

**THE ERWIN BOARD OF COMMISSIONERS
JANUARY 2025 REGULAR MEETING
THURSDAY, JANUARY 2, 2025 @ 7:00 P.M.
ERWIN MUNICIPAL BUILDING BOARDROOM**

AGENDA

1. MEETING CALLED TO ORDER

- A. Invocation
- B. Pledge of Allegiance

2. AGENDA ADJUSTMENTS /APPROVAL OF AGENDA

3. CONSENT

All items on Consent Agendas are considered routine, to be enacted on one motion without discussion. If a Board member or citizen requests discussion of an item, the item will be removed from the Consent Agenda and considered under New Business.

- A. Special Called Meeting on November 14, 2024 **(Page 2)**
- B. Regular Meeting on December 5, 2024 **(Page 5)**

4. ~~PROCLAMATION RECOGNIZING CAPE FEAR CHRISTIAN ACADEMY TENNIS TEAM~~

5. PUBLIC HEARING

- A. ZT-2024-007 **(Page 9)**
- B. SU-2024-002 **(Page 34)**

6. PUBLIC COMMENT

Each speaker is asked to limit comments to 3 minutes, and the requested total comment period will be 30 minutes or less. Citizens should sign up prior to the start of the meeting. Please provide the clerk with copies of any handouts you have for the Board. Although the Board is interested in hearing your concerns, speakers should not expect Board action or deliberation on the subject matter brought up during the Public Comment segment. Thank you for your consideration of the Town Board, staff, and other speakers. §160A-81.1

7. MANAGER'S REPORT

8. ATTORNEY'S REPORT

9. ADJOURNMENT

****IN ACCORDANCE WITH ADA REGULATIONS, PLEASE NOTE THAT ANYONE WHO NEEDS AN ACCOMMODATION TO PARTICIPATE IN THE MEETING SHOULD NOTIFY THE TOWN CLERK AT (910) 591-4202 AT LEAST 48 HOURS PRIOR TO THE MEETING.****

ERWIN BOARD OF COMMISSIONERS
SPECIAL CALLED MEETING MINUTES
NOVEMBER 14, 2024
ERWIN, NORTH CAROLINA

The Board of Commissioners for the Town of Erwin with Mayor Randy Baker presiding held a Special Called Meeting in the Erwin Municipal Building Board Room on Thursday, November 14, 2024, at 9:00 A.M. in Erwin, North Carolina.

Board Members present were: Mayor Randy Baker, Mayor Pro Tem Ricky Blackmon, and Commissioners Charles Byrd, David Nelson, Timothy Marbell, David Nelson, and William Turnage

Board Member absent was: Commissioner Alvester McKoy.

Town Manager Snow Bowden, Town Clerk Lauren Evans, and Town Planner Dylan Eure were present.

Mayor Baker called the meeting to order at 9:00 A.M.

Commissioner Nelson gave the invocation.

Commissioner Byrd led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

Commissioner Byrd made a motion to approve the agenda as presented and was seconded by Commissioner Nelson. **The Board voted unanimously.**

NEW BUSINESS

Village at Old Stage Preliminary Plat

Town Planner Dylan Eure stated that this was a preliminary major subdivision plat for a 101-lot subdivision that will be comprised of single-family homes. He asked the Board to keep in mind that this is just the preliminary plat. This is the first step in the subdivision process. Before any development can take place, the developers will have to submit a final plat to the Town of Erwin for approval. The final plat will include information such as utility lines, drainage, and any potential wetland information. The developers will also be required to obtain driveway permits from the North Carolina Department of Transportation (NCDOT) and stormwater/soil and erosion permits from the North Carolina Department of Environmental Quality (NCDEQ). All the lots meet the standards that are required for a preliminary plat in our Town Code. He stated he was happy to answer any questions the Board may have.

MINUTES CONTINUED FROM NOVEMBER 14, 2024

Commissioner Byrd stated he spoke with Town Planner Dylan Eure after the meeting last Thursday. All of the questions he had were answered and he felt satisfied with his mind to move forward.

Town Manager Snow Bowden stated that a few months back the Board approved to annex four of the proposed parcels.

Mayor Baker inquired whether this subdivision met all of the current regulations and development regulations.

Town Planner Dylan Eure stated that the preliminary plat did meet all of the standards in our Town Code but he was not familiar with county regulations. The developer planned to annex the remainder lots and will comply with Town road standards.

Mayor Baker clarified for the people in the attendance that Town Board would not be able to approved the final plat until the developers received state agency approval.

Town Planner Dylan Eure stated that was correct and the developer would need to obtain a driveway permit from NCDOT for any driveways off of the state maintained road.

Mayor Baker stated that 101 lots being proposed could always decrease during the process of approval.

Commissioner Blackmon ensure that the preliminary plat met all the subdivision regulations.

Town Planner Dylan Eure stated that was correct.

Commissioner Blackmon made a motion to approve the Village at Old Stage Subdivision Plat and was seconded by Commissioner Byrd. **The motion was unanimously approved.**

HWY 421 Overlay

Town Planner Dylan Eure stated on the HWY 421 Overlay provided, further regulations were included such as building materials, landscaping standards, internal parking lot standards, and signage standards. He removed the sidewalk standards to prevent slow down of development.

Mayor Baker stated that these standards were not applicable for residential developments.

Town Planner Dylan Eure stated that residential was exempt.

Commissioner Blackmon stated that the amendment needed to state the exemption. He also stated that clarification on percentage was needed for the metal building materials and landscaping. We also needed to look at the drainage system for dumpsters into a basin and not back into the water system.

MINUTES CONTINUED FROM NOVEMBER 14, 2024

Town Planner Dylan Eure stated he would look at common practices and bring the updates back to the Board.

The consensus of the Board was to instruct Town Planner Dylan Eure to make the requested changes and bring the amendment back to the Board at the Regularly Scheduled Board Meeting in December.

ADJOURNMENT

Commissioner Byrd made a motion to adjourn at 9:26 A.M. and was seconded by Commissioner Nelson. **The Board voted unanimously.**

**MINUTES RECORDED AND TYPED BY
LAUREN EVANS TOWN CLERK**

ATTEST:

Randy Baker
Mayor

Lauren Evans NCCMC
Town Clerk

ERWIN BOARD OF COMMISSIONERS

REGULAR MINUTES

DECEMBER 5, 2024

ERWIN, NORTH CAROLINA

The Board of Commissioners for the Town of Erwin with Mayor Baker presiding held its Regular Meeting in the Erwin Municipal Building Board Room on Thursday, December 5, 2024, at 7:00 P.M. in Erwin, North Carolina.

Board Members present were Mayor Randy Baker, Mayor Pro Tem Ricky Blackmon, and Commissioners Timothy Marbell, David Nelson, Alvester McKoy, and Billy Turnage.

Board Member Absent was Commissioner Charles Byrd.

Town Manager Snow Bowden, Town Clerk Lauren Evans, Town Attorney Tim Morris, Town Planner Dylan Eure, Finance Director Linda Williams, Code Enforcement Officer Chris Jones, and Police Chief Jonathan Johnson were present.

Mayor Baker called the meeting to order at 7:00 PM.

Pastor Thomas Greene gave the invocation.

Commissioner Blackmon led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

Town Manager Snow Bowden requested to add Resolution Opposing Senate Bill 382 Subpart III-K of the 2024 North Carolina Legislative Session as item D under Consent.

Commissioner Blackmon made a motion to approve the agenda as amended and was seconded by Commissioner Nelson. **The Board voted unanimously.**

CONSENT

Commissioner Blackmon made a motion to approve **(ITEM A)** Minutes of Regular Workshop on October 28, 2024 **(ITEM B)** Minutes of Regular Meeting on November 7, 2024 **(ITEM C)** 2024 Meeting Schedule **(ITEM D)** Resolution Opposing Senate Bill 382 Subpart III-K of the 2024 North Carolina Legislative Session and was seconded by Commissioner Turnage. **The Board voted unanimously.**

MINUTES CONTINUED FROM DECEMBER 5, 2024

PRESENTATION OF JANUARY CITIZEN OF THE MONTH

Meagan Lorraine Greene of 410 Old Post Road was recognized as the December 2024 Citizen of the Month. Mayor Pro Tem Blackmon presented her with a Proclamation Plaque.

The Proclamation is part of these minutes as an attachment.

PROCLAMATION RECOGNIZING ERWIN'S 13U BOYS FOOTBALL TEAM

The Town Board of Commissioners recognized Coaches Chamod Thompson and Jamel Sledge Sr. and the players on the 2024 Erwin 13U Boys Football Team for an amazing season. Mayor Baker presented Coach Chamod Thompson with a Proclamation Plaque.

The Proclamation is part of these minutes as an attachment.

PROCLAMATION RECOGNIZING ERWIN'S 13U GIRLS SOCCER TEAM

The Town Board of Commissioners recognized Coaches Amanda Lee and Jessica Lucas and the players on the 2024 Erwin 13U Girls Soccer Team for an amazing season. Mayor Baker presented Coach Jessica Lucas with a Proclamation Plaque.

The Proclamation is part of these minutes as an attachment.

RECESSED

Commissioner Turnage made a motion to recess at 7:17 PM for a reception and was seconded by Commissioner Blackmon. **Motion Unanimously Approved.**

RECONVENED

Commissioner Blackmon made a motion to go back into regular session at 7:231 PM and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

PRESENTATION OF FISCAL YEAR 2023-2024 AUDIT

R. Bryon Scott, CPA came forward and presented the Fiscal Year 2023-2024 Audit for the Town of Erwin.

A copy of the Fiscal Year 2023-2024 Audit Presentation is attached to these minutes.

Commissioner Blackmon made a motion to accept the audit report as submitted and was seconded by Commissioner McKoy. **The Board voted unanimously.**

MINUTES CONTINUED FROM DECEMBER 5, 2024

NEW BUSINESS

Grain Dealers Encroachment

Town Planner Dylan Eure informed the Board that this encroachment application was submitted by Wesley Johnson, owner of Grain Dealers Brewery. Unfortunately, Mr. Johnson had other obligations and was not able to be at the meeting but he intended to install HVAC units with fencing. The amount of the encroachment for the HVAC units and its fencing will be approximately 6ft into the public Right-of-Way and the amount of encroachment for the glycol unit fencing will be approximately 2ft into the public Right-of-Way. It will not block drainage ditches and will not be within the public roadway. It will also be an adequate distance from public utilities.

Commissioner Blackmon made a motion to approve the Grain Dealers Encroachment Agreement and was seconded by Commissioner Turnage. **The Board voted unanimously.**

ZT-2024-005 Letter of Denial

Town Planner Dylan Eure presented the Board with a Letter of Denial of rezoning case ZT-2024-005 which was denied at our Regularly Scheduled Board Meeting in November. Going forward, it will be required for the Board to approve an official letter signed by Mayor Baker for quasi-judicial hearings.

Commissioner Blackmon made a motion to approve the letter of denial for ZT-2024-005 and was seconded by Commissioner Nelson. **The Board voted unanimously.**

PUBLIC COMMENT

No one was present to speak for Public Comment.

MANAGER'S REPORT

Town Manager Snow Bowden provided the Board with a detailed report at their seats. He stated if they had any questions to give him a call.

The Manager's Report is part of these minutes as an attachment.

ATTORNEY'S REPORT

Town Attorney Tim Morris thanked the Board for allowing him to be their Town Attorney and kudos to the Town Staff for an incredible Christmas Parade.

The Board discussed upcoming Christmas events.

MINUTES CONTINUED FROM DECEMBER 5, 2024

ADJOURNMENT

Commissioner Blackmon made a motion to adjourn at 7:49 P.M. and was seconded by Commissioner Nelson. **The Board voted unanimously.**

**MINUTES RECORDED AND TYPED BY
LAUREN EVANS TOWN CLERK**

ATTEST:

Randy Baker
Mayor

Lauren Evans, NCCMC
Town Clerk

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Dylan Eure, Town Planner

Date: January 2, 2025

Subject: ZT-2024-007

Rezoning description

The Town of Erwin has received a request to rezone a parcel located by its physical address of 4507 NC 55 Erwin, NC 28339. Currently, this parcel is zoned as RD. Said petition would rezone the above parcel to be entirely under the B-2 zoning classification. The parcel size is 3.47 acres and currently is occupied by a daycare. If the property is rezoned it would have no effect on the currently operating daycare as daycares are a permitted use within the B-2 zoning classification. From discussions with the developer, they have stated that 2.47 acres are to be subdivided from the property for the construction of a retail store if the rezoning is approved.

Site Description & Surrounding Uses

A single parcel located at the intersection of NC55 and Maynard Lake Rd of which both are maintained by the North Carolina Department of Transportation. According to NCDOT, this area is also set to be the future 421 bypass. The parcel is currently occupied by a daycare facility and if the rezoning would be approved there would be no effect to the current operation. According to Harnett GIS the property is approximately 3,200 ft or .62 of a mile to the north of Erwin's corporate limits. There are Harnett County water lines located on both NC 55 (12 inch main) and Maynard Lake (6-inch main) with gravity-fed sewer lines coming off NC 55. GIS has no recorded easements on the property nor are watersheds, wetlands, or flood zones.

The surrounding land uses are RD and are comprised of a mobile home park and agricultural uses to the west, a church to the northeast, a learning center/preschool to the east, and single-family residential to the north and south.

Compatibility

The requested rezoning from RD to B-2 classification 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 B-2 zoning classification would best serve the above-stated parcel.



Application for an Amendment To The Official Zoning Map of Erwin, NC

Staff Only: Zoning Case # Z-20 _____ - _____
Fee: _____ Check # _____ MO _____ Cash _____
PB Recommendation: _____ A _____ D _____ A/W Conditions
BOC Date: _____ Decision: _____ A _____ D _____ T _____ A/W Conditions

Print Applicant Name: Rhetson Companies, Inc.
Name of Legal Property Owner Dayna and Steve Murphy
Location of Property 4507 NC HWY 55 East

Please Circle One of the Following: Less than one Acre One to 4.99 Acres Five or more Acres

Zoning change requested from RD to B2

If Conditional District, note conditions: _____

Harnett County Tax Map PIN 0598-92-2261

Property owner(s) of area requested and address(es)

* see attached list of property owners *

(If more space is required, please attach to this document separately)

- Submit names and addresses of property owners immediately adjacent to the proposed rezoning area (and properties within 100 feet of proposed rezoning area) and across any street(s) and identify on an area map
- Attach a metes and bounds description, deed drawing of the area involved or a reference to lots in an approved subdivision on the entire property requested for change
- This application must be filed with the Town Hall by 4:00 p.m. on the Friday which is at least 25 days before the meeting at which it is to be considered and may be withdrawn without penalty no later than 19 days prior to the public hearing

Whenever an application requesting an amendment has been acted on and denied by the Town Board, such application, or one substantially similar shall not be reconsidered sooner than one year after the previous denial.

It is understood by the undersigned that the Zoning Map, as originally adopted and as subsequently amended, is presumed by the Town to be appropriate to the property involved and that the burden of proof for a zoning amendment rests with the applicant. Applicant is Encouraged to Discuss the Proposed Zoning Amendment with Affected Property Owners.

[Signature]
Signature of Applicant

(910) 944-0881
Contact Number

2075 Juniper Lake Road, West End, NC, 27376
Mailing Address of Applicant

Chris Morgan
Executive Vice President of Construction
Rhetson Companies, Inc.

Parcel ID	PIN	Owners	Owner1	Owner2	Physical Address	Mailing Address
7486566	0598-91-2998.000	KIMBER GROUP LLC	KIMBER GROUP LLC		MAYNARD LAKE RD NC	P O BOX 181 ERWIN, NC 28335-0181
7524796	0598-92-6030.000	SANDERS ASHLEY N	SANDERS ASHLEY N		19 SCRAMBLE RD ERWIN, NC 28336	19 SCRAMBLE RD ERWIN, NC 28339
7427756	0598-92-2261.000	MURPHY DAYNA BAYLES & MURPHY	MURPHY DAYNA BAYLES	MURPHY STEVE WILFORD	4507 NC 55 E ERWIN, NC 28339	175 DRUM INLT MOREHEAD CITY, NC 28557-9644
7440635	0598-91-3970.000	KIMBER GROUP LLC	KIMBER GROUP LLC		890 MAYNARD LAKE RD ERWIN, NC	P O BOX 181 ERWIN, NC 28335-0181
7529754	0598-92-7864.000	AVERY JOHN W & AVERY PHYLLIS A	AVERY JOHN W	AVERY PHYLLIS A	4506 NC 55 E ERWIN, NC 28339	6076 RED HILL CHURCH RD COATS, NC 27521-0000
7469811	0598-92-6101.000	HAYES SHARON POPE	HAYES SHARON POPE		915 MAYNARD LAKE RD ERWIN, NC	11845 ABATTOIR RD COATS, NC 27521-9380
7498953	0598-92-7879.000	HAWLEY WILLIAM D	HAWLEY WILLIAM D		995 MAYNARD LAKE RD ERWIN, NC	PO BOX 306 ANGLIER, NC 27501-0906
7433620	1508-02-0557.000	HAWLEY WILLIAM D	HAWLEY WILLIAM D		MAYNARD LAKE RD NC	PO BOX 306 ANGLIER, NC 27501-0906
7438522	0598-92-1741.000	NC PROPERTY INVESTORS LLC	NC PROPERTY INVESTORS LLC		4448 NC 55 E ERWIN, NC 28339	PO BOX 190 CLAYTON, NC 27528-0190
7427809	0598-92-5494.000	HAWLEY WILLIAM D	HAWLEY WILLIAM D		957 MAYNARD LAKE RD ERWIN, NC	PO BOX 306 ANGLIER, NC 27501-0906
7427812	0598-92-4890.000	MIDWAY PENTECOSTAL HOLINESS	MIDWAY PENTECOSTAL HOLINESS		4571 NC 55 E DUNN, NC 28334	PO BOX 667 ERWIN, NC 28339-0000

Mr. Snow Bowden
Town Manager
Town of Erwin
100 West F Street
Erwin, NC 28339
910-897-5140

Mr. Bowden,

Rhetson Companies, Inc. is filing this application for a rezoning from RD to B2. The subject property consists of 2.47+/- acres (portion) of Parcel 0598-92-2261.000, which is a total of 3.47+/- acres. The site is located within the Town of Erwin's ETJ and fronts on NC 55 E at the intersection of NC 55 E and Maynard Lake Road. Rhetson Companies is seeking to locate a proposed 10,640 SF retail store on the subject property.

The proposed use also promotes the following:

Economic Development:

- Promote the business growth within the Town
- Develop a diversified economic base in the Town

Land Use:

- Ensure the optimal use of land resources within the Town of Erwin and promote and support an environmentally sound future land use pattern that provides for a variety of community needs and minimized conflicts between existing and proposed land uses.
- Provide a retail service to the community to limit travel times

The proposed development will support the community of Erwin while having minimal impacts to noise, odor dust, and fumes to adjacent properties based on its intended use. The proposed development will meet the requirements set forth in the Town of Erwin's Unified Development Ordinance.

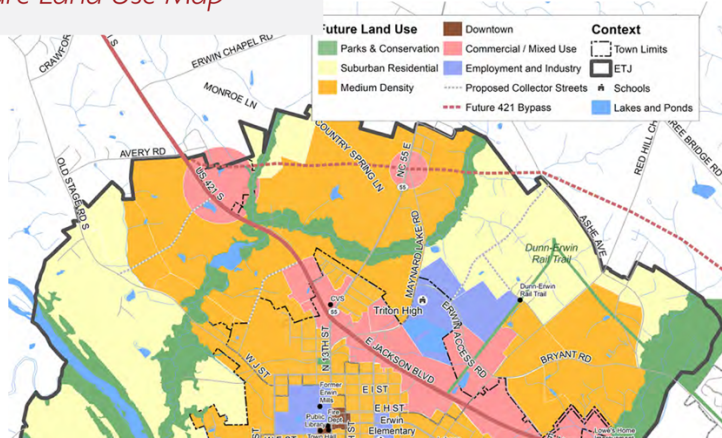
The proposed development will meet all applicable standards for Erosion and Sediment Control and Stormwater Management, and will feature Erosion and Sediment Control measure, and a permanent stormwater management pond meeting the standards of NCDEQ. The proposed entrance has been preliminarily reviewed by the North Carolina Department of Transportation. Discussions and feedback from North Carolina Department of Transportation have been incorporated in site and entrance design. The preliminary site design proposes a full entrance on the less traveled road (Maynard Lake Road) and a right out with 4-foot island on the more heavily traveled Hwy 55 to promote traffic adherence and safety. The applicant will work during the design phase with North Carolina Department of Transportation to ensure all aspects of the North Carolina Department of Transportation design manual are achieved. The proposed entrances will be officially reviewed and permitted by the North Carolina Department of Transportation.

The proposed use is compatible with the recently updated future land use plan (see below) for the Town of Erwin identifying the future land sue of this parcel to be commercial/mixed use. The use will provide services to the existing residential homes, churches and education facilities in the area.

Sincerely,

Rhetson Companies, Inc (Applicant) on behalf of Steve and Dayna Murphy

Future Land Use Map





**REZONING MAP REQUEST
STAFF REPORT**

Case: ZT-2024-007

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

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

Planning Board: 11/18/2024 Town Commissioners: 01/02/2025

The Town of Erwin has received a request to rezone a parcel located by its physical address of 4507 NC 55 Erwin, NC 28339. Currently this parcel is zoned as RD. Said petition would rezone the above parcel to be entirely under B-2 zoning classification. The parcel size is 3.47 acres and currently is occupied by a daycare. If said rezoning is approved the parcel would be subdivided in order to construct a retail establishment and would have no impact on the daycare in operation.

Applicant Information

Owner of Record:

Name: Dayna & Steve Murphy
Address: 175 Drum Inlet.
City/State/Zip: Morehead City, NC 28557

Applicant:

Name: Rhetson Companies, Inc.
Address: 2075 Juniper Lake Road
City/State/Zip: West End, NC 27376

Property Description

- Harnett County Tax Pin #0598-92-2261
- 3.47 acres

Vicinity Map

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

Physical Characteristics

Site Description:

A single parcel located at the intersection of NC55 and Maynard Lake Rd of which both are maintained by North Carolina Department of Transportation. According to NCDOT this area is also set to be the future 421 bypass. The parcel is currently occupied by a daycare facility and if the rezoning would be approved there would be no effect to the current operation. According to Harnett GIS the property is approximately 3,200 ft or .62 of a mile to the north of Erwin's corporate limits. There are Harnett County water lines located on both NC 55 (12 inch main) and Maynard Lake (6 inch main) with a gravity fed sewer lines coming off NC 55. GIS has no recorded easements on the property nor are watersheds, wetlands, or flood zones.

Surrounding Land Uses:

The surrounding land uses are RD and are comprised of a mobile home park and agricultural uses to the west, a church to the northeast, a learning center/preschool to the east, and single family residential to the north and south.

Services Available

- Harnett County Water & Sewer
- Erwin Fire
- Harnett County EMS
- Harnett County Sheriff
- Duke Energy for electric
- Brightspeed for telecommunications

Staff Evaluation

The applicant has requested to have a single parcel rezoned from RD (Rural District) to B-2 (Highway Business)

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

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

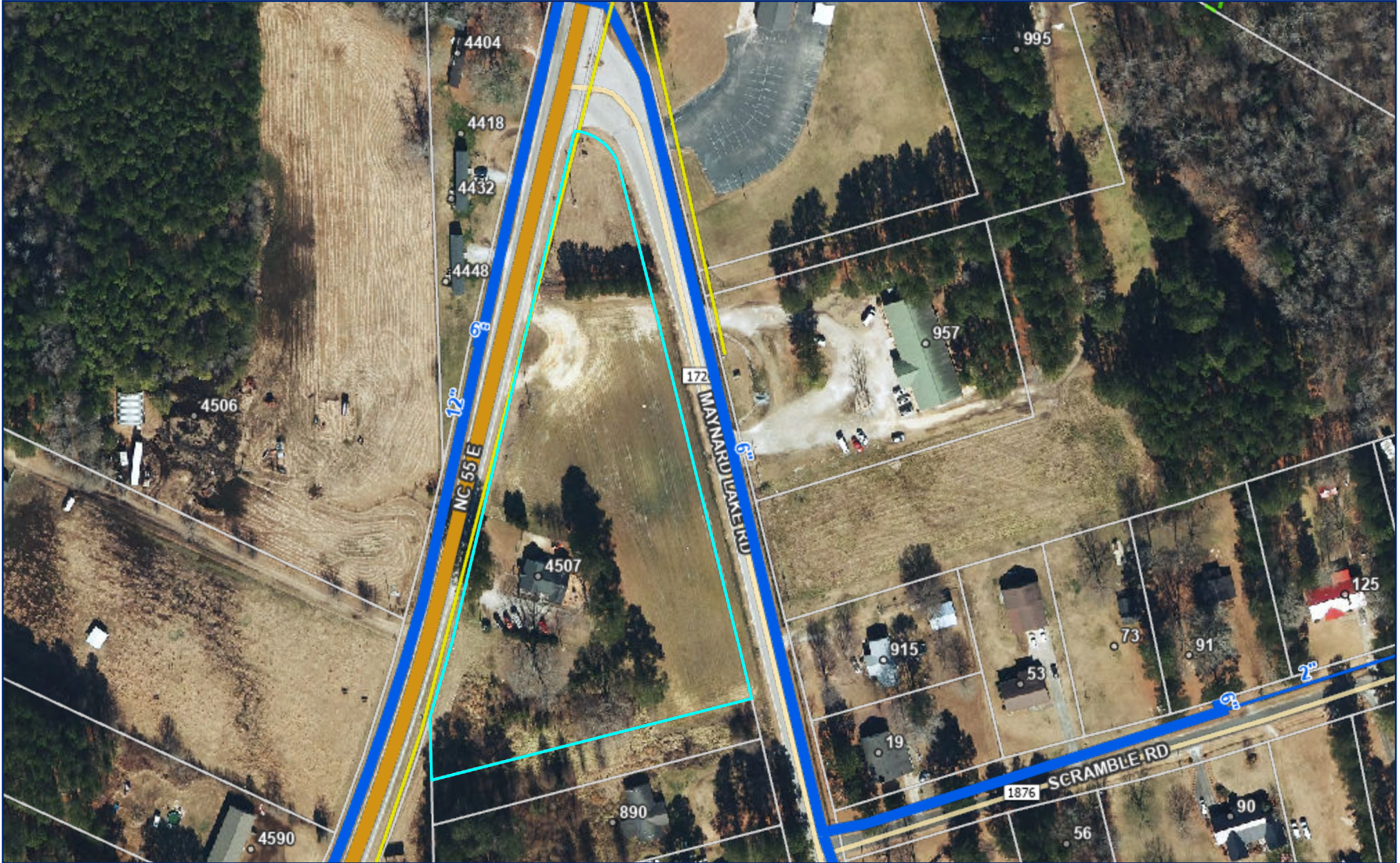
Yes No The proposal does ENHANCE or maintain the public health, safety, and general welfare.

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

<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.</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.)</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.</p>	
<p>The proposed change is in accord with the Land Development Plan and sound planning principles.</p>	

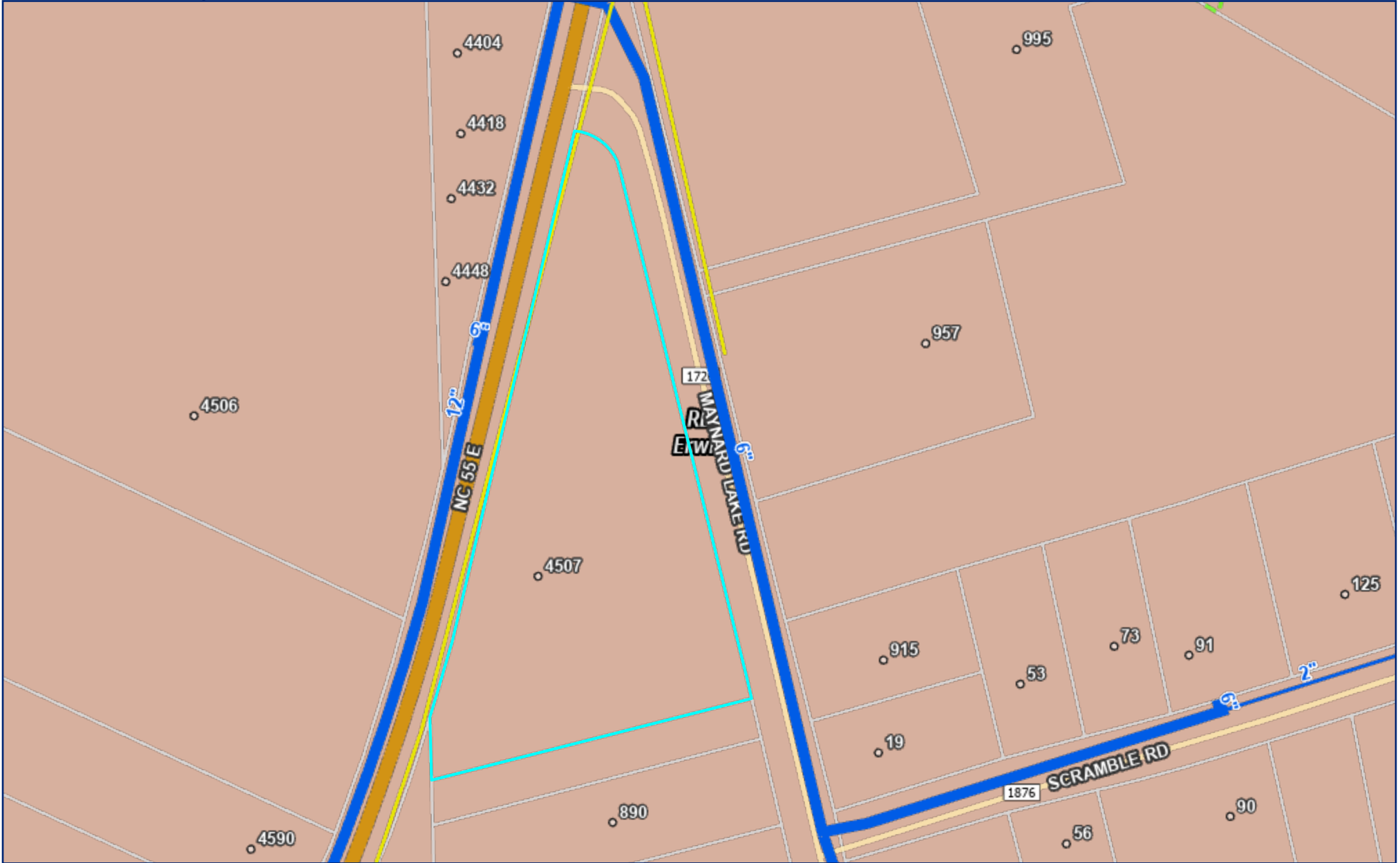
Attachments:

- ZT-2024-007 Application
- Harnett County GIS Image with zoning districts
- Harnett County GIS Image without zoning districts
- Adjacent property owner sheet
- Public notice letter sent to adjacent property owners

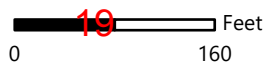
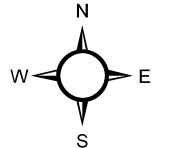


County Boundary	Gravity	Parcels
Address Numbers	Road Centerlines	
2 - 5	NC	
6 - 36	Ingress_Egress	

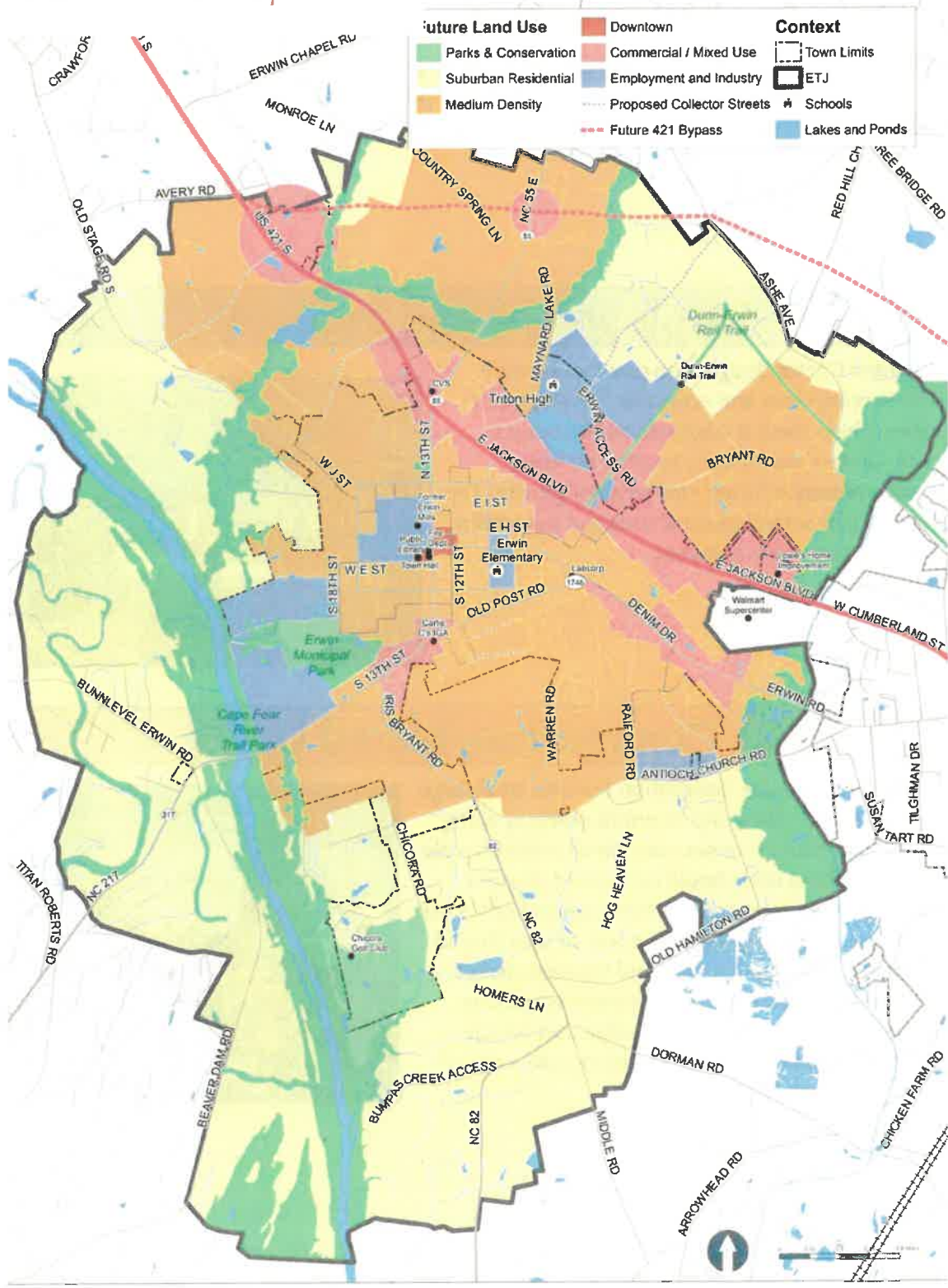
A north arrow is located in the bottom right corner, pointing North (N), South (S), East (E), and West (W). Below the north arrow is a scale bar showing 0, 18, and 160 feet. The number 18 is highlighted in red on the scale bar.



County Boundary	Gravity	Parcels
Address Numbers	Road Centerlines	RD
2 - 5	NC	
6 - 36	Ingress_Egress	



Future Land Use Map



Town of Erwin Land Use Plan

Future Land Use Character Areas

The Future Land Use Map (*FLUM*) and character areas guide land use and infrastructure decisions, as well as land use regulations within Erwin's planning jurisdiction. The FLUM categorizes land into six color-coded character areas. These designations describe the desired types, intensity, and spatial arrangement of land uses in Erwin's planning jurisdiction.

Employment and Industry

The Employment Center designation provides primary locations for employment and economic development opportunities where there is adequate infrastructure. Employment Centers are typically located on larger parcels to accommodate future employment growth. This designation includes some industrial uses and supporting commercial uses to serve employees.



Commercial/Mixed Use

The Commercial/Mixed Use designation features small-large scale commercial, and office uses oriented primarily along Highway 421 and at major intersections. Small-medium scale commercial and offices uses should be located at major intersections. Medium-large scale commercial and office uses should be located along Highway 421. A mix of uses should be encouraged to serve both a local and regional market. Although this designation is more auto oriented, efforts should be made to provide both pedestrian and vehicle connectivity. This character area may also include a mix of residential types where appropriate.



**MURPHY DAYNA BAYLES & MURPHY
STEVE WILFORD**

175 DRUM INLT MOREHEAD CITY, NC 28557-9644

**RDI NC MHP LLC TIC & LCR NC MHP LLC
TIC**

1801 WEST END AVE STE 1050 NASHVILLE, TN
37203-2526

AVERY JOHN W & AVERY PHYLLIS A

6076 RED HILL CHURCH RD COATS, NC 27521-0000

KIMBER GROUP LLC

PO BOX 181 ERWIN, NC 28339-0181

MIDWAY PENTECOSTAL HOLINESS

PO BOX 667 ERWIN, NC 28339-0000

HAWLEY WILLIAM D

PO BOX 306 ANGIER, NC 27501-0306

HAYES SHARON POPE

1845 ABATTOIR RD COATS, NC 27521-9380

SANDERS ASHLEY N

19 SCRAMBLE RD ERWIN, NC 28339

LANE JOHN PRESTON

306 W J ST ERWIN, NC 28339-1428



TOWN OF ERWIN

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

12/13/2024

Notice of a Public Hearing ZT-2024-007

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

The Board of Commissioners of the Town of Erwin will hold a public hearing pursuant to NC General Statute 160D-406 on January 2nd, 2025 at 7:00 P.M. at the Erwin Town Hall, 100 West F Street, Erwin, North Carolina to hear public comment on a proposed rezoning request.

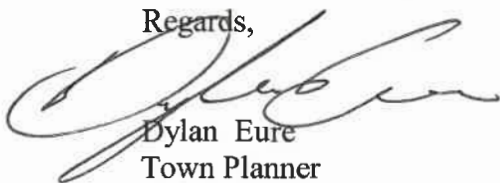
There has been a zoning map amendment application submitted to the Town of Erwin. The rezoning request includes a single parcel of land that are listed below:

- 4507 NC 55 Erwin, NC 28339

Currently this parcel is currently zoned as RD (Rural District). Said petition would rezone the above parcel to be entirely under B-2 (Highway Business) zoning classification.

A copy of this case is available for review at the Erwin Town Hall. Questions concerning this case can be addressed to the Town Planner Dylan Eure at 910-591-4201 or by email at deure@erwin-nc.org

Regards,



Dylan Eure
Town Planner

NOTICE OF PUBLIC HEARING

The Town of Erwin Board of Commissioners will conduct a Public Hearing on the following item pursuant to NC General Statute 160D-406, on Thursday, January 2, 2025, at 7:00 P.M. in the Erwin Municipal Building Board Room located at 100 West F Street, Erwin, NC 28339. Questions can be addressed to the Town Planner Dylan Eure at 910-591-4201 or by email at deure@erwin-nc.org.

- Case ZT-2024-007: Request to have the parcel located at 4507 NC 55 East rezoned from RD to B-2. The property can also be identified by its Harnett County Tax PIN # 0598-92-2261.000.
- Case SU-2024-002: Special Use Permit Application to build a two-family dwelling on a vacant parcel located along West N Street. The property can also be identified by its Harnett County Tax PIN # 0597-66-3942.000.

These cases are available for review at the Erwin Town Hall. All persons desiring to be heard either for or against the proposed items set forth above are requested to be present at the above-mentioned time ~~and~~ place.

12/13,20/2024

PLANNING BOARD
MEETING MINUTES
MONDAY, NOVEMBER 18th, 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, November 18th, 2024, at 7:00 PM.

Board members present were Vice Chairperson Ronald Beasley, In-Town Board Members Grace Watts, Rebecca Kelly, and Jim Hartman, and Out-of-Town Board Members Howard Godwin and Nicholas Skatell.

Board members absent were: Chairperson Joshua Schmieding , In-Town Board Member Kathryn Moore, and In-Town Alternate Vanessa Lech.

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

Vice Chairperson Ronald Beasley called the meeting to order at 7:00 PM.

Board Member Nicholas Skatell gave the invocation.

Board Member Howard Godwin led the Pledge of Allegiance.

CONSENT ITEMS

Board Member Howard Godwin made a motion to amend the minutes of October 21, 2024, to correct the minutes for a Board Member who was present but was listed as absent. This was seconded by Nicholas Skatell. **The Board voted unanimously.**

OLD BUSINESS

Updates:

Town Planner Dylan Eure informed the Board that the Conditional District to allow for Apartment complexes along US Hwy 421 was denied by the Board of Commissioners in a 5-1 vote.

The proposed 421 Overlay District was heard by the Board of Commissioners and was tabled to amend some verbiage.

There was a Special Called Meeting of the Board of Commissioners to address the Old Stage Subdivision at Old Stage and Avery Roads, which was approved.

The Encroachment agreement for Mr. Wesley Johnson at CCIP was approved.

NEW BUSINESS

ZT-2024-007

Town Planner Dylan Eure presented the rezoning request for Harnett County Tax PIN 0598-92-2261.00, known by its physical address of 4507 NC55, Erwin NC 28339. The parcel is currently zoned as RD and the request is to rezone to B-2. This parcel is 3.47 acres and is currently occupied by a daycare.

Attorney Thomas Neville, representing the applicant & owners, spoke for the rezoning request. Also present were Matt Lowder, engineer, and Greg Stewart, representative of the developer.

Mr. Neville gave an overview of the application. This was the same request that was presented about a year and a half ago, and was unanimously recommended by the Planning Board. The Board of Commissioners denied the request, and the matter is now at Harnett County Superior Court.

Mr. Neville stated that this request has had some changes, namely the traffic patterns.

The presentation showed the updated plans with a right turn only on NC 55, with both left and right turns on Maynard Lake Road. This has been calibrated with NCDOT to ensure the best traffic patterns.

This will be a retail facility of 10,000 sqft, with 8,000 sqft being the store portion.

Based on the traffic study, the morning peak traffic would be about 14 cars per hour, and the afternoon & evening average would be 25 vehicles per hour.

Board Member Rebecca Kelly asked where the front of the building would face.

Mr. Greg Stewart stated that the front of the building would face Maynard Lake Road since the site plans changed to accommodate the entrance/exit on that road.

Board Member Jim Hartman asked if the projected bypass would be an issue in the future use of this space.

Mr. Greg Stewart stated that no, that is not an anticipated concern.

Board Member Grace Watts asked if the back of the building would be facing NC 55.

Mr. Greg Stewart stated that yes, the rear of the building would face NC 55.

Board Member Jim Hartman asked if the new plan would have more parking than the original plan.

Mr. Greg Stewart confirmed that yes, there is more parking on that new plan.

Board Member Grace Watts asked why the name of the store is a secret.

Town Planner Dylan Eure stated that it isn't a secret, but that the request is a rezoning, and should be based on that request, rather than the specific retail.

Vice Chairperson Ronald Beasley asked if there was anyone present to speak in favor of the request.

No one came forward.

Vice Chairperson Ronald Beasley asked if there was anyone present to speak against the request.

Mr. Kenneth Coley, on 26 Ivor Lane, Erwin NC 28339, spoke against the request. He stated that he lives right off NC 55, and has concerns about property values for the surrounding properties. He also has concerns about the dumpsters and the trash facing NC 55. He stated that if the business isn't successful, he doesn't want a vacant eyesore building. This will also bring additional pedestrians.

Mr. Daniel Lang of 4667 NC Hwy 55 E, Erwin NC 28339, spoke against the request. He stated that he is currently building a home outside of town, before you get to this development. He stated that he chose the location due to wanting no streetlights, no sidewalks, and no foot traffic.

Ms. Sharon Hayes of 915 Maynard Lake Road, Erwin NC 28339, spoke against the request. She stated that she owns the property directly behind the building. She stated that she has concerns about trash blowing from the dumpsters, additional foot traffic, and impeding traffic from Triton High School, which is already

an issue. She stated that she lives directly across from this property and doesn't want this right across her street.

The Board had further discussion.

Board Member Nicholas Skatell asked when the last traffic analysis took place.

Mr. Greg Stewart stated that he doesn't have a date offhand, but that all NCDOT regulations are being followed to ensure compliance.

There was some discussion about traffic counts.

Crystal Streibich of 915 Maynard Lake Road, Erwin NC 28339, stated that Triton High School has changed its carpool process and traffic has changed to Mayard Lake Road. She also had concerns about people hanging out outside the retail space, and leaving trash, similar to what happens at Triton Quick Mart at the other end of Maynard Lake Road.

There was additional discussion regarding trash control and dumpster locations. It was stated that trash control is a code enforcement issue rather than a developer issue once the store is built.

Board Member Howard Godwin made a motion in the affirmative, seconded by Nicholas Skatell, 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 rezoning is compatible with the surrounding community and would not cause any inconvenience to those within the area.

Board Member Jim Hartman made a motion in the affirmative, seconded by Nicholas Skatell, 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 compatible with the rezoning request.

Board Member Nicholas Skatell made a motion in the affirmative, seconded by Howard Godwin, and unanimously approved by the Board that the proposal does enhance or maintain the public health, safety, and general welfare.

- Reasoning: The rezoning would allow commercial development in line with the 2023 Land Use Plan.

Board Member Nicholas Skatell made a motion in the affirmative, seconded by Howard Godwin, and was approved by the Board 4-1 (Grace Watts) that the request is for a small-scale rezoning and should be evaluated for reasonableness.

- Reasoning: This rezoning request is designated to be commercial use in the 2023 Land Use Plan.

Board Member Nicholas Skatell 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 in the general public interest and not merely in the interest of an individual or small group.

- Reasoning: The proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.

Board Member Jim Hartman made a motion in the affirmative, seconded by Nicholas Skatell, 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: This parcel is designated under the Erwin 2023 Land Use Plan for commercial development.

Board Member Nicholas Skatell made a motion in the affirmative, seconded by Howard Godwin, 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 rezoning would not alter the character of the neighborhood in any way. The rezoning would not take away rights that they currently have to their land.

Board Member Howard Godwin made a motion in the affirmative, seconded by Nicholas Skatell, and unanimously approved by the Board that the proposed change is in accord with the Land Development Plan and sound planning principles.

- Reasoning: This parcel is designed to be commercial in the 2023 Erwin Land Use Plan for the purposes of residential and commercial.

Board Member Nicholas Skatell made a motion that the requested rezoning from RD to B-2 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 parcel. It is recommended that this rezoning request be Approved and was seconded by Jim Hartman. **The Board voted 4-1 (Grace Watts).**

Town Manager Snow Bowden informed those present at the meeting that this will now go to the Board of Commissioners, and is scheduled for January 2nd, 2025 at 7pm. Town Planner Dylan Eure will be mailing out letters to property owners within 100 feet of the property to inform them of the upcoming meeting.

Fence Regulation Amendment

Town Planner Dylan Eure presented the proposed updates for the Fence Regulation Amendment. He requested feedback from the Planning Board regarding Type A lots when they abut more than one public street. This would limit the maximum heights on the fences installed on these properties.

There was a motion by Board Member Jim Hartman to table this amendment until the next meeting, to reword the request to specify corner lots only. The motion was seconded by Nicholas Skatell, and the Board voted unanimously.

Subdivision Public Notice

Town Planner Dylan Eure presented the proposed amendment, specifically Chapter 30 within Article III, Section 30-78, entitled “Preliminary Plat submission and review” and section 30-79 entitles “Final plat submission and review” to require public notice of neighboring property owners when a major subdivision has been submitted to the Town for review and approval.

Board Member Nicholas Skatell made a motion to approve this amendment, which was seconded by Howard Godwin. **The Board voted unanimously.**

Vice Chairperson Ronald Beasley made a statement about looking at what is best for the community, abiding by regulations, and being careful about keeping our Land Use Plan in mind. The Board of Commissioners will be making the ultimate decision.

ADJOURNMENT

Board Member Nicholas Skatell made a motion to adjourn the meeting at 8:26 PM and was seconded by Howard Godwin. **The motion to adjourn was unanimously approved.**

**Minutes recorded and typed by
Katelan Blount, Deputy Clerk**

**Ronald Beasley
Vice Chairperson**

**Katelan Blount
Deputy Clerk**

DRAFT

Statement of Consistency

ZT-2024-007

The requested rezoning from RD to B-2 classification for the property at 4507 NC 55, Erwin NC 28339 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 B-2 zoning classification would best serve the above stated parcel.

It is recommended that this rezoning be **Approved**.



Ronald Beasley
Vice Chairperson



Katelan Blount
Deputy Town Clerk



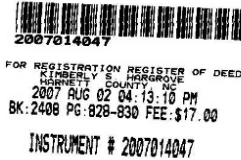
TOWN OF ERWIN

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

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

**ORDINANCE FOR MAP AMENDMENT CASE # ZT-2024-007
AMENDMENT TO THE OFFICIAL ZONING MAP TO REZONE
FROM RD TO B2 PER ZONING ORDINANCE ARTICLE XXIII
FOR HARNETT COUNTY PIN 0598-92-2261.000.
ORD 2024-2025: 019**

Per Chapter 36 Zoning, Article XXIII, Changes and Amendments, Harnett County PIN 0598-92-2261.000 owned by Steve Wilford Murphy and Dayna Bayles Murphy have been rezoned to B2 (Highway Business), Case # ZT-2024-007.



HARNETT COUNTY TAX ID#
070598 0150
8-2-07 BY MT

Excise Tax **NO REVENUE**
Tax Lot No. _____ Parcel Identifier No. 070598 0150 Verified by _____
County on the _____ day of _____, 2007
by _____

Mail after recording to: **Billy R. Godwin, Jr., 406 W. Broad St., Dunn, NC 28334**
This instrument was prepared by: **Billy R. Godwin, Jr.**

Brief Description for the index 3.74 ACRES
NO TITLE SEARCH PERFORMED

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made August 1, 2007, by and between

GRANTOR	GRANTEE
Jerry Ray Bayles, Sr. and wife, Faye P. Bayles P.O. Box 343 Erwin, NC 28339	Dayna Bayles Murphy and husband, Steve Wilford Murphy 3508 Lela Ct. Raleigh, NC 27606

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Harnett County, North Carolina and more particularly described as follows:

Being all of a 3.47 acre tract as shown on map entitled "Property of: Johnnie D. Avery and wife, Mattie T. Avery", prepared by Piedmont Surveying dated March 17, 1993, recorded in Plat Cabinet F, Slide 149-C, Harnett County Registry.

The consideration for this deed is the grantors' love and affection for their daughter and son-in-law.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1423 , Page 27.
A map showing the above described property is recorded in **Plat Cabinet F, Slide 149-C, Harnett County Registry.**

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.


Title to the property hereinabove described is subject to the following exceptions:

1. Easement, roadways and rights of way of record, including general utility easements.
2. Easements visible by an inspection of the premises.
3. Any outstanding deed of trust on the property conveyed herein.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name)

By: _____


Jerry R. Bayles, Sr. (SEAL)


Faye P. Bayles (SEAL)

(SEAL)

(SEAL)

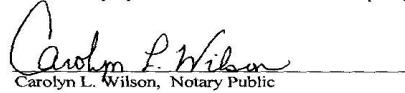
SEAL-STAMP

HARNETT COUNTY
STATE OF NORTH CAROLINA

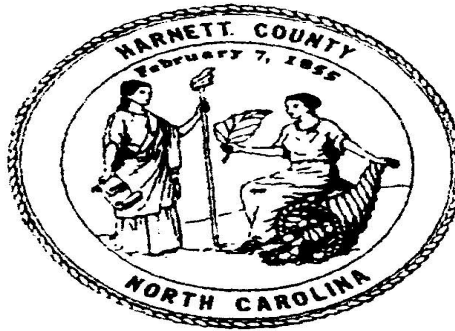
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purposes stated therein and in the capacity indicated: Jerry R. Bayles, Sr. and Faye P. Bayles

This the 2nd day of August, 2007.

My Commission Expires: 3/26/2012


Carolyn L. Wilson, Notary Public





KIMBERLY S. HARGROVE
REGISTER OF DEEDS, HARNETT
305 W CORNELIUS HARNETT BLVD
SUITE 200
LILLINGTON, NC 27546

Filed For Registration: 08/02/2007 04:13:10 PM
Book: RE 2408 Page: 828-830
Document No.: 2007014047
DEED 3 PGS \$17.00
Recorder: JUDITH HAMILTON

State of North Carolina, County of Harnett

KIMBERLY S. HARGROVE , REGISTER OF DEEDS

DO NOT DISCARD

2007014047
2007014047

Adopted this the 2nd day of January 2025.

Randy Baker
Mayor

ATTEST:

Lauren Evans NCCMC
Town Clerk



TOWN OF ERWIN

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

1/02/2025

SU-2024-002 **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

Special Use Description

The Town of Erwin has received a special land use application for Harnett County Tax Pin #0597-66-3942. Whitey Stokes has submitted a special use petition to build a two-family home. Said two family home would be a modular home totaling 2,027 square feet with 3 bedrooms and 2 baths per unit. For a total of 6 bedrooms and 4 baths for the entire complex.

Property Description

The parcel is .22 acres or approximately 9,100 square feet with 100ft of road frontage/width along W N St. and no existing structures on the lot. The only zoning classification on the property is R-6, in which two-family homes are a special use as long as the property has a minimum of 8,000 square feet and has a parcel width of 75 feet, which parcel meets. In terms of utilities, Harnett Regional water lines are accessible to the property, and the sewer can be connected off N 14th off of a private line with a forced pump installed in Erwin's Right-of-Way at the property owner's cost. Any maintenance to the installed private line will be the responsibility of the property owner.

Facts

Before the home could be built it would be the responsibility of the applicant to have the private sewer line constructed along with the force pump to the property to ensure that the property would be able to connect to the sewer. That said, there is adequate water that is already accessible to the property. Other important information to relating to the request is that there are already other duplexes in the area including one that is being constructed two lots to the west of the property. The site plan that the applicant has submitted also complies with all of Erwin's regulatory documents and is considered desirable per the Erwin 2023 Land Use Plan.

Regards,

Dylan Eure
Town Planner



TOWN OF ERWIN

100 West F St., Post Office Box 459
 Erwin, NC 28339
 (910) 897-5140 V (910) 897-5543 F
 www.erwin-nc.org

SPECIAL USE PERMIT APPLICATION

In the Matter Of the Request to the Erwin Board of Commissioners

Applicant Name	Whitney Stokes	Property Owner Name	Barbara Johnson
Mailing Address	610 N 13th St.	Mailing Address	P.O. Box 368
City, State, Zip	Erwin NC 28339	City, State, Zip	Erwin NC 28339
Telephone	(910) 703 9958	Telephone	(910) 242 2016
Email	wh.stokes5@aol.com	Email	barbarjohn4@outlook.com

Address of Subject Property	Undeveloped Parcel		
Parcel Identification Number(s) (PIN) of Subject Property	0597 - 66 - 3942 .000		
Legal Relationship of Applicant to Owner	Daughter	Floodplain SFHA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Legal Description:	Lot PAR#C Block West N St. Subdivision NA		
Zoning District	R6	Wetlands	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Watershed Area	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Public Water Available:	<input checked="" type="checkbox"/> Y or N	Public Sewer Available:	<input type="checkbox"/> Y or N
Existing Septic Tank:	<input type="checkbox"/> Y or N		
Number of Buildings to Remain	NA	Gross Floor Area to Remain	NA
Describe Proposed Project or Request with Conditions proposed by applicant: Construction and development of Parcel, PIN: 0597-66-3942. The project consists of a 76'-0" x 26'-8" Duplex. Both sides of duplex consist of 3bd, 2ba, totaling 2,027 Sq. Ft. The development features, ordinance compliant, front porches, parking, and landscaping.			
Total Acreage or Square Footage to be Disturbed	.21 ACRE.		
Estimated Cost of Project \$	\$398,379.		

Attach a scaled illustrative plot or site plan showing all lot dimensions, buildings, structures, driveways, parking spaces, and distances between structures and property lines.

Provide complete mailing addresses for each adjacent property owners (also property within 100 feet) and/or property owners directly across a street, if any. Names and addresses must be from current Harnett County tax listings.

Office Use Only	
Date Application Submitted <u>11/29</u>	Application Fee \$ <u>350</u> Received By <u>[Signature]</u>
Case # SU-20 <u>24-002</u>	

PAID

NOV 25 2024

[Signature]
 TOWN OF ERWIN



TOWN OF ERWIN

100 West F St., Post Office Box 459
Erwin, NC 28339
(910) 897-5140 V (910) 897-5543 F
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Special Use Signature Page

It is understood by the undersigned that the development and execution of the Special Use Permit is based upon the division of the Town into districts within which districts the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, is substantially uniform. It is recognized, however, that there are certain uses which, because of their characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular location. Such special uses fall into two categories.

1. Uses publicly operated or traditionally affected with a public interest
2. Uses entirely private in character, but of such unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

The Zoning Ordinance as originally adopted and as subsequently amended is presumed by the Town to be appropriate to the property involved and that the burden of proof for a Special Use approval rests with the applicant. Applicant is encouraged to discuss the proposed use with affected property owners.

It is further understood that prior to the granting of any special use, the Board of Commissioners may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the special use as it is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in 9- 411.5 of the Town Code. In all cases in which special uses are granted, the Board of Commissioners shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

- Such conditions may include a time limitation;
- Conditions may be imposed which require that one or more things be done before the use requested can be initiated. (For example, "that a solid board fence be erected around the site to a height of 6 feet before the use requested is initiated");
- Conditions of a continuing nature may be imposed. (For example, "exterior loud speakers shall not be used between hours of 10:00 p.m. and 9:00 a.m.")

Compliance with Other Codes: Granting of a Special Use Permit does not exempt applicant from complying with all of the requirements of building codes and other ordinances.

SU- 2024-002

Signature Page

Page 1 of 2

Revocation: In any case where the conditions of the Special Use Permit have not been or are not being complied with, the Building Inspector shall give the permitted notice of intention to revoke such permit at least ten (10) days prior to a Board of Commissioners review thereof. After conclusion of the review, the Board of Commissioners may revoke such permit.

Expiration: In any case where a Special Use Permit has not been exercised within the time limit set by the Board of Commissioners, or within one year if no specific time limit has been set, then without further action, the permit shall be null and void. "Exercised" as set forth in this section shall mean that binding contracts for the construction of the main building have been let; or in the absence of contracts that the main building is under construction to a substantial degree; or that pre-requisite conditions involving substantial investment are contracted for, in substantial development, or completion (sewer, drainage, etc.). When construction is not part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions set for in the permit.

Duration: Duration of a special use and any conditions attached shall be perpetually binding to the property unless it is expressly limited.

Applicant Signature and Date:

Whitney Joseph 11/25/24



TOWN OF ERWIN

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SPECIAL USE APPLICATION PROCEDURES

1. Completed application for the Special Use Permit, signed by the applicant, shall be addressed to the Board of Commissioners and presented to the Administrative Official. Applications must be submitted by the first Friday of the month prior to the following Town Board.
2. Each application shall contain or be accompanied by such legal descriptions, maps, plans and other information so as to completely describe the proposed use and existing conditions.
3. Pay the Special Use Permit Fee as established by the Board of Commissioners and found in the Schedule of Fees in the Office of the Town Clerk. Current fee is \$300.

Conditions and Guarantees

Prior to the granting of any special use, the Board of Commissioners may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified by ordinance. In all cases in which special uses are granted, the Board of Commissioners shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

- Such conditions may include a time limitation;
 - Conditions may be imposed which require that one or more things be done before the use requested can be initiated. (For example, "that a solid board fence be erected around the site to a height of 6 feet before the use requested is initiated");
 - Conditions of a continuing nature may be imposed. (For example, "exterior loud speakers shall not be used between hours of 10:00 p.m. and 9:00 a.m.")
1. Administrative official posts property at least one (1) week prior to public hearing
 2. Newspaper advertisement once (1) each week for two (2) successive weeks prior to the public hearing
 3. The Board of Commissioners shall approve, modify or deny the application for Special Use Permit following the public hearing.

Action by the Board of Commissioners

In granting a Special Use Permit the Board of Commissioners shall make written findings that the applicable regulations of the district in which it is located are fulfilled. With due regard to the nature and state of all adjacent structures and uses, the district within which same is located, and official plans for future development, the Board of Commissioners shall also make written findings that the following provisions are fulfilled:

1. The use requested is listed among the special uses in the district for which application is made
2. The requested use is essential or desirable to the public convenience or welfare
3. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare
4. The requested use will be in conformity with the Land Development Plan
5. Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided
6. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets
7. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners.



TOWN OF ERWIN
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SPECIAL USE APPLICATION
Record of Adjacent Property Owners
With Mailing Addresses Per Harnett County Land Records

Property Owner (1)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (2)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (3)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (4)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (5)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (6)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (7)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (8)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (9)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (10)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (11)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (12)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (13)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____

SU- 2024-002

**Town of Erwin Planning Board
Special Use Guidelines for Findings of Fact**

1. The use requested is listed among the special uses in the district for which application is made:

 Yes No _____

2. The requested use is essential or desirable to the public convenience or welfare

 Yes No _____

3. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare

 Yes No _____

4. The requested use will be in conformity with the Land Development Plan

 Yes No _____

5. Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided

 Yes No _____

6. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets

 Yes No _____

7. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners pursuant to the recommendations of the Planning Board

 Yes No _____

Harnett Regional Water Proof of permission verification of sewer line

* Permissions and liabilities pertaining to parcel number: 0597-66-3942,
on West N St.

RE: Sewer at 0597-66-3942

Aol/The Plex ★



Katherine E. Moore

From: kemoore@harnett.org

To: Whitney Stokes

Cc: Kenneth Keel, Brandy Champion, Nicholas Everette, Dylan Eure



Thu, Sep 5 at 8:28 AM ★

Yes putting the sewer tap and clean out at the corner of North 14th and West N Street will work. A sewer tap and clean out can be placed at the corner of North 14th and West N Streets, then you will have to install a pump system and require a plumber to install a force main in the Town of Erwin right-of-way over to the cleanout/sewer tap.

Please understand HRW will **NOT** service or maintain any part from the cleanout to the home that includes the pump system being installed and force main. The maintenance and service will be on the homeowner.

HRW will only maintain from the Cleanout to the sewer tap and HRW Infrastructure.

If you have any further questions please let us know.

Thanks

2024-009

Proof of permission verification of Land Development

* Permissions of construction and development of unprocessed parcel, PIN: 0597-66-3942

Good day all,

To whom it may be pertinent, I Barbara J. Johnson do here by grant access, and give Authority to Whitney H. Stokes for the construction and development of my empty lot, PIN: 0597-66-3942, on West N St., Erwin, NC 28339.

The parcel in question will be developed to house a 3br, 2ba, Modular duplex, presented and set up by Modern Housing, modular & manufactured of Goldsboro, NC. This development project will meet all the Town of Erwin's bylaws and ordinance.


*If you have any questions about the project, please do not hesitate to contact Whitney @ (910) 703-9958.

*If you have questions about the parcel, please reach out to Barbara @ (910) 242-2016

We look forward to this growth for both ourselves and the Town of Erwin as we partake on this endeavor.

Thank you for your time and energy,
With warm regard,
Barbara J. Johnson
P.O. Box 368
Erwin NC, 28339

Print Name: Barbara Johnson Date: 11/24/24

Signature:  Date: 11/24/24

2024-002



TOWN OF ERWIN

100 West F St., Post Office Box 459
Erwin, NC 28339
(910) 897-5140 V (910) 897-5543 F
www.erwin-nc.org

IMPORTANT

This is a complete Special Use Application package consisting of 10 pages. For this application to be accepted, it must be completed and returned with all required documents and entries.

Do be aware that under certain conditions the applicant may be required to obtain a Driveway Permit from the NC Department of Transportation prior to Special Use Permit approval.

Using the Zoning Ordinance

- Go to the applicable zoning district in Article 3. That section will serve as a guide to begin the development of your site plan. This section will also direct you to pertinent requirements such as: parking, sign, lighting, and other general provision such as streetscape requirements and other general development regulations that may apply to the proposed development.
- Be sure to read Article 11 – Special Uses.
- Complete the Special Use Permit Application, the Special Use Signature page, and the Record of Adjacent Property Owners sheet; and include other required information with the application. Use additional pages if necessary. Adjacent property owners' names must be from current Harnett County tax listing; so this requires that the applicant contact Harnett County. Addresses of the adjacent property owners must be complete which includes name, mailing address, and zip code.
- The submitted site plan must be drawn to scale and include all dimensions and required provision. Of these dimensions and other requirements, be sure to include the following:
 - Existing structures on the proposed lot, their dimensions and distances between on another and the lot's property lines
 - Proposed structures including their dimensions and distances from other structures on the lot and proposed distances from property lines (i.e. setbacks)
 - All easements and rights-of-way located on the proposed lot
 - All natural features including tree lines, drainage ways, etc.
 - The location and dimensions of required parking area(s) as may be required by Ordinance
 - Proposed lighting plans as may be required by Ordinance
 - Demonstration of the placement of buffers and streetscape as may be required by ordinance



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Processing Requirements

Special Uses are not Uses by Right. It is the responsibility of the applicant to demonstrate that the requested use will meet the minimum requirements set forth in the Erwin Zoning Ordinance. The Board's decision will be greatly influenced by the completeness and neatness of the submitted application.

A requested and very necessary tool is the site plan. Its importance cannot be overstated. Applicant is encouraged to portray in detail and to accurately scale the property boundaries, improvements, and any natural features. In some cases, approval or denial may depend on the quality of the Site Plan.

If the proposed use involves business operations, description of the anticipated activity needs to be sufficiently disclosed. This will assist the Board in determining the Town's infrastructure capability, the public health and safety considerations such as traffic and noise, and how neighboring property may be affected.

All uses require dedicated parking spaces and some may require lighting, buffering, fences, landscaping, and other elements. It is suggested that the applicant spend some time reading the Town's Zoning Ordinance prior to application. Copies of the Zoning Ordinance may be purchased at Town Hall. Copies are available in the Erwin Library and Town Hall for review. An electronic copy of the Ordinance can be found on the Town website as well at www.erwin-nc.org.

A complete application consists of all documents included in the application package and any required maps, site plan, and/or related documents. These documents become the property of the Town. It is the applicant's responsibility to submit 10 copies of this completed application. Each member of the Governing Board receives a copy including the Town Manager, Town Clerk, Town Attorney, and Code Enforcement Officer.

The completed application and fees must be submitted no later than the first Friday of the month to be placed on following month's Town Board Agenda.

**Town of Erwin
Record and Decisions**

Office Use Only

Notice Mailed 12/13 Property Posted 12/13 Newspaper Advertised Date _____

Public Hearing Date and Comments: _____

<u>Governing Body Motion</u>	Record of Decision:	Yea	Nay
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

Town Board Decision and Date _____

Certified By: _____



SPECIAL USE REQUEST STAFF REPORT

Case: SU-2024-002

Dylan Eure, Town Planner

deure@erwin-nc.org

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

Public Hearing Date: Thursday, January 2nd, 2024

Request for special permitted use to construct a two-family dwelling on a vacant parcel located by its Harnett County Tax # 0597-66-3942.

Applicant Information

Owner of Record:

Name: Barbara Johnson

Address: PO box 368

City/State/Zip: Erwin, NC 28339

Applicant:

Name: Whitney Stokes

Address: 610 N 13th St

City/State/Zip: Erwin, NC 28339

Property Description

Address of Property: West N St. Erwin, NC

Harnett County Tax PIN: 0597-66-3942.000

Acres: .22

Size: 9,100 Square Feet

Width/ Frontage: 100 feet

Zoning District: R-6

Vicinity Map

- See Attached Document

Physical Characteristics

Site Description: The parcel is .22 acres or approximately 9,100 square feet with 100ft of road frontage/width along W N St. and no existing structures on the lot. The only zoning classification on the property is R-6, in which two-family homes are a special use as long as the property has a minimum of 8,000 square feet and has a parcel width of 75 feet, which parcel meets. In terms of utilities, Harnett Regional water lines are accessible to the property, and the sewer can be connected off N 14th off of a private line with a forced pump installed in Erwin's Right-of-Way at the property owner's cost. Any maintenance to the installed private line will be the responsibility of the property owner.

Surrounding Land Uses: To the northeast of the property, there is B-2 zoning classification that contains CFS Truck and Diesel. To the North West, there are single-family homes primarily zoned as R-6. To the west of the property, there is another two-family dwelling being built zoned as R-6. To the south, there are primarily R-6 zoning classifications comprised of single-family dwellings. To the west of the property, there is R-6 along N 13th with single-family homes and B-2 to the far east along Price St. and US 421 comprised of car/storage shed sales.

Services Available

- Electricity (Duke Energy)
 - Harnett Regional Water and Sewer
 - Duke Energy for Electric
 - Bright speed for telephone
 - Erwin Fire and Rescue
 - Erwin Police
-
-

Zoning District Compatibility

Special Use	R-6
Two-family dwellings	X

Staff Evaluation

Staff Evaluation

Yes No The use requested is listed among the special uses in the district for which the application is made.

- Reasoning:.

Yes No The requested use is essential or desirable to the public convenience or welfare.

- Reasoning:

Yes No The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare.

- Reasoning:.

Yes No The requested use will be in conformity with the Land Development Plan.

- Reasoning:

Yes No Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.

- Reasoning:

Yes No That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

- Reasoning:

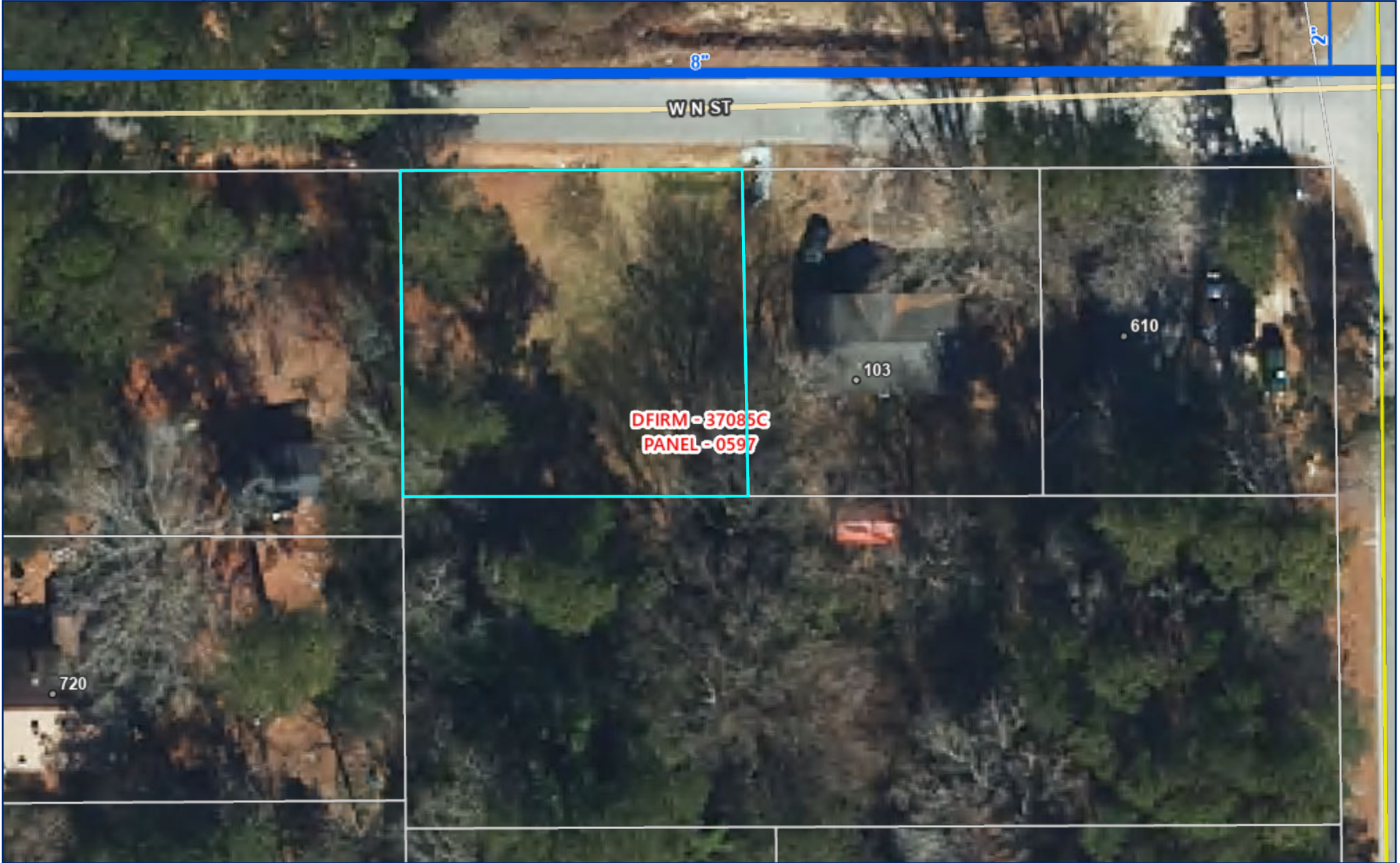
Yes No That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners.

- Reasoning:

Statement of Consistency

Attachments:

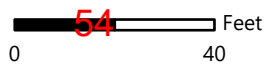
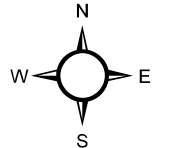
- SU-2024-002 Application
- SU-2024-002 Staff Memo
- SU-2024-002 Site Plan
- SU-2024-002 Harnett County GIS Image with Zoning
- SU-2024-002 Harnett County GIS Image with no Zoning
- SU-2024-002 property owners lables
- SU-2024-002 Letters

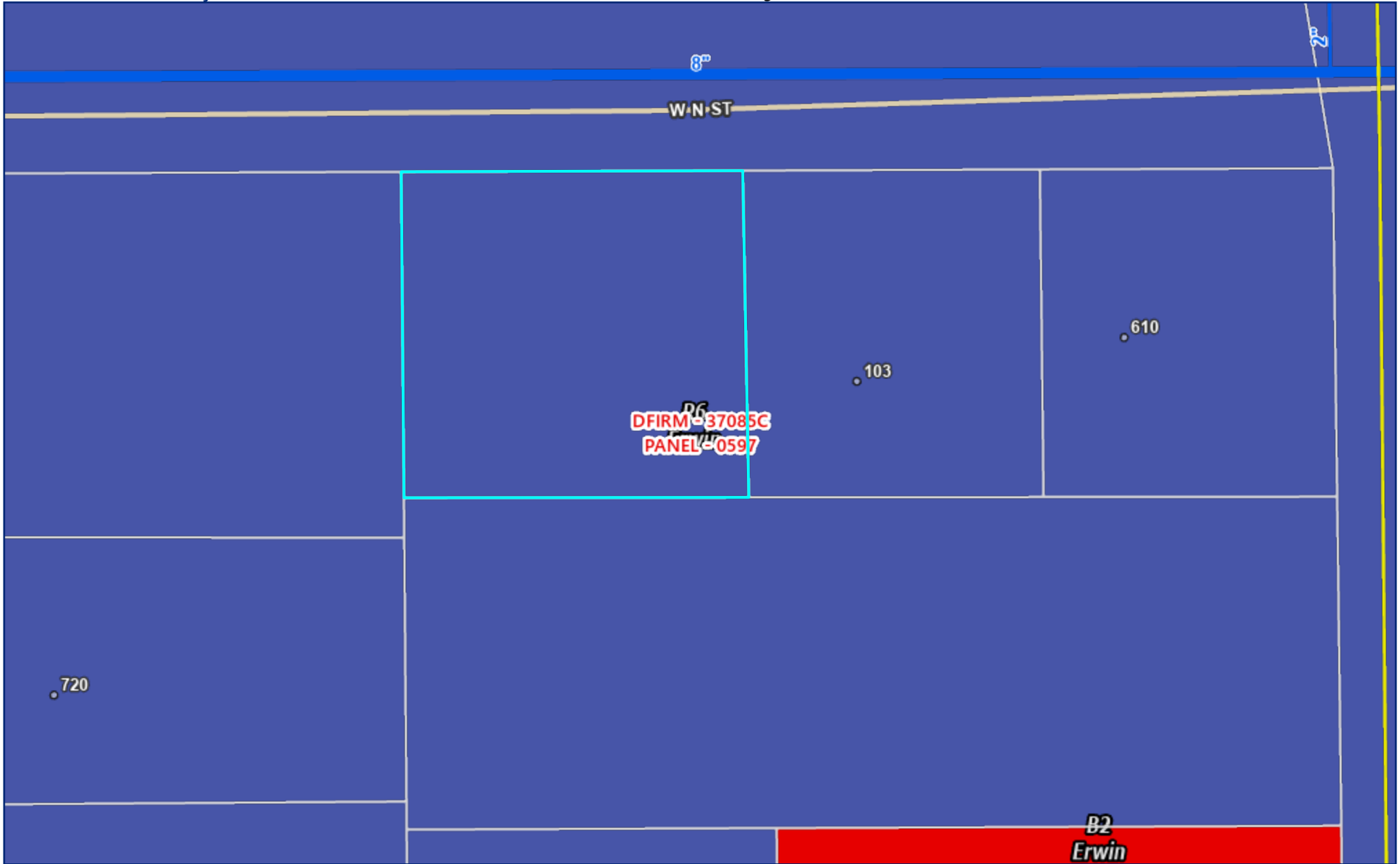


DFIRM - 37085C
PANEL - 0597

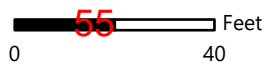
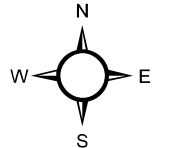


Flood Map Index	2 - 5	Parcels
County Boundary	6 - 36	Watershed HUC8
City Limits	Gravity	Watershed HUC12
Address Numbers	Road Centerlines	





Flood Map Index	2 - 5	Parcels	R6
County Boundary	6 - 36	Watershed HUC8	ETJ
City Limits	Gravity	Watershed HUC12	
Address Numbers	Road Centerlines	B2	



JOHNSON BARBARA JEAN

po box 368 erwin, NC 28339-0000

JOHNSON MICHAEL A

5300 HARVEST HILL DRIVE HARRISBURG, NC 28075-0000

BHR PROPERTIES LLC

111 COMMERCE DR DUNN, NC 28334

**WEST M STREET CHURCH & c/o
DOROTHY J CHANCE**

116 SAWYERS CIR APT C DUNN, NC 28334-5555

MCNEILL LOSSIE M

110 W N ST ERWIN, NC 28339-1315

U

JOHNSON JENNIFER D

610 N 13TH ST ERWIN, NC 28339-1308

SMITH CRAIG & SMITH JODI

720 N 14TH ST ERWIN, NC 28339

**RATLIFF MARY L & c/o CORNELIA
MCKOY**

6748 LAKEVIEW RD MEBANE, NC 27302-8566

SMITH MICHAEL & SMITH CHESTER

324 KEY WEST MEWS CARY, NC 27513-0000

HOWELL CHRISTOPHER S

146 LAKE SHORE DR BENSON, NC 27504-6898



TOWN OF ERWIN

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

12/13/2024

Notice of a Public Hearing SU-2024-002

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

The Board of Commissioners of the Town of Erwin will hold a public hearing pursuant to NC General Statute 160D-406 on January 2nd, 2025 at 7:00 P.M. at the Erwin Town Hall, 100 West F Street, Erwin, North Carolina to hear public comment regarding the approval of a special use permit to allow for the placement of a two-family dwelling (duplex).

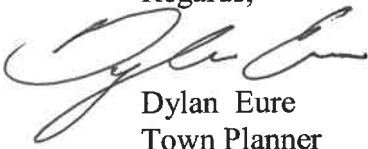
There has been a special land use application submitted to the Town. The request includes a single parcel of land that is listed below:

- Harnett County Tax Pin: 0597-66-3942.000

The applicant has requested to construct a two-family dwelling unit on this site.

A copy of this case is available for review at the Erwin Town Hall. Questions concerning this case can be addressed to the Town Planner Dylan Eure at 910-591-4201 or by email at deure@erwin-nc.org

Regards,



Dylan Eure
Town Planner

NOTICE OF PUBLIC HEARING

The Town of Erwin Board of Commissioners will conduct a Public Hearing on the following item pursuant to NC General Statute 160D-406, on Thursday, January 2, 2025, at 7:00 P.M. in the Erwin Municipal Building Board Room located at 100 West F Street, Erwin, NC 28339. Questions can be addressed to the Town Planner Dylan Eure at 910-591-4201 or by email at deure@erwin-nc.org.

- Case ZT-2024-007: Request to have the parcel located at 4507 NC 55 East rezoned from RD to B-2. The property can also be identified by its Harnett County Tax PIN # 0598-92-2261.000.
- Case SU-2024-002: Special Use Permit Application to build a two-family dwelling on a vacant parcel located along West N Street. The property can also be identified by its Harnett County Tax PIN # 0597-66-3942.000.

These cases are available for review at the Erwin Town Hall. All persons desiring to be heard either for or against the proposed items set forth above are requested to be present at the above-mentioned time and place.

12/13,20/2024