

ERWIN BOARD OF COMMISSIONERS**REGULAR MINUTES****JANUARY 2, 2025****ERWIN, NORTH CAROLINA**

The Board of Commissioners for the Town of Erwin with Mayor Baker presiding held its Regular Meeting in the Erwin Municipal Building Board Room on Thursday, January 2, 2025, at 7:00 P.M. in Erwin, North Carolina.

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

Board Member Absent was Commissioner Timothy Marbell.

Town Manager Snow Bowden, Deputy Town Clerk Katelan Blount, Town Attorney Tim Morris, Town Planner Dylan Eure, and Police Chief Jonathan Johnson were present.

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

Commissioner McKoy gave the invocation.

Town Attorney Tim Morris led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

Town Manager Snow Bowden requested that Item 4, Proclamation Recognizing Cape Fear Christian Academy Tennis Team, be removed and placed on the agenda at our regularly scheduled meeting in February.

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

CONSENT

Commissioner Blackmon made a motion to approve **(ITEM A)** Minutes of Special Called Meeting on November 14, 2024 **(ITEM B)** Minutes of Regular Meeting on December 5, 2024 and was seconded by Commissioner McKoy. **The Board voted unanimously.**

MINUTES CONTINUED FROM JANUARY 2, 2025

PUBLIC HEARING

ZT-2024-007

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

Town Planner Dylan Eure came forward and informed the Board that the Town of Erwin received a rezoning request for the parcel located at 4507 NC 55 Erwin, NC. This parcel was at the corner of NC 55 and Maynard Lake Road and was being petitioned to be zoned to B-2 from the current classification of RD. There was a current business, a daycare, that sat on that site. If the request was approved, the daycare would be subdivided off of the parcel and the rezoning would not affect the daycare in any way. According to NCDOT, this area was set to be the future 421 bypass although we did not know when that would occur. According to our Land Use Plan, this area was potentially zoned in the future for commercial and mixed-use development. The petitioner was present to answer any questions and provide a presentation for the Board.

Commissioner Blackmon verified with Town Planner Dylan Eure that this request met all our Town Regulations and aligned with our Land Use Plan.

Town Planner Dylan Eure stated that was correct. The only item he did not have was the landscaping plan but that would be provided if the rezoning was approved.

Mayor Baker asked if anyone was present to speak in favor of the request.

A PowerPoint presentation was presented to the Town Board by the applicants and is part of these minutes as an attachment.

Thomas Neville, counsel for the owner and developers of the property, came forward to speak. He thanked the Board for entertaining them. As the Board was aware, this request came before the Board a couple of years ago and the applicants were back because they felt they could adequately address the concerns related to traffic. The developers and the engineer were present to represent the request and present the changes to the site plan. He showed the Board the various businesses located around the site. There was planning and then there was good planning. Development is coming whether we like it or not so the question is "Can we plan smartly?" Part of planning smartly was looking to the future and the best tool for the Board was the comprehensive land use plan. The Town's Land Use Plan clearly identified that this area would have development and he felt that the request for rezoning to B-2 was completely within those guidelines.

Mayor Baker asked Mr. Neville if the parcel outlined in yellow was where the reflected subdivision would be.

Mr. Neville included in the presentation a copy of the Future Land Use Map from the Town of Erwin Land Use Plan. He stated Town Staff agreed that the rezoning request was compatible with the Land Use Plan. The permitted use within B-2 was the daycare centers and the churches so already, the surrounding uses were within B-2 and that was indicative of smart planning. The old and new site plans will be addressed by Mr. Stewart. The engineer would address the interactions they have had with NCDOT. There have been meetings and discussions with NCDOT and they felt that the new site plan adhered to their requests and addressed traffic impact situations. This request came before the Town Board twice now. Town Staff recommended approval of the new plan and found it was

MINUTES CONTINUED FROM JANUARY 2, 2025

compatible with the Future Land Use Plan. He was happy to answer any questions the Town Board may have.

Greg Stewart, representative of the owners of the parcel and developer of the project, came forward and addressed the Board. He was present to answer any questions. He showed a comparison of the initial site plan vs. the updated site plan after collaboration with NCDOT. The first change was that the entire entrance was closer to the intersection. The biggest change was that there was no left turn on Hwy 55. NCDOT requires a right turn in or a right turn out only and will place a 4 ft island to prevent drivers from turning left. Engineer Matt Lowder was present to answer any questions the Town Board may have. In the presentation, he provided a map showing the average daily traffic counts for each area surrounding the site. He stated their traffic counts anticipated a 14-vehicle increase per hour at the peak hour of 7:30 AM and a 25-vehicle increase per hour at the peak hour of 5:30 PM as a result of the site development. At the Planning Board Meeting, members expressed their concern about the traffic at Triton High School. Triton High School dismissed their car riders at 2:45 PM and the peak hour was 5:30 PM so there was plenty of time in between. He stated they have done everything in their power to address traffic. Included in the presentation was an email from Travis B Salazar, Assistant District Engineer for NCDOT, stating that "Your proposed site plan matches what was discussed with Earl, so it is good to go. Let me know the driveway permit number once you have submitted for a driveway permit." At that point, NCDOT would not allow the developers to submit a packet for civil approval until the parcel had been rezoned. They will submit a full driveway package to NCDOT and any requirement by NCDOT will not be optional and the developers will have to comply. They have gone as far as they could prior to the zoning hopefully being approved. The permitting process had checks and balances in place and approval must be given by NCDOT, NCDEQ, the Town of Erwin, and Harnett County before the building can begin. He and Mr. Lowder were prepared to answer any questions the Board may have.

Commissioner Blackmon clarified in the traffic count that the peak time in the morning was 7:30 AM to what time?

Mr. Stewart stated that the peak time would be 7:30 AM - 8:30 AM.

Commissioner Blackmon inquired about the total estimated number of vehicles a day.

Mr. Stewart stated that the count would be estimated at 100-125 maximum cars a day.

Mayor Baker asked if anyone else was present to speak in favor of the request, in opposition to the request, or to ask a question.

Wendy Miller of 90 Scramble Road was present to speak on behalf of herself, her family, and her neighbor, Dale Ryals, who was unable to attend the meeting. They appreciated all the Town Board did for the Town. She understood they had busy schedules and hard decisions, but they desired to maintain their community as a rural district. The developer calls the buildings around the site businesses. There are daycares, churches, and farms. She has lived on Scramble Road for 52 years and her sons were blessed to grow up in a rural area. Their road had been fairly quiet until about a year and a half ago when more people started walking on the road, there was a homeless area down at the creek, and items were being stolen from their vehicles. Due to being outside of city limits, when there is trouble in their area, they cannot call the Town of Erwin. She and her neighbors have to call the county and wait for a sheriff's deputy to arrive. The safety of the residents and children in the area was a concern. She stated she had no objections to change but she was concerned that they do not have what she considers businesses in that area. With the current zoning, single-family dwellings,

MINUTES CONTINUED FROM JANUARY 2, 2025

daycare facilities and other religious uses could be placed on that lot. She asked the Board to consider if the rezoning enhanced the community. In her opinion, the answer was no. There will be safety concerns with whatever retail establishment was being placed there, abutting against the daycare center. These types of establishments may attract the types of people who you rather not have to watch the children playing outside of the daycare center. There was a dead body found at the creek where the homeless camp was located. She wanted to know if the pond on the parcel would be fenced in. She still felt the traffic was a true concern. She expressed her concern for the back of the building facing HWY 55. Was the trash in the back of the building really what we wanted people to see coming into Erwin from HWY 55? Do the benefits of the rezoning outweigh the impact, inconvenience, or harm to the community? In her opinion, the answer was no. She inquired whether Police presence would increase to ensure unsavory people do not gather at this building. If this retail establishment goes out of business and the parcel is rezoned to B-2, there are several things it could be changed to with a special use application including a private recreation facility and for-profit operations. If the Planning Board used a study when determining that the benefits outweighed the potential inconveniences, she would like to see that study. What were their findings that showed enhancement to public safety? She did not see how it would enhance the area. She prayed that the comments she made would give the Board a better understanding of why their community wished to stay a rural district and they respectfully requested that this rezoning be denied for the safety, peace, continued enjoyment, and welfare of the local daycare center, churches, and community.

Paula Roberts of 876 Bill Avery Road in Coats. She stated she and many of the other people present for this meeting were also present in February 2023 when this rezoning was first heard. They did know that it was probably a Dollar General. She lived in Coats but the 17-acre land across the street was owned by her parents. Her father died in 2020, and she and her siblings were present to support her mother. The land had been passed down for over 200 years. She asked the Board to put themselves in someone else's shoes and imagine a Dollar General being built across the street from their homes. She felt the Board members would not be happy about it. She expressed that she was sure the developers were good men, and she had family who were contractors and builders but these developers kept concentrating on the daycares and the church surrounding the property. One of her family members even owned one of the daycare facilities. Daycares and churches are not just businesses, they are for the community. A Dollar General or convenience store was very different from a daycare or church. The developers stated lastly that there was residential surrounding the property as if it did not matter. Her children attend Triton High School. She agreed with the morning traffic from 7:30 AM – 8:30 AM but the evening traffic was wrong. The 5:30 PM traffic may be when people get off work but the 2:35 PM traffic from the school will be busy and there will be 16 and 17-year-olds driving. She stated they all knew it was a Dollar General; it was told in February 2023 by the developer's map.

Mayor Baker stated that this was not a conditional rezoning and that we would not go and name names. The Board could not hear that or consider that as a testimony.

Ms. Roberts continued that they were asking as owners of property for over 200 years, for the Town Board to say no to this rezoning request. She and her family members will come as many times as it takes. She asked the Board to put the residents first.

Kenneth Coley of 26 Ivor Lane came forward and addressed the Board. He stated that it appeared to him that the project before the meeting was the same other than the entrance difference. He felt that this project would have a huge negative impact on our community as they had no current business.

MINUTES CONTINUED FROM JANUARY 2, 2025

He built his home in 1986 and chose to raise his children in that area. This project would not enhance our community, and he felt it would have a negative impact on the established businesses in Erwin that pay city taxes and are struggling to survive. This was the second hearing he had sat through for this proposal and at either meeting, no one has spoken in favor of the request other than the applicants. He asked the Board to permit him to read a statement from Ms. Dale Ryals. Ms. Ryals was unable to attend the meeting due to having been hospitalized and just recently been released. "This change request will affect the adjoining landowners, our surrounding community, along with anyone who travels Hwy 55 and Maynard Lake Road which goes by Triton High School. The requested rezoning will undermine the integrity of our surrounding neighborhood. The existing businesses, two daycares and a church, are service-related industries, not retail. The two daycares have low traffic volume 5 days a week during daylight hours. The church has low traffic volumes with Sunday the main day of the week, Wednesday night services, and other occasional events. The church traffic is during low-traffic periods of the week. The business asking to join our neighborhood is retail and has no indication of what type of retail was going to join our community. Retail establishments are usually open longer hours of the day and more days of the week, and this retail could even possibly be open 24 hours a day, seven days a week, and all 52 weeks of the year. Retail will have 18-wheelers making deliveries and where will deliveries be offloaded? In the parking lot? Or will the 18-wheelers park on Maynard Lake Road or Hwy 55 to offload? The intersection was already highly used by Triton High School and Coats Erwin Middle School traffic. Hwy 55 was already heavily traveled by vehicles that were just passing through. There was already more traffic coming in from the subdivision, going in a mile away at Turlington Crossroads and tripping into the traffic on Maynard Lake Road. There will be a 64-unit apartment complex at the intersection of 421 and Maynard Lake Road, across from the Triton Mart. Along with the cut-through coming from the Bryant Road and St Matthews Road subdivision of 250+ units, the retail would definitely have more traffic than any of the other businesses that were there now. Retail will require much more illumination of the parking lot and the three existing businesses which will cause more light pollution in our area. It was a known fact that lighting caused a negative impact on local wildlife and other species that migrate. Any business that encourages a particular customer base, so what type of customer base was this retail encouraging to come to our community? When one retail business comes in, there is sure to be more to follow, using existing houses or building new structures. She would prefer for her neighborhood to remain residential with single-family homes along the highway which enhances the entrance to the Town of Erwin." Mr. Coley stated he employed the Board to leave their community the way it was.

Derek Avery of 4799 NC 55 E came forward and stated his family was one of the families whose land had been passed down for generations. Who was this project benefitting? It was his opinion that it was not benefiting the Town. The traffic was pointed towards Coats. It was stated that a bypass was going to go through that area in the future. The retail facility will be torn down if the bypass comes. Why spend all that money for it to be torn down? He just did not understand it.

Brian Avery of 970 Old Fairground Road in Willow Spring came forward. His mother owned the property across the street. He spent 23 years in the military and he had been on the streets and markets. When you build a retail business across the street from this family's farm, that retail establishment brings a certain type of people to the store. If you have never seen blue lights in front of a Dollar General then you live under a rock. When he walked into a store like Dollar General, he felt like he needed to clear the store aisle by aisle because he did not feel safe in there with his family. That land across the street raised him, his siblings, and his cousins for over 200 years. His family has been very generous to the community. His grandfather traced all the way back to

MINUTES CONTINUED FROM JANUARY 2, 2025

Averasboro, from the municipal buildings in Angier to the land Erwin's Town Hall sat on. His Grandfather gave away the land to help the Towns, Cities, and their community. He asked the Board to not let this rezoning be approved.

Jerry Bayles of 236 Olde Ferry Lane of Dunn came forward. He stated he has been in Erwin for 81 years. He did not live near this request but his wife's side of the family does. He stated most people do not have the excitement to get up and speak for something but he was going to stand up for it because the Town Board sitting up there and plays God with everyone in the Erwin area, their lives, their revenue, and their livelihood. He listened to people stand up tonight and say they did not want lights in their yards and did not want to look at the back of a store but there were people down the road who were putting up with the lights, the trucks, and the congestions so that they can stop by and get a quart of milk or a loaf of bread on the way home. In the past, he had spoken with people in the Turlington Crossroads area who were for this request but they did not have the nerve or the backbone to come up to the meeting and express their opinion due to fear of offending someone. He stated he was 81 years old and he did not care who he offended. He lived on Dunn Erwin Road for 50 years and there was a bump in his front yard so every time a truck went by it would wake him up. People asked him why he did not do something about it and he thought about that. He stated for 81 years he has driven around Dunn and Erwin. When he went to the hospital, he didn't think about the congestion it caused, he thought about the service that the hospital was rendering to people. He went across the street to the High School and the post office and he was building that had been in Erwin for over 100 years. He looked at the back of a drug store, grocery store, and hardware store. They did not care about having to look at the back of the stores and the cardboard boxes because they knew they could ride around the corner and get a loaf of bread and a quart of milk, prescriptions filled, or a pair of shoelaces for their kids. People in the room stated they did not want to look at the back of a building on Hwy 55, wouldn't you rather see a productive business rather than an empty car lot, a junkyard, or a dilapidated mobile home? The growth of Erwin was people coming to Erwin and if all they see are negative pessimistic people then we would have a big problem. A big subdivision was recently built at Turlington Crossroads. Over 100 people live there and those people would have to drive 4 miles to IGA in Erwin or 4 miles to Coats. When he was growing up, Mr. Turlington had a store at Turlington Crossroads, Mr. Stewart had a grocery store, and a grocery store was about halfway to where this site was located. No one ever complained about the trucks because they could get the services they needed. He stated that the Town Board needed to open their minds and open their eyes to our growth and it was not going to come from Wondertown or across the river. The growth was coming from Coats where this building needed to be because those people at Turlington Crossroads deserved every right to be able to pull in and get a loaf of bread or a quart of milk as the people on this side of Town. He lived on Dunn Erwin Road and listened to the bump of the trucks over and over and when people asked him why he didn't do anything about it, his answer was if the grease got too hot then get out of the pan. He moved away and if these people did not like where they lived, then they could move but they should not expect the young people to be deprived of a Dollar General or whatever this retail store is called. The store wasn't going to put any money in his pocket but he much rather see a small business than an empty car lot. He stated he was friends with most of the people in the audience but he was speaking for this request. He was speaking for the people in Turlington Crossroads who did not come to speak. He was speaking for the growth of our community.

Sharon Hayes of 915 Maynard Lake Road came forward. She stated she lived across the street from the property. The person who was just speaking did not live in their area and she did not see how he had a right to speak. She did know that the traffic on Maynard Lake Road was not as bad as people

MINUTES CONTINUED FROM JANUARY 2, 2025

want to think it was, just the school hours. She did not want this across the street where she had to look out her front door and see all types of things go on. That would not be a neighborhood or a place to raise a child. We did not need any development on that property at all. A house, church, or daycare would be fine.

Mayor Baker asked if anyone else was present to speak in favor of the request, in opposition to the request, or to ask a question.

No one came forward.

Mayor Baker asked if the Board had any further questions before closing the Public Hearing.

Commissioner Blackmon asked if the retention pond would be fenced in.

Mayor Baker asked the applicants to come forward and address their concerns.

Matt Lowder of Bowman Consulting, the engineer for the project, came forward. He stated yes, there would be a stormwater pond on the site. He was unsure of what type but in some period of time it will hold water and they did intend to put a fence around it. If they did not do stormwater, they would have excess water that would run downstream and affect the neighbors so the balance was that they do stormwater so that it would not impact downstream. They will also be looking at water quality. Those were state requirements that they must meet. There was an issue regarding trucks coming onto the site, that was something that will need to be accommodated. There will be delivery trucks but garbage trucks and emergency services such as firetrucks as well. The site will have to be able to accommodate those large trucks and that was a conversation they will have with NCDOT on how to minimize the impact as much as possible. There will be landscaping on the project and a dumpster with a screened enclosure to minimize the impact on the neighbors as much as possible.

Mayor Baker asked if there would be any screening, buffering, or safety measures taking place when subdividing the property to take away the retail establishment from the daycare and address the safety concerns.

Mr. Lowder stated obviously the pond was the most critical and would be screened in. There would be landscaping. He could not say off the top of his head all the measures that would be included. They will definitely look at additional landscaping, small fences, and things like that.

Commissioner Nelson asked if the plan for delivery trucks to unload on Maynard Lake Road or on the property.

Mr. Lowder stated the trucks would not be allowed to park on Maynard Lake Road or Hwy 55. The site was designed for the trucks to be able to swing into the parking lot and back up to the back side of the building to unload.

Commissioner Turnage stated this was a hard decision for the Board to make. He heard the pros and cons from both sides. He felt that people should have a right to say what goes on in their neighborhood. If people want to keep their neighborhood as it is, he shouldn't have a vote to change that.

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

MINUTES CONTINUED FROM JANUARY 2, 2025

Commissioner Blackmon stated that he felt that both sides had valid points. When preparing our Land Use Plan, this was one of the areas the Town Board looked at for mixed-use of commercial and residential.

Commissioner Blackmon made a motion in the affirmative, seconded by Commissioner Nelson, and unanimously approved by the Board that there is a convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group. Reasoning that according to the 2023 Land Use Plan, this area allowed for small-scale commercial development and would enhance the general welfare of the community.

Commissioner Blackmon made a motion in the affirmative, seconded by Commissioner Byrd, and unanimously approved by the Board that there is a convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.) Reasoning that he was basing the entire parcel on B-2 along with the permitted uses, all of which would not prove to be detrimental to the surrounding community in the future.

Mayor Baker asked to have the permitted uses in B-2 placed on the monitor for public review.

Commissioner Byrd asked to be excused at 8:12 PM.

The Town Board reviewed and discussed the permitted uses in the B-2 District.

Commissioner Byrd returned at 8:14 PM.

Commissioner Byrd made a motion in the affirmative, seconded by Commissioner Nelson, and unanimously approved by the Board that there is a convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change. Reasoning that according to the 2023 Land Use Plan, this area is designated for commercial development which is the primary purpose of B-2 zoning.

Commissioner Nelson made a motion in the affirmative, seconded by Commissioner Blackmon, and unanimously approved by the Board that the proposed change is in accord with the Land Development Plan and sound planning principles. The Erwin 2023 Land Use Plan has this parcel of land to be zoned under commercial development classifications and by the rezoning would solve the issue of being split-zoned.

Commissioner Byrd made a motion seconded by Commissioner Blackmon, and **approved by the Board 4-1 (Turnage)** that the requested rezoning from RD to B-2 classification for the property at 4507 NC 55, Erwin NC 28339 is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances the uses

MINUTES CONTINUED FROM JANUARY 2, 2025

defined within the B-2 zoning classification would best serve the above-stated parcel. It is recommended that this rezoning request be **Approved**.

Commissioner Blackmon made a motion to adopt Ordinance for Map Amendment Case # ZT-2024-007 Amendment To The Official Zoning Map To Rezone From RD to B-2 Per Zoning Ordinance Article XXIII For Harnett County Pin 0598-92-2261.000 Ord 2024-2025: 019 and was seconded by Commissioner Nelson. **The Board voted unanimously.**

SU-2024-002

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

Town Planner Dylan Eure stated we received a special land use application for Harnett County Tax PIN #0597-66-3942. This request was petitioned by Ms. Whitney Stokes in order to construct a duplex two-family home at the said location. The parcel was approximately 9,100 square feet with approximately 100 feet of road frontage. This was a special use item within the zoning district, RD, but there were additional requirements for multifamily or duplex living quarters. Those requirements were to have a minimum of 8,000 square feet and a width of 75 feet, which this parcel did meet. There was water at the property, however the sewer stops just before the property. Harnett Regional Water had confirmed that a private line can with a force pump could be installed off of N 14th Street to be accessible to the property. The only other information he had was that two lots to the left of the parcel on the other side of N 14th Street there was a similar property with a duplex. There was a site plan included in the agenda that did meet all of our requirements as far as buffering from other developments since it was a two-family home and not a single-family dwelling. It was good to go and met our requirements.

Mayor Baker clarified that there were similar structures within that area being proposed.

Mayor Baker asked that the applicant come forward and present their application.

Whitney Stokes of 610 N 13th Street came forward and was sworn in by Deputy Town Clerk Katelan Blount.

Mayor Baker stated that Staff had presented the application and asked if there was anything Ms. Stokes would like to add.

Ms. Stokes stated this was the beginning of a journey she was very excited about. She had always wanted to go into real estate. Much like the family earlier in the meeting, her mother got that land from her father along with the other two parcels there. If she could construct this property and show the rest of her family that this was prosperous and completely possible, then it was very possible she would be able to develop the other two parcels which would clear out that whole side of W N Street across from the garage. It would bring in new tenants because she wanted to do more duplexes. Depending on how it goes and how fast Erwin grows, because she was sure with that traffic was changing and she knew everyone noticed it took an extra 10 minutes to get where they were going now, so more people were coming. That would bring in tax money, bring in more people for business, and we are growing. She wanted to be a part of the growth.

Mayor Baker asked if the applicant felt that the application submitted would impair or have any bearing on the integrity or character of that surrounding area.

MINUTES CONTINUED FROM JANUARY 2, 2025

Ms. Stokes stated no, if anything, it may have kind of put everybody in a position to do better because this would meet all of the ordinances, it will have the landscaping, the trees, the shrubs, the fence, it will have the whole look. Everyone else might have to step it up.

Mayor Baker asked if Ms. Stokes felt that the proposed development would affect any adjoining property values.

Ms. Stokes stated no, if anything they will have to do better like mow their lawns and be more responsible about property they should be responsible with anyway.

Mayor Baker asked if the Board had any questions for Ms. Stokes.

Commissioner Blackmon stated in their request it stated that she would be putting in a modular unit. A modular unit, not a manufactured home?

Ms. Stokes answered yes, manufactured homes were not allowed. She had learned so much.

Commissioner Blackmon stated that's correct so he just wanted to make sure.

Ms. Stokes stated she and Town Planner Dylan Eure had worked for months. So many phone calls, so many voicemails and then they added in Harnett Regional Water. Then she played phone tag with Harnett Regional Water and added in engineering and Mr. Eure was playing tag on emails. We learned a lot together.

Mayor Baker stated he was glad the applicant had a pleasant experience with Town Planner Dylan Eure in this process.

Ms. Stokes stated her background was in education. She worked with autistic children and she liked to learn things. Especially things she was interested in and real estate was one of those things.

Commissioner McKoy stated he had never met Ms. Stokes. He knew some of her family members. He liked what she said about if this request was approved, it may make people clean their yards.

Ms. Stokes stated that was what this was for. She was going to change the perspective and prove it could be changed. With most people, since she has been home from college in Greenville for four years due to COVID-19, what she had come to realize was something a lot of people have in common here was their lack of faith. If you have a lack of faith then you will have a lack of follow through. She believed in her skills, was very capable, and had a college degree to prove it. She had a minor in business just because she liked to learn about things she found interesting. Anybody could pursue their interests.

Commissioner Turnage stated he had a gentleman come to his house on Christmas Eve complaining about them not picking up trash down at his house. He got ahold of Public Works Director Mark Byrd and he appreciated Mr. Byrd going out there so the man was satisfied.

Mayor Baker asked if anyone was present to speak in favor of, opposition to, or ask a question about the request.

No one came forward.

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

Commissioner Byrd made a motion in the affirmative, seconded by Commissioner Blackmon, and unanimously approved by the Board that the requested use is listed among the special uses in

MINUTES CONTINUED FROM JANUARY 2, 2025

the district for which the application is made. Reasoning that two-family developments are listed as special use in the R-6 district.

Commissioner Blackmon made a motion in the affirmative, seconded by Commissioner Nelson, and unanimously approved by the Board that the requested use is essential or desirable to the public convenience or welfare. Reasoning that approving this request would increase the amount variety of homes within Erwin's corporate limits.

Commissioner McKoy made a motion in the affirmative, seconded by Commissioner Nelson, and unanimously approved by the Board 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. Reasoning that there is a tract of land just west of the proposed parcel where a duplex is being built.

Commissioner Nelson made a motion in the affirmative, seconded by Commissioner Byrd, and unanimously approved by the Board that the requested use will be in conformity with the Land Development Plan. Reasoning that according to Erwin's 2023 Land Use Plan allowing for a greater variety of residential uses in dense zoning classifications is desirable as well as the proposed landscaping plan also meets Erwin's requirements for buffering and screening for varying residential styles.

Commissioner Blackmon made a motion in the affirmative, seconded by Commissioner Nelson, and unanimously approved by the Board that adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. Reasoning that the site does have access to Harnett County water and does have the ability to connect to Harnett County sewer through the connection of a private line and force pump.

Commissioner Byrd made a motion in the affirmative, seconded by Commissioner McKoy, and unanimously approved by the Board that adequate measures have been or will be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets. Reasoning that according to the applicant's site plan, there will be two driveways in order to provide adequate parking for the duplex which will allow inhabitants easier access to get on and off the property.

Commissioner McKoy made a motion in the affirmative, seconded by Commissioner Nelson, and unanimously approved by the Board that the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except such regulations may, in each instance, be modified by the Board of Commissioners. Reasoning that everything is in agreeance with Erwin's Zoning Ordinances at its current state upon submittal.

Commissioner Byrd made a motion seconded by Commissioner Nelson, and unanimously approved by the Board that according to Erwin's 2023 Land Use Plan and the Code of Ordinances the proposed two-family dwelling located off W N St. by its Tax Pin 0597-66-3942 is desirable and has met all of the requirements for the special use to be granted, including landscaping, setbacks, and parking. It is recommended that this rezoning request be **Approved**.

MINUTES CONTINUED FROM JANUARY 2, 2025PUBLIC COMMENT

No one was present to speak for Public Comment. Everyone who signed up to speak had already left the room.

MANAGER'S REPORT

Town Manager Snow Bowden provided the Board with a detailed report at their seats. He stated if they had any questions to give him a call.

The Manager's Report is part of these minutes as an attachment.

ATTORNEY'S REPORT

Town Attorney Tim Morris thanked the Board for allowing him to be their Town Attorney. He provided a job well done to the Town Board in making difficult decisions.

ADJOURNMENT

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

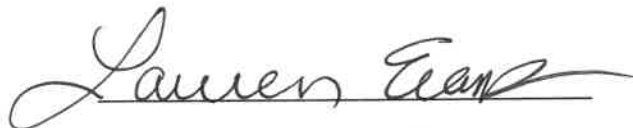
MINUTES RECORDED AND TYPED BY
LAUREN EVANS TOWN CLERK

ATTEST:



Randy Baker

Mayor



Lauren Evans, NCCMC

Town Clerk



TOWN OF ERWIN

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

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

**ORDINANCE FOR MAP AMENDMENT CASE # ZT-2024-007
AMENDMENT TO THE OFFICIAL ZONING MAP TO REZONE
FROM RD TO B2 PER ZONING ORDINANCE ARTICLE XXIII
FOR HARNETT COUNTY PIN 0598-92-2261.000.
ORD 2024-2025: 019**

Per Chapter 36 Zoning, Article XXIII, Changes and Amendments, Harnett County PIN 0598-92-2261.000 owned by Steve Wilford Murphy and Dayna Bayles Murphy have been rezoned to B2 (Highway Business), Case # ZT-2024-007.

HARNETT COUNTY TAX ID#

070598 0150
8-20-07 BY MTF



FOR REGISTRATION REGISTER OF DEEDS
HARNETT COUNTY, NC
2007 AUG 02 04:13:10 PM
BK:2406 PG:828-838 FEE:\$17.00

INSTRUMENT # 2007014647

Excise Tax NO REVENUE

Tax Lot No. 070598 0150 Parcel Identifier No. 070598 0150 Verified by
County on the day of , 200
by

Mail after recording to: Billy R. Godwin, Jr., 406 W. Broad St., Dunn, NC 28334

This instrument was prepared by: Billy R. Godwin, Jr.

Brief Description for the Index

3.74 ACRES

NO TITLE SEARCH PERFORMED

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made August 1, 2007, by and between

GRANTOR	GRANTEE
Jerry Ray Bayles, Sr. and wife, Faye P. Bayles P.O. Box 343 Erwin, NC 28339	Dayna Bayles Murphy and husband, Steve Wilford Murphy 3508 Lela Ct. Raleigh, NC 27606

Draw in appropriate block for each party: name, 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 or parcel of land situated in Harnett County, North Carolina and more particularly described as follows:

Being all of a 3.47 acre tract as shown on map entitled "Property of: Johnnie D. Avery and wife, Mattie J. Avery", prepared by Piedmont Surveying dated March 17, 1993, recorded in Plat Cabinet F, Slide 149-C, Harnett County Registry.

The consideration for this deed is the grantors' love and affection for their daughter and son-in-law.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1423 , Page 27.
A map showing the above described property is recorded in Plat Cabinet F, Slide 149-C, Harnett County Registry.

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

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

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

1. Easement, roadways and rights of way of record, including general utility easements.
2. Easements visible by an inspection of the premises.
3. Any outstanding deed of trust on the property conveyed herein.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name)

By: _____

Jerry P. Bayles, Sr.
Jerry P. Bayles, Sr. (SEAL)

Faye P. Bayles
Faye P. Bayles (SEAL)

(SEAL)

(SEAL)

SEAL-STAMP

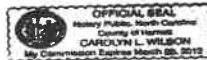
HARNETT COUNTY
STATE OF NORTH CAROLINA

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purposes stated therein and in the capacity indicated: Jerry P. Bayles, Sr. and Faye P. Bayles

This the 2nd day of August, 2007.

My Commission Expires: 3/26/2012

Carolyn L. Wilson
Carolyn L. Wilson, Notary Public





KIMBERLY S. HARGROVE
REGISTER OF DEEDS, HARNETT
305 W CORNELIUS HARNETT BLVD
SUITE 200
LILLINGTON, NC 27546

Filed For Registration: 08/02/2007 04:13:10 PM
Book: RE 2408 Page: 828-830
Document No.: 2007014047
DEED 3 PGS \$17.00
Recorder: JUDITH HAMILTON

State of North Carolina, County of Harnett

KIMBERLY S. HARGROVE , REGISTER OF DEEDS

DO NOT DISCARD

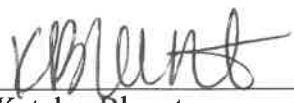
2007014047

2007014047

Adopted this the 2nd day of January 2025.


Randy Baker
Mayor

ATTEST:


Katelan Blount
Deputy Town Clerk

Statement of Consistency

ZT-2024-007

The requested rezoning from RD to B-2 classification for the property at 4507 NC 55, Erwin NC 28339 is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances, the uses defined within the B-2 zoning classification would best serve the above-stated parcel.

It is recommended that this rezoning request be **Approved**.



Randy Baker
Mayor



Katelan Blount
Deputy Town Clerk