

**TOWN OF ERWIN  
PLANNING BOARD  
MONDAY, AUGUST 19, 2024 AT 7:00 PM  
ERWIN MUNICIPAL BUILDING BOARD ROOM**

**AGENDA**

1. **MEETING CALLED TO ORDER**
  - A. Invocation
  - B. Pledge of Allegiance
  
2. **CONSENT AGENDA**
  - A. Planning Board Minutes from Regular Meeting on July 15, 2024 (**Page 2**)
  
3. **OLD BUSINESS**
  - A. 421 Overlay Amendment (**Page 7**)
  - B. Outdoor Dining in CB (**Page 10**)
  - C. Restaurants in CB (**Page 16**)
  
4. **NEW BUSINESS**
  - A. ZT-2024-004 (**Page 17**)
  - B. Encroachment Amendment (**Page 34**)
  
5. **ADJOURNMENT**

PLANNING BOARD  
MEETING MINUTES  
MONDAY, JULY 15, 2024  
ERWIN, NORTH CAROLINA

The Town of Erwin Planning Board held its regular meeting in the Erwin Municipal Building Board Room 100 West F Street, Erwin NC on Monday, July 15, 2024, at 7:00 PM.

Board members present were Chairperson Joshua Schmeiding, Vice Chairperson Ronald Beasley, In-Town Board Members Kathryn Moore, Grace Watts, and Rebecca Kelly, and Out-of-Town Board Member Howard Godwin.

Board members absent were: Out-of-Town Board Member Nicholas Skatell, and In-Town Alternate Vanessa Lech.

Town Manager Snow Bowden, Town Planner Dylan Eure, and Deputy Town Clerk Katelan Blount were present.

Chairperson Joshua Schmeiding called the meeting to order at 7:00 PM.

Board Member Grace Watts gave the Invocation.

Vice Chairperson Ronald Beasley led the Pledge of Allegiance.

CONSENT ITEMS

Vice Chairperson Ronald Beasley made a motion to approve the minutes of June 17, 2024, and was seconded by Grace Watts. **The Board voted unanimously.**

OLD BUSINESS

**Updates:**

Town Planner Dylan Eure informed the Board that there were not updates on anything other than the Outdoor Dining Text Amendment, due to having most items on hold while the Budget was being approved.

Town Planner Dylan Eure then presented the updates for the Outdoor Dining Text Amendment. The Town is currently waiting on Counsel for the legalities of the Right of Way.

Vice Chairperson Ronald Beasley asked about the H Street Sidewalks- there had been talks of a grant for sidewalk improvement.

Town Manager Snow Bowden responded that there was a grant for sidewalk upgrades, but the Town didn't get that grant.

Vice Chairperson Ronald Beasley asked if the groups such as CORE have assisted with any funds with getting some improvements.

Town Manager Snow Bowden explained that those are economic development funds and have already been allocated for specific projects.

Vice Chairperson Ronald Beasley stated that he would like to see the seemingly many roadblocks removed that prospective new business owners face.

Town Planner Dylan Eure explained that he agrees, and is working hard on amendments to assist this issue. He is especially excited for the possible social district to help attract new businesses.

Vice Chairperson Ronald Beasley asked for updates on the old Mill.

Town Planner Dylan Eure gave the following updates: the brewery, Grain Dealers, is currently in unit KW. They're working on getting the Brewery opened, but are having some issues with their HVAC units for venting and the unit extending into the ROW. They're working through these issues currently.

Board Member Howard Godwin made a motion to Table the Outdoor Dining Text Amendment until the Board of Commissioners has had a chance to discuss it, which was seconded by Board Member Jim Hartman. **The Board voted unanimously.**

## NEW BUSINESS

### **ZT 2024-003**

Town Planner Dylan Eure stated that The Town of Erwin Staff wishes to request to rezone eleven parcels located off of Chicora Road, Chicora Club Drive, Old Stage Road, and Robins Loop. This would allow the properties to be one full zoning. Some of the properties are within Town limits, and some are in the Planning Zone. These should be residential changes only and should not affect any tax values.

- 2125 Chicora Road- **Rezone to full R-15**
- 1989 Chicora Road - **Rezone to full R-15**
- 2021 Chicora Road - **Rezone to full R-15**
- HC Tax Pin 0596-74-2795, off Chicora Road - **Rezone to full R-15**
- 448 Chicora Club Drive - **Rezone to full R-15**
- 133 Robins Loop -**Rezone to full R-15**
- 131 Robins Loop -**Rezone to full R-15**
- HC Tax Pin 0587-98-8969, off Old Stage Road - **Rezone to full R-10**
- HC Tax Pin 0597-09-4276, Off Old Stage Road- **Rezone to full R-D**
- HC Tax Pin 0598-00-5339, Off Old Stage Road- **Rezone to full R-D**
- HC Tax Pin 0597-19-4504, Off Old Stage Road- **Rezone to full R-D**

Town Manager Snow Bowden stated the reason that Town Staff was requesting these rezonings was to be proactive and prevent a property owner from having to apply to have a split-zoned property rezoned in the future.

Board Member Rebecca Kelly made a motion in the affirmative, seconded by Kathryn Moore, and unanimously approved by the Board that the impact to the adjacent property owners and the

surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community.

- Reasoning: The re-zonings are compatible with the surrounding community and would not cause any inconvenience to those within the area.

Board Member Rebecca Kelly made a motion in the affirmative, seconded by Kathryn Moore, and unanimously approved by the Board that the requested zoning district is compatible with the existing Land Use Classification.

- Reasoning: According to Erwin's current Land Use Plan done in 2023 the property is assigned to be zoned under residential use.

Board Member Rebecca Kelly made a motion in the affirmative, seconded by Kathryn Moore, and unanimously approved by the Board that the proposal does enhance or maintain the public health, safety, and general welfare.

- Reasoning: The rezoning would correct zoning nonconformities and ensure that clear uses are defined for the parcels.

Board Member Rebecca Kelly made a motion in the affirmative, seconded by Kathryn Moore, and unanimously approved by the Board that the request is for a small-scale rezoning and should be evaluated for reasonableness.

- Reasoning: This rezoning request includes 11 parcels.

Vice Chairperson Ronald Beasley made a motion in the affirmative, seconded by Jim Harman, and unanimously approved by the Board that there is a convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.

- Reasoning: Parcels are currently split-zoned, and by rezoning would ensure that their current uses are permitted.

Vice Chairperson Ronald Beasley made a motion in the affirmative, seconded by Jim Hartman, and unanimously approved by the Board that there is a convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.)

- Reasoning: All parcels are designated under the Erwin 2023 Land Use Plan to be either residential or rural.

Vice Chairperson Ronald Beasley made a motion in the affirmative, seconded by Jim Hartman, and unanimously approved by the Board that there is a convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.



- Reasoning: The rezonings would not alter the character of the neighborhood in any way. Rezoning's would ensure clarity for owners and not take away rights that they currently have to their land.

Vice Chairperson Ronald Beasley made a motion in the affirmative, seconded by Jim Hartman, and unanimously approved by the Board that the proposed change is in accord with the Land Development Plan and sound planning principles.

- Reasoning: All of the parcels that are included are designated to be mixed in the 2023 Erwin Land Use Plan for the purposes of residential and commercial.

Vice Chairperson Ronald Beasley made a motion that the requested rezoning from being split-zoned is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances, the uses defined within the mixed-use classification would best serve the above-stated parcels. It is recommended that this rezoning request be Approved and was seconded by Kathryn Moore. **The Board voted unanimously.**

### Social District

Town Planner Dylan Eure presented this information to the Board, explaining that this memorandum outlines the guidelines set forth by North Carolina General Statute for the establishment of Social Districts. Some requirements include ordinance establishing district, established boundaries approved by ABC, signage, signs/stickers designating participating establishments, etc.

There are some slight issues that will have to be worked through with the Dunn-Erwin Rail Trail, because alcoholic beverages are not allowed on the trail. Staff will need to speak with Harnett County to see how to enforce since the Rail Trail would be within part of the Social District.

Town Planner Dylan Eure has done benchmarking for this proposed district by speaking to planners in Fuquay-Varina and Davidson, which have both have Social Districts that are doing well. The trade offs are that there could be an increase in drunk driving cases, potential for disturbances to surrounding residences and businesses, and an increase in police workload. The potential positives are that it could create a greater sense of community, increase Downtown investment (which is a Land Use Goal, #2, ED4), and could lead to additional business openings in the district.

Vice Chairperson Ronald Beasley asked how long the Benchmarking Towns have had their Social Districts.

Town Planner Dylan Eure responded that the Town of Davidson has had one for about 5 years. Fuquay-Varina has had one since about March of this year.

Chairperson Joshua Schmeiding asked what the hours of a Social District within Erwin would be.

Town Planner Dylan Eure stated that he would recommend hours for 7 days/week.

Vice Chairperson Ronald Beasley stated that he would like to see this happen, it would be great for the Downtown area and the economic impact could be beneficial.

Chairperson Joshua Schmeiding asked if there were to be a concert or street dance, could the ending time of the social district be extended for that event?

Town Planner Dylan Eure stated he didn't believe so, but that the brewery would be able to stay open until ABC law allows, usually 2am. They are planning an outdoor space within the courtyard to allow for the additional time, just contained within private property.

Vice Chairperson Ronald Beasley stated his recommendation would be the hours for the Social District go to 11pm.

There was some discussion on the brewery.

Board Member Howard Godwin made a motion to table the Social District until more information is available, which was seconded by Jim Hartman. **The Board voted unanimously.**

ADJOURNMENT

Vice Chairperson Ronald Beasley made a motion to adjourn the meeting at 7:42 PM and was seconded by Jim Hartman. **Motion unanimously approved.**

Minutes recorded and typed by

**Katelan Blount, Deputy Town Clerk**

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Joshua Schmieding

Chairperson

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Katelan Blount

Deputy Town Clerk

# Erwin Planning Board

## REQUEST FOR CONSIDERATION

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To: Erwin's Planning Board Members  
From: Dylan Eure, Town Planner  
Date: August 19, 2024  
Subject: 421 Overlay Amendment

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The Town staff of Erwin wishes to amend its Code of Ordinances to allow for the creation of a developmental overlay along US 421. Said regulations are as follows:

### E.H.O.D. – Erwin Highway Overlay District

#### A. Purpose

The intent of the Highway Overlay is to protect natural resources, provide landscaping improvements, ensure connectivity, improve pedestrian walkability, and enhance the overall appearance of the corridor identified. Development standards from the Erwin Highway Overlay District apply to all parcels within 600 feet of the Right-of-way on both sides of the corridor. In cases where a portion of a tract of land lies within the overlay district, the entire tract shall fall into the same regulation as the overlay.

The Erwin Highway Overlay District is established to:

1. Prevent unsightly conditions that may destroy or detract from the natural character, beauty, or condition of the area.
2. Reduce the amount of traffic coming on and off of the corridors.
3. Minimize potential safety hazards that may exist along the corridors.
4. Improve pedestrian safety and walkability.

#### B. Area of Applicability

The major highway corridor of which is affected by Erwin's Highway Overlay District is U.S. 600 feet of both sides of 421/E Jackson Blvd within only the corporate limits of the Town. Said overlay would impact all buildings and non-religious institutions including but not limited to businesses and multi-family dwellings.

#### C. Specific Development Standards

1. Dimensional Standards
  - a. At no time shall any development not face the nearest Right-of-way. All developments are required to front the nearest accessible Right-of-way and be accessed internally. In the event of a parcel abutting two Right-of-ways, the buildings should face the heavier trafficked Right-of-way, and access via the Right-of-way, or by a newly constructed street.
  - b. At no time shall any developments loading area face the public Right-of-way. All loading areas shall be located at the rear or side of the establishment as long as it does not face a public Right-of-way.

- c. For additional standards see the corresponding zoning jurisdiction in which a parcel is related to for setbacks requirements.
- 2. Building Materials
  - a. At no time should any buildings be made entirely of materials that are prone to deterioration or weathering causing the building to become a blight throughout ageing.
  - b. Buildings may be accented with other materials but are limited to twenty percent (20%) of the façade.
  - c. To avoid blight, all non-residential facades shall be made of at least eighty percent (80%) one the following materials:
    - i. Brick Masonry
    - ii. Wood
    - iii. Stone
    - iv. Architectural Concrete
    - v. Vinyl Siding
  - d. Facades to be prohibited:
    - i. Metal
- 3. Landscaping Standards
  - a. Parking lots, loading areas, and other vehicle use areas shall be planted with one (1) tree and (2) shrubs for every ten (10) parking spaces required.
  - b. At least 65 percent (65%) of the required parking lot trees shall be large shade trees.
  - c. Trees and shrubs shall be planted within 15 feet of the vehicle use areas.
  - d. Developments containing 30 or more parking spaces, at least half or 50 percent (50%) of the trees and shrubs must be planted in islands or medians spaced throughout the parking area.
  - e. A consecutive strip of parking places shall include landscape islands every 12 spaces apart and at the end of all parking rows.
  - f. Landscape islands shall be grass and mowed, covered with organic materials (ex: pine mulch)
  - g. For specific landscaping guidelines see Article XV entitled General Provisions within Chapter 36 of the Erwin Code of Ordinances.
- 4. Parking Lot Standards
  - a. Developers of commercial properties shall be required to have shared driveways and parking areas with adjoining developments. If there is no current adjoining development, the development shall make modifications for a future connection to be made by the adjoining developer.
  - b. All areas designated for trash or refuse shall be screened from the public eye with a minimum height of 1 foot above the highest point of the trash receptacle. Materials for the screen shall be natural or made of masonry materials. (ex: wood, stone, or brick)
  - c. For specific parking guidelines see Article XVIII entitled Parking and Loading within Chapter 36 of the Erwin Code of Ordinances.
- 5. Signage Standards
  - a. All standalone signs shall be made of primarily masonry materials surrounded by a natural base of shrubs and other small plants.
  - b. For specific signage guidelines please see Article XIX entitled Sign Regulations within Chapter 36 of the Erwin Code of Ordnances.
- 6. Sidewalk / Street Scape Standards

- a. Any development shall require the installation of ADA-compliant sidewalks along their portion of the right-of-way upon development. If the property that is being developed does not abut a right-of-way, then no sidewalk installation is required.
- b. Sidewalks shall be separated from the nearest right-of-way by a minimum of 4 ft. with a grass landscaping buffer compromised of street trees placed at 15 – 20 ft. increments.
  - i. Installation of sidewalks and street trees will require encroachment agreements approved by the North Carolina Department of Transportation.
  - ii. Maintenance of sidewalks and streetscapes will be the responsibility of the Town of Erwin which will require maintenance agreements between the Town of Erwin and the North Carolina Department of Transportation.



# TOWN OF ERWIN

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Randy L. Baker  
**Mayor Pro Tem**  
Ricky W. Blackmon  
**Commissioners**  
Alvester L. McKoy  
Timothy D. Marbell  
Charles L. Byrd  
David L. Nelson  
William R. Turnage

8/19/2024

## Outdoor Dining Memorandum

### Facts

Outdoor dining also known as patio dining occurs when an establishment expands their services to include areas outside of the principal locations into spaces such as the sidewalk and/or other areas along the owner's property. The potential area which is proposed to allow for outdoor dining is Erwin's Central Business District which is along East H St, Denim Dr, and West F St.(see attached zoning image) The existing sidewalk along East H St. measures approximately 9 feet 1 inch. The ADA or American with Disabilities Act requires that sidewalks be a minimum of 36 inches or 3ft in order for wheel chairs to be able to navigate the sidewalk. This said this leaves approximately 73 inches or 5 feet 11 inches of remaining sidewalk that may be used for outdoor dining. Being said, this could not pertain to alcohol consumption nor the sale of alcohol along areas belonging to the Town of Erwin as Chapter 22 Article 1 Section 22-2 states "it shall be unlawful for any person to consume or sell beer, unfortified wine, whiskey or alcoholic beverages of any kind on any property owned or occupied by the town". It is also important to note that Chapter 36 within Article XV Section 36-433 states that "*fence prohibited in rights-of-way*. No fence shall be erected or maintained within or on any state or town right-of-way".

### Benchmarking

Angier- No regulations/language relating to outdoor dining, does not have a permitting process. May be a use of existing business but not regulated.

Coats- No regulations/language relating to outdoor dining, does not have a permitting process.

Lillington- Permitted. Requires screening/buffering between the outdoor dining area and along with an encroachment permit from NCDOT if along a state-maintained ROW.

Dunn- No regulations, /language relating to outdoor dining, May be a use of existing business but not regulated.

### Possible Regulation

#### Definition-

Outdoor/Patio Dining- Any outdoor arrangement of tables, chairs, benches, stools, or other furnishings primarily intended for use while eating and drinking by the customers of the restaurant with which the furnishings are associated.

## Regulation-

### Permitted Accessory use within Central Business

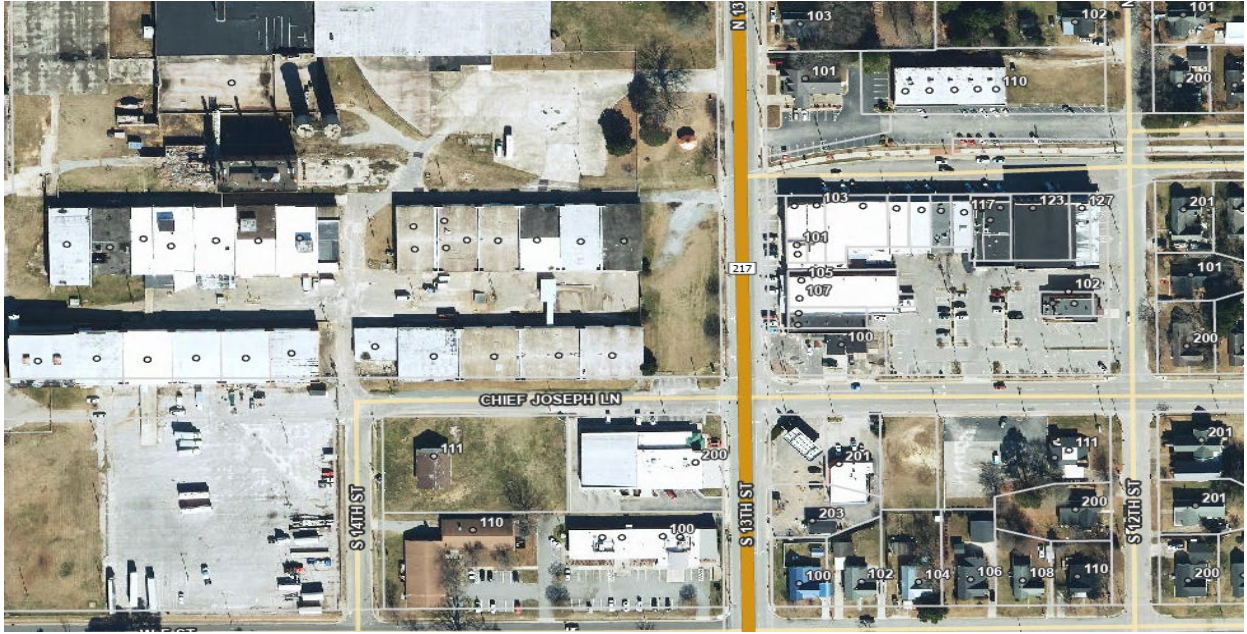
1. When outdoor dining is provided, small posts and rails shall be installed along the edge of the sidewalk to prevent unsafe conditions and enhance beautification.
2. All outdoor/patio dining areas must be designated to be ADA compliant and located on paved, brick, or other form of hardscape surface.
3. Encroachments into a public Right-Of-Way shall be approved by the maintainer of the public street (Town or NCDOT).
4. Under no circumstance shall outdoor/patio dining take place in areas designated for parking.

## Recommendation

After consideration of all of available facts it is the opinion of the Town Planner of Erwin that this be continued to be evaluated for reasonableness and to offer amendments to the areas of conflicting ordinances in order to be properly enacted. These amendments would include to establish a social district in which alcohol sale and consumption or allowing them to be permitted, along with allowing fences within the public right of way that contain an encroachment agreement with either Erwin approved by the BOC or NCDOT.







Regards,

Dylan Eure  
Town Planner



# Erwin Planning Board

## REQUEST FOR CONSIDERATION

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To: Erwin's Planning Board Members

From: Dylan Eure, Town Planner

Date: August 19, 2024

Subject: Outdoor Dining in CB

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The Staff of the Town of Erwin wishes to amend its Code of Ordinances, Specifically Chapter 36 within Article VIII Section 36-119 entitled "Permitted accessory uses and structures" within the Central business district to allow for outdoor dining along the public Right-of-Way and Article II of Chapter 36 entitled definitions.

### **Proposed Definition to be added to Article II of Chapter 36**

Outdoor/Patio Dining- Any outdoor arrangement of tables, chairs, benches, stools, or other furnishings primarily intended for use while eating and drinking by the customers of the restaurant with which the furnishings are associated.

### **Proposed permitted accessory uses to be added to Article VIII Section 36-119**

Outdoor Dining

1. When outdoor dining is provided, rails shall be installed along the edge of the sidewalk or dining area to prevent unsafe conditions and enhance beautification.
2. All outdoor/patio dining areas must be designated to be ADA compliant and located on paved, brick, or other form of hardscape surface.
3. Encroachments into a public Right-Of-Way shall be approved by the maintainer of the public street (Town or NCDOT).
4. Under no circumstance shall outdoor/patio dining take place in areas designated for parking.









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# Erwin Planning Board

## REQUEST FOR CONSIDERATION

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To: Erwin's Planning Board Members

From: Dylan Eure, Town Planner

Date: August 19, 2024

Subject: Restaurants in CB

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The Town of Erwin Staff wishes to amend Chapter 36 Article VIII Sec. 36-198 entitled Permitted principal uses and structures and Article II Sec. 36-34 entitled Definitions to add restaurants to the list of permitted uses along with including a definition. This amendment would be required if outdoor dining were to take place within the CB district due to the only other permitted use that would classify restaurants under is only for establishments that are contained within an enclosed building.

**Proposed definition of restaurants to be added:**

A service establishment that prepares and sells food and drinks for the purpose of consumption.

**Proposes permitted uses to be added to C-B:**

Restaurants; Traditional sit-down establishments that do not include a drive-through.

**Statement of Consistency:**

The proposed text amendment is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances. It is recommended that this text amendment be **Approved**.



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Timothy D. Marbell  
Charles L. Byrd  
David L. Nelson  
William R. Turnage

8/19/2024

## **ZT-2024-002** **Memorandum**

### **Rezoning Description**

The Town of Erwin Staff wishes to request to rezone sixteen (15) parcels located throughout Erwin to either correct split-zoned parcels or to zone them in which their current use is being occupied or intended use. The parcels are listed below.

- 1503 Denim Dr. – **Rezone to full B-2**
- 610 Denim Dr. – **Rezone to full DMV**
- 403 N 10<sup>th</sup> St. - **Rezone to full RMV**
- 207 Pineview Dr.–**Rezone to full R-15**
- 209 Pineview Dr. –**Rezone to full R-15**
- 103 Twin City St. – **Rezone to full R-6**
- 104 Raiford Rd.-**Rezone to full R-6**
- 225 Butch St. – **Rezone to full R-10**
- 2302 Erwin Rd.- **Rezone to full B-2**
- 2100 Erwin Rd.- **Rezone to full B-2**
- 2006 Erwin Rd.- **Rezone to full B-2**
- 1507 Denim Dr. – **Rezone to full B-2**
- 104 County Ave. – **Rezone to full R-6**
- 1605 Denim Dr.- **Rezone to full R-6**
- HC Tax Pin 1507-40-4344 -**Rezone to full R-6**

### **Property Description**

- 1503 Denim Drive
  - Business on location, no change to owner
  - B2 .59 Acres, 96.85%
  - R10 .02 Acres, 3.15%
  - **Full B-2**
- 610 Denim Drive

- Church on location, no change for owners , decrease dimensional requirements
- DMV 2.98 Acres, 57.93%
- R10 2.17 Acres, 42.07%
- **Full DMV**
- 403 N 10<sup>th</sup> Street
  - Home on property, no change to owner,
  - RMV .23 Acres, 79.20%
  - B2 .06 Acres, 20.80%
  - **Full RMV**
- 207 Pineview
  - Home on property, No change to owner
  - R15 .55 Acres, 77.26%
  - B2 .16 Acres, 22.74%
  - **Full R-15**
- 209 Pineview
  - Home on property, No change to owner
  - R15 .41 Acres, 65.75%
  - B2 .21 Acres, 34.25%
  - **Full R-15**
- 103 Twin City Street
  - Home on property, no change to owner
  - R-6 .29 Acres 89.56%
  - B2 .03 Acres 10.44%
  - **Full R-6**
- 104 Raiford Road
  - Home on property, no change to owner
  - R6 .46 Acres, 82.77%
  - B2 .1 Acres, 17.23%
  - **Full R-6**
- 225 Butch Street
  - Home on property, no change to owner
  - R10 1.19 Acres, 93.82%
  - B2 .08 Acres, 6.18%
  - **Full R-10**
  - **Full R6**
- 2302 Erwin Rd
  - Business on property
  - B2 .37 acres, 62.16%
  - R6 .23 acres, 37.84%
  - **Full B2**
- 2100 Erwin Rd
  - Business on property
  - B2 .34 acres, 57.1%

- R6 .26 acres, 42.9%
- **Full B2**
- 2006 Erwin Rd
  - Residence on property
  - B2 .42 acres, 74.64%
  - R6 .14 acres
  - **Full B-2**
- 1507 Denim Drive
  - Church on property
  - B-2 1.25 acres, 79.47%
  - R-10 .32 acres, 20.53%
  - **Full B-2**
- 104 County Ave
  - Home on property zoned as B-2
  - .16 acres
  - **Full R-6**
- 1605 Denim Dr
  - Home on property, zoned at business
  - Full B-2, .81 acres
  - **Full R-6**
- 1507-40-4344
  - Apart of a residential property
  - B2 .3 acres, 44.3%
  - R6 .38, 55.7%
  - **Full R-6**

### **Findings of Fact**

The requested rezoning from being split-zoned is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances the uses defined within the mixed-use classification would best serve the above-stated parcels. It is recommended that this rezoning request be **Approved**.

Regards,

Dylan Eure  
Town Planner



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08/19/2024

## ZT-2024-004 Property Values Memorandum

### Mayor

Randy L. Baker

### Mayor Pro Tem

Ricky W. Blackmon

### Commissioners

Alvester L. McKoy

Timothy D. Marbell

Charles L. Byrd

David L. Nelson

William R. Turnage

- 1503 Denim Dr- Full B-2 – **no change**
- 610 Denim Dr - Full RMV – **no change**
- 403 N 10<sup>th</sup> St- Full RMV – **no change**
- 207 Pineview Dr- Full R-15 – **no change**
- 209 Pineview Dr- Full R-15 – **no change**
- 103 Twin City St- Full R-6 - **no change**
- 104 Raiford Rd- Full R-6 – **no change**
- 225 Butch St- Full R-10 – **no change**
- 2302 Erwin Rd- Full B-2 – **no change**
- 2100 Erwin Rd- Full B-2 – **no change**
- 2006 Erwin Rd- Full B-2 – **no change**
- 1507 Denim Dr - Full B-2 – **increase of \$13,860**
- 104 County Ave- Full R-6 – **increase of \$2,570**
- 1605 Denim Dr- Full R-6 – **decrease of \$19,600**
- HC Tax Pin:1507-40-4344 - Full R-6 – **increase of \$8,910**





**REZONING MAP REQUEST  
STAFF REPORT**

Case: ZT-2024-004

Dylan Eure, Town Planner  
deure@erwin-nc.org

Phone: (910) 591-4201 Fax: (910) 897-5543

Planning Board: 8/19/2024 Town Commissioners: TBD

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- HC Tax Pin 1507-40-4344 -**Rezone to full R-6**

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**Applicant Information**

**Owners of Record:**

Name: Word Afire Ministries  
 Address: 1503 Denim Dr. / Mailing Address  
219 Green Forest Circle  
 City/State/Zip: Erwin, NC 28339 / Dunn, NC 28339

Name: Erwin Methodist Church Inc.  
 Address: 610 Denim Dr. / Mailing Address  
600 Denim Dr.  
 City/State/Zip: Erwin, NC 28339

Name: Donald & Melba Byrd  
Address: 403 N 10<sup>th</sup> St.  
City/State/Zip: Erwin, NC 28339

Name: Casey Jordan Prince  
Address: 207 Pineview Dr.  
City/State/Zip: Erwin, NC 28339

Name: Raymar 55 LLC  
Address: 209 Pineview Dr./ Mailing Address  
1396 Old Hamilton Rd.  
City/State/Zip: Erwin, NC 28339 / Dunn NC, 28334

Name: Roger Chavis  
Address: 103 Twin City St.  
City/State/Zip: Dunn, NC 28334

Name: Randy Lucas  
Address: 104 Raiford Rd.  
City/State/Zip: Erwin, NC 28339

Name: Eduardo Mendoza  
Address: 225 Butch St.  
City/State/Zip: Erwin, NC 28339

Name: Rodney & Flora Lucas  
Address: 2302 Erwin Rd / Mailing Address  
2302 Dunn Erwin Rd.  
City/State/Zip: Dunn, NC 28334

Name: Robert & Tara McLamb  
Address: 2100A Erwin Rd. / Mailing Address  
47 Carroll Byrd Ln.  
City/State/Zip: Dunn, NC 28334

Name: Amos & Jenny Love  
Address: 2006 Erwin Rd./ Mailing Address 111  
Averasboro Rd.  
City/State/Zip: Dunn, NC 28334

Name: George Lamonte McAllister

Address: 1507 Denim Dr. / Mailing Address  
110 Forest Creek Dr.  
City/State/Zip: Erwin, NC 28339/ Raeford, NC  
28376

Name: Joshua Schmieding  
Address: 104 County Ave  
City/State/Zip: Dunn, NC 28334

Name: Donna & David Avery  
Address: 1605 Denim Dr. / Mailing Address  
1605 Denim Dr.  
City/State/Zip: Erwin, NC 28339

Name: Barbra Beasley  
Address: HC Tax Pin: 1507-40-4344/ Mailing  
Address 200 Twin City St.  
City/State/Zip: Dunn, NC 28334

**Applicant:**

Name: Town of Erwin  
Address: 100 West F St  
City/State/Zip: Erwin, NC 28339

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**Property Description**

- 1503 Denim Drive
  - Business on location, no change to owner
  - B2 .59 Acres, 96.85%
  - R10 .02 Acres, 3.15%
  - **Full B-2**
- 610 Denim Drive
  - Church on location, no change for owners , decrease dimensional requirements
  - DMV 2.98 Acres, 57.93%
  - R10 2.17 Acres, 42.07%
  - **Full DMV**
- 403 N 10<sup>th</sup> Street
  - Home on property, no change to owner,
  - RMV .23 Acres, 79.20%
  - B2 .06 Acres, 20.80%
  - **Full RMV**

- 207 Pineview
  - Home on property, No change to owner
  - R15 .55 Acres, 77.26%
  - B2 .16 Acres, 22.74%
  - **Full R-15**
- 209 Pineview
  - Home on property, No change to owner
  - R15 .41 Acres, 65.75%
  - B2 .21 Acres, 34.25%
  - **Full R-15**
- 103 Twin City Street
  - Home on property, no change to owner
  - R-6 .29 Acres 89.56%
  - B2 .03 Acres 10.44%
  - **Full R-6**
- 104 Raiford Road
  - Home on property, no change to owner
  - R6 .46 Acres, 82.77%
  - B2 .1 Acres, 17.23%
  - **Full R-6**
- 225 Butch Street
  - Home on property, no change to owner
  - R10 1.19 Acres, 93.82%
  - B2 .08 Acres, 6.18%
  - **Full R-10**
  - **Full R6**
- 2302 Erwin Rd
  - Business on property
  - B2 .37 acres, 62.16%
  - R6 .23 acres, 37.84%
  - **Full B2**
- 2100 Erwin Rd
  - Business on property
  - B2 .34 acres, 57.1%
  - R6 .26 acres, 42.9%
  - **Full B2**
- 2006 Erwin Rd
  - Residence on property
  - B2 .42 acres, 74.64%
  - R6 .14 acres
  - **Full B-2**
- 1507 Denim Drive

- Church on property
- B-2 1.25 acres, 79.47%
- R-10 .32 acres, 20.53%
- **Full B-2**
- 104 County Ave
  - Home on property zoned as B-2
  - .16 acers
  - **Full R-6**
- 1605 Denim Dr
  - Home on property, zoned at business
  - Full B-2, .81 acres
  - **Full R-6**
- 1507-40-4344
  - Apart of a residential property
  - B2 .3 acres,44.3%
  - R6 .38, 55.7%
  - **Full R-6**

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### Vicinity Map

- See Attached Harnett County GIS Image with zoning districts
- See Attached Harnett County GIS Image without zoning districts

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### Physical Characteristics

#### Site Description:

A total of 15 parcels that are throughout Erwin corporate limits. According to Harnett GIS, no wetlands, watersheds, or flood areas are within any of the parcels discussed. The exact acreage for each of the parcels is as follows.

- 1503 Denim Dr. -.61 acres
- 610 Denim Dr. – 5.26 acres
- 403 N 10<sup>th</sup> St.-.30 acres
- 207 Pineview Dr. -.72 acres
- 209 Pineview Dr. -.62 acres
- 103 Twin City St. -.32 acres
- 104 Raiford Rd. -.55 acres
- 225 Butch St. -1.26 acres
- 2302 Erwin Rd. -.60 acres
- 2100 Erwin Rd. -.60 acres
- 2006 Erwin Rd. -.57 acres

- 1507 Denim Dr. -1.57 acres
- 104 County Ave. -.16 acres
- 1605 Denim Dr. -.81 acres
- HC Tax Pin 1507-40-4344 -.69 acres

**Services Available**

- Harnett County Water and Sewer are accessible for all properties.

**Staff Evaluation**

The Town of Erwin has requested 15 parcels to be rezoned to correct zoning map conformities to align parcels to a single zoning classification in which fits each parcel best based on their current use.

**Staff Evaluation**

Yes  No The IMPACT to the adjacent property owners and the surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community

- **Reasoning:** The rezoning's are compatible with the surrounding community and would not cause any inconvenience to those within the area as this is the use they are currently being operated as.

Yes  No The requested zoning district is COMPATIBLE with the existing Land Use Classification.

- **Reasoning:** According to Erwin's current Land Use Plan done in 2023 the properties are assigned to be zoned under mixed use that promotes residential and commercial uses where appropriate.

Yes  No The proposal does ENHANCE or maintain the public health, safety, and general welfare.

- **Reasoning:** The rezoning would correct zoning nonconformities and ensure that clear uses are defined for the parcels.

Yes  No The request is for a SMALL SCALE REZONING and should be evaluated for reasonableness.

- **Reasoning:** This rezoning request includes 15 parcels all within corporate limits of Erwin.

|                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>There is a convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group. <b>YES</b></p>                                                                                                                                                                                              | <p>Parcels are currently split zoned and by rezoning would ensure that their current uses are permitted.</p>                                                                                   |
| <p>There is a convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.) <b>YES</b></p> | <p>All parcels are designated under the Erwin 2023 Land use Plan to be either residential or mixed use.</p>                                                                                    |
| <p>There is a convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change. <b>YES</b></p>                                                                                                                                                                                                                                       | <p>The rezoning's would not alter the character of the neighborhood in anyway. Rezoning's would ensure clarity for owners and not take away rights that they currently have to their land.</p> |
| <p>The proposed change is in accord with the Land Development Plan and sound planning principles. <b>YES</b></p>                                                                                                                                                                                                                                                                                                              | <p>All of the parcels that are included are designated to be mixed in the 2023 Erwin Land Use Plan for the purposes of residential and commercial where appropriate.</p>                       |

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### Statement of Consistency

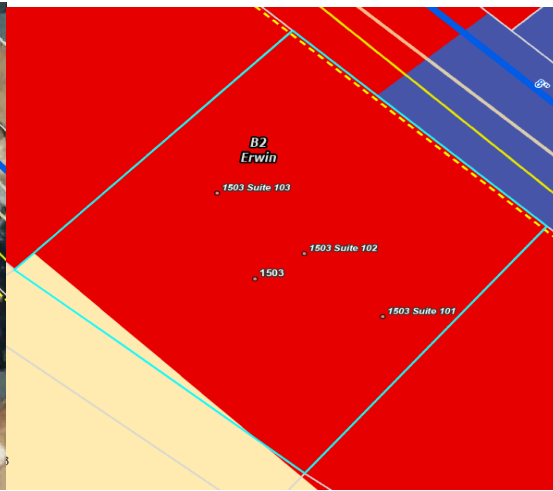
The requested rezoning from being split zoned is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances the uses defined within the mixed use classification would best serve the above stated parcels. It is recommended that this rezoning's request be **Approved**.

Attachments:

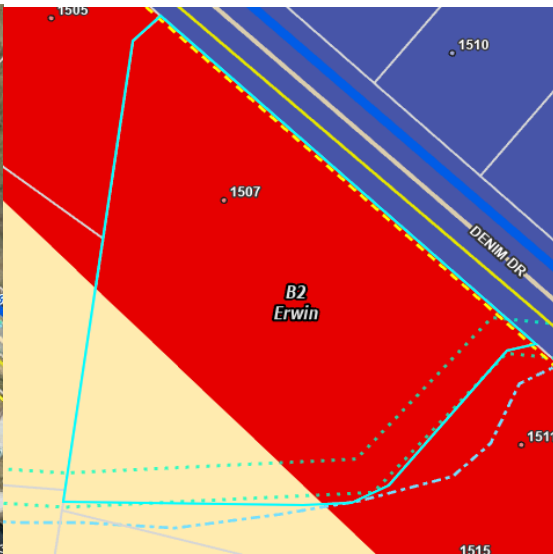
- ZT-2024-004 Memo
- Harnett County GIS Image with zoning districts
- Harnett County GIS Image without zoning districts
- Adjacent property owner sheets
- Public notice letter sent to adjacent property owners



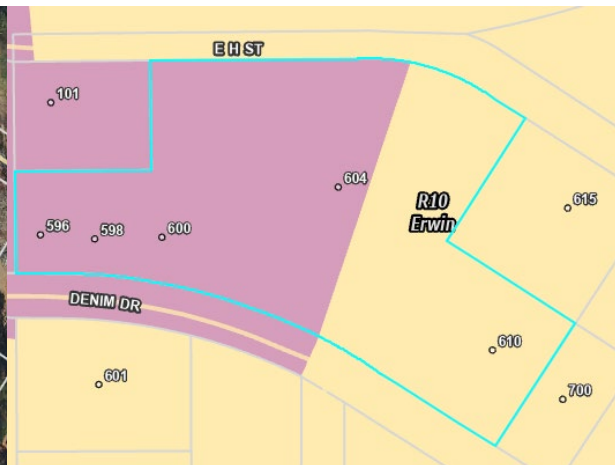
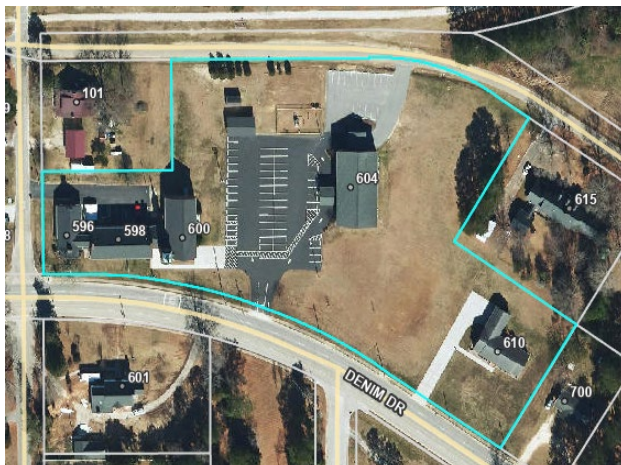
### 1503 Denim



### 1507 Denim



### 610 Denim





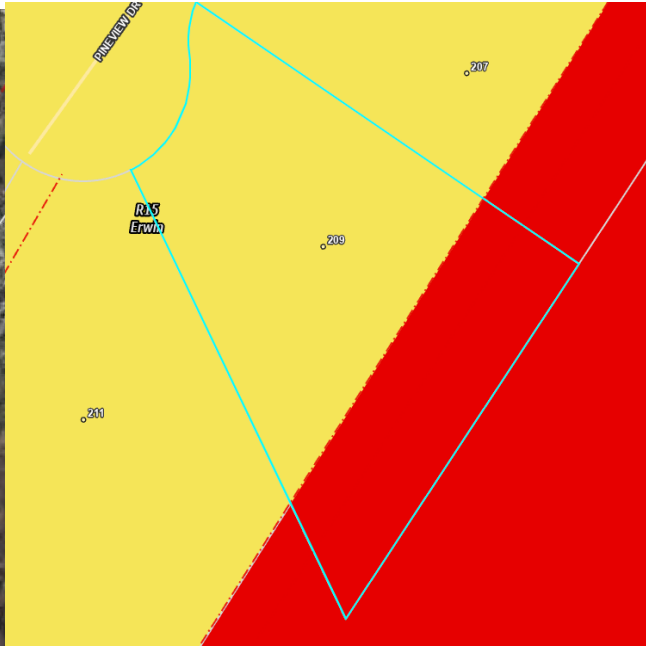
403 N 10<sup>th</sup>



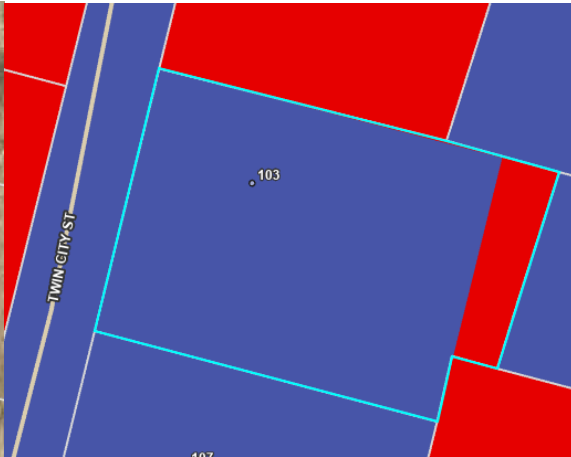
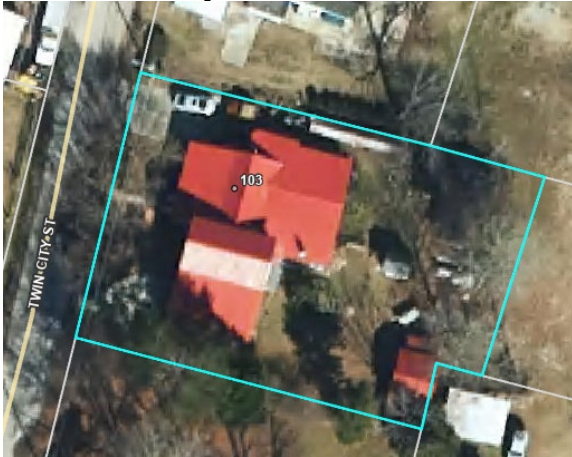
207 Pineview



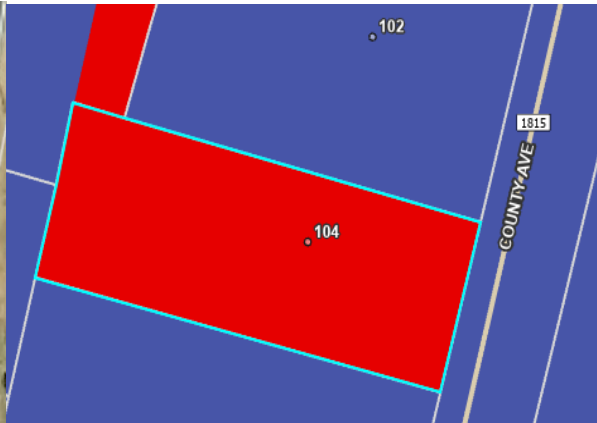
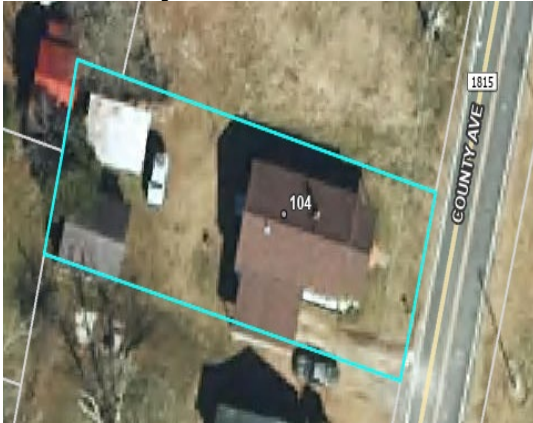
209 Pineview



103 Twin City

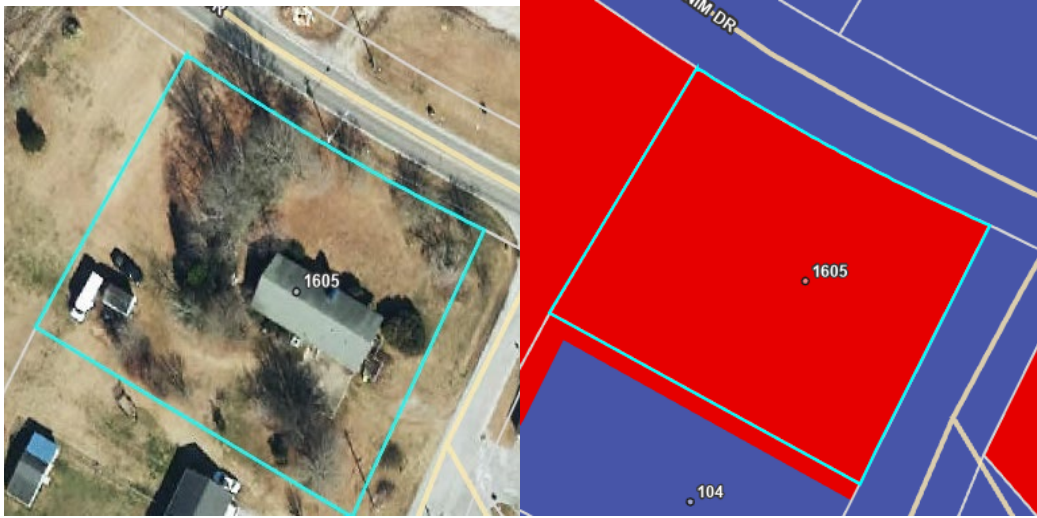


104 County





1605 Denim



104 Raiford



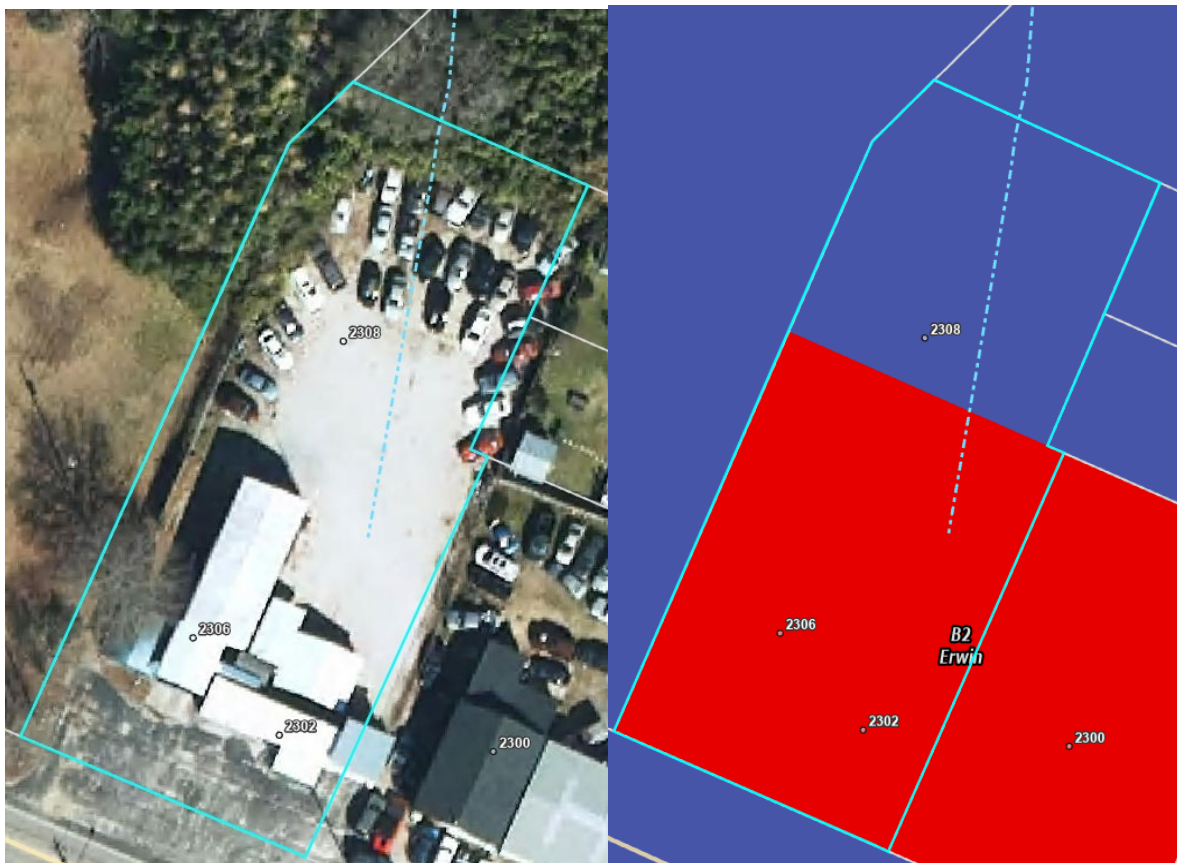
225 Butch



HC Tax Pin 1507-40-4344



2302 Erwin





2100 Erwin



2006 Erwin





# TOWN OF ERWIN

P.O. Box 459 • Erwin, NC 28339  
Ph: 910-897-5140 • Fax: 910-897-5543  
www.erwin-nc.org

08/19/2024

**Mayor**  
Randy L. Baker  
**Mayor Pro Tem**  
Ricky W. Blackmon  
**Commissioners**  
Alvester L. McKoy  
Timothy D. Marbell  
Charles L. Byrd  
David L. Nelson  
William R. Turnage

## Encroachment Memorandum

### Background

Wesley Johnson of Grain Dealers Inc. who is planning on operating a tap room located in building KW. He is wanting to install glycol chillers (required for tap rooms) and an HVAC unit along Chief Joseph Lane in Erwin. Due to the orientation of the building and the proposed layout of the tap room this causes the HVAC unit along with the glycol chillers to extend off of the rear of the building and into the public right-of-way due to it having to be setback from the building in order to meet NC building code. Measuring from the edge of the current structure with no alternations to the edge of Chief Joseph Ln. there is approximately 25 feet. The amount of right-of-way according to a recent survey done by 200 N LLC is 15 feet 7 inches and the current unmodified building is setback from the property line by 9 feet 3 inches.

According to the site plans submitted by Grain Dealers the area that would hold the chillers/HVAC unit would extend approximately 15 feet 3/4 of an inch off of the side of the current building. According to these measurements the chillers/HVAC unit would extend approximately 5 feet 9 3/4 inches into the public right-of-way. Which would leave the Town to have approximately 9 feet 11 1/4 inches of vacant right-of-way space between the edge of the street and the edge of the proposed HVAC structure along unit KW. However, according to the site plan the proposed trash receptacles and fence around it extend 19 feet 6 inches from the building meaning that it would leave approximately 5 feet 6 inches of vacant right of way. There is a drainage ditch that is at approximately 20 feet away from the current unmodified building. Meaning that it would only leave 6 inches between the trash receptacles/fence screening and the ditch that runs along Chief Joseph.

### Applicable Regulations

Sec. 36-433 of the Erwin Code of Ordinances gives a list of prohibited fence types which includes:

*“Obstruction of drainageway. Fence construction shall not alter or impede the natural flow of water in any stream, creek, drainage swale or ditch.”*

Sec. 36-433 states that:

*“fence prohibited in rights-of-way. No fence shall be erected or maintained within or on any state or town right-of-way”.*

Sec. 36-419 states that :

*“Minimum rear setback for accessory structures are 10ft”*

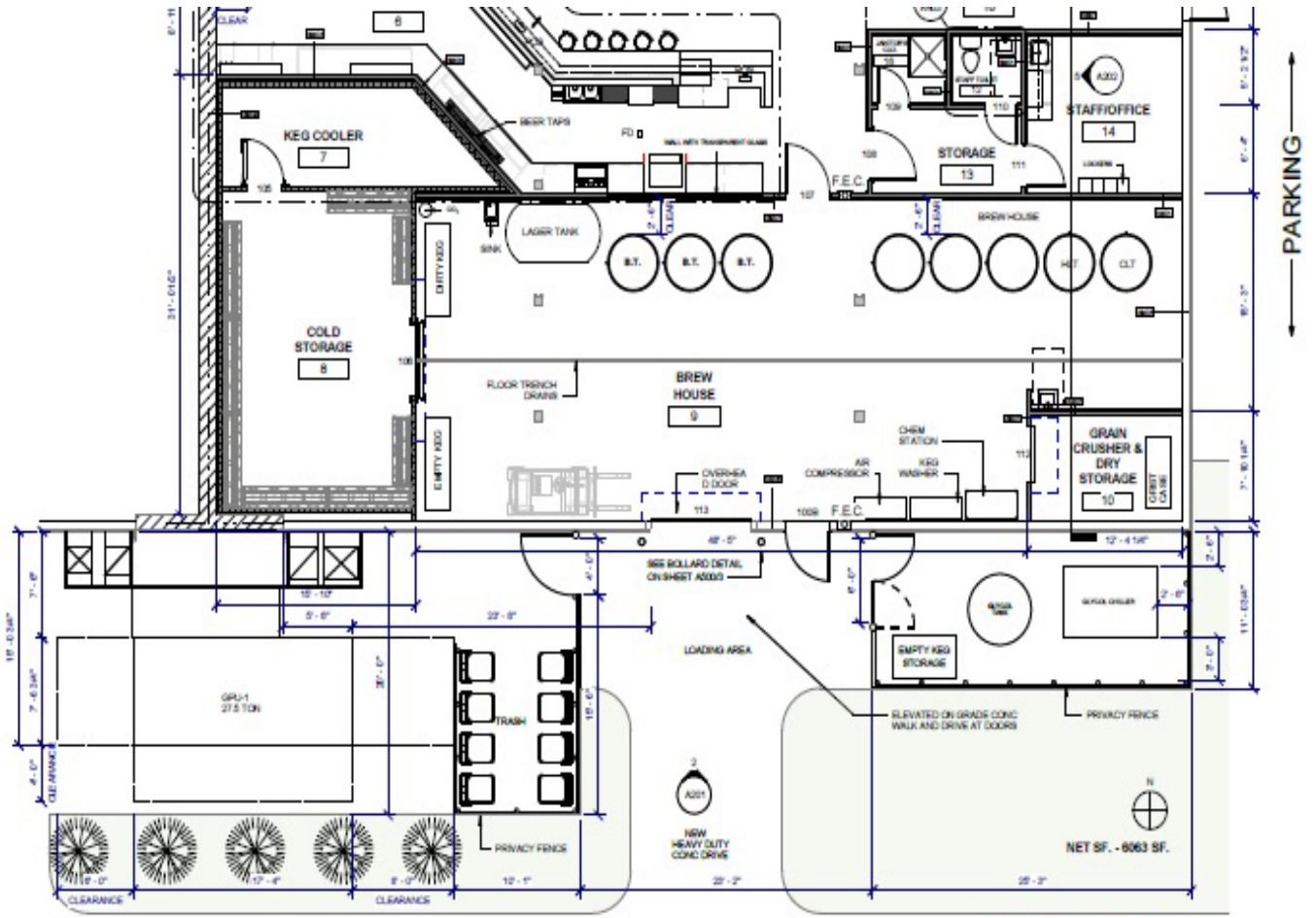
**Benchmarking**

The City of Raleigh faces similar issues with structures having to extend into the public right-of-way because of circumstances that fall out of the property owner's control. In circumstances such as this, they require an encroachment agreement that is approved by the Board of Commissioners.

**Recommendation**

Due to the nature of the mill’s layout, it is not expected that this is the last time a similar request will be made. Therefore it is the opinion of staff that an amendment be authored to the Erwin Code of Ordinances to state that no fence shall be erected or maintained within or on any state or town right-of-way unless an encroachment agreement is approved by the board of commissioners. A second amendment be authored to be included within accessory structures that state similar terminology. Finally, a process and a set of standards be established to ensure the safety of town right-of-ways.

**Map of Encroachment Area**



**BREWERY FLOOR PLAN**  
 3/16" = 1'-0" ①



# Erwin Planning Board

## REQUEST FOR CONSIDERATION

---

To: Erwin's Planning Board Members

From: Dylan Eure, Town Planner

Date: August 19, 2024

Subject: Accessory structures in ROW

---

The staff of the Town of Erwin wishes to amend its Code of Ordinances, specifically Chapter 36 within Article XV Sections 36-419 to allow for accessories in the public right-of-way as long as an encroachment agreement is approved by the Erwin Board of Commissioners and standards are met. The purpose of this is to address properties that are along the downtown area of Erwin that are limited to their yard space for utilities.

### **Proposed language:**

*(G) "Accessory structures prohibited in rights-of-way. No accessory structure or use shall be erected or maintained within or on any state or town right-of-way unless an encroachment is approved by the Board of Commissioners or the North Carolina Department of Transportation"*

### **Statement of Consistency**

The proposed text amendment is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances, the proposed text amendment would best address the issues that the downtown area of Erwin faces due to lack of yard space. It is recommended that this amendment be **Approved**.

# Erwin Planning Board

## REQUEST FOR CONSIDERATION

---

To: Erwin's Planning Board Members

From: Dylan Eure, Town Planner

Date: August 19, 2024

Subject: Fences in ROW

---

The staff of the Town of Erwin wishes to amend its Code of Ordinances, specifically Chapter 36 within Article XV Sections 36-433 to allow for fences in the public right-of-way as long as an encroachment agreement is approved by the Erwin Board of Commissioners. The purpose of this is to address properties that are along the downtown area of Erwin that are limited to their yard space.

**Current language:**

*“fence prohibited in rights-of-way. No fence shall be erected or maintained within or on any state or town right-of-way”.*

**Proposed language:**

*“fence prohibited in rights-of-way. No fence shall be erected or maintained within or on any state or town right-of-way unless an encroachment is approved by the Board of Commissioners or North Carolina Department of Transportation”*

**Statement of Consistency**

The proposed text amendment is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances, the proposed text amendment would best address the issues that the downtown area of Erwin faces due to lack of yard space. It is recommended that this amendment be **Approved**.

---

First Name: \_\_\_\_\_

Last Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Parcel PIN / ID: \_\_\_\_\_

Acreage/size: \_\_\_\_\_

Zoning: \_\_\_\_\_

Encroachment Request (may be attached on a separate sheet):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Encroachment Reasoning (may be attached on a separate sheet):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I, as the landowner, hereby **CERTIFY** that the information contained herein is true to the best of my knowledge.

Landowner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Attach a scaled illustrative plot or site plan showing all dimensions of structure encroachment along with property lines.

In order for the Town of Erwin's Commissioners to grant an encroachment into the Town of Erwin's Public Right-Of-Way all of the following standards must be met and found in the affirmative.

1. Cannot be easily sited in the private property due to physical constraints.

Reasoning:

2. Must not locate within a public street.

Reasoning

3. Must not encroach into public parking.

Reasoning:

4. Must not locate within 5 feet of public signs, utility boxes, utility poles/ lines, drainage ditches, or other areas readily accessed by town or county departments.

Reasoning:

5. Must not be within 5 feet of any street intersection.

Reasoning:

6. Must not be within 5 feet of a fire hydrant.

Reasoning:

7. Must not block access to public street furniture or sidewalk.

Reasoning:

8. The circumstances are not the result of the actions of the applicant.

Reasoning: