\$210.26
16	136 Lawndale Ln	05/09/22	\$305,000	2006	1909	\$159.77
17	138 Lawndale Ln	05/23/22	\$278,000	2006	1508	\$184.35
18	138 Lawndale Ln	09/19/23	\$300,000	2006	1508	\$198.94
19	142 Lawndale Ln	09/01/22	\$292,500	2006	1877	\$155.83

Average Home Size	1,511 sf
Minimum Price per SF	\$147.72
Maximum Price per SF	\$219.15
Average Price per SF	\$183.44
Median Price per SF	\$189.20

Market Conditions Indications:

Table 8.1 (f) Extrapolated Market Conditions Based on Prior Sales

Comp #	Prior Sale Date	Price	Δ%	# of months	Δ% per month
1	01/22/19	\$179,000	40.78%	39	1.05%
9	06/19/20	\$189,900	34.28%	22	1.56%
11	12/06/19	\$187,900	55.93%	45	1.25%
18	12/07/18	\$179,900	66.76%	57	1.17%

SUMMARY AND CONCLUSIONS FOR JUSTICE FARM

The Justice Farm Townhomes are two-level townhomes with common area surface parking. They feature vinyl siding exteriors with faux stone accents. The development was constructed in 2018 and contains 66-units. Prices have ranged from \$179,900 to \$225,000 per unit (over the past 24 months).

Four single-family home sales were discovered over the past 24 months that abutted the townhome development. They indicated a median price of \$195.86 per sf of heated living area.

This compares favorably to the median price of nineteen (19) sales of similar homes within the subdivision over the same time period that do not abutt the townhome development. They indicated a median price of \$189.20 per sf of heated living area, 3.40% less than the median home price for homes abutting the townhome development.

All homes were similar in age, construction quality and lot sizes. Slight variances occurred in the sizes of the homes. The average size of the four homes abutting the townhomes was 1,357 sf versus an average of 1,511 sf for the nineteen sales within the interior of the subdivision. (10.19% smaller) Typically, smaller homes generally sell for higher per incremental units of value than larger homes. This could easily account for the 3.40% discrepancy in per-unit pricing.

Finally, from the single contiguous home sale from which a market conditions adjustment could be determined from prior sales activity, Comparable 1 indicated a monthly upward appreciation of 1.05%. There were four non-contiguous sales from which a monthly appreciation could be determined that ranged from 1.05% to 1.56% per month. Though the contiguous property at 1.05% falls within the lower end of the range, it does indeed indicate a similar appreciation pattern for properties lying contiguous to the townhomes as those that do not.

From this study of the Justice Farm Townhomes, it is reasonable to conclude that there is **no quantifiable effect on market value** for single-family residential properties immediately abutting a townhome development considered very similar to the proposed subject.

8.2 Springwater Reserve Townhomes

Castle Hayne
New Hanover County

Springwater Reserve Townhomes

Year Built: 2018 - present
Levels: 2
Parking: Concrete driveways; Garage (1-car)
Price Point: \$359,900 - \$412,900
of Units: 44 units on 6.58 acres or 6.69 units per acre

Exhibit 8.2 (a) Photos (Source Flex MLS)

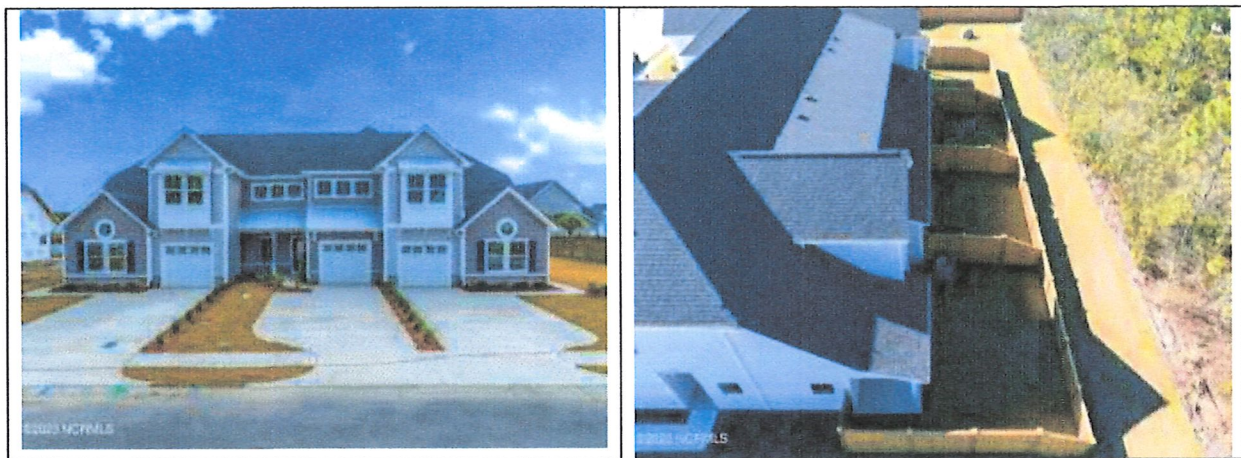


Exhibit 8.2 (b) MLS Search Data



* Home Sales in Hanover Reserve in excess of 3,000 sf HLA are excluded as they skew the price per sf HLA downward due to their significantly larger sizes.

**Sales in Neighboring Subdivision Lying Contiguous to Townhome Project
11/12/21 – 11/12/23**

Table 8.2(c) Contiguous Sales

	Address	Sale Date	Sale Price	Yr. Built	HLA (SF)	Price / SF
1	7353 Springwater Dr	02/08/23	\$515,000	2018	2574	\$200.08
2	7416 Murrayville Rd	09/02/22	\$340,000	1995	1526	\$222.80

Average Home Size **2,050 sf**
Minimum Price per SF **\$200.08**
Maximum Price per SF **\$222.80**
Average Price per SF **\$211.44**
Median Price per SF **\$211.44**

Market Conditions Indications:

Table 8.2 (d) Extrapolated Market Conditions Based on Prior Sales

Comp #	Prior Sale Date	Price	Δ%	# of months	Δ% per month
1	12/20/18	\$311,500	65.33%	62	1.05%

**Sales in Neighboring Subdivision Not Lying Contiguous to Townhome Project
11/12/21 – 11/12/23**

Table 8.2(e) Non-Contiguous Sales (excluding homes in excess of 3,000 sf)

	Address	Sale Date	Sale Price	Yr. Built	HLA (SF)	Price / SF
1	1344 Goldengrove Ln	05/17/23	\$472,000	2020	2493	\$189.33
3	1451 Eastbourne Dr	04/06/22	\$485,000	2016	2400	\$202.08
4	1443 Eastbourne Dr	11/18/22	\$485,000	2015	2359	\$205.60

Average Home Size	2,417 sf
Minimum Price per SF	\$189.33
Maximum Price per SF	\$205.60
Average Price per SF	\$199.00
Median Price per SF	\$202.08

Market Conditions Indications:

Table 8.2 (f) Extrapolated Market Conditions Based on Prior Sales

Comp #	Prior Sale Date	Price	Δ%	# of months	Δ% per month
1	06/30/20	\$327,500	44.12%	35	1.26%

SUMMARY AND CONCLUSIONS FOR SPRINGWATER RESERVE

The Springwater Reserve Townhomes are two-level townhomes with each unit having its own concrete driveway and a one-car garage. They feature cement board siding exteriors, craftsman trim, hip roofs with asphalt shingle roof cover and metal roof accents. The development began construction in 2018 and will contain 44-units. Some buildings contain three units and some contain four. No building contains more than four units. Prices have ranged from \$359,900 - \$412,900 per unit (over the past 24 months).

Two single-family home sales were discovered over the past 24 months that abutted the townhome development. They indicated a median price of \$211.44 per sf of heated living area.

This compares favorably to the median price of three (3) sales of similar homes within the adjacent Hanover Reserve subdivision over the same time period that do not abutt the townhome development (dwellings in excess of 3,000 sf HLA excluded as they skew the price per sf downward). They indicated a median price of \$202.08 per sf of heated living area, 4.43% less than the median home price for homes abutting the townhome development.

Almost all homes were similar in age, construction quality and lot sizes. The dwelling at 7416 Murrayville Road, though constructed in 1995, had been renovated prior to sale. The average size of the two homes abutting the townhomes was 2,050 sf versus an average of 2,417 sf for the three sales within the interior of the adjacent Hanover Reserve subdivision. (15.18% smaller) Typically, smaller homes generally sell for higher per incremental units of value than larger homes. This could easily account for the 4.43% discrepancy in per-unit pricing.

Finally, from the single contiguous home sale from which a market conditions adjustment could be determined from prior sales activity, Comparable 1 indicated a monthly upward appreciation of 1.05%. There was one non-contiguous sale from which a monthly appreciation could be determined that indicated 1.26% per month. It should be noted that the contiguous property indicating 1.05% per month, was previously sold in December 2018. The non-contiguous comparable indicating 1.26% monthly previously sold in June 2020. Market conditions from December 2018 through June 2020 were not improving as rapidly as those from June 2020 onward. For this reason, the two appreciation patterns are considered very similar for properties lying contiguous to the townhomes as those that do not.

From this study of the Springwater Reserve Townhomes, it is reasonable to conclude that there is **no quantifiable effect on market value** for single-family residential properties immediately abutting a townhome development considered very similar to the proposed subject.

8.3 Ibis Landing Townhomes

Leland
Brunswick County

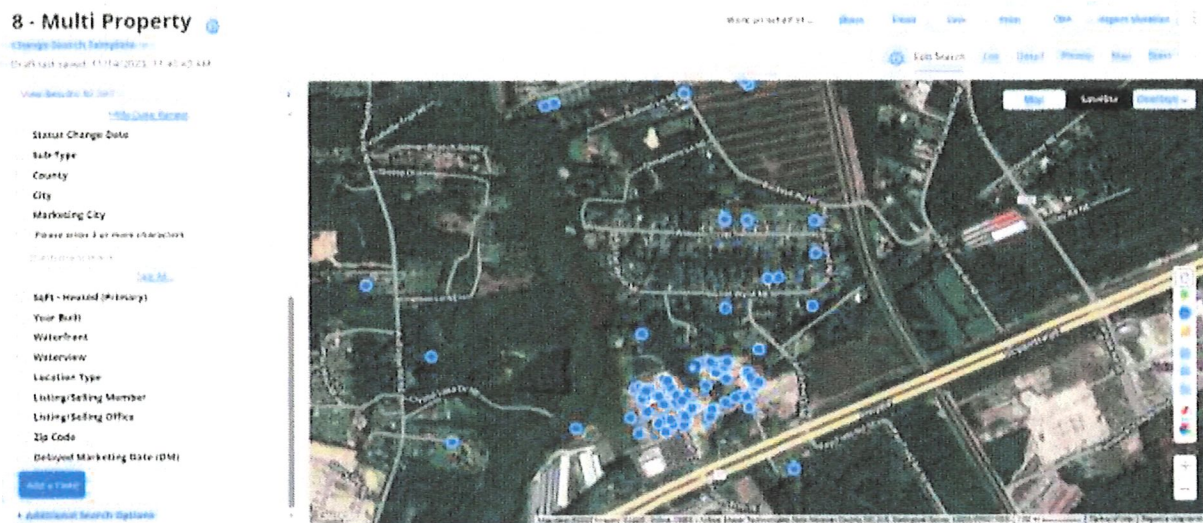
Ibis Landing Townhomes

Year Built: 2021 - present
Levels: 2
Parking: Concrete driveways; Garage (1-car)
Price Point: \$234,840 - \$350,540
of Units: 125 units on 18.6 acres or 6.72 units per acre

Exhibit 8.3 (a) Photos (Source Flex MLS)



Exhibit 8.3 (b) MLS Search Data



**Sales in Neighboring Subdivision Lying Contiguous to Townhome Project
11/12/21 – 11/12/23**

Table 8.3(c) Contiguous Sales

	Address	Sale Date	Sale Price	Yr. Built	HLA (SF)	Price / SF
1	61 Carol Lynn Dr NE	05/02/22	\$295,000	1995*	1222	\$241.41

* Renovated prior to sale

Average Home Size	1,222 sf
Minimum Price per SF	\$241.41
Maximum Price per SF	\$241.41
Average Price per SF	\$241.41
Median Price per SF	\$241.41

Market Conditions Indications:

Table 8.3 (d) Extrapolated Market Conditions Based on Prior Sales

Comp #	Prior Sale Date	Price	Δ%	# of months	Δ% per month
1	12/13/21*	\$160,000	84.38%	4	21.09%

* Purchased to renovate and flip

Sales in Neighboring Subdivision Not Lying Contiguous to Townhome Project
11/12/21 – 11/12/23

Table 8.3 (e) Non-Contiguous Sales

	Address	Sale Date	Sale Price	Yr. Built	HLA (SF)	Price / SF
1	8084 Rachel Wynd Rd	02/14/22	\$408,000	2000	2557	\$159.56
3	8107 Rachel Wynd Rd	08/19/22	\$320,000	1997*	1630	\$196.32
4	8136 Rachel Wynd Rd	07/08/22	\$290,000	1993*	1212	\$239.27
5	8173 Rachel Wynd Rd	09/15/22	\$316,500	1998	1785	\$177.31
6	8143 Webster Ct	10/26/23	\$280,000	1993	1225	\$228.57
7	8099 Webster Ct	06/22/22	\$311,000	2016	1220	\$254.92
8	8085 Webster Ct	12/08/22	\$349,000	2015	1397	\$249.82

* Renovated prior to sale

Average Home Size	1,378 sf
Minimum Price per SF	\$159.56
Maximum Price per SF	\$254.92
Average Price per SF	\$215.11
Median Price per SF	\$228.57

Market Conditions Indications:

Table 8.3 (f) Extrapolated Market Conditions Based on Prior Sales

Comp #	Prior Sale Date	Price	Δ%	# of months	Δ% per month
3	01/22/19	\$195,000	64.10%	19	3.37%
4	10/23/19*	\$130,000	123.08%	9	13.67%

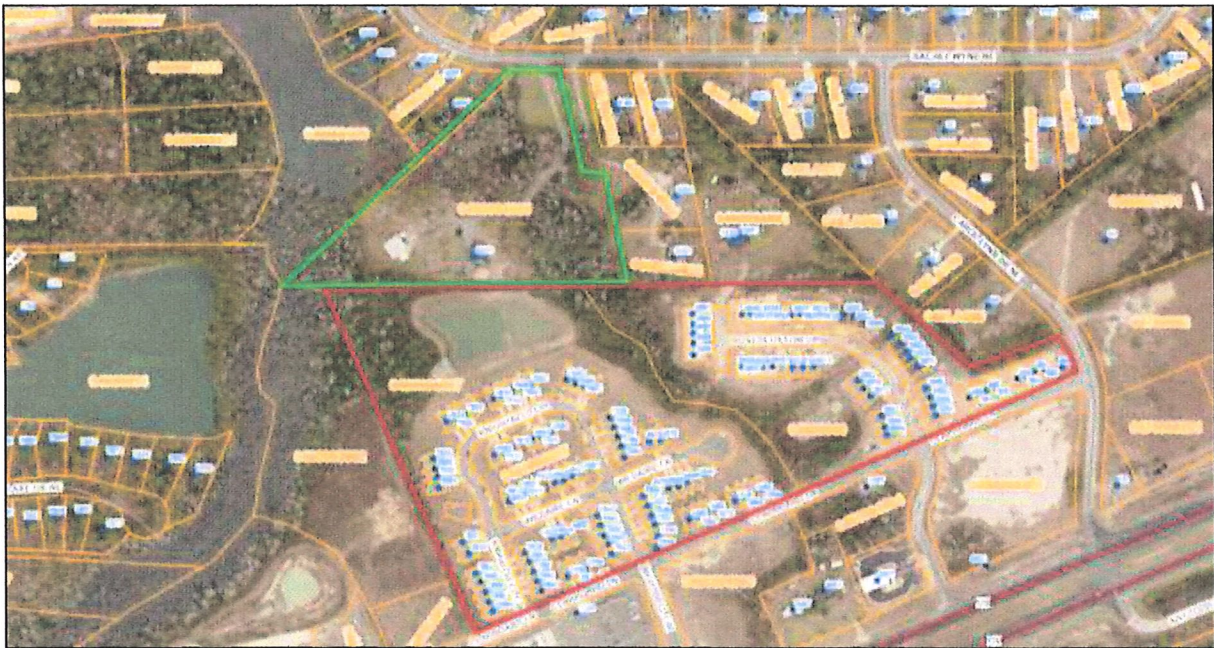
* Purchased to renovate and flip

Also considered is the sale of an abutting parcel located at **8050 Rachel Wynd Road** (Brunswick County PIN 0460004805). It is **5.38 acres**, improved with a single-family dwelling of 1,864 and associated accessory structures. The dwelling was constructed in 1998. **This property sold on 8/16/2023 for \$615,000.**

The seller had **previously acquired this property on 7/20/20 for \$365,000.** This indicates an upward change in market conditions of 68.49% over 37 months or **1.85% per month.** It was not included in the above analysis due to the significant land area.

This parcel is shown in the following exhibit. It is marked in green with the Ibis Landing Townhomes marked in red.

Exhibit 8.3 (g) Aerial Image Showing Adjacent 5.38-acre Parcel Sold



SUMMARY AND CONCLUSIONS FOR IBIS LANDING

The Ibis Landing Townhomes are two-level townhomes with each unit having its own concrete driveway and a one-car garage. They feature vinyl siding exteriors and gable roofs with asphalt shingle roof cover. The first sales within the development occurred in 2021. Prices have ranged from \$234,840 - \$350,540 per unit (over the past 24 months).

One single-family home sale was discovered over the past 24 months that abutted the townhome development. It had been purchased, renovated and flipped with the latter sale having a price of \$241.41 per sf of heated living area.

This compares favorably to the median price of eight (8) sales of similar homes within the same subdivision over the same time period that do not abutt the Ibis Landing townhome development. They indicated a median price of \$228.57 per sf of heated living area, 5.32% less than the price of the one home abutting the townhome development.

The one home abutting the townhomes was 1,222 sf versus an average of 1,378 sf for the eight sales within the interior of the subdivision. (11.32% smaller) Typically, smaller homes generally sell for higher per incremental units of value than larger homes. This could easily account for the 5.32% discrepancy in per-unit pricing.

The subdivision that lies adjacent to the Ibis Landing townhome development has been very active for home flippers. The sale that directly abutts the townhomes was such a flip that indicated an increase in value of 21.09% per month (renovation costs not considered). The same can be said for Comparable 4 that does not abutt the townhomes, but was flipped for an increase in value of 13.67% per month (exclusive of renovation costs). Though not necessarily considered a "flip" Comparable 3 indicated a 3.37% per month improvement over 19 months, though it did have slight renovations having been performed prior to the latter sale.

This makes a determination of any effects from a market conditions standpoint very difficult, if not impossible beyond the fact that there is significant demand for homes in the adjacent subdivision with many being purchased for renovation; including the property directly abutting the townhomes.

Finally, this property is unique as it has an adjacent 5.38-acre tract improved with a single-family dwelling. This is similar to the subject having a 4.765-acre tract with a single-family dwelling abutting it on the south. A matched-pair analysis of two sales of this same property, with very little having been done to the property between sales, indicates appreciation of 1.85% per month (22.20% annually). This is well supported by market data and represents some of the highest increases within this analysis.

From this study of the Ibis Landing Townhomes, it is reasonable to conclude that there is **no quantifiable effect on market value** for single-family residential properties immediately abutting a townhome development considered very similar to the proposed subject.

SECTION 9: FINAL SUMMARY AND CONCLUSIONS

Three townhome properties were analyzed. Due to insufficient data within the Town of Burgaw, the data search was expanded geographically.

The properties chosen represent townhome properties with relatively similar densities as the subject. The subject's proposed density is 40 units over ± 5.71 acres or approximately 7.00 units per acre. The projects chosen represent densities of 4.08 units per acre (utilizing septic systems), 6.69 units per acre and 6.72 units per acre, respectively.

The appraiser also placed high importance on properties immediately adjacent to lower-density, single-family residential development. Properties in high-density areas, commercial areas, or rural areas, not immediately abutting low-density single-family residential development were excluded from this analysis.

Of the three properties surveyed and analyzed, the median sales prices per square foot of properties immediately abutting the townhome developments were 3.40%, 4.43% and 5.32% higher than the median sales prices of comparable homes not abutting the townhome property. In each instance, the homes abutting the townhome projects were smaller, on average, than those that did not share the same locational characteristics. Typically, smaller dwellings generally sell for higher per incremental units of value. Therefore, the higher per-unit pricing for dwellings adjacent to townhomes is most likely due to size differences.

Nonetheless, there is no evidence to suggest that single-family residential properties immediately abutting townhome developments similar to the proposed subject, suffer any diminution in value as a result of their location, when compared to similar properties, nearly identical with the exception of locational differences.

Furthermore, there is no evidence to suggest that being located adjacent to a development similar to the one proposed, results in any future effects on value as the data has shown similar appreciation rates for single-family properties abutting townhome developments when compared to those that do not.

ADDENDA

APPRAISAL QUALIFICATIONS

G. BRAD WHITE, MAI
8718 RAMSBURY WAY
WILMINGTON, NORTH CAROLINA 28411
PHONE 910-612-2478
E-MAIL: *bwhite@gbwvaluations.com*

EDUCATION

B.S.B.A. EAST CAROLINA UNIVERSITY, 1998
Introduction to Income Property Appraisal (G-1) 3/00
Income Capitalization Procedures (G-2) 9/00
Applied Income Property Valuation (G-3) 9/00
Advanced Income Capitalization 510 5/05
Market Analysis/Highest and Best Use 520 3/06
Advanced Sales Comparison & Cost Approaches 530 6/07
Report Writing & Valuation Analysis 540 6/08
Advanced Applications 550 7/09
Certified under North Carolina Real Estate Appraisal Board
Continuing Education Program

EMPLOYMENT HISTORY

Owner, G. Brad White and Associates, LLC 2017 to present
Worsley Real Estate Company, 1998 to 2017
Worsley & Glenn, Intern 1993

PROFESSIONAL AFFILIATIONS

N. C. State Certified General Real Estate Appraiser
Certification Number A5053, (2002)
Appraisal Institute, MAI Designation (2015)
Member of the New Hanover County Board of Equalization
and Review

APPRAISAL EXPERIENCE

Private and For Fee Golf Courses
Hotel, Motels, Restaurants, Resort Developments
Single and Multi-Family Residential Projects
Apartment Complexes, Townhouses, Condominiums
Office Buildings, Shopping Centers, Day Care Centers
Warehouses, Industrial and Manufacturing Buildings
Agricultural Land, Conservation and Historical Properties,
Marinas, Tank Farms, Deep-Water Port-Related Properties
and Wetland Mitigation Banks

FINANCIAL CLIENTELE

Bank OZK
Branch Bank & Trust Company
Carolina Farm Credit
Corning Federal Credit Union
Dogwood State Bank
First Bank
First Community Bank
First National Bank
North State Bank
Old National Bank
Paragon Bank
Park Sterling Bank
PNC Bank
Red River Bank
Select Bank
South State Bank
Southern Bank
Union Bank and Trust
United Bank
Wells Fargo Bank

INSTITUTIONAL CLIENTELE

N. C. Department of Transportation
Duke Energy Progress, Inc.
Cape Fear Public Utility Authority
Telics, Inc.
Wilmington Housing Authority
Wilmington International Airport

PROFESSIONAL CLIENTELE

Osprey Lands, LLC
Crocker Brothers, LLC
Par 5 Development Group, LLC
JBS Industrial Properties, LLC
Nicholls & Crampton, P.A.
Block, Crouch, Keeter, Behm and Sayed, LLP
Marshall, Williams & Gorham, LLP
JTV Business Consultant, Inc.
The Cameron Company, Inc.
Brunswick Corporation/Hatteras Yachts



GSP CONSULTING

October 31, 2023

Town of Burgaw
109 N. Walker Street
Burgaw, NC 28425
c/o Gilbert Combs

Re: Ivy Grove Townhomes
Stormwater Management

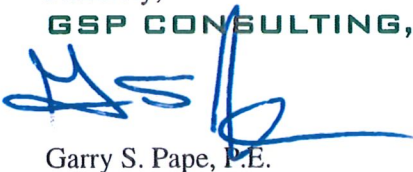
This +/- 5.71 acre site is located off Timberly Lane (PIN 3229-36-9052) in the Town of Burgaw, Pender County, North Carolina. This project will drain to a proposed stormwater detention basin that will discharge to Osgood Branch at the rear of the site. The location of this development is downstream from the Town of Burgaw and this portion of Osgood Branch discharges to Burgaw Creek to the north and away from the Town of Burgaw. This project will consist of the construction of 40 townhome units and related site appurtenances. The amount of impervious surface draining to the proposed stormwater detention basin is 44.7% and the development is proposing 47.3% of the property area as Open Space.

The primary stormwater measures for this project will consist of overland sheet flow and closed conduit systems that direct the runoff to the proposed stormwater detention basin that will be designed to treat the first 1.5" of rainfall to meet the North Carolina Department of Environmental Quality (NCDEQ) Stormwater Regulations and to control the post development peak discharge for the 10-year storm event so as not to exceed the pre-development peak runoff discharge rate to meet Water Quantity Stormwater Regulations. An emergency spillway will be provided to convey the 100-year storm event.

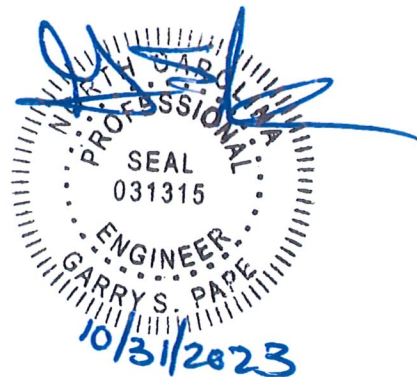
By treating the water quality volume as required by NCDEQ, detaining the water quantity volume for the 10-year storm event the proposed stormwater detention basin will be used in conjunction with the development preserving over 50% of the site in a pervious/natural state and over 400 existing trees remaining on site to mitigate any potential stormwater impacts on surrounding properties.

Please contact me immediately at (910) 442-7870 or gpape@gsp-consulting.com if you have any questions or require additional information.

Sincerely,
GSP CONSULTING, PLLC.



Garry S. Pape, P.E.



RESOLUTION 2023-24

ADOPTING A STATEMENT OF CONSISTENCY REGARDING AN AMENDMENT OF THE OFFICIAL ZONING MAP OF THE TOWN OF BURGAW REQUESTED BY ANDREW SMITH OF PENDERLINE, LLC TO REZONE PROPERTY LOCATED ON NORTH TIMBERLY LANE (PARCEL IDENTIFICATION NUMBER 3229-36-9052-0000) FROM R-12, RESIDENTIAL TO R-7 (CZ) RESIDENTIAL DISTRICT CONDITIONAL ZONING FOR A MULTIFAMILY PROJECT CONTAINING 40 3-BEDROOM TOWNHOMES.

WHEREAS, the Applicant, Andrew Smith of Penderline, LLC, has requested the Town amend the Official Zoning Map of the Town of Burgaw to rezone property located on North Timberly Lane (Parcel Identification Number 3229-36-9052-0000) from R-12, Residential to R-7 (CZ), Residential District Conditional Zoning for a multifamily project containing 40 3-bedroom townhomes; and

WHEREAS, Planning Staff has reviewed the proposed rezoning for consistency with the Town of Burgaw 2030 Comprehensive Land Use Plan and has presented those findings to the Town of Burgaw Planning Board and the Town of Burgaw Board of Commissioners; and

WHEREAS, the Town of Burgaw Planning Board, at their October 19, 2023, meeting, recommended denial in the Draft Comprehensive Plan Consistency Statement to the Board of Commissioners; and

WHEREAS, the Town of Burgaw Board of Commissioners reviewed the Staff Report and Draft Comprehensive Plan Consistency Statement at their November 14, 2023, meeting and voted to continue the item until the December 12, 2023, meeting; and

WHEREAS, the Town of Burgaw Board of Commissioners at their December 12, 2023, meeting, voted to continue the item upon the Applicant's request until the January 9, 2024, meeting; and

WHEREAS, the Town of Burgaw Board of Commissioners reexamined the Staff Report and Draft Comprehensive Plan Consistency Statement at their January 9, 2024, meeting and found the proposed rezoning to be consistent with the Town of Burgaw 2030 Comprehensive Land Use Plan, being reasonable, and in the public interest; and

NOW THEREFORE BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the proposed rezoning is consistent with the Town of Burgaw 2030 Comprehensive Plan by promoting infill development and revitalization of areas with existing infrastructure and would attract businesses and industries that will enhance the economic health of the town.

Adopted this 9th day of January 2024.

Attest: _____
Kristin Wells, Town Clerk

Signed: _____
G. Olivia Dawson, Mayor

ORDINANCE 2023-30

A MAP AMENDMENT OF THE OFFICIAL ZONING MAP OF THE TOWN OF BURGAW REQUESTED BY ANDREW SMITH OF PENDERLINE, LLC TO REZONE PROPERTY LOCATED ON NORTH TIMBERLY LANE (PARCEL IDENTIFICATION NUMBER 3229-36-9052-0000) FROM R-12, RESIDENTIAL TO R-7 (CZ) RESIDENTIAL DISTRICT CONDITIONAL ZONING FOR A MULTIFAMILY PROJECT CONTAINING 40 3-BEDROOM TOWNHOMES.

WHEREAS, the Applicant, Andrew Smith of Penderline, LLC, has requested the Town amend the Official Zoning Map of the Town of Burgaw to rezone property located on North Timberly Lane (Parcel Identification Number 3229-36-9052-0000) from R-12, Residential to R-7 (CZ), Residential District Conditional Zoning for a multifamily project containing 40 3-bedroom townhomes; and

WHEREAS, the Town of Burgaw Planning Board, at their October 19, 2023, meeting, recommended denial of the proposed rezoning to the Board of Commissioners of the Town of Burgaw with a vote of 6-1; and

WHEREAS, the Town of Burgaw Board of Commissioners reviewed the staff report, the proposed text amendments and the Draft Comprehensive Plan Consistency Statement at their November 14, 2023, meeting and voted to continue the item until the December 12, 2023, meeting; and

WHEREAS, the Town of Burgaw Board of Commissioners at their December 12, 2023, meeting, voted to continue the item upon the Applicant's request until the January 9, 2024, meeting; and

WHEREAS, the Town of Burgaw Board of Commissioners reexamined the staff report, the proposed rezoning and the Draft Comprehensive Plan Consistency Statement at their January 9, 2024, meeting and found the proposed text change amendment to be reasonable, and in the public interest; and

NOW, THEREFORE BE IT ORDAINED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the proposed rezoning is reasonable, and in the public interest by promoting infill development and revitalization of areas with existing infrastructure and would attract businesses and industries that will enhance the economic health of the town.

SECTION 1. This map amendment becomes effective immediately upon adoption of this ordinance on this, the 9th day of January 2024.

SECTION 2. The following rules, regulations, and conditions shall apply to the property described in this ordinance:

1. The use and development of the subject property shall comply with all regulations and requirements imposed by the Town of Burgaw Unified Development Ordinance and any other applicable federal, state or local law, ordinance or regulation, as well as any condition stated below. In the event of a conflict, the more stringent requirement or higher standard shall apply.
2. Approval of this conditional district rezoning does not constitute technical approval of the site plan. Final approval by the Technical Review Committee and the issuance of all required permits must occur prior to releasing the project to the Building Inspections Department.
3. If, for any reason, any condition for approval is found to be illegal or invalid or if the applicant should fail to accept any condition following approval, the approval of the site plan for the district shall be null and void and no effect and proceedings shall be instituted to rezoning the property to its previous zoning classification.
4. The use and development of the subject property shall be in substantial compliance with the site plan as submitted and accepted by the Board of Commissioners on 01/18/2024.
5. A proposed connection to future development as shown on the site plan must be retained.
6. A five-foot sidewalk at Timberly Lane along the entire project frontage is required.
7. Six, evenly dispersed, bike racks are required.
8. No structure may exceed two stories in height and may not exceed the maximum allowable height of 35 feet.
9. No more than 40 residential units may be constructed.

Attest: _____
Kristin Wells, Town Clerk

Signed: _____
G. Olivia Dawson, Mayor



CASE SUMMARY

Board of Commissioners

Special Use Permit

January 09, 2024

Gilbert Combs, 910-663-3451, gcombs@burgawnc.gov

<i>Staff recommendation</i>	Not applicable
<i>Board of Commissioners</i>	11/14/2023; Continued /// 12/12/2023; Continued /// 01/09/2024; Scheduled

Request

<i>Address/Location</i>	Ivy Grove Townhomes PIN: 3229-36-9052-0000	
<i>Acreage</i>	Approximately 5.71 acres	
<i>Request</i>	Multifamily project containing 40 3-bedroom townhomes	
<i>Owner/Applicant</i>	Penderline, LLC Andrew Smith 17117 Hwy 17N Hampstead, NC 28443	andrew@hampsteadnchomes.com (910) 262-6744

Property Characteristics

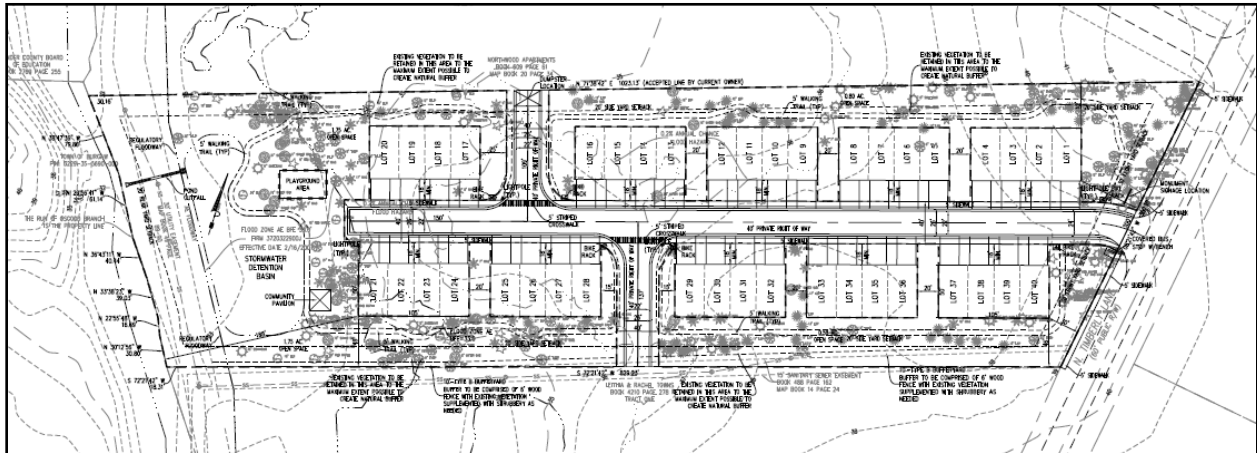
Zoning	R-7(CZ), Residential District Conditional Zoning (if item A approved)
Current Land Use	Vacant

Surrounding Area	North	South	East	West
Zoning	R-7 Residential	R-12 Residential	O&I Office and Institutional, R-12 Residential	R-7 Residential
Current Land Use	Multi-family residential	Single-family dwelling	Institutional / Residential	Institutional

Findings of Fact

1. The site is currently vacant.
2. The project area includes approximately 5.71 acres and is zoned R-7(CZ), Residential District Conditional Zoning (if item A approved).
3. On October 19, 2023, the Planning Board recommended **denial** for the rezoning from R-12, Residential to R-7(CZ), Residential District Conditional Zoning.
4. Multi-family development is permitted in the R-7 zoning district with the issuance of a special use permit.
5. The maximum allowable number of units per acre for multifamily per UDO is 12 units per acre. At 5.71 acres, the maximum allowable would be more than 60. The proposal is for 40 units.

Figure 1. Proposed Site Plan



Project Frontage



1.0 Staff Review

- Staff has conducted a preliminary review of the proposed plan for consistency with the Burgaw Unified Development Ordinance.
- If approved, an application for site plan review by the Technical Review Committee (TRC) must be submitted and accompanied by a full plan set in accordance with applicable checklists.
- If the project is approved by the Town of Burgaw Board of Commissioners, approval to begin site work is not granted until release is given by the Planning and Building Inspections Departments.

2.0 Public services, Facilities, and Infrastructure

2.1 Traffic and Transportation

- The site fronts North Timberly Lane (US-117 Business).
- One driveway is proposed generally in the center of the lot's road frontage.
- According to a representative for the applicant, the project for 40 3-bedroom townhomes will create 20 Trips at the AM Peak Hour and 29 Trips at the PM Peak Hour. It will create 200 total trips per day. No estimated generation of trips meets or exceeds the threshold for a Traffic Impact Study (TIS).

2.2 Public Utilities

- The site has access to both water and sewer. Water is available on North Timberly Lane and sewer is available from the northern end of the property.



2.3 Public Safety

- The nearest hydrants to the site are near Coston Road and North Timberly Lane and near East Wallace Street and North Timberly Lane. Due to the distance from the subject site, it is likely that during the TRC process the Fire Department would require a hydrant near the entrance of the project and at least one hydrant inside the development.

2.4 Stormwater

- The development of the site would be reviewed for compliance with the State's stormwater management regulations.

2.5 Landscaping, Buffering, Tree Protection, and Open Space

- A buffer will be required at the southern boundary.
- Tree preservation and mitigation will be required. Tree protection fencing must be in place prior to the start of any construction activities.

Recommendation

If the Board of Commissioners elects to recommend approval of the proposed subdivision, staff recommends the following conditions be applied:

1. The use and development of the subject property shall comply with all regulations and requirements imposed by the Town of Burgaw Unified Development Ordinance and any other applicable federal, state or local law, ordinance or regulation, as well as any condition stated below. In the event of a conflict, the more stringent requirement or higher standard shall apply.
2. If, for any reason, any condition for approval is found to be illegal or invalid or if the applicant should fail to accept any condition following approval, the approval of the subdivision final plat shall be null and void.
3. Approval of this special use permit does not constitute technical approval of the site plan. Final approval by the Technical Review Committee and the issuance of all required permits must occur prior to releasing the project to the Building Inspections Department.
4. The use and development of the subject property shall be in substantial compliance with the site plan as submitted and accepted by the Board of Commissioners on 11/14/2023.
5. The elevations of each structure shall be in substantial compliance with the elevation examples as submitted and accepted by the Board of Commissioners on 1/9/2024.
6. A proposed connection to future development as shown on the site plan must be retained.
7. A five-foot sidewalk at Timberly Lane along the entire project frontage is required.
8. Six, evenly dispersed, bike racks are required.
9. A covered bus shelter shall be located between either building 10 or 40 and the back of proposed sidewalk.
10. No structure may exceed two stories in height and may not exceed the maximum allowable height of 35 feet.
11. No more than 40 residential units may be constructed.

**NEIGHBORHOOD CONTACT**

	Board of Commissioners
<i>Signs Posted</i>	10/30/2023
<i>Property Owner Letters</i>	10/30/2023
<i>Advertisement Date(s)</i>	10/27/2023
<i>Other – Contact(s)</i>	

ACTIONS TO DATE

<i>Board of Commissioners</i>	11/14/2023; Continued /// 12/12/2023; Continued /// 01/09/2024; Scheduled
-------------------------------	--

ATTACHMENTS

1. Application
2. Proposed Site Plan
3. Deed
4. Legal Description
5. Survey
6. Trip Generation Statement
7. NCDOT Email
8. Special Use Answers
9. Appraisal Analysis
10. Stormwater Statement - GSP
11. Resolution



TOWN OF BURGAW

APPLICATION PACKET for SPECIAL USE PERMIT

Special Use Permits are reviewed by the Town Planner and the Technical Review Committee before a Public Hearing is held.

Schedule of Meetings

Technical Review Committee	As Needed
Board of Adjustments (Minor special uses)	Third Thursday of Month
Board of Commissioners (Major Special Uses)	Second Tuesday of Month

- Initial Applications for Special Use Permits must be submitted 21 days prior to the appropriate Board meeting.
- The Town will schedule the application for the appropriate board meeting as quickly as possible; however, the Town cannot guarantee a specific date or meeting at which your application will heard by the applicable Board.
- Special Use Permit minor changes may be submitted to the Town Planner at any time.

Fee Schedule - Application for Special Use Permit

Not requiring technical review:

Existing structure and not construction	\$300*
New construction non-residential	\$400*

Requiring technical review:

Existing structure and not construction	\$350*
New construction non-residential	\$500*

Professional Engineering Review, if needed - Direct Cost Recovery

***plus an additional fee of \$7 per property owner that is legally required to be notified of public hearing**

Submittal Requirement checklist for Special Use Permits

Staff may determine that some requirements are not applicable to all applications.

- ☐ Complete Application form
- ☐ Complete Site Plan, 2 paper copies and a digital pdf copy
- ☐ Survey of property boundaries and legal description.
- ☐ Legal documents indicating unified control over the site, such as a deed or a contract to purchase
- ☐ Identify on the site plan any archeological, historic, or natural features to be preserved or protected and note by what means
- ☐ Identify critical areas including but not limited to floodplain, easements, body of water, drainage area, historic, cemetery and topography of the property
- ☐ For each building, a list of the following information on the form and included on the site plan:
 - List of anticipated uses for each building or property (from permitted use table)
 - Expected number of employees
 - Hours of operation
 - Phases of constructions
 - Setbacks

- Impervious surface
- Number of parking spaces and dimensions including drive aisles
- Number and type of signs
- Building height
- Review Appendix B of the UDO and provide the required information on your site plan.
- A Traffic Impact Study is required for a Special Use Permit if the estimated traffic generated exceeds 200 trips/day. A sealed letter by the design engineer will have to be submitted documenting the daily trip generation based on the ITE manual. The Traffic Impact Study will have to be reviewed by NCDOT traffic engineering and the Town of Burgaw's traffic engineer prior to the Special Use Permit being scheduled for a public hearing. Refer to Section 9.3 of the Unified Development Ordinance concerning the standards for Traffic Impact Studies.
- A statement as to the applicant's expected water use for the daily operations of the site upon completion.
- *Section 4.7.1 Purpose and Applicability; Special Uses (E) Entering of competent, material, and substantial evidence to enable the record to contain sufficient evidence is part of the application and hearing process. The burden of proof is on the applicant, and it is recommended that they provide testimony on the following:*
 - a. *The location and character of the special use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is located. The special use shall demonstrate conformance to the Land Use Plan or other plan in effect at the time and address impacts of the project.***
 - b. *The use is allowed pursuant to this ordinance and meets all the required conditions and specifications, including, without limitation, those set out in this Ordinance.***
 - c. *The use of the property as proposed will not affect other adjoining or abutting property values.***
 - d. *The use will not materially endanger the public health or safety, if located where proposed and developed, according to the plan as submitted and approved.***
 - e. *The increase in vehicular traffic resulting from a proposed development would not pose a danger to public safety.***

******These matters should be provided by an expert by providing evidence and testimony for the record.

- Reviews by Other Agencies-submit confirmation of approval or their comments
 - NCDOT
 - Traffic Study review and conditions recommended
 - Driveway permit
 - Off-site road improvements
- **Submittal Requirement Checklist for Special Use Permit Modification or Minor Change**
 - Complete application form
 - An amended to-scale site plan exhibiting the proposed changes
 - A written statement outlining, in detail, the changes proposed
 - To-scale building elevations exhibiting any proposed building façade changes
 - Fee (if applicable) Special Use Permits are now required to be recorded in the Pender County Register of Deeds

Date: 12/22/23Pin# 3229 36 9052 0000Project Title: 104 ILY GROVE
Parcels #(s): _____

APPLICANT INFORMATION

Name: ANDREW SMITH Phone: 910-262-6744Property Address: N. TIMBERLY LANEApplicant's Address: 17117 HWY 17 N HAMPSHIRE NC 28443Telephone: 910-262-6744Applicant's Email Address: ANDREW@HAMPSHIRENC.HOMES.COM

TAKE NOTICE THAT THE UNDERSIGNED HEREBY PETITIONS THE BOARD ADJUSTMENTS OR TOWN BOARD OF COMMISSIONERS OF THE TOWN OF BURGAW FOR A SPECIAL USE PERMIT AS DESCRIBED IN THE UNIFIED DEVELOPMENT ORDINANCE:

SIGNATURE

PROPERTY OWNER

12/22/23
DATE

Location: _____

Property Owner's Signature: _____

SIGNATURE

DATE

APPLICANT OR APPLICANT'S REPRESENTATIVE MUST BE PRESENT FOR AN APPLICATION TO BE HEARD. IF SOMEONE OTHER THAN THE APPLICANT WILL BE THE REPRESENTATIVE, THE FOLLOWING MUST BE COMPLETED.

I/We _____ am/are the owner(s) of the property located at _____, I/We hereby authorize _____ to appear on my behalf in order to ask for a special use permit at this location. I/We understand that the special use permit, if granted, is permanent and runs with the land unless otherwise conditioned.

Owner's Signature

Date

_____, County, North Carolina

I certify that the above person(s) personally appeared before me this day, each acknowledging to me that he/she voluntarily signed the foregoing document for the purpose stated herein.

Date: _____

(official seal)

Notary Public

My commission expires: _____

PROPERTY INFORMATIONCurrent Zoning District(s): R-12 Total Parcel Acreage: 5.71Adjacent Zoning District(s): R7, R12, O1, IWater Service: ☒ Public Water ☐ Well Sewer Service: ☒ Public Sewer ☐ Septic Tank

Existing Structures:

VACANT LAND

Proposed Structures:

40 HOMES

Critical Areas:

☐ Floodplain☐ Drainage/Stream☐ Easements☐ Historic☐ Pond/Lake☐ Cemetery☐ Steep Slopes☐ Other: _____

I/We certify that all of the information presented by me/us in this application is accurate to the best of my/our knowledge, information and belief. **APPLICATIONS WILL NOT BE ACCEPTED WITHOUT SIGNATURE FROM PROPERTY OWNER.**

Applicant's Signature

Date



Property Owner's Signature

Date

12/22/23

Surveyor/Engineer:

JOHN WAYNE / GARRY PAPE

Surveyor's/Engineer Mailing Address:

GSP CONSULTING, PLLCCity: WILMINGTON, NC State: NC Zip: 28411Telephone: 910.442.7870Email: GPAPE@GSP-CONSULTING.COMAs/

12/22/2023

Surveyor/Engineer's Signature

Date

Expected Uses	RESIDENTIAL	Parking Spaces	120
Expected Employees	N/A	Number of Signs	1
Hours of Operation	N/A	Height of Signs	TBD
Setbacks	F-30' S-20' R-20'	Building Height	1.5 stories
Impervious Surface	104,750 S.F. 42.1%	Phases	1
Outdoor Seating	COMMUNITY PAVILION PLAYGROUND AREA	Music/Noise	N/A

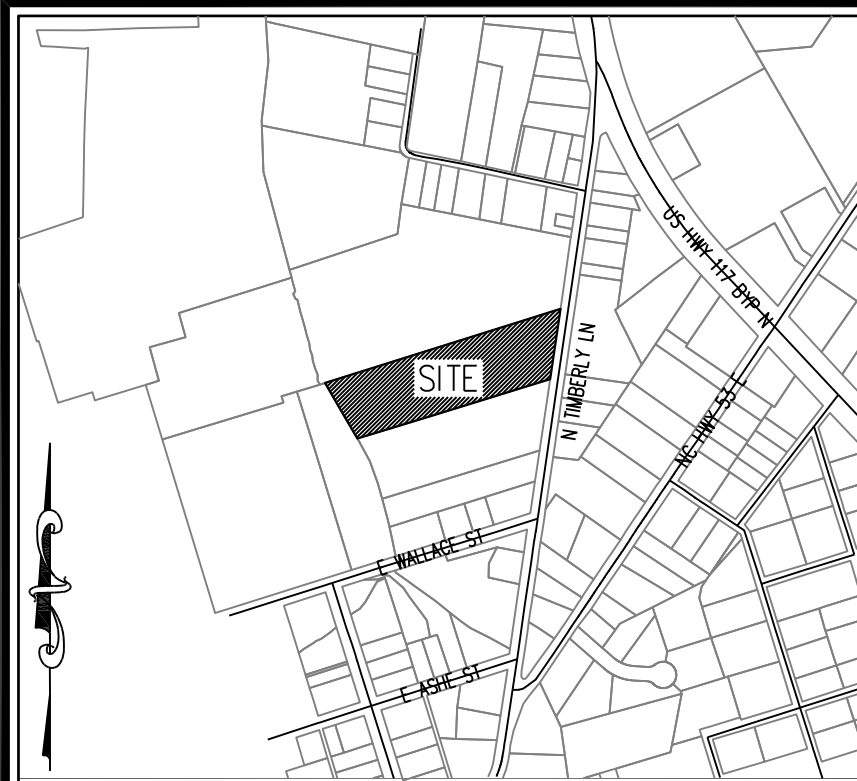
Application Received by the Planning Department

Town Planner

Date

Receipt # and Fee Amount

Date



VICINITY MAP
(NTS)

GENERAL NOTES:

- PENDER CO. PARCEL NO.:
PIN-3229-36-9052-0000
SITE ADDRESS: N. TIMBERLY LANE, BURGAW, NC 28425
OWNERSHIP REFERENCE: D.B. 4812, PG. 2795
- TOTAL TRACT AREA: 248,928 SF = 5.71 AC.±
- EXISTING ZONING DISTRICT: R-12
PROPOSED ZONING DISTRICT: R-7 (C2)
SETBACKS - REQUIRED PROVIDED
30' FRONT 30' FRONT
20' SIDE 32' SIDE
20' REAR 188' REAR
- THIS PROPERTY DOES NOT CONTAIN ANY 404 FEDERAL WETLANDS.
- THIS PROPERTY IS WITHIN A SPECIAL FLOOD HAZARD ZONE PER FEMA FLOOD INSURANCE RATE MAP #3720322900J, EFFECTIVE DATE 2/16/2007. ANY UNITS WITHIN SPECIAL FLOOD HAZARD ZONE TO BE CONSTRUCTED PER FEMA REGULATIONS.

DEVELOPMENT DATA:

LOT AREA - 248,928 SF = 5.71 AC.±
PROPOSED LAND USE: RESIDENTIAL
LOT SIZE FOR R-7 (MULTI-FAMILY):
REQUIRED: 8,000 SF FOR FIRST TWO DWELLING UNITS AND 2,000 SF FOR EACH ADDITIONAL DWELLING UNIT
= 84,000 SF FOR 40 UNITS
PROPOSED: LOT SIZE = 248,928 SF
OPEN SPACE PROVIDED - 3.13 AC. = 54.8%
FRONTAGE: REQUIRED - 75'
PROPOSED - 300'

BLDG. HGT. - 2-STORY / 35'

PARKING -

REQUIRED: 40-3 BEDROOM UNITS @ 3 SPACES/UNIT = 120 SPACES

PROVIDED: 1 GARAGE SPACE & 2 DRIVEWAY SPACES/UNIT

BUA
BUILDINGS - 52,500 S.F.
IMPERVIOUS PAVEMENT - 26,150 S.F.
IMPERVIOUS CONCRETE - 6,700 S.F.
IMPERVIOUS DRIVEWAYS - 19,400 S.F.
TOTAL - 104,750 S.F. (42.1%)

SEWER & WATER CAPACITY:

PROPOSED SEWER - 14,400 GPD (@ 360 GPD FOR 3 BEDROOM UNIT)
PROPOSED WATER - 18,000 GPD (@ 125% SEWER USE)

FIRE HYDRANT TO BE ADDED AT SITE ENTRANCE.

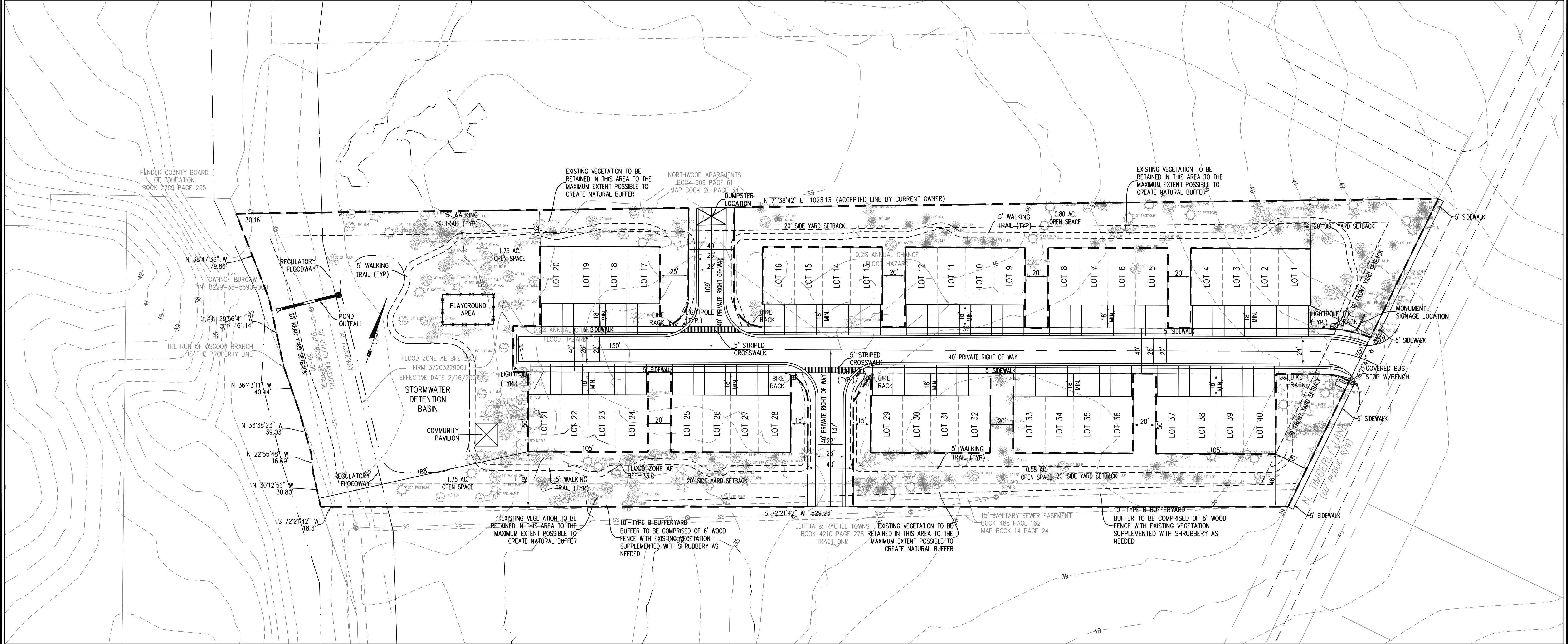
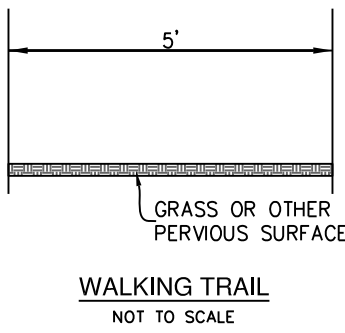
TRASH DUMPSTER TO BE LOCATED AT MIDDLE OF PROPERTY.

SITE NOTES:

SIDEWALKS, WALKING TRAILS & PARKING LOT LANDSCAPE ISLANDS TO BE MODIFIED AS NECESSARY TO PRESERVE AS MUCH EXISTING VEGETATION AS POSSIBLE.

REGULATORY FLOODWAY NOTE:

REGULATORY FLOODWAY TO REMAIN AT EXISTING ELEVATIONS. POND SLOPES TO BEGIN OUTSIDE OF FLOODWAY. GROUND ELEVATIONS ABOVE POND OUTFALL PIPE TO BE RETURNED TO EXISTING ELEVATIONS.

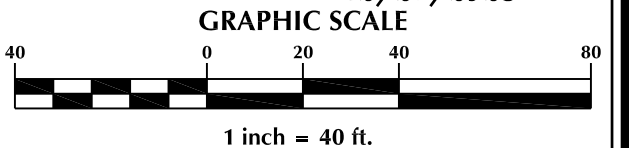
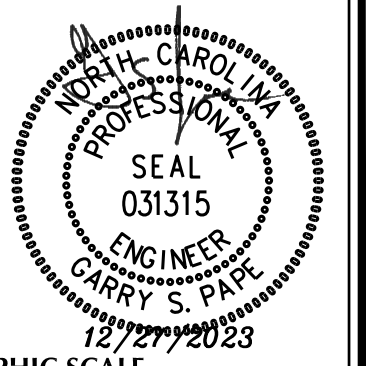
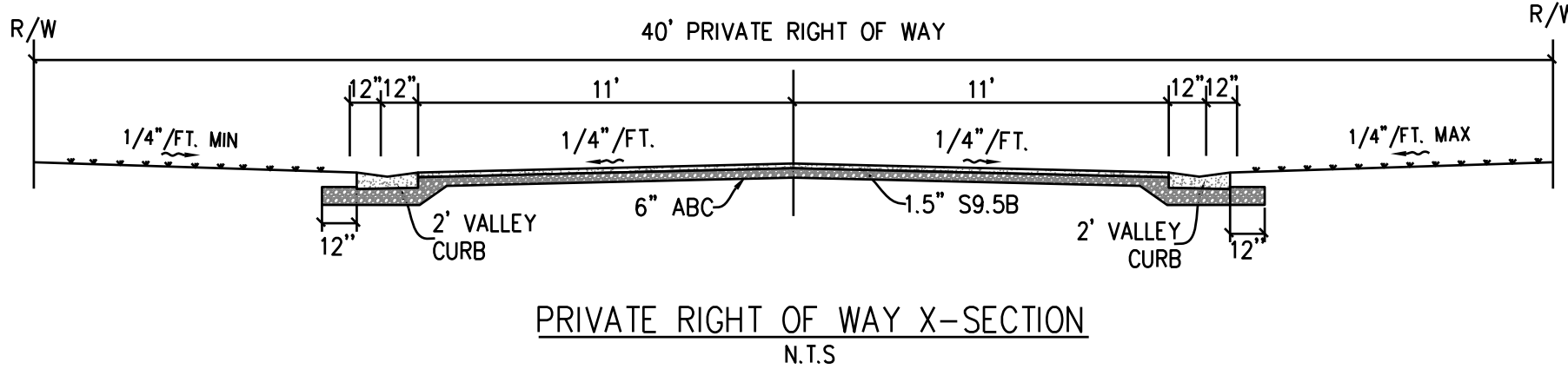


TREE RETENTION/MITIGATION NOTES:

BOTH REGULATED AND SPECIMEN TREES, AS DEFINED BY THE TOWN OF BURGAW UNIFIED DEVELOPMENT ORDINANCE (UDO), SHALL BE CONSIDERED PROTECTED AND REMOVAL SHALL BE MITIGATED.

REGULATED TREES SHALL BE PRESERVED TO THE GREATEST EXTENT PRACTICAL AND INCORPORATED INTO REQUIRED LANDSCAPING. IF REMOVED, THEY ARE TO BE MITIGATED WITH A NEW TREE OF THE SAME SPECIES OR ONE LISTED ON THE TREE BOARD'S SPECIES LIST WITH A MINIMUM CALIPER OF TWO (2) INCHES.

SPECIMEN TREES SHALL BE PRESERVED TO THE GREATEST EXTENT POSSIBLE. IF REMOVED, THEY ARE TO BE MITIGATED WITH REPLACEMENT TREES OF THE SAME SPECIES WITH A MINIMUM CALIPER OF TWO (2) INCHES FOR EVERY SPECIMEN TREE REMOVED, UNLESS THE TREES ARE SHOWN TO BE DEAD, DYING, OR GREATER THAN FIFTY PERCENT (50%) DAMAGED OR DISEASED AS A RESULT OF NATURAL FACTORS.



No.	Revision	Date	By

Designer	GSP	Scale	1" = 40'
Drawn By	GSP	Date	May 2023
License #	P-0718	Job No.	2023-0005

Burgaw Township

IVY GROVE
TOWNHOMES

Pender County

North Carolina

PRELIMINARY PLAN

PREPARED FOR:
Penderline, LLC
17117 US Hwy 17
Hampstead, NC 28443
910-270-4444

GSP CONSULTING, PLLC
ENGINEERING

6626 Gordon Road Unit C Wilmington, North Carolina 28411 tel: 910-442-7870 fax: 910-799-6659

Sheet No.
C-1



Osgood

Hope Tabernacle

85
117

Northwood Apartments
Northwood Apartments

Northwood Apartment

Northwood Apartment
N Timberly Ln

Smart Start of
Pender County

Burgaw

117

US HWY 1717 Bypass



Advance Auto Parts
Auto parts store

D L Jordan Company

53

Google



Doc No: 20115759
Recorded: 05/17/2023 03:07:02 PM
Fee Amt: \$26.00 Page 1 of 2
Excise Tax: \$300.00
Pender County North Carolina
Sharon Lear Willoughby, Register of Deeds
BK 4812 PG 2795 - 2796 (2)

NORTH CAROLINA GENERAL-WARRANTY DEED

Excise Tax: \$300.00

Parcel Identifier No. 3229-36-9052-0000

✓ Mail after recording to: Coleman Law, PLLC, P.O. Box 340; 105 W. Fremont St., Burgaw, NC 28425
Prepared by: Coleman Law, PLLC, P.O. Box 340; 105 W. Fremont St., Burgaw, NC 28425

PREPARED WITHOUT OPINION OF TITLE

Brief description for the Index: LOT 14 6 4/10 ACRES W/S TIMBERLY LANE

THIS DEED made this 15 day of May, 2023, by and between

GRANTOR

RACHEL TOWNS
PO Box 95
Burgaw, NC 28425

GRANTEE

PENDER LINE, LLC
17117 HWY 17 N.
Hampstead, NC 28443

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee, in fee simple, that certain lot or parcel situated in Burgaw Township, Pender County, North Carolina particularly described as follows:

Beginning at a stake in the Western line of State Highway No. 40, the Northeast corner of Lot No. 13, and running thence with the line of Lot #13 S73-30W 1,025 feet crossing Osgood Branch to a stake in the line of the cemetery lot; thence with the line of the cemetery lot N16-30W 270 feet to a stake; thence N73-30E 100 feet to the run of Osgood Branch; thence crossing said branch and continuing same course with line of lot # 15, 975 feet to a stake in the Western line of highway, corner of lot #15, thence with the Western line of the Highway S9-30W 301 feet to the Beginning, containing six and four-tenths acres more or less.

EXCEPTING, however from the above described property, that portion heretofore deeded to the Town of Burgaw lying East of the Burgaw Cemetery and lying West of Osgood Branch adjacent to said cemetery.

See also Lot 14, Map Book 6 at Page 86

Bk 4812
Pg 2796

The property hereinabove described was acquired by Grantor by instrument recorded in Book: **4210** at Page: **278**. Lethia V. Towns is deceased having passed away on December 6, 2013.

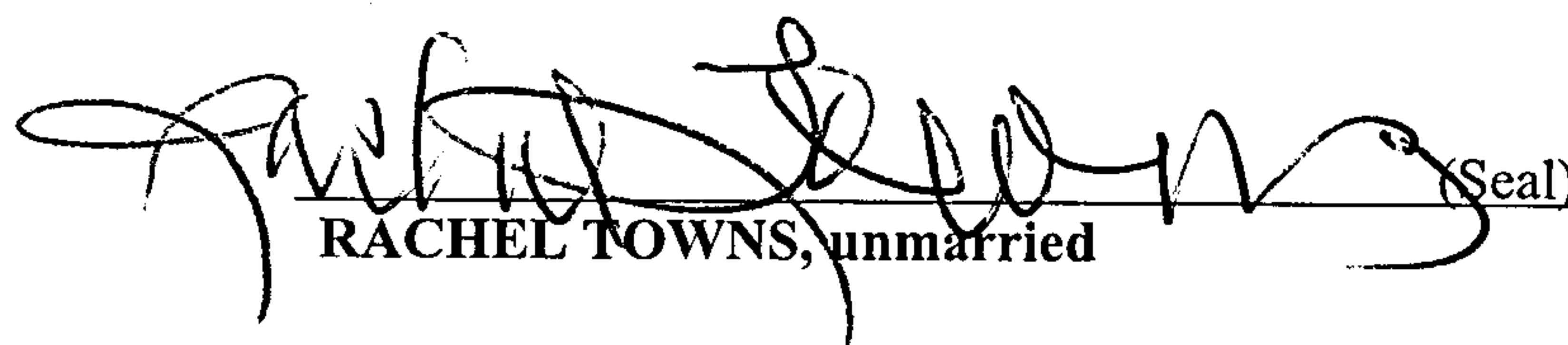
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that the Grantor is seized in the premises in fee simple and will warrant and defend title against the lawful claims of all persons claiming by, under or through Grantor except for the exceptions hereinafter stated, if any.

Title to the property hereinabove described is subject to the following exceptions:

1. County and/or Municipal Zoning Ordinances, Rules and Regulations.
2. Restrictive Covenants, Easements and Rights of way of record.
3. Ad valorem taxes for the year 2023 and thereafter.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

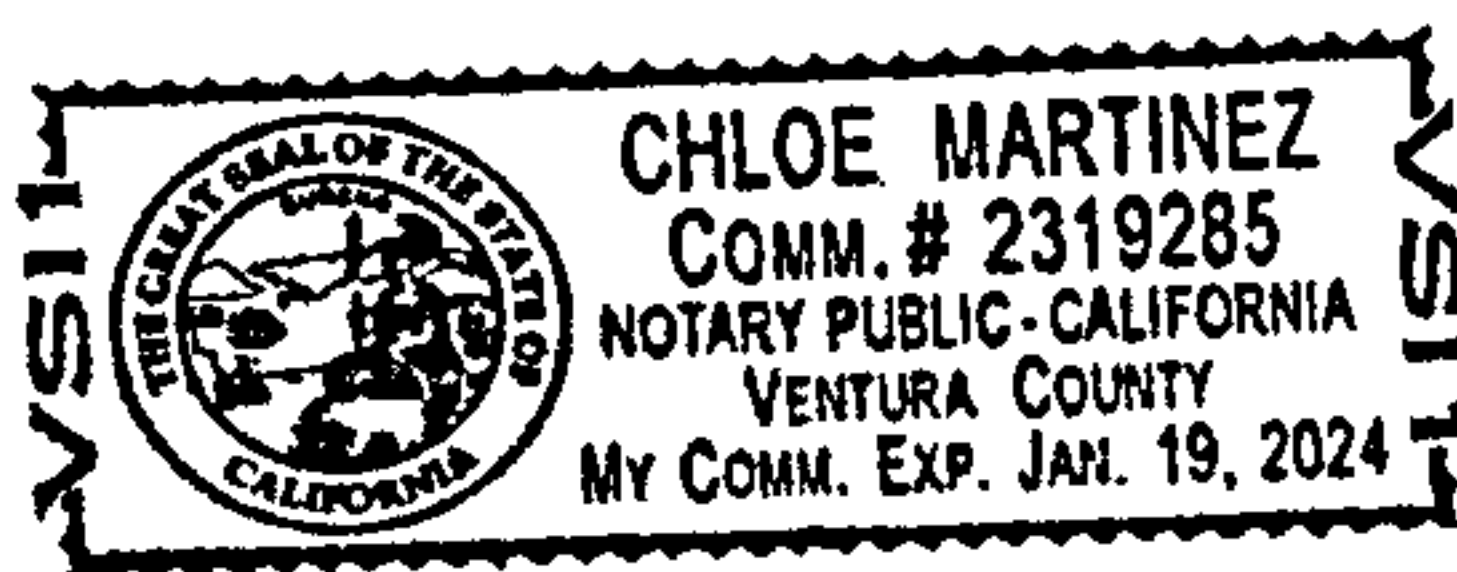
 (Seal)
RACHEL TOWNS, unmarried

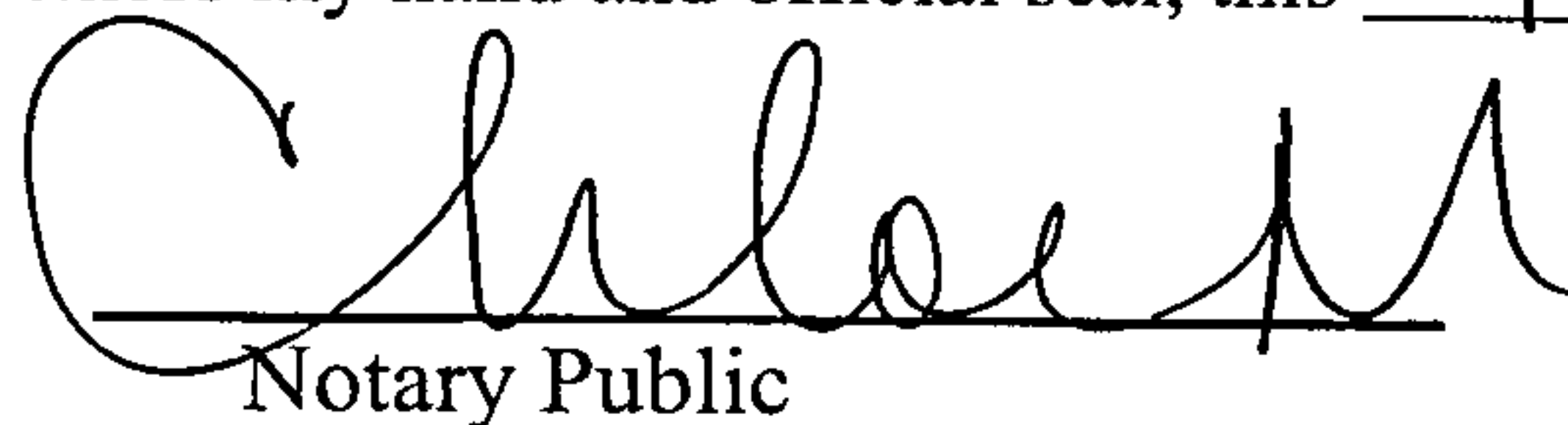
State of California

County of Ventura

A notary public or other officer completing this certificate Verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

I, the undersigned Notary Public for Ventura County, CA, certify that RACHEL TOWNS personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and official seal, this 15 day of May, 2023.




Notary Public

My commission expires: 01/19/2024



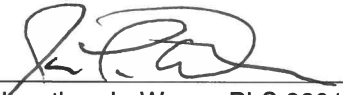
August 7, 2023

Re: Pender Line, LLC Tract, Parcel No. 3229-36-9052-0000

A certain tract or parcel of land lying and being in the Town of Burgaw, Pender County North Carolina and being that tract as described in book 4812 page 2795 records of the Pender County Register and being more particularly described as follows:

Beginning at an iron on the western right of way of North Timberly Lane (60' public right of way), said iron being the southeastern corner of said Pender Line, LLC Tract, said iron also being located N 08-21-42 E 564.58' from an iron at the intersection of said western right of way of North Timberly Lane and the northern right of way of East Wallace Street: Proceed from said point of beginning S 72-21-42 W 829.23' to an iron line marker, thence S 72-21-42 W 18.31' to the run of Osgood Branch, thence with said run N 30-12-56 W 30.80', thence N 22-55-48 W 16.69', thence N 33-38-23 W 39.03', thence N 36-43-11 W 40.44', thence N 29-56-41 W 61.14', thence N 38-47-36 W 79.86', thence leaving said run N 71-38-42 E 30.15' to an iron line marker, thence N 71-38-42 E 1,023.13' to a concrete monument on said western right of way, thence with said western right of way S 08-21-42 W 300.18' to the point of beginning and containing 5.71 acres.

All bearings are N.C. Grid NAD 1983


Jonathan L. Wayne PLS 3391



MAP OF THE

Pender Line, LLC Tract

Parcel No. 3229-36-9052-0000

TOWN OF BURGAW, BURGAW TOWNSHIP, PENDER COUNTY, NORTH CAROLINA

OWNER: PENDER LINE, LLC
17117 HWY 17 N.
HAMPSTEAD, NC 28443

DATE: AUG. 7, 2023

PHP NORHTWOODS LLC
BOOK 4009 PAGE 311
MAP BOOK 20 PAGE 34
MAP BOOK 21 PAGE 53

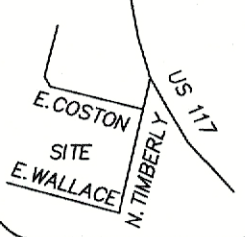
NORTHWOOD APARTMENTS
BOOK 609 PAGE 61
MAP BOOK 20 PAGE 34

BOOK 4210 PAGE 278
TRACT TWO
PIN: 3229-36-9052-000
TOTAL AREA
5.71 Ac.

LEITHIA & RACHEL
TOWNS
BOOK 4210 PAGE 278
TRACT ONE

LOCATION MAP

(NOT TO SCALE)



NC GRID
NAD 83(2011)

PENDER COUNTY BOARD
OF EDUCATION 255
BOOK 2769 PAGE 255

N 71°38'42" E
30.15'

N 38°47'36" W
79.86'

N 29°56'41" W
61.14'

THE RUN OF OSGOOD BRANCH
IS THE PROPERTY LINE

N 36°43'11" W
40.44'

N 33°38'23" W
39.03'

N 22°55'48" W
16.69'

N 30°12'56" W
30.80'

S 72°21'42" W
18.31'

N 71°38'42" E 1023.13' (ACCEPTED LINE BY CURRENT OWNER)

0.2% ANNUAL
CHANCE FLOOD
HAZARD

0.2% ANNUAL
CHANCE FLOOD
HAZARD

FLOOD ZONE
AE BFE 33.0'
FIRM 3720322900J
EFFECTIVE DATE 2/16/2007

30' UTILITY EASEMENT
MAP BOOK 49 PAGE 88-90

IRON LINE
MARKER SET

SANITARY
SEWER
MANHOLE

SANITARY
SEWER
MANHOLE

15' SANITARY
SEWER EASEMENT
BOOK 488 PAGE 162
MAP BOOK 14 PAGE 24

SANITARY
SEWER
MANHOLE

SANITARY
SEWER
MANHOLE

S 08°21'42" W 300.18'
60' PUBLIC RIGHT OF WAY

NORTH TIMBERLY LANE

S 08°21'42" W 564.58'
TO AN IRON AT THE INTERSECTION
OF THE NORTHERN RIGHT
OF WAY OF E. WALLACE STREET

IRON
SET

NOTES

1. AREA COMPUTED BY COORDINATE METHOD
2. ALL DISTANCES ARE HORIZONTAL
3. FOR REFERENCE SEE BOOK 4812 PAGE 2795, MAP BOOK 6 PAGE 86
4. SURVEYED MAY 2023
5. 5.71 ACRES TOTAL AREA
6. THIS PROPERTY IS NOT LOCATED WITHIN 2000' OF AN EXISTING N.C. GRID MONUMENT

LEGEND

E.I.P. = EXISTING IRON PIPE
E.I. = EXISTING IRON
E.C.M. = EXISTING CONCRETE MONUMENT
R\W = RIGHT OF WAY
C.P. = COMPUTED POINT

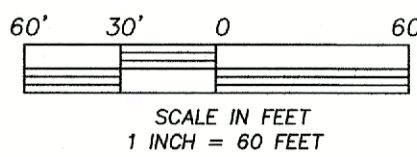
PROPERTY LINE

BUILDING SETBACK

CENTERLINE

EASEMENT

COMPUTED PROPERTY LINE



CERTIFICATE OF ACCURACY AND MAPPING

I, JONATHAN L. WAYNE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED AS NOTED HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND AS NOTED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED IS 1: 20,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 7th DAY OF Aug. A.D. 2023

JONATHAN L. WAYNE PLS L-3391

THIS PLAT IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 7th DAY OF Aug. A.D. 2023

JONATHAN L. WAYNE PLS L-3391

CERTIFICATE OF REGISTRATION BY REGISTER OF DEEDS

NORTH CAROLINA COUNTY _____ NOTARY PUBLIC IS THE FOREGOING CERTIFICATE OF _____ CERTIFIED TO BE CORRECT. FILED FOR REGISTRATION THIS _____ DAY OF 2023: AT _____ O'CLOCK _____ AND DULY RECORDED IN MAP BOOK _____ PAGE _____

BY: _____

HANOVER DESIGN SERVICES, P.A.

LAND SURVEYORS ENGINEERS LAND PLANNERS

1123 FLORAL PARKWAY
WILMINGTON, N.C. 28403
PHONE: (910) 343-8002
FAX: (910) 343-9941
FIRM CERTIFICATE C-0597
16292 RECORD MAP





Date: June 22, 2023

Project: Ivy Grove Townhomes
Burgaw, NC

Re: Project Trip Generation totals

The following Trip Generation Totals are based on the ITE Trip Generation Manual, 11th Edition.

215-Single Family Attached Housing, 40-3 Bedroom Townhomes

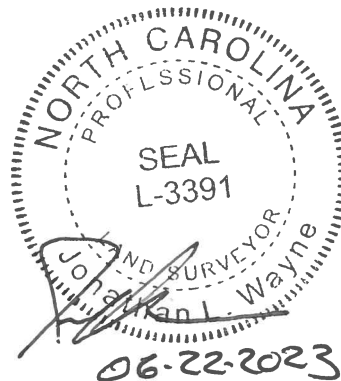
AM PEAK HOUR

20 Trips

PM PEAK HOUR

29 Trips

Total Trips per day = 200



From: [Spirakis, Kirsten L](#)
To: [Racine, Douglas W](#); [Gilbert Combs](#)
Cc: [Sokolik-Porch, Tanya M](#); [Lanier, Lantz S](#); [Vause, Robert A](#)
Subject: [External] RE: [External] Burgaw project and questions on timing
Date: Tuesday, August 22, 2023 8:55:01 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[Ivey Grove Trip Generation 6-22-23.pdf](#)
[Ivy Grove Townhomes Preliminary Plan.pdf](#)

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Gilbert,
When I use our trip generation spreadsheet, I get a lower peak hour trip generation for the proposed 40-unit townhome development, **Ivy Grove Townhomes** – see screenshot below. The **proposed development will access US 117 Bus. (N. Timberly Ln)**. Our AADT maps show 2,000 vpd on this route in 2021. Even if this were projected to 2023 volumes, it would still not meet the Department's threshold of 4,000 vpd to be able to require turn lanes.

A Driveway Permit and Encroachment Agreement will be required. Please let us know if you have any questions.

ITE Code	Description	Units	ITE Vehicle Trip (peak hours are for			Total Generated Trips				Time-of-Day Distribution of Generated Trips			
			Weekday Avg. Rate	Daily Trips Equati on R2	Expected Unit Input	Daily from Avg. Rate	Daily from Equation	AM Peak Hour	PM Peak Hour	AM In	AM Out	PM In	PM Out
215*	Single Family Attached Housing	DU	7.20	0.94	40.00	288	254	15	20	5	10	11	9

Kirsten L. Spirakis, PE

District Engineer
Division 3 | District 1
910-467-0500

From: Racine, Douglas W <dracine@ncdot.gov>
Sent: Wednesday, August 9, 2023 9:36 AM
To: Spirakis, Kirsten L <klspirakis@ncdot.gov>; Combs, Gilbert <gcombs@burgawnc.gov>
Subject: RE: [External] Burgaw project and questions on timing

Kirsten,

I apologize I had two requests for this development one from the Engineer and one from the Town. So, the emails overlapped. But the Engineer sent me the Trip Generation letter, and I have attached it.

Thank you,
Douglas W. Racine
Deputy District Engineer
Division 3 District 1
North Carolina Department of Transportation

Direct Line: 910-467-0502
Main Line: 910-467-0500
dracine@ncdot.gov

295 Wilmington Hwy. Suite A
Jacksonville, NC 28540



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From: Spirakis, Kirsten L <klspirakis@ncdot.gov>
Sent: Tuesday, August 8, 2023 11:46 AM
To: Combs, Gilbert <gcombs@burgawnc.gov>; Racine, Douglas W <dracine@ncdot.gov>
Subject: RE: [External] Burgaw project and questions on timing

Gilbert,
Sorry for the delay in responding to your inquiry. I have provided responses below in **red**.

Kirsten L. Spirakis, PE
District Engineer
Division 3 | District 1
910-467-0500

From: Gilbert Combs <gcombs@burgawnc.gov>
Sent: Tuesday, July 25, 2023 9:36 AM
To: Racine, Douglas W <dracine@ncdot.gov>; Spirakis, Kirsten L <klspirakis@ncdot.gov>
Subject: [External] Burgaw project and questions on timing

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Hello,

I have this project Timberly Lane Townhomes going for conditional district rezoning and special use permit in the next couple months. The PIN is 3229-36-9052-0000 and it

Reference Number 3229-36-9052-0000 N. Timberly Lane

Section 4.7.1 Purpose and Applicability; Special Uses (E) Entering of competent, material, and substantial evidence to enable the record to contain sufficient evidence is part of the application and hearing process. The burden of proof is on the applicant, and it is recommended that they provide testimony on the following:

a. The location and character of the special use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is located. The special use shall demonstrate conformance to the Land Use Plan or other plan in effect at the time and address impacts of the project.**

Yes, the proposed plan meets all requirements within both applications, one to be rezoned to conditional zoning R7 (CZ) and two the application for the special use permit. The Ivy Grove Townhome community has received a recommendation of Approval from the Burgaw Planning Department.

In addition, The proposed residential project at N. Timberly Lane is in harmony and conforms within the zoning request change of R7 (CZ) zoning. As outlined in Section 8.5 Conventional Use Zoning Districts in the Town of Burgaw UDO, item D identifies R-7 (CZ) as a higher density residential district where multi-family dwellings are allowed. The site on N. Timberly Lane is situated next to Northwoods Apartments currently zoned R-7 and adjacent to 600 N. Timberly Lane is currently zoned O&I being used for commercial purposes today.

The R-7 CZ zoning for multifamily requires a 20' rear setback with a minimum of a 10' buffer yard. The Ivy Grove community goes well above this requirement at a total of 46'-48' of bufferyard & setback on the south side of the property boarding R-12 zoning. All boundary required setbacks within R7 CZ are sufficient or greater than the required UDO.

This is a transitional area of town. Noted in page 75 of the Burgaw 2030 land use, under Actions - *consider the modifications of existing zoning districts or addition of new zoning restrictions to allow for transition zones between residential and commercial areas*. This property falls in line with the future land use map of surrounding land labeled as Mixed Use Transition. (Those properties include northern property, western property and the entire street on the east side of this property shown on the Burgaw 2030 Land Use Map).

On Page 91 of the 2030 Burgaw Land use:

Mixed-Use Transition areas are designated for land uses that serve to buffer residential areas from intensive commercial, industrial, and institutional areas. This land use classification allows for a variety of small scale land uses. In general, these areas are located between major commercial corridors and residential areas and include areas with existing office and institutional uses. Recommended Land Uses: small-scale multi-family residential,

Within the Burgaw 2030 Land Use Plan on page 74 under Land Use. Goal 1 is to promote infill development of existing areas within town.

Actions Included: Develop and utilize innovative and flexible land planning techniques that encourage developments to efficiently use land resources that result in more compact development, infill development, redevelopment, and the adaptive re-use of existing buildings. Explore the addition of conditional zoning to the UDO as a way to provide more flexibility for the

land owner/developer and the town to mutually agree upon specific development conditions and requirements.

b. The use is allowed pursuant to this ordinance and meets all the required conditions and specifications, including, without limitation, those set out in this Ordinance. As proposed, the use of the facility meets all the requirements found within the town ordinance:

The proposed site location is currently zoned R-12. With approval of the conditional rezoning to R-7 (CZ) per the Town of Burgaw UDO Section 8.14 Table of Permitted Uses, Special Uses and Special Requirements, a major special use permit is required for development of a multi-family community in the R-7 Zoning District and a Major Special Use Permit to develop a Residential Planned Building Group. The proposed townhomes are using multi-family standards to meet the density allowed on this property per zoning change to R-7. The proposed multi-family development falls under the detailed regulations found in Section 8.16 Regulation of Special Uses on page 134: Dwelling, Multi-family uses shall include no fewer than three (3) and no more than eight (8) individual dwelling units sharing a common roofline and building structure. Each building being proposed will consist of no more than four (4) units under a roofline. Per the Town of Burgaw UDO Section 8.13 Dimensional Requirements on page 74, and Section 8.16 Regulations for Special Uses on page 134: Dwelling, Multi-Family: For each Dwelling, Multi-Family use, there shall be a minimum land requirement of eight thousand (8,000) square feet for the first two(2) dwelling units and two thousand (2,000) square feet for each additional dwelling unit. The property consists of 5.71 acres which supports the proposed 40 unit townhome community and setbacks shown on the provided Site and Utility Plan. Per section 9.24.3 Minimum Parking Requirements on page 193 - One and a half (1.5) parking spaces on the same lot for each dwelling unit. The proposed community is providing three (3) parking spaces per unit, 1 garage space and 2 driveway spaces as seen on the provided Site and Utility plan.

c. The use of the property as proposed will not affect other adjoining or abutting property values.

Please reference the certified and sealed letter provided by Greg Dunn of Atlantic Coast Appraisers & Associates that states this project will not negatively impact the surrounding properties within the immediate area.

A second appraisal was performed by Brad White and Associates, LLC. Brad attended one of the BOC meetings with his presentation and findings. It was consistent with the findings of Greg Dunn of Atlantic Coast Appraisers. Brad White's presentation stated that the Ivy Grove community will not have any negative effects on adjoining or abutting properties and will not affect property values of adjoining or adjacent properties.

Currently the proposed community site does have trees on the property. Per the guidelines set in Section 9.27.3 Tree Preservation and Replacement During Development and Section 9.27.8 Buffer Yards Purpose, this community has performed a tree survey in order to take into consideration the preservation and replacement of as many trees as possible. Preservation and replanting of trees can improve the aesthetics of a community and those who

live & work within the surrounding areas. In addition, the community is proposing to keep as many trees bordering the 5.71 acres community as possible plus adding a buffer yard of 10' to be composed of Leyland Cypress Trees spaced at 32' and Elaeagnus Pungens Shrubs spaced at 6' as needed. Per Section 9.27.10 a Bufferyard is a vegetative screen to obscure views and create spatial and physical separation between adjacent land uses and zoning districts. In addition to the natural tree buffer, the proposed 10' buffer of plantings, we will add a 6' wooden fence on the south side of the property that neighbors the current R-12 zoning. This project is going well above the minimum requirements of a 10' buffer yard and a 20' rear setback. Per the site plan, this community will provide 46'-48' of rear setbacks allowing the development to keep all of the existing trees on the southside of this development in addition to the 10' buffer yard and 6' fence. Of the 5.71 acres, this community will only have 3.13 acres of open space which is equal to 54.8%.

d. The use will not materially endanger the public health or safety, if located where proposed and developed, according to the plan as submitted and approved.

This community was developed with an eye for public health and safety. Keeping as many trees as possible, the goal is to create a "park like" feel while providing shade and a place for kids to play outside. A walking trail around the entire community will promote a healthy lifestyle for all residents. Included in the community design is 6 different bike rack locations to encourage biking as much as possible. A community playground is also another way to get residents outside while providing a safe and environmentally friendly space for children to play. A community pavilion will offer a covered space for birthday parties, cookouts and a place to bring families and friends together and promote additional outdoor activities. The buildings were designed with a breezeway between each 4 unit structure. This allows more trees to be kept when constructing the community, gives more of a green space and promotes clear visibility between structures. Included will be monument lighting at the entrance along with street lighting and building lighting will be installed for visibility and security. Driveways and garage spaces were created to promote parking in front of the units. This also gives more green space between each driveway to have grass and trees for shade. Garages will provide a safe and secure parking space for residents to keep their cars and personal belongings out of public view.

Lastly, no part of this development will impact the floodway shown on the community sitemap and utility plan.

e. The increase in vehicular traffic resulting from a proposed development would not pose a danger to public safety.

Per Section 9.3 Traffic Impact Study - Section 9.3.2 A traffic impact Study shall be prepared and "sealed" by a registered NC professional traffic engineer. See attached letter from Jon Wayne with Hanover Design Services, P.A. showing total trips per day equals 200. This has been signed, stamped and sealed by Jon Wayne and colleague Adam Grady who has also confirmed this data.

As the community proposed will be a max of 40 attached single family homes, consisting of ten different four unit buildings, the increase in vehicular traffic will not pose a danger to public safety. This development will have 6 different bike rack locations to promote and encourage the

residents to use other means of transportation to local areas around town such as the Osgood Canal Greenway & Urban walking trails. With close shopping and dining nearby, we are encouraging the walkability and use of bikes within our design. Ivy Grove sitemap shows the new sidewalk that will be installed at the front of the community that meets the requirements of Burgaw's new UDO for community development. Lastly, In-fill development that is mentioned within the Burgaw 2030 Land Use Plan on page 74 under Land Use. Goal 1 is to promote infill development of existing areas within town. The Ivy Grove community is an example of this infill development and will promote and encourage walking and biking in and around the downtown business district, the courthouse square, Urban trail & Osgood Canal Greenway trail and other parts of our community.

**An Analysis of any Potential Impacts
To Surrounding Properties
Resulting from the Development of
The Proposed Ivy Grove Townhomes
To be Located on Timberly Ln (PIN 3229-36-9052-0000)
Burgaw, North Carolina**



Prepared For:

**Mr. Leo Andrades
Penderline, LLC
17117 US Highway 17 N
Hampstead, NC 28443**

Prepared By:

**G. Brad White, MAI
G. Brad White and Associates, LLC
8718 Ramsbury Way
Wilmington, NC 28411**

G. Brad White and Associates, LLC

Professional Appraisal and Consulting Services

8718 Ramsbury Way

Wilmington, NC 28411

Phone (910) 612.2478

bwhite@gbwvaluations.com

November 14, 2023

Mr. Leo Andrades
Penderline, LLC
17117 US Highway 17 N
Hampstead, NC 28443

RE: Impact Analysis of the Proposed Ivy Grove Townhomes
Timberly Ln (PIN 3229-36-9052-0000)
Burgaw, NC

Dear Mr. Andrades:

At your request and authorization, I have performed an analysis to determine the impact on market value, if any, for properties adjoining the proposed Ivy Grove Townhomes to be located on Timberly Lane, further identified as Brunswick County PIN 3229-36-9052-0000 in Burgaw, Pender County, NC. This is the purpose of this assignment.

This consulting assignment is not an appraisal and does not render an opinion of value for any identified property. The intended use of this impact study is to assist the client in their application for rezoning to allow the above-referenced development. The intended user of this consulting assignment is the client, Mr. Leo Andrades as well as the Town of Burgaw Council and/or Planning Department.

The subject site was inspected on November 9, 2023. As part of this assignment, the proposed site plan and renderings were reviewed and incorporated within this report for reference.

The attached report addresses the subject site, the surrounding properties (and any effects to such properties resulting from the development of the proposed Ivy Grove Townhomes. It provides essential data and a summary of the reasoning employed in reaching my conclusions.

Based on my analysis, it is my opinion that the proposed project will maintain or enhance the market value of the contiguous properties with no measurable negative impact on value due to their proximity to the proposed development.

Sincerely yours,


G. Brad White, MAI
NC Certified General Appraiser No. A5053
bwhite@gbwvaluations.com



File No.: 23-116

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SECTION 1: INTRODUCTION

1.1: PURPOSE AND INTENDED USE OF THE CONSULTING ASSIGNMENT

Client	Mr. Leo Andrades
Intended use	to assist the client in their process of obtaining a rezoning from R-12, Residential District to R-7 (CZ), Residential District Conditional Zoning to allow the development of 40, 3-bedroom townhomes
Intended user	In addition to the client, other intended users include the Town Council and Planning Department of the Town of Burgaw, NC
Purpose of the consulting assignment	to determine the impact on market value, if any, for adjacent properties, caused by the proposed development of a 40-unit townhome project

1.2: DATE OF INSPECTION

The subject property was physically inspected on November 9, 2023. On this date, photographs of the subject and the surrounding properties were taken.

1.3: DATE OF THE REPORT

This report, which summarizes the assignment conclusions, was completed and dated November 14, 2023.

1.4: SCOPE OF THE CONSULTING ASSIGNMENT

To perform this consulting assignment, I performed the following steps:

- Inspected the subject site and the surrounding neighborhood;
- Inspected the renderings, site plan and project concept of the proposed improvements in order to gain a good understanding of the scope of the proposed project;
- Collected market information needed to draw informed conclusions relating specifically to Section 6.1.5 (B) (ii) of the Town of Burgaw Unified Development Ordinance which addresses *the benefits and detriments to the landowners, the neighbors, and the surrounding community*.
 1. To perform this, the scientific method is utilized. The question to be tested is "How does a property's location adjacent to a new townhome development, similar to the proposed project, affect its market value?"
 2. The independent variable is the one condition that you change in an experiment. In this case, the independent variable is a location as it relates to similar developments to the one being proposed
 3. The dependent variable is the variable that you measure or observe. In this experiment, measuring the effect of location proximate to similar development to the one proposed, the market value of such comparable properties is the dependent variable.

4. This assignment is not an appraisal. No opinion of market value is given or implied for either the subject property, or any contiguous properties. This assignment is merely a study of the effect on properties that share similar locational characteristics to projects considered similar to the proposed subject.

5. Therefore, it is customary and reasonable for the appraiser to spread the data search geographically, to other areas, in order to gain sufficient understanding of the effects on market value for properties that lie adjacent to similar developments as the proposed Ivy Grove Townhomes.

- Prepared a narrative report setting forth the conclusions derived in this analysis as well as the information upon which the conclusions are based.
- Present my findings orally before the Town of Burgaw Town Council on Tuesday, November 14, 2023

SECTION 2: IDENTIFICATION OF THE SUBJECT SITE

The subject property has not been assigned a physical address, which is typical of vacant properties in Pender County.

The site is located on the west side of Timberly Lanes (US 117 Bus), approximately 550 feet north of its intersection with E. Wallace Street. It is further identified as Pender County Tax Parcel 3229-36-9052-0000.

For illustrative purposes, an aerial photograph of the parcel is located below.

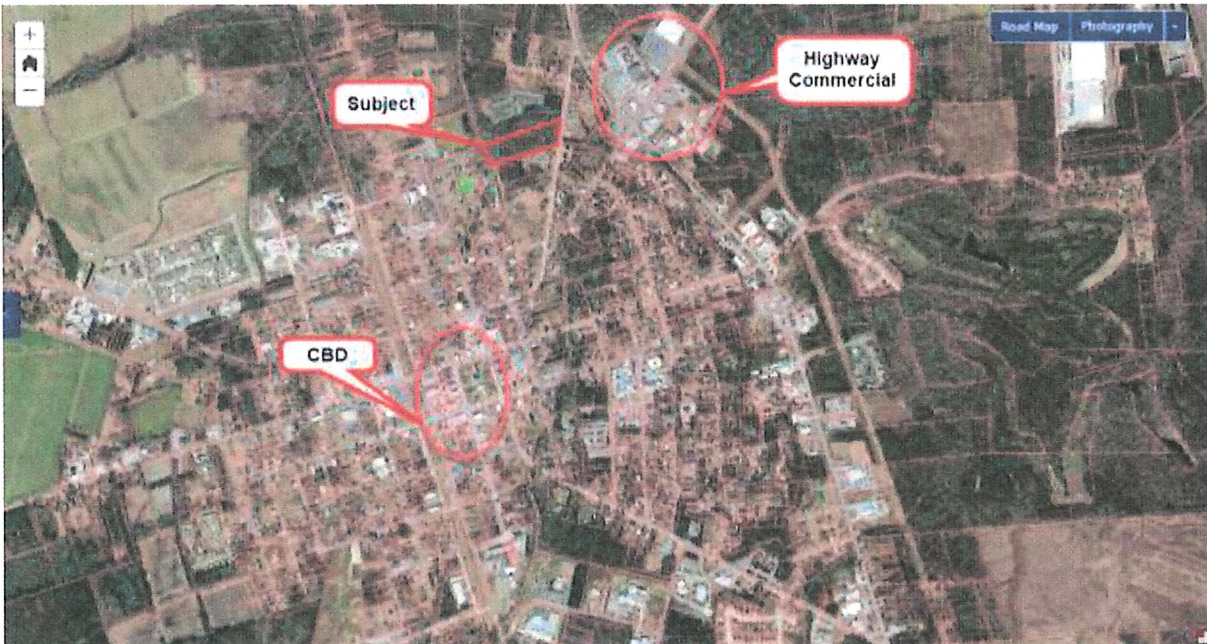
Exhibit 2.1 Aerial Photograph of the Subject Parcel



SECTION 3: THE IMMEDIATE NEIGHBORHOOD

The subject is located in the northeastern portion of the Town of Burgaw. The immediate neighborhood consists of a transitional area between the burgeoning commercial uses along US 117 bypass at its intersection with NC 53, and the town's Central Business District on the southwest.

Exhibit 3.1 Neighborhood Map



Commercial uses just northeast of the subject include, but are not limited to the following:

1. Pender Landing Shopping Center (Food Lion anchor tenant)
2. Auto Zone
3. Hardee's
4. Advance Auto Parts
5. Burgaw Motel
6. Kentucky Fried Chicken
7. Walmart
8. Taco Bell
9. Bojangles'
10. McDonalds
11. Shell Convenience Store
12. GoGas gas outlet
13. Dollar Tree

By way of N. Timberly Lane (US 117 Business) and US 117 Bypass, the intersection of US 117 Bypass and NC 53 is less than 2,000 linear feet 0.38 mi from the subject's northeastern property corner.

The Town of Burgaw Central Business District, as measured to the Pender County Courthouse, lies 0.60 mi southwest via Timberly Lane, NC Hwy 53 (E. Bridgers Street) and N. Walker Street.

Commercial uses within this quaint small-town business district consist primarily of locally-owned street retail uses such as antique stores and coffee shops. These uses are generally zero-lot line, storefronts with no off-street parking. They cater to pedestrians and public parking is ample within the street rights of way. The only two branded retail uses in this portion of town is a freestanding Piggly Wiggly grocery store and a Family Dollar discount retailer; both occupied.

A file mile radius population of the subject property has a population of 8,387 which is expected to grow by almost 10% by 2025.

Radius	1 Mile	3 Mile	5 Mile
Population			
2025 Projection	2,533	5,934	9,210
2020 Estimate	2,312	5,406	8,387
2010 Census	2,116	4,875	7,532
Growth 2020 - 2025	9.56%	9.77%	9.81%
Growth 2010 - 2020	9.26%	10.89%	11.35%
2020 Population by Hispanic Origin	179	526	834
2020 Population	2,312	5,406	8,387
White	1,584 68.51%	3,717 68.76%	5,782 68.94%
Black	661 28.59%	1,500 27.75%	2,303 27.46%
Am. Indian & Alaskan	25 1.08%	56 1.04%	85 1.01%
Asian	8 0.35%	20 0.37%	30 0.36%
Hawaiian & Pacific Island	1 0.04%	8 0.15%	14 0.17%
Other	33 1.43%	106 1.96%	174 2.07%
U.S. Armed Forces	0	1	7
Households			
2025 Projection	836	2,097	3,361
2020 Estimate	762	1,911	3,064
2010 Census	685	1,710	2,745
Growth 2020 - 2025	9.71%	9.73%	9.69%
Growth 2010 - 2020	11.24%	11.75%	11.62%
Owner Occupied	452 59.32%	1,224 64.05%	2,060 67.23%
Renter Occupied	311 40.81%	687 35.95%	1,003 32.73%
2020 Households by HH Income	763	1,910	3,065
Income: <\$25,000	217 28.44%	594 31.10%	965 31.48%
Income: \$25,000 - \$50,000	160 20.97%	456 23.87%	760 24.80%
Income: \$50,000 - \$75,000	139 18.22%	318 16.65%	522 17.03%
Income: \$75,000 - \$100,000	96 12.58%	212 11.10%	318 10.38%
Income: \$100,000 - \$125,000	48 6.29%	97 5.08%	142 4.63%
Income: \$125,000 - \$150,000	41 5.37%	122 6.39%	194 6.33%
Income: \$150,000 - \$200,000	43 5.64%	64 3.35%	84 2.74%
Income: \$200,000+	19 2.49%	47 2.46%	80 2.61%
2020 Avg Household Income	\$66,030	\$61,077	\$59,845
2020 Med Household Income	\$50,736	\$43,691	\$42,531

Burgaw is located within the Wilmington MSA. Wilmington lies approximately 26 miles south, along Interstate 40. Wilmington and New Hanover County have exhibited a northward growth pattern, which positions the town as a good alternative to more densely populated areas to the south.

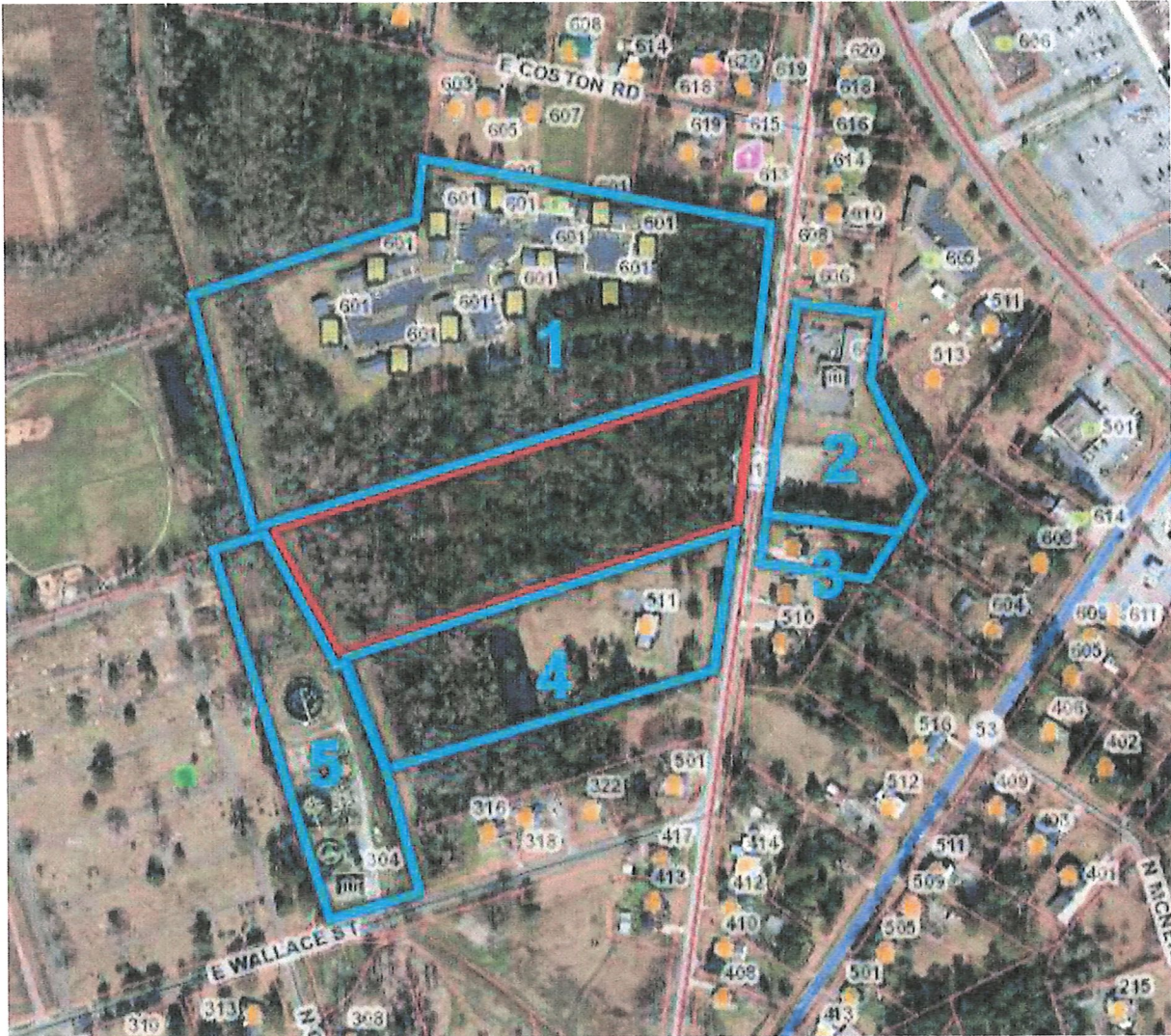
With a population growth expected for the immediate neighborhood, demand for single and multi-family residential uses, as well as commercial uses should remain strong for the foreseeable future.

SECTION 4: CONTIGUOUS PROPERTY USES

For this analysis, **Contiguous Property** is defined as a parcel or lot which adjoins a subject property by either sharing a property line or would share a common property line but for the existence of an intervening right-of-way.

The following five (5) properties are considered contiguous to the subject property.

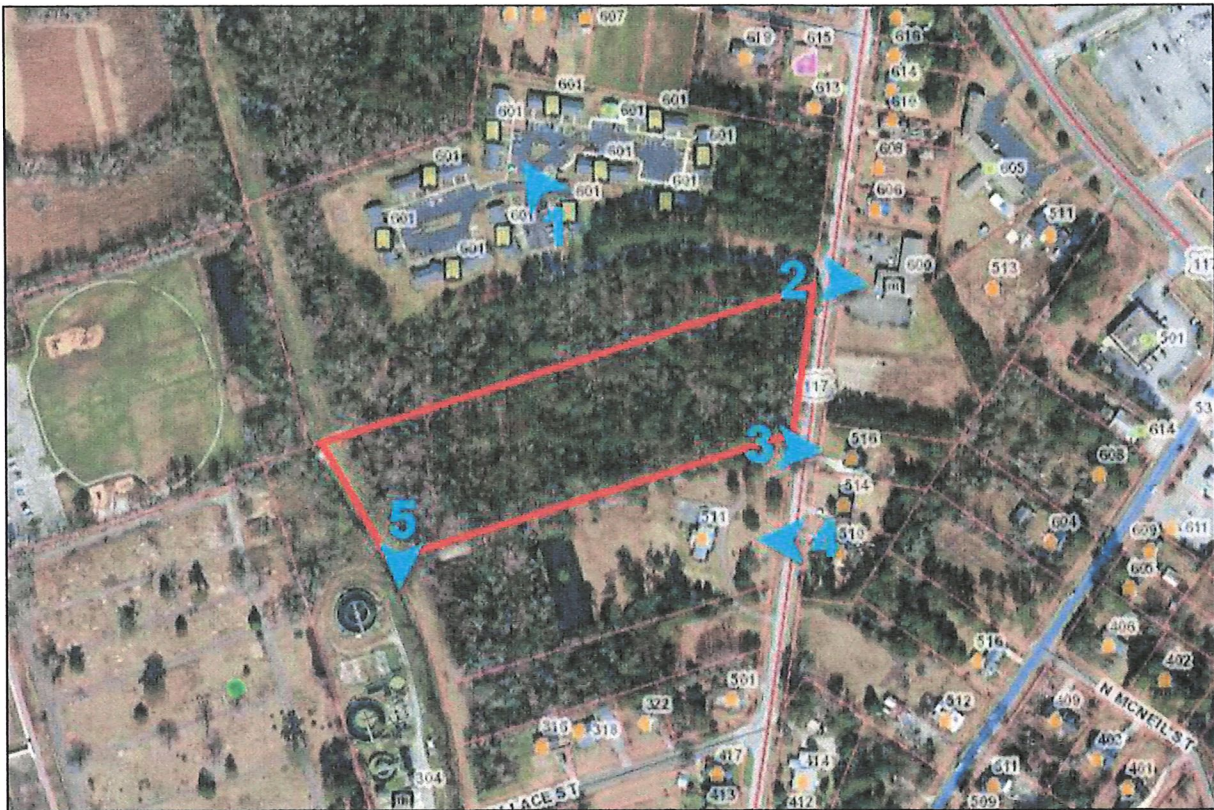
Exhibit 4.1 Contiguous Property Uses



	1. Current Use: Northwoods Apartments Owner: PHP Northwoods, LLC Parcel ID: 3229-36-9483-0000 Size: 12.21 acres Zoning: R-7 Residential Comments: 50 apartment units. 1, 2 and 3-BR units. Section 8 vouchers accepted. Market rents are \$717, \$844 and \$1,021 for 1, 2 and 3-BR units, respectively.
	2. Current Use: Smart Start of Pender County Owner: Donna T. Rowe Parcel ID: 3229-46-6253-0000 Size: 1.93 acres Zoning: O&I Office and Institutional Comments:
	3. Current Use: Single-family dwelling Owner: Leslie Hutcherson Parcel ID: 3229-45-6928-0000 Size: 0.562 acres Zoning: R-12 Residential Comments: 1,000-sf brick ranch built in 1977

	4. Current Use: Single-family dwelling Owner: Cameron Layne Smith Parcel ID: 3229-45-0779-0000 Size: 4.765 acres Zoning: R-12 Residential Comments: 3,000-sf brick dwelling built in 1956. Last known sale 3/3/21 for \$415,000.
	5. Current Use: Municipal water treatment facility Owner: Town of Burgaw Parcel ID: 3229-35-5690-0000 Size: 3.09 acres Zoning: R-7 Residential Comments: Town of Burgaw sewer treatment plant.

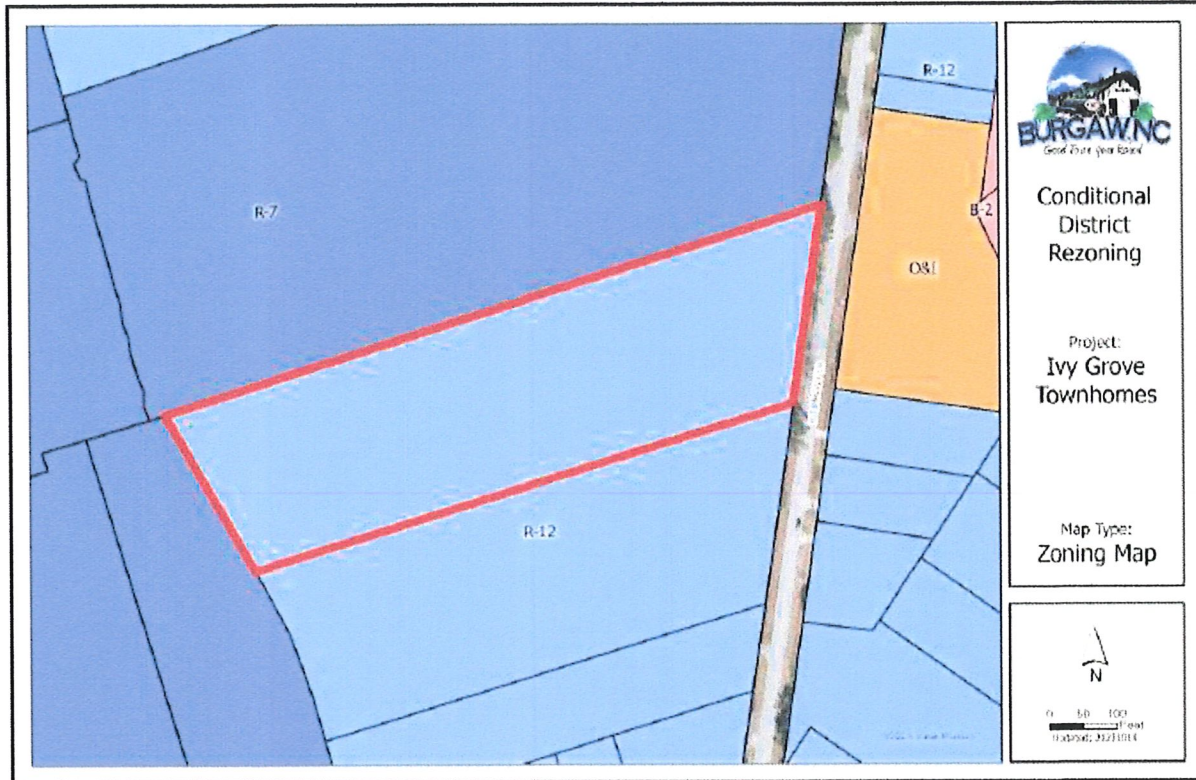
Exhibit 4.2 Location of Photographs of Contiguous Properties



SECTION 5: ZONING

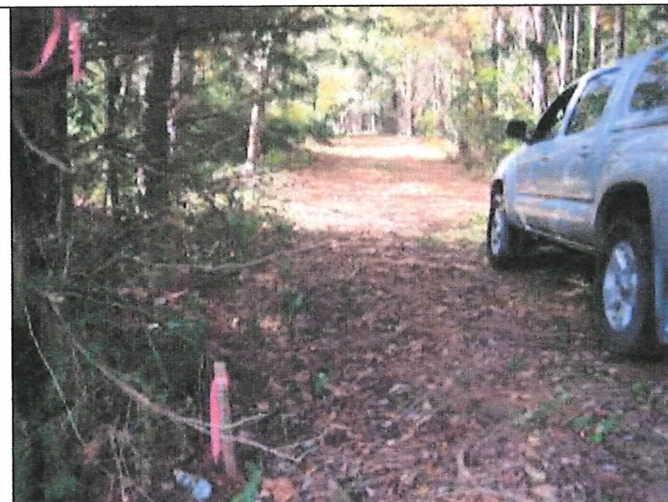
The subject site is currently zoned R-12 Residential, by the Town of Burgaw. The property immediately abutting the subject on the north and west are zoned R-7. The Smart Start of Pender County property to the east is zoned Office and Institutional, O&I. The single-family dwelling to the east is zoned R-12. This is seen in the following zoning map on which the subject property has been identified.

**Exhibit 5.1 Town of Burgaw Zoning Map
Source (Planning Board Case Summary)**



Surrounding Area	North	South	East	West
Zoning	R-7 Residential	R-12 Residential	O&I Office and Institutional, R-12 Residential	R-7 Residential
Current Land Use	Multi-family residential	Single-family dwelling	Institutional / Vacant	Institutional

SECTION 6: EXISTING CONDITIONS AS OF NOVEMBER 9, 2023

	1. Front view
	2. View looking south along Timberly Ln. Subject is wooded area on right.
	3. Interior view of subject from southeastern property corner.



4. View looking north along Timberly Ln as seen from southeastern property corner. Subject on left.



5. Subject marked with red arrow as seen from Timberly Ln, just south of subject

SECTION 7: DESCRIPTION OF THE PROPOSED IMPROVEMENTS

The proposed improvement is described as a 40-unit townhome development to be known as Ivy Grove Townhomes. According to the site plan, the 40 units are to be located within ten (10) buildings; each with four units.

Each unit is to be a two-level floorplan with 3 bedrooms. The site plan shows 149 surface parking spaces, resulting in a parking ratio of 3.73 spaces per unit.

Amenities will include a community pavilion and small dog park. Additional site improvements will include concrete curb and gutter, concrete sidewalks, stormwater retention pond, good landscaping, utility taps and signage.

The site is currently wooded. The site plan indicates a wooded buffer of existing vegetation and supplemented with Leland Cypress and other shrubs as needed to be located on the northern and southern property lines.

According to the developer, each townhome will range from 1,800 – 2,000 sf with an anticipated price point of \$299,000 - \$350,000. The developer has plans to initially sell 16 units and lease the remaining 24 units at market rates reportedly in the range of \$1,800 - \$2,400 per month. The appraiser has not performed a market analysis to determine the validity of this claim.

Based on the renderings provided to the Town of Burgaw, included in the Case Summary by the planning board and incorporated herein for reference, the exterior appears to be a combination of brick and vinyl or cement board siding, with asphalt shingle roof cover over a gable roof structure.

Exhibit 7.1 Proposed Site Plan
Source (Town of Burgaw Planning Board Case Summary)

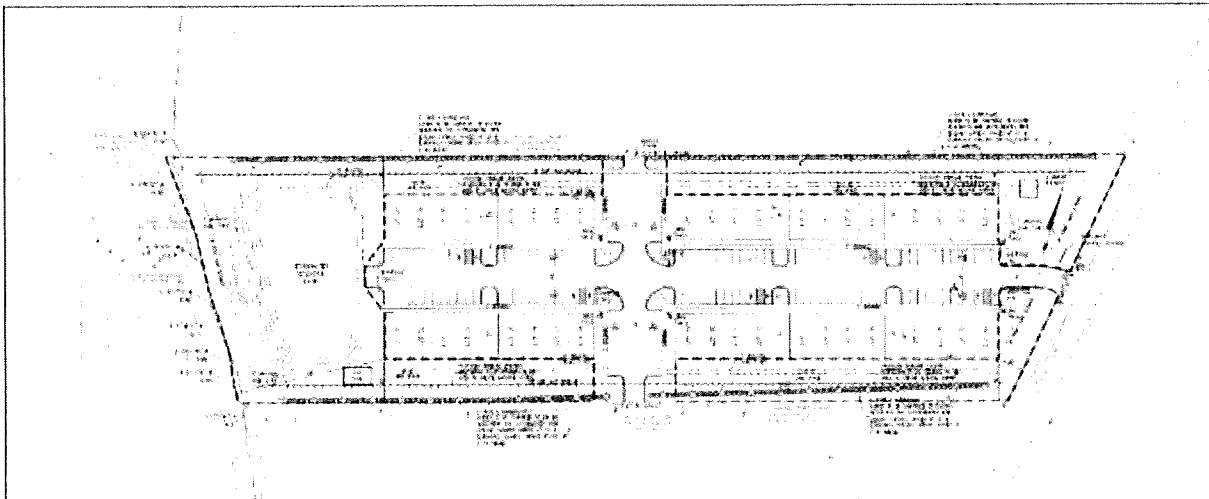


Exhibit 7.2 Front Elevation
Source (Town of Burgaw Planning Board Case Summary)



Exhibit 7.3 Perspective View From Timberly Lane
Source (Town of Burgaw Planning Board Case Summary)



Exhibit 7.4 Zoomed View From Timberly Lane
Source (Town of Burgaw Planning Board Case Summary)



Exhibit 7.5 View From Rear of Project
Source (Town of Burgaw Planning Board Case Summary)



A summary of the proposed construction areas is as follows:

Site Area	±5.71 acres
Units	40 Units
Density	7.01 Units/Acre
Parking	149 spaces 3.73 spaces/unit

SECTION 8: CASE STUDIES

8.1 Justice Farm

Sneads Ferry
Onslow County

Justice Farm Townhomes

Year Built: 2018
Levels: 2
Parking: Surface; unassigned
Price Point: \$179,900 - \$225,000
of Units: 66 on ±16.14 acres or 4.08 units per acre (septic systems required)

Exhibit 8.1 (a) Photos (Source Flex MLS)



Exhibit 8.1 (b) MLS Search Data



Sales in Neighboring Subdivision Lying Contiguous to Townhome Project
11/12/21 – 11/12/23

Table 8.1(c) Contiguous Sales

	Address	Sale Date	Sale Price	Yr. Built	HLA (SF)	Price / SF
1	105 Lawndale Ln	08/02/23	\$292,000	2005	1743	\$167.81
2	103 Lawndale Ln	05/09/23	\$290,000	2005	1290	\$224.81
3	119 Lawndale Ln	03/05/22	\$210,000	2005	1125	\$186.67
4	123 Lawndale Ln	08/17/22	\$260,000	2005	1268	\$205.05

Average Home Size	1,357 sf
Minimum Price per SF	\$186.67
Maximum Price per SF	\$224.81
Average Price per SF	\$196.09
Median Price per SF	\$195.86

Market Conditions Indications:

Table 8.1 (d) Extrapolated Market Conditions Based on Prior Sales

Comp #	Prior Sale Date	Price	Δ%	# of months	Δ% per month
1	09/10/19	\$195,650	49.50%	47	1.05%

Sales in Neighboring Subdivision Not Lying Contiguous to Townhome Project
11/12/21 – 11/12/23

Table 8.1(e) Non-Contiguous Sales

	Address	Sale Date	Sale Price	Yr. Built	HLA (SF)	Price / SF
1	202 Bluebird Ct	04/21/22	\$252,000	2005	1706	\$147.72
2	210 Bluebird Ct	04/26/22	\$264,900	2005	1672	\$157.43
3	202 Vale Ct	09/02/22	\$239,900	2005	1268	\$189.20
4	205 Vale Ct	12/16/21	\$263,000	2005	1737	\$151.41
5	200 Molly Ct	05/23/22	\$247,000	2005	1268	\$194.79
6	210 Molly Ct	05/22/23	\$295,000	2006	1453	\$203.03
7	213 Molly Ct	06/16/23	\$260,000	2010	1355	\$191.88
8	100 Knotts Ct	04/21/23	\$293,000	2006	1463	\$200.27
9	102 Knotts Ct	04/21/22	\$255,000	2006	1355	\$188.19
10	104 Knotts Ct	03/25/22	\$255,000	2005	1461	\$174.54
11	118 Lawndale Ln	09/22/23	\$293,000	2005	1337	\$219.15
12	120 Lawndale Ln	07/11/22	\$267,500	2005	1268	\$210.96
13	141 Lawndale Ln	04/04/22	\$245,000	2006	1284	\$190.81
14	128 Lawndale Ln	06/30/22	\$295,000	2005	1881	\$156.83
15	132 Lawndale Ln	08/25/23	\$295,000	2005	1403	\$210.26
16	136 Lawndale Ln	05/09/22	\$305,000	2006	1909	\$159.77
17	138 Lawndale Ln	05/23/22	\$278,000	2006	1508	\$184.35
18	138 Lawndale Ln	09/19/23	\$300,000	2006	1508	\$198.94
19	142 Lawndale Ln	09/01/22	\$292,500	2006	1877	\$155.83

Average Home Size	1,511 sf
Minimum Price per SF	\$147.72
Maximum Price per SF	\$219.15
Average Price per SF	\$183.44
Median Price per SF	\$189.20

Market Conditions Indications:

Table 8.1 (f) Extrapolated Market Conditions Based on Prior Sales

Comp #	Prior Sale Date	Price	Δ%	# of months	Δ% per month
1	01/22/19	\$179,000	40.78%	39	1.05%
9	06/19/20	\$189,900	34.28%	22	1.56%
11	12/06/19	\$187,900	55.93%	45	1.25%
18	12/07/18	\$179,900	66.76%	57	1.17%

SUMMARY AND CONCLUSIONS FOR JUSTICE FARM

The Justice Farm Townhomes are two-level townhomes with common area surface parking. They feature vinyl siding exteriors with faux stone accents. The development was constructed in 2018 and contains 66-units. Prices have ranged from \$179,900 to \$225,000 per unit (over the past 24 months).

Four single-family home sales were discovered over the past 24 months that abutted the townhome development. They indicated a median price of \$195.86 per sf of heated living area.

This compares favorably to the median price of nineteen (19) sales of similar homes within the subdivision over the same time period that do not abutt the townhome development. They indicated a median price of \$189.20 per sf of heated living area, 3.40% less than the median home price for homes abutting the townhome development.

All homes were similar in age, construction quality and lot sizes. Slight variances occurred in the sizes of the homes. The average size of the four homes abutting the townhomes was 1,357 sf versus an average of 1,511 sf for the nineteen sales within the interior of the subdivision. (10.19% smaller) Typically, smaller homes generally sell for higher per incremental units of value than larger homes. This could easily account for the 3.40% discrepancy in per-unit pricing.

Finally, from the single contiguous home sale from which a market conditions adjustment could be determined from prior sales activity, Comparable 1 indicated a monthly upward appreciation of 1.05%. There were four non-contiguous sales from which a monthly appreciation could be determined that ranged from 1.05% to 1.56% per month. Though the contiguous property at 1.05% falls within the lower end of the range, it does indeed indicate a similar appreciation pattern for properties lying contiguous to the townhomes as those that do not.

From this study of the Justice Farm Townhomes, it is reasonable to conclude that there is **no quantifiable effect on market value** for single-family residential properties immediately abutting a townhome development considered very similar to the proposed subject.

8.2 Springwater Reserve Townhomes

Castle Hayne
New Hanover County

Springwater Reserve Townhomes

Year Built: 2018 - present
Levels: 2
Parking: Concrete driveways; Garage (1-car)
Price Point: \$359,900 - \$412,900
of Units: 44 units on 6.58 acres or 6.69 units per acre

Exhibit 8.2 (a) Photos (Source Flex MLS)

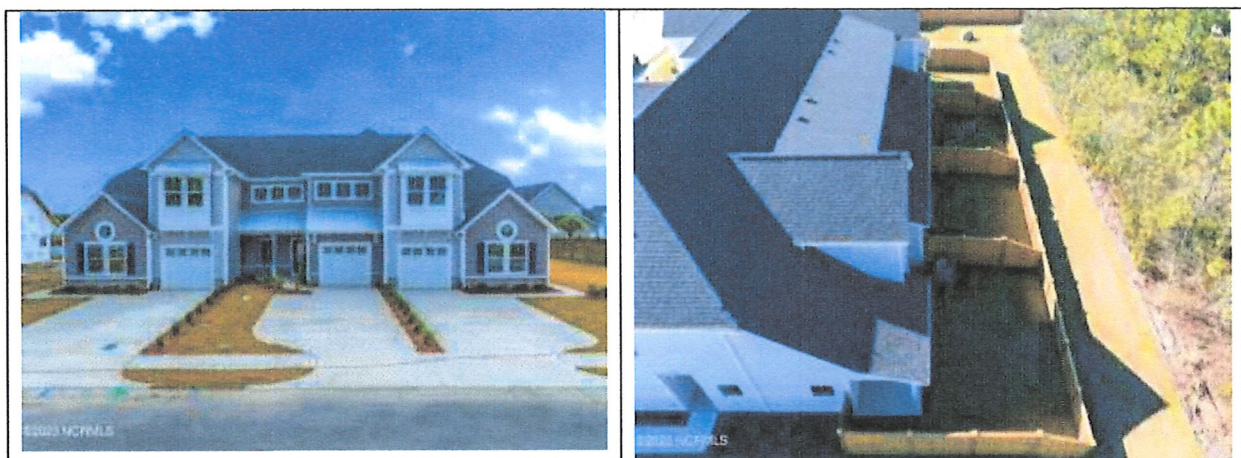


Exhibit 8.2 (b) MLS Search Data



* Home Sales in Hanover Reserve in excess of 3,000 sf HLA are excluded as they skew the price per sf HLA downward due to their significantly larger sizes.

**Sales in Neighboring Subdivision Lying Contiguous to Townhome Project
11/12/21 – 11/12/23**

Table 8.2(c) Contiguous Sales

	Address	Sale Date	Sale Price	Yr. Built	HLA (SF)	Price / SF
1	7353 Springwater Dr	02/08/23	\$515,000	2018	2574	\$200.08
2	7416 Murrayville Rd	09/02/22	\$340,000	1995	1526	\$222.80

Average Home Size **2,050 sf**
Minimum Price per SF **\$200.08**
Maximum Price per SF **\$222.80**
Average Price per SF **\$211.44**
Median Price per SF **\$211.44**

Market Conditions Indications:

Table 8.2 (d) Extrapolated Market Conditions Based on Prior Sales

Comp #	Prior Sale Date	Price	Δ%	# of months	Δ% per month
1	12/20/18	\$311,500	65.33%	62	1.05%

**Sales in Neighboring Subdivision Not Lying Contiguous to Townhome Project
11/12/21 – 11/12/23**

Table 8.2(e) Non-Contiguous Sales (excluding homes in excess of 3,000 sf)

	Address	Sale Date	Sale Price	Yr. Built	HLA (SF)	Price / SF
1	1344 Goldengrove Ln	05/17/23	\$472,000	2020	2493	\$189.33
3	1451 Eastbourne Dr	04/06/22	\$485,000	2016	2400	\$202.08
4	1443 Eastbourne Dr	11/18/22	\$485,000	2015	2359	\$205.60

Average Home Size	2,417 sf
Minimum Price per SF	\$189.33
Maximum Price per SF	\$205.60
Average Price per SF	\$199.00
Median Price per SF	\$202.08

Market Conditions Indications:

Table 8.2 (f) Extrapolated Market Conditions Based on Prior Sales

Comp #	Prior Sale Date	Price	Δ%	# of months	Δ% per month
1	06/30/20	\$327,500	44.12%	35	1.26%

SUMMARY AND CONCLUSIONS FOR SPRINGWATER RESERVE

The Springwater Reserve Townhomes are two-level townhomes with each unit having its own concrete driveway and a one-car garage. They feature cement board siding exteriors, craftsman trim, hip roofs with asphalt shingle roof cover and metal roof accents. The development began construction in 2018 and will contain 44-units. Some buildings contain three units and some contain four. No building contains more than four units. Prices have ranged from \$359,900 - \$412,900 per unit (over the past 24 months).

Two single-family home sales were discovered over the past 24 months that abutted the townhome development. They indicated a median price of \$211.44 per sf of heated living area.

This compares favorably to the median price of three (3) sales of similar homes within the adjacent Hanover Reserve subdivision over the same time period that do not abutt the townhome development (dwellings in excess of 3,000 sf HLA excluded as they skew the price per sf downward). They indicated a median price of \$202.08 per sf of heated living area, 4.43% less than the median home price for homes abutting the townhome development.

Almost all homes were similar in age, construction quality and lot sizes. The dwelling at 7416 Murrayville Road, though constructed in 1995, had been renovated prior to sale. The average size of the two homes abutting the townhomes was 2,050 sf versus an average of 2,417 sf for the three sales within the interior of the adjacent Hanover Reserve subdivision. (15.18% smaller) Typically, smaller homes generally sell for higher per incremental units of value than larger homes. This could easily account for the 4.43% discrepancy in per-unit pricing.

Finally, from the single contiguous home sale from which a market conditions adjustment could be determined from prior sales activity, Comparable 1 indicated a monthly upward appreciation of 1.05%. There was one non-contiguous sale from which a monthly appreciation could be determined that indicated 1.26% per month. It should be noted that the contiguous property indicating 1.05% per month, was previously sold in December 2018. The non-contiguous comparable indicating 1.26% monthly previously sold in June 2020. Market conditions from December 2018 through June 2020 were not improving as rapidly as those from June 2020 onward. For this reason, the two appreciation patterns are considered very similar for properties lying contiguous to the townhomes as those that do not.

From this study of the Springwater Reserve Townhomes, it is reasonable to conclude that there is **no quantifiable effect on market value** for single-family residential properties immediately abutting a townhome development considered very similar to the proposed subject.

8.3 Ibis Landing Townhomes

Leland
Brunswick County

Ibis Landing Townhomes

Year Built: 2021 - present
Levels: 2
Parking: Concrete driveways; Garage (1-car)
Price Point: \$234,840 - \$350,540
of Units: 125 units on 18.6 acres or 6.72 units per acre

Exhibit 8.3 (a) Photos (Source Flex MLS)



Exhibit 8.3 (b) MLS Search Data

8 - Multi Property

Change Search Template
Draft last saved: 11/14/2023, 11:41:43 AM

View Results: 10/10/2023

11/14/2023, 11:41:43 AM

Status Change Date

Sub-Type

County

City

Marketing City

Please enter 3 or more characters

Distance from

Tag Me

SAFT - Hatched (Priority)

Your Box

Waterfront

Waterview

Location Type

Listing/Selling Number

Listing/Selling Office

Zip Code

Delayed Marketing Date (DM)

Add + More

Additional Search Options



Sales in Neighboring Subdivision Lying Contiguous to Townhome Project
11/12/21 – 11/12/23

Table 8.3(c) Contiguous Sales

	Address	Sale Date	Sale Price	Yr. Built	HLA (SF)	Price / SF
1	61 Carol Lynn Dr NE	05/02/22	\$295,000	1995*	1222	\$241.41

* Renovated prior to sale

Average Home Size	1,222 sf
Minimum Price per SF	\$241.41
Maximum Price per SF	\$241.41
Average Price per SF	\$241.41
Median Price per SF	\$241.41

Market Conditions Indications:

Table 8.3 (d) Extrapolated Market Conditions Based on Prior Sales

Comp #	Prior Sale Date	Price	Δ%	# of months	Δ% per month
1	12/13/21*	\$160,000	84.38%	4	21.09%

* Purchased to renovate and flip

Sales in Neighboring Subdivision Not Lying Contiguous to Townhome Project
11/12/21 – 11/12/23

Table 8.3 (e) Non-Contiguous Sales

	Address	Sale Date	Sale Price	Yr. Built	HLA (SF)	Price / SF
1	8084 Rachel Wynd Rd	02/14/22	\$408,000	2000	2557	\$159.56
3	8107 Rachel Wynd Rd	08/19/22	\$320,000	1997*	1630	\$196.32
4	8136 Rachel Wynd Rd	07/08/22	\$290,000	1993*	1212	\$239.27
5	8173 Rachel Wynd Rd	09/15/22	\$316,500	1998	1785	\$177.31
6	8143 Webster Ct	10/26/23	\$280,000	1993	1225	\$228.57
7	8099 Webster Ct	06/22/22	\$311,000	2016	1220	\$254.92
8	8085 Webster Ct	12/08/22	\$349,000	2015	1397	\$249.82

* Renovated prior to sale

Average Home Size	1,378 sf
Minimum Price per SF	\$159.56
Maximum Price per SF	\$254.92
Average Price per SF	\$215.11
Median Price per SF	\$228.57

Market Conditions Indications:

Table 8.3 (f) Extrapolated Market Conditions Based on Prior Sales

Comp #	Prior Sale Date	Price	Δ%	# of months	Δ% per month
3	01/22/19	\$195,000	64.10%	19	3.37%
4	10/23/19*	\$130,000	123.08%	9	13.67%

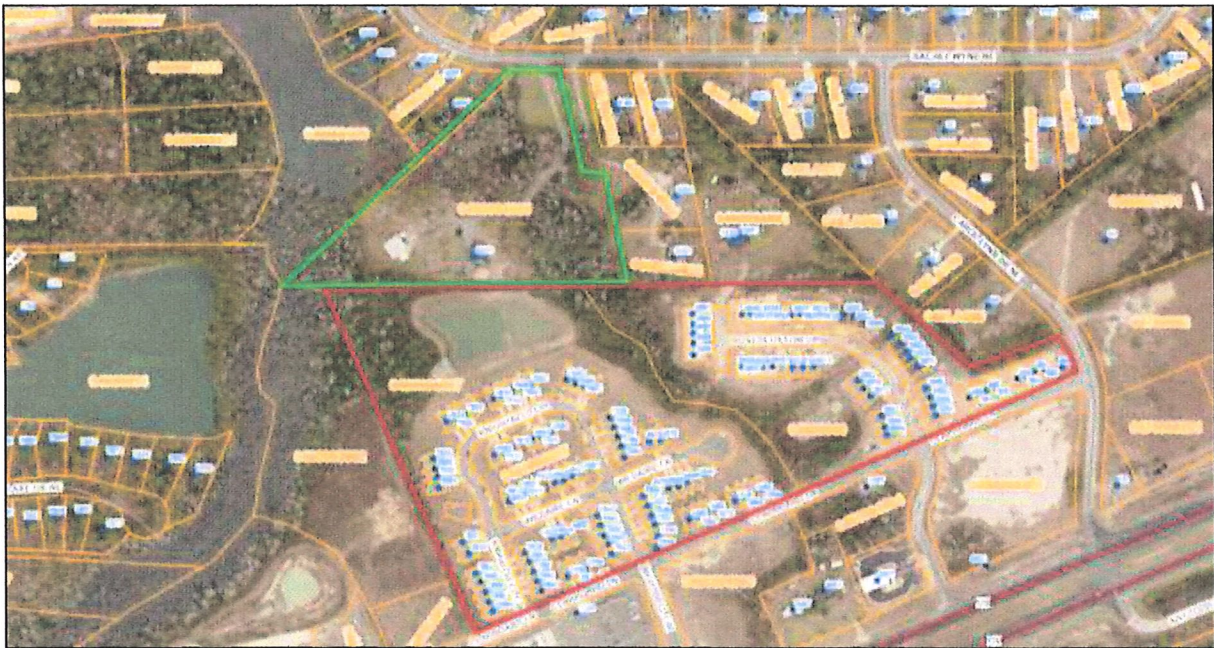
* Purchased to renovate and flip

Also considered is the sale of an abutting parcel located at **8050 Rachel Wynd Road** (Brunswick County PIN 0460004805). It is **5.38 acres**, improved with a single-family dwelling of 1,864 and associated accessory structures. The dwelling was constructed in 1998. **This property sold on 8/16/2023 for \$615,000.**

The seller had **previously acquired this property on 7/20/20 for \$365,000.** This indicates an upward change in market conditions of 68.49% over 37 months or **1.85% per month.** It was not included in the above analysis due to the significant land area.

This parcel is shown in the following exhibit. It is marked in green with the Ibis Landing Townhomes marked in red.

Exhibit 8.3 (g) Aerial Image Showing Adjacent 5.38-acre Parcel Sold



SUMMARY AND CONCLUSIONS FOR IBIS LANDING

The Ibis Landing Townhomes are two-level townhomes with each unit having its own concrete driveway and a one-car garage. They feature vinyl siding exteriors and gable roofs with asphalt shingle roof cover. The first sales within the development occurred in 2021. Prices have ranged from \$234,840 - \$350,540 per unit (over the past 24 months).

One single-family home sale was discovered over the past 24 months that abutted the townhome development. It had been purchased, renovated and flipped with the latter sale having a price of \$241.41 per sf of heated living area.

This compares favorably to the median price of eight (8) sales of similar homes within the same subdivision over the same time period that do not abutt the Ibis Landing townhome development. They indicated a median price of \$228.57 per sf of heated living area, 5.32% less than the price of the one home abutting the townhome development.

The one home abutting the townhomes was 1,222 sf versus an average of 1,378 sf for the eight sales within the interior of the subdivision. (11.32% smaller) Typically, smaller homes generally sell for higher per incremental units of value than larger homes. This could easily account for the 5.32% discrepancy in per-unit pricing.

The subdivision that lies adjacent to the Ibis Landing townhome development has been very active for home flippers. The sale that directly abutts the townhomes was such a flip that indicated an increase in value of 21.09% per month (renovation costs not considered). The same can be said for Comparable 4 that does not abutt the townhomes, but was flipped for an increase in value of 13.67% per month (exclusive of renovation costs). Though not necessarily considered a "flip" Comparable 3 indicated a 3.37% per month improvement over 19 months, though it did have slight renovations having been performed prior to the latter sale.

This makes a determination of any effects from a market conditions standpoint very difficult, if not impossible beyond the fact that there is significant demand for homes in the adjacent subdivision with many being purchased for renovation; including the property directly abutting the townhomes.

Finally, this property is unique as it has an adjacent 5.38-acre tract improved with a single-family dwelling. This is similar to the subject having a 4.765-acre tract with a single-family dwelling abutting it on the south. A matched-pair analysis of two sales of this same property, with very little having been done to the property between sales, indicates appreciation of 1.85% per month (22.20% annually). This is well supported by market data and represents some of the highest increases within this analysis.

From this study of the Ibis Landing Townhomes, it is reasonable to conclude that there is **no quantifiable effect on market value** for single-family residential properties immediately abutting a townhome development considered very similar to the proposed subject.

SECTION 9: FINAL SUMMARY AND CONCLUSIONS

Three townhome properties were analyzed. Due to insufficient data within the Town of Burgaw, the data search was expanded geographically.

The properties chosen represent townhome properties with relatively similar densities as the subject. The subject's proposed density is 40 units over ± 5.71 acres or approximately 7.00 units per acre. The projects chosen represent densities of 4.08 units per acre (utilizing septic systems), 6.69 units per acre and 6.72 units per acre, respectively.

The appraiser also placed high importance on properties immediately adjacent to lower-density, single-family residential development. Properties in high-density areas, commercial areas, or rural areas, not immediately abutting low-density single-family residential development were excluded from this analysis.

Of the three properties surveyed and analyzed, the median sales prices per square foot of properties immediately abutting the townhome developments were 3.40%, 4.43% and 5.32% higher than the median sales prices of comparable homes not abutting the townhome property. In each instance, the homes abutting the townhome projects were smaller, on average, than those that did not share the same locational characteristics. Typically, smaller dwellings generally sell for higher per incremental units of value. Therefore, the higher per-unit pricing for dwellings adjacent to townhomes is most likely due to size differences.

Nonetheless, there is no evidence to suggest that single-family residential properties immediately abutting townhome developments similar to the proposed subject, suffer any diminution in value as a result of their location, when compared to similar properties, nearly identical with the exception of locational differences.

Furthermore, there is no evidence to suggest that being located adjacent to a development similar to the one proposed, results in any future effects on value as the data has shown similar appreciation rates for single-family properties abutting townhome developments when compared to those that do not.

ADDENDA

APPRAISAL QUALIFICATIONS

G. BRAD WHITE, MAI
8718 RAMSBURY WAY
WILMINGTON, NORTH CAROLINA 28411
PHONE 910-612-2478
E-MAIL: *bwhite@gbwvaluations.com*

EDUCATION

B.S.B.A. EAST CAROLINA UNIVERSITY, 1998
Introduction to Income Property Appraisal (G-1) 3/00
Income Capitalization Procedures (G-2) 9/00
Applied Income Property Valuation (G-3) 9/00
Advanced Income Capitalization 510 5/05
Market Analysis/Highest and Best Use 520 3/06
Advanced Sales Comparison & Cost Approaches 530 6/07
Report Writing & Valuation Analysis 540 6/08
Advanced Applications 550 7/09
Certified under North Carolina Real Estate Appraisal Board
Continuing Education Program

EMPLOYMENT HISTORY

Owner, G. Brad White and Associates, LLC 2017 to present
Worsley Real Estate Company, 1998 to 2017
Worsley & Glenn, Intern 1993

PROFESSIONAL AFFILIATIONS

N. C. State Certified General Real Estate Appraiser
Certification Number A5053, (2002)
Appraisal Institute, MAI Designation (2015)
Member of the New Hanover County Board of Equalization
and Review

APPRAISAL EXPERIENCE

Private and For Fee Golf Courses
Hotel, Motels, Restaurants, Resort Developments
Single and Multi-Family Residential Projects
Apartment Complexes, Townhouses, Condominiums
Office Buildings, Shopping Centers, Day Care Centers
Warehouses, Industrial and Manufacturing Buildings
Agricultural Land, Conservation and Historical Properties,
Marinas, Tank Farms, Deep-Water Port-Related Properties
and Wetland Mitigation Banks

FINANCIAL CLIENTELE

Bank OZK
Branch Bank & Trust Company
Carolina Farm Credit
Corning Federal Credit Union
Dogwood State Bank
First Bank
First Community Bank
First National Bank
North State Bank
Old National Bank
Paragon Bank
Park Sterling Bank
PNC Bank
Red River Bank
Select Bank
South State Bank
Southern Bank
Union Bank and Trust
United Bank
Wells Fargo Bank

INSTITUTIONAL CLIENTELE

N. C. Department of Transportation
Duke Energy Progress, Inc.
Cape Fear Public Utility Authority
Telics, Inc.
Wilmington Housing Authority
Wilmington International Airport

PROFESSIONAL CLIENTELE

Osprey Lands, LLC
Crocker Brothers, LLC
Par 5 Development Group, LLC
JBS Industrial Properties, LLC
Nicholls & Crampton, P.A.
Block, Crouch, Keeter, Behm and Sayed, LLP
Marshall, Williams & Gorham, LLP
JTV Business Consultant, Inc.
The Cameron Company, Inc.
Brunswick Corporation/Hatteras Yachts



October 31, 2023

Town of Burgaw
109 N. Walker Street
Burgaw, NC 28425
c/o Gilbert Combs

Re: Ivy Grove Townhomes
Stormwater Management

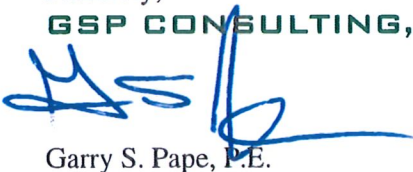
This +/- 5.71 acre site is located off Timberly Lane (PIN 3229-36-9052) in the Town of Burgaw, Pender County, North Carolina. This project will drain to a proposed stormwater detention basin that will discharge to Osgood Branch at the rear of the site. The location of this development is downstream from the Town of Burgaw and this portion of Osgood Branch discharges to Burgaw Creek to the north and away from the Town of Burgaw. This project will consist of the construction of 40 townhome units and related site appurtenances. The amount of impervious surface draining to the proposed stormwater detention basin is 44.7% and the development is proposing 47.3% of the property area as Open Space.

The primary stormwater measures for this project will consist of overland sheet flow and closed conduit systems that direct the runoff to the proposed stormwater detention basin that will be designed to treat the first 1.5" of rainfall to meet the North Carolina Department of Environmental Quality (NCDEQ) Stormwater Regulations and to control the post development peak discharge for the 10-year storm event so as not to exceed the pre-development peak runoff discharge rate to meet Water Quantity Stormwater Regulations. An emergency spillway will be provided to convey the 100-year storm event.

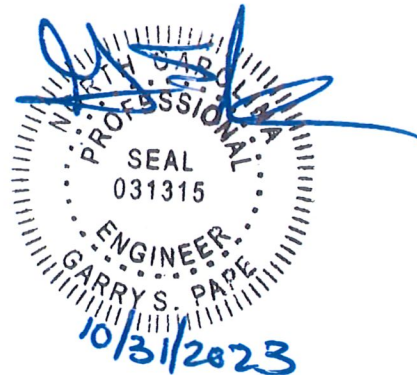
By treating the water quality volume as required by NCDEQ, detaining the water quantity volume for the 10-year storm event the proposed stormwater detention basin will be used in conjunction with the development preserving over 50% of the site in a pervious/natural state and over 400 existing trees remaining on site to mitigate any potential stormwater impacts on surrounding properties.

Please contact me immediately at (910) 442-7870 or gpape@gsp-consulting.com if you have any questions or require additional information.

Sincerely,
GSP CONSULTING, PLLC.



Garry S. Pape, P.E.



RESOLUTION 2023-25

RESOLUTION FOR A SPECIAL USE PERMIT FOR PROPERTY LOCATED ON NORTH TIMBERLY LANE (PARCEL ID: 3229-36-9052-0000) TO ALLOW A MULTIFAMILY PROJECT CONTAINING 40 3-BEDROOM TOWNHOMES IN THE R-7 (CZ), RESIDENTIAL DISTRICT CONDITIONAL ZONING.

PURPOSE:

THE BOARD OF COMMISSIONERS FOR THE TOWN OF BURGAW HELD A PUBLIC HEARING ON JANUARY 09, 2024, TO CONSIDER THE FOLLOWING APPLICATION:

PROPERTY OWNER / APPLICANT:
ANDREW SMITH OF PENDERLINE, LLC 1711 HWY 17 NORTH
HAMPSTEAD, NC 28443

LOCATION: IVY GROVE TOWNHOMES (3229-36-9052-0000)

PROPOSAL: 40 3-BEDROOM UNIT TOWNHOME DEVELOPMENT

ZONING DISTRICT: R-7 (CZ) RESIDENTIAL DISTRICT CONDITIONAL ZONING

MEETING DATES:

NOVEMBER 14, 2023: BOARD OF COMMISSIONERS PUBLIC HEARING
DECEMBER 12, 2023: BOARD OF COMMISSIONERS PUBLIC HEARING
JANUARY 09, 2024: BOARD OF COMMISSIONERS PUBLIC HEARING

THE BOARD OF COMMISSIONERS, HAVING HEARD ALL EVIDENCE AND ARGUMENTS PRESENTED AT THE HEARING, MAKES THE FOLLOWING FINDINGS OF FACT:

1. The site is currently vacant.
2. The project area includes approximately 5.71 acres and is zoned R-7(CZ), Residential District Conditional Zoning (if item A approved).
3. On October 19, 2023, the Planning Board recommended **denial** for the rezoning from R-12, Residential to R-7(CZ), Residential District Conditional Zoning.
4. Multi-family development is permitted in the R-7 zoning district with the issuance of a special use permit.
5. The maximum allowable number of units per acre for multifamily per UDO is 12 units per acre. At 5.71 acres, the maximum allowable would be more than 60. The proposal is for 40 units.

BASED UPON THE FOREGOING FINDINGS OF FACT, BOARD OF COMMISSIONERS DRAWS THE FOLLOWING CONCLUSIONS:

- A. The location and character of the use, if developed according to the plan as submitted and approved, will/will not be in harmony with the area in which it is to be located.
- B. The use is/is not allowed pursuant to this ordinance and meets/does not meet all the required conditions and specifications, including without limitation, those set out in this Ordinance.

- C. The use of the property will/will not affect other adjoining or abutting property values
- D. That the use will/will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
- E. The increase in vehicular traffic resulting from the proposed development would/would not pose a danger to public safety.

Therefore, because the Board of Commissioners concludes that all general and specific conditions precedent to the approval of a SPECIAL USE PERMIT have/have not been satisfied, IT IS ORDERED that the application for the approval of the SPECIAL USE PERMIT be APPROVED/DENIED, subject to the following conditions:

1. The use and development of the subject property shall comply with all regulations and requirements imposed by the Town of Burgaw Unified Development Ordinance and any other applicable federal, state or local law, ordinance or regulation, as well as any condition stated below. In the event of a conflict, the more stringent requirement or higher standard shall apply.
2. If, for any reason, any condition for approval is found to be illegal or invalid or if the applicant should fail to accept any condition following approval, the approval of the subdivision final plat shall be null and void.
3. Approval of this special use permit does not constitute technical approval of the site plan. Final approval by the Technical Review Committee and the issuance of all required permits must occur prior to releasing the project to the Building Inspections Department.
4. The use and development of the subject property shall be in substantial compliance with the site plan as submitted and accepted by the Board of Commissioners on 11/14/2023.
5. The elevations of each structure shall be in substantial compliance with the elevation examples as submitted and accepted by the Board of Commissioners on 1/9/2024.
6. A proposed connection to future development as shown on the site plan must be retained.
7. A five-foot sidewalk at Timberly Lane along the entire project frontage is required.
8. Six, evenly dispersed, bike racks are required.
9. A covered bus shelter shall be located between either building 10 or 40 and the back of proposed sidewalk.
10. No structure may exceed two stories in height and may not exceed the maximum allowable height of 35 feet.
11. No more than 40 residential units may be constructed.

Adopted this 9th day of January 2024.

G. Olivia Dawson, Mayor

Attest:

APPROVED AS TO FORM:

Kristin Wells, Town Clerk

Town Attorney