

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

DATE: February 16, 2022
TIME: 9:00 AM
PLACE: Historic Train Depot, 115 S. Dickerson Street
BOARD MEMBERS PRESENT: Mayor Olivia Dawson
Mayor Pro-tem Wilfred Robbins
Bill George, Vernon Harrell, James Malloy, Jan Dawson
STAFF PRESENT: James Gantt, Town Manager
Kristin J. Wells, Town Clerk
Zachary Rivenbark, Town Attorney
Wendy Pope, Finance Officer
Jessica Gray, Permitting Technician

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

Public Hearings #2 and #3 were continued from the February 8, 2022 regular Board of Commissioners meeting:

Public Hearing #2 – Jessica Gray, Permitting Technician

Consideration of a conditional zoning amendment to the official Town of Burgaw Zoning Map to rezone +/- 1.236 acres located at 405 E. Wilmington St. further identified as tax reference number 3229-43-7701-0000 requesting rezoning from C/P Conservation/Preservation District & R-12 to C/P Conservation/Preservation District Office and Institutional to enable the existing apartment building built in the 1970s to become conforming.

This public hearing was declared open on February 8, 2022 at 5:58 PM by Mayor Dawson. Applicant Rhett Pollock was in attendance.

Jessica Gray, Permitting Technician with the Planning Department, gave an overview of the request as described in the ordinance below. Ms. Gray advised the applicant, Rhett Pollock, held community meetings regarding the request. Attorney Rivenbark asked Mr. Pollock if he anyone was opposed. Mr. Pollock said no one attended the meetings with objections.

There being no further comments, Mayor Dawson declared the public hearing closed at 9:06 AM.

Resolution 2022-07 Adopting a statement regarding the consistency of the requested conditional zoning map amendment to the official Town of Burgaw zoning map to rezone +/- 1.236 acres of land from C/P Conservation Preservation District and R-12 to C/P Conservation Preservation District and O&I (Office and Institutional) is consistent with the Burgaw 2030 Comprehensive Land Use Plan.

Commissioner George made a motion to approve Resolution 2022-07 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

**RESOLUTION 2022-07
ADOPTING A STATEMENT REGARDING THE CONSISTENCY OF THE REQUESTED
CONDITIONAL ZONING MAP AMENDMENT TO THE OFFICIAL TOWN OF BURGAW
ZONING MAP TO REZONE +/- 1.236 ACRES OF LAND FROM C/P CONSERVATION
PRESERVATION DISTRICT AND R-12 TO C/P CONSERVATION PRESERVATION
DISTRICT AND O&I (OFFICE & INSITTUTIONAL) IS CONSISTENT WITH THE
BURGAW 2030 COMPREHENSIVE LAND USE PLAN**

WHEREAS, applicant Rhett Pollock is requesting a map amendment to the official Town of Burgaw Zoning Map to rezone a tracts of land totaling +/- 1.236 acres located along 405 E. Wilmington Street from C/P Conservation Preservation District and R-12 (Residential) to C/P

Conservation Preservation District and O&I (Office and Institutional). The properties are further identified as tax reference number 3229-43-7701-0000; and

WHEREAS, Town of Burgaw planning staff have reviewed the proposed conditional rezoning for consistency with the Burgaw 2030 Comprehensive Land Use Plan and the 2030 Future Land Use Map amended 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 unanimously voted at their January 20, 2022, meeting to recommend the adoption of a draft consistency statement to the Board of Commissioners; and conditions

WHEREAS, the Town of Burgaw Board of Commissioners reviewed the staff report and draft consistency statement at their February 8, 2022, 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 conditional rezoning is consistent with the Burgaw 2030 Comprehensive Land Use Plan amended because it encourages quality and controlled growth while keeping standards that enhances and maintains the community's character.

Adopted this 16th day of February 2022.

Ordinance 2022-04 Approving a conditional (CZ) amendment to the Town of Burgaw zoning map to rezone +/- 1.236 acres of land from C/P Conservation Preservation District and R-12 to (CZ)-C/P Conservation Preservation District and O&I (Office and Institutional) further identified as tax reference number 3229-43-7701-0000 to enable the existing four-unit apartment building to become conforming.

Commissioner George made a motion to approve Ordinance 2022-04 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

ORDINANCE 2022-04

APPROVING A CONDITIONAL (CZ) AMENDMENT TO THE TOWN OF BURGAW ZONING MAP TO REZONE +/- 1.236 ACRES OF LAND FROM C/P CONSERVATION PRESERVATION DISTRICT AND R-12 TO (CZ)-C/P CONSERVATION PRESERVATION DISTRICT AND O&I (OFFICE & INSTITUTIONAL) FURTHER IDENTIFIED AS TAX REFERENCE NUMBER 3229-43-7701-0000 TO ENABLE THE EXISTING FOUR-UNIT APARTMENT BUILDING TO BECOME CONFORMING.

WHEREAS, North Carolina General Statute 160D requires that zoning regulations shall be made in accordance with a Comprehensive Plan; and

WHEREAS, NCGS 160D also states that when adopting or rejecting any zoning amendment, the governing board shall approve a statement describing whether its action is consistent with an adopted Comprehensive Plan and any other officially adopted plan that is applicable, and briefly explain why the board considers the action taken to be reasonable and in the public interest; and

WHEREAS, the Board of Commissioners finds that the proposed amendment to the Town of Burgaw Zoning Map rezoning a tract of land total 1.236 acres located along at 405 E. Wilmington Street from C/P Conservation Preservation District and R-12 to (CZ)- C/P Conservation Preservation District and Office and Institutional (O&I)consistent with the Burgaw 2030 Land Use Plan. The property is further identified as tax reference number 3229-43-7701-0000 the zoning designation is consistent with the Burgaw 2030 Comprehensive Land Use Plan, reasonable, and in the public interest;

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

SECTION 1: The Town of Burgaw Official Zoning Map be amended, and tax reference number 3229-43-7701-0000 and the total 1.236 acres of land is now zoned conditional (CZ) C/P Conservation Preservation District and O&I.

SECTION 2: This conditional rezoning approval limits the property to the existing four unit apartment building as documented in the attached as built survey and accepted as the site plan of what is being approved.

SECTION 3: This amendment to the Town of Burgaw Official Zoning Map becomes effective immediately upon adoption of this ordinance on this, 16th day of February 2022.

Public Hearing #3 – Jessica Gray, Permitting Technician

Consideration of a conditional zoning amendment to the official Town of Burgaw Zoning Map to rezone +/- 0.351 of an acre or +/-15,308 sq. ft. located at 312 A&B South Campbell St. further identified as tax reference number 3229-52-1486-0000 from R-12 to Office & Institutional to enable the existing apartment duplex built in the 1970s to become conforming.

This public hearing was declared open on February 8, 2022 at 5:59 PM by Mayor Dawson. Applicant Rhett Pollock was in attendance, as well as Robert Hopkins, 500 East Hayes Street.

Jessica Gray, Permitting Technician with the Planning Department, gave an overview of the request as described in the ordinance below. Ms. Gray advised the applicant, Rhett Pollock, held community meetings regarding the request. Robert Hopkins, resident of 500 East Hayes Street, commented he would like for the property to stay as is.

There being no further comments, Mayor Dawson declared the public hearing closed at 9:09 AM.

Resolution 2022-08 Adopting a statement regarding the consistency of the requested conditional (CZ) map amendment to the official Town of Burgaw zoning map to Conditional Rezone +/- 0.351 of an acre or +/- 15,308 square feet located 312 A & B S. Campbell Street from R-12 (Residential) to (CZ) O&I (Office and Institutional) is consistent with the Burgaw 2030 Comprehensive Land Use Plan.

Commissioner Harrell made a motion to approve Resolution 2022-08 as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

**RESOLUTION 2022-08
ADOPTING A STATEMENT REGARDING THE REQUESTED CONDITIONAL (CZ)
MAP AMENDMENT TO THE OFFICIAL TOWN OF BURGAW ZONING MAP TO
CONDITIONAL REZONE +/- 0.351 OF AN ACRE OR +/- 15,308 SQ. FT LOCATED 312
A&B S. CAMPBELL STREET FROM R-12 (RESIDENTIAL) TO (CZ) O&I (OFFICE AND
INSTITUTIONAL) IS CONSISTENT WITH THE BURGAW 2030 COMPREHENSIVE
LAND USE PLAN**

WHEREAS, applicant Rhett Pollock is requesting a conditional rezoning map amendment to the official Town of Burgaw Zoning Map to rezone a tract of land +/- 0.351 of an acre or +/- 15,308 sq. ft. located at 312 A&B S. Campbell Street from R-12 (Residential) to (CZ) O&I (Office and Institutional). The properties are further identified as tax reference number 3229-52-1486-0000 from R-12 to Office and Institutional to enable the existing duplex to become conforming; and

WHEREAS, Town of Burgaw planning staff have reviewed the proposed conditional rezoning for consistency with the Burgaw 2030 Comprehensive Land Use Plan and the 2030 Future Land Use Map 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 Board unanimously voted at their January 20, 2022, meeting to recommend the adoption of a draft consistency statement to the Board of Commissioners; and conditions

WHEREAS, the Town of Burgaw Board of Commissioners reviewed the staff report and draft consistency statement at their February 8, 2022, 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 conditional rezoning is consistent with the Burgaw 2030 Comprehensive Land Use Plan because it encourages quality and controlled growth while keeping standards that enhances and maintains the community's character.

Adopted this 16th day of February 2022.

Ordinance 2022-05 Approving a conditional zoning amendment to the Town of Burgaw zoning map to rezone a tract of land containing +/- 0.351 of an acre or +/- 15,308 square feet located at 312 A & B S. Campbell Street from R-12 (Residential) to (CZ) O&I (Office and Institutional) further identified as tax reference number 3229-52-1486-0000 to enable the existing duplex to become conforming.

Commissioner Harrell made a motion to approve Ordinance 2022-05 as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

**ORDINANCE 2022-05
APPROVING AN CONDITIONAL ZONING AMENDMENT TO THE TOWN OF
BURGAW ZONING MAP TO REZONING A TRACT OF LAND CONTAINING +/- 0.351
OF AN ACRE OR +/- 15,308 SQ. FT LOCATED AT 312 A&B S. CAMPBELL STREET
FROM R-12 (RESIDENTIAL) TO (CZ) O&I (OFFICE AND INSTITUTIONAL) FURTHER
IDENTIFIED AS TAX REFERENCE NUMBER 3229-52-1486-0000 TO ENABLE THE
EXISTING DUPLEX TO BECOME CONFORMING.**

WHEREAS, North Carolina General Statute 160D requires that zoning regulations shall be made in accordance with a Comprehensive Plan; and

WHEREAS, NCGS 160D also states that when adopting or rejecting any zoning amendment, the governing board shall approve a statement describing whether its action is consistent with an adopted Comprehensive Plan and any other officially adopted plan that is applicable, and briefly explain why the board considers the action taken to be reasonable and in the public interest; and

WHEREAS, the Board of Commissioners finds that the proposed conditional zoning amendment to the Town of Burgaw Zoning Map of a tract of land containing +/- 0.351 of an acre or +/- 15,308 sq. ft located 312 A&B S. Campbell Street from R-12 (Residential) to (CZ) O&I (Office and Institutional) the rezoning is reasonable and in the public interest because the rezoning map amendment is consistent with the Burgaw 2030 Comprehensive Land Use Plan Future Land Use Map which identifies this property as mixed use transition which enable small scale multi-family including the existing duplex, it is reasonable, and in the public interest to bring a structure built in the 1970s into compliance with the Unified Development Ordinance.;

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

SECTION 1: The Town of Burgaw Official Zoning Map be amended and the tax reference number 3229-52-1486-0000 totaling +/-0.351 of an acre or +/- 15,308 sq. ft. of land is now zoned (CZ) O&I (Office and Institutional).

SECTION 2: **This conditional rezoning approval limits the property to the existing duplex as documented in the attached as built survey and accepted as the site plan of what is being approved.**

SECTION 3: This amendment to the Town of Burgaw Official Zoning Map becomes effective immediately upon adoption of this ordinance on this, 16th day of February 2022.

Adjournment

Motion carried to adjourn the meeting at 9:09 AM.

Attest: _____
Kristin J. Wells, Town Clerk

G. Olivia Dawson, Mayor