

**TOWN OF ERWIN
PLANNING BOARD
MONDAY, JULY 15, 2024 AT 7:00 PM
ERWIN MUNICIPAL BUILDING BOARD ROOM**

AGENDA

1. **MEETING CALLED TO ORDER**
 - A. Invocation
 - B. Pledge of Allegiance
2. **CONSENT AGENDA**
 - A. Planning Board Minutes from Regular Meeting on June 17, 2024 (**Page 2**)
3. **OLD BUSINESS**
 - A. Updates
 - B. Outdoor Dining (**Page 4**)
4. **NEW BUSINESS**
 - A. ZT-2024-003 (**Page 7**)
 - B. Social District (**Page 21**)
5. **ADJOURNMENT**

PLANNING BOARD
MEETING MINUTES
MONDAY, JUNE 17 2024
ERWIN, NORTH CAROLINA

The Town of Erwin Planning Board held its regular meeting in the Erwin Municipal Building Board Room 110 West F Street, Erwin NC on Monday, June 17th, 2024 at 7:00 PM.

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

Board members absent were: Vice-Chairperson Ronald Beasley, and In-Town Alternate Vanessa Lech.

Town Manager Snow Bowden, Deputy Town Clerk Katelan Blount, and Town Planner Dylan Eure were present. Chairperson Joshua Schmeiding called the meeting to order at 7:00 PM.

Board Member Howard Godwin gave the invocation.

Board Member Jim Hartman led the Pledge of Allegiance.

CONSENT ITEMS

Board Member Grace Watts made a motion to approve the minutes of May 20, 2024, and was seconded by Nick Skatell. **The Board voted unanimously.**

OLD BUSINESS

Town Planner Dylan Eure informed the Planning Board that the Board of Commissioners has put most items on hold until after the proposed budget for Fiscal Year 2024-2025 has passed.

NEW BUSINESS

RESTAURANTS B-2

Town Planner Dylan Eure presented the Restaurants B-2 Amendment to allow drive-through and sit-down restaurants within the B-2. Currently, the ordinance doesn't specify restaurants, and this would clarify that restaurants are permitted within B-2 zoning districts.

Chairperson Nicholas Skatell made a motion to approve the Restaurant B-2 Amendment, which was seconded by Commissioner Kathryn Moore. **The Board voted unanimously.**

OUTDOOR DINING

Town Planner Dylan Eure presented the Planning Board with a proposed amendment to allow for Outdoor Dining within Central Business District, which is along East H St, Denim Dr, and West F St. This would not include alcoholic beverages as the current ordinances are written. However, there is the possibility of looking at a Social District amendment to allow for limited alcoholic consumption within a specific area. The current ordinances also limit fencing in the public right of way, which would be required.

MINUTES CONTINUED FROM JUNE 17, 2024

The options to allow for this could be anything from temporary fencing to be removed at the end of the day, or amending the ordinance to allow for fencing within the outdoor dining areas and/or social district.

Board Member Grace Watts asked if anyone has come forward with interest in outdoor dining.

Town Planning Dylan Eure stated that yes, Pizza House has asked about outdoor dining.

Board Member Rebecca Kelly asked if there would be wine available like in other towns.

Town Planner Dylan Eyre stated that with current ordinances, no, there would not be outdoor alcohol allowed.

Board Member Joshua Schmeiding asked about the possibility of a Social District, especially with the possibility of the brewery in the Mill.

Town Planner Dylan Eure stated that he is compiling data to bring to the Planning Board with more specific information regarding the social district and what that would look like in Erwin.

Board Member Howard Godwin made a motion to table this item until the next Planning Board meeting, on July 15th 2024, which was seconded by Nick Skatell. **The Board voted unanimously.**

STREET ACCESS AMENDMENT

Town Planner Dylan Eure presented the Planning Board with a proposed amendment that would require developers of major subdivisions to install ADA compliant sidewalks within the major subdivision.

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

ADJOURNMENT

Board Member Jim Hartman made a motion to adjourn the meeting at 7:10 PM and was seconded by Grace Watts. **The Board voted unanimously.**

Minutes recorded and typed by

Katelan Blount, Deputy Town Clerk

Joshua Schmeiding

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

7/15/2024

Outdoor Dining 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

Facts

Outdoor dining also known as patio dining occurs when an establishment expands its services to include areas outside of the principal locations into spaces such as the sidewalk and/or other areas along the owner's property. The potential area that is proposed to allow for outdoor dining is Erwin's Central Business District which is along East H St, Denim Dr, and West F St. (see attached zoning image) The existing sidewalk along East H St. measures approximately 9 feet 10 inches. The ADA or American with Disabilities Act requires that sidewalks be a minimum of 36 inches or 3ft in order for wheel chairs to be able to navigate the sidewalk. This said this leaves approximately 82 inches or 6 feet 8 inches of remaining sidewalk that may be used for outdoor dining. Being said, this could not pertain to alcohol consumption nor the sale of alcohol along areas belonging to the Town of Erwin as Chapter 22 Article 1 Section 22-2 states "it shall be unlawful for any person to consume or sell beer, unfortified wine, whiskey or alcoholic beverages of any kind on any property owned or occupied by the town". It is also important to note that Chapter 36 within Article XV Section 36-433 states that "*fence prohibited in rights-of-way*. No fence shall be erected or maintained within or on any state or town right-of-way".

Benchmarking

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

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

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

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

Possible Regulation

Definition

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

Regulation-

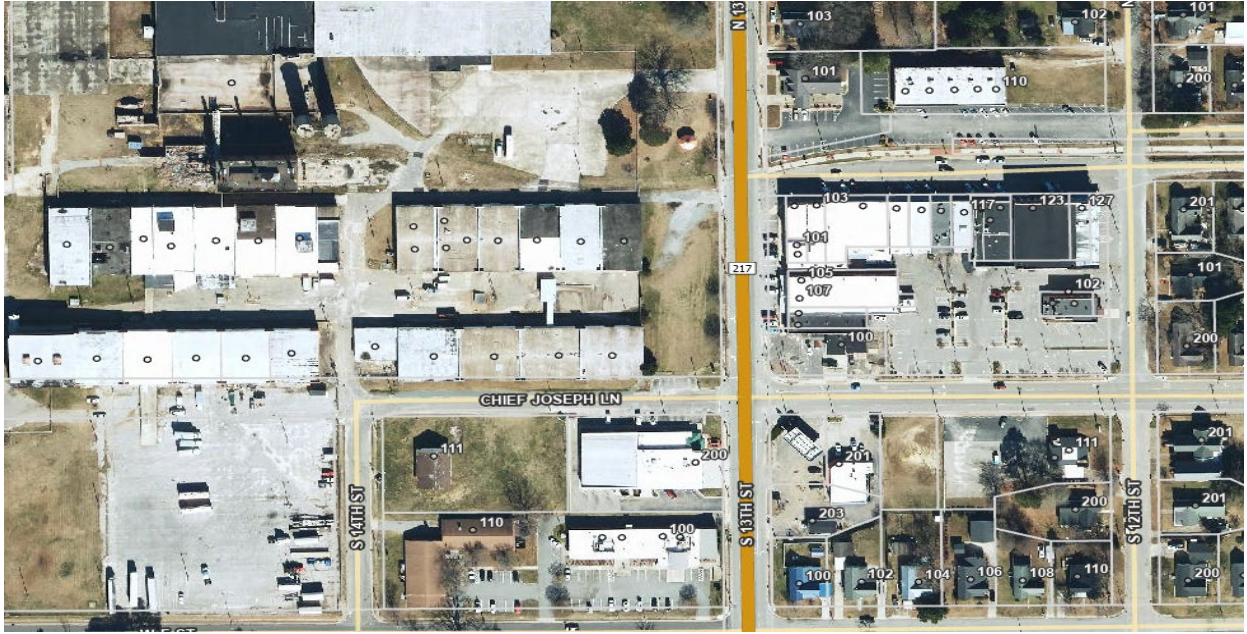
Permitted Accessory use within Central Business

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

Recommendation

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





Regards,

Dylan Eure
Town Planner



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7/15/2024

ZT-2024-003 **Memorandum**

Rezoning Description

The Town of Erwin Staff wishes to request to rezone eleven (11) split zoned parcels located off of Chicora Rd, Chicora Club Dr, Old Stage Rd, and Robins loop. Said parcels are as followed...

- 2125 Chicora Rd – **Rezone to full R-15**
- 1989 Chicora Rd – **Rezone to full R-15**
- 2021 Chicora Rd – **Rezone to full R-15**
- 0596-74-2795 off Chicora - **Rezone to full R-15**
- 448 Chicora Club Dr – **Rezone to full R-15**
- 133 Robins Loop – **Rezone to full R-15**
- 131 Robins Loop – **Rezone to full R-15**
- 0587-98-8969 off Old Stage – **Rezone to full R-10**
- 0597-09-4276 off Old Stage – **Rezone to full R-D**
- 0598-00-5339 off Old Stage – **Rezone to full R-D**
- 0597-19-4504 off Old Stage - **Rezone to full R-D**

Property Description

- 2125 Chicora Road
 - Home on Property, no change to homeowner, would decrease dimensional requirements.
 - R-15 3.6 Acres, 75.84%
 - RD 1.15 Acres, 24.16%
 - **Full R-15**
- 1989 Chicora Rd
 - Home on property, no change to owner
 - R-15- 2.49 acres, 98.93%
 - RD .03 acres, 1.07%
 - **Full R-15**

- 2021 Chicora Rd
 - Home on property, no change to owner
 - R-15 20.3 acres, 94.25%
 - RD .14 acres, 5.75%
 - **Full R-15**
- 0596-74-2795.000 (off Chicora / Wilbert Lucas)
 - Parcel not in Use
 - R-15 1.23 acres, 84.11%
 - RD .23 acres, 15.89%
 - **Full R-15**
- 448 Chicora Club Drive
 - Golf Course on Property, May be considered a nonconforming use, no future expansion of golf course.
 - R-15 144.34 Acres, 93.95%
 - RD 9.29 Acres, 6.05%
 - **Full R-15**
- 133 Robin Loop
 - SFD on property, no change to owner, decrease dimensional requirements
 - R15 2.59 Acres, 98.02%
 - RD .05 Acres, 1.98%
 - **Full R-15**
- 131 Robin Loop
 - SFD on property, no change to owner, decrease dimensional requirements
 - R15 .9 Acres, 96.57%
 - RD .03, 3.43%
 - **Full R-15**
- 0587-98-8969 off Old Stage
 - Parcel not in use, no change to owner, Ensure R10 zoning dimensions
 - R-10 2.22 Acres, 76.86%
 - RD .67Acres 23.17%
 - **Full R-10**
- 0597-09-4276 off Old Stage
 - Parcel not in use, no change to owner, Ensure RD zoning dimensions
 - Farm land on property
 - R-10 12.6 Acres, 58.9%
 - RD 8.79 Acres, 41.1 %
 - **Full RD**
- 0598-00-5339 off Old Stage
 - Parcel not in use, no change to owner, Ensure RD zoning dimensions
 - Farm land on property
 - Proposed electrical easement on property
 - R-10 .26 Acres, .59%
 - RD 44.44 Acres, 99.41%

- **Full RD**
- 0597-19-4504 off Old Stage
 - Parcel not in use, no change to owner, Ensure RD zoning dimensions
 - Farm land on property
 - Fresh water pond on property
 - R-D 26.14 Acres, 86.34%
 - R-10 4.14 Acres, 13.66%
 - **Full RD**

Findings of Fact

Surrounding Land Uses: The surrounding land uses for all of the 11 parcels are as followed:

- R-15
- RD
- R-10

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

Regards,

Dylan Eure
Town Planner



**REZONING MAP REQUEST
STAFF REPORT**

Case: ZT-2024-003

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

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

Planning Board: July 15th, 2024 Town Commissioners: TBD

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Applicant Information

Owners of Record:

Name: Michael and Heather Williams
Address: 2125 Chicora Rd
City/State/Zip: Dunn, NC 28334

Name: Elizabeth and Don Wilson
Address: 1989 Chicora Rd
City/State/Zip: Dunn, NC 28334

Name: Linda and Gerald Hayes
Address: Physical address: 2021 Chicora Rd /
Mailing Address: 2065 Chicora Rd
City/State/Zip: Dunn, NC 28334

Name: Sills Rentals LLC
Address: HC Tax Pin 05976-74-2795 /
Mailing Address: 338 HWY 82

City/State/Zip: Dunn, NC 28334

Name: Chicora II LLC

Address: Physical address: 448 Chicora Club
Dr. / Mailing address: 495 Chicora
Club Dr.

City/State/Zip: Dunn, NC 28334

Name: James and Linda Wilkins

Address: 133 Robin Loop

City/State/Zip: Dunn, NC 28334

Name: Brain and Christine Jernigan

Address: 131 Robin Loop

City/State/Zip: Dunn, NC 28334

Name: Shane Macdonald

Address: 0587-98-8969 / Mailing Address
283 Pump Station Rd

City/State/Zip: Erwin, NC 28339

Name: Benny Godwin

Address: 0597-09-4276 / Mailing Address
4105 Old Stage Rd

City/State/Zip: Erwin, NC 28339

Name: Geraldine & Bobby Byrd

Address: 0598-00-5339 / Mailing Address
8654 US 421 South

City/State/Zip: Erwin, NC 28339

Name: Steven & Tamara Godwin

Address: 0597-19-4504 / Mailing Address
4169 Old Stage Rd

City/State/Zip: Erwin, NC 28339

Applicant:

Name: Town of Erwin

Address: 100 West F St

City/State/Zip: Erwin, NC 28339

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Vicinity Map

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

Physical Characteristics

Site Description:

Total of 11 parcels located off of Chicora Rd, Chicora Club Dr, Old Stage Rd, and Robins loop. According to Harnett GIS there are no watersheds, or flood areas within any of the parcels discussed. However, there is a fresh water pond located at 0597-19-4504 off of Old Stage. Furthermore according to GIS there is 1 recorded easements through 0598-00-5339, which is a proposed electric easement.

Surrounding Land Uses: The surrounding land uses for all of the 11 parcels are as followed

- R-15
- RD

- R-10

Services Available

- Duke Energy
 - South River (Chicora area)
 - Harnett Regional Water / Sewer
 - Well / Septic (parcels off Old Stage / Robin Loop)
-
-

Staff Evaluation

The Town of Erwin has requested 11 parcels to be rezoned to correct zoning map conformities to align parcels to a single zoning classification in which fits each parcel best based on their current use.

Staff Evaluation

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

- **Reasoning:** The rezoning's are compatible with the surrounding community and would not cause any inconvenience to those within the area.

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

- **Reasoning:** According to Erwin's current Land Use Plan done in 2023 the properties are assigned to be zoned under residential.

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

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

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

- **Reasoning:** This rezoning request includes 11 parcels.

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

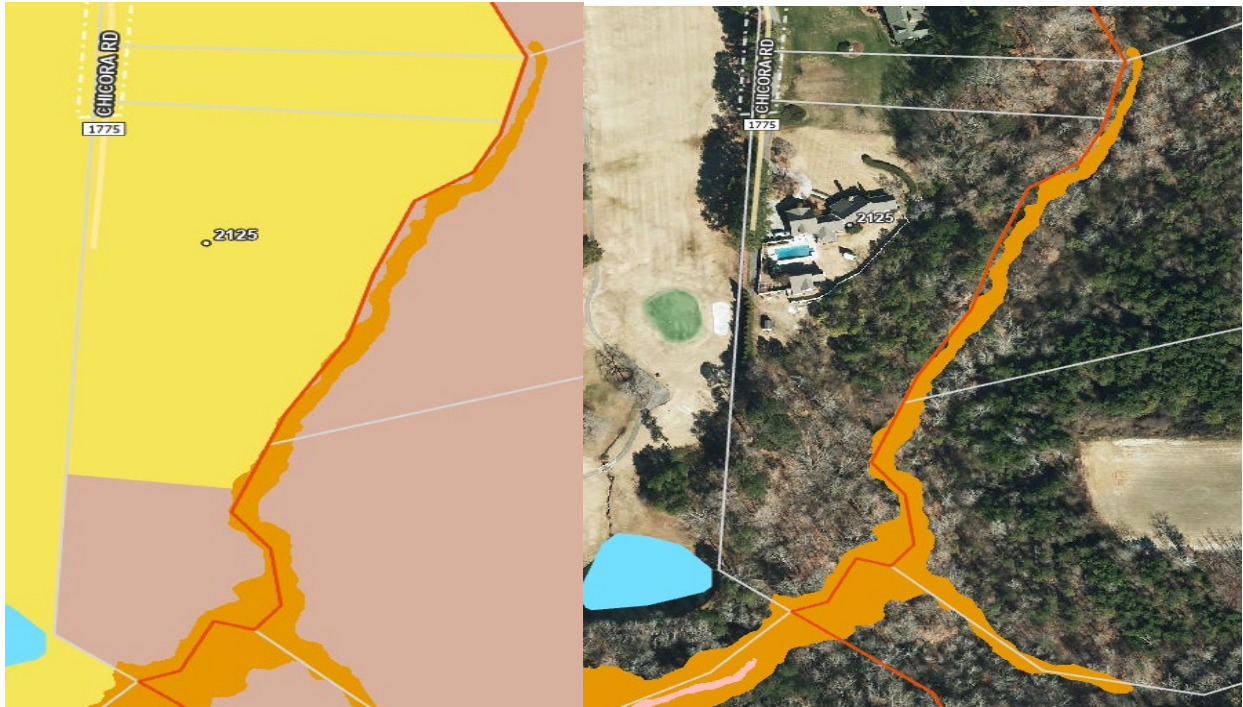
Statement of Consistency

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

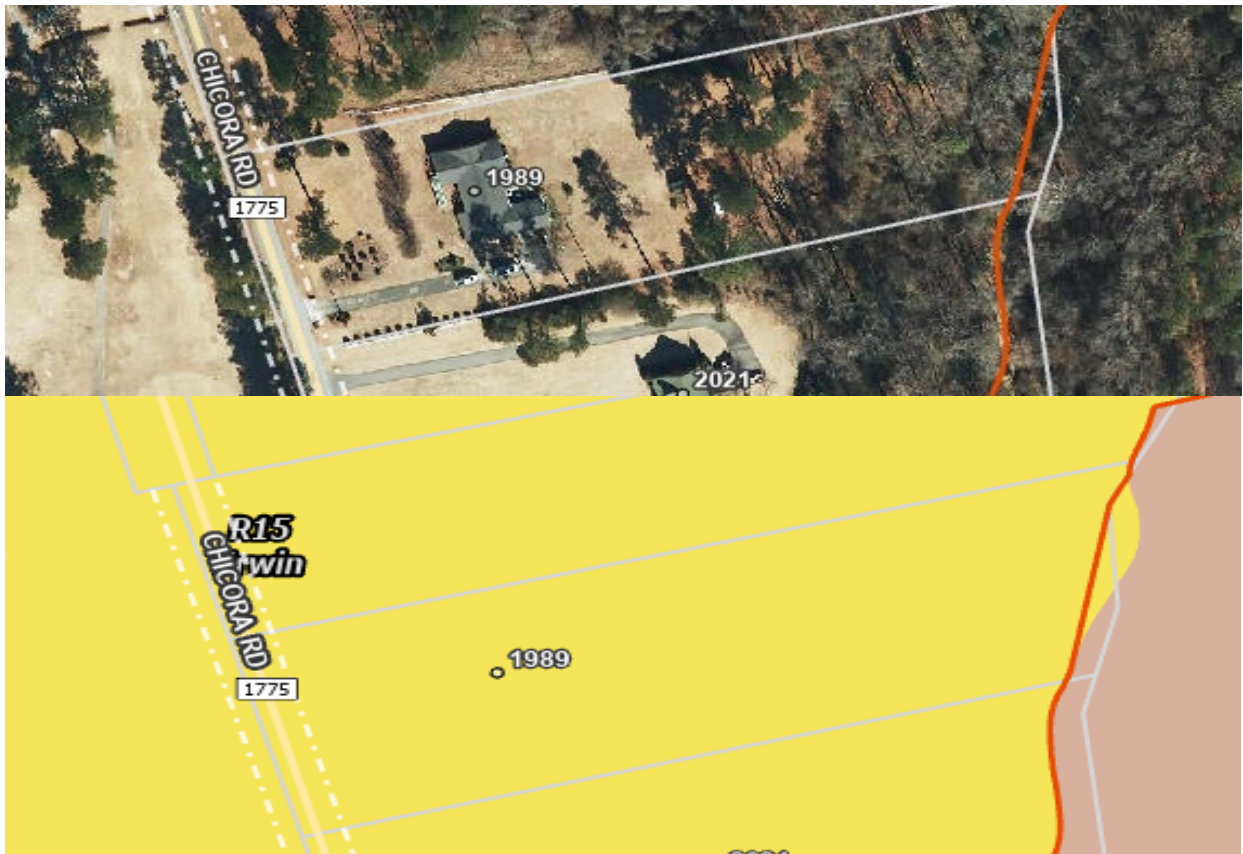
Attachments:

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

2125 Chicora



1989 Chicora



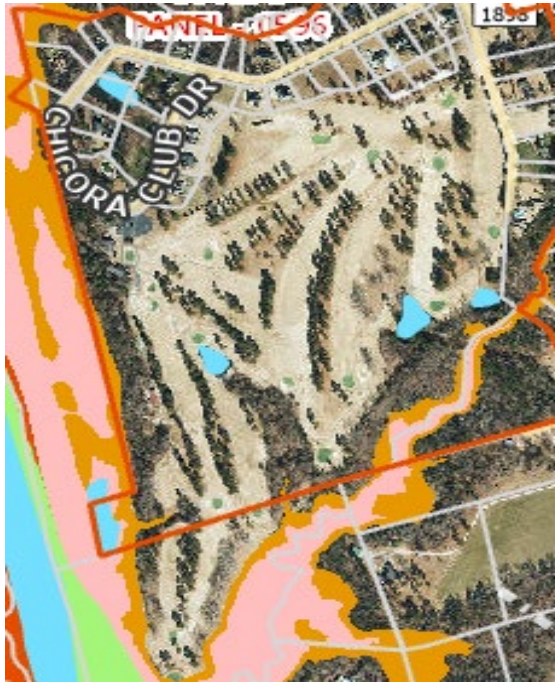
2021 Chicora



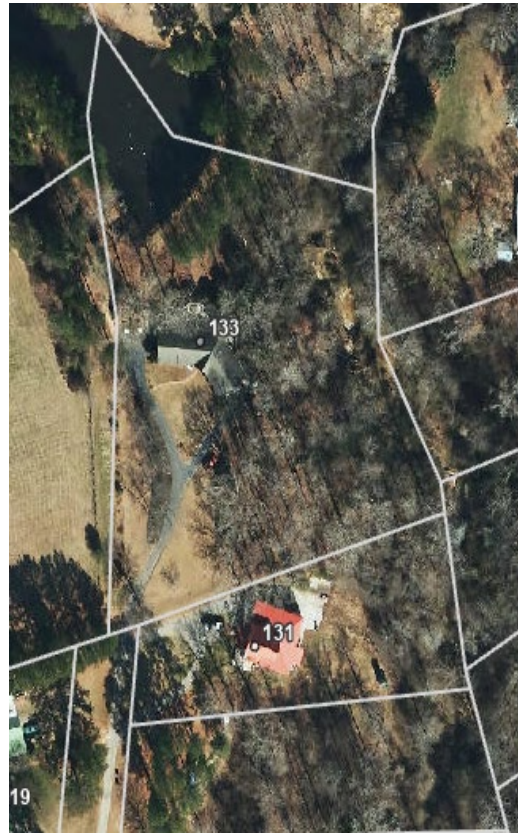
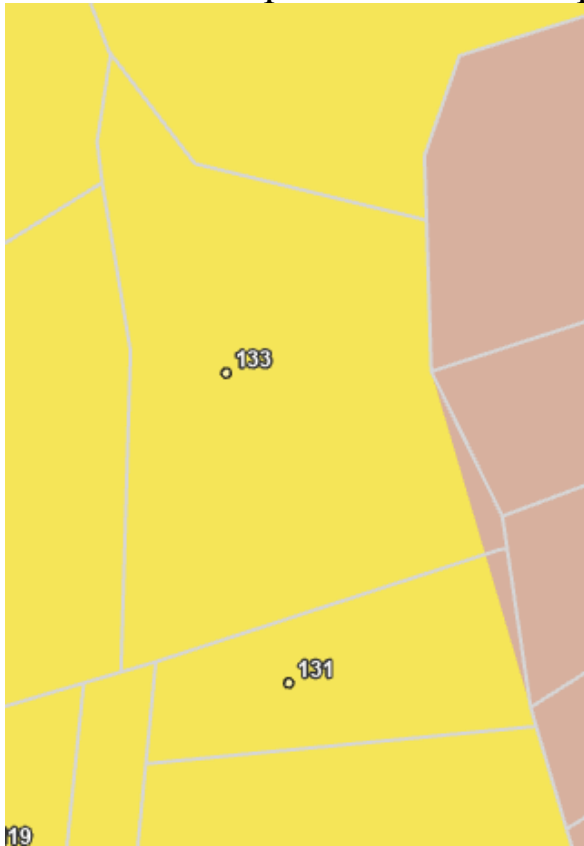
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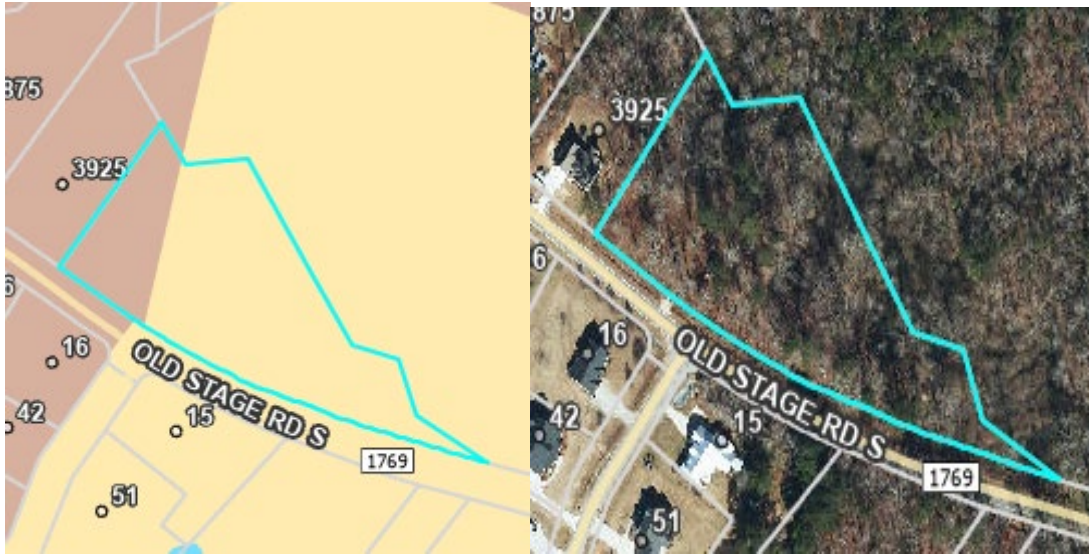
448 Chicora Club Dr



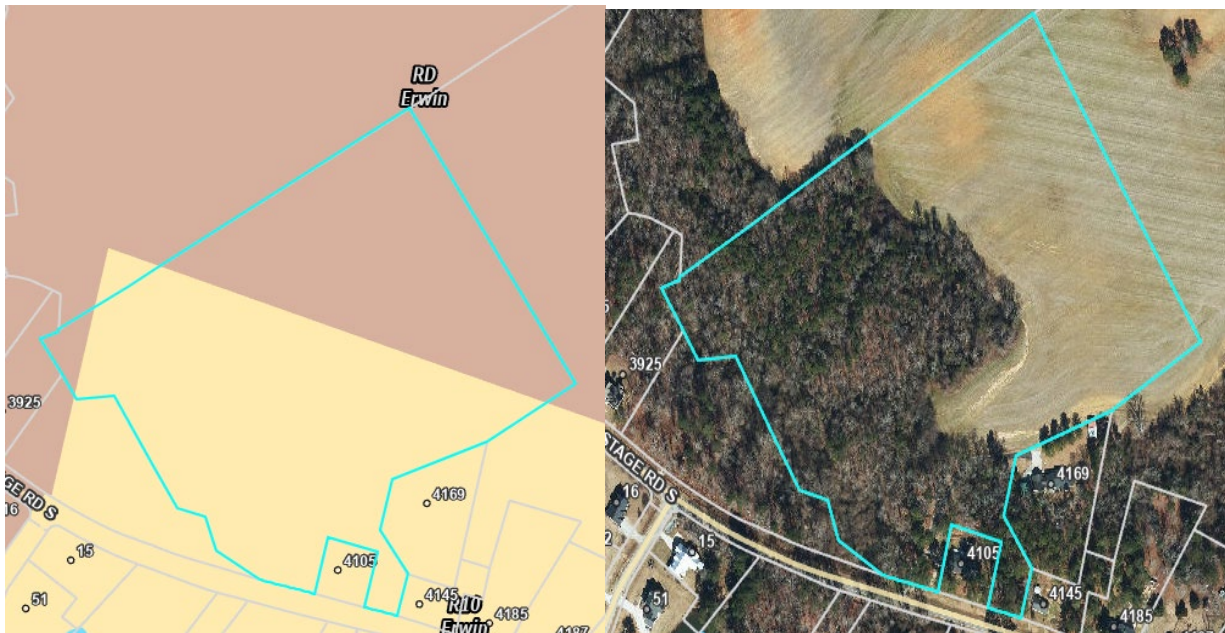
133 Robin Loop / 131 Robin Loop



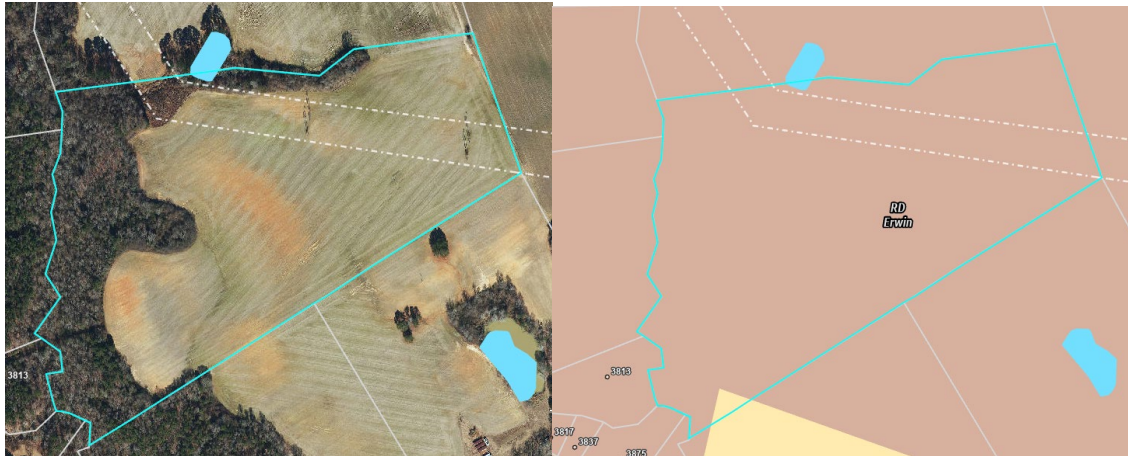
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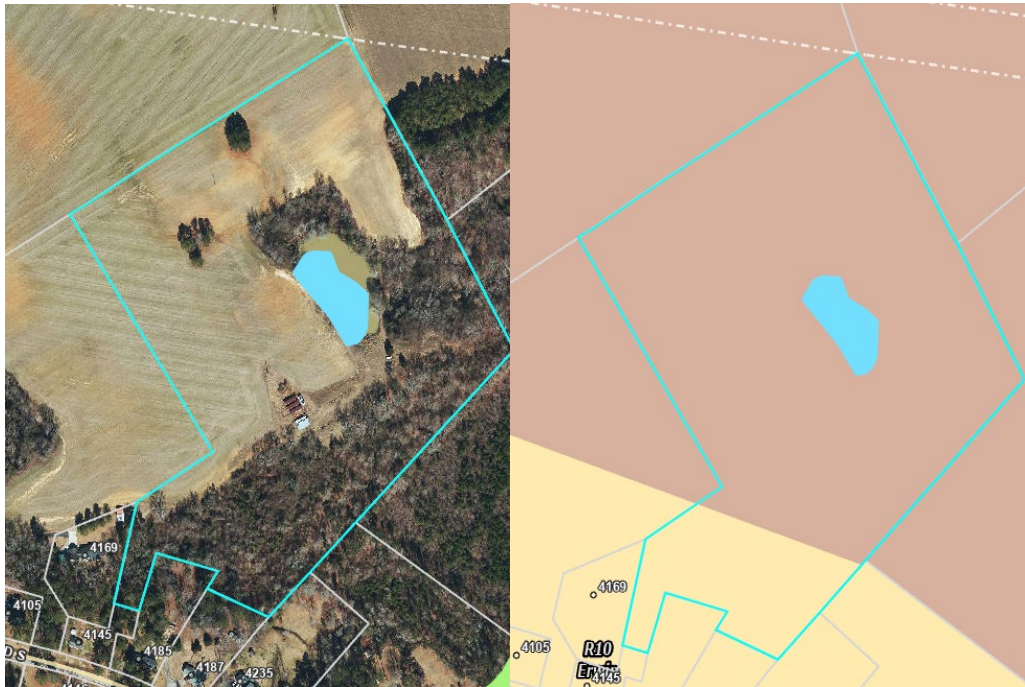
0597-09-4276



0598-00-5339



0597-19-4504





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Social District Memorandum

Background

In September of 2021 North Carolina authorized local governments to be allowed to create social districts. Social districts can be defined as areas where individuals can walk through the designated district with open to-go containers of alcoholic beverages and carry them into other locations if they so decide to allow them. Said alcoholic beverages, that are sold within the social district for the purpose of carrying said beverage must be consumed within said social district and are not permitted to be taken out of the district.

North Carolina General Statute Requirements

In the event of a social district being enacted in the Town of Erwin there are many rules and regulations set forth by the North Carolina General Legislature that must be followed. These regulations are as follows...

- Ordinance creating the social district along with a map of the areas affected along with the hours and days that the district is in effect.
- Signs posted in a conspicuous location containing the area of the district, days/hours of operation, the phone number to the Alcohol Law Enforcement division, the phone number to the locality police department, and a statement that alcohol sold for the purpose of the social district must remain within the district and shall be disposed of prior to leaving the social district.
- Management plan along with map and hours of operation of must be approved and posted on the Town's website.
- Map submittal to the Alcoholic Beverage Commission containing the days and hours of operation.
- Uniform signs for each business within the district stating that they either welcome beverages, do not allow for beverages, or sell beverages.
- Only sell beverages from a licensed brick-and-mortar establishment.
- Each location which takes place in the social district and has an exit leading to an area that is not contained within the social district must have a sign that states the social district ends and that alcoholic beverages are prohibited beyond that point.
- Beverages sold to walk throughout the district must contain....
 - Where the beverage was sold along with the date.

- The logo of the social district.
 - Be in a to-go cup.
 - Not be made of glass.
 - Displays in no less than 12 font the statement “Drink Responsibly- Be 21”
 - Shall not be larger than 16 fluid ounces.
- Dunn-Erwin Rail Trail does not allow for alcoholic beverages on the trail. Staff would need to contact Harnett Co. to see how it would work with their regulations.
 - Other NC statutes apply for the time of sale of alcohol and the amount of beverages sold to a person at a given time.

Benchmarking

Fuquay-Varina

- Two social districts
 - Downtown Fuquay
 - Downtown Varina
- Thursday and Friday- 4:00-9:00 PM
- Saturday 12:00-9:00 PM
- Each location must complete a participation form
- Has stickers for each business to place on their front windows
- Additional information is available per request.

Davidson

- Two social districts
 - Downtown Main Street
 - Davidson Circles
- 7 days a week from the hours of 11:00 AM to 10:00 PM
- Each location must complete a participation form
- Has stickers for each business to place on their front windows.
- Additional information is available by request.

Trade Offs

Positives

- Creates a greater sense of community.
- Increases Downtown investment. (Land Use Goal 2: ED 4)
- Could lead to more business openings within the district.

Negatives

- Could cause an increase in drunk driving cases.
- Could cause disturbance to surrounding residences/businesses.
- Increase in police workload.

Potential Erwin Social District

