



PROPOSED AGENDA
Bermuda Run Town Council Meeting
Tuesday, February 8, 2022
6:00PM

Bermuda Run Town Hall

Mission: "The Town of Bermuda Run exists to provide core public services that enhance the quality of life for its residents and an environment for the business community to thrive".

1. Call to Order

2. Pledge of Allegiance

3. Moment of Silence

"It is the intent of the Town Council to solemnize the proceedings of this meeting and the business brought before the governing board, to offer the opportunity for a reflective moment of silence."

4. Adoption of the Agenda

Motion: _____ Second: _____ In Favor: _____ Opposed: _____

5. Approval of the January 11, 2022 Town Council Meeting Minutes

Motion: _____ Second: _____ In Favor: _____ Opposed: _____

6. Proclamation: Recognition of Black History Month

Mayor Cross and the Bermuda Run Town Council recognize the month of February, 2022 as Black History Month in the Town of Bermuda Run

7.

A. Public Hearing: Petition for Annexation of 139 and 155 South NC HWY 801

On December 20, 2021, the Town received a petition for contiguous annexation from the property owners of 155 S. NC HWY 801 and 139 S. NC HWY 801. On January 11, 2022, the Town Council adopted a Resolution directing the Town Clerk to investigate the petition. On January 11, 2022, the Town Clerk presented a Certificate of Sufficiency of the petition. The Town Council declared a public hearing on the issue for voluntary contiguous annexation be held at Town Hall on Tuesday, February 8, 2022 at 6:00pm.

➤ **Mayor Cross Opens Public Hearing**

➤ **Mayor Cross Closes Public Hearing**

The Town Council may take action after the close of the public hearing.

Motion: _____ Second: _____ In Favor: _____ Opposed: _____

B. Public Hearing: Zoning Text Amendment 2021-01 Food Trucks

The purpose of this text amendment is to consider adding a definition for food trucks, allowing temporary uses in all zoning districts, and specifying conditions for the operation of food trucks.

➤ **Mayor Cross Opens Public Hearing**

➤ **Mayor Cross Closes Public Hearing**

The Town Council may take action after the close of the public hearing.

Motion: _____ Second: _____ In Favor: _____ Opposed: _____

C. Public Hearing: Zoning Map Amendment 2022-01. Michael Kelly has applied to rezone 6 tracts of land totaling approximately 6.54 acres from Commercial Mixed (CM) and Club Residential (CR) to Village Mixed (VM). The subject properties are located east of NC Hwy 801 South and West of Ivy Circle.

➤ **Mayor Cross Opens Public Hearing**

➤ **Mayor Cross Closes Public Hearing**

The Town Council may take action after the close of the public hearing.

Motion: _____ Second: _____ In Favor: _____ Opposed: _____

D. Public Hearing: 10/70 Request. Michael Kelly has applied to request a 10/70 provision on 6.54 acres of land. The subject properties are located east of NC Hwy 801 South and West of Ivy Circle. The North Carolina Administrative Code states that local governments may allow up to 10 percent of their watershed area to be developed and built upon up to 70 percent built-upon surface. The area built upon is then considered impervious. The remaining 30 percent that is not built upon is impervious. This is commonly referred to as the 10/70 option. Without the 10/70 option, the maximum impervious area is 24 percent of the total site area.

➤ **Mayor Cross Opens Public Hearing**

➤ **Mayor Cross Closes Public Hearing**

The Town Council may take action after the close of the public hearing.

Motion: _____ Second: _____ In Favor: _____ Opposed: _____

8. First Amendment to Landscape Maintenance Contract Effective February 13, 2022

Blakley Landscape Services was awarded a three-year agreement on February 13, 2019 for an annual price of \$74,136 in twelve monthly installments of \$6,178. after a Request for Bids process. Due to the current market pricing instability and awaiting the proposed landscape plans with NCDOT for the I-40 / NC 801 quadrants, the Town Manager recommends approval of a one-year extension of the current agreement. The proposed annual price of services is \$90,000 payable in twelve monthly installments of \$7,500.

Motion: _____ Second: _____ In Favor: _____ Opposed: _____

9. Information Item

Support for NCDOT Contingency Funds for NC 801 Improvements at US 158

The Bermuda Run Town Council, at its annual planning session meeting held on February 1, 2022, unanimously adopted Resolution 2022-01 supporting the request for allocation of contingency funds necessary for NCDOT to complete an improvement of two north-bound thru lanes of NC 801 to I-40 and the addition of a right-turn lane from NC 801 onto US 158 east in front of Walgreens.

10. Town Manager Comments

11. Council/Mayor Comments

12. Adjourn

Motion: _____ Second: _____ In Favor: _____ Opposed: _____

Town of Bermuda Run

Town Council Meeting Minutes

January 11, 2022 – 6:00 PM

The Town Council of Bermuda Run held its scheduled meeting on Tuesday, January 11, 2022 at 6:00 PM. The meeting was held at the Bermuda Run Town Hall.

Council Members Present: Mayor Rick Cross, Mike Brannon, Curtis Capps, Heather Coleman, Mike Ernst, and Melinda Szeliga

Council Members Absent:

Also Present: Lee Rollins, Town Manager; Cindy Poe, Town Clerk; Tammy Fleming, Town Attorney

Call to Order Mayor Rick Cross called the meeting to order.

Pledge of Allegiance

Moment of Silence

It is the intent of the Town Council to solemnize the proceedings of this meeting and the business brought before the governing board, to offer the opportunity for a reflective moment of silence.

Adoption of the Agenda

Council Member Mike Ernst made a motion to approve the agenda. Council Member Heather Coleman seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed

Approval of the December 14, 2021 Town Council Meeting Minutes

Council Member Mike Brannon made a motion to approve the December 14, 2021 meeting minutes. Council Member Melinda Szeliga seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

Public Comments – None

Resolution Directing the Town Clerk to Investigate a Petition Received Under G.S. 160A-31

On December 20, 2021, the Town received a petition for contiguous annexation from the property owners of 155 S. NC HWY 801 and 139 S. NC HWY 801. To proceed with further consideration to annex both properties, the Town Council will need to adopt the enclosed resolution.

Council Member Curtis Capps made a motion to adopt the resolution as presented. Council Member Mike Ernst seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

In anticipation for the adoption of the resolution, Town Clerk Cindy Poe presented a certificate of sufficiency. Manager Rollins informed the Council if they chose, they could go ahead and set a Public Hearing for February 8.

Council Member Melinda Szeliga made a motion to set a notice for Public Hearing on February 8 regarding contiguous annexation for these properties. Council Member Heather Coleman seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

Set Notice of Public Hearing for Tuesday, February 8, 2022 for the Following:

1. **Zoning Text Amendment 2021-01.** The Town Council will review text amendments of the Zoning Ordinance in sections 3.5, 9.61 and 12.3 regarding food trucks.
2. **Zoning Map Amendment 2022-01.** Michael Kelly has applied to rezone 6 tracts of land totaling approximately 6.54 acres from Commercial Mixed (CM) and Club Residential (CR) to Village Mixed (VM). The subject properties are located east of NC Hwy 801 South and West of Ivy Circle.
3. **10/70 Request.** Michael Kelly has applied to request a 10/70 provision on 6.54 acres of land. The subject properties are located east of NC Hwy 801 South and West of Ivy Circle.

Council Member Mike Ernst made a motion to set a Public Hearing for Tuesday, February 8 for the above amendments and request. Council Member Mike Brannon seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

Amend the 2022 Council Meeting Calendar to Include Tuesday, January 25, 2022 and Tuesday February 1, 2022 from 8:00am to Noon as Town Council Meetings

Council Member Curtis Capps made a motion to amend the Council Meeting calendar. Council Member Heather Coleman seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

Town Manager/Council/Mayor Comments

Lee Rollins – Shared that a Constant Contact email is set to go out on January 12 with the agenda packet for the Planning Board Meeting on January 19.

Mike Brannon – Thanked all in attendance. Stressed need for blood at area hospitals, sharing upcoming opportunities to donate.

Heather Coleman – Looks forward to the Public Hearings.

Mike Ernst – Stressed the need for more interest from residents and importance of attending meetings.

Curtis Capps – Thanked everyone for attending.

Melinda Szeliga – Shared positive feedback received regarding Christmas tree pickup, leaf pickup, etc. Small, but positive ways that we make Bermuda Run a wonderful place to live.

Rick Cross – Spoke of upcoming Planning Sessions, Update to Comprehensive Plan, encouraged residents to sign up for Constant Contact emails, and to visit Town's Facebook, Instagram, and website.

Adjourn

With no further business to discuss, Council Member Mike Ernst made a motion to adjourn. Council Member Heather Coleman seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

Approved

Respectfully Submitted

Rick Cross, Mayor

Cindy Poe, Town Clerk



PROCLAMATION
BLACK HISTORY MONTH

WHEREAS, much of The Town of Bermuda Run's honor, strength, and stature can be attributed to the diversity of cultures and traditions that are celebrated by the residents of this great town; and

WHEREAS, African Americans have played significant roles in the history of North Carolina's economic, cultural, spiritual, and political development while working tirelessly to maintain and promote their culture and history; and

WHEREAS, as a result of their determination, hard work, and perseverance, African Americans have made valuable and lasting contributions to the Town of Bermuda Run and our state, achieving exceptional success in all aspects of society including business, education, politics, science, and the arts; and

WHEREAS, in 1976, Black History Month was formally adopted to honor and affirm the importance of Black History throughout our American experience, which goes back thousands of years and includes some of the greatest, most advanced and innovative societies in our history that we can all draw inspiration from; and

WHEREAS, Black History Month is a time for all Americans to remember the stories and teachings of those who helped build our nation, took a stance against prejudice to build lives of dignity and opportunity, advanced the cause of civil rights, and strengthened families and communities; and

WHEREAS, during Black History Month all Americans are encouraged to reflect on past successes and challenges of African Americans and look to the future to continue to improve society so that we live up to the ideals of freedom, equality, and justice;

NOW, THEREFORE BE IT RESOLVED THAT, I, Rick Cross, Mayor, do hereby proclaim February, 2021 as Black History Month in the Town of Bermuda Run.

Signed this, the 8th day of February, 2022.

Rick Cross - Mayor



(7.A.)

**NOTICE OF PUBLIC HEARING
BERMUDA RUN TOWN COUNCIL**

NOTICE IS HEREBY GIVEN, that the Town Council of the Town of Bermuda Run has called a public hearing at 6:00pm on Tuesday, February 8, 2022 at the Bermuda Run Town Hall, 120 Kinderton Boulevard, Suite 100, on the question of annexing the following described territory, requested by petition filed pursuant to G.S. 160A-31:

Section 2. The area proposed for voluntary annexation is described as follows:

RE: PARCEL: D8080C0007 (139 South NC HWY 801)

BEGINNING AT AN EXISTING REBAR AND CAP (HAVING NORTH CAROLINA GRID COORDINATES OF NORTH 823,465.93. EAST 1,574,701.14, SAID IRON BEING IN THE SOUTHWEST INTERSECTION OF N.C. HIGHWAY 801 AND WINMOCK ROAD AND ALSO BEING THE NORTHWEST CORNER OF LOIS B. BARNEY TRUSTEE PROPERTY AS RECORDED IN DEED BOOK 1141, PAGE 696; THENCE WITH THE SOUTHERN RIGHT-OF-WAY OF WINMOCK ROAD N. 67°32'25" E. CROSSING AN EXISTING 1 ½" TALL IRON AT 333.11 AND CONTINUING 20.41' TO AN EXISTING REBAR WITH CAP FOR A TOTAL DISTANCE OF 353.52' TO THE NORTHEAST CORNER OF SAID BARNEY PROPERTY AND THE NORTHWEST CORNER OF JOBY W. MATHEWS PROPERTY AS RECORDED IN DEED BOOK 308, PAGE 700; THENCE WITH THE EASTERN LINE OF SAID BARNEY PROPERTY S. 32°36'36" E. 200.56' TO A REBAR WITH CAP, THE SOUTHEAST CORNER OF SAID BARNEY PROPERTY AND THE NORTHEAST CORNER OF GERALD HARRIS ROBERTSON PROPERTY AS RECORDED IN DEED BOOK 1013, PAGE 595; THENCE WITH THE SOUTHERN LINE OF SAID BARNEY PROPERTY S. 68°41'16" W. 329.98' TO AN EXISTING 7/8" IRON IN THE EASTERN RIGHT OF WAY OF SAID N.C. HIGHWAY 801; THENCE SAID RIGHT OF WAY THE (2) FOLLOWING COURSES AND DISTANCES: 1) ON A CURVE TO THE LEFT (HAVING RADIUS OF 772.90) A CHORD BEARING AND DISTANCE N. 38°25'13" W. 148.26' TO A POINT; THENCE 2) N. 43°06'15" W. 51.59' TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 1.5040 ACRES MORE OR LESS

RE: PARCEL: D8080C0008 (155 South NC HWY 801)

COMMENCING AT AN EXISTING REBAR AND CAP (HAVING NORTH CAROLINA GRID COORDINATES OF NORTH 823,465.93. EAST 1,574,701.14, SAID IRON BEING IN THE SOUTHWEST INTERSECTION OF N.C. HIGHWAY 801 AND WINMOCK ROAD AND ALSO BEING IN THE NORTHWEST CORNER OF LOIS B. BARNEY TRUSTEE PROPERTY AS RECORDED IN DEED BOOK 1141, PAGE 696; THENCE WITH THE EASTERN RIGHT-OF-WAY A SAID N.C. HIGHWAY 801 THE TWO FOLLOWING COURSES AND DISTANCES; 1) S. 43°06'15" E. 51.59' TO A POINT; THENCE 2) ON A CURVE TO THE RIGHT (HAVING A RADIUS OF 772.90 A CHORD BEARING AND DISTANCE OF S. 38°25'13" E. 148.26' TO AN EXISTING PINCHED IRON THE POINT AND PLACE OF BEGINNING AND BEING THE SOUTHWEST CORNER OF LOIS B. BARNEY TRUSTEE PROPERTY AS RECORDED IN DEED BOOK 1141, PAGE 696 AND THE NORTHWEST CORNER OF GERALD HARRIS ROBERTSON AS RECORDED IN DEED BOOK 1013, PAGE 596; THENCE WITH THE NORTHERN LINE OF SAID ROBERTSON PROPERTY AND THE SOUTHERN LINE OF SAID BARNEY PROPERTY N. 68

41'16" E. 329.98' TO AN EXISTING REBARD WITH CAP, THE SOUTHEAST CORNER OF SAID BARNEY PROPERTY AND THE NORTHEAST CORNER OF SAID ROBERTSON PROPERTY AND IN THE WESTERN SIDE OF JOBY W. MATHEWS PROPERTY AS RECORDED IN DEED BOOK 308, PAGE 700; THENCE WITH THE EASTERN LINE OF SAID ROBERTSON PROPERTY AND THE WESTERN LINE OF SAID MATTHEWS PROPERTY S. 32 36'35" E. 133.89' TO A POINT IN THE WESTERN RIGHT-OF-WAY OF IVY CIRCLE; THENCE WITH THE SAID RIGHT-OF-WAY ON A CURVE TO THE RIGHT (HAVING A RADIUS OF 155') A CHORD BEARING AND DISTANCE OF S. 12 27'38" W. 33.04' TO A POINT; THE SOUTHWEST CORNER OF SAID ROBERTSON AND THE NORTHEAST CORNER OF GEORGIA F. JOHNSON PROPERTY AND THE SOUTHEAST CORNER OF SAID ROBERTSON PROPERTY; THENCE WITH THE SOUTHERN LINE OF SAID ROBERTSON PROPERTY AND THE NORTHERN LINE OF SAID JOHNSON PROPERTY S. 75 22'21" W. 325.66' TO A PINCHED IRON IN THE EASTERN RIGHT-OF-WAY OF SAID N.C. HIGHWAY 801 AND BEING THE SOUTHWEST CORNER OF SAID ROBERTSON PROPERTY AND THE NORTHWEST CORNER OF SAID JOHNSON PROPERTY; THENCE; WITH THE SAID RIGHT-OF-WAY ON A CURVE LEFT (HAVING A RADIUS OF 772.90') A CHORD BEARING AND DISTANCE OF N. 29 12'00" W. 100.20' TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 0.9112 ACRES MORE OR LESS.

All interested parties are invited to attend the public hearing and present their comments to the Bermuda Run Town Council. Please call Bermuda Run Planning at (336) 753-6050 if you have questions or if you need special accommodations for the meeting. Hearing impaired persons desiring additional information or having questions regarding this subject should call the North Carolina Relay Number for the Deaf at 1-800-735-8262 or 711 for mobile phones.

PUBLICATION DIRECTIONS

Publish in the Notices section of the Newspaper

Publish on the following Dates: January 27, 2022

Send bill and affidavit of publication to:

Bermuda Run Town Clerk, Cindy G. Poe
Town of Bermuda Run
120 Kinderton Boulevard, Suite 100
Bermuda Run, NC 27006



RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER ARTICLE 4A OF G.S. 160A
155 S. NC Hwy 801, and 139 S. NC Hwy 801

WHEREAS, a petition requesting contiguous annexation of an area described in said pattern was received on December 20, 2021 by the Town Council; and

WHEREAS, N.C.G.S. Chapter 160A, Article 4A, Part 1 provides that the sufficiency of the petition shall be investigated by the Town Clerk of the Town of Bermuda Run, North Carolina before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Bermuda Run, North Carolina deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bermuda Run, North Carolina that:

The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the result of the investigation.

Adopted this the 11th day of January, 2022.

Rick Cross – Mayor

ATTEST:

Cindy Poe, Town Clerk

APPROVED AS TO FORM

Brian F. Williams, Town Attorney



CERTIFICATE OF SUFFICIENCY

155 S. Hwy. 801, Advance, NC 27006

To the Bermuda Run Town Council:

I, Cindy Poe, 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 based on the Metes and Bounds Description.
- b. The area described in the petition is contiguous to the Town of Bermuda Run corporate limits, as defined by G.S. 160A-31.
- c. The petition is signed by and includes addresses of all owners of real property lying in the area described therein.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Bermuda Run, this 11th day of January, 2022.

(Seal)



Town Clerk



O2022-02

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
TOWN OF BERMUDA RUN, NORTH CAROLINA**

WHEREAS, the Bermuda Run Town Council has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Bermuda Run Town Council 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 Bermuda Run Town Hall at 6:00pm on Tuesday, February 8, 2022, after due notice by the Davie County Enterprise newspaper on January 27, 2022; and

WHEREAS, the Bermuda Run Town Council finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Bermuda Run, 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 Bermuda Run as of February 8, 2022.

RE: PARCEL: D8080C0007 (139 South NC HWY 801)
BEGINNING AT AN EXISTING REBAR AND CAP (HAVING NORTH CAROLINA GRID COORDINATES OF NORTH 823,465.93. EAST 1,574,701.14, SAID IRON BEING IN THE SOUTHWEST INTERSECTION OF N.C. HIGHWAY 801 AND WINMOCK ROAD AND ALSO BEING THE NORTHWEST CORNER OF LOIS B. BARNEY TRUSTEE PROPERTY AS RECORDED IN DEED BOOK 1141, PAGE 696; THENCE WITH THE SOUTHERN RIGHT-OF-WAY OF WINMOCK ROAD N. 67° 32' 25" E. CROSSING AN EXISTING 1 ½" TALL IRON AT 333.11 AND CONTINUING 20.41' TO AN EXISTING REBAR WITH CAP FOR A TOTAL DISTANCE OF 353.52' TO THE NORTHEAST CORNER OF SAID BARNEY PROPERTY AND THE NORTHWEST CORNER OF JOBY W. MATHEWS PROPERTY AS RECORDED IN DEED BOOK 308, PAGE 700; THENCE WITH THE EASTERN LINE OF SAID BARNEY PROPERTY S. 32° 36' 36" E. 200.56' TO A REBAR WITH CAP, THE SOUTHEAST CORNER OF SAID BARNEY PROPERTY AND THE NORTHEAST CORNER OF GERALD HARRIS ROBERTSON PROPERTY AS RECORDED IN DEED BOOK 1013, PAGE 595; THENCE WITH THE SOUTHERN LINE OF SAID BARNEY PROPERTY S. 68° 41' 16" W. 329.98' TO AN EXISTING 7/8" IRON IN THE EASTERN RIGHT OF WAY OF SAID N.C. HIGHWAY 801; THENCE SAID RIGHT OF WAY THE (2) FOLLOWING COURSES AND DISTANCES: 1) ON A CURVE TO THE LEFT (HAVING RADIUS OF 772.90) A CHORD BEARING AND DISTANCE N. 38° 25' 13" W. 148.26' TO A POINT; THENCE 2) N. 43° 06' 15" W. 51.59' TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 1.5040 ACRES MORE OR LESS

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Section 2. Upon and after February 8, 2022, 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 Bermuda Run and shall be entitled to the same privileges and benefits as other parts of the Town of Bermuda Run. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Bermuda Run shall cause to be recorded in the office of the Register of Deeds of Davie County, and in 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 Davie County Board of Elections, as required by G.S. 163-288.1.

Adopted this the 8th day of February, 2022.

Rick Cross, Mayor

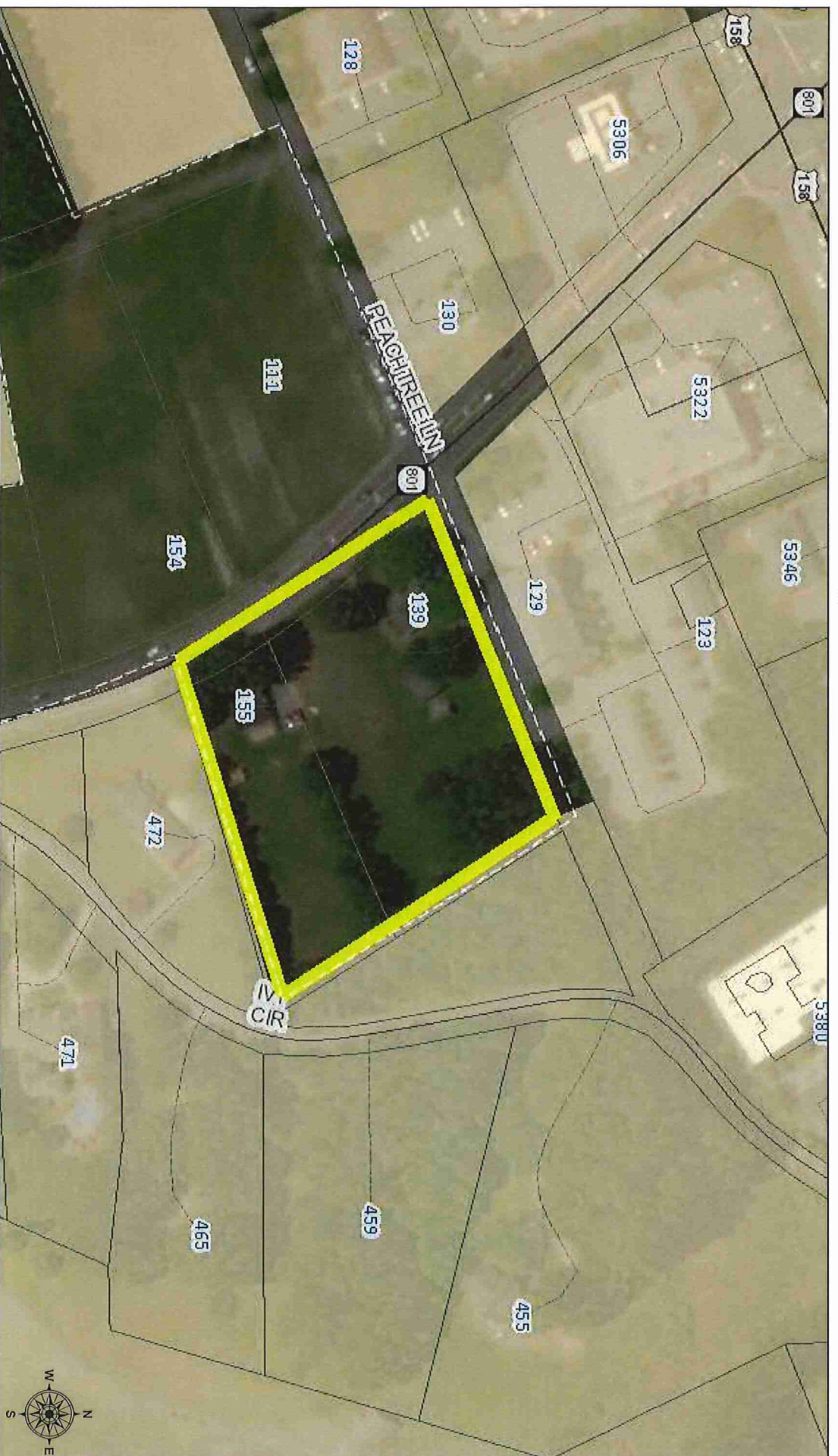
ATTEST:

APPROVED AS TO FORM:

Cindy Poe, Town Clerk

Brian F. Williams, Town Attorney

Contiguous Annexation Area



January 5, 2022

- Address
- Watershed Structure
- City Limit
- MOCKSVILLE
- COOLEEMEE
- BERMUDA RUN
- County Line

1:1,979

0 0.015 0.03 0.06 mi

0 0.025 0.05 0.1 km

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
 Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

(7.B.)



TO: Town Board
FROM: Planning Staff
RE: ZTA 2021-01 Food Trucks

Applicable Section(s): Section 3.5, 9.55, and 12.3 of Zoning Ordinance

Proposed Text Amendment and Background Information

The purpose of this text amendment to consider adding a definition for food trucks, allowing temporary uses in all zoning districts and specifying conditions for the operation of a food truck.

Bermuda Run Comprehensive Plan

This proposed amendment is related to the following goals, objectives, and/or strategies in the Town's Comprehensive Plan:

- Economic Development & Land Use Goal: Promote a healthy and diverse economic base within a sustainable land development pattern that complements the character of the Town, while preserving environmentally sensitive areas, adequate open space, and recreational opportunities.
- OBJECTIVE 5: Provide or support community amenities and events that appeal to residents and visitors.
- Strategy 1.1 Embrace the unique character areas of the Town while tying them together with unifying architectural elements, signage, landscaping, pedestrian connections, vehicular connections, and geographic nomenclature.
- Strategy 3.2 Support residential growth to attract the additional retail and service amenities desired by current residents.

Zoning Text Amendment.

Proposed text amendment for table of uses in section § 3.5, 9.55 and 12.3 of the Zoning Ordinance. New text will be **bold and underlined**. Deleted text will have a strikethrough.

3.5 Table of Uses

P = Permit from Zoning Administrator	DISTRICTS								Additional Conditions
S = S.U.P. from Board of Adjustment									
P/C = Permit from Zoning Administrator; use must meet additional conditions									
S/C = S.U.P from Board of Adjustment; use must meet additional conditions									
"-" = Not permitted									
"U" = Uses determined by underlying district	RESIDENTIAL			OVERLAY		MIXED-USE		BUS.	
USES	OS	CR	RM	MH-O	GC-O	VM	CM	GB	
MISCELLANEOUS USES									
Temporary seasonal uses and structures, including seasonal markets	P/C	<u>P/C</u>	<u>P/C</u>	U	U	P/C	P/C	P/C	9.55

9.55 Temporary Seasonal Uses and Structures, Including Seasonal Markets

A zoning permit may be issued by the Zoning Administrator for any of the following temporary uses or structures. Unless otherwise stated herein, such permit shall be valid for 12 months. Permits for temporary uses or structures exceeding 12 months or for any type of use or structure not specifically listed below may be considered by the Board of Adjustment pursuant to Section 11.7.

All landscaping, buffering, and parking standards required by this ordinance shall be met prior to any use of the site or structure authorized by the temporary use permit. All other permits required for such structure or use including, but not limited to, building permits and driveway permits shall be obtained prior to any use of the site or structure authorized by the temporary use permit.

- (A) The establishment of temporary sales lots for Christmas trees and other seasonal agricultural products, plus related goods, are permitted for up to a maximum of 60 consecutive days upon the issuance of a temporary use permit by the Zoning Administrator. The following conditions shall apply:
 - (1) No more than one (1) trailer shall be used to store goods for sale.
 - (2) The use may only be located on a vacant lot or on a lot occupied by a non-residential use.
 - (3) Off-street parking may be provided behind or to the side of the established use, but not forward of the required front setback.
 - (4) On-site parking may be provided on a dust-free, pervious surface area and need not comply with additional paving requirements.
 - (5) Signage shall meet the requirements of Chapter 7 and inflatable signage, decorations, recreational activities designed to attract attention shall be prohibited.
- (B) Temporary structures used for construction offices and storage areas on construction sites. Temporary buildings and storage of materials are permitted, provided that the use is in conjunction with the construction of a building on the same lot or on an adjacent lot; the temporary uses shall be terminated upon completion of construction.
- (C) Temporary structures or sites of grading operations.
- (D) Temporary structures, manufactured homes, or storage areas of public agencies in the conduct of proprietary or governmental operations.
- (E) Temporary modular units used for religious or educational purposes.
- (F) The use of open land by non-profit organizations for meetings, circuses or carnivals, baked goods or collected clothing and the like, if no structure is erected or placed other than tents, trailers, or recreational vehicles, for which the duration of

such permits is limited to no longer than 45 consecutive days in one (1) calendar year.

(G) The use of a residence or other building and surrounding land by any nonprofit charitable, religious, or educational organization for the purpose of exhibiting and purveying, indoors or outdoors, art or craft products, jewelry, clothing, foods, beverages, horticultural specimens, home furnishings and decorations, and similar or related items, and for presenting musical, film, or theatrical programs, indoors, for which the duration of such permits is limited to no longer than 30 consecutive days.

(H) PODS and other similar temporary storage containers not associated with construction shall not be located on a property for greater than 45 days annually.

(I) **Food Trucks.**

1. **A zoning permit shall be obtained by the property owner for any lot proposed to accommodate one or more food truck businesses. A copy of the zoning permit shall be kept in the food truck. The zoning permit application shall include a list of potential food truck businesses expected to operate on the lot and may be amended during the period of validity to remove or add specific food truck business(es) authorized to operate on the lot.**
2. **The zoning permit shall designate the specific locations on a given site where a food truck may operate.**
3. **Food trucks may not encroach upon open space, landscaping, fire lanes, vehicular access ways or pedestrian walkways, and shall not obstruct or disturb existing buffers or required setbacks from buffers or streetscapes,**
4. **A food truck may not be located on a lot featuring a single family dwelling.**
5. **Food trucks may only operate between the hours of 7:00 a.m. to 11:00pm.**
6. **Food trucks must be removed from all permitted locations during the hours when they are not permitted to be in operation, and may not be stored, parked, or left overnight at the permitted location.**
7. **Amplified music is not permitted.**
8. **Outdoor seating areas for dining associated with a food truck, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters shall be permitted but must be removed with the food truck daily.**
9. **Each food truck operator is responsible for the proper disposal of solid waste associated with the operation of the food truck and any outdoor dining areas.**
10. **Food trucks may not be operated on public property such as parks or plazas, parking lots, public street rights-of-way, or public sidewalks except as specifically authorized by the Town or as part of an official public event sponsored or co-sponsored by the Town of Bermuda Run.**

12.3 Definitions

FOOD TRUCKS A specialized unit mounted on, or pulled by, a self-propelled vehicle where food or beverage, including prepackaged food, is prepared, cooked, served, or dispensed, for individual portion service. Such vehicle is self-contained with its own drinking water tank and waste water tank; is designed to be readily movable; is located on an allowed site for more than thirty (30) minutes; and is moved daily to return to its commissary. May also be referred to as a "mobile food vending unit." This definition shall include a mobile farmers market for the sale of locally grown fresh produce which is in its original form and not altered or processed.

Planning Board Recommendation

The Planning Board considered the text amendment at their October 20th meeting. The Planning Board voted to recommend approval with a unanimous vote (6-0). Please see the attached Planning Board meeting minutes.

Town Board Action

Following review of the proposed text amendments, the Board is requested to take action following a motion and a second for one of the items below:

- **Recommend Approval:** The Board finds that the amendment is consistent with the Town of Bermuda Run Comprehensive Plan and considers the action to be reasonable and in the public interest.
- **Recommend Approval with changes:** The Board finds that the amendment is not fully consistent with the Town of Bermuda Run Comprehensive Plan, but the changes agreed upon will make it fully consistent and considers the action to be reasonable and in the public interest.
- **Recommend Denial:** The Board finds that the amendment is not consistent with the Town of Bermuda Run Comprehensive Plan and does not consider the action to be reasonable and in the public interest.
- **Defer:** The amendment needs additional consideration.

Bermuda Run Planning Board/Board of Adjustment

Regular Meeting

Minutes

Wednesday, October 20, 2021

3:00 PM

Bermuda Run Town Hall

I. Call to Order

Attendee Name	Title	Status
Tom Brady	Board Member	Present
Bryan Thompson	Alternate Member	Present
Lynn Senger	Vice Chairman	Present
Rod Guthrie	Chairman	Present
David Strand	Board Member	Present
Erin Shea	Alternate Member	Present

II. Recognition of Quorum

The Chairman recognized that a quorum was met with all members present.

III. Approval of Planning Board Agenda

RESULT: APPROVED [UNANIMOUS]
MOVER: Lynn Senger
SECONDER: David Strand
AYES: Brady, Guthrie, Strand, Shea, Senger, Thompson

IV. Approval of Planning Board Minutes— November 18, 2020, February 17, May 19, and September 15, 2021

RESULT: APPROVED [UNANIMOUS]
MOVER: Bryan Thompson
SECONDER: Lynn Senger
AYES: Brady, Guthrie, Strand, Shea, Senger, Thompson

V. Citizen Comments

There were none.

VI. Permit Reports & Zoning Administrator's Update

Permit reports & zoning update were included in the agenda packet for reference and discussion.

VII. Town Manager's Update

Lee Rollins discussed with the Board the Commercial Mixed (CM) zoning district and uses allowed within the district.

VIII. Planning Board Cases

- a. **Zoning Text Amendment 2021-01.** The Board reviewed text amendments of the Zoning Ordinance in sections 3.5, 9.61 and 12.3 regarding food trucks.

Amy Flyte introduced the proposed text amendment and answered Board questions.

Chairman Guthrie opened the public comment period and seeing none, closed the public comment period.

The Board held discussion on the item including process, location, residential properties and property owner responsibilities.

Bryan Thompson made a motion that the text amendment be approved and the following statement be adopted: The Planning Board finds that the amendment is consistent with the Town of Bermuda Run Comprehensive Plan and considers the action to be reasonable and in the public interest.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bryan Thompson
SECONDER:	Erin Shea
AYES:	Brady, Guthrie, Strand, Shea, Senger, Thompson

- b. **Zoning Text Amendment 2021-02.** The Board reviewed text amendments of the Zoning Ordinance in sections 3.5 and 9.50 regarding restaurants with drive through services.

Amy Flyte introduced the proposed text amendment and answered Board questions.

Chairman Guthrie opened the public comment.

Chairman Guthrie closed the public comment.

The Board held discussion on the item and did not take any action.

IX. Other Business

There was none.

X. Board Member Comments

Chairman Guthrie reminded the Board of the November 17th meeting date.

XI. Adjournment

RESULT:	ADJOURNMENT [UNANIMOUS]
MOVER:	Lynn Senger
SECONDER:	Tom Brady
AYES:	Brady, Guthrie, Strand, Shea, Senger, Thompson



TO: Town Council
FROM: Planning Staff
DATE: February 8, 2022
RE: ZMA 2022-01 Michael Kelley

I. REQUEST

To rezone 6 tracts of land totaling approximately 6.54 acres from Commercial Mixed (CM), Club Residential (CR), Gateway Corridor Overlay (GC-O) and WS-IV Yadkin River Watershed to **Village Mixed (VM), WS-IV Yadkin River Watershed.**

II. PROJECT LOCATION

The property is located to the east of NC HWY 801 S and west of Ivy Cir.

III. PROJECT PROFILE

DAVIE COUNTY PARCEL NUMBER: D8080D001401, D8080D0013, D8080C0008, D8080C0007, D8080D0010, D8080C0005

ZONING DISTRICT: Commercial Mixed (CM) & Club Residential (CR)

REQUESTED DISTRICT: Village Mixed (VM)

LAND USE PLAN: Crossroads Commercial

WATERSHED: WS-IV watershed

CROSS REFERENCE FILES: N/A

APPLICANT: Michael Kelley

PROPERTY OWNER: John & Earlene Ferguson, Georgia Johnson, Gerald Robertson, Lois & Steven Barney Trustee, Joby & Gloria Matthews, H& V Construction Co.

PROPERTY SIZE: 6.54 acres

CURRENT LAND USE: Office, Single Family, Vacant.

PROPOSED LAND USE: Multi Family development

IV. PROJECT SETTING – SURROUNDING ZONING DISTRICTS AND LAND USES

DIRECTION	LAND USE	ZONING
North	Commercial	CM
West	Commercial, Vacant	VM
South	Residential	CR
East	Residential	CR

Rezoning Request

The applicant Michael Kelley requests a rezoning from CM Commercial Mixed and CR Club Residential to VM Village Mixed in order to develop the property for multifamily. The site is 6.54 acres.

The 0.2 acres included as CR Club Residential is located between NC HWY 801 S and Ivy Circle. It is vacant property.

The proposed project does not include any access to Ivy Circle. Access is proposed only from NC HWY 801 S, the access road across from Peachtree Lane and a cross access easement across Walgreens to US HWY 158. Attached are building elevations for the proposed project and a site plan showing access points and building orientation. There are included as reference documents only.

Existing Zoning:

Commercial Mixed district (CM and CM-CD)

(1) Intent

The Commercial Mixed (CM) district is provided to allow for the location of retail, services, offices, and civic uses essential to the everyday needs of Town residents. Residential uses may be dispersed amongst these uses as part of mixed-use buildings or multi-family residential development.

Club Residential district (CR and CR-CD)

(1) Intent

The Club Residential district is hereby created to permit the completion and conformity of the residential subdivisions comprising the original or expanded development within the area known as Bermuda Run Golf and Country Club already existing or approved in sketch plan form by the Bermuda Run Town Council prior to the effective date of these regulations or by the Davie County Board of Commissioners under the prior jurisdiction of the County. The application of the Club Residential district is not intended for development projects in the Bermuda Run jurisdiction which are not a part or extension of Bermuda Run Golf and Country Club and Bermuda Run West.

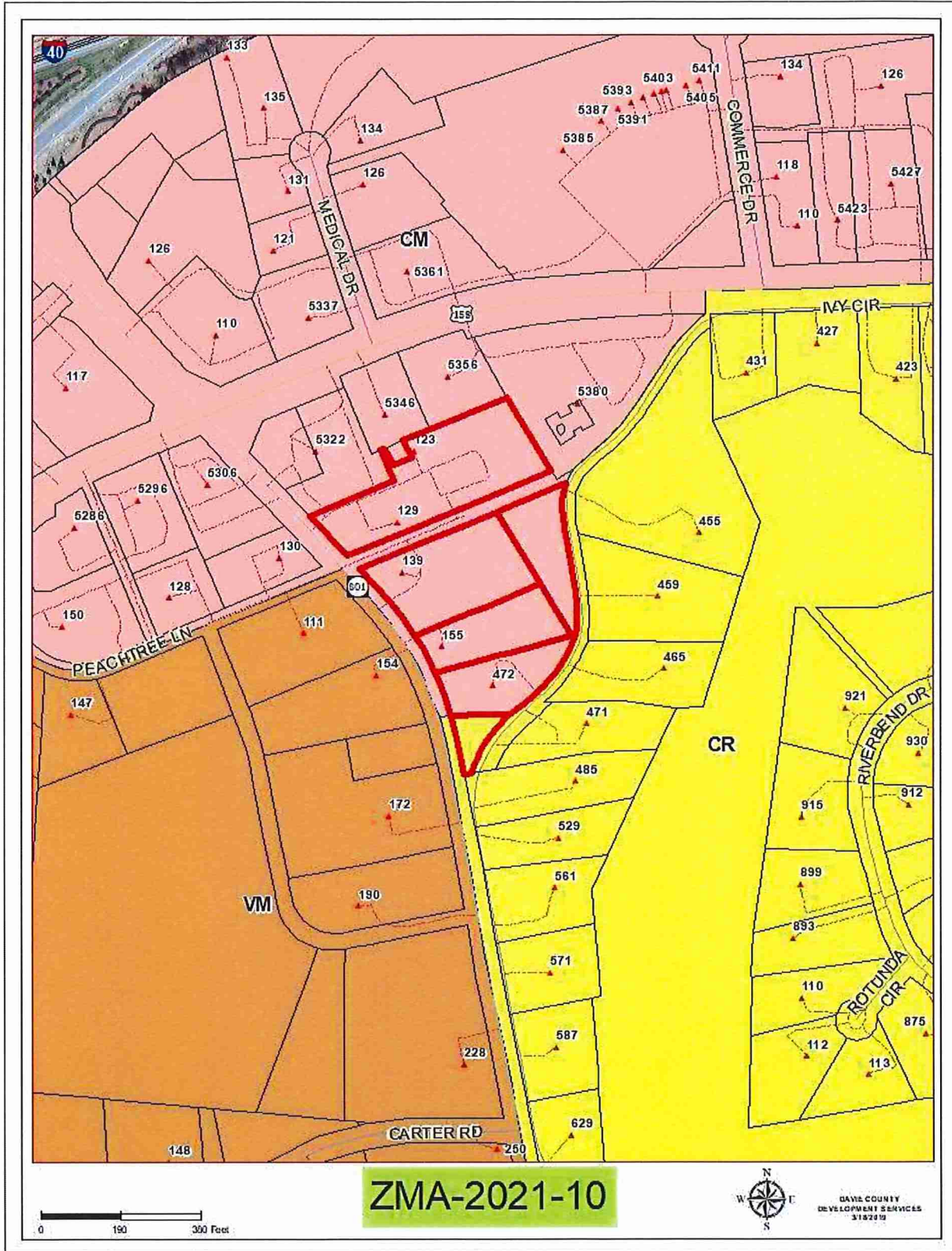
Requested Zoning:

Village Mixed District (VM and VM-CD)

(1) Intent

The Village Mixed-Use (VM) district is provided to allow for the location of shops, services, small workplaces, civic and residential buildings central to a neighborhood or grouping of neighborhoods and within walking distance of dwellings. High density residential development is encouraged to support the commercial uses within the VM district.

V. ZONING MAP

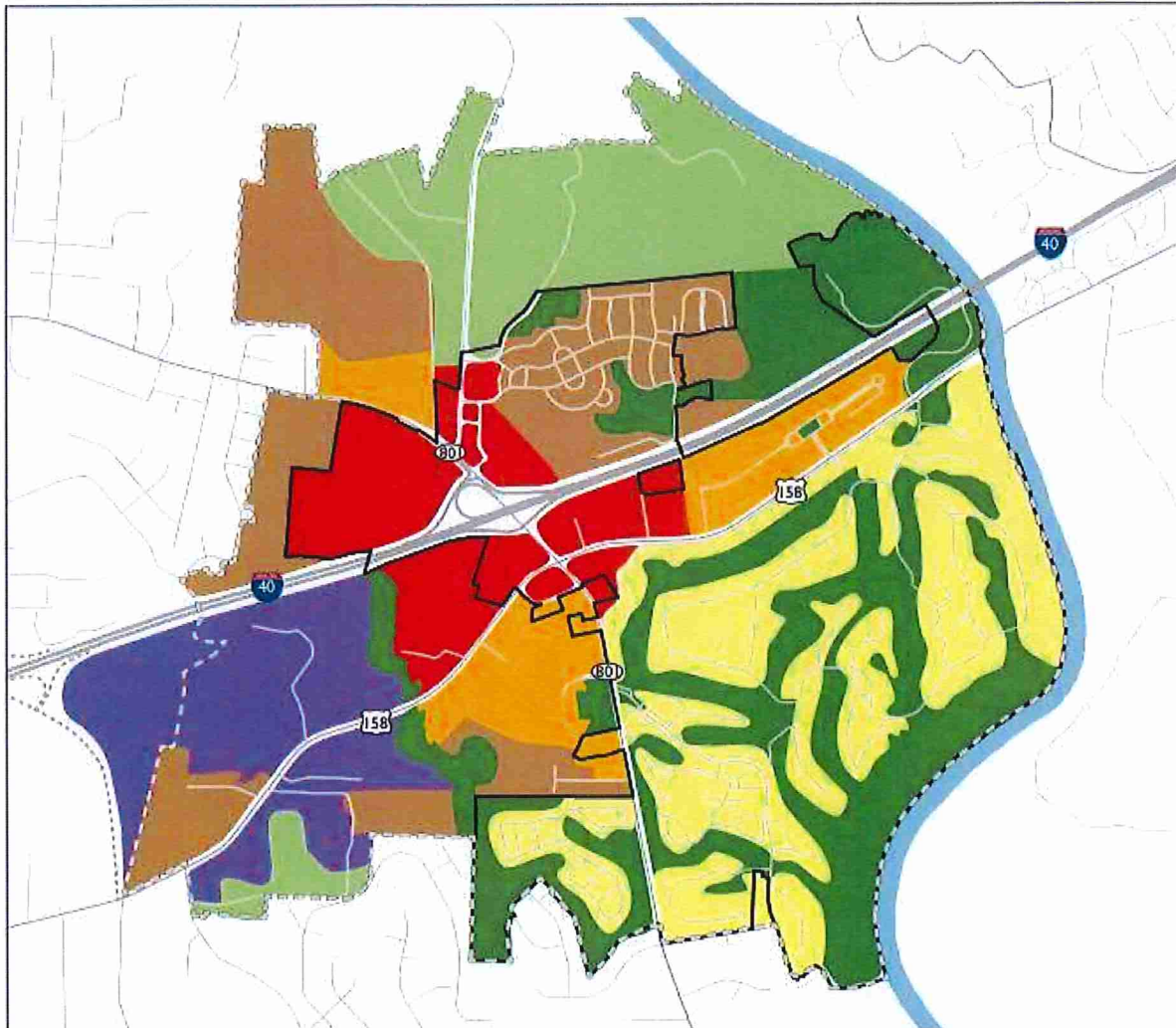


VI. AERIAL MAP

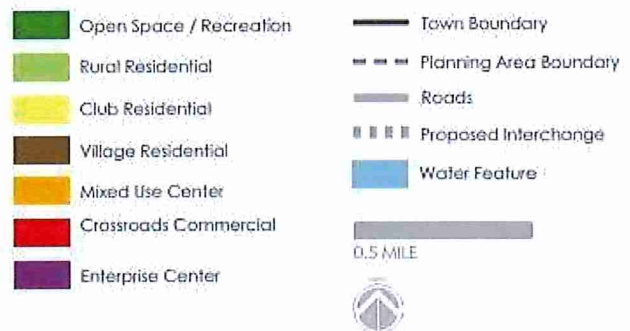


VI. FUTURE LAND USE MAP

The future land use map depicts the proposed configuration of the Town's development.



LAND USE CLASSIFICATION	ACRES	%
Open Space/Recreational	662.55	25.0%
Rural Residential	364.87	13.8%
Club Residential	492.85	18.6%
Village Residential	467.30	17.6%
Mixed Use Center	180.69	6.8%
Crossroads Commercial	256.54	9.7%
Enterprise Center	227.98	8.6%
TOTAL*	2,653	



VII. Town of Bermuda Run Comprehensive Plan

The subject property is designated as Crossroads Commercial on the Future Land Use Map in the Comprehensive Plan. The Plan states that this land use classification is *“intended for commercial uses that have a more regional draw and may serve residents outside of the immediate area. The area included in this classification is located in close proximity to the crossroads of I-40, US HWY 158, and NC HWY 801. Uses primarily include retail, restaurants, medical services, and professional offices.”*

Strategies within the Comprehensive Plan include:

Strategy 1.1 Embrace the unique character areas of the Town while tying them together with unifying architectural elements, signage, landscaping, pedestrian connections, vehicular connections and geographic nomenclature. The Town will encourage the use of “Bermuda”, “Bermuda Run” or “at Bermuda Run” in development names and the difference character areas of Town.

Strategy 3.1 Utilize the Future Land Use Map to encourage managed growth and development that is compatible with the Town’s character, surrounding land uses and available infrastructure and services.

Strategy 3.2 Support residential growth to attract the additional retail and service amenities desired by current residents.

Strategy 3.3 Continue to work with the Davie County Economic Development Commission to facilitate business retention and the development, redevelopment, or reuse of vacant properties, including participation in road infrastructure improvements.

Strategy 4.2 Utilize building prototype designs to guide new infill and master planned development, helping to ensure architectural compatibility and cohesiveness.

Strategy 8.4 Work with property owners and developers to improve development access and connectivity with new driveways and street connections between compatible land uses, where feasible.

VIII. Issues to Consider

In considering any petition to reclassify property the Town Council in its decision shall consider all of the following:

- a) Whether the proposed reclassification is consistent with the purposes, goals, objectives, and policies of adopted plans for the area.
- b) Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property.
- c) The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, stormwater drainage systems, water supplies, and wastewater and refuse disposal.

- d) Whether the proposed reclassification will adversely affect a known archaeological, environmental, historical, or cultural resource.
- e) When considering a petition to reclassify property to a general-use district, the Planning Board and the Town Council shall not evaluate the petition based on any specific proposal for the use of the property or design of the site.

X. Planning and Board Recommendation

The Planning Board heard the request at their January 19th meeting and voted 3-1 to recommend denial of the request. (see attached draft minutes)

XI. Town Council Action

Following the public hearing the Council is requested to take action following a motion and a second for one of the items below:

- **Approval:** The Town Council finds that the proposed general use rezoning is consistent with the Town of Bermuda Run Comprehensive Plan, specifically the objective to support steady, managed growth with additional residential and retail development and considers the action reasonable and in the public interest.
- **Denial:** The Town Council finds that the zoning map amendment is not consistent with the Town of Bermuda Run Comprehensive Plan and does not consider the action reasonable and in the public interest due to existing infrastructure concerns.
- **Defer:** The amendment needs additional consideration.

Process

Following the public hearing, the Town Council may take action on the request. Upon rezoning approval, a Level II site plan would have to be reviewed by the Technical Review Committee for compliance with the Zoning & Subdivision Ordinances, and other local, state, and federal regulations prior to the issuance of any development permits.

Attachments:

- Application
- Legal Description
- Labels & map of notified property owners
- Boundary survey
- Site plan for proposed project (for reference only)
- Master plan for proposed (for reference only)
- Building Elevations for proposed project (for reference only)



TOWN OF BERMUDA RUN

120 Kinderton Blvd., Suite 100 • Bermuda Run, NC 27006 • Phone 336-998-0906 • Fax 336-998-7209

Land Development Application-Please fill out completely, or application will not be processed.
(updated 1/10/13)

Case #:

1. Application Type

Subdivision:

✓

Fee

Major Subdivision

Sketch Plan

□

Preliminary Plat

□

Construction Plans

□

Final Plat

□

Minor Subdivision

Final Plat

□

Site Plans:

Level II Site Plan

□

Board Review Items:

✓

Fee

Rezoning (Map Amendment)

Standard Rezoning

✓

\$650

Conditional District Rezoning

□

Text Amendment

□

Special Use Permit

□

Design Waiver:

□

Other:

□

Fee Total \$650

2. Project Information

Date of Application 12/20/21 Name of Project Ariston Place Phase # _____

Location NC Hwy 801, Bermuda Run Property Size (acres) 76.54 # of Units (residential) _____

Current Zoning CM & CR Proposed Zoning VM Village Mixed

Current Land Use SFR & Commercial Proposed Land Use Multi-Family

Tax Parcel Number(s) 5872531543, 5872437794, 5872437643, 5872439087, 5872530280, 5872530362, 5872438473

3. Contact Information

Michael Kelley - Kelley Properties, Inc.

Developer

290 Jamesway

Developer Address

Bermuda Run, NC 27006

City, State Zip

336-580-0888

Telephone

Fax

Signature

Print Name

Date

Scott Miller - MLA

Agent (Registered Engineer, Designer, Surveyor, etc.)

120 Club Oaks Ct., Suite 100

Address

Winston-Salem, NC 27104

City, State Zip

336-765-1923

Telephone

Fax 12.17.2021

Signature

Print Name

Date

Michael Kelley - Kelley Properties, Inc.

Property Owner

290 Jamesway

Address

Bermuda Run, NC 27006

City, State Zip

336-580-0888

Telephone

Fax

Signature

Print Name

Date

4. Description of Project

a. Briefly explain the nature of this request:

The developer is requesting a rezoning of (6) parcels currently zoned CM and CR to VM (Village Mixed). The purpose for the rezoning request is to combine the (6) parcels into (1) parcel with a single VM zoning classification that will allow the multi-family development being proposed.

b. For All Text Amendments: State the section(s) of the Zoning or Subdivision Ordinance you wish to amend and attach the proposed text change. Section (s): _____ of the _____ Ordinance.

c. For All Rezoning and Text Amendments: Provide a statement regarding the consistency of this request with the Comprehensive Plan and the surrounding land uses.

d. For Conditional District Rezoning: Provide a statement regarding the reasonableness of the rezoning request.

e. For Special Use Permits: Please also fill out the supplemental form for Special Use Permits.

Staff Use Only:

Date Application Received: _____

Received By: _____

Fee Paid: \$ _____

Case #: _____

Notes: _____

LEGAL DESCRIPTION

BEGINNING at an existing rebar and cap (having North Carolina Grid Coordinates of North 823,465.93. East 1,574,701.14, said iron being in the southwest intersection of N. C. Highway 801 and Winmock Road and also being the northwest corner of Lois B. Barney Trustee Property as recorded in Deed Book 1141, Page 696; thence crossing said Winmock Road and with N. C. Highway 801 N. $44^{\circ}05'36''$ W. 43.62' to a point on a telephone pedestal; thence continuing with said N. C. Highway 801 N. $43^{\circ}52'40''$ W. 128.35' to a point in the northwest corner of H & V Construction Co. as recorded in Deed Book 164, Page 32 and the southwest corner of Family Futures Inc. property as recorded in Deed Book 971, Page 21; thence with the lines of said H & V Construction Co. the (3) three following courses and distances: 1) N. $67^{\circ}38'26''$ E. 217.76' to a nail, the southeast corner of said Family Futures property; thence 2) N. $22^{\circ}10'04''$ W. 80.03' to an existing $7/8''$ iron, a corner of said H & V Construction and in the southern line of James Price Beeson property as recorded in Deed Book 167, Page 781; thence 3) N. $67^{\circ}44'25''$ E. 10.06' to a point in the northwest corner of Todd Hayse Carter, DDS property as recorded in Deed Book 159, Page 296; thence continuing with the lines of said H & V Construction and Carter property the (3) three following courses and distances: 1) S. $22^{\circ}10'04''$ E. 43.00' to a point at an existing building; thence 2) N. $67^{\circ}44'25''$ E. 48.00' to a point at an existing building; thence 3) N. $22^{\circ}10'04''$ W. 43.00' to a point, the northwest corner of said Carter property and in a corner of H & V Construction property; thence with said northern line of said H & V Construction property and the southern line of said Beeson line N. $67^{\circ}44'25''$ E. 67.66' to an existing rebar, the southeast corner of said Beeson property and the southwest corner of Goodwill Industries of NW NC, Inc property as recorded in Deed Book 961, Page 463; thence with the northern line of said H & V Construction and the southern line of said Goodwill property N. $67^{\circ}44'25''$ E. 197.30' to an existing rebar, the northeast corner of said H & V Construction property and in the line of Browder Holdings LLC as recorded in Deed Book 601, Page 726; thence with the eastern line of said H & V Construction and the eastern line of said Browder property S. $33^{\circ}19'37''$ E. 203.80' to an existing rebar, the southeast corner of H & V Construction and in the northeast corner of said Winmock Road; thence with the eastern terminus of said Winmock Road S. $25^{\circ}37'25''$ E. 38.47' to a point the southeast terminus of said Winmock Road and the northeast corner of Joby W. Matthews as recorded in Deed Book 308, Page 700 and in the western right-of-way of Ivy Circle; thence with the right-of-way of said Ivy Circle the (5) five following courses and distances: 1) on a curve to the left (having a radius of 135') a chord bearing and distance of S. $10^{\circ}01'11''$ W. 28.44' to a point; thence 2) on a curve to the left (having a radius of 295') a chord bearing and distance of S. $02^{\circ}23'44''$ E. 65.46' to a point; thence 3) S. $8^{\circ}45'55''$ E. 200.91' to a point; thence 4) on a curve to the right (having a radius of 155') a chord bearing and distance of S. $5^{\circ}09'07''$ E. 20.05' to a point; thence 5) continuing with said Ivy Avenue S. $04^{\circ}40'25''$ W. 33.04' to a point, the southern corner of said Matthews property and a southeast corner of Gerald Harris Robertson property as recorded in Deed Book 1013, Page 596; thence continuing with Ivy Circle and the eastern line of said Robertson property on a curve to the right (having a radius of 155') a chord bearing and distance of S. $12^{\circ}27'38''$ W. 9.03' to a point, an

eastern corner of said Johnson and Robertson property; thence with said Johnson property the (4) following courses and distances: 1) on a curve to the right (having a radius of 155') a chord bearing and distance of S. $20^{\circ}55'17''$ W. 36.66' to a point; thence 2) on a curve to the right (having a radius of 305') a chord bearing and distance of S. $37^{\circ}51'47''$ W. 109.68' to a point; thence 3) S. $48^{\circ}13'17''$ W. 85.75' to a point; thence 5) on a curve to the left (having a radius of 351') a chord bearing and distance of S. $46^{\circ}47'17''$ W. 17.56' to an existing rebar with cap the southeast corner of said Johnson property and the northeast corner of John H. Ferguson property as recorded in Deed Book 945, page 751; thence continuing with said Ivy Circle and the eastern line of said Ferguson property the (2) two following courses and distances: 1) on a curve to the left (having a radius of 350.36) a chord bearing and distance of S. $33^{\circ}58'30''$ W. 138.06' to a point; thence 2) on a curve to the left (having a radius of 275') a chord bearing and distance of S. $18^{\circ}33'36''$ W. 39.01' to an existing rebar with cap, the southeast corner of said Ferguson and the northeast corner of Brian Vannoy property as recorded in Deed Book 1135, Page 244; thence continuing with said Ivy Circle and the eastern line of said Vannoy property on a curve to the left (having a radius of 275') a chord bearing and distance of S. $12^{\circ}21'43''$ W. 20.59' to a point; in the eastern right-of-way of said N. C. Highway 801' thence with said right-of-way of said N. C. Highway 801 the (6) six following courses and distances: 1) N. $11^{\circ}54'45''$ W. 18.88' to a point, the southwest corner of said Ferguson property; thence 2) N. $11^{\circ}54'45''$ W. 148.62' to a point, the northwest corner of said Ferguson property and the southwest corner of said Johnson property; thence 3) on a curve to the left (having a radius of 772.90') a chord bearing and distance of N. $21^{\circ}02'11''$ W. 119.86' to the northwest corner of said Johnson property and the southwest corner of said Robertson; thence 4) on a curve to the left (having a radius of 772.90') a chord bearing and distance of N. $29^{\circ}12'$ W. 100.20' to a point, the northwest corner of said Robertson and the southwest corner of said Barney; thence 5) on a curve to the left (having a radius of 772.90') a chord bearing and distance of N. $38^{\circ}25'13''$ W. 148.26' to a point; thence 6) N. $43^{\circ}06'15''$ W. 51.59' to the place of BEGINNING and containing 6.5434 Acres more or less.

WINMOCK ROAD
STREET CLOSURE

BEGINNING at an existing rebar and cap (having North Carolina Grid Coordinates of North 823,465.93. East 1,574,701.14, said iron being in the southwest intersection of N. C. Highway 801 and Winmock Road and also being the northwest corner of Lois B. Barney Trustee Property as recorded in Deed Book 1141, Page 696; thence crossing said Winmock Road and with N. C. Highway 801 N. $44^{\circ}05'36''$ W. 43.62' to a point on a telephone pedestal the northern right-of-way of said Winmock Road and the southwest corner of H & V Construction Co. Property as recorded in Deed Book 164, Page 32; thence with the northern right-of-way of said Winmock Road S. $67^{\circ}46'11''$ E. 532.75' to an existing rebar the eastern perimeter of said Winmock Road and the southeast corner of said H. & V. Construction Co.; thence with the eastern perimeter of said Road S. $25^{\circ}37'25''$ E. 38.47' to a point the southeast perimeter of said Road; thence with the southern right-of-way of said road S. $67^{\circ}32'25''$ W. crossing a rebar with cap 165.25' and continuing 20.41' to a 1 1/2" iron and 333.11' for a total of 518.78' to the place of BEGINNING and containing 0.4763 Acres more or less.

SHELTON GERTIE ESTATE
C/O ANNIE S HEPLER
1195 YADKIN VALLEY ROAD
ADVANCE, NC 27006-0000

BEESON JAMES PRICE
304 YADKIN VALLEY ROAD

BERMUDA RUN, NC 27006-0000

H & B PROPERTIES OF NC
108 DORNACH WAY

BERMUDA RUN, NC 27006-0000

FERGUSON EARLENE D
915 RIVERBEND DRIVE

BERMUDA RUN, NC 27006-0000

HILLSDALE INVESTORS LLC
C/O W G JOHNSON
127 MARKETPLACE DRIVE
MOCKSVILLE, NC 27028-0000

CARTER TODD HAYSE DDS
123 NC HIGHWAY 801 SOUTH

BERMUDA RUN, NC 27006-7645

SPARKS MILDRED
431 IVY CIRCLE

BERMUDA RUN, NC 27006-2506

BROWDER HOLDINGS LLC
5380 US HWY 158

BERMUDA RUN, NC 27006-7984

BARNEY LOIS B TRUSTEE
147 W RENEE DR

ADVANCE, NC 27006-7958

MATTHEWS JOBY W
465 IVY CIRCLE

BERMUDA RUN, NC 27006-0000

DIVERSIFIED INVEST PROP LLC
3778 DOCK SIDE LN

SHERRILLS FRD, NC 28673-7828

CLUBCORP NV XII LLC
%PROPERTY TAX DEPT
PO BOX 2539
SAN ANTONIO, TX 78299-2539

JOHNSON GEORGIA F
472 IVY CIRCLE

BERMUDA RUN, NC 27006-0000

HENSLEY WILLIAM D
529 IVY CIRCLE

BERMUDA RUN, NC 27006-0000

JONES PATRICIA M
989 NC HIGHWAY 801 SOUTH

ADVANCE, NC 27006-0000

GOODWILL IND OF NW NC INC
2701 UNIVERSITY PARKWAY

WINSTON SALEM, NC 27105-0000

J AND B OF DAVIE LLC
158 MCCASHIN LANE

MOCKSVILLE, NC 27028-0000

FIRST CITIZENS BANK & TRUST CO
P O BOX 27131

RALEIGH, NC 27131-0000

ROBERTSON GERALD HARRIS
1070 STYERS STREET

GERMANTON, NC 27019-0000

KINDERTON VILLAGE LLC
5489 HERITAGE OAKS LANE

WINSTON SALEM, NC 27106

H & V CONSTRUCTION CO
1598 WESTBROOK PLAZA DRIVE

WINSTON SALEM, NC 27103-0000

ANDERS J SCOTT
1209 RIVERBEND DRIVE

BERMUDA RUN, NC 27006-0000

VANCEDONALDS LLC
222 GRAND AVENUE

ENGLEWOOD, NJ 07361

FERGUSON JOHN H
915 RIVERBEND DRIVE

BERMUDA RUN, NC 27006-0000

SEIDEL REALTY INC
142 GYPSY LANE

KING OF PRUSSIA, PA 19406

RESTAURANT PROPERTY INVESTORS II
LLC
2242 WEST GREAT NECK ROAD

VIRGINIA BEACH, VA 23451

FAMILY FUTURES INC
PO BOX 1159

DEERFIELD, IL 60015

HANNER KIM T ESTATE OF
4677 BAUX MOUNTAIN RD

WINSTON SALEM, NC 27105-2431

EIGHT SIXTEEN LLC
214 MANCHESTER PLACE

GREENSBORO, NC 27410

MAGUIRE THOMAS ETAL
C/O BRANCH BANKING & TRUST
PO BOX 167
WINSTON-SALEM, NC 27102-0167

THORNE NANCY S
705 LAKESTONE DRIVE

RALEIGH, NC 27609-0000

WHITEHEART MICHAEL R
2169 NEW CASTLE DRIVE

WINSTON SALEM, NC 27103

JM REAL ESTATE LLC
1020 MILLERS POINT

WATKINSVILLE, GA 30677

VAUGHN FRANKIE
561 IVY CIRCLE

BERMUDA RUN, NC 27006-0000

RAMSEY JOHN M
455 IVY CIRCLE

BERMUDA RUN, NC 27006

COMBS MELISSA
471 IVY CIRCLE

BERMUDA RUN, NC 27006

VANNOY BRIAN
485 IVY CIR

BERMUDA RUN, NC 27006-8521

FIRST HORIZON BANK
165 MADISON AVE

MEMPHIS, TN 38103-2723

STEARNS INVESTMENTS 11 LLC
208 JANALYN CIRCLE

GOLDEN VALLEY, MN 55416

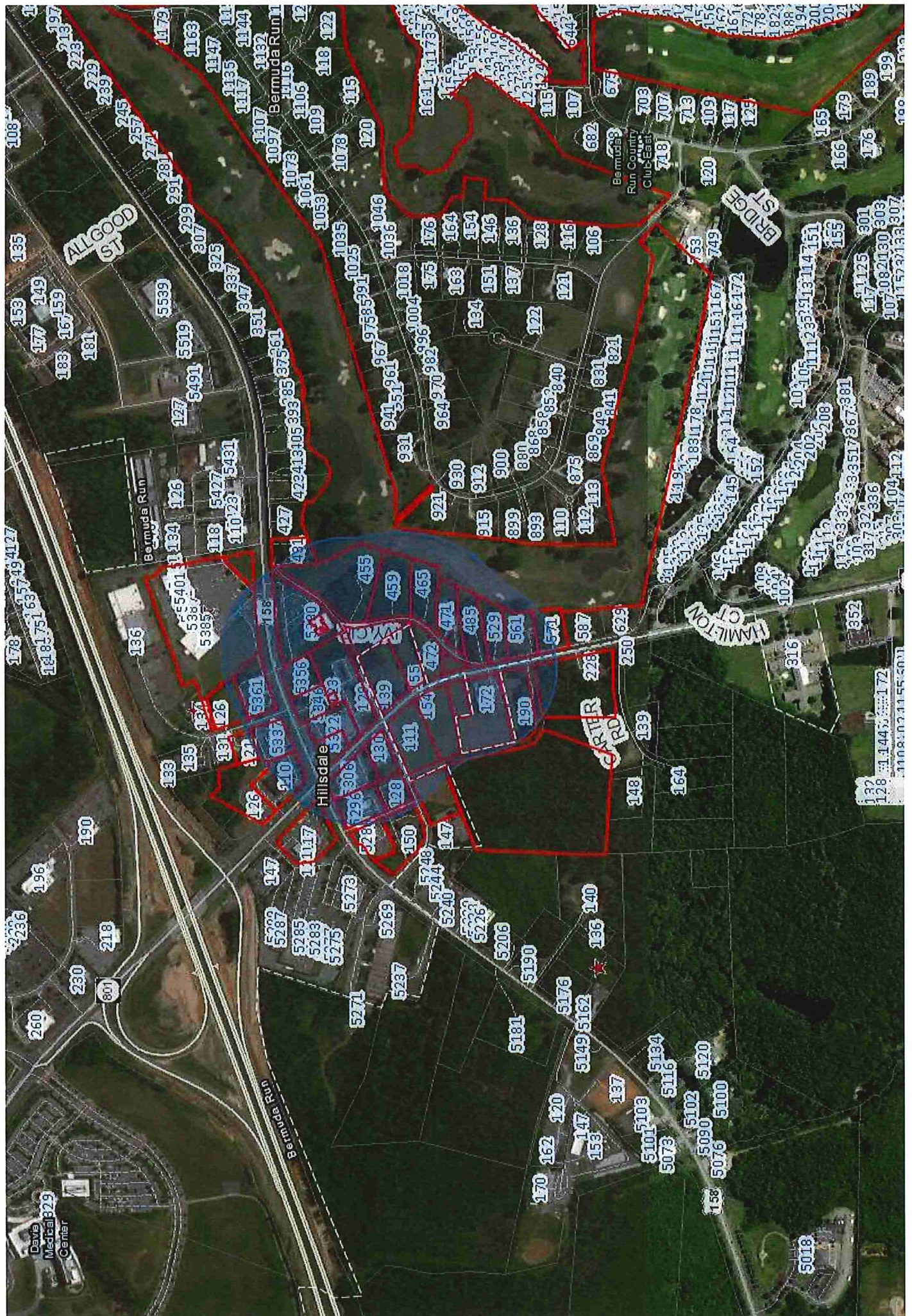
GG&T PROPERTIES LLC
1365 WESTGATE CENTER DR

WINSTON SALEM, NC 27103-0000

OWENS PROPERTIES LLC
2710 OLD TOWN CLUB ROAD

WINSTON SALEM, NC 27106-0000

Michael Kelley

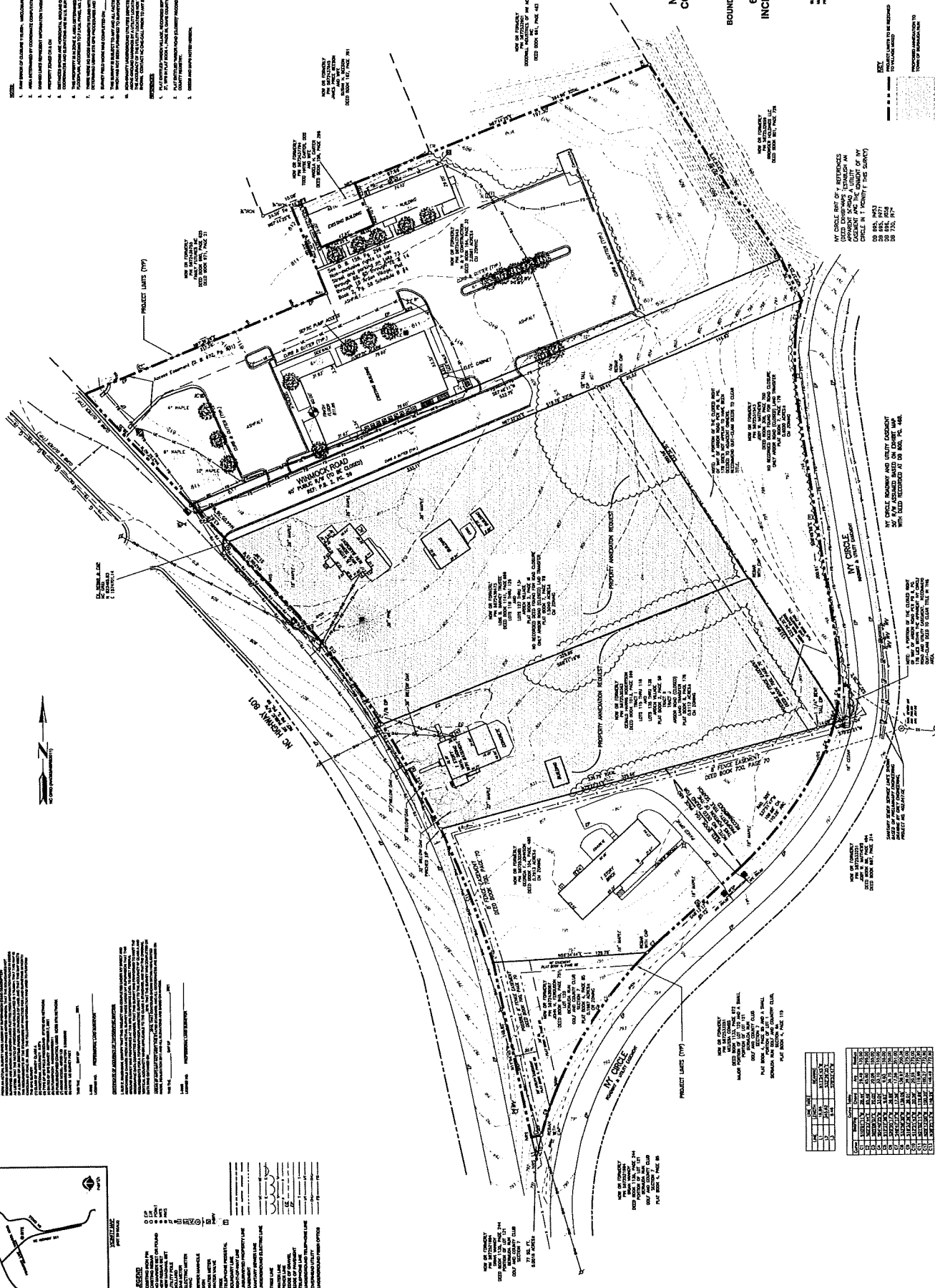
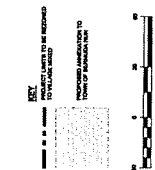
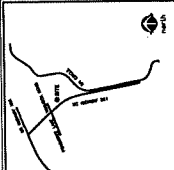


702 Club Oaks Ct. Suite 200
 Winston-Salem, NC 27277
 336.765.1943
 WWW.MILLERLA.COM

**TURNING LAND INTO
 NC COMPATIBLE LOGS**
 301

**BOUNDARY AND TOPOGRAPHIC SURVEY
SIGNET GROUP
6.5434 ACRES± TOTAL
INCLUDING WINMOCK ROAD
FARMINGTON TOWNSHIP
DAVE COUNTY, NORTH CAROLINA
DECEMBER 13, 2021**

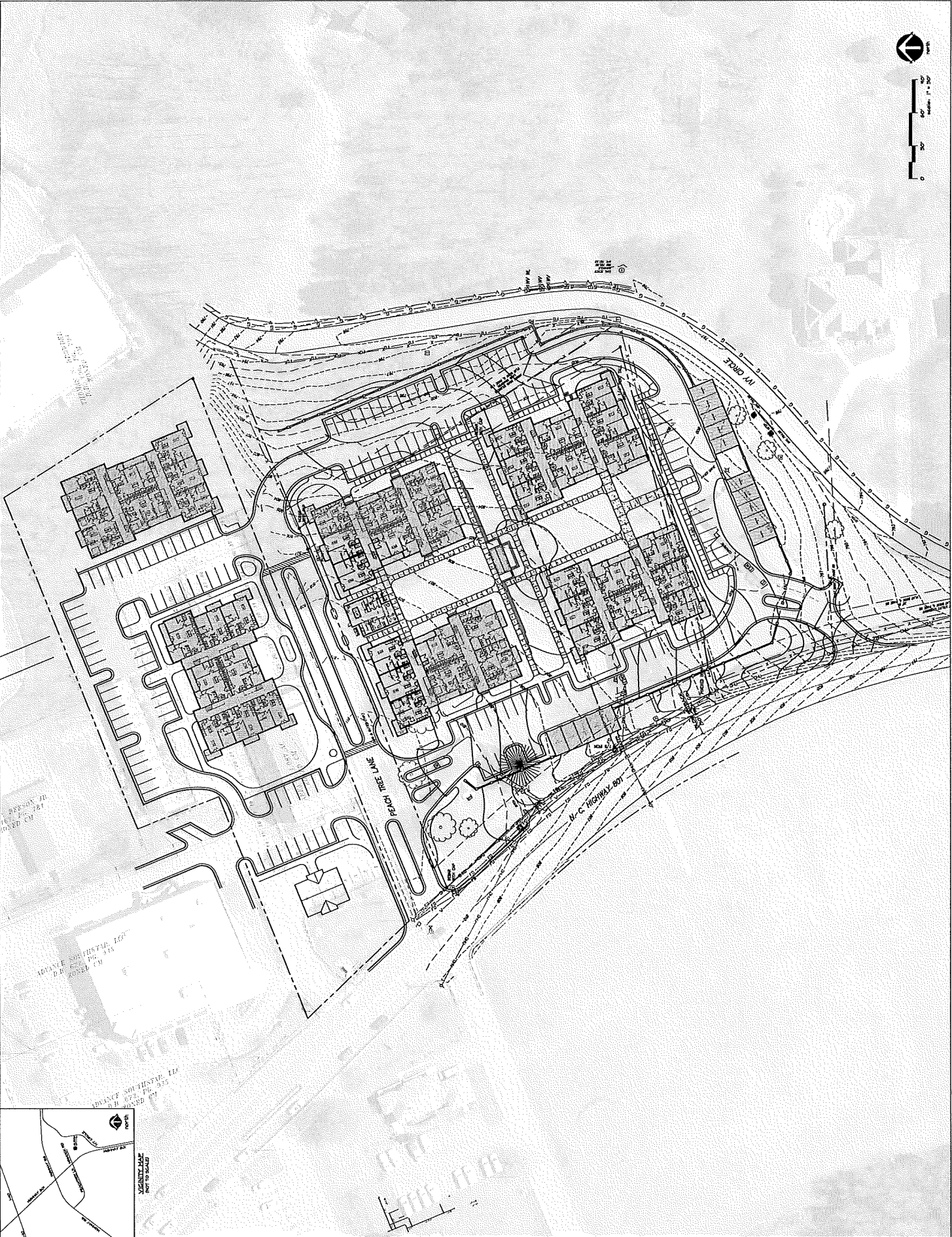
MLP GROUP
 320 CLUB OAKS CT, SUITE 100
 WINSTON-SALEM, NC 27104
 336.755.1923
 WWW.MILLEPIA.COM
 TURNING LAND INTO LANDMARKS
 NC COMMERCIAL LICENSE #C-3879

[illegible]

TELEPHONE POSTAL
BOUNDARY LINE
LINE OF NEARLY
ASSUMED PROPERTY LINE
PAVEMENT
MAINSTAY POWER LINE
UNDERGROUND ELECTRIC LINE
FENCE LINE
EDGE OF GRAVEL
EDGE OF PAVEMENT
EDGE OF DRIVE
UNDERGROUND TELEPHONE LINE
UNDERGROUND UTILITY

HOW OR FINANCILY
PAC METALLURGY
MUTUAL COMES
SEED ROOM 1133, PAGE 872
MAJOR PORTION OF LOT 129 AND A
PORTION OF LOT 121
AND COUNTRY CLUB
GOLF AND COUNTRY CLUB
SECTION 2
PLAN BOOK 4, PAGE 25 AND A SHARE
PORTION OF LOT 1
SOMERDA RUN GOLF AND COUNTRY CLUB
SECTION 1
PLAN BOOK 4, PAGE 119

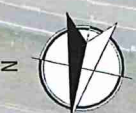
Line	Location	Quantity	Remarks
1	11-14	1113.43	11-14
2	21-23	542.23	21-23
3	3-4	372.51	3-4





Ariston Place, Town of Bermuda Run, NC - Master Plan

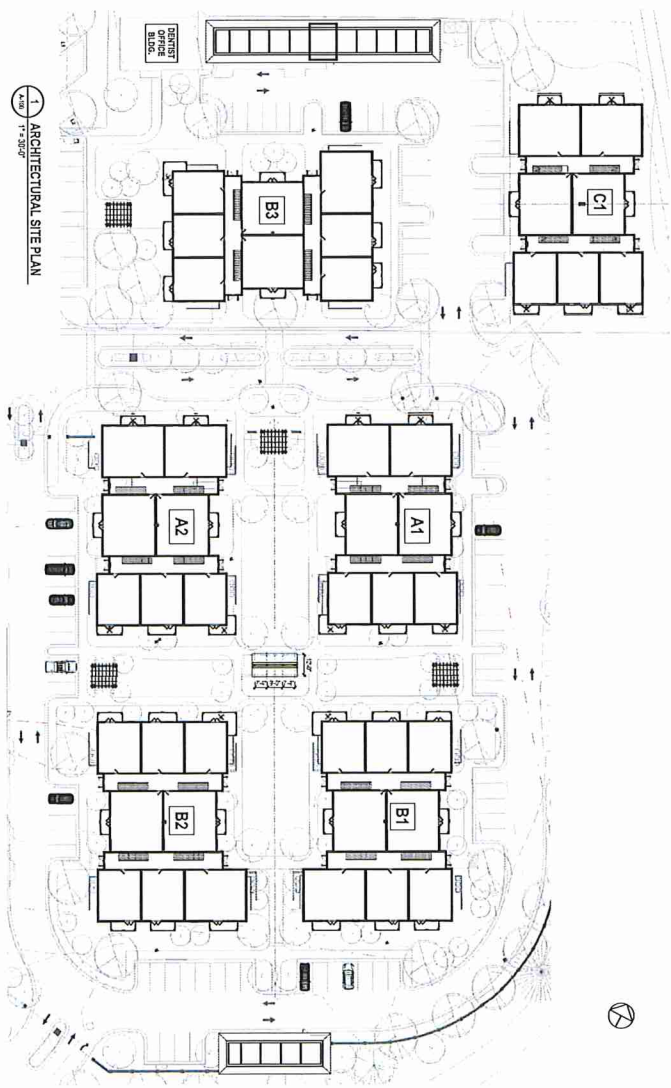
Date: 23 December 2021





SW 7022 Downing Sand View Details	SW 7005 Pure White Interior / Exterior Location Number: 255-C1	SW 9179 Anchors Aweigh Interior / Exterior Location Number: 253-C7
SW 7013 Ivory Lace Interior / Exterior Location Number: 264-C2	SW 7005 Pure White Interior / Exterior Location Number: 255-C1	SW 9179 Anchors Aweigh Interior / Exterior Location Number: 253-C7

- Apartments Siding: SW 2822 Downing Sand
- Apartments Trim: SW 7005 Pure White
- Apartments Doors / Shutters: SW 9179 Anchors Aweigh
- Clubhouse Siding: SW 7013 Ivory Lace
- Clubhouse Trim: SW 7005 Pure White
- Clubhouse Doors / Shutters: SW 9179 Anchors Aweigh



riston Place



RENDERED ELEVATIONS
& SITE PLAN

A-100



Bermuda Run Planning Board/Board of Adjustment

Regular Meeting

Minutes

Wednesday, January 19, 2022

3:00 PM

Bermuda Run Town Hall

I. Call to Order

Attendee Name	Title	Status
Tom Brady	Board Member	Absent
Bryan Thompson	Alternate Member	Absent
Lynn Senger	Vice Chairman	Present
Rod Guthrie	Chairman	Present
David Strand	Board Member	Present
Erin Shea	Regular Member	Present

II. Recognition of Quorum

The Chairman recognized that a quorum was met with four members present.

III. Approval of Planning Board Agenda

RESULT: APPROVED [UNANIMOUS]
MOVER: Lynn Senger
SECONDER: David Strand
AYES: Shea, Guthrie, Strand, Senger
ABSENT: Brady, Thompson

IV. Approval of Planning Board Minutes—November 17, 2021

RESULT: APPROVED [UNANIMOUS]
MOVER: Lynn Senger
SECONDER: David Strand
AYES: Shea, Guthrie, Strand, Senger
ABSENT: Brady, Thompson

V. Citizen Comments

There were none.

VI. Permit Reports & Zoning Administrator's Update

Permit reports & zoning update were included in the agenda packet for reference and discussion.

VII. Town Manager's Update

Lee Rollins updated the Board with agenda items for the February 8th Town Council meeting.

VIII. Planning Board Cases

a. Zoning Map Amendment 2022-01. Michael Kelley of Kelley Properties applied to rezone six tracts of land totaling approximately 6.54 acres from Commercial Mixed (CM), Club Residential (CR), Gateway Corridor Overlay (GC-O) and WS-IV Yadkin River Watershed to Village Mixed (VM), WS-IV Yadkin River Watershed. The subject properties are located east of NC HWY 801 S and west of Ivy Cir and is further described as parcels of the Davie County Tax Map D8080D001401, D8080D0013, D8080C0008, D8080C0007, D8080D0010, D8080C0005.

Chairman Guthrie opened the public comment period.

1. Michael Kelley, applicant, outlined the request and answered Board questions.
2. Scott Miller, engineer for the applicant, outlined the stormwater and traffic details of the request and answered Board questions.
3. Gary Leblanc, 168 Warwicke Place, spoke in opposition outlining existing traffic and flooding problems.
4. Mike Capone, 106 Hamilton Court, spoke in opposition highlighting flooding problems, traffic issues, noise, quality of life and property values.
5. Kendall Chaffin, 125 Boxwood Circle, spoke in opposition citing existing traffic and concerns for growth at the requested location.
6. Jesse Gellrich, 299 Ivy Circle, spoke in opposition due to the change in density and a cultural change to the town.
7. Ken Babb, 116 Warwicke Place, spoke in opposition to a change in density citing current traffic and flooding problems.
8. Greg Morris, 148 Town Park Drive, spoke in favor of the request.
9. Lindsay Tedder, 133 River Hill Drive, spoke in opposition due to existing traffic along NC HWY 801 N.
10. Michelle Jones, 167 Warwicke Place, spoke in opposition due to concerns about water runoff and traffic.
11. Joseph Freer, 105 Pembroke Ridge Court, spoke in opposition and supported the concerns raised regarding water runoff.
12. Bobbie Thacker, 133 Bermuda Run Drive North, spoke in opposition due to traffic concerns.
13. Ginger Baldwin, 121 Pembroke Ridge Court, spoke in opposition to the change in density near the NC HWY 801 and US HWY 158 intersection.
14. Beth Kelley, 145 St. George Place, spoke in opposition to the request citing traffic and flooding problems.
15. Billy Ingram, 138 Spyglass Drive, spoke in opposition to the request and the change in town culture.

Chairman Guthrie closed the public comment period.

The Board held discussion on the request.

Erin Shea made a motion to deny citing managing growth with existing infrastructure and existing problems.

RESULT:	DENIED [3-1]
MOVER:	Erin Shea
SECONDER:	Lynn Senger
AYES:	Shea, Strand, Senger
NAYS:	Guthrie
ABSENT:	Brady, Thompson

b. Design Waiver 2022-01. The Board reviewed a design waiver request by Chick-fil-A, Inc in accordance with 11.11 of the Zoning Ordinance. The applicant requests to waive portions of 4.2.3 Design Standards Non-residential & Mixed-Use Buildings, 4.4.4 Sidewalks for the site addressed as 260 NC HWY 801 N and further identified as parcel of the Davie County Tax Map C8020A0004.

Chairman Guthrie opened the public comment period.

1. Mark Campbell, applicant, outlined the two requests and answered Board questions.

RESULT:	CANOPY LOCATION WAIVER APPROVED [UNANIMOUS]
MOVER:	Lynn Senger
SECONDER:	Erin Shea
AYES:	Shea, Guthrie, Strand, Senger
ABSENT:	Brady, Thompson

RESULT:	SIDEWALK INSTALLATION WAIVER APPROVED [UNANIMOUS]
MOVER:	Lynn Senger
SECONDER:	Erin Shea
AYES:	Shea, Guthrie, Strand, Senger
ABSENT:	Brady, Thompson

IX. Other Business

There was none.

X. Board Member Comments

There was none.

XI. Adjournment

RESULT:	ADJOURNMENT [UNANIMOUS]
MOVER:	Lynn Senger
SECONDER:	David Strand
AYES:	Guthrie, Strand, Senger, Shea

Lee Rollins

From: Guy, Jeremy M <jmguy@ncdot.gov>
Sent: Tuesday, November 2, 2021 6:25 AM
To: Lee Rollins
Cc: Scott Miller; Lee Rollins
Subject: RE: [External] FW: NCDOT Meeting?

Lee,

As discussed yesterday in our meeting, NCDOT will support the new development adjacent to the existing Peachtree Lane on the East side of NC 801. The development will use the existing Peachtree Lane and the turn lane accommodations already provided. The new entrance to the South will also be allowed, however it must be right in right out unless the developer wants to add a left turn lane in. The right in right out movement will have to be protected by a 4' concrete median that extends a minimum of 100' on either side of the drive. No right turn lanes in will be needed as long as the developer provides wide radii and long stem lengths as they currently are. The specifics of each drive will be determined when the applicant submits for a permit, however the framework for allowing the additional drive will remain in place unless the developer drastically changes the type of development.

Thanks,

Jeremy M. Guy, PE
District Engineer
Division 9
District 2 Office

336 747 7900 office
jmguy@ncdot.gov

375 Silas Creek Parkway
Winston-Salem, NC 27127



Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Lee Rollins <lrollins@townofbr.com>
Sent: Wednesday, October 27, 2021 3:03 PM
To: Guy, Jeremy M <jmguy@ncdot.gov>
Cc: Scott Miller <scott@millerla.com>; Rollins, Lee <lrollins@townofbr.com>
Subject: [External] FW: NCDOT Meeting?

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Jeremy,

Scott Miller with MLA Design Group is representing a developer who wants to redevelop some properties just south of the Walgreen's and on the east side of NC 801 at Peachtree Lane extension. Attached is a preliminary sketch of the redevelopment into multi-family. I have also attached a GIS that shows the area outlined in blue to be redeveloped.

Scott and I are available any time next Monday or Tuesday morning. We would like the opportunity to meet with you at Bermuda Run Town Hall to discuss what, if any comments/requirements there might be from NCDOT.

Let me know a time that works for you,

Lee

H. Lee Rollins, Town Manager
120 Kinderton Blvd., Ste. 100
Bermuda Run, NC 27006
Tel. 336.998.0906
lrollins@townofbr.com



www.townofbr.com
www.DoA180BR.com

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.



TO: Town Council
FROM: Lee Rollins, Town Manager
DATE: January 27, 2022
RE: NCDOT Assessment of Traffic Impact for Ariston Place

Attached: Trip Gen Manual 10th Edition Document

Overview:

On Monday, November 1, 2021, representatives of the proposed Ariston Place residential development met with me and NCDOT Division 9 Engineer, Jeremy Guy, to review the proposed development plan and what, if any, comments NCDOT might have for access to NC 801 South. The January 25, 2022 Council Agenda Meeting packet included a copy of a November 2, 2021 email from Jeremy Guy communicating, *"As discussed yesterday in our meeting, NCDOT will support the new development adjacent to the existing Peachtree Lane on the East side of NC 801. The development will use the existing Peachtree Lane and the turn lane accommodations already provided."* NCDOT review and approval of the project access from NC 801 was communicated during the January 19, 2022 Planning Board meeting.

Due to continued articulated concerns residents voiced regarding a negative traffic impact due to the proposed development, I reached out to Mr. Guy for further clarification as to the approach to NCDOT decision making. The information below comes directly from Mr. Guy:

"The attached document came out of Trip Gen Manual, 10th Edition. This is what all traffic engineers use to determine traffic volumes, so it is our most official source. There would be an estimated volume of 732 total trips and then you can see the Weekday AM and PM peak hour volumes and the columns to the left on the attachment. These weekday AM and PM peak hour volumes are going to be the numbers that really matter.

The ADT (Average Daily Traffic) of that road is 13,000 VPD (Vehicles Per Day as of 2020, which was the last count. A two-lane road will break down at about 18,000 VPD, so with the added traffic, we are still looking at under 14,000 VPD (which is for the whole day). This is approaching an intersection that already has delay in the peak hour, but the trip gen is predicting 35 extra cars in that peak hour. Trip Gen doesn't know which way they will be going, but we have a pretty good idea that 90%+ will be making a right out and left in. With the knowledge of the Walgreens to US 158 easement, many will use that to get to US 158 and I-40. We would not expect this volume to decline the Level of Service any lower than it is. Will there potentially be an extra cycle that cars will have to wait? Yes, but we don't foresee a total breakdown."

Trip Generation Summary

Alternative: Alternative 1

Phase:

Project: New Project

Open Date: 1/27/2022

Analysis Date: 1/27/2022

ITE	Land Use	Weekday Average Daily Trips			Weekday AM Peak Hour of Adjacent Street Traffic			Weekday PM Peak Hour of Adjacent Street Traffic		
		*	Enter	Exit	Total	*	Enter	Exit	Total	Total
220	LOW-RISE 1		366	366	732		11	35	46	56
	100 Dwelling Units									
	Unadjusted Volume		366	366	732		11	35	46	56
	Internal Capture Trips		0	0	0		0	0	0	0
	Pass-By Trips		0	0	0		0	0	0	0
	Volume Added to Adjacent Streets		366	366	732		11	35	46	56

Total Weekday Average Daily Trips Internal Capture = 0 Percent

Total Weekday AM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

Total Weekday PM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

* - Custom rate used for selected time period.

Source: Institute of Transportation Engineers, Trip Generation Manual 10th Edition

TRIP GENERATION 10, TRAFFICWARE, LLC

Lee Rollins

From: Bryan Thompson <bthompson@ftwcb.com>
Sent: Wednesday, January 19, 2022 9:32 AM
To: Rodney Guthrie; Lee Rollins
Subject: Re: January 19 Planning Board packet

Rod / Lee

[REDACTED]

To the extent you need my client, Dr. Carter's, position on the rezoning he is in opposition and feels no change is needed to the current zoning as it impacts his site and the surrounding parcels.

Thanks,

Bryan

From: Rodney Guthrie <rguthrie397@gmail.com>
Sent: Saturday, January 15, 2022 5:02 PM
To: Amy Flyte <aflyte@daviecountync.gov>
Cc: Bryan Thompson <bthompson@ftwcb.com>; Lauren Weir <lweir@ftwcb.com>; david strand <davidstrandguns@yahoo.com>; erin hege <erin.hege@bhhs Carolinas.com>; Lee Rollins <lrollins@townofbr.com>; lynn senger <lsenger@yadtel.net>; tom brady <tbrady1477@gmail.com>; Cindy Poe <cpoe@townofbr.com>
Subject: Re: January 19 Planning Board packet

Dear Planning Board members,

In light of the two significant action items on our agenda for Wednesday, January 19, I ask that you each take time to review the information provided by Amy and that you make every effort to be present for our meeting beginning at 3 p.m. Tom has informed me that, due to business travel, he will not be present. As such, it is even more critical that all other members attend and participate.

Thanks for your continued commitment to our work and our town.

Rod Guthrie, Chair

On Tue, Jan 11, 2022 at 9:53 AM Amy Flyte <aflyte@daviecountync.gov> wrote:

Good morning,

Please see the attached meeting packet for our meeting next Wednesday at 3pm. A hard copy will go out in the mail today.

We have a couple action items on the agenda so please let me know if you are unable to attend.

All the best,

Amy Flyte, Senior Planner
Development & Facilities Services
298 E Depot Street
Mocksville, NC 27028
O: (336) 753-6050 | F: (336) 751-7689
aflyte@daviecountync.gov | www.daviecountync.gov

Lee Rollins, Manager
Town of Bermuda Run
120 Kinderton Blvd, Suite 100
Bermuda Run, NC 27006

Mr. Rollins,

If possible, I would request that you forward the following salient points to your Town Council, in preparation for the public hearing on February 8th.

This is regarding the Kelley Properties development, Ariston Place, heard January 19th by the local Planning Board.

It is our intent for the requested down-zoning to add value to the Town of Bermuda Run. As a former Planning Board member with Forsyth County, I must assume the opposition witnessed at the Planning Board, though not unanimous, was an indication of the work yet to be done relative to informing the citizens of Bermuda Run.

The following points were selected from multiple conversations within the community, literally door to door with the five co-terminus property owners along Ivy Circle.

The points are as follows:

- Comprehensive Plan Compliance: although the Comp Plan calls for CM zoning, a down zoning to VM will allow the number of units necessary to support such a high-end investment. In the end, once voluntarily annexed, Ariston Place will generate revenue for the Town that far surpasses what the current CM zoning allows. Example: three commercial projects @ 3M (9M total) vs. a single, fully residential \$15-20 M project.

- Beyond the tax revenue, the petition provides a much needed transitional development given the concerns expressed by the residential properties facing Ivy Circle.

- The downzoning and the resulting development establishes a precedent that protects the homes east of 801 from further commercial, while adding roof tops to better attract commercial development to the west, projects which I understand are forth coming and thus additional revenue.

- The traffic count will actually be less than if each parcel were to be developed individually, as currently zoned. We have cited the fact that a typical automated car wash could create 300 cars per day and 10,000 per month (real numbers from an existing franchise) and that is only one of the tracts, to include even the aging rancher that currently sits to the south and actually within the security fence on Ivy though zoned CM.

- Traffic flow will improve by way of newly purchased Walgreen's easement modifications in response to the current traffic. This will allow traffic flow from residential units directly onto 158

vs the current 801 drive cuts. Rather than requiring a traffic study, NCDOT welcomed the modifications recommended by our design.

-Storm Water will be directed underground by way of a technology now available which achieves new standard and provides for the same quality and quantity as before the development, amending current wash and erosion problems.

- The Charleston-like design is fully gated (3 gates) to reduce traffic within the development.

- A six-foot decorative brick wall is being factored into the design so as to prevent any headlight distractions and additional sound penetration, as requested in our home visits.

-The wall and the Town's security fence will be fully landscaped with mature evergreens to enhance the view corridor from Ivy.

- The entire development will be entirely fenced as existing, to maintain complete security within Bermuda Run proper.

Please feel free to direct any inquiries and feedback to myself @ 336 407 2994 and we will be glad to meet with any Council members singularly as requested,

Sincerely,

John Bost
Master Counsel and Associates, Inc
6600 Village Brook Trail
Clemmons, NC 27012
mastercounsel@gmail.com

Lee Rollins

From: Lee Rollins
Sent: Friday, January 21, 2022 11:30 AM
To: Mike Brannon; Curtis Capps; Heather Coleman; Rick Cross; Mike Ernst; Melinda Szeliga
Cc: Brian Williams; Amy Flyte
Subject: Table of Uses for CM & VM Zoning Districts
Attachments: Table of Uses TOBR Zoning Ordinance.pdf

Happy Friday,

I have taken the “Tables of Uses” found in the Town Zoning Ordinance and highlighted for quick reference, uses allowed within the CM-Commercial Mixed District and the VM-Village Mixed District. You will quickly see that the majority of uses allowed in CM-Commercial Mixed are also allowed in VM-Village Mixed.

A few exceptions:

- A “car wash” is an allowed use in CM-Commercial Mixed. It is not an allowed use in VM-Village Mixed.
- A “fuel dealer” is an allowed use in CM-Commercial Mixed. It is not an allowed use in VM-Village Mixed.
- A “Nursery, lawn and garden supply store, retail” is an allowed use in CM-Commercial Mixed. It is not an allowed use in VM-Village Mixed.
- A “Restaurant, with drive-thru service” is an allowed use in CM-Commercial Mixed. It is not an allowed use in VM-Village Mixed.

The last page of the attached provides “Additional Conditions For Certain Uses” as found in Chapter 9 of the Town Zoning Ordinance. I have highlighted Section 9.49 for your review. As you assemble the information you need and juxtapose against public comments, I will remind that in 2015, the Town Council capped the total number of multi-family dwelling units in the CM and VM districts to a maximum of 20% of the allowed maximum dwelling units per acre. There is, therefore, a cap on the total number of multi-family dwelling units in each zoning district.

There were numerous comments from residents opposed to the rezoning request due to “stormwater” issues and “traffic”. I spoke to Warwicke Place HOA President, Gary LeBlanc this morning to clarify the following:

- Stormwater as part of a project is handled through the TRC – Technical Review Committee process. A developer must submit a complete site plan that shows building placement, parking space requirements, landscaping and lighting requirements, utilities requirements and stormwater controls requirements. A zoning permit from the Town of Bermuda Run to an applicant will not be issued until all requirements of the zoning ordinance and/or state requirements (if applicable) are met. Only upon issuance of an approved site plan and zoning permit, will the applicant be issued building permits for construction.
- I have included in the agenda packet a copy of an email I received from NCDOT Engineer, Mr. Jeremy Guy. The developer provided Mr. Guy with the rendering of the proposed development, which each of you have seen and has been made available for public inspection. Although I am sensitive to resident complaints about the morning and evening stoplight cycle delays at the 158/801 intersection, NCDOT is already on record consenting to the proposed project.

Lastly, I will remind the Town Council as I reminded the Planning Board...the request before you is a “general rezoning”. You should consider all allowed uses associated with a change of the 6.54 acres from CM to VM. Thus, I hope the attached quick reference of uses will be helpful as you continue to gather information. Although you are not to make a final decision on the rezoning request based on a specific project, the developer has provided a helpful visual to show how residential could be placed on the 6.54 acres in question. The project as proposed has 47 units on ground level and 52 second floor units. The current CM-Commercial Mixed zoning allows up to 8 dwelling units per acre. Therefore, the current zoning would allow up to 50 dwelling units. VM-Village Mixed zoning allows up to 15 units per acre. Therefore, a rezoning of the 6.54 acres to VM-Village Mixed would allow up to 98 dwelling units.

Thank you for your willingness to serve. We will see you at 8:00am this coming Tuesday morning.

Table 3. Table of Uses

P = Permit from Zoning Administrator	DISTRICTS								Additional Conditions
S = S,U,P, from Board of Adjustment									
P/C = Permit from Zoning Administrator; use must meet additional conditions									
S/C = S,U,P from Board of Adjustment; use must meet additional conditions									
"-" = Not permitted									
"U" = Uses determined by underlying district									
	RESIDENTIAL			OVERLAY		MIXED-USE		BUS.	
USES	OS	CR	RM	MH-O	GC-O	VM	CM	GB	
AGRICULTURAL USES									
Agricultural industry	-	-	-	-	-	-	-	-	
Agriculture, bona fide farms, including processing or sale of products grown on the same zoning lot, excluding agricultural industry	P/C	-	-	U	-	-	-	-	9.5
Agriculture associated with permitted micro-breweries and micro-distilleries								P/C	9.36
Agriculture associated with permitted wineries	S								9.36
Agriculture implement sales and service	P/C	-	-	U	-	-	-	P/C	
Livestock sales and auctions	-	-	-	-	-	-	-	-	
COMMERCIAL USES									
Adult establishments	-	-	-	U	-	-	-	P/C	9.4
Amusements, commercial, indoor	-	-	-	U	-	-	P/C	P/C	9.6
Amusements, commercial, outdoor	-	-	-	U	-	-	-	P/C	9.6
Arts and crafts studio	S	-	S	U	U	P	P	P	
Automatic teller machines (ATMs)	-	-	P/C	U	U	P/C	P/C	P	9.8
Banking and financial services	-	-	-	U	U	P	P	P	
Bed and breakfast establishment	S/C	S/C	S/C	U	U	P/C	P/C	-	9.10
Broadcast studios, radio and television	-	-	-	U	-	-	-	P/C	9.12
Building materials supply	-	-	-	U	-	-	-	P/C	9.42
Car wash	-	-	-	U	U	-	P/C	P/C	9.13
Clubs, private	-	S/C	-	U	U	P/C	P/C	-	9.18
Construction vehicle and heavy machinery sales, repair, leasing, maintenance, and storage	-	-	-	U	-	-	-	P/C	9.42
Copy shops and business service centers	-	-	-	U	U	P	P	P	
Dry cleaning and laundry services	-	-	-	U	U	P	P	P	
Electronic gaming operation	-	-	-	-	-	-	-	-	
Farmers market	S/C	-	-	U	U	P/C	P/C	P/C	9.24
Feed and seed stores	S/C	-	-	U	U	-	-	P/C	9.42
Flea markets	-	-	-	-	-	-	-	-	
Food and beverage store	-	-	-	U	U	P	P	P	
Fuel dealer	-	-	-	-	-	-	P/C	P/C	9.26
Fuel station	-	-	-	U	U	P/C	P/C	P/C	9.27
Home occupation	P/C	P/C	P/C	U	P/C	P/C	P/C	-	9.31
Hotel	-	-	-	U	U	P	P	P	

CHAPTER 3

ZONING DISTRICTS

P = Permit from Zoning Administrator	DISTRICTS								Additional Conditions
S = S,U,P. from Board of Adjustment									
P/C = Permit from Zoning Administrator; use must meet additional conditions									
S/C = S,U,P from Board of Adjustment; use must meet additional conditions									
"C" = Not permitted									
"U" = Uses determined by underlying district	RESIDENTIAL			OVERLAY		MIXED-USE		BUS.	
USES	OS	CR	RM	MH-O	GC-O	VM	CM	GB	
Junkyard	-	-	-	-	-	-	-	-	
Kennel	P/C	-	-	U	U	-	-	P/C	9.33
Laundry and linen supply service	-	-	-	U	P	P	P	P	9.34
Micro-brewery, -winery, & -distillery	-	-	-	U	U	P/C	P/C	P/C	9.36
Motel	-	-	-	U	U	-	-	P	
Motor vehicle paint or body shop	-	-	-	U	-	-	-	P	
Motor vehicle repair and maintenance	-	-	-	U	U	-	-	P/C	9.37, 9.42
Motor vehicle sales, rental and leasing	-	-	-	U	U	-	-	P/C	9.38
Motor vehicle storage yard	-	-	-	-	-	-	-	-	
Nursery, lawn and garden supply store, retail	P/C	-	-	U	U	-	P/C	P/C	9.39, 9.42
Outdoor display and sales of merchandise	-	-	-	U	U	P/C	P/C	P/C	9.41
Parking lot or deck	-	-	P/C	U	U	P/C	P/C	P/C	9.43
Pawn shop	-	-	-	-	-	-	-	-	
Raceways and drag strips	-	-	-	-	-	-	-	-	
Restaurant, with drive-through service	-	-	-	U	U	-	P/C	P/C	9.50
Restaurant, without drive-through service	-	-	-	U	U	P	P	P/C	9.50
Retail, general	-	-	-	U	U	P	P	P	
Retail, minor passenger vehicle service	-	-	-	U	U	-	P	P	9.27
Retail, non-store	-	-	-	U	U	-	P	P	
Retail store, large	-	-	-	U	U	-	S/C	-	9.51
Retail store medium	-	-	-	U	U	P/C	P/C	P/C	9.51
Retail store, small	-	-	-	U	U	P/C	P/C	P/C	9.51
Riding stables	P	-	-	U	-	-	-	-	
Shopping center, large	-	-	-	U	U	S	S	S	
Shopping center, medium	-	-	-	U	U	P	P	P	
Shopping center, small	-	-	-	U	U	P	P	P	
Shooting range (indoor)	-	-	-	-	U	-	-	S	
Shooting range (outdoor)	-	-	-	-	-	-	-	-	
Studios (art, dance, music, or photographic)	S	-	S	U	U	P	P	P	
Theater, indoor	-	-	-	U	U	P	P	-	
Theater, drive-in	-	-	-	-	-	-	-	-	
Vacation rental residence	-	-	-	-	-	-	-	-	
Veterinary services	S/C	-	-	U	U	P/C	P/C	P/C	9.58

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"U" = Uses determined by underlying district	RESIDENTIAL			OVERLAY		MIXED-USE		BUS.	
USES	OS	CR	RM	MH-O	GC-O	VM	CM	GB	
INDUSTRIAL USES									
Abattoirs	-	-	-	-	-	-	-	-	
Asphalt and concrete plant and contractors	-	-	-	-	-	-	-	-	
Auto wrecking yards, building material salvage yards, general salvage yards, scrap metal processing yards	-	-	-	-	-	-	-	-	
Building contractors, general (excluding professional offices)	-	-	-	U	-	-	-	P/C	9.42
Building contractors, heavy (excluding professional offices)	-	-	-	U	-	-	-	P/C	9.42
Bulk storage of petroleum products	-	-	-	U	-	-	-	-	
Dry cleaning and laundry plants	-	-	-	U	-	-	-	P	9.23
Feed and flour mills	-	-	-	-	-	-	-	-	
Freight Terminals	-	-	-	U	-	-	-	P/C	9.25
Laboratory (analytical, experimental testing, research and development)	-	-	-	U	U	-	-	P	
Laboratory, medical or dental	-	-	-	U	U	P	P	P	
Landfill, land clearing and inert debris	-	-	-	-	-	-	-	-	
Landfill, construction and demolition	-	-	-	-	-	-	-	-	
Landfill, sanitary	-	-	-	-	-	-	-	-	
Manufacturing A	-	-	-	U	-	-	-	P	
Manufacturing B	-	-	-	-	-	-	-	S	
Manufacturing C	-	-	-	-	-	-	-	-	
Meat packing plant	-	-	-	-	-	-	-	-	
Motor vehicle dismantling and wrecking yard	-	-	-	-	-	-	-	-	
Printing or binding	-	-	-	U	U	-	-	P	
Quarries or other extractive industries	-	-	-	-	-	-	-	-	
Saw mills	-	-	-	-	-	-	-	-	
Storage and salvage yard	-	-	-	-	-	-	-	-	
Tire recapping shops	-	-	-	-	-	-	-	-	
Warehousing (excluding self-storage)	-	-	-	U	-	-	-	P/C	
Warehousing, self-storage	-	-	-	U	U	P/C	P/C	P	9.59
Waste incineration	-	-	-	-	-	-	-	-	
Waste transfer station, recycling only	-	-	-	U	-	-	-	S/C	9.60
Wholesale trade A	-	-	-	U	-	-	-	P	
Wholesale trade B	-	-	-	-	-	-	-	-	
Wine center	-	-	-	U	U	P/C	P/C	P/C	
Winery	S	-	-	U	U	-	-	S	

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"U" = Uses determined by underlying district	RESIDENTIAL			OVERLAY		MIXED-USE		BUS.	
USES	OS	CR	RM	MH-O	GC-O	VMI	CMI	GB	
GOVERNMENTAL & INSTITUTIONAL USES									
Childcare institution	P/C	-	S/C	U	U	P/C	P/C	-	9.15
Church or religious institution, neighborhood scale	P	-	S	U	U	P	P	P	9.16
Church or religious institution, community scale	P/C	-	S/C	U	U	P/C	P/C	P/C	9.16
Civic, fraternal, cultural, and community facilities, not otherwise listed	P/C	-	S/C	U	U	P/C	P/C	P/C	9.17
Club or lodge, private non-profit	P/C	-	S/C	U	U	P/C	P/C	P/C	9.18
College or university	P/C	-	-	U	U	P/C	P/C	P/C	9.19
Community center	P/C	P/C	P/C	U	U	P/C	P/C	P/C	9.20
Congregate care facility	S/C	S/C	S/C	U	U	P/C	P/C	-	9.40
Correctional institution	-	-	-	-	-	-	-	-	
Daycare center	P/C	-	S/C	U	U	P/C	P/C	P/C	9.15
Daycare home	P/C	-	P/C	U	U	P/C	P/C	-	9.21
Emergency shelters	P	P	P	U	U	P	P	P	
Funeral homes	-	-	-	U	U	P/C	P/C	P/C	
Government offices, courthouses, and similar governmental facilities not otherwise listed	P	-	S	U	U	P	P	P	
Group care facility	-	-	-	-	-	-	-	-	
Group homes A	P/C	P/C	P/C	U	U	P/C	P/C	P/C	9.28
Group homes B	S/C	-	S/C	U	U	P/C	P/C	P/C	9.28
Habilitation facility, A	P/C	-	S/C	U	P/C	P/C	P/C	P/C	9.29
Habilitation facility, B	-	-	-	U	U	P/C	P/C	P/C	9.29
Institutional uses, not otherwise listed	S	-	-	U	U	S	S	P	
Library, public	P	-	S	U	U	P	P	P	
Museum or art gallery	S	-	S	U	U	P	P	P	
Nursing care institution	S/C	S/C	S/C	U	U	P/C	P/C	-	9.40
Post office	-	-	-	U	U	P	P	P	
Postal facility, neighborhood	P	P	P	U	U	P	P	P	
Progressive care community	P/C	P/C	P/C	U	U	P/C	P/C	P/C	9.45
Public safety stations including police, fire, and rescue services	P	P	P	U	U	P	P	P	
Public works facility	S	-	-	U	-	-	-	P	
Schools, elementary and secondary, including school stadiums	P/C	S/C	S/C	U	U	P/C	P/C	P/C	9.52
Schools, vocational or professional	S/C	-	-	U	U	P/C	P/C	P/C	9.53

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"U" = Uses determined by underlying district	RESIDENTIAL			OVERLAY		MIXED-USE		BUS.	
USES	OS	CR	RM	MH-O	GC-O	VM	CM	GB	
Telecommunication Towers/Wireless Support Structures	S/C	-	-	U	-	-	-	S/C	9.54
Utilities, above ground	P/C	P/C	P/C	U	U	P/C	P/C	P/C	9.56
Utilities, below ground	P	P	P	U	U	P	P	P	
Utility service area	P/C	P/C	P/C	U	U	P/C	P/C	P/C	9.57
Yard waste composting	S	-	-	U	-	-	-	P	
PROFESSIONAL OFFICE & MEDICAL USES									
Clinics	-	-	-	U	U	P	P	P	
Health services, miscellaneous	-	-	-	U	U	P	P	P	
Hospital	-	-	-	U	U	P/C	P/C	P/C	9.32
Medical and surgical offices	-	-	S	U	U	P	P	P	
Offices, professional	-	-	S	U	U	P	P	P	
Optical services	-	-	S	U	U	P	P	P	
Orthopedic supply houses	-	-	-	U	U	P	P	P	
Pharmacy	-	-	-	U	U	P	P	P	
Arenas	S/C	-	-	U	U	-	S/C	S/C	9.7
Banquet & events facilities, reception halls	P/C	S/C	S/C	U	U	P/C	P/C	P/C	9.9
Golf courses and driving ranges, public or private	S/C	S/C	P/C	U	U	P/C	P/C	P/C	9.46
Open space (see Section 10.6)	P	P	P	U	U	P	P	P	10.6
Public parks	P	-	P	U	U	P	P	P	
Recreational amenity centers, neighborhood	P/C	S/C	P/C	U	U	P/C	P/C	P/C	9.46
Recreation services, indoors	S/C	-	S/C	U	U	P/C	P/C	P/C	9.47
Recreation services, outdoors	P/C	S/C	S/C	U	-	P/C	P/C	P/C	9.47
Recreational vehicle park	-	-	-	-	-	-	-	-	
RESIDENTIAL USES									
Accessory dwelling unit, attached	P/C	P/C	P/C	U	U	P/C	P/C	-	9.3
Accessory dwelling unit, detached	P/C	P/C	P/C	U	U	P/C	P/C	-	9.3
Boarding or rooming house	-	-	-	U	U	P/C	P/C	-	9.11
Dormitory	S/C	-	-	U	U	P/C	P/C	P/C	9.22
Manufactured home, Class A	-	-	-	P/C	-	-	-	-	9.35
Manufactured home, Class B	-	-	-	-	-	-	-	-	
Manufactured home, temporary	-	-	-	-	-	-	-	-	
Manufactured home park	-	-	-	-	-	-	-	-	
Manufactured home subdivision	-	-	-	P	-	-	-	-	
Residential, duplex	P/C	-	P/C	U	U	P/C	P/C	-	
Residential, multi-family	-	S/C	S/C	U	U	P/C	P/C	P/C	9.49

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"U" = Uses determined by underlying district	RESIDENTIAL			OVERLAY		MIXED-USE		BUS.	
USES	OS	CR	RM	NH-O	GC-O	VM	CM	GB	
Residential, single-family	P	P	P	U	U	P	P	-	
Residential, townhouse	-	P/C	P/C	U	U	P/C	P/C	-	
SERVICE USES									
Cemetery	P/C	-	-	U	U	-	-	-	9.14
Personal services	-	-	S	U	U	P	P	P	
Services A, business	-	-	-	U	U	P	P	P	
Services B, business	-	-	-	U	-	-	-	P/C	9.42
Transit stop	-	-	-	-	-	P	-	P	
Transit terminal	-	-	-	-	-	P	-	P	
MISCELLANEOUS USES									
Accessory communication antennae	P/C	P/C	P/C	U	U	P/C	P/C	P/C	9.1
Accessory structures and uses	P/C	P/C	P/C	U	U	P/C	P/C	P/C	9.2
Airports	-	-	-	-	-	-	-	-	
Fairgrounds	-	-	-	-	-	-	-	-	
Hazardous waste management facility	-	-	-	-	-	-	-	-	
Helistop	-	-	-	U	U	-	P/C	P/C	9.30
Outdoor storage associated with permitted uses	P/C	-	-	U	U	-	S/C	P/C	9.42
Private landing strips	P	-	-	U	-	-	-	P	
Recycling center	-	-	-	U	-	-	-	P/C	9.48
Service kiosks	-	-	-	U	U	P/C	P/C	P/C	9.8
Temporary seasonal uses and structures, including seasonal markets	P/C	-	-	U	U	P/C	P/C	P/C	9.55

9.48 Recycling Center

- (A) A 20-foot front setback shall be required for all recycling centers, and the streetyard requirements of Chapter 5 shall apply.
- (B) A 50-foot side and rear yard buffer shall be required for any site which abuts a residential or mixed-use district.
- (C) No outdoor storage of goods to be recycled shall be permitted. All such materials shall be enclosed within bins, buildings, or storage containers.

9.49 Residential, Multi-Family

- (A) The maximum number of multi-family residential units per zoning district shall not exceed the percentage shown in the table below of the maximum number of total units based on the allowable maximum dwelling units per acre. The following table shows the calculations based on the total acreage of each zoning district at the time of adoption of this subsection (November 10, 2015):

Zoning District	Total Acres	Maximum Dwelling Units per Acre (DUA)	Maximum Total Units	Maximum % of Multi-family dwelling units	Maximum Multi-family dwelling units
OS	468	3	1,404	10	140
CR	980	4	3,920	10	392
RM	415	8	3,320	20	664
CM	466	8	3,728	20	745
VM	260	15	3,900	20	780
GB	245	15	3,675	20	735
Total	2,834	n/a	19,982	n/a	3,456

At any time that a zoning map amendment reclassifies an area of land, the maximum number of multi-family residential dwelling units shall be recalculated for each of the affected zoning districts.

- (B) Primary access to the development site shall be from a state or Town-maintained street. The developer may be required to provide turn lanes and other off-site transportation improvements to insure safe and adequate access.
- (C) On small infill development sites, multi-family buildings shall be designed to blend in with surrounding single-family residential buildings to the maximum extent practicable with regards to building design, setbacks, driveway and garage design and location, porches, and sidewalks.
- (D) Site designs shall create a sense of “neighborhood” and shall include:

(7.D.)



TO: Town Council
DATE: February 8, 2022
RE: **SITE 2022-01 Ariston Place 10/70 Request**

Basic Information

Applicant(s)/Owner:

Kelley Properties
c/o Michael Kelley
290 James Way
Bermuda Run, NC 27006

Agent(s):

Scott Miller, MLA
120 Club Oaks Ct, suite 100
Winston-Salem, NC 27104

Site Location:

along the east side of NC HWY 801 S and west of Ivy Circle

Davie Co. Parcels:

currently D8080D001401, D8080D0013, D8080C0008, D8080C0007, D8080D0010, D8080C0005. (proposed to be recombined)

Total Site Area:

6.54 acres

Total New Impervious:

3.67 acres (56.1% impervious area)

Zoning:

CM and CR (Commercial Mixed & Club Residential) with a submitted zoning map request to VM Village Mixed, WS-IVPA Yadkin River Watershed Protected Area

10-70 Request

Section 15A NCAC 02B .0216 of the North Carolina Administrative Code states that local governments may allow up to 10 percent of their watershed area to be developed and built upon up to 70 percent built-upon surface. The area built upon is then considered impervious. The remaining 30 percent that is not built upon is termed pervious area. This is commonly referred to as the 10/70 option. Without the 10/70 option, the maximum impervious area is 24 percent of the total site area.

Section 10.1 (C) of the Bermuda Run Zoning Ordinance provides this option. A total of 300 acres was granted to Bermuda Run by Davie County when zoning was established. A minimum of 50 acres of impervious area has been reserved by the Town. A total of 25.86 acres of property have previously received a 10/70 allocation. Therefore, a total of 224.14 acres may receive a 10/70 allocation.

The applicant is petitioning the Town of Bermuda Run for the approval of a 10/70 provision for 6.54 acres of project area for a multi family project. The applicant is proposing 3.67 acres of impervious area on the site. The total impervious areas of the site would be 56.1% percent. If approved, this allocation would permit up to 70% impervious area on the site.

The six subject properties currently consist of three single family homes, vacant land and commercial uses. The applicant, Kelley Properties, proposes constructing a multi family project. Two of the lots are not currently in the Town limits, but the applicant has submitted a voluntary annexation petition to run concurrently with this 10/70 allocation request.

Comprehensive Plan

The site is located in the “Crossroads Commercial” as identified in the Town’s Comprehensive Plan. The following is a description of the character area:

This land use classification is intended for commercial uses that have a more regional draw and may serve residents outside of the immediate area. The area included in this classification is located in close proximity to the crossroads of Interstate 40, US Highway 158, and NC Highway 801. Uses primarily include retail, restaurants, medical services, and professional offices.

This character area is made up of several sub-areas including the Shops at Bermuda Quay, Tanglewood Crossing, Kinderton Place, the commercial parcels near the intersection of Highways 158 and 801 and areas located in close proximity to the Exit 180 interchange at Interstate 40. Each sub-area has a slightly different architectural language, ranging from brown-toned stacked stone and stucco with arches and towers at Bermuda Quay, to simple lines and brick at Tanglewood Crossing, to the varied materials of Kinderton Place, dominated by yellow horizontal siding and copper accents with a mixture of materials on outparcels, including brick, stucco, and stacked stone. Newer construction in this area has been encouraged to incorporate the brown tones with brick and stacked stone as primary materials and stucco as a secondary material.

The plan includes the following objectives and strategies:

OBJECTIVE 3: Support steady, managed growth with additional residential and retail development.

Strategy 3.1 Utilize the Future Land Use Map to encourage managed growth and development that is compatible with the Town’s character, surrounding land uses, and available infrastructure and services.

Strategy 3.2: Support residential growth to attract the additional retail and service amenities desired by residents.

Residential growth should include a variety of large lot, small lot, patio home, townhome, and upper floor residential units in mixed use buildings at densities compatible with surrounding development but substantial enough to support new retail and service uses. Existing residential development should also be protected from incompatible uses.

Strategy 4.2 Utilize building prototype designs to guide new infill and master planned development, helping to ensure architectural compatibility and cohesiveness.

The building prototypes depicted on the following pages are intended to provide a guideline for the form, massing, and materials for different building types throughout the Town’s jurisdiction. These prototypes are intended to promote building compatibility and cohesiveness, but not monotony. Architects and designers are encouraged to incorporate design elements that are common to the Town, while designing creative and unique structures within it. For example, a building facade can be balanced without being symmetrical.



MULTI-FAMILY RESIDENTIAL BUILDING

Town Council Action

According to Section 10.1 (C) (7) of the Zoning Ordinance, all requests for the 10/70 provision shall be decided by the Town Council after a duly advertised public hearing. In making a decision regarding the 10/70 allocation the Council should consider the following:

1. The amount of 10/70 acreage remaining to be allocated.
2. The type and location of development.
3. The type and location of required pervious surfaces.
4. Stormwater impacts.
5. Any other factor which the Town Council feels is significant to the development and future of Bermuda Run. The following questions are provided for consideration:
 - a. Will the proposed use/building improve the tax base of the Town?
 - b. How many jobs will the proposed use provide?
 - c. Is the proposed use compatible with other uses in the area and with the Town of Bermuda Run Comprehensive Plan?
 - d. Is the proposed building design compatible with other buildings in the area?
 - e. Is the applicant proposing enhanced site improvements to mitigate or improve stormwater runoff?
 - f. Is the amount of impervious requested the minimum amount necessary to complete the proposed development?

The Town Council is requested to set a public hearing for its February 8 meeting. Following the public hearing, the Council is requested to take action following a motion and a second for one of the items below:

- Approve
- Deny
- Defer

Attachments

- 10/70 application
- Proposed site plan (to be submitted for TRC review)
- Proposed sketch plan
- Project boundary map
- Site survey
- Public Notice



Zoning District: _____
Date: _____

**TOWN OF BERMUDA RUN
10/70 PROVISION APPLICATION**

Request for permission to use the 10/70 Provision within the jurisdiction of the Town of Bermuda Run as follows:

Name of Applicant: Michael Kelley
Address of Applicant: 290 Jamesway Bermuda Run NC 27006
Telephone: 336-580-0888 Fax: _____ E-mail: Hockeydad2626@icloud.com
Owner of Property: Michael Kelley
Address of Property Owner: 290 Jamesway Bermuda Run NC 27006

Parcel ID: See Attached Parcel Size: ± 6.54 Acres

Total Projected Pervious Area: ± 2.87 AC Total Projected Impervious Area: ± 3.67 Acres

Total Percentage of Pervious Area: 43.9% Total Percentage of Impervious Area: 56.1%

Reason for request:

Applicant is requesting the annexation of the subject property into the Town of Bermuda Run and utilizing the 10/70 allocation in order to develop the property as proposed.

The property under consideration shall be used for industrial, commercial, or mixed-use development. If the proposed development is for public or non-profit use, educational buildings or facilities, residential development, or otherwise serves a significant economic development purpose, the allocation may be approved if the development is determined to be in the best interest of the Town, please explain how this use is in the best interest of the town: By approving the request for annexation and 10/70 allocation, this will allow the subject property to be developed and improved, thus increasing the town's (Attach additional sheets as needed.) tax base. Furthermore, by converting Peachtree Lane from a public road to private, this will remove the maintenance burden of the improvements by the city.

The applicant must include a detailed description of the proposed project along with a detailed drawing of the proposed site plan.

By signing this form, applicant hereby states all information written herein is accurate and true. Applicant further acknowledges the allocation of the 10/70 provision is a privilege granted by the Council and is not a right.

This the 15 day of Dec, 2021 Signed: _____
(Applicant)

SEE ZONING ORDINANCE FOR INFORMATION AND INSTRUCTIONS

Zoning Office Use Only

Public Hearing Date: _____ Action by Town Board: _____

LEGAL DESCRIPTION

BEGINNING at an existing rebar and cap (having North Carolina Grid Coordinates of North 823,465.93. East 1,574,701.14, said iron being in the southwest intersection of N. C. Highway 801 and Winmock Road and also being the northwest corner of Lois B. Barney Trustee Property as recorded in Deed Book 1141, Page 696; thence crossing said Winmock Road and with N. C. Highway 801 N. $44^{\circ}05'36''$ W. 43.62' to a point on a telephone pedestal; thence continuing with said N. C. Highway 801 N. $43^{\circ}52'40''$ W. 128.35' to a point in the northwest corner of H & V Construction Co. as recorded in Deed Book 164, Page 32 and the southwest corner of Family Futures Inc. property as recorded in Deed Book 971, Page 21; thence with the lines of said H & V Construction Co. the (3) three following courses and distances: 1) N. $67^{\circ}38'26''$ E. 217.76' to a nail, the southeast corner of said Family Futures property; thence 2) N. $22^{\circ}10'04''$ W. 80.03' to an existing 7/8" iron, a corner of said H & V Construction and in the southern line of James Price Beeson property as recorded in Deed Book 167, Page 781; thence 3) N. $67^{\circ}44'25''$ E. 10.06' to a point in the northwest corner of Todd Hayse Carter, DDS property as recorded in Deed Book 159, Page 296; thence continuing with the lines of said H & V Construction and Carter property the (3) three following courses and distances: 1) S. $22^{\circ}10'04''$ E. 43.00' to a point at an existing building; thence 2) N. $67^{\circ}44'25''$ E. 48.00' to a point at an existing building; thence 3) N. $22^{\circ}10'04''$ W. 43.00' to a point, the northwest corner of said Carter property and in a corner of H & V Construction property; thence with said northern line of said H & V Construction property and the southern line of said Beeson line N. $67^{\circ}44'25''$ E. 67.66' to an existing rebar, the southeast corner of said Beeson property and the southwest corner of Goodwill Industries of NW NC, Inc property as recorded in Deed Book 961, Page 463; thence with the northern line of said H & V Construction and the southern line of said Goodwill property N. $67^{\circ}44'25''$ E. 197.30' to an existing rebar, the northeast corner of said H & V Construction property and in the line of Browder Holdings LLC as recorded in Deed Book 601, Page 726; thence with the eastern line of said H & V Construction and the eastern line of said Browder property S. $33^{\circ}19'37''$ E. 203.80' to an existing rebar, the southeast corner of H & V Construction and in the northeast corner of said Winmock Road; thence with the eastern terminus of said Winmock Road S. $25^{\circ}37'25''$ E. 38.47' to a point the southeast terminus of said Winmock Road and the northeast corner of Joby W. Matthews as recorded in Deed Book 308, Page 700 and in the western right-of-way of Ivy Circle; thence with the right-of-way of said Ivy Circle the (5) five following courses and distances: 1) on a curve to the left (having a radius of 135') a chord bearing and distance of S. $10^{\circ}01'11''$ W. 28.44' to a point; thence 2) on a curve to the left (having a radius of 295') a chord bearing and distance of S. $02^{\circ}23'44''$ E. 65.46' to a point; thence 3) S. $8^{\circ}45'55''$ E. 200.91' to a point; thence 4) on a curve to the right (having a radius of 155') a chord bearing and distance of S. $5^{\circ}09'07''$ E. 20.05' to a point; thence 5) continuing with said Ivy Avenue S. $04^{\circ}40'25''$ W. 33.04' to a point, the southern corner of said Matthews property and a southeast corner of Gerald Harris Robertson property as recorded in Deed Book 1013, Page 596; thence continuing with Ivy Circle and the eastern line of said Robertson property on a curve to the right (having a radius of 155') a chord bearing and distance of S. $12^{\circ}27'38''$ W. 9.03' to a point, an

eastern corner of said Johnson and Robertson property; thence with said Johnson property the (4) following courses and distances: 1) on a curve to the right (having a radius of 155') a chord bearing and distance of S. 20°55'17" W. 36.66' to a point; thence 2) on a curve to the right (having a radius of 305') a chord bearing and distance of S. 37°51'47" W. 109.68' to a point; thence 3) S. 48°13'17" W. 85.75' to a point; thence 5) on a curve to the left (having a radius of 351') a chord bearing and distance of S. 46°47'17" W. 17.56' to a existing rebar with cap the southeast corner of said Johnson property and the northeast corner of John H. Ferguson property as recorded in Deed Book 945, page 751; thence continuing with said Ivy Circle and the eastern line of said Ferguson property the (2) two following courses and distances: 1) on a curve to the left (having a radius of 350.36) a chord bearing and distance of S. 33°58'30" W. 138.06' to a point; thence 2) on a curve to the left (having a radius of 275') a chord bearing and distance of S. 18°33'36" W. 39.01' to an existing rebar with cap, the southeast corner of said Ferguson and the northeast corner of Brian Vannoy property as recorded in Deed Book 1135, Page 244; thence continuing with said Ivy Circle and the eastern line of said Vannoy property on a curve to the left (having a radius of 275') a chord bearing and distance of S. 12°21'43" W. 20.59' to a point; in the eastern right-of-way of said N. C. Highway 801' thence with said right-of-way of said N. C. Highway 801 the (6) six following courses and distances: 1) N. 11°54'45" W. 18.88' to a point, the southwest corner of said Ferguson property; thence 2) N. 11°54'45" W. 148.62' to a point, the northwest corner of said Ferguson property and the southwest corner of said Johnson property; thence 3) on a curve to the left (having a radius of 772.90') a chord bearing and distance of N. 21°02'11" W. 119.86' to the northwest corner of said Johnson property and the southwest corner of said Robertson; thence 4) on a curve to the left (having a radius of 772.90') a chord bearing and distance of N. 29°12' W. 100.20' to a point, the northwest corner of said Robertson and the southwest corner of said Barney; thence 5) on a curve to the left (having a radius of 772.90') a chord bearing and distance of N. 38°25'13" W. 148.26' to a point; thence 6) N. 43°06'15" W. 51.59' to the place of BEGINNING and containing 6.5434 Acres more or less.



First Amendment to Landscape Maintenance Contract

Effective February 13, 2022

Town Of Bermuda Run, NC

Blakley Landscape Services, Inc. (herein Blakley) 274 Baity Road Mocksville NC and Town Of Bermuda Run, NC (herein Owner) entered into a service contract dated February 13th, 2019 to provide annual landscape maintenance services for Area 1 and modified Area 2 Town properties from February 13th, 2019 to February 12th, 2022, a period of three (3) years.

Blakley and Owner now desire to amend the Contract as follows:

1. The term of the Contract is hereby extended for an additional year February 13th, 2022 – February 12th, 2023.
2. The annual price for the services will become \$90,000 payable in twelve monthly installments of \$7,500.
3. All other terms, provisions, and conditions set forth in the Contract dated February 13th, 2019, shall continue in full force and effect except as expressly modified herein.

The parties hereby execute this Amendment to the Contract.

Amendment Agreed to this day _____

Blakley Landscape Services, Inc.

Town Of Bermuda Run

By: _____

Tony Blakley Jr.

General Manager

By: _____

Print Name/Title:



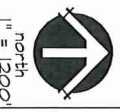
BERMUDA RUN - OVERALL MAP

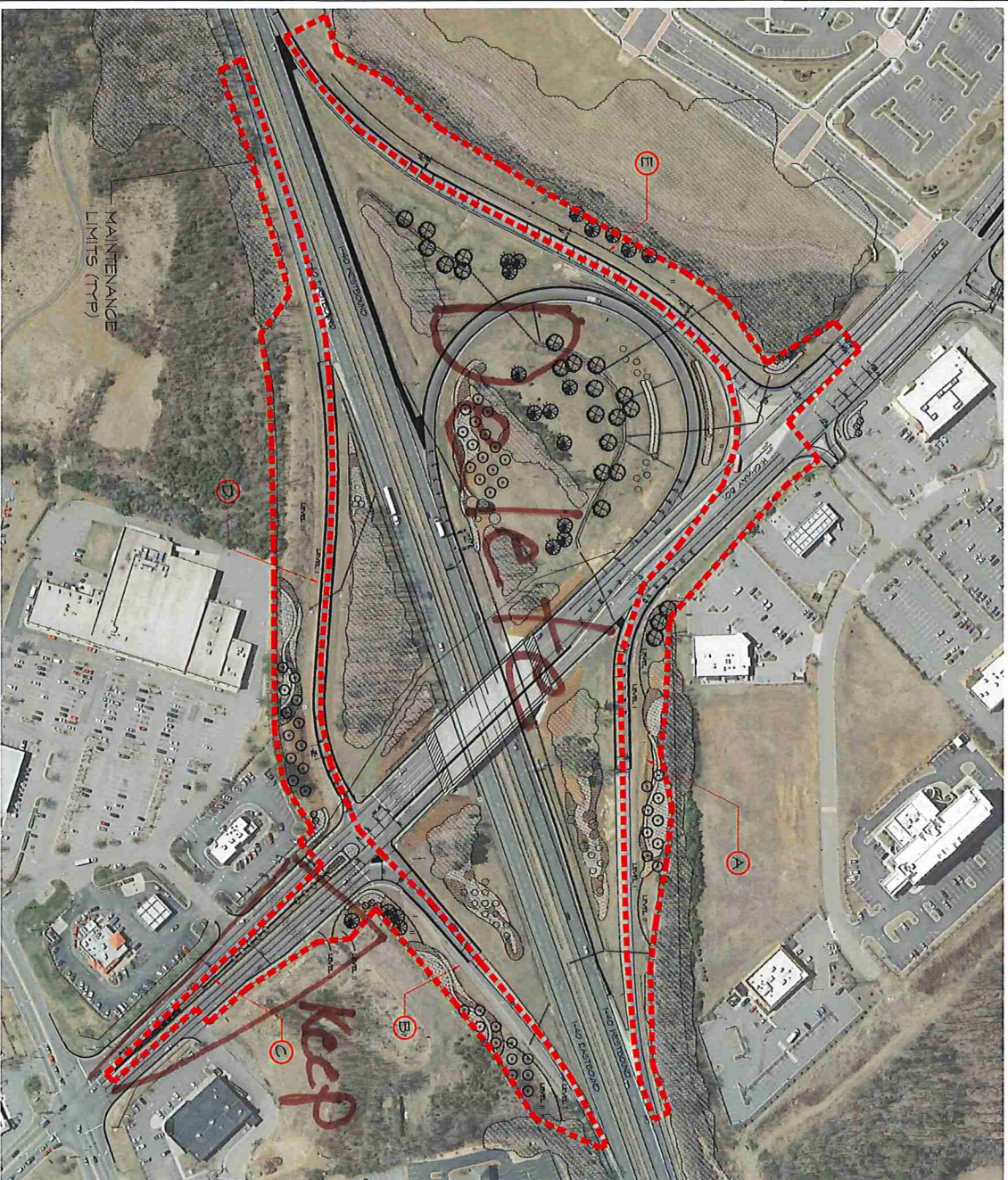
AREA 1 - BERMUDA RUN CLUB, 1 BERMUDA RUN WEST

SURFACE COVERAGE
4.55 ACRES TIER
14,480 SF LANDSCAPE BEDS
1,000 SF ANNUAL PLANTINGS

AREA 2 - I-40 & BQ INTERCHANGE

SURFACE COVERAGE
5.76 ACRES TIER
42,805 SF LANDSCAPE BEDS





BERMUDA RUN - I-40 & 801 INTERCHANGE

A	QUADRANT A LEFT SURFACE COVERAGE 59760 SF TURF (LEVEL I) 4710 SF TURF (LEVEL II) 12305 SF LANDSCAPE BEDS	<i>Delete</i>
B	QUADRANT B RIGHT SURFACE COVERAGE 25460 SF TURF (LEVEL I) 14225 SF TURF (LEVEL II) 11355 SF LANDSCAPE BEDS	<i>Delete</i>
C	HIGHWAY 801 MEDIAN SURFACE COVERAGE 4460 SF TURF (LEVEL I) 4510 SF LANDSCAPE BEDS	<i>Keep</i>
D	QUADRANT D RIGHT SURFACE COVERAGE 42400 SF TURF (LEVEL I) 12155 SF LANDSCAPE BEDS	<i>Delete</i>
E	QUADRANT E LEFT SURFACE COVERAGE 21205 SF TURF (LEVEL I) 42400 SF TURF (LEVEL II) 2340 SF LANDSCAPE BEDS	<i>Delete</i>

AREA TOTALS
3.04 ACRES TURF (LEVEL I)
1.70 ACRES TURF (LEVEL II)
42605 SF LANDSCAPE BEDS

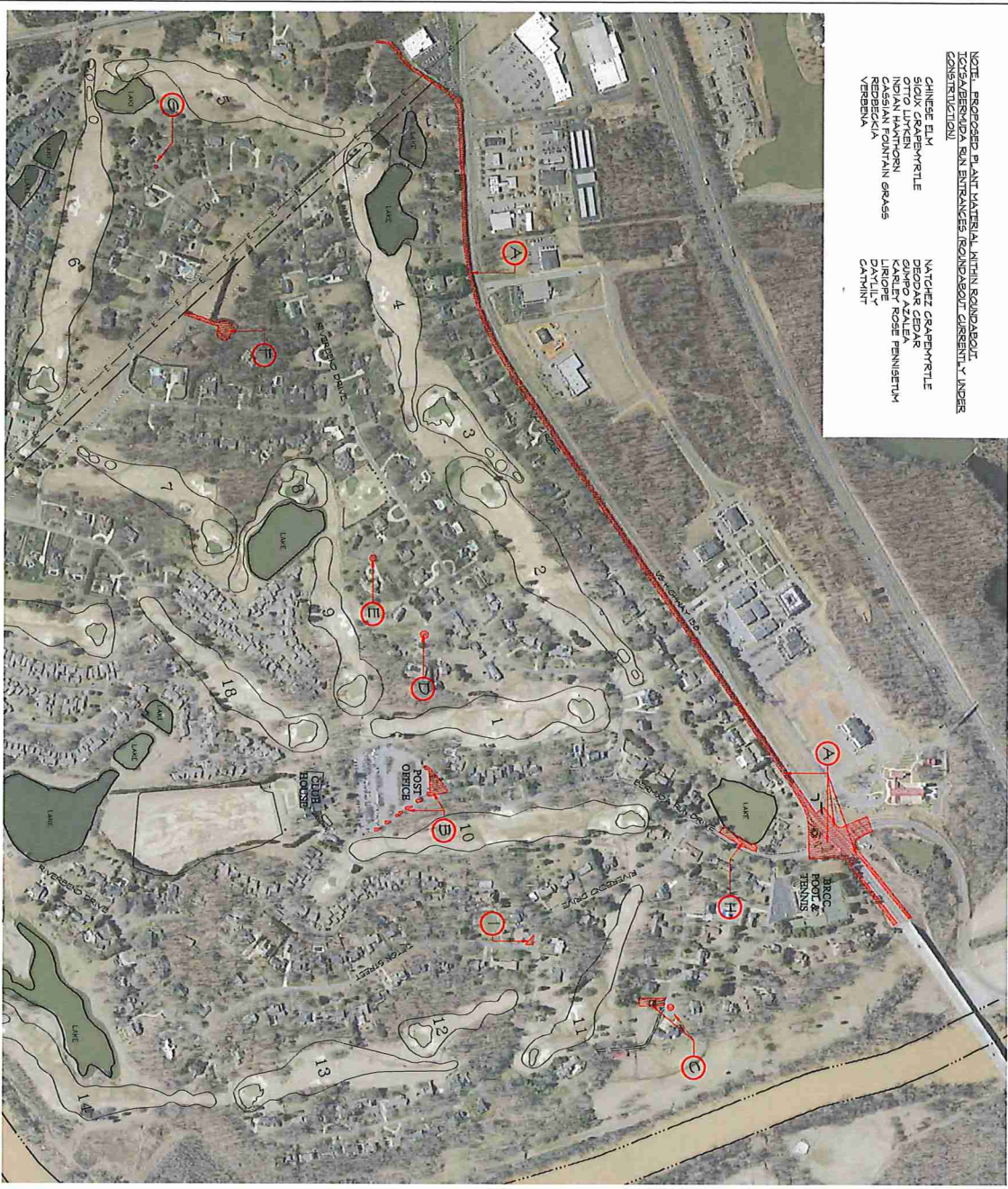
CURRENT PLANT MATERIAL
YOSHINO CHERRY
DOUGLASS SPRUCE
RIVER BIRCH
DEODAR CEDAR
NELLIE STEVENS HOLLY
DWARF BURNING HOLLY
HOOGHORN HOLLY
PINK BURNING HOLLY
SWITCHGRASS
PINK MILLY GRASS
DWARF FOUNTAIN GRASS
DARTLET



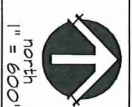
NOTE: PROPOSED PLANT MATERIAL WITHIN ROUNDABOUT TOTAL BERNUDA RUN ENTRANCES, ROUNDABOUT GREENBELT LINDER CONSTRUCTION

CHINESE ELM
SILVER WATTLE
OTTO LINDEN
INDIAN HAWTHORN
CASPIAN FOUNTAIN GRASS
SILVER WATTLE
VERBENA

NATCHEZ GRAPEWATTLE
SILVER WATTLE
GRAND AXLE
KASLEY ROSE PENNISTUM
LIRIOPE
SILVER WATTLE
CATHART



BERNUDA RUN CLUB - 158	
A	HWY 158 BURNER, ROUNDABOUT & TOTAL BERNUDA RUN ENTRANCE SURFACE COVERAGE 236 ACRES TURF 30,000 SF LANDSCAPE BEDS 50 SF ANNUAL PLANTINGS EXISTING PLANT MATERIAL LIRIOPE VERBENA SOFT TOUCH HOLLY (SEE NOTE ALSO) NELLIE STEVENS HOLLY FIREPOWER NANDINA LOROPETALUM
B	POST OFFICE & PARKING LOT ISLANDS (B) SURFACE COVERAGE 5600 SF TURF 5600 SF LANDSCAPE BEDS EXISTING PLANT MATERIAL GAMBELLA BRADFORD PEAR GRAPE WATTLE FIREPOWER NANDINA
C	BOXWOOD CIRCLE GULF-DE-SAC MEDIAN & UTILITY STATION SURFACE COVERAGE 5940 SF TURF 2340 SF LANDSCAPE BEDS EXISTING PLANT MATERIAL STEEDS HOLLY CARISSA HOLLY KNOCKOUT ROSE NELLIE STEVENS HOLLY
D	AVALON CIRCLE GULF-DE-SAC MEDIAN SURFACE COVERAGE 1540 SF LANDSCAPE BEDS EXISTING PLANT MATERIAL TREEMORN BURFORD HOLLY KNOCKOUT ROSE
E	HOLLY CIRCLE GULF-DE-SAC MEDIAN SURFACE COVERAGE 1020 SF LANDSCAPE BEDS EXISTING PLANT MATERIAL SARGENT'S JUNIFER
F	HELLER CIRCLE GULF-DE-SAC MEDIAN SURFACE COVERAGE 1000 SF TURF 280 SF LANDSCAPE BEDS EXISTING PLANT MATERIAL DOGWOOD SARGENT'S JUNIFER
G	BOWLING CIRCLE GULF-DE-SAC MEDIAN SURFACE COVERAGE 580 SF LANDSCAPE BEDS EXISTING PLANT MATERIAL COMPACTA HOLLY GULFSTREAM NANDINA
H	FORD AT BERNUDA RUN DRIVE SURFACE COVERAGE 8100 SF TURF KNOCKOUT ROSE
I	TITTON STREET ISLAND SURFACE COVERAGE 1120 SF LANDSCAPE BEDS EXISTING PLANT MATERIAL BRADFORD PEAR SOFT TOUCH HOLLY
+	TOTAL AREAS 2.43 ACRES TURF 46,945 SF LANDSCAPE BEDS 50 SF ANNUAL PLANTINGS





BERMUDA RUN WEST

<p>A</p> <p>HIGHWAY 20 JITTER AND ENTRANCE SURFACE COVERAGE 17 ACROSS TUN 200 SF LANDSCAPE BEDS 240 SF ANNUAL PLANTINGS</p> <p>CURRENT PLANT LIST FOSTERIA LORETTALUM GABELLIA PASCENTIA PASCENTIA KEPINS JAPANESE MAPLE RIVER BIRCH DAVILLY</p> <p>NELLIE STEVENS HOLLY SOLD HOPS CYPRUS DAVET KAPTON HOLLY MILION OAK LRIOPF</p>	
<p>+</p> <p>AREA TOTALS TUNE 20,000 SF LANDSCAPE BEDS 240 SF ANNUAL PLANTINGS</p>	





BERMUDA RUN CLUB - 801	
A	HIGHWAY 401 ENTRY AND ENTRANCE SURFACE COVERAGE 1.5 ACRES TURF 1200 SF LANDSCAPE BEDS 200 SF ANNUAL PLANTINGS
B	EXISTING PLANT MATERIAL OTTO LIPKIN LABEL MAX MYRTLE OSWANTHUS CARP MYRTLE KOLSA DOGWOOD MISCANTHUS
C	EXISTING PLANT MATERIAL OTTO LIPKIN LABEL MAX MYRTLE OSWANTHUS CARP MYRTLE KOLSA DOGWOOD MISCANTHUS
D	EXISTING PLANT MATERIAL OTTO LIPKIN LABEL MAX MYRTLE OSWANTHUS CARP MYRTLE KOLSA DOGWOOD MISCANTHUS
E	EXISTING PLANT MATERIAL OTTO LIPKIN LABEL MAX MYRTLE OSWANTHUS CARP MYRTLE KOLSA DOGWOOD MISCANTHUS
F	EXISTING PLANT MATERIAL OTTO LIPKIN LABEL MAX MYRTLE OSWANTHUS CARP MYRTLE KOLSA DOGWOOD MISCANTHUS
G	EXISTING PLANT MATERIAL OTTO LIPKIN LABEL MAX MYRTLE OSWANTHUS CARP MYRTLE KOLSA DOGWOOD MISCANTHUS
H	EXISTING PLANT MATERIAL OTTO LIPKIN LABEL MAX MYRTLE OSWANTHUS CARP MYRTLE KOLSA DOGWOOD MISCANTHUS
I	EXISTING PLANT MATERIAL OTTO LIPKIN LABEL MAX MYRTLE OSWANTHUS CARP MYRTLE KOLSA DOGWOOD MISCANTHUS
+	AREA TOTALS 4.4 ACRES TURF 66665 SF LANDSCAPE BEDS 200 SF ANNUAL PLANTINGS



(9.)

TOWN OF BERMUDA RUN

RESOLUTION NUMBER: 2022-01

Support for NCDOT Contingency Funds For NC 801 Improvements at US 158

A motion was made by Heather Coleman and seconded by Melinda Szeliga for the adoption of the following Resolution and upon being put to a vote was duly adopted:

Whereas, Strategy 8.2 of the 2017 Town of Bermuda Run Comprehensive Plan states, *"Work with Davie County, NCDOT, and the MPO to implement recommendations of the 2016 Transportation Feasibility Study including the US 158 and NC 801 intersection improvements and new Baltimore Road Interchange"*; and

Whereas, NC 801 was widened to multi-lanes north of US 158 as part of the I-40 Interchange Project; and

Whereas, The limits of the multi-lane widening stopped at the US 158 / NC 801 Intersection; and

Whereas, This created an unforeseen issue with the northbound NC 801 through-movement by requiring motorists to shift over two (2) lanes to access I-40; and

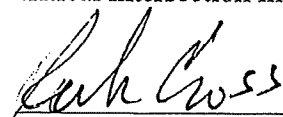
Whereas, Because the adjacent right-turn lane lines up with a through-lane on the opposite side, northbound vehicles often ignore the right-turn only requirements and go straight across creating a side-swipe crash issue in the intersection; and

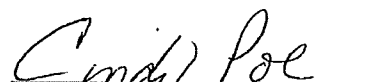
Whereas, The addition of a right-turn lane will allow the existing right-turn lane to be converted to a through-lane movement, which would alleviate this safety issue; and

Whereas, The new right-turn lane will also help alleviate congestion on northbound NC 801, since right-turn traffic will be allowed to turn right under a protected green arrow when left-turn traffic from US 158 is given a green light; and

Whereas, All of this will improve the overall operation of this critical intersection.

NOW, THEREFORE, BE IT RESOLVED, by the Bermuda Run Town Council, at its annual planning meeting held on February 1, 2022, that it unanimously supports the request for allocation of contingency funds necessary for NCDOT to complete this critical intersection improvement project.


Rick Cross, Mayor


Cindy Poe, Town Clerk