

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

DATE: April 14, 2015
TIME: 4:00 PM
PLACE: Burgaw Municipal Building
BOARD MEMBERS PRESENT: Mayor Eugene Mulligan
Commissioners Jan Dawson, Wilfred Robbins, Charles Rooks and Elaine Tyson
BOARD MEMBER ABSENT: Mayor Pro-tem Howard N. Walker, Jr.
STAFF PRESENT: Chad McEwen, Town Manager
Sylvia W. Raynor, Town Clerk
Robert Kenan, Town Attorney
Anthony Colon, Utility & Compliance Specialist/ORC
Bill Fay, Director of Public Works
Louis Hesse, Building Inspector
Ashley Loftis, Finance Officer
Rebekah Roth, Planning Administrator
Montrina Sutton, Chief of Police
Kristin Wells, Deputy Clerk
Allen Wilson, Fire Administrator
MEDIA PRESENT: Bill Walsh, Star News
INVOCATION: Nick Smith, Chaplain
PLEDGE OF ALLEGIANCE: All

The meeting was called to order by Mayor Eugene Mulligan at 4:00PM.

APPROVAL OF AGENDA

Mayor Mulligan asked if there were any requests to amend the agenda. There being no requests for amendments, Commissioner Robbins made a motion to approve the agenda as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

APPROVAL OF CONSENT AGENDA

Mayor Mulligan asked if there were any requests for amendments to the consent agenda. He advised he would like to remove the approval of the closed session minutes of the March 10, 2015 meeting from the consent agenda to be discussed in closed session later today and to be approved at the end of the agenda. There being no further requests for amendments, Commissioner Robbins made a motion to approve the removal of the closed session minutes from the consent agenda to be read in closed session and approved at the end of the meeting. The motion was seconded by Commissioner Dawson and carried by unanimous vote. Mayor Mulligan then requested a motion for approval of the consent agenda as amended. Commissioner Rooks made a motion to approve the consent agenda as amended. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

- A. Approval of minutes of the March 10, 2015 regular meeting approval of the minutes of the February 19, 2015 Special CIP Meeting**
- B. Resolution 2015-14 Declaring Spring Festival Day in Burgaw**

**RESOLUTION 2015-14
DECLARING SPRING FESTIVAL DAY IN BURGAW**

WHEREAS, it has become “tradition” for the first Saturday in May to be set aside for the Pender County Spring Fest; and

WHEREAS, this festival will bring together the citizens of the Town of Burgaw and Pender County to celebrate the cultural heritage of the area; and

WHEREAS, many talented and skilled Pender County citizens will display and sell their handmade crafts, homemade foods and homegrown plants.

NOW THEREFORE BE IT RESOLVED by the Town of Burgaw Board of Commissioners that Saturday, May 2, 2015 shall be declared “Spring Festival Day” and that the following changes and directives shall be placed in effect during Spring Festival events only:

- Wright Street between Fremont Street and Wilmington Street shall be closed on Friday, May 1, 2015 between the hours of 6:00PM and 9:00PM for the street dance.
- Wright Street shall be closed between Fremont Street and Wilmington Street and Fremont Street shall be closed between Walker Street and Wright Street (keeping the intersection of Fremont and Wright open to turning traffic) during the Spring Festival on Saturday, May 2, 2015 between the hours of 6:00 AM and 4:00 PM only.
- In addition the street closure related to Wright Street will also result in Courthouse Avenue being closed on Friday, May 1, 2015 between the hours of 6:00PM and 9:00PM and Saturday, May 2, 2015 between the hours of 6:00 AM and 4:00 PM.

Adopted this 14th day of April, 2015.

C. Ordinance 2015-07 Budget Ordinance Amendment – Christmas Tree Section

ORDINANCE 2015-07
AMENDING FISCAL YEAR 2014-2015 ANNUAL BUDGET
Increasing Revenues and Expenditures

WHEREAS, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2014-2015 on June 10, 2014; and

WHEREAS, the Town of Burgaw approved the purchase of an additional 4-foot section to be added to the Town’s Christmas tree; and

WHEREAS, this section will be purchased from Mosca Design, Inc. at a reduced rate; and

WHEREAS, an appropriation from the General Fund fund balance in the amount of \$3,524 will be needed to cover this expenditure.

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

Section 1: The FY 2014-2015 budget be altered to reflect the following changes:

INCREASE BUDGETED REVENUE

| Account Number | Account Description | Amount |
|----------------|---------------------------|---------|
| 10-3900-00-900 | Fund Balance Appropriated | \$3,524 |

INCREASE BUDGETED EXPENDITURE

| Account Number | Account Description | Amount |
|----------------|---------------------------|---------|
| 10-6900-80-990 | Burgaw Christmas Lighting | \$3,524 |

Approved: April 14, 2015.

SPECIAL PRESENTATIONS

Special Presentation: Relay for Life – Mayor Mulligan & Tiffany Fountain

Tiffany Fountain appeared before the Board on behalf of Relay for Life to request closure of Fremont Street between Wright Street and Walker Street for the Relay for Life event that will be held on Saturday, April 18, 2015 in downtown Burgaw. After discussion, Commissioner Robbins made a motion to grant approval of the closure of Fremont Street between Wright Street and Walker Street beginning at 6PM on Friday, April 17 and ending at 11PM on Saturday, April 18 with a requirement that every property owner that would be affected shall be contacted personally by the Police Department with a letter or notice of the closure. The motion was seconded by

Commissioner Dawson and carried by unanimous vote. Mr. McEwen advised Ms. Fountain to draft a letter and send it to him and he will see that it gets delivered.

Mayor Mulligan read a proclamation for Relay for Life and presented a copy to Ms. Fountain.

Special Presentation: Burgaw Elementary School Battle of the Books – *Mayor Mulligan*

Mayor Mulligan recognized and presented certificates to the following students from Burgaw Elementary School and winners of the Pender County Elementary Schools Battle of the Books Competition:

*Joseph Polinski, Abigail Croom, Rylan Penley, Amanda Hammers, Jaden Lublin, Judah Summers, Abrahm Driver
Connie Ives, Coach*

Commissioner Robbins presented a plaque to the students to be placed in the school to acknowledge the great accomplishment of these students.

Special Presentation: Blueberry Festival - *Olivia Dawson*

Olivia Dawson, Blueberry Festival Coordinator appeared before the Board to advise them of the plans for the Blueberry Festival which will be held on June 20, 2015. Ms. Dawson reviewed some of the changes that will occur at this year's festival including the repositioning of the stage on Fremont Street to allow for a Friday night event during the time that vendors will be setting up for the next day. There was a very lengthy discussion regarding potential issues that the Board had concerns about. Mr. McEwen advised he wanted the Board to be aware of the plans and to give feedback before the Blueberry Festival resolution is presented at the May meeting for formal approval. Commissioner Rooks said he felt that we should let the committee go forward with their plans and consider the formal resolution next month.

Special Presentation: UNCW Film Department - *Stephen Glowson & Glenn Pack*

Stephen Glowson, locations manager for a faculty directed short film at UNCW advised Glenn Pack was unable to attend. Mr. Glowson advised he is here to request that the Board consider granting a waiver of filming fees for their production planned for April 26th from 7AM to 11AM on the court house square. He advised this is a low impact student project with a cast of three and a crew of twelve. He advised he has received permission from the clerk of court for use of the square. After a brief discussion, Commissioner Robbins made a motion to approve Mr. Glowson's request to waive the film fees for the production by the UNCW Film Department on April 26, 2015. The motion was seconded by Commissioner and carried by unanimous vote.

Special Presentation: Stormwater Master Plan Final Draft – *W.K. Dickson, Inc.*

Carter Hubard and David Kiker with W. K. Dickson, Inc. appeared before the board to present a draft of the stormwater master plan that they have been working on over the last few months.

Mr. Kiker presented the stormwater master plan via a power point presentation. Mr. Kiker advised the town needs a well thought out plan that identifies existing flooding problems, how future land use and development will affect the existing systems, the need to prioritize the projects, how many people are affected, and the cost. He advised this master plan will give the town the tools necessary to identify future projects moving forward. He advised they have identified seven projects for the town. Those projects are Pender Memorial Hospital, Burgaw Creek, Osgood Canal and its nine road crossings, Village on Eighteen, Stag Park industrial complex, East Wilmington Street and Burgaw Loop Road. After an extensive presentation, there were many questions asked by the Board with much emphasis on the I-40 area which has been a problem area for many years. The Board was especially interested in whether the culverts under I-40 are large enough for a 100 year event. Mr. Kiker informed the Board that the interstate should be sized for a 100 year storm but that the I-40 culverts are sized for a 25 year storm. Mr. Kiker advised I-40 does not meet a level of service for a 100 year storm but it has a higher level of service than Burgaw Creek. Commissioner Rooks asked how much of the culvert under I-40 is buried in dirt. Mr. Kiker advised he could not answer that

question, but sediment in the culvert will affect the drainage. (A copy of the power point presentation is attached to the minutes.)

ITEMS FROM ATTORNEY – *Robert Kenan*

None.

BREAK –Mayor Mulligan called for a break at 5:15. The meeting reconvened at 5:30.

Mayor Mulligan requested to go ahead and take care of Item 14 Planning Board Vacancy before going to the public hearings. After a brief discussion regarding the rules for the nomination process, Commissioner Rooks commented that he would like to have some discussion about this item. He advised it is his understanding that William Smith has had his application on file for quite some time and that Bill King is currently serving on the Parks and Recreation Committee. He also commented that Vernon Harrell has applied for the position as well. Mayor Mulligan advised that Mr. Harrell has agreed to withdraw his application from the Planning Board and if nominated and appointed would be willing to serve on the Parks and Recreation Board for which there has been a vacancy for quite some time.

Mayor Mulligan stated that Mr. Smith has had an application on file for a while and that he lives in the ETJ. He advised Mr. King lives in town. Mayor Mulligan advised that we currently have an ETJ member (Ms. Ives) but she also has property in the town limits which qualifies her to be a regular planning board member per our ordinance. He advised if Mr. Smith is confirmed, Ms. Ives will be moved to the regular in town planning board member position.

Commissioner Dawson commented that Mr. King is currently serving on another committee and that Mr. Smith has planning board experience from when he lived in St. Helena. Commissioner Dawson made a motion to nominate Mr. William Smith to serve on the Planning Board. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Mayor Mulligan requested to appoint Mr. Vernon Harrell to the vacant position on the Parks and Recreation Board. Commissioner Rooks made a motion to approve Mayor Mulligan’s appointment of Mr. Harrell. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

PUBLIC FORUM – There were no speakers signed in for public forum.

PUBLIC HEARINGS – *Rebekah Roth, Planning Administrator*

Public Hearing 1

Consideration of an amendment to Sections 2-2, 4-9, 14-8, and 14-20 of the UDO to allow Solar Farms in the I-1 district

The public hearing was opened at 5:37PM.

Ms. Roth presented the following background information:

Background. Several property owners in Burgaw’s planning jurisdiction have been approached about using their land for solar farms. These large-scale solar energy systems have already been installed throughout eastern North Carolina, and several communities across the state have adopted regulations for them. Burgaw’s development ordinances do not currently address solar energy systems at all, though we have generally considered solar energy systems attached to structures (i.e. solar panels) as a building code issue rather than a zoning issue. Because solar farms are not specifically listed on our Table of Permitted Uses, our ordinance considers them prohibited.

Charles Wells, one of the property owners approached by a solar energy company, has applied for a text change amendment to add solar farms as a permitted use in the I-1 zoning district.

Research. Staff has reviewed the solar energy system regulations for 12 other jurisdictions both inside and outside of North Carolina and has spoken with the planner for nearby Warsaw, which has several solar farms on the ground. Staff has also consulted a 2014 publication of the School of Government, “Planning and Zoning for Solar in North Carolina,” and the “Template Ordinance for Solar

Energy Development in North Carolina,” developed by a 65-member working group representing members of local government, state government, private industry, the armed forces, and environmental nonprofits.

Planning Department Recommendation. Based on the information found in these sources, staff recommends adding “solar farms” as a conditional use in the I-1 zoning district. Solar farms are generally considered utility uses, which have traditionally been placed in industrial areas. Because of the nature of the review and the wide variety of I-1 zoned properties in Burgaw, staff recommends that the use be conditional rather than by right to ensure that each proposed development would not negatively affect adjacent property owners and would be in conformity with the Land Use Plan’s land use designations.

Proposed Text Change Amendment. The draft text amendment staff has prepared includes the following items:

- *Definitions are added for both “solar energy systems” and “solar farms.”* Solar energy systems include a variety of types of solar infrastructure, including solar panels. Having both definitions differentiates between this type of solar energy system and utility-scale systems such as solar farms.
- *“Solar Farm” is added as a conditional use in the I-1 zoning district.*
- *Section 14-8 is modified to ensure that solar panels are not considered prohibited uses since they are not specifically listed on the Table of Permitted Uses.* Rather than using the zoning ordinance to regulate solar panels, which are already regulated by the building code, this addition would consider solar panels to be a structural feature like a chimney.
- *Detailed regulations for solar farms are outlined, including:*
 - *Setbacks as recommended by the Template Ordinance for Solar Energy;*
 - *Either a type II (fence and vegetation) or type III (3-6 feet of vegetation to form an opaque screen) buffer would be required along street rights-of-way and property lines shared with residentially zoned or used properties;*
 - *Height limit as recommended by the Template Ordinance for Solar Energy;*
 - *Increased elevation if structures are placed in a floodway or 100-year flood zone;*
 - *Fencing, walls, or other barriers to restrict physical access by unauthorized persons;*
 - *Lighting be directed away from roads and other properties;*
 - *Devices be designed and located to avoid glare or reflection on roads and other properties;*
 - *Signage limited to identification signs and required warnings;*
 - *Solar access be dealt with between private property owners; and*
 - *A decommissioning plan.*
- *Notification of aviation officials and decommissioning plan along with site plan for application*

Consistency with the Burgaw 2030 Comprehensive Land Use Plan. Several goals, policies, and actions of the Land Use Plan cover the proposed text change amendment. They include:

- *Economic Development Goal 2, Policy 4: Facilitate private sector efforts to implement state-of-the-art technology, including communication technology, throughout the community*
- *Agriculture and Forestry Goal 1: To preserve existing agricultural and forest lands*
- *Environmental Protection Goal 1, Action 4: Amend the town’s development ordinances to allow for and support alternative energy use and industries*
- *Future Land Use Map*
 - *The majority of I-1 zoned properties are designated as Industrial & Institutional, which is intended to allow for large-scale light industry and large-scale institutional uses. Recommended land uses include light industry and manufacturing, education, and large-scale governmental complexes.*
 - *Some I-1 zoned properties are designated as Rural Character, which means they are intended to remain rural in nature, with low density and a primarily agricultural character. Recommended uses include low-density residential, agriculture, forestry, and recreational amenities.*

In general, the Land Use Plan is supportive of alternative energy. However, the level of support would be dependent on the location and character of the particular property, reinforcing the importance of allowing such uses as conditional rather than by right.

Planning Board Recommendation. At their March 19, 2015 meeting, the Planning Board voted to recommend approval of the proposed text change amendment, with the addition of the requirement for a bond as part of the decommissioning plan. In addition, the board adopted the following consistency statement:

The board finds that the proposed text change is consistent with the Burgaw 2030 Comprehensive Land Use Plan because the plan recommends facilitating private sector efforts to implement state-of-the-art technology and amending the town’s development ordinances to allow for and support alternative energy use and industries. In addition, most of the town’s current I-1 zoning district is designated as Industrial & Institutional, which is intended for large-scale light industry, on the Future Land Use Map. The board also finds that the proposed text change amendment is reasonable because utility uses are generally allowed in industrial areas and in the public interest because this type of industry is an environmentally friendly way to provide electric power and the proposed amendment mitigates negative impacts on adjacent property owners and drivers.

Commissioner Robbins asked what kind of lighting would be in place for the night hours. Ms. Roth said the lighting would have to be shielded so that it does not have impact on adjacent properties and motion detector sensors are preferred. She also commented that since the placement of a solar farm would require a conditional use, if lighting is an issue, the permit could set forth lighting limitations. There was much discussion regarding the lighting issue in different I-1 districts in the town’s zoning jurisdiction.

Charles Wells advised he is here to answer questions but has no comments.

Attorney Kenan advised he would like to inform the Board that he has met with two individuals that are interested in placing solar farms in the ETJ area with one being in the RA zone. He advised he wanted the Board to be aware that there may be a request in the near future for a solar farm to be allowed in the RA zoning district in the town's ETJ.

Commissioner Robbins asked if buffering would be a requirement for conditional use for a solar farm. Ms. Roth advised there will be a buffering requirement on anything adjacent to residentially zoned or used property.

Commissioner Robbins reiterated that his major concern is the lighting and wants that issue to be looked at carefully when approving a conditional use permit.

There being no further comments, Mayor Mulligan closed the public hearing at 5:50PM.

Commissioner Rooks made a motion to approve Resolution 2015-16 Adopting a Statement Regarding the Consistency of a Requested Text Change Amendment to Allow Solar Farms in the I-1 District with the Burgaw 2030 Comprehensive Land Use Plan. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

RESOLUTION 2015-16

ADOPTING A STATEMENT REGARDING THE CONSISTENCY OF A REQUESTED TEXT CHANGE AMENDMENT TO ALLOW SOLAR FARMS IN THE I-1 DISTRICT WITH THE BURGAW 2030 COMPREHENSIVE LAND USE PLAN

WHEREAS, applicant Charles E. Wells is requesting that solar farms be allowed in the I-1, Light Industrial, zoning district; and **WHEREAS**, Town of Burgaw planning staff have reviewed the proposed text change for consistency with the Burgaw 2030 Comprehensive Land Use Plan and presented their findings to the Town of Burgaw Planning Board and Town of Burgaw Board of Commissioners; and

WHEREAS, the Town of Burgaw Planning and Zoning Board voted at their March 19, 2015 meeting to recommend the adoption of a draft 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 April 14, 2015 meeting and find the requested text change amendment to be consistent with the Burgaw 2030 Comprehensive Land Use Plan, reasonable, and in the public interest;

NOW THEREFORE BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the proposed text change is consistent with the Burgaw 2030 Comprehensive Land Use Plan because the plan recommends facilitating private sector efforts to implement state-of-the-art technology and amending the town's development ordinances to allow for and support alternative energy use and industries. In addition, most of the town's current I-1 zoning district is designated as Industrial & Institutional, which is intended for large-scale light industry, on the Future Land Use Map. The board also finds that the proposed text change amendment is reasonable because utility uses are generally allowed in industrial areas and in the public interest because this type of industry is an environmentally friendly way to provide electric power and the proposed amendment mitigates negative impact on adjacent property owners and drivers.

Adopted this 14th day of April, 2015.

Commissioner Dawson made a motion to approve Ordinance 2015-08 Approving an Amendment to the Town of Burgaw Unified Development Ordinance Allowing Solar Farms in the I-1 District. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

ORDINANCE 2015-08

APPROVING AN AMENDMENT TO THE TOWN OF BURGAW UNIFIED DEVELOPMENT ORDINANCE ALLOWING SOLAR FARMS IN THE I-1 DISTRICT

WHEREAS, the Town of Burgaw is a municipal corporation organized under the laws of North Carolina, invested with the powers enumerated in Chapter 160A of the North Carolina General Statutes; and

WHEREAS, the Town of Burgaw Board of Commissioners adopted the Unified Development Ordinance (UDO) and official zoning map on December 12, 2000; and

WHEREAS, applicant Charles E. Wells has applied for a text change amendment to allow solar farms in the I-1, Light Industrial, zoning district; and

WHEREAS, the Town of Burgaw Planning and Zoning Board has found that the proposed amendment would protect adjacent properties and the community from negative impacts while supporting a new industry; and

WHEREAS, the Planning and Zoning Board voted at their March 19, 2015 meeting to recommend the approval of the requested amendment to allow solar farms in the I-1 zoning district; and

WHEREAS, the Town of Burgaw Board of Commissioners finds that the proposed amendment is consistent with the Burgaw 2030 Comprehensive Land Use Plan because it recommends facilitating private sector efforts to implement state-of-the-art technology and amending the town's development ordinances to allow for and support alternative energy use and industries; and

WHEREAS, the Board of Commissioners finds that the proposed amendment is reasonable because utility uses are generally allowed in industrial areas; and

WHEREAS, the Board of Commissioners finds that the proposed amendment is in the public interest because this type of industry is an environmentally friendly way to provide electric power and the proposed amendment mitigates negative impacts on adjacent property owners and drivers;

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

SECTION 1: The Town of Burgaw Unified Development Ordinance Sections 2-2, 4-9, 14-8, and 14-20 be amended as attached.

SECTION 2: This amendment to the Unified Development Ordinance becomes effective immediately upon adoption of this ordinance on this, the 14th day of April 2015.

Section 2-2: Definitions of Basic Terms

Solar Energy System (SES). The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems.

Solar Farm. A solar energy system that generates electricity from sunlight to a wholesale electricity market through a regional transmission organization and an interconnection with the local utility power grid and/or for direct distribution to more than one property or consumer as a commercial venture.

Section 4-9: Table of Permitted Uses

| Uses ²⁴ | NAICS ¹ | RA | R-20 | R-12 | R-7 | R-7MH | PUD ² | O&I | B-1 | B-2 | I-1 | I-2 | C/P |
|--------------------|--------------------|----|------|------|-----|-------|------------------|-----|-----|-----|-----|-----|-----|
| Solar Farm | | | | | | | | | | | C | | |

Section 14-8: Notes to the Table of Area, Yard, and Height Requirements

¹³Height Restrictions/Modifications. Chimneys, belfries, conveyors, cupolas, derricks, domes, gasholders, fire towers, flagpoles, flues, monuments, smokestacks, transmission towers, ventilators, water towers, tanks, radio towers, poles, antennae, wires, and similar structures may be erected to any height in accordance with this ordinance or any ordinance of the Town of Burgaw provided the foundation guy wires, supports, or anchorage of the structure is constructed in an acceptable method and approved by Building Inspector or his authorized agents. The provisions of *Section 14-7: Table of Area, Yard, and Height Requirements* do not apply to the enumerated items.

Solar energy systems (SESS) mounted to the roof of a structure must meet the height requirements in the applicable zoning district.

Section 14-20: Regulations for Conditional Uses

Solar Farms (I-1)

Detailed Regulations

- All structures shall be set back 30 feet from the front property line, 15 from the side, and 25 feet from the rear. In addition, all structures must be set back a minimum of 100 feet from any residential dwelling unit.
- A type II or III buffer shall be required to be installed along any adjacent street right-of-way or residentially zoned or used property.
- Solar power electric generation structures shall not exceed twenty (20) feet in height as measured from the grade at the base of the structure to its highest point.
- Solar farms located within the floodway or 100-year floodplain shall elevate all electrical connections one foot above the base flood elevation (BFE).
- Physical access shall be restricted by fencing, walls, or other appropriate means. Razor wire is prohibited.
- If lighting is provided, it shall be shielded and downcast so that light does not spill onto adjacent parcels or rights-of-way. Motion sensor control is preferred.
- Solar collection devices shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.
- With the exception of the manufacturer’s or installer’s identification, appropriate warning signs, and owner identification sign, all other signs shall be prohibited.
- A solar energy system shall be located to ensure that solar access to a solar energy system shall not be obstructed over time by permissible uses or activities on any adjacent property (i.e. by planting or growth of vegetation, new construction, etc.). It shall be the responsibility of the owner of the solar farm to obtain appropriate solar access easements from neighboring property owners and to notify the town upon the recording of any such easement. All solar access easements shall be recorded with the Pender County Register of Deeds.
- A decommissioning plan, approved by the town as part of the approved conditional use permit, prior to final electrical inspection.
- The placement of a bond covering the cost of decommissioning as estimated by the applicant and approved by the Town of Burgaw Board of Commissioners

Additional Required Information for Application

- A map analysis showing a radius of five (5) nautical miles from the center of the solar farm with any airport operations within this area highlighted.
- Copies of letters, proof of notification, and date of delivery of notice to NC Commanders Council of intent to construct the solar farm, including location of farm (i.e. map, coordinates, address, or parcel ID), technology, and the area of the system, if applicable

- Copies of letters, proof of notification, and date of delivery of notice to Federal Aviation Administration's (FAA) Airport District Office (ADO) with oversight of North Carolina, including a full Solar Glare Hazard Analysis Tool (SGHAT) report and contact information for the zoning administrator, if applicable
- A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following:
 - Defined conditions upon when decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, etc.)
 - Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations
 - Restoration of property to condition prior to development of the SES
 - The timeframe for completion of decommissioning activities
 - Description of any agreement (e.g. lease) with landowner regarding decommissioning
 - The party currently responsible for decommissioning
 - Plans for updating this decommissioning plan

Public Hearing 2

Consideration of an amendment to Article 4 Zoning Districts and Zoning Maps and Article 5 Supplementary Use Standards of the UDO to add design standards and establish a Gateway Overlay zoning district

The public hearing was opened at 5:51PM.

Ms. Roth presented the following background material:

Background. This past summer, the Board of Commissioners requested that planning staff and the Planning Board look at establishing design standards, particularly for structures near the intersection of Hwy 53 and Hwy 117. Over the past few years, several properties have been developed along those highways. Three of those properties required conditional use permits for planned building groups, and the Board of Commissioners attempted to require high-quality architecture and design. However, without design standards as a tool, the ability of the town to require particular designs was uncertain, and even with the design recommendations of the Burgaw 2030 Comprehensive Land Use Plan, the town had to negotiate with developers for quality development. While the NC 53 Corridor Study, adopted in December 2006, recommended the adoption of a gateway overlay district to promote better landscaping, access management, and sign controls and to restrict blank façades, this recommendation has never been actively pursued because of concerns regarding the application of such an overlay district and its burden on local businesses. However, the recent development interest in this part of town and concerns regarding site and building design features renewed the commissioners' interest in a gateway overlay.

In response to board concerns, staff drafted and the Planning Board recommended approval of an amendment to the Unified Development Ordinance that would establish design standards for all planned building groups. The Planning Board had decided that establishing a gateway overlay district, which would require both a text change and a rezoning process, was not preferable. When the draft amendment was presented to the Board of Commissioners, however, they expressed concern that the design standards were too onerous and did not target the area they had intended. In October, they tabled the item for further review from the Planning Board.

In January, the Planning Board held a Design Standards Workshop to get more information on each proposed standard and feedback from the public. Based on the information received at that workshop, planning staff amended the original draft, and the Planning Board discussed the amendment and its application at their February meeting. It was decided, based on public input, that basic standards were needed in all commercial areas, with additional standards for large buildings, structures near the Hwy 117 and 53 intersection, and in the downtown.

Proposed Amendment. The proposed text amendment establishes a Gateway Overlay zoning district and outlines design standards for structures in the B-1 (Downtown), B-2 (Highway Commercial), and Gateway Overlay districts, along with standards for commercial Planned Building Groups (developments with multiple building or a building over 7,000 square feet). These design standards are intended to provide clear requirements to ensure development is cohesive, seems permanent because of the use of primarily masonry materials, and has some visual interest if large or located in the downtown or gateway overlay districts. The most stringent design standards are for new structures in the downtown zoning district, but the retrofit of historic buildings is not required in order to protect the integrity of the historic district.

Consistency with the Burgaw 2030 Comprehensive Land Use Plan. The Land Use Plan has several portions relevant to the proposed text change amendment, including:

- *Land Use Goal 3: To encourage quality and controlled growth that enhances and maintains the community's character*
- *Land Use Goal 3, Action 2: Develop design standards for infill and new commercial, mixed-use, and multi-family developments*
- *Land Use Goal 3, Action 5: Apply development standards to ensure that new developments are human scaled, pedestrian friendly, and physically integrated with the surrounding area*
- *Economic Development Goal 1: To support the profitability and sustainability of existing businesses and industries*
- *Economic Development Goal 1, Action 1: Implement land development standards within the town's commercial areas that promote high quality, aesthetically attractive development, in order to add to and protect the existing economic value in those areas*
- *Future Land Use Map*

- The majority of properties and developments that would be affected by the proposed design standards are designated as Commercial Growth. Development guidelines for these properties include:
 - *Provision of pedestrian and bicycle connections to parking and other buildings and properties*
 - *Hiding of larger parking lots (more than one double row deep) from thoroughfares with out-lot structures or rear parking lots*
 - *Increased landscaping to buffer parking areas, outside storage, display areas, etc.*
 - *Masonry façades*
 - *Monument, ground, or column signs*
 - *Mitigation of bulk of large buildings through façade detailing and window coverage*
 - *Site design to protect flood hazard or wetland areas*

The Land Use Plan reiterates the need for design standards for commercial development in several portions of the plan. The economic development goal to support existing businesses and industries could be seen as opposing design standards because of the added burden to those businesses; however, if the right balance is struck by the ordinance, the value of these properties will be enhanced due to design standards for new developments and any required standards would be reasonable in the case of expansions.

Planning Department Recommendation. Planning staff recommends the adoption of the proposed text amendment. It is more targeted and includes fewer regulations than the proposal tabled by the board in October, takes into account citizen input from the Design Standards Workshop, and is written to balance the concerns of the community with recognition of the logistical and financial constraints faced by developers.

Planning Board Recommendation. At their March 19, 2015 meeting, the Planning Board voted to recommend approval of the proposed text change amendment.

In addition, the board adopted the following consistency statement:

The board finds that the proposed text change is consistent with the goals of the Burgaw 2030 Comprehensive Land use Plan, in that it encourages quality and controlled growth that enhances and maintains the community's character and supports the profitability and sustainability of existing businesses and industries. In addition, the Land Use Plan recommends developing design standards for infill and new commercial, mixed-use, and multi-family developments; applying development standards to ensure that new developments are human scaled, pedestrian friendly, and physically integrated with the surrounding area; implementing land development standards within the town's commercial areas that promote high quality, aesthetically attractive development in order to add to and protect the existing economic value of these areas; and requiring masonry façades, ground signs, and façade details in the Commercial Growth land use category. The board also finds that the proposed text change amendment to add design standards is reasonable because it seeks to balance the interests of the community with the potential cost to property owners. Moreover, the board finds that it is in the public interest to adopt design standards to ensure that new development is of high quality and does not diminish the values of existing properties.

Commissioner Rooks said that he believes Commissioner Dawson was the one that requested design standards and asked if this meets her requirements. Commissioner Dawson said if we had the design standards in place when Bojangles was in the works then they would have known what was required at the beginning of the process.

Commissioner Rooks asked Ms. Roth how many people attended the Design Standards Workshop. Ms. Roth said she believes it was around ten to fifteen not including planning board members and staff. Commissioner Rooks said he can somewhat see the need for this, but it is one more example of more regulations that drives him up the wall. Ms. Roth said her major concern is that if these requirements are already in place, the applicant knows what is expected of them. She said it is hard when the applicant gets deep into the process and learns they have to make changes.

Commissioner Dawson commented that the staff and planning board did a good job on this project. Commissioner Robbins commented that all this came about because of the issues with the Dollar General Store when it was built.

There being no further comments, Mayor Mulligan closed the public hearing at 6:03PM.

Commissioner Dawson made a motion to approve Resolution 2015-17 Adopting a Statement Regarding the Consistency of a Proposed Text Change Amendment to Establish Design Standards and a Gateway Overlay Zoning District with the Burgaw 2030 Comprehensive Land Use Plan. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

**RESOLUTION 2015-17
ADOPTING A STATEMENT REGARDING THE CONSISTENCY OF A PROPOSED TEXT CHANGE AMENDMENT
TO ESTABLISH DESIGN STANDARDS AND A GATEWAY OVERLAY DISTRICT
WITH THE BURGAW 2030 COMPREHENSIVE LAND USE PLAN**

WHEREAS, in 2014, the Town of Burgaw Board of Commissioners requested that planning staff and the planning board develop and consider an amendment to add design standards for the properties near the intersection of Highways 117 and 53; and **WHEREAS**, Town of Burgaw planning staff have reviewed the proposed text change for consistency with the Burgaw 2030 Comprehensive Land Use Plan and presented their findings to the Town of Burgaw Planning Board and Town of Burgaw Board of Commissioners; and **WHEREAS**, the Town of Burgaw Planning and Zoning Board voted at their March 19, 2015 meeting to recommend the adoption of a draft 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 April 14, 2015 meeting and find the requested text change amendment to be consistent with the Burgaw 2030 Comprehensive Land Use Plan, reasonable, and in the public interest; **NOW THEREFORE BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT** the proposed text change is consistent with the Burgaw 2030 Comprehensive Land Use Plan, in that it encourages quality and controlled growth that enhances and maintains the community's character and supports the profitability and sustainability of existing businesses and industries. In addition, the Land Use Plan recommends developing design standards for infill and new commercial, mixed-use, and multi-family developments; applying development standards to ensure that new developments are human scaled, pedestrian friendly, and physically integrated with the surrounding area; implementing land development standards within the town's commercial areas that promote high quality, aesthetically attractive development in order to add to and protect the existing economic value of those areas; and requiring masonry façades, ground signs, and façade details in the Commercial Growth land use category. The board also finds that the proposed text change amendment to add design standards is reasonable because it seeks to balance the interests of the community with the potential cost to property owners. Moreover, the board finds that it is in the public interest to adopt design standards to ensure that new development is of high-quality and does not diminish the values of existing properties. Adopted this 14th day of April, 2015.

Commissioner Robbins made a motion to approve Ordinance 2015-09 Approving an Amendment to Articles 4 and 5 of the Town of Burgaw Unified Development Ordinance Establishing Design Standards and a Gateway Overlay Zoning District. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

**ORDINANCE 2015-09
APPROVING AN AMENDMENT TO ARTICLE 4 AND 5 OF THE TOWN OF BURGAW UNIFIED DEVELOPMENT
ORDINANCE ESTABLISHING DESIGN STANDARDS AND A GATEWAY OVERLAY ZONING DISTRICT**

WHEREAS, the Town of Burgaw is a municipal corporation organized under the laws of North Carolina, invested with the powers enumerated in Chapter 160A of the North Carolina General Statutes; and **WHEREAS**, the Town of Burgaw Board of Commissioners adopted the Unified Development Ordinance (UDO) and official zoning map on December 12, 2000; and **WHEREAS**, in 2014, the Town of Burgaw Board of Commissioners requested that planning staff and the planning board develop and consider an amendment to add design standards for the properties near the Highway 117 and 53 intersection; and **WHEREAS**, the Board of Commissioner tabled a draft amendment in October 2014 due to concerns that the standards were too stringent and that more public input was needed; and **WHEREAS**, the Town of Burgaw Planning and Zoning Board held a Design Standards Workshop in January 2015 to gather input from the public; and **WHEREAS**, the proposed amendment reflects the concerns of the Board of Commissioners and the input of the public from the Design Standards Workshop; and **WHEREAS**, the Planning and Zoning Board voted at their March 19, 2015 meeting to recommend the approval of the proposed text change; and **WHEREAS**, the Town of Burgaw Board of Commissioners finds that the proposed amendment is consistent with the Burgaw 2030 Comprehensive Land Use Plan because it encourages quality and controlled growth that enhances and maintains the community's character and recommends developing design standards in commercial areas four separate times; and **WHEREAS**, the Board of Commissioners finds that the proposed amendment is reasonable because it seeks to balance the interests of the community with the potential cost to property owners; and **WHEREAS**, the Board of Commissioners finds that the proposed amendment is in the public interest because it will ensure that new development is of high quality and does not diminish the values of existing properties; **NOW THEREFORE BE IT ORDAINED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT:**
SECTION 1: The Town of Burgaw Unified Development Ordinance Articles 4 and 5 be amended as attached.
SECTION 2: This amendment to the Unified Development Ordinance becomes effective immediately upon adoption of this ordinance on this, the 14th day of April 2015.

Attachment:

**ARTICLE 5. SUPPLEMENTARY USE REGULATIONS
PART IV. DESIGN STANDARDS**

Section 5-15: Purpose and Intent

It is the intent of this section to protect the public health, safety, and general welfare by regulating the appearance of certain types of development in order to protect and preserve the appearance, character, and value of adjacent properties. In addition, these design standards are intended to identify the Town's goals and expectations for the quality of new development as a means of establishing greater predictability during the development review process. Specifically, the purposes of this section are to:

- Establish a strong sense of place with high-quality development in key areas of town;
- Encourage a more pedestrian-friendly environment through attention to human-scale design and site features;

- Ensure compatibility with the context of surrounding areas; and
- Preserve the unique visual character and quality of life of the Town.

Section 5-16: Applicability

- A. New Structures.** The provisions in this section shall apply to all new structures in the B-1, B-2, and Gateway Overlay zoning districts and to Planned Building Groups—Commercial and/or Office/Institutional.
- B. Expansions.**
- B-1 Zoning District. Expansions of existing structures of 25% or greater of the current floor area shall comply with all standards for the expansion areas only.
 - Planned Building Groups—Commercial and/or Office/Institutional (excluding the B-1 District) and B-2 and Gateway Overlay Zoning Districts.
 - Expansions of existing structures of less than 50% of the current floor area shall be required to comply with these standards to the expansion areas only.
 - Expansions of 50% or greater of the current floor area shall comply with all standards on façades visible from a public right-of-way.
- C. Renovations.**
- Exterior structural renovations to Planned Building Groups—Commercial and/or Office/Institutional (excluding the B-1 District) and to existing structures in the B-2 and Gateway Overlay Zoning Districts shall be required to comply with these standards on the renovation areas only, excepting mirrored glass or glass tinted over 30% shall not be allowed to be replaced.
 - Renovations of existing structures in the B-1 zoning district are not required to comply with these standards, excepting mirrored glass or glass tinted over 30% shall not be allowed to be replaced.

Section 5-17: Design Standards for B-1 Central Business District

- A. Orientation.** A primary entrance façade shall be oriented toward the primary public street, be designed for the pedestrian, and be distinguishable from the rest of the building and other entrances. Additional entrances may be oriented toward the side or rear parking lots.
- B. Parking.** No more than two rows of parking shall be allowed in front of the primary entrance façade.
- C. Design Features.**
- Permitted architectural features shall be required on primary façades according to the schedule outlined below:

| Façade Width | Minimum # Feature Types | Minimum # Features |
|--------------|-------------------------|--------------------|
| <60 ft. | 2 | 4 |
| 60-119 ft. | 3 | 6 |
| 120+ ft. | 4 | 8 |

- Allowed feature types include:
 - Offsets of the building wall or other elements in plan of 4 ft.;
 - A colonnade with columns or other vertical elements;
 - Awnings or canopies;
 - Covered entries or porticos;
 - Recessed entries;
 - Storefront (mid-wall) cornice;
 - Transom;
 - Masonry piers;
 - Ground-level bulkhead;
 - Trellises;
 - Bay window or balcony;
 - Decorative cornice;
 - Pilasters, which must be a different material or contrasting color from their background;
 - Arcades or arches;
 - Tile work and moldings that are integrated into the building structure;
 - A combination of the above list; and
 - Any other type of feature not listed here that is deemed by the approval authority to meet the intent of this Ordinance.
 - Required features must be distributed throughout the building façade and shall not be clustered.
 - All façades visible from a public street shall be configured with three of the same façade details as provided on the front façade.
- D. Transparency.**
- Windows shall be provided along at least ten percent (10%) of the building’s ground floor street-facing elevation(s), excluding accessory structures.
 - Mirrored glass is prohibited from use. Reflective tinted glass is acceptable up to 30% tint.
- E. Materials.** Building walls shall incorporate brick, cast stone, stone, formed concrete, or other masonry material over a minimum seventy-five percent (75%) surface area, excluding windows. The remainder of the wall area may incorporate other materials.
- F. Colors.** Façade colors shall be of low reflectance earth tone, muted, subtle, or neutral colors. Building trim may feature brighter colors as an accent material. The use of high-intensity, metallic, fluorescent, dayglow, or neon colors shall be prohibited.
- G. Mechanical Screening and Equipment.** All mechanical equipment shall be screened from view from all streets and public ways.

- H. **Outdoor Storage and Accessory Structures.** Storage and other accessory buildings shall be located behind the primary building or shall be architecturally compatible with the primary building.

Section 5-18: Design Standards for Gateway Overlay District

- A. **Transparency.**
 - a. Windows shall be provided along at least ten percent (10%) of the building’s ground floor street-facing elevation(s), excluding accessory structures.
 - b. Mirrored glass is prohibited from use. Reflective tinted glass is acceptable up to 30% tint.
- B. **Materials.**
 - a. Building walls of new structures shall incorporate brick, cast stone, stone, formed concrete, or other masonry material over a minimum seventy-five percent (75%) surface area, excluding windows. The remainder of the wall area may incorporate other materials.
 - b. Expansions shall use materials comparable and/or compatible to those used in the existing structure.
- C. **Mechanical Screening and Equipment.** All mechanical equipment shall be screened from view from all streets and public ways.
- D. **Outdoor Storage and Accessory Structures.** Storage and other accessory buildings shall be located behind the primary building or shall be architecturally compatible with the primary building.
- E. **Signage.** All freestanding ground signs are required to be monument signs with a masonry based composed of the same primary material used for the building walls.
- F. **Outparcel Buildings.** Outparcel buildings shall include exterior materials and colors that are compatible with the primary building in the development.

Section 5-19: Design Standards for B-2 Highway Business District

- A. **Transparency.**
 - a. Windows shall be provided along at least ten percent (10%) of the building’s ground floor street-facing elevation(s), excluding accessory structures.
 - b. Mirrored glass is prohibited from use. Reflective tinted glass is acceptable up to 30% tint.
- B. **Materials.**
 - a. Building walls shall incorporate brick, cast stone, stone, formed concrete, or other masonry material over a minimum fifty percent (50%) surface area, excluding windows. The remainder of the wall area may incorporate other materials.
 - b. Expansions shall use materials comparable and/or compatible to those used in the existing structure.
- C. **Outdoor Storage and Accessory Structures.** Storage and other accessory buildings shall be located behind the primary building or shall be architecturally compatible with the primary building.

Section 5-19: Design Standards for Planned Building Groups—Commercial and/or Office/Institutional excluding the B-1 District

- A. **Design Features.**
 - a. Permitted architectural features shall be required on primary façades according to the schedule outlined below:

| Façade Width | Minimum # Feature Types | Minimum # Features |
|--------------|-------------------------|--------------------|
| <40 ft. | 1 | 2 |
| 40-79 ft. | 2 | 4 |
| 80-119 ft. | 3 | 6 |
| 120+ ft. | 4 | 8 |

- b. Allowed feature types include:
 - i. Offsets of the building wall or other elements in plan of 4 ft.;
 - ii. A colonnade with columns or other vertical elements;
 - iii. Awnings or canopies;
 - iv. Covered entries or porticos;
 - v. Recessed entries;
 - vi. Storefront (mid-wall) cornice;
 - vii. Transom;
 - viii. Masonry piers;
 - ix. Ground-level bulkhead;
 - x. Trellises;
 - xi. Bay window or balcony;
 - xii. Decorative cornice;
 - xiii. Pilasters, which must be a different material or contrasting color from their background;
 - xiv. Arcades or arches;
 - xv. Tile work and moldings that are integrated into the building structure;
 - xvi. A combination of the above list; and
 - xvii. Any other type of feature not listed here that is deemed by the approval authority to meet the intent of this Ordinance.
- c. Required features must be distributed throughout the building façade and shall not be clustered.
- d. All façades visible from a public street shall be configured with three of the same façade details as provided on the front façade.

- B. Transparency.**
 - a. Windows shall be provided along at least ten percent (10%) of the building's ground floor street-facing elevation(s), excluding accessory structures.
 - b. Mirrored glass is prohibited from use. Reflective tinted glass is acceptable up to 30% tint.
- C. Composition.** Primary façades 100 feet in width or wider shall be divided into architecturally distinct sections 60 feet or less in width.
- D. Materials.**
 - a. Building walls shall incorporate brick, cast stone, stone, formed concrete, or other masonry material over a minimum seventy-five percent (75%) surface area, excluding windows. The remainder of the wall area may incorporate other materials. Structures in the O&I and PUD district may also use concrete siding.
 - b. Expansions shall use materials comparable and/or compatible to those used in the existing structure.
- E. Colors.** Façade colors shall be of low reflectance earth tone, muted, subtle, or neutral colors. Building trim may feature brighter colors as an accent material. The use of high-intensity, metallic, fluorescent, dayglow, or neon colors shall be prohibited.
- F. Mechanical Screening and Equipment.** All mechanical equipment shall be screened from view from all streets and public ways.
- G. Outparcel Buildings.**
 - a. Loading, service, and equipment areas that are associated with an outparcel building shall be screened through the use of structural elements and similar materials attached to and integrated with the building.
 - b. Outparcel buildings shall include a consistent level of architectural detail on all four sides of the building as well as exterior materials and colors that are compatible with the primary building in the development.

Article 4. Zoning Districts and Zoning Map

PART I. ZONING DISTRICTS

Section 4-1: Establishment of Zoning Districts, and the Purpose Thereof

Overlay Zoning Districts

Overlay zoning districts are special zoning areas in which requirements are imposed in addition to the basic or underlying zoning district requirements.

(B) GA Gateway Overlay District. The purpose of this district is to provide for architectural and site design features that will notify through-travelers that they are entering a community environment and transition from highway commercial and rural areas to residential and historic areas.

Section 5-10: Business Planned Building Group Regulations

- (A) Construction or Expansion in B-1 Districts Only. The following planned building group regulations shall apply to all new construction or expansion of existing buildings in B-1 zoned property. These requirements shall be in effect for both the development of individual buildings and parcels and two (2) or more buildings on a single parcel. Supplemental Standards for Evaluation. For expansions of existing buildings, this standard shall be in addition to those detailed in Section 14-19:
 - o The proposed addition meets the Secretary of the Interior's Standards for the Treatment of Historic Properties.

Public Hearing 3

Consideration of an amendment to the official Town of Burgaw Zoning Map applying the Gateway Overlay zoning district to commercial properties along Highways 117 and 53 near their intersection

The public hearing was opened at 6:04PM.

Ms. Roth provided the following background material:

Applicant: Town initiated
Type of Request: Overlay Rezoning
Meeting dates: Planning Board on March 19, 2015 - Board of Commissioners on April 14, 2015
Location: Along Hwy 117 and Hwy 53 near their intersection
Current Zoning: B-2, Highway Business
Proposed Zoning: Gateway Overlay (GA) in addition to B-2
Surrounding Zoning: B-2, R-20, R-12, R-7
Surrounding Land Uses: Vacant, Residential, Commercial
Staff Recommendation: Approval
Planning Board Recommendation: Approval

Summary

This past summer, the Board of Commissioners requested that planning staff and the Planning Board look at establishing design standards for structures near the intersection of Hwy 53 and Hwy 117 in accordance with the recommendations of the NC 53 Corridor Study, adopted in 2007. In order to apply standards to these specific properties, an overlay zoning district must be created and applied on the ground. The properties being considered for overlay rezoning are all commercially zoned and in the town limits and either

- front Hwy 53 between Stag Park Rd. and the residentially zoned properties near Timberly Lane, or
- front Hwy 117 between Ridgewood Avenue and the intersection with Hwy 117 Business.

Implications

The purpose of the Gateway Overlay district is defined as “to provide for architectural and site design features that will notify through-travelers that they are entering a community environment and transition from highway commercial and rural areas to residential and historic areas.” Since this is an overlay, all requirements of the B-2 zoning district will still be in force; any architectural or site design standards would be imposed in addition to general zoning, sign, and setback requirements.

Conformity with Burgaw 2030 Comprehensive Land Use Plan and Other Adopted Plans

Burgaw 2030 Comprehensive Land Use Plan

Land Use Goal 3: To encourage quality and controlled growth that enhances and maintains the community's character
Economic Development Goal 1, Action 1: Implement land development standards within the town's commercial areas that promote high quality, aesthetically attractive development, in order to add to and protect the existing economic value to those areas

Future Land Use Map: Designates the properties in this area as Commercial Growth, a land use designation with design recommendations including requiring of ground signs, architectural features, and masonry materials.

The Land Use Plan does not specifically designate this area for design standards, but it does recommend this type of regulation for commercial development in general. The plan also recommends producing a small area plan particular for this area.

NC 53 Corridor Study

Recommendations:

The Commercial Transition Zone is a major retail area centered at the intersection of US 117 and NC 53 and continuing along US 117. Land use changes along the NC 53 Corridor indicate a shift in the area near the intersection from residential to commercial uses. However, a smooth transition between land uses is necessary to create a cohesive and pleasant streetscape effect. One way to accomplish this is to create a “gateway” inviting motorists, pedestrians, and bicyclists into the corridor. This gateway would incorporate elements of the streetscape features used elsewhere in the corridor.

Adopt a Gateway Corridor Overlay District: This overlay district should be implemented for the B-2 Commercial District located at the NC 53 and US 117 intersections. The Town of Burgaw may want to extend the Gateway Corridor Overlay District along NC 53 to the I-40 interchange once this area is annexed by the Town. Additional parking, landscaping, and access management regulations would be addressed.

The NC 53 Corridor specifically recommends an overlay district for this area in order to apply building and site design standards. The Board of Commissioners has used this recommendation to request design elements during the conditional use permit process in the past and have generally required them for buildings visible from the Highway 53 and Highway 117 intersection. This is why some lots along Hwy 117 are included in the proposed rezoning. Since the land between Stag Park Rd. and I-40 was never annexed, those properties are not included in this district.

Staff Recommendation

I recommend the rezoning of these properties. The majority of properties proposed for rezoning are all likely to be developed or redeveloped for commercial purposes. The town has expressed a desire to impose additional regulations on development in this area since the adoption of the Corridor Study and has placed conditions on conditional use permits regarding design. By applying the overlay zoning district, developers will know upfront what the town requirements will be, and the town will not have to negotiate for the type of development that is desired. Site plan review requires a great deal of time and consideration and having clear standards for elements that are common to all projects will allow staff and boards to focus on elements particular to the property in question.

Planning Board Recommendation

At their March 19, 2015 meeting, the Planning Board voted to recommend approval of the proposed rezoning.

In addition, the board adopted the following consistency statement:

The board finds that the proposed rezoning is consistent with the goals of the Burgaw 2030 Comprehensive Land Use Plan, in that all properties to be included in the Gateway Overlay zoning district are designated as Commercial Growth, which has development guidelines in line with those intended to be addressed by the rezoning. In addition, the NC 53 Corridor Study, another plan adopted by the Town of Burgaw Board of Commissioners, recommends that a Gateway Corridor Overlay District be applied to properties along Hwy 53 between the town limits and residential properties near Timberly Lane in order to place additional parking, landscaping, and access management regulations. The board also finds that the proposed text change is reasonable because all properties under consideration are already zoned commercial, are within the town limits, and the majority are poised for development or redevelopment. Moreover, the board finds that the overlay rezoning is in the public interest because it provides a mechanism to allow additional building and site design regulations for an area identified as a gateway to the town's residential and historic districts and already experiencing traffic congestion issues.

William Smith asked if the properties near the intersection of Hwy 117 and Hwy 53 were to become available for sale, would they fall under the new guidelines. Ms. Roth said if the owners of properties not currently zoned commercial, wanted to be zoned commercial, then the town would probably also recommend that they be rezoned with the overlay district.

Commissioner Rooks asked for clarification of the district on the map and asked why it doesn't go any further south on Hwy 117 than what shows on the map. She said it was only supposed to go to the intersection and the roads were the natural boundary for that.

William Smith asked if there have been any inquiries about the development of the vacant areas in the overlay district. Ms. Roth advised there has been much interest in those properties. Commissioner Robbins inquired as to why the overlay district doesn't go further down Hwy 117 South. Ms. Roth said that since this is what was recommended by the corridor study, this is what we went with. Commissioner Robbins said he feels the gateway overlay will increase property values in the included areas.

Mayor Mulligan closed the public hearing at 6:09PM.

Commissioner Dawson made a motion to approve Resolution 2015-18 Adopting a Statement Regarding the Consistency of a Proposed Gateway Overlay Rezoning of Properties near the Intersection of Highways 53 and 117 with the Burgaw 2030 Comprehensive Land Use Plan. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

**RESOLUTION 2015-18
ADOPTING A STATEMENT REGARDING THE CONSISTENCY OF A PROPOSED GATEWAY OVERLAY REZONING
OF PROPERTIES NEAR THE INTERSECTION OF HIGHWAY 53 AND 117
WITH THE BURGAW 2030 COMPREHENSIVE LAND USE PLAN**

WHEREAS, in 2014, the Town of Burgaw Board of Commissioners requested that planning staff and the planning board consider applying design standards to the properties near the intersection of Highways 117 and 53; and
WHEREAS, the application of design standards to this area requires the application of an overlay zoning district; and
WHEREAS, Town of Burgaw planning staff have reviewed the proposed rezoning for consistency with the Burgaw 2030 Comprehensive Land Use Plan and presented their findings to the Town of Burgaw Planning Board and Town of Burgaw Board of Commissioners; and
WHEREAS, the Town of Burgaw Planning and Zoning Board voted at their March 19, 2015 meeting to recommend the adoption of a draft 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 April 14, 2015 meeting and find the requested rezoning to be consistent with the Burgaw 2030 Comprehensive Land Use Plan, reasonable, and in the public interest;
NOW THEREFORE BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the proposed rezoning is consistent with the goals of the Burgaw 2030 Comprehensive Land Use Plan, in that all properties to be included in the Gateway Overlay zoning district are designated as Commercial Growth, which has development guidelines in line with those intended to be addressed by the rezoning. In addition, the NC 53 Corridor Study, another plan adopted by the Town of Burgaw Board of Commissioners, recommends that a Gateway Corridor Overlay District be applied to properties along Highway 53 between the town limits and residential properties near Timberly Lane in order to place additional parking, landscaping, and access management regulations. The board also finds that the proposed text change is reasonable because all properties under consideration are already zoned commercial, are within the town limits, and the majority are poised for development or redevelopment. Moreover, the board finds that the overlay rezoning is in the public interest because it provides a mechanism to allow additional building and site design regulations for an area identified as a gateway to the town's residential and historic districts and already experiencing traffic congestions issues.
Adopted this 14th day of April, 2015.

Commissioner Robbins made a motion to approve Ordinance 2015-10 Approving an Amendment to the Official Town of Burgaw Zoning Map Applying the Gateway Overlay Zoning to Properties near the Intersection of Highways 53 and 117. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

**ORDINANCE 2015-10
APPROVING AN AMENDMENT TO THE OFFICIAL TOWN OF BURGAW ZONING MAP APPLYING THE
GATEWAY OVERLAY ZONING TO PROPERTIES NEAR THE INTERSECTION OF HIGHWAYS 53 AND 117**

WHEREAS, the Town of Burgaw is a municipal corporation organized under the laws of North Carolina, invested with the powers enumerated in Chapter 160A of the North Carolina General Statutes; and
WHEREAS, the Town of Burgaw Board of Commissioners adopted the Unified Development Ordinance (UDO) and official zoning map on December 12, 2000; and
WHEREAS, the Board of Commissioners has expressed a desire to impose additional regulations on development in this area since the adoption of the Corridor Study and has placed conditions on conditional use permits regarding design for developments in this area; and
WHEREAS, the NC 53 Corridor Study, adopted by the Board of Commissioners in December 2006, recommends that a Gateway Corridor Overlay District be applied to properties along Hwy 53 between the town limits and residential properties near Timberly Lane in order to place additional parking, landscaping, and access management regulations; and
WHEREAS, in 2014, the Board of Commissioners requested that planning staff and the planning board consider applying design standards to the properties near the intersection of Highways 117 and 53; and

WHEREAS, by applying the overlay zoning district, developers will know upfront what the town requirements will be, and the town will not have to negotiate for the type of development that is desired; and

WHEREAS, the Planning and Zoning Board voted at their March 19, 2015 meeting to recommend the approval of proposed rezoning; and

WHEREAS, the Board of Commissioners finds that the proposed amendment is consistent with the Burgaw 2030 Comprehensive Land Use Plan because all properties to be included in the Gateway Overlay zoning district are designated as Commercial Growth, which has development guidelines in line with those intended to be addressed by the rezoning; and

WHEREAS, the Board of Commissioners finds that the proposed amendment is reasonable because all properties included in the rezoning are already zoned commercial, are within the town limits, and the majority are poised for development or redevelopment; and

WHEREAS, the Board of Commissioners finds that the proposed amendment is in the public interest because it provides a mechanism to allow additional building and site design regulations for an area identified as a gateway to the town's residential and historic districts and already experiencing traffic congestion issues;

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

SECTION 1: The Town of Burgaw Official Zoning Map and the parcels below are hereby rezoned to include a Gateway Overlay:

| | | | |
|-------------------|-------------------|-------------------|-------------------|
| 3229-56-8017-0000 | 3229-56-7224-0000 | 3229-56-5353-0000 | 3229-56-8556-0000 |
| 3229-56-9675-0000 | 3229-67-5058-0000 | 3229-46-9949-0000 | 3229-68-9218-0000 |
| 3229-68-9395-0000 | 3229-56-3496-0000 | 3229-78-1457-0000 | 3229-46-8544-0000 |
| 3229-55-2836-0000 | 3229-55-4859-0000 | 3229-56-0229-0000 | 3229-56-2597-0000 |
| 3229-56-7423-0000 | 3229-68-7073-0000 | 3229-55-2983-0000 | 3229-56-0141-0000 |
| 3229-56-1179-0000 | 3229-56-3053-0000 | 3229-68-8157-0000 | 3229-78-0401-0000 |
| 3229-56-3900-0000 | 3229-56-5639-0000 | 3229-57-5712-0000 | 3229-57-7219-0000 |
| 3229-46-8374-000L | | | |

SECTION 2: This amendment to the Town of Burgaw Official Zoning Map becomes effective immediately upon adoption of this ordinance on this, the 14th day of April 2015.

ITEMS FROM MANAGER – Chad McEwen

Resolution 2015-15 Amending Shared Leave Policy

Mr. McEwen advised the proposed shared leave policy amendment has been approved by the Policy/Finance board and he is asking that the full board consider approval of same. He said although we currently have a shared leave policy in place, he feels that hours that are credited to the receiving employee should be based on their hourly rate of pay. He gave an example that if the donating employee makes \$20 per hour and the receiving employee makes \$10 per hour then the receiving employee will get 20 hours instead of 10 hours.

After much discussion, Commissioner Robbins made a motion to approve Resolution 2015-15 Amending the Shared Leave Policy as presented. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

RESOLUTION 2015-15 AMENDING THE CURRENT SHARED LEAVE POLICY

WHEREAS, the Town of Burgaw Board of Commissioners approved the Shared Leave Policy, Annex 6 of the Personnel Policy on September 11, 2012; and

WHEREAS, the Town Manager recommends an addition to the current Shared Leave Policy, Annex 6, item 9.

9. Any leave shared among employees pursuant to this policy shall be credited to the receiving employee based on calculating the hourly rate of the donating employee. Hours shall be credited to the receiving employee based on their hourly rate of pay. For example, if an employee who makes \$20/hour donates 10 hours to an employee who makes \$10/hour, the hours credited to the receiving employee shall be 20 total hours.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the Town of Burgaw Board of Commissioners hereby amends the Shared Leave Policy, Annex 6, to reflect the addition above.

Adopted this 14th day of April 2015.

Use of Pender County Sheriff's Department Officers to cover shifts during shortage of town officers

Mr. McEwen advised due to vacancies in the police patrol department he and Chief Sutton have spoken with Sheriff Smith about the possibility of using Pender County Sheriff's deputies to cover patrol shifts for the police department

during the shortage. He advised they have offered \$25.00 per hour per deputy and \$25.00 per day per car. He said Sheriff Smith was in agreement with the terms. Mr. McEwen said he would like for the Board to consider this arrangement to be used until the end of May.

Commissioner Rooks made a motion to adopt the recommendation of the Town Manager to contract with Pender County Sheriff's Department to hire as needed Pender County deputies to cover patrol shifts within the town limits. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Request for permission to purchase service truck for Public Works

Mr. McEwen advised \$40,000 was budgeted for a service truck for the water department for this year. He advised Mr. Fay has spoken with several dealers and likes the Ford option which is the F350 Dually. He said this truck will pull the sewer vac and the sewer jetter. Mr. McEwen advised there was much discussion during budget time regarding whether to purchase a two wheel drive or a four wheel drive vehicle. Mr. McEwen advised the four wheel drive truck comes in \$6,000 under budget and Mr. Fay is requesting permission to purchase the four wheel drive dually option. Mr. McEwen advised this price is state contract price at Fairway Ford. After a brief discussion, Commissioner Rooks made a motion to approve the purchase of the Ford F350 four wheel drive truck from Fairway Ford as presented. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

Set meeting dates for advisory boards

Mr. McEwen informed the Board we need to have a Tourism Development Authority meeting and an Infrastructure Board meeting in the near future.

Commissioner Robbins, TDA Board member agreed to meet on Tuesday, April 22 at 8:30AM just prior to the Policy/Finance meeting regarding the budget.

Commissioner Rooks and Commissioner Tyson, members of the Infrastructure Board agreed to meet on Monday, April 27 at 9:00AM.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Set date for budget workshop in May

After discussion, it was the consensus of the Board to hold the budget workshop on Wednesday, May 27th at 9:00AM with breakfast just before the meeting.

CLOSED SESSION

Commissioner Rooks made a motion to go into closed session pursuant to NCGS 143-318.11 paragraph (a) item (3) attorney/client privilege and NCGS 143-318-11 paragraph (a) item (6) personnel. The motion was seconded by Commissioner Robbins and carried by unanimous vote. Mayor Mulligan called for a brief break with closed session to be convened at 6:45 in the town manager's office.

OPEN SESSION RECONVENED

Commissioner Tyson made a motion to reconvene to open session. The motion was seconded by Commissioner Rooks and carried by unanimous vote.

Commissioner Tyson made a motion to approve the closed session minutes of the March 10, 2015 meeting. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

ADJOURNMENT

There being no further business, Commissioner Tyson made a motion to adjourn. The motion was seconded by Commissioner Rooks and carried by unanimous vote. The meeting adjourned at 8:55PM.

Attest: _____
Sylvia W. Raynor, Town Clerk

Eugene Mulligan, Mayor