

**TOWN OF ERWIN
PLANNING BOARD/BOARD OF ADJUSTMENTS
TUESDAY, JANUARY 21st 2025 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. Corrected Planning Board Minutes from Regular Meeting on October 21, 2024 **(Page 2)**
 - B. Planning Board Minutes from Regular Meeting on November 18, 2024 **(Page 8)**

- 3. ORGANIZATIONAL MEETING**
 - A. Election of Chairperson and Vice-Chairperson

- 4. OLD BUSINESS**
 - A. Updates

- 5. NEW BUSINESS**
 - A. Fence Regulations Amendment **(Page 13)**
 - B. Residential Height Regulation **(Page 16)**
 - C. Mixed/Multi-Use Facilities and Buildings **(Page 19)**
 - D. Utility Amendment **(Page 23)**

- 6. ADJOURNMENT**

- 7. BOARD OF ADJUSTMENTS**
 - A. Call to Order

- 8. CONSENT AGENDA**
 - A. Board of Adjustments Minutes from Regular Meeting September 16, 2024 **(Page 30)**
 - B. BOA-2024-004 Approval Letter **(Page 32)**

- 9. ADJOURNMENT**

PLANNING BOARD
MEETING MINUTES
MONDAY, OCTOBER 21, 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, October 21st, 2024 at 7:00 PM.

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

Board members absent were: Chairperson Joshua Schmieding.

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

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

Board Member Nicholas Skatell gave the Invocation.

Board Member Kathryn Moore led the Pledge of Allegiance.

CONSENT ITEMS

Board Member Nicholas Skatell made a motion to approve the minutes of September 16, 2024, and was seconded by Rebecca Kelly. **The Board voted unanimously.**

OLD BUSINESS

Urban Camping

Town Planner Dylan Eure updated the Planning Board Members on the previously presented proposed Urban Camping ordinance. He has made the previously requested changes to allow children to camp within a parent or guardian's yard without a time limit.

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

NEW BUSINESS

Encroachment in Public ROW

Town Planner Dylan Eure introduced Mr. Wesley Johnson, of 2965 Hobson Rd, Dunn, was present to speak. Mr. Johnson, as the owner of Grain Dealers, spoke in reference to developing at the site of the old Mill. This request would be to install an HVAC unit, with an encroachment along Chief Joseph Lane. Mr. Johnson stated that they are trying to preserve the character of the building while still be able to accomplish the needs of the chillers for the brewery.

The Board had no questions for Mr. Johnson.

Board Member Jim Hartman made a motion to approve the Encroachment amendment, which was seconded by Kathryn Moore. **The Board voted unanimously.**

Villages at Old Stage Subdivision Preliminary

Town Planner Dylan Eure presented this requested preliminary subdivision to the Board. This is for 101 single-family homes, zoned as RD (Rural District) to be built at Old Stage Road and Avery Road. This can be located by the following Harnett County Tax PINs:

0588-82-5111.000, 0588-82-7366.000, 0588-82-0344.000 , 0588-81-3955.000, 0588-81-8885.000, 0588-81-0141.000, 0588-90-0944.000, 0588-81-9765.000, 0588-90-0073.000, 0587-89-5936.000, 0587-89-6834.000, 0587-89-7730.000, and 0587-89-9542.000.

The subdivision would be totaling 90.95 acres, and the developer is planning to annex the subdivision in its entirety into the corporate limits of Erwin.

The developer, Mr. Mark Grambling, of BRG Development, was present to speak to the Board and answer any questions.

Board Member Rebecca Kelly asked if there would be 2 entrances off Old Stage Road, and 1 off of Old Stage Road, and if that would impact wetlands.

Mr. Grambling confirmed that the entrances she asked about were correct, but no, it would no interfere with any wetlands.

A member of the audience asked when the neighboring parcels were going to be notified of this.

Town Planner Dylan Eure explained that due to the zoning classification, without need for rezoning, and that it is a residential subdivision, the developer has a right to subdivide without notification to neighboring properties. He explained that once the preliminary plat is approved, the more formal surveys will take place to ensure that there aren't wetland disturbances.

Board Member Rebecca Kelly asked about the map on page 28, showing wetlands.

Mr. Grambling clarified that the map on page 28 is not wetlands, it is a soil designation map, for septic fields. He stated that they just recently, within the past week, had the parcels flagged for wetlands, and do not currently have a map available.

Board Member Jim Hartman asked if they plan on using private septic, or any sewer.

Mr. Grambling stated that there are no sewer lines in that area, it would all be private septic and public water.

Board Member Jim Hartman asked if there would be any improvements or upgrades to infrastructure, such as waterlines.

Mr. Grambling stated that there would be no necessary upgrades at this time.

Town Planner Dylan Eure explained that the preliminary plat is just to ensure that the development would meet our requirements for lot size, etc. There would be more requirements as the process goes along but this is just the preliminary.

Board Member Jim Hartman asked if there would be any turn lanes required.

Mr. Grambling stated that the DOT has already stated there would be no requirement for a traffic analysis for this subdivision.

Board Member Rebecca Kelly asked about the annexation.

Town Planner Dylan Eure explained that the annexation for 4 parcels will take place in June 2025, and as the development progresses, they expect the remaining parcels to be annexed as well as the roads will be built to Town standards.

Board Member Jim Harman asked if it would just be the subdivision that would be annexed.

Town Planner Dylan Eure stated that yes, only the subdivision. North Carolina prohibits any forced annexation. He also explained that this request, while preliminary, meets all the Town of Erwin standards, so there is not much to keep the subdivision from being approved at the time of this meeting.

Mrs. Tiffany Edwards of 3567 Old Stage Road South asked where the children that will possibly be moving into this subdivision would be attending school. She expressed that we don't have enough teachers and bus drivers currently, how will it work when the Town adds additional residents?

Vice Chairperson Ronald Beasley stated that this would be a question for the Harnett County Schools, rather than Erwin, since the Town doesn't manage the schools.

Mr. Tyrus Clayton of 3030 Old Stage Road South spoke regarding the subdivision. He stated that he's been a resident for about 20 years, and moved from within Town limits to be in a rural area. He stated that he is a civil engineer and has some concerns. Avery Road is in poor shape, and is narrow. He is concerned what the development will do with the access to US Hwy 421.

He also expressed concern of the water supply as the water supply is currently a 6-8" waterline, which is small for the size of the development. Over half the lots are also provisionally unsuitable for septic systems. There is also concern for storm water control measures and runoff. Overall, he is concerned about the density and character of the community as it currently is.

Town Planner Dylan Eure stated that most of these concerns will be addressed in the coming months in the final plat. This is currently the preliminary plat and will not have all this information yet, but rather just meeting the basic requirements for lot size.

Mr. Michael Mulcahy of 3431 Old Stage Road South spoke regarding the preliminary plat. He expressed that he and his family have been in the Erwin area for many years. He expressed displeasure that the neighbors weren't notified about the subdivision. The overcrowding of schools is something that all residents will have to deal with, and Erwin Elementary School is already almost at capacity. This shouldn't be only considered a problem for Harnett County.

He stated that he chose Erwin to settle because of the quiet way of life, and this subdivision will disrupt that. There is a concern that the trees on his property will be cut because they will be along the entrance to this subdivision.

Mr. Grambling stated that he would be happy to come out to the property and address any questions like this with Mr. Mulcahy.

Mr. Michael Mulcahy then stated he has questions about the retaining pond that will be next to his property. He has concerns about the additional mosquitoes, wildlife, and snakes that he will have to then deal with.

Mrs. Ashley Edwards stated that she also has concerns about the retaining pond since she has children and pets and the drowning risk.

Mr. Grambling stated that those locations for the retaining ponds are currently preliminary and could move based on the recommendations of their engineer.

Mr. Michael Mulcahy stated that he will be looking into any legal loophole and statute to oppose this subdivision.

Nobody else came forward to speak regarding the subdivision preliminary plat.

Chairperson Ronald Beasley asked the Board if they had any questions.

An audience member asked if we knew the square footage of the homes at this time.

Town Planner Dylan Eure stated that because this was a preliminary plat, we did not have that information yet. Housing permits won't be issued until the final plat is approved.

Mr. Grambling stated that the homes would range in size from 1700-2600 sqft, both one and two story, on lots that are 25,000- 30,000sqft lots. The minimum lot size is 20,000sqft.

Mr. Tyrus Clayton asked who the builders would be.

Mr. Grambling stated that they're speaking to multiple builders and don't have a specific builder as of yet.

Board Member Rebecca Kelly asked what the recourse of the Planning Board is. She stated that she understood that the Planning Board would have to approve this, and asked if that was correct.

Town Planner Dylan Eure stated that was correct; as long as the preliminary subdivision plat meets the requirements and standards laid out by the Town of Erwin, the Planning Board would have no reason to deny this request. There would be more in-depth information in the final plat.

Mr. Tyrus Clayton stated that he disagreed, and that the Town can recommend approval but that the Board can vote however they feel and based on opinion. If they don't feel like there is enough information, they can table the request until they have more detail, and that this is not a final verdict.

Mr. Grambling spoke to that point. He stated that he has Mr. Clayton was correct in that this is a recommendation for or against that goes to the Board of Commissioners, but that this is just a preliminary plat, and most of the final details are not yet available and won't be until a preliminary is approved. He stated that related to the zoning permits and requirements of the ordinances, that this proposed project as met all of the requested documentation in order to meet approval.

Board Member Rebecca Kelly asked if the developer has the right to use to land as proposed, and if the Town would be open to a possible lawsuit for denying based on the current information.

Board Member Grace Watts encouraged the Planning Board to vote based on their conscience.

A member of the audience asked why Harnett County would not be providing sewer to that area. She stated that when she purchased land years back, they promised the residents sewer and haven't provided that.

Vice Chairperson Ronald Beasley stated that questions would have to be asked of Harnett Regional Water. He explained that the preliminary plat has no reason to not be approved, but that that doesn't mean ground will be broken tomorrow.

Mr. Michael Mulcahy asked for clarification on the annexed portions of the development. He asked if the police got called to the development, if Erwin Police would respond.

Vice Chairperson Ronald Beasley stated yes, that it would be within the Erwin City Limits.

Mrs. Tiffany Edwards asked if her home being right next to the development would have to be serviced by Harnett County Sheriff's Office.

Vice Chairperson Ronald Beasley stated yes, she would be within the county and would therefore use County services. He explained that it was different jurisdictions.

A member of the audience asked why, if the property has not been annexed, and is therefore not a part of the Town of Erwin, why this would be going to the Board for approval in the first place.

Town Planner Dylan Eure stated that the parcels are within the Town of Erwin's ETJ, or Extra Territorial Jurisdiction, which extends one mile outside the corporate limits of the Town of Erwin.

There was discussion regarding the pros and cons of annexation, and the process for annexation.

An audience member asked if there would be notification of further action on this development.

Town Planner Dylan Eure stated that while the Town wouldn't be sending out specific notification, the Town website will have all information and agendas for the upcoming Board of Commissioners meetings,. Alternatively, he is available via email or by phone call with any questions.

There was discussion on residents of the ETJ and what their rights within the Town are.

Mr. Tyrus Clayton stated that there was just so much information missing and that the Planning Board should be requiring this information prior to making an informed decision.

There was discussion regarding the application process and the requirements of the preliminary plat.

Town Planner Dylan Eure stated that the final plat would contain all the utility information, stormwater information, DEQ information, and all other requirements.

Vice Chairperson Ronald Beasley explained that the preliminary would go to the Board of Commissioners, then if that gets approved, the final plat would move forward and would eventually come back before the Planning Board, and then back to the Board of Commissioners for final approval.

There was additional discussion about notification of subdivision taking place vs zoning notification, and ETJ members.

There was a motion, made by Board Member Nicholas Skatell, to approve the preliminary plat. The motion was seconded by Kathryn Moore. The Board voted 3 for (Nicholas Skatell, Kathryn Moore, and Rebecca Kelly) and 3 against (Grace Watts, Howard Godwin, and Jim Hartman). The tie was broken by Vice Chairperson Ronald Beasley, who voted for. **The Villages at Old Stage Subdivision Preliminary Plat passed.**

Removal of Outdoor Storage in B-2

Town Planner Dylan Eure presented this request to the Board, stating that the Town wishes to amend its currently Code of Ordinances, specifically Chapter 36, Article X, Section 36-274, entitled "Special Uses" within the B-2 business district to remove outdoor storage as a special use. He explained that this would not pertain to storage unit businesses.

Board Member Jim Hartman made a motion to approve the removal of Outdoor Storage in B-2, which was seconded by Nicholas Skatell. **The Board voted unanimously.**

All-Way Stop Intersections

Town Manager Snow Bowden presented this memo to the Board. This would specifically refer to Saint Matthews Road and Pope Road. He stated that before making a decision to remove the all way stops, the Town should consider getting data regarding the all way stops. He stated that with the developments coming soon, we should not make a decision just because we don't like having the stops.

Board Member Jim Hartman made a motion to table this until we can have more data to support a decision. The motion was seconded by Howard Godwin. **The Board voted unanimously.**

Updates to Erwin's Appointed Boards

Town Planner Dylan Eure presented this proposed amendment to the Board. This would amend several sections of Erwin's appointed Board ordinances for the reason of updating the existing regulations to what Erwin currently uses and practices. It would also bring the ordinances in line with many other municipalities in the area.

Amended items include but are not limited to: attendance policy, amount of terms members serve consecutively, removal for inefficiency, and compensation when acting as the Board of Adjustments.

Board Member Kathryn Moore made a motion to approve the updates to the Erwin Appointed Boards, which was seconded by Nicholas Skatell. **The Board voted unanimously.**

ADJOURNMENT

Board Member Nicholas Skatell made a motion to adjourn the meeting at 8:06 PM and was seconded by Kathryn Moore. **The motion was unanimously approved.**

Minutes recorded and typed by

Katelan Blount, Deputy Town Clerk

Ronald Beasley

Vice Chairperson

Katelan Blount

Deputy Town Clerk

**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 pf 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 to 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 entitled “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

Erwin Planning Board

REQUEST FOR CONSIDERATION

To: Erwin's Planning Board Members

From: Dylan Eure, Town Planner

Date: November 18, 2024

Subject: Fence Regulations

The Town of Erwin Staff wishes to amend its fence ordinance specifically Chapter 36 Article XV Section 36-433 Subsection 4 and 6 to differentiate requirements for front/side yards and to provide clarity on the height of fences for lots that may front two streets, along with providing additional regulations for fences in front yards.

(4) Maximum height.

D. Fences for front yards shall be measured at the front corner of the structure to the edge of the Right-of-Way. Side fences for side yards shall be measured parallel from the front corner to the rear corner of the structure. Rear fences for rear yards shall be measured from the back corner of the structure to the rear property line.

E. For type A lots on corner parcels that have frontage on two streets the side yard abutting the street may only be permitted to erect a maximum of a 4ft fence.

(6) General fence requirements

G. Location of fence to allow maintenance. No fence shall be erected in any location that prohibits the owner of the property on which said fence is erected from having access, for maintenance purposes, to all sides of such fence.

Fences in yards abutting Right-of-way shall be placed a minimum of 2 ft away from the right-of-way or sidewalk.

Statement of Consistency
Fence Amendment

The requested amendment to the code of ordinance regarding placement and height, along with determination of yard space of fences is compatible with all of the Town of Erwin's regulatory documents

It is recommended that this amendment request be **Approved**.

Joshua Schmieding
Chairperson

Katelan Blount
Deputy Town Clerk

Statement of Inconsistency
Fence Amendment

The requested amendment to the code of ordinance regarding placement and height, along with the determination of yard space of fences is NOT compatible with all of the Town of Erwin's regulatory documents.

It is recommended that this amendment request be **DISAPPROVED**.

Joshua Schmieding
Chairperson

Katelan Blount
Deputy Town Clerk

Erwin Planning Board

REQUEST FOR CONSIDERATION

To: Erwin's Planning Board Members

From: Dylan Eure, Town Planner

Date: January 21, 2025

Subject: Residential Height Regulation

The Town of Erwin Staff wishes to amend its ordinances specifically Chapter 36 Article VII-A Section 36-185 Subsection B (4), Article VII Section 36-175 Subsection B (4), Article VI-A Section 36-156 Subsection B (4), and Article VI Section 36-147 Subsection B (4) for the purpose of decreasing height limitations for high-density residential developments.

Current Regulation:

(4)Maximum building height: 35 feet.

The maximum height of any structure shall be the same as required by the underlying zoning district unless otherwise stated herein. Non-residential buildings located within the areas identified Medium Intensity, High Intensity, Downtown, and Employment Center Land Use Classifications are exempt from the district height requirement if they conform to the following:

- a. Highest point of the building shall not exceed 80 feet.

Proposed Regulation:

(4)Maximum building height: 35 feet.

The maximum height of any structure shall be the same as required by the underlying zoning district unless otherwise stated herein. Non-residential buildings, **two-family, multifamily, and townhomes** located within the areas identified Medium Density, **High Intensity**, Downtown, and Employment/ Industry Land Use Classifications are exempt from the district height requirement if they conform to the following:

- a. **Highest point of residential townhomes and two-family dwellings shall not exceed 40 feet.**
- b. **Highest point of residential multifamily shall not exceed 65 feet.**
- c. Highest point of nonresidential building shall not exceed 80 feet.

Statement of Consistency
Residential Height Amendment

The requested amendment to the code of ordinance regarding decreasing height limitations of high-density residential developments, with height conformations for townhomes and multi-family dwellings is compatible with all of the Town of Erwin's regulatory documents.

It is recommended that this amendment request be **Approved**.

Joshua Schmieding
Chairperson

Katelan Blount
Deputy Town Clerk

Statement of Inconsistency
Residential Height Amendment

The requested amendment to the code of ordinance regarding decreasing height limitations of high-density residential developments, with height conformations for townhomes and multi-family dwellings is NOT compatible with all of the Town of Erwin’s regulatory documents.

It is recommended that this amendment request be **disapproved**.

Joshua Schmieding
Chairperson

Katelan Blount
Deputy Town Clerk

Erwin Planning Board

REQUEST FOR CONSIDERATION

To: Erwin's Planning Board Members
From: Dylan Eure, Town Planner
Date: January 21, 2025
Subject: Mixed/Multi-Use Facilities and Buildings

The Town of Erwin Staff wishes to amend Chapter 36 within Article XV Section 36-416 to allow for multi/mixed-use facilities to be constructed in appropriate zoning classifications.

Current 36-416:

Sec. 36-416. - Relationship of building to lots.

Every building hereafter erected, moved, or structurally altered shall be located on a lot and in no case shall there be more than one principal building and its customary accessory building on a lot except in the following cases:

- (1) Multifamily dwellings in appropriate zoning districts.
- (2) An approved planned unit development or complex of residential or commercial buildings in an appropriate zoning district.
- (3) Institutional or industrial uses such as a school campus, hospital campus, industrial parks, research parks, etc.

Proposed 36-416:

Sec. 36-416. - Relationship of buildings **and uses to lots.**

Every building hereafter erected, moved, or structurally altered shall be located on a lot, and in no case shall there be more than one principal building/**use** and its customary accessory building on a lot except in the following cases:

- (1) Multifamily dwellings in appropriate zoning districts.
- (2) An approved planned unit development or complex of residential or commercial buildings in an appropriate zoning district.
- (3) Institutional or industrial uses such as a school campus, hospital campus, industrial parks, research parks, etc.

(4)An approved multi-use facility that contains elements of both commercial and residential elements in an approved zoning district.

(5)Multiple complimentary uses that are permitted or considered as a special use in the same zoning district.

Statement of Consistency
Mixed/Multi-use Facilities and Buildings Amendment

The requested amendment to the code of ordinance regarding the allowance of mixed or multi-use facilities and buildings to be constructed within appropriate zoning classifications is compatible with all of the Town of Erwin's regulatory documents.

It is recommended that this amendment request be **approved**.

Joshua Schmieding
Chairperson

Katelan Blount
Deputy Town Clerk

Statement of Inconsistency
Mixed/Multi-use Facilities and Buildings Amendment

The requested amendment to the code of ordinance regarding the allowance of mixed or multi-use facilities and buildings to be constructed within appropriate zoning classifications is NOT compatible with all of the Town of Erwin's regulatory documents.

It is recommended that this amendment request be **disapproved**.

Joshua Schmieding
Chairperson

Katelan Blount
Deputy Town Clerk

Erwin Planning Board

REQUEST FOR CONSIDERATION

To: Erwin's Planning Board Members
From: Dylan Eure, Town Planner
Date: January 21, 2025
Subject: Utilities

The Town of Erwin Staff wishes to amend the Erwin Code of Ordinances to correct contradictory language in terms of when utility extension is required and update it to reflect the current utility providers.

Current Sec. 36-580

Sec. 36-580. - Application procedures.

(a) Each application for a certificate of zoning compliance shall be accompanied by two sets of plans drawn to an engineering scale no smaller than one inch equals 100 feet on standard sheet sizes of 8.5 inches × 11 inches, 8.5 inches × 14 inches, 11 inches × 17 inches or 18 inches × 24 inches, one of which shall be returned to the applicant upon approval. The applicant shall furnish an electronic or PDF copy of all site plan sheets larger than 8.5 inches × 14 inches. The plan shall show the following:

- (1) The shape and dimensions of the lot on which the proposed building or use is to be erected or conducted;
- (2) The location of said lot with respect to adjacent rights-of-way;
- (3) The shape, dimensions, and location of all buildings, existing and proposed, on the said lot;
- (4) The nature of the proposed use of the building or land, including the extent and location of the use, on the said lot;
- (5) The location and dimensions of off-street parking and loading space and the means of ingress and egress to such space;
- (6) For building construction, the percent of surface that will be built-upon;
- (7) Approximate location of town water and sewer lines, if said lot is adjacent to them; and
- (8) Any other information, which the administrative official may deem necessary for consideration in enforcing the provisions of this article.

(b)A fee, set by the town board, shall be charged for the processing of such application. The adopted fee schedule shall be posted in the town clerk's office

Proposed Sec. 36-580

Sec. 36-580. - Application procedures.

(a)Each application for a certificate of zoning compliance shall be accompanied by two sets of plans drawn to ~~an engineering~~ scale no smaller than one inch equals 100 feet on standard sheet sizes of 8.5 inches × 11 inches, 8.5 inches × 14 inches, 11 inches × 17 inches or 18 inches × 24 inches, one of which shall be returned to the applicant upon approval. The applicant shall furnish an electronic or PDF copy of all site plan sheets larger than 8.5 inches × 14 inches. The plan shall show the following:

(1)The shape and dimensions of the lot on which the proposed building or use is to be erected or conducted;

(2)The location of said lot with respect to adjacent rights-of-way;

(3)The shape, dimensions, and location of all buildings, existing and proposed, on the said lot;

(4)The nature of the proposed use of the building or land, including the extent and location of the use, on the said lot;

(5)The location and dimensions of off-street parking and loading space and the means of ingress and egress to such space;

(6)For building construction, the percent of surface that will be built-upon;

~~(7)Approximate location of town water and sewer lines, if said lot is adjacent to them; and~~

(8)Any other information, which the administrative official may deem necessary for consideration in enforcing the provisions of this article.

(b)A fee, set by the town board, shall be charged for the processing of such application. The adopted fee schedule shall be posted in the town clerk's office

Current Sec 36-581

Sec. 36-581. - Public water and sewer service required within the municipal limits.

(a)Any lot within the municipal limits not connected to the town water and sewer service shall be required to connect the principal structure of said lot to the town water and sewer system before a certificate of zoning compliance will be issued, unless the applicant has applied for

such services in writing, and the town has, within 30 days of the receipt of such written request for services, not given a written commitment to the applicant to have such services to the lot within 180 days of the original application.

(b) A fee, set by the town board, shall be charged to the applicant for connecting to the town system. The adopted connection fee schedule shall be posted in the town clerk's office.

Proposed Sec-581

Sec. 36-581. - Public water and sewer service required within the municipal limits.

- (a) Any lot located within the municipal limits located within 250ft of accessible utility lines shall be connected to Harnett County's water and sewer system upon the development of a principal structure permitting that they can connect to the existing systems and have the capacity for such connection.

Current Sec. 30-107 Subsection F

Connection to sewer system.

(1) All subdivision lots within the town limits shall be served by the town's sewer system unless the town is unable to add new customers onto the system.

(2) All subdivision lots of 30,000 square feet or less in the town's extraterritorial jurisdiction shall be served by the town's sewer system if any portion of the subdivision is within 250 feet of a town manhole or gravity sewer line, unless the town is unable to add new customers onto the system.

Proposed Sec. 30-107 Subsection F

Connection to sewer system.

(1) All subdivision lots within the town limits shall be served by the ~~town's~~ **county sewer system permitting that they are within a distance of 250 feet of an accessible sewer line**, unless the ~~town~~ county is unable to add new customers onto the system.

(2) All subdivision lots of 30,000 square feet or less in the town's extraterritorial jurisdiction shall be served by the ~~town's~~ **county sewer system** if any portion of the subdivision is within 250 feet of a town manhole or gravity sewer line unless the ~~town~~ **county** is unable to add new customers onto the system.

Current Sec. 30-140

Sec. 36-140. – Defects guarantee

The town shall require a guarantee on utility taps, ramps, streets, pavement, drainage facilities, water and sewer lines, and other improvements against defects for one year from the date of

acceptance of construction and/or installation. The amount shall be in the amount determined by the town manager in consultation with the developer's engineers and/or surveyors. One of the guarantees listed under section 30-79(b) shall be used. The defects guarantee shall, however, be satisfied if the subdivider presents a contract or other forms of written evidence that the contractor building the required improvements guarantees those improvements to the town for a period of one year from the date of acceptance by the town.

Proposed Sec. 30-140

Sec. 36-140. – Defects guarantee

The town ~~shall~~ **may** require a guarantee on ~~utility taps, ramps, streets, pavement, drainage facilities, water and sewer lines,~~ and other improvements against defects for one year from the date of acceptance of construction and/or installation. The amount shall be in the amount determined by the town manager in consultation with the developer's engineers and/or surveyors. One of the guarantees listed under section 30-79(b) shall be used. The defects guarantee shall, however, be satisfied if the subdivider presents a contract or other forms of written evidence that the contractor building the required improvements guarantees those improvements to the town for a period of one year from the date of acceptance by the town.

Current Sec. 34-26

Sec. 34-26 - Owners required to connect to system.

Payment of charge in lieu of connection: each owner of improved property located upon or within a distance of 250 feet of any sewer line shall connect the plumbing system of their premises with the sewer system; provided, that any such owner who already has in use a septic tank approved by the county department of health may, in lieu of connecting their premises to the sewer system, pay the minimum monthly charge established for sewer service, and may continue the use of the septic tank for domestic household sewer service for so long as such charge is duly paid and for so long as said septic tank remains suitable for such use as determined by the county department of health.

Proposed Sec. 34-26

Sec. 34-26 - Owners required to connect to system. (Removed)

~~Payment of charge in lieu of connection: Each owner of improved property located upon or within a distance of 250 feet of any sewer line shall connect the plumbing system of their premises with the sewer system ; provided, that any such owner who already has in use a septic tank approved by the county department of health may, in lieu of connecting their premises to the sewer system, pay the minimum monthly charge established for sewer service, and may continue the use of the septic tank for domestic household sewer service for so long as such charge is duly paid and for so long as said septic tank remains suitable for such use as determined by the county department of health.~~

Current Sec. 34-27

Sec. 34-27. - Private sewage disposal.

Where a public sanitary sewer is not available under the provisions of section 34-26 building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

Proposed Sec. 34-27

Sec. 34-27. - Private sewage disposal.

Where a public sanitary sewer ~~is not available under the provisions of section 34-26~~ **is not within a distance of 250 ft**, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

Current Sec. 34-29

Sec. 34-29. - When direct connections required.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 34-26, direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

Proposed Sec- 34-29

Sec. 34-29. - When direct connections required.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, **the property owner shall have the option of connecting the property to public sewer**, ~~as provided in section 34-26, direct connection shall be made to the public sewer in compliance with this article~~, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

Statement of Consistency
Utility Amendment

The requested amendment to the code of ordinance regarding when extension of utilities is necessary, as well as updating to reflect current utility providers, and contradictory language within the amendment, is compatible with all of the Town of Erwin’s regulatory documents.

It is recommended that this amendment request be **approved**.

Joshua Schmieding
Chairperson

Katelan Blount
Deputy Town Clerk

Statement of Inconsistency
Utility Amendment

The requested amendment to the code of ordinance regarding when extension of utilities is necessary, as well as updating to reflect current utility providers, and contradictory language within the amendment, is NOT compatible with all of the Town of Erwin’s regulatory documents.

It is recommended that this amendment request be **disapproved**.

Joshua Schmieding
Chairperson

Katelan Blount
Deputy Town Clerk

BOARD OF ADJUSTMENTS
MEETING MINUTES
MONDAY, SEPTEMBER 16, 2024
ERWIN, NORTH CAROLINA

The Town of Erwin Board of Adjustments held its regular meeting in the Erwin Municipal Building Board Room 100 West F Street, Erwin NC on Monday, September 16, 2024, at 7:00 PM.

Board members present were: Chairperson Joshua Schmieding, Vice Chairperson Ronald Beasley, In-Town Board Members Kathryn Moore, Jim Hartman and Rebecca Kelly, and Out-of-Town Board Members Howard Godwin and Nicholas Skatell.

Board members absent were: In-Town Board Member Grace Watts, and In-Town Alternate Vanessa Lech. Town Manager Snow Bowden, Town Planner Dylan Eure, and Deputy Town Clerk Katelan Blount were present.

Chairperson Joshua Schmieding called the meeting to order at 8:08 PM.

CONSENT ITEMS

Vice Chairperson Nicholas Skatell made a motion to approve the minutes of June 17, 2024, and was seconded by Jim Hartman. **The Board voted unanimously.**

PUBLIC HEARING

Board Member Nicholas Skatell made a motion to open the Public Hearing, which was seconded by Jim Hartman. **The Board voted unanimously.**

Town Planner Dylan Eure presented the information for BOA 2024-004, which is a variance request for Mr. Angel Mencia in the amount of 68 feet for the frontage for the property located within the Erwin ETJ. The Harnett County Tax PIN is 1507-89-3131-000. The applicant wishes to build a single-family home. The property is split-zoned between Harnett County and Erwin. The current road frontage is 32 ft on Ashe Ave, which fails to meet the RD frontage requirement of 100 feet. The requested variance would correct this.

Brian Conales was present to represent Angel Mencia, and was sworn in by Deputy Clerk Katelan Blount.

Brian Conales explained that Mr. Mencia is wanting to place a house on the property, and the variance would allow him to build the driveway.

Board Member Jim Hartman asked Mr. Conales to point out on the map where the house would be located and where the driveway would be located.

Board Member Ronald Beasley asked if Mr. Mencia intended for the property to be annexed into the Town of Erwin, or if they had any plans to build a subdivision.

Mr. Conales stated that he didn't believe there was a desire to be annexed. He stated that they are not wanting to build a subdivision. There was a possibility that they may have family on the property, but no subdivisions.

Chairperson Joshua Schmieding asked if there was anyone else present to speak in favor of the variance request.

No one came forward.

Chairperson Joshua Schmieding asked if anyone was present to speak against the variance request.

Anne Stewart came forward and was sworn in by Deputy Town Clerk Katelan Blount.

Anne Stewart showed her property on the map and asked if there would be any impact on her property or the neighbors. She asked if there was a required distance for the single-family dwelling to be from the property lines.

Town Planner Dylan Eure explained that the minimum was 40 ft from the rear property lines, and 12 ft from the side property lines, but that the site map submitted showed that the house was much farther from the property lines.

Chairperson Joshua Schmieding asked if anyone else was present to speak for or against the variance request.

No one came forward.

Board Member Ronald Beasley made a motion to approve the 68ft variance request, which was seconded by Kathryn Moore. **The Board approved unanimously.**

ADJOURNMENT

Board Member Kathryn Moore made a motion to adjourn the meeting at 8:18 PM and was seconded by Ronald Beasley. **Motion unanimously approved.**

Minutes recorded and typed by

Katelan Blount, Deputy Town Clerk

Joshua Schmieding
Chairperson

Katelan Blount
Deputy Town Clerk



TOWN OF ERWIN

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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

To: Angel Menica

From: Erwin Board of Adjustment

Subject: BOA-2024-004 Approval

Date: 12/16/2024

Please accept this letter of correspondence from the Town of Erwin as verification that the variance request in the amount of 68ft for road frontage to build a single-family home located off Ashe Ave. by its Harnett County Tax Pin 1507-89-3131 petitioned by Angel Mencia was approved unanimously by the Erwin Board of Adjustment.

A public hearing was held September 16th, 2024 at 7:00 to hear the variance in which after the public hearing was concluded the Erwin Board of Adjustment unanimously approved the variance in the requested amount.

If there is any further questions please contact Erwin’s Town Planner, Dylan Eure at 910-591-4201 or by email at deure@erwin-nc.org.

Regards,

ATTEST:

Joshua Schmieding
Chairperson

Katelan Blount
Deputy Clerk