

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>	
<b>Docket</b>	W-3523
<b>Staff</b>	<a href="#">Elizabeth Colyer</a>
<b>Petitioner(s)</b>	David and Jan Properties, LLC
<b>Owner(s)</b>	Same
<b>Subject Property</b>	PIN 5894-75-9316 and a portion of PIN 5894-75-4355
<b>Address</b>	516 South Peace Haven Road
<b>Type of Request</b>	Special Use District rezoning from RS9 to RS20-S
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Map for the subject property <b>from</b> RS9 <b>to</b> RS20-S. The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> <li>• Residential Building, Single Family; Church or Religious Institution, Neighborhood; and Special Events Center</li> </ul>
<b>Neighborhood Contact/Meeting</b>	A summary of the petitioner’s neighborhood outreach is attached.
<b>Zoning District Purpose Statement</b>	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.
<b>Rezoning Consideration from Section 3.2.19 A 16</b>	<p><b>Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b></p> <p>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.</p>
<b>GENERAL SITE INFORMATION</b>	
<b>Location</b>	West side of South Peace Haven Road, south of Foxdale Drive
<b>Jurisdiction</b>	Winston-Salem
<b>Ward(s)</b>	West
<b>Site Acreage</b>	± 9.94 acres
<b>Current Land Use</b>	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.

<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>			
	North	RS9	Single-family homes and vacant land			
	East	RS9	Single-family homes			
	South	RS9, IP-L	Single-family homes, vacant land, and a neighborhood-scale church			
	West	RS9	Single-family homes, vacant land, and NCDOT-owned land			
<b>Rezoning Consideration from Section 3.2.19 A 16</b>	<b>Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</b>					
	Yes, the proposal is consistent with lower-density land uses in the surrounding area.					
<b>Physical Characteristics</b>	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.					
<b>Proximity to Water and Sewer</b>	Public water is available along South Peace Haven Road, and public sewer can be accessed from Foxdale Drive to the north.					
<b>Stormwater/ Drainage</b>	A stormwater management plan will be required.					
<b>Watershed and Overlay Districts</b>	The site is not located within any overlays or watershed protection areas.					
<b>Analysis of General Site Information</b>	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.					
<b>RELEVANT ZONING HISTORIES</b>						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3260	RS9 to IP-L	Approved 5/4/2015	South	4.48	Denial	Approval
W-2472	RS9 to RM12-S	Denied 6/5/2001	North	21.32	Denial	Denial
W-2051	RS9 to RM8-S	Denied 8/19/1996	North	37.2	Denial	Denial

SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D
South Peace Haven Road	Minor Thoroughfare	60 feet	13,800	12,000
<b>Proposed Access Point(s)</b>	There is an existing access from South Peace Haven Road that will be improved for any commercial use of the site.			
<b>Planned Road Improvements</b>	There are no planned road improvements related to this request.			
<b>Trip Generation - Existing/Proposed</b>	<p><u>Existing Zoning:</u> RS9  <math>\pm 9.94</math> acres/9,000 sf = 48 units x 9.57 (single-family trip rate)  = 459 trips per day</p> <p><u>Proposed Zoning:</u> RS20-S  <math>\pm 9.94</math> acres for Special Events Center = 40 trips per day*</p> <p>*Trip generation calculations provided by WSDOT</p>			
<b>Sidewalks</b>	There are no sidewalks on South Peace Haven Road, and none are proposed with this request.			
<b>Transit</b>	The site is not served by public transit.			
<b>Analysis of Site Access and Transportation Information</b>	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				
<b>Building Square Footage</b>	Square Footage		Placement on Site	
	2 buildings at 600 square feet each		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.	
<b>Parking</b>	Required	Proposed	Layout	
	5 spaces	32 spaces	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	
<b>Building Height</b>	Maximum		Proposed	
	40 feet		30 feet	
<b>Impervious Coverage</b>	Maximum		Proposed	
	N/A		7.15 percent	
<b>UDO Sections Relevant to Subject Request</b>	<ul style="list-style-type: none"> <li>Section 4.5.5: RS-20 Residential Single Family District</li> <li>Section 5.2.86: Special Events Center (use-specific standards)</li> </ul>			

<b>Complies with Section 3.2.11</b>	<b>(A) Legacy 2030 policies:</b>	Yes
	<b>(B) Environmental Ordinance</b>	Yes
	<b>(C) Subdivision Regulations</b>	N/A
<b>Analysis of Site Plan Compliance with UDO Requirements</b>	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.	
<b>CONFORMITY TO PLANS AND PLANNING ISSUES</b>		
<b>Legacy 2030 Growth Management Area</b>	Growth Management Area 3 (Suburban Neighborhoods)	
<b>Relevant Legacy 2030 Recommendations</b>	<ul style="list-style-type: none"> <li>• Preserve open space that is recognized to be a community asset for environmental preservation to create a better quality of life.</li> <li>• Floodplains are inherently hazardous and costly to develop; development should be limited in these areas.</li> <li>• Sites should be designed to preserve natural features whenever possible.</li> </ul>	
<b>Relevant Area Plan(s)</b>	<i>Southwest Suburban Area Plan Update (2015)</i>	
<b>Area Plan Recommendations</b>	<ul style="list-style-type: none"> <li>• The Proposed Land Use Map recommends single-family residential use (0-8 dwelling units/acre) of the site.</li> <li>• Protect existing tree canopies in the planning area and retain existing large trees on private properties.</li> <li>• Manage development to preserve environmentally sensitive areas, forests, habitat for wildlife, and scenic areas.</li> </ul>	
<b>Site Located Along Growth Corridor?</b>	The site is not located along a growth corridor.	
<b>Site Located within Activity Center?</b>	The site is not located within an activity center.	
<b>Addressing</b>	516 South Peace Haven Road	
<b>Rezoning Consideration from Section 3.2.19 A 16</b>	<b>Have changing conditions substantially affected the area in the petition?</b>	
	No	
	<b>Is the requested action in conformance with Legacy 2030?</b>	
	Yes	

Analysis of Conformity to Plans and Planning Issues	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.
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**CONCLUSIONS TO ASSIST WITH RECOMMENDATION**

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

**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.**

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**CITY-COUNTY PLANNING BOARD  
PUBLIC HEARING  
MINUTES FOR W-3523  
APRIL 20, 2022**

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

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