

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

AGENDA

1. **MEETING CALLED TO ORDER**
 - A. INVOCATION
 - B. PLEDGE OF ALLEGIANCE

2. **AGENDA ADJUSTMENTS /APPROVAL OF AGENDA**
3. **CONSENT**

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

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

4. **RECOGNITION OF SPECIAL CITIZEN**

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

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

7. **MANAGER’S REPORT**

8. **ATTORNEY’S REPORT**

9. **GOVERNING BODY COMMENTS**

10. **PUBLIC COMMENT**

Each speaker is asked to limit comments to 3 minutes, and the requested total comment period will be 15 minutes or less. Citizens should sign up prior to the start of the meeting. Please provide the clerk with copies of any handouts you have for the Board. Although the Board is interested in hearing your concerns, speakers should not expect Board action or deliberation on subject matter brought up during the Public Comment segment. Thank you for your consideration of the Town Board, staff and other speakers. §160A-81.1

11. **ADJOURNMENT**

ERWIN BOARD OF COMMISSIONERS**REGULAR MINUTES****APRIL 1, 2021****ERWIN, NORTH CAROLINA**

The Board of Commissioners for the Town of Erwin with Mayor Pro Tem Randy Baker presiding, held its Regular Meeting in the Erwin Community Building on Thursday, April 1, 2021 at 7:00 P.M. in Erwin, North Carolina.

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

Board Members absent were: Mayor Patsy Carson and Commissioner Thurman Whitman.

Town Manager Snow Bowden and Town Clerk Lauren Evans were present.

Town Attorney Tim Morris was present.

Mayor Pro Tem Randy Baker called the meeting to order at 7:00 P.M.

Commissioner McKoy gave the invocation.

Commissioner Blackmon led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

Town Manager Snow Bowden requested to add Waste Industries Contract Amendment under Consent as Item 3C. He also requested to add Manager Report, Attorney Report, and Governing Board Comment to the agenda.

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

MINUTES CONTINUED FROM APRIL 1, 2021

CONSENT

Commissioner Alvarado made a motion to approve **(ITEM A)** Minutes of Regular Meeting on March 4, 2021 **(ITEM B)** Financial Report for February 2021 **(ITEM C)** Waste Industries Contract Amendment and was seconded by Commissioner McKoy. **The Board voted unanimously.**

PUBLIC HEARING

CU-2021-001

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 applicant had a family emergency and requested that the Board table the request until the next scheduled Board meeting on May 6th when he could be present.

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

Commissioner McKoy made a motion to table the Public Hearing and the findings until the next scheduled Board meeting on May 6th and was seconded by Commissioner Turnage. **The Board voted unanimously.**

PUBLIC COMMENT

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

MANAGER'S REPORT

Town Manager Snow Bowden updated the Board about the upcoming election for 2021. We have not been given any guidance from the Board of Elections at this time so we will move forward as usual with sign ups. The biggest impact is that we have not received the census

MINUTES CONTINUED FROM APRIL 1, 2021

numbers to update the map of the Wards if needed and we are projected to receive the numbers in September which will not give the Town time to redraw the maps in time. Most likely, the General Assembly will pass a legislation and move the election to 2022. If they do not do anything, the filing for Erwin will be July 26th - August 13th.

Town Manager Snow Bowden informed the Board that US Treasury still has not released any information on what the COVID Relief funds can be used for, more than likely we can use them for infrastructure improvements but stated he will inform the Board once he hears something. Moving forward, the budget CPI is 2.2% and he is going to try to make that work for all full time employees. He has reached out to USDA about finances which he will provide to the Board at a later date. He apologized that the May Board Meeting will be heavy in Public Hearings. He briefly reviewed the updates for 160D and stated we have had difficulty having a quorum at our Planning Board Meetings but his hope is to review the changes at our Planning Board Meeting this month and present it to the Board at the May Board Meeting.

ATTORNEY'S REPORT

Town Attorney Tim Morris stated he thought the Town of Erwin would be very pleased with the Board and Town Manager Snow Bowden about how the Budget was prepared. He expressed appreciation to the Board for what they do and for letting him be the Town Attorney.

GOVERNING BOARD COMMENTS

Commissioner Turnage expressed his concern for the big rotting Oak tree over on 407 Mason Drive that leans toward Mr. Bryant's house on his property. He requested the assurance from Town Attorney Tim Morris or Town Manager Snow Bowden that the Town will not have any liability if the tree fell on his house.

Town Attorney Tim Morris and Town Manager Snow Bowden both agreed that the Town does not have any liability because the Town does not own the property.

Commissioner Turnage stated former Commissioner Frankie Ballard is in bad shape and asked that everyone keeps him in their prayers.

MINUTES CONTINUED FROM APRIL 1, 2021

Commissioner McKoy stated he would like to remind Town Manager Snow Bowden how much it is appreciated that he keeps the Board well informed of what is going on in the Town. He also expressed to the Board that he enjoys working with them.

Commissioner Baker thanked the Staff for updating him on the progression of the Remembrance Walk and he stated he is very pleased. He stated he just wanted to let the Board know that the Remembrance Service is still happening and he felt it is important to show that support to our citizens.

ADJOURNMENT

Commissioner Turnage made a motion to adjourn at 7:18 P.M. and was seconded by Commissioner Alvarado. **The Board voted unanimously.**

MINUTES RECORDED AND TYPED BY

LAUREN EVANS TOWN CLERK

ATTEST:

Patsy Carson

Mayor

Lauren Evans

Town Clerk

TOWN OF ERWIN
FINANCIAL SUMMARY REPORT
FOR MONTH OF March 2021



HOCHTOWN PARKS

	ANNUAL BUDGET		March 2021 ACTIVITY		ACTUAL TO DATE		Y-T-D % COLLECTED	
Revenues								
CURRENT YEAR LEVY OF PROPERTY TAXES	1,091,334.00	51,888.00	1,126,203.00	103.20%				
CURRENT YEAR MOTOR VEHICLE TAXES	174,370.00	12,387.00	129,110.00	74.04%				
PRIOR YEAR TAXES / Penalties & Interest	10,000.00	2,442.00	26,181.00	261.81%				
UTILITIES FRANCHISE TAXES	198,000.00	41,234.00	135,944.00	68.56%				
ENTRY FEES	18,000.00	6,065.00	11,070.00	61.50%				
SALES & USE TAX	585,000.00	76,267.00	591,175.00	101.06%				
ZONING PERMITS/APPLICATIONS	5,000.00	2,775.00	11,725.00	234.50%				
REFUSE COLLECTIONS FEES	403,698.00	42,603.00	329,557.00	81.64%				
STORM WATER COLLECTION	69,930.00	5,627.00	45,202.00	64.64%				
ALL OTHER REVENUES	751,383.00	28,779.00	723,185.00	96.25%				
Total Revenues	3,306,715.00	270,067.00	3,129,382.00	94.64%				
Expenditures								
GOVERNING BODY	34,272.00	2,230.00	17,175.00	50.11%				
ADMINISTRATION	305,434.00	21,264.00	198,909.00	65.12%				
NON-DEPARTMENTAL	284,249.00	31,751.00	233,664.00	82.20%				
PLANNING & INSPECTIONS	109,072.00	2,301.00	27,838.00	25.52%				
POWELL BILL-STREETS	182,000.00	1,338.00	14,770.00	8.12%				
POLICE	826,369.00	70,259.00	621,855.00	75.25%				
POLICE-SRO	116,840.00	4,836.00	60,914.00	52.13%				
CONTRACT SERVICES-FIRE	235,767.00	12,132.00	236,163.00	100.17%				
PUBLIC WORKS-ADMIN.	102,552.00	7,978.00	77,739.00	75.80%				
PUBLIC WORKS-STREETS	375,411.00	19,595.00	182,693.00	48.66%				
PUBLIC WORKS-SANITATION	323,790.00	5,255.00	233,110.00	71.99%				
PUBLIC WORKS-STORM WATER	15,000.00	1,574.00	3,572.00	23.81%				
RECREATION	322,304.00	20,536.00	197,118.00	61.16%				
LIBRARY	67,155.00	5,392.00	45,715.00	68.07%				
COMMUNITY CENTER	6,500.00	509.00	10,988.00	169.05%				
Total Expenditures	3,306,715.00	206,950.00	2,162,223.00	65.39%				
Y-T-D GENERAL FUND BALANCE INCREASE (DECREASE)			967,159.00					

BALANCES AS OF March 2021		
CASH MANAGEMENT		1,700,953.12
BB&T CASH IN BANK		811,406.46
FIRST FEDERAL BUSINESS MONEY MARKET		136,436.95
FIRST FEDERAL MONEY MARKET		856,159.64
Y-T-D INVESTMENT BALANCE IN GENERAL FUND ACCOUNTS		3,504,966.17
BB&T STATE FORFEITURE		3,703.41
BB & T CAPITAL RESERVE/COMM. ENHANCEMENT		182,489.40
FIRST FEDERAL CAP. RESERVE/GENERAL		2,347,717.38
BB&T HEALTH RESERVE HRA ACCT.		16,374.78
PRIEBE FIELD ACCT.		9,92.37
AL WOODALL PARK IMPROVEMENTS		352,521.41
Y-T-D INVESTMENT BALANCE RESTRICTED FUNDS		2,914,598.75
CUMULATIVE BALANCE FOR TOWN OF ERWIN		6,419,564.92

POWELL BILL BALANCE
\$ 445,157.57

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



	YTD		YTD DIFFERENCE
	Mar. 2021	Mar. 2020	
Revenues			
CURRENT YEAR LEVY OF PROPERTY TAXES	1,126,203.00	1,108,920.92	17,282.08
CURRENT YEAR MOTOR VEHICLE TAXES	129,110.00	105,504.28	23,605.72
PRIOR YEAR TAXES / Penalties & Interest	26,181.00	11,413.16	14,767.84
UTILITIES FRANCHISE TAXES	135,944.00	143,609.80	(7,665.80)
ENTRY FEES	11,070.00	19,031.00	(7,961.00)
SALES & USE TAX	591,175.00	549,018.57	42,156.43
ZONING PERMITS/APPLICATIONS	11,725.00	5,830.75	5,894.25
REFUSE COLLECTIONS FEES	329,587.00	285,064.00	44,523.00
STORM WATER COLLECTION	45,202.00	44,037.50	1,164.50
ALL OTHER REVENUES	723,185.00	1,481,420.39	(758,235.39)
Total Revenues	\$ 3,129,382.00	\$ 3,753,650.37	(624,268.37)
Expenditures			
GOVERNING BODY	17,175.00	24,029.34	(6,854.34)
ADMINISTRATION	198,909.00	223,023.95	(24,114.95)
NON-DEPARTMENTAL	233,684.00	282,526.70	(48,842.70)
PLANNING & INSPECTIONS	27,838.00	24,852.53	2,985.47
POWELL BILL-STREETS	14,770.00	36,347.91	(21,577.91)
POLICE	621,855.00	576,760.83	45,094.17
POLICE-SIRO	60,914.00	84,059.26	(23,145.26)
CONTRACT SERVICES-FIRE	236,183.00	217,780.94	18,382.06
PUBLIC WORKS-ADMIN.	77,739.00	73,821.71	3,917.29
PUBLIC WORKS-STREETS	182,693.00	972,278.49	(789,585.49)
PUBLIC WORKS-SANITATION	233,110.00	227,825.80	5,284.20
PUBLIC WORKS-STORM WATER	3,572.00	1,999.81	1,572.19
RECREATION	197,118.00	230,085.66	(32,967.66)
LIBRARY	45,715.00	41,122.67	4,592.33
COMMUNITY CENTER	10,988.00	14,304.69	(3,316.69)
Total Expenditures	\$ 2,162,223.00	\$ 3,000,823.29	(831,745.95)

YTD General Fund Balance Increase (Decrease)

	ACCOUNT BALANCES	
	YTD March 2021	YTD March 2020
CASH MANAGEMENT	1,700,893.12	1,080,751.87
BB&T CASH IN BANK	811,406.46	701,131.94
FIRST FEDERAL BUSINESS MONEY MARKET	136,435.95	135,927.48
FIRST FEDERAL MONEY MARKET	856,159.64	854,449.03
Y-T-D INVESTMENT BALANCE IN GENERAL FUND ACCOUNTS	\$ 3,504,895.17	\$ 2,772,260.32
BB&T STATE FORFEITURE	3,703.41	1,593.97
BB & T CAPITAL RESERVE/COMM. ENHANCEMENT	182,489.40	156,992.38
FIRST FEDERAL CAP. RESERVE/GENERAL	2,347,717.38	2,343,026.65
BB&T HEALTH RESERVE HRA ACCT.	18,374.78	15,485.17
PRIEBE FIELD ACCT	9,792.37	10,776.72
AL WOODBALL PARK IMPROVEMENTS	352,521.41	337,738.75
Y-T-D BALANCE RESTRICTED FUNDS	\$ 2,914,596.75	\$ 2,865,603.64
CUMULATIVE BALANCE FOR TOWN OF ERWIN	\$ 6,419,564.92	\$ 5,637,864.06



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



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

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

Home Address: 129 Bumpas Creek Access Dunn 28334
Street Address Town Zip Code

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

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

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

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

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

If yes, please explain _____

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

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

To serve the public.

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

Planning Board 1 Recreation _____

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

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: May 6, 2021

Subject: CU-2021-001

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

Attachments:

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

Suggested Motions:

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

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

3. I move that to recommend:

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



TOWN OF ERWIN
 100 West F St., Post Office Box 459
 Erwin, NC 28339
 (910) 897-5140 V (910) 897-5543 F
 www.erwin-nc.org

CONDITIONAL USE APPLICATION

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

Applicant Name	William Guillet	Property Owner Name	Coastal Plains Company, LLC
Mailing Address	1301 Sandpiper Ct.	Mailing Address	1887 Oakton Church Rd.
City, State, Zip	Raleigh, NC 27615	City, State, Zip	Fairmont, NC 28390
Telephone	919-675-8769	Telephone	910-671-7493
Email	wmguillet@gmail.com	Email	mpwalters@claybournwalters.com
Address of Subject Property	106 Maynard Lake Road, Erwin NC 28339 (106 is adjacent property. Parcel has not be given street number yet)		
Parcel Identification Number(s) (PIN) of Subject Property	06059711010001 - - - .000		
Legal Relationship of Applicant to Owner	co-worker/co-developer	Floodplain SFHA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Legal Description: Lot <u>11, 12</u> Block _____ Subdivision _____			
Zoning District	R6	Wetlands	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Public Water Available:	<input checked="" type="checkbox"/> Y or N	Public Sewer Available:	<input checked="" type="checkbox"/> Y or N
Existing Septic Tank:	Y or <input checked="" type="checkbox"/> N		
Number of Buildings to Remain	None	Gross Floor Area to Remain	None
Describe Proposed Project or Request with Conditions proposed by applicant: Please see attached project description.			
Total Acreage or Square Footage to be Disturbed	5.7 acres		
Estimated Cost of Project \$	Total development cost \$9,487,051		

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

Provide complete mailing addresses for each adjacent property owners (also property within 100 feet) and/or property owners directly across a street, if any. Names and addresses must be from current Harnett County tax listings.

Office Use Only		
Date Application Submitted _____	Application Fee \$ _____	Received By _____
Case # CU-20 <u>21-001</u>		



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Conditional Use Signature Page

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

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

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

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

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

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

CU-2021-001

Signature Page

Page 1 of 2

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

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

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

Applicant Signature and Date: William Merritt Smith Jr 2-1-21



TOWN OF ERWIN

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

Property Owner (1) _____ Mailing
Address _____ City _____ ST _____ Zip _____

Property Owner (2) _____ Mailing
Address _____ City _____ ST _____ Zip _____

Property Owner (3) _____ Mailing
Address _____ City _____ ST _____ Zip _____

Property Owner (4) _____ Mailing
Address _____ City _____ ST _____ Zip _____

Property Owner (5) _____ Mailing
Address _____ City _____ ST _____ Zip _____

Property Owner (6) _____ Mailing
Address _____ City _____ ST _____ Zip _____

Property Owner (7) _____ Mailing
Address _____ City _____ ST _____ Zip _____

Property Owner (8) _____ Mailing
Address _____ City _____ ST _____ Zip _____

Property Owner (9) _____ Mailing
Address _____ City _____ ST _____ Zip _____

Property Owner (10) _____ Mailing
Address _____ City _____ ST _____ Zip _____

Property Owner (11) _____ Mailing
Address _____ City _____ ST _____ Zip _____

Property Owner (12) _____ Mailing
Address _____ City _____ ST _____ Zip _____

Property Owner (13) _____ Mailing
Address _____ City _____ ST _____ Zip _____

See Attachment

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

Shirley McKay Solomon
3324 Crawford Road
Erwin, NC 28339

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

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

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

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

Demien and Elizabeth Limon
105 Hicks Street
Erwin, NC 28339

Elizabeth McKoy
108 East Jackson BLVD
Erwin, NC 28339

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

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

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

Sonia Segovia
9405 Purfoy Road
Fuqay-Varina, NC 27526

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

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

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

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

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

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

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

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

X Yes No _____ Board Member Pat Cameron made the motion and was seconded by Ronald Beasley. The Board voted unanimously.

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

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

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

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

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

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

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

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



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CONDITIONAL USE APPLICATION PROCEDURES

1. Completed application for the Conditional Use Permit, signed by the applicant, shall be addressed to the Board of Commissioners and presented to the Administrative Official. Applications must be submitted by the third Friday of the month prior to the following Planning Board meeting to ensure the application will be heard at the following Planning Board meeting. Planning Board meets on the third Monday of each month.
2. Each application shall contain or be accompanied by such legal descriptions, maps, plans and other information so as to completely describe the proposed use and existing conditions.
3. Pay the Conditional Use Permit Fee as established by the Board of Commissioners and found in the Schedule of Fees in the Office of the Town Clerk. Current fee is \$300.
4. Planning Board reviews the application prior to the public hearing and makes recommendation to the Board of Commissioners.

Conditions and Guarantees

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

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

Action by the Board of Commissioners

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

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



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 Conditional Use Application package consisting of 11 pages. For this application to be accepted, it must be completed and returned with all required documents and entries.

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

Using the Zoning Ordinance

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



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Processing Requirements

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

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

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

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

A complete application consists of all documents included in the application package and any required maps, site plan, and/or related documents. These documents become the property of the Town. It is the applicant's responsibility to submit 20 copies of this completed application. Each member of the Governing Board and Planning Board receives a copy including the Town Manager, Town Clerk, Town Attorney, and Code Enforcement Officer.

The completed application and fees must be submitted no later than the third Friday of the month to be placed on following month's Planning Board Agenda. The Planning Board's recommendation will be presented during a Public Hearing for the Conditional Use Request. The Planning Board may revise its recommendation following the Public Hearing and present such recommendation to the Governing Board before the Governing Board takes action.

Town of Erwin Record and Decisions

Office Use Only 3/16/2021
 Notice Mailed 03/09/2021 Property Posted 03/09/2021 Newspaper Advertised Date 3/23/2021

Planning Board Motion

Board Member Ronald Beasley made a motion that the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners pursuant to the recommendations of the Planning Board.

Certified By: Lauren Evans, Town Clerk

Record of Decision:

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

Pat Cameron

Alan West

Christa Reid

Michael Shean

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

Governing Body Motion

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"/>

Certified By:

Town Board Decision and Date _____

Certified By:

Maynard Lake Project Description

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

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

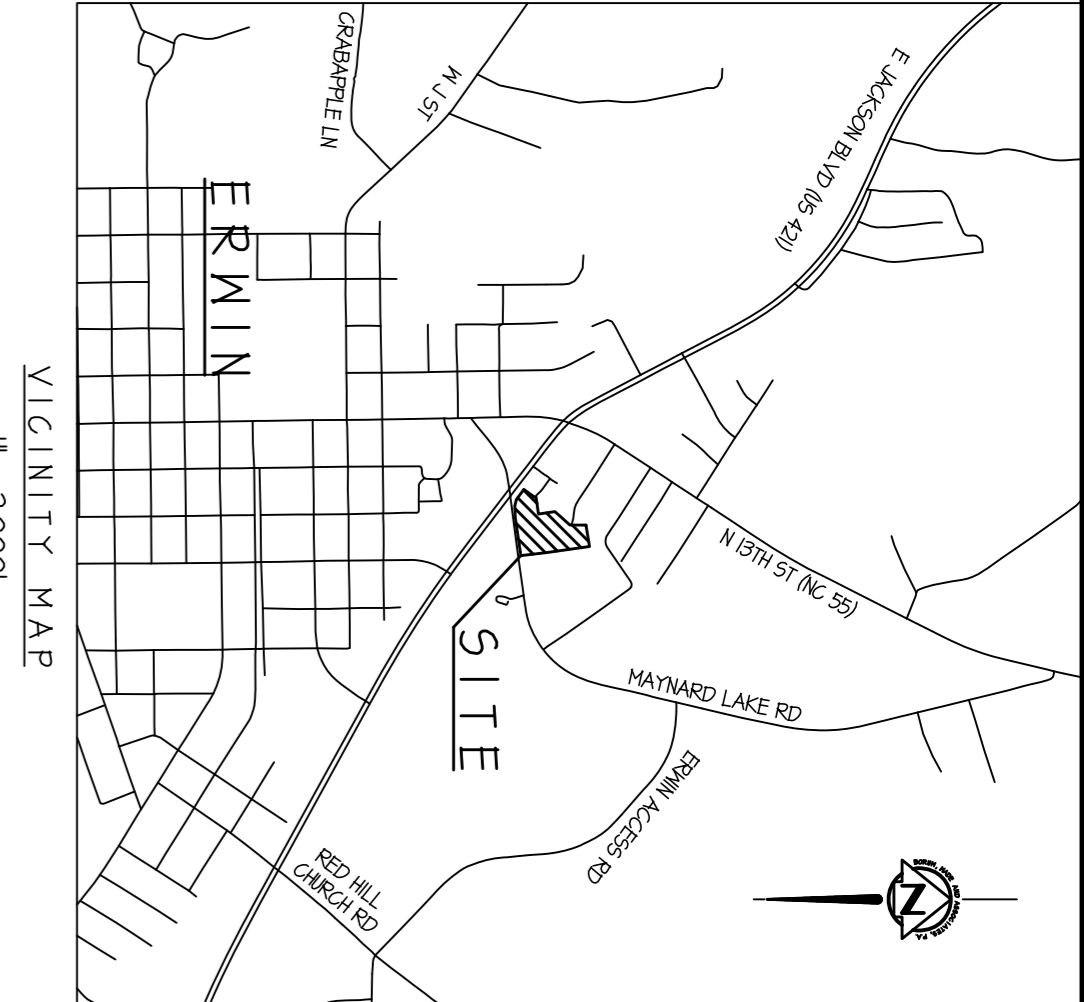
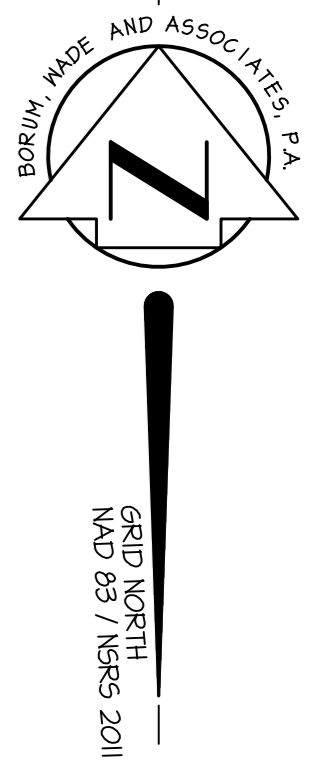
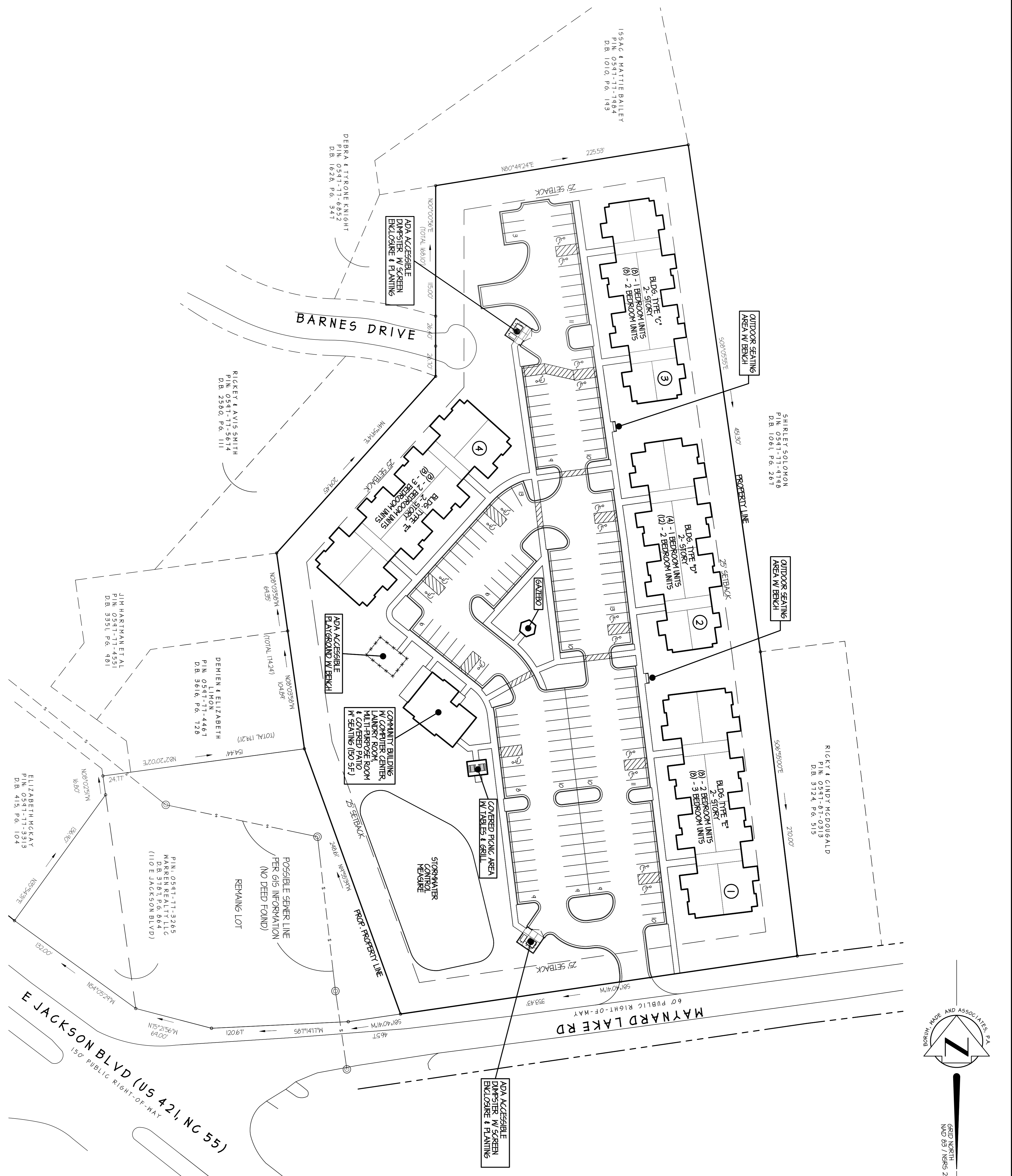
The buildings will be constructed of brick on the lower levels with vinyl siding on the upper. There will be balconies and patios with front gables and or dormers. Some other key design features include high-performance energy products and a high-quality indoor air environment. High efficiency Energy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

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

Unit Amenities will include:

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

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



SITE INFORMATION

TOTAL AREA : 5.10 ± ACRES

PARCEL ID : 0605711010001, 0605711010026

PARCEL PIN : 05911-11-1438, 05911-11-3265

DEED REFERENCE : D.B. 3101, PG 064

ZONING : R-6

SETBACKS :
 FRONT: 25'
 SIDE: 25'
 REAR: 8'

PROP. NO. UNITS: 64

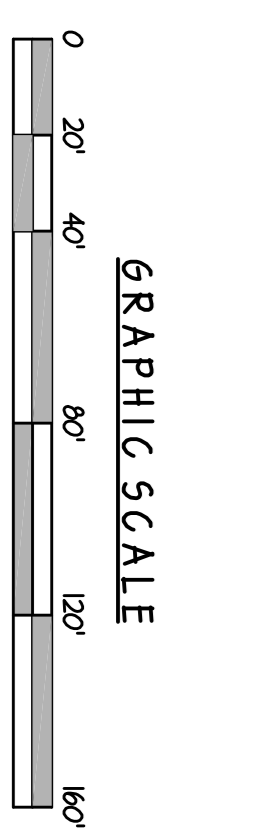
REA. PARKING: 64 UNITS X 25 SP/UNIT = 160 SP

PROP. PARKING: 160 SP

BOUNDARY INFORMATION TAKE FROM DEED.

AMENITY INFORMATION

- COMMUNITY ROOM W/ COVERED PATIO W/ SEATING
- COMPUTER CENTER
- LAUNDRY ROOM
- COVERED PICNIC AREA W/ GRILLS
- GAZEBO
- 2- OUTDOOR SITTING AREA W/ BENCHES
- PLAYGROUND AREA / TOT LOT
- TENANT STORAGE



BWA
 Engineers
 Planners
 Surveyors

Borum, Wade and Associates, P.A.
 621 Egan Court, Suite 100, Greenville, NC 27601-2711
 PO Box 11881, Greenville, NC 27610-11881
 Phone: 252-335-9471 Fax: 252-375-2719
 www.bwaa.com
 N.C. License # C-6888

**PRELIMINARY
 DRAWING
 NOT FOR
 CONSTRUCTION**

**MAYNARD LAKE
 APARTMENTS**
 MAYNARD LAKE ROAD
 DUKE TOWNSHIP, HARNETT COUNTY
 ERWIN, NORTH CAROLINA

OWNER/DEVELOPER:
CHATHAM BANKS DEVELOPMENT GROUP, LLC
 1301 SANDPiper COURT
 RALEIGH, NC 27615

DESIGN BR: KHM
 DATE: 1/21/2021
 REVISIONS:

SHEET TITLE:
**PROPERTY
 SITE
 PLAN**

FILE NO.: F:\CHATHAM BANKS\WALLET_A\ERWIN SITE
 DRAWING SCALE: 1"=40'
 PLAN SHEET NO.: **C1**

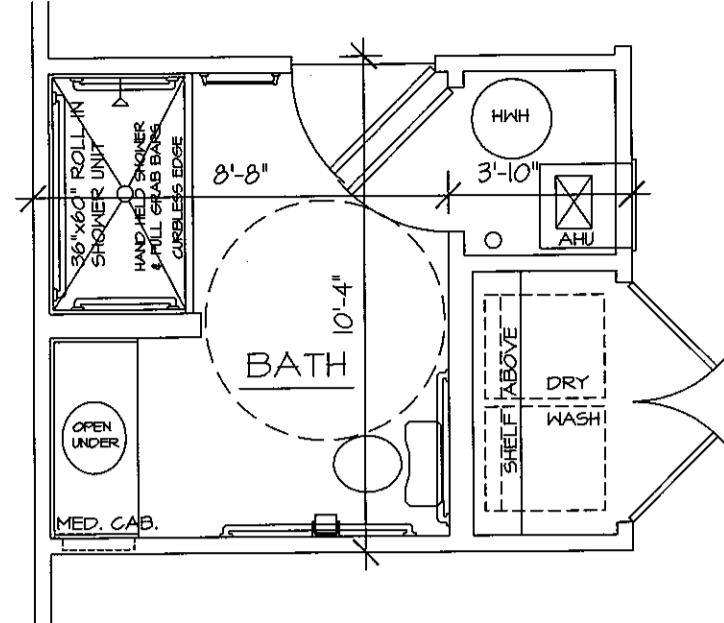
APT. UNIT TYPE	HEATED SQUARE FEET (EXCLUDES EXTERIOR HALLS)	NET SQUARE FEET (INCLUDES EXTERIOR HALLS)	GROSS AREA UNDER ROOF (INCLUDES PORCHES, BREEZEPATH, ETC.)
1 BEDROOM APT.	706 SQ. FT.	744 SQ. FT.	913 SQ. FT.
2 BEDROOM APT.	1,029 SQ. FT.	1,078 SQ. FT.	1,247 SQ. FT.
3 BEDROOM APT.	1,195 SQ. FT.	1,245 SQ. FT.	1,414 SQ. FT.

PROJECT DATA

TOTAL DWELLING UNITS: 64
 (10) 1 BR. UNITS, (30) 2 BR. UNITS, (16) 3 BR. UNITS
 TOTAL TYPE A HANDICAP UNITS: 8
 (2) 1 BR. HC UNITS, (4) 2 BR. HC UNITS, (2) 3 BR. HC UNITS
 50% OF HC UNITS WITH ROLL-IN SHOWER CONFIGURATION

BUILDING AREAS:

AREAS	APARTMENTS	COMMUNITY	TOTALS
PTP HEATED AREA =	65,282 SF	1,551 SF	66,833 SF
NET HEATED AREA =	66,324 SF	1,612 SF	67,936 SF
GROSS AREA (UNDER ROOF) =	79,140 SF	2,193 SF	81,333 SF



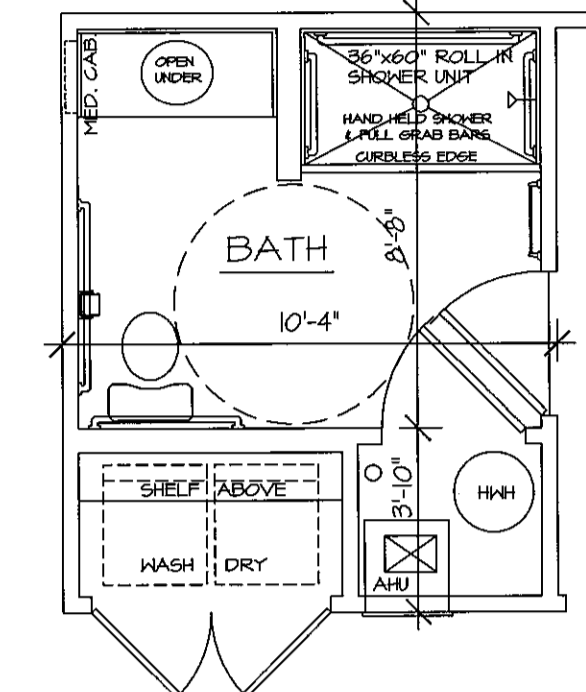
2 AND 3 BEDROOM UNIT HANDICAP BATH WITH FULLY ACCESSIBLE ROLL-IN SHOWER
 PROVIDED IN 5% OF UNITS OR A MINIMUM OF ONE ROLL-IN SHOWER BATH CONFIGURATION FOR EACH UNIT TYPE

DESIGN FEATURES IN PLANS

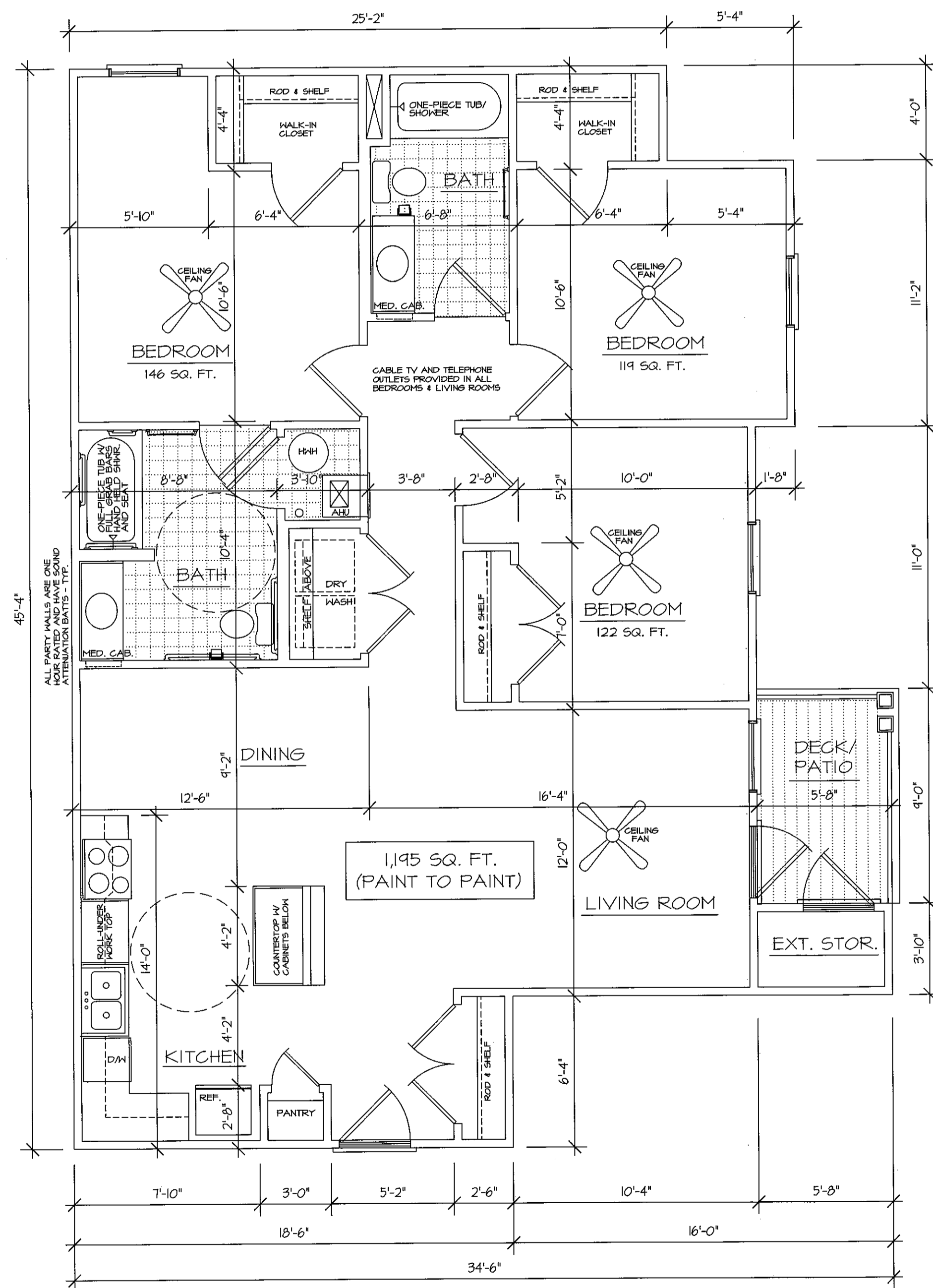
- MIN. 40% BRICK VENEER & PREMIUM .044" VINYL SIDING, TRIM AND SHAKES
- ANTI-FUNGAL ARCHITECTURAL STYLE SHINGLES W/ 30 YEAR WARRANTY
- STEEL ENTRY DOORS W/ TWO PANEL, COLONIAL DESIGN AND FEETKICKS
- SIDEWALK ACCESS TO ALL PARKING SPACES AND SERVICE AREAS
- CURBS FOR ALL PAVING W/ TURNDOWNS AT SIDEWALKS
- ALL UNITS HAVE COVERED ENTRY AREAS AND REAR DECKS OR PATIOS
- NEW TREE AND SHRUB PLANTINGS TO CREATE SHADDED SPACES
- SEPARATE COMMUNITY BUILDING PLUS LAUNDRY, MAIL AND OFFICE
- THO PANEL, SIDE HINGED HARDBOARD INTERIOR DOORS
- WASHER AND DRYER HOOKUPS PROVIDED IN ALL UNITS
- RANGE GUARD FIRE SUPPRESSANT IN EXHAUST HOOD ABOVE STOVES
- ENERGY STAR DISHWASHERS PROVIDED IN ALL UNITS
- ENERGY STAR BATHROOM EXHAUST DUCTED TO EXTERIOR IN ALL UNITS
- MINI-BLINDS PROVIDED ON ALL WINDOWS
- ENERGY STAR CEILING FAN W/ LIGHT KIT IN ALL BEDROOMS & LIVING ROOMS
- PREWIRED FOR CABLE TV/ INTERNET IN LIVING ROOMS AND ALL BEDROOMS
- HIGH SPEED BROADBAND INTERNET IN COMMUNITY BUILDING
- 2 UPDATED COMPUTERS/ PRINTERS/ SCANNERS IN COMMUNITY BUILDING
- MINIMUM UNIT SQUARE FOOTAGES EXCEEDED
- 1 - BEDROOM UNITS = 106 SF. (660 REQUIRED)
- 2 - BEDROOM UNITS = 1,029 SF. (1,000 REQUIRED)
- 3 - BEDROOM UNITS = 1,195 SF. (1,000 REQUIRED)
- ENERGY STAR 16 CU. FT. FROST FREE REFRIGERATORS IN ALL UNITS
- KITCHEN/BATH CABINETS ARE WOOD/ PLASTIC W/ DUAL TRACK DRAWERS
- HVAC HEAT PUMP SYSTEMS W/ MIN. 14 SEER AND SEALED DUCTWORK
- ELECTRIC WATER HEATER WITH AN ENERGY FACTOR OF AT LEAST .85
- ATTIC SPACES INSULATED TO R-38 VALUE
- VINYL ENERGY STAR WINDOWS W/ INSUL. LOW-E GLAZING & 0.32 U-FACTOR
- EXTERIOR STORAGE CLOSET PROVIDED AT ALL UNITS
- GUTTER AND DOWNSPOUT SYSTEM ON ALL BUILDINGS, DRAINED AWAY
- RADON REMEDIATION SYSTEM FOR ALL GROUND FLOOR UNITS

PROJECT AMENITIES

- COVERED PICNIC AREA W/ TABLES & GRILLE (MIN. 150 SF)
- MULTI-PURPOSE ROOM IN COMMUNITY BUILDING (MIN. 250 SF)
- PLAYGROUND
- OUTDOOR SITTING AREAS W/ BENCHES (MIN. OF 3)
- GAZEBO (MIN. 100 SF)
- RESIDENT COMPUTER CENTER IN COMMUNITY BUILDING (MIN. 2 COMPUTERS, PRINTERS, SCANNERS)

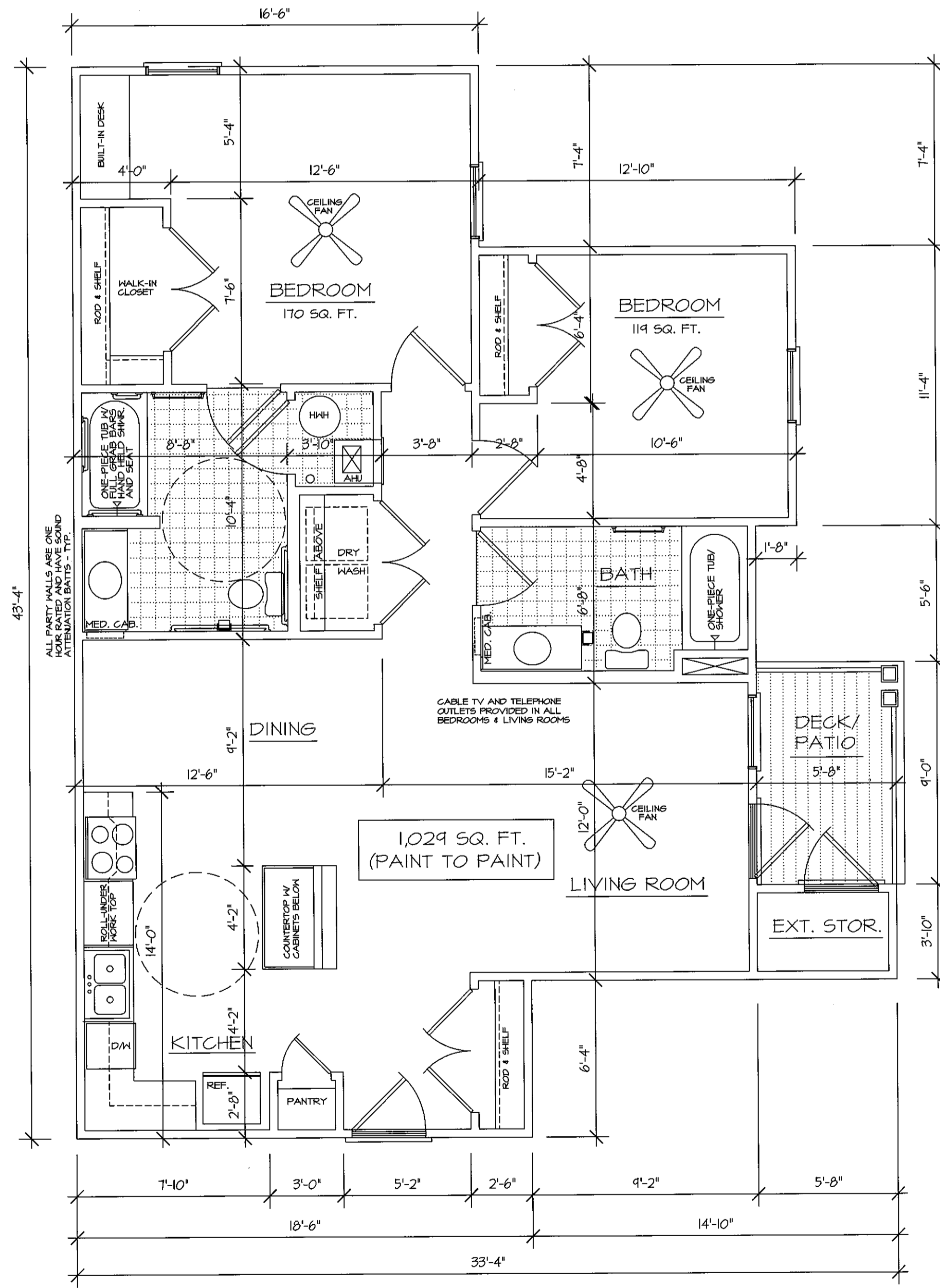


1 BEDROOM UNIT HANDICAP BATH WITH FULLY ACCESSIBLE ROLL-IN SHOWER
 PROVIDED IN 5% OF UNITS OR A MINIMUM OF ONE ROLL-IN SHOWER BATH CONFIGURATION FOR EACH UNIT TYPE



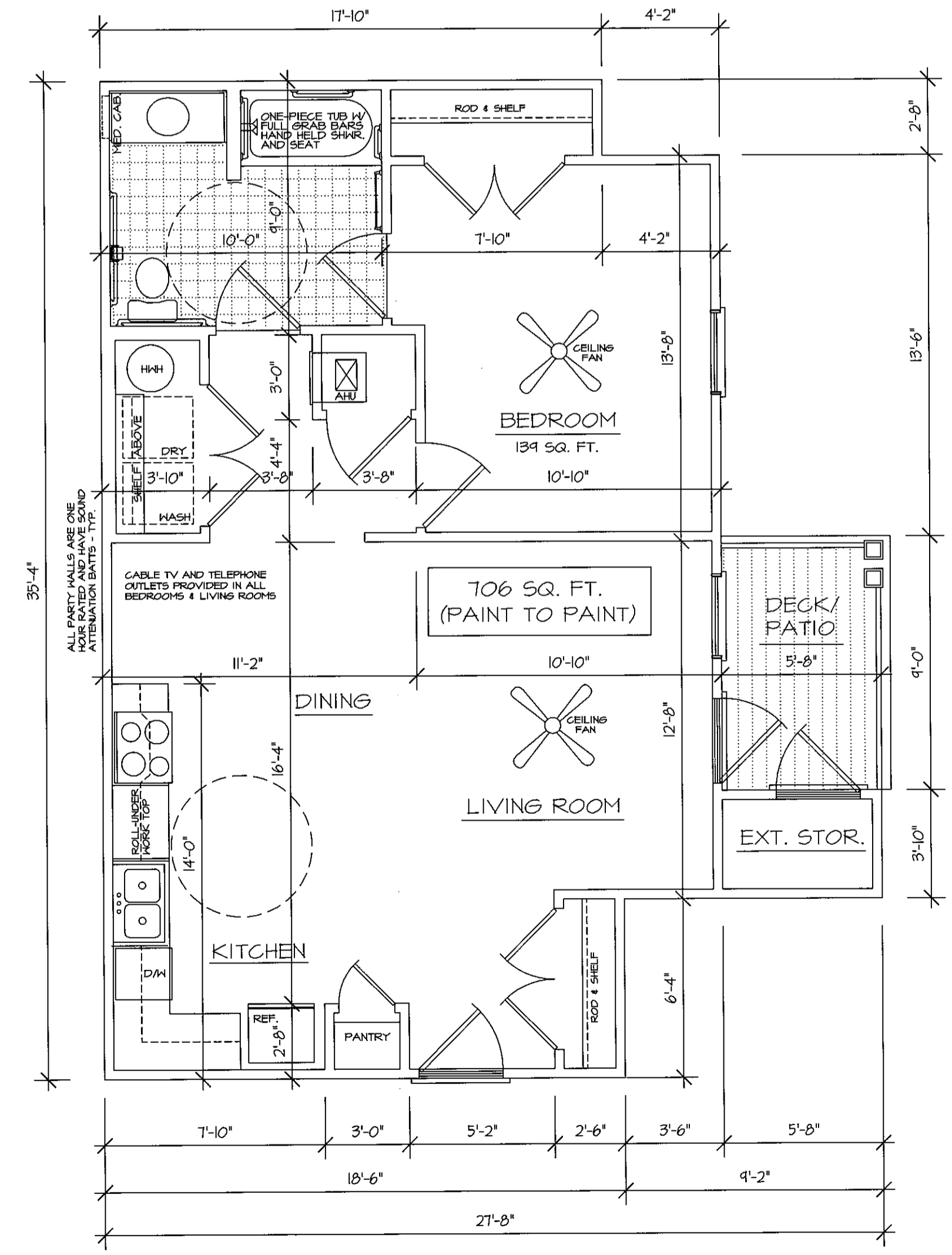
3 BEDROOM HANDICAP UNIT FLOOR PLAN

SCALE: 1/4" = 1'-0"
 (TYPICAL 3 BEDROOM UNIT SIMILAR)



2 BEDROOM HANDICAP UNIT FLOOR PLAN

SCALE: 1/4" = 1'-0"
 (TYPICAL 3 BEDROOM UNIT SIMILAR)



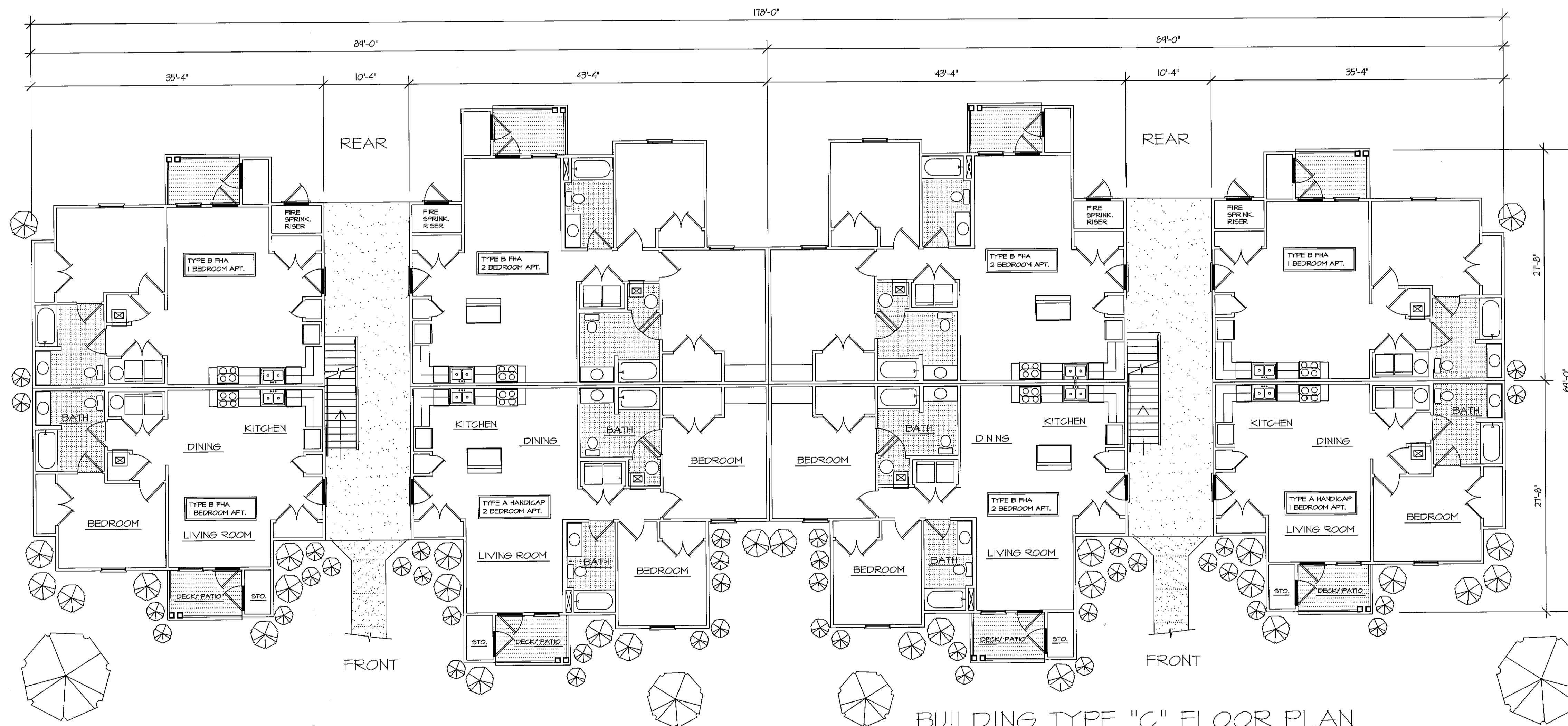
1 BEDROOM HANDICAP UNIT FLOOR PLAN

SCALE: 1/4" = 1'-0"
 (TYPICAL 3 BEDROOM UNIT SIMILAR)

m. riley architect, p.a.
 5630 sax foris road, suite 102, raleigh, nc 27609 919-782-6671 919-782-6473 (fax) mrrach@mroberleynarchitects.com
maynard lake apartments erwin, nc

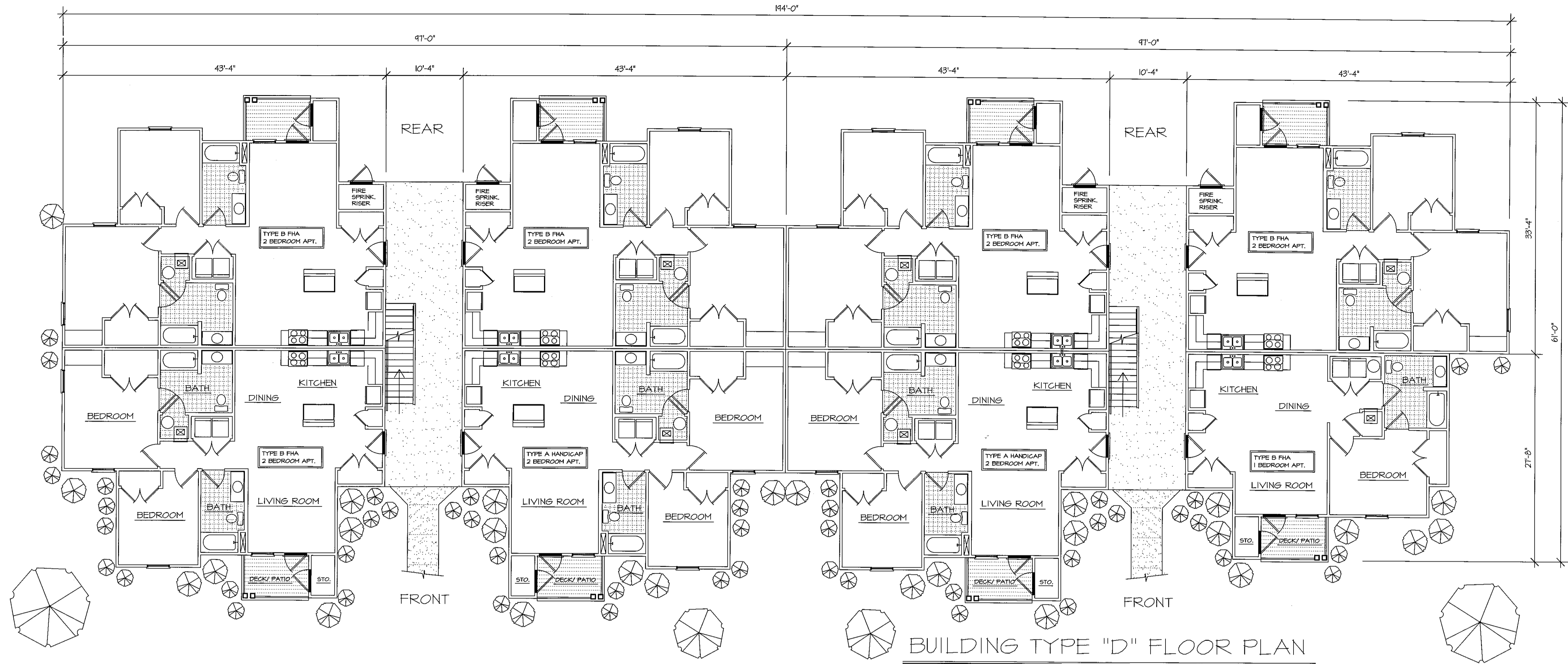
comm. no.
2792
 date
1-15-21
 revision

sheet no.
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 of:



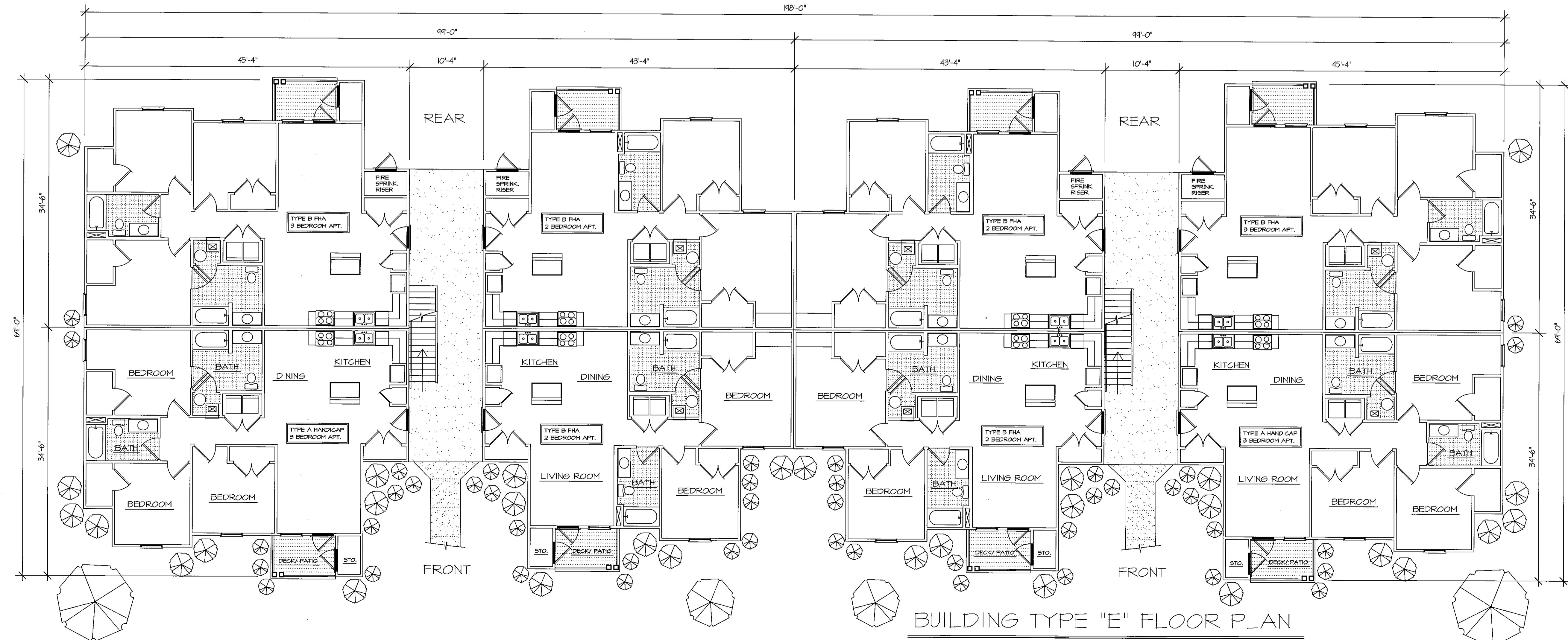
BUILDING TYPE "C" FLOOR PLAN

1/8" = 1'
 (FIRST & SECOND FLOORS IDENTICAL)



BUILDING TYPE "D" FLOOR PLAN

1/8" = 1'
(FIRST & SECOND FLOORS IDENTICAL)



BUILDING TYPE "E" FLOOR PLAN

1/8" = 1'
(FIRST & SECOND FLOORS IDENTICAL)

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maynard lake apartments erwin, nc

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1-15-21
 revision

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 of :

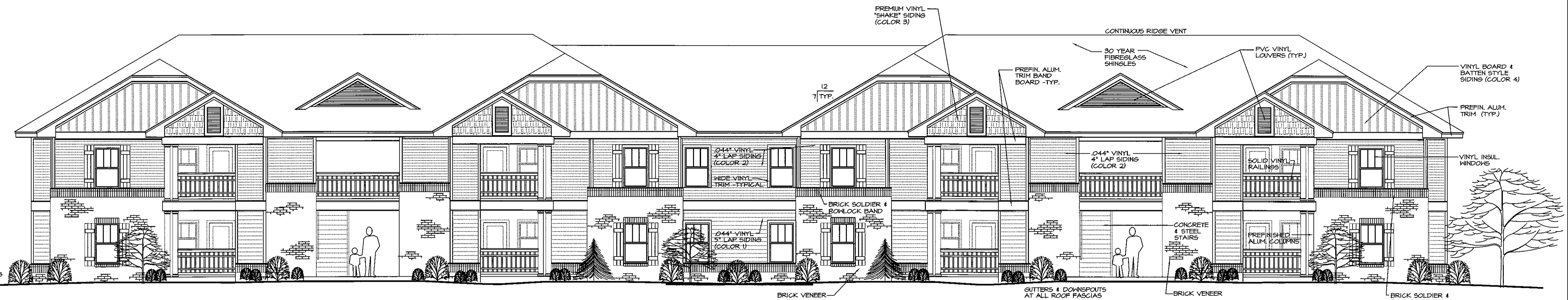
NOTES:

ALL WINDOW UNITS SHALL HAVE WELDED SOLID VINYL FRAMES WITH MIN. 5/8" THICK, LOW E INSULATING GLASS & ENERGY STAR RATING

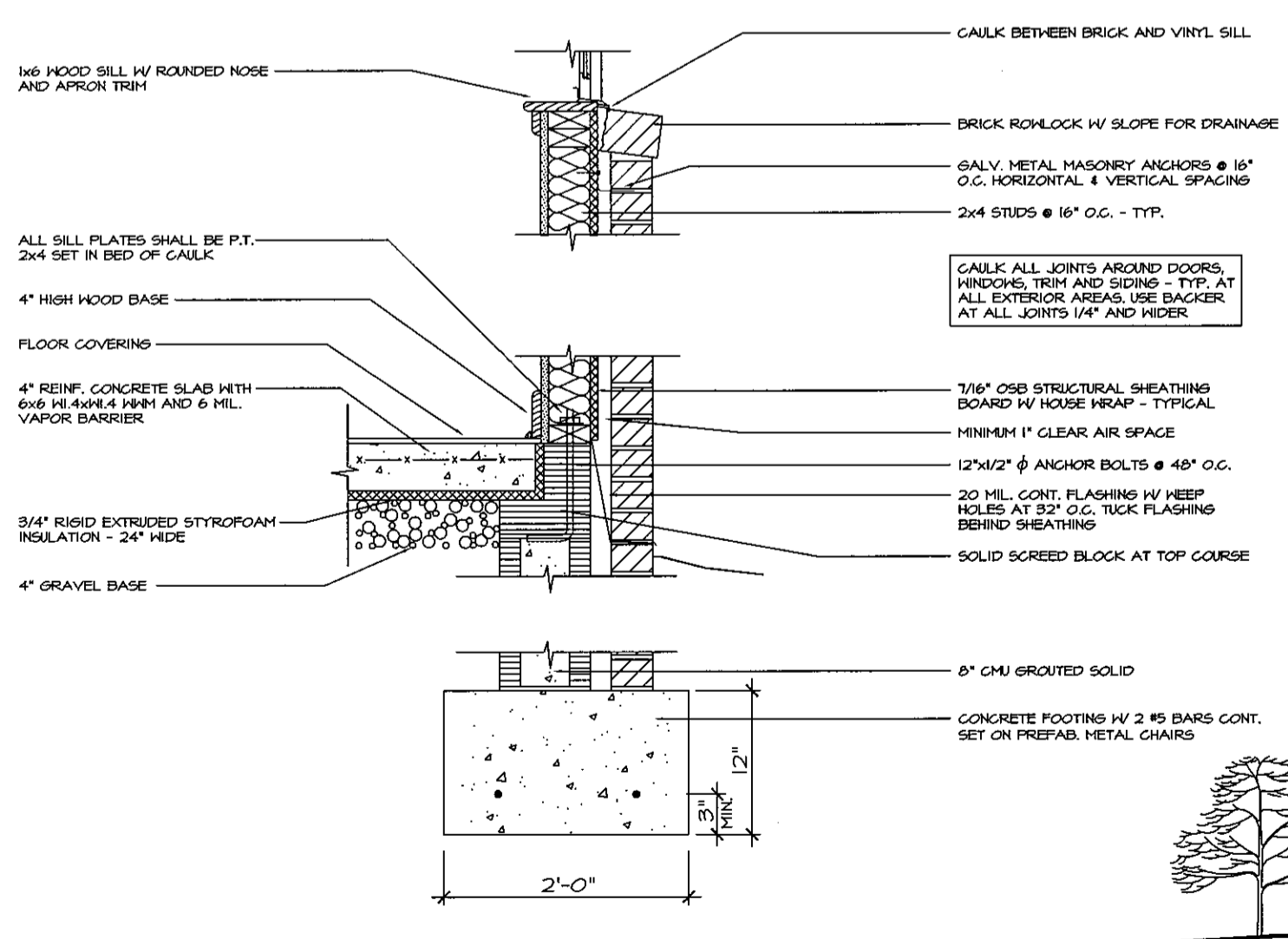
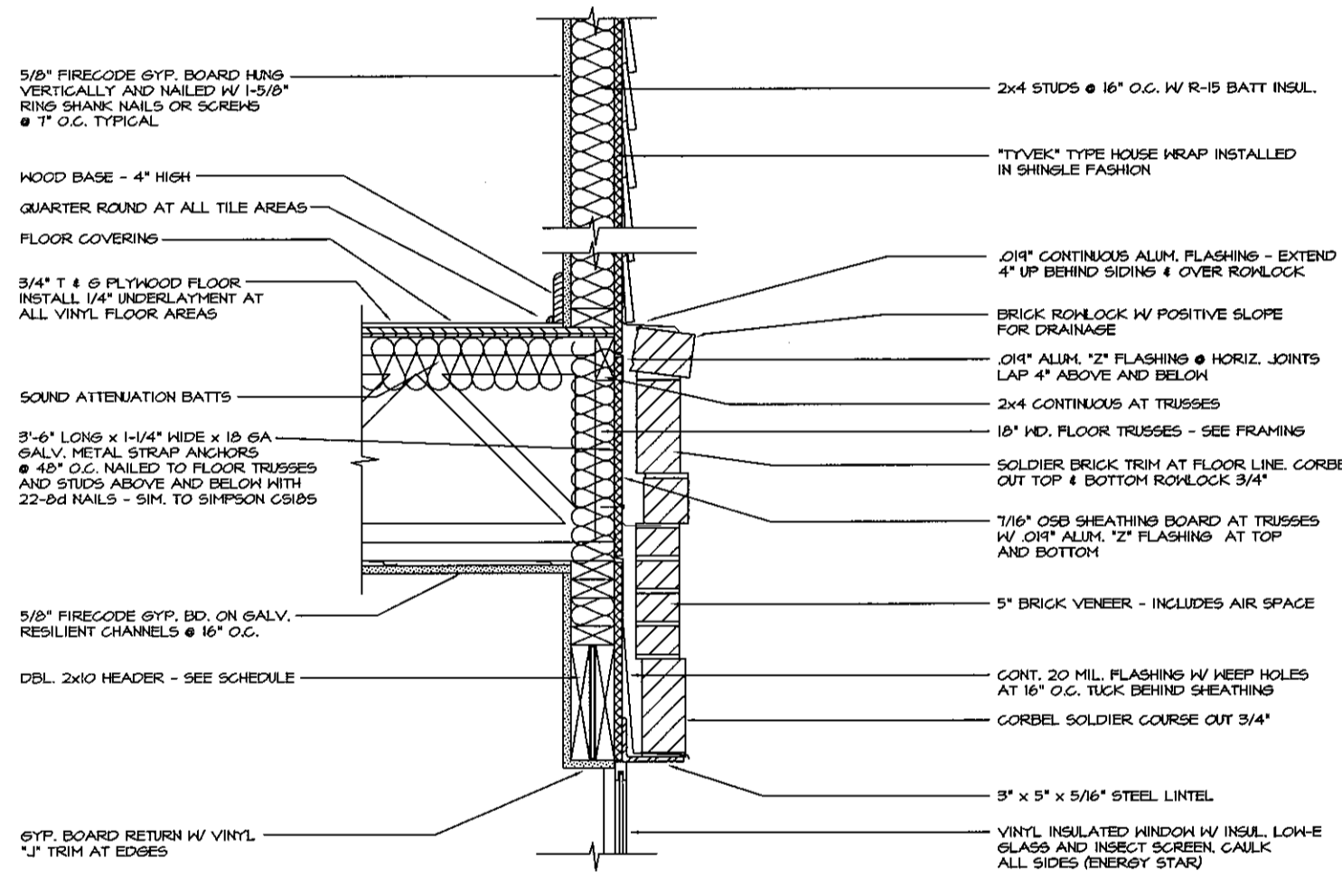
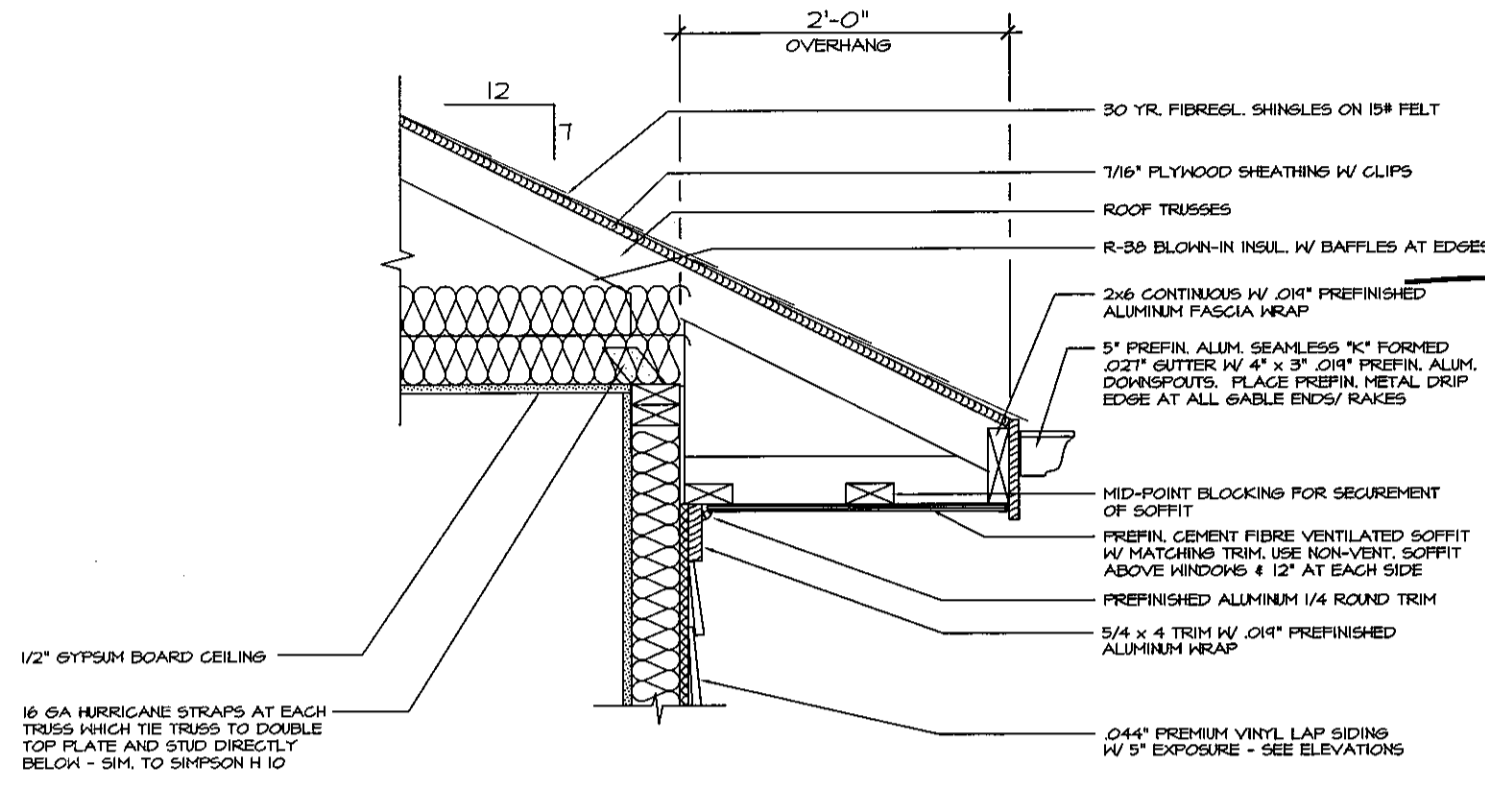
ALL EXTERIOR DOORS SHALL HAVE MAX. 1/2" HIGH THRESHOLDS FOR ACCESSIBILITY.

ALL EXTERIOR DOORS SHALL BE INSULATED WITH MINIMUM 24 GA. STEEL FACES (6 PANEL).

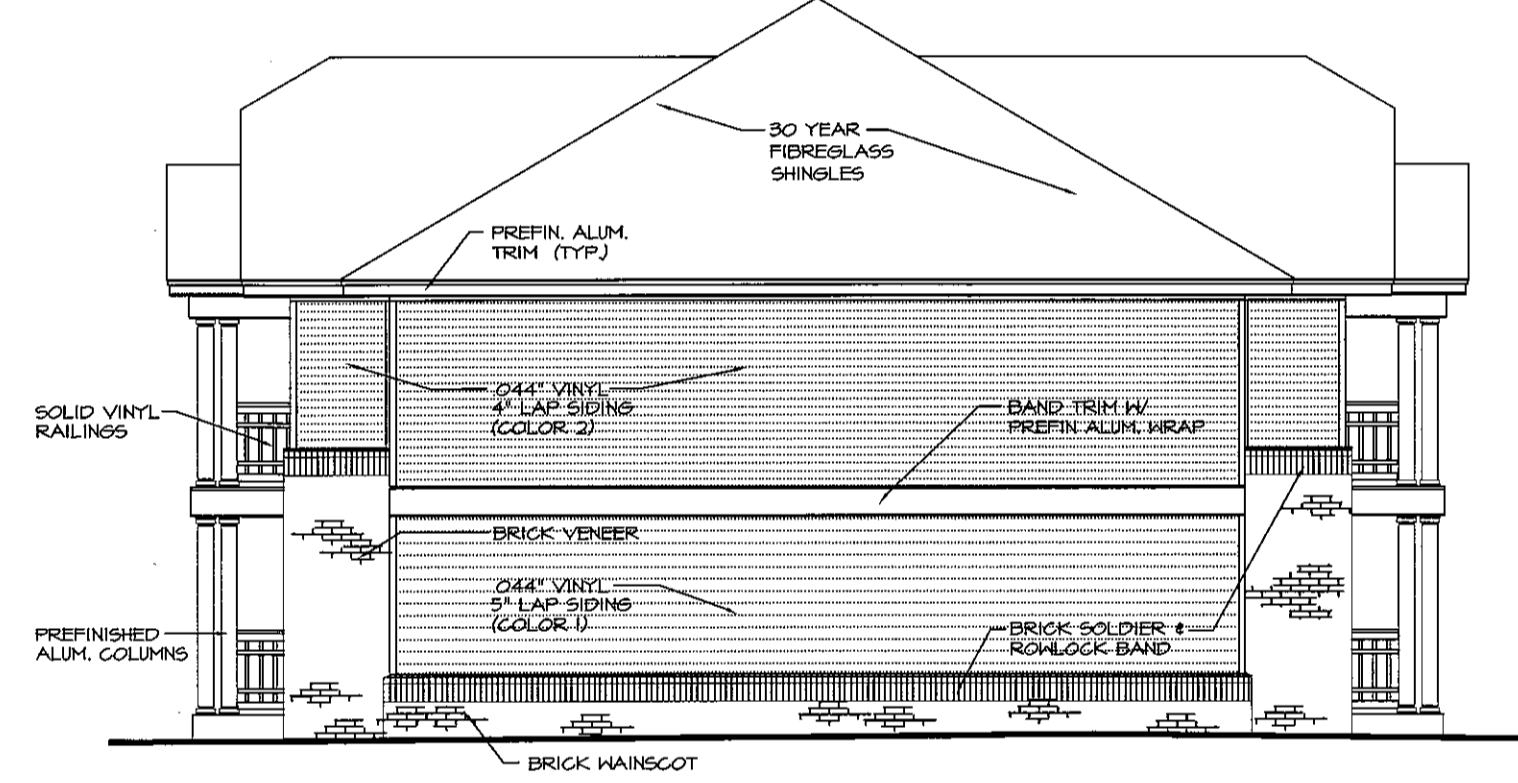
ALL PARTY WALLS SHALL BE DOUBLE 2 x 4 STUD, R-II SOUND INSULATED AND BE 1 HOUR RATED WITH 5/8" FIRE CODE GYPSUM BOARD PER UL DESIGN U341.



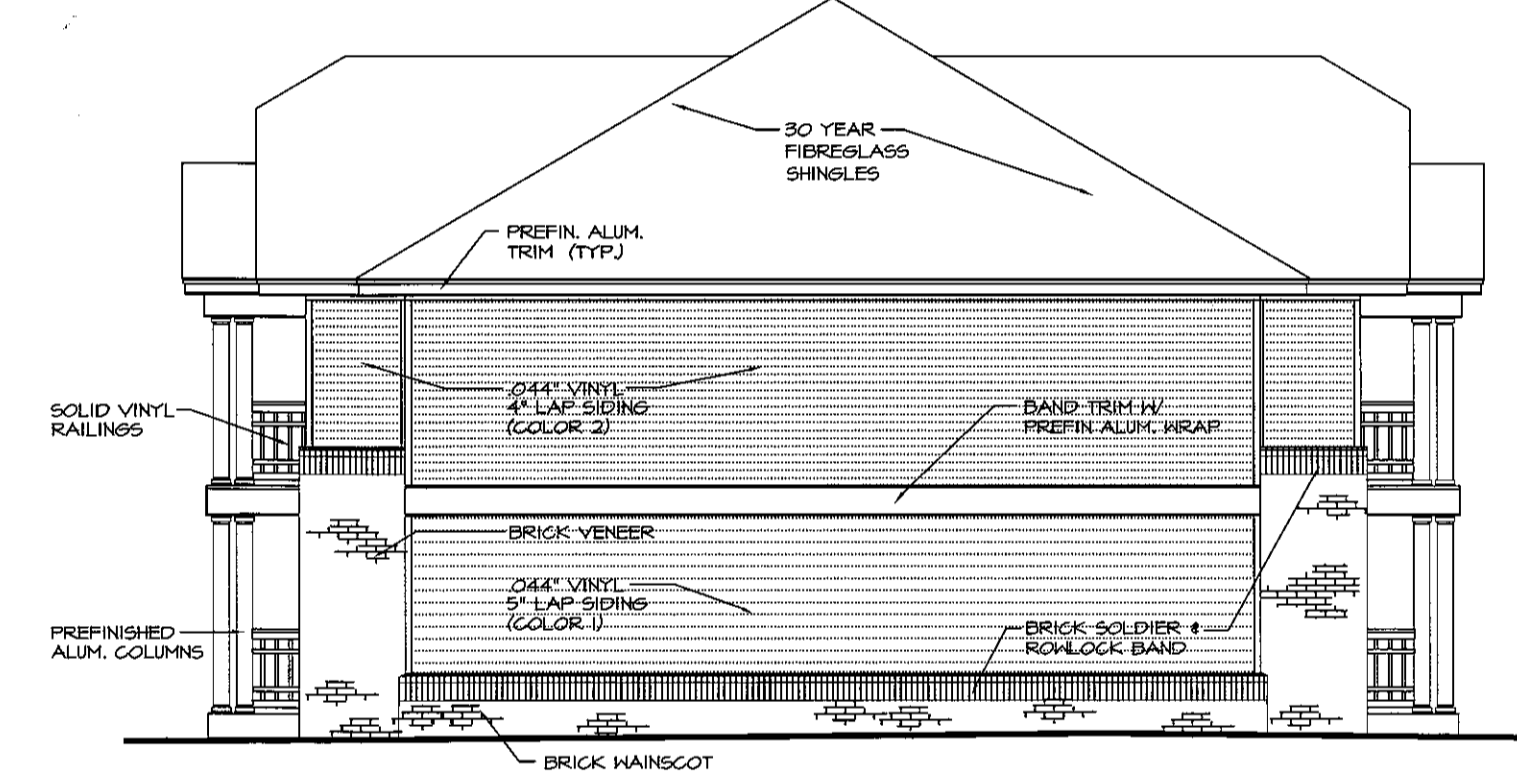
BUILDING TYPE "C" FRONT ELEVATION
SCALE: 1/8" = 1'-0"



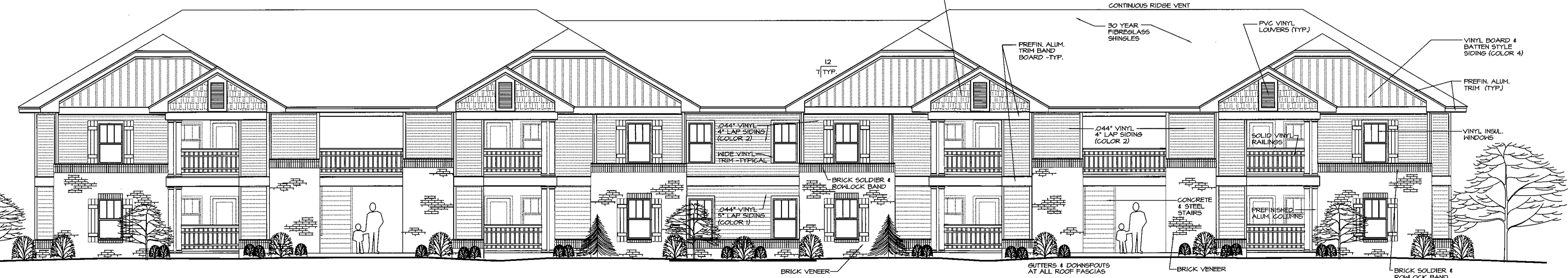
TYPICAL WALL SECTION



BUILDING TYPE "C" LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



BUILDING TYPE "C" RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



BUILDING TYPE "C" REAR ELEVATION
SCALE: 1/8" = 1'-0"

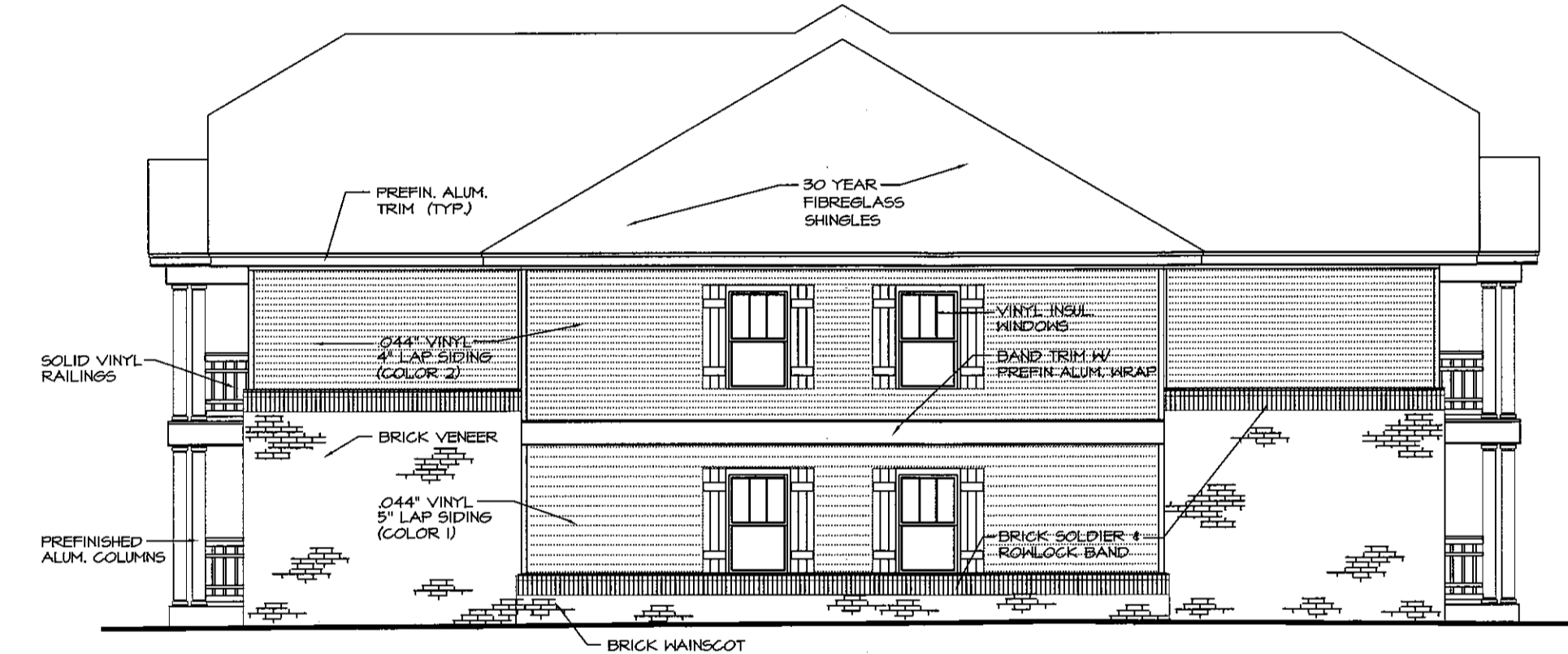
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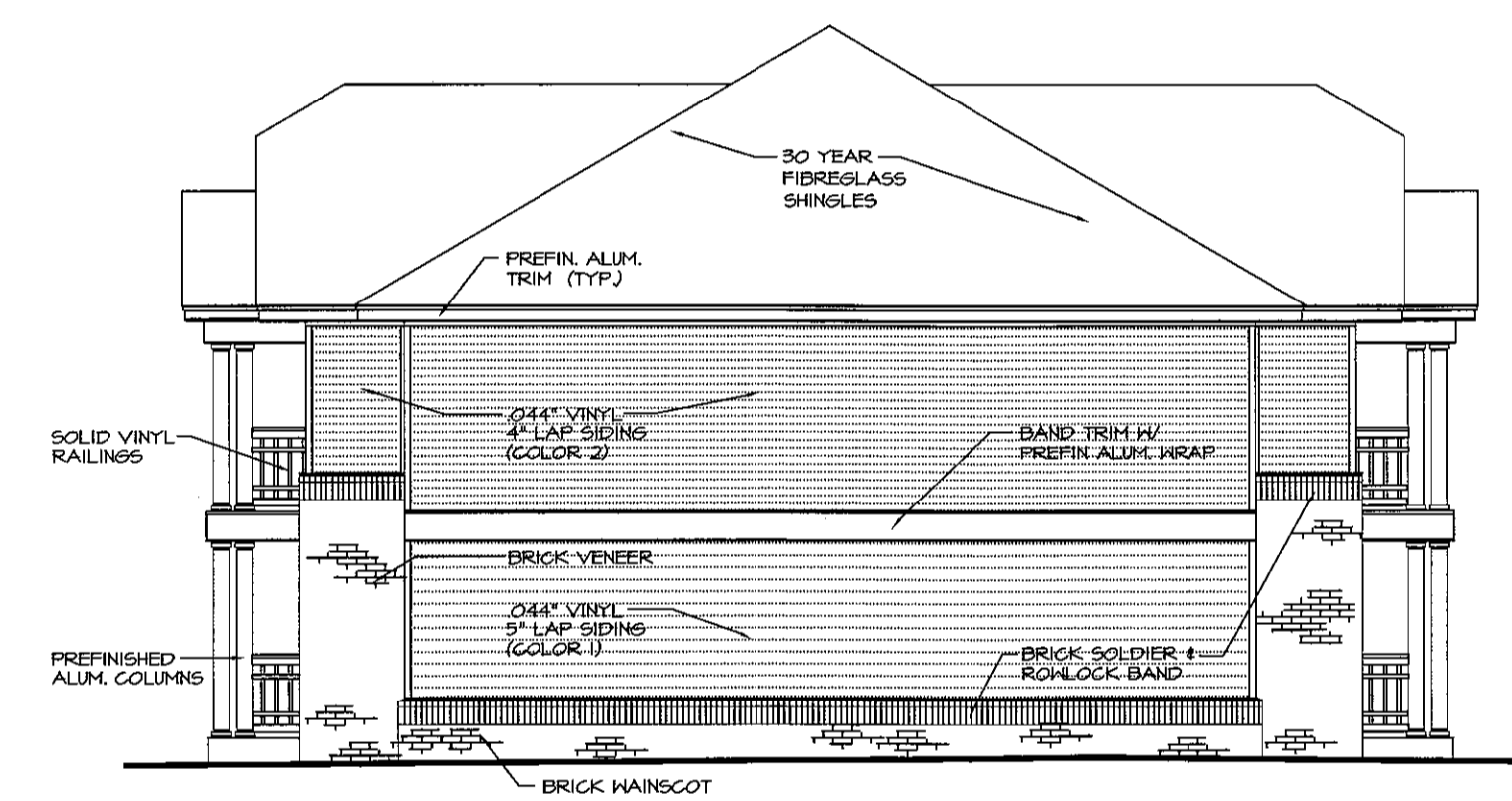
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of :



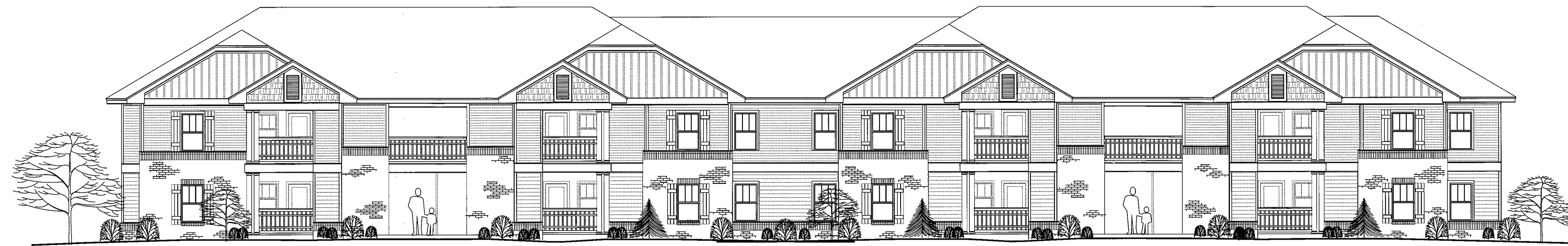
BUILDING TYPE "D" FRONT ELEVATION
SCALE: 1/8" = 1'-0"



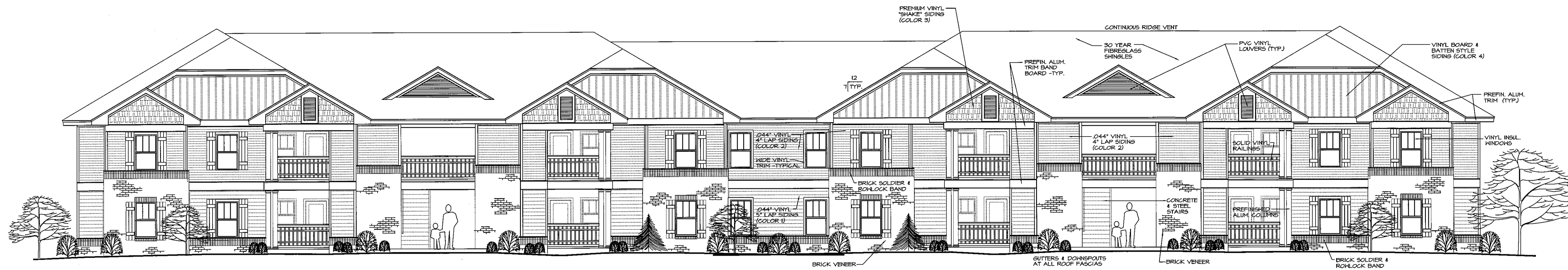
BUILDING TYPE "D" LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



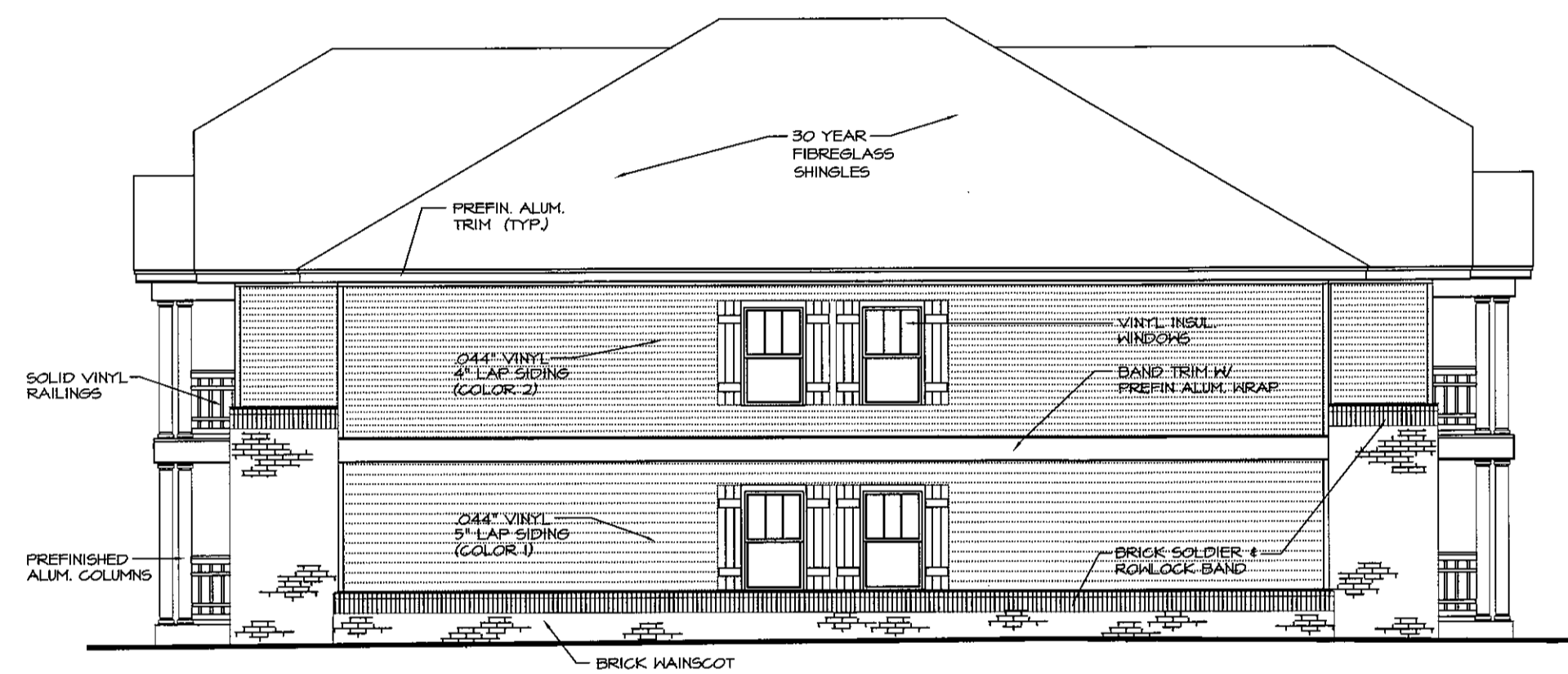
BUILDING TYPE "D" RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



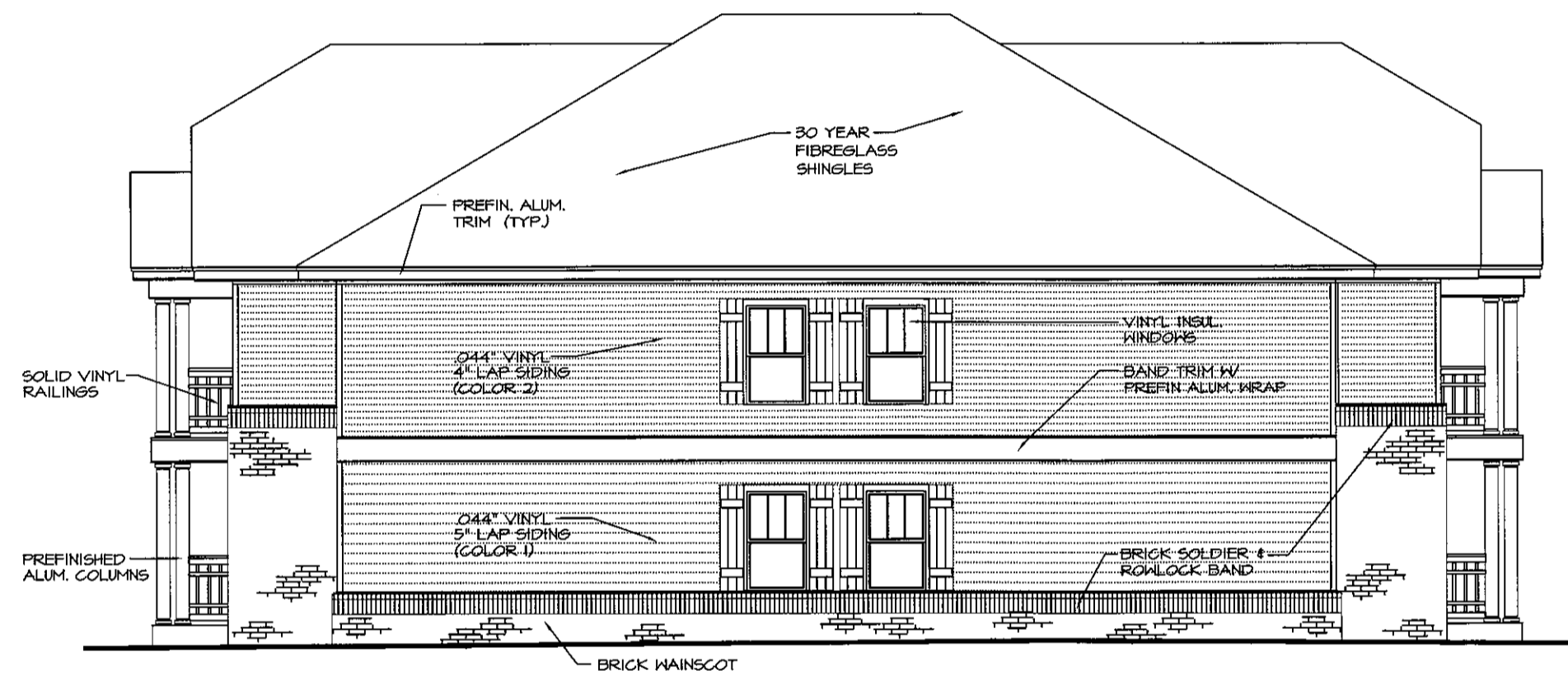
BUILDING TYPE "D" REAR ELEVATION
SCALE: 1/8" = 1'-0"



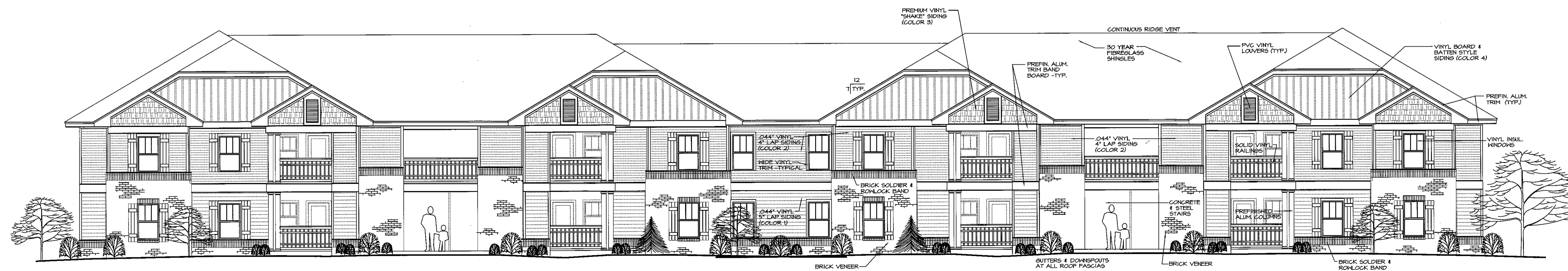
BUILDING TYPE "E" FRONT ELEVATION
SCALE: 1/8" = 1'-0"



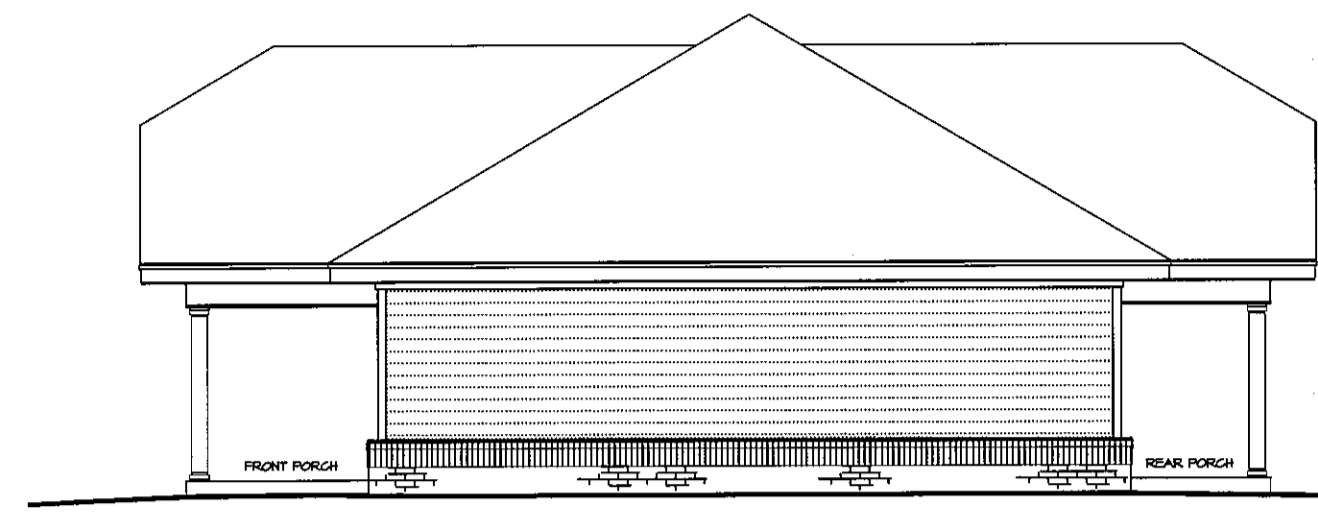
BUILDING TYPE "E" LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



BUILDING TYPE "E" RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



BUILDING TYPE "E" REAR ELEVATION
SCALE: 1/8" = 1'-0"



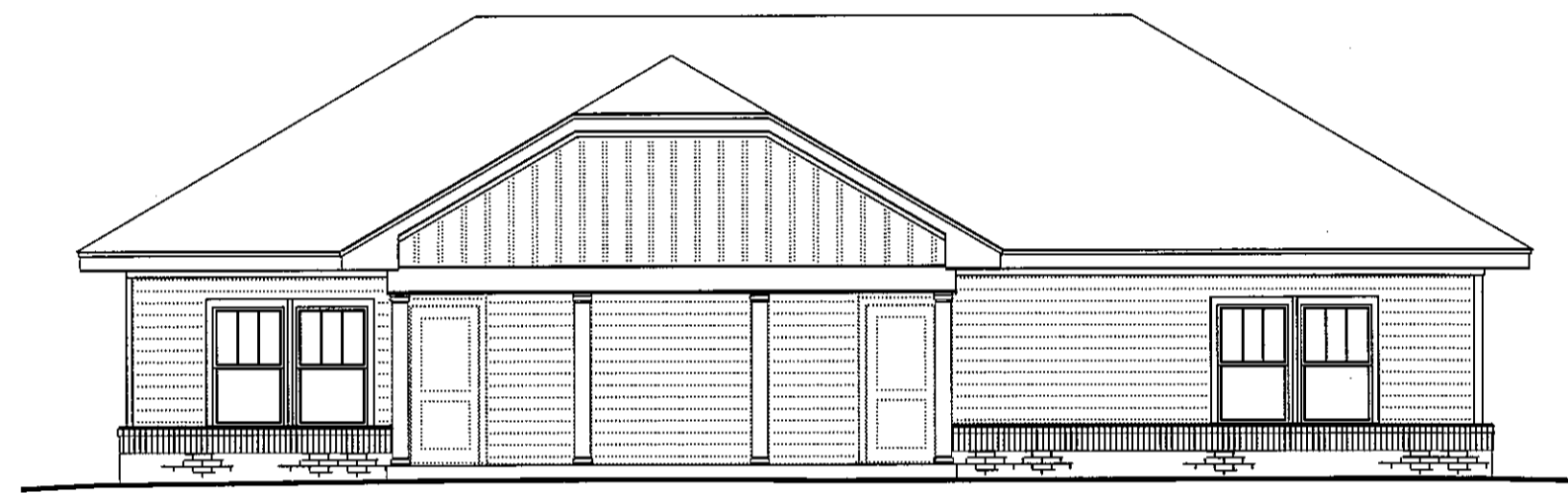
RIGHT SIDE ELEVATION

SCALE: 1/8" = 1'-0"



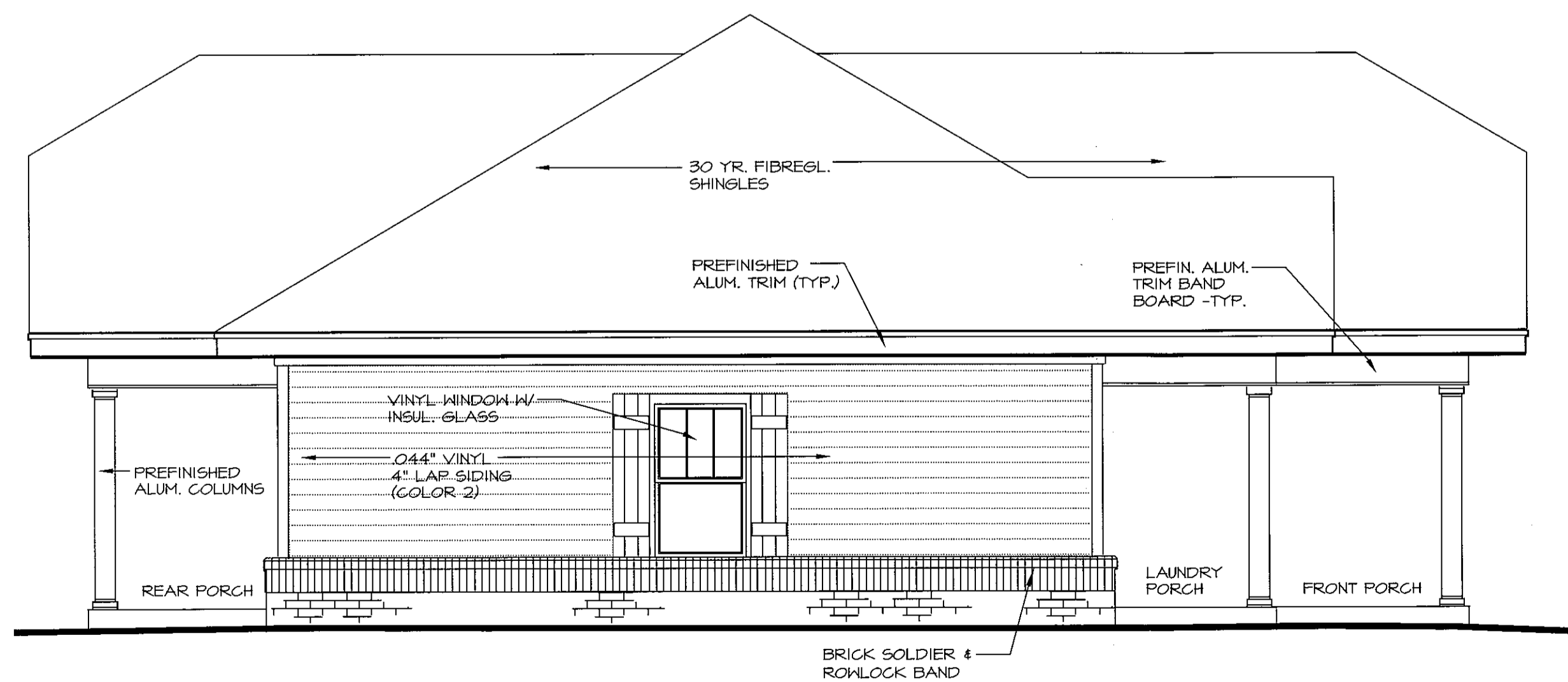
FRONT ELEVATION

SCALE: 1/4" = 1'-0"



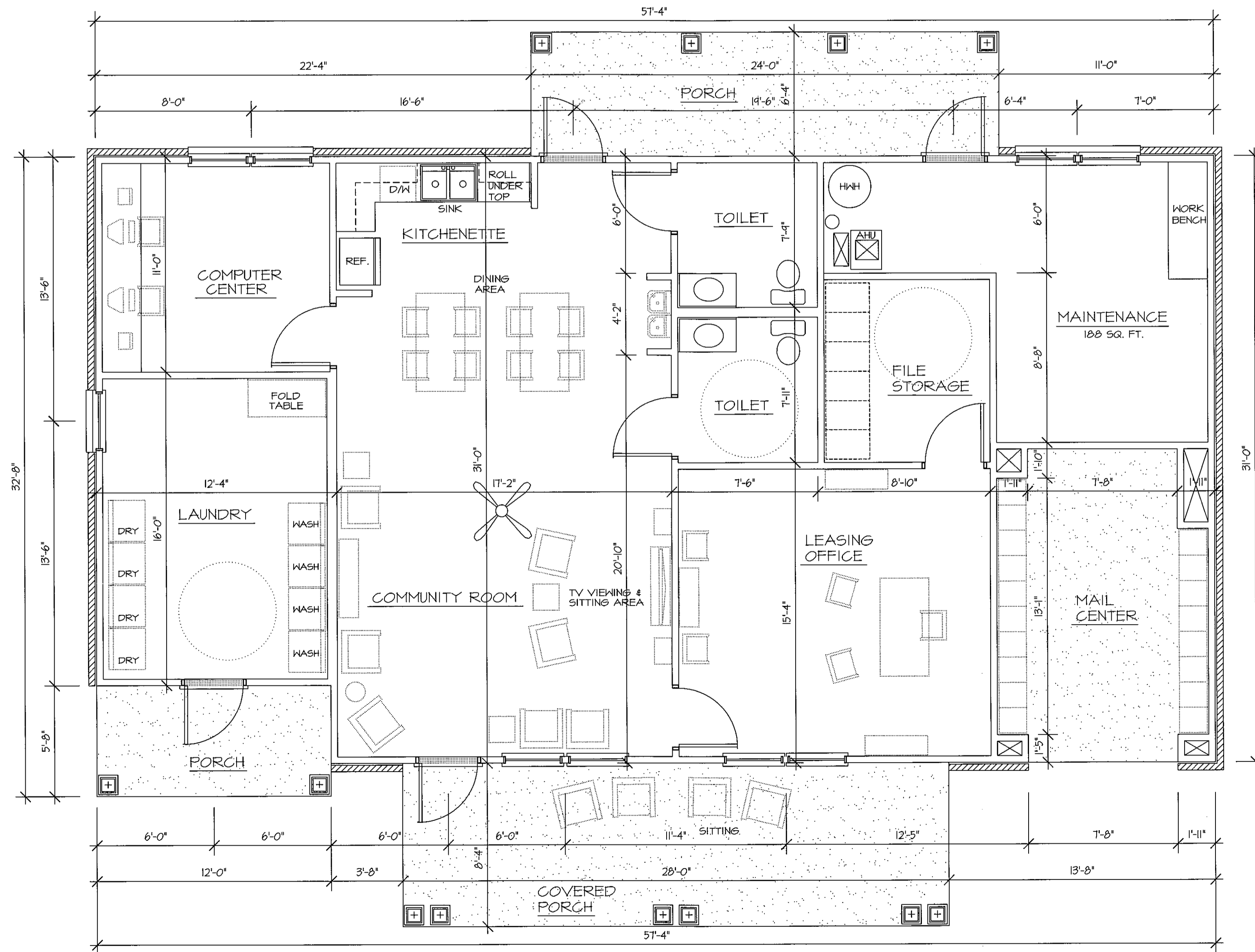
REAR ELEVATION

SCALE: 1/8" = 1'-0"



LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

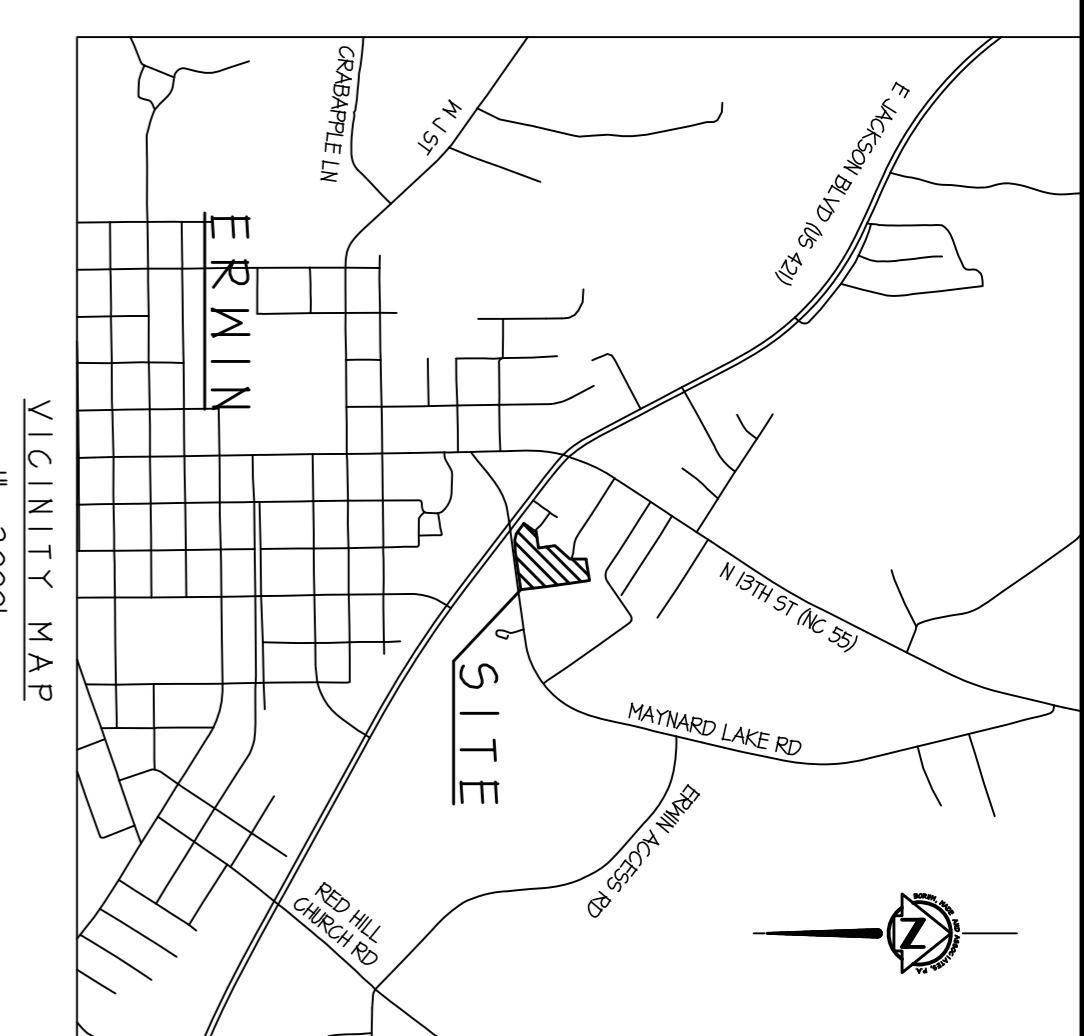
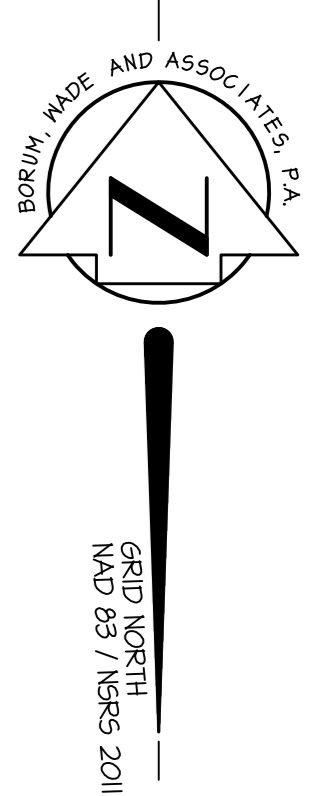
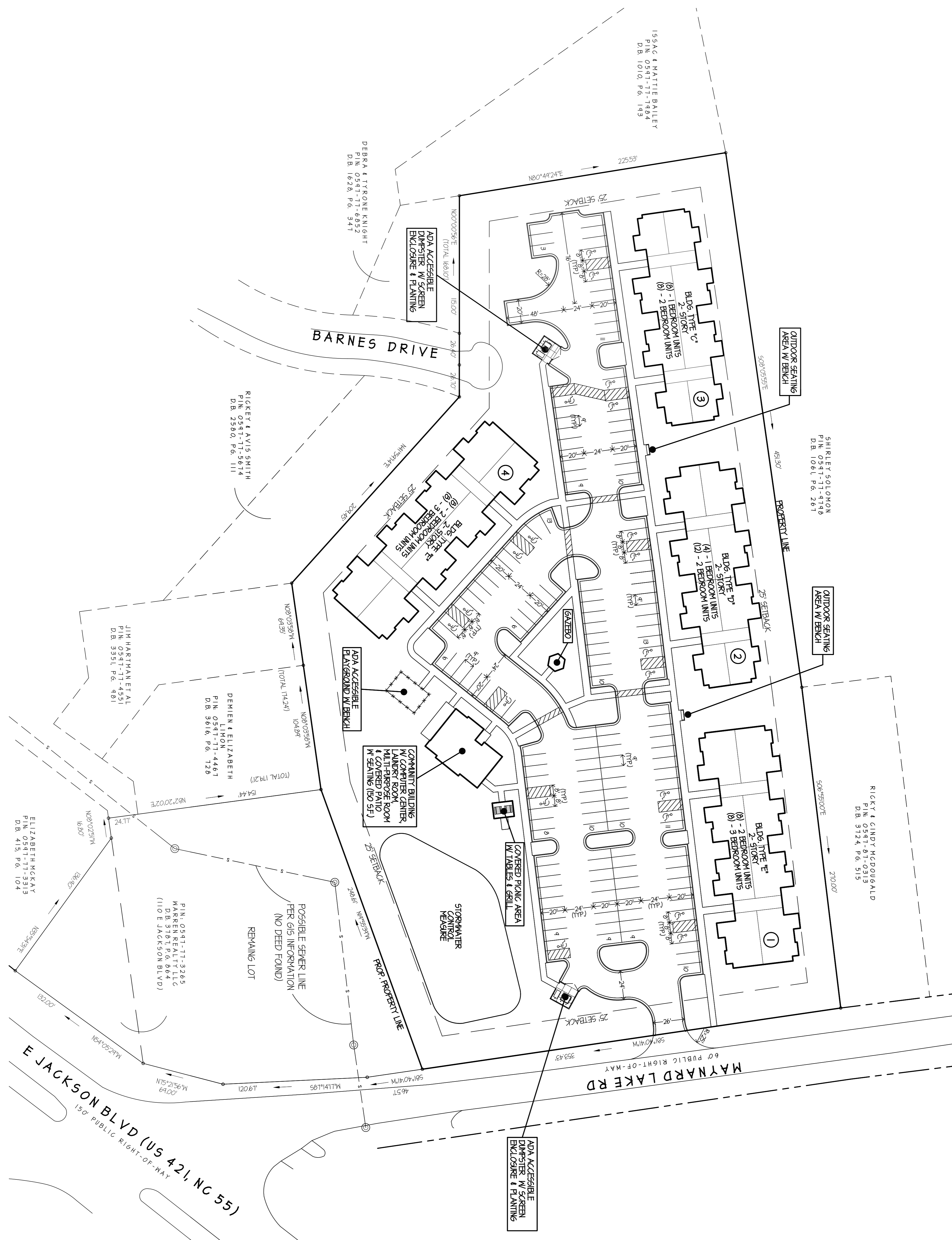


OFFICE/ COMMUNITY BUILDING FLOOR PLAN

1/4" = 1'-0"

COMMUNITY AREA = 764 SF
 HEATED SQ. FT. = 1,551 SF
 GROSS UNDER ROOF = 2,183 SF

IMPERVIOUS AREA
 BUILDINGS: 0.973 AC.
 PARKING/DRIVEWAY: 1.178 AC.
 EX. CUL-DE-SAC: 0.025 AC.
 TOTAL IMPERVIOUS: 2.176 AC. (40.7%)



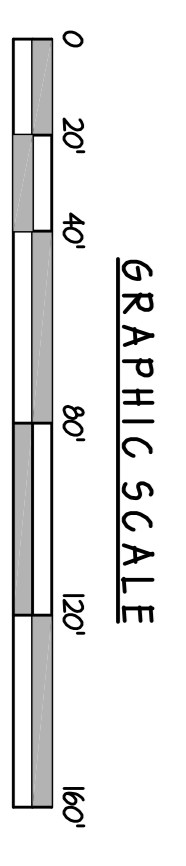
SITE INFORMATION

TOTAL AREA: 5.10 ± ACRES
 PARCEL ID: 0605711010001, 0605711010026
 PARCEL PIN: 0591-77-1438, 0591-77-3285
 DEED REFERENCE: DB. 37871, PG 864
 ZONING: R-6
 SETBACKS:
 FRONT: 25'
 SIDE: 25'
 REAR: 8'
 PROP. NO. UNITS:
 10 - 1 BEDROOMS
 30 - 2 BEDROOMS
 16 - 3 BEDROOMS
 64 UNITS X 2.5 SP/UNIT = 160 SP
 64 UNITS X 1.175 SP/UNIT = 112 SP
 REA. PARKING (LOCAL): 64 SP
 REA. PARKING: 16 SP
 REA. HC PARKING: 20 SP
 REA. VAN ACCESSIBLE PARKING: 12 SP
 PROP. VAN ACCESSIBLE PARKING: 20 SP

BOUNDARY INFORMATION TAKEN FROM DEED.

AMENITY INFORMATION

COMMUNITY ROOM W/ COVERED PATIO W/ SEATING
 COMPUTER CENTER
 LAUNDRY ROOM
 COVERED PICNIC AREA W/ GRILLS
 GAZEBO
 2- OUTDOOR SITTING AREA W/ BENCHES
 PLAYGROUND AREA / TOT LOT
 TENANT STORAGE



BWA
 Engineers
 Planners
 Surveyors

Borum, Wade and Associates, P.A.
 621 Egan Court, Suite 100, Greenville, NC 27601-2711
 PO Box 11881, Greenville, NC 27610-11881
 Phone: 252-338-4471 Fax: 252-375-2719
 www.bwawade.com
 N.C. License # C-6888

PRELIMINARY DRAWING NOT FOR CONSTRUCTION

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

OWNER/DEVELOPER:
CHATHAM BANKS DEVELOPMENT GROUP, LLC
 1301 SANDPiper COURT
 RALEIGH, NC 27615

DESIGN BTR: NEM
 DATE: 1/21/2021
 REVISIONS: 3-4-21 - TOWN COMMENTS

SHEET TITLE:
PROPERTY SITE PLAN

FILE NO.: F:\CHATHAM BANKS\WALLET_A\W500\W SITE
 DRAWING SCALE: 1"=40'
 PLAN SHEET NO.: **C1**



CONDITIONAL USE REQUEST STAFF REPORT

Case: CU-2021-001

Snow Bowden, Town Manager

townmanager@erwin-nc.org

Phone: (910) 591-4200

Fax: (910) 897-5543

Planning Board: 03/15/2021

Town Commissioners: 04/01/2021

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

Applicant Information

Owner of Record:

Name: Costal Plains Company, LLC.

Address: 1887 Oakton Church Road

City/State/Zip: Fairmont, NC 28340

Applicant:

Name: William Guillet

Address: 1301 Sandpiper Court

City/State/Zip: Raleigh, NC 27615

Property Description

Harnett County Tax PIN 0597-77-7438.000

Acres 6.7

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

Vicinity Map

- See Attached Document

Physical Characteristics

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

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

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

Services Available

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

Zoning District Compatibility

Conditional Use	R-6
Multi-Family Dwelling	X

Staff Evaluation

Staff Evaluation

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

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

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

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

Yes No The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare. .

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

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

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

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

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

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

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

Yes No

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

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

Attachments:

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

TRIP GENERATION FOR 64-UNIT APARTMENT DEVELOPMENT

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

Mr. Guillet,

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

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

Sincerely,



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

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

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

Section 2 Vision & Goals

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

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



Mixed Use



Townhouse

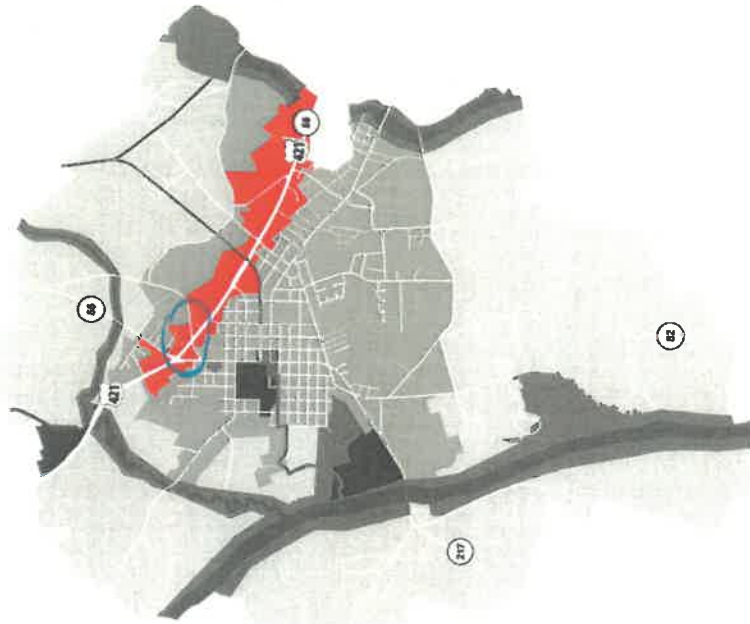


Apartment

Section 2 Vision & Goals

HIGH INTENSITY

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



Vision & Goals Section 2

MEDIUM INTENSITY

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



Harnett GIS

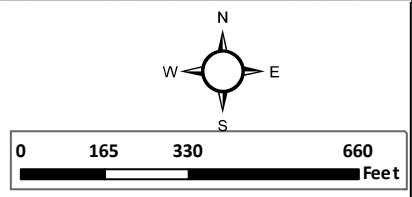
NOT FOR LEGAL USE



GIS/E-911 Addressing

March 9, 2021

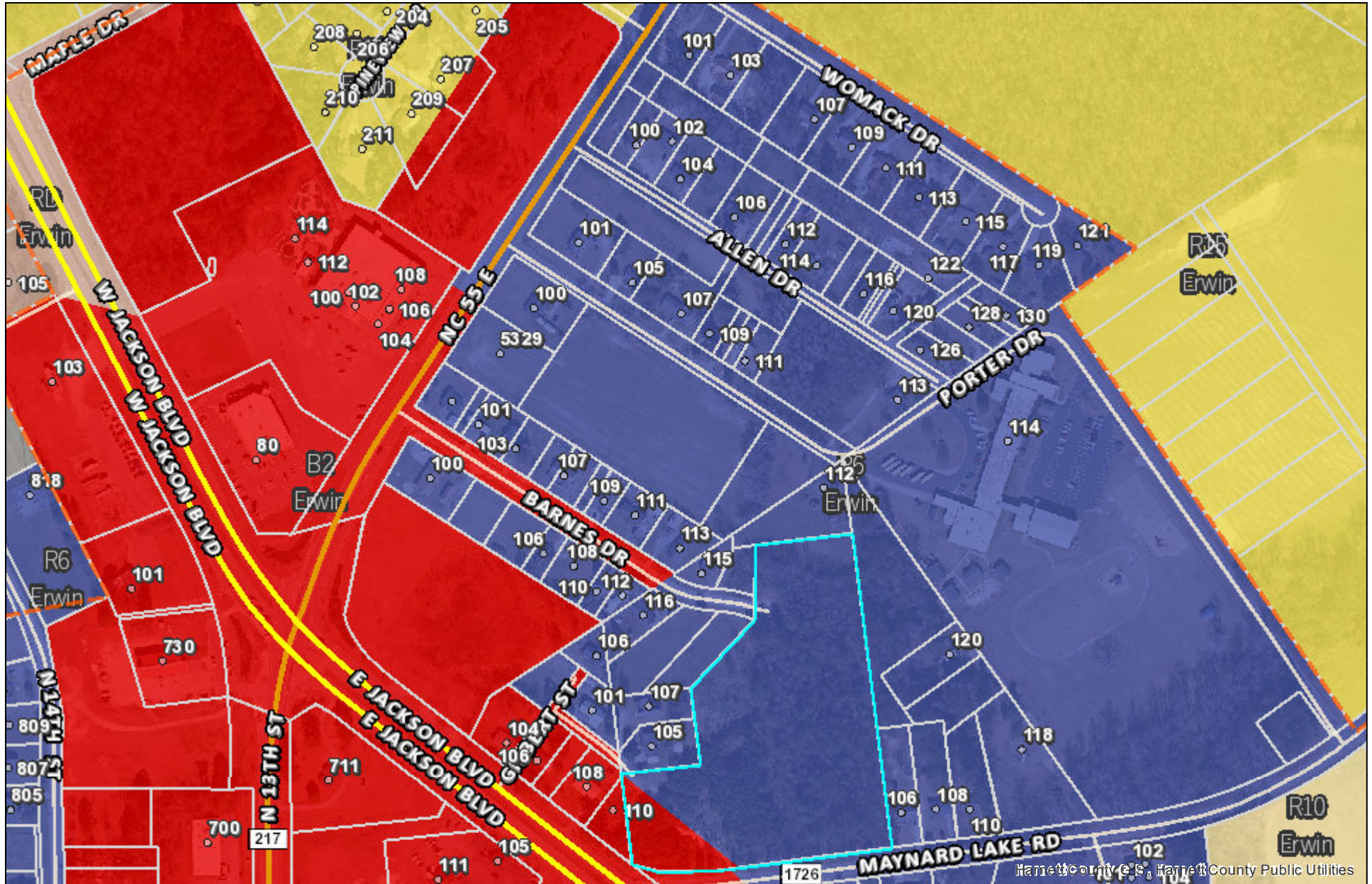
- | | | | |
|-------------------------------|-------------------------|--------------|---------|
| Recycle Center | Harnett County Boundary | NC | Parcels |
| Landfills | Address Numbers | US | |
| Surrounding County Boundaries | Airport | Roads | |
| Federal Property | Major Roads | Mile_Markers | |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



Harnett County & Harnett County Public Utilities

Harnett GIS

NOT FOR LEGAL USE



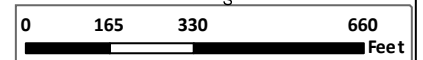
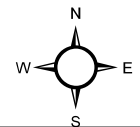
GIS/E-911 Addressing

March 9, 2021

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

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

- NC
- US
- Roads
- Mile_Markers
- Railroad
- Parcels



1 inch = 376 feet

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: May 6, 2021

Subject: Subdivision Variance Request

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

Sec. 30-40. - Variances.

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

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

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

Attachments:

- Variance Application 2021-001

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

Action Recommended:

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

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



Variance Application (February 2011)

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

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

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

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

PAID

APR 07 2021

Check 1334
MSB
4/7/2021

TOWN OF ERWIN

Owner/Applicant Must Read and Sign

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

Stephen T. Milton

 Print Name

Step T. Milton

 Signature of Owner or Representative

04-07-2021

 Date



Variance Application Information

**Part 9
Chapter 4
Article 10**

Board of Adjustments

§ 9-4101.2 Powers and duties.

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

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

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

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

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

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

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

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

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



April 7, 2021

To whom it may concern:

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

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

Respectfully Submitted:

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

Stephen T. Milton

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

(910) 303-1967

ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.

AREA DETERMINED USING THE COORDINATE METHOD.

MAP REFERENCES: ESTATE FILE # 99-E-190
DEED BOOK 517, PAGE 256 (Back Reference)
MAP NUMBER 20, PAGE 37 (LOT 1)

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

MAP NORTH
MAP # 20, PG. 37

**Option 1
Preferred**

PRELIMINARY

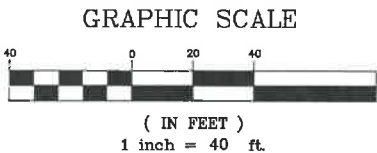
THIS IS A PRELIMINARY DRAWING AND IS NOT TO BE USED AS A SURVEY OR TO TRANSFER ANY PROPERTY SHOWN HEREON.

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

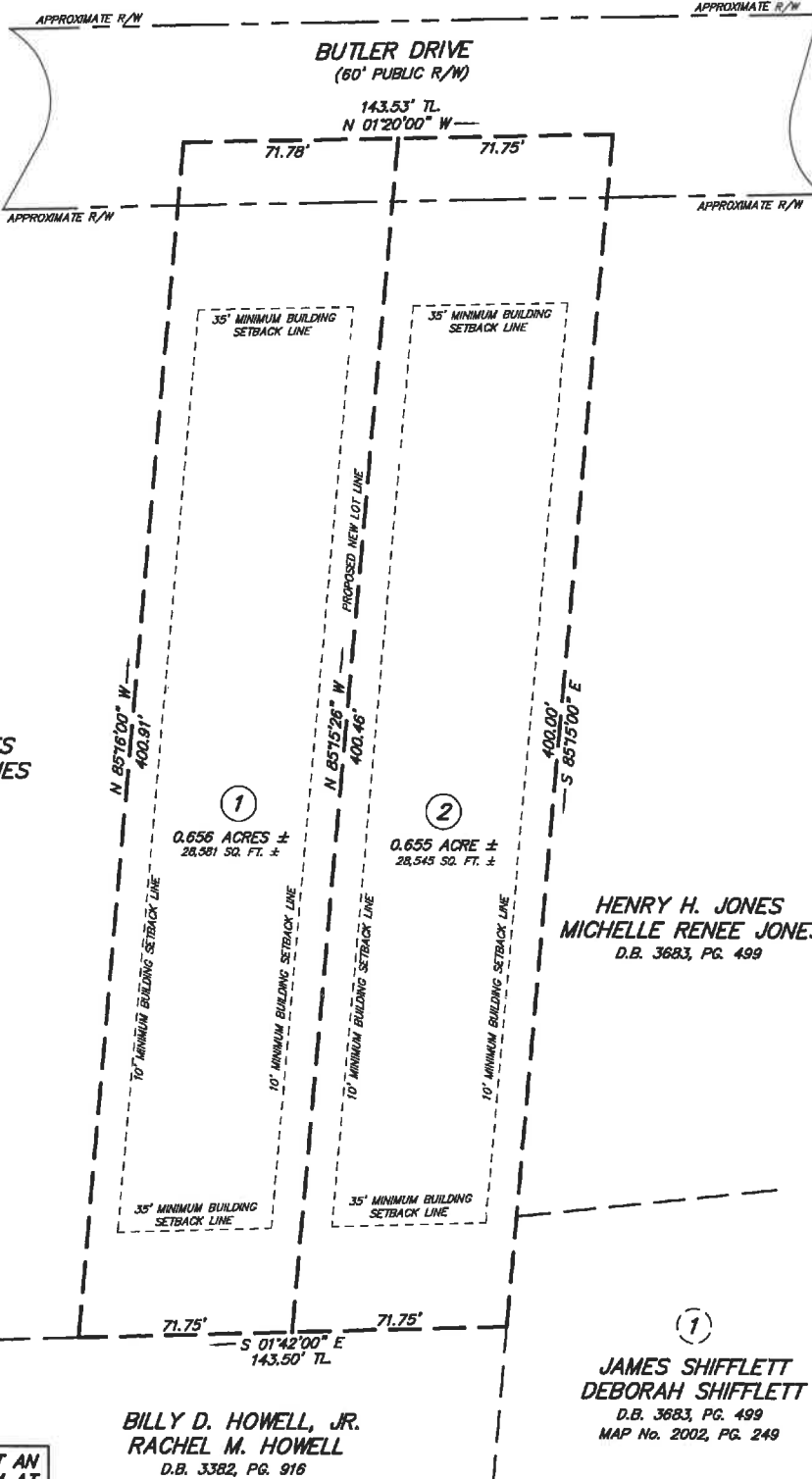
TOWN OF ERWIN
ZONE: R-10 (RESIDENTIAL)

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

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



CHECK AND CLOSURE BY: BOF



PROPOSED MINOR SUBDIVISION FOR

MILTON BUILT HOMES

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

PIN
1507-10-1273

ZONE
R-10

BOBBY FUQUAY and ASSOCIATES
8525 MAL WEATHERS RD., RALEIGH N.C., 27603
(919) 880-3309

DATE 02-15-2021
SCALE 1" = 40'
DATE OF SURVEY
DWG. NO. 202113

ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES
UNLESS OTHERWISE NOTED.

AREA DETERMINED USING THE COORDINATE METHOD.

MAP REFERENCES: ESTATE FILE # 99-E-190
DEED BOOK 517, PAGE 256 (Back Reference)
MAP NUMBER 20, PAGE 37 (LOT 1)

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

MAP NORTH
MAP # 20, PG. 37

**Option 3
Least
Preferred**

PRELIMINARY

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

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

TOWN OF ERWIN
ZONE: R-10 (RESIDENTIAL)

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

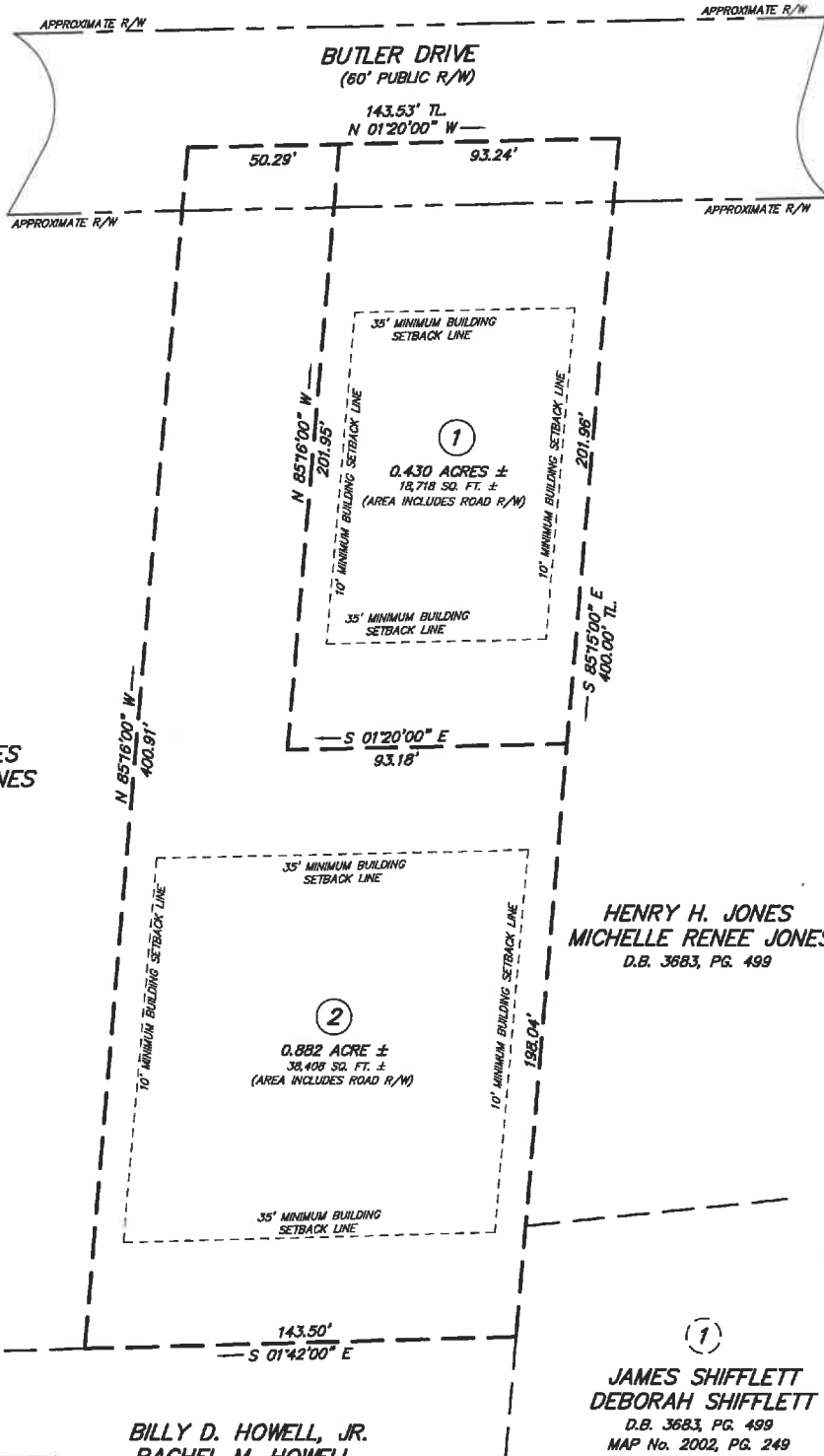
THIS DRAWING DOES NOT REPRESENT AN
ACTUAL FIELD SURVEY BY THIS FIRM AT
THIS TIME.

GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.

CHECK AND CLOSURE BY: BOF



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

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

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

OPTION 3
PROPOSED MINOR SUBDIVISION FOR

MILTON BUILT HOMES

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

PIN
1507-10-1273

BOBBY FUQUAY and ASSOCIATES
6525 MAL WEATHERS RD., RALEIGH N.C., 27603
(919) 880-3309

DATE 02-15-2021

SCALE 1" = 40'

DATE OF SURVEY

DWG. NO. 202113

ZONE
R-10



TOWN BOARD SUBDIVISION VARIANCE REQUEST STAFF REPORT

Case: Variance-
2021-002

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

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

Town Board Meeting Date: 5/6/2021

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

Applicant Information

Owner of Record:

Name: Milton Built Homes, LLC.

Address: P.O. Box 451

City/State/Zip: Lillington, NC 27546

Applicant:

Name: Stephen T. Milton

Address: P.O. Box 451

City/State/Zip: Lillington, NC 27546

Property Description

Harnett County Tax PIN 1507-10-1273.000

Acres 1.28

Zoning District-R-10

Vicinity Map

- See Attached Proposed Subdivision Plat

Physical Characteristics

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

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

Services Available

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

Staff Evaluation

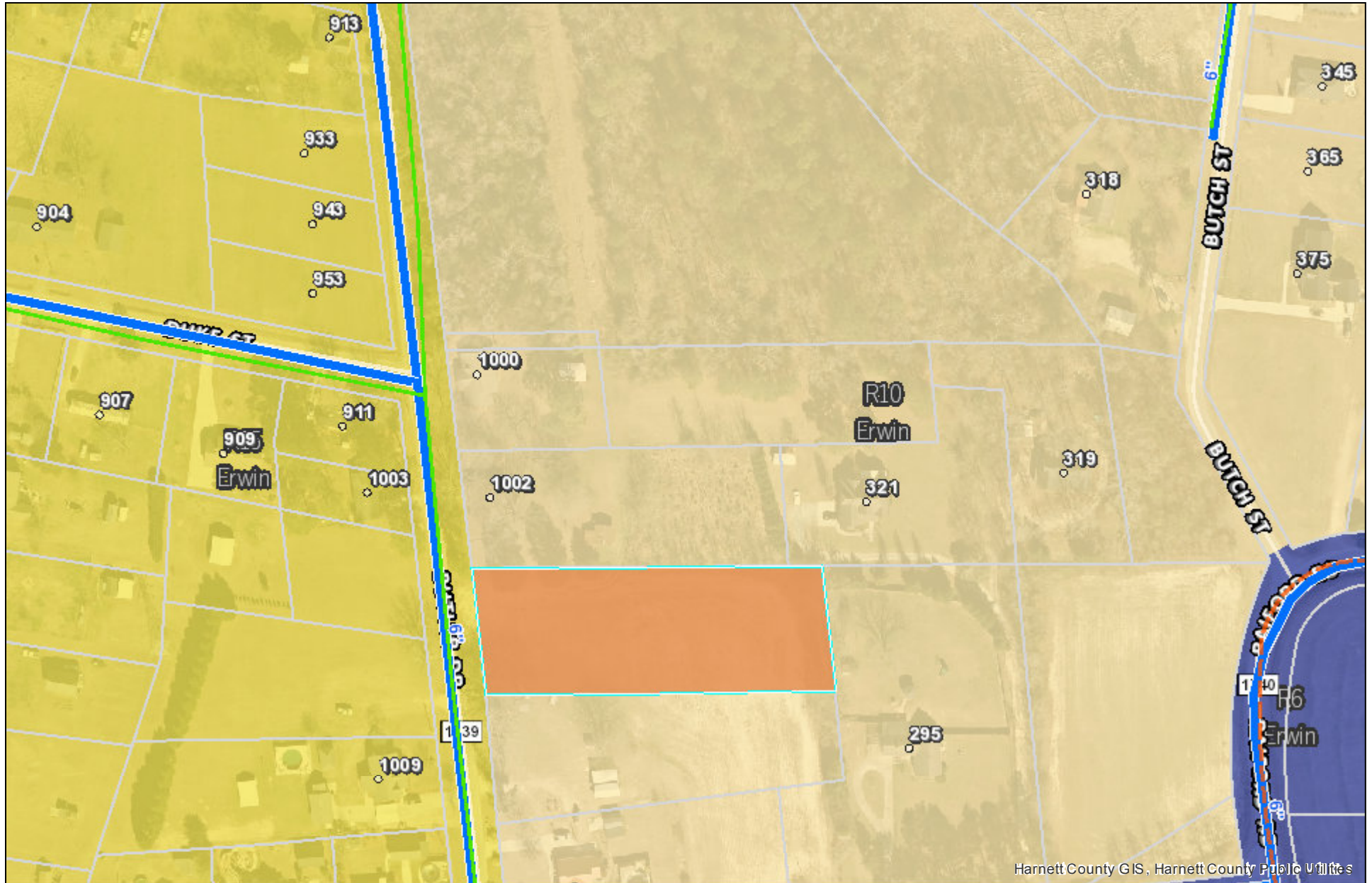
The tract of land that is 1.28 acres and located in a residential zoning district. The applicant has proposed three different subdivision designs. Town Staff prefers option #1. Both of the lots would have a little over 71 foot of road frontage off of Butler Drive. The homes would front Butler Drive and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

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

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

Harnett GIS

NOT FOR LEGAL USE



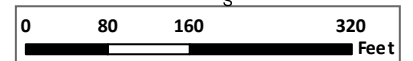
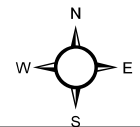
Harnett County GIS, Harnett County Public Utilities



GIS/E-911 Addressing

April 7, 2021

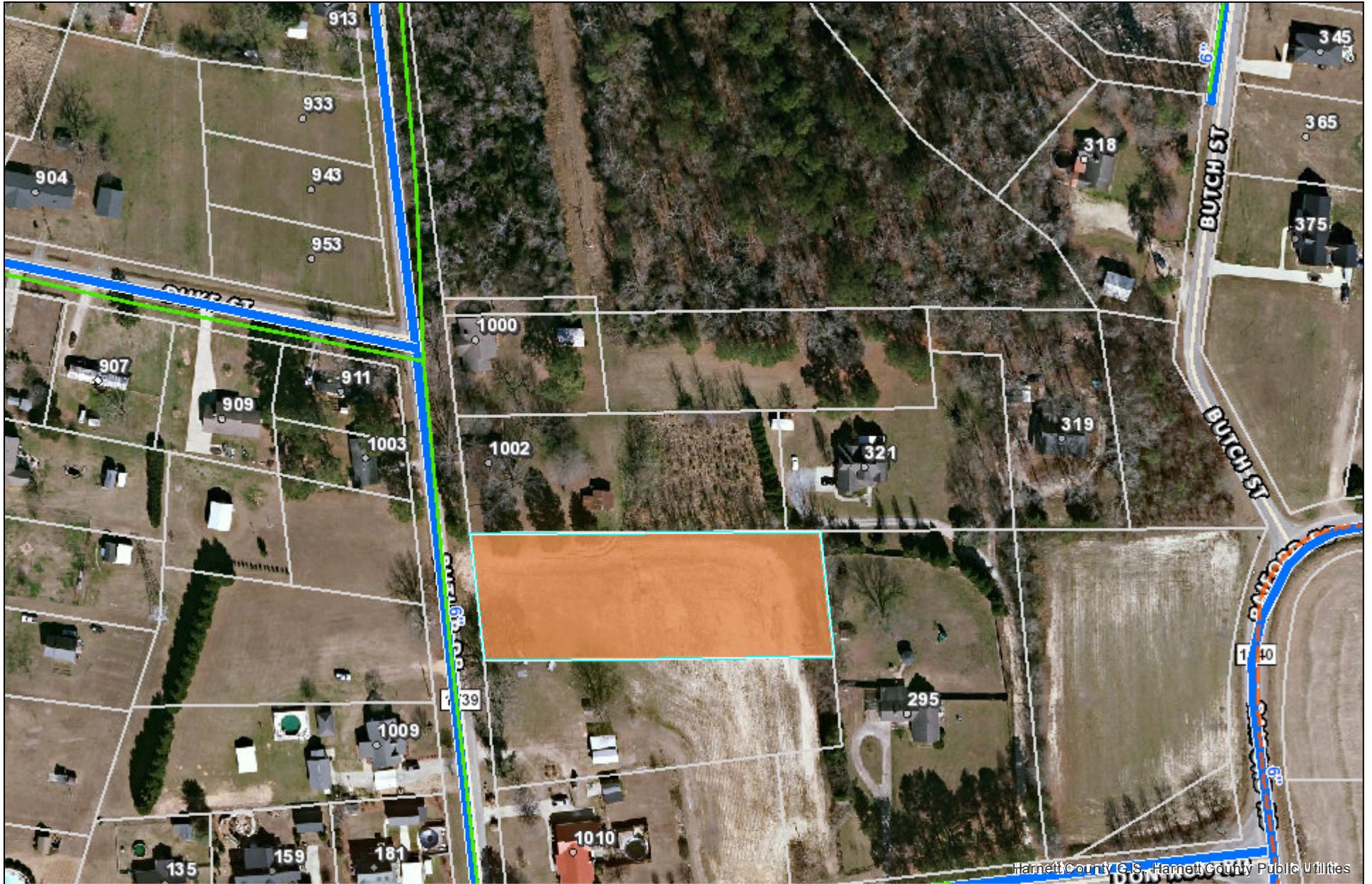
- | | | |
|-------------------------------|-------------------------|------------------|
| Recycle Center | Harnett County Boundary | StepFM |
| Landfills | Address Numbers | Sewer Main |
| Surrounding County Boundaries | Force Main | Force Main |
| Federal Property | Gravity | Lillington Sewer |
| City Limits | Service Laterals | |



1 inch = 188 feet















Harnett GIS

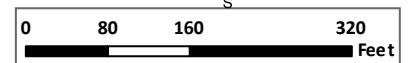
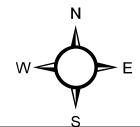
NOT FOR LEGAL USE



GIS/E-911 Addressing

April 7, 2021

- | | | |
|---|---|--|
|  Recycle Center |  Harnett County Boundary |  StepFM |
|  Landfills |  Address Numbers |  Sewer Main |
|  Surrounding County Boundaries |  Force Main |  Force Main |
|  Federal Property |  Gravity |  Lillington Sewer |
|  City Limits |  Service Laterals | |



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: May 6, 2021

Subject: ZT-2021-002

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

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

Attachments

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

PAID

MAR 24 2021

Revised 9-19-2014



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

ERWIN
pdcct#
040745

Staff Only: Zoning Case # Z-2021-002
Fee: 300 Check # _____ MO _____ Cash _____
PB Recommendation: ___ A ___ D ___ A/W Conditions
BOC Date: 5/6/21 Decision: ___ A ___ D ___ T ___ A/W Conditions

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

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

Zoning change requested from B2 to M1

If Conditional District, note conditions: _____

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

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

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

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

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

(If more space is required, please attach to this document separately)

- Submit names and addresses of property owners immediately adjacent to the proposed rezoning area (and properties within 100 feet of proposed rezoning area) and across any street(s) and identify on an area map
- Attach a metes and bounds description, deed drawing of the area involved or a reference to lots in an approved subdivision on the entire property requested for change
- This application must be filed with the Town Hall by 4:00 p.m. on the Friday which is at least 25 days before the meeting at which it is to be considered and may be withdrawn without penalty no later than 19 days prior to the public hearing

Whenever an application requesting an amendment has been acted on and denied by the Town Board, such application, or one substantially similar shall not be reconsidered sooner than one year after the previous denial.

It is understood by the undersigned that the Zoning Map, as originally adopted and as subsequently amended, is presumed by the Town to be appropriate to the property involved and that the burden of proof for a zoning amendment rests with the applicant. Applicant is Encouraged to Discuss the Proposed Zoning Amendment with Affected Property Owners.

Willie H. Boyer III
Signature of Applicant

919-971-0415
Contact Number

1149 Taos Trail, Raleigh NC 27603

Mailing Address of Applicant



REZONING MAP REQUEST STAFF REPORT

Case: ZT-2020-02

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

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

Planning Board: 04/19/2021

Town Commissioners: 05/06/2021

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

Applicant Information

Owner of Record:

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

Applicant:

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

Property Description

Harnett County Tax PIN 1507-15-5219.000
Acres 4.15
Zoning District- B-2 (2.12 acres 50.38%) M-1 Industrial (39.38%) R-10 (0.43 acres)

Vicinity Map

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

Physical Characteristics

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

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

Services Available

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

Staff Evaluation

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

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



Boyer Enterprises East, LLC

MEMORANDUM

TO: Snow Bowden, Town Manager, Town of Erwin

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

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

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

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

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

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

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

Services:

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

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

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

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

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

Wastes temporarily stored onsite (inside the warehouse):

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

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

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

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

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

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



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



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

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

A: 30x50 Metal building
on concrete slab.

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

C: 40x8ft corner box

D: 40x8ft corner box

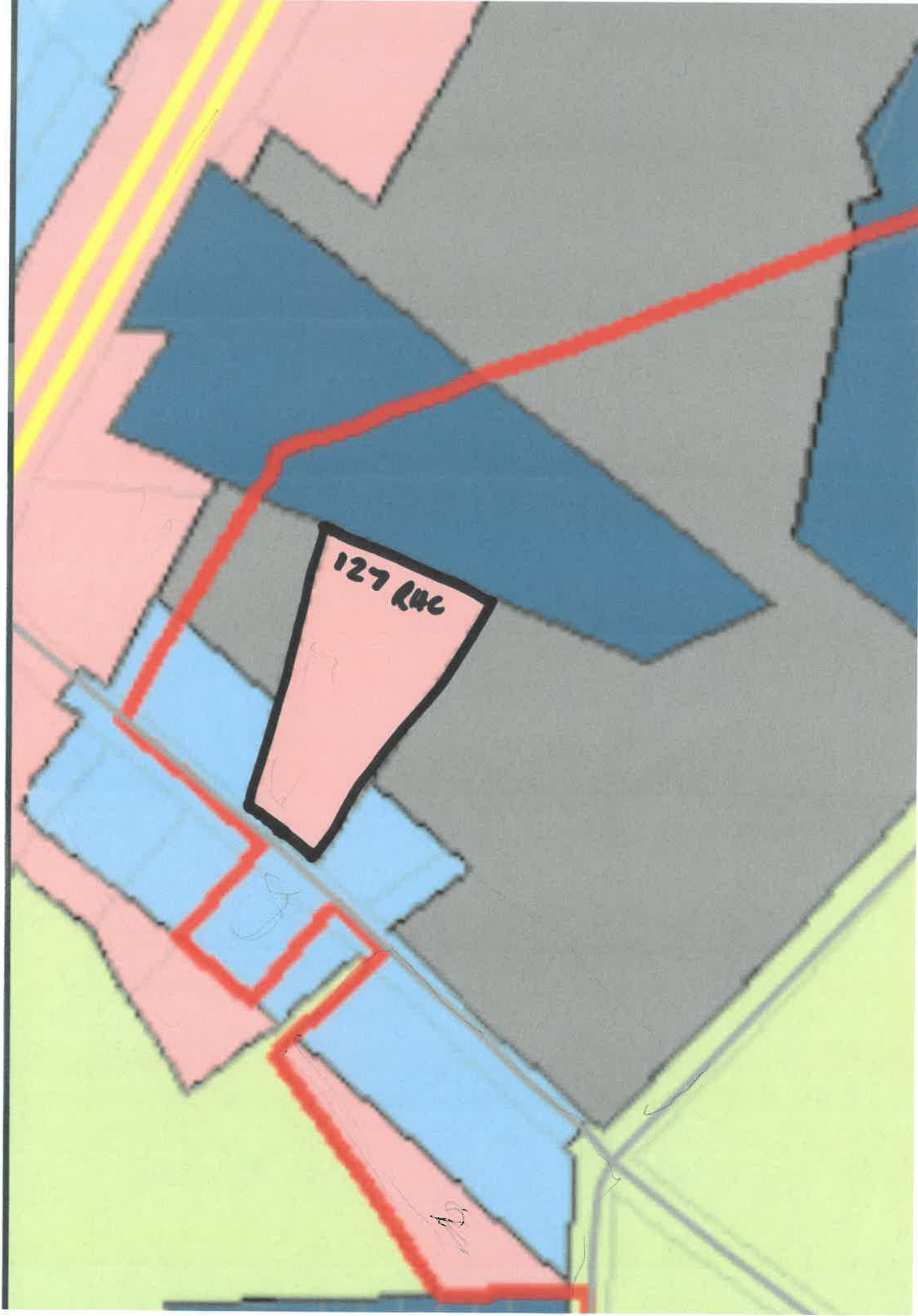
--- Privacy chain-link
six-foot fence.

xxxx Gravel for vehicle
parking.

— Combined #1R and #2R
Property lines



IBIT MAY BE REPLACED BY A LAND SURVEY AND/OR CONSTRUCTION DRAWINGS OF THE PREMISES ONCE RECEIVED
NT.
BACK OF THE PREMISES FROM THE PROPERTY'S BOUNDARIES SHALL BE THE DISTANCE REQUIRED BY THE
RI.E GOVERNMENT AUTHORITIES



127 RAC

Handwritten mark

Handwritten mark





AGREEMENT FOR PURCHASE AND SALE OF IMPROVED REAL PROPERTY

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

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

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

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

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

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

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

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

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

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

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

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

payable on the following terms:

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

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

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

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

Buyer Initials WBL Seller Initials HLS

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

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

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

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

\$ _____ N/A

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

\$ _____ N/A

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

\$ 257,345.18

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

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

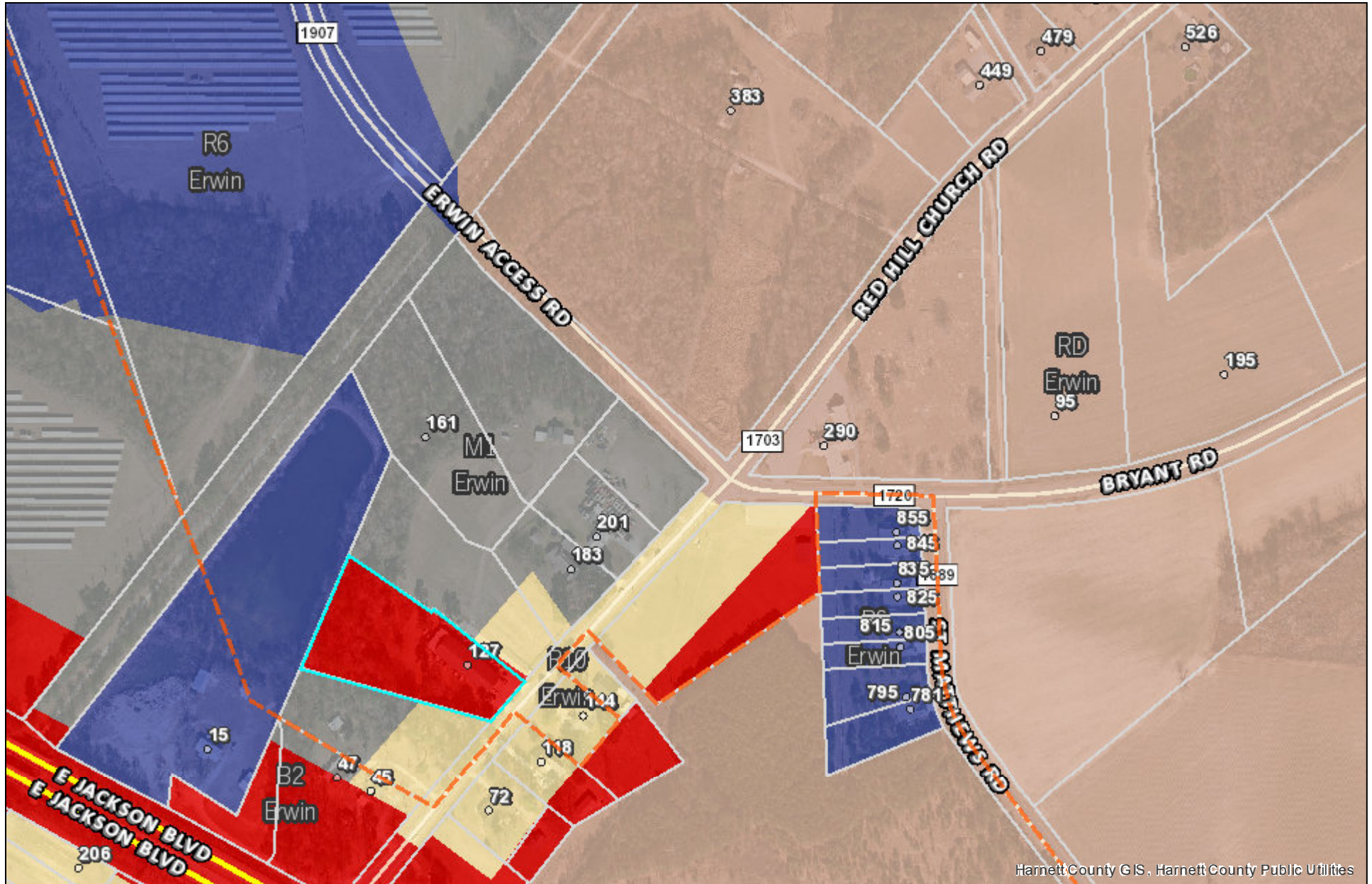
(c) "**Closing**" shall mean the date of completion of the process detailed in Section 11 of this Agreement. Closing shall occur on or before _____ or **45 days from the effective date**

Buyer Initials WBI Seller Initials PLS Page 2 of 9

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

Harnett GIS

NOT FOR LEGAL USE


















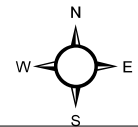
Harnett County GIS, Harnett County Public Utilities



GIS/E-911 Addressing

March 23, 2021

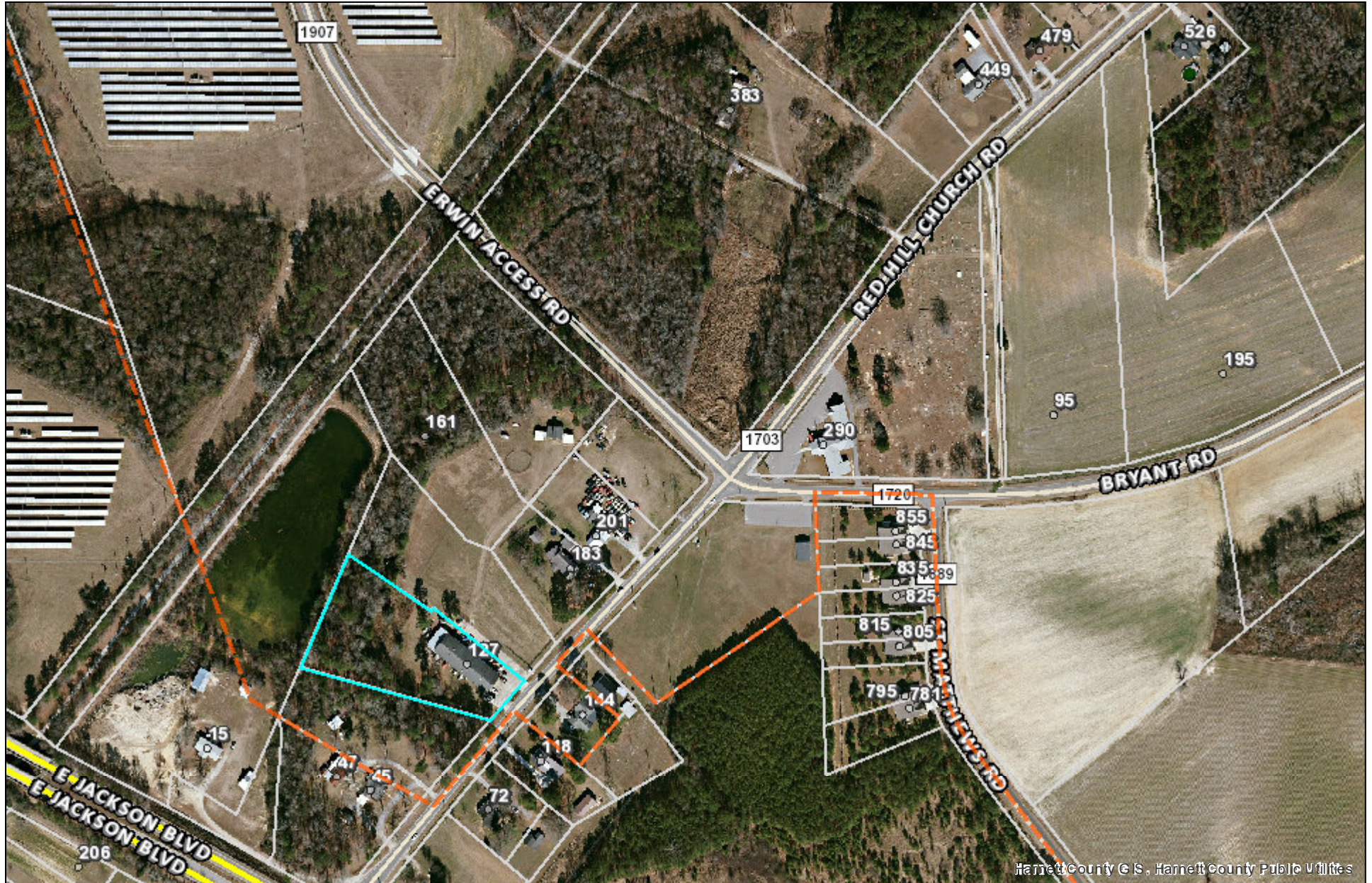
-  Recycle Center
-  Landfills
-  Surrounding County Boundaries
-  Federal Property
-  City Limits
-  Harnett County Boundary
-  Address Numbers
-  Airport
- Major Roads**
-  Interstate
-  NC
-  US
-  Roads
-  Mile_Markers
-  Railroad
-  Parcels



1 inch = 376 feet

Harnett GIS

NOT FOR LEGAL USE



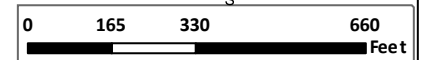
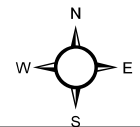
Harnett County GIS, Harnett County Public Utilities



GIS/E-911 Addressing

March 23, 2021

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



1 inch = 376 feet

MEDIUM INTENSITY

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



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

Arvalee Mclamb
71 Wise Rd.
Dunn, NC 28334

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

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

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

Harnett County
PO Box 759
Lillington, NC 27546

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

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

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

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

Milford and Joyce Barefoot
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Dunn, NC 28334

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290 Red Hill Church Road
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PCC Properties
1149 Taos Trail
Raleigh, NC 27603

PCC Properties
1149 Taos Trail
Raleigh, NC 27603



TOWN OF ERWIN

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

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

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

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

B3969 - P 186

HARNETT COUNTY TAX ID #
0605870600

For Registration Matthew S. Willis
Register of Deeds
Harnett County, NC
Electronically Recorded
2021 Apr 15 10:56 AM NC Rev Stamp: \$ 535.00
Book: 3969 Page: 186 - 188 Fee: \$ 26.00
Instrument Number: 2021008514

04-15-2021 BY: EG

Submitted by: Ragsdale Liggett PLLC (Ramseur), PO Box 31507, Raleigh, NC 27612

Prepared by: Lynn Matthews, Atty, 1103 W. Cumberland Street, Dunn, NC 28334
Return to: Grantee (No title examination or tax advice given)
EXCISE TAX: \$535.00
Parcel ID No.: 060587 0600 & 061507 0337 01 (Recombined see BM2021-143)

NORTH CAROLINA GENERAL WARRANTY DEED

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

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors and assigns, and shall include singular, plural, masculine or feminine as required by context.

WITNESSETH:

That the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Duke Township, Harnett County, North Carolina and more particularly described as follows:

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

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

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

The property hereinabove described was acquired by Grantor by instrument in Book 2102, Page 726, Harnett County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

1. General utility easements of record.
2. Easements, restrictions and rights of way of record.
3. 2021 ad valorem taxes which are not yet due and payable.

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

WARREN REALTY LLC
A NC limited liability company

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

NORTH CAROLINA
COUNTY OF HARNETT

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

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


Notary Public

My Commission Expires: 5/31/21



Adopted this the 6th day of May 2021.

Patsy Carson,
Mayor

ATTEST:

Lauren Evans
Town Clerk

Statement-of-Consistency

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

Patsy M. Carson
Mayor

Lauren Evans
Town Clerk

Statement-of-Inconsistency

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

Patsy M. Carson
Mayor

Lauren Evans
Town Clerk

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: May 6, 2021

Subject: ZT-2021-003

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

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

Attachments:

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



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

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

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

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

Zoning change requested from B2 to R-6

If Conditional District, note conditions: _____

Harnett County Tax Map PIN 1507-40-7460

Property owner(s) of area requested and address(es)
Deans Trimming and Recovery LLC 2302 Erwin Rd. Dunn, NC 28334-6522

(If more space is required, please attach to this document separately)

- Submit names and addresses of property owners immediately adjacent to the proposed rezoning area (and properties within 100 feet of proposed rezoning area) and across any street(s) and identify on an area map
- Attach a metes and bounds description, deed drawing of the area involved or a reference to lots in an approved subdivision on the entire property requested for change
- This application must be filed with the Town Hall by 4:00 p.m. on the Friday MAR 14 2021 at least 25 days before the meeting at which it is to be considered and may be withdrawn without penalty no later than 19 days prior to the public hearing

PAID

Whenever an application requesting an amendment has been acted on and denied by the Town Board, such application, or one substantially similar shall not be reconsidered sooner than one year after the previous denial.

TOWN OF ERWIN

pdck#
1899

It is understood by the undersigned that the Zoning Map, as originally adopted and as subsequently amended, is presumed by the Town to be appropriate to the property involved and that the burden of proof for a zoning amendment rests with the applicant. Applicant is Encouraged to Discuss the Proposed Zoning Amendment with Affected Property Owners.

Signature of Applicant: _____ Contact Number: (919) 422-6979 kenndawson@hotmail.com

Mailing Address of Applicant: 2493 NC Hwy. 242 N. Benson, NC 27504



REZONING MAP REQUEST STAFF REPORT

Case: ZT-2020-03

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

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

Planning 04/19/2021

Town 05/06/2021

Board: _____

Commissioners: _____

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

Applicant Information

Owner of Record:

Name: Deans Towing and Recovery, LLC.

Address: 2302 Erwin Road

City/State/Zip: Dunn, NC 28334

Applicant:

Name: Ken Dawson Homes, INC.

Address: 2493 NC HWY 242 North

City/State/Zip: Benson, NC 27504

Property Description

Harnett County Tax PIN 1507-40-7460.000

Acres 0.64

Zoning District- B-2

Vicinity Map

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

Physical Characteristics

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

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

Services Available

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

Staff Evaluation

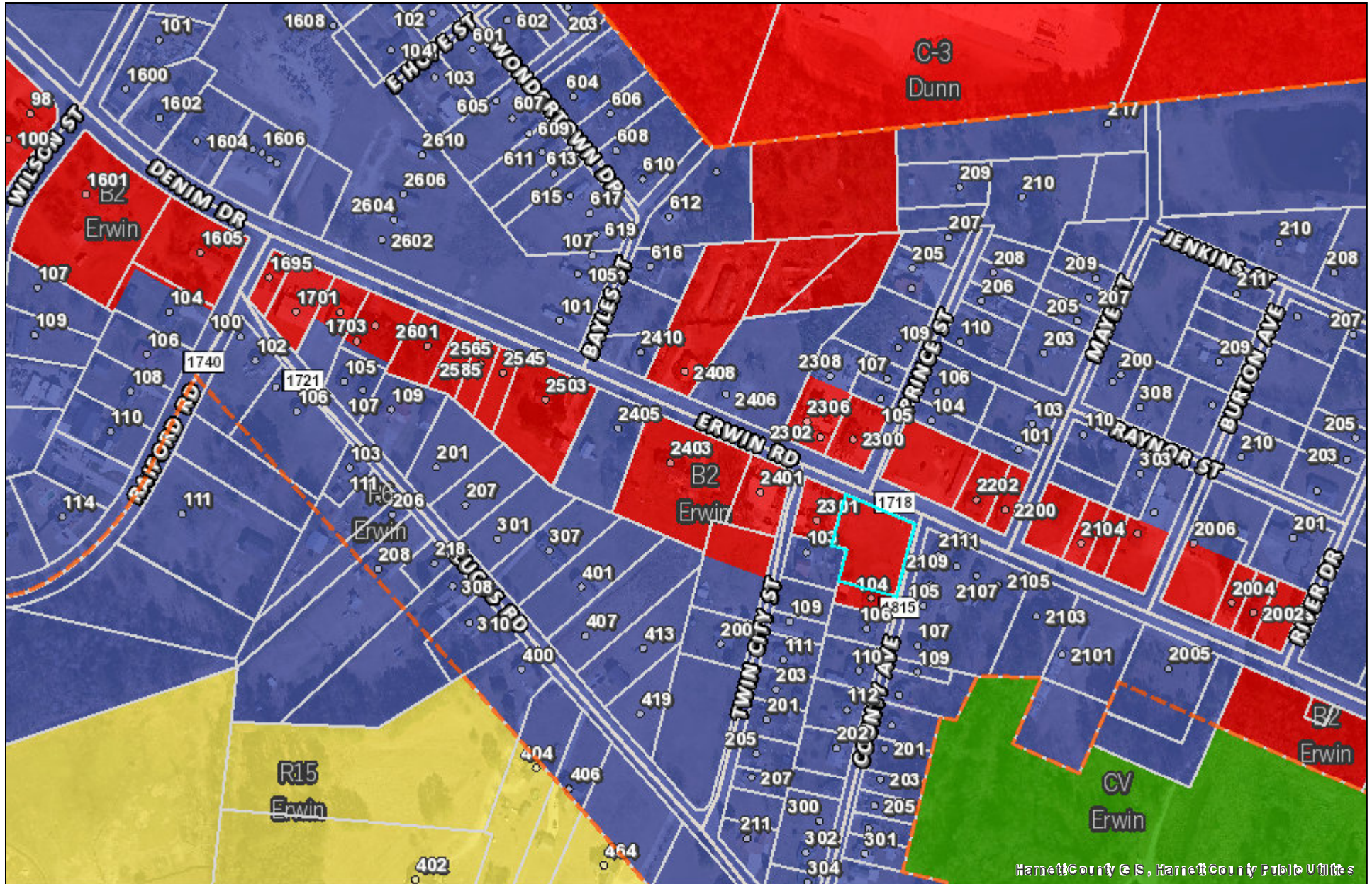
This is a vacant parcel at the corner of Erwin Road and County Avenue. It is 0.64 acres. It is primarily surrounded by residential land uses. There is a commercial operation adjacent to the property and across the street. In the 2014 Land Use Plan it is in an area identified for medium intensity growth.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

Attachments:

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

Harnett GIS

NOT FOR LEGAL USE



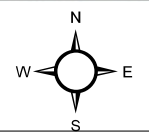
GIS/E-911 Addressing

March 25, 2021

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

- Harnett County Boundary
- Address Numbers
- Airport
- Major Roads**
- Interstate

- NC
- US
- Roads
- Mile_Markers
- Railroad
- Parcels



1 inch = 376 feet
















Harnett GIS

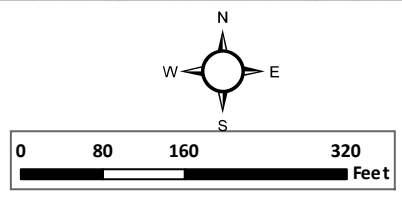
NOT FOR LEGAL USE



GIS/E-911 Addressing

March 25, 2021

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



Harnett County GIS, Harnett County Public Utilities

MEDIUM INTENSITY

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



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

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

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

Joshua Schmieding
104 County Avenue
Dunn, NC 28334

Rodney Ray Lewis
746 Timberlake Drive
Clinton, NC 28328

Cody D. Carter
106 County Avenue
Dunn, NC 28334

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

Jonathan Bethune
3032 US 401 S
Lillington, NC 27546

Lesia C. Raynor
201 Raynor Street
Dunn, NC 28334

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

Angus and Dora House
110 County Avenue
Dunn, NC 28334



TOWN OF ERWIN

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

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

**ORDINANCE FOR MAP AMENDMENT CASE # ZT-2021-003
AMENDMENT TO THE OFFICAL ZONING MAP TO REZONE
FROM B-2 TO R-6 PER ZONING ORDINANCE ARTICLE XXIII
FOR HARNETT COUNTY PIN 1507-40-7460.000
ORD 2020-2021: 002**

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

B3677 - P 527

HARNETT COUNTY TAX ID #
061507 0091

03-04-2019 BY: SB

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

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

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

NORTH CAROLINA GENERAL WARRANTY DEED

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

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors and assigns, and shall include singular, plural, masculine or feminine as required by context.

WITNESSETH:

That the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the Duke Township, Harnett County, North Carolina and more particularly described as follows:

See Exhibit A attached hereto and made a part hereof.

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

The property hereinabove described was acquired by Grantor by instrument in Book 531, Page 257, 69SP174, Harnett County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

1. General utility easements of record.
2. Easements, restrictions and rights of way of record.
3. Such facts as an environmental study on the subject property by an environmental engineer would reveal.
4. 2019 ad valorem taxes which are not yet payable.

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


 ANNETTE A. BARFIELD

STATE OF NORTH CAROLINA
COUNTY OF HARNETT

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

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



 Notary Public

My Commission Expires: 5/31/21



EXHIBIT "A"
LEGAL DESCRIPTION

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

BEGINNING at an iron stake, which said iron stake is located in the southern margin of Old U.S. Highway 421 at its intersection with the western margin of County Avenue (State Road 1815) and runs thence as the western margin of County Avenue South 19 degrees West 189.70 feet; thence North 69 degrees 54 minutes West 116.67 feet; thence North 71 degrees 54 minutes West 39.09 feet; thence North 21 degrees 47 minutes East 118.15 feet to an iron stake in the southern margin of Old U.S. Highway 421; thence as the southern margin of Old U.S. Highway 421 South 68 degrees 27 minutes East 150.97 feet to the point of Beginning and containing 0.67 acres, more or less.

Adopted this the 6th day of May 2021.

Patsy Carson,
Mayor

ATTEST:

Lauren Evans
Town Clerk

Statement-of-Consistency

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

Patsy M. Carson
Mayor

Lauren Evans
Town Clerk

Statement-of-Inconsistency

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

Patsy M. Carson
Mayor

Lauren Evans
Town Clerk

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: May 6, 2021

Subject: CU-2021-002

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

Attachments:

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

Suggested Motions:

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

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

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



TOWN OF ERWIN

100 West F St., Post Office Box 459
 Erwin, NC 28339
 (910) 897-5140 V (910) 897-5543 F
 www.erwin-nc.org

CONDITIONAL USE APPLICATION

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

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

PAID

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

Provide complete mailing addresses for each adjacent property owners (also within 100 feet) and/or property owners directly across a street, if any. Names and addresses must be from current Harnett County tax listings.

TOWN OF ERWIN
 pdcl#
 2481

Office Use Only	
Date Application Submitted <u>3-10-21</u>	Application Fee \$ <u>300</u> Received By <u>SAL</u>
Case # CU-20 <u>21</u> - <u>002</u>	



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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Conditional Use Signature Page

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

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

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

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

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

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

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

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

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

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

★ see attached



TOWN OF ERWIN
100 West F St., Post Office Box 459
Erwin, NC 28339
(910) 897-5140 V (910) 897-5543 F
www.erwin-nc.org

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

Property Owner (1) _____
Mailing Address _____ City _____ ST _____ Zip _____

Property Owner (2) _____
Mailing Address _____ City _____ ST _____ Zip _____

Property Owner (3) _____
Mailing Address _____ City _____ ST _____ Zip _____

Property Owner (4) _____
Mailing Address _____ City _____ ST _____ Zip _____

Property Owner (5) _____
Mailing Address _____ City _____ ST _____ Zip _____

Property Owner (6) _____
Mailing Address _____ City _____ ST _____ Zip _____

Property Owner (7) _____
Mailing Address _____ City _____ ST _____ Zip _____

Property Owner (8) _____
Mailing Address _____ City _____ ST _____ Zip _____

Property Owner (9) _____
Mailing Address _____ City _____ ST _____ Zip _____

Property Owner (10) _____
Mailing Address _____ City _____ ST _____ Zip _____

Property Owner (11) _____
Mailing Address _____ City _____ ST _____ Zip _____

Property Owner (12) _____
Mailing Address _____ City _____ ST _____ Zip _____

Property Owner (13) _____
Mailing Address _____ City _____ ST _____ Zip _____

CU-201-002

Brendan W. Barefoot
P.O. Box 111
Four Oaks, NC 27524

Jackson Family Enterprises, LLC.
111 Denim Drive
Erwin, NC 28339

Harnett County Board of Education
P.O. Box 1029
Lillington, NC 27546

BBL Investments, LLC.
101 Shelly Drive
Dunn, NC 28334

Dwight C. Autry
902 Warren Road
Erwin, NC 28339

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

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

 Yes No _____

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

 Yes No _____

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

 Yes No _____

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

 Yes No _____

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

 Yes No _____

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

 Yes No _____

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

 Yes No _____



TOWN OF ERWIN

100 West F St., Post Office Box 459
Erwin, NC 28339
(910) 897-5140 V (910) 897-5543 F
www.erwin-nc.org

CONDITIONAL USE APPLICATION PROCEDURES

1. Completed application for the Conditional Use Permit, signed by the applicant, shall be addressed to the Board of Commissioners and presented to the Administrative Official. Applications must be submitted by the third Friday of the month prior to the following Planning Board meeting to ensure the application will be heard at the following Planning Board meeting. Planning Board meets on the third Monday of each month.
2. Each application shall contain or be accompanied by such legal descriptions, maps, plans and other information so as to completely describe the proposed use and existing conditions.
3. Pay the Conditional Use Permit Fee as established by the Board of Commissioners and found in the Schedule of Fees in the Office of the Town Clerk. Current fee is \$250.
4. Planning Board reviews the application prior to the public hearing and makes recommendation to the Board of Commissioners.

Conditions and Guarantees

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

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

Action by the Board of Commissioners

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

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



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 Conditional Use Application package consisting of 11 pages. For this application to be accepted, it must be completed and returned with all required documents and entries.

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

Using the Zoning Ordinance

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



TOWN OF ERWIN

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Processing Requirements

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

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

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

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

A complete application consists of all documents included in the application package and any required maps, site plan, and/or related documents. These documents become the property of the Town. It is the applicant's responsibility to submit 20 copies of this completed application. Each member of the Governing Board and Planning Board receives a copy including the Town Manager, Town Clerk, Town Attorney, and Code Enforcement Officer.

The completed application and fees must be submitted no later than the third Friday of the month to be placed on following month's Planning Board Agenda. The Planning Board's recommendation will be presented during a Public Hearing for the Conditional Use Request. The Planning Board may revise its recommendation following the Public Hearing and present such recommendation to the Governing Board before the Governing Board takes action.

Town of Erwin Record and Decisions

Office Use Only

Notice Mailed _____ Property Posted _____ Newspaper Advertised Date _____

<p><u>Planning Board Motion</u></p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <p><u>Certified By:</u> _____</p>	<p>Record of Decision:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 80%;"></th> <th style="width: 10%; text-align: center;">Yea</th> <th style="width: 10%; text-align: center;">Nay</th> </tr> </thead> <tbody> <tr><td><hr/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td><hr/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td><hr/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td><hr/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td><hr/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td><hr/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td><hr/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td><hr/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> </tbody> </table>		Yea	Nay	<hr/>	<input type="checkbox"/>	<input type="checkbox"/>	<hr/>	<input type="checkbox"/>	<input type="checkbox"/>	<hr/>	<input type="checkbox"/>	<input type="checkbox"/>	<hr/>	<input type="checkbox"/>	<input type="checkbox"/>	<hr/>	<input type="checkbox"/>	<input type="checkbox"/>	<hr/>	<input type="checkbox"/>	<input type="checkbox"/>	<hr/>	<input type="checkbox"/>	<input type="checkbox"/>	<hr/>	<input type="checkbox"/>	<input type="checkbox"/>
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Public Hearing Date and Comments: _____

<p><u>Governing Body Motion</u></p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <p><u>Certified By:</u> _____</p>	<p>Record of Decision:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 80%;"></th> <th style="width: 10%; text-align: center;">Yea</th> <th style="width: 10%; text-align: center;">Nay</th> </tr> </thead> <tbody> <tr><td><hr/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td><hr/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td><hr/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td><hr/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td><hr/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td><hr/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td><hr/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td><hr/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> </tbody> </table>		Yea	Nay	<hr/>	<input type="checkbox"/>	<input type="checkbox"/>	<hr/>	<input type="checkbox"/>	<input type="checkbox"/>	<hr/>	<input type="checkbox"/>	<input type="checkbox"/>	<hr/>	<input type="checkbox"/>	<input type="checkbox"/>	<hr/>	<input type="checkbox"/>	<input type="checkbox"/>	<hr/>	<input type="checkbox"/>	<input type="checkbox"/>	<hr/>	<input type="checkbox"/>	<input type="checkbox"/>	<hr/>	<input type="checkbox"/>	<input type="checkbox"/>
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Town Board Decision and Date _____

Certified By: _____

Harnett GIS





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



Harnett
COUNTY
YOUTH DEVELOPMENT


GIS/E-911 Addressing
March 10, 2021


Recycle Center 


Landfills 


Surrounding County Boundaries 


Federal Property 


City Limits 


Harnett County Boundary 


Address Numbers 


MajorRoads 


Interstate 


NC 

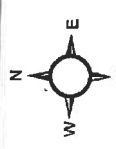
US 

Roads 


Mile_Markers 

Railroad 

Parcels 



N
W E
S



0 40 80 160 Feet

1 inch = 94 feet



CONDITIONAL USE REQUEST STAFF REPORT

Case: CU-2021-002

Snow Bowden, Town Manager

townmanager@erwin-nc.org

Phone: (910) 591-4200

Fax: (910) 897-5543

Planning Board: 04/19/2021

Town Commissioners: 05/06/2021

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

Applicant Information

Owner of Record:

Name: Jackson Family Enterprises, LLC.

Address: 111 Denim Drive

City/State/Zip: Erwin, NC 28339

Applicant:

Name: Jackson Family Enterprises, LLC.

Address: 111 Denim Drive

City/State/Zip: Erwin, NC 28339

Property Description

Harnett County Tax PIN 0597-86-7344.000

Acres 1.32

Zoning District- B-2 (Highway Business)

Vicinity Map

- See Attached Document

Physical Characteristics

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

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

Services Available

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

Zoning District Compatibility

Conditional Use	B-2
Vehicular Sales and Rental	X

Staff Evaluation

Staff Evaluation

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

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

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

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

Yes No The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare. .

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

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

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

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

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

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

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

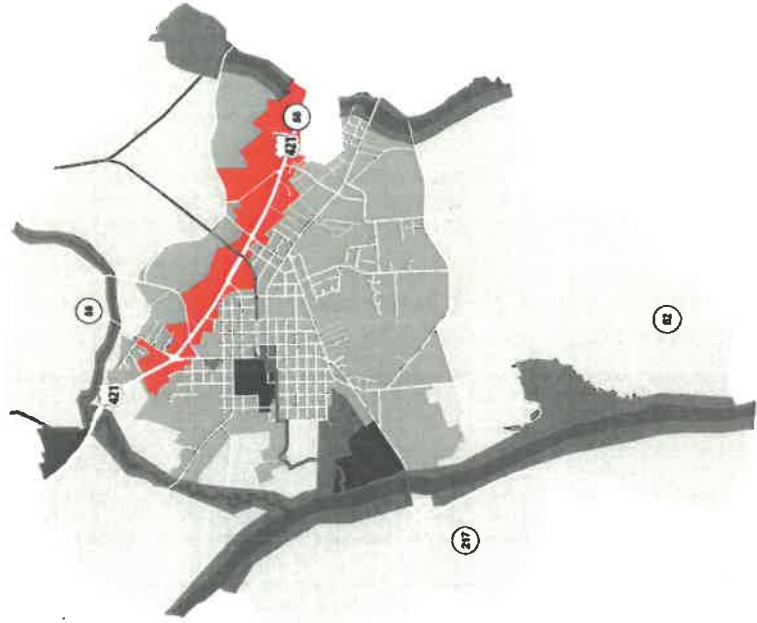
Yes No That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners pursuant to the recommendations of the Planning Board.

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

Section 2 Vision & Goals

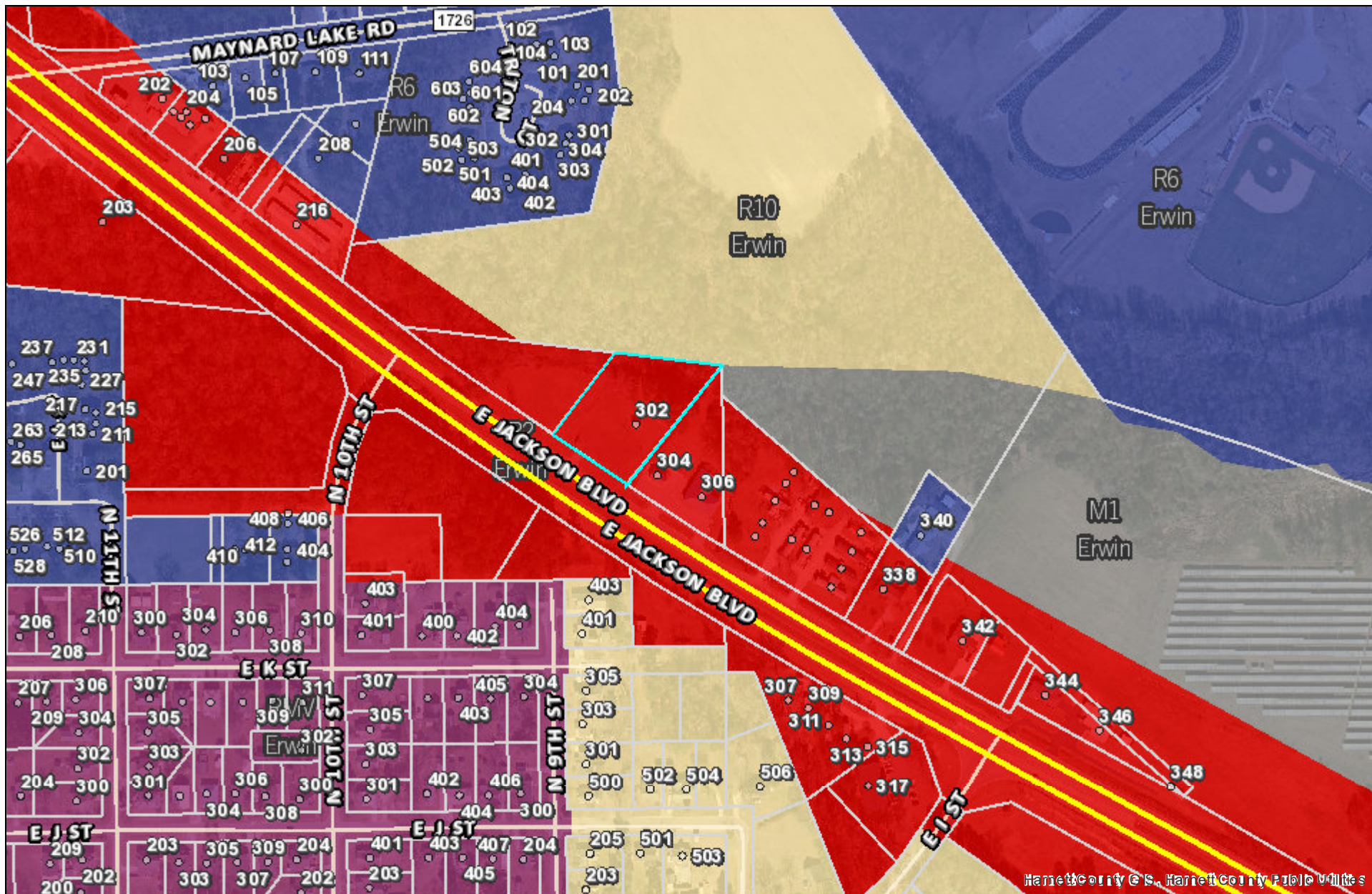
HIGH INTENSITY

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



Harnett GIS

NOT FOR LEGAL USE



Harnett County GIS, Harnett County Public Utilities

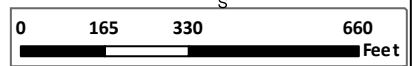
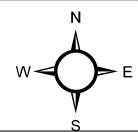


GIS/E-911 Addressing
March 23, 2021

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

- Harnett County Boundary
- Address Numbers
- Airport
- Major Roads**
- Interstate

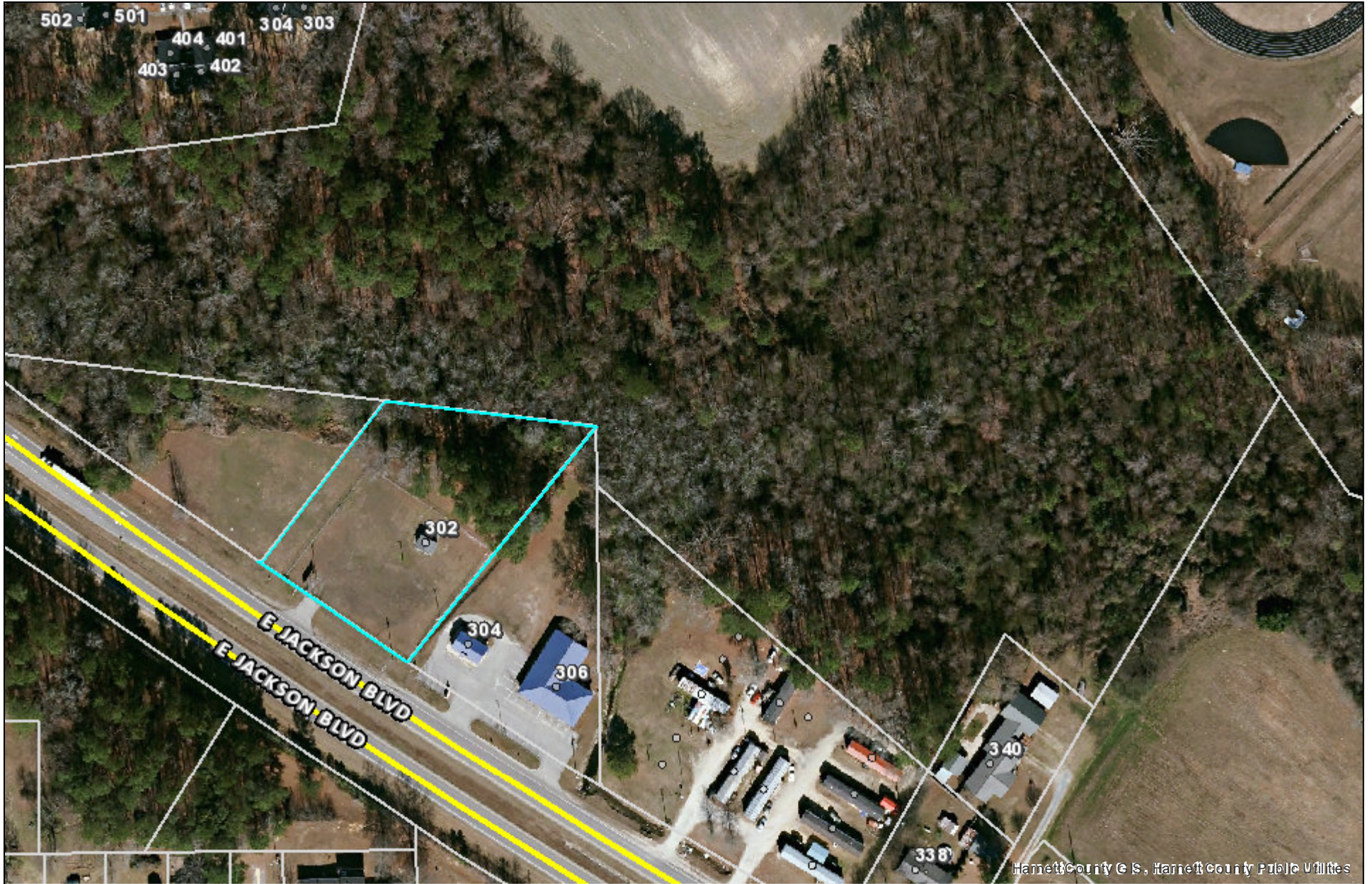
- NC
- US
- Roads
- Mile_Markers
- Railroad
- Parcels



1 inch = 376 feet

Harnett GIS

NOT FOR LEGAL USE



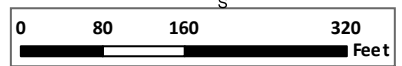
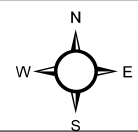
Harnett County GIS, Harnett County Public Utilities



GIS/E-911 Addressing

March 23, 2021

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



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: May 6, 2021

Subject: CU-2021-003

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

Attachments:

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

Suggested Motions:

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

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

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



TOWN OF ERWIN
 100 West F St., Post Office Box 459
 Erwin, NC 28339
 (910) 897-5140 V (910) 897-5543 F
 www.erwin-nc.org

CONDITIONAL USE APPLICATION

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

Applicant Name	PCC Properties	Property Owner Name	Warren Realty
Mailing Address	1149 Taos Trail	Mailing Address	
City, State, Zip	Raleigh, NC 27603	City, State, Zip	
Telephone	919.971.3869 (Kathy)	Telephone	
Email	boyer.kathy@gmail.com	Email	
Address of Subject Property		127 Red Hill Church Rd and #2R Lot adjacent	
Parcel Identification Number(s) (PIN) of Subject Property		1507-15-5219.000	
Legal Relationship of Applicant to Owner	Potential buyer of property	Floodplain SFHA	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Legal Description: Lot Block Subdivision			
Zoning District	B-2 curiel	Wetlands	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Public Water Available:	<input checked="" type="checkbox"/> or N	Public Sewer Available:	<input checked="" type="checkbox"/> or N
Existing Septic Tank:	Y or N		
Number of Buildings to Remain		Gross Floor Area to Remain	
Describe Proposed Project or Request with Conditions proposed by applicant:			
- see project summary			PAID
Total Acreage or Square Footage to be Disturbed			
Estimated Cost of Project \$	MAR 22 2021		

asked to be removed to M-1

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

Provide complete mailing addresses for each adjacent property owners (also property within 100 feet) and/or property owners directly across a street, if any. Names and addresses must be from current Harnett County tax listings.

TOWN OF ERWIN
 pd clct # 0410746

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



TOWN OF ERWIN

100 West F St., Post Office Box 459
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www.erwin-nc.org

Conditional Use Signature Page

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

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

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

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

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

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

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

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

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

Applicant Signature and Date:

 _____

A see attached



TOWN OF ERWIN

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www.erwin-nc.org

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

Property Owner (1) _____
Mailing Address _____ City _____ ST _____ Zip _____

Property Owner (2) _____
Mailing Address _____ City _____ ST _____ Zip _____

Property Owner (3) _____
Mailing Address _____ City _____ ST _____ Zip _____

Property Owner (4) _____
Mailing Address _____ City _____ ST _____ Zip _____

Property Owner (5) _____
Mailing Address _____ City _____ ST _____ Zip _____

Property Owner (6) _____
Mailing Address _____ City _____ ST _____ Zip _____

Property Owner (7) _____
Mailing Address _____ City _____ ST _____ Zip _____

Property Owner (8) _____
Mailing Address _____ City _____ ST _____ Zip _____

Property Owner (9) _____
Mailing Address _____ City _____ ST _____ Zip _____

Property Owner (10) _____
Mailing Address _____ City _____ ST _____ Zip _____

Property Owner (11) _____
Mailing Address _____ City _____ ST _____ Zip _____

Property Owner (12) _____
Mailing Address _____ City _____ ST _____ Zip _____

Property Owner (13) _____
Mailing Address _____ City _____ ST _____ Zip _____

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

Arvalee Mclamb
71 Wise Rd.
Dunn, NC 28334

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

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

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

Harnett County
PO Box 759
Lillington, NC 27546

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

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

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

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

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

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

Arvalee Mclamb
71 Wise Rd.
Dunn, NC 28334

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

PCC Properties
1149 Taos Trail
Raleigh, NC 27603

PCC Properties
1149 Taos Trail
Raleigh, NC 27603

See attached

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

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

 Yes No _____

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

 Yes No _____

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

 Yes No _____

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

 Yes No _____

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

 Yes No _____

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

 Yes No _____

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

 Yes No _____



TOWN OF ERWIN
100 West F St., Post Office Box 459
Erwin, NC 28339
(910) 897-5140 V (910) 897-5543 F
www.erwin-nc.org

CONDITIONAL USE APPLICATION PROCEDURES

1. Completed application for the Conditional Use Permit, signed by the applicant, shall be addressed to the Board of Commissioners and presented to the Administrative Official. Applications must be submitted by the third Friday of the month prior to the following Planning Board meeting to ensure the application will be heard at the following Planning Board meeting. Planning Board meets on the third Monday of each month.
2. Each application shall contain or be accompanied by such legal descriptions, maps, plans and other information so as to completely describe the proposed use and existing conditions.
3. Pay the Conditional Use Permit Fee as established by the Board of Commissioners and found in the Schedule of Fees in the Office of the Town Clerk. Current fee is \$250.
4. Planning Board reviews the application prior to the public hearing and makes recommendation to the Board of Commissioners.

Conditions and Guarantees

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

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

Action by the Board of Commissioners

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

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



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IMPORTANT

This is a complete Conditional Use Application package consisting of 11 pages. For this application to be accepted, it must be completed and returned with all required documents and entries.

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

Using the Zoning Ordinance

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



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Processing Requirements

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

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

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

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

A complete application consists of all documents included in the application package and any required maps, site plan, and/or related documents. These documents become the property of the Town. It is the applicant's responsibility to submit 20 copies of this completed application. Each member of the Governing Board and Planning Board receives a copy including the Town Manager, Town Clerk, Town Attorney, and Code Enforcement Officer.

The completed application and fees must be submitted no later than the third Friday of the month to be placed on following month's Planning Board Agenda. The Planning Board's recommendation will be presented during a Public Hearing for the Conditional Use Request. The Planning Board may revise its recommendation following the Public Hearing and present such recommendation to the Governing Board before the Governing Board takes action.

**Town of Erwin
Record and Decisions**

Office Use Only

Notice Mailed _____ Property Posted _____ Newspaper Advertised Date _____

Planning Board Motion

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"/>

Certified By:

Public Hearing Date and Comments:

Governing Body Motion

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"/>

Certified By:

Town Board Decision and Date

Certified By:



CONDITIONAL USE REQUEST STAFF REPORT

Case: CU-2021-003

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

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

Planning Board: 04/19/2021

Town Commissioners: 05/06/2021

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

Applicant Information

Owner of Record:

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

Applicant:

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

Property Description

Harnett County Tax PIN 1507-15-5219.000
Acres 2.13

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

Vicinity Map

- See Attached Document

Physical Characteristics

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

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

Services Available

- Electricity (Duke Energy)
- Telephone (Centurylink)

- Harnett Regional Water (Water and Sewer)

Zoning District Compatibility

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

Staff Evaluation

Staff Evaluation

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

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

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

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

Yes No The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare. .

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

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

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

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

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

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

- **Reasoning:** Yes, any proposed road connection would require an NCDOT driveway permit.

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

- **Reasoning:** Yes

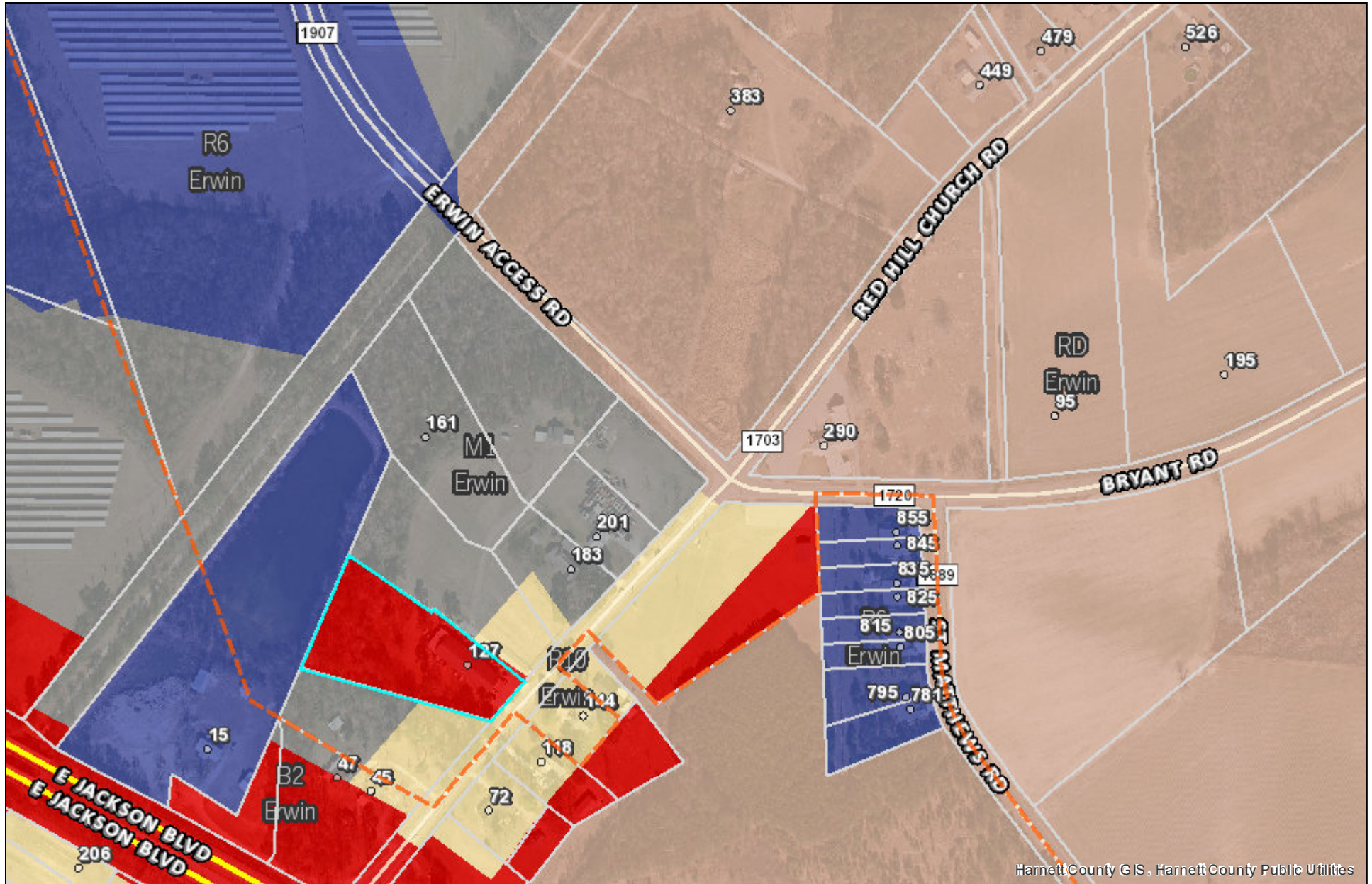
Attachments:

- GIS zoning district image
- GIS image

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

Harnett GIS

NOT FOR LEGAL USE


















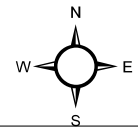
Harnett County GIS, Harnett County Public Utilities



GIS/E-911 Addressing

March 23, 2021

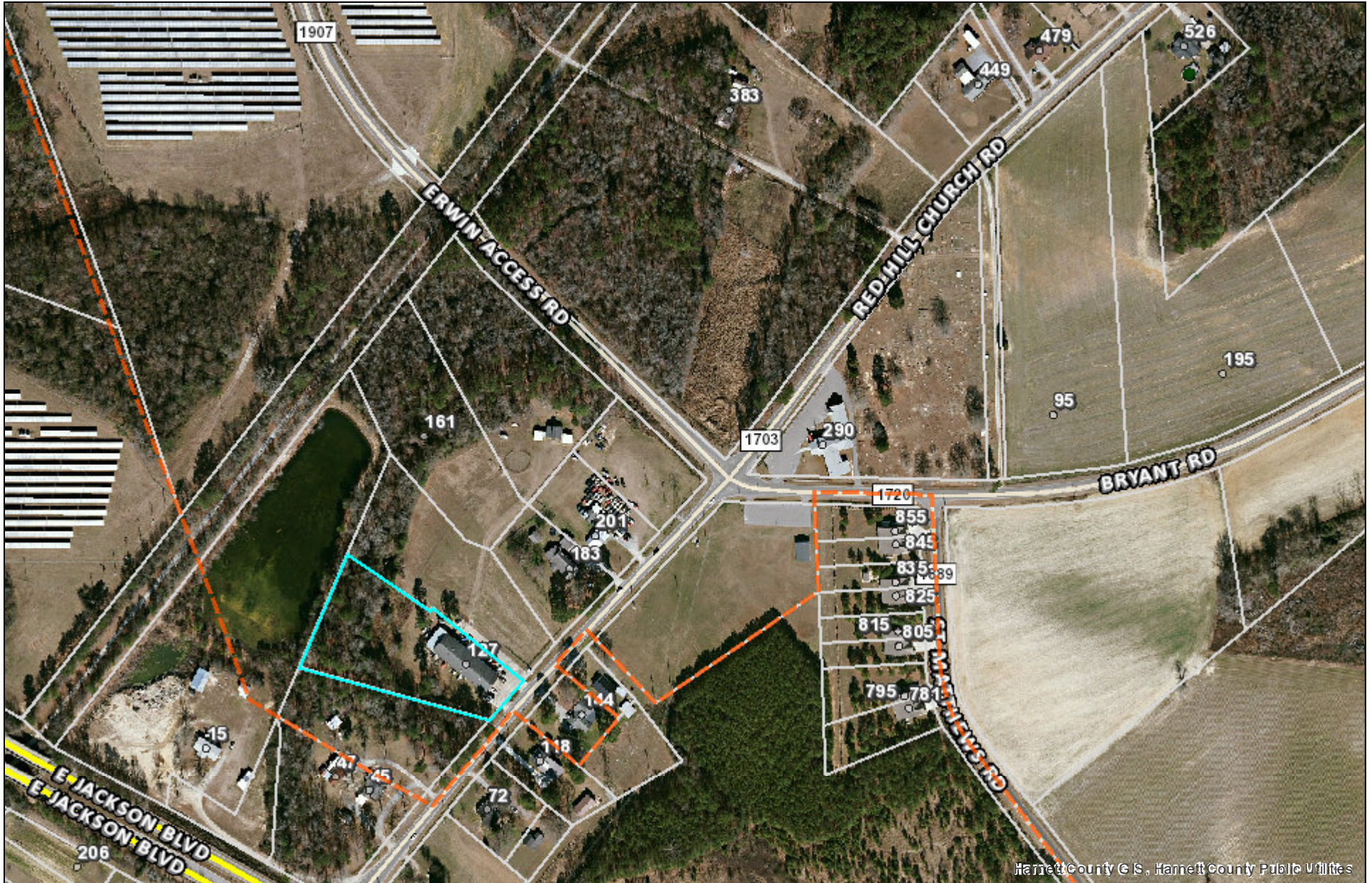
-  Recycle Center
-  Landfills
-  Surrounding County Boundaries
-  Federal Property
-  City Limits
-  Harnett County Boundary
-  Address Numbers
-  Airport
- Major Roads**
-  Interstate
-  NC
-  US
-  Roads
-  Mile_Markers
-  Railroad
-  Parcels



1 inch = 376 feet

Harnett GIS

NOT FOR LEGAL USE



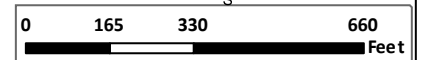
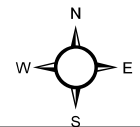
Harnett County GIS, Harnett County Public Utilities



GIS/E-911 Addressing

March 23, 2021

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



1 inch = 376 feet



Boyer Enterprises East, LLC

MEMORANDUM

TO: Snow Bowden, Town Manager, Town of Erwin

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

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

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

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

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

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

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

Services:

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

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

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

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

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

Wastes temporarily stored onsite (inside the warehouse):

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

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

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

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

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

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



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



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

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

A: 30x50 Metal building
on concrete slab.

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

C: 40x8ft corner box

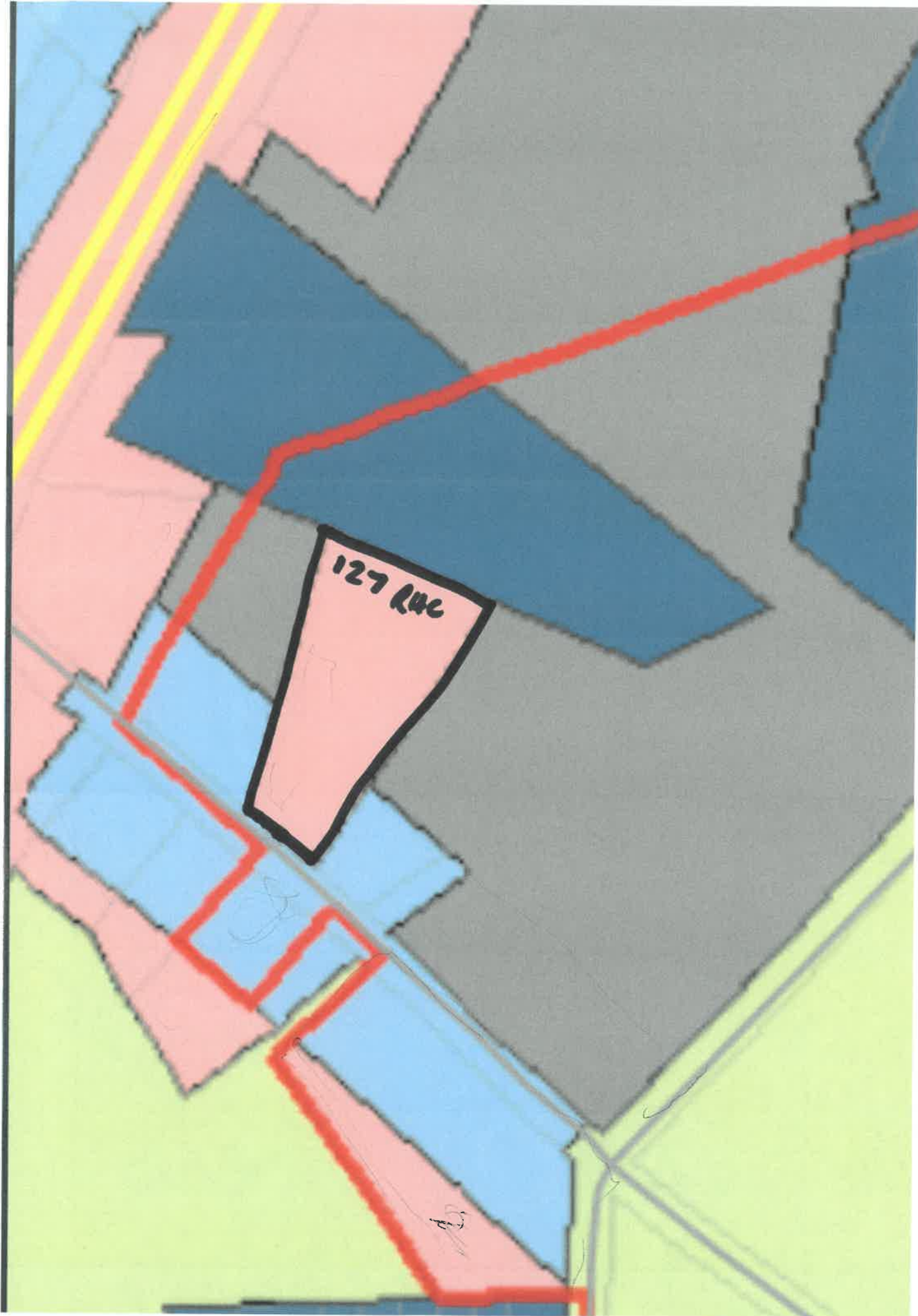
D: 40x8ft corner box

--- Privacy chain-link
six-foot fence.
xxxx Gravel for vehicle
parking.

— Combined #1R and #2R
Property lines



THIS PLAN MAY BE REPLACED BY A LAND SURVEY AND/OR CONSTRUCTION DRAWINGS OF THE PREMISES ONCE RECEIVED
FROM THE LOCAL GOVERNMENT AUTHORITY.
THE DISTANCE FROM THE PROPERTY'S BOUNDARIES SHALL BE THE DISTANCE REQUIRED BY THE
LOCAL GOVERNMENT AUTHORITY.



127 RAC

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: May 6, 2021

Subject: Harnett County School Bus Stop Arm Ordinance

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

Attachments:

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

Action Recommended:

- Approve Harnett County School Bus Stop Arm Resolution



TOWN OF ERWIN

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

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

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

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

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

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

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

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

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

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

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

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

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

Duly adopted this the 6th day of May 2021.

TOWN OF ERWIN

Patsy M. Carson
Mayor

ATTEST:

Lauren Evans
Town Clerk

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

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

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

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

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

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

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

Section 1. Notice of Violation

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

- 3) A copy of the statement or electronically generated affirmation from a Harnett County Sheriff's Office deputy or a law enforcement officer employed by a law enforcement agency with whom an agreement has been reached with the County pursuant to G.S. 115C-242.1(c) stating that, based upon inspection of the recorded images, the owner's motor vehicle was operated in violation of this Ordinance.
 - 4) Instructions explaining the manner in which, and the time within which, liability under the citation may be contested pursuant to Section 3 of this Ordinance.
 - 5) A warning that failure to pay the civil monetary penalty or to contest liability in a timely manner shall waive any right to contest liability and shall result in a late penalty of one hundred dollars (\$100.00), in addition to the civil monetary penalty.
 - 6) In citations issued to the registered owner of the vehicle, a warning that failure to pay the civil monetary penalty or to contest liability in a timely manner shall result in refusal by the Division of Motor Vehicles to register the motor vehicle, in addition to imposition of the civil monetary penalty and late penalty.
- C. The citation shall be processed by officials or agents of the County and shall be served by any method permitted for service of process pursuant to G.S. 1A-1, Rule 4 of the North Carolina Rules of Civil Procedure, or by first-class mail to the address of the registered owner of the vehicle provided on the motor vehicle registration, or, as applicable, to the address of the person identified in an affidavit submitted by the registered owner of the vehicle.
- D. The registered owner of a vehicle shall be responsible for a violation unless the vehicle was, at the time of the violation, in the care, custody, or control of another person or unless the citation was not received by the registered owner within 60 days after the date of the violation. If the registered owner provides an affidavit that the vehicle was, at the time of the violation, in the care, custody, or control of another person or company, the identified person or company may be issued a citation complying the requirements of Section 1(B) of this Ordinance.

Section 2. Penalties

- A. Violations of this Ordinance shall be deemed a noncriminal violation for which a civil penalty shall be assessed and for which no points authorized by G.S. 20-16(c) and no insurance points authorized by G.S. 58-36-65 shall be assigned to the registered owner or driver of the vehicle.
- B. The amount of the civil penalty shall be the following:
- 1) First Offense: Four Hundred Dollars (\$400.00)
 - 2) Second Offense: Seven Hundred Fifty Dollars (\$750.00)
 - 3) All Subsequent Offenses: One Thousand Dollars (\$1000.00)

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

Section 3. Appeals

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

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

Section 4. Criminal Pleadings

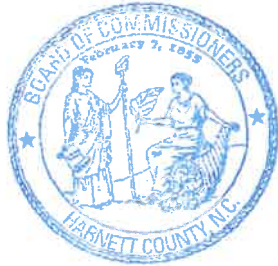
- A. In the event a person is charged in a criminal pleading with a violation of G.S. 20-217, all of the following shall apply:
- 1) The charging law enforcement officer shall provide written notice containing the name and address of the person charged with a violation of G.S. 20-217 and the date of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

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


Section 5. Effective Date.

This ordinance shall be effective upon its adoption.


Adopted this the 5th day of April, 2021.



THE HARNETT COUNTY COMMISSIONERS


W. Brooks Matthews, Chairman

ATTEST:


Lindsey Lucas, Interim Clerk to the Board

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: May 6, 2021

Subject: Opposing HB 401/SB 349

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

Attachments:

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



TOWN OF ERWIN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. That the General Assembly no adopt either HB401 or SB349;
2. That is passed, the Governor, the Honorable Roy Cooper, veto these measures;
3. That a copy of this resolution be sent to our elected State representatives and the Governor;
4. That the Town Manager take whatever additional steps he deems prudent in opposing this legislation.

Duly adopted this the 6th day of May 2021.

Patsy M. Carson
Mayor

ATTEST:

Lauren Evans
Town Clerk

Oppose SB 349/HB 401 Increase Housing Opportunities

LOCAL ZONING AND LAND USE CONTROLS PROTECT EXISTING HOME VALUES

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

BY OPPOSING SB 349, KNOW THAT:

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



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

SB 349/HB 401 Increase Housing Opportunities

Edition 1 Explainer

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

How does this bill eliminate local zoning authority?

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

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

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

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

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

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

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

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

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