

**THE ERWIN BOARD OF COMMISSIONERS
FEBRUARY 2022 REGULAR MEETING
THURSDAY, FEBRUARY 3, 2022 @ 7:00 P.M.
ERWIN MUNICIPAL BUILDING BOARD ROOM**

AGENDA

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

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

 - A. Minutes of Regular Meeting on January 6, 2022 (**Page 2**)
 - B. Financial Report for December 2021 (**Page 8**)
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. **PRESENTATION OF FEBRUARY CITIZEN OF THE MONTH**
6. **PUBLIC HEARING**
 - A. SU-2021-007 (**Page 10**)
 - B. SU-2021-008 (**Page 11**)
 - C. SU-2022-001 (**Page 30**)
 - D. ~~Sign Text Amendment (Page 49)~~
7. **OLD BUSINESS**
 - A. GFL (**Page 55**)
 - B. ~~Potential Annexation of 127 Red Hill Church Rd (Page 56)~~
8. **NEW BUSINESS**
 - A. Schedule Budget Retreat (**Page 60**)
 - B. ~~Grant Project Ordinance Community Building Renovations (Page 61)~~
9. **MANAGER'S REPORT**
10. **ATTORNEY'S REPORT**
11. **GOVERNING BODY COMMENTS**
12. **ADJOURNMENT**

ERWIN BOARD OF COMMISSIONERS**REGULAR MINUTES****FEBRUARY 3, 2022****ERWIN, NORTH CAROLINA**

The Board of Commissioners for the Town of Erwin with Mayor Patsy Carson presiding held its Regular Meeting in the Erwin Municipal Building Board Room on Thursday, January 6, 2022, at 7:00 P.M. in Erwin, North Carolina.

Board Members present were: Mayor Pro Tem Randy Baker and Commissioners William Turnage, Thurman Whitman, and Ricky Blackmon.

Board Members absent were: Mayor Patsy Carson and Commissioner Alvester McKoy.

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

Town Attorney Tim Morris was absent.

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

Rev. Cowan gave the invocation.

Mayor Pro Tem Baker led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

Town Manager Snow Bowden requested to remove Item D Sign Text Amendment under Public Hearing, Item B Potential Annexation of 127 Red Hill Church Rd under Old Business, and Item B Grant Project Ordinance- Community Building Renovation under New Business due to not having a quorum to approve Ordinances.

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

CONSENT

Commissioner Turnage made a motion to approve **(ITEM A)** Minutes of Regular Meeting on January 6, 2022 **(ITEM B)** Financial Report for December 2021 and was seconded by Commissioner Whitman. **The Board voted unanimously.**

TOWN OF ERWIN
 FINANCIAL SUMMARY REPORT
 FOR MONTH OF December 2021



REVENUES	ANNUAL BUDGET	December 2021 ACTIVITY	ACTUAL TO DATE	Y-T-D % COLLECTED
CURRENT YEAR LEVY OF PROPERTY TAXES	1,103,868.00	354,340.00	664,247.00	61.12%
CURRENT YEAR MOTOR VEHICLE TAXES	175,470.00	13,401.00	78,769.00	45.47%
PROV. YEAR TAXES / Penalties & Interest	10,000.00	1,168.00	37,490.00	374.90%
UTILITIES FRANCHISE TAXES	190,000.00	49,503.00	91,738.00	48.28%
ENTRY FEES	19,000.00	285.00	11,810.00	62.66%
SALES & USE TAX	700,000.00	73,860.00	437,662.00	62.52%
ZONING PERMITS/APPLICATIONS	8,000.00	1,025.00	7,310.00	91.38%
REFUSE COLLECTIONS FEES	410,256.00	37,291.00	230,664.00	56.23%
STORM WATER COLLECTION	69,930.00	5,308.00	31,417.00	44.93%
ALL OTHER REVENUES	697,042.00	168,555.00	383,343.00	55.00%
	3,383,554.00	704,744.00	1,875,590.00	55.43%
EXPENDITURES	ANNUAL BUDGET	December 2021 ACTIVITY	ACTUAL TO DATE	Y-T-D % SPENT
GOVERNING BODY	47,946.00	1,776.00	11,308.00	23.59%
ADMINISTRATION	263,998.00	19,153.00	122,557.00	46.53%
NON-DEPARTMENTAL	279,319.00	15,764.00	237,219.00	84.93%
PLANNING & IMPROVEMENTS	77,368.00	181.00	9,557.00	12.35%
POWELL BILL-STREETS	157,000.00	1,000.00	7,000.00	4.46%
POLICE	984,020.00	72,476.00	460,073.00	47.72%
POLICE-SRO	64,030.00	5,073.00	31,841.00	49.73%
CONTRACT SERVICES-FIRE	238,307.00	68,647.00	126,384.00	53.03%
PUBLIC WORKS-ADMIN.	109,004.00	8,879.00	80,731.00	55.71%
PUBLIC WORKS-STREETS	386,984.00	36,276.00	169,248.00	43.76%
PUBLIC WORKS-SANITATION	345,343.00	3,023.00	117,816.00	34.14%
PUBLIC WORKS-STORM WATER	15,000.00	0.00	3,549.00	23.66%
RECREATION	349,119.00	21,954.00	162,131.00	46.44%
LIBRARY	69,405.00	5,198.00	32,837.00	47.31%
COMMUNITY CENTER	7,300.00	680.00	2,362.00	32.36%
	3,363,554.00	259,988.00	1,544,714.00	46.05%
Y-T-D GENERAL FUND BALANCE INCREASE (DECREASE)		444,756.00	330,876.00	

BANK BALANCES AS OF December 2021		
CASH MANAGEMENT		2,193,018.46
FIRST CASH IN BANK		364,000.83
FIRST FEDERAL PRESTIGE - BUSINESS MONEY MARKET		130,705.00
FIRST FEDERAL PROGRAM - BUSINESS MONEY MARKET		667,460.72
Y-T-D INVESTMENT BALANCE IN GENERAL FUND ACCOUNTS		3,582,084.81
BRAT STATE FORFEITURE		4,246.64
BOB & T CAPITAL RESERVE/COMM ENHANCEMENT		202,082.43
FIRST FEDERAL CAP. RESERVE/GENERAL		2,351,267.69
BB&T HEALTH RESERVE FRA ACCT		17,496.44
PRIEBE FIELD ACCT.		12,222.30
AL WOODBALL PARK IMPROVEMENTS		382,411.61
AMERICAN RELIEF FUNDS		627,632.01
Y-T-D INVESTMENT BALANCE RESTRICTED FUNDS		3,785,819.12
GRAND TOTAL BALANCE FOR TOWN OF ERWIN		7,367,903.73

POWELL BILL BALANCE
\$439,194.89

Town Of Erwin

Financial Summary Report

YTD Comparison of December FY 2020 & FY 2021



FOOTNOTED FIGURES

	YTD		YTD		DIFFERENCE
	Dec-21	Dec-20	Dec-21	Dec-20	
Revenues					
CURRENT YEAR LEVY OF PROPERTY TAXES	\$64,347.00	\$77,632.00	(13,285.00)		
CURRENT YEAR MOTOR VEHICLE TAXES	79,789.00	87,177.00	(7,388.00)		
PRIOR YEAR TAXES / Penalties & Interest	37,480.00	21,889.00	15,591.00		
UTILITIES FRANCHISE TAXES	91,738.00	93,918.00	(2,080.00)		
ENTRY FEES	11,919.00	9.00	11,910.00		
SALES & USE TAX	437,892.00	363,707.00	63,965.00		
ZONING PERMITS/APPLICATIONS	7,316.00	6,186.00	1,130.00		
REFUSE COLLECTIONS FEES	230,484.00	209,393.00	21,091.00		
STORM WATER COLLECTION	31,417.00	29,488.00	1,929.00		
ALL OTHER REVENUES	383,343.00	574,093.00	(190,750.00)		
	\$ 1,876,890.00	\$ 1,982,325.00	(106,735.00)		
Expenditures					
GOVERNING BODY	11,309.00	11,393.00	(84.00)		
ADMINISTRATION	122,857.80	156,894.00	(34,036.20)		
NON-DEPARTMENTAL	237,219.00	170,669.00	66,550.00		
PLANNING & INSPECTIONS	9,537.00	21,409.00	(11,872.00)		
POWELL BILL-STREETS	7,000.00	10,000.00	(3,000.00)		
POLICE	489,073.00	396,146.00	92,927.00		
POLICE-SRO	31,841.00	48,263.00	(16,422.00)		
CONTRACT SERVICES-FIRE	128,384.00	123,864.00	4,520.00		
PUBLIC WORKS-ADMIN.	60,731.00	62,860.00	(2,129.00)		
PUBLIC WORKS-STREETS	189,248.00	133,072.00	56,176.00		
PUBLIC WORKS-SANITATION	117,818.00	149,067.00	(31,249.00)		
PUBLIC WORKS-STORM WATER	3,649.00	1,769.00	1,760.00		
RECREATION	182,131.00	128,337.00	53,794.00		
LIBRARY	32,887.00	29,901.00	2,986.00		
COMMUNITY CENTER	2,382.00	9,381.00	(6,999.00)		
	\$ 1,844,714.00	\$ 1,868,784.00	(24,070.00)		

	YTD		YTD	
	Dec-21	Dec-20	Dec-21	Dec-20
BANK ACCOUNT BALANCES				
CASH MANAGEMENT	2,193,018.46	1,610,059.91		
BB&T CASH IN BANK	294,909.82	887,644.61		
FIRST FEDERAL BUSINESS MONEY MARKET	136,708.60	136,336.06		
FIRST FEDERAL MONEY MARKET	827,460.73	865,737.61		
Y-T-D INVESTMENT BALANCE IN GENERAL FUND ACCOUNTS	\$ 3,652,097.61	\$ 3,000,777.11		
BB&T STATE FORFEITURE	4,246.64	3,691.32		
BB & T CAPITAL RESERVE/COMM. ENHANCEMENT	202,092.45	178,072.94		
FIRST FEDERAL CAP. RESERVE/GENERAL	2,351,257.89	2,346,699.89		
BB&T HEALTH RESERVE HRA ACCT.	11,688.44	11,172.43		
PRIERE FIELD ACCT.	12,232.30	9,227.94		
AL WOODGALL PARK IMPROVEMENTS	382,411.81	343,591.41		
AMERICAN RELIEF FUNDS	821,102.01			
Y-T-D BALANCE RESTRICTED FUNDS	\$ 3,786,519.12	\$ 2,890,255.93		
CUMULATIVE BALANCE FOR TOWN OF ERWIN	\$ 7,367,603.73	\$ 6,980,033.04		

MINUTES CONTINUED FROM FEBRUARY 3, 2022

PUBLIC COMMENT

Johnnie Lucas of 700 East E Street came forward and addressed the Board. He stated he has been a resident of Erwin his entire life. He has been speaking with Town Manager Snow Bowden in regards to a fence that was not put up by code about 6 months ago. He was understanding that the Town cannot find a Code Enforcement Officer but he wanted to know how long it took to get that fence straightened out. The fence was put up by vindictiveness because their dog kept coming into his yard messing with his dog. He mentioned it to his neighbors multiple times so they put a fence up but his neighbor put it up backward and is telling people in the neighborhood that they are not fixing it. He stated if the tables were turned, he would have been told he had to turn that fence around and he would have.

PRESENTATION OF CITIZEN OF THE MONTH

McDuffie Johnson of 614 West J Street was recognized as the February 2022 Citizen of the Month. Mayor Pro Tem Baker presented him with a Proclamation Plaque.

PUBLIC HEARING

SU-2021-007

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

Town Manager Snow Bowden stated that the applicant has requested the Public Hearing be tabled. He was traveling from Vietnam and is still in quarantine. More than likely, this request will change, and may even request to have to application removed.

Commissioner made a motion to table SU-2021-007 until our next scheduled Board of Commissioners Meeting on March 3, 2022, at 7 PM in the Erwin Municipal Building Board Room and was seconded by Commissioner Turnage. **The Board voted unanimously.**

SU-2021-008

Town Manager Snow Bowden stated that the applicant is not present.

Mayor Pro Tem Baker stated that this request was tabled at our January meeting due to a lack of representation. He asked if the Board would like to table this request, this is not at the request of the applicant.

Commissioner Blackmon asked Town Manager Snow Bowden whether the applicant has contacted him in regards to this application.

Town Manager stated that he has not been contacted by the applicant. He asked the Board if they see fit to table the request and give the applicant one more month to appear for Public Hearing. He stated the applicant was informed of the Public Hearing at our January Meeting when he



**TOWN OF ERWIN
BOARD OF COMMISSIONERS
REGULAR MEETING
THURSDAY, FEBRUARY 3, 2022
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. <u>Johnnie Lucas</u>	<u>700 East E St</u>	<u>Fence Code</u>
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____
11. _____	_____	_____
12. _____	_____	_____



TOWN OF ERWIN

P.O. Box 459 • Erwin, NC 28339
Ph: 910-897-5140 • Fax: 910-897-5543
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**PROCLAMATION
RECOGNIZING
MCDUFFIE JOHNSON JR.
FOR CITIZEN OF THE MONTH
2021-2022—008**

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

WHEREAS, the Town of Erwin Mayor and Board of Commissioners, realize that the Town of Erwin's greatest asset is viewed as the citizens that contribute tirelessly and unselfishly of themselves to aid in the well-being of the residents within the community. These citizens display characteristics and qualities in an individual that strive to make a real difference in the lives of children, adults, and the elderly without desire for recognition or personal gain; and

WHEREAS, Mr. McDuffie Johnson, Jr. of 614 West J Street, Erwin was born in Lillington, NC on December 5, 1927, to Mr. McDuffie Johnson, Sr. and Annie Turlington Johnson. He married Annie Louise Brown Johnson on June 19, 1948, and they were married for 67 years until her passing. Their marriage was blessed with 2 children, the late Kenneth Mack Johnson and David Glenn Johnson; and 5 Grandchildren; and

WHEREAS, Mr. Johnson co-owned Johnson Brothers Utility & Paving Co, INC for 62 Years. He opened 2 asphalt plants, one in Lillington and the other in St Pauls, which employed over 30 people; and

WHEREAS, Mr. Johnson has been a native of Erwin for 70 years. He has worked on numerous projects for the Town of Erwin including pipe and utility work, street resurfacing projects, and hurricane clean up. He is a member of Erwin Church of God and has served on Pastor's Council and the Usher Committee; and

NOW THEREFORE BE IT RESOLVED that the Town of Erwin Mayor and Board of Commissioners give recognition and appreciation to Mr. McDuffie Johnson for his valuable contributions to the quality of life in our community and proudly acknowledge Mr. McDuffie Johnson as the February 2022 Citizen of the Month.

Duly Adopted, this the 3rd day of February 2022.

ATTEST:

Randy Baker
Mayor Pro Tem

Lauren Evans
Town Clerk

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: February 3, 2022

Subject: SU-2021-007

Town Staff has had a few discussions with the applicant for SU-2021-007. We have talked about potential changes to the submitted site plan. The applicant is still out of Town and would like to request to have this item tabled until our March Town Board meeting.

Action Recommended:

- Table discussion until our next regularly scheduled meeting on March 3rd, 2022 at 7 PM at the Erwin Town Hall.

MINUTES CONTINUED FROM FEBRUARY 3, 2022

filled out his application and also received a letter as well but never followed up after not showing up for the January Meeting.

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

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

Commissioner Blackmon stated that the applicant has been notified and has not shown up at either meeting so he must not be interested or he wants to pull the application. He recommended pulling the application and if the applicant wants to resubmit an application, he will have to pay the additional fees and we will advertise again.

Mayor Pro Tem Baker stated the property is currently being used for what the request is being asked for.

Town Manager Snow Bowden stated they do have a permit for outdoor storage, but when it was being used by Piedmont, it was much cleaner and they had a privacy fence up. The applicant was attempting to have the fence part of the condition removed.

Commissioner Blackmon made a motion to dismiss SU-2021-008 due to lack of representation for the application and was seconded by Commissioner Whitman. **The Board voted unanimously.**

SU-2022-001

Town Manager Snow Bowden stated that the Town received a special use application to build a duplex for multifamily use on a vacant parcel located off of North 14th Street. The parcel does not have an address but it is adjacent to 722 North 14th Street. The applicant was present to answer any questions the Board may have.

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

The applicant, Jose Moreno, came forward and was sworn in by Town Clerk Lauren Evans.

Mr. Moreno thanked the Board for allowing him to present at the meeting. He wishes to bring a set of duplexes into the Erwin Community to clean up the neighborhood, it is a beautiful neighborhood but these duplexes would be more modern.

Mayor Pro Tem Baker asked how the applicant how the requested use would impact the community.

Mr. Moreno stated the duplexes would bring more revenue in for the Town of Erwin and big something different to the neighborhood.

Commissioner Turnage asked if the duplexes will be for rent or sale.

Mr. Moreno stated they will be for rent.

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: February 3, 2022

Subject: SU-2021-008

The Town has received an application for an amendment to an existing conditional use permit that was issued back in June 2017. The property is located at 413 East Jackson BLVD and can be identified by its Harnett County Tax PIN # 1507-23-5569.000. The applicant would like to use this property to store the manufactured homes and to set one or two models up to show them to potential customers.

Attachments:

- SU-2021-008 Application
- SU-2021-008 Staff Report
- Harnett County GIS image with zoning
- Harnett County GIS image with no zoning
- ite Plan- Outdoor Storage

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-2021-008 Special Use Application to operate a business that would sale manufactured homes at 413 East Jackson BLVD (HC Tax PIN #1507-23-5569.000).
 - b. Denial of SU-2021-008 Special Use Application to operate a business that would sale manufactured homes at 413 East Jackson BLVD (HC Tax PIN #1507-23-5569.000).
 - c. Approval of SU-2021-008 Special Use Application to operate a business that would sale manufactured homes at 413 East Jackson BLVD (HC Tax PIN #1507-23-5569.000) with additional conditions (state conditions).



TOWN OF ERWIN

100 West F St., Post Office Box 459
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(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	Clayton Homes	Property Owner Name	Michael J. Wood
Mailing Address	2001 W. Cumberland St.	Mailing Address	413 E. Jackson Blvd
City, State, Zip	Dunn NC 28334	City, State, Zip	Erwin NC 28334
Telephone	910 892.0108	Telephone	
Email		Email	
Address of Subject Property	413 E. Jackson Blvd Erwin NC 28339		
Parcel Identification Number(s) (PIN) of Subject Property	1507 - 23 - 5569 .000		
Legal Relationship of Applicant to Owner	Rent	Floodplain SFHA	Yes <input checked="" type="checkbox"/> No
Legal Description: Lot	Block	Subdivision	
Zoning District	Wetlands	Yes <input checked="" type="checkbox"/> No	Watershed Area Yes <input checked="" type="checkbox"/> No
Public Water Available: <input checked="" type="checkbox"/> or N	Public Sewer Available: <input checked="" type="checkbox"/> or N	Existing Septic Tank: Y or N	
Number of Buildings to Remain	Gross Floor Area to Remain		
Describe Proposed Project or Request with Conditions proposed by applicant: St outdoor storage and sales lot for Clayton Homes			
Total Acreage or Square Footage to be Disturbed			
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.

Date Application Submitted	12/11/21	Office Use Only	Application Fee \$300	Received By	
Case #	SU-2021-008				



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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.")

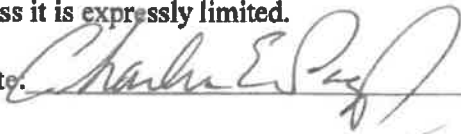
Compliance with Other Codes: Granting of a Special Use Permit does not exempt applicant from complying with all of the requirements of building codes and other ordinances.

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:



- Attached



TOWN OF ERWIN

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

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

- Attached

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

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

 Yes No _____

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

 Yes No _____

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

 Yes No _____

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

 Yes No _____

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

 Yes No _____

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

 Yes No _____

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

 Yes No _____



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 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.

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**

Notice Mailed 12/16/2021 Office Use Only Property Posted 12/16/2021 Newspaper Advertised Date 12/21,28/2021

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: _____

Michael Jefferson Wood
1431 Bailey Road
Coats, NC 27521

BPRV LLC
1004 Procure Street
Fuquay-Varina, NC 27526

KOMVISH LLC
4020 Chaumont Drive
Apex, NC 27502

GIZMO REALTY LLC
100 South 10th Street
Lillington, NC 27546

Carmen Meza
Humberto Paz
114 1st Street
Erwin, NC 28339

Casper Tart Jr.
200 Murdock C Road
Cameron, NC 28326

EZS Company LLC
27 Annette Drive
Suite 107
Benson, NC 27504

LAD HAIR INC.
409 E Jackson BLVD
Erwin, NC 28339

CHIRO PROPERTIES LLC
101 Shelly Drive
Dunn, NC 28334

Turtle Run LLC
PO Box 608
Smithfield, NC 27577

Joe Jernigan
Larry Hardison
29 Stonegate Drive
Angier, NC 27501

Glover Sales INC
406 East Jackson BLVD
Erwin, NC 28339

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



SPECIAL USE REQUEST STAFF REPORT

Case: SU-2021-008

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

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

Public Hearing Date: Thursday, January 6th, 2022

Requested special use permit to operate a business that would sale manufactured homes at 413 East Jackson BLVD. The requested use would involve the outdoor storage of the homes on the lot. They are requesting an amendment to the existing conditional use permit that was approved in June 2017. The parcel can also be identified by its Harnett County Tax PIN # 1507-23-5569.000.

Applicant Information

Owner of Record:

Name: Michael Jefferson Wood

Address: 1431 Bailey Road

City/State/Zip: Coats, NC 27521

Applicant:

Name: Clayton Homes

Address: 2001 West Cumberland Street

City/State/Zip: Dunn, NC 28334

Property Description

Harnett County Tax PIN 1507-23-5569.000

Acres 7.07

Zoning District- Highway Business (B-2)

Vicinity Map

- See Attached Document

Physical Characteristics

Site Description- This is a seven acre parcel that has an existing structure in the middle of the parcel. Based on Harnett County GIS data the structure was placed on the lot in 1996. It is 1,944 square feet. This parcel was most recently used by Piedmont Natural Gas as a staging site back in 2017-2018. They did receive a conditional use permit for outdoor storage of equipment.

Surrounding Land Uses- This parcel is adjacent to three vacant lots in Professional Park Drive. There is a mix of commercial uses off of Highway 421 adjacent to the property.

Services Available

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

Zoning District Compatibility

Special Use	B-2
Outdoor Storage of Equipment	X

Staff Evaluation

Staff Evaluation

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

- **Reasoning:** Outdoor storage of equipment is allowed as a special use in our Highway Business (B-2) Zoning District.

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

- **Reasoning:** The requested use would allow for a retail service establishment to operate on this parcel with outdoor storage of equipment.

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 is an existing conditional use permit for this parcel to be used for outdoor storage of equipment. There needs to be a fenced installed the applicant is seeking an amendment to the existing conditional use permit to allow for the outdoor storage of equipment and to use this lot as a sales lot for the homes.

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

- **Reasoning:** This parcel is found in an area in our 2014 Land Use Plan as an area for High Intensity Growth. The 2014 Land Use Plan states "This land use classification is intended for commercial uses that have a more regional draw and may serve residents outside of the immediate area".

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

- **Reasoning:** This is an existing building that already has most of these items in place. If given approval that applicant would need to set up service for trash collection.

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

- **Reasoning:** The previous occupant of this parcel was granted approval from the North Carolina Department of Transportation to operate with no changes to Highway 421. If granted approval for this use the applicant would need to obtain approval from the North Carolina Department of Transportation to operate this business on this parcel.

Yes No

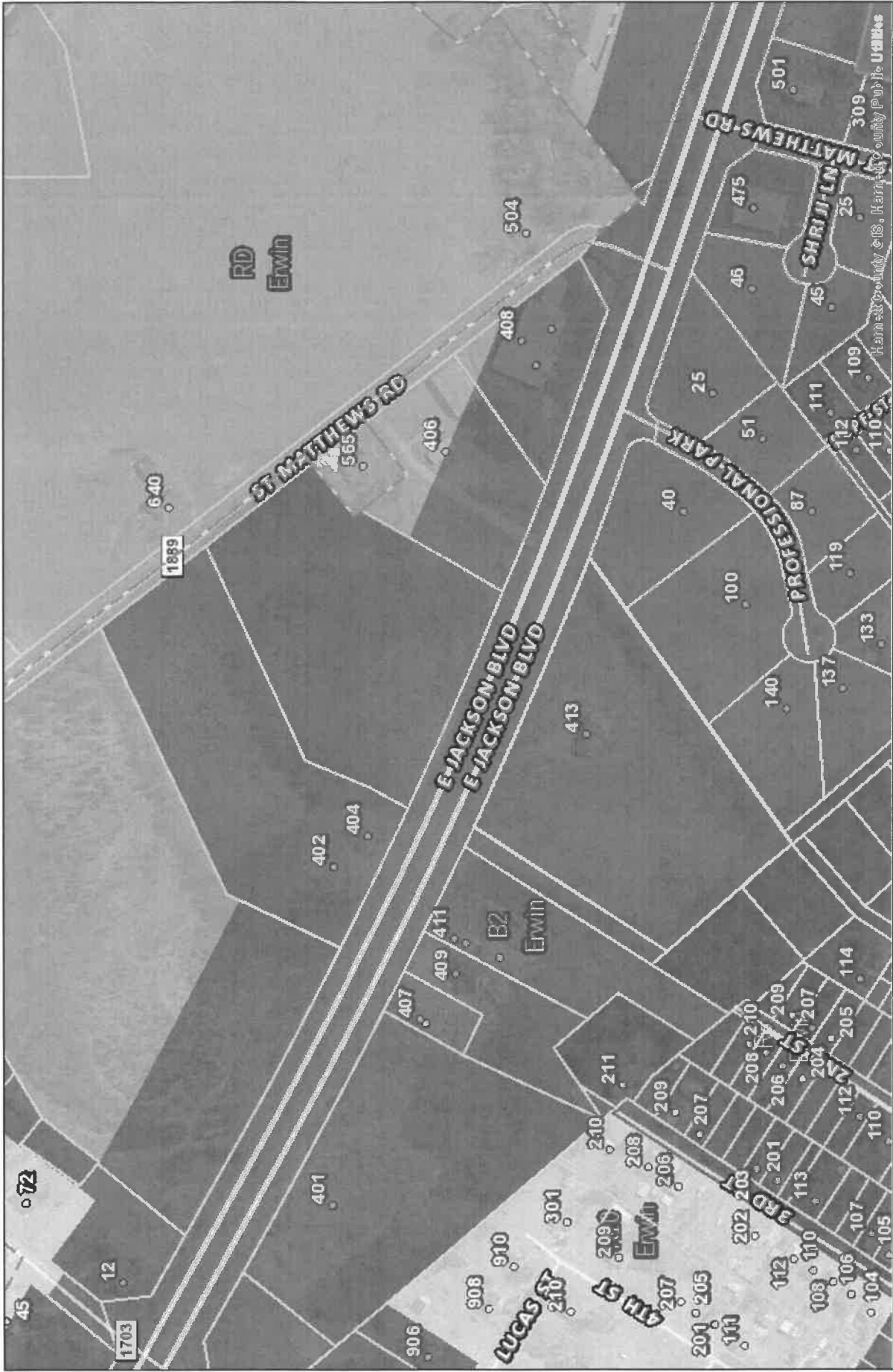
That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners.

• **Reasoning:**

Attachments:

- SU-2021-008 Application
- SU-2021-008 Staff Report
- Harnett County GIS Image with Zoning Overlay
- Harnett County GIS Image with No Zoning
- Property Owners notified
- Conditional Use Site plan

Harnett GIS



Harnett COUNTY
NORTH CAROLINA

GIS/E-911 Addressing
December 28, 2021

Surrounding County Boundaries

- City Limits
- Address Numbers
- Airport

MajorRoads

- Interstate
- NC
- US
- Roads

Mile_Markers


- Mile_Markers
- Railroad
- Parcels
- CapeFearRiver

1 inch = 376 feet

Harnett GIS



NOT FOR LEGAL USE .



Harnett
COUNTY
NORTH CAROLINA

GIS/E-911 Addressing
December 28, 2021

Surrounding County Boundaries


- City Limits
- Address Numbers
- Airport

MajorRoads


- Interstate
- NC
- US
- Roads

Mile_Markers

- Interstate
- Mile_Markers
- Railroad
- Parcels
- CapeFearRiver

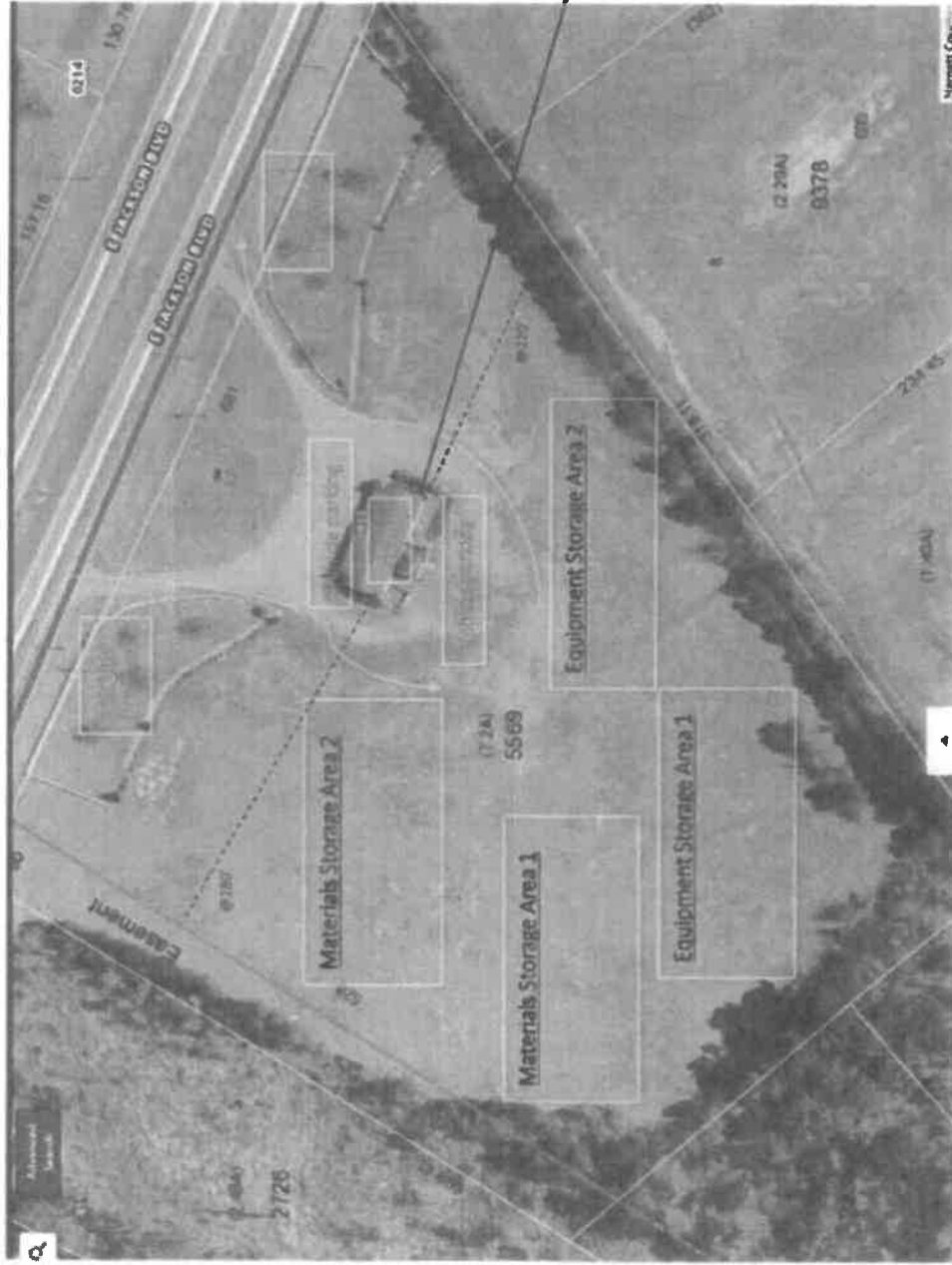


N
W E
S



0 165 330 660 Feet
1 inch = 376 feet

Exhibit A
413 E. Jackson Blvd, Erwin, NC – Conditional Use Site Plan



Existing building = approx. 79' length x
28 feet width = approx. 2,212 sf



NOT TO SCALE

MINUTES CONTINUED FROM FEBRUARY 3, 2022

Mayor Pro Tem Baker asked staff if egress and ingress would be off of a Town maintained street.

Town Manager Snow Bowden stated that the Town has already called and the property owner has purchased the tiles and began installing the driveway.

Commissioner Blackmon verified that the vacant is zoned R-6. He asked whether adequate parking is being provided.

Town Manager Snow Bowden stated the applicant is providing two parking spots, one in the garage and one in the front.

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

Rudolph Hicks of 702 N 15th Street came forward and was sworn in by Town Clerk Lauren Evans.

Mr. Hicks stated that the man building the duplex has come too far and is on his land located at 605 N 15th Street. He wanted to know if he got the land surveyed. He stated he is not against the duplex, he just does not want it on his land.

Mayor Pro Tem Baker asked if anyone else would like to come forward and speak in proposition or opposition of the request.

Charles Wooten of 720 N 14th Street came forward and was sworn in by Town Clerk Lauren Evans.

Mr. Wooten stated he is in opposition to the duplex. He is under the impression that it will be low-income housing which is usually where the crime comes in at. He stated he is against it because when you bring in low-income housing, those are the people who break into your house and he does not want that.

Mayor Pro Tem Baker asked a resident of that area if there is any other multifamily housing.

Mr. Wooten stated the area is only single-family residential.

Jody Smith of 720 N 14th Street came forward and was sworn in by Town Clerk Lauren Evans.

Ms. Smith stated she lives directly across from the vacant lot. If the duplexes are going to be low-income housing, she does not want it. Low-income housing tends to bring crime and they have never had issues with crime in that area. She also wanted to note that she cannot get her head around the parking situation, the lot is not but so big.

No one else came forward.

Mayor Pro Tem Baker asked Mr. Moreno to come back up and address the citizen's concerns.

Mr. Moreno stated as far as the property line, he hired a surveying company, and he is going off of what was set up for him. As far as low-income people, he insured the Board and the citizens that will not happen. He stated during his presentation, he told the Board that he wanted to clean up the area, he does not want anyone to be not at ease with it and if there is a concern, he asked

MINUTES CONTINUED FROM FEBRUARY 3, 2022

that someone brings the issue to his attention. He stated the Duplexes will be multifamily units, the keyword being “family”, which is what he hopes to bring to Erwin. This is an investment he is putting his hard-earned money into for himself and his family.

Town Manager Snow Bowden stated that the applicant has another lot up 14th Street that he wanted to eventually build another duplex on.

Mayor Pro Tem Baker asked how far from the apartment complexes will this duplex be located.

Town Manager Snow Bowden stated they would be about two blocks apart.

Mr. Moreno stated he will be maintaining the yards personally.

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

Commissioner Blackmon made a motion in the affirmative that the use requested is listed among the special uses in the district for which the application is made. A two-family dwelling structure is allowed as a special use in our R-6 Zoning District and was seconded by Commissioner Turnage. **The Board voted unanimously.**

Commissioner Turnage made a motion in the affirmative that the requested use is essential or desirable to the public convenience or welfare. The requested use would allow for a two-family dwelling on a parcel that is currently vacant. It would provide a residential option for someone that wants to live in the Town of Erwin and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner Turnage made a motion in the affirmative that the requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare. This request is for a structure that would be a residential structure for two separate families. It would provide a similar land use to the surrounding parcels with single-family structures located on them and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner Blackmon made a motion in the affirmative that the requested use will be in conformity with the Land Development Plan. This parcel is found in an area in our 2014 Land Use Plan as an area for Medium Intensity Growth. The 2014 Land Use Plan states “The medium intensity land use classification is primarily intended for medium to high density mixed residential uses.” The motion was seconded by Commissioner Turnage. **The Board voted unanimously.**

Commissioner Blackmon made a motion in the affirmative that adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. The property owner plans on purchasing a drainage tile to install with the one driveway located off of this parcel to serve the two-family dwelling. The units will be required to connect to the Harnett Regional Water system for water and sewer services. They will be provided trash and recycling collection services by the Town of Erwin which currently utilizes a contracted service provider to provide this service and was seconded by Commissioner Turnage. **The Board voted unanimously.**

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: February 3, 2022

Subject: SU-2022-001

The Town has received a special use application to build a duplex on a vacant parcel located off of North 14th Street. The parcel is adjacent to 722 North 14th Street. It can also be identified by its Harnett County Tax PIN # 0597-56-9873.000. Two-family units are allowed with a special use permit in our R-6 Zoning District.

(Definition in our Code of Ordinances)- Dwelling, two-family, means a dwelling arranged or designed for occupancy by two families, with separate housekeeping, cooking facilities for each, and a shared wall.

Attachments:

- SU-2022-001 Application
- SU-2022-001 Staff Report
- Harnett County GIS Image with no zoning
- Harnett County GIS Image with zoning

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-2022-001 Special Use Application to build a duplex on a vacant parcel located off of North 14th Street. The parcel is adjacent to 722 North 14th Street. (HC Tax PIN # 0597-56-9873.000).
- b. Denial of SU-2022-001 Special Use Application to build a duplex on a vacant parcel located off of North 14th Street. The parcel is adjacent to 722 North 14th Street. (HC Tax PIN # 0597-56-9873.000).
- c. Approval of SU-2022-001 Special Use Application to build a duplex on a vacant parcel located off of North 14th Street. The parcel is adjacent to 722 North 14th Street. (HC Tax PIN # 0597-56-9873.000) with additional conditions (state conditions).



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SPECIAL USE PERMIT APPLICATION

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

Applicant Name	Jose Moleno	Property Owner Name	ll ll
Mailing Address	5174 Bradshaw RD	Mailing Address	ll ll
City, State, Zip	Newton Grove, NC 28366	City, State, Zip	ll ll
Telephone	919-868-9111	Telephone	ll ll
Email		Email	

Address of Subject Property	Vacant		
Parcel Identification Number(s) (PIN) of Subject Property	0597 - 56 - 9873 .000		
Legal Relationship of Applicant to Owner	owner	Floodplain SFHA	Yes No
Legal Description: Lot	Block	Subdivision	
Zoning District	R-6	Wetlands	Yes X No
Public Water Available:	Y or N	Public Sewer Available:	Y or N
Existing Septic Tank:	Y or N		
Number of Buildings to Remain	1	Gross Floor Area to Remain	5702
Describe Proposed Project or Request with Conditions proposed by applicant: Duplex - multi-family			
Total Acreage or Square Footage to be Disturbed	5702 3,182 total		
Estimated Cost of Project \$			

~~2506~~
 SF
 Rate
 unit
 near

1591 SF
 per
 unit

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.

Date Application Submitted	1/13/22	Office Use Only	Application Fee \$	300	Received By	MSB
Case #	SU-2022-001	PAID				

JAN 13 2022 check 1383



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Special Use Signature Page

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

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

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

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

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

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

SU- 2022-007

Signature Page


Page 1 of 2

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

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

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

Applicant Signature and Date:

 1-15-21

** See attached*



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

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

SU- 2027 .001

See attached
Staff Report

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

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

Yes No _____

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

Yes No _____

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

Yes No _____

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

Yes No _____

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

Yes No _____

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

Yes No _____

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

Yes No _____



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3. Pay the Special Use Permit Fee as established by the Board of Commissioners and found in the Schedule of Fees in the Office of the Town Clerk. Current fee is \$300.

Conditions and Guarantees

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

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

Action by the Board of Commissioners

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

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



TOWN OF ERWIN

100 West F St., Post Office Box 459

Erwin, NC 28339

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

www.erwin-nc.org

IMPORTANT

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

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

Using the Zoning Ordinance

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



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Processing Requirements

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

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

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

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

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

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

**Town of Erwin
Record and Decisions**

Office Use Only

Notice Mailed 01/13/2022 Property Posted _____ Newspaper Advertised Date 1/18,25/2022

Public Hearing Date and Comments: _____

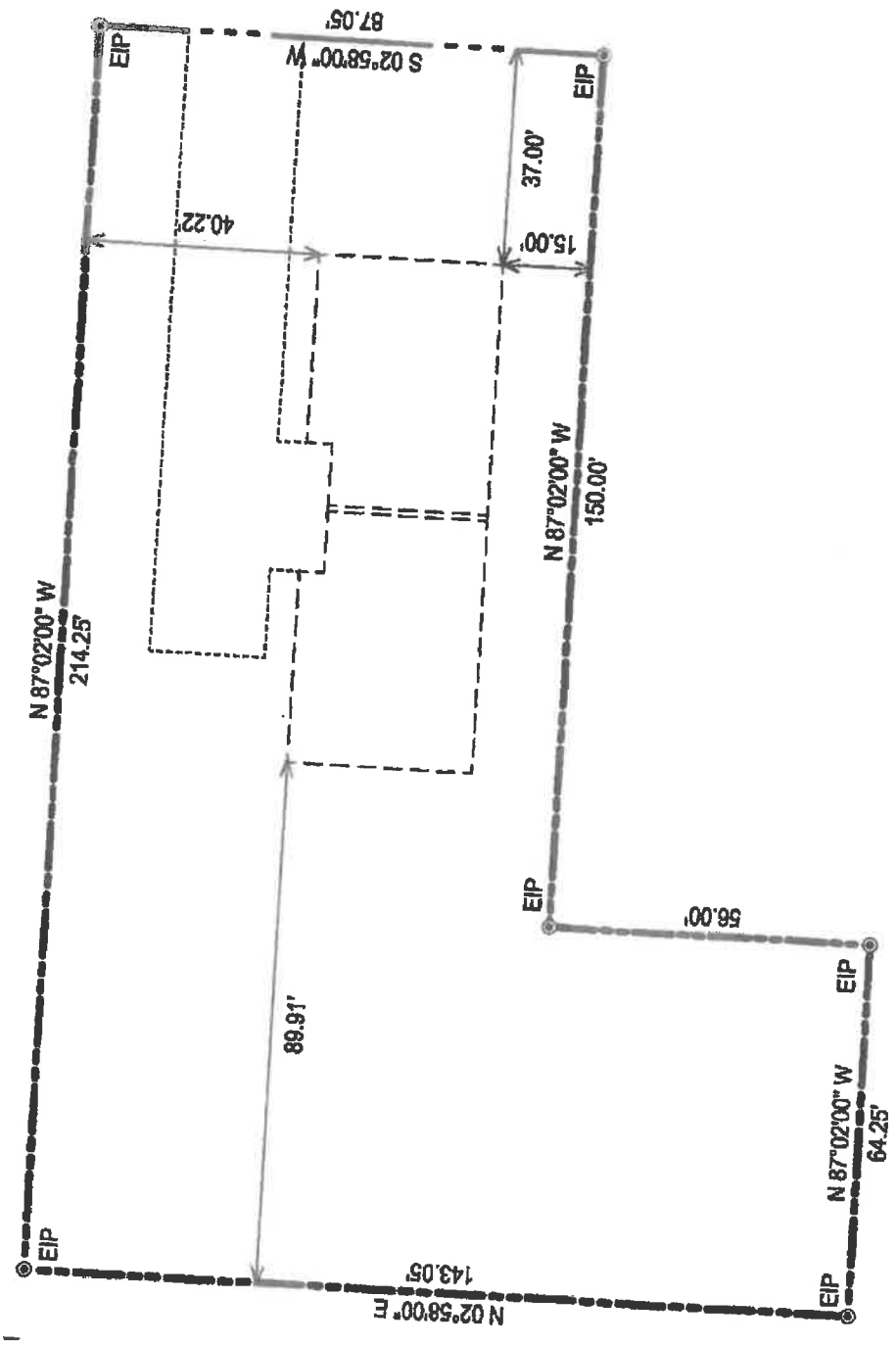
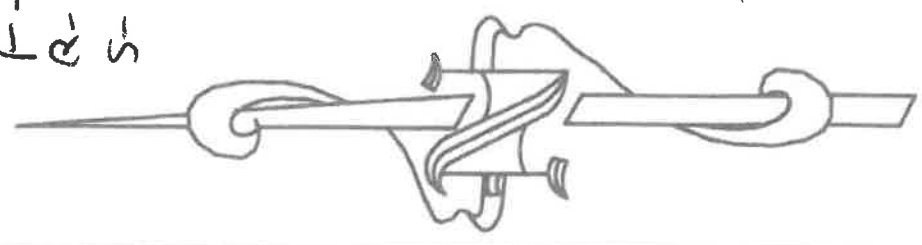
<u>Governing Body Motion</u>	<u>Record of Decision:</u>	<u>Yea</u>	<u>Nay</u>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>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

Town Board Decision and Date _____

Certified By: _____

min lot width - 75
 min sf for 2 units -> 10,000 square feet lot
 lot is 22,215 square feet

F-25'
 R-25'
 S-81



Maryland Rankin
1006 North King Avenue
Dunn, NC 28334

Jose Chavez-Moreno
5174 Bradshaw Road
Newton Grove, NC 28366

Callie McNeill
C/O Sharon M. Gainey
502 W McNeill Street
Lillington, NC 27546

Sandra Morant
271 Bailey Road
Coats, NC 27521

Douglas Atwater
6205 Farrington Road
Apt #5
Chapel Hill, NC 27517

Eunice C. Hymes
727 West M Street
Erwin, NC 28339

Rudolph and Desserre Hicks
702 North 15th Street
Erwin, NC 28339

Leacon (Leathen) Shaw
PO Box 264
Erwin, NC 28339

Craig and Jodi Smith
720 North 14th Street
Erwin, NC 28339

Mary Ratliff
C/O Cornelia McKoy
PO Box 655
Buies Creek, NC 27506

Josephine Hicks
C/O Lula Thompson
PO Box 367
Erwin, NC 28339



SPECIAL USE REQUEST STAFF REPORT

Case: SU-2022-001

Snow Bowden, Town Manager

townmanager@erwin-nc.org

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

Public Hearing Date: Thursday, February 3, 2022

Requested special use permit to build a duplex on a vacant parcel off of North 14th Street. The parcel does not have an address but it is adjacent a house with an address of 722 North 14th Street. The parcel can also be identified by its Harnett County Tax PIN #0597-56-9873.000

Applicant Information

Owner of Record:

Name: Jose Guadalupe Chavez-Moreno

Address: 5174 Bradshaw Road

City/State/Zip: Newton Grove, NC 28366

Applicant:

Name: Jose Guadalupe Chavez-Moreno

Address: 5174 Bradshaw Road

City/State/Zip: Newton Grove, NC 28366

Property Description

Harnett County Tax PIN 0597-56-9873.000

Acres .51

Zoning District- Residential (R-6)

Vicinity Map

- See Attached Document

Physical Characteristics

Site Description- This is a vacant parcel that is .51 acres. The road frontage is 87.05 feet according to the most recent survey. The vacant parcel is 22,215 square feet. There are no environmental issues based on data from Harnett County GIS. Harnett Regional Water and Sewer are available for the site as well based on Harnett County GIS Data.

Surrounding Land Uses- The parcel is adjacent to a vacant tract of land that is .43 acres to the North. To the South it is adjacent to a structure that is a single-family dwelling. The majority of the surrounding land uses are structures that are single-family dwellings. Porter Park is one block to the South of this parcel. There are also some churches in the area as well.

Services Available

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

Zoning District Compatibility

Special Use	R-6
Two-family dwelling	X

Staff Evaluation

Staff Evaluation

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

- **Reasoning:** A two-family dwelling structure is allowed 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 requested use would allow for a two-family dwelling on a parcel that is currently vacant. It would provide a residential option for someone that wants to live in the Town of Erwin.

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 request is for a structure that would be a residential structure for two separate families. It would provide a similar land use to the surrounding parcels with single-family structures located on them.

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

- **Reasoning:** This parcel is found in an area in our 2014 Land Use Plan as an area for Medium Intensity Growth. The 2014 Land Use Plan states "The medium intensity land use classification is primarily intended 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:** The property owner plans on purchasing a drainage tile to install with the one driveway located off of this parcel to serve the two-family dwelling. The units will be required to connect to the Harnett Regional Water system for water and sewer services. They will be provided trash and recycling collection services by the Town of Erwin which currently utilizes a contracted service provider to provide this service.

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 two-family structure will be served by one drive-way located off of North 14th Street. There will be adequate parking for each unit. There will be no on-street parking for the 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:**

Attachments:

- SU-2022-001 Application
- SU-2022-001 Staff Report
- Harnett County GIS Image with Zoning
- Harnett County GIS Image with no Zoning

Harnett GIS



NOT FOR LEGAL USE



Harnett
COUNTY
NORTH CAROLINA

GIS/E-911 Addressing
January 14, 2022

Surrounding County Boundaries

- City Limits
- Address Numbers
- Airport

MajorRoads

- Interstate
- NC
- US
- Roads

Mile_Markers

- Interstate
- Mile_Markers
- Railroad
- Parcels
- CapeFearRiver



0 80 160 320 Feet

1 inch = 188 feet

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: February 3, 2022

Subject: GFL

GFL Environmental is here tonight to discuss the contracted services that they provide to the Town of Erwin residents. Nick Zdeb is a General Manager with GFL Environmental and one of our primary contacts.

MINUTES CONTINUED FROM FEBRUARY 3, 2022

Commissioner Turnage made a motion in the affirmative 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. This two-family structure will be served by one driveway located off of North 14th Street. There will be adequate parking for each unit. There will be no on-street parking for the unit and was seconded by Commissioner Whitman. **The Board voted unanimously.**

Commissioner Turnage made a motion in the affirmative 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 and was seconded by Commissioner Whitman. **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 recommend the approval of SU-2022-001 Special Use Application to build a duplex on a vacant parcel located off of North 14th Street. The parcel is adjacent to 722 North 14th Street. (HC Tax PIN # 0597-56-9873.000) and was seconded by Commissioner Turnage. **The Board voted unanimously.**

GFL

Town Manager Snow Bowden stated no one is present to represent GFL.

Mayor Pro Tem Baker and Commissioner Blackmon stated it was well noted.

NEW BUSINESS

Schedule Budget Retreat

Town Manager Snow Bowden stated that we will have a lot to discuss this budget year with the American Rescue Plan, the Depot, and Land Use Plan updates. Mayor Carson had mentioned to him about having the Retreat somewhere else in the County. The County has a new building we can rent, it is very comfortable.

Commissioner Blackmon stated he is comfortable at the Erwin Town Hall.

Mayor Pro Tem Baker stated he agreed. The Board is conducting Town business and we have buildings that the taxpayers pay for us to meet in rather than meeting somewhere else.

Commissioner Whitman stated he prefers staying in Erwin as well.

The consensus of the Board was that Thursday, March 24th, at 9 AM would work best for Board Members present if Mayor Carson and Commissioner McKoy can make that date and time work.

MANAGER'S REPORT

Town Manager Snow Bowden informed the Board that the Town received a \$100,000 grant from the State to make improvements to the Community Building. He asked to begin this discussion at

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: February 3, 2022

Subject: Schedule Budget Retreat

At the moment, we do not have any projected revenues with the property tax revaluation. We have a lot of items we need to discuss at this retreat including possible library consolidation, the American Rescue Plan Project Ordinance, The Depot, potential Land Use Plan/Comprehensive Plan Update, and to start planning in general for the upcoming Fiscal Year.

Potential Days:

- Thursday, March 10th
- Friday, March 11th
- Thursday, March 18th
- Tuesday, March 22nd
- Thursday, March 24th
- Other suggestions?

MINUTES CONTINUED FROM FEBRUARY 3, 2022

our regularly scheduled Workshop, the 4th Monday of the month. This money must be used for infrastructure improvements, in the past, we discussed getting the bathrooms up to ADA compliance. We must report to the State how the funds are used. If the Board sees fit, we can use some of the Town's funds to make some other improvements to freshen up the building. We are appreciative of the State and Representative Penny for providing us with these funds.

He stated in the final rules for the ARP dollars, for Municipals who received less than 10 million dollars can write it all off as lost revenue even if we did not lose revenue. We will still have to report in deep detail but at our budget retreat, we can have an in-depth talk.

GOVERNING COMMENTS

Mayor Pro Tem Baker expressed his condolences to Mayor Carson and her family for the loss they have suffered and to Mark Byrd and his family for their loss. He stated they are in his thoughts and prayers. He thanked the staff for the wonderful job they do and he thanked the public for attending the Board Meetings.

ADJOURNMENT

Commissioner Turnage made a motion to adjourn at 8:09 P.M. and was seconded by Commissioner Whitman. **The Board voted unanimously.**

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

ATTEST:



Patsy Carson

Mayor

Lauren Evans
Town Clerk