



**Town of Bermuda Run**  
**Planning Board and Board of Adjustment Agenda**  
120 Kinderton Boulevard, Suite 100  
Bermuda Run, NC 27006  
Wednesday May 17, 2023, 6:00pm

1. **Call to Order**
2. **Recognition of Quorum**
3. **Approval of Planning Board Agenda**
4. **Approval of Planning Board Minutes**
5. **Citizen Comments**
6. **Permit Reports & Zoning Administrator's Update**
7. **Town Manager's Update**
8. **Review Zoning Text Amendment TA-2023-01**  
The Board will review a text amendment to Zoning Ordinance Section 10-C-(4) Use Limitations.
9. **Other Business**
10. **Board Member Comments**
11. **Adjournment**

# Bermuda Run Planning Board/Board of Adjustment

## Regular Meeting

### Draft Minutes

Wednesday, March 15, 2023

6:00 PM

Bermuda Run Town Hall

#### I. Call to Order

Attendee Name	Title	Status
Tom Brady	Board Member	Present
Tony Krasienko	Board Member	Present
	Board Member	Present
Rod Guthrie	Chairman	Present
David Strand	Board Member	Present
Leigh Anne Joyce	Board Member	Present
Sharon Anderson	Board Member	Present
Dylan Hines	Board Member	Present
Howard Rush	Board Member	Present

#### II. Recognition of Quorum

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

#### III. Approval of Planning Board Amended Agenda

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Tom Brady  
**SECONDER:** David Strand  
**AYES:** Krasienko, Guthrie, Brady, Strand,  
**ABSENT:**

#### IV. Approval of Planning Board Minutes—January 18, 2023

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Tony Krasienko  
**SECONDER:** Tom Brady  
**AYES:** Krasienko, Guthrie, Brady, Strand, S  
**ABSENT:**

#### V. Public Comment

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 and audience on recent projects occurring in and around Town.

**VII. Introduction and Swearing in of New members.**

New Members took oath for Planning Board and Board of Adjustment positions

**VIII Other Business**

Staff and Chairman Guthrie discussed roles of new members and training opportunities.

**IX. Board Member Comments**

None.

**X. Adjournment**

<b>RESULT:</b>	<b>ADJOURNMENT [UNANIMOUS]</b>
<b>MOVER:</b>	David Strand
<b>SECONDER:</b>	Howard Rush
<b>AYES:</b>	Krasienko, Guthrie, Brady, Strand, Rush, Strand, Anderson, Hines
<b>ABSENT:</b>	



120 Kinderton Boulevard, Suite 100 • Bermuda Run, NC 27006  
(336) 998-0906 • Fax (336) 998-7209 • [www.townofbr.com](http://www.townofbr.com)

**TO:** Planning Board  
**FROM:** Staff  
**DATE:** May 8, 2023  
**RE:** ZTA 2023-01

### ***Proposed Text Amendments***

The purpose of this text amendment is to alter the application of the 10/70 provision on sites within the town. The text amendment proposes to remove the eligibility limitation to areas identified on the Future Land Use Map as Village Residential, Mixed-Use Center, Crossroads Commercial, and Enterprise Center.

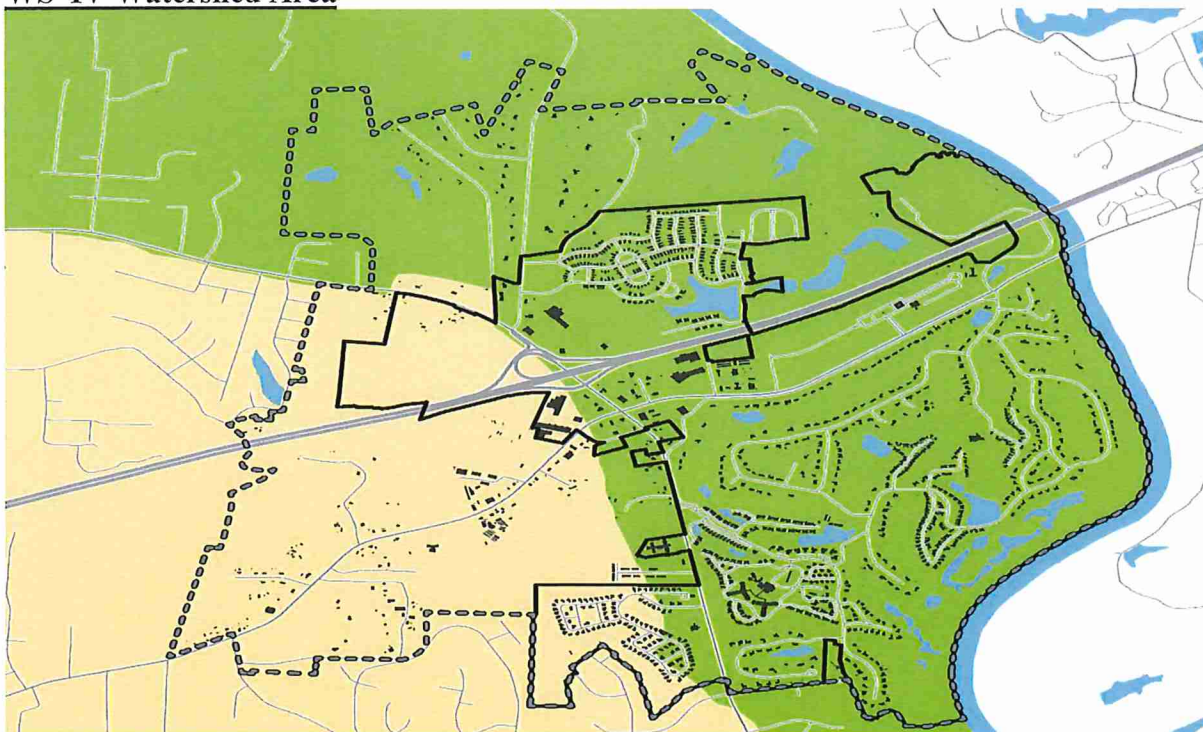
**Applicable Section(s):** Section 10-C (4) of Zoning Ordinance

### ***Background Information:***

Section 15A NCAC 02B .0216 of the North Carolina Administrative Code states that local governments that do not use the high-density watershed option may allow a maximum of ten percent (10%) of their watershed area outside of the critical area to be developed with new development projects and expansions to existing development of up to seventy percent (70%) built-upon surface area. This is commonly referred to as the 10/70 option. The remainder of the property, a minimum of thirty percent (30%), must be maintained as permanent open space or pervious surface. The Town of Bermuda Run has chosen to include the 10/70 option in its watershed program as detailed within this section.

Approximately two-thirds of the Bermuda Run Planning area is located within the Yadkin River Watershed Protected Area (WS-IV PA). State regulations limit this area to 24% impervious area unless the development is granted a 10-70 special intensity allocation by the Town Council. This allocation permits development up to 70% impervious area for a maximum of 10% of the watershed.

### **WS IV Watershed Area**

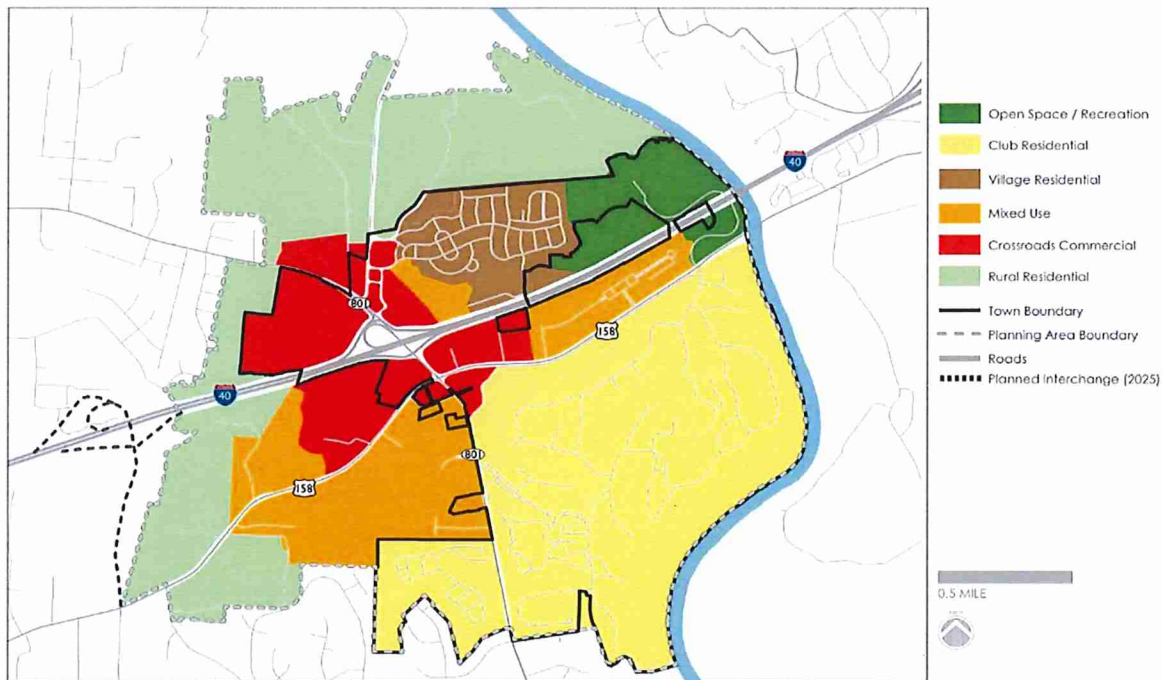


The adoption of the 2023 Comprehensive Plan and Future Land Use Map has created unintentional inconsistencies and conflicts between the Zoning Ordinance and the Comprehensive Plan. These are identified as:

- The North Carolina Administrative Code allows for local governments to regulate and apply watershed provisions for development.
- The remaining bulk of undeveloped property within the WS-IV is now ineligible for consideration of a 10/70 allocation.
- Enterprise Center has been deleted as a future land use designation
- The Zoning Ordinance explicitly allows Town Council to approve an allocation based on 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.
  -

### ***Future Land Use Map 2023***

MAP 4.1 FUTURE LAND USE



### ***Bermuda Run Comprehensive Plan***

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

- Character & Identity Goal: Cultivate the identity of the Town of Bermuda Run as a charming, walkable small town with a healthy balance of both nature and an attractive built environment, offering amenities for both residents and visitors.
- 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.
- 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.

### Text Amendment

**Proposed text amendment for removing Future Land Use designations as basis for site consideration criteria in § 10-C (4) of the Zoning Ordinance. The new text will be *bold, underlined and italicized*. Deleted text will have a strikethrough.**

(4) **Use limitations.** ~~Sites eligible for consideration include only those sites identified on the Future Land Use Map as Village Residential, Mixed Use Center, Crossroads Commercial and Enterprise Center.~~ Under no circumstances shall any use defined as an adult establishment, pawn shop, telecommunication tower be eligible for the 10/70 provision. Furthermore, the Town, at its discretion, may choose not to grant a request for increased density under the 10/70 provision for any free-standing single-use commercial establishment not part of a coordinated development site including, but not limited to, gas stations, convenience stores, restaurants, retailers, shopping centers or professional offices or whenever, in its opinion, the proposed use with increased density would not be in the best interest of the Town at the location proposed.

### Planning 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.