



Town of Bermuda Run
Planning Board and Board of Adjustment Agenda

120 Kinderton Boulevard, Suite 100
Bermuda Run, NC 27006
Wednesday August 17, 2022, 3:00pm

1. Call to Order
2. Recognition of Quorum
3. Approval of Planning Board Agenda
4. Approval of Planning Board Minutes—April 20, 2022
5. Citizen Comments
6. Permit Reports & Zoning Administrator's Update
7. Town Manager's Update
8. Planning Board Cases
 - a. **Zoning Map Amendment 2022-05.** RLM Development, LLC (Home Urban) has 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 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.
9. Other Business
10. Board Member Comments
11. Adjournment

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 Sender
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



TO: Planning Board
FROM: Planning Staff
DATE: August 17, 2022
RE: ZMA 2022-05 RLM Development, LLC

I. REQUEST

To rezone a 22.5 acre portion of a tract of land totaling approximately 64.7 acres from Commercial Mixed (CM) and WS-IV Yadkin River Watershed to **Village Mixed Conditional District (VM-CD), WS-IV Yadkin River Watershed.**

II. PROJECT LOCATION

The property is located to the rear of 196 and 190 NC HWY 801 N, off the ring road in the Lowes Foods shopping center.

III. PROJECT PROFILE

DAVIE COUNTY PARCEL NUMBER: C800000001
ZONING DISTRICT: Commercial Mixed (CM)
REQUESTED DISTRICT: Village Mixed Conditional District (VM-CD)
LAND USE PLAN: Village Residential
WATERSHED: WS-IV watershed
CROSS REFERENCE FILES: N/A
APPLICANT: RLM Development, LLC (Homes Urban)
PROPERTY OWNER: Hillsdale Group, LLC
PROPERTY SIZE: 22.5 acre (portion) of 64.7 acres.
CURRENT LAND USE: Vacant.
PROPOSED LAND USE: Multi Family development

IV. PROJECT SETTING – SURROUNDING ZONING DISTRICTS AND LAND USES

DIRECTION	LAND USE	ZONING
North	Commercial, Residential—Kinderton Village	CM, RM
West	Residential—Pinewood Lane, I-40	CM, RM
South	Commercial, Lowes Foods Shopping Center	CM
East	Commercial—State Employees Credit Union & Residential-Kinderton Village	CM, RM

Rezoning Request

The applicant RLM Development, LLC requests a rezoning from CM Commercial Mixed and to VM-CD Village Mixed Conditional District in order to develop the property for multifamily. The site is 22.5 acres.

Multi Family is a permitted use in both the CM and VM zoning districts.

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.

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.

For your reference, the Zoning Ordinance places a cap on the number of units located within the all zoning districts in Section 9.49. These are allocated on a first come, first served basis:

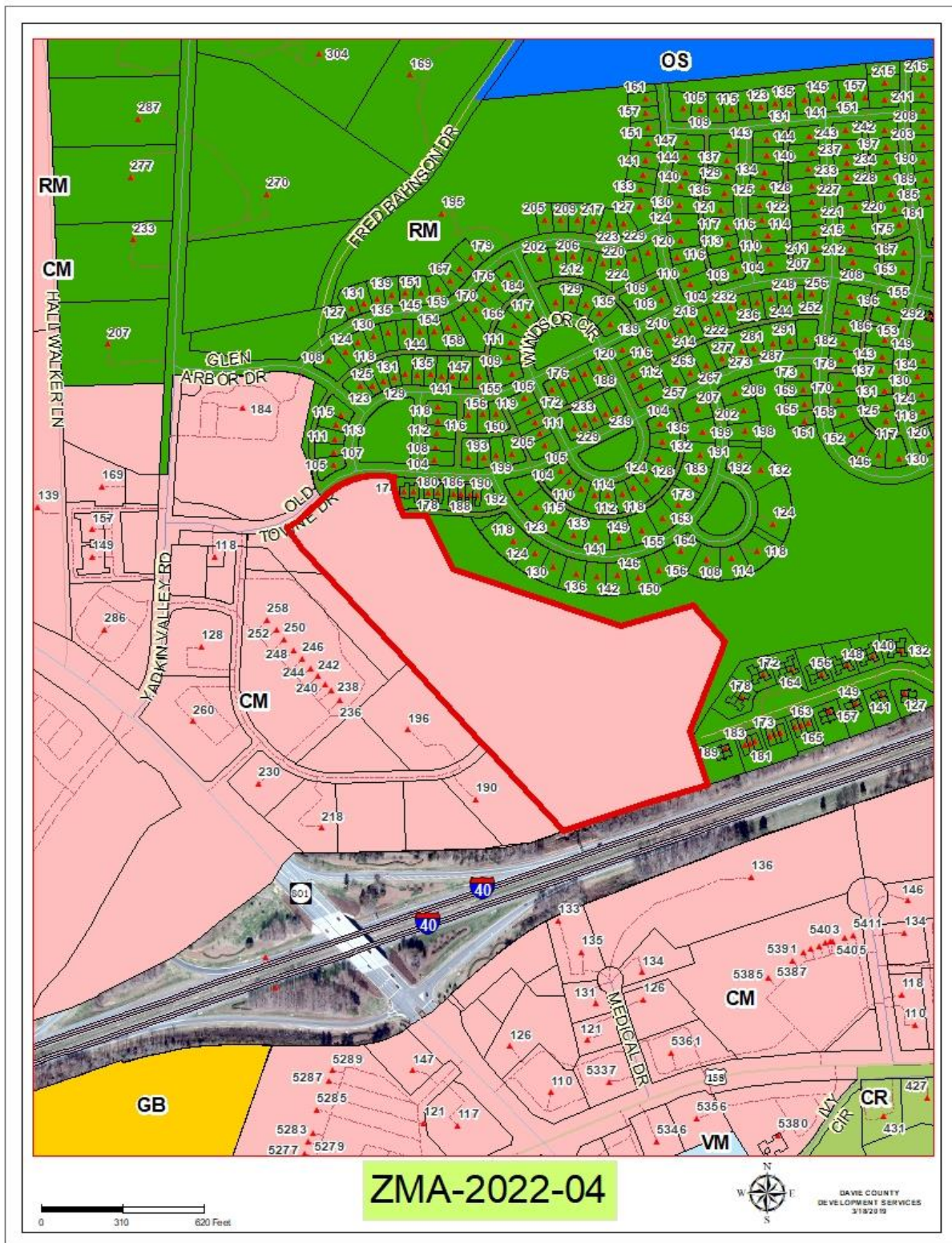
9.49 Residential, Multi-Family

(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

Presently, 401 units have been approved for the VM zoning district and this table is scheduled to be updated in May.

ZMA 2022-05
8/17/22 PB Meeting Date

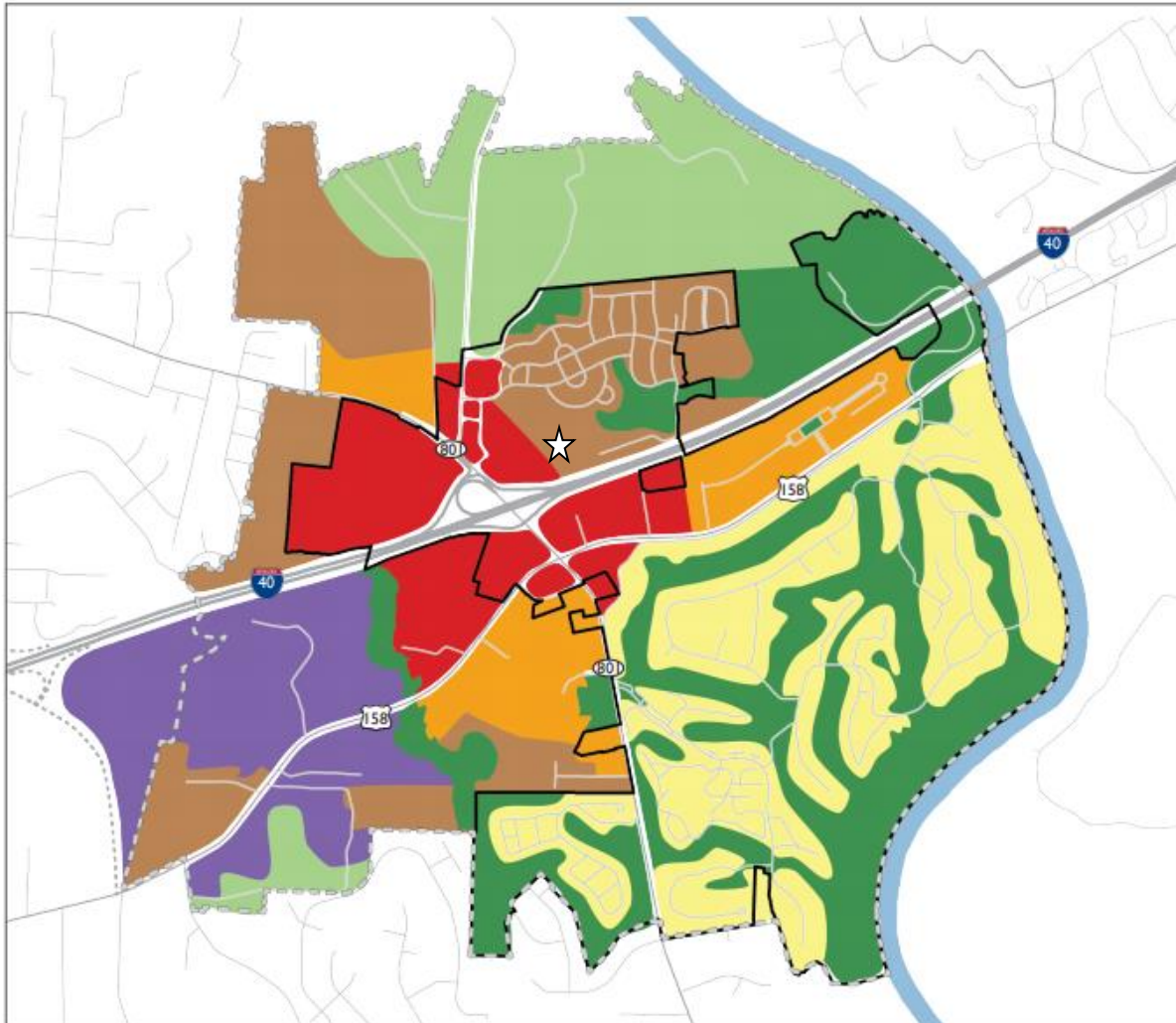


VI. AERIAL MAP

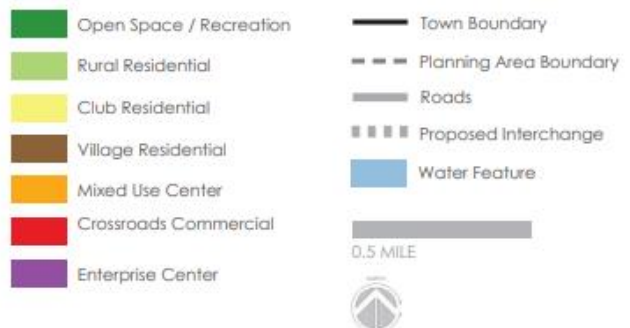


VII. FUTURE LAND USE MAP

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	



VIII. Town of Bermuda Run Comprehensive Plan

The subject property is designated as Village Residential on the Future Land Use Map in the Comprehensive Plan. The Plan states that this land use classification is *“This land use classification is primarily intended for mixed residential developments that include a variety of housing types and incorporate open space and recreational opportunities for use by the residents. Village Residential areas are located in close proximity to mixed use and commercial areas and are connected to these areas by pedestrian and/or bicycle facilities. Kinderton Village is an existing Village Residential development that is nearly built out.”*

Strategies within the Comprehensive Plan include:

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 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.

IX. Issues to Consider

In considering any petition to reclassify property the Planning Board in its recommendation and 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.

X. Draft Conditions

Staff recommends review by the Planning Board and proposes the following conditions to improve consistency with the Comprehensive Plan should the Board choose to recommend approval to the Town Council:

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.
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 Town Drive and will be left in a natural undisturbed state, with the exception of the project entrance connecting to Old Town Drive or any required utility crossings (depicted on the included site plan as Buffer 1).
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 include 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).

X. Planning and Board Recommendation

The Planning Board is requested to review the information presented and make a recommendation to the Town Council on one of the following actions:

- **Recommend Approval with Conditions:** The Planning Board finds that the proposed conditional rezoning is consistent with the Town of Bermuda Run Comprehensive Plan policies, specifically the objective to encourage managed growth and development that is compatible with the Town's character, surrounding land uses and available infrastructure and to support residential growth to attract additional retail and service amenities desired by current residents.

Therefore, we find this zoning amendment is reasonable and in the public interest because it supports the Comprehensive Plan policies and maps above and because the site is designated on the Future Land Use Map Village Residential that is primarily intended for mixed residential developments that include a variety of housing types and the site is located between an employment node, commercial and residential uses.

- **Recommend Denial:** The Board of Planning and Adjustment finds that the amendment is not consistent with the Town of Bermuda Run Comprehensive Plan, and does not consider the action to reasonable and in the public interest. That the proposal is not consistent with the desired character of the surrounding community and the density will adversely impact the adjacent neighborhoods.
- **Defer:** The amendment needs additional consideration.

Process

Following recommendation by the Planning Board, the Town Council will decide whether or not to set a public hearing for the rezoning request at their August 23rd agenda meeting. The first available date for the hearing to be held is September 12th at the regular Town Council meeting held at 6:00pm. Once the hearing date is set by the Town Council, the rezoning will be duly advertised in accordance with North Carolina General Statute 160D-602. Letters will be mailed to adjacent property owners, signs will be posted on the property where it abuts public streets, and a legal advertisement will be posted in a newspaper of general circulation for two consecutive weeks at least 10 but not more than 25 days prior to the hearing date. 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 zoning permit.

Attachments:

- Application
- Labels & map of notified property owners
- Boundary survey



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 ☐ _____

Conditional District Rezoning ☒ \$1,100

Text Amendment ☐ _____

Special Use Permit ☐ _____

Design Waiver: ☐ _____

Other: ☐ _____

Fee Total \$1,100

2. Project Information

Date of Application 7/18/2022 Name of Project Kinderton Multifamily Phase # _____

Location Bermuda Run Property Size (acres) 19 # of Units (residential) 270

Current Zoning Commercial Mixed (CM) Proposed Zoning Village Mixed Use (VM) with conditions

Current Land Use Vacant Land Proposed Land Use Multifamily Residential

Tax Parcel Number(s) A portion of Pin # 5872662604

3. Contact Information

RLM Development LLC (doing business as Homes Urban); Contact: Robert Morgan

Developer 988 Equestrian Drive, Mount Pleasant, SC 29464

Developer Address City, State Zip

843-860-5676 robert.morgan@homesurban.com

Telephone PL Fax _____

Robert Morgan 07/18/2022

Signature Print Name Date

Seamon Whiteside

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

230 E Peterson Drive, Suite B

Address

Charlotte, NC 28217

City, State Zip

980-312-5450

Telephone Fax _____

Trey Little, PE 7/28/22

Signature Print Name Date

Hillsdale Group, LLC

Property Owner

600 Hwy 801S

Address

Advance, NC 27006

City, State Zip

336-413-9519

Telephone Fax _____

Sally McGuire 7/29/22

Signature Print Name Date

4. Description of Project

a. Briefly explain the nature of this request:

[Please see attached](#)

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.

[Please see attached](#)

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

[Please see attached](#)

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: _____

Kinderton Multifamily Rezoning Application

4(a) – Briefly explain the nature of this request:

RLM Development (doing business as Homes Urban) respectfully asks the Town of Bermuda Run to consider rezoning a portion of PIN #5872662604 from Commercial Mixed (CM) to Village Mixed Use (VM) with conditions. The site is currently vacant land located behind the Lowes Foods anchored retail center (Kinderton Place) on NC Highway 801. The site can be accessed via two locations: the Kinderton Place Center and Old Towne Drive. The reason for this request is our interest in constructing a Class A multifamily rental community on the site.

4(c) – For all rezonings and text amendment: Provide a statement regarding the consistency of this request with the Comprehensive Plan and the surrounding land uses.

The surrounding land uses to the site are Kinderton Place to the east, Interstate 40 to the south, and Kinderton Village to the north and east. Kinderton Place is a grocery store anchored retail center with outparcels which contain restaurants, a hotel, a fuel station, and other uses. Within Kinderton Place, the uses directly facing the proposed multifamily community are the rear of the grocery strip center, a Hampton Inn, and a La Carreta Restaurant. Uses abutting the proposed multifamily community in Kinderton Village include townhomes, single family homes, ponds, and 8-plex housing units. The multifamily community will be separated from Kinderton Place by an existing Duke power easement and separated from directly abutting the vast majority of Kinderton Village by a homeowner's association owned buffer that exceeds 100 feet in most instances.

The original Kinderton Village master plan shows the use of the proposed multifamily community as an office park. While this use could still be a viable development option, the proposed multifamily community will be a better land-use transition between the intensely trafficked retail center and the Kinderton Village residential neighborhood. Transitioning from the grocery-anchored shopping center, to the moderate density of an multifamily residential community, to the primarily single-family Kinderton Village neighborhood is a widely accepted land-use planning strategy. In addition, the original Kinderton Village land-use plan contained multifamily housing within its bounds. From an aesthetic standpoint, an impervious soil standpoint, and a traffic standpoint, the proposed multifamily housing use is a more appropriate and less intensive adjacent use to Kinderton Village than office, medical office, or shopping center (which are all uses allowed under the current CM zoning).

With respect to the Bermuda Run Comprehensive Plan and Future Land Use Map that were adopted in 2017, this multifamily residential community will provide an additional type of housing that is in demand but not readily available. This project will provide more residents in the Town of Bermuda Run which will drive additional demand for retail and service amenities. Since several retail and service amenities are walkable to the

multifamily residential community, our residents will be able to walk or bike to them and avoid using their automobiles. Filling in this missing gap in Kinderton Village with a Village Residential use per the Comprehensive Plan will finalize the original intent of the masterplan to have a walkable community with diverse housing types accessible to retail and service amenities.

Specific policies and goals contained in the Comprehensive Plan that will be met once this site is zoned VM include:

- **Strategy 1.1** – “Embrace the unique character of areas of the Town while tying them together with unifying architectural elements, signage, landscaping, pedestrian connections, vehicular connections, and geographic nomenclature.”
 - The multifamily residential community will provide an appropriate intermediate land-use between Kinderton Place and Kinderton Village that will fill this void within the community using connectivity and contextual architecture. The land use from retail center, to multifamily residential housing, to single family housing will reinforce the planned village atmosphere, and “embrace small-town charm” as Objective 1 states.
- **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.”
 - The Future Land Use Map calls for Village Residential for this site. Village Residential is “intended for mixed residential developments that include a variety of housing types and incorporate open space and recreational opportunities for use by the residents.” Village Mixed Use zoning for this site will accomplish several components of this strategy. It will allow multifamily residential development to occur where infrastructure and services are readily available. It will create another type of housing that is not available in the Kinderton Village community or north of Interstate-40 in Bermuda Run - rental multifamily housing. Finally, the site will be walkable to existing services and will contain an internal pedestrian network as well as multiple recreational activities for its residents.
- **Strategy 3.2** – “Support residential growth to attract the additional retail and service amenities desired by current residents.”
 - The development of this site under the proposed Village Mixed Use will provide a population boost to the north side of Interstate 40 and will create support for existing retail and services, while also increasing demand for new retail and new services. With infrastructure improvements in place along NC Highway 801, this is an appropriate area for both residential and retail growth to occur.
- **Strategy 3.3** – “Continue to work with Davie County Economic Development Commission (EDC) to facilitate business retention and the development, redevelopment, or reuse of vacant properties, including participation in road infrastructure improvements.”
 - The intended housing type will diversify the Town’s housing stock allowing more people to live close to where they work. It is critical as new businesses

consider locating in Bermuda Run that a diverse array of housing options are readily available.

- **Strategy 4.2** – “Utilize building prototype designs to guide new infill and master-planned development, helping to ensure architectural compatibility and cohesiveness.”
 - Great sensitivity will be provided to ensure that the site design and vertical architectural design are contextual and additive to the neighboring Kinderton Village community and, collectively, the Town of Bermuda Run. The designs will be consistent with the goals noted in the Comprehensive Plan.
- **Objective 10** – “Become a recognized center of excellence for medical services, and attract business entrepreneurship.”
 - Similar to Strategy 3.3, with the desire to support Wake Forest Baptist Health and create an “innovative enterprise business zone,” convenient housing options need to be available for these businesses to prosper and expand. Furthermore, a walkable/bikeable housing option for Wake Forest Baptist Health employees will provide a healthy and alternative mode of transportation to their workplace.

4(d) – For conditional district rezonings: Provide a statement regarding the reasonableness of the rezoning request.

The original vision of Kinderton Village was a neo traditional mixed-use community where a variety of housing types are complimented by walkable retail, services, and businesses. The vision is nearly fulfilled with the exception of this 22.5-acre site behind Kinderton Place. While the site was initially planned as an office park, the current zoning allows for a multitude of uses under the Commercial Mixed (CM) designation including multifamily housing. The existing infrastructure, including roads, stormwater, water & sewer, and public schools, were designed and constructed to include a major development on this tract of land. With respect to this:

- Roads (NCDOT) – current roads and roadway infrastructure were designed to include a more vehicle-intensive use (office park) for this site than what is being proposed.
- Stormwater – the existing pond/drainage system was designed and built to accommodate 70% impervious development of this site. The proposed multifamily residential community is roughly 50% impervious.
- Water & sewer – available at the site.
- Schools – public schools that this site are zoned for have adequate capacity and are not overcrowded.

While other zoned VM sites exist within Bermuda Run, they are all on the south side of Interstate-40 and most are along US Highway 158. Many of these sites do not have the infrastructure in place like this proposed project does, nor are many of them walkable to amenities thereby lacking the village-like atmosphere the Comprehensive Plan calls for. Furthermore, Bermuda Run has density caps in-place for multifamily residential housing. As these caps get close to being met, it is critical that diverse housing, per the

Comprehensive Plan, be spread throughout Bermuda Run and not solely concentrated along the US Highway 158 corridor.

CM zoning allows for multifamily housing at a density of 8 units to the acre. Class-A institutionally developed projects typically contain 250+ units for reasons of efficiency, which include the ability to have full time staff and a significant amenity package. Smaller suburban multifamily projects are less amenitized, can be poorly staffed and thereby poorly managed and maintained. The proposed project will provide a highly amenitized community featuring a clubhouse with multiple lounges in addition to a fitness center, resort styled swimming pool, dog park, grilling stations, sidewalks throughout the site, and garage buildings.

To conclude, and with respect to this request being reasonable, the size and massing of the buildings proposed already exist within Kinderton Village; significant attention has been paid to responding to resident feedback and major design modifications have been made accordingly (please see conditions for rezoning); the transitory multifamily residential use and density from neighboring commercial to neighboring residential is appropriate; and the original plan contemplated for a neo traditional village is being realized.

The following conditions are proposed:

The conditions presented below were derived based on extensive feedback from the Kinderton Village HOA leadership and Kinderton Village residents. Several sessions were held in order to get constructive feedback. Multiple site plans have been developed internally and three site plans were presented to the Kinderton Village residents between April and July of this year. The community feedback has been extremely helpful and has improved site plan development over the past four months.

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.
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)
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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)
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)