

**ERWIN BOARD OF COMMISSIONERS****REGULAR MINUTES****APRIL 7, 2022****ERWIN, NORTH CAROLINA**

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

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

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

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

Commissioner McKoy gave the invocation.

Sheriff Wayne Coats led the Pledge of Allegiance.

**AGENDA ADJUSTMENT/APPROVAL OF AGENDA**

Town Manager Snow Bowden requested to move Public Hearing Item H, Discussion of All-Way Stop Signs under New Business as Item A, and move all other items down a letter due to the advertisement not meeting the legal standard to make changes to the Ordinances. He also requested adding Street Resurfacing Recommendation under New Business as Item F and removing Item B, SU-2022-003, under New Business. The applicant has requested to have their application to be withdrawn without prejudice.

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

**CONSENT**

Commissioner Blackmon made a motion to approve **(ITEM A)** Minutes of Regular Workshop on February 28, 2022 **(ITEM B)** Minutes of Regular Meeting on March 3, 2022 **(ITEM C)** Financial Report for February 2022 and was seconded by Commissioner Whitman. **The Board voted unanimously.**

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



	YTD		DIFFERENCE	YTD	
	Feb-22	Feb-21		Feb-22	Feb-21
<b>Revenues</b>					
CURRENT YEAR LEVY OF PROPERTY TAXES	1,090,364.00	1,074,315.00	16,049.00		
CURRENT YEAR MOTOR VEHICLE TAXES	105,355.00	116,724.00	(11,369.00)		
PRIOR YEAR TAXES / Penalties & Interest	40,545.00	23,739.00	16,806.00		
UTILITIES FRANCHISE TAXES	92,639.00	94,710.00	(2,071.00)		
ENTRY FEES	15,075.00	4,465.00	10,610.00		
SALES & USE TAX	590,613.00	514,908.00	75,705.00		
ZONING PERMITS/APPLICATIONS	8,785.00	8,950.00	(165.00)		
REFUSE COLLECTIONS FEES	303,685.00	286,984.00	16,701.00		
STORM WATER COLLECTION	41,589.00	39,574.00	2,015.00		
ALL OTHER REVENUES	503,341.00	694,945.00	(191,604.00)		
	<b>\$ 2,791,991.00</b>	<b>\$ 2,859,314.00</b>	<b>(67,323.00)</b>		
<b>Expenditures</b>					
GOVERNING BODY	14,710.00	14,945.00	(235.00)		
ADMINISTRATION	162,651.00	177,645.00	(14,994.00)		
NON-DEPARTMENTAL	282,611.00	201,914.00	80,697.00		
PLANNING & INSPECTIONS	9,876.00	25,537.00	(15,661.00)		
POWELL BILL-STREETS	9,438.00	13,431.00	(3,993.00)		
POLICE	674,046.00	551,696.00	122,450.00		
POLICE-SRO	41,842.00	56,245.00	(14,403.00)		
CONTRACT SERVICES-FIRE	229,730.00	224,031.00	5,699.00		
PUBLIC WORKS-ADMIN.	78,968.00	59,761.00	19,207.00		
PUBLIC WORKS-STREETS	190,799.00	163,098.00	27,701.00		
PUBLIC WORKS-SANITATION	189,419.00	227,855.00	(38,436.00)		
PUBLIC WORKS-STORM WATER	3,739.00	1,997.00	1,742.00		
RECREATION	217,251.00	176,785.00	40,466.00		
LIBRARY	44,186.00	40,527.00	3,659.00		
COMMUNITY CENTER	3,673.00	10,479.00	(6,806.00)		
	<b>\$ 2,152,939.00</b>	<b>\$ 1,955,846.00</b>	<b>197,093.00</b>		

	YTD		DIFFERENCE	YTD	
	Feb-22	Feb-21		Feb-22	Feb-21
<b>BANK ACCOUNT BALANCES</b>					
CASH MANAGEMENT	2,316,647.77	1,612,136.91	704,510.86		
BB&T CASH IN BANK	736,266.57	935,373.90	(199,107.33)		
FIRST FEDERAL BUSINESS M	136,749.80	136,399.95	349.85		
FIRST FEDERAL MONEY MARKET	857,727.97	856,004.84	1,723.13		
Y-T-D INVESTMENT BALANCE IN GENERAL	\$ 4,047,392.11	\$ 3,539,915.60	\$ 507,476.51		
BB&T STATE FORFEITURE	4,246.64	3,703.41	543.23		
BB & T CAPITAL RESERVE/COMM. ENHANC	206,509.83	180,311.35	26,198.48		
FIRST FEDERAL CAP. RESERVE/GENERAL	2,352,017.94	2,347,292.90	4,725.04		
BB&T HEALTH RESERVE HRA ACCT.	9,972.67	7,298.76	2,673.91		
PRIEBE FIELD ACCT.	12,752.30	9,772.37	2,980.93		
AL WOODALL PARK IMPROVEMENTS	392,011.61	367,121.41	24,890.20		
AMERICAN RELIEF FUNDS	593,901.34		593,901.34		
Y-T-D BALANCE RESTRICTED FUNDS	\$ 3,571,412.33	\$ 2,905,500.20	\$ 665,912.13		
CUMULATIVE BALANCE FOR TOWN OF ERWIN	\$ 7,618,804.44	\$ 8,445,415.80	(826,611.36)		

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



REVENUES	ANNUAL BUDGET	February '22 ACTIVITY	ACTUAL TO DATE	Y-T-D % COLLECTED
CURRENT YEAR LEVY OF PROPERTY TAXES	1,103,856.00	176,663.00	1,090,364.00	98.78%
CURRENT YEAR MOTOR VEHICLE TAXES	175,470.00	14,506.00	105,355.00	60.04%
PRIOR YEAR TAXES / Penalties & Interest	10,000.00	2,148.00	40,545.00	405.45%
UTILITIES FRANCHISE TAXES	190,000.00	901.00	92,639.00	48.76%
ENTRY FEES	19,000.00	3,165.00	15,075.00	79.34%
SALES & USE TAX	700,000.00	77,557.00	590,613.00	84.37%
ZONING PERMITS/APPLICATIONS	8,000.00	1,100.00	8,785.00	109.81%
REFUSE COLLECTIONS FEES	410,256.00	33,985.00	303,685.00	74.02%
STORM WATER COLLECTION	69,930.00	4,801.00	41,589.00	59.47%
ALL OTHER REVENUES	697,042.00	44,982.00	503,341.00	72.21%
	<b>3,383,554.00</b>	<b>358,808.00</b>	<b>2,791,991.00</b>	<b>82.52%</b>
EXPENDITURES	ANNUAL BUDGET	February 2022 ACTIVITY	ACTUAL TO DATE	Y-T-D % SPENT
GOVERNING BODY ADMINISTRATION	47,945.00	1,747.00	14,710.00	30.68%
NON-DEPARTMENTAL PLANNING & INSPECTIONS	283,399.00	19,844.00	162,651.00	61.75%
POWELL BILL-STREETS	77,369.00	174.00	282,611.00	101.18%
POLICE	157,000.00	1,000.00	9,876.00	12.76%
POLICE-SRO	964,020.00	150,015.00	9,438.00	6.01%
CONTRACT SERVICES-FIRE	64,030.00	5,055.00	674,046.00	69.92%
PUBLIC WORKS-ADMIN.	238,307.00	36,031.00	41,842.00	65.35%
PUBLIC WORKS-STREETS	109,004.00	9,496.00	229,730.00	96.40%
PUBLIC WORKS-SANITATION	396,994.00	16,134.00	76,968.00	72.45%
PUBLIC WORKS-STORM WATER	345,343.00	23,458.00	189,419.00	54.85%
RECREATION	15,000.00	190.00	3,739.00	24.83%
LIBRARY	348,119.00	25,595.00	217,251.00	62.23%
COMMUNITY CENTER	69,405.00	6,152.00	44,186.00	63.68%
	<b>7,300.00</b>	<b>724.00</b>	<b>3,673.00</b>	<b>50.32%</b>
	<b>3,383,554.00</b>	<b>318,674.00</b>	<b>2,152,839.00</b>	<b>63.63%</b>
Y-T-D GENERAL FUND BALANCE INCREASE (DECREASE)		41,134.00	639,052.00	

BANK BALANCES AS OF February 2022	
CASH MANAGEMENT	2,316,647.77
BB&T CASH IN BANK	736,266.57
FIRST FEDERAL PRESTIGE - BUSINESS MONEY MARKET	136,749.80
FIRST FEDERAL PREMIUM - BUSINESS MONEY MARKET	857,727.97
Y-T-D INVESTMENT BALANCE IN GENERAL FUND ACCOUNTS	4,047,392.11
BB&T STATE FORFEITURE	4,246.64
BB & T CAPITAL RESERVE/COMM. ENHANCEMENT	206,509.83
FIRST FEDERAL CAP. RESERVE/GENERAL	2,352,017.94
BB&T HEALTH RESERVE HRA ACCT.	9,872.67
PRIEBE FIELD ACCT.	12,752.30
AL WOODALL PARK IMPROVEMENTS	392,011.61
AMERICAN RELIEF FUNDS	593,901.34
Y-T-D INVESTMENT BALANCE RESTRICTED FUNDS	3,571,412.33
CUMULATIVE BALANCE FOR TOWN OF ERWIN	7,618,804.44

POWELL BILL BALANCE \$ 436,757.19

## MINUTES CONTINUED FROM APRIL 7, 2022

### INDUCTION CEREMONY FOR NEW MEMBER OF THE BOARD

Mayor Carson administered the Oath of Office to the New Member of the Board, Charles L. Byrd, who repeated the Oath of Office as Commissioner for Ward 4, accompanied by his wife holding the Bible.

### SPECIAL PRESENTATION FROM HARNETT COUNTY SHERIFF WAYNE COATS

Sheriff Wayne Coats came forward and presented Police Chief Jonathan Johnson and Mayor Carson with Certificates of Appreciation for their participation in the Harnett County CARES Program.

### PUBLIC COMMENT

Vanessa Lech of 302 N 10<sup>th</sup> Street came forward. She stated at the N 10<sup>th</sup> Street and East I Street intersection, she would like to see a 24/7 camera installed at the light. There have been a lot of reckless drivers and she was almost been run over recently. She also stated the speed limit needs to be slowed down on that street and she would like to see sidewalks. Erwin needs to be more pedestrian-friendly. She stated if cost is an issue for providing a camera, she recommended looking at used or refurbished cameras to lessen the price. If one ticket was issued a day at \$200 a ticket then the Town could raise \$100,000 in a year which could go to the Police Department to hire more police officers and diversity and inclusion training for the Police Department.

Frankie Tyndall of 202 3<sup>rd</sup> Street came forward and addressed the Board. He stated at the last meeting he came to he was told by the Board that the Town would handle the meth heads, homeless, and crackheads taking over Erwin. He came back to give a progress report. Chief Johnson has bent over backward to lock them up and clean up the streets. He spoke with Sheriff Coats who stated he will try to do something about it. Everything is falling back on the Magistrates and Judges who are letting them back on the street the next day. The Town of Erwin and the Police Department needs help.

### PUBLIC HEARING

SU-2022-002

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

Town Manager Snow Bowden stated this request is to open a hair salon at a vacant building on East H Street.

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



# 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

## O A T H

NORTH CAROLINA

HARNETT COUNTY

TOWN OF ERWIN

"I, CHARLES BYRD, DO SOLEMNLY SWEAR (AFFIRM) THAT I WILL SUPPORT AND MAINTAIN THE CONSTITUTION AND LAWS OF THE UNITED STATES; AND THE CONSTITUTION AND LAWS OF NORTH CAROLINA NOT INCONSISTENT THEREWITH; AND THAT I WILL FAITHFULLY DISCHARGE THE DUTIES OF MY OFFICE AS COMMISSIONER OF THE TOWN OF ERWIN, ON WHICH I AM ABOUT TO ENTER; SO HELP ME GOD. "

CHARLES BYRD, COMMISSIONER

SWORN TO AND SUBSCRIBED BEFORE ME

THIS THE 7TH DAY OF APRIL 2022.

  
PATSY M. CARSON, MAYOR

**ATTEST:**

  
SNOW BOWDEN, TOWN MANAGER



**TOWN OF ERWIN  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
THURSDAY, APRIL 7, 2022  
7PM**

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

Name	Address	Subject
1. Edward & Pope	215 ST. MATTHEWS Rd.	STOP signs
2. Joshua Palmqvist	701 513 ST Erwin	CAR DEALERSHIP
3. <del>Jack Stiles</del>	<del>20626 "D" St</del>	<del>CRIME / DRUGS</del>
4. Katyna Bunn	7528 Twin Pines Way RV	400 E F St. use
5. Susann Coats	403 Winderstown DR	Stop Signs
6. VANESSA Lech	302 N 10 <sup>th</sup> St Erwin	24-7 traffic cameras & sidewalks
7. Frankie Tyden	202 3rd St Erwin	at turn = crack leads
8.		
9.		
10.		
11.		
12.		

**MINUTES CONTINUED FROM APRIL 7, 2022**

Applicants, Katyna Bunn, and Courtney Taylor came forward and were sworn in under oath.

Ms. Bunn stated she purchased the building at 400 East H Street. She is renovating the building so that Ms. Taylor could run her salon business and provide services to the Erwin Community.

Ms. Taylor stated she currently owns a business in Lillington which has been open for two years. She is a veteran and mom of three. She started her business in Germany and it has grown to now have 8 people that work there. They provide spa services, massage, hair, nails, everything beauty-related and they are looking to add a medical spa as well. They provide services for men as well, including haircuts, facials, and nails. They want to bring more luxury services you won't see anywhere else around Town.

Mayor Pro Tem Baker verified how many employees will be working out of that structure.

Ms. Taylor stated that currently she has 8 employees and there may be more because they would be moving to a bigger location.

Commissioner Blackmon inquired if she will be moving her business from Lillington to Erwin.

Ms. Taylor stated yes, they want to expand their business and move from Lillington to Erwin.

Ms. Bunn stated that the building is 3,000 square feet and has plenty of room to service clients.

Ms. Taylor stated her current building is 1,400 square feet and they service about 15 clients a day. They work by appointment and they stay very busy. Her business is well known and is called Muah Lash and Beauty Bar. Clients drive over an hour to be serviced at their salon. She felt this business would be great to bring more people into Erwin that aren't used to Erwin and more opportunities for business.

Commissioner Turnage inquired about whether they would take walk-ins.

Ms. Taylor stated at their Lillington location, they were not able to take walk-ins but she hoped with expanding her business she will be able to have staff take walk-ins.

Commissioner Turnage asked if Ms. Taylor will use the street for parking.

Ms. Taylor stated she did not think street parking would be necessary. The parking spaces already in place for the building would be more than enough.

Ms. Bunn stated the existing structure has 20 parking spaces. The property is a third of an acre so there is parking on the front, back, and side. She stated Ms. Taylor's current location is in Lillington next to the Hardees with busy traffic and her business does well there.

Mayor Pro Tem Baker asked if the salon does hair implants.

Ms. Taylor stated they offer permanent makeup which is a medical tattooing service, including scalp and micro-pigmentation. Another service is permanent eyebrows for women or men which is especially great for people going through chemotherapy. These services look very natural and are very aesthetically pleasing. It is not your normal salon, she prefers to call it a spa. They offer

**MINUTES CONTINUED FROM APRIL 7, 2022**

very expensive services ranging up to almost \$500.00. She spoke about Erwin with her clients and she looks forward to partnering with some local businesses such as Burney's.

Mayor Pro Tem Baker asked if any other facilities do these types of services in the area.

Ms. Taylor stated they were the only spa that provided these services around here.

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

No one came forward.

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

Mayor Pro Tem Baker made a motion in the affirmative that the use requested is listed among the special uses in the district for which the application is made. Personal service establishments whose operations are conducted entirely within an enclosed building are a special use in our Downtown Mill Village district and was seconded by Commissioner Turnage. **The Board voted unanimously.**

Commissioner Blackmon made a motion in the affirmative that the requested use is essential or desirable to the public convenience or welfare. The applicant is requesting a special use permit to open a full service beauty salon. This potential business would provide another option for people in Town to get these services and was seconded by Mayor Pro Tem Baker. **The Board voted unanimously.**

Commissioner McKoy made a motion in the affirmative that the requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare. This is an existing building that has been used as an office before. There are other buildings in the area that are used commercially. This building is in one of our newer zoning districts. The new district does include commercial uses with low noise and traffic impacts that would be compatible with a residential area and was seconded by Commissioner Whitman. **The Board voted unanimously.**

Commissioner Turnage made a motion in the affirmative that the requested use will be in conformity with the Land Development Plan. This area of land would be in the area identified for medium intensity growth. The plan calls for medium to high density mixed residential uses. The classification also includes low impact neighborhood businesses and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Mayor Pro Tem Baker made a motion in the affirmative that adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. This is an existing building that will not be expanded. The parking spaces are already located on site, current utilities have been provided and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner Blackmon made a motion in the affirmative that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. This is an existing parcel that has a building located on site. There are already



**MINUTES CONTINUED FROM APRIL 7, 2022**

parking spaces located in front of the building and was seconded by Commissioner Whitman. **The Board voted unanimously.**

Commissioner McKoy made a motion in the affirmative that the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners and was seconded by Mayor Pro Tem Baker. **The Board voted unanimously.**

Mayor Pro Tem Baker made a motion to recommend that the proposed special use application meets all the Findings of Fact in the affirmative, the proposed amendment is consistent with those documents that constitute the officially adopted land development plan and other applicable plans, and to approve SU-2022-002 Special Use Application to operate a full-service beauty salon at 400 East H Street (HC Tax PIN # 0597-84-1671.000) and was seconded by Commissioner Whitman. **The Board voted unanimously.**

**SU-2022-004**

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

Town Manager Snow Bowden stated this request is for a Manufactured Class A Home on an individual lot in our R-6 Zoning District. It does not have an address but is adjacent to 106 Barnes Drive. At the moment it is an individual lot but the property owner is looking at doing recombination. Priscilla Freeman was present to speak on the behalf of the applicant.

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

Priscilla Freeman of 101 Gilbert Street came forward and was sworn in.

Ms. Freeman stated she is the niece of the applicant, Ann Toulon, who raised her as her daughter in New York and is 88 years old. Ms. Toulon left Erwin when she was 18 years old and her uncle, Ms. Toulon's husband, passed away three years ago. Ms. Toulon is currently in New York alone, with no family other than her uncle's family who is all up in age and some have dementia. She stated it is time for Ms. Toulon to come home to her family. The proposed property was deeded to Ms. Toulon by her grandparents about 40 years ago and she purchased a home so she can come back to Erwin to reside. Ms. Freeman stated she is the primary caregiver for her mother who suffered a stroke a couple of years ago and both reside at 101 Gilbert Street which would be close to Ms. Toulon.

Mayor Pro Tem Baker asked if there are any other similar structures in that area.

Ms. Freeman states there are some similar structures across the street.

Mayor Pro Tem Baker verified it is a Class A Home and whether Town Staff has explained the requirements for a Class A Home.

# Erwin Board of Commissioners

## REQUEST FOR CONSIDERATION

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To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: April 7, 2022

Subject: SU-2022-002

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The Town of Erwin has received a special use permit application request to open a full-service beauty salon at 400 East H Street. This is an existing building that is located off of a Town street. There are already parking spaces in front of the building.

### Attachments:

- SU-2022-002 Application
- SU-2022-002 Staff Report
- SU-2022-002 Harnett County GIS Image with no zoning
- SU-2022-002 Harnett County GIS Image with zoning
- Property owners notified

### Suggested Motions:

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

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

3. I move to recommend:

- a.** Approval of SU-2022-002 Special Use Application to operate a full-service beauty salon at 400 East H Street (HC Tax PIN # 0597-84-1671.000.)
- b.** Denial of SU-2021-002 Special Use Application to operate a full-service beauty salon at 400 East H Street (HC Tax PIN # 0597-84-1671.000.)
- c.** Approval of SU-2021-002 Special Use Application to operate a full-service beauty salon at 400 East H Street (HC Tax PIN # 0597-84-1671.000) with additional conditions (state conditions).



**TOWN OF ERWIN**

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

**SPECIAL USE PERMIT APPLICATION**

In the Matter Of the Request to the Erwin Board of Commissioners *IN 2 Properties LLC*

Applicant Name	<i>Katyna Bunn</i>	Property Owner Name	<i>Katyna Bunn, owner</i>
Mailing Address	<i>7928 Twin Pines Way</i>	Mailing Address	<i>same</i>
City, State, Zip	<i>Fuquay Varina NC 27526</i>	City, State, Zip	
Telephone	<i>910 796-1678</i>	Telephone	
Email	<i>Katyna@NCLEGACY.com</i>	Email	
Address of Subject Property	<i>400 E H Street, Erwin NC 28339</i>		
Parcel Identification Number(s) (PIN) of Subject Property	<i>0597-84-1671.000</i>		
Legal Relationship of Applicant to Owner	<i>both = owner</i>	Floodplain SFHA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Legal Description: Lot	Block	Subdivision	
Zoning District	Wetlands	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Watershed Area Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Public Water Available <input checked="" type="checkbox"/> Y or N <input type="checkbox"/> N	Public Sewer Available <input checked="" type="checkbox"/> Y or N <input type="checkbox"/> N	Existing Septic Tank: <input checked="" type="checkbox"/> Y or <input type="checkbox"/> N	
Number of Buildings to Remain	<i>1</i>	Gross Floor Area to Remain	<i>2,900</i>
Describe Proposed Project or Request with Conditions proposed by applicant: <i>Would like to use building for beauty salon Interior Renovations only - no added sq. footage</i>			
Total Acreage or Square Footage to be Disturbed	<i>N/A</i>		
Estimated Cost of Project \$	<i>90,000</i>		

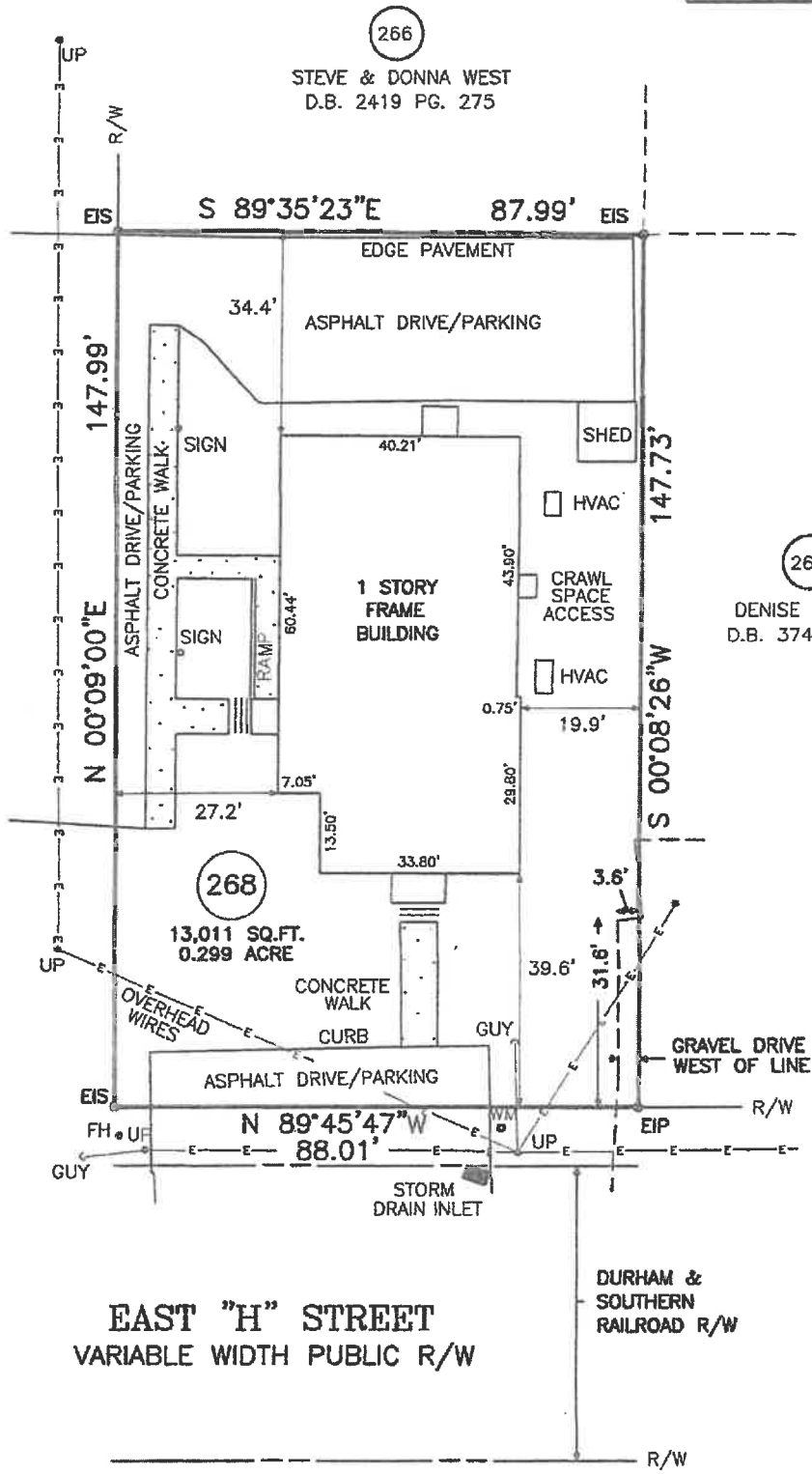
Attach a scaled illustrative plot or site plan showing all lot dimensions, buildings, structures, driveways, parking spaces, and distances between structures and property lines.

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

Date Application Submitted	<i>2/17/22</i>	Office Use Only	Application Fee \$	<i>300</i>	Received By	<i>[Signature]</i>
Case # SU-20 <i>22</i> - <i>002</i>						

FEB 17 2022 *check 1000*

GAS METER  
 - HEAT/AC UNIT  
 FIRE HYDRANT



P.B. 6 PG. 88

NORTH 10TH STREET  
 60' PUBLIC R/W

266  
 STEVE & DONNA WEST  
 D.B. 2419 PG. 275

267  
 DENISE R. WINNIE  
 D.B. 3742 PG. 450

EAST "H" STREET  
 VARIABLE WIDTH PUBLIC R/W



PHYSICAL SURVEY FOR  
**IN 2 PROPERTIES, LLC**  
 400 EAST "H" STREET, ERWIN, NC 28339  
 LOT 268 ERWIN MILLS, INC.  
 SECTION NO. 1 - PLAT BOOK 6 PAGE 88  
 DEED BOOK 3839 PAGE 614  
 PIN # 0597-84-1671.000  
 DUKE TOWNSHIP  
 HARNETT COUNTY - NORTH CAROLINA

DEWAR CERTIFY THAT THIS PLAT WAS DRAWN UNDER  
 FROM AN ACTUAL SURVEY MADE UNDER MY

- see attache



**TOWN OF ERWIN**

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

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

Property Owner (1) Denise R. Winnie Mailing  
 Address 402 E H St City Erwin ST NC Zip 28339

Property Owner (2) Steve and Donna West Mailing  
 Address 101 N 10th St City Erwin ST NC Zip 28339

Property Owner (3) Lane Spe LLC Mailing  
 Address 100 N 10th St City Erwin ST NC Zip 28339

Property Owner (4) \_\_\_\_\_ Mailing  
 Address \_\_\_\_\_ City \_\_\_\_\_ ST \_\_\_\_\_ Zip \_\_\_\_\_

Property Owner (5) \_\_\_\_\_ Mailing  
 Address \_\_\_\_\_ City \_\_\_\_\_ ST \_\_\_\_\_ Zip \_\_\_\_\_

Property Owner (6) \_\_\_\_\_ Mailing  
 Address \_\_\_\_\_ City \_\_\_\_\_ ST \_\_\_\_\_ Zip \_\_\_\_\_

Property Owner (7) \_\_\_\_\_ Mailing  
 Address \_\_\_\_\_ City \_\_\_\_\_ ST \_\_\_\_\_ Zip \_\_\_\_\_

Property Owner (8) \_\_\_\_\_ Mailing  
 Address \_\_\_\_\_ City \_\_\_\_\_ ST \_\_\_\_\_ Zip \_\_\_\_\_

Property Owner (9) \_\_\_\_\_ Mailing  
 Address \_\_\_\_\_ City \_\_\_\_\_ ST \_\_\_\_\_ Zip \_\_\_\_\_

Property Owner (10) \_\_\_\_\_ Mailing  
 Address \_\_\_\_\_ City \_\_\_\_\_ ST \_\_\_\_\_ Zip \_\_\_\_\_

Property Owner (11) \_\_\_\_\_ Mailing  
 Address \_\_\_\_\_ City \_\_\_\_\_ ST \_\_\_\_\_ Zip \_\_\_\_\_

Property Owner (12) \_\_\_\_\_ Mailing  
 Address \_\_\_\_\_ City \_\_\_\_\_ ST \_\_\_\_\_ Zip \_\_\_\_\_

Property Owner (13) \_\_\_\_\_ Mailing  
 Address \_\_\_\_\_ City \_\_\_\_\_ ST \_\_\_\_\_ Zip \_\_\_\_\_

SU- 222 002



## TOWN OF ERWIN

100 West F St., Post Office Box 459

Erwin, NC 28339

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

www.erwin-nc.org

### Special Use Signature Page

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

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

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

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

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

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

SU- 2022 002

Signature Page

Page 1 of 2

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

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

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

Applicant Signature and Date:

Katya Bn



- see attached  
staff report

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

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

Yes  No Personal service establishments whose operation is conducted entirely within an enclosed building

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 Building will still look like surrounding homes after renovation

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 Existing parking spaces equal 19-20

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

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



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### SPECIAL USE APPLICATION PROCEDURES

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

#### Conditions and Guarantees

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

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

**Action by the Board of Commissioners**

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

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



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### IMPORTANT

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

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

#### Using the Zoning Ordinance

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



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### Processing Requirements

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

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

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

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

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

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

**Town of Erwin  
Record and Decisions**

**Office Use Only**

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

\_\_\_\_\_

\_\_\_\_\_

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



# SPECIAL USE REQUEST STAFF REPORT

Case: SU-2022-002

Snow Bowden, Town Manager

[townmanager@erwin-nc.org](mailto:townmanager@erwin-nc.org)

Phone: (910) 591-4200

Fax: (910) 897-5543

Public Hearing Date: Thursday, April 7<sup>th</sup>, 2022

Requested special use permit to operate a full service beauty salon at 400 East H Street. The property can also be identified by its Harnett County Tax PIN # 0597-84-1671.000.

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## Applicant Information

### **Owner of Record:**

Name: IN 2 Properties, LLC

Address: 7928 Twin Pines Way

City/State/Zip: Fuquay-Varina, NC 27526

### **Applicant:**

Name: Katyna Bunn

Address: 7928 Twin Pines Way

City/State/Zip: Fuquay-Varina, NC 27526

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## Property Description

Harnett County Tax PIN 0597-84-1671.000

Acres .30

Zoning District- Downtown Mill Village District (DMV)

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## Vicinity Map

- See Attached Document

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## Physical Characteristics

Site Description: This is an existing building that was built in 1933 and it is 2,829 square feet based on Harnett County GIS data. There are 20 existing parking spaces.

Surrounding Land Uses: This building is mostly surrounded by residential uses. Across the street is a medical facility and on the other side of East H Street is Good Hope Hospital. The Dunn-Erwin Rail Trail separates this building from the Dunn-Erwin Rail Trail.

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## Services Available

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

## Zoning District Compatibility

Special Use	DMV
Personal Services Establishments	X

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## Staff Evaluation

### Staff Evaluation

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

- **Reasoning:** Personal service establishments whose operations are conducted entirely within an enclosed building are a special use in our Downtown Mill Village district.

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

- **Reasoning:** The applicant is requesting a special use permit to open a full service beauty salon. This potential business would provide another option for people in Town to get these services.

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

- **Reasoning:** This is an existing building that has been used as an office before. There are other buildings in the area that are used commercially. This building is in one of our newer zoning districts. The new district does include commercial uses with low noise and traffic impacts that would be compatible with a residential area.

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

- **Reasoning:** This area of land would be in the area identified for medium intensity growth. The plan calls for medium to high density mixed residential uses. The classification also includes low impact neighborhood businesses.

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

- **Reasoning:** This is an existing building that will not be expanded. The parking spaces are already located on site.

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

- **Reasoning:** This is an existing parcel that has a building located on site. There are already parking spaces located in front of the building.



Yes  No

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

- **Reasoning:** Yes

Attachments:

- SU-2022-002 Application
- SU-2022-002 Staff Report
- SU-2022-002 Site Plan
- Harnett County GIS Image with Zoning
- Harnett County GIS Image with no Zoning
- SU-2022-002 property owners notified

# Harnett GIS



NOT FOR LEGAL USE .



**Harnett**  
COUNTY  
NORTH CAROLINA

**GIS/E-911 Addressing**  
September 14, 2021



N  
W E  
S



0 40 80 160  
Feet  
1 inch = 94 feet

---

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

- Harnett County Boundary
- Address Numbers
- MajorRoads
- Interstate

---

- NC
- US
- Roads
- Mile\_Markers
- Railroad

- Parcels

# Harnett GIS



NOT FOR LEGAL USE .

Harnett County GIS, Harnett County Public Utilities



**Harnett COUNTY**  
SOUTH CAROLINA

GIS/E-911 Addressing  
September 14, 2021

Recycle Center

Landfills

Surrounding County Boundaries

Federal Property

City Limits

Harnett County Boundary  NC  US

Address Numbers

Airport

MajorRoads  Interstate

Roads

Mile\_Markers

Railroad

Parcels



N  
W E  
S



0 40 80 160 Feet

1 inch = 94 feet



# TOWN OF ERWIN

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

03/14/2022

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

## Notice of a Public Hearing SU-2022-002

The Board of Commissioners of the Town of Erwin will hold a public hearing pursuant to NC General Statute 160D-406 on April 7th, 2022 at 7:00 P.M. at the Erwin Town Hall, 100 West F Street, Erwin, North Carolina to hear public comment on a proposed special use permit.

There has been an application submitted to operate a hair salon at 400 East H Street. The property can also be identified by its Harnett County Tax PIN # 0597-84-1671.000. A copy of this case is available for review at the Erwin Town Hall. Questions concerning this case can be addressed to the Town Manager Snow Bowden at 910-591-4200 or by email at [townmanager@erwin-nc.org](mailto:townmanager@erwin-nc.org).

Regards,

Snow Bowden  
Town Manager

IN 2 PROPERTIES, LLC  
7920 Twin Pines Way  
Fuquay-Varina, NC 27526

Steve and Donna West  
101 North 10<sup>th</sup> Street  
Erwin, NC 28339

Denise Winnie  
402 East H Street  
Erwin, NC 28339

Lane SPE LLC  
12450 Cleveland Rd.  
Garner, NC 27529

LANE LTR Properties, LLC.  
PO Box 2230  
Angier, NC 27501

Good Hope Hospital  
ATTN: Bill Larrison  
PO Box 639  
Erwin, NC 28339

Harnett County  
PO Box 759  
Lillington, NC 759

Seth and Angela Gundersen  
309 East H Street  
Erwin, NC 28339

**MINUTES CONTINUED FROM APRIL 7, 2022**

Ms. Freeman confirmed it is a Class A Home and she has been informed of the requirements by Town Staff.

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

No one came forward.

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

Mayor Pro Tem Baker made a motion in the affirmative that the use requested is listed among the special uses in the district for which the application is made. Manufactured Class A Homes are permitted as a special use in our R-6 Zoning District and was seconded by Commissioner Whitman. **The Board voted unanimously.**

Commissioner Blackmon made a motion in the affirmative that the requested use is essential or desirable to the public convenience or welfare. The applicant is requesting a special use permit to place a Manufactured Class A Home on this parcel. It will provide an affordable housing option for this property owner and was seconded by Mayor Pro Tem Baker. **The Board voted unanimously.**

Commissioner Whitman made a motion in the affirmative that the requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare. This tract of land is surrounded by similar residential uses. If the permit is approved the applicant will have to follow all of our restrictions with the placement of a Manufactured Class A Home. Our Code of Ordinances states "It is the intent of the criteria to ensure that a Class A manufactured home, when installed, shall have substantially the appearance of an no-site conventionally built, single-family dwelling, to include landscaping in harmony with surrounding dwellings." and was seconded by Commissioner McKoy. **The Board voted unanimously.**

Commissioner Blackmon made a motion in the affirmative that the requested use will be in conformity with the Land Development Plan. This area of land would be in the area identified for medium intensity growth. The plan calls for medium to high density mixed residential uses and was seconded by Mayor Pro Tem Baker. **The Board voted unanimously.**

Commissioner McKoy made a motion in the affirmative that adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. This is an existing lot located off of an existing street. The proposed house site would be accessed from Barnes Drive. There are already Harnett Regional Water and Sewer lines in the area that will be able to provide water and sewer to the proposed new home and was seconded by Commissioner Byrd. **The Board voted unanimously.**

Mayor Pro Tem Baker made a motion in the affirmative that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. This is an existing parcel located off of a town street. This would be a single-family dwelling. The impacts to traffic would be minimal and was seconded by Commissioner Whitman. **The Board voted unanimously.**

**MINUTES CONTINUED FROM APRIL 7, 2022**

Commissioner Blackmon made a motion in the affirmative that the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners and was seconded by Mayor Pro Tem Baker. **The Board voted unanimously.**

Commissioner Blackmon made a motion to recommend that the proposed special use application meets all the Findings of Fact in the affirmative, the proposed amendment is consistent with those documents that constitute the officially adopted land development plan and other applicable plans, and to approve SU-2022-004 Special Use Application to place a Class A Manufactured Home on a vacant parcel located on Barnes Drive adjacent to 106 Barnes Drive. (HC Tax PIN # 0597-77-1940.000) and was seconded by Mayor Pro Tem Baker. **The Board voted unanimously.**

**SU-2022-005**

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

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

The applicant, Joshua Palmquest, of 701 S 13<sup>th</sup> Street came forward and was sworn in.

Mr. Palmquest stated he is basically requesting permission to open a car dealership outside of his previously existing shop.

Mayor Pro Tem Baker asked if there are any other similar structures in that area.

Commissioner Turnage stated he went by that property and it looks like Mr. Palmquest has about a dozen cars parked in the front. One car looks like it has been totaled. He asked if he is getting parts off that car.

Mr. Palmquest stated he believed Commissioner Turnage was speaking of the used tire dealer down the road from his property.

Town Manager Snow Bowden stated his property is located on the corner of East B Street and S 13<sup>th</sup> Street.

Mr. Palmquest stated his property is where the old music shop used to be and is very well maintained.

Commissioner Whitman asked how many cars he plans to have on the lot.

Mr. Palmquest stated, to be honest, he doubted he would ever have more than ten. He runs the shop by himself right now but in the future, he would look at bringing on two employees for the shop and two employees for the dealership at most.

Commissioner Whitman asked whether he would have the space for that many cars.

# Erwin Board of Commissioners

## REQUEST FOR CONSIDERATION

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To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: April 7, 2022

Subject: SU-2022-004

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The Town of Erwin has received a special use application to place a Manufactured Class Home on an individual lot located in our R-6 Zoning District. The proposed site plan shows the home being placed on the lot adjacent to 106 Barnes Drive. The property owner can place the home on this lot and meet all of the setback requirements. They are trying to recombine both of the vacant parcels into one lot. They have had a hard time getting a surveyor lined up to complete this work due to the current market. Most surveyors are backed up for months. At the writing of this memo, the Town has not received a lot recombination map. If they complete the lot recombination it would only allow for one additional structure for these two lots.

### Attachments:

- SU-2022-004 Application
- SU-2022-004 Staff Report
- SU-2022-004 Site Plan
- Harnett County GIS Images
- Property owners notified

### Suggested Motions:

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

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



3. I move to recommend:

- a. Approval of SU-2022-004 Special Use Application to place a Class A Manufactured Home on a vacant parcel located on Barnes Drive adjacent to 106 Barnes Drive. (HC Tax PIN # 0597-77-1940.000).
- b. Denial of SU-2021-004 Special Use Application to place a Class A Manufactured Home on a vacant parcel located on Barnes Drive adjacent to 106 Barnes Drive. (HC Tax PIN # 0597-77-1940.000).
- c. Approval of SU-2021-004 Special Use Application to place a Class A Manufactured Home on a vacant parcel located on Barnes Drive adjacent to 106 Barnes Drive. (HC Tax PIN # 0597-77-1940.000) with additional conditions (state conditions).

Snow  
Bowden  
TWR.  
910-591-  
4000



**TOWN OF ERWIN**  
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PAID

MAR 2 - 2022

**SPECIAL USE PERMIT APPLICATION**

**TOWN OF ERWIN**

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

Applicant Name	Ann L. Toulon	Property Owner Name	Ann L. Toulon
Mailing Address	PO Box 176	Mailing Address	
City, State, Zip	Erwin, NC 28339	City, State, Zip	
Telephone	571-665-9077	Telephone	
Email	priscilla@reman@ccs.k12.nc.us	Email	
Address of Subject Property	VACANT tract of land		
Parcel Identification Number(s) (PIN) of Subject Property	0597-77-0965.000		
Legal Relationship of Applicant to Owner	Owner	Floodplain SFHA	Yes No
Legal Description: Lot	Block	Subdivision	
Zoning District	Wetlands	Yes X No	Watershed Area Yes X No
Public Water Available: Y or N	Public Sewer Available: Y or N	Existing Septic Tank: Y or N	
Number of Buildings to Remain	Gross Floor Area to Remain		
Describe Proposed Project or Request with Conditions proposed by applicant: Manufactured Class A Home on the individual lot. 54' x 30' 4"			
Total Acreage or Square Footage to be Disturbed			
Estimated Cost of Project \$			

0597-  
77-  
1940

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 3/2/22 Application Fee \$ 300 Received By MSB

Case # SU-2022-004



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www.erwin-nc.org

### Special Use Signature Page

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

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

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

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

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

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

SU-2022 . 054

Signature Page

Page 1 of 2

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

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

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

\* Applicant Signature and Date:

*Ann L. Taylor*

*1/20/22*

- 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

**SPECIAL USE APPLICATION**

**Record of Adjacent Property Owners**

With Mailing Addresses Per Harnett County Land Records

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

*- see attached*

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

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

   Yes    No \_\_\_\_\_  
\_\_\_\_\_

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

   Yes    No \_\_\_\_\_  
\_\_\_\_\_

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

   Yes    No \_\_\_\_\_  
\_\_\_\_\_

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

   Yes    No \_\_\_\_\_  
\_\_\_\_\_

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

   Yes    No \_\_\_\_\_  
\_\_\_\_\_

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

   Yes    No \_\_\_\_\_  
\_\_\_\_\_

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

   Yes    No \_\_\_\_\_  
\_\_\_\_\_



## TOWN OF ERWIN

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(910) 897-5140 V (910) 897-5543 F  
[www.erwin-nc.org](http://www.erwin-nc.org)

### SPECIAL USE APPLICATION PROCEDURES

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

#### Conditions and Guarantees

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

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

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

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

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





## TOWN OF ERWIN

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### IMPORTANT

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

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

#### Using the Zoning Ordinance

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



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### Processing Requirements

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

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

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

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

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

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

SU-2022-004

**Town of Erwin  
Record and Decisions**

**Office Use Only**

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

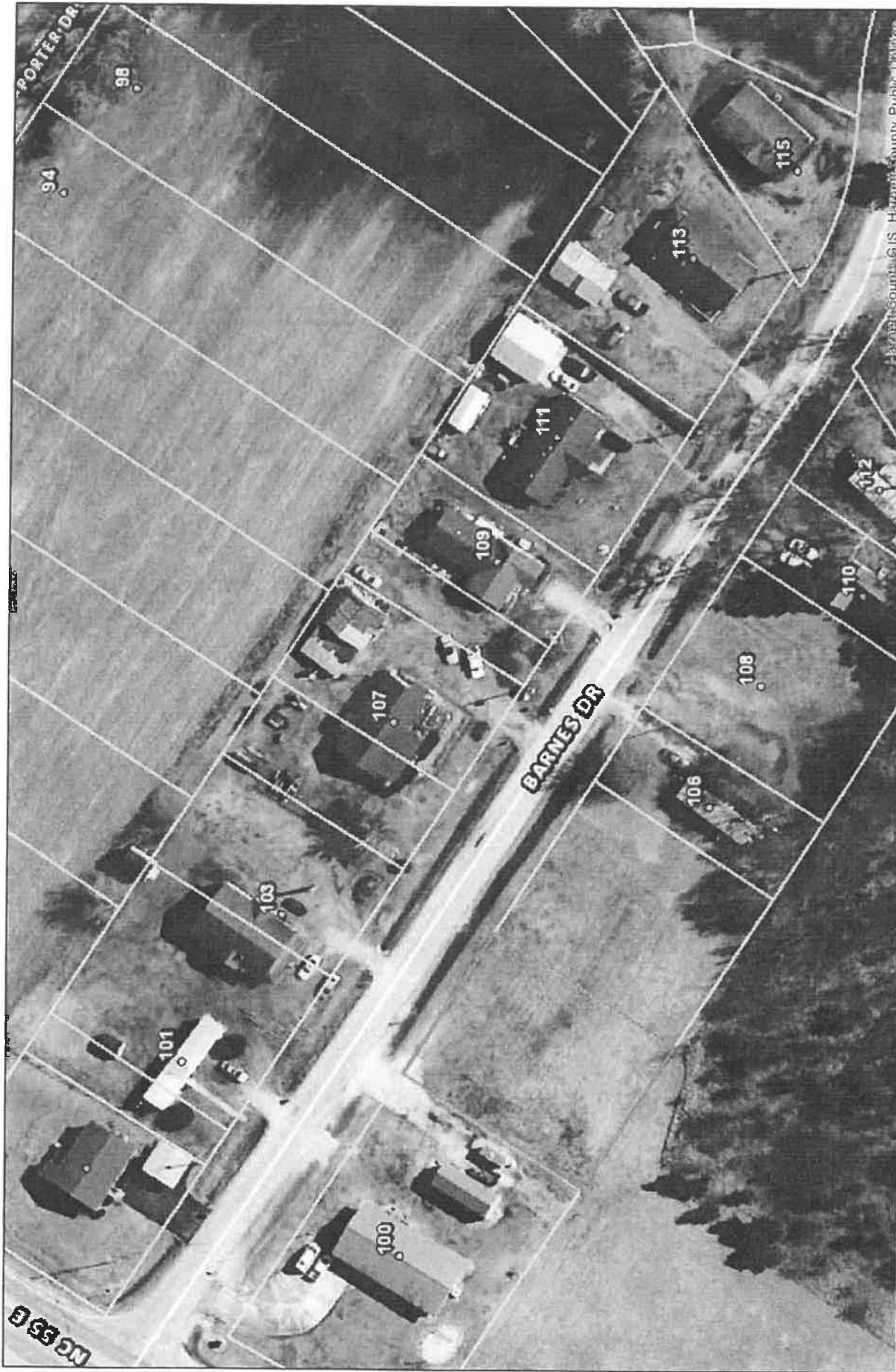
\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

# Harnett GIS



**Harnett COUNTY**  
WORTH-FRLEXP

GIS/E-911 Addressing  
 March 2, 2022

	Surrounding County Boundaries		Major Roads		Mile Markers
	City Limits		Interstate		Railroad
	Address Numbers		NC		Parcels
	Airport		US		CapeFearRiver
			Roads		

Scale: 0 40 80 160 Feet  
 1 inch = 94 feet

North Arrow: N, S, E, W

Harnett County GIS, Harnett County Public Utilities

NOT FOR LEGAL USE.





## SPECIAL USE REQUEST STAFF REPORT

Case: SU-2022-004

Snow Bowden, Town Manager

[townmanager@erwin-nc.org](mailto:townmanager@erwin-nc.org)

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

Public Hearing Date: Thursday, April 7<sup>th</sup>, 2022

Requested special use permit to place a Class A Manufactured Home on an individual lot. The parcel does not have an address but it is located in between 100 Barnes Drive and 106 Barnes Drive. At the moment, there are two parcels. The property owner is trying to get a surveyor lined up to do a lot recombination. The proposed site plan shows the home being placed on the parcel adjacent to 106 Barnes Drive. If the property owner can get a lot recombination completed in a timely manner the proposed home would still meet all of the required setbacks for this zoning district.

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### Applicant Information

**Owner of Record:**

Name: Carlos A Toulon and Ann L Toulon  
(Trustee)

Address: 141 Moffat Street

City/State/Zip: Brooklyn, NY 11207

**Applicant:**

Name: Ann L. Toulon

Address: PO Box 176

City/State/Zip: Erwin, NC 28339

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### Property Description

Harnett County Tax PIN 0597-77-0965.000

Acres .26

Zoning District- Residential R-6

Harnett County Tax PIN 0597-77-1940.000

Acres .28

Zoning District- Residential R-6

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### Vicinity Map

- See Attached Document

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## Physical Characteristics

Site Description- These are two vacant lots located off a residential town maintained street.

Surrounding Land Uses- The surrounding land uses are primarily residential. There is a large tract of land directly behind these two parcels that is vacant but zoned commercial. Any development on this land should not have a direct impact on the development of this parcel.

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## Services Available

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

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## Zoning District Compatibility

Special Use	R-6
Class A Manufactured Home	X

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## Staff Evaluation

### Staff Evaluation

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

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

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

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

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

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

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

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

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

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

Yes  No

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

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

Yes  No

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

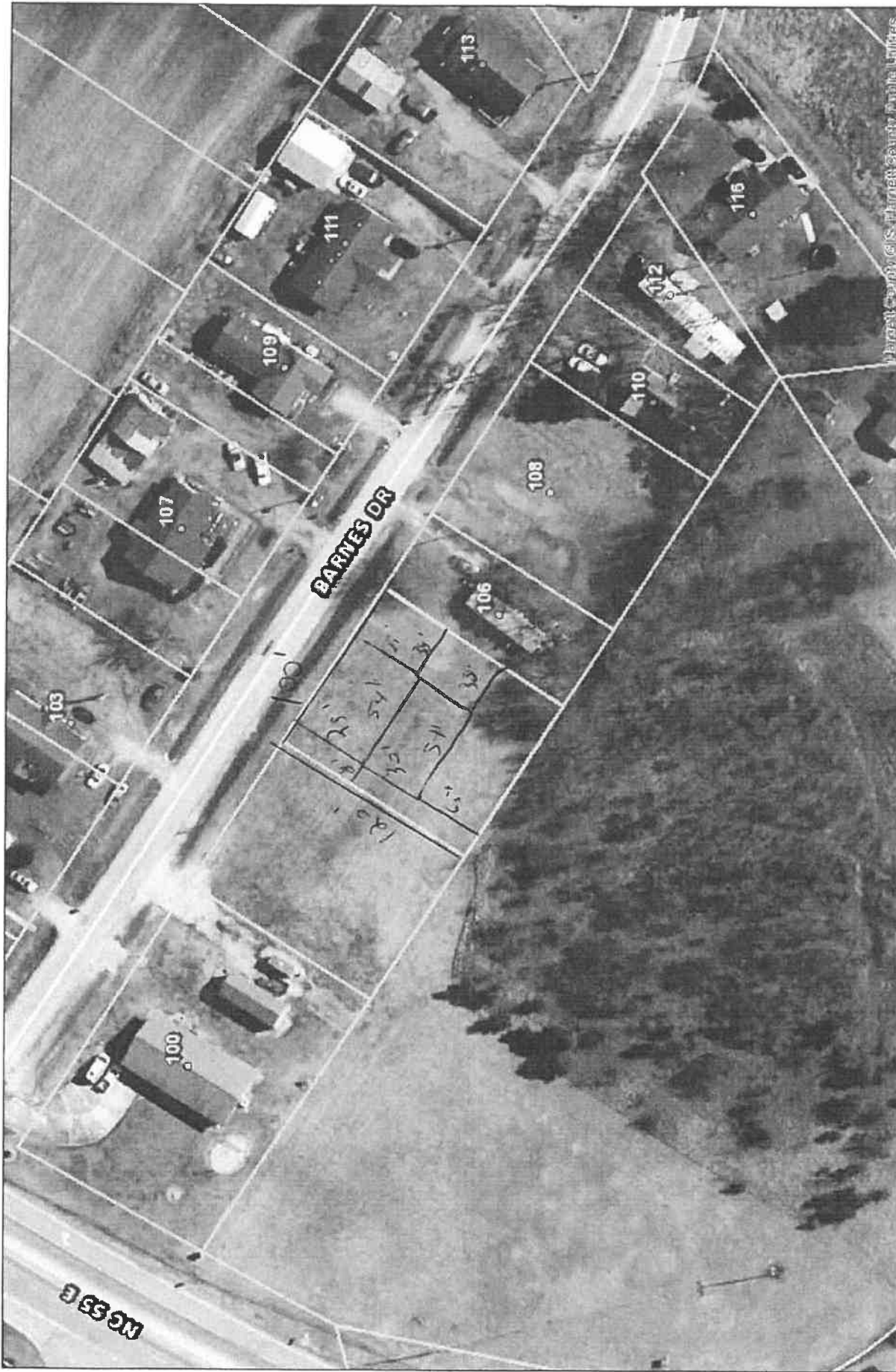
- **Reasoning:** Yes

**Attachments:**

- SU-2022-004 Application
- SU-2022-004 Staff Report
- Harnett County GIS Image with Zoning Overlay
- Harnett County GIS Image with No Zoning
- Property Owners notified



# Harnett GIS



Harnett County GIS Harnett County Public Utilities

1 inch = 94 feet

	Surrounding County Boundaries		MajorRoads		Mile_Markers
	City Limits		Interstate		Mile_Markers
	Address Numbers		NC		Railroad
	Airport		US		Parcels
			Roads		CapeFearRiver


**Harnett**  
 COUNTY  
North Carolina
  
 GIS/E-911 Addressing  
 March 8, 2022

NOT FOR LEGAL USE

# Harnett GIS



NOT FOR LEGAL USE.



**Harnett**  
COUNTY  
NORTH CAROLINA

GIS/E-911 Addressing  
March 28, 2022

Surrounding County Boundaries

City Limits

Address Numbers

Airport

MajorRoads

Interstate

NC

US

Roads

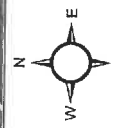
Mile\_Markers

Mile\_Markers


Railroad

Parcels

CapeFearRiver



N  
W E  
S

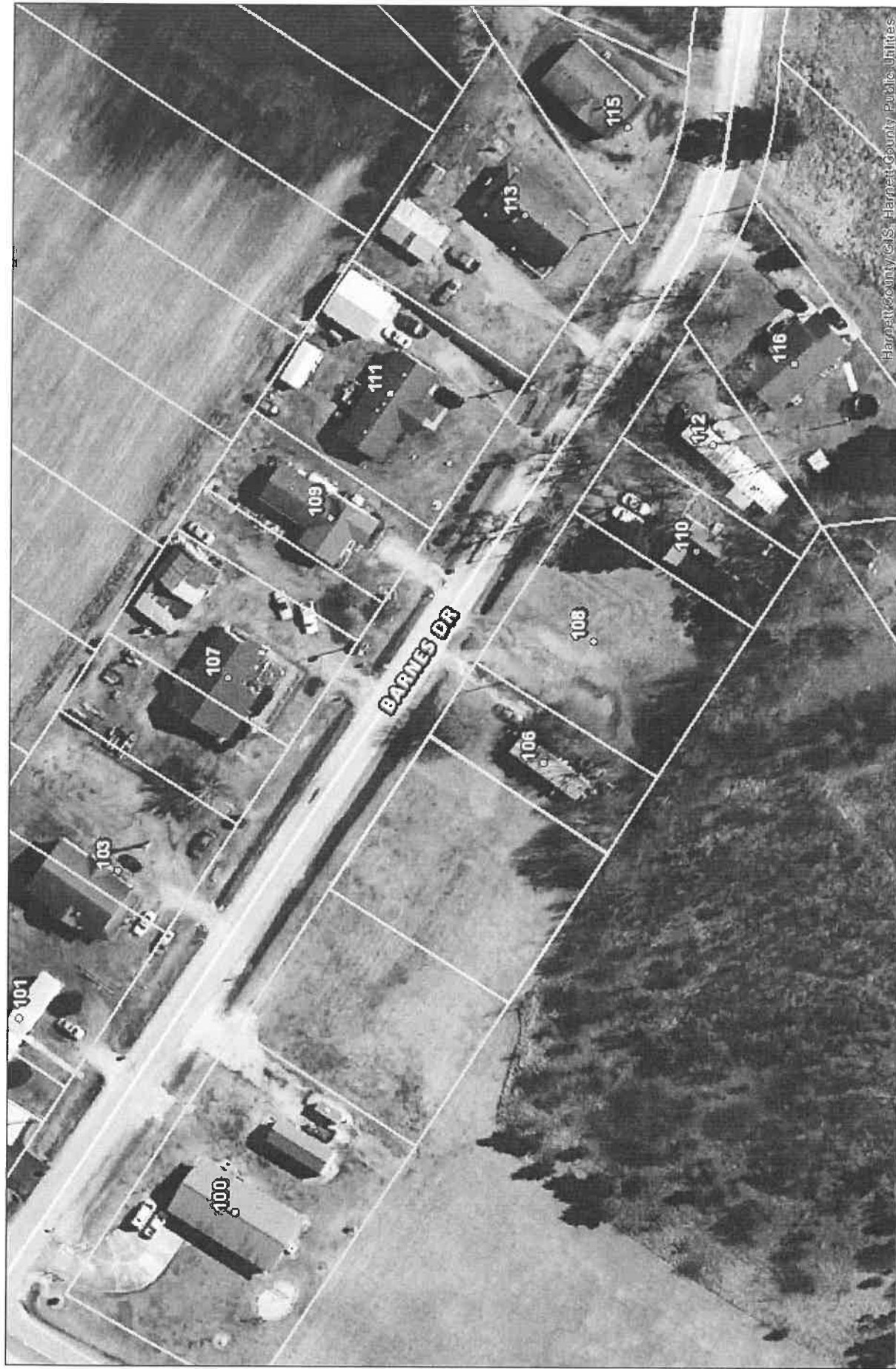


0 40 80 160  
Feet


1 inch = 94 feet

Harnett County GIS, Harnett County Public Utilities

# Harnett GIS



NOT FOR LEGAL USE .



**Harnett  
COUNTY**  
SOUTH CAROLINA

GIS/E-911 Addressing  
March 28, 2022

**Surrounding County Boundaries**

City Limits

Address Numbers

Airport

**MajorRoads**

Interstate

NC

US

Roads

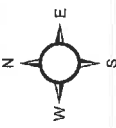

**Mile\_Markers**

Mile\_Markers

Railroad

Parcels

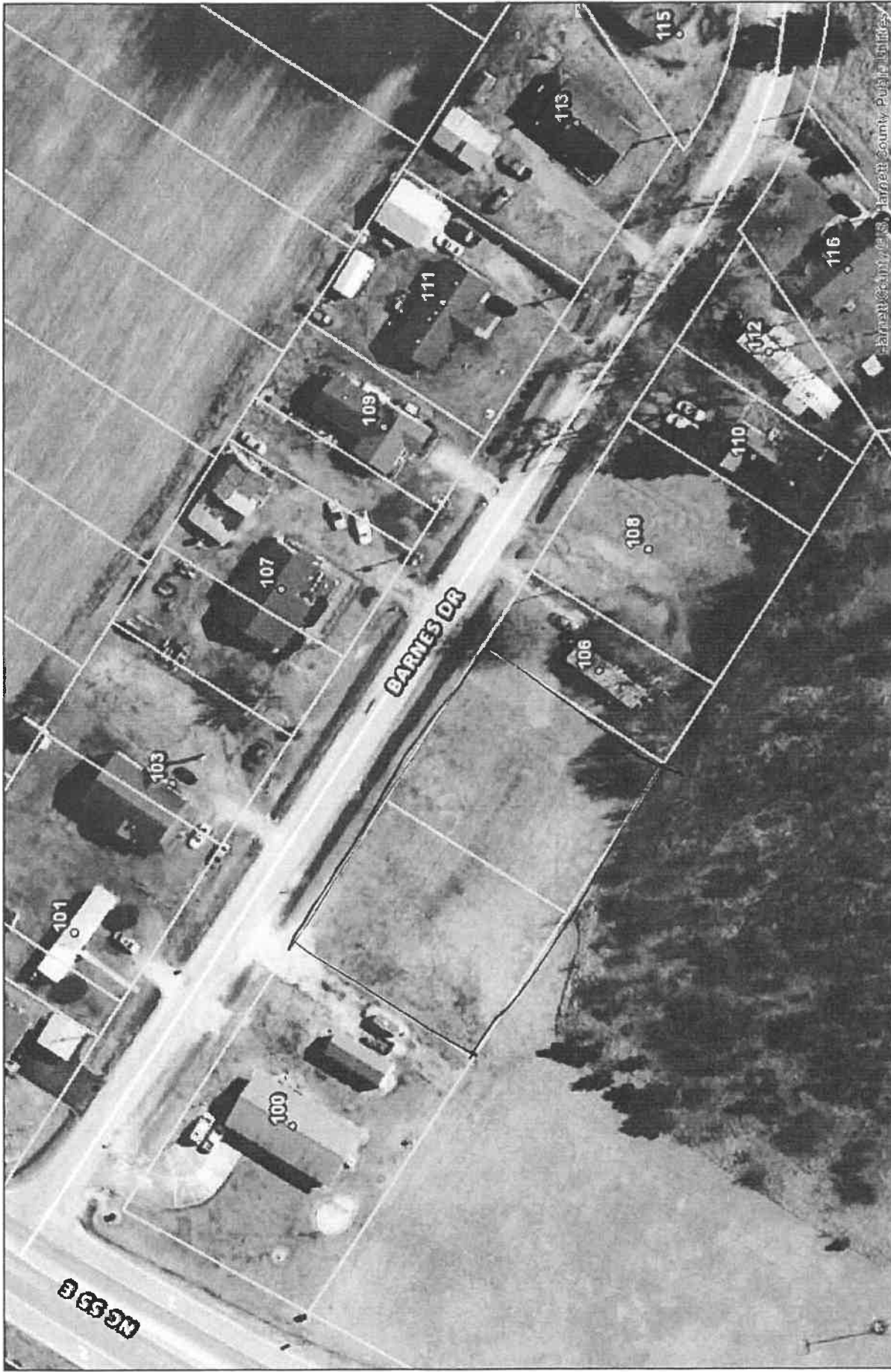
CapeFearRiver


1 inch = 94 feet

Harnett County GIS, Harnett County Public Utilities

# Harnett GIS




NOT FOR LEGAL USE .




**Harnett**  
COUNTY  
NORTH CAROLINA

**GIS/E-911 Addressing**  
March 3, 2022



N  
W E  
S

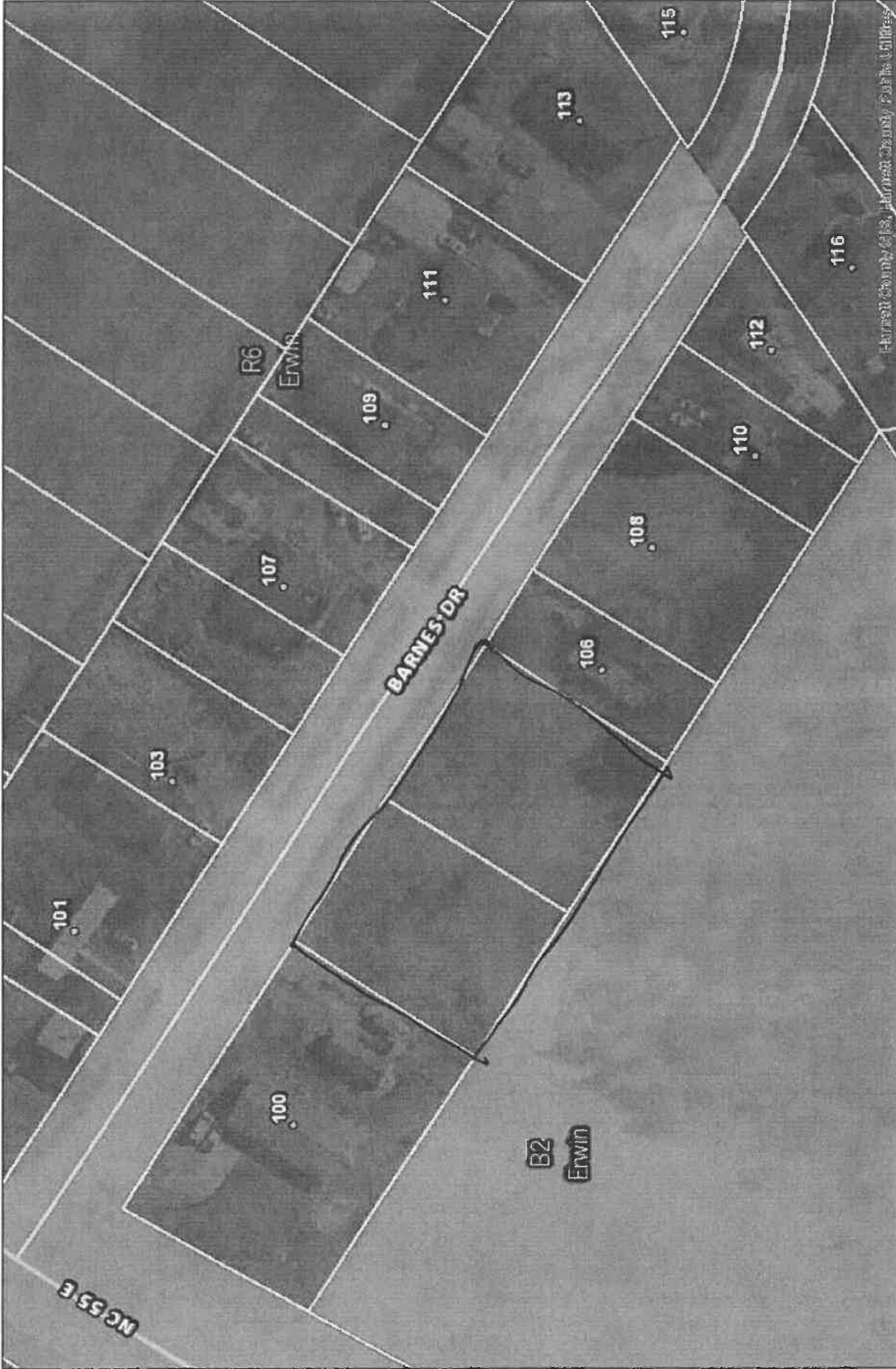


0 40 80 160  
feet

1 inch = 94 feet

<b>Surrounding County Boundaries</b>	<b>MajorRoads</b>	<b>Mile_Markers</b>	
<ul style="list-style-type: none"> <li> City Limits</li> <li> Address Numbers</li> <li> Airport</li> </ul>	<ul style="list-style-type: none"> <li> Interstate</li> <li> NC</li> <li> US</li> <li> Roads</li> </ul>	<ul style="list-style-type: none"> <li> Mile_Markers</li> <li> Railroad</li> <li> Parcels</li> <li> CapeFearRiver</li> </ul>	

# Harnett GIS



NOT FOR LEGAL USE.

**Harnett COUNTY**  
APRIL 2015

GIS/E-911 Addressing  
March 3, 2022

**Surrounding County Boundaries**

- City Limits
- Address Numbers
- Airport

**MajorRoads**

- Interstate
- NC
- US
- Roads

**Mile\_Markers**

- Mile\_Markers
- Railroad
- Parcels
- CapeFearRiver

1 inch = 94 feet

0 40 80 160 feet

N W E S



# TOWN OF ERWIN

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

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

03/14/2022

## Notice of a Public Hearing SU-2022-004

The Board of Commissioners of the Town of Erwin will hold a public hearing pursuant to NC General Statute 160D-406 on April 7th, 2022 at 7:00 P.M. at the Erwin Town Hall, 100 West F Street, Erwin, North Carolina to hear public comment on a proposed special use permit.

There has been an application submitted to place a Class A Manufactured Home on a vacant parcel located on Barnes Drive. The vacant parcel is adjacent to 106 Barnes Drive. It can also be identified by its Harnett County Tax PIN # 0597-77-1940.000.

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

Regards,

Snow Bowden  
Town Manager

Ann Toulon  
PO Box 176  
Erwin, NC 28339

Carlos Toulon  
141 Moffat Street  
Brooklyn, NY 11207

Visions and Action, INC  
2551 Prospect Church Road  
Dunn, NC 28334

Jerry Shaw  
1081 Andrews Road  
Fayetteville, NC 28311

Jackson Family Enterprises, LLC.  
309 St. Matthews Road  
Erwin, NC 28339

Glenwood Gilbert  
PO Box 263  
Erwin, NC 28339

Joseph and Betty Combs  
101 A Barnes Drive  
Erwin, NC 28339

Doris Canteen  
5426 Mawood Avenue  
Fayetteville, NC 28314

Michael and Barbara Terry  
PO Box 73  
Erwin, NC 28339

John and Diane Johnson  
C/O John Johnson  
3217 Catamore Lane  
Dallas, TX 75229

Ricky and Meritta Williams  
109 Barnes Drive  
Erwin, NC 28339

Elbert Campbell  
G. Campbell  
PO Box 233  
Erwin, NC 28339

Annie Stokes  
3681 Mast Head Trail  
Triangle, VA 22172

Charles Gilbert  
S. Gilbert  
PO Box 111  
Erwin, NC 28339

**MINUTES CONTINUED FROM APRIL 7, 2022**

Mr. Palmquest stated in the paperwork he provided, that it is taped off for roughly 7 vehicles on the front and 3 vehicles on the side if needed. The parking spaces closest to the building would be reserved for customers of the dealership and shop.

Commissioner Byrd asked if Mr. Palmquest will have adequate space for the cars he is working on at the shop.

Mr. Palmquest confirmed that he would.

Commissioner Whitman verified that he will be taking over the entire building. He asked if he planned to use the whole building for the dealership.

Mr. Palmquest stated the building is a large space most of it will be used for the dealership but he may consider using the other half to open a coffee shop down the road.

Mayor Pro Tem Baker asked if the property was a car dealership in the past.

It was confirmed that there was a dealership adjacent to the property in the past.

Michael Jackson of 309 St Matthews Rd came forward and was sworn in.

Mr. Jackson stated the property there is the only auto parts store and the garage that went along with it. Mr. Palmquest has leased the garage portion for about a year. He is a good businessman, he is very particular and keeps it very clean. He was sorry to say that some previous tenants have not done so. The building beside the garage is better suited to be operated by the same owner. It is easier to utilize the parking. It has an improved surface and can be accessed from 13<sup>th</sup> Street. They will be making some improvements to comply with the DMV requirements for a dealer's license. There is well more than enough room to operate a dealership. Mr. Palmquest might put a few motorcycles out for sale periodically which may be displayed indoors.

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

No one came forward.

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

Mayor Pro Tem Baker made a motion in the affirmative that the use requested is listed among the special uses in the district for which the application is made. Vehicular Sales and Rentals are a special use in our Highway Business (B-2) Zoning District and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner Blackmon made a motion in the affirmative that the requested use is essential or desirable to the public convenience or welfare. The applicant is requesting a special use permit to place a vehicular sales lot at an existing building that is partially used as an auto garage. The use of this lot as a vehicular sales lot would give residents another option to purchase a vehicle locally and was seconded by Mayor Pro Tem Baker. **The Board voted unanimously.**

Commissioner Blackmon made a motion in the affirmative that the requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the



**MINUTES CONTINUED FROM APRIL 7, 2022**

health, morals, or welfare. This parcel has been used for commercial uses in the past. There is an existing auto garage that uses a section of this building. Allowing a vehicular sales lot on this parcel would allow the current business in operation here to expand their operations and was seconded by Commissioner Whitman. **The Board voted unanimously.**

Commissioner Turnage made a motion in the affirmative that the requested use will be in conformity with the Land Development Plan. This area of land would be in the area identified for medium intensity growth. This classification also includes low impact neighborhood businesses and was seconded by Commissioner Byrd. **The Board voted unanimously.**

Mayor Pro Tem Baker made a motion in the affirmative that adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. This is an existing building that already has sanitation services being provided to it by a private company. The building is already connected to services such as water, sewer, and electric and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner Blackmon made a motion in the affirmative that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. This is an existing building that is located off of a North Carolina Department of Transportation (NCDOT) road. The expansion of this business should require additional approval from the NCDOT and was seconded by Commissioner Byrd. **The Board voted unanimously.**

Commissioner McKoy made a motion in the affirmative that the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Mayor Pro Tem Baker made a motion to recommend that the proposed special use application meets all the Findings of Fact in the affirmative, the proposed amendment is consistent with those documents that constitute the officially adopted land development plan and other applicable plans, and to approve SU-2022-005 Special Use Application to operate a vehicular sales lot at 701 South 13<sup>th</sup> Street. (HC Tax PIN # 0597-62-7145.00) and was seconded by Mayor Pro Tem Baker. **The Board voted unanimously.**

**SU-2022-006**

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

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

The applicant, Marcos Tialivel, of 344 East Jackson Blvd came forward and was sworn in.

Mr. Tlahuel stated he is a father to two girls. It is going to be a small business.

Mayor Pro Tem Baker confirmed the business will be operated out of the accessory building.

# Erwin Board of Commissioners

## REQUEST FOR CONSIDERATION

---

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: April 7, 2022

Subject: SU-2022-005

---

The Town of Erwin has received a special use permit application to operate a vehicular sales lot at 701 South 13<sup>th</sup> Street. This is an existing building that currently has an auto garage operating inside the building. The applicant would like to expand his operations and operate a vehicular sales lot on site. The existing building would need improvements to meet the standards set by the North Carolina Department of Motor Vehicles. The North Carolina Department of Transportation would also need to approve of the existing connection to South 13<sup>th</sup> Street (HWY 217). The applicant would like to have six vehicles for sale on the site at a time. The applicant's site plan does show a request to consider four additional spots for vehicles to be sold in the future.

### Attachments:

- SU-2022-005 Application
- SU-2022-005 Staff Report
- SU-2022-005 Site Plan
- Harnett County GIS Image
- Property owners notified

### Suggested Motions:

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

1. I move to recommend that the proposed special use application:
  - a. Meets all the Findings of Fact in the Affirmative, or
  - b. Meets one or more of the Findings of Fact in the negative (if this motion is made, then the application would have to be recommended for denial.)

2. I move that:
  - a. The proposed amendment is consistent with those documents that constitute the officially adopted land development plan and other applicable plans: or
  - b. The proposed amendment is not consistent with those documents that constitute the officially adopted land development plans and other applicable plans, in that (state reason(s) for nonconsistency).
3. I move to recommend:
  - a. Approval of SU-2022-005 Special Use Application to operate a vehicular sales lot at 701 South 13<sup>th</sup> Street. (HC Tax PIN # 0597-62-7145.00).
  - b. Denial of SU-2021-005 Special Use Application to operate a vehicular sales lot at 701 South 13<sup>th</sup> Street. (HC Tax PIN # 0597-62-7145.00).
  - c. Approval of SU-2021-005 Special Use Application to operate a vehicular sales lot at 701 South 13<sup>th</sup> Street. (HC Tax PIN # 0597-62-7145.00) with additional conditions (state conditions).



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**SPECIAL USE PERMIT APPLICATION**

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

Applicant Name	JOSHUA PALMQUIST	Property Owner Name	MICPHYLL LLC
Mailing Address	701 S13 <sup>TH</sup> ST	Mailing Address	111 DENIM DR
City, State, Zip	ERWIN, NC 28339	City, State, Zip	ERWIN, NC 28339
Telephone	919-812-1414	Telephone	910-840-4296
Email	WR+MCH AND SOCKET @ 135 GARAGE.COM	Email	MICHAEL R JACKSON, SR @ LYNEX.COM

Address of Subject Property	701 South 13th St		
Parcel Identification Number(s) (PIN) of Subject Property	0547 - 62 - 7145 .000		
Legal Relationship of Applicant to Owner	Reite	Floodplain SFHA	<input type="checkbox"/> Yes <input type="checkbox"/> No
Legal Description: Lot	17	Block	
Subdivision	Erwin MID PAC		
Zoning District	Ba	Wetlands	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Watershed Area	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Public Water Available:	<input checked="" type="checkbox"/> M or N	Public Sewer Available:	<input checked="" type="checkbox"/> Y or N
Existing Septic Tank:	<input checked="" type="checkbox"/> Y or <input type="checkbox"/> N		
Number of Buildings to Remain	2	Gross Floor Area to Remain	3540 SF
Describe Proposed Project or Request with Conditions proposed by applicant: Respectfully REQUEST permission To use ABOVE ADDRESS for used CAR LOT (small) <b>PAID</b>			
MAR 3 - 2022			
Total Acreage or Square Footage to be Disturbed	NO CHANGES OF BULKING FOOTPRINT		
Estimated Cost of Project \$			

-> minor improvements inside

TOWN OF ERWIN

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

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

Date Application Submitted	3/3/22	Office Use Only	Application Fee \$	300	Received By	m j
Case #	SU-2022-005					



## TOWN OF ERWIN

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### Special Use Signature Page

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

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

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

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

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

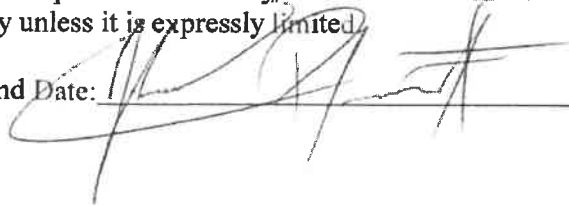
**Compliance with Other Codes:** Granting of a Special Use Permit does not exempt applicant from complying with all of the requirements of building codes and other ordinances.

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

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

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

Applicant Signature and Date:

 3/3/22

- see Staff Permit



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

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

SU- 2022-055

- see staff report

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

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

   Yes    No \_\_\_\_\_  
\_\_\_\_\_

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

   Yes    No \_\_\_\_\_  
\_\_\_\_\_

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

   Yes    No \_\_\_\_\_  
\_\_\_\_\_

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

   Yes    No \_\_\_\_\_  
\_\_\_\_\_

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

   Yes    No \_\_\_\_\_  
\_\_\_\_\_

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

   Yes    No \_\_\_\_\_  
\_\_\_\_\_

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

   Yes    No \_\_\_\_\_  
\_\_\_\_\_





## TOWN OF ERWIN

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### SPECIAL USE APPLICATION PROCEDURES

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

#### Conditions and Guarantees

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

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

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

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

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



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### IMPORTANT

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

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

#### Using the Zoning Ordinance

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



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## **Processing Requirements**

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

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

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

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

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

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

**Town of Erwin  
Record and Decisions**

**Office Use Only**

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

\_\_\_\_\_

\_\_\_\_\_

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



# SPECIAL USE REQUEST STAFF REPORT

Case: SU-2022-005

Snow Bowden, Town Manager

[townmanager@erwin-nc.org](mailto:townmanager@erwin-nc.org)

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

Public Hearing Date: Thursday, April 7<sup>th</sup>, 2022

Requested special use permit to place vehicular sales lot at 701 South 13<sup>th</sup> Street.

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## Applicant Information

### **Owner of Record:**

Name: MICPHYL, LLC

Address: 309 St. Matthews Road

City/State/Zip: Erwin, NC 28339

### **Applicant:**

Name: Joshua Palmquist

Address: 701 South 13<sup>th</sup> Street

City/State/Zip: Erwin, NC 28339

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## Property Description

Harnett County Tax PIN 0597-62-7145.000

Acres .35

Zoning District- Residential Highway Business (B-2)

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## Vicinity Map

- See Attached Document

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## Physical Characteristics

Site Description- This parcel has a building on it that was built in 1960 based on data from Harnett County GIS. The building is 3,540 square feet. A section of this building is used as a car garage.

Surrounding Land Uses- The surrounding land uses are primarily commercial on this block of the road. Across the street is primarily commercial on the 700 block. There are some residential uses across the street to the North. The Erwin Church of God is also located one block to the North.

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## Services Available

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

## Zoning District Compatibility

Special Use	B-2
Vehicular Sales and Rental	X

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## Staff Evaluation

### Staff Evaluation

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

- **Reasoning:** Vehicular Sales and Rentals are a special use in our Highway Business (B-2) Zoning District.

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

- **Reasoning:** The applicant is requesting a special use permit to place a vehicular sales lot at an existing building that is partially used as an auto garage. The use of this lot as a vehicular sales lot would give residents another option to purchase a vehicle locally.

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

- **Reasoning:** This parcel has been used for commercial uses in the past. There is an existing auto garage that uses a section of this building. Allowing a vehicular sales lot on this parcel would allow the current business in operation here to expand their operations.

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

- **Reasoning:** This area of land would be in the area identified for medium intensity growth. This classification also includes low impact neighborhood businesses.

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

- **Reasoning:** This is an existing building that already has sanitation services being provided to it by a private company. The building is already connected to services such as water, sewer, and electric.

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

- **Reasoning:** This is an existing building that is located off of a North Carolina Department of Transportation (NCDOT) road. The expansion of this business should require additional approval from the NCDOT.

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

- **Reasoning:** Yes, the applicant would need to obtain a driveway permit from the North Carolina Department of Transportation to access this lot from South 13<sup>th</sup> Street (NC HWY 217). There is an existing connection to the road on this site but this would be a new use of this parcel. The connection from East B Street should be used for the existing use of this building which is a car garage. There should be a maximum of six (6) vehicles for sale.

Attachments:

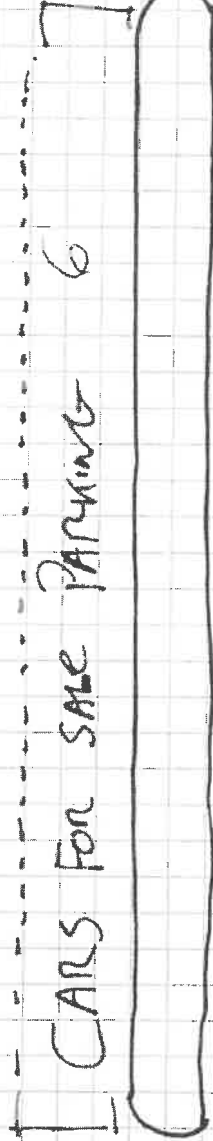
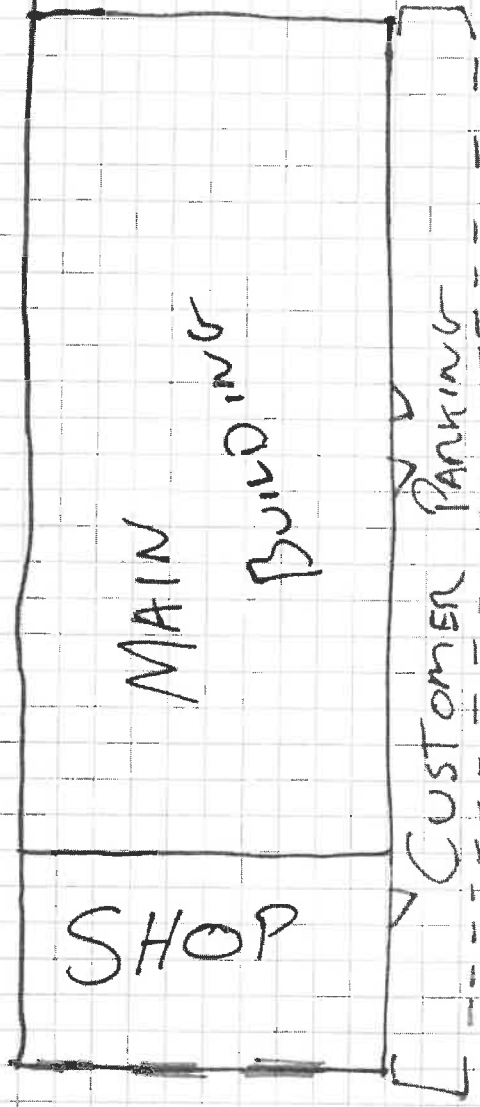
- SU-2022-005 Application
- SU-2022-005 Staff Report
- Harnett County GIS Image with Zoning Overlay
- Harnett County GIS Image with No Zoning
- Property Owners notified



# HIRTEEN'S GARAGE - AUTO SALES

## EXPANSION PROPOSAL

← 13<sup>th</sup> ST →



Blue Line Represents  
White Picket Fence  
For Extra Parking

THIS IS NOT MANDATORY  
BUT WOULD BE HELPFUL  
WITH OVERFLOW PARKING

Shopping  
Area (not in use)

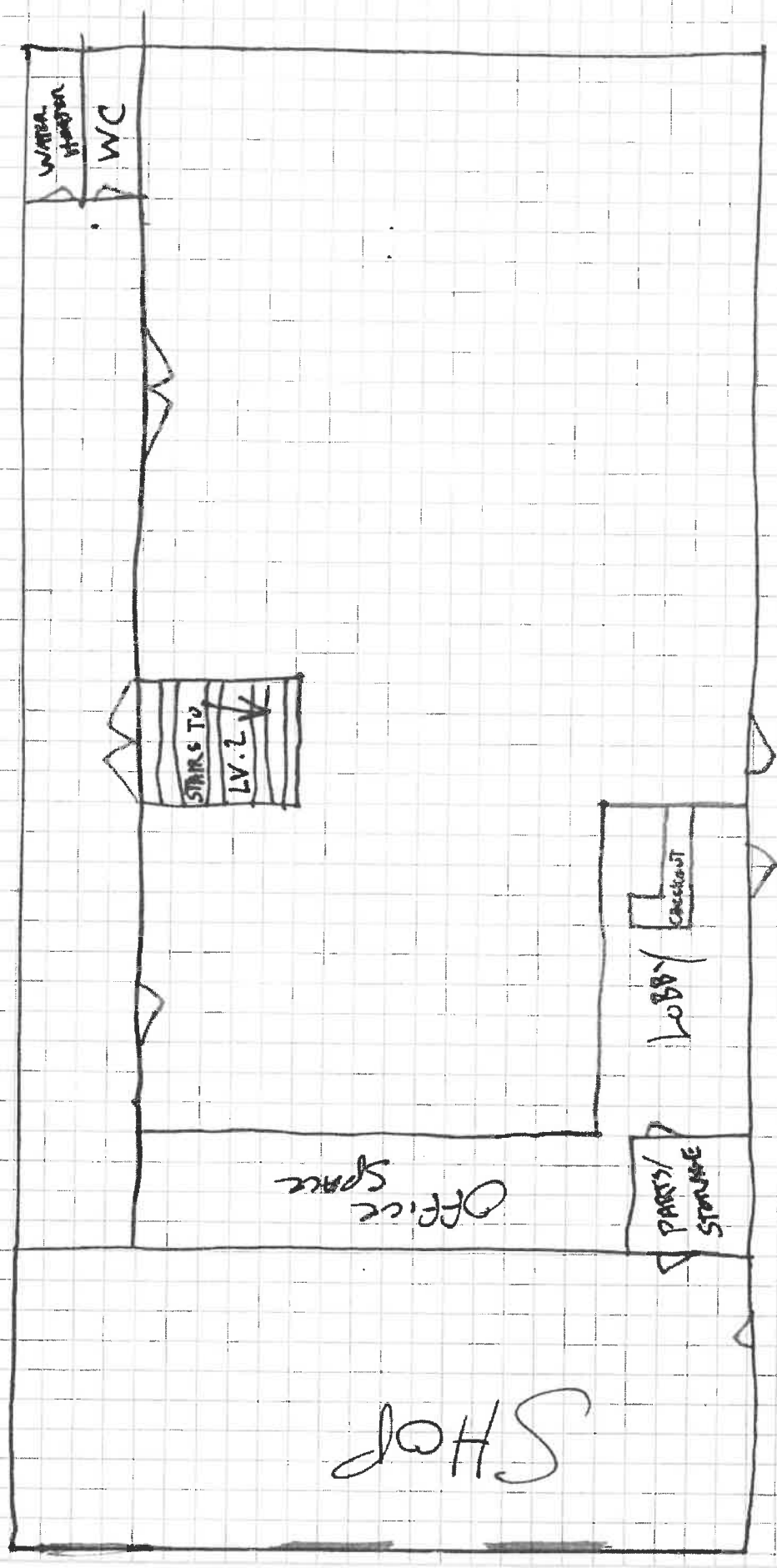
CARS FOR SALE PARKING

4

FIRTEEN'S GARAGE

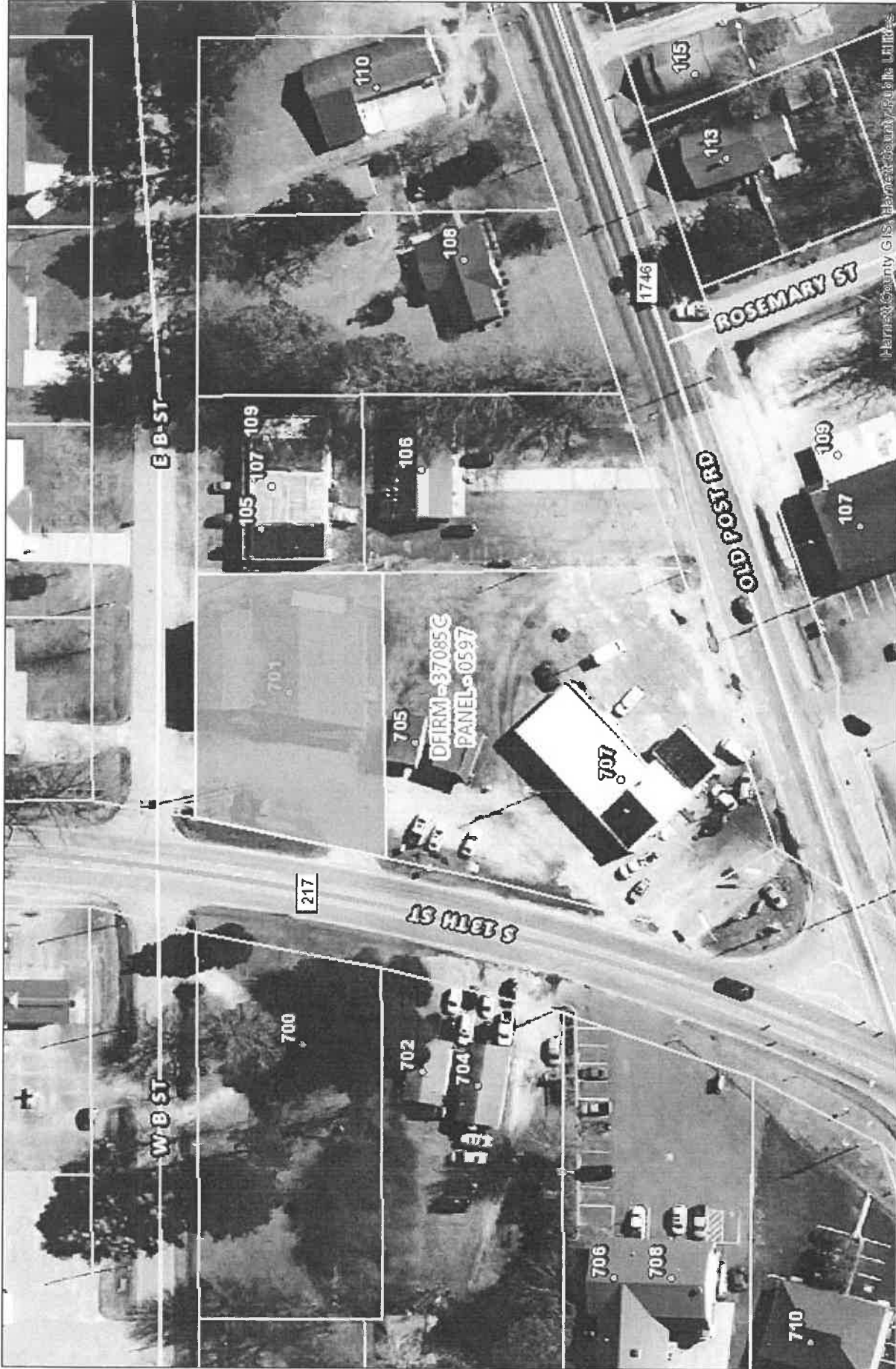
AUTO SALES EXPANSION PROPOSAL

MAIN BUILDING - INTERIOR




GREEN LINES REPRESENTS ADDITIONS TO SPACE

# Harnett GIS



NOT FOR LEGAL USE .



**Harnett COUNTY**  
NORTH CAROLINA

GIS/E-911 Addressing  
March 28, 2022

**Surrounding County Boundaries**

- Surrounding County Boundaries
- City Limits
- Address Numbers
- Airport

**Roads**


- Interstate
- Major Roads
- NC
- US

**Mile\_Markers**

- Mile\_Markers
- Railroad



N  
W      E  
S



0    40    80    160  
Feet

1 inch = 94 feet

Harnett County GIS, Harnett County, Fayetteville, NC



# TOWN OF ERWIN

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

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

03/14/2022

## Notice of a Public Hearing SU-2022-005

The Board of Commissioners of the Town of Erwin will hold a public hearing pursuant to NC General Statute 160D-406 on April 7th, 2022 at 7:00 P.M. at the Erwin Town Hall, 100 West F Street, Erwin, North Carolina to hear public comment on a proposed special use permit.

There has been an application submitted to operate a vehicular sales lot at 701 South 13<sup>th</sup> Street. The property can also be identified by its Harnett County Tax PIN # 0597-62-7145.000. The existing business at this site is an automobile related business. It is an automobile service shop. In order to operate a vehicular sales lot the business owner needs an additional special use permit.

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

Regards,

Snow Bowden  
Town Manager

Micphyl LLC  
309 St. Matthews Road  
Erwin, NC 28339

Jackell LLC  
309 St. Matthews Road  
Erwin, NC 28339

Manoel Deoliveira  
Debora Malonado-Deoliveria  
915 Church Street  
Morrisville, NC 27560

Alan and Patti Hargis  
7206 NC 210 N  
Angier, NC 27501

Buies Creek Partners, LLC.  
PO Box 548  
Buies Creek, NC 27506

Curr-Well Developments, LLC.  
8079 Christian Light Road  
Fuquay-Varina, NC 27526

Keens Auto Body, LLC.  
706 South 13<sup>th</sup> Street  
Erwin, NC 28339

Elizabeth Parker  
100 East B Street  
Erwin, NC 28339

Randall and Krystal Parker  
102 East B Street  
Erwin, NC 28339

Rhonda Ray  
108 Old Post Road  
Erwin, NC 28339

Joseph and Elaine Woodworth  
104 East B Street  
Erwin, NC 28339

Erwin Church of God  
109 West C Street  
Erwin, NC 28339

MINUTES CONTINUED FROM APRIL 7, 2022

Mr. Tlahuel confirmed that was true.

Mayor Pro Tem Baker asked how many days a week will the business operate.

Mr. Tlahuel stated he hopes for 6 days, Tuesday-Sunday each week with hours from 9 AM – 6 PM.

Mayor Pro Tem Baker asked about the stormwater runoff concern due to washing the cars and causing mud. Will there be somewhere to capture the water?

Mr. Tlahuel stated there will be a tank to capture and recycle the water.

Mayor Pro Tem Baker asked if there would be any employees other than his family.

Mr. Tlahuel stated no other employees.

Mayor Pro Tem Baker commended Mr. Tlahuel on obtaining DOT approval.

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

No one came forward.

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

Mayor Pro Tem Baker made a motion in the affirmative that the use requested is listed among the special uses in the district for which the application is made. : In our ordinance car washes fall are covered under the definition for vehicular services. Vehicular services are allowed as a special use in this zoning district and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner Blackmon made a motion in the affirmative that the requested use is essential or desirable to the public convenience or welfare. The applicant is seeking a permit to operate an outdoor car wash. This would provide our residents and people driving off of Highway 421 an option to have their vehicle cleaned and was seconded by Mayor Pro Tem Baker. **The Board voted unanimously.**

Commissioner Blackmon made a motion in the affirmative that the requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare. The applicant is not asking for any expansion of the existing building on this lot. The applicant is seeking a special use permit to operate an outdoor car wash at this site and was seconded by Commissioner Whitman. **The Board voted unanimously.**

Commissioner Turnage made a motion in the affirmative that the requested use will be in conformity with the Land Development Plan. This area of land would be in the area identified for high intensity growth. In our land use plan auto-oriented businesses are included in this classification and was seconded by Commissioner Byrd. **The Board voted unanimously.**

Mayor Pro Tem Baker made a motion in the affirmative that adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided This is an

**MINUTES CONTINUED FROM APRIL 7, 2022**

existing building that already has sanitation services being provided to it by a private company. The building is already connected to services such as water, sewer, and electric. The applicant would need to obtain approval from the North Carolina Department of Environmental Quality for the water discharge from this operation and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner Blackmon made a motion in the affirmative that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. This is an existing building that is located off of a North Carolina Department of Transportation (NCDOT) road. The owner of this property has obtained a driveway permit from the North Carolina Department of Transportation and was seconded by Commissioner Byrd. **The Board voted unanimously.**

Commissioner McKoy made a motion in the affirmative that the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners. Yes, the applicant needs to follow all of the guidelines in the NCDOT driveway permit that he was issued and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner Blackmon made a motion to recommend that the proposed special use application meets all the Findings of Fact in the affirmative, the proposed amendment is consistent with those documents that constitute the officially adopted land development plan and other applicable plans, and to approve SU-2022-006 Special Use Application to operate an outdoor car wash at 348 East Jackson BLVD (HC Tax PIN # 0597-95-7674.000).and was seconded by Commissioner Turnage. **The Board voted unanimously.**

**Variance 2022-001**

Mayor Pro Tem Baker stated this request abuts family property and if the Board sees a conflict of interest, he would be willing to excuse himself.

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

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

Town Manager Snow Bowden stated this is for a hardship variance request. Our ordinance allows for a maximum 600-foot road length in a new development that ends in a dead-end and or a Cul-de-sac. This proposed development shows a 1,075-foot road that ends in a Cul-de-sac. The applicant is seeking a 475-foot variance to the maximum allowed street length to install a 1,075-foot road that ends in a Cul-de-sac.

Scott Brown of Fayetteville NC came forward and was sworn in.

Mr. Brown stated the Board will see this subdivision later on under New Business for the Erwin Oaks Preliminary Subdivision. They are seeking a hardship variance request. He listed the below:

# Erwin Board of Commissioners

## REQUEST FOR CONSIDERATION

---

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: April 7, 2022

Subject: SU-2022-006

---

We have received a special use permit application to operate an outdoor hand wash car wash at 344 East Jackson Blvd. The parcel actually has three buildings located on it. The car wash would be operated at a shop building with an identifying address of 346 East Jackson Blvd. The applicant has already reached out to the North Carolina Department of Transportation (NCDOT) and obtained an NCDOT driveway permit. They would need to obtain approval from the North Carolina Department of Environmental Quality (NCDEQ) to operate a car wash on this site.

#### Attachments:

- SU-2022-006 Application
- SU-2022-006 Staff Report
- SU-2022-006 Driveway Permit
- Harnett County GIS Image with Zoning
- Harnett County GIS Image with no zoning
- Property owners notified

#### Suggested Motions:

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

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



3. I move to recommend:

- a. Approval of SU-2022-006 Special Use Application to operate an outdoor car wash at 346 East Jackson BLVD (HC Tax PIN # 0597-95-7674.000).
- b. Denial of SU-2021-006 Special Use Application to operate an outdoor car wash at 346 East Jackson BLVD (HC Tax PIN # 0597-95-7674.000).
- c. Approval of SU-2021-006 Special Use Application to operate an outdoor car wash at 346 East Jackson BLVD (HC Tax PIN # 0597-95-7674.000) with additional conditions (state conditions).

Snow Bowers - 910-591-4600



TOWN OF ERWIN  
100 West F St., Post Office Box 459  
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(910) 897-5140 V (910) 897-5543 F  
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PAID

MAR 11 2022

Cash

SPECIAL USE PERMIT APPLICATION TOWN OF ERWIN

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

Applicant Name	<i>[Handwritten Name]</i>	Property Owner Name	<i>Marcos T. Havel</i>
Mailing Address	<i>344 E Jackson Blvd</i>	Mailing Address	<i>344 E Jackson Blvd</i>
City, State, Zip	<i>Erwin NC 28339</i>	City, State, Zip	<i>Erwin NC 28339</i>
Telephone	<i>910 672 8870</i>	Telephone	<i>984-260-1052</i>
Email	<i>limon84@gmail.com</i>	Email	<i>mark863@gmail.com</i>

Address of Subject Property	<i>346 E. Jackson Blvd</i>		
Parcel Identification Number(s) (PIN) of Subject Property	<i>3 0597 - 95 - 7674 .000</i>		
Legal Relationship of Applicant to Owner	<i>owner</i>	Floodplain SFHA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Legal Description: Lot	<i>3rd</i>	Block	<i>Subdivision Erwin M.I.U PT 20162</i>
Zoning District	<i>g2</i>	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:	<input checked="" type="checkbox"/> Y or <input type="checkbox"/> N		
Number of Buildings to Remain	<i>3</i>	Gross Floor Area to Remain	<i>N/A</i>
Describe Proposed Project or Request with Conditions proposed by applicant: <i>Outdoor Car Wash</i>			
Total Acreage or Square Footage to be Disturbed	<i>None</i>		
Estimated Cost of Project \$	<i>-</i>		

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

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

Date Application Submitted	<i>3/11/22</i>	Office Use Only	Application Fee \$ <i>300</i>	Received By <i>[Signature]</i>
Case #	<i>SU-2022 - 006</i>			



## TOWN OF ERWIN

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### Special Use Signature Page

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

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

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

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

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

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

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

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

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

Applicant Signature and Date: *Ramando Limon*

- See  
staff  
report



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

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

- See Attached

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

1. The use requested is listed among the special uses in the district for which application is made:  
\_\_Yes No \_\_\_\_\_

2. The requested use is essential or desirable to the public convenience or welfare  
\_\_Yes No \_\_\_\_\_

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

4. The requested use will be in conformity with the Land Development Plan  
\_\_Yes No \_\_\_\_\_

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

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

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



## TOWN OF ERWIN

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### SPECIAL USE APPLICATION PROCEDURES

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

#### Conditions and Guarantees

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

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

**Action by the Board of Commissioners**

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

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





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## IMPORTANT

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

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

### Using the Zoning Ordinance

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



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### Processing Requirements

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

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

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

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

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

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

**Town of Erwin  
Record and Decisions**

**Office Use Only**

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

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

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

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

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



## TOWN OF ERWIN

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### Special Use Signature Page

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

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

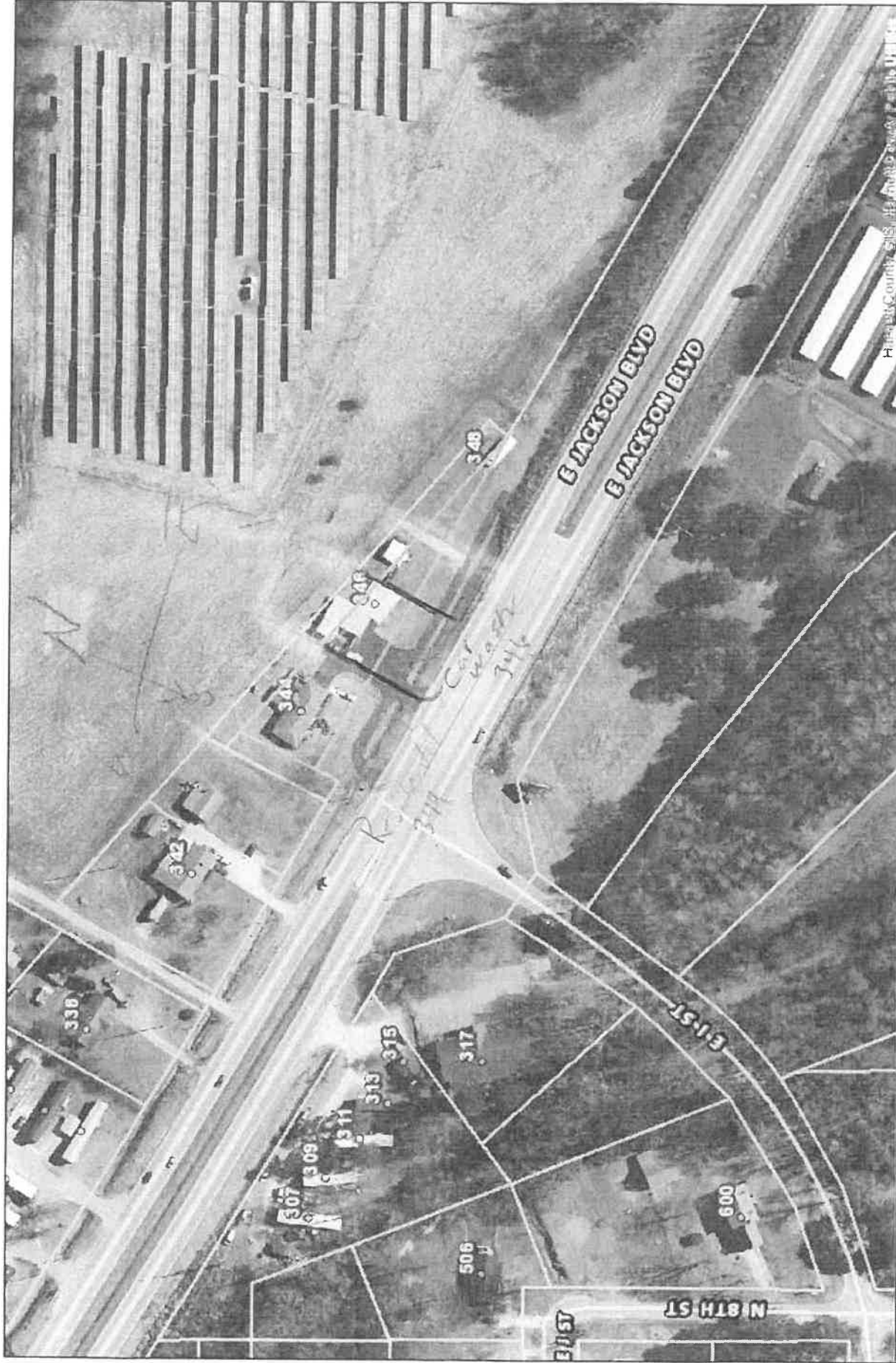
The Zoning Ordinance as originally adopted and as subsequently amended is presumed by the Town to be appropriate to the property involved and that the burden of proof for a Special Use approval rests with the applicant. Applicant is encouraged to discuss the proposed use with affected property owners.

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


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

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

# Harnett GIS




NOT FOR LEGAL USE .



**Harnett**  
COUNTY  
1842




GIS/E-911 Addressing  
January 10, 2022







1 inch = 188 feet

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**Surrounding County Boundaries**

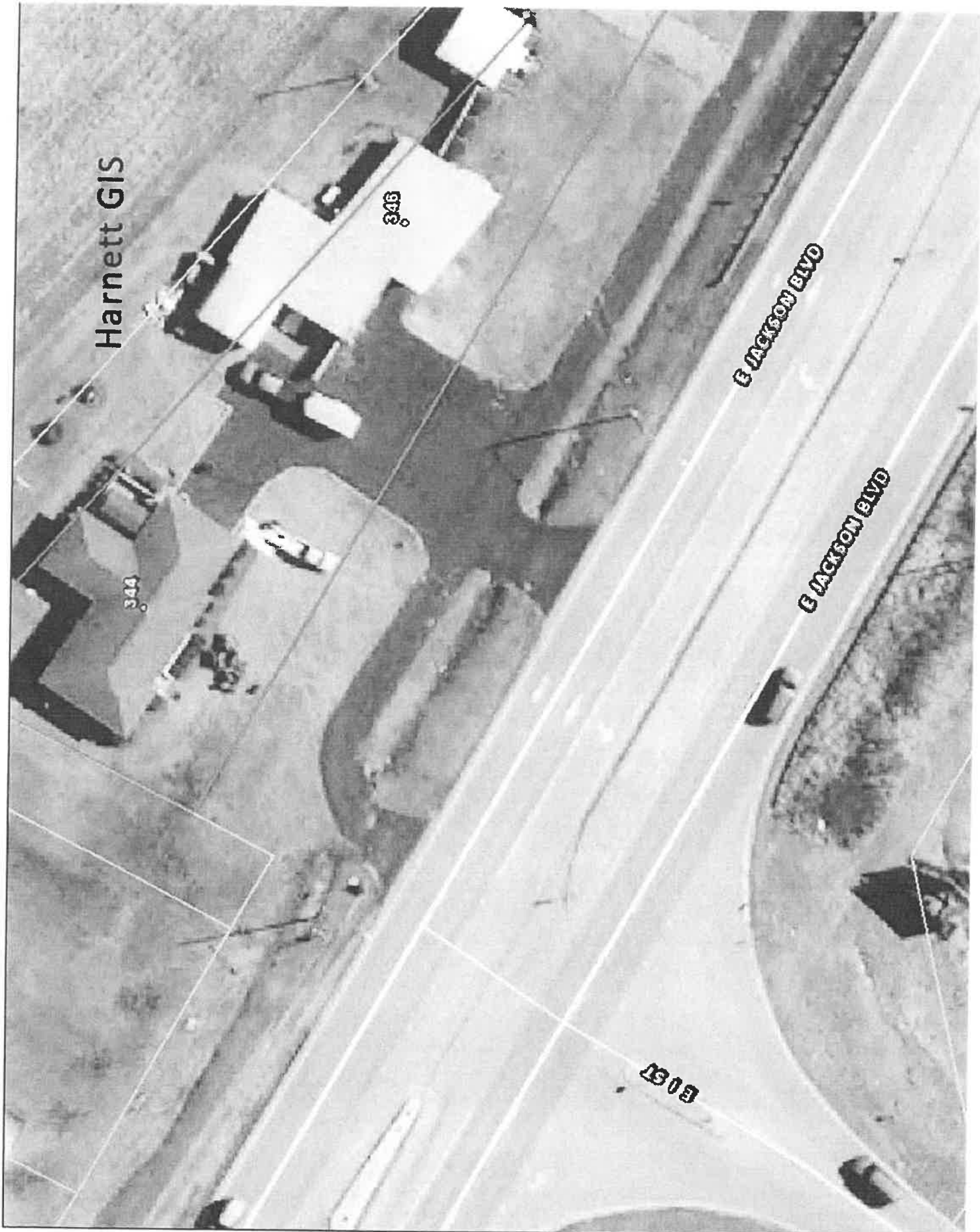
-  City Limits
-  Address Numbers
-  Airport

**MajorRoads**

-  Interstate
-  NC
-  US
-  Roads

**Mile\_Markers**

-  Mile\_Markers
-  Railroad
-  Parcels
-  CapeFearRiver



NOT FOR LEGAL USE .



# SPECIAL USE REQUEST STAFF REPORT

Case: SU-2022-006

Snow Bowden, Town Manager

[townmanager@erwin-nc.org](mailto:townmanager@erwin-nc.org)

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

Public Hearing Date: Thursday, April 7<sup>th</sup>, 2022

Requested special use permit to operate an outdoor car wash at 348 East Jackson BLVD with corresponding Harnett County Tax PIN # 0597-95-7674.000

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## Applicant Information

### Owner of Record:

Name: Marcos Tlahuel and Yarida Arroyo

Address: 344 E. Jackson BLVD

City/State/Zip: Erwin, NC 28339

### Applicant:

Name: Marcos Tlahuel

Address: 344 E. Jackson BLVD

City/State/Zip: Erwin, NC 28339

---

---

## Property Description

Harnett County Tax PIN 0597-95-7674.000

Acres .74

Zoning District- Residential Highway Business (B-2)

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## Vicinity Map

- See Attached Document
- 
- 

## Physical Characteristics

Site Description- There are two structures located on this parcel with two separate addresses. The single-family house at 344 East Jackson BLVD and a building that has been used as a workshop in the past at 346 East Jackson BLVD. Both of these structures appear to sit on two different parcels based on data from Harnett County GIS. There is also a single wide manufactured home at 348 East Jackson BLVD that appears to be in the North Carolina Department of Transportation right-of-way and also on two separate parcels owned by the applicant. The parcel is located off of a four-lane highway.

Surrounding Land Uses- The parcel is located off of a four-lane state maintained highway. To the rear of the parcel is a solar farm. Across the highway are mostly commercial land uses. There are some residential land uses surrounding the parcel.

## Services Available

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

## Zoning District Compatibility

Special Use	B-2
Vehicular Service	X

## Staff Evaluation

### Staff Evaluation

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

- **Reasoning:** In our ordinance car washes fall are covered under the definition for vehicular services. Vehicular services are allowed as a special use in this zoning district.

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

- **Reasoning:** The applicant is seeking a permit to operate an outdoor car wash. This would provide our residents and people driving off of Highway 421 an option to have their vehicle cleaned.

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:** The applicant is not asking for any expansion of the existing building on this lot. The applicant is seeking a special use permit to operate an outdoor car wash at this site.

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

- **Reasoning:** This area of land would be in the area identified for high intensity growth. In our land use plan auto-oriented businesses are included in this classification.

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

- **Reasoning:** This is an existing building that already has sanitation services being provided to it by a private company. The building is already connected to services such as water, sewer, and electric. The applicant would need to obtain approval from the North Carolina Department of Environmental Quality for the water discharge from this operation.

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

- **Reasoning:** This is an existing building that is located off of a North Carolina Department of Transportation (NCDOT) road. The owner of this property has obtained a driveway permit from the North Carolina Department of Transportation.



Yes  No

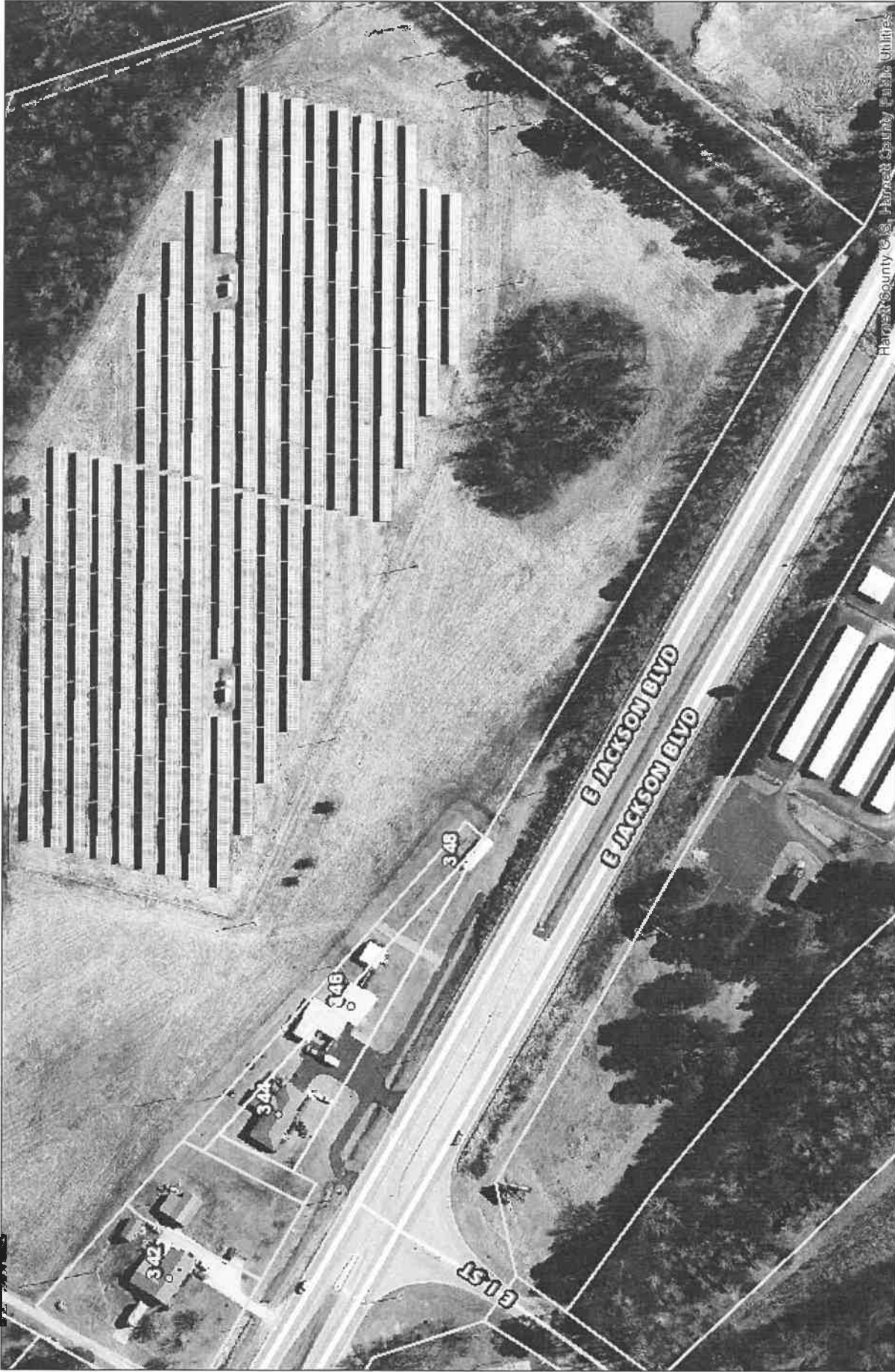
That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners.

- **Reasoning:** Yes, the applicant needs to follow all of the guidelines in the NCDOT driveway permit that he was issued.

Attachments:

- SU-2022-006 Application
- SU-2022-006 Staff Report
- Harnett County GIS Image with Zoning Overlay
- Harnett County GIS Image with No Zoning
- Property Owners notified
- NC DOT Driveway Permit

# Harnett GIS



NOT FOR LEGAL USE .

**Surrounding County Boundaries** MajorRoads Mile\_Markers

City Limits Interstate Mile\_Markers

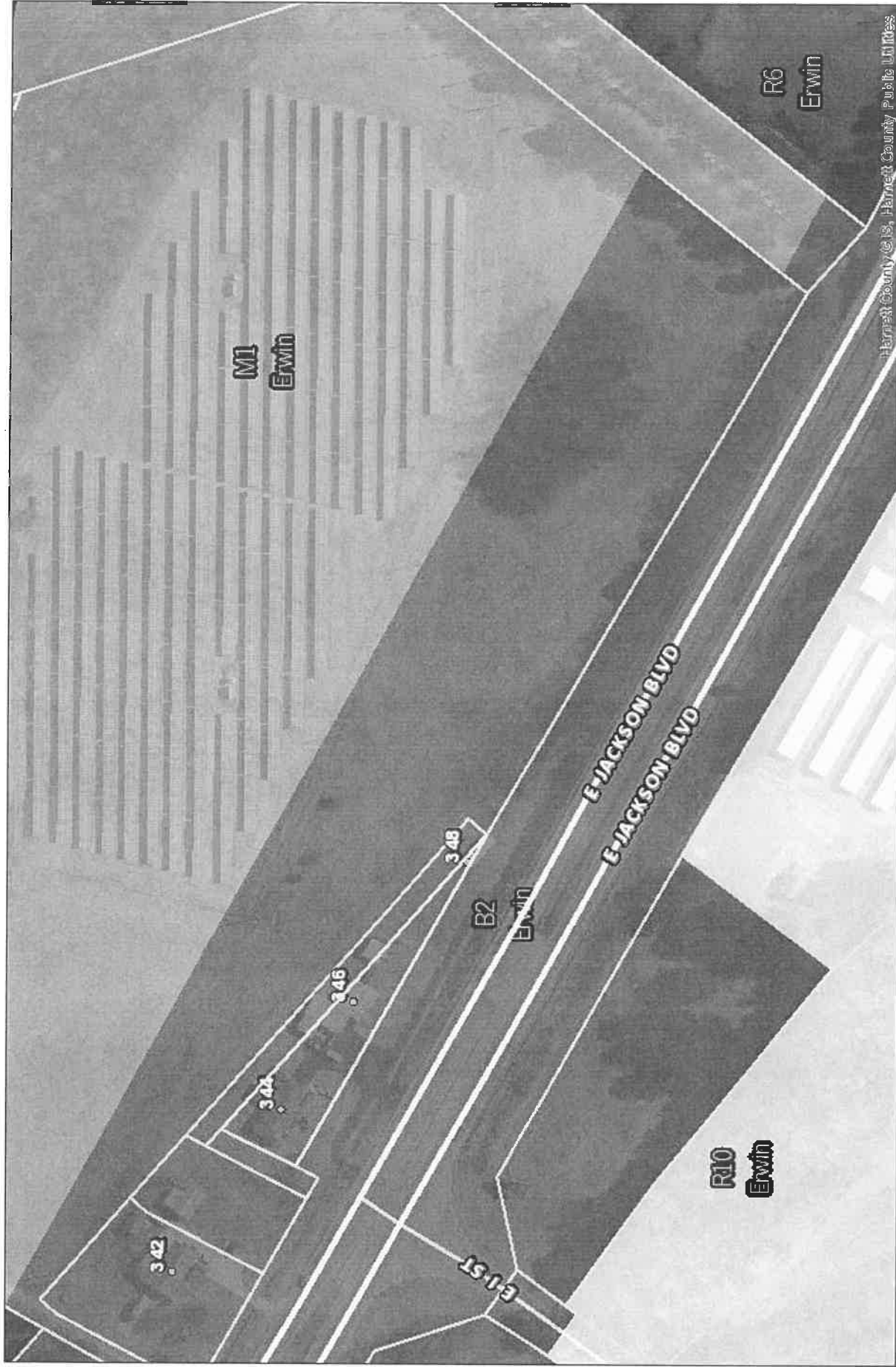
Address Numbers NC Railroad

Airport US Parcels

Roads CapeFearRiver

**Harnett COUNTY**  
 GIS/E-911 Addressing  
 March 28, 2022

# Harnett GIS



Harnett County GIS, Harnett County Public Utilities

1 inch = 188 feet

	Surrounding County Boundaries		MajorRoads		Mile_Markers
	City Limits		Interstate		Mile_Markers
	Address Numbers		NC		Railroad
	Airport		US		Parcels
			Roads		CapeFearRiver

**Harnett**  
**COUNTY**  
North Carolina
  
 GIS/E-911 Addressing  
 March 28, 2022



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

March 2, 2022

Mr. Marcos Tlahuel  
344 East Jackson Boulevard  
Erwin, North Carolina 28339

**SUBJECT: APPLICATION - DRIVEWAY ENTRANCE ONTO  
US Highway 421 (East Jackson Boulevard)  
PERMIT NUMBER D062-043-22-00050 (Car Wash at Home - Site)  
TOWN OF ERWIN - HARNETT COUNTY**

To whom it may concern:

Please find attached for your file a copy of the Driveway Application, which has been properly executed. This Driveway Permit is approved subject to the provisions stated in the Permit Application Agreement and the following special provisions:

- **The encroaching party's construction contractor must submit the NCDOT *Workforce Safety Plan for Encroachment Activities: COVID-19* form to the District Engineer prior to construction. Construction within nor access to the right of way shall not commence until such time as the required Workplace Safety plans has been submitted to the District office.**
- **This driveway permit is for the property owner to have a hand car wash at their residence by using existing driveways.**
- **Additional development of the undeveloped portions of this parcel and/or adjoining parcels of land will require an additional review by the District Engineer. The developer(s) may be required to make external roadway improvements along US Highway 421 (East Jackson Boulevard) as a result of this additional review.**
- **Driveway construction must be completed within one (1) year after the approval date. This Driveway Permit becomes null and void after that time and the Applicant will be required to reapply for access. Consideration may be given for time extensions on a case by case basis.**
- **An executed copy of this Permit will be present at the construction site at all times during construction. NCDOT reserves the right to stop all work unless evidence of approval can be shown.**
- **Upon completion of the project, an executed North Carolina Department of Transportation Subdivision Road, Driveway Access and Encroachment Installation Certification Memo shall be returned to the District Engineer's office.**

*Mailing Address:*  
NC DEPARTMENT OF TRANSPORTATION  
DIVISION SIX / DISTRICT TWO  
POST OFFICE BOX 1150  
FAYETTEVILLE, NC 28302

*Telephone:* (910) 364-0601  
*Fax:* (910) 437-2529  
*Customer Service:* 1-877-368-4968

*Location:*  
600 SOUTHERN AVENUE  
FAYETTEVILLE, NC 28306

*Website:* [www.ncdot.gov](http://www.ncdot.gov)

- **Any change or alteration of the existing or proposed property use shall require a new Driveway Permit. Failure to secure required Permits prior to construction or change in property usage may result in the removal of the driveway at the expense of the Permittee.**
- **Changes noted in red on the plans shall be incorporated into and made a part of the approved Permit.**
- **All out parcels or excluded areas shall be served internally, with no additional access onto abutting roadways permitted. This condition should be conveyed in any buy, sell, lease, rent, or subdivision agreement.**
- **It is the responsibility of the Permittee to provide inspection of the work that is performed on the right of way as a part of this Permit. This work includes, but is not limited to, culvert and drainage structure installation, roadway widening, grading work, pavement structure installation (subgrade, base, and pavement), and traffic marking and marker installation. Please note that the Permittee is also responsible for contacting Mr. Earl C. Locklear, Assistant District Engineer at (910) 364-0601 at least 24 hours prior to beginning construction and prior to "critical events," such as backfilling pipe, installing curb and gutter, and placing asphalt.**
- **Ingress and egress shall be maintained to all businesses and dwellings affected by the project. Special attention shall be paid to police, EMS and fire stations, fire hydrants, secondary schools, and hospitals.**
- **Approval of the Driveway Permit does not constitute review or approval of subdivision streets for NCDOT maintenance. If addition of subdivision streets to the State Maintenance System is desired, plans for review and a Petition for Addition shall be submitted to the District Engineer's office. For further information, contact Mr. Christopher L. Jones, Engineering Technician, at (910) 364-0601.**
- **All materials and construction shall be in accordance with NCDOT Standards and Specifications, including but not limited to, the latest NCDOT *Standard Specifications for Roads and Structures*, the latest NCDOT *Roadway Standards Drawings*, and NCDOT *Policies and Procedures for Accommodating Utilities on Highway Rights of Way*.**
- **The traveling public shall be warned of construction with complete and proper signing and traffic control devices in accordance with the *current Manual on Uniform Traffic Devices* (MUTCD). No work shall be performed in the right of way unless this requirement is satisfied. NCDOT reserves the right to require a written traffic control plan for encroachment operations. All contractor personnel will be required to wear a class II ANSI approved safety vest while working within DOT rights of way.**
- **NCDOT does not guarantee the right of way on this road, nor will it be responsible for any claim for damages brought by any property owner by reason of the installation. All right of way and easements necessary for construction and maintenance shall be dedicated to NCDOT and proof of dedication shall be furnished to the District Engineer prior to beginning work.**
- **Two-way traffic shall be maintained at all times.**
- **No lane of traffic on US Highway 421 (East Jackson Boulevard) shall be closed or restricted between the hours of 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 p.m., or on Sundays, holidays, special events, or as directed by the Engineer.**

- **When personnel and/or equipment are working on the shoulder and within five (5) feet of an open travel lane, close the nearest open travel lane using Standard Drawing No. 1101.02 unless the work area is protected by barrier or guardrail. When personnel and/or equipment are working within a lane of travel of an undivided or divided facility, close the lane according to the traffic control plans, or as directed by the Engineer. Conduct the work so that all personnel and/or equipment remain within the closed travel lane. Do not work simultaneously, on both sides of an open travel way, within the same location, on a two-lane, two-way road. Do not perform work involving heavy equipment within fifteen (15) feet of the edge of travel way when work is being performed behind a lane closure on the opposite side of the travel way. Perform work only when weather and visibility conditions allow safe operations as directed by the Engineer.**
- NCDOT reserves the right to further limit, restrict, or suspend operations within the right of way if, in the opinion of NCDOT, safety or traffic conditions warrant such action.
- Mr. Frank West, Division Traffic Engineer, shall be notified at (910) 364-0606 prior to beginning work on the right of way if there are existing NCDOT signs, traffic signals, or signal equipment in or near the proposed work zone. Costs to relocate, replace, or repair NCDOT signs, signals, or associated equipment shall be the responsibility of the Permittee. Furthermore, any revisions to existing traffic signals or the installation of any new traffic signals shall require a Signal Agreement between the Permittee and the NCDOT. Additional information concerning this subject can be obtained from the Division Traffic Engineer.
- When surface area in excess of one acre will be disturbed, the Permittee shall submit a Sediment and Erosion Control Plan which has been approved by the appropriate regulatory agency or authority prior to beginning any work on the right of way. Failure to provide this information shall be grounds for suspension of operations.
- All erosion control devices and measures shall be constructed, installed, maintained, and removed by the Permittee in accordance with all applicable Federal, State, and Local laws, regulations, ordinances, and policies. All earth areas shall be re-graded and seeded in accordance with current NCDOT Standards and Specifications.
- It shall be the responsibility of the Permittee to determine the location of other utilities within the work zone. The Permittee shall be responsible for notifying other utility owners and providing protection and safeguards to prevent damage or interruption to existing facilities and to maintain accessibility to existing utilities.
- Curb cuts and ramps for handicapped persons shall be constructed in accordance with the current NCDOT "Standard for Wheelchair Ramp Curb Cuts" and the Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities.
- Access granted under this permit shall remain closed (i.e. barricaded) to all traffic until all requirements relating to traffic control and signalization have been satisfied.
- Any proposed landscaping or landscape plantings shall be approved by the Division Engineer under an NCDOT Planting Permit. For further information, please contact Mr. David Plummer, Division Roadside Environmental Engineer, at (910) 364-0603.
- Pre-cast concrete manholes, catch basins, or other drainage structures shall be pre-approved by NCDOT for use within highway rights of way.
- Manhole rings and covers, valve covers, and storm drainage grates and frames shall be traffic bearing types approved by NCDOT for use within highway Rights of Way.

- ~~The existing driveways shall be paved to the right of way line of US Highway 421 (East Jackson Boulevard) measured from the edge of existing pavement as shown on the attached plans.~~
- The existing roadway connections to US Highway 421 (East Jackson Boulevard) shall be constructed with 20' (maximum) ingress, egress, and regress edge of pavement radii and shall provide a minimum of four (4) feet of vegetative shoulder as shown on the attached plans.
- The existing driveways onto US Highway 421 (East Jackson Boulevard) shall be constructed with 28' (maximum) width roadway and shall provide a minimum of four (4) feet of vegetative shoulder as shown on the attached plans.
- The entrance grade shall be constructed in accordance with Figure 6 (attached).
- Pipe, if required, shall be manufactured from reinforced concrete or steel, shall be a minimum diameter of 15 inches, a minimum of 20' in length, and shall be inspected for proper installation prior to backfilling. Contact Mr. Keith Anderson, County Maintenance Engineer, at (910) 893-4020 for inspection. Please provide at least 24 hours advance notice for inspection.
- Any drainage pipe shall be constructed with Division 3 of the latest NCDOT Standard Specifications for Roads and Structures and Amendments or Supplementals thereto and shall bear the stamp of approval by the NCDOT Materials and Tests Unit.
- Trenching, bore pits and/or other excavations shall not be left overnight. The contractor shall comply with all OSHA requirements and provide a competent person on site to supervise excavation at all times.
- Excavated areas adjacent to pavement having more than a 2" drop shall be safed up at a 6:1 or flatter slope and designated by appropriate delineation during periods of inactivity, including, but not limited to, night and weekend hours. Excavated material shall not be placed on the roadway at any time.

#### **Pavement Markings, Markers and Signing**

- The Permittee shall be responsible for the removal, relocation, and / or installation of all pavement markings and NCDOT signs within the limits affected by the development. Pavement marking and signing plans shall be submitted to the District Engineer for approval prior to the installation of any signs and/or pavement markings.
- The Permittee has been approved to use NCDOT approved ~~waterborne paint for all pavement markings (edge lines, lane lines and centerlines) on US Highway 421 (East Jackson Boulevard)~~ and thermoplastic pavement markings for all pavement markings (edge lines, lane lines and centerlines) and non-snowplowable markers on US Highway 421 (East Jackson Boulevard). (The use of waterborne paint or thermoplastic pavement markings is to be determined according to the location of the site and AADT of the roadway).
- Pavement marking and marker changes shall be accomplished by completely covering the lines by means of asphalt overlaying or by an approved method of grinding. In no case shall the application of liquid asphalt "tack" be accepted as an approved method for covering pavement markings.

- All work performed under this section shall meet standards outlined in the current Manual on Uniform Traffic Control Devices (MUTCD) published by the Federal Highway Administration, NCDOT Supplement to the MUTCD, and the latest edition of the NCDOT Roadway Standard Drawings.
- The pavement marking contractor is required to have at least one member of every pavement marking crew that is working on the project, preferably the Crew Supervisor, be certified through the NCDOT Pavement Marking Technician Certification Process. For more information please contact the **Work Zone Traffic Control Unit** at (919) 773-2800 or <http://www.ncdot.org/doh/preconstruct/wztc/>
- Prior to installing pavement markings, please contact Mr. Frank West, Division Traffic Engineer, shall be notified at (910) 364-0606 with the NCDOT Division Six Traffic Services Unit to review the proposed pavement-marking layout. This notification should take place a minimum of 48 hours in advance of the pavement marking installation.
- Failure to contact the Traffic Services Unit to review the pavement-marking layout prior to installation may result in the removal and reinstallation of the markings at the expense of the Permittee.

If additional information is required, please contact Mr. Lee R. Hines Jr., (Richie), PE, District Engineer, at (910) 364-0601.

Sincerely,  
Digitally signed by:

Lee R. Hines Jr. (Richie), PE  
EG657F975F844A7  
 Lee R. Hines Jr. (Richie), PE  
 District Engineer

DS  
 Ell

LRH:ecl

cc: Mr. Snow Bowden, Town Manager, Town of Erwin  
<https://connect.ncdot.gov/site/files/road-file/Pages/myroadFiles.aspx>



NC 101 11-10-6 ~~11-10-6~~ 7/5 364 0600

<b>APPLICATION IDENTIFICATION</b>		<b>N.C. DEPARTMENT OF TRANSPORTATION</b> <b>STREET AND DRIVEWAY ACCESS</b> <b>PERMIT APPLICATION</b>
Driveway Permit No.	Date of Application <u>1/10/22</u>	
County: <u>Harnett</u>		
Development Name: <u>Car wash at home</u>		

**LOCATION OF PROPERTY:**

Route/Road: <sup>45</sup> Route: 421 Road: 346 E. Jackson Blvd. Erwin, NC 28334

Exact Distance 1,868  Miles  Feet      N  S  E  W

From the intersection of Route No. SR 1703 and Route No. us 421 Toward SR 1726

Property Will Be Used For:  Residential /Subdivision  Commercial  Educational Facilities  TND  Emergency Services  Other

Property:  is  is not within Town of Erwin City Zoning Area.

**AGREEMENT**

- I, the undersigned property owner, request access and permission to construct driveway(s) or street(s) on public right-of-way at the above location.
- I agree to construct and maintain driveway(s) or street entrance(s) in absolute conformance with the current "Policy on Street and Driveway Access to North Carolina Highways" as adopted by the North Carolina Department of Transportation.
- I agree that no signs or objects will be placed on or over the public right-of-way other than those approved by NCDOT.
- I agree that the driveway(s) or street(s) will be constructed as shown on the attached plans.
- I agree that that driveway(s) or street(s) as used in this agreement include any approach tapers, storage lanes or speed change lanes as deemed necessary.
- I agree that if any future improvements to the roadway become necessary, the portion of driveway(s) or street(s) located on public right-of-way will be considered the property of the North Carolina Department of Transportation, and I will not be entitled to reimbursement or have any claim for present expenditures for driveway or street construction.
- I agree that this permit becomes void if construction of driveway(s) or street(s) is not completed within the time specified by the "Policy on Street and Driveway Access to North Carolina Highways".
- I agree to pay a \$50 construction inspection fee. Make checks payable to NCDOT. This fee will be reimbursed if application is denied.
- I agree to construct and maintain the driveway(s) or street(s) in a safe manner so as not to interfere with or endanger the public travel.
- I agree to provide during and following construction proper signs, signal lights, flaggers and other warning devices for the protection of traffic in conformance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the District Engineer.
- I agree to indemnify and save harmless the North Carolina Department of Transportation from all damages and claims for damage that may arise by reason of this construction.
- I agree that the North Carolina Department of Transportation will assume no responsibility for any damages that may be caused to such facilities, within the highway right-of-way limits, in carrying out its construction.
- I agree to provide a Performance and Indemnity Bond in the amount specified by the Division of Highways for any construction proposed on the State Highway system.
- The granting of this permit is subject to the regulatory powers of the NC Department of Transportation as provided by law and as set forth in the N.C. Policy on Driveways and shall not be construed as a contract access point.
- I agree that the entire cost of constructing and maintaining an approved private street or driveway access connection and conditions of this permit will be borne by the property owner, the applicant, and their grantees, successors, and assignees.
- I AGREE TO NOTIFY THE DISTRICT ENGINEER WHEN THE PROPOSED WORK BEGINS AND WHEN IT IS COMPLETED.

COMPLETED  
**RECEIVED**

JAN 14 2022

600 Southern Avenue Fayetteville, NC 28301

910-364-0601

**SIGNATURES OF APPLICANT**

	<b>PROPERTY OWNER (APPLICANT)</b>		<b>WITNESS</b>
<b>COMPANY</b>	Marcos Michael	<b>NAME</b>	<i>[Signature]</i>
<b>SIGNATURE</b>	Marcos Michael	<b>SIGNATURE</b>	<i>[Signature]</i>
<b>ADDRESS</b>	344 E JACKSON BLVD ERWIN NC 29-331	<b>ADDRESS</b>	
	Phone No. 984-2601052		

	<b>AUTHORIZED AGENT</b>		<b>WITNESS</b>
<b>COMPANY</b>		<b>NAME</b>	
<b>SIGNATURE</b>		<b>SIGNATURE</b>	
<b>ADDRESS</b>		<b>ADDRESS</b>	
	Phone No.		

**APPROVALS**

APPLICATION RECEIVED BY DISTRICT ENGINEER

---

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

APPLICATION APPROVED BY LOCAL GOVERNMENTAL AUTHORITY (when required)

*[Signature]* *John Manago* *11/10/2022*

SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_ DATE \_\_\_\_\_

APPLICATION APPROVED BY NCDOT

DocuSigned by: DS  
ell

*Lee R. Hines Jr. (Richie), PE* *DE* *03/02/2022*

FB657F975FB44A7... SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_ DATE \_\_\_\_\_

INSPECTION BY NCDOT

---

SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_ DATE \_\_\_\_\_

COMMENTS:

- B-2 (Highway Business) zoning district off of Hwy 421. Mixed uses on same lot. Applicant wishes to open a car wash on site.

# WORKFORCE SAFETY PLAN

## FOR ENCROACHMENT ACTIVITIES: COVID-19

*EFFORTS THE N.C. TRANSPORTATION INDUSTRY IS TAKING TO STOP THE SPREAD OF COVID-19*

The North Carolina Department of Transportation (NCDOT) and their partners expect all parties involved in the delivery of transportation projects to abide by the guidelines issued from the Centers for Disease Control and Prevention (CDC) and the North Carolina Department of Health and Human Services (NCDHHS).

Response to COVID-19 is rapidly evolving; new information and guidelines may be issued from the CDC, NCDHHS, or other state or federal agencies. NCDOT and their partners should review the current CDC and NCDHHS guidance, including the resources listed at the end of this document, for up-to-date information on how to respond to COVID-19. Additional guidelines may be issued by state or federal agencies that should be followed in addition to the guidance included in this document.

Though certain Americans with Disabilities Act (ADA) requirements have been relaxed in response to the pandemic, employers must still maintain all information about employee illness as a confidential medical record in compliance with the ADA. If an employee is suspected of having or tests positive for COVID-19, it is essential that management keep the identity of the employee and details related to the employee's health confidential.

Below are precautions required by NCDOT and from encroaching parties and their contractors performing construction within NCDOT Rights of Way. The term employee refers to any person on a job site within NCDOT right of way for the purpose of constructing or inspecting the work related to construction of a facility under an approved encroachment agreement and where that employee may or may not be under employment by or under contract to NCDOT.

### EMPLOYEE WELLNESS

- If an employee has not yet reported to work and develops any COVID-19 symptoms (i.e. fever, coughing, or shortness of breath) — STAY HOME and immediately:
  - Call a health care provider
  - Self-Isolate
  - Communicate with your supervisor
  - Remain calm and follow all instructions from your health care provider
- Employees who appear to have acute respiratory illness symptoms (i.e. cough, shortness of breath) upon arrival to work, or become sick during the day, should be separated from others and sent home immediately. The potentially affected employees should immediately follow the steps outlined above, which includes immediately contacting a health care provider.
- Should an employee show symptoms of acute respiratory illness or be diagnosed with COVID-19, all other employees who have worked in close proximity to the affected employee during the last 14

days and all encroachment points of contact indicated at the end of this plan should be notified of potential exposure to the disease without identifying the affected employee.

- Consideration should be given to employees at “High Risk” of severe illness from COVID-19, who, per NCDHHS, include employees:
  - Over 65 years of age, **OR**
  - With underlying health conditions including heart disease, lung disease, or diabetes, **OR**
  - With weakened immune system
- “High Risk” Employees should be given the opportunity to discuss alternate work arrangements/duties with their employer or take leave according to their company policies.
- For guidance on confirmed positive tests for COVID-19, refer to the most recent version of the “COVID-19 Guidance for Employees on Encroachment Job Sites within NCDOT Right of Way” located on last page of this plan.

#### **PERSONAL HYGIENE**

- Clean hands often by washing with soap and water for 20 seconds. If soap and water are not available and hands are not visibly dirty, an alcohol-based hand sanitizer that contains 60%-95% alcohol may be used.
- Avoid touching your eyes, nose, mouth, or other parts of your face.
- Do not breathe, cough, or sneeze on another person or into the open air. Employees should cover their noses and mouth with a tissue when coughing or sneezing (or an elbow or shoulder if no tissue is available).
- A facemask for covering nose and mouth is encouraged on the job site.
- Appropriate gloves are encouraged while performing functions of the job.

#### **CLEANING/DISINFECTING**

- Wash stations and/or hand sanitizer are encouraged on each project site.
- Appropriate cleaning staff should clean frequently touched surfaces and objects with disinfectants at a minimum of once per day.
  - Office/buildings: door knobs, light switches, phones, computers/keyboards, copy machines, elevator buttons, toilets, faucets, sinks, countertops, paper towel dispensers, desktops, handrails, folders, vending machines, counters, tables, cabinets/knobs, etc.
  - Shop Yard/Jobsite: vehicle/equipment door handles, keys, gear shifts, steering wheel/operator controls and levers, fuel pump dispensers, touch points on machinery, etc.
  - Electronic equipment: cell phones, computers, keyboards, etc.
- Appropriate cleaning staff should sanitize/disinfect facilities and work areas after persons suspected/confirmed to have COVID-19 have been in the facility or work area.

- It is recommended to close off access to areas used by the ill persons and wait as long as practical, 24 hours if possible, before beginning cleaning and disinfection to minimize potential for exposure to respiratory droplets. Open outside doors and windows to increase air circulation in the area if possible.
- Appropriate cleaning staff should clean and disinfect all areas used by the ill persons, focusing especially on frequently touched surfaces.

## GENERAL

- Increase communication measures between all parties regarding schedule, daily activities, etc. to reduce/minimize worker exposure in accordance with but not limited to the requirements below.
- Minimize on-site personnel such as subcontractors, work crews, QC personnel, and inspection staff to those required for that day's activities. If work is postponed or cancelled, immediately notify appropriate parties.
- Practice "Social Distancing" whenever feasible. Social Distancing is designed to limit the spread of a disease by reducing the opportunities for close contact between people. All personnel have the responsibility to remind each other to stay 6 feet or more apart. Examples of Social Distancing include:
  - Reducing face-to-face exposure by using conference calls and video conferencing
    - If an in-person meeting is absolutely required and cannot be rescheduled or attended remotely, the meeting is limited to a maximum of 10 people while maintaining Social Distancing of 6 feet or more.
  - Avoiding unnecessary travel
- Do not congregate at lunch or breaks. Bringing your lunch is encouraged.
- No communal coolers or drink stations are allowed. Supervisors should confirm with employees prior to beginning work for appropriate hydration and nutrition availability to employees for the duration of the employee's shift and without direct contact with others on the job site.
- First line of communication should be by phone, rather than in-person.
- Do not shake hands.
- Do not share iPads, tablets, pens, or clipboards for signing or any other purpose. Take pictures as proof of attendance at meetings.
- Sharing of Personal Protective Equipment (PPE) is strictly prohibited.
- Vehicles, equipment, and tools
  - Limit the number of people riding in a vehicle together.
  - Wipe down and disinfect vehicles after each trip.
  - As much as possible, do not share tools or equipment. If a tool or piece of equipment must be shared, the parts of it that are touched should be sanitized between uses.

**RETURN TO WORK**

- The following criteria must be followed for an employee who is tested for Covid-19, or asked to self-quarantine by health officials, or has contact with another employee with a positive test result to return to work:
  - at least a 14-day quarantine; **OR**
  - release by a health care provider.
- In accordance with CDC guidance, the following criteria must be followed for an employee with a positive test result to return to work:
  - at least 14 days from positive test notification; **AND**
  - at least 3 days (72 hours) have passed since recovery defined as resolution of fever without the use of fever-reducing medications and improvement in respiratory symptoms (e.g., cough, shortness of breath); **AND**
  - at least 7 days have passed since symptoms first appeared.

NCDOT may require certification of fitness to work from a health care provider.

**ADDITIONAL RESOURCES**

NCDOT and their partners should review the CDC and NCDHHS resources listed below for up-to-date information on how to respond to COVID-19. Additional guidelines may be issued by state or federal agencies that should be followed in addition to the guidelines included in this document.

- NCDHHS COVID-19 Resources:
  - <https://www.ncdhhs.gov/divisions/public-health/coronavirus-disease-2019-covid-19-response-north-carolina>
- NIOSH Communicable Disease Emergency Policy
  - <https://oshr.nc.gov/policies-forms/workplace-wellness/communicable-disease-emergency>
- OSHA Guidance on Preparing Workplaces for COVID-19
  - <https://www.osha.gov/Publications/OSHA3990.pdf>
- CDC COVID-19 Resources:
  - <https://www.cdc.gov/coronavirus/2019-ncov/index.html>

**AGREEMENT**

The encroaching party shall adhere to the requirements of this plan in order to continue work under their approved encroachment agreement. Violations to this plan could result in the violating entity not being allowed to continue work or all work ceasing as determined by the NCDOT District Engineer or Resident Engineer.

**PROJECT POINTS OF CONTACT**

**NCDOT**  
DocuSigned by:  
**Name:** Earl C. Locklear  
- FB657E975F84AA7  
**Phone #:** 910-364-0601

**Encroaching Party (Primary Contact)**

**Name:** \_\_\_\_\_

**Phone #:** \_\_\_\_\_

**Primary Contractor to Encroaching Party  
(Point of Contact)**

**Name:** \_\_\_\_\_

**Phone #:** \_\_\_\_\_

COVID-19 Guidance for Employees on Encroachment Job sites within NCDOT Right of Way				
CONTACT GROUP				
Relationship to Confirmed POSITIVE Test	What YOU Should Do	What your CREW Should Do <i>Exposure within 6' and longer than 10 minutes</i>	What PROJECT SITE Personnel Should Do <i>No exposure within 6' and longer than 10 minutes</i>	
<b>Employee</b>	Notify your supervisor Self-quarantine for 14 days	Advise of POSITIVE test without identifying the affected employee* Directly exposed crew self-quarantine for 14 days Continue hygiene & disinfecting measures	Advise of POSITIVE test without identifying the affected employee* Site personnel without direct contact may continue onsite work or follow their company policy Continue hygiene & disinfecting measures	
<b>Direct Contact</b> <i>Interaction with an infected person within 6' and longer than 10 minutes</i>	Self-quarantine for 14 days	Advise of POSITIVE test without identifying the affected employee* Crew may continue onsite work or follow their company policy Continue hygiene & disinfecting measures	Advise of POSITIVE test * Continue hygiene & disinfecting measures	
<b>Secondary Contact</b>	You may continue onsite work or follow your company policy Continue hygiene & disinfecting measures	Continue hygiene & disinfecting measures	Continue hygiene & disinfecting measures	
<b>Two or more Persons Removed from Contact</b>	Continue hygiene & disinfecting measures	Continue hygiene & disinfecting measures	Continue hygiene & disinfecting measures	
<b>* Notification Protocol</b> <i>(Comply with HIPAA &amp; ADA confidentiality requirements)</i>	NCDOT employee / agent tests POSITIVE  Encroaching Party or Contract crew member on job site tests POSITIVE	NCDOT District Engineer/Resident Engineer notifies Encroaching Party's primary point of contact and Contractor Point of Contact, CDC and, if Resident Engineer has oversight for the job site, FHWA any Consultant Firms working for NCDOT Encroaching party representative notifies other Contractors, Sub-Contractors and Suppliers with exposed Employees Encroaching party representative or Contractor point of contact notifies appropriate NCDOT District Engineer or Resident Engineer and all other Contractors, Sub-Contractors and Suppliers with exposed Employees NCDOT notifies CDC, and as appropriate, FHWA and any Consultant Firms working for NCDOT		



## **TRAFFIC CONTROL AND WORK ZONE SAFETY**

The Contractor shall maintain traffic during construction and provide, install, and maintain all traffic control devices in accordance with these project guidelines, the Project Special Provisions, North Carolina Department of Transportation Standard Specifications for Roads and Structures, and the current edition of the Manual of Uniform Traffic Control Devices (MUTCD).

The Contractor shall utilize complete and proper traffic controls and traffic control devices during all operations. All traffic control and traffic control devices required for any operation shall be functional and in place prior to the commencement of that operation. Signs for temporary operations shall be removed during periods of inactivity. The Contractor is required to leave the project in a manner that will be safe to the traveling public and which will not impede motorists.

Traffic movements through lane closures on roads with two way traffic shall be controlled by flaggers stationed at each end of the work zone. In situations where sight distance is limited, the Contractor shall provide additional means of controlling traffic, including, but not limited to, two-way radios, pilot vehicles, or additional flaggers. Flaggers shall be competent personnel, adequately trained in flagging procedures, and furnished with proper safety devices and equipment, including, but not limited to, safety vests and stop/slow paddles.

All personnel when working in traffic areas or areas in close proximity to traffic shall wear an approved safety vest, or shirt or jacket which meets the color requirements of the Manual of Uniform Traffic Control Devices (MUTCD).

The Contractor shall comply with all applicable Federal, State, and local laws, ordinances, and regulations governing safety, health, and sanitation, and shall provide all safeguards, safety devices, and protective equipment, and shall take any other needed actions, on his own responsibility that are reasonably necessary to protect the life and health of employees on the job and the safety of the public, and to protect property in connection with the performance of the work covered by the contract.

Failure to comply with any of the requirements for safety and traffic control of this contract shall result in suspension of work as provided in subarticle 108-7(2) of the Standard Specifications.

# SPECIFICATIONS FOR EROSION CONTROL

The Contractor shall seed all disturbed areas as directed by the Engineer, in accordance with Section 1660 of the Standard Specifications. Seeding and mulching shall immediately follow shoulder construction operations and in no case shall shoulder construction operations exceed seeding and mulching operations by more than two weeks without written permission of the Engineer. Failure to meet this requirement shall be cause to cease all operations until it can be met.

## Seeding and Mulching: (East)

The kinds of seed and fertilizer, and the rates of application of seed, fertilizer, and limestone, shall be as stated below. During periods of overlapping dates, the kind of seed to be used shall be determined by the Engineer. All rates are in pounds per acre.

The kinds of seed and fertilizer, and the rates of application of seed, fertilizer, and limestone, shall be as stated below. During periods of overlapping dates, the kind of seed to be used shall be determined. All rates are in pounds per acre.

### All Roadway Areas

<b>March 1 - August 31</b>		<b>September 1 - February 28</b>	
50#	Tall Fescue	50#	Tall Fescue
10#	Centipede	10#	Centipede
25#	Bermudagrass (hulled)	35#	Bermudagrass (unhulled)
500#	Fertilizer	500#	Fertilizer
4000#	Limestone	4000#	Limestone

### Waste and Borrow Locations

<b>March 1 - August 31</b>		<b>September 1 - February 28</b>	
75#	Tall Fescue	75#	Tall Fescue
25#	Bermudagrass (hulled)	35#	Bermudagrass (unhulled)
500#	Fertilizer	500#	Fertilizer
4000#	Limestone	4000#	Limestone

Note: 50# of Bahiagrass may be substituted for either Centipede or Bermudagrass only upon Engineer's request.

### Approved Tall Fescue Cultivars

2 <sup>nd</sup> Millennium	Duster	Magellan	Rendition
Avenger	Endeavor	Masterpiece	Scorpion
Barlexas	Escalade	Matador	Shelby
Barlexas II	Falcon II, III, IV & V	Matador GT	Signia
Barrera	Fidelity	Millennium	Silverstar
Barrington	Finesse II	Montauk	Southern Choice II
Biltmore	Firebird	Mustang 3	Stetson
Bingo	Focus	Olympic Gold	Tarheel
Bravo	Grande II	Padre	Titan Ltd
Cayenne	Greenkeeper	Paraiso	Titanium
Chapel Hill	Greystone	Picasso	Tomahawk
Chesapeake	Inferno	Piedmont	Tacer
Constitution	Justice	Pure Gold	Trooper
Chipper	Jaguar 3	Prospect	Turbo
Coronado	Kalahari	Quest	Ultimate
Coyote	Kentucky 31	Rebel Exeda	Watchdog
Davinci	Kitty Hawk	Rebel Sentry	Wolfpack
Dynasty	Kitty Hawk 2000	Regiment II	
Dominion	Lexington	Rembrandt	

On cut and fill slopes 2:1 or steeper Centipede shall be applied at the rate of 5 pounds per acre and add 20# of Sericea Lespedeza from January 1 - December 31.

Fertilizer shall be 10-20-20 analysis. A different analysis of fertilizer may be used provided the 1-2-2 ratio is maintained and the rate of application adjusted to provide the same amount of plant food as a 10-20-20 analysis and as directed.

All areas seeded and mulched shall be tacked with asphalt. Crimping of straw in lieu of asphalt tack shall not be allowed on this project.

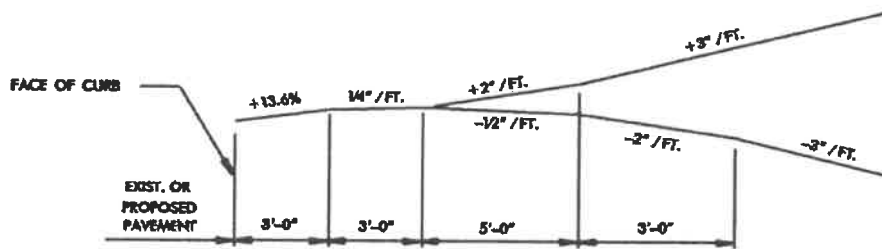
### CRIMPING STRAW MULCH

Crimping shall be required on this project adjacent to any section of roadway where traffic is to be maintained or allowed during construction. In areas within six feet of the edge of pavement, straw is to be applied and then crimped. After the crimping operation is complete, an additional application of straw shall be applied and immediately tacked with a sufficient amount of undiluted emulsified asphalt.

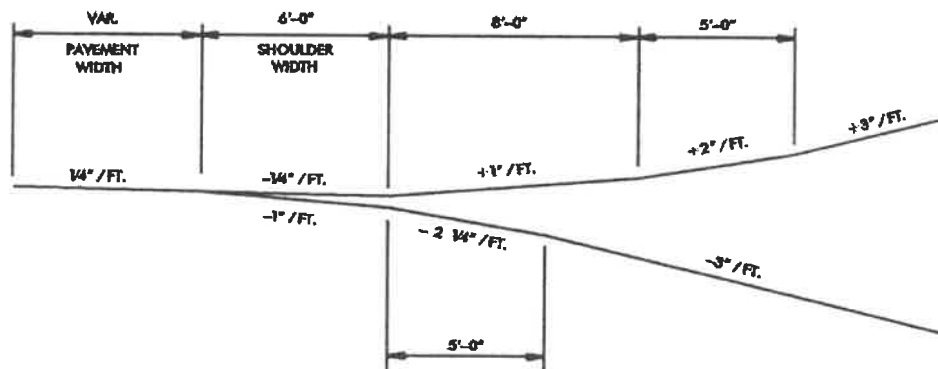
Straw mulch shall be of sufficient length and quality to withstand the crimping operation.

Crimping equipment including power source shall be subject to the approval of the Engineer providing that maximum spacing of crimper blades shall not exceed 8".

Within seven (7) calendar days to fourteen (14) calendar days of completion of any phase of grading, all disturbed areas shall be planted or otherwise provided with temporary or permanent ground cover, devices, or structures sufficient to restrain erosion. The Erosion and Sediment Control plan will identify the areas that require seven (7) and/or fourteen (14) calendar day ground stabilization. The Contractor is herein advised to follow all current regulations set forth by the North Carolina Department of Environment and Natural Resources (NCDENR) Division of Water Quality (DWQ) as defined in the *General Stormwater Permit for Construction Activities NCG-010000*.



**A. CURB & GUTTER SECTION**



**B. SHOULDER SECTION**

**FIGURE 6**

**DRIVEWAY TURNOUT GRADES**

**North Carolina Department of Transportation  
Subdivision Road Construct, Driveway Access, and Encroachment  
Installation Certification Memo**

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(District Engineer Name & Address)

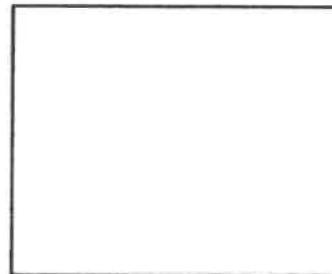
RE:           **CONSTRUCTION CERTIFICATION**  
          County: \_\_\_\_\_  
          Driveway Permit #: \_\_\_\_\_  
          *and/or* Subdivision I.D. #: \_\_\_\_\_  
          *and/or* Encroachment #: \_\_\_\_\_  
          Recording Information (*if applicable*): \_\_\_\_\_  
          Route(s) and/or Street(s): \_\_\_\_\_  
\_\_\_\_\_  
Project Name/Phase/Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I, \_\_\_\_\_, have reviewed the construction within the right-of-way and/or easements required under subject project(s) for the above development and in accordance with the design drawings approved by the North Carolina Department of Transportation (NCDOT) on the following dates:

Driveway Permit #:	_____	Date:	_____
<i>and/or</i> Subdivision I.D. #:	_____	Date:	_____
<i>and/or</i> Encroachment #:	_____	Date:	_____

My inspection and attached testing report(s) and/or supporting documentation indicate the construction within the right-of-way and/or easements have been constructed in accordance with the standards established by current NCDOT Standard Specifications for Roads and Structures, and with the approved plans.

Name: \_\_\_\_\_  
NC PE #: \_\_\_\_\_  
Signature: \_\_\_\_\_



**SEAL**

Received by NCDOT: \_\_\_\_\_



## TOWN OF ERWIN

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

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

03/14/2022

### Notice of a Public Hearing SU-2022-006

The Board of Commissioners of the Town of Erwin will hold a public hearing pursuant to NC General Statute 160D-406 on April 7th, 2022 at 7:00 P.M. at the Erwin Town Hall, 100 West F Street, Erwin, North Carolina to hear public comment on a proposed special use permit.

There has been an application submitted to operate an outdoor carwash 346 East Jackson BLVD. The property can also be identified by its Harnett County Tax PIN # 0597-95-3540.000. This is an existing parcel with three structures on two separate lots. There would not be any cars stored outside of the building. The applicant is seeking permission to wash one vehicle at a time outside of the middle building on this lot.

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

Regards,

Snow Bowden  
Town Manager

Marcos Tlauehl and Yarida Arroyo  
344 East Jackson BLVD  
Erwin, NC 28339

Boathouse Solar LLC  
600 Lakeshore LN  
Chapel Hill, NC 27514

David Strickland  
342-A E Jackson BLVD  
Erwin, NC 28339

Pamela Gail Strickland  
342 East Jackson BLVD  
Erwin, NC 28339

Lynn Magyar  
338 East Jackson BLVD  
Erwin, NC 28339

Harnett County  
PO Box 759  
Lillington, NC 27546

Attic Additions Rentals, LLC.  
111 Denim Drive  
Erwin, NC 28339

Wincor Properties, LLC.  
PO Box 160  
Dunn, NC 28335

**MINUTES CONTINUED FROM APRIL 7, 2022**

- 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. The property is an existing mobile home park and storage area. The property is located between Wondertown Drive and Denim Drive. Based on the shape of the property, a road through the center allows the developer to have the most efficient lot layout. The road length will exceed the maximum of 600 ft per the ordinance. A properly sized cul-de-sac is proposed at the end of the street.
- 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. The variance will not grant the applicant special privileges denied to other residents. Approving the variance allows the applicant to develop the property efficiently based on the site geometry while improving the curb appeal through this section of town.
- 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. A literal interpretation will restrict the applicant from developing the property to the expected potential. The proposed site plan allows for efficient traffic flow in, through, and out of the property.
- 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. The requested variance will be in harmony with the ordinance. No negative impacts of approved the variance are anticipated. Emergency vehicles are provided with the required turnaround. Approving the variance will allow the applicant to improve the neighborhood which is the general purpose of the zoning ordinance.
- e. The special circumstances are not the result of the actions of the applicant. The circumstances are not the result of the applicant. The circumstances are the result of the shape of the property due to the existing roads to the north and south.
- f. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure. The variance will allow for the applicant to get the expected lot yield based on the zoning. All lots meet the minimum lot dimensions per the ordinance. The proposed streets are public and should not place any undue burden on the town for future maintenance. The development will improve the character of the property and add revenue to the town by increasing the tax base.

Commissioner Blackmon asked about Hope Street for access. He has concerns about the length of a road with only one entrance.

Mr. Brown stated Hope Street was not wide enough.

**MINUTES CONTINUED FROM APRIL 7, 2022**

Commissioner Turnage asked if one way in and one way out would be a problem for emergency services.

Town Manager Snow Bowden stated the street is 60 feet.

Ben Stout of Fayetteville NC came forward and was sworn in.

Mr. Stout stated when they were at the Planning Board Meeting, they discussed the flow of stormwater. There is a massive structure of 48-inch pipe underneath limiting entrances. There is always traffic flow in that area.

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

No one came forward.

Commissioner Blackmon made a motion that there are extraordinary and exceptional conditions pertaining to the particular piece or property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district. This subdivision is made up of five separate parcels that are located between Wondertown Drive and Denim Drive. The most efficient way to develop this land is with a road down the center of the development and was seconded by Commissioner Byrd. **The Board voted unanimously.**

Commissioner Blackmon made a motion that granting the variance the requested will not confer upon the applicant any special privileges denied to other residents in which the property is located. This variance will allow the applicant the most efficient way to develop this property based on the shape of the property and was seconded by Commissioner Whitman. **The Board voted unanimously.**

Commissioner Blackmon made a motion that 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. This variance will allow the highest potential development of this property and was seconded by Commissioner Whitman. **The Board voted unanimously.**

Commissioner Blackmon made a motion that the requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or the general welfare. The streets that will be installed will be built to the Town standards and emergency vehicles will have the proper turnaround space. and was seconded by Commissioner Whitman. **The Board voted unanimously.**

Commissioner McKoy made a motion that the special circumstances are not the result of the actions of the applicant. The circumstance are not a result of any actions of the applicant. The shape of the property and the location of the existing roads are the reason the applicant has requested this variance and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner McKoy made a motion that the variance requested is the minimum variance that will make possible the legal use of the land, building, or structure. The variance will allow the applicant to get the standard lot count for a development based on the current zoning district. and was seconded by Commissioner Blackmon. **The Board voted unanimously.**



**MINUTES CONTINUED FROM APRIL 7, 2022**

Commissioner Blackmon made a motion to recommend that that the proposed variance application meets all the Findings of Fact in the affirmative and to approve Variance 2022-001 which grants a 475-foot variance to allow a 1,075-foot road in the proposed subdivision that will be called Erwin Oaks and was seconded by Commissioner Byrd. **The Board voted unanimously.**

**Potential Annexation of 127 Red Hill Church Road**

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

Town Manager Snow Bowden stated this is our third time meeting on this request. Town Clerk Lauren Evans investigated the request and was approved to move forward with this request at our last meeting.

Kathy Boyer came forward and was sworn in.

Ms. Boyer stated in the year they have been in building and have expanded this business a good bit. In order to be on the Town's rotation, they need to be annexed into the Town.

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

No one came forward.

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

Commissioner Blackmon made a motion to approve the ordinance to extend the corporate limits of the Town of Erwin, North Carolina ORD 2021-2022: 005 and was seconded by Mayor Pro Tem Baker. **The Board voted unanimously.**

**NEW BUSINESS**

**Discussion of All-Way Stop Signs**

Town Manager Snow Bowden stated this topic was removed from the Public Hearing section due to the Public Hearing Notice not being published clearly enough for citizens to know what is to be discussed. The Planning Board did make a recommendation to remove the three-way stop sign on St Matthews Rd, replace that intersection with speed bumps, and keep all other all-way stop signs in Town.

Commissioner Byrd stated he wanted to know what studies were done at that intersection before putting up stop signs.

Town Manager Snow Bowden stated there was no formal investigation but there was a recommendation from the Police Chief and from the Planning Board to move forward. There was a public hearing and that's when the Town Board approved it.

# Erwin Board of Commissioners

## REQUEST FOR CONSIDERATION

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To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: April 7, 2022

Subject: Variance 2022-001

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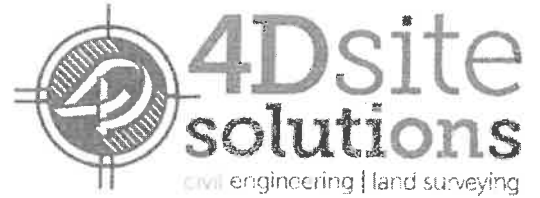
The Town of Erwin has received a variance application for a potential subdivision located off of Denim Drive/Bayles Street/Wondertown Drive. Our ordinance allows for a maximum 600-foot road length in a new development that ends in a dead-end and or a Cul-de-sac. This proposed development shows a 1,075-foot road that ends in a Cul-de-sac. The applicant is seeking a 475-foot variance to the maximum allowed street length to install a 1,075-foot road that ends in a Cul-de-sac.

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)



March 4, 2022

Town of Erwin  
Attn: Snow Bowden  
PO Box 459  
Erwin, NC 28339

RE: Preliminary Subdivision review, Erwin Oaks Subdivision, Erwin, North Carolina

Snow;

Enclosed is the \$680 preliminary review fee for the Erwin Oaks Subdivision in Erwin, North Carolina. The street length variance application is also enclosed along with the \$300 application fee. A pdf of the plan has been emailed to you.

I look forward to working with you on this project. If you have any questions or concerns, please contact me at your earliest convenience.

Sincerely,  
4D Site Solutions, Inc.

Scott Brown, PE  
[sbrown@4dsitesolutions.com](mailto:sbrown@4dsitesolutions.com)

Enclosure

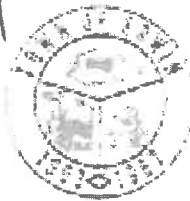
PAID

MAR 07 2022

TOWN OF ERWIN

check  
7/1/97

Variance  
2022 -001



PAID

MAR 07 2022 Check  
71196

**Variance Application** (February 2011) **TOWN OF ERWIN**

Name of Applicant	Stout Land Development, LLC	Property Owner	Jerry & Faye Bayles
Mailing Address	1786 Metromedical Drive	Mailing Address	PO Box 343
City, State, Zip	Fayetteville, NC 28304	City, State, Zip	Erwin, NC 28339
Telephone	910-779-0019	Telephone	910-658-9271
Email	ben@benstoutconstruction.com	Email	

Address of Subject Property	2602 Erwin Road
Parcel Identification Number(s) (PIN) of Subject Property	1507-31-7118.000

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

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

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

**Owner/Applicant Must Read and Sign**

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

Ben Stout  
Print Name

  
Signature of Owner or Representative

3/7/2022  
Date

Erwin Oaks Subdivision  
Variance Application Supporting Data



A variance is requested for the above subdivision from Sect 30-107 (j) - Cul-de-sac and dead-end streets. Streets designed to be permanently ended shall not be longer than 600 feet. Magdalene Lane is a dead end street with a proposed length of 1,075. A variance of 475' feet is requested from the maximum 600 ft road length. The findings of fact are listed below.

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. The property is an existing mobile home park and storage area. The property is located between Wondertown Drive and Denim Drive. Based on the shape of the property, a road through the center allows the developer to have the most efficient lot layout. The road length will exceed the maximum 600 ft per the ordinance. A properly sized cul-de-sac is proposed at the end of the street.

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. The variance will not grant the applicant special privileges denied to other residents. Approving the variance allows the applicant to develop the property efficiently based on the site geometry while improving the curb appeal through this section of town.

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. A literal interpretation will restrict the applicant from developing the property to the expected potential. The proposed site plan allows for efficient traffic flow in, through and out of the property.

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. The requested variance will be in harmony with the ordinance. No negative impacts of approved the variance are anticipated. Emergency vehicle are provided with the required turnaround. Approving the variance will allow the applicant to improve the neighborhood with is the general purpose of the zoning ordinance.

e. The special circumstances are not the result of the actions of the applicant. The circumstances are not the result of the applicant. The circumstances are the result of the shape of the property due to the existing roads to the north and south.

f. **The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.** The variance will allow for the applicant to get the expected lot yield based on the zoning. All lots meet the minimum lot dimensions per the ordinance. The proposed streets are public and should not place any undue burden on the town for future maintenance. The development will improve the character of the property and add revenue to the town by increasing the tax base.



# TOWN BOARD SUBDIVISION VARIANCE REQUEST STAFF REPORT

Case: Variance-  
2022-001

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

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

Town Board Meeting Date: 04/07/2022

Requesting a variance for a proposed subdivision located off of Bayles Street and Wondertown Drive. At the moment, the location of the proposed subdivision is made up of five separate parcels. The applicant is seeking a variance Sec 30-107 (J) Cul-de-sac and dead-end streets in our Code of Ordinances. Streets that are dead-end streets or streets that have a cul-de-sac have a maximum length of 600 feet in our Code of Ordinances. The applicant wishes to subdivide this property and have all of the lots served by a road that is 1,075 feet in length. The applicant would need a 475 foot variance in order to be in compliance with our rules and regulations.

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## Applicant Information

### **Owner of Record:**

Name: Jerry R. Bayles and Faye P. Bayles  
Address: P.O. Box 343  
City/State/Zip: Erwin, NC 28339

### **Applicant:**

Name: Stout Land Development, LLC  
Address: 1786 Metromedical Drive  
City/State/Zip: Fayetteville, NC 28304

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## Property Description

Address- 2602 Erwin Road  
Harnett County Tax PIN 1507-31-7118.000  
Acres 6.12 acres  
Zoning District-R-6

Address- 619 Wondertown Drive  
Harnett County Tax PIN 1507-41-1122.000  
Acres .83 acres  
Zoning District-R-6

Address- 613 Wondertown Drive  
Harnett County Tax PIN 1507-41-0201.000  
Acres .26 acres  
Zoning District-R-6

Address- 611 Wondertown Drive  
Harnett County Tax PIN 1507-31-9267.000  
Acres .40 acres  
Zoning District-R-6

Address- 609 Wondertown Drive  
Harnett County Tax PIN 1507-31-8385.000  
Acres .66 acres  
Zoning District-R-6

Address- Vacant  
Harnett County Tax PIN 1507-31-4290.000  
Acres- .67  
Zoning District R-6

Total acreage- 8.94 acres

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## Vicinity Map

- See Attached Proposed Subdivision Plat
- See Harnett County GIS Map- No zoning
- See Harnett County GIS Map- Easements
- See Harnett County GIS Map- Environmental

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## Physical Characteristics

Site Description: At the moment, this site is a nonconforming manufactured home park. It is made up of six separate parcels. The largest parcel is 6.12 acres. The other four parcels are less than an acre. According to Harnett County GIS data a section of the property does have wetlands located on it. There is also a drainage easement on this parcel.

Surrounding Land Uses: These parcels are primarily surrounded by residential land uses. The larger tract of land that is identified by one of its address is 2602 Denim Drive abuts a North Carolina Department of Transportation (NCDOT) road. There are some residential and commercial uses across the street.

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## Services Available

- Harnett County Water and Sewer is available. Duke Energy for electrical needs. The existing roads are town maintained roads with the exception being Denim Drive which is a NCDOT road.

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## Staff Evaluation

The proposed subdivision shows a connection to an existing town maintained street which is Bayles Street. The proposed subdivision shows the creation of 38 new lots with 36 of them being developed. It is not practical to extend Hope Street due to the small right-of-way that currently exists. The development could be accessed from Denim Drive. That would require major improvements to the road, and potentially infrastructure movements if necessary (water/sewer).

The primary road that has been proposed to serve this subdivision is 1,075 feet long and it ends in a Cul-de-sac. The maximum street length for a street that ends in a dead end or Cul-de-sac is 600 feet. The proposed street would need to have a variance granted to them of 475 feet to be allowed. There are other municipalities that allow dead-end

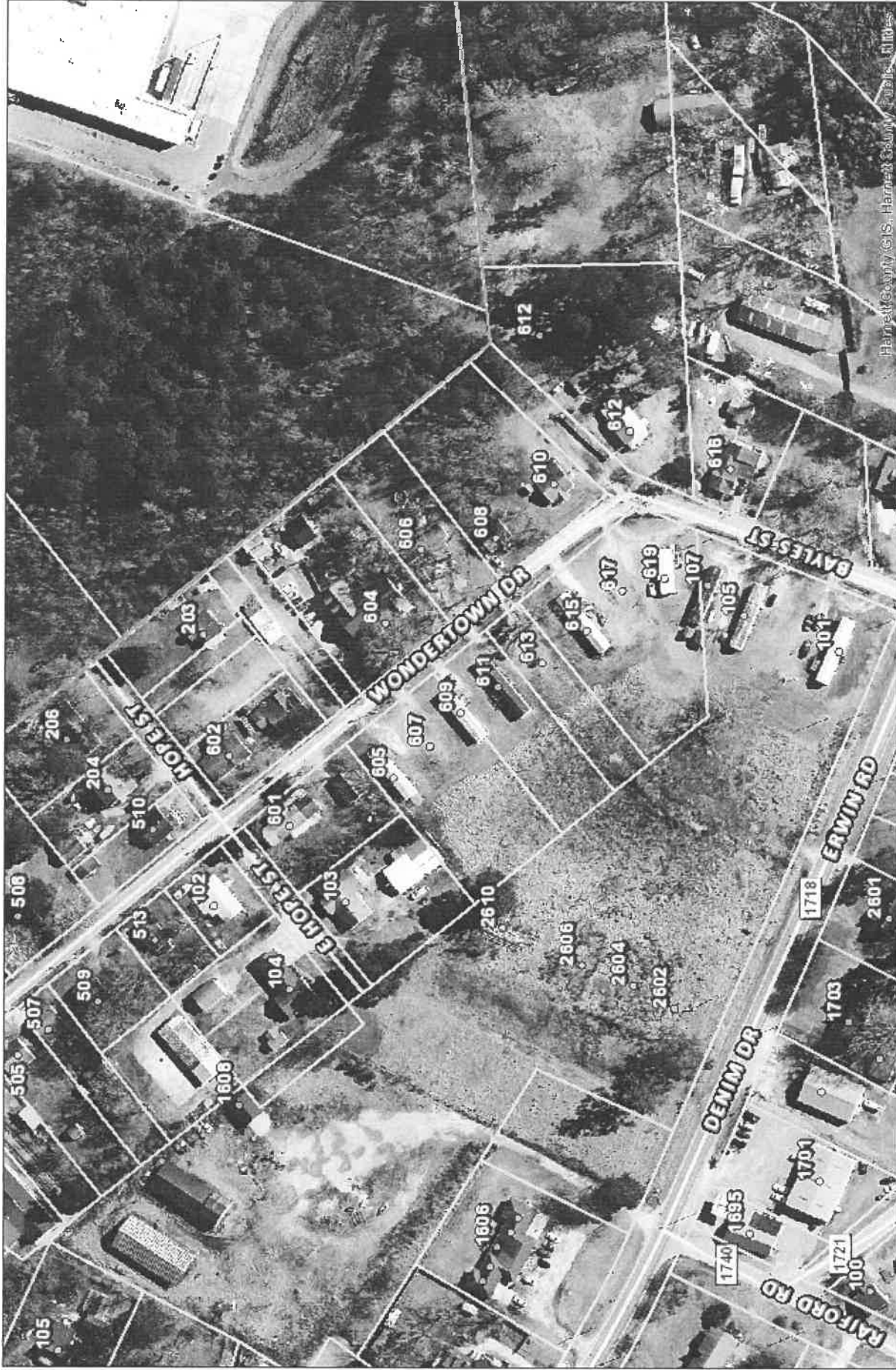


streets to be longer. There are some issues with connectivity with this proposed road since there is only one way in the subdivision and one way out of the subdivision. Harnett County GIS data does show wetlands on a section of this proposed subdivision and there is also a drainage easement that runs across this property.

#### Findings of Fact

- a. There are extraordinary and exceptional conditions pertaining to the particular piece or property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district. **YES**
  - a. Reasoning: This subdivision is made up of five separate parcels that are located in between Wondertown Drive and Denim Drive. The most efficient way to develop this land is with a road down the center of the development.
- b. Granting the variance the requested will not confer upon the applicant any special privileges denied to other residents in which the property is located. **YES**
  - a. Reasoning: This variance will allow the applicant the most efficient way to develop this property based on the shape of the property.
- 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. **YES**
  - a. Reasoning: This variance will allow the highest potential development of this property.
- d. The request variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or the general welfare. **YES**
  - a. Reasoning: The streets that will be installed will be built to the Town standards and emergency vehicles will have the proper turnaround space.
- e. The special circumstances are not the result of the actions of the applicant. **YES**
  - a. Reasoning: The circumstance are not a result of any actions of the applicant. The shape of the property and the location of the existing roads are the reason the applicant has requested this variance
- f. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure. **YES**
  - a. Reasoning: The variance will allow the applicant to get the standard lot count for a development based on the current zoning district.

# Harnett GIS



Harnett County GIS, Harnett County, 700 S. Elm St., Elmore, NC 27828

**Surrounding County Boundaries**

- City Limits
- Address Numbers
- Airport

**MajorRoads**

- Interstate
- NC
- US
- Roads

**Mile\_Markers**

- Mile\_Markers
- Railroad
- Parcels
- CapeFearRiver

**Scale**

0 80 160 320 Feet

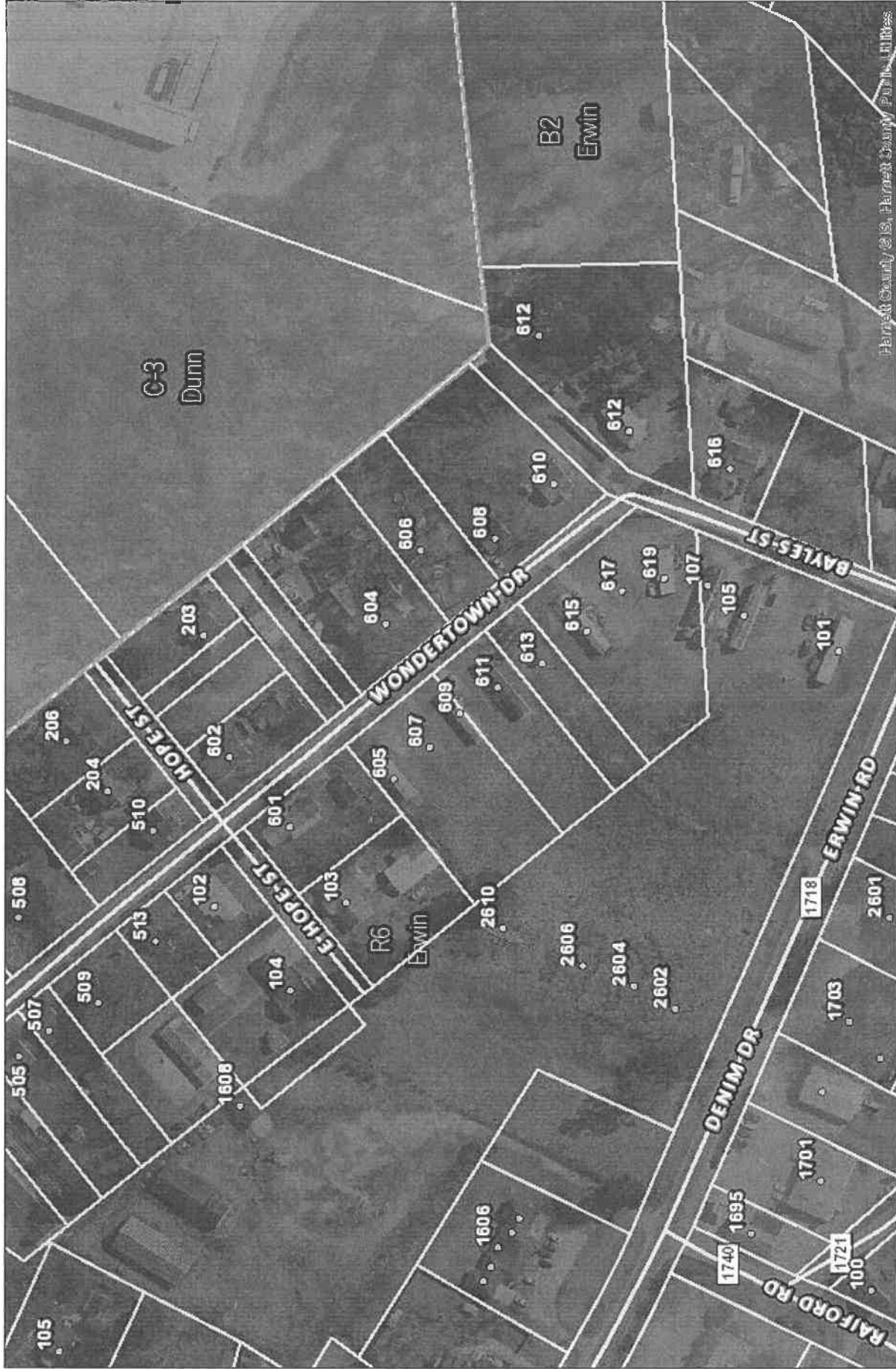
1 inch = 188 feet

**Harnett COUNTY**  
COUNTY OF NORTH CAROLINA


GIS/E-911 Addressing  
March 28, 2022

NOT FOR LEGAL USE .

# Harnett GIS

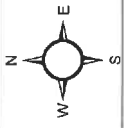


NOT FOR LEGAL USE .

















**Harnett COUNTY**  
2021-2024

GIS/E-911 Addressing  
March 28, 2022

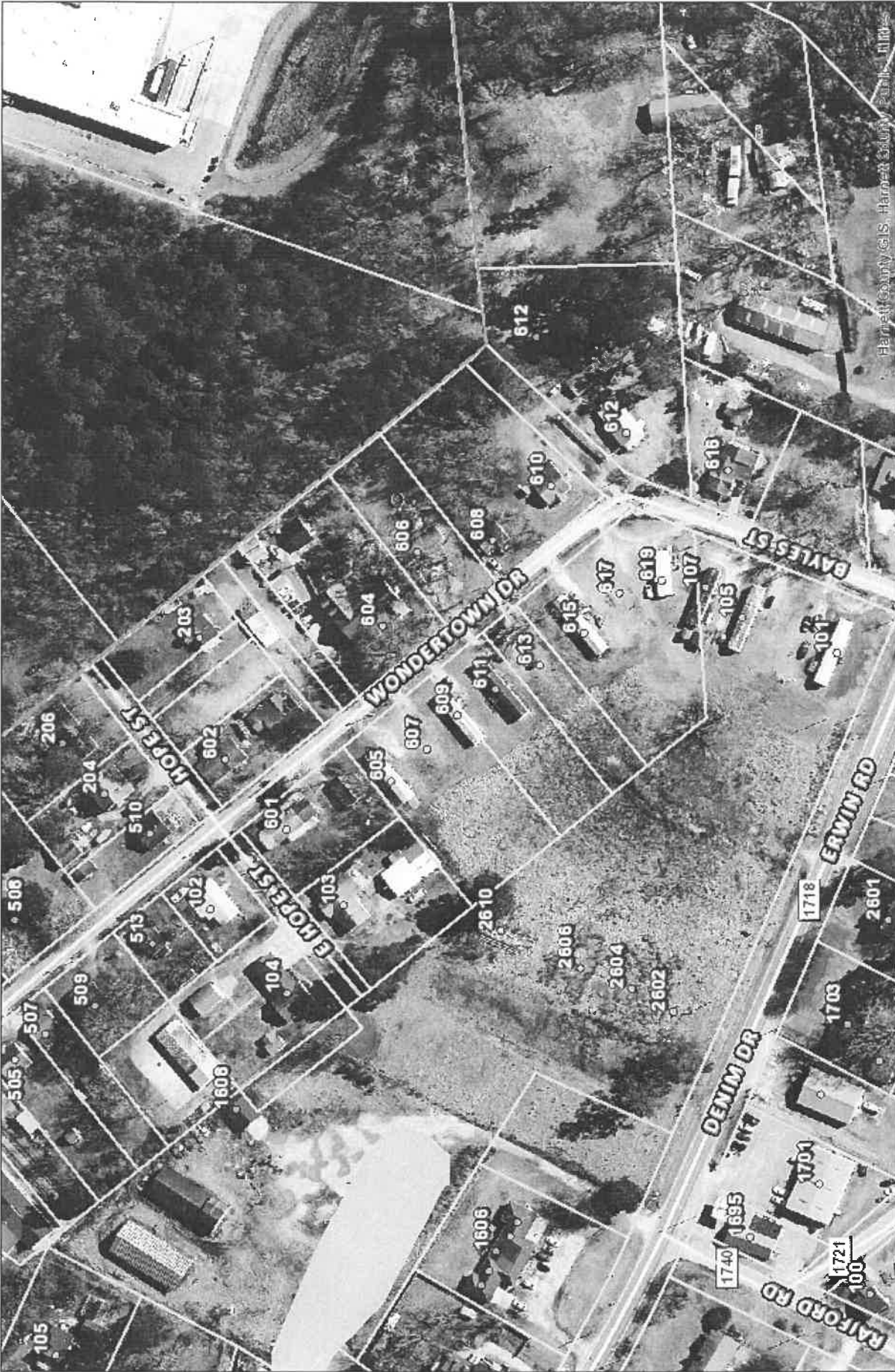


0 80 160 320 Feet  
1 inch = 188 feet

 Surrounding County Boundaries	 MajorRoads	 Mile_Markers	
 City Limits	 Interstate	 Mile_Markers	
 Address Numbers	 NC	 Railroad	
 Airport	 US	 Parcels	
	 Roads	 CapeFearRiver	

Harnett County & B. Harnett County Public Utilities

# Harnett GIS



Harnett County GIS, Harnett County Public Works

1 inch = 188 feet

**Surrounding County Boundaries**

- City Limits
- Address Numbers
- Airport

**MajorRoads**

- Interstate
- NC
- US
- Roads

**Mile\_Markers**

- Interstate
- Mile\_Markers
- Railroad
- Parcels
- CapeFearRiver

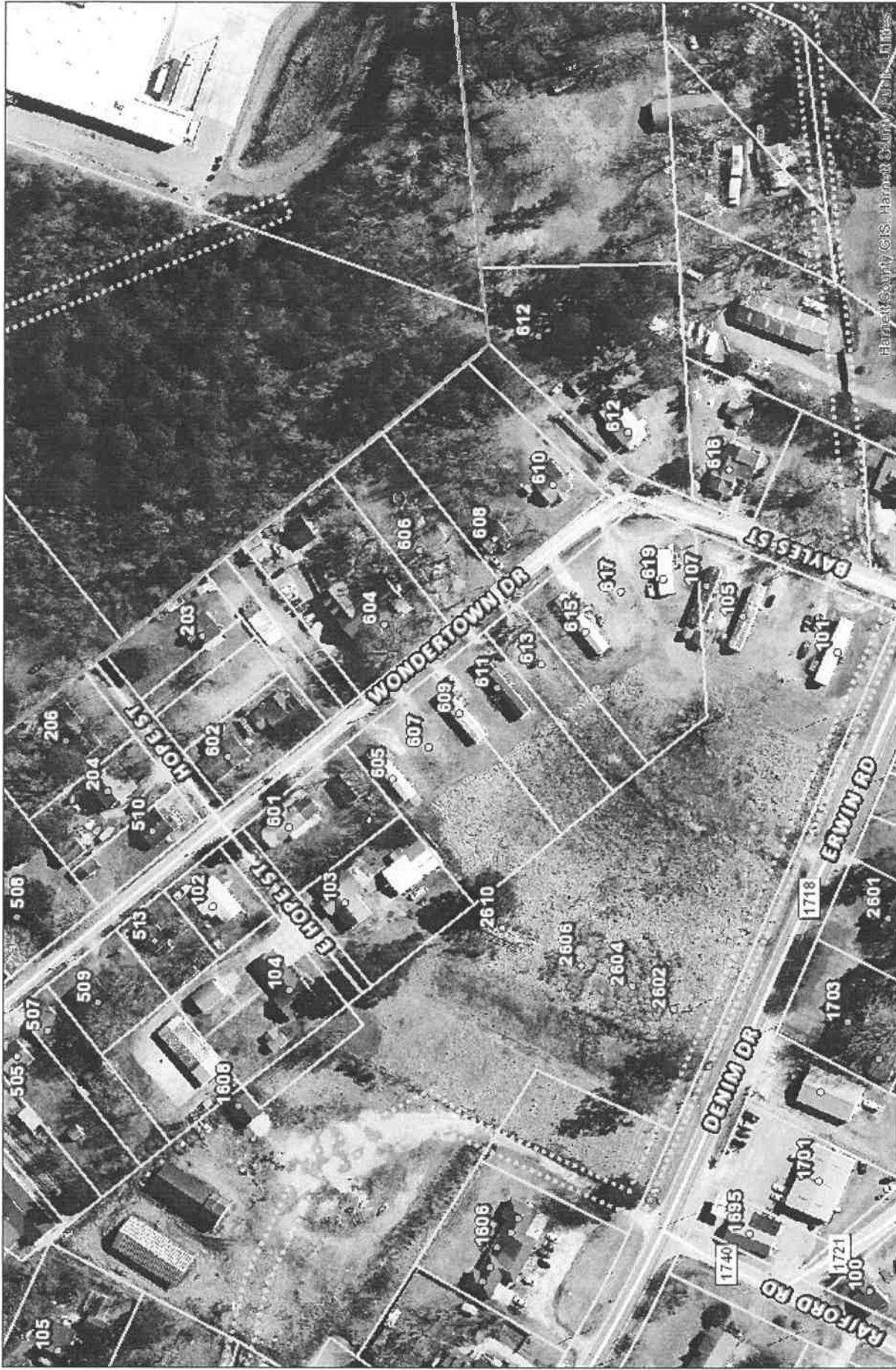
**Harnett COUNTY**

GIS/E-911 Addressing


March 28, 2022

NOT FOR LEGAL USE

# Harnett GIS



NOT FOR LEGAL USE .



**Harnett COUNTY**  
WELLSVILLE, NC

GIS/E-911 Addressing  
 March 28, 2022

**Surrounding County Boundaries**



- City Limits
- Address Numbers
- Airport

**MajorRoads**

- Interstate
- NC
- US

**Roads**

- Mile\_Markers
- Mile\_Markers
- Railroad

1 inch = 188 feet

Jerry and Faye Bayles  
PO Box 343  
Erwin, NC 28339

CSJD LTD LLC  
PO Box 194  
Erwin, NC 28339

Jennifer Owen  
2545 Erwin Road  
Dunn, NC 28334

Justin and Lillian Price  
2565 Erwin Road  
Dunn, NC 28334

Mammie Ann Webb  
1585 Erwin Road  
Dunn, NC 28334

Joshua and Christmas Walls  
2601 Erwin Road  
Dunn, NC 28334

Phyllis Diana Jackson  
502 East Jackson BLVD  
Erwin, NC 28339

Body of Christ Family Christian Center  
C/O Robert Gilchrist  
1703-A Denim Drive  
Erwin, NC 28339

Gill and Shelly's Auto Repair, INC.  
1701 Denim Drive  
Erwin, NC 28339

Alice Faye Stocks  
57 Simmons Drive  
Erwin, NC 28339

Sean and Deirdre Ambrose  
1604 Denim Drive  
Erwin, NC 28339

Frank and Tynia Barker  
1602 Denim Drive  
Erwin, NC 28339

Roberto Beharry  
1600 Denim Drive  
Erwin, NC 28339

Stephanie Florido  
Victor Rodriguez  
103 St. Matthews Road  
Erwin, NC 28339

Jacqueline Reyes  
4052 Collier Road  
Wade, NC 28395

Jimmie and Linda Baker  
111 St. Matthews Road  
Erwin, NC 28339

Jimmie and Linda Baker  
C/O Randy and Kim Baker  
500 Wondertown Drive  
Erwin, NC 28339

Raymond and Paige Houston  
508 W Pearsall Street  
Dunn, NC 28334

Larry and Linda Wood  
4536 NC 50 S  
Benson, NC 27504

Thomas and Sandra Wade  
509 Wondertown Drive  
Erwin, NC 28339

Larry and Martha Faircloth  
104 Hope Street  
Erwin, NC 28339

Michael Byrd  
1597 Aman Dairy Road  
Dunn, NC 28334

William David Hair  
102 Hope Street  
Erwin, NC 28339

Reginald Lamonte Wynn  
601 Wondertown Drive  
Erwin, NC 28339

William Simmons  
103 Hope Street  
Erwin, NC 28339

Micaylah A. Dow  
Austin Dow  
2410 Erwin Road  
Dunn, NC 28334

Toni Mangle  
616 Wondertown Drive  
Erwin, NC 28339

Andrea Delease  
Ronald Delease  
612 Wondertown Drive  
Erwin, NC 28339

Riley Butler  
101 W Roanoke Park Drive  
Raleigh, NC 27608

Asael Siliezar  
2065 Woods Crossroads Road  
Benson, NC 27504

Danny Ray Fisher  
604 Wondertown Drive  
Erwin, NC 28339

William Thomas Bass  
Rhonda Bass Morris, Heirs  
302 South 12<sup>th</sup> Street  
Erwin, NC 28339

Fisher Building Group  
604 Wondertown Drive  
Erwin, NC 28339

William Thomas Fisher  
206 Hope Street  
Erwin, NC 28339

Charles R. Fisher  
204 Hope Street  
Erwin, NC 28339

Betty Pearl Tew  
PO Box 2036  
Dunn, NC 28335

Jim Hartman  
PO Box 387  
Coats, NC 27521

Derek and Rachel Davis  
2405 Erwin Road  
Dunn, NC 28334

Stout Land Development, LLC  
1786 Metromedical Drive  
Fayetteville, NC 28304

# Erwin Board of Commissioners

## REQUEST FOR CONSIDERATION

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To: The Honorable Mayor and Board of Commissioners

From: Lauren Evans, Town Clerk

Date: April 7, 2022

Subject: Petition to Annex 127 Red Hill Church Rd

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The Town has received a request to have 127 Red Hill Church Rd voluntarily annexed into our Town Limits. This parcel is adjacent to our Town Limits. If you approve the Ordinance to extend the corporate limits, adoption can be made immediately, June 30<sup>th</sup> of 2022, or June 30<sup>th</sup> of 2023.

**Action Recommended:**

- Adopt Ordinance to extend the Corporate Limits



State of North Carolina  
County of Harnett  
Town of Erwin

**IRREVOCABLE PETITION REQUESTING ANNEXATION**


Date: 1/3/2022

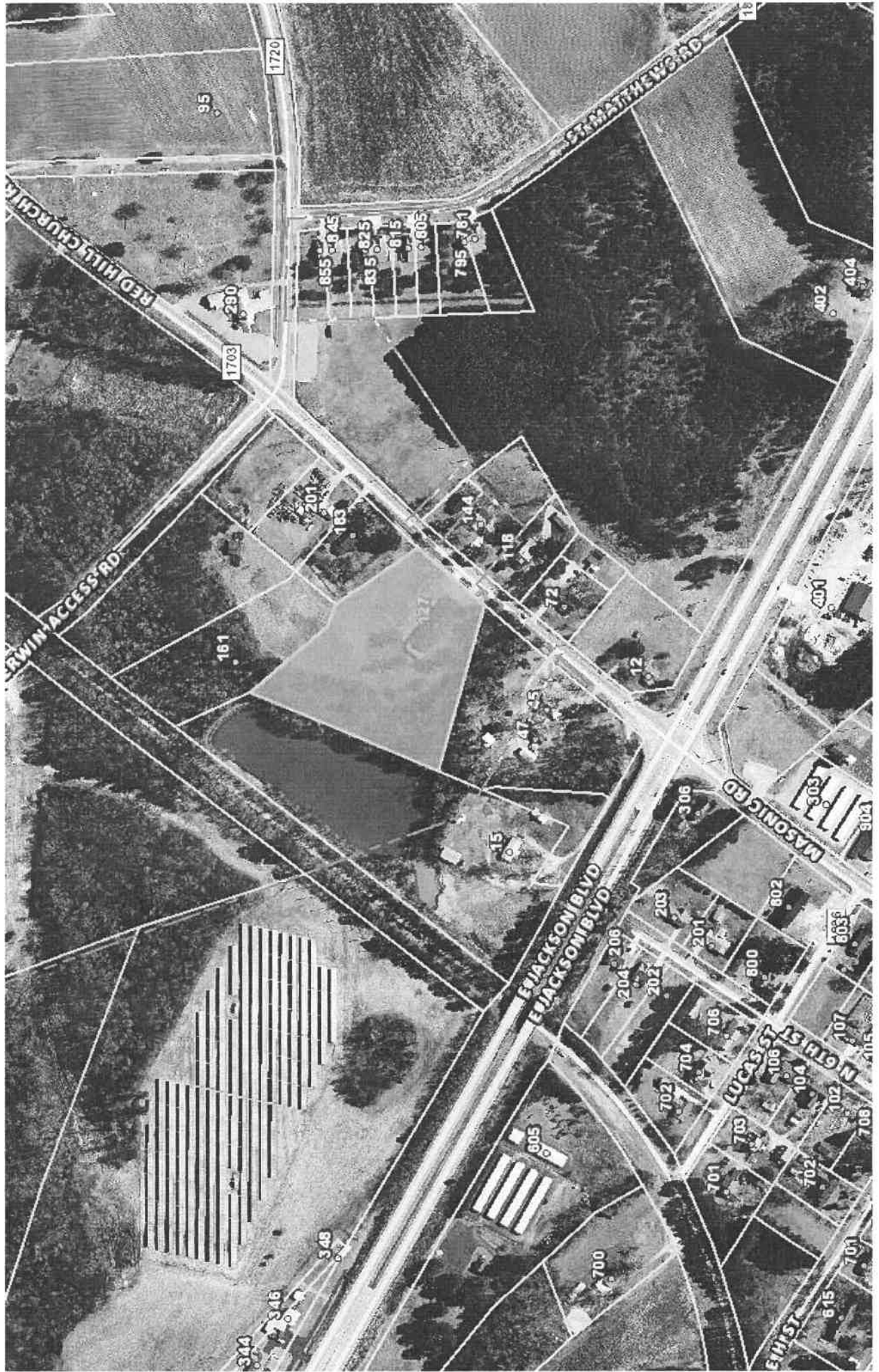
To the Mayor and Board of Commissioners of the Town of Erwin:

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed into the Town of Erwin.
2. The area to be annexed is contiguous to the Town of Erwin and the boundaries of such territory are as follows:

*127 Red Hill Church Road: 1507-15-5219.000*

3. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

Name	Address	Do you declare vested rights? Indicate yes or no	Signature
PCC Properties 1149 Taos Trail Raleigh, NC 27603		No	



### Rural Fire Department Provisions

A municipality that is considering a petition to annex property in an area served by a rural fire department and located in an insurance district, a rural fire protection district, or a county fire protection service district should be aware of and prepared to comply with the provisions for assumption of debt set out below. (See Fire Protection Definitions, p. 1-13).

- (1) Assumption of Debt. If the area to be annexed is served by a rural fire department and is in one of the defined districts, then upon the effective date of annexation the municipality must pay annually a proportionate share of any payments due on any debt (including principal and interest) relating to facilities or equipment of the rural fire department, if the debt was existing at the time of submission of the petition for annexation. The payments must be in the same proportion that the assessed valuation of the annexed portion of the district bears to the assessed valuation of the entire district on the date the annexation ordinance becomes effective.

The annual payments to the rural fire department are calculated as follows: The rural fire department certifies to the municipality annually the amount that will be expended for debt payments to be shared by the municipality. That amount is multiplied by a percentage determined by dividing the assessed valuation of the annexed area by the assessed valuation of the district. Valuations are to be fixed as of the effective date of the annexation ordinance.

Calculation formula:

$$\begin{array}{l} \text{Amount of annual} \\ \text{payment on district} \\ \text{debt for facilities} \\ \text{and/or equipment} \end{array} \quad \times \quad \begin{array}{l} \text{Assessed valuation of} \\ \text{area of district annexed} \\ \text{Assessed valuation of} \\ \text{district} \end{array} \quad = \quad \begin{array}{l} \text{Municipality's} \\ \text{annual debt} \\ \text{payment} \end{array}$$

See sample Rural Fire Department Debt Information Form, p. 1-15.

- (2) LGC Approval. The municipality and the rural fire department shall jointly present a payment schedule to the Local Government Commission for approval and no payment may be made until such schedule is approved. The LGC shall approve a payment schedule agreed upon between the municipality and the rural fire department in cases where the assessed valuation of the district may not readily be determined, if there is a reasonable basis for the agreement.
- (3) Deminimus Exception. The statute does not apply in any calendar year where the municipality's share of annual debt payments for all voluntary annexations during that year does not exceed one hundred dollars (\$100).
- (4) Information to be Provided by Rural Fire Department. The rural fire department is required to make available to the municipality, within thirty (30) days following the municipality's written request, information concerning any such outstanding debt. If the rural fire department fails to respond within forty-five (45) days following receipt of the written request, it forfeits its rights for reimbursement. The municipality must include in its written request reference to the section containing this requirement (G.S. 160A-31.1 for contiguous annexations; G.S.

160A-58.2A for satellite annexations) or no forfeiture will occur. (See sample Request for Debt Information, p. 1-14).

- (5) Contracting with Rural Fire Departments. If the municipality wishes to contract with the rural fire department for provision of fire protection in the annexed area, it should take into consideration the assumption of debt requirement in determining the amount to be paid under the contract. Contracting with the rural fire department will not waive the obligation to pay a portion of the department's debt.
- (6) Fire Protection District Tax Refunds. G.S. 69-25.15; G.S. 153A-304.1. If the newly annexed area is located in a rural fire protection district or a county fire protection service district and the municipality furnishes fire protection to its citizens, the municipality may be required to reimburse property owners for a prorated portion of the fire protection district taxes they have paid for the fiscal year in which the annexation occurs. See Chapter 8 of this publication.

### **Judicial Review**

The statutes do not provide for judicial review of petitioned annexations. Although property owners in the annexed area and residents of the municipality have the right to be heard at the public hearing, they do not have the right to appeal. *See Joyner v. Town of Weaverville, 94 N.C. App. 588 (1989).*

### **Procedures Following Adoption of Ordinance**

- (1) Notice of Adoption. Although not required by law, it is recommended that notice of the adoption of the annexation ordinance be published. (See sample Notice of Adoption of Annexation Ordinance, p. 1-20).
- (2) Recordation. The annexation must be properly recorded with the appropriate board of elections, the register of deeds and the Secretary of State, as well as in the municipal clerk's office. Population information must be reported to the Office of State Planning. See Chapter 7 of this publication.
- (3) Voting Rights Act. Where applicable, the municipality must file with the U.S. Department of Justice for Voting Rights Act preclearance. See Chapter 6 of this publication.

### **Applicability of Laws to the Annexed Area**

- (1) Generally. From and after the effective date of the annexation, the annexed area, its citizens and property are subject to all debts, laws, ordinances and regulations of the annexing municipality, and are entitled to the same privileges and benefits as other parts of the municipality.
- (2) Taxation. Areas annexed with an effective date other than June 30 are subject to proration of property taxes according to a statutory formula. The municipality may also have an obligation to reimburse property owners for fire protection district taxes. Chapter 8 of this publication provides details on these municipal taxation issues.



# TOWN OF ERWIN

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

## ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF ERWIN, NORTH CAROLINA ORD 2021-2022: 005

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

**WHEREAS**, the Mayor and Board of Commissioners of the Town of Erwin has been petitioned under G. S. 160A-31 to annex the area described below; and

**WHEREAS**, the Mayor and Board of Commissioners of the Town of Erwin has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

**WHEREAS**, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the Erwin Municipal Building Town Hall, at 7:00 PM on Thursday, **April 7, 2022**, after due notice by The Daily Record on Tuesday, **March 29, 2022**; and

**WHEREAS**, the Mayor and Board of Commissioners of the Town of Erwin finds that the petition meets the requirements of G.S. 160A-31;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Board of Commissioners of Town of Erwin, North Carolina that:

**Section 1.** By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the Town of Erwin as of April 7, 2022 :

**127 Red Hill**

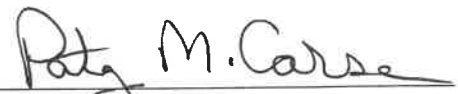
**BEING** all of that 4.152 acres as shown on that map entitled “Recombination and Easement Revision Plat of Lots 1R and 2R Thomas G. Ralph Subdivision for Warren Realty, LLC” dated March 30, 2021 by Chandler Land Surveying and recorded in Map number 2021, Page 143, Harnett County Registry.

**Section 2.** Upon and after April 7, 20 22, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Erwin and shall be entitled to the same privileges and benefits as other parts of the Town of Erwin. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

**Section 3.** The Mayor of the Town of Erwin shall cause to be recorded in the office of the Register of Deeds of Harnett County and the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163.288.1.


**Section 4.** Notice of adoption of this Ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the Town of Erwin.

**ADOPTED, this 7<sup>th</sup> Day of April, 2022.**



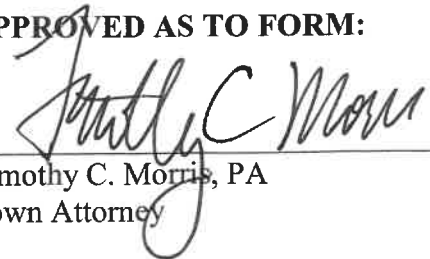
Patsy M. Carson  
Mayor

**ATTEST:**



Lauren Evans  
Town Clerk

**APPROVED AS TO FORM:**



Timothy C. Morris, PA  
Town Attorney



This map may not be a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations and has not been reviewed for compliance with recording requirements for plats.

- (3) Zoning. G.S. 160A-360(f). When a municipality annexes an area regulated by the county, the county zoning and planning regulations and powers of enforcement remain in effect until (a) the municipality has adopted regulations for the area or (b) a period of sixty (60) days has elapsed following the annexation, whichever is sooner. During this period the municipality may hold hearings and take any other measures that may be required in order to adopt its regulations for the area. As noted previously, the municipal zoning vested rights ordinance may provide that any zoning vested rights acquired prior to annexation are extinguished unless expressly declared on the annexation petition.



### MINUTES CONTINUED FROM APRIL 7, 2022

Commissioner Turnage stated people are not educated enough to have four-way stop signs in Erwin.

Town Manager Snow Bowden stated he was under the impression that we would move the discussion under New Business so that the citizens present could come forward and speak.

Edward Pope of 215 St. Matthews Rd came forward on the behalf of himself and his wife and stated he was for the stop signs. They have helped control traffic.

Michael Jackson of 309 St Matthews Rd came forward and provided the Board with copies of the packet he previously provided. He asked the Board to do some finding of facts with him. He stated the issue of the stop signs goes beyond St. Matthews Rd. He stated something needs to be done about traffic but a four-way stop sign is not the tool to use. He thinks the Planning Board needs to address the signs, not just St Matthews Rd.

Susan Coats of 403 Wondertown Drive came forward in support of the stop signs. They will not stop and the children on their road are in trouble. The Police cannot sit on that road and give tickets all day. She stated she does not know who the people are that signed Michael Jackson's petition. She will not even bring her grandchildren to her home because the road is too dangerous without the signs. Keep the signs.

Mayor Pro Tem stated he cares for all the citizens in this area and this Town. He appreciated Mr. Jackson's research and he has done research as well. He provided his research to the Board.

#### **Schabert Crossing Final Plat**

Town Manager Snow Bowden stated this is a 34-lot subdivision and water has been installed. There is a Soil Scientist report in the packet. This is the subdivision off of HWY 82.

Commissioner Blackmon made a motion to approve the final plat for Schabert Crossing and was seconded by Mayor Pro Tem Baker. **The Board voted unanimously.**

#### **Erwin Oaks Preliminary Subdivision Plat**

Town Manager Snow Bowden stated this is a Preliminary Plat for the Erwin Oaks subdivision that we just approve the variance for the street length.

In-depth discussion continued among the Board and the developers.

Commissioner Byrd made a motion to approve the Erwin Oaks Preliminary Subdivision Plat with the condition that the developers look for a secondary entrance and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

I do hereby verify that I am a current resident of the Town of Erwin and reside along St. Matthews Road. My residence is directly impacted by the daily traffic pattern that exists along St. Matthews Road. I would like to express my opinion concerning the all-way stop signs that have been placed along this road and the impacts that it has made.

\*\*\*\*\*

103 St. Matthews Road: A. Hank Approve  Oppose

105 St. Matthews Road: Jacqueline Papp Approve  Oppose

for those who like to go fast with the stop signs they don't they keep everyone safe

111 St. Matthews Road: Jimmie + Linda Baker Approve  Oppose

I think it is safer for the people that live on this road.

203 St. Matthews Road: Aldon Approve  Oppose

for safety reason. Children live and play here.

204 St. Matthews Road: Jennifer Fairbith Approve  Oppose

My girls walk & play on this road & it has been alot more safe with them left please don't take them down.

*Agreda Kennes*

207 St. Matthews Road:

*Safety Reasons*

Approve

Oppose

*Because it keeps from having accidents because he coming through flying through the neighborhood. Its dangerous*

206 St. Matthews Road:

Approve

Oppose

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209 St. Matthews Road:

*Death Fair*

Approve

Oppose

---

---

---

208 St. Matthews Road:

*Paul Brown*

Approve

Oppose

?

213 St. Matthews Road:

Approve

Oppose

---

---

---

Julius Jackson

214 St. Matthews Road:

We want to keep the  Approve  Oppose

stop signs because of the safety they bring to the community. It's stopped the high traffic volume of fast moving vehicles. We have children, animals, and a business that they keep safe.

215 St. Matthews Road:

~~Barry Pope~~ ~~Edward Pope~~ STOP signs need to stay  Approve  Oppose

AS IS. FOR SAFETY OF PEOPLE ON ST MATTHEWS RD. THEY HAVE SLOWED DOWN MOST OF THE SPEEDERS. THEY HAVE MADE IT SAFER TO CROSS THE ROAD AND TO ACCESS THE ROAD.

216 St. Matthews Road:

Approve  Oppose

100 Pope Street:

want to keep them  Approve  Oppose

they slow traffic down and its safe for the kids and people walking st matthews road  
Carol Dan

300 St. Matthews Road:

want to keep  Approve  Oppose

They are beneficial w/respect to safety and slowing traffic down. However, many people fly through them and ignore them all together. Perhaps better regulation would help enforce their purpose.

Richard L. L...

302 St. Matthews Road: \_\_\_\_\_

Approve

Oppose

---

---

---

306 St. Matthews Road:

*Felt Low*

Approve

Oppose

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---

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307 St. Matthews Road: \_\_\_\_\_

Approve

Oppose

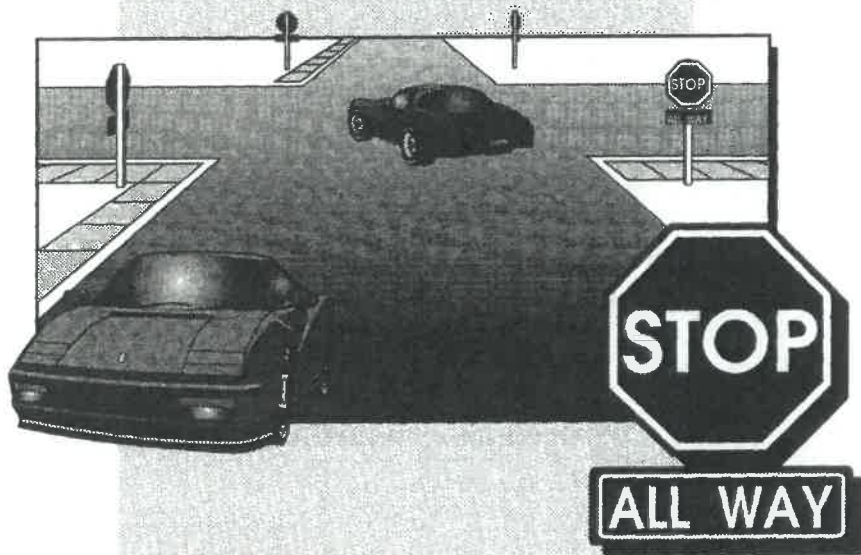
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FINAL REPORT

# USING ALL-WAY STOP CONTROL FOR RESIDENTIAL TRAFFIC MANAGEMENT



B. H. COTTRELL, Jr.  
Senior Research Scientist



VIRGINIA TRANSPORTATION RESEARCH COUNCIL

1. Report No. FHWA/VTRC 96-R17		2. Government Accession No.		3. Recipient's Catalog No.	
4. Title and Subtitle Using All-Way Stop Control for Residential Traffic Management				5. Report Date January 1996	
				6. Performing Organization Code	
7. Author(s) B. H. Cottrell, Jr.				8. Performing Organization Report No. VTRC 96-R17	
9. Performing Organization Name and Address Virginia Transportation Research Council 530 Edgemont Road Charlottesville, Virginia 22903-2454				10. Work Unit No. (TRAVIS)	
				11. Contract or Grant No. 0150-030-940	
12. Sponsoring Agency Name and Address Virginia Department of Transportation 1401 E. Broad Street Richmond, Virginia 23219				13. Type of Report and Period Covered Final Report: 9/91 - 12/95	
				14. Sponsoring Agency Code	
15. Supplementary Notes In cooperation with the U.S. Department of Transportation, Federal Highway Administration.					
16. Abstract <p>All-way, or multiway, stop signs are perhaps the most controversial form of residential traffic control. Residents are likely to request all-way stop signs more frequently than any other form of control. Stop signs are thought of as panaceas for many traffic problems. The Virginia Department of Transportation (VDOT) receives requests for all-way stop control (AWSC) on residential streets primarily to slow traffic, but also to reduce cut-through traffic.</p> <p>The objective of this study was to evaluate the effectiveness of AWSC for residential traffic management. The study was limited to the use of AWSC on local residential streets. A comprehensive review of the literature and a questionnaire survey of selected traffic engineering agencies were conducted to identify current use of AWSC. Three case studies using a series of AWSC intersections to reduce cut-through traffic on local residential streets were analyzed.</p> <p>The majority of traffic engineering agencies use AWSC warrants from the Manual on Uniform Traffic Control Devices (MUTCD). Several agencies use modified MUTCD warrants or a rating system because the MUTCD warrants appear inappropriate for residential streets with lower traffic volumes. When installed at a series of intersections, AWSC was effective in reducing cut-through volumes at the three locations. VDOT should continue to use a series of AWSC intersections as one tool to decrease cut-through traffic on local residential streets.</p>					
17. Key Words All-Way Stop Control Residential Traffic Management Neighborhood Traffic Control Cut-Through Traffic			18. Distribution Statement No restrictions. This document is available to the public through NTIS, Springfield, VA 22161.		
19. Security Classif. (of this report) Unclassified		20. Security Classif. (of this page) Unclassified		21. No. of Pages 44	22. Price

Source: U.S. Department of Transportation, Federal Highway Administration

Manual on Uniform Traffic Control Devices

2B.05

.....  
**STOP signs should not be used for speed control.**

**STOP signs should be installed in a manner that minimizes the numbers of vehicles having to stop.**

At intersections where a full stop is not necessary at all times, consideration should be given to using less restrictive measures such as YIELD signs (see Section 2B.08).

Once the decision has been made to install two-way stop control, the decision regarding the appropriate street to stop should be based on engineering judgment. In most cases, the street carrying the lowest volume of traffic should be stopped.

**A STOP sign should not be installed on the major street unless justified by a traffic engineering study.**  
.....

Section 2B.07 Support: Multiway Stop Applications

Support:

Multiway stop control can be useful as a safety measure at intersections if certain traffic conditions exist. Safety concerns associated with multiway stops include pedestrians, bicyclists, and all road users expecting other road users to stop. Multiway stop control is used where the volume of traffic on the intersecting roads is approximately equal.

The restrictions on the use of STOP signs described in Section 2B.05 also apply to multiway stop applications.

Guidance:

**The decision to install multiway stop control should be based on an engineering study. The following criteria should be considered in the engineering study for a multiway STOP sign installation:**

**A. Where traffic control signals are justified, the multiway stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for the installation of the traffic control signal.**

**B. A crash problem, as indicated by 5 or more reported crashes in a 12-month period that are susceptible to correction by a multiway stop installation. Such crashes include right- and left turn collisions as well as right-angle collisions.**

C. Minimum volumes:

- 1. The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages at least 300 vehicles per hour for any 8 hours of an average day, and**



2. The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour, but

3. If the 85th-percentile approach speed of the major-street traffic exceeds 65 km/h or exceeds 40 mph, the minimum vehicular volume warrants are 70 percent of the above values.

D. Where no single criterion is satisfied, but where Criteria B, C.1, and C.2 are all satisfied to 80 percent of the minimum values. Criterion C.3 is excluded from this condition.

We, the citizens of the town of Erwin and residents of the Saint Matthews Road area, petition the Town to remove the Stop Signs on Saint Matthews Rd located at Pope Street and Wondertown Rd. These Stop Signs were placed at these intersections in violation of the rules established in the Manual on Uniform Traffic Control Devices. These Stop Signs have created a traffic nuisance by impeding the free flow of traffic and created unsafe conditions due to poor stop compliance at these intersections.

Signature	Print Name	Address	Phone
Michael R Jackson	Michael R Jackson	309 St Matthews Rd	910-890-4296
William Janard	William A Janard	112 Pope Street	919-426-0013
Hogier Pich	Hogier Pich	111 Pope Street	919)521-0836
Camryn Page	Camryn Page	109 Pope Street	919-902-0943
Layna Barefoot	Layna Barefoot	109 Pope Street	919-915-4646
Corie Page	Corie Page	109 Pope Street	919-902-3920
Rick Lane	Rick Lane	307 St Matthews	407 541-7168
Steven Strickland	Steven Strickland	100B Pope St	919-538-7382
Brent Courtright	Brent Courtright	102 Pope St.	803 526 3581
Emily Tsiukes	Emily Tsiukes	102 Pope St.	803-810-5417
Kaitlyn Wilson	Kaitlyn Wilson	100 B Pope St.	984-233-1040
FRED Gooden		306 St Matthews	757-377-3412
Jan Watts	JANIS WATTS	307 St. Matthews Rd	910-890-8114
Chris Jackson	Chris Jackson	307 St Matthews Rd	910 824 2073
Nancy Jackson	Nancy Jackson	309 St. Matthew Rd	910-890-3795
Jacinele Hughes	Jacinele Hughes	1600 Denim Drive	910-805-8040
Sue Howkins	Sue Howkins	103 St. Matthews Rd	609-533-9411
Linda Bradley	Linda Bradley	406 Wondertown Dr.	892-8968
Glenn Bradley	Glenn Bradley	406 Wondertown Dr.	892-8968



# Erwin Board of Commissioners

## REQUEST FOR CONSIDERATION

---

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: April 7, 2022

Subject: Schabert Crossing Final Plat

---

The Town has received the final proposed subdivision plat for Schabert Crossing. The proposed subdivision is for a 34 lot subdivision. The water lines have been installed. They have submitted a soils report that is included in this packet for the septic tanks to serve each home. The permits have been approved by the North Carolina Department of Transportation and the roads have been installed in this development.

REVISIONS

PRELIMINARY PLAT

**SCHABERT CROSSING SUBDIVISION**

PROJECT NAME

PIN 0596-94-6228.000  
 NC 82  
 DUKE TOWNSHIP  
 TOWN OF ERWIN  
 HARNETT COUNTY  
 NORTH CAROLINA

CLIENT

**STOUT LAND DEVELOPMENT, LLC**

1766 Metropolitan Drive  
 Fayetteville, North Carolina 28404  
 Phone: (810) 794-0119

PROJECT INFORMATION

SURVEYED BY:	CLIFF
DRAWN BY:	SEAN
CHECKED BY:	JIMMY
PROJECT NUMBER:	1750

DRAWING SCALE

HORIZONTAL: 1"=100'

DATE SURVEYED

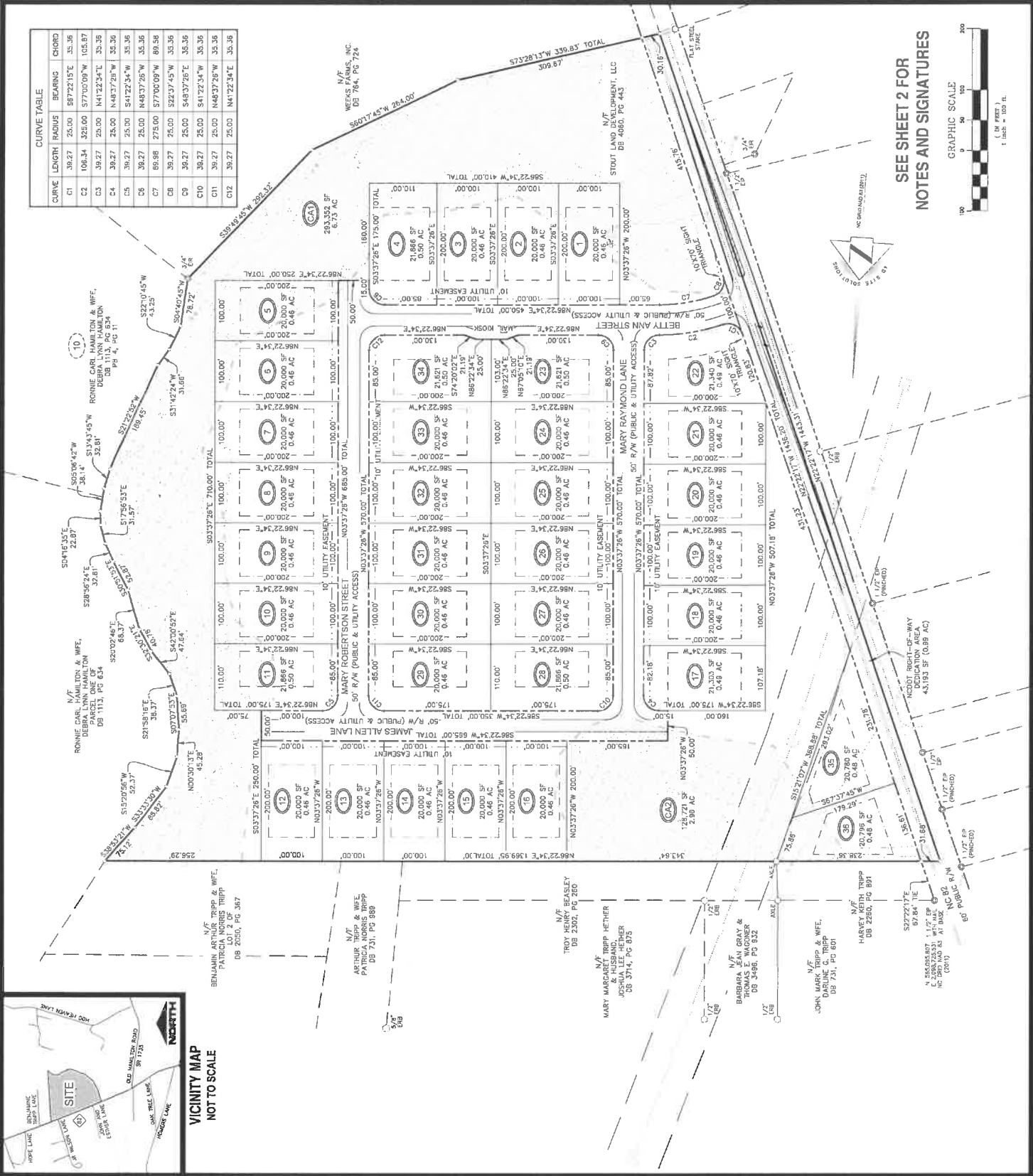
JANUARY 11, 2021

SHEET NUMBER

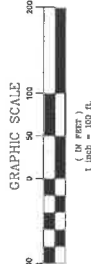
1

OF

CURVE	LENGTH	RADIUS	BEARING	CHORD
C1	39.27	25.00	S57°22'15"E	35.36
C2	106.34	325.00	S77°00'09"W	105.87
C3	39.27	25.00	N41°22'34"E	35.36
C4	39.27	25.00	N48°37'26"W	35.36
C5	39.27	25.00	S41°22'34"W	35.36
C6	39.27	25.00	N48°37'26"W	35.36
C7	66.98	275.00	S77°00'09"W	69.58
C8	39.27	25.00	S22°37'45"W	35.36
C9	39.27	25.00	S48°37'26"E	35.36
C10	39.27	25.00	S41°22'34"W	35.36
C11	39.27	25.00	N48°37'26"W	35.36
C12	39.27	25.00	N41°22'34"E	35.36



SEE SHEET 2 FOR NOTES AND SIGNATURES



VICINITY MAP  
NOT TO SCALE



PRELIMINARY PLAT

**PROJECT NAME**  
**SCHABERT CROSSING SUBDIVISION**

**CLIENT**  
**STOUT LAND DEVELOPMENT, LLC**

**PROJECT INFORMATION**

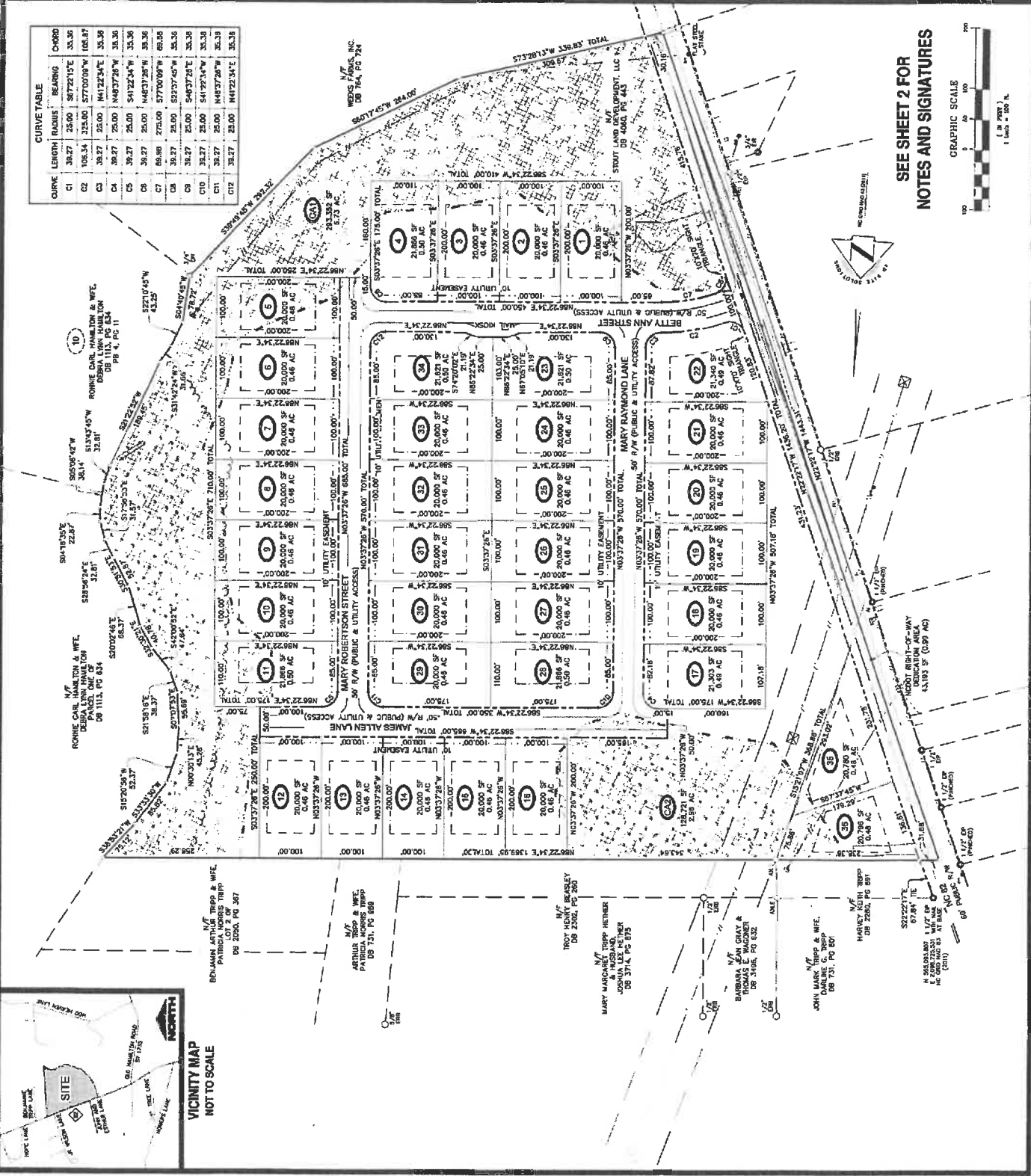
**SURVEYED BY:** CLIFF  
**DRAWN BY:** SEAN  
**CHECKED BY:** JIMMY  
**PROJECT NUMBER:** 1750

**DRAWING SCALE**  
 HORIZONTAL: 1"=100'

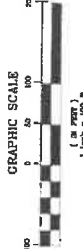
**DATE SURVEYED**  
 JANUARY 11, 2021

**SHEET NUMBER**  
 1

CURVE	LENGTH	RADIUS	BEARING	CHORD
C1	38.27	25.00	S77°25'15"E	35.36
C2	108.34	125.00	S77°00'00"W	103.87
C3	38.27	25.00	N41°22'34"E	35.36
C4	38.27	25.00	N48°37'28"W	35.36
C5	38.27	25.00	S41°22'34"W	35.36
C6	38.27	25.00	N48°37'28"E	35.36
C7	38.27	25.00	S77°00'00"W	35.36
C8	38.27	25.00	S23°37'45"W	35.36
C9	38.27	25.00	S48°37'28"E	35.36
C10	38.27	25.00	S41°22'34"W	35.36
C11	38.27	25.00	N48°37'28"E	35.36
C12	38.27	25.00	N41°22'34"E	35.36



SEE SHEET 2 FOR  
 NOTES AND SIGNATURES



VICINITY MAP  
 NOT TO SCALE

BELMANN ARTHUR TRIPP & WIFE  
 PATRICIA MORRIS TRIPP  
 DB 2200, PG 367

ARTHUR TRIPP & WIFE  
 PATRICIA MORRIS TRIPP  
 DB 120, PG 608

MARY MARGARET TRIPP HETHER  
 JOHNSA LEE HETHER  
 DB 374, PG 875

BARBARA JEAN GRAY & WIFE  
 THOMAS L. BUCKNER  
 DB 349, PG 632

JOHN MARGARET TRIPP & WIFE  
 DORINE G. TRIPP  
 DB 731, PG 807

MARVY RUTH TRIPP  
 DB 2880, PG 891

S22°22'17"E  
 67.84' L1E  
 S 20°22'33" W 117' 0" L1E  
 S 60°00'00" W 117' 0" L1E  
 AC 200.00 SQ. FT. BASE  
 (cont.)

117' 0" L1E  
 (cont.)

117' 0" L1E  
 (cont.)



STATE OF NORTH CAROLINA  
COUNTY OF HARRETT

REVIEW OFFICER OF HARRETT COUNTY, CERTIFY THAT THE MAP OR PLAN TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

RENEW OFFICER

DATE

HARRETT COUNTY, NORTH CAROLINA

FILED FOR REGISTRATION ON THE \_\_\_\_\_ DAY \_\_\_\_\_ (M/PA) AND FULLY RECORDED IN MAP BOOK \_\_\_\_\_ AT PAGE \_\_\_\_\_

REGISTER OF DEEDS OF HARRETT COUNTY

DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS

PROPOSED SUBDIVISION ROAD CONSTRUCTION STANDARDS CERTIFICATION

APPROVED \_\_\_\_\_ DISTRICT ENGINEER

DATE \_\_\_\_\_

ACCEPTED FOR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS

BY: \_\_\_\_\_ DISTRICT ENGINEER

DATE \_\_\_\_\_

PRELIMINARY PLAN

PROJECT NAME  
**SCHABERT CROSSING SUBDIVISION**

PN 0998-94-5428.000

NC 82  
BUKE TOWNSHIP  
TOWN OF ERWIN  
HARRETT COUNTY  
NORTH CAROLINA

CLIENT  
**STOUT LAND DEVELOPMENT, LLC**

1783 Meromediical Drive  
Fayetteville, North Carolina 28304  
Phone: (810) 779-0018

PROJECT INFORMATION

SURVEYED BY:	CLIFF
DRAWN BY:	SEAM
CHECKED BY:	JIMMY
PROJECT NUMBER:	1783

DRAWING SCALE  
HORIZONTAL: 1"=100'

DATE SCHEDULED  
JANUARY 11, 2021

SHEET NUMBER  
2 OF 2

PUBLIC PLAT DECLARATION

ATTEST: I, SEAM R. SEEVER, AS REGISTERED PROFESSIONAL SURVEYOR, HAVE REVIEWED THE PUBLIC PLAT AND THE RECORDING INFORMATION CONTAINED THEREON. I HAVE FOUND THAT THE PUBLIC PLAT COMPLETELY ACCORDS WITH THE STANDARDS OF THE NORTH CAROLINA SURVEYING ACT AND THE STANDARDS OF THE NORTH CAROLINA REGISTERED PROFESSIONAL SURVEYORS BOARD. I HAVE ALSO FOUND THAT THE PUBLIC PLAT COMPLETELY ACCORDS WITH THE STANDARDS OF THE NORTH CAROLINA REGISTERED PROFESSIONAL SURVEYORS BOARD. I HAVE ALSO FOUND THAT THE PUBLIC PLAT COMPLETELY ACCORDS WITH THE STANDARDS OF THE NORTH CAROLINA REGISTERED PROFESSIONAL SURVEYORS BOARD. I HAVE ALSO FOUND THAT THE PUBLIC PLAT COMPLETELY ACCORDS WITH THE STANDARDS OF THE NORTH CAROLINA REGISTERED PROFESSIONAL SURVEYORS BOARD.

DATE \_\_\_\_\_

OWNER'S SIGNATURE

CERTIFICATE OF OWNERSHIP AND DEDICATION

I, SEAM R. SEEVER, AS REGISTERED PROFESSIONAL SURVEYOR, HAVE REVIEWED THE PUBLIC PLAT AND THE RECORDING INFORMATION CONTAINED THEREON. I HAVE FOUND THAT THE PUBLIC PLAT COMPLETELY ACCORDS WITH THE STANDARDS OF THE NORTH CAROLINA SURVEYING ACT AND THE STANDARDS OF THE NORTH CAROLINA REGISTERED PROFESSIONAL SURVEYORS BOARD. I HAVE ALSO FOUND THAT THE PUBLIC PLAT COMPLETELY ACCORDS WITH THE STANDARDS OF THE NORTH CAROLINA REGISTERED PROFESSIONAL SURVEYORS BOARD. I HAVE ALSO FOUND THAT THE PUBLIC PLAT COMPLETELY ACCORDS WITH THE STANDARDS OF THE NORTH CAROLINA REGISTERED PROFESSIONAL SURVEYORS BOARD.

DATE \_\_\_\_\_

OWNER'S SIGNATURE

COUNTY, NORTH CAROLINA

THE COUNTY AND STATE AFORESAID, CERTIFY THAT PERSONALLY PRESENTED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT, WITNESS MY HAND AND OFFICIAL STAMP AND SEAL, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

I, SEAM R. SEEVER, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE IN ACCORDANCE WITH THE STANDARDS OF THE NORTH CAROLINA SURVEYING ACT AND THE STANDARDS OF THE NORTH CAROLINA REGISTERED PROFESSIONAL SURVEYORS BOARD. I HAVE ALSO FOUND THAT THE PUBLIC PLAT COMPLETELY ACCORDS WITH THE STANDARDS OF THE NORTH CAROLINA REGISTERED PROFESSIONAL SURVEYORS BOARD. I HAVE ALSO FOUND THAT THE PUBLIC PLAT COMPLETELY ACCORDS WITH THE STANDARDS OF THE NORTH CAROLINA REGISTERED PROFESSIONAL SURVEYORS BOARD.

DATE \_\_\_\_\_

OWNER

CERTIFICATE OF IMPROVEMENTS MAINTENANCE

I, SEAM R. SEEVER, CERTIFY THAT I ASSUME ALL FINANCIAL AND LEGAL RESPONSIBILITIES FOR THE MAINTENANCE AND USE OF ALL STREETS AND OTHER REQUIRED IMPROVEMENTS IN THE SUBDIVISION UNTIL SUCH TIME THAT THEY ARE ACCEPTED FOR MAINTENANCE BY THE NCSDOT.

DATE \_\_\_\_\_

OWNER

NOTES:  
1. DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.  
2. COMBINED SCALE FACTOR: 0.99987828  
3. CONTROL ESTABLISHED VIA NORTH CAROLINA GEODETIC SURVEY VERTICAL REFERENCE SYSTEM.  
4. USING THE NORTH CAROLINA GEODETIC SURVEY VERTICAL REFERENCE SYSTEM, ELEVATIONS NOT SHOWN ARE ASSUMED TO BE CORRECTED LINES FROM INFORMATION ON REFERENCED INFORMATION SHOWN HEREON. OTHER ADJUSTMENTS OF RECORD MAY EXIST WHICH COULD AFFECT THIS PROPERTY. NO RESPONSIBILITY IS ASSUMED FOR SUCH ADJUSTMENTS.  
5. TO HAZARDOUS WASTE MATERIALS, ENDSMENTS, CONTAINERS, AND FLOOD AREAS.  
6. THE FLOOD INSURANCE RATE, DATED OCTOBER 3, 2020, SHOWS THIS PROPERTY TO BE IN A FLOOD ZONE OF VARYING SEVERITY.  
7. THE WETLANDS DEDICATION WAS PROVIDED BY:  
FAYETTEVILLE, NORTH CAROLINA 28111  
P.O. BOX 3231  
S.O. BOX 3231  
S.O. ENVIRONMENTAL ASSOCIATES, INC.  
PHONE: 704-822-6440  
FAX: 704-822-6440

8. THIS DEVELOPMENT WAS DESIGNED IN ACCORDANCE WITH COMPATIBILITY DESIGN CONCEPT STANDARDS.  
9. TOTAL DEVELOPMENT IS WITHIN ONE MILE OF A VOLUNTARY AGRICULTURAL ZONING DISTRICT.  
10. 0.05 LOTS PER ACRE.  
11. 0.05 LOTS PER ACRE.  
12. OPEN SPACE IS TO BE MAINTAINED BY THE HOA.  
13. THE HOA SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE COMMON AREAS.  
14. THE APPLICANT WILL BE PRESENT IN ACCORDANCE WITH SECTION 8.4 OF THE SUBDIVISION INTERIOR ROADS ARE 20' IN WIDTH.  
15. SUBDIVISION INTERIOR ROADS ARE 20' IN WIDTH.  
16. THERE SHALL BE NO LAND DISTURBANCE WITHIN ANY DESIGNATED WETLANDS.  
17. MINIMUM LOT WIDTH = 100'  
18. THE MINIMUM UNDIVIDED AREA PER LOT IS 3,000 SQ FT.  
19. THIS DEVELOPMENT IS WITHIN ONE MILE OF A VOLUNTARY AGRICULTURAL ZONING DISTRICT.  
20. INDIVIDUAL HOME OWNERS ARE RESPONSIBLE FOR MAINTAINING ANY LANDSCAPING BUFFER THAT IS LOCATED ON THE LOT.  
21. ONLY NORTH CAROLINA DEPARTMENT OF TRANSPORTATION APPROVED STRUCTURES ARE TO BE CONSTRUCTED ON THE PUBLIC RIGHT OF WAY.  
22. THE DEVELOPMENT SHALL BE DESIGNED TO MAINTAIN THE INTEGRITY OF THE WETLANDS.  
23. THE RESPONSIBILITY OF THE PROPERTY OWNERS TO MAINTAIN THE DRAINAGE STRUCTURES THEREON, SO AS TO MAINTAIN THE INTEGRITY OF THE DRAINAGE SYSTEM, IS AS FOLLOWS:  
TOTAL LINEAL FEET OF ROADS IS AS FOLLOWS:  
BERRY LANE STREET 165 FEET  
MARY ROBERTSON STREET 750 FEET  
MAYNARD LANE 510 FEET  
TOTAL 1425 FEET  
TOTAL 2750 FEET

I, SEAM R. SEEVER, CERTIFY THAT THE CONTROL FOR THIS SURVEY WAS ESTABLISHED FROM AN ACTUAL SURVEY MADE IN ACCORDANCE WITH THE STANDARDS OF THE NORTH CAROLINA SURVEYING ACT AND THE STANDARDS OF THE NORTH CAROLINA REGISTERED PROFESSIONAL SURVEYORS BOARD. I HAVE ALSO FOUND THAT THE PUBLIC PLAT COMPLETELY ACCORDS WITH THE STANDARDS OF THE NORTH CAROLINA REGISTERED PROFESSIONAL SURVEYORS BOARD. I HAVE ALSO FOUND THAT THE PUBLIC PLAT COMPLETELY ACCORDS WITH THE STANDARDS OF THE NORTH CAROLINA REGISTERED PROFESSIONAL SURVEYORS BOARD.

DATE \_\_\_\_\_

OWNER'S SIGNATURE

CERTIFICATE OF OWNERSHIP AND DEDICATION

I, SEAM R. SEEVER, CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF HARRETT COUNTY, NORTH CAROLINA. I HAVE FOUND THAT THE PUBLIC PLAT COMPLETELY ACCORDS WITH THE STANDARDS OF THE NORTH CAROLINA SURVEYING ACT AND THE STANDARDS OF THE NORTH CAROLINA REGISTERED PROFESSIONAL SURVEYORS BOARD. I HAVE ALSO FOUND THAT THE PUBLIC PLAT COMPLETELY ACCORDS WITH THE STANDARDS OF THE NORTH CAROLINA REGISTERED PROFESSIONAL SURVEYORS BOARD. I HAVE ALSO FOUND THAT THE PUBLIC PLAT COMPLETELY ACCORDS WITH THE STANDARDS OF THE NORTH CAROLINA REGISTERED PROFESSIONAL SURVEYORS BOARD.

DATE \_\_\_\_\_

OWNER'S SIGNATURE

COUNTY, NORTH CAROLINA

THE COUNTY AND STATE AFORESAID, CERTIFY THAT PERSONALLY PRESENTED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT, WITNESS MY HAND AND OFFICIAL STAMP AND SEAL, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

STATE OF NORTH CAROLINA  
COUNTY OF HARRETT

REVIEW OFFICER OF HARRETT COUNTY, CERTIFY THAT THE MAP OR PLAN TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

RENEW OFFICER

DATE

HARRETT COUNTY, NORTH CAROLINA

FILED FOR REGISTRATION ON THE \_\_\_\_\_ DAY \_\_\_\_\_ (M/PA) AND FULLY RECORDED IN MAP BOOK \_\_\_\_\_ AT PAGE \_\_\_\_\_

REGISTER OF DEEDS OF HARRETT COUNTY

DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS

PROPOSED SUBDIVISION ROAD CONSTRUCTION STANDARDS CERTIFICATION

APPROVED \_\_\_\_\_ DISTRICT ENGINEER

DATE \_\_\_\_\_

ACCEPTED FOR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS

BY: \_\_\_\_\_ DISTRICT ENGINEER

DATE \_\_\_\_\_

PRELIMINARY PLAN

PROJECT NAME  
**SCHABERT CROSSING SUBDIVISION**

PN 0998-94-5428.000

NC 82  
BUKE TOWNSHIP  
TOWN OF ERWIN  
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Phone: (810) 779-0018

PROJECT INFORMATION

SURVEYED BY:	CLIFF
DRAWN BY:	SEAM
CHECKED BY:	JIMMY
PROJECT NUMBER:	1783

DRAWING SCALE  
HORIZONTAL: 1"=100'

DATE SCHEDULED  
JANUARY 11, 2021

SHEET NUMBER  
2 OF 2

SOURCE OF FILE  
40' FRONT  
DE 4000' POINT  
HARRETT COUNTY  
REGISTER OF DEEDS

SEAM R. SEEVER, CERTIFY THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY REGISTERED PLAT THAT WAS AN EASEMENT THAT

NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_



# Southeastern Soil & Environmental Associates, Inc.

P.O. Box 9321  
Fayetteville, NC 28311  
Phone/Fax (910) 822-4540  
Email mike@southeasternsoil.com

March 24, 2020

Harnett County Health Department  
307 Cornelius Harnett Blvd.  
Lillington, N.C. 27546

Re: Soil evaluations and final septic recommendations, Lots 1 – 35, Schabert Crossing Subdivision, NC Hwy. 82, Harnett County, North Carolina

To whom it may concern,

A final soils investigation has been completed for each of the above referenced lots. The property is located on NC Hwy. 82 as shown on the accompanying map. The purpose of the investigation was to determine the ability of the soil to support any subsurface waste disposal system for each proposed lot. All ratings and determinations were made in accordance with "Laws and Rules for Sanitary Sewage Collection, Treatment, and Disposal, 15A NCAC 18A .1900".

Each lot appears to contain at least one area that meets minimum criteria for subsurface waste disposal systems for at least a typical (50' x 50') 3 bedroom home (may include the use of conventional drainlines, gravelless drainlines, low profile chamber, low pressure pipe, pumps, fill, large diameter pipe, French Drains, pretreatment, drip irrigation, etc.). Soil characteristics in the usable areas were dominantly provisionally suitable to at least 18 inches (fill, drip irrigation and/or pretreatment), 20 inches (low profile chamber) or 24 inches (conventional or LPP) including those specified in rules .1940, .1941, .1942, .1943, .1944 and .1945. A soil map indicating typical soil areas that meet these criteria is enclosed. Each of the lots appears to contain sufficient available space for a repair area for at least a typical 3 bedroom home (may include the use of any of the systems mentioned above).

**Any or all lots may require specific design/layout on our part prior to action by the local health department due to space and soil considerations (at separate cost to client). Alternative systems (mentioned above) could be required on any lot to compensate for shallow unsuitable soil conditions. Specific house locations, house sizes, driveway locations and/or side entry garages may be required on any individual lot. There should be no grading, logging or other site disturbance in soil areas designated as usable for subsurface waste disposal until approved by the local health department (any site disturbance could remove soil and render the area unusable).**

**When evaluated, the soil areas designated as usable for subsurface waste disposal were dry to at least 24 inches. During wetter time periods, subsurface water could be found in any of these soil areas at shallower depths. The local health department has the authority to deny a permit to any soil where water saturates a soil boring. SSEA cannot be certain that this will not occur on any of these lots. If this occurs (and cannot be remedied with a French drain or other drainage), any of these lots could become unsuitable due to .1942 (soil wetness).**

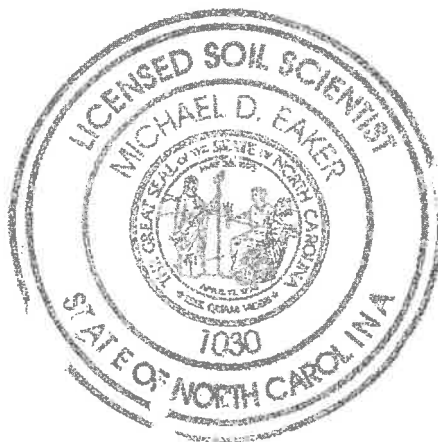
This report does not guarantee or warrant that a septic system will function for any specific length of time.

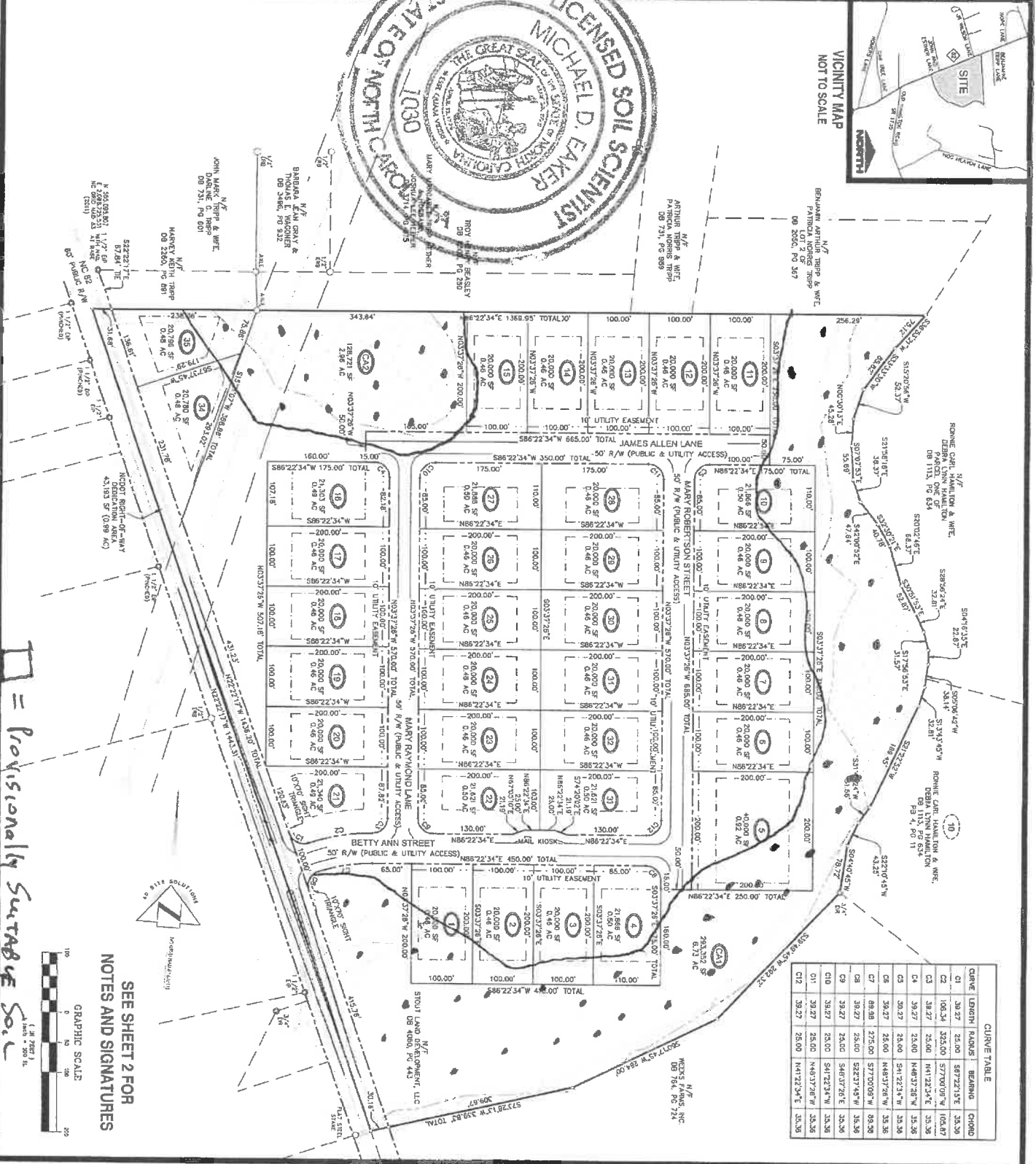
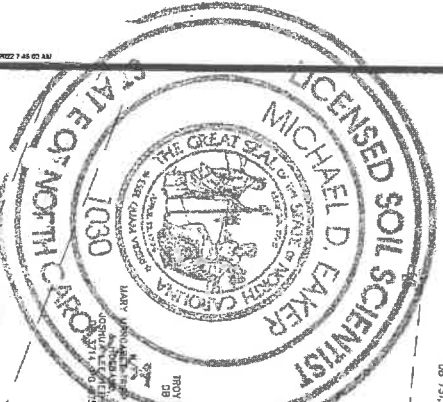
As with any property, this report does not guarantee, represent or imply approval or issuance of improvement permit as needed by the client from the local health department **(as such, any potential buyers of these properties should obtain appropriate permits from the local health department prior to making and/or completing purchase obligations or financial commitments. Since professional opinions sometimes differ, an actual improvement permit issuance by the local health department is the only "guarantee" of a site's suitability for a buyers intended use.)**. This report only addresses rules in force at the time of evaluation. Permits will only be granted if the local health department concurs with the findings of this report. This report only represents my professional opinion as a licensed soil scientist. I trust this is the information you require at this time. If you have any questions, please call.

Sincerely,



Mike Eaker  
NC Licensed Soil Scientist





**CURVE TABLE**

CURVE	LENGTH	RADIUS	BEARING	CORD
C1	39.27	25.00	S87°21'19" W	33.36
C2	106.34	325.00	S77°09'09" W	105.67
C3	38.27	25.00	N41°22'24" E	33.36
C4	39.27	25.00	N48°37'28" W	35.36
C5	39.27	25.00	S41°22'14" W	35.36
C6	39.27	25.00	N48°37'28" W	35.36
C7	69.28	225.00	S77°09'09" W	69.28
C8	39.27	25.00	S82°31'45" W	35.36
C9	39.27	25.00	S66°17'20" E	35.36
C10	39.27	25.00	S41°22'14" W	35.36
C11	39.27	25.00	N48°37'28" W	35.36
C12	39.27	25.00	N41°22'24" E	33.36

SEE SHEET 2 FOR NOTES AND SIGNATURES



**PROVISIONALLY SUITABLE SOIL**  
**UNSUITABLE SOIL**

PRELIMINARY PLAN

**4Dsite solutions**

1786 National Drive Fayetteville, NC 28304  
 Phone: (910) 719-9010  
 Fax: (910) 719-9011  
 Email: info@4dsite.com

**SCHABERT CROSSING SUBDIVISION**

**STOUT LAND DEVELOPMENT, LLC**

**PROJECT INFORMATION**

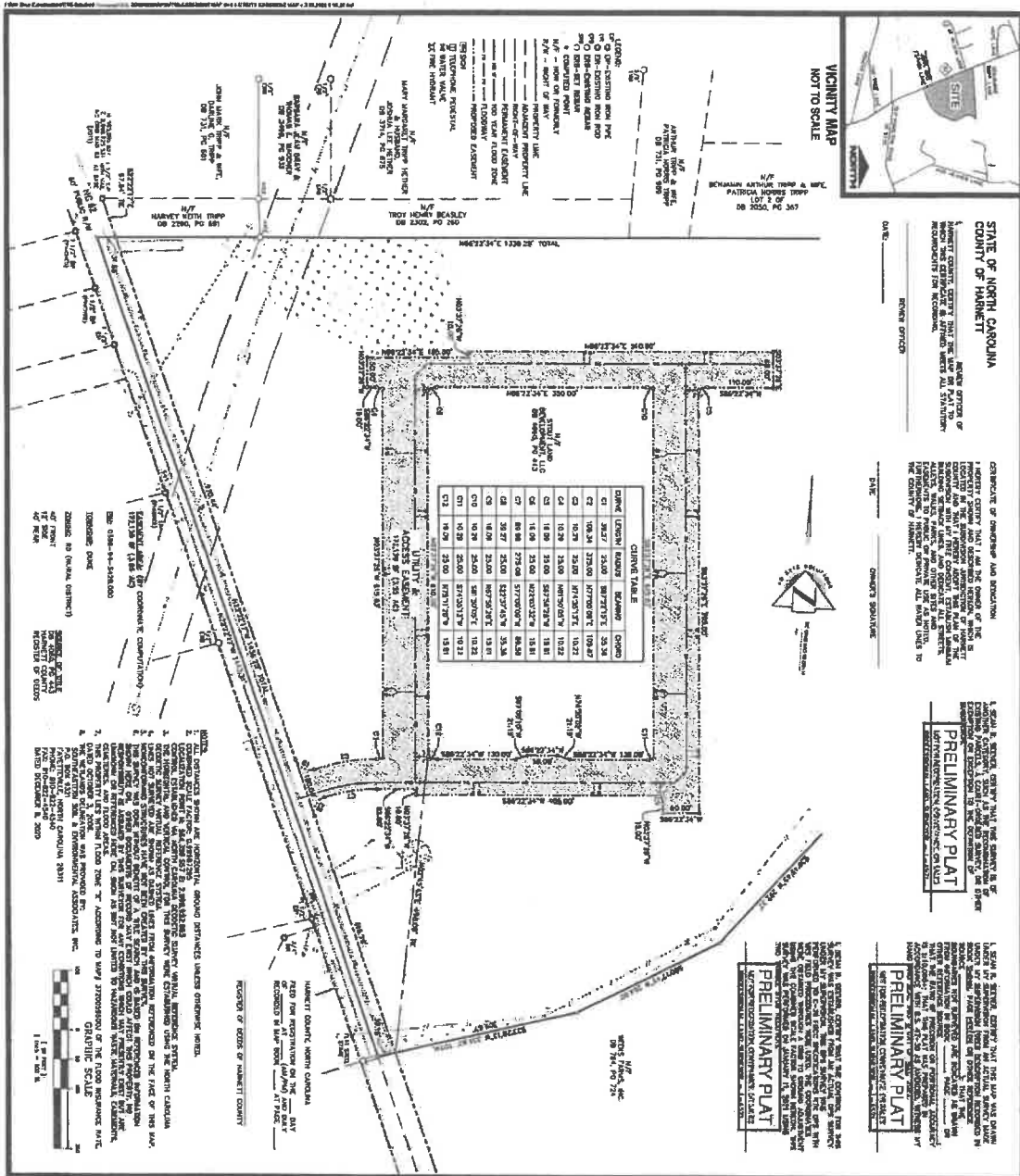
SURVEYED BY:	CLIFF
DRAWN BY:	SEAN
CHECKED BY:	JIMMY
PROJECT NUMBER:	1786

**DRAWING SCALE**  
 HORIZONTAL: 1"=100'

**DATE SURVEYED**  
 JANUARY 11, 2021

**SHEET NUMBER**  
 1 OF 2

EXHIBIT A



**THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS**

## EXHIBIT B

### **Schabert Crossing Utility & Access Easement Legal Description Duke Township Harnett County, North Carolina**

The following described easement lies within the parcel of land located on the eastern side of NC 82, in the Duke Township and being the deed duly recorded in Deed Book 4060, Page 443, of the Harnett County, North Carolina Registry.

#### **Permanent Utility & Access Easement**

The following described permanent utility easement being variable in width, containing 172,139 square feet more or less and being more particularly described as follows: **COMMENCING** at the southernmost corner of the Stout Land Development, LLC parcel as recorded in Deed Book 4060, Page 443 of the Harnett County Registry, on the eastern right-of way margin of NC 82, thence with said eastern right-of-way margin **N22°22'17"W 415.76** feet to a point, the **POINT OF BEGINNING**; thence continuing with said right-of-way margin **N22°22'17"W 415.76** feet to a point; thence leaving said right-of-way margin and running with a new easement line the following twenty-two calls: with a curve as it curves to the left having a **radius of 25.00** feet and an **arc distance of 39.27** feet, chord bearing and distance of **S67°22'15"E 35.36** feet to a point; thence with a reverse curve as it curves to the right having a **radius of 325.00** feet and an **arc distance of 106.34** feet, chord bearing and distance of **N77°00'09"E 105.87** feet to a point; thence with a reverse curve as it curves to the left having a **radius of 25.00** feet and an **arc distance of 10.29** feet, chord bearing and distance of **N74°35'13"E 10.22** feet to a point; thence **N03°37'26"W 615.83** feet to a point; thence with a curve as it curves to the left having a **radius of 25.00** feet and an **arc distance of 10.29** feet, chord bearing and distance of **N81°50'05"W 10.22** feet to a point; thence **S86°22'34"W 15.00** feet to a point; thence **N03°37'26"W 50.00** feet to a point; thence **N86°22'34"E 165.00** feet to a point; thence **N03°37'26"W 10.00** feet to a point; thence **N86°22'34"E 510.00** feet to a point; thence **S03°37'26"E 60.00** feet to a point; thence **S86°22'34"W 110.00** feet to a point; thence with a curve as it curves to the left having a **radius of 25.00** feet and an **arc distance of 16.09** feet, chord bearing and distance of **S67°56'28"W 15.81** feet to a point; thence **S03°37'26"E 705.00** feet to a point; thence **S86°22'34"W 60.00** feet to a point; thence **N03°37'26"W 15.00** feet to a point; thence with a curve as it curves to the left having a **radius of 25.00** feet and an **arc distance of 16.09** feet, chord bearing and distance of **N22°03'32"W 15.81** feet to a point; thence **S86°22'34"W 405.00** feet to a point; thence **N03°37'26"W 10.00** feet to a point; thence **S86°22'34"W 65.00** feet to a point; thence with a curve as it curves to the left having a **radius of 275.00** feet and an **arc distance of 89.98** feet, chord bearing and distance of **S77°00'09"W 89.58** feet to a point; thence with a compound curve as it curves to the left having a **radius of 25.00** feet and an **arc distance of 39.27** feet, chord bearing and distance of **S22°37'45"W 35.36** feet to the **POINT OF BEGINNING** and is shown in greater detail on the easement map recorded in Plat Book \_\_\_\_, Page \_\_\_\_ of the Harnett County Registry.

#### **Area to exclude from the above description**

**COMMENCING** at the southernmost corner of the Stout Land Development, LLC parcel as recorded in Deed Book 4060, Page 443 of the Harnett County Registry, on the eastern right-of way margin of NC 82, thence **N02°45'43"E 498.09** feet to a point, the **POINT OF BEGINNING**; thence with a new easement line the following twelve calls: **N03°37'26"W**

**610.00** feet to a point; thence with a non-tangent curve as it curves to the right having a **radius of 25.00** feet and an **arc distance of 16.09** feet, chord bearing and distance of **N67°56'28"E 15.81** feet to a point; thence **N86°22'34"E 350.00** feet to a point; thence with a curve as it curves to the right having a **radius of 25.00** feet and an **arc distance of 10.29** feet, chord bearing and distance of **S81°50'05"E 10.22** feet to a point; thence **S03°37'26"E 615.83** feet to a point; thence with a non-tangent curve as it curves to the right having a **radius of 25.00** feet and an **arc distance of 10.29** feet, chord bearing and distance of **S74°35'13"W 10.22** feet to a point; thence **S86°22'34"W 130.00** feet to a point; thence **N74°20'02"W 21.19** feet to a point; thence **S86°22'34"W 50.00** feet to a point; thence **S67°05'10"W 21.19** feet to a point; thence **S86°22'34"W 130.00** feet to a point; thence with a curve as it curves to the right having a **radius of 25.00** feet and an **arc distance of 16.09** feet, chord bearing and distance of **N75°11'20"W 15.81** feet to the **POINT OF BEGINNING**.

**STATE OF NORTH CAROLINA  
 COUNTY OF HARNETT**

REVIEW OFFICER OF HARNETT COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE: \_\_\_\_\_ REVIEW OFFICER: \_\_\_\_\_

DATE: \_\_\_\_\_ OWNER'S SIGNATURE: \_\_\_\_\_

CERTIFICATE OF OWNERSHIP AND EDUCATION  
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE ABOVE DESCRIBED PARCELS, WHICH ARE LOCATED IN THE SUBDIVISION JURISDICTION OF HARNETT COUNTY AND THAT I HEREBY ACCEPT THIS PLAN OF THE SUBDIVISION AS SHOWN ON THIS MAP OR PLAT, INCLUDING ALL BUILDING SETBACK LINES, AND DENY ALL CLAIMS, ALLEGATIONS, SUITS, AND OTHER LITIGATION AGAINST ME OR MY SUCCESSORS, HEIRS, AND OTHERS IN CONNECTION WITH THIS SUBDIVISION. I HEREBY DENY ALL WATER LINES TO THE COUNTY OF HARNETT.

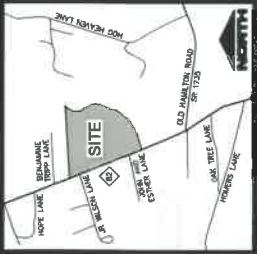
**PRELIMINARY PLAT**  
 NOT FOR RECORDATION, CONFERENCE, OR SALES  
 PROFESSIONAL LIABILITY INSURANCE POLICY NO. 14-10021

I, SEAN R. SEEVER, CERTIFY THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMMENDATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER SURVEY, FOR AN EXCEPTION TO THE DEFINITION OF "PRELIMINARY PLAT".

**PRELIMINARY PLAT**  
 NOT FOR RECORDATION, CONFERENCE, OR SALES  
 PROFESSIONAL LIABILITY INSURANCE POLICY NO. 14-10021

I, SEAN R. SEEVER, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (SEE DESCRIPTION RECORDED IN SOURCE BOOK). PALE REVISIONS OR OTHER INFORMATION NOT SHOWN ARE INDICATED AS DRAWN OR OTHER INFORMATION AS SHOWN. THE RATIO OF PRECISION OR POSITIONAL ACCURACY OF THIS SURVEY IS AS FOLLOWS: THIS PLAT WAS PREPARED IN ACCORDANCE WITH THE PROFESSIONAL SURVEYING ACT AND THE PROFESSIONAL SURVEYING BOARD'S REGULATIONS. THIS SURVEY WAS PERFORMED ON JANUARY 11, 2021 USING TWO TRIMBLE 5700 MULTISTAR.

**VICINITY MAP  
 NOT TO SCALE**



BENJAMIN ARCHER TRIPP & WIFE  
 DB 2050, PG 267

N/F

ARTHUR TRIPP & WIFE  
 DB 731, PG 889

N/F

MARY MARSHALLS HETTER  
 & HUSBAND,  
 JOSHUA LEE HETTER  
 DB 374, PG 875

N/F

BARBARA JEAN GRAY &  
 THOMAS E WAGONER  
 DB 3465, PG 832

N/F

JOHN MARK TRIPP & WIFE,  
 DABUNE G. TRIPP  
 DB 754, PG 861

N/F

HARVEY KEITH TRIPP  
 DB 2260, PG 891

N/F

TROY HENRY BEASLEY  
 DB 2302, PG 260

N/F

60' PUBLIC R/W

1/2" TP (PITCHED)

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CURVE	LENGTH	RADIUS	BEARING	CHORD
C1	39.27	25.00	S87°22'15"E	35.38
C2	108.34	325.00	N77°00'09"E	105.87
C3	10.29	25.00	N74°53'13"E	10.22
C4	10.29	25.00	N81°50'05"E	10.22
C5	18.09	25.00	S87°58'28"E	15.81
C6	18.09	25.00	N22°03'32"E	15.81
C7	89.99	275.00	S77°00'09"E	89.58
C8	18.09	25.00	S22°37'45"E	35.39
C9	10.29	25.00	N87°58'28"E	15.81
C10	10.29	25.00	S81°50'05"E	10.22
C11	10.29	25.00	S74°58'13"E	10.22
C12	18.09	25.00	N75°11'20"W	15.81

**UTILITY &  
 ACCESS EASEMENT**

15.00' B.F. (PITCHED)  
 172.138 SF (3.95 AC)

N03°37'26" W 618.83'

N03°37'26" W 618.83'

N03°37'26" W 618.83'

N03°37'26" W 618.83'

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**PRELIMINARY PLAT**  
 NOT FOR RECORDATION, CONFERENCE, OR SALES  
 PROFESSIONAL LIABILITY INSURANCE POLICY NO. 14-10021

I, SEAN R. SEEVER, CERTIFY THAT THE CONTROL FOR THIS SURVEY WAS ESTABLISHED FROM AN ACTUAL GPS SURVEY UNDER MY SUPERVISION. THIS GPS SURVEY WAS MADE USING A TRIMBLE 5700 MULTISTAR GPS RECEIVER WITH REAL TIME CORRECTIONS (RTK) FROM A BASE STATION. THE COORDINATES WERE OBTAINED THROUGH A GROUND ADJUSTMENT SURVEY. THE SURVEY WAS PERFORMED ON JANUARY 11, 2021 USING TWO TRIMBLE 5700 MULTISTAR.

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**PRELIMINARY PLAT**  
 NOT FOR RECORDATION, CONFERENCE, OR SALES  
 PROFESSIONAL LIABILITY INSURANCE POLICY NO. 14-10021

PROJECT NAME  
**SCHABERT CROSSING SUBDIVISION UTILITY & ACCESS EASEMENT**

PIN 0596-94-5428.000  
 NC 82  
 DUKE TOWNSHIP  
 HARNETT COUNTY  
 NORTH CAROLINA

CLIENT  
**STOUT LAND DEVELOPMENT, LLC**

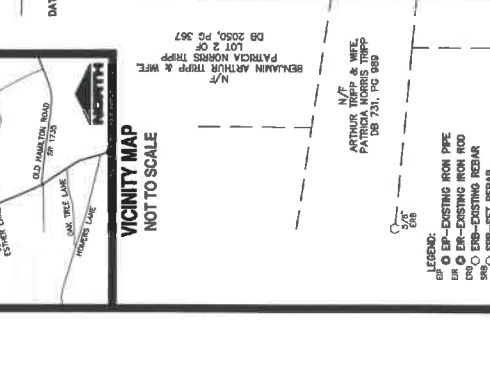
1788 Metropolitan Oaks  
 Fayetteville, North Carolina 28404  
 Phone: (910) 770-0019

SURVEYED BY: CLIFF SEAN  
 CHECKED BY: JIMMY  
 PROJECT NUMBER: 1750

DRAWING SCALE  
 HORIZONTAL: 1"=100'

DATE SURVEYED  
 JANUARY 11, 2021

SHEET NUMBER  
**1**  
 OF 1



REGISTER OF DEEDS OF HARNETT COUNTY  
 FILED FOR REGISTRATION ON THE \_\_\_\_\_ DAY  
 OF \_\_\_\_\_ (M/P/PM) AT \_\_\_\_\_  
 RECORDED IN MAP BOOK \_\_\_\_\_ AT PAGE \_\_\_\_\_

REGISTER OF DEEDS OF HARNETT COUNTY  
 FILED FOR REGISTRATION ON THE \_\_\_\_\_ DAY  
 OF \_\_\_\_\_ (M/P/PM) AT \_\_\_\_\_  
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REGISTER OF DEEDS OF HARNETT COUNTY  
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REGISTER OF DEEDS OF HARNETT COUNTY  
 FILED FOR REGISTRATION ON THE \_\_\_\_\_ DAY  
 OF \_\_\_\_\_ (M/P/PM) AT \_\_\_\_\_  
 RECORDED IN MAP BOOK \_\_\_\_\_ AT PAGE \_\_\_\_\_

# Erwin Board of Commissioners

## REQUEST FOR CONSIDERATION

---

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: April 7, 2022

Subject: Erwin Oaks Preliminary Subdivision Plat

---

The Town has received a preliminary subdivision for a property located in between Denim Drive and Wondertown Drive. The property is currently a nonconforming manufactured home park. The proposed subdivision would create 38 new lots with 36 lots being proposed to have a single-family structure being built on each individual lot.

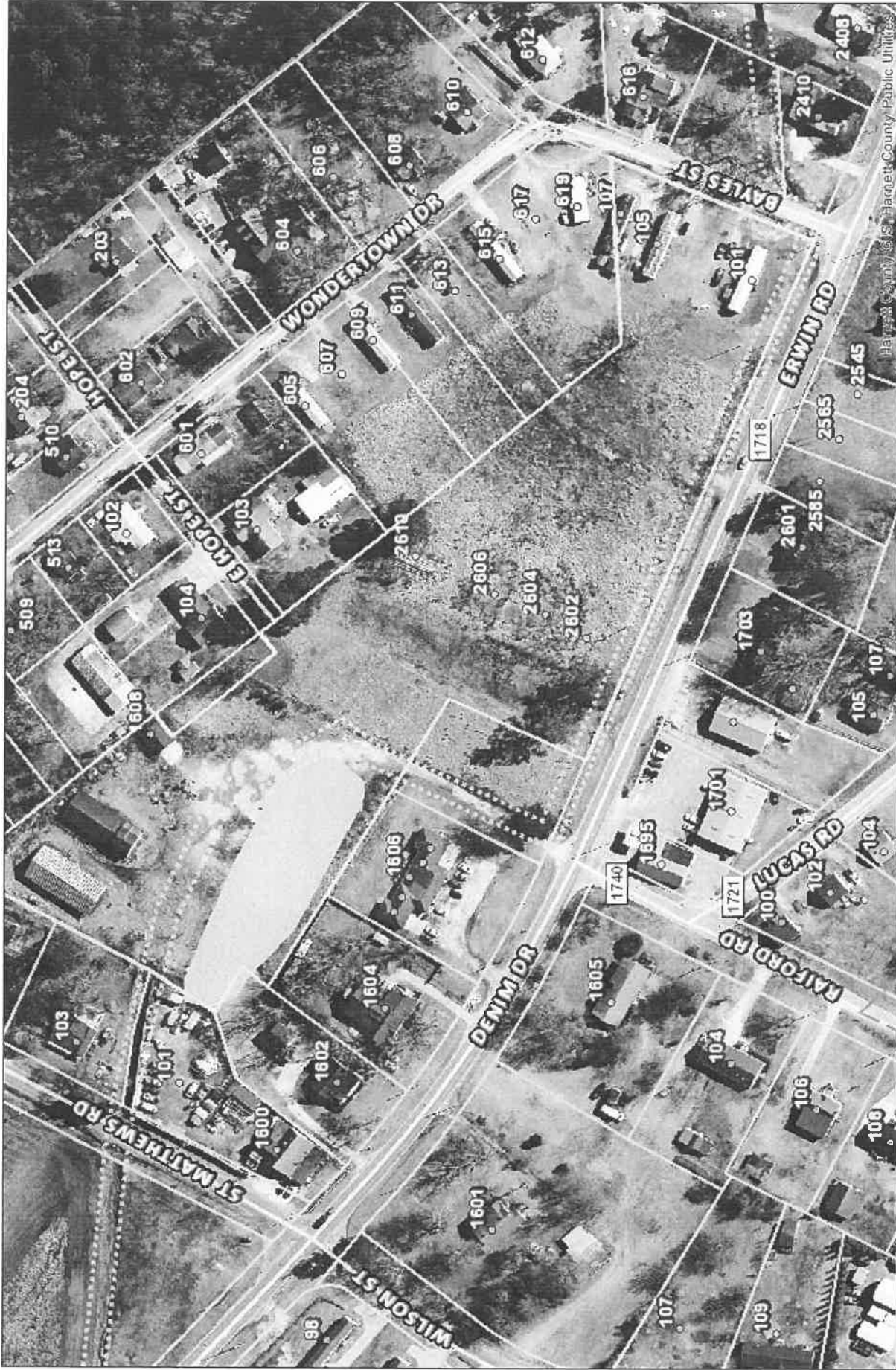
The proposed subdivision will need to have a hardship variance approved for the street length to go on as it is currently being presented.

This is a preliminary subdivision review and not a final subdivision review. The final subdivision plat will be presented to the Town Board when the utilities have been installed and any other review that needs to be completed has been completed.






# Harnett GIS



NOT FOR LEGAL USE .



**Harnett County**  
North Carolina

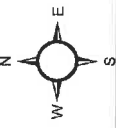

GIS/E-911 Addressing  
February 28, 2022

**Surrounding County Boundaries**

- City Limits
- Address Numbers
- Airport

**Roads**

- Interstate
- Major Roads
- Mile Markers
- NC
- US
- Railroad

1 inch = 188 feet

## MINUTES CONTINUED FROM APRIL 7, 2022

### **Potential Annexation of three parcels off of St. Matthews Road**

Mayor Pro Tem Baker made a motion to approve the resolution fixing the date of public hearing on question of annexation pursuant to G.S. 160A-31 2021-2022--005 and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

### **Porter Park Improvements**

Town Manager Snow Bowden stated Brian Roberts was present to speak to the Board about some improvements to Porter Park.

Mr. Roberts came forward and stated Town Manager Snow Bowden reached out to him about applying for the Environmental Enhancement Grant through the North Carolina Department of Justice which he has a lot of experience. There are two applications, one is for Stream Restoration along with greenway and educational plaques and also a planning study.

Town Engineer Bill Dreitzler stated he has worked with Mr. Robert and he does a great job. We would focus on the restoration of the stream.

Mr. Roberts stated the best thing is you have three years to use these funds.

The consensus of the Board was to move forward.

### **Street Resurfacing Recommendation**

Town Engineer Bill Dreitzler stated bids were received two days prior to the meeting and he provided the Board with his recommendations.

Mayor Pro Tem Baker made a motion to approve the Highland Paving Company \$121,155.00 and was seconded by Commissioner Blackmon.

## MANAGER'S REPORT

Town Manager Snow Bowden stated he is waiting to hear something from Harnett County and there will probably be more upcoming meetings for the Budget.

## ATTORNEY'S REPORT

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

## GOVERNING COMMENTS

Commissioner Blackmon welcomed Commissioner Byrd to the Board.

# Erwin Board of Commissioners

## REQUEST FOR CONSIDERATION

---

To: The Honorable Mayor and Board of Commissioners

From: Lauren Evans, Town Clerk

Date: April 7, 2022

Subject: Potential Annexation of three parcels off of St. Matthews Rd

---

As instructed by the Board at our March Meeting, I have investigated the sufficiency of the petition to annex three parcels off of St Matthews Rd into the Erwin limits.

These parcels are as follows:

- Tract 1- 504/640 St. Matthews Road (Harnett County Tax PIN # 1507-34-7604.000)
- Tract 2- Vacant (Harnett County Tax PIN # 1507-45-1001.000)
- Tract 3- Vacant (Harnett County Tax PIN # 1507-35-0329.000)

Attachments:

- Certificate of Sufficiency
- Copy of the Deed
- GIS Image
- Irrevocable Petition Requesting Annexation
- Resolution Fixing Date of Public Hearing

Action Recommended:

- Accept the Certificate of Sufficiency from Town Clerk and Approve the Resolution Fixing Date of Public Hearing on Question of Annexation.

## CERTIFICATE OF SUFFICIENCY


To the honorable Mayor and Board of Commissioners of the Town of Erwin, North Carolina:

I, Lauren Evans, Town Clerk, do hereby certify that I have investigated the attached petition and hereby make the following findings:

- a. The petition contains an adequate property description of the area proposed for annexation in the form of metes and bounds.
- b. The area described in the petition is contiguous to the Town of Erwin's primary corporate limits, as defined by G.S. 160A-31.
- c. The petition is signed by and includes the address(es) of all owners of real property lying in the area described therein.
- d. Other findings

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Erwin, this the 30<sup>th</sup> Day of March, 2022.



  
Lauren Evans  
Town Clerk

State of North Carolina  
 County of Harnett  
 Town of Erwin

**IRREVOCABLE PETITION REQUESTING ANNEXATION**

Date: 2022.02.03

To the Mayor and Board of Commissioners of the Town of Erwin:

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed into the Town of Erwin.
2. The area to be annexed is contiguous to the Town of Erwin and the boundaries of such territory are as follows:

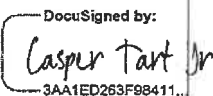
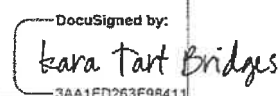
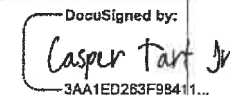
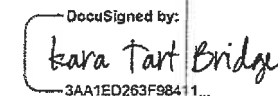
*Insert metes and bounds or other legally acceptable description here.*

PINS:

1. 1507-35-0329
2. 1507-34-7604
3. 1507-45-1001

[ SEE ATTACHED METES AND BOUNDS FOR EACH PARCEL ]

3. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

PIN	NAME	ADDRESS	DO YOU DECLARE VESTED RIGHTS? YES OR NO	SIGNATURE
1507-35-0329	Mark Kolosky	Bryant Road Dunn, NC 28334	NO	
1507-34-7604	Casper Tart Jr. Kara Tart	504 St Matthews Road Erwin, NC 28339	NO	DocuSigned by:  3AA1ED263F98411...  DocuSigned by:  3AA1ED263F98411...
1507-45-1001	Casper Tart Jr. Kara Tart	St Matthews Road Off Road Erwin, NC 28339	NO	DocuSigned by:  3AA1ED263F98411...  DocuSigned by:  3AA1ED263F98411...

State of North Carolina  
 County of Harnett  
 Town of Erwin

**IRREVOCABLE PETITION REQUESTING ANNEXATION**

Date: 2022.02.03

To the Mayor and Board of Commissioners of the Town of Erwin:

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed into the Town of Erwin.
2. The area to be annexed is contiguous to the Town of Erwin and the boundaries of such territory are as follows:

*Insert metes and bounds or other legally acceptable description here.*

PINS:

1. 1507-35-0329
2. 1507-34-7604
3. 1507-45-1001

[ SEE ATTACHED METES AND BOUNDS FOR EACH PARCEL ]

3. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

PIN	NAME	ADDRESS	DO YOU DECLARE VESTED RIGHTS? YES OR NO	SIGNATURE
1507-35-0329	Mark Kolosky	Bryant Road Duan, NC 28334	NO	DocuSigned by: <i>Mark Kolosky</i> CDC3652209FC45F..
1507-34-7604	Casper Tart Jr. Kara Tart	504 St Matthews Road Erwin, NC 28339	NO	
1507-45-1001	Casper Tart Jr. Kara Tart	St Matthews Road Off Road Erwin, NC 28339	NO	

NORTH CAROLINA,

HARNETT COUNTY.

THIS DEED, made this the 8th day of June, 1956, by and between L. L. Lucas, and wife, Ollie Lucas of Harnett County, N. C. parties of the first part, and Casper Tart, of Harnett County, N. C., party of the second part;

## WITNESSETH:

That whereas, the lot of land described below was allotted to Ollie Lucas, a daughter of J. S. Lucas, deceased, in the division of his lands, as is shown by the report of the Commissioner filed January 22, 1943, in that Special Proceedings No. 2850, recorded in Book of Orders and Decrees No. 18, at page 184, which Special Proceeding is entitled, "Ollie Lucas, and her husband, L. L. Lucas vs. Jesse Lucas and wife, Myrtle Lucas, and others";

And, whereas, by deed dated October 28, 1952, L. L. Lucas and wife, Ollie Lucas, conveyed to Casper Tart two tracts of land located in Harnett County, North Carolina, the first of said two tracts of land being the lot of land hereinafter described; said deed being recorded in the office of the Register of Deeds of Harnett County, N. C. in Book 338, at page 36;

And whereas, there was omitted in the description of the tract of land hereinafter described the following course; "Thence South 54 deg. West 537 feet to a stake, corner with Wilson Lucas";

And, whereas, the parties of the first part desire to correct the said error in the description of said first tract of land conveyed by the deed above referred to;

Now, therefore, in consideration of the premises and the sum of One Dollar paid to the parties of the first part by the party of the second part, the receipt of which is hereby acknowledged, the said parties of the first part have bargained and sold, and by these presents do bargain, sell and convey unto the said party of the second part, his heirs and assigns, all the right, title and interest of the said parties of the first part in and to the following described tract of land located in Harnett County, North Carolina:

BEING LOT #1 of the division of the J. S. Lucas lands allotted to Ollie Lucas: BEGINNING at the Southwestern corner of Lot No. 2, and runs thence with a line of that Lot North 44 deg. and 15 min. East 981.5 feet to a stake; thence North 35 deg. and 15 min. West 474.5 feet to a stake, corner of the E. F. Young property; thence South 59 deg. and 45 min. West 421 feet to a stake, a corner with Milliard Jackson; thence South 34 deg. and 15 min. East 211 feet to a stake; thence South 54 deg. West 537 feet to a stake, corner with Wilson Lucas; thence South 34 deg. East 474.5 feet to the beginning, containing 10.45 acres, more or less.

TO HAVE AND TO HOLD all the right, title and interest of the said parties of the first part, or either of them, in and to the above described lot of land, to the said party of the second part, his heirs and assigns, in fee simple.

In Testimony Whereof, the said parties of the first part have hereunto set their hands and seals, the day and year first above written.

L. L. Lucas, (SEAL)

Ollie Lucas (SEAL)

NORTH CAROLINA,

HARNETT COUNTY.

I, Lillian Benson Smith, a Notary Public of said County and State, do hereby certify that L. L. Lucas and wife, Ollie Lucas, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purpose therein expressed.

Witness my hand and notarial seal, this 9th day of June, 1956.

SEAL

Lillian Benson Smith, Notary Public.

My commission expires: Jan. 30, 1958.

NORTH CAROLINA,

HARNETT COUNTY.



3650576

The foregoing certificate of Lillian Benson Smith, a Notary Public of Harnett County, N. C. is adjudged to be correct. Let the instrument, with the certificates, be registered.

Witness my hand, this the 9th day of June, 1956.

Ruby T. Currin, Dep. Clerk Superior Court.

Filed for registration at 11:00 o'clock, A. M. June 9, 1956 and registered in the Office of the Register of Deeds for Harnett County, in Book 365, Page 576. June 11, 1956.

Inez Harrington, Reg. of Deeds



NORTH CAROLINA,

HARNETT COUNTY.

THIS DEED, made this the 8th day of June, 1956, by and between L. L. Lucas, and wife, Ollie Lucas of Harnett County, N. C. parties of the first part, and Casper Tart, of Harnett County, N. C., party of the second part;

## WITNESSETH:

That whereas, the lot of land described below was allotted to Ollie Lucas, a daughter of J. S. Lucas, deceased, in the division of his lands, as is shown by the report of the Commissioners filed January 22, 1943, in that Special Proceedings No. 2850, recorded in Book of Orders and Decrees No. 18, at page 184, which Special Proceeding is entitled, "Ollie Lucas, and her husband, L. L. Lucas vs. Jesse Lucas and wife, Myrtle Lucas, and others";

And, whereas, by deed dated October 28, 1952, L. L. Lucas and wife, Ollie Lucas, conveyed to Casper Tart two tracts of land located in Harnett County, North Carolina, the first of said two tracts of land being the lot of land hereinafter described; said deed being recorded in the office of the Register of Deeds of Harnett County, N. C. in Book 338, at page 36;

And whereas, there was omitted in the description of the tract of land hereinafter described the following course; "Thence South 54 deg. West 537 feet to a stake, corner with Wilson Lucas";

And, whereas, the parties of the first part desire to correct the said error in the description of said first tract of land conveyed by the deed above referred to;

Now, therefore, in consideration of the premises and the sum of One Dollar paid to the parties of the first part by the party of the second part, the receipt of which is hereby acknowledged, the said parties of the first part have bargained and sold, and by these presents do bargain, sell and convey unto the said party of the second part, his heirs and assigns, all the right, title and interest of the said parties of the first part in and to the following described tract of land located in Harnett County, North Carolina:

BEING LOT #1 of the division of the J. S. Lucas lands allotted to Ollie Lucas; BEGINNING at the southwestern corner of Lot No. 2, and runs thence with a line of that Lot North 44 deg. and 15 min. East 981.5 feet to a stake; thence North 35 deg. and 15 min. West 474.5 feet to a stake, corner of the E. F. Young property; thence South 59 deg. and 45 min. West 421 feet to a stake, a corner with Milliard Jackson; thence South 34 deg. and 15 min. East 211 feet to a stake; thence South 54 deg. West 537 feet to a stake; corner with Wilson Lucas; thence South 34 deg. East 474.5 feet to the beginning, containing 10.45 acres, more or less.

TO HAVE AND TO HOLD all the right, title and interest of the said parties of the first part, or either of them, in and to the above described lot of land, to the said party of the second part, his heirs and assigns, in fee simple.

In Testimony Whereof, the said parties of the first part have hereunto set their hands and seals, the day and year first above written.

L. L. Lucas, \_\_\_\_\_ (SEAL)

Ollie Lucas \_\_\_\_\_ (SEAL)

NORTH CAROLINA,

HARNETT COUNTY.

I, Lillian Benson Smith, a Notary Public of said County and State, do hereby certify that L. L. Lucas and wife, Ollie Lucas, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purpose therein expressed.

Witness my hand and notarial seal, this 9th day of June, 1956.

SEAL

Lillian Benson Smith, Notary Public.

My commission expires: Jan. 30, 1958.

NORTH CAROLINA,

HARNETT COUNTY.



3650576

The foregoing certificate of Lillian Benson Smith, a Notary Public of Harnett County, N. C. is adjudged to be correct. Let the instrument, with the certificates, be registered.

Witness my hand, this the 9th day of June, 1956.

Ruby T. Currin, Dep. Clerk Superior Court.

Filed for registration at 11:00 o'clock, A. M. June 9, 1956 and registered in the Office of the Register of Deeds for Harnett County, in Book 365, Page 576. June 11, 1956.

Inez Harrington, Reg. of Deeds

HARNETT COUNTY TAX ID#

02-1518-0223-01

9-19-19 BY SB

FOR REGISTRATION  
Kimberly S. Hargrove  
REGISTER OF DEEDS  
Harnett County, NC  
2019 SEP 19 04:31:06 PM  
BK:3737 PG:849-850  
FEE:\$26.00  
EXCISE TAX:\$290.00  
INSTRUMENT # 2019013640  
TWESTER



**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$280.00

Parcel Identifier No. 021518 0223 01 Verified by \_\_\_\_\_ County on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_

By: \_\_\_\_\_

Mail/Box to: GRANTEE

This instrument was prepared by: Currie Tee Howell, Adams, Howell, Sizemore & Adams, P.A.

Brief description for the Index: 9.08 ACRES, AVERASBORO TWP

THIS DEED made this 18th day of September, 2019, by and between

GRANTOR

GRANTEE

Thomas J. Balmat and wife,  
Kyung S. Balmat

Mark Kolosky, Married

700 West J Street  
Erwin, NC 28339

999 Carlton Street  
Clayton, NC 27520

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

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

**BEING ALL OF TRACT TWO, 9.08 ACRES, AS SHOWN ON THAT "DIVISION MAP PREPARED FOR LONNIE B. STARGEL", AS RECORDED IN MAP #2000-26, HARNETT COUNTY REGISTRY.**

All or a portion of the property herein conveyed \_\_\_ includes or  does not include the primary residence of a Grantor.

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, other than the following exceptions:


This conveyance is expressly made subject to the lien created by all the Grantors' real 2019 Harnett County ad valorem taxes on said tract of land which the Grantee(s) agree to assume and pay in full when due.

Subject to all easements, rights-of-way, covenants and other restrictions as shown on the public record or as would be disclosed by an accurate survey and inspection of the land.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

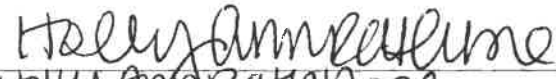
GRANTOR(S):

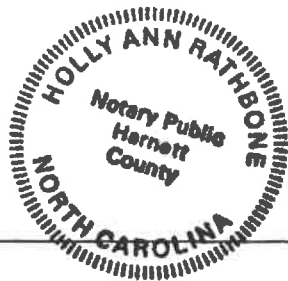
 (SEAL)  
Thomas J. Balmat

 (SEAL)  
Kyung S. Balmat

State of North Carolina - County of Harnett

I, the undersigned Notary Public of the County or City of Harnett and State aforesaid, certify that Thomas J. Balmat and Kyung S. Balmat 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 stamp or seal this 19 day of September, 2019

  
Holly Ann Rathbone  
Notary's Printed or Typed Name  
My Commission Expires: 8/27/23



(Affix Seal)

Parcels

Harnett GIS

NOT FOR LEGAL USE .



**Harnett COUNTY**  
WORTH-FLETCHER

GIS/E-911 Addressing  
 February 10, 2022

Surrounding County Boundaries     NC  
 City Limits     US  
 Airport  
 MajorRoads     Interstate  
 Railroad  
 Parcels  
 Roads  
 CapeFearRiver  
 Mile\_Markers  
 Mile\_Markers

1 inch = 752 feet

Harnett County GIS, Harnett County Public Utilities



# TOWN OF ERWIN

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

## RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G. S. 160A-31 2021-2022--005

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

**WHEREAS**, a petition requesting annexation of the area described herein has been received; and

**WHEREAS**, the Mayor and Board of Commissioner of the Town of Erwin has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

**WHEREAS**, certification of the Town Clerk as to the sufficiency of the petition has been made;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Board of Commissioner of the Town of Erwin, North Carolina, that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Erwin Town Hall, 100 West F Street, Erwin, NC 7:00 PM. on Thursday, May 5, 2022.

Section 2. The area proposed for annexation is described as follows:

BRYANT ROAD, 1507-45-1001  
ST MATTHEWS RD OFF ROAD

A legal description for a parcel of land in Harnett County identified as PIN# 1507-45-1001 and described in deed book 338 page 179 and shown as portions of lots 1-5 in plat book 1 page 10 in the Harnett County Registry and more accurately described as follows: Starting at a set iron pipe having NAD'83(2011) NC Grid Coordinates of N: 574939.75' and E: 2104380.13' and being the place and POINT OF BEGINNING;  
Thence, S 55° 27' 11" W for a distance of 152.00 feet to a point;  
Thence, S 80° 16' 57" W for a distance of 290.00 feet to a point;  
Thence, N 00° 45' 02" W a distance of 532.92 feet to a point;  
Thence, S 46° 25' 28" E for a distance of 577.00 feet to the place and POINT OF BEGINNING;  
Encompassing an area of 2.737 acres, more or less.

BRYANT ROAD, 1507-35-7604  
504 ST MATTHEWS RD

A legal description for a parcel of land in Harnett County identified as PIN# 1507-34-7604 and described as the first tract in deed book 338 page 36 and shown as lot 1 in plat book 4 page 173, inclusive of the second tract in deed book 338 page 36 in the Harnett County Registry and more accurately described as follows:

Starting at an existing PK nail near the centerline of St. Matthews Road having NAD'83(2011) NC Grid Coordinates of N: 574917.11' and E: 2102879.66';  
Thence, N 49° 29' 12" E for a distance of 30.61 feet to a set iron pipe in the northern 60' right-of-way of St. Matthews Road and being the place and POINT OF BEGINNING;  
Thence, N 49° 29' 12" E for a distance of 605.27 feet to an existing iron stake;  
Thence continuing, N 49° 29' 12" E for a distance of 779.33 feet to a set iron pipe;  
Thence, S 00° 45' 02" E for a distance of 1031.94 feet to a point;  
Thence, N 80° 16' 57" E for a distance of 290.00 feet to a point;  
Thence, N 55° 27' 11" E for a distance of 152.00 feet to a set iron pipe;  
Thence continuing, N 55° 27' 11" E for a distance of 269.00 feet to a set iron pipe;  
Thence, S 39° 32' 49" E for a distance of 473.06 feet to an existing metal bar;  
Thence, S 40° 08' 10" W for a distance of 981.50 feet to a set iron pipe;  
Thence, S 38° 48' 15" E for a distance of 104.89 feet to a set iron pipe;  
Thence, S 52° 43' 31" W for a distance of 516.120feet to a point on a set iron pipe;  
Thence, N 38° 04' 51" W for a distance of 130.63 feet to the northern right-of-way of St. Matthews Road;  
Thence following the northern right-of-way along a curve to the left on a chord bearing N 18° 11' 14" W for a chord distance of 88.16 feet and having a radius of 129.69 feet to a set iron pipe;  
Thence N 38° 03' 31" W a distance of 1482.93 feet to the place and POINT OF BEGINNING;  
Encompassing an area of 44.071 acres, more or less.

BRYANT ROAD, 1507-35-0329  
BRYANT ROAD

A legal description for a parcel of land in Harnett County identified as PIN# 1507-35-0329 and described in deed book 3737 page 849 and shown as tract 2 in plat book 2000 page 26 in the Harnett County Registry and more accurately described as follows:

Starting at an existing PK nail near the centerline of St. Matthews Road having NAD'83(2011) NC Grid Coordinates of N: 574917.11' and E: 2102879.66';  
Thence, N 49° 29' 12" E for a distance of 30.61 feet to a set iron pipe in the northern 60' right-of-way of St. Matthews Road and being the place and POINT OF BEGINNING;  
Thence following the northern right-of-way, N 38° 03' 31" W for a distance of 170.11 feet to a set iron pipe;  
Thence curving to the right on a chord bearing N 20° 30' 35" W for a chord distance of 273.81 feet and having a radius of 454.04 feet to a set iron pipe;


Thence N 02° 57' 39" W a distance of 296.07 feet to a set iron pipe at the intersection of said right-of-way and the southern right-of-way of Bryant Rd;  
Thence following the southern right-of-way of Bryant Rd along a curve to the left on a chord bearing N 80° 58' 41" E for a chord distance of 613.87 feet and having a radius of 1899.76 feet to a set iron pipe;  
Thence leaving said right-of-way, S 10° 11' 36" E for a distance of 395.37 feet to an existing iron stake;  
Thence, S 49° 29' 12" W for a distance of 605.27 feet to the place and POINT OF BEGINNING;  
Encompassing an area of 8.013 acres, more or less.

Section 3. Notice of the public hearing shall be published in the Daily Record, a newspaper having general circulation in the Town of Erwin, at least ten (10) days prior to the date of the public hearing.

**Adopted this 7<sup>th</sup> Day of April 2022.**

  
\_\_\_\_\_  
Patsy M. Carson, Mayor

Attest:

  
\_\_\_\_\_  
~~Lauren Evans, Town Clerk~~  
Snow Bowler  
Town Manager

# Erwin Board of Commissioners

## REQUEST FOR CONSIDERATION

---

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: April 7, 2022

Subject: Porter Park Improvements

---

At our budget retreat, we discussed some potential improvements to the stream/ditch at Porter Park. We discussed potentially installing a pipe in the stream. Any improvements to this stream would require approval from the U.S. Army Corps of Engineers since it is a blue line stream. I think it would be hard to get approval to pipe this stream. There is a good opportunity to apply for a North Carolina Environmental Enhancement Grant to make improvements to this stream. Our Town Engineer Bill Dreitzler is here to present this idea to you.

Attachments:

- Letter of Intent to apply for a planning and restoration Environmental Enhancement Grant
- Quote from McCormick Taylor





# Proposal Summary

Town of Erwin

Job No. TBD

Direct Payroll Costs		\$	2,544.34	(a)
Overhead (182.210%)			4,636.04	(b)
Subtotal - Direct and Indirect Payroll Cost			7,180.38	(c)
Fixed Fee (Direct & Indirect Labor x .1000)			718.04	(d)
Direct Costs Other Than Payroll			-	(e)
Direct Costs of Services and Work Performed by Others:			-	(f)
Subtotal (c)+(d)+(e)+(f)			7,898.42	(g)
Escalation of Direct/Indirect Payroll Costs			-	(h)
<b>Total Cost</b>		<b>\$</b>	<b>7,898.42</b>	<b>(i)</b>
<b>Total Estimated Man-Hours:</b>	McCormick Taylor, Inc.		<u>59</u>	
			<b>Total</b>	<b>59</b>

**Engineer's Name:** McCormick Taylor, Inc.  
1818 Market Street  
16th Floor  
Philadelphia, PA 19103

**Fed. I. D. No.:** 23-1683759

**Contact Person:** Brian Roberts  
Sr. Project Manager  
(919) 741-4483

**Prepared By:** Brian Roberts

# Proposal Summary

Town of Erwin  
Job No. TBD

## INDIRECT

Our firm's latest approved overhead rate (2020) is 182.210% , therefore we will use the overhead rate of 182.210%

Direct Payroll Costs	=	\$	2,544.34
182.210%	=		4,636.04
<b>LUMP SUM FOR FIXED FEE</b>			
			Direct + Indirect Costs
			7,180.38
		x	0.1000
		\$	<b>718.04</b>



Name: Town of Erwin

Job #: TBD

Date: March 7, 2022

By: Brian Roberts

HOURS				
TASK	Senior Project Manager	Env. Planning Pro II	CADD/GIS/ Graphics III	Total
TASK 100 - Restoration Application				-
1 Application form		1		1
1.1 Application report		4		4
1.2 Line-item budget	8	4		12
1.3 Budget narrative	2	2		4
1.4 Project timeline		1		1
1.5 Photograph log		1		1
1.6 Site map of project			4	4
1.7 Administrative coordination/questions/site visit	2	2		4
				-
				-
				-
TASK 200 - Planning Application				
1 Application form		1		1
1.1 Application report		8		8
1.2 Line-item budget	6	2		8
1.3 Budget narrative	2			2
1.4 Project timeline		1		1
1.5 Photograph log				-
1.6 Site map of project			4	4
1.7 Administrative coordination/questions/site visit	2	2		4
				-
				-
				-
<b>TOTAL</b>	<b>22</b>	<b>29</b>	<b>8</b>	<b>59</b>



# 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

3/29/2022

## Town of Erwin Letter of Intent

### NCAG Environmental Enhancement Grant Program

#### 1. Contact information for applicant, including a contact person, email, phone, mailing address

Town Manager:

Snow Bowden

[townmanager@erwin-nc.com](mailto:townmanager@erwin-nc.com)

910-897-5140

Public Works:

Mark Byrd

[mbyrd@erwin-nc.com](mailto:mbyrd@erwin-nc.com)

910-897-5140

100 West F Street

PO Box 459,

Erwin, NC 28339

#### 2. Descriptive title of proposed project

- Porter Park Stream Restoration

#### 3. Identification of Type of Applicant

- The Town of Erwin is a Municipality

#### 4. Description of the proposed project

- The proposed Planning Study will create a clear, concise, comprehensive plan for the Town of Erwin, NC. This plan will identify individual projects (taken through conceptual design and scoping) that will include stream/floodplain restorations, resiliency planning, greenway sighting, project prioritization/sequencing, grant program identification, and a public involvement plan. This plan will generate a blueprint for the Town to follow to create a place for residents to learn about conservation and the environment, increase economic activity, all while addressing flooding, decreasing nutrient and sediment loads, and re-establishing natural hydrologic connections.

**5. Project location (county)**

- Harnett County/Cape Fear River Basin

**6. Specific EEG program type**

- Research, Planning, and Education

**7. Anticipated amount for the requested grant**

- \$150,000

Regards,

A handwritten signature in cursive script that reads "Snow Bowden".

Snow Bowden  
Town Manager



# TOWN OF ERWIN

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

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

3/29/2022

## Town of Erwin Letter of Intent

### NCAG Environmental Enhancement Grant Program

#### 1. Contact information for applicant, including a contact person, email, phone, mailing address

Town Manager:

Snow Bowden

[townmanager@erwin-nc.com](mailto:townmanager@erwin-nc.com)

910-897-5140

Public Works:

Mark Byrd

[mbyrd@erwin-nc.com](mailto:mbyrd@erwin-nc.com)

910-897-5140

100 West F Street

PO Box 459,

Erwin, NC 28339

#### 2. Brief statement of eligibility (501(c) (3) environmental organization, government entity, etc.);

- The Town of Erwin is a Municipality

#### 3. Description of the proposed project

- The proposed project will incorporate stream, floodplain, and wetland preservation efforts along unnamed tributaries to Juniper Creek located within Porter Park reducing nutrient and sediment runoff, increasing flood retention, re-establishing historic functions thus improving water quality within the Cape Fear River. The proposed project will also be the first phase in building a greenway connecting all parks and recreation properties within the Town of Erwin and connecting to the Cape Fear River Trail. The proposed project will also include a public education piece showing the importance of restoration by re-establishing historic functions through re-connecting natural waterways.

#### 4. Project location (county)

- Harnett County

#### 5. Specific EEG program type

- Construction, Remediation, Restoration

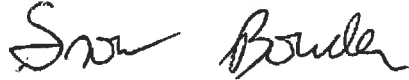
#### 6. Anticipated amount for the requested grant

- \$375,000

#### 7. Other anticipated funding sources

- The Town of Erwin would budget monies from the general fund through our yearly budgeting process. The fiscal year begins July 1<sup>st</sup>. Prior to pursuing the grant, the proposal will be presented to the Town Council to get their support and commitment to budget the monies in successive budgets.
- Other in-kind contributions would also occur with public and Town participation in things such as plantings, maintenance, etc.

Regards,

A handwritten signature in black ink, appearing to read "Snow Bowden". The signature is written in a cursive style with a large initial "S" and "B".

Snow Bowden  
Town Manager



**TOWN OF ERWIN**  
Post Office Box 459  
Erwin, NC 28339  
(910) 897-5140

**M-E-M-O-R-A-N-D-U-M**

**DATE:** April 6, 2022  
**TO:** Snow Bowden, Town Manager  
**FROM:** Bill Dreitzler, P.E., Town Engineer  
**RE:** 2021-2022 Street Resurfacing Bids

Mr. Bowden,

On Tuesday, April 5, 2022 at 2:00 PM bids were received for the 2021-2022 Street Resurfacing project. The following bids were received:

**Highland Paving Company, LLC: \$ 121,155.00**

**Johnson Brothers Utility & Paving: \$ 155,756.50.00**

**Barnhill Contracting Company: \$ 147,000.00**

Bids were received for the following locations (approximately 2,920 linear feet):

1. East H Street (13<sup>th</sup> Street to 12<sup>th</sup> Street – approximately 470 linear feet)
2. West D Street (13<sup>th</sup> Street to 18<sup>th</sup> Street – approximately 2,450 linear feet)

I have completed my evaluation of the bids and recommend award to Highland Paving Co., LLC in the amount of \$121,155.00. Our budget recommendation for the resurfacing and associated patching/repair was \$185,000. I do anticipate some patching being required prior to resurfacing. When awarded by the Board of Commissioners I will be scheduling a site meeting with the low bidder to assess patching requirements of the listed streets and obtain a quote for the additional work. In addition, due to the current construction marketplace, the bids were based on the NCDOT Base Price Index (BPI) for April to account for the volatility of the cost of binder and fuel. The final cost of services will be adjusted based on the BPI when the materials were purchased. If the BPI drops, then the Town's cost will drop, if the BPI rises, the Town's cost will rise accordingly.

Sincerely,

William W. Dreitzler, P.E.  
Town Engineer



Prepared By:

Parker C. Lee, Rebecca F. Person PLLC  
231 Fairway Drive, Fayetteville NC 28305

Return to:

Christopher Appel  
Harnett County Assistant Staff Attorney  
Department of Legal Services  
Post Office Box 238  
Lillington, North Carolina 27546

Revenue: \$0

**STATE OF NORTH CAROLINA**

**UTILITY EASEMENT AND  
DEED (WATER AND  
SANITARY SEWER)**

**COUNTY OF HARNETT**

**TITLE NO CERTIFIED BY PREPARER**

**THIS UTILITY EASEMENT AND DEED (WATER AND SANITARY SEWER)** (this "Utility Easement and Deed") made and entered into this \_\_\_ day of April, 2022 is executed, by **Stout Land Development, LLC** a North Carolina limited liability company ("Grantor") and **Water and Sewer District of Harnett County** ("Grantee").

**WITNESSETH THAT**

Grantor, for one dollar and other valuable consideration, hereby acknowledged as paid and received, bargains and sells, and by these presents does grant, bargain, sell, and convey to Grantee, its successors, and assigns, the perpetual right, easement, and privilege to build, construct, lay, install, maintain, and operate water and sanitary sewer lines, with such pipes, drains, connections, manholes, and other attachments, equipment, and accessories necessary or desirable in connection therewith, to have full ingress and egress thereto and therefrom over adjoining lands of Grantor, to patrol, inspect, alter, improve, repair, relocate, remove, and replace any or all of such lines, pipes, drains, connections, manholes, and other attachments, equipment, and accessories, to keep clear large trees and other obstructions that may endanger, impede access to, or conflict with

said utility, and to have all rights and privileges necessary or convenient for the full enjoyment or use of this easement in, on, under, over, through, and across certain land described as follows:

North Carolina – Harnett County – Duke Township

The following described easement lies within that certain parcel of land located in Duke Township, having Harnett County tax parcel identification number 0596-94-5428.000, and more particularly described in Book 4060, Page 443, Harnett County, North Carolina Registry.

See **Exhibit A** attached hereto for surveyor drawing showing exact location of subject easement tract, labled “UTILITY & ACCESS EASEMENT” and more particularly described as:

**SEE EXHIBIT B ATTACHED HERETO FOR METES AND BOUNDS DESCRIPTION**

It is noted that Grantor has installed the water and sewer improvements and infrastructure within the easement tract at its own cost and expense, so as to benefit its adjacent development known as Schabert Crossing. Grantor hereby warrants and affirms for the benefit of Grantee that all persons, firms or corporations who furnished labor or materials used directly or indirectly in the completion of the work have been paid in full. Grantor hereby warrants all water and sewer improvements and infrastructure, installed by Grantor within the easement tract, against defects in materials, equipment, or construction, for a period of one (1) year from date of acceptance of same by Grantee. In addition, Grantor hereby transfers to Grantee, all of Grantor’s right, title, and interest in and to all of the water and sewer improvements and infrastructure, to include supply lines, mains, connections, pipes, valves, meters, and equipment installed within said easement tract for the purpose of water distribution and wastewater collection for the affected inhabitants, occupants, and customers.

TO HAVE, TO HOLD, AND TO ENJOY said right, easement, and privilege as above fully defined and described, in, on, under, over, through, and across said land, all privileges and appurtenances thereto belonging, as well as said right, title, and interest in the aforesaid water and sewer improvements and infrastructure, which are conveyed hereby, unto Grantee, its successors and assigns, forever, and that Grantor, will warrant and defend the title to the same against the lawful claims of all persons.

The grant and other provisions of this easement shall constitute and covenant running with the land for the benefit of Grantee, its successors, and assigns.

**(Signatures on next page)**

**IN WITNESS WHEREOF**, Grantor executes this Easement and Deed as of the dates set forth in the below notary acknowledgments, with the latter of said dates to comprise the effective date hereof.

Grantor:  
**STOUT LAND DEVELOPMENT, LLC**

By: \_\_\_\_\_ (SEAL)  
Benjamin Stout  
Member/Manager

**STATE OF NORTH CAROLINA**

**COUNTY OF CUMBERLAND**

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document for the purpose stated therein and in the capacity indicated: Benjamin Stout, Member/Manager of Stout Land Development, LLC

Date: \_\_\_\_\_

Official Signature of Notary: \_\_\_\_\_

Notary's Printed Name: \_\_\_\_\_

My commission expires: \_\_\_\_\_ [Affix Notary Seal or Stamp]

MINUTES CONTINUED FROM APRIL 7, 2022

Commissioner McKoy thanked Town Manager Snow Bowden for getting the “ Slow Children at Play” signs up so fast.

Commissioner Whitman welcomed Commissioner Byrd to the Board.

Mayor Carson stated the residents on 12<sup>th</sup> street put up their own sign-up “Slow Children at Play” and asked Snow to have an official sign put up. She welcomed Commissioner Byrd to the Board.

Commissioner Byrd expressed his love for Erwin and stated he looks forward to being a part of the Board in the next year.

Mayor Pro Tem Baker welcomed Commissioner Byrd to the Board. He thanked the Citizens for coming to the meeting and expressing their opinions. He echoed the appreciation to Police Chief Jonathan Johnson.

Commissioner Turnage welcomed Commissioner Byrd to the Board. He asked Town Manager Snow Bowden to have put signs down 12<sup>th</sup> Street. He stated speeding is a problem in Erwin.

ADJOURNMENT

Commissioner Blackmon made a motion to adjourn at 9:43 P.M. and was seconded by Commissioner Whitman. **The Board voted unanimously.**

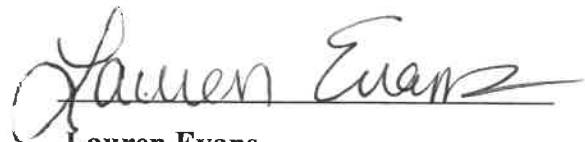
MINUTES RECORDED AND TYPED BY  
LAUREN EVANS TOWN CLERK



Patsy Carson

Mayor

ATTEST:



Lauren Evans

Town Clerk