Property included in zoning request. 500' mail notification radius. Property not in zoning request.

DOCKET #: W-3523

PROPOSED ZONING: RS20-S

EXISTING ZONING: RS9

PETITIONER: David & Jan Properties, LLC (Bradford Farms Special Events Center)

SCALE: 1" represents 400'

STAFF: Colyer

GMA: 3

ACRES: 9.94

NEAREST BLDG: 19' north

MAP(S): 5894.02
April 20, 2022

David and Jan Properties, LLC
5448 Kingsbridge Road
Winston-Salem, NC 27103

Re: Zoning Petition W-3523

Dear Petitioner:

The attached report of the Planning Board to the City Council is sent to you at the request of the Council Members. You will be notified by the City Clerk’s Office of the date on which the Council will hear this petition.

Sincerely,

Chris Murphy, AICP/CZO
Director of Planning and Development Services

pc: City Clerk’s Office, P.O. Box 2511, Winston-Salem, NC 27102
Joseph York Bradford and Jennifer Rudy, 4549 Vernon Farms Blvd, Kernersville, NC 27284
Sharon Earls, 5410 Foxdale Drive, Winston-Salem, NC 27103
Allied Design, Inc., Attn: Steve Causey, 4720 Kester Mill Road, Winston-Salem, NC 27103
# ACTION REQUEST FORM

<table>
<thead>
<tr>
<th>DATE:</th>
<th>April 20, 2022</th>
</tr>
</thead>
<tbody>
<tr>
<td>TO:</td>
<td>The Honorable Mayor and City Council</td>
</tr>
<tr>
<td>FROM:</td>
<td>Chris Murphy, AICP/CZO, Director of Planning and Development Services</td>
</tr>
</tbody>
</table>

## COUNCIL ACTION REQUEST:

Request for Public Hearing on zoning petition of David & Jan Properties, LLC

## SUMMARY OF INFORMATION:

Public hearing and consideration of zoning petition of David & Jan Properties, LLC from RS9 to RS20-S (Residential Building, Single Family; Church or Religious Institution, Neighborhood; and Special Events Center): property is located on the west side of South Peace Haven Road, south of Foxdale Drive (Zoning Docket W-3523)

## PLANNING BOARD ACTION:

**MOTION ON PETITION:** APPROVAL

**FOR:** GEORGE BRYAN, WALTER FARABEE, CLARENCE LAMBE, CHRIS LEAK

**AGAINST:** MELYNDA DUNIGAN, BRENDA SMITH

**SITE PLAN ACTION:** CONFORMS TO THE REQUIREMENTS OF THE UDO
CITY ORDINANCE - SPECIAL USE

Zoning Petition of David & Jan Properties, LLC, Docket W-3523

AN ORDINANCE AMENDING THE
WINSTON-SALEM CITY
ZONING ORDINANCE AND THE
OFFICIAL ZONING MAP OF
THE CITY OF WINSTON-SALEM, N.C.

_________________________________

BE IT ORDAINED by the City Council of the City of Winston-Salem as follows:

Section 1. The Winston-Salem City Zoning Ordinance and the Official Zoning Map of the City of Winston-Salem, N.C. are hereby amended by changing from RS9 to RS20-S (Residential Building, Single Family; Church or Religious Institution, Neighborhood; and Special Events Center) the zoning classification of the following described property:

Commencing at the northeast corner of the subject parcel, identified as Parcel No. 5894-75-9316 in Forsyth County Records, said point also being in the western line of a public Right-of-Way known as South Peace Haven Road, and having North Carolina Grid Coordinates of N: 1598461.5959 usft, E: 845466.7321 usft; thence running, from said point, south along the eastern boundary line of subject property S5° 12' 25.50"W 25.46' to a point in the western line of the public right-of-way of South Peace Haven Road and the southeast corner of subject Parcel No. 5894-75-9316; thence, running south, from said point, along eastern boundary line of subject Parcel No. 5894-75-4355, S5° 16’15.12"W 34.48’ to a point, said point being in the western line of the public right-of-way of South Peace Haven Road and being in the eastern boundary line of subject Parcel No. 5894-75-4355; thence running from said point west with a new line in Parcel No. 5894-75-4355, N86° 15’ 52.15"W 290.87’ to a point marking a new corner in subject Parcel No. 5894-75-4355; thence, from new corner, continuing southwest with a new line in Parcel No. 5894-75-4355, S27° 13’ 47.72”W 468.28’ to a point marking a new corner in the southern boundary line of subject Parcel No. 5894-75-4355; thence, from new corner and along the southern boundary line of subject property N89° 31’ 23.48”E 781.87’ to a point marking a new corner in subject Parcel No. 5894-75-4355; thence, from new corner, continuing east with a new line in Parcel No. 5894-75-4355, N0° 33’ 23.48”E 467.60’ to a point marking a new corner in the northern boundary line of subject Parcel No. 5894-75-4355, said point also being in the southern property line of Parcel No. 5894-65-9845; thence, continuing east from new corner and along the northern boundary line of subject Parcel No. 5894-75-4355, S89° 09’ 26.53”E 104.98’ to the POINT AND PLACE OF BEGINNING, containing 9.94 acres more or less.
Section 2. This Ordinance is adopted after approval of the site plan entitled Bradford Farm and identified as Attachment "A" of the Special Use District Permit issued by the City Council the ____ day of __________________, 20___ to David & Jan Properties, LLC.

Section 3. The City Council hereby directs the issuance of a Special Use District Permit pursuant to the Zoning Ordinance of the Unified Development Ordinances for a development to be known as Bradford Farm. Said Special Use District Permit and site plan with associated documents are attached hereto and incorporated herein.

Section 4. This Ordinance shall be effective from and after its adoption.
The City Council of the City of Winston-Salem issues a Special Use District Permit for the site shown on the site plan map included in this zoning petition of David & Jan Properties, LLC, (Zoning Docket W-3523). The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use District Permit for RS20-S (Residential Building, Single Family; Church or Religious Institution, Neighborhood; and Special Events Center), approved by the Winston-Salem City Council the _____ day of __________________, 20____" and signed, provided the property is developed in accordance with requirements of the RS20-S zoning district of the Zoning Ordinance of the Unified Development Ordinances, the Erosion Control Ordinance, and other applicable laws, and the following additional conditions be met:

- **PRIOR TO ISSUANCE OF GRADING PERMITS:**
  a. The developer shall submit a stormwater management study for review by the City of Winston-Salem. If required, an engineered stormwater management plan shall be submitted and approved. Relocation or installation of any stormwater management device into any buffer areas or existing vegetated areas designated to remain, or in close proximity to adjacent property with residential zoning, shall require a Staff Change approval at minimum and may require a Site Plan Amendment.
  b. The developer shall record a buffèryard easement on the property identified as PIN 5894-75-2274 on the approved site plan.
  c. The developer shall obtain a Floodplain Development Permit from the Erosion Control Officer.
  d. The developer shall obtain a driveway permit from the City of Winston-Salem and NCDOT; additional improvements may be required prior to issuance of the driveway permits, per the interdepartmental review comments.

- **PRIOR TO ISSUANCE OF CERTIFICATE(S) OF OCCUPANCY:**
  a. The developer shall complete all requirements of the driveway permit(s).
  b. The developer shall extend the proposed fence along the northern property boundary another 75 feet, following the path of the existing access drive.

- **PRIOR TO ISSUANCE OF CERTIFICATE(S) OF OCCUPANCY:**
a. The developer shall not use property fronting on Foxdale Drive to access the subject property. Access to the subject property shall be limited to South Peace Haven Road.
## CITY-COUNTY PLANNING BOARD

### STAFF REPORT

## PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket</th>
<th>W-3523</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Elizabeth Colyer</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>David and Jan Properties, LLC</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>PIN 5894-75-9316 and a portion of PIN 5894-75-4355</td>
</tr>
<tr>
<td>Address</td>
<td>516 South Peace Haven Road</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special Use District rezoning from RS9 to RS20-S</td>
</tr>
</tbody>
</table>
| Proposal     | The petitioner is requesting to amend the Official Zoning Map for the subject property from RS9 to RS20-S. The petitioner is requesting the following uses:  
  - Residential Building, Single Family; Church or Religious Institution, Neighborhood; and Special Events Center |
| Neighborhood Contact/Meeting | A summary of the petitioner’s neighborhood outreach is attached. |
| Zoning District Purpose Statement | The RS20 District is primarily intended to accommodate single-family detached dwellings in suburban areas and may also be applicable to older, large lot development constructed prior to the effective date of this Ordinance. The district is established to promote orderly development in areas where public water is available. This district is intended for application in GMAs 2, 3 and 4. |
| Rezoning Consideration from Section 3.2.19 A 16 | Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?  
  Yes, the proposed uses are compatible with the RS20 zoning district. The site is a large lot within GMA 3 that is almost entirely within the floodplain area of Muddy Creek, with existing public water service along South Peace Haven Road. |

### GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>West side of South Peace Haven Road, south of Foxdale Drive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>Winston-Salem</td>
</tr>
<tr>
<td>Ward(s)</td>
<td>West</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>± 9.94 acres</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>There is a partially constructed residential accessory structure in the western portion of the site. Additional features include a recently created pond and rock waterfall feature and a driveway access onto South Peace Haven Road. The majority of the land included in the rezoning request is vacant with wooded areas, existing natural vegetation, and maintained lawn areas.</td>
</tr>
</tbody>
</table>
### Surrounding Property Zoning and Use

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS9</td>
<td>Single-family homes and vacant land</td>
</tr>
<tr>
<td>East</td>
<td>RS9</td>
<td>Single-family homes</td>
</tr>
<tr>
<td>South</td>
<td>RS9, IP-L</td>
<td>Single-family homes, vacant land, and a neighborhood-scale church</td>
</tr>
<tr>
<td>West</td>
<td>RS9</td>
<td>Single-family homes, vacant land, and NCDOT-owned land</td>
</tr>
</tbody>
</table>

### Rezoning Consideration from Section 3.2.19 A 16

Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?

Yes, the proposal is consistent with lower-density land uses in the surrounding area.

### Physical Characteristics

The eastern portion of the site slopes steeply downward from east to west, while the portion of the site west of the pond is somewhat flat. A large portion of the land included in the rezoning request is within the Muddy Creek floodplain.

### Proximity to Water and Sewer

Public water is available along South Peace Haven Road, and public sewer can be accessed from Foxdale Drive to the north.

### Stormwater/Drainage

A stormwater management plan will be required.

### Watershed and Overlay Districts

The site is not located within any overlays or watershed protection areas.

### Analysis of General Site Information

The request for a small-scale Special Events Center, within GMA 3 and at the edge of Winston-Salem’s municipal limits is in keeping with the lower-density development of the surrounding area. The land included in the proposal is almost entirely within a regulated floodplain; development of a single-family subdivision would be highly unlikely given the significant floodplain restraints.

### Relevant Zoning Histories

<table>
<thead>
<tr>
<th>Case</th>
<th>Request</th>
<th>Decision &amp; Date</th>
<th>Direction from Site</th>
<th>Acreage</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Staff</td>
</tr>
<tr>
<td>W-3260</td>
<td>RS9 to IP-L</td>
<td>Approved 5/4/2015</td>
<td>South</td>
<td>4.48</td>
<td>Denial</td>
</tr>
<tr>
<td>W-2472</td>
<td>RS9 to RM12-S</td>
<td>Denied 6/5/2001</td>
<td>North</td>
<td>21.32</td>
<td>Denial</td>
</tr>
<tr>
<td>W-2051</td>
<td>RS9 to RM8-S</td>
<td>Denied 8/19/1996</td>
<td>North</td>
<td>37.2</td>
<td>Denial</td>
</tr>
</tbody>
</table>
## SITE ACCESS AND TRANSPORTATION INFORMATION

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Classification</th>
<th>Frontage</th>
<th>Average Daily Trip Count</th>
<th>Capacity at Level of Service D</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Peace Haven Road</td>
<td>Minor Thoroughfare</td>
<td>60 feet</td>
<td>13,800</td>
<td>12,000</td>
</tr>
</tbody>
</table>

**Proposed Access Point(s)**

There is an existing access from South Peace Haven Road that will be improved for any commercial use of the site.

**Planned Road Improvements**

There are no planned road improvements related to this request.

**Trip Generation - Existing/Proposed**

- **Existing Zoning:** RS9
  
  $\pm 9.94 \text{ acres/9,000 sf} = 48 \text{ units} \times 9.57 \text{ (single-family trip rate)}$
  
  $= 459 \text{ trips per day}$

- **Proposed Zoning:** RS20-S
  
  $\pm 9.94 \text{ acres for Special Events Center} = 40 \text{ trips per day}$

*Trip generation calculations provided by WSDOT

**Sidewalks**

There are no sidewalks on South Peace Haven Road, and none are proposed with this request.

**Transit**

The site is not served by public transit.

**Analysis of Site Access and Transportation Information**

A proposed Special Events Center with one proposed access driveway to a minor thoroughfare with ample service would have much less of an impact on existing traffic conditions than would a single-family subdivision built to maximum capacity.

### SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

<table>
<thead>
<tr>
<th>Building Square Footage</th>
<th>Square Footage</th>
<th>Placement on Site</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2 buildings at 600 square feet each</td>
<td>The partially constructed “chapel” building is located in the middle of the western portion of the site, with a proposed pavilion and walkway to the north.</td>
</tr>
</tbody>
</table>

**Parking**

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
<th>Layout</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 spaces</td>
<td>32 spaces</td>
<td>8 parking spaces are proposed around the “chapel” building in the western portion of the site, with an additional 27 spaces on the eastern portion of the site</td>
</tr>
</tbody>
</table>

**Building Height**

<table>
<thead>
<tr>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>40 feet</td>
<td>30 feet</td>
</tr>
</tbody>
</table>

**Impervious Coverage**

<table>
<thead>
<tr>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>7.15 percent</td>
</tr>
</tbody>
</table>

**UDO Sections Relevant to Subject Request**

- Section 4.5.5: RS-20 Residential Single Family District
- Section 5.2.86: Special Events Center (use-specific standards)
| Complies with Section 3.2.11 | (A) *Legacy 2030* policies: Yes |
| (B) *Environmental Ordinance* Yes |
| (C) *Subdivision Regulations* N/A |

| Analysis of Site Plan Compliance with UDO Requirements | The proposed site plan meets the required use-specific standards with minimal impervious coverage. The site is also screened from all adjacent residential land with a required Type III bufferyard. The site is over nine acres in size, and largely within the flood plain for Muddy Creek. The proposed uses are not anticipated to negatively impact adjoining properties. |

## CONFORMITY TO PLANS AND PLANNING ISSUES

**Legacy 2030 Growth Management Area**

Growth Management Area 3 (Suburban Neighborhoods)

**Relevant *Legacy 2030* Recommendations**

- Preserve open space that is recognized to be a community asset for environmental preservation to create a better quality of life.
- Floodplains are inherently hazardous and costly to develop; development should be limited in these areas.
- Sites should be designed to preserve natural features whenever possible.

**Relevant Area Plan(s)**

*Southwest Suburban Area Plan Update (2015)*

**Area Plan Recommendations**

- The Proposed Land Use Map recommends single-family residential use (0-8 dwelling units/acre) of the site.
- Protect existing tree canopies in the planning area and retain existing large trees on private properties.
- Manage development to preserve environmentally sensitive areas, forests, habitat for wildlife, and scenic areas.

**Site Located Along Growth Corridor?**

The site is not located along a growth corridor.

**Site Located within Activity Center?**

The site is not located within an activity center.

**Addressing**

516 South Peace Haven Road

**Rezoning Consideration from Section 3.2.19 A 16**

*Have changing conditions substantially affected the area in the petition?*

No

*Is the requested action in conformance with *Legacy 2030*?*

Yes
This request would rezone 9.4 acres in a RS9 zoning district to accommodate a Special Events Center in a RS20-S district. The site is currently in a fairly undisturbed state, with existing vegetation, large canopy trees, and a pond. The proposed site plan indicates that there are plans to complete a “chapel” building and additional associated structures, with ample parking provided to accommodate a commercial or institutional use. Most of the land in the rezoning request is within the floodplain for Muddy Creek and is therefore unsuitable for development. The size of the site, along with the proposed development on the associated site plan and the proposed uses, make the request suitable within its surrounding context.

### CONCLUSIONS TO ASSIST WITH RECOMMENDATION

<table>
<thead>
<tr>
<th>Positive Aspects of Proposal</th>
<th>Negative Aspects of Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less intense commercial or institutional uses would be allowed for residentially zoned land within a floodplain that is unsuitable for residential development.</td>
<td>The proposal could set a precedent for more intense commercial rezoning requests in the surrounding area.</td>
</tr>
<tr>
<td>The proposed development would allow for the preservation of natural features, existing trees, and environmentally sensitive scenic areas.</td>
<td></td>
</tr>
<tr>
<td>The proposed site plan keeps development away from the adjacent residential properties and centralizes activity areas on the site.</td>
<td></td>
</tr>
</tbody>
</table>

### SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL

The following conditions are proposed from interdepartmental review comments to meet established standards or to reduce negative off-site impacts:

- **PRIOR TO ISSUANCE OF GRADING PERMITS:**
  a. The developer shall submit a stormwater management study for review by the City of Winston-Salem. If required, an engineered stormwater management plan shall be submitted and approved. Relocation or installation of any stormwater management device into any buffer areas or existing vegetated areas designated to remain, or in close proximity to adjacent property with residential zoning, shall require a Staff Change approval at minimum and may require a Site Plan Amendment.
  b. The developer shall record a bufferyard easement on the property identified as PIN 5894-75-2274 on the approved site plan.
  c. The developer shall obtain a Floodplain Development Permit from the Erosion Control Officer.
  d. The developer shall obtain a driveway permit from the City of Winston-Salem and NCDOT; additional improvements may be required prior to issuance of the driveway permits, per the interdepartmental review comments.

- **PRIOR TO ISSUANCE OF CERTIFICATE(S) OF OCCUPANCY:**
  a. The developer shall complete all requirements of the driveway permit(s).
STAFF RECOMMENDATION: Approval

NOTE: These are staff comments only; the City-County Planning Board makes final recommendations, and final action is taken by the appropriate Elected Body, which may approve, deny, continue, or request modification to any request. THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.
Elizabeth Colyer presented the staff report.

PUBLIC HEARING

FOR:

Steve Causey, Allied Design, Inc., 4720 Kester Mill Road, Winston-Salem, NC 27103
- We did some office work with the petitioners to prepare the site plan. I have a few points to make and then David Bradford will follow up after me to give you a brief history of the property.
- There are fair amounts of improvements already on the property. I think the improvements started in the ‘60s when there used to be a zoo or a circus on the property. A lot of the brown rectangles you see on the map were existing structures that are no longer there, but they were there at some point, as well as the gravel road coming down through the property.
- In the past couple of years, you probably noticed when they tore the bridge out from over Highway 421; this is where the bridge was disposed of. It was a large excavation over a period of a couple of years. I think the NCDOT contractor used the property for a borrow site as well as for disposal of the bridge.
- Just to emphasize that this would be a back zoning in terms of residential density. If it were developed with residential lots, it would allow 20 lots versus the 48 under the current zoning. Obviously, the rezoning request to RS20 would accommodate the special events center, which does begin to bleed into some of the high-intensity commercial uses. Elizabeth indicated that we’ve met all of the conditions for the special events center.
- We kind of feel the traffic noise from the special events center, as it impacts the neighbors, is arguably less than would be created from a residential subdivision. The daily bus traffic, the Amazon traffic, weekly trash pickup, weekly recycling, and emergency services responses could arguably all have more of an impact on the neighbors.
- Elizabeth pointed out the trip generation, and Jeff Fansler helped us out with that. We anticipated about 40 trips per day versus 460 that would be allowed under the current zoning. We would also expect that those trips are at nonpeak hours. They are probably afternoons and weekends when you are not experiencing morning peaks along Peace Haven.
• Some work has started on the property, under residential zoning and permitting. The chapel is being constructed, and they’ve done some grading; there was an erosion control permit issued for the property by the City-County Inspections Division, so there is an active erosion control plan for the property. During the process, they realized maybe some of their plans or intentions would segue into a commercial use. That’s what brought them in for rezoning.

• Clearly there have been some improvements made to the property. Most notably, there has been some lighting installed, which was installed under residential permitting. We realized going into the rezoning, that we will have to come back and obtain commercial permits for the building, the parking lot, and the lighting. A lighting plan, of course, would be required.

• We did intentionally kind of tuck the overflow parking up against the slope and tried to hide it in the crescent up there. We hope it’s not visible.

• There is a question about buffers. I think the fence currently stops about halfway through the Earls property to the north. We certainly hear if there are concerns in that regard; we can add additional buffering or fencing. We’re all ears, and certainly we’ll consider that. It is proposed to be a six-foot-high opaque shadowbox fence that meets alternative compliance under the bufferyard standards. We probably would like to keep it at six feet. Beyond that, it gets into some additional permitting, but certainly we’ll be willing to consider some additional fencing.

David Bradford, 5448 Kingsbridge Road, Winston-Salem, NC 27103

• Two of my four children are planning on building their homes on a D&J property connected to the parcel. We also live on Kingsbridge, and our land connects to this. My son Andrew and his wife live directly behind our home at the end of Foxdale drive. They are the two that have orchestrated the letters of opposition.

• When we started this, as Steve has mentioned, it was a zoo back in the ‘60s – at least from 1960 to 1964. The grounds were totally dilapidated – a house, outbuildings, rusted chain-link fence with barbed wire on top of it – and the land needed much care. Once cleared and stable, we built a small, natural spring-fed lake with a waterfall, planted flowers and trees, and seeded the grounds with the intention of preserving the land’s nature. We cleaned the filth completely out, brought in dirt, and raised the elevation of approximately five or six acres out of the floodplain with the required permitting that Steve mentioned.

• This area makes up roughly 10 or 12 percent of the total D&J properties. The remaining acreage will continue as structuralized hayfields, with crops being donated to local cattle farms. We used the existing drive, which has been established for at least 65 or 70 years.

• Joseph Bradford, my youngest son, plans on building his house at the top of the hill where we had the dirt going in to help build the Peace Haven bridge. And then DOT and Blythe construction brought that back in and refilled it. We will both share the drive and the entrance and exit of the property. Our intention, first and foremost, has been building a family sanctuary. We are a family that likes to give back to our community, as did my son Andrew, who had helped me clear all of the land in the beginning of the transformation.
• The little chapel we are in the process of building is all done by local artisans with most materials coming from North Carolina. Stained glass custom made in East Bend. A hearth designed by a local artist, which was hand painted. Oak timbers cut from a forest close to Elkin, and trusses, doors, floors, and window framing from that wood. We have had activity on the grounds with our friends and relatives taking care to never violate or disturb any neighbors. We expressed our intentions and our understanding as fellow neighbors during our three-hour neighborhood open house held March 27. We had shared with them our phone number, e-mail address, and informational website which is available through this process even after the open house. Any neighbor that has concerns, we are happy to do anything we can to help or accommodate within reason.

• It was stated in the opposition that we were in it for the money and did not care about the neighbors. If that were true, we would have sold the land to a developer that could have put approximately 48 homes on the land. That was not our intent. Our mission is to be good stewards of the land and wildlife and protect our neighbors. This is truly a blessed place. We invite each person that has had any doubts to call us and schedule a time to visit this unique peaceful place. Thank you.

George asked whether there is any intention to use Foxdale Drive as an entry to this property, and Mr. Bradford indicated that there is none. George then asked whether Mr. Bradford is willing to agree to a condition to that effect. Mr. Bradford agreed to the condition.

AGAINST:

Sharon Earls, 5410 Foxdale Drive, Winston-Salem, NC 27103

• My house is the third house on Foxdale, and the back of my house is adjacent to the dirt road that you saw. I have a lot of traffic up there, but that’s not the worst; it’s the fact that people stop up there and are staring down at my property. There’s no buffer zone, no fence, and there’s no privacy now because of that. I’ve actually had people walk through my property, I only assume to look at the new structure going up.

• I also have more traffic on Foxdale because they have gated off that dirt road and aren’t allowing any traffic to go that way. So everybody that is coming to this new structure is using Foxdale Drive and turning around. There are only nine houses down there, so the community knows everybody and their vehicles coming in and out. Since this has been going on, I don’t know some of the cars coming in and out, and it makes me feel vulnerable, especially with people in the back of my property walking around back there. I’ve stood there and locked eyes with people up at the road, and it makes me feel uncomfortable. I wish there would be some kind of a buffer. There is no fence, there is nothing back there to buffer any traffic going in and out or people walking up and down. There’ve already been parties at the new structure, with music until 11:00pm. I can see the structure from my house if I look out of the window. There have been teenagers down there making fires, and there have been parties with music already at the structure, and it has been a nuisance. It has already happened several times. I prefer for that not to be a disturbance. The lamp posts that are now on that dirt road are so bright that they shine right into my back windows. My entire backyard now is so bright you can see everything back there. There was a time when we would have between 10 and 18 deer coming through that neighborhood and even in the front of my property.
Now there are no deer out there at all, and it is sad. I feel like it’s going to lend opportunity
to criminal trespass. I feel like it is going to possibly cause problems that we can’t foresee,
like maybe a fight at one of these events, and we are going to have to call the police more
often. I speak on behalf of my other neighbors as well.

- My neighbors to the left are from Thailand, and they do not speak good English. When
speaking with them, they wanted to be here today, but they didn’t feel like they would get
their point across that they did not want this either. And they are even closer to this area
than I am. It’s been a problem since it began, with strangers coming in and out and music
being played loudly. It concerns me that when we have a bigger venue there, how are we
going to protect my property and my property’s value? I’ve been there for nearly 20 years,
and I’ve worked steadily to improve and increase my property value. I feel like having this
kind of commercial property will bring my value down because at some point it’s going to
be my children’s inheritance, and I want the property value to be able to be maintained.

WORK SESSION

The Board asked Mr. Causey and Mr. Bradford about installing more fencing along the access
road into the property, at least past Ms. Earls’ property. Mr. Bradford indicated that was something
he is willing to do, and Mr. Causey indicated that he could design something meeting that intent.

MOTION: Clarence Lambe recommended that the Planning Board find that the request is
consistent with the comprehensive plan.
SECOND: Walter Farabee
VOTE:
   FOR: Walter Farabee, Clarence Lambe, Chris Leak
   AGAINST: George Bryan, Melynda Dunigan, Brenda Smith
   EXCUSED: None

MOTION: Clarence Lambe recommended approval of the ordinance amendment with the added
conditions that the petitioner extend the planned fencing along the northern and
western boundary of the access drive another 75 feet and that no access to the special
events center be provided from Foxdale Drive.
SECOND: Walter Farabee
VOTE:
   FOR: George Bryan, Walter Farabee, Clarence Lambe, Chris Leak
   AGAINST: Melynda Dunigan, Brenda Smith
   EXCUSED: None

____________________________
Chris Murphy, AICP/CZO
Director of Planning and Development Services
Property included in zoning request.

500' mail notification radius. Property not in zoning request.

MAP(S):

NEAREST BLDG:

ACRES:

GMA:

STAFF:

SCALE:

PETITIONER:
David & Jan Properties, LLC
(Bradford Farms Special Events Center)

EXISTING ZONING:
RS9

PROPOSED ZONING:
RS20-S

DOCKET #: W-3523

ACRES: 9.94

GMA: 3

STAFF: Colyer

SCALE: 1" represents 400'

NEAREST BLDG: 19' north

Printed: 3/14/2022
Southwest Suburban Area Plan, 2015

(Proposed land uses shown are generalized. See area plan for specific recommendations.)

Rezoning
Activity Center
Special Land Use Condition Areas

Proposed Land Use
- Single-Family Residential (0-8 Du/Ac)
- Low-Density Attached Residential (0-8 DU/Ac)
- Intermediate-Density Residential (8.1-18 DU/Ac)
- Industrial
- Institutional
- Rivers, Lakes

Area Plan Recommendations

Case W-3523
USES ALLOWED IN THE EXISTING RS9 ZONING DISTRICT  
Winston-Salem Jurisdiction

**USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)**

- Adult Day Care Home
- Child Day Care, Small Home
- Church or Religious Institution, Neighborhood
- Family Group Home A
- Police or Fire Station
- Recreation Facility, Public
- Residential Building, Single Family
- Swimming Pool, Private

**USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)**

- Church or Religious Institution, Community
- Cottage Court
- Golf Course
- Library, Public
- Limited Campus Uses
- Planned Residential Development
- School, Private
- School, Public
- Utilities

**USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF ADJUSTMENT (A)**

- Bed and Breakfast
- Child Day Care, Large Home
- Habilitation Facility A
- Manufactured Home, Class A
- Park and Shuttle Lot
- Urban Agriculture

**USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED BODY (E)**

- Access Easement, Private Off-Site
- Parking, Off-Site, for Multifamily or Institutional Uses
- Transmission Tower

^SUP not required if standards of Section 5.2.2A are met
Wednesday, March 23, 2022

The comments listed below reflect remaining issues that must be addressed before your request can proceed to the Planning Board. All outstanding issues included in this list must be satisfactorily addressed on the revised site plan and re-submitted back to Planning staff no later than 5:00pm on the Thursday two weeks before (14 days prior to) the Planning Board meeting.

Open Issues: 15

<table>
<thead>
<tr>
<th>building</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary - Bradford Farm - Issued for PB Review.pdf [4 redlines] (Page 1) [1] PRELIMINARY</td>
</tr>
<tr>
<td>24. W-S Building</td>
</tr>
<tr>
<td>City of Winston-Salem needs to meet 2018 NC Building code and a commercial plan review</td>
</tr>
<tr>
<td>Tracy Phillips</td>
</tr>
<tr>
<td>336-727-2133</td>
</tr>
<tr>
<td><a href="mailto:tracyp@cityofws.org">tracyp@cityofws.org</a></td>
</tr>
<tr>
<td>3/17/22 3:20 PM</td>
</tr>
<tr>
<td>01.03) Rezoning-Special Use District - 2</td>
</tr>
</tbody>
</table>
16. General comments

City of Winston-Salem
Matthew Gantt
336-727-8000
matthewg@cityofws.org
3/11/22 2:03 PM
01.03) Rezoning-Special Use District - 2

1. A City driveway permit is required for this development. Please submit a completed and signed driveway permit application, along with a copy of the final civil plans, to the Engineering Division for review. A review fee of $200 is also required. All items may be submitted through IDT plans.

2. When submitting this plan for review, please indicate that construction detail V-13 (commercial driveway) from the City IDS Manual will be used for the permanent connection to Peace Haven Road. Also note that the driveway apron will need to be concrete instead of asphalt per the construction detail.

3. A City maintained storm drain inlet is located north of the proposed entrance to this facility. Please note that a permanent connection to a City maintained storm drain system will require a minimum 15” diameter Class III concrete pipe. Other proposed drainage features throughout the property must be shown on the plan.

4. A typical cross-section for the private road that will be used as an access to the property must be included. The "typical section private road", detail V-11 from the City IDS Manual, may be used.

5. Please include a construction detail for a permanent turn-around at the end of the proposed access road. Construction details for typical turn-arounds may be found in chapter V of the City IDS Manual.

Erosion Control

14. Revised Plan Submittals

City of Winston-Salem
Matthew Osborne
336-747-7453
matthewo@cityofws.org
3/10/22 3:25 PM
01.03) Rezoning-Special Use District - 2

Revised site plans and compliance documents must be submitted for review and approval for Grading Permit # EN1700049 and Floodplain Development Permit # EN2100054 so that approved project documents include these proposed additions to the scope of work of on this property.

[Ver. 2] [Edited By Matthew Osborne]

Fire/Life Safety
Indicate locations of fire hydrants (existing and proposed) to demonstrate compliance with fire code requirements and City development standards.

For those buildings on this site that are equipped with sprinkler or standpipe systems, indicate the location of each FDC, ensuring no FDC is more than 100 feet from a fire hydrant.

Ensure fire apparatus access roads are provided, designed, built and maintained in compliance with fire code requirements. These requirements include but are not limited to the following items:

- Design, construction and maintenance of fire apparatus access roads to carry an imposed load of not less than 75,000 pounds;
- Clear width requirements of not less than 20 feet for two-way traffic;
- Clear height requirements of not less than 13 feet, 6 inches;
- Design, construction and maintenance of approved turnaround designs for fire apparatus access roads when the dead-end length of the required access road is more than 150 feet.
- Gates may not obstruct fire apparatus access roads unless approved by the Winston-Salem Fire Department; approval requires compliance with all applicable fire code requirements.

As part of your construction plan submittal, include the calculations for needed fire flow for this project and indicate the approved method of calculation in use. Buildings that are equipped with sprinkler systems throughout are exempt from this requirement. Refer to Section 507 of the 2018 NC Fire Code for further information. Approved calculation methods include the following options:

- Appendix B of the 2018 NC Fire Code; or
- the ISO Fire Suppression Rating Schedule (as described in [https://www.isomitigation.com/siteassets/downloads/guide-determinerequiredfireflow.pdf](https://www.isomitigation.com/siteassets/downloads/guide-determinerequiredfireflow.pdf)).

Emergency responder radio coverage shall meet the requirements of Section 510 of the 2018 NC Fire Code for this project. Consider how these requirements, including any systems necessary to bring radio coverage into compliance with this section, may impact your plans.
To establish the zoning use of a Church, Neighborhood Scale or a Special Events Center a commercial building permit review will be required with plans submitted demonstrating compliance with 2018 NC Building Code or the current building code. Any questions regarding this determination may be directed to Tracy Phillips, Chief Building Official at 336-727-2133 or tracyp@cityofws.org.

NCDOT

General Issues

20. NCDOT Comments

NCDOT Division 9
Victoria Kildea
336-747-7900
vkildea@ncdot.gov
3/15/22 2:55 PM
01.03) Rezoning-Special Use District - 2

- Driveway permit required. Randy Ogburn is the primary point of contact – rogburn@ncdot.gov
- Encroachment agreements are required for any utility ties within the right of way.
  Thomas Scott is the contact person – ntscott@ncdot.gov

Planning

Preliminary - Bradford Farm - Issued for PB Review.pdf [4 redlines] (Page 1) [1] PRELIMINARY

34. Text Box B

City of Winston-Salem
Bryan Wilson
336-747-7042
bryandw@cityofws.org
3/23/22 11:28 AM
01.03) Rezoning-Special Use District - 2

General Issues

10. COUNCIL MEMBER CONTACT

City of Winston-Salem
Bryan Wilson
336-747-7042
bryandw@cityofws.org
3/23/22 3:27 PM
Pre-Submittal Workflow - 1

Allied Design, Inc.
Steve Causey
336-765-2377
scausey@allied-enssrv.com
3/7/22 5:38 PM
Pre-Submittal Workflow - 1

17. Historic Resources
Stormwater

15. Stormwater Management Permit Required

This development will be required to apply for and be issued with a post construction Stormwater management permit that shows compliance with the applicable provisions of The City of Winston-Salem's Post Construction Stormwater Management ordinance.

The plan states that the impervious area (combined) will be 7.15%. Since this is less than 24% then the development will be considered a low density development in terms of the water quality provisions of the ordinance. Low density developments do not have to manage the first inch of runoff in an approved Stormwater management system as a high density development would, but they do have to incorporate NCDEQ Stormwater Design Manual low density items such as the use of vegetative conveyances among other things, used to the maximum extent practicable. You are showing 30’ stream buffers on your plan so this would be one such low density (vegetated setback) item addressed.

The quantity provisions of the ordinance will also apply since more than 20,000 sq.ft of new impervious area is proposed to be created based on 7.15% of impervious area. The quantity provisions require either management of the post developed peak runoff rates for the 2, 10 and 25 year storm events of minimum 6 hour duration back to at, or below, the pre developed rates in an approved Stormwater management system and also manage the increase in the 25 year volume from the pre to the post condition and release this volume over a 2 to 5 day period. Alternatively you can submit a no adverse impact downstream study in lieu of management for quantity if indeed such a no adverse impact situation can be proven. As I do not see any proposed Stormwater Control Measures (SCM's) then I would guess this is the route you are planning to take and also since the development drains into an extensive floodway that is located in the property itself.

Utilities

23. General Comments

Any existing connections not intended for reuse must be terminated at the main. All water connections will require a Reduced Pressure Assembly Backflow Preventer(RPA). System development fees will apply to any new meter purchase. Water meters purchased through the COWS. This site was approved for a sewer connection and it has been installed near the Foxdale Lift Station.

WSDOT
21. General Comments

City of Winston-Salem
David Avalos
336-727-8000
davida@cityofws.org
3/16/22 3:45 PM
01.03) Rezoning-Special Use District - 2

- Coordinate with planning on any greenway easements
- refer to fire's comments for turnaround and roadway requirements

[Ver. 2] [Edited By David Avalos]

Zoning

General Issues

32. Zoning

City of Winston-Salem
Elizabeth Colyer
336-747-7427
elizabethrc@cityofws.org
3/23/22 11:13 AM
01.03) Rezoning-Special Use District - 2

Interdepartmental comments are to be addressed by March 31:

Please revise the site legend data to reflect a proposed rezoning of PIN 5894-75-9316.000 and a portion of PIN 5894-75-4355.

Please clarify the Tree Save Area legend, both the “Yes” and “No” boxes are checked to indicate new trees used for credit.

The zoning use of Special Events Center and Church or Religious Institution, Neighborhood Scale are commercial uses.

Please ensure that all Use-Specific standards in Section 5.2.86 are addressed.

South Peace Haven Road is a Minor Thoroughfare, the access standard is met.

Label the width of the drive aisle to the proposed overflow or future gravel parking.

Please provide more information on the plantings of the required Type III bufferyard where the driveway is located less than 20 feet from the northern property line. Alternative compliance for this portion of the bufferyard may need to be utilized, please see UDO Section 6.2.2 C. A fence option would need to be a minimum of 6 foot tall and opaque fence. Any proposed plantings would be between the fence and the northern residential property line.

Please update the Type III bufferyard perimeter widths as needed.

The site legend yard and setbacks show a 5 foot wide Streetyard, please remove this from the legend, as no Streetyard plantings are required.

Provide MVSA calculations with one large variety tree required for every 5,000 square feet of MVSA. Show that all proposed parking spaces will be within 75 or 50 feet of a large variety tree trunk. If 27 gravel parking spaces are installed in the future, then those parking spaces must be within 50 feet of a large variety tree.

For permitting:

At the time of permitting, an engineered photometric plan will be required that is compliant to UDO Section 6.6.

33. T-Turnaround
City of Winston-Salem
Elizabeth Colyer
336-747-7427
elizabethrc@cityofws.org
3/23/22 11:19 AM
01.03) Rezoning-Special
Use District - 2

Please work with Fire and WSDOT to complete this on the site plan by March 31, thank you.
NEIGHBORHOOD OPEN HOUSE

DROP BY FOR LIGHT REFRESHMENTS & A TOUR

As your fellow neighbors, we, The Bradford family, want to personally invite you to learn more and share with you our passion project. Join us for an in-person Open House at our newly constructed sanctuary for proposed church and intimate event rezoning. This includes a small 6 ac. parcel nestled within a 54 acre property with a private access driveway.

MORE INFORMATION:

- **SUNDAY, MARCH 27th 2022**
- **12:00 PM - 3:00 PM**
- 516 South Peace Haven Road, Winston-Salem, NC 27103

COORDINATOR

MOLLIE BRADFORD
(336) 414-7067
Thelittlechapelinc@gmail.com

As a Neighbor, How Would This Proposed Rezoning Impact Me?

The chapel is very much a "little chapel" at just 600 square feet, it has a maximum capacity of around 48 people. Intimate gatherings including weddings and elopements to be held on the property with other small events and charitable community outreach.

With only 6 acres designated of a total 54 acres property, a buffer area of 30+ acres are between the proposed rezone parcel of land and Foxdale Drive neighbors. This includes exclusive use of the property's private drive for entry/exit. Grounds access for guests will be by appointment only.

NEXT STEPS:
You will receive a letter in the mail regarding the proposed rezoning's next stage from the city. Before this happens we wanted to take the opportunity to educate and be transparent about the specific plans that we are working towards and personally answer any questions you may have over an informal open house with light refreshments.

Driveway Useage

Special use is only on 516 South Peace Haven Road. A 6-acre area within 54 acres of property. Please note, the petition to rezone does not include property off Foxdale Drive, as this will not be used for said events. This part of the land will remain farmland and all crops from this land are donated. The driveway to the chapel is private access and is only used for the proposed event space and future homsite of Joseph Bradford.

Hours of Operation

We will be open to invited guests by appointment only. Further plans for community involvement include gatherings such as yoga classes and picnics. We will also be open for scheduled prayer/worship Sundays, and bible study.

Intimate Events Only

We are Your Neighbors

Our family has resided in the neighborhood for over 30 years. We have homes on Kingsbridge Road, Foxdale Drive, and future homsite at the Peace Haven property entrance. Being respectful and courteous of our neighbors is of utmost priority.

1. Small weddings
2. Photo sessions
3. Family picnics
4. Worship services, Bible study, and Sunday School
5. Charitable causes/Missions based/Community outreach
6. Yoga classes
7. Community workshops
8. Farm-to-table dinner parties with local farmers
Neighborhood Outreach Disclaimer

Project Name: W-3523 Bradford Farm
Meeting Hosted: Sunday, 3/27/22 12-3pm

On March 10, 2022 we mailed 29 letters to property owners in the general area surrounding our site informing them of the proposed rezoning and asking them to contact us by March 25th to RSVP to the Neighborhood Open House held on March 27th at 12-3pm. If they had any questions or concerns to express we also provided our email, phone number for contact and created a website they can visit any time to receive further education on our intentions with the proposed rezoning. We also spoke with our city councilman on the phone and emailed him an invitation. We received one online RSVP and phone call from one neighbor confirming their attendance and support.

On March 27th, we held a neighborhood meeting on site at 516 South Peace Haven Road. We had 15 people in attendance and provided coffee and donuts for guests along with digital and print copies of the preliminary site plan and the open house invitation which was mailed to all neighbors. We also invited additional neighbors that live alongside the land on Kingsbridge Road of which all 3 households invited were in attendance.

We are attaching a sign in sheet as well as comments made by neighbors.

WRITTEN COMMENTS

RSVPs/Emails:
Ariel Hickman: “The girls and I would love to come check out the progress. We fully support you and your project!”

Sign in Sheet:
Chris Bamballis: “Love the transformation and keeping the natural beauty of the land.”

Website: https://tinyurl.com/2scy4u3v
Photos from meeting: https://tinyurl.com/2dyzzamr
<table>
<thead>
<tr>
<th>Name(s)</th>
<th>Address</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Edward &amp; Sarah Croom</td>
<td>132 Windmill Rd.</td>
<td></td>
</tr>
<tr>
<td>Joe &amp; Jen Bradford</td>
<td>532 S. Peace Haven Rd.</td>
<td></td>
</tr>
<tr>
<td>George &amp; Chris Bamberly</td>
<td>651 S. Peace Haven Rd.</td>
<td></td>
</tr>
<tr>
<td>Bucett Family</td>
<td>5449 Kingsbridge Rd.</td>
<td></td>
</tr>
<tr>
<td>George &amp; Chris Bamberly</td>
<td>5484 Kingsbridge Rd.</td>
<td></td>
</tr>
<tr>
<td>Hickman Family</td>
<td>5478 Kingsbridge Rd.</td>
<td></td>
</tr>
</tbody>
</table>
I, ___________________________, am in support\textcolor{red}{\underline{o}}pposition (circle one) of the
disclosed special use permit request pursuant to the following reasons attached hereto, which
are germane to the four findings set forth in Section B.6-1.5(F) of the UDO. (Please attach your
statement relating to the four findings when submitting this document, and be sure to include your name at the top of
each page of your statement.)

I believe I have standing in this matter because (check all that apply):

___ I am the applicant.

___ I am an agent of the applicant.

X I live within 500 feet of any portion of the subject property for which the special use permit is
requested. (Please note that your proximity to the subject property does not automatically confer standing. If
necessary, be prepared at the hearing to articulate your status as an aggrieved party who will suffer special damages).

___ Other (If you require additional space, please attach a separate sheet, and be sure to include your name at the
top of each additional page):

Please see attached for written
opposition statement.

I understand that if I am not present at the public hearing scheduled for the consideration of the
special use permit request by the City Council, this verified motion shall constitute hearsay, and
Council may refrain from considering this motion.

This the 
\textcolor{red}{6} \text{ day of April, } 2022.
\begin{center}
\textcolor{red}{Andrew Bradford}\text{\textcopyright}
\end{center}
Print Name: \textcolor{red}{Andrew Bradford}

STATE OF NORTH CAROLINA - FORSYTH COUNTY

1. \textcolor{red}{Samantha Mitchell}, a Notary Public of
FORSYTH County, NC, do hereby certify that \textcolor{red}{Andrew Bradford} personally
appeared before me this day and acknowledged the execution of the foregoing Verified Motion.
Witness may hand and notarial seal this the \textcolor{red}{6th} day of April, 2022.

SEAL/STAMP

My commission expires \textcolor{red}{May 25}, 2025.
April 6, 2022

Firstly, I am stating in writing my reasons for opposing the proposed rezoning requested by David & Jan Properties (Case W-3523), but I am unable to oppose in person due to a Protective Order that I have in place against David C. Bradford, filed with the Forsyth County District Court on 9/29/21.

David & Jan Properties, LLC and affiliated businesses, namely The Little Chapel at Havens Ridge, The Meadows at Havens Ridge, Bradford Farms Events Center, and Mollie B Marketing & Creative, LLC have been operating in bad faith, in noncompliance with permitting and zoning regulations, and without consideration for residential properties within 500’ of said commercial activities.

Since at least 2020, the aforementioned have been engaging in on-going commercial activities at three adjoining RS9 parcels, owned by David & Jan Properties, LLC, (5460 Foxdale Drive, 516 S. Peace Haven Rd, 520 S. Peace Haven Rd), a portion of which is being considered for rezoning to RS20-S (Case W-3523).

As evidenced by Building Permit # R2101657 (issue date 5/18/21), cross-referenced with promotional and marketing materials that David & Jan Properties, LLC and its affiliates began making publicly-available in 2019, David & Jan Properties, LLC willfully applied for a building permit to construct a single-family accessory building with the explicit purpose of conducting commercial activities therein, immediately upon the structure’s completion. David & Jan Properties, LLC not only willfully misrepresented the intended use of the structure, to avoid the more robust commercial permitting requirements and inherent costs of building a structure that satisfies commercial building requirements, but they blatantly advertised their true, premeditated and intended commercial use of this structure, which is explicitly prohibited per the Description of Work of Permit # R2101657.

It is further understood that David & Jan Properties, LLC were able to secure Permit # R2101657 by exploiting a loophole created by virtue of the fact that they own a series of adjacent properties between their primary residence at 5448 Kingsbridge Rd and the construction site, located at 516 S. Peace Haven Rd.

The decision to build a structure as a single-family accessory building with the foreknowledge that the structure’s intended end-use is for commercial activities is a strong indicator that David & Jan Properties, LLC does not intend to invest in the full cost of upfitting their single-family accessory building to satisfying commercial property requirements, should their petition for rezoning be granted.

Additionally, David & Jan Properties LLC and its affiliates are using a gated entrance located at the dead-end residential street (Foxdale Drive) as the primary access for a portion of their on-going business activities. As a result of conducting commercial activities at RS9 zoned 5460 Foxdale Drive, and marketing both their current and future commercial activities, I have witnessed an increase in non-residential traffic on Foxdale Drive. Due to David & Jan Properties, LLC’s gating of the entrance to 520 and 516 S. Peace Haven Rd (with 516 S. Peace Haven being the parcel containing the Building Permit # R2101657 single-family accessory building) they have effectively diverted all vehicle and pedestrian traffic (e.g. customers, perspective customers, and passers-by) down the dead-end residential street, Foxdale Drive. In the absence of a turn-about, cul-de-sac or any other means of turning a vehicle around on this public roadway, my property receives a significant amount of turn around traffic, despite the fact that the Foxdale Drive street sign is clearly marked “Dead End” and I have personally, conspicuously posted “private property” and “private drive, no turn around” signage

Andrew Bradford Opposition statement for Zoning Petition of David & Jan Properties, LLC [Case # W-3523]
on my property. Should David & Jan Properties, LLC be allowed to continue their operations, as they are currently, I can only expect a proportional increase in non-residential traffic on Foxdale Drive, as public awareness of their businesses grows.

In light of the circumstances created by David & Jan Properties, LLC and their affiliates operating in bad faith, in noncompliance with permitting and zoning regulations, and without consideration for local residents, should the Planning Board recommend that the rezoning request be granted, I respectfully ask that all reasonable efforts are taken to ensure that all necessary buffer zones are properly implemented and enforced so that they fulfill their intended purpose of reducing potential nuisances, safeguarding property values, and preserving the character and integrity of the community.

I sincerely hope that the information provided in this written statement, along with any additional information that might be discovered as a result of inquiries made by city/county agents on behalf of the City of Winston-Salem/Forsyth County will be duly considered by the Planning Board in their report and recommendation for rezoning these RS9 properties owned by David & Jan Properties, LLC.
SHARON D. EARLS
5410 FOXDALE DR.
WINSTON-SALEM NC 27103

4/5/2022

To whom it may concern,

I am very much in opposition of this special use permit for David & Jane Properties because it has stripped me of privacy in my back yard. Since the beginning of construction, I've had strangers stop and look at the back of my property as well as walking through my property. It makes me feel unsafe and vulnerable. I believe this creates an opportunity for criminal activity and trespassers.

The lamp posts they have erected light up my backyard and glare into my back windows which is light trespassing and prevent me from enjoying my own space. They have already held parties held at this new structure; the music is loud and a nuisance. The attendees of these parties (some not all) I have heard walking through my back yard. This makes me uncomfortable. I believe this property has created a safety issue to myself and my neighbors.
I, , am in support opposition (circle one) of the aforementioned special use permit request pursuant to the following reasons attached hereto, which are germane to the four findings set forth in Section B.6-1.5(F) of the UDO. (Please attach your statement relating to the four findings when submitting this document, and be sure to include your name at the top of each page of your statement.)

I believe I have standing in this matter because (check all that apply):

___ I am the applicant.
___ I am an agent of the applicant.
___ I live within 500 feet of any portion of the subject property for which the special use permit is requested. (Please note that your proximity to the subject property does not automatically confer standing. If necessary, be prepared at the hearing to articulate your status as an aggrieved party who will suffer special damages.)

___ Other (If you require additional space, please attach a separate sheet, and be sure to include your name at the top of each additional page):

SEE ATTACHED

I understand that if I am not present at the public hearing scheduled for the consideration of the special use permit request by the City Council, this verified motion shall constitute hearsay, and Council may refrain from considering this motion.

This the ___ day of ___ , 20__

Print Name: 

STATE OF NORTH CAROLINA - FORSYTH COUNTY

, a Notary Public of Forsyth County, NC, do hereby certify that personally appeared before me this day and acknowledged the execution of the foregoing Verified Motion.

Witness may hand and notarial seal this the ___ day of ___ , 20__

Notary Public

My commission expires ___ - 20__
This statement is for the opposition of the ZONING PETITION OF David & Jan Properties, LLC FOR A SPECIAL USE PERMIT (CASE# W-3523).

Per 5.2.86 B.3 regulation for Special Events Center within the WINSTON-SALEM/FORSYTH COUNTY UDO, the site shall be buffered from adjacent residentially zoned property be a type III bufferyard.

As there is no bufferzone in place currently and a Type III bufferzone will take time to implement, a stay is requested for permitting the re-zoning until the Type III bufferzone can be implemented and become effective for the purposes of satisfying the requirements of 6.3.1A of the WINSTON-SALEM/FORSYTH COUNTY UDO:
1. Reduce potential nuisances, such as glare, dirt, noise, unsightly views, and other adverse impacts;
2. Safeguard property values and preserve the character and integrity of the community; and
3. Protect the health, safety, and welfare of the public.
Zoning Case No.: W-3523

Property Address: **516 South Peace Haven Road**

Parcel Identification Number(s): **5894-75-9316**

and a portion of **5894-75-4355**

_Hereinafter referred to as the “Property”_

1. I hereby certify that authority has been given to me, by all owners of the Property, to consent to the conditions of the special use district approval.

2. I hereby consent to the following conditions, as required by North Carolina General Statute 160D-703:

   - **PRIOR TO ISSUANCE OF GRADING PERMITS:**
     a. The developer shall submit a stormwater management study for review by the City of Winston-Salem. If required, an engineered stormwater management plan shall be submitted and approved. Relocation or installation of any stormwater management device into any buffer areas or existing vegetated areas designated to remain, or in close proximity to adjacent property with residential zoning, shall require a Staff Change approval at minimum and may require a Site Plan Amendment.
     b. The developer shall record a bufferyard easement on the property identified as PIN 5894-75-2274 on the approved site plan.
     c. The developer shall obtain a Floodplain Development Permit from the Erosion Control Officer.
     d. The developer shall obtain a driveway permit from the City of Winston-Salem and NCDOT; additional improvements may be required prior to issuance of the driveway permits, per the interdepartmental review comments.

   - **PRIOR TO ISSUANCE OF CERTIFICATE(S) OF OCCUPANCY:**
     a. The developer shall complete all requirements of the driveway permit(s).
     b. The developer shall extend the proposed fence along the northern property boundary another 75 feet, following the path of the existing access drive.

   - **PRIOR TO ISSUANCE OF CERTIFICATE(S) OF OCCUPANCY:**
     a. The developer shall not use property fronting on Foxdale Drive to access the subject property. Access to the subject property shall be limited to South Peace Haven Road.
3. I acknowledge that this written consent is a condition precedent to placement of the Property into a special use district.

This the 27th day of April, 2022.

By: David C. Bradford
Name: David C. Bradford
Title: Director Davidson Properties
Date: 04/27/2022

STATE OF NORTH CAROLINA
COUNTY OF Davidson

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: David C. Bradford, on April 27th, 2022.

Notary Public: Kay W. Vernon
Printed Name: Kay W. Vernon
Commission Expires: April 11, 2027