

**THE ERWIN BOARD OF COMMISSIONERS
MAY 2021 REGULAR MEETING
THURSDAY, MAY 6, 2021 @ 7:00 P.M.
ERWIN COMMUNITY BUILDING**

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 request discussion of an item, the item will be removed from the consent Agenda and considered under New Business.

 - A. Minutes of Regular Meeting on April 1, 2021 **(Page 2)**
 - B. Financial Report for March 2021 **(Page 6)**
 - C. Alternate ETJ Planning Board Member W. H. Morris Application **(Page 8)**

4. **RECOGNITION OF SPECIAL CITIZEN**

5. **PUBLIC HEARING**
 - A. CU-2021-001 **(Page 9)**
 - B. Variance 2021-002 **(Page 41)**
 - C. ZT-2021-002 **(Page 54)**
 - D. ZT-2021-003 **(Page 76)**
 - E. CU-2021-002 **(Page 90)**
 - F. CU-2021-003 **(Page 109)**

6. **NEW BUSINESS**
 - A. Harnett County School Bus Stop Arm Ordinance **(Page 133)**
 - B. Resolution Opposing House Bill 401 and Senate Bill 349 **(Page 141)**

7. **MANAGER'S REPORT**

8. **ATTORNEY'S REPORT**

9. **GOVERNING BODY COMMENTS**

10. **PUBLIC COMMENT**

Each speaker is asked to limit comments to 3 minutes, and the requested total comment period will be 15 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 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

11. **ADJOURNMENT**

ERWIN BOARD OF COMMISSIONERS**REGULAR MINUTES****MAY 6, 2021****ERWIN, NORTH CAROLINA**

The Board of Commissioners for the Town of Erwin with Mayor Patsy Carson presiding held its Regular Meeting in the Erwin Community Building on Thursday, May 6, 2021, at 7:00 P.M. in Erwin, North Carolina.

Board Members present were: Mayor Patsy Carson, Mayor Pro Tem Randy Baker and Commissioners William Turnage, Ricky Blackmon, Alvester McKoy, and Melinda Alvarado.

Town Manager Snow Bowden, Town Clerk Lauren Evans, Town Attorney Tim Morris, Town Engineer Bill Dreitzler, and Police Chief Jonathan Johnson were present.

Mayor Patsy Carson called the meeting to order at 7:00 P.M.

Commissioner McKoy gave the invocation.

Commissioner Baker led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

Town Manager Snow Bowden requested to add the Contract for Audit Accounts under Consent as Item 3D. He also requested to add under New Business Eagle Scout Project as Item 6C and 306 West K Street as Item 6 D.

Commissioner Turnage made a motion to approve the adjusted agenda and was seconded by Commissioner Thurman. **The Board voted unanimously.**

MINUTES CONTINUED FROM MAY 6, 2021

CONSENT

Commissioner Alvarado made a motion to approve **(ITEM A)** Minutes of Regular Meeting on April 1, 2021 **(ITEM B)** Financial Report for March 2021 **(ITEM C)** Alternate ETJ Planning Board Member W.H. Morris Application **(ITEM D)** Contract for Audit Accounts and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

PUBLIC HEARING

CU-2021-001

Commissioner Baker made a motion to open the Public Hearing and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Town Manager Snow Bowden informed the Board that this request is for a 64 unit multi-family apartment complex and the applicant was at the meeting to answer any questions the Board may have.

Mayor Patsy Carson asked if anyone would like to come forward and speak in favor of the request.

Applicant William Guillet came forward and was sworn in by Town Clerk Lauren Evans.

Mr. Guillet addressed the Board and informed them of his intentions to build a 64 unit apartment building. He further explained the design of the Building and why he chose Erwin. He explained the Traffic Report provided to the Board in their agenda.

Commissioner Baker asked Mr. Guillet if the apartment building will have any age restriction and verified if the trips per day in the Traffic Report were trips from Maynard Lake Road.

Mr. Guillet informed the Board that there will not be any age restrictions and verified that the trips calculated were from Maynard Lake Road.

Commissioner Baker asked if there were any thoughts about using the intersection at Barnes Drive.

TOWN OF ERWIN
FINANCIAL SUMMARY REPORT
FOR MONTH OF MARCH 2023



March 2023 Report

	ANNUAL BUDGET		MARCH ACTIVITY		ACTUAL TO DATE		Y-T-O % COLLECTED	
	BUDGET	ACTIVITY	ACTIVITY	TO DATE	ACTUAL	TO DATE	Y-T-O %	COLLECTED
Revenues								
CURRENT YEARLEY OF PROPERTY TAXES	1,091,334.00	51,888.00	1,128,203.00	103.20%				
CURRENT YEAR MOTOR VEHICLE TAXES	174,370.00	12,387.00	129,110.00	74.04%				
PRIOR YEAR TAXES / Penalties & Interest	10,000.00	2,442.00	26,181.00	261.81%				
UTILITIES FRANCHISE TAXES	198,000.00	41,234.00	138,944.00	68.56%				
ENTRY FEES	18,000.00	6,065.00	11,070.00	61.50%				
SALES & USE TAX	585,000.00	78,267.00	591,175.00	101.06%				
ZONING PERMITS/APPLICATIONS	5,000.00	2,775.00	11,725.00	234.50%				
REFUSE COLLECTIONS FEES	403,698.00	42,603.00	329,667.00	81.64%				
STORM WATER COLLECTION	69,830.00	5,827.00	45,202.00	64.64%				
ALL OTHER REVENUES	751,383.00	28,779.00	723,185.00	96.26%				
Total Revenues	3,306,715.00	270,067.00	3,129,382.00	94.64%				
Expenditures								
GOVERNING BODY	34,272.00	2,230.00	17,175.00	50.11%				
ADMINISTRATION	305,434.00	21,264.00	198,909.00	65.12%				
NON-DEPARTMENTAL	284,249.00	31,751.00	233,664.00	82.20%				
PLANNING & INSPECTIONS	109,072.00	2,301.00	27,838.00	25.52%				
POWELL BILL-STREETS	182,000.00	1,338.00	14,770.00	8.12%				
POLICE	826,369.00	70,259.00	651,865.00	78.26%				
POLICE-SRO	116,840.00	4,838.00	80,914.00	52.13%				
CONTRACT SERVICES-FIRE	235,767.00	12,132.00	238,183.00	100.17%				
PUBLIC WORKS-ADMN.	102,552.00	7,978.00	77,739.00	75.80%				
PUBLIC WORKS-STREETS	375,411.00	19,595.00	182,693.00	48.66%				
PUBLIC WORKS-SANITATION	323,790.00	5,255.00	233,110.00	71.99%				
PUBLIC WORKS-STORM WATER	15,000.00	1,874.00	3,572.00	23.81%				
RECREATION	322,304.00	20,638.00	187,118.00	58.16%				
LIBRARY	67,155.00	5,382.00	45,715.00	68.07%				
COMMUNITY CENTER	6,500.00	509.00	10,988.00	168.05%				
Total Expenditures	3,306,715.00	206,950.00	2,162,223.00	65.39%				
Y-T-O GENERAL FUND BALANCE INCREASE (DECREASE)			63,117.00	967,159.00				

BALANCES AS OF March 2023	
CASH MANAGEMENT	1,700,963.12
BBAT CASH IN BANK	841,708.46
FIRST FEDERAL BUSINESS MONEY MARKET	138,434.95
FIRST FEDERAL MONEY MARKET	886,169.84
Y-T-O INVESTMENT BALANCE IN GENERAL FUND ACCOUNTS	3,504,966.17
BBAT STATE PORTEFURE	3,703.41
BB & T CAPITAL RESERVE/COMML ENHANCEMENT	182,489.40
FIRST FEDERAL CAP. RESERVE/GENERAL	2,347,717.38
BBAT HEALTH RESERVE HRA ACCT.	18,374.78
PRIESE FIELD ACCT.	9,792.37
AL WOODMALL PARK IMPROVEMENTS	382,431.41
Y-T-O INVESTMENT BALANCE RESTRICTED FUNDS	2,914,588.75
CUMULATIVE BALANCE FOR TOWN OF ERWIN	6,419,564.92

POWELL BILL BALANCE
\$ 446,167.57

Town of Erwin
Financial Summary Report
YTD Comparison of March FY 2020 & FY 2021



	YTD		DIFFERENCE
	Mar. 2021	Mar. 2020	
Revenues			
CURRENT YEAR LEVY OF PROPERTY TAXES	1,126,203.00	1,108,920.82	17,282.08
CURRENT YEAR MOTOR VEHICLE TAXES	129,110.00	105,584.28	23,525.72
PRIOR YEAR TAXES / Penalties & Interest	26,181.00	11,413.16	14,767.84
UTILITIES FRANCHISE TAXES	135,944.00	143,609.80	(7,665.80)
ENTRY FEES	11,070.00	19,031.00	(7,961.00)
SALES & USE TAX	591,175.00	549,018.57	42,156.43
ZONING PERMIT/APPLICATORS	11,725.00	5,830.75	5,894.25
REFUSE COLLECTIONS FEES	329,587.00	285,064.00	44,523.00
STORM WATER COLLECTION	46,202.00	44,037.50	2,164.50
ALL OTHER REVENUES	723,186.00	1,481,420.39	(758,235.39)
Total Revenues	\$ 3,126,362.00	\$ 3,763,650.37	(637,288.37)
Expenditures			
GOVERNING BODY	17,175.00	24,828.34	(8,653.34)
ADMINISTRATION	199,909.00	223,023.95	(23,114.95)
NON-DEPARTMENTAL	233,664.00	262,628.70	(28,964.70)
PLANNING & INSPECTIONS	27,838.00	24,862.83	2,975.17
POWELL BILL-STREETS	14,770.00	36,347.91	(21,577.91)
POLICE	621,665.00	576,760.83	44,904.17
POLICE-PRO	80,914.00	84,858.26	(3,944.26)
CONTRACT SERVICES-FIRE	238,163.00	217,780.94	20,382.06
PUBLIC WORKS-ADMIN	77,739.00	73,921.71	3,817.29
PUBLIC WORKS-STREETS	182,693.00	972,279.46	(789,586.46)
PUBLIC WORKS-AMMUNITION	233,110.00	227,523.00	5,587.00
PUBLIC WORKS-STORM WATER	3,572.00	1,999.81	1,572.19
RECREATION	197,118.00	230,065.86	(32,947.86)
LIBRARY	46,715.00	41,122.87	5,592.13
COMMUNITY CENTER	10,988.00	14,304.69	(3,316.69)
Total Expenditures	\$ 2,192,223.00	\$ 3,000,823.29	(808,600.29)

YTD General Fund Balance Increase (Decrease)

	ACCOUNT BALANCES	
	YTD March 2021	YTD March 2020
CASH MANAGEMENT	1,700,993.12	1,090,751.97
BBST CASH IN BANK	911,406.40	701,151.94
FIRST FEDERAL BUSINESS MONEY MARKET	136,436.95	135,927.48
FIRST FEDERAL MONEY MARKET	856,189.64	854,449.03
Y-T-D INVESTMENT BALANCE IN GENERAL FUND ACCOUNTS	\$ 3,594,996.17	\$ 3,772,269.42
BBST STATE FORFEITURE	3,703.41	1,993.97
BB & T CAPITAL RESERVE/CD/M. ENHANCEMENT	182,489.40	181,992.38
FIRST FEDERAL CAP. RESERVE/GENERAL	2,247,717.38	2,343,028.86
BBST HEALTH RESERVE HRA ACCT.	18,374.78	18,485.17
PRIEBE FIELD ACCT.	9,782.37	10,178.72
AL WOODBALL PARK IMPROVEMENTS	352,521.41	337,732.75
Y-T-D BALANCE RESTRICTED FUNDS	\$ 2,914,598.75	\$ 2,885,893.84
CUMULATIVE BALANCE FOR TOWN OF ERWIN	\$ 6,419,564.92	\$ 6,657,864.08



**APPLICATION FOR APPOINTMENT
TO A BOARD FOR THE
TOWN OF ERWIN, NORTH CAROLINA**



The Town of Erwin appreciates your interest in serving on a Board and requests that you complete the following application. This application requests general information based on your interest in applying for a Board for the Town of Erwin.

Applicant Name: William Morris Date of Application: 04 / 27 / 2021

Home Address: 129 Bumpas Creek Access Dunn 28334

Street Address Town Zip Code

Home Phone: 910-237-8657 Business/Other Phone: _____

FAX Number: _____ Email Address: Morrisinspections31@gmail.com

In order to consider this application, the Town of Erwin requests the following information:

Date of Birth 08 / 05 / 1965 Do you reside within the Town Limits of Erwin: Yes: No:
Occupation: retired Length of residence in Erwin: ___ Years ___ Months

Have you ever pled guilty to or been found guilty or any criminal offense or been convicted of any offense other than a minor traffic violation? Yes ___ No

If yes, please explain _____

Any evidence found to be incorrect on the application may result in disqualification.

Please write a brief statement as to why you are interested in serving on one of these Boards.

To serve the public.

Please indicate your preference by the number (first choice being "1")

Planning Board 1 Recreation _____

Please note: If you are applying for the Planning Board you will not be able to serve on another Board.

The	Governing Board Town Council
of	Primary Government Unit (or charter holder) Town of Erwin
and	Discretely Presented Component Unit (DPCU) (if applicable) N/A

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name Thompson, Price, Scott, Adams & Co PA
	Auditor Address PO Box 1690 Elizabethtown NC 28337

Hereinafter referred to as Auditor

for	Fiscal Year Ending 06/30/21	Audit Report Due Date 10/31/21
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Must be within four months of FYE

hereby agree as follows:

- The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).
- At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit performed under the requirements found in Subpart F of the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.
4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC Staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.
5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to *Government Accounting Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.
6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC Staff within four months of fiscal year end. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay shall be submitted to the Secretary of the LGC for approval.
7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's (Units') records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices for Audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to

the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.

10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).

11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC Staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC Staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.

12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.

13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC along with an Audit Report Reissued Form (available on the Department of State Treasurer website). These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC Staff.

15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the

Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to charter schools or hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 28 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

18. Special provisions should be limited. Please list any special provisions in an attachment.

19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the primary government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to charter schools or hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

26. **E-Verify.** Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

27. **Applicable to audits with fiscal year ends of June 30, 2020 and later.** For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and Governmental Auditing Standards, 2018 Revision (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

28. **Applicable to audits with fiscal year ends of June 30, 2021 and later.** The auditor shall present the audited financial statements including any compliance reports to the government unit's governing body or audit committee in an official meeting in open session as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary. The auditor's presentation to the government unit's governing body or audit committee shall include:

- a) the description of each finding, including all material weaknesses and significant deficiencies, as found by the auditor, and any other issues related to the internal controls or fiscal health of the government unit as disclosed in the management letter, the Single Audit or Yellow Book reports, or any other communications from the auditor regarding internal controls as required by current auditing standards set by the Accounting Standards Board or its successor;
- b) the status of the prior year audit findings;
- c) the values of Financial Performance Indicators based on information presented in the audited financial statements; and
- d) notification to the governing body that the governing body shall develop a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters," if required under 20 NCAC 03 .0508.

29. Information based on the audited financial statements shall be submitted to the Secretary for the purpose of identifying Financial Performance Indicators and Financial Performance Indicators of Concern.

30. Applicable to charter school contracts only: No indebtedness of any kind incurred or created by the charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the charter school shall involve or be secured by the faith, credit, or taxing power of the State or its political subdivisions.

31. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 16 for clarification).

32. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/submitting-your-audit>

33. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

34. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

FEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Governmental Auditing Standards, 2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will not be approved.

Financial statements were prepared by: Auditor Governmental Unit Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name:

Title and Unit / Company:

Email Address:

Linda P Williams

Finance Officer

lpwilliams@erwin-nc.org

OR Not Applicable (Identification of SKE Individual not applicable for GAAS-only audit or audits with FYEs prior to June 30, 2020.)

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the billings for the last annual audit of the unit submitted to the Secretary of the LGC. Should the 75% cap provided below conflict with the cap calculated by LGC Staff based on the billings on file with the LGC, the LGC calculation prevails. All invoices for services rendered in an audit engagement as defined in 20 NCAC .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

PRIMARY GOVERNMENT FEES

Primary Government Unit	Town of Erwin
Audit Fee	\$ 11,500.00
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$ 1,500.00
Writing Financial Statements	\$ 2,000.00
All Other Non-Attest Services	\$ 0
75% Cap for Interim Invoice Approval <i>(not applicable to hospital contracts)</i>	\$ 10,125.00

DPCU FEES (if applicable)

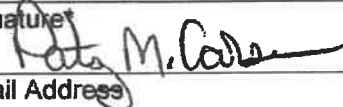
Discretely Presented Component Unit	N/A
Audit Fee	\$
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$
Writing Financial Statements	\$
All Other Non-Attest Services	\$
75% Cap for Interim Invoice Approval <i>(not applicable to hospital contracts)</i>	\$

SIGNATURE PAGE

AUDIT FIRM

Audit Firm*	
Thompson, Price, Scott, Adams & Co PA	
Authorized Firm Representative (typed or printed)*	Signature*
R Bryon Scott	
Date*	Email Address*
	bscott@tpsacpas.com

GOVERNMENTAL UNIT

Governmental Unit*	
Town of Erwin	
Date Primary Government Unit Governing Board Approved Audit Contract* (G.S.159-34(a) or G.S.115C-447(a))	
Mayor/Chairperson (typed or printed)*	Signature*
Patsy M Carson	
Date	Email Address

Chair of Audit Committee (typed or printed, or "NA")	Signature
N/A	
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer* (typed or printed)	Signature*
Linda P Williams	
Date of Pre-Audit Certificate*	Email Address*
	lpwilliams@erwin-nc.org

**SIGNATURE PAGE – DPCU
(complete only if applicable)**

DISCRETELY PRESENTED COMPONENT UNIT

DPCU*	
N/A	
Date DPCU Governing Board Approved Audit Contract* (Ref: G.S. 159-34(a) or G.S. 115C-447(a))	
DPCU Chairperson (typed or printed)*	Signature*
Date*	Email Address*

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

DPCU Finance Officer (typed or printed)*	Signature*
Date of Pre-Audit Certificate*	Email Address*

Remember to print this form, and obtain all
required signatures prior to submission.

PRINT

Whereas	Primary Government Unit Town of Erwin
and	Discretely Presented Component Unit (DPCU) (if applicable) N/A
and	Auditor Thompson, Price, Scott, Adams & Co., PA

entered into a contract in which the Auditor agreed to audit the accounts of the Primary Government Unit and DPCU (if applicable)

for	Fiscal Year Ending 06/30/20	and originally due on	Audit Report Due Date 10/31/20
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hereby agree that it is now necessary that the contract be modified as follows.

Modification to due date:

Original due date 10/31/20	Modified due date 04/30/21
Original fee	Modified fee

Modification to fee:

EXPLANATION OF MODIFIED CONTRACT TERMS

Please provide an explanation for the modification to due date and/or fees.

OPEB Study was not completed until February 2021.

If the amendment is submitted to extend the due date, please indicate the steps the unit and auditor will take to prevent late filing of audits in subsequent years.

The town will ensure contact is made and the engagement is started for all future actuarial studies.

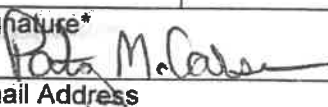
By their signatures on the following pages, the Auditor, the Primary Government Unit, and the DPCU (if applicable), agree to these modified terms.

SIGNATURE PAGE

AUDIT FIRM

Audit Firm* Thompson, Price, Scott, Adams & Co., PA	
Authorized Firm Representative* (typed or printed) Bryon Scott	Signature*
Date* 04/30/21	Email Address bscott@tpsacpas.com

GOVERNMENTAL UNIT

Governmental Unit* Town of Erwin	
Date Primary Government Unit Governing Board Approved Amended Audit Contract* (If required by governing board policy)	
Mayor/Chairperson* (typed or printed) Patsy M Carson	Signature* 
Date	Email Address

Chair of Audit Committee (typed or printed, or "NA") N/A	Signature
Date	Email Address


GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

ONLY REQUIRED IF FEES ARE MODIFIED IN THE AMENDED CONTRACT

(Pre-audit certificate not required for charter schools or hospitals)

Required by G.S. 159-28(a1) or G.S. 115C-441(a1)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer* Linda P Williams	Signature* 
Date of Pre-Audit Certificate*	Email Address* lpwilliams@erwin-nc.org

**SIGNATURE PAGE – DPCU
(complete only if applicable)**

DISCRETELY PRESENTED COMPONENT UNIT

DPCU N/A	
Date DPCU Governing Board Approved Amended Audit Contract <small>(if required by governing board policy)</small>	
DPCU Chairperson (typed or printed)	Signature
Date	Email Address

Chair of Audit Committee (typed or printed, or "NA") N/A	Signature
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE
ONLY REQUIRED IF FEES ARE MODIFIED IN THE AMENDED CONTRACT
(Pre-audit certificate not required for charter schools or hospitals)

Required by G.S. 159-28(a1) or G.S. 115C-441(a1)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

DPCU Finance Officer (typed or printed) N/A	Signature
Date of Pre-Audit Certificate	Email Address



Thompson, Price, Scott, Adams & Co., P.A.
Post Office Box 1690
Elizabethtown, North Carolina 28337
Telephone (910) 862-8129
Fax (910) 862-8120

R. Bryon Scott, CPA
Gregory S. Adams, CPA
Alan W. Thompson, CPA

May 1, 2021

To Mayor and Town Council

Town of Erwin, NC

We are pleased to confirm our understanding of the services we are to provide Town of Erwin for the year ended June 30, 2021. We will audit the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of Town of Erwin as of and for the year ended June 30, 2021. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement Town of Erwin's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to Town of Erwin's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by U.S. generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis.
- 2) Net Pension Asset/Liability RSI
- 3) OPEB

We have also been engaged to report on supplementary information other than RSI that accompanies Town of Erwin's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole:

- 1) Budgetary Comparison Statements
- 2) Combining Statements
- 3) Individual Fund Statements
- 4) Supporting Schedules

Audit Objectives

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of the accounting records of Town of Erwin and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion of our audit of Town of Erwin's financial statements. Our report will be addressed to the Mayor and Commissioners of Town of Erwin. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or may withdraw from this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and on compliance and other matters will include a paragraph that states (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The paragraph will also state that the report is not suitable for any other purpose. If during our audit we become aware that Town of Erwin is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of waste and abuse is subjective, *Government Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste and abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, an unavoidable risk exists that some material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

Audit Procedures—Internal Control

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of Town of Erwin's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

Other Services

We will also assist in preparing the financial statements and related notes of Town of Erwin in conformity with U.S. generally accepted accounting principles based on information provided by you. In addition, we will assist in preparing adjusting entries to convert cash basis financial information to accrual. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

Management Responsibilities

Management is responsible for designing, implementing, establishing and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, and for evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met; following laws and regulations; and ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles, for the preparation and fair presentation of the financial statements and all accompanying information in conformity with U.S. generally accepted accounting principles, and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements of each opinion unit taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants and for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts or grant agreements that we report.

You are responsible for the preparation of the supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

You agree to assume all management responsibilities relating to the financial statements and related notes and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and related notes, and cash to accrual adjustments, and that you have reviewed and approved the depreciation schedule and cash to accrual adjustments and financial statements and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Engagement Administration, Fees, and Other

We may from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We will provide copies of our reports to the Town; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Thompson, Price, Scott, Adams & Co., PA and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to cognizant agency or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Thompson, Price, Scott, Adams & Co., PA personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the cognizant agency. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit on approximately June 1, 2021 and to issue our reports no later than October 31, 2021. R. Bryon Scott is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

Our fee for these services is stated in the LGC approved contract. Any additional work out of the normal scope of the audit will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.). Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 60 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to be of service to Town of Erwin and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

Thompson, Price, Scott, Adams & Co., PA

Thompson, Price, Scott, Adams & Co., PA

RESPONSE:

This letter correctly sets forth the understanding of Town of Erwin.

Management signature: _____

Title: Mayor

Date: 5/6/2021

Governance signature: _____

Title: Town Manager

Date: 5/11/2021

MINUTES CONTINUED FROM MAY 6, 2021

Mr. Guillet stated that the intersection from Maynard Lake Road will be blocked off with a gate so that people cannot come in or throw trash in that area but emergency vehicles will be able to access the property if need.

Commissioner Turnage stated his gratitude for Mr. Guilett wanting to invest in Erwin. He asked if the apartments will be for sale or rent.

Mr. Guillet confirmed the apartments will be for rent and the apartments will be very nice. The total development cost is 9.3 million dollars.

Commissioner Thurman expressed his concern with whether the apartments will be low-income rentals.

Mr. Guillet informed the Board that the apartment will be moderately priced.

Mayor Patsy Carson asked if anyone would like to come forward and speak against the request.

No one came forward.

Commissioner McKoy made a motion to close the Public Hearing and was seconded by Commissioner Baker. **The Board voted unanimously.**

Commissioner Baker made a motion that the use requested is listed among the conditional uses in the district for which the application is made and was seconded by Commissioner Alvarado. **The Board voted unanimously.**

Commissioner Baker made a motion that the requested use is essential or desirable to the public convenience or welfare and was seconded by Commissioner Alvarado. **The Board voted unanimously.**

Commissioner Alvarado made a motion that 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 and was seconded by Commissioner Baker. **The Board voted unanimously.**

Commissioner Alvarado made a motion that the requested use will be in conformity with the Land Development Plan and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

MINUTES CONTINUED FROM MAY 6, 2021

Commissioner Blackmon made a motion that adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided and was seconded by Commissioner Baker. **The Board voted unanimously.**

Commissioner Baker made a motion 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 and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner McKoy made a motion that the conditional 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 and was seconded by Commissioner Baker. **The Board voted unanimously.**

Commissioner Baker made a motion to recommend that the proposed conditional use application meets all the Findings of Fact in the Affirmative; that the proposed amendment is consistent with those documents that constitute the officially adopted land development plan and other applicable plans; and to approve CU-2021-002 Conditional Use Application for a 64-unit multi-family apartment complex off of Maynard Lake Road and adjacent to 106 Maynard Lake Road (HC Tax PIN #0597-77-7438.000) and was seconded by Commissioner Alvarado. **The Board voted unanimously.**

SUBDIVISION VARIANCE 2021-002

Commissioner Baker made a motion to open the Public Hearing and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Town Manager Snow Bowden informed the Board that this request is a vacant tract of land off of Butler Drive and the applicant is seeking a three-foot, 4-inch variance to meet the minimum lot width. The applicant presented three options and was present at the meeting.

Mayor Patsy Carson asked if anyone would like to come forward and speak in favor of the request.

Applicant, Steven Milton, came forward and was sworn in by Town Clerk Lauren Evans.

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: May 6, 2021

Subject: CU-2021-001

The Town has received a conditional use application to build a 64-unit multi-family apartment complex. The proposed location does not have an address but it is off of Maynard Lake Road and it is adjacent to 106 Maynard Lake Road. The property has the following Harnett County Tax PIN #0597-77-7438.000.

Attachments:

- CU-2021-001 Application
- CU-2021-001 Project Description
- CU-2021-001 Site Plan
- CU-2021-001 Preliminary Building Site Plans
- CU-2021-001 Impervious Surface Map
- CU-2021-001 Staff Report
- CU-2021-001 Traffic Report
- 2014 Land Use Plan Goal
- 2014 Land Use Plan locations identified for High and Medium Intensity Growth
- GIS Image no zoning overlay
- GIS Image zoning overlay
- Response to questions from Town

Suggested Motions:

For legal purposes, Staff recommends that 3 separate recommendations be made:

1. I move to recommend that the proposed conditional use application:
 - a. Meets all the Findings of Fact in the Affirmative, or
 - b. Meets one or more of the Findings of Fact in the negative (if this motion is made, then the application would have to be recommended for denial.)
2. I move that:
 - a. The proposed amendment is consistent those documents that constitute the officially adopted land development plan and other applicable plans: or
 - b. The proposed amendment is not consistent those documents that constitute the officially adopted land development plans and other applicable plans, in that (state reason(s) for nonconsistency).

3. I move that to recommend:

- a. Approval of CU-2021-002 Conditional Use Application for a 64-unit multi-family apartment complex off of Maynard Lake Road and adjacent to 106 Maynard Lake Road (HC Tax PIN #0597-77-7438.000).
- b. Denial of CU-2021-002 Conditional Use Application for a 64-unit multi-family apartment complex off of Maynard Lake Road and adjacent to 106 Maynard Lake Road (HC Tax PIN #0597-77-7438.000).
- c. Approval of CU-2021-002 Conditional Use Application for a 64-unit multi-family apartment complex off of Maynard Lake Road and adjacent to 106 Maynard Lake Road (HC Tax PIN #0597-77-7438.000) with additional conditions (state conditions).



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

CONDITIONAL USE APPLICATION

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

Applicant Name	William Guillet	Property Owner Name	Coastal Plains Company, LLC
Mailing Address	1301 Sandpiper Ct.	Mailing Address	1887 Oakton Church Rd.
City, State, Zip	Raleigh, NC 27615	City, State, Zip	Fairmont, NC 28390
Telephone	919-675-8769	Telephone	910-671-7493
Email	wmguillet@gmail.com	Email	mpwalters@claybournwalters.com

Address of Subject Property	106 Maynard Lake Road, Erwin NC 28339 (106 is adjacent property. Parcel has not been given street number yet)		
Parcel Identification Number(s) (PIN) of Subject Property	06059711010001 - - .000		
Legal Relationship of Applicant to Owner	co-worker/co-developer	Floodplain SFHA	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Legal Description: Lot #, #2	Block	Subdivision	
Zoning District R6	Wetlands	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Watershed Area Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Public Water Available: <input checked="" type="checkbox"/> or N	Public Sewer Available: <input checked="" type="checkbox"/> or N	Existing Septic Tank: Y or <input checked="" type="checkbox"/> N	
Number of Buildings to Remain	None	Gross Floor Area to Remain	None
Describe Proposed Project or Request with Conditions proposed by applicant: Please see attached project description.			
Total Acreage or Square Footage to be Disturbed	5.7 acres		
Estimated Cost of Project \$	Total development cost \$9,487,051		

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 _____	Application Fee \$ _____	Received By _____
Case # CU-20.21 -0.01		



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Conditional Use Signature Page

It is understood by the undersigned that the development and execution of the Conditional Use Ordinance 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 conditional 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 Conditional 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 conditional use, the Planning Board may recommend, and the Board of Commissioners may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the conditional 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 conditional 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 Conditional Use Permit does not exempt applicant from complying with all of the requirements of building codes and other ordinances.

Revocation: In any case where the conditions of the Conditional 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 Conditional 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 for 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 conditional use and any conditions attached shall be perpetually binding to the property unless it is expressly limited.

Applicant Signature and Date: William M. Smith JR 2-1-21



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CONDITIONAL 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 _____

See Attachment

Costal Plains Company, LLC.
1887 Oakton Church Road
Fairmont, NC 28340

Shirley McKay Solomon
3324 Crawford Road
Erwin, NC 28339

Issac and Mattie Lee Bailey
112 Porter Drive
Erwin, NC 28339

Tyrone and Debra Knight
3670 Oak Chase Drive
High Point, NC 27265

Rickey E. Smith Sr.
Avis W. Smith
P.O. Box 2652
Lillington, NC 27546

Jim Hartman
John Stubbs
P.O. Box 387
Coats, NC 27521

Demien and Elizabeth Limon
105 Hicks Street
Erwin, NC 28339

Elizabeth McKoy
108 East Jackson BLVD
Erwin, NC 28339

Ricky and Cindy McDougald
106 Maynard Lake Road
Erwin, NC 28339

Sharda Holding of NC, LLC
P.O. Box 1349
Coats, NC 27521

Rosetta S. Green
103 Maynard Lake Road
Erwin, NC 28339

Sonia Segovia
9405 Purfoy Road
Fuqay-Varina, NC 27526

L.A. Real Estate Properties, LLC.
9405 Purfoy Road
Fuqay-Varina, NC 27526

Donald and Kay Dean
9101 White Oak Road
Garner, NC 27529

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

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

Yes No Board Member Michael Shean made the motion and was seconded by Ronald Beasley. The Board voted unanimously.

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

Yes No Board Member Ronald Beasley made the motion and was seconded by Alan West. The Board voted unanimously.

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 Board Member Pat Cameron made the motion and was seconded by Ronald Beasley. The Board voted unanimously.

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

Yes No Board Member Alan West made the motion and was seconded by Michael Shean. The Board voted unanimously.

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

Yes No Board Member Christa Reid made the motion and was seconded by Ronald Beasley. The Board voted unanimously.

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 Board Member Michael Shean made the motion and was seconded by Alan West. The Board voted unanimously.

7. That the conditional 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 Board Member Ronald Beasley made the motion and was seconded by Michael Shean. The Board voted unanimously.



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CONDITIONAL USE APPLICATION PROCEDURES

1. Completed application for the Conditional 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 third Friday of the month prior to the following Planning Board meeting to ensure the application will be heard at the following Planning Board meeting. Planning Board meets on the third Monday of each month.
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 Conditional 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.
4. Planning Board reviews the application prior to the public hearing and makes recommendation to the Board of Commissioners.

Conditions and Guarantees

Prior to the granting of any conditional use, the Planning Board may recommend, and the Board of Commissioners may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the conditional 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 conditional 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 Conditional Use Permit following the public hearing.

Action by the Board of Commissioners

In granting a Conditional 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 conditional 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 conditional 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



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IMPORTANT

This is a complete Conditional Use Application package consisting of 11 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 Conditional 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 provisions such as streetscape requirements and other general development regulations that may apply to the proposed development.
- Be sure to read Article 11 – Conditional Uses.
- Complete the Conditional Use Permit Application, the Conditional 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

Conditional 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 sit 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 20 copies of this completed application. Each member of the Governing Board and Planning 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 third Friday of the month to be placed on following month's Planning Board Agenda. The Planning Board's recommendation will be presented during a Public Hearing for the Conditional Use Request. The Planning Board may revise its recommendation following the Public Hearing and present such recommendation to the Governing Board before the Governing Board takes action.

Town of Erwin Record and Decisions

Office Use Only 3/16/2021

Notice Mailed 03/09/2021 Property Posted 03/09/2021 Newspaper Advertised Date 3/23/2021

Planning Board Motion

Board Member Ronald Beasley made a motion that the conditional use shall, in all other respects, ~~conform to the applicable regulations of the district in which it is located, except as such 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.~~

Certified By: Lauren Evans, Town Clerk

Record of Decision:

Yea	Nay
<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Pat Cameron

Alan West

Christa Reid

Michael Shean

Public Hearing Date and Comments: A Public Hearing is scheduled for Thursday, April 1, 2021 at 7 PM in the Erwin Community Building 110 West F Street, Erwin NC.

Governing Body Motion

Certified By:

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:

Maynard Lake Project Description

Maynard Lake Apartments is a proposed 64-unit family community which consists of 4 two story Energy Star-compliant buildings and a separate building housing the office, community center, computer center, laundry facility, and kitchen. The proposed community would be accessed from Maynard Lake Road.

Maynard Lake Apartments proposes 10 one-bedroom/1 bathroom, 38 two-bedroom/two bathroom, 16 three-bedroom/two-bathroom units on a 5.7 acre site. The community will include 8 fully accessible units for the mobility impaired and 7 targeted to persons with disabilities. Maynard Lake Apartments will incorporate the expertise of full-time on-site property management and maintenance staff.

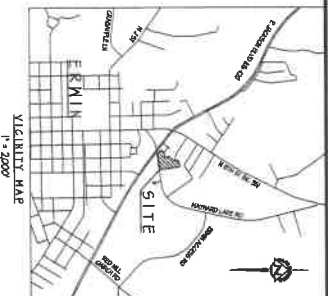
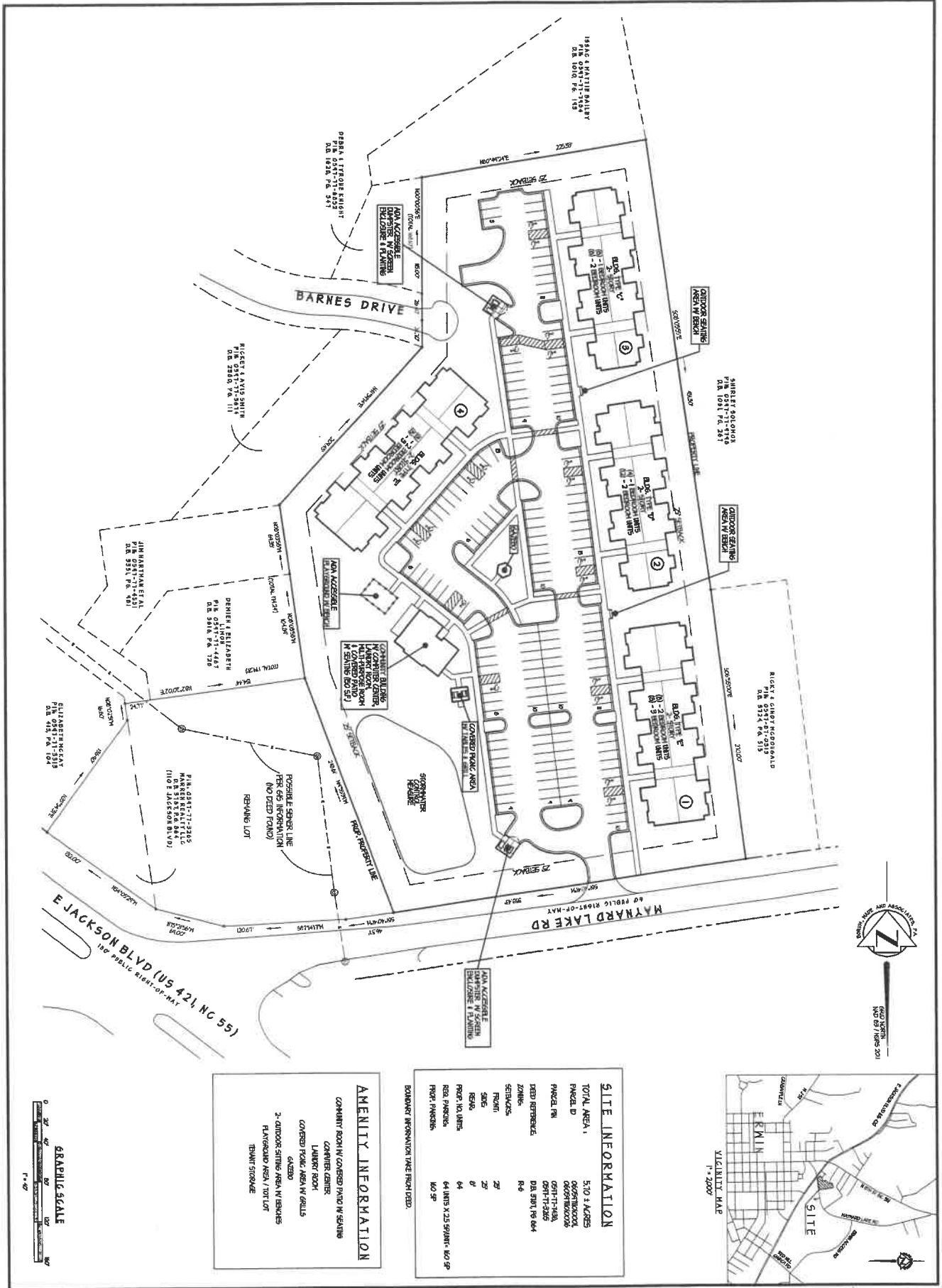
The buildings will be constructed of brick on the lower levels with vinyl siding on the upper. There will be balconies and patios with front gables and or dormers. Some other key design features include high-performance energy products and a high-quality indoor air environment. High efficiency Energy Star-rated fixtures, bedroom ceiling fans, compact fluorescent light fixtures, and high SEER-rated HVAC units will be installed to reduce electrical use.

- Energy Star appliances - Low flow fixtures - Curb and gutter throughout - Internal pedestrian system linking structures and parking - Security lighting throughout all parking areas - Exterior brick, vinyl, and accent vertical siding - Gutter and downspout system - Below ground utilities

Unit Amenities will include:

Ceiling fans, coat closets, dishwashers, frost free refrigerators, exterior storage, mini-blinds, patios and or balconies, self-clean ovens, washer and dryer connections, carpet and vinyl flooring and be pre-wired for CATV and high-speed internet.

The community will also contain a community room located in the office building that will have a small kitchen and bathrooms for tenants to use for birthday parties, classes and family events. There will also be a computer room in the same building that all tenants will have access to during normal business hours. There will be a covered picnic area with grills on the property, a gazebo, outdoor sitting areas with benches and playground. The public laundry facility will be located in the office building.



SITE INFORMATION

TOTAL AREA	5.10 ± ACRES
PARCEL ID	06059100001
PARCEL PIN	06059100000
DEED REFERENCE	05HT-1624, 05HT-1625, 05HT-1626
ZONING	R4
SETBACKS	25'
FRONT	25'
REAR	25'
REAR YD. LOTS	64'
REAL PARCELS	64 UNITS X 2.5 GRANT - 80 9'
REAL PARCELS	80 9'

AMENITY INFORMATION

- COMMUNITY ROOM W/ COVERED PAVD W/ SEATING
- COMMUNITY CENTER
- LAUNDRY ROOM
- COVERED PUBLIC AREA W/ GRILLS
- GAZEBO
- 2- OUTDOOR SITTING AREA W/ BENCHES
- FLYING DISC AREA / TOT LOT
- TRUNK STORAGE

MAYNARD LAKE APARTMENTS
 MAYNARD LAKE ROAD
 DUKE TOWNSHIP, HARNETT COUNTY
 ERMIN, NORTH CAROLINA

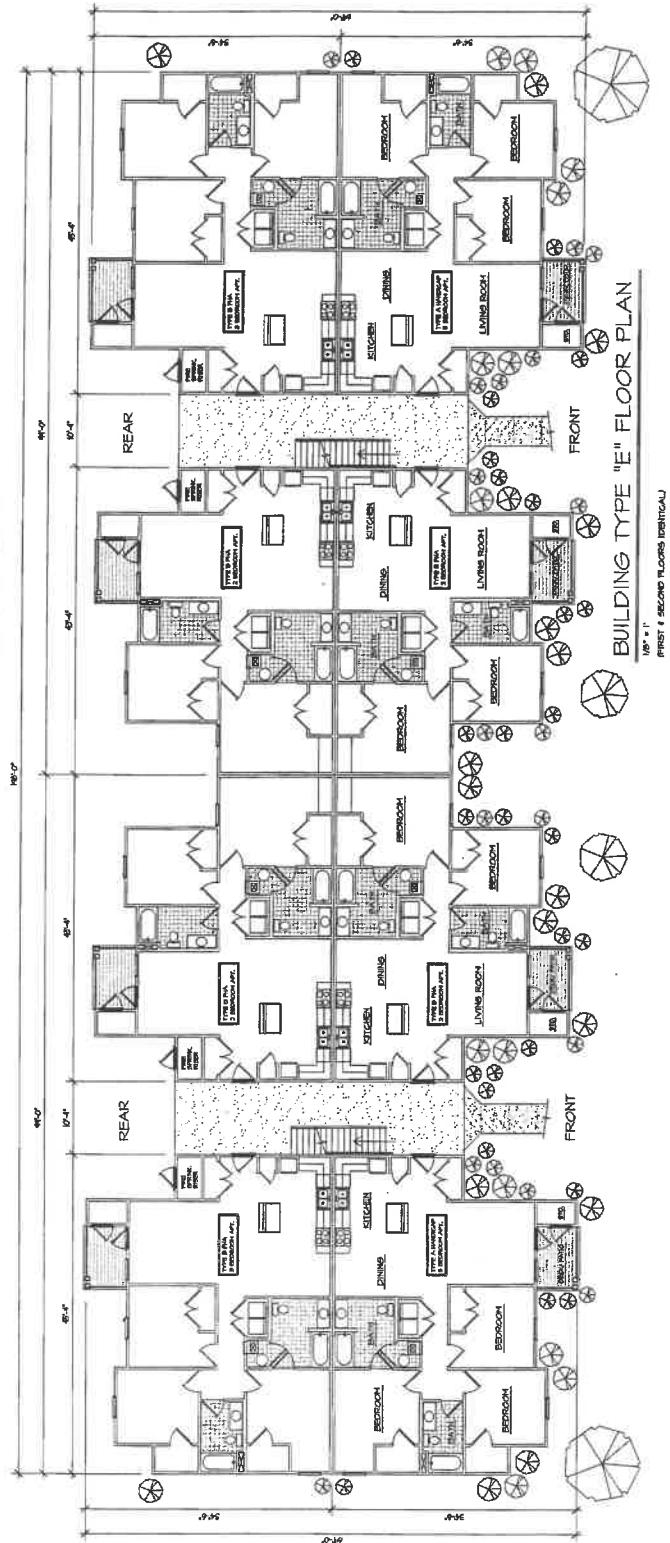
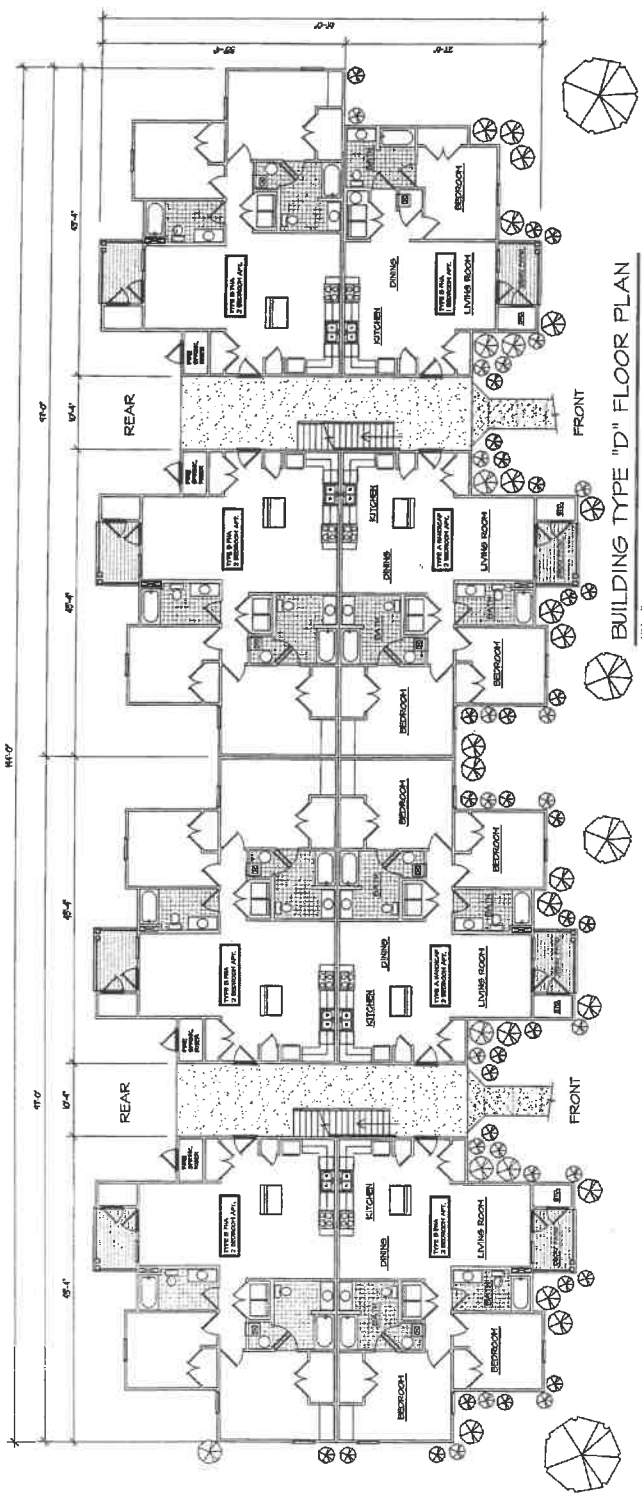
BWA ENGINEERS
 PRELIMINARY DRAWING NOT FOR CONSTRUCTION

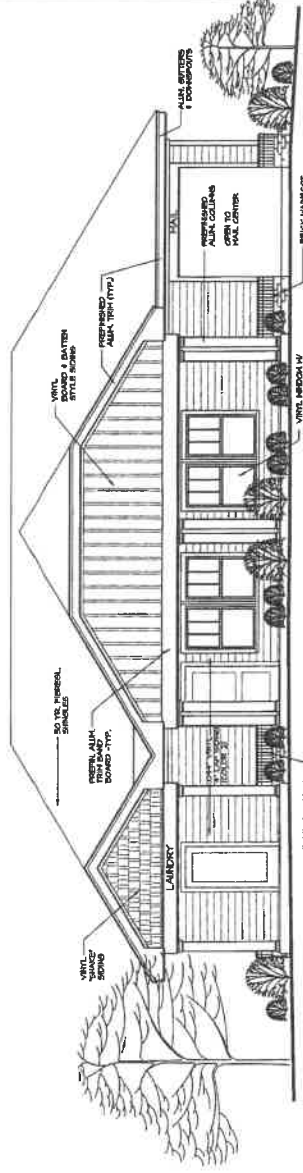
Site Plan
 11/15/2017

Project: Maynard Lake Apartments
 Location: Maynard Lake Road, Ermin, NC
 Client: [Redacted]

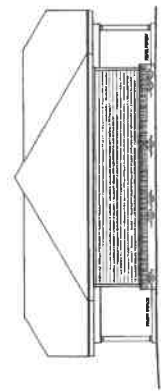
PROPERTY SITE PLAN

DATE: 11/15/2017
 DRAWN BY: [Redacted]
 CHECKED BY: [Redacted]
 SCALE: 1" = 40'

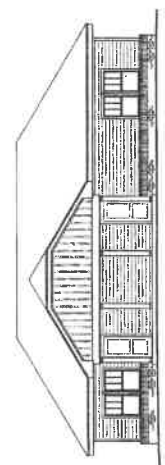




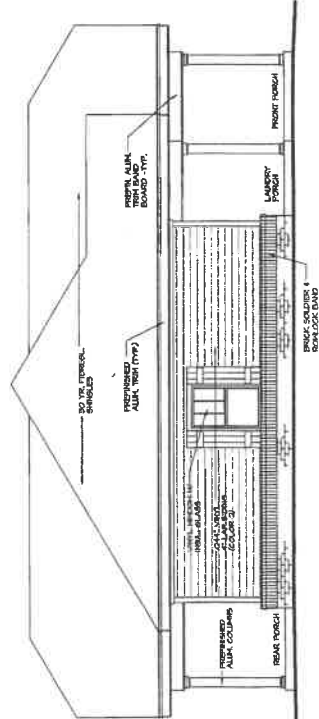
FRONT ELEVATION
 SCALE 1/4" = 1'-0"



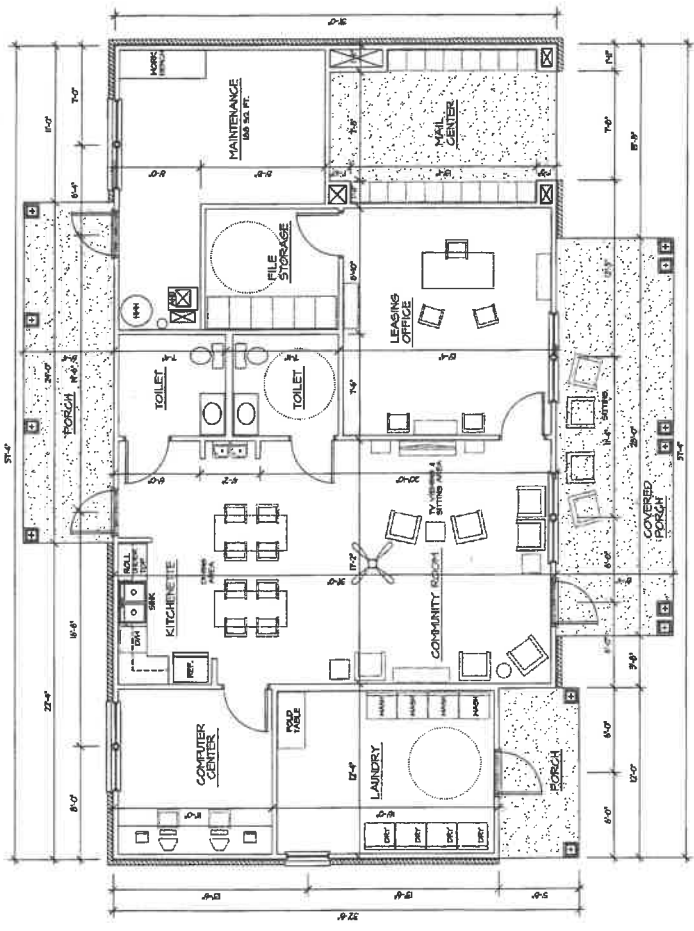
RIGHT SIDE ELEVATION
 SCALE 1/8" = 1'-0"



REAR ELEVATION
 SCALE 1/8" = 1'-0"



LEFT SIDE ELEVATION
 SCALE 1/4" = 1'-0"

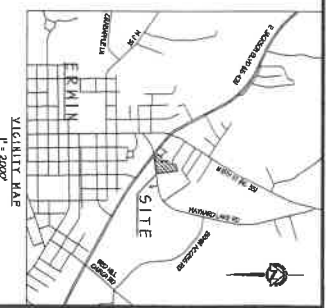
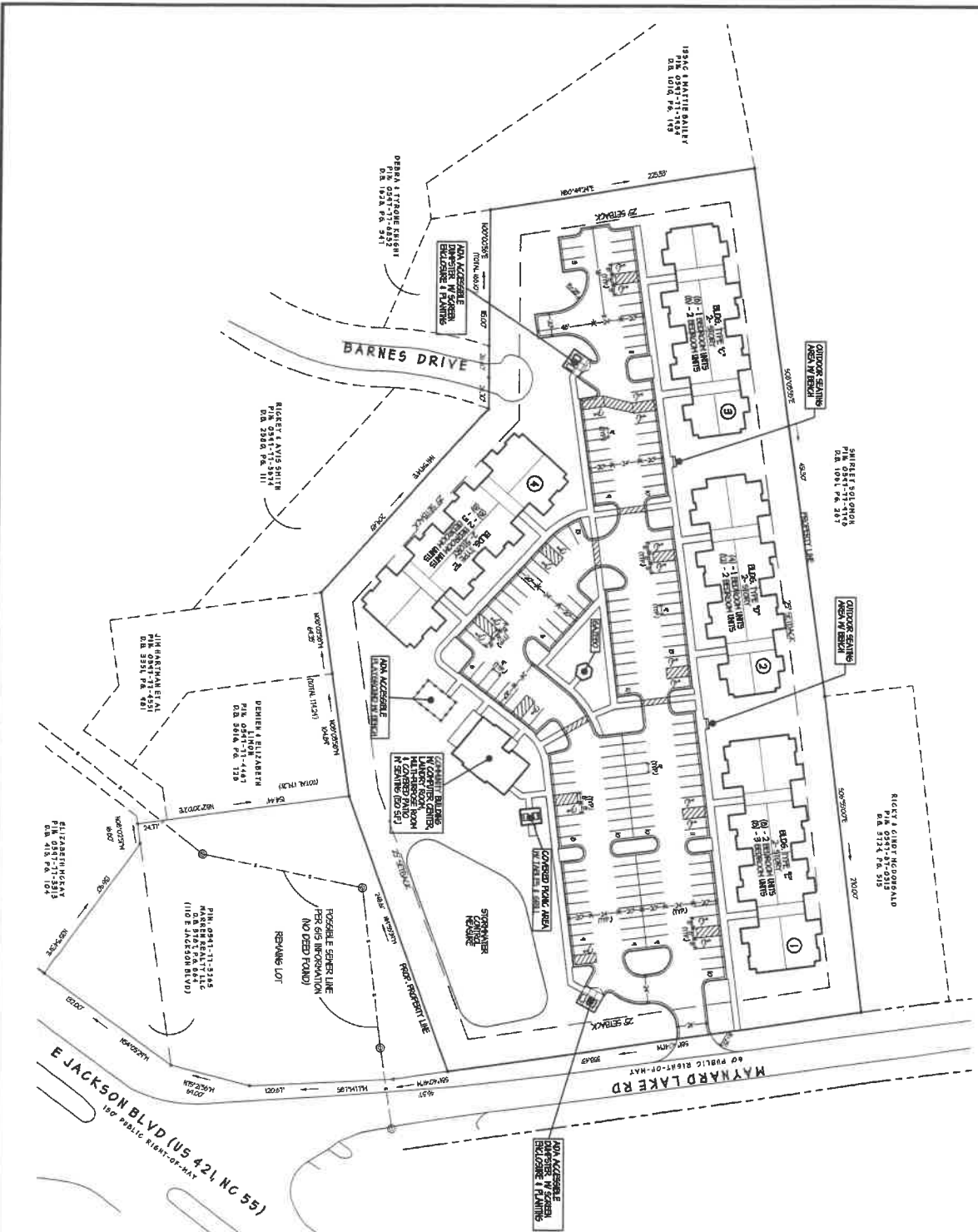


OFFICE/ COMMUNITY BUILDING FLOOR PLAN
 1/4" = 1'-0"

COMMUNITY AREA = 764 SF
 HEATED SQ. FT. = 1,591 SF
 GROSS UNDER ROOF = 2,189 SF

IMPERVIOUS AREA

BUILDING: 0.87 AC.
 DRIVEWAY: 1.78 AC.
 PROPOSED DRIVEWAY: 0.025 AC.
 TOTAL IMPERVIOUS: 2.78 AC. (63.7%)



SITE INFORMATION

TOTAL AREA:	530.4 ACRES
PARCEL ID:	020501000000
PARCEL #:	060510000000
DEED REFERENCE:	0581-11-143, 0581-11-144, 0581-11-145
ZONING:	R-4
SEWERAGE:	SEWER
FRONT:	25'
SIZE:	20'
REAR:	#
PROP. NO. INITS:	64
RES. PARKING AREA:	10 - 1-BEDROOMS
RES. PARKING (LOCAL):	36 - 2-BEDROOMS
RES. PARKING (TOTAL):	46 - 3-BEDROOMS
RES. UNIT PARKING:	64 UNITS X 0.5 SPACES = 32 SP
RES. VAN ACCESSIBLE PARKING:	12 SP
PROP. VAN ACCESSIBLE PARKING:	20 SP

AMENITY INFORMATION

COMMUNITY ROOM W/ COVERED PICNIC W/ SEWER
 COMMUNITY CENTER
 LAUNDRY ROOM
 COVERED PICNIC AREA W/ GRILLS
 6x6x6
 2- OUTDOOR SITTING AREA W/ BENCHES
 PLAYGROUND AREA / TOT LOT
 TENANT STORAGE

GRAPHIC SCALE

0 25 50 75 100

1" = 40'

BWA
 Registered Professional Engineer
 License No. 58272-02
 2710 East Lakeview Way, Suite 100, Raleigh, NC 27603
 Phone: 919-873-2222
 Fax: 919-873-2222
 E-Mail: bwa@bwa.com
 Website: www.bwa.com

MAYNARD LAKE APARTMENTS
 MAYNARD LAKE ROAD
 DUKE TOWNSHIP, HARRETT COUNTY
 ERMIN, NORTH CAROLINA

PRELIMINARY DRAWING NOT FOR CONSTRUCTION

DATE: 11/14/2023
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO.: [Number]



CONDITIONAL USE REQUEST STAFF REPORT

Case: CU-2021-001

Snow Bowden, Town Manager
townmanager@erwin-nc.org

Phone: (910) 591-4200 Fax: (910) 897-5543

Planning Board: 03/15/2021

Town Commissioners: 04/01/2021

Requested conditional use to construct a 64-unit family community which would consist of four (4) two (2) story apartment complex style buildings. The proposed parcel does not have an identifying Harnett County GIS address but it is adjacent to 106 Maynard Lake Road. The property can be identified by its Harnett County PIN #0597-77-7438.000

Applicant Information

Owner of Record:

Name: Costal Plains Company, LLC.

Address: 1887 Oakton Church Road

City/State/Zip: Fairmont, NC 28340

Applicant:

Name: William Guillet

Address: 1301 Sandpiper Court

City/State/Zip: Raleigh, NC 27615

Property Description

Harnett County Tax PIN 0597-77-7438.000

Acres 6.7

Zoning District- R-6 (90.82%) and B-2 (9.18%) per Harnett County GIS

Vicinity Map

- See Attached Document

Physical Characteristics

Site Description: Based on data from Harnett County GIS this is a vacant parcel that is 6.7 acres. It is located between Maynard Lake Road and Barnes Drive. It is not located in a conservation district, FEMA flood hazard zone or any wetlands.

Surrounding Land Uses: This parcel is located off of a NCDOT road. It is surrounded by residential land uses. There are some commercial uses across the street. Based on the proposed site plan it appears the access point to this development would be far enough away from the commercial uses there should not be an issue with traffic. At the moment, there are two schools located in this area (Erwin Elementary at Gentry Primary School and Triton High School). Erwin Elementary at Gentry Primary School will be moving to their new facility in early 2022 and Triton

High School is far enough away from this site there should not be any issues with this site with this proposed land use.

Services Available

- Electricity (Duke Energy)
 - Telephone (Centurylink)
 - Harnett Regional Water (Water and Sewer)
-
-

Zoning District Compatibility

Conditional Use	R-6
Multi-Family Dwelling	X

Staff Evaluation

Staff Evaluation

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

- **Reasoning:** Multi-family dwellings are allowed as a conditional use in our R-6 Zoning District.

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

- **Reasoning:** The proposed use is an apartment complex that would increase the number of places for people to rent for housing. It would also increase the rental options for residents. At the moment, most of our residential options are single-family dwellings. This would allow a different option for people.

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:** At the moment, this is a vacant parcel surrounded by residential land uses. This proposed use would be for a multi-family dwelling apartment complex that would be for residential purposes.

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

- **Reasoning:** This proposed use is inside Town Limits. It is in an area that was identified for high and medium intensity growth. It appears that most of the land is in the high intensity growth area. One of the proposed goals in the vision plan can be found on page 2-12 that the Town should “allow and encourage a variety of housing types to accommodate residents in all stages of life.” “This includes some multi-family residential uses in close proximity to downtown.”

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

- **Reasoning:** Yes, the applicant has already reached out to Harnett Regional Water to start the process for water and sewer service. On the proposed site plan you can see where the entrance and parking would be.

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:** They will be required to obtain an NCDOT driveway permit to connect to Maynard Lake Road.

Yes No

That the conditional 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.

- **Reasoning:** Town Staff would recommend that this conditional use permit application be approved.

Attachments:

- GIS zoning district image
- GIS image
- 2014 Town of Erwin Land Use Plan pages for Medium and High Intensity Development
- 2014 Town of Erwin Land Use Plan page with Vision and Goals
- CU-2021-001 application
- CU-2021-001 Staff Report
- CU-2021-001 Site Plan
- CU-2021-001 Project Description
- Follow-Up response to initial questions from the Town

TRIP GENERATION FOR 64-UNIT APARTMENT DEVELOPMENT

To: William Guillet
From: Daniel Findley, PhD, PE
Subject: Trip Generation for 64-Unit Apartment Development in Erwin, North Carolina
Date: March 9, 2021

Mr. Guillet,

Per your request, I have produced an estimate of the trips generated for a proposed development in the Town of Erwin, North Carolina. The proposed development will include 64 apartment units, classified as ITE¹ land use code 220 – Multifamily Housing (low-rise). Applying the land use code characteristics and the intensity of the proposed development (64 units), the following table provides estimates of the expected trips to be generated daily and by peak hour².

Time Period	Trips Generated (ITE Land Use Code 220)
Daily	468 trips
AM Peak Hour	29 trips
PM Peak Hour	36 trips

Sincerely,



Daniel J. Findley, PhD, PE
NC PE License 036220

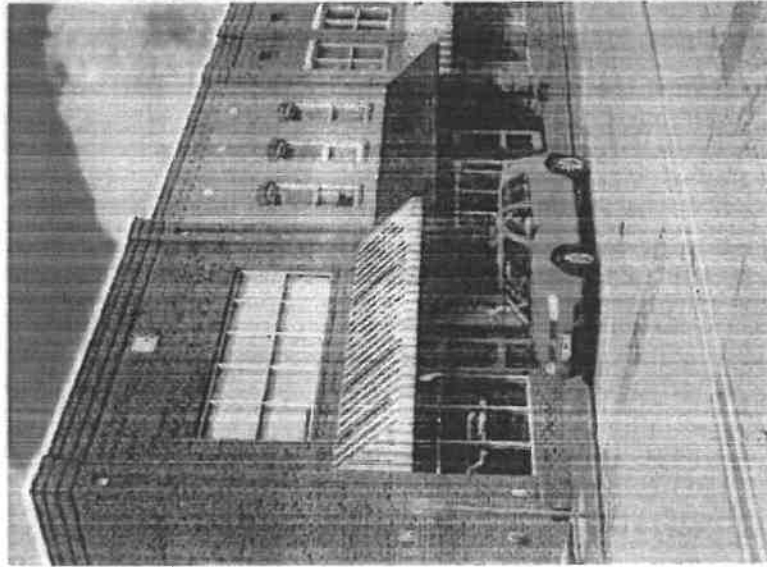
¹ Institute of Transportation Engineers (ITE). *Trip Generation Manual*. 10th Edition.

² Per the NCDOT Traffic Impact Analysis Need Screening / Scoping Request, the number of expected trips generated by the proposed development does not meet or exceed the NCDOT trip threshold of 3,000 daily trips (though local guidelines and other characteristics may need to be considered).

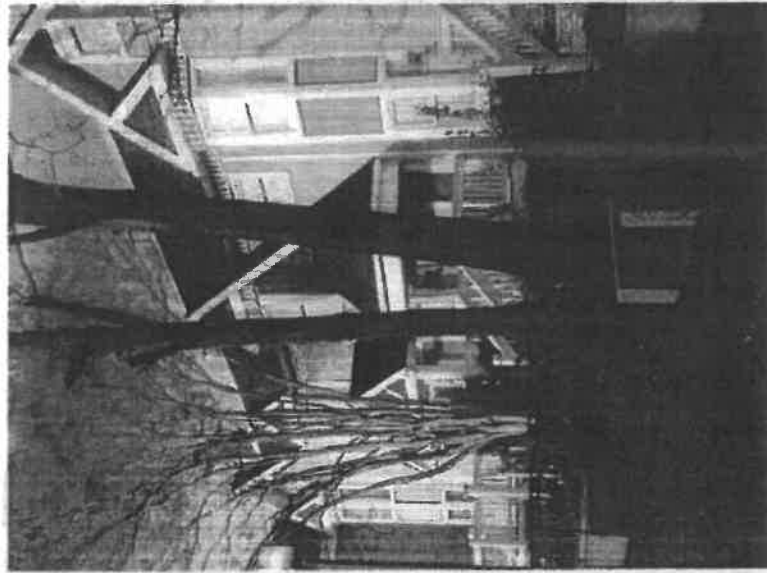
Section 2 Vision & Goals

L3. Allow for and encourage a variety of housing types to accommodate residents in all stages of life.

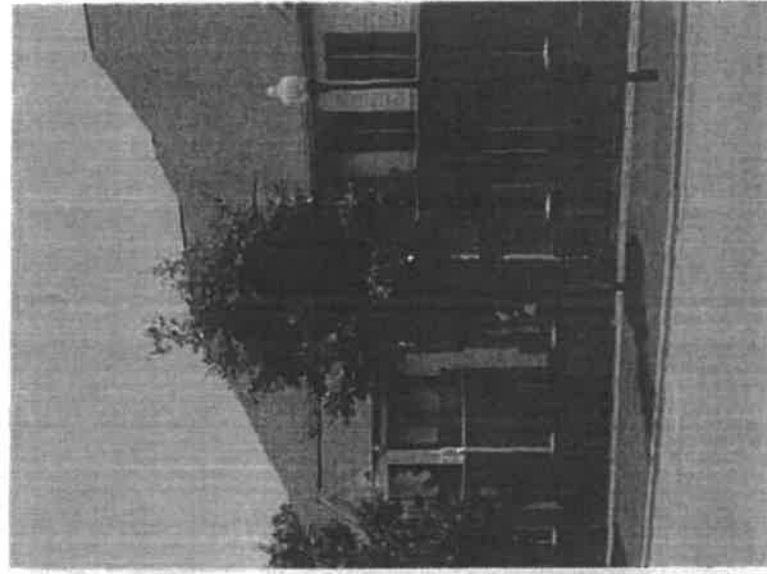
- a. Make residential zoning districts density based rather than based on minimum lot size. This will allow product flexibility while maintaining the same residential density that is desired for an area.
- b. Permit multi-family residential uses by right on upper floors of Central Business district buildings and permit some multi-family residential uses in close proximity to downtown.



Mixed Use



Townhouse

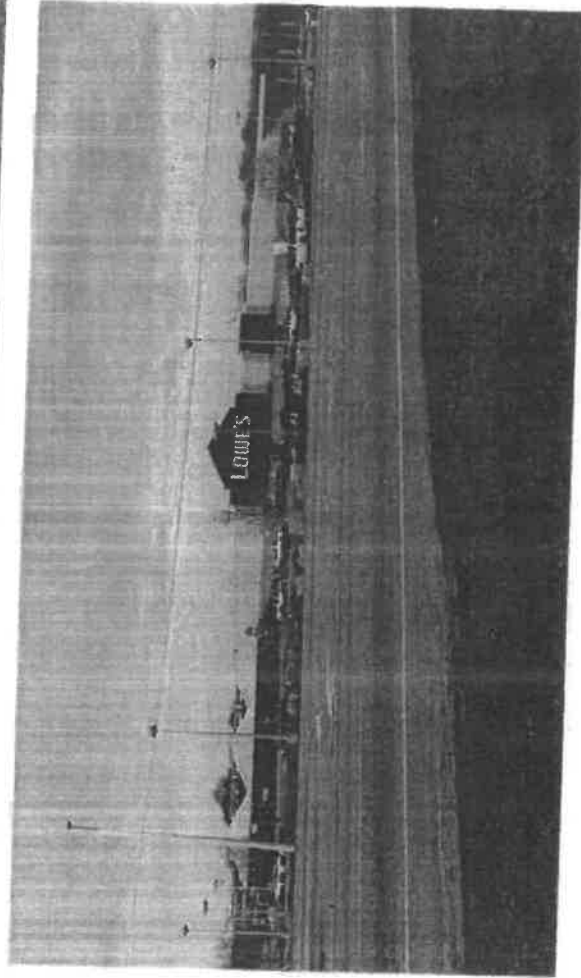
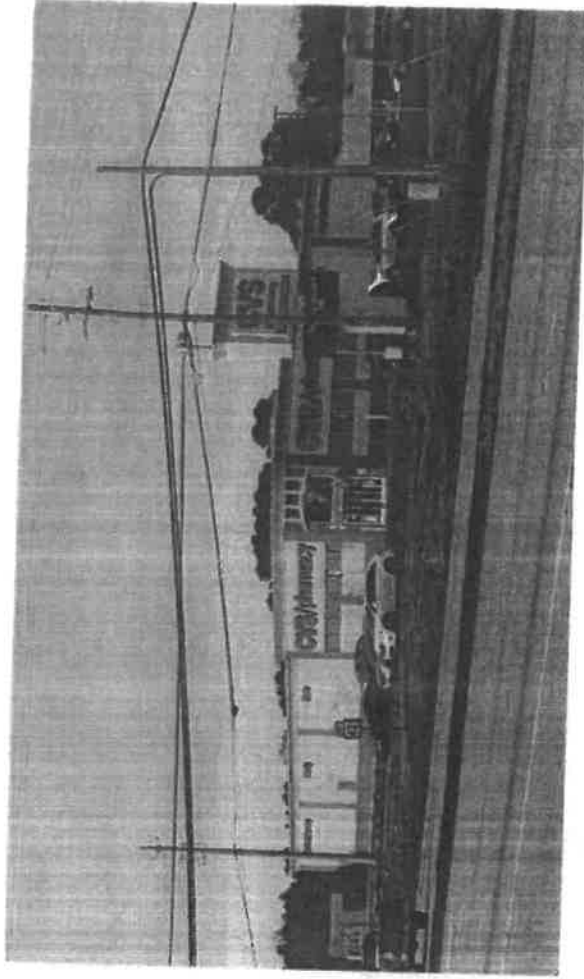
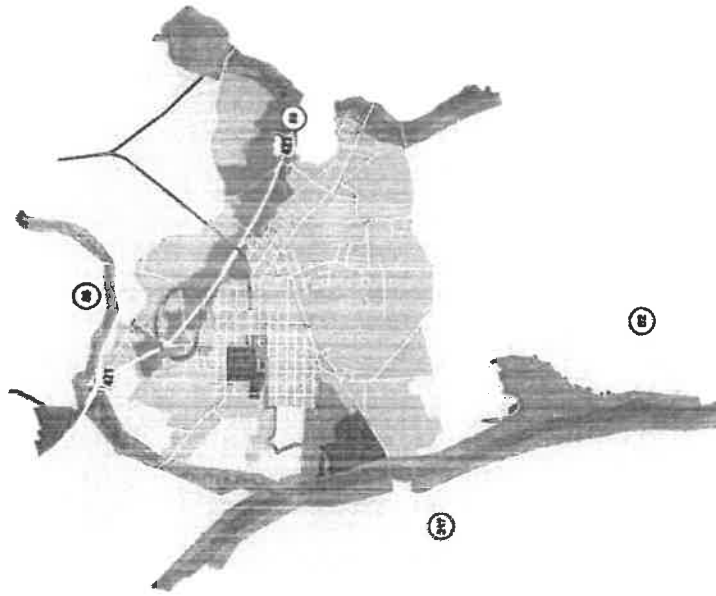


Apartment

Section 2 Vision & Goals

HIGH INTENSITY

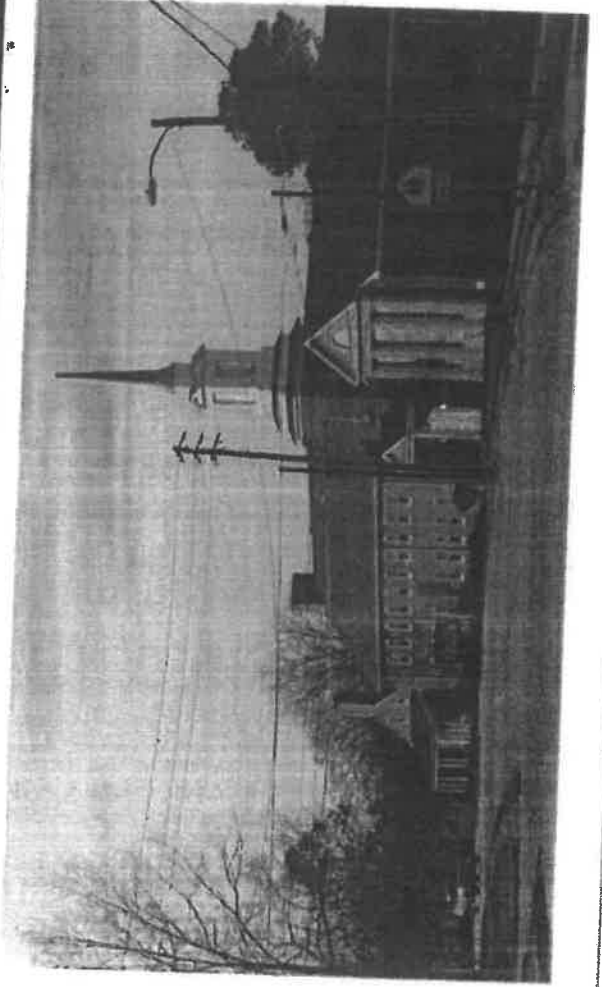
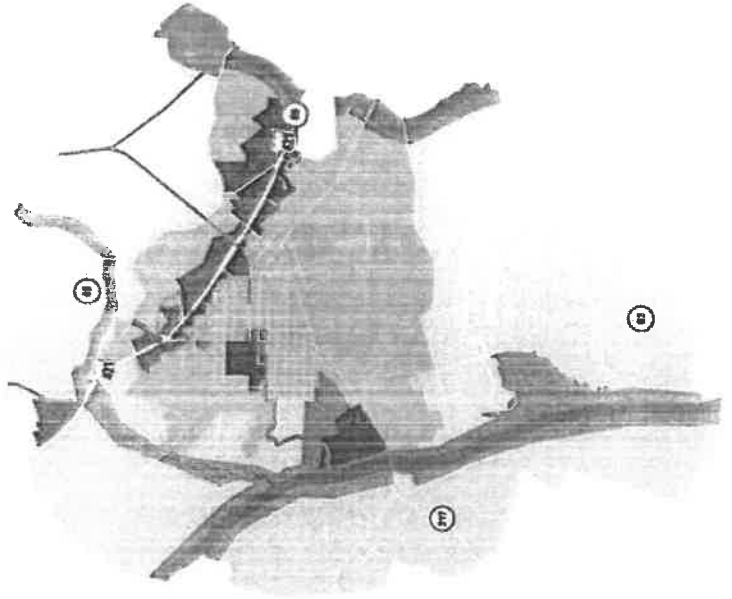
This land use classification is intended for commercial uses that have a more regional draw and may serve residents outside of the immediate area. This classification would include larger retail establishments, large medical facilities, fast food restaurants, and more auto-oriented development. The Lowe's Home Improvement store is an example of a high intensity use.



Vision & Goals Section 2

MEDIUM INTENSITY


The medium intensity land use classification is primarily intended for medium to high density mixed residential uses in close proximity to the town's core or major corridors. This classification may also include some low impact neighborhood business, government, or institutional uses that serve the immediate needs of residents in the area. The existing mill village surrounding the downtown is an example of medium intensity development.



Harnett GIS




NOT FOR LEGAL USE




Harnett
COUNTY
NORTH CAROLINA






GIS/E-911 Addressing
March 9, 2021













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S




0 185 330 660 Feet
1 Inch = 376 feet

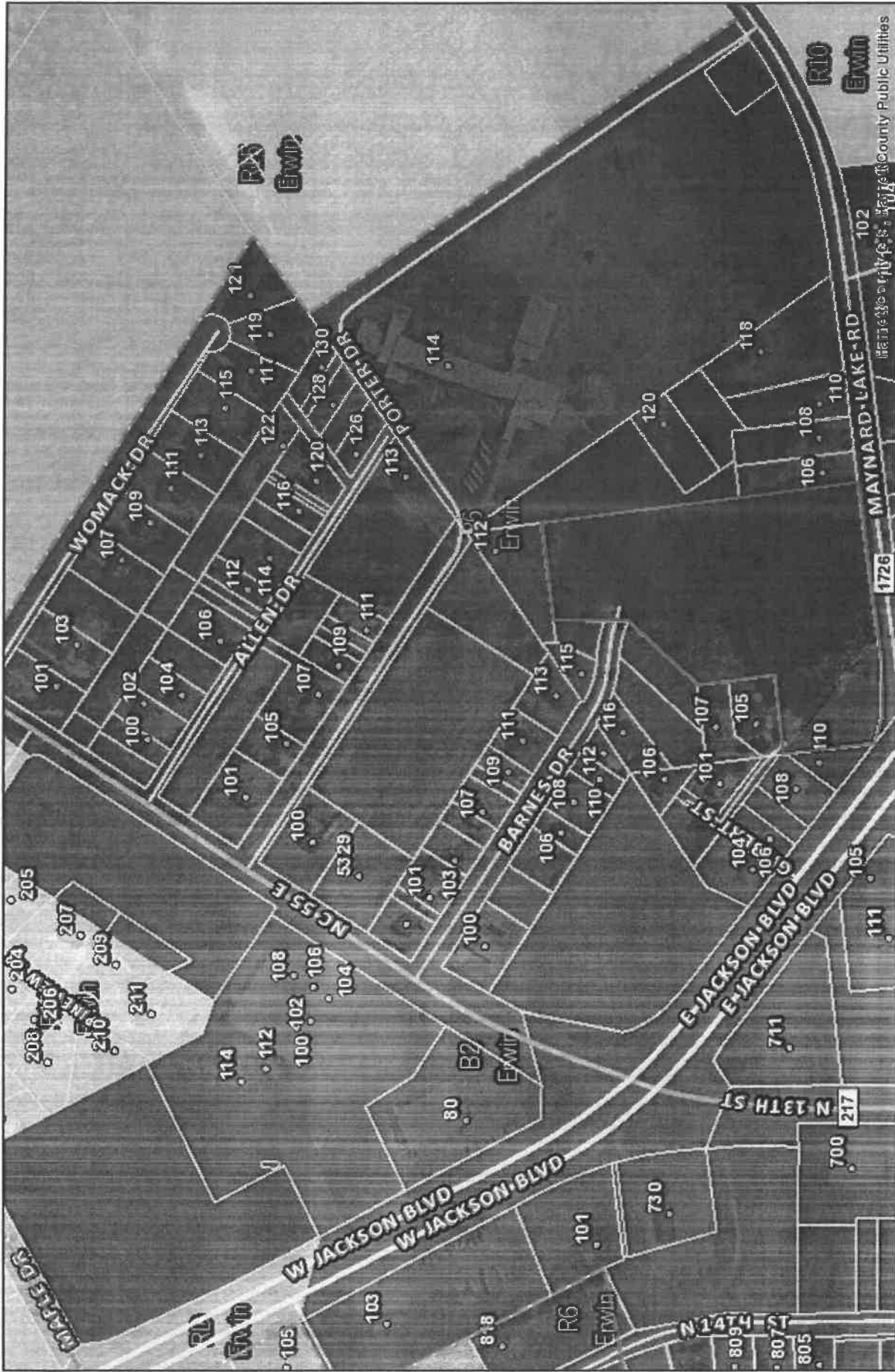
-  Recycle Center
-  Landfills
-  Surrounding County Boundaries
-  Federal Property
-  City Limits

-  Harnett County Boundary
-  Address Numbers
-  MajorRoads
-  Airport
-  Interstate

-  NC
-  US
-  Roads
-  Mile_Markers
-  Railroad

-  Parcels

Harnett GIS



NOT FOR LEGAL USE



Harnett COUNTY
SOUTH CAROLINA

GIS/E-911 Addressing
March 9, 2021

Recycle Center

Landfills

Surrounding County Boundaries

Federal Property

City Limits

Harnett County Boundary

Address Numbers

Major Roads

Interstate

NC

US

Roads

Mile Markers

Railroad

Parcels

Airport




1 inch = 376 feet

MINUTES CONTINUED FROM MAY 6, 2021

Mr. Milton from Lillington, NC came forward and informed the Board that he recently purchased the lot off on Butler Drive with the intent to build a single-family dwelling. It is almost wide enough to divide in half and still meet required setbacks. He asked the Board to approve the Variance of the requested 3 foot 4 inches which are about 5% of the total required setbacks. He provided the Board with pictures of other houses he has built. He stated he is a small local builder and cannot compete with the big developers. He builds about 10-15 houses a year.

Commissioner Turnage stated he understood that Mr. Milton tried to buy a little bit of land from the neighbors on each side and that fell through.

Mr. Milton stated the goal for the houses is to be 1,500-1,600 square feet. He prefers option number one which is to divide the lot in half instead of building two houses, one behind the other.

Mayor Patsy Carson asked if anyone would like to come forward and speak against the request.

Robby Jones from 1010 Butler Drive came forward and was sworn in by Town Clerk Lauren Evans.

Mr. Jones stated his lot corners up to where this lot is. He has spoken to his neighbors and they feel like it would be better to have the flag pole structure, one house behind the other instead of two small houses right up against each other which would be too close together for option one. On behalf of the neighbors, they would prefer option two or three.

Commissioner Blackmon made a motion to close the Public Hearing and was seconded by Commissioner Turnage. **The Board voted unanimously.**

Commissioner Baker asked if it would be possible to go along one side of the property line and create an easement for the street where the lot could be divided rather than divided facing the lot and does our Ordinance allows a flag lot.

Town Manager Snow Bowden stated that our Ordinance allows 50 feet from the accessway. It is a big lot, you could create an interior road and update the Ordinance.

MINUTES CONTINUED FROM MAY 6, 2021

Commissioner Blackmon stated Mr. Milton could still divide the lot using option 3 without going through the Variance process. No one on this Board wants to defer development.

Commissioner Baker stated he was struggling with how it can be a hardship if the lot can be subdivided.

Commissioner Thurman stated that option one looks the best and should be approved.

Commissioner Baker stated that the Board needs to be fair to all of our citizens and he has to duty to look at the Findings of Facts and legally be able to justify those findings. He stated if the Board can find the findings in the affirmative then he is fine with it. He offered to read through the Findings of Facts to see if any of them will pass.

Commissioner Baker made a motion that there are not extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner Baker made a motion that granting the variance the requested will confer upon the applicant special privileges denied to other residents of the district in which the property is located and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner Baker made a motion that a literal interpretation of the provisions of this ordinance will not deprive the applicant of rights commonly enjoyed by other residence of the district in which the property is located and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner Baker made a motion that the requested variance will not be in harmony with the purpose and intent of this ordinance and will be injurious to the neighborhood or to the general welfare. **The Board voted unanimously.**

Commissioner Baker made a motion that the special circumstances are not the result of the actions of the applicant but the lot being divided and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: May 6, 2021

Subject: Subdivision Variance Request

There has been a variance application submitted to the Town of Erwin for a vacant parcel that does not have an address. It can be identified by its Harnett County Tax PIN # 1507-10—1723.000. The minimum lot width in our R-10 Zoning District is 75 feet and the lot is not wide enough to be subdivide. It can meet all of the other requirements for a subdivision. The applicant is seeking a 3'4" (three foot and four inches) variance to the minimum lot width size of 75 feet. Both of the proposed lots in option one (1) are a little over 71 feet wide.

Sec. 30-40. - Variances.

The town board may only authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the town board shall make the findings required below, taking into account the nature of the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the town board finds all four of the following conditions to clearly exist:

- (1) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of their land.
- (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- (3) That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristics of other parcels in the jurisdiction of this article.
- (4) That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated.

(Code 1977, § 9-3016; Ord. of 2-3-1994)

Attachments:

- Variance Application 2021-001

- Staff Report Variance 2021-002
- Subdivision survey/proposed new parcels (3 options)
- Findings of Fact for variance found in the Erwin Code of Ordinances

Action Recommended:

For legal purposes, Staff recommends two separate recommendations be made:

1. I move to recommend that the proposed variance application:
 - a. Meets all the findings of Fact in the Affirmative, or
 - b. Meets one or more of the Findings of Fact in the negative (If this motion(s) is made, then the application would have to be recommended for denial.
2. I move to recommend
 - a. Approval of Variance 2021-002 as presented on the proposed plat option #1
 - b. Denial of Variance 2021-002 as presented on the proposed plat option #1.



Variance Application (February 2011)

Name of Applicant	Stephen T. Milton	Property Owner	Milton Built Homes, LLC
Mailing Address	P.O. Box 451	Mailing Address	P.O. Box 451
City, State, Zip	Lillington, NC 27546	City, State, Zip	Lillington, NC 27546
Telephone	910.303.1967	Telephone	910.303.1967
Email	stephen@miltonbulthomes.com	Email	stephen@miltonbulthomes.com
Address of Subject Property		Butler Drive	
Parcel Identification Number(s) (PIN) of Subject Property		1507.10.1273.000	

Variance Description: On a separately attached document, please state the particular zoning regulation for which the variance is being requested. Also state the requested variance (For instance, in the case of a setback variance request: If the required side yard setback is 12' and the applicant can only meet a 10' setback; then the applicant will be requesting a 2' variance from the 12' setback requirement.). Please attach a site plan with all appropriate dimensional notations needed to demonstrate the variance request if applicable.

Findings of Fact: The following are the findings of fact associated with a variance request. Applicant is to note that all of the following findings must be found in the affirmative in order for the requested variance to be granted. The applicant is requested to review each of these findings and answer the same to the best ability of the applicant. Responses to each of these findings may be attached to this application on a separate document.

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
- b. Granting the variance the requested will not confer upon the applicant any special privileges denied to other residents of the district in which the property is located.
- c. A literal interpretation of the provisions of this ordinance will deprive the applicant of rights commonly enjoyed by other residence of the district in which the property is located.
- d. The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
- e. The special circumstances are not the result of the actions of the applicant.
- f. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.

Owner/Applicant Must Read and Sign

The undersigned property owner, or duly authorized agent/representative thereof certifies that this application and the forgoing answers, statements, and other information herewith submitted are in all respects true and correct to the best of their knowledge and belief. The undersigning party understands that any incorrect information submitted may result in the revocation of this application. The undersigning party authorizes the Town of Erwin to review this request and conduct a site inspection to ensure compliance to this application as approved.

Stephen T. Milton
Print Name

Step T. Milton
Signature of Owner or Representative

04-07-2021
Date

PAID
APR 07 2021
Check 1334
msb
4/7/21

TOWN OF ERWIN



Variance Application Information

**Part 9
Chapter 4
Article 10**

Board of Adjustments

§ 9-4101.2 Powers and duties.

The Board of Adjustment shall have the following powers and duties:

To authorize upon appeal in specific cases variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in undue hardship, so that the spirit of this ordinance shall be observed and substantial justice done.

A charge shall be made to the appellant according to town policy in order to cover administrative and advertising costs (Subsection (d)).

A public hearing shall be held at which all of the following conditions must be found to exist:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
- b. Granting the variance the requested will not confer upon the applicant any special privileges denied to other residents of the district in which the property is located.
- c. A literal interpretation of the provisions of this ordinance will deprive the applicant of rights commonly enjoyed by other residence of the district in which the property is located.
- d. The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
- e. The special circumstances are not the result of the actions of the applicant.
- f. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.

In considering all proposed variances from this ordinance the Board shall, before making any finding in a specified case, first determine that the proposed variance will not constitute any change in the zone shown on the zoning map and will not impair an adequate supply of light and

air to adjacent property, or materially increase the public danger of fire and safety, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, morals, and general welfare.

No permitted use of land in other districts shall be considered grounds for the issuance of a variance. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any expressly or by implication prohibited by the terms of this ordinance in said district.

In granting a variance the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purposes of this ordinance. Violation of such conditions and safeguards when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance.



April 7, 2021

To whom it may concern:

My name is Stephen T. Milton with Milton Built Homes from Lillington. I am writing this letter in regards to the property located on Butler Dr. with PIN # 1507-10-1273.000. I am asking the Board of Adjustments' consideration to divide this property into two building lots. The current lot width is approximately 143.5' wide. The current zoning requirements are 75' for the width of the lot. If divided in half, 71.75' would be the width of the new lots. This would mean that the two new lots would be 3'4" less than the current zoning requirements. I am asking for a variance of 3'4" from the 75' required lot width. I would like to build two Single Family Dwellings approximately 1500sf each on the lots.

I am providing two additional options for consideration if the previous option is not found to be satisfactory. Both of which are "flagpole" lots for the second lot. It is my opinion that having two lots that were 3'4" less than the current required width would make for much better curb appeal for both houses as well as the street and town. I feel that having one house directly behind another is not nearly as desirable.

Respectfully Submitted:

A handwritten signature in black ink that reads 'Stephen T. Milton'. The signature is fluid and cursive, with a prominent initial 'S' and a long, sweeping underline.

Stephen T. Milton

Milton Built Homes, LLC
P.O. Box 451
Lillington, NC 27546

(910) 303-1967

ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES
UNLESS OTHERWISE NOTED.

AREA DETERMINED USING THE COORDINATE METHOD.

MAP REFERENCES: ESTATE FILE # 99-E-190
DEED BOOK 517, PAGE 288 (Back Reference)
MAP NUMBER 20, PAGE 37 (LOT 1)

NO ADDRESS ASSIGNED AT THIS TIME.
THIS PROPERTY IS CURRENTLY VACANT.

MAP NORTH
MAP # 20, PG. 37

Option 1
Preferred

PRELIMINARY

THIS IS A PRELIMINARY DRAWING
AND IS NOT TO BE USED AS A
SURVEY OR TO TRANSFER ANY
PROPERTY SHOWN HEREON.

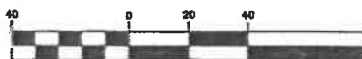
ROBIN ALAN JONES
FLONNIE REGINA JONES
D.B. 2878, PG. 722

HENRY H. JONES
MICHELLE RENEE JONES
D.B. 3883, PG. 499

TOWN OF ERWIN ZONE: R-10 (RESIDENTIAL)	
MINIMUM BUILDING SETBACKS	
SINGLE FAMILY RESIDENTIAL	
FRONT	35'
REAR	35'
SIDE	10'
MAXIMUM BUILDING HEIGHT	35'

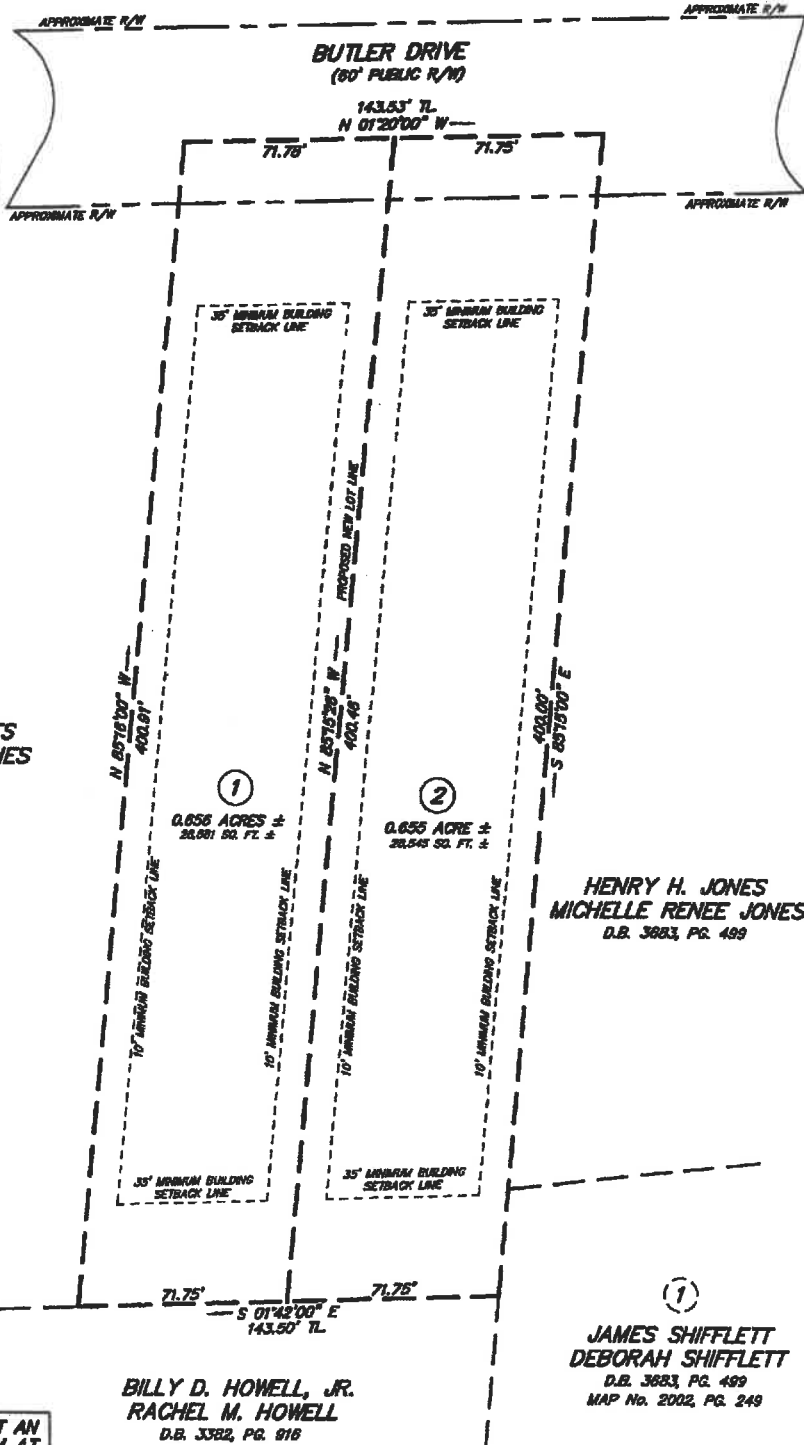
THIS DRAWING DOES NOT REPRESENT AN
ACTUAL FIELD SURVEY BY THIS FIRM AT
THIS TIME.

GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.

CHECK AND CLOSURE BY: BOF



BILLY D. HOWELL, JR.
RACHEL M. HOWELL
D.B. 3382, PG. 916

JAMES SHIFFLETT
DEBORAH SHIFFLETT
D.B. 3883, PG. 499
MAP No. 2002, PG. 249

PROPOSED MINOR SUBDIVISION FOR

MILTON BUILT HOMES

TOWN OF ERWIN, DUKE TOWNSHIP, HARNETT COUNTY, NORTH CAROLINA

PLN
1507-10-1273

BOBBY FUQUAY and ASSOCIATES
8325 MAL WEATHERS RD., RALEIGH N.C., 27603
(919) 880-3309

DATE 02-15-2021

SCALE 1" = 40'

DATE OF SURVEY

ZONE
R-10

DWG. NO. 202113

ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
 AREA DETERMINED USING THE COORDINATE METHOD.

MAP REFERENCES: ESTATE FILE # 89-E-190
 DEED BOOK 517, PAGE 258 (Back Reference)
 MAP NUMBER 20, PAGE 37 (LOT 1)

NO ADDRESS ASSIGNED AT THIS TIME
 THIS PROPERTY IS CURRENTLY VACANT.

MAP NORTH
 MAP # 20, PG. 87

Option 2

PRELIMINARY

THIS IS A PRELIMINARY DRAWING AND IS NOT TO BE USED AS A SURVEY OR TO TRANSFER ANY PROPERTY SHOWN HEREON.

**ROBIN ALAN JONES
 FLONNIE REGINA JONES**
 D.B. 2878, PG. 722

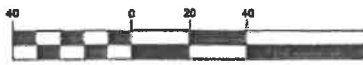
**HENRY H. JONES
 MICHELLE RENEE JONES**
 D.B. 3683, PG. 499

TOWN OF ERWIN
 ZONE: R-10 (RESIDENTIAL)

MINIMUM BUILDING SETBACKS	
SINGLE FAMILY RESIDENTIAL	
FRONT	35'
REAR	35'
SIDE	10'
MAXIMUM BUILDING HEIGHT	35'

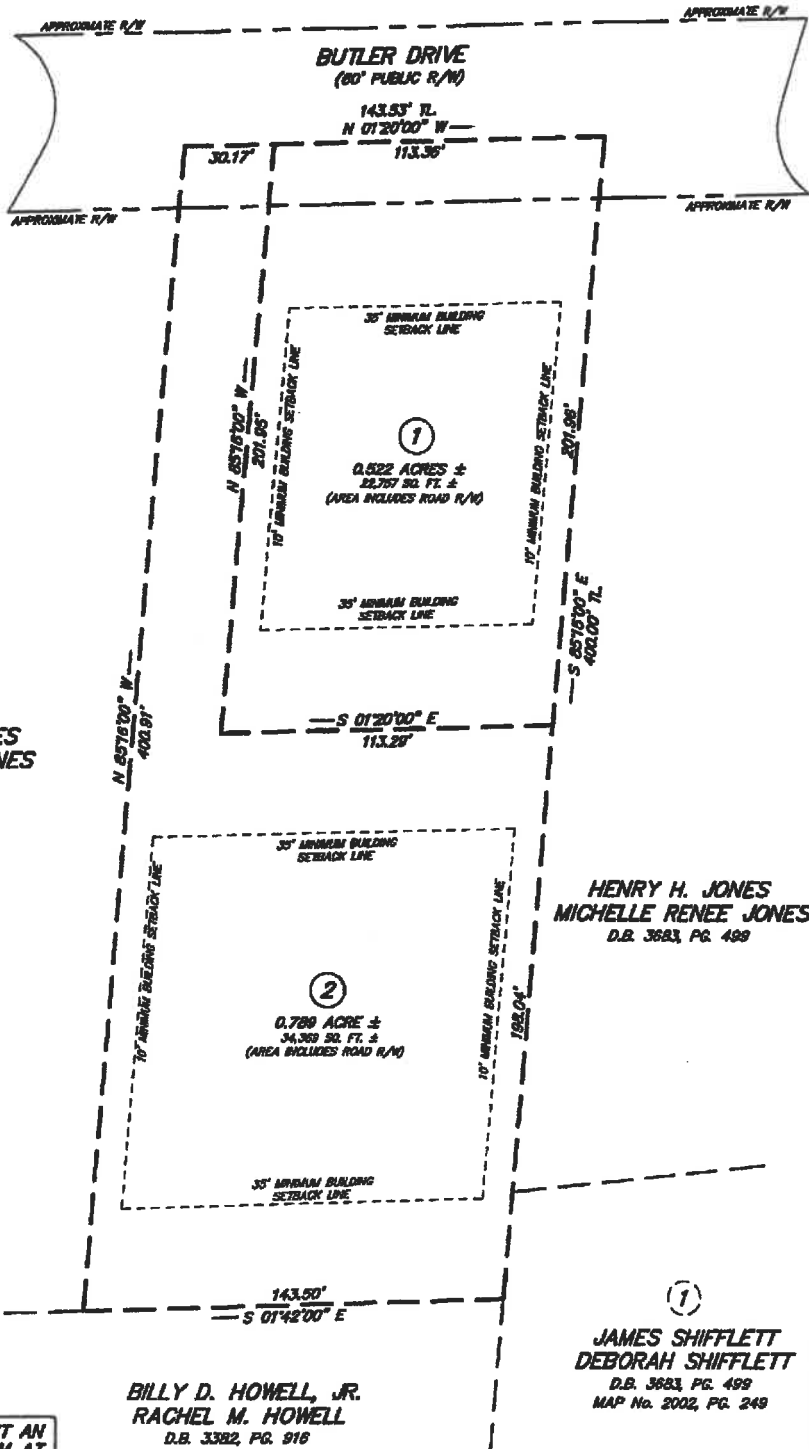
THIS DRAWING DOES NOT REPRESENT AN ACTUAL FIELD SURVEY BY THIS FIRM AT THIS TIME.

GRAPHIC SCALE



(IN FEET)
 1 inch = 40 ft.

CHECK AND CLOSURE BY: BOF



PROPOSED MINOR SUBDIVISION FOR

MILTON BUILT HOMES

TOWN OF ERWIN, DUKE TOWNSHIP, HARNETT COUNTY, NORTH CAROLINA

PIN
 1507-10-1273

ZONE
 R-10

BOBBY FUQUAY and ASSOCIATES
 6525 MAL WEATHERS RD., RALEIGH N.C., 27603
 (818) 880-3309

DATE 02-15-2021

SCALE 1" = 40'

DATE OF SURVEY

DFG. NO. 202113

ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES
UNLESS OTHERWISE NOTED.

AREA DETERMINED USING THE COORDINATE METHOD.

MAP REFERENCES: ESTATE FILE # 99-E-190
DEED BOOK 617, PAGE 298 (Back Reference)
MAP NUMBER 20, PAGE 37 (LOT 1)

NO ADDRESS ASSIGNED AT THIS TIME.
THIS PROPERTY IS CURRENTLY VACANT.

MAP NORTH
MAP # 20, PG. 87

**Option 3
Least
Preferred**

PRELIMINARY

THIS IS A PRELIMINARY DRAWING
AND IS NOT TO BE USED AS A
SURVEY OR TO TRANSFER ANY
PROPERTY SHOWN HEREON.

**ROBIN ALAN JONES
FLONNIE REGINA JONES**
D.B. 2878, PG. 722

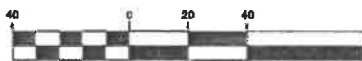
**HENRY H. JONES
MICHELLE RENEE JONES**
D.B. 3683, PG. 499

TOWN OF ERWIN
ZONE: R-10 (RESIDENTIAL)

MINIMUM BUILDING SETBACKS	
SINGLE FAMILY RESIDENTIAL	
FRONT	35'
REAR	35'
SIDE	10'
MAXIMUM BUILDING HEIGHT	35'

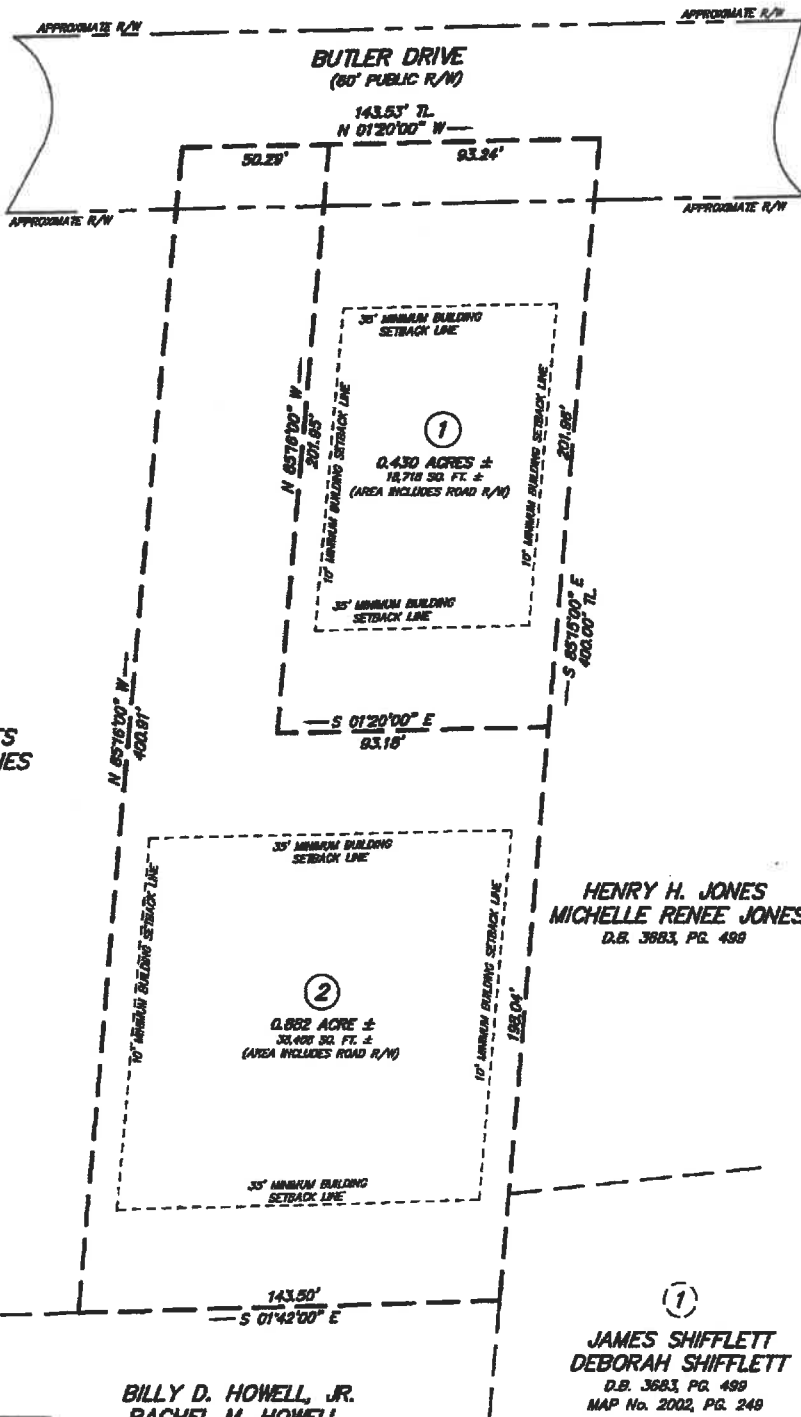
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ACTUAL FIELD SURVEY BY THIS FIRM AT
THIS TIME.

GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.

CHECK AND CLOSURE BY: BOF



**BILLY D. HOWELL, JR.
RACHEL M. HOWELL**
D.B. 3382, PG. 918

**JAMES SHIFFLETT
DEBORAH SHIFFLETT**
D.B. 3683, PG. 499
MAP No. 2002, PG. 249

**OPTION 3
PROPOSED MINOR SUBDIVISION FOR**

MILTON BUILT HOMES

TOWN OF ERWIN, DUKE TOWNSHIP, HARNETT COUNTY, NORTH CAROLINA

PIN 1507-10-1273	BOBBY FUQUAY and ASSOCIATES 6525 MAL WEATHERS RD., RALEIGH N.C., 27603 (919) 880-3309	DATE 02-15-2021
ZONE R-10		SCALE 1" = 40' DATE OF SURVEY DWG. NO. 202113



TOWN BOARD SUBDIVISION VARIANCE REQUEST STAFF REPORT

Case: Variance-
2021-002

Snow Bowden, Town Manager
townmanager@erwin-nc.org

Phone: (910) 591-4200 Fax: (910) 897-5543

Town Board Meeting Date: 5/6/2021

Requesting variances to subdivide a vacant lot off of Butler Drive. The parcel does not have an address but it can be identified by its Harnett County Tax PIN #1507-10-1273.000. The applicant is seeking a 3'4" variance to the minimum lot width for each of the two proposed lots. The minimum lot width for this parcel is 75 feet. The two proposed lots on the preliminary subdivision are a little over 71 feet each.

Applicant Information

Owner of Record:

Name: Milton Built Homes, LLC.
Address: P.O. Box 451
City/State/Zip: Lillington, NC 27546

Applicant:

Name: Stephen T. Milton
Address: P.O. Box 451
City/State/Zip: Lillington, NC 27546

Property Description

Harnett County Tax PIN 1507-10-1273.000
Acres 1.28
Zoning District-R-10

Vicinity Map

- See Attached Proposed Subdivision Plat

Physical Characteristics

Site Description: This is a vacant parcel that is 1.28 acres. The applicant would like to subdivide it and build two new homes on the site.

Surrounding Land Uses: This parcel is located off of Butler Drive and is surrounded by residential land uses.

Services Available

- Harnett County Water and Sewer is available on Butler Drive. Duke Energy for electrical needs.

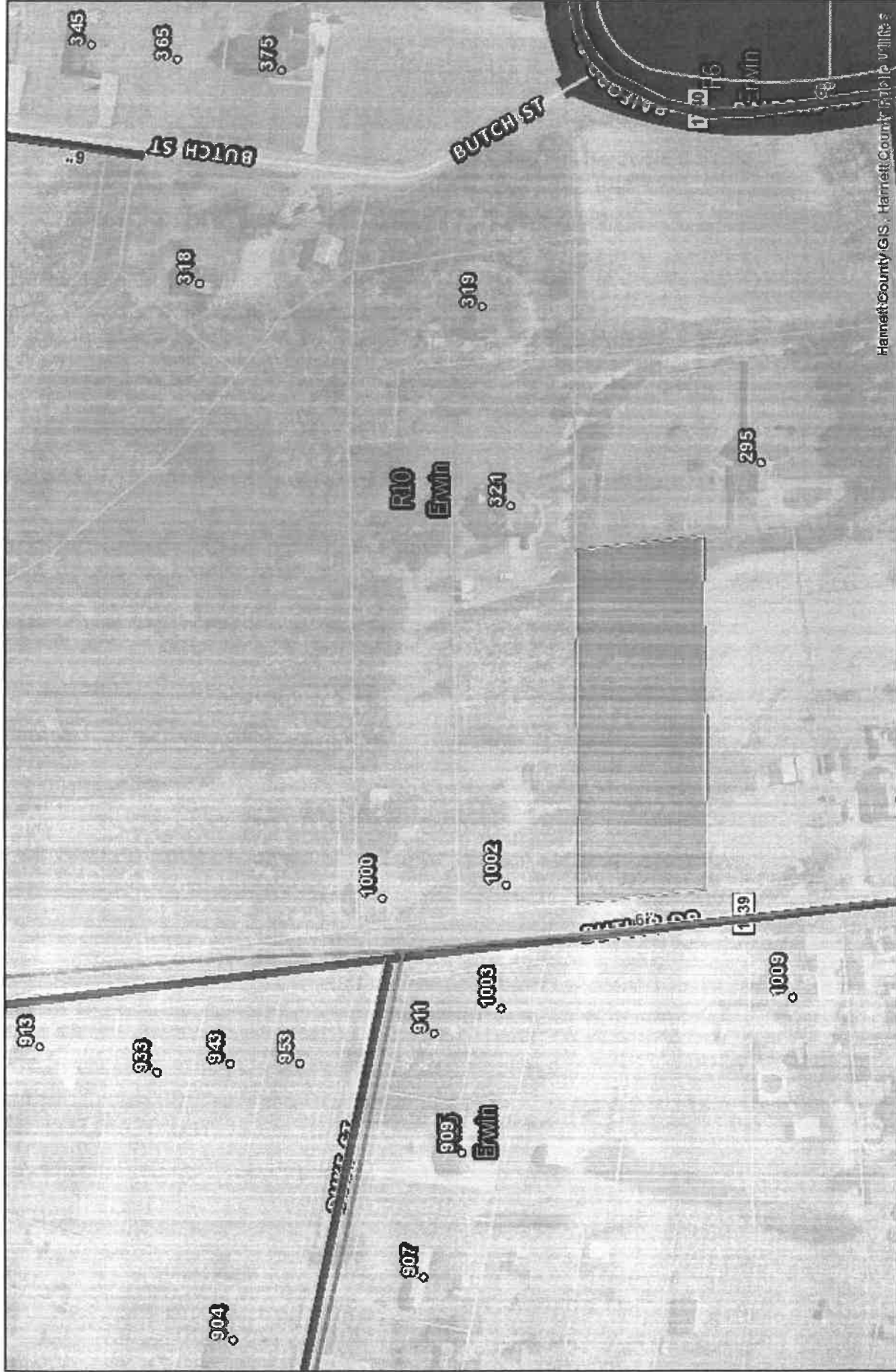
Staff Evaluation

The tract of land that is 1.28 acres and located in a residential zoning district. The applicant has proposed three different subdivision designs. Town Staff prefers option #1. Both of the lots would have a little over 71 foot of road frontage off of Butler Drive. The homes would front Butler Drive and be in line with what is already out in that area. The two new proposed lots are around 28,500 square feet which is much larger than the minimum lot size for our R-10 Zoning District which is 10,000 square feet (0.229 acres). These lots would be a little over a half acre each. Town Staff would recommend approving this variance which the preliminary survey that is Option 1.

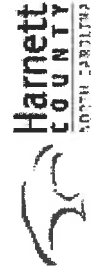
The applicant has requested a 3'4" variance to the minimum lot width of 75 feet for the two new proposed lots. In early discussions I told him that to reach out to one of the adjacent property owners and see if he could purchase a portion of their property. He was not able to make this happen.

In his application that he submitted he presented three options to subdivide this property. Option #3 involves a "flag pole" subdivision based on an initial review option #3 is feasible based on our subdivision ordinance. It would lead to having one house close to the road and one house set back from the road. The applicant has requested a variance to subdivide the property in option #1. Option #1 would have two houses lined up with each other instead of one in front of the other home. Option #1 has the most curb appeal but does require a variance to the minimum lot width requirement.

Harnett GIS



Harnett County GIS, Harnett County Public Utilities



Harnett
COUNTY
NORTH CAROLINA

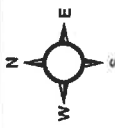
GIS/E-911 Addressing

April 7, 2021

- Recycle Center
- Landfills
- Surrounding County Boundaries
- Federal Property
- City Limits

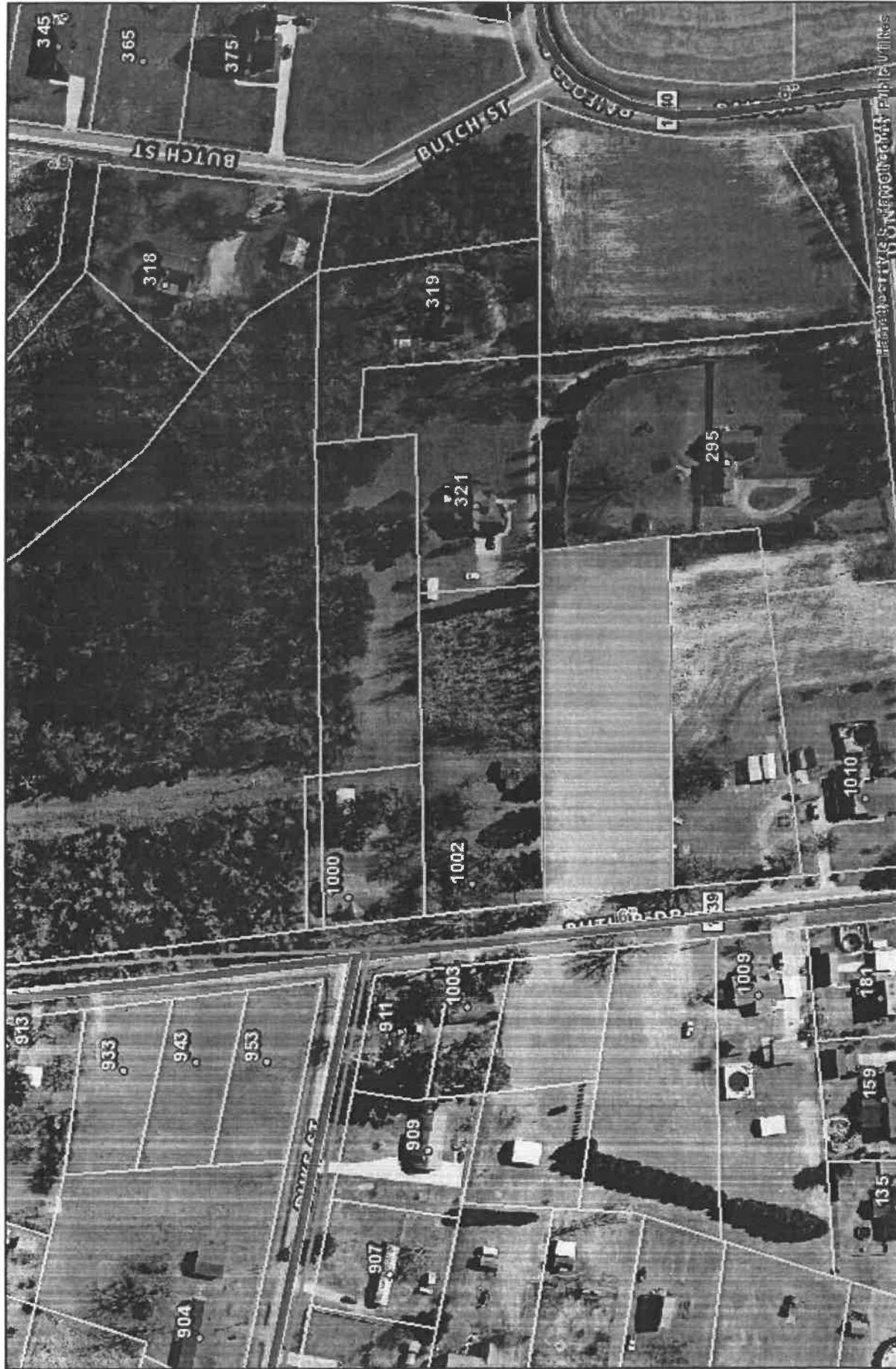
- Harnett County Boundary
- Address Numbers
- Force Main
- Gravity
- Service Laterals

- StepFM
- Sewer Main
- Force Main
- Lillington Sewer



1 inch = 188 feet

Harnett GIS



NOT FOR LEGAL USE



Harnett
COUNTY
NORTH CAROLINA

April 7, 2021

- Recycle Center
- Landfills
- Surrounding County Boundaries
- Federal Property
- City Limits

- Harnett County Boundary
- Address Numbers
- Force Main
- Gravity
- Service Laterals
- StepFM
- Sewer Main
- Force Main
- Lillington Sewer



1 inch = 188 feet

MINUTES CONTINUED FROM MAY 6, 2021

Commissioner Baker made a motion that the variance requested is the minimum variance that will make possible the legal use of the land, building, or structure and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner Baker made a motion to deny Variance 2021-002 on the terms that the proposed variance application meets one or more of the Findings of Facts in the negative and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

RECOGNITION OF SPECIAL CITIZEN

Mr. William Frederick Schuh, Jr of Erwin was recognized on the occasion of his 90th birthday.

PUBLIC HEARING**ZT-2021-002**

Commissioner Baker made a motion to open the Public Hearing and was seconded by Commissioner Thurman. **The Board voted unanimously.**

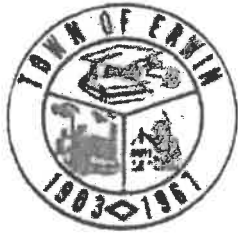
Town Manager Snow Bowden informed the Board that this request is for 127 Red Hill Church Road to be rezoned from B2 to M1. The area is 39.38% M1 and 50.38% B2. The lot has been vacant for about a year and just outside of town limits.

Mayor Patsy Carson asked if anyone would like to come forward and speak in favor of the request.

Applicant, William Boyer, came forward and was sworn in by Town Clerk Lauren Evans.

Mr. Boyer asked the Board to consider approving their request on 127 Red Hill Church Road to rezone back to its original M1 zoning district. He stated they would like to run a transportation warehouse business out of that facility. They utilize some cleaning stuff but they do industrial service work such as tank cleanings.

Applicant, Paul Spangerburg, came forward and was sworn in by Town Clerk Lauren Evans.



TOWN OF ERWIN

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

Proclamation In Tribute To WILLIAM FREDERICK SCHUH, JR. In Celebration of His 90th Birthday 2020-2021-002

Mayor
Patsy M. Carson
Mayor Pro Tem
Randy L. Baker
Commissioners
William R. Turnage
Thurman E. Whitman
Alvester L. McKoy
Ricky W. Blackmon
Melinda Alvarado

WHEREAS, William Frederick Schuh, Jr. was honored by family and friends on the occasion of his 90th Birthday on April 25, 2021; and

WHEREAS, Mr. William Frederick Schuh, Jr. was born in Detroit Michigan on April 25, 1931. Mr. Schuh married Joyce Janet Troutman Schuh on December 1, 1952 and they were married 65 ½ years until her passing in 2017. This marriage was blessed with 6 children, 17 grandchildren, 47 great grandchildren, and 2 great-great grandchildren; and


WHEREAS, Mr. Schuh served his Country in the United States Air Force, owned William Schuh Brick Cleaning Business, Owner and Operator of Dodge City Hardware, Bus Driver, taught Building & Trade and EMT classes at Mid-Michigan Community College, was an EMT for Harrison Michigan, was a Building Supervisor and built Wachovia Banks all over North Carolina along with several Target Stores; and


WHEREAS, Our extraordinary citizens who have been blessed with longevity of life are a living link to our history and are valued members of our families and our communities, providing an opportunity for an investment of knowledge, creativity, and experience for all; and

WHEREAS, Mr. Schuh has been a native of Erwin for 16 years and is very active in the Erwin Community.

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the Town of Erwin, North Carolina, I do hereby deem it an honor and a privilege to express deep gratitude and sincere appreciation to *William Frederick Schuh, Jr.* on the occasion of his 90th Birthday, with sincere congratulations and best wishes for many healthy and happy years in the future.

Duly Adopted, this the 6th day of May, 2021.


Patsy M. Carson
Mayor

ATTEST:

Lauren Evans
Town Clerk

MINUTES CONTINUED FROM MAY 6, 2021

Mr. Spangerburg is the Environmental Health and Safety Compliance Director for their company. He stated they will fully intend to comply with any regulatory compliance and have already started a Storm Water permit. They have a Storm Water Pollution Prevention Plan and a Spill Prevention Response Plan. They have registered the facility as a waste transporter of nonhazardous material and also registered the facility for general storage and transportation. He stated 95% of the services they provide are offsite, the facility itself is for interim storage of 10 days or less. There will be support equipment that will be taken offsite to provide services and brought back for stationary storage. There will be some preventive maintenance to be performed on the property to support the diesel fuel tank, gasoline tank, and used oil tank.

Mayor Patsy Carson asked if anyone would like to come forward and speak against the request.

Commissioner Turnage made a motion to close the Public Hearing and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner Blackmon asked if there was a reason the parcel was split zoned before.

Town Manager Snow Bowden stated there was a lot of recombination done.

Commissioner Blackmon made a motion to approve the Statement of Consistency that the requested rezoning to Industrial (M-1) is compatible with all the Town of Erwin's regulatory documents and would not only have a positive impact on the surrounding community but would enhance the public health, safety, and general welfare as stated in the evaluation. It is recommended that this request be approved and was seconded by Commissioner Alvarado. **The Board voted unanimously.**

Commissioner Blackmon made a motion to approve the Ordinance for map amendment case #ZT-2021-002 amendment to the official zoning map to rezone from B-2 to M-1 per zoning ordinance article XXIII for Harnett County PIN 1507-15-5219.000 and was seconded by Commissioner Baker. **The Board voted unanimously.**

Commissioner Blackmon stated we need to go back through and look at the zoning for all the lots similar to this one.

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: May 6, 2021

Subject: ZT-2021-002

The Town has received a request to have the parcel at 127 Red Hill Church Road rezoned from Highway Business (B-2) to Industrial (M-1). The parcel at 127 Red Hill Church Road does have a small portion of it that is already zoned M-1 (39.38%). But the majority of the lot is zoned Highway Business B-2 (50.38%). There are properties that are adjacent to this parcel that are zoned M-1. There is an existing building on site that is 8,500 square feet. The parcel does have an existing conditional use permit to operate a vehicular services facility.

The Planning Board adopted a statement-of-consistency and recommended this rezoning request for approval.

Attachments

- ZT-2021-002 Application
- ZT-2021-002 Staff Report
- ZT-2021-002 Site Description
- Harnett County GIS image with Zoning
- Harnett County GIS image with no zoning
- Statement of Consistency
- Statement of Non-Consistency

PAID

MAR 22 2021

Revised 9-19-2014

	Application for an Amendment To The Official Zoning Map of Erwin, NC
	Staff Only: Zoning Case # <u>Z-2021 - 002</u> Fee: <u>300</u> Check # _____ MO _____ Cash _____ PB Recommendation: <u>A</u> <u>D</u> A/W Conditions _____ BOC Date: <u>5/6/21</u> Decision: <u>A</u> <u>D</u> <u>T</u> A/W Conditions _____

ERWIN
pdclt#
040745

Print Applicant Name: PCC Properties, LLC
 Name of Legal Property Owner Warren Realty
 Location of Property 127 Red Hill Church Road and L#2R, Red Hill Church Rd, Dunn NC 28334

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

Zoning change requested from B2 to M1

If Conditional District, note conditions: _____

Harnett County Tax Map PIN 1507 - 15 - 5219.000 and PIN 1507-15-5409.000

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

Joseph and Martha Stancil, 47 Red Hill Church Rd Warren Realty, Lot off Red Hill Church Rd (cell tower)

Hal and Mary Penny, 183 Red Hill Church Rd Malcom Vann Sexton Jr, 144 Red Hill Church Rd

Arvalee MacLamb, 201 Red Hill Church Rd (mailing address 71 Wise Rd, Dunn NC 28334) Leah Rzemien, 118 Red Hill Church Rd

(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.

William H. Boyer
Signature of Applicant

919-971-0415
Contact Number

1149 Taos Trail, Raleigh NC 27603

Mailing Address of Applicant



REZONING MAP REQUEST STAFF REPORT

Case: ZT-2020-02

Snow Bowden, Town Manager
townmanager@erwin-nc.org

Phone: (910) 591-4200 Fax: (910) 897-5543

Planning Board: 04/19/2021

Town Commissioners: 05/06/2021

Requested zoning map amendment to 127 Red Hill Church Road with corresponding Harnett County Tax PIN # 1507-15-5219.000

Applicant Information

Owner of Record:

Name: PCC Properties, LLC.
Address: 1149 Taos Trail
City/State/Zip: Raleigh, NC 27603

Applicant:

Name: Warren Realty, LLC.
Address: PO Box 1585
City/State/Zip: Dunn, NC 28334

Property Description

Harnett County Tax PIN 1507-15-5219.000
Acres 4.15
Zoning District- B-2 (2.12 acres 50.38%) M-1 Industrial (39.38%) R-10 (0.43 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: This rezoning request includes one parcel at the moment at 127 Red Hill Church Road. The applicant is in discussion with the property owner to recombine some of the land on the vacant parcel next to it (Harnett County Tax PIN # 1507-15-5409.000 owned by Warren Realty, LLC.). That parcel is already zoned M-1. There is an existing building on site that is 8,500 square feet and was built in 1977 based on Harnett County GIS data. There is an existing conditional use permit to operate a vehicular services facility in this building. The last use of this building was for vehicular services.

Surrounding Land Uses: This property is surrounded by multiple land uses. There are some residential land uses across the street and next to the parcel. To the rear of the parcel there is some wet lands and the Dunn-Erwin Rail Trail. There is a solar farm on the other side of the trail and an upcoming cell tower site in the future months. There is a small percentage of this lot that is already zoned M-1 and it has M-1 zoning on both sides of the parcel.

Services Available

- Harnett County Regional Water and Sewer is available for this parcel
 - Duke Energy would provide electricity
 - CenturyLink is the telephone provider
-
-

Staff Evaluation

This is an existing building that has been used for auto services in the past. It is surrounded by a mix of land uses. There are some industrial uses in the area. To the rear of the property is some vacant land that is in the wetlands. The Dunn-Erwin Rail Trail is behind that pond. This would be an improvement to an existing building that is currently vacant. The potential new owners would be making improvements to the outside and inside of the building.

This building/lot is located in our ETJ and it is an area identified for medium intensity growth in the 2014 Land Use Plan. The medium intensity growth area does allow for low impact neighborhood businesses. Based on the conversations we have had with the applicant this would be a low impact neighborhood business. They basically need a building to store their supplies.



Boyer Enterprises East, LLC

MEMORANDUM

TO: Snow Bowden, Town Manager, Town of Erwin

FROM: William Boyer, Owner, Boyer Enterprises East, LLC

RE: Description of Business Activities and 127 Red Hill Church Rd Proposed Land Use

The purpose of this memo is to describe the business activities conducted by Boyer Enterprises East, LLC (BEE), and provide a proposal for the use of 127 Red Hill Church Road. Attached is a map of the property with our proposed modifications, and the rezoning permit application.

Bill Boyer wholly owns BEE, as well as a property holdings company, PCC Properties, LLC. PCC Properties is under contract to purchase 127 Red Hill Church Rd and Adjacent Lot #2R (which is under process to be combined into one parcel). The intention is to lease the warehouse and adjacent lot to BEE. As such, PCC Properties is requesting a rezoning of the property from B2 business to M1 industrial.

The BEE business model is predicated on throughput. Materials are constantly brought in and shipped back out. Most of our work is performed off-site. Based on Article 3 of the Town of Erwin Zoning Ordinance, p. 4-43, PCC Properties is requesting a rezoning of the property from B2 business to M1 industrial, as we believe our business best fits the following description:

“2. Wholesale, warehouse, and transfer activities may include retail showroom, display, or sales area as an accessory use.”

We have compiled a list below of our services; materials and supplies stored on-site for company use; and waste stored onsite temporarily. We understand based on the ordinance language that we may be required to install a fence to house our outdoor items. Outdoor equipment will be stored under equipment shelters.

Services:

- Spill response for industrial and commercial materials
- Remediation & restoration of spill sites
- Industrial service/cleaning
- Confined space entry
- Hot water washing
- Vacuum truck services
- Transportation of non-hazardous materials
- Waste minimization consulting services
- Brokering industrial waste disposal
- EH&S/Regulation Compliance Consulting

Equipment stored on-site (items marked with a + are proposed to be stored in Shelter B):

- Backhoes (compact)⁺
- Skid steers⁺
- Excavators (midi-sized) ⁺
- Pressure washers
- Generators
- Spill response enclosed trailers
- One-ton service trucks
- CDL Vacuum trucks (2)
- CDL Rollback
- Box truck
- Equipment trailers
- Dump trailers

Materials & Supplies stored on-site (supplies marked with an asterisk are proposed to be stored in Connex Boxes C and D and/or Equipment Building A):

- Spill containment skids
- Oil dry (pallets)
- Absorbent booms (pallets)
- Erosion Control Supplies: Wheat straw, Pine straw, geomatting, wattles, grass seed*
- Topsoil (bulk and bagged)
- Gravel (57 stone, ABC)
- Mulch (bagged)
- Empty totes and drums*
- Above-ground diesel fuel tank (1000 gallons) for truck fueling
- Above-ground gasoline fuel tank (500 gallons) for gas-powered equipment and vehicles
- Used oil from BEE truck and equipment maintenance (250 gallons)
- Vacuum truck hose*
- Power brooms

Wastes temporarily stored onsite (inside the warehouse):

- Oily debris stored in drums
- Soil and gravel contaminated with oil (stored in drums, dump trailers, and/or roll-offs)
- Mineral oil stored in drums and/or 250 gallon totes
- Contaminated diesel fuel
- Used oil from client sites stored in drums and/or totes
- Sugar, flour, or grain meal (in bulk)
- Sludges from storm runoff stored in drums and/or totes

We typically ship temporarily stored waste materials to landfills or recyclers when we consolidate about 2,500 gallons of liquid or 20 tons of soil/debris. We regularly obtain pre-approval from landfills and recyclers and often will take samples of wastes to certify that the contents are non-hazardous.

Note that we do not transport or store hazardous materials at this time. Any work done involving hazardous waste is scheduled for transport from the clean-up site with a separate transportation

and disposal contractor. In addition, bulk and/or tanker-load shipments of waste oil are direct-shipped from client sites to recyclers.

In the attached map, we have drawn our proposed use for the property. Below is a description of how we propose to modify the property for our business.

1. Remove trees around dumpster corral. Repair/replace wooden privacy fencing. Install 1,000 gallon diesel and 500 gallon gasoline fuel tank
2. Remove trees from the field area behind the warehouse to the west. Remove stumps. Gravel area to near the existing wood line. Leave existing wooded buffer to the pond.
3. Leave existing wooded buffer to the south.
4. Install 6 ft chain link fence with privacy strips from building to wood line to the south (even with the front face of the building).
5. Install privacy chain link fence from building to the north property line.
6. Disconnect and remove the sign from the front parking lot.
7. Install handicap parking signs in the front parking lot.



**Photo 1: Dumpster corral.
Propose to remove trees and
renovate corral for storage of fuel
tanks.**



**Photo 2: Back of building to the
tree line. Propose to remove tree
and stumps, and add gravel for
truck and trailer parking out of
sight of road frontage.**

www.digitalsouth.com

Approximate reference:
Existing warehouse is
50ft x 165ft.

A: 30x50 Metal building
on concrete slab.

B: 30x50 Metal building
on gravel. Equipment
shed (3 sides).

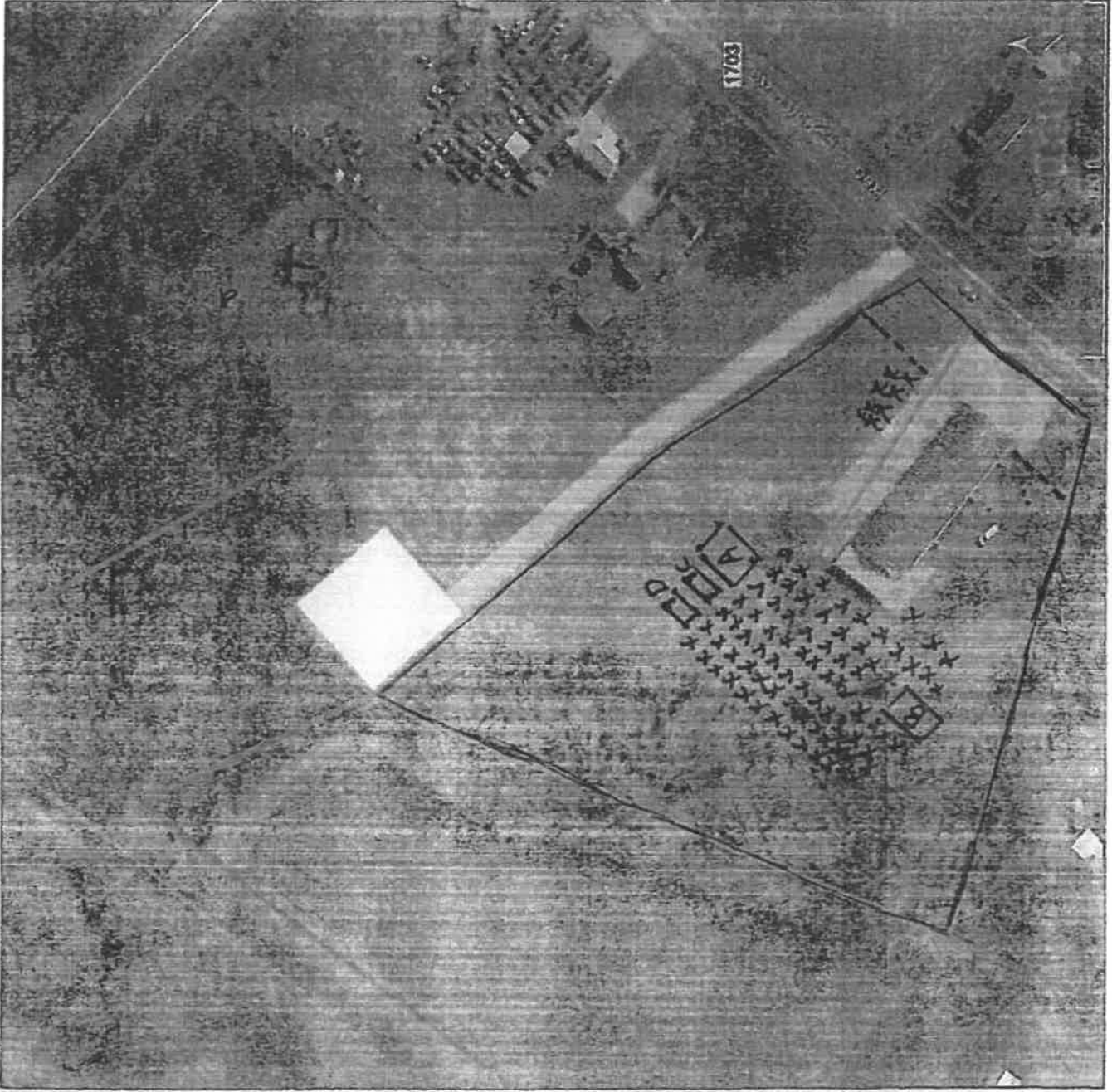
C: 40x8ft corner box

D: 40x8ft corner box

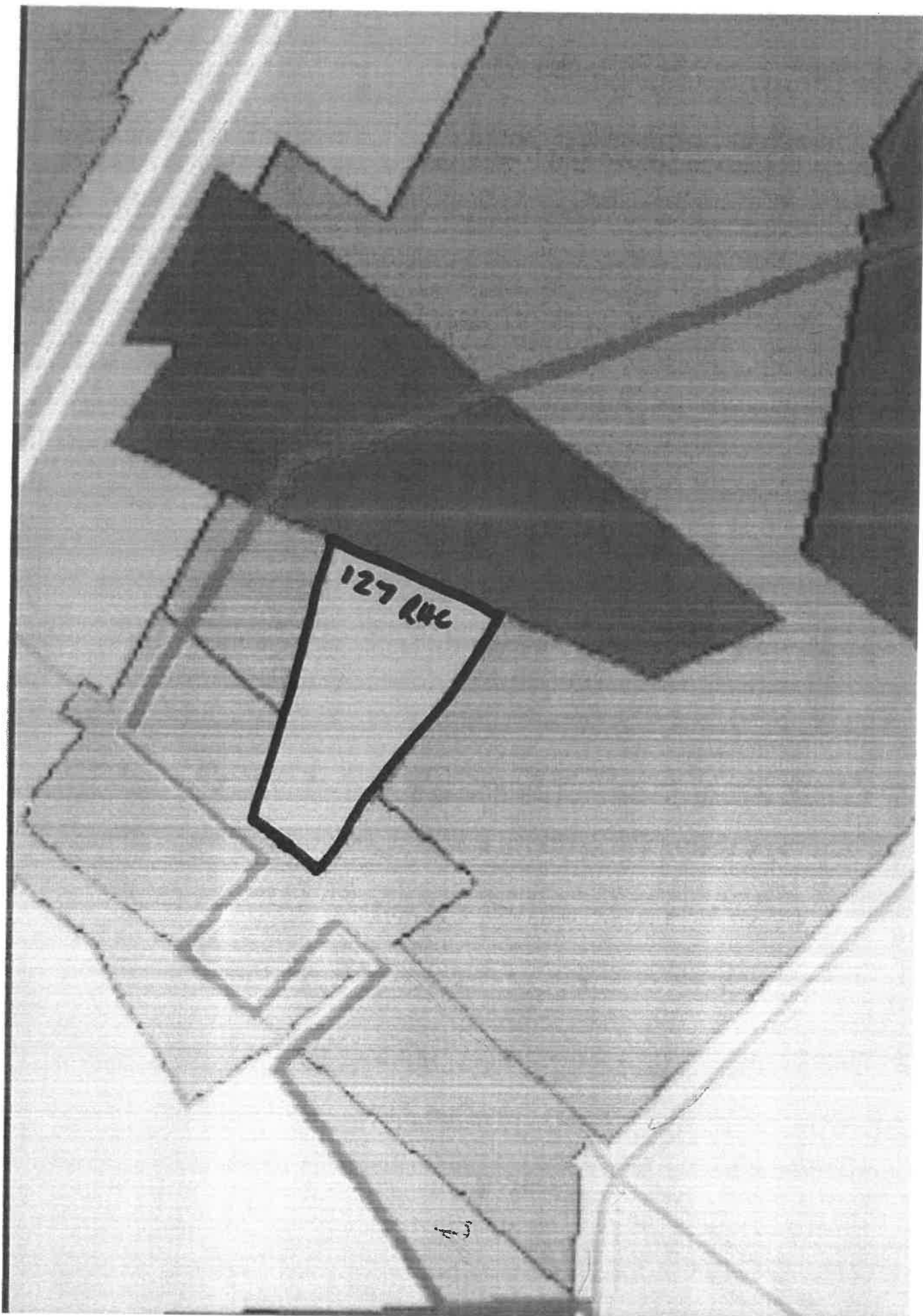
--- Primary chain-link
six-foot fence.

xxxx Gravel for vehicle
parking.

— Combined #1R and #2R
Property lines



IT. MAY BE REPLACED BY A LAND SURVEY AND/OR CONSTRUCTION DRAWINGS OF THE PREMISES ONCE RECEIVED
BACK OF THE PREMISES FROM THE PROPERTY'S BOUNDARIES SHALL BE THE DISTANCE REQUIRED BY THE



127 RMC

1



AGREEMENT FOR PURCHASE AND SALE OF IMPROVED REAL PROPERTY

THIS AGREEMENT, including any and all addenda attached hereto ("Agreement"), is by and between

PCC Properties, LLC a(n) (Buyer), and (individual or State of formation and type of entity)

Warren Realty LLC a(n) (Seller). (individual or State of formation and type of entity)

(NOTE: If the Buyer or Seller is an entity, in order to form a binding agreement and complete a transaction, the entities listed as Buyer or Seller in this Agreement should be validly formed and in good standing with the Secretary of State in the State of formation of the entity.)

FOR AND IN CONSIDERATION OF THE MUTUAL PROMISES SET FORTH HEREIN AND OTHER GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH ARE HEREBY ACKNOWLEDGED, THE PARTIES HERETO AGREE AS FOLLOWS:

Section 1. Terms and Definitions: The terms listed below shall have the respective meaning given them as set forth adjacent to each term.

(a) "Property": (Address) 127 Red Hill Church Road, Dunn, NC 28334 and Lot#2R, Red Hill Church Rd, Dunn NC 28334

Plat Reference: Lot(s) 1R and 2R, Block or Section, as shown on Plat Book or Slide 2020 and 2005 at Page(s) 117 and 383, Harnett County, consisting of approx 4.24 acres.

If this box is checked, "Property" shall mean that property described on Exhibit A attached hereto and incorporated herewith by reference.

(For information purposes: (i) the tax parcel number of the Property is: PIN 1507-15-5219.000 and PIN 1507-15-5409.000; and, (ii) some or all of the Property, consisting of approximately 4.24 acres, is described in Deed Book 2102, Page No. 0726, Harnett County.)

together with all buildings and improvements thereon and all fixtures and appurtenances thereto and all personal property, if any, itemized on Exhibit A.

\$ 267,345.18 (b) "Purchase Price" shall mean the sum of Two Hundred Sixty-Seven Thousand, Three Hundred Forty-Five 18/100 Dollars,

\$ 10,000.00 (i) "Earnest Money" shall mean Ten Thousand Dollars or terms as follows:

The Earnest Money shall be deposited in escrow with Ragsdale Liggett PLLC (name of person/entity with whom deposited- "Escrow Agent") within five (5) calendar days of the Contract Date, to be applied as part payment of the Purchase Price of the Property at Closing, or disbursed as agreed upon under the provisions of Section 10 herein. Should Buyer fail to deliver the Earnest Money by the date required hereunder, or should any check or other funds paid by Buyer be dishonored, for any reason, by the

This form jointly approved by: North Carolina Bar Association REALTOR North Carolina Association of REALTORS, Inc.

STANDARD FORM 580-T Revised 7/2020 © 7/2020

Buyer Initials WBI Seller Initials HLS

the institution upon which the payment is drawn, Buyer shall have one (1) banking day after written notice of such dishonor to deliver cash, official bank check, wire transfer or electronic transfer to the Escrow Agent. If Buyer fails to deliver the required funds within one (1) banking day after written notice, then Seller may terminate this Agreement by written notice to Buyer at any time thereafter, provided Seller has not then received acknowledgement by Escrow Agent of its receipt of funds from Buyer. If the Escrow Agent has not delivered to the Seller the acknowledgement of Earnest Money on the last page of this Agreement by the calendar day following the date the Earnest Money is required to be delivered hereunder, it shall be presumed that the Earnest Money was not delivered by the required time (unless, upon the written request of Seller, Escrow Agent can provide proof of its receipt of the Earnest Money by the required time). Buyer and Seller consent to the disclosure by the Escrow Agent, to the parties to this Agreement, the Broker(s) and any Buyer lender, of any material facts pertaining to the Earnest Money.

ANY EARNEST MONEY DEPOSITED BY BUYER IN A TRUST ACCOUNT MAY BE PLACED IN AN INTEREST BEARING TRUST ACCOUNT, AND: (check only ONE box)

ANY INTEREST EARNED THEREON SHALL BE APPLIED AS PART PAYMENT OF THE PURCHASE PRICE OF THE PROPERTY AT CLOSING, OR DISBURSED AS AGREED UPON UNDER THE PROVISIONS OF SECTION 10 HEREIN. (Buyer's Taxpayer Identification Number is: _____)

ANY INTEREST EARNED THEREON SHALL BELONG TO THE ACCOUNT HOLDER IN CONSIDERATION OF THE EXPENSES INCURRED BY MAINTAINING SUCH ACCOUNT AND RECORDS ASSOCIATED THEREWITH.

\$ _____ N/A

(ii) Delivery of a promissory note secured by a deed of trust, said promissory note in the amount of _____ Dollars being payable over a term of _____ years, with an amortization period of _____ years, payable in monthly installments of principal, together with accrued interest on the outstanding principal balance at the rate of _____ percent (_____ %) per annum in the amount of \$ _____, with the first principal payment beginning on the first day of the month next succeeding the date of Closing, or such other terms as may be set forth on Exhibit B. At any time, the promissory note may be prepaid in whole or in part without penalty and without further interest on the amounts prepaid from the date of such prepayment. (NOTE: In the event of Buyer's subsequent default upon a promissory note and deed of trust given hereunder, Seller's remedies may be limited to foreclosure of the Property. If the deed of trust given hereunder is subordinated to senior financing, the material terms of such financing must be set forth on Exhibit B. If such senior financing is subsequently foreclosed, the Seller may have no remedy to recover under the note.)

\$ _____ N/A

(iii) Assumption of that unpaid obligation of Seller secured by a deed of trust on the Property, such obligation having an outstanding principal balance of \$ _____ and evidenced by a note bearing interest at the rate of _____ percent (_____ %) per annum, and a current payment amount of \$ _____.

\$ _____ 257,345.18

(iv) Cash balance of Purchase Price, at Closing in the amount of Two Hundred Fifty-Seven Thousand, Three Hundred Forty-Five 18/100 Dollars.

Buyer, at Buyer's expense, shall be entitled to pursue qualification for and approval of any loan Buyer intends to obtain in connection with the transaction contemplated by this Agreement. (Note: Buyer's obligations under this Agreement are not conditioned upon obtaining or closing any loan. Therefore, Buyer is advised to consult with Buyer's lender prior to signing this offer to assure that the Examination Period allows sufficient time for Buyer's lender to provide Buyer sufficient information to decide whether to proceed with or terminate the transaction.)

(c) "Closing" shall mean the date of completion of the process detailed in Section 11 of this Agreement. Closing shall occur on or before _____ or 45 days from the effective date _____

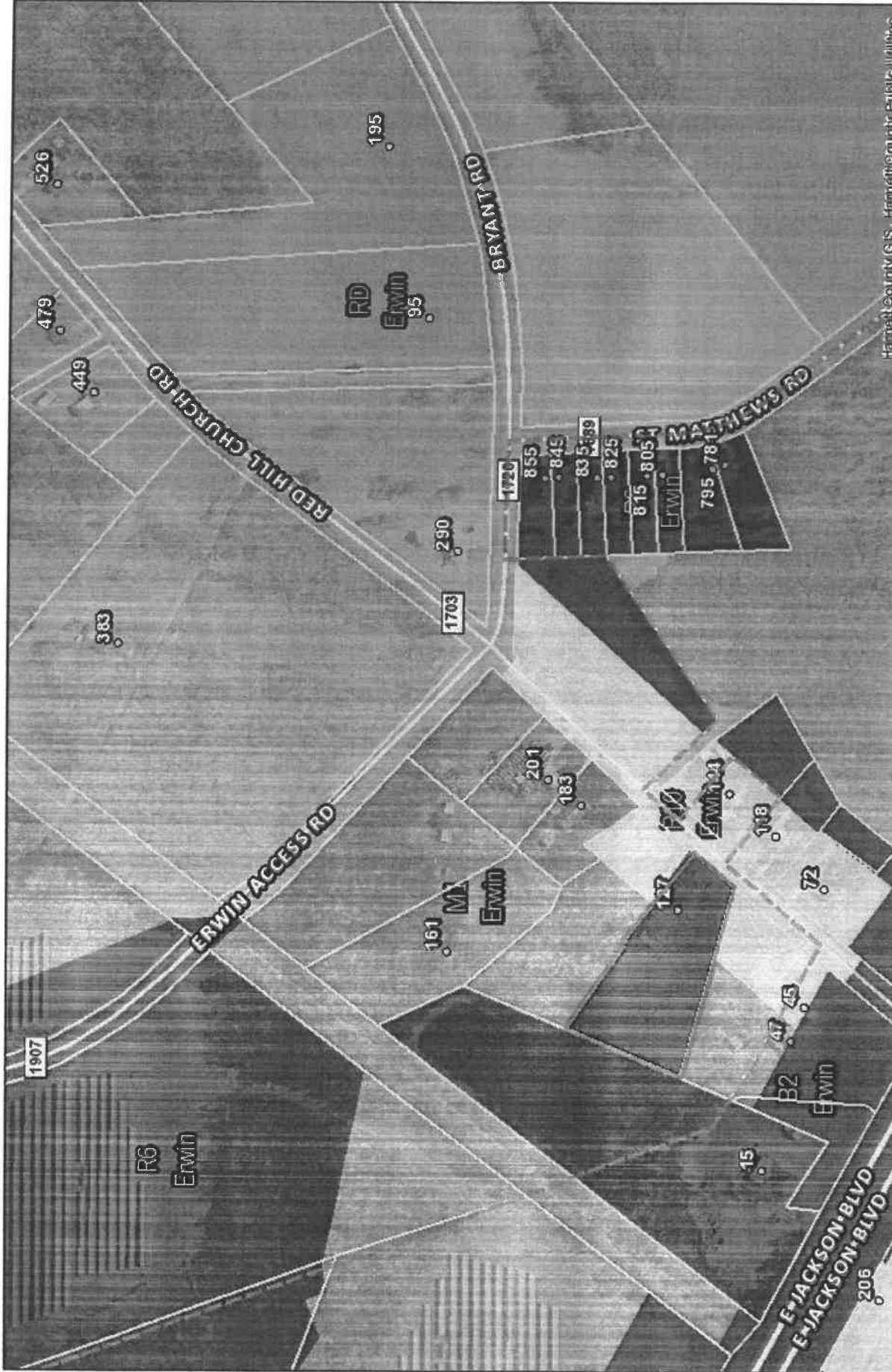
Buyer Initials WBI Seller Initials PLS Page 2 of 9

STANDARD FORM 580-T

Revised 7/2020

© 7/2020

Harnett GIS



Harnett County GIS, Harnett County Public Utilities

Harnett County
NORTH CAROLINA

GIS/E-911 Addressing
March 23, 2021

Recycle Center

Landfills

Surrounding County Boundaries

Federal Property

City Limits

Harnett County Boundary

Address Numbers

Major Roads

Interstate

NC

US

Roads

Mile Markers

Railroad

0 165 330 660 Feet

1 inch = 376 feet

Harnett GIS



NOT FOR LEGAL USE



Harnett
COUNTY
SOUTH CAROLINA

GIS/E-911 Addressing
March 23, 2021



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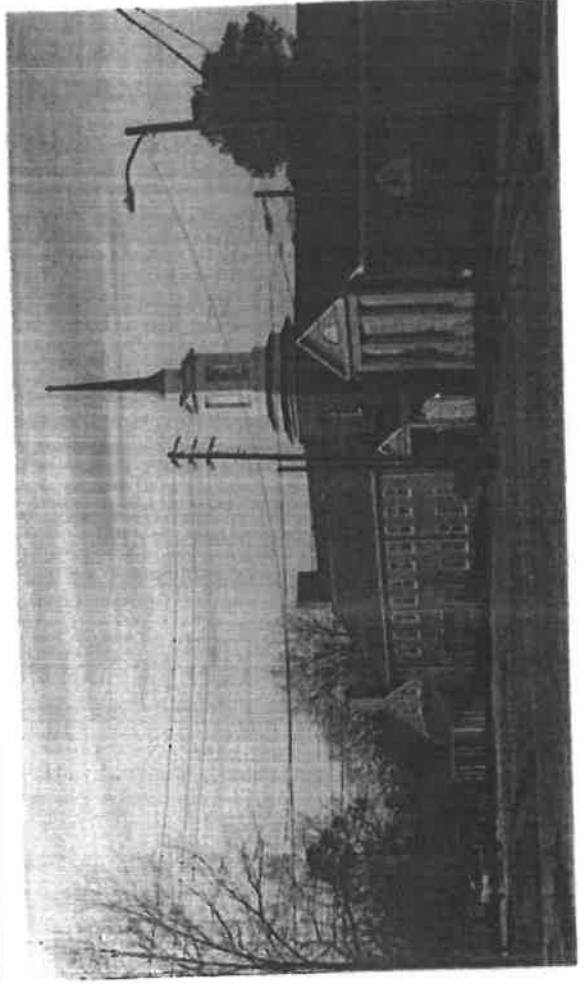
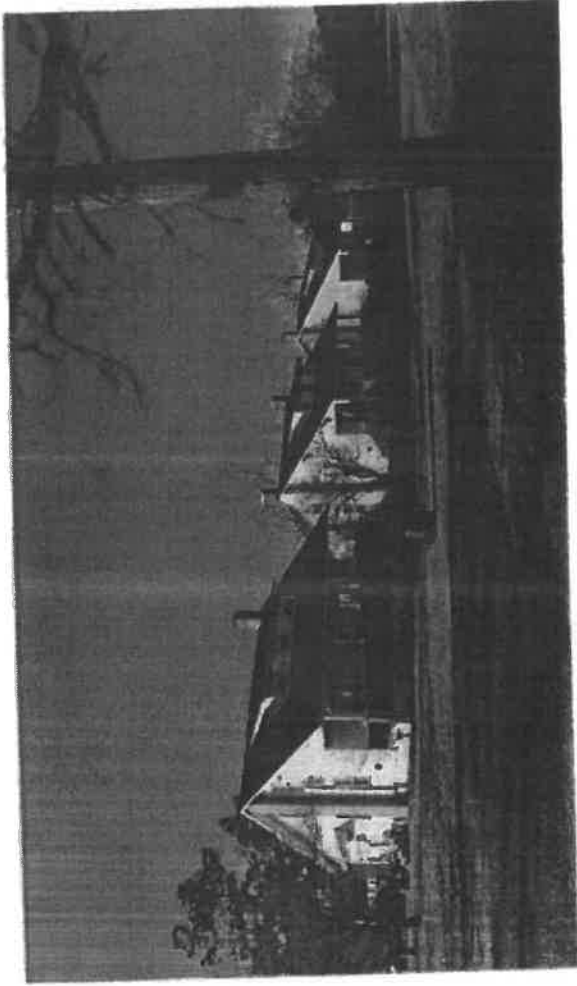
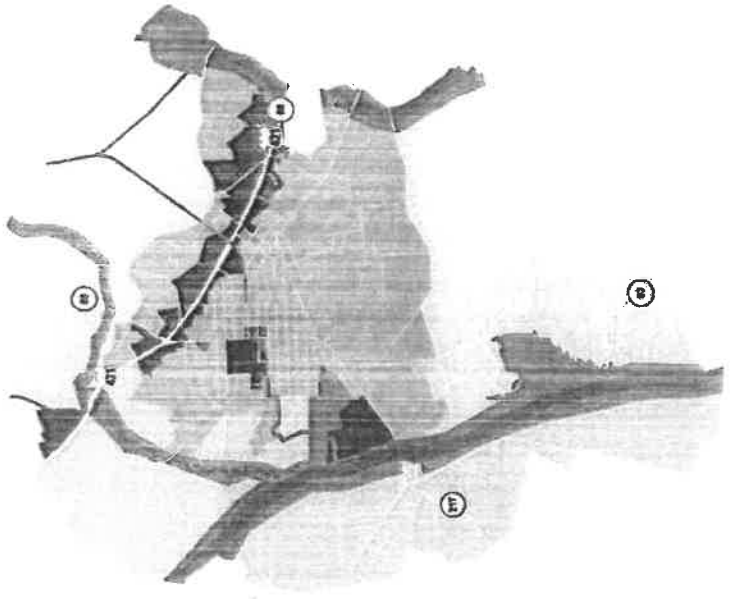
0 165 330 660 Feet
1 inch = 376 feet

<input type="checkbox"/> Recycle Center	<input type="checkbox"/> Harnett County Boundary	<input type="checkbox"/> NC	<input type="checkbox"/> US	<input type="checkbox"/> Parcels
<input type="checkbox"/> Landfills	<input type="checkbox"/> Address Numbers	<input type="checkbox"/> Roads	<input type="checkbox"/> Mile_Markers	<input type="checkbox"/> Railroad
<input type="checkbox"/> Surrounding County Boundaries	<input type="checkbox"/> Airport	<input type="checkbox"/> MajorRoads	<input type="checkbox"/> Interstate	
<input type="checkbox"/> Federal Property	<input type="checkbox"/> City Limits			

Vision & Goals Section 2

MEDIUM INTENSITY

The medium intensity land use classification is primarily intended for medium to high density mixed residential uses in close proximity to the town's core or major corridors. This classification may also include some low impact neighborhood business, government, or institutional uses that serve the immediate needs of residents in the area. The existing mill village surrounding the downtown is an example of medium intensity development.



Stephen Nelson Owens
Kelly McLeod Nelson
588 Mabry Rd.
Anger, NC 27501

Arvalee Mclamb
71 Wise Rd.
Dunn, NC 28334

Hal and Mary Alice Penny
183 Red Hill Church Road
Dunn, NC 28334

Warren Realty, LLC.
PO Box 1585
Dunn, NC 28334

Raeford Nelson Jackson
15 Red Hill Church Rd.
Dunn, NC 28334

Harnett County
PO Box 759
Lillington, NC 27546

Pleasant Grove FWB Church
290 Red Hill Church Road
Dunn, NC 28334

Joseph and Martha Stancil
47 Red Hill Church Road
Dunn, NC 28334

Leah Marie Rzemien
118 Red Hill Church Road
Dunn, NC 28334

Malcom Sexton Vann Jr.
144 Red Hill Church Road
Dunn, NC 28334

Milford and Joyce Barefoot
72 Red Hill Church Road
Dunn, NC 28334

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Milford and Joyce Barefoot
72 Red Hill Church Road
Dunn, NC 28334

Pleasant Grove FWB Church
290 Red Hill Church Road
Dunn, NC 28334

PCC Properties
1149 Taos Trail
Raleigh, NC 27603

PCC Properties
1149 Taos Trail
Raleigh, NC 27603



TOWN OF ERWIN

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

Mayor
Patsy M. Carson
Mayor Pro Tem
Randy L. Baker
Commissioners
William R. Turnage
Thurman E. Whitman
Alvester L. McKoy
Ricky W. Blackmon
Melinda Alvarado

**ORDINANCE FOR MAP AMENDMENT CASE # ZT-2021-002
AMENDMENT TO THE OFFICAL ZONING MAP TO REZONE
FROM B-2 TO M-1 PER ZONING ORDINANCE ARTICLE XXIII
FOR HARNETT COUNTY PIN 1507-15-5219.000
ORD 2020-2021: 001**

Per Chapter 36 Zoning, Article XXIII, Changes and Amendments, Harnett County PIN 1507-15-5219.000 owned by PCC Properties, LLC, have been rezoned to M-1, Industrial District, Case# ZT-2021-002.

B3969 - P 186

HARNETT COUNTY TAX ID #
0605870600

For Registration Matthew S. Willis
Register of Deeds
Harnett County, NC
Electronically Recorded
2021 Apr 15 10:56 AM NC Rev Stamp: \$ 535.00
Book: 3989 Page: 186 - 188 Fee: \$ 26 00
Instrument Number: 2021008514

04-15-2021 BY: EG

Submitted by: Ragsdale Lippett PLLC (Ramsour), PO Box 31507, Raleigh, NC 27612

Prepared by: Lynn Matthews, Atty, 1103 W. Cumberland Street, Dunn, NC 28334

Return to: Grantee (No title examination or tax advice given)

EXCISE TAX: \$535.00

Parcel ID No.: 060587 0600 & 061507 0337 01 (Recombined see BM2021-143)

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED, made this 13th day of April, 2021, by and between WARREN REALTY, LLC a North Carolina limited liability company whose address is P.O. Box 1585, Dunn, NC 28335, hereinafter called GRANTOR, and PCC PROPERTIES, LLC a North Carolina limited liability company whose address is 1149 Taos Trail, Raleigh, NC 27603, hereinafter called GRANTEE.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors and assigns, and shall include singular, plural, masculine or feminine 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 Duke Township, Harnett County, North Carolina and more particularly described as follows:

BEING all of that 4.152 acres as shown on that map entitled "Recombination and Easement Revision Plat of Lots 1R & 2R Thomas G. Ralph Subdivision for Warren Realty, LLC" dated March 30, 2021 by Chandler Land Surveying and recorded in Map Number 2021, Page 143, Harnett County Registry.

This conveyance is made subject to those new and existing 30' access easements as shown on the map recorded in Map Number 2021, Page 143, Harnett County Registry.

All or a portion of that property herein conveyed does not include the primary residence of a Grantor. (N.C. Gen. Stat. §105-317.2).

The property hereinabove described was acquired by Grantor by instrument in Book 2102, Page 726, 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. General utility easements of record.
2. Easements, restrictions and rights of way of record.
3. 2021 ad valorem taxes which are not yet due and payable.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal, the day and year first above written.

WARREN REALTY LLC
A NC limited liability company

By: H. Lawrence Sanderson
H. Lawrence Sanderson, Manager

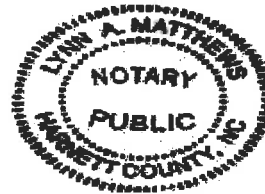
**NORTH CAROLINA
COUNTY OF HARNETT**

I, Lynn A. Matthews, a Notary Public, do hereby certify that H. Lawrence Sanderson, manager of Warren Realty, LLC a NC Limited Liability Company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

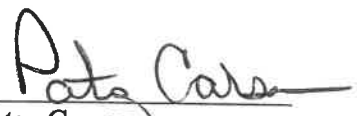
Witness my hand and notarial seal, this the 13th day of April, 2021.


Notary Public

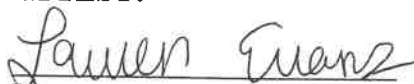
My Commission Expires: 5/31/21



Adopted this the 6th day of May 2021.

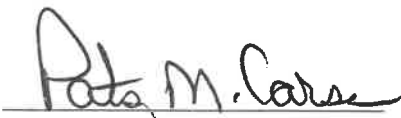

Patsy Carson,
Mayor

ATTEST:

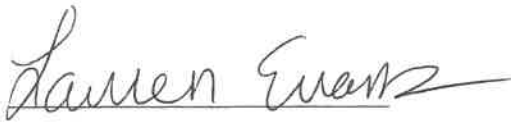

Lauren Evans
Town Clerk

Statement-of-Consistency

The requested rezoning to Industrial (M-1) is compatible with all of the Town of Erwin's regulatory documents and would not only have a positive impact on the surrounding community, but would enhance the public health, safety, and general welfare as stated in the evaluation. It is recommended that this rezoning request be **Approved**.



Patsy M. Carson
Mayor



Lauren Evans
Town Clerk



MINUTES CONTINUED FROM MAY 6, 2021

ZT-2021-003

Town Manager Snow Bowden informed the Board that this request is to rezone a corner lot of County Avenue and Dunn Erwin Road from B-2 to R-6. This lot is owned by Mr. Lucas and he applied for this request so he can use the lot for the outdoor storage of vehicles.

Commissioner Baker made a motion to open the Public Hearing and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Mayor Patsy Carson asked if anyone would like to come forward and speak in favor of the request.

Applicant, Ken Dawson, came forward and was sworn in by Town Clerk Lauren Evans.

Mr. Dawson, owner and operator of Ken Dawson Homes, informed the Board that he is simply requesting that the current zoning be returned to the previous zoning of R-6. The lot is approximately 2/3 of an acre and he is looking at getting three lots at approximately 2/10 of an acre out of that property. He stated he intends to put up a privacy fence since it is a corner lot and there is a commercial business next door. He is planning to build anywhere from 1,400-1,500 square feet homes with a two-car garage and the sale price will be \$210,000-\$215,000.

Mayor Patsy Carson asked if anyone would like to come forward and speak in favor of the request.

No one came forward.

Commissioner Turnage made a motion to close the Public Hearing and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner Blackmon made a motion to approve the Statement of Consistency that the requested rezoning to R-6 is compatible with all the Town of Erwin's regulatory documents and would not only have a positive impact on the surrounding community but would enhance the public health, safety, and general welfare as stated in the evaluation. It is recommended that this request be approved and was seconded by Commissioner Baker. **The Board voted unanimously.**

MINUTES CONTINUED FROM MAY 6, 2021

Commissioner Blackmon made a motion to approve the Ordinance for map amendment case #ZT-2021-003 amendment to the official zoning map to rezone from B-2 to R-6 per zoning ordinance article XXIII for Harnett County PIN 1507-40-7460.000 and was seconded by Commissioner Baker. **The Board voted unanimously.**

CU-2021-002

Commissioner Baker made a motion to open the Public Hearing and was seconded by Commissioner Alvarado. **The Board voted unanimously.**

Town Manager Snow Bowden stated that this request is to operate a vehicular sales lot at 302 East Jackson BLVD. It has been used as a car lot in the past but now it requires a permit. The previous request came before the Board a year or two ago but it was never approved. The applicant was in the meeting to answer any questions the Board may have.

Mayor Patsy Carson asked if anyone would like to come forward and speak in favor of the request.

Applicant, Michael Jackson, came forward and was sworn in by Town Clerk Lauren Evans.

Mr. Jackson requested that the Board approve the conditional use to lease the property at 302 East Jackson BLVD as a retail auto sales lot. The property is capable of meeting all the DMV requirements for the operation of a vehicular sales lot; the property is fenced and lighted. He stated where the cars and driveway are located, there is a 3-4 inch stone base covered with grass. He provided Town Manager Snow Bowden with photos to verify that the stone base is there. This lot was an existing car lot during the most recent flood events of Hurricane Matthew in 2016 and Hurricane Florence in 2018 and it did not flood in either of those events. He stated previously the Board suggested that the lot be paved, the unneeded impervious surfacing would most likely cause a flooding problem on this adjacent property. There is currently no drainage problem. He thanked the Board for their consideration and stated that their approval would be another business to the Town of Erwin.

Mayor Patsy Carson asked if anyone would like to come forward and speak against the request.

No one came forward.

MINUTES CONTINUED FROM MAY 6, 2021

Commissioner McKoy made a motion to close the Public Hearing and was seconded by Commissioner Baker. **The Board voted unanimously.**

Commissioner Alvarado made a motion that the use requested is listed among the conditional uses in the district for which the application is made and vehicular sales are a conditional use in our B-2 Zoning District and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner Baker made a motion that the requested use is essential or desirable to the public convenience or welfare and the proposed use of this parcel would give residents and people that live outside of our city limits another option to purchase a vehicle and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner Blackmon made a motion that 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 and there are a handful of vehicular sales lots off of Highway 421. The parcel is adjacent to other commercial operations. It is in a location identified in our 2014 Land Use Plan for high-intensity growth and was seconded by Commissioner Alvarado. **The Board voted unanimously.**

Commissioner Blackmon made a motion that the requested use will be in conformity with the Land Development Plan and this parcel is located in an area identified for High-Intensity growth in our 2014 Land Use Plan. The High-Intensity growth area is intended for commercial uses that have a more regional draw and may serve residents outside of the immediate area. Auto-oriented businesses are included in this area and was seconded by Commissioner Baker. **The Board voted unanimously.**

Commissioner Baker made a motion that adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided and the building meets the requirements for a vehicular sales operation based on the North Carolina Department of Motor Vehicles standards and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

MINUTES CONTINUED FROM MAY 6, 2021

Commissioner Baker made a motion that 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 and the applicant will be required to obtain a North Carolina Department of Transportation (NCDOT) driveway permit and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner Blackmon made a motion that the conditional 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 and there is already an improved parking area on this parcel. The parking area is made up of a surface of stone. The only recommendation that Town Staff would make is that they obtain an NCDOT driveway permit and was seconded by Commissioner McKoy. **The Board voted unanimously.**

Commissioner Alvarado made a motion to recommend that the proposed conditional use application meets all the Findings of Fact in the Affirmative, the proposed amendment is consistent with those documents that constitute the officially adopted land development plan and other applicable plans, and to recommend approval of CU-2021-002 Conditional Use Application for a vehicular sales lot at 302 East Jackson BLVD (HC Tax PIN# 0597-86-7344.000) and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

CU-2021-003

Commissioner Blackmon made a motion to open the Public Hearing and was seconded by Commissioner Baker. **The Board voted unanimously.**

Town Manager Snow Bowden stated this application is for outdoor storage of equipment on 127 Red Hill Church Road. The applicants' goals are to eventually bring everything indoors. They spoke earlier and are here to answer any questions the Board may have.

Mayor Patsy Carson asked if anyone would like to come forward and speak in favor of the request.

Applicant, William Boyer came forward with the instruction that he is still under oath.

MINUTES CONTINUED FROM MAY 6, 2021

Mr. Boyer stated as a general practice, their company likes to keep their equipment inside. They are requesting to park their trailers and trucks outside. They will put up a complete privacy 6-foot link fence so it looks neater.

Commissioner Baker asked how many employees they have and if anyone will be in the building full time during the day.

Mr. Boyer stated they have seven full-time and eight part-time employees but generally, they come in in the mornings, leave and come back for an hour or two. No one is there during the day unless maintenance is needed.

Commissioner Baker verified there would be minimal impact on traffic.

Mayor Patsy Carson asked if anyone would like to come forward and speak against the request.

Commissioner McKoy made a motion to close the Public Hearing and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner Baker made a motion that the use requested is listed among the conditional uses in the district for which the application is made and outdoor storage is a conditional use in both the B-2 and M-1 Zoning District and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner Baker made a motion that the requested use is essential or desirable to the public convenience or welfare and the proposed applicant would be opening a new business in Town and it would be providing a service that is needed in the area and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner Baker made a motion that 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 and there are other industrial land uses in the area and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner Blackmon made a motion that the requested use will be in conformity with the Land Development Plan and the property is in the area identified for medium intensity growth. The outdoor storage side of this business would be low impact and it would serve the community and was seconded by Commissioner Baker. **The Board voted unanimously.**

Commissioner McKoy made a motion that adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. Yes, this is an existing building that already has the necessary services. If the outdoor storage is approved they would install the proper fencing and was seconded by Commissioner Alvarado. **The Board voted unanimously.**

Commissioner Baker made a motion 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.

MINUTES CONTINUED FROM MAY 6, 2021

Yes, any proposed road connection would require an NCDOT driveway permit and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner Blackmon made a motion that the conditional 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 and was seconded by Commissioner Baker. **The Board voted unanimously.**

Commissioner Alvarado made a motion to recommend that the proposed conditional use application meets all the Findings of Fact in the Affirmative, the proposed amendment is consistent with those documents that constitute the officially adopted land development plan and other applicable plans, and recommends the approval of CU-2021-003 Conditional Use Application for outdoor storage of vehicles and equipment at 127 Red Hill Church Road (Harnett County Tax PIN # 1507-15-5219.000) and was seconded by Commissioner Baker. **The Board voted unanimously.**

NEW BUSINESS

HARNETT COUNTY SCHOOL BUS STOP ARM ORDINANCE

Town Manager Snow Bowden informed the Board that the Harnett County Commissioner at their April 6, 2021 Board Meeting adopted an Ordinance to force cars to stop when the bus arm is out. They now have the authority to put cameras on buses and they can write tickets to people who illegally pass the buses. The Commissioners have asked all the Municipalities to adopt a resolution authorizing the application of enforcement of their Ordinance within Town limits.

Commissioner Alvarado made a motion to adopt the resolution of the Harnett County School Bus Arm Ordinance and was seconded by Commissioner Thurman. **The Board voted unanimously.**

RESOLUTION OPPOSING HOUSE BILL 401 AND SENATE BILL 349

Town Manager Snow Bowden informed the Board that the NCLM is opposed to this bill. This is in the name of making housing more accessible and more affordable but the way it is written right now, they could be a duplex or a triplex in a rural district.

Commissioner Blackmon made a motion to approve the resolution opposing house bill 401 and senate bill 349 and was seconded by Commissioner Baker. **The Board voted unanimously.**

EAGLE SCOUT PROJECT

Town Manager informed the Board that Daniel Clayton, Tyrus Clayton's Son, approached him about completing his Eagle Scout requesting to install a wheelchair ramp for the Erwin History

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: May 6, 2021

Subject: ZT-2021-003

The Town has received a request to have a vacant parcel at the corner of Erwin Road and County Avenue rezoned from Highway Business (B-2) to Residential (R-6). There is a parcel that is zoned R-6 adjacent to the property and a parcel zoned R-6 across the street. The majority of the land uses in this area are zoned R-6. The vacant parcel does not have an address but it can be identified by its Harnett County Tax PIN #1507-40-7460.000.

The Planning Board adopted a statement-of-consistency and recommended this rezoning request for approval.

Attachments:

- ZT-2021-003 Application
- ZT-2021-003 Staff Report
- ZT-2021-003 GIS Image with Zoning
- ZT-2021-003 GIS Image with no Zoning
- ZT-2021-003 Statement-of-Consistency
- ZT-2021-003 Statement-of-Nonconsistency



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

Staff Only: Zoning Case # Z-2021-003
Fee: 300 Check # _____ MO _____ Cash _____
PB Recommendation: A D A/W Conditions
BOC Date: 5/6/21 Decision: A D T A/W Conditions

Print Applicant Name: Ken Dawson Homes, Inc. Kenneth W. Dawson - President
Name of Legal Property Owner _____
Location of Property _____

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

Zoning change requested from B2 to R-6

If Conditional District, note conditions: _____

Harnett County Tax Map PIN 1507-40-7460

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

Deans Tuning and Recovery LLC 2302 Erwin Rd. Dunn, NC 28334-6522

(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

PAID

MAR 14 2021

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.

TOWN OF ERWIN
pdck#
1899

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 of Applicant

(919) 422-6979 kenndawson@hotmail.com
Contact Number

2493 NC HWY 242 N, Benson, NC 27504

Mailing Address of Applicant



REZONING MAP REQUEST STAFF REPORT

Case: ZT-2020-03

Snow Bowden, Town Manager
townmanager@erwin-nc.org

Phone: (910) 591-4200 Fax: (910) 897-5543

Planning Board: 04/19/2021

Town Commissioners: 05/06/2021

Board:

Commissioners:

Requested zoning map amendment to a vacant parcel with no address. The parcel has the following Harnett County Tax PIN #1507-40-7460.000. The parcel is at the corner of Erwin Road and County Avenue.

Applicant Information

Owner of Record:

Name: Deans Towing and Recovery, LLC.

Address: 2302 Erwin Road

City/State/Zip: Dunn, NC 28334

Applicant:

Name: Ken Dawson Homes, INC.

Address: 2493 NC HWY 242 North

City/State/Zip: Benson, NC 27504

Property Description

Harnett County Tax PIN 1507-40-7460.000

Acres 0.64

Zoning District- B-2

Vicinity Map

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

Physical Characteristics

Site Description: This is a vacant parcel that is 0.64 acres. It is currently in our Highway Business (B-2) Zoning District. It is at the corner of Erwin Road and County Avenue.

Surrounding Land Uses: This parcel is surrounded by mostly residential land uses. There is a commercial business adjacent to the property and across the street.

Services Available

- Harnett County Regional Water and Sewer is available for this parcel
- Duke Energy would provide electricity
- CenturyLink is the telephone provider

Staff Evaluation

This is a vacant parcel at the corner of Erwin Road and County Avenue. It is 0.64 acres. It is primarily surrounded by residential land uses. There is a commercial operation adjacent to the property and across the street. In the 2014 Land Use Plan it is in an area identified for medium intensity growth. The medium intensity land use classification area is primarily envisioned for medium to high density mixed residential land uses. If this rezoning request is approved the parcel would be subdivided and have single-family dwellings built on the parcels. This request would fit in well with the area.

Attachments:

- ZT-2020-003 Application
- ZT-2020-003 Staff Evaluation
- GIS zoning district image
- GIS image
- Surrounding property owners notified

Harnett GIS



Harnett County GIS

Harnett County
NORTH CAROLINA

GIS/E-911 Addressing
March 25, 2021

Recycle Center

Landfills

Surrounding County Boundaries

Federal Property

City Limits

Harnett County Boundary

Address Numbers

Major Roads

Interstate

Airport

Roads

Mile_Markers

Railroad

Parcels

NC

US

0 165 330 660 Feet

1 inch = 376 feet

NOT FOR LEGAL USE

Harnett GIS



NOT FOR LEGAL USE



Harnett
COUNTY
NORTH CAROLINA

GIS/E-911 Addressing
March 25, 2021



N
W E
S



0 80 160 320 Feet
1 inch = 188 feet

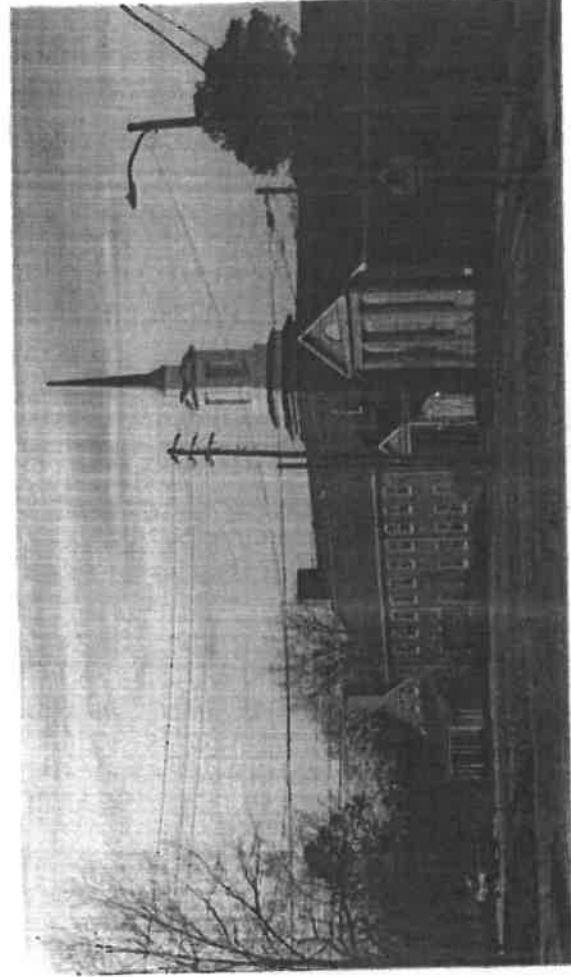
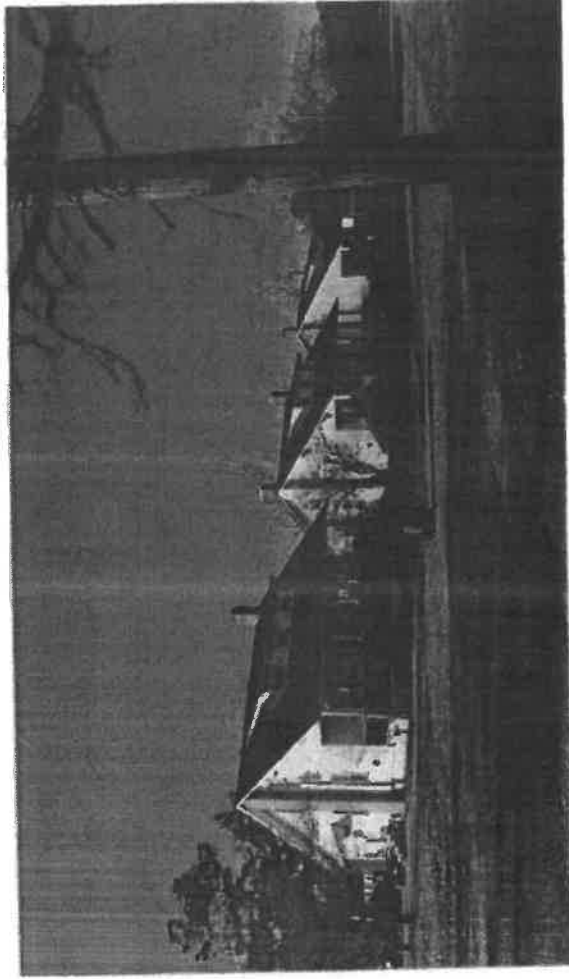
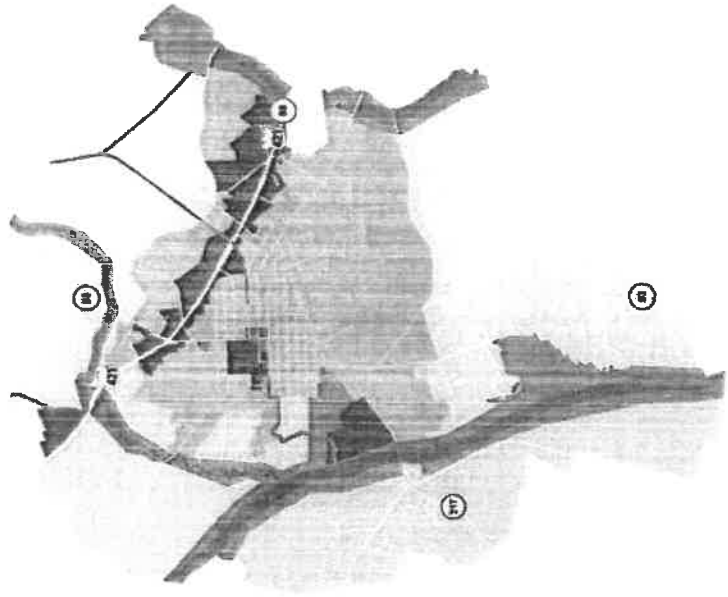
-  Recycle Center
-  Landfills
-  Surrounding County Boundaries
-  Federal Property
-  City Limits

-  Harnett County Boundary
-  Address Numbers
-  Major Roads
-  Interstate
-  Parcels
-  NC
-  US
-  Roads
-  Mile Markers
-  Railroad

Vision & Goals Section 2

MEDIUM INTENSITY

The medium intensity land use classification is primarily intended for medium to high density mixed residential uses in close proximity to the town's core or major corridors. This classification may also include some low impact neighborhood business, government, or institutional uses that serve the immediate needs of residents in the area. The existing mill village surrounding the downtown is an example of medium intensity development.



Deans Towing and Recovery, LLC.
2303 Erwin Road
Dunn, NC 28334

Ramona O. Warren
300 East K Street
Erwin, NC 28339

Rodney Ray Lewis
746 Timberlake Drive
Clinton, NC 28328

Roger and Juanita Chavis
103 Twin City Street
Dunn, NC 28334

Joshua Schmieding
104 County Avenue
Dunn, NC 28334

Cody D. Carter
106 County Avenue
Dunn, NC 28334

Lesia C. Raynor
201 Raynor Street
Dunn, NC 28334

Margie G. Godwin
211 Twin City Street
Dunn, NC 28334

Riley Albert Butler Jr.
101 West Aycock Street
Raleigh, NC 27608

Jonathan Bethune
3032 US 401 S
Lillington, NC 27546

Angus and Dora House
110 County Avenue
Dunn, NC 28334



TOWN OF ERWIN

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

Mayor
Patsy M. Carson
Mayor Pro Tem
Randy L. Baker
Commissioners
William R. Turnage
Thurman E. Whitman
Alvester L. McKoy
Ricky W. Blackmon
Melinda Alvarado

**ORDINANCE FOR MAP AMENDMENT CASE # ZT-2021-003
AMENDMENT TO THE OFFICAL ZONING MAP TO REZONE
FROM B-2 TO R-6 PER ZONING ORDINANCE ARTICLE XXIII
FOR HARNETT COUNTY PIN 1507-40-7460.000**

ORD 2020-2021: 002

Per Chapter 36 Zoning, Article XXIII, Changes and Amendments, Harnett County PIN 1507-40-7460.000 owned by Deans Towing and Recovery, LLC, has been rezoned to R-6, Residential District, Case# ZT-2021-003.

B3677 - P 527

HARNETT COUNTY TAX ID #
061507 0091

03-04-2019 BY: SB

For Registration Kimberly S. Hargrove
Register of Deeds
Harnett County, NC
Electronically Recorded
2019 Mar 04 10:57 AM NC Rev Stamp: \$ 60.00
Book: 3677 Page: 527 - 530 Fee: \$ 26.00
Instrument Number: 2019002530

Prepared by and return to: Lynn Matthews, Atty, 1103 W. Cumberland Street, Dunn, NC 28334

EXCISE TAX: \$60.00
Parcel ID No.: 071519003304

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED, made this 4th day of March, 2019, by and between ANNETTE A. BARFIELD, widow of 1304 Guy Avenue, Dunn, NC 28334, hereinafter called GRANTOR, and DEAN'S TOWING & RECOVERY LLC, a NC limited liability company of 2302 Erwin Road, Dunn, NC 28334, hereinafter called GRANTEE.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors and assigns, and shall include singular, plural, masculine or feminine 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 the Duke Township, Harnett County, North Carolina and more particularly described as follows:

See Exhibit A attached hereto and made a part hereof.

All or a portion of that property herein conveyed does not include the primary residence of a Grantor. (N.C. Gen. Stat. §105-317.2).

The property hereinabove described was acquired by Grantor by instrument in Book 531, Page 257, 69SP174, 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. General utility easements of record.
2. Easements, restrictions and rights of way of record.
3. Such facts as an environmental study on the subject property by an environmental engineer would reveal.
4. 2019 ad valorem taxes which are not yet payable.


IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal, the day and year first above written.


ANNETTE A. BARFIELD

STATE OF NORTH CAROLINA
COUNTY OF HARNETT

I, Lynn A. Matthews, a Notary Public, do hereby certify that Annette A. Barfield appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this the 4th day of March, 2019.



Notary Public

My Commission Expires: 5/31/21

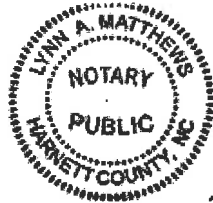


EXHIBIT "A"
LEGAL DESCRIPTION

BEING all of Lot 3B as shown on map entitled "Division of The Cey Lucas Estate", dated July 23, 1970 and recorded in Map Book 15, Page 47 and more particularly described as follows:


BEGINNING at an iron stake, which said iron stake is located in the southern margin of Old U.S. Highway 421 at its intersection with the western margin of County Avenue (State Road 1515) and runs thence as the western margin of County Avenue South 19 degrees West 189.70 feet; thence North 69 degrees 54 minutes West 116.67 feet; thence North 71 degrees 54 minutes West 39.09 feet; thence North 21 degrees 47 minutes East 118.15 feet to an iron stake in the southern margin of Old U.S. Highway 421; thence as the southern margin of Old U.S. Highway 421 South 68 degrees 27 minutes East 150.97 feet to the point of Beginning and containing 0.67 acres, more or less.

Adopted this the 6th day of May 2021.



Patsy Carson,
Mayor

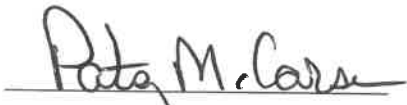
ATTEST:



Lauren Evans
Town Clerk

Statement-of-Consistency

The requested rezoning to R-6 is compatible with all of the Town of Erwin's regulatory documents and would not only have a positive impact on the surrounding community, but would enhance the public health, safety, and general welfare as stated in the evaluation. It is recommended that this rezoning request be **Approved**.



Patsy M. Carson
Mayor



Lauren Evans
Town Clerk



Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: May 6, 2021

Subject: CU-2021-002

The Town has received a conditional use application to operate a vehicular sales lot at 302 East Jackson BLVD. The property has the following Harnett County Tax PIN # 0597-86-7344.000. The building that is currently on site meets the standards for a vehicular sales office based on the standards of the North Carolina Department of Motor Vehicles. I have been told this site was a vehicular sales lot in the past. There was a conditional use permit approved for this parcel to be used for vehicular sales in the past but it expired due to the fact that no action was taken within a year to open the facility. Upon site inspection, there does appear to be an improved parking surface made up of stone under the grass that is on site.

Attachments:

- CU-2021-002 Application
- CU-2021-002 Staff Evaluation
- 2014 Land Use Plan High Intensity Growth page
- GIS Image with Zoning
- GIS Image with no Zoning

Suggested Motions:

For legal purposes, Staff recommends that 3 separate recommendations be made:

1. I move to recommend that the proposed conditional use application:
 - a. Meets all the Findings of Fact in the Affirmative, or
 - b. Meets one or more of the Findings of Fact in the negative (if this motion is made, then the application would have to be recommended for denial.)
2. I move that:
 - a. The proposed amendment is consistent those documents that constitute the officially adopted land development plan and other applicable plans: or
 - b. The proposed amendment is not consistent those documents that constitute the officially adopted land development plans and other applicable plans, in that (state reason(s) for nonconsistency).

3. I move that to recommend:

- a. Approval of CU-2021-002 Conditional Use Application for a vehicular sales lot at 302 East Jackson BLVD (HC Tax PIN# 0597-86-7344.000).**
- b. Denial of CU-2021-002 Conditional Use Application for a vehicular sales lot at 302 East Jackson BLVD (HC Tax PIN# 0597-86-7344.000).**
- c. Approval of CU-2021-002 Conditional Use Application for a vehicular sales lot at 302 East Jackson BLVD (HC Tax PIN # 0597-86-7344.000) with additional conditions (state conditions).**



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

CONDITIONAL USE APPLICATION

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

Applicant Name	Jackson Family Enterprises	Property Owner Name	- same -
Mailing Address	111 Denim Dr	Mailing Address	
City, State, Zip	Erwin, NC 28339	City, State, Zip	
Telephone	910-890-4296	Telephone	
Email	micheelrjackson.sr@gmail.com	Email	
Address of Subject Property	302 E Jackson Blvd, Erwin, NC 28339		
Parcel Identification Number(s) (PIN) of Subject Property	0.597 - 86 - 7344 .000		
Legal Relationship of Applicant to Owner	Same	Floodplain SFHA	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Legal Description: Lot	Block	Subdivision	
Zoning District	Wetlands	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Watershed Area Yes <input type="checkbox"/> No <input type="checkbox"/>
Public Water Available: <input checked="" type="checkbox"/> Y or N	Public Sewer Available: Y or N	Existing Septic Tank: Y or <input checked="" type="checkbox"/> N	
Number of Buildings to Remain	1	Gross Floor Area to Remain	
Describe Proposed Project or Request with Conditions proposed by applicant: Property to be used as is without improvements as a Auto Sales lot.			
Total Acreage or Square Footage to be Disturbed	- 0 -		
Estimated Cost of Project \$	- 0 -		

PAID

Attach a scaled illustrative plot or site plan showing all lot dimensions, buildings, structures, driveways, parking spaces, and distances between structures and property lines. **MAR 10 2021**

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.

TOWN OF ERWIN
 pd clt #
 2481

Office Use Only	
Date Application Submitted <u>3-10-21</u>	Application Fee \$ <u>300</u> Received By <u>SAL</u>
Case # CU-2021-002	



TOWN OF ERWIN
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Conditional Use Signature Page

It is understood by the undersigned that the development and execution of the Conditional Use Ordinance 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 conditional 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 Conditional 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 conditional use, the Planning Board may recommend, and the Board of Commissioners may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the conditional 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 conditional 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 Conditional Use Permit does not exempt applicant from complying with all of the requirements of building codes and other ordinances.

CU-2021-002A

Revocation: In any case where the conditions of the Conditional 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 Conditional 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 conditional use and any conditions attached shall be perpetually binding to the property unless it is expressly limited.

Applicant Signature and Date: Jackson Family Enterprises, LLC
by Mike Jackson 3/10/21

★ see attached



TOWN OF ERWIN

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CONDITIONAL 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 _____

CU-2021-002

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

1. The use requested is listed among the conditional 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 conditional 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 _____



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CONDITIONAL USE APPLICATION PROCEDURES

1. Completed application for the Conditional 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 third Friday of the month prior to the following Planning Board meeting to ensure the application will be heard at the following Planning Board meeting. Planning Board meets on the third Monday of each month.
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 Conditional 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 \$250.
4. Planning Board reviews the application prior to the public hearing and makes recommendation to the Board of Commissioners.

Conditions and Guarantees

Prior to the granting of any conditional use, the Planning Board may recommend, and the Board of Commissioners may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the conditional 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 conditional 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 Conditional Use Permit following the public hearing.

Action by the Board of Commissioners

In granting a Conditional 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 conditional 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 conditional 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



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IMPORTANT

This is a complete Conditional Use Application package consisting of 11 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 Conditional 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 – Conditional Uses.
- Complete the Conditional Use Permit Application, the Conditional 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

Conditional 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 sit 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 20 copies of this completed application. Each member of the Governing Board and Planning 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 third Friday of the month to be placed on following month's Planning Board Agenda. The Planning Board's recommendation will be presented during a Public Hearing for the Conditional Use Request. The Planning Board may revise its recommendation following the Public Hearing and present such recommendation to the Governing Board before the Governing Board takes action.

**Town of Erwin
Record and Decisions**

Notice Mailed _____

Office Use Only

Property Posted _____

Newspaper Advertised Date _____

Planning Board Motion

Certified By: _____

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"/>
<input type="checkbox"/>	<input type="checkbox"/>

Public Hearing Date and Comments: _____

Governing Body Motion

Certified By: _____

Record of Decision:

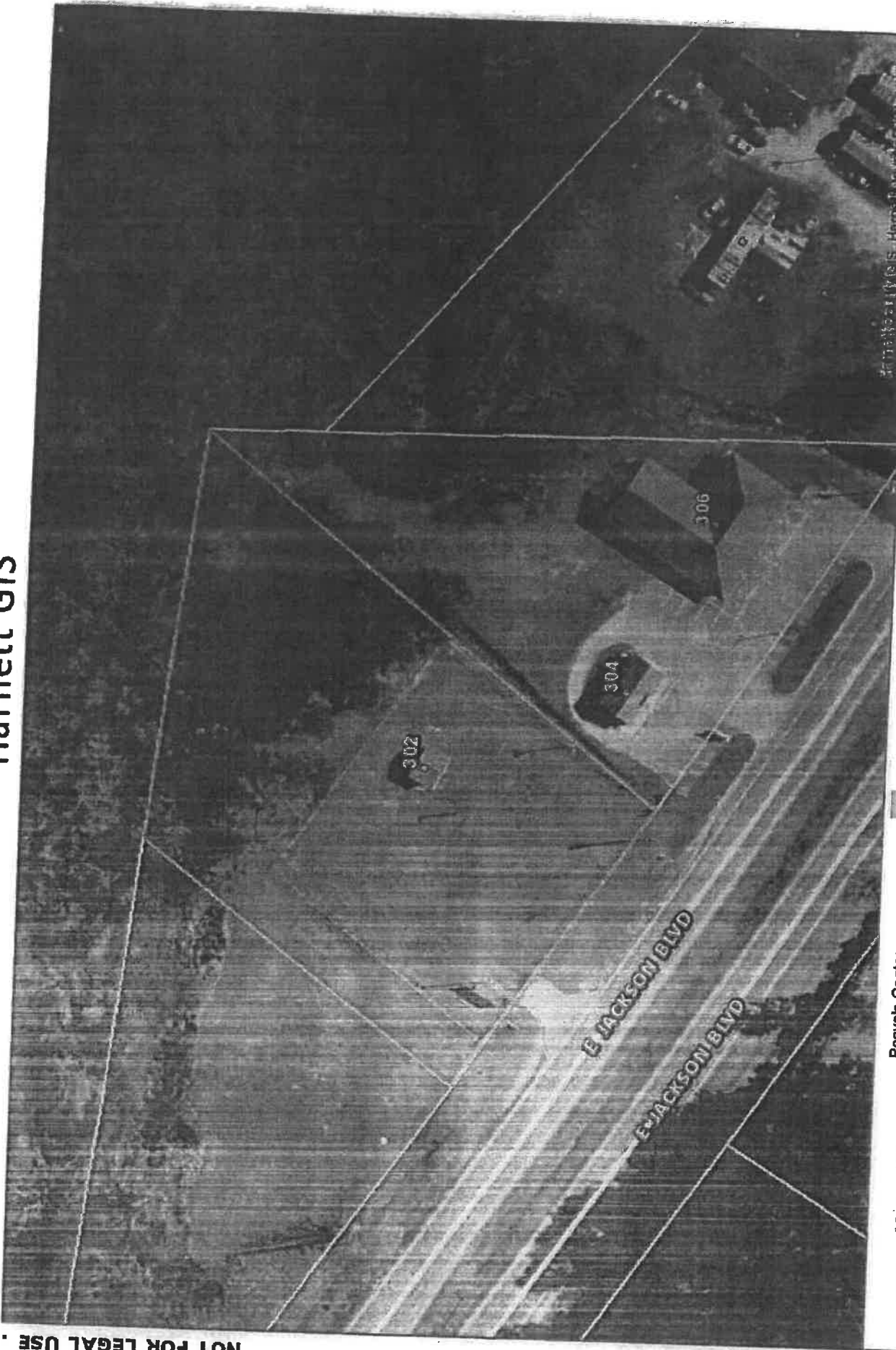
Yea	Nay
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Town Board Decision and Date _____

Certified By: _____

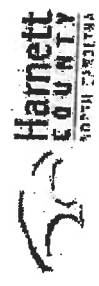
Harnett GIS

NOT FOR LEGAL USE



Harnett County GIS - Harnett County GIS Department

- Recycle Center
- Landfills
- Surrounding County Boundaries
- Federal Property
- City Limits
- Harnett County Boundary
- Address Numbers
- Major Roads
- Interstate
- NC
- US
- Roads
- Mile Markers
- Railroad
- Parcels



Harnett County
NORTH CAROLINA
GIS/E-911 Addressing
March 10, 2021





CONDITIONAL USE REQUEST STAFF REPORT

Case: CU-2021-002

Snow Bowden, Town Manager
townmanager@erwin-nc.org

Phone: (910) 591-4200 Fax: (910) 897-5543

Planning Board: 04/19/2021

Town Commissioners: 05/06/2021

Requested conditional use to operate a vehicular sales lot at 302 East Jackson BLVD.

Applicant Information

Owner of Record:

Name: Jackson Family Enterprises, LLC.

Address: 111 Denim Drive

City/State/Zip: Erwin, NC 28339

Applicant:

Name: Jackson Family Enterprises, LLC.

Address: 111 Denim Drive

City/State/Zip: Erwin, NC 28339

Property Description

Harnett County Tax PIN 0597-86-7344.000

Acres 1.32

Zoning District- B-2 (Highway Business)

Vicinity Map

- See Attached Document

Physical Characteristics

Site Description: This is a parcel that has an existing building on it that was built in 1980 based on Harnett County GIS data. The building is 228 square feet based on Harnett County GIS data. It is not paved but it does appear to have an improved parking area on site.

Surrounding Land Uses: The parcel is off of Highway 421 and it has a vacant parcel next to it that is zoned B-2 and another parcel next to it that has two buildings next to it that are both commercial uses. One of those buildings is vacant and the other building is used by a hair dresser.

Services Available

- Electricity (Duke Energy)
- Telephone (Centurylink)
- Harnett Regional Water (Water and Sewer)

Zoning District Compatibility

Conditional Use	B-2
Vehicular Sales and Rental	X

Staff Evaluation

Staff Evaluation

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

- **Reasoning:** Vehicular sales are a conditional use in our B-2 Zoning District.

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

- **Reasoning:** The proposed use of this parcel would give residents and people that live outside of our city limits another option to purchase a vehicle.

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:** There are a handful of vehicular sales lots off of Highway 421. The parcel is adjacent to other commercial operations. It is in a location identified in our 2014 Land Use Plan for high intensity growth.

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

- **Reasoning:** This parcel is located in an area identified for High Intensity growth in our 2014 Land Use Plan. The High Intensity growth area is intended for commercial uses that have a more regional draw and may serve residents outside of the immediate area. Auto-oriented businesses are included in this area.

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

- **Reasoning:** The building meets the requirements for a vehicular sales operation based on the North Carolina Department of Motor Vehicles standards.

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:** The applicant will be required to obtain a North Carolina Department of Transportation (NCDOT) driveway permit.

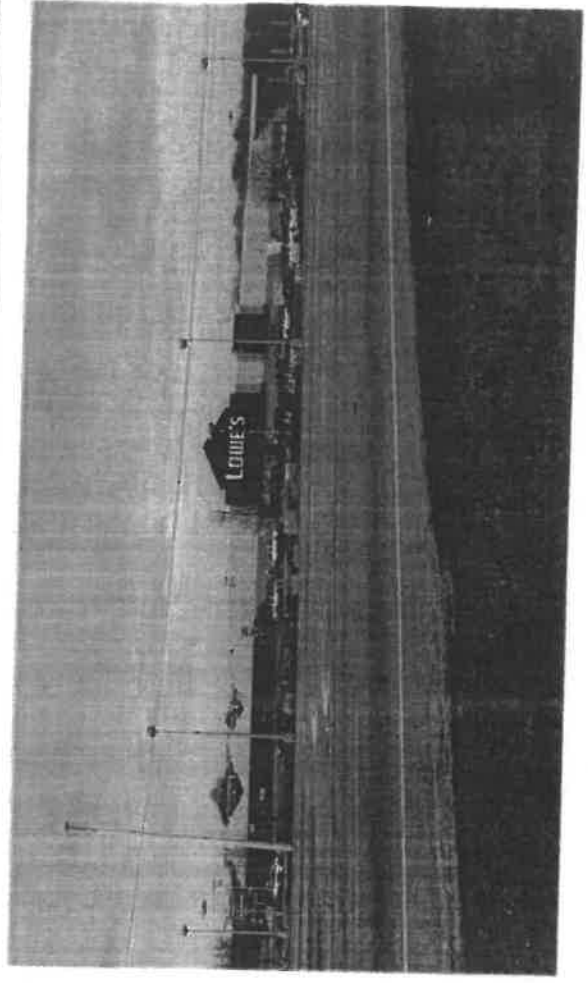
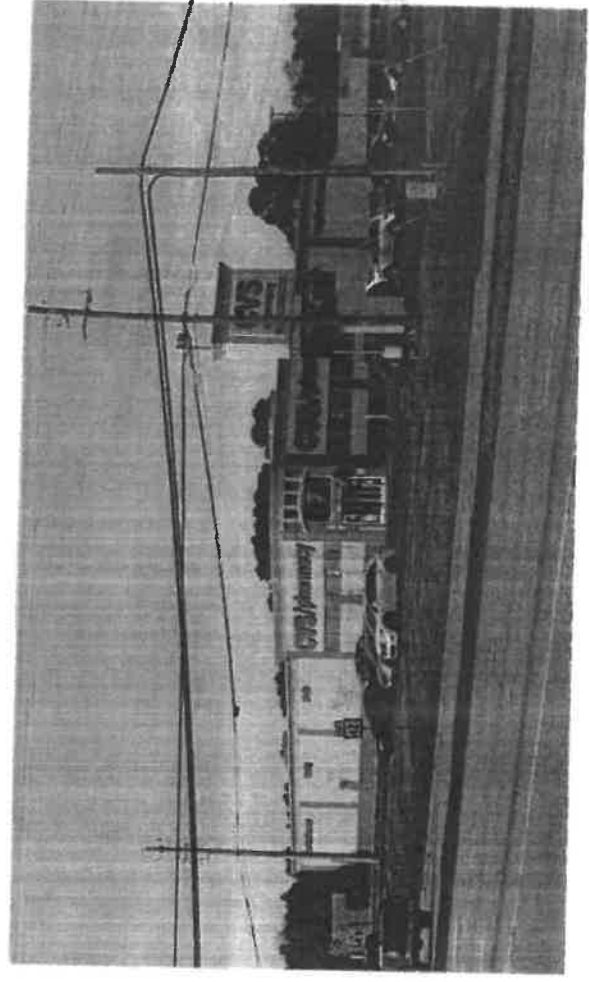
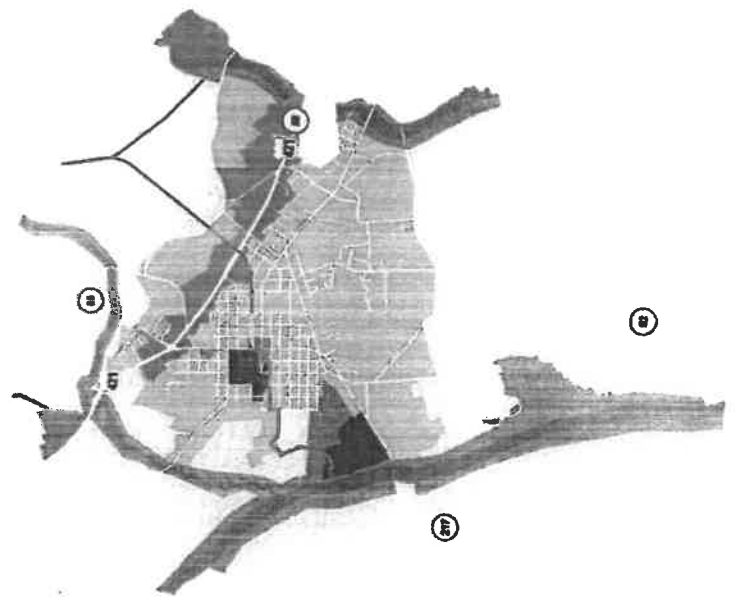
Yes No That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners pursuant to the recommendations of the Planning Board.

- **Reasoning:** There is already an improved parking area on this parcel. The parking area is made up of a surface of stone. The only recommendation that Town Staff would make is that they obtain an NCDOT drive-way permit.

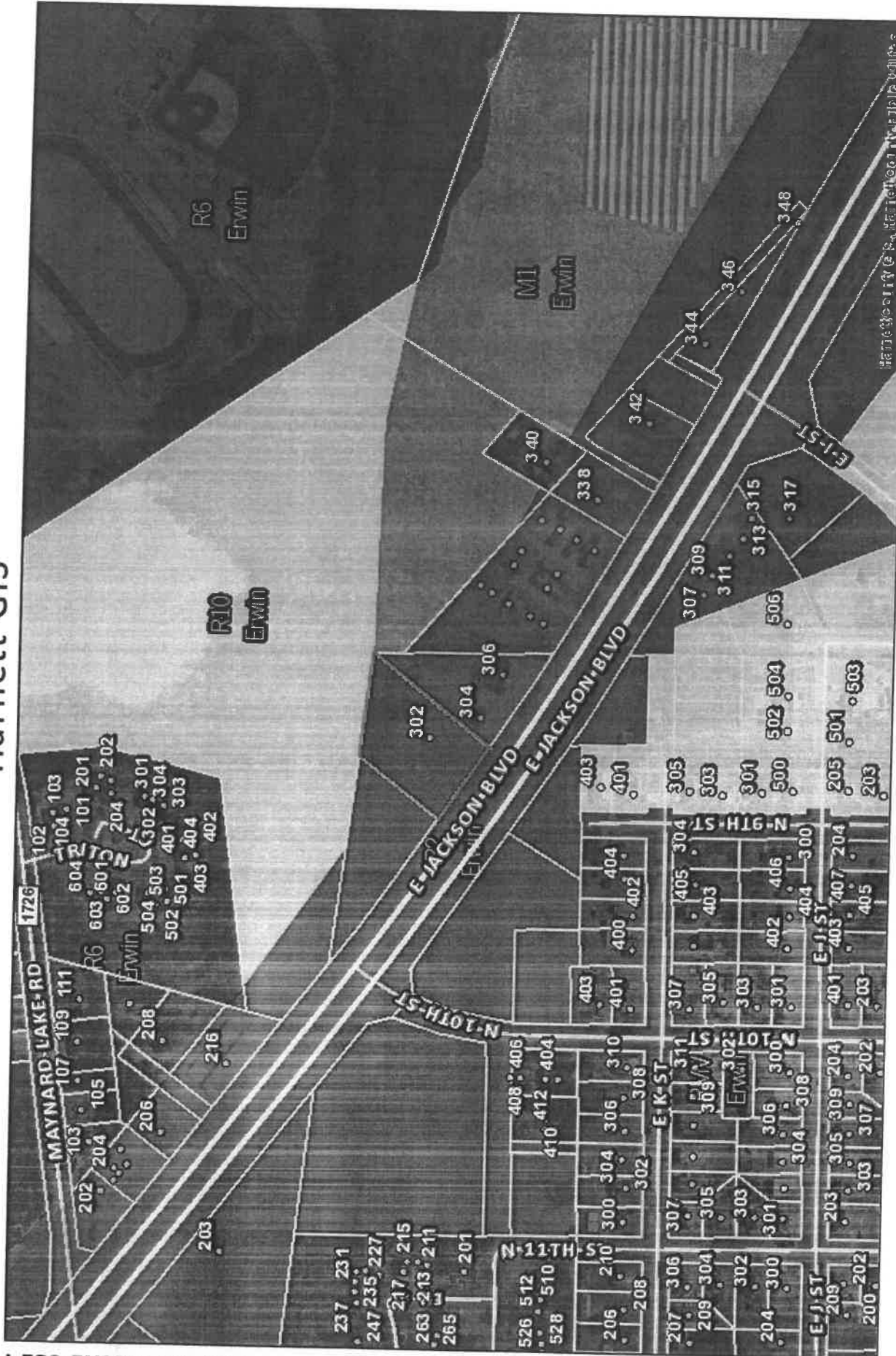
Section 2 Vision & Goals

HIGH INTENSITY

This land use classification is intended for commercial uses that have a more regional draw and may serve residents outside of the immediate area. This classification would include larger retail establishments, large medical facilities, fast food restaurants, and more auto-oriented development. The Lowe's Home Improvement store is an example of a high intensity use.



Harnett GIS

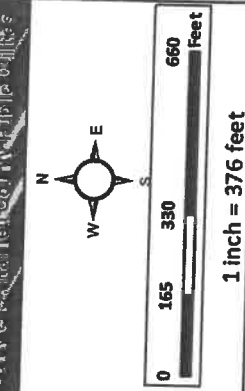


NOT FOR LEGAL USE



Harnett
County
North Carolina


GIS/E-911 Addressing
March 23, 2021



Harnett GIS




NOT FOR LEGAL USE




Harnett
COUNTY
NORTH CAROLINA

GIS/E-911 Addressing
March 23, 2021



N
W E
S



0 80 160 320 Feet
1 inch = 188 feet

Recycle Center

Landfills

Surrounding County Boundaries

Federal Property

City Limits

Harnett County Boundary

Address Numbers

MajorRoads

Interstate

NC

US

Roads

Mile_Markers

Railroad

Parcels

Airport

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: May 6, 2021

Subject: CU-2021-003

A conditional use application has been submitted to the Town of Erwin for the property located at 127 Red Hill Church Road. There was also an application submitted to have this property rezoned from Highway Business (B-2) to Industrial (M-1). The conditional use application request is for the outdoor storage of equipment and vehicles. This use is a conditional use in both zoning districts. The property owner does intend on putting a fence up and the proper buffing if approved.

Attachments:

- CU-2021-003 Application
- CU-2021-003 Staff Report
- Harnett County GIS image with zoning
- Harnett County GIS image with no zoning
- CU-2021-003 Site description
- CU-2021-003 pictures from applicant

Suggested Motions:

For legal purposes, Staff recommends that 3 separate recommendations be made:

1. I move to recommend that the proposed conditional use application:
 - a. Meets all the Findings of Fact in the Affirmative, or
 - b. Meets one or more of the Findings of Fact in the negative (if this motion is made, then the application would have to be recommended for denial.)
2. I move that:
 - a. The proposed amendment is consistent those documents that constitute the officially adopted land development plan and other applicable plans: or
 - b. The proposed amendment is not consistent those documents that constitute the officially adopted land development plans and other applicable plans, in that (state reason(s) for nonconsistency).

3. I move that to recommend:

- a. Approval of CU-2021-003 Conditional Use Application for outdoor storage of vehicles and equipment at 127 Red Hill Church Road (Harnett County Tax PIN # 1507-15-5219.000).
- b. Denial of CU-2021-003 Conditional Use Application for outdoor storage of vehicles and equipment at 127 Red Hill Church Road (Harnett County Tax PIN # 1507-15-5219.000).
- c. Approval of CU-2021-003 Conditional Use Application for outdoor storage of vehicles and equipment at 127 Red Hill Church Road (Harnett County Tax PIN # 1507-15-5219.000) with additional conditions (state conditions).



TOWN OF ERWIN

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Erwin, NC 28339
(910) 897-5140 V (910) 897-5543 F
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CONDITIONAL USE APPLICATION

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

Applicant Name	PCC Properties	Property Owner Name	Warren Realty
Mailing Address	1149 Taos Trail	Mailing Address	
City, State, Zip	Raleigh, NC 27603	City, State, Zip	
Telephone	919.971.3869 (Kathy)	Telephone	
Email	boyer.kathy@gmail.com	Email	
Address of Subject Property	127 Red Hill Church Rd and #2 R Lot adjacent		
Parcel Identification Number(s) (PIN) of Subject Property	1507-15-5219.000		
Legal Relationship of Applicant to Owner	Potential Buyer or Acquire	Floodplain SFHA	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Legal Description: Lot	Block	Subdivision	
Zoning District	B-2 curial	Wetlands	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Watershed Area
Public Water Available:	Y or N <input checked="" type="checkbox"/>	Public Sewer Available:	Y or N <input checked="" type="checkbox"/> Existing Septic Tank: Y or N
Number of Buildings to Remain		Gross Floor Area to Remain	
Describe Proposed Project or Request with Conditions proposed by applicant:			
- see project summary			PAID
Total Acreage or Square Footage to be Disturbed			
Estimated Cost of Project \$			

askin
to
M-1

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.

pd clct # 0410746

Office Use Only	
Date Application Submitted	3/22/2021 Application Fee \$ 300 Received By SAL
Case # CU-2021-003	



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Conditional Use Signature Page

It is understood by the undersigned that the development and execution of the Conditional Use Ordinance 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 conditional 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 Conditional 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 conditional use, the Planning Board may recommend, and the Board of Commissioners may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the conditional 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 conditional 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 Conditional Use Permit does not exempt applicant from complying with all of the requirements of building codes and other ordinances.

Revocation: In any case where the conditions of the Conditional 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 Conditional 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 conditional use and any conditions attached shall be perpetually binding to the property unless it is expressly limited.

Applicant Signature and Date: Kate J.

A see attached



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CONDITIONAL 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 _____

Stephen Nelson Owens
Kelly McLeod Nelson
588 Mabry Rd.
Anger, NC 27501

Arvalee Mclamb
71 Wise Rd.
Dunn, NC 28334

Hal and Mary Alice Penny
183 Red Hill Church Road
Dunn, NC 28334

Warren Realty, LLC.
PO Box 1585
Dunn, NC 28334

Raeford Nelson Jackson
15 Red Hill Church Rd.
Dunn, NC 28334

Harnett County
PO Box 759
Lillington, NC 27546

Pleasant Grove FWB Church
290 Red Hill Church Road
Dunn, NC 28334

Joseph and Martha Stancil
47 Red Hill Church Road
Dunn, NC 28334

Leah Marie Rzemien
118 Red Hill Church Road
Dunn, NC 28334

Malcom Sexton Vann Jr.
144 Red Hill Church Road
Dunn, NC 28334

Milford and Joyce Barefoot
72 Red Hill Church Road
Dunn, NC 28334

Stephen Nelson Owens
Kelly McLeod Nelson
588 Mabry Rd.
Anger, NC 27501

Arvalee Mclamb
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72 Red Hill Church Road
Dunn, NC 28334

Pleasant Grove FWB Church
290 Red Hill Church Road
Dunn, NC 28334

PCC Properties
1149 Taos Trail
Raleigh, NC 27603

PCC Properties
1149 Taos Trail
Raleigh, NC 27603

See attached

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

1. The use requested is listed among the conditional 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 conditional 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 _____



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CONDITIONAL USE APPLICATION PROCEDURES

1. Completed application for the Conditional 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 third Friday of the month prior to the following Planning Board meeting to ensure the application will be heard at the following Planning Board meeting. Planning Board meets on the third Monday of each month.
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 Conditional 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 \$250.
4. Planning Board reviews the application prior to the public hearing and makes recommendation to the Board of Commissioners.

Conditions and Guarantees

Prior to the granting of any conditional use, the Planning Board may recommend, and the Board of Commissioners may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the conditional 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 conditional 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 Conditional Use Permit following the public hearing.

Action by the Board of Commissioners

In granting a Conditional 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 conditional 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 conditional 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



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IMPORTANT

This is a complete Conditional Use Application package consisting of 11 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 Conditional 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 – Conditional Uses.
- Complete the Conditional Use Permit Application, the Conditional 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

Conditional 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 sit 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 20 copies of this completed application. Each member of the Governing Board and Planning 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 third Friday of the month to be placed on following month's Planning Board Agenda. The Planning Board's recommendation will be presented during a Public Hearing for the Conditional Use Request. The Planning Board may revise its recommendation following the Public Hearing and present such recommendation to the Governing Board before the Governing Board takes action.

**Town of Erwin
Record and Decisions**

Office Use Only

Notice Mailed _____ Property Posted _____ Newspaper Advertised Date _____

Planning Board Motion

Certified By: _____

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"/>
<input type="checkbox"/>	<input type="checkbox"/>

Public Hearing Date and Comments: _____

Governing Body Motion

Certified By: _____

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"/>
<input type="checkbox"/>	<input type="checkbox"/>

Town Board Decision and Date _____

Certified By: _____



CONDITIONAL USE REQUEST STAFF REPORT

Case: CU-2021-003

Snow Bowden, Town Manager
townmanager@erwin-nc.org

Phone: (910) 591-4200 Fax: (910) 897-5543

Planning Board: 04/19/2021

Town Commissioners: 05/06/2021

Requested conditional use to operate a business at 127 Red Hill Church Road that would require the need for outdoor storage.

Applicant Information

Owner of Record:

Name: PCC Properties

Address: 1149 Taos Trail

City/State/Zip: Raleigh, NC 27603

Applicant:

Name: Warren Realty, LLC.

Address: P.O. Box 1585

City/State/Zip: Dunn, NC 28334

Property Description

Harnett County Tax PIN 1507-15-5219.000

Acres 2.13

Zoning District- B-2 (Highway Business) at the moment. The applicant has submitted a rezoning request to have the property rezoned to M-1 (Industrial). Based on Harnett County GIS data the parcel is 99.47% B-2 and 0.53% M-1 at the moment.

Vicinity Map

- See Attached Document

Physical Characteristics

Site Description: 127 Red Hill Church road is a parcel that is 2.13 acres. It has an existing building on it that is 8,500 square feet and was built in 1977 based on Harnett County GIS data. It has been used as a vehicular services establishment in the past. There is a vacant tract of land adjacent to the property that is 2.10 acres.

Surrounding Land Uses: There is a vacant tract of land directly adjacent to the property that has the same property owner. There are residential land uses in the area and industrial land uses.

Services Available

- Electricity (Duke Energy)
- Telephone (Centurylink)

- Harnett Regional Water (Water and Sewer)

Zoning District Compatibility

Conditional Use	B-2/M-1
Outdoor Storage	X

Staff Evaluation

Staff Evaluation

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

- **Reasoning:** Outdoor storage is a conditional use in both the B-2 and M-1 Zoning District.

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

- **Reasoning:** The proposed applicant would be opening a new business in Town and it would be providing a service that is needed in the area.

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:** There are other industrial land uses in the area.

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

- **Reasoning:** The property is in the area identified for medium intensity growth. The outdoor storage side of this business would be low impact and it would serve the community.

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

- **Reasoning:** Yes, this is an existing building that already has the necessary services. If the outdoor storage is approved they would install the proper fencing.

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, any proposed road connection would require an NCDOT driveway permit.

Yes No That the conditional 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.

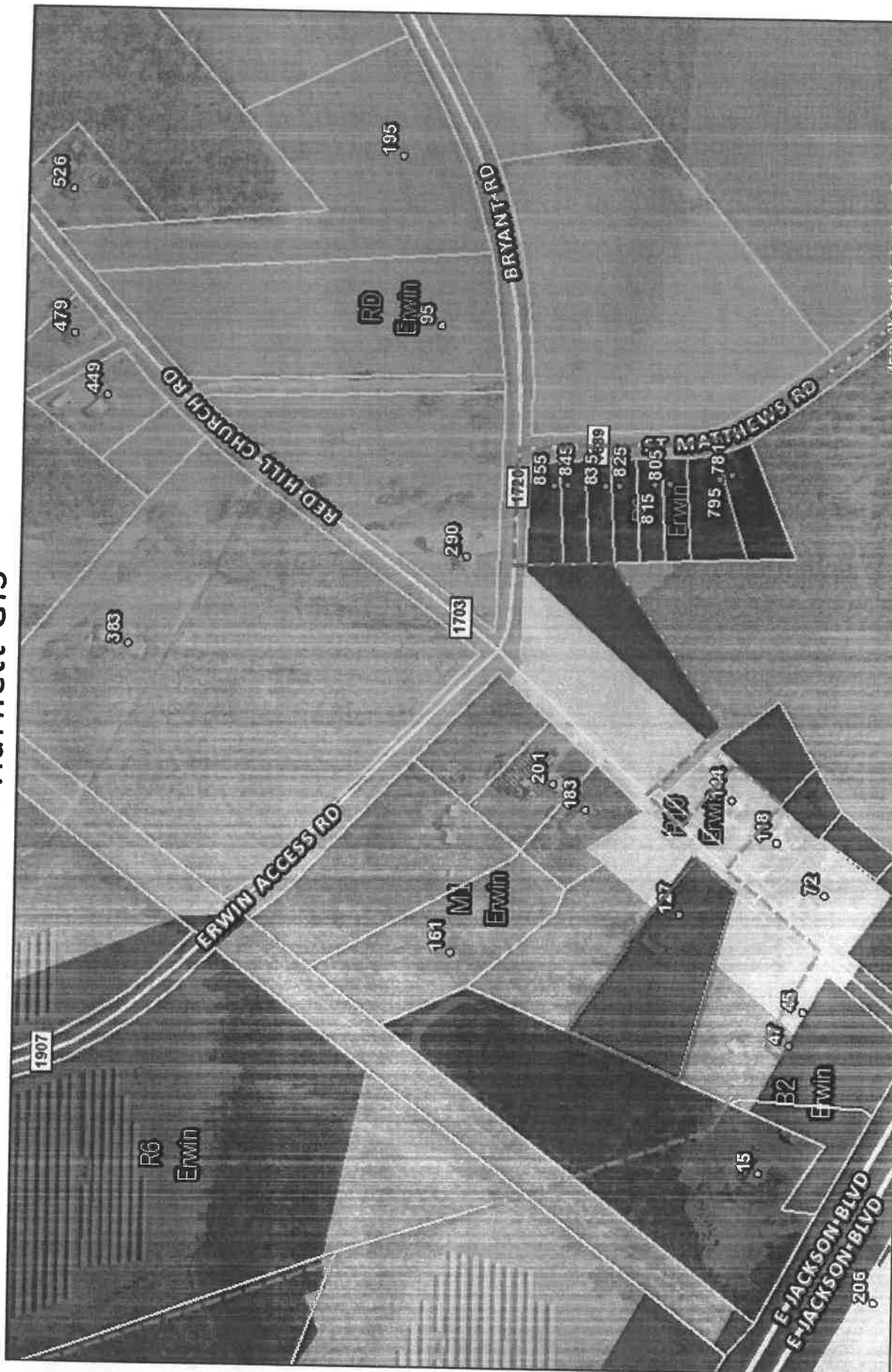
- **Reasoning:** Yes

Attachments:

- GIS zoning district image
- GIS image

- **CU-2021-003 application**
- **CU-2021-003 Staff Report**

Harnett GIS



Harnett County GIS, Harnett County Public Utilities

Harnett County
NORTH CAROLINA

GIS/E-911 Addressing
March 23, 2021

1 inch = 376 feet


	Recycle Center		Harnett County Boundary		NC		Parcels
	Landfills		Address Numbers		US		Roads
	Surrounding County Boundaries		MajorRoads		Mile_Markers		Railroad
	Federal Property		Airport		Interstate		
	City Limits						

NOT FOR LEGAL USE

Harnett GIS



NOT FOR LEGAL USE



Harnett COUNTY
NORTH CAROLINA

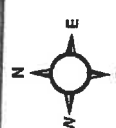

GIS/E-911 Addressing
March 23, 2021

☐ Recycle Center
☐ Landfills
☐ Surrounding County Boundaries
☐ Federal Property
☐ City Limits

— Harnett County Boundary
○ Address Numbers
✈ Major Roads
— Interstate

— NC
— US
◆ Mile_Markers
— Railroad

☐ Parcels
— Roads

1 inch = 376 feet



Boyer Enterprises East, LLC

MEMORANDUM

TO: Snow Bowden, Town Manager, Town of Erwin

FROM: William Boyer, Owner, Boyer Enterprises East, LLC

RE: Description of Business Activities and 127 Red Hill Church Rd Proposed Land Use

The purpose of this memo is to describe the business activities conducted by Boyer Enterprises East, LLC (BEE), and provide a proposal for the use of 127 Red Hill Church Road. Attached is a map of the property with our proposed modifications, and the rezoning permit application.

Bill Boyer wholly owns BEE, as well as a property holdings company, PCC Properties, LLC. PCC Properties is under contract to purchase 127 Red Hill Church Rd and Adjacent Lot #2R (which is under process to be combined into one parcel). The intention is to lease the warehouse and adjacent lot to BEE. As such, PCC Properties is requesting a rezoning of the property from B2 business to M1 industrial.

The BEE business model is predicated on throughput. Materials are constantly brought in and shipped back out. Most of our work is performed off-site. Based on Article 3 of the Town of Erwin Zoning Ordinance, p. 4-43, PCC Properties is requesting a rezoning of the property from B2 business to M1 industrial, as we believe our business best fits the following description:

“2. Wholesale, warehouse, and transfer activities may include retail showroom, display, or sales area as an accessory use.”

We have compiled a list below of our services; materials and supplies stored on-site for company use; and waste stored onsite temporarily. We understand based on the ordinance language that we may be required to install a fence to house our outdoor items. Outdoor equipment will be stored under equipment shelters.

Services:

- Spill response for industrial and commercial materials
- Remediation & restoration of spill sites
- Industrial service/cleaning
- Confined space entry
- Hot water washing
- Vacuum truck services
- Transportation of non-hazardous materials
- Waste minimization consulting services
- Brokering industrial waste disposal
- EH&S/Regulation Compliance Consulting

Equipment stored on-site (items marked with a + are proposed to be stored in Shelter B):

- Backhoes (compact)⁺
- Skid steers⁺
- Excavators (midi-sized) ⁺
- Pressure washers
- Generators
- Spill response enclosed trailers
- One-ton service trucks
- CDL Vacuum trucks (2)
- CDL Rollback
- Box truck
- Equipment trailers
- Dump trailers

Materials & Supplies stored on-site (supplies marked with an asterisk are proposed to be stored in Connex Boxes C and D and/or Equipment Building A):

- Spill containment skids
- Oil dry (pallets)
- Absorbent booms (pallets)
- Erosion Control Supplies: Wheat straw, Pine straw, geomatting, wattles, grass seed*
- Topsoil (bulk and bagged)
- Gravel (57 stone, ABC)
- Mulch (bagged)
- Empty totes and drums*
- Above-ground diesel fuel tank (1000 gallons) for truck fueling
- Above-ground gasoline fuel tank (500 gallons) for gas-powered equipment and vehicles
- Used oil from BEE truck and equipment maintenance (250 gallons)
- Vacuum truck hose*
- Power brooms

Wastes temporarily stored onsite (inside the warehouse):

- Oily debris stored in drums
- Soil and gravel contaminated with oil (stored in drums, dump trailers, and/or roll-offs)
- Mineral oil stored in drums and/or 250 gallon totes
- Contaminated diesel fuel
- Used oil from client sites stored in drums and/or totes
- Sugar, flour, or grain meal (in bulk)
- Sludges from storm runoff stored in drums and/or totes

We typically ship temporarily stored waste materials to landfills or recyclers when we consolidate about 2,500 gallons of liquid or 20 tons of soil/debris. We regularly obtain pre-approval from landfills and recyclers and often will take samples of wastes to certify that the contents are non-hazardous.

Note that we do not transport or store hazardous materials at this time. Any work done involving hazardous waste is scheduled for transport from the clean-up site with a separate transportation

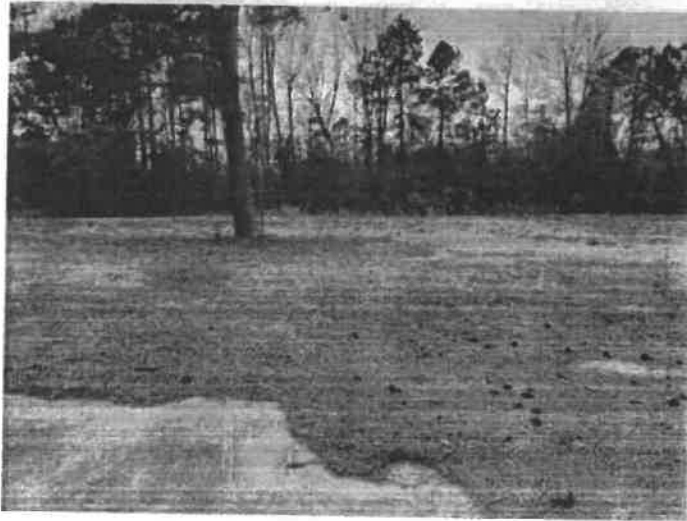
and disposal contractor. In addition, bulk and/or tanker-load shipments of waste oil are direct-shipped from client sites to recyclers.

In the attached map, we have drawn our proposed use for the property. Below is a description of how we propose to modify the property for our business.

1. Remove trees around dumpster corral. Repair/replace wooden privacy fencing. Install 1,000 gallon diesel and 500 gallon gasoline fuel tank
2. Remove trees from the field area behind the warehouse to the west. Remove stumps. Gravel area to near the existing wood line. Leave existing wooded buffer to the pond.
3. Leave existing wooded buffer to the south.
4. Install 6 ft chain link fence with privacy strips from building to wood line to the south (even with the front face of the building).
5. Install privacy chain link fence from building to the north property line.
6. Disconnect and remove the sign from the front parking lot.
7. Install handicap parking signs in the front parking lot.



**Photo 1: Dumpster corral.
Propose to remove trees and
renovate corral for storage of fuel
tanks.**



**Photo 2: Back of building to the
tree line. Propose to remove tree
and stumps, and add gravel for
truck and trailer parking out of
sight of road frontage.**

Approximate reference:
Existing warehouse is
50ft x 165ft.

A: 30x50 Metal building
on concrete slab.

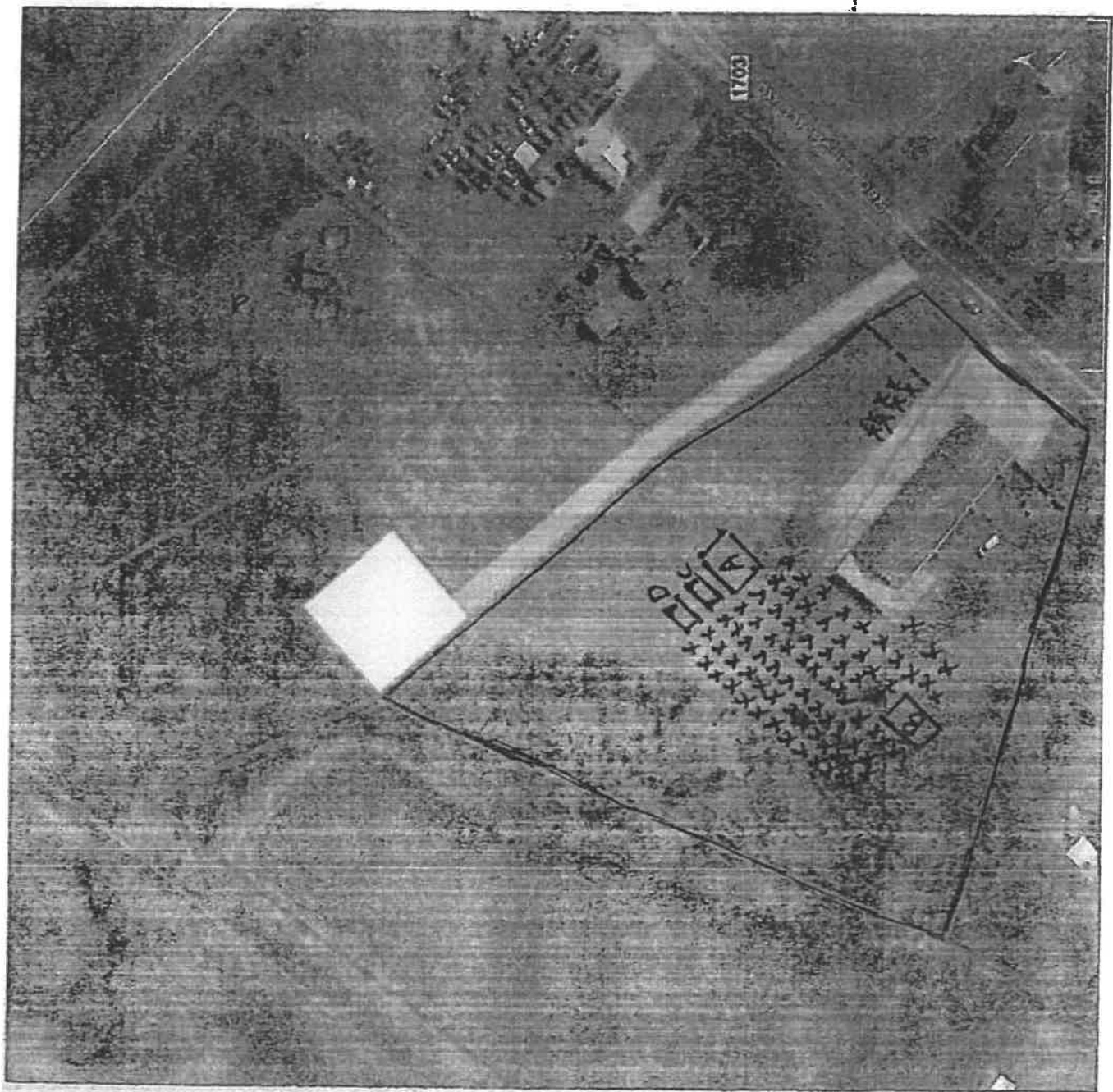
B: 30x50 Metal building
on gravel. Equipment
shelter (3 sides).

C: 40x8ft corner box

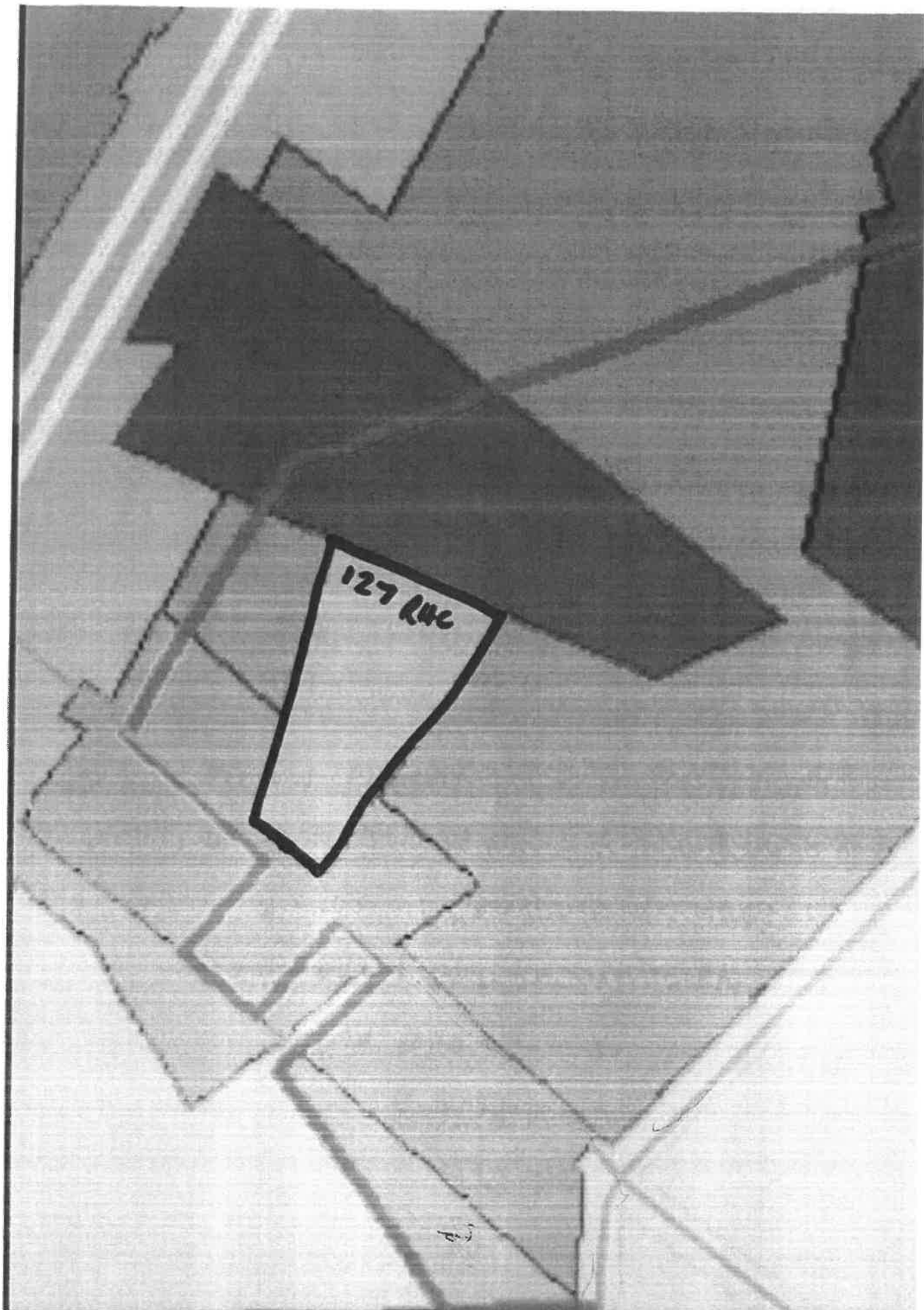
D: 40x8ft corner box

--- Primary chain-link
six-foot fence.
xxx Gravel for vehicle
parking.

— Combined #1R and #2R
Property lines



IT MAY BE REPLACED BY A LAND SURVEY AND/OR CONSTRUCTION DRAWINGS OF THE PREMISES ONCE RECEIVED
ACK OF THE PREMISES FROM THE PROPERTY'S BOUNDARIES SHALL BE THE DISTANCE REQUIRED BY THE
A GOVERNMENT ATTORNEY



127 RMC

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: May 6, 2021

Subject: Harnett County School Bus Stop Arm Ordinance

The Harnett County Board of County Commissioners approved an ordinance on April 6th, 2021 that will allow them to enforce civil penalties for violations of NCGS 20-217 by the means of using an automated school bus safety camera that will be installed on every Harnett County school bus. The County plans on using a third-party vendor (BusPatrol) to issue the citations. The citations will be issued to people that do not stop for a school bus when they are supposed to stop. In order for them to use this system in our Town Limits we must adopt an ordinance as well. At the writing of this memo the cameras had not been installed on the buses. Getting the ordinance passed is the first step in the process.

Attachments:

- Resolution to Allow Enforcement of Stop Arm Ordinance
- School Bus Stop Arm Ordinance approved by Harnett County Board of County Commissioners

Action Recommended:

- Approve Harnett County School Bus Stop Arm Resolution



TOWN OF ERWIN

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

Mayor
Patsy M. Carson
Mayor Pro Tem
Randy L. Baker
Commissioners
William R. Turnage
Thurman E. Whitman
Alvester L. McKoy
Ricky W. Blackmon
Melinda Alvarado

**RESOLUTION AUTHORIZING THE APPLICATION
AND ENFORCEMENT OF THE HARNETT COUNTY
ORDINANCE FOR THE CIVIL ENFORCEMENT OF
NORTH CAROLINA GENERAL STATUTE § 20-217
IN THE TOWN OF ERWIN
2020-2021-002**

WHEREAS, pursuant to § 20-217 of the North Carolina General Statutes, it is a crime for the driver of a motor vehicle to fail to stop for a school bus displaying its mechanical stop signal or flashing red lights and the bus is stopped for the purpose of receiving or discharging passengers; and

WHEREAS, §153A-246 of the North Carolina General Statutes allows a county to adopt an ordinance for the civil enforcement of § 20-217 of the North Carolina General Statutes by means of an automated school bus safety camera installed and operated on any school bus located within that county; and

WHEREAS, on April 5, 2021, the Harnett County Board of Commissioners adopted the Ordinance for the Civil Enforcement of North Carolina General Statute § 20-217 By Means of an Automated School Bus Safety Camera Installed and Operated on Any School Bus Within Harnett County (the "Ordinance"), a copy of which is attached hereto as Exhibit A; and

WHEREAS, pursuant to § 153A-122(a) of the North Carolina General Statutes, an ordinance adopted pursuant to Article 6 of Chapter § 153A of the North Carolina General Statutes is applicable to any part of the county not within a municipality; and

WHEREAS, the Harnett County Board of Commissioners desires to enforce the Ordinance within the Town of Erwin to curb violations of § 20-217 of the North Carolina General Statutes to protect the health and safety of the children of Harnett County as they board and disembark a school bus; and

WHEREAS, pursuant to § 153A-122(b) of the North Carolina General Statute, the governing board of a municipality may by resolution permit a county ordinance adopted pursuant to Article 6 of Chapter § 153A of the North Carolina General Statutes to be applicable within the municipality; and

WHEREAS, the governing board of the Town of Erwin understands the necessity and importance to use all available legal means to ensure the health and safety of the children of Harnett County as they board and disembark a school bus; and

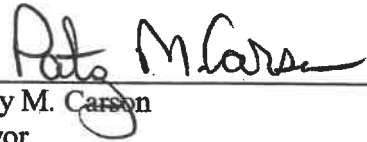
WHEREAS, the governing board of the Town of Erwin desires to permit the Ordinance to be applicable within the Town of Erwin to curb violations of § 20-217 of the North Carolina General Statutes.

NOW THEREFORE BE IT RESOLVED by the governing board of the Town of Erwin, that the Ordinance for the Civil Enforcement of North Carolina General Statute § 20-217 By Means of an Automated School Bus Safety Camera Installed and Operated on Any School Bus Within Harnett County.

BE IT FURTHER RESOLVED that this Resolution shall exist indefinitely unless the Town of Erwin adopts a subsequent resolution withdrawing its permission for application of the Ordinance within its limits.


Duly adopted this the 6th day of May 2021.

TOWN OF ERWIN



Patsy M. Carson
Mayor

ATTEST:



Lauren Evans
Town Clerk



AN ORDINANCE FOR THE CIVIL ENFORCEMENT OF NORTH CAROLINA GENERAL STATUTE § 20-217 BY MEANS OF AN AUTOMATED SCHOOL BUS SAFETY CAMERA INSTALLED AND OPERATED ON ANY SCHOOL BUS WITHIN HARNETT COUNTY

WHEREAS, pursuant to § 20-217 of the North Carolina General Statutes, it is a crime for the driver of a motor vehicle to fail to stop for a school bus displaying its mechanical stop signal or flashing red lights and the bus is stopped for the purpose of receiving or discharging passengers; and

WHEREAS, §153A-246 of the North Carolina General Statutes allows a county to adopt an ordinance for the civil enforcement of § 20-217 of the North Carolina General Statutes by means of an automated school bus safety camera installed and operated on any school bus located within that county; and

WHEREAS, an ordinance adopted pursuant to § 153A-246 of the North Carolina General Statutes shall not apply to any violation of § 20-217 of the North Carolina General Statutes that results in injury or death; and

WHEREAS, the Harnett County Board of Commissioners understands the necessity and importance to use all available legal means to ensure the health and safety of the children of Harnett County as they board and disembark a school bus; and

WHEREAS, in an effort to curb violations of § 20-217 of the North Carolina General Statutes, the Harnett County Board of Commissioners desires to adopt an ordinance pursuant to § 153A-246 of the North Carolina General Statutes for the civil enforcement of G.S. § 20-217 by means of an automated school bus safety camera installed and operated on any bus located within Harnett County.

NOW THEREFORE BE IT ORDAINED by the Harnett County Board of Commissioners, the following ordinance is hereby adopted:

Section 1. Notice of Violation

- A. The notice of violation shall be given in the form of a citation and shall be received by the registered owner of the vehicle no more than 60 days after the date of the violation.
- B. The citation shall include all of the following:
 - 1) The date and time of the violation, the location of the violation, the amount of the civil monetary penalty imposed, and the date by which the civil monetary penalty shall be paid or contested.
 - 2) An image taken from the recorded image showing the vehicle involved in the violation

- 3) A copy of the statement or electronically generated affirmation from a Harnett County Sheriff's Office deputy or a law enforcement officer employed by a law enforcement agency with whom an agreement has been reached with the County pursuant to G.S. 115C-242.1(c) stating that, based upon inspection of the recorded images, the owner's motor vehicle was operated in violation of this Ordinance.
- 4) Instructions explaining the manner in which, and the time within which, liability under the citation may be contested pursuant to Section 3 of this Ordinance.
- 5) A warning that failure to pay the civil monetary penalty or to contest liability in a timely manner shall waive any right to contest liability and shall result in a late penalty of one hundred dollars (\$100.00), in addition to the civil monetary penalty.
- 6) In citations issued to the registered owner of the vehicle, a warning that failure to pay the civil monetary penalty or to contest liability in a timely manner shall result in refusal by the Division of Motor Vehicles to register the motor vehicle, in addition to imposition of the civil monetary penalty and late penalty.

C. The citation shall be processed by officials or agents of the County and shall be served by any method permitted for service of process pursuant to G.S. 1A-1, Rule 4 of the North Carolina Rules of Civil Procedure, or by first-class mail to the address of the registered owner of the vehicle provided on the motor vehicle registration, or, as applicable, to the address of the person identified in an affidavit submitted by the registered owner of the vehicle.

D. The registered owner of a vehicle shall be responsible for a violation unless the vehicle was, at the time of the violation, in the care, custody, or control of another person or unless the citation was not received by the registered owner within 60 days after the date of the violation. If the registered owner provides an affidavit that the vehicle was, at the time of the violation, in the care, custody, or control of another person or company, the identified person or company may be issued a citation complying the requirements of Section 1(B) of this Ordinance.

Section 2. Penalties

A. Violations of this Ordinance shall be deemed a noncriminal violation for which a civil penalty shall be assessed and for which no points authorized by G.S. 20-16(c) and no insurance points authorized by G.S. 58-36-65 shall be assigned to the registered owner or driver of the vehicle.

B. The amount of the civil penalty shall be the following:

- 1) First Offense: Four Hundred Dollars (\$400.00)
- 2) Second Offense: Seven Hundred Fifty Dollars (\$750.00)
- 3) All Subsequent Offenses: One Thousand Dollars (\$1000.00)

- C. If a citation is not contested pursuant to Section 3(A) of this Ordinance, the civil penalty shall be paid by the citation recipient within 30 days after receipt of the citation. If the citation recipient fails either to pay the civil penalty or to request a hearing to contest the citation in accordance with Section 3(A) of this Ordinance within 30 days after receipt of the citation, the citation recipient shall have waived the right to contest responsibility for the violation and shall be subject to a late penalty of one hundred dollars (\$100.00) in addition to the civil penalty assessed under this Section.
- D. If the citation is contested pursuant to Section 3(A) of this Ordinance and the decision is adverse to the person contesting the citation, the civil penalty shall be paid within 30 days after receipt of the adverse decision, unless the citation recipient appeals the adverse decision pursuant to Section 3(D) of this Ordinance. If the adverse decision is appealed, and if the final decision on appeal is adverse to the citation recipient, then payment of the civil penalty is due within 30 days after the citation recipient receives notice of the final adverse decision on appeal.
- E. If the registered owner of a motor vehicle who receives a citation fails to pay the civil penalty when due, the North Carolina Division of Motor Vehicles shall refuse to register the motor vehicle for the owner in accordance with G.S. 20-54(11). The County may establish procedures for providing notice to the Division of Motor Vehicles and for the collection of these penalties and may enforce the penalties by civil action in the nature of debt.

Section 3. Appeals

- A. A person wishing to contest a citation shall, within 30 days after receiving the citation, deliver to the officials or agents of the County a written request for a hearing accompanied by an affidavit stating the basis for contesting the citation, including, as applicable:
 - 1) The name and address of the person other than the registered owner who had the care, custody, or control of the vehicle.
 - 2) A statement that the vehicle involved was stolen at the time of the violation, with a copy of any insurance report or police report supporting this statement.
 - 3) A statement that the citation was not received within 60 days after the date of the violation, and a statement of the date on which the citation was received.
 - 4) A copy of a criminal pleading charging the person with a violation of G.S. 20-217 arising out of the same facts as those for which the citation was issued.
- B. If the person to whom a citation is issued makes a timely request for a hearing under Section 3(a), a summons shall be issued by any method permitted for service of process pursuant to G.S. 1A-1 Rule 4 of the North Carolina Rules of Civil Procedure, directing the person to appear at a place and time specified in the summons in order to contest the citation at an administrative hearing.

- C. A nonjudicial administrative hearing shall be conducted by an administrative appeals board established by the County for contested citations or penalties issued or assessed under this Ordinance. The decision on a contested citation shall be rendered in writing within five days after the hearing and shall be served upon the person contesting the citation by any method permitted for service of process pursuant to G.S. 1A-1, Rule 4 of the North Carolina Rules of Civil Procedure. If the decision is adverse to the person contesting the citation, the decision shall contain instructions explaining the manner and the time within which the decision may be appealed pursuant to Section 3(D) of this Ordinance.
- D. A person may appeal an adverse decision of the administrative appeals board to the Harnett County, North Carolina District Court by filing a notice of appeal with the Harnett County Clerk of Superior Court. Enforcement of an adverse decision shall be stayed pending the outcome of a timely appeal. Except as otherwise provided in this Section, appeals shall be in accordance with the procedure set forth in Article 19 of Chapter 7A of the General Statutes applicable to appeals from the magistrate to the district court. For purposes of calculating the time within which any action must be taken to meet procedural requirements of the appeal, the date upon which the person contesting the citation is served with the adverse decision shall be deemed the date of entry of judgment.

Section 4. Criminal Pleadings

- A. In the event a person is charged in a criminal pleading with a violation of G.S. 20-217, all of the following shall apply:
- 1) The charging law enforcement officer shall provide written notice containing the name and address of the person charged with a violation of G.S. 20-217 and the date of violation to the Harnett County Sheriff's Office or the law enforcement agency with whom the County has entered an agreement pursuant to G.S. 115C-242.1(c) to affirm a violation of this Ordinance.
 - 2) After receiving notice that a person has been charged with a violation of G.S. 20-217, the County or a private vendor contracted with under G.S. 115C-242.1 to process the civil citations shall not issue a civil citation imposing a civil penalty against that person arising out of the same facts as those for which the person was charged in the criminal pleading.
 - 3) The County or a private vendor contracted with under G.S. 115C-242.1 to process the civil citations shall issue a full refund of any civil penalty payment received from a person who was charged in a criminal pleading with a violation of G.S. 20-217 if the civil penalty arose out of the same facts as those for which that person was charged in the criminal pleading, together with interest at the legal rate as provided by G.S. 24-1 from the date the penalty was paid until the date of the refund.
- B. The County shall provide each law enforcement agency within its jurisdiction with the name and address of the County official or other law enforcement official

employed by a law enforcement agency with whom the County has entered an agreement pursuant to G.S. 115C-242.1(c) to affirm a violation of this Ordinance to whom written notice of persons charged with a violation of G.S. 20-217 should be given pursuant to Section 4(A) of this Ordinance.

Section 5. Effective Date.

This ordinance shall be effective upon its adoption.

Adopted this the 5th day of April, 2021.



THE HARNETT COUNTY COMMISSIONERS

W. Brooks Matthews
W. Brooks Matthews, Chairman

ATTEST:

Lindsey B. Lucas
Lindsey Lucas, Interim Clerk to the Board

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: May 6, 2021

Subject: Opposing HB 401/SB 349

Town Staff has prepared a resolution opposing HB401 and SB349. The proposed bill is a one-size-fits-all approach to zoning. It claims it is a way to increase affordable housing for municipalities in North Carolina. It would allow duplexes, triplexes, quadplexes and townhomes in every zoning district that also has single family dwelling. The Town of Erwin has a Land Use Plan that was adopted in 2014 that was developed based on community feedback. We have a number of zoning districts that allow single-family dwelling that do not permit these land uses. This proposed legislation eliminate the traditions community-wide decisions regarding zoning and development decisions.

Attachments:

- Proposed resolution from the Town Board
- Feedback from the North Carolina League of Municipalities



TOWN OF ERWIN

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

Mayor
Patsy M. Carson
Mayor Pro Tem
Randy L. Baker
Commissioners
William R. Turnage
Thurman E. Whitman
Alvester L. McKoy
Ricky W. Blackmon
Melinda Alvarado

RESOLUTION OPPOSING HOUSE BILL 401 AND SENATE BILL 349 OF THE 2021 NORTH CAROLINA LEGISLATIVE SESSION 2020-2021-003

WHEREAS, recognizing the importance of zoning to the peace, prosperity, and happiness of North Carolina's municipalities, for generations the State of North Carolina has allowed municipalities to regulate local development, which in turn, residents have relied upon in making their most important financial investments, the purchase of their homes; and

WHEREAS. The Town of Erwin has responsibly exercised the zoning and land use authority granted to it by the State of North Carolina;

WHEREAS, the Town of Erwin explicitly considers choice in housing and social and economic diversity as part of its existing zoning and land use authority; and

WHEREAS, the Town of Erwin's housing choices and zoning plans have been approved with extensive community involvement and neighborhood-appropriate measures; and

WHEREAS, municipalities in the State of North Carolina have their own unique characteristics and challenges so that "one size" does not "fit all," and statewide zoning mandates thus may have unintended negative consequences for the residents of the State; and

WHEREAS, HB401/SB349 is now pending in the North Carolina General Assemble, and would force municipalities to allow duplexes, triplexes, quadplexes, and townhouses into all residential zoning districts, including all low-density zoning districts, for the stated purpose of expanding housing opportunities in cities; and

WHEREAS, HB401/SB349 will most harm those it purports to help, as it exempts residential areas in which private restrictive covenants apply, thus differentiating between subdivisions such as gated communities and neighborhoods without such protections, in essence protecting the wealthy by exposing middle- and low-income residents to the uncontrolled and incompatible development dictated by state government; and

WHEREAS, HB401/SB349 likewise mandates the allowance of “once accessory dwelling,” which can consist of a duplex, on each lot on which there is a single-family residence, circumventing all usual approval processes such as conditional district zoning, and overriding all local parking requirements and utility approval protocols without regard to the impacts of a potential tripling of density; and

WHEREAS, HB401/SB349 prohibits a municipality from even examining a traffic impact analysis which has satisfied the North Carolina Department of Transportation, whether or not the local officials who live and work in the community believe that the traffic generated by the project poses a danger to public safety and whether or not they believe that ratification by the Department is prudent; and


WHEREAS, although HB401/SB349 has reportedly been endorsed by “affordable housing” proponents as a way to increase supply and decrease costs, in actuality there is nothing in the bill which controls costs or ensures affordability; and

WHEREAS, HB401/SB349 is a radical and comprehensive attack on local land-use planning and the ability of local government, the government closest to the people, to hear from and respond to the needs of our citizens in the long-standing planning and zoning forums granted by law.

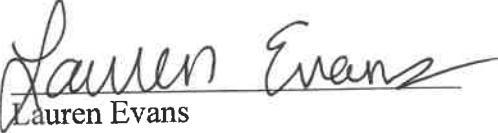
NOW THEREFORE BE IT HEREBY RESOLVED by the Town Board of the Town of Erwin, North Carolina as follows:

1. That the General Assembly not adopt either HB401 or SB349;
2. That if passed, the Governor, the Honorable Roy Cooper, veto these measures;
3. That a copy of this resolution be sent to our elected State representatives and the Governor;
4. That the Town Manager take whatever additional steps he deems prudent in opposing this legislation.

Duly adopted this the 6th day of May 2021.


Patsy M. Carson
Mayor

ATTEST:


Lauren Evans
Town Clerk

Oppose SB 349/HB 401 Increase Housing Opportunities

LOCAL ZONING AND LAND USE CONTROLS PROTECT EXISTING HOME VALUES

SB 349/HB 401 Increase Housing Opportunities represents a radical, one-size-fits-all approach to zoning and land use, in the guise of increasing affordable housing. It would usurp local control, undermine the rights of existing property owners and damage existing home values. The legislation would do so by eliminating single-family zoning statewide and wipe out other aspects of local zoning, further eroding the rights of local property owners and the decisions of their locally elected officials to determine how development should occur in their communities and neighborhoods.

BY OPPOSING SB 349, KNOW THAT:

- ❑ While Oregon has adopted similar radical measures, even its state legislature did not go so far as to eliminate single-family zoning and other forms of zoning to the degree that this legislation proposes.
- ❑ From start to finish, SB 349 represents a broad and comprehensive attack on local land-use decision-making and the ability of local property owners to weigh in on what is and is not appropriate development in their neighborhoods and communities.
- ❑ SB 349 would obstruct the ability of locally elected officials to consider all interests when making land-use decisions, including those of existing homeowners and property owners, who stand to lose the most when incompatible uses are allowed adjacent to their property.
- ❑ Many North Carolina cities have led the way when it comes to making investments and policy changes designed to encourage affordable housing options, but have done so with community involvement and neighborhood-appropriate measures. This bill is a blunt instrument that does neither.



SB 349/HB 401 Increase Housing Opportunities is the latest effort by development interests - now cloaked in the language of affordable housing - to extinguish local authority when it comes to determining how growth and development proceed. **Please oppose SB 349/HB 401, and work with cities and towns and their representatives to find real ways that advance affordable and workforce housing opportunities.**

SB 349/HB 401 Increase Housing Opportunities

Edition 1 Explainer

When taken together, all the provisions that are explained below severely reduce or eliminate the tradition of community-wide decisions regarding development. In SB 349, elected local governing boards see their decision-making authority hamstrung. And community members face new, large hurdles to use legal tools that currently give them a voice. So, by sidelining community members and their elected boards, SB 349 would allow development to proceed with little regard for a community's preferences.

How does this bill eliminate local zoning authority?

- Section 1.1 preempts local zoning authority by putting in place a statewide zoning scheme that would allow duplexes, triplexes, quadplexes, and townhomes in every zone that also has single-family zoning.
- Section 1.3 mandates that every single-family zone in the state also accommodate an accessory dwelling unit on each lot, subject to the local government's setback rules. This section also preempts a local government's ability to set parking standards for these additional homes.
- Section 2.2 locks in place all zoning codes, and it only allows future changes that would increase the density of development or allow a more-intense land use. An exception for public health, safety, or welfare is likely to happen only rarely. *Proposed 160D-702(d)*.
- Section 2.2 also appears to eliminate all zoning except for industrial zoning and adult establishments. *Proposed 160D-702(e) and (f)*.
- Section 2.3 severely restricts conditional zoning, thereby taking away a tool that gives developers and local governments flexibility to tailor development.

What other devices are in this bill that hamper a local governing board's ability to make development decisions that benefit the community at large?

- Section 2.2 appears to prevent a local government from enforcing any prior-enacted zoning changes that shifted the uses in that zone from higher-intensity to lower-intensity. Therefore, this provision invalidates countless past zoning decisions. *Proposed 160D-702(d)*.
- Section 2.4 gives automatic attorney's fees to successful legal challengers, paid by local taxpayers. However, the bill does not offer a reciprocal automatic attorney's fees award if the local government prevails in any lawsuit. The threat of having to automatically pay attorney's fees will result in overly cautious decision-making by local governing boards who wish to avoid lawsuits.
- Section 2.5 disallows a governing board from adopting language into its zoning code that would clarify conflicts within the code, if—as it resolved the conflict—the governing board wanted to choose a more restrictive rule. *Proposed 160D-706(c)*.

April 2, 2021

In what ways does this bill obstruct the ability of community members and neighbors to have a say in how nearby development should occur?

- Section 2.6 places hurdles on community members and neighbors who want to intervene in legal disputes involving development, thereby making it difficult for them to participate and protect their property interests. Examples of these hurdles include:
 - Shortening the amount of time in which they may ask a court to grant them intervenor status. *Proposed 160D-1402(g).*
 - Eliminating their ability to appeal an unwanted local government development decision, if the developer starts work before they can appeal that decision to the courts. *Proposed 160D-1402(l1).*
 - Requiring them to post a bond. *Proposed 160D-1402(o).*

How would this bill affect mixed-used developments that are becoming increasingly popular in downtowns and urban areas?

- Section 2.3 severely restricts conditional zoning, and for many mixed-use developments, this provision would curb flexibility for developers and harm their ability to address the concerns of nearby residents and property owners.

Would this bill ensure that housing that is built would be affordable?

- No. There is no language in the bill that would require any housing to be affordable to people with lower incomes.

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: May 6, 2021

Subject: Eagle Scout Project

Daniel Clayton approached me about completing his Eagle Scout project. He would like to build a handicap ramp for the Erwin History Room. On Friday, April 30th I met with Daniel Clayton, his father Tyrus Clayton and Grandfather Eddy Blackmon. The Town has done work with Tyrus Clayton and we were very pleased with the results. Of course, Daniel would be doing most of the work. But it would be overseen by Tyrus Clayton and Tyrus has assured me everything would be code compliant.

There should be no costs to the Town for the ramp. There is a Bradford Pear tree that is in the way. I wanted to get a quote on removing it and covering that expenditure if possible.

Attachments:

- Eagle Scout Proposal from Daniel Clayton

Action Recommended:

- Authorize the Town Manager to sign any paper work Daniel Clayton needs to proceed with this project.

Eagle Scout Project Proposal

April 30, 2021

Hello,

My name is Daniel Clayton. I am a member of Boy Scout Troop 157, in Erwin, North Carolina. I am currently the Senior Patrol Leader of Troop 157, which means I am the highest ranking member of the troop who is not an adult. To achieve the rank of eagle scout in Boy Scouts, I must complete my eagle scout project.

I was recently informed that the Erwin Historical Building was in need of handicap access to the building, and I thought this would be a good opportunity for an eagle scout project. At the Historical Building, there is currently only a set of concrete stairs and a damaged handrail leading directly into the parking lot. For this project, I propose that a sidewalk be installed from the existing stairwell upper landing to the existing sidewalk in front of the library. The sidewalk would follow the edge of the parking lot and give easy access to the current handicap parking spaces. As part of the project, I would re-grade the slope around the sidewalk to code, remove any impeding objects such as tree roots, pour and level new concrete, add any needed handrails after the removal of the damaged ones, and put in new landscaping once the sidewalk is finished.

This project would greatly improve access and the appearance of Historical Building. It would allow for handicap access as well as fix existing issues such as the damaged handrails. It would also allow for new landscaping to be added around the new sidewalk. Please consider my project and its proposed improvements to the Erwin Historical Building.

Sincerely,

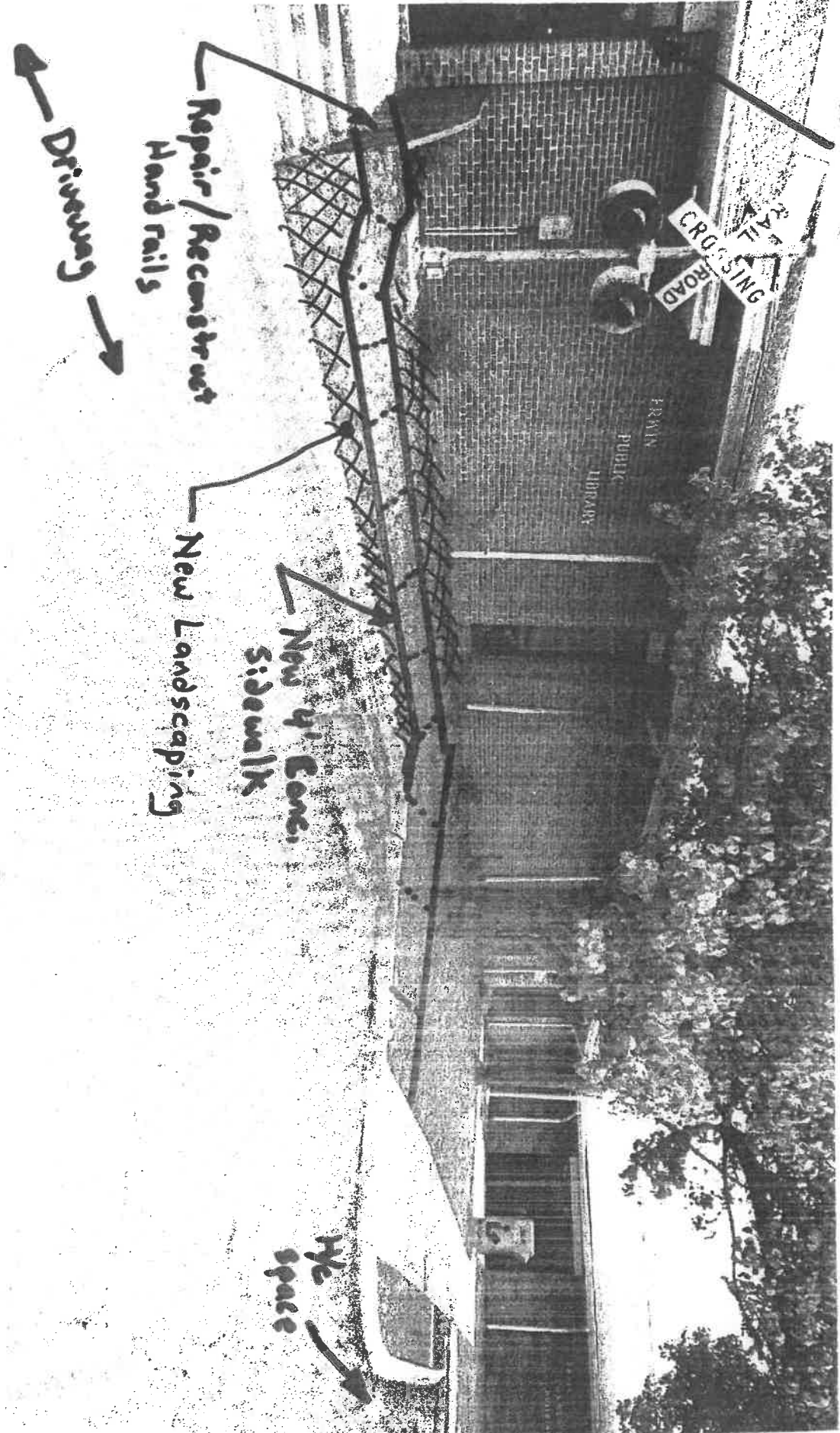
Daniel Clayton

910-824-5319

danielclayton2003@gmail.com



History Room Door



Erwin History Room
Handicap Access

Daniel Clayton
Eagle Scout Project Proposal
4/30/2021

MINUTES CONTINUED FROM MAY 6, 2021

Room. Tyrus has done work for the Town before as an engineer and he would oversee Daniel for the project. He stated there is a Bradford Pear tree in the way and he is planning to get a quote to have that removed by the Town.

Commissioner Baker asked Town Attorney Tim Morris if the Town would be to draw up a contract for this project as a precaution.

Town Attorney Tim Morris stated since he is not using a saw, he does not see why a contract is needed.

Commissioner Alvarado made a motion to authorize Town Manager Snow Bowden to sign any paperwork needed to proceed with this project and to check into the insurance liability issue and was seconded by Commissioner McKoy. **The Board voted unanimously.**

306 WEST K STREET

Town Manager Snow Bowden stated this is one of the worst houses in Erwin. The Owner of the house has a court-appointed guardian to look over his estate and does not have any finances to do anything with it. The owner is willing to sign the deed over to the Town. He asked the Board for permission to do a title search on it and if that is clean then start the demolition process.

Commissioner McKoy made a motion to authorize Town Manager Snow Bowden to do a title search on the property located at 306 West K Street to ensure that the title is clean and if that title comes back clean then have the property signed over the Town and was seconded by Commissioner Alvarado. **The Board voted unanimously.**

MANAGER'S REPORT

Town Manager Snow Bowden informed the Board that our insurance rates were a 5% increase instead of a 10% increase like we originally estimated. He reminded the Board about the Remembrance Service at Al Woodall Memorial Park at 2 PM. Harnett County may be reaching out to some local leaders. The splash pad is open now from 1 PM – 8 PM. There are no updates on the COVID funds yet. Our Librarian, Kimberly Vanbeck, was able to get some donations to do a story walk at Al Woodall Memorial Park. The budget is close to being done and will be ready as well as the 160D updates for our public hearing in June.

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: May 6, 2021

Subject: 306 West K Street

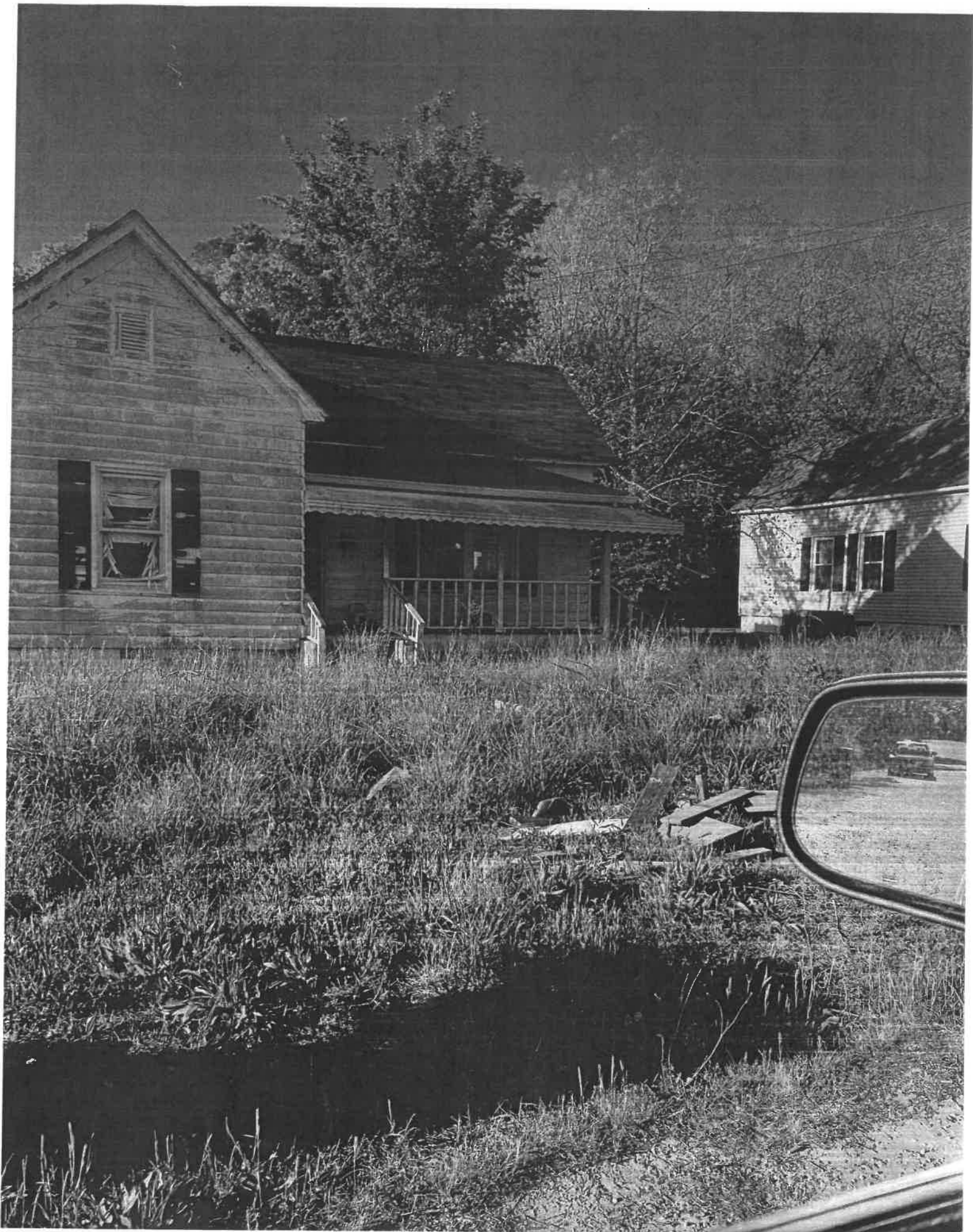
We have received numerous complaints about the house at 306 West K Street. This house has been vacant for a number of years. It has fallen into disrepair. According to a staff member with the Harnett County Department of Social Services the owner of the home does not have the funds to maintain the home. Harnett County Department of Social Services told us that they would not have an issue with signing the property over to the Town for us to demolish the home.

Attachments:

- Pictures of house

Action Recommended:

Authorize the Town Manager to have a title search on the property to ensure there are no issues with the property. If the title is clean authorize the Town Manager to have the property signed over to the Town.



MINUTES CONTINUED FROM MAY 6, 2021**ATTORNEY'S REPORT**

A local landowner was inducted into the Water Skiing Hall of Fame.

Town Manager Snow Bowden stated we can do a proclamation.

GOVERNING BOARD COMMENTS

Commissioner Alvarado informed that she is hosting the Shop and Share Golf Tournament at Chicora on May 7, 2021.

Commissioner Blackmon thanked the Board for allowing him to be a part of the Board.

Mayor Patsy Carson stated the Joe Tart Memorial Golf Tournament was a success. We had 41 teams, 184 golfers which was the largest golf tournament they have ever had. She presented a commemorative coin to Commissioner Turnage for the History Room.

Commissioner Turnage asked the Board to consider paving the 100th block of 8th street, lets dress up front street of Erwin. He states we put a lot of money in the splash pad but asked the Board to have a grand opening and he will donate 10 pounds of hot dogs.

Commissioner McKoy stated this time of year snakes are bad in the overgrown properties. He stated maybe the Town should cut the grass and send them a bill. Erwin is a wonderful community and has a wonderful police department.

PUBLIC COMMENT

Town Manager Snow Bowden stated the Town did not receive any Public Comment.

MINUTES CONTINUED FROM MAY 6, 2021

ADJOURNMENT

Commissioner Alvarado made a motion to adjourn at 8:52 P.M. and was seconded by Commissioner Turnage. **The Board voted unanimously.**

MINUTES RECORDED AND TYPED BY

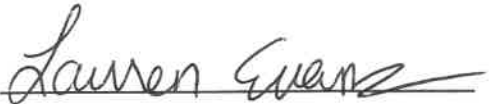
LAUREN EVANS TOWN CLERK

ATTEST:



Patsy Carson

Mayor



Lauren Evans

Town Clerk