

**Bermuda Run Planning Board/Board of Adjustment
Regular Meeting**

Minutes

Wednesday, April 20, 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	Present
Lynn Senger	Vice Chairman	Present
Rod Guthrie	Chairman	Present
David Strand	Board Member	Absent
Erin Shea	Regular Member	Absent
Tony Krasienko	Alternate 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

The Chairman proposed removing item 8a at the request of the applicant and moving the public comment period after the introduction of the zoning map amendment.

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

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

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

V. Permit Reports & Zoning Administrator's Update

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

VI. Town Manager's Update

Lee Rollins updated the Board and audience of the next steps of the zoning process including the April 26th and May 10th Town Council meetings and informed the Board all emails received on behalf of ZMA 2022-04 have been forwarded to them.

VII. Planning Board Cases

Zoning Map Amendment 2022-04. RLM Development, LLC (Home Urban) applied to rezone a 22.5 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, WS-IV Yadkin River Watershed (VM, 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.

Chairman Guthrie opened the public comment period.

1. Robert Morgan, the applicant outlined the request, highlighting compliance with the Comprehensive Plan and Map including offering diverse housing choices and the village residential designation on the Future Land Use Map, the transition from commercial to residential uses on both sides of the subject property, and existing buffers.

The Board asked questions of the applicant including existing density and the use of multi family, other Village Mixed zoned properties within the town, required amount of parking for a multi family project, and access to the site.

2. Pat Russell, 117 Parkview Lane, spoke in opposition to the request due to traffic concerns, access to Kinderton Village amenities, home values, and the quality of life of residents within Kinderton Village.
3. Paul Dixon, 120 Kilbourne Drive, spoke of concerns of population increase, detrimental impacts to Kinderton Village, existing issues with water runoff and traffic and the current density requirement for the subject property.
4. Matt Hudson, 124 Brookstone Drive, spoke in opposition to the request due to the increase in density and protecting the town's uniqueness.
5. Patricia Williams, 124 Parkview Lane, spoke in opposition due to noise.
6. Melissa Tomallo, 189 Pinewood Lane Unit 104, spoke in opposition due to existing water runoff and flooding problems.
7. Tina Smith-Goins, 118 Pendleton Drive, spoke about existing water issues and the current zoning approved uses.
8. Matt Carr, 136 Sweetwater Circle, spoke about concerns of designs for multi family projects including garden, luxury and retail on bottom floor styles.
9. Diane Pfundstein, 155 Brookstone Drive, spoke in opposition and submitted a petition featuring 252 signatures of Kinderton Village residents citing concerns of increased density, water runoff, property values, traffic, access to Kinderton Village amenities, and impacts to schools.
10. Fred Delugas, 109 Sycamore Park Lane, asked questions outside the rezoning request regarding the Blue Heron Trail and the speed limit change on US HWY 158.
11. Sharon Anderson, 134 Millstone Lane, spoke in opposition to the request and provided the Board photos of Kinderton Village citing concerns for the existing neighborhood and natural buffers and against the increase in density.

- 12. Kim Schutz, 108 Kilbourne Drive, spoke in opposition and requested a traffic study.
- 13. Timothy Deegan, 353 Town Park Drive, spoke in opposition citing density, traffic, existing water runoff and flooding problems, and access onto US HWY 801 from the shopping center.
- 14. Angel Jackson, 119 Lakeside Crossing, spoke in opposition due to damage to the ponds, water issues, traffic and access to the Kinderton Village amenities.
- 15. Lennie Ring, 125 Kilbourne Drive, spoke in opposition citing stormwater issues, lack of compliance with policy 7.1 of the Comprehensive Plan and request for an environmental study.
- 16. Herb Schmidt, 136 Brookstone Drive, spoke in opposition due to drainage concerns, home values, existing noise from I-40, high density, and viewshed from Kinderton Village.
- 17. Mark Pfundstein, 155 Brookstone Drive, represented the master homeowners association for Kinderton Village and spoke in opposition citing home values, traffic, runoff, the submitted petition, and past flooding issues.

Robert Morgan, the applicant, spoke about the proposed project being similar in type to Comet Apartments, the scale of housing types existing within Kinderton Village including townhomes and condos and a desire to work with the community and residents.

Chairman Guthrie closed the public comment period and called for a motion.

Lynn Senger made a motion to deny with the following statement, the Planning Board finds that the general use zoning map amendment is not consistent with the Town of Bermuda Run Comprehensive Plan because the site is not compatible with surrounding land uses. Therefore, we find this zoning map amendment is unreasonable and not in the public interest because it does not support the Comprehensive Plan policies above and due to the thought and effort put into developing and updating the Town’s Zoning Ordinance and the request would result in changes to the Town’s dynamic and reasons why people move here.

RESULT:	DENIED [4-1]
MOVER:	Lynn Senger
SECONDER:	Bryan Thompson
AYES:	Krasienko, Senger, Thompson, Brady
NAYS:	Guthrie
ABSENT:	Strand, Shea

VIII. Other Business

There was none

IX. Board Member Comments

Bryan Thompson spoke of previous requests for zoning and text amendments the Planning Board has voted to recommend and encouraged the audience to attend the Town Council meetings.

Tony Krasienko spoke in support of the Comprehensive Plan and Ordinances and the need for residential projects and encouraged people to be aware of their surrounding properties.

X. Adjournment

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