



AGENDA | BOARD OF COMMISSIONERS REGULAR MEETING

April 8, 2025 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 March 11, 2025 Regular Meeting Minutes

B. Approval of the March 11, 2025 Closed Session Minutes

6. 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

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

H. **Finance Department**
Hans Kalwitz, Finance Officer

I. **Human Resources Department**
Kimberly Rivenbark, Human Resources Director/Deputy Town Clerk

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

7. **Public Forum**

8. **Public Hearings**

A. **Consideration of a preliminary plat for a major subdivision in an existing O&I Office and Institutional district for a 13-lot single-family residential development located on Worth Beverage Dr (SR-1481) PIN: 3228-58-6970-0000.**

I. Resolution 2025-11 Resolution for a major subdivision for property located on Worth Beverage Rd (SR 1481) (Parcel ID: 3228-58-6970-0000) to allow a proposal 13-lot single-family detached development in the existing O&I, Office and Institutional District.

II. Ordinance 2025-07 Approving a major subdivision for property located on Worth Beverage Rd (SR 1481) (Parcel ID: 3228-58-6970-0000) to allow a proposal 13-lot single-family detached development in the existing O&I, Office and Institutional District.

B. **Consideration of a conditional zoning request for a bar, cocktail lounge, and/or nightclub use in the B-1, Central Business District, located at 107 W. Courthouse Ave. (3229-32-0848-0000). The request would permit this use to occupy the existing structure.**

I. Resolution 2025-12 Adopting a statement of consistency regarding an amendment of the official zoning map of the Town of Burgaw requested by Eddie Yarborough to rezone property located at 107 W. Courthouse Ave. (Parcel ID: 3229-32-0848-0000) from B-1, Central Business District,

to B-1 Central Business District, Conditional Zoning (CZ) for a Bar, Cocktail Lounges, and/or Nighclubs use.

- II. Ordinance 2025-08 Amending the official zoning map of the Town of Burgaw requested by Eddie Yarborough to rezone property located at 107 W. Courthouse Ave. (Parcel ID: 3229-32-0848-0000) from B-1, Central Business District, to B-1 Central Business District, Conditional Zoning (CZ) for a Bar, Cocktail Lounges, and/or Nighclubs use.

9. Items from Assistant Manager

- A. Updates on current projects

10. Items from Manager

- A. Draft Request for Proposals for Legal Services
- B. Updates on current projects

11. Items from Attorney

12. Items from Mayor and Board of Commissioners

- A. Consideration of appointing one (1) member to the Beautification Committee

13. Closed Session

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

14. Adjournment

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

DATE: March 11, 2025
TIME: 4:30 PM
PLACE: Burgaw Town Center
108 E Wilmington St
BOARD MEMBERS PRESENT: Mayor Olivia Dawson
Mayor Pro-tem James Malloy
Commissioner Jan Dawson
Commissioner Bill George
Commissioner Michael Pearsall
Commissioner William Rivenbark
BOARD MEMBERS ABSENT:

1. Call to Order

The meeting was called to order by Mayor Dawson at 4:30 PM.

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 Malloy 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 Rivenbark and carried by unanimous vote.

A. Approval of the February 11, 2025 Regular Meeting Minutes

- B. Approval of the February 11, 2025 Closed Session Minutes
- C. Resolution 2025-09 Designating Authorized Signatories for Town Bank Accounts
- D. Ordinance 2025-06 Amending the FY 2024-2025 budget to reflect the transfer of funds for the West Side Trail project
- E. Approval of FY 2025 Town of Burgaw and TDA Audit Contracts and Engagement Letters

6. Special Requests/Presentations

- A. Retirement Proclamation for Ray Rivenbark

Mayor Dawson read aloud a Retirement Proclamation for Ray Rivenbark.

- B. Arbor Day Proclamation

Mayor Dawson read aloud the Arbor Day Proclamation. Jayna Augst with the Parks, Recreation & Tourism Department gave an overview of the Arbor Day events scheduled for March 21, 2025.

- C. North Carolina Blueberry Festival - Street Closure Request

As a member on the NC Blueberry Festival Association, Cody Suggs requested the following street closures for the Annual NC Blueberry Festival in June. He advised the streets are the same as the past, with a few adjustments to times. Commissioner Rivenbark made a motion to approve the street closures as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Streets same as years past, with some different times.

- Half of Dudley Street to Fremont Street will be closed from 3:00 p.m. on Friday, June 20th, until 10 a.m. on Saturday, June 21st, for the BBQ cook-off event.
- Parking spaces on Wright Street from Courthouse Ave to Fremont Street will be closed from 5:00 a.m. on Friday, June 20th.

- Wright Street from Wilmington Street to Fremont Street will be closed from noon on Friday, June 20th, until 11 p.m. on Saturday, June 21st.
- Courthouse Ave and the adjacent alley will be closed from noon on Friday, June 20th, until 11 p.m. on Saturday, June 21st.
- Fremont Street from Walker Street to Wright Street will be closed from 6:00 a.m. on Friday, June 20th, until noon on Sunday, June 22nd.
- Walker Street from Wilmington Street to Fremont Street will be closed from 5:30 p.m. on Friday, June 20th, until 11 p.m. on Saturday, June 21st.
- Walker Street from Fremont Street to Satchwell Street will be closed from 10:30 p.m. on Friday, June 20th, until 11 p.m. on Saturday, June 21st.
- Fremont Street from Walker Street to Cowan Street will be closed from 10:30 p.m. on Friday, June 20th, until 11 p.m. on Saturday, June 21st.
- Fremont Street from Wright Street to Dudley Street will be closed from 10:30 p.m. on Friday, June 20th, until 11 p.m. on Saturday, June 21st.
- Wright Street from Fremont Street to Satchwell Street will be closed from 10:30 p.m. on Friday, June 20th, until 11 p.m. on Saturday, June 21st.
- Dickerson Street from Wilmington Street to Fremont Street will be closed from 10:30 p.m. on Friday, June 20th, until 11 p.m. on Saturday, June 21st.
- Dickerson Street from Fremont Street to Satchwell Street will be closed from 10:30 p.m. on Friday, June 20th, until 11 p.m. on Saturday, June 21st.
- Satchwell Street, between Dickerson Street and Dudley Street, will be closed from 6 a.m. on Saturday, June 20th, until 6 p.m. on Saturday, June 21st.

D. Pender County Spring Festival - Street Closure Request

Ross Harrell was present on behalf of the Pender County Spring Festival and requested street closures for the annual Spring Festival events to be held on Friday, May 2, 2025 and Saturday, May 3, 2025 on the Courthouse Square. He requested closures of Wright Street between Courthouse Avenue and Fremont Street starting at 5:30 PM on Friday, May 2, 2025 for the street dance event. He requested closure of Wright Street from Wilmington Street to Fremont Street, as well as Fremont Street from Wright Street to Walker Street on Saturday, May 3, 2025 beginning early in the morning until 4:00 PM. Mr. Suggs advised the Special Events Application lists closure of Courthouse Avenue as well. Mr. Harrell clarified that was a mistake and said they were not requesting closure of Courthouse Avenue this year. Commissioner Malloy made a motion to approve the requested street closures. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote. Mr. Harrell mentioned the festival has utilized the town's picnic tables, trash and recycling carts and electricity in the past. The board had no issues with providing these items.

7. Departmental Items

A. Information Technology Department

Dustin McCullen, IT Manager

Dustin McCullen, IT Manager, advised there have been approximately 35 help desk tickets that were resolved for the month of February. He also said the website project is complete.

B. Public Works Department

Alan Moore, Public Works Director

Alan Moore, Public Works Director, advised he had no additional updates from what is listed in the monthly report.

C. Fire Department

Johnathan Prevatte, Fire Chief

Johnathan Prevatte, Fire Chief, advised there were 66 calls for service during the last month and said the department worked on various training opportunities. He said one volunteer firefighter has joined the department, as well as one junior firefighter. Chief Prevatte also said the department is implementing a ride-along program for anyone over the age of 16. He gave a brief overview of the program.

D. Facilities & Grounds Department

Damon Stanley, Facilities & Grounds Director

Damon Stanley was not in attendance to provide an update.

E. Parks, Recreation & Tourism Department

Cody Suggs, Parks & Recreation Director

Cody Suggs, Parks & Recreation Director, said he attended the Pender County Board of Commissioners meeting to inform them of the Parks Foundation splash pad project. He said the county commissioners were receptive to the idea of a splash pad. Mr. Suggs advised pressure washing would be done at the depot prior to the upcoming Mayor's Gala to be held on March 29, 2025. He also said GAF donated \$10k towards the splash pad project and a press release was sent out.

Mr. Suggs advised he is working with Peter Jernigan with Trail Life on getting the exercise equipment installed on the east side of the trail. The Parks Foundation will be purchasing mulch and boarder.

Mr. Suggs said he received a Special Events Application from the Pender County Arts Council to hold concerts in Dees Park. He said they have requested to close Courthouse Avenue between Wright Street and the alley on the evenings of the concerts, which are scheduled to occur on April 11, May 9, June 13, July 11 and August 8. These dates are the same dates the Arts Council hosts the cruise-in events

downtown. Commissioner Malloy made a motion to approve the requested street closure between 2 PM and 8 PM on the dates listed above. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

I. West Side Trail Project Update

Mr. Suggs gave a handout to the board explaining the breakdown of line items for the cost to complete the West Side Trail project. The amount needed from the town to complete the project is \$692,844.20. After discussion by Mr. Suggs and the board, Mr. Gantt said we need to look at other ways to fund the project instead of pulling it from fund balance. Commissioner Malloy and Commissioner Pearsall voiced their desire to get this project moving and get it done. Mr. Kalwitz spoke about the financial side of funding the project and agreed with Mr. Gantt that the funds did not need to come out of fund balance. After much discussion, Mr. Gantt said staff will work diligently to get bids from banks for financing the project. Commissioner Rivenbark made a motion to move forward with approving a fund balance appropriation in the amount of \$692,844 and allowing staff to seek a financial loan to cover the cost of the project, with the understanding if loan funding does not work out, the funds still remain pulled from the fund balance to cover the cost of the project. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

F. **Planning Department**

Ron Meredith, Planning Director

Ron Meredith, Planning Director, advised the Planning Board meeting for February was canceled due to weather. He said updates to the Unified Development Ordinance are ongoing. He also said he has received a few calls about development, as well as around 15 zoning violations he and staff are working on. Mr. Meredith said there will be a public meeting on March 12, 2025 at the Burgaw Town Center for the rain garden project.

Commissioner Pearsall commented it was good to see Mr. Meredith driving through the west side of town recently.

Mayor Dawson asked Mr. Meredith if a sign sweep was planned soon. Mr. Meredith said staff is planning to do this very soon.

I. Resolution 2025-10 Supporting the Town of Burgaw's Multimodal Planning Grant Program Application

Mr. Meredith gave an overview of the resolution presented and advised he received assistance from the Cape Fear Council of Governments. There being no questions or concerns voiced by the board, Commissioner Dawson made a motion to approve Resolution 2025-10 as presented. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

G. Building Inspections Department

Louis Hesse, Building Code Administrator

Louis Hesse, Building Code Administrator, said he and staff are staying busy and current projects are moving along smoothly. He advised Building Inspector Ivey English is finishing up Inspector Level 3 classes.

Commissioner Malloy asked about the status of the house on Wright Street. He said the roof is starting to cave in. Mr. Hesse said the owners had a plan but it didn't work out. He also added that staff hasn't had much time to work on minimal housing issues lately, but hopes to work on these issues soon. Mayor Dawson commented on a program in years past that helps replace homes.

H. Finance Department

Hans Kalwitz, Finance Officer

Hans Kalwitz, Finance Officer, advised the finance office is preparing for the audit and everything is underway. He also said he is working on quarterly budget departmental reviews.

Commissioner Rivenbark said he has confidence the audit will be completed on time, but said the board needs to be made aware of things whenever documents are not submitted on time.

I. Human Resources Department

Kimberly Rivenbark, Human Resources Director/Deputy Town Clerk

Kim Rivenbark, Human Resources Director, shared photos of a recent employee luncheon where staff competed in a chili cookoff. She also added two positions were currently being advertised, one Facilities & Grounds Maintenance Worker and one Water and Sewer Maintenance Worker.

J. Police Department

Jim Hock, Police Chief

Jim Hock, Police Chief, advised Detective Sergeant Lee Williams has received his instructor certification, as well as firearm instructor certification. He also said new firearms and holsters have been delivered. Chief Hock advised Demetria Williams has completed radar class. Chief Hock advised Watchguard has been on site completing camera system upgrades that was approved in the current budget year. Chief Hock also said he attended the recent Parks, Recreation & Tourism Senior Lunch and Learn event and spoke about scams. He said he recently attended a quarterly E-911 meeting as well.

8. Public Forum

Prior to Public Forum, Mayor Dawson called for a break between 5:31 PM and 5:37 PM.

John Johnson, 200 S. Dickerson Street, said someone with the town's landscaping crew worked on the holly trees near his property and discovered small brick-like pieces under the trees and were scattered in the green space next to his property. He voiced concerns about mowing and the pieces possibly hitting cars or harming people. Mr. Johnson brought the brick-like pieces to show the board. After comments, Mayor Dawson advised staff will make sure the area is cleaned. Mr. Johnson also spoke about a second item of concern with the damaged sidewalk next to his property along Dickerson Street. He passed around an image of the sidewalk for the board to look at. Mr. Gantt advised this section of the sidewalk is in the permitting stage with NC DEQ for a water line replacement and once that is completed, the sidewalk will be replaced. There were comments about doing something in the interim so that the broken areas of the sidewalk are more visible. Attorney Rivenbark suggested painting the area with orange paint to bring attention to it. Mayor Dawson said the town would keep Mr. Johnson informed of the timeline for the project and replacement of the sidewalk.

Daniel Wedlock, 712 W. Bridgers Street, said he appreciates all that is done in the Town of Burgaw and voiced concern with sidewalks in the western part of town. He said people are seeing sidewalk improvements on the east side of town, but not the west side. He said at least start working on a sidewalk on Wilmington Street in the area of Piggly Wiggly towards Lanier Hardware. Mr. Wedlock said he was concerned when we heard about the replacement sections of the trail sidewalk on the east side for the upcoming budget, but the town hasn't started on the west side trail yet. He also said water is still standing in the ditch in front of his property (spoke about this at a previous meeting) and requested mosquito spraying in his area. Public Works will make sure the area is sprayed for mosquitoes and staff will evaluate the ditch drainage.

9. Items from Assistant Manager

A. Update on current projects

Chief Hock advised he received good feedback from the recent K9 and drone training held in town. He said everything went smoothly. He also said the new Public Works dump truck and detective truck are being striped and completed with wiring. He added the old Public Works dump truck and a Facilities & Grounds truck will be surplussed soon.

Commissioner Rivenbark asked about the status of the 25 MPH speed limit signs for neighborhoods. Mr. Gantt advised he was still waiting to hear back from the contractor; he will reach back out.

10. Items from Manager

A. Update on current projects

Mr. Gantt gave an update on the downtown project involving Duke Energy. He said some of the project requires work on the Courthouse grounds, so easements needed to be obtained and were approved by the county. He said Duke Energy is still waiting on contractors, but assured staff it will be completed before summer festivities in the downtown area. Mr. Gantt said he is working with Duke Energy to coordinate with NC DOT and the future project at the intersection of Wilmington Street and Wright Street.

Mr. Gantt advised he met with Duke Energy about the requested street lights along US Highway 117 near Ridgewood Avenue (discussed at a prior meeting). Duke Energy is doing an assessment of the street light needs in the area and will get back with Mr. Gantt on a plan.

Mr. Gantt said he is expecting to have a proposal soon for the Water & Sewer Master Plan. He also said the Wastewater Master Plan is progressing smoothly.

11. Items from Attorney

Attorney Rivenbark stated he only had items for closed session.

12. Items from Mayor and Board of Commissioners

Commissioner Pearsall advised he had items to discuss in closed session.

Commissioner George commented on a fast driving truck along Wilmington Street. He said there needs to be a traffic light at the intersection of Wilmington street and US Highway 117.

Mayor Dawson commented on sidewalks and requested staff to make sure repairs are on the list to be done. The sidewalk next to Burgaw Methodist Church along Walker Street still needs to be done.

A. Consideration of one (1) Tourism Development Authority appointment

Wendi Clawson applied to be considered as a member on the Tourism Development Authority. There being no concerns voiced by the board, Commissioner Rivenbark made a motion to appoint Ms. Clawson to the Tourism Development Authority. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

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

Commissioner Malloy made a motion to go into closed session at 6:12 PM 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 Rivenbark and carried by unanimous vote.

Commissioner Malloy made a motion to go into open session at 7:54 PM. The motion was seconded by Commissioner George and carried by unanimous vote.

14. Adjournment

Upon returning to open session, there were two motions following discussion held in closed session.

With the resignation of Attorney Rivenbark effective immediately, Commissioner Dawson made a motion to allow the Town Manager to contact the North Carolina League of Municipalities to appoint an attorney in an interim role until a permanent replacement. The motion was seconded by Commissioner Malloy and carried by unanimous vote. Mr. Gantt said he will work on drafting an RFP for seeking a permanent Town Attorney.

Commissioner Pearsall made a motion to eliminate the Assistant Public Works Director position and hire a Public Services Director to be head of both Public Works Department and Facilities & Grounds Department. The motion was seconded by Commissioner Malloy and carried by unanimous vote. Commissioner Pearsall requested this position be advertised and filled as soon as possible.

Commissioner Dawson made a motion to adjourn the meeting at 7:57 PM. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

2400178



Town of Burgaw – Planning Department

MAJOR SUBDIVISION APPLICATION

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

DATE: 12/12/2024FEE: 200.00 (Review)
130.00 (10x13 lots)
126.00 (mashings)**APPLICANT INFORMATION**NAME: Grand Visions Investments, LLCPHONE: 910.262.6744ADDRESS: 17117 Hwy 17 N Hampstead NC 28443EMAIL: Andrew@Hampsteadnchomes.com**OWNER INFORMATION (if different from applicant)**NAME: Same as above PHONE: _____

ADDRESS: _____

EMAIL: _____

LAND SUBDIVISION REQUEST INFORMATIONLOCATION: Worth Beverage Drive PARCEL ID NUMBER: 3228-58-6970-0000CURRENT ZONING: O&I IN CITY LIMITS: Y X N _____ IN ETJ: Y _____ N _____ ACREAGE: 3.81NUMBER OF LOTS PROPOSED: 13 VOLUNTARY ANNEXATION REQUESTED: Y _____ N _____ N/A _____

I/we Grand Visions Investments, LLC have reviewed the Unified Development Ordinance (UDO) of the Town of Burgaw and certify that all regulations, requirements, and standards of design have been satisfied as they pertain to this proposed subdivision. I/we also agree to submit two (2) 24x36 copies of a preliminary plat and a digital copy along with this application.

DocuSigned by:

Andrew Smith

4E38C96F8F4A46D...

12/27/2024

DocuSigned by:

Grand Visions Investments, LLC

4E38C96F8F4A46D...

Applicant Signature: _____

Date: 12/12/2024

Owner Signature (if not applicant): _____

Date: _____

FOR OFFICE USE ONLYVerified and accepted by: [Signature] Date: 3-7-25

Permit #: 2400178**Permit Date:** 12/31/24**Permit Type:****Applicant Name:** Grand Visions Investments, LLC**Applicant Address:** 17117 Hwy 17 N**Applicant City, State, Zip:** Hampstead, NC 28443**Applicant Phone:** 910.262.6744**Applicant Email:** andrew@hampsteadnchomes.com**Permit Type:****Description:** Major Subdivision Application**Square Feet:** 0**Front Setback:****Right Setback:****Left Setback:****Rear Setback:****Expiration Date:** 07/01/2025**Number of Lots:** 13**Abutting Properties:** 2**Status:** Pending Payment**Assigned To:** Ron Meredith**Property**

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
32285869700000	WORTH BEVERAGE DR	3.7 AC PB 34/83 S/S 1413 LTS 8 & 9	Grand Visions Investments, LLC	910-259-3311	O&I

Fees

Fee	Description	Notes	Amount
Notice of Hearing	\$7/ property owner required legal notice of public hearing		\$126.00
Subdivision Review	Major Subdivision Preliminary Plat		\$330.00
Total			\$456.00

INVOICE

Town of Burgaw
Planning Department
109 North Walker St., Burgaw, NC 28425
910-663-3452



Bill To:	
Grand Visions Investments, LLC 17117 Hwy 17 N Hampstead, NC 28443	Invoice Number: 2400178 Invoice Date: 12/31/2024

Property Information / Project Description
Parcel #: 32285869700000 Address: WORTH BEVERAGE DR Description: Major Subdivision Application

Item	Amount
Notice of Hearing	\$126.00
Subdivision Review	\$330.00
Total	\$456.00

Date	Paid By	Payment Type	Amount
		Total Paid	\$0.00
		Amount Due	\$456.00

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
32285869700000	WORTH BEVERAGE DR	3.7 AC PB 34/83 S/S 1413 LTS 8 & 9	Grand Visions Investments, LLC	910-259-3311	O&I

Fees

Fee	Description	Notes	Amount
Notice of Hearing	\$7/ property owner required legal notice of public hearing		\$126.00
Subdivision Review	Major Subdivision Preliminary Plat		\$330.00
	Total		\$456.00

Attached Letters

Date	Letter	Description
12/31/2024	Applicant Invoice	

Ron Meredith

From: Ron Meredith
Sent: Friday, March 7, 2025 5:26 PM
To: andrew@hampsteadnchomes.com
Cc: Donna Sayre
Subject: Application Completeness DeterminationPIN 3228-58-6970-0000.

Good evening,

You are receiving this notification to confirm the completeness of your application for a major subdivision on approximately 3.4 acres of land, zoned as O&I (Office and Institutional District), and identified by Pender County Tax Parcel PIN 3228-58-6970-0000.

Your application has been determined as complete and placed on the agenda for the April 8, 2025, Board of Commissioners at the Burgaw Town Center, located at 108 East Wilmington Street, Burgaw, NC.

If you have any questions regarding the request, please call (910) 663-3450.

Ron Meredith, CZO

Planning Director

Town of Burgaw
109 N. Walker St.
Burgaw, NC 28425
910.663.3451
[www.burgawnc.gov](www.burgawnc.gov)





CASE SUMMARY

Board of Commissioners

Major Subdivision

April 8, 2025

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

<i>Staff recommendation</i>	Not applicable (Quasi-Judicial)
<i>Board of Commissioners</i>	4/08/2025; Pending

Request

<i>Address/Location</i>	Worth Beverage Drive PIN: 3228-58-6970-0000	
<i>Acreage</i>	Approximately 3.36 acres	
<i>Request</i>	Major subdivision containing 13 lots	
<i>Owner/Applicant</i>	Grand Visions Investments LLC, Andrew Smith 17117 Hwy 17N Hampstead, NC 28443	andrew@hampsteadnchomes.com (910) 262-6744

Property Characteristics

Zoning	Existing O&I, Institutional Zoning District
Current Land Use	Undeveloped

Surrounding Area	North	South	East	West
Zoning	O&I, Institutional District	I-1 Industrial District	O&I, Institutional District	I-1 Industrial District and R-7 District
Current Land Use	Existing Multi - Family dwelling	Undeveloped	Existing Single-family residential, Undeveloped	Existing Single-family residential Undeveloped



Case Overview

1. The site is currently undeveloped.
2. The project area includes approximately 3.36 acres and is zoned O&I, Institutional Zoning District.
3. The main purpose of the O&I, Office and Institutional District is to accommodate office space for professional services and specific institutional uses, as outlined in Section 8.4 of this Ordinance. However, both single-family and multi-family housing may also be permitted. In cases where a subdivision is being developed, it is recommended that either park land or open space be made available for homeowners, or a contribution be provided to the park fee in lieu fund.
4. The preliminary plat in the O&I, Office and Institutional District, along with feedback from the Town's Planning Department and other review agencies, will be reviewed by the Board of Commissioners during a regularly scheduled public meeting.
5. The maximum allowable number of units per acre in the O&I, Office and Institutional District per UDO is limited to the 7,000-square-foot minimum zoning district requirement. At 3.36 acres, the maximum allowable would be about 20 units, not including the calculations for storm water and open space. This proposal is for 13 units.

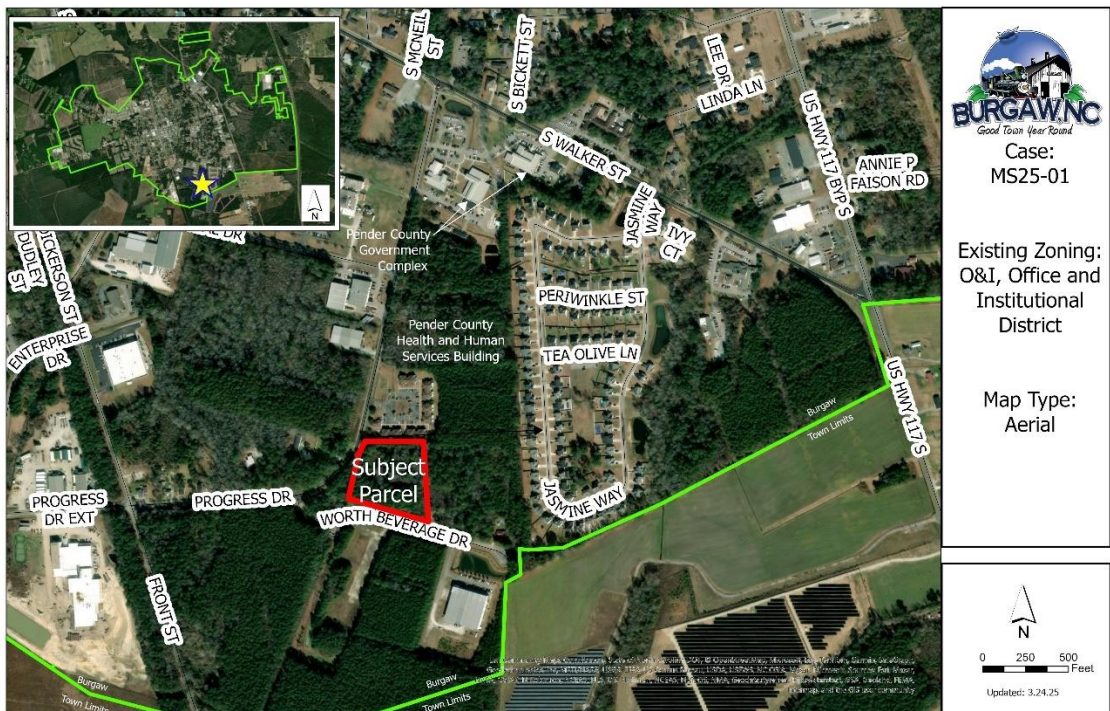
Zoning District requirements

DISTRICT	MINIMUM LOT SIZE			MINIMUM YARD REGULATIONS ⁴⁻⁹			
O&I Office and Institutional							
Office Use	12,000	12,000	70	25	15	10	35
Residential Use	Same as R-7						
R-7 Residential							
					12 (add 5 ft. for every story over 2)		
Single-Family	7,000	7,000	60	25		10	35
Two-Family	8,000	4,000	60	25	15	10	35
Multi-Family	8,000 for the first two dwelling units and 2,000 for each additional dwelling unit to a maximum of 12 per acre		75	30	20	20	35

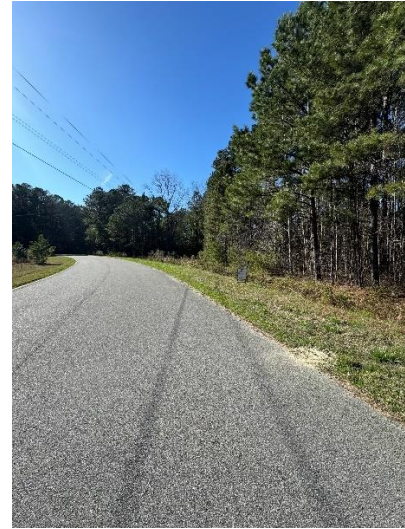
Zoning Map



Aerial Map



Project Frontage



1.0 Staff Review

- Staff has conducted a review of the proposed preliminary plat for consistency with the Burgaw Unified Development Ordinance (UDO).
- A preliminary plat review has been conducted by the Technical Review Committee (TRC).
 - i. Comments were provided to the applicant from state regulatory agencies and town departments regarding the 13-lot subdivision.
 - ii. The applicant adjusted the subdivision to bring into compliance with regulations.
- 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 Department.
- Public Works provided comments on the limited wastewater capacity in this specific area to the applicant during TRC. Because of this limitation in capacity the applicant may choose to phase the subdivision.

2.0 Public Services, Facilities, and Infrastructure

2.1 Traffic and Transportation

- The applicant has proposed the roadways as public, and the Board of Commissioners are required to approve any roadway offer for public dedication and into the town's maintenance system.
- The proposed roadway was designed to include a cul de sac which was reviewed by the fire marshal during the TRC process.
- Lots 3-13 have direct access to the proposed roadway; however, lots 1 and 2 which were previously recorded under the minor subdivision review process and will have direct access to Worth Beverage Dr.



- 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.
 - i. Sewer; however, has limited capacity per the Public Works TRC comments. The applicant has been made aware of this limitation and understands that phasing may be necessary depending on the number of bedrooms the applicant is proposing. Phasing of the subdivision may be necessary to build three bedrooms units.

2.3 Public Safety

- The nearest fire hydrant proposed is to be located on the newly designed Stafford Court (public).

2.4 Stormwater

- The development of the site would be reviewed for compliance per the state's stormwater management regulations. State stormwater comments are included in your packets within the TRC comment sheet.

2.5 Landscaping, Buffering, Tree Protection, and Open Space

- The applicant included a note on the preliminary plat that no tree meeting the UDO definition of regulated or specimen are located on the subject parcel, thus requiring no mitigation.
- Payment in lieu options are required per the UDO:

- i. Total number of lot/units x 0.025 acres x Density Multiplier = Area Required

$$13 * 0.025 * 1.0 = 0.325$$

Average Acreage per Lot/Unit	Density Multiplier
0.00-0.15	1.4
0.16-0.24	1.2
0.25-0.49	1.0
0.50-0.99	0.9
1.01+	0.8

- ii. Tax Value x Area Required / Total Area of the Development = Payment Required



iii. Tax department stated that 1 acre of undeveloped area was valued at \$30, 000

iv. $9,750 \times 0.325 / 3.36 = 943.75$.

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 4/08/2025.
6. No structure may exceed two stories in height and may not exceed the maximum allowable height of 35 feet.
7. No more than 13 residential units may be constructed.



NEIGHBORHOOD CONTACT

	Board of Commissioners
<i>Signs Posted</i>	3/21/2025
<i>Property Owner Letters</i>	3/21/2025
<i>Advertisement Date(s)</i>	3/27/2025 and 4/3/2025
<i>Other – Contact(s)</i>	Adjacent Owners Notified 3/21/2025

ACTIONS TO DATE

<i>Board of Commissioners</i>	4/08/2025; Scheduled
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ATTACHMENTS

1. Application
2. Preliminary Plat
3. Maps
 - a Site plan
 - b Aerial
 - c Zoning
 - d Future Land Use Map
4. TRC comments
5. Addressing
6. Resolution

Preliminary Plat
Stanford 2

TOWN OF BURGAW, PENDER COUNTY, NORTH CAROLINA

OWNER: GRAND VISIONS INVESTMENTS, LLC
17117 HWY 17 N.
HAMPSTEAD, NC 28443
PHONE: 910 262-6744

DATE: NOVEMBER 4, 2024
REVISED JAN. 18, 2025 (TRC COMMENTS)

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	447.56	59.29	59.25	N 25°12'52" E	7°35'26"
C2	447.56	30.46	30.46	N 19°28'10" E	3°53'49"
C3	30.00	25.23	24.49	N 07°53'32" W	48°11'23"
C4	60.00	28.11	27.85	N 18°33'58" W	26°50'30"
C5	60.00	52.30	50.68	N 19°49'51" E	49°58'28"
C6	60.00	46.28	40.00	N 64°16'01" E	38°58'33"
C7	60.00	46.91	45.72	S 73°51'50" E	44°47'46"
C8	60.00	40.78	40.00	S 31°59'40" E	38°56'33"
C9	60.00	40.78	40.00	S 06°56'52" W	38°56'33"
C10	60.00	39.77	39.04	S 45°24'21" W	37°58'24"
C11	30.00	25.23	24.49	S 40°17'51" W	48°11'23"

LINE	BEARING	DISTANCE
L1	N 16°12'10" E	38.38
L2	N 73°47'50" W	30.00
L3	N 73°47'50" W	30.00
L4	S 16°12'10" W	10.06
L5	S 16°12'10" W	21.26

LOT ADDRESSES

LOT 3
LOT 4
LOT 5
LOT 6
LOT 7
LOT 8
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13

NOTES

1. AREA COMPUTED BY COORDINATE METHOD
2. ALL DISTANCES ARE HORIZONTAL
3. FOR REFERENCE SEE AS NOTED
4. SURVEYED SEPT. 2024
5. IRONS AT ALL CORNERS UNLESS OTHERWISE NOTED
6. TOTAL AREA 3.81 ACRES TOTAL AREA
7. CONTOURS FROM NCDOT UDAR

LEGEND

E.I.P. = EXISTING IRON PIPE
E.I. = EXISTING IRON
E.C.M. = EXISTING CONCRETE MONUMENT
R\W = RIGHT OF WAY
P\W = POWER POLE
CO = CLEAN OUT
WS = WATER SERVICE
PROPERTY LINE

CENTERLINE & BUFFER LINE

EASEMENT

COMPUTED PROPERTY LINE

DRAINAGE FLOW DIRECTION

BUILDING SETBACK

SITE DATA/GENERAL NOTES

PARCEL No. 3228-58-6970-0000
SITE ADDRESS: WORTH BEVERAGE DRIVE
BURGAW, NC 28425
REFERENCE: BOOK 4822 PAGE 954, MAP BOOK 34 PAGE 83
ZONING: O&I
RESIDENTIAL USE DIMENTIONAL REQUIREMENTS (SAME AS R-7)
MINIMUM LOT SIZE - 8,000 SF
MINIMUM LOT WIDTH - 60'
FRONT SETBACK - 25'
SIDE SETBACK - 15'
REAR SETBACK - 10'
MAX. HEIGHT - 35'
STORMWATER TO BE PERMITTED UNDER A NCDEMR LOW DENSITY PERMIT.
IMPERVIOUS CALCULATIONS
TOTAL TRACT SIZE 3.81 ACRES/165,953 SF.
24% - 39,829 SF ALLOWED PROPOSED
STREET - 11,695 SF
LOTS - 28,134 SF
2,164 SF PER LOT

PARKS & RECREATION SPACE CALCULATIONS
OF UNITS X 0.025 ACRES X DENSITY MULTIPLIER - AREA REQUIRED
13 X 0.025 X 1 = 0.325 ACRES REQUIRED
\$57,500 X 0.325/3.03 = \$6,167.49 PAYMENT IN LIEU OF DEDICATION
DEVELOPMENT DATA:
LOT AREA: 3.81 ACRES/165,983 SF
PROPOSED LAND USE: RESIDENTIAL
MINIMUM LOT SIZE: 7,000 SF
AVERAGE LOT SIZE: 11,135 SF
BUILDING HEIGHT: 2 STORY (35')

UTILITY NOTES:
WATER: 5/8" METER WITH 1" WATERLINE TO EACH LOT
SEWER: 4" SEWER SERVICE @ 2.0% FOR EACH LOT
SEWER AND WATER CAPACITY:
PROPOSED WATER: 4,680 GPD (360 GPD FOR A 3 BEDROOM UNIT)
PROPOSED SEWER: 5,200 GPD (400 GPD FOR A 3 BEDROOM UNIT)
CURRENT CAPACITY AVAILABLE FOR PHASE 1, LOTS 1 & 2

ADDITIONAL NOTES BASED ON TRC REVIEW AND COMMENTS, DATED 1/8/2025.

- TOWN OF BURGAW PLANNING
1. ANY MONUMENT OR SIGN TO BE OUTSIDE OF THE SIGHT TRIANGLE (S.T.)
 2. A 15' BUFFER (UNDISTURBED) TO REMAIN AROUND THE OUTSIDE PERIMETER OF THE PROJECT.
 3. DRAINAGE EASEMENTS TO BE RESERVED OVER ALL STORMWATER TREATMENT SWALES.
 4. PROJECT OF BE SEARVED BY ONE CLUSTER MAILBOX AS SHOWN.
 5. ALL UNDERGROUND UTILITIES TO BE WITHIN THE 60' PUBLIC RIGHT OF WAY OR IN THE 10' UTILITY EASEMENT ADJACENT TO THE PUBLIC RIGHT OF WAY.
 6. STREET SIGNS TO BE PROVIDED BY THE APPLICATE/DEVELOPER AND INSTALLED PRIOR TO RECORDING THE FINAL PLAT AND MUST MEET THE TOWNS OF BURGAW STANDARDS.
 7. A FEE IN LIEU OF FOR PARKS AND RECREATION SPACE WILL BE PROVIDED, SEE CALCULATIONS.
 8. THIS PLAN DOES NOT REQUIRE A TIA PER THE ORDINACE.
 9. SITE TO BE CLEARED LEAVING A 15' UNDISTURBED PERIMETER BUFFER.
 10. DEED RESTRICTIONS WILL BE PROVIDED BY THE OWNER.
 11. NO CONSTRUCTION OR INSTALLATION OF IMPROVEMENTS SHALL COMMENCE IN THIS PROPOSED SUBDIVISION UNTIL THE PRELIMINARY PLAT HAS BEEN APPROVED AND ALL PLANS AND SPECIFICATIONS HAVE BEEN APPROVED BY THE APPROPRIATE AUTHORITIES UNDER UDO SECTION 10.26.
 12. ALL STREETTS SHALL BE CONSTRUCTED TO NCDOT MINIMUM STANDARDS AND THE TOWN OF BURGAW STANDARDS AND WILL BE TURNED OVER TO THE TOWN OF BURAW AND MADE PUBLIC.
ALL CUL-DE-SACS SHALL MEET THE REQUIREMENTS OF SECTION 10.21.L
ALL PUBLIC UTILITIES SHALL BE LOCATED WITHIN THE PROPOSED PUBLIC RIGHT OF WAY.
 13. PER THE OWNERS CONSULTANT THE SITE DOES NOT HAVE ANY JURISDICTIONAL WETLANDS.

PUBLIC WORKS

14. CURRENT CAPACITY
13-1 BEDROOM HOMES
7-2 BEDROOM HOMES
5-3 BEDROOM HOMES

NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY (NCDEQ)

15. THE PROJECT WILL REQUIRE A STORMWATER PERMIT AND EROSION CONTROL PERMIT FROM NCDEQ PERMITS REQUIRED PRIOR TO ANY CONSTRUCTION.

FIRE MARSHAL

16. LENTH OF THE PROPOSED STREET - 260'
17. ADDITIONAL HYDRANT ADDED.
18. FIRE FLOW DATA TO BE PROVIDED.
19. VEHICLES ARE NOT ALLOWED TO PARK ON THE STREET.

NCDOT

20. NCDOT DRIVEWAY PERMIT REQUIRED PRIOR TO CONSTRUCTION
21. NCDOT ENCROACHMENT PERMIT REQUIRED PRIOR TO ANY UTILITY CONNECTIONS WITH IN WORTH BEVERAGE DRIVE.

FOUR COUNTY EMC

22. FOUR COUNTY HAS EXISING LINES AND SERVED ADJACENT TO THE SITE.

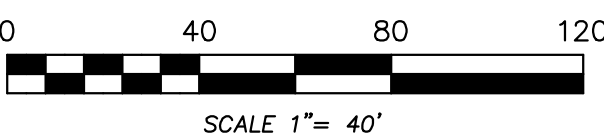
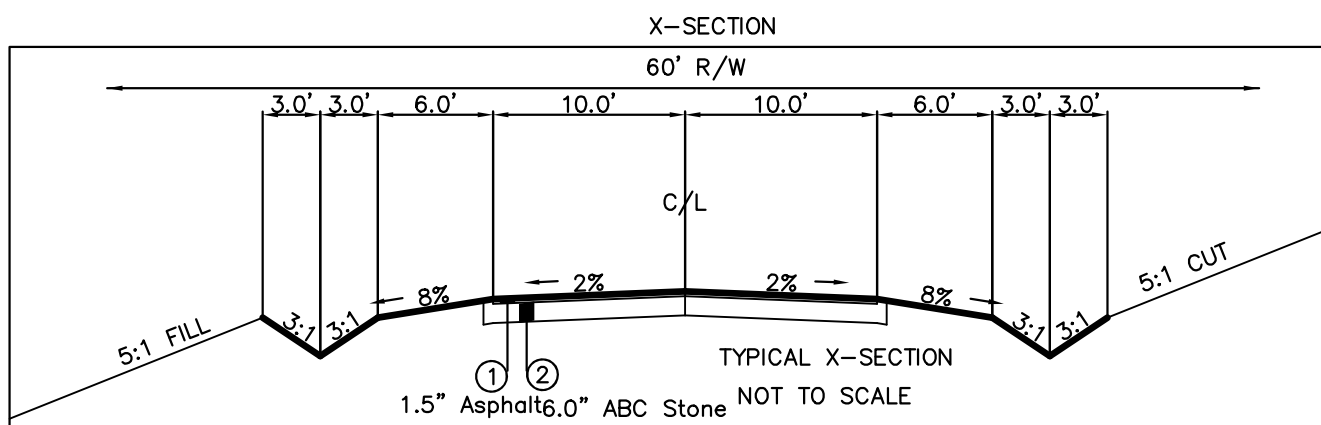
TREE NOTE PER THE OWNER
REGULATED TREES - NO LONG LEAF PINES ON SITE
SPECIMEN TREES - NO SPECIMEN TREES HAVE BEEN IDENTIFIED BY THE TOWN OF BURGAW.

TOWN OF BURGAW UDO SECTION 10.21.L

Pavement Widths. Pavement widths or graded widths shall be as follows:

	Streets with or without Curb and Gutter
Minor Thoroughfare	40 ft.
Local Road	20 ft.
Marginal Access (frontage)	20 ft.
Cul-de-sac turnaround	120' diameter (Hammerhead)
Cul-de-sac	96' diameter

RESIDENTIAL LOCAL ROAD



HANOVER DESIGN SERVICES, P.A.

LAND SURVEYORS ENGINEERS LAND PLANNERS

1123 FLORAL PARKWAY

WILMINGTON, N.C. 28403

PHONE: (910) 343-8002

FAX: (910) 343-9941

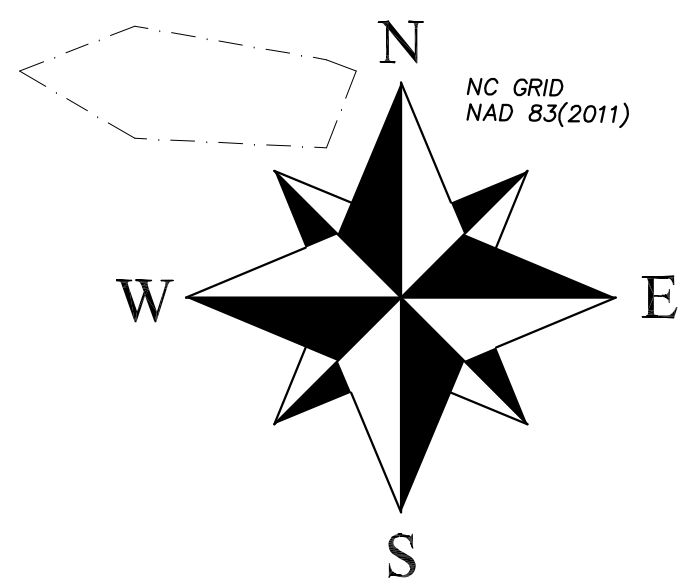
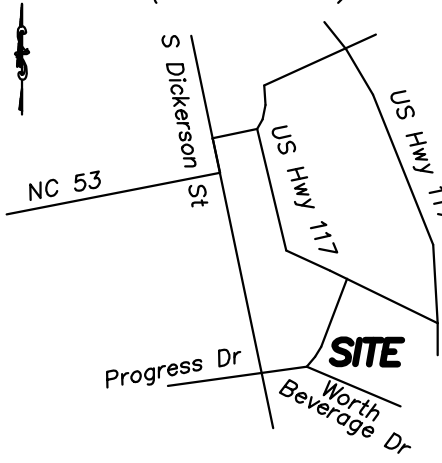
FIRM CERTIFICATE C-0597

16555



LOCATION MAP

(NOT TO SCALE)



CERTIFICATE OF ACCURACY AND MAPPING

I, JONATHAN L. WAYNE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED AS NOTED HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND AS NOTED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED IS 1: 20,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS DAY OF 2024, A.D.

Preliminary 2/27/25

THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE SUBDIVISION AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS DAY OF A.D.,

JONATHAN L. WAYNE PLS 3391

CERTIFICATE OF OWNERSHIP AND DEDICATION FOR MAJOR SUBDIVISION PRELIMINARY PLAT

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE TOWN OF BURGAW, AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, OPEN SPACE, AND OTHER SITES AND EASEMENTS TO THE PUBLIC OR PRIVATE USE AS NOTED. FURTHERMORE I HEREBY DEDICATE ALL SANITARY SEWER, STORM SEWER, AND WATER LINES TO THE TOWN OF BURGAW.

OWNER DATE

CERTIFICATE OF PRELIMINARY PLAT APPROVAL

PRELIMINARY PLAT APPROVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS FOR A PERIOD OF TWO (2) YEARS SUBJECT TO THE TOWN OF BURGAW UNIFIED DEVELOPMENT ORDINANCE REQUIREMENTS AND CONDITIONS OF APPROVAL.

MAYOR, TOWN OF BURGAW DATE

CERTIFICATE OF REGISTRY

STATE OF NORTH CAROLINA
FILE FOR REGISTRATION ON THE DAY OF 2024, AT (AM/PM)
AND DULY RECORDED IN MAP BOOK AT PAGE SLIDE NO.

REGISTER OF DEEDS DATE

BY

STATE OF NORTH CAROLINA
COUNTY OF

I, REVIEW OFFICER OF COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE REVIEW OFFICER

PARCEL IDENTIFIER CERTIFICATE
PARCEL IDENTIFIERS WILL BE ISSUED FOR ALL PARCELS UPON RECORDATION OF THIS PLAN

TAX OFFICE DATE



Town of Burgaw Planning Department

109 N Walker St
Burgaw, NC 28425

To: Andre Smith (andrew@hampsteadnchomes.com)

From: Ron Meredith, Burgaw Planning

Cc: File

Date: 1/8/2025

Pid: 3228-58-6970-0000

Address: Has not been assigned

Use: Residential Major Subdivision.

Current Zoning: O&I

Technical Review Committee (TRC) Review:

Use:

The following is a list of comments for review from planning regarding the project. Please provide your corrections as listed below. Additional review will be required once all the needed documents have been provided. Items of documents not provided on initial submission will be subject to further review. Please contact me with any further questions.

- 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 conditions stated below. In the event of a conflict, a more stringent requirement or higher standard shall apply.
- 2) There is a sewer capacity for 5 3 bedrooms homes currently. I suggest phasing to reflect of this. Notes will also need to be on based on the phase regarding the capacity.
- 3) The assigned Board of Commissioners meeting will be on March 11; however, if you wish to expedite the process, staff is willing to include you on the February the agenda. This means that all TRC comments need to be addressed by January 16th, giving you only one week to resolve wastewater issues and edits to the plan must be settled.
- 4) Per UDO Section 10.13.B.8, once all TRC comments have been addressed two hard copies are required for signatures that will go to the town board.
- 5) Statutory requirements for legal notices for the Quasi-Judicial hearings are from Saturday, February 1, 2025, to Friday, January 17, 2025 to comply with the no the less than 10 day and no greater than 25 days of notification limitation.
- 6) Comments are required to be addressed within two weeks of the assigned TRC meeting. Expedited comments must be addressed by January 16th.



Town of Burgaw Planning Department

109 N Walker St
Burgaw, NC 28425

- 7) Please keep in mind the sign requirements below. At this point in the process please show a general area outside of the site triangles.

Use	Type of Sign(s) Allowed	Number of Signs	Maximum Sign Area	Maximum Sign Height	Other
Subdivisions or Multi-Family Development	Identification: Gate** Monument**	2 (one per entrance)	Primary entrance: 32 ft total Secondary entrance: 16 ft total	Six feet. (cannot be higher than gate)	May contain the name of the development only Gates Signs: 2 separate sign faces allowed per entrance

- 8) There are no buffer requirements; however, as a SUGGESTION, I would REQUEST only that a 5-10 Buffer be installed to separate different land uses to minimize conflicts and negative impacts, like noise or pollution. These buffers can include vegetation existing vegetation.
- 9) All stormwater treatment swales need to be preserved as easements.
- 10) Please identify the location for a cluster box.
- 11) Please provide a tree survey or narrative UDO Section 9.27.3.
- 12) Please include that corner lot setbacks per 8.13 side yard setback consisting of one-half of the distance of the required front yard setback up to a maximum of 20 feet
- a) A construction document review is required after this project has had board approval. Construction document review and will need to go to the third party.
- 13) Please label clearly where the Location of 404 wetland areas as determined by the Wilmington District office of the US Army Corp of Engineers, UDO Section 10.14. if there are any located on the site.
- 14) The following are the O&I zoning district standards, while the plan does appear to meet these standards, it's important to reiterate the intent of the district.

O&I Office and Institutional District. The O&I Office and Institutional District is defined as certain land uses with structures that provide office space for professional services and for certain institutional functions and residential accommodations, usually medium or high-density in nature. This district is usually transitional in nature and as such may be situated between business and residential districts, and the regulations are designed to permit development of the permitted functions and still protect and be compatible with nearby residential districts. Although the primary role of this district is to provide office space for professional services and/or certain institutional uses as designated in Section 8.4 of this Ordinance, both multi-family and single family may be allowed. When developing a subdivision, park land or open space should be provided to homeowners or a contribution made to park fee in lieu of fund. Please zoom out on the vicinity map to show two major intersections.



Town of Burgaw Planning Department

109 N Walker St
Burgaw, NC 28425

- 15) Please include cul de sac typical per Burgaw Unified Development Ordinance (UDO) Section 10.21.L. The cul de sac design currently meets the UDO requirements.

(L) Pavement Widths. Pavement widths or graded widths shall be as follows:

	Streets with or without Curb and Gutter
Minor Thoroughfare	40 ft.
Local Road	20 ft.
Marginal Access (frontage)	20 ft.
Cul-de-sac turnaround	120' diameter (Hammerhead)
Cul-de-sac	96' diameter

- 16) While your current road designation proposes public roads, please be aware that UDO Section 10.21.C requires Board of Commissioner approval for private roadways, which must ensure adequate access, ingress, and egress.
- It is important to note that private roadway disclosures will be required on the final plates. It is important to add that all roads are to be constructed to the NCDOT minimum construction standards for subdivision roads.
 - Please note that one of the conditions of approval for the CZ is for the roads to be dedicated as public roads, this means if they are state roadways, they will have to go through the NCDOT plan approval process and if they are to be dedicated to the town at later they will need to go through our process.
- 17) Please submit alternative road names in case the Pender County addressing coordinator does not approve your proposed road name. UDO Section 10.21.G.
- 18) Please include site triangles for intersections compliant with UDO Section 10.21.O.4.
- 19) Please label all easements for proposed underground utilities, UDO Section 10.2.
- 20) It is important to note that street signs are provided by the applicant and installed at the final plate, the signs must be compliant with the town standards for signs.
- 21) An illumination plan is required to illustrate UDO Section 10.25.
- 22) What are the intentions for open space? Currently, no open space has been proposed, although it is mentioned within the site data table. Please include the open space acreages in the site data table as per UDO Section 10.25.J, including specific breakdowns for each section.
- 23) The site does not have enough trip generated to validate a TIA.
- 24) Please show any wooded areas, marshes, swamps, rocky outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.
- 25) Please be aware that an HOA is required per UDO Section 10.13, a copy of any proposed deed restriction, or similar covenants. Such restrictions are mandatory when private recreation areas or open spaces are established.
- 26) Please be aware that no construction or installation of improvements shall commence in the proposed subdivision until the preliminary plat has been approved and all plans and specifications have been approved by the appropriate authorities under UDO Section 10.26. Please add this to the plate.



Town of Burgaw Planning Department

109 N Walker St
Burgaw, NC 28425

27) Roadways:

(K) **Right-of-Way Widths.** Right-of-way widths shall not be less than the following:

	Minimum Right-of-Way (ft.)
Principal Arterial	
Freeways	350
Other	200
Major Collector	100
Major Thoroughfare other than Freeway and Expressway	90
Minor Thoroughfare	70
Local Street	60
Cul-de-sac turnaround	120' diameter (Hammerhead)
Cul-de-sac turnaround	96' diameter

(L) **Pavement Widths.** Pavement widths or graded widths shall be as follows:

	Streets with or without Curb and Gutter
Minor Thoroughfare	40 ft.
Local Road	20 ft.
Marginal Access (frontage)	20 ft.
Cul-de-sac turnaround	120' diameter (Hammerhead)
Cul-de-sac	96' diameter

- Streets shall be constructed to NCDOT minimum standards, and the Town of Burgaw standards and should be turned over to the town and made public.
- All cul-de-sacs shall meet the requirements of Section 10.21.L.
- All utilities shall be located within the proposed street rights-of-way.

Alan Moore Public Works Director 910-259-9035, rmoore@burgawnc.gov

My only comments is for the 13 lots at Progress & Worth Beverage, 1bedroom homes would be ok, if they decide to go with 2 bedroom , 7 houses is all that would be allowed on that lot and the 2 individual lots.

Christine Hall, PE Wilmington Regional Stormwater Program North Carolina Department of

A post-construction state stormwater permit or approval is/was required if one of the following triggers are met:

- The site already has a post-construction state stormwater permit. This post construction state stormwater permitting program started in 1988. Any changes from the approved plans or details (such as a change in ownership) requires a submittal to this program for approval ([New Permits & Permit Modifications | NC DEQ](#)). Also, if the permit has expired or changed ownership, it will need to be renewed or transferred ([Permit Transfers & Renewals | NC DEQ](#)).
- If the site has required or will require an erosion control plan per G.S. 113A-57 where either at least one acre of land is disturbed, or the project is considered part of a common plan of development.
- If the site has or will require a CAMA Major permit per G.S. 113A-118 and upland improvements are proposed.



Town of Burgaw Planning Department

109 N Walker St
Burgaw, NC 28425

4. Added effective October 1, 2008: projects that do not require either an Erosion and Sedimentation Control Plan or a CAMA Major Development Permit, but meet one of the following criteria:
 - (i) nonresidential projects that propose to cumulatively add 10,000 square feet or more of built-upon area; or
 - (ii) residential projects that are within ½ mile of and draining to SA waters, and propose to cumulatively add more than 10,000 square feet of built-upon area, and result in a percentage built-upon area greater than 12 percent.

The 10,000 sf of BUA trigger includes improvements such as parking, driveways, and sidewalks. The full definition of BUA can be found in G.S. 143-214.7D, as amended by Section 4.48(b) of Session Law 2024-49 (available here: [SL2024-49.pdf](#), starting on page 51). Please also note that infiltrating permeable pavement cannot be used to create an exemption from permitting. In other words, if the site triggered the need for a permit before considering any potential BUA credit associated with infiltrating permeable pavement, then those sites must submit an application and demonstrate compliance with the stormwater rules.

If a site triggers the need for a permit, then they will need to determine what type of permit they need. Most projects are either high density or low density per [15A NCAC 02H .1019\(6\)](#). Additional sections of the rules that are relevant include 15A NCAC 02H.1003, .1040, and .1042, available here: [Stormwater Rules and Regulations | NC DEQ](#). Some projects may qualify for a [general permit](#) (15A NCAC 02H.1041) or for a redevelopment exemption per 15A NCAC 02H .1002(41) which references [G.S. 143-214.7\(a\)\(a1\)\(2\)](#). To qualify for a redevelopment exemption, applicants must demonstrate that they are not increasing the impervious area (a quantitative assessment) and that they are providing equal or better stormwater control to that of the previous development (a qualitative and/or quantitative assessment). Supporting documentation must also be provided explaining that the site has not previously triggered the need for a post construction stormwater permit.

MaryBeth Kratovel Fire Marshal Comments (910) 945-7661 mkratovel@burgawnc.gov

1. length/width or entrance to back of division
2. additional hydrant
3. fire flow data from hydrant across the street
4. vehicles not allowed to park in street
5. 2W hydrant @ least 26 ft width
6. Waiting on here comments to be typed

Louis Hesse Building Inspector.

No written comments provided.



Town of Burgaw Planning Department

109 N Walker St
Burgaw, NC 28425

Kirsten L. Spirakis, PE NCDOT 910-467-0500 klspirakis@ncdot.gov

1. A NCDOT Driveway Permit is required. Submit a plan in accordance with pages 14 and 15, of the Policy on Street and Driveway Access to North Carolina Highways to include access locations within 500' of the proposed access on both sides of the State road. Contact the District Engineers office with regards to submittals, telephone 910-467-0500.
2. A NCDOT Encroachment Agreement is required for any utility connections or installation within NCDOT Right-of-Way.
3. Subdivision Plan Approval – If the developer anticipates adding or petitioning for addition of this subdivision to the state system, all roads/streets shall be designed and constructed in conformance with the current NCDOT Subdivision Roads Minimum Construction Standards. Contact the District Engineers office with regards to submittals, telephone 910-467-0500.
 - a. For Utility Requirements on Residential Local Subdivision Roads and Residential Collector Subdivision Roads, see p. 14 of the Subdivision Manual: “For residential local subdivision streets, underground utilities may cross under or run longitudinally under the pavement provided future utility stub-outs are installed prior to paving. For all other streets [Residential Collector Roads] and highways, underground utilities may cross under but not run longitudinally under the pavement except in unusual situations approved by the Division Engineer.”

William Nelson Director of Construction and Safety 910-540-3507 william_nelson@pender.k12.nc.us

No sir, I did not see anything of concern for Pender County Schools with this project. No sir, I did not see anything of concern for Pender County Schools with this project.

Jimmy Smith Cell Four County EMC(910) 617-1379 jimmysmith@fourcty.org

Attached is a map that shows our lines and services all around the property.



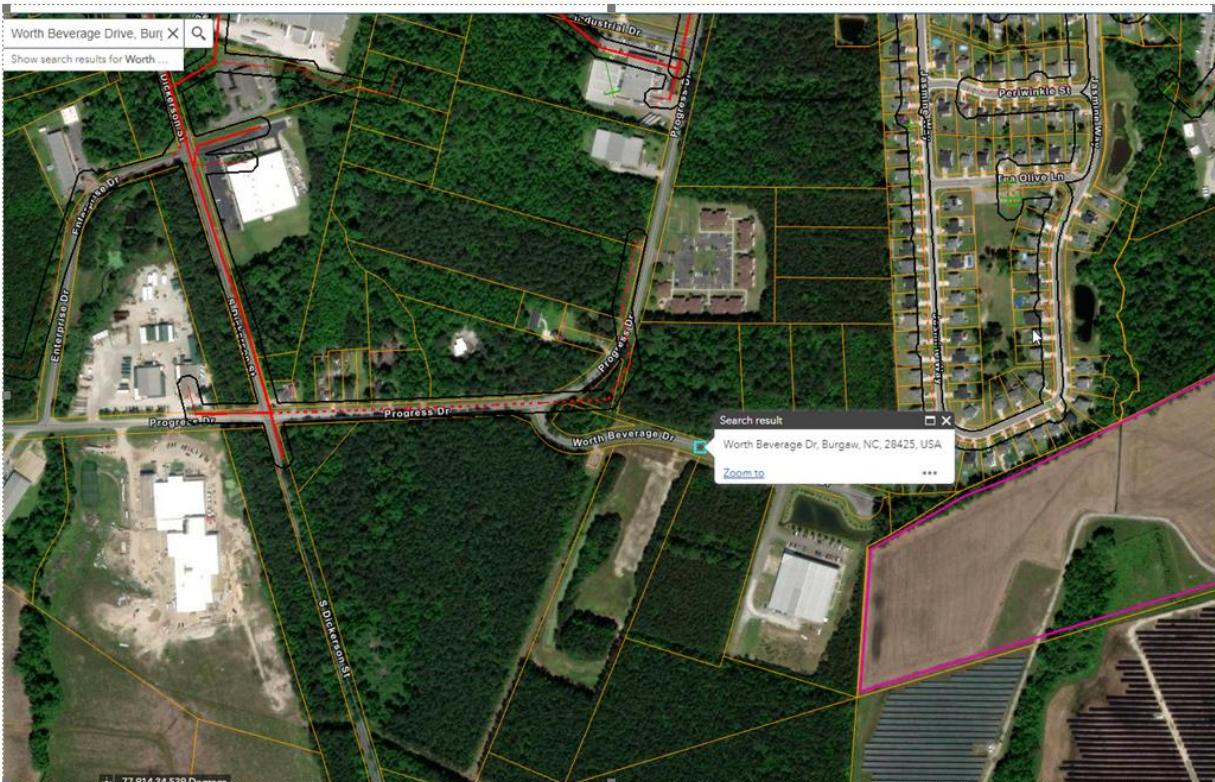


Town of Burgaw Planning Department

109 N Walker St
Burgaw, NC 28425

Bill Wilder Senior Asset Protection Program Manager Bill Wilder Work: 910-772-4903 | Cell: 910-520-3911 bill.wilder@duke-energy.com

1. In my looking at our Duke Energy GIS for this area Duke Energy has Distribution facilities in the area but I am not seeing any known Duke Energy electric Transmission Line easements.
2. You or the applicant should reach out to our Customer Service Center at 1-800-452-2777 and request to be contacted by an area Duke Energy (Distribution) Engineering Technologist as what you are describing sounds like is a possible new revenue customer situation.
3. Weather or not Four County EMC or other utilities are located in the area will require a contact to them.
4. The GIS screen shot below from Duke Energy is not a survey and may not be accurate with locations, ect but the Red lines are indicating to me that there are some Distribution lines of DE in the general area which are not necessarily located as shown.





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

January 28, 2025

Andrew Smith

**RE: Formal Wetland Delineation
Worth Beverage Dr Burgaw, Pender Co., North Carolina**

To whom it may concern,

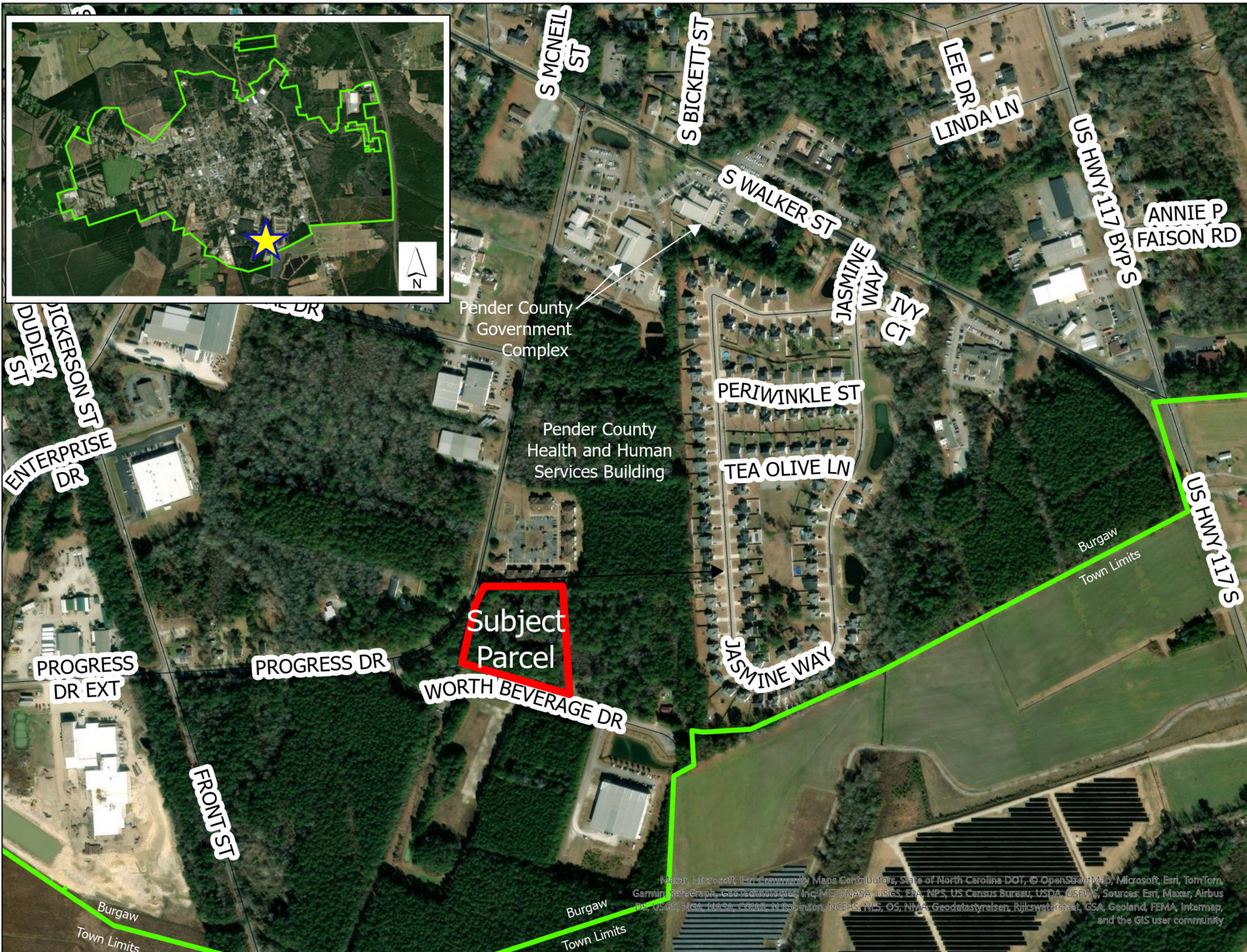
This correspondence is in reference to one parcel of land, totaling 3.7 acres, located on Worth Beverage Dr, with the parcel ID 3228-58-6970-0000, in Burgaw, Pender Co, North Carolina.

Our firm was contacted to determine if there were any wetlands or waters of the U.S. present within the boundaries of the parcel. After a thorough review of local soils and USGS topographic data, our firm conducted an on-site evaluation of the property on January 27th, 2025, to determine the extent of wetlands or waters of the U.S., utilizing wetland criteria outlined in the United States Army Corps of Engineers (USACE) 1987 Corps of Engineers Wetlands Delineation Manual (TR-Y-87-1) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (TR-10-20). After a complete inspection of the subject parcel, it is our firm's opinion that there were no wetlands present within the boundaries of the site. However, we strongly suggest getting final concurrence from the USACE.

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

Sincerely,

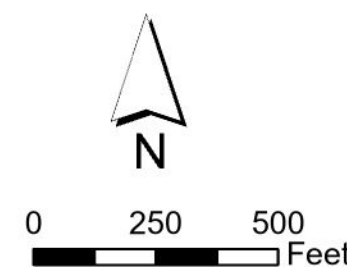
Noah Dean
Wetlands Biologist



Case:
MS25-01

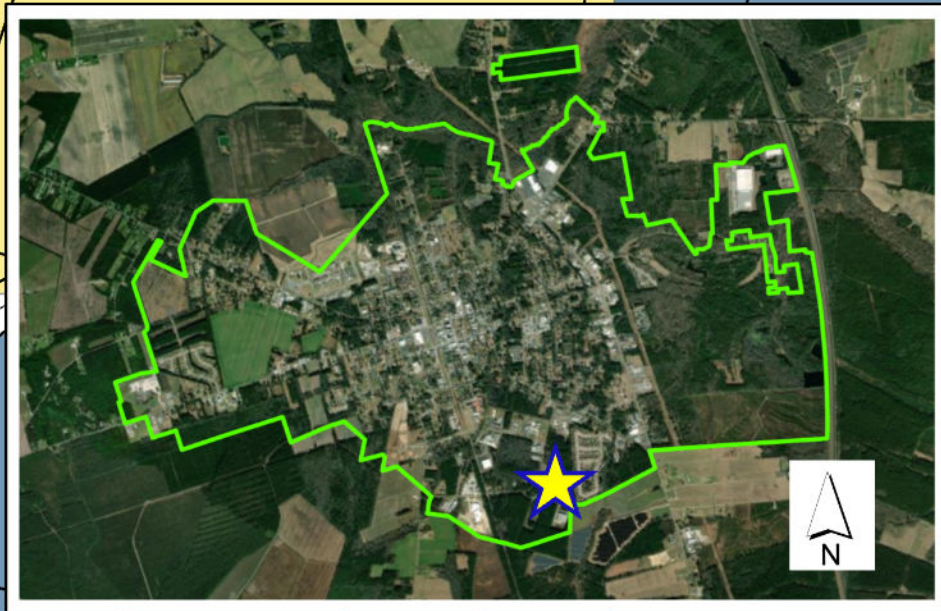
Existing Zoning:
O&I, Office and
Institutional
District

Map Type:
Aerial



Updated: 3.24.25

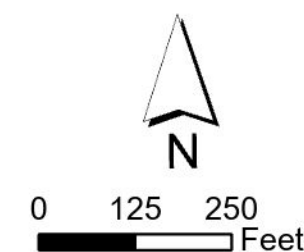
Maxar, Microsoft, Esri Community Maps Contributors, State of North Carolina DOT, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, Sources: Esri, Maxar, Airbus DS, USGS, NGA, NASA, CGIAR, N. Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user community



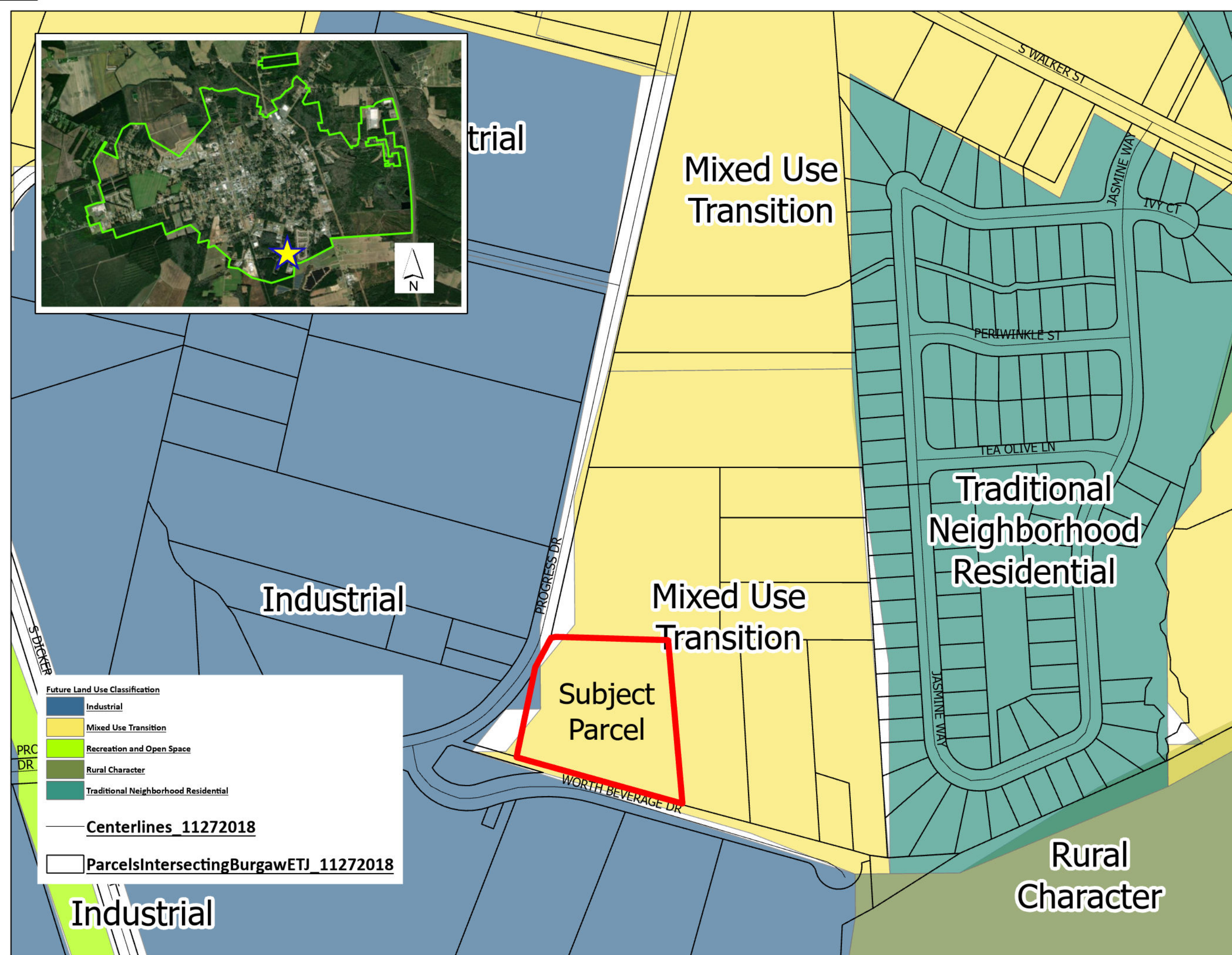
Case:
MS25-01

Existing Zoning:
O&I, Office and
Institutional
District

Map Type:
Future Land Use
Map



Updated: 3.10.2025





Case:
MS25-01

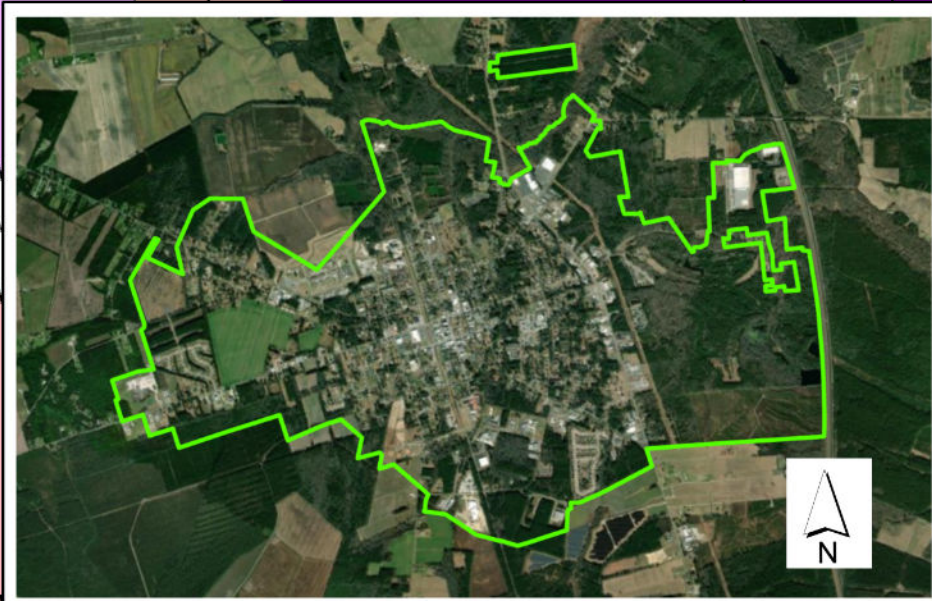
Existing Zoning:
O&I, Office and
Institutional
District

Map Type:
Zoning



0 100 200 400
Feet

Updated: 3.26.2025



Centerlines 11272018	R-12
ZONE	R-20
CP	R-7
I-1	RA
O&I	
Burgaw Town Limits	

**AFFIDAVIT OF MAILING FOR 13 LOT ON WORTH
BEVERAGE ROAD, STANFORD 2 HEARING (MS 25-1)**

I am over the age of 18 (eighteen) years, and, on March 21, 2025, I mailed the required property owners within a 500 ft buffer of parcel #3228-58-6970-0000 letters and the required enclosures for the public hearing at the Board of Commissioners' meeting to be held on April 8, 2025, by depositing a copy enclosed in a postpaid wrapper, in an official depository under the exclusive care and custody of the United States Postal Service in Burgaw, Pender County, North Carolina. A copy of the document is attached along with the addressees.

I also posted a zoning notice sign on the property with Town of Burgaw Planning Staff contact information.


Signature

03.27.2025
Date





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

March 20, 2025

Dear Property Owner,

You are receiving this letter because you are within the notification buffer of a proposed major subdivision for a $\pm$ 3.4-acre tract located on Worth Beverage Dr. (SR-1481), which is currently zoned O&I Office and Institutional District. On April 8, 2025, at 5:30 pm, the Burgaw Town Board will hold a public hearing for the requested approval for a major subdivision preliminary plat at the Burgaw Town Center, located at 108 East Wilmington Street, Burgaw, NC.

The applicant/owner, Andrew Smith with Grand Visions Investments LLC, is requesting a major subdivision to enable the construction of a 13-lot single-family development. The property is further identified as tax reference number 3228-58-6970-0000.

On April 8, 2025, at or about 5:30 PM, the Town Board of Commissioners will hold public hearings for any scheduled agenda items at the Burgaw Town Center, located at 108 East Wilmington Street, Burgaw, NC.

If you have any questions regarding the request, please call (910) 663-3450.

Sincerely,

Ron Meredith, CZO
Planning Director

RESOLUTION 2025-11

RESOLUTION FOR A MAJOR SUBDIVISION FOR PROPERTY LOCATED ON WORTH BEVERAGE RD (SR 1481) (PARCEL ID: 3228-58-6970-0000) TO ALLOW A PROPOSAL 13-LOT SINGLE-FAMILY DETACHED DEVELOPMENT IN THE EXISTING O&I, OFFICE AND INSTITUTIONAL DISTRICT

PURPOSE:

THE BOARD OF COMMISSIONERS FOR THE TOWN OF BURGAW HELD A PUBLIC HEARING ON APRIL 8, 2025, TO CONSIDER THE FOLLOWING APPLICATION:

PROPERTY OWNER / APPLICANT:

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

LOCATION: WORTH BEVERAGE RD (SR 1481) (PARCEL ID: 3228-58-6970-0000)

PROPOSAL: 13-LOT, MAJOR SUBDIVISION, SINGLE-FAMILY DETACHED UNIT DEVELOPMENT

ZONING DISTRICT: EXISTING O&I, INSTITUTIONAL ZONING DISTRICT

MEETING DATES:

APRIL, 2025: 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.*

Major Subdivision adopted by the Town

Adopted this 8th day of April 2025.

Attest: _____
Kristin J. Wells, Town Clerk

Signed: _____
G. Olivia Dawson, Mayor

ORDINANCE 2025-07

APPROVING A MAJOR SUBDIVISION FOR PROPERTY LOCATED ON WORTH BEVERAGE RD (SR 1481) (PARCEL ID: 3228-58-6970-0000) TO ALLOW A PROPOSAL 13-LOT SINGLE-FAMILY DETACHED DEVELOPMENT IN THE EXISTING O&I, OFFICE AND INSTITUTIONAL DISTRICT

PURPOSE:

THE BOARD OF COMMISSIONERS FOR THE TOWN OF BURGAW HELD A PUBLIC HEARING ON APRIL 8, 2025, TO CONSIDER THE FOLLOWING APPLICATION:

PROPERTY OWNER / APPLICANT:

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

LOCATION: WORTH BEVERAGE RD (SR 1481) (PARCEL ID: 3228-58-6970-0000)

PROPOSAL: 13-LOT, MAJOR SUBDIVISION, SINGLE-FAMILY DETACHED UNIT DEVELOPMENT

ZONING DISTRICT: EXISTING O&I, INSTITUTIONAL ZONING DISTRICT

MEETING DATES:

APRIL, 2025: 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.*

Major Subdivision adopted by the Town

Adopted this 8th day of April 2025.

Attest: _____
Kristin J. Wells, Town Clerk

Signed: _____
G. Olivia Dawson, Mayor



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: 11/25/24 FEE: \$763.00

As the Petitioner(s), I/We Eddie Yarborough / Craigs Place 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: 3229-32-0848-0000

STREET ADDRESS: 107 W Courthouse Ave

PROPERTY SIZE

ACREAGE .07 STREET FRONTAGE (ft) 28' DEPTH (ft) 80'

ZONING

CURRENT ZONING DISTRICT B-1 REQUESTED ZONING DISTRICT (CZ) B-1

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>Melissa Yarborough</u>	1. _____
2. _____	2. _____
3. _____	3. _____
4. _____	4. _____
5. _____	5. _____

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
 - NOTICE MUST BE SENT TWO WEEKS PRIOR TO THE MEETING

OWNER INFORMATION

PHONE: 910-604-0704 EMAIL: melissa yalborough@
SIGNATURE: Melissa Yalborough hotmail.com
DATE: 11/25/24

APPLICANT INFORMATION (if different from owner)

PHONE: 910 231 4891 EMAIL: yalborough326@yahoo.com
SIGNATURE: [Signature]
DATE: 11/25/26

OFFICE USE ONLY

COMPLETE APPLICATION RECEIVED BY: 1.3.2025 DATE: [Signature]
Ron Meredith



AUTHORITY FOR APPOINTMENT OF PERSON TO ACT ON MY BEHALF

The undersigned owner, Melissa Yarborough, does hereby appoint Stanton E. Yarborough to act on my behalf for the purpose of petitioning the Town of Burgaw for: a) an amendment to the text regulations, b) a change to the zoning map, c) approval of a special use permit; and/or, d) approval of a major or minor subdivision, as applicable to the property described in the attached petition. The owner does hereby covenant and agree with the Town of Burgaw that said person has the authority to do the following acts for and on behalf of the owner:

- (1) To submit a proper petition and the required supplemental materials;
- (2) To appear at public meetings to give testimony and make commitments on behalf of the owner;
- (3) To act on the owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition; and
- (4) In the case of a special use permit or conditional district rezoning, to accept conditions or recommendations made for the issuance of the special use permit or conditional district rezoning on the owner's property.

This appointment agreement shall continue in effect until final disposition of the petition submitted in conjunction with this appointment.

Owner Name Melissa Yarborough

Owner Signature Melissa Yarborough Date 3/11/25

Appointee Name Stanton E Yarborough

Appointee Signature [Signature] Date 3/11/25

Application accepted by: [Signature] **FOR OFFICE USE ONLY**

Date: 3-11-25

INVOICE

Town of Burgaw

Planning Department

109 North Walker St., Burgaw, NC 28425

910-663-3452

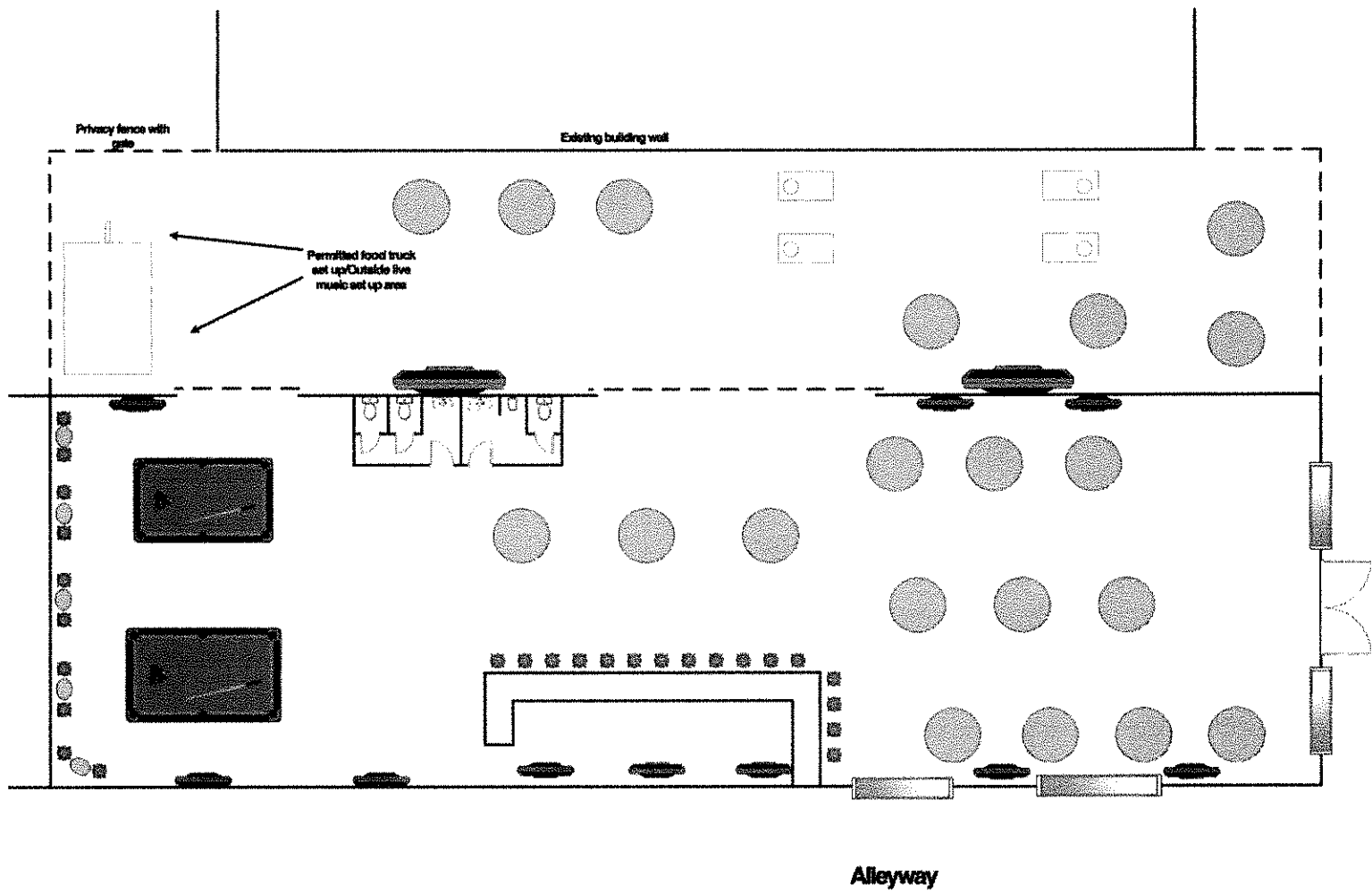


Bill To:	
Eddie Yarborough PO Box 1062 Burgaw, NC 28425	Invoice Number: 2500001 Invoice Date: 01/03/2025

Property Information / Project Description
Parcel #: 32293208480000 Address: 107 COURTHOUSE AVE W Description: Conditional Rezoning

Item	Amount
Application for Rezoning	\$350.00
Notice of Hearing	\$413.00
Total	\$763.00

Date	Paid By	Payment Type	Amount
		Total Paid	\$0.00
		Amount Due	\$763.00





Sign on side of building or in store front windows

Subject: Proposal for Opening a Sports Bar in Burgaw

My name is Eddie Yarborough, and I am writing to request your approval to open a sports bar in our town, Burgaw. I believe that this venture can provide significant benefits to the community while contributing to the local economy and enhancing the social atmosphere in our town.

Overview of the Proposed Sports Bar: The sports bar will be located at 107 W Courthouse Ave, and it will feature a family-friendly atmosphere with multiple screens for watching live sports events (indoor and outdoor), a diverse drink menu, and entertainment options like pool tables, darts, karaoke, and corn hole. Our goal is to create a gathering place for residents to relax, socialize, and enjoy sports in a welcoming environment.

Benefits to the Community:

1. **Economic Growth:** The sports bar will create new job opportunities for local residents, including bartenders, servers, and managerial staff.
2. **Social Hub:** The establishment will serve as a community space for people of all ages to come together and enjoy the sports they love, helping to foster a stronger sense of community.
3. **Supporting Local Teams and Events:** We plan to host watch parties for local and national sporting events, creating a sense of unity among our residents and promoting town pride.
4. **Additional Revenue for Local Businesses:** As patrons visit our sports bar, they will also likely frequent nearby businesses, benefiting the entire local economy.

Addressing Potential Concerns: We understand that opening a new business in a small town may raise concerns, and we are committed to being responsible neighbors. We will implement measures to ensure:

- **Noise Control:** We will maintain a reasonable noise level, especially during late hours, to respect the surrounding residential areas and comply with the town ordinance.
- **Security:** We will employ trained staff to ensure the safety and security of all patrons. Additionally, we will work closely with local law enforcement to address any potential concerns.

Next Steps: We would appreciate the opportunity to present our plan in more detail during an upcoming town meeting and answer any questions or concerns you may

have. We are fully committed to complying with all local regulations, including licensing, zoning, and health codes, and we are excited about the prospect of contributing to the vibrancy of our town.

Thank you for considering this proposal. I look forward to your feedback and the chance to discuss this exciting opportunity further.

Sincerely,
Eddie Yarborough

9102314891
yarborough326@yahoo.com

Craigs Place

Management plan

I. Operations & Atmosphere:

- **Location & Design:**
 - **Downtown Focus:** Leverage the downtown location by creating a lively, accessible space with good visibility.
 - **Theme & Ambiance:** Develop a clear theme (e.g., local sports focus, specific sports, etc.) and create a welcoming, energetic atmosphere.
 - **Seating & Layout:** Optimize seating arrangements for both casual and group gatherings, ensuring comfortable and efficient service.
- **Menu & Beverage:**
 - **Sports Bar Classics:** Offer a menu with classic sports bar fare (e.g., wings, burgers, appetizers) with a focus on quality and local ingredients.
 - **Beverage Selection:** Feature a diverse selection of beers (local craft and popular brands), cocktails, and non-alcoholic options.
 - **Specialized Drinks:** Consider themed cocktails or seasonal drinks to add to the experience.
- **Technology & Systems:**
 - **POS System:** Implement an efficient point-of-sale system for smooth transactions and inventory management.
 - **TVs & Sound System:** Ensure high-quality TVs and sound system for optimal viewing and listening experience during games.
 - **Wi-Fi:** Provide free and reliable Wi-Fi for customers.

II. Staff Management:

- **Hiring & Training:**
 - **Team Building:** Hire friendly, knowledgeable, and reliable staff, including bartenders, servers, and kitchen staff.
 - **Training Programs:** Implement comprehensive training programs to ensure consistent service standards and product knowledge.
 - **Staff Incentives:** Offer competitive wages, benefits, and opportunities for growth to attract and retain top talent.
- **Scheduling & Communication:**
 - **Efficient Scheduling:** Develop a flexible and efficient scheduling system to cover peak hours and events.
 - **Clear Communication:** Maintain clear and consistent communication with staff through regular meetings and updates.
- **Conflict Resolution:**
 - **Customer Service:** Train staff to handle customer issues and complaints professionally and efficiently.
 - **Conflict Resolution:** Have a clear process for resolving conflicts and addressing employee issues.

III. Marketing & Promotions:

- **Local Partnerships:**

- **Sponsor Local Teams:** Partner with local sports teams or leagues to build community ties and generate buzz.
- **Host Events:** Organize watch parties, game nights, or other events to attract customers and create a lively atmosphere.
- **Social Media & Online Presence:**
 - **Social Media Marketing:** Utilize social media platforms to promote events, specials, and build a community around your bar.
 - **Website:** Develop a user-friendly website with information about your bar, menu, events, and contact information.
- **Promotional Strategies:**
 - **Happy Hour & Specials:** Offer regular happy hour specials and game-day promotions to attract customers.
 - **Loyalty Programs:** Implement a loyalty program to reward repeat customers and encourage patronage.
 - **Email Marketing:** Build an email list to promote events, specials, and new offerings.

IV. Financial Management:

- **Budgeting & Forecasting:**
 - **Detailed Budget:** Develop a detailed budget for startup costs, operating expenses, and marketing activities.
 - **Financial Forecasting:** Forecast revenue and expenses to ensure profitability and sustainability.
- **Cost Control:**
 - **Inventory Management:** Implement effective inventory management to minimize waste and reduce costs.
 - **Expense Tracking:** Track expenses closely to identify areas for improvement and cost savings.

Security plan

1. Staff Training and Procedures:

- **Security Personnel:**
Train bouncers/security staff on de-escalation techniques, conflict resolution, and recognizing signs of intoxication or aggression.
- **Bartenders/Staff:**
Train staff to recognize signs of intoxication and to refuse service to visibly intoxicated patrons.
- **Emergency Procedures:**
Conduct regular drills and briefings on fire safety, medical emergencies, and active shooter scenarios.
- **Customer Relations:**
Emphasize the importance of maintaining a positive and respectful environment for all patrons.

2. Responsible Alcohol Service:

- **ID Checks:**
Implement strict ID verification procedures for all patrons, including using ID scanners if possible.
- **Limit Drink Service:**
Discourage over-serving patrons and offer water or non-alcoholic beverages.
- **Cut-off Policy:**
Establish clear policies for cutting off intoxicated patrons and ensure they are escorted safely off the premises.

3. Security Infrastructure and Monitoring:

- **Surveillance System:**
Install a comprehensive CCTV system with clear coverage of all entry/exit points and key areas within the bar.
- **Entry/Exit Control:**
Implement a secure entry/exit system with designated security personnel to monitor and control access.
- **Clear Pathways:**
Ensure clear pathways and good lighting throughout the bar to minimize potential hazards.
- **Emergency Lighting:**
Ensure that emergency lighting is functional and well-maintained.

4. Emergency Preparedness:

- **First Aid:** Maintain a well-stocked first-aid kit and ensure staff are trained in basic first aid.
- **Emergency Contacts:** Post emergency contact information (police, fire, ambulance) prominently.
- **Evacuation Plan:** Develop and practice a clear evacuation plan, including designated assembly points.

5. Proactive Monitoring and Prevention:

- **Staff Presence:**
Maintain a visible staff presence throughout the bar to deter potential problems.
- **Patrols:**
Conduct regular security patrols, both inside and outside the bar, to monitor for suspicious activity.
- **Crowd Management:**
Implement strategies for managing large crowds, particularly during peak hours or sporting events.
- **Conflict Resolution:**
Have a clear process for dealing with conflicts or disputes that may arise.
- **Communication:**
Establish clear communication channels between staff and security personnel.

Craig's Place

Services that will be provided

- Mixed drinks, beer (foreign and domestic), locally brewed beer, wine, soda, water
- Prepackaged food and snacks
 - If space and permitting allows, a food truck occasionally will set up.
- Several televisions for sporting event entertainment (inside and outside), Pool tables, corn hole
- Occasional live entertainment (inside or outside)
- Merchandise (T-shirts, hats, mugs....ETC)

Craigs' Place

Hours of Operation:

- Monday 2pm - 10pm
- Thursday 2pm-10pm
- Fri - Sat 12pm - 11pm
- Sunday 1pm-10pm

Staff on shift

- Day Shift 1 to 2 employees
- Night Shift 2 to 3 employees
- Live entertainment or Burgaw events 3 to 4 employees
- Max of 6 employees if needed

Occupancy inside

- Max 75 people

Criags Place Community Meeting Report

Date and Times of the Community Meetings: March 3rd at 4pm and 6pm

List of persons and/or organizations contacted and were informed of the meetings?:

Please see the attached excel spreadsheet. Each one of the contacts where sent a letter via the Postal Service.

Who attended the meetings?

John Johnson

Karen Harding

Alexander Shevchuk

Nicole Shevchuk

A summary of issues discussed at the meeting:

No, issues were brought forward. Attendees offered nothing but support and excitement for the Sports bar.

Any changes to the rezoning petition made by the petitioner as a result of the meeting?

No.

Note:

Have had several people from around town that have heard of this ideal who have stopped me in passing and expressed their support and hope that we are able to make this work out.



Item 4

Request: Rezone PINs 3229-32-0848-0000 from B-1, Central Business District to B-1 Central Business District, Residential Conditional Zoning for a Bars, Cocktail Lounge, and/or Nightclubs use.

Hearing Date: 3/20/2025

Planning Board 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 Planning Board 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 emphasizes the importance of promoting commercial development in areas with available infrastructure, promoting the downtown for community gatherings and tourism, ensuring town zoning accommodates businesses, improving communication among staff and businesses, and supporting local markets.

____ 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 Planning Board considers its rejection to be reasonable and in the public interest because:

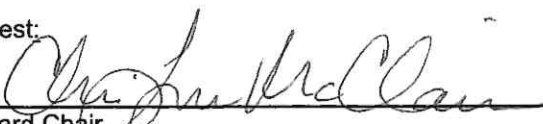
The proposal to rezone the property for bar and cocktail use does not include commercial development that would be of potential benefit to the health and well-being of citizens in the Town of Burgaw and is inconsistent with many policies in the Town of Burgaw. Comprehensive Land Use Plan.

Therefore, The Planning Board recommends rejection of this request.

Comments:

This report reflects the recommendation of the Town of Burgaw Planning Board, this the 20th day of Marh 2025.

Attest:



Board Chair Planning



CASE SUMMARY Planning Board

Conditional District Rezoning
Marc 20, 2025

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

Planning Board	03/20/2025; Scheduled
Board of Commissioners	PENDING

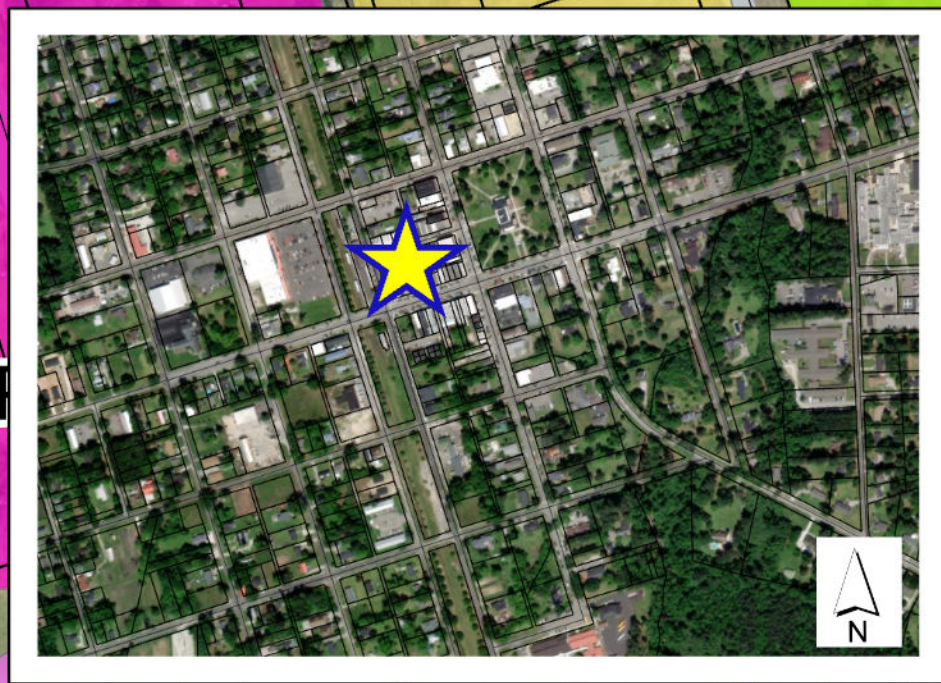
Request

<i>Request</i>	Rezone PIN 3229-32-0848-0000 from B-1, Central Business District to B-1 Central Business District, Residential Conditional Zoning for a Bar, Cocktail Lounge, and/or Nightclubs use as defined by the Unified Development Ordinance (UDO).	
<i>Applicant</i>	Eddie Yarborough	910-231-4891 yarborough326@yahoo.com
<i>Owner</i>	Yarborough, Melissa L	910-259-7156 melissayarborough@hotmail.com

1. Case Overview

Application to conditionally rezone a ±0.14-acre parcel in the B-1 Central Business District to B-1 Central Business District, Conditional Zoning District (CZ)





Mixed Use
Transition

Mixed Use
Transition

Recreation and
Open
Space

Commercial
Growth

Town Center

Subject
Parcel

Mixed Use
Transition

Recreation
and Open
Space

Mixed
Use
Transition

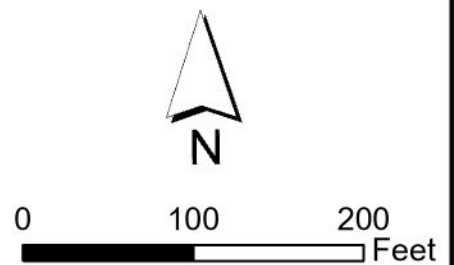


Case:
Z25-01

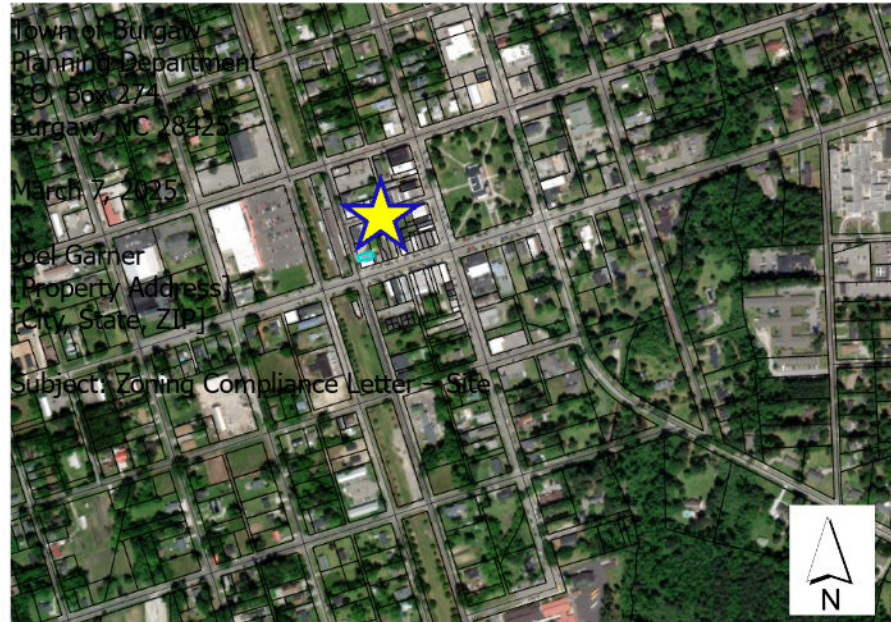
Existing Zoning:
B-1

Proposed Zoning:
B-1 (CZ)

Map Type:
Future Land Use



Updated: 3.10.2025



Town of Burgaw
Planning Department
P.O. Box 274
Burgaw, NC 28425
March 7, 2025
Joel Garner
[Property Address]
[City, State, ZIP]
Subject: Zoning Compliance Letter - Site



B-2

B-1

Subject
Parcel

Centerlines 11272018

ParcelsIntersectingBurgawETJ 11272018

ZONE

- B-1
- B-2
- CP
- O&I
- R-12
- R-7

CP

NC CGIA, Maxar, Microsoft

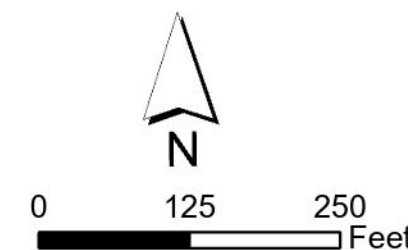


Case:
Z25-01

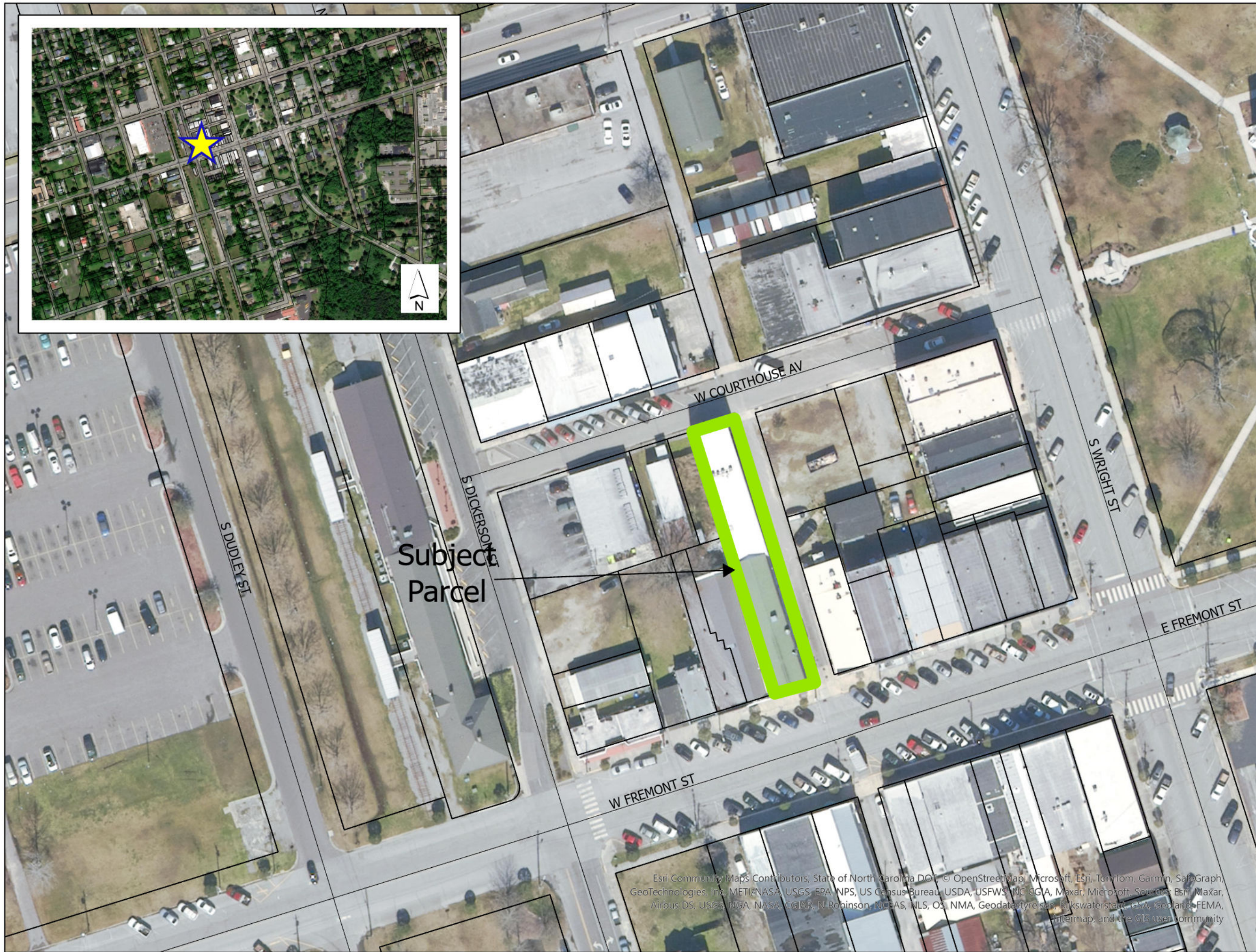
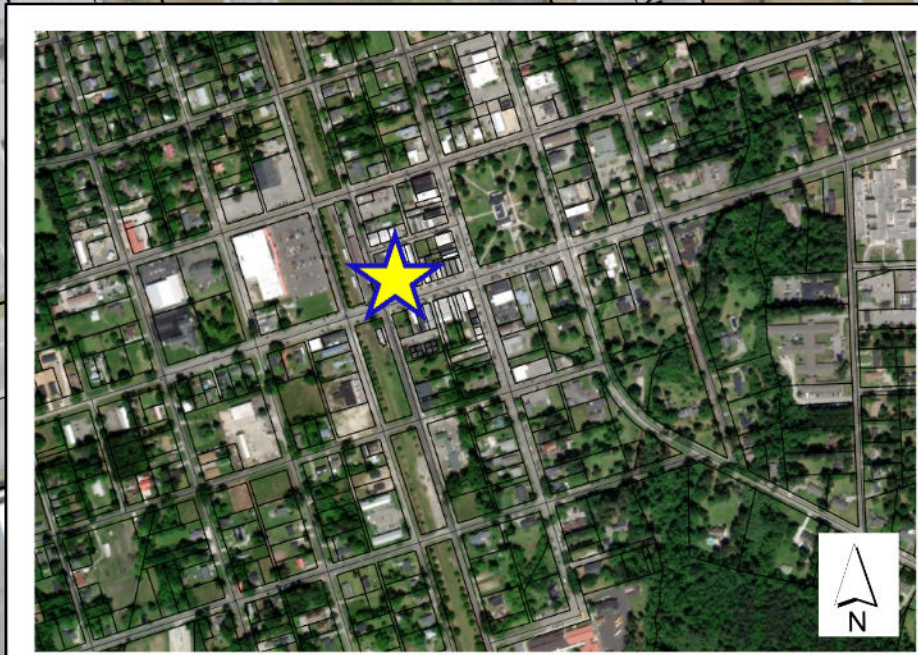
Existing Zoning:
B-1

Proposed Zoning:
B-1 (CZ)

Map Type:
Zoning Map



Updated: 3.10.2025



Case:
Z25-01

Existing Zoning:
B-1

Proposed Zoning:
B-1 (CZ)

Map Type:
Aerial



0 50 100
Feet

Updated: 20240112

Esri Community Maps Contributors, State of North Carolina DOT, © OpenStreetMap contributors, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, NC CGIA, Maxar, Microsoft, Sources: Esri, Maxar, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NOAA, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user community

2. Summary

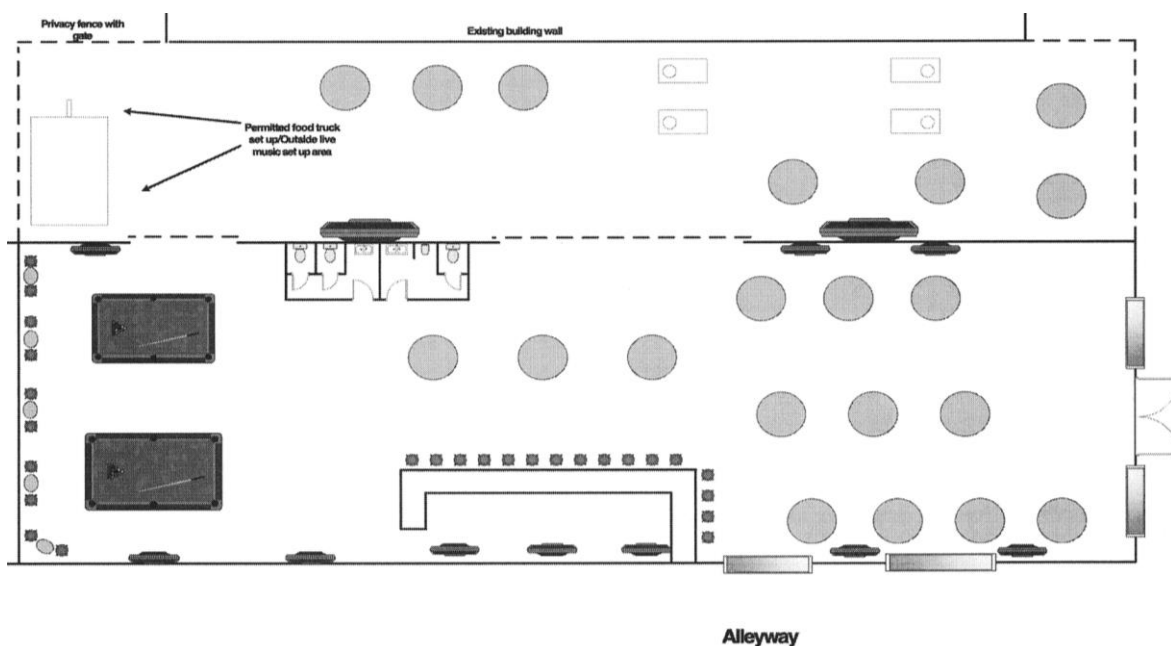
2.1 Proposal

The applicant is requesting a conditional district rezoning of the parcel to permit use of the existing structure to function and a proposed Bar, Cocktail Lounge, and/or Nightclubs use as defined by the UDO. As specified in the Burgaw UDO Section 8.14 Table of Permitted Uses seen below in Figure 2.3.



Figure 2.1: Existing Structure and sign posting

2.1.a Proposed Floorplan





2.2 Community Meetings

Before the Planning Board reviews a conditional zoning petition, the applicant must submit a report detailing at least two community meetings. The report should include meeting details, attendees, issues discussed, and any changes to the petition. If no meeting was held, the applicant must explain their efforts and reasons. The Board will consider the adequacy of the meetings and report, but this cannot be challenged in court.

The two required community meetings were held on 3/03/25 at 4pm and 6pm 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.

Conditional Rezoning (CZ) is represented in the Table of Permitted Uses, shown below, by "CZ" allows for the rezoning of a property under specific conditions. 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			

Figure 2.3: Table of Permitted Uses



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.
- 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 (included in your packet)

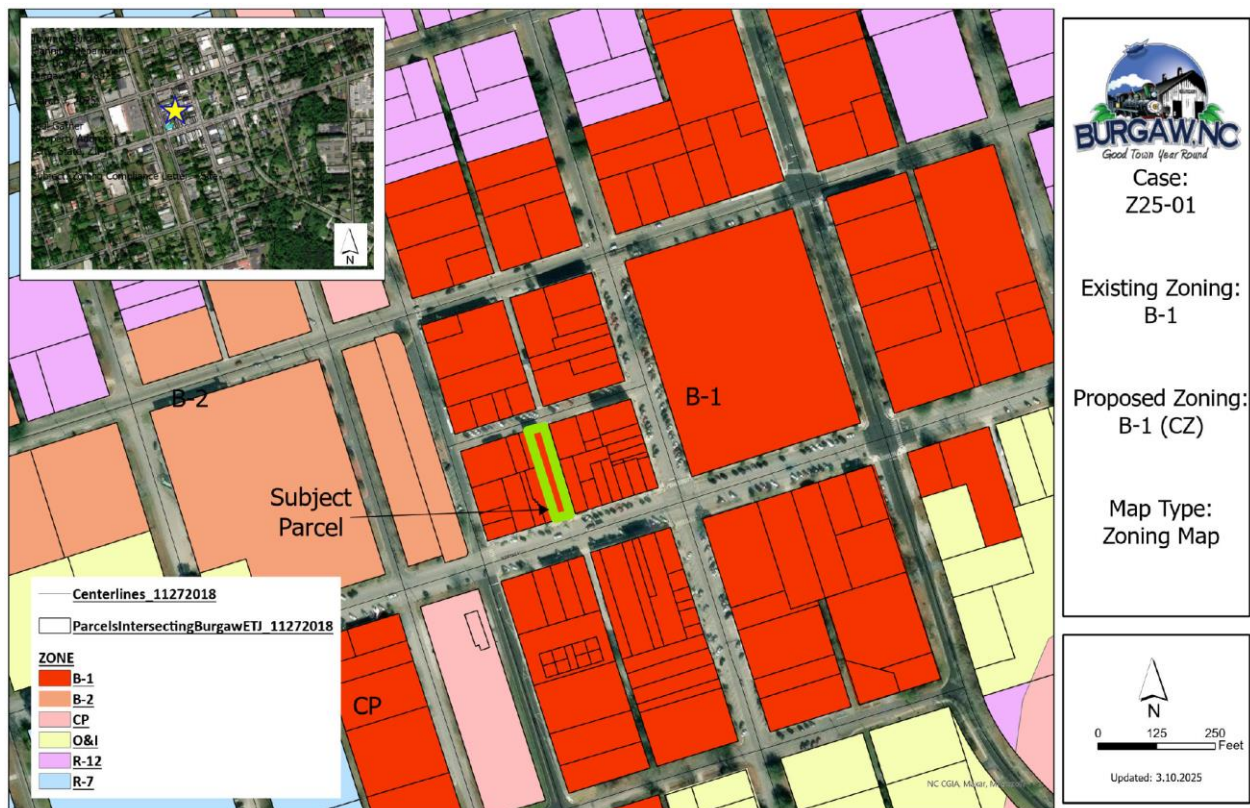
- Floor plan of all structures accessible to the public, including areas of the building or structures used for the dispensing of food and beverages, entertainment, and/or dancing
- Lighting plan
- Occupancy of all structures
- Number of employees—total and on shift of greatest employment
- List of all 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 shows it is in general compliance with the UDO.

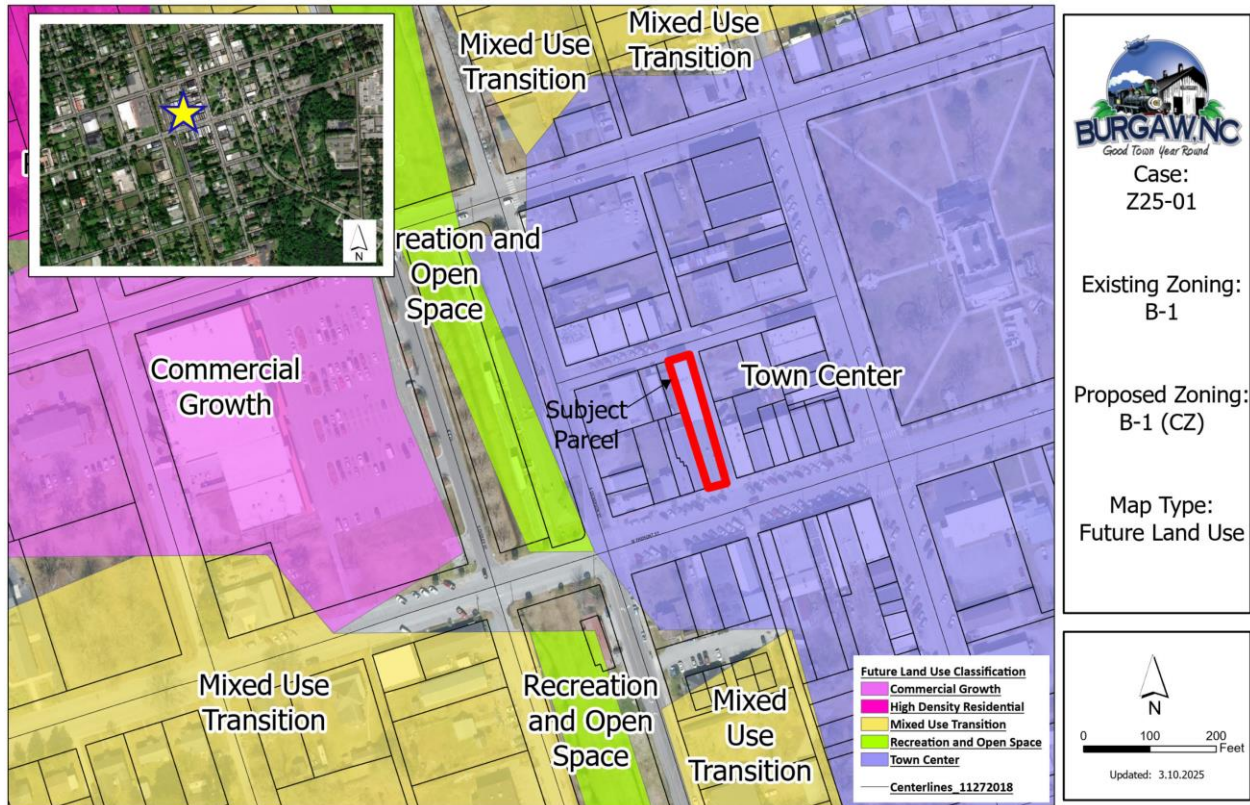


CONSISTENCY WITH APPROVED PLANS

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 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 March 20, 2025

Of those in attendance at the **March 20, 2025**, Planning Board meeting, 4 people signed up to speak concerning the applicant's proposal. Mr. Casey, of 105 W. Wilmington St., had concerns about noise and people walking in the alley. John Westbrook, 410 E. Fremont St., was for the rezoning but was concerned about lighting, safety, and security. The Odera family of 104 S. Dickerson Street spoke, and there was a misunderstanding of where the subject property was in relation to their property.

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)	3/03/25 at 4PM and 6PM	Pender Post & Voice 3/6/25 3/13/25 & 3/20/25	Pender Post & Voice 3/27/2025 and 4/3/2025
Other – Contact(s)		Mailers sent 02/28/25 Signs posted 02/28/25	Mailers sent 3/21/2025 Signs posted 3/21/2025

ACTIONS TO DATE

<i>Planning Board</i>	03/20/2025; Scheduled
<i>Board of Commissioners</i>	PENDING

ATTACHMENTS

1. Application
 - a. Supplemental documentation
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



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

March 21, 2025

Dear Property Owner,

You are receiving this letter because you are within the notification buffer of a request to rezone $\pm$ 0.14 acres of land from B-1 Central Business District to B-1 (CZ), Central Business Conditional District Zoning for a bar, cocktail lounge, and/or nightclub use located at 107 W. Courthouse Ave. and further identified as parcel identification number: 3229-32-0848-0000.

The applicant, Eddie Yarborough, is requesting a change to the official zoning map for a bar, cocktail lounge, and/or nightclub use in the B-1 (Central Business District) to be compliant with the Town of Burgaw's Unified Development Ordinance.

On April 8, 2025, at or about 5:30 PM, the Town Board of Commissioners will hold a comment period for this and any other scheduled agenda item at the Burgaw Town Center, located at 108 East Wilmington Street, Burgaw, NC.

If you have any questions regarding the request, please call (910) 663-3450.

Sincerely,

Ron Meredith
Planning Director

AFFIDAVIT OF MAILING FOR YARBOROUGH HEARING

I am over the age of 18 (eighteen) years, and, on March 21, 2025, I mailed the required property owners within a 500ft buffer of parcel #3229-32-0848-0000 letters and the required enclosures for the public hearing at the Board of Commissioners' meeting to be held on April 8, 2025, by depositing a copy enclosed in a postpaid wrapper, in an official depository under the exclusive care and custody of the United States Postal Service in Burgaw, Pender County, North Carolina. A copy of the document is attached along with the addressees.

I also posted a zoning notice sign on the property with Town of Burgaw Planning Staff contact information.

Donna Payne
Signature

03.27.2025
Date





Revenue \$0[✓]

DEED

Parcel Identification Number 3229-32-0848-0000	Date	Assessor's Office Verification
---	------	--------------------------------

✓ Prepared by Corbett & Fisler, Attorneys, Burgaw, North Carolina 28425-0727 ✓

This deed made on August 28, 2014, by:

GRANTORS CHRISTOPHER J. LAMBERT and wife KERRY H. LAMBERT 139 J R Harrells Drive Atkinson, NC 28421	GRANTEE MELISSA L. YARBOROUGH P. O. Box 1062 Burgaw, NC 28425 ✓
--	--

The designation Grantors and Grantee as used in this instrument shall include the designated parties, their heirs, successors and assigns.

Grantors, for a valuable consideration paid by Grantee, receipt of which is acknowledged, convey to Grantee in fee simple those parcels of land located in the Town of Burgaw, Burgaw Township, Pender County, North Carolina, described as:

TRACT ONE: BEGINNING at a point in the northern line of Fremont Street, 30 feet west of the western line of an alley, and 43 1/2 feet East of Jim Smith's corner, said point, a common corner established between Z. J. Carter and W. B. Brice, and Ellen L. Butler, by deed of record executed the 20th day of September 1900, and recorded in the records of Pender County in Book EE, page 512, and running thence from said common corner North 16° 30' 00" West 120 feet to a stake, Carter's corner; thence North 63° 30' 00" East 30 feet to a western line of an alley; thence with the line of said alley South 16° 30' 00" East 120 feet to the northern line of Fremont Street; thence with the northern line of said street South 73° 30' 00" West 30 feet to the BEGINNING.

TRACT TWO: BEGINNING at the intersection of the southern line of Court House Avenue with the western line of alley leading from Court House Avenue to Fremont Street, and runs thence with the western line of said alley South 14° 45' 00" East 90 feet to a stake; thence South 75° 15' 00" West 30 feet to a stake; thence North 14° 45' 00" West 90 feet to the south line of Court House Avenue; thence North 75° 14' 00" East with the south line of Courthouse Avenue 30 feet to the point of BEGINNING.

2

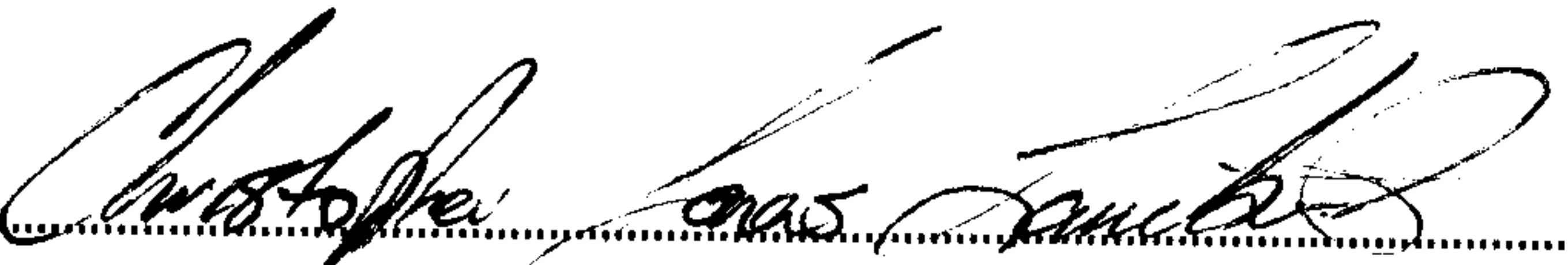
Grantee shall have and hold the above land and all its privileges and appurtenances in fee simple.

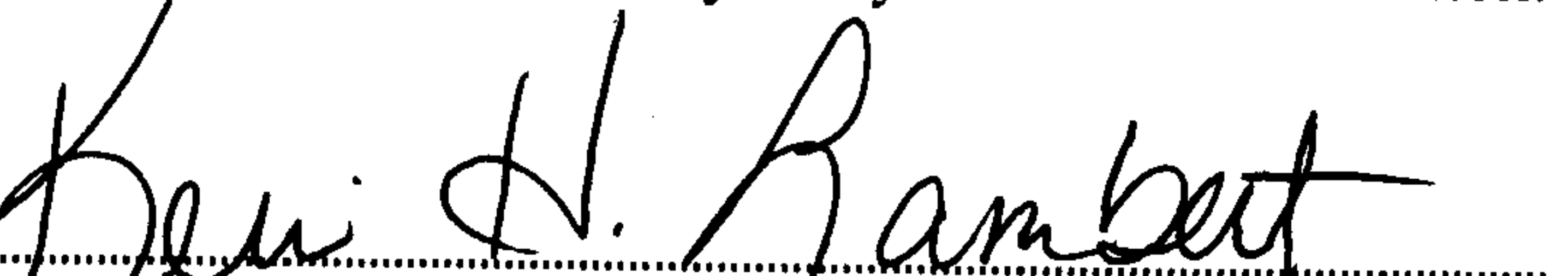
Christopher J. Lambert acquired his interest in the above property by inheritance from Craig Lambert.

The principal residence of Grantors is not located on the property described above.

Grantors covenant with Grantee that Grantors are seized of the premises in fee simple; Grantors have the right to convey the same in fee simple; Grantors will warrant and defend the title against the lawful claims of all persons except those noted below; and title is marketable and free and clear of all encumbrances except, (1) the lien for property taxes which come due after the execution of this instrument, (2) restrictions of record, and (3) utility easements created prior to the execution of this instrument.

IN WITNESS WHEREOF, the hands of Grantors have been hereunto set on the day and year first above written.

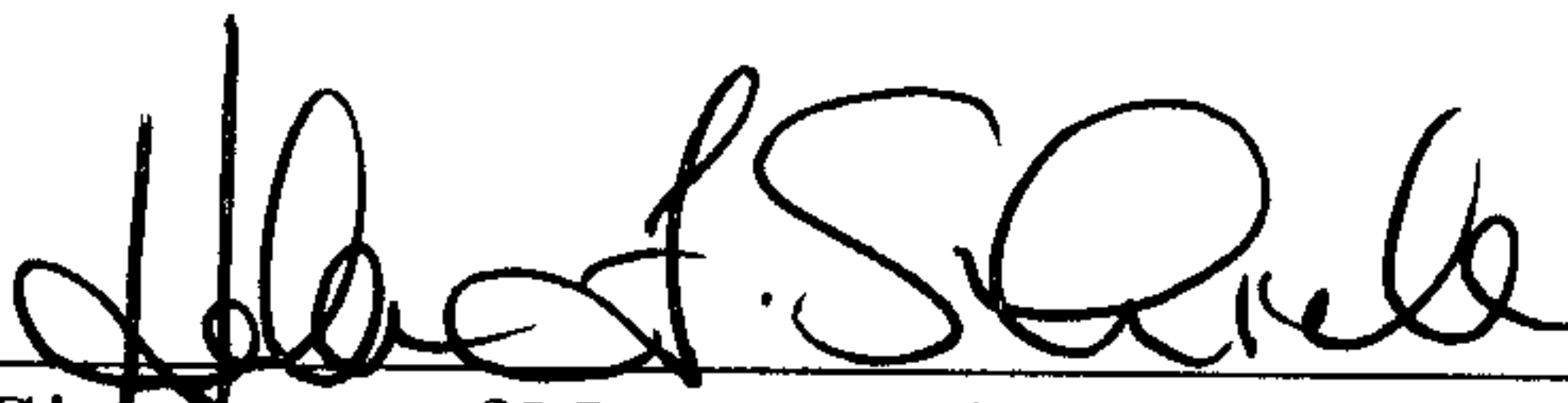

Christopher J. Lambert


Kerri H. Lambert

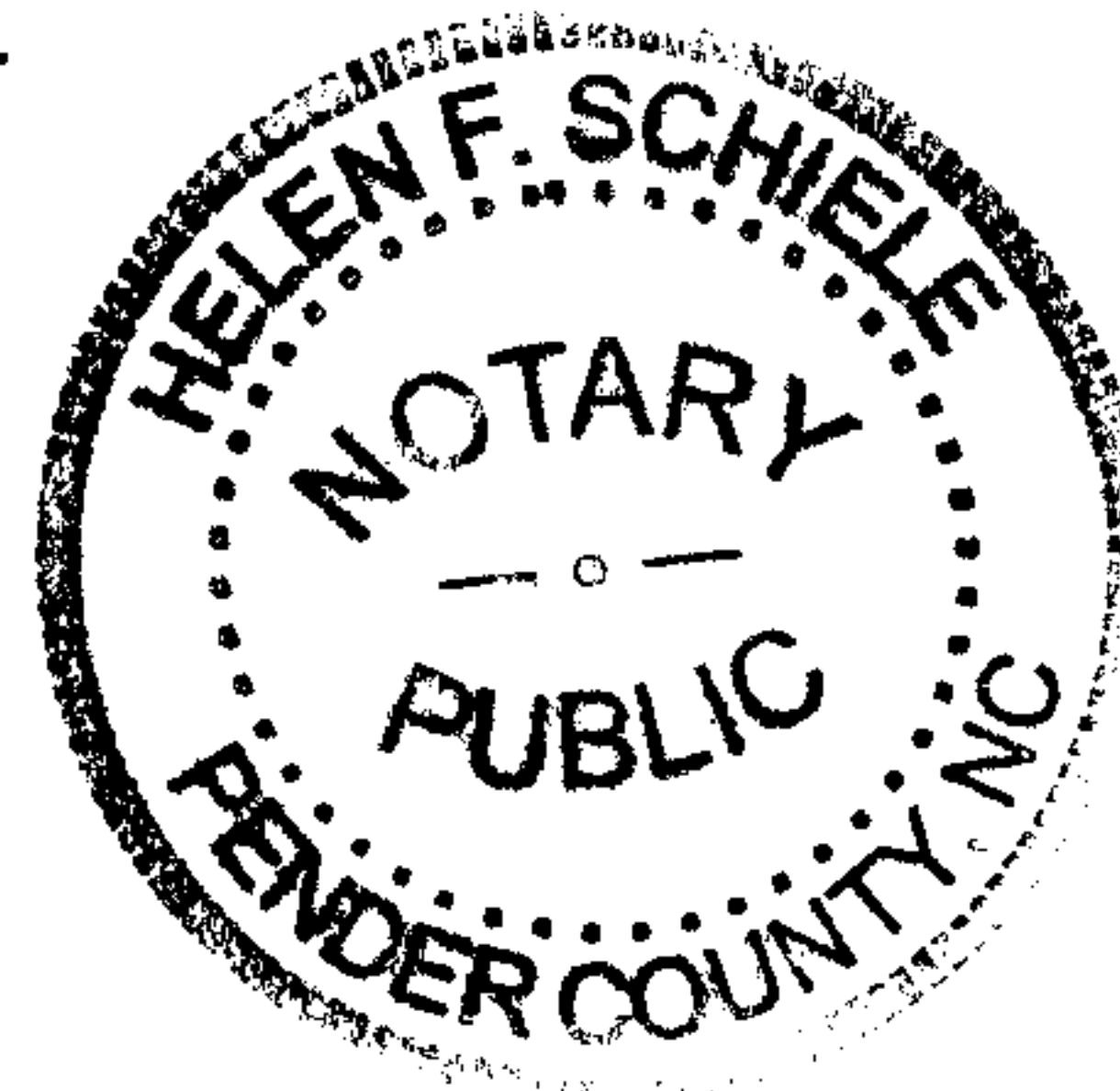
STATE OF NORTH CAROLINA, COUNTY OF PENDER

I, Helen F. Schiele, a Notary Public of the County and State aforesaid, certify that Christopher J. Lambert and Kerri Lambert personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal this 15 day of September, 2014.


Signature of Notary Public

My commission expires 12/5/2015.



INSERT
OFFICIAL
SEAL ✓



Item 4

Request: Rezone PINs 3229-32-0848-0000 from B-1, Central Business District to B-1 Central Business District, Conditional Zoning (CZ) for a Bars, Cocktail Lounge, and/or Nightclubs use.

Hearing Date: 4/8/2025

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 public interest because: (Please provide reasons which can be found in the staff report)

The proposal emphasizes the importance of promoting commercial development in areas with available infrastructure, promoting the downtown for community gatherings and tourism, ensuring town zoning accommodates businesses, improving communication among staff and businesses, and supporting local markets.

____ 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 public interest because:

The proposal to rezone the property for bar and cocktail use does not include commercial development that would be of potential benefit to the health and well-being 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 8th day of April 2025.

Attest:

G. Olivia Dawson, Mayor

RESOLUTION 2025-12

ADOPTING A STATEMENT OF CONSISTENCY REGARDING AN AMENDMENT OF THE OFFICIAL ZONING MAP OF THE TOWN OF BURGAW REQUESTED BY EDDIE YARBOROUGH TO REZONE PROPERTY LOCATED AT 107 W COURTHOUSE AVE. (PARCEL IDENTIFICATION NUMBER 3229-32-0848-0000) FROM B-1, CENTRAL BUSINESS DISTRICT, TO B-1 CENTRAL BUSINESS DISTRICT, CONDITIONAL ZONING (CZ) FOR A BAR, COCKTAIL LOUNGES, AND/OR NIGHTCLUBS USE.

WHEREAS, the Applicant, Eddie Yarborough, has requested the Town amend the Official Zoning Map of the Town of Burgaw to rezone property located at 107 W Courthouse Ave. (Parcel Identification Number 3229-32-0848-0000) from B-1, Central Business District to B-1 Central Business District, Conditional Zoning (CZ) 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 March 20, 2025, meeting, voted to recommend approval of the applicant's proposal with a unanimous vote; and

WHEREAS, the Town of Burgaw Board of Commissioners examined the Staff Report and Draft Comprehensive Plan Consistency Statement at their April 8, 2025, 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 8th day of April 2025.

Attest: _____

Kristin J. Wells, Town Clerk

Signed: _____

G. Olivia Dawson, Mayor

ORDINANCE 2025-08

AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF BURGAW REQUESTED BY EDDIE YARBOROUGH TO REZONE PROPERTY LOCATED AT 107 W COURTHOUSE AVE. (PARCEL IDENTIFICATION NUMBER 3229-32-0848-0000) FROM B-1, CENTRAL BUSINESS DISTRICT, TO B-1 CENTRAL BUSINESS DISTRICT, CONDITIONAL ZONING (CZ) FOR A BAR, COCKTAIL LOUNGES, AND/OR NIGHTCLUBS USE.

WHEREAS, the Applicant, Eddie Yarborough, has requested the Town amend the Official Zoning Map of the Town of Burgaw to rezone property located at 107 W Courthouse Ave. (Parcel Identification Number 3229-32-0848-0000) from B-1, Central Business District to B-1 Central Business District, Conditional Zoning (CZ) 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 March 20, 2025, meeting, voted to recommend approval of the applicant's proposal with a unanimous vote; and

WHEREAS, the Town of Burgaw Board of Commissioners examined the Staff Report and Draft Comprehensive Plan Consistency Statement at their April 8, 2025, 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 4469, at Page 277 records of the Pender County Register and being more particularly described as the description contained within the as follows:

TRACT ONE: BEGINNING at a point in the northern line of Fremont Street, 30 feet west of the western line of an alley, and 43 1/2 feet East of Jim Smith's corner, said point, a common corner established between Z. J. Carter and W. B. Brice, and Ellen L. Butler, by deed of record executed the 20th day of September 1900, and recorded in the records of Pender County in Book EE, page 512, and running thence from said common corner North 16° 30' 00" West 120 feet to a stake, Carter's corner; thence North 63° 30' 00" East 30 feet to a western line of an alley; thence with the line of said alley South 16° 30' 00" East 120 feet to the northern line of Fremont Street; thence with the northern line of said street South 73° 30' 00" West 30 feet to the BEGINNING.

TRACT TWO: BEGINNING at the intersection of the southern line of Court House Avenue with the western line of alley leading from Court House Avenue to Fremont Street, and runs thence with the western line of said alley South 14° 45' 00" East 90 feet to a stake; thence South 75° 15' 00" West 30 feet to a stake; thence North 14° 45' 00" West 90 feet to the south line of Court House Avenue; thence North 75° 14' 00" East with the south line of Courthouse Avenue 30 feet to the point of BEGINNING.

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 8th day of April 2025.

Attest:

G. Olivia Dawson, Mayor

APPROVED AS TO FORM:

Kristin J. Wells, Town Clerk

Town Attorney



**Town of Burgaw
ITEM REPORT**

Item: 10A

DATE OF MEETING: April 8, 2025 DEPARTMENT OF ORIGIN: Administration	DATE SUBMITTED: 04/02/2025 SUBMITTED BY: James Gantt, Town Manager
AGENDA ITEM DESCRIPTION: Draft Request for Proposals for Legal Services	
SUMMARY STATEMENT: Review the attached draft Request for Proposal (RFP) for Legal Services in preparation for advertising the position of Town Attorney. The RFP outlines the qualifications, scope of services, and proposal requirements for attorneys or law firms interested in providing municipal legal counsel to the Town. Upon approval, staff will proceed with advertising the RFP to solicit responses from qualified legal service providers.	
STAFF RECOMMENDATION AND REQUESTED ACTION:	
FINANCIAL IMPACT INCLUDING FUNDING SOURCE:	
FINANCE DIRECTOR COMMENTS:	
ATTACHMENTS (IF ANY): Draft - RFP Legal Services Burgaw NC	

Town of Burgaw, North Carolina Request for Proposal -- Legal Services

The Town of Burgaw, North Carolina, is requesting proposals from qualified attorneys and/or law firms to provide municipal legal services to the Mayor, Board of Commissioners, administration and staff of the Town related to the operations of the Town.

Proposals must be received by the Town of Burgaw by 5 pm, May 9, 2025, either by US Mail to

Town of Burgaw
Attn: Town Clerk
109 N Walker St
Burgaw, NC 28425

or via email at

rfp@burgawnc.gov

Introduction

The Town of Burgaw operates under the Council/Manager form of government, with the Mayor and Board of Commissioners overseeing policy for the Town. The executive powers are vested with the Town Manager who in turn provides for day-to-day operations.

The Town's general legal services are currently provided by a contract attorney, or by specialist firms when needed (such as Bond Counsel).

The Town is seeking proposals from qualified legal service providers, licensed in the State of North Carolina, to represent the Town in a full range of legal affairs relevant to North Carolina municipalities.

General Requirements

The attorney/law firm submitting a proposal must be in good standing and licensed to practice law before all courts and administrative agencies in the State of North Carolina and before the United States District Court for the State of North Carolina.

The Town's legal services provider shall be the appointed Town Attorney by the Board of Commissioners, in accordance with the Town Charter/Code, and shall perform the duties as described in the Charter/Code, including, but not limited to, representing the Town in matters of litigation; advising Town officials with respect to the affairs of the Town; drafting legal documents relating to the affairs of the Town; reviewing agreements, contracts, franchises and other instruments concerning the Town; attending meetings of the Board of Commissioners as requested; performing other duties as required by law or as the Board may direct.

The Town's appointed Town Attorney shall advise and represent the Mayor, Board of Commissioners, Administrative Officers and staff, and all appointed boards and commissions of the Town with services including, but not limited to matters of legislation, code enforcement, zoning, land use, real estate, labor and employment, finance, taxation, environmental, economic development, law enforcement, public records laws, legal defense of the Town and its Officers, records retention, risk management and State and Federal regulatory issues.

These services shall not include Worker's Compensation, Bond Counsel, or liability matters where insurance coverage exists.

The Town's contract with an attorney/firm will be for an initial one-year term, with extensions upon mutual consent, but may be terminated at any time by either the Town or the attorney/firm. The attorney/firm will be expected to provide not less than a 30 day notice of the intent to terminate the contract. .

Scope of Services

The following are illustrative examples of the services to be provided to the Town of Burgaw by its Town Attorney. This is not to be construed as a complete list of services.

1. Advise the Mayor, Board of Commissioners, Town Manager, and Department Heads upon any/all legal questions arising in the conduct of Town business.
2. Prepare and/or review draft ordinances when requested by the Board of Commissioners, Town Manager or Department Heads.
3. Give opinions upon any municipal legal matter or question submitted by the Mayor, Board of Commissioners, Town Manager or Department Head.
4. When requested, provide counsel to attend any Board of Commissioners Meeting or Town Committee meeting, said counsel to be the most knowledgeable member of the firm with respect to anticipated issues related to the meeting.
5. Prepare and/or review all contracts and agreements to which the Town is party when so requested by Board of Commissioners, Town Manager or Department Heads.
6. When authorized by the Board, prepare all charges and complaints against, and appear in the appropriate court in the prosecution of, every person charged with the violation of a Town ordinance. Under the direction of the Board, defend Town officials, Board and Committee members and employees in any action or claim against them in their official capacity. In those claims where the Town's insurance company has appointed legal counsel, the Town Attorney shall provide only those services requested by the Town Manager.
7. Immediately report to the Town Manager the filing of any litigation against the Town, as well as the final outcome of any such claim.
8. When requested by the Town Manager, collect unpaid taxes, fines and loans.
9. Prepare deeds, easements and contracts as pertaining to real estate and render title opinions on property being acquired by the Town.
10. Additional services from time to time may be required, including counseling Department Heads, elected officials, instructing Board members and employees of the Town in the elements of public law and examining intergovernmental activities.
11. This scope of services does not include: answering inquiries from the general public or press. All such requests shall be forwarded to the Town Manager; providing legal counsel to individual members of the Board of Commissioners or other Town Boards or Committees.

Specific Requirements

1. The proposal must identify the principal attorneys within the firm who will be providing legal services to the Town. The proposal should demonstrate the qualifications, competence and capacity of the attorneys to represent the Town in each of the municipal legal service areas. Resumes shall be submitted for each lead attorney specifically assigned to provide services to the Town. The law firm making a proposal must describe the firm's expertise in providing municipal legal services, specifically identifying its expertise in dealing with the General Requirements and Scope of Services above.

2. A member of the law firm selected shall be required to be present at all Board of Commissioners meetings when requested, as well as meetings of any Board subcommittees, Planning Board or Board of Adjustment, when needed.
3. The Town of Burgaw shall not be restricted from appointing specialized counsel as the need arises, or counsel when a conflict is evident.
4. Any firm selected by the Town will be prohibited from assigning, transferring, conveying, subcontracting or otherwise disposing of its responsibility for legal services with the Town or its rights, title, and interest therein, or its powers to execute such agreement to any other person, company, partnership or corporation without the previous consent and approval in writing from the Board of Commissioners.
5. Firms selected to provide legal services for the Town will not be allowed to represent any person, corporate entity or Town employee in any action against the Town or before any Town board or committee in the regulatory process.
6. The law firm selected as a result of this proposal shall indemnify the Town of Burgaw from all suits, actions or claims of any kind brought on account of any injuries or damages sustained by any person resulting from any act or omission by the firm or its employees which constitutes negligence or malpractice. The firm shall be required to carry professional liability insurance and the proposal must specify the carrier and the coverage limits, which can be no less than one million dollars. An insurance certificate to this effect shall be provided to the Town on an annual basis.
7. Each attorney/firm must agree to keep a complete record of all actions, suits, proceedings and other matters handled by the firm for the Town, including written opinions on legal matters, and to deliver such records to any successor Town Attorney, upon request of the Board of Commissioners.
8. Each attorney/firm must identify an address of the offices of the attorneys who would provide services to the Town and their proximity in miles and driving time to the Burgaw Municipal Complex (109 N Walker St, Burgaw, NC). The applicant must indicate their availability to provide services in the evening hours between approximately 5:00 p.m. and 11:00 p.m. However, in rare circumstances (emergency situations) there may be times that legal representation is needed at other times including weekends and holidays. The Town reserves the right to request the services from the attorney and/or firm. The method of requesting services after 5 pm shall be established between the Town Manager and Town Attorney.
9. Final selection will be made by the Board of Commissioners, and the selected attorney/firm will operate under the supervision of the Town Manager.

Fee Statements

Each firm must provide the proposed compensation amount required for its services.

The Town of Burgaw will entertain proposals for payment on an hourly basis, flat fee or capped basis, or any combination thereof. Any variations in the hourly rate should be disclosed, along with a rate schedule for the members of the firm that will be assigned to this contract. Any additional billable costs for paralegal or other services should be noted in the proposal. Itemized bills including the date, time and description of service, attorney providing service and that attorney's hourly rate will be required to be submitted prior to payment. Such bills shall be submitted on a monthly basis.

Selection Process

The Town Attorney is a direct appointment of the Board of Commissioners. Proposals shall be reviewed by the Board and administrative staff.

The Town reserves the right to negotiate with any or all bidders, to seek modifications or re-submissions of portions or entire proposals and to accept or reject any and all bids received.

Contract for Services

It is anticipated that the Town and the attorney or firm will enter into a contract for an initial one-year term after appropriate negotiations, with options to extend the contract upon mutual consent. The contents of this RFP and the representations made in the proposal will become part of any contract awarded as well as any additional terms and provisions negotiated by the parties. In addition, the Town anticipates that the following provisions will become a part of that contract.

Form of the Proposal

Each attorney/firm submitting a proposal is encouraged to submit a proposal based on the following format:

- Outline of the size and experience of the firm
- Resumes of key personnel providing services to the Town, along with individual specialties
- Identify proposed Town Attorney, and how the firm will handle assignments if the Town Attorney is not available
- Proposed mechanism for requesting services after normal business hours
- Listing of municipal clients and references, with contact information

Proposal Form

In order to facilitate comparison of competing proposals, please complete and submit the form below. Please feel free to attach additional sheets where the information requested is more extensive than the space provided.

Contact Information

Name of proposing firm: _____

Mailing Address: _____

Physical Address: _____

Phone: _____

Name of lawyer proposed as Town Attorney: _____

Phone: _____ E-mail: _____

Professional Liability Insurance (certificate to be provided upon award of contract)

Insurance Carrier: _____

Limits: _____

Financial Considerations

Proposed Cost per Hour:
Town Attorney: _____

Associate Attorney: _____

Paralegal: _____

Others: _____

Travel

How will your firm bill for travel time?

attorneys' travel rates: _____

mileage rate _____

Optional Compensation Proposal (attach as necessary)