

Town of Bermuda Run

Town Council Meeting Minutes

September 13, 2022 – 6:00 PM

The Town Council of Bermuda Run held its scheduled meeting on Tuesday, September 13, 2022 at 6:00 PM. The meeting was held at *Calvary Baptist Church/West Campus, 136 Medical Drive.*

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

Council Members Absent:

Also Present: Andrew Meadwell, Town Manager; Cindy Poe, Town Clerk; and Brian Williams, 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.

Town of Bermuda Run Code of Ethics Statement – Town Attorney Brian Williams

Adoption of the Agenda

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

Approval of the August 9, 2022 Town Council Meeting Minutes

Council Member Melinda Szeliga made a motion to approve the August 9, 2022 meeting minutes. Council Member Heather Coleman seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

Citizens' Comments - None

Public Hearing –Zoning Map Amendment 2022-05

RLM Development, LLC (Homes Urban) has applied to rezone a 19-acre portion of a tract of land totaling approximately 64.7 acres from Commercial Mixed (CM), WS-IV Yadkin River Watershed (WS-IV) to Village Mixed Conditional District, WS-IV Yadkin River Watershed (VM-CD), (WS-IV). The subject property is behind 196 and 190 NC Hwy 801 N and is further described as a portion of parcel of the Davie County Tax Map C800000001.

Johnny Easter with Davie County Development and Facilities Services presented the data regarding the rezoning request.

Robert Morgan with Homes Urban, Sally McGuire with the Hillsdale Group, and Attorney Hank Van Hoy presented information and data in favor of the rezoning request. *Presentation attached.

Mayor Rick Cross Opened the Public Hearing

Kinderton Village Residents Speaking in Opposition to the Request (*Presentations Attached*):

- Chris Bryant – 104 Millstone Lane
- Chad Hedgepeth – Kinderton Village
- Barton and Michelle Sexton – 185 Kilbourne
- Matt Carr – 136 Sweetwater Circle
- Lennie Ring – 125 Kilbourne
- Dean Warren – 263 Old Town
- Jim Fulgham – 257 Town Park Drive
- Mark Pfundstein – 155 Brookstone
- Tim Deegan – 337 Town Park Drive
- Paul Dixon – 120 Kilbourne
- Donna Carr – 136 Sweetwater Circle
- Charlene Genaway – 150 Brookstone
- Patricia Williams – 124 Parkview
- Herb Schmidt – 136 Brookstone
- Mary Winfrey – 122 Glenmore
- Lynn Cole – 255 Kilbourne

***Town Attorney Brian Williams stated that the Town Council CAN NOT discriminate against renters based on the Fair Housing Act after one speaker made comments about renters vs. owners.*

Speaking in Favor of Request:

- John Ferguson – 915 Riverbend Dr.

Mayor Rick Cross Closed the Public Hearing

Council Member Mike Brannon made a motion to deny:

"The Bermuda Run Town Council finds the proposed Conditional Use zoning amendment meets the intent of the Village Residential designation in that it brings multifamily housing in an area that is primarily single-family housing, it incorporates open space and recreational opportunities for use by the residents; however, it is not consistent with the Town of Bermuda Run Comprehensive Plan because:

1. *The proposal does not encourage managed growth and development that is compatible with the existing character of surrounding land uses, in that the proposal calls for a density of housing that is inconsistent with abutting uses;*
2. *The proposal does not complement nearby residential and commercial land uses; and*
3. *The property as currently zoned allows for multifamily housing at 8 dwellings units per acre which is consistent with the Village Residential designation, which calls for a mix of housing types.*

Therefore, the Town of Bermuda Run Town Council finds the Conditional Use zoning amendment and conditions is not reasonable and is not in the public interest. The Conditional Use zoning amendment and conditions does not address impacts reasonably associated by the use and does not allow for consistency and compatibility with the adjacent land uses.

1. *The Conditional Use zoning amendment rezoning would not allow the property to develop in a way that is consistent with the existing Village Residential uses in the area;*
2. *The Conditional Use zoning amendment rezoning will not encourage compatible development of the property in that higher density will adversely impact the adjacent neighborhoods; and*

3. The Conditional Use zoning amendment rezoning is not consistent with the desired character of the surrounding community.

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

Town Manager Comments

Andrew Meadwell gave an update regarding:

The Blue Heron Trail, Decommissioning of the Waste Water Treatment Plant, Ariston Place Apartments, Stop Sign/Stop Bar Replacement – Kinderton Village, Road Paving/Striping

Council/Town Manager/Mayor Comments

Mike Brannon – Thanked the Hillsdale Group and Homes Urban for being “class acts”; thanked Kinderton Village residents for their energy and enthusiasm.

Heather Coleman – Thanked everyone for their attendance and involvement.

Mike Ernst – Urged everyone to attend meetings, vote, and be representative (no one from KV on Council). Personal attacks on “Next Door” could have been avoided; the Council works hard for ALL of the Town of Bermuda Run and they take their decisions seriously. He is honored to serve on the Council.

Curtis Capps – Shared that the decision tonight was a tough one. He’s lived in the town for 25 years and wants to keep Bermuda Run on track.

Melinda Szeliga – Stated that before the meeting tonight, she met with both sides – for and against, doing her due diligence in the process. She assured the attendees that the Council did listen to them.

Mayor Rick Cross – Commended everyone for their commitment to this “difficult and arduous journey”. Stressed that he wants to continue to meet with areas of the entire community. He acknowledged: Planning Board, Town Staff, Homes Urban and Hillsdale Group for their professional conduct, and the Town Council who were fully engaged. Shared that two seats on the Town Council and the Mayor seat will be up for vote in 2023 – encouraged everyone to vote. Last concert will be on Friday, October 14 at 6:30 pm – Special Occasion Band.

Adjourn

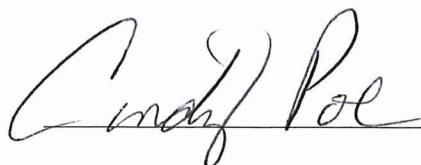
With no further business to discuss, Council Member Mike Ernst made a motion to adjourn. Council Member Mike Brannon seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

Approved



Rick Cross, Mayor

Respectfully Submitted

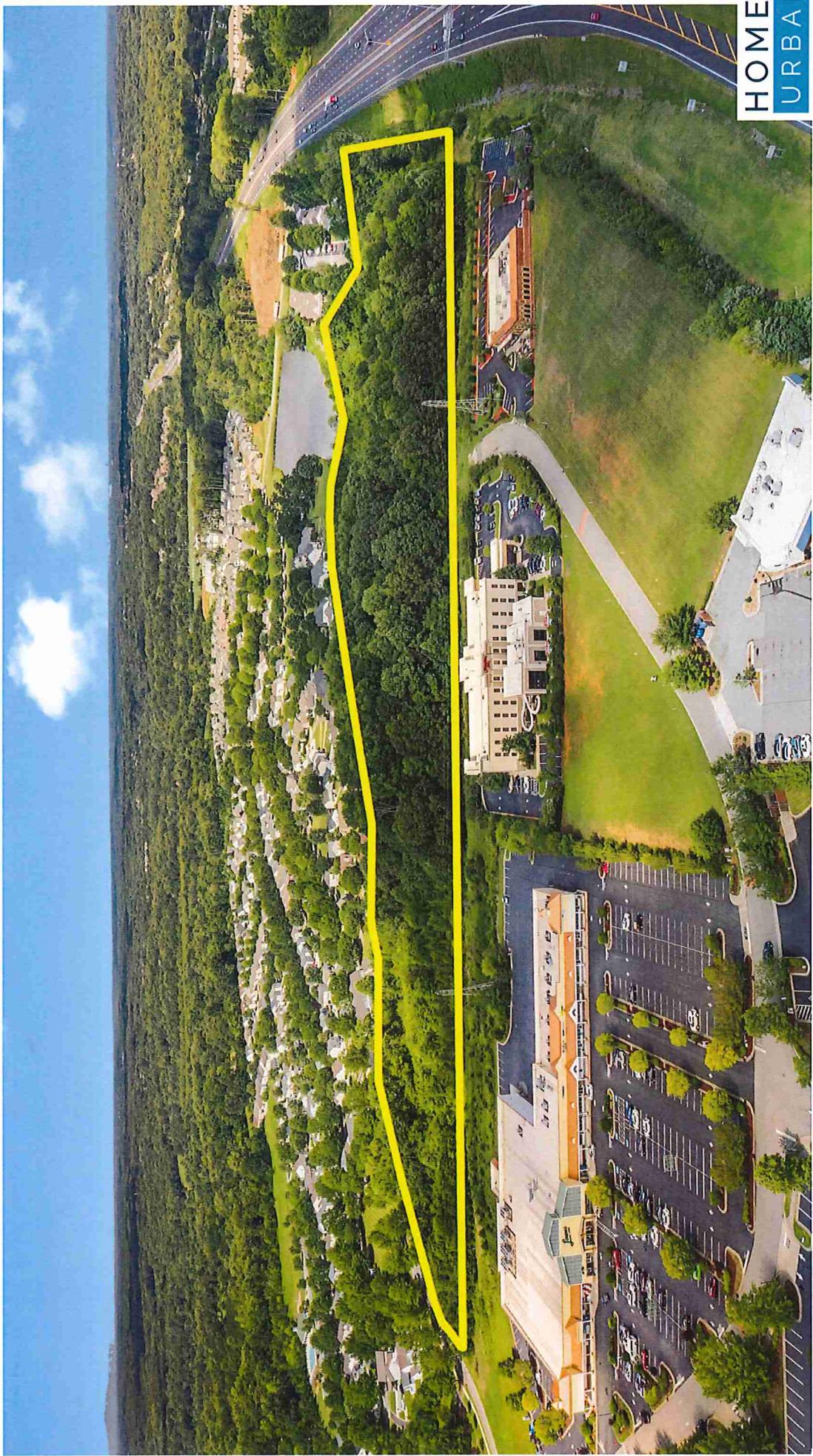


Cindy Poe, Town Clerk

HOMES URBAN DEVELOPMENT



HOMES
URBAN
DEVELOPMENT



Class A Multifamily Community

Proposed Community:

270 Apartment Homes

19 Acre Site (14.2 units to the acre)

9 three story buildings, approx. 45' tall

Building scale similar to Kinderton Village
Condominiums

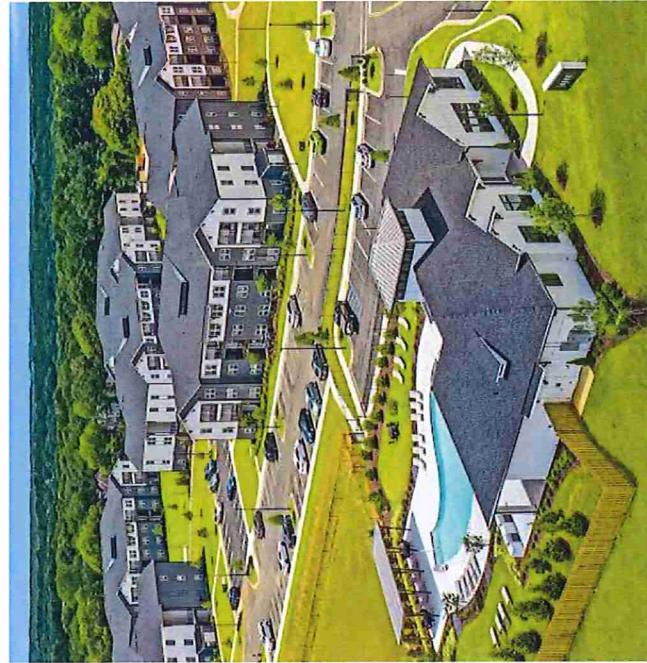
Exterior materials: brick and Hardiplank

Community clubhouse with leasing office,
resident lounge, and fitness center

Resort-style swimming pool with
sundeck, pavilion and grilling area

Site will include dog park, garages, and
sidewalks

Fulltime staff will operate community
Residents must pass background
checks & are required to abide by
community rules



HOMES
URBAN
DEVELOPMENT

Village Mixed: An Appropriate Land Use

The Request:

Village Mixed (VM) with conditions from Commercial Mixed (CM)
VM is actually more restrictive with respect to uses, but allows 15 multifamily units to the acre

This land-use will fulfill the Kinderton masterplan and finalize the Village Residential use, per the Bermuda Run Comprehensive Plan

The community will provide a type of housing that does not exist on the north side of Bermuda Run

The Result:

Highly amenitized Class-A multifamily community

Consistent with land-use patterns in Bermuda Run, this community will allow for an appropriate moderate density transition and buffer between the heavily trafficked retail/commercial center and the residential neighborhood

This walkable/bikeable housing will bolster the retail and commercial village center of northern Bermuda Run

This project will utilize existing infrastructure, per the Comprehensive Plan, as roads, stormwater, water & sewer, and schools can accommodate this housing community

Site Plan #1: April 6, 2022



NOTE: THIS PLAN IS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGE.

URBAN
DEVELOPMENT

HOMES URBAN
BERMUDA RUN, NC
PROJECT#CL12451 MEMI 02-23-2022

KINDERTON VILLAGE APARTMENTS



Site Plan #2: April 18, 2022

ZONING & PRELIMINARY DUE DILIGENCE CHART		DEVELOPMENT SUMMARY													
ZONING & PRELIMINARY DUE DILIGENCE CHART FOR PROPOSED ZONING BY PROPERTY ZONE		DEVELOPMENT SUMMARY FOR PAYLOAD CALCULATIONS													
1A	NA	2B	NA												
1B	NA	2C	NA												
1C	NA	2D	NA												
1D	NA	2E	NA												
1E	NA	2F	NA												
1F	NA	2G	NA												
1G	NA	2H	NA												
1H	NA	2I	NA												
1I	NA	2J	NA												
1J	NA	2K	NA												
1K	NA	2L	NA												
1L	NA	2M	NA												
1M	NA	2N	NA												
1N	NA	2O	NA												
1O	NA	2P	NA												
1P	NA	2Q	NA												
1Q	NA	2R	NA												
1R	NA	2S	NA												
1S	NA	2T	NA												
1T	NA	2U	NA												
1U	NA	2V	NA												
1V	NA	2W	NA												
1W	NA	2X	NA												
1X	NA	2Y	NA												
1Y	NA	2Z	NA												
1Z	NA														
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NOTE: THIS IS A CONCEIT IN NATURE AND SUBJECT TO CHANGE



TELEGRAM

URBAN
DEVELOPMENT

HOMES URBAN
BERMUDA RUN, NC
PRJCT#CL1245 | MEMI | 04.18.2022

Site Plan #3: July 28, 2022



Site Plan #3: July 28, 2022



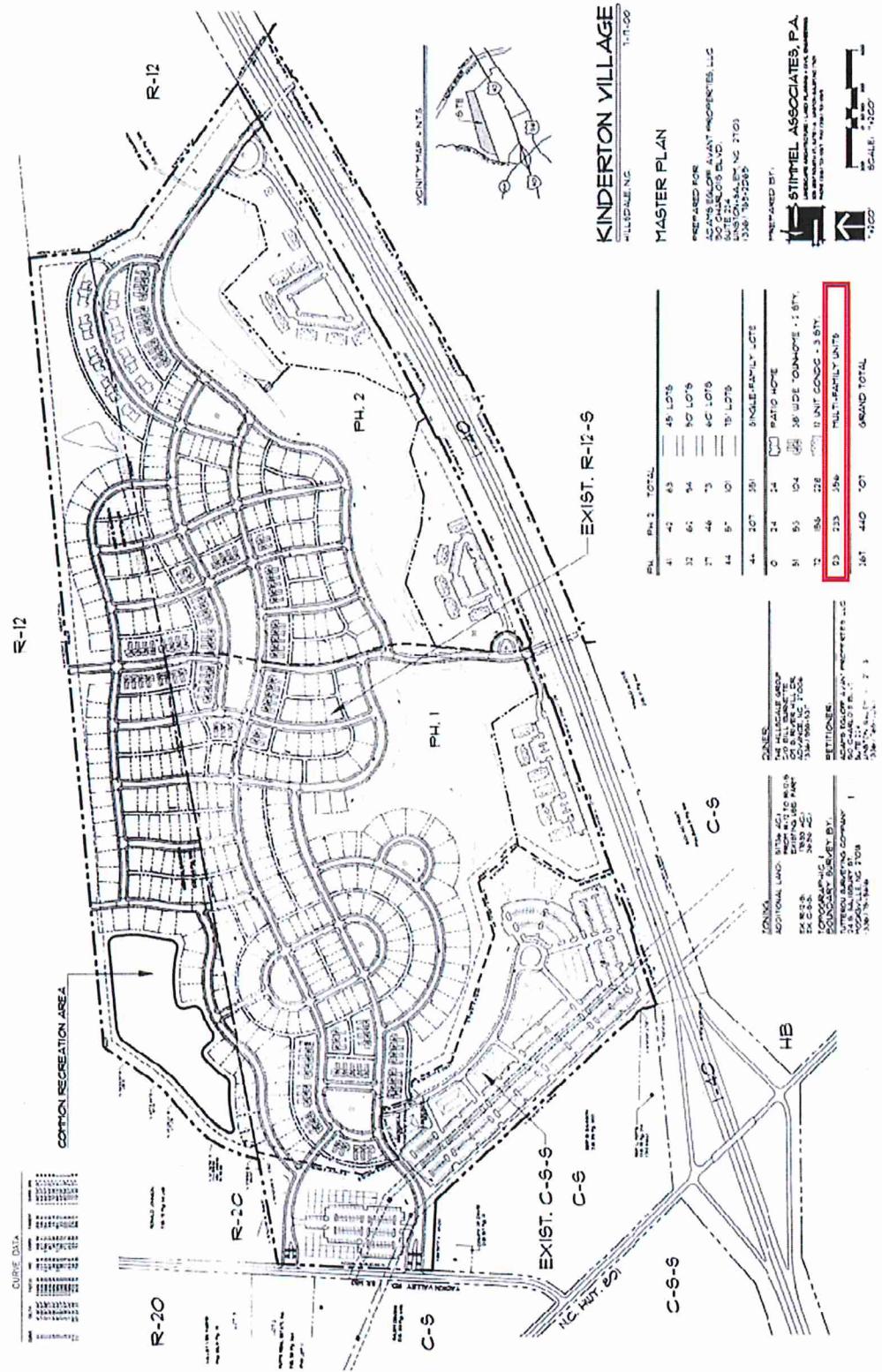
Proposed Conditions:

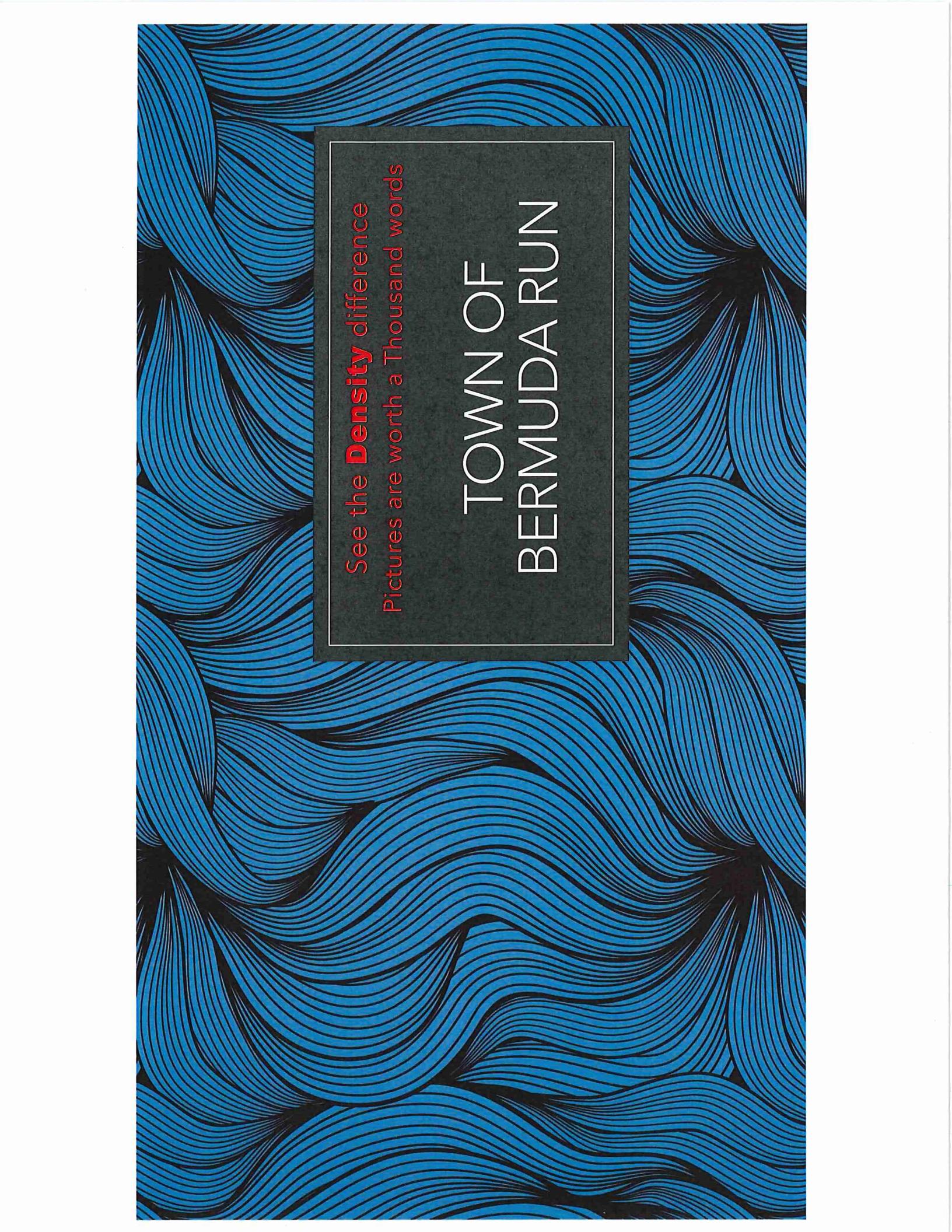
1. The number of residential multifamily units on the property will be limited to 270
2. Stormwater detention facilities will be provided on-site to provide water quality treatment for Built Upon Areas and peak flow attenuation for the development area. Water Quality treatment will be provided for the 1-inch water quality volume, in accordance with the NCDEQ BMP Manual. Peak flow attenuation will be provided for the 2-year and 10-year 24-hour storm events to meet pre-development flow rates. Additionally, a comparative downstream stormwater analysis of the predevelopment and post development existing pond system will be provided. The analysis will include the drainage basin contributing to the road crossing at Lakeside Crossing Drive and will be analyzed to show the effects of the proposed development on the existing pond. A drainer report showing detailed calculations and assumptions for the proposed on-site detention pond system and the comparative downstream analysis will be provided to the Town of Bermuda for review during the Technical Review Committee (TRC) process.
3. A community amenity area comprising of a clubhouse and swimming pool will be provided for the multifamily residents.
4. The community clubhouse will be oriented to face Ring Road (depicted on the included site plan).
5. As allowed by government authorities, the community's secondary entrance at Old Towne Drive will be sited to the western part of the property (depicted on the included site plan).
6. A 30-foot buffer will be provided along Old Towne Drive and will be left in a natural undisturbed state, with the exception of the project entrance connecting to Old Towne Drive or any required utility crossings (depicted on the included site plan as Buffer 1).

Proposed Conditions (continued):

7. A 30-foot buffer along the eastern property line running parallel with Brookstone Drive will be provided and it will be left in a natural undisturbed state with the exception of any required utility crossings. In addition, a 20-foot planted buffer area will be provided to create a total buffer of 50 feet (depicted on the included site plan as Buffer 2).
8. A 30-foot buffer along the eastern property line near Pinewood Lane will be left in a natural undisturbed state with the exception of any required utility crossings (depicted on the included site plan as Buffer 3).
9. Residential multifamily Building 1 will be located at least 250 feet from Old Towne Drive and at least 75 feet from the nearest single-family residential property line (depicted on the included site plan).
10. All residential multifamily buildings, with the exception of Building 1, will be located at least 150 feet from the nearest single-family residential property line (depicted on the included site plan).
11. A traffic study will be prepared and will assess the following intersections: the new proposed apartment community street with Old Towne Drive, Ring Road with Old Towne Drive, and the intersection of Old Towne Drive with Yadkin Valley Road. All pertinent elements of intersection design and performance shall be taken into consideration. Reports shall include diagrams, calculations, and assumptions. The study shall be reviewed by Town of Bermuda Run as part of the Technical Review Committee (TRC) process and recommended for approval if the intersections are able to operate at acceptable levels of service.

Original Kinderton Village Master Plan:

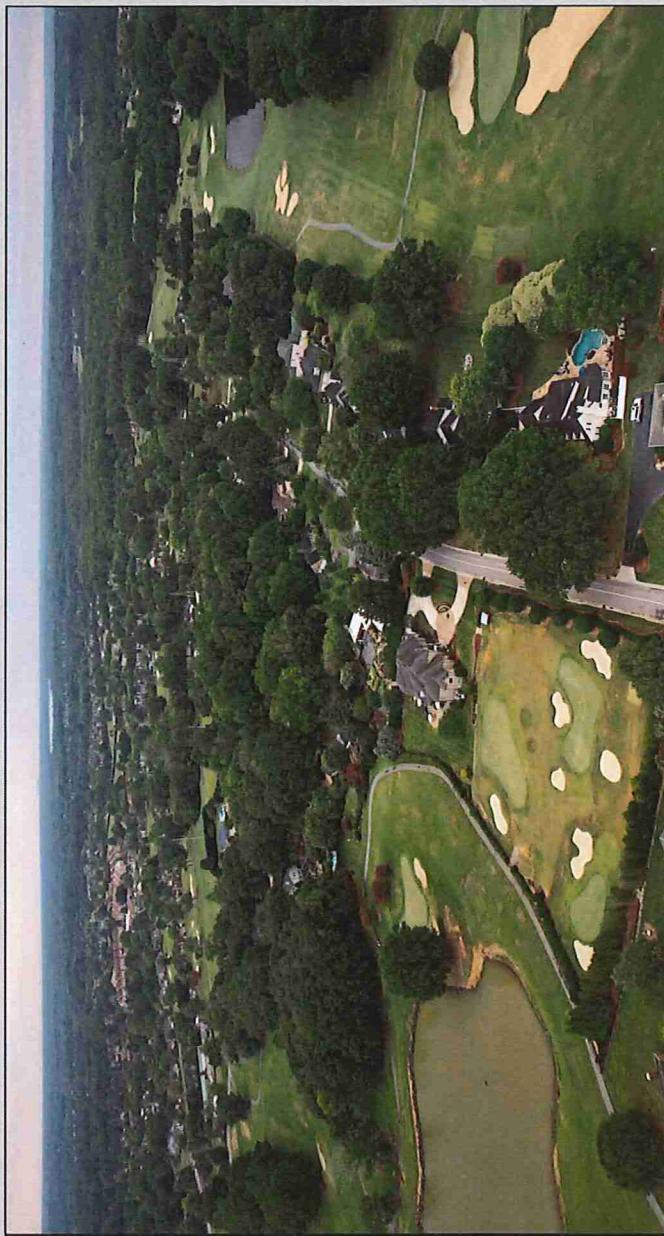




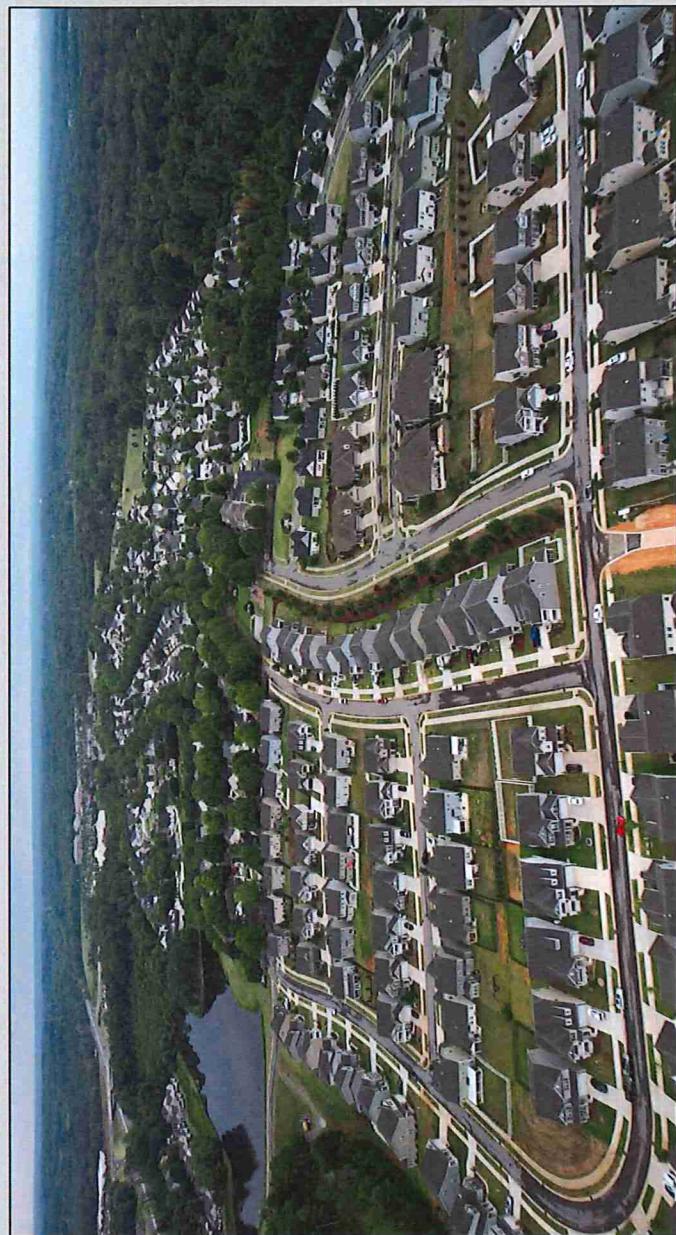
See the **Density** difference
Pictures are worth a Thousand words

TOWN OF BERMUDA RUN

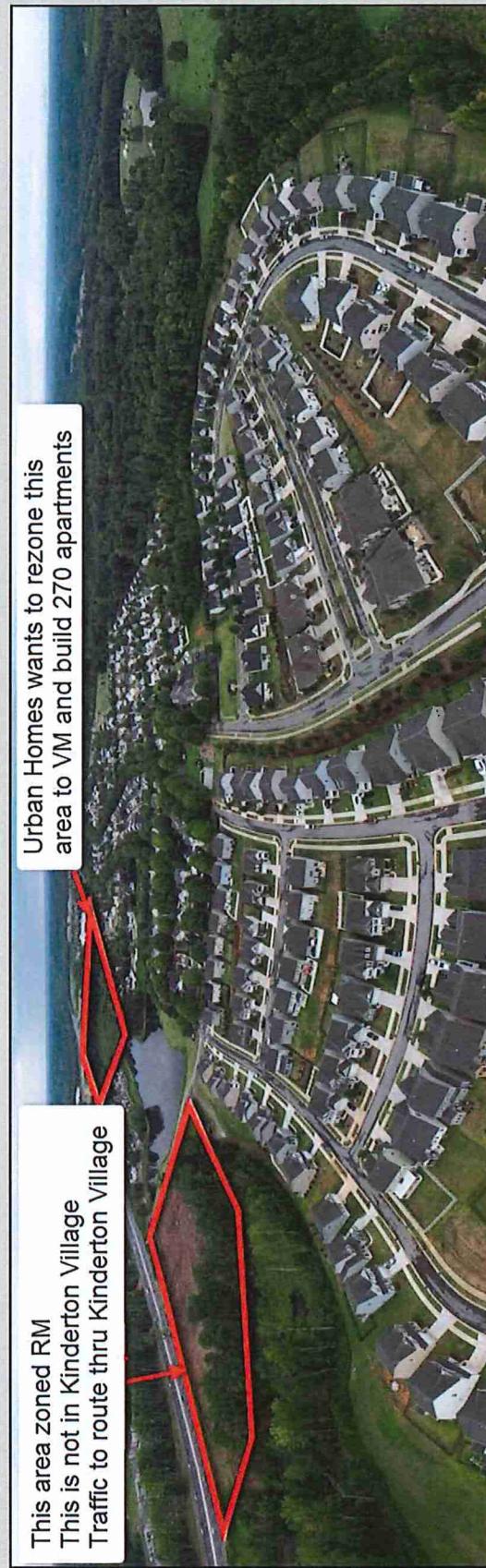
Bermuda Run East with 786 housing units
Sparse Density - Ratio ?



Kinderton Village with 526 housing units
Density Ratio?



Red boxes showing Future Housing areas



COMET with 224 Apartments in 11.36 acres
Density Ratio?



Overlay of 244 COMET apartments in 8 buildings behind Lowes Foods



Is more housing really needed inside
Kinderton Village?

VOTE **NO** to Homes Urban Rezoning
Request

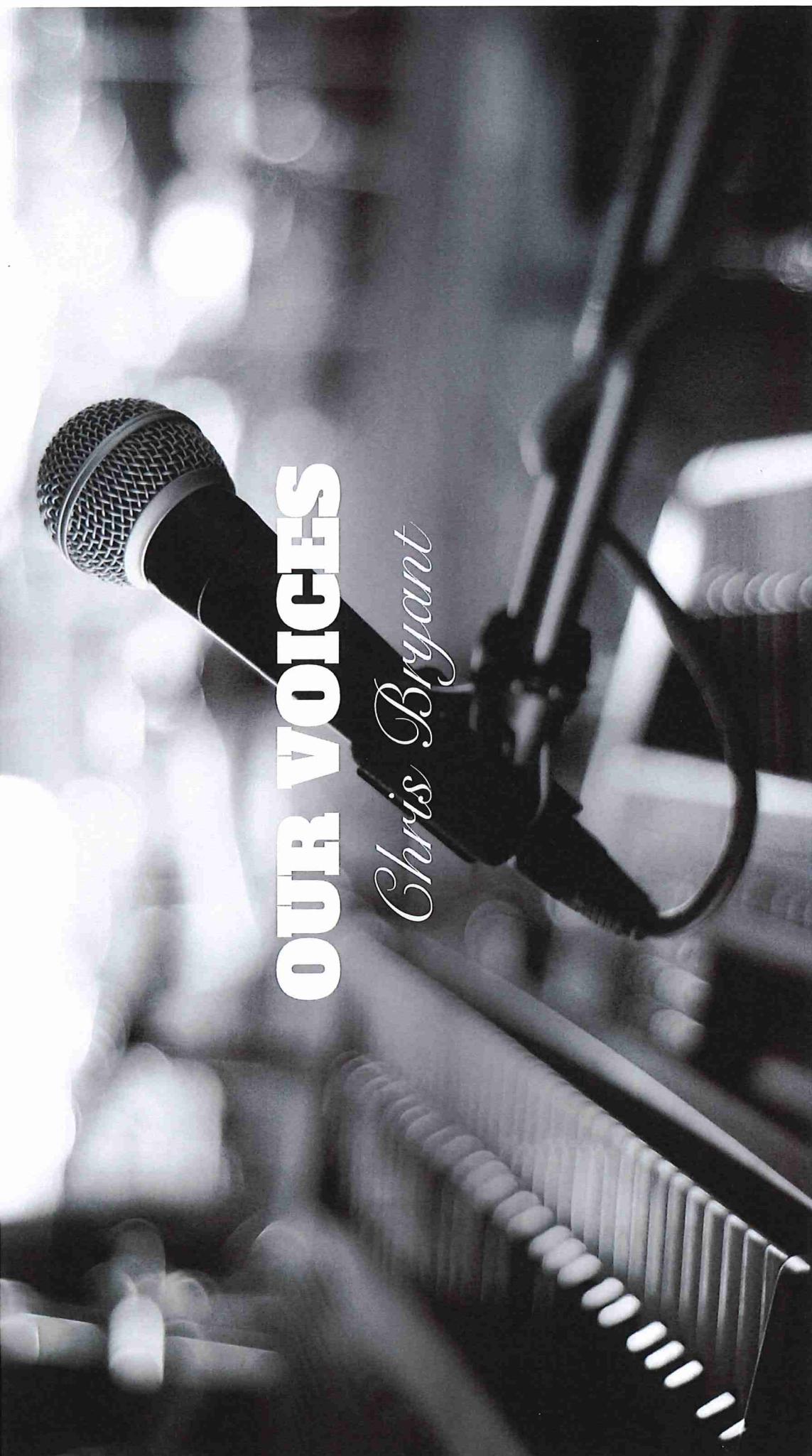


INNO!



OVER

PETITION FOR DENIAL
OF THE HOMES URBAN CONDITIONAL REZONING REQUEST
13 September 2022



OUR VOICES

Chris Bryant

The entire problem summed up in a single word:

DENSTITY

Chad Hedgesbeth





Bermuda Run

HAS A
DENSITY PROBLEM

If the Town Council were to approve this request for rezoning,
Kinderton Village and contiguous apartments would be an
astounding 949% DENSER

than the rest of
Bermuda Run



Kinderton Village +
HOMES URBAN

10.9

Persons per acre
(949% denser)

Bermuda Run

1.03

Persons per acre



Typical American Subdivisions

Special Studies, September 2, 2014
By Paul Emrath, Ph.D.
Economics and Housing Policy
National Association of Home Builders

Data collected during a 2014 survey allow NAHB to compute, for the first time, summary statistics for the typical residential subdivision being built in the United States. The summary statistics for development projects with at least 4 housing units (a conventional threshold for defining subdivisions) are as follows:

- Median size: 24 acres.
- Median number of housing units: 60.
- Share that include retail space: 12%.
- Share that include other (non-retail) commercial space: 11%.

2.5

Housing Units per Acre
is the Median

14.2 ↗

Homes Urban proposed density

468%

Higher than the National Median!

*National Median
Score*

2.5

Housing Units per Acre
is the Median

*Kinderton Village
(Now)*

3.4

Housing Units per Acre

*Kinderton Village +
HOMES URBAN*

4.6 ↗

KV + Homes Urban proposed density

0%

National Median

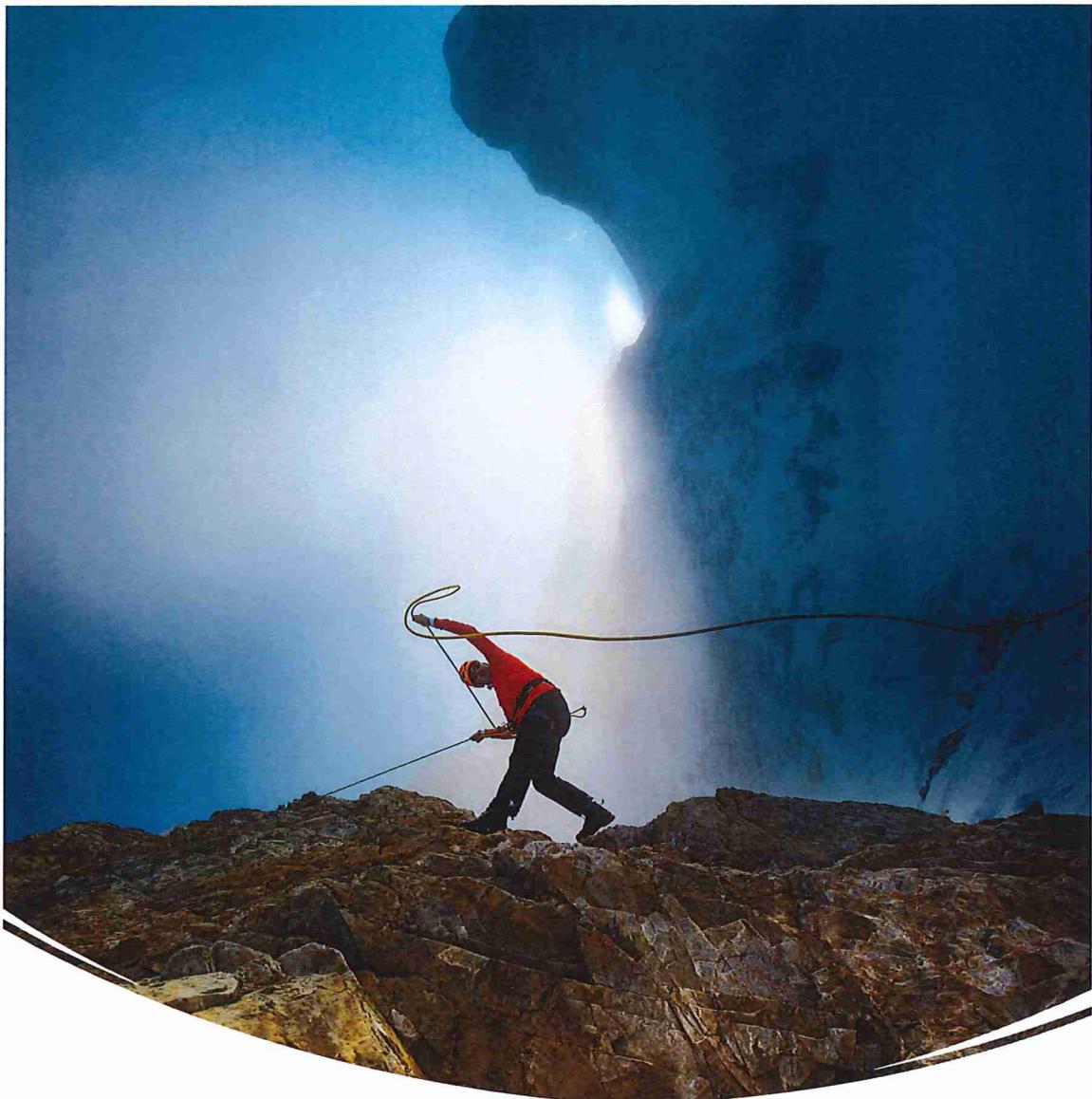
36%

Higher than the National Median!

84%

Higher than the National Median!





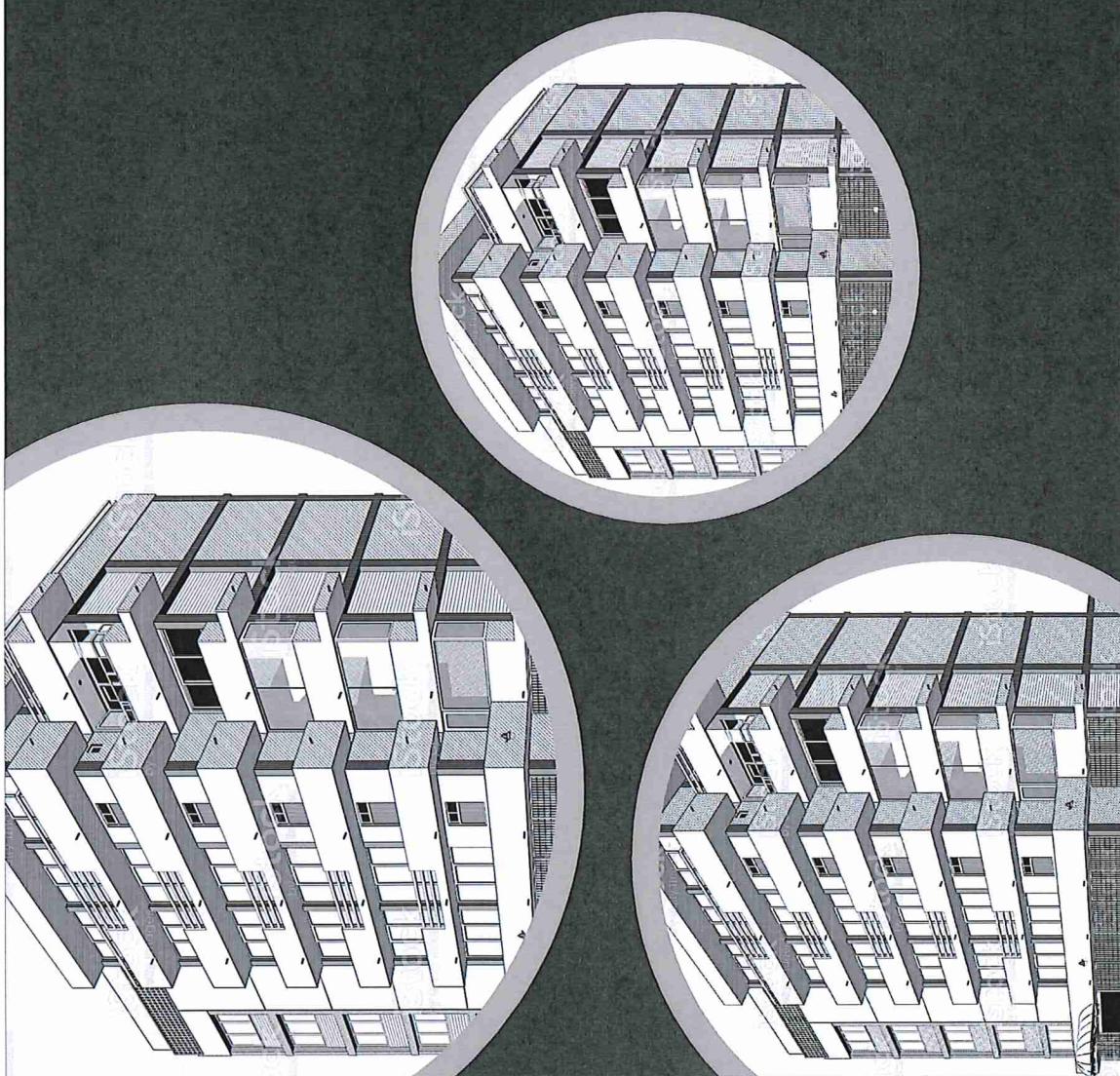
THE SLIPPERY SLOPE

Michelle Sexton

Town of Bermuda Run Apartments: 2020 to Now*

- 2020: Number of high-density apartments = 0
- 2022: Number apartments built/approved = 338
- 2023 (if rezoning approved): Number of apartments = 608

* Comet apartments = 240; apartments approved = 98;
rezoning request for 270 apartments





Third request for
apartment complexes in
Bermuda Run in three
years

Will this be another
“Yes” to rezone request?

Are we a community?
Or are we a rental community?

- A vote to rezone to high-density opens the door for more apartment developers to request rezoning and change the landscape of our small town community.
- Rezoning and allowing the construction of 270 apartments means 30% (almost 1/3 of our town) will be composed of apartments.
- 0% to 30% in three years is not smart growth, nor managed growth. It is a pattern of “yes” and a slope there is no turning back from once it is in motion.



From the Town of Bermuda Run webpage

"As a resident of **Bermuda Run**, you are an **important** part of an incredible population of individuals and families. We hope you **feel at home** here and that you take pride in the **community that you call home**."



No Return on Investment

Matt & Donna Carr



- 
- It has been conveyed to us that the current development being considered for the rezoning would bring in an additional 35k dollars to the town of Bermuda Run if the rezoning request is granted and the project moves forward.

What the future holds

- It has also been shared that this is about bringing in additional revenue for current and or future needs for the town.
 - If this is what is driving this decision for the city council to vote in favor of this rezoning request, we feel that you are doing a disservice to the people of Kinderton Village.
-

A sum greater than the whole?

Please understand that we are **not opposed to development**, but this type of high-density type construction **changes the face of our village and the city of Bermuda Run as a whole.**

If you, the city council needs this type of development for future revenue, we believe that you are not fulfilling your **obligation** to us as your constituents.

Be forthcoming about the town's needs and bring it to the attention of your constituents so **we the people** can best decide how we support those needs of this town as a **community**.

Stakeholder Considerations

- Furthermore, studies that show this type of construction **often has a negative impact** on nearby single-family residential home values.
- If this holds true, your short-term gain will be **offset** by lower tax value assessments.
- This would then **lower the town's revenue** by those houses affected by this type of development.



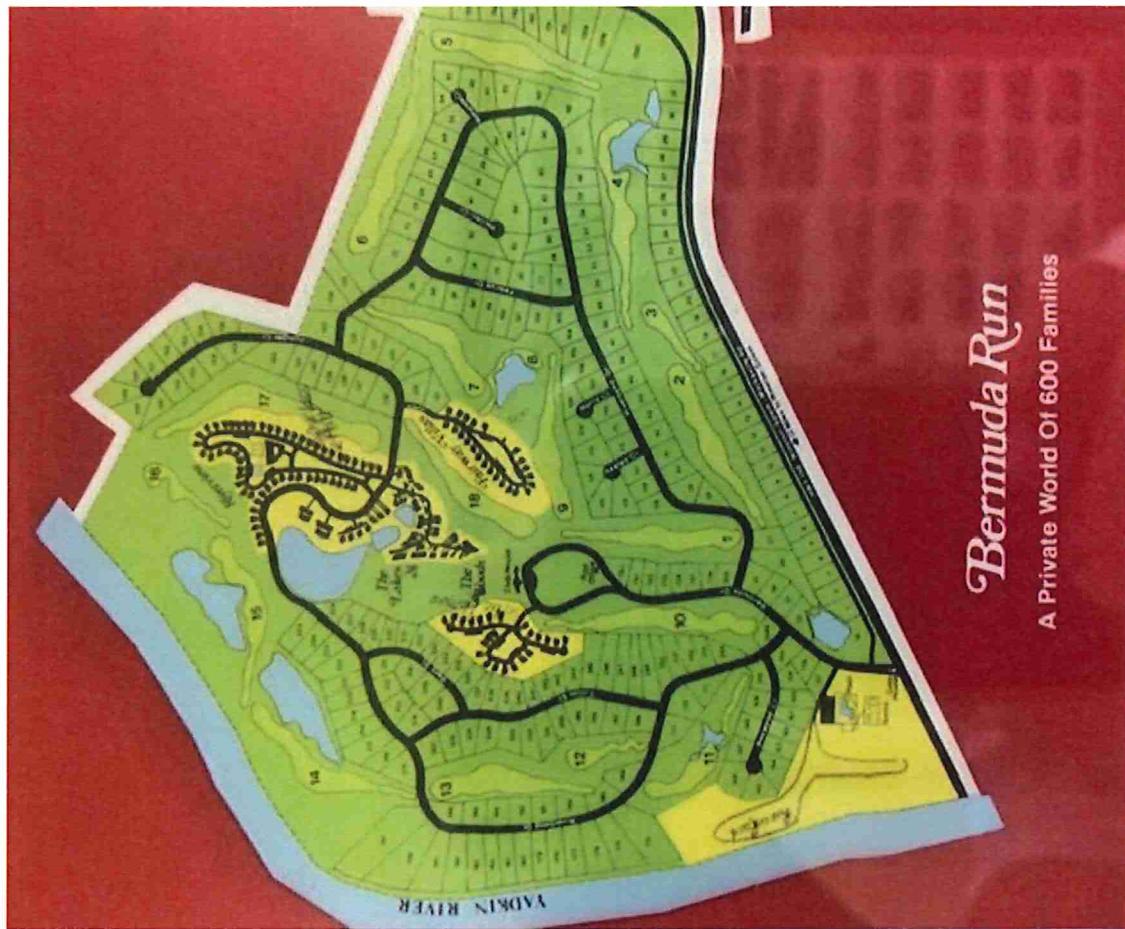
- In closing we would ask that you, the City Council
 - deny this rezoning request and
 - have an **open dialogue** with your constituents on how we deal current and future revenue needs and
- how we **best address** those issues.
 - *This is not the way!*

**The vote is
NO!**



**THE
GREAT
DIVIDE**

Lennie Ring



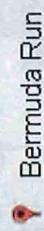
Bermuda Run
A Private World Of 600 Families

**BERMUDA
RUN
COUNTRY
CLUB
1969-1970**

BERMUDA RUN

Write a description for your map.

Legend



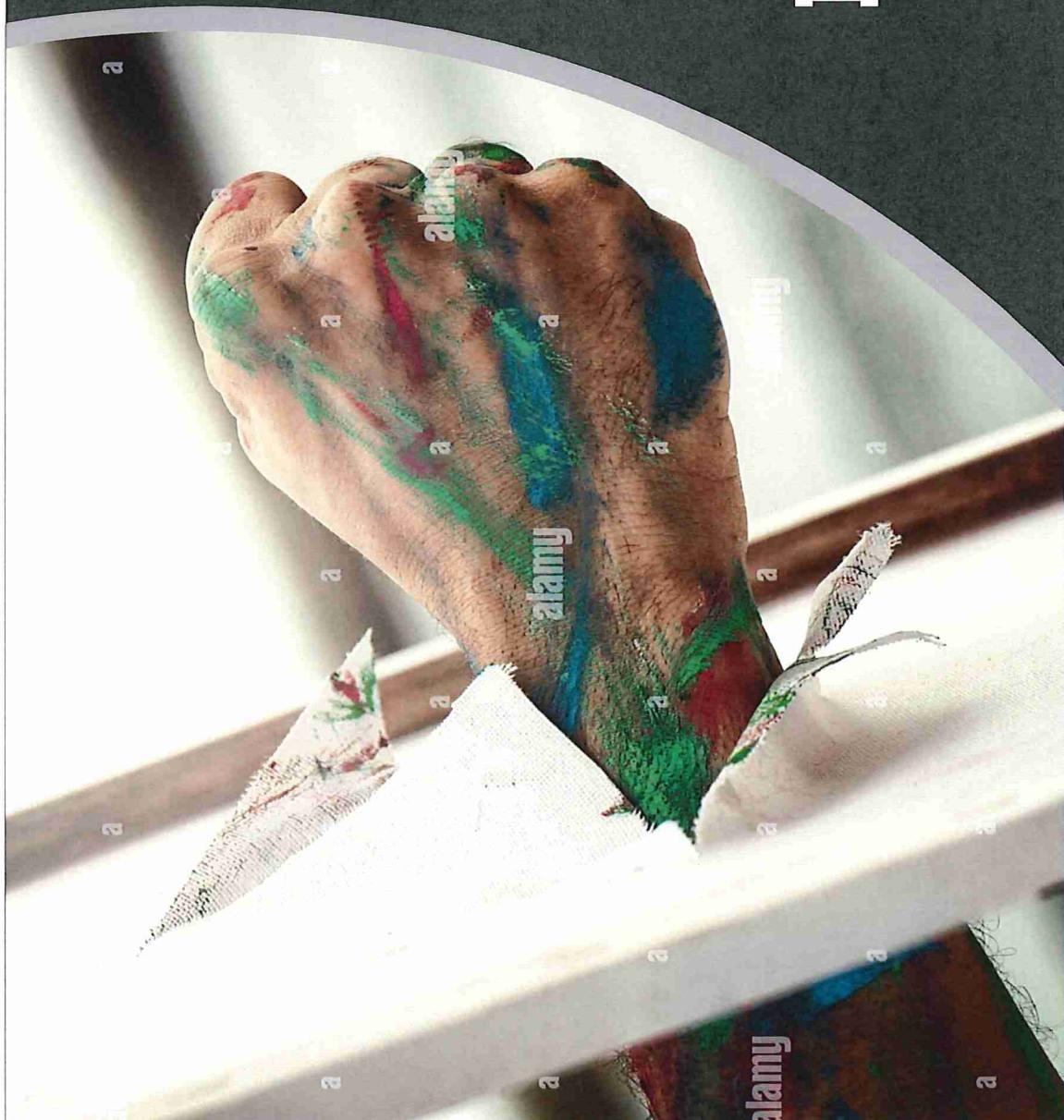
Bermuda Run

Google Earth

BERMUDA RUN 2022



BERMUDA RUN 2024?



TOWN OF
Bermuda Run just be.

IN
SUMMARY

Dean Warren

REZONING

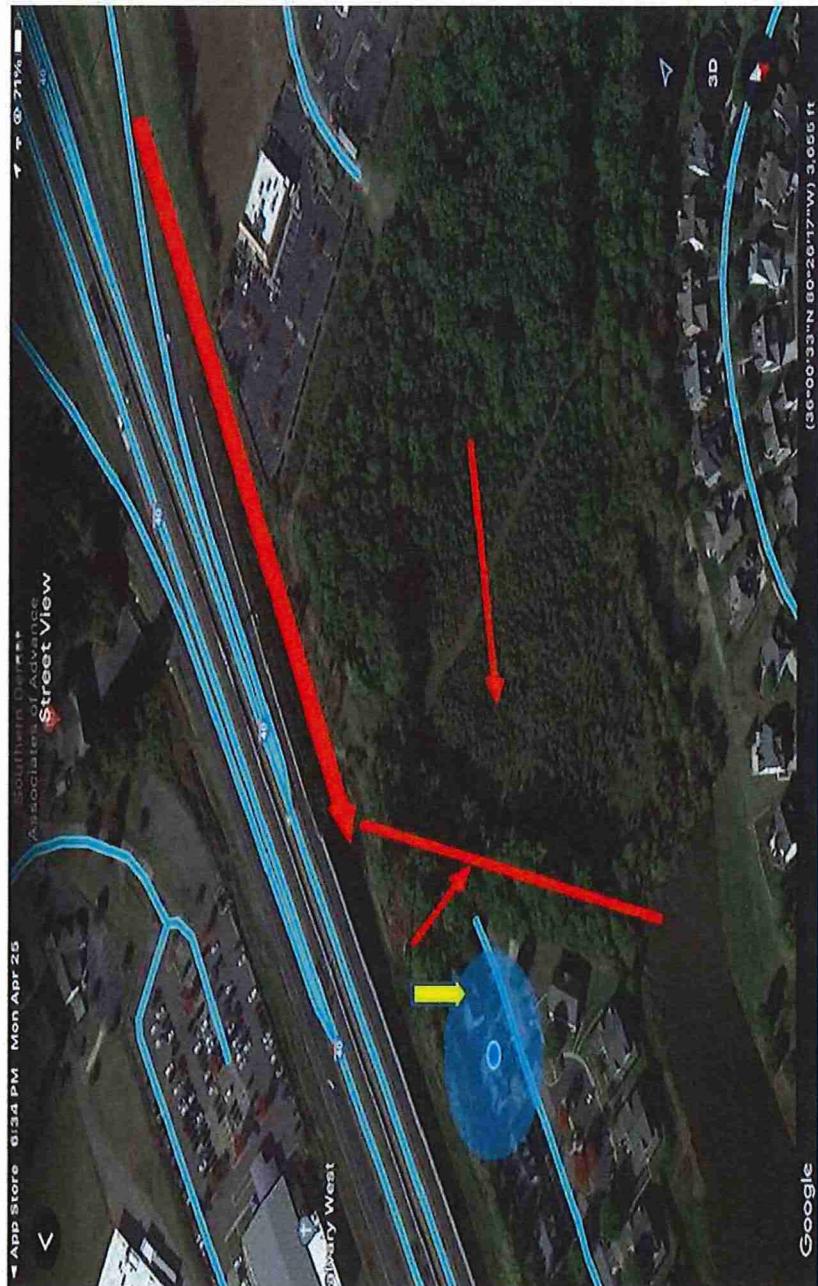


Strategy 7.3 Map and evaluate the existing stormwater system, remedy problem areas within Town-maintained rights-of-way, and adhere to the Stormwater Drainage and Maintenance Policy that sets forth the responsibilities of the Town, developers, and individual property owners.



WATER RUN OFF

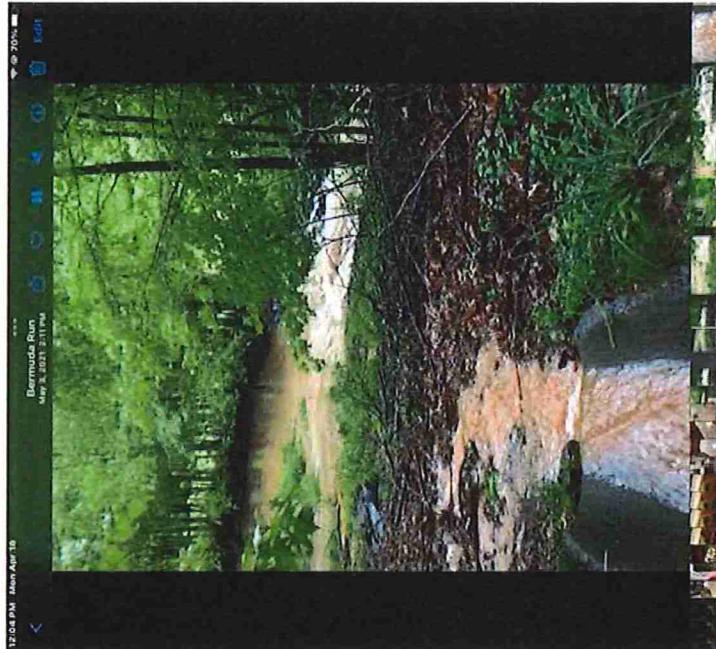
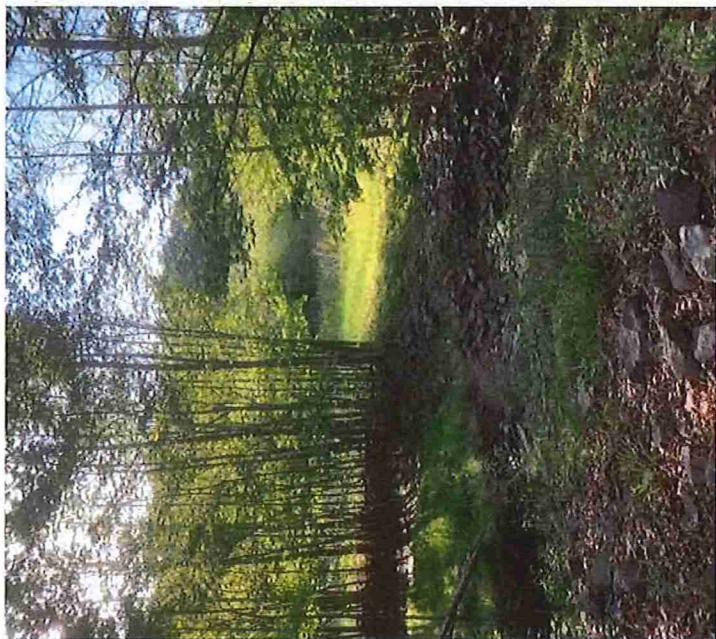
CURRENT WATER FLOW



HEAVY RAIN RUN OFF

PRIOR TO RAIN

MAY 3, 2021



LAKE IN OVERLOAD STREET FLOODING

8/6/2020

