AGENDA | BOARD OF COMMISSIONERS
REGULAR MEETING

September 9, 2025 at 4:30 PM

Burgaw Town Center
108 E Wilmington St

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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 July 29, 2025 Special Meeting Minutes

   B. Approval of the August 12, 2025 Regular Meeting Minutes

   C. Approval of the August 12, 2025 Closed Session Minutes

   D. Resolution 2025-17 Authorizing execution of necessary documents to and accept grant funding for Phase 4 of the Resilient Coastal Communities Program (RCCP) through the NC Department of Environmental Quality

   E. Resolution 2025-18 Designating Authorized Signatories for Town of Burgaw Bank Accounts

6. **Special Requests/Presentations**

   A. Employee Recognitions

7. **Departmental Items**

   A. **Information Technology Department**
   Dustin McCullen, IT Director

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

I. Consideration of amending the Historic Burgaw Train Depot Usage Policy

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

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

H. **Finance Department**
Tiffany Byrd, Finance Officer

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

J. **Police Department**
James Rowell, Police Chief

8. Public Forum

9. Public Hearing

A. Consideration of a proposed Conditional R-7 District rezoning request on ±3.4 acres of land from O&I, Office and Institutional district to R-7 (CZ), R-7 Residential, Conditional Zoning district located on Worth Beverage Dr. (SR-1481) and Progress Dr. (SR-1413) (PIN 3228-58-6970-0000).

I. Resolution 2025-20 Adopting a statement of consistency regarding an amendment of the official zoning map of the Town of Burgaw requested by Andrew Smith with Grand Visions Investments LLC to rezone property located on Worth Beverage Drive and Progress Drive (PIN: 3228-58-6970-0000) from O&I, Office and Institutional District to R-7 (CZ), R-7 Residential, Conditional Zoning District for a duplex (two-family)

neighborhood with 11 structures containing 2 units in each structure to total 22 units

II. Ordinance 2025-20 A map amendment of the official zoning map of the Town of Burgaw requested by Andrew Smith with Grand Visions Investments LLC to rezone property located on Worth Beverage Drive and Progress Drive (PIN: 3228-58-6970-0000) from O&I, Office and Institutional District to R-7 (CZ), R-7 Residential, Conditional Zoning District for a duplex (two-family) neighborhood with 11 structures containing 2 units in each structure to total 22 units

10. Items from Manager

A. Updates on current projects

11. Items from Attorney

12. Items from Mayor and Board of Commissioners

A. Consideration of appointing one (1) ETJ Planning Board Member

B. Resolution 2025-21 Pledging to Practice and Promote Civility in the Town of Burgaw

13. Closed Session

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

14. Adjournment

TOWN OF BURGAW BOARD OF COMMISSIONERS
SPECIAL MEETING

DATE:	July 29, 2025
TIME:	9:00 AM
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
BOARD MEMBERS ABSENT:	Commissioner Michael Pearsall Commissioner William Rivenbark

1. Call to Order

The meeting was called to order by Mayor Dawson at 9:00 AM.

2. Invocation

The invocation was led by Commissioner Malloy.

3. Pledge of Allegiance

The Pledge of Allegiance was said by all.

4. Work Session - Updates on current projects

James Gantt, Town Manager, gave updates on the following projects:

- Duke Energy is awaiting one final easement from Burgaw Now before construction can begin on the Courthouse Avenue project; once received, the work is expected to take approximately two months, with the Mayor inquiring whether completion would occur before the Christmas season. Lamp posts will be installed along Wright Street between Wilmington and Fremont Streets and Courthouse Avenue as part of the project.
- NC DOT is currently surveying the Wright Street/Hwy 53 area in preparation for a future widening project and possible traffic signal.
- Paving on Wright and Fremont Streets is scheduled between mid-August to mid-September with three nights of nighttime work, beginning with Wright Street from Wilmington Street to Fremont Street, followed by Fremont Street from Wright Street to Walker Street, and finally Fremont Street from Wright Street to Dickerson Street. Striping will include re-evaluation of parking and ADA spaces, and staff will explore crosswalk stamping.
- Duke Energy has replaced the requested streetlight by Regina Fennell around US Highway 117 By-pass and Ridgewood Avenue. Duke Energy is also working on additional lighting along US Highway 117 By-pass. Commissioner Dawson

commented on a couple of light poles, in the area of Hardee's, not working when the Christmas wreaths were displayed. Mr. Gantt advised these have been fixed, but will confirm.

- The Stormwater Master Plan remains in development, with a recent public meeting completed and an online survey forthcoming. Grant funding is being explored once the plan is finalized.
- The Water and Sewer Master Plan is progressing as survey work continues.
- The attorney is finalizing filing of the complaint related to a property along Satchwell Street and will be served by the Pender County Sheriff's Office soon.

Mayor Dawson commented on grant funding received for planning projects. Ron Meredith, Planning Director, confirmed of a $181,000 rain garden grant and a $4,500 bike/pedestrian match.

Commissioner Malloy said if the town is addressing the complaint on Satchwell Street, then we need to address the issue of overgrown vegetation behind the downtown businesses, particularly the area around Dees Park.

The following Department Heads gave updates on current projects:

- Damon Stanley, Facilities & Grounds Director, advised contracts are being awarded for cleaning and facility improvements including flooring at the Old Jail, as well as carpet cleaning at town facilities. Mayor Dawson advised Parks, Recreation & Tourism staff will be relocated to the Old Jail once improvements are complete.
- Ron Meredith, Planning Director, advised two quasi-judicial hearings are expected at the August Board of Commissioners meeting.
- Cody Suggs, Parks & Recreation Director, advised the dog park fencing and shade structures are scheduled to be completed next week, gravel has been added for parking, and PARTF fitness equipment installation is planned; a photo opportunity may be scheduled soon. The Westside Trail remains under NC DEQ review and a new Parks, Recreation & Tourism employee will start next week. Mayor Dawson asked about the future of pickleball courts in town. Mr. Suggs advised a quote for pickleball courts was received for approximately $37,000 for one court/$50,000 for two. The pricing includes fencing, net, concrete, striping, etc. There was discussion that land availability continues to be a concern. Commissioner Malloy said there has been previous discussion with the property owner that abuts the tennis courts, but there was no progress made in the possibility of the town purchasing it.
- Kimberly Rivenbark, Human Resources Director, reported onboarding of several new hires and is currently in contact with the NC League of Municipalities for guidance on re-writing the Personnel Policy, which has identified a potential grant opportunity.

- Dustin McCullen, IT Director, advised fiber connections are being installed at town facilities.
- Jim Hock, Police Chief, advised Motorola camera upgrades are in process and evidence cleanup is ongoing. The new Chief of Police, James Rowell, will begin working with the town on August 4th. Officer Wilhelm is currently in SRO schooling; he will be the SRO for Burgaw Middle School and Officer Murdock will be at C.F. Pope Elementary School.
- Tiffany Byrd, Finance Officer, advised she is closing out the fiscal year and requested board feedback on the monthly finance dashboard. Mr. Gantt added staff is currently working on a revised dashboard format within the finance software.
- Louis Hesse, Building Code Administrator, advised his department continues to be busy, with Building Inspector, Ivey English, handling a lot of the projects in town. Mr. Hesse added that Mr. English has been working hard to obtain various levels of inspection certifications. Commissioner Malloy and Mayor Dawson asked for an update regarding the minimal housing issues around town. Mr. Hesse said progress is going well and briefly explained the condemnation process.

Commissioner George voiced his concern again regarding the lack of a traffic light at Wilmington Street and US Highway 117 By-pass. After brief discussion, the board agreed this issue needed to be pushed; staff will reach out to legislators.

Commissioner George said McNeil Street needs to be repaved. Mayor Dawson said paving of this street is on the list following water and sewer repairs that will be identified in the master plan that is currently being done. Mr. Gantt said he hopes the master plan will be complete by the end of the calendar year so repairs can be done, followed by paving.

Commissioner Malloy commented on the lack of lighting in the area of NC Highway 53 and Interstate 40. Mayor Dawson also commented on the need for clean-up around the bushes in the same area. After brief discussion, staff will seek quotes to add lighting at the Interstate 40 interchanges and coordinate with NC DOT on vegetation maintenance and future wayfinding signage. Commissioner Dawson asked about placing a sign directing visitors to the new dog park. Mr. Gantt said this could be incorporated on the wayfinding signage. He also commented on digital ways that visitors will also be able to locate the dog park as well. Mr. Meredith said he is waiting on a quote for wayfinding signs.

Since the Parks, Recreation & Tourism Department staff are moving into the Old Jail, Mayor Dawson added that Planning Staff will be relocating to the former Parks, Recreation & Tourism office space in the Burgaw Town Center. She said we want to make sure everyone has a good working space and is efficient in their job duties.

Mayor Dawson commented on various issues with signs around town. She said there are stop signs on Bodenheimer Street and Ridgewood Avenue that are covered in vines. She also commented on a faded “city limit” sign on Penderlea Highway. Mr. Gantt said he previously spoke with NC DOT and they are supposed to be replacing the “city limit” sign. Mayor Dawson also requested staff straighten up various signs in town that are crooked and continue to complete temporary sign sweeps. Mr. Gantt will see that the staff handle these requests.

Mayor Dawson asked about the tree debris along the roadside between North McNeil Street and Timberly Lane on NC Highway 53. Mr. Meredith advised this issue is being addressed through enforcement and NC DOT compliance.

Mayor Dawson said there are a couple of “Burgaw” light pole banners that are faded or torn, that need replacing. Mr. Stanley will see this request is handled.

Mayor Dawson also commented on concerns about the flashing LED lights in a storefront across from the Scotchman Store on Smith Street. Mr. Meredith advised staff is aware and Chief Hock said night shift patrol units will look into this during the evening hours.

The following dates were mentioned by Mayor Dawson prior to adjournment:

- August 4th – Small Swearing-In Ceremony for James Rowell to begin working as a sworn law enforcement officer until Chief Hock’s official retirement date, 9:00 AM.
- August 7th – State of the Town Address, beginning at 6:00 PM.
- August 12 – Regular Board of Commissioners Meeting, beginning at 4:30 PM.
- August 27th – Commit to Civility training for the Board of Commissioners, from 1:00-3:00 PM.
- September 2nd – Official Swearing-In Ceremony of the new Chief of Police, James Rowell, 4:00 PM.
- October 28th – Next scheduled Board of Commissioners’ Work Session, beginning at 9:00 AM.

5. Adjournment

Commissioner Malloy made a motion to adjourn the meeting at 10:13 AM. The motion was seconded by Commissioner George and carried by unanimous vote.

TOWN OF BURGAW BOARD OF COMMISSIONERS
REGULAR MEETING

DATE:	August 12, 2025
TIME:	4:30 PM
PLACE:	Burgaw Town Center, 108 E. Wilmington Street
BOARD MEMBERS PRESENT:	Mayor G. Olivia Dawson, Commissioners James Malloy, Jan Dawson, Bill George, William Rivenbark and Michael Pearsall

Call to Order

Mayor Olivia Dawson called the meeting to order at 4:30 PM on Tuesday, August 12, 2025. She welcomed everyone to the monthly town meeting and expressed her appreciation for those attending.

Invocation

Pastor Ben Horrell led the invocation.

Pledge of Allegiance

The assembly recited the Pledge of Allegiance in unison.

Approval of Agenda

Mayor Dawson asked for a motion to approve the agenda as presented.

> Commissioner Malloy moved to approve the agenda as presented. Commissioner Pearsall seconded the motion. The motion passed unanimously.

Approval of Consent Agenda

The consent agenda included approval of the July 8, 2025 Regular Meeting Minutes, July 8, 2025 Closed Session Minutes, and Ordinance 2025-16 amending the FY 25-26 budget to reflect changes to the Parks and Recreation's Facilities Rentals section of the Schedule of Fees.

> Commissioner Malloy moved to approve the consent agenda. Commissioner Pearsall seconded the motion. The motion passed unanimously.

Special Requests/Presentations

Employee Recognitions

The meeting began with recognition of new employees and certifications. Kimberly Rivenbark, HR Director, introduced several new team members:

Angel Garcia was welcomed as the newest Water & Sewer Maintenance Worker in the Public Works Department, having joined the team two weeks prior.

David Polloway was introduced by Parks and Recreation Director Cody Suggs as the new Recreation Coordinator, filling Jayna's recent position after her promotion to Recreation Supervisor. Mr. Suggs noted that David had been with them about two weeks, describing him as "very energetic and sociable" and expressing confidence that "he'll be working well with our community members" to help get programs off the ground. David would be handling facility rentals and helping with programs.

James Rowell was introduced as the new Police Chief by Town Manager James Gantt, who explained that Rowell was replacing Jim Hock, the retiring police chief who had served for the past 10 years. Mr. Gantt noted that Rowell came from the sheriff's office with extensive law enforcement experience and would be "a great asset for moving our town and the police department forward." Kimberly Rivenbark announced that his official swearing-in ceremony would be held on September 2nd at 4 PM in the same room, with all welcome to attend.

When asked if he wanted to say anything, Chief Rowell thanked everyone for the welcome he'd received since starting the previous Monday. He immediately addressed the leadership transition, explaining, "not only is Chief Hock retiring but we're also losing the number two, Assistant Chief Captain Fuller. His wife got orders out of state so he was leaving as well." He reported that they had already conducted an internal process and identified Detective Sergeant Williams for promotion to the Captain's position effective September 8th, describing this as "kind of my first tour of duty getting something handled for the town."

Fire Chief Johnathan Prevatte reported continued growth in their volunteer base, introducing Gunner Getz, a 16-year-old addition to their junior firefighter program. Prevatte shared that one of their lieutenants had told him, "I think we're going to have to kick him out every night to get him to go home," as Getz had been training almost daily. He also introduced Johnathan Ryan, an active-duty marine who joined as a volunteer. Both individuals had participated in the department's ride-along program before submitting volunteer applications and were voted in on the 18th of the previous month.

The board also recognized several employees for their professional achievements:

Hunter Vernon and Rey Salas from Facilities and Grounds each earned three certifications: LIFT certification, Flagger certification, and pesticides certification. Ms. Rivenbark emphasized this was "a huge bonus in that department."

Ivey English received special recognition for an extraordinary accomplishment. Ms. Rivenbark expressed amazement at his achievement: "I don't know how he did it, passed 4 level III exams this past month, 3 of them in the same week." She explained he was now level III certified in all four trades and was working toward his fire certifications, having "passed in all 12 tests to get to where he is today and 4 of them within 2 weeks is absolutely incredible."

Alan Moore, Public Works Director, received significant recognition from Assistant Town Manager Jim Hock. Chief Hock announced that Mr. Moore had been sworn in as a commissioner with the Water Pollution Control System Operator Certification Commission, which falls under DEQ.

Kimberly Rivenbark was recognized by Town Manager Gantt for completing the certification exams for SHRM (Society of Human Resources Management) as a certified professional, described as "a great accomplishment for our HR director."

The board then presented a special recognition plaque to Chief Jim Hock for his service. Mayor Dawson presented the plaque, reading: "in appreciation of your exemplary service to the town of Burgaw and its citizens, as Chief of Police and Assistant Town Manager that you have served since 2015 to 2025." She thanked him for all that he had done for the town.

Mayor Dawson concluded the recognitions by acknowledging the town's growth through new employees and expressing appreciation for those completing certifications and their commitment to serving the town, while also noting sadness for those leaving.

NC Blueberry Festival Association - Street Closure Request

Crystal Batts appeared before the board representing the North Carolina Blueberry Festival to request a street closure for the second annual Chili Cook-Off. She explained the event would take place on Saturday, November 15th, requesting closure of Courthouse Avenue between Dickerson Street and Wright Street from 5 AM for setup until 6 PM for breakdown of tents and equipment. Ms. Batts noted, "It will be exactly the same set up as we had last year and we had no problems or issues with anything that went on last year," clarifying that last year was the first Chili Cook-Off and expressing hope that this second one would be "a lot bigger."

> Commissioner Malloy moved to approve the street closure request. Commissioner George seconded the motion. The motion passed unanimously.

Mayor Dawson expressed that they looked forward to the event and commended the organizers for their good work.

Departmental Items

Public Works Department

Alan Moore, Public Works Director, provided a comprehensive update on department activities. He reported they had been busy with locates and had addressed nine water leaks over the last few weeks. The department was actively working with McKim and Creed on the Water Sewer Master Plan and had been pulling pumps at lift stations for maintenance.

Mr. Moore confirmed completion of lead and copper samples, TTHM samples, and Bac-T samples. The department had also been installing force main markers at Highway 117. He announced that the paving schedule had been pushed back due to weather, now expected to occur "sometime between the first of September and thirtieth of September."

Commissioner Pearsall thanked Mr. Moore for quickly addressing an issue on Hayes Street where grass was growing in the gutters. He noted that while the town currently lacks a street sweeper, Mr. Moore's team had used weed eaters to clean up the area. Commissioner Pearsall reported that he'd called about the issue the previous morning and residents had already called him that afternoon saying "wow that was quick," prompting him to commend the department for their rapid response.

The board again congratulated Mr. Moore on his recent appointment to the State Commission.

Fire Department

Fire Chief Johnathan Prevatte reported that during July, the department responded to 79 calls for service and completed 277 hours of in-house training. He detailed several training initiatives:

The department conducted bailout training, which he described as "a firefighter self-rescue technique for elevated areas, second, third floors, things like that." They also completed construction of part of a training prop they'd been developing over the past year, which gives them the ability to conduct this specialized training and helps meet state requirements for holding certain certification courses.

Fire Marshal Kratovel had been conducting Fire and Life Safety Educator 2 courses in-house, having become qualified to teach these courses. Prevatte explained this training "not only helps better prepare them for our community engagement events but also helps us out in our ISO rating when we have our evaluation next year."

One of their volunteer officers led crew resource management training that "focused on communication, leadership skills and how to work better and function as a team in a hazardous environment."

The department completed all hydrant flows for the town to support the Stormwater Master Plan. Chief Prevatte reported, "All of that project has been completed and flows have been obtained." They coordinated with Alan Moore's team about any issues found with hydrants to get them resolved, and the information has been provided for implementation into the plan.

Fire Marshal MaryBeth Kratovel then presented two ordinances for board consideration. The first would update the fire code adoption ordinance in the Municode to automatically adopt the state fire code as the state adopts it, rather than requiring continuous adoption with each change. She clarified that while the 2024 code hasn't been officially adopted by the state fire marshal yet, they wanted the ordinance to reference whichever code is recognized to avoid future updates. They are still operating under the 2018 code.

The second ordinance requested an amendment to establish a fee schedule for the fire marshal's office.

> Commissioner George moved to approve Ordinance 2025-17 Amending the town of Burgaw Code of Ordinances. Commissioner Rivenbark seconded the motion. The motion passed unanimously.
>
> Commissioner Malloy moved to approve Ordinance 2025-18 Amending the FY 25-26 Budget. Commissioner Dawson seconded the motion. The motion passed unanimously.

Facilities & Grounds Department

Damon Stanley, Facilities & Grounds Director, reported that his department had been dealing with a lot of water here recently while continuing efforts to raise the aesthetics in the downtown area.

Mr. Stanley reported that a lightning strike two weeks prior had affected one of their HVAC units, but they were able to resolve the issue within three or four days. He specifically addressed Commissioner Pearsall's interest in uniforms, confirming that his employees would be wearing uniforms starting the following week.

Mr. Stanley expressed gratitude to the board: "I would also like to thank the board for the investment in a new mower for my guys and whatnot. It's been a tremendous asset in getting caught up with some things that we were behind on."

Commissioner Pearsall raised a concern about a lift station on South Dudley Street that was overgrown, noting residents had contacted him about young children in the area and concerns about snakes. He acknowledged that Mr. Stanley's team had already addressed it but asked

them to "look at the adjacent left and right of that facility where you guys cut and see if it can be matched a little bit." Mr. Stanley agreed to this request.

Parks, Recreation & Tourism Department

Cody Suggs provided extensive updates on multiple ongoing projects. He began with a mowing update, acknowledging the impact of recent rain: He assured everyone mowing would continue as soon as conditions dried out.

The dog park project had progressed with poles set for shade structures and fencing installation beginning. Mr. Suggs noted rain was a struggle but hoped to have the project completed and ready to open to the public by the following week.

The tourism building was on schedule with flooring to be finished Thursday, painting completed, and furniture scheduled for the following week. Mr. Suggs anticipated being ready to move in late the following week.

Tree work would begin once conditions dried out, addressing dead trees or those with lightning strikes around park perimeters adjacent to the walking trail.

Mr. Suggs promoted the Foundation golf tournament coming up in October, noting they were taking active registrations. The department had been working with contractors on quotes for kitchen flooring that the board had budgeted for the year.

Regarding the tennis grant project, lighting had arrived to the contractor who was addressing some cross arm issues before beginning the upgrade work. Recreation equipment was being installed at Rotary Park, though the contractor had faced challenges with the rain.

Mr. Suggs delivered particularly good news about the trail project: "I am happy to report that as of Friday of last week, we received our permit from DEQ so all the permitting is in place for the trail project." He had spoken with the contractor who was actively working with subcontractors to validate the scope of work. Mr. Suggs emphasized the need to be neighborly about items residents have in the right-of-way where sidewalks would be installed, planning to notify affected folks before "hitting the ground running to get it installed as quickly and as properly as possible."

Commissioner Dawson asked about trees struck by lightning, specifically one at Johnson Park. Mr. Suggs confirmed it was the large pine leaning toward Hayes Street, describing it as having "a lightning strike that's wrapped all the way around that tree starting to decay." He expressed urgency about addressing it "before it falls across the road" in potential hurricanes or storms. He and Damon Stanley had identified several trees, focusing on those in areas with pedestrian traffic or where crews mow that could pose hazards.

Mr. Suggs then presented a request for street closures to accommodate Cycle NC in October, explaining it's "a thousand bike riders coming from Lake Lure to Fort Fisher" with Burgaw as a stop along the route. A subcommittee had been formed including the mayor, chamber, arts council, and other key players. He requested closure of Wright Street from Wilmington Street to Fremont Street and Courthouse Ave from Wright Street to Dickerson Street from 5 AM to 1 PM on Saturday, October 11, 2025. He explained riders would depart from River Landing Hotel in Wallace, with Burgaw as the first stop, expecting riders around 8 AM for a 2-3 hour stay. The plan included vendors and encouraged businesses to be open for shopping before riders continued toward Castle Hayne, escorted by highway patrol and police.

> Commissioner Dawson moved to approve the street closure request for the Cycle NC event. Commissioner Malloy seconded the motion. The motion passed unanimously.

Mayor Dawson indicated they would send out more information about the October 11th event and expressed enthusiasm for it.

Planning Department

Ron Meredith provided a high-level overview of planning department activities. The department had been awarded a $181,000 RCCP Phase 4 grant for the rain garden project they'd been discussing over the past 18 months. He planned to meet with consultants who did the Phase 3 design the following day to determine next steps.

The department also received an NCDOT multimodal grant to update the sidewalk/multimodal plan on file, though this was currently on hold due to federal funding pauses.

Regarding code violations, Mr. Meredith reported they continue to receive new violations weekly. The Satchwell violation had been sent to legal, who filed civil action with the court system, with an outcome expected shortly. The department was also working toward resolution on a McNeil violation and consulting with legal about it.

Mr. Meredith acknowledged the many ongoing zoning violations and expressed openness to recommendations for streamlining the process. He apologized for not including the usual spreadsheet in the monthly update but promised to provide it with updates, noting it hadn't changed much over the last month. He concluded by mentioning upcoming zoning cases that would be heard that evening as quasi-judicial matters.

Building Inspections Department

Louis Hesse provided detailed updates on major construction projects throughout town:

Pender County Jail Center was progressing well, with crews working on miscellaneous cinderblock work, above-ceiling installations, and plumbing. Despite extremely muddy conditions, work continued mostly inside as the building was partially dried in, though some roofing remained incomplete, requiring crews to mop out water after each rain.

Pender County Health and Human Services building was fully under roof and dried in with no more rain intrusion. Rough-ins were mostly finished with sheetrock hanging over 80% complete.

The Burgaw Deli was very close to finals, with Mr. Hesse expecting to hear from them shortly. Their main holdup was the Pender County Health Permit which had a couple of menu-related items to resolve.

Easter Seals project for residential rehab was at rough-in stages. The office portion had passed rough-in inspection, and the residential living areas were down to their last framing, expected to be completed by week's end.

Novant Health had an exterior project progressing well, including a new cooling tower for the ER wing. They had changed from a rooftop unit requiring significant structural work to a ground-level installation with a privacy barrier.

Black River had temporary COs on everything, lacking only some outside work including grading, which was delayed due to ground conditions.

Bagel King had a new general contractor on board, though no inspections had been called in yet.

The department was managing over 20 residential projects including new construction and additions, with no major issues reported. Mr. Hesse noted they'd been "working well with every contractor."

Eight minimum housing issues were being actively managed, with Mr. Hesse in constant contact with property owners and applying pressure as needed. He expressed satisfaction with the progress on all of them.

When asked about construction near the Advance Auto, Mr. Hesse clarified it would be a dentist office, with Ron Meredith adding they hadn't reached the building phase yet.

Finance Department

Tiffany Byrd, Finance Officer, reported that the department had been actively preparing for the 2024-2025 audit over the past month. Their focus had been on "collecting and uploading all the financial documentation" to the auditors' secure portal.

All departmental operations had been submitted and completed on schedule, including accounts payable, utility billing, payroll, and annual reporting operations, all while maintaining focus on the audit. When asked about the deadline, Ms. Byrd confirmed it used to be October 31st but had been extended to December 31st. She noted their goal was still to meet the October deadline despite it requiring significant work.

Mayor Dawson thanked Ms. Byrd for taking over the role and expressed appreciation for her efforts.

Human Resources Department

Kimberly Rivenbark reported conducting several interviews with various departments, successfully filling positions as evidenced by the new employees introduced earlier. She was particularly pleased to announce a new equipment operator starting in early September, moving from out of state with "20 plus years of experience in a public works department for another municipality," noting "he brings a wealth of knowledge with him."

Regarding the personnel policy rewrite, she had applied for a fifty-fifty grant and was waiting to hear back, expressing confidence in approval.

Current active job postings included Public Services Director, one Equipment Operator position, a Customer Service Representative/Utility Billing Technician, and an internal posting for the Detective Sergeant position running for the next week.

Police Department

Chief Hock provided several updates. Between the last meeting and today, Captain Fuller had attended the North Carolina Police Executive Association conference in Wilmington, bringing back valuable information.

The police department had partnered with Parks and Recreation by assigning an officer to assist with summer camps for the three-week duration, which Chief Hock described as "a good partnership."

Officer Valade assisted Holly Ridge under their mutual aid agreement with a Governor Highway Safety Program event. Officer Rossi received her radar recertification, meaning all officers were now radar certified.

All full-time town employees participated in ALICE and CPR training. Chief Hock explained ALICE as "instruction on response to violent offenders," taught by soon-to-be Captain

Williams and Corporal Padgett from the investigation division. CPR and AED training was being conducted by Captain Fuller.

As Assistant Town Manager, Hock reported that all 24-25 vehicle acquisitions and upfits were complete, with all vehicles assigned to town employees. The culvert project on North Walker Street required ongoing attention due to rain washing out different areas, with Mr. Suggs coordinating efforts to establish something more permanent despite the challenging conditions.

In his retirement remarks, Chief Hock expressed appreciation for the support from elected officials over the years, noting he'd worked with numerous officials who had come and gone. He praised town staff as "second to none" and thanked citizens. He assured everyone his phone number wouldn't change and he'd still be around if needed.

Commissioner Pearsall wished him the best, and the board expressed their appreciation for his service.

Items from Manager

Town Manager James Gantt provided updates on several ongoing projects:

The Stormwater Master Plan was progressing well with the Capital Improvement Plan in development and the first public engagement event completed. In August, they hoped to complete modeling efforts and the draft capital improvement plan for town review.

The Water and Sewer Master Plan continued with survey work, with crews conducting surveys of manholes, sewer lines, water lines, and facilities. They had been working directly with Public Works Director Alan Moore on lift station inspections to determine conditions, capacities, sizes, and horsepower for inclusion in the plan.

The streetlight requested at Ridgewood Avenue had been replaced by Duke Energy.

The Duke Energy streetscape project for downtown was moving along well, with work scheduled to begin August 18th pending no weather delays or other issues. This initial work would be peripheral to the project before moving into the downtown area. Mr. Gantt confirmed they had discussed town events and timelines with Duke Energy, who would work to either complete work before major events or accommodate them.

Mr. Gantt also reported on a recent visit by department heads to Duke Energy's Operations Center in Castle Hayne. The fire and police chiefs attended, learning about Duke's storm preparation processes, power outage response procedures, and monitoring capabilities from their Raleigh facility. They observed equipment for accessing difficult areas, drone and helicopter use, and other resources Duke employs for power restoration.

Public Forum

During the public forum, three residents addressed the board on general matters:

John Westbrook, 410 East Fremont Street, spoke about downtown development and the underground utilities project on Courthouse Avenue and Wright Street. He recalled community forums at the depot years ago that developed plans A, B, and C, with the community enthusiastically approving Plan 3, demonstrating that "the people of Burgaw want to see growth if it's done right."

Mr. Westbrook specifically requested the town allocate additional funds to widen the sidewalk between the alley and Dickerson Street. He explained that currently "the awnings come out all the way to the edge of the sidewalk, and you can't even plant… can't do trees. You can't even put lights in on that side." He noted the plan included 5-foot sidewalks on both sides without street paving, understanding budget constraints but advocating for improvements.

He shared a personal anecdote about redesigning the depot project, donating $45,000 worth of his fee, and how Louis Hesse had saved the project from costing $3-5 million by bringing it down to around $500,000. Mr. Westbrook urged finding money to widen sidewalks to at least 11-12 feet to accommodate lighting, trees, and possibly parallel parking, emphasizing that the area had oil contamination from old gas tanks that limited planting options.

Alicia Taylor, 712 Wrens Street, addressed the board about growth and development concerns. She posed a fundamental question: "Is growth good for the current residents?" She reminded the board that "Members of the town board were elected by current residents, not by developers, and they should care about the interest of current residents."

Ms. Taylor expressed concerns about subsidizing developers who "don't stick around when their roads crumble or the houses they built flood due to poor drainage." She questioned whether residents' taxes would increase to pay for growth, stating she understood increases for inflation and employee cost of living but questioned why residents should "subsidize builders."

She cited Surf City as an example, where residents were upset about their tax rate increasing to 53 cents, while Burgaw's was already at 60 cents without beach renourishment costs. She quoted Surf City's Town Manager Kyle Breuer attributing their property tax increase to "expenses related to growth."

Ms. Taylor referenced an August 7th WECT report about Cottonwood Place in Columbus County where homeowners "felt powerless watching the floodwaters grow" with impassable roads during a simple thunderstorm. One resident reported not feeling safe to sleep for fear of flooding. Ms. Taylor emphasized that these residents were stuck with no help available after developers had left, warning that "the county should have helped them before they came to build on land that was going to flood."

Charles Rooks, 105 North Bennett Street, raised two primary concerns. First, he inquired about plans for the state to donate land at the water tank to Burgaw. Town Manager Gantt confirmed this was correct - the House had approved it and it was currently in the Senate. Mr. Rooks had heard about plans for a fire department training facility on the property and questioned the necessity given Cape Fear Community College's existing training facilities and the expense of maintaining fire department employees. He supported the town acquiring the property but questioned additional facility costs.

Mr. Rooks then shared his experience as a former town board member dealing with development proposals. He recalled being assured that stormwater was addressed and approved by North Carolina, specifically mentioning Tealbrier development where water drains to Henry Brown Road and the same creek where new development was proposed. His main concern was that lot sizes didn't allow for easements: "right now Tealbrier has got trees growing up in their drainage ditches and there's no way because there's no easements the town can check on this."

He warned that when developers leave and establish HOAs, if the HOA can't maintain infrastructure, responsibility falls to the town if properties are within city limits. While

acknowledging they had followed proper procedures for state stormwater approval, he believed the state's standards were inadequate for Tealbrier and predicted "similar problems in anything that's developed around here in Burgaw because it's so flat."

Public Hearings

Consideration of a preliminary plat for a Major Subdivision (Quasi-Judicial)

The board opened a quasi-judicial public hearing for a preliminary plat approval for a major subdivision at 6:01PM. Attorney Brian Edes provided an overview of the hearing, emphasizing that it was an evidentiary hearing for D.R. Horton Inc.'s application concerning approximately 285.17 acres at 2630 NC Highway 53 West. This land is currently zoned as Rural Agricultural (RA). Edes explained the purpose of the hearing: to allow the applicant to present competent, material, and substantial evidence demonstrating that their proposed preliminary plat meets the criteria set forth in the town's Unified Development Ordinance, specifically sections 10.13 and 10.14.

Before proceeding with the presentation, Attorney Edes took substantial precautions to ensure the impartiality of the board. He confirmed that no board member had financial interests, business relationships, or any disqualifying contacts with D.R. Horton or any related parties. This was done to maintain objectivity and integrity in the decision-making process.Once the procedural matters concerning the board were settled, those witnesses who wished to be heard were sworn in.

During the quasi-judicial hearing, Planning Director Ron Meredith presented the preliminary plat for the Weldon Village major subdivision. He explained that the proposal covers approximately 285 acres located within the existing RA (Rural Agricultural) zoning district. The subdivision is planned as a 191-lot single-family detached home development. The applicant is Elizabeth Shelton with DR Horton, and the property is owned by the Bowen Caputo Family Limited Partnership. Meredith noted that the property is divided into three separate segments by NC Highway 53 and Henry Brown Road. He emphasized that no rezoning is required for the proposal since the RA zoning district already allows single-family residential uses at a density of one dwelling unit per acre. While a small portion of the site is zoned R20, that area is not included in the application, and any future use of that parcel would require a new or revised submission.

Meredith described the surrounding land uses and zoning. To the north, the property abuts unincorporated county lands zoned RA and RP, consisting largely of agricultural and undeveloped areas. To the east, there are RA and R20 zones with low-density single-family homes. The southern boundary also adjoins unincorporated RA zoning with agricultural uses, and the western boundary includes similar low-density RA agricultural lands. He stressed that the subdivision is consistent with these surrounding land use patterns.

Traffic impacts were a major point of consideration. Meredith stated that the Town of Burgaw requires a traffic impact analysis (TIA) whenever a development generates more than 100 peak-hour trips or more than 1,000 daily trips. Weldon Village meets this threshold, with an estimated 141 AM peak-hour trips, 189 PM peak-hour trips, and a total of 1,914 daily trips. A preliminary TIA has been completed and is under review by NCDOT and the town’s contracted traffic consultant. Early findings indicate that traffic volumes may not require immediate improvements, but final determinations will be made during the driveway permit process to ensure safe and reasonable access. Meredith clarified that this process remains ongoing, with revisions currently under review by both the state and the town’s consultant.

Meredith then addressed the infrastructure and design components of the subdivision. The applicant proposes private roads throughout the development, though all must be constructed to NCDOT standards and certified by an engineer at the time of final plat recordation. Maintenance of the roads, stormwater systems, and open space areas will be the responsibility of a homeowners association. The project requires 42.78 acres of open space, equaling 15 percent of the total site area. The applicant has exceeded this requirement by providing 15.61 acres, or approximately 18 percent. The design also incorporates connections to adjacent properties, which Meredith pointed out on the site plan.

The project underwent a comprehensive review by town staff and the Technical Review Committee (TRC), which included input from state regulatory agencies and various town departments. Based on this review and subsequent revisions by the applicant, the proposal was found to be consistent with the Unified Development Ordinance (UDO), specifically Sections 10.13 and 10.14, which govern the review and approval of major subdivisions. Meredith emphasized that approval of the preliminary plat by the Board of Commissioners does not authorize immediate construction. Before site work can begin, the Planning Department must issue a formal release, which will only be granted once all necessary permits have been obtained. These permits may include sediment and erosion control permits from the state, stormwater permits addressing water quality impacts, wetlands permits from the Army Corps of Engineers, NCDOT driveway permits, and authorizations to construct water and wastewater infrastructure.

He also reviewed environmental and annexation considerations. Updated 2023 flood maps were presented, showing no flood areas on the subject property. Flood-prone areas are located to the west of the project site, outside of the development boundary. Meredith reported that the applicant has submitted a voluntary annexation request in order to connect the development to the Town of Burgaw's wastewater system, with the developer assuming the full cost of connection. He noted that annexation is a required step for compliance with the town's utility standards.

Meredith further explained that although a community meeting was not required under the quasi-judicial subdivision process, the applicant chose to hold one voluntarily. Feedback from residents at that meeting resulted in changes to the proposal, most notably the addition of landscaping buffers at key points to address concerns from neighbors. He concluded by stating that the application, as revised, complies with the town's ordinances and standards, and reiterated that preliminary approval does not equate to permission for immediate construction activities.

Following Meredith's presentation, Mayor Olivia Dawson and commissioners posed several questions. Mayor Dawson asked for clarification on whether the proposed private roads would meet state standards. Meredith confirmed that both private and public roads must be built to NCDOT specifications and that final plat recordation would require an engineer's certification of compliance. Dawson also confirmed with Meredith that this stage of the process does not grant approval for construction; all permits must be secured before the Planning Department releases the plat.

Commissioner Michael Pearsall asked about the status of the traffic study. Meredith explained that while preliminary findings suggest no roadway improvements will be necessary, the analysis is still being reviewed by NCDOT and the town's traffic consultant. Final requirements will depend on the outcome of that review. Commissioner James Malloy inquired whether the subdivision was the same project that had previously been scaled back from 531 lots to the current 191 lots. Mayor Dawson confirmed this reduction.

Town Attorney Brian Edes then addressed evidentiary matters. He confirmed with Meredith that pages 29 through 147 of the agenda packet contain staff-prepared documents related to the application. These were introduced and accepted into the record as Exhibit 1 without objection. The PowerPoint presentation used by Meredith, consisting of 13 slides, was introduced and accepted into the record as Exhibit 2, also without objection from the applicant

Following the conclusion of staff's presentation, Mayor Olivia Dawson invited the applicant to present. Grayson Morgan, the entitlements manager for D.R. Horton, came forward and introduced himself to the Board. He stated that he was present to represent the Weldon Village project and that accompanying him were engineering consultants John Wall and Beth Blackmon from the Timmons Group. Morgan then turned the presentation over to Ms. Blackmon.

Beth Blackmon, Senior Project Manager with Timmons Group, introduced herself to the Board, providing her credentials as a professional licensed engineer in North Carolina with an office in Raleigh. She thanked the mayor, commissioners, and staff for their review and explained that the Weldon Village preliminary plat had been prepared by a team of licensed engineers, surveyors, and environmental consultants. She described the project as located at 2630 NC Highway 53 West, encompassing approximately 285 acres that are divided into three segments by Henry Brown Road and Highway 53. The parcel is presently undeveloped and lies within the Town of Burgaw's extraterritorial jurisdiction (ETJ). Blackmon confirmed that if the subdivision is approved, the property will later be voluntarily annexed into the town limits. She explained that the property is currently zoned RA (Residential Agricultural), which permits single-family detached homes by right. The Weldon Village plan proposes 191 lots, each a minimum of one acre (43,560 square feet) in size with a minimum width of 100 feet. This yields a proposed density of 0.67 dwelling units per acre, which is comfortably within the zoning district's maximum density of one unit per acre.

Blackmon emphasized that the subdivision has been designed in accordance with the Town's Unified Development Ordinance (UDO), meeting all standards for lot size, setbacks, and street layout. The plan includes sidewalks and designated recreational areas, and it has been reviewed by the Technical Review Committee as noted in the staff presentation. She explained that the RA zoning district is intended to preserve rural character, supporting agriculture, recreation, and low-density residential uses. The town's comprehensive plan designates the area as "rural character," and Weldon Village aligns with both the zoning designation and the town's long-range planning goals for residential growth and rural preservation.

She addressed public facilities and utilities, stating that adequate services are available to support the development. Wastewater service will be extended from the town and connected at the developer's expense, with annexation being a required part of that process. Water service will connect to Pender County Utilities through the existing water line along NC Highway 53. Final utility connections will be coordinated among the town, the county, and utility staff during permitting. Blackmon further explained that stormwater management, traffic, and fire protection requirements have all been addressed through the TRC process. Stormwater permitting is managed by the State of North Carolina, while NCDOT is reviewing an addendum to the traffic impact analysis (TIA) to reflect the current development plan.

She confirmed that all internal subdivision roads will be privately owned but built to both town and NCDOT standards. With regard to open space, Blackmon noted that the UDO

requires 15 percent of the total acreage and 30 percent of buildable acreage to be dedicated for open space. The Weldon Village plan provides over 50 acres, which amounts to 18 percent of the overall site. This includes 21 acres of buildable open space, or nearly 50 percent of the required amount. All streets, stormwater facilities, and open space areas will be maintained by the homeowners association. Blackmon added that although not required, a neighborhood meeting was held prior to the first TRC submittal, and feedback from that meeting resulted in the addition of buffering in key areas to address community concerns. She emphasized the applicant's commitment to continued collaboration with town staff, reviewing agencies, and the community.

Blackmon concluded by requesting approval of the Weldon Village major subdivision preliminary plat, citing the completeness of the application and its compliance with zoning and UDO requirements. She then presented several slides, including a site plan with shaded areas highlighting open space and the distribution of the 191 lots, all one acre or greater in size. She pointed out compliance with setbacks, street design, and right-of-way widths, as well as perimeter buffers. She explained that a tree survey had been completed and demonstrated that home sites can be placed in a manner that preserves existing trees. She also displayed conceptual entrance signage, noting that because the project spans both sides of NC Highway 53, one larger sign would be placed on one side and a smaller placemaking sign on the opposite side. Blackmon reiterated that the future land use map designates the area as rural character, consistent with low-density residential development, and emphasized again that the proposed project fully complies with the RA zoning district. She thanked the Board for their time and consideration and invited questions.

Mayor Dawson opened the floor for questions from commissioners. Commissioner Michael Pearsall inquired about the traffic impact analysis, referencing page 118 of the agenda packet. He noted that the packet indicated the TIA had been completed and revised to reflect the reduced number of lots, and he asked whether the study had in fact been completed. Blackmon clarified that the traffic study was performed and submitted, and in her view, "completed" meant that the work had been finished by the traffic engineer and formally submitted to both NCDOT and the town's consultant. Commissioner Pearsall pressed for clarity, suggesting that the study was not technically complete until fully reviewed. Blackmon responded that while the review process was ongoing, the applicant's portion—the preparation and submission of the study—was completed. Mayor Dawson added that part of the process had been completed, and Pearsall confirmed he was satisfied with the clarification.

Mayor Dawson then asked again whether there were any further questions from commissioners. Hearing none, she turned to Town Attorney Brian Edes for housekeeping matters. Attorney Edes first confirmed the correct spelling of Ms. Blackmon's name for the record. He then asked how many slides were included in her PowerPoint presentation, to which she replied five. Edes recommended that the Board accept the applicant's five-slide PowerPoint into the evidentiary record as Exhibit 3. There were no objections from staff or the applicant, and Mayor Dawson accepted the exhibit into evidence.

During public comment, numerous residents expressed concerns:

Mayor Olivia Dawson introduced Mr. Mike Taylor as the next speaker and welcomed him to the podium. She asked that he state his address for the record, after which Mr. Taylor provided his residence at 712 Whrens Street in Burgaw. He explained that his standing to speak was derived from a previous Planning Board quasi-judicial hearing regarding the Pender House, during which he had been recognized as an expert in local history. He stated

that he wished to address whether the Weldon Village development, if built as proposed, would or would not be in harmony with the area, particularly in light of the land's designation as part of a state-approved historic district.

Town Attorney Brian Edes sought clarification on Mr. Taylor's credentials. Mr. Taylor confirmed that he had previously been declared an expert in local history by the Burgaw Planning Board. When asked about his training, Taylor explained that while he was not formally educated as a historian, his career as the Pender County Library Director had earned him a local reputation for historical knowledge. During his tenure he had established a significant historical collection covering three counties within the library system. In addition, he had served for decades on the Board of Directors of the Pender County Historical Society, where he is currently the Vice President, though he emphasized he was speaking as an individual and not on the Society's behalf. He also noted his service on committees with the State Historic Preservation Office and the State Archives of North Carolina, including participation on statewide preservation committees.

Attorney Edes further questioned Mr. Taylor regarding property ownership and proximity. Taylor stated that he resides in Burgaw and owns several properties in town, but acknowledged that his nearest holdings are several miles away from the Weldon Village site. He clarified that his testimony was not offered in regard to the value of his own properties but rather to the compatibility of the proposed subdivision with the area's character, particularly its designation as the Stoney Road Historic District. He emphasized that this is the only agricultural historic district in Pender County and argued that the proposed development was not in harmony with the district's agricultural and historic character.

During questioning, Mr. Taylor referred to criteria he believed were required for Board consideration in quasi-judicial hearings. Attorney Edes clarified that while there are five criteria applicable to special use permits and four criteria for variances, those standards do not apply to preliminary plat approvals. For subdivisions, the controlling requirements are those contained in Sections 10.13 and 10.14 of the Unified Development Ordinance. Edes pointed out that Planning Director Ron Meredith had testified earlier that the Weldon Village proposal met those requirements. Mr. Taylor acknowledged he was not familiar with those sections of the ordinance.

Mayor Dawson and Attorney Edes explained that the issue of harmony, while a legitimate concern in other types of quasi-judicial proceedings, is not a standard applicable to preliminary plats. Attorney Edes further noted that since Mr. Taylor did not reside in close proximity to the site, his standing to testify on this particular element was limited. Mayor Dawson clarified that if there were a future hearing requiring consideration of harmony with surrounding uses, Mr. Taylor would have an opportunity to present testimony at that time. At this stage, however, the Board was only considering the subdivision of land "on paper," not use-related criteria.

Mr. Taylor acknowledged the clarification, expressed his understanding of the limitations of the current hearing, and thanked the Board for its consideration. He added that he was leaving the meeting early due to another commitment, not out of dissatisfaction with the process. Mayor Dawson and Attorney Edes both thanked him for his time, testimony, and professional demeanor.

Mayor Olivia Dawson introduced the next speaker, Mr. Donald Ray Hufham, and asked him to state his name and address for the record; he identified himself as residing at 1089 Piney Woods Road. Town Attorney Brian Edes began by asking threshold questions regarding standing, including whether Mr. Hufham lives in town and how close his property is to the

subject site. Mr. Hufham explained that his property is on the north side of the Stony Run branch and "backs up to" the area near the proposed development; measured by road distance he is approximately three and a half miles from town. After brief clarification between counsel and Mr. Hufham, it was acknowledged that the standing inquiry focuses on whether he owns property close enough to be affected, and Attorney Edes later stated that if Mr. Hufham's property abuts the subject property, he would have standing.

Town Attorney Norwood Blanchard elaborated on the standing rules and the constraints of quasi-judicial proceedings, explaining that North Carolina statutes enacted in recent years make it difficult to contest such applications without proximity-based standing and competent, material evidence. He offered examples to illustrate that adjacent or nearby owners typically have standing, whereas residents with only a general interest do not. He emphasized that the Board must create a record suitable for judicial review and that failure to follow the rules could result in loss of local control if a superior court overturns the decision. Mayor Dawson noted that the matter before the Board was preliminary and only one step in a longer process. Attorney Edes reiterated that if Mr. Hufham's property abuts the site, he would have standing for purposes of testimony.

Mr. Hufham then offered comments expressing significant concern about stormwater, wetlands, roadway capacity, utilities, and community character. He criticized what he perceived as a lack of on-the-ground site review and stated that the land is soggy and wet, with stormwater expected to flow north across the highway toward his area and neighboring properties. He asserted that local roads "already can't handle" current conditions and that the nearby branch "hasn't been cleaned out since Fran and Floyd." He raised objections to additional connections to the public water and sewer systems and worried residents might be compelled to connect. He stated that increased impervious surface would degrade groundwater conditions and referenced receiving four letters in the last year from Pender County Utilities concerning chemicals in the water supply; he summarized the notices as indicating the issue was not an emergency at the time but warned of potential long-term health effects from elevated levels of certain compounds, and he expressed frustration about the timing of the notifications. He also mentioned information he received regarding "THMCs for vital organic chemicals," questioned an explanation he was given about water residence time in tanks, and read language he understood as linking long-term exposure above certain levels to risks involving the liver, kidneys, central nervous system, and cancer, urging officials to recognize possible public-health implications.

Continuing, Mr. Hufham voiced opposition to development in wetlands and referenced prior discussions about right-of-way acquisitions for a bridge and broader development pressures involving realtors and attorneys. He argued that wildlife and wetland ecosystems—citing alligators, raccoons, turtles, and native plants—cannot be relocated by mitigation elsewhere. He urged preservation of the community's historic, small-town identity—citing attractions such as the Blueberry Festival and the railroad heritage—and contrasted Burgaw with towns that, in his view, have protected natural areas around their core. He asked whether a countywide moratorium on building exists, questioned the quality standards of homes allowed, and suggested that inspections would be burdensome given the volume of construction. He expressed that these decisions affect taxpayers and his personal finances, and he felt the process left residents at a disadvantage without their own legal representation.

Attorney Edes responded that the Board's role at this stage is narrowly confined to whether the proposed preliminary plat meets the applicable provisions of the Unified Development Ordinance—specifically Sections 10.13 and 10.14—and that issues related to vertical construction, building quality governed by the state building code, and certain infrastructure

matters are not before the Board in a preliminary plat decision. He explained that the planning director has opined that the submittal meets the ordinance and invited any testimony Mr. Hufham might have that specifically shows how the plat does not comply with the code's language. Mayor Dawson reinforced that the Board must follow the law as written and that many of Mr. Hufham's concerns—such as water quality, ditch maintenance, and future construction impacts—are topics for other processes and future stages. Mr. Hufham replied that he felt constrained by the rules and reiterated concerns about map changes, wetlands, density, traffic generation per household, privacy, quality of life, and tax impacts. Attorney Edes again clarified that water and vertical construction issues arise later in the process, and that the present decision is a "paper acknowledgment" of subdivision layout. The exchange concluded with Mr. Hufham stating his belief that the decision would affect his taxes and finances, while counsel and the mayor restated the limited scope of the preliminary plat review and the legal standards governing the Board's consideration.

Mayor Olivia Dawson next recognized Ms. Sandy Blake and invited her to the podium. Ms. Blake introduced herself as a resident at 2740 Highway 53 West in Burgaw and stated that her property directly adjoins the Weldon Village tract. Town Attorney Brian Edes confirmed for the record that Ms. Blake, as an adjacent property owner, had standing to provide testimony.

Ms. Blake explained that when she looks out from her back door, her direct line of sight will be into the new development. She stated that, based on the submitted plans, she would be viewing approximately nine houses from her property. While she acknowledged that the project meets the ordinance requirement of a 20-foot vegetative buffer, she expressed concern that such a buffer would not be sufficient in this particular location. She requested that the buffer be increased to 30 feet and noted that she had raised this suggestion previously with representatives of D.R. Horton during a preliminary community meeting. At that time, she recalled that one of the representatives had indicated that such a change "might be considered," which gave her hope that the developer would be willing to provide additional screening.

Ms. Blake pointed out that there is an open field on the property, which she recognized as a positive feature. She also observed that the historic Bowen family home, which is intended to be preserved, sits in her view from her side porch. She expressed her strong desire that the existing trees on the property be retained to the greatest extent possible, particularly to help maintain the area's character and visual appeal. While she acknowledged that the applicant has satisfied all technical requirements and that the preliminary plat has been prepared in compliance with the applicable standards, she urged that her requests for a wider buffer and for tree preservation be taken into account as the process moves forward.

Ms. Blake concluded by reiterating her appreciation for the opportunity to speak and her understanding that the applicant has "crossed all the t's and dotted all the i's." However, she emphasized her hope that community concerns regarding buffering and tree preservation could still be considered alongside the regulatory requirements. Town Attorney Edes thanked her for her testimony, and Mayor Dawson moved the hearing forward.

Mayor Olivia Dawson next recognized Mr. Richard Thomas, who introduced himself as residing at 2876 Highway 53 West, immediately next door to Ms. Sandy Blake, a previous speaker. Town Attorney Brian Edes confirmed that, as an adjacent property owner, Mr. Thomas had standing to provide testimony.

Mr. Thomas stated that his remarks were grounded in facts and that he wished to offer only a few points for the Board's consideration. He began by noting that the community had

previously faced the same development proposal, albeit with a higher number of homes. At that time, the application had been considered and voted down by both the Planning Board and the Town Board. While the number of homes in the Weldon Village proposal had been reduced, he observed that it was essentially the same project, adjusted and resubmitted.

Mr. Thomas emphasized the scale of the proposal relative to the town's size. He explained that approval of 191 homes in Weldon Village would increase the number of houses in Burgaw by nearly 20 percent, an influx that he believed would place a "tremendous strain" on the town's services. He stated that he did not believe the town could easily or immediately absorb such growth without significant impacts on infrastructure and municipal operations.

Turning to the subject of traffic, Mr. Thomas shared his perspective as a resident living directly on Highway 53 near the proposed development. He explained that his home is situated on a blind curve, and that as he looks east toward Burgaw, there is another blind curve located just past the development site. He warned that the combination of existing road geometry and increased traffic from Weldon Village presents serious safety issues. Speaking as a professional engineer with a degree from North Carolina State University, Mr. Thomas challenged the credibility of traffic consultants who might claim that keeping Highway 53 as a two-lane road would be adequate. He firmly asserted that "they don't know what they're doing" if they reach that conclusion, and he urged them to personally observe traffic conditions in the area during peak times, such as school dismissal hours or evening rush hour, when congestion is already significant.

Finally, Mr. Thomas addressed broader growth and housing issues. He acknowledged that discussions have taken place about housing shortages and whether Burgaw is experiencing sufficient growth. He stated that Burgaw is indeed a desirable community, already experiencing growth, and that it will continue to expand. However, he emphasized that the Town Board has the authority and responsibility to regulate growth, make decisions in the best interest of the town, and prioritize long-term community well-being over private profit. He concluded by thanking the Board for listening and expressing confidence that they would "do the right thing" in their deliberations.

Mayor Olivia Dawson next called upon Mr. Victor French to speak. Mr. French introduced himself as a resident of 1107 Henry Brown Road in Burgaw, stating that his property is located roughly one mile from the proposed Weldon Village site, near the intersection of Henry Brown Road and Highway 53. He explained that he lives in a nearby development at the top of the area map under discussion.

Mr. French detailed his professional background, noting that he worked for the North Carolina Wildlife Commission for nearly forty years, with approximately thirty years spent managing the Holly Shelter Game Lands. In that role, he was directly responsible for road access, drainage issues, and related land management for public use. He emphasized that through this work he gained substantial expertise in understanding surface water flow and wetlands management. Based on this experience, he expressed serious concerns regarding the Weldon Village property, which he described as predominantly wetlands, and urged the Board to carefully consider drainage and infrastructure implications of the proposed subdivision.

Mr. French broadened his comments to highlight regional infrastructure challenges tied to growth in Pender County. He explained that all solid waste generated in the county is transported to Sampson County and that sewage is piped north along Highway 117 to Duplin County through Wallace. He questioned the long-term security of these arrangements, asking what would happen if Sampson County no longer accepted Pender's waste or if the sewage

pipeline capacity was cut off. He further questioned whether Burgaw's public water system has sufficient capacity to serve additional residences in the area, including those proposed in Weldon Village. He asked when and how the costs of extending water service would be collected, stressing that such financial burdens should not be deferred or left unclear. He urged the Board to adopt a "big picture" perspective and warned that Pender County historically has not shown adequate foresight in planning for development and infrastructure needs.

To illustrate his concerns, Mr. French referenced problems encountered at the Tealbrier subdivision, where drainage ponds have become overgrown with trees and maintenance responsibilities remain unclear. He asked who would be accountable for similar issues at Weldon Village. He invited the applicant's engineer, Ms. Blackmon, to identify on the plat how drainage would be handled, particularly on the Caputo property west of Highway 53. He specifically questioned how water would be conveyed from the back of that land across the ridge of Highway 53 and down to Stoney Run on the other side. Using the map, he pointed to the natural drainage pattern that flows toward Stoney Run and explained that while ditches could be dug, the barrier posed by the highway's elevated grade would complicate stormwater movement. He cautioned that adding extensive impervious surfaces from rooftops and paved roads would increase runoff and asked how that water would be successfully managed.

Town Attorney Brian Edes interjected to clarify that such permitting questions could not yet be addressed at this preliminary plat stage, as permits cannot be applied for until lots legally exist. Mr. French acknowledged this procedural point but maintained that drainage should nevertheless be a critical consideration for the Board when reviewing subdivision applications. He urged decision-makers to remember that water is already standing on the ground in the area and that ignoring surface water problems would create downstream consequences.

Mr. French continued by emphasizing the importance of planning for secure and reliable provision of basic services, including trash collection, sewage disposal, and water management. He noted that the property behind his own home, known as Brooks Farms, has long been a candidate for development, and he described how severe flooding during Hurricane Florence provided a clear demonstration of the area's vulnerabilities. He personally measured thirty inches of rainfall at his house, and he recounted how stormwater flowed across the 600-acre Murphy Brothers property (now owned by Mr. Rooks) and across his own yard before draining toward Burgaw Creek. He stressed that this property represents the headwaters of Burgaw Creek and warned that any development in this basin must carefully and properly address surface water drainage. Otherwise, he stated, existing flooding problems would worsen, and residents like himself would face additional hardship.

Mr. French concluded his remarks by reiterating that his testimony was rooted in his decades of professional experience with wetlands and drainage management. He strongly urged the Board not to overlook the landscape's natural conditions when considering development approvals and to ensure that issues of drainage, waste disposal, and infrastructure capacity are resolved responsibly. He thanked the Board for the opportunity to present his concerns.

Mayor Olivia Dawson next called upon Mr. J.B. Croom to speak. Mr. Croom introduced himself as a resident of 3124 NC Highway 53 East in Burgaw. He explained that his property begins directly in the vicinity of the area under consideration. Town Attorney Brian Edes confirmed that Mr. Croom had standing to testify, and the mayor invited him to proceed.

Mr. Croom began by noting that he has twenty-four new houses situated directly behind his farm, a situation he is not pleased with, though he emphasized that his presence at the hearing was motivated by broader concerns. He explained that he wished to lend support to the earlier testimony of Mr. Victor French, particularly regarding drainage issues. Mr. Croom outlined his own background, noting that he worked for the North Carolina Department of Transportation (DOT). He began his career in the district engineer's office as a surveyor, where he surveyed secondary roads, performed drainage surveys, and collected data for numerous projects. He prepared plans, presented them to engineers, and later inspected construction to ensure drainage systems were effective. While he clarified that he is not a licensed professional engineer, he stressed that he has lifelong experience with land, having grown up on a farm, worked with soil and water since childhood, and spent decades in road and drainage work. He added that he served as maintenance supervisor for Pender County for approximately fifteen years, overseeing roadway and drainage upkeep, and that he has lived in the county for 83 years, giving him deep local knowledge. He apologized if he sounded aggravated, explaining that his hearing aids made it difficult to moderate his tone, but emphasized that his intent was simply to share expertise.

Mr. Croom described his review of topographic maps and contour data obtained from the Soil and Water Conservation Department and the U.S. Department of Agriculture when the project was first introduced. He personally surveyed and walked the land in question. He reported that according to geodetic survey data, the rear of the Weldon Village property sits at an elevation of 54 feet above sea level, while nearby areas, including land occupied by his neighbor Mr. Huellman, sit at 42 feet above sea level. He stressed that this twelve-foot difference means water will naturally flow toward lower elevations, directly into adjacent areas. He warned that runoff would collect and flow toward Walkertown Road, which already floods. He noted that during a recent three-inch rainfall event the water overtopped the road near his farm, threatening crops and property. He expressed concern that any storm of greater magnitude, such as hurricanes, would result in severe flooding, exacerbated by the proposed development.

Mr. Croom emphasized that drainage is his top concern, stating that his "number one concern is drainage, number two concern is drainage, and number three concern is drainage." He predicted that clearing the land for development would devastate crops on the 27-acre tenant farm adjacent to the property. He also described his personal observations of standing water on his own land and indicated that earlier maps showed more wetlands than the current version. He and other residents noted that wetlands in the area are "spreading," not shrinking, and he cautioned that this trend would continue. Drawing on his DOT experience, he observed that maintenance of ditches and creeks has declined since regulations limited mechanical clearing, resulting in clogged waterways, filled ditches, and diminished drainage capacity. He warned that covering wooded land with impervious surfaces such as rooftops and pavement would eliminate natural buffers and worsen flooding conditions.

He described the existing property as pine forest, with mature trees planted in rows and underbrush that absorbs and slows water. He explained that as pine trees mature, they shed limbs and accumulate ground debris, which acts as a buffer and helps retain stormwater. He expressed skepticism that clearing this land for development could be done without creating serious drainage problems. He specifically warned that if the project proceeds, houses such as Mr. Hilburn's could flood because drainage will be forced toward a culvert under Highway 53 leading to Stoney Run Creek. He stated plainly that this would cause "major, major problems."

Mr. Croom also recalled walking the property along a power line easement that crosses his land, noting that the ground was soggy and in some places nearly impassable even with a four-wheel-drive vehicle. He said a friend and lifelong member of the Burgaw Hunting Club told him he could not envision how houses could be built on such land, given its flooding conditions. He reiterated his challenge to the applicant to demonstrate where water would be routed, given the topography and natural drainage constraints.

Mr. Croom concluded by urging the commissioners to protect residents' interests, reminding them that they were elected to serve the community. He stated that while he does not live within town limits, his farm is located within the extraterritorial jurisdiction, and therefore he is directly impacted. He emphasized that he holds no personal grudge against the applicant's representatives but questioned the reputation of D.R. Horton, pointing out that public records show numerous lawsuits against the company in South Carolina related to construction quality. He characterized the corporation as "not your friend" and urged caution in entrusting the future of Burgaw to their projects.

As he wrapped up his remarks, Mr. Croom reiterated his central point that drainage must be properly addressed before any approval is granted. He respectfully suggested that if nothing else, the Board should table the application to allow for further review and additional data collection so that commissioners could make a more informed decision. Mayor Dawson thanked him for his comments.

Mayor Olivia Dawson next recognized Mr. Michael Blackburn and invited him to speak. Mr. Blackburn introduced himself as a resident of 1171 Pineywood Road in Burgaw. He explained that he has been a builder and developer for thirty-eight years and has extensive experience with subdivision projects, including many instances in which his own applications were denied. He remarked that he could list "a million reasons" why he would oppose the Weldon Village development, but he acknowledged the purpose of the hearing and chose to focus his testimony on two specific issues.

First, Mr. Blackburn questioned whether the proposed subdivision design employed "slide density" techniques to cluster lots away from wetlands. He asked if all lots in the plan were truly one acre in size or greater, or if density had been shifted within the tract to avoid sensitive areas. Town Attorney Brian Edes clarified that questions from speakers should generally be framed as testimony but, in this case, allowed Planning Director Ron Meredith to respond directly for clarity. Mr. Meredith confirmed that all lots in Weldon Village are one acre or more, and no density sliding had been applied. Mr. Edes reiterated this for the record, confirming that the subdivision design is consistent with the one-acre minimum standard.

Second, Mr. Blackburn addressed roadway safety, drawing on his professional experience in development. He explained that in every subdivision he had undertaken in North Carolina or Pender County exceeding thirty-six lots, he had been required to construct a turn lane to ensure safe ingress and egress. He expressed serious concern that Weldon Village, with nearly 200 homes, was being proposed without any plan for a deceleration or turn lane on Highway 53. He described the area as located between two blind curves, making access especially hazardous. He warned that without a dedicated lane to allow vehicles to slow down or turn safely, the development would create a significant danger for motorists entering or exiting the subdivision.

Mr. Blackburn concluded by stating that he had many other objections he could raise, but for the purpose of the hearing he wished to focus only on the density question and the roadway safety issue. He urged the Board to give serious consideration to the traffic and access problem as a matter of public safety, emphasizing that this concern alone warranted close

review before the project moved forward. He thanked the Board for their time. Town Attorney Edes then thanked Mr. Blackburn for his testimony.

Mayor Olivia Dawson next recognized Mr. John Westbrook. Mr. Westbrook introduced himself as a lifelong Burgaw native, a registered architect educated at NC State, and the owner of Burgaw Antique Place located downtown. He clarified that while he does not live near the subject property, he resides at 410 East Fremont Street within town limits and operates his business in Burgaw's commercial district. Town Attorney Brian Edes immediately raised the issue of legal standing, asking Mr. Westbrook whether approval of the Weldon Village subdivision plat would cause him to suffer damages different from the general public.

Mr. Westbrook responded by stressing his professional qualifications and long-term commitment to Burgaw. He explained that he had previously billed as an expert witness in land-use proceedings and that he wished to testify from both personal and professional perspectives. Mr. Edes reiterated that under North Carolina law, standing requires an allegation of harm distinct from that suffered by the community at large, most often determined by the proximity of one's property to the subject site. Mr. Westbrook argued that this standard reduces public participation to "not in my backyard" concerns and overlooks broader impacts of development. He stated that he believes he does have standing based on his role as a business owner in downtown Burgaw, where population growth directly affects the economic vitality of the area. He emphasized that Burgaw needs additional residents to strengthen its tax base and fund infrastructure such as sidewalks downtown, which town leaders have said they cannot afford without additional revenue.

Mr. Westbrook also shared personal observations about the decline of local commerce, citing the loss of clothing stores, barber shops, and laundry services in Burgaw over time. He explained that many basic services are no longer available locally, forcing him to travel to other towns for daily needs. He attributed this decline in part to insufficient population and argued that controlled residential growth is essential to revitalize downtown businesses. He acknowledged and respected the concerns voiced by other residents, particularly regarding flooding and water quality, but stated that his professional perspective led him to believe Burgaw must consider growth carefully rather than reject it outright.

When pressed again on the issue of standing, Attorney Edes explained that while Mr. Westbrook may speak to facts, the law does not permit him to participate fully in the quasi-judicial hearing without demonstrating unique, direct harm. Mayor Dawson emphasized that she appreciated his comments but was obligated to hold all speakers to the same legal standard. Mr. Westbrook expressed disagreement, stating that he felt silenced, but nevertheless sought to share a specific concern he believed was factual and relevant to the subdivision plan.

He pointed to the design element that proposes private streets within Weldon Village. Drawing on his experience as an architect and as someone familiar with other subdivisions in Burgaw, he cited Creekside, a neighborhood off Walker Avenue, where private streets built to state standards have since deteriorated. He explained that, in his view, the homeowners' association in Creekside does not have the financial capacity to repair failing roadways. He warned that Weldon Village, with 191 lots, could face the same issue once the developer leaves and responsibility shifts to residents. He doubted that so many homeowners would be able to agree on costly repairs, predicting long-term infrastructure failures. He recommended that the Board consider requiring public streets instead of private ones, which would ensure

approval and oversight by the North Carolina Department of Transportation and place maintenance responsibility with the state rather than individual homeowners.

Mr. Westbrook further stated that the same principle should apply to water systems. He noted that residents' concerns about water were valid and emphasized that if he were engaged as a professional, he would agree with their assessments. He underscored his broader point that infrastructure in Burgaw must be durable and maintained under public accountability, not left to private entities with limited resources.

In closing, Mr. Westbrook reaffirmed that he was not personally opposed to development but believed his professional insights were relevant to the town's long-term future. He stated that while he would not be directly harmed if Weldon Village were not approved, the lack of new residents could mean fewer customers in downtown businesses such as his own. He tempered this by noting, however, that "80 percent of them don't shop anyway." He concluded by affirming his identity as someone born in Burgaw who cares deeply about its future and urged the town to consider requiring public infrastructure standards in new subdivisions. Mayor Dawson thanked him for sharing his concerns, and the hearing moved forward.

Mayor Olivia Dawson next recognized Ms. Jessica Bowen. Ms. Bowen introduced herself as a resident of 2185 Henry Brown Road in Burgaw and explained that she is a direct descendant of the Bowen family, the longtime owners of the property under consideration. She stated that she is "the last of the Bowens" and described the deep personal connection she has with the land. As a child, she had been told the property would never be developed and would always remain farmland, making the present proposal especially troubling to her.

Ms. Bowen began her comments by addressing the ongoing traffic study. She explained that while the applicant's consultants had conducted a study, it was performed during the summer when school was not in session, failing to account for traffic associated with Pender High School, which is located on Highway 53. She noted that this stretch of road is heavily traveled by inexperienced high school drivers transporting themselves and their friends. She emphasized that the North Carolina Department of Transportation has acknowledged the significance of traffic patterns along Highway 53 near the school, and she argued that any credible study must take that into account. She stated that a new traffic study by Mr. Hancock is underway but will not be completed for another two months, and she urged the Board not to act until that updated analysis is available.

Turning to the broader implications of development, Ms. Bowen cited economic data regarding agriculture and residential land uses in Pender County. She emphasized that agriculture is the county's largest industry and that North Carolina ranks number one nationally for farmland lost to residential development. She stated that in 2022, Pender County generated approximately $238 million in crop and livestock sales. By contrast, she explained, residential development creates a fiscal deficit. In the 2022–23 fiscal year, residential properties generated $74 million in revenue while costing the county $77 million in services such as schools, infrastructure, maintenance, and public safety. This equated to only $0.95 in revenue for every dollar spent, representing a five-cent loss per dollar. Agricultural properties, by comparison, generated $1.74 in revenue for every dollar in services, creating a $0.74 surplus. She argued that these figures prove that residential growth of the type proposed in Weldon Village will strain the county financially, while agricultural preservation provides fiscal stability.

Ms. Bowen next discussed the environmental impacts of deforestation associated with the project. She stated that approximately 100 acres of wooded land, primarily pine forest, would be cleared for roads and houses. Drawing on environmental science data, she explained that

large deciduous trees can capture more than 1,000 gallons of stormwater per year in their canopies, while evergreens and conifers such as pines capture two to three times that amount. She emphasized that trees also act as "large water pumps," with mature trees transpiring 80 to 100 gallons of water per day while filtering pollutants, contaminants, and heavy metals from the environment. Removing these trees, she argued, would not only reduce natural stormwater management but also increase soil erosion, sedimentation of waterways, runoff, and water quality degradation. She added that these effects could impact private wells used by area residents for drinking water and would increase the risk of pollution across the watershed.

She stressed that these outcomes were not speculative but factual consequences supported by research. She listed the impacts she believed would occur: increased flooding, greater runoff, soil erosion and degradation, deterioration of water quality, reduced availability of well water, and increased pollution in the area. She argued that taken together, these factors make the Weldon Village subdivision incompatible with its location, which already floods and sits near a blind curve on Highway 53.

Ms. Bowen shared her own personal experience with flooding, recalling that she lost her home on Henry Brown Road during Hurricane Floyd when floodwaters reached five feet inside her residence. She expressed her fear that the proposed development would worsen flooding to the point of forcing her and her neighbors from their homes once again. She reiterated that the project site already floods under current conditions and that clearing its forest cover would only magnify the danger.

In closing, Ms. Bowen stated firmly that Weldon Village "should not be allowed." She characterized it as "not a good fit" and "not a good place" for residential development given the environmental, fiscal, and safety concerns she had outlined. She urged the Board to deny the application in order to protect residents, farmland, and the long-term future of Burgaw. She thanked the Board for the opportunity to speak, and Mayor Dawson moved the hearing forward.

Mayor Olivia Dawson next recognized Ms. Sandra Bullard. Ms. Bullard introduced herself as a resident of 2805 Highway 53 West, noting that her home is located near those of Hal Hilburn and Greg Matthews, adjacent to the Weldon Village project area. She explained that her primary concern is drainage. She recalled that just two weeks prior to the hearing, following a particularly heavy rainfall, she experienced flooding on her property unlike anything she had ever seen before. She described walking out to her porch to take a video of the yard and being shocked to see the circular fountain area surrounded entirely by water, "like an island." She noted that she could see vehicles splashing water heavily as they drove through pooled water along the highway near the culvert, further illustrating the seriousness of stormwater problems in the area.

Ms. Bullard stated that she did not claim to know the solutions for how drainage could be controlled but wanted the Board to understand that flooding and stormwater runoff are already problematic. She raised a second concern regarding road construction standards, specifically the choice between private roads and North Carolina Department of Transportation (NCDOT) approved roads. She reminded the Board that the project had originally been proposed at 531 homes, then reduced to 437 before being denied, and is now proposed at 191 homes. She explained that in her view, the current preliminary plat map reflects "scaled down" roads as part of the reduction. She expressed concern that D.R. Horton, which she described as the largest homebuilder in America, would choose to construct only private roads built to NCDOT minimum standards rather than full NCDOT

standards. She noted that developers often prefer private roads because they are less time-consuming and less expensive, but the long-term responsibility for maintaining those roads ultimately falls to residents. She argued that many new homeowners do not realize that in just a few years they may be saddled with costly repairs that should have been avoided if roads had been built to full NCDOT standards and accepted into the state system. She cited an example from Cottonwood Place in Tabor City, a subdivision built by D.R. Horton in 2023, where homeowners contacted the company about road issues and received no response.

Ms. Bullard stressed that the commissioners are community leaders, and residents depend on them for protection. She acknowledged that she was not an attorney and did not fully understand every procedural step, but she had researched how other municipalities address growth pressures. She noted that towns such as Wake Forest and Cary impose impact fees on developers to ensure that growth helps pay for the infrastructure and services it requires, rather than burdening existing taxpayers. She argued that growth is inevitable and can be beneficial, but only if it is controlled, responsibly planned, and structured so that neither current residents nor new homeowners are left carrying unsustainable costs.

She also raised concerns about the reputation and quality of the developer. She echoed earlier speakers who encouraged the Board to research D.R. Horton's record, suggesting that litigation and complaints are widespread. She emphasized that without safeguards, Burgaw risks repeating the negative experiences of other rapidly developing communities, citing Leland as an example where residents have expressed frustration over rising taxes and uncontrolled growth. She urged the commissioners to act now, while Burgaw is still in the early stages of managing development, to avoid becoming "victims" of growth pressures.

Ms. Bullard explained that she has worked as a real estate agent since the mid-1980s and has seen countless families strive to achieve the American dream of homeownership. She warned that many buyers put all their resources into purchasing a home and cannot afford to discover years later that their houses are in flood-prone areas or that construction quality is deficient. She argued that new developments must be subject to strong third-party regulation, oversight, and enforcement of standards to prevent residents from being "suckered" into poor investments. She mentioned the concept of a "development agreement," which allows municipalities to negotiate directly with developers regarding impact fees, infrastructure contributions, and other obligations. She questioned whether Planning Director Ron Meredith had discussed such possibilities with D.R. Horton during earlier stages of review and asked how many stages remain before a final decision must be made.

In closing, Ms. Bullard acknowledged the dedication of the commissioners and expressed her belief that they care deeply about Burgaw and its residents. She urged them to carefully weigh all variables—drainage, infrastructure, fees, developer accountability, and long-term impacts—before making any decision. She concluded by stating that this decision carries long-lasting consequences for the town's character and finances and that thoughtful, deliberate consideration is essential. She thanked the Board for their time.

Mayor Olivia Dawson next recognized Ms. Amy Jones. Ms. Jones introduced herself as a resident of 2460 NC Highway 53 West, explaining that her home is located directly beside the property proposed for development. She began by sharing her first-hand experiences with flooding on and around her property, stating unequivocally that the area "does flood." She recalled that during Hurricane Florence she attempted to leave her property with her children, who were restless indoors. She described driving to the end of her driveway, only to find the roadway impassable, with floodwaters covering both directions. She and her children were

forced to return home, where they spent the remainder of the storm playing board games inside.

Ms. Jones noted that her family resides in the historic Bowen property, formerly known as the Tate E. Bowen property. She explained that the property includes a barn, and even under current conditions there is water standing in the bottom of the barn. She stated that this persistent flooding makes it difficult to find places to park vehicles without getting stuck in saturated ground. She and her family have lived at the property since 2016, and in that time she has observed worsening water issues during storms. She expressed her fear of new storms, explaining that whenever she hears of a system approaching, she immediately begins preparing because she knows how vulnerable her property is to flooding.

She further explained that she has attempted to manage water on her land by digging and maintaining ditches, but those ditches routinely become overrun with stormwater and filled with debris. She noted that the Town does not clean these ditches, leaving the responsibility to her as the property owner. Ms. Jones emphasized that the house itself holds significant historical value, having been built in 1914 and once owned by the Bowen family. She expressed pride in raising her children there, just as Tate E. Bowen once did, and stated that she is committed to preserving the property for its history and meaning to the community.

In conclusion, Ms. Jones acknowledged that she does not have a professional degree or specialized technical expertise but asserted that her direct lived experience makes her "an expert at 2460 NC Highway 53 West." She urged the commissioners to consider her testimony as evidence of the real and ongoing flooding issues adjacent to the project site and expressed her hope that the Board would recognize the risks to existing residents when evaluating the subdivision.

Mayor Olivia Dawson next recognized Mr. Thomas Brown. Mr. Brown introduced himself as a resident of 1881 Henry Brown Road, located approximately three-tenths of a mile from the proposed Weldon Village development. Town Attorney Brian Edes acknowledged Mr. Brown for the record and invited him to proceed with his comments.

Mr. Brown stated that he wished to read directly from the description of rural agricultural zoning as published by Pender County, which he believed was highly relevant to the Weldon Village proposal. He emphasized that the county's definition of Rural Agricultural (RA) zoning is intended to preserve rural character and protect agricultural lands that vary by community. He read that residential development patterns in RA areas are specifically designed to remain low density and that the preservation of prime farmland soils is prioritized to sustain farming and forestry operations. He continued by noting that the county's land use description discourages the expansion of centralized water and sewer systems in these areas unless such expansion is absolutely necessary to protect public health.

Mr. Brown further explained that the county identifies the primary uses for RA zoning as agriculture, farms, forestry, agritourism, and single-family detached homes. Secondary uses may include agricultural support services. He stressed that multifamily residential development is expressly discouraged within this zoning category. He also highlighted that the prescribed infrastructure for RA-zoned areas is private wells and septic systems, not large-scale municipal water and sewer extensions.

Mr. Brown argued that the Weldon Village subdivision runs contrary to these stated zoning goals and policies. He explained that if the development is approved, a sewer pipeline will be installed down Henry Brown Road directly in front of his home to pump wastewater to the Town of Burgaw. He expressed strong opposition to this plan, stating that the presence of

such infrastructure would irreparably harm his property's value. He emphasized that "everybody knows anything man-made is apt to fail at some point," and he said he did not want to live with the risk of a sewage failure occurring immediately in front of his property.

Mr. Brown concluded by reiterating his objection to the development on the basis that it undermines the county's stated land use priorities for rural agricultural areas, damages property values, and introduces infrastructure inconsistent with the character and intent of the district. He thanked the Board for their time.

Mayor Dawson then announced that Mr. Brown's testimony concluded the list of individuals who had signed up to speak during the public hearing.

Town Attorney Brian Edes explained that at this stage of the quasi-judicial proceeding, the applicant is entitled to provide rebuttal testimony in response to the public comments that had been presented. He further noted that members of the Board may also pose questions to either the applicant or any of the individuals who had testified during the hearing. Mayor Olivia Dawson acknowledged this procedural step and invited the applicant's representatives to return to the podium.

Ms. Beth Blackmon, Senior Project Manager with the Timmons Group and professional engineer licensed in North Carolina, addressed the Board on behalf of the applicant. She began by reiterating several key points for clarification. First, she emphasized that Weldon Village is a "by-right" subdivision, meaning that the proposed use is permitted under the existing Rural Agricultural (RA) zoning without the need for a rezoning request. She underscored that the subdivision is low density, consisting of lots that are all one acre or larger in size, which is well within the requirements of the zoning district.

Ms. Blackmon explained that the applicant is only seeking approval of the preliminary plat at this stage. She stressed that the project still requires a substantial number of permits before any construction can commence. Among these, she highlighted state stormwater permits, which will govern runoff and water quality, noting that the development is designed as a low-density project to meet those stringent requirements. She further noted that NCDOT driveway permits must also be obtained before any connection can be made to the state road system. She explained that NCDOT is currently reviewing the Traffic Impact Analysis (TIA) and that any recommendations resulting from their review will be incorporated into the driveway permit process. She made clear that no access to Highway 53 would be allowed without compliance with NCDOT's permitting standards.

She added that additional permits, including erosion control approvals, will also be required. She emphasized again that preliminary plat approval does not grant the applicant authorization to begin site work or construction activities, and that no such work may occur until all required permits are obtained from the relevant state and local agencies.

Turning to a point raised by citizens, Ms. Blackmon addressed the issue of buffers. She explained that the development will provide a 20-foot open space landscaped buffer surrounding the property. In addition, she clarified that there will be an extra 30-foot separation composed of lot setbacks, resulting in a combined 50-foot separation between the developed lots and adjoining properties, though only 20 feet of that distance is dedicated open space. She described this configuration as meeting a 0.6 capacity standard required by the Town. She displayed a visual representation of the site plan, pointing out the shaded 20-foot buffer and the additional 30-foot line of setback space.

Ms. Blackmon concluded her rebuttal by reaffirming that the Weldon Village project has met the technical requirements for a preliminary plat, but that extensive permitting still lies ahead

before construction could begin. She stressed that the applicant and its engineering team are committed to meeting all regulatory requirements and ensuring compliance with both town and state standards. She thanked the Board for their attention and stated that she and her colleagues were available to answer any questions the commissioners might have.

Following the applicant's rebuttal presentation, Mayor Olivia Dawson asked if any commissioners had questions for the applicant or matters they wished to address. Commissioner Michael Pearsall indicated that he did and began by prefacing his remarks. He stated that he wanted to remain within the bounds of his role and did not wish to unduly influence his fellow commissioners, but he felt compelled to voice his concerns openly.

Commissioner Pearsall referred back to the Board's prior meeting, noting that he had asked questions then regarding the Traffic Impact Analysis (TIA) and the associated approvals. He recalled that the applicant's response to his earlier question had been hesitant, which gave him concern. He remarked that his late father often told him, "if you stutter something, you're not telling something," implying that the answer may have lacked full transparency. Drawing on his more than thirty years as a resident of Burgaw, Commissioner Pearsall emphasized that safety remains his foremost concern.

He explained that he wants to see Burgaw grow, but not at the expense of community safety. He described himself and his colleagues as "our brother's keepers" and said he must consider the safety of residents, children, and grandchildren when making decisions. He recalled his own experience as a student teacher at Pender High School, noting that the stretch of NC Highway 53 near the proposed development is a particularly dangerous road. He expressed that if NCDOT were to require lane widening or other improvements, he might feel more comfortable with the project. Without such assurances, however, he worried that his vote could endanger future generations.

Commissioner Pearsall asked the applicant directly whether they could guarantee that NC Highway 53 would be widened or otherwise improved to make the road safer for the community. He also asked for guarantees that drainage would be properly addressed so existing residents would not be flooded out. He stated plainly that his vote "could go either way," but if two out of three of his main concerns—road safety, drainage, and resident protection—could be satisfactorily resolved, he might be willing to support the project.

He then turned his attention to Mr. Grayson Morgan, the applicant's entitlements manager. Commissioner Pearsall criticized Mr. Morgan for having previously sent an email to commissioners that he characterized as improper "subliminal messaging." He explained that in his view, repeated communication of that nature can create undue influence. He asked how long Mr. Morgan had been in his position, and upon learning it was eighteen months, commented that Mr. Morgan was still "a baby" in professional experience and perhaps did not realize the impropriety. He noted that the Town Manager was correct to reprimand the action and that Mr. Morgan responded appropriately after being corrected. Even so, Commissioner Pearsall said that such mistakes added to his overall unease.

He further remarked that in his experience as a contractor and engineer running companies in the community, developers often benefit from "gray areas" in rules and processes, while residents are held to strict limits without the same flexibility. He expressed frustration that developers frequently disappear once construction is complete, leaving residents to deal with unresolved problems. He concluded his comments by stating that these lingering issues made him hesitant to support the project and that, while he respected the process, he could not ignore his concerns.

Mayor Dawson briefly clarified that the email in question, which had been referenced by Commissioner Pearsall, was sent in advance of the hearing and was quickly addressed by staff to prevent any improper ex parte communication. She explained that the correspondence merely identified the matter coming before the Board but was promptly stopped to avoid any substantive discussion outside of the hearing.

Ms. Beth Blackmon of the Timmons Group then responded to Commissioner Pearsall's questions. She first addressed the issue of road improvements, stating that she could not guarantee that NCDOT would require widening of NC Highway 53. She explained that any improvements would be determined by the driveway permit process and based on the findings of the updated Traffic Impact Analysis. She noted that in the earlier rezoning request, which was denied, the TIA had recommended a right-turn lane for one driveway and a left-turn lane for another, and those recommendations had been approved at that time. However, since the current application reduced the number of lots from 531 to 191, traffic generation has changed significantly, and the updated memo will reflect that difference.

Turning to drainage, Ms. Blackmon reiterated that the project will be required to obtain a state stormwater permit. She explained that the subdivision is being designed as a low-density development, meaning impervious surfaces will cover no more than 24 percent of the site. She also clarified a point raised in prior testimony, stating that NCDOT has only one set of roadway construction standards, not "minimum standards" versus "full standards." She confirmed that the subdivision's roads will be built in compliance with NCDOT requirements.

Ms. Blackmon concluded by affirming that the applicant remains committed to meeting all permitting and regulatory requirements. She thanked Commissioner Pearsall for voicing his concerns and reiterated that the purpose of the preliminary plat hearing is not to authorize construction but to confirm that the plat meets the Town's Unified Development Ordinance and can proceed to the permitting stage.

Commissioner William Rivenbark spoke next, aligning himself with the concerns previously raised by Commissioner Michael Pearsall. He explained that he had served as a teacher at the junior high school in Burgaw for twenty-four years and later as the transportation director for Pender County Schools during his last four years of employment. These experiences, he noted, gave him direct insight into the safety and flooding issues surrounding NC Highway 53 and Henry Brown Road.

Commissioner Rivenbark recalled that during his tenure as transportation director, some of the district's most significant operational challenges during storms centered on Highway 53 and Henry Brown Road. He stated that flooding at both locations was so severe that buses had to be rerouted on multiple occasions, often requiring detours along Chapel Road or other routes to safely transport students. He emphasized that these detours were not isolated incidents but a recurring problem whenever heavy rains occurred.

He further shared that during his four years as transportation director, there were at least three "near misses" involving school buses and other vehicles in the curved stretch of Highway 53. He explained that the combination of blind curves and heavy truck traffic created dangerous conditions for large school buses. He specifically referenced logging trucks, noting that even though Regalwood's operations had decreased to half capacity, a significant number of trucks still travel along Highway 53 daily, posing risks to both buses and passenger vehicles.

Commissioner Rivenbark also spoke from personal experience, recounting that his youngest son had been involved in a traffic accident near the intersection of Malpass Corner Road and

Highway 53 on a foggy morning. He explained that he didn't know if the driver of the other car didn't see him or his son failed to see the car in the fog, but the result was a collision in which his son's car struck the rear of the other vehicle. He offered this as an example of the hazardous conditions in that area.

Having lived in the Burgaw area for thirty-nine years, after growing up in Penderlea, Commissioner Rivenbark stated unequivocally that the proposed location is a bad place for a development of this size. He warned that if the North Carolina Department of Transportation (NCDOT) does not step in to make improvements, the situation will deteriorate further. He argued that the existing culvert under Highway 53 is not large enough to handle current stormwater flows and will be wholly inadequate if the subdivision is constructed. He predicted that additional water generated by the development would overwhelm the culvert, causing backups that would flood Piney Woods Road, Henry Brown Road, and potentially extend as far as Pender High School.

Commissioner Rivenbark stressed that the implications go beyond inconvenience, pointing out that the risks involve public safety and potential liability. He warned that "it won't take but one lawsuit" if a school bus accident occurs due to unsafe road and drainage conditions. He stated that the Department of Transportation would then be faced with major problems, both legally and practically, in addressing the fallout.

He concluded by reiterating that he has personally witnessed repeated flooding in Pender County over his nearly four decades in the community, both in this part of the county and in other areas. He cautioned that flooding is already a "major problem" and will only worsen if the proposed Weldon Village development moves forward without significant infrastructure upgrades. He closed his remarks by thanking the Board for listening to his concerns.

Commissioner James Malloy requested the opportunity to speak, explaining that he too had significant concerns regarding the proposed Weldon Village subdivision. He began by grounding his perspective in his deep personal connection to the Burgaw community. He shared that he had been raised in Calico Bay, off Stag Park Road, and grew up relying heavily on the rivers and creeks that flow through the county for both food and livelihood. He noted that his upbringing gave him an intimate understanding of the natural water systems in and around Burgaw, including how they flow into the Northeast Cape Fear River, continue into the Cape Fear River, and ultimately reach as far as the Battleship in Wilmington. Because of this lived experience, Commissioner Malloy said he understood the public's concerns about flooding and environmental impacts, and he acknowledged the validity of those fears.

At the same time, Commissioner Malloy sought to clarify the Board's legal responsibilities at this stage of the process. He explained that while he sympathized with the concerns raised and personally shared some of them, the role of the Board in the present hearing was narrowly defined. He asked the Town Attorney to confirm his understanding, pointing out that the matter before them was limited to whether the preliminary plat for Weldon Village met the technical requirements of the Town's Unified Development Ordinance (UDO). He emphasized that many broader issues, including those relating to legislative decisions and zoning changes, were not within the Board's discretion that evening.

Commissioner Malloy explained that part of the difficulty facing the Town of Burgaw is that it is, in legal terms, "a creature of the state." He noted that the General Assembly sets the rules and regulations under which municipalities must operate, and that the commissioners' responsibility is to follow those laws, regardless of personal preferences. He referenced prior comments by Town Attorney Norwood Blanchard about Senator Brent Jackson's sponsorship

of certain legislative changes, which have imposed stricter limits on local boards in quasi-judicial matters. He acknowledged that many of the frustrations expressed by residents stem from laws and policies enacted at the state level, which effectively tie the hands of local decision-makers.

Commissioner Malloy stated candidly that some of the changes people wanted could not be accomplished locally but required legislative reform. He urged residents to pay close attention when voting, stressing that it is essential to elect state leaders who will prioritize the interests of communities like Burgaw. He said, "That's where a lot of the issues we deal with is coming from," pointing out that the root causes of many of the constraints they face lie above the local level.

He further explained that while commissioners may have their own questions and concerns, their legal responsibility in this proceeding was not to decide based on personal feelings but on whether the application complied with the UDO. He underscored that the Board must work "according to the laws that are laid out before us," even when that outcome may not align with what residents want to see. He said plainly that it was not about what the Board might want to do, but about following the correct process as required by state law.

Commissioner Malloy expressed his hope that the hearing could serve as a learning moment for both the community and the Board, encouraging everyone to better understand how the process works and where change must be sought in order to protect the community. He reminded the audience that as an elected official, he must live and work alongside his neighbors. He said he must be able to walk down the street, shake hands, and look constituents in the eye, but he also acknowledged that some outcomes are beyond his control. He noted that audience members may feel it "doesn't need to be that way," and he agreed, but emphasized that the law as it stands requires compliance.

In closing, Commissioner Malloy spoke frankly, stating that he would not risk breaking the law or facing consequences such as jail time by disregarding state mandates. He said humorously that neither "a pinstriped suit" nor "an orange suit" would fit him, underscoring his commitment to both obeying the law and doing his best to represent the people of Burgaw within the constraints placed upon the Board. He ended by reiterating that he would continue to serve with integrity and within the law, while encouraging residents to remain engaged in shaping policies at the state level.

Mayor Olivia Dawson asked whether there were any additional comments, questions, or thoughts from the commissioners, the applicant, or Planning Director Ron Meredith. With no further discussion raised, she turned to Town Attorney Brian Edes to clarify the proper procedural next step. Mr. Edes advised that the Board could now move to close the evidentiary portion of the quasi-judicial hearing for consideration of the Weldon Village preliminary plat.

Mayor Dawson then formally declared the public hearing closed at 7:55PM. Before moving into deliberations and motions, she asked Attorney Edes if there was anything the Board members or the attending residents needed to know prior to taking action.

Attorney Edes thanked the Mayor, the Board, and members of the public for their participation, noting the volume of testimony that had been offered throughout the hearing. He acknowledged that Commissioner Malloy had summarized the Board's legal position effectively, emphasizing that the commissioners must "play by the rules that are set by someone outside of this room." He reiterated that the purpose of the evening's hearing was limited to consideration of the preliminary subdivision plat.

Mr. Edes reminded the Board that the Planning Director had testified the application met all of the required criteria set forth in the Town's Unified Development Ordinance (UDO). He explained that if, in fact, the plat complies with the code, the Board has a duty to approve it. Conversely, if commissioners believed credible evidence had been presented showing that the plat does not meet the criteria, then it would be their duty to deny it. He likened this responsibility to that of a jury in a trial, explaining that while lawyers may attempt to shape testimony in closing arguments, it is ultimately the jury's obligation to recall the evidence as they heard it and base their decision accordingly.

Mr. Edes further clarified that many of the concerns voiced by residents, including issues with traffic safety, the need for turn lanes, stormwater management, and flooding, are legitimate but fall outside the authority of the Board at this stage. He explained that turn lane improvements fall under the purview of the North Carolina Department of Transportation (NCDOT), while stormwater permits and water quality protections are regulated by the State of North Carolina. He encouraged members of the public to continue voicing their concerns to these agencies, noting that in today's environment, with online platforms and public comment opportunities, residents have the ability to make their voices heard directly during agency permitting processes.

He concluded by reiterating that the task before the Board that evening was narrowly focused: to compare the proposed Weldon Village preliminary plat to the Town's subdivision ordinance, specifically the applicable provisions of Sections 10.13 and 10.14 of the UDO. Based on the evidence presented by Planning Director Meredith, Mr. Edes said the plat appeared to meet the code requirements.

With this explanation provided, Mayor Dawson asked the commissioners if they were prepared to move into deliberations and voting on the application

Commissioner William Rivenbark asked for additional clarification before the Board proceeded to vote. Drawing on his own professional experience as a building inspector in a nearby town, he explained that he is familiar with zoning, plats, and development plans. He stated that, based on his understanding, the application before the Board does meet the requirements of the Town of Burgaw's Unified Development Ordinance (UDO). However, he expressed concern about what approval at this stage truly meant. Commissioner Rivenbark explained that by casting a vote in favor of the preliminary plat, he felt as though he would also be signaling approval for the project to "move forward." He asked directly: "When does the buck stop if we don't want to move forward?"

Town Attorney Brian Edes responded to Commissioner Rivenbark's question. He explained that a vote in favor of the preliminary plat should not be interpreted as an endorsement of the project in its entirety, nor as approval to begin construction. Rather, such a vote would simply reflect that, based on the evidence presented during the quasi-judicial hearing, the Board found that the preliminary plat meets the technical requirements of the Town's subdivision ordinance. Mr. Edes emphasized that this determination is not about whether commissioners personally support or oppose the development, but rather about whether the application complies with the specific provisions of the UDO, namely Sections 10.13 and 10.14. He reminded the Board that this is precisely why quasi-judicial hearings are held—to establish a record of evidence and apply it to the ordinance in an impartial way.

Mr. Edes acknowledged that many residents had provided testimony voicing concerns about flooding, traffic, and infrastructure, and while those were legitimate issues, they were not directly tied to the ordinance criteria that governed the Board's decision at this stage. He then turned to Planning Director Ron Meredith to confirm the next steps in the process. Mr. Edes

noted that, based on his understanding, approval of the preliminary plat is only one step in a lengthy process and that multiple additional permits would be required before any vertical construction could take place.

Planning Director Meredith confirmed this, outlining the permits that must be obtained prior to development moving forward. He explained that state stormwater permits would be required, along with North Carolina Department of Transportation (NCDOT) driveway permits, which pertain not to individual residential driveways but to site access from the subdivision to the state-maintained right-of-way. Additional approvals would also be required from the U.S. Army Corps of Engineers for any impacts to wetlands, as well as sediment and erosion control permits issued by the state. Meredith emphasized that all of these permits must be secured before any physical site work or construction activities could begin.

Commissioner Michael Pearsall requested clarification before casting his vote. He stated that he understood the comments made by other board members and recognized the Board's obligation to act if the applicant had met all requirements. However, he expressed concern that the Board was "hamstrung" in its ability to make decisions. He specifically asked Planning Director Ron Meredith whether the development had met requirements with the North Carolina Department of Transportation (NCDOT), particularly in relation to traffic, noting that there had been hesitation in prior responses.

Planning Director Ron Meredith explained that the project was currently in the scoping stage with NCDOT and that a preliminary review had been completed. He noted there had been comments that the original traffic counts were taken while school was out of session. Meredith clarified that the contracted traffic engineer adjusted the data by applying a three percent growth rate to 2023 volumes. He confirmed that the review was not finalized and that the process was ongoing, with both the Town's traffic consultant and NCDOT reviewing the analysis, returning comments, and requiring responses from the applicant. He further explained that the consultant's assessment indicated it was very unlikely any traffic improvements would result from the analysis. However, he emphasized that through the driveway permitting process, there were still mechanisms that could require improvements, but those determinations would not be made until the driveway permit was applied for.

Commissioner Pearsall responded that his vote would be based on facts and on whether all requirements had been satisfied.

Town Attorney Norwood Blanchard added that the traffic impact analysis evidence presented was the only evidence available to the Board. He explained that the Board was required to weigh the evidence provided and noted that if there were no competing studies, the Board had to work with what was in the record.

Mayor Olivia Dawson then asked whether the Town or Board could request that NCDOT consider improvements, even if the Town could not require them.

Town Manager James Gantt explained that the Town's ordinance requires developers to complete a traffic impact analysis when projects meet a defined threshold, and that Weldon Village met that threshold. He clarified that once the analysis is submitted, the Town has no authority over NCDOT's requirements. He emphasized that only NCDOT determines what, if any, roadway improvements are required. The Town cannot impose additional stipulations beyond requiring that the study be completed and submitted.

Mr. Gantt also noted that this limitation had been encountered in other recent developments. He reiterated that the Town cannot force developers to perform roadway improvements; such decisions are entirely under NCDOT's authority.

Attorney Brian Edes followed up to make the process clear for both the Board and the public. He explained that once the traffic impact analysis (TIA) has been conducted and sent to NCDOT, the applicant has met the requirements of the Town's ordinance for preliminary plat approval. Any further steps depend on NCDOT's review and correspondence. Planning Director Meredith confirmed that the TIA was in the scoping process, meaning it was actively being reviewed.

Attorney Blanchard summarized by saying that NCDOT "grades the test," while the Town's role is only to confirm that the applicant completed and submitted the required analysis. Town Manager Gantt added that this same process applied to stormwater and other state-level permits, with the Town having no control over those approvals.

Attorney Edes concluded by stating clearly that the applicant had fulfilled the requirements under the Town's ordinance. He explained that the matter was now in the "state's bailiwick" for both traffic and stormwater issues. Planning Director Meredith confirmed this understanding. Attorney Edes thanked the Board and stated he had no further comments.

Mayor Dawson asked if this explanation provided clarification. Commissioner Rivenbark indicated he still had questions. Mayor Dawson then asked if there were any additional questions. Hearing none, she announced that the Board would entertain a motion if any member wished to present one.

During the closing portion of the hearing, an audience member asked whether citizens could see the email that had been referenced earlier, which they described as a potential conflict of interest. Mayor Olivia Dawson responded that it was all public information, stating it was not a major issue and that the email could be read. Another audience member interjected, questioning whether the actions of the developer, described as the largest builder in the country, were intentional and suggesting that "little things" may have been deliberately set up.

Town Attorney Brian Edes clarified that if citizens wanted access to the email, they could file a public records request, as it was subject to disclosure. When an audience member questioned whether such a process would take "a year," Mayor Dawson replied that the information could be made available "next week." She then reminded those present that the identity of the developer could not be considered in the Board's decision and asked everyone to keep that in mind. Mayor Dawson then returned to procedure, explaining that the Board would entertain a motion when commissioners were ready, and that any motion would need to be structured in accordance with the resolution before them.

At that point, audience members continued to voice concerns from the floor. One individual accused the Board of lying when they said they had not been contacted by outside parties. Another asked whether each commissioner truly understood what they were voting on. This same speaker questioned whether Board members could specifically state which parts of the criteria had been met for the plat itself, emphasizing that only the requirements of the plat—not other topics discussed during the hearing—should be considered.

Attorney Edes then addressed the Board directly, explaining their role. He reiterated that the commissioners were acting in a judicial capacity that evening, serving as judges or fact-finders rather than legislators. He stressed that it was the applicant's responsibility to present evidence showing compliance with the ordinance, and that Board members must base their vote solely on the evidence presented at the hearing. He stated that both the applicant and the Planning Director had testified that the subdivision was a by-right use in the RA zoning

district, and that the preliminary plat submission met all requirements outlined in Sections 10.13 and 10.14 of the Unified Development Ordinance.

Mayor Dawson followed up by clarifying what that meant in practice. She asked whether it was correct that any individual seeking to build a single home on a one-acre lot would be required to meet the same standards as those presented by the developer, except that in this case, the applicant was proposing 191 homes on 191 acres. Attorney Edes confirmed this was correct.

An audience member then raised an objection, referencing Pender County requirements and stating that sewer service should be provided. The speaker claimed that the project was in violation of Pender County's land use rules. Mayor Dawson responded by stating that the property in question fell under the jurisdiction of the Town of Burgaw, not Pender County. Town Manager James Gantt confirmed this, explaining that the property is located within the Town's extraterritorial jurisdiction (ETJ). Mayor Dawson added that this meant the project was regulated under the Town of Burgaw's planning district rules, not Pender County's.

Planning Director Ron Meredith affirmed this, stating that because the property is within Burgaw's ETJ, the project must follow the Town's regulations. He clarified that in order for the development to connect to the Town's sewer system, the applicant would be required to voluntarily annex the property into the Town. He also emphasized that this requirement applied only to the subject parcel itself and not to any adjacent tracts of land. An audience member then raised an additional concern about county and city taxes.

Mayor Dawson redirected the discussion back to procedure, asking the Board whether they wished to proceed to a vote and entertain a motion at that time. Audience members continued to voice questions, including whether water drainage was being considered at all in the decision, and another member of the public remarked that citizens had been "lawyered out" of the process.

Commissioner James Malloy addressed the room, signaling his intention to proceed. He stated, "Alright, ladies and gentlemen." He then remarked that while everyone was sitting back, he was prepared to "go ahead and bite the bullet." Commissioner Malloy added that others were welcome to "take [him] out if [they] want to," but emphasized that he was committed to doing what he believed was right and would "let the chips fall where they may."

Commissioner Malloy then referred to the testimony of the Planning Director. He stated that, according to the Planning Director, the applicant had met the standards required.

> Commissioner Malloy moved to approve the Preliminary Plat for a Major Subdivision. Commissioner Dawson seconded the motion.
>
> The vote was:
>
> - In favor: Malloy, Dawson
> - Opposed: Pearsall, Rivenbark, George
>
> With three opposed and two in favor, the preliminary plat was denied.

Mayor Dawson announced a short break before the next hearing. Break took place from 8:10PM to 8:24PM.

Consideration of a Special Use Permit (Quasi-Judicial) for a Planned Building Group

After the break, the board reconvened for the second quasi-judicial hearing regarding Tribute Companies Inc.'s special use permit application for property at 634 US Highway 117 South, north of Annie P. Faison Road, comprising approximately 18.72 acres.

Mayor Olivia Dawson opened Public Hearing Number 2 at 8:28PM, explaining that much of the same rules as the prior hearing would apply, and any differences would be clarified by the attorneys. Town Attorney Brian Edes confirmed that this hearing concerned a Special Use Permit application submitted by Tribute Companies, Inc. for property located at 634 U.S. Highway 117 South, north of Annie P. Faison Road, consisting of approximately 18.72 acres. Before proceeding, Mr. Edes asked the Board a series of impartiality questions. He confirmed with the Mayor and commissioners that none had a financial interest in the project, nor did they have a business relationship with Tribute Companies. He then asked whether members had personally visited the property, to which Mayor Dawson and Commissioner George confirmed they had only observed it from the street, including the posted sign. Both confirmed that their visits had not swayed them in any direction.

Mr. Edes next addressed the receipt of emails from a citizen concerning this application. Commissioner Pearsall acknowledged receiving them. Commissioner Jan Dawson stated she had also received the emails but deleted them, knowing they should not be considered. Commissioner Malloy acknowledged receipt but confirmed he did not rely on them. Mr. Edes emphasized that the key issue was whether members could remain impartial and base their decision solely on the evidence presented during the hearing. The Board indicated they could. Mayor Dawson asked if the Board was in agreement, to which Commissioner George responded affirmatively. Mr. Edes noted for the record that the applicant's attorney, Sam Potter, declined to ask the Board questions about impartiality. Mr. Potter requested to see the emails, but Mr. Edes explained they were not physically available that evening. Mr. Potter nevertheless confirmed he wished to proceed, and Mr. Edes again recorded that the applicant's counsel declined to question the Board further.

Mr. Edes explained the process for the hearing: staff testimony first, followed by the applicant, then testimony from individuals with standing. He emphasized that unlike the previous hearing, this matter involved a Special Use Permit, which required the Board to evaluate the application against five specific criteria under Section 4.7.1 of the Town's ordinance. He read these criteria aloud, referencing page 182 of the agenda packet: (1) the location and character of the use must be in harmony with the area and conform to the land use plan; (2) the use must be allowed under the ordinance and meet all required conditions and specifications; (3) the proposed use must not adversely affect adjoining or abutting property values; (4) the use must not materially endanger public health or safety if located and developed as proposed; and (5) any increase in vehicular traffic must not pose a danger to the public. Mr. Edes reminded participants that all testimony must be directed to these five criteria, noting that during the previous hearing, discussion had strayed beyond the relevant scope.

Mayor Dawson officially declared the public hearing open and instructed that proper procedure be followed, including the swearing in of participants. She noted that approximately ten or eleven individuals had signed up to speak. Clerk Kimberly Rivenbark asked those intending to testify to stand and administered the oath, instructing them to raise their right hands, state their names, and swear or affirm to tell the truth, the whole truth, and nothing but the truth, so help them God.

Planning Director Ron Meredith began his presentation by thanking Mayor Dawson and the members of the Board. He explained that the applicant, Robert J. Hollis, was submitting the

request on behalf of Tribute Companies, Inc. to develop a 135-unit townhome project on approximately 18.72 acres. He clarified that the property is located east of U.S. Highway 17 and north of Annie P. Faison Road. The subject property consists of four parcels and is currently undeveloped. While most of the proposed project is within the Office and Institutional (O&I) zoning district, a portion zoned R-20 is included only for access and will not contain any residential units. Mr. Meredith stated that the surrounding properties are zoned R7-CZ and R-20, with nearby land uses consisting of a mix of undeveloped tracts, low-density single-family homes, and some commercial uses.

He explained that the future land use classification for the area is designated as a mixed-use transition zone. These areas are intended to buffer residential neighborhoods from more intensive commercial and institutional uses by incorporating small-scale offices, housing, and mixed-use developments. Design standards call for moderate setbacks, landscaping, pedestrian connections, and features to minimize visual and environmental impacts on nearby homes.

Mr. Meredith detailed that the proposal includes 135 townhome units across 26 buildings, each building containing between three and six units. All internal roads will be private but must be constructed to NCDOT standards. The proposed density is approximately 7.2 dwelling units per acre, which is within the maximum 12 units per acre permitted in the O&I zoning district. He confirmed that the development complies with the Unified Development Ordinance (UDO), including the specific criteria outlined in Section 9.11 regarding planning building groups in the O&I district.

The open space requirement is 15% of the site, and the applicant has proposed 18%, equaling 3.49 acres. A total of 270 parking spaces will be provided, exceeding the minimum requirement of 1.5 spaces per unit. All utilities will be placed underground, and both water and wastewater services will be connected through the Town of Burgaw. Mr. Meredith confirmed that the property is not located within a flood zone. The applicant does not intend to phase the project and will rely on rollout receptacles for solid waste removal. He emphasized that no community meeting was required for this application.

Mr. Meredith reported that staff and the Technical Review Committee (TRC) reviewed the application and provided feedback, and that the applicant revised the plan to achieve full compliance with regulations. He stressed that approval of a Special Use Permit does not authorize site work to begin, as a release from the Planning Department and all required permits must be obtained before any construction.

He noted that the project includes two access points: a primary entrance on U.S. Highway 17 and a secondary access on Annie P. Faison Road. The development did not meet thresholds requiring a traffic impact analysis (TIA). Based on standard trip generation data, it is expected to produce approximately 993 daily vehicle trips, including 66 trips during the morning peak hour and 78 during the evening peak hour. The Fire Marshal reviewed the plan and confirmed it meets fire and safety standards, including access point requirements.

Additional project details include installation of a 10-foot-wide Type B buffer along property lines and a six-foot fence for screening adjacent uses. The development will include curb and gutter and complies with UDO Section 9.11 regarding parking, access, landscaping, storm drainage, and emergency vehicle access. Mr. Meredith stated that staff reviewed the site plan and found it compliant with all applicable standards.

He reminded the Board that, under North Carolina law, the applicant bears the burden of proving that the proposed use satisfies the required findings of fact. This includes

demonstrating compatibility with the area's character, compliance with ordinance standards, protection of nearby property values, assurance that public health and safety will not be endangered, and confirmation that traffic impacts will not create unsafe conditions. The Board may only approve the request if sufficient evidence is provided on each point.

Mr. Meredith presented three conditions to which the applicant has agreed. These include ensuring future connectivity, maintaining adequate buffering to protect adjacent residential areas, and linking the project to existing development to promote better traffic flow and integration. He referenced a site plan projected on the screen, pointing out where these conditions would apply. He noted that the applicant has provided access to an adjacent tract lying between the subject property and I-40, which is a large undeveloped parcel. The applicant worked with the property owner to allow for a potential future right-of-way connection. He also referenced a previously approved subdivision in the R7-CZ zoning district, located adjacent to the subject site, that could connect to this development. Additionally, while the R-20 parcel within the subject site will not contain residential units, it will provide access and should maintain buffering consistent with the rest of the development.

Commissioner William Rivenbark asked for clarification regarding a circle shown on the screen identifying another property approved five or six years earlier. Mr. Meredith confirmed that was correct. Commissioner Rivenbark asked whether the proposed development would tie into that property, and Mr. Meredith responded that staff would like to see interconnectivity for emergency management purposes. Because the roads are private, such a connection could be gated, but this would need to be discussed further.

Commissioner Rivenbark noted that the other property had been approved years earlier but had not been developed. He suggested the delay was due to sewer service. Mayor Dawson confirmed this. Commissioner Rivenbark then asked about sewer for the current proposal. Mr. Meredith explained that the situation was the same: the applicant understands that the Town is still in the process of securing easements for the force main.

Mayor Dawson then asked if there were any additional questions for Mr. Meredith.

Town Attorney Brian Edes asked Planning Director Ron Meredith if he would like to introduce the agenda packet pertaining to the item as Exhibit 1. Mr. Meredith confirmed, and Mr. Edes followed up by asking how many slides were included in the PowerPoint presentation. Jayna Augst responded that there were twelve slides. Mr. Meredith confirmed this, and Mr. Edes then asked if the PowerPoint should be introduced as Exhibit 2. Mr. Meredith agreed. Mr. Edes asked attorney Sam Potter, representing the applicant, if he had any objections to the receipt of these two exhibits. Mr. Potter stated no objections. Mr. Edes then recommended that Exhibits 1 and 2 be accepted into evidence without objection.

Mr. Edes then asked Mr. Meredith a clarification question regarding the buffer and entrance. Specifically, he asked if Mr. Meredith was referring to the proposed entrance on the R-20 lot. Mr. Meredith confirmed. Mr. Edes followed up, asking if the applicant had already proposed both a buffer and a six-foot fence for that lot. Mr. Meredith confirmed this, explaining that while the O&I portion of the project did not require buffering, staff would like to include it as a condition to help shield adjacent properties from the right-of-way. Mr. Edes summarized, clarifying that the applicant had already proposed the desired buffer and fence, and that staff recommended a condition to ensure its continuation as part of the ingress and egress point. Mr. Meredith agreed.

Mr. Edes then asked if Mr. Potter had any cross-examination, to which Mr. Potter responded (inaudible). Mayor Olivia Dawson then raised a question about conditions. She asked whether a condition could be put in place to request that the development provide an adjoining connection. Mr. Meredith confirmed that was being proposed. Mayor Dawson clarified, asking if the discussion was regarding an adjoining driveway or roadway. Mr. Edes stated that his understanding was that the applicant had proposed such connectivity following Technical Review Committee (TRC) discussions, which required a second ingress and egress. Mr. Meredith confirmed, stating the applicant had included the R-20 lot as the ingress and egress with buffering. Mayor Dawson then clarified she was referring to the northern circle, the middle circle on the site map. Mr. Meredith explained that the previously approved project did provide a stub in that location, and staff wanted to ensure there would be interconnectivity for emergency access, whether gated or not, given that the roads were private.

Commissioner Jan Dawson asked whether the proposal included buffering and fencing around the entire perimeter of the development. Mr. Meredith responded that staff's proposed conditions included connections to the right-of-way to the north for the previously approved project, a connection to the eastern parcel, and buffering on the R-20 parcel with ingress and egress. Commissioner Dawson suggested that Mr. Meredith point out the locations on the map. Mr. Meredith indicated the buffering area already shown on the plan, explained the adjacent property connection to the earlier approved project, and referenced the conditional rezoning approved around 2015. He noted that while the applicant illustrated this right-of-way extension, it was difficult to view from the board's position. He stated that the applicant had met with the property owner, and future discussions may take place, but staff wanted to condition buffering to remain in place. Mr. Meredith clarified that there was no additional fencing proposed, but there was already a Type B buffer with a six-foot fence surrounding the property. Mayor Dawson confirmed this point for clarity.

Commissioner James Malloy asked about the top circle on the map, confirming if it was I-140. Mr. Meredith responded that I-140 would be there. Commissioner Malloy then asked about the road running behind the property. Mr. Meredith explained it was a proposed new road, not yet constructed. Mayor Dawson added that it was a proposed roadway or driveway, intended to provide access to another approved development. Commissioner Malloy acknowledged this explanation.

Commissioner William Rivenbark expressed frustration, apologizing to the board and stating that Burgaw had struggled to complete sewer line projects, which has delayed developments for five or six years. He questioned whether applicants would be willing to wait that long. Commissioner Rivenbark stated his view that progress was moving "bassackwards" and apologized for his bluntness, noting that he may upset others but felt the issue was important. Mayor Dawson responded, acknowledging his concerns and stating that it was an issue that needed to be considered. Commissioner Rivenbark continued, stating that it was frustrating as a citizen that Burgaw could not complete such projects in a timely manner, and he remarked that voters were welcome to vote him out if they disagreed. Mayor Dawson reiterated that the conversation could continue at a later time or after the meeting and that the board recognized the importance of addressing the concern. Commissioner Rivenbark concluded by saying he did not want applicants to have their funds tied up for years, as had already happened in previous cases, and emphasized that the town needed to do better. Mayor Dawson agreed and reassured him that many board members did not want to see that situation happen again, before moving the meeting forward. Commissioner Rivenbark closed by stating, "Alright, I'll hush."

Mayor Olivia Dawson recognized Mr. Sam Potter, attorney for the applicant, and allowed him to speak. Mr. Potter began by addressing the Mayor and commissioners, introducing himself as an attorney from Wilmington representing Tribute Companies. He then turned his remarks to Commissioner William Rivenbark, acknowledging him directly and noting his thanks. Mr. Potter stated that the current owner of the property under consideration was Mr. Mark Maynard, Sr., a developer from Wilmington who has owned the property for more than twenty years. He emphasized that the Maynard family has been active in development in both Pender and New Hanover Counties for over thirty years. Mr. Potter explained that, unlike another property owner, Mr. Hardison, who owns land to the north, the Maynard family had held this tract for two decades and would not be impacted if the process took additional time.

Mr. Potter introduced members of the applicant's design team present at the hearing. He identified Andy Mills as the civil engineer, Josh Mihaly as the landscape architect, Dylan (who usually worked with Don Bennett) as the traffic engineer, and Cal Morgan as the appraiser. Mr. Potter noted that Don Bennett, who was usually present, was not attending this time. He acknowledged that, as referenced earlier by Town Attorney Brian Edes, he would now have the opportunity to ask questions of Planning Director Ron Meredith before beginning the applicant's primary presentation.

Mr. Potter asked Mr. Meredith about the property immediately north of the site, owned by Mr. Hardison. He inquired about what type of project had been approved there and whether that approval was still valid. Mr. Meredith responded that the property had been approved for a major subdivision. He explained, however, that the approval may have lapsed and that determining whether it remained valid would depend on vesting, which involved whether sufficient investment had been made within the required timeframe. Mr. Meredith stated that the matter of vesting would require further legal review but confirmed that the delay in installation of the wastewater system was a factor.

Mr. Potter then highlighted specific points from Mr. Meredith's presentation. He asked whether the proposed density of 7.2 units per acre was less than the maximum allowed under the O&I zoning district. Mr. Meredith confirmed, stating the maximum permitted density was 12 units per acre. Mr. Potter next asked if the project included less lot coverage than required, to which Mr. Meredith affirmed. Mr. Potter further confirmed with Mr. Meredith that the proposed project provided more parking than required under the ordinance. Mr. Potter asked if the plan complied with Section 9.11 of the Unified Development Ordinance (UDO), and Mr. Meredith confirmed it did. Mr. Potter also asked whether the project met all other standards of the UDO as submitted and whether it satisfied fire and safety requirements. Mr. Meredith confirmed these points.

Mr. Potter continued by showing an aerial image of the property to provide context. He described the surrounding geography, noting Annie P. Faison Road to the south, U.S. Highway 117 to the west, and White Tractor to the north. He also referenced a large tract to the north and east of the subject site, identified earlier by Mr. Meredith as an already approved major site development. Mr. Potter described the area as being positioned for future growth. He clarified that the residential structures in the proposal would only be located within the O&I zoning district. The portion of the property along Highway 117 would be used solely for access and would contain only a driveway leading to the residential subdivision at the rear of the tract.

Mr. Potter explained that the project was being submitted under the provisions for "planned building groups" within the O&I district, as permitted by Burgaw's UDO. He noted that while similar provisions existed in other municipalities, Burgaw's ordinance was unique. He

explained that planned building groups required a special use permit, which was the purpose of the present application. Mr. Potter then displayed an overlay of the aerial satellite image with the proposed development plan, which he explained had been slightly updated from Mr. Meredith's earlier version. He stated the updated version showed more clearly the potential connection to the property to the east.

Mr. Potter explained that the applicant agreed with the proposal to connect to the property to the north but clarified that coordination with the northern property owner would be necessary to establish the exact location of the connection. He noted this was a standard process, with the first developer typically providing a stub-out connection while the subsequent property owner determined how to tie into it.

Mr. Potter summarized the standards required for approval of the special use permit, noting that Burgaw's ordinance included five criteria instead of the typical four, with the fifth relating specifically to traffic. He highlighted that this additional requirement was why the applicant had brought their traffic engineer, Dylan, to testify. Mr. Potter explained that Section 9.11 of the UDO contained specific conditions for planned building groups, including buffering requirements, stormwater management, traffic circulation, and utility identification. He stated that the applicant's plan met all these requirements, as confirmed by Mr. Meredith, but that the applicant's experts would provide additional testimony to ensure all points were fully addressed for the record.

Mr. Potter then addressed the applicant's burden of proof under North Carolina law. He explained that the decision-making process required the board first to determine whether the applicant had presented competent, material, and substantial evidence to establish the facts needed. He emphasized that this was the first step in the process. He acknowledged that as an attorney, he could not provide expert testimony on technical matters such as engineering, traffic, or stormwater. Instead, the applicant's professional team members would provide that testimony.

Mr. Potter concluded his initial remarks by turning the presentation over to landscape architect Josh Mihaly. He stated that Mr. Mihaly's credentials were displayed on the screen and formally requested that Mr. Mihaly be admitted as an expert witness. Town Attorney Edes responded, asking Mr. Potter if he wanted to qualify the expert further. Mr. Potter indicated that the credentials on the screen sufficed.

Mr. Josh Mihaly, a licensed landscape architect in North Carolina, addressed the Mayor and members of the Burgaw Planning Commission. He introduced himself as the owner of Mihaly Land Design, which he has operated in Wilmington for 24 years. Mr. Mihaly explained that he has been involved in numerous projects during his career and has worked with Tribute Companies for a long time on successful developments in Pender County, New Hanover County, and throughout North Carolina.

Mr. Mihaly turned to the proposed plan for the project. He stated that his team reviewed the site in consultation with Planning Director Ron Meredith and studied the applicable ordinance. He noted that the subject property is zoned O&I (Office and Institutional), which permits several uses including schools, offices, and other commercial activities. After review, the team identified the possibility of a townhome development under the "planned building group" provisions of Section 9.11 of the Unified Development Ordinance, which requires approval through a special use permit.

He explained that the proposed project covers 18.72 acres and consists of 26 buildings with a total of 134 townhome units. Each building would contain no more than six units. He

described the unit dimensions as approximately 26 feet wide by 60 feet deep, with garages and driveways included. Each unit will provide at least two parking spaces, meeting and exceeding the requirement of 1.5 spaces per unit. In addition, 17 overflow parking spaces are planned.

Mr. Mihaly stated that the open space requirement is 15 percent of the site, or 2.8 acres, and the project will provide at least 3.5 acres of open space. He confirmed compliance with buffer requirements, explaining that a type B buffer—a 10-foot buffer with a 6-foot fence and required plantings—will be installed adjacent to all residential land and also along the R-20 zoned parcel at the entrance drive. He noted that planting requirements for tree canopy and shrubs will be implemented between the fence and the property line.

He further described site design details. The main entrance will be from Highway 117 with a bifurcated design, including an entrance sign and landscaped median. A secondary entrance will be from Annie P. Faison Road, which is currently improved only partway along the property. Mr. Mihaly explained that, after meetings with the Technical Review Committee and discussions with a nearby property owner named Mr. Lee, adjustments were made to the plan to allow for a potential future connection to his property. This would enable better long-term connectivity to Annie P. Faison Road. He also confirmed that the applicant is willing to provide a connection to the previously approved subdivision to the north, owned by Mr. Hardison.

Mr. Mihaly reported that impervious surface coverage is projected at about 7 acres, or 40 percent of the site. He emphasized that the plan allows for building separation of at least 35 feet, matching or exceeding building height, in accordance with the ordinance. He compared this to Wilmington's 18-foot separation standard, noting that the greater spacing would provide more open space. He confirmed the buildings would be limited to a maximum height of 35 feet.

Commissioner George asked whether all buildings would be uniform and how many units each would contain. Mr. Mihaly responded that some buildings would have four units while others would have six, with one-car garages and driveways included. Commissioner Pearsall inquired about the R-20 parcel at the Highway 117 entrance, and Mr. Mihaly confirmed that no buildings would be placed there, only the bifurcated road with landscaped buffer strips on both sides. When asked about the nearest residential home to that entry, Mr. Mihaly explained that the distance is approximately 30 feet from the property line, placing the road about 50 feet away.

Commissioner George requested to view the conceptual elevation of the housing. Mr. Mihaly displayed a four-unit building design and confirmed that each unit was two stories, with a master bedroom on the ground floor and additional bedrooms upstairs.

Commissioner William Rivenbark asked about a cul-de-sac shown in earlier versions of the plan, particularly with respect to school bus accessibility. Mr. Mihaly confirmed that the cul-de-sac had been eliminated in the updated plan after consultations with adjacent property owners and fire officials. He explained that this change improved connectivity, created a loop road, and allowed for extension of Annie P. Faison Road through the development. He also provided commissioners with ten printed copies of the revised plan. Commissioner Rivenbark expressed approval, stating that the loop road would accommodate school buses, which have become longer over the years. Discussion followed briefly about bus and truck sizes, including references to large trucks and fire trucks.

Mayor Dawson asked if there were additional questions. Commissioner Jan Dawson inquired about connectivity to the Hardison tract to the north. Mr. Mihaly indicated the current plan shows a stub connection in that location, but adjustments may be required to coordinate with the Duke Power easement on the site. He explained that the applicant was committed to providing connectivity as a condition of approval, though the precise location would need to be coordinated with the neighboring property. Mayor Dawson confirmed this understanding.

At the conclusion of the discussion, Mayor Dawson asked if there were further questions for Mr. Mihaly. Hearing none, she thanked him for his presentation.

Mr. Sam Potter, attorney for Tribute Companies, introduced the next speaker, Mr. Andy Mills. He explained that Mr. Mills is an engineer with Colliers Engineering based in Raleigh, although he is originally from the area and maintains a 910 phone number.

Mr. Andy Mills then addressed the Mayor and Board. He introduced himself as a licensed professional engineer in the State of North Carolina, employed with Colliers Engineering and Design. He explained that the company is a national firm with offices in Wilmington, Raleigh, and Charlotte. Mr. Mills stated he has lived and worked in the Wilmington area for over thirty years, with extensive familiarity in New Hanover, Brunswick, and Pender Counties. He described his background in civil engineering, noting he holds a bachelor's degree in construction engineering and a master's degree in construction management. He added that his professional experience includes both engineering work and extensive time spent in the field on construction and development projects.

Mr. Mills proceeded to describe the preliminary utility layout for the proposed development. He explained that on the R-20 portion of the property along Highway 117, there is an existing gravity sewer manhole that will be used for the project's sewer connection. He noted that a waterline is also located along the west side of Highway 117 within the right-of-way. Both utilities are operated by the Town of Burgaw, and the project will connect to them. He further explained that the water system has been designed as a loop in order to improve fire flow, pressures, and hydrant coverage. Fire hydrants will be placed in accordance with the North Carolina Building Code, specifically the fire prevention section, and will be located to ensure adequate fire flow and coverage once hydraulic modeling is complete.

He stated that the sewer system will be gravity-fed, running back to the existing connection point in the right-of-way. Regarding stormwater, Mr. Mills described the site as generally flat, with only slight changes in elevation. He identified a natural low point, or draw, near the back of the property, which has been designated as the location for a stormwater pond. That draw directs water toward the property adjacent to I-40. Mr. Mills noted that stormwater permitting for this project will be handled through the North Carolina Department of Environmental Quality (NCDEQ), as the Town of Burgaw does not issue stormwater permits.

He explained that stormwater design will follow state requirements, including provisions for treatment and analysis of the 10- and 25-year storm events, with additional analysis of a 50-year storm event within the stormwater pond. Roads within the development will include curb and gutter systems, with curb inlets and drop inlets designed to collect runoff and channel it to the stormwater pond. The outflow from the pond will be controlled according to Pender County regulations, which allow for a maximum of 10 percent increase in discharge compared to predevelopment conditions. Mr. Mills stated that the first step will be to calculate the site's current runoff prior to development, followed by post-development analysis to ensure compliance with the 10 percent standard.

He reported that he had spoken with Mr. Moore of the Town's Public Utilities regarding sewer capacity concerns. Mr. Mills explained that he was referred to the Town's consultant, with whom he discussed the current situation. He learned that the system had previously been nearly fully permitted, but easement issues had delayed progress. He was informed that the consultant is currently conducting a capacity analysis, expected to be completed within the next few months, which will determine available sewer capacity. Mr. Mills indicated that although the project is currently designed as one phase, phasing could be considered if capacity constraints require it.

Mr. Mills reiterated that the stormwater system design will ensure on-site water capture, with grading designed to direct runoff into the drainage system and ultimately into the pond. He emphasized that state treatment requirements will be met to prevent downstream flooding, and that discharge will be regulated to remain within the allowed limits. He further noted that the curb, gutter, and pipe conveyance systems will be designed to meet NCDOT standards. Both Pender County and NCDOT require stormwater conveyance systems to be designed for the 10-year storm event, which this project will meet.

Commissioner George asked Mr. Mills to indicate the exact location of the stormwater pond. Mr. Mills pointed to the rear of the property on the plan, describing it as a rectangular-shaped area situated in a natural draw where drainage currently flows. He explained that the design will ensure no off-site drainage patterns are altered, with all runoff collected, conveyed to the pond, treated, and released under controlled conditions.

At the conclusion of the presentation, Commissioner William Rivenbark humorously remarked about the pond becoming another fishing hole, to which Commissioner James Malloy added a comment about bass. Mayor Olivia Dawson then asked if there were any further questions. Hearing none, she thanked Mr. Mills for his presentation.

Mr. Sam Potter, attorney for Tribute Companies, continued the applicant's presentation. He introduced the next speaker, Mr. Dylan Coley, identifying him as the project's traffic engineer from Davenport Engineering. Mr. Potter explained that Mr. Coley would address traffic concerns, specifically the fifth condition required by the Town of Burgaw's ordinance for approval of a special use permit, which requires the applicant to present evidence showing that traffic generated by the proposed development would not create a public safety threat.

Mr. Dylan Coley then addressed the Mayor and members of the Board. He introduced himself as a traffic engineer with Davenport and provided his office address as 4600 Marriott Drive, Suite 350, Raleigh, North Carolina. Mr. Coley confirmed that he is a licensed professional engineer in the state of North Carolina and provided his license number, 055218. He stated that his firm had been contracted by the applicant, Tribute Companies, to provide traffic engineering services for this proposed project.

Mr. Coley confirmed he would be addressing the fifth condition of the special use permit requirements. He referred to the trip generation values previously mentioned by Planning Director Ron Meredith, which projected that the development would generate approximately 990 daily trips. Of these, 64 trips were expected during the morning peak hour and 76 trips during the evening peak hour. He explained that these figures fell below the Town of Burgaw's threshold for requiring a Transportation Impact Analysis (TIA).

He further noted that his team analyzed alternative "by right" land uses permitted under current zoning and the Unified Development Ordinance (UDO). These potential uses included detached single-family homes, a daycare center, or general office building space. Mr. Coley stated that each of these by right uses would generate more vehicle trips than the

proposed 135 townhome units. He clarified that these calculations were based on data from the Institute of Transportation Engineers (ITE) Trip Generation Manual, which he emphasized is the accepted traffic analysis standard recognized by the North Carolina Department of Transportation (NCDOT).

Mr. Coley added that he personally visited the site earlier in the day. Based on his field review, he confirmed that there is more than adequate sight distance from both proposed access points. He reported that drivers would have visibility of approximately half a mile in each direction, describing the roadways as generally flat and clear. He identified the primary access as located on the R-20 parcel along Highway 117 and the secondary access as coming from Annie Faison Road.

In conclusion, Mr. Coley gave his professional opinion that the proposed development of 135 townhomes would not pose a danger to public safety with respect to traffic conditions.

Commissioner William Rivenbark asked Mr. Coley specifically about the line of sight at the proposed access on Annie Faison Road. Mr. Coley responded that the line of sight extends approximately half a mile in either direction from the proposed site access. He noted that there is some existing roadside vegetation that could potentially interfere with visibility, but clarified that this could be resolved during the clearing and grading process as part of the civil construction work. Commissioner Rivenbark acknowledged this response.

Following this exchange, Mayor Olivia Dawson asked if there were any additional questions about traffic. Hearing none, she thanked Mr. Coley for his presentation and for being present at the hearing.

Mr. Sam Potter, attorney for the applicant Tribute Companies, resumed the presentation. He stated that while Mr. Dylan Coley had addressed condition number five regarding traffic safety, the presentation would now return to condition number four, which concerns the potential negative impact on adjoining property values. Mr. Potter introduced Mr. Cal Morgan, an appraiser, and turned the presentation over to him to discuss this matter.

Mr. Cal Morgan addressed the Mayor and members of the Board. He introduced himself as a North Carolina Certified General MAI Appraiser. Mr. Morgan stated that he has been working in the Wilmington market as an appraiser since approximately 2008. He also identified the name of his company as J.C. Morgan Company.

Mr. Morgan explained that, in the interest of conciseness, he had prepared a brief letter summarizing his findings, which he proceeded to read aloud to the Board. He began by stating that J.C. Morgan Company is a real estate appraisal and consulting firm located in Wilmington, North Carolina. Since 2010, the firm has appraised and provided consulting services on hundreds of properties across North Carolina. He listed the types of properties typically appraised by the firm, including land, residential, retail, office, and multifamily properties, among others. Mr. Morgan also described the firm's client base as generally consisting of banks, local and federal government entities, attorneys, utility companies, and property owners.

Mr. Morgan stated that he had been engaged by the applicant to conduct research and analysis to provide an opinion regarding condition C of the applicant's special use permit application. He explained that condition C requires that the proposed use of the property "will not affect other adjoining property values."

To address this requirement, Mr. Morgan described the methodology he used, known as a paired sales analysis. He explained that this method involves several steps: first, locating

properties that are adjacent to existing apartment complexes, townhome developments, or comparable projects; second, researching those properties to determine if any had sold within the past several years; third, comparing those sales to the sales of similar properties that are not adjacent to such developments; and finally, analyzing the data to determine whether there is any discernible impact on property values resulting from proximity to these types of projects.

Mr. Morgan stated that among the projects he reviewed for this analysis were Heritage Place in Burgaw, Covenant Housing in Castle Hayne, and Seaboard at Sidbury Station, also in Castle Hayne.

Based on the data he analyzed, Mr. Morgan reported that he was unable to find any evidence indicating that the proposed project would negatively affect the values of adjacent properties. He concluded by stating his professional opinion that the proposed project would not have a negative impact on the value of adjoining or abutting properties.

Mr. Morgan concluded his remarks by offering to answer any questions the Board members might have regarding his findings.

Mayor Olivia Dawson asked if there were any questions for Mr. Morgan following his testimony regarding property values. Commissioner Michael Pearsall responded that he did have a question. Commissioner Pearsall began by referencing the entrance away from Highway 117 and asked specifically which property line that entrance would be going through.

Mayor Dawson redirected, asking if there were any questions specifically for Mr. Morgan related to appraising. Commissioner Pearsall then clarified, indicating that he still had a question, though he acknowledged that it may be more appropriately answered by someone else. He remarked that Mr. Morgan looked similar to another individual, which may have caused his initial confusion. Mr. Sam Potter interjected humorously, noting that this was not the first time such confusion had happened. He explained that he and Mr. Morgan were friends, both often wore the same blue suits, and had dark hair styled in a similar way.

Commissioner Pearsall continued with his question. He asked again about the easement line for the entrance coming from Highway 117 back into the property. Specifically, he asked whether the property line for that entrance would go between the parcels owned by Mark Maynard and Marshburn, or between Marshburn and Carlos Perez. Mayor Dawson clarified that the entrance would be on the Maynard property. Mr. Potter added that Marshburn was associated with Ms. Smith, but confirmed that the entrance would be entirely on the Maynard property and not on any other property. Mayor Dawson emphasized further that it was not an easement but a piece of property owned outright.

Commissioner Pearsall responded that the map being used was difficult to see because of its size, but stated that the answer cleared up his question. Mayor Dawson asked for confirmation, and Commissioner Pearsall affirmed that his question was resolved. Mayor Dawson then stated that the meeting would move right along.

At this point, Mr. Sam Potter addressed the board again. He stated that one of the criteria the applicant must meet is consistency with the comprehensive plan. Mr. Potter noted that Planning Director Ron Meredith had already testified that the proposed plan does meet the comprehensive plan. He explained that the Town has a future land use plan specifying intended future uses of properties. Additionally, Mr. Potter reminded the board that townhouse projects or cluster building groups are allowed under the ordinance by means of a special use permit.

Mr. Potter cited legal precedent, stating that under North Carolina law, if a use is allowed by special use permit, it is considered prima facie evidence that it conforms to the comprehensive plan. He specifically referenced the American Towers v. Town of Mooresville case. Mr. Potter said that while Mr. Meredith had already testified to the plan's consistency, this legal principle also affirmed it as a matter of law.

Continuing, Mr. Potter stated that staff and Mr. Meredith had confirmed that the proposal meets all of the criteria of the Unified Development Ordinance (UDO). He emphasized that the applicant not only met the required criteria but also exceeded them in certain areas. He noted that the project exceeds the minimum open space requirements and provides more parking than the ordinance requires.

Mr. Potter described the broader policy implications of the project. He pointed out that the property, which has been owned by Mr. Mark Maynard for a long time, has sat vacant and currently contributes little tax value. By approving the project, the property could be transformed into something that generates significant tax value, potentially helping to fund sewer plants and sewer lines. He noted that schools were not part of the burden for this project and indicated he would address schools further in his remarks.

Mr. Potter then introduced documentation related to school capacity. He explained that he frequently handled similar cases in Pender County, and that in Eastern Pender County school capacity was a significant issue, as schools were often over capacity. He noted that Pender County Schools had conducted a study on capacity across the county, including schools in Western Pender County, Burgaw, and Rocky Point. Mr. Potter stated that he had a two-page excerpt from this study, which outlined information about the elementary schools, Pender High School, and their capacities. He said he wished to submit this document into the record for reference.

Mayor Dawson agreed and stated that it could be entered. She also noted that the applicant had an updated plan prepared, and suggested distributing it at that point. Mr. Potter agreed and suggested designating the school capacity study as Exhibit 3, and the site plan prepared by Mr. Mihaly as Exhibit 4. Town Attorney Brian Edes confirmed that this would be acceptable.

Mr. Potter also requested that the applicant's PowerPoint presentation be admitted into evidence. Additionally, he noted for the record that the applicant's expert witnesses — Mr. Andy Mills, Mr. Josh Mihaly, Mr. Dylan Coley, and Mr. Cal Morgan — had been introduced as experts. Town Attorney Edes confirmed that they had been introduced and accepted as such.

Mr. Sam Potter resumed his remarks by thanking the board. He stated that the board would next have the opportunity to hear from the other side, but before that, he wished to pause and conclude his argument for the time being. He explained that he was available to answer any questions and noted that any of the applicant's expert witnesses could also be brought back to respond to questions, either at that moment or later in the proceedings.

Town Attorney Brian Edes then raised a procedural housekeeping matter. He asked Mr. Potter whether the Town had a copy of the applicant's PowerPoint presentation and if it was already included in the Town's system. Mr. Potter confirmed that the PowerPoint had been emailed earlier that day to Planning Director Ron Meredith and was therefore part of the Town's records.

Attorney Edes asked for clarification on the number of slides in the presentation, noting that this information was necessary for the minutes. Mr. Potter explained that the presentation was

not yet finalized because he had been adding material for referral purposes. Attorney Edes accepted that explanation, and it was agreed to designate the PowerPoint presentation as Exhibit 5. Mr. Potter further assured the board that the final number of slides would be confirmed and recorded in the minutes once the presentation was complete. Attorney Edes acknowledged this response and indicated that this arrangement was acceptable.

Mayor Olivia Dawson then addressed the board. She asked if there were any additional questions for Mr. Potter or the applicant's team at that point. Hearing none, Mayor Dawson announced that the board would proceed to the next stage of the hearing. She stated that it was now time to move on to those individuals who had signed up to speak during the public hearing.

Ms. Novia LaBranch addressed the board. At the request of Mayor Dawson, she stated her name and address for the record as Novia LaBranch, 608 US Highway 117 South. Town Attorney Brian Edes asked her how close her property was to the subject property. Ms. LaBranch responded that her home was "right next door" to the proposed development. Attorney Edes confirmed this was sufficient to establish standing and invited her to proceed.

Ms. LaBranch began by clarifying that she was not an appraiser, lawyer, traffic expert, or architect, but that she lived immediately adjacent to the site. She explained that the house located directly next door, her neighboring house, was planned to be torn down to make way for the development. She noted that this house, identified by her as "the one with the bushes," sat approximately 30 feet from her own home, where she measured the distance herself. According to Ms. LaBranch, this location would become the ingress and egress point for the proposed project.

She described the current challenges of pulling out of her driveway onto US Highway 117. She stated that a creek runs beside the property, which is the responsibility of the North Carolina Department of Transportation (NCDOT), though she noted they do not maintain it. The creek, she said, becomes clogged with trees and overgrowth, and when it rains, it sounds like "white water rafting." The creek runs along the right-hand side of her house if one is facing it.

Ms. LaBranch stated that this condition already makes exiting the driveway difficult, and the addition of a development entrance only 30 feet away would pose a significant safety issue. She emphasized that traffic entering and leaving the proposed development, combined with her attempts to turn left from her driveway, would create hazardous conditions. She specifically expressed concern about the danger if a driver had to back out or make difficult maneuvers onto Highway 117.

She further noted the existence of another driveway near White Tractor. She said she was not sure if work had begun to clear it out, but she observed that it also contained a ditch that had not been maintained and was currently overgrown. Because of this, her household of three cars relies on only one driveway for access. She added that the proposed development, while described as single-family townhomes with individual driveways, could realistically include three-car households as well, further increasing traffic in the area.

Turning to drainage, Ms. LaBranch asked whether the existing ditch would be maintained, removed, or filled in as part of the project. She said that a pipe currently carries water through the ditch and stressed the need to know where this water would go if changes were made. She reiterated her concern that proper drainage and water management be considered so that unsafe conditions would not be created for those who currently live on Highway 117.

She also raised concerns about the impact on quality of life for her family, noting that the ingress and egress point would be positioned next to her mother's bedroom. Ms. LaBranch questioned how much rest her mother could reasonably expect to get with vehicles constantly driving in and out adjacent to the home.

Ms. LaBranch emphasized again that although the site plan indicated a 50-foot separation from the development, the fact remained that the access road would be directly next door, and in her words, she had measured it as about 30 feet. She repeated her view that this would create a traffic safety problem.

She concluded by describing the larger roadway conditions on Highway 117. She explained that there are no stoplights in the immediate vicinity. The first traffic light when traveling toward Walmart is located several miles away, and in the opposite direction, the next stoplight is near Interstate 40, approximately seven miles from the project area. She warned that without traffic signals, the new development could create bottlenecks, particularly for left-turn movements onto Highway 117. She asked how traffic control would be handled, whether by stop signs or yield signs, and reiterated that the access point would be constructed on the lot next door to her home, where the existing house is slated for demolition.

Ms. LaBranch concluded her remarks by reaffirming her safety concerns. Mayor Dawson thanked her for speaking and acknowledged her testimony.

Town Attorney Brian Edes addressed Mr. Sam Potter, attorney for the applicant, and asked if he wished to conduct any cross-examination following the testimony provided. Mr. Potter declined. Attorney Edes then requested that the record reflect this decision. The Madam Clerk was instructed to note in the official minutes that Mr. Potter declined cross-examination.

Town Attorney Brian Edes informed the Mayor and the board that a gentleman from the audience had indicated a desire to speak but had not known where to sign up. This individual had also handed documents to Attorney Edes for distribution to the board. Attorney Edes noted that Mr. Sam Potter, representing the applicant, had reviewed the documents and objected to their submission. Before proceeding further, Attorney Edes asked the Mayor and the board whether they would allow this gentleman to testify despite not originally signing up.

Mayor Olivia Dawson inquired whether the gentleman had stood to be sworn in, to which the response was no. She then asked for his address, which was provided but inaudible in the record. Mayor Dawson acknowledged that the gentleman lived at the property in question. She asked the board if there were any objections to allowing him to speak, and no objections were raised. Attorney Edes confirmed that the individual would need to be sworn in before testifying. Deputy Clerk Kimberly Rivenbark proceeded to swear in Benito Armstrong.

Mayor Dawson clarified that Mr. Armstrong's name did appear on the signup sheet, possibly placed there by someone else, and confirmed that he was next on the list to speak. Commissioner Jan Dawson asked a question before Mr. Armstrong began, asking Alan Moore specifically whether anything was known about the ditch and the piping referenced earlier in the hearing. Attorney Edes interjected, noting that Mr. Moore would need to be sworn in before answering questions, but also clarified that the inquiry was being directed to the Public Works Director. Commissioner Jan Dawson confirmed that the question was intended for Alan Moore, Public Works Director.

Attorney Edes confirmed whether the board wished to hear from Director Moore, and Commissioner Michael Pearsall suggested swearing him in. Mayor Dawson asked Deputy

Clerk Rivenbark to administer the oath. Alan Moore was sworn in. Mayor Dawson repeated the question for the record, asking if the Public Works Director knew anything about the ditch. Director Moore stated that he did not, clarifying that the ditch was maintained, or supposed to be maintained, by NCDOT, which was understood to be a significant concern. Mayor Dawson indicated the matter would be revisited later in the process.

Following this, Mr. Armstrong began his testimony. He explained that he had worked for NCDOT for five years in the bridge maintenance department, inspecting pipes and repairing bridges. He stated that the ditch near the subject property had effectively become a creek. According to his testimony, the creek had eroded into his mother's property by approximately six to eight feet, which he described as one-third or more of her backyard. He raised concerns about where additional water from the development would be directed, as his family was already incurring out-of-pocket expenses to try to mitigate the erosion and flooding issues.

Mr. Armstrong described the current state of the creek, stating that it was overgrown with trees, making it difficult to see when pulling out of the driveway. He emphasized the danger of placing a road between two residential homes that would connect onto Highway 117, which has a speed limit of 55 miles per hour. He noted the absence of traffic lights, stating that the closest traffic light was approximately seven miles in one direction and four miles in the other. He expressed grave concerns about traffic safety, especially with speeding vehicles in both directions, and described potential dangers for himself and his mother, who is handicapped, when attempting to exit their driveway alongside new traffic from the proposed development. He characterized the situation as "an accident waiting to happen" and stressed that thirty feet of separation was insufficient.

Mr. Armstrong stated that his mother's property directly abuts the subject property, and developers had previously expressed interest in acquiring part of her land. He reiterated several times that the proposal was "not a good idea," emphasizing the danger of adding a roadway that connects directly onto Highway 117. He referenced nearby intersections, identifying Scoops Ice Cream and Fremont Street as the closest signalized intersections, further illustrating the lack of nearby traffic controls. Mr. Armstrong concluded by strongly opposing the project, urging the board to "just say no" due to what he described as a "very, very dangerous situation" and a "disaster in the making."

Attorney Edes then reminded Mr. Armstrong that Mr. Potter, as the applicant's attorney, was entitled to cross-examine him. Attorney Edes also noted that Mr. Armstrong had handed over a packet of documents for the board's consideration and asked if he wanted them entered. Mr. Armstrong confirmed that he did, explaining that they had come from his mother's neighbor, Ms. Janice Smith-Marshburn, who was present at the hearing. He identified her as residing on one side of the proposed road, with his mother on the opposite side.

Attorney Edes confirmed Ms. Smith-Marshburn's name and clarified whether she had been sworn in; she responded affirmatively. She expressed her wish to have the documents entered into evidence, stating, "My life is at stake." Attorney Edes acknowledged this but indicated that she would need to take the podium for questioning.

Before proceeding to Ms. Smith-Marshburn, Attorney Edes allowed Mr. Potter to cross-examine Mr. Armstrong. Mr. Potter asked Mr. Armstrong to restate the issues he was currently experiencing with water on the property. Mr. Armstrong explained that water ran between the house slated for demolition and his mother's house, forming a large canal with a pipe running under the road. He reiterated that during rainfall, the sound resembled whitewater rafting and stated that the water had eroded both his mother's yard and part of the subject property. He confirmed that his family was paying out-of-pocket expenses to try to

preserve the property, and he asked again where the water from the development would be directed.

Mr. Potter summarized Mr. Armstrong's comments by stating that he was describing the current conditions as they exist today, which Mr. Armstrong confirmed.

Mayor Olivia Dawson recognized Janice Smith-Marshburn and confirmed her name for the record. The Mayor clarified that her name had been entered as "Janice Smith" but should properly reflect "Janice Smith-Marshburn." Attorney Brian Edes began by asking Ms. Smith-Marshburn whether she had a copy of the documents that had been submitted. Ms. Smith-Marshburn confirmed that she did, noting she had a black-and-white copy. Attorney Edes asked whether she had drafted the document. Ms. Smith-Marshburn explained that her daughter, who works in a planning office in Rock Hill, South Carolina, had prepared the material. She stated that everything written had her approval and emphasized that her daughter holds her Power of Attorney. She further stressed the seriousness of the matter by declaring, "My life is at stake."

Attorney Edes reviewed the first two pages of the packet and asked about their content. Ms. Smith-Marshburn explained that the material related to NCDOT, and Attorney Edes characterized them as grievances directed at town staff in relation to the proceeding. Ms. Smith-Marshburn agreed, stating that town staff had provided residents with incorrect information, telling them that the area was zoned O&I when it was not. She questioned whether citizens who pay taxes could have input or challenge such a zoning change, asking how R-20 zoning could be changed to O&I without notifying or including neighbors. Attorney Edes redirected, explaining that they needed to first address the packet of documents.

Attorney Edes then asked Ms. Smith-Marshburn whether she had training in traffic studies. She replied that she did not but asserted that the information came from sources with training, specifically referencing "vehicle trip generation" data. Attorney Edes explained that such sources were not present for cross-examination and that this was the basis of hearsay. He asked if there was anything in the packet that she herself had written. Ms. Smith-Marshburn responded that she had not created the document but again stated her approval of its contents and affirmed her daughter had no reason to fabricate anything. She reiterated that her life would be at risk if a road was constructed near her house.

Ms. Smith-Marshburn further described her concerns, explaining that if she attempted to turn left toward Wallace while another vehicle from the proposed development tried to turn toward Rocky Point, it could easily result in a head-on collision. Attorney Edes reminded her that they needed to first address the admissibility of the packet. He noted that most, if not all, of the material appeared to be hearsay since she did not author it herself. He also reminded the Mayor that Mr. Potter, counsel for the applicant, had already raised objections. Ms. Smith-Marshburn rejected the classification of hearsay, insisting that "it's facts." Attorney Edes asked Mr. Potter if he wished to add anything further to his objection, and Mr. Potter responded briefly.

Attorney Edes then addressed the board, explaining that portions of the packet appeared to be excerpts from the agenda packet and emails. He recommended that the board not accept the first two pages into evidence, as they were beyond the scope of the hearing and related to procedural concerns with staff rather than the criteria for the Special Use Permit. He also recommended rejecting what appeared to be a printed PowerPoint presentation, describing it as hearsay and irrelevant. Attorney Edes clarified that Ms. Smith-Marshburn could still testify

about her concerns, subject to potential objections, but that the documents themselves should not be admitted.

Ms. Smith-Marshburn then gave her testimony. She stated that it was false to claim there was no danger, and again described the scenario of pulling from her driveway toward Wallace while a tenant from the proposed development attempted to turn toward Rocky Point. She described this as a dangerous situation that could result in a head-on collision. She explained that she had invited neighbors to the meeting since they would also be impacted, and she warned that traffic would become "crazy." She stated that she was not opposed to development in general and welcomed new neighbors, but she objected strongly to the placement of a road so close to her property, explaining that her life would be endangered. She questioned why the proposed Annie P. Faison Road was not sufficient as the sole access point and asked why additional access needed to be placed near her home.

Ms. Smith-Marshburn spoke emotionally about her family. She explained that she has a grandchild with autism who requires medication and is difficult to manage. The proximity of a road to her house heightened her fears for his safety. She emphasized that "life is more valuable than money" and argued that the development should use the existing road rather than endanger current residents. She continued by expressing her fear for her safety and the safety of her family. She said she had even offered to sell her home to the developer to remove herself from danger, but until that happened, she would not remain silent about her concerns.

Mayor Dawson responded by thanking Ms. Smith-Marshburn for her testimony and concerns. Attorney Edes also formally thanked her for speaking.

Next to testify, Ms. Juliann George addressed the board and introduced herself as a resident of 909 Linda Lane. She admitted to being nervous about speaking in front of groups, but proceeded with her comments. Attorney Brian Edes asked whether Ms. George had standing, and no objections were raised.

Ms. George began by stating that there is a creek running behind her property. She explained that every backyard in the area floods when it rains, including her own. She expressed concern about what will happen to this water if construction moves forward, asking where the water will go once the land is disturbed. She emphasized that flooding is already a problem for her property.

Although the site has been classified as not in a flood zone, Ms. George insisted that it floods during significant weather events. She recalled that during Hurricane Floyd, water rose to the level of her back door and came close to entering her home, leaving her with a deep concern about future flooding if the proposed development is approved.

Turning to traffic, Ms. George explained that she has long believed a traffic light should be installed in the area because it is already difficult for her to exit her driveway, particularly when attempting to turn left. She described traffic as "crazy" and said it has been a persistent problem. While she supports growth in Burgaw—noting that her home was built about eight years ago, she made clear that she has strong objections to this particular project.

Ms. George stated that she was shocked to learn about an additional road tied to the proposed development. She explained that she had never been informed of it before, despite living in her neighborhood for eight years. She expressed concern about the larger development that had been mentioned, saying it would create major problems not only for her but for everyone traveling along Highway 117. She circled back to her flooding concerns, stressing that whenever there is a shower, her backyard floods. While water does not reach her back door

during small storms, standing water collects in her backyard consistently, making it difficult even to mow grass.

She emphasized that every home on Linda Lane experiences this same problem and questioned again what will happen to the creek and the drainage patterns if this development is allowed. Ms. George then asked why the developers could not simply use Annie P. Faison Road as the sole entrance, stating this would be a safer alternative.

While stating she is not opposed to growth, Ms. George argued that the proposed project is too large and presents a dangerous situation waiting to happen. She explained that she intends to remain in her home for the rest of her life and that her neighborhood is currently a lovely place to live. She warned that the influx of townhomes would disrupt the neighborhood, the environment, and her lifestyle. She called the development a huge red flag for Burgaw.

Ms. George added that the creek behind her home runs under the road and continues to back up. She described visiting the site the previous week when it had barely rained, yet still finding the area covered in standing water. She further noted that water consistently rises to the top of a visible drainage structure, causing flooding in both her front yard and backyard. She ended her remarks by asking at what cost this disruption would come and stated firmly that she opposed the proposal.

Mayor Olivia Dawson thanked Ms. George for her testimony and for attending the meeting. Attorney Brian Edes then asked Attorney Sam Potter, counsel for the applicant, if he had any questions for Ms. George. Mr. Potter requested that she take the lectern and asked one brief question: whether the water issues she described already exist today. Ms. George confirmed that the flooding and drainage issues are existing problems.

Mayor Dawson then asked Town Manager James Gantt whether the issue Ms. George described was something being addressed in the stormwater master plan. Mr. Gantt replied that he would double check, but that it was likely part of the survey of drainage issues being conducted. He agreed to place the matter on the list to ensure that it is reviewed. Mayor Dawson directed that the concerned be looked into.

Mayor Olivia Dawson introduced Ms. Daphney Walker as the final resident signed up to speak during the hearing. Attorney Brian Edes confirmed that Ms. Walker had been sworn in. Mayor Dawson asked Ms. Walker directly if she had raised her hand earlier to be sworn in; to be certain, Deputy Town Clerk Kimberly Rivenbark formally swore her in before proceeding.

Ms. Walker stated that she was raised at 608 U.S. Highway 117 South. She explained that the area has always been very low-lying, with persistent issues involving water. According to Ms. Walker, her parents had told her that the State of North Carolina dug a ditch many years ago to allow rainwater to flow into the Cape Fear River. As a child, she recalled that the yard would routinely flood after rainstorms, filling with water to the extent that children would play and swim in it.

Ms. Walker noted that the ditch was originally small but functional. She believed it had been maintained by the state, including through the use of prison labor to keep it clear so that the water would flow properly. However, once that practice ended, the ditch became a significant problem, leading to erosion and land loss. She said she approached the town when the property came into her possession, but the town informed her that it was the state's responsibility. When she contacted the state, she was told, in her words, "that's your ditch."

Ms. Walker described years of struggle with this issue. The ditch has caused portions of her land to wash away, and because she could not afford legal representation, she tried to handle

it as best she could. She said she enlisted a friend who worked in construction to help build a wall in the back of her property to stop erosion. She personally invested in dirt, sand, and cement in an effort to reinforce the land and redirect water away from her property. Despite these efforts, she reported that heavy rain continues to erode the land, forcing her to spend more money on repairs. She shared that her friend recently told her he would have to pull up and replace some of the cement to strengthen the barrier, acknowledging that the situation was still ongoing.

Turning to the development proposal, Ms. Walker expressed concern that a new road would be placed beside her house, near where her grandmother's house once stood. She noted that this area is immediately adjacent to the ditch, which has already washed away substantial ground. She explained that her bedroom is located at the back of her house, facing this area, and she feared that if the road were built there, she would lose peace and rest due to constant traffic.

Ms. Walker stressed that she is not opposed to growth in Burgaw and supports development in principle. However, she asked the board to consider the human impact, explaining that she worked hard throughout her life to maintain her property and that the changes would directly endanger her quality of life. She described the situation as deeply troubling and unfair to long-term residents like herself.

She concluded by appealing to the board members personally, asking them to think about how they would feel if they were in her position, having to contend with the noise of cars entering and leaving a nearby development at all hours, especially while trying to rest. She asked the board to seriously consider the effect on her and her neighbors' lives, and she thanked them for allowing her to speak.

Mayor Dawson thanked Ms. Walker for her testimony. Attorney Edes asked Mr. Potter, counsel for the applicant, whether he had any questions; he declined. Mayor Dawson then confirmed there were no further questions. She announced that Ms. Walker's testimony concluded the list of all individuals signed up to speak.

Commissioner William Rivenbark addressed the applicant's traffic engineer, Dylan Coley, with several detailed questions about the right-of-way along Highway 117 and the proposed buffer. Commissioner Rivenbark asked whether vehicles exiting the proposed main entrance would be required to stop before reaching the Department of Transportation (DOT) right-of-way, clarifying that the buffer should not extend into that area. He specifically inquired about the distance between existing residential driveways already connected to Highway 117 and the proposed buffer, expressing concern that current residents must be able to see clearly in both directions when exiting their driveways.

Mr. Coley responded that questions regarding buffering should be addressed by the site design team and noted that the driveway permitting process with NCDOT governs those requirements. Commissioner Rivenbark reiterated his concern that any buffer or fence should not block visibility for residents exiting their personal driveways onto Highway 117. He emphasized the importance of ensuring a clear line of sight, particularly for the properties adjacent to the proposed entrance. Mayor Olivia Dawson restated the question for clarity, explaining that the board wanted assurance that no fencing, buffers, or trees would obstruct visibility at the roadway entrance.

Mr. Coley confirmed that the buffer cannot extend into the DOT right-of-way and that NCDOT's sight distance requirements would dictate how far back trees or fencing must be placed. He further confirmed that as part of the driveway permit process, sight distance

compliance is mandatory. Commissioner Rivenbark noted the applicant's proposal included a 10-foot-wide buffer with a 6-foot fence and stated this should not interfere with current driveways, a point Mr. Coley affirmed. Commissioner Rivenbark acknowledged that this resolved his concern.

Following this exchange, Attorney Sam Potter, representing the applicant, asked Mayor Dawson how she wished to proceed since Commissioner James Malloy had briefly stepped out. Mayor Dawson instructed Mr. Potter to continue with rebuttal testimony, noting that Commissioner Malloy would return shortly.

Mr. Potter then stated he wished to call Andy Mills, the applicant's civil engineer, to address issues raised during public testimony. He explained that his remote control device was malfunctioning and he was unable to advance the presentation slides. After technical adjustments, he returned focus to the substance of the rebuttal.

Mr. Potter highlighted that multiple neighboring property owners, including Ms. Juliann George, Mr. Benito Armstrong, and others, had spoken about flooding and water-related issues. He emphasized that these issues currently exist and predate any work by the applicant. He then indicated that Mr. Mills would testify about what impact, if any, the proposed development would have on these existing water conditions. Mr. Potter suggested that Mr. Mills would explain how the project is expected to improve the situation rather than worsen it and formally turned the floor over to Mr. Mills.

Commissioner Michael Pearsall opened with a question regarding the creek near Mrs. Walker's property, asking whether it was located on the applicant's property. Attorney Sam Potter clarified that the creek is on Mrs. Walker's property. Commissioner Pearsall observed that the creek appeared to run between both properties, and Mr. Potter responded that engineer Andy Mills could provide further explanation. Commissioner Pearsall expressed concern about how the applicant would address the creek, noting that it sits in front of the project property and ties into the Highway 117 right-of-way.

Mr. Mills explained that a ditch currently exists along the west side of Highway 117, behind a residence, carrying water through a pipe to the other side and discharging within the DOT right-of-way. He noted that the ditch skirts the property corner of the proposed project and continues onto a neighboring property. Mr. Mills stated that during the DOT driveway permit process, the applicant may be required to box in and extend the pipe to maintain the existing drainage conveyance. He emphasized that runoff generated from the project would not be discharged into the ditch but would instead be captured on-site through drainage collection boxes and directed into the project's stormwater treatment system in accordance with DEQ regulations. Mr. Mills clarified that this requirement ensures no additional runoff is added to existing drainage issues within the DOT right-of-way.

Commissioner James Malloy asked for clarification, and Mr. Mills confirmed that all runoff from the project would be directed into the stormwater pond and treatment system.

Commissioner William Rivenbark asked for clarification on the location of House 634, identified as the property to be demolished. Mr. Mills confirmed its removal and explained that the main entrance driveway will tie directly into Highway 117 at this location, which remains DOT-controlled right-of-way. He added that DOT will likely require engineered solutions to maintain existing drainage when constructing the entrance. Commissioner Rivenbark asked whether an existing driveway near the project site would be eliminated; Mr. Mills confirmed that the project would not alter drainage on neighboring properties and stated that vehicles exiting would have clear sight lines in both directions. Commissioner Malloy

asked whether the buffer would extend into the roadway, and Mr. Mills clarified that it would not, as buffers cannot extend into DOT right-of-way.

Commissioner Rivenbark asked about sight distances and estimated a 30–50 foot line of sight. Mr. Mills replied that NCDOT requires sight triangles of 10 by 70 feet and confirmed that the project would exceed this requirement, providing adequate visibility. Commissioner Rivenbark acknowledged that this addressed his concern.

Commissioner Pearsall asked about the proposed buffering and fencing along the property boundary adjacent to Mrs. Walker's house. He noted the creek running along the boundary and asked how the applicant would handle fencing near it, stressing that the board could impose stipulations if necessary. Mr. Mills explained that in many cases, the parcel lines shown on overlay maps are not entirely accurate, and actual field survey data would be used to determine proper placement. He assured the board that fencing would be installed as far as possible without impeding the creek.

Mayor Olivia Dawson asked if all questions were resolved, and Commissioner Pearsall confirmed that his concerns had been addressed.

Mayor Olivia Dawson recognized an audience member who wished to ask a question. Benito Armstrong came forward and explained in detail his concerns about the drainage and pipe located along Highway 117 near the proposed entrance. He described how the pipe begins on one side of the highway, widens, then narrows again near the tree line. Armstrong stated that the erosion had become so severe that he could barely stand at the edge of his mother's house and could not walk around the back of the property. He warned that in order to construct the road and install fencing, the developers would have to fill in the area, which he believed would make flooding worse. He further expressed his concern that once the road was built, heavy rains or storms would wash it out completely, leaving residents trapped behind it with no safe exit, and that this created a dangerous situation with the potential for loss of life. Mayor Dawson thanked him for bringing this matter to the board's attention, noting that it had not been fully addressed before, and explained that it was an issue that could be raised with the Department of Transportation or considered under the town's stormwater master plan to determine what corrective measures, if any, might be taken. She emphasized the importance of hearing such concerns so they could be evaluated.

Following Armstrong's comments, attorney Sam Potter, representing the applicant, requested the opportunity to close his presentation. He explained that under North Carolina law, the special use permit process involved a two-step decision. In the first step, the applicant was required to introduce competent, material evidence on each of the five required criteria. Once this burden was met, the second step required opponents of the application to present competent evidence disproving compliance with at least one of the criteria. Potter stated that the applicant had provided testimony from experts in appraisal, engineering, traffic, and landscape architecture, all of whom were licensed professionals. He pointed out that the planning director had already confirmed compliance with the town's Unified Development Ordinance. Potter argued that while members of the public had voiced concerns, North Carolina law was clear that generalized fears or opinions from individuals without professional credentials did not constitute competent evidence that the board could rely upon. He emphasized that the applicant had met all five criteria, as well as all specific requirements of the ordinance, and that the board had an obligation to approve the permit once that evidence had been presented. He acknowledged that it was difficult for elected officials, who usually served in legislative roles, to act in a quasi-judicial capacity, but stressed that they were legally required to base their decision only on competent evidence. He concluded by

respectfully requesting approval of the special use permit, stating that the applicant had met the standards through competent testimony and that the board was obligated to follow the law.

Town Attorney Brian Edes then asked Mr. Potter several clarifying questions. Potter confirmed that the applicant consented to maintain the proposed buffer with a six-foot fence and vegetation along the R-20 parcel, even though such a buffer was not strictly required. Potter also agreed that the applicant would provide a north boundary connection to the Hardison property as part of the development. Edes further clarified that the applicant understood sewer capacity improvements were expected at some time in the future, though no specific date could be guaranteed. Potter acknowledged this and confirmed that the applicant was aware of the situation. Attorney Edes also asked about the number of slides in the applicant's PowerPoint presentation, and it was confirmed by Jayna Augst that there were twenty-four slides in total.

Mayor Dawson then confirmed that the hearing was closed at 10:24PM and asked if the board was prepared to take action.

> Commissioner Jan Dawson made a motion to approve the resolution for the special use permit with three conditions attached: a connection to the north, a connection to the east, and a buffer with fence and vegetation along the R-20 parcel. Mayor Dawson clarified that the findings of fact and satisfaction of the five required criteria would be reflected in the record. Commissioner George seconded the motion. The motion passed unanimously.

Commissioner Michael Pearsall added a statement for the record, explaining that his vote in favor was because all required standards and "boxes" had been checked. He emphasized that while the applicant met the ordinance requirements, the board also retained authority to impose stipulations to address residents' concerns, and he supported such conditions. He reiterated the board's obligation under the law and referenced Commissioner Malloy's earlier comment about not wanting to face penalties for failing to follow legal requirements.

Following the unanimous approval, Mayor Dawson announced that the resolution for the special use permit had been granted with conditions. She thanked all residents for attending, acknowledged the concerns that had been raised, and assured them that the town would make efforts to address those issues moving forward. She stated that the board had to continue with other business on the agenda but would take a brief five-minute recess before proceeding. Break took place from 10:27PM to 10:40PM.

Items from Attorney

Brian Edes reported filing a code enforcement action on the Satchwell property. Once served, the property owner would have 30 days to respond (potentially extended to 60 days). If no response, the town would seek a default judgment requiring compliance or allowing the town to bring it into compliance with costs becoming a lien on the property. Edes indicated they would likely file an amended summons due to multiple aliases and spelling variations discovered when the county had previously sued the property owner.

Items from Mayor and Board of Commissioners

Mayor Dawson acknowledged Burgaw's water and drainage issues, noting these problems affect most of North Carolina. She emphasized the town was "working hard as we can, in

ways that we can, to try to improve them as much as possible, but it's going to take time, money, everybody working together."

She inquired about recent traffic studies observed throughout town. Manager Gantt explained these were routine DOT traffic counts that get updated periodically, with the latest data from 2023 available on DOT's website showing historical traffic patterns.

The mayor also noted upcoming traffic light installations that would improve traffic flow as the town continues to grow.

Commissioner Dawson raised questions about drainage for the townhome development and confirmed with other commissioners that older subdivisions like Tealbrier, Village 118, and Creekside were not built to NCDOT standards, though current standards now require verification and inspection.

Closed Session

Commissioner Malloy moved to enter closed session pursuant to NC GS 143-318.11(a)(3) Attorney/Client Privilege and NC GS 143-318.11(a)(6) Personnel. Commissioner Dawson seconded the motion. The motion passed unanimously. Entered Closed Session at 10:47PM.

Commissioner Malloy moved to enter go out of Closed Session. Commissioner George seconded the motion. The motion passed unanimously. Entered Open Session at 11:39PM.

Open Session

The board discussed sponsoring the Parks Foundation Burgaw Golf Tournament:

Commissioner Pearsall moved to donate $500 to the Burgaw Parks Foundation for their golf tournament. Commissioner Malloy seconded the motion. The motion passed unanimously.
The board specified they wanted to be at least a hole sponsor with the donation, noting the funds would ultimately return to benefit the town for a water feature project.

Adjournment

After returning from closed session:

Commissioner Malloy moved to adjourn the meeting. The motion was seconded by Commissioner George and passed unanimously. The meeting closed at 11:42PM.

DRAFT

RESOLUTION 2025-17

RESOLUTION AUTHORIZING EXECUTION OF NECESSARY DOCUMENTS TO AND ACCEPT GRANT FUNDING FOR PHASE 4 OF THE RESILIENT COASTAL COMMUNITIES PROGRAM (RCCP) THROUGH THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY

WHEREAS, the North Carolina Department of Environmental Quality (DEQ), Division of Coastal Management (DCM) administers grant funding through the Resilient Coastal Communities Program to support local government resilience planning and implementation efforts, and the grant contract for the Town of Burgaw's Rain Garden project will be presented following the adoption of this resolution; and

WHEREAS, the Town of Burgaw has been awarded a grant in the amount of $181,687 under this program for a project known as the Town of Burgaw Rain Garden; and

WHEREAS, this funding will support the design and implementation of stormwater management improvements that enhance community resilience and environmental sustainability;

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

1. The Board of Commissioners hereby authorizes the Town of Burgaw to enter into a contract with the North Carolina Department of Environmental Quality (DEQ), Division of Coastal Management (DCM) for the Resilient Coastal Communities Program Rain Garden Project, contingent upon the contract being presented and reviewed following the adoption of this resolution.
2. The Town Manager and the Town Clerk are authorized to sign and execute the contract on behalf of the Town of Burgaw once it is presented and deemed acceptable.
3. Upon full execution, a copy of said contract shall be filed with the official minutes of the Board of Commissioners.

Adopted this 9th day of September 2025.

Attest: _____ Signed: _____

Kristin J. Wells, Town Clerk G. Olivia Dawson, Mayor

DRAFT

RESOLUTION 2025-18

Designating Authorized Signatories for Town of Burgaw Bank Accounts

WHEREAS, the Town of Burgaw maintains various bank accounts for the purpose of managing municipal funds and conducting official financial transactions; and

WHEREAS, it is necessary to designate authorized signatories who are empowered to execute financial transactions on behalf of the Town; and

WHEREAS, the Town Board of Commissioners deems it in the best interest of the Town to authorize the Town Manager, Finance Officer, Deputy Finance Officer and Town Clerk as signatories on all Town of Burgaw bank accounts; and

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

1. The following individuals are hereby designated as authorized signatories for all Town of Burgaw bank accounts:

    a. James Gantt, Town Manager
    b. Tiffany Byrd, Finance Officer
    c. Kelly Fox, Deputy Finance Officer
    d. Kristin Wells, Town Clerk

2. The designated individuals shall have the authority to sign checks, authorize electronic transfers, and execute other necessary financial transactions in accordance with the Town's financial policies and procedures.

3. Any and all signatories who are not listed in this resolution shall be removed from all Town of Burgaw bank accounts, effective immediately upon adoption of this resolution.

4. This resolution shall remain in effect until amended or rescinded by the Town Board of Commissioners.

ADOPTED this 9th day of September 2025.

Attest: _____ Signed:_____

Kristin J. Wells, Town Clerk G. Olivia Dawson, Mayor

DRAFT

Town of Burgaw
ITEM REPORT

Item: 7EI

DATE OF MEETING: September 9, 2025 **DEPARTMENT OF ORIGIN:** Parks, Recreation, & Tourism	**DATE SUBMITTED:** 09/04/2025 **SUBMITTED BY:** Kristin Wells, Town Clerk

AGENDA ITEM DESCRIPTION:
Consideration of amending the Historic Burgaw Train Depot Usage Policy

SUMMARY STATEMENT:
Staff is proposing the removal of the $400 deposit requirement for train depot rentals. Previously, a $400 deposit was required to hold a date, but the new software the department is using has made online deposits difficult. Staff asks to keep the total payment deadline of 30 days prior to the rental date. Schools and government organizations are still able to pay when convenient. Private event rentals may still make payments when convenient.

See excerpt from the policy related to the recommended amendment in the following section:

Payment: ~~A deposit of $400 is due at the time of rental. Upon receipt of the deposit and reservation request, the reservation becomes official, and the date will be reserved. The final~~ The entire payment must be received thirty (30) days prior to the event. No deposit is required to hold a date, but a formal request must be made via the online portal or Parks and Recreation staff. If the reservation is made within thirty (30) days of the scheduled event, 100% payment will be due at the time of reservation. Payments may be made by cash, check, or credit card. Please make checks payable to “Town of Burgaw.”

STAFF RECOMMENDATION AND REQUESTED ACTION:

FINANCIAL IMPACT INCLUDING FUNDING SOURCE:

FINANCE DIRECTOR COMMENTS:

ATTACHMENTS (IF ANY): None

Town of Burgaw
ITEM REPORT

Item: 9A

DATE OF MEETING: September 9, 2025 **DEPARTMENT OF ORIGIN:** Planning	**DATE SUBMITTED:** 08/29/2025 **SUBMITTED BY:** Ron Meredith, Planning Director

AGENDA ITEM DESCRIPTION:
Consideration of a proposed Conditional R-7 District rezoning request on ±3.4 acres of land from O&I, Office and Institutional district to R-7 (CZ), R-7 Residential, Conditional Zoning district located on Worth Beverage Dr. (SR-1481) and Progress Dr. (SR-1413) (PIN 3228-58-6970-0000).

SUMMARY STATEMENT:
The applicant proposes a 22-unit duplex development with access via a new internal public road and a single entrance on Worth Beverage Drive. The project meets R-7 zoning requirements, with a proposed density of 6.5 units per acre (below the 12-unit maximum) and a 35-foot height limit. A 15-foot undisturbed buffer is included, and the applicant will pay a park fee in lieu of providing open space.

STAFF RECOMMENDATION AND REQUESTED ACTION:
The proposed Conditional R-7 District is consistent with the Town of Burgaw's Future Land Use Map and aligns closely with the goals and policies outlined in the Burgaw 2030 Comprehensive Land Use Plan. In fact, the current proposal demonstrates a stronger alignment with the adopted vision and objectives of the plan than it does any potential areas of concern or deviation. Adopted in the Burgaw 2030 Comprehensive Land Use Plan than it does support.

The proposed duplex is consistent with the intent of the Mixed-Use Transition future land use classification, which supports small-scale residential development that buffers established neighborhoods from more intensive commercial or institutional uses. Situated between a major commercial corridor and residential area, the duplex serves as an appropriate transitional use. Planning staff recommends approval.

FINANCIAL IMPACT INCLUDING FUNDING SOURCE:

FINANCE DIRECTOR COMMENTS:

ATTACHMENTS (IF ANY): 1. Application_Reciept_AgentAuthorization_Form, 1.5 Narrative, 2. Community Feedback Form, 2.1 Community meeting Southpointe Villas Mailer, 3. community Meeting Narrative, 4. ITE Trip Generation Calculations, 5. Map_Bk75_Pg124 - Survey, 6. Re-Zoning Description, 6.1 Site Plan 7-23-25, 6.2 NCDOT Subdivison Street Standards, 6.15 Pavement Exhibit, 7.0 Southpointe Villas TRC Responce Letter, 7.1 FINAL DRAFT Case Summary - CD Worth Beverage, 7.2. CZ Consistency, 8. aerial, 9. Flood, 10. Future Land Use, 12. zoning, 12.5 Southpointe - Aff of Mailing - SIGNED

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: 5/19/25 FEE: $626

As the Petitioner(s), I/We Grand Visions Investments 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: 3228-58-6970-0000

STREET ADDRESS: WORTH BEVERAGE

PROPERTY SIZE

ACREAGE 3.4 STREET FRONTAGE (ft) 327 DEPTH (ft) 343

ZONING

CURRENT ZONING DISTRICT O&I REQUESTED ZONING DISTRICT R7

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. Andrew Smith	1. 2545 Hwy 117 Burgaw
2.	2.
3.	3.
4.	4.
5.	5.

ADJACENT PROPERTIES LIST

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

NAME
Frank Crisafulli

ADJACENT PROPERTY ADDRESS
126 Worth Beverage

PARCEL NUMBER
3228-58-9847-0000

NAME
SEVEN OAKS OF PENDER LLC

ADJACENT PROPERTY ADDRESS
205A PROGRESS DR

PARCEL NUMBER
3228-59-7307-0000

NAME
PLEASANT HILL LLC

ADJACENT PROPERTY ADDRESS
111 WORTH BEVERAGE DR

PARCEL NUMBER
3228-58-3016-0000

NAME

ADJACENT PROPERTY ADDRESS

PARCEL NUMBER

NAME

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ADJACENT PROPERTY ADDRESS

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NAME

ADJACENT PROPERTY ADDRESS

PARCEL NUMBER

NAME

ADJACENT PROPERTY ADDRESS

PARCEL NUMBER

SUPPLEMENTARY INFORMATION

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

OWNER INFORMATION

PHONE: 910-270-4444 EMAIL: VilerraHomes@gmail.com

SIGNATURE: _____

DATE: 5/21/25

APPLICANT INFORMATION (if different from owner)

PHONE: _____ EMAIL: _____

SIGNATURE: _____

DATE: _____

OFFICE USE ONLY

COMPLETE APPLICATION RECEIVED BY: _____ DATE: 8-15-25

INVOICE

Town of Burgaw

Planning Department

109 North Walker St., Burgaw, NC 28425

910-663-3452

Bill To:
Grand Visions Investments 17117 Hwy 17 N Hampstead, NC 28443

Invoice Number: 2500063 Invoice Date: 06/04/2025

Property Information / Project Description
Parcel #: 32285869700000 Address: WORTH BEVERAGE DR Description: Conditional Rezoning

Item	**Amount**
Application for Rezoning	$500.00
Notice of Hearing	$126.00
Total	**$626.00**

Date	**Paid By**	**Payment Type**	**Amount**
06/05/2025	Andrew Smith	IBX CC	$626.00
		Total Paid	**$626.00**
		Amount Due	**$0.00**

AUTHORITY FOR APPOINTMENT OF PERSON TO ACT ON MY BEHALF

The undersigned owner, GRAND VISIONS INVESTMENTS, does hereby appoint Shipman Wright & Moore LLP 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 GRAND VISIONS INVESTMENTS, LLC

Owner Signature _____ Date 5/23/25

Appointee Name Shipman Wright & Moore LLP

Appointee Signature By: _____ Date 5/27/25
Thomas R Harvey, attorney

FOR OFFICE USE ONLY

Application accepted by: _____ **Date:** 8-15-25

Rev. 20230731

May 21,2025

We are pleased to present **Southpointe Villas**, a thoughtfully designed residential community proposed on **Worth Beverage Drive** in the heart of **Burgaw, North Carolina**. This 11-lot development is more than a housing initiative—it's a carefully curated response to the growing demand for quality homes in Pender County, with a vision rooted in community, design integrity, and respect for Burgaw's unique history and charm.

Meeting the Community's Housing Needs

As Burgaw continues to see steady growth due to its proximity to Wilmington, its small-town appeal, and its rising prominence in the region, the need for **attainable, well-built, and aesthetically refined housing** has become increasingly urgent. Southpointe Villas directly addresses this by offering 11 residential homes that are:

- **Sized appropriately** for families, professionals, and retirees alike.
- **Affordably positioned** within reach of local residents and newcomers seeking to make Burgaw their home.
- **Designed with long-term livability** in mind, with features tailored to modern comfort while preserving a timeless, Southern architectural appeal.

Strategic Location with Deep Roots

Located just off **Worth Beverage Drive**, Southpointe Villas is situated in a corridor that's both **historically significant** and **ideally positioned** for smart residential growth:

- **Minutes from downtown Burgaw**, allowing residents easy access to local shops, restaurants, and town events.
- Close to major roads and highways, enabling straightforward commutes while preserving a quiet neighborhood environment.
- Set near existing infrastructure, which ensures minimal environmental disruption and efficient integration into the town's services and systems.

The site's location also pays homage to Burgaw's legacy—nestled among the same streets and parcels that have supported generations of families, Southpointe Villas stands as a respectful continuation of that tradition.

Elegant Design by Trusted Professionals

Southpointe Villas will feature **architecturally unified homes**, designed in collaboration with a **respected regional developer and design team** known for their commitment to craftsmanship, community enhancement, and aesthetic cohesion.

Each villa will embody:

- **Elevated coastal-inspired architecture**, referencing North Carolina's coastal charm while incorporating modern efficiencies.
- **Thoughtful layouts** that maximize natural light, functionality, and outdoor connection.
- **Durable, elegant materials** that enhance curb appeal while reducing long-term maintenance.

This is not a one-size-fits-all development. Instead, Southpointe Villas is a curated neighborhood, **designed to complement Burgaw's small-town feel**, offering residents pride in ownership and contributing to the long-term visual and structural integrity of the area.

A Thoughtful Step Forward

Southpointe Villas represents more than just new homes—it symbolizes a thoughtful investment in the **future of Burgaw**. It honors the town's values, provides needed housing in a time of regional growth, and enhances the landscape with a neighborhood that feels like it's always belonged.

We respectfully seek your support and approval to bring this project to life, and we remain committed to working with the Town of Burgaw and its residents every step of the way.

Thank you for your time.

Andrew Smith / Grand Visions Investments

Southpointe Villas – Community Feedback Form

We value your input on the proposed Southpointe Villas residential community in Burgaw, NC. Please take a few moments to share your thoughts below.

Name: _____

Date: _____

Address: _____

Did you have a chance to review the siteplan?

Any positive feedback you think this community will have on the town of Burgaw NC?

Any Questions or Concerns?

Thank you for taking the time to share your thoughts on Southpointe Villas. Your feedback is valuable to us as we work to create a thoughtfully designed community that complements the charm and growth of downtown Burgaw. We appreciate your input and support in helping shape the future of this area.

Grand Visions Investments
17117 Hwy 17 Hampstead, NC 28443
Phone: 910.262.6744

May 30,2025

Dear Neighbor,

We hope this letter finds you well.

We're writing to share information about a new residential development in your community—**Southpointe Villas**. As part of our ongoing commitment to transparency and community engagement, we would like to invite you to a meeting where we will present the proposed homes and answer any questions you may have.

Meeting Details:
Date: Friday, June 13th
Time: 8:00 AM
Location: Worth Beverage Drive

This meeting will give you an opportunity to view the proposed plans, ask questions, and provide feedback. Your input is valuable to us as we move forward with this project, and we look forward to hearing your thoughts.

If you are unable to attend or would like more information ahead of time, please feel free to contact us at **910.262.6744**.

Thank you for being a part of this growing community. We hope to see you there!

Warm regards,

The Grand Visions Investments Team

From: Andrew Smith
To: Ron Meredith
Subject: [External] Fwd:
Date: Friday, August 15, 2025 11:24:03 AM

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

---------- Forwarded message ---------
From: **Andrew Smith** <andrew@hampsteadnchomes.com>
Date: Fri, Aug 15, 2025 at 7:11 AM
Subject: Re:
To: Ron Meredith <rmeredith@burgawnc.gov>

Hi Ron, The notice to attend the community meetings were mailed out in advance per the UDO requirements to allow time for neighboring property owners to attend, ask questions or provide any concerns. Please see notes below from the two scheduled meetings that were held onsite at Worth Beverage.

The Community Feedback Form attached - This is the form I brought to the meetings to provide to those who attend along with the site plan showing the community.

I held two community meetings for Southpointe Villas. The first meeting was held on Friday, June 13th at 8am. One of the property owners located at 126 Worth Beverage did attend the meeting. We spoke for an hour and had a great conversation. The main concern was the amount of buffer/trees that would remain on the west side of the property. I explained the UDO requires a minimum of a 10' buffer. My current plans are showing a minimum 15' buffer of existing trees and vegetation. In addition, at time of construction we will actually leave a buffer of about 25' as this will allow us to keep a more natural area on the back of the properties to provide privacy for neighbors and those living in Southpointe Villas.

The Second community meeting was held on Tuesday June 24th at 5:30pm. There was no attendance at this meeting.

Please let me know if any additional information is needed for the record.
Thanks,
Andrew

On Thu, Aug 14, 2025 at 2:58 PM Ron Meredith <rmeredith@burgawnc.gov> wrote:

> Can you send me your community meeting information for this rezoning on worth beverage
> Get Outlook for iOS

Email Confidentiality Notice:
This email and any attachments may contain confidential or privileged information intended solely for the use of the intended recipient. Any unauthorized review, use, disclosure, or distribution is prohibited.

North Carolina Public Records Law:
Please be advised that emails sent to or from the Town of Burgaw may be considered public records under the North Carolina Public Records Law (N.C.G.S. Chapter 132) and may be subject to disclosure upon request. If you have received this email in error, please notify the sender immediately and delete the message.

--

Sincerely,

Andrew Smith
Direct 910.262.6744
CoastalRealtyAssociates.com

--

Sincerely,

Andrew Smith
Direct 910.262.6744
CoastalRealtyAssociates.com

Land Use: 215
Single-Family Attached Housing

Description

Single-family attached housing includes any single-family housing unit that shares a wall with an adjoining dwelling unit, whether the walls are for living space, a vehicle garage, or storage space.

Additional Data

The database for this land use includes duplexes (defined as a single structure with two distinct dwelling units, typically joined side-by-side and each with at least one outside entrance) and townhouses/rowhouses (defined as a single structure with three or more distinct dwelling units, joined side-by-side in a row and each with an outside entrance).

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (https://www.ite.org/technical-resources/topics/trip-and-parking-generation/).

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in British Columbia (CAN), California, Georgia, Illinois, Maryland, Massachusetts, Minnesota, New Jersey, Ontario (CAN), Oregon, Pennsylvania, South Dakota, Utah, Virginia, and Wisconsin.

Source Numbers

168, 204, 211, 237, 305, 306, 319, 321, 357, 390, 418, 525, 571, 583, 638, 735, 868, 869, 870, 896, 912, 959, 1009, 1046, 1056, 1058, 1077

Single-Family Attached Housing
(215)

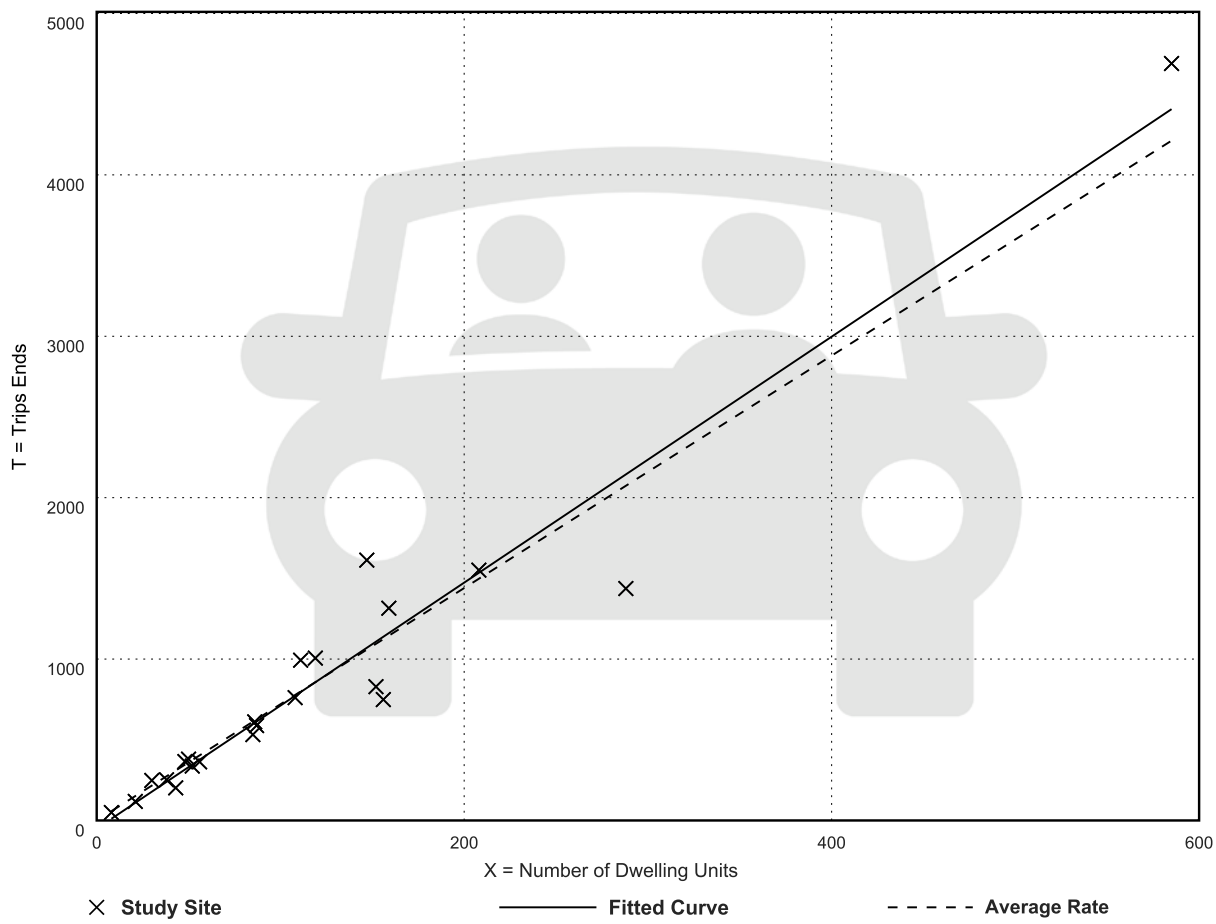
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 22
Avg. Num. of Dwelling Units: 120
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
7.20	4.70 - 10.97	1.61

Data Plot and Equation



Fitted Curve Equation: T = 7.62(X) - 50.48

R^2= 0.94

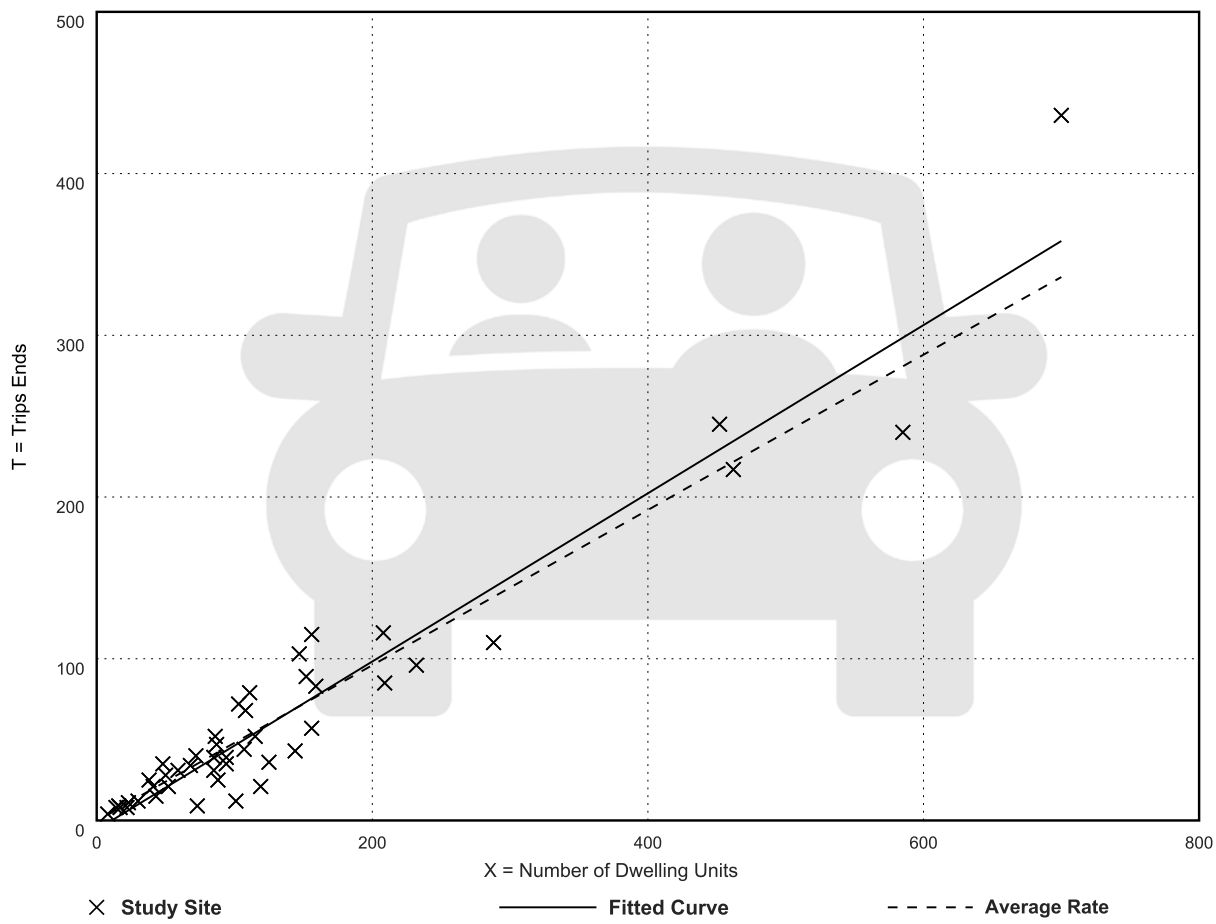
Single-Family Attached Housing
(215)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 46
Avg. Num. of Dwelling Units: 135
Directional Distribution: 31% entering, 69% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.48	0.12 - 0.74	0.14

Data Plot and Equation



Fitted Curve Equation: T = 0.52(X) - 5.70

R^2= 0.92

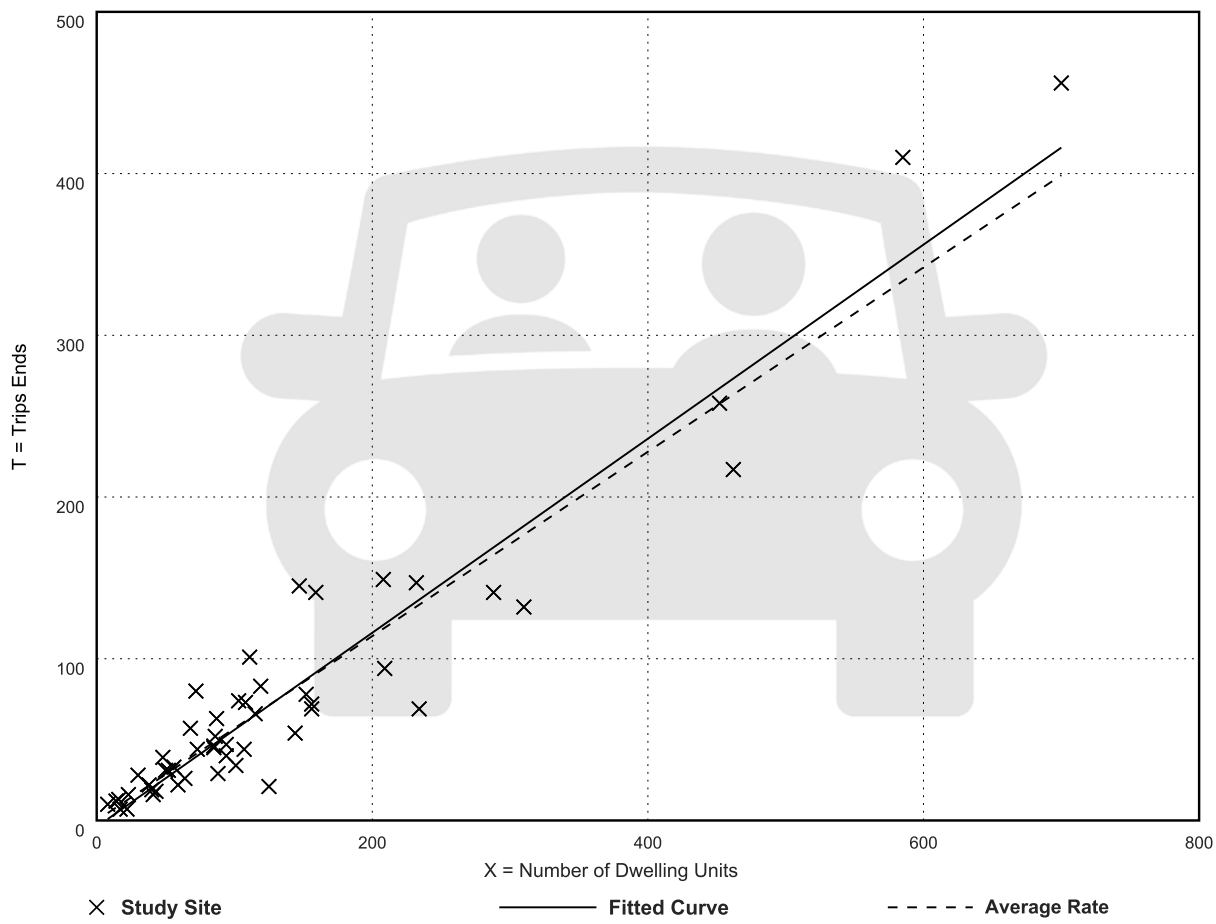
Single-Family Attached Housing
(215)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 51
Avg. Num. of Dwelling Units: 136
Directional Distribution: 57% entering, 43% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.57	0.17 - 1.25	0.18

Data Plot and Equation



Fitted Curve Equation: T = 0.60(X) - 3.93

R^2= 0.91

Single-Family Attached Housing
(215)

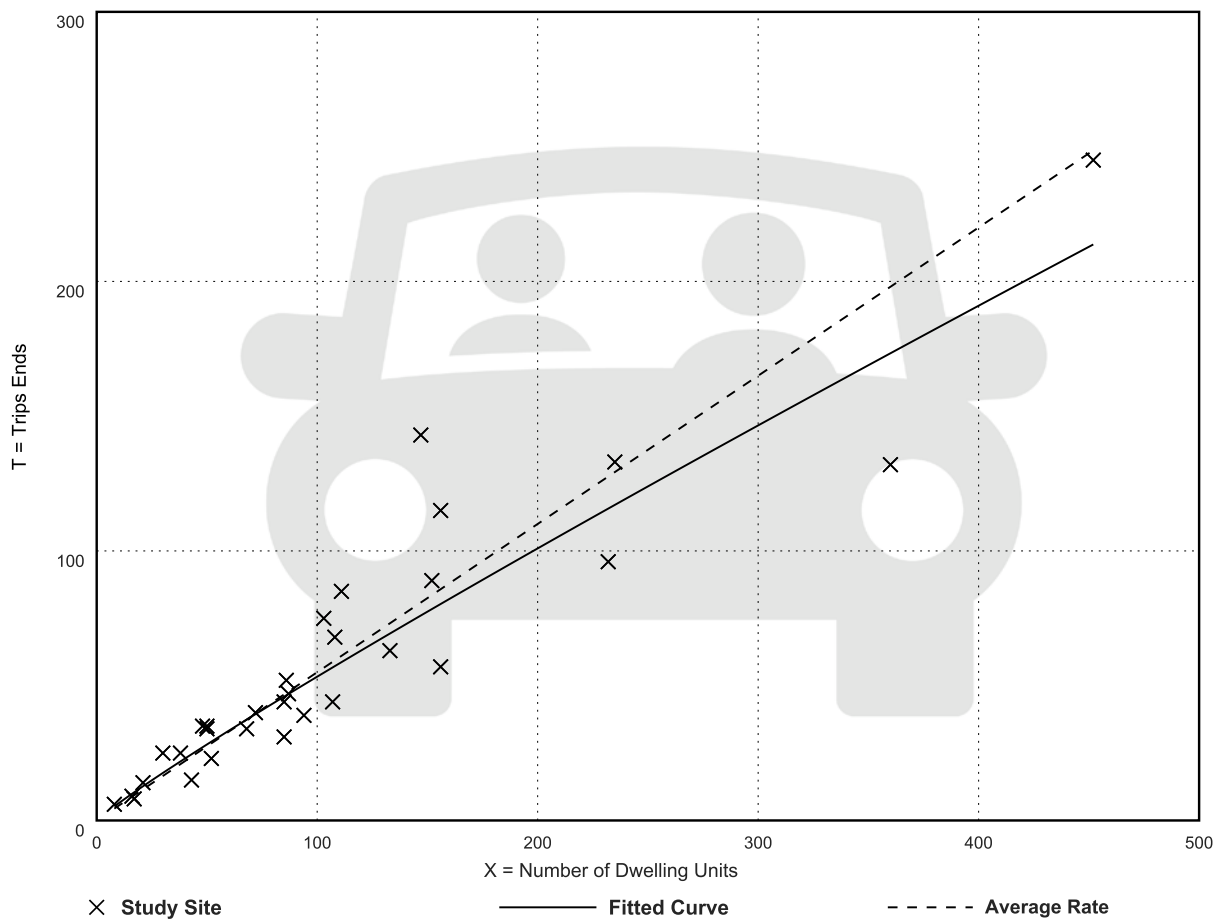
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
AM Peak Hour of Generator

Setting/Location: General Urban/Suburban
Number of Studies: 31
Avg. Num. of Dwelling Units: 110
Directional Distribution: 25% entering, 75% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.55	0.35 - 0.97	0.16

Data Plot and Equation



Fitted Curve Equation: Ln(T) = 0.92 Ln(X) - 0.26 **R^2= 0.91**

Single-Family Attached Housing
(215)

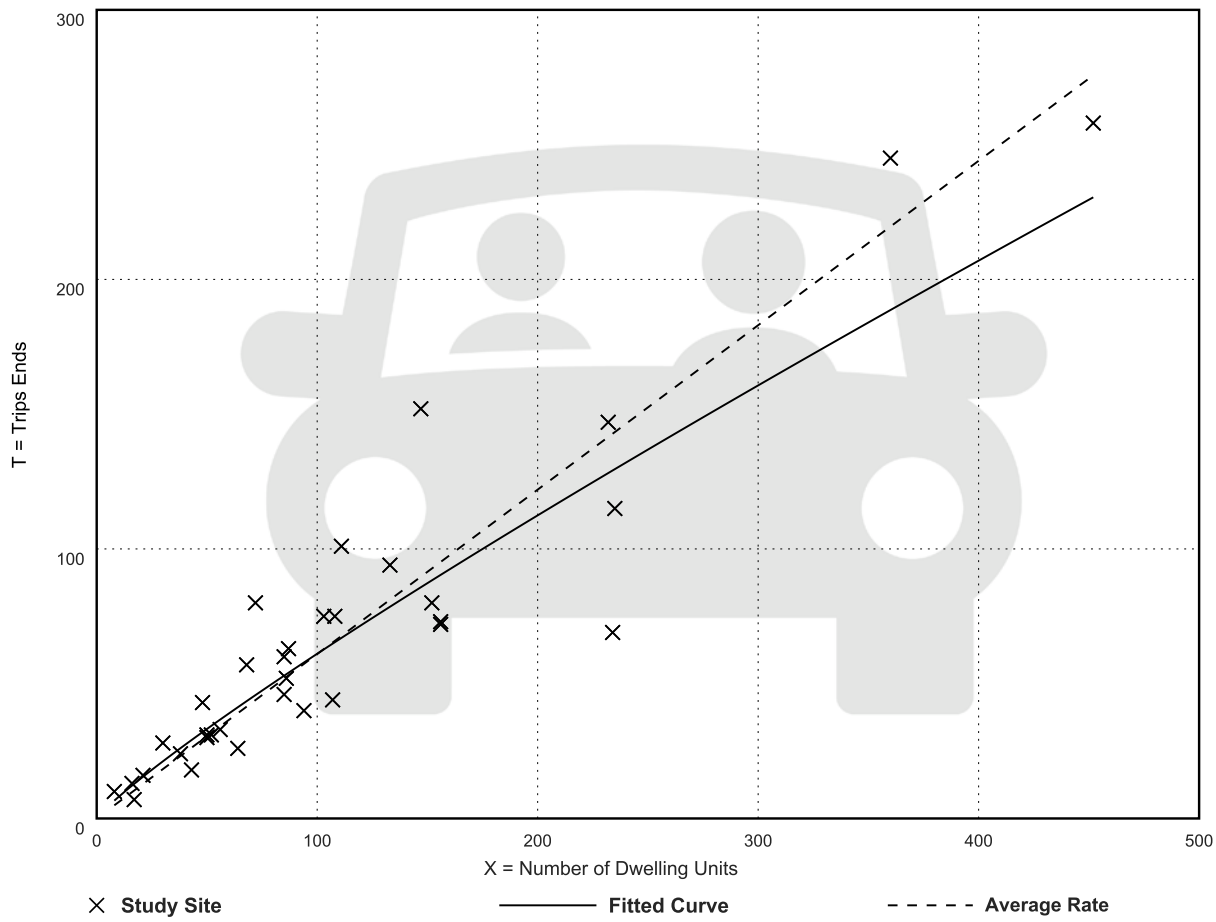
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
PM Peak Hour of Generator

Setting/Location: General Urban/Suburban
Number of Studies: 34
Avg. Num. of Dwelling Units: 110
Directional Distribution: 62% entering, 38% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.61	0.29 - 1.25	0.18

Data Plot and Equation



Fitted Curve Equation: Ln(T) = 0.88 Ln(X) + 0.06 **R^2= 0.87**

Single-Family Attached Housing
(215)

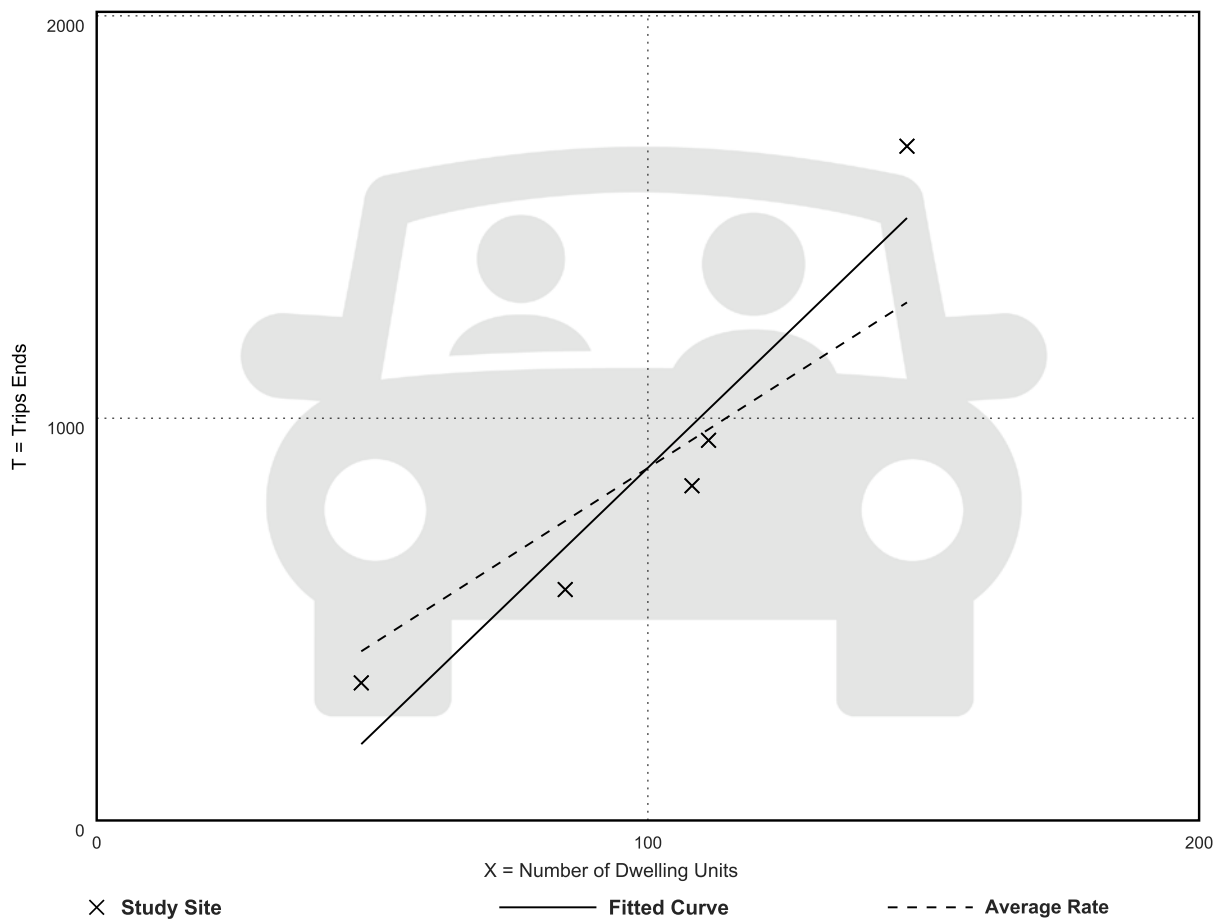
Vehicle Trip Ends vs: Dwelling Units
On a: Saturday

Setting/Location: General Urban/Suburban
Number of Studies: 5
Avg. Num. of Dwelling Units: 100
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
8.76	6.75 - 11.40	2.02

Data Plot and Equation



Fitted Curve Equation: T = 13.21(X) - 444.34

R^2= 0.91

Single-Family Attached Housing
(215)

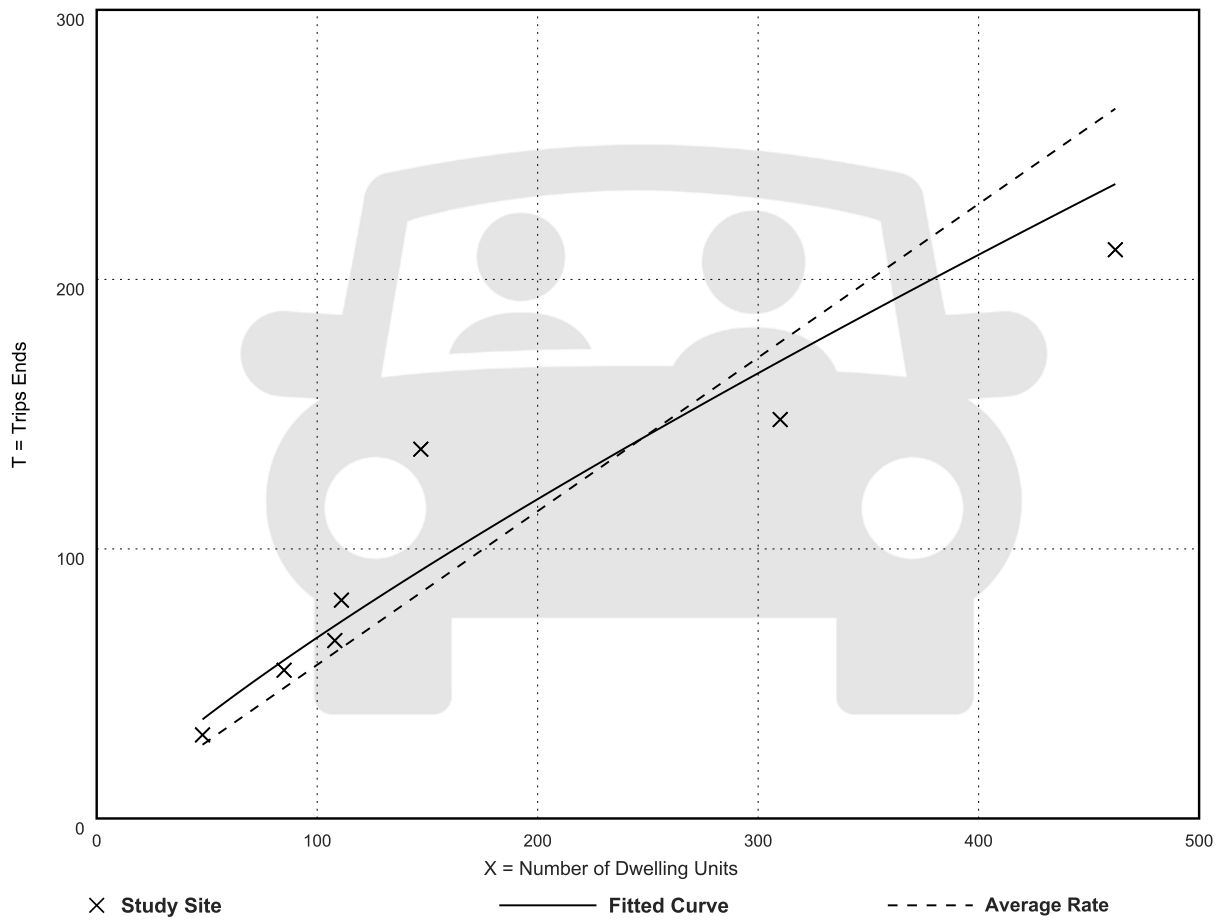
Vehicle Trip Ends vs: Dwelling Units
On a: Saturday, Peak Hour of Generator

Setting/Location: General Urban/Suburban
Number of Studies: 7
Avg. Num. of Dwelling Units: 182
Directional Distribution: 48% entering, 52% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.57	0.46 - 0.93	0.17

Data Plot and Equation



Fitted Curve Equation: Ln(T) = 0.82 Ln(X) + 0.43 **R^2= 0.91**

Single-Family Attached Housing
(215)

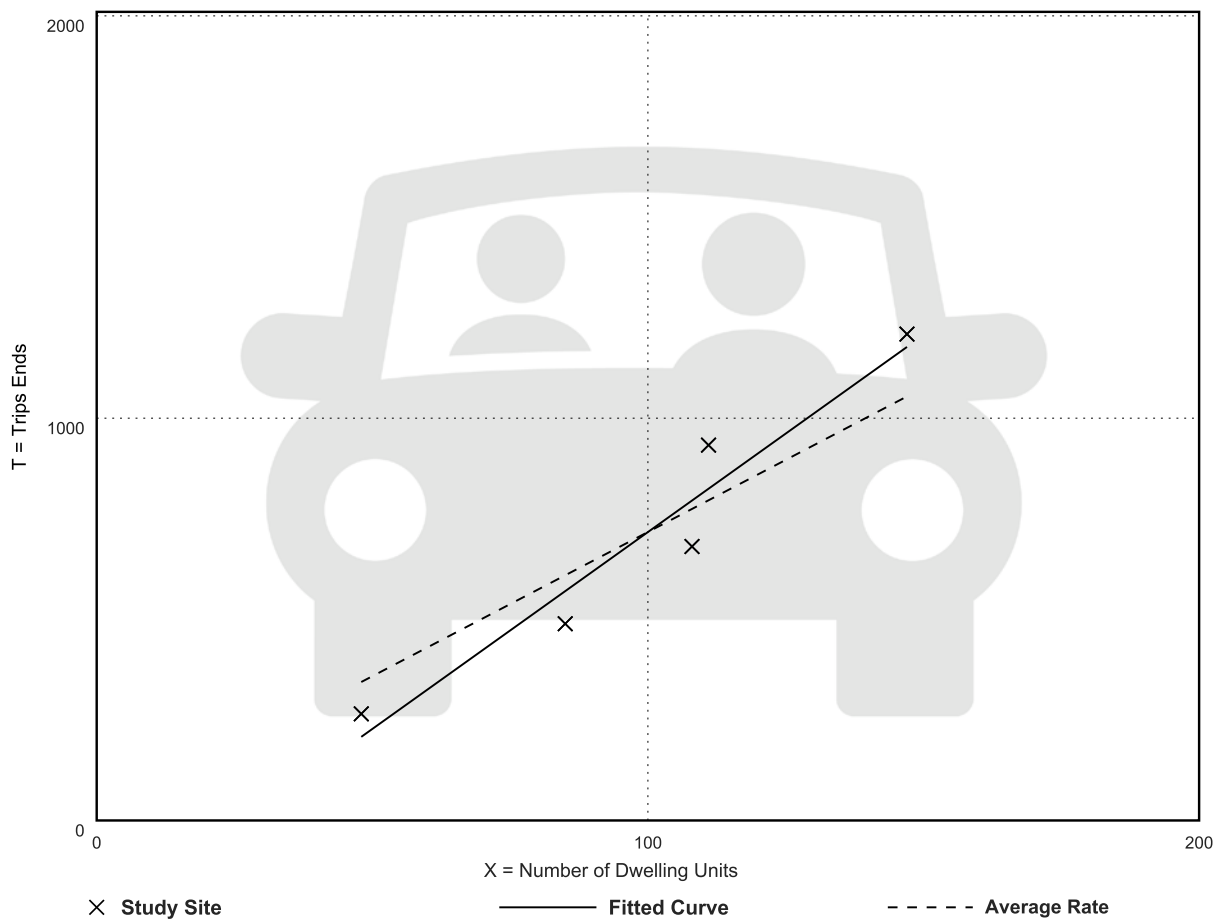
Vehicle Trip Ends vs: Dwelling Units
On a: Sunday

Setting/Location: General Urban/Suburban
Number of Studies: 5
Avg. Num. of Dwelling Units: 100
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
7.17	5.52 - 8.41	1.34

Data Plot and Equation



Fitted Curve Equation: T = 9.79(X) - 262.10

R^2= 0.93

Single-Family Attached Housing
(215)

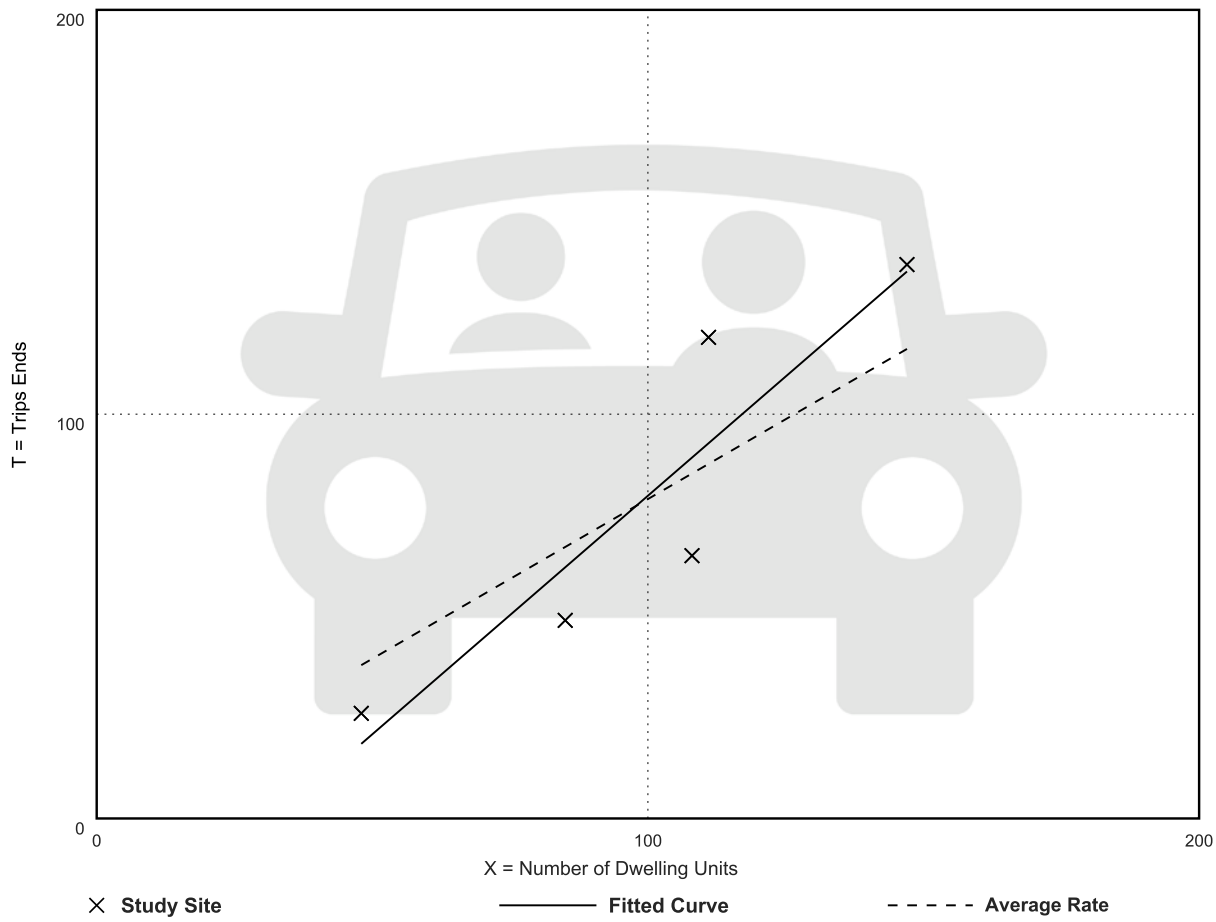
Vehicle Trip Ends vs: Dwelling Units
On a: Sunday, Peak Hour of Generator

Setting/Location: General Urban/Suburban
Number of Studies: 5
Avg. Num. of Dwelling Units: 100
Directional Distribution: Not Available

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.79	0.54 - 1.07	0.24

Data Plot and Equation



Fitted Curve Equation: T = 1.18(X) - 38.18

R^2= 0.83

Single-Family Attached Housing
(215)

Vehicle Trip Ends vs: Residents
On a: Weekday

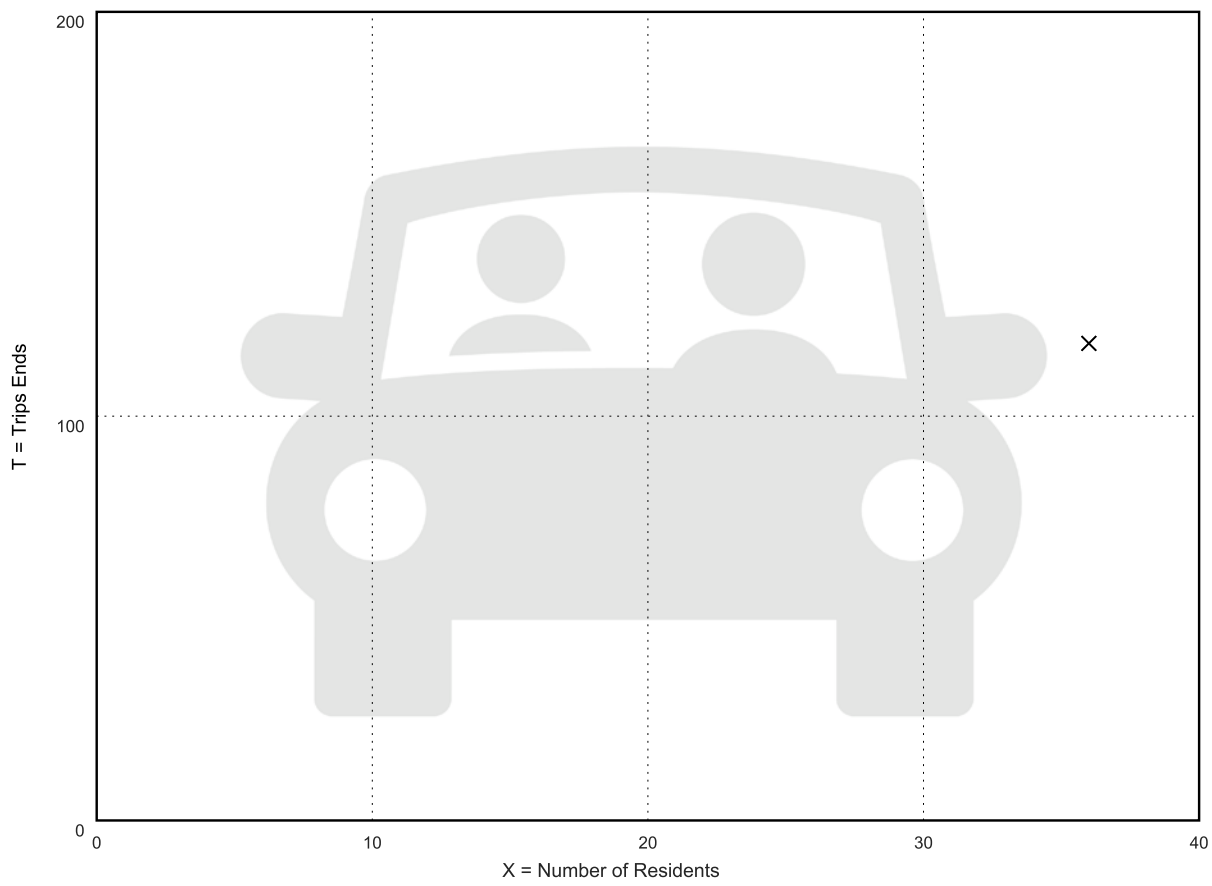
Setting/Location: General Urban/Suburban
Number of Studies: 1
Avg. Num. of Residents: 36
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Resident

Average Rate	Range of Rates	Standard Deviation
3.28	3.28 - 3.28	***

Data Plot and Equation

Caution – Small Sample Size



× **Study Site**

– – – – – **Average Rate**

Fitted Curve Equation: Not Given

R^2= *

Single-Family Attached Housing
(215)

Vehicle Trip Ends vs: Residents
On a: Weekday,
AM Peak Hour of Generator

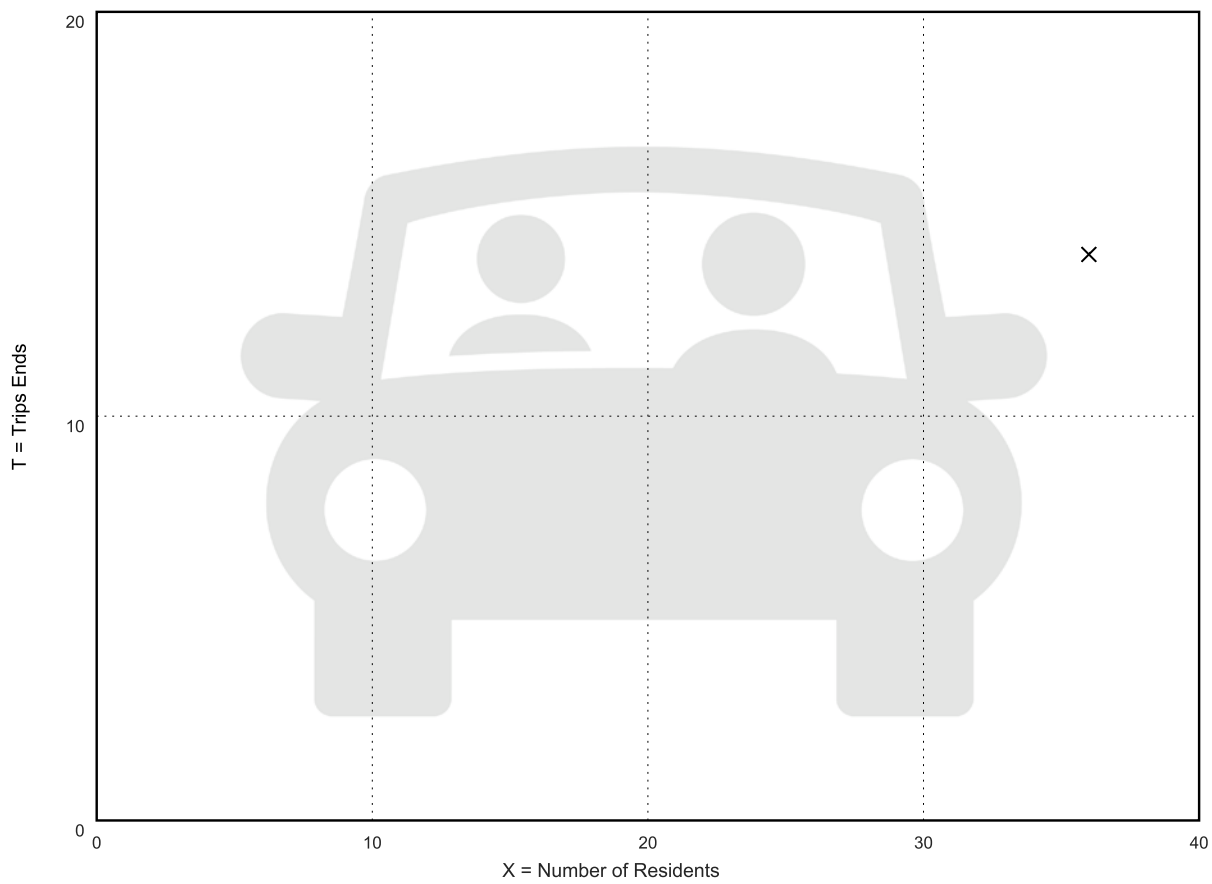
Setting/Location: General Urban/Suburban
Number of Studies: 1
Avg. Num. of Residents: 36
Directional Distribution: Not Available

Vehicle Trip Generation per Resident

Average Rate	Range of Rates	Standard Deviation
0.39	0.39 - 0.39	***

Data Plot and Equation

Caution – Small Sample Size



× **Study Site**

– – – – – **Average Rate**

Fitted Curve Equation: Not Given

R^2= *

Single-Family Attached Housing
(215)

Vehicle Trip Ends vs: Residents
On a: Weekday,
PM Peak Hour of Generator

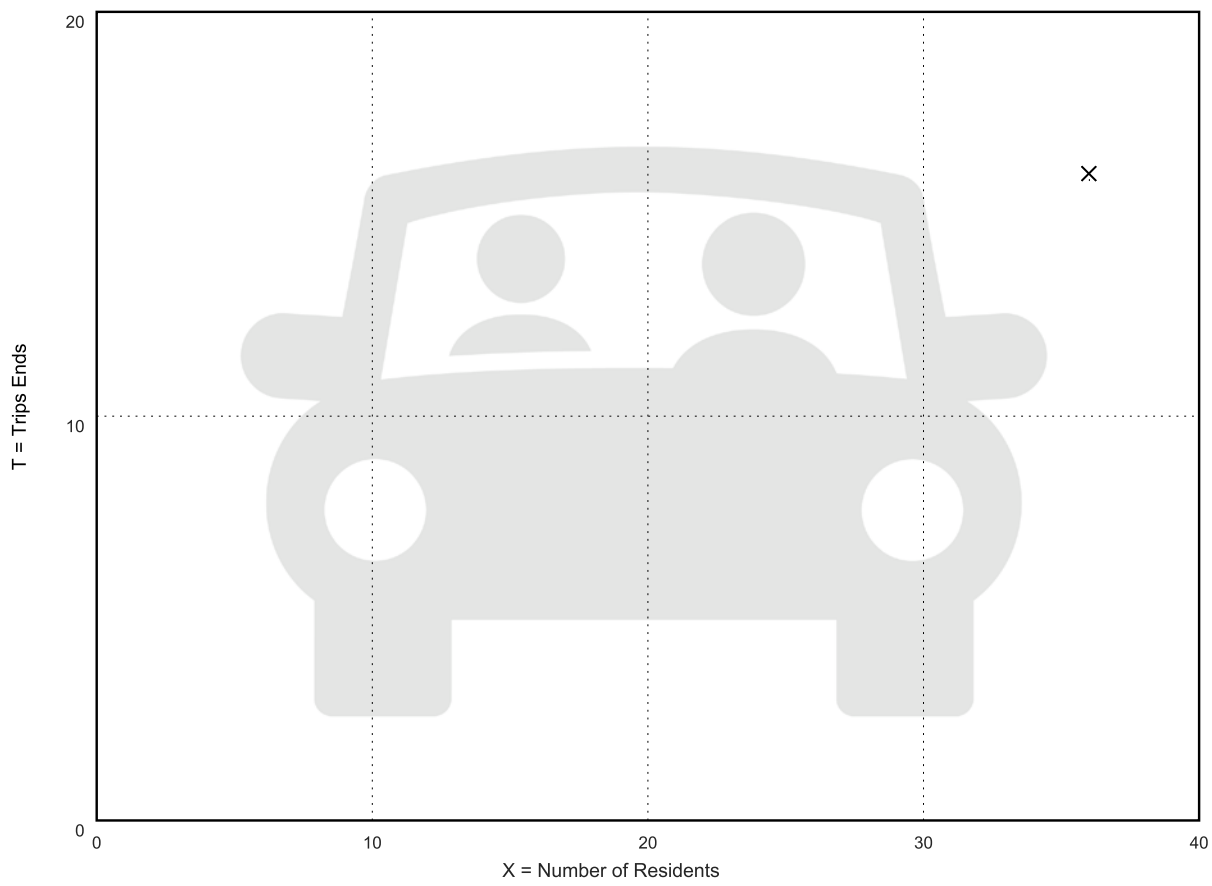
Setting/Location: General Urban/Suburban
Number of Studies: 1
Avg. Num. of Residents: 36
Directional Distribution: Not Available

Vehicle Trip Generation per Resident

Average Rate	Range of Rates	Standard Deviation
0.44	0.44 - 0.44	***

Data Plot and Equation

Caution – Small Sample Size



× **Study Site**

– – – – – **Average Rate**

Fitted Curve Equation: Not Given

R^2= *

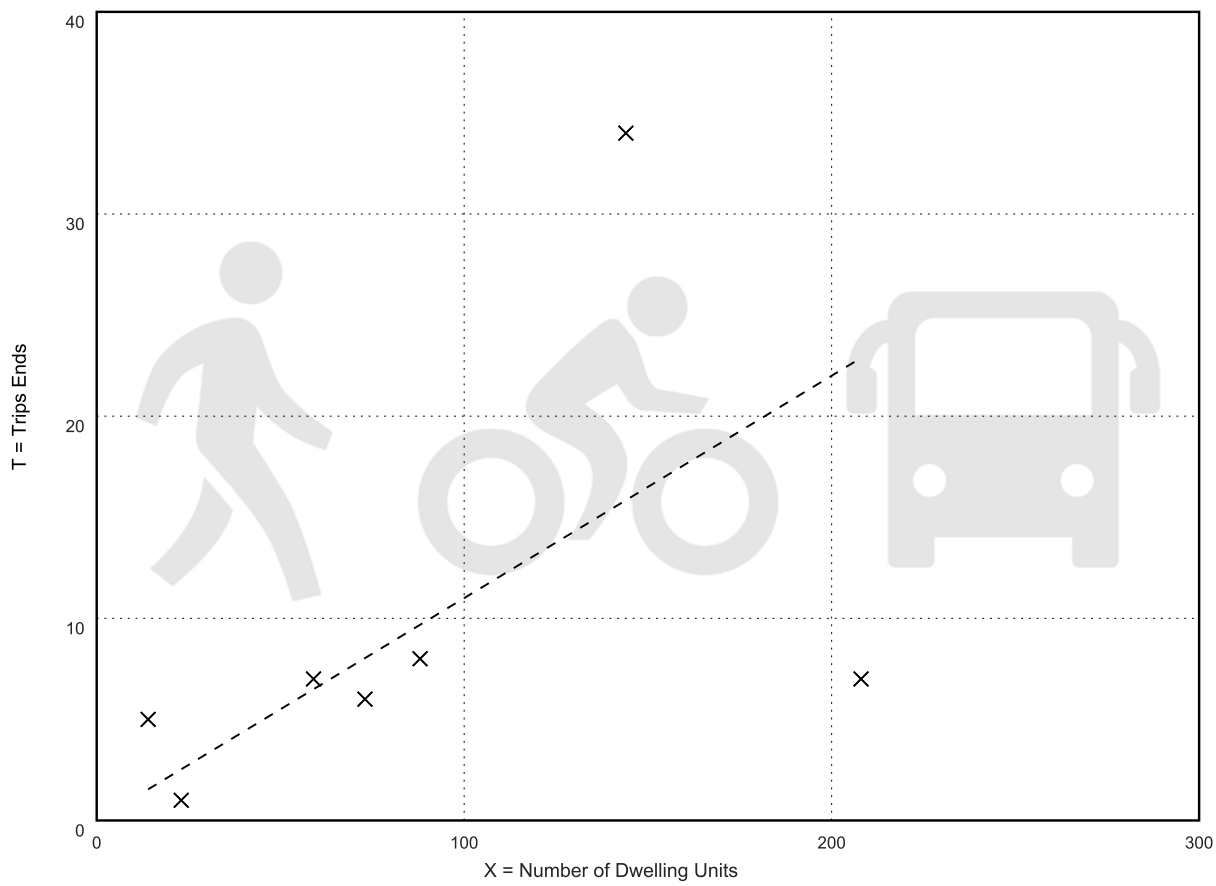
Single-Family Attached Housing
(215)

Walk+Bike+Transit Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 7
Avg. Num. of Dwelling Units: 87
Directional Distribution: 75% entering, 25% exiting

Walk+Bike+Transit Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.11	0.03 - 0.36	0.09

Data Plot and Equation



× **Study Site**

– – – – – **Average Rate**

Fitted Curve Equation: Not Given

R^2= ***

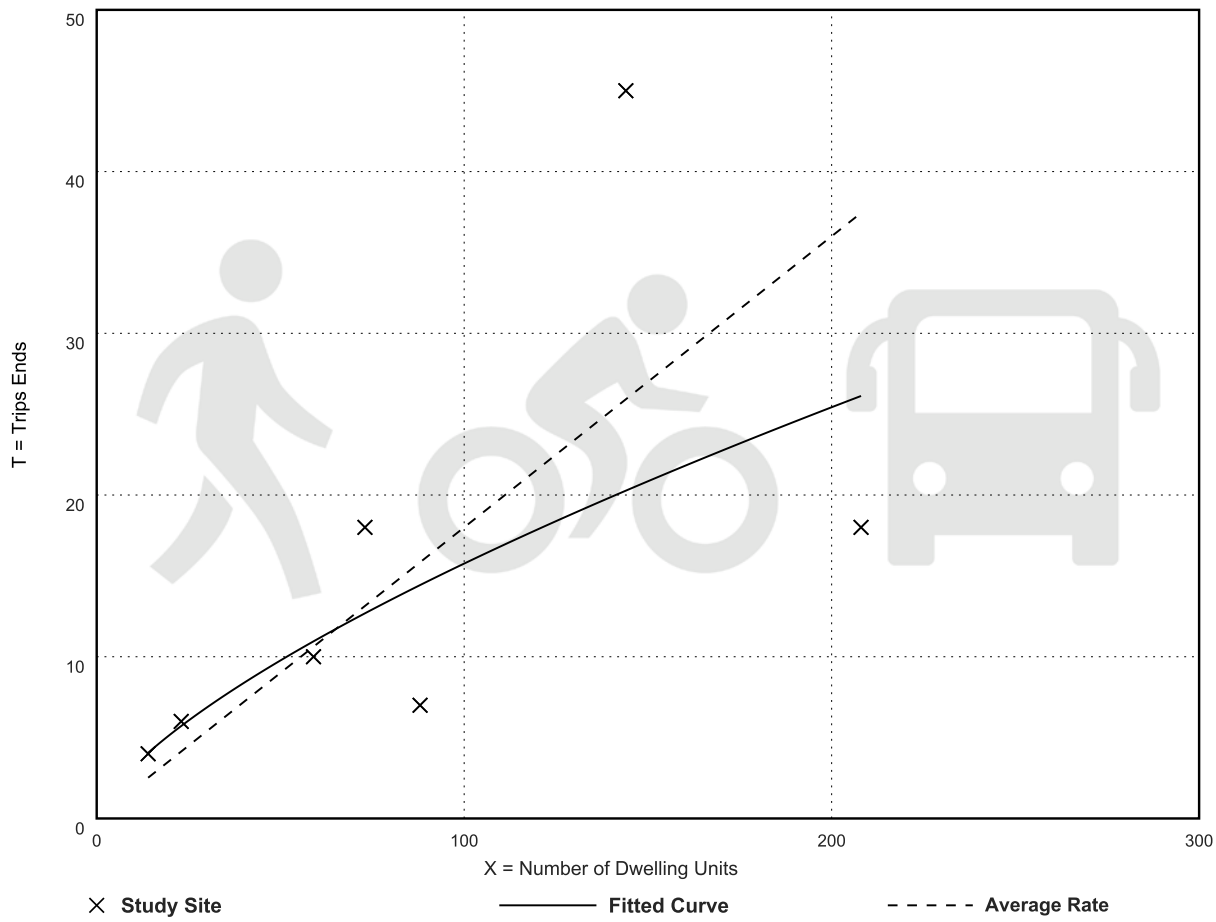
Single-Family Attached Housing
(215)

Walk+Bike+Transit Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 7
Avg. Num. of Dwelling Units: 87
Directional Distribution: 38% entering, 62% exiting

Walk+Bike+Transit Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.18	0.08 - 0.31	0.11

Data Plot and Equation



Fitted Curve Equation: Ln(T) = 0.69 Ln(X) - 0.42 **R^2= 0.65**

Minor Division

Standford

BURGAW TOWNSHIP PENDER COUNTY
NORTH CAROLINA

OWNER: GRAND VISIONS INVESTMENT, LLC
17117 US HWY. 17
HAMPSTEAD, NC 28443

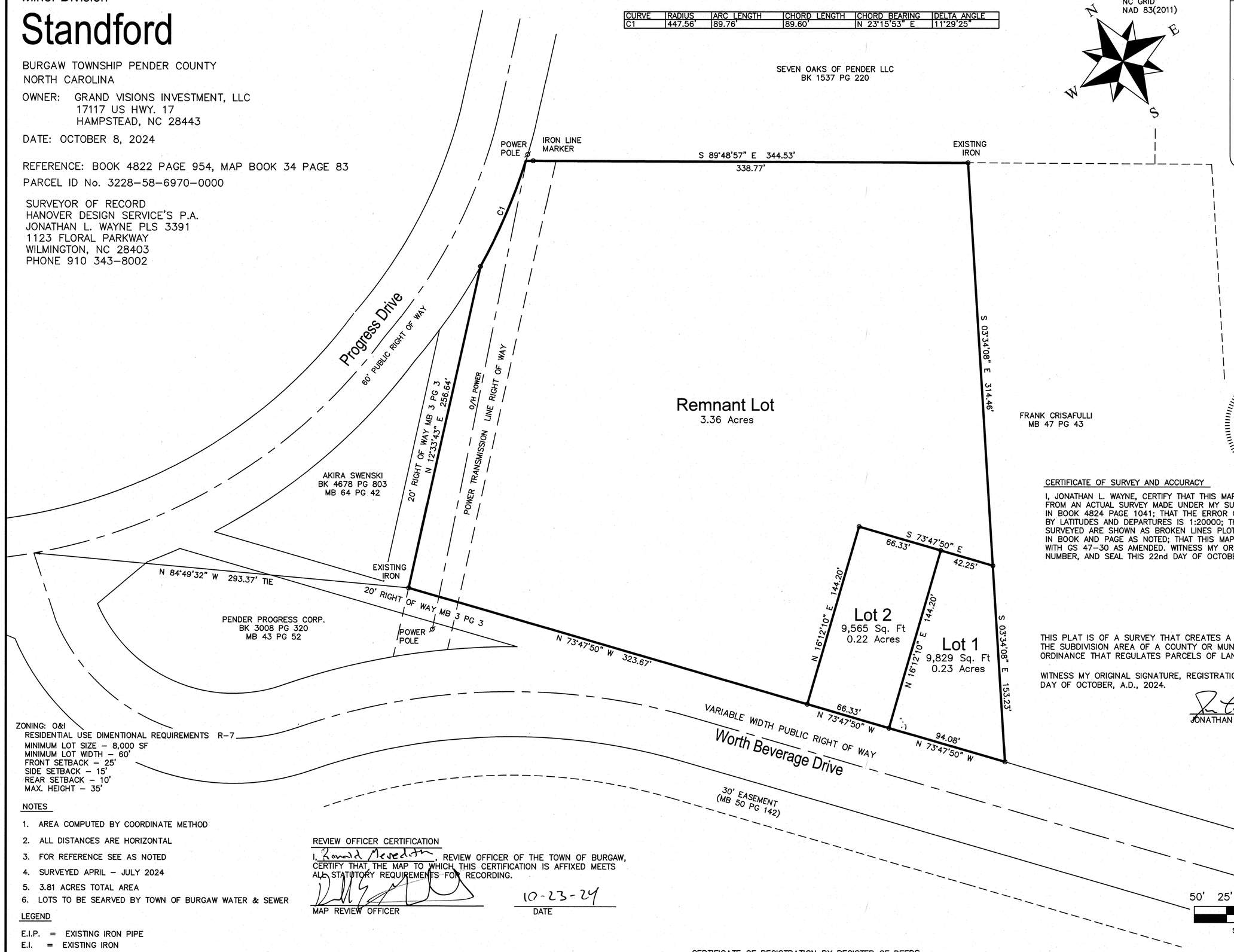
DATE: OCTOBER 8, 2024

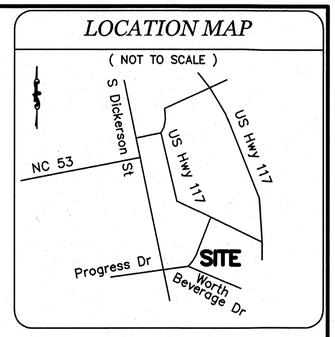
REFERENCE: BOOK 4822 PAGE 954, MAP BOOK 34 PAGE 83

PARCEL ID No. 3228-58-6970-0000

SURVEYOR OF RECORD
HANOVER DESIGN SERVICE'S P.A.
JONATHAN L. WAYNE PLS 3391
1123 FLORAL PARKWAY
WILMINGTON, NC 28403
PHONE 910 343-8002

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	447.56'	89.76'	89.60'	N 23°15'53" E	11°29'25"





NORTH CAROLINA PROFESSIONAL SEAL L-3391 LAND SURVEYOR JONATHAN L. WAYNE

CERTIFICATE OF SURVEY AND ACCURACY

I, JONATHAN L. WAYNE, CERTIFY THAT THIS MAP WAS DRAWN BY ME FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION IN BOOK 4824 PAGE 1041; THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:20000; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOK AND PAGE AS NOTED; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH GS 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS 22nd DAY OF OCTOBER, 2024.

JONATHAN L WAYNE PLS 3391

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 22ND DAY OF OCTOBER, A.D., 2024.

JONATHAN L. WAYNE PLS L-3391

ZONING: O&I
RESIDENTIAL USE DIMENTIONAL REQUIREMENTS R-7
MINIMUM LOT SIZE - 8,000 SF
MINIMUM LOT WIDTH - 60'
FRONT SETBACK - 25'
SIDE SETBACK - 15'
REAR SETBACK - 10'
MAX. HEIGHT - 35'

NOTES

1. AREA COMPUTED BY COORDINATE METHOD
2. ALL DISTANCES ARE HORIZONTAL
3. FOR REFERENCE SEE AS NOTED
4. SURVEYED APRIL - JULY 2024
5. 3.81 ACRES TOTAL AREA
6. LOTS TO BE SEARVED BY TOWN OF BURGAW WATER & SEWER

LEGEND

E.I.P. = EXISTING IRON PIPE
E.I. = EXISTING IRON
E.C.M. = EXISTING CONCRETE MONUMENT
R\W = RIGHT OF WAY
PROPERTY LINE
CENTERLINE
EASEMENT\COMPUTED PROPERTY LINE
BUILDING SETBACK

REVIEW OFFICER CERTIFICATION

I, Ronald Meredith, REVIEW OFFICER OF THE TOWN OF BURGAW, CERTIFY THAT THE MAP TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

MAP REVIEW OFFICER — DATE 10-23-24

PARCEL IDENTIFIER CERTIFICATE

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

TAX OFFICE — DATE 10-23-2024

CERTIFICATE OF REGISTRATION BY REGISTER OF DEEDS

NC
TH
CE
AT

Doc No: 20134497
Recorded: 10/23/2024 12:58:15 PM
Fee Amt: $21.00 Page 1 of 1
Pender County North Carolina
Sharon Lear Willoughby, Register of Deeds
BK 75 PG 124 - 124 (1)

NOTARY PUBLIC IS
HIS ____DAY OF 2024;
IAP BOOK ____PAGE ____

BY:

50' 25' 0 50'
SCALE IN FEET
1" = 50 FT.

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

MB 75 PG 124

Hanover Design Services, P.A.

Land Surveyors, Engineers, Land Planners

May 21, 2025

Re: Re-Zoning Description – Parcel 3228-58-6970-0000

A certain tract or parcel of land lying and being in the Town of Burgaw, Pender County, North Carolina being the Remnant Lot shown on map book 75 page 124, records of Pender County Register and being more particularly described as follows:

Beginning at an iron at the southwestern corner of the Remnant Lot recorded at map book 75 page 124, said iron being located S 84-49-32 E 293.37' from the intersection of centerlines of Worth Beverage Drive (variable width public right of way) and Progress Drive (60' public right of way): Proceed from said point of beginning and with the western line of said Remnant Lot N 12-33-43 E 256.64' to an iron on the eastern right of way of Progress Drive, thence with said right of way and with a curve to the left having a radius of 447.56' a chord N 23-15-53 E 89.60' to an iron, thence leaving said right of way S 89-48-57 E 344.53' to an iron, thence S 03-34-08 E 314.46' to an iron, thence N 73-47-50 W 108.58' to an iron, thence S 16-12-10 W 144.20' to an iron on the northern right of way of Worth Beverage Drive, thence with said right of way and a 20' right of way shown on map book 3 page 3, N 73-47-50 W 323.67' to the point of beginning and containing 3.36 acres.

All bearings are N.C. Grid NAD 1983 (2011)

5-22-25

Jonathan L. Wayne PLS 3391

NORTH CAROLINA PROFESSIONAL SEAL L-3391 LAND SURVEYOR Jonathan L. Wayne

1123 Floral Parkway Wilmington, N.C. 28403 Phone (910) 343-8002 Fax (910) 343-9941

Business Firm License No. C-0597

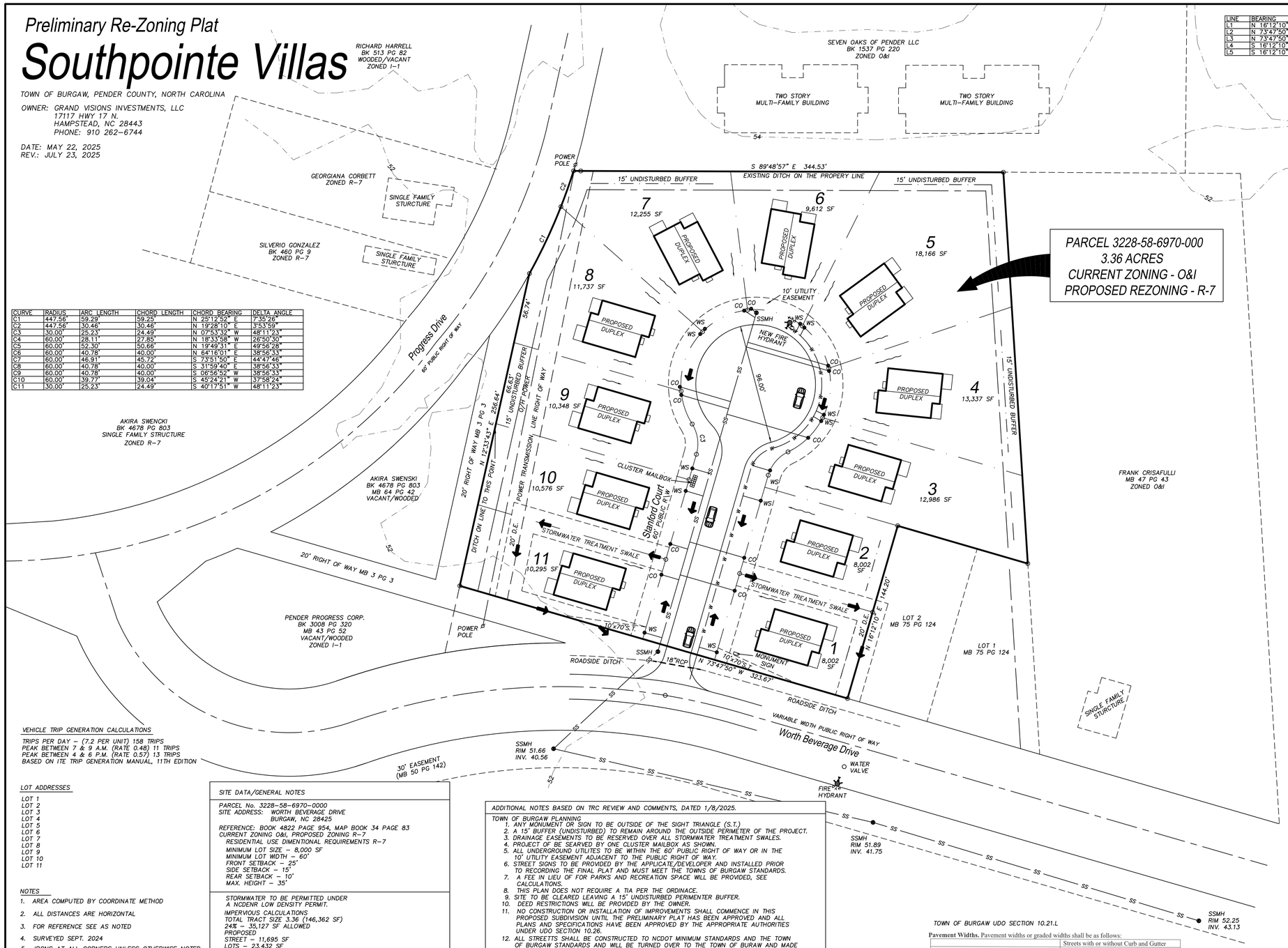
Preliminary Re-Zoning Plat

Southpointe Villas

TOWN OF BURGAW, PENDER COUNTY, NORTH CAROLINA

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

DATE: MAY 22, 2025
REV.: JULY 23, 2025



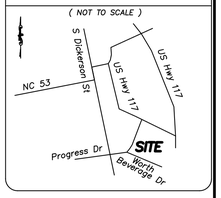
PARCEL 3228-58-6970-000
3.36 ACRES
CURRENT ZONING - O&I
PROPOSED REZONING - R-7

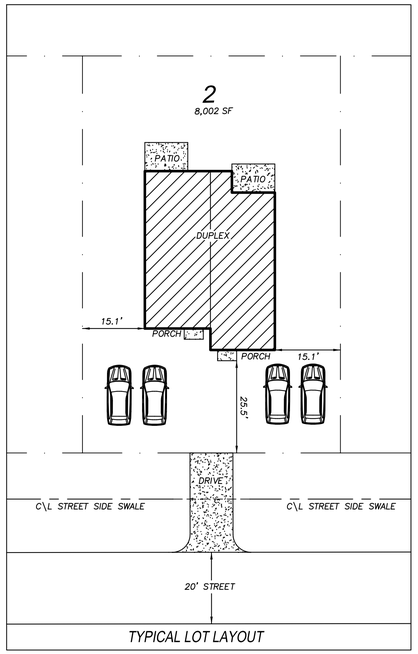
LINE	BEARING	DISTANCE
L1	N 16°12'10" E	38.38'
L2	N 73°47'50" W	30.00'
L3	N 73°47'50" W	30.00'
L4	S 16°12'10" W	10.06'
L5	S 16°12'10" W	21.26'

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°53'59"
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'	50.66'	N 19°49'31" E	49°56'28"
C6	60.00'	40.78'	40.00'	N 64°16'01" E	38°56'33"
C7	60.00'	46.91'	45.72'	S 73°51'50" E	44°37'46"
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"

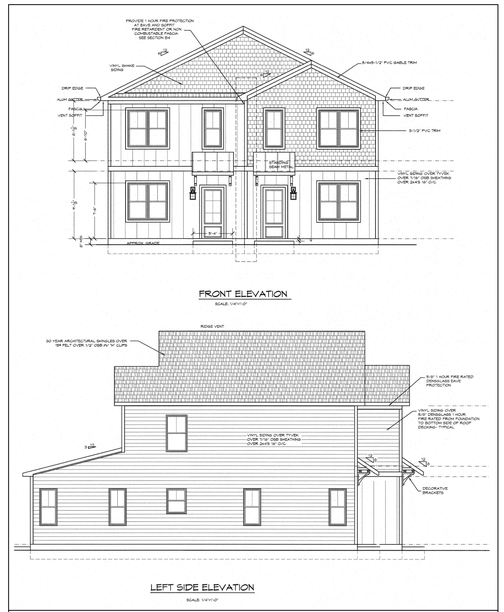
N
NC GRID
NAD 83(2011)
W
E
S

LOCATION MAP
(NOT TO SCALE)





TYPICAL LOT LAYOUT



TYPICAL DUPLEX UNIT

VEHICLE TRIP GENERATION CALCULATIONS

TRIPS PER DAY - (7.2 PER UNIT) 158 TRIPS
PEAK BETWEEN 7 & 9 A.M. (RATE 0.48) 11 TRIPS
PEAK BETWEEN 4 & 6 P.M. (RATE 0.57) 13 TRIPS
BASED ON ITE TRIP GENERATION MANUAL, 11TH EDITION

LOT ADDRESSES

LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
LOT 7
LOT 8
LOT 9
LOT 10
LOT 11

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 3.36 ACRES TOTAL AREA
7. CONTOURS FROM NCDOT LIDAR

LEGEND

E.I.P. = EXISTING IRON PIPE
E.I. = EXISTING IRON
E.C.M. = EXISTING CONCRETE MONUMENT
R\W = RIGHT OF WAY
P\P = 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
CURRENT ZONING O&I, PROPOSED ZONING R-7
RESIDENTIAL USE DIMENTIONAL REQUIREMENTS 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 NCDENR LOW DENSITY PERMIT.

IMPERVIOUS CALCULATIONS
TOTAL TRACT SIZE 3.36 (146,362 SF)
24% - 35,127 SF ALLOWED
PROPOSED
STREET - 11,695 SF
LOTS - 23,432 SF
2,130 SF PER LOT

PARKS & RECREATION SPACE CALCULATIONS
OF UNITS X 0.025 ACRES X DENSITY MULTIPLIER - AREA REQUIRED
22 X 0.025 X 1 = 0.55 ACRES REQUIRED
$57,500 X 0.550/3.03 = $10,437.29 PAYMENT IN LIEU OF DEDICATION

DEVELOPMENT DATA:
LOT AREA: 3.36 ACRES
PROPOSED LAND USE: RESIDENTIAL
MINIMUM LOT SIZE: 7,000 SF
AVERAGE LOT SIZE: 11,135 SF
BUILDING HEIGHT: 2 STORY (35')
DENSITY = 6.55 UNITS PER ACRE

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)
CURRRENT CAPACITY AVAILABLE FOR 11 DUPLEX LOTS (4/29/25)

FLOOD STATEMENT
THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA ACCORDING TO FIRM 3720322800K, EFFECTIVE DATE 1/17/2025.

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 UTILITES 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 PERIMENTER 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 UTILITES 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
11 DUPLEX LOTS/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.
20. NCDOT DRIVEWAY PERMIT REQUIRED PRIOR TO CONSTRUCTION
21. NCDOT ENCROACHMENT PERMIT REQUIRED PRIOR TO ANY UTLITY CONNECTIONS WITH IN WORTH BEVERAGE DRIVE.
22. NO PARKING-FIRE LANE SIGNS ON THE ROAD DUE TO APPARATUS ACCESS.

FOUR COUNTY EMC
23. FOUR COUNTY HAS EXISING LINES AND SERVISED 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.

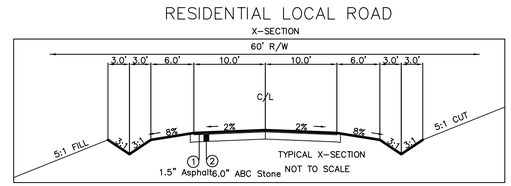
23. ALL LIGHTING WILL MEET THE UDO REQUIREMENTS

TOWN OF BURGAW UDO SECTION 10.21.L

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

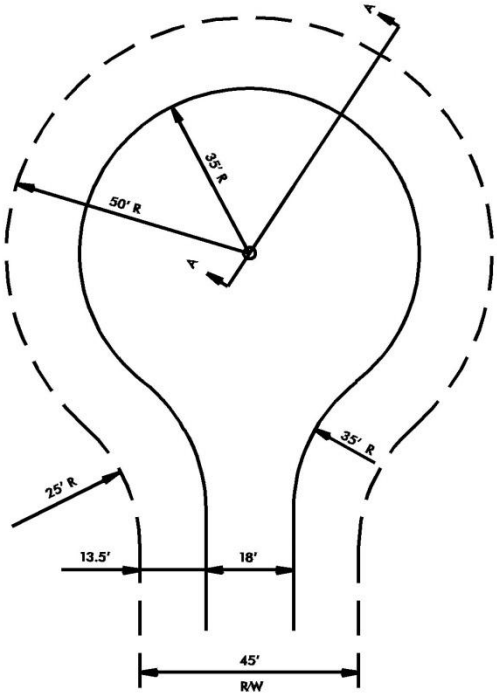
	Streets with or without Curb and Gutter
Minor Thoroughfare	40 ft.
Local Road	20 ft.
Marginal Access (frontage)	20 ft.
Cul-de-sac turnaround	120' diameter (Hammerhead)
Cul-de-sac	96' diameter

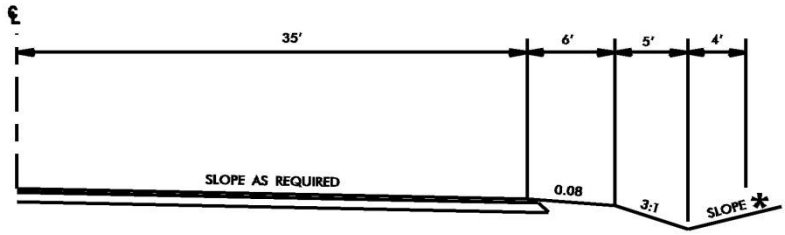
RESIDENTIAL LOCAL ROAD



0 40 80 120
SCALE 1"= 40'

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





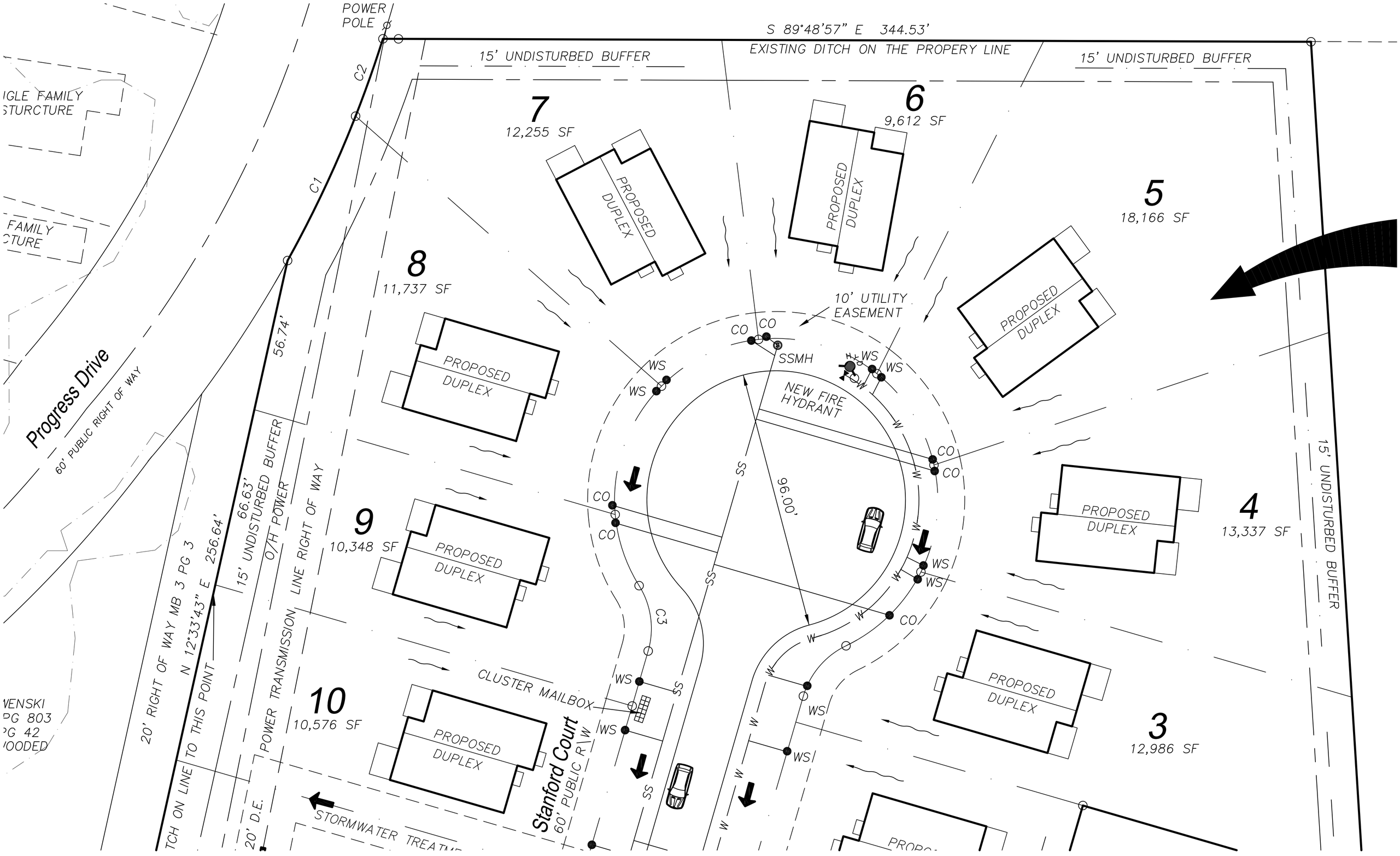
* TERRAIN	MAX. SLOPE
LEVEL	2:1
ROLLING	2:1
MOUNTAINOUS	1-1/2:1

SECTION AA

FIGURE 8

SYMMETRICAL CUL-DE-SAC

NO CURB & GUTTER


POWER POLE
S 89°48'57" E 344.53'
EXISTING DITCH ON THE PROPERY LINE
15' UNDISTURBED BUFFER
15' UNDISTURBED BUFFER
15' UNDISTURBED BUFFER
IGLE FAMILY
STURCTURE
FAMILY
CTURE
Progress Drive
60' PUBLIC RIGHT OF WAY
C1
C2
C3
56.74'
66.63'
15' UNDISTURBED BUFFER
O/H POWER
LINE RIGHT OF WAY
POWER TRANSMISSION
20' RIGHT OF WAY MB 3 PG 3
N 12°33'43" E 256.64'
TCH ON LINE TO THIS POINT
20' D.E.
VENSKI
PG 803
PG 42
OODED
7
12,255 SF
6
9,612 SF
5
18,166 SF
8
11,737 SF
9
10,348 SF
10
10,576 SF
4
13,337 SF
3
12,986 SF
PROPOSED DUPLEX
10' UTILITY EASEMENT
NEW FIRE HYDRANT
SSMH
96.00'
CLUSTER MAILBOX
Stanford Court
60' PUBLIC R/W
STORMWATER TREATM
15' UNDISTURBED BUFFER
CO
WS
SS
W

Hanover Design Services, P.A.

Land Surveyors, Engineers, Land Planners

TRC Response Letter

Date: July 23, 2025

Project: Southpointe Villas

To: Ron Meredith, Planning Director Town of Burgaw

Ron, Please find attached a copy of the updated "Preliminary Re-Zoning Plat" for Southpointe Villas addressing the following items.

Planning

1. Note added stating that all lighting will meet the UDO requirements.
2. Parks and Recreation Space calculations updated.
3. Density calculations updated.

Fire Marshal

1. Fire Hydrant re-located to the cul de sac for better access.
2. Note added addressing "No Parking Signs"

The updated plan addressing Fire Marshal comments has been submitted to MaryBeth Kratovel.

Let me know if you have any questions or need additional information.

Jonathan L. Wayne PLS 3391

1123 Floral Parkway Wilmington, N.C. 28403 Phone (910) 343-8002 Fax (910) 343-9941

Business Firm License No. C-0597

CASE SUMMARY Conditional District Zoning
Planning Board August 21, 2025

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

Staff Recommendation	**Conditional Approval** (consistent with the Town of Burgaw's Future Land Use Map)
Planning Board	**8/21/2025** **Planning Board Recommended Conditional Approval**
Board of Commissioners	**9/9/2025**

Request

Request	Consideration of a proposed Conditional R-7 District rezoning request on ±3.4 acres of land from O&I, Office and Institutional district to R-7 (CZ), R-7 Residential, Conditional Zoning district located on Worth Beverage Dr. (SR-1481) and Progress Dr. (SR-1413) (PIN 3228-58-6970-0000).	
Applicant/ Owner	Andrew Smith with Grand Visions Investments LLC	andrew@hampsteadnchomes.com (910) 262-6744 17117 Hwy 17N Hampstead, NC 28443
Existing Zoning	O&I Office and Institutional District	
Proposed Zoning	Conditional R-7 Residential District	

Property Characteristics

Zoning	O&I Office and Institutional District
Current Land Use	Undeveloped
Future Land Use Classification	Mixed Use Transition

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

1. Case Overview

- The applicant is proposing to construct a Duplex (two-family) neighborhood with 11 structures containing 2 units in each structure to total 22 units.
- The applicant's concept plan has been designed to accommodate for the dimensional requirement of 8,000 square feet for the first two dwelling units and 2,000 square feet for each additional dwelling unit.
- All lots will be accessed internally through the proposed new public roadway.
- The applicants proposed conceptual plan does not include open space. The applicant is proposing the contribution made to park fee in lieu of fund option as allowed by Unified Development Ordnance Section (UDO) Section 10.5.
- The applicant has proposed a 15-foot undisturbed buffer.
- Under the proposed conditional R-7 district, buildings have a maximum height of 35 feet
- The proposed density of the development is 6.5 dwelling units per acre. The R-7 districts allows up to 12 dwelling units per acre.
- The development will have one ingress egress, and it will be located on Worth Beverage Dr (SN1481) and is a state road.

2. Summary

2.1 Proposal

The applicant proposes a duplex residential development with 11 buildings (22 units total) on ±3.4 acres located at Worth Beverage Dr. and Progress Dr. The plan meets zoning requirements for lot size and will be accessed by a new internal public road. No open space is provided, but a park fee-in-lieu will be paid per UDO Section 10.5. A 15-foot undisturbed buffer is included, with a maximum building height of 35 feet. The proposed density is 6.5 units per acre, below the R-7 district's 12-unit maximum. The site is currently zoned O&I (Office and Institutional), is undeveloped, and designated for Mixed Use Transition in the future land use plan. The applicant requests rezoning to Conditional R-7 Residential (R-7 CZ).

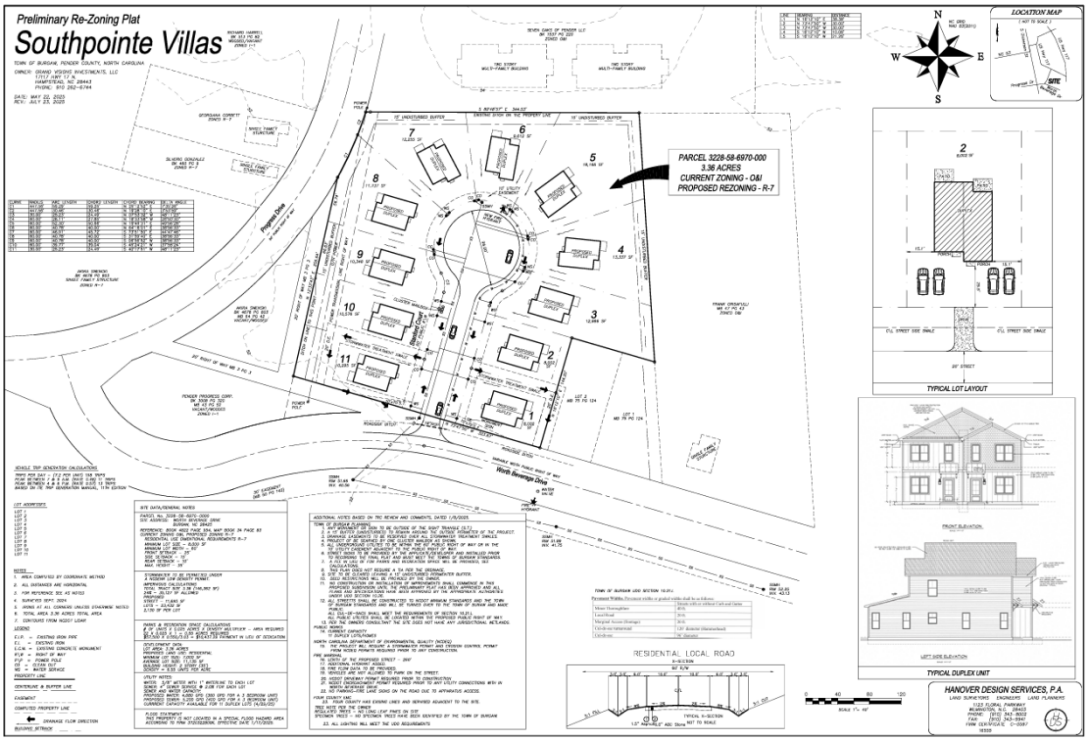


Figure 2.1: Overall Subdivision Plan

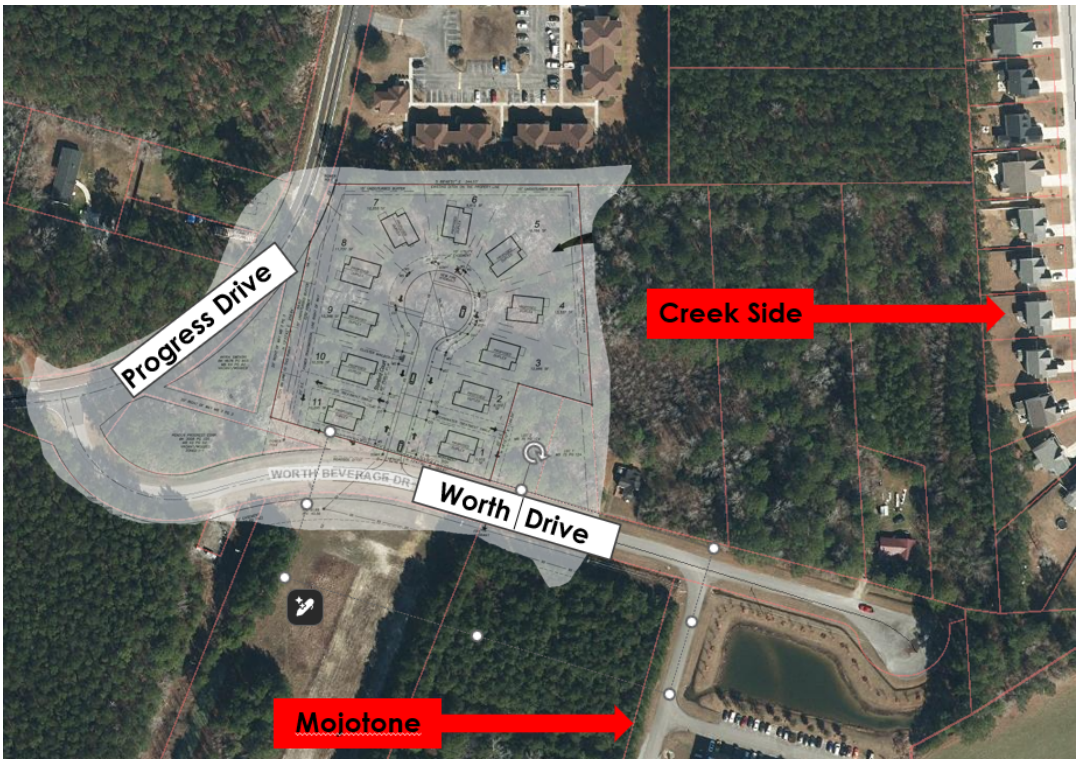


Figure 3.1: Overall Subdivision Plan

2.1.a 8/21/2025 Planning Board Proposal

ZONING	SETBACKS	LOT STANDARDS	DENSITY
	FRONT YARD = 25' SIDE YARD =15 REAR YARD = 10'	MIN. LOT SIZE = 7,000 SF MIN. LOT WIDTH = 60'	12DU/AC
PROPOSED DENSITY	22 UNITS / 3.4 = 6.5UNITS/AC		
OPEN SPACE	contribution made to park fee in lieu		

2.2 Community Meetings

The applicant conducted two community meetings to discuss the Southpointe Villas rezoning proposal. Notices were mailed out in advance per UDO requirements to allow neighboring property owners to attend, ask questions, or provide any concerns. The first meeting was held on Friday, June 13th at 8am onsite at Worth Beverage, with one property owner from 126 Worth Beverage attending. The main concern raised was about the buffer/trees on the west side of the property. The current plans show a 15' buffer of existing trees and vegetation. Additionally, the applicant explains that a, a 25' buffer will be maintained to provide privacy for neighbors and residents of Southpointe Villas during construction. The second meeting was held on Tuesday, June 24th at 5:30pm, also on site at Worth Beverage, but no one attended. The applicant provided a Community Feedback Form and a site plan at the meetings to gather input and show the proposed community layout.

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 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 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 ensures compatibility of the use with the enjoyment of neighboring properties.

Recommended Conditions

1. The use and development of the subject property shall comply with all regulations and requirements imposed by the Town of Burgaw Unified Development Ordinance and any

other applicable federal, state, or local law, ordinance, or regulation, as well as any condition stated below. In the event of a conflict, the more stringent requirement or higher standard shall apply.

2. Approval of this conditional district rezoning does not constitute technical approval of the site plan. Final approval by the Technical Review Committee and the issuance of all required permits must occur prior to releasing the project to the Building Inspections Department.
3. If, for any reason, any condition for approval is found to be illegal or invalid, or if the applicant should fail to accept any condition following approval, the approval of the site plan for the district shall be null and void, and no effect and proceedings shall be instituted to rezoning the property to its previous zoning classification.
4. The use and development of the subject property shall be in substantial compliance with the site plan as submitted and accepted by the Board of Commissioners.
5. The streets shall be constructed to NCDOT standards and Town of Burgaw standards and should be turned over to the Town and made public.
6. All utilities shall be located within the proposed street rights-of-way.
7. A 15-foot undisturbed buffer shall be retained around the perimeter of the site, and the existing vegetation within this buffer shall remain intact.
8. The subject site is less than 10 acres and therefore not subject to the open space requirement, but the applicant has agreed to provide a payment of $57,000—based on the assessed tax value of $10,437—to The town of Burgaw in lieu of open space dedication**.**

   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. <u>Analysis</u>

3.1 Area Context and Existing Conditions

3.3 Environnemental

The applicant has indicated that there are no jurisdictional wetlands present on the subject site.

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

A review of the proposed development shows it is in general compliance with the UDO and was reviewed by the Town of Burgaw Technical Review Committee (TRC) on January 8, 2025, and July 9th, 2025.

3.4.a Parks and Recreation Space Requirements

As part of the proposed Conditional R-7 Residential District, the applicant has offered payment in lieu of park land dedication, consistent with the provisions outlined in the Town of Burgaw's zoning ordinance. This alternative contribution supports the town's goal of

enhancing recreational amenities while allowing flexibility in subdivision design. The payment amount will be determined based on the schedule adopted by the Board of Commissioners and will be directed at the Town's Park fund to benefit future open space and recreational improvements.

R-7 (CZ) Residential District

The R-7 Residential District is designated for higher density residential development, allowing for a variety of housing types, including single-family homes, two-family (duplex) units, and multi-family dwellings. To ensure adequate space and community cohesion, each R-7 district must encompass at least 10 acres. Although the applicant's proposal covers 3.4 acres, the overall district area can be accounted for in the cumulative R-7 area, not just the subject property. The project has town water and sewer with confirmed capacity in the system at this location. The applicant is proposing duplexes, and the proposal falls within the density scope for the area, proposing 6.5 dwelling units per acre, while the R-7 district allows up to 12 units per acre. This makes the project more of a medium to low-density proposal.

3.4.b Open Space Requirement

The proposed subdivision within the Conditional R-7 District encompasses approximately 3.4 acres, which is below the 10-acre threshold outlined in the Unified Development Ordinance (UDO) for mandatory open space dedication. According to the UDO, subdivisions of 10 acres or more must designate at least 15% of the site as dedicated open space, shown on the final plat prior to recordation. Since this proposal does not meet the minimum acreage requirement, the applicant is not obliged to provide on-site open space and has instead offered payment in lieu, consistent with the town's alternative provision for smaller subdivisions.

CONSISTENCY WITH APPROVED PLANS

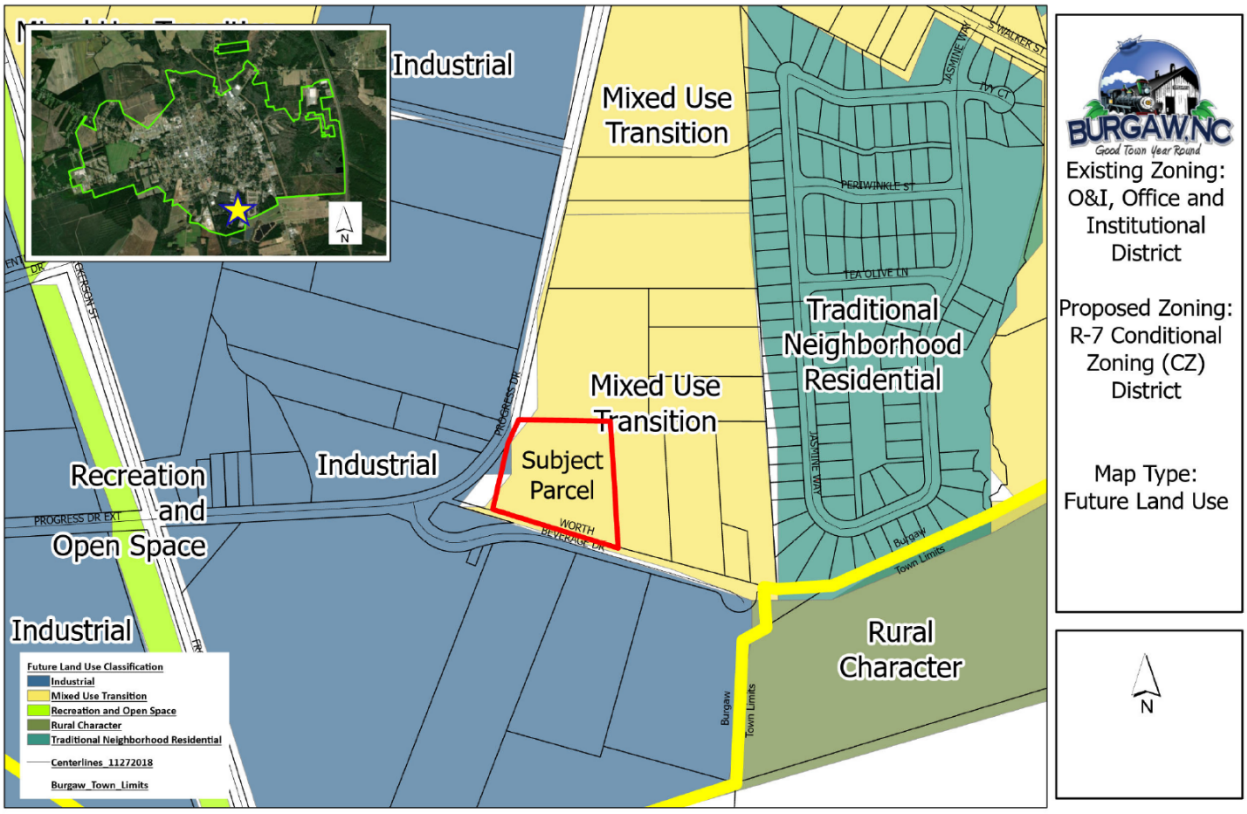
The Town of Burgaw Comprehensive Land Use Plan

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 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	
Agriculture and Forestry	
Goal 1: To preserve existing agricultural and forest lands: Consider effects on agricultural properties when contemplating expansion of public utilities and other growth-inducing infrastructure into agricultural areas	
Environmental Protection	
Goal 3: To protect the integrity of wetlands and wildlife habitats: Encourage nature-friendly subdivisions with large blocks of contiguous habitats linked by functional connections	
Housing	
Goal 1: To promote the development and preservation of quality housing that is affordable across the full spectrum of household incomes and meets the needs and preferences of Burgaw's households: Ensure that the town's development codes provide ample opportunity for developers to build a variety of housing types, ranging from single-family to dense multi-family. Keeping the market well supplied with housing will moderate the costs of owning and renting, lessening affordability problems, and lowering the level of subsidy necessary to produce affordable housing	



Future Land Use Map: Rural Character	
Properties in this land use category are intended to remain rural in nature, with low density and a primarily agricultural character. They are not adjacent to a major highway and may have environmental concerns. Recommended Land Uses: low-density residential, agriculture, forestry, recreational amenities	
DEVELOPMENT GUIDELINES	
Clustered residential developments to protect wetlands, forests, and agricultural areas	
Structures not recommended in floodway or wetlands	

CONCLUSIONS

The proposed Conditional R-7 District is consistent with the Town of Burgaw's Future Land Use Map and aligns closely with the goals and policies outlined in the Burgaw 2030 Comprehensive Land Use Plan. In fact, the current proposal demonstrates a stronger alignment with the adopted vision and objectives of the plan than it does any potential areas of concern or deviation. Adopted in the Burgaw 2030 Comprehensive Land Use Plan than it does support.

The proposed duplex is consistent with the intent of the Mixed-Use Transition future land use classification, which supports small-scale residential development that buffers established neighborhoods from more intensive commercial or institutional uses. Situated between a major commercial corridor and residential area, the duplex serves as an appropriate transitional use. Planning staff recommends approval.

PLANNING BOARD August 21, 2025

At the August 21, 2025 meeting, the Burgaw Planning Board heard a rezoning request for a ±3.4 acre site at Worth Beverage Drive and Progress Drive. The applicant proposed to rezone from Office and Institutional (O&I) to conditional R-7 residential district to allow 22 units in 11 duplexes, accessed by a new public road with a 15-foot vegetative buffer.

Board discussion centered on the housing type, traffic impact, and compatibility with surrounding uses. Members confirmed the duplex design met zoning definitions and found that the project's traffic generation was too low to require a traffic impact study. The site was confirmed to be outside flood zones.

A key concern was the lack of public feedback, particularly from nearby residents at Seven Oaks Apartments. Despite proper notification and two outreach meetings, turnout was minimal, which some board members found troubling.

Ultimately, the board found the proposal consistent with town planning goals and approved it unanimously with several conditions.

NEIGHBORHOOD CONTACT

	Applicant's Community Meetings	Planning Board	Board of Commissioners
Advertisement Date(s)	04/01/24, 4PM-7PM & 04/10/24, 4PM-7PM The first meeting was held on Friday, 06/13/25 at 8am Second community meeting was held Tuesday 06/24/25 at 5:30pm	Pender Post & Voice 08/07/25, 08/14/25 & 08/21/25	Pender Post & Voice 08/28/25 & 09/04/25
Other – Contact(s)		Mailers sent 08/01/25	Mailers sent 08/22/25 Signs posted 08/22/25

		Signs posted 08/01/25	

ACTIONS TO DATE

Planning Board	**8/21/2025**
Board of Commissioners	**09/09/2025**

ATTACHMENTS

1. Application
    a. Applicant supplemental Documentation
2. Site Plan
3. Community Meeting Items
4. Aerial Map
5. Zoning Map
6. Future Land Use Map
7. Flood Map
8. Consistency Statement

Item1 Request: Conditional R-7 District rezoning request on ±3.4 acres of land from O&I, Office and Institutional district to R-7 (CZ), R-7 Residential, Conditional Zoning district located on Worth Beverage Dr. (SR-1481) and Progress Dr. (SR-1413) (PIN3228-58-6970-0000).	Hearing Date:9/9/2025

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

The proposed rezoning from an O&I District to a Conditional R-7 District is consistent with the Town of Burgaw Comprehensive Land Use Plan, promoting infill development and revitalization in areas with existing infrastructure. The proposal aligns with the plan's goals by ensuring adequate infrastructure, supporting medium to low-density residential development, and providing a variety of housing types, including duplexes, which enhance the economic health and livability of the town.

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

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

( ) Other: _____

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

The proposed rezoning from an O&I District to a Conditional R-7 District is consistent with the Town of Burgaw Comprehensive Land Use Plan, promoting infill development and revitalization in areas with existing infrastructure; however by supporting medium to low-density residential development, allowing Conditional R-7 District zoning in a transitional area may not be in harmony with the surrounding area.

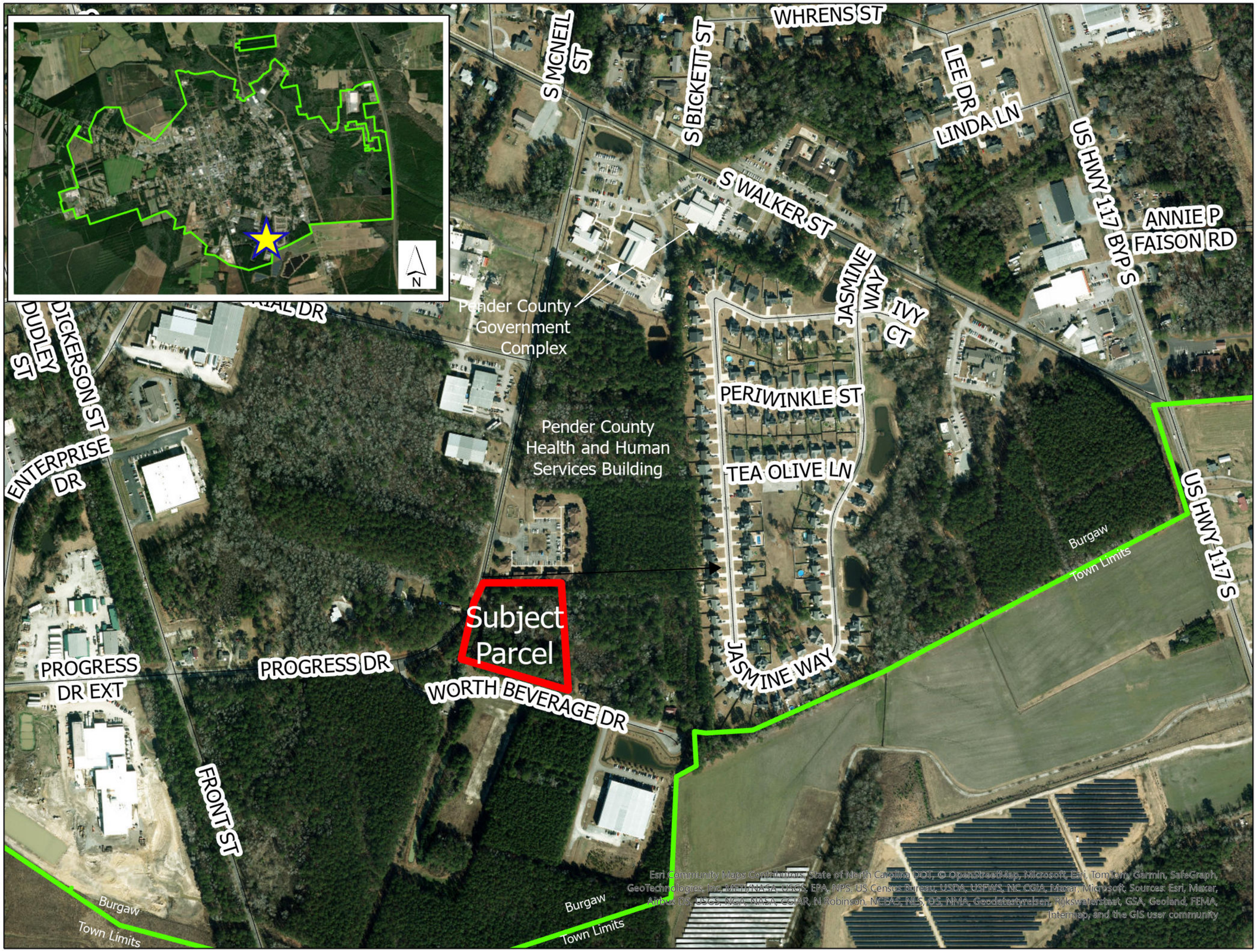
Therefore, The Board of Commissioners recommends rejection of this request.

Comments:

This report reflects the recommendation of the Town of Burgaw Board of Commissioners, this the 21th day of August 2025.

Attest:

_____Planning Mayor

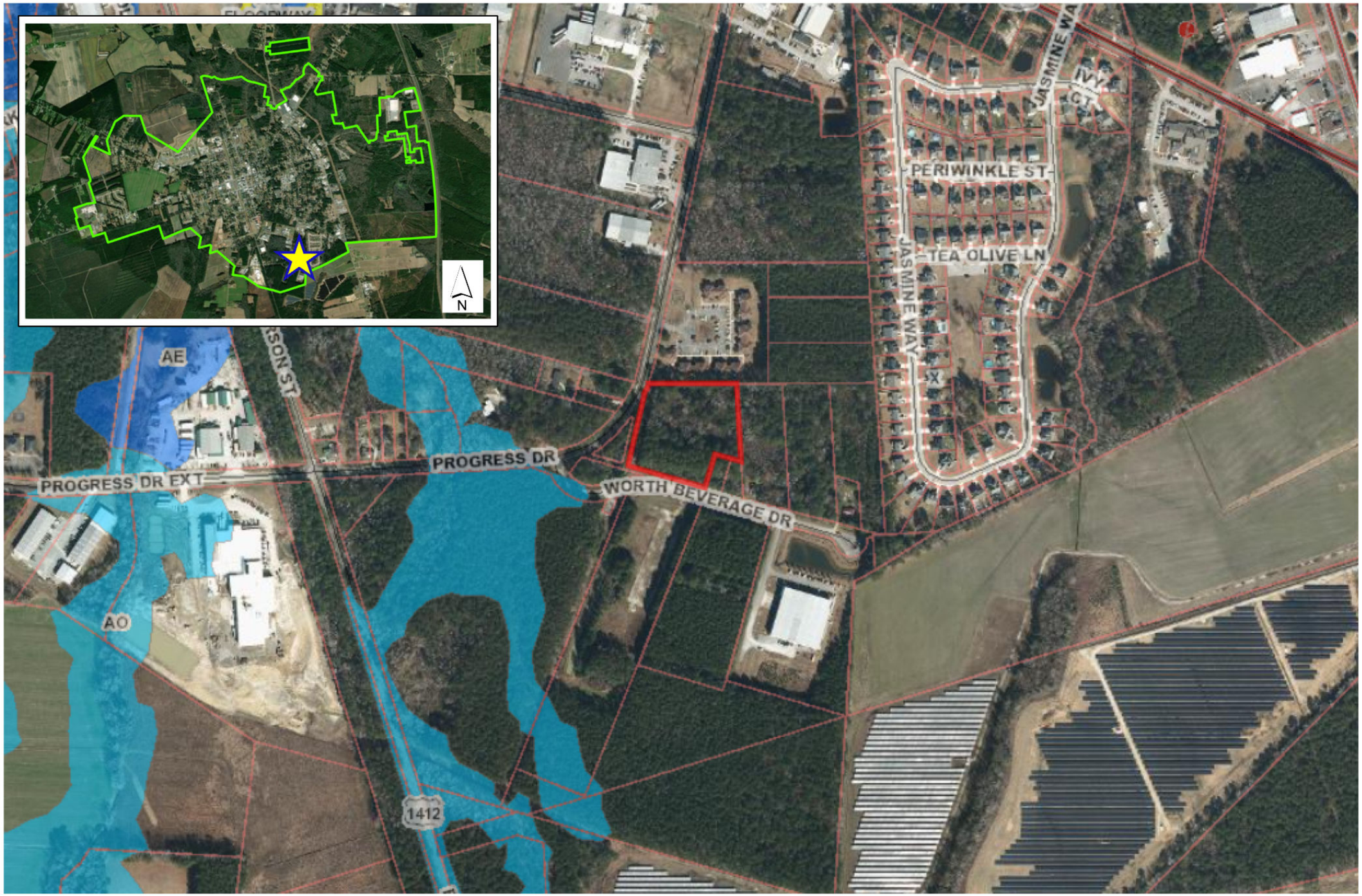


Existing Zoning: O&I, Office and Institutional District

Proposed Zoning: R-7 Conditional Zoning (CZ) District

Map Type: Aerial

N



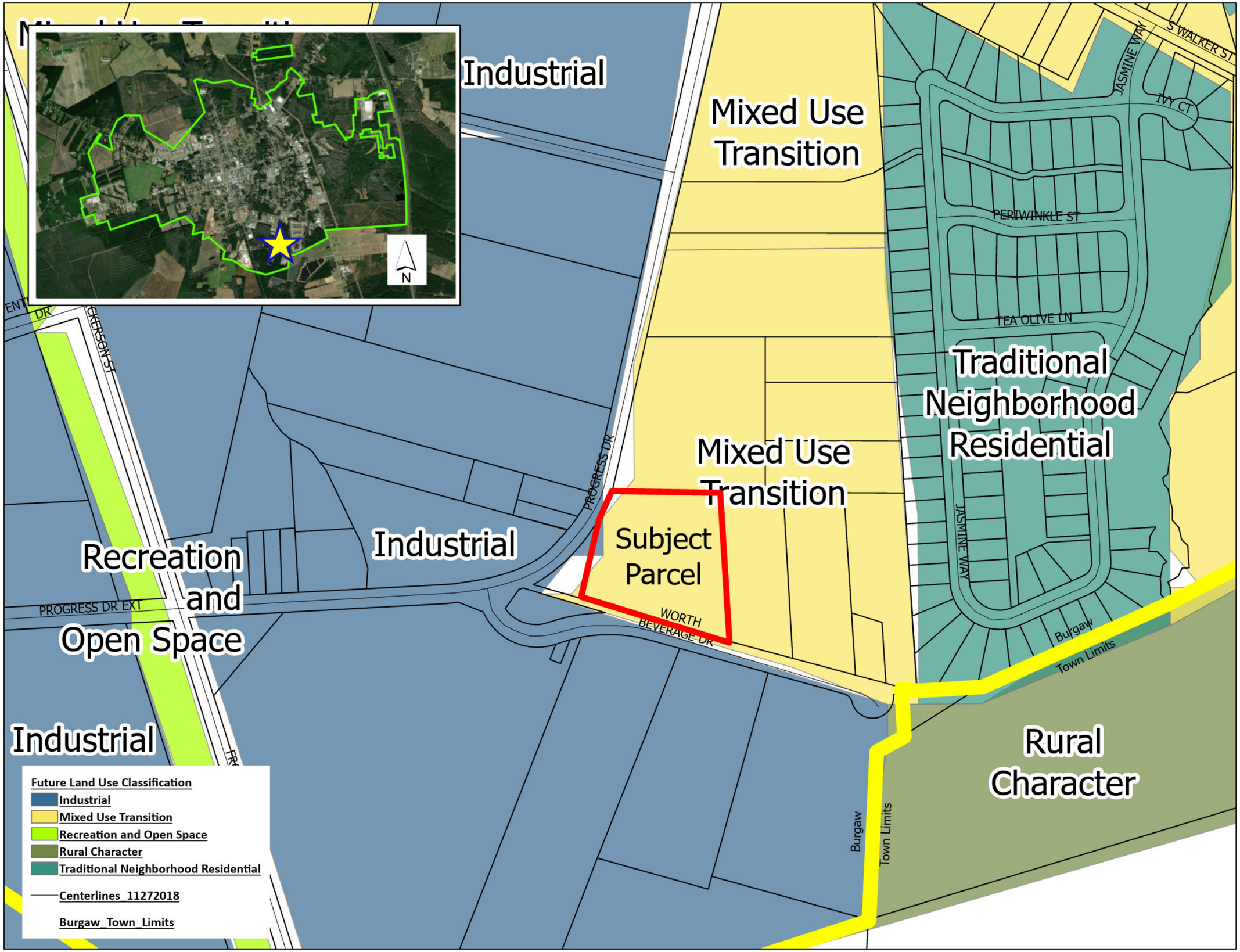
BURGAW, NC
Good Town Year Round

Existing Zoning: O&I, Office and Institutional District

Proposed Zoning: R-7 Conditional Zoning (CZ) District

Map Type: Flood

N



BURGAW, NC
Good Town Year Round

Existing Zoning: O&I, Office and Institutional District

Proposed Zoning: R-7 Conditional Zoning (CZ) District

Map Type: Future Land Use

N

Existing Zoning: O&I, Office and Institutional District

Proposed Zoning: R-7 Conditional Zoning (CZ) District

Map Type: Future Land Use

N

AFFIDAVIT OF MAILING FOR SOUTHPOINT VILLAS HEARING

I am over the age of 18 (eighteen) years, and, on August 22, 2025, I mailed the required property owners within a 500ft buffer of parcel #3228-58-6970-0000, letters and the required enclosures for the Board of Commissioners public hearing meeting to be held on September 9, 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.

The Zoning notice signs were placed on the property with Town of Burgaw Planning Staff contact information on August 22,2025.

Donna A. Page 08/28/25

Signature

RESOLUTION 2025-20

ADOPTING A STATEMENT OF CONSISTENCY REGARDING AN AMENDMENT OF THE OFFICIAL ZONING MAP OF THE TOWN OF BURGAW REQUESTED BY ANDREW SMITH WITH GRAND VISIONS INVESTMENTS LLC TO REZONE PROPERTY LOCATED ON Worth Beverage Dr. and Progress Dr. (PARCEL IDENTIFICATION NUMBER 3228-58-6970-0000) FROM O&I, OFFICE AND INSTITUTIONAL DISTRICT TO R-7 (CZ), R-7 RESIDENTIAL, CONDITIONAL ZONING DISTRICT FOR A DUPLEX (TWO-FAMILY) NEIGHBORHOOD WITH 11 STRUCTURES CONTAINING 2 UNITS IN EACH STRUCTURE TO TOTAL 22 UNITS.

WHEREAS, the applicant, Andrew Smith with Grand Visions Investments LLC , has requested the Town amend the Official Zoning Map of the Town of Burgaw to rezone property located on Worth Beverage Dr. and Progress Dr. (parcel identification number 3228-58-6970-0000) from O&I, Office And Institutional District To R-7 (CZ), R-7 Residential, conditional zoning district for a duplex (two-family) neighborhood with 11 structures containing 2 units in each structure to total 22 units; and

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

WHEREAS, the Town of Burgaw Planning Board, at their August 21, 2025, meeting, recommended approval in the Draft Comprehensive Plan Consistency Statement to the Board of Commissioners; and

WHEREAS, the Town of Burgaw Board of Commissioners reviewed the staff report and draft consistency statement at their September 9, 2025, meeting and find the requested conditional rezoning to be consistent with the Burgaw 2030 Comprehensive Land Use Plan and Future Land Map Amended, reasonable, and in the public interest;

NOW THEREFORE BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the proposed rezoning from an O&I District to a Conditional R-7 (CZ) District is consistent with the Town of Burgaw Town of Burgaw's 2030 Comprehensive Plan, promoting infill development and revitalization in areas with existing infrastructure. The proposal aligns with the plan's goals by ensuring adequate infrastructure, supporting medium to low-density residential development, and providing a variety of housing types, including duplexes, which enhance the economic health and livability of the town.

Adopted this 9th day of September 2025.

Attest: _____ Signed: _____

Kristin J. Wells, Town Clerk G. Olivia Dawson, Mayor

DRAFT

ORDINANCE 2025-20

A MAP AMENDMENT OF THE OFFICIAL ZONING MAP OF THE TOWN OF BURGAW REQUESTED BY ANDREW SMITH WITH GRAND VISIONS INVESTMENTS LLC TO REZONE PROPERTY LOCATED ON WORTH BEVERAGE DR. AND PROGRESS DR. (PARCEL IDENTIFICATION NUMBER 3228-58-6970-0000) FROM O&I, OFFICE AND INSTITUTIONAL DISTRICT TO R-7 (CZ), R-7 RESIDENTIAL, CONDITIONAL ZONING DISTRICT FOR A DUPLEX (TWO-FAMILY) NEIGHBORHOOD WITH 11 STRUCTURES CONTAINING 2 UNITS IN EACH STRUCTURE TO TOTAL 22 UNITS.

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WHEREAS, the Town of Burgaw Planning Board, at their August 21, 2025, meeting, recommended approval in the Draft Comprehensive Plan Consistency Statement to the Board of Commissioners; and

WHEREAS, the Town of Burgaw Board of Commissioners reviewed the staff report and draft consistency statement at their September 9, 2025, meeting and find the requested conditional rezoning to be consistent with the Burgaw 2030 Comprehensive Land Use Plan and Future Land Map Amended, reasonable, and in the public interest;

NOW THEREFORE BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the proposed rezoning from an O&I District to a Conditional R-7 (CZ) District is consistent with the Town of Burgaw Town of Burgaw's 2030 Comprehensive Plan, promoting infill development and revitalization in areas with existing infrastructure. The proposal aligns with the plan's goals by ensuring adequate infrastructure, supporting medium to low-density residential development, and providing a variety of housing types, including duplexes, which enhance the economic health and livability of the town.

SECTION 1. This map amendment becomes effective immediately upon adoption of this ordinance on this, the 9th day of September 2025.

Attest: _____ Signed: _____

Kristin J. Wells, Town Clerk G. Olivia Dawson, Mayor

DRAFT

Town of Burgaw
ITEM REPORT

Item: 12A

DATE OF MEETING: September 9, 2025 **DEPARTMENT OF ORIGIN:** Administration	**DATE SUBMITTED:** 08/27/2025 **SUBMITTED BY:** Kristin Wells, Town Clerk
AGENDA ITEM DESCRIPTION: Consideration of appointing one (1) ETJ Planning Board Member	
SUMMARY STATEMENT: There is one (1) vacant seat on the Planning Board, which is for a member residing within the town's ETJ. We have received one (1) application from Amy Jones for consideration. *The application is included within the Board of Commissioners' packet only.*	
STAFF RECOMMENDATION AND REQUESTED ACTION:	
FINANCIAL IMPACT INCLUDING FUNDING SOURCE:	
FINANCE DIRECTOR COMMENTS:	
ATTACHMENTS (IF ANY): None	

RESOLUTION 2025-21

PLEDGING TO PRACTICE AND PROMOTE CIVILITY IN THE TOWN OF BURGAW

WHEREAS, the Board of Commissioners, the governing body of the Town of Burgaw, North Carolina (the "Municipality"), recognizes that robust debate and the right to self-expression, as protected by the First Amendment to the United States Constitution, are fundamental rights and essential components of democratic self-governance;

WHEREAS, the Town of Burgaw Board of Commissioners further recognizes that the public exchange of diverse ideas and viewpoints is necessary to the health of the community and the quality of governance in the Municipality; and

WHEREAS, the members of the Town of Burgaw Board of Commissioners, as elected representatives of the community and stewards of the public trust, recognize their special role in modeling open, free and vigorous debate while maintaining the highest standards of civility, honesty and mutual respect; and

WHEREAS, the Town of Burgaw Board of Commissioners meetings are open to the public and thus how Town of Burgaw officials execute their legal duties is on public display; and

WHEREAS, civility by Town of Burgaw officials in the execution of their legislative duties and responsibilities fosters respect, kindness and thoughtfulness between Town of Burgaw officials, avoiding personal ill will which results in actions being directed to issues made in the best interests of residents; and

WHEREAS, civility between Town of Burgaw officials presents an opportunity to set a positive example of conduct and promotes thoughtful debate and discussion of legislative issues, resulting in better public policy and a more informed electorate while also encouraging civil behavior between residents; and

WHEREAS, civility between Town of Burgaw officials is possible if each member of the elected body remembers that they represent not only themselves, but the constituents of their community and town; and

WHEREAS, in order to publicly declare its commitment to civil discourse and to express its concern for the common good and well-being of all of its residents, the Town of Burgaw Board of Commissioners has determined to adopt this resolution.

WHEREAS, at least 75% of the Town of Burgaw Board of Commissioners has completed the NCLM Commit to Civility program requirements and commits to uphold the nine pillars.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS: The Town of Burgaw pledges to practice and promote civility within the governing body. The elected officials of the Town of Burgaw Board of Commissioners enact this civility pledge to build a stronger and more prosperous community by advocating for civil engagement, respecting others and their viewpoints, and finding solutions for the betterment of the Town of Burgaw.

- This pledge strives to ensure that all communication be open, honest, and transparent as this is vital for cultivating trust and relationships.

DRAFT

- This pledge strives to show courtesy by treating all colleagues, staff and members of the public in a professional and respectful manner whether in-person, online or in written communication, especially when we disagree.

- This pledge strives to ensure mutual respect to achieve municipal goals, recognizing that patience, tolerance and civility are imperative to success and demonstrates the Town of Burgaw Board of Commissioners commitment to respect different opinions, by inviting and considering different perspectives, allowing space for ideas to be expressed, debated, opposed, and clarified in a constructive manner.

ADOPTED this 9th day of September, 2025.

_____
G. Olivia Dawson, Mayor

_____
James Malloy, Mayor Pro-tem

_____
Jan Dawson, Commissioner

_____
Bill George, Commissioner

_____
Michael Pearsall, Commissioner

_____
William Rivenbark, Commissioner

ATTEST:

_____
Kristin J. Wells, Town Clerk

DRAFT