



AGENDA | BOARD OF COMMISSIONERS REGULAR MEETING

February 13, 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 December 12, 2023 Regular Meeting Minutes**
 - B. Approval of the December 12, 2023 Closed Session Minutes**
 - C. Approval of the January 16, 2024 Regular Meeting Minutes**
 - D. Approval of the January 16, 2024 Closed Session Minutes**
 - E. Resolution 2024-04: Opposing the NC Rate Bureau's Request for Homeowners' Insurance Rate Increase**
- 6. Departmental Items**
 - A. Public Works Department**
Alan Moore, Public Works Director
 - B. Fire Department**
Jim Taylor, Fire Chief

C. Facilities & Grounds Department

Damon Stanley, Facilities & Grounds Director

D. Parks, Recreation & Tourism Department

Cody Suggs, Parks & Recreation Director

I. Fee Waiver Consideration: Boy Scouts of America

II. Public Funding Request: Downtown Business Association - Mainstreet Conference

III. Public Funding Request: Burgaw Area Chamber of Commerce - Mainstreet Conference

IV. Public Funding Request: Burgaw Area Chamber of Commerce - Christmas Parade

V. Policy Consideration: Burgaw Incubator Kitchen Culinary Classes

VI. Discussion: Digital Sign Board for Burgaw Town Center

VII. Survey Results: Parks & Recreation Master Plan Update

E. Planning Department

Gilbert Combs, Planning Director

I. Discussion: Rules of Procedure for the Planning Board

F. Building Inspections Department

Louis Hesse, Building Code Administrator

G. Finance Department

Wendy Pope, Finance Officer

H. Police Department

Jim Hock, Police Chief

I. Discussion: Town of Burgaw Golf Cart Ordinance

II. Discussion: Running at Large Ordinance

7. Public Forum

8. Public Hearing

A. UDO Text Amendment

Gilbert Combs, Planning Director

Consideration of a text amendment to the Unified Development Ordinance requested by Camille Teuben of D.R. Horton to amend Section 9.27 Landscaping Requirements, Subsections 1.(B).(9).(c) and 3.(C).(2), to modify language related to the definition of regulated trees and to modify survey methods for projects exceeding 40 acres in size.

I. Resolution 2024-01: Statement of Consistency

Adopting a statement of consistency regarding text amendments of the Town of Burgaw Unified Development Ordinance requested by Camille Teuben of D.R. Horton to amend Chapter 9. Development Design Standards and Processes, Section 9.27.1.(B).(9) Regulated Tree and Section 9.27.3.(C) Tree Survey to modify the definition of regulated trees and to modify survey methods for projects exceeding 40 acres in size.

II. Ordinance 2024-01: Text Change Amendment

A text change amendment to the Town of Burgaw Unified Development Ordinance requested by Camille Teuben of D.R. Horton to amend Chapter 9. Development Design Standards and Processes, Section 9.27.1.(B).(9) Regulated Tree and Section 9.27.3.(C) Tree Survey to modify the definition of regulated trees and to modify survey methods for projects exceeding 40 acres in size.

B. UDO Text Amendment

Gilbert Combs, Planning Director

Consideration of a text amendment to the Unified Development Ordinance requested by staff to amend Section 8.14 Table of Permitted Uses, Special Uses and Special Requirements, to develop a process for temporary construction and use for a limited time, where the temporary use would be permitted by right in the underlying zoning district.

I. Resolution 2024-02: Statement of Consistency

Adopting a statement of consistency regarding text amendments of the Unified Development Ordinance requested by staff to amend Chapter 8 Zoning, Section 8.14 Table of Permitted Uses, Special Uses and Special Requirements and Section 8.15 Use Standards to add a use that would allow a temporary setup for projects already approved for conditional zoning release.

II. Ordinance 2024-02: Text Change Amendment

A text change amendment to the Unified Development Ordinance requested by staff to amend Chapter 8 Zoning, Section 8.14 Table of Permitted Uses, Special Uses and Special Requirements and Section

8.15 Use Standards to add a use that would allow a temporary setup for projects already approved for conditional zoning release.

C. Rezoning: Pender County Health and Human Services Project

Gilbert Combs, Planning Director

Consideration of a conditional district rezoning from O&I, Office and Institutional, to O&I (CZ), Office & Institutional Conditional District for a two-story facility located near the intersection of Industrial Drive and Progress Drive Extension for the Pender County Health and Human Services project.

I. Resolution 2024-03: Statement of Consistency

Adopting a statement of consistency regarding an amendment of the official zoning map of the Town of Burgaw requested by Andrew Speck of Bobbitt Construction on behalf of Carolyn Moser of Pender County Health & Human Services to rezone property located on Progress Drive (PIN 3229-60-0564-0000, 3229-60-0024-0000, 3228-59-9798-0000) from O&I, Office and Institutional to O&I (CZ), Office and Institutional Conditional Zoning for the Pender County Health and Human Services project.

II. Ordinance 2024-03: Zoning Map Amendment

A map amendment of the official zoning map of the Town of Burgaw requested by Andrew Speck of Bobbitt Construction on behalf of Carolyn Moser of Pender County Health & Human Services to rezone property located on Progress Drive (PIN 3229-60-0564-0000, 3229-60-0024-0000, 3228-59-9798-0000) from O&I, Office and Institutional to O&I (CZ), Office and Institutional Conditional Zoning for the Pender County Health and Human Services project.

9. Items from Assistant Manager

A. Update: Public Works Expansion Project

10. Items from Manager

A. Town Center Parking Lot

B. FY 2024-25 Budget Update

C. Information Technology Discussion

11. Items from Attorney

12. Items from Mayor and Board of Commissioners

13. Closed Session

- A. Pursuant to NC GS 143-318.11(a)(3) Attorney/Client Privilege and NC GS 143-318.11(a)(6) Personnel**

14. Adjournment

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

DATE: December 12, 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, and Vernon Harrell
Commissioners Elect William Rivenbark and Michael Pearsall
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
Louis Hesse, Building Code Administrator
Alan Moore, Public Works Director
Cody Suggs, Parks & Recreation Director
Gilbert Combs, Planning Director
Jim Taylor, Fire Chief
Damon Stanley, Facilities & Grounds Director
Jayna Augst, Recreation Coordinator
Jessica Gray, Community Development Coordinator
Zachary Rivenbark, Town Attorney
MEDIA PRESENT: None
INVOCATION: Reverend Nick Smith
PLEDGE OF ALLEGIANCE: All

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

SPECIAL PRESENTATION

Mayor Dawson presented a plaque to outgoing Commissioners Vernon Harrell and Red Robbins recognizing their years of service to the town.

ORGANIZATIONAL MEETING

The Oath of Office was administered to newly elected Board of Commissioners. The oath was administered by Town Clerk Kristin Wells for Commissioner Elect William E. (Bill) George, III. The Honorable Judge James Faison administered the oath to Commissioner Elect William G. Rivenbark and Commissioner Elect Michael D. Pearsall.

BREAK 4:46-4:59 PM

Election of Mayor Pro-tem – Board of Commissioners

Commissioner George made a motion to nominate Commissioner Malloy to serve as Mayor Pro-tem. The motion was seconded by Commissioner Dawson and carried by unanimous vote. The oath was administered by Mayor Dawson to Commissioner Malloy as Mayor Pro-tem.

Appointment of Council of Governments (COG) Representative and Alternate Representative

Commissioner George made a motion to appoint Commissioner Dawson to continue serving as the Council of Governments Representative. The motion was seconded by Commissioner Malloy and carried by unanimous vote. Commissioner Rivenbark made a motion to appoint Commissioner George to continue to serve as the alternate. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

Approval of Agenda

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

DEPARTMENTAL ITEMS

Public Works Department – *Alan Moore, Director*

Resolution 2023-27 Water Shortage Response Plan

Mr. Moore gave a brief overview of the water shortage response plan that should be adopted by the board periodically. There being no comments by the board, Commissioner Rivenbark made a motion to approve Resolution 2023-27 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Departmental Updates – *Department Heads*

Public Works Department – Alan Moore, Director

- Advised there was nothing new to report.

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

- Recently met with a representative from the NC League of Municipalities regarding an inventory of town facilities.
- Will be having a meeting on December 18, 2023 regarding the proposed restroom facilities at Dees Park.

Planning Department – *Gilbert Combs, Director*

- Advised there was nothing new to report.

Parks, Recreation & Tourism Department – Cody Suggs, Director

- Busy with Christmas events.
- Pender County School Board is reviewing the information for the fireworks proposed in front of the middle school on New Year's Eve.
- Mr. Suggs and Ms. Augst will be attending a Parks & Recreation Conference soon.
- Gave an update on the West Side Trail project.

Fire Department – Jim Taylor, Fire Chief

- Ten members assisted with the parade.
- Thanked Tommy Lindsay and Joe Talarico for mechanic assistance recently.
- Welcomed new member Brad Robinson.

Building Inspections Department – *Louis Hesse, Building Code Administrator*

- A lot of commercial construction currently happening.
- New residential constructions.
- Gave an update on minimal housing progress.

Finance Department – Wendy Pope, Finance Officer

- Recently worked on a time clock conversion.

Human Resources – Kimberly Rivenbark, Human Resources Director

- Gave an update on currently employment opportunities in Public Works.

Police Department- Jim Hock, Police Chief

- Captain Fuller graduated from National Academy on December 8, 2023.
- Officer Kling advanced to Master Police Officer.
- Sergeant Williams and Corporal Padgett have both received their Bachelor of Science in Public Safety with a concentration of Administration from Western Carolina.
- Sergeant Byrd has received an Associates Degree in Public Safety Administration from Cape Fear Community College.
- Christmas parade was a success and thanked Pender County Sheriff's Office, Surf City Police Department, and Public Works staff for their assistance.

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

Chief Hock gave an update on the Public Works facility expansion.

BREAK 5:21 PM – 5:33 PM

PUBLIC FORUM

John Westbrook, 410 E. Fremont Street, spoke about the Amtrak Train Station that is being proposed by the state. He encouraged the board to show their support. Mr. Westbrook also reminded the board that something needs to be done at the intersection of Wright Street and Wilmington Street due to accidents.

PUBLIC HEARINGS

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

Consideration of a text amendment to the Unified Development Ordinance requested by Joel Garner to amend Section 8.14 Table of Permitted Uses, Special Uses and Special Requirements and Section 8.15 Use Standards to allow ‘Nursery, Garden Center and Farm Supply Store’ in the R-20 and R-12, Residential districts and add use standards.

Mayor Dawson declared the public hearing open at 5:38 PM.

Mr. Combs presented the text amendment requested by Joel Garner. Mr. Combs encouraged the board to focus on the particular text amendment, not site specific. *Presentation materials on file in the Clerk's office.*

Mr. Garner spoke to the board in regards to the requested text amendment request. He advised his family moved to Burgaw in June 2023 and was not aware of any municipal ordinances related to businesses in residential homes. He said the benchmarking done in the presentation is unfair. He said most of the time he only has one employee on site, but sometimes three during the busiest time of the year. Mr. Garner said he does not have customers at his house; his business is online only. Commissioner George asked what kind of equipment was being stored in Mr. Garner's driveway. Mr. Garner said it was extra fencing materials that Lowe's is supposed to be picking up. Commissioner Rivenbark asked Mr. Garner to clarify if he does or does not have a nursery. Mr. Garner said it can be called a nursery. Commissioner Pearsall commented on the fact that Mr. Garner left Wilmington because of issues concerning his business and asked Mr. Garner why he didn't find out more information in Burgaw before he moved here. Mr. Garner said he was not aware of municipal ordinances.

After discussion, Mr. Garner asked the board for some time to move his business if the text amendment request is denied. Commissioner George asked how much time would be needed. Mr. Garner said he has the most cash on hand from his business between May and September.

Public Comments

Jack Sandlin, 318 S. Bennett Street, advised he has lived in Burgaw for thirty years and mows Mr. Garner's lawn. He said he sees nothing wrong with what Mr. Garner has at his residence.

Hugh Frasier, 512 NC Highway 53 East, said this is a slippery slope for everyone. If this is allowed for this residence, it is allowed for everyone in this zone. These are the rules and this is how he feels about it.

Other comments by staff

Attorney Rivenbark asked Mr. Combs to explain how the town is complaint driven for home occupations. There is no way of knowing unless a complaint is received. In this case, a complaint was received.

Attorney Rivenbark and Mr. Combs agreed if the board approved the text amendment request, it would set a precedent for future property owners.

Mayor Dawson declared the public hearing closed at 6:23 PM.

There being no further discussion, Commissioner Dawson made a motion to deny the request as recommended by the Planning Board. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

Resolution 2023-28 Adopting a statement of consistency regarding text amendments of the Town of Burgaw Unified Development Ordinance requested by Joel Garner to amend Section 8.14 Table of Permitted Uses, Special Uses and Special Requirements and Section 8.15 Use Standards to allow 'Nursery, Garden Center and Farm Supply Store' in the R-20 and R-12, Residential districts and add use standards.

No action taken on this item since consideration was denied.

Ordinance 2023-32 A requested text amendment of the Town of Burgaw Unified Development Ordinance requested by Joel Garner to amend Section 8.14 Table of Permitted Uses, Special Uses and Special Requirements and Section 8.15 Use Standards to allow 'Nursery, Garden Center and Farm Supply Store' in the R-20 and R-12, Residential districts and add use standards.

No action taken on this item since consideration was denied.

Public Hearing #2 – Jessica Gray, Community Development Coordinator

Consideration of a text amendment to the Unified Development Ordinance requested by staff to amend Chapter 4 Public Hearing, Permits and Approvals, Section 5.4.B Notice of Hearing, Section 6.1.1 Text Amendment, and Section 10.13 Major Subdivision to clarify the requirements for public notice, expand the range of mailed notifications, and amend the deadline for complete application submissions.

Mayor Dawson declared the public hearing open at 6:23 PM.

Ms. Gray presented the requested text amendment by staff as described in Ordinance 2023-33.

There being no discussion, Mayor Dawson declared the public hearing closed at 6:28 PM.

Resolution 2023-29 Adopting a statement of consistency regarding text amendments to the Town of Burgaw Unified Development Ordinance requested by staff to amend Chapter 4 Public Hearing, Permits and Approvals, Section 5.4.B Quasi-judicial Procedure, Section 6.1.1 Text Amendments and rezonings, and Section 10.13 Major Subdivisions to clarify the requirements for public notice, expand the range of mailed notifications, and amend the deadline for complete application submissions.

Commissioner Rivenbark made a motion to approve Resolution 2023-29 as presented. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

Ordinance 2023-33 A text change amendment to the Town of Burgaw Unified Development Ordinance requested by staff to amend Chapter 4 Public Hearing, Permits and Approvals, Section 5.4.B Quasi-judicial Procedure, Section 6.1.1 Text Amendments and rezonings, and Section 10.13 Major Subdivisions to clarify the requirements for public notice, expand the range of mailed notifications, and amend the deadline for complete application submissions.

Commissioner Dawson made a motion to approve Ordinance 2023-33 as presented. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

Public Hearing #3A – Gilbert Combs, Planning Director
This public hearing is a continuation from November 14, 2023.

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 continued at 6:29 PM.

Before Mr. Combs presented the request, Andrew Smith asked to be recognized and requested a continuation of the hearing. Commissioner Dawson made a motion to grant the request to continue Public Hearing #3A. The motion was seconded by Commissioner George and carried by unanimous vote.

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 (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.

No action taken on this item since Public Hearing #3A was continued.

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 (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.

No action taken on this item since Public Hearing #3A was continued.

Public Hearing #3B – Gilbert Combs, Planning Director
This public hearing is a continuation from November 14, 2023.

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).

No action taken on this item since Public Hearing #3A was continued.

Resolution 2023-25 Resolution for a Special Use Permit for property located on North Timberly Lane (PIN: 3229-36-9052-0000) to allow a multifamily project containing 40 3-bedroom townhomes in the R-7 (CZ), Residential District Conditional Zoning.

No action taken on this item since Public Hearing #3A was continued.

ITEMS FROM ASSISTANT MANAGER – Continued

Commissioner Dawson asked for an update on the improvement projects at the cemetery. Since Mr. Stanley is now the Facilities & Grounds Director, his team has worked on improving the looks of the cemetery. Once the team gets a plan together on removal of trees, etc., Mr. Stanley will present his recommendation to the board.

ITEMS FROM MANAGER – James Gantt, Town Manager

FY 2024-2025 Budget Calendar

Mr. Gantt advised a copy of the proposed FY 2024-2025 budget calendar was included in the agenda packets for review. The board agreed to add February 27-28, 2024, 9:00 AM to 12:00 PM each day, for the Strategic Planning Retreat. They also agreed to add May 1, 2024 from 9:00 AM to 12:00 PM for Budget Work Session. There being no further comments, Commissioner Dawson made a motion to approve the proposed budget calendar. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

Verizon Water Tower Lease Discussion

Mr. Gantt advised Verizon is interested in entering into a lease agreement with the town to install a cellular tower on the town's water tank near the prison. Attorney Rivenbark has reviewed the

agreement and his comments were presented to the board in the proposed agreement. Mr. Gantt briefly reviewed the highlights of the agreement. The board commented this should help with current service issues and no one was opposed to the proposal.

Resolution 2023-30 Accept Grant Funding for the Storm Water Master Plan Update Project

Commissioner George made a motion to approve Resolution 2023-30 as presented. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

Updates on Current Town Projects

Mr. Gantt gave an update on the digital agenda software that staff has been working on. The plan is for staff to utilize the software for the January meeting. The board will be trained with iPads in the coming weeks.

Mr. Gantt said the engineer for the Burgaw Town Center parking lot is currently working on the plans and once they are ready, the project will be bid out. Commissioner Dawson voiced her concerns on how long this project has taken. Mr. Gantt said the engineer has had some personal matters that has put him behind, but should be wrapping up the plans soon.

Mr. Gantt commented on the recent sidewalk projects and advised the sidewalk in front of First National Bank is complete. The Wright Street sidewalk project is also done. Mr. Moore said the sidewalk that was damaged in front of Robert Kenan's office will be done soon. Commissioner Dawson requested the contractor also look at the driveway/sidewalk area in front of Lion's Crest's new facility on Wright Street.

The camera and access control project at the parks are almost complete. There are a few issues that are being addressed, but the cameras are now recording.

Mr. Gantt advised the state is converting to a new radio system by mid-2025 and all of the public safety radios will have to be replaced. The county has approached the municipalities with a proposal to the county commissioners where the county buys the radios in bulk and each town pays back the county over ten years. Mr. Gantt advised the cost for Burgaw would be approximately \$70k per year. After some discussion, there was no opposition voiced by the board in regard to this proposal.

Staff is in the process of getting the lettering ordered for the front of the Burgaw Town Center.

Mr. Gantt met with NC DOT recently regarding the parking spaces they striped with the recent repaving of Dickerson Street in front of The Pender House and Harrell's Funeral Home. There was concern that some of the on-street parking has been taken away with the new striping. NC DOT said the re-striping was done based on NC DOT guidelines, which are different from when the street was originally striped years ago. Mr. Gantt will work with the property owners on issues such as parking for funerals, etc.

There was brief discussion on the stormwater master plan update.

Mr. Gantt advised he and Ms. Wells met with the two new commissioners to hold an orientation and go over pertinent information.

Mr. Gantt said there is a meeting planned with Pender County regarding the Health & Human Services building.

Mr. Gantt said there have been several IT issues recently and is trying to assist with these issues.

Mr. Gantt advised Commissioner George has coordinated having a piano donated to have at the depot.

ITEMS FROM ATTORNEY – *Zachary Rivenbark, Town Attorney*

Attorney Rivenbark stated he only had items for closed session.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Resolution 2023-31 Resolution to adopt the regular meeting schedule of the Burgaw Town Board of Commissioners for year 2024

The meetings for the year 2024 have been proposed to continue being held on the second Tuesday of each month beginning at 4:30 PM, except for the month of June. Due to the NC Blueberry Festival activities during the second week of the month, the town Board of Commissioners meeting will be held on the third Tuesday. Commissioner Malloy made a motion to approve Resolution 2023-31 as presented. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

Other items from the Mayor and Board of Commissioners

There was brief discussion on the ethics class the newly elected officials will need to take. Mr. Gantt and Ms. Wells will coordinate this.

CLOSED SESSION – 7:37 PM

Commissioner Dawson made a motion to go into closed session pursuant to NC GS 143-318.11(a)(3) Attorney/Client Privilege and NC GS 143-318.11(a)(6) Personnel. The motion was seconded by Commissioner George and carried by unanimous vote.

OPEN SESSION – 9:11 PM

Commissioner Dawson made a motion to return to open session. The motion was seconded by Commissioner George and carried by unanimous vote.

ADJOURNMENT

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

The meeting was adjourned at 9:11 PM.

Attest: _____
Kristin J. Wells, Town Clerk

G. Olivia Dawson, Mayor



**Town of Burgaw
ITEM REPORT**

Item: 5C

DATE OF MEETING: February 13, 2024 DEPARTMENT OF ORIGIN: Administration	DATE SUBMITTED: 02/06/2024 SUBMITTED BY: Kristin Wells, Town Clerk
AGENDA ITEM DESCRIPTION: Approval of the January 16, 2024 Regular Meeting Minutes	
SUMMARY STATEMENT: Please note the attached minutes were compiled in the new agenda software and we are still working on the layout and alignment of the minutes module. The content from the meeting is complete and included for review and approval.	
STAFF RECOMMENDATION AND REQUESTED ACTION:	
FINANCIAL IMPACT INCLUDING FUNDING SOURCE:	
FINANCE DIRECTOR COMMENTS:	
ATTACHMENTS (IF ANY): Jan 16 2024 Meeting Minutes	

**TOWN OF BURGAW BOARD OF COMMISSIONERS
REGULAR MEETING (RESCHEDULED)**

DATE: January 16, 2024
TIME: 4:30 PM
PLACE: Burgaw Town Center
108 E Wilmington St
BOARD MEMBERS PRESENT: Mayor Olivia Dawson
Mayor Pro-tem James Malloy
Commissioner Bill George
Commissioner Michael Pearsall
Commissioner William Rivenbark
BOARD MEMBERS ABSENT: Commissioner Jan Dawson

1. Call to Order

The meeting was called to order by Mayor Dawson.

2. Invocation

The invocation was led by Commissioner Malloy.

3. Pledge of Allegiance

The Pledge of Allegiance was said by all.

4. Approval of Agenda

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

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.

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

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

Mr. Suggs recognized and presented a donation to Pender High JROTC for their assistance during recent events.

7. Departmental Items

A. Public Works Department

Alan Moore, Public Works Director

- There were no new updates to provide at the meeting. No questions or comments were made by the board.

B. Police Department

Jim Hock, Police Chief

- Holiday events were successful.
- Sergeant Byrd completed his Associates Degree from Cape Fear Community College.
- 12 out of 18 officers within the department have some sort of degree.
- Department training records for the year 2023 have been submitted to the state.

C. Planning Department

Gilbert Combs, Planning Director

- There were no new updates to provide at the meeting. No questions or comments were made by the board.

I. Resilient Coastal Communities Program Update

Mr. Combs gave a brief overview of the NC Resilient Coastal Communities Program. He advised there is a public workshop scheduled for January 30, 2024 from 5:30-7:30 PM at the Burgaw Town Center. This workshop would allow time for the public to share concerns about flooding and other weather-related hazards affecting their homes and learn more about what Burgaw is doing to prepare for the future.

D. Parks, Recreation & Tourism

Cody Suggs, Parks & Recreation Director

- Mr. Suggs gave an update on the West Side Trail expansion project. He said there will need to be a modification done to a storm water permit for Pender Memorial Park and it will need to be engineered.
- Staff is working on the plans for the digital sign to go at the corner of Wilmington Street and Walker Street next to the Burgaw Town Center.
- The NC Blueberry Festival annual pancake breakfast will be held on February 10, 2024 at the Burgaw Fire Department. Mr. Suggs advised the festival association plans to also use the depot kitchen for take out plates. They will pay the cleaning fee as usual.

I. Burgaw Incubator Kitchen Cleaning Policy Amendments

Cody Suggs, Director - Parks, Recreation & Tourism Department

Mr. Suggs explained the request for amending the policy for the town's incubator kitchen. He said the town has supplied cleaning materials in the past for the kitchen tenants, but they seem to run out quickly. Mr. Suggs said he has worked with the health department on revising the policy so that the tenants are required to bring their own cleaning supplies, such as Clorox, etc. The town would continue to provide trash bags and paper towels. Mr. Suggs said this revision would take place in February if approved by the board. Commissioner Pearsall asked if a checklist of materials needed would be provided to the tenants. Mr. Suggs said these checklists are within the tenants' health department paperwork. After some discussion by the board, Commissioner Rivenbark made a motion to approve the amendments without the "warning" verbiage. The board agreed to go straight to "fining" if there was a violation. The motion was seconded by Commissioner George and carried by unanimous vote.

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

Cody Suggs, Director - Parks, Recreation & Tourism Department

Commissioner Malloy recused himself from the meeting prior to the discussion of this item at 4:50 PM.

Mr. Suggs briefly explained the funding request submitted by The 1865 Society of

Pender County, LLC. Karen Malloy, President, spoke to the board and requested \$3,000 instead of \$2,500 as listed on the request. She advised there are forty (40) participants in the spelling bee that is planned for the event. Mr. Suggs advised there is an agreement for the applicant regarding the responsibility of ordering port-a-johns; this is not the responsibility of the town. After brief discussion, Commissioner Rivenbark made a motion to approve the funding request in the amount of \$3,000. The motion was seconded by Commissioner Pearsall. Motion carried.

Commissioner Malloy returned to the meeting at 4:55 PM.

E. Fire Department

Jim Taylor, Fire Chief

- There were no new updates to provide at the meeting. No questions or comments were made by the board.

F. Finance Department

Wendy Pope, Finance Officer

- Finance staff is currently working on W-2's and 1099's.

G. Facilities & Grounds Department

Damon Stanley, Facilities & Grounds Director

- Working on the restroom facility at Dees Park and the architect has requested a site survey, so this will be scheduled soon.

H. Building Inspections Department

Louis Hesse, Building Code Administrator

- No major issues with current projects in town.
- Currently working on 15 minimal housing issues.

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.

Vernon Harrell, 108 N. McRae Street, reminded the board of the planning meeting that was postponed in November 2023. He requested the board to consider rescheduling this meeting.

Ross Harrell, 111 N. Wright Street, spoke on behalf of the Spring Fest 2024 committee and asked for funding of \$2000 plus \$600 for the rental of the port-a-johns. He advised an application has been submitted to Mr. Suggs. Mr. Harrell said he also had a list of finances from last year's festival and gave it to Ms. Pope. Attorney Rivenbark confirmed with Ms. Pope there is funding available for this request and she advised there was sufficient funding available. Commissioner George made a motion to approve the funding request of \$2,600 for the 2024 Spring Fest. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

John Westbrook, 410 E. Fremont Street, spoke about an accident that almost occurred at Wilmington Street and Wright Street. He asked the town to consider reaching out to NC DOT to request the speed limit be reduced from 35 MPH to 25 MPH near the intersection.

Karen Harding, 318 S. Walker Street, spoke about the Courthouse Ave street scape master plan and asked the board why the town is proposing to spend money on public restrooms between two main sites in town, the courthouse and depot. Ms. Harding voiced her opposition to public toilets in the pocket park on Courthouse Avenue.

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).

This public hearing is a continuation from the December 2023 meeting.

Mayor Dawson declared the public hearing continued at 5:45 PM.

Mr. Combs reviewed the revised plan proposed by Penderline, LLC. *Presentation on file in the Clerk's office.*

Leo Andrades, with Penderline, LLC, spoke regarding the project. He said this is the

fourth meeting in front of the town Planning Board and Board of Commissioners. Mr. Andrades lives in Burgaw and loves his community. He stated there have been other projects with much higher density approved than the one being proposed by Penderline, LLC. He added this location does have sewer capacity, unlike some of the other projects that have already been approved. Mr. Andrades said he and his business partner, Andrew Smith, felt townhomes were the best fit for the location. He said there have been several business owners that have spoken in support of the project. He commented on the concern voiced from the board previously regarding the number of units being proposed. Mr. Andrades said this project is a huge tax base for the town.

Andrew Smith, with Penderline, LLC, spoke about the changes to the project. He reminded the board their reasoning behind going with a conditional district rezoning request verses other options. He said the board can apply conditions to the project. He said town staff has recommended approval of the project. Mr. Smith reviewed the town's goals in the 2030 Land Use Plan and said there are several goals this project accomplishes.

Commissioner Malloy asked Mr. Smith if he was willing to remove units labeled #1, #40, #21, #22, #23, #24, #17, #18, #19, and #20 (units closer to the back of the property). Mr. Smith asked why those specific units. Commissioner Malloy voiced his concern regarding wet lands and flooding in the area. Commissioner Pearsall said he wants to focus on the rezoning first. There was discussion about the buffer standards and were explained by Mr. Combs.

Commissioner Pearsall stated he would like to recuse himself from the meeting at 6:41 PM.

There was discussion on what could be constructed on the property as it is zoned today, verses what would be allowed if the rezoning took place. Mr. Combs explained the differences.

Mr. Smith spoke about the wetlands survey that he had done on the property. After some discussion, Commissioner Malloy said he is not against the project, but would like the units to be reduced by ten (10). Commissioner George requested Mr. Smith to eliminate the eight (8) units in the back of the property.

Public Comments

Rochelle Whiteside, 315 W Bridgers Street, encouraged the board to think about the town and how we want it to feel and look. She said we have a planning board for a reason and should follow their recommendation.

Sarah Smith, 511 Timberly Lane, said she was never contacted to see how she felt about the project. Ms. Smith spoke highly against the project.

Joan Stomski, 511 Timberly Lane, asked the board not to approve the rezoning. She said it is not the right time and place for this project.

Cameron Smith, 511 Timberly Lane, said he is not against growth for Burgaw, but is opposed to the rezoning.

Andrea Williams, 215 Murray Town Road, does not approve of the project.

Tony Jacques, 207 S. Walker Street, is opposed to the rezoning. He advised the board to be careful with growth. He thinks this project will have a negative impact on the town.

Eugene Mulligan, 318 S. Walker Street, said we need to look at the professionals and if they say it will work, then it is okay.

Angela Hammers, 318 E. Wallace Street, said she lives close to project and requests the board to pay attention to the flooding issues in the area.

Jacob Bolin, 3703 Horsebranch Road, spoke about his concerns with affordable housing. He said he has no problem with the development.

Continued discussion

Mayor Dawson asked Mr. Combs why the Planning Board recommended denial. Mr. Combs said most of the people here were at the Planning Board and voiced their concerns. The Planning Board members heard comments about flooding, etc. and recommended denial based on comments from the public.

Mr. Smith spoke in response to the public comments. He said he would remove the 8 units at the back if it makes the project move forward.

Commissioner Malloy said he may not be an engineer, but look at data regarding flooding. His concern is flooding, removing trees, etc. He said if the project negatively affects the town, he will not support it.

Commissioner Rivenbark said he has been here 37 years and does not like to hear the disrespect of his constituents and questioning their integrity. Commissioner Rivenbark made a motion to deny the project and move forward. The motion was seconded by Commissioner George and carried by unanimous vote. Commissioner George stated he agreed with denial because of the Planning Board's recommendation.

Commissioner Pearsall returned to the meeting at 7:30 PM.

Mayor Dawson called for a 5-minute break at 7:30 PM.

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.

No action taken on this item since consideration was denied.

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.

No action taken on this item since consideration was denied.

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).

This public hearing was not heard due to denial of Public Hearing #9A.

C. **FY 2024-25 Budget: Early Citizen Input**

James H. Gantt, Town Manager

Early Citizen Input on the FY 2024-2025 Budget

Mayor Dawson declared the public hearing open at 7:38 PM.

John Westbrook, 410 E. Fremont Street, said this is a beautiful town, and appreciates what the town is doing. He wants the board to look at the future. He said parking for downtown is important. Streetscaping for downtown is important, as well. Mr. Westbrook said we need to look at the future with the rail coming back through Burgaw. He also commented on hiring a grant writer as a new staff member. In addition, he added the town needs a pedestrian and bike system.

Eugene Mulligan, 318 S. Walker Street, spoke about past actions of the board regarding the purchase and sell of the former Bank of America building. He also commented on the amount of money in the town's fund balance and why there was a need for a loan for the renovation of the former EMS building. Mr. Mulligan also voiced his concern about the town's website not being updated with audit information, minutes, etc.

Mayor Dawson declared the public hearing closed at 7:58 PM.

10. Items from Assistant Manager

Chief Hock gave an update on the Public Works facility expansion.

A. Public Works Expansion Project Update

11. Items from Manager

A. Digital Agenda Project

Mr. Gantt advised Ms. Wells is currently using the new agenda software and things seem to be much smoother than entering items manually. Staff will be trained on how to submit agenda items soon. The board will receive town issued iPads soon to utilize the new software digitally for the meetings.

B. Town Hall Campus Parking Lot Update

Mr. Gantt advised the contractor has the plans from the engineer and will have the pricing back to him by February 1, 2024. He will bring this item back to the board at the February meeting.

C. Storm Water Master Plan Project

Staff is currently working with the firm to complete the bidding process and hopes to have everything completed within the next couple of weeks.

D. FY 2024-25 Budget Update

Department Heads have submitted their CIP requests and Mr. Gantt and Ms. Pope are working through those to have ready for the board by February.

12. Items from Attorney

Attorney Rivenbark said Mr. Joel Garner, resident/business owner on McNeil Street, is being fined \$100 per day and is still not in compliance. He said he assumes Mr. Garner is still conducting business. Attorney Rivenbark stated Mr. Garner met with Mr. Combs recently and requested if the board could waive his fines up to a certain point. Attorney Rivenbark said he does not recommend the board doing this. He recommended that the board should authorize the Attorney to send a letter and give Mr. Garner a certain amount of days to come into compliance, or if not, the Town Planner will have the authority to issue a stop work order (stated in the town code). Attorney Rivenbark said if that still does not work, and the board thinks this issue is serious enough, he requests the board to allow him to pursue a preliminary injunction against Mr. Garner to get a court order to force him to stop operating his business out of his residence. Mr. Combs said Mr. Garner has sent an email to him; Mr. Combs shared the email with the board. Mr. Combs explained what Mr. Garner needs to do to be in compliance.

After discussion, Commissioner Rivenbark stated he is not in favor of reducing the fines, and would be in favor of increasing it to cease this immediately. He said this has gone on for too long and it needs to stop. Commissioner Rivenbark made a motion to authorize Attorney Rivenbark to send a letter as soon as possible stating he must come into compliance immediately upon receipt of the letter or a stop work order would be issued by the town. If that does not work, the Attorney will pursue a preliminary injunction and move forward from that point. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

13. Items from Mayor and Board of Commissioners

Commissioner Rivenbark advised there are some street lights out around town. Mr. Gantt and Chief Hock will work with staff on checking which ones need attention.

A. Beautification Committee Updates

Mayor Dawson and Commissioner Dawson, Members of the Beautification Committee

Mayor Dawson advised the Beautification Committee decided not to display the large Santa this past Christmas due to its deteriorating condition. The committee has decided to sell the Santa with plans to purchase a new one before Christmas 2024. The committee is also looking at future needs related to Christmas decor, including electrical outlets for lights, etc.

B. Parking on South Dickerson Street

Mayor Dawson spoke about the restriping and paving on Dickerson Street in front of The Pender House and Harrell's Funeral Home. There has been concern voiced from the two business owners about the on-street parking being eliminated. Mr. Gantt advised it is a state-owned street and when they repaved it, they brought it up to current NC DOT standards. Mr. Gantt advised he is still waiting to hear back from NC DOT on scheduling a meeting with the business owners in the area.

14. Closed Session

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

Commissioner Rivenbark made a motion to go into closed session at 8:08 PM. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

The board agreed to return to open session at 9:00 PM.

Upon returning to open session, there was brief discussion on parking issues. Mr. Gantt also advised the board that the town's current IT staff member, Erik Harvey, will be resigning from the town as of February 5, 2024. There was discussion on what to do for IT needs in the future. Mr. Gantt will look into options and bring back further information to the board.

15. Adjournment

Commissioner Rivenbark made a motion to adjourn the meeting at 9:15 PM. The motion was seconded by Commissioner George and carried by unanimous vote.



**Town of Burgaw
ITEM REPORT**

Item: 5E

DATE OF MEETING: February 13, 2024 DEPARTMENT OF ORIGIN: Administration	DATE SUBMITTED: 02/07/2024 SUBMITTED BY: Kristin Wells, Town Clerk
AGENDA ITEM DESCRIPTION: Resolution 2024-04: Opposing the NC Rate Bureau's Request for Homeowners' Insurance Rate Increase	
SUMMARY STATEMENT: The NC Rate Bureau, which represents companies that write insurance policies in North Carolina, filed a request with the NC Department of Insurance on January 03, 2024 seeking an increase in homeowners' insurance rates. The increases range from 4.3% to 99.4% with a statewide average of 42.2%. The proposed increase for the Town of Burgaw is 43.5%. Additionally, homeowners with coverage through the NC Insurance Underwriters Association would be subject to an additional 15% surcharge under North Carolina law.	
STAFF RECOMMENDATION AND REQUESTED ACTION: Consider adopting the resolution in opposition of the increase.	
FINANCIAL IMPACT INCLUDING FUNDING SOURCE:	
FINANCE DIRECTOR COMMENTS:	
ATTACHMENTS (IF ANY): Resolution - Homeowners Insurance Increase	

RESOLUTION 2024-04
RESOLUTION IN OPPOSITION OF THE NC RATE BUREAU'S REQUEST FOR
HOMEOWNERS' INSURANCE RATE INCREASE

WHEREAS, the NC Rate Bureau, which represents companies that write insurance policies in North Carolina, is seeking approval from the NC Department of Insurance for an average statewide increase of 42.2% in homeowners' insurance rates effective August 1, 2024; and

WHEREAS, the requested increases for Territory 160, in which the Town of Burgaw is included, proposes an increase of 43.5% for homeowners; and

WHEREAS, the Board of Commissioners, representing the citizens of the Town of Burgaw, believes the requested increase will negatively impact the general welfare of homeowners across the State of North Carolina including the residents of Burgaw and Pender County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF BURGAW THAT:

1. The Town of Burgaw opposes the excessive rate increase for homeowners' insurance and requests that the NC Insurance Commissioner deny the request for the increase; and
2. Upon adoption, the Town Clerk shall forward a copy of this resolution to NC Insurance Commissioner Mike Causey.

Adopted this the 13th day of February 2024.

Signed: _____
G. Olivia Dawson, Mayor

Attest: _____
Kristin J. Wells, Town Clerk



**Town of Burgaw
ITEM REPORT**

Item: 6DI

DATE OF MEETING: February 13, 2024 DEPARTMENT OF ORIGIN: Parks, Recreation, & Tourism	DATE SUBMITTED: 02/07/2024 SUBMITTED BY: Kristin Wells, Town Clerk
AGENDA ITEM DESCRIPTION: Fee Waiver Consideration: Boy Scouts of America	
SUMMARY STATEMENT: The Cape Fear Council Boy Scouts of America are requesting fees be waived for usage of the Train Depot on March 27 th . The Boy Scouts are requesting usage of the building to conduct a fundraising event for the program. Fees were waived for the organization in 2022 to conduct the same event. If approved, the organization would be required to pay the mandated cleaning fee in the schedule of fees.	
STAFF RECOMMENDATION AND REQUESTED ACTION:	
FINANCIAL IMPACT INCLUDING FUNDING SOURCE:	
FINANCE DIRECTOR COMMENTS:	
ATTACHMENTS (IF ANY): Boy Scouts Document	



Town of Burgaw

Request for Fee Consideration

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

By completing this form, you are requesting that the Town of Burgaw give your group special consideration for a discount of fees relative to a facility rental at one of the Parks, Recreation & Tourism Department facilities. This form must be submitted prior to reserving the facility. Please note the following restrictions:

- Discounts are only applied to the rental rate. All other direct costs to the Town (cleaning, etc.) are not eligible for consideration.
- All fees are recommended by the Parks, Recreation & Tourism Department and approved by the Town of Burgaw Board of Commissioners, including the approved non-profit rates.

Organization Name: Cape Fear Council, Boy Scouts of America Contact Name: Levi Mullis

Please select one of the following which best describes your status:

- ☒ Non-Profit – A 501(c)(3) application is required and must be attached at time of submittal.
☐ Non-Profit Tax I.D. _____
☐ Other—Please explain : _____

Please check the box for the fee waiver requested:

- ☐ Non-Profit Discount ☒ Full Fee Waived

Phone Number: Mobile: (704) 550 -- 6777 Other: (910) 395 -- 1100 EXT. 102

Address of Organization: 110 Longstreet Dr.
Street Address
Wilmington NC 28412
City State Zip Code

Email Address: levi.mullis@scouting.org

Event/Activity Information

- (1) Name of Event/Activity: BSA Fundraiser Event
(2) Event Date: 3/27/2024
(3) Which facility are you requesting use of? Train Depot
(4) Is this a recurring event? ☐ Yes ☒ No
(5) If yes, please indicate how often the facility will be needed. Once a Year

THIS IS A REQUEST FOR FEE CONSIDERATION. SUBMISSION OF THIS FORM DOES NOT GUARANTEE FEE WAIVER OR DISCOUNT.

You will be notified by the Parks, Recreation & Tourism Department after your request has been reviewed by the Town's Board of Commissioners.

FOR OFFICE USE ONLY

Staff Name: _____ Received Date: _____ Full Rental Fee Before Discount: _____

Was a discount approved in prior years? Yes No If yes, how much? _____

Facility Supervisor Comments: _____

Fee Discount Status:

- ☐ Non-Profit Rate Approved ☐ Full Fee Waiver Approved ☐ Not Approved

Comments: _____

Date of Review by Board of Commissioners: _____ Signed: _____

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. Boy Scouts of America-425 Cape Fear Council	
	2 Business name/disregarded entity name, if different from above Cape Fear Council- Boy Scouts of America	
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. ☐ Individual/sole proprietor or single-member LLC ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate ☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. ☐ Other (see instructions) ► _____	
	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) 501-C-3 Exemption from FATCA reporting code (if any) _____ <i>(Applies to accounts maintained outside the U.S.)</i>	
	5 Address (number, street, and apt. or suite no.) See instructions. 110Longstreet Dr	Requester's name and address (optional)
	6 City, state, and ZIP code Wilmington, NC 28412	
	7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

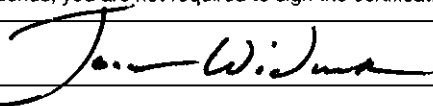
Social security number								
			-			-		
or								
Employer identification number								
5	6		-	0	5	2	9	9
							4	1

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here Signature of U.S. person ► 

Date ► **1-26-2024**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

ATLANTA GA 39901-0001

In reply refer to: 0752253593
Jan. 24, 2022 LTR 4168C 0
-*6300 000000 00

00044226
BODC: TE

BOY SCOUTS OF AMERICA
STEPHANIE PHILLIPS
1325 W WALNUT HILL LN
IRVING TX 75038-3008

Employer ID number: **-***6300
Form 990 required: YES

Dear Taxpayer:

We're responding to your request dated Jan. 12, 2022, about your tax-exempt status.

We issued you a determination letter in November 1965, recognizing you as tax-exempt under Internal Revenue Code (IRC) Section 501(c)(3).

We also show you're not a private foundation as defined under IRC Section 509(a) because you're described in IRC Sections 509(a)(1) and 170(b)(1)(A)(vi).

Donors can deduct contributions they make to you as provided in IRC Section 170. You're also qualified to receive tax deductible bequests, legacies, devises, transfers, or gifts under IRC Sections 2055, 2106, and 2522.

Under IRC Section 170, donors may be eligible to deduct contributions they make to you exclusively for the charitable purposes specified in Section 501(c)(3). If you solicit contributions or gifts for non-501(c)(3) purposes, you must include a statement indicating that these payments aren't deductible as charitable contributions for federal income tax purposes.

In the heading of this letter, we indicated whether you must file an annual information return. If you're required to file a return, you must file one of the following by the 15th day of the 5th month after the end of your annual accounting period:

- Form 990, Return of Organization Exempt From Income Tax
- Form 990EZ, Short Form Return of Organization Exempt From Income Tax
- Form 990-N, Electronic Notice (e-Postcard) for Tax-Exempt Organizations Not Required to File Form 990 or Form 990-EZ
- Form 990-PF, Return of Private Foundation or Section 4947(a)(1) Trust Treated as Private Foundation

According to IRC Section 6033(j), if you don't file a required annual information return or notice for 3 consecutive years, we'll revoke

0752253593
Jan. 24, 2022 LTR 4168C 0
-*6300 000000 00
00044227

BOY SCOUTS OF AMERICA
STEPHANIE PHILLIPS
1325 W WALNUT HILL LN
IRVING TX 75038-3008

your tax-exempt status on the due date of the 3rd required return or notice.

You can get IRS forms or publications you need from our website at www.irs.gov/forms-pubs or by calling 800-TAX-FORM (800-829-3676).

If you have questions, call 877-829-5500 between 8 a.m. and 5 p.m., local time, Monday through Friday (Alaska and Hawaii follow Pacific time).

Thank you for your cooperation.

Sincerely yours,



Teri M. Johnson
Operations Manager, AM Ops. 3



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: NC mainstreet Conference			
Project/Event Funding Year: 2024			
Project/Event Dates: march 12-14th 2024			
Organization: NC main Street and Rural Planning			
Street Address: 139 S Center street			
City: Goldsboro	State: NC	Zip Code: 27530	
Phone Number: N/A	Email: ncmainstreetandplanning.com		
Project Sponsor (person with legal authority to sign a contract with the Town): Gwen Todd			
Street Address: 163 Heathers Folly Rd			
City: Willard	State: NC	Zip Code: 28478	
Phone Number: 910 616 0786	Email: stowento@gmail.com		
Sponsor is (please check one): ☒ Non-Profit ☐ Public Agency ☐ Other			
Amount Requested: \$ 500 ⁰⁰			
Match: \$ 500 ⁰⁰			
Total Project Budget: \$ 1000 ⁰⁰			
Project Summary			
Please provide a summary of the project: To provide attendance for two board members to attend the conference. DBA is holding a fundraiser on February 10 to raise money to cover gas/lodging.			



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

Received funds will be used to pay for entrance into conference. DBA will be responsible for all other fees incurred by the board members.

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

No

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.

See attachment

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:

[Signature]

Date: 29 Jan 2024

Internal Use:

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

☐ Application Denied - Date: _____
Reason for Denial: _____

2024
NC MAIN STREET
CONFERENCE

Goldsboro, NC

MARCH 12 – 14, 2024



*Ignite,
Activate,
Empower...
Main Street!*



North Carolina
MAIN STREET

Ignite, Activate, and Empower...Main Street!

The principles of the Main Street program are designed to create downtown districts that will not only survive, but will also thrive with new activity and flourishing, exceptional uses. Main Street is economic development that is accomplished through igniting the downtown with high-quality design improvements, activating the district through authentic promotion and locally driven economic vitality, and empowering the people and the community to get involved with sustainable organization. Collectively, these activities create a rich, distinctive sense of place that is the heart of the community.

Ignite, Activate, and Empower...Main Street!, the theme of this year's conference, is an exploration of the most innovative approaches that communities are taking to accomplish their goals. From award-winning rehabilitation to memorable public art, downtowns are ignited with high-quality design improvements that energize both local residents and visitors who want to experience a genuine, creative environment. Through storytelling, pop-up shops, and locally driven marketplaces, districts are activated with fresh new marketing initiatives, events, and businesses that encourage everyone to explore downtown. And through dedicated leadership and partnerships, people are empowered to invest time and money in their communities that result in positive change.

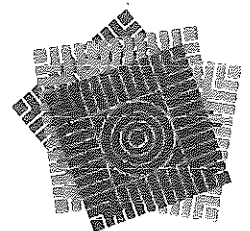
North Carolina Main Street programs and their public and private sector partners are creatively leveraging strategic economic development planning, tools, and programs that result in investment, business growth, and job creation. North Carolina Main Street communities have seen more than \$5.2 billion in investment since the inception of the program in 1980, and more than \$684 million in investment in fiscal year 2022-2023.

The North Carolina Main Street Conference is the largest statewide downtown revitalization conference in the country. Attendees include downtown economic development professionals, elected officials and local government staff, rural leaders, volunteers, business and property owners, consultants, vendors, and sponsors that are all interested in trends, initiatives, and success stories they can use to maximize downtown and community revitalization at home.

This milestone event will be held in downtown Goldsboro, North Carolina, as it proudly celebrates 40 years as an exemplary Main Street community. In that time, Goldsboro has learned the importance of partnerships, preservation, strategic planning, incremental growth, and, most importantly, using the Main Street framework to encourage collaboration with the private sector to advance ideas and involvement. The result? A vibrant, pedestrian-driven, art-centric community that is committed to ensuring the heart of Goldsboro is preserved and programmed for all.

Located in eastern North Carolina, Goldsboro is home to Seymour Johnson Air Force Base. With its wide sidewalks, walkable public spaces, a beautiful, historic train station, and an F-86 Sabre jet on display, downtown Goldsboro is a community that is leveraging its assets for economic prosperity and development in the commercial core. As a result, downtown Goldsboro has realized close to \$80 million in public and private investment in the last decade, 187 building rehabilitations, 78 net new businesses, and 430 jobs, with more to come. Today, downtown Goldsboro is thriving with an influx of diverse small businesses, an engaged community, exhibits of public art, festivals, weddings, and downtown living. Goldsboro leaders are proud of the city's history and the investments they are making in its future as a hub for arts, culture, and entrepreneurship, and they look forward to welcoming and sharing their story with you!

Thought-provoking keynote and plenary addresses and engaging breakout sessions with experienced presenters will inspire you with fresh ideas for downtown. Bring a group of community leaders, Main Street board members, and volunteers to get the most out of the conference experience. The North Carolina Main Street Conference offers the most successful implementation strategies for downtown revitalization and redevelopment available in the state, the southeast, and, perhaps, in the nation.



North Carolina



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: 2024 NC Main Street Conference		
Project/Event Funding Year: 2024		
Project/Event Dates: March 12-14		
Organization: NC Main Street & Rural Planning Center		
Street Address: 139 South Center St.		
City: Goldsboro	State: NC	Zip Code: 27530
Phone Number: 919-814-4658	Email: 1partraw@commerce.nc.gov	
Project Sponsor (person with legal authority to sign a contract with the Town): Burgaw Area Chamber of Commerce		
Street Address: PO Box 1196/115 Dickerson St.		
City: Burgaw	State: NC	Zip Code: 28425
Phone Number: 910-259-9817	Email: info@burgawchamber.com	
Sponsor is (please check one): ☒ Non-Profit ☐ Public Agency ☐ Other		
Amount Requested:	\$ 225 if by 2/16, \$250 by 3/1	
Match:	\$ _____	
Total Project Budget:	\$ 225/250	
Project Summary		
Please provide a summary of the project:		
The Burgaw Area Chamber of Commerce would like to join other Burgaw representatives at the NC Main Street Conference in Goldsboro and requests coverage of the conference cost.		



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

Funds will be used to cover cost to represent Burgaw at the 2024 NC Main Street Conference March 12-14 in Goldsboro. Full conference cost is \$225 by 2/16, \$250 by 3/1. Will attend with other Burgaw representatives.

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

(Possibly and unsure.)

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.

Conference info attached.

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:

2/5/2024

Internal Use:

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

☐ Application Denied - Date: _____
Reason for Denial: _____



2024 NC Main Street Conference
Ignite, Activate, and Empower...Main Street!
March 12-14, 2024
Goldsboro, NC

If you have more than one person to register
you will have the choice of adding another registrant or finishing current registration.

If you are making reservations ONLY for the AWARDS AND/OR CHAMPIONS CEREMONIES
please do not use this form.
[CLICK HERE to be redirected.](#)

If you are registering ONLY for the CELEBRATE NC MAIN STREET DINNER
on WEDNESDAY, March 14th, please do not use this form.
[CLICK HERE to be redirected.](#)

We accept credit/debit cards - Visa, MasterCard, Discover & American Express

March 12-14, 2023
Goldsboro, North Carolina

Paramount Theatre
139 South Center Street, Goldsboro, NC 27530

2024 Conference Rates

Full Conference	Daily Conference	Student Conference
Includes: • Conference Registration • Optional Wednesday Award Ceremony • Optional Thursday Champion Recognition	Includes: • Conference Registration • Optional Wednesday Award Ceremony • Optional Thursday Champion Recognition	Includes: • Conference Registration • Optional Wednesday Award Ceremony • Optional Thursday Champion Recognition
Pricing: Early Bird Rate \$225.00 • 1/10 - 2/16 Regular Rate \$250.00 • 2/17 - 3/01 Late Full Rate \$275.00 • 3/02 - Day of Conference	Pricing: Tuesday Only Rate \$200.00 • 1/10 - Day of Conference Wednesday Only Rate \$200.00 • 1/10 - Day of Conference	Pricing: Student ID Required at Check In Discount Price \$200.00 • 1/10 - Day of Conference Tuesday Only Rate \$175.00 • 1/10 - Day of Conference Wednesday Only Rate \$175.00 • 1/10 - Day of Conference

OPTIONAL (NOT included in conference registration fee)

Wednesday: Celebrate NC Main Street Center Dinner at local restaurant \$45 for tickets

Questions or problems registering? Contact Sharon Tripp at 919-280-4018 info@ncmainstreetconference.com

Registration Options *

(Choose One)

Coupon Code

Running Total

\$0.00

Registration Information

Registrant Name *

First

Last

Main Street/Small Town Main

Street COMMUNITY Name

Company Name *

Job Title



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: <u>Burgaw Christmas Parade - Santa</u>		
Project/Event Funding Year: <u>2024</u>		
Project/Event Dates: <u>Event 12/17 but need to book now</u>		
Organization: <u>Burgaw Area Chamber of Commerce</u>		
Street Address: <u>PO Box 1196 / 115 Dickerson St.</u>		
City: <u>Burgaw</u>	State: <u>NC</u>	Zip Code: <u>28425</u>
Phone Number: <u>910-259-9817</u>	Email: <u>info@burgawchamber.org</u>	
Project Sponsor (person with legal authority to sign a contract with the Town): <u>(Same as above)</u>		
Street Address:		
City:	State:	Zip Code:
Phone Number:	Email:	
Sponsor is (please check one): ☒ Non-Profit ☐ Public Agency ☐ Other		
Amount Requested:	\$ <u>450-500</u> * <u>Dependent on Santa booked</u>	
Match:	\$ _____	
Total Project Budget:	\$ <u>450-500</u>	
Project Summary		
Please provide a summary of the project: <u>We are asking for Town to once again sponsor Santa for the annual Christmas Parade.</u>		



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

Two current quotes attached -
cost will be to cover reserving
Santa

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

yes. unsure.

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.

Two current quotes attached.

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: 2/5/2024

Internal Use:

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

- Application Denied - Date: _____
Reason for Denial: _____



 [Kinston Santa Claus\(/santa_claus_kinston?return-to-messages=26945822\)](/santa_claus_kinston?return-to-messages=26945822)

< [Inbox\(/event-planner/inbox\)](/event-planner/inbox)

 Mark as Unread

[Profile](#) > [\(/santa_claus_kinston?return-to-messages=26945822\)](/santa_claus_kinston?return-to-messages=26945822)



Kinston Santa Claus is available for your event. **Book them now for \$432.00!** [\(/event-planner/checkout/7014636\)](/event-planner/checkout/7014636)

D

Send Kinston Santa Claus a message.



Attach photo, MP3, or PDF file (10 remaining)

Send



[\(/santa_claus_kinston?return-to-messages=26945822\)](/santa_claus_kinston?return-to-messages=26945822)

 You have received a quote! 

Quote #7014636 [\(View/Print\)](#) [\(/print-agreement/7014636/c978f2d1d2c5baf2981a45d1\)](/print-agreement/7014636/c978f2d1d2c5baf2981a45d1)

You have 6 days, 23 hours, 58 minutes to book Kinston Santa Claus [\(/santa_claus_kinston?return-to-messages=26945822\)](/santa_claus_kinston?return-to-messages=26945822).

Summary:

Total: \$400 (+ \$32 service fee)

Parade with 1000 guests in Burgaw, NC on Dec 07, 2024

[View cancellation policy](#)

[Book Now \(/event-planner/checkout/7014636\)](/event-planner/checkout/7014636)

[Decline](#)

1 minute ago

Please send me a quote.

Dawn Nicole Johnson

Vendor Info



[\(/santa_claus_kinston?return-to-messages=26945822\)](/santa_claus_kinston?return-to-messages=26945822)

Kinston Santa Claus

Kinston, NC

★★★★★ 4.91 (30 reviews)

[View Profile](#)

[\(/santa_claus_kinston?return-to-messages=26945822\)](/santa_claus_kinston?return-to-messages=26945822)

Event Info

Sat, December 7, 2024

4:00 PM – 7:00 PM (3 hours)

Burgaw, NC

Event type: Parade

Requested: Santa Claus

Santa David(/santa_david_pink_hill?return-to-messages=26945826)
Inbox(/event-planner/inbox)

Mark as Unread

Profile > (/santa_david_pink_hill?return-to-messages=26945826)

Santa David is available for your event. **Book them now for \$486.00!** (/event-planner/checkout/7014639)

D

Send Santa David a message.

Attach photo, MP3, or PDF file (10 remaining)

Send



(/santa_david_pink_hill?return-to-messages=26945826)
You have received a quote!

Quote #7014639 [View/Print](#) (/print-agreement/7014639/f59b27e1e6849f3965bea5da)

You have 6 days, 23 hours, 58 minutes to book Santa David
(/santa_david_pink_hill?return-to-messages=26945826).

Summary:

Total: \$450 (+ \$36 service fee)

Parade with 1000 guests in Burgaw, NC on Dec 07, 2024

[View cancellation policy](#)

[Book Now \(/event-planner/checkout/7014639\)](#)

[Decline](#)

1 minute ago

Please send me a quote.

Dawn Nicole Johnson

Parade · Sat, December 7, 2024 · Burgaw, NC · 4:00 PM – 7:00 PM

Vendor Info



(/santa_david_pink_hill?return-to-messages=26945826)

Santa David
Pink Hill, NC

★★★★★ 5.0 (3 reviews)

[View Profile \(/santa_david_pink_hill?return-to-messages=26945826\)](#)

Event Info

Sat, December 7, 2024

4:00 PM – 7:00 PM (3 hours)

Burgaw, NC

Event type: Parade

Requested: Santa David



**Town of Burgaw
ITEM REPORT**

Item: 6DV

DATE OF MEETING: February 13, 2024 DEPARTMENT OF ORIGIN: Parks, Recreation, & Tourism	DATE SUBMITTED: 02/07/2024 SUBMITTED BY: Kristin Wells, Town Clerk
AGENDA ITEM DESCRIPTION: Policy Consideration: Burgaw Incubator Kitchen Culinary Classes	
SUMMARY STATEMENT: The Parks, Recreation, and Tourism Department is requesting to make edits to the Entrepreneur Agreement for the Burgaw Incubator Kitchen. The policy presented will allow for approved tenants to use the Incubator Kitchen to conduct culinary classes. Further information will be discussed at the meeting.	
STAFF RECOMMENDATION AND REQUESTED ACTION:	
FINANCIAL IMPACT INCLUDING FUNDING SOURCE:	
FINANCE DIRECTOR COMMENTS:	
ATTACHMENTS (IF ANY): Entrepreneur Kitchen Agreement - Board Edits (Culinary Classess)	

Burgaw Incubator Kitchen

Entrepreneur Tenant Operating Agreement

This person or organizations joins this Agreement as Tenant of Burgaw Incubator Kitchen facility.	
Full Legal Name of Business:	Legal Status of Tenant (check one): Individual ____ Partnership ____ Corporation ____ LLC ____ Other _____(specify)
Name of Authorized Representative:	Title (e.g. sole proprietor, partner, president, manager):
Mailing Address:	Email Address:
Phone Number:	Fax Number:

THIS AGREEMENT, is made and entered into by and between the TENANT (identified above) and TOWN OF BURGAW, a North Carolina municipal corporation, (hereinafter referred to as the "Burgaw Incubator Kitchen" or "BIK").

WITNESSETH:

WHEREAS, BIK owns and operates a commercial kitchen located within the Historic Town of Burgaw Train Depot; and

WHEREAS, BIK operates an incubator kitchen in accordance with applicable federal and North Carolina law, rules, and regulations; and

WHEREAS, BIK is desirous of wanting to lease its commercial kitchen in accordance with the terms and provisions as hereinafter set forth within this Agreement;

NOW, THEREFORE in consideration of the agreement and covenants as hereinafter set forth to be done and performed by Tenant Company and the payment of the rental fees in accordance with the attached Fee Schedule, BIK does hereby let and lease unto Tenant

Company the non-exclusive use of BIK's kitchen facilities located within the Historic Town of Burgaw Train Depot located in the town of Burgaw, State of North Carolina subject to the following terms and conditions as hereinafter set forth.

TERMS OF AGREEMENT

This agreement shall commence on the date submitted and approved by the Burgaw Incubator Kitchen.

1. FACILITY AND SERVICES

BIK agrees to provide Tenant Company access to and nonexclusive use of the kitchen facility. Facilities and services provided shall include, but not be limited to, use of stoves, sinks, refrigerators, freezers, counters, and other such services described in the Fee Schedule, attached and marked as Attachment 1, and incorporated herein by reference. The equipment located with BIK's kitchen facilities may be utilized by Tenant Company during its tenancy; however, Tenant Company may use and provide its own specialized equipment so long as such specialized equipment is approved and inspected by BIK. BIK shall maintain the kitchen in a sanitary and orderly state and ensure that all equipment it makes available to Tenant Company operates to all applicable health and safety standards.

1. Culinary Classes – Only approved tenants/members of BIK may conduct public or private culinary classes in the facility (No exceptions for private business or individuals). Permission must be granted ahead of time by the BIK administrator. The approved tenant must enforce the rules of BIK while hosting and must ensure proper cleaning, sanitizing, and personal hygiene is being practiced. ServSafe is recommended for culinary classes by not required.

2. FOOD PRODUCTS

Tenant Company must obtain specific authorization from BIK for each food product prior to production. All approved uses and food products shall be listed in Attachment 3 of this Agreement.

3. OPERATING SCHEDULE

Because the kitchen is a shared-use facility, BIK shall control the times and manner of all Tenant Companies' access to and use of the kitchen. Tenant Company shall request use of the kitchen in advance, in accordance with all kitchen policies and procedures.

4. RENT

- a. FEE SCHEDULE. The fees for various uses of the kitchen and/or equipment are set out in the Fee Schedule, Attachment 1 of this Agreement. BIK reserves the right

to amend the Fee Schedule in its discretion and with such amended Fee Schedule to take effect upon giving Tenant Company at least thirty (30) days advance written notice. All previously scheduled kitchen use time will be subject to the fees listed when time was reserved.

- b. PAYMENT TERMS. BIK will bill Tenant Company for facility and storage use at the end of each calendar month. Payment is due within fifteen days. If Tenant Company pays any bill late, BIK may require them to pay as they go. A five percent (5%) fee may be charged for payments made more than 30 days after the date of the invoice.

5. DEPOSIT

Upon execution of this agreement, Tenant Company shall deposit sums as outlined by Fee Schedule as a security/cleaning deposit with BIK. The security/cleaning deposit shall be retained by BIK and may be applied by BIK, to the extent necessary, to pay and recover any loss, cost, damage or expense, including attorney's fees sustained by BIK by reason of the failure of Tenant Company to comply with any provision, covenant, or agreement of Tenant Company contained in this agreement. To the extent not necessary to cover such loss, damage, or expense, the security/cleaning deposit shall be returned to Tenant Company within sixty (60) days after expiration of this agreement or as may be otherwise provided by law. The security/cleaning deposit shall not be considered as an advance payment of rent or as a measure of the loss, cost, damage, or expense which is or may be sustained by BIK. In the event all or any portion of the security/cleaning deposit is applied by BIK to pay any such loss, cost, damage, or expense, or in the case that additional sums be required due to a change in Fee Schedule, Tenant Company shall, promptly upon demand, deposit with BIK such amounts as may be necessary to replenish the security/cleaning deposit to amount stated on fee schedule. Tenant Company will not be able to use or schedule kitchen facility until the security/cleaning deposit as stated on the Fee Schedule is paid to BIK.

6. USER DUTIES

- a. RENTAL AND USE POLICIES. Tenant Company acknowledges that Tenant Company has received and read the *Burgaw Incubator Kitchen Standard Operating Procedures* and policies, a copy of which is attached and marked as Attachment 2. BIK reserves the right to amend the kitchen standard operating procedures or policies at any time upon written notice to the Tenant Company. If Tenant Company violates these, BIK may impose a \$50 fine upon Tenant Company and upon repeated violation BIK may in its discretion terminate Agreement. Tenant Company agrees to comply with all of the rules and obligations set for in the *Burgaw Incubator Kitchen Standard Operating Procedures* and policies as currently stated and as modified at any time in the future.
- b. CONTACT INFORMATION. Tenant Company affirms that the identification, address, and contact information stated at the beginning of this document are

current and correct. Tenant Company agrees to keep BIK informed of any changes in Tenant Company's legal identify, address, or other contact information.

- c. SECURITY. Tenant Company may be provided with keys and/or pass codes for access to the kitchen facility and agrees to use kitchen facility in accordance with kitchen schedule only. No keys or pass codes provided for authorized use by the Tenant Company shall be copied or shared. No equipment or items owned by BIK shall ever leave the premises, unless authorized in advance by kitchen administrator. Any violation of these provisions may result in termination of this Agreement and of charges for the cost of changing facility locks and pass codes.
- d. ASSIGNMENT. Except for Tenant Company's authorized employees, Tenant Company may not transfer or assign any privileges under this Agreement to any third party. This includes the disclosure of the Tenant Company's security pass code. The Tenant Company shall not grant access or allow a third party to operate in the kitchen at any time. Violation of this duty is grounds for immediate termination of the Agreement and the immediate discharge of the Tenant Company from the kitchen facility.
- e. SIGNS AND ADVERTISING. No signs or advertising matter shall be painted or attached in any way on the BIK premises.

7. HEALTH AND SAFETY RESPONSIBILITIES.

To ensure the safety of all persons associated with the BIK facility, Tenant Company shall also comply with the following:

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 BRFV shall ever leave the premises. 3) Users will strictly follow the SOP's and Equipment Cleaning Guidelines provided by BRFV 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 BRFV. 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.

HOUSEKEEPING POLICIES.

WORKER SAFETY. Tenant Company is exclusively responsible to ensure that Tenant Company users and employees observe proper safety procedures while using the kitchen facility. All Tenant Company employees must be authorized by kitchen administrator by completing Emergency Contact Form. No children under 16 are allowed in the kitchen, unless pre-approved by the kitchen administrator as students in a culinary class.

RIGHT OF INSPECTION. The staff of BIK retains the right to enter and inspect operation at any time during use. The Pender County Health Department, North Carolina

Department of Agriculture and Consumer Services, Food and Drug Administration, and any other regulatory agency shall have the rights to inspect without prior notice at any time deemed necessary by their organization. Tenant Company agrees to cooperate with inspectors from all aforementioned agencies. In the event that Tenant Company fails to cooperate with said departments during any inspection, Tenant Company shall be in default of the terms of this Agreement, and BIK may terminate Tenant Company's tenancy in accordance with the provisions of this Agreement.

LIABILITY INSURANCE. Tenant Company shall maintain product liability insurance and general liability insurance policies as follows:

- i. Culinary Classes: general liability insurance
- ii. Catering for Depot Event Center (food preparation): product liability insurance with the Town of Burgaw named as additional insured
- iii. Catering for Depot Event Center (plating only): product liability insurance
- iv. Off-Site Catering: product liability insurance with the Town of Burgaw named as additional insured
- v. Food Processing Businesses: product liability insurance

Proof of such insurance must be provided to the BIK before any use of the facility by Tenant Company will be permitted. BIK reserves the right to require Tenant Company to show proof of the required insurance at any time during its tenancy.

8. IMPROVEMENTS AND GENERAL ADMINISTRATION

BIK reserves the right to make improvements at any time to the kitchen facility that may include, but not be limited to, making changes in rules of operation, accessibility, Tenant Company identification, security procedures, and support services.

9. EXCUSABLE DELAYS

BIK shall not be liable for any failure of performance of this agreement in accordance with its terms, even if such failure arises out of causes beyond BIK's control or discretion or without fault or negligence of BIK.

10. SURRENDER OF PREMISES

Tenant Company shall promptly surrender to BIK possession of kitchen premises at the termination of this lease. In the event that BIK is required to bring any action for the enforcement of any of the terms of this Agreement, and is successful in such action, Tenant Company, in addition to all other payments required herein, shall pay all costs and reasonable attorney's fees for any actions brought by BIK.

11. LIMITATION OF LIABILITY.

Tenant Company agrees that any and all claims involving BIK are strictly subject to the following limitations:

- a. INDEMNITY CLAUSE. Tenant Company will further indemnify and hold BIK harmless from and against any and all liabilities, claims, demands, suits, losses, damages, costs, attorney's fees and expenses for bodily injury to, or death of any person, or damage to or destruction of any property, caused by any negligent or intentional act or omission on the part of Tenant Company, its officer, employees or former employees.
- b. LIABILITY. BIK shall not be liable for any damage to either person or property sustained by the tenant or any third party arising in any way out of Tenant Company's use, operation, occupancy of BIK premises, or sale or distributing of any product manufactured on the premises. Tenant Company covenants and agrees to indemnify, defend, and hold harmless BIK and its employees from all claims, costs, and liability arising from or in connection with damages, injuries to persons (including death), or property in, upon, or about the BIK premises, or any portions thereof, or resulting from the sale, distribution, and use of any product manufactured by Tenant Company on the BIK premises.
- c. EMPLOYEES. Tenant Company shall be solely responsible for its employees' safety and the actions of employees, and it agrees to indemnify and hold harmless BIK from any and all causes of actions arising from the actions and negligence of Tenant Company's employees.

12. LICENSES/SALES TAX LICENSE/PROFESSIONAL/BUSINESS LICENSE

Tenant Company will maintain at all times a current North Carolina Sales Tax License, and any other licensure required by any local, state, or federal government. Tenant Company agrees to provide to BIK, at its request, sufficient proof of any licensure that is required by any local, state, or federal government. Additionally, Tenant Company shall comply with all federal, state, and local laws, ordinances, rules, and regulations during its tenancy. In the event that Tenant Company fails to comply with any federal, state, or local law, ordinance, rules, or regulation, Tenant Company shall be in default of the terms of this Agreement, and BIK may terminate Tenant Company's tenancy in accordance with the provisions of this Agreement.

13. UNLAWFUL USE

Tenant Company shall not use or permit kitchen facility premises or any parts thereof to be used by any person in violation of any municipal, county, state, or federal ordinance or law, or in any manner disruptive to BIK or its tenants. Such behavior shall include, but not be limited to, theft, fighting, consumption of alcohol on the premises, and use of any illegal narcotics or drugs.

14. DEFAULT

Tenant Company will have three (3) days after receipt of a written notice from BIK to remedy any violation, breach, or failure to keep or perform any conditions of BIK policy of this Agreement. If Tenant Company fails to correct or cure the problem within three (3) days, BIK may terminate the rights of the Tenant Company under this agreement. In addition, BIK may remove the Tenant Company's property from the facility and charge a reasonable fee for storage. Notwithstanding the foregoing, if the violation, breach, or failure to keep or perform any conditions of BIK policy or this agreement constitutes a health or safety hazard in the option of BIK, the Tenant Company must act immediately to correct the problem upon receipt of notice thereof, which notice may be oral or written. If Tenant Company fails to commence immediate corrective action, BIK may also terminate the rights of the Tenant Company under this agreement. The remedies set forth herein for default shall be in addition to other remedies available to BIK.

15. SURVEYS AND REPORTS

Tenant Company will provide BIK with annual survey data regarding employees, income levels, and other statistical data as required for program evaluation and grant requirements.

16. PUBLIC RECORDS

All of BIK documents and records are subject to the North Carolina Public Records law, and any records provided to BIK by Tenant Company in accordance with the terms of this Agreement may be subject to the North Carolina Public Records Law.

17. GENERAL

- a. The laws of the State of North Carolina shall govern this agreement.
- b. Any disputes regarding this Agreement shall be resolved in the courts of Pender County, North Carolina, and according to the laws of North Carolina.
- c. BIK makes no representations, warranties, or guarantees, express or implied, including, without limitation, any warranties for the merchantability or fitness for the intended use of the incubator kitchen facilities, other than those contained in this agreement.
- d. Tenant Company acknowledges that it has read this agreement, understands it, and agrees to be bound by its terms. Further, Tenant Company agrees that this agreement constitutes the entire agreement between the parties and supersedes all proposals, oral and written, and all negotiations, conversation, or discussion had between the Tenant Company and BIK related to the subject matter of this agreement.
- e. Tenant Company further acknowledges that it has inspected the premises and accepts them "as is" for the purposes of the Tenant Company's use during the term of its lease. If at any time, the facility is no longer sufficient for the requirements

of the Tenant Company, this agreement may be terminated upon written notice to BIK.

- f. This agreement may be terminated without cause by agreement of the parties.
- g. This agreement may also be terminated for cause if either party fails to conform to the covenant of this agreement.
- h. This Agreement shall not be construed to form a partnership or any other business association between the Parties other than independent parties to contract. Tenant Company, its officers, agents and employees are not employees or agents of BIK.
- i. BIK and the Historic Town of Burgaw Train Depot is a unique facility that is meant to be used and enjoyed by its users. Tenant Company agrees to respect the rights and property of any other users of the kitchen facility or any other facilities located within the Historic Town of Burgaw Train Depot.

18. AMENDMENTS

This agreement may be amended by mutual consent of BIK and Tenant Company with such amendment being made in writing and signed by each of the respective parties.

19. NOTICES

All written notices, which may be required under this Agreement, shall be delivered personally, by email, or sent by regular mail, postage prepaid, addressed as indicated on this document.

Written notices and communications from Tenant Company to BIK should be delivered by email to csuggs@burgawnc.gov or mailed or delivered as follows:

Burgaw Incubator Kitchen
c/o Town of Burgaw
109 N. Walker St.
Burgaw, NC 28425

Notices delivered personally shall be effective when delivered. Notices sent by mail shall be effective when delivered or three (3) calendar days after mailing, whichever occurs first.

Any informal communications between BIK and Tenant Company for the scheduling of the kitchen facilities or any matter unrelated to this Agreement may be made pursuant any oral or written communication between the parties.

IN TESTIMONY WHEREOF, the parties have executed this Agreement in duplicate originals, one of which is retained by each of the parties, the day and year first above written.

TENANT COMPANY

Signature of Authorized Representative

Name of Authorized Representative (please print)

Tenant Company Name

BURGAU INCUBATOR KITCHEN

By: _____
Kitchen Administrator



**Town of Burgaw
ITEM REPORT**

Item: 6DVI

DATE OF MEETING: February 13, 2024 DEPARTMENT OF ORIGIN: Parks, Recreation, & Tourism	DATE SUBMITTED: 02/07/2024 SUBMITTED BY: Kristin Wells, Town Clerk
AGENDA ITEM DESCRIPTION: Discussion: Digital Sign Board for Burgaw Town Center	
SUMMARY STATEMENT: Three formal quotes have been submitted for the digital sign to be installed at the Burgaw Town Center. Quotes will be presented at the next meeting for the Board to make comments and provide feedback to staff.	
STAFF RECOMMENDATION AND REQUESTED ACTION:	
FINANCIAL IMPACT INCLUDING FUNDING SOURCE:	
FINANCE DIRECTOR COMMENTS:	
ATTACHMENTS (IF ANY): September Signs Document, Sign and Awning Document, Southern Signs Document	



Estimate #3718

01/19/2024

Prepared for:
Burgaw Parks and Rec
 Cody Suggs

Prepared by:
September Signs & Graphics LLC

Salesperson: Will Nabors
 6731-4 Amsterdam Way
 Wilmington, NC 28405

Phone: 910-300-6401

Fax:

Phone: 910-791-9084

Fax: 910-791-9085

Description:

108 E. Wilmington St. Signs

Delivery:

Production time for the following item(s) will be approximately 45 working days.

Quantity	Description	Each	Amount	Tax
1	Brick monument sign built with customers bricks, we supply, block caps and concrete.	\$9,200.00	\$9,200.00	Yes
1	53"x99" 10mm Watchfire EMC with screen 4'x8' viewable. 10 year 4G wireless connection.	\$42,000.00	\$42,000.00	Yes
1	1/4" cbond sign for back of building and 27"x21" cbond sign logo for road sign and front of building	\$510.00	\$510.00	Yes
1	6" Plastic formed letters "BRUGAW TOWN CENTER" for front of the building	\$613.00	\$613.00	Yes
1	Install all signs	\$6,750.00	\$6,750.00	Yes
1	Customer to bring power required to road sign	\$0.00	\$0.00	Yes
1	Sign permits at cost	\$0.00	\$0.00	Yes
1	Permit acquisition	\$195.00	\$195.00	Yes

TOTALS Subtotal: \$59,268.00

Sales Tax: \$4,148.76

Total: \$63,416.76

Terms:

This estimate good for 10 days. 50% deposit due on signing, 50% due on installation.



Estimate #3718

01/19/2024

Prepared for:
Burgaw Parks and Rec
Cody Suggs

Prepared by:
September Signs & Graphics LLC
Salesperson: Will Nabors
6731-4 Amsterdam Way
Wilmington, NC 28405

Phone: 910-300-6401 Fax:

Phone: 910-791-9084 Fax: 910-791-9085

By my signature below, I authorize work to begin and agree to pay above amount in full according to the terms on this agreement.

SIGNED: _____ **DATE:** _____ **AMT. PAID TODAY:** _____

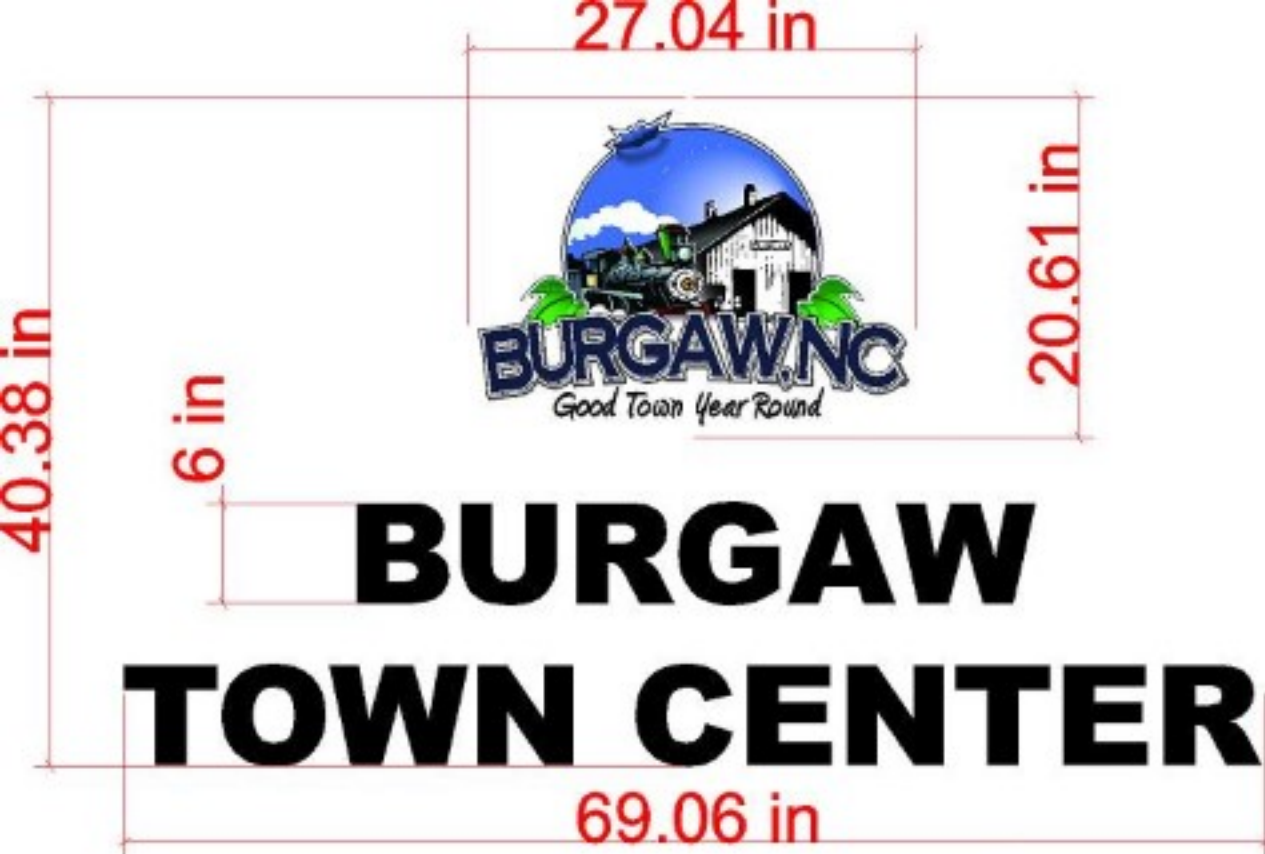
24"x24"



BURGAW PARKS, RECREATION & TOURISM

**MONDAY - FRIDAY
8:00AM - 5:00PM**

108 E. Wilmington St.



113.19 in



162.66 in

2785 US Hwy 301 N., Dunn, NC 28334
(910) 892-5900 | (910) 892-2140
info@signandawning.com

Date: 01/31/2024

To:
Cody Suggs
Town of Burgaw, Parks, Recreation & Toursim
109 N. Walker Street
Burgaw, NC, 28425
(910) 300-9011
csuggs@burgawnc.gov

Prepared by: Jason Honeycutt, Owner/Sales

Thanks for the request for a quote. We are confident that our (SAS and Daktronics) products are the best solution for The Town of Burgaw. We are located in Dunn and have completed numerous LED signage / conversions for schools, churches, and organizations. A short list of conversions is below.

Completed Projects

All (6) Clinton City Schools	Central Baptist Church
Midway High School	Coats Baptist Church
South View High School	Stoney Run Baptist Church
Overhills High/Middle School	Long Branch Baptist Church
Dune Shrine Club	Crown Coliseum
Spivey's Corner Fire Department	Campbell University Football and Basketball
Falcon Fire Department	Gospel Tabernacle
Dunn Chamber of Commerce	Glad Tidings Church
Pizza Inn - Smithfield	City of Dillion
Johnston Health	Town of Hope Mills
Smithfield Chicken and BBQ - Dunn, Wilmington	Town of Red Oak
Lenior County Health Department	Dunn Emergency Services
Cork and Brew	Terry Spell Mechanical
Pine Level American Legion	Town of Castalia

We use Daktronics LED displays because they are the market leader in technology, performance, and customer support. They share our core principles of integrity, quality, commitment, and innovation. If anything happens to your display, we (SAS) will be there quickly to evaluate the issue. Daktronics will send overnight parts to our facility for repair, and we will return to address the issue. Daktronics is trusted by several collegiate and professional athletic organizations with their videoboards and scoreboards which ensure that you are getting a top-notch product.

The price and details are below for a new installation. We plan to fabricate and install an aluminum cabinet for the Daktronics digital message board. We will attach this new display to a new ground support pole and footing including brickwork (bricks provided by Town). We will provide engineering documentation with the permit. I have quoted the 10mm pitch display (the smaller the number, the better the picture quality, the more costly the display). Most schools and churches are purchasing the 15.85mm and 10mm displays. We feel confident that the 15.85mm or 10mm will meet your needs and expectations.

- Concord Baptist Church in Magnolia has a 35" x 90" 10mm display for reference.
- New Christian Chapel Missionary Baptist Church in Rose Hill has a 35" x 90" 10mm display for reference.

Daktronics has a demo trailer with a 15.85mm LED installed as well as an 8mm installed. The trailer and Daktronics rep are in the Charlotte area. We can schedule a demo with you and other officials and/or committee, if needed. You can actually see your content on the display, and we can answer any questions that you may have about LEDs and installation. As always, we can tweak the rendering, change the sign size, etc. to optimize cost to accommodate your needs. Please let me know if you have any questions.

Product	Description	Total
8mm 35" x 90" Cabinet 29" x 87" Active Area 10mm 35" x 90" Cabinet 29" x 87" Active Area 8mm 50" x 90" Cabinet 44" x 87" Active Area 10mm 50" x 90" Cabinet 44" x 87" Active Area	<u>All New ID Road Sign</u> 16"x90" Double faced cabinet (8mm/10mm) - All aluminum cabinet with steel support - LED illumination, UL certified - Painted black with semi-gloss, sign grade paint. - Pan and painted acrylic faces, painted on second surface (premium face over competition which uses a flat face) - Engineering documentation included. - Masonry included (bricks provided by Town of Burgaw) <u>Daktronics LED Message Board and Cabinet</u> 8mm/10mm 35" x 90" cabinet, 29" x 87" active area 8mm/10mm 50" x 90" cabinet, 44" x 87" active area - Galaxy Outdoor Electronic Message Center - GT6 Series (8mm/10mm), RGB Standard Cabinet - Two single face sign displays (mounted back-to-back) - FULL COLOR Display - RGB (281 trillion Colors) - Lifetime Verizon cellular communication system complete with Windows compatible software. 5-year parts warranty. The option to purchase up to an additional 5 years after the initial warranty expires. - We will provide intermediate training in programming. <u>Installation</u> - New signage will be installed by engineer's seal, if applicable - Any residual dirt/debris will be left onsite, if applicable. - Final wire hook-up by others, SAS will assist.	8mm Price = \$38,035 + Tax (35" x 90" cabinet, 29" x 87" active area) 10mm Price = \$35,395.00 + Tax (35" x 90" cabinet, 29" x 87" active area) 8mm Price = \$46,085 + Tax (50" x 90" cabinet, 44" x 87" active area) 10mm Price = \$40,600 + Tax (50" x 90" cabinet, 44" x 87" active area) Install = \$3,975 + tax + permits Estimated installation 10-12 weeks after PO
Town of Burgaw PVC Letters Town of Burgaw Wall Panel	<u>Town of Burgaw PVC Letter</u> - LED illumination, UL certified - Painted black with semi-gloss, sign grade paint. - Pan and painted acrylic faces, painted on second surface (premium face over competition which uses a flat face) - Engineering documentation included. - Masonry included (bricks provided by Town of Burgaw) <u>Town of Burgaw Wall Panel</u> 18" x 24" x 1/8" aluminum composite panel, prefinished white with vinyl copy	PVC Price = \$1,250 + Tax Wall Panel Price = \$45 + Tax Install Price = \$675



TOWN OF BURGAW

16" x 90" ID Sign / 35" x 90" Daktronics Digital Display (8mm or 10mm)

2785 US Hwy 301 N, Dunn, NC 28334
Ph: 910-892-5900 • Fax: 910-892-2140 • www.SignandAwning.com

NOTE: These designs are property of Sign & Awning Systems, Inc. and can not be reproduced without permission.

All artwork must be approved by the customer before we move forward with the order. It is the customer's responsibility to ensure that the proof is correct in all areas. Please be sure to double-check Spelling, Grammar, Layout, and Design Content. If the proof containing errors is approved, the customer is liable for all costs, including corrections and reprints. Proofs may not represent exact colors. All colors displayed may look different in person than on your computer screen due to the individual monitor or screen color settings.

Customer / Landlord Approval:

Date:



TOWN OF BURGAW

50" x 90" Daktronics Digital Display (8mm or 10mm)

2785 US Hwy 301 N, Dunn, NC 28334
Ph: 910-892-5900 • Fax: 910-892-2140 • www.SignandAwning.com

NOTE: These designs are property of Sign & Awning Systems, Inc. and can not be reproduced without permission.

All artwork must be approved by the customer before we move forward with the order. It is the customer's responsibility to ensure that the proof is correct in all areas. Please be sure to double-check Spelling, Grammar, Layout, and Design Content. If the proof containing errors is approved, the customer is liable for all costs, including corrections and reprints. Proofs may not represent exact colors. All colors displayed may look different in person than on your computer screen due to the individual monitor or screen color settings.

Customer / Landlord Approval:

Date:



TOWN OF BURGAW

PVC Letters (Stud-Mounted, Stand-Off Wall)

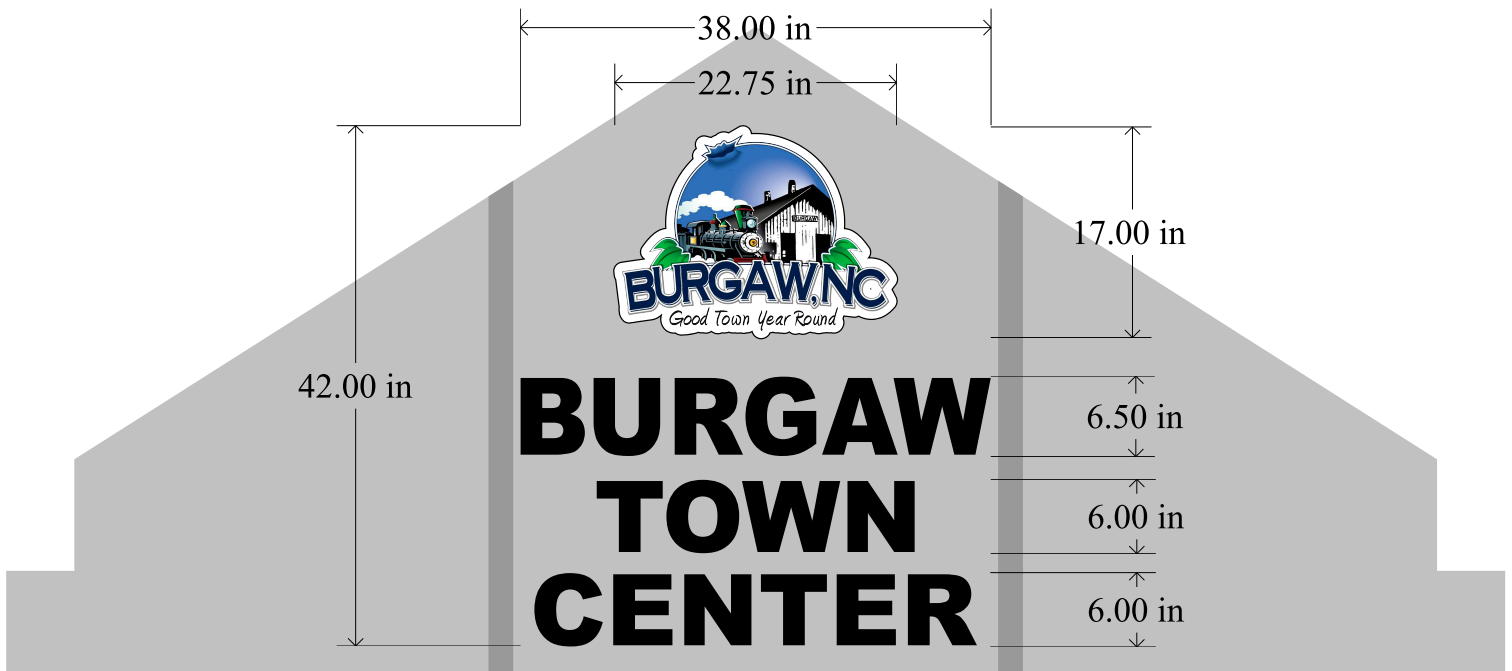
2785 US Hwy 301 N, Dunn, NC 28334
Ph: 910-892-5900 Fax: 910-892-2140 www.SignandAwning.com

NOTE: THESE DESIGNS ARE PROPERTY OF SIGN & AWNING SYSTEMS AND CAN NOT BE REPRODUCED WITHOUT PERMISSION.

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Customer / Landlord Approval:

Date:



TOWN OF BURGAW PVC Letters (Stud-Mounted)

2785 US Hwy 301 N, Dunn, NC 28334
Ph: 910-892-5900 Fax: 910-892-2140 www.SignandAwning.com

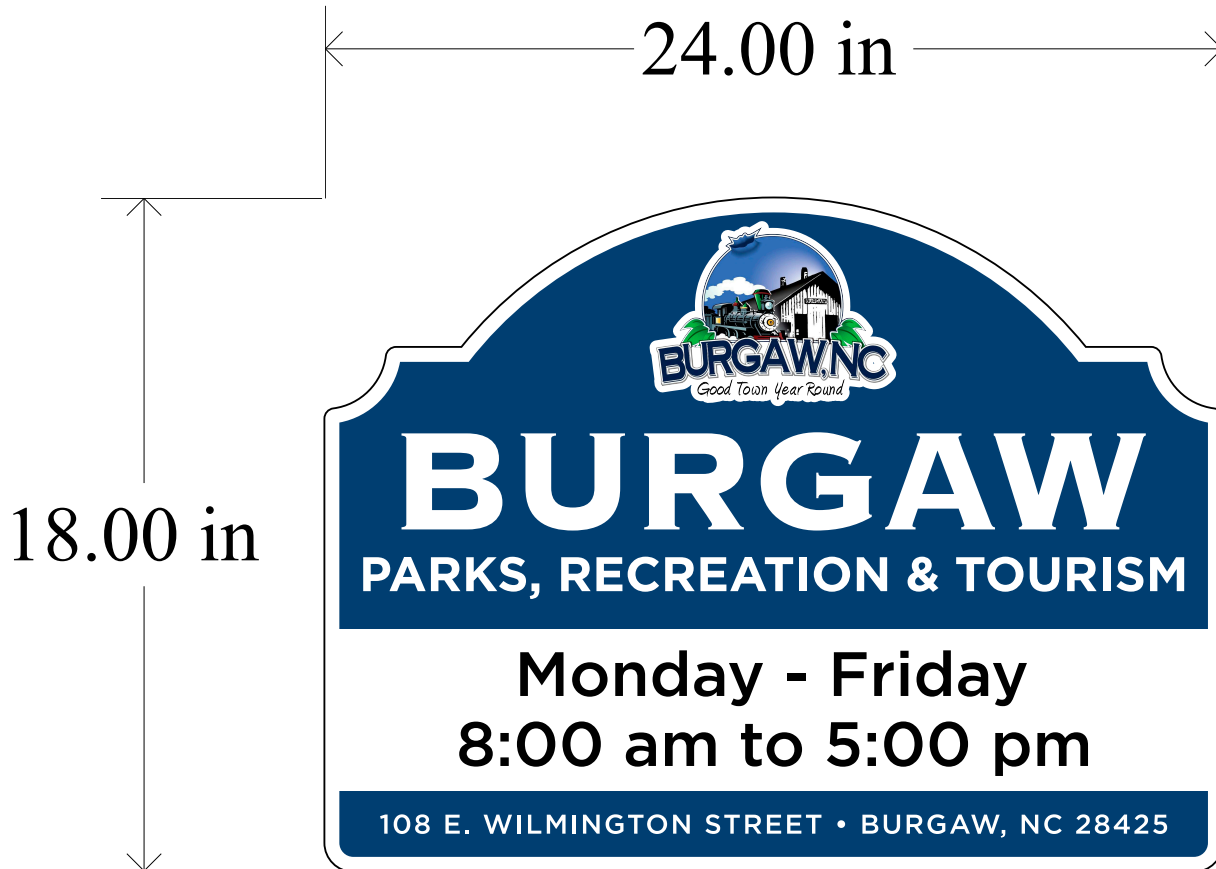
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All artwork must be approved by the customer before we move forward with the order. It is the customer's responsibility to ensure that the proof is correct in all areas. Please be sure to double-check Spelling, Grammar, Layout, and Design Content. If the proof containing errors is approved, the customer is liable for all costs, including corrections and reprints. Proofs may not represent exact colors. All colors displayed may look different in person than on your computer screen due to the individual monitor or screen color settings.

Customer / Landlord Approval:

Date:

CONFIRM WALL SPACE AVAILABLE



TOWN OF BURGAW Wall Sign

2785 US Hwy 301 N, Dunn, NC 28334
Ph: 910-892-5900 Fax: 910-892-2140 www.SignandAwning.com

NOTE: THESE DESIGNS ARE PROPERTY OF SIGN & AWNING SYSTEMS AND CAN NOT BE REPRODUCED WITHOUT PERMISSION.

All artwork must be approved by the customer before we move forward with the order. It is the customer's responsibility to ensure that the proof is correct in all areas. Please be sure to double-check Spelling, Grammar, Layout, and Design Content. If the proof containing errors is approved, the customer is liable for all costs, including corrections and reprints. Proofs may not represent exact colors. All colors displayed may look different in person than on your computer screen due to the individual monitor or screen color settings.

Customer / Landlord Approval:

Date:



WWW.SOUTHERNSIGNCOMPANY.COM

Estimate #16263

1/29/2024

Prepared For:

Town of Burgaw
108 E Wilmington St
Burgaw, NC 28425

Phone: 910-300-6401 Fax:
Alt. Phone: 704-240-1977
E-Mail: csuggs@burgawnc.gov

Prepared By:

Clark Wilson
Southern Sign Company
PO Box 16626
Wilmington, NC 28408
USA

Phone: 910-794-8243 Fax: 910-794-8244
Alt. Phone:
E-Mail: office@southernsigncompany.com

Description:

Burgaw Town Center
Monument Sign
Option 1

Quantity	Description	Each	Total	Taxable
1	Labor & Materials (Brick Provided By Town Of Burgaw) Footings - Brick Column & Base. Powder Coated Aluminum Framework For LED Message Center. (2) Custom Shaped Logo Pieces.	14900.00	\$14,900.00	✓
1	Watchfire - 8mm Twin Pack 4' x 8' Viewing Area Pixel Matrix: 144 x 288 Overall Size Per Face: 4'5" x 8' 3" x 5" Deep Character Size: 15 Lines/ 57.6 Characters At 3" Tall 5 Year Warranty Electrical Requirments: 120 Volt - 46Amps	49250.00	\$49,250.00	✓
1	Watchfire - 10mm Twin Pack 4' x 8' Viewing Area Pixel Matrix: 120 x 240 Overall Size Per Face: 4'5" x 8' 3" x 5" Deep Character Size: 15Lines/ 48 Characters At 3" Tall 5 Year Warranty Electrical Requirments: 120 Volt - 40 Amps	41325.00	\$41,325.00	✓
1	Watchfire - 16mm Twin Pack 4' x 8' Viewing Area Pixel Matrix: 72 x 144 Overall Size Per Face: 4'5" x 8' 3" x 5" Deep Character Size: 8 Lines/ 28.8 Characters At 4" Tall 5 Year Warranty Electrical Requirments: 120 Volt - 18 Amps	33700.00	\$33,700.00	✓



WWW.SOUTHERNSIGNCOMPANY.COM

Estimate #16263

1/29/2024

Terms:

By my signature, I authorize work to begin and agree to pay the above amount in full according to the terms on this agreement.

Signed by

Date

Amt. Paid Today



WWW.SOUTHERNSIGNCOMPANY.COM

Estimate #16264

1/29/2024

Prepared For:

Town of Burgaw
108 E Wilmington St
Burgaw, NC 28425

Phone: 910-300-6401

Fax:

Alt. Phone: 704-240-1977

E-Mail: csuggs@burgawnc.gov

Prepared By:

Clark Wilson
Southern Sign Company
PO Box 16626
Wilmington, NC 28408
USA

Phone: 910-794-8243

Fax: 910-794-8244

Alt. Phone:

E-Mail: office@southernsigncompany.com

Description:

Burgaw Town Center
Monument Sign
Option 2

Quantity	Description	Each	Total	Taxable
1	Labor & Materials (Brick Provided By Town Of Burgaw) Footings - Brick Column & Base. Powder Coated Aluminum Framework For LED Message Center. (2) Custom Shaped Logo Pieces.	15990.00	\$15,990.00	✓
1	Watchfire - 8mm Twin Pack 3' x 8' Viewing Area Pixel Matrix: 108 x 288 Overall Size Per Face: 3'5" x 8' 3" x 5" Deep Character Size: 11 Lines/ 57.6 Characters At 3" Tall 5 Year Warranty Electrical Requirments: 120 Volt - 34 Amps	34150.00	\$34,150.00	✓
1	Watchfire - 10mm Twin Pack 3' x 8' Viewing Area Pixel Matrix: 90 x 240 Overall Size Per Face: 3'5" x 8' 3" x 5" Deep Character Size: 11 Lines/ 48 Characters At 3" Tall 5 Year Warranty Electrical Requirments: 120 Volt - 30 Amps	34165.00	\$34,165.00	✓
1	Watchfire - 16mm Twin Pack 3' x 8' Viewing Area Pixel Matrix: 54 x 144 Overall Size Per Face: 3'5" x 8' 3" x 5" Deep Character Size: 6 Lines/ 28.8 Characters At 4" Tall 5 Year Warranty Electrical Requirments: 120 Volt - 14 Amps	39700.00	\$39,700.00	✓



WWW.SOUTHERNSIGNCOMPANY.COM

Estimate #16264

1/29/2024

Terms:

By my signature, I authorize work to begin and agree to pay the above amount in full according to the terms on this agreement.

Signed by

Date

Amt. Paid Today



WWW.SOUTHERNSIGNCOMPANY.COM

Estimate #16265

1/29/2024

Prepared For:

Town of Burgaw
108 E Wilmington St
Burgaw, NC 28425

Phone: 910-300-6401 Fax:
Alt. Phone: 704-240-1977
E-Mail: csuggs@burgawnc.gov

Prepared By:

Clark Wilson
Southern Sign Company
PO Box 16626
Wilmington, NC 28408
USA

Phone: 910-794-8243 Fax: 910-794-8244
Alt. Phone:
E-Mail: office@southernsigncompany.com

Description:

Burgaw Town Center
Monument Sign
Option 3

Quantity	Description	Each	Total	Taxable
1	Labor & Materials (Brick Provided By Town Of Burgaw) Footings - (2) Brick Columns & Base. Powder Coated Aluminum Framework For LED Message Center. (2) Custom Shaped Logo Pieces.	17350.00	\$17,350.00	✓
1	Watchfire - 8mm Twin Pack 4' x 8' Viewing Area Pixel Matrix: 144 x 288 Overall Size Per Face: 4'5" x 8' 3" x 5" Deep Character Size: 15 Lines/ 57.6 Characters At 3" Tall 5 Year Warranty Electrical Requirments: 120 Volt - 46Amps	49250.00	\$49,250.00	✓
1	Watchfire - 10mm Twin Pack 4' x 8' Viewing Area Pixel Matrix: 120 x 240 Overall Size Per Face: 4'5" x 8' 3" x 5" Deep Character Size: 15Lines/ 48 Characters At 3" Tall 5 Year Warranty Electrical Requirments: 120 Volt - 40 Amps	41325.00	\$41,325.00	✓
1	Watchfire - 16mm Twin Pack 4' x 8' Viewing Area Pixel Matrix: 72 x 144 Overall Size Per Face: 4'5" x 8' 3" x 5" Deep Character Size: 8 Lines/ 28.8 Characters At 4" Tall 5 Year Warranty Electrical Requirments: 120 Volt - 18 Amps	33700.00	\$33,700.00	✓
1	PERMITTING: TBD	0.00	\$0.00	✓



WWW.SOUTHERNSIGNCOMPANY.COM

Estimate #16265

1/29/2024

Terms:

By my signature, I authorize work to begin and agree to pay the above amount in full according to the terms on this agreement.

Signed by

Date

Amt. Paid Today



WWW.SOUTHERNSIGNCOMPANY.COM

Estimate #16266

1/29/2024

Prepared For:

Town of Burgaw
108 E Wilmington St
Burgaw, NC 28425

Phone: 910-300-6401 Fax:
Alt. Phone: 704-240-1977
E-Mail: csuggs@burgawnc.gov

Prepared By:

Clark Wilson
Southern Sign Company
PO Box 16626
Wilmington, NC 28408
USA

Phone: 910-794-8243 Fax: 910-794-8244
Alt. Phone:
E-Mail: office@southernsigncompany.com

Description:

Town Center - Exterior Building Signs

Quantity	Description	Each	Total	Taxable
1	42" Tall x 66" Wide - Cutom Routed Logo & Letters - 3/4" PVC - 3/4" Stand-Offs	1540.00	\$1,540.00	✓
1	Installation: - Blind Stud Mount	650.00	\$650.00	✓
1	24.00 in x 36.00 in Custom Routed Wall Sign - 3/4" PVC	300.00	\$300.00	✓
1	Installation: Blind Stud Mount	200.00	\$200.00	✓

Terms:

By my signature, I authorize work to begin and agree to pay the above amount in full according to the terms on this agreement.

Signed by

Date

Amt. Paid Today

SIDE 1 VIEW

FRONT/BACK VIEW

SIDE 2 VIEW



OPTION 1

SIDE 1 VIEW

FRONT/BACK VIEW

SIDE 2 VIEW



OPTION 2

SIDE 1 VIEW

FRONT/BACK VIEW

SIDE 2 VIEW



OPTION 3



*** OPTION 1 Shown In This Rendering**





36" Tall x 24" Wide
Custom Shaped Wall Sign
Direct Printed / Clear Coated

36"

APPROVED BY:

DATE:

PRINT NAME:

*NOTE: Production will not begin without signed approval. Signed approvals may be submitted via email or text photo to 910-418-4710.



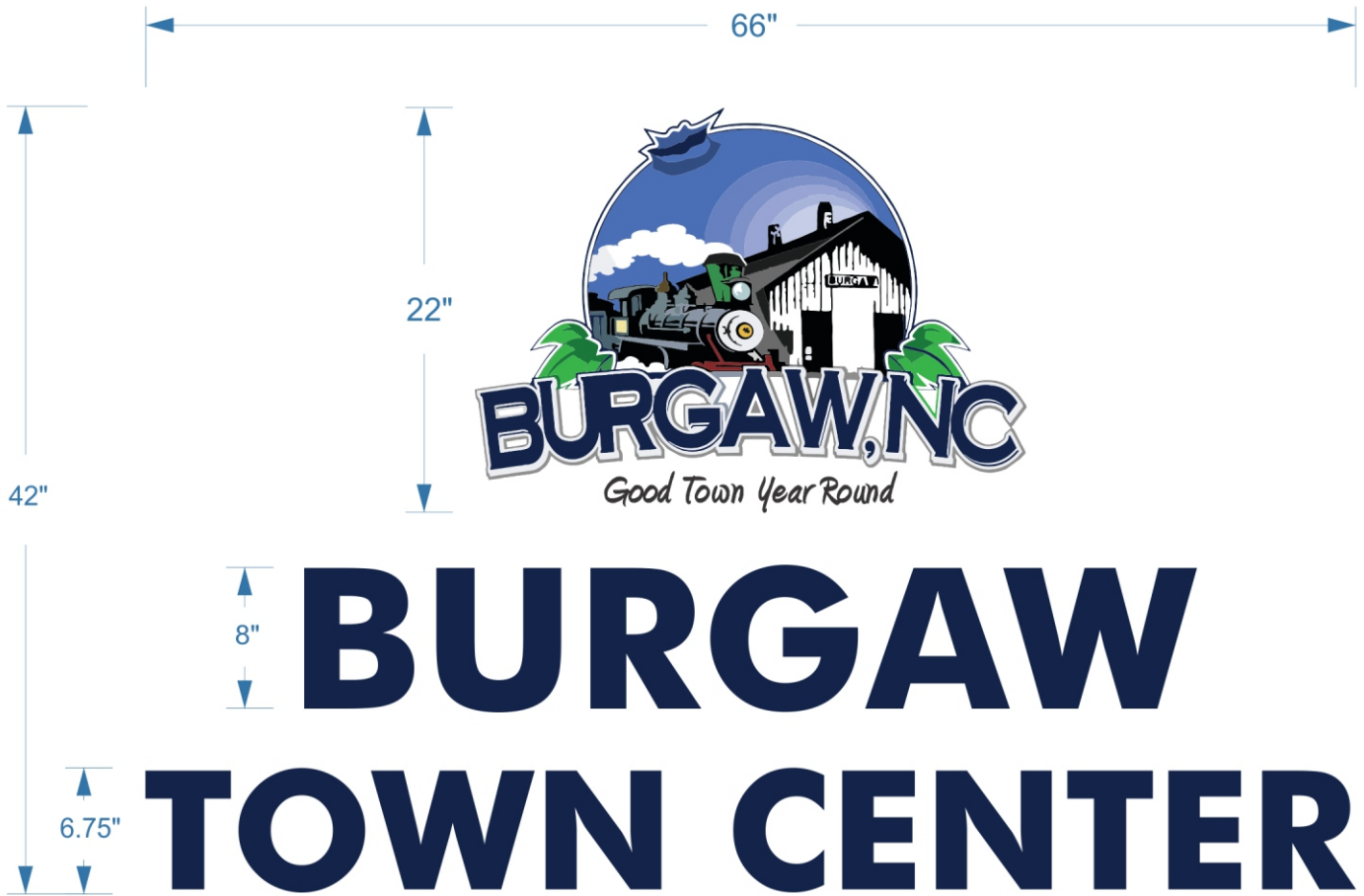
ARTWORK DISCLAIMER

PLEASE REVIEW AND VERIFY THAT ALL GRAPHICS, COPY AND SPELLING IS CORRECT. Once this proof is approved, the order is put into production. Any corrections and/or changes, AFTER proof approval are subject to an additional charge. Southern Sign Company is NOT responsible for any copy errors based on approved artwork.

All layouts and proofs are the Intellectual Property of Southern Sign Company and may NOT be reproduced, in any way, without written consent.



Custom Routed 3/4" Thick PVC Letters & Logo
Blind Stud Mounted - 3/4" Stand-Offs



APPROVED BY: _____
PRINT NAME: _____

DATE: _____
*NOTE: Production will not begin without signed approval.
Signed approvals may be submitted via email
or text photo to 910-418-4710.



ARTWORK DISCLAIMER

PLEASE REVIEW AND VERIFY THAT ALL GRAPHICS, COPY AND SPELLING IS CORRECT.
Once this proof is approved, the order is put into production. Any corrections and/or changes, AFTER proof approval are subject to an additional charge. Southern Sign Company is NOT responsible for any copy errors based on approved artwork.

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**Town of Burgaw
ITEM REPORT**

Item: 6DVII

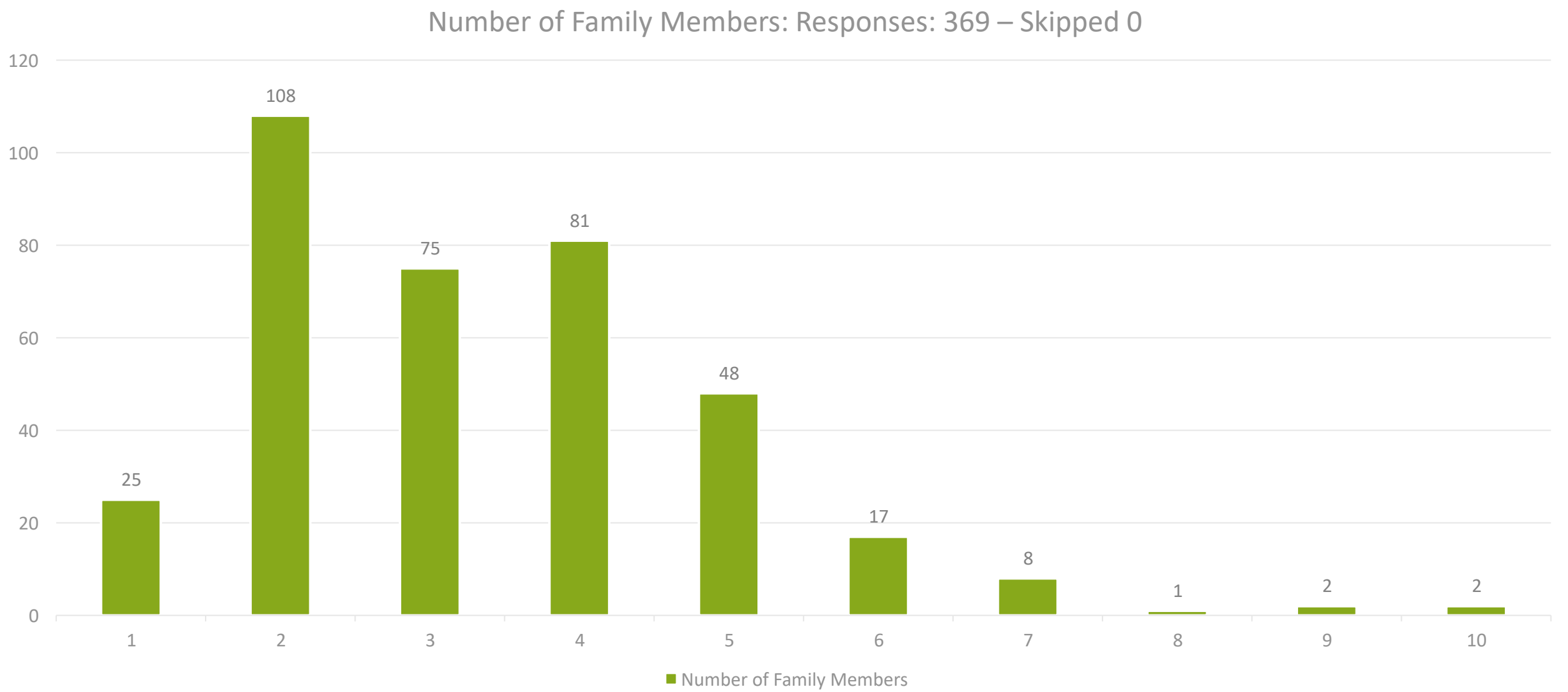
DATE OF MEETING: February 13, 2024 DEPARTMENT OF ORIGIN: Parks, Recreation, & Tourism	DATE SUBMITTED: 02/07/2024 SUBMITTED BY: Kristin Wells, Town Clerk
AGENDA ITEM DESCRIPTION: Survey Results: Parks & Recreation Master Plan Update	
SUMMARY STATEMENT: The Parks, Recreation, and Tourism Department is working with the Planning Department to update our 2016 Parks and Recreation Master Plan. The Recreation Needs survey was launched in September 2023. Results from the survey will be presented at the meeting.	
STAFF RECOMMENDATION AND REQUESTED ACTION:	
FINANCIAL IMPACT INCLUDING FUNDING SOURCE:	
FINANCE DIRECTOR COMMENTS:	
ATTACHMENTS (IF ANY): Master Plan Survey Results - Board Powerpoint	



PARKS & RECREATION MASTER PLAN UPDATE

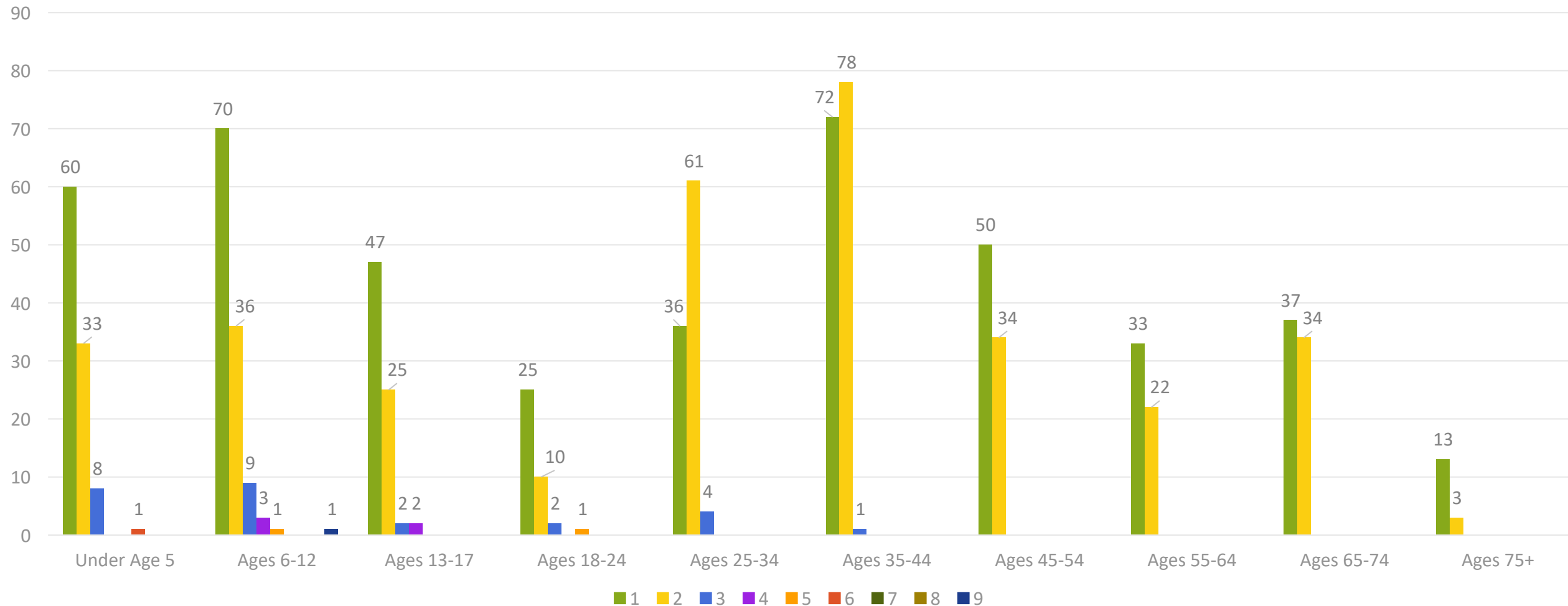
SURVEY RESULTS

Q1. COUNTING YOURSELF, HOW MANY PEOPLE LIVE IN YOUR HOUSEHOLD?



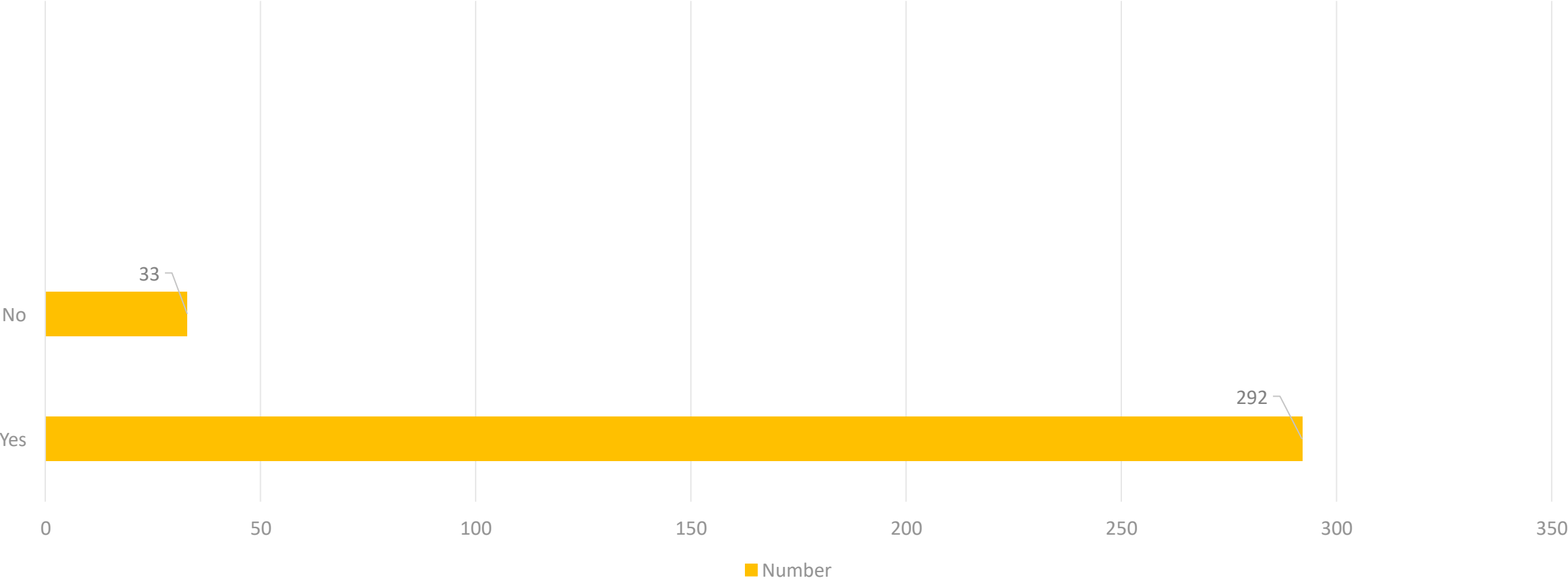
Q2. PLEASE MARK HOW MANY PEOPLE IN EACH AGE GROUP LIVE IN YOUR HOUSEHOLD.

Age Group Per Household: Responses: 369 – Skipped 0



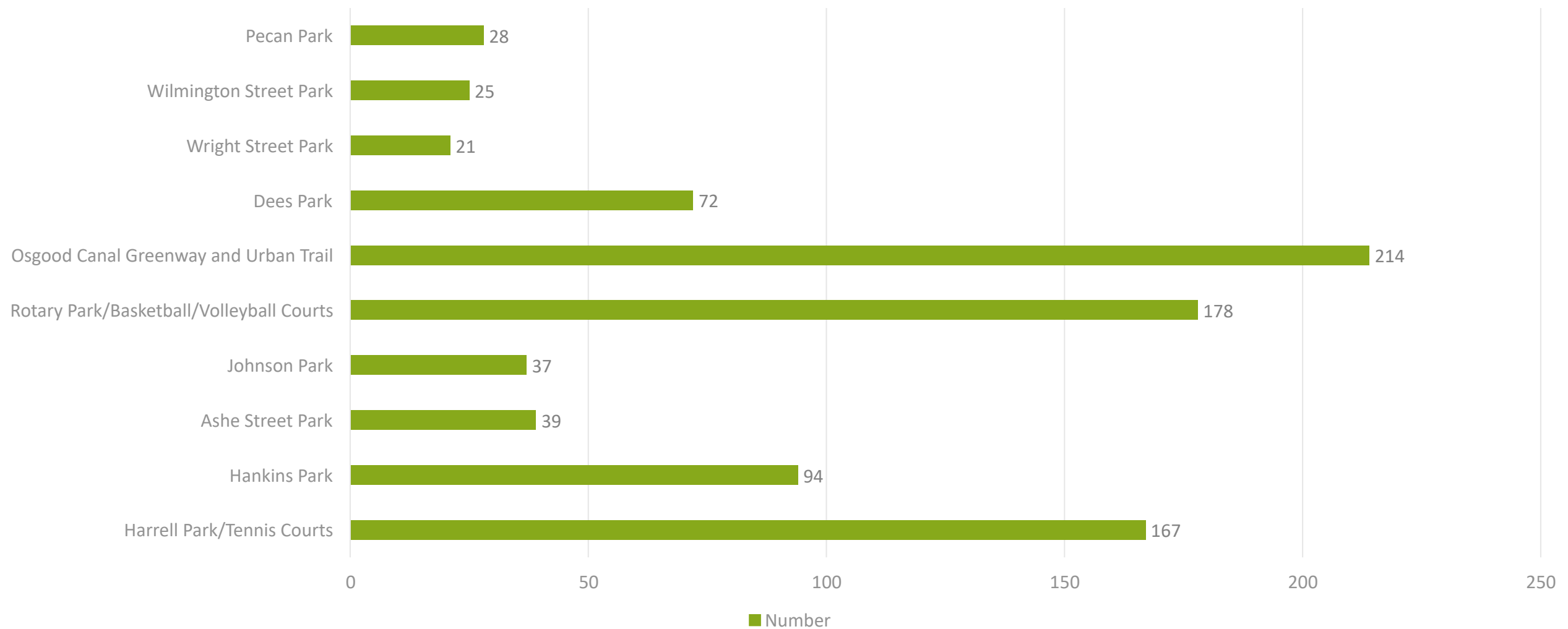
Q3. DOES YOUR HOUSEHOLD USE RECREATION FACILITIES AND PARKS IN BURGAW?

Use of Recreation Facilities: Answered: 325 - Skipped: 44



Q4. PLEASE MARK WHICH FACILITIES YOUR FAMILY HAS USED IN THE PAST YEAR.

Facilities Used: Answered: 325 – Skipped: 44



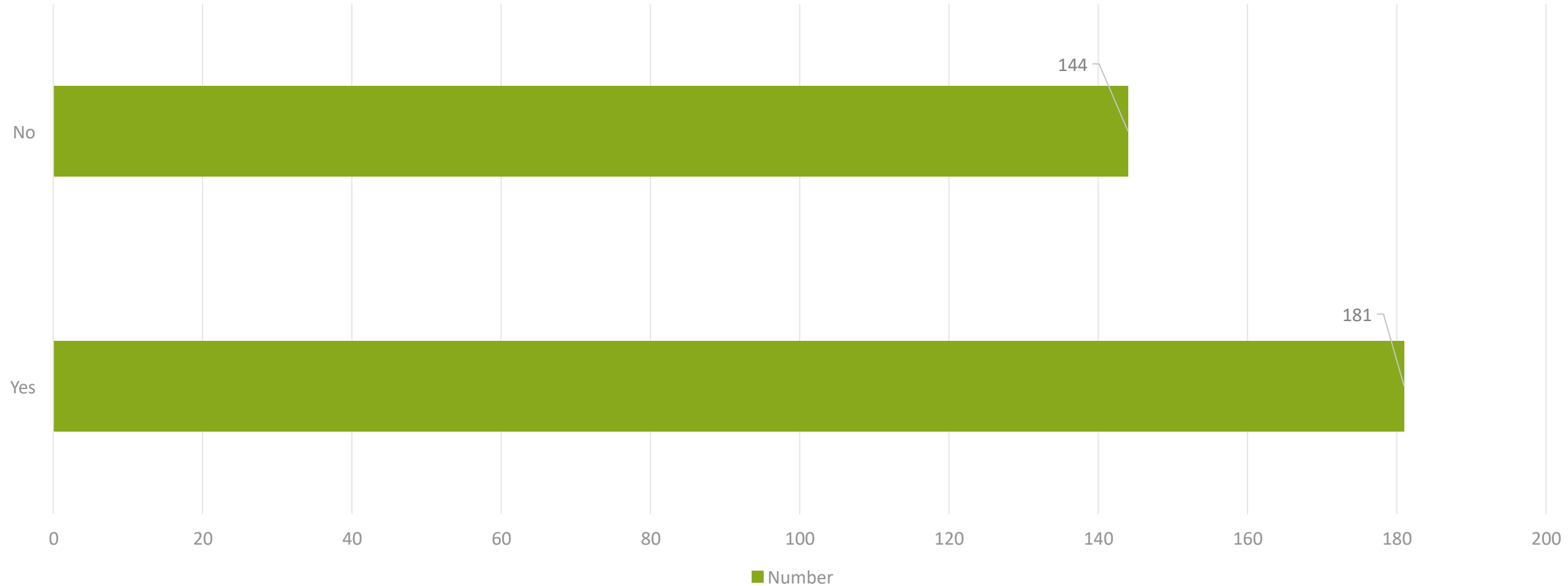
Q5. IF YOUR FAMILY HAS NOT USED ANY OF THESE FACILITIES, PLEASE EXPLAIN WHY.

Open Question: Answered: 48 – Skipped 321

- “Not able to walk long distance; not sure where to park”
- “Location”
- “We have not had a reason to”
- “We have land, so do not use the sedentary parks”
- “Not aware of activities for our age group”
- “Didn’t know they existed”
- “We use the Pender Memorial Park”
- “Too busy working and don’t appreciate raising taxes. I did not use any parks, but I had to choose one on this survey to proceed”
- “They don’t offer anything you can use in park areas in Burgaw. It’s just a bench in nature next to a road”
- “Mostly because there are either no playground or restrooms, but sometimes parking plays a role..”
- “I wasn’t sure we had that many parks”
- “Nothing really to do”
- “Because they are passive parks, and we have a yard”
- “Don’t use often due to safety concerns with violent people”
- “Teenagers/gang like activity”
- “There isn’t much offered here”

Q6: HAVE YOU OR YOUR FAMILY USED ANY COUNTY OR PRIVATE RECREATION FACILITIES IN BURGAW DURING THE PAST YEAR? (I.E., PENDER MEMORIAL PARK, GYMS, SENIOR CENTER, MARTIAL ARTS).

Use of Private Recreation Facilities: Answered: 325 – Skipped: 44

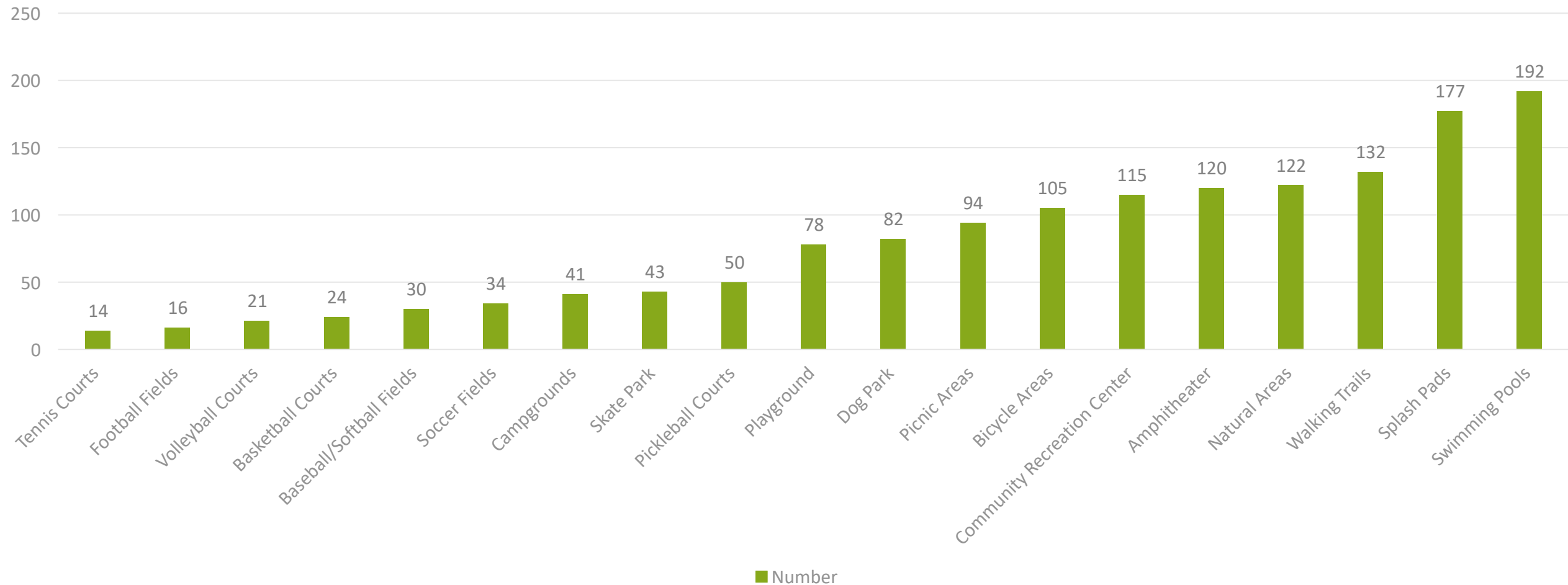


Q7. PLEASE SELECT THE RECREATION ACTIVITIES YOUR HOUSEHOLD PREFERS.



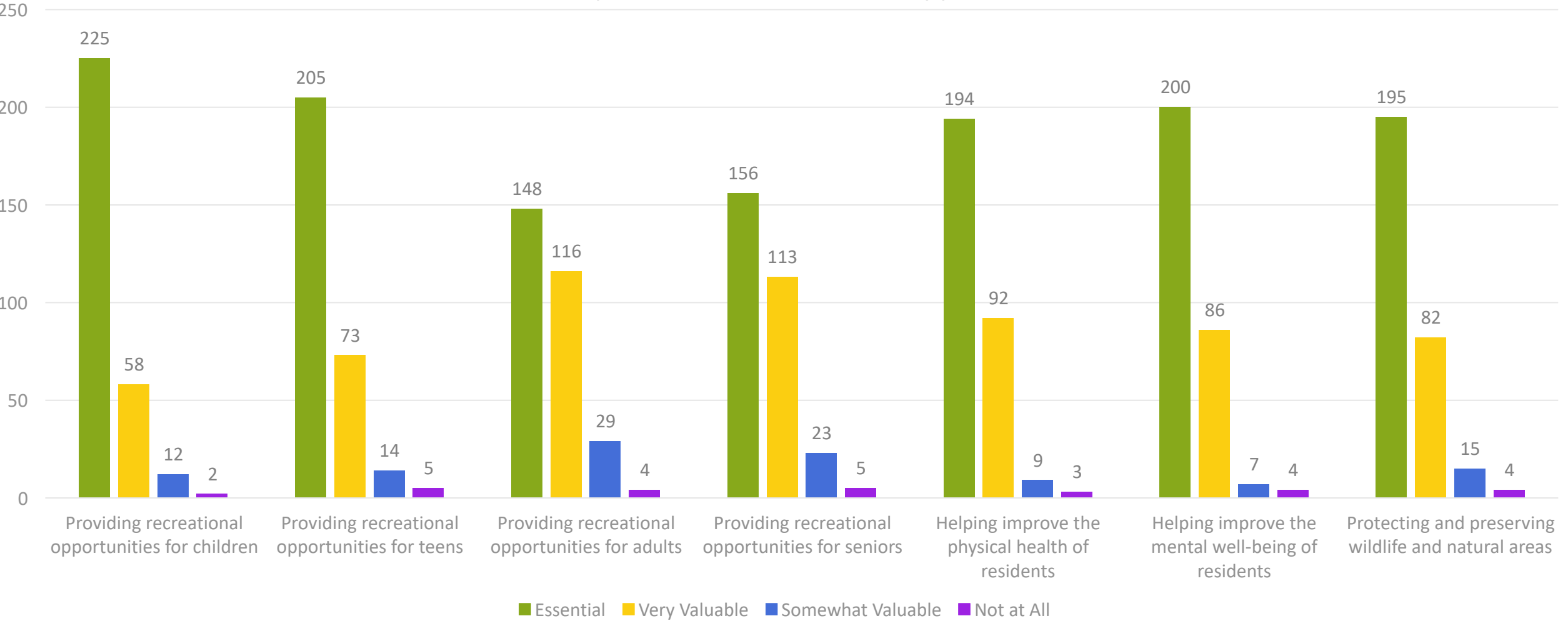
Q8. PLEASE SELECT THE TOP 5 RECREATIONAL FACILITIES YOUR HOUSEHOLD NEEDS/WANTS THE MOST.

Needs/Wants: Answered: 298 – Skipped: 71



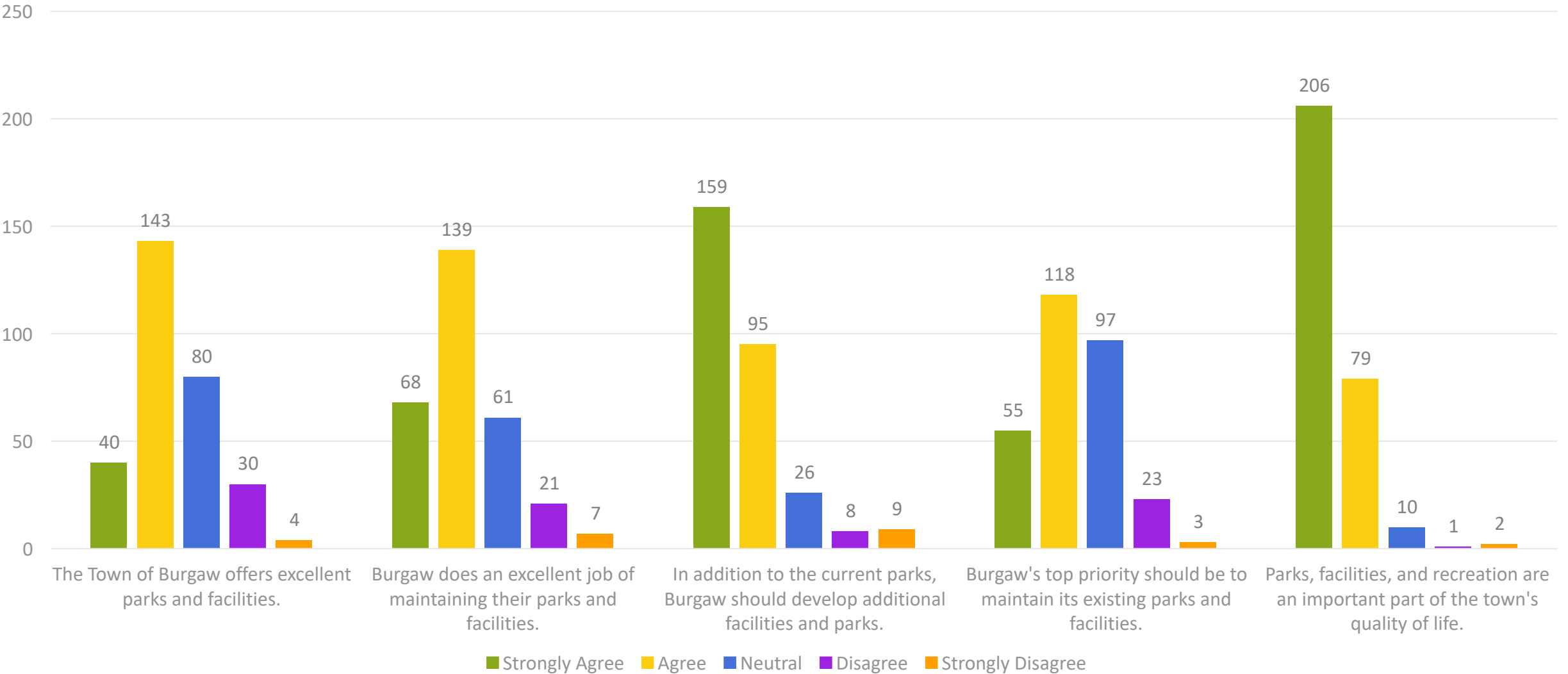
Q9. RECREATION PROGRAMS AND FACILITIES SERVE VARIOUS PURPOSES, SOME OF WHICH ARE LISTED BELOW. PLEASE MARK HOW VALUABLE, IF AT ALL, YOU BELIEVE EACH PURPOSE IS TO THE TOWN OF BURGAW

Purpose: Answered: 298 – Skipped: 71



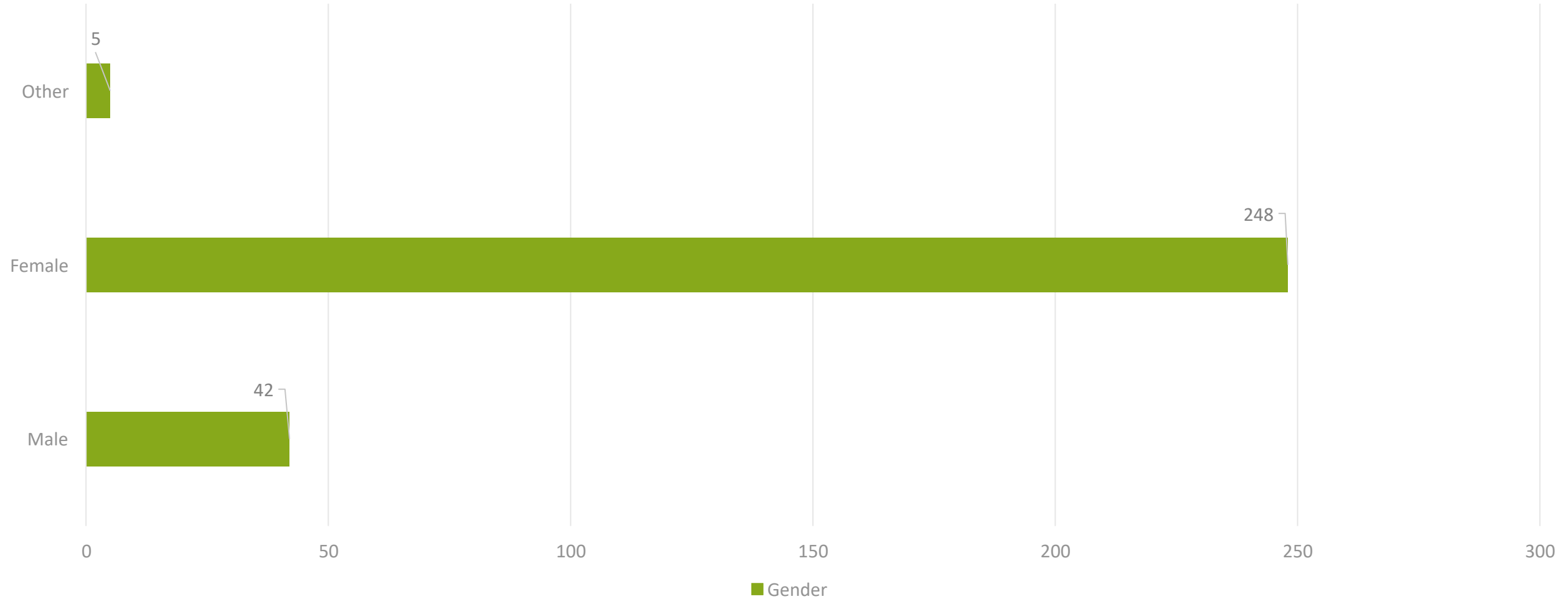
Q10. PLEASE MARK THE ANSWER THAT BEST REPRESENTS YOUR OPINION OF EACH STATEMENT.

Opinion: Answered: 298 – Skipped: 71



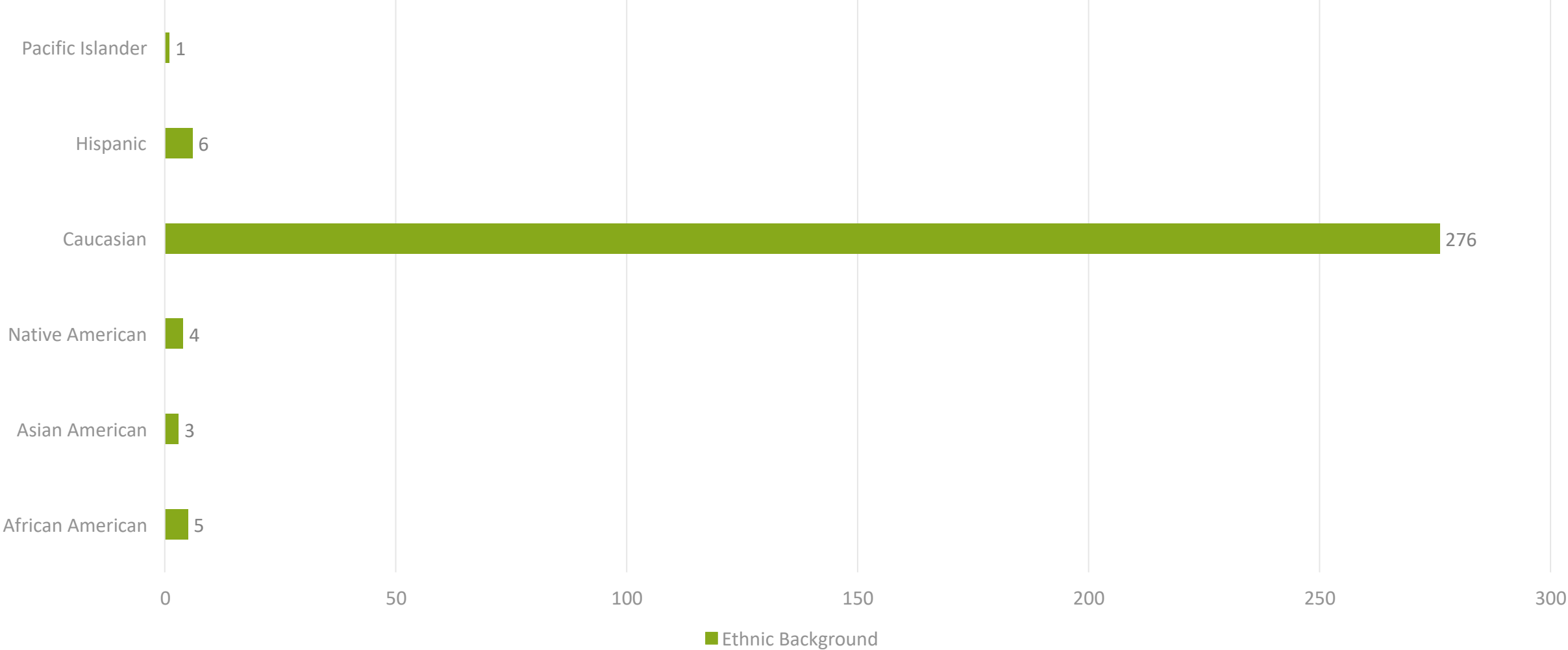
Q.11 GENDER

Gender: Answered: 295 – Skipped: 74



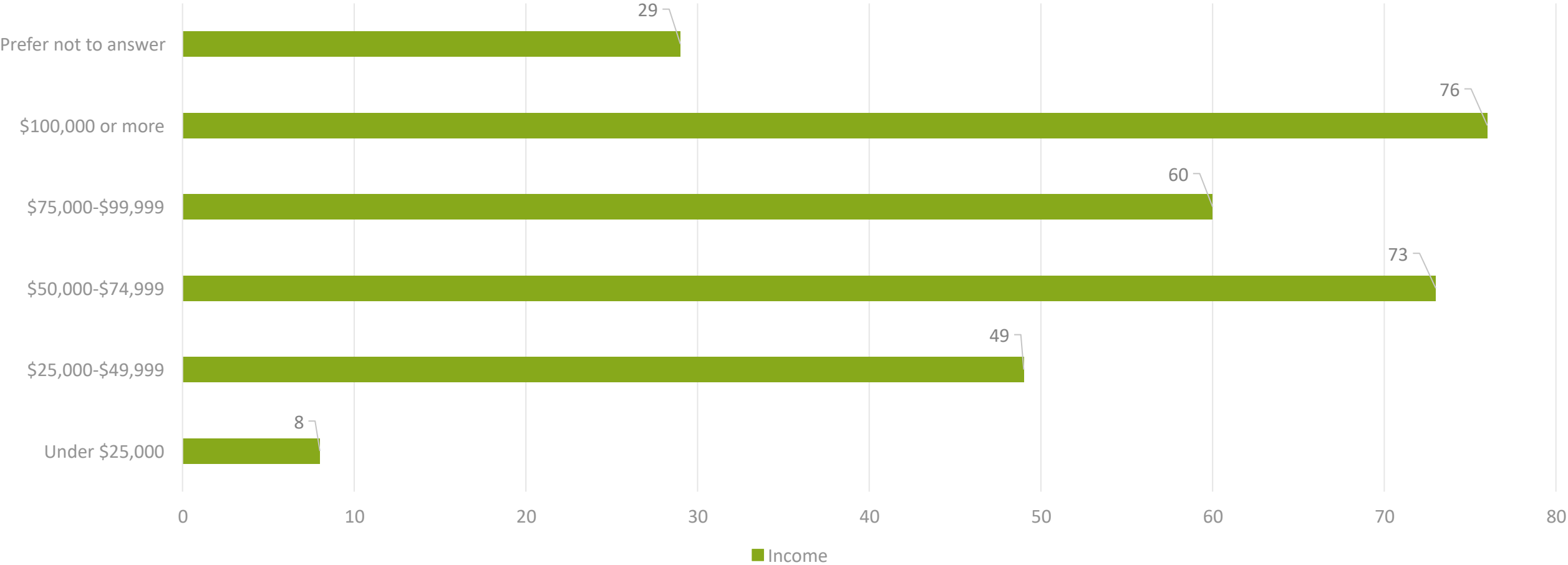
Q12. ETHNIC BACKGROUND

Ethnic Background: Answered 295 – Skipped: 74



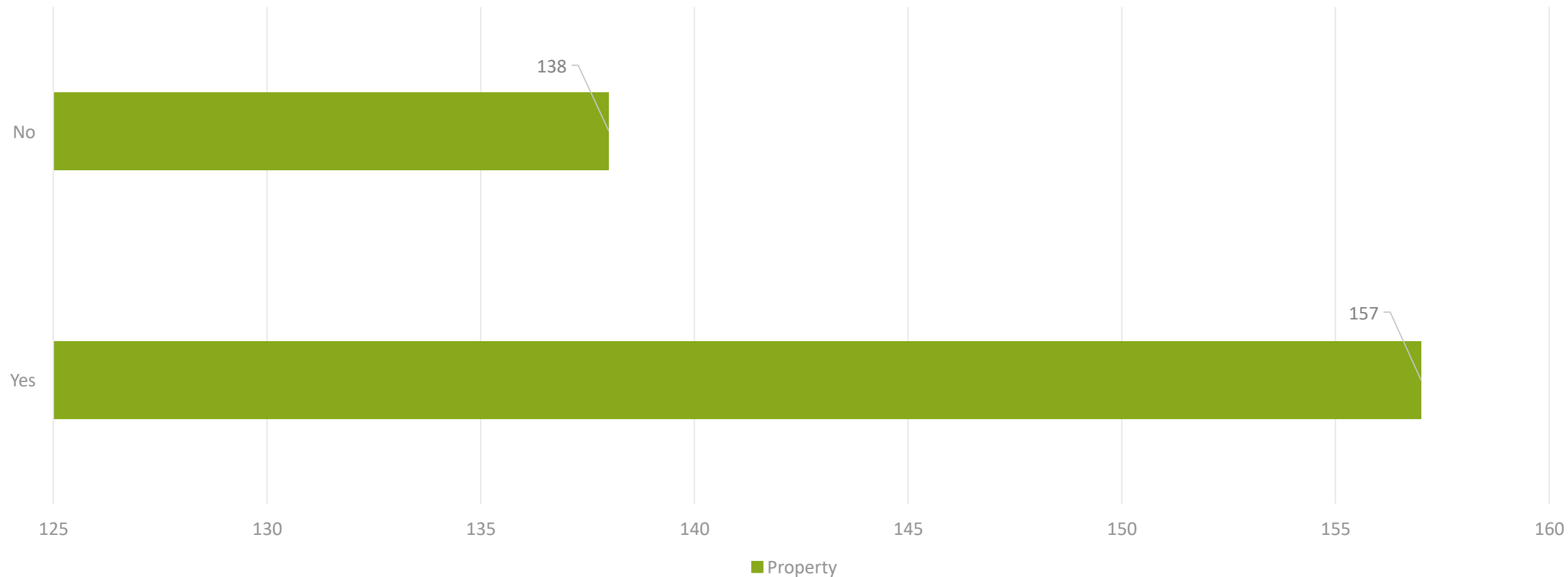
Q13. HOUSEHOLD INCOME

Income: Answered: 295 – Skipped: 74



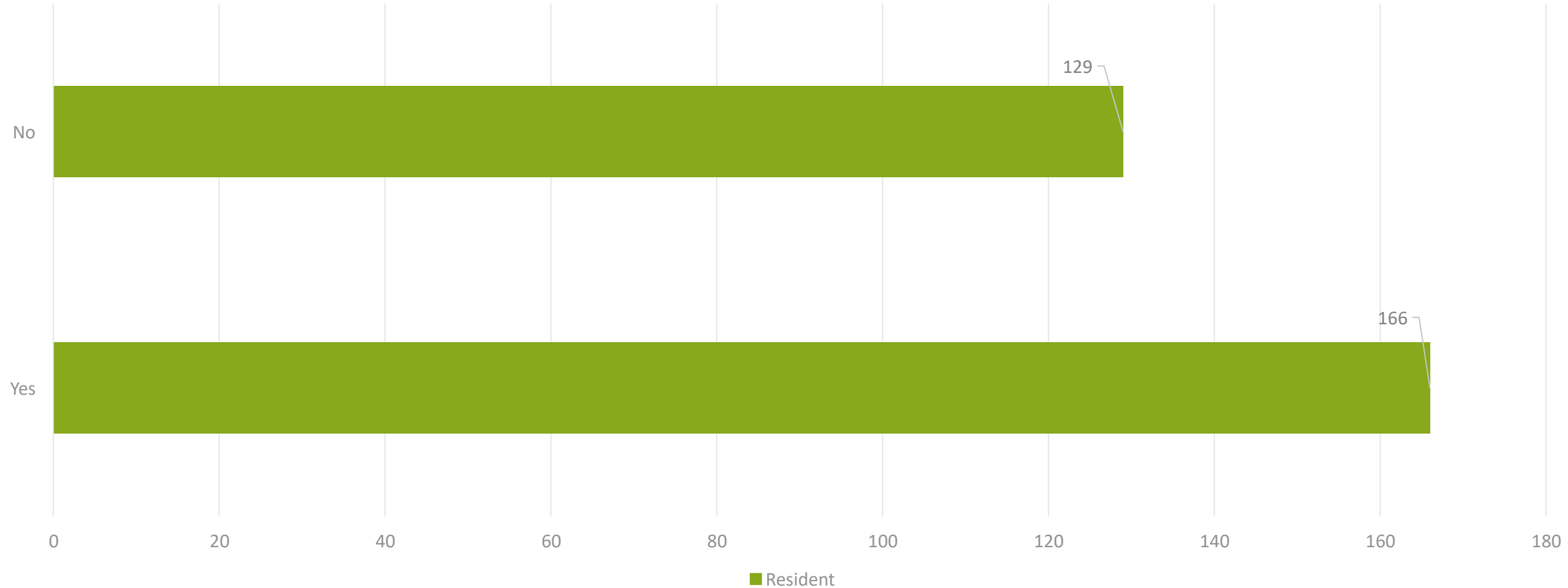
Q14. DO YOU OWN PROPERTY IN THE TOWN OF BURGAW?

Property: Answered: 295 – Skipped: 74

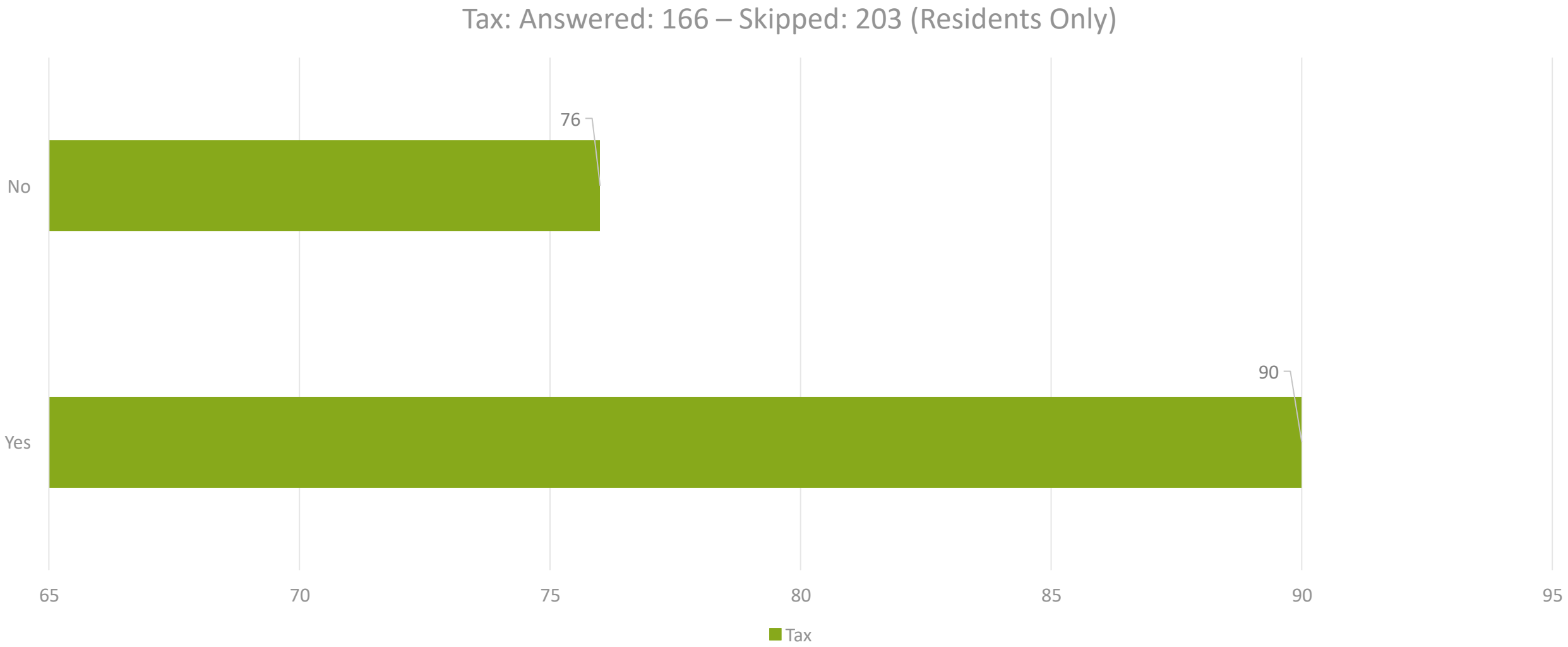


Q15. ARE YOU A RESIDENT INSIDE THE CORPORATE LIMITS OF BURGAW?

Resident: Answered: 295 – Skipped 74



Q16. I WOULD SUPPORT CREATING A RECREATION TAX FOR PURCHASING AND DEVELOPING TOWN PARKS AND RECREATION FACILITIES AND WOULD FURTHER SUPPORT THIS TAX BEING PRESENTED ON AN ELECTORAL BALLOT IN AN UPCOMING ELECTION.



Appeals

Board of Commissioners

Unfavorable recommendations by the Planning Board on zoning map amendments and land development code amendments may be appealed by the applicant to the Board of Commissioners by filing a written notice of appeal with the Town Clerk within 10 days after the rendering of the final recommendation by the Planning Board. Upon filing of a written notice of appeal, the matter shall be placed on the agenda of the next regularly scheduled meeting of the Board of Commissioners, no later than 30 days after the notice of appeal has been filed. The Board of Commissioners, at its discretion, may hear the appeal at its regular meeting or set a special hearing date.

RULES OF PROCEDURE BURGAW PLANNING BOARD

SECTION I. GENERAL RULES

The Burgaw Planning Board, hereinafter referred to as the Board, shall be governed by the applicable terms of Chapter 160D of the General Statutes of North Carolina, by the terms of the Ordinance adopted on **August 12, 1980**, by the Town of Burgaw Board of Commissioners establishing said Board, and by these rules. Board members shall thoroughly familiarize themselves with these Rules of Procedure and said Ordinance.

All meetings of the Board are subject to the N.C. Open Meetings Law.

In cases where the powers of the Board are not clearly defined, the Town Attorney shall be consulted for an interpretation.

The Town Attorney is the legal advisor to the Board and is responsible for retaining outside legal counsel, when necessary.

Any applicant may appear for himself/herself in a proceeding before the Board or may appoint an agent in writing.

All hearings before the Board shall follow the specific rules herein, and if a matter is not addressed, shall follow the provisions of Robert's Rules of Order.

These Rules shall apply to all hearings of the Board.

SECTION II. OFFICERS AND DUTIES

In accordance with the Ordinance creating the Burgaw Planning Board adopted on August 12, 1980, designating the Board as a planning agency, the Board shall discharge the duties set forth in said Ordinance.

All Board members are subject to Town policy regarding boards and commissions then in effect.

The Board members shall thoroughly familiarize themselves with these Rules of Procedure.

All Board members shall take an oath of office before beginning their duties.

No Board member shall vote at a hearing unless he/she has attended the hearing on that matter.

Members of the Board will not express individual opinions on the proper outcome of any hearing prior to the Board's determination of that matter. All parties shall have the right to an unbiased and non-partisan panel. Commission members shall not participate in or vote on any matter in which they have an impermissible conflict. Board members shall not vote on any advisory or legislative decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

- A. CHAIR.** A Chair shall be elected by a majority of the Board members present. The term shall be for **one year**, and the Chair shall be eligible for re-election. The Chair shall call the meeting to order, announce the business before the Commission in the order in which it is to be acted upon, state and put to vote all questions which are regularly moved or necessarily arise in the course of the meeting, and announce the result of the vote.

The Chair shall also decide upon all points of order and procedure, subject to these rules, and can limit repetitive comments.

The Chair's signature authenticates the acts, orders, and procedures of the Board in its entirety when such signature is required.

The Chair shall vote on all matters before the Board and shall have no extraordinary voting powers in the case of a tie vote.

The Chair shall appoint any committees found necessary to investigate any matters before the Board.

- B. VICE-CHAIR.** A Vice-Chair shall be elected by the Board from among its members in the same manner and for the same term as the Chair. The Vice-Chair shall serve as acting Chair in the absence of the Chair and, at such time, shall have the same powers and duties as the Chair.

C. SECRETARY. The Planning Department Director (or successor title of position or department) or his/her designee shall serve as Secretary to the Board. The Secretary, subject to the direction of the Chair and the Board, shall be responsible for keeping all records, shall be responsible for the conduct of all correspondence of the Board, shall be responsible for the professional planning work of the Board, and shall generally supervise the clerical work of the Board. The Secretary shall be responsible for keeping, in a permanent volume, the minutes of every meeting of the Board. These minutes shall show the record of all important facts pertaining to each meeting, every resolution acted upon by the Board and all votes of members of the Board upon any resolution or upon the final determination of any question, indicating the names of the members absent or failing to vote. The Secretary shall not be eligible to vote upon any matter.

D. ATTENDANCE: Should a member fail to attend three (3) consecutive regular meetings of the Board, and should there be no adequate excuse for such absences, the Chair, with the concurrence of a majority of the entire Board, shall recommend to the appropriate authority that a vacancy be declared and that the vacant position be filled.

SECTION III. PROCEDURES FOR FILING APPLICATIONS

In consideration of applications of all matters to be forwarded with a recommendation to the Board of Commissioners, the Board shall be governed by the following rules:

A. Amendment Applications: All applications for amendments to the Land Development Code text and/or map must be filed in proper form with the Planning and Development Department (or its successor department). An application shall be accompanied by a fee in accordance with the City's adopted fee schedule.

B. Other Matters Requiring a Legislative Hearing: All other applications concerning matters for which the General Statutes of North Carolina require the Board of Commissioners to hold legislative hearing, shall be submitted to the Planning and Development Department (or its successor department) at least **thirty (30) working days** prior to the date at which the meeting is to be held.

SECTION IV. MEETINGS

A. REGULAR MEETINGS: Regular meetings of the Board shall be held at 5:30 p.m. on the third Thursday of each month.

B. SPECIAL MEETINGS: Special meetings of the Board may be called at any time by the Chair on their own motion, or upon written or oral request from at least three (3) members or the Board; provided notice is given in accordance with N.C.G.S. Chapter 143, Article 33C.

C. CANCELLATION OF MEETINGS: Whenever there is no pending business before the Board, or whenever the Chair is notified by the Secretary that a quorum will not be present, the Secretary may dispense with a regular meeting by giving written or oral notice to all members not less than twenty-four (24) hours prior to the time set for the meeting and having a notice of cancellation posted at the meeting place declaring such.

D. QUORUM: A quorum shall consist of four (4) members. Once a quorum has been established for a meeting, it shall not be lost if a member cannot consider an item due to a conflict of interest, provided the member remains present at the meeting. An applicant may request a continuance to the next regular meeting should the voting members be three (3) or less, and the Board shall grant the continuance. No action shall be taken by the Board without a quorum present.

E. CONDUCT OF MEETINGS: All meetings shall be open to the public and no executive or secret sessions shall be permitted at any time. The order of business at regular meetings shall be as follows:

- (1) Call to order.
- (2) Approval of minutes of previous meeting.
- (3) Unfinished business.
- (4) New business.
- (5) Items brought by the Chairman.
- (6) Items brought by the Secretary.
- (7) Adjournment.

Every person attending and appearing before the Planning Board shall abide by the order and direction of the Chair. Discourteous, disorderly, or contemptuous conduct by a party may be cause for the immediate continuance of the matter at hand until the next regular meeting of the Board.

All matters requiring Board action shall be presented to the Board by the Planning staff and the person(s) seeking such action and/or his/her agent or representative (hereinafter referred to as the "applicant").

The applicant shall be heard following the presentation of staff. For matters requiring public hearing, the Chair shall open the legislative hearing and then those in favor of the action shall be heard first, followed

by those in opposition. To maintain an orderly meeting, all presentations shall proceed without interruption, unless the Board desires to intervene with questions or comments.

All groups, organizations, neighborhoods, or similar associations shall appoint one spokesperson to present their concerns or points of view to the Board on each agenda item.

Any relevant presentation shall be limited to ten (10) minutes, whether for or against a request. Five (5) minutes shall be allowed for rebuttal to all initial presenters. The Chair may rule on the relevancy of any presentation to the agenda item being reviewed.

The Planning Board, by majority vote of those present, may suspend the time limitations specified herein.

For matters requiring a public hearing, once all individuals both for and against the action have been heard, the Chair will close the hearing and the Board will discuss the action, including any questions by Board members for staff or the applicant, and then the Board will take action on the matter.

F. COMMISSION ACTION: The Board shall take one of the following actions on all agenda items except those informational items presented by the Chair and/or Secretary:

Approval - A favorable recommendation rendered by the Board to a request. The petitioner will be informed of the date Board of Commissioners will address the request, and the Board shall forward its favorable recommendations to Board of Commissioners on or before the date of the applicable Council meeting.

Conditional District Map Amendment – may be approved conditionally by the Board, meaning the Board favors the request subject to specified conditions attached to the request, subject to approval by the property owner.

Denial - An unfavorable recommendation rendered by the Board to a request. The Board must state the reason(s) for said denial and inform the petitioner of his/her right to appeal that recommendation to the Board of Commissioners.

Continuance - A specified period for delay of action on a request adopted by the Board. The Board must state the reason(s) for said continuance and by its action charge the Planning Staff with placing the request on the agenda for the specified meeting. The Board will only hear a motion for continuance if the applicant is present and may only grant a continuance upon a showing of good cause.

Withdrawal - Acceptance of the petitioner's request to withdraw consideration of a request prior to Board review. The applicant must be present to request a withdrawal request.

Advancement - Hearing an agenda item earlier or later in the meeting than it is originally scheduled if good cause is shown by either petitioner, Planning Staff, or other interested parties for such an advancement. Action on an advanced item shall be in the form of the abovementioned actions.

A simple majority vote of those members present shall be sufficient to decide matters before the Board. A tie vote of those members present shall cause the motion in question to fail.

SECTION V. PUBLIC NOTICE

Public notice shall be given for all Board meetings in accordance with N.C.G.S. Chapter 143, Article 33C. All regular meetings of the Planning Board shall be advertised in a newspaper having general circulation in Pender County at least ten days, but not more than twenty-five days preceding the meeting.

SECTION VI. AMENDMENTS

Within the limits allowed by law, these rules may be amended at any time by the affirmative vote of not less than four (4) members of the Commission, provided that all members are provided a copy of the proposed amendment at least three (3) days prior to the date of the meeting at which such action is to be taken. Incorporation of any amendment to these rules must be approved by the Board of Commissioners.

By majority vote on November 4, 2021, the Town of Burgaw Planning Board hereby recommends that the foregoing rules and regulations should be adopted by the Town of Burgaw Board of Commissioners.

Secretary
Town of Burgaw Planning Board

Date

The foregoing rules and regulations are hereby adopted by the Town of Burgaw Board of Commissioners on November 16, 2021, with an effective date of December 1, 2021. The original copy of said rules shall be filed with the Town Clerk, with copies provided to the Secretary for the Burgaw Planning Board and to the Town Attorney's Office.

Town Clerk

Date

TOWN OF BURGAW GOLF CART ORDINANCE

The establishment of a golf cart ordinance is necessary to address the interests of public safety. Golf Carts are not designed or manufactured to be used on public streets, roads and highways, hereafter "road(s)," and the Town of Burgaw in no way advocates or endorses their operation on roads. The Town of Burgaw, by regulation such operation is merely trying to address obvious safety issues, and adoption of this ordinance is not relied upon as a determination that operation on roads is safe or advisable if done in accordance with the ordinance. All persons who operate or ride upon carts on roads do so at their own risk and peril and must be observant of and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The Town of Burgaw has no liability under any theory of liability for permitting carts to be operated on roads under special legislation granted by the State Legislature. Any person who operates a cart must procure liability insurance sufficient to cover the risks involved in using a cart on the roads of the Town of Burgaw.

Purpose.

The purpose of this ordinance shall be to establish a Golf Cart Ordinance within the Town of Burgaw to promote the health, safety, and welfare of persons operating cart(s) within the Town of Burgaw and to protect the safety of their passengers and other users of roads.

Definitions.

For the purpose of this section, the following words and phrases shall have the following meanings:

- (1) Golf cart: A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 mph. G.S. 20-4.01(12a).
- (2) Driver's license: A valid license issued to operate a motor vehicle issued by North Carolina or any other state.
- (3) Financial responsibility: Liability insurance coverage on a golf cart in an amount not less than required by North Carolina law for motor vehicles operated on public highway in the State of North Carolina.
- (4) Operator: Only persons over 16 years of age and holding a current and valid driver's license may operate a golf cart in the Town of Burgaw.

Rules and regulations.

This ordinance is to establish guidance in the interest of public safety. Golf carts hereinafter:

- (a) Carts may be driven on town roads only from 6:00 a.m. to 9:00 p.m.
- (b) Carts must be equipped with two operating headlights (one on each side of the front of the golf cart) and two operating taillights (one on each side of the rear of the cart) which are visible from 500 feet, rear vision mirror and a rear triangle reflector of the same type required by North Carolina law. If the cart does not have mechanical operating directional turn signal indicators, then hand signals are required for turns. Seat belts are required for all passengers.

(c) Cart drivers must present a current and valid driver license in their name and have it on their person while operating the cart.

(d) Cart drivers will stay to the far right of the traveled portion of the road and yield the right-of-way to vehicles and pedestrians.

(e) All applicable state and municipal laws shall be adhered to, including the possession and use of alcoholic beverages and illegal drugs or any substance which impairs judgment. In addition, no golf cart containing any open container of alcohol shall be operated on public roads.

(f) The number of occupants in a golf cart shall be limited to the number of persons for whom individual seating is installed and provided on the golf cart and the operator and all occupants shall be seated in the golf cart. No part of the body of the operator or occupant shall extend outside the perimeter of the golf cart while the golf cart is in motion and no passengers shall be carried on the part of the golf cart designed to carry golf bags.

(g) The operator of the golf cart shall comply with all traffic rules and regulations adopted by the State of North Carolina and the Town of Burgaw which governs the operation of motor vehicles.

(h) Carts shall not be operated on sidewalks or rights-of-way.

(i) Carts shall not be operated on private property, without the permission and consent of the property owner.

(j) No golf cart may be operated on any Town of Burgaw street with a posted speed limit of greater than 35 mph. However, carts may cross over roads that have a posted speed limit of greater than 35 mph as per G.S. 153A-245.

(k) Children must be properly seated while the golf cart is in motion and may not be transported in a negligent manner.

Disqualified vehicles: All-terrain vehicle, four-wheel utility vehicles (exception is police and public safety utilized vehicles and town maintenance vehicles), go-karts, and other similar utility vehicles, which are not manufactured for operation on a golf course, and/or a golf cart that has been modified so that it no longer meets the definition of golf cart may not be registered as a golf cart under this article, nor shall such vehicles be operated on public roads, streets and highways within the town, unless such vehicles are registered and permitted under the motor vehicle laws of North Carolina. An exception can be authorized during special events and presentations within the town (i.e., parades and special events) by the chief of police.

Inspection and fees.

For the purpose of this section, the inspection by the chief of police, or his/her designee, will cover the following safety requirements and every cart operating on Town of Burgaw streets must have the following safety equipment:

(1) Permits/stickers issued to operators/owners of golf carts by the Burgaw Police Department.

(2) All carts must meet the requirements or minimum standards of safety equipment as set forth in previous section.

(3) To obtain a permit/sticker each owner must have proof of ownership, current liability insurance, and sign a waiver of liability, releasing the Town of Burgaw, its employees, and affiliates from all liability that may arise as a result of operating a cart inside the Town of Burgaw. A current waiver of liability must be on file with the Burgaw Police Department and must be renewed annually. A copy of these documents must be in the golf cart at all times while in operation on public roads.

(4) Permits/stickers will be issued annually and are valid from January 1 to December 31 of each year. Permits/stickers must be attached to the driver's side wind shield of the golf cart at all times. Such stickers will identify the golf cart as registered and are nontransferable to other golf carts or golf cart owners. The fees set forth by the board of commissioners in the town's fee schedule shall apply.

(5) Lost or stolen permit/stickers are the responsibility of the owner. A police report must be filed in the event of a lost or stolen permit/sticker. The chief of police will have the discretion in determining whether a permit/sticker may be re-issued in this instance. If no record can be found of a previous application, or the receipt of a permit/sticker, the chief of police may direct the applicant to reapply, and resubmit any and all fees necessary, before a replacement permit/sticker is issued.

(6) Any person who operates a cart in the Town of Burgaw and fails to receive and properly display a Town of Burgaw permit/sticker will be subject to all applicable state laws, in addition to being in violation of this chapter and subject to fines.

(7) Cart owners must complete an approved registration form, waiver of liability form and provide a copy of the proof of current liability insurance prior to the cart being inspected. The completed forms and proof of insurance will be maintained by the Burgaw Police Department. Owners must maintain proof of insurance throughout the registration period.

(8) The Burgaw Chief of Police retains the right to refuse to issue and/or revoke any permit/sticker for any cart at any time for any reason that he/she feels is appropriate to ensure the safety and well-being of the citizens of the Town of Burgaw (i.e., inspection failure, failure to maintain insurance, ordinance violations and license status revoked).

Penalty.

Any act constituting a violation of this chapter or a failure to comply with any of its requirements shall subject the offender, upon conviction, guilty of a misdemeanor, and a to a fine not to exceed \$50.00.

Enforcement.

It shall be the policy of the Burgaw Police Department to issue a verbal warning, written warning, or North Carolina State Uniform Citation against any person the officer has probable cause to believe has violated this ordinance.



Burgaw Police Department

Jim Hock, Chief

February 13, 2024

Re: Sec. 4-1 - Running at Large

Burgaw Town Commissioners,

It is the recommendation of the Burgaw Police Department to modify the Running at Large ordinance, to more clearly define the elements for enforcement actions.

Currently, the ordinance for Running at Large reads "No person owning or having control of any animal or fowl shall permit it to run at large within the corporate limits. (Sec. 4-1 Running at Large.)"

The recommendation would be for the ordinance to read as follows:

"(a) It shall be unlawful for any owner of a dog, other animal, or fowl, to permit them to run at large or be off the premises of its owner and not under the restraint of a competent person. Restraint of a competent person shall be a leash in the physical control of such person and not exceed twenty (20) feet in length. An electronic collar may be utilized if in proper working order. Having a trained dog under voice command/control will not be considered as a restraint.

(b) Upon an officer observation of a dog running at large or off the premises of its owner and not under the control of a competent person, the officer may, at their discretion, impound the dog, per the county's Animal Control Policy, or return it to its owner.

(c) Upon the receipt of a complaint that a dog is running at large or is off the premises of its owner and not under the control of a competent person, the officer shall investigate the complaint and, upon a finding that there is probable cause that a violation has occurred, the officer may issue a citation or a warning or take any other action provided for by ordinance or state law as the circumstances may require."

Content and wording can be discussed at the February 13th, 2024 board meeting.

Thank you,

Jim Hock
Chief of Police



CASE SUMMARY Board of Commissioners

UDO Text Amendment February 13, 2024

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

Staff Recommendation	Approval
Planning Board	01/18/2024; Recommend approval 7-0
Board of Commissioners	2/13/2024; SCHEDULED

Request

<i>Code Section(s)</i>	Sections 9.27.1(B) Definitions (9) Regulated tree (c) AND 9.27.3 Tree Preservation and Replacement During Development (C) Tree Survey (2)	
<i>Request</i>	To modify language related to the definition of regulated trees and to modify survey methods for projects exceeding 40 acres in size.	
<i>Applicant</i>	Camille Teuben D.R. Horton	cmteuben@drhorton.com 704-564-6863

ITEMS HIGHLIGHTED IN GREEN ARE NEW BASED ON COMMENTS OR CONSIDERATIONS FROM THE 1/18 PLANNING BOARD MEETING.

REQUEST

The proposed Unified Development Ordinance (UDO) amendment would modify the way certain trees are measured and would introduce ways to inventory a project site by methods other than inventorying on the ground of tree species and size.

1. History/Background

Current regulations

Chapter 9 of the UDO covers development design standards and processes. Section 9.27 contains language related to landscaping requirements. Currently, the definition of regulated tree, that has been a sticking point for the applicant, is the difference in the way trees such as crepe myrtles are measured compared to trees that are not multi-stem. Another part of the UDO that is proposed for modification is the section that pertains to tree surveys, how they are conducted, and who can conduct them. There is no language that would permit a developer to conduct a tree survey in a way other than an on-the-ground inventorying and search for trees that fall into the protected category.

2. Proposed Amendment

Following is the proposed amendment to the Unified Development Ordinance. Additions are underlined and deletions are in ~~strikethrough~~.



Section 9.27.1 General (B) Definitions 9. Regulated tree (c)

~~Any tree having several stems or trunks, such as crape myrtle, and at least one defined stem or trunk with a measured caliper of at least two (2) inches, measured at six (6) inches above the root collar. Crape myrtles having several stems or trunks, and at least one defined stem or trunk with a measured caliper of at least four (4) inches, measured at the diameter at breast height (DBH).~~

Section 9.27.3 Tree Preservation and Replacement During Development (C) Tree Survey Inventory

- (1) All applications for grading, building, demolition, or site plan review shall include a tree survey inventory in addition to the information required for a tree removal permit as outlined in this section.
- (2) A tree survey inventory is a description of the existing vegetation on the site. This is necessary to ensure protection of native ornamental species and significant vegetation within required protection areas. The tree inventory must be performed by one of the following methods: a field or ground inventory indicating the GPS or surveyed location, size, and species of regulated and specimen trees for site; or a fixed plot sampling tree inventory of regulated trees, and GPS or surveyed location, size, and species of each specimen tree if forested area(s) on site total more than 40 acres. The tree survey inventory must be performed and certified by a registered land surveyor, professional engineer, or registered landscape architect, or certified arborist. The survey shall, at a minimum, provide the following information:

Fixed Plot Sampling Method

The tree inventory shall, at a minimum, include the following information:

- ~~(a)The shape and dimensions of the real property to be developed, together with the exiting and/or proposed locations of structures and improvements; existing and/or proposed utility services; roadways, bikeways, walkways, and parking areas;~~
- ~~(b)The location, caliper, and species of all protected trees to be retained or new trees to be planted in accordance with the provisions of this section;~~
- ~~(c)The proposed relocations of any existing protected tree with a statement of how the tree is to be relocated and maintained;~~
- ~~(d)Any proposed grade changes which might adversely affect or endanger any protected tree to be retained with a statement of how the tree is to be protected and maintained; and~~
- ~~(e)The proposed method of protecting the remaining protected trees during construction, including the Critical Root Zone(s) of each individual tree or group of individual trees, in accordance with this section~~

- (a) A map that includes the shape and dimensions of the real property to be developed, together with the exiting and/or proposed locations of structures and improvements; existing and/or proposed utility services; roadways, bikeways, walkways, and parking areas;

For Sites Not Using the Fixed Plot Sampling Method



- (b) A map that includes the location, caliper, and species of all regulated and specimen trees to be retained or new trees to be planted in accordance with the provisions of this section;
- (c) The proposed relocations of any existing protected tree with a statement of how the tree is to be relocated and maintained;
- (d) Any proposed grade changes which might adversely affect or endanger any protected tree to be retained with a statement of how the tree is to be protected and maintained; and
- (e) The proposed method of protecting the remaining protected trees during construction, including the Critical Root Zone(s) of each individual tree or group of individual trees, in accordance with this section.

OR

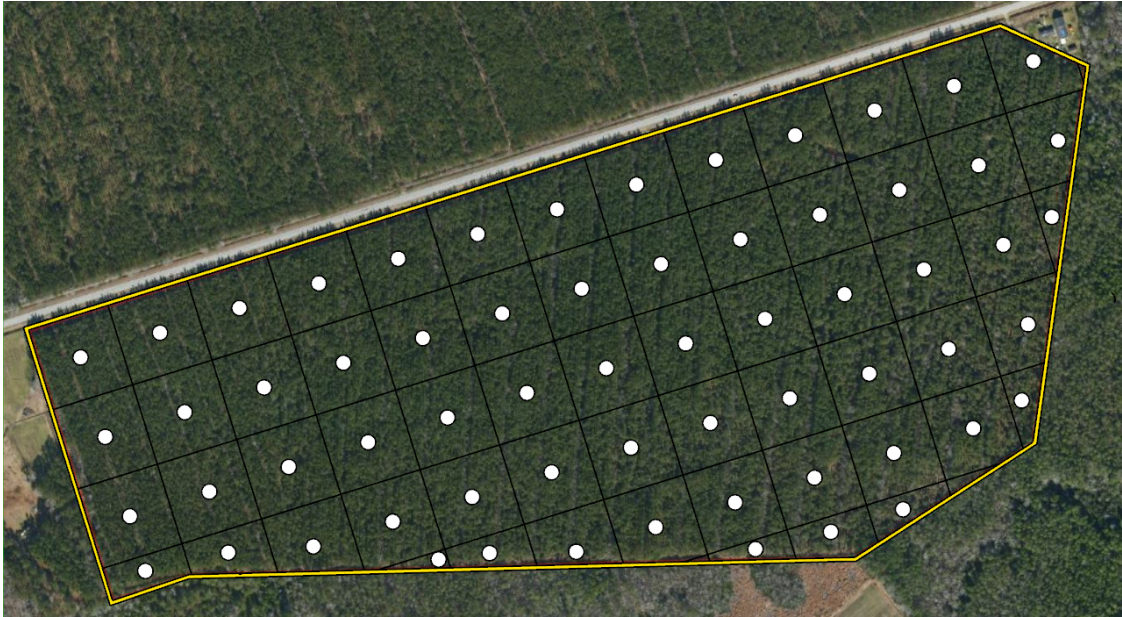
For Sites with Forested Area(s) More Than 40 Acres Using the Fixed Plot Sampling Method

(3) Fixed Plot Sampling Method (only permitted for sites with forested area(s) more than 40 acres)

A sampling intensity of 10% of each forest stand on site will be achieved with a square grid of 0.10-acre circular lots that have a radius of 37.2 feet, one plot per acre. A forest stand is a forested area in which the composition of the forest in regard to tree species present and the sizes and ages of the trees are relatively uniform. With the forest stand boundary depicted accurately to scale in GIS or CAD, map plot centers in rows with 208.7 feet between plot centers in each row and 208.7 feet between plots in adjacent rows. That process divides the tract into 1.0-acre square blocks with the 0.10-acre circular sample plot at the center of each block. When planning a tree inventory, each stand must be considered separately.

At each plot center, measure the distance to the edge of the circular plot at 8 radii and mark the plot boundary with flagging tape. Then document the location, caliper, and species for each regulated and specimen tree using either GPS or survey. Mark all protected trees in the plot with flagging tape or tree marking paint for ease of locating them in the future. The location, size, and species for all specimen trees must be documented for the entire site regardless of the size.

For blocks that are less than 1.0 square acre, the plot center shall be shifted within the block at the discretion of a registered land surveyor, professional engineer, registered landscape architect, or certified arborist to provide an accurate representation of tree composition for the block. If the block is too small to contain the 37.2-foot radius circular plot, the block is not required to be sampled.



This type of tree inventory shall, at a minimum, include the following:

(a) A map that includes the shape and dimensions of the real property to be developed, together with the existing and/or proposed locations of structures and improvements; existing and/or proposed utility services; roadways, bikeways, walkways, and parking areas;

(b) A map that includes the location, caliper, and species of all specimen trees to be retained on site or new trees to be planted in accordance with the provisions of this section and the extrapolated number of regulated trees that will be retained for each forest stand;

(c) A map displaying forest stand boundaries and plot centers with a data table including each plot; coordinates of the plot center; each regulated tree, caliper, and species documented during the fixed plot sampling; and estimated tree data totals for each forested stand;

(d) The proposed relocations of any existing protected tree with a statement of how the tree is to be relocated and maintained;

(e) Any proposed grade changes which might adversely affect or endanger any protected tree to be retained with a statement of how the tree is to be protected and maintained; and

(f) The proposed method of protecting the remaining protected trees during construction, including the Critical Root Zone(s) of each individual tree or group of individual trees, in accordance with this section. The Critical Root Zone(s) for regulated trees will be approximated based on data from the fixed plot sampling.

(34) Residentially zoned properties containing or proposing a detached single-family or two-family dwelling are exempt from tree survey inventory and tree removal permit requirements. Residential subdivision projects are not included in this exemption.

(D) Retention Standards for Protected Trees. Protected trees may be removed only if essential site improvements cannot be accommodated elsewhere on the site or unless one of the



criteria of this section is met, as determined by the Town Planner. If any protected trees are to be cleared from the site for essential site improvements, the proposed removal must be indicated, the reasons for doing so shall be clearly stated on the tree survey inventory, and a tree removal permit must be obtained from the Town Planner. Such factors as non-selective clearing by bulldozers is less expensive than selective clearing by chainsaw or removal to accommodate non-essential site improvements shall not be valid reasons for removal of protected trees. Clearing of sites shall be limited to areas approved for construction.

2.1 Benchmark Summary

Since similar research has come through previously when planning staff introduced tree survey and mitigation language, the benchmarking is not as in depth. The focus of the benchmarking for this amendment is whether language in other jurisdictions exists that would support some or all of the proposed text amendment related to other methods for tree inventory and gathering of data. Average parcel size is considered, and language related to County tree surveys may be more reasonable to guide the decision-making process given the proposed language related to projects exceeding 40 acres in size. A strong example of language that supports the proposal is related to New Hanover County and the Plot Sampling Methodology found in the NHC Tree and Landscaping Manual (attached). This sampling method was developed with the help of a subject matter expert.

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
Governance				
Goal 1: To improve and streamline the delivery of services to all customers				
Invest in creating a culture of customer service at all staff levels				
ECONOMIC DEVELOPMENT				
Goal 1: To support the profitability and sustainability of existing businesses and industries				
Consider the impacts of the town's policies on Burgaw's economic vitality when making decisions regarding taxes, fees, utility rates, development ordinances, etc., while recognizing the balance between economic development, the maintenance of high-quality services, and the financial health of town government				
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				



CONCLUSIONS AND RECOMMENDATION

The proposed modifications to the UDO would still allow for the tree preservation that the Town of Burgaw expects from development and makes reasonable accommodations by allowing other methods of tree inventory.

The Town of Burgaw Comprehensive Land Use Plan (LUP) supports this proposal by streamlining the delivery of services to all customers and ensuring the town's zoning and development codes can accommodate appropriate businesses and industries and a variety of development forms.

Given the support identified by the LUP and the support from jurisdictions that contain larger parcels of undeveloped land, planning staff recommends **approval** of the text amendment as proposed.

AT THE PLANNING BOARD

Planning staff presented the proposal with representatives of the applicant following with additional information. The applicant provided some clarifying points to questions from the Planning Board and a unanimous vote to recommend approval was made. Post-meeting, planning staff requested a reorganization of and addition to the proposed language to better fit the formatting of the town's UDO. The applicant agreed to the modifications.

ACTIONS TO DATE

<i>Planning Board</i>	1/18/2024; Recommend approval – 7-0
<i>Board of Commissioners</i>	2/13/2024; SCHEDULED

Attachments

1. Application
2. Updated code language
3. Benchmarking
4. New Hanover County Plot Sampling Methodology
5. Consistency statement
6. Ordinance
7. Resolution



PETITION FOR TEXT CHANGE AMENDMENT

DATE: 11/9/2023

FEE: \$200.00

APPLICANT INFORMATION

NAME: D.R. Horton - C/O: Camille Teuben

PHONE: 704-564-6863

EMAIL ADDRESS: CMTeuben@drhorton.com

MAILING ADDRESS: 6752 Parker Farm Drive, Suite 210, Wilmington, NC 28405

TEXT CHANGE AMENDMENT REQUEST

SECTION OF UDO APPLICANT IS REQUESTING BEING AMENDED: Section 9.27.1.(B).(9).(c)

SPECIFIC TEXT APPLICANT IS REQUESTING BEING AMENDED: "Any tree having several stems or trunks, such as crape myrtle, and at least one defined stem or trunk with a measured caliper of at least two (2) inches, measured at six (6) inches above the root collar."

REQUESTED TEXT AMENDMENT(S): "Crape Myrtles having several stems or trunks, and at least one defined stem or trunk with a measured caliper of at least two (2) inches, measured at the diameter at breast height (DBH) ."

AS THE PETITIONER, I/WE:  request the Town of Burgaw Planning Board recommend to the Town of Burgaw Board of Commissioners to amend the Unified Development Ordinance (UDO) of the Town of Burgaw as outlined above.

PLEASE RETURN COMPLETED PETITION FOR TEXT CHANGE AMENDMENT TO:

TOWN OF BURGAW
PLANNING DEPARTMENT
109 NORTH WALKER STREET BURGAW,
NC 28425

Memo

TO: Town of Burgaw Board of Commissioners

THROUGH: Planning Board

FROM: D.R. Horton
6752 Parker Farm Drive, Suite 210
Wilmington, NC 28405

DATE: November 9, 2023

SUBJECT: Text Amendment to Section 9.27.1.(B).(9).(c)

D.R. Horton requests a modification to Section 9.27.1.(B).(9).(c) to be more consistent with surrounding municipalities. We request the following specific text be amended: "Any tree having several stems or trunks, such as crape myrtle, and at least one defined stem or trunk with a measured caliper of at least two (2) inches, measured at six (6) inches above the root collar." We are requesting the text be amended to: "Crape myrtles having several stems or trunks, and at least one defined stem or trunk with a measured caliper of at least two (2) inches, measured at the diameter at breast height (DBH)." We are requesting this modification because there are several tree species that grow naturally or become established within the Town of Burgaw that meet the current Section 9.27.1.(B).(9).(c) requirement that do not provide the aesthetic desired for landscaping trees and/or are detrimental to the surrounding environment.

Common small tree species growing in the understory of second growth forests and planted pine plantations that are not regularly maintained can grow in thickets similar to pocosin habitats that cause trees to have a scraggly appearance. In addition, the redbay (*Personia borbonia*) is a common species in Burgaw that can grow as a multi-stem tree and is currently dying due to laurel wilt, which is a fungus carried by the redbay ambrosia beetle. According to the North Carolina Forest Service, "Laurel wilt has caused extensive losses of redbay in affected areas, often killing more than 90% of redbay over 1 inch in diameter." It is neither aesthetically appealing, nor safe to retain/plant the multi-stem species redbay.

The Town of Burgaw recognizes agriculture and forestry as integral part of the town's economic environmental health. In addition, agricultural and forestry land contribute to the small town character of the community. As a result, the town seeks to preserve, maintain, and support agriculture and forestry within its zoning jurisdiction. According to the North Carolina Forest Service, "[i]nvasive exotic plants are those plants transported outside their normal home ranges and cause damage or harm in their new location." Invasive species are one of the leading threats to biodiversity due to their occupation of habitat normally utilized by native species and their tendency to outcompete and displace natural vegetation. The North Carolina Forest Service strongly urges the utilization of native plants for landscaping. Therefore, invasive plant species should not be retained or regulated for the tree survey in the Town of Burgaw.

Additionally, invasive species do not meet The Purpose and Intent of Section 9.27.1 (A) (5) of the UDO, "Enact standards for quantity, location, size, spacing, protection, and maintenance of plants and other screening materials to assure a high level of quality in the appearance of the Town while allowing flexibility to promote well-designed and create landscape plantings, as well as to establish and preserve an optimal level of age and species diversity." Invasive species decrease the amount of species diversity due to their ability to outcompete native species.

This modification will benefit the Town because it would eliminate the requirement to retain certain tree species containing multiple stems that do not meet the Town's intention to preserve, maintain, and support forestry and environmental health.

Further, the UDO states in Section 9.27.1 (B) that caliper is a "standard trunk diameter measurement for nursery grown trees taken six (6) inches above the ground for up to and including four (4) inches in caliper size, and twelve (12) inches above the ground for larger sizes." This specifically states that it is for nursery grown trees and not for naturally growing forests, therefore, we have requested above that species are measured at DBH.

A handwritten signature in black ink, appearing to read "Camille Teuben", written over a horizontal line.

D.R. Horton
Camille Teuben, Entitlements Project Manager

References

North Carolina Forest Service. "Laurel Wilt Frequently Asked Questions"
https://www.ncforestservice.gov/forest_health/forest_health_laurelwiltfaq.htm.

North Carolina Forest Service. "Invasive Plants"
https://www.ncforestservice.gov/forest_health/invasives.htm



PETITION FOR TEXT CHANGE AMENDMENT

DATE: 11/9/2023

FEE: \$200.00

APPLICANT INFORMATION

NAME: D.R. Horton - C/O: Camille Teuben

PHONE: 704-564-6863

EMAIL ADDRESS: CMTeuben@drhorton.com

MAILING ADDRESS: 6752 Parker Farm Drive, Suite 210, Wilmington, NC 28405

TEXT CHANGE AMENDMENT REQUEST

SECTION OF UDO APPLICANT IS REQUESTING BEING AMENDED: Section 9.27.3.(C).(2)

SPECIFIC TEXT APPLICANT IS REQUESTING BEING AMENDED: "A tree survey is a description of the existing vegetation on the site. This is necessary to ensure protection of native ornamental species and significant vegetation within required protection areas. The tree survey must be performed and certified by a land surveyor, professional engineer, or registered landscape architect."

REQUESTED TEXT AMENDMENT(S): "A tree inventory is a description of the existing vegetation on the site. This is necessary to ensure protection of native ornamental species and significant vegetation within required protection areas. The tree inventory must be performed by one of the following methods: a field or ground survey indicating the general location, size, and species of each regulated tree, and exact location, size, and species of each specimen tree; or a fixed plot sampling tree inventory of regulated trees, and exact location, size, and species of each specimen tree. The tree survey must be performed and certified by a land surveyor, professional engineer, registered landscape architect, or certified arborist."

AS THE PETITIONER, I/WE: Camille Teuben request the Town of Burgaw Planning Board recommend to the Town of Burgaw Board of Commissioners to amend the Unified Development Ordinance (UDO) of the Town of Burgaw as outlined above.

PLEASE RETURN COMPLETED PETITION FOR TEXT CHANGE AMENDMENT TO:

TOWN OF BURGAW
PLANNING DEPARTMENT
109 NORTH WALKER STREET BURGAW,
NC 28425

Memo

TO: Town of Burgaw Board of Commissioners

THROUGH: Planning Board

FROM: D.R. Horton
6752 Parker Farm Drive, Suite 210
Wilmington, NC 28405

DATE: November 9, 2023

SUBJECT: Text Amendment to Section 9.27.3.(C).(2)

D.R. Horton requests a modification to Section 9.27.3.(C).(2) to be more feasible to residential subdivision developments within the Town of Burgaw. We request the following specific text be amended: "A tree survey is a description of the existing vegetation on the site. This is necessary to ensure protection of native ornamental species and significant vegetation within required protection areas. The tree survey must be performed and certified by a land surveyor, professional engineer, or registered landscape architect." We are requesting the text be amended to: "A tree inventory is a description of the existing vegetation on the site. This is necessary to ensure protection of native ornamental species and significant vegetation within required protection areas. The tree inventory must be performed by one of the following methods: a field or ground survey indicating the general location, size, and species of each regulated tree, and exact location, size, and species of each specimen tree; or a fixed plot sampling tree inventory of regulated trees, and exact location, size, and species of each specimen tree."

The requirement of survey-level accuracy for all existing vegetation on an entire site creates a long, costly timeline for survey/development teams. Below is a description of two options that would provide sufficient/valid data for the regulated trees, while still incorporating a field survey of exact location, size, and species of specimen trees so the development can retain existing specimen trees to the greatest extent possible and to ensure all trees requiring mitigation or in-lieu fee that are proposed for removal are accounted for.

The first option is to use GPS level accuracy for the tree inventory/survey work. GPS level accuracy would be sufficient for existing regulated trees in the realm of residential subdivision developments. The handheld GPS devices can collect sub-meter accurate data. Accuracy of the GPS data varies depending on a variety of factors including the equipment used, canopy cover, number of available satellites; however, a horizontal accuracy limit can be set that will only collect points within the limits set by the user. In forested areas, typically a horizontal accuracy limit of 10 feet allows for efficient and accurate data collection. This would provide sufficient data for regulated trees that can remain and regulated trees that need to be removed during

the development. The timeline of the tree inventory process would greatly improve, and the number of regulated trees that will need to be removed/mitigated could still be determined.

The second option would be to conduct fixed plot sampling. The fixed plot sampling method creates a number of small areas (or "plots") depending on the site characteristics. The plots would be based on existing tree canopy coverage. These plots are then surveyed and extrapolated to the remainder of the site. This method creates statistically valid data on the numbers and distribution across a tract of documented trees that will remain or be removed by the development. A field survey for exact location of specimen trees could still be conducted in addition to the fixed plot sampling method to ensure that specimen trees are avoided to the greatest extent possible by the development.

A handwritten signature in black ink, appearing to read "Camille Teuben", written over a horizontal line.

D.R. Horton

Camille Teuben, Entitlements Project Manager

Memo

TO: Town of Burgaw Board of Commissioners

THROUGH: Planning Board

FROM: D.R. Horton
6752 Parker Farm Drive, Suite 210
Wilmington, NC 28405

DATE: December 22, 2023

SUBJECT: Text Amendment to Section 9.27.3.(C).(2)

D.R. Horton requests a modification to Section 9.27.3.(C). to be more feasible to residential subdivision developments within the Town of Burgaw.

We are requesting the text be amended to:

“(C) Tree Inventory

(1) All applications for grading, building, demolition, or site plan review shall include a tree inventory in addition to the information required for a tree removal permit as outlined in this section.

(2) A tree inventory is a description of the existing vegetation on the site. This is necessary to ensure protection of native ornamental species and significant vegetation within required protection areas. The tree inventory must be performed by one of the following methods: a field or ground inventory indicating the GPS or surveyed location, size, and species of regulated and specimen trees for site; or a fixed plot sampling tree inventory of regulated trees, and GPS or surveyed location, size, and species of each specimen tree if forested area(s) on site total more than 40 acres. The tree inventory must be certified by a land surveyor, professional engineer, registered landscape architect, or certified arborist.

Fixed Plot Sampling Method

A sampling intensity of 10% of each forest stand on site will be achieved with a square grid of 0.10-acre circular lots that have a radius of 37.2 feet, one plot per acre. A forest stand is a forested area in which the composition of the forest in regard to tree species present and the sizes and ages of the trees are relatively uniform. With the forest stand boundary depicted accurately to scale in GIS or CAD, map plot centers in rows with 208.7 feet between plot centers in each row and 208.7 feet between plots in adjacent rows. That process divides the tract into 1.0-acre square blocks with the 0.10-acre circular sample plot at the center of each block. When planning a tree inventory, each stand must be considered separately.

At each plot center, measure the distance to the edge of the circular plot at 8 radii and mark the plot boundary with flagging tape. Then document the location, caliper, and species for each

regulated and specimen tree using either GPS or survey. Mark all protected trees in the plot with flagging tape or tree marking paint for ease of locating them in the future. The location, size, and species for all specimen trees must be documented for the entire site regardless of the size.

The tree inventory shall, at a minimum, include the following information:

(a) A map that includes the shape and dimensions of the real property to be developed, together with the existing and/or proposed locations of structures and improvements; existing and/or proposed utility services; roadways, bikeways, walkways, and parking areas;

For Sites Not Using the Fixed Plot Sampling Method

(b) A map that includes the location, caliper, and species of all regulated and specimen trees to be retained or new trees to be planted in accordance with the provisions of this section;

(c) The proposed relocations of any existing protected tree with a statement of how the tree is to be relocated and maintained;

(d) Any proposed grade changes which might adversely affect or endanger any protected tree to be retained with a statement of how the tree is to be protected and maintained; and

(e) The proposed method of protecting the remaining protected trees during construction, including the Critical Root Zone(s) of each individual tree or group of individual trees, in accordance with this section.

OR

For Sites with Forested Area(s) More Than 40 Acres Using the Fixed Plot Sampling Method

(b) A map that includes the location, caliper, and species of all specimen trees to be retained on site or new trees to be planted in accordance with the provisions of this section and the extrapolated number of regulated trees that will be retained for each forest stand;

(c) A map displaying forest stand boundaries and plot centers with a data table including each plot; coordinates of the plot center; each regulated tree, caliper, and species documented during the fixed plot sampling; and estimated tree data totals for each forested stand;

(d) The proposed relocations of any existing protected tree with a statement of how the tree is to be relocated and maintained;

(e) Any proposed grade changes which might adversely affect or endanger any protected tree to be retained with a statement of how the tree is to be protected and maintained; and

(f) The proposed method of protecting the remaining protected trees during construction, including the Critical Root Zone(s) of each individual tree or group of individual trees, in

accordance with this section. The Critical Root Zone(s) for regulated trees will be approximated based on data from the fixed plot sampling.

(3) Residentially zoned properties containing or proposing a detached single-family or two-family dwelling are exempt from tree inventory and tree removal permit requirements. Residential subdivision projects are not included in this exemption.

(D) Retention Standards for Protected Trees. Protected trees may be removed only if essential site improvements cannot be accommodated elsewhere on the site or unless one of the criteria of this section is met, as determined by the Town Planner. If any protected trees are to be cleared from the site for essential site improvements, the proposed removal must be indicated, the reasons for doing so shall be clearly stated on the tree inventory, and a tree removal permit must be obtained from the Town Planner. Such factors as non-selective clearing by bulldozers is less expensive than selective clearing by chainsaw or removal to accommodate non-essential site improvements shall not be valid reasons for removal of protected trees. Clearing of sites shall be limited to areas approved for construction.

(E) Negligence. If a tree required to be protected is destroyed, substantially damaged, or dies as a result of negligence or failure to comply with the requirements of this section on the part of any property owner and/or agent of the owner within 12 months after a certificate of occupancy is issued, then replacement of trees of a similar species with a caliper of at least two inches, as approved by the Town Planner, shall be planted on the site.

(F) The Town of Burgaw Tree Board is responsible for the use of funds from the Tree Improvement Fund to purchase trees for placement in public rights-of-way and on public property such as parks and trails. Any use of Tree Improvement Funds must be voted on at a meeting of the Tree Board.”

Supporting Evidence

The requirement of survey-level accuracy for all regulated vegetation creates a long, costly timeline for survey/development teams, incurring high costs and project delays that may impede economic development for the town. Below is a description of two options that would provide sufficient/valid data for regulated trees, while still incorporating a field survey of exact location, size, and species of specimen and large trees so the development can retain existing specimen and large trees to the greatest extent possible and to ensure all trees requiring mitigation or in-lieu fee that are proposed for removal are accounted for.

The first request is to use GPS-level accuracy for the tree inventory/survey work. GPS-level accuracy would be sufficient for existing regulated trees in the realm of residential subdivision developments. The handheld GPS devices can collect sub-meter accurate data. Accuracy of the GPS data varies depending on a variety of factors including the equipment used, canopy cover, number of available satellites; however, a horizontal accuracy limit can be set that will only

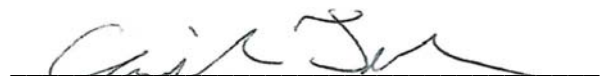
collect points within the limits set by the user. In forested areas, typically a horizontal accuracy limit of 10 feet allows for efficient and accurate data collection. This would provide sufficient data for regulated trees that need to be retained or removed during the development. The timeline of the tree inventory process would greatly improve, and the number of regulated trees that will need to be removed/mitigated could still be determined. This would provide a more feasible option to complete tree inventories on larger tracts of forested land. Similarly, the Pender County Unified Development Ordinance (UDO) does not explicitly mandate survey-level accuracy for tree surveys; rather, it states the tree survey should include the general locations of trees. This requirement can be fulfilled through the utilization of GPS data.

The second request is to allow for fixed plot sampling for tree inventories following the methodology described in the New Hanover County Tree and Landscaping Manual (2022). As stated in the manual, “[r]ather than a map of all regulated trees, this methodology is designed to provide statistically valid data on the numbers and distribution across a tract of documented trees plus mapped locations of significant and specimen trees.” The method described by New Hanover County does not require survey data but instead allows for GPS-collected data, assuming the accuracy levels of the GPS unit can be restricted to a horizontal error of no greater than ± 3.0 feet under a forest canopy. As stated previously, an accuracy level can be set for collecting GPS data. A sampling intensity of 10% is adequate for the tree inventory requirements of the UDO.

A field inventory of the location of specimen trees could still be conducted in addition to the fixed plot sampling method to ensure that specimen and large trees are avoided to the greatest extent possible by the development.

Other municipalities utilize fixed plot sampling methods for tree inventories. Section 6.22.C.3 of the Town of Wallace UDO states “[f]or sites exceeding 20 acres, the applicant may provide 100’ x 100’ sample survey areas for each separate undisturbed portion of the site containing an acre or more.” Section 4.4 of the Town of Holly Springs Unified Development Ordinance requires all specimen trees be located for tree inventories; however, a sample area survey is used to detail all trees and other vegetation within a 20-foot radius plot of each tree canopy type found on site.

This modification will benefit the Town because it would be more congruous with surrounding municipalities, optimize data collection in the field making tree inventories less costly, encouraging economic growth, and improve the review process of larger forested sites for Town personnel.



D.R. Horton
Camille Teuben, Entitlements Project Manager

References

New Hanover County Tree & Landscaping Manual (November 2022).

https://health.nhcgov.com/DocumentCenter/View/3691/NHC-Tree-and-Landscaping-Manual_2022-11

Town of Holly Springs Unified Development Ordinance. Section 4: Open Space and Conservation.

<https://www.hollyspringsnc.gov/DocumentCenter/View/37681/Section-4-Open-Space-and-Conservation>

Town of Wallace Unified Development Ordinance. Chapter 6.

<https://www.wallacenc.gov/planning-and-community-development/>

	Tree survey requirements
Ayden	1) Natural Resources Inventory: A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, geologic features, topography, wetlands, and native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as lakes, ponds, floodplains, stream buffers and other setbacks. Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.
Leland	-
Nashville	No tree survey language.
Surf City	N/A
Troutman	5.1.4 ENVIRONMENTAL INVENTORY Environmental Inventories shall identify existing vegetation, wetlands, wildlife, and distinctive natural features on the subject property and all adjacent properties. The Environmental Inventory shall include the following features, as applicable, at the discretion of the Zoning Administrator: *** • Forest stands (or trees of a uniform size and species); • Specimen trees; • Distinctive tree lines or forest edges; ***
Wallace	B. Applicability. Every application for a Master Plan, site plan, grading plan, or Special Use Permit or any modification to any of the listed permit types shall provide a tree inventory and protection plan. This plan shall also be included in the grading plan of the construction drawings for any of the review types listed. Applicants submitting a grading plan as part of a Zoning Compliance Permit application where no building or structure is proposed shall also submit a tree inventory and protection plan.
Brunswick County	The primary objective of tree survey requirements is to provide better information about the presence and location of heritage trees (see Section 6.1.4.B) on sites proposed for development. This information is needed before plans for development are so far advanced that it is unreasonable and impractical to modify the plans to protect the trees identified on the tree survey. Tree survey requirements do not obligate a property owner or developer to save trees by modifying a plan for development. However, knowing the location and size of heritage trees helps the staff evaluate possible modifications to the proposed plans to preserve heritage trees and improve the appearance of proposed development. Canopy trees should be retained or installed to cover a minimum of 15% of the site. Coverage can be estimated by visual estimates, aerial photography or by land survey methods.

	TREE INVENTORY [10-03-2022] [11-14-2022] Regulated trees existing on a site at the time of development application shall be inventoried by any of the following methods, unless the site is subject to incentives as outlined in 5.3.8, Optional Incentives for Retaining Trees: A. A field or ground survey indicating the location, size, and species of each regulated tree; B. A fixed plot sampling tree inventory as described in the New Hanover County Tree and Landscaping Manual; or C. Other tree inventory method approved by the Planning Director. Areas that will not be disturbed shall be delineated as such and do not require inventorying individual trees.
New Hanover County	TREE RETENTION STANDARDS A. Identification of Regulated Trees Three types of trees are regulated or protected by this section. They are Documented Trees, Significant Trees, and Specimen Trees. This categorization of trees is based on the tree species and existing minimum Diameter at Breast Height (DBH) of the trees. Documented Trees, Significant Trees, and Specimen Trees regulated or protected by this section are identified in Table 5.3.4.A: Regulated Trees. B. The Planning Director may permit or require a reduction in required street yards, landscape islands, foundation plantings, setbacks, or other dimensional, parking, or landscaping standards for the purpose of retaining significant or specimen trees, including on single family lots otherwise exempt from these standards.[10-03-2022] C. A minimum of 15 trees at least two inches DBH or two caliper inches, as applicable, shall be retained or planted on a parcel where development occurs in accordance with Section 5.4, Landscaping and Buffering. D. Regulated trees within a 50-foot perimeter of the property must be retained and protected during non-exempt tree harvests. All significant trees shall be retained. E. If existing trees and shrubs on the site where a transitional buffer is required meets at least 50 percent of the required opacity standards, then those trees and shrubs shall be retained for use in buffering and supplemented as needed with plantings, fences, and/or berms to meet the required standards of Section 5.4.3, Transitional Buffer Standards. In all cases, existing trees(unless invasive) greater than eight inches DBH shall not be removed from a 20-foot buffer strip, unless the Planning Director determines removal of such trees is necessary for the installation of utilities or other required essential improvements. The retention requirements in this section shall not apply to existing trees or shrubs identified as invasive species, as defined in this Ordinance.

PLOT SAMPLING METHODOLOGY FOR TREE INVENTORY

This sampling methodology was outlined by James D. Gregory, Ph.D., CPSS, PWS for conducting an inventory of regulated trees as defined by the New Hanover County Unified Development Ordinance in October 2022.

INTRODUCTION

Rather than a map of all regulated trees, this methodology is designed to provide statistically valid data on the numbers and distribution across a tract of documented trees plus mapped locations of significant and specimen trees. An inherent assumption of sampling schemes for various types of forest inventory is that an inventory of a small percentage of the area of the forest stand provides an estimate of the desired parameters totaled over the stand. Such estimates are quite adequate for forest management planning, offering timber for sale and other potential objectives of a forest landowner. A sampling methodology is also suitable for the tree retention requirements of the UDO and will expand the numbers of potential contractors for conducting tree inventories because many environmental and forestry consulting firms have the equipment and field personnel needed to conduct the inventory.

TERMINOLOGY

1. Forest stand: is a forested area in which the composition of the forest in regard to tree species present and the sizes and ages of the trees are relatively uniform. When planning an inventory of a forested tract, each stand must be considered separately.
2. DBH: is the tree diameter at breast height or 4.5 feet above the ground.
3. Global Positioning System (GPS), also often referred to as Global Navigation Satellite System (GNSS): is the system of satellites and ground based equipment that can be used to determine horizontal locations to high accuracy. Accuracy of a hand held GPS unit is related to
 - a. The electronics of the unit
 - b. The number of satellites that the unit can lock onto at one, and
 - c. The capability of the unit to access ground based stations used to improve accuracy.

The specified and confirmed locational accuracy of hand held GPS units is an important issue when used under a forest canopy because the tree canopy limits the number of satellites that the unit can “see.”

4. Geographic Information System (GIS): is computer graphics software that is used to create various types of maps and conduct various analyses of the characteristics of terrain. GIS maps can be printed directly from the software, converted to pdf format or converted to the format of computer-aided design (CAD) software used by engineers and architects.

5. Sampling intensity: is the total area of sample plots as a percent of the area of the forest stand to be inventoried. A sampling intensity of 10% is adequate for the tree inventory requirements of the UDO.
6. Tall the trees: for documented trees, tally means to record in a data sheet or field computer the number of trees by species within a designated dbh class in the plot. For significant and specimen trees, tally means to record the species, dbh, and coordinates of each tree.

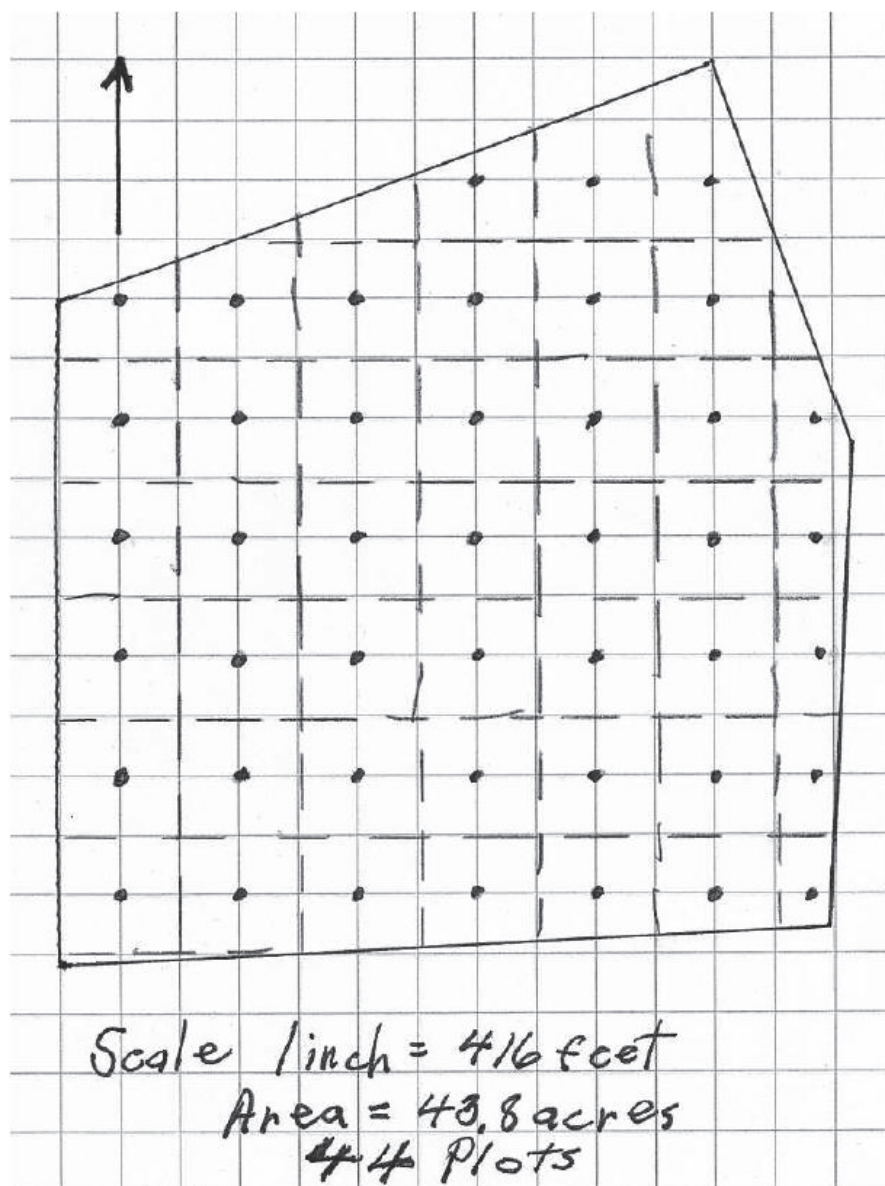
CONTRACTOR REQUIREMENTS

1. Personnel who:
 - a. Are skilled in the use of GIS or CAD for mapping and terrain analysis,
 - b. Are skilled in the use of GPS to determine the horizontal locations of plot centers and specific trees and to confirm accuracy of the instrument, and
 - c. Can accurately identify the species (common and scientific names) of all native and naturalized nonnative trees that are present in a forest stand in New Hanover County.
2. GPS equipment that has horizontal error in the open of no greater than ± 1.0 foot and under a forest canopy of no greater than ± 3.0 feet.
3. GIS or CAD software suitable for designing the sampling scheme and creating maps from the GPS data.

TREE INVENTORY METHODOLOGY

ESTABLISH PLOT CENTERS

A sampling intensity of 10% of the area of the forest stand will be achieved with a square grid of 0.10 acre circular lots that have a radius of 37.2 feet, one plot per acre. With the tract boundary depicted accurately to scale in GIS or CAD, map plot centers in rows with 208.7 feet between plot centers in each row and 208.7 feet between plots in adjacent rows. That process divides the tract into 1.0 acre square blocks with the 0.10 acre circular sample plot at the center of each block. The figure below is an example of a 43.8 acre tract with 44 plots indicated by the dots as plot centers. The dotted lines indicate the square acre represented by each sample plot. The row of five plots on the eastern edge of the tract is somewhat closer to the next line of plots than 208 feet but far enough inside the tract boundary that the eastern edge of each plot is inside the boundary. The GPS unit is then used to navigate to the plot centers for collection of tree inventory data associated with each plot.



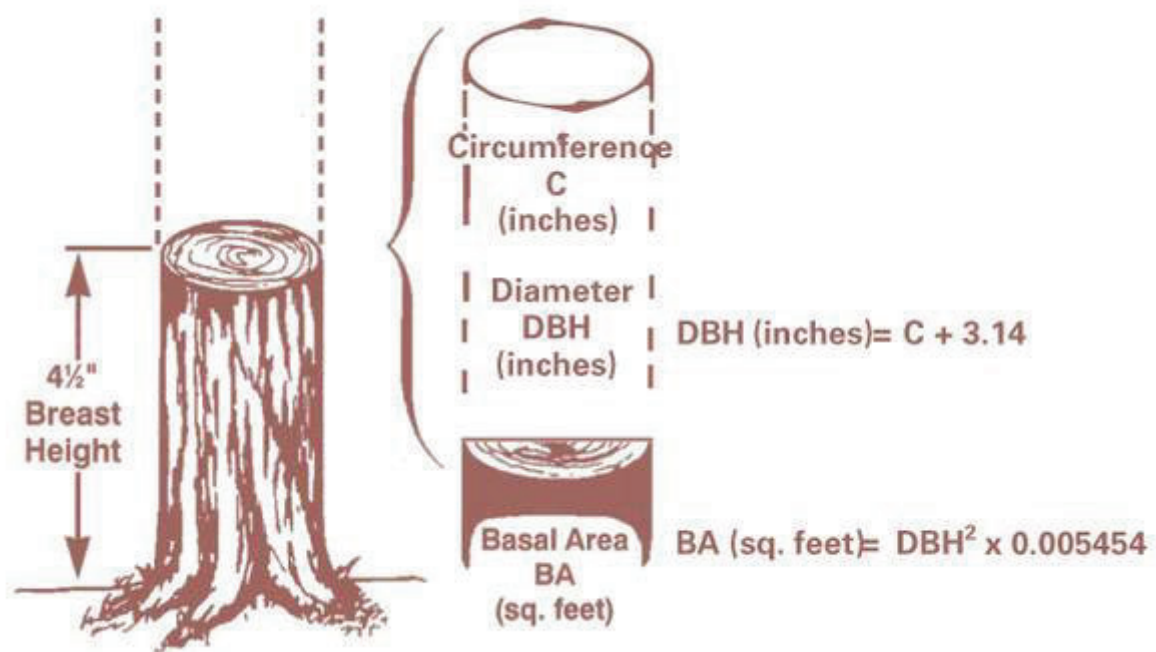
TREE INVENTORY DATA COLLECTION

At each plot center, measure the distance to the edge of the circular plot at 8 radii and mark the plot boundary with flagging tape. Then tally the documented trees in 2-inch dbh classes between the minimum required dbh and the minimum dbh for significant trees. Next tally the significant and specimen trees that are within the plot and within the approximate area of the 1-acre section represented by the plot. Mark all significant and specimen trees with flagging tape or tree marking paint to avoid double tallying and for ease of locating them in the future.

TREE INVENTORY REPORT

A report of the tree inventory will include:

1. A GIS or CAD map that includes the tract boundary and icons with plot numbers for the plot centers plus icons with tree numbers for the significant and specimen trees. All coordinate data will be in NC State Plane Coordinates, often referred to as the NC Grid System and conform to NAD 83 (2011).
2. A data report that includes:
 - a. Contractor company and contact information
 - b. Date(s) of field data collection
 - c. Lists of significant and specimen trees that include the tree number, common and scientific names of the species, dbh, and coordinates
 - d. Data table of tallied documented trees by species, including common and scientific names and dbh class
 - i. Tree data for each plot and coordinates of the plot center
 - ii. Tree data totals for the tract
 - e. Note condition of any significant or specimen tree that has substantial crow or bole damage, heart rot or other issues that make the tree unsuitable for preservation
3. Notes: Provide pertinent information about the tract that may be useful to the land owner and to the county officials if/when a development on the tract is contemplated.





Agenda Item 2

Request: To modify language related to the definition of regulated trees and to modify survey methods for projects exceeding 40 acres in size

Hearing Date: 2/13/2024

Board of Commissioners Consistency Statement

(To be read into the record as a motion, seconded and voted upon)

___ Approval – this request is consistent with the goals and policies of the following plan(s) adopted by the Town of Burgaw:

() Burgaw 2030: Town of Burgaw Comprehensive Land Use Plan

() Other: _____

The Board of Commissioners considers its approval to be reasonable and in the public interest because: (Please provide reasons which can be found in the staff report)

The proposal will ensure the town's zoning and development code can accommodate appropriate businesses and industries and a variety of development forms.

___ Rejected – this request is not consistent with the goals and policies of the following plan(s) adopted by the Town of Burgaw:

() Burgaw 2030: Town of Burgaw Comprehensive Land Use Plan

() Other: _____

The Board of Commissioners considers its rejection to be reasonable and in the public interest because:

The proposal for plot sampling and other methods beyond a physical survey would not provide accurate information for tree mitigation purposes.

Therefore, The Board of Commissioners recommends rejection of this request.

Comments:

This report reflects the recommendation of the Town of Burgaw Planning Board, this the 13th day of February 2024.

Attest:

Mayor

RESOLUTION 2024-01

ADOPTING A STATEMENT OF CONSISTENCY REGARDING TEXT AMENDMENTS OF THE TOWN OF BURGAW UNIFIED DEVELOPMENT ORDINANCE REQUESTED BY CAMILLE TEUBEN OF D.R. HORTON TO AMEND CHAPTER 9. DEVELOPMENT DESIGN STANDARDS AND PROCESSES, SECTION 9.27.1.(B).(9) REGULATED TREE AND SECTION 9.27.3.(C) TREE SURVEY TO MODIFY THE DEFINITION OF REGULATED TREES AND TO MODIFY SURVEY METHODS FOR PROJECTS EXCEEDING 40 ACRES IN SIZE.

WHEREAS, the Applicant, Camille Teuben of D.R. Horton, has requested the Town amend the Town of Burgaw Unified Development Ordinance to amend Chapter 9. Development Design Standards and Processes, Section 9.27.1.(B).(9) Regulated Tree and Section 9.27.3.(C) Tree Survey to modify the definition of regulated trees and to modify survey methods for projects exceeding 40 acres in size and has presented those findings to the Town of Burgaw Planning Board; and

WHEREAS, Planning Staff has reviewed the proposed text change amendments 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 January 18, 2024, meeting, recommended the adoption of 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 February 13, 2024, meeting and found the proposed text change amendments 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 Unified Development Ordinance text amendments are consistent with the Town of Burgaw 2030 Comprehensive Plan by ensuring the town's zoning and development code can accommodate appropriate businesses and industries and a variety of development forms.

Adopted this 13th day of February 2024.

Attest: _____
Kristin Wells, Town Clerk

Signed: _____
G. Olivia Dawson, Mayor

ORDINANCE 2024-01

A TEXT CHANGE AMENDMENT TO THE TOWN OF BURGAW UNIFIED DEVELOPMENT ORDINANCE REQUESTED BY CAMILLE TEUBEN OF D.R. HORTON TO AMEND CHAPTER 9. DEVELOPMENT DESIGN STANDARDS AND PROCESSES, SECTION 9.27.1.(B).(9) REGULATED TREE AND SECTION 9.27.3.(C) TREE SURVEY TO MODIFY THE DEFINITION OF REGULATED TREES AND TO MODIFY SURVEY METHODS FOR PROJECTS EXCEEDING 40 ACRES IN SIZE.

WHEREAS, applicant, Camille Teuben of D.R. Horton, has requested the Town amend the Town of Burgaw Unified Development Ordinance to amend Chapter 9 Development Design Standards and Processes, Section 9.27.1.(B).(9) Regulated Tree and Section 9.27.3.(C) Tree Survey to modify the definition of regulated trees and to modify survey methods for projects exceeding 40 acres in size and has presented those findings to the Town of Burgaw Planning Board; and

WHEREAS, the Town of Burgaw Planning Board, at their January 18, 2024, meeting, recommended the adoption of the proposed text amendments to the Board of Commissioners of the Town of Burgaw with a unanimous vote; 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 February 13, 2024, meeting and found the proposed text change amendment to be consistent with the Town of Burgaw 2030 Comprehensive Land Use Plan, reasonable, and in the public interest; and

NOW, THEREFORE BE IT ORDAINED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the proposed Unified Development Ordinance text amendments are consistent with the Town of Burgaw 2030 Comprehensive Plan by ensuring the town's zoning and development code can accommodate appropriate businesses and industries and a variety of development forms.

SECTION 1. The Town of Burgaw Unified Development Ordinance is amended as follows:

Section 9.27.1 General (B) Definitions 9. Regulated tree

- (c) Crape myrtles having several stems or trunks, and at least one defined stem or trunk with a measured caliper of at least four (4) inches, measured at the diameter at breast height (DBH).

Section 9.27.3 Tree Preservation and Replacement During Development

(C) Tree Inventory

- (1) All applications for grading, building, demolition, or site plan review shall include a tree inventory in addition to the information required for a tree removal permit as outlined in this section.
- (2) A tree inventory is a description of the existing vegetation on the site. This is necessary to ensure protection of native ornamental species and significant vegetation within required protection areas. The tree inventory must be performed by one of the following methods: a field or ground inventory indicating the GPS or surveyed location, size, and species of regulated and specimen trees for site; or a fixed plot sampling tree inventory of regulated trees, and GPS or surveyed location, size, and species of each specimen tree if forested area(s) on site total more than 40 acres. The tree inventory must be certified by a registered land surveyor, professional engineer, or registered landscape architect, or certified arborist.

The tree inventory shall, at a minimum, include the following information:

- (a) A map that includes the shape and dimensions of the real property to be developed, together with the existing and/or proposed locations of structures and improvements; existing and/or proposed utility services; roadways, bikeways, walkways, and parking areas;
 - (b) A map that includes the location, caliper, and species of all regulated and specimen trees to be retained or new trees to be planted in accordance with the provisions of this section;
 - (c) The proposed relocations of any existing protected tree with a statement of how the tree is to be relocated and maintained;
 - (d) Any proposed grade changes which might adversely affect or endanger any protected tree to be retained with a statement of how the tree is to be protected and maintained; and
 - (e) The proposed method of protecting the remaining protected trees during construction, including the Critical Root Zone(s) of each individual tree or group of individual trees, in accordance with this section.
- (3) Fixed Plot Sampling Method (only permitted for sites with forested area(s) more than 40 acres)

A sampling intensity of 10% of each forest stand on site will be achieved with a square grid of 0.10-acre circular lots that have a radius of 37.2 feet, one plot per acre. A forest stand is a forested area in which the composition of the forest in regard to tree species present and the sizes and ages of the trees are relatively uniform. With the forest stand boundary depicted accurately to scale in GIS or CAD, map plot centers in rows with 208.7 feet between plot centers in each row and 208.7 feet between plots in adjacent rows. That process divides the tract into 1.0-acre square blocks with the 0.10-acre circular sample plot at the center of each block. When planning a tree inventory, each stand must be considered separately.

At each plot center, measure the distance to the edge of the circular plot at 8 radii and mark the plot boundary with flagging tape. Then document the location, caliper, and species for each regulated and specimen tree using either GPS or survey. Mark all protected trees in the plot with flagging tape or tree marking paint for ease of locating them in the future. The location, size, and species for all specimen trees must be documented for the entire site regardless of the size.

For blocks that are less than 1.0 square acre, the plot center shall be shifted within the block at the discretion of a registered land surveyor, professional engineer, registered landscape architect, or certified arborist to provide an accurate representation of tree composition for the block. If the block is too small to contain the 37.2-foot radius circular plot, the block is not required to be sampled.

This type of tree inventory shall, at a minimum, include the following:

- (a) A map that includes the shape and dimensions of the real property to be developed, together with the existing and/or proposed locations of structures and improvements; existing and/or proposed utility services; roadways, bikeways, walkways, and parking areas;
 - (b) A map that includes the location, caliper, and species of all specimen trees to be retained on site or new trees to be planted in accordance with the provisions of this section and the extrapolated number of regulated trees that will be retained for each forest stand;
 - (c) A map displaying forest stand boundaries and plot centers with a data table including each plot; coordinates of the plot center; each regulated tree, caliper, and species documented during the fixed plot sampling; and estimated tree data totals for each forested stand;
 - (d) The proposed relocations of any existing protected tree with a statement of how the tree is to be relocated and maintained;
 - (e) Any proposed grade changes which might adversely affect or endanger any protected tree to be retained with a statement of how the tree is to be protected and maintained; and
 - (f) The proposed method of protecting the remaining protected trees during construction, including the Critical Root Zone(s) of each individual tree or group of individual trees, in accordance with this section. The Critical Root Zone(s) for regulated trees will be approximated based on data from the fixed plot sampling.
- (4) Residentially zoned properties containing or proposing a detached single-family or two-family dwelling are exempt from tree inventory and tree removal permit requirements. Residential subdivision projects are not included in this exemption.
- (D) Retention Standards for Protected Trees. Protected trees may be removed only if essential site improvements cannot be accommodated elsewhere on the site or unless one of the criteria of this section is met, as determined by the Town Planner. If any protected trees are to be cleared from the site for essential site improvements, the proposed removal must be indicated, the reasons for doing so shall be clearly stated on the tree inventory, and a tree removal permit must be obtained from the Town Planner. Such factors as non-selective clearing by bulldozers is less expensive than selective clearing by chainsaw or removal to

accommodate non-essential site improvements shall not be valid reasons for removal of protected trees. Clearing of sites shall be limited to areas approved for construction.

SECTION 2. These amendments become effective immediately upon adoption of this ordinance on this, the 13th day of February 2024.

Attest: _____
Kristin Wells, Town Clerk

Signed: _____
G. Olivia Dawson, Mayor

DRAFT

	Use			
Ayden	Temporary Uses			
	Circuses and/or carnivals	7 days once per calendar year	2. Standards: The following guidelines shall apply to all temporary uses: a. A letter of intent outlining the dates, location, use, duration of use, owner, operator, and other pertinent information shall be submitted along with the other requirements of this Ordinance to the Administrator prior to the issuance of a permit. Such letter, upon final acceptance, shall be the commitment to comply with the requirements contained herein and the conditions outlined therein by the responsible party of such use. 3. The Administrator and other applicable Town staff (police chief, fire chief, etc.) shall inspect and approve the installation of all temporary uses prior to any use of the facility. For circuses, carnivals, bazaars, evangelistic or religious congregations, open lot sales, fairs, or special entertainment events, and special sales, each permit applicant shall submit a parking and traffic plan which shall include the following: a. Indication of area to be used by operators’ vehicles and customers; b. Designation of entrances and exits, traffic flow, and parking areas; c. Total number of parking spaces available; d. Estimated number of customers or participants. 4. Where a tent or similar structure is to be used, the following requirements or documentation shall be met: a. A limitation of the number of occupants in a structure shall be observed as per the NC Fire Code and Building Code. b. In conjunction with an occupancy limit, a seating plan, if seating is provided for an audience, must be also submitted and approved by the Fire Marshall. c. All tents and other temporary structures must be inspected and approved by the Fire Marshall and the Pitt County Building Inspector as deemed necessary. 5. Where temporary structures, tents, mobile offices, accessory uses, existing structures, or similar uses are required in connection with the temporary use, a sketch plan or layout generally drawn to scale shall be submitted and shall show the location or placement of the temporary uses, structures, and accessory uses in conjunction with adjacent streets, parking, attendant accessory uses, existing or proposed structures and traffic movement or flow pattern, and entrances and exits. 6. The following additional requirements shall apply: a. Fairs or Related Temporary Recreational or Entertainment Events. Fairs or similar events which usually occur on an annual basis are only allowed in nonresidential districts and public parks. b. Temporary Housing. Recreational Vehicle; nonpermanent housing units for displacement as a result of a substantial renovation project in a neighborhood or other residentially zoned areas shall be allowed provided they meet the following requirements: 1) The unit must be sited in accordance with the following dimensional requirements: • Minimum clearance between the temporary unit and the primary structure shall be fifteen (15) feet; • The temporary unit shall have a minimum setback of fifteen (15) feet from any street right-of-way, as applicable. • The temporary unit must comply with all established side, front, and rear yard setback requirements for the district within which the unit is located. 2) All temporary units shall be connected to town utilities for water and sanitary sewer if available, or a State-approved septic system. 3) Adequate provision shall be made for solid waste management in compliance with town ordinances and policies.	
	evangelistic and religious related congregation (including funeral services)	7 days under each permit		
	Outdoor bazaars, cookouts, and/or similar activities by churches or other nonprofit institutions and organizations.	2 consecutive days under each permit.		
	Open lot sales area for Christmas trees or special fund raising sales or nonprofit organizations.	45 days.		
	Antique and classic auto and truck shows sponsored by nonprofit organizations. Food vendors and auto part vendors are permitted a part of the show	2 days under each permit.		
	Outdoor weddings using tents.	3 days.		
	Antique sales/consignment events.	4 days per permit (only two permits allowed per calendar year).		
	Temporary relocation manufactured housing for displacement as a result of natural or man-made disasters or public sponsored redevelopment projects in a neighborhood or area.	18 months (extension may be requested through the Board of Commissioners.		
	Other temporary recreational or entertainment-related events or activities such as fairs or concerts.	3 Days (only two permits allowed per calendar year).		
	Temporary use of a recreational vehicle as a dwelling unit, to be utilized while renovating the primary structure on site. Use of the recreational vehicle unit as a residence may only be utilized in conjunction with an active building permit. Use of the unit shall cease upon issuance of a certificate of occupancy from the Pitt County Building Inspector. In order to utilize a recreational vehicle as a temporary residence, the unit	Permit will run with an active Building Permit issued through the Pitt County Inspections Department.		

	must be tied into the town's central wastewater treatment system or septic system available on site.		
Leland	Temporary and accessory uses		
	Mobile office	1) Mobile offices may be used on a temporary basis for such purposes as construction offices, bloodmobiles, bookmobiles and traveling exhibits. However, such uses must obtain a temporary use permit from the planning and inspections director or their designee if the use is to last more than 48 hours at one site. 2) Mobile offices may also be used for other office or business purposes in cases where the permanent structure has been destroyed through no fault of the owner or tenant. A temporary use permit must be obtained before the use of the mobile office is initiated. This temporary use permit shall be valid for a specified period of time while reconstruction takes place, not to exceed six months, and may be renewed no more than once. 3) A temporary use permit may be issued by the planning and inspections director or their designee for a mobile home for use as a temporary field office for contractors if the mobile home: a.And the structure under construction are located on the same property; b.Is not moved to the site more than 30 days prior to construction and is not removed later than 30 days after construction has been completed; c.Is not used for any other purpose other than that connected with on-site construction; d.Is justified by the size and nature of the construction project; e.Is for a period not to exceed 18 months for C-1 and C-2 district uses only; f.Is utilized only incidental to on-site construction during daylight hours and not for residential living quarters; and g.Sanitary facilities are approved by the county sanitarian.	
	Manufactured homes and travel trailers.	Temporary use of a manufactured home or travel trailer (as defined in subsection 66-4(3)) as a residence shall be permitted in any residential district in cases where the permanent home has been destroyed through no fault of the owner or tenant. A temporary housing permit must be obtained from the planning staff before the use of the manufactured home or travel trailer is initiated. Such temporary housing permit shall be valid for a specified period of time, not to exceed 12 months, while reconstruction takes place, and may be renewed no more than once. The unit must be removed within 30 days after receipt of the certificate of occupancy for the newly constructed unit. All temporary housing must conform to the standards in chapter 26, article II, "Flood damage prevention ordinance" and shall tie into existing water and sewer services for the principal residence on the lot.	
Nashville	Manufactured unit used as a temporary office	(13)Note 13; Manufactured unit used as a temporary office. A manufactured home may be used as a temporary field office for construction if the manufactured home: a.And the structure under construction are located on the same property; b.Is not moved to the site more than 30 days prior to construction and is moved no later than 30 days after construction has been completed; c.Is not used for any other purpose other than that connected with on-site construction; d.Is utilized only incidental to on-site construction during daylight hours and not for residential living quarters; e.Is for a period not to exceed 18 months; f.Is parked in a location approved in advance by the zoning administrator; and g.Is connected to sanitary facilities.	
	Temporary buildings incidental to a construction project		
	Temporary certificate	The zoning administrator may issue a temporary certificate of zoning compliance for commercial rides, carnivals, religious revivals, construction offices and similar uses. Such certificate shall be issued for a fixed period of time, not to exceed 90 days; shall be subject to such limitations as the zoning administrator may impose to protect the character of the district affected; and may be considered for reapplication.	Planning Director stated it would be left up to interpretation as to the actual use that would fall under "and similar uses."
Surf City	Temporary zoning permits.	A temporary zoning permit may be issued by the town planner for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion. A temporary zoning permit may be issued by the town planner for a period not exceeding two (2) weeks for bazaars, carnivals, seasonal sales, or religious revivals. Temporary permits may be renewed one time for an additional two (2) weeks. A continuous period of thirty (30) days shall elapse between issuance of temporary permits. Such temporary permits may require such conditions and safeguards as will protect the safety of the occupants and the public. Such conditions may include maintaining safe ingress and egress, location of signs, and maintaining parking facilities. The town planner shall maintain a record of all zoning permits and monthly summary of all permits issued shall be made available to the public. Failure to obtain a zoning permit shall be violation of this ordinance and punishable under section 13.3 of this ordinance.	
Troutman	Construction trailers used in conjunction with construction projects	Such construction trailers may be located at a building site where there is a valid building permit for the construction project, or, in the case of a residential subdivision, a valid building permit for at least one of the residential units being constructed. 2. All construction trailers shall be located at least ten (10) feet off any street right-of-way and not be placed in any required rear or side yard setback. 3. In addition to construction trailers, at any construction site for a construction project valued at one million dollars or more, one or more security guard houses may be installed. Use of such structures may include overnight stay provided adequate sanitary facilities are provided and the same conditions for construction trailers are met.	

	Structures, whether temporary or permanent, located in a subdivision containing twenty-five (25) or more lots, and used as sales offices for the subdivision development are permitted.	1. The manufactured home shall be provided with underpinning, from the bottom of the walls to the ground, made of vinyl, pre-painted aluminum material, or other material specifically manufactured for mobile homes. 2. Landscaping shall be provided to create an aesthetically pleasing appearance. 3. At the completion of the sales in a tract, or two (2) years from the date the temporary sales office began operation, whichever is sooner, said sales office shall cease operation unless the Zoning Enforcement Officer determines that substantial progress is being made in the selling and/or marketing of the lots and/or homes in the subdivision. In such case, one or more extensions (each not to exceed one year in duration) may be so authorized by the Zoning Enforcement Officer. If a temporary structure is used as the sales office, it shall be removed after its use as a sales office is terminated. Immediately after the structure is removed, the lot shall be returned to a natural state. Any paved or graveled driveway and/or parking area associated with the sales office shall also be removed. All bare soil areas on the lot shall be returned to a natural vegetative state (reseeded or sodded) immediately after removal of the sales office and driveway/parking area. 4. If a permanent residential structure is used as the sales office, future use of said structure shall be for residential purposes.		
	Manufactured homes may be allowed on a temporary basis in a zoning district in which such use is not listed as a permitted use, if a disaster occurs which results in an occupied, single-family dwelling being destroyed (i.e., it receives damage greater than sixty (60) percent of its tax value as indicated on the most current tax listings).	1. Such manufactured home shall not be placed in the front yard and shall be located no closer than fifteen (15) feet to another principal residential structure on another lot and no closer than ten (10) feet to any lot line. 2. The Zoning Administrator shall be given the authority to issue a zoning permit for such temporary use on a one-time basis only for a period of up to nine (9) months. Such permit may be renewed on a one-time only basis [for a period of no greater than nine (9) months] by the Board of Adjustment if it is determined that: 2. Construction of a new dwelling unit is proceeding in a diligent manner; and, 3. The granting of such permit will not materially endanger the public, health, welfare, or safety; and, 4. The location of the manufactured home on the site does not have a negative effect on abutting properties.		
	School Manufactured Units	1. Public or private schools may install temporary manufactured classroom units with the issuance of a zoning permit. Unit must be in use as a classroom.		
Wallace	temporary buildings and structures in connection with the construction of a permanent building			
Brunswick County	temporary uses	5.5.2. Temporary Uses Exempt from PermitThe following permitted temporary uses do not require temporary use permits.A. Christmas tree sales lots.B. Garage or yard sales are permitted only by the property owner on their property and are allowed once every four months at any given location. The sale may not exceed three consecutive days in length. Advertising signs may not be placed on any rights-of-way or off-site locations without the applicable property owners' permission.C. Storage containers or pods for off-site storage or transfer of household or other goods located in any required front yard are permitted for a maximum of seven consecutive days.		
	B. Emergency Temporary Housing Associated with a Major Disaster	Emergency temporary housing following a major disaster will be allowed temporarily on a caseby-case basis. Temporary housing and/or other relief organization housing may be placed anywhere in the County with permission of the property owner for a period of up to 4 months without obtaining a temporary use permit. The four (4) month period begins with the official declaration of the major disaster. After the expiration of the original four (4) month period, the temporary housing may remain on the lot for a period of six (6) months with the issuance of a temporary use permit. The Zoning Administrator may extend the temporary use permit on a case-by-case basis, up to a maximum of eighteen (18) months from the date of the official major disaster declaration.		
	C. Emergency Temporary Housing Associated with a Minor Disaster	Temporary use permits for temporary housing associated with emergency construction, repair, or restoration work of the permanent residential building on a site shall expire within six (6) months after the date of issuance and must be occupied by persons intending to live in permanent residence. Additionally, the Zoning Administrator may extend the Temporary Use Permit on a case-by-case basis, up to a maximum of eighteen (18) months if it is determined that the renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the work necessary to make the building habitable.		
	D. Farmers markets	allowed two days a week. When issuing the temporary use permit authorizing the farmers market, the Planning Director may approve up to 12 consecutive farmers markets that will occur on the same site. When occurring in the RR zoning district, a farmers market shall not require a temporary use permit and there shall be no limit on the number of days a farmers market may operate.		

	E. The following temporary uses are allowed in the frequency stated below except that no property shall have more than four of the events listed in E.1 through E.7 in a calendar year, unless the parcel includes an adequate permanent parking lot as determined by the Planning Director. EXAMPLE: A temporary use permit for a carnival would be counted in considering whether to issue a temporary use permit for a subsequent non-profit special event on the same property. 1. Commercial Circuses, Carnivals or Fairs Commercial circuses, carnivals or fairs, for not more than two consecutive weeks in any calendar year. 2. Temporary Religious or Revival Activities Temporary religious or revival activities in tents in association with a place of worship, for not more than two consecutive weeks in any calendar year. 3. Non-Profit Special Events Special events run by non-profit, charitable organizations occurring no longer than seven consecutive days once every three months. 4. Tent Sales Tent sales by merchants occupying the premises on which the sale is conducted and having a valid certificate of occupancy, and occurring no longer than seven consecutive days once every three months. 5. Grand Opening Sales Grand opening sales, including outside food and beverage vending, for three consecutive days, once per certificate of occupancy. 6. Outdoor Vehicle Show or Sale Outdoor motor vehicle or recreational vehicle show or sale, for three consecutive days, twice per calendar year. 7. Other Temporary Uses Other temporary uses similar in nature to the ones listed above, with corresponding limitations, as determined by the Planning Director.		
	F. Outdoor Display of Merchandise		3. Any temporary use permit issued under paragraphs E.4 through E.7 above shall be counted in the maximum number of temporary use permits allowed for the outdoor display of merchandise.
	G. Temporary Use Permit for Large Events with 1,000 Guests or More		
	H. Neighborhood Sales Home		
	5.5.4. Temporary Mining and Borrow Pit		
	5.5.5. Temporary Use in Conjunction with Special Event Permit Where a valid permit has been issued by the County for use of adjoining right-of-way that makes the street unavailable to vehicular traffic, a temporary use permit may be issued in accordance for events on the grounds or in the parking lot of any adjoining parcel during the period of the special event permit.		
	5.5.6. Prohibited Temporary Uses 1. The use of a camper or recreational vehicle for temporary housing or contractor’s office while a single family residence is being constructed or where a residential building permit has been issued is prohibited. 2. [Reserved]		
New Hanover County	circus carnival	<31 days per year	
	construction office	Construction officeshall comply with the following standards:1.Temporary buildings or trailers may be used as construction offices, field offices, or for storage of materials to be used in connection with the development of said tract, provided that said temporary structures are removed from said tract within 30 days after completion of the project development, after voluntary suspension of work on the project or development, after revocation or expiration of buildingpermit or an order by the Building Safety Director upon a finding that said temporary structure is deemed hazardous to the public health and welfare. 2.Such temporary buildings or trailer may not be used as a dwelling unit.	
	Debris site	Debris sites shall comply with the following standards: Unified Development Ordinance New HanoverCounty, NC 4-691.No debris may be located so as to encroach into, or wholly or partially obstruct, any street, right-of-way, driveway, building, sidewalk, multi-use path, fire lane, fire hydrant, or other public infrastructure or utility easement.2.Debris sites are limited to no more than 30 total consecutive calendar days at one time, unless granted an extension by the Planning Director.	

	Farmers’Market	D.Farmers markets shall comply with the following standards: 1.Sales are limited to a cumulative total of no more than 60 days per calendar year./ 2.All vendors must be original producers of items for sale. / 3.Eligible products for temporary farmers’ markets are fruits, vegetables, herbs, flowers, eggs, meats, seafood, cheese, baked goods, jellies and jams, honey, and handmade crafts, consistent with NC Food and Drug and Department of Agriculture and all other federal, state, and local laws relating to the production and selling of such goods. / 4.A minimum of 75percentof the products displayed and offered for sale must be directly linked to farm products, and documentation of how these standards will be met shall be specified on the submission for zoning approval. / 5.The proposed time schedule and duration of the use must be specified on the submission for zoning approval. /6.Minimum lot size shall be no less than two acres for farmers’ markets. /7.The site shall front on a collector or arterial roadway. 8.Approved NCDOT driveway permit is required. /9.Ingress, egress, circulation, and parking plans shall describe any measure proposed to assure safety and minimize traffic impacts on surrounding areas./ 10.Adequate solid waste disposal methods must be provided for vendors and customers. / 11.Only temporary signage shall be allowed for these temporary uses.A maximum of two temporary signs shall be allowed on site to advertise for the market as a whole. / a.Temporary signage consistent with the permit may be installed no more than two days prior to the start of market activities and shall be removed at the conclusion of operating hours. / b.Individual signs shall not exceed 35 square feet in sign area. / c.All permitted signs shall have a maximum height of sixfeet and shall be set back a minimum of ten feet from any property line.d.Illumination of signage is prohibited. / 12.Parking - One parking space is required for every 800 square feet of gross market size, with a minimum of two spaces. Spaces shall meet the minimum size requirements as identified in Section 5.1, Parking and Loading.b.Parking shall be provided on the same site as the farmers’ market or may be located off-site provided that it is within 400 feet of the main entrance of the market. If parking is provided off of the primary parcel, then a written parking agreement between the responsible party and the parcel owner shall be provided prior to the issuance of any permit. Adequate and safe ingress and egress shall be provided by the farmers’ market management or the property owner.c.All parking must occur in designated areas. No parking shall occur in any unimproved parking surfaces such as, but not limited to, landscape parking islands, medians, or open/passive recreation space. / 13.A site layout showing the proposed marketing area (vendor spaces, staging, sales and display areas, and customer promenades), parking, traffic circulation, lighting, waste disposal method, signage, and other site amenities must be submitted for approval. / 14.Tents or other shelters must meet fire safety codes and shall be disassembled after market hours of operation. Tents shall be located so that they will not interfere with the normal operations of any permanent use on the property. / 15.The proposed location may not be part of designated recreation, open space, or common area in an approved residential subdivision. / 16.Restroom facilities for the public may be required for compliance withthe NC Building Code. / 17.If structures are proposed or required, the plan shall be reviewed for compliance with the Americans with Disabilities Act and other building codes. / 18.Live animals or birds shall not be sold or displayed. / 19.No bands, amplified music, or other entertainment shall be allowed. / 20.No concessions for consumption on site and no cooking of products shall be allowed on the site. / 21.No alcohol products shall be allowed. / 22.Any proposal for a permanent farmers’ market, and any temporary farmers’ market proposing to exceed the standards or limitations outlined in this section, may be allowed at the discretion of the Board of County Commissioners only upon issuance of a Special Use Permit under the terms outlined in Article 10:Administrative Procedures.		
	Seasonal Sales			Seasonal sales are limited to a duration of 45 days per calendar year.
	Special Fundraising for Non-Profit Organizations			Special fundraising for non-profit organizations is limited to a duration of 45 days per calendar year.
	Temporary Family Healthcare Structure			A temporary family healthcare structure shall not be placed on a permanent foundation. [05-03-2021
	Temporary Real Estate Office/ModelTemporary			real estate offices or sales offices may be established in a display dwelling unit or temporary building provided that said offices are closed and the operation discontinued and all temporary structures and facilities are removed from the tract upon the completion of the sale, rent, or lease of 95percentof the dwelling units or lots of said tract.
	Temporary Relocation Housing		***	
Pender County	Temporary Events -	The Administrator or their agent may issue a temporary permit for carnivals, religious revivals, sport events, circuses, festivals and similar activities that will last for a period of up to sixty (60) days in the districts in which they are indicated as a permitted use. All temporary events shall submit an application and site plan, at least 14 calendar days prior to the event, with a description of activities so that it can be determined if adequate parking, sanitation & other necessary facilities will be available. The Administrator shall submit each temporary event proposal to the Building Inspector, Health Director, and Fire Marshal for review and approval.	TEMPORARY USE: A use established for a designated fixed period of time with the intent to discontinue such use upon the expiration of the time period.	
	Temporary Modular/Manufactured Offices	Modular or Manufactured offices may be used on a temporary basis for office or business purposes in cases where a new building for the use is under construction or where the permanent structure has been destroyed through no fault of the owner or tenant. A temporary permit must be obtained before the use of the mobile office is initiated. This permit shall be valid for a specified period of time while reconstruction takes place not to exceed six (6) months and may be renewed no more than once. 2) Manufactured homes rated for residential use may only be used for residential uses and not for other temporary or permanent uses.		

		3) Licensed motor vehicles used as an accessory use by a public or nonprofit entity for such purposes as book mobiles, blood mobiles, medical services or educational purposes will not require a permit unless set up for use on a site for more than 7 days.
	Temporary Manufactured Homes	Temporary use of a manufactured home as a residence shall be permitted in any district in cases where the permanent home has been destroyed through no fault of the owner or tenant or when completing the construction of a new home. A temporary occupancy permit must be obtained from the Administrator before the use of the mobile home is initiated. This occupancy permit shall be valid for a specified period of time not to exceed six (6) months while reconstruction takes place and may be renewed no more than twice, unless specifically approved by the Board of Adjustment for additional time
	Temporary Fruit & Vegetable Stands	Temporary fruit & vegetable stands that are located on the property where the fruits or vegetables are produced will be permitted in the districts in which they are indicated as a permitted use and will not require zoning approval. All activities associated with such stands shall be set back a minimum of 10’ from any street right-of-way, and any structures associated with such stands will comply with requirements for building permits and the building code. Temporary fruit & vegetable stands that are not located on the property where they are produced are subject to all provisions of this Ordinance.
	Temporary Buildings for Construction or Development	In any zoning district, temporary structures, as set forth below, which are to be used in connection with the developmentand sale of a tract of land, may be erected or located on said tract, prior to, and mayremain thereof, during the construction or development period 1) Temporary buildings, mobile offices or trailers, not exceeding 400 sq. ft. per contractoror developer on the site, may be used as construction offices, field offices, or for storage of materials to be used in connection with the development of said tract, provided that said temporary structures are removed from said tract within thirty (30) days after completion of the project or development, after voluntary suspension of work on the project or development, after revocation or expiration of building permit or an order by the Building Inspector upon a finding that said temporary structure is deemed hazardous to the public health and welfare. No such building may however remain on the site for more than one year without renewal of the permit. Such permits may be renewed by the Administrator one time for a period not to exceed one year. 2) Temporary real estate offices or sales offices may be established in a display dwelling unit or temporary building provided that said offices are closed and the operation discontinued and all temporary structures and facilities are removed from the tract upon the completion of the sale, rent, or lease of ninety-five percent (95%) of the dwelling units or lot of said tract unless prior approval is given by the Administrator. 3) No temporary buildings or trailers shall at any time be located closer than twenty-five (25) feet to a property line of any adjacent property, notwithstanding the required setbacks of the zoning district in which such temporary building or trailer is located. 4) Manufactured Homes rated for residential use may only be used for residential purposes and not any other temporary or permanent use.
Raleigh	Temporary Event	1. A temporary event lasting 1 day shall be permitted without complying with the conditions below, provided that no more than 4 temporary events in any 1 calendar year shall be permitted on that premise.2. All temporary events lasting more than 1 day on any premise in any one calendar year shall meet all of the following:a. No premise shall be the site of a temporary event exceeding a collective total of 20 days, or 3 individual weekends, or both within any one calendar year. In this context, a weekend shall constitute 3 consecutive days.b. Signs associated with a permitted temporary event shall be a maximum size of 64 square feet in area allocated to no more than 5 signs.c. All outdoor activities shall be discontinued by 11 PM when located closer than 500 feet to a residential use or a congregate care facility.d. No unauthorized encroachments on public rights-of-way are allowed.e. The temporary event must comply with all applicable floodplain policies.
	Fund Raising Activity for a Civic Use in a Residential District	1. The fund raising activity is on a periodic basis. / 2. Activities are discontinued by 11 PM.
	Outdoor Mobile Vending Cart	An outdoor mobile vending cart is allowed in any mixed-use district subject to the following requirements: 1. Outdoor mobile vending carts shall be located on the same lot as a principal building. / 2. The maximum number of outdoor mobile vending carts per lot is limited as follows: a. Two outdoor mobile vending cart on lots less than 5 acres. / b. Four outdoor mobile vending carts on lots of 5 acres or greater but less than 10 acres. / c. Six outdoor mobile vending carts on lots of 10 acres or greater. / d. A maximum of 1 outdoor mobile vending cart when tenant occupancy equates to less than 50% of the gross floor area of the principal buildings. / e. The amount of space occupied by outdoor mobile vending carts shall not exceed 1% of the occupied floor area gross of the principal buildings. / 3. The dimensions of any outdoor mobile vending cart may not exceed the following: / a. 50 square feet in area. / b. A maximum length or width of 10 feet and a maximum height of 8 feet. / c. The maximum height of 8 feet shall include any protection provided for the vendor or customer from outdoor conditions in the form of an umbrella, or other protective covering which must be attached to the cart. / 4. Signage for the outdoor mobile vending cart shall be limited to one A-frame sign in accordance with Sec. 7.3.12 and may be displayed during business hours but must be removed daily when the mobile vending cart is closed. Signage shall not be illuminated, internally or externally. All other signage must be attached to the cart and shall be limited to a maximum of 32 square feet / 5. All required Wake County and City of Raleigh permits and licenses shall be clearly displayed on the vending cart. / 6. The vending cart must be located within 50 feet of a principal building façade containing a primary pedestrian entrance, located no closer than 10 feet to any entrance or exit and may not be situated such that the free flow of pedestrian or vehicular traffic is restricted. / 7. Hours of operation for any outdoor mobile vending cart shall be limited to the hours of operation of the associated principal use. In no event shall the mobile vending cart be in operation between the hours of 1:15AM and 6 AM. If the mobile vending cart is located within 150 feet of a residential zoning district or a lot containing a building used for single or two-unit living, the hours of operation are limited to the hours between 7 AM and 10 PM. / 8. Sales of goods and merchandise shall be limited to food and beverage items, fresh cut flowers and original artworks and handicrafts. / 9. Outdoor mobile vending carts must be located at least 5 feet from the edge of any driveway or public sidewalk, utility boxes and vaults, handicapped ramp, building entrance, exit or emergency access/exit way, or emergency call box and must not locate within any area of the lot that impedes, endangers, or interferes with pedestrian or vehicular traffic. Outdoor mobile vending carts must be located a minimum distance of 15 feet in all directions of a fire hydrant. / 10. Outdoor mobile vending must not occupy any handicap accessible parking space as specified in N.C. Gen. Stat. §20-37.6. / 11. The outdoor mobile vending cart operator or their designee must be present except in cases of an emergency. / 12. No audio amplification is allowed as part of the outdoor mobile vending operation. / 13. All equipment required for the operation must be contained within, attached to or within 5-feet of the mobile vending cart and all food preparation, storage, and sales/distribution made in compliance with all applicable County, State and Federal Health Department sanitary regulations.

	Produce Stand	2. Use Standards a. Sales shall be limited to agricultural produce not exceeding a maximum of 2,000 square feet per lot (not including areas devoted to driveways and off-street parking). In addition to the sales of agricultural produce, 25% of the produce stand area may be devoted to the sales of home made food goods such as baked goods, jams and relishes. For produce stands not removed from the lot on a daily basis, the use shall be limited to a maximum of 8 months per calendar year. All tents, stands, signs and structures associated with the produce stand shall be removed from the property within 5 calendar days following the termination of the approved time period. / b. Produce stands locating within a Residential District shall be required to locate on the property of a civic building or use (such as a place of worship or school), or within the common area of an apartment building or series of buildings containing a minimum of 100 dwelling units, or on property fronting a Major Street as designated on the Comprehensive Plan. In the event that the property fronting a Major Street is developed with a detached house or tiny house used for single-unit living, no parking associated with the produce stand may be located within the front yard area. / c. Tents, stands, signs or other related structures shall provide a minimum 10-foot setback from all property lines and public rights-of-way and shall not be located within sight distance triangles. / d. Areas devoted to off-street vehicular parking shall be oriented to provide for safe pedestrian and vehicular circulation and arranged so that vehicular ingress and egress to the parking areas is by forward motion of the vehicle. Produce stands shall be exempt from the parking surfaces requirements and the required landscaping regulations. / e. Signage for all produce stand activities on the premise shall be limited to 1 unlit announcement sign not to exceed 12 square feet in area and be no higher than 3½ feet above the ground elevation. / f. All activities shall be discontinued by 8:00 PM when located in a Residential District. / g. No code-required landscape planting areas shall be utilized in association with the produce stand activities and no unauthorized encroachments on public rights-of-way shall be permitted. / h. A plan that shows the location of all tents, produce stands, driveways, off-street parking, traffic circulation, signs, or other related structures shall be submitted to the City for their approval, and that a zoning permit be issued prior to any event taking place.
Raleigh continued	Residential Development Sales Office or Model Home	1. The use of the office shall be for the initial sale or lease of properties or buildings within the residential development.2. There shall be no signage for a residential development sales office or model home on the premises in a Residential District except for 1 unlit ground announcement sign not to exceed 6 square feet in area, and 3½ feet in height that is located on the sales office or model home lot.3. For a developing residential subdivision, any phase containing a residential development sales office or model home shall contain a minimum of 5 acres and be intended for a minimum of 10 residential properties.4. The building may be used for sales purposes for a period of 3 years, but the period can be extended by the Development Services Director on a semi-annual basis, provided the owner can show reasonable cause for such extensions and the unit remains occupied and used. In no event will the sales office or model home be continued when all of the properties of the development phase or building are sold or leased, excluding the sales office lot or model home lot within a subdivision.5. No sales office or model home shall be used for any other retail purpose.6. For a developing residential subdivision, the building must be located on an approved lot intended to be occupied by a dwelling unit, except for facilities located in recreational buildings. For all residential developments, the building must be located to comply with applicable district dimensional standards.7. The building used for the sales office is either constructed and intended for ultimate residential use as part of the residential development or a temporary modular office unit. If a temporary modular office unit is constructed, the following additional conditions shall be met: a. The modular office unit must be placed on a proper foundation, as recommended by the manufacturer. b. Skirting and natural planting shrubs shall be installed around all sides of the modular office unit in accordance with the following: i. Skirting shall consist of any weatherproof material providing a visual barrier between the underside of the modular office unit and the stand; and ii. All natural shrubs shall be evergreen, a minimum of 36 inches tall, and planted 5 foot on center, but no one side shall have less than 2 plants. c. At the end of the maximum time period allowed for this use, the property owner shall remove the temporary modular office unit, the foundation and all other physical structures such that natural plant materials shall solely occupy the lot until such time that a permanent use allowed within the district is established.

	Mobile Retail – Short Term	2. Use Standards a. Mobile Retail -Short Term shall be allowed in the following zoning districts: / i. OX, OP, NX, CX, IX, DX, RX, IH / b. The maximum number of mobile retail vehicles per lot is limited as follows: / i. Maximum of 2 mobile retail vehicles on lots of one-half acre or less; ii. Maximum of 3 mobile retail vehicles on lots between one-half acre and 1 acre; and iii. Maximum of 4 mobile retail vehicles on lots greater than 1 acre / c. Retail Sales, pursuant to Sec. 6.4.11.A. are permitted with the exception of Pawn Shops and Vehicle Fuel Sales. / d. Personal Services, pursuant to Sec 6.4.9.A, are permitted with the exception of Animal care (outdoor). / e. Mobile retail vehicles and associated appurtenances must be located a minimum of 5’ from side and rear property lines and 10’ from any public right-of-way. / f. Mobile retail vehicles shall be located on a surface meeting the standards of Sec. 7.1.9 / g. A mobile vending permit must be obtained for the mobile retail business and all required County and City permits and licenses must be clearly displayed on the mobile retail vehicle. This mobile vending permit is required to be renewed annually. Prior to the issuance of the mobile vending permit, the vendor must provide evidence of having obtained a NC Sales and Use Certificate for collecting and paying the proper sales taxes. / h. Mobile retail vehicles selling food items (‘food trucks’) must meet the following standards: / i. In addition to the requirements set forth in Sec. 6.8.2.F.2.g, the food truck must provide evidence of having obtained a County Environmental Services –Vending Permit, and a means for the disposal of grease within an approved grease disposal facility prior to the issuance of the mobile vending permit. / ii. Operating without a county and/or state-issued food vending permit, including one that has been suspended or revoked, shall be considered a violation of this ordinance. / iii. Food trucks must be located at least 50 feet from the main entrance to any eating establishment or similar food service business, any outdoor dining area, and any permitted food vending cart location, as measured from the designated location on the lot accommodating the mobile retail operation. In the event that one or more of the aforementioned uses locates within the minimum separation requirement subsequent to the food truck location being approved, nothing shall prohibit a food truck from continuing to operate at the approved location until the temporary use permit has expired. i. Hours of operation are limited to the hours between 6 AM and 3 AM. If the mobile retail vehicle is located within 150 feet of a residential zoning district or a lot containing a building used for single or two-unit living, the hours of operation are limited to the hours between 7 AM and 10 PM. / j. A lot without another principal use (excluding Parking, see Sec. 6.4.7.) may be used for Mobile Retail - Short Term for up to 4 hours in any one day. A lot with another principal use (excluding Parking, see Sec. 6.4.7.) may be used for Mobile Retail – Short Term for up to 8 hours in any one day. No more than 4 of those hours may occur outside the principal use’s hours of operation. These requirements apply to all vehicles on the site, singularly and collectively. / k. Mobile retail vehicles must not occupy any handicap accessible parking space as specified in N.C. Gen. Stat. 20-37.6. / l. Mobile retail vehicles must be located at least 5 feet from the edge of any driveway or public sidewalk, utility boxes and vaults, handicapped ramp, building entrance, exit or emergency access/exit way, or emergency call box and must not locate within any area of the lot that impedes, endangers, or interferes with pedestrian or vehicular traffic. Mobile retail vehicles must be located a minimum distance of 15 feet in all directions of a fire hydrant. / m. No audio amplification is allowed as part of the mobile retail operation. / n. Outdoor seating is to be provided by the property owner or the associated principal use. Mobile retail vehicles and associated		
Wilmington				
	Table 18-229: Use table for temporary uses			
	Accessory use	Maximum duration per site occurrence	Maximum annual occurrences	Permitted districts
	Circuses or carnivals	14 days	1	Nonresidential districts
	Contractor’s office or mobile offices for the displaced during construction	During construction period only	1	All districts
		6 months	1	All residential districts
		1 year	1	All nonresidential districts
	Evangelistic and religious related congregations	14 days	2	All nonresidential districts
	Fairs or other special recreational or entertainment events	1 day except 14 days for annual events	1	Commercial or industrial districts and specific locations as set forth in this section
	Family health care structure	As long as the qualified person is in need of assistance	N/A	Any single-dwelling residential district
	Helicopter tours	1 day, except 2 days shall be permitted for Azalea Festival and Riverfest	6	LI
	Mobile food unit	5 consecutive hours	52	All nonresidential and mixed-use districts
		2 consecutive hours	52	Residential districts
	Table 18-229: Use table for temporary uses			
Accessory use	Maximum duration per site occurrence	Maximum annual occurrences	Permitted districts	
Nonpermanent housing and facilities in redevelopment and disaster areas	18 months, unless authorized longer by council resolution	N/A	Within a designated redevelopment area or a disaster area	
Open lot sales for agriculture, crafts, and related products	60 days	2	All districts set forth in this article	
Outdoor concert or other entertainment event	5 consecutive hours	2	All nonresidential districts	
Portable storage units	6 months in any rolling 365-day period	1	All districts	
Real estate sales office	5 years or until 80 percent of subdivision lots are sold, whichever is first	N/A	All residential districts	
Sales, special fundraising for nonprofit organizations	3 days	8	All districts	
Sales, special or flea markets	7 consecutive days or 2 consecutive weekends (Friday-Sunday)	8	Commercial or industrial districts	
	Once per week on Saturday only		UMX district	
Temporary parking	18 month when associated with an active construction project 2 days	N/A 52	All nonresidential districts UMX and CBD	
Wireless telecommunication towers	90 days	2	All nonresidential districts and property	
Yard sales	2 days	2	All districts	



Agenda Item 3

Request: To add a use that would allow a temporary setup for projects already approved for conditional zoning release.

Hearing Date: 2/13/2024

Board of Commissioners Consistency Statement

(To be read into the record as a motion, seconded and voted upon)

____ Approval – this request is consistent with the goals and policies of the following plan(s) adopted by the Town of Burgaw:

() Burgaw 2030: Town of Burgaw Comprehensive Land Use Plan

() Other: _____

The Board of Commissioners considers its approval to be reasonable and in the public interest because: (Please provide reasons which can be found in the staff report)

The proposal will ensure the town's zoning and development code can accommodate appropriate businesses and industries and a variety of development forms.

____ Rejected – this request is not consistent with the goals and policies of the following plan(s) adopted by the Town of Burgaw:

() Burgaw 2030: Town of Burgaw Comprehensive Land Use Plan

() Other: _____

The Board of Commissioners considers its rejection to be reasonable and in the public interest because:

The proposal for temporary development may be inconsistent with design standards that apply to other commercial projects in the same district, even if they are temporarily placed. Therefore, The Board of Commissioners recommends rejection of this request.

Comments:

This report reflects the recommendation of the Town of Burgaw Board of Commissioners, this the 13th day of February 2024.

Attest:

Mayor



CASE SUMMARY Board of Commissioners

UDO Text Amendment February 13, 2024

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

Staff Recommendation	Approval
Planning Board	01/18/2024; Recommend approval 6-1
Board of Commissioners	2/13/2024; SCHEDULED

Request

<i>Code Section(s)</i>	Sections 8.14 TABLE OF PERMITTED USES, SPECIAL USES AND SPECIAL REQUIREMENTS and 8.15 Use Standards	
<i>Request</i>	To add a use that would allow a temporary setup for projects already approved for conditional zoning release.	
<i>Applicant</i>	Town of Burgaw Planning Department	gcombs@burgawnc.gov 910-663-3451

ITEMS HIGHLIGHTED IN GREEN ARE NEW BASED ON COMMENTS OR CONSIDERATIONS FROM THE 1/18 PLANNING BOARD MEETING.

REQUEST

The proposed Unified Development Ordinance (UDO) amendment would allow proposed projects that would be permitted by right on a property and that have been given conditional zoning release through the Technical Review Committee (TRC) process the ability to utilize the property for the same use as proposed and for a limited period with temporary facilities. Permanent structures would be required to meet all applicable development standards.

1. History/Background

Current regulations

Currently there are temporary uses with use standards for Temporary Construction Building/Trailer and Temporary Family Health Care Structures. Temporary Community Health Care Facilities, Temporary Disaster Housing, and Temporary Disaster Volunteer Housing also exist with use standards but are only for declared disasters.

There are very rare instances when a business or property owner should be given an opportunity to go before the governing board of a community to seek approval for a temporary set up on a property. These instances are not situations that should be made at an administrative level, instead they may be allowed for a short period of time and may be determined appropriate by the Town Board of Commissioners.



Below is a snip showing the current temporary uses permitted in the Town of Burgaw.

Uses	NAICS*	RA	R-20	R-12	R-7	R-7MH	PUD	O&I	B-1	B-2	I-1	I-2	C/P
TEMPORARY COMMUNITY HEALTH CARE FACILITIES	611699						D US	D US	D US	D US	D US		
TEMPORARY CONSTRUCTION BUILDING/TRAILER		X US	X US	X US	X US	X US	X US	X US	X US	X US	X US	X US	
TEMPORARY DISASTER HOUSING		D US	D US	D US	D US	D US	D US	D US	D US	D US			
TEMPORARY DISASTER VOLUNTEER HOUSING		D US	D US	D US	D US	D US	D US	D US	D US	D US	D US	D US	
TEMPORARY FAMILY HEALTH CARE STRUCTURES		X US	X US	X US	X US	X US	X US						
											X	X	

It is important to note that all temporary uses are permitted in varied zoning districts and only with use standards.

Below are these temporary uses and the associated use standards.

Temporary Community Health Care Facilities (PUD, O&I, B-1, B-2, I-1, I-2)

- The applicant shall be a recognized Voluntary Organization Active in Disaster (VOAD) operating in Pender County or Burgaw.
- The applicant shall provide evidence of liability insurance for the temporary housing units.
- A Zoning Approval Permit shall be issued by the Administrator for all temporary housing units at the time of placement on the lot.
- Any temporary structure must meet setbacks for that zoning district and all other applicable regulations. In the event the temporary structure cannot meet the required setbacks, a variance must be granted by the Zoning Board of Adjustment prior to the temporary structure being located on the property.
- The Zoning Approval Permit application shall indicate the location of the temporary housing unit, other existing and proposed structures, proposed setbacks and separations, and include a description of the proposed utility connections.
- The Zoning Approval Permit shall be issued for a period of time not to exceed twelve (12) months and may be renewed for additional six (6) month periods, providing the sponsoring organization is still actively engaged in the County's recovery process. Temporary housing units shall be removed within thirty (30) days after the sponsoring organization suspends operations related the disaster declaration or within thirty (30) days following expiration of the related Zoning Approval Permit, whichever occurs first.

Temporary Construction Building. (RA, R-20, R-12, R-7, R-7MH, PUD, O&I, B-1, B-2, I-1, I-2) Temporary Construction Buildings, including manufactured homes used solely as temporary field offices for contractors, are permitted for use for a period of no longer than twelve (12) months. If a temporary field office is needed for a longer period of time, the use will be classified as Manufactured Home, Nonresidential Occupancy, shall be limited to the districts as outlined in the Table of Permitted Uses. All structures permitted under the Temporary Construction Building use shall be moved within twenty (20) days of completion of work or in the event that no work is conducted for a period of one hundred eighty (180) days.



Temporary disaster housing (RA, R-20, R-12, R-7, R-7MH, PUD, O&I, B-1, B-2)

Zoning certification shall be issued for a period of time not to exceed twelve (12) months after the damage occurs while repair and reconstruction of the primary structure is taking place and may be renewed for an additional six (6) month period, providing progress has been made in the repair and reconstruction for the primary structure. Permit extensions may be granted by the Administrator upon submittal of documentation that shows progress is being made. This shall be demonstrated by documentation of inspections records on building and trade work associated with the repair and reconstruction. The maximum extension shall not exceed six (6) months. The Administrator may make a determination allowing the extension for multiple cases based on the severity of damage and overall recovery progress.

Zoning certification permits issued for emergency/disaster relief housing relating to a declared disaster shall be eligible for additional six (6) month extensions, providing progress has been made in the repair and reconstruction of the primary structure.

Temporary Community Health Care Facilities (PUD, O&I, B-1, B-2, I-1, I-2)

- The applicant shall be a recognized Voluntary Organization Active in Disaster (VOAD) operating in Pender County or Burgaw.
- The applicant shall provide evidence of liability insurance for the temporary housing units.
- A Zoning Approval Permit shall be issued by the Administrator for all temporary housing units at the time of placement on the lot.
- Any temporary structure must meet setbacks for that zoning district and all other applicable regulations. In the event the temporary structure cannot meet the required setbacks, a variance must be granted by the Zoning Board of Adjustment prior to the temporary structure being located on the property.
- The Zoning Approval Permit application shall indicate the location of the temporary housing unit, other existing and proposed structures, proposed setbacks and separations, and include a description of the proposed utility connections.
- The Zoning Approval Permit shall be issued for a period of time not to exceed twelve (12) months and may be renewed for additional six (6) month periods, providing the sponsoring organization is still actively engaged in the County's recovery process. Temporary housing units shall be removed within thirty (30) days after the sponsoring organization suspends operations related the disaster declaration or with

2. Proposed Amendment

Following is the proposed amendment to the Unified Development Ordinance. Additions are underlined and deletions are in ~~strikethrough~~.

The table below shows the proposed change to Section 8.14 TABLE OF PERMITTED USES, SPECIAL USES AND SPECIAL REQUIREMENTS. The proposal will add the subject use to the use table as a use permitted by Special Use Permit in all zoning districts.

Uses	NAICS*	RA	R-20	R-12	R-7	R-7MH	PUD	O&I	B-1	B-2	I-1	I-2	C/P
TEMPORARY COMMUNITY HEALTH CARE FACILITIES	611699						D US	D US	D US	D US	D US		
TEMPORARY CONSTRUCTION BUILDING/TRAILER		X US	X US	X US	X US	X US	X US	X US	X US	X US	X US	X US	
TEMPORARY DEVELOPMENT		S MAJOR	S MAJOR	S MAJOR	S MAJOR	S MAJOR	S MAJOR	S MAJOR	S MAJOR	S MAJOR	S MAJOR	S MAJOR	
TEMPORARY DISASTER HOUSING		D US	D US	D US	D US	D US	D US	D US	D US	D US			
TEMPORARY DISASTER VOLUNTEER HOUSING		D US	D US	D US	D US	D US	D US	D US	D US	D US	D US	D US	
TEMPORARY FAMILY HEALTH CARE STRUCTURES		X US	X US	X US	X US	X US	X US						
TEMPORARY FARM USE											X	X	

8.15 USE STANDARDS

- Conditional zoning release by the Town Planner must be received prior to applying for a temporary development.
- A temporary development site plan to scale must be submitted and must not impact the subject site in a way greater than the site plan approved for conditional zoning release.
- The proposed use must be one that would be permitted by right in the zoning district.
- Any permanent structure must conform to applicable development standards.
- A temporary development may be approved for up to 90 days.
- Only one extension up to an additional 90 days is permitted with the approval of a separate Special Use Permit Application.
- Approval of a temporary development may not be granted for a continuous period longer than 180 days.
- For the purposes of a temporary development approval, the approved period in calendar days begins the day following the approval at the Board of Commissioners.
- A temporary development approval and extension may only be granted once per calendar year and requests for extensions are not permitted.
- All temporary and permanent structures must be removed from the subject site within no more than 187 calendar days after expiration of an approved period approval. If a permanent structure is identified on the site plan approved for conditional zoning release, it may remain.

2.1 Benchmark Summary

The benchmarking showed that situations like this are not common. Mostly, temporary situations are for things such as flea market-type uses, circuses, events, and construction offices, and not for development that experiences restraints outside of general local government consideration. More permanent situations resulting from disasters exist in some benchmark communities. These disaster-related timelines vary from six months up to 18 months. The outlier for timelines related to non-disaster situations are construction offices. These timelines are generally tied to the start and stop times for the construction of large residential or commercial projects.



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
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			

CONCLUSIONS AND RECOMMENDATION

The proposed amendment to add 'Temporary Development' is based on considerations for projects that have outside variables that prohibit immediate and full development of a lot after conditional zoning release is granted. In an effort to bring decisions like the approval of a temporary development in a very public light, planning staff has developed a method, through the Special Use Permit process, and new use standards, to facilitate the potential for temporary development approval.

Given the general unrelatedness of benchmarking, but relative consistency with the Town of Burgaw Comprehensive Land Use Plan, planning staff recommends **approval** of the text amendment as proposed.

AT THE PLANNING BOARD

Planning staff presented the proposal. The Planning Board deliberated on permitted uses and allowances and appropriate periods of time for temporary development. A motion was made to approve the proposal as presented and did not pass. A new motion was made with modifications and a vote of 6-1 was made to recommend approval.

ACTIONS TO DATE

<i>Planning Board</i>	01/18/2024; Recommend approval 6-1
<i>Board of Commissioners</i>	2/13/2024; SCHEDULED

Attachments

1. Benchmarking
2. Consistency statement
3. Resolution
4. Ordinance

RESOLUTION 2024-02

ADOPTING A STATEMENT OF CONSISTENCY REGARDING TEXT AMENDMENTS OF THE TOWN OF BURGAW UNIFIED DEVELOPMENT ORDINANCE REQUESTED BY STAFF OF THE TOWN OF BURGAW TO AMEND CHAPTER 8 ZONING, SECTION 8.14 TABLE OF PERMITTED USES, SPECIAL USES AND SPECIAL REQUIREMENTS AND SECTION 8.15 USE STANDARDS TO ADD A USE THAT WOULD ALLOW A TEMPORARY SETUP FOR PROJECTS ALREADY APPROVED FOR CONDITIONAL ZONING RELEASE.

WHEREAS, the Applicant, staff of the Town of Burgaw, has requested the Town amend the Town of Burgaw Unified Development Ordinance to amend Chapter 8 Zoning, Section 8.14 TABLE OF PERMITTED USES, SPECIAL USES AND SPECIAL REQUIREMENTS and Section 8.15 Use Standards to add a use that would allow a temporary setup for projects already approved for conditional zoning release; and

WHEREAS, Planning Staff has reviewed the proposed text change amendments 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 January 18, 2024, meeting, recommended the adoption of 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 February 13, 2024, meeting and found the proposed text change amendments 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 Unified Development Ordinance text amendments are consistent with the Town of Burgaw 2030 Comprehensive Plan by ensuring the town's zoning and development code can accommodate appropriate businesses and industries and a variety of development forms.

Adopted this 13th day of February 2024.

Attest: _____
Kristin Wells, Town Clerk

Signed: _____
G. Olivia Dawson, Mayor

ORDINANCE 2024-02

A TEXT CHANGE AMENDMENT TO THE TOWN OF BURGAW UNIFIED DEVELOPMENT ORDINANCE REQUESTED BY STAFF OF THE TOWN OF BURGAW TO AMEND CHAPTER 8 ZONING, SECTION 8.14 TABLE OF PERMITTED USES, SPECIAL USES AND SPECIAL REQUIREMENTS AND SECTION 8.15 USE STANDARDS TO ADD A USE THAT WOULD ALLOW A TEMPORARY SETUP FOR PROJECTS ALREADY APPROVED FOR CONDITIONAL ZONING RELEASE.

WHEREAS, applicant, staff of the Town of Burgaw, has requested the Town amend the Town of Burgaw Unified development Ordinance to amend Chapter 8 Zoning, Section 8.14 TABLE OF PERMITTED USES, SPECIAL USES AND SPECIAL REQUIREMENTS and Section 8.15 Use Standards to add a use that would allow a temporary setup for projects already approved for conditional zoning release; and

WHEREAS, the Town of Burgaw Planning Board, at their January 18, 2024, meeting, recommended the adoption of the proposed text amendments to the Board of Commissioners of the Town of Burgaw with a 6-1 vote; 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 February 13, 2024, meeting and found the proposed text change amendment to be consistent with the Town of Burgaw 2030 Comprehensive Land Use Plan, reasonable, and in the public interest; and

NOW, THEREFORE BE IT ORDAINED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the proposed Unified Development Ordinance text amendments are consistent with the Town of Burgaw 2030 Comprehensive Plan by ensuring the town's zoning and development code can accommodate appropriate businesses and industries and a variety of development forms.

SECTION 1. The Town of Burgaw Unified Development Ordinance is amended as follows:

Section 8.14 TABLE OF PERMITTED USES, SPECIAL USES AND SPECIAL REQUIREMENTS

Uses	NAICS*	RA	R-20	R-12	R-7	R-7MH	PUD	O&I	B-1	B-2	I-1	I-2	C/P
		X	X	X	X	X	X	X		X			
TEMPORARY DEVELOPMENT		S MAJOR	S MAJOR	S MAJOR	S MAJOR	S MAJOR	S MAJOR	S MAJOR	S MAJOR	S MAJOR	S MAJOR	S MAJOR	

8.15 USE STANDARDS

1. Conditional zoning release by the Town Planner must be received prior to applying for a temporary development.
2. A temporary development site plan to scale must be submitted and must not impact the subject site in a way greater than the site plan approved for conditional zoning release.
3. The proposed use must be one that would be permitted by right in the zoning district.
4. Any permanent structure must conform to applicable development standards.
5. A temporary development may be approved for up to 90 days.
6. Only one extension up to an additional 90 days is permitted with the approval of a separate Special Use Permit Application.
7. Approval of a temporary development may not be granted for a continuous period longer than 180 days.
8. For the purposes of a temporary development approval, the approved period in calendar days begins the day following the approval at the Board of Commissioners.
9. A temporary development approval and extension may only be granted once per calendar year.
10. All temporary and permanent structures must be removed from the subject site within 7 calendar days after expiration of an approved period. If a permanent structure is identified on the site plan approved for conditional zoning release, it may remain.

SECTION 2. These amendments become effective immediately upon adoption of this ordinance on this, the 13th day of February 2024.

Attest: _____
Kristin Wells, Town Clerk

Signed: _____
G. Olivia Dawson, Mayor



CASE SUMMARY Board of Commissioners

Conditional District Rezoning February 13, 2024

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

Staff Recommendation	Conditional approval
Planning Board	01/18/2024; Recommend approval 7-0
Board of Commissioners	2/13/2024; Scheduled

Request

Request	Rezone PINs 3229-60-0564-0000, 3229-60-0024-0000, 3228-59-9798-0000 from O&I, Office and Institutional to O&I (CZ), Office and Institutional Conditional Zoning for the Pender County Health and Human Services project.	
Applicant	Andrew M. Speck Bobbitt Construction	aspeck@bobbitt.com 901-852-9268
Owner	Carolyn Moser, Pender County Health & Human Services Director	cmoser@pendercountync.gov

ITEMS HIGHLIGHTED IN GREEN ARE NEW BASED ON COMMENTS OR CONSIDERATIONS FROM THE 1/18 PLANNING BOARD MEETING.

1. Case Overview

Application to rezone ±10.2 acres of undeveloped land for a two-story facility located near the intersection of Industrial Drive and Progress Drive for the Pender County Health and Human Services project.



Figure 2.1.B: Elevations

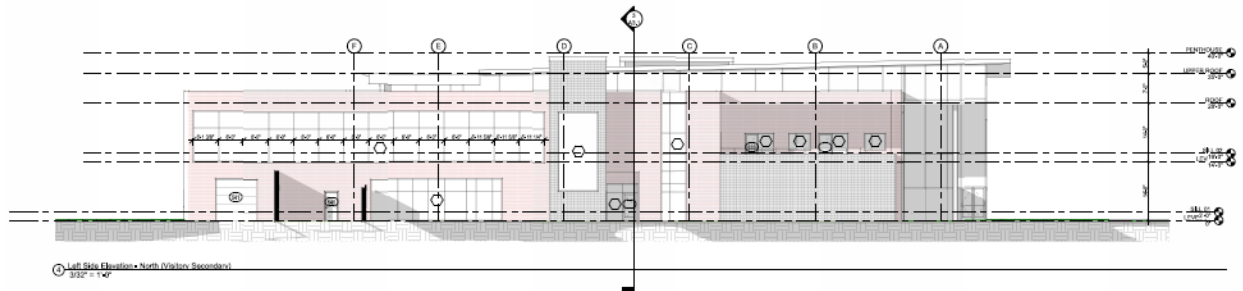


Figure 2.1.B.1: North Elevation

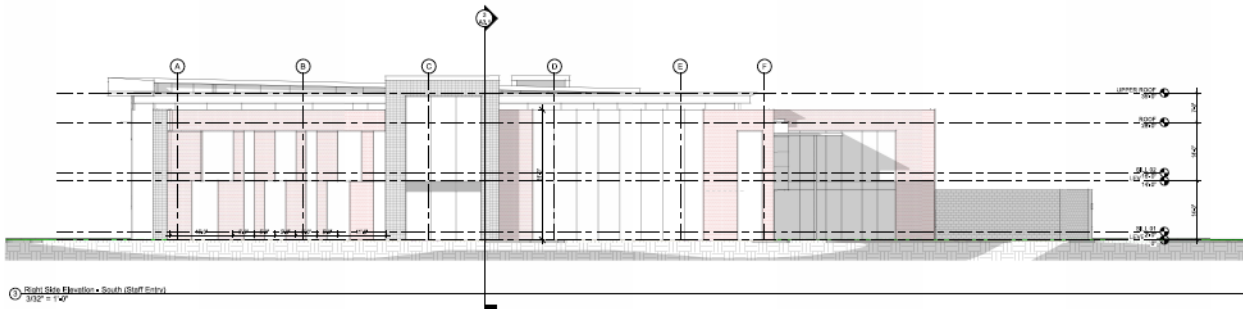


Figure 2.1.B.2: South Elevation

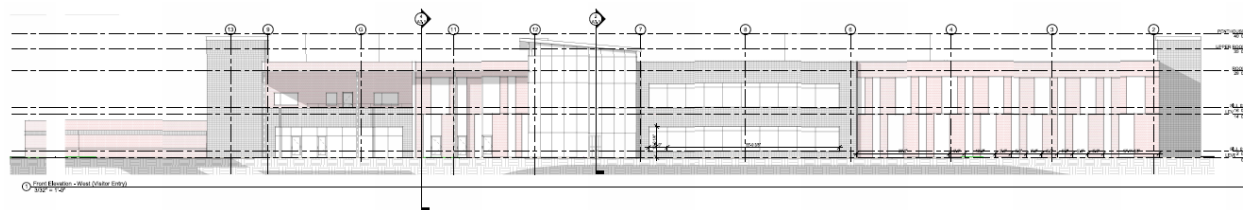


Figure 2.1.B.3: West Elevation

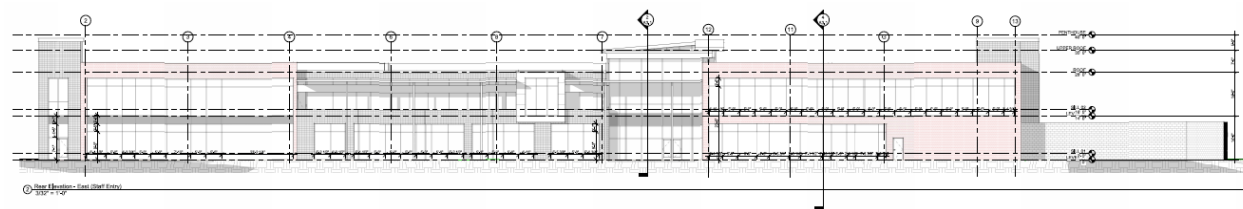


Figure 2.1.B.4: East Elevation

2.2 Community Meetings

The two required community meetings were held on 1/10/2024 at 4:00 PM and 6:00 PM at 805 South Walker. A summary of these meetings can be found in attachment 8.

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 2/13/2024.
5. The principal structure shall not exceed 40 feet in height.

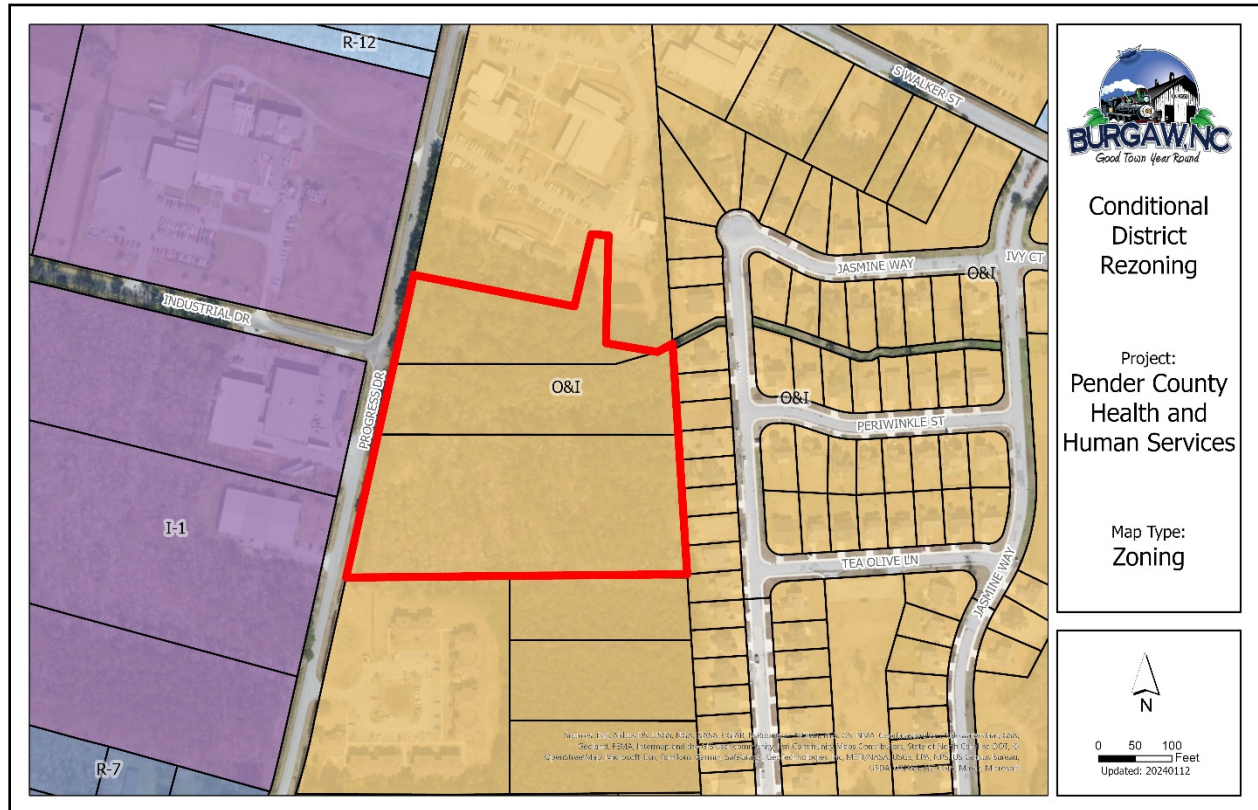
Planning staff has had conversations with the project team regarding infrastructure to support multimodal transportation opportunities. Identified ahead in the staff report are many policies reinforcing the inclusion of conditions related to bicycle users and pedestrians. It is encouraged that the following conditions be applied to the project if approved:

6. A 5-foot sidewalk must be placed along the entire project frontage with a pedestrian sidewalk connection from the public sidewalk to the primary entrance.
7. A bicycle rack must be placed at all public and staff entrances.

It is important to note that conditions that may be applied to a conditional district rezoning must be agreed to by both the town and the applicant and the disapproval of a condition may impact the resulting recommendations and decisions.

3. Analysis

3.1 Area Context and Existing Conditions



Surrounding Area	North	South	East	West
Zoning	O&I Office and Institutional	O&I Office and Institutional	O&I Office and Institutional	I-1 Light Industrial
Current Land Use	Government Office	Multi-family residential / Vacant	Single-family Residential	Warehousing / Manufacturing

3.2 Site History

No files related to this project area were found by planning staff.

3.3 Environmental

Wetlands have been identified on the site plan at the northern portion of the project area. An approval from the US Army Corp of Engineers will be required prior to conditional zoning release.

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: Identify, construct, and maintain infrastructure systems and facilities required to promote and sustain a positive economic climate.				
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 2: To protect and improve the town’s air, land, and water resources: Design road and greenway infrastructure to promote bicycling and walking as two of the primary forms of transportation				
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: Promote commercial development within walking distance of all residential neighborhoods in the town’s corporate limits				
Transportation				
Goal 2: To increase the use and effectiveness of alternative transportation modes, such as walking, bicycling, etc.: Provide an interconnected street and circulation system to support a mix of alternative modes of transportation and provide alternative routes for bicyclists, pedestrians, and drivers				

Equity Statement

Transportation: Prioritize construction of new sidewalks and bicycle infrastructure along routes regularly used by those with limited access to motorized vehicles



Public Health and Safety: Support the activities of other agencies, such as Pender County Health Department, to provide adequate health education and preventive care to the town's residents



Future Land Use Map: Mixed Use Transition

Mixed-use transition area areas 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 smaller 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: offices, small-scale multi-family residential, small-scale mixed-use developments, adaptive reuse of historic structures, educational, neighborhood scale commercial, non-neighborhood residential

DEVELOPMENT GUIDELINES

Serves as transition to residential areas



Moderate front setbacks and appropriate landscaping



Façade articulation and windows to break up large facades



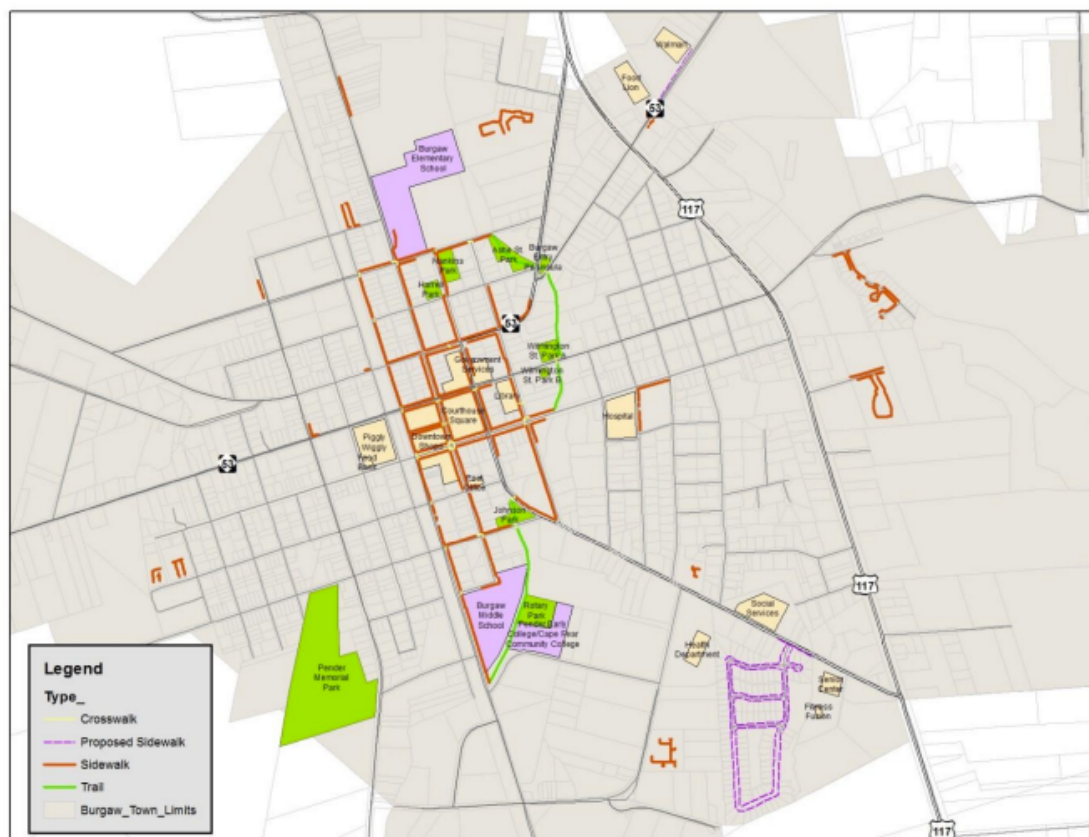
Mitigation of negative visual/environmental impacts on residential areas	
Pedestrian connections to multi-use pathways between uses	
Monument or ground signs	N/A

The Town of Burgaw Bicycle and Pedestrian Plan

The map below snipped from the Bicycle and Pedestrian Plan identifies the Pender County Health Department and Department of Social Services as some of the most common destinations in the Town of Burgaw. The project related to this conditional district rezoning combines both facilities into one building. Though it is not shown in this map from the 2015 adopted plan, a sidewalk, frequently used, runs the length of South Walker Street (US 117 Bus) from East Satchwell to the Pender Adult Services property. Including a sidewalk at this project's frontage, with the goal of connecting to South Walker in the future, is highly encouraged to continue a pedestrian network linking government services to many Burgaw citizens.

Destinations/Destination Areas

With the help of the community focus group, planning department staff has identified twenty-four major trip attractors throughout the town. The most common destinations and destination areas include commercial areas, government and social services, and health care. In the center of town, residents can access the Pender County Courthouse and Annex, Town of Burgaw government offices, the downtown shopping district, one of the local grocery stores, a food bank, the post office, and the hospital. County government offices, including the Health Department and Department of Social Services, are located on S. Walker St. near Pender Adult Services and





Town of Burgaw Bicycle and Pedestrian Plan

Goal 1: To provide a comprehensive bicycle and pedestrian network that connects residents and visitors to important destinations - The first goal of this plan and its recommendations is to ensure that visitors and all town residents can access important destinations without having to drive. Currently, there are gaps in the existing sidewalk network, limiting the use of existing sidewalks. Some parts of town have no infrastructure. The residents of these areas are also most likely to have low incomes and be vulnerable to chronic disease.

Goal 3: To increase the number of residents who bike and walk for recreational and transportation purposes - As any good business knows, just because a good or service is provided does not mean that the customer will come. Marketing is needed so the customer knows a product is available and meets one of their needs. In the same way, just providing infrastructure will not ensure that residents and visitors will use it. It is important for the town to encourage walking and biking for several reasons. For one, more users add value to the infrastructure that is provided so it can serve as many residents and visitors as possible. More walking and biking reduces the burden on area roads so less road maintenance is required and there is less traffic congestions. In addition, active transportation benefits the physical and mental health of the town's residents, encourages community cohesion, and reduces household costs.

Goal 4: To improve the safety of the bicycle and pedestrian modes of transportation - One of the most basic functions of the town's government is to protect the public health and safety. If residents and visitors are walking and biking, and as the town encourages that activity, it needs to be a town priority to make sure those modes of transportation are as safe as possible.

CONCLUSIONS AND RECOMMENDATION

The proposal for the Health and Human Services structure south of the existing Pender County government complex is supported by many policies and development guidelines in the Town of Burgaw Comprehensive Land Use Plan. The lack of bicycle and pedestrian infrastructure results in many policies in opposition to the project, but overall, the policies support a favorable recommendation by the Planning Department. It is important to note that this area is identified as mixed-use transition in the land use plan. It is exactly what is desired for this transitional area in that it provides a transition from higher intensity uses (the industrial zoning and uses west of Progress Drive) to the single-family residential neighborhood to the east of the project site. Interestingly, south of the project site exists a multi-family residential project that is also a reasonable transition from more intense commercial and industrial uses to far less intense uses such as detached housing.

Of the two required community meetings held, four people attended, all residents of Creekside, the single-family residential neighborhood east of the subject property. According to the meeting minutes much of the concern was related to storm water drainage, a physical fence, and noise from an existing dumpster area proximate to Creekside residents.

The conditions proposed are intended to cap the requested height and hold the project substantially to the proposed and potentially approved site plan. It is recommended that conditions related to bicycle and pedestrian facilities be included to better align the project with the policies and recommendations of the Town of Burgaw Comprehensive Land Use Plan and the Town of Burgaw Bicycle and Pedestrian Plan. It is important to note that if approved, this project must still go through the Technical Review Committee (TRC) process for conditional zoning approval and release to building inspections.



Considering the general support from the comprehensive plan policies and the use creating a transitional buffer between industrial and a single-family residential neighborhood, the Planning Department recommends **approval** of this conditional district rezoning.

AT THE PLANNING BOARD

Planning staff presented the proposal with representatives of Pender County following with additional information. The Pender County project team provided some clarifying points and responded to questions and concerns from both the Planning Board and members of the public. After discussion, the Planning Board voted unanimously to recommend approval of the rezoning as proposed.

NEIGHBORHOOD CONTACT

	Community Meetings	Planning Board	Board of Commissioners
Advertisement Date(s)	1/10/24 at 4 PM and 6 PM	1/5/24 & 1/8/24	2/1/24 & 2/8/24
Other – Contact(s)		Mailers sent 1/8/24 Sign posted 1/8/24	Mailers sent 1/26/2024

ACTIONS TO DATE

<i>Planning Board</i>	01/18/2024; Recommend approval 7-0
<i>Board of Commissioners</i>	2/13/2024; Scheduled

ATTACHMENTS

1. Application
2. Plan Submittal
3. Tree Survey
4. Aerial Map
5. Zoning Map
6. Future Land Use Map
7. Community Meeting Items
8. Legal Description
9. Consistency Statement
10. Resolution
11. Ordinance



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: 1/5/24 FEE: \$552

As the Petitioner(s), I/We Pender County 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: 3229-60-0564-0000,3229-60-0024-0000,3228-59-9791

STREET ADDRESS: Progress Drive, Burgaw, NC, 28425

PROPERTY SIZE

ACREAGE 10.2 STREET FRONTAGE (ft) 751' DEPTH (ft) 774'

ZONING

CURRENT ZONING DISTRICT O&I REQUESTED ZONING DISTRICT O&I(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>Pender County</u>	1. <u>805 S. Walker Street, Burgaw, NC, 28425</u>
2. <u></u>	2. <u></u>
3. <u></u>	3. <u></u>
4. <u></u>	4. <u></u>
5. <u></u>	5. <u></u>

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

ADJACENT PROPERTY ADDRESS

PARCEL NUMBER

NAME

ADJACENT PROPERTY ADDRESS

PARCEL NUMBER

NAME

ADJACENT PROPERTY ADDRESS

PARCEL NUMBER

NAME

ADJACENT PROPERTY ADDRESS

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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: 910-259-1200 EMAIL: avann@pendercountync.gov

SIGNATURE: Allen Vann on behalf of Pender County

DATE: 1/5/24

APPLICANT INFORMATION (if different from owner)

PHONE: 910-852-9268 EMAIL: aspeck@bobbitt.com

SIGNATURE: Andrew M. Speck

DATE: 1/5/24

Digitally signed by Andrew M. Speck
DN: C=US + CN=Andrew M. Speck + E=aspeck@bobbitt.com + O="Bobbitt Construction, Inc."
Location: Raleigh, NC
Reason: I agree to the terms defined by the placement of my signature on this document
Date: 2024.01.05 11:55:48-0500

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		x
All existing easements, reservations, and rights-of-way		x
Approximate location of existing and proposed buildings, structures, and other improvements		x
Proposed use of all lands and structures, including the number and square footage of all units, residential and nonresidential		x
All yards, buffers, screening, and landscaping required and proposed		x
All existing and proposed points of access to public streets		x
Location of flood zones		x
Location of wetlands		x
Proposed phasing, if any		N/A
The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development		x
Location of all existing and proposed infrastructure on the site, including water, sewer, roads, pedestrian walkways, and open space		x
Generalized traffic, parking, and circulation plans (including bicycle and pedestrian facilities)		x
Proposed screening, buffers, and landscaping, as well as proposed treatment of any existing natural features		x
Existing and proposed topography at five-foot contour intervals or less		x
The location of existing vegetation and regulated trees		x
Scale of buildings relative to abutting property *Waived	x	
Building elevations and exterior features of proposed development		x
Master Sign Plan *Waived, Location of monument sign provided	x	
An evaluation of traffic impacts prepared in accordance with a scope of work established by NCDOT and the UDO) *In progress, contingent upon approval	x	
Inventory of the existing environmental, cultural, historical, and natural site attributes See Appendix 2		x
A conceptual plan that shows with reasonable certainty the type and intensity of use for the proposal		x
Any other information needed to demonstrate compliance with regulations		

* As agreed upon at Pre-Meeting on 12-14-2023

Appendix 1

List of Adjacent Property Owners Notified

Select By Location

Input Features: **Parcels**
The input has a selection. Records to be processed: 108

Relationship: **Within a distance**

Selecting Features: **Parcels**
The input has a selection. Records to be processed: 108

Search Distance: **500** **US Survey Feet**

Selection Type: **New selection**
☐ Invert Spatial Relationship

Apply **OK**

Parcels - PENDER COUN

FID	1448
ALPHA	3229-60-
OBJECTID	169283
PIN	3229-60-
CALCACRES	11.31
NAME	PENDER
ADDR	P O BOX
CITY	BURGAW
STATE	NC
ZIP	28425
PROPERTY_A	803 S W
PROPERTY_D	12.00AC
DATE	4/2/2014
SALE_PRICE	0
PLAT	
ACCOUNT	590310
TOWNSHIP	101
TNSH_DESC	BURGAW
ACRES	12
LAND_VALUE	939600
BUILDING_V	3226014
TOTAL_VALU	4165614
DEFERRED_V	0

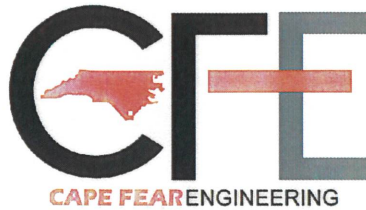
3229-61-2115-0000	AJEEN, MOUSA D	710 S WALKER ST	BURGAW	NC	28425
3229-50-3533-0000	AMERICAN SKIN FOOD GROUP LLC	P O BOX 1445	BURGAW	NC	28425
3228-69-6257-0000	ANDERSON, HEATHER DORENE	457 JASMINE WAY	BURGAW	NC	28425
3228-69-9401-0000	AVELAR, LETITIA M	405 JASMINE WAY	BURGAW	NC	28425
3228-58-6970-0000	BEACHAM, ANGELA M	PO BOX 487	BURGAW	NC	28425
3228-69-8855-0000	BERRY, ROY JR	106 PERIWINKLE STREET	BURGAW	NC	28425
3228-69-4920-0000	BIDDISON, ELMER MARC	PO BOX 688	HAMPSTEAD	NC	28443
3229-60-8400-0000	BROWN, JOSEPH ANTHONY	712 JASMINE WAY	BURGAW	NC	28425
3229-60-5541-0000	BURNETT, HARRY	704 JASMINE WAY	BURGAW	NC	28425
3229-60-5265-0000	BURNS, MORGAN DECKER	705 JASMINE WAY	BURGAW	NC	28425
3229-61-1565-0000	CAIN, JAMES GREGORY	705 KRISTI CIRCLE	BURGAW	NC	28425
3229-60-7683-0000	CAPE FEAR FARM CREDIT FLCA	PO BOX 2405	FAYETTEVILLE	NC	28302
3228-69-4644-0000	CARTER, DONNA E	500 JASMINE WAY	BURGAW	NC	28425
3229-61-3127-0000	COBLE MCFAYDEN INVESTMENTS LLC	PO BOX 1092	BURGAW	NC	28425
3229-51-6502-0000	CORBETT, NATHALYN D	P O BOX 545	BURGAW	NC	28425
3228-68-3838-0000	COURTNEY, ALICE CARR	P O BOX 361	BURGAW	NC	28425
3228-58-9847-0000	CRISAFULLI, FRANK	PO BOX 1415	BURGAW	NC	28425
3228-69-6343-0000	DAVIS, RICHARD A	459 JASMINE WAY	BURGAW	NC	28425
3229-51-4163-0000	DUDGINSKI, VIOLA S	609 NC HWY 53 E	BURGAW	NC	28425
3229-61-5582-0000	EASTERLING, MICHAEL	600 S BICKETT STREET	BURGAW	NC	28425
3228-69-6436-0000	GREEN, JAMES HENRY	463 JASMINE WAY	BURGAW	NC	28425
3229-60-4013-0000	GREGORY, ALEXANDER M	602 JASMINE WAY	BURGAW	NC	28425
3228-69-8763-0000	GUNTER, JOSHUA C	107 TEA OLIVE LN	BURGAW	NC	28425
3228-69-4541-0000	HARRELL, DAVID	466 JASMINE WAY	BURGAW	NC	28425
3228-49-7405-0000	HARRELL, RICHARD E	159 HENRY MIDDLETON RD	WARSAW	NC	28398
3229-50-2032-0000	HHG PROPERTIES LLC	2260 BEL ARBOR PLACE	WILMINGTON	NC	28403
3229-61-4183-0000	HOAGLAND, GORDON	610 SOUTH BICKETT ST.	BURGAW	NC	28425
3228-69-4265-0000	HOFFMANN, THOMAS F	458 JASMINE WAY	BURGAW	NC	28425
3229-60-8053-0000	HOLLIDAY, MATTIE ELIZABETH	107 PERIWINKLE ST	BURGAW	NC	28425
3228-69-6250-0000	HOYT, JASON CHRISTOPHER	455 JASMINE WAY	BURGAW	NC	28425
3228-69-9428-0000	HUBBLE, LAWRENCE DALE JR	403 JASMINE WAY	BURGAW	NC	28425
3229-60-4110-0000	IRELAND, ROBERT LAMAR	604 JASMINE WAY	BURGAW	NC	28425
3228-69-8394-0000	JARVIS, JACK EDWARD	407 JASMINE WAY	BURGAW	NC	28425

3229-41-6297-0000	JOHANSON, LOUISE GRADY J	3305 RIDGECREST CT	RALEIGH	NC	27607
3228-69-4926-0000	JOHNSON, KAYE B	600 JASMINE WAY	BURGAW	NC	28425
3228-69-9556-0000	JONES, JAKE M	401 JASMINE WAY	BURGAW	NC	28425
3229-61-3309-0000	JUSTICE, RAYMOND T	605 S BICKET STREET	BURGAW	NC	28425
3228-69-6772-0000	KENNEDY, RONNIE	113 TEA OLIVE LANE	BURGAW	NC	28425
3228-69-5887-0000	KING, JOSEPH E JR	114 PERIWINKLE ST	BURGAW	NC	28425
3228-69-6866-0000	KING, THOMAS PATRICK CHRISTOPHER II	112 PERIWINKLE ST	BURGAW	NC	28425
3229-61-3621-0000	LEONARD, FARRIS L	507 SOUTH BICKETT STREET	BURGAW	NC	28425
3229-60-7119-0000	LEONARD, JEFFERY S	709 JASMINE WAY	BURGAW	NC	28425
3229-51-7670-0000	LEWIS, GARY L	515 S MCNEIL ST	BURGAW	NC	28425
3228-69-4823-0000	LINTON, CHRISTOPHER MICHAEL	506 JASMINE WAY	BURGAW	NC	28425
3229-51-7484-0000	LOHMAN, RICKY A	608 WALKER DR	BURGAW	NC	28425
3229-61-5323-0000	MANNING, DOUGLAS M	606 S BICKETT ST	BURGAW	NC	28425
3229-60-6056-0000	MARINO, CHARLES A III	113 PERIWINKLE STREET	BURGAW	NC	28425
3229-60-6462-0000	MATTHEWS, SUMMER H	708 JASMINE WAY	BURGAW	NC	28425
3228-69-7732-0000	MCALISTER, BRYAN TIMOTHY	111 TEA OLIVE LANE	BURGAW	NC	28425
3229-61-5176-0000	MILAM, JOHNNY O III	212 CORNUBIA DR	CASTLE HAYNE	NC	28429
3229-61-5206-0000	MILAM, JOHNNY O JR	P O BOX 201	BURGAW	NC	28425
3228-69-5792-0000	MININNI, SARAH CATHRYN	115 TEA OLIVE LANE	BURGAW	NC	28425
3229-51-6097-0000	MISSION BAPTIST CHURCH INC	607 S WALKER STREET	BURGAW	NC	28425
3229-60-8149-0000	MOORE, JONATHON M	713 JASMINE WAY	BURGAW	NC	28425
3228-69-4455-0000	MORGAN, DUSTAN L	464 JASMINE WAY	BURGAW	NC	28425
3228-69-4730-0000	NEWMAN, CHRISTOPHER PAUL	502 JASMINE WAY	BURGAW	NC	28425
3229-51-7679-0000	NEWTON, TRISHA L	511 SOUTH MCNEIL STREET	BURGAW	NC	28425
3229-60-5078-0000	NORRIS, JEFFREY LEWIS	115 PERIWINKLE ST	BURGAW	NC	28425
3229-61-3510-0000	'O'BRIANT, MARY PURYEAR TRUST'	601 S BICKETT ST	BURGAW	NC	28425
3229-60-3291-0000	OVERCASH, COREY	606 JASMINE WAY	BURGAW	NC	28425
3229-61-5421-0000	OWENS, PHYLLIS M	C/O PHYLLIS OWENS BENTON	RICHLANDS	NC	28574
3229-61-6432-0000	OWENS, PHYLLIS WOOTEN	C/O PHYLLIS OWENS BENTON	RICHLANDS	NC	28574
3228-69-8702-0000	PEARCE, BRANDON D	109 TEA OLIVE LN	BURGAW	NC	28425
3228-69-1138-0000	PENDER COUNTY	805 S WALKER ST	BURGAW	NC	28425
3229-60-4105-0000	PENDER CREEKSIDE HOMEOWNERS ASSOCIATIO	5129 OLEANDER DRIVE STE 101	WILMINGTON	NC	28403
3229-60-8063-0000	PENDER CREEKSIDE LLC	PO BOX 130	HAMPSTEAD	NC	28443

3229-60-6406-0000	PITTMAN, DAVID AUSTIN	706 JASMINE WAY	BURGAW	NC	28425
3228-69-7835-0000	POPE, DOUGLAS M	110 PERIWINKLE STREET	BURGAW	NC	28425
3229-60-4527-0000	PROTHERO, CHRISTINE	702 JASMINE WAY	BURGAW	NC	28425
3229-60-7083-0000	REYNOLDS, PHYLLISS	109 PERIWINKLE ST	BURGAW	NC	28425
3228-69-6440-0000	ROBINSON, CHRISTOPHER JORDAN	461 JASMINE WAY	BURGAW	NC	28425
3228-69-4169-0000	RUTH, JOHN MARK	456 JASMINE WAY	BURGAW	NC	28425
3228-69-4737-0000	RUTHERFORD, JACOB J	504 JASMINE WAY	BURGAW	NC	28425
3228-69-4172-0000	RUTHERFORD, STANLEY E	454 JASMINE WAY	BURGAW	NC	28425
3229-51-6627-0000	SAVAGE, SADIE L	502 S BENNETT ST	BURGAW	NC	28425
3228-59-7307-0000	SEVEN OAKS OF PENDER LLC	C/O EXCEL PROPERTY MANAGEMENT	RALEIGH	NC	27615
3229-61-0661-0000	SHEVCHUK, GEORGE	1 GLENBROOK COURT	WHIPPANY	NJ	7981
3229-61-0358-0000	SINGH, B P	800 EASTWOOD CT	BURGAW	NC	28425
3228-69-6534-0000	SMITH, ANDY T	456 IASMINE WAY	BURGAW	NC	28425
3229-60-3478-0000	SMITH, KENNETH W JR	700 JASMINE WAY	BURGAW	NC	28425
3229-60-7430-0000	SPRAFKA, MICHAEL	710 JASMINE WAY	BURGAW	NC	28425
3229-60-7024-0000	SPRINGER, BRENT AARON	111 PERIWINKLE ST	BURGAW	NC	28425
3228-69-4547-0000	TASKER, MELISSA	468 JASMINE WAY	BURGAW	NC	28425
3229-60-3386-0000	TAYLOR, JAMES P	610 JASMINE WAY	BURGAW	NC	28425
3228-69-4358-0000	TAYLOR, JEFFREY B	426 JASMINE WAY	BURGAW	NC	28425
3228-69-7894-0000	TAYLOR, STEWART	108 PERIWINKLE ST	BURGAW	NC	28425
3229-61-3218-0000	TYSON, ELAINE BATSON	609 S BICKETT ST	BURGAW	NC	28425
3228-59-1657-0000	VESLIGAJ, ZELIKO	2121 FOREST LAGOON PL	WILMINGTON	NC	28405
3229-60-6242-0000	WHEELER, MARYANGELA	707 JASMINE WAY	BURGAW	NC	28425
3228-69-4362-0000	WHITEHEAD, SHANE RONALD	460 JASMINE WAY	BURGAW	NC	28425
3228-69-6153-0000	WHITFIELD, MICHELLE KING	453 JASMINE WAY	BURGAW	NC	28425
3229-60-7179-0000	WILSON, SEAPONNAE RENEE	711 JASMINE WAY	BURGAW	NC	28425
3229-61-8269-0000	WLS PROPERTIES INC	5704 OLEANDER DRIVE SUITE 101	WILMINGTON	NC	28409
3229-60-3299-0000	YADAO, THOMAS TOMMY	608 JASMINE WAY	BURGAW	NC	28425

Appendix 2

Environmental Response for Rezoning Application



January 4, 2024

Andy Speck
Pre-Construction Executive
Bobbitt
(sent via email: aspeck@bobbitt.com)

RE: Petition for Conditional District Rezoning Application Response – Inventory of the Existing Environmental, Cultural, Historical, and Natural Site Attributes

Andy,

Per your request I am providing this summary regarding the inventory of the existing environmental, cultural, historical, and natural site attributes for the Pender County Health and Human Services project site in Burgaw, North Carolina.

As required by the USDA Rural Development, it was necessary to assess and consider the impacts of proposed federal actions, such as the provision of financial assistance, through programs in accordance with the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (NHPA), Section 7 of the Endangered Species Act (ESA), and other applicable federal, state, and local environmental laws.

To properly assess any potential project impacts, an Environmental Report, as required by the USDA, has been developed by Cape Fear Engineering to provide project-specific information including an evaluation of the potential to impact specific environmental resources and historic properties to determine if any additional impact analysis needs to be completed.

Items completed in the environmental report relevant to the rezoning application response include a Phase I and Phase II Environmental Site Assessment, and correspondence with the State Historic Preservation Office, Tribal Historic Preservation Office, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and other interested parties.

It was concluded that no environmental concerns were related to the project site. Additionally, it was determined that the project site does not have any historical or cultural relevance.

Sincerely,

Drew Daymond, P.G.
Environmental Manager
Cape Fear Engineering, Inc.

Name of Project: Pender County Health and Human Services Building
Address: Progress Drive, Burgaw, NC Zip Code: 28425
Proposed Use: County Health and Human Services Building
Owner/Authorized Agent: LELAND ADAMS
Phone: 919-485-1180 E-Mail: ADAMS@BOBBITT.COM
Owned By: Pender County ☒ City Burgaw ☒ County Pender ☐ Private ☐ State ☐ State
Code Enforcement Jurisdiction: ☒ City Burgaw ☒ County Pender ☐ Private ☐ State

LEAD DESIGN PROFESSIONAL: BOBBITT A&E, PLLC

DESIGNER	FIRM	NAME	LICENSE#	TELEPHONE#	E-MAIL
Architectural	<u>BOBBITT A&E, PLLC</u>	<u>BAILEY E. BAIRD JR.</u>	<u>14386</u>	<u>919-485-2198</u>	<u>BAIRD@BOBBITT.COM</u>
Civil					
Electrical					
Fire Alarm					
Plumbing					
Mechanical					
Sprinkler Standpipe					
Structural					
Retaining Walls > 4' High					
Other					

(*) Other should include firms and individuals such as truss, precast, pre-engineered, interior designers, etc.)

2018 NC EXISTING BUILDING CODE: ☐ Prescriptive ☐ Alteration Level I ☐ Historic Property
(check all that apply) ☐ Repair ☐ Alteration Level II ☐ Change of Use
☐ Chapter 14 ☐ Alteration Level III

CONSTRUCTED: (date) - **CURRENT OCCUPANCY(S)** (Ch.3): -
RENOVATED: (date) - **PROPOSED OCCUPANCY(S)** (Ch.3): -
OCCUPANCY CATEGORY (Table 1604.5): **Current:** - **Proposed:** -

FLOOR	EXISTING (SQ FT)	New (SQ FT)	SUB-TOTAL
1 st Floor	-	46,335	46,335
2 nd Floor	-	40,423	40,423
Penthouse (not included in total)	-	3,500	3,500
Under Roof (not included in total)	-	7,300	7,300
	-	-	-
TOTAL	-	86,758	86,758

Accessory Occupancy Classification(s):

Assembly	☐ A-1	☐ A-2	☒ A-3	☐ A-4	☐ A-5
Business	☐	☐	☐	☐	☐
Educational	☐	☐	☐	☐	☐
Food Service	☐ F-1	☐ Moderate	☐ F-2 Low	☐	☐
Hazardous	☐ H-1 Detonate	☐ H-2 Deflagrate	☐ H-3 Combust	☐ H-4 Health	☐ H-5 HPM
Institutional	☐ I-1 Condition: 1	☐ I-2	☐ I-1 Condition: 1	☐ 2	☐ 3
Medical	☐	☐	☐	☐ I-4	☐
Merchandise	☐ R-1	☐ R-2	☐ R-3	☐ R-4	☐
Residential	☐ S-1 Medium	☐ S-2 Low	☐	☐	☐
Storage	☐ Parking Garage	☐ Open	☐ Enclosed	☐ High-piled	☐ Repair Garage
Utility and Miscellaneous	☐	☐	☐	☐	☐

Special Uses (Chapter 4 - List Code Sections):

☐ 402 ☐ 403 ☐ 404 ☐ 405 ☐ 406 ☐ 407 ☐ 408 ☐ 409 ☐ 410 ☐ 411 ☐ 412 ☐ 413 ☐ 414 ☐ 415 ☐ 416 ☐ 417

☐ 418 ☐ 419 ☐ 420 ☐ 421 ☐ 422 ☐ 423 ☐ 424 ☐ 425 ☐ 426 ☐ 427 ☐ 428 ☐ 429 ☐ 430 ☐ 430 ☐ 430 ☐ 430

☐ Separated Use (508.4) - See below for area calculations for each story, the area of the occupancy shall be such that the sum of the ratios of the actual floor area of each use divided by the allowable floor area

STORY NO.	DESCRIPTION AND USE	(A) BDO AREA PER STORY (ACTUAL)	(B) TABLE 506.2 ⁴ AREA	(C) AREA FOR FRONTAGE INCREASE ^{1,2}	(D) ALLOWABLE AREA PER STORY OR UNLIMITED ^{3,5}
1	Business	46,335	69,000	20,250	89,250
1	Business	40,423	69,000	20,050	89,250

- 2018 NC Administrative Code and Policies

Floor Construction Including supporting beams and joists	*	*	*	*	*	*
Floor Ceiling Assembly	*	*	*	*	*	*
Column Supporting Floors	*	*	*	*	*	*
Roof Construction, including supporting beams and joists	*	*	*	*	*	*
Roof Ceiling Assembly	*	*	*	*	*	*
Columns Supporting Roof	*	*	*	*	*	*
Shaft Enclosure- Exit	*	*	*	*	*	*
Shaft Enclosure-Other	1HR	1HR	*	U906	CAN-11020	*
Corridor Separation	0HR	0HR	*	*	*	*
Occupancy Fire Barrier Separation	*	*	*	*	*	*
Pantry Fire Wall Separation	*	*	*	*	*	*
Smoke Barrier Separation	*	*	*	*	*	*
Smoke Partition	*	*	*	*	*	*
Tenants Dwellling Unit/ Sleeping Unit Separation	*	*	*	*	*	*
Incidental Use Separation	*	*	*	*	*	*
<i>*Indicates assembly meets minimum fire-resistance reduction.</i>						

LIFE SAFETY SYSTEM REQUIREMENTS

Emergency Lighting:	☐ No	☒ Yes	
Exit Signs:	☐ No	☒ Yes	
Fire Alarm:	☐ No	☒ Yes	
Smoke Detection Systems:	☐ No	☒ Yes	☐ Partial <u> </u>
Panic Hardware:	☐ No	☒ Yes	
Carbon Monoxide Detection:	☒ No	☐ Yes	

- Fire and/or smoke rated wall locations (Chapter 7)
- Assumed and real property line locations (if not on the site plan)
- Exterior wall opening area with respect to distance to assumed property lines (705.8)
- Occupancy Use for each area as it relates to occupant load calculation (Table 1004.1.2)
- Occupant loads for each area
- Exit access travel distances (1017)
- Common paths of travel distances (Tables 1006.2.1 & 1006.3.2(1))
- Dead end lengths (1020.4)
- Clear exit widths for each exit door
- Maximum calculated occupant load capacity each exit door can accommodate based on egress width (1005.3)
- Actual occupant load for each exit door
- A separate schematic plan indicating where fire rated floor/ceiling and/or roof structure is provided for purposes of occupancy separation
- Location of doors with panic hardware (1010.1.10)
- Location of doors with delayed egress locks and the amount of delay (1010.1.9.7)
- Location of doors with electromagnetic egress locks (1010.1.10)
- Location of doors equipped with hold-open devices
- Location of emergency escape windows (1030)
- The square footage of each fire area (202)
- The square footage of each smoke compartment for Occupancy Classification I-2 (407.5)
- Note any code exceptions or table notes that may have been utilized regarding the items above

ACCESSIBLE PARKING (SECTION 1106)					
LOT OR PARKING AREA	TOTAL # OF PARKING SPACES REQUIRED		# OF ACCESSIBLE SPACES PROVIDED		TOTAL # ACCESSIBLE PROVIDED
	REQUIRED	PROVIDED	REGULAR WITH 5' ACCESS AISLE	132" ACCESS AISLE 8' ACCESS AISLE	
-	-	-	-	-	-
TOTAL	-	-	-	-	-

PLUMBING FIXTURE NOTES:
[check family/ assisted toilet room requirement NCSBC 1109.2.1]

BUSINESS:

- 125 FOR THE FIRST 50 AND 150 FOR REMINDER TOILETS
- 140 FOR FIRST 80 AND 180 FOR REMANDER
- 1100 WATER COOLER
- 7000/100 = 70 — 8000/15 = 533

Special approval: (Local Jurisdiction, Department of Insurance, OSC, DPI, DHHS, ICC, etc., describe below)
DHHS, DOL, PENDER COUNTY, TOWN OF BURGAW

STRUCTURAL DESIGN
(PROVIDE ON THE STRUCTURAL SHEETS IF APPLICABLE)

MECHANICAL DESIGN

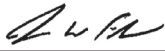
Chiller
Size category If oversized, state reason.: N/A

☐ C406.4 Enhanced Digital Lighting Controls
☐ C406.5 On-Site Renewable Energy
☐ C406.6 Dedicated Outdoor Air System
☐ C406.7 Reduced Energy Use in Service Water Heating

Last Updated on 2023-04-14

G0.2
OF 4

I, JASON W FISHER, CERTIFY THAT THIS PROJECT WAS COMPLETED UNDER MY DIRECT AND RESPONSIBLE CHARGE FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THIS "GROUND SURVEY WAS PERFORMED AT THE 95 PERCENT CONFIDENCE LEVEL TO MEET FEDERAL GEOGRAPHIC DATA COMMITTEE STANDARDS; THAT THIS SURVEY WAS PERFORMED TO MEET THE REQUIREMENTS FOR A TOPOGRAPHIC/PLANIMETRIC SURVEY TO THE ACCURACY OF CLASS AA AND VERTICAL ACCURACY WHEN APPLICABLE TO THE CLASS A STANDARD, AND THAT THE ORIGINAL DATA WAS OBTAINED ON FEBRUARY 8TH, 2023; THAT THE SURVEY WAS COMPLETED ON MARCH 29TH, 2023; HORIZONTAL AND VERTICAL CONTROL DATUMS BASED ON PROJECT CONTROL. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 15TH DAY OF DECEMBER 2023."


JASON W FISHER, N.C.P.L.S. NO. L-5078
PROFESSIONAL LAND SURVEYOR



AMERICAN SKIN FOOD GROUP LLC
PIN: 3229-60-3533-0000
DB:2754 PG:89
MB:22 PG:7

PENDER COUNTY
PIN: 3229-60-0564-0000
DB:756 PG:415

PENDER COUNTY
PIN: 3229-60-0564-0000
DB:756 PG:415

PENDER COUNTY
PIN: 3229-60-0024-0000
DB:756 PG:783

HHG PROPERTIES LLC
PIN: 3229-50-2032-0000
DB:4391 PG:148
MB:46 PG:85

VESLIGAJ, ZELJKO
PIN: 3228-59-1657-0000
DB:3563 PG:229
MB:46 PG:85

SEVEN OAKS OF PENDER LLC
PIN: 3228-59-7307-0000
DB:1537 PG:220

PENDER COUNTY
PIN: 3228-69-1512-0000
DB:756 PG:729

LOT 7
AMERICAN SKIN
FOOD GROUP LLC
PIN: 3229-60-3478-0000
DB:4718 PG:382
MB:48 PG:77

LOT 8
JAMES P. TAYLOR
PIN: 3229-60-3386-0000
DB:4726 PG:2912
MB:48 PG:77

LOT 9
THOMAS TOMMY YADAO
PIN: 3229-60-3299-0000
DB:4727 PG:1687
MB:48 PG:77

LOT 10
COREY OVERCASH
PIN: 3229-60-3291-0000
DB:4668 PG:2174

LOT 11
ROBERT LAMAR IRELAND
PIN: 3229-60-3299-0000
DB:4710 PG:2320
MB:48 PG:77

LOT 12
ALEXANDER M GREGORY
PIN: 3229-60-4013-0000
DB:4676 PG:1872
MB:48 PG:77

LOT 13
KAYE B JOHNSON
PIN: 3228-69-4926-0000
DB:4732 PG:2978
MB:48 PG:77

LOT 14
ELMER MARC BIDDISON
PIN: 3228-69-4920-0000
DB:4732 PG:2259
MB:48 PG:77

LOT 15
CHRISTOPHER MICHAEL LINTON
PIN: 3228-69-4823-0000
DB:4712 PG:2709
MB:48 PG:77

LOT 16
JACOB J RUTHERFORD
PIN: 3228-69-4737-0000
DB:4670 PG:0174
MB:48 PG:77

LOT 17
CHRISTOPHER PAUL NEWMAN
PIN: 3228-69-4730-0000
DB:4753 PG:2424
MB:48 PG:77

LOT 18
DONNA E CARTER
PIN: 3228-69-4644-0000
DB:4671 PG:0745
MB:48 PG:77

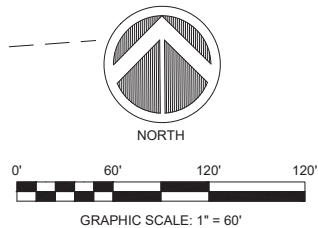
LOT 19
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DB:4683 PG:83
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PENDER CREEKSIDE
HOMEOWNERS ASSOCIATION
PIN: 3229-60-4105-0000
DB:4734 PG:1020
MB:48 PG:77

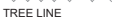
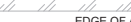
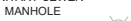
CREEK SIDE SUBDIVISION
(LOTS 1 THROUGH 35 SHOWN)

PERIWINKLE STREET
(60' R/W VARIES)

JASMINE WAY
(60' R/W VARIES)



LEGEND:

		IRON PIPE FOUND
		IRON REBAR FOUND
		PIN NAIL FOUND
		
		
		
		
		
		
		
		
		
		CONTOURS
		20
		
		
		
		
		

NOTES:

- SURVEY PERFORMED BY CAPE FEAR ENGINEERING ON 02/08/236 THROUGH 03/29/2023.
- HORIZONTAL AND VERTICAL DATUM IS BASED ON THE NCVRS NETWORK; HORIZONTAL DATUM - NAD 83 (2011), VERTICAL DATUM - NAVD 88.
- SURVEY MADE FROM A PORTION OF DEED BOOK 756, PAGE 783; MAP BOOK 1, PAGE 12; MAP BOOK 40, PAGE 81; MAP BOOK 47, PAGE 77; AND EXISTING PHYSICAL EVIDENCE.
- BOUNDARY AND WETLANDS BASED ON SURVEY FROM SEPI ENGINEERING & CONSTRUCTION, INC. DATED 05/27/21, AND EXISTING EVIDENCE.
- THIS PROPERTY SHOWN HEREON IS LOCATED IN FEMA FLOOD ZONE X, AS SHOWN FLOOD INSURANCE RATE MAP FOR BRUNSWICK COUNTY, NORTH CAROLINA MAP NUMBER 3720322800J, DATED FEBRUARY 16, 2007.
- ZONING PER BURGAW UNIFIED DEVELOPMENT ORDINANCE
ZONE: 081
SETBACKS:
FRONT YARD = 25'
FRONT YARD = 15'
FRONT YARD = 10'
- UNDERGROUND UTILITIES MARKED BY 811 ONE CALL SERVICES.



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www.capefearengineering.com | N.C. LICENSE # C-1621

PROJECT : 540-12
NUMBER :
SCALE : 1"=60'
DATE : 15 DECEMBER 23
TRACKING :

HHS FACILITY – BOBBIT
EXISTING CONDITIONS
SURVEY

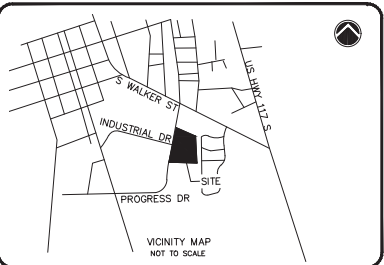
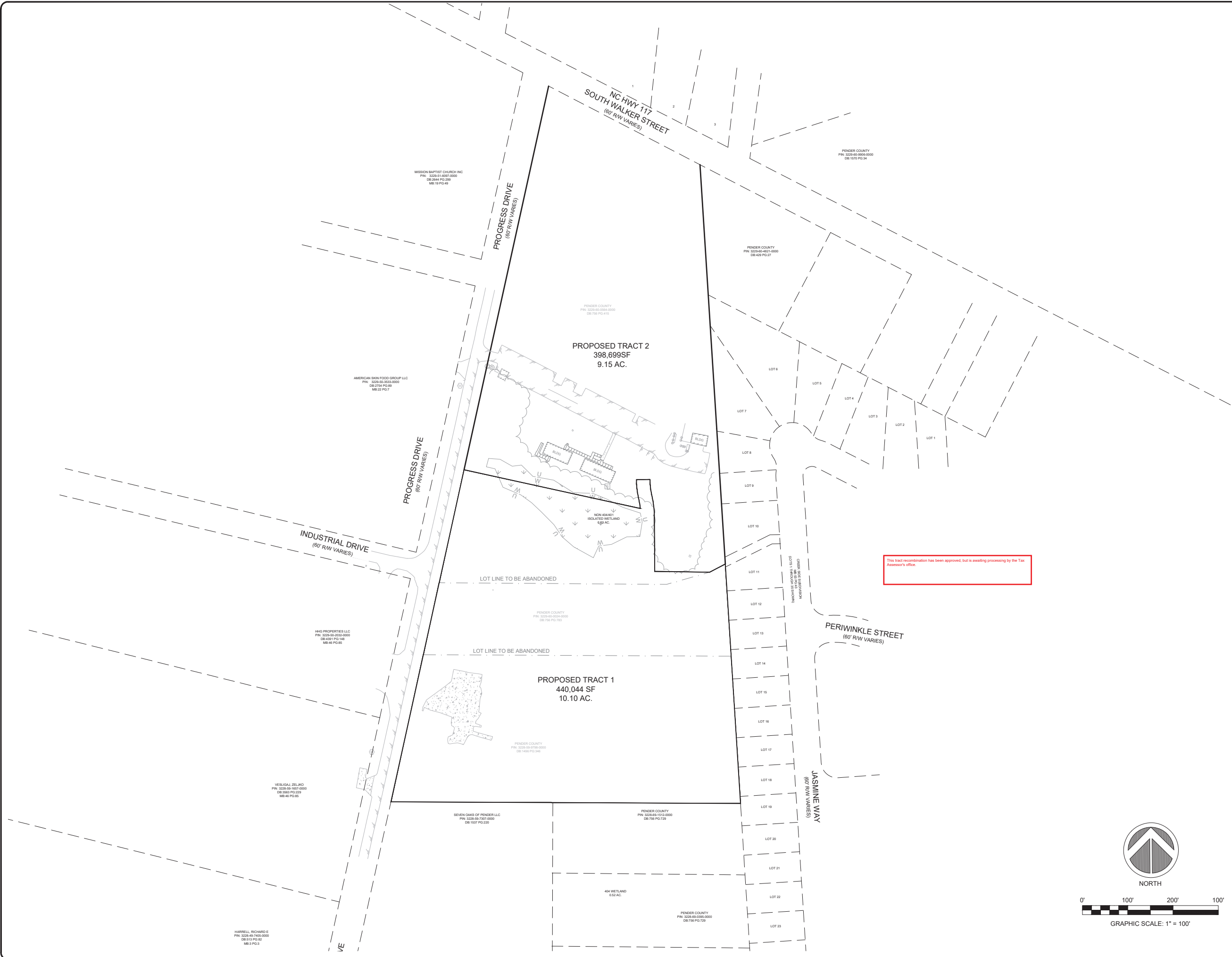
PENDER COUNTY
NORTH CAROLINA

PROJECT NUMBER

540-12

SHEET NUMBER

X-1



LEGEND:

TREE LINE

EDGE OF ASPHALT PAVEMENT

ADJOINER BOUNDARY

LOT LINE TO BE ABANDONED

PROPOSED BOUNDARY

WETLANDS

CONCRETE

BUILDING

DECK

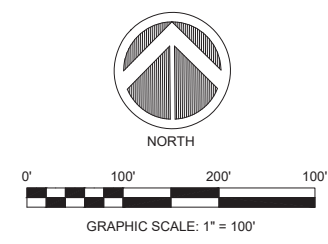
- NOTES:**
1. SURVEY PERFORMED BY CAPE FEAR ENGINEERING ON 02/08/236 THROUGH 03/29/2023.
 2. HORIZONTAL AND VERTICAL DATUM IS BASED ON THE NCVRS NETWORK; HORIZONTAL DATUM - NAD 83 (2011), VERTICAL DATUM - NAVD 88.
 3. SURVEY MADE FROM A PORTION OF DEED BOOK 756, PAGE 783; MAP BOOK 1, PAGE 12; MAP BOOK 40, PAGE 81; MAP BOOK 47, PAGE 77; AND EXISTING PHYSICAL EVIDENCE.
 4. BOUNDARY AND WETLANDS BASED ON SURVEY FROM SEPI ENGINEERING & CONSTRUCTION, INC. DATED 05/27/21, AND EXISTING EVIDENCE.
 5. THIS PROPERTY SHOWN HEREON IS LOCATED IN FEMA FLOOD ZONE X, AS SHOWN FLOOD INSURANCE RATE MAP FOR BRUNSWICK COUNTY, NORTH CAROLINA MAP NUMBER 3720322800J, DATED FEBRUARY 16, 2007.
 6. ZONING PER BURGAW UNIFIED DEVELOPMENT ORDINANCE
ZONE: 0&1
SETBACKS:
FRONT YARD = 25'
FRONT YARD = 15'
FRONT YARD = 10'
 7. UNDERGROUND UTILITIES MARKED BY 811 ONE CALL SERVICES.

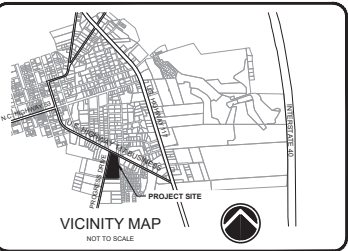
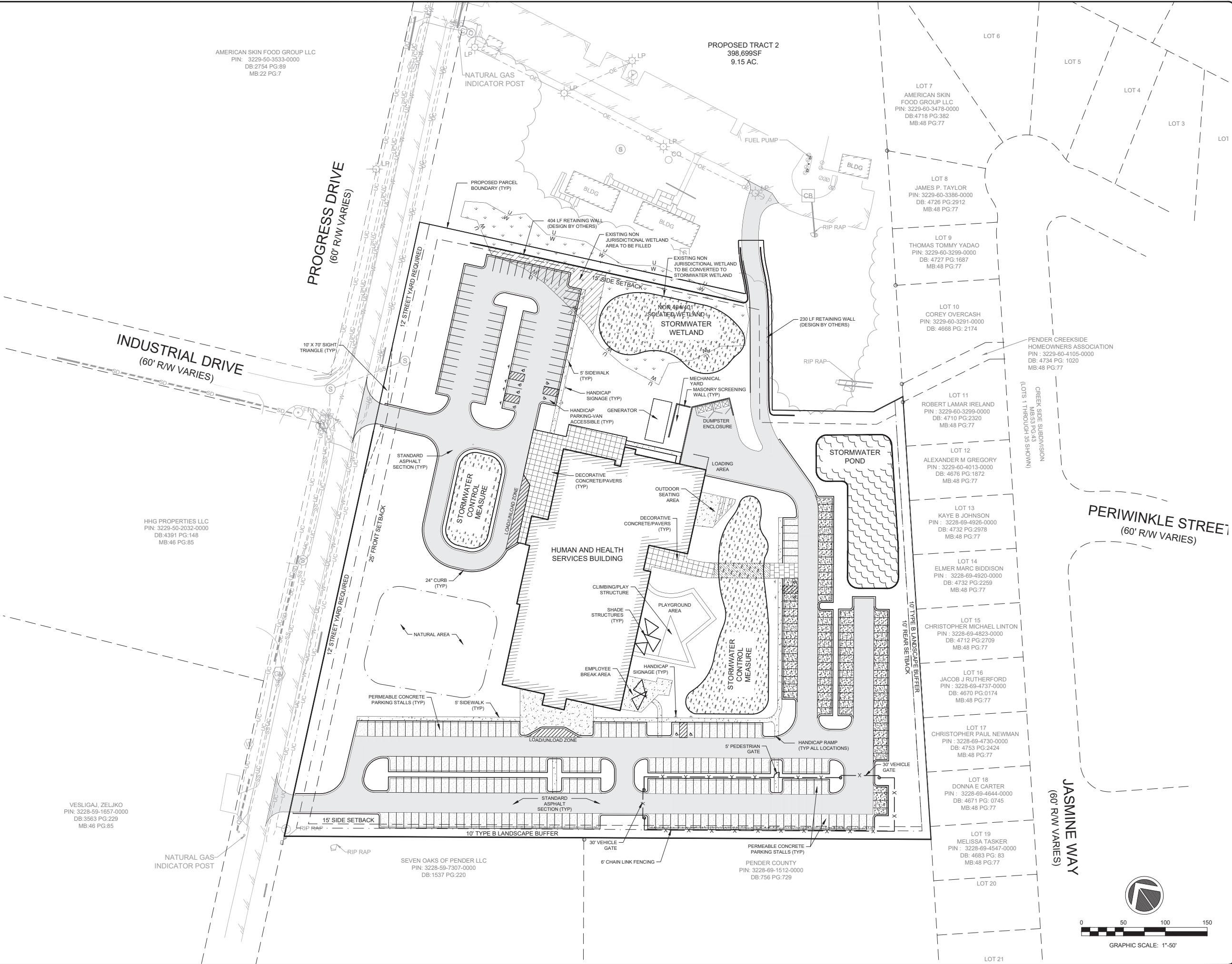
CFE
CAPE FEAR ENGINEERING
151 Poole Rd. Suite 100 | Leland, NC, 28451
TEL (910) 383-1044 | FAX (910) 383-1045
www.capefearengineering.com | N.C. LICENSE # C-1621

PROJECT	540-12
NUMBER :	
SCALE :	1"=100'
DATE :	AUG 7 2023
TRACKING :	

**HHS FACILITY - BOBBIT
PROPOSED SUDIVISION
EXHIBIT**

**PENDER COUNTY
NORTH CAROLINA**





LEGEND:
SEE SHEET I-1 FOR LEGEND AND GENERAL NOTES

CONCEPT PLAN FOR REVIEW

B	REVISED CONCEPT PLAN	MRH
A	ISSUED FOR CLIENT REVIEW	MRH
REV. #	DESCRIPTION	REV. BY
	REVISIONS	DATE



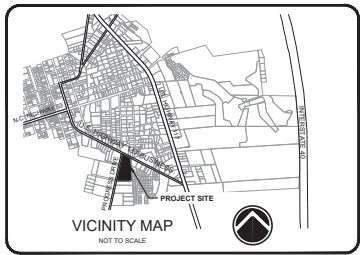
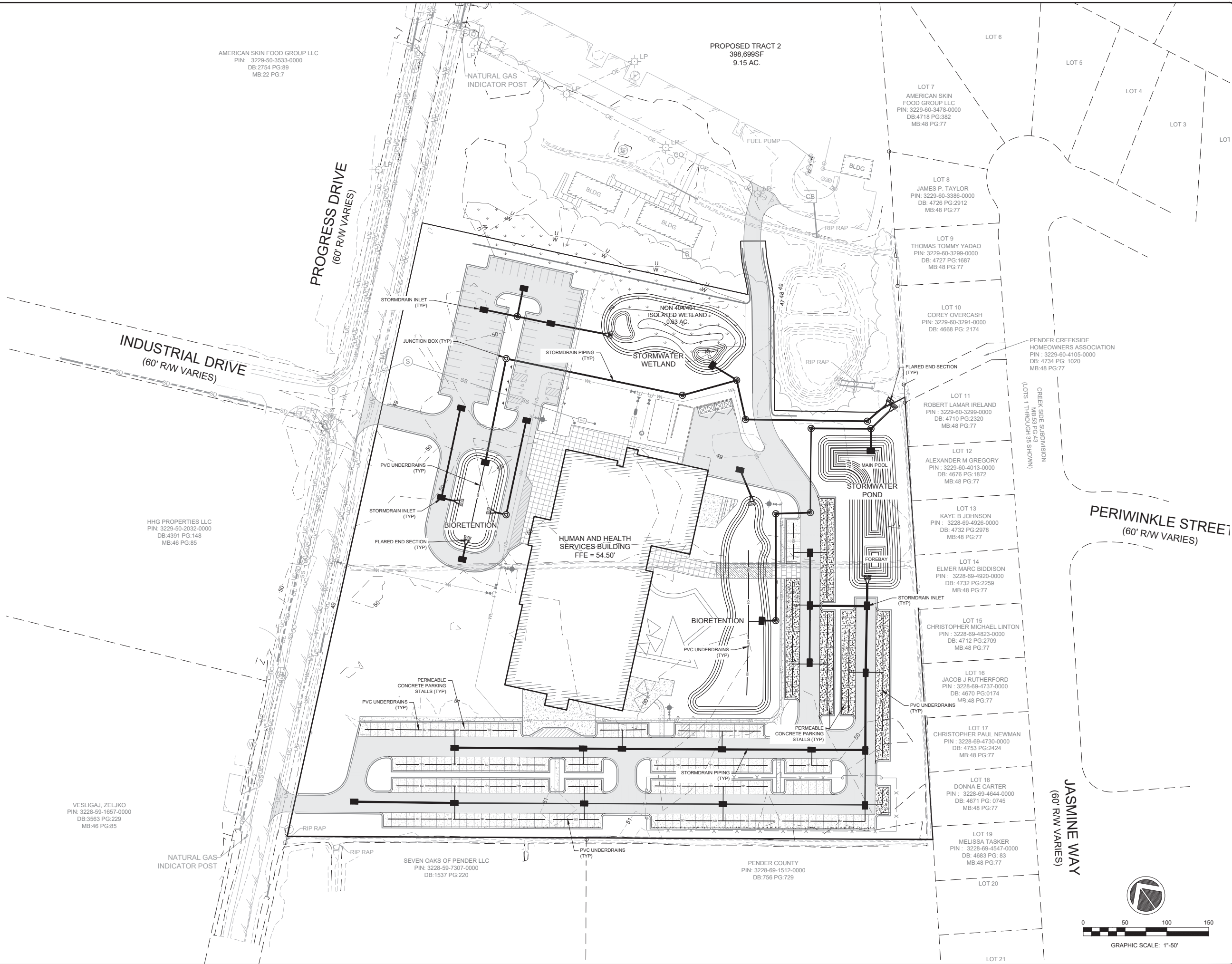
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SCALE:	AS SHOWN
DATE:	MAY 2023

PENDER COUNTY HEALTH AND HUMAN SERVICES

SITE PLAN

PROJECT NUMBER	SHEET NUMBER
540-12	CS-1

P:\540\540-12 Pender County HHS Facility - Bobbitt DWG\CONSTRUCTION\HSS PENDER COUNTY MASTER.dwg



LEGEND:

CONCEPT PLAN FOR REVIEW

REV. #	DESCRIPTION	REV. BY	DATE
B	REVISED CONCEPT PLAN	MRH	01/04/24
A	ISSUED FOR CLIENT REVIEW	MRH	08/31/23
REV. #	DESCRIPTION	REV. BY	DATE
REVISIONS			



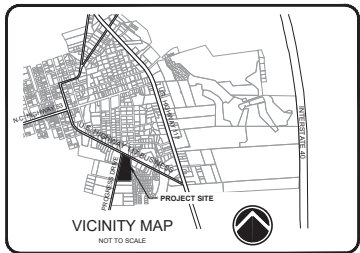
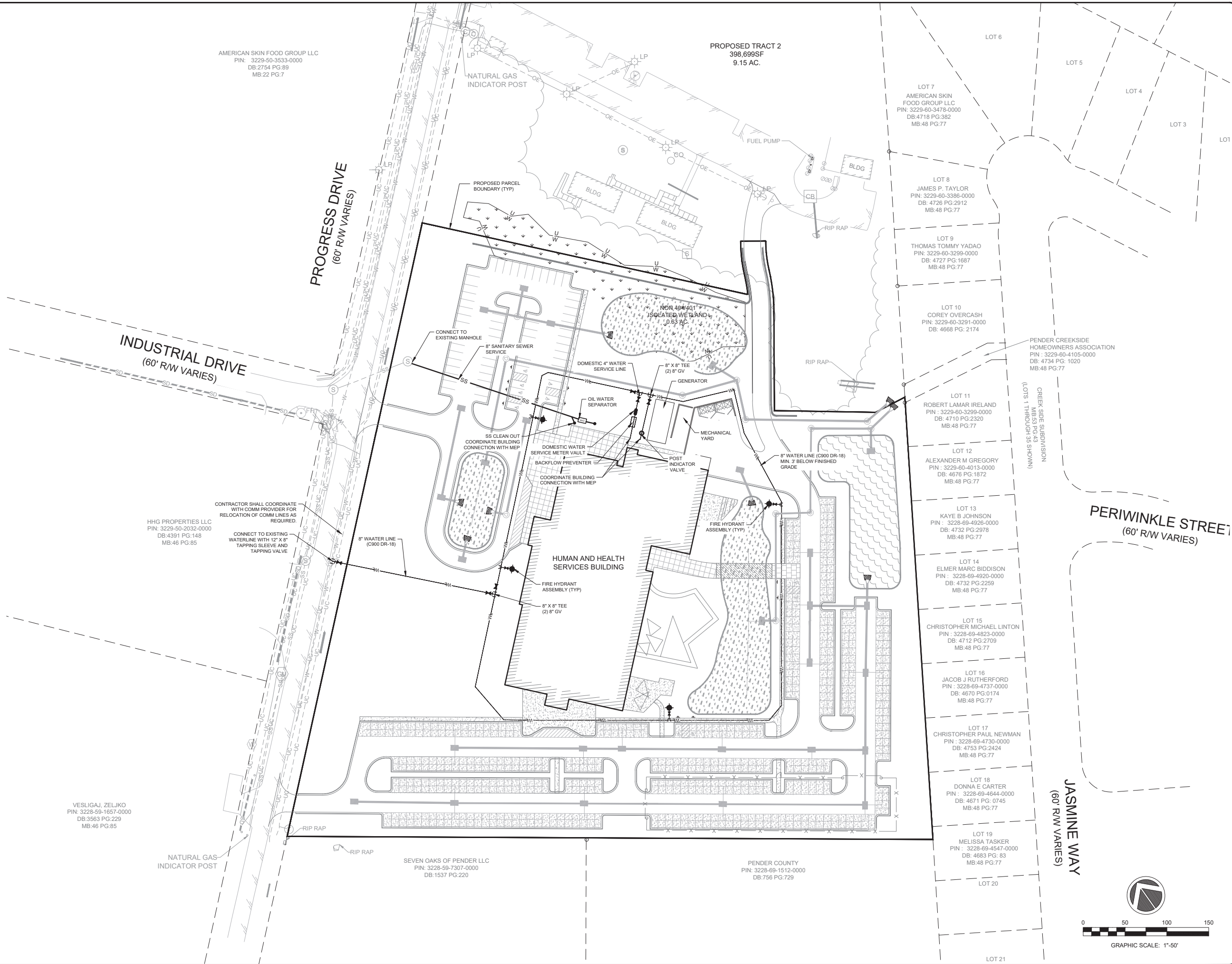
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SCALE:	AS SHOWN
DATE:	MAY 2023

PENDER COUNTY HEALTH AND HUMAN SERVICES

STORMDRAIN AND GRADING PLAN

PROJECT NUMBER	SHEET NUMBER
540-12	CU-1

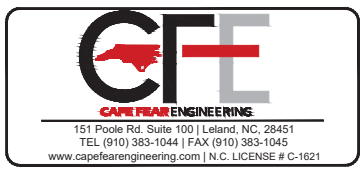
P:\540\540-12 Pender County HHS Facility - Bobbi\DWG\CONSTRUCTION\HSS PENDER COUNTY MASTER.dwg



LEGEND:
SEE SHEET I-1 FOR LEGEND AND
GENERAL NOTES

**CONCEPT PLAN
FOR REVIEW**

B	REVISED CONCEPT PLAN	MRH
A	ISSUED FOR CLIENT REVIEW	MRH
REV. #	DESCRIPTION	REV.BY DATE
REVISIONS		



PROJECT NUMBER:	540-12
SCALE:	AS SHOWN
DATE:	MAY 2023

**PENDER COUNTY
HEALTH AND HUMAN SERVICES**

UTILITY PLAN

PROJECT NUMBER 540-12	SHEET NUMBER CU-1
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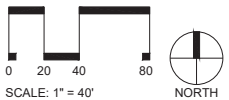
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DB:4391 PG:148
MB:46 PG:85

SEVEN OAKS OF PENDER LLC
PIN: 3228-59-7307-0000
DB:1537 PG:220

PENDER COUNTY
PIN: 3228-69-1512-0000
DB:756 PG:729

PLANT SCHEDULE							
SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	CONTAINER	CALIPER	HEIGHT	NOTES
TREES							
	PN PAL	29	PNUS PALUSTRIS LONGLEAF PINE	B&B	2.5 IN	8' MIN	
	QUE SHU	18	QUERCUS SHUMARDII SHUMARD OAK	B&B	2.5 IN	8' MIN	STRONG CENTRAL LEADER, DENSE, WATCHING
	QUE VR	18	QUERCUS VIRGINIANA SOUTHERN LIVE OAK	B&B	2.5 IN	8' MIN	
	TAX ASE	28	TAXODIUM ASCENDENS POND CYPRESS	B&B	2.5 IN	8 FT	
	TAX DIS	23	TAXODIUM DISTICHUM BALD CYPRESS	B&B	2.5 IN	8' MIN	STRONG CENTRAL LEADER, FULL, WATCHING
SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	CONTAINER	---	HEIGHT	NOTES
SHRUBS							
	CH	307	CEPHALOTAXUS HARRINGTONIA PLUM YEW	#3		18"	
	DIS VTJ	35	DIETYLUM X 'VINTAGE JADE' FIRST EDITIONS® VINTAGE JADE DISTYLUM	#3			
	ILE NAN	115	ILEX VOMITORIA 'NANA' DWARF YAUPOON HOLLY	#3			FULL DENSE
	MUH WH	211	MUHLENBERGIA CAPILLARIS 'WHITE CLOUD' WHITE CLOUD MUHLY GRASS	#1			
	MYR DON	121	MYRTICA CERIFERA 'DONS DWARF' DONS DWARF WAX MYRTLE	#3			
	PIT CO2	88	PITTIOSPORUM TOBIRA 'COMPACTUM' COMPACT JAPANESE PITTIOSPORUM	#3			
GROUND COVERS							
	ESS	5,541	ERAGROSTIS SPECTABILIS PURPLE LOVEGRASS	72 PER TRAY			



SCHEMATIC DESIGN

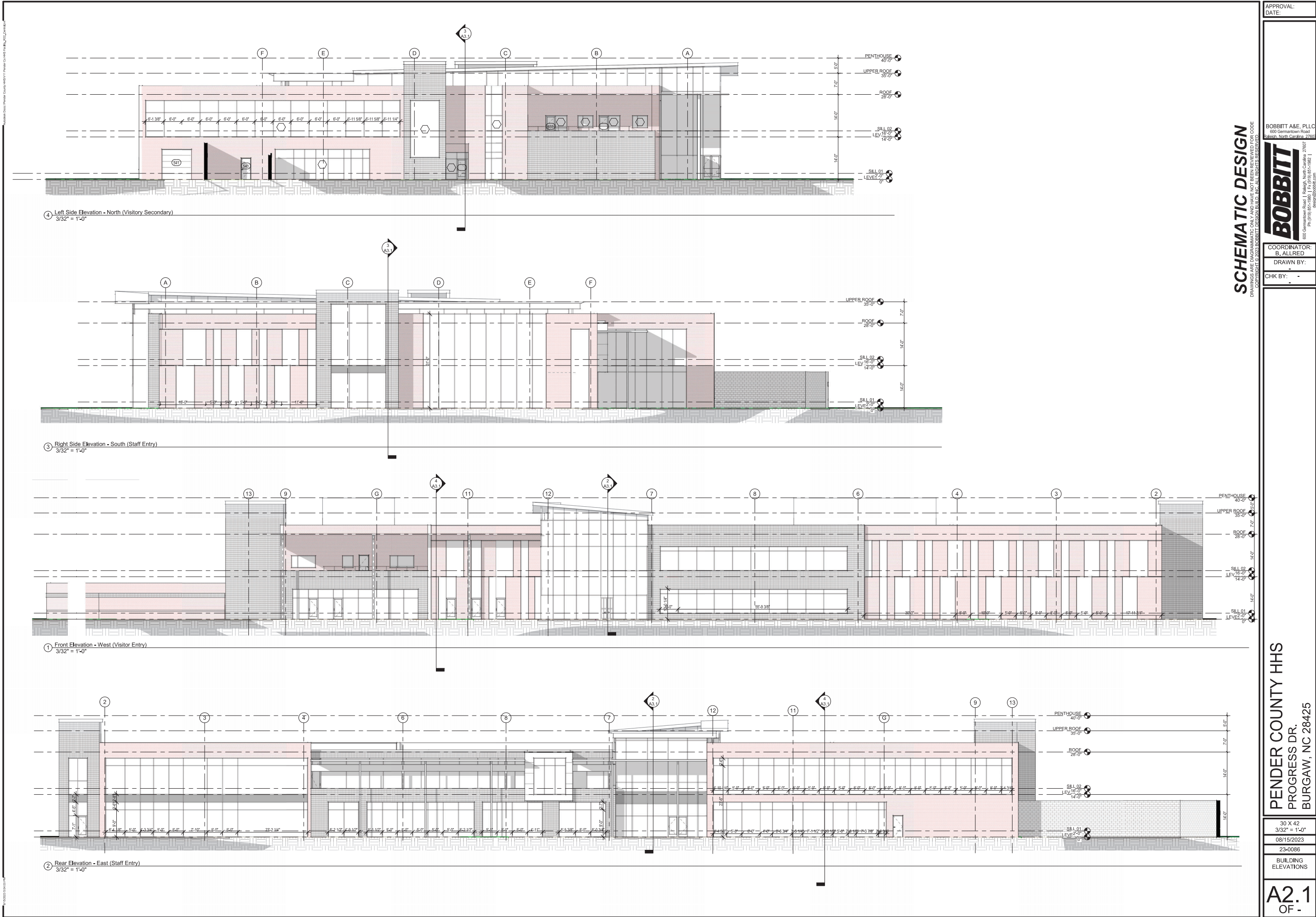
BOBBITT A&E, PLLC
600 Germantown Road
Raleigh, North Carolina 27607
PH: (919) 871-1062
F: (919) 871-1063
design@bobbitt.com

COORDINATOR:
B. ALLRED
DRAWN BY:
JIC
CHK BY: -

PENDER COUNTY HHS
PROGRESS DR.
BURGAW, NC 28425

30 X 42
01/05/2023
23-0086
PLANTING PLAN

L7.00



"I, JASON W FISHER, CERTIFY THAT THIS PROJECT WAS COMPLETED UNDER MY DIRECT AND RESPONSIBLE CHARGE FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THIS "GROUND SURVEY WAS PERFORMED AT THE 95 PERCENT CONFIDENCE LEVEL TO MEET FEDERAL GEOGRAPHIC DATA COMMITTEE STANDARDS; THAT THIS SURVEY WAS PERFORMED TO MEET THE REQUIREMENTS FOR A TOPOGRAPHIC/PLANIMETRIC SURVEY TO THE ACCURACY OF CLASS AA AND VERTICAL ACCURACY WHEN APPLICABLE TO THE CLASS A STANDARD, AND THAT THE ORIGINAL DATA WAS OBTAINED ON JUNE 8TH, 2023; THAT THE SURVEY WAS COMPLETED ON JUNE 20TH, 2023; HORIZONTAL AND VERTICAL CONTROL DATUMS BASED ON PROJECT CONTROL. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 27ST DAY OF JUNE 2023."

Jason W Fisher
JASON W FISHER, N.C.P.L.S. NO. L-5078
PROFESSIONAL LAND SURVEYOR



AMERICAN SKIN FOOD GROUP LLC
PIN: 3229-50-3533-0000
DB:2754 PG:89
MB:22 PG:7

HHG PROPERTIES LLC
PIN: 3229-50-2032-0000
DB:4391 PG:148
MB:46 PG:85

VESLIGAJ, ZELJKO
PIN: 3228-59-1657-0000
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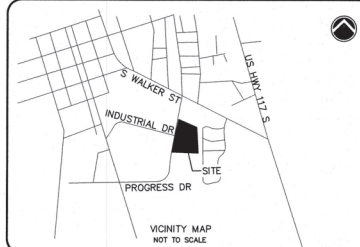
SEVEN OAKS OF PENDER LLC
PIN: 3228-59-7307-0000
DB:1537 PG:220

PENDER COUNTY
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PENDER COUNTY
PIN: 3229-60-0024-0000
DB:756 PG:783

PENDER COUNTY
PIN: 3228-59-9198-0000
DB:1466 PG:346

PENDER COUNTY
PIN: 3228-69-1512-0000
DB:756 PG:729



LEGEND:

EDGE OF ASPHALT PAVEMENT
ADJOINER BOUNDARY
SURVEYED BOUNDARY

- OAK
- AMERICAN HOLLY
- CREPE MYRTLE
- MAPLE
- MAGNOLIA
- BLACK CHERRY

NOTES:

- SURVEY PERFORMED BY CAPE FEAR ENGINEERING ON 09/08/23 THROUGH 09/20/2023.
- HORIZONTAL AND VERTICAL DATUM IS BASED ON THE NCNRS NETWORK; HORIZONTAL DATUM - NAD 83 (2011), VERTICAL DATUM - NAVD 88.
- THIS SURVEY DOES NOT INCLUDE OTHER REGULATED TREES THAT ARE PRESENT ON THE PROPERTY SUCH AS LOBLOLLY PINES, SWEET GUMS, ETC.



CAPE FEAR ENGINEERING
151 Poole Rd, Suite 100 | Leland, NC, 28451
TEL (910) 383-1044 | FAX (910) 383-1045
www.capefearengineering.com | N.C. LICENSE # C-1621

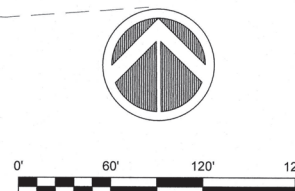
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SCALE : 1"=60'
DATE : 20 JUNE 23
TRACKING :

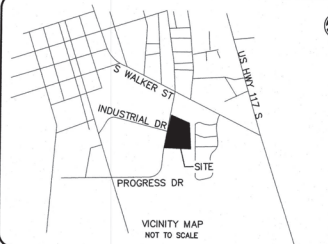
HHS FACILITY – BOBBIT
TREE SURVEY

PENDER COUNTY
NORTH CAROLINA

PROJECT NUMBER
540-12

SHEET NUMBER
1 OF 8





LEGEND:

- EDGE OF ASPHALT PAVEMENT
- ADJOINER BOUNDARY
- SURVEYED BOUNDARY
- OAK
- AMERICAN HOLLY
- CREPE MYRTLE
- MAPLE
- MAGNOLIA
- BLACK CHERRY

NOTES:

1. SURVEY PERFORMED BY CAPE FEAR ENGINEERING ON 06/08/23 THROUGH 06/20/2023.
2. HORIZONTAL AND VERTICAL DATUM IS BASED ON THE NCVRS NETWORK; HORIZONTAL DATUM - NAD 83 (2011), VERTICAL DATUM - NAVD 88.
3. THIS SURVEY DOES NOT INCLUDE OTHER REGULATED TREES THAT ARE PRESENT ON THE PROPERTY SUCH AS LOBLOLLY PINES, SWEET GUMS, ETC.

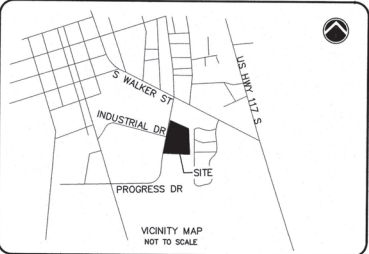


PROJECT NUMBER :	540-12
SCALE :	1"=20'
DATE :	20 JUNE 23
TRACKING :	

HHS FACILITY – BOBBIT
TREE SURVEY

PENDER COUNTY
NORTH CAROLINA

PROJECT NUMBER	SHEET NUMBER
540-12	2 OF 8



LEGEND:

- EDGE OF ASPHALT PAVEMENT
- ADJOINER BOUNDARY
- SURVEYED BOUNDARY
- OAK
- AMERICAN HOLLY
- CREPE MYRTLE
- MAPLE
- MAGNOLIA
- BLACK CHERRY

NOTES:

- SURVEY PERFORMED BY CAPE FEAR ENGINEERING ON 06/09/23 THROUGH 06/20/2023.
- HORIZONTAL AND VERTICAL DATUM IS BASED ON THE NCNRS NETWORK; HORIZONTAL DATUM - NAD 83 (2011), VERTICAL DATUM - NAVD 88.
- THIS SURVEY DOES NOT INCLUDE OTHER REGULATED TREES THAT ARE PRESENT ON THE PROPERTY SUCH AS LOBLOLLY PINES, SWEET GUMS, ETC.



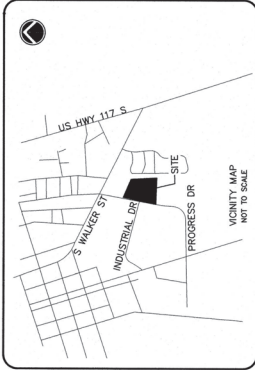
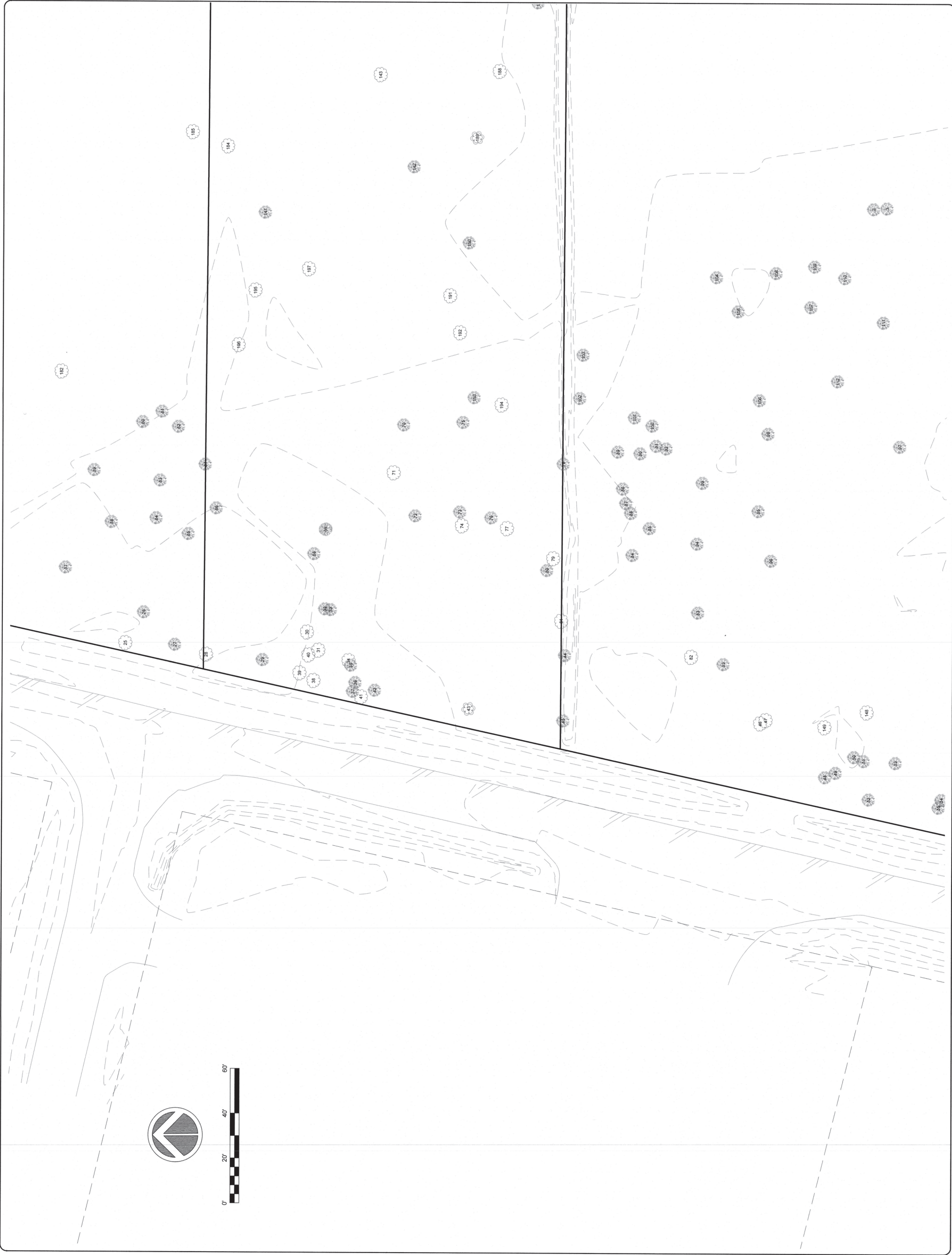
CAPE FEAR ENGINEERING
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TEL (910) 383-1044 | FAX (910) 383-1045
www.capefearengineering.com | N.C. LICENSE # C-1621

PROJECT NUMBER :	540-12
SCALE :	1"=20'
DATE :	20 JUNE 23
TRACKING :	

HHS FACILITY – BOBBIT
TREE SURVEY

PENDER COUNTY
NORTH CAROLINA

PROJECT NUMBER	SHEET NUMBER
540-12	3 OF 8



LEGEND

EDGE OF ASPHALT PAVEMENT
ADJOINER BOUNDARY
SURVEYED BOUNDARY

OAK
AMERICAN HOLLY
CREPE MYRTLE
MAPLE
MAGNOLIA
BLACK CHERRY

NOTES:

1. SURVEY PERFORMED BY CAPE FEAR ENGINEERING ON 06/09/23 THROUGH 06/20/2023.
2. HORIZONTAL AND VERTICAL DATUM IS BASED ON THE NCNRS NETWORK- HORIZONTAL DATUM - NAD 83 (2011), VERTICAL DATUM - NAVD 88.
3. THIS SURVEY DOES NOT INCLUDE OTHER REGULATED TREES THAT ARE PRESENT ON THE PROPERTY SUCH AS LOBLOLLY PINES, SWEET GUMS, ETC.

Professional Engineer Seal: JASON W. FLETCHER, License No. 6-27,23, State of North Carolina.

CFF

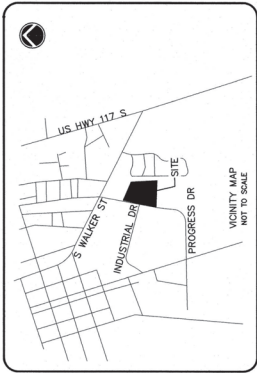
CAPE FEAR ENGINEERING
151 Poole Rd. Suite 100 | Leland, NC 28451
TEL (910) 383-1044 | FAX (910) 383-1045
www.capefearengineering.com | N.C. LICENSE # C-1821

PROJECT :	540-12
NUMBER :	
SCALE :	1"=20'
DATE :	20 JUNE 23
TRACKING :	

HHS FACILITY – BOBBIT
TREE SURVEY

PENDER COUNTY
NORTH CAROLINA

PROJECT NUMBER	540-12	SHEET NUMBER	4 OF 8
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LEGEND:

EDGE OF ASPHALT PAVEMENT
ADJACENT BOUNDARY
SURVEYED BOUNDARY

OAK
AMERICAN HOLLY
CREPE MYRTLE
MAPLE
MAGNOLIA
BLACK CHERRY

NOTES:

1. SURVEY PERFORMED BY CAPE FEAR ENGINEERING ON 06/20/23 THROUGH 06/20/2023.

2. HORIZONTAL AND VERTICAL DATUM IS BASED ON THE NCNRS NETWORK. HORIZONTAL DATUM - NAD 83 (2011). VERTICAL DATUM - NAVD 88.

3. THIS SURVEY DOES NOT INCLUDE OTHER REGULATED TREES THAT ARE PRESENT ON THE PROPERTY SUCH AS LOBLOLLY PINES, SWEET GUMS, ETC.

Professional Engineer Seal: JASON W. PETERSON, 17723, NORTH CAROLINA

CFFE

CAPE FEAR ENGINEERING
151 Poole Rd, Suite 100 | Leland, NC, 28451
TEL (910) 383-1044 | FAX (910) 383-1045
www.capefearengineering.com | N.C. LICENSE # C-1621

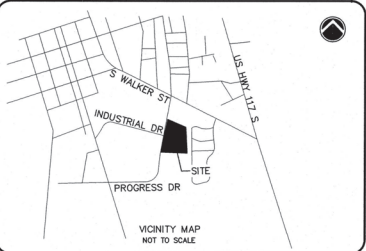
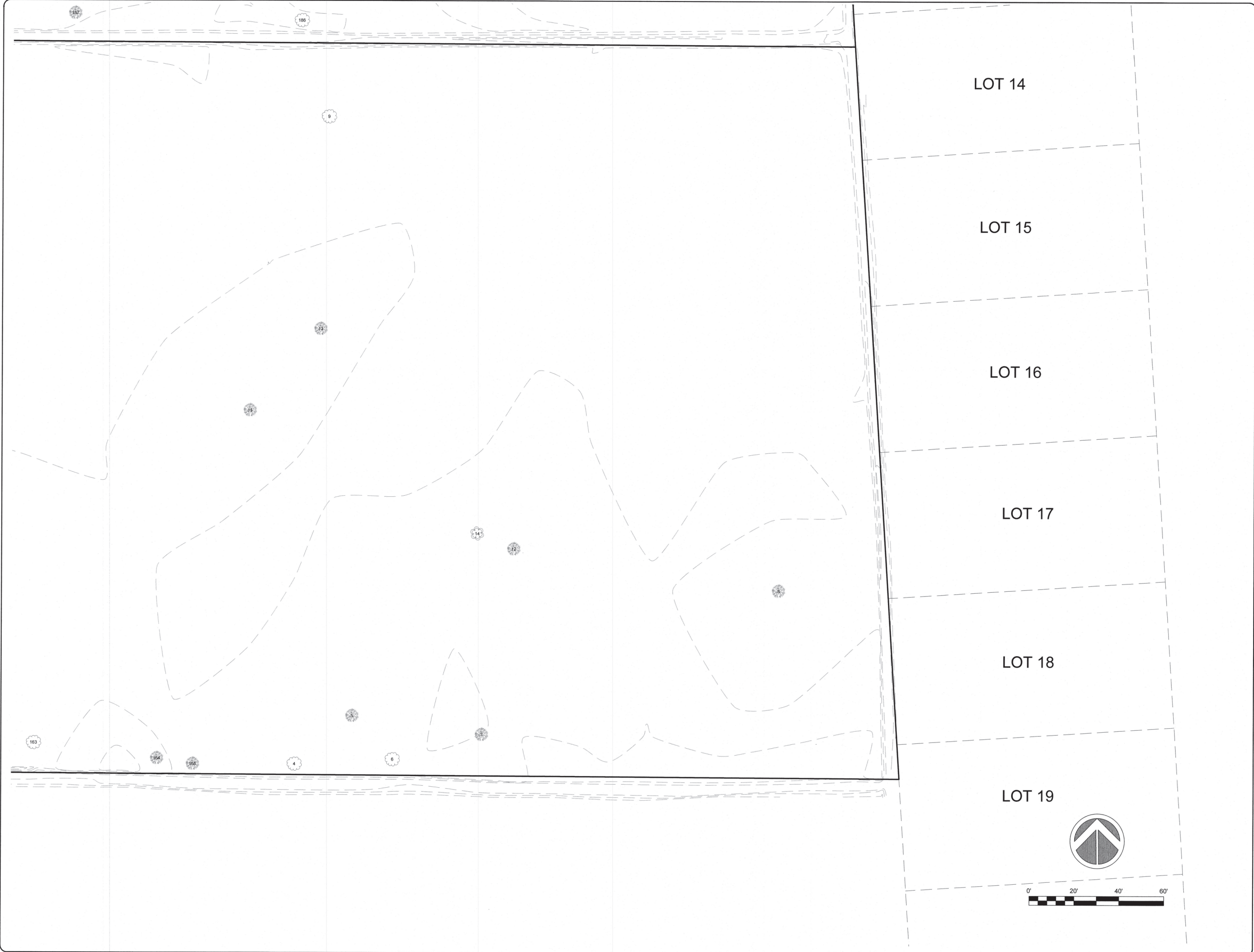
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NUMBER :	
SCALE :	1"=20'
DATE :	20 JUNE 23
TRACKING :	

HHS FACILITY – BOBBIT
TREE SURVEY

PENDER COUNTY
NORTH CAROLINA

PROJECT NUMBER	540-12	SHEET NUMBER	5 OF 8
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LEGEND:

EDGE OF ASPHALT PAVEMENT
ADJOINER BOUNDARY
SURVEYED BOUNDARY

- OAK
- AMERICAN HOLLY
- CREPE MYRTLE
- MAPLE
- MAGNOLIA
- BLACK CHERRY

NOTES:

- SURVEY PERFORMED BY CAPE FEAR ENGINEERING ON 06/08/23 THROUGH 06/20/2023.
- HORIZONTAL AND VERTICAL DATUM IS BASED ON THE NCVRS NETWORK: HORIZONTAL DATUM - NAD 83 (2011), VERTICAL DATUM - NAVD 88.
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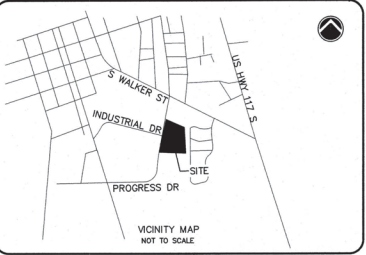
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SCALE :	1"=20'
DATE :	20 JUNE 23
TRACKING :	

HHS FACILITY – BOBBIT
TREE SURVEY

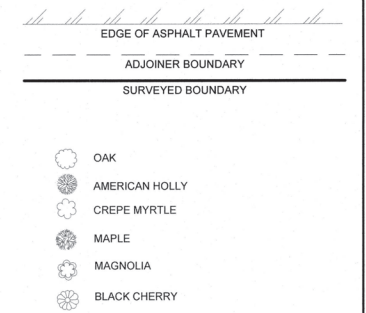
PENDER COUNTY
NORTH CAROLINA

PROJECT NUMBER	SHEET NUMBER
540-12	7 OF 8

TREE TABLE											
NUMBER	NORTHING	EASTING	SIZE AND TYPE	NUMBER	NORTHING	EASTING	SIZE AND TYPE	NUMBER	NORTHING	EASTING	SIZE AND TYPE
1	289715.0509	2325889.3270	8"-12"-6" MAPLE	80	289928.0924	2325758.8960	8" MAPLE	159	289597.1320	2325827.1950	10" MAPLE
2	289783.2737	2325920.3770	8" MAPLE	81	289921.6662	2325736.2350	8" OAK	160	289627.6506	2325851.8290	10" MAPLE
3	289777.3316	2325920.7380	8" MAPLE	82	289863.8118	2325720.4420	11" OAK	161	289610.9372	2325860.1780	7" BLACK CHERRY
4	289599.4852	2326110.4770	9" OAK	83	289860.8377	2325740.2220	18" MAPLE	162	289599.0006	2325899.3390	8" MAPLE
5	289620.8620	2326136.1510	10" MAPLE	84	289890.1086	2325765.7770	16" MAPLE	163	289608.7242	2325994.4450	12" OAK
6	289601.5837	2326154.1560	8" OAK	85	289882.4831	2325777.7960	16" MAPLE	164	289601.8704	2326049.2800	8" MAPLE
7	289612.6045	2326193.8320	8" MAPLE	86	289894.4661	2325795.3480	11" MAPLE	165	289599.3801	2326065.2730	8" MAPLE
8	289676.6826	2326325.8040	8"-6"-4" MAPLE	87	289893.0102	2325788.8910	17" MAPLE	166	290367.5815	2325832.8410	8" MAPLE CLUSTER
9	289887.0496	2326125.0100	14" OAK	88	289890.8232	2325784.4690	18" MAPLE	167	290370.3436	2325834.2650	8" MAPLE
10	289974.3485	2326038.9720	10" MAGNOLIA	89	289896.6778	2325811.8130	18" MAPLE	168	290354.9995	2325848.2890	15" MAPLE
11	289967.7010	2326041.9300	11"-8"-6" MAPLE	90	289886.7154	2325811.1010	14" MAPLE	169	290355.6503	2325848.8340	10" MAPLE
12	289695.0350	2326207.9230	8" MAPLE	91	289879.6006	2325814.4840	14" MAPLE	170	290363.6424	2325879.1940	7" CREPE MYRTLE
13	289792.7506	2326121.6980	10" MAPLE	92	289875.1934	2325813.3300	16" MAPLE	171	290348.5270	2325874.3870	10" BLACK CHERRY
14	289701.8302	2326191.6490	8" MAGNOLIA	93	289849.4331	2325717.3090	9" MAPLE	172	290346.0785	2325871.3150	8" BLACK CHERRY
15	289756.4816	2326090.3180	12" MAPLE	94	289861.3407	2325770.9690	18" MAPLE	173	290337.9366	2325874.9280	10" MAPLE
16	290484.4795	2325809.9440	9" OAK	95	289834.1094	2325785.5690	9" MAPLE	174	290344.2783	2325875.8170	12" MAPLE
17	290495.7436	2325822.7630	10" MAPLE	96	289828.4095	2325763.4860	12" MAPLE	175	290337.7279	2325913.1460	10" MAPLE TWIN
18	290517.8002	2325826.1290	8" MAPLE	97	289771.1988	2325814.5390	18" 18" 24" 14" CLUSTER MAPLE	176	290325.0537	2325940.6150	8" MAPLE
19	290535.1719	2325814.1120	14" MAPLE	98	289829.8366	2325820.0490	18" MAPLE	177	290322.8782	2325959.6700	8" MAPLE
20	290540.2616	2325819.4120	10" OAK	99	289859.0501	2325798.0830	8" MAPLE	178	290304.2478	2325958.3170	8" MAPLE TWIN
21	290531.7422	2325820.2250	8" MAPLE	100	289881.4155	2325823.4690	20" MAPLE	179	290298.1368	2325963.0180	10" MAPLE
22	290361.9631	2325778.8200	10" OAK	101	289889.2873	2325827.0680	15" MAPLE	180	290273.1734	2326028.4220	8" MAPLE TWIN
23	290319.0944	2325766.6590	8" MAPLE	102	289913.6881	2325835.6540	20" MAPLE	181	290254.0100	2326077.2200	10" MAPLE
24	290251.5691	2325795.7870	8" MAPLE	103	289912.2750	2325854.9400	8" MAPLE	182	290144.4963	2325846.7900	8" OAK
25	290115.5812	2325725.8410	8" OAK	104	289853.0204	2325889.7880	13" MAPLE	183	290101.0861	2326284.2320	8" OAK
26	290107.4258	2325739.6930	9" MAPLE	105	289843.3291	2325874.6150	12" MAPLE	184	290070.6858	2325947.5260	9" OAK
27	290093.5461	2325725.3070	8" MAPLE	106	289833.6743	2325835.0280	24" MAPLE	185	290086.4366	2325953.7710	8" OAK
28	290079.6356	2325720.8350	8" OAK	107	289810.9661	2325876.6000	12" MAPLE	186	289929.9633	2326112.7580	8" OAK
29	290054.4892	2325718.6540	24" MAPLE	108	289826.5159	2325891.7580	8" MAPLE	187	289932.9402	2326011.9370	8" MAPLE
30	290034.7469	2325730.9890	6 8 8" OAK CLUSTER	109	289809.3571	2325894.7100	9" MAPLE	188	289949.9444	2325981.1760	9" OAK
31	290029.6693	2325722.8940	8" TWIN OAK	110	289795.9408	2325889.6360	16" MAPLE	189	289959.6885	2325951.7720	14" MAGNOLIA
32	290026.7762	2325741.3860	8" MAPLE	111	289778.6893	2325869.8360	14" MAPLE	190	289963.1228	2325904.7990	8" MAPLE
33	290024.2400	2325741.0560	8" MAPLE	112	289798.9420	2325843.5760	10" MAPLE	191	289971.5815	2325881.1250	10" OAK
34	290016.1821	2325718.2710	8" OAK	113	289742.1174	2325827.5930	12" MAPLE	192	289967.1577	2325864.6590	8" OAK
35	290015.1512	2325716.3300	8" MAPLE	114	289742.1705	2325833.5360	10" 6" TWIN MAPLE	193	289960.5742	2325835.8090	8" MAPLE CLUSTER
36	290013.1332	2325708.6020	8" MAPLE	115	289730.0389	2325856.5820	12" OAK	194	289948.5307	2325832.5170	8" OAK
37	290014.2330	2325704.6540	8" MAPLE	116	289696.3028	2325836.8950	14" MAPLE	195	290058.2180	2325883.3360	10" OAK
38	290031.7700	2325709.3630	8" OAK	117	289667.0679	2325835.9920	12" 12" TWIN MAPLE	196	290065.6537	2325858.9020	9" OAK
39	290038.0114	2325712.7310	16" OAK	118	289660.7415	2325840.8720	13" MAPLE	197	290034.4971	2325892.9090	8" OAK
40	290034.0883	2325720.7470	8" TWIN OAK	119	289654.7362	2325827.5600	14" MAPLE				
41	290010.6160	2325702.1790	8" OAK	120	289649.9849	2325821.9220	14" MAPLE				
42	290004.4908	2325705.2150	10" MAPLE	121	289651.4593	2325803.5700	12" MAPLE				
43	289962.6089	2325697.1310	10" MAGNOLIA	122	289621.0508	2325816.2210	18" 14" TWIN MAPLE				
44	289919.9492	2325721.0080	40" MAPLE	123	289608.4860	2325811.5440	8" MAPLE				
45	289920.6284	2325691.8890	9" MAPLE	124	289600.8489	2325814.3000	20" MAPLE				
46	289832.9927	2325690.9390	8" OAK	125	289596.9357	2325802.5260	12" MAPLE				
47	289830.5576	2325692.3470	8" OAK	126	289600.1653	2325797.7030	20" MAPLE				
48	289804.0491	2325667.0950	12" MAPLE	127	289599.3615	2325786.6260	10" MAPLE				
49	289799.3519	2325669.0980	12" MAPLE	128	289601.9833	2325768.7000	12" 14" TWIN MAPLE				
50	289791.0971	2325676.1340	10" MAPLE	129	289598.6652	2325756.9430	13" MAPLE				
51	289786.8522	2325674.3790	8" MAPLE	130	289606.7409	2325741.3730	14" MAPLE				
52	289784.5597	2325657.2450	14" MAPLE	131	289595.8407	2325734.9660	10" OAK				
53	289772.6169	2325673.5860	14" MAPLE	132	289614.4471	2325729.1480	12" MAPLE				
54	289752.1482	2325657.1950	10" MAPLE	133	289609.2054	2325725.6240	12" MAPLE				
55	289753.4254	2325653.7720	10" MAPLE	134	289603.9315	2325727.2590	12" MAPLE				
56	289742.6963	2325656.0940	18" 18" 8" MAGNOLIA CLUSTER	135	289604.4790	2325714.0730	12" MAPLE				
57	290142.2475	2325759.5250	9" MAPLE	136	289626.5776	2325714.9810	12" MAPLE				
58	290121.9374	2325779.8920	9" MAPLE	137	289622.8417	2325704.6440	12" MAPLE				
59	290129.6277	2325803.0020	10" MAPLE	138	289598.3114	2325702.8750	10" MAPLE				
60	290108.0988	2325824.5150	8" MAPLE	139	289597.0943	2325695.6950	14" MAPLE				
61	290099.4997	2325829.2050	8" MAPLE	140	289624.7110	2325681.0370	10" 6" MAPLE				
62	290092.1670	2325822.4590	8" MAPLE	141	290053.9092	2325918.1110	11" MAPLE				
63	290100.3167	2325798.4950	9" MAPLE	142	289987.7434	2325938.6130	8" MAPLE				
64	290102.0199	2325781.6810	8" MAPLE	143	290002.8891	2325979.5130	8" OAK				
65	290087.6941	2325774.7040	18" MAPLE	144	289948.2652	2326291.5580	8" BLACK CHERRY				
66	290075.2400	2325786.1960	9" MAPLE	145	289991.7696	2326307.7110	8" AMERICAN HOLLY				
67	290080.2039	2325805.6600	11" MAPLE	146	290000.9627	2326317.5210	7" AMERICAN HOLLY				
68	290031.7095	2325765.9750	10" MAPLE	147	290225.8248	2326123.0660	6" AMERICAN HOLLY				
69	290026.6366	2325776.9410	7" AMERICAN HOLLY	148	289785.5017	2325696.0090	12" OAK				
70	289991.9237	2325823.4950	8" MAPLE	149	289804.3399	2325689.3450	8" OAK				
71	289996.4107	2325802.0900	10" OAK	150	289684.5263	2325667.7960	10" MAPLE				
72	289986.7261	2325783.0210	9" MAPLE	151	289684.8995	2325663.7220	10" MAPLE				
73	289966.8483	2325784.8340	8" MAPLE	152	289683.0959	2325673.8300	11" MAPLE				
74	289965.9558	2325778.6100	6" 9" TWIN OAK	153	289716.0614	2325802.2030	20" OAK				
75	289965.5251	2325824.7330	8" MAPLE	154	289716.5977	2325796.2520	12" OAK				
76	289952.9415	2325782.2470	8" MAPLE	155	289721.2224	2325792.9920	16" OAK				
77	289946.0055	2325777.4460	8" OAK	156	289654.8657	2325659.7390	8" MAPLE				
78	289920.9170	2325806.2960	30" MAPLE	157	289648.3117	2325668.3880	8" MAPLE				
79	289925.3697	2325764.1110	10" OAK	158	289598.0883	2325826.5580	10" MAPLE				



LEGEND



NOTES

1. SURVEY PERFORMED BY CAPE FEAR ENGINEERING ON 08/08/23 THROUGH 08/20/2023.
2. HORIZONTAL AND VERTICAL DATUM IS BASED ON THE NCVRS NETWORK; HORIZONTAL DATUM - NAD 83 (2011), VERTICAL DATUM - NAVD 88.
3. THIS SURVEY DOES NOT INCLUDE OTHER REGULATED TREES THAT ARE PRESENT ON THE PROPERTY SUCH AS LOBLOLLY PINES, SWEET GUMS, ETC.



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TEL (910) 383-1044 | FAX (910) 383-1045
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PROJECT NUMBER :	540-12
SCALE :	N/A
DATE :	20 JUNE 23
TRACKING :	

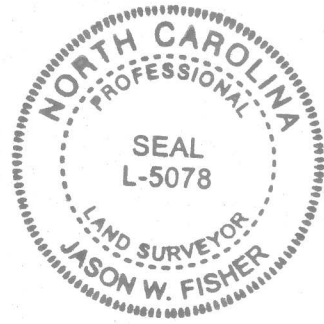
HHS FACILITY – BOBBIT
TREE SURVEY

PENDER COUNTY
NORTH CAROLINA

PROJECT NUMBER	SHEET NUMBER
540-12	8 OF 8

"I, JASON W FISHER, CERTIFY THAT THIS PROJECT WAS COMPLETED UNDER MY DIRECT AND RESPONSIBLE CHARGE FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THIS "GROUND SURVEY WAS PERFORMED AT THE 95 PERCENT CONFIDENCE LEVEL TO MEET FEDERAL GEOGRAPHIC DATA COMMITTEE STANDARDS; THAT THIS SURVEY WAS PERFORMED TO MEET THE REQUIREMENTS FOR A TOPOGRAPHIC/PLANIMETRIC SURVEY TO THE ACCURACY OF CLASS AA AND VERTICAL ACCURACY WHEN APPLICABLE TO THE CLASS A STANDARD, AND THAT THE ORIGINAL DATA WAS OBTAINED ON JUNE 8TH, 2023; THAT THE SURVEY WAS COMPLETED ON JUNE 20TH, 2023; HORIZONTAL AND VERTICAL CONTROL DATUMS BASED ON PROJECT CONTROL. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 27ST DAY OF JUNE 2023."


JASON W FISHER, N.C.P.L.S. NO. L-5078
PROFESSIONAL LAND SURVEYOR



AMERICAN SKIN FOOD GROUP LLC
PIN: 3229-50-3533-0000
DB:2754 PG:89
MB:22 PG:7

HHG PROPERTIES LLC
PIN: 3229-50-2032-0000
DB:4301 PG:148
MB:46 PG:85

VESLIGAJ, ZELJKO
PIN: 3228-59-1657-0000
DB:3563 PG:229
MB:46 PG:85

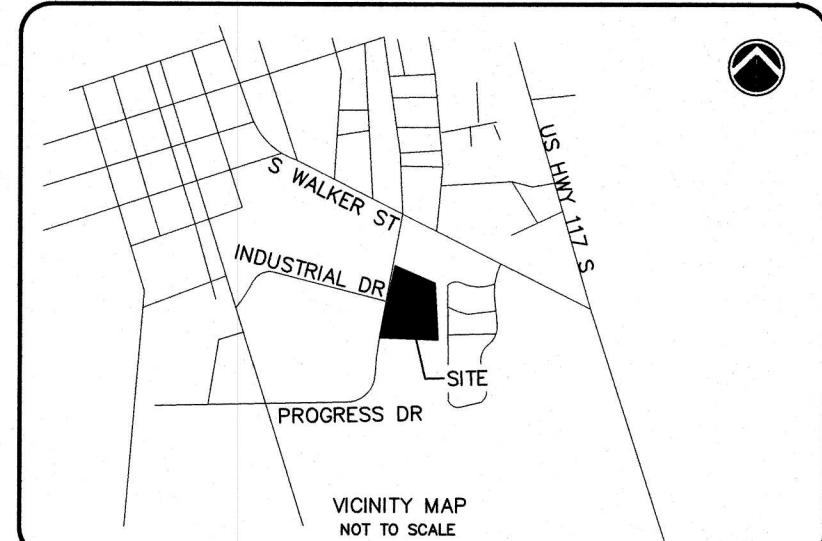
SEVEN OAKS OF PENDER LLC
PIN: 3228-59-7307-0000
DB:1537 PG:220

PENDER COUNTY
PIN: 3229-60-0564-0000
DB:756 PG:415

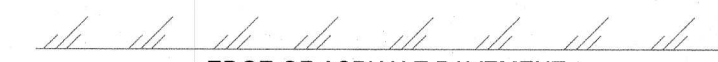
PENDER COUNTY
PIN: 3229-60-0024-0000
DB:756 PG:783

PENDER COUNTY
PIN: 3228-59-9798-0000
DB:1496 PG:346

PENDER COUNTY
PIN: 3228-59-1512-0000
DB:756 PG:729



LEGEND:

 EDGE OF ASPHALT PAVEMENT
 ADJOINER BOUNDARY
 SURVEYED BOUNDARY

-  OAK
-  AMERICAN HOLLY
-  CREPE MYRTLE
-  MAPLE
-  MAGNOLIA
-  BLACK CHERRY

NOTES:

- SURVEY PERFORMED BY CAPE FEAR ENGINEERING ON 06/08/23 THROUGH 06/20/2023.
- HORIZONTAL AND VERTICAL DATUM IS BASED ON THE NCVRS NETWORK; HORIZONTAL DATUM - NAD 83 (2011), VERTICAL DATUM - NAVD 88.
- THIS SURVEY DOES NOT INCLUDE OTHER REGULATED TREES THAT ARE PRESENT ON THE PROPERTY SUCH AS LOBLOLLY PINES, SWEET GUMS, ETC.



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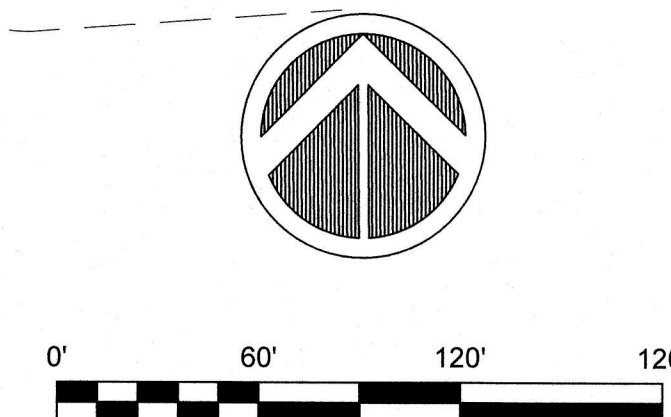
PROJECT
NUMBER : 540-12
SCALE : 1"=60'
DATE : 20 JUNE 23
TRACKING :

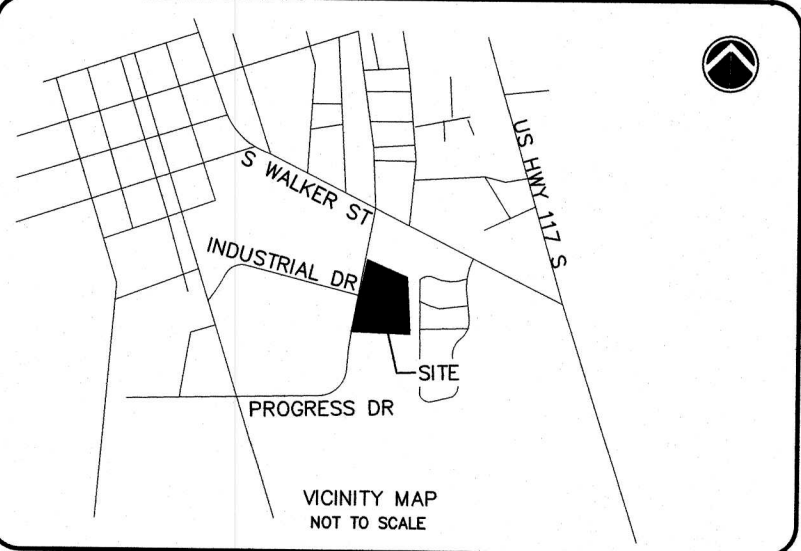
HHS FACILITY – BOBBIT
TREE SURVEY

PENDER COUNTY
NORTH CAROLINA

PROJECT NUMBER
540-12

SHEET NUMBER
1 OF 8





LEGEND:

EDGE OF ASPHALT PAVEMENT

ADJOINER BOUNDARY

SURVEYED BOUNDARY

OAK

AMERICAN HOLLY

CREPE MYRTLE

MAPLE

MAGNOLIA

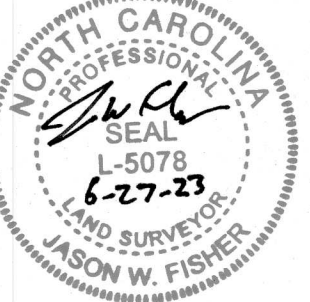
BLACK CHERRY

NOTES:

1. SURVEY PERFORMED BY CAPE FEAR ENGINEERING ON 06/08/23 THROUGH 08/20/2023.

2. HORIZONTAL AND VERTICAL DATUM IS BASED ON THE NCVRS NETWORK: HORIZONTAL DATUM - NAD 83 (2011), VERTICAL DATUM - NAVD 88.

3. THIS SURVEY DOES NOT INCLUDE OTHER REGULATED TREES THAT ARE PRESENT ON THE PROPERTY SUCH AS LOBLOLLY PINES, SWEET GUMS, ETC.



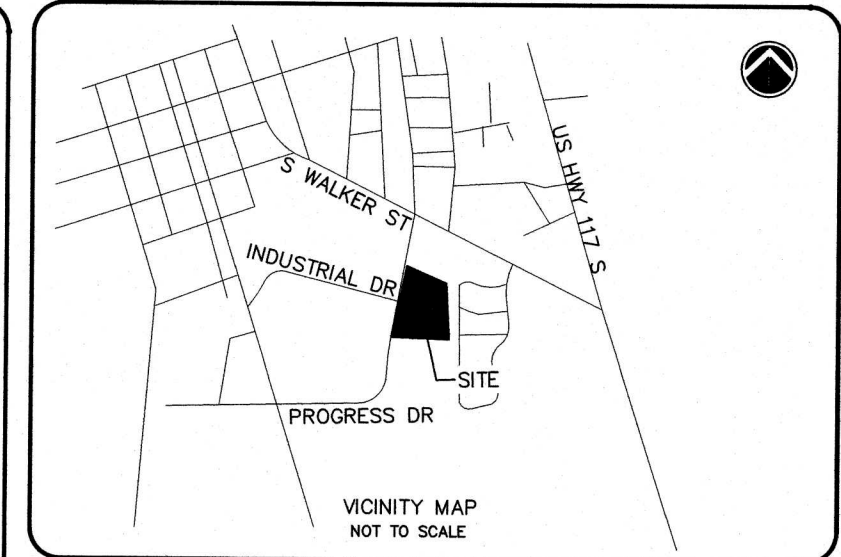
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www.capefearengineering.com | N.C. LICENSE # C-1621

PROJECT NUMBER : 540-12
SCALE : 1"=20'
DATE : 20 JUNE 23
TRACKING :

HHS FACILITY – BOBBIT
TREE SURVEY

PENDER COUNTY
NORTH CAROLINA

PROJECT NUMBER : 540-12
SHEET NUMBER : 2 OF 8



LEGEND:

EDGE OF ASPHALT PAVEMENT
ADJOINER BOUNDARY
SURVEYED BOUNDARY

OAK
AMERICAN HOLLY
CREPE MYRTLE
MAPLE
MAGNOLIA
BLACK CHERRY

NOTES:

1. SURVEY PERFORMED BY CAPE FEAR ENGINEERING ON 06/08/23 THROUGH 06/20/2023.
2. HORIZONTAL AND VERTICAL DATUM IS BASED ON THE NCNRS NETWORK; HORIZONTAL DATUM - NAD 83 (2011), VERTICAL DATUM - NAVD 88.
3. THIS SURVEY DOES NOT INCLUDE OTHER REGULATED TREES THAT ARE PRESENT ON THE PROPERTY SUCH AS LOBLOLLY PINES, SWEET GUMS, ETC.

Professional Seal:
NORTH CAROLINA
PROFESSIONAL SURVEYOR
JASON W. FISHER
SEAL
L-5076
6-27-23

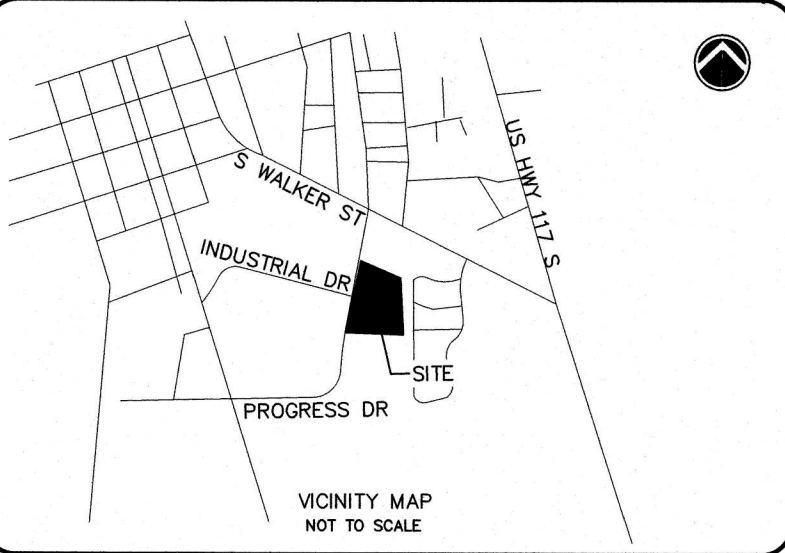
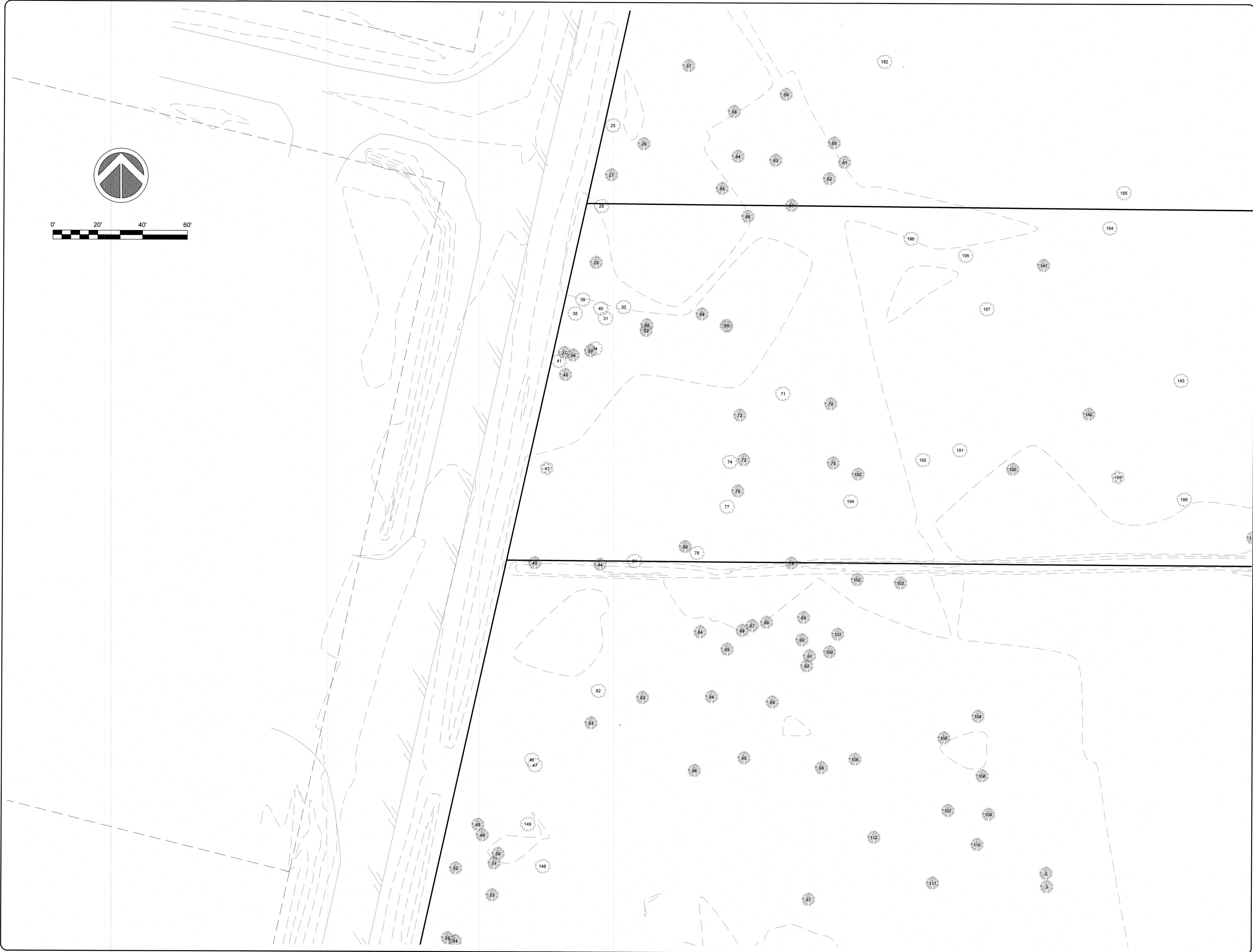
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TEL (910) 383-1044 | FAX (910) 383-1045
www.capefearengineering.com | N.C. LICENSE # C-1621

PROJECT NUMBER : 540-12
SCALE : 1"=20'
DATE : 20 JUNE 23
TRACKING :

HHS FACILITY – BOBBIT TREE SURVEY

PENDER COUNTY NORTH CAROLINA

PROJECT NUMBER : 540-12
SHEET NUMBER : 3 OF 8



LEGEND:

EDGE OF ASPHALT PAVEMENT

ADJOINER BOUNDARY

SURVEYED BOUNDARY

OAK

AMERICAN HOLLY

CREPE MYRTLE

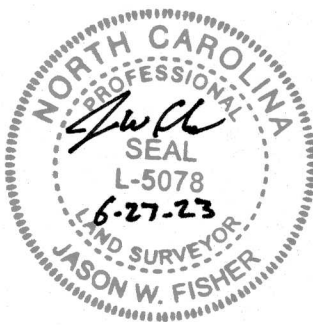
MAPLE

MAGNOLIA

BLACK CHERRY

NOTES:

1. SURVEY PERFORMED BY CAPE FEAR ENGINEERING ON 06/08/23 THROUGH 06/20/2023.
2. HORIZONTAL AND VERTICAL DATUM IS BASED ON THE NCVRS NETWORK; HORIZONTAL DATUM - NAD 83 (2011), VERTICAL DATUM - NAVD 88.
3. THIS SURVEY DOES NOT INCLUDE OTHER REGULATED TREES THAT ARE PRESENT ON THE PROPERTY SUCH AS LOBLOLLY PINES, SWEET GUMS, ETC.



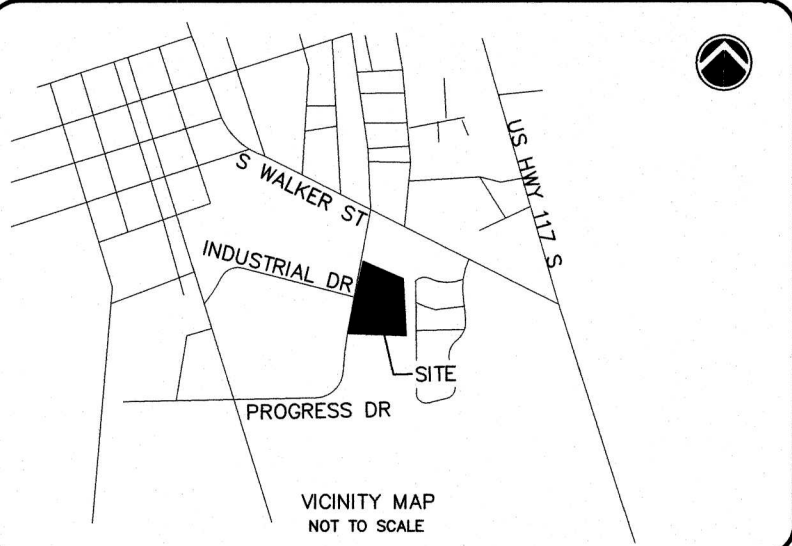
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www.capefearengineering.com | N.C. LICENSE # C-1621

PROJECT : 540-12
NUMBER :
SCALE : 1"=20'
DATE : 20 JUNE 23
TRACKING :

HHS FACILITY – BOBBIT
TREE SURVEY

PENDER COUNTY
NORTH CAROLINA

PROJECT NUMBER : 540-12
SHEET NUMBER : 4 OF 8



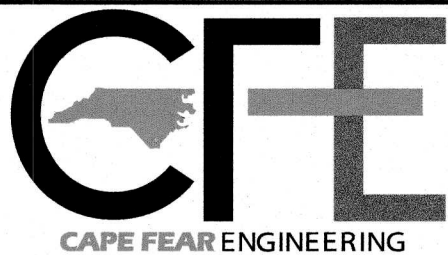
LEGEND:

EDGE OF ASPHALT PAVEMENT
ADJOINER BOUNDARY
SURVEYED BOUNDARY

- OAK
- AMERICAN HOLLY
- CREPE MYRTLE
- MAPLE
- MAGNOLIA
- BLACK CHERRY

NOTES:

- SURVEY PERFORMED BY CAPE FEAR ENGINEERING ON 06/08/23 THROUGH 06/20/2023.
- HORIZONTAL AND VERTICAL DATUM IS BASED ON THE NCNRS NETWORK; HORIZONTAL DATUM - NAD 83 (2011), VERTICAL DATUM - NAVD 88.
- THIS SURVEY DOES NOT INCLUDE OTHER REGULATED TREES THAT ARE PRESENT ON THE PROPERTY SUCH AS LOBLOLLY PINES, SWEET GUMS, ETC.



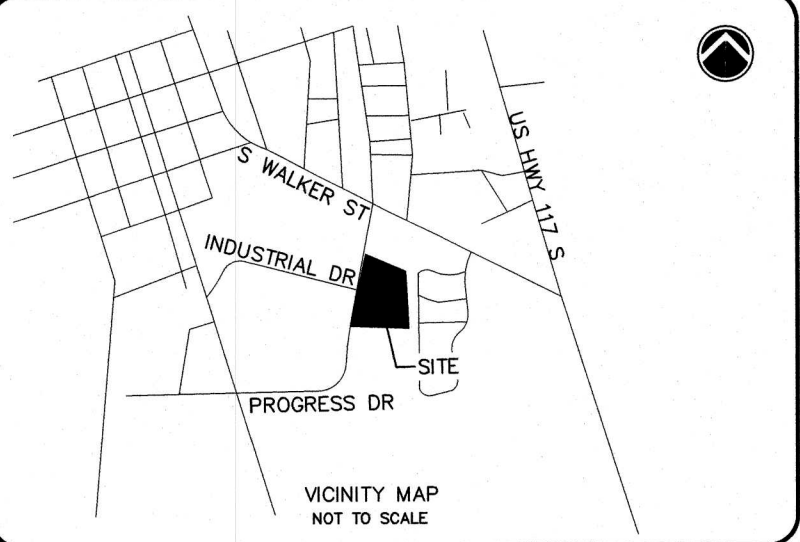
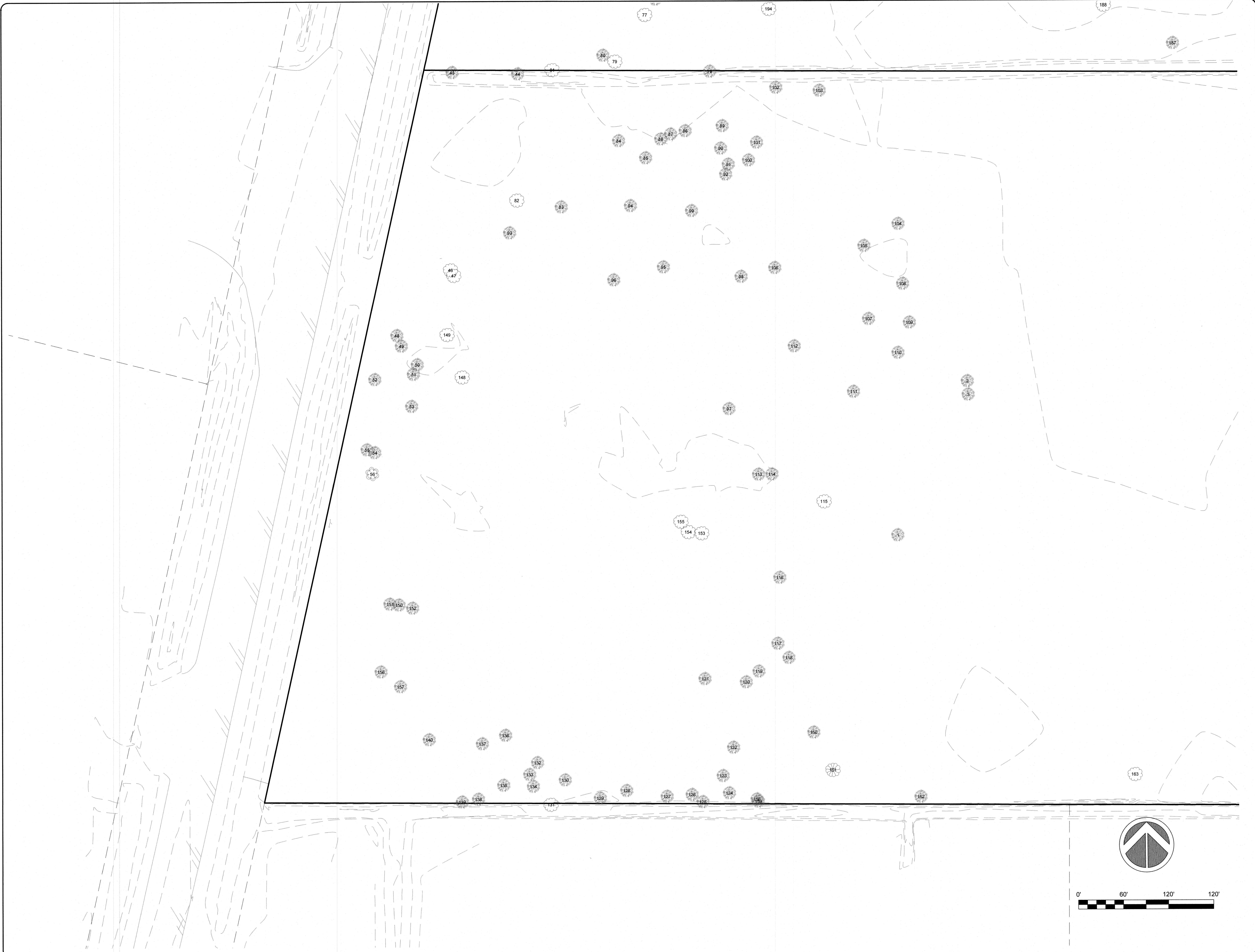
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www.capefearengineering.com | N.C. LICENSE # C-1621

PROJECT NUMBER :	540-12
SCALE :	1"=20'
DATE :	20 JUNE 23
TRACKING :	

HHS FACILITY – BOBBIT
TREE SURVEY

PENDER COUNTY
NORTH CAROLINA

PROJECT NUMBER	SHEET NUMBER
540-12	5 OF 8



LEGEND:

EDGE OF ASPHALT PAVEMENT
ADJOINER BOUNDARY
SURVEYED BOUNDARY

OAK
AMERICAN HOLLY
CREPE MYRTLE
MAPLE
MAGNOLIA
BLACK CHERRY

NOTES:

1. SURVEY PERFORMED BY CAPE FEAR ENGINEERING ON 06/08/23 THROUGH 06/20/2023.

2. HORIZONTAL AND VERTICAL DATUM IS BASED ON THE NCVRS NETWORK; HORIZONTAL DATUM - NAD 83 (2011), VERTICAL DATUM - NAVD 88.

3. THIS SURVEY DOES NOT INCLUDE OTHER REGULATED TREES THAT ARE PRESENT ON THE PROPERTY SUCH AS LOBLOLLY PINES, SWEET GUMS, ETC.



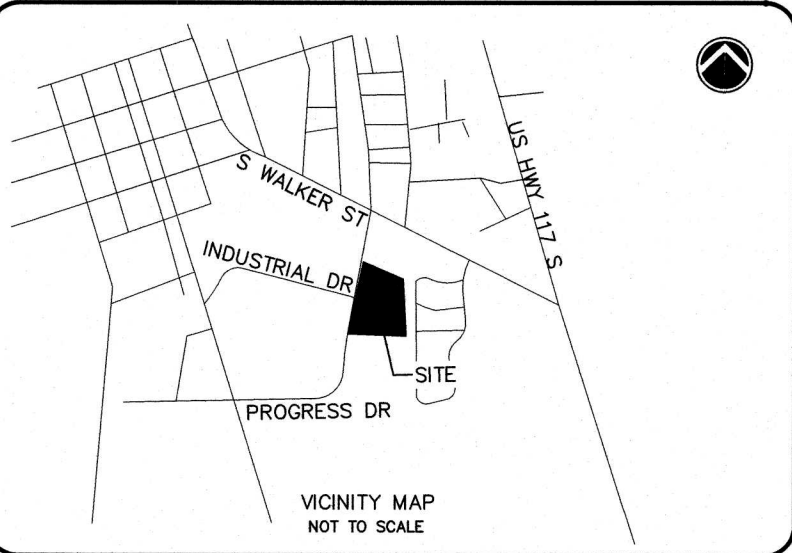
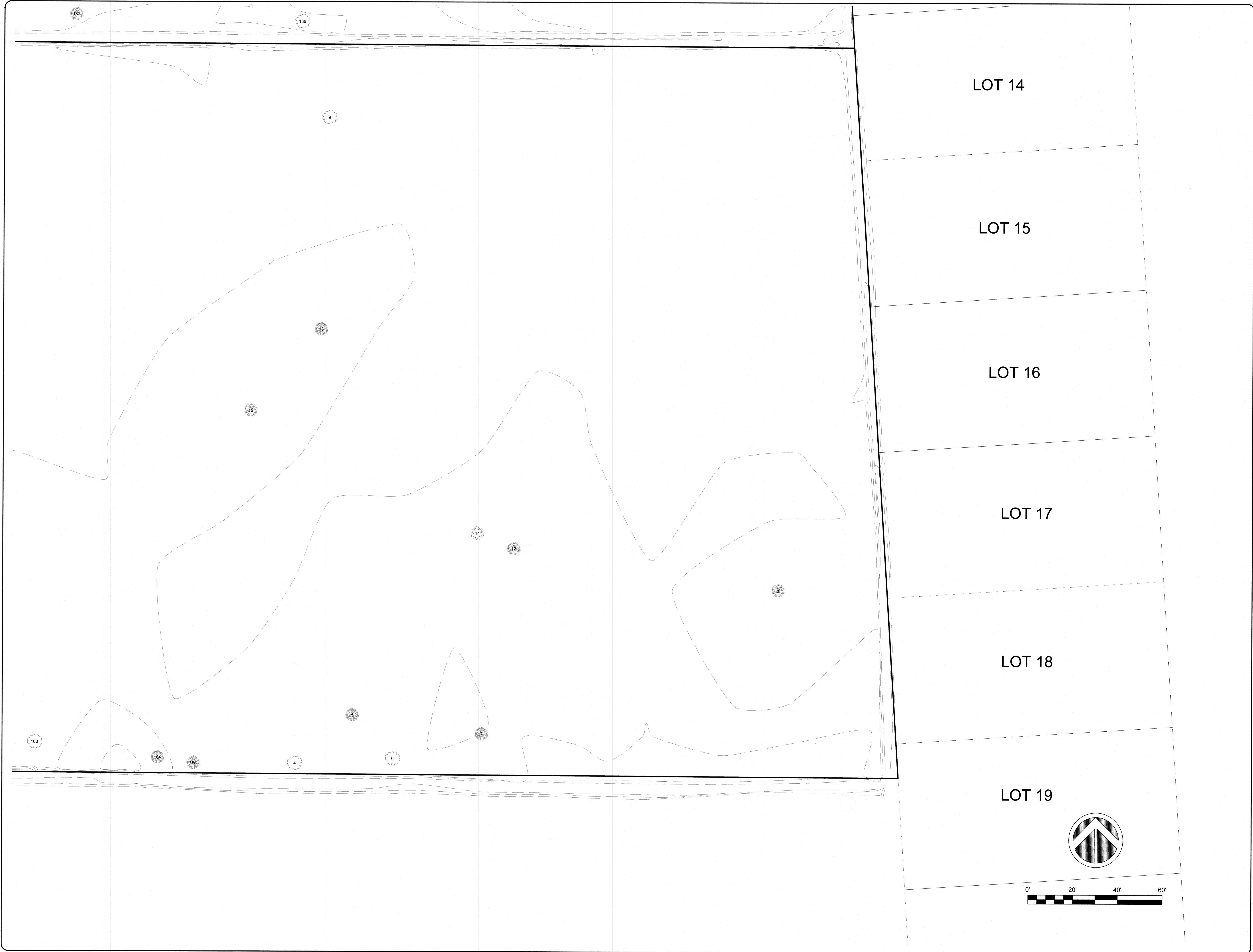
CFE
CAPE FEAR ENGINEERING
151 Poole Rd. Suite 100 | Leland, NC, 28451
TEL (910) 383-1044 | FAX (910) 383-1045
www.capefearengineering.com | N.C. LICENSE # C-1621

PROJECT : 540-12
NUMBER :
SCALE : 1"=20'
DATE : 20 JUNE 23
TRACKING :

HHS FACILITY – BOBBIT
TREE SURVEY

PENDER COUNTY
NORTH CAROLINA

PROJECT NUMBER : 540-12
SHEET NUMBER : 6 OF 8



LEGEND:

EDGE OF ASPHALT PAVEMENT

ADJOINER BOUNDARY

SURVEYED BOUNDARY

OAK

AMERICAN HOLLY

CREPE MYRTLE

MAPLE

MAGNOLIA

BLACK CHERRY

NOTES:

1. SURVEY PERFORMED BY CAPE FEAR ENGINEERING ON 06/08/23 THROUGH 06/20/2023.
2. HORIZONTAL AND VERTICAL DATUM IS BASED ON THE NCVRS NETWORK; HORIZONTAL DATUM - NAD 83 (2011), VERTICAL DATUM - NAVD 88.
3. THIS SURVEY DOES NOT INCLUDE OTHER REGULATED TREES THAT ARE PRESENT ON THE PROPERTY SUCH AS LOBLOLLY PINES, SWEET GUMS, ETC.

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PROJECT NUMBER : 540-12
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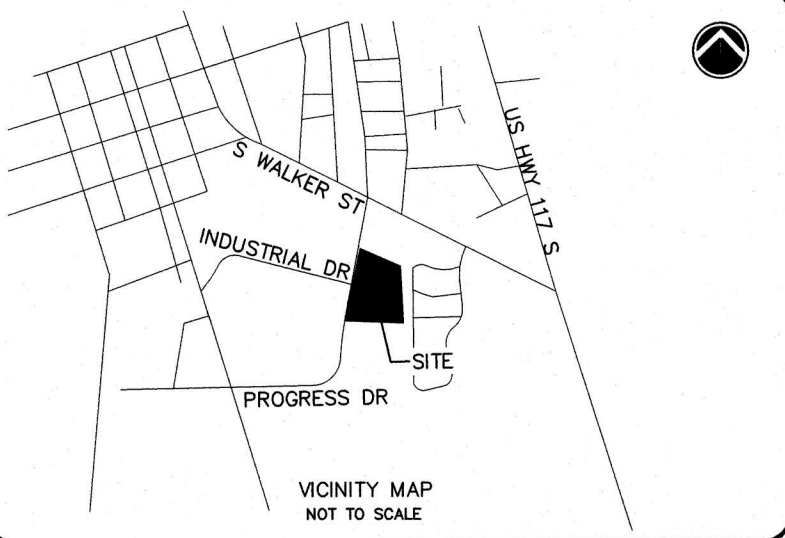
HHS FACILITY – BOBBIT
TREE SURVEY

PENDER COUNTY
NORTH CAROLINA

PROJECT NUMBER
540-12

SHEET NUMBER
7 OF 8

TREE TABLE											
NUMBER	NORTHING	EASTING	SIZE AND TYPE	NUMBER	NORTHING	EASTING	SIZE AND TYPE	NUMBER	NORTHING	EASTING	SIZE AND TYPE
1	289715.0509	2325889.3270	8"-12"-6" MAPLE	80	289928.0924	2325758.8960	8" MAPLE	159	289597.1320	2325827.1950	10" MAPLE
2	289783.2737	2325920.3770	8" MAPLE	81	289921.6662	2325736.2350	8" OAK	160	289627.6506	2325851.8290	10" MAPLE
3	289777.3316	2325920.7380	8" MAPLE	82	289863.8118	2325720.4420	11" OAK	161	289610.9372	2325860.1780	7" BLACK CHERRY
4	289599.4852	2326110.4770	9" OAK	83	289860.8377	2325740.2220	18" MAPLE	162	289599.0006	2325899.3390	8" MAPLE
5	289620.8620	2326136.1510	10" MAPLE	84	289890.1086	2325765.7770	16" MAPLE	163	289608.7242	2325994.4450	12" OAK
6	289601.5837	2326154.1560	8" OAK	85	289882.4831	2325777.7960	16" MAPLE	164	289601.8704	2326049.2800	8" MAPLE
7	289612.6045	2326193.8320	8" MAPLE	86	289894.4661	2325795.3480	11" MAPLE	165	289599.3801	2326065.2730	8" MAPLE
8	289676.6826	2326325.8040	8"-6"-4" MAPLE	87	289893.0102	2325788.8910	17" MAPLE	166	290367.5815	2325832.8410	8" MAPLE CLUSTER
9	289887.0496	2326125.0100	14" OAK	88	289890.8232	2325784.4690	18" MAPLE	167	290370.3436	2325834.2650	8" MAPLE
10	289974.3485	2326038.9720	10" MAGNOLIA	89	289896.6778	2326058.1830	18" MAPLE	168	290354.9995	2325848.2890	15" MAPLE
11	289967.7010	2326041.9300	11"-8"-6" MAPLE	90	289886.7154	2325811.1010	14" MAPLE	169	290355.6503	2325848.8340	10" MAPLE
12	289695.0350	2326207.9230	8" MAPLE	91	289879.6006	2325814.4840	14" MAPLE	170	290363.6424	2325879.1940	7" CREPE MYRTLE
13	289792.7506	2326121.6980	10" MAPLE	92	289875.1934	2325813.3300	16" MAPLE	171	290348.5270	2325813.3870	10" BLACK CHERRY
14	289701.8302	2326191.6490	8" MAGNOLIA	93	289849.4331	2325717.3090	9" MAPLE	172	290346.0785	2325871.3150	8" BLACK CHERRY
15	289756.4816	2326090.3180	12" MAPLE	94	289861.3407	2325770.9690	18" MAPLE	173	290337.9366	2325874.9280	10" MAPLE
16	290484.4795	2325809.9440	9" OAK	95	289834.1094	2325785.5690	9" MAPLE	174	290344.2783	2325875.8170	12" MAPLE
17	290495.7436	2325822.7630	10" MAPLE	96	289828.4095	2325763.4860	12" MAPLE	175	290337.7279	2325913.1460	10" MAPLE TWIN
18	290517.8002	2325826.1290	8" MAPLE	97	289771.1988	2325814.5390	18" 18" 24" 14" CLUSTER MAPLE	176	290325.0537	2325940.6150	8" MAPLE
19	290535.1719	2325814.1120	14" MAPLE	98	289829.8366	2325820.0490	18" MAPLE	177	290322.8782	2325959.6700	8" MAPLE
20	290540.2616	2325819.4120	10" OAK	99	289859.0501	2325798.0830	8" MAPLE	178	290304.2478	2325958.3170	8" MAPLE TWIN
21	290531.7422	2325820.2250	8" MAPLE	100	289881.4155	2325823.4690	20" MAPLE	179	290298.1368	2325963.0180	10" MAPLE
22	290361.9631	2325776.8200	10" OAK	101	289889.2873	2325827.0680	15" MAPLE	180	290273.1734	2326028.4220	8" MAPLE TWIN
23	290319.0944	2325766.6590	8" MAPLE	102	289913.6881	2325835.6540	20" MAPLE	181	290254.0100	2326077.2200	10" MAPLE
24	290251.5691	2325795.7870	8" MAPLE	103	289912.2750	2325854.9400	8" MAPLE	182	290144.4963	2325846.7900	8" OAK
25	290115.5812	2325725.8410	8" OAK	104	289853.0204	2325889.7880	13" MAPLE	183	290101.0861	2326284.2320	8" OAK
26	290107.4258	2325739.6930	9" MAPLE	105	289843.3291	2325874.6150	12" MAPLE	184	290070.6858	2325947.5260	9" OAK
27	290093.5461	2325725.3070	8" MAPLE	106	289833.6743	2325835.0280	24" MAPLE	185	290086.4366	2325953.7710	8" OAK
28	290079.6356	2325720.8350	8" OAK	107	289810.9661	2325876.6000	12" MAPLE	186	289929.9633	2326112.7580	8" OAK
29	290054.4892	2325718.6540	24" MAPLE	108	289826.5159	2325891.7580	8" MAPLE	187	289932.9402	2326011.9370	8" MAPLE
30	290034.7469	2325730.9890	6 8 8" OAK CLUSTER	109	289809.3571	2325894.7100	9" MAPLE	188	289949.9444	2325981.1760	9" OAK
31	290029.6693	2325722.8940	8" TWIN OAK	110	289795.9408	2325889.6360	16" MAPLE	189	289959.6885	2325951.7720	14" MAGNOLIA
32	290026.7762	2325741.3860	8" MAPLE	111	289778.6893	2325869.8360	14" MAPLE	190	289963.1228	2325904.7990	8" MAPLE
33	290024.2400	2325741.0560	8" MAPLE	112	289798.9420	2325843.5760	10" MAPLE	191	289971.5815	2325881.1250	10" OAK
34	290016.1821	2325718.2710	8" OAK	113	289742.1174	2325827.5930	12" MAPLE	192	289967.1577	2325864.6590	8" OAK
35	290015.1512	2325716.3300	8" MAPLE	114	289742.1705	2325833.5360	10" 6" TWIN MAPLE	193	289960.5742	2325835.8090	8" MAPLE CLUSTER
36	290013.1332	2325708.6020	8" MAPLE	115	289730.0389	2325856.5820	12" OAK	194	289948.5307	2325832.5170	8" OAK
37	290014.2330	2325704.6540	8" MAPLE	116	289696.3028	2325836.8950	14" MAPLE	195	290058.2180	2325883.3360	10" OAK
38	290031.7700	2325709.3630	8" OAK	117	289667.0679	2325835.9920	12" 12" TWIN MAPLE	196	290065.6537	2325858.9020	9" OAK
39	290038.0114	2325712.7310	16" OAK	118	289660.7415	2325840.8720	13" MAPLE	197	290034.4971	2325892.9090	8" OAK
40	290034.0883	2325720.7470	8" TWIN OAK	119	289654.7362	2325827.5600	14" MAPLE				
41	290010.6160	2325702.1790	8" OAK	120	289649.9849	2325821.9220	14" MAPLE				
42	290004.4908	2325705.2150	10" MAPLE	121	289651.4593	2325803.5700	12" MAPLE				
43	289962.6089	2325697.1310	10" MAGNOLIA	122	289621.0508	2325816.2210	18" 14" TWIN MAPLE				
44	289919.9492	2325721.0080	40" MAPLE	123	289608.4860	2325811.5440	8" MAPLE				
45	289920.6284	2325691.8890	9" MAPLE	124	289600.8489	2325814.3000	20" MAPLE				
46	289832.9927	2325690.9390	8" OAK	125	289596.9357	2325802.5260	12" MAPLE				
47	289830.5576	2325692.3470	8" OAK	126	289600.1653	2325797.7030	20" MAPLE				
48	289804.0491	2325667.0950	12" MAPLE	127	289599.3615	2325786.6260	10" MAPLE				
49	289799.3519	2325669.0980	12" MAPLE	128	289601.9833	2325768.7000	12" 14" TWIN MAPLE				
50	289791.0971	2325676.1340	10" MAPLE	129	289598.6652	2325756.9430	13" MAPLE				
51	289786.8522	2325674.3790	8" MAPLE	130	289606.7409	2325741.3730	14" MAPLE				
52	289784.5597	2325657.2450	14" MAPLE	131	289595.8407	2325734.9660	10" OAK				
53	289772.6169	2325673.5860	14" MAPLE	132	289614.4471	2325729.1480	12" MAPLE				
54	289752.1482	2325657.1950	10" MAPLE	133	289609.2054	2325725.6240	12" MAPLE				
55	289753.4254	2325653.7720	10" MAPLE	134	289603.9315	2325727.2590	12" MAPLE				
56	289742.6963	2325656.0940	18" 18" 8" MAGNOLIA CLUSTER	135	289604.4790	2325714.0730	12" MAPLE				
57	290142.2475	2325759.5250	9" MAPLE	136	289626.5776	2325714.9810	12" MAPLE				
58	290121.9374	2325779.8920	9" MAPLE	137	289622.8417	2325704.6440	12" MAPLE				
59	290129.6277	2325803.0020	10" MAPLE	138	289598.3114	2325702.8750	10" MAPLE				
60	290108.0988	2325824.5150	8" MAPLE	139	289597.0943	2325695.6950	14" MAPLE				
61	290099.4997	2325829.2050	8" MAPLE	140	289624.7110	2325681.0370	10" 6" MAPLE				
62	290092.1670	2325822.4590	8" MAPLE	141	290053.9092	2325918.1110	11" MAPLE				
63	290100.3167	2325798.4950	9" MAPLE	142	289987.7434	2325938.6130	8" MAPLE				
64	290102.0199	2325781.6810	8" MAPLE	143	290002.8891	2325979.5130	8" OAK				
65	290087.6941	2325774.7040	18" MAPLE	144	289948.2652	2326291.5580	8" BLACK CHERRY				
66	290075.2400	2325786.1960	9" MAPLE	145	289991.7696	2326307.7110	8" AMERICAN HOLLY				
67	290080.2039	2325805.6600	11" MAPLE	146	290000.9627	2326317.5210	7" AMERICAN HOLLY				
68	290031.7095	2325765.9750	10" MAPLE	147	290225.8248	2326123.0660	6" AMERICAN HOLLY				
69	290026.6366	2325776.9410	7" AMERICAN HOLLY	148	289785.5017	2325696.0090	12" OAK				
70	289991.9237	2325823.4950	8" MAPLE	149	289804.3399	2325689.3450	8" OAK				
71	289996.4107	2325802.0900	10" OAK	150	289684.5263	2325667.7960	10" MAPLE				
72	289986.7261	2325783.0210	9" MAPLE	151	289684.8995	2325663.7220	10" MAPLE				
73	289966.8483	2325784.8340	8" MAPLE	152	289683.0959	2325673.8300	11" MAPLE				
74	289965.9558	2325778.6100	6" 9" TWIN OAK	153	289716.0614	2325802.2030	20" OAK				
75	289965.5251	2325824.7330	8" MAPLE	154	289716.5977	2325796.2520	12" OAK				
76	289952.9415	2325782.2470	8" MAPLE	155	289721.2224	2325792.9920	16" OAK				
77	289946.0055	2325777.4460	8" OAK	156	289654.8657	2325659.7390	8" MAPLE				
78	289920.9170	2325806.2960	30" MAPLE	157	289648.3117	2325668.3880	8" MAPLE				
79	289925.3697	2325764.1110	10" OAK	158	289598.0883	2325826.5580	10" MAPLE				



LEGEND:

EDGE OF ASPHALT PAVEMENT

ADJOINER BOUNDARY

SURVEYED BOUNDARY

OAK

AMERICAN HOLLY

CREPE MYRTLE

MAPLE

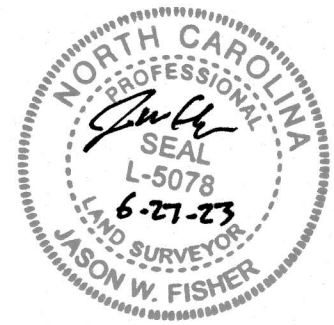
MAGNOLIA

BLACK CHERRY

- NOTES:
1. SURVEY PERFORMED BY CAPE FEAR ENGINEERING ON 08/08/23 THROUGH 08/20/2023.

2. HORIZONTAL AND VERTICAL DATUM IS BASED ON THE NCVRS NETWORK; HORIZONTAL DATUM - NAD 83 (2011), VERTICAL DATUM - NAVD 88.

3. THIS SURVEY DOES NOT INCLUDE OTHER REGULATED TREES THAT ARE PRESENT ON THE PROPERTY SUCH AS LOBLOLLY PINES, SWEET GUMS, ETC.



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PROJECT NUMBER :	540-12
SCALE :	N/A
DATE :	20 JUNE 23
TRACKING :	

HHS FACILITY – BOBBIT
TREE SURVEY

PENDER COUNTY
NORTH CAROLINA

PROJECT NUMBER
540-12

SHEET NUMBER
8 OF 8



Conditional District Rezoning

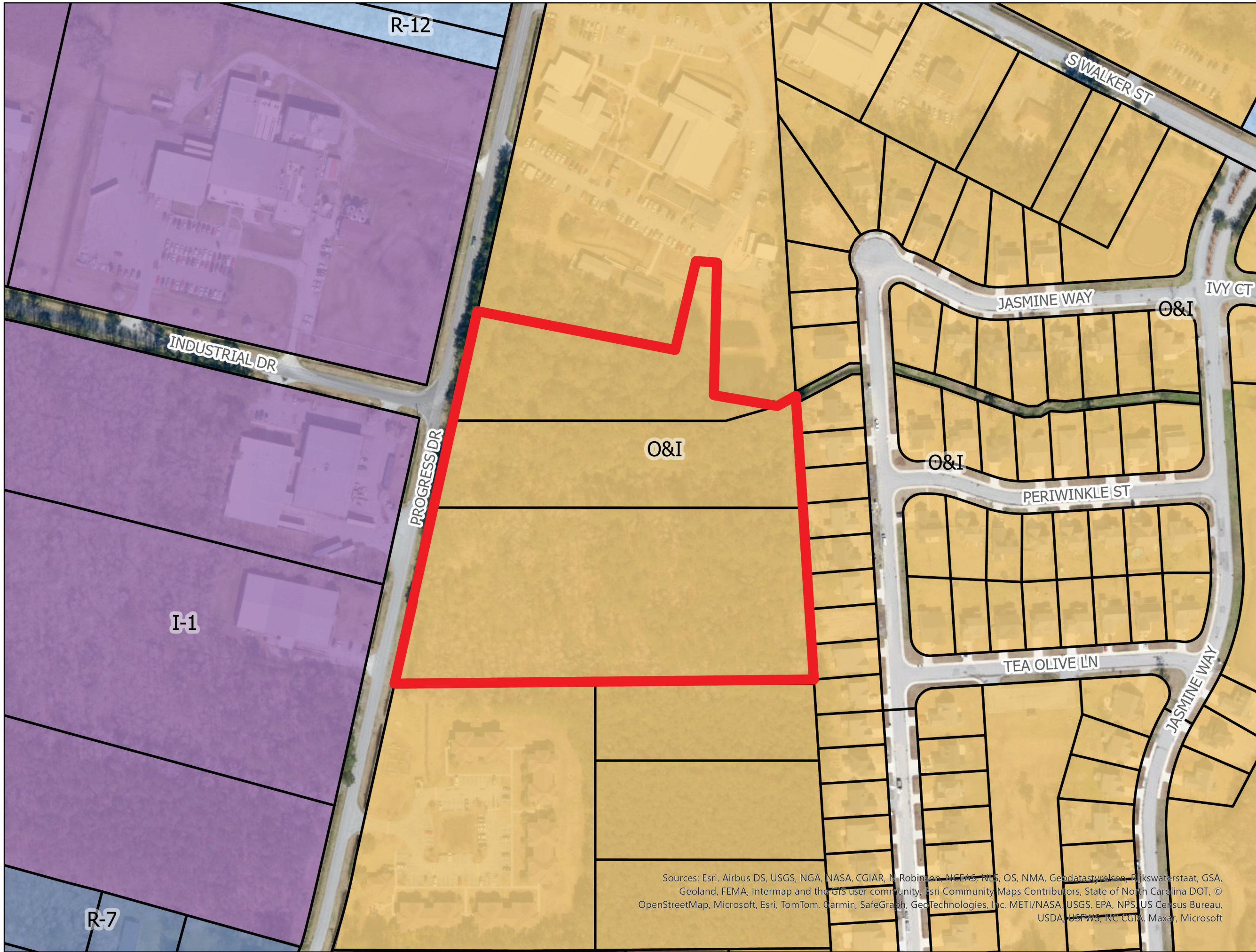
Project:
Pender County
Health and
Human Services

Map Type:
Aerial



0 50 100
Feet
Updated: 20240112

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N-ROBINSON, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, State of North Carolina DOT, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, NC CGIA, Maxar, Microsoft



Conditional District Rezoning

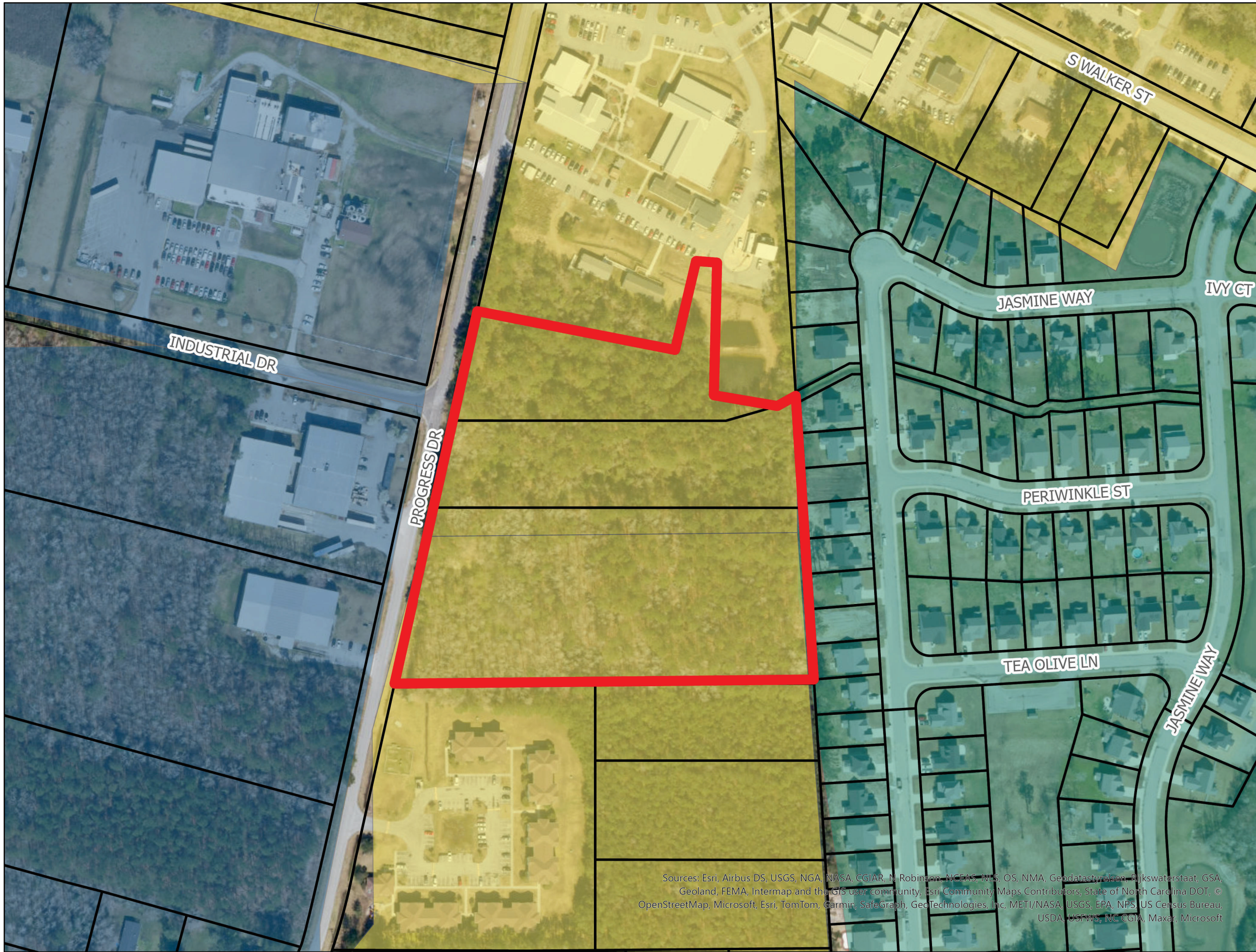
Project:
Pender County
Health and
Human Services

Map Type:
Zoning



0 50 100
Feet
Updated: 20240112

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N-Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, State of North Carolina DOT, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, NC CGIA, Maxar, Microsoft



Conditional District Rezoning

Project:
Pender County
Health and
Human Services

Map Type:
Future Land
Use Map



0 50 100
Feet
Updated: 202401

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N. Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, State of North Carolina DOT, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, NC CGIA, Maxar, Microsoft

Board of County Commissioners
Brad George – Chair
Jacqueline A. (Jackie) Newton – Vice Chair
Wendy Fletcher-Hardee
Archibald (Fred) McCoy
Jerry Groves



County Manager
David Andrews
Assistant County Manager
Allen Vann
County Attorney
Carl W. (Trey) Thurman
Staff Attorney
Patrick Buffkin

December 22, 2023

Dear Property Owner,

This letter is to notify you of a request being submitted to the Town of Burgaw for a conditional rezoning of property on Progress Drive. The property can be identified by Parcel Identification Numbers 3228-59-9798-0000, 3229-60-0024-0000, and 3229-60-0564-0000. The County of Pender is planning to construct a new Health and Human Services facility next to the current county complex with an entrance from Progress Drive.

Pender County staff is hosting two public input meetings to share details about the proposed project on:

Wednesday, January 10, 2024

At

4:00 p.m. and 6:00p.m.

**805 South Walker Street
Burgaw, NC 28425**

Staff will be available to discuss the project and answer any questions you may have during these meetings.

Sincerely,
County of Pender

JANUARY 10, 2024

Page 206 of 217

COUNTY OF PENDER CONDITIONAL REZONING REQUEST

PUBLIC INPUT MEETINGS – MINUTES

Wednesday, January 10, 2024 4:00 p.m. and 6:00 p.m. Pender County Commissioner Board Room

Facilitated By: Bobbitt Construction
Pender County Staff

Notes By: Carolyn Moser, HHS Director

PURPOSE OF MEETINGS: To share details for proposed construction of a Pender County Health and Human Services facility and to respond to any public questions/issues/concerns

-Letters were sent to property owners adjacent to the proposed construction site on December 22, 2023

4:00 p.m. RESULTS OF MEETING

- One individual from the Cross Creek community in attendance. Information was shared via project designs and the Bobbitt Construction team. Question was regarding storm water. Bobbitt team showed a graphic on storm water drainage and retention ponds. No further concerns expressed.

6:00 p.m. RESULTS OF MEETING

- Three individuals from the Cross Creek community attended. Requests for information related to storm water drainage and a fence. Storm water drainage and retention ponds were explained. There was one comment about noise from a trash truck that arrives at 5:00 a.m. One attending is on the HOA Board for Creek Side and asked for electronic renderings of the project that he can share. Copy to be sent to him by Bobbitt. There were no other topics of concern.

NEXT STEPS

Above minutes and sign-in sheet submitted to Burgaw Town Planning staff.

BEING SITUATED IN PENDER COUNTY, NORTH CAROLINA;

COMMENCING AT A RAILROAD SPIKE IN THE CENTER LINE INTERSECTION OF NC HW 117 AND PROGRESS DRIVE THENCE S20°32'21"W ALONG PROGRESS DRIVE A DISTANCE OF 905.61' TO A REBAR BEING THE POINT OF BEGINNING IN THE EASTERN RIGHT OF WAY OF PROGRESS DRIVE AND INTERSECTING THE PROPERTY LINE OF PENDER COUNTY; THENCE FOLLOWING THE SOUTHERN PROPERTY LINE OF PENDER COUNTY S 77°34'45" E A DISTANCE OF 398.52' TO A REBAR; THENCE WITH A CURVE TO THE LEFT WITH A CHORD BEARING OF N 09°41'07" W A DISTANCE OF 23.09' WITH A RADIUS OF 193.00' TO A REBAR; THENCE WITH A CURVE TO THE RIGHT WITH A CHORD BEARING OF N 06°34'53" W A DISTANCE OF 41.42' WITH A RADIUS OF 182.00' TO A REBAR; THENCE N 89°57'07" E A DISTANCE OF 30.00' TO A REBAR; THENCE WITH A CURVE TO THE LEFT WITH A CHORD BEARING OF S 06°34'53" E A DISTANCE OF 34.59' WITH A RADIUS OF 152.00' TO A REBAR; THENCE WITH A CURVE TO THE RIGHT WITH A CHORD BEARING OF S 06°42'09" E A DISTANCE OF 49.81' WITH A RADIUS OF 223.00' TO A REBAR; THENCE S 00°17'25" E A DISTANCE OF 118.81' TO A REBAR; THENCE S 89°02'05" E A DISTANCE OF 120.95' TO A REBAR; THENCE N 62°42'29" E A DISTANCE OF 39.42' TO A REBAR; THENCE FOLLOWING THE WESTERN PROPERTY LINE OF CREEKSIDE SUBDIVISION LOT 11 S 00°01'09" E A DISTANCE OF 6.55' TO A REBAR; THENCE S 03°40'20" E A DISTANCE OF 523.14' TO A REBAR; THENCE FOLLOWING THE NORTHERN PROPERTY LINE OF PENDER COUNTY N 89°43'37" W A DISTANCE OF 414.45' TO A REBAR; THENCE FOLLOWING THE NORTHERN PROPERTY LINE OF SEVEN OAKS OF PENDER LLC N 89°43'37" W A DISTANCE OF 357.49' TO A IRON PIPE; THENCE FOLLOWING THE EASTERN RIGHT OF WAY OF PROGRESS DRIVE N 12°25'15" E A DISTANCE OF 332.55' TO A REBAR; THENCE N 12°25'15" E A DISTANCE OF 162.78' TO A REBAR; THENCE N 12°25'15" E A DISTANCE OF 255.58' TO A REBAR; WHICH IS THE POINT OF BEGINNING,

HAVING AN AREA OF 444,311 SQUARE FEET, 10.20 ACRES



Agenda Item 4

Request: Rezone PINs 3229-60-0564-0000, 3229-60-0024-0000, 3228-59-9798-0000 from O&I, Office and Institutional to O&I (CZ), Office and Institutional Conditional Zoning for the Pender County Health and Human Services project.

Hearing Date: 2/13/2024

Board of Commissioners Consistency Statement

(To be read into the record as a motion, seconded and voted upon)

____ Approval – this request is consistent with the goals and policies of the following plan(s) adopted by the Town of Burgaw:

() Burgaw 2030: Town of Burgaw Comprehensive Land Use Plan

() Other: _____

The Board of Commissioners considers its approval to be reasonable and in the public interest because: (Please provide reasons which can be found in the staff report)

The proposal supports the activities of other agencies such as the Pender County Health Department and serves as a transition to residential areas.

____ Rejected – this request is not consistent with the goals and policies of the following plan(s) adopted by the Town of Burgaw:

() Burgaw 2030: Town of Burgaw Comprehensive Land Use Plan

() Other: _____

The Board of Commissioners considers its rejection to be reasonable and in the public interest because:

The proposal to rezone the property for the Health and Human Services project does not include infrastructure that would be of potential benefit to the health of citizens in the Town of Burgaw and is inconsistent with many policies in the Town of Burgaw Comprehensive Land Use Plan. Therefore, The Board of Commissioners recommends rejection of this request.

Comments:

This report reflects the recommendation of the Town of Burgaw Board of Commissioners, this the 13th day of February 2024.

Attest:

Mayor

RESOLUTION 2024-03

ADOPTING A STATEMENT OF CONSISTENCY REGARDING AN AMENDMENT OF THE OFFICIAL ZONING MAP OF THE TOWN OF BURGAW REQUESTED BY ANDREW SPECK OF BOBBITT CONSTRUCTION ON BEHALF OF CAROLYN MOSER OF PENDER COUNTY HEALTH & HUMAN SERVICES TO REZONE PROPERTY LOCATED ON PROGRESS DRIVE (PARCEL IDENTIFICATION NUMBERS 3229-60-0564-0000, 3229-60-0024-0000, 3228-59-9798-0000) FROM O&I, OFFICE AND INSTITUTIONAL TO O&I (CZ), OFFICE AND INSTITUTIONAL CONDITIONAL ZONING FOR THE PENDER COUNTY HEALTH AND HUMAN SERVICES PROJECT.

WHEREAS, the Applicant, Andrew Speck of Bobbitt Construction on behalf of Carolyn Moser of Pender County Health & Human Services, has requested the Town amend the Official Zoning Map of the Town of Burgaw to rezone property located on Progress Drive (Parcel Identification Numbers 3229-60-0564-0000, 3229-60-0024-0000, 3228-59-9798-0000) from O&I, Office and Institutional to O&I (CZ), Office and Institutional Conditional Zoning for the Pender County Health and Human Services project; 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 January 18, 2024, meeting, recommended approval 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 February 13, 2024, meeting and found the proposed map amendment 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 supporting the activities of other agencies such as the Pender County Health Department and serves as a transition to residential areas.

Adopted this 13th day of February 2024.

Attest: _____
Kristin Wells, Town Clerk

Signed: _____
G. Olivia Dawson, Mayor

ORDINANCE 2024-03

A MAP AMENDMENT OF THE OFFICIAL ZONING MAP OF THE TOWN OF BURGAW REQUESTED BY ANDREW SPECK OF BOBBITT CONSTRUCTION ON BEHALF OF CAROLYN MOSER OF PENDER COUNTY HEALTH & HUMAN SERVICES TO REZONE PROPERTY LOCATED ON PROGRESS DRIVE (PARCEL IDENTIFICATION NUMBERS 3229-60-0564-0000, 3229-60-0024-0000, 3228-59-9798-0000) FROM O&I, OFFICE AND INSTITUTIONAL TO O&I (CZ), OFFICE AND INSTITUTIONAL CONDITIONAL ZONING FOR THE PENDER COUNTY HEALTH AND HUMAN SERVICES PROJECT.

WHEREAS, the Applicant, Andrew Speck of Bobbitt Construction on behalf of Carolyn Moser of Pender County Health & Human Services, has requested the Town amend the Official Zoning Map of the Town of Burgaw to rezone property located on Progress Drive (Parcel Identification Numbers 3229-60-0564-0000, 3229-60-0024-0000, 3228-59-9798-0000) from O&I, Office and Institutional to O&I (CZ), Office and Institutional Conditional Zoning for the Pender County Health and Human Services project; and

WHEREAS, the Town of Burgaw Planning Board, at their January 18, 2024, meeting, recommended approval of the proposed rezoning to the Board of Commissioners of the Town of Burgaw with a vote of 7-0; 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 Board of Commissioners reviewed the Staff Report and Draft Comprehensive Plan Consistency Statement at their February 13, 2024, meeting and found the proposed map amendments 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 ORDAINED:

SECTION 1. The Official Zoning Maps of the Town of Burgaw are hereby amended by removing the hereinafter described tract of land from the present O&I, Office & Institutional District and putting it in O&I (CZ), Office and Institutional Conditional Zoning District, said tract being more particularly described as follows:

A certain tract or parcel of land lying and being in the Town of Burgaw, Pender County, North Carolina and being that property described in book 73 page 26 records of the Pender County Register of Deeds.

COMMENCING AT A RAILROAD SPIKE IN THE CENTER LINE INTERSECTION OF NC HW 117 AND PROGRESS DRIVE THENCE S20°32'21"W ALONG PROGRESS DRIVE A DISTANCE OF 905.61' TO A REBAR BEING THE POINT OF BEGINNING IN THE EASTERN RIGHT OF WAY OF PROGRESS DRIVE AND INTERSECTING THE PROPERTY LINE OF PENDER COUNTY; THENCE FOLLOWING THE SOUTHERN PROPERTY LINE OF PENDER COUNTY S 77°34'45" E A DISTANCE OF 398.52' TO A REBAR; THENCE WITH A CURVE TO THE LEFT WITH A CHORD BEARING OF N 09°41'07" W A DISTANCE OF 23.09' WITH A RADIUS OF 193.00' TO A REBAR; THENCE WITH A CURVE TO THE RIGHT WITH A CHORD BEARING OF N 06°34'53" W A DISTANCE OF 41.42' WITH A RADIUS OF 182.00' TO A REBAR; THENCE N 89°57'07" E A DISTANCE OF 30.00' TO A REBAR; THENCE WITH A CURVE TO THE LEFT WITH A CHORD BEARING OF S 06°34'53" E A DISTANCE OF 34.59' WITH A RADIUS OF 152.00' TO A REBAR; THENCE WITH A CURVE TO THE RIGHT WITH A CHORD BEARING OF S 06°42'09" E A DISTANCE OF 49.81' WITH A RADIUS OF 223.00' TO A REBAR; THENCE S 00°17'25" E A DISTANCE OF 118.81' TO A REBAR; THENCE S 89°02'05" E A DISTANCE OF 120.95' TO A REBAR;

THENCE N 62°42'29" E A DISTANCE OF 39.42' TO A REBAR; THENCE FOLLOWING THE WESTERN PROPERTY LINE OF CREEKSIDE SUBDIVISION LOT 11 S 00°01'09" E A DISTANCE OF 6.55' TO A REBAR; THENCE S 03°40'20" E A DISTANCE OF 523.14' TO A REBAR; THENCE FOLLOWING THE NORTHERN PROPERTY LINE OF PENDER COUNTY N 89°43'37" W A DISTANCE OF 414.45' TO A REBAR; THENCE FOLLOWING THE NORTHERN PROPERTY LINE OF SEVEN OAKS OF PENDER LLC N 89°43'37" W A DISTANCE OF 357.49' TO A IRON PIPE; THENCE FOLLOWING THE EASTERN RIGHT OF WAY OF PROGRESS DRIVE N 12°25'15" E A DISTANCE OF 332.55' TO A REBAR; THENCE N 12°25'15" E A DISTANCE OF 162.78' TO A REBAR; THENCE N 12°25'15" E A DISTANCE OF 255.58' TO A REBAR;

WHICH IS THE POINT OF BEGINNING,

HAVING AN AREA OF 444,311 SQUARE FEET, 10.20 ACRES

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 2/13/2024.
5. The principal structure shall not exceed 40 feet in height.

SECTION 3. The Town Clerk and the Planning Director are hereby authorized and directed under the supervision of the Town Manager to change the Zoning Maps on file in the office of the Town Clerk and the Planning Department, to conform with this ordinance.

SECTION 4. That any person violating the provisions of this ordinance, including the approved site plan, shall be subject to the penalties set forth in the Town of Burgaw Unified Development Ordinance.

SECTION 5. Any prior rezoning related to this property that are in conflict with this ordinance is hereby repealed to the extent of such conflict.

SECTION 6. If any section, subsection, paragraph, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 7. That this ordinance shall be effective upon its adoption by the Board of Commissioners, and the Town's receipt of written acceptance by the Applicant of all conditions adopted by the Town.

Adopted this 13th day of February 2024.

Attest:

G. Olivia Dawson, Mayor

APPROVED AS TO FORM:

Kristin Wells, Town Clerk

Town Attorney

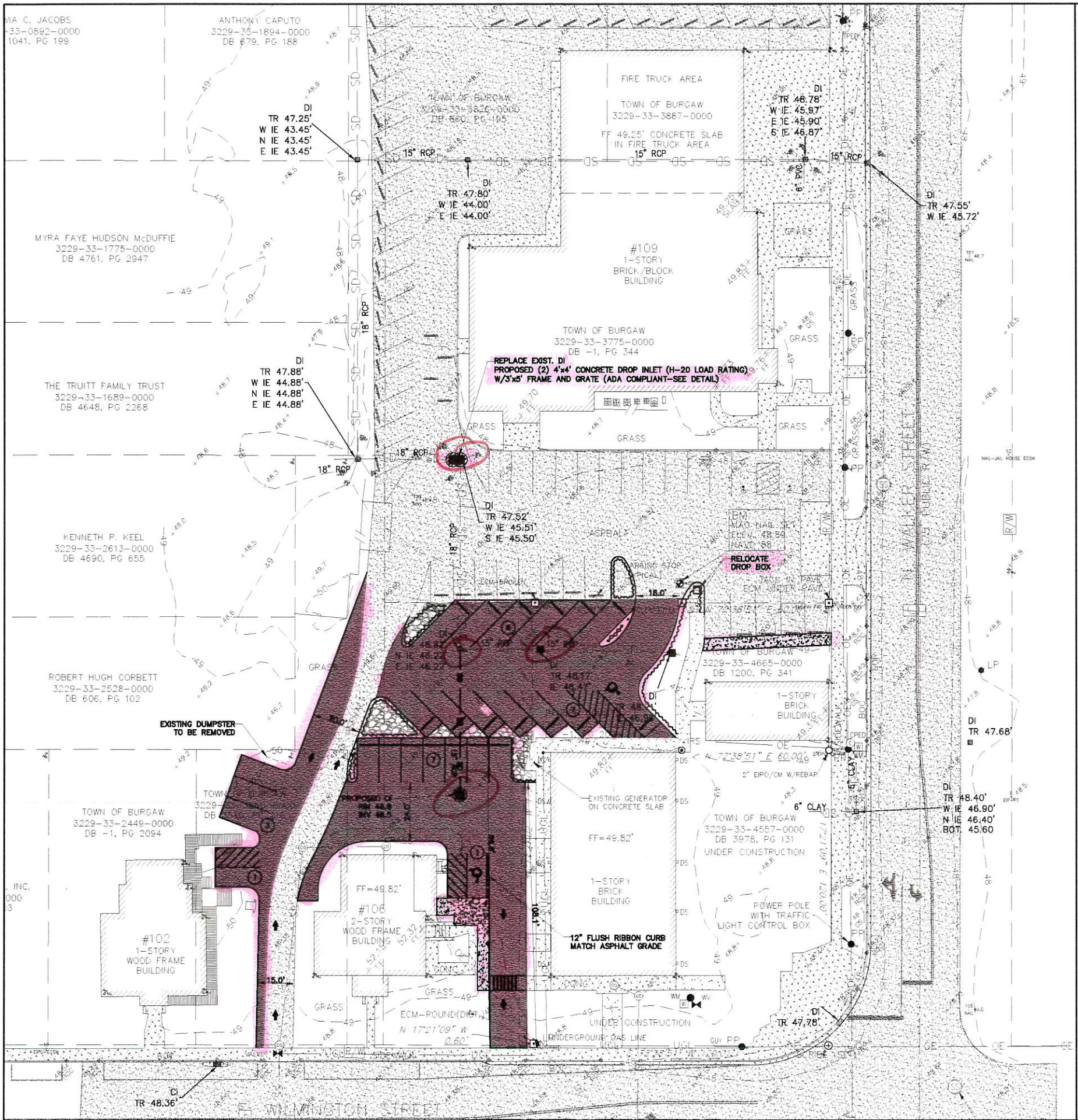


**Town of Burgaw
ITEM REPORT**

Item: 10A

DATE OF MEETING: February 13, 2024 DEPARTMENT OF ORIGIN: Administration	DATE SUBMITTED: 02/07/2024 SUBMITTED BY: Kristin Wells, Town Clerk
AGENDA ITEM DESCRIPTION: Town Center Parking Lot	
SUMMARY STATEMENT: We have received a quote from the General Contractor for installing the storm water management structures and the parking lot area around the Burgaw Town Center, Old Jail, and Community House.	
STAFF RECOMMENDATION AND REQUESTED ACTION:	
FINANCIAL IMPACT INCLUDING FUNDING SOURCE:	
FINANCE DIRECTOR COMMENTS: Funds are not contained within the current budget and would need to be appropriated if approved.	
ATTACHMENTS (IF ANY): Civil & Paving Estimate Town Hall, Parking Lot Layout	

DESCRIPTION	Unit	Quantity	UNIT \$	TOTAL
1. Mobilization	Lump Sum	1	\$5,500.00	\$5,500.00
2. Survey / staking	Allowance	1	\$3,750.00	\$3,750.00
3. Temp Facilities	Month	2	\$150.00	\$300.00
4. Demolition - Dumpster area	Lump Sum	1	\$6,070.00	\$6,070.00
5. Demolition rework - Existing catch basin	Each	2	\$2,044.00	\$4,088.00
6. Grading existing stone areas	Sq Yd	1500	\$3.50	\$5,250.00
7. Demolition / export allowance	CY	200	\$23.50	\$4,700.00
8. Concrete curbing	LF	100	\$27.50	\$2,750.00
9. 15" RCP pipe	LF	60	\$165.00	\$9,900.00
10. Drop Inlets	Each	4	\$5,720.00	\$22,880.00
11. ABC Stone allowance of 515 Tons	Tons	515	\$60.00	\$30,900.00
12. Concrete sidewalks	Sq Yd	75	\$45.00	\$3,375.00
13. 2" Asphalt Paving	Sq Yd	1500	\$24.00	\$36,000.00
14. Supervision	Week	5	\$550.00	\$2,750.00
15. Misc unforeseen contingency	Allowance	1	\$5,500.00	\$5,500.00
16. Pavement Markings & Signs	Lump Sum	1	\$2,310.00	\$2,310.00
17. Concrete wheel stops	Each	20	\$133.00	\$2,660.00
18. ECS / Proof Roll Testing prior to pavement	Allowance	1	\$1,500.00	\$1,500.00
Subtotal				\$150,183.00
Overhead & Profit Margin				\$28,590.00
Total Estimated Cost				\$178,773.00



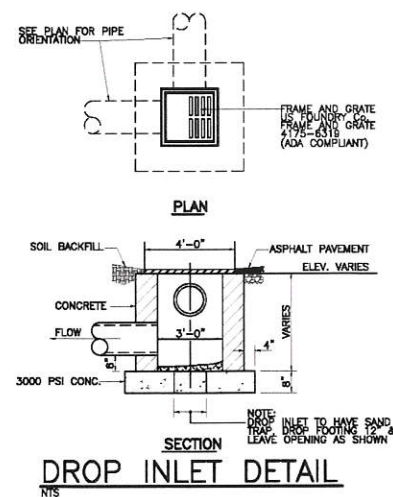
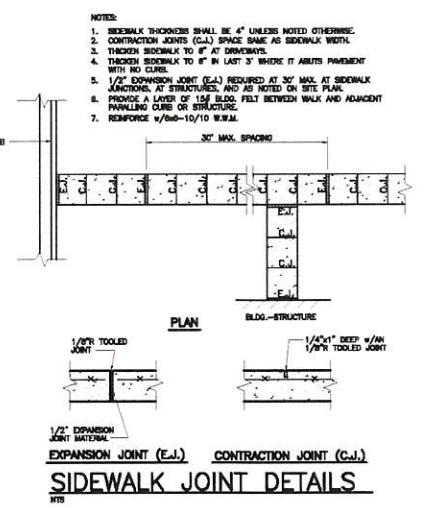
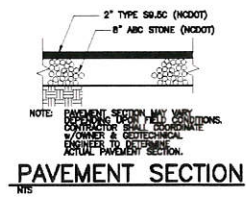
SITE DATA:

PROPERTY OWNER: TOWN OF BURGAW
CONTACT INFORMATION: JAMES GANIT, 109 N WALKER ST, BURGAW, NC 28425, PH: 910-258-2151

PROJECT ADDRESS: 108 E WILMINGTON ST, BURGAW, NC 28425
PID NUMBER: 3229-33-4557-0000
COUNTY: PENDER COUNTY



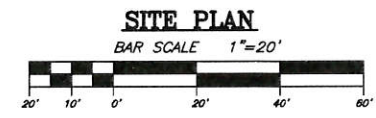
REVISIONS		
No.	Description	By



LEGEND

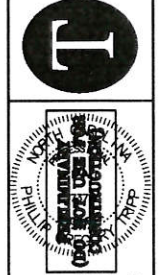
- DROP INLET W/INLET PROTECTION
- PROPOSED SPOT ELEVATION
- PROPOSED ASPHALT
- EXISTING ASPHALT
- EXISTING GRAVEL

NOTE: CONTRACTOR SHALL FIELD VERIFY SIZE, MATERIAL, INVERTS AND LOCATION OF ALL EXISTING UTILITIES PRIOR TO INSTALLATION OF PROPOSED CONNECTIONS.



SITE, GRADING AND DRAINAGE PLAN
TOWN OF BURGAW PARKING
BURGAW, NORTH CAROLINA

TRIPP ENGINEERING, P.C.
419 Chestnut Street
Wilmington, North Carolina 28401
Phone 910-763-5100
Fax 910-763-5631
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DATE: 01-30-24
DESIGN: PGT
DRAWN: E.J.W.
C1
23028