



AGENDA | BOARD OF COMMISSIONERS REGULAR MEETING

July 9, 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 June 26, 2024 Special Meeting Minutes

6. Special Requests/Presentations

A. North Carolina Blueberry Festival Association

B. John Westbrook

C. Parks & Recreation Month Proclamation

7. Departmental Items

A. Information Technology Department

Dustin McCullen, IT Manager

B. Public Works Department

Alan Moore, Public Works Director

C. Fire Department

Johnathan Prevatte, Fire Chief

D. **Facilities & Grounds Department**
Damon Stanley, Facilities & Grounds Director

E. **Parks, Recreation & Tourism Department**
Cody Suggs, Parks & Recreation Director

F. **Planning Department**
Ron Meredith, Planning Director

I. Resolution 2024-18 Adoption of the Town of Burgaw Resilience Strategy

G. **Building Inspections Department**
Louis Hesse, Building Code Administrator

H. **Finance Department**
Wendy Pope, Finance Officer

I. Resolution 2024-19 Authorizing the Town of Burgaw to engage in electronic payments

I. **Police Department**
Jim Hock, Police Chief

8. **Public Forum**

9. **Public Hearing**

A. **Conditional Zoning Request**
Ron Meredith, Planning Director

Consideration of a conditional zoning request for a for a bar/cocktail lounge in the B-1, Central Business District, located at 114 S Dickerson St. (PIN 3229-22-9820-0000). The request would permit a bar use to occupy the existing structure.

I. Resolution 2024-20 Adopting a Statement of Consistency regarding an amendment of the official zoning map of the Town of Burgaw requested by Michael Fields of Retro Meadery LLC to rezone property located at 114 S Dickerson St. (PIN 3229-60-0564-0000) from B-1, Central Business District, to B-1 Central Business District, Residential Conditional Zoning for a Bar, Cocktail Lounges, and/or Nightclubs use.

II. Ordinance 2024-17 Approving an amendment of the official zoning map of the town of Burgaw requested by Michael Fields of Retro Meadery LLC to rezone property located at 114 S Dickerson St. (PIN 3229-60-0564-

0000) from B-1, Central Business District, to B-1 Central Business District, Residential Conditional Zoning for a Bar, Cocktail Lounges, and/or Nightclubs use.

B. Major Subdivision Request

Ron Meredith, Planning Director

Consideration of a preliminary plat for a major subdivision in an existing R-12 residential district for a 9-lot single-family residential development located at East Coston Road (PIN 3229-47-0545-0000).

- I. Resolution 2024-21 Resolution for a Major Subdivision for property located on E. Coston Road (PIN 3229-47-0545-0000) to allow a proposed 9-lot single-family detached development in the existing R-12 residential district

C. Voluntary Annexation Request

Ron Meredith, Planning Director

Consideration of voluntary annexation of property owned by Pender County (PIN 3219-87-6937-0000) located on Old Savannah Road

- I. Ordinance 2024-18 Approving the amendment of the Town of Burgaw Zoning Map to reflect the annexation of property owned by Pender County (PIN 3219-87-6937-0000) located on Old Savannah Road.

10. Items from Assistant Manager

- A. To be announced

11. Items from Manager

- A. To be announced

12. Items from Attorney

- A. To be announced

13. Items from Mayor and Board of Commissioners

- A. To be announced

14. Closed Session - pursuant to NC GS 143-318.11(a)(3) Attorney/Client Privilege

15. Adjournment

**TOWN OF BURGAW BOARD OF COMMISSIONERS
SPECIAL MEETING**

DATE: June 26, 2024
TIME: 9:00 AM
PLACE: Burgaw Town Center
108 E Wilmington St
BOARD MEMBERS PRESENT: Mayor Olivia Dawson
Commissioner Bill George
Commissioner William Rivenbark
Commissioner Michael Pearsall
Mayor Pro-tem James Malloy
Commissioner Jan Dawson

BOARD MEMBERS ABSENT:

1. Call to Order

The meeting was called to order by Mayor Dawson at 9:02 AM.

2. Invocation

The invocation was led by Commissioner Malloy.

3. Pledge of Allegiance

The Pledge of Allegiance was said by all.

4. Street Closure Request - 4th of July Parade

Mayor Dawson stated that the Fourth of July Parade route has changed slightly this year. Mr. Gantt presented that the request is for the closure of Dickerson Street between Wilmington Street and Courthouse Avenue. The Police Department will also handle intermittent traffic control for the parade route. The parade route starts and ends at the Train Depot.

Commissioner George made a motion to approve the street closure as requested. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

5. Public Hearing

- A. **Consideration of adoption of the FY 2024-2025 Budget**
Continued from the regular Board of Commissioners Meeting on June 18,

2024
James Gantt, Town Manager

Continuation of the June 18, 2024 meeting.

Mayor Dawson stated that Mr. Gantt was asked to review if there were ways to reduce expenses, Mr. Gantt stated that at the Board's direction, he went back and reviewed expenses and projected revenues. He further stated that the proposed budget does not have a lot of fluff in it. The best option in order to not have a 6 cents tax increase would be to reduce the position that was requested by the Building Inspections Office. Mr. Gantt stated that he has talked with Mr. Hesse regarding building inspections and he believes he can go another year without the addition of this position. The removal of this position and a 4 cents tax increase will allow for all other items in the budget as presented to be funded. Mr. Gantt further explained that while some capital items could be cut out of the budget this year, it will have a negative effect on next year's budget. The Consumer Price Index is up 3.4% in the southeast region. These are costs that have risen over the past year, such as cost of living, prices in the grocery store, fuel, and electricity prices, which also affect town purchases.

Commissioner Pearsall asked if the new Fire Chief, Chief Prevatte, had time to review the requests made by the previous Fire Chief and if he agreed with the requests. Chief Prevatte stated that he did have time to review the proposed budget requests and had the opportunity to provide input and agrees with this year's requests. Commissioner Pearsall stated that he fully supports PPE for both the Police Department and Fire Department.

Commissioner Malloy stated that the tax rate in 2012 was 57 cents and was only cut due to a high general fund balance. Decisions were made in the past to cut the fund balance instead of spending on Capital Projects and taxes were reduced from 57 cents to 44 cents.

Karen Harding, 318 S Walker Street, explained that taxes were decreased due to tax reevaluations.

Eugene Mulligan, 318 S Walker Street, stated that individuals who have recently purchased homes in Burgaw are paying more in taxes than those who have lived here for several years. He further stated that the Town has "needs" and "wants". The Town has been buying "wants" for the last six to seven years, such as the Burgaw Town Center and Christmas lights. Mr. Mulligan also stated that the Town has not had an accurate audit since 2021 and does not feel that the Town should have a Tourism Department to duplicate the efforts of Pender County Tourism.

Mayor Dawson asked about the status of the 2023 Audit. Ms. Pope stated that the 2023 Audit will be finalized and submitted by Friday, June 28, 2024. The Town website will be updated to reflect the audits.

Commissioner Rivenbark stated that the week of the Blueberry Festival, Burgaw was in the news regarding the audit, and he had received phone calls regarding the spending in Burgaw. He also mentioned the difficulties of inflation and rising insurance costs for those on a fixed income. He requested that the Town be frugal with the town's taxpayer money.

Eugene Mulligan, 318 S Walker Street, asked the Board to read the past audits to gather a better idea of the current situation.

Commissioner Malloy stated that he has been in the area since 1985 and the Town looks mostly the same; from the streets to Courthouse Avenue. Work was done on the east side of Town and not on the west side. The walking trail never crossed the railroad tracks and there is further work that needs to be done.

Mr. Gantt stated that there is not a statutory minimum for a Town's fund balance, but the LGC does provide a guideline of 8%. Below 8%, the LGC may look at a town and say they are not fiscally responsible. The Board's policy is 25%. In the fiscal year 2019-2020, the revenue neutral rate was 46 cents and the board voted to go below the revenue neutral rate, dropping taxes to 44 cents.

Mayor Dawson stated that the 2022-2023 Audit will be filed by Friday. Ms. Pope agreed and that the 2023-2024 Audit will need to be filed before December 2024.

Mayor Dawson stated for clarification, that the proposed budget is for no new employees and a 4 cents tax increase. The remainder of the proposed budget remains the same. Commissioner Dawson stated she is not in favor of a 4 cents increase, but would be okay with a 2 cents increase.

Following a short break, from 10:06AM to 10:12AM, the board continued the conversation about the tax increase. Mayor Dawson stated again for clarification that this proposal includes a 4 cents tax increase, no new employees, and a 2 % COLA for employees.

With no further discussion, Mayor Dawson requested a vote on the new proposal of 4 cents tax increase and no new employees.

The Public Hearing was closed at 10:30 AM.

Commissioner Pearsall made a motion to approve the proposed budget with a 4 cents tax increase and no new employees. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

I. Ordinance 2024-16 Adoption of the FY 2024-2025 Budget for the Town of Burgaw

Commissioner Malloy made a motion to approve Ordinance 2024-16, Adoption of the FY 2024-2025 Budget for the Town of Burgaw. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

6. Planning Session - Discussion

A. Developing Sewer Capacity Processes & Procedures

Mr. Meredith advised the board that with additional development within the Town's jurisdiction and along the Town owned forcemain, a policy needs to be developed in order to better account for the capacity and allocation of capacity. Mr. Meredith presented a Letter of Intent Application that is similar to what other utility companies would provide as a Flow Letter. This letter is not a promise of capacity, but is stating that at this time there is capacity but with the caveat that there may not be capacity at the time of development. There are no legal agreements attached to the form. Mr. Meredith further explained that later in the process, there would be a Capacity Reservation that would go hand in hand with a permit from the State and would allocate a certain "gallons per day" to the developer that the Town would track to make sure that capacity is monitored through out the system.

Mr. Gantt stated that this process will help protect the forcemain. Pender County has an allocation of 750,000 gallons in the forcemain. There is an approved subdivision to be located near the Pender County line that will use a portion of Pender County's allocation. Creating policies and procedures on how developers and the County utilize the forcemain will protect the Town's infrastructure. The Town has 1.25 million gallons and the County is allowed 750,000 gallons for a total of a 2 million gallon line.

B. Developing Standards for Street Acceptance by Town

Mr. Meredith presented the board with a draft application that would apply to the dedication and acceptance of streets, sidewalks, and storm drainage systems. Implementing this policy will help protect the town and residents, especially within subdivisions. This will be a checklist at TRC level so the developer will not have any surprises when it comes time to dedicate the infrastructure.

Mr. Gantt further explained that this is a checklist that is outside the ordinance to allow for further clarity and to help better protect the Town.

C. Discuss Facade Grant Boundary

Mr. Meredith stated that the Planning Department had an inquiry regarding the facade grant where the property owner was just outside the facade grant boundary by one parcel. The Planning Board made a motion asking the Board of Commissioners to address this situation. The current boundary is the Municipal Service District. Mr. Meredith recommends that the Facade Grant boundary follow the B-1 Zoning District.

Commissioner Malloy made a motion to allow the Facade Grant boundary to align with the B-1 zoning district. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

D. Table of Permitted Uses - Future Goals and Objectives

Mr. Meredith stated that he has had some discussions with residents and board members regarding limiting the uses in the Downtown Business District. He explained that in his research, he has found that most other municipalities do not limit uses outside of commercial, but do limit residential to be located on upper story and not on the ground floor level.

Mayor Dawson expressed that commercial uses like retail that generate foot traffic over office space that does not would be more desirable.

Mr. Gantt further stated that the Table of Permitted Uses that the Town uses is very use specific and is inconsistent with other municipalities. Discussions have been had on revamping the Table and to have further discussions with the Board regarding what uses they would like to see in the B-1 zoning district. There is an ability of an overlay district.

Mr. Meredith stated that with the development of a Comprehensive Plan, additional zoning districts may be something for the Board to consider.

Commissioner Dawson stated that in her conversations with area business owners, they are concerned with offices and would like to see the downtown area more of a destination with retail stores.

Mr. Gantt stated that there will be more conversations regarding this in future work sessions.

E. Other Items

Commissioner Dawson stated that she had been approached by a citizen who informed her that the American flags placed on light poles throughout town need to be located where a light can shine on them at night and requested that staff look into this. Mayor Dawson further requested that staff look into where flags are touching trees, and trim the trees if needed. She had noticed flags touching trees along Fremont Street.

Mr. Suggs advised the board that the new landscaper will start work next week. Commissioner Malloy asked Mr. Suggs to pass on to the contractor to not leave tire tracks on sidewalks when they mow. Mr. Suggs stated that the new contractor is very pro-active and is asking to know what issues the Town has had with the previous contractor so corrections can be made.

Mayor Dawson asked staff to address the weeds at Wilmington and Hwy 117 in median.

Mayor Dawson requested that the website stay up-to-date as much as possible, as well as post Town business on Facebook and not just post job openings and events. Commissioner Pearsall requested that the live broadcast of board meetings be posted to social media as well.

Commissioner Rivenbark requested that all complete the Pender County Transportation Survey.

7. Adjournment

Commissioner Dawson made a motion to adjourn the meeting at 10:52 AM. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

MAYOR'S PROCLAMATION

Designation of July as Parks and Recreation Month

- Whereas.* Parks and recreation is an integral part of communities throughout this country, including the Town of Burgaw, and
- Whereas,* parks and recreation promotes health and wellness, improving the physical and mental health of people who live near parks, and
- Whereas,* parks and recreation programming and education activities, such as out-of-school time programming, youth sports and environmental education, are critical to childhood development, and
- Whereas,* our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors, and
- Whereas,* parks and recreation is fundamental to the environmental well-being of our community, and
- Whereas,* the U.S. House of Representatives has designated July as Parks and Recreation Month

NOW, THEREFORE, I, Olivia Dawson, Mayor of the Town of Burgaw, do hereby proclaim the month of July as Parks & Recreation month in the Town of Burgaw

Further, I urge all citizens to continue to participate in recreation to promote the well-being of this and future generations.

Dated this ninth day of July in the year 2024.

Olivia Dawson, Mayor

RESOLUTION 2024-18

ADOPTION OF THE TOWN OF BURGAW RESILIENCE STRATEGY

WHEREAS, the Town of Burgaw Planning Department requests the Town adopt the Town of Burgaw Resilience Strategy,

WHEREAS, the Town of Burgaw Board of Commissioners reviewed the Town of Burgaw Resilience Strategy at their July 9th, 2024, meeting and were support of the report, and found the Resilience Strategy and implementation to be reasonable, and in the public interest; and

NOW THEREFORE BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the Town of Burgaw Resilience Strategy, is consistent with the Town of Burgaw 2030 Comprehensive Plan, by supporting a proactive, locally driven, and equitable approach to coastal resilience.

Adopted this 9th day of July 2024.

Attest: _____
Kristin J. Wells, Town Clerk

Signed: _____
G. Olivia Dawson, Mayor



**Town of Burgaw
ITEM REPORT**

Item: 7HI

DATE OF MEETING: July 9, 2024 DEPARTMENT OF ORIGIN: Finance	DATE SUBMITTED: 07/03/2024 SUBMITTED BY: Wendy Pope, Finance Director
AGENDA ITEM DESCRIPTION: Resolution 2024-19 Authorizing the Town of Burgaw to engage in electronic payments	
SUMMARY STATEMENT: New pre-audit and disbursement rules were modified by the NC legislature which allowed units of government to be exempt from the pre-audit certificate and disbursement certificate requirements on electronic transactions. In order for the Town's charge accounts, procurement cards, gas cards and other electronic funds transfers to be exempt from affixing a pre-audit/disbursement certificate on each transaction, the Town Board of Commissioners must adopt a resolution authorizing the unit to engage in electronic payments as defined by G.S. 159-28. A written policy to outline the procedures for pre-auditing the obligations will be developed by the finance officer and will provide sufficient internal controls over the obligation process. In addition, the policy will include procedures for electronic payments outlining basic procedures for disbursing public funds electronically.	
STAFF RECOMMENDATION AND REQUESTED ACTION:	
FINANCIAL IMPACT INCLUDING FUNDING SOURCE:	
FINANCE DIRECTOR COMMENTS: As the commercial environment moves toward a cashless system, the Town becomes more dependent on electronic purchases, automatic withdrawals, and ACH transfers. Although each obligation requires an appropriation to cover the amount due, and the pre-audit requirement is satisfied, this resolution exempts the need for a certificate to be attached/obtained on each transaction.	
ATTACHMENTS (IF ANY): RESOLUTION electronic trans exemption (1)	

RESOLUTION 2024-19
AUTHORIZING TOWN OF BURGAW TO ENGAGE IN ELECTRONIC PAYMENTS AS
DEFINED BY G.S. 159-28 OR G.S. 115C-441

WHEREAS, it is the desire of the Town of Burgaw Board of Commissioners that the Town of Burgaw is authorized to engage in electronic payments as defined by the G.S. 159-28 or G.S. 115C-441

WHEREAS, it is the responsibility of the Finance Officer, who serves at the pleasure of the Town of Burgaw Board of Commissioners, to adopt a written policy outlining procedures for pre-auditing obligations that will be incurred by the electronic payments as required by NC Administrative Code 20 NCAC 03.0409;

WHEREAS, it is the responsibility of the Finance Officer, who serves at the pleasure of the Town of Burgaw Board of Commissioners, to adopt a written policy outlining procedures for disbursing public funds by electronic transactions as required by NC Administrative Code 20 NCAC 03.0410;

NOW, THEREFORE, BE IT RESOLVED by the Town of Burgaw Board of Commissioners that:

1. *Authorizes the Town of Burgaw to engage in electronic payments as defined by G.S. 159-28 or G.S. 115C-441;*
2. *Authorizes the Finance Officer to adopt a written policy outlining procedures for pre-auditing obligations that will be incurred by electronic payments as required by NC Administrative Code 20 NCAC 03.0409; and*
3. *Authorizes the Finance Officer to adopt a written policy outlining procedures for disbursing public funds by electronic transaction as required by NC Administrative Code 20 NCAC 03.0410; and*

ADOPTED this 9th day of July 2024.

Attest: _____
Kristin J. Wells, Town Clerk

Signed: _____
G. Olivia Dawson, Mayor



CASE SUMMARY

Conditional District Rezoning

Board of Commissioners

July 9, 2024

Ron Meredith, 910-663-3451, rmeredith@burgawnc.gov

Planning Board	06/20/2024; Approval was recommended
Board of Commissioners	July 9, 2024; Pending

Request

<i>Request</i>	Rezone PIN 3229-60-0564-0000 from B-1, Central Business District to B-1 Central Business District, Residential Conditional Zoning for a Bars, Cocktail Lounge, and/or Nightclubs use.	
<i>Applicant</i>	Michael Fields Retro Meadery LLC	910-471-7077 mikeicnd@gmail.com
<i>Owner</i>	Aaron Jolly	910-259-7156 rentals@serealestate.net

1. Case Overview

Application to conditionally rezone a ±0.04-acre parcel in the B-1 Central Business District to B-1 Central Business District, Conditional Zoning District (CZ)



Conditional District Rezoning

 Project:
Retro Meadery

 Map Type:
Aerial

0 50 100 Feet
 Updated: 20240112

2. Summary

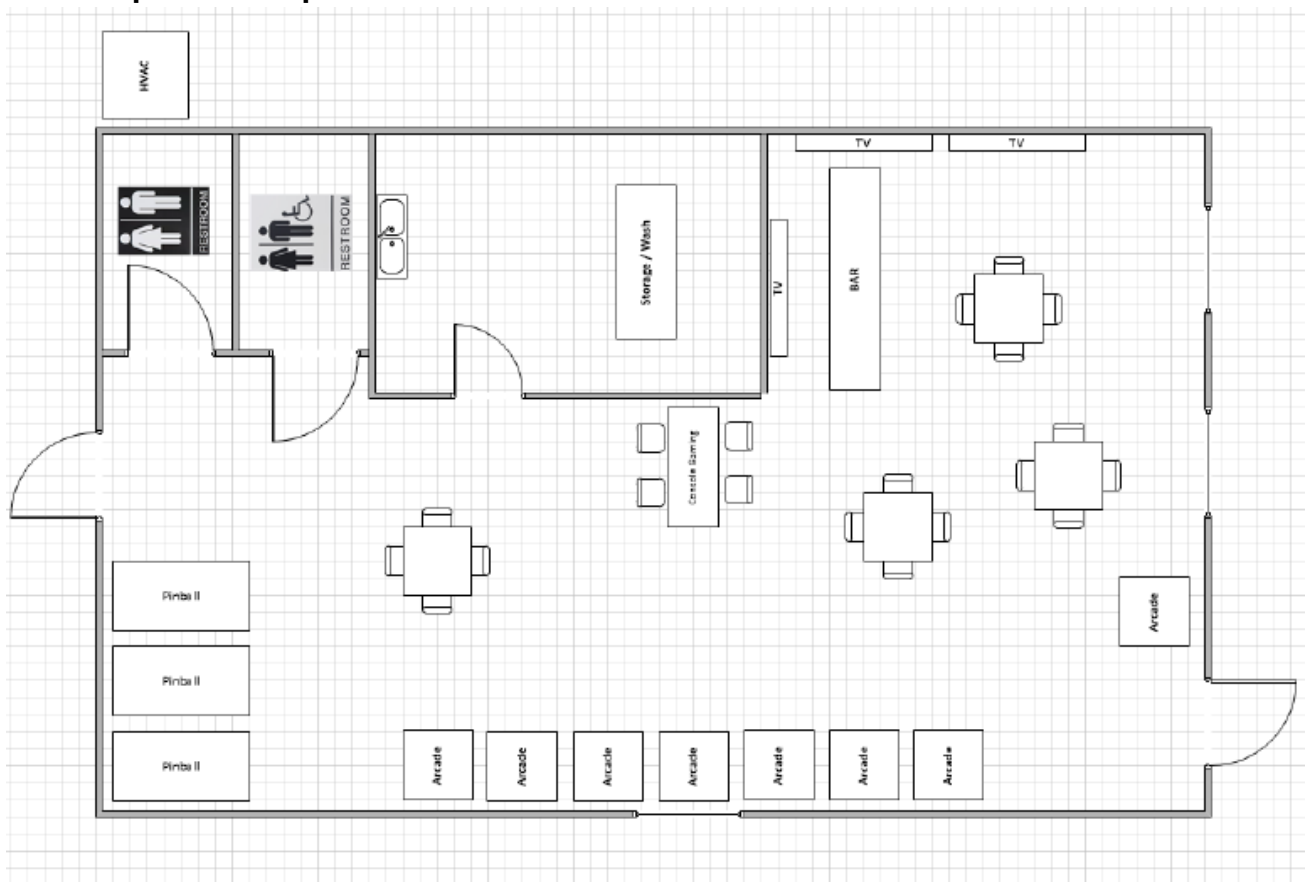
2.1 Proposal

The applicant is requesting a conditional district rezoning of the parcel to permit use of the existing structure and property for Retro Meadery, as required by the Town of Burgaw Unified Development Ordinance (UDO).



Figure 2.1: Proposed elevation of existing structure

2.1.a Proposed Floorplan





2.2 Community Meetings

The two required community meetings were held on 6/03/24 at 12PM and 5PM at Dees Park, in Burgaw, NC. A summary of these meetings can be found in your packet.

2.3 Criteria for Review

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 immediate 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 that ensure compatibility of the use with the use and enjoyment of neighboring properties.

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
BARS, COCKTAIL LOUNGE, AND/OR NIGHTCLUBS	722410						X US		CZ	CZ			

Section 8.15 Use Standards

Bars, Cocktail Lounge, and/or Nightclubs (B-1, B-2) requiring conditional zoning approval.

Detailed Regulations

- A type A or B buffer shall be required along all lot lines adjoining residentially zoned or used lots.
- Within the Central Fire District, there shall be no minimum off-street parking requirement. For any other property, one parking space for each employee on the shift of greatest employment and one space for every 200 square feet of heated floor area shall be required.
- There shall be a minimum separation of two hundred fifty (250) feet for any *bar, cocktail lounge, and/or nightclub* with an occupancy of less than 100 and a minimum separation of 500 feet for any *Bar, Cocktail Lounge, and/or Nightclub* with an occupancy of 100 or greater



from any similar establishment, church, elementary school, public park, or existing residential structure as measured by a straight line between the closest exterior walls of the principal structures.

- Within the Central Fire District, there shall be no minimum separation requirements, but no more than two such establishments shall be located per city block, defined as the length of street between two intersections.
- All food served and/or distributed by the establishment must receive prior written approval from the Town of Burgaw Building Inspections Department.
- Noise and/or music on *bar, cocktail lounge, and/or nightclub* premises shall not be audible on any adjacent residentially used property after 10 pm.

Additional Required Information for the application

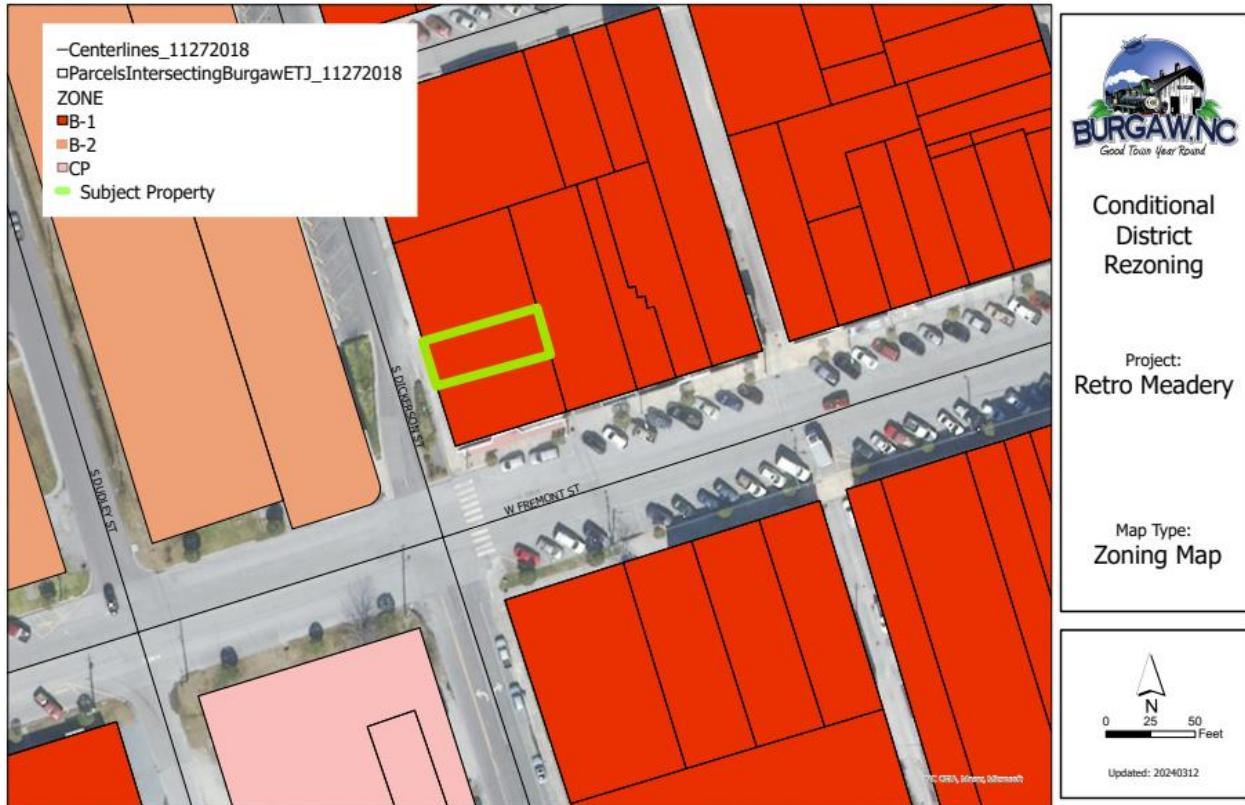
- Floor plan of all structures accessible to the public, including areas of the building or structures used for the dispensing of food and beverages, entertainment, and/or dancing
- Lighting plan
- Occupancy of all structures
- Number of employees—total and on shift of greatest employment
- List of all services to be provided (e.g. dancing, food service, live entertainment, etc.)
- Security/management plan
- Hours of operation

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	B-1	B-1	B-1	B-2
Current Land Use	The Wash House	The Ice Cap, Stay Sharp Barber Shop	Burgaw Alimento	Historic Train Depot



3.2 Site History/Cultural Resources

The previous use of the existing building was the Pender Neighborhood Service Center.

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

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

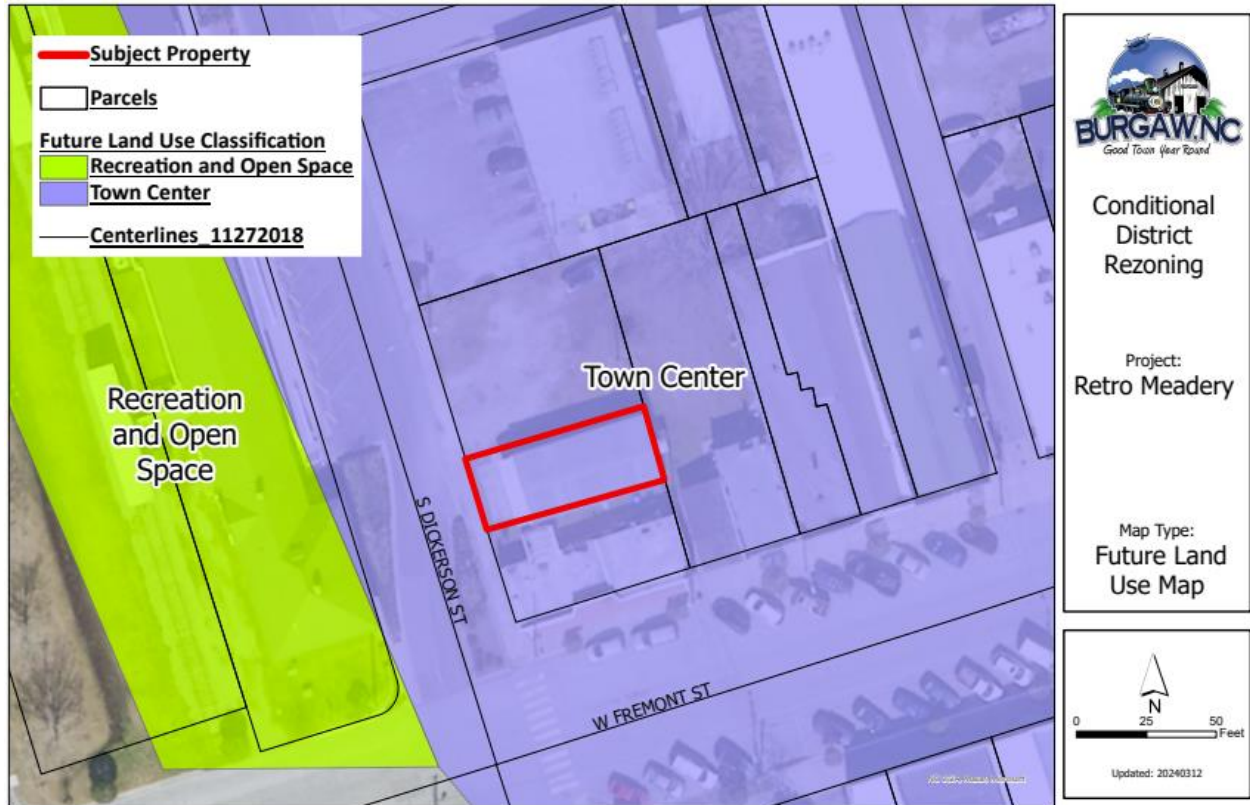
CONSISTENCY WITH APPROVED PLANS

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 listed 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			
Economic Development			
Goal 1: To support the profitability and sustainability of existing businesses and industries: Promote the downtown as a place for community gatherings and the focal point of the tourism industry			
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			
Goal 4: To ensure clear and efficient administrative procedures, policies, and ordinances that will attract and retain the type of enterprises necessary to achieve the town's vision: Improve communication among town staff, boards, and the business community to foster greater cooperation			
Agriculture and Forestry			
Goal 3: To encourage and support profitable agricultural and forestry industries: Support the development of local markets for agricultural and forestry products			



Future Land Use Map: Town Center

This land use classification includes the existing downtown business district and adjacent commercial uses.

Recommended Land Uses: small-scale commercial, office, educational, governmental, accessory residential, arts and culture, entertainment, small parks, bed and breakfasts

DEVELOPMENT GUIDELINES

Historic setbacks	NA
Parking on street, in rear, or limited on side only	●
Façade articulation	NA
Traffic calming	NA
Monument or ground signs	●



CONCLUSIONS

The applicant's proposal for a bar/cocktail lounge presented by the applicant as a "Meadery", is consistent with the Town of Burgaw Future Land Use Map. The current proposal is consistent with the goals and policies adopted in the Burgaw 2030 Comprehensive Land Use Plan.

PLANNING BOARD June 20, 2024

Of those in attendance at the June 20, 2024, Planning Board meeting, 1 person signed up to speak in favor of the proposed use of a bar, cocktail lounge, and/or nightclub within the existing building.

The Planning Board members voted to recommend approval unanimously, with four board members present and one abstention from the public hearing.

NEIGHBORHOOD CONTACT

	Community Meetings	Planning Board	Board of Commissioners
Advertisement Date(s)	6/03/24 at 12PM and 5PM	Pender Post & Voice 6/13/24 & 6/20/24	Pender Post & Voice 6/27/24 & 7/3/24
Other - Contact(s)		Mailers sent 05/30/24 Signs posted 05/31/24	Mailers sent 6/26/24 Signs posted 6/27/24 & 6/57/24

ACTIONS TO DATE

<i>Planning Board</i>	06/20/2024; Approval was recommended
<i>Board of Commissioners</i>	July 9, 2024; Pending

ATTACHMENTS

1. Application
2. Project Narrative
 - a. Supplemental Documentation
3. Aerial Map
4. Future Land Use Map
5. Zoning Map
6. Community Meeting Items
7. Adjacent Mail Notification 500ft Buffer
8. Consistency Statement

RESOLUTION 2024-20

Adopting a statement of consistency regarding an amendment of the official zoning map of the Town of Burgaw requested by Michael Fields of Retro Meadery LLC to rezone property located at 114 S Dickerson St. (PIN 3229-60-0564-0000) from B-1, Central Business District, to B-1 Central Business District, Residential Conditional Zoning for a Bar, Cocktail Lounges, and/or Nightclubs use.

WHEREAS, the Applicant, Michael Fields of Retro Meadery LLC, has requested the Town amend the Official Zoning Map of the Town of Burgaw to rezone property located at 114 S Dickerson St. (Parcel Identification Number 3229-60-0564-0000) from B-1, Central Business District to B-1 Central Business District, Residential Conditional Zoning for bar, cocktail lounges, and/or nightclub use; and

WHEREAS, the 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 June 20, 2024, meeting, voted to recommend approval of the applicant's proposal with a vote of 3-0; and

WHEREAS, the Town of Burgaw Board of Commissioners examined the Staff Report and Draft Comprehensive Plan Consistency Statement at their July 9, 2024, meeting and found the proposed rezoning [is / is not] consistent with the Town of Burgaw 2030 Comprehensive Land Use Plan Future Land Use Classification Map, [is / is not] reasonable, and [is / is not] in the public interest.

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

THAT the proposed rezoning [is / is not] consistent with the Future Land Use Map and [does / does not] conflict with the Town of Burgaw 2030 Comprehensive Plan. Therefore, the Town of Burgaw Board of Commissioners [approves / denies] this request.

Land Use Map adopted by the Town

Adopted this 9th day of July 2024.

Attest: _____
Kristin J. Wells, Town Clerk

Signed: _____
G. Olivia Dawson, Mayor

ORDINANCE 2024-17

Approving an amendment of the official zoning map of the town of Burgaw requested by Michael Fields of Retro Meadery LLC to rezone property located at 114 S Dickerson St. (parcel identification number 3229-60-0564-0000) from B-1, Central Business District, to B-1 Central Business District, Residential Conditional Zoning for a Bar, Cocktail Lounges, and/or Nightclubs use.

WHEREAS, the Applicant, Michael Fields of Retro Meadery LLC, has requested the Town amend the Official Zoning Map of the Town of Burgaw to rezone property located at 114 S Dickerson St. (Parcel Identification Number 3229-60-0564-0000) from B-1, Central Business District to B-1 Central Business District, Residential Conditional Zoning for bar, cocktail lounges, and/or nightclub use; and

WHEREAS, the 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 June 20, 2024, meeting, voted to recommend approval of the applicant's proposal with a vote of 3-0; and

WHEREAS, the Town of Burgaw Board of Commissioners examined the Staff Report and Draft Comprehensive Plan Consistency Statement at their July 9, 2024, meeting and found the proposed rezoning [is / is not] consistent with the Town of Burgaw 2030 Comprehensive Land Use Plan Future Land Use Classification Map, [is / is not] reasonable, and [is / is not] in the public interest.

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 **B-1 Central Business District** and putting it in B-1 (CZ), **Central Business** 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 as described in deed book Book 4817, at Page 2190 records of the Pender County Register and being more particularly described as the description contained within the as follows:

BEGINNING 36 feet from Eastern line of Dickinson (Dickerson) Street on Fremont Street (Fremont Street); North 60 feet to E.M. Johnston's lot; thence East 30 feet to James Smith's, formerly R.O. Cowan's lot; thence South 60 feet to Fremont Street; thence West 30 feet along Fremont Street to the Beginning, the following being a more specific and accurate

description of said land: BEGINNING at a point in the Northern line of Fremont Street 36 feet Eastward from the Eastern line of Dickinson Street; and runs thence North 16 degrees 30 minutes West 60 feet to a stake; thence North 73 degrees 30 minutes East 30 feet to a stake; thence South 16 degrees 30 minutes East 60 feet to a stake in the Northern line of Fremont Street; thence South 73 degrees 30 minutes West with the Northern line of Fremont Street to the Beginning, containing one-eighth (1/16) of an acre, and being ½ of a tract conveyed by Philip W. Lewis and wife, to J.T. Henry and wife. See Book 252, page 275, Registry of Pender County, also being the same Tract 2 conveyed in Deed Book 740 at Page 283.

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

1. A type A or B buffer shall be required along all lot lines adjoining residentially zoned or used lots.
2. Within the Central Fire District, there shall be no minimum off-street parking requirement. For any other property, one parking space for each employee on the shift of greatest employment and one space for every 200 square feet of heated floor area shall be required.
3. There shall be a minimum separation of two hundred fifty (250) feet for any bar, cocktail lounge, and/or nightclub with an occupancy of less than 100 and a minimum separation of 500 feet for any Bar, Cocktail Lounge, and/or Nightclub with an occupancy of 100 or greater from any similar establishment, church, elementary school, public park, or existing residential structure as measured by a straight line between the closest exterior walls of the principal structures.
4. Within the Central Fire District, there shall be no minimum separation requirements, but no more than two such establishments shall be located per city block, defined as the length of street between two intersections.
5. All food served and/or distributed by the establishment must receive prior written approval from the Town of Burgaw Building Inspections Department.
6. Noise and/or music on bar, cocktail lounge, and/or nightclub premises shall not be audible on any adjacent residentially used property after 10 pm.

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 9th day of July 2024.

G. Olivia Dawson, Mayor

Attest:

APPROVED AS TO FORM:

Kristin J. Wells, Town Clerk

Town Attorney



CASE SUMMARY

Board of Commissioners

Major Subdivision
July 9, 2024

Ron Meredith, 910-663-3451, rmeredith@burgawnc.gov

Staff recommendation	Not applicable
Board of Commissioners	7/09/2024; Pending

Request

Address/Location	E. Coston Road PIN: 3229-47-0545-0000	
Acreage	Approximately 6.53 acres	
Request	Major subdivision containing 9 lots	
Owner/Applicant	Grand Visions Investments LLC, Andrew Smith 17117 Hwy 17N Hampstead, NC 28443	andrew@hampsteadnchomes.com (910) 262-6744

Property Characteristics

Zoning	R-12, Residential District Conditional Zoning
Current Land Use	Vacant

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

Case Overview

1. The site is currently undeveloped.
2. The project area includes approximately 6.53 acres and is zoned R-12, Residential District.
3. Single-family development is permitted in the R-12 zoning district with approval from the Town of Burgaw Board of Commissioners.



4. The maximum allowable number of units per acre in the R-12 district per UDO is limited to the 12,000-square-foot minimum zoning district requirement. At 6.53 acres, the maximum allowable would be about 23 units, not including the calculations for stormwater and open space. The proposal is for 9 units.

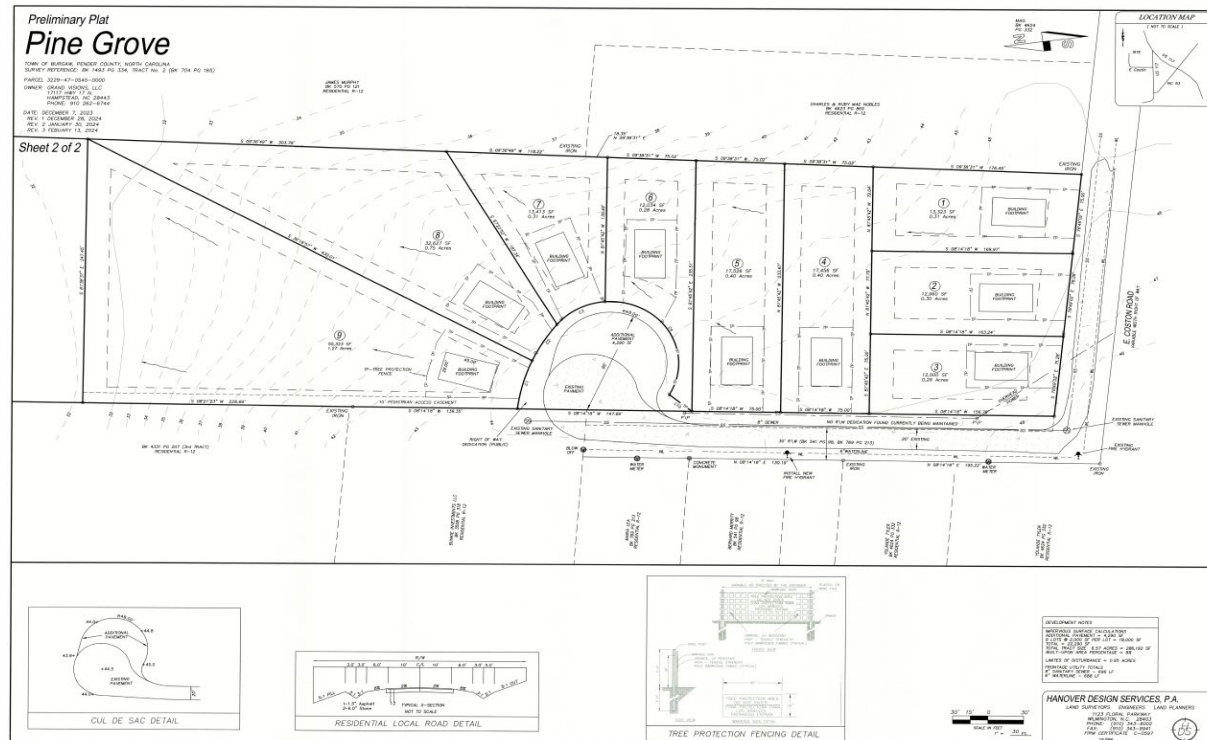
Zoning District requirements

DISTRICT	MINIMUM LOT SIZE			MINIMUM YARD REGULATIONS ⁴⁻⁹			Maximum Height of Structure in Feet ¹³
	Area in Square Feet	Square Feet per Dwelling Unit	Frontage in Feet ¹⁰	Front Yard Setback in Feet ¹¹	Side Yard Width in Feet ¹²	Rear Yard depth in Feet	
R-12 Residential	12,000	12,000	75	25	15	20	35

Aerial Map



Figure 1. Proposed Site Plan



Project Frontage



1.0 Staff Review

- Staff has conducted a review of the proposed preliminary plat for consistency with the Burgaw Unified Development Ordinance.
- A preliminary plat review has been conducted by the Technical Review Committee (TRC).
- If the project is approved by the Town of Burgaw Board of Commissioners, approval to begin site work is not granted until release is given by the Planning and Building Inspections Departments.

2.0 Public Services, Facilities, and Infrastructure

2.1 Traffic and Transportation

- The site fronts E. Coston Road.
- One driveway is proposed for each lot.
- The estimated trip generation falls short of the threshold for a Traffic Impact Study (TIS).

2.2 Public Utilities

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

2.3 Public Safety

- The nearest fire hydrant is on E. Coston Road.



2.4 Stormwater

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

2.5 Landscaping, Buffering, Tree Protection, and Open Space

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

Criteria for Approval, UDO Section 10.13 Major Subdivision

1. *Every subdivision within the Town of Burgaw and its extraterritorial jurisdiction (ETJ) that does not qualify for minor subdivision procedures shall be required to submit a preliminary plat for Board of Commissioners approval before any construction or installation of improvements may begin.*



2. *Prior to submitting a preliminary plat, the subdivider shall complete a pre-application conference and sketch plant review with the Planning Department.*
3. *An application for major subdivision will be submitted first with two 24x36 paper copies and a digital copy to be shared with the Technical Review Committee (TRC) and the Town's review engineer. After the Town's review comments are addressed eight 24x36 paper copies of the preliminary plat (as well as any additional copies the Town's Planning Department determines are needed shall be submitted to the Planning Department in accordance with the Official Deadlines for Application Submittal designated by the Town Planning Department. The applicant is responsible and must submit to all applicable State and Federal agencies.*
4. *All preliminary plats shall meet the specifications outlined in this chapter, and all mapping shall comply with NC G.S. 47-30. A preliminary plat that is incomplete or does not have the required documents submitted with it shall not be scheduled for Board of Commissioners review until all missing information is supplied.*
5. *All preliminary plats shall contain the following certifications as specified in this Article:*
 - (a) Certificate of Ownership and Dedication (signed)*
 - (b) Certificate of Survey and Accuracy (signed)*
 - (c) Surveyor's Certificate (signed)*
 - (d) Certificate of Preliminary Plat Approval*
6. *When a subdivision is to be developed in stages, a master plan shall be submitted for the entire development and a preliminary plat and final plat shall be submitted for each individual stage.*
7. *The Board of Commissioners shall review the preliminary plat along with the comments of the Town's Planning Department and any other review agencies at a regularly scheduled public meeting.*
8. *If the Board of Commissioners approves the preliminary plat, such approval shall be noted on a digital copy and two 24x36 paper copies of the plat. One copy of the plat shall be retained by the Town, and one copy shall be returned to the subdivider. If the Board of Commissioners approves the preliminary plat with conditions, approval shall be noted on a digital copy and two 24x36 paper copies of the plat along with a reference to the conditions. One paper copy of the plat along with the conditions shall be retained by the Town, and one copy of the preliminary plat along with the conditions shall be returned to the subdivider. If the Board of Commissioners disapproves the preliminary plat, the reasons for such disapproval shall be specified in writing. One digital copy and one 24x36 paper copy of the plat and reasons for disapproval shall be retained by the Town, and one 24x36 paper copy of the plat and reasons for disapproval shall be returned to the subdivider.*
9. *Preliminary plat approval shall be valid for a period of two years.*
10. *Preliminary plat approval constitutes approval of the layout and authorizes the developer to proceed with construction of the subdivision and improvements in accordance with the approved preliminary plat and any conditions attached to the approval.*
11. *Limited changes to an approved preliminary plat may be approved by the Town Planner administratively. Administrative approval of limited modifications shall not have the effect of*



extending the period of preliminary plat validity. Impervious surface increases or decreases of less than 5% are considered limited changes. The relocation or modification of driveways, stormwater ponds, and any such devices that are necessary for the development of a subdivision, that are mandated by state or federal agencies, shall be considered limited changes.

12. *Significant changes to an approved preliminary plat must be resubmitted for review and approval as a new application.*

Additional Approval Criteria for Approval, UDO Section 10.14 Major Subdivision

- *Title Block containing:*
 - *Name of subdivision*
 - *Location of municipality, township, county, and state*
 - *Name of owner*
 - *Date or dates survey was conducted, and plat prepared*
 - *Scale denoted numerically (example 1" = 100')*
 - *Name and address of individual or firm preparing plans*
 - *Name, address, registration number, and seal of Registered Land Surveyor*
 - *Sheet number*
- *Sketch vicinity map showing the relationship between proposed subdivision and surrounding area (with scale)*
- *Graphic scale*
- *North arrow, noted whether true or magnetic*
- *The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented, with all bearings and distances shown*
- *Existing and proposed lot lines, both on the tract to be subdivided and on adjoining properties. Corporate limits, township boundaries, and county lines shall be depicted if applicable.*
- *The names of owners of adjoining property*
- *The names of any adjoining subdivisions of record or proposed and under review*
- *Zoning classification of tract to be subdivided*
- *Building line minimums*
- *Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, or other features, both on the land to be subdivided and land immediately adjoining*
- *Proposed lot numbers and block letters, if applicable, and appropriate dimensions*
- *Wooded areas, marshes, swamps, rocky outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site*
- *Location of floodway or flood zones as depicted on the official Flood Insurance Rate Map (FIRM)*
- *The following data concerning streets:*
 - *Proposed public streets*
 - *Proposed private streets*
 - *Existing and platted streets on adjoining properties and in the proposed subdivision*
 - *Rights-of-way, location, and dimensions in accordance with this ordinance*



- *Pavement widths*
- *Approximate grades*
- *Design engineering data for all corners and curves*
- *Typical cross-sections*
- *Street names*
- *Type of street dedication (all streets must be designated either 'public' or 'private')*
- *Location and dimensions of proposed rights-of-way, utility and other easements, parks, school sites, recreational areas and trails, natural or required buffers, and open spaces, and designation of future ownership and/or dedication*
- *Location of 404 wetland areas as determined by the Wilmington District office of the US Army Corp of Engineers*
- *Location, with sizes and/or other information noted, of natural gas lines, telephone lines, electric lines, and any other utility required for the subdivision*
- *Location, with sizes and/or other information noted, of natural gas lines, telephone lines, electric lines, and any other utility required for the subdivision*
- *Location, with sizes and/or other information noted, of proposed water lines, fire hydrants, valves, sewer lines, storm drainage lines, manholes, catch basins, force mains, pumping stations or any other system intended or proposed to serve the development, showing tie-in locations to existing systems.*
- *Plans for individual water supply and sewage disposal systems, if any, with profiles based on Mean Sea Level datum for sanitary sewers and storm systems.*

Other Required Information

- *Site calculations include*
 - *Acreage in total tract to be subdivided*
 - *Acreage in parks and recreation and open space areas and other nonresidential areas*
- *Total number of parcels created*
- *Acreage in the smallest lot in the subdivision*
- *A copy of any proposed deed restriction or similar covenants. Such restrictions are mandatory when private recreation areas or open spaces are established.*
- *Where land disturbing activity is an acre or more in size, a copy of the erosion control plan must be submitted to the appropriate office of the N.C. Department of Environment and Natural Resources, in compliance with NCGS 113A, Article 4 (Sedimentation Pollution Control Act of 1973). Evidence of approval must be provided prior to submittal of a final plat for approval.*
- *Topographic maps with contour intervals of no greater than five feet at a scale of no less than 1" = 400'*
- *If any street is proposed to intersect with a state-maintained road, the subdivider shall apply for driveway approval as required by the N.C. Department of Transportation Division of Highways' Policy on Street and Driveway Access to North Carolina Highways. Evidence of approval must be provided prior to submittal of final plat for approval.*



Recommendation

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

1. The use and development of the subject property shall comply with all regulations and requirements imposed by the Town of Burgaw Unified Development Ordinance and any other applicable federal, state, or local law, ordinance, or regulation, as well as any condition stated below. In the event of a conflict, the more stringent requirement or higher standard shall apply.
2. If, for any reason, any condition for approval is found to be illegal or invalid or if the applicant should fail to accept any condition following approval, the approval of the subdivision final plat shall be null and void.
3. The use and development of the subject property shall be in accordance with the site plan as submitted and approved.
4. Approval of this subdivision 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.
5. 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 07/09/2024.
6. No structure may exceed two stories in height and may not exceed the maximum allowable height of 35 feet.
7. No more than nine residential units may be constructed.

NEIGHBORHOOD CONTACT

	Board of Commissioners
<i>Signs Posted</i>	06/26/2024
<i>Property Owner Letters</i>	06/26/2024
<i>Advertisement Date(s)</i>	6/27/2024 and 7/3/2024
<i>Other – Contact(s)</i>	Adjacent Owners Notified 06/26/2024

ACTIONS TO DATE

<i>Board of Commissioners</i>	7/09/2024; Scheduled
-------------------------------	-----------------------------



ATTACHMENTS

1. Application
2. Preliminary Plat
3. Maps
 - a Survey
 - b Aerial
 - c Zoning
 - d Future Land Use Map
4. U.S. Army Corps Wetland Determination
5. Stormwater Statement
6. NCDOT Comments
7. Addressing
8. Resolution

RESOLUTION 2024-21

RESOLUTION FOR A MAJOR SUBDIVISION FOR PROPERTY LOCATED ON E. COSTON ROAD (PIN: 3229-47-0545-0000) TO ALLOW A PROPOSED 9-LOT SINGLE-FAMILY DETACHED DEVELOPMENT IN THE EXISTING R-12 RESIDENTIAL DISTRICT

PURPOSE:

THE BOARD OF COMMISSIONERS FOR THE TOWN OF BURGAW HELD A PUBLIC HEARING ON JULY 09, 2024, TO CONSIDER THE FOLLOWING APPLICATION:

PROPERTY OWNER / APPLICANT:

ANDREW SMITH OF Grand Visions Investments LLC 17117 US HWY 17 NORTH
HAMPSTEAD, NC 28443

LOCATION: PINE GROVE E. COSTON ROAD (3229-47-0545-0000)

PROPOSAL: 9-LOT SINGLE-FAMILY DETACHED UNIT DEVELOPMENT

ZONING DISTRICT: R-12 RESIDENTIAL DISTRICT CONDITIONAL ZONING

MEETING DATES:

JULY 9, 2024: BOARD OF COMMISSIONERS PUBLIC HEARING

Therefore, because the Board of Commissioners concludes that all general and specific conditions precedent to the approval of a Major Subdivision **have** been satisfied, IT IS ORDERED that the application for the approval of the Major Subdivision be **APPROVED**, subject to the following conditions:

Criteria for Approval, UDO Section 10.13 Major Subdivision

1. Every subdivision within the Town of Burgaw and its extraterritorial jurisdiction (ETJ) that does not qualify for minor subdivision procedures shall be required to submit a preliminary plat for Board of Commissioners approval before any construction or installation of improvements may begin.
2. Prior to submitting a preliminary plat, the subdivider shall complete a pre-application conference and sketch plant review with the Planning Department.
3. An application for major subdivision will be submitted first with two 24x36 paper copies and a digital copy to be shared with the Technical Review Committee (TRC) and the Town's review engineer. After the Town's review comments are addressed eight 24x36 paper copies of the

preliminary plat (as well as any additional copies the Town's Planning Department determines are needed shall be submitted to the Planning Department in accordance with the Official Deadlines for Application Submittal designated by the Town Planning Department. The applicant is responsible and must submit to all applicable State and Federal agencies.

- 4. All preliminary plats shall meet the specifications outlined in this chapter, and all mapping shall comply with NC G.S. 47-30. A preliminary plat that is incomplete or does not have the required documents submitted with it shall not be scheduled for Board of Commissioners review until all missing information is supplied.*
- 5. All preliminary plats shall contain the following certifications as specified in this Article:*
 - (a) Certificate of Ownership and Dedication (signed)*
 - (b) Certificate of Survey and Accuracy (signed)*
 - (c) Surveyor's Certificate (signed)*
 - (d) Certificate of Preliminary Plat Approval*
- 6. When a subdivision is to be developed in stages, a master plan shall be submitted for the entire development and a preliminary plat and final plat shall be submitted for each individual stage.*
- 7. The Board of Commissioners shall review the preliminary plat along with the comments of the Town's Planning Department and any other review agencies at a regularly scheduled public meeting.*
- 8. If the Board of Commissioners approves the preliminary plat, such approval shall be noted on a digital copy and two 24x36 paper copies of the plat. One copy of the plat shall be retained by the Town, and one copy shall be returned to the subdivider. If the Board of Commissioners approves the preliminary plat with conditions, approval shall be noted on a digital copy and two 24x36 paper copies of the plat along with a reference to the conditions. One paper copy of the plat along with the conditions shall be retained by the Town, and one copy of the preliminary plat along with the conditions shall be returned to the subdivider. If the Board of Commissioners disapproves the preliminary plat, the reasons for such disapproval shall be specified in writing. One digital copy and one 24x36 paper copy of the plat and reasons for disapproval shall be retained by the Town, and one 24x36 paper copy of the plat and reasons for disapproval shall be returned to the subdivider.*
- 9. Preliminary plat approval shall be valid for a period of two years.*
- 10. Preliminary plat approval constitutes approval of the layout and authorizes the developer to proceed with construction of the subdivision and improvements in accordance with the approved preliminary plat and any conditions attached to the approval.*
- 11. Limited changes to an approved preliminary plat may be approved by the Town Planner administratively. Administrative approval of limited modifications shall not have the effect of extending the period of preliminary plat validity. Impervious surface increases or decreases of less than 5% are considered limited changes. The relocation or modification of driveways, stormwater ponds, and any such devices that are necessary for the development of a subdivision, that are mandated by state or federal agencies, shall be considered limited changes.*

12. Significant changes to an approved preliminary plat must be resubmitted for review and approval as a new application.

Additional Approval Criteria for Approval, UDO Section 10.14 Major Subdivision

- Title Block containing:
 - Name of subdivision
 - Location of municipality, township, county, and state
 - Name of owner
 - Date or dates survey was conducted, and plat prepared
 - Scale denoted numerically (example 1" = 100')
 - Name and address of individual or firm preparing plans
 - Name, address, registration number, and seal of Registered Land Surveyor
 - Sheet number
- Sketch vicinity map showing the relationship between proposed subdivision and surrounding area (with scale)
- Graphic scale
- North arrow, noted whether true or magnetic
- The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented, with all bearings and distances shown
- Existing and proposed lot lines, both on the tract to be subdivided and on adjoining properties. Corporate limits, township boundaries, and county lines shall be depicted if applicable.
- The names of owners of adjoining property
- The names of any adjoining subdivisions of record or proposed and under review
- Zoning classification of tract to be subdivided
- Building line minimums
- Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, or other features, both on the land to be subdivided and land immediately adjoining
- Proposed lot numbers and block letters, if applicable, and appropriate dimensions
- Wooded areas, marshes, swamps, rocky outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site
- Location of floodway or flood zones as depicted on the official Flood Insurance Rate Map (FIRM)
- The following data concerning streets:
 - Proposed public streets
 - Proposed private streets
 - Existing and platted streets on adjoining properties and in the proposed subdivision
 - Rights-of-way, location, and dimensions in accordance with this ordinance
 - Pavement widths
 - Approximate grades
 - Design engineering data for all corners and curves
 - Typical cross-sections
 - Street names

- *Type of street dedication (all streets must be designated either 'public' or 'private')*
- *Location and dimensions of proposed rights-of-way, utility and other easements, parks, school sites, recreational areas and trails, natural or required buffers, and open spaces, and designation of future ownership and/or dedication*
- *Location of 404 wetland areas as determined by the Wilmington District office of the US Army Corp of Engineers*
- *Location, with sizes and/or other information noted, of natural gas lines, telephone lines, electric lines, and any other utility required for the subdivision*
- *Location, with sizes and/or other information noted, of natural gas lines, telephone lines, electric lines, and any other utility required for the subdivision*
- *Location, with sizes and/or other information noted, of proposed water lines, fire hydrants, valves, sewer lines, storm drainage lines, manholes, catch basins, force mains, pumping stations or any other system intended or proposed to serve the development, showing tie-in locations to existing systems.*
- *Plans for individual water supply and sewage disposal systems, if any, with profiles based on Mean Sea Level datum for sanitary sewers and storm systems.*

Other Required Information

- *Site calculations include*
 - *Acreage in total tract to be subdivided*
 - *Acreage in parks and recreation and open space areas and other nonresidential areas*
- *Total number of parcels created*
- *Acreage in the smallest lot in the subdivision*
- *A copy of any proposed deed restriction or similar covenants. Such restrictions are mandatory when private recreation areas or open spaces are established.*
- *Where land disturbing activity is an acre or more in size, a copy of the erosion control plan must be submitted to the appropriate office of the N.C. Department of Environment and Natural Resources, in compliance with NCGS 113A, Article 4 (Sedimentation Pollution Control Act of 1973). Evidence of approval must be provided prior to submittal of a final plat for approval.*
- *Topographic maps with contour intervals of no greater than five feet at a scale of no less than 1" = 400'*
- *If any street is proposed to intersect with a state-maintained road, the subdivider shall apply for driveway approval as required by the N.C. Department of Transportation Division of Highways' Policy on Street and Driveway Access to North Carolina Highways. Evidence of approval must be provided prior to submittal of final plat for approval.*

Adopted this 9th day of July 2024.

G. Olivia Dawson, Mayor

Attest:

APPROVED AS TO FORM:

Kristin J. Wells, Town Clerk

Town Attorney

DRAFT



Town of Burgaw – Planning Department
**PETITION FOR VOLUNTARY ANNEXATION -
Noncontiguous**

109 N. Walker St. • Burgaw, NC • 28425 • 910.663.3452

State of North Carolina
Pender County

Fee: \$1,000.00

DATE: 7/11/2024

To the Honorable Mayor and Board of Commissioners of the Town of Burgaw, Pender County, North Carolina:

1. We, the undersigned owners of real property believe that the area described in paragraph 2 below meets the requirements of G.S. 160A-58.1 and respectfully request that the area be annexed to the Town of Burgaw.
2. The area to be annexed is contiguous to the Town of Burgaw and the boundaries of such territory are as follows:

(A legally accepted description of the property must be inserted here, after it has been approved by a consulting engineer of the Town)

WHEREFORE, your petitioner(s) respectfully requests that the aforementioned property be annexed by the Town of Burgaw, North Carolina.

IN WITNESS WHEREOF, your petitioner(s) has caused this instrument to be executed on the 11th day of April, 20 24.

PETITIONER(S)

(This petition must be signed by the owners of each parcel proposed for annexation; attach additional sheets, if necessary)

PROPERTY OWNER'S NAME (Type or Print)	ADDRESS	PROPERTY OWNER(S) SIGNATURE
Pender County	805 Walker St Burgaw, NC 28425	Alexis Stanfield J. Cass

(NOTE: If the property is owned by a corporation or entity other than a private individual, a responsible corporate officer must sign as petitioner with an attestation by a second corporate officer and the corporate seal affixed. In addition, the execution of the petition must be notarized.)

Accuracy of Legal Description Approved: _____



Notary Name: Alexis Stanfield signature: Alexis Stanfield

Prepared By: Attorney General's Office / Property Control Section (without benefit of title examination)
P.O. Box 629, Raleigh, North Carolina 27602
SPO File No.: 71-CU (Property Disposition) / DOJ File No.: PC-19-00165

✓ After Recording Return to: GRANTEE, Attn: County Manager, PO Box 5, Burgaw, NC 28425

Excise Tax: \$ 0.00 (exempt)

PIN: part of 3219-86-9643-0000

STATE OF NORTH CAROLINA

NON-WARRANTY DEED

COUNTY OF PENDER

THIS NON-WARRANTY DEED ("Deed"), made as of the date set forth in the notary acknowledgement below, by the STATE OF NORTH CAROLINA (including its agency the State Highway and Public Works Commission), a body politic and corporate, hereinafter referred to as "Grantor", to the COUNTY OF PENDER, a body politic of the State of North Carolina and the BOARD OF COUNTY COMMISSIONERS FOR PENDER COUNTY, NORTH CAROLINA, hereinafter referred to as "Grantee";

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

WITNESSETH:

THAT, WHEREAS, the General Assembly of North Carolina enacted Session Law 2019-137 (the "Act"), pursuant to which Grantor was directed to convey that certain parcel or tract of land described in the Act to Grantee; and

WHEREAS, in furtherance of said express legislative intent, the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice has authorized the execution of this instrument.

NOW, THEREFORE, in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor has bargained and sold and by these presents does hereby bargain, sell and convey unto Grantee its successors and assigns, in fee simple determinable, subject to the reversionary interest reserved

Page 1 of 4

4

by Grantor herein, all of that certain tract or parcel of land lying and being in Burgaw Township, Pender County, North Carolina, and more particularly described as follows:

BEGINNING at a found PK nail in the center of Old Savannah Road, said point being the southeast corner of the property of Jeremy Bryan Batts (D.B. 4540, Pg. 214) and the northeast corner of the property herein described; thence with the center of said Old Savannah Road the following courses:

S 35°04'59" E, 356.90 feet to a point;
S 40°44'44" E, 153.66 feet to a point;
S 43°47'35" E, 919.20 feet to a point;
S 44°51'27" E, 151.61 feet to a point;
S 51°20'38" E, 128.30 feet to a PK Nail set;

thence leaving said Old Savannah Road and with a new line through the property of the Pender County Correctional Center (D.B. 244, Pg. 452), S 69°34'12" W, 1181.54 feet to an iron pin set; thence S 42°31'45" W, 339.68 feet to an iron pin set; thence S 78°52'12" W, 362.36 feet to an iron pin set; thence S 56°45'56" W, 748.71 feet to an iron pin set; thence S 72°39'01" W, 139.78 feet to an iron pin set; thence N 47°31'10" W, 214.67 feet to an iron pin set; thence N 08°29'51" W, 2064.45 feet to an iron pin set in the center of Bay Branch, said point being on the southerly property line of Samuel J. Hope (D.B. 4026, Pg. 201); thence generally with Bay Branch and said Samuel J. Hope property (property line follows center of Bay Branch) N 61°51'33" E, 523.32 feet to a point; thence continuing with branch, N 81°25'00" E, 74.64 feet to a point, thence continuing with said branch S 89°58'55" E, 1231.45 feet to the POINT AND PLACE OF BEGINNING; containing 100.00 acres, more or less, and being identified as "New Tract 'A'" on a survey prepared by SEPI Engineering & Construction (Job No. SE18.158), dated March 25, 2019, captioned "PROJECT EXEMPT SUBDIVISION PLAT FOR PENDER COUNTY CORRECTIONAL CENTER" and "SHEET TITLE SUBDIVISION OF TAX PARCEL 3219-86-9643-0000" and recorded in Plat Book 64, Page 144, Pender County Registry, reference to which plat being hereby made for a more particular description of same (the "Property").

The Property is a portion of the land acquired by Grantor, by and through its agency, the State Highway and Public Works Commission, in a deed from R.G. Johnson and wife, Louise W. Johnson, dated February 2, 1943, recorded in the Office of the Pender County Register of Deeds in Book 244 at Page 452. See also deed from County of Pender to Grantor, by and through its agency, the State Highway and Public Works Commission, dated September 8, 1937, recorded in Book 211, Page 279, Pender County Registry.

TOGETHER WITH an easement for ingress, egress and access over and upon the lands of the Grantor situated between the southern boundary of the Property and the northerly right-of-way boundary of the Penderlea Highway. Grantor shall determine the location and width of said easement. Grantee, at its sole cost and expense, shall be responsible for the development, construction and maintenance of said access easement; except to the extent Grantor shares in the use of any portion of the easement, and, in such event, Grantor and Grantee shall apportion the responsibility and cost of maintaining the access easement by written agreement.

Pursuant to the Act, the Property is conveyed to Grantee for so long as it is utilized by Grantee as a jail and law enforcement center; provided that nothing herein shall preclude Grantee from conveying a security interest in the Property for the purpose of financing or refinancing the development, construction, renovation, repair and maintenance of the Property and improvements located thereon. If the Property ceases to be used by Grantee for a jail and law enforcement center, excluding periods when the Property or any portion thereof is subject to development, reconstruction, renovation or repair, then all interests granted herein shall automatically revert to Grantor, without any further action by Grantor or Grantee, restoring fee simple absolute title in the Property to Grantor. In such event, Grantee shall, at its sole cost and expense, remove all of its personal property from the Property and, if Grantor so directs, Grantee shall, at its sole cost and expense, restore the Property to the condition existing at the date of this Deed, and/or restore and repair the Property and any improvements and fixtures located thereon to such other condition satisfactory to Grantor. The restoration and repair of the Property may include, in Grantor's discretion, the demolition of buildings, the removal of debris, site grading and the remediation of hazardous substances.

TO HAVE AND TO HOLD the Property and all privileges and appurtenances thereunto belonging to Grantee, its successors and assigns, subject to the possibility of reverter reserved herein.

Grantor makes no warranty, express or implied, as to title to the Property.

The Property and any improvements situated thereon are conveyed by Grantor "as is" "where is" without any representations or warranties of any kind from Grantor, including, without limitation, any express or implied warranties of merchantability, fitness or habitability or any representations or warranties concerning the location of boundary lines and compliance with zoning ordinances, environmental laws or health, safety and building codes.

The Property does not include the primary residence of Grantor.

[remainder of page intentionally left blank - signatures on following page]

IN TESTIMONY WHEREOF, the State of North Carolina has caused this instrument to be executed in its name by ROY COOPER, Governor, attested by ELAINE F. MARSHALL, Secretary of State, and the Great Seal of the State of North Carolina hereunto affixed, by virtue of the power and authority aforesaid, all as of the date set forth in the notary acknowledgment below.

STATE OF NORTH CAROLINA

By: _____

Governor

ATTEST:

Elaine F. Marshall
Secretary of State

APPROVED AS TO FORM:

JOSHUA H. STEIN, Attorney General

By: _____

Special Deputy Attorney General



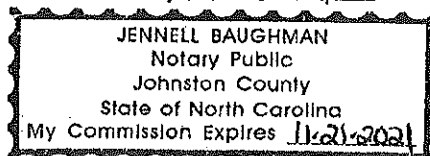
STATE OF NORTH CAROLINA

COUNTY OF WAKE

I, Jennell Baughman, a Notary Public for Johnston County, North Carolina, do certify that ELAINE F. MARSHALL, Secretary of State of the State of North Carolina, personally came before me this day and acknowledged that she is Secretary of State of the State of North Carolina, and that by authority duly given and as the act of the State, the foregoing instrument was signed in its name by ROY COOPER, Governor of the State of North Carolina, sealed with the Great Seal of the State of North Carolina, and attested by herself as Secretary of State.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal, this the 15th day of November, 2019.

My commission expires: 11-21-2021



Jennell Baughman
Notary Public
Print Name: Jennell Baughman

Page 4 of 4

Pender County, NC

Voluntary Annexation of Town of Burgaw PIN #3219-87-6937-0000

Metes & Bounds Legal Description

All that Tract or Parcel of land situated in Pender County, North Carolina, being Pender County PIN #3219-87-6937-0000, and also being the tract described in Deed Book 4699, Page 1680, and shown as "New Tract 'A'" in Map Book 64, Page 144 of the Pender County Register of Deeds and being more particularly described in Bearings and Distances in U.S. survey feet as follows:

Commencing at an Magnetic Nail in the intersection of Old Savannah Road (S.R. 1345) and the Abandoned SCL Railroad shown in Map Book 53, Page 39, said nail being located S87°58'47"E 832.18 feet from another Magnetic Nail in the centerline of Old Savannah Road, the **POINT OF BEGINNING**, and said beginning point having NC Grid Coordinates N: 297768.458' E: 2320385.429'; thence from said **POINT OF BEGINNING** S69°33'30"W 36.09 feet to a Set Iron Rebar in the Southwestern Right-of-Way of said Old Savannah Road; thence S69°33'30"W 1145.27 feet to an Iron Rebar; thence S42°31'23"W 339.72 feet to an Iron Rebar; thence S78°51'33"W 362.42 feet to an Iron Rebar; thence S56°46'29"W 748.36 feet to a Point; thence S72°29'33"W 140.17 feet to an Iron Rebar; thence N47°30'47"W 214.65 feet to an Iron Rebar; thence N08°30'15"W 2064.74 feet to an Iron Rebar; thence N61°48'24"E 511.26 feet to an Iron Pipe; thence N76°04'06"E 91.98 feet to an Iron Pipe; thence S89°43'02"E 843.18 feet to a Set Iron Rebar; thence S89°43'02"E 346.81 feet to a Set Iron Rebar; thence S89°40'02"E 36.75 feet to a Set Magnetic Nail in the center of Old Savannah Road; thence continuing along said road centerline S35°06'37"E 356.85 feet to a Set Magnetic Nail; thence S40°45'01"E 153.66 feet to a Set Magnetic Nail; thence S43°49'57"E 426.95 feet to a Set Magnetic Nail; thence S43°49'57"E 120.00 feet to a Railroad Spike; thence S43°50'17"E 100.04 feet to a Railroad Spike; thence S40°32'32"E 4.93 feet to a Set Magnetic Nail; thence S43°52'11"E 212.15 feet to a Magnetic Nail; thence S44°28'08"E 206.76 feet to a Set Magnetic Nail; thence S51°21'14"E 128.27 feet to a Magnetic Nail; which is the **POINT OF BEGINNING**, having an area of 4,360,146 Square Feet, 100.095 Acres, according to a map prepared by WithersRavenel, Dated April 24, 2024.



MOSELEYARCHITECTS.COM



PENDER COUNTY, NORTH CAROLINA
OLD SAVANNAH ROAD BURGAW, NC

PROJECT NO. 61188	
DATE: 12/16/23	
REVISED	
DATE	DESCRIPTION
5/14/23	60% CD SET
12/16/23	90% CD SET

Parcel to be Annexed:

3219-87-6937-0000
County of Pender
P.O. Box 5
Burgaw, Nc 28425

Adjacent Parcels:

3219-89-3230-0000
Jeremy Batts
1635 Old Savannah Rd. S
Burgaw, Nc 28425

3219-79-0000
Samuel Hope
350 Malpass Farm Ln.
Clinton, Nc 28328

3219-86-8127-0000
State Highway & Public Works
906 Penderlea Hwy
Burgaw, Nc 28425

3229-08-0328-0000
Crystal Turner
1386 Old Savannah Rd. S
Burgaw, Nc 28425

3229-08-0268-0000
Dustin Brown
1366 Old Savannah Rd. S
Burgaw, Nc 28425

Development Program for Annexation Request
Town of Burgaw, North Carolina

NAME OF ANNEXATION:

DATE:

1. Is this/will this be a gated community?

NO

2. Current Assessed Value of Area

Land Value:

Gifted from state

Residential Value:

\$0

Commercial Value:

\$0

Total Value:

Deeded Law Enforcement only

Residential Units

0

Commercial Buildings

0

Proposed Development

Residential Units by Year of Development

Year 1

0

Year 2

0

Year 3

0

Year 4

0

Year 5

0

Commercial Buildings by Year of Development

Year 1

0

Year 2

2

Year 3

0

Year 4

0

Year 5

3?



Town of Burgaw

109 N. Walker Street, Burgaw, NC 28425

Phone: (910) 259-2151, Fax: (910)259-6644, email: mail@burgawnc.gov

Olivia Dawson
Mayor

James Malloy
Mayor Pro Tem

Commissioners:
Jan Dawson
Bill George
Michael Pearsall
William Rivenbark

James H. Gantt
Town Manager

Kristin J. Wells
Town Clerk

Zachary S. Rivenbark
Town Attorney

April 11th, 2024

Julie Wilson
WithersRavenel
Wilmington, NC

RE: Will Serve Letter
Pender County LEC Site

Dear Ms. Wilson,

The Town of Burgaw will provide water and sewer services for the Pender County LEC site on SR1345 Old Savannah Road in Burgaw, North Carolina. Please use this letter as an appropriate *will serve letter* as needed.

Sincerely,



Alan Moore

Public Works Director
rmoore@burgawnc.gov



James Gantt
Town Manager
jgantt@burgawnc.gov

CERTIFICATE OF SUFFICIENCY

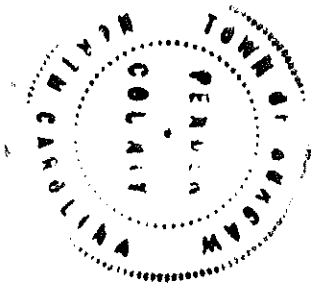
To: The Board of Commissioners of the Town of Burgaw, North Carolina

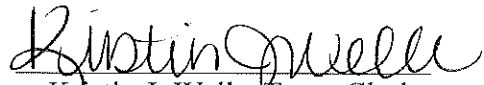
Re: Pender County Petition for Voluntary Annexation
(PIN 3219-87-6937-0000)
(Pender County Law Enforcement Center Project)

I, Kristin J. Wells, Town Clerk, do hereby certify that I have investigated the attached petition and have found as a fact that said petition contains an adequate property description of the area proposed for annexation and is signed by all owners of real property lying in the area described therein, in accordance with G. S. 160A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Burgaw, this 18th day of June, 2024.

(SEAL)




Kristin J. Wells, Town Clerk

ORDINANCE 2024-18
APPROVING THE AMENDMENT OF THE TOWN OF BURGAW ZONING MAP

WHEREAS, the Board of Commissioners has been petitioned under G.S. 160A-31 to voluntarily annex the area described below into the corporate limits of the Town of Burgaw.

WHEREAS, Pender County (Applicant) is petitioning for approximately 98.81 acres along Old Savannah Road S. to be voluntarily annexed into the corporate limits of the Town of Burgaw. This request includes the parcel with the Pender County Tax PIN number 3219-87-6937-0000:

WHEREAS, the Board of Commissioners has, by resolution, directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the Burgaw Town Center at 5:30 PM (or thereabout) on July 9, 2024, after due notice by publication on June 27, 2024 and July 3, 2024; and

WHEREAS, the Board of Commissioners finds that the petition meets the requirements of G.S. 160A-31; and

WHEREAS, the Board of Commissioners have adopted the Certificate of Sufficiency; and

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

SECTION 1. The Town of Burgaw municipal boundary is hereby amended, and the following parcels are voluntarily annexed:

SECTION 2. Upon and after July 9, 2024 the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Burgaw and shall be entitled to the same privileges and benefits as other parts of the Town of Burgaw. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

SECTION 3. The Mayor of the Town of Burgaw shall cause to be recorded in the office of the Register of Deeds of Pender County within 6 months of the passage of this ordinance, and in the office of Secretary of State at Raleigh, North Carolina an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Pender County Board of Elections, as required by G.S. 163-288.1.

Adopted this ninth day of July, 2024.

Attest: _____
Kristin J. Wells, Town Clerk

G. Olivia Dawson, Mayor

