

**THE ERWIN PLANNING BOARD/BOARD OF ADJUSTMENTS
SEPTEMBER REGULAR MEETING
MONDAY, SEPTEMBER 16, 2019 AT 7:00 PM
ERWIN MUNICIPAL BUILDING BOARD ROOM**

AGENDA

1. **MEETING CALLED TO ORDER**
 - A. Invocation
 - B. Pledge of Allegiance

2. **CONSENT AGENDA**
 - A. Minutes from Regular Meeting on August 19, 2019 (**Page 2**)

3. **OLD BUSINESS**
 - A. Update (**Page 9**)

4. **NEW BUSINESS**
 - A. Proposed Text Amendment Games in Streets (**Page 10**)
 - B. Proposed Text Amendment Temporary Residential (**Page 12**)

5. **ADJOURNMENT**

**PLANNING BOARD
MEETING MINUTES
MONDAY, AUGUST 19, 2019
ERWIN, NORTH CAROLINA**

The Town of Erwin Planning Board, held its regular meeting in the Town Hall at 100 West F St. Erwin, NC on Monday, August 19, 2019 at 7:00 PM.

Board members present were: Chairperson Nancy Jackson, Melinda Alvarado, Alan West, Roger Chavis, Pat Cameron, In-Town Alternates Judy Price, Ronald Beasley, and Out of Town Members Michael Shean and Norman Avery.

Board Members absent were: In Town Member Elizabeth Pate.

Town Manager Snow Bowden and Town Clerk Cynthia Patterson were present.

Board Member Melinda Alvarado gave the invocation.

Those present recited the Pledge of Allegiance.

CONSENT ITEMS

Board Member Melinda Alvarado made a motion to approve the minutes of June 17, 2019 and was seconded by Board Member Pat Cameron. **Motion Unanimously Approved.**

OLD BUSINESS

UPDATES

Town Manager Snow Bowden informed the board that the Dean Lucas conditional use permit is still pending and hopefully a decision will be made at the September 5, 2019 Commissioners meeting.

The request to close the end of South 18th Street was not approved at the Commissioner meeting on August 1, 2019.

North Carolina passed a law which is in General Statue 160D. Next year the intention will be to update the Land Use Plan and update the Code of Ordinance as well. Those will need to be done by the year 2021. This will affect how Conditional Uses will be handled as well. Another law was passed recently, it's a local law, North Carolina State Bill 525 and requires that North Carolina Department of History Culture Resources conduct a Feasibility Study for a Textile Museum in Erwin. They will need to present the Feasibility Study to the Board of Commissioners and Harnett County Board of Commissioners by May 1, 2020. If passed it will be a State Museum.

MINUTES CONTINUED FROM AUGUST 19, 2019

Also, at the next Board Meeting staff has been approached by the Commissioners to look into feasibility of the relinquishment of the ETJ. This will require a workshop from both Planning and Board of Commissioners.

NEW BUSINESS

Conditional Use Application to operate a Customary Home Occupation inside home at 202 South 11th Street (HC TAX PIN#0597-73-5840.000)

Town Manager Snow Bowden informed the board that a conditional use application has been submitted to operate a customary home occupation at 202 South 11th Street. The applicant is Teresa Aiken. The lessons would take place inside of her home and would have a minimal impact to the neighborhood.

Applicant Teresa Aiken came forward and spoke to the board. Mrs. Aiken stated that only 1 student will be in the home at a time. No other questions were asked.

No one came forward to speak for or against this conditional use request.

The Board moved forward with the Findings of Facts

1. Board Member Alan West made a motion that **Yes**, the use requested is listed among the conditional uses in the district for which application is made and was seconded by Board Member Melinda Alvarado. **Motion Unanimously Approved.**
2. Board Member Pat Cameron made a motion that **Yes**, the requested use is essential or desirable to the public convenience or welfare and was seconded by Board Member Melinda Alvarado. **Motion Unanimously Approved.**
3. Board Member Roger Chavis made a motion that **Yes**, the requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare and was seconded by Board Member Norman Avery. **Motion Unanimously Approved.**
4. Board Member Melinda Alvarado made a motion that **Yes**, the requested use will be in conformity with the Land Development Plan and was seconded by Board Member Pat Cameron. **Motion Unanimously Approved.**
5. Board Member Mike Shean made a motion that **Yes**, there is adequate utilities, access roads, and drainage, sanitation and/or other necessary facilities have been or are being provided and was seconded by Board Member Norman Avery. **Motion Unanimously Approved.**

MINUTES CONTINUED FROM AUGUST 19, 2019

6. Board Member Norman Avery made a motion that **Yes**, adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets and was seconded by Board Member Melinda Alvarado. **Motion Unanimously Approved.**

7. Board Member Ronald Beasley made a motion that **Yes**, the conditional use shall in all other respects conform to the applicable regulations of the district in which it is located except as such regulations may in each instance be modified by the Board of Commissioners pursuant to the recommendations of the Planning Board and was seconded by Board Member Norman Avery. **Motion Unanimously Approved.**

Board Member Melinda Alvarado made a motion that the proposed conditional use application meets all the Findings of Fact in the Affirmative and was seconded by Board Member Pat Cameron. **Motion Unanimously Approved.**

Board Member Mike Shean made a motion that the proposed amendment is consistent with those documents that constitute the officially adopted land development plan and other applicable plans and was seconded by Board Member Melinda Alvarado. **Motion Unanimously Approved.**

Board Member Ronald Beasley made a motion to recommend Approval CU-2019-06 to operate a Customary Home Occupation inside home at 202 South 11th Street (HC TAX PIN 0597-73-5840.000) and was seconded by Board Member Melinda Alvarado. **Motion Unanimously Approved.**

**Conditional Use Application to operate a Vehicular Sales Lot at 2100 Erwin Road
(HC Tax PIN 1507-50-3359.000)**

Town Manager Snow Bowden informed the board that a conditional use application has been submitted to operate a vehicular sales lot at 2100 Erwin Road. The applicants are Robert and Tara McLamb. There is already an existing conditional use permit to operate a vehicular services business at this location. If you refer to the staff report you can see that based on the definitions of each proposed land use the applicant will need an additional conditional use permit to operate a vehicular sales lot. Based on conversations I have had with the applicant they would like to have a few vehicles (less than 10) at a time for sale. The vehicular sales portion of the lot would be closer to Erwin Road and the vehicular services use of the building would be in the back three bays in the existing building.

Applicant Robert McLamb came forward and spoke to the board. Mr. McLamb stated that the fence is still up around the proposed property. We have cleaned up the property and in the process of lowering the ditch. On the back part where the fence is located, we are planning on installing a visual barrier making the property more presentable.

No one came forward to speak for or against this conditional use request.

MINUTES CONTINUED FROM AUGUST 19, 2019

The Board moved forward with the Findings of Facts

1. Board Member Pat Cameron made a motion that **Yes**, the use requested is listed among the conditional uses in the district for which application is made and was seconded by Board Member Melinda Alvarado. **Motion Unanimously Approved.**
2. Board Member Alan West made a motion that **Yes**, the requested use is essential or desirable to the public convenience or welfare and was seconded by Board Member Roger Chavis. **Motion Unanimously Approved.**
3. Board Member Ronald Beasley made a motion that **Yes**, the requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare and was seconded by Board Member Norman Avery. **Motion Unanimously Approved.**
4. Board Member Norman Avery made a motion that **Yes**, the requested use will be in conformity with the Land Development Plan and was seconded by Board Member Melinda Alvarado. **Motion Unanimously Approved.**
5. Board Member Mike Shean made a motion that **Yes**, there is adequate utilities, access roads, and drainage, sanitation and/or other necessary facilities have been or are being provided and was seconded by Board Member Norman Avery. **Motion Unanimously Approved.**
6. Board Member Melinda Alvarado made a motion that **Yes**, adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets and was seconded by Board Member Norman Avery. **Motion Unanimously Approved.**
7. Board Member Roger Chavis made a motion that **Yes**, the conditional use shall in all other respects conform to the applicable regulations of the district in which it is located except as such regulations may in each instance be modified by the Board of Commissioners pursuant to the recommendations of the Planning Board and was seconded by Board Member Melinda Alvarado. **Motion Unanimously Approved.**

Board Member Melinda Alvarado made a motion that the proposed conditional use application meets all the Findings of Fact in the Affirmative and was seconded by Board Member Norman Avery. **Motion Unanimously Approved.**

Board Member Melinda Alvarado made a motion that the proposed amendment is consistent with those documents that constitute the officially adopted land development plan and other applicable plans and was seconded by Board Member Pat Cameron. **Motion Unanimously Approved.**

Board Member Mike Shean made a motion to recommend approval of CU-2019-07 Conditional Use Application to operate a Vehicular Sales Lot at 2100 Erwin Road (HC Tax PIN 1507-50-3359.000) and was seconded by Board Member Melinda Alvarado. **Motion Unanimously Approved.**

MINUTES CONTINUED FROM AUGUST 19, 2019

Proposed Text Amendment to allow alcohol to be served on Town Property at Events

Town Staff has proposed a text amendment that would allow alcohol to be served on town property at events (mostly town events). There are a lot of municipalities and counties that already allow this. The Town of Angier recently approved this last year. The craft beer industry is booming in the State of North Carolina and this proposed text amendment is in line with current trends. The Erwin Area Chamber of Commerce asked if they could have a craft beer tent at Denim Days. They were told that a text amendment was required due to the fact that it currently states in the Town's Code of Ordinance you cannot have alcohol on town property. Staff looked into the possibility of having a one day waiver to the ordinance but was advised by legal counsel from the North Carolina League of Municipalities to do a text amendment.

Board Member Norman Avery stated that this will need to be on Town's property and will not be allowed on Erwin Business Complex property.

Chairperson Nancy Jackson stated that at the Indigo Room we do allow customers to serve not sell beer and wine however they are required to have insurance. That in itself stops half of that. We also require them to have a security officer such as an off duty police officer and is scheduled in advance. So far we have not had any issues. Mrs. Jackson also stated that she is not for or against this however it is coming whether you like it or not.

Board Member Melinda Alvarado stated that looking through this, we are not Raleigh or Asheville and I don't know if we want to put our values aside to keep up with the current trends that are in this society. The craft beer is a big industry and I totally agree and would be all for it in having a booth at Denim Days passing out flyers and business cards that you can find us here and how to get in contact with us, etc. go ahead and have at it. However, what I'm not ok with is a festival that is meant to be a big event for our town each year that's come to define the Town of Erwin where the kids are, my students are there and my son who is there and is 10 years old, I don't want a beer garden there. I don't want people to go to Denim Days to drink. If a restaurant wants to sell alcohol, go ahead you can choose whether or not to go in that restaurant. But it's not fair that there would be families or someone who has young children that wouldn't go to something like this because they would not want to be around it and that's not fair. If you would want to have a drink you can drink at home or at a local restaurant. I personally don't see a reason to have drinking on public property just because that is a current trend. I notice in part of the proposed amendment under 6E which states: No permit shall be issued to an individual or to a group who did not comply with the provisions of a previously issued permit. Further, no permit shall be issued for events at which a majority of those attending will be 20 years old or younger. I want to know how that will be determined. Because if you go to Denim Days a lot of what you see is 20 years or younger. There's lots of kids and lots of families. Also mentioned under F which states: This section shall apply to all facilities owned or operated by the town, including but not limited to the Porter Park, Al Woodall Park, the Erwin Depot, Town Hall, Public Works Department, and all town streets. If you are having it at a park, are you not catering toward the younger community? I can see this leaving a lot of room for confusion because what's to say we have it at the park and there's a playground but yet

MINUTES CONTINUED FROM AUGUST 19, 2019

we are going to have a drinking party or we can drink at Denim Days but yet we can't drink at this birthday party. I'm all for it if you want to serve it at a restaurant or at the Indigo Room but to have it to starting to define Erwin, in my opinion that is not something that I would like to see in the town that I love and grew up in. I enjoy going to Denim Days and would love for my son to grow up in going to Denim Days. But I know for my family if this were to be the direction that Denim Days is to start going then that would end it for us.

After more discussion from the Board, Board Member Alan West made a motion to recommend to the Board of Commissioner approval of the proposed text amendment to allow alcohol to be served on Town Property at Events and was seconded by Board Member Roger Chavis. **The Board voted 5 for and 2 against (Board Members Melinda Alvarado and Norman Avery).**

Proposed Text Amendment to limit large truck traffic

Town Staff has proposed an ordinance that would limit some large truck traffic on a few roads inside Town limits. Town Staff has received some complaints from some residents and this is an attempt to solve this issue. I would encourage some discussion with this proposed ordinance. Does the list need to include more streets? Or does the ordinance need to be reworded. This proposed ordinance is similar to the ordinance that the City of Dunn has.

This has been presented to you before and some members had concerns about some of the roads that were included primarily Masonic Road and Old Post Road. Both of those roads have had signs up banning 18-wheelers from the road, and that is why they were included on the list. The language has been updated in a manner I hope the members of the Planning Board can make a favorable recommendation.

No trucks that are more than two axels on the following streets unless they are serving a purpose for a municipality/county service or an approved commercial use.

- South 18th Street
- West F Street
- Masonic Road (there is an existing sign on this street)
- Old Post Road (there is an existing sign on this street)
- Don Ron Road (this has been addressed previously)
- West E Street
- West D Street
- West C Street
- West B Street
- West A Street

MINUTES CONTINUED FROM AUGUST 19, 2019

After some discussion, Board Member Melinda Alvarado recommended the following streets for No trucks that are more than two axels on the following streets unless they are serving a purpose for a municipality/county service or an approved commercial use and was seconded by Board Member Mike Shean. **Motion Unanimously Approved.**

- South 18th Street
- West F Street
- ~~Masonic Road (there is an existing sign on this street)~~
- Old Post Road (there is an existing sign on this street)
- Don Ron Road (this has been addressed previously)
- ~~West E Street~~
- West D Street
- West C Street
- West B Street
- West A Street

ADJOURNMENT

Board Member Melinda Alvarado made a motion to adjourn the meeting at 7:49 pm and was seconded by Board Member Pat Cameron. **Motion Unanimously Approved.**

**MINUTES RECORDED AND TYPED BY
CYNTHIA B. PATTERSON TOWN CLERK**

Nancy S. Jackson
Chairperson

Cynthia B. Patterson, CMC
Town Clerk

OLD BUSINESS

Erwin Planning Board

REQUEST FOR CONSIDERATION

To: Planning Board Members
From: Snow Bowden, Town Manager
Date: September 16, 2019
Subject: Updates

The regularly scheduled September Town Board meeting had to be canceled due to Hurricane Dorian. The public hearings that were scheduled for that meeting will be held at the regularly scheduled October Town Board meeting. The primary reason for not rescheduling the public hearings to an earlier date is due to N.C. General Statutes when it comes to advertising public hearings. More than likely our regularly scheduled October Planning Board meeting will include a joint workshop between the Board Commissioners and the Planning Board to discuss relinquishing the Extra-Territorial Jurisdiction Zone (ETJ).

In the coming months, Town Staff has plans to propose making some changes to the four way stop signs that we have discussed in previous meetings. As we have discussed in some of our previous meetings our ordinance does need some updating we hope to address this over the next few months, and as a member of the Planning Board you will have an important role in these updates. If you would like to discuss any needs/ideas that you see please contact me so we can sit down and discuss any idea(s).

NEW BUSINESS

Erwin Planning Board

REQUEST FOR CONSIDERATION

To: Planning Board Members
From: Snow Bowden, Town Manager
Date: August 19, 2019
Subject: Proposed Text Amendment Games in Streets

This is a text amendment proposed by Town Staff. The Erwin Police Department and Public Works Department have received a number of complaints regarding the basketball goals that are on some of our streets throughout Town. There is nothing in our current ordinance that covers this issue. This proposed amendment also includes language that bans the parking of vehicles/trucks on the Dunn-Erwin Rail Trail extension. When the Town installed the extension to the Dunn-Erwin Rail Trail they put “No Parking Signs” up but never put anything in the ordinance banning parking on this section of the trail.

The basketball goals are in the public right-of-way but Chief Johnson and the Town Manager Snow Bowden would like to have something more to stand on than just remove them from the public right-of-way. At last count, members from the Erwin Police Department counted 20 basketball goals on Town Streets.

Attachments:

Proposed text amendment

Proposed Text Amendment

Article IV Street and Sidewalk Use and Regulation, Division 1 Generally

Sec. 28-97 Games in streets

- (a) All games of any description and the throwing of stones, balls, or other missiles by bean shooters or otherwise upon the streets or other public ways are unlawful.
 - (b) It shall be unlawful to place or install any permanent or portable structure, pipe, pole, or appliance of any kind within, upon, or above the surface of the public right-of-way for the purpose of conducting games, recreation activities, or athletics of any kind including activities such as **basketball**, soccer, football, roller hockey or any activity of a similar nature.
 - (c) It shall be unlawful to store/park any vehicle, truck, or recreational vehicle (RV) on the Dunn-Erwin Rail Trail extension on West F Street, South 18th Street and West E Street.
- Penalty, see Sec. 28-129 Any owner, lessee, tenant, occupant or person in charge of any commercial establishment or premises who fails to abide by the provisions of sections [28-126](#) through [28-128](#) shall be subject to a penalty of \$50.00 in addition to the penal provisions of state law for violations of municipal ordinances.

NEW BUSINESS

Erwin Planning Board

REQUEST FOR CONSIDERATION

To: Planning Board Members
From: Snow Bowden, Town Manager
Date: August 19, 2019
Subject: Proposed text amendment temporary residential

Town Staff has proposed a text amendment to our current code to clear up temporary residential structures. Our current code just needs to be cleared up some.

Attachments:

- Proposed text amendment

Proposed text amendment temporary residential

Current Code

Sec. 36-426. - Nonresidential and residential manufactured home use and temporary buildings.

Temporary buildings, manufactured homes, and modular buildings used for nonresidential and residential purposes may be located in any zoning district, except R-15 district, but only if they are temporary uses, such as construction offices, equipment storage receptacles, temporary residence, pending completion of permanent residence, or temporary offices, and only if temporary building permits are initially obtained from the building inspector and renewed every 90 days for a period not to exceed one year. Temporary uses shall comply with all other appropriate provisions of this article and state building codes.

(Code 1977, § 9-4041.14; Ord. No. [ZT-2013-003](#), § 5(9-4041.14), 9-5-2013)

Proposed

Sec. 36-426. - Nonresidential and residential manufactured home use and temporary buildings.

Temporary buildings, manufactured homes, recreational vehicles (RV's), and modular buildings used for nonresidential and residential purposes may be located in any zoning district, but only if they are temporary uses, such as construction offices, equipment storage receptacles, temporary residence, pending completion of permanent residence, or temporary offices, and only if temporary building permits are initially obtained from the building inspector and renewed every 90 days for a period not to exceed one year. Temporary uses shall comply with all other appropriate provisions of this article and state building codes.

- (a) Said temporary residence shall receive a temporary zoning permit
- (b) Temporary residences shall be located in the rear or side yard
- (c) Temporary residences shall be located on the same site that the pending completion of a new home or the renovation of a home deemed uninhabitable is taking place.

(Code 1977, § 9-4041.14; Ord. No. [ZT-2013-003](#), § 5(9-4041.14), 9-5-2013)