

**THE ERWIN BOARD OF COMMISSIONERS  
DECEMBER 2022 REGULAR MEETING  
THURSDAY, DECEMBER 1, 2022 @ 7:00 P.M.  
ERWIN MUNICIPAL BUILDING BOARDROOM**

**AGENDA**

1. **MEETING CALLED TO ORDER**
  - A. Invocation
  - B. Pledge of Allegiance
2. **AGENDA ADJUSTMENTS /APPROVAL OF AGENDA**
3. **CONSENT**

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

  - A. Minutes of Workshop on October 24, 2022 **(Page 2)**
  - B. Minutes Regular Meeting on November 3, 2022 **(Page 9)**
  - C. Financial Report for October 2022 **(Page 13)**
  - D. 2023 Meeting Schedule **(Page 15)**
4. **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 the subject matter brought up during the Public Comment segment. Thank you for your consideration of the Town Board, staff, and other speakers. §160A-81.1*
5. **PROCLAMATIONS RECOGNIZING RETIREMENT AND PROMOTIONS IN THE POLICE DEPARTMENT**
6. **PUBLIC HEARING**
  - A. SU-2022-009 **(Page 25)**
  - B. SU-2022-010 **(Page 40)**
7. **CLOSED SESSION**
  - A. Pursuant to General Statute 143-318.11(a) (6) for the Purpose of Discussing Personnel
8. **MANAGER'S REPORT**
9. **ATTORNEY'S REPORT**
10. **GOVERNING BODY COMMENTS**
11. **ADJOURNMENT**

**ERWIN BOARD OF COMMISSIONERS****REGULAR MINUTES****DECEMBER 1, 2022****ERWIN, NORTH CAROLINA**

The Board of Commissioners for the Town of Erwin with Mayor Randy Baker presiding held its Regular Meeting in the Erwin Municipal Building Board Room on Thursday, December 1, 2022, at 7:00 P.M. in Erwin, North Carolina.

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

Board Member absent was: Commissioner Charles Byrd.

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

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

Commissioner McKoy gave the invocation.

Commissioner Nelson led the Pledge of Allegiance.

**AGENDA ADJUSTMENT/APPROVAL OF AGENDA**

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

**CONSENT**

Commissioner Blackmon made a motion to approve **(ITEM A)** Minutes of Workshop on October 24, 2022 **(ITEM B)** Minutes Regular Meeting on November 3, 2022 **(ITEM C)** Financial Report for October 2022 **(ITEM D)** 2023 Meeting Schedule and was seconded by Commissioner McKoy. **The Board voted unanimously.**

**PUBLIC COMMENT**

No one was present for Public Comment.



**TOWN OF ERWIN  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
THURSDAY, DECEMBER 1, 2022 AT 7PM**

**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*

Name	Address	Subject
1. Paul Blankenship	109 Marlton Sub, Down, NC 28531	US# Special Permit
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		

**TOWN OF ERWIN**  
**FINANCIAL SUMMARY REPORT**  
**FOR MONTH OF October 2022**



1500 PINE BLVD

REVENUES	ANNUAL BUDGET	Oct. '22 ACTIVITY	ACTUAL TO DATE	Y-T-D % COLLECTED
CURRENT YEAR LEVY OF PROPERTY TAXES	1,480,188.00	92,435.00	162,380.00	10.97%
CURRENT YEAR MOTOR VEHICLE TAXES	187,985.00	16,012.00	51,457.00	27.37%
PRIOR YEAR TAXES / Penalties & Interest	10,000.00	730.00	5,306.00	53.06%
UTILITIES FRANCHISE TAXES	190,270.00	0.00	42,341.00	22.25%
ENTRY FEES	20,000.00	0.00	7,845.00	39.23%
SALES & USE TAX	750,000.00	64,092.00	333,360.00	44.45%
ZONING PERMITS/APPLICATIONS	13,000.00	525.00	6,670.00	51.31%
REFUSE COLLECTIONS FEES	421,000.00	34,145.00	152,813.00	36.30%
STORM WATER COLLECTION	69,000.00	4,890.00	21,189.00	30.71%
ALL OTHER REVENUES	1,352,298.00	49,705.00	219,765.00	16.18%
	4,493,739.00	282,434.00	1,002,125.00	22.30%
EXPENDITURES	ANNUAL BUDGET	Sept. 2022 ACTIVITY	ACTUAL TO DATE	Y-T-D % SPENT
GOVERNING BODY	30,115.00	2,647.00	8,822.00	24.43%
ADMINISTRATION	323,064.00	20,826.00	89,119.00	27.59%
NON-DEPARTMENTAL	349,273.00	9,176.00	143,248.00	41.01%
PLANNING & INSPECTIONS	181,688.00	2,739.00	3,242.00	2.01%
POWELL BILL-STREETS	177,000.00	1,000.00	5,000.00	2.82%
POLICE	1,119,663.00	67,632.00	289,076.00	25.82%
POLICE-SRO	76,706.00	5,328.00	22,064.00	31.21%
CONTRACT SERVICES-FIRE	330,168.00	21,487.00	42,584.00	12.90%
PUBLIC WORKS-ADMIN.	122,529.00	9,335.00	42,287.00	34.49%
PUBLIC WORKS-STREETS	423,721.00	21,634.00	112,371.00	26.52%
PUBLIC WORKS-SANITATION	751,244.00	187,632.00	289,668.00	38.69%
PUBLIC WORKS-STORM WATER	57,000.00	1,000.00	18,500.00	32.46%
RECREATION	494,175.00	29,083.00	115,458.00	23.36%
LIBRARY	69,485.00	447.00	9,072.00	13.07%
COMMUNITY CENTER	8,000.00	1,060.00	5,172.00	64.65%
	4,493,739.00	390,976.00	1,175,641.00	26.16%
Y-T-D GENERAL FUND BALANCE INCREASE (DECREASE)	4,493,739.00	(108,482.00)	(173,516.00)	

BANK BALANCES AS OF October 2022	
NC Capital Mgt Trust - Cash Management	2,417,482.84
TRUIST - CASH IN BANK	147,477.21
FIRST FEDERAL PRESTIGE - BUSINESS MONEY MARKET	138,933.51
FIRST FEDERAL PREMIUM - BUSINESS MONEY MARKET	886,880.22
Y-T-D INVESTMENT BALANCE IN GENERAL FUND ACCOUNTS	3,590,783.78
TRUIT - STATE FORFEITURE	2,004.05
TRUIT - CAPITAL RESERVE/COMM. ENHANCEMENT	224,468.75
FIRST FEDERAL CAP. - RESERVE	2,355,177.55
TRUIST - HEALTH RESERVE HRA ACCT.	18,981.89
TRUIST - PRIESE FIELD ACCT.	24,848.39
AL WOODBALL PARK IMPROVEMENTS	399,175.66
TRUIT - AMERICAN RELIEF FUNDS - (ARPA) Federal Grant	1,415,603.35
TRUIT - Community Building Renovation - (SCIF) State Grant	93,118.12
Y-T-D INVESTMENT BALANCE RESTRICTED FUNDS	4,822,287.75
CUMULATIVE BALANCE FOR TOWN OF ERWIN	8,083,051.53

POWELL BILL BALANCE  
 \$ 290,503.10

Town Of Erwin  
 Financial Summary Report  
 YTD Comparison of October 2021 and 2022



2021 FISCAL YEAR

	YTD Oct-22	YTD Oct-21	YTD DIFFERENCE
<b>Revenues</b>			
CURRENT YEAR LEVY OF PROPERTY TAXES	182,360.00	146,689.00	15,771.00
CURRENT YEAR MOTOR VEHICLE TAXES	51,457.00	50,136.00	1,321.00
PRIOR YEAR TAXES / Penalties & Interest	5,306.00	35,635.00	(30,329.00)
UTILITIES FRANCHISE TAXES	42,341.00	41,359.00	983.00
ENTRY FEES	7,545.00	6,215.00	1,630.00
SALES & USE TAX	333,360.00	290,399.00	36,961.00
ZONING PERMITS/APPLICATIONS	6,670.00	5,715.00	955.00
REFUSE COLLECTIONS FEES	152,913.00	150,807.00	(4,044.00)
STORM WATER COLLECTION	21,199.00	20,923.00	266.00
ALL OTHER REVENUES	218,765.00	189,228.00	29,539.00
	<b>\$ 1,002,126.00</b>	<b>949,053.00</b>	<b>53,073.00</b>
<b>Expenditures</b>			
GOVERNING BODY	8,822.00	7,101.00	1,661.00
ADMINISTRATION	89,119.00	80,116.00	9,003.00
NON-DEPARTMENTAL	143,246.00	182,380.00	(39,134.00)
PLANNING & INSPECTIONS	3,242.00	9,211.00	(5,969.00)
POWELL BILL-STREETS	5,000.00	5,000.00	0.00
POLICE	269,076.00	311,421.00	(22,345.00)
POLICE-SRO	22,064.00	21,579.00	485.00
CONTRACT SERVICES-FIRE	42,694.00	42,699.00	(305.00)
PUBLIC WORKS-ADMIN.	42,257.00	36,980.00	5,277.00
PUBLIC WORKS-STREETS	112,371.00	105,075.00	7,296.00
PUBLIC WORKS-SANITATION	268,658.00	72,907.00	196,751.00
PUBLIC WORKS-STORM WATER	18,500.00	3,549.00	14,951.00
RECREATION	115,458.00	116,000.00	(542.00)
LIBRARY	9,072.00	22,078.00	(13,006.00)
COMMUNITY CENTER	5,172.00	1,421.00	3,751.00
	<b>\$ 1,175,641.00</b>	<b>1,017,747.00</b>	<b>157,894.00</b>

	YTD Oct-22	YTD Oct-21
<b>CASH MANAGEMENT</b>	2,417,482.84	2,049,013.84
BB&T CASH IN BANK	147,477.21	172,228.52
FIRST FEDERAL BUSINESS M	136,953.51	136,646.63
FIRST FEDERAL MONEY MARKET	858,880.22	857,154.77
Y-T-D INVESTMENT BALANCE IN GENERAL FUND ACCOUNTS	\$ 3,560,793.78	3,214,041.76
BB&T STATE FORFEITURE	2,004.05	4,248.84
BB & T CAPITAL RESERVE/COMM. ENHANCEMENT	224,458.75	197,736.08
FIRST FEDERAL CAP. RESERVE/GENERAL	2,365,177.55	2,350,446.16
BB&T HEALTH RESERVE HRA ACCT.	18,981.89	16,087.93
PRIEBE FIELD ACCT.	24,848.38	11,423.44
AL WOODALL PARK IMPROVEMENTS	388,175.66	373,394.48
AMERICAN RELIEF FUNDS: ARPA Grant	1,415,503.35	821,602.01
Community Bldg./Renovations: SCIF GRANT	93,118.12	0
Y-T-D BALANCE RESTRICTED FUNDS	\$ 4,522,267.75	3,774,936.74
CUMULATIVE BALANCE FOR TOWN OF ERWIN	\$ 8,083,051.53	6,986,976.50



# TOWN OF ERWIN

P.O. Box 459 • Erwin, NC 28339  
Ph: 910-897-5140 • Fax: 910-897-5543  
[www.erwin-nc.org](http://www.erwin-nc.org)

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

## 2023 Town Board Schedule

Thursday, January 5<sup>th</sup> at 7 PM

Thursday, February 2<sup>nd</sup> at 7 PM

Thursday, March 2<sup>nd</sup> at 7 PM

Thursday, April 6<sup>th</sup> at 7 PM

Thursday, May 4<sup>th</sup> at 7 PM

Thursday, June 1<sup>st</sup> at 7 PM

Thursday, July 6<sup>th</sup> at 7 PM

Thursday, August 3<sup>rd</sup> at 7 PM

Thursday, September 7<sup>th</sup> at 7 PM

Thursday, October 5<sup>th</sup> at 7 PM

Thursday, November 2<sup>nd</sup> at 7 PM

Thursday, December 7<sup>th</sup> at 7 PM



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

## 2023 Town Board Workshop Meeting Schedule

Monday, January 23<sup>rd</sup> at 6 PM

Monday, February 27<sup>th</sup> at 6 PM

Monday, March 27<sup>th</sup> at 6 PM

Monday, April 24<sup>th</sup> at 6 PM

Monday, May 22<sup>nd</sup> at 6 PM

Monday, June 26<sup>th</sup> at 6 PM

Monday, July 24<sup>th</sup> at 6 PM

Monday, August 28<sup>th</sup> at 6 PM

Monday, September 25<sup>th</sup> at 6 PM

Monday, October 23<sup>rd</sup> at 6 PM

Monday, November 27<sup>th</sup> at 5 PM

\*Workshop meetings may be canceled if there is nothing on the agenda



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

## 2023 Planning Board/Board of Adjustments Schedule

Tuesday, January 17<sup>th</sup> at 7 PM (Due to Holiday)

Monday, February 20<sup>th</sup> at 7 PM

Monday, March 20<sup>th</sup> at 7 PM

Monday, April 17<sup>th</sup> at 7 PM

Monday, May 15<sup>th</sup> at 7 PM

Monday, June 19<sup>th</sup> at 7 PM

Monday, July 17<sup>th</sup> at 7 PM

Monday, August 21<sup>st</sup> at 7 PM

Monday, September 18<sup>th</sup> at 7 PM

Monday, October 16<sup>th</sup> at 7 PM

Monday, November 20<sup>th</sup> at 7 PM

Monday, December 18<sup>th</sup> at 7 PM

\*Meeting(s) may be canceled if there is nothing on the agenda



## MINUTES CONTINUED FROM DECEMBER 1, 2022

### PROCLAMATIONS RECOGNIZING RETIREMENT AND PROMOTIONS IN THE POLICE DEPARTMENT

The Town Board of Commissioners recognized the retirement of First Sergeant Charles Ryals and the promotions of Sergeant Dario Alvarado, Sergeant William Barefoot, Corporal Destiny Johnson, Corporal John Michael Rodriguez, Investigator Charles Norris, and Investigator Ethan Core. Mayor Baker presented each of them with Proclamation Plaques.

### PUBLIC HEARING

#### **SU-2022-009**

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

Town Manager Snow Bowden informed the Board that the Town received a Special Use Application to place a Class A Manufactured Home on an individual lot in our R-6 zoning district. This lot is in a Special Flood Hazard Zone so if approved, the applicant will have to obtain flood insurance, a flood elevation certificate, and elevate the structure outside of the floodplain.

Mayor Baker asked if the applicant was present to present.

The applicant, Paul Blankenship (109 Martin Street, Dunn, NC 28334), and Rodney Dent (70 Classic Cove Ct, Fuquay-Varina, NC 27526) of Clayton Homes came forward and were both sworn in by Town Clerk Lauren Evans.

Mr. Dent stated Mr. Blankenship is purchasing a home from Clayton Homes to place on this property. They both spoke with Mr. Bowden who informed them that the property is in a flood area and they must get an engineer to show that the building will be elevated prior to bringing the home out. The engineer will go back out to the property once the building is set to verify it is elevated correctly.

Mayor Baker asked if the building will be Mr. Blankenships' residence.

Mr. Blankenship stated that was correct.

Mayor Baker verified that the process has been explained to Mr. Blankenship thoroughly.

Mr. Dent agreed.

Mayor Baker asked staff to show the aerial view of the property.

Mayor Baker asked the applicant how close to the stormwater drainage will the home be located.

Mr. Dent stated that the 38 feet on one side and the 40 feet on the other side, shown in the plan, indicate how far the home will be located from the stormwater drainage.



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## PROCLAMATION RECOGNIZING WILLIAM BAREFOOT FOR PROMOTION TO SERGEANT

2022-2023—004

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

**WHEREAS**, the Town of Erwin Mayor and Board of Commissioners recognize and appreciate the contributions made by law enforcement officers and the essential role they play in safeguarding the rights and freedom of our citizens; and

**WHEREAS**, it is important that all citizens know and understand the problems, duties, and responsibilities of their law enforcement officers and agencies, and that members of those agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

**NOW THEREFORE BE IT RESOLVED** that the Town of Erwin Mayor and Board of Commissioners give recognition to William Barefoot for his promotion to Sergeant and appreciation for his valuable contributions to the quality of life in our community.

**Duly Adopted**, this the 1<sup>st</sup> day of December 2022.

  
Randy Baker, Mayor

**ATTEST:**

  
Lauren Evans, Town Clerk



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## PROCLAMATION RECOGNIZING DARIO ALVARADO FOR PROMOTION TO SERGEANT

2022-2023—005

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

**WHEREAS**, the Town of Erwin Mayor and Board of Commissioners recognize and appreciate the contributions made by law enforcement officers and the essential role they play in safeguarding the rights and freedom of our citizens; and

**WHEREAS**, it is important that all citizens know and understand the problems, duties, and responsibilities of their law enforcement officers and agencies, and that members of those agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

**NOW THEREFORE BE IT RESOLVED** that the Town of Erwin Mayor and Board of Commissioners give recognition to Dario Alvarado for his promotion to Sergeant and appreciation for his valuable contributions to the quality of life in our community.

**Duly Adopted**, this the 1<sup>st</sup> day of December 2022.

  
Randy Baker, Mayor

**ATTEST:**

  
Lauren Evans, Town Clerk



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## PROCLAMATION RECOGNIZING JOHN MICHAEL RODRIGUEZ FOR PROMOTION TO CORPORAL

2022-2023—006

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

**WHEREAS**, the Town of Erwin Mayor and Board of Commissioners recognize and appreciate the contributions made by law enforcement officers and the essential role they play in safeguarding the rights and freedom of our citizens; and

**WHEREAS**, it is important that all citizens know and understand the problems, duties, and responsibilities of their law enforcement officers and agencies, and that members of those agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

**NOW THEREFORE BE IT RESOLVED** that the Town of Erwin Mayor and Board of Commissioners give recognition to John Michael Rodriguez for his promotion to Corporal and appreciation for his valuable contributions to the quality of life in our community.

**Duly Adopted**, this the 1<sup>st</sup> day of December 2022.

  
Randy Baker, Mayor

**ATTEST:**

  
Lauren Evans, Town Clerk



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## PROCLAMATION RECOGNIZING DESTINY JOHNSON FOR PROMOTION TO CORPORAL

2022-2023—007


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

**WHEREAS**, the Town of Erwin Mayor and Board of Commissioners recognize and appreciate the contributions made by law enforcement officers and the essential role they play in safeguarding the rights and freedom of our citizens; and

**WHEREAS**, it is important that all citizens know and understand the problems, duties, and responsibilities of their law enforcement officers and agencies, and that members of those agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

**NOW THEREFORE BE IT RESOLVED** that the Town of Erwin Mayor and Board of Commissioners give recognition to Destiny Johnson for her promotion to Corporal and appreciation for her valuable contributions to the quality of life in our community.

**Duly Adopted**, this the 1<sup>st</sup> day of December 2022.

  
Randy Baker, Mayor

**ATTEST:**

  
Lauren Evans, Town Clerk



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## PROCLAMATION RECOGNIZING CHARLES NORRIS FOR PROMOTION TO INVESTIGATOR

2022-2023—008


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

**WHEREAS**, the Town of Erwin Mayor and Board of Commissioners recognize and appreciate the contributions made by law enforcement officers and the essential role they play in safeguarding the rights and freedom of our citizens; and

**WHEREAS**, it is important that all citizens know and understand the problems, duties, and responsibilities of their law enforcement officers and agencies, and that members of those agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

**NOW THEREFORE BE IT RESOLVED** that the Town of Erwin Mayor and Board of Commissioners give recognition to Charles Norris for his promotion to Investigator and appreciation for his valuable contributions to the quality of life in our community.

**Duly Adopted**, this the 1<sup>st</sup> day of December 2022.

  
Randy Baker, Mayor

**ATTEST:**

  
Lauren Evans, Town Clerk



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## PROCLAMATION RECOGNIZING ETHAN CORE FOR PROMOTION TO INVESTIGATOR

2022-2023—009

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

**WHEREAS**, the Town of Erwin Mayor and Board of Commissioners recognize and appreciate the contributions made by law enforcement officers and the essential role they play in safeguarding the rights and freedom of our citizens; and

**WHEREAS**, it is important that all citizens know and understand the problems, duties, and responsibilities of their law enforcement officers and agencies, and that members of those agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

**NOW THEREFORE BE IT RESOLVED** that the Town of Erwin Mayor and Board of Commissioners give recognition to Ethan Core for his promotion to Investigator and appreciation for his valuable contributions to the quality of life in our community.

**Duly Adopted**, this the 1<sup>st</sup> day of December 2022.

  
Randy Baker, Mayor

**ATTEST:**

  
Lauren Evans, Town Clerk

**MINUTES CONTINUED FROM DECEMBER 1, 2022**

Commissioner Blackmon inquired about the size of the unit.

Mr. Dent stated the unit will be 28x60.

Mayor Baker asked if there are similar homes nearby.

Mr. Bowden stated there is not, most homes in that area are stick built and built during the WW2 timeline.

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

No one came forward.

Mayor Baker asked if anyone would like to come forward and speak in opposition to the request.

James Skillen of 211 Burton Avenue came forward and was sworn in by Town Clerk Lauren Evans.

Mr. Skillen stated he owned the residence at 211 Burton Avenue and it is directly across the street from the lot this Special Use Permit is for. He had some questions and he did some research about the neighborhood. There are 29 houses and of those 29, 25 were built prior to 1970 which makes them all historical homes. The vast majority of the homes were built right after WW2. His biggest concern was that the permit application was not complete and he did not understand how the Board could consider the application without more information, what the applicant is going to do, how much he is going to spend, etc. The applicant did not provide any estimates on the cost of the project except that he plans to place a Class A Manufactured Home. If the applicant does not provide the cost, he could go by a used manufactured home and place it there. We don't know whether it is a brand-new home or a used home. He stated he is worried about it being a manufactured home, if it were a modular home, he would not have been against the request. He stated all he is asking for is more information. Where the applicant is going to park his car is also not included in the application. The rest of the houses in the neighborhood are stick built and it is not a trailer park. He stated modular homes have to meet building inspections and manufactured homes do not. Why would the Board consider putting a home on that lot that does not meet the codes? He was concerned about how well the structure will be built and whether it would improve the neighborhood or depreciate the neighborhood.

Mayor Baker stated in order for it to come before the Board, the home would have to meet the definition of a Class A Manufactured Home. The estimated cost of the home is not required for approval reference.

Commissioner Blackmon stated that the question is on our form for tax purposes.

Mayor Baker asked if anyone else would like to come forward and speak in opposition to the request.

No one came forward

Mr. Dent and Mr. Blankenship came back up to address Mr. Skillen's concerns.

Mr. Dent stated the home is a 2022 manufactured home and a rough estimate will be \$183,000.



Good evening,

My name is Jim Skillen and my wife and I recently bought the house at 211 Burton Avenue which is across the street from the 0.5 acre lot that is the subject of this hearing. This is a nice little neighborhood with a lot of small historic houses, 2 were built in the 1930's, 11 were built in the 1940's, 8 were built in the 1950's and 2 were built in the 1960's. The house we bought was built in 1948. I appreciate the opportunity to share my thoughts and concerns about the Special Use Permit Application that is why we are tonight.

My 1<sup>st</sup> concern is that the Permit Application is not complete. For example:

“Describe Proposed Project or Request with Conditions proposed by applicant thought is”

The answer: “To place a Class A Manufactured (home?) on a vacant lot. Will follow all Erwin regulations.”

We learn from the attached plot plan that the building is 28' wide by 68' long.

“Estimated Cost of the Project \$ - \_\_\_\_\_”

The applicant provides no information at all which is not fair to anyone in the neighborhood trying to evaluate the impact of this request.

We know that the 28' \* 68' or 1,904 ft<sup>2</sup> building will have to be installed above the floodplain on a foundation. A simple foundation with crawl space costs on average \$7.00 per square foot. Therefore, the foundation for a 1,904 ft<sup>2</sup> house would cost:  $\$7.00 * 1,904 = \$13,328.00$ . It could be more due to inflation.

The average cost for a Class A Manufactured home is \$55 - \$75 per square foot. A 1,904 ft<sup>2</sup> Class A Manufactured home on that lot would cost between \$104,720 - \$142,000.

The average cost for a modular home is between \$80 - \$160 per square foot. A 1,904 ft<sup>2</sup> modular home on that lot would cost between \$152,320 - \$304,640.

The average cost to build a home in North Carolina is between \$160 - \$225 per square foot. A 1,904 ft<sup>2</sup> modular home on that lot would cost between \$304,640 - \$428,400.

The applicant provided no information on the "Estimated Cost of the Project \$" which is hard to believe since it didn't take me 30 minutes to calculate the estimated costs. The estimated costs are  $\$13,328.00 + 104,720.00 = \$118,048.00$ . If you were to approve this application as is, nothing would prevent the applicant from bringing in a "used" or repossessed Class A Manufactured home. The applicant provided no information and used mobile homes are available.

So, I believe this application is not complete and therefore the Board of Commissioners doesn't have enough information to properly consider this request. The neighborhood doesn't have enough information to evaluate the impact of this request. The applicant should be required to provide all of the cost information about the Class A Manufactured home he wants to purchase including the total price of the home as the value of the home will be publicly available through the tax office eventually.

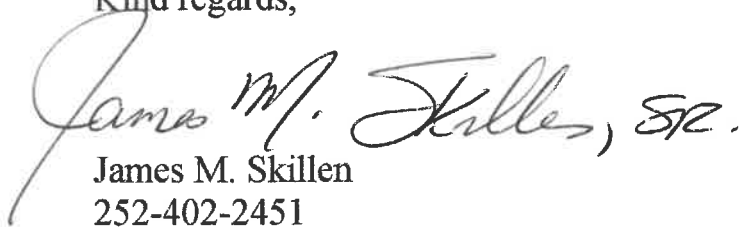
This information must be included in the Special Use Permit application to allow the adjacent property owners to properly evaluate the impact the Special Use Permit will have on them if approved.

This neighborhood is not a "trailer park" and I know that there are only a bunch of small houses, but they were all built from the ground up. If you approve this Special Use Permit request, you will set a precedent that allows a "Class A Manufactured" home to be placed on any vacant lot in the Town of Erwin; including your own neighborhood.

I ask the Board of Commissioners to deny the application before them. If the applicant wants to revise the application and provide additional information the matter can be reconsidered.

Thanks for the opportunity to testify.

Kind regards,

James M. Skillen, Sr.  
James M. Skillen  
252-402-2451

MINUTES CONTINUED FROM DECEMBER 1, 2022

Mayor Baker verified that it does meet the definition of a Class A Manufactured Home.

Mr. Dent confirmed that it does. He stated it is an energy-smart home, with 30 architecture shingles, 2x4 and 2x6 throughout, and meets every qualification for a Class A Manufactured Home.

Commissioner Nelson asked if it has sheetrock or panel siding.

Mr. Dent stated it will have the panel siding.

Mayor Baker asked if there will be any decks or porches on this unit and where they planned to have the driveway.

Mr. Dent answered no, there will only be front and back steps. Mr. Blankenship will be utilizing the existing driveway.

Mayor Baker asked if this property was previously used for residential purposes.

Mr. Bowden stated all he could find in the past were vacant properties.

Mayor Baker closed the Public Hearing and opened the floor for deliberation.

Mayor Baker verified with staff that all the required information is on the application needed prior to obtaining the necessary permits.

Mr. Bowden stated everything needed is included. The applicant will have to obtain an elevation certification so we can stay in good graces with FEMA. The property owner will have to enroll in flood insurance as well.

Commissioner Blackmon made a motion to accept the Finding of Facts in the affirmative and was seconded by Commissioner McKoy. **The Board voted unanimously.**

Commissioner Blackmon made a motion to recommend that the proposed special 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 approve SU-2022-009 Special Use Application to place a Class A Manufactured Home on a vacant parcel that does not have an address. The parcel is located off of Burton Avenue, adjacent to 210 Burton Avenue. (HC Tax PIN # 1507-50-7708.000) and was seconded by Commissioner Nelson. **The Board voted unanimously.**

**SU-2022-010**

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

# Erwin Board of Commissioners

## REQUEST FOR CONSIDERATION

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To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: December 1, 2022

Subject: SU-2022-009

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The Town has received an application to place a “Class A Manufactured Home” on an individual lot in our R-6 Zoning District. Class A Manufactured Homes are allowed with a special use permit in this zoning district. The applicant wishes to place the structure on a lot that is located within a FEMA Special Flood Hazard Zone. Town Staff has told the applicant what additional steps would need to be taken if this permit is approved by the Town Board. The applicant understands that he would need to elevate the structure outside of the floodplain. He also understands that he would have to obtain a flood elevation certificate for the structure before he could move into the home. In addition, the applicant understands that he would have to obtain flood insurance for the home.

Attachments:

- SU-2022-009 Application
- SU-2022-009 Staff Report
- Harnett County GIS Image with Zoning
- Harnett County GIS Image no Zoning
- Harnett County GIS Image with Flood Zone
- Property owners notified

**Suggested Motions:**

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

1. I move to recommend that the proposed special 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 with those documents that constitute the officially adopted land development plan and other applicable plans: or
  - b. The proposed amendment is not consistent with those documents that constitute the officially adopted land development plans and other applicable plans, in that (state reason(s) for nonconsistency).
3. I move to recommend:
  - a. Approval of SU-2022-009 Special Use Application to place a Class A Manufactured Home on a vacant parcel that does not have an address. The parcel is located off of Burton Avenue, adjacent to 210 Burton Avenue. (HC Tax PIN # 1507-50-7708.000.)
  - b. Denial of SU-2022-009 Special Use Application to place a Class A Manufactured Home on a vacant parcel that does not have an address. The parcel is located off of Burton Avenue, adjacent to 210 Burton Avenue. (HC Tax PIN # 1507-50-7708.000.)
  - c. Approval of SU-2022-009 Special Use Application to place a Class A Manufactured Home on a vacant parcel that does not have an address. The parcel is located off of Burton Avenue, adjacent to 210 Burton Avenue. (HC Tax PIN # 1507-50-7708.000) 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

**SPECIAL USE PERMIT APPLICATION**

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

Applicant Name	Paul & Kim Blankenship	Property Owner Name	Kimber Group
Mailing Address	109 Martin Street	Mailing Address	PO Box 181
City, State, Zip	Dunn, NC 28334	City, State, Zip	ERWIN, NC 28339
Telephone	919-977-0346 / 910-708-9193	Telephone	910-890-4331
Email	kimandshelby50@gmail.com	Email	ndunn@mailmea.com
Address of Subject Property	Burton Ave, Dunn, NC 28334		
Parcel Identification Number(s) (PIN) of Subject Property	021507 0296 - - .000		
Legal Relationship of Applicant to Owner		Floodplain SFHA	Yes No
Legal Description: Lot <sup>84</sup>	Block	Subdivision	Averasboro Dunn Area Pink-201
Zoning District	Wetlands	Yes No	Watershed Area Yes No
Public Water Available: <input checked="" type="checkbox"/> or N	Public Sewer Available: <input checked="" type="checkbox"/> or N	Existing Sentic Tank: <input checked="" type="checkbox"/> or N	
Number of Buildings to Remain	Gross Floor Area to Remain		
Describe Proposed Project or Request with Conditions proposed by applicant: To place a class A manufactory on a vacant lot. will follow all Erwin Regulation			
Total Acreage or Square Footage to be Disturbed	.50 acres		
Estimated Cost of Project \$			

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.

<b>Office Use Only</b>	
Date Application Submitted _____	Application Fee \$ _____ Received By _____
Case # SU-20____-0_____	



## TOWN OF ERWIN

100 West F St., Post Office Box 459

Erwin, NC 28339

(910) 897-5140 V (910) 897-5543 F

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### Special Use Signature Page

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

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

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

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

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

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

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

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

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

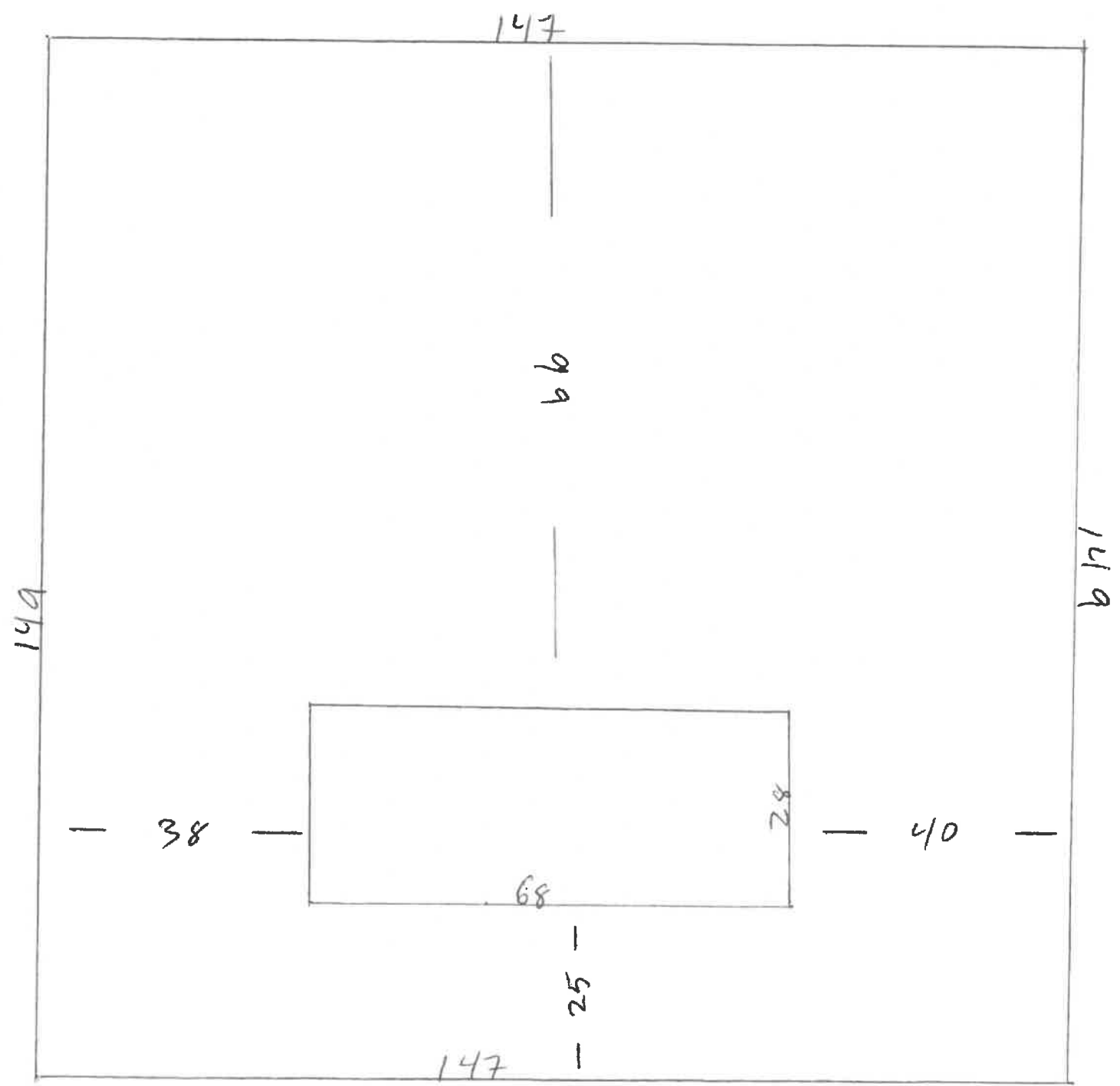
Applicant Signature and Date:

Paul & B. Lowry



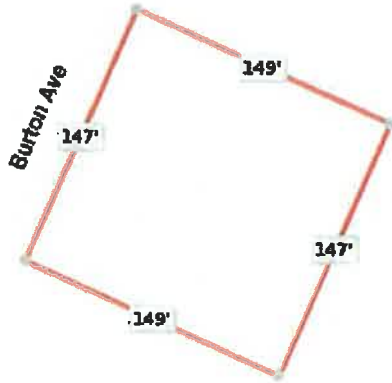
PAUL Blankenship  
TBD Burton Ave  
Dunn, NC 28334

20-SCALE



Burton Ave

PROPERTY MAP



Google  
\*Lot Dimensions are Estimated

25 yards  
Map data ©2022





# SPECIAL USE REQUEST STAFF REPORT

Case: SU-2022-009

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

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

Public Hearing Date: Thursday, December 1<sup>st</sup>, 2022

Requested special use permit to place a Class A Manufactured Home on a vacant parcel that does not have an address. The parcel is located off of Burton Avenue. It is located adjacent to 210 Burton Avenue. It can be identified by its Harnett County Tax PIN # 1507-50-7708.000.

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## Applicant Information

### **Owner of Record:**

Name: Kimber Group  
Address: PO Box 181  
City/State/Zip: Erwin, NC 28339

### **Applicant:**

Name: Franklin Blankenship  
Address: 109 Martin Street  
City/State/Zip: Dunn, NC 28334

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## Property Description

Harnett County Tax PIN 1507-50-7708.000  
Acres .50  
Zoning District- Residential (R-6)

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## Vicinity Map

- See Attached Document

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## Physical Characteristics

Site Description: This is a vacant tract of land that is .50 acres based off of Harnett County GIS data. The entire parcel is located within the 500-year flood plain. A section of the parcel is located within the 100 year FEMA Flood Hazard Zone.

Surrounding Land Uses: this tract of land is primarily surrounded by single-family dwellings.

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## Services Available

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

## Zoning District Compatibility

Special Use	M-1
Manufactured Class A Home	X

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## Staff Evaluation

### Staff Evaluation

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

- **Reasoning:** Manufactured Class A Homes are permitted as a special use in our R-6 Zoning District.

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

- **Reasoning:** The applicant is requesting a special use permit to place a Manufactured Class A Home on this parcel. It will provide an affordable housing option for this property owner.

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:** This tract of land is surrounded by primarily residential land uses. The applicant will have to follow all of our restrictions with the placement of a Manufactured Class A Home. Our Code of Ordinances states "It is the intent of the criteria to ensure that a Class A manufactured home, when installed, shall have substantially the appearance of an no-site conventionally built, single-family dwelling, to include landscaping in harmony with surrounding dwellings."

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

- **Reasoning:** This area of land would be in the area identified for medium intensity growth. The plan calls for medium to high density mixed residential uses.

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

- **Reasoning:** This is an existing lot located off of an existing street. The proposed house site would be accessed from Gilbert Street. There are already Harnett Regional Water and Sewer lines in the area that will be able to provide water and sewer to the proposed new home.

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:** This is an existing parcel located off of a town street. This would be a single-family dwelling. The impacts to traffic would be minimal.

Yes  No

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

- **Reasoning:** Yes, the applicant must follow all of the guidelines for a manufactured home in our Code of Ordinances. The applicant must also follow all of the rules and regulations for developments in a special flood hazard zone.

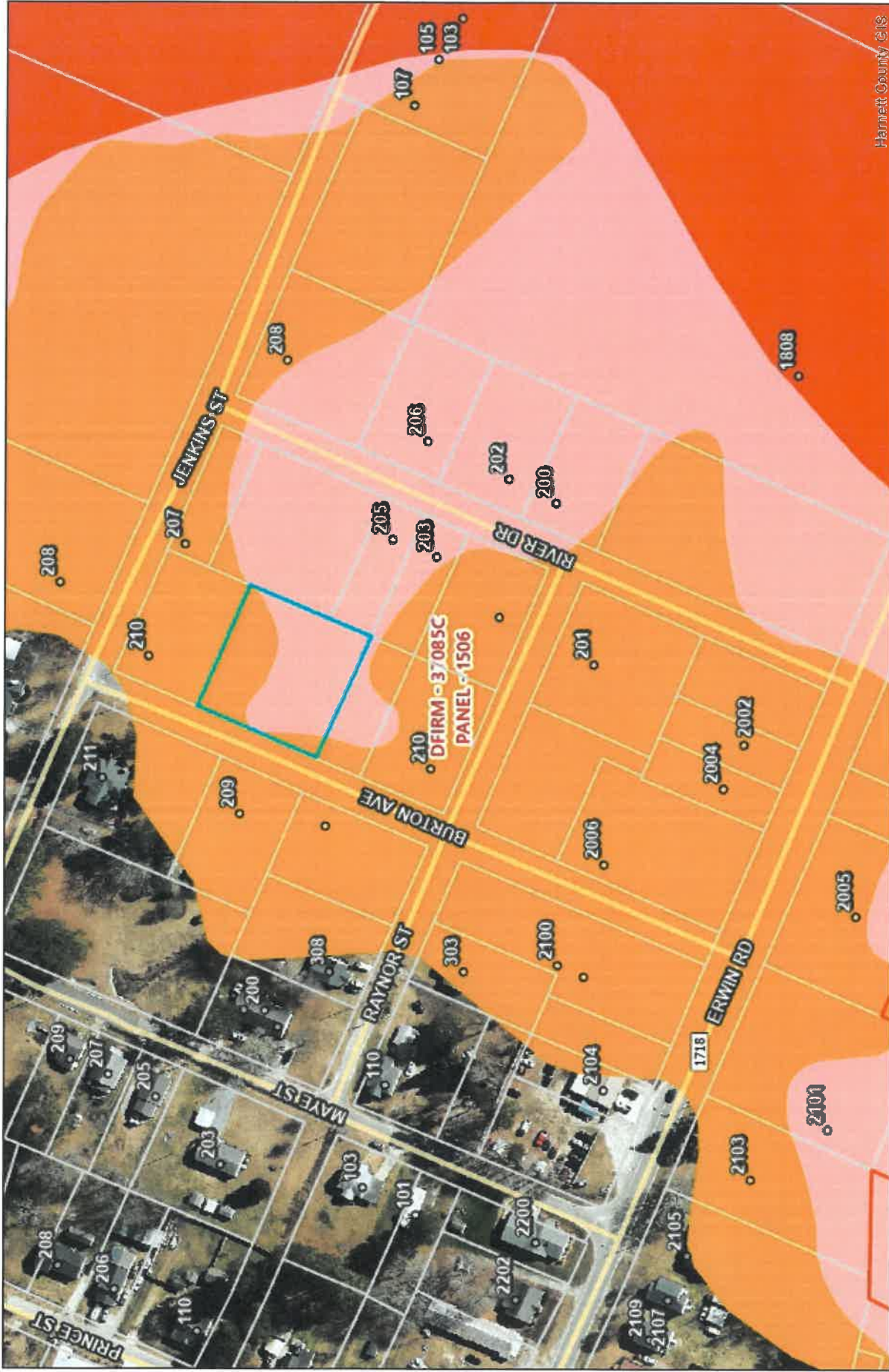
Attachments:

- SU-2022-009 Application
- SU-2022-009 Staff Report
- SU-2022-009 Site Plan
- SU-2022-009 Harnett County GIS Image with Zoning
- SU-2022-009 Harnett County GIS Image with no Zoning
- SU 2022-009 Harnett Count GIS Image with FEMA Flood Hazard Zones
- SU-2022-009 property owners notified





# Harnett GIS



NOT FOR LEGAL USE .

GIS/E-911 Addressing  
November 14, 2022





# TOWN OF ERWIN

P.O. Box 459 • Erwin, NC 28339  
Ph: 910-897-5140 • Fax: 910-897-5543  
[www.erwin-nc.org](http://www.erwin-nc.org)

11/14/2022

## Notice of a Public Hearing SU 2022-009

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

The Board of Commissioners of the Town of Erwin will hold a public hearing pursuant to NC General Statute 160D-406 on December 1st at 7:00 P.M. at the Erwin Town Hall, 100 West F Street, Erwin, North Carolina to hear public comment on a proposed rezoning request.

There has been a special use permit application submitted to the Town of Erwin to place a "Class A Manufactured home" on a vacant lot located off of Burton Avenue. The parcel does not have an address but it can be identified by its Harnett County Tax PIN # 1507-50-7708.000. This vacant parcel is adjacent to 210 Burton Avenue.

A copy of this case is available for review at the Erwin Town Hall. Questions concerning this case can be addressed to the Town Manager Snow Bowden at 910-591-4200 or by email at [townmanager@erwin-nc.org](mailto:townmanager@erwin-nc.org).

Regards,

Snow Bowden  
Town Manager

Kimber Group  
PO Box 181  
Erwin, NC 28339

Anita Hudson  
207 Jenkins Street  
Dunn, NC 28334

Magdalene Walls  
C/O Deborah Walls  
210 Raynor Street  
Dunn, NC 28334

James and Robin Skillen  
211 Burton Avenue  
Dunn, NC 28334

Wendy Burkland  
Brendan Lombard  
210 Burton Avenue  
Dunn, NC 28334

Mary Capps  
8811 Carlos Road  
Linden, NC 28356

Jack Brinkman  
Scott Horn  
209 Burton Avenue  
Dunn, NC 28334

James and Ruth Cooley  
308 Westfield Dr.  
Dunn, NC 28334

**MINUTES CONTINUED FROM DECEMBER 1, 2022**

Town Manager Snow Bowden informed the Board that the Town received a Special Use Application requesting permission to build a planned unit development. The Board previously approved a subdivision for this lot but the developer has a different direction they would like to go. The Planned Unit Development is different and the developers have requested conditions and a site plan included in the packet.

Mayor Baker asked if the applicant was present to present.

Applicants, Sean Johnson and Jon Ward came forward and were sworn in by Town Clerk Lauren Evans.

Mr. Johnson of 230 Reese Dr, Willow Spring, NC 27592 addressed the Board. He stated he was representing True Homes who are the developer and future home builder of the project that was before the Board for consideration. As Mr. Bowden mentions, this was a previously approved 219-unit residential development, they are not trying to redesign the project, and they are just simply looking to revise it as a Planned Unit Development. The reason he and Mr. Ward chose to go this route rather than the previously approved route was for the extra flexibility that a Planned Unit Development will provide. The major change is we will be going from 219 units to 247 total units. There will be a mixture of single-family lots and townhome lots. In case anyone is unfamiliar with the site in question, it is on the north side of St Matthews Rd, near the intersection of 421. It also intersects with Bryant Rd to the North West corner. The lot is just shy of a 55-acre site made up of 3 parcels. He showed the Board a copy of the previously approved plat with the street layout, the proposed entrances, and open spaces which are all identical to the PUD being proposed. The previous subdivision had a mixture of 143 single-family homes and 76 townhomes and the new PUD will have a proposed 204 single-family homes and 43 townhomes. He provided the Board and Town Staff with color renderings that painted a good picture of the pond onsite, the proposed stormwater ponds they plan to build, as well as the green open space which will be up to 36% of the total site area that will be permanently open space and maintained by an HOA. He pointed out to the Board the single-family homes and the townhomes on the site plan. They were requesting a reduction in the minimum square footage of the single-family lots from 6,000 square feet to 4,800 square feet. They would adjust the lot width from 50 feet down to 40 feet and the lot depth remains the same at 120 feet. The front setback will stay the same at 20 feet, the side setbacks will be slightly reduced from 8 feet to 5 feet, the rear setback will be adjusted from 20 feet to 15 feet, and the corner side will stay the same at 10 feet. The townhomes unit's minimum lot size would drop down from 2,200 square feet to 1,400 square feet, the minimum width from 22 feet wide down to 20 feet, the side setbacks would be decreased, and rear setbacks would drop from 20 feet to 15 feet and the corner side would stay the same at 10 feet. He presented a slide show to the Board. He stated he wanted to present a picture to the Board of what the units will look like. The single-family homes and 26-foot-wide townhomes will have a two-car garage with the availability to fit two cars in the driveway and the 22-foot-wide townhomes will have a single-car garage and availability to fit one car in the driveway. He presented the street cross-section they plan to provide and he informed the Board that it was the exact Erwin streets specs with one exception of the landscaping grass strip between the back of the curb to the 5-foot sidewalks, reducing the overall driveway width from 50 feet down to 40 feet. The driving section will be two 11-foot travel lanes making up a 27-foot back of curb to back of curb. There will be 30-foot concrete curbing with a gutter on both sides, no open ditches,

**MINUTES CONTINUED FROM DECEMBER 1, 2022**

and stormwater all buried underground. There will be 5-foot wide concrete sidewalks on one side of all proposed streets. They are also proposing 5-foot public utilities on the back of all right of ways throughout the entire development. True Homes is trying to be creative as possible to save development costs per lot on this project and one of the ways they are doing that is by using a portion of concrete that would be required between the back of the concrete curb and the side of the sidewalk that would be reduced from 6.5 feet down to 1.5 feet. That extra five feet of concrete times a 20-foot wide typical driveway in the single-family lot times 247 lots equals 50,000 plus dollars that can be saved by simply shifting the sidewalk closer to the development. This development will be serviced by Harnett Regional Water. He and Mr. Ward worked closely with Mr. Bowden to answer the Findings of Facts and make sure the plan was well laid out for the Board. They look forward to staking their flag in Erwin. He stated their goal is to provide affordable homes by decreasing building costs.

Mayor Baker asked how high of a berm are they planning to build on the side that will be on St Matthews Rd. Is the goal to shield the rear of these structures from that highway?

Mr. Johnson stated they are open to recommendations but typically when they self-develop projects, the height is depending on the amount of dirt on the site, they do not ever want to have the extra expense of hauling dirt off of the site, if they can use the extra dirt to make a beautiful berm then that is what they do. He asked if the Board has a specific request, to please let them know.

Commissioner Turnage asked about the annexation of the lots into the Town of Erwin.

Mr. Bowden informed Commissioner Turnage that the annexation has been approved and comes into effect on June 30, 2023.

Commissioner Turnage asked if our garbage company will be able to take on picking up 247 additional homes.

Mr. Bowden informed the Board that he will have to speak with GFL but they should be able to handle it.

Mayor Baker asked staff if what was present before them has met all of the Town's guidelines as far as development and is consistent with our current Land Use Plan.

Mr. Bowden stated it is consistent with our PUD standards and current Land Use Plan.

Mayor Baker asked if the Board had any other questions for the developers.

Commissioner Blackmon stated he thought the developers had a good plan.

Commissioner Nelson asked if there will only be two ways in and out.

Mr. Johnson confirmed that was correct.

Mr. Bowden stated both of those accesses will have to be approved by NC DOT.

**MINUTES CONTINUED FROM DECEMBER 1, 2022**

Mr. Ward of 1300 Fordham Blvd, Chapel Hill, NC 27514 came forward on behalf of True Home and thanked the Board. As Mr. Johnson stated, it has been a pleasure to work with Mr. Bowden and Town Staff and they are looking forward to working with the Town in the years going forward. He wanted to highlight two dynamics, not a lot of houses have been built in Erwin before the 70s or 90s. It is tough to get houses built and it is rough to get affordable houses built. They are trying to do this PUD to scale for 247 families. He informed the Board that a family who could afford a \$400,000 mortgage last year can now only afford a mortgage for \$280,000. The original subdivision they proposed was looking at a price range of \$300,000 per home but with the shift this year they lost over 40% of their potential buyer who can no longer afford the price increase. Their goal as a home-building company isn't building high-end homes, they are serving affordable homes for people who deserve to have a home of their own.

Dale Snipes of 835 ST Matthews Rd, Erwin, NC 28339 addressed the Board and requested to ask a question. When he and his wife were at the meeting about a year ago for the previous subdivision, there were concerns about the setbacks being small but going from 6,000 square feet to 4,800 square feet, he asked if the single-family homes going to be smaller than previously proposed.

Mr. Ward confirmed the home would be smaller. He stated they will be roughly 2,400 square foot single-family homes.

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

Commissioner McKoy made a motion to accept the Finding of Facts in the affirmative and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner McKoy made a motion to recommend that the proposed special 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 approve SU-2022-0010 Special Use Application for a Planned Unit Development located on three parcels off of St. Matthews/Bryant Road. (HC Tax PIN #s 1507-34-7604.000, 1507-45-1001.000, and 1507-35-0329.000) and was seconded by Commissioner Nelson. **The Board voted unanimously.**

**CLOSED SESSION**

Commissioner Blackmon made a motion to go into Closed Session Pursuant to General Statute 143-318.11 (a) (6) for the Purpose of Discussing Personnel at 7:58 PM and was seconded by Commissioner McKoy. **The Board voted unanimously.**

# Erwin Board of Commissioners

## REQUEST FOR CONSIDERATION

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To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: December 1, 2022

Subject: SU-2022-010

---

The Town of Erwin has received a special use permit to build out a planned unit development on three different parcels located off of St. Matthews Road and Bryant Road. The applicant is seeking permission to build a planned unit development that would include 204 detached single-family homes and 43 attached (townhomes) single-family homes. They are seeking a special use permit to build a planned unit development that would be separate from the already approved preliminary subdivision plat.

The Planning Board did recommend this for approval.

Attachments:

- SU-2022-010 Application
- SU-2022-010 Staff Report
- SU-2022-010 Bryant Road Planned Unit Final Sketch
- SU-2022-010 Planned Unit Development standards and conditions
- Harnett County GIS Image with Zoning
- Harnett County GIS Image no Zoning
- Property owners notified

**Suggested Motions:**

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

1. I move to recommend that the proposed special 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 with those documents that constitute the officially adopted land development plan and other applicable plans: or
  - b. The proposed amendment is not consistent with those documents that constitute the officially adopted land development plans and other applicable plans, in that (state reason(s) for nonconsistency).
3. I move to recommend:
  - a. Approval of SU-2022-0010 Special Use Application for a Planned Unit Development located on three parcels off of St. Matthews/Bryant Road. (HC Tax PIN #s 1507-34-7604.000. 1507-45-1001.000, and 1507-35-0329.000.)
  - b. Denial of SU-2022-0010 Special Use Application for a Planned Unit Development located on three parcels off of St. Matthews/Bryant Road. (HC Tax PIN #s 1507-34-7604.000. 1507-45-1001.000, and 1507-35-0329.000.)
  - c. Approval of SU-2022-0010 Special Use Application for a Planned Unit Development located on three parcels off of St. Matthews/Bryant Road. (HC Tax PIN #s 1507-34-7604.000. 1507-45-1001.000, and 1507-35-0329.000) with additional conditions (state conditions).



**TOWN OF ERWIN**  
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**SPECIAL USE PERMIT APPLICATION**

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

Applicant Name	Sean Johnson, True Homes	Property Owner Name	Mark Kolosky, Casper & Kara Tart
Mailing Address	2649 Brekonridge Centre Drive	Mailing Address	999 CARLTON ST, CLAYTON, NC 27520
City, State, Zip	Monroe, NC 28110	City, State, Zip	200 MURDOCK C ROAD, CAMERON, NC 28326
Telephone	919-610-9632	Telephone	
Email	seanjohnson@truehomesusa.com	Email	

Address of Subject Property	BRYANT RD; 504 ST MATTHEWS RD, ERWIN, NC 28339		
Parcel Identification Number(s) (PIN) of Subject Property	1507-35-0329.000, 1507-34-7604.000, 1507-45-1001.000 _____-_____-_____.000		
Legal Relationship of Applicant to Owner	Developer, Under Contract	Floodplain SFHA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Legal Description: Lot	Block	Subdivision	Deed Bk,Pg - 3737 : 0849 ; Deed Bk,Pg - 365 : 0576
Zoning District CZ-R-6	Wetlands <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Watershed Area	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Public Water Available: Y or N	Public Sewer Available: Y or N	Existing Septic Tank: Y or N	
Number of Buildings to Remain	0	Gross Floor Area to Remain	N/A
Describe Proposed Project or Request with Conditions proposed by applicant: Planned Unit Development consisting of 204 SF lots & 43 Townhomes on 54.82 acres with 35% open space. See attached full list of conditions to be incorporated with the proposed PUD.			
Total Acreage or Square Footage to be Disturbed	□□□□□		
Estimated Cost of Project \$ 15,500,000			

**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.**

<b>Office Use Only</b>		
Date Application Submitted _____	Application Fee \$ _____	Received By _____
Case # SU-20 _____-0 _____		





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### Special Use Signature Page

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

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

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

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

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

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

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

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

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

Applicant Signature and Date: Sean Johnson



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

**\*\*See attached Sheet\*\***

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 _____	

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

**\*\*See Attached  
Responses\*\***

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

Yes  No \_\_\_\_\_  
\_\_\_\_\_

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

Yes  No \_\_\_\_\_  
\_\_\_\_\_

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

Yes  No \_\_\_\_\_  
\_\_\_\_\_

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

Yes  No \_\_\_\_\_  
\_\_\_\_\_

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

Yes  No \_\_\_\_\_  
\_\_\_\_\_

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

Yes  No \_\_\_\_\_  
\_\_\_\_\_

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

Yes  No \_\_\_\_\_  
\_\_\_\_\_



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### SPECIAL USE APPLICATION PROCEDURES

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

#### Conditions and Guarantees

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

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

### **Action by the Board of Commissioners**

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

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



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### IMPORTANT

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

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

#### Using the Zoning Ordinance

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



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### **Processing Requirements**

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

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

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

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

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

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



**Town of Erwin  
Record and Decisions**

**Office Use Only**

Notice Mailed \_\_\_\_\_ Property Posted \_\_\_\_\_ Newspaper Advertised Date \_\_\_\_\_

**Public Hearing Date and Comments:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

Town Board Decision and Date \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Certified By:** \_\_\_\_\_

## **Bryant Rd PUD – Proposed Conditions**

As required by the Special use Permit Application, see the list below of proposed conditions to be incorporated with the approval of the PUD site plan:

- 1) The proposed development shall have no more than 247 total lots in the proposed development, to include single family residential (SF) and townhome residential (TH) lots only. A reduction in lot count due to unforeseen design constraints may be granted by the Town Manager.
- 2) The proposed development shall have at least 30% permanent open space
- 3) All proposed lots shall be served by HRW public water and sewer
- 4) A 20ft perimeter landscaping buffer shall be installed along the property boundary adjacent to Bryant Rd and St Matthews Rd
- 5) A 10ft landscaping buffer shall be installed along all other property boundaries adjacent to neighboring properties
- 6) The proposed streets shall be 27ft back of curb to back of curb
- 7) A 5ft sidewalk shall be installed on one side of all proposed streets
- 8) The minimum lot width for proposed SF lots shall be 40ft, and the minimum lot width for TH lots shall be 20ft
- 9) The minimum lot size for proposed SF lots shall be 4,800sqft, and the minimum lot size for TH lots shall be 1,400sqft
- 10) Setbacks for all proposed SF lots shall be: Front: 20ft, Side: 5ft, Rear: 15ft, Corner Side: 10ft
- 11) Setbacks for all proposed TH lots shall be: Front: 20ft, Side: 0ft, Rear: 15ft, Corner Side: 10ft
- 12) Each SF lot shall have at least 4 parking spaces including garage parking
- 13) Each TH lot shall have at least 2 parking spaces including garage parking
- 14) On-site stormwater retention shall be installed in accordance with applicable Town, County and State regulations

## **Bryant Rd PUD – Findings of Fact**

In accordance with the Special Use Guidelines, please find the below responses to the Findings of Fact for the proposed Bryant Rd PUD:

- 1) Yes, a Planned Unit Development is listed among the special uses identified in Section 36-648 of Erwin's Ordinance.
- 2) Yes, the requested use will allow for new homes and townhomes that will provide Erwin with desirable additional housing options.
- 3) Yes, the proposed development will provide sufficient screening, ample open space and significant infrastructure improvements that will be an asset to adjacent properties.
- 4) Yes, the parcels in question are identified for "high Intensity" uses in line with the proposed PUD.
- 5) Yes, adequate utilities, streets, drainage facilities will be provided.
- 6) Yes, adequate development entrances will be provided in accordance with Erwin and NCDOT standards.
- 7) Yes, with the conditions proposed, this PUD will conform to all applicable regulations of the Town of Erwin and its Ordinances and Plans.

## **Bryant Rd PUD – Adjacent Property Owners Information**

As directed by the Special Use Permit application, please find below a list of all adjacent property owners to the proposed development:

- 1) DUSTIN STARGEL  
9780 PRINGLE BENJAMIN RD  
LONDON, OH 43140
- 2) LEROY & CHERYL BLACK  
340 BRYANT RD  
DUNN, NC 28334
- 3) SHARON MCLAMB  
2216 DONNY BROOK RD  
RALEIGH, NC 27603
- 4) MICHAEL & SARIAH JACKSON  
722 BRYANT RD  
DUNN, NC 28334
- 5) RUDOLPH JACKSON  
502 E JACKSON BLVD  
ERWIN, NC 28339
- 6) SOUTHEASTERN PROPERTIES OF  
BUIES CREEK  
PO BOX 4200  
BUIES CREEK, NC 27506
- 7) GLOVER SALES INC  
406 E JACKSON BLVD  
ERWIN, NC 28339
- 8) JAMES & SHERYL SENTER  
65 SAINT MATTHEWS RD  
ERWIN, NC 28339
- 9) JOE JERNIGAN & LARRY HARDISON  
29 STONEGATE DR  
ANGIER, NC 27501
- 10) TURTLE RUN LLC  
PO BOX 608  
SMITHFIELD, NC 27577
- 11) DAN BRYAN & NANCY STAR  
132 JUNIPER CREEK BLVD  
PINEHURST, NC 28374
- 12) CJ INVESTMENT GROUP LLC  
70 STONEHENGE DR  
DUNN, NC 28334
- 13) D AND S SNOW PROPERTIES LLC  
PO BOX 397  
DUNN, NC 28335
- 14) ALYSSA CRAWFORD  
815 ST MATTHEWS RD  
ERWIN, NC 28339
- 15) PATRICIA JOHNSON  
825 ST MATTHEWS RD  
ERWIN, NC 28339
- 16) JOHN & CAROL SNIPES  
835 ST MATTHEWS RD  
ERWIN, NC 28339
- 17) ZILPHIA MOORE  
845 ST MATTHEWS RD  
ERWIN, NC 28339
- 18) RP WELLONS LAND AND  
DEVOPMENT LLC  
PO BOX 730  
DUNN, NC 28335

19) PLEASANT GROVE F W B CHURCH  
290 RED HILL CHURCH RD  
DUNN, NC 28334

20) JOHN BRYANT & RAYMOND  
STRICKLAND  
290 RED HILL CHURCH RD  
DUNN, NC 28334

21) PHYLLIS BRYANT  
71 BELMONT DR  
ANGIER, NC 27501

22) BELINDA POPE  
3 GOLFERS WAY  
PINEHURST, NC 28374



# SPECIAL USE REQUEST STAFF REPORT

Case: SU-2022-010

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

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

Public Hearing Date: Thursday, December 1<sup>st</sup>, 2022

Requested special use permit for a Planned Unit Development located on three parcels off of St. Matthews/Bryant Road. One parcel has an existing address of 504 St. Matthews Road.

- 204 detached single-family lots
- 43 attached (townhomes) single-family lots
- 35% open space

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## Applicant Information

### Owner of Record:

Name: Casper and Kara Tart  
Address: 200 Murdock C Rd.  
City/State/Zip: Cameron, NC 28326

### Applicant:

Name: Sean Johnson, True Homes  
Address: 2649 Brekonridge Centre Drive  
City/State/Zip: Monroe, NC 28110

### Owner of Record:

Name: Casper and Kara Tart  
Address: 200 Murdock C Rd.  
City/State/Zip: Cameron, NC 28326

### Owner of Record:

Mark Kolosky  
Address: 999 Carlton Street  
City/State/Zip: Clayton, NC 27520

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## Property Description

Harnett County Tax PIN 1507-34-7604.000  
Acres 45.65  
Zoning District- Residential (R-6-CD)

Harnett County Tax PIN 1507-45-1001.000  
Acres 2.50  
Zoning District- Residential (R-6-CD)

Harnett County Tax PIN 1507-35-0329.000  
Acres 7.72  
Zoning District- Residential (R-6-CD)

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## Vicinity Map

- See Attached Document

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## Physical Characteristics

Site Description: These are three existing parcels that are mostly vacant. There are two old farm buildings on the larger tract of land that will be demolished. Most of this land has been used for agricultural purposes recently.

Surrounding Land Uses: These parcels are mostly surrounded by agricultural uses. The site is located off of Highway 421. There are commercial land uses located off of Highway 421. There is a small development of eight town homes across the street from these three parcels.

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## Services Available

- Electricity (Duke Energy)
- Telephone (Centurylink)
- Harnett Regional Water and Sewer
- Potentially Cloudwyze for internet

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## Zoning District Compatibility

Special Use	R-6-CD
Planned Unit Development	X

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## Staff Evaluation

### Staff Evaluation

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

- **Reasoning:** Planned Unit Developments are allowed with a special use permit in our R-6 Zoning District.

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

- **Reasoning:** This proposed planned unit development will add to the existing housing inventory in our town limits. It will provide more options for our existing residents and bring in new residents to our town limits.

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 existing residential land uses located off of this street. A proposed residential development would not impair the integrity or character of this district. There will be a proper screening buffer installed between the development and road.

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

- **Reasoning:** This area of land would be in the area identified for high intensity growth. The plan calls for high intensity land uses.

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

- **Reasoning:** This would be a new development and all new roads would be built to NCDOT standards. All new infrastructure would have to be approved by Town Staff and some of the staff members from various North Carolina State Departments.

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:** Any connection to St. Matthews Road or Bryant Road will require a North Carolina Department of Transportation drive-way permit. The proposed development has two entrances/exits therefore residents can get out in case of an emergency. There will be adequate parking for each unit.

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

- **Reasoning:** Yes, the proposed planned unit development will conform to all applicable regulations found in our Code of Ordinances.

Attachments:

- SU-2022-010 Application
- SU-2022-010 Staff Report
- SU-2022-010 Site Plan
- SU-2022-010 Harnett County GIS Image with Zoning
- SU-2022-010 Harnett County GIS Image with no Zoning
- SU-2022-010 property owners notified







**Town of Erwin**  
**Planned Unit Development (PUD) Application**  
**For**  
**Bryant Rd**  
**Subdivision**

**Applicant:**  
**True Homes, LLC**  
**2649 Brekonridge Centre Dr.**  
**Monroe, NC 28110**

November 11, 2022

## **Project Development Team:**

### **Civil Engineer – Stocks Engineering, PA**

801 East Washington Street  
Nashville, NC 27856

Contact: J. Michael Stocks, PE  
(252) 459-8196  
[mstocks@stocksengineering.com](mailto:mstocks@stocksengineering.com)

### **Surveyor – Galloway Geospatial Informatics & Surveying, PLLC**

Unknown  
Zebulon, NC 27597

Contact: Cale Galloway, PLS, GISP, CFS  
(252) 565-2657  
[cale@gallowaygis.com](mailto:cale@gallowaygis.com)

### **Transportation Engineer – Timmons Group**

5410 Trinity Road  
Suite102  
Raleigh, NC 27607

Contact: Jeff Hochanadel, PE, PTOE  
(919) 866-4511  
[www.timmons.com](http://www.timmons.com)

### **Environmental Consultant – Sage Ecological Services, Inc.**

3707 Swift Drive  
Raleigh, NC 27606

Contact: Sean Clark, PWS  
(919) 559-1537  
[sclark@sageecological.com](mailto:sclark@sageecological.com)

1. **Definitions and Construction Terms:**

**Conceptual Plan.** The Conceptual Plan is a plan that generally identifies the land use patterns, conceptual design, and density for the development of the Bryant Rd Subdivision and is attached as Appendix 1. The Conceptual Plan serves as the zoning map for the development, is a condition of this PUD application, and, along with this document, serves to form the Development Plan for the proposed development. The development is described in Appendix 2 of this application.

**Development Plan.** This rezoning application with the Conceptual Plan constitutes the Development Plan.

**Developer.** The Developer of this project is True Homes, LLC or assigns.

**Subdivision Ordinance.** The Subdivision Ordinance of the Town of Erwin. Any term not defined in this document will be as defined in this ordinance.

**Home Owners Association (HOA).** The HOA is a non-profit corporation for the purposes, among other things, of owning and managing the privately owned common areas in the Bryant Rd Subdivision and providing governance of the development as a homeowner's association.

**Open Space.** "Open space" refers to areas of the development that allow for light, air, wildlife habitat, stormwater control, and scenic and recreation use. Also included are areas designed to enhance the privacy or general appearance of the development. The proposed open space will be owned by or which is reserved on a plat and shall be conveyed to the HOA.

2. **Development Plan:**

The number of units proposed for this development is 247. In accordance with the Town of Erwin's Ordinance [Sec 36-648(d)(1)], the underlying zoning allows for a maximum of 334 lots where the maximum development is based on a total tract acreage of 54.82 Acres minus the 16% of the gross area (8.77 Acres) divided by 6,000 square feet per lot. The Conceptual Subdivision Layout shows the general layout of the proposed development with anticipated use areas and how they mingle throughout the development. The Development Plan also shows the general area of Stormwater Control Devices and Recreational Areas. As the plan is the further developed, the actual locations of the proposed stormwater devices, both multi-family and single-family residential product types and locations may vary to conform to the Market Conditions and Final Construction Plans.

The proposed Planned Unit Development request is beneficial to the Town because it provides a greater tax base without wasting valuable land. By concentrating more homes on a smaller footprint, valuable agricultural land and future residential land is preserved. This results in less infrastructure maintenance long term for the same revenue. The proposed development is useful to the future residents by

concentrating excess open space that would normally be included in each lot into larger useable areas within the subdivision. This gives the new home buyer a smaller lot with less maintenance and provides a larger area for recreation and play for all to enjoy.

Assuming the Board finds this PUD application favorable, the Construction Drawings will provide a much higher level of technical data and detail appropriate for review by Erwin staff, NCDOT, and other agencies having jurisdiction.

The guidelines and zoning regulations for the development of the Bryant Rd Subdivision and the agreed upon conditions are included in the Development Plan. To account for both technological innovations and unforeseen marketplace changes, this Development Plan is intended to incorporate flexibility concerning design and development.

Should the Developer want to make changes to the Development Plan, all changes will be made using the procedures outlined in Erwin's Ordinance.

**3. Site Location:**

The site referenced in this Development Plan is known as the Bryant Rd Subdivision and is located northeast side of St. Matthews Road between Bryant Road and E. Jackson Blvd (Hwy 421). The proposed property contains approximately 54.82 acres and includes the areas associated with the Parcel Identification Numbers 1507-34-7604.000 and 1507-35-0329.000.

**4. Common Areas:**

Every lot owner will have the right of ingress and egress, use, and enjoyment in and to the Common Areas, subject to the rules and regulations of the HOA, which rights are appurtenant to and pass with title to every lot.

**6. Dimensional Standards:**

For each subdivided lot, the dimensions of the lot, yard, and setback will be determined by the Developer as stated on the PUD dimensional Standards which is attached as Appendix 4.

**7. Regulation of Open Space:**

The regulation of Open Space within the development will be done by the Developer and the HOA. As such, the Developer and/or the HOA may implement policies regarding towing, parking, access, signage, and trespassing within the development.

**8. Driveways/Roadway Access and Sidewalks:**

Concrete will be used to surface all residential driveways. Utility drives, maintenance areas, drives to temporary structures, access drives to public utility services, and other similar drives can use alternative surface options as approved by the Town of Erwin.

Sidewalks in the development will be installed at the Developer's discretion.

**10. Developer and HOA Requirements:**

The Developer and the HOA will meet the following requirements:

- A. The Developer and the HOA agree to be responsible for the maintenance and perpetual existence of common areas. Additionally, the Developer and the HOA will meet the conditions and restrictions imposed by the Town.
- B. When individual lots that are not a part of an approved and platted subdivision are to be sold, a new subdivision construction and final plat shall be submitted to and approved by the Town and recorded in Harnett County prior to the sale of lots and granting of any building permit.
- C. The Developer or the HOA must authorize the subdivision or recombination of property prior to the required approval by Town staff.
- D. No building permit for any structure within the development shall be issued until all required improvements are completed in accordance with the approved construction plans and conditionally accepted by the Zoning Administrator. Additionally, plats and conveyances for any required public easements, streets, rights-of-way, or other required common areas must have been dedicated and approved by the Town and recorded at the Harnett County Registry.
- E. Where any of the development abuts an existing residentially developed property within the Town limits, the Developer shall provide one or more of the following as determined by the Developer:
  - i. 10-foot-wide decorative landscaping
  - ii. Permanent undisturbed buffers
- F. The maximum allowable density shall not exceed 6 units per gross acre based on the total acres in the development. There may be areas of higher density to allow for larger open space areas.
- G. Land additions to the development may be made in increments of any size and will be subject to this Development Plan upon approval by the Town of Erwin.

- H. A variety of dwelling unit styles have been approved for the development and support uses with adherence to the lot area and yard requirements provided in this application. The minimum residential lot areas shall not be less than as stated on the Dimensional Standards which is attached as Appendix 4.
- I. Setback from public rights-of-way: Any building that is erected, reconstructed, or moved shall be setback a minimum of 20 feet from the right-of-way line.
- J. Height Requirements. Maximum building height shall not exceed the heights as stated on the Dimensional Standards Chart which is attached as Appendix 4.
- K. Open Space Requirement. The open space will be controlled by the HOA and will be generally located as shown on the Conceptual Subdivision Layout. Within the open space, there will be passive recreation areas, stormwater control devices, wooded areas, and grass.

**11. Rights-of-Way Width, Street Design, and Improvements Requirements:**

**A. Street Design.**

Streets shall be designed in accordance with Chapter 30 Article IV Section 30-107 of the Town of Erwin Code of Ordinances with the following exceptions.

- i. Sec. 30-107(I) Horizontal curves in the alignment of street lines may be connected by a curve with a radius on the centerline of not less than 150 feet for local streets.
  - ii. Typical street sections shall follow the detail shown in Appendix 3. The proposed typical section provides a 40' ROW with 5' utility easements on each side of the ROW. The section includes 11' lanes, 30" roll curb, a 1.5' grass strip and 5' sidewalk on one side of the street while the other side has a 6.5' grass strip. Outside of the ROW the typical section will include a 5' utility easement on both sides.
- B. The Developer shall designate all streets with the development as Public Streets to be installed per Erwin standards and turned over to the Town upon acceptance by the Town.**

**12. Subdivision Improvements:**

**A. Curbs and Gutters.**

Concrete curbs and gutters will be installed at the Developer's discretion.

**B. Water and Sewer Service Required.**

All lots within the development shall have public utilities and facilities including sewer and water systems located and constructed in accordance with the

Subdivision Ordinance and Harnett Regional Water Standards.

C. **Street Signs.**

The developer and/or HOA will install regulatory traffic control signs, advisory and warning signs, and street name signs in accordance with Town of Erwin standards.

D. **Solid Waste Improvements.**

All residential lots will utilize roll out carts. No specific solid waste improvements are anticipated.

13. **Storm Drainage:**

A. **Enclosed Surface Drains.**

Exclusive of perennial and intermittent streams, all watercourses that require an eighteen-inch pipe or less to carry the ten-year design storm shall be piped. Watercourses means ditches, canals, collector systems, etc., intended to carry surface runoff from or through the development.

14. **Project Phasing:**

A project of this size requires phased construction. The entrance location and utilities determine the direction of phasing for future phases. The developer reserves the right to adjust the number and timing of phasing as market conditions and financial constraints allow.

15. **Public Streets in the Development:**

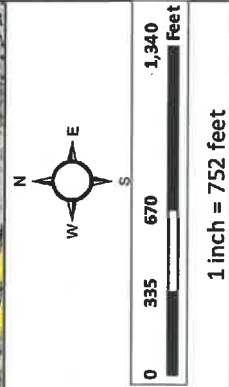
All the streets in the development will be public streets.







# Harnett GIS



	Surrounding County Boundaries		Interstate		Mile_Markers
	City Limits		NC		Railroad
	County Boundary		US		Parcels
	Airport		Roads		CapeFearRiver

NOT FOR LEGAL USE

GIS/E-911 Addressing  
November 15, 2022



# TOWN OF ERWIN

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

11/14/2022

## Notice of a Public Hearing SU 2022-010

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

The Board of Commissioners of the Town of Erwin will hold a public hearing pursuant to NC General Statute 160D-406 on December 1st at 7:00 P.M. at the Erwin Town Hall, 100 West F Street, Erwin, North Carolina to hear public comment on a proposed rezoning request.

There has been a special use permit application submitted for a planned unit development to be built out on three parcels located off of St. Mathews Road. The three parcels are listed below:

- 640 St. Mathews Road (HC Tax PIN #1507-34-7604.000)
- Parcel with no address (HC TAX PIN #1507-45-1001.000)
- Parcel located at the corner of St. Mathews Road and Bryant Road with no address (HC Tax PIN # 1507-35-0329.000)

A copy of this case is available for review at the Erwin Town Hall. Questions concerning this case can be addressed to the Town Manager Snow Bowden at 910-591-4200 or by email at [townmanager@erwin-nc.org](mailto:townmanager@erwin-nc.org).

Regards,

Snow Bowden  
Town Manager

Casper and Kara Tart  
200 Murdock C Road  
Cameron, NC 28326

Mark Kolosky  
999 Carlton Street  
Clayton, NC

RP Wellons Land and Development  
PO Box 730  
Dunn, NC 28335

John and Carol Snipes  
835 St. Matthews Road  
Erwin, NC 28339

Alyssa Crawford  
815 St. Matthews Road  
Erwin, NC 28339

C and J Investment Group, LLC.  
270 Stonehenge Drive  
Dunn, NC 28334

Joe Jernigan  
Larry Hardison  
29 Stonegate Drive  
Angier, NC 27501

Glover Sales, INC  
406 E. Jackson BLVD  
Erwin, NC 28339

Rudolph Jackson  
502 E Jackson BLVD.  
Erwin, NC 28339

Dustin Stargel  
9780 Pringle Benjamin Road  
London, OH 43140

Zilphia Moore  
845 St. Matthews Road  
Erwin, NC 28339

Patricia Johnson  
825 St. Matthews Road  
Erwin, NC 28339

D and S Properties, LLC.  
PO Box 397  
Dunn, NC 28335

Dan and Nancy Bryant  
132 Juniper Creek BLVD.  
Pinehurst, NC 28374

James and Sheryl Senter  
565 St. Matthews Road  
Erwin, NC 28339

Southeastern Properties of Buies Creek  
PO Box 4200  
Buies Creek, NC 27506

**Sharon McLamb**  
2216 Donny Brook Road  
Raleigh, NC 27603

**Anne and Leroy Black**  
340 Bryant Road  
Dunn, NC 28334

**Michael and Sariah Jackson**  
722 Bryant Road  
Dunn, NC 2834

**Phyllis Bryant**  
71 Belmont Drive  
Angier, NC 27504

**Pleasant Grove FWB Church**  
7290 Red Hill Church Road  
Dunn, NC 28334

**Belinda Pope**  
3 Golfers Way  
Pinehurst, NC 28374

## MINUTES CONTINUED FROM DECEMBER 1, 2022

### RECONVENED

Commissioner Blackmon made a motion to go back into regular session at 8:27 PM and was seconded by Commissioner Turnage.

Chief Johnson introduced the Police Department's Chaplin, John Whitman.

### MANAGER'S REPORT

Town Manager Snow Bowden stated we will have a kick-off meeting for the Land Use Plan with Town Staff and the Stewart Group on December 8<sup>th</sup> at 10 AM. Cloudwyze has started laying the fiber in town. He informed the Board that the Christmas Parade was scheduled for Monday, December 5<sup>th</sup> at 7 PM and the Board will be on the first float in the parade, item #7. At our next meeting, we will probably review an MOU from the NC Department of Commerce regarding Creating Outdoor Recreation Economies (CORE). We had our final inspection at Al Woodall Park with the PARF group and we should be receiving our last reimbursement check by the end of the year. Also, he and Town Engineer Bill Dreitzler met with WithersRavenel in regards to the changes we wanted to see for the Pavement Condition Study and decided we have a good plan in place, we just want to get a new proposal prepared for them. He hopes to have the LED and Community Building Signs up at Town Hall by the end of the year. He stated he wanted to personally thank everyone for the well wishes and prayers, he is feeling much better now. He thanked Staff for stepping up while he was gone.

### ATTORNEY'S REPORT

Town Attorney Tim Morris thanked the Board for allowing him to be the Town Attorney.

### GOVERNING COMMENTS

Commissioner McKoy thanked everyone for their thoughts and prayers on the recent passing of his brother. The cards, flowers, and people showing up at the funeral meant a lot to him and his family.

Commissioner Nelson thanked our Police Department and Staff for the good job they are doing.

Commissioner Turnage stated after the Christmas Tree Lighting he asked Mr. Bowden to find more money next year to string up more lights down S 13<sup>th</sup> Street. He asked for an update on the grant for the Depot.

Town Manager Snow Bowden stated we are supposed to hear back in January.

Commissioner Turnage stated there were about 120 people who showed up for the Erwin Mills Reunion. They are making plans to have the reunion every year. They are planning to use the Erwin Elementary School Cafeteria for future reunions.

**MINUTES CONTINUED FROM DECEMBER 1, 2022**

Mayor Baker thanks Town Staff for all they do. He reminded the Board of the Christmas Parade and hoped for a safe event so everyone can enjoy the season.

**ADJOURNMENT**

Commissioner Turnage made a motion to adjourn at 8:41 P.M. and was seconded by Commissioner Nelson. **The Board voted unanimously.**

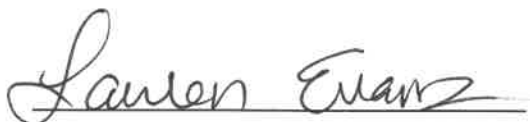
**MINUTES RECORDED AND TYPED BY  
LAUREN EVANS TOWN CLERK**

**ATTEST:**



**Ricky Blackmon**

**Mayor Pro Tem**



**Lauren Evans**

**Town Clerk**