



**Town of Bermuda Run
Planning Board and Board of Adjustment Agenda**

120 Kinderton Boulevard, Suite 100
Bermuda Run, NC 27006
Wednesday January 18, 2023, 3:00pm

1. Call to Order
2. Recognition of Quorum
3. Approval of Planning Board Agenda
4. Approval of Planning Board Minutes—November 16, 2022
5. Citizen Comments
6. Permit Reports & Zoning Administrator's Update
7. Town Manager's Update
8. Update Planning Board Rules and Procedures on meeting times.
9. Review Text Amendment TA-2023-01 Master Plan Overlay
 - a. Zoning Text Amendment 2023-01. The Board will review a text amendment to Sections 3.3 (C) to address the review process of district.
10. Other Business
11. Board Member Comments
12. Adjournment

Bermuda Run Planning Board/Board of Adjustment Regular Meeting

Minutes

Wednesday, November 16, 2022

3:00 PM

Bermuda Run Town Hall

I. Call to Order

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

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: Tom Brady
SECONDER: Lynn Senger
AYES: Brady, Guthrie, Strand, Shea, Senger
ABSENT: Krasienko, Thompson,

IV. Approval of Planning Board Minutes—February 16, 2022

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

Andrew Meadwell updated the Board on the Blue Heron Trail project and Juniper Wastewater Treatment Facility.

VIII. Planning Board Cases

Zoning Text Amendment 2022-01. The purpose of this text amendment is to permit with conditions the use of self-storage warehousing in the VM zoning district. It is currently a permitted use within existing buildings in the VM zoning district. The use is permitted within the GB zoning district and with conditions within the CM zoning district. The conditions to require the units to be accessed only internally with no visible units from the exterior and prohibiting outdoor storage of any kind would also apply to the VM zoning districts.

Chairman Guthrie opened the public comment period.

- 1. Brad Chapman, Davie Construction, spoke in favor of the amendment.

Chairman Guthrie closed the public comment period.

The Board held discussion on the request

Erin Shea made a motion to approve with the following statement, the Planning Board finds that the proposed text 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:	Erin Shea
SECONDER:	Tom Brady
AYES:	Brady, Senger, Guthrie, Strand, Shea
ABSENT:	Krasienko, Thompson

IX. Comprehensive Plan

Jason Epley presented an update on the Comprehensive Plan; the Board was pleased with the proposed changes and future land use map. The Board agreed that an additional meeting was not necessary and that they would review a final draft for formatting and layout and recommend approval for Town Council review.

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

X. Board Member Comments

There was none. Adjournment

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



Bermuda Run Planning Board

2023 Meeting Schedule

The Planning Board meets on the third Wednesday of each month at 6:00 pm in the Conference Room at The Town Hall unless otherwise noted.

January	January 18 (3:00 pm)
February	February 15
March	March 15
April	April 19
May	May 17
June	June 15
July	July 19
August	August 16
September	September 20
October	October 18
November	November 15
December	December 20

Town of Bermuda Run Planning Board

RULES OF PROCEDURE

I. General Rules

The Planning Board of the Town of Bermuda Run, North Carolina, hereinafter referred to as the "Board," shall be governed by Chapters 160D of the General Statutes of North Carolina and its Ordinance to Adopt Provisions for the Appointment of A Planning Board and Board of Adjustment for the Town of Bermuda Run, North Carolina, adopted by the Town Council on May 10, 2005, and subsequent amendments thereto.

II. Officers and Duties

A. Chair. The Chair shall be elected by the Board from among its members for a one (1) year term of office. A subsequent term of office by the same Board member shall be permitted for a period of one (1) year. The Chair shall decide all matters of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board in session at the time. The Chair shall appoint any committees found necessary to investigate any matters before the Board or to perform any of its duties.

B. Vice-Chair. A Vice-Chair shall be elected by the Board from among its members for a one (1) year term of office. A subsequent term of office by the same Board member shall be permitted for a period of one (1) year. The Vice-Chair shall serve as acting Chair in the absence of the Chair and at such times the Vice-Chair shall have the same powers and duties as the Chair.

C. Method of Election. Annually, at the first regular meeting in the month of July, the Board shall elect a Chair and Vice-Chair. If such a regular meeting is canceled or a quorum lacking, then the election shall be held within 36 days thereafter at a regular or special meeting. The Chair shall call for nominations for Chair which shall be verbal and seconded by Board members. Any number of members may be nominated. The Chair shall close nominations and call for a show of hands on each nominated member unless a member moves that a written and secret ballot be used. This alternative method of election shall be used if such motion passes by a simple majority of all taken, or counted by the Chair in the event of a secret ballot, the Chair shall declare the member who has been elected. A quorum shall be present for election. The newly elected member shall immediately assume the Chair. The same procedure shall be followed for the election of the Vice-Chair. Whenever the office of Chair or Vice-Chair becomes vacant during the twelve-month term of office, the same procedure shall be used to fill the vacancy when it occurs, provided at least two-thirds of the entire membership of the Board is present.

D. Secretary. The Town Manager shall serve as Secretary to the Board and may, at their discretion, delegate any or all duties related to such to any staff person. The Secretary,

subject to the direction of the Chair and the Board, shall keep all records, shall supervise the correspondence and perform other clerical work of the Board. The Secretary shall insure that minutes of each Board meeting are recorded. These shall include all important facts pertaining to every meeting and hearing, every action by the Board, and all votes of members of the Board upon any resolution or other matter, indicating the names of members absent or abstaining from voting.

III. Meetings

A. General. Meetings shall be conducted in accordance with Article 33C of Chapter 143 of the General Statutes of North Carolina.

B. Regular meetings. Regular meetings of the Board shall be held at 6:00 PM on the third Wednesday of each month. Regular meetings may be established at some other time at the discretion of the Board. The meetings shall be held at Town Hall or any other location within the Town or its extraterritorial jurisdiction.

C. Special meetings. Special meetings of the Board may be called at any time by the Chair. Notice of the time and place of special meetings shall be given by the Secretary to each member of the Board at least 48 hours in advance of any such meeting.

D. Cancellation of meetings. Whenever there is no business for the Board, the Chair may cancel a regular meeting.

E. Conduct of meetings. Meetings shall be conducted in accordance with Suggested Rules of Procedure for Small Local Government Boards. The order of business at meetings shall be set by the chair and shall include the following agenda items as appropriate:

- (1) Call to order and determination of a quorum
- (2) Approval of minutes of previous meetings(s)
- (3) Old business
- (4) New business
- (5) Reports of committees
- (6) Town Council report
- (7) Adjournment

H. Contacts outside meetings. The public meeting is the primary place where petitioners, opponents, and others interested in matters considered by the Board should present information concerning such matters. Contact between interested parties and a Board member outside of public meetings while permitted is only encouraged if such member(s) disclose the content of the contact at the next regular meeting.

I. Quorum Determination. A quorum of the Board shall be a simple majority of the membership. For the purposes of determining a quorum, board membership shall consist

of all board members minus any vacancies or member(s) formally recused by the Board. A quorum shall be present for the Board to take any official action.

J. Conflict of Interest. If any Board member has a financial interest in a matter before the Board or any member has the *appearance* of a conflict of interest regarding a matter before the board, that member shall ask the Chair to be recused from participating in the hearing, discussion, and voting on the matter. Recused members shall vacate their seats while the matter is being considered. No Board member shall accept any gift, meal, or any other thing of value from any party involved in a matter before the Board. Board members should not indicate their positions regarding matters before the body prior to receiving all the information presented at the public meeting. Board members who knowingly violate these conflict of interest requirements shall be removed from the board. Conversely, board members who must request recusal frequently or in such a manner as to disrupt the business of the Board may be asked to resign their seat at the discretion of the chair.

K. Absence and Attendance. It shall be the duty of all Planning Board members to inform the Secretary of any anticipated absence immediately after receipt of the proposed agenda. A regular member who misses three (3) consecutive regular meetings or 33% or more of the regular meetings in a calendar year loses his status as a voting member of the Board until reinstated or replaced by the Town Council. Absences due to sickness, death or other emergencies of like nature shall be regarded as approved absences and shall not affect the member's status on the Board; except that in the event of a long illness or other such case of prolonged absence the member may be replaced.

L. Resignation. If a member of the Board moves outside the zoning jurisdiction, or an extraterritorial member becomes a town resident either through relocation or annexation, that shall constitute a resignation from the Board effective upon the date a replacement is appointed.

V. Amendments.

These rules may within the limits allowed by law be amended at any time by an affirmative vote of the majority of those present, provided a quorum is present and provided that such amendment be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.

Amended _____

Chair

Secretary



TO: Planning Board
FROM: Planning Staff
Date: January 12, 2023
RE: ZTA2023-01

Applicable Section(s): Section 3.3 (C) of Zoning Ordinance

Proposed Text Amendment and Background Information

The purpose of this text amendment is to consider removing the requirement that new development and expansions of 20 % or greater shall receive a Conditional District zoning approval.

Master Plan Overlay (MP-O) -~~Conditional District Requirement~~

(1) Intent

The Master Plan Overlay district is established for areas of the Town's jurisdiction for which the Comprehensive Plan provides a conceptual circulation and/or programming plan in order to ensure that due consideration is given to the general recommended uses or internal circulation to provide for the orderly development of such area. ~~No new development or expansion of existing buildings by greater than 20% shall occur within the Master Plan Overlay. New development and expansion of greater than 20% must receive Conditional District approval to remove the overlay in order to develop.~~

(2) Permitted uses

During the review of requests or development projects within the MP-O ~~Conditional District~~ due consideration shall be given by the TRC, Planning Board and Town Council to the recommended uses shown in the conceptual plan set forth in the Comprehensive Plan. Such uses must be permitted by right or as a special use in the base zoning district requested in accordance with Section 3.5.

(3) Streets, Access Points, and Circulation

During the review of requests or development projects within the MP-O ~~Conditional District~~ due consideration shall be given by the TRC, Planning Board and Town Council to the general circulation shown in the conceptual plan set forth in the Comprehensive Plan. Access points onto state-maintained roads are subject to NCDOT approval.

Bermuda Run Comprehensive Plan

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

- Advocate for road capacity and traffic flow improvements
- Evaluate the effectiveness of the Master Plan Overlay
- Evaluate existing Zoning and Overlay Districts to ensure the character of the community is maintained.
- 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 3.1 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.

Planning Board Recommendation

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

- **Recommend Approval:** 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.
- **Recommend Approval with changes:** The Planning 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 Planning 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.