

**MINUTES  
CITY-COUNTY PLANNING BOARD  
AUGUST 12, 2021  
4:30 P.M.  
VIRTUAL**

MEMBERS PRESENT: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman  
MEMBER ABSENT: None  
PRESIDING: Chris Leak

**CALL TO ORDER**

**A. ACTION ON MINUTES**

- July 8, 2021 Public Hearing
- July 22, 2021 Work Session

MOTION: Clarence Lambe moved approval of the minutes.

SECOND: George Bryan

VOTE:

FOR: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman  
AGAINST: None  
EXCUSED: None

**B. PUBLIC HEARING ITEMS**

The actual order of cases considered by the Planning Board on August 12, 2021, is determined procedurally by taking consent agenda cases first, then cases for which there was a public hearing. Accordingly, the order of cases on August 12, 2021, was as follows: B.4.; B.5.; B.6.; B.7.; B.8.; B.9.; B.10.; C.1.; D.1.; E.1.; E.2.; B.1.; B.3.; B.11.; B.12.

1. Zoning petition of Salem Congregation from C to GB-L (Building Contractors, General; Building Materials Supply; Car Wash; Cemetery; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Government Offices, Neighborhood Organization, or Post Office; Institutional Vocational Training Facility; Motor Vehicle, Body or Paint Shop; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motor Vehicle, Storage Yard; Motorcycle Dealer; Museum or Art Gallery; Park and Shuttle Lot; Parking, Commercial; School, Vocational or Professional; Storage Services, Retail; Wholesale Trade A; and Services, A): property is

located at the northeast corner of East Salem Avenue and City Yard Drive (Zoning Docket W-3483) (Case starts at 47:39).

Amy McBride presented the staff report.

George Bryan asked about the compatibility of this request with the nearby City Yard, and Amy stated that City Yard existed prior to the area plan being developed. The area plan wants to move away from intense uses, which is why staff is recommending denial.

Clarence Lambe asked whether there had been any discussions with the Petitioner about the objectionable proposed uses. Desmond Corley stated that there had been discussions about removing some of the more objectionable or incompatible uses. The Petitioner has focused the request on auto-oriented uses, which is another reason staff is not comfortable supporting the request.

George asked whether it would be appropriate to ask the Petitioner if they would remove Car Wash, Motor Vehicle Body or Paint Shop, Motor Vehicle, Repair and Maintenance, and Motorcycle Dealer from the list. Aaron King recommended giving the Petitioner an opportunity to speak.

## **PUBLIC HEARING**

FOR:

David Bergstone, Salem Congregation, 501 South Main Street, Winston-Salem, NC 27101

- This petition is related to earlier rezoning with the intent to eventually extend the graveyard, and C zoning does not allow a graveyard. We did rezone the other part to IP, which had already been cleared, including the parking lot which we lease back to the City. We own both sides of that whole street. At some point we will expand across the street when the City no longer needs the parking lot, or we need to finally expand over there. Long term, our intent is simply to create a graveyard.
- The issue we've got is there is a current building that Salem College built, which is ours now, and under the current zoning, we can't lease it to anybody. Our intent is to have it rezoned and have some limited uses within the existing footprint, which we would agree to, as a condition, no expansion beyond the current building footprint and yard area.
- We are limited as to what we could use it for to generate income while we're waiting to eventually expand over to that side. That is why we chose GB, because that is one of the few zonings that allow a cemetery by right. We tried to pick uses that would fit into the existing facility. We are not intending to put signage anywhere. It's on a dead-end street that is City Yard Lane, which was closed off when the traffic circle was put in. At the present time, there seems to be very limited use for it in that small existing building. We are trying to deal with what we've got and make it fit.

AGAINST: None

**WORK SESSION**

George asked Mr. Bergstone if there was any negotiating in removing the aforementioned uses. Mr. Bergstone stated that they have had inquiries for some of those uses. He agreed that adjustments can be made, or conditions imposed that uses can't be expanded beyond the current facility.

George asked Aaron about the Petitioner's options if the case were turned down. Aaron stated that they would have to wait two years to come back with the same request and one year to come back with any other request. He explained that the options are to recommend approval as submitted, recommend denial as submitted, or recommend approval with a limited slate of uses, as has been previously discussed. The Board could also ask the Petitioner if they would be interested in doing a Special Use zoning that would further pare down the list of uses and provide a site plan that demonstrates that there are no visual or harmful impacts.

George suggested a Special Use zoning/site plan that would segue towards the future when they would eventually need the other uses. Aaron indicated that it would require Mr. Bergstone to amend his request from Limited to Special Use rezoning, a change to GB-S that would include a site plan. The site plan would show any existing buildings on the site, as well as parking, landscaping, and signage.

Clarence related his concerns about putting Mr. Bergstone through initial costs and time of preparing a site plan with no guarantees that the Board will do what he needs done, and he does not want the Board to be held hostage by what might happen with City Yard in the future. Brenda Smith stated that the request could have the potential to tremendously affect the general feel of the rest of the area, given the number of runners, bikers, and pedestrians using those facilities. On the other hand, she does not want to limit the use of someone's property if there is a way to address those concerns. Aaron stated that, if the Petitioner is agreeable to another continuance, he could work with staff on those issues. Mr. Bergstone was agreeable.

Clarence suggested to staff that they use their best efforts to try and figure out a way in which they can use this property without holding them hostage to City Yard's change of use, if that ever happens.

MOTION: George Bryan recommended that Case W-3483 be continued to the September 9, 2021 meeting.

SECOND: Jack Steelman

VOTE:

FOR: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

2. Final Development Plan of Glenn Crossing Associates, LLC for a restaurant in a HB-S (Two-Phase) zoning district: property is located in the southwest quadrant of the Interstate 40 and Union Cross Road interchange (Zoning Docket W-3174).

**This is automatically continued to September 9, 2021, per the Planning Board's By-Laws.**

3. Zoning petition of City of Winston-Salem from Forsyth County RS20-S and AG to Winston-Salem RS20-S and AG: property is located on the southwest side of Sawmill Road, south of Union Cross Road (Zoning Docket W-3485) (Case starts at 1:11:42).

Desmond Corley presented the staff report.

Aaron shared with the Board that a number of citizens had come to the meeting with concerns about the potential impacts of development with respect to traffic, stormwater, and loss of trees. He then explained the annexation process to the neighboring residents and reminded the Board that the only matter in question at this time was the conversion of county zoning to city zoning, which is required by state statute.

### **PUBLIC HEARING**

FOR: None

AGAINST:

Bill Haps, 4458 Red Fern Place, Winston-Salem, NC 27107

- I am the HOA president for Glenmore Creek Development adjacent to this property. I think my speaking is a moot point because my opposition is to the development attaching to our subdivision. This is a big string of tragedies for us. We were told by our builders something different, that we wouldn't be adding on to our subdivision at that point.
- Only two of my neighbors on Red Fern received the notice for this meeting, and they got them today. That was a point of contention for us as well. I only found out about this from some other residents that were around the perimeter of this property that contacted me, and that was last week.
- I understand that this is not the place or time to debate this, I'm just wondering if there is any other recourse that we have, as a subdivision, to not have that development tie into our property. For example, the development adjacent to ours was approved by the County in 2007. If this now comes over into the City, does it have to be reapproved? And is there a possibility to re-plan that development?

## **WORK SESSION**

Aaron explained that the UDO requires all neighborhoods throughout the City and County to stub roads to create a connected street network. Chris Murphy added that the deed of land closest to Willard Road, which is the only way into the existing neighborhood, has changed hands multiple times, and that the person who currently owns it has a deed from 2008. It did not appear that anyone had lived in the neighborhood before the RS20-S was approved in 2007. He added that when a situation exists where an approval has been granted for a project that has not been built out, it must be brought to current standards. So long as it meets the general intent and layout of the original approval and it meets current standards, any changes are handled at the staff level.

MOTION: Clarence Lambe recommended that the Planning Board find that the request is consistent with the comprehensive plan.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the zoning petition.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

4. Zoning petition of City of Winston-Salem from RM18 and HB to RM18-L (Residential Building, Multifamily; Residential Building, Twin Home; Residential Building, Townhouse; Residential Building, Duplex; Cottage Court; and Residential Building, Single Family): property is located on the northwest corner of West Northwest Boulevard and Underwood Avenue (Zoning Docket W-3486) (Case starts at 6:40).

Desmond Corley presented the staff report.

George asked staff to point out the floodplain on the map and whether the area north of the creek was useful land area. Desmond indicated that, practically, everything that would be developed would be on the south side of the creek.

## **PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Clarence Lambe recommended that the Planning Board find that the request is consistent with the comprehensive plan.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the zoning petition.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

5. Site Plan Amendment of Housing Authority of City of Winston-Salem for changes to unit type and count in a RMU-S zoning district: property is located on the east side of Highland Avenue, between East Twelfth Street and East Eleventh Street (Zoning Docket W-3487) (Case starts at 10:31).

Desmond Corley presented the staff report.

Melynda Dunigan asked staff to explain the wheelchair icons on the site plan.

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Clarence Lambe recommended that the Planning Board find that the request is consistent with the comprehensive plan.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman  
AGAINST: None  
EXCUSED: None

MOTION: Clarence Lambe recommended approval of the Site Plan Amendment.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman  
AGAINST: None  
EXCUSED: None

6. Site Plan Amendment of D-2/Dairio for changes modifying the traffic circulation for a restaurant in a HB-S zoning district: property is located on the north side of West Clemmons Road, between Peters Creek Parkway and Orchard View Drive (Zoning Docket W-3488) (Case starts at 15:02).

Desmond Corley presented the staff report.

### **PUBLIC HEARING**

FOR: None

AGAINST: None

### **WORK SESSION**

MOTION: Clarence Lambe recommended that the Planning Board find that the request is consistent with the comprehensive plan.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman  
AGAINST: None  
EXCUSED: None

MOTION: Clarence Lambe recommended approval of the Site Plan Amendment.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman  
AGAINST: None

EXCUSED: None

7. Zoning petition of Frank Myers Investments, LLC from RS9 and LB-S to HB-S (Restaurant (with drive-through service); Restaurant (without drive-through service); Retail Store; and Car Wash): property is located on the west side of University Parkway and the north side of Sunburst Circle (Zoning Docket W-3489) (Case starts at 18:57).

MOTION: Clarence Lambe recommended Case W-3489 be continued to September 9, 2021.

SECOND: George Bryan

VOTE:

FOR: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

8. Zoning petition of ADB, LLC from HB-S to GB-L (Animal Shelter, Public; Arts and Crafts Studio; Banking and Financial Services; Bed and Breakfast; Building Contractors, General; Building Materials Supply; Car Wash; Child Care, Drop-In; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Combined Use; Food or Drug Store; Funeral Home; Furniture and Home Furnishings Store; Government Offices, Neighborhood Organization, or Post Office; Habilitation Facility A; Habilitation Facility B; Habilitation Facility C; Hospital or Health Center; Hotel or Motel; Institutional Vocational Training Facility; Kennel, Indoor; Library, Public; Manufacturing A; Micro-Brewery or Micro-Distillery; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motorcycle Dealer; Museum or Art Gallery; Nursery, Lawn and Garden Supply Store, Retail; Nursing Care Institution; Offices; Outdoor Display Retail; Park and Shuttle Lot; Parking, Commercial; Police or Fire Station; Recreation Facility, Public; Recreation Services, Indoor; Recreation Services, Outdoor; Restaurant (with drive-through service); Restaurant (without drive-through service); Retail Store; School, Vocational or Professional; Services, A; Services, B; Shopping Center; Special Events Center; Storage Services, Retail; Terminal, Bus or Taxi; Testing and Research Lab; Theater, Indoor; Transmission Tower; Urban Agriculture; Utilities; Veterinary Services; Warehousing; Wholesale Trade A; Adult Day Care Center; Child Care Institution; Child Care, Sick Children; Child Day Care Center; Group Care Facility A; Group Care Facility B; Residential Building, Multifamily; Residential Building, Townhouse; School, Private; School, Public; and Access Easement, Private Off-Site): property is located on the north side of Old Walkertown Road, east of Davis Road (Zoning Docket W-3490) (Case starts at 20:56).

Desmond Corley presented the staff report.

### **PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Clarence Lambe recommended that the Planning Board find that the request is consistent with the comprehensive plan.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the zoning petition.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

9. Zoning petition of Hurst-Davis Building, LLC from LB to PB-L (Arts and Crafts Studio; Banking and Financial Services; Bed and Breakfast; Child Care, Drop-In; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Combined Use; Food or Drug Store; Funeral Home; Furniture and Home Furnishings Store; Government Offices, Neighborhood Organization, or Post Office; Habilitation Facility A; Habilitation Facility B; Habilitation Facility C; Hospital or Health Center; Hotel or Motel; Institutional Vocational Training Facility; Library, Public; Micro-Brewery or Micro-Distillery; Museum or Art Gallery; Nursing Care Institution; Offices; Park and Shuttle Lot; Parking, Commercial; Police or Fire Station; Recreation Facility, Public; Recreation Services, Indoor; Recreation Services, Outdoor; Residential Building, Duplex; Residential Building, Single Family; Residential Building, Twin Home; Restaurant (without drive-through service); Retail Store; School, Vocational or Professional; Services, A; Shopping Center, Small; Special Events Center; Swimming Pool, Private; Terminal, Bus or Taxi; Testing and Research Lab; Theater, Indoor; Urban Agriculture; Utilities; Veterinary Services; Warehousing; Adult Day Care Center; Child Care Institution; Child Care, Sick Children; Child Day Care Center; Group Care Facility A; Residential Building, Multifamily; Residential Building, Townhouse; School, Private; School, Public; Access Easement, Private Off-Site; and Storage Services, Retail): property is located on the east side of Oakwood Drive, north of Cloverdale Avenue (Zoning Docket W-3491) (Case starts at 24:10).

Desmond Corley presented the staff report.

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Clarence Lambe recommended that the Planning Board find that the request is consistent with the comprehensive plan.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the zoning petition.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

10. Zoning petition of Mark Thompson Shehan from RS30-S and AG to AG: property is located at the western terminus of Fieldmont Manor Drive (Zoning Docket F-1604) (Case starts at 28:13).

Desmond Corley presented the staff report.

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Clarence Lambe recommended that the Planning Board find that the request is consistent with the comprehensive plan.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the zoning petition.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

11. An ordinance amendment proposed by Edward Nichols modifying Section 5.4.2E of the *Unified Development Ordinances* pertaining to the temporary use Turkey Shoot (UDO-CC13) (Case starts at 1:28:30).

David Reed presented the staff report.

Melynda asked whether a backstop is required, and Chris Murphy responded that one should be. The same was true for the side setback.

Jason Grubbs questioned the rationale of the duration of the permit and asked if there was any thought to shortening it from 180 days to 90 days, or 60 days. David stated that two other communities use 90 days, but if 90 days is used, there would still be a reduction.

George asked whether this text amendment would supersede the noise ordinance. David responded that the sheriff's department would continue to enforce the noise ordinance. George also asked staff if they saw in other ordinances a required fence along the sideline that would curtail the possibility of accidental firing. Chris Murphy stated that the review of surrounding peer cities did not turn up anything related to that. He also explained the setback from surrounding properties. George then inquired about whether there was a way to be sure there is no alcohol use involved with gun discharge. David stated that the City Attorney's office indicated that that was not a land use issue and that staff should not try to put alcohol restrictions in a land use ordinance. Chris Murphy added that staff also checked with the regional ALE office and there is no such prohibition.

## **PUBLIC HEARING**

FOR:

Edward Nichols, 4596 Brittany View Lane, Kernersville, NC 27284

- My wife and I have lived in the Brittany View community for 31 years. My neighbor obtained a permit in December of 2020 to hold turkey shoots in accordance with Forsyth County UDO Section 5.4.2 E. With this permit, my neighbor held seven turkey shoot events on Saturday nights from approximately 6:00 to 9:00 p.m., with approximately 400 shots per event or a total of 2800 shotgun blasts, all at approximately 151 decibels. By my calculation, the turkey shoot season resulted in approximately 1,400,000 number 9 pellets discharged, estimating 420 pellets per shell.
- My property line is 260 feet from the turkey shoot firing point, and the firing point is only 315 feet from my living room window. This has caused such anxiety that my wife and I, and some of our neighbors, with their pets, have been compelled to leave our homes on Saturday night to escape the insufferable noise emanating from the constant shotgun discharge, or the fear of shotgun pellets striking one of our family members. And for the folks who choose to stay home during the turkey shoot, the noise and safety fear they experience are more than just nuisance or inconvenience, as no one feels safe to move about their property or neighborhood during the turkey shoot contest.
- Concerning the ability for the turkey shoot to operate seven days a week, there were several times shotguns were fired during weekdays at the permitted site outside of any contest being conducted. This is extremely dangerous because our neighborhood is a community of children, businesses, and both working and retired citizens.
- Recently, we just welcomed a new homeowner whose house is only 255 feet from the firing point. This family has a small four-year-old boy who has a hearing sensitivity to loud noises. We all fear that our physical safety is severely compromised because of the minimal 20-foot property line setback requirement currently allowed under the turkey shoot ordinance. The current firing point being only 260 feet to my property line proves that even a proposed 300-foot buffer from our property line is just barely sufficient to rectify the issue. And only requiring three acres to hold a turkey shoot invites an array of accidents just waiting to happen; therefore, it is only acceptable, at a minimum, that five acres be required.
- No one in our community is opposed to gun ownership or shooting guns, but recreational gun activities must be conducted in locations and under circumstances that are not hazardous or harmful to the safety of neighboring property owners. Some have even discussed a buffer as much as 900 feet from any dwelling, which would be appropriate.
- Unfortunately, this is not a problem unique to us and our neighborhood. It is potentially dangerous and a nuisance situation for many other neighborhoods and communities throughout Forsyth County. I spent a few hours on Geodata finding properties in Forsyth County that are zoned RS40, AG, LI, and GI that contain the greater than three-acre requirements, but less than the five acres proposed in our text amendment UDO-CC13, all these properties are directly adjacent to densely populated residential neighborhoods. These neighborhoods include Salem Glen, Weldon Village in Kernersville, Weatherstone at Union Cross, and many more. These three properties could potentially operate a turkey shoot. Ensuing would be a large number of residents of single-family homes, condominiums, apartments, and businesses being exposed to the same noise and safety risks that our community is experiencing.

- One particular property in Kernersville is on Highway 66, Old Salem Road, and is a 3.01-acre lot with Forsyth County AG zoning. They could possibly hold a turkey shoot. The swimming pool and apartments for Weldon Village in the City of Kernersville are approximately 500 feet from this property. The surrounding single-family homes would all be outside the 300 feet of firing. Bishop McGinness High School is across Highway 66 and only 430 feet away.
- I show examples from other neighborhoods to make clear that this is not just my issue, this is a county-wide issue. The current Forsyth County UDO turkey shoot provisions have been in effect since 1967 without any revision or update. Considering how much Forsyth County has grown, the 1967 regulations obviously do not provide sufficient protection to more recent neighborhoods or the residents who live and/or work there. It is commonly known that a shotgun emits sound of 151-plus decibels, and especially with multiple shots. Even at 300 feet away, a shotgun is still 90-plus decibels, which is beyond human threshold for pain for any length of time. And it is commonly known that shotgun pellets can easily travel up to 500 feet, depending on trajectory.
- In the current UDO, there is no regulation for insurance for weather, traffic and parking, no regulation for turkey shoots with regard to alcohol consumption, no wildlife conservation safety measures, no regulations for berms, blight abatement concerning a best management practice, no regulation on signage at road or for side entry points, or for safety fencing or any safety marking. And of great concern to the environment, there is no regulation requiring a site plan for a turkey shoot berm constructed in a regulated Forsyth County watershed. That means no safety measures are in effect for light exposure in ground water.
- The only regulations in the UDO pertaining to turkey shoots are these temporary use provisions, in which a two-month-long permit (that is renewable twice) can be obtained, and that it can be any day so long as it's not between 9:30 p.m. and 7:00 a.m. A turkey shoot could operate 180 days a year, seven days a week, 14.5 hours a day.
- As you can see in your materials, there is a chart showing our surrounding counties that have updated their ordinances to address these concerns. Forsyth County already has several laws and ordinances on the books that would give us relief, but there is no enforcement of the turkey shoot UDO except for UDO 3.2.14 (Mr. Nichols cited the ordinance). Yet even with this UDO, my neighbor's turkey shoot structure, firing point, and targets with lighting and all the amenities are still up today, months after their permit expired.
- (Mr. Nichols cited 15.3) There was and still is a residence that is only 255 feet from the turkey shoot firing point now. My neighbor's turkey shoot firing point existed at that location, breaking this ordinance for the entire turkey shoot season. There were approximately 2800 shots fired within 250 feet of that resident and yet not one citation was issued.
- (Mr. Nichols cited 5.2.79) This section of the code recognizes the risks to neighboring property owners being located near a shooting range and requires a minimum site of 15 acres and 900-foot setbacks. Comparatively speaking, the turkey shoot ordinance requires 3 acres and 20-foot setbacks. Trap shoots and turkey shoots both involve shotguns and

share the same reasonable safety and nuisance concerns. (Mr. Nichols cited 15.1) The turkey shoot made the entire community feel frightened, disturbed, and unsafe.

- In closing, I would ask that the Board consider *Legacy 2030* and the residential growth forecast stated therein. UDO-CC13 is basically a request to bring turkey shoot regulations in line with existing sections of the Forsyth County Code regulating the safe use of firearms in the county, better assuring the safety and general welfare of Forsyth County residents and greater peace in our neighborhoods and communities.

Ashley Cooper, 4612 High Point Road, Kernersville, NC 27284

- My mother and neighbors have asked me to speak on their behalf due to ongoing health issues and fear of repercussion from the turkey shoot patron.
- For the past 30 years, my mom has operated a licensed homebased hair and nail salon in Kernersville, with the last 13 years based in the Brittany View community. My mom worked hard for many years to purchase this property. Like our neighbors, we thought county living meant peace and quiet with just enough land between you and your neighbor to know their name but not know what they're having for dinner.
- In November 2020, my neighbor obtained a permit for a turkey shoot at Little Cedar Grocery. We were unaware of the permit request until after it was approved. To my knowledge, there was no public notice posted regarding the permit request. Beginning in December 2020, they held a shooting competition each Saturday evening from 6:00-9:00 p.m. for the duration of the 60-day permit. On the December 2020 Facebook page, the turkey shoot posted, "Opening night at the turkey shoot at Little Cedar was a great success. We shot 25 rounds in 2.5 hours." That totals nearly 400 gunshots in just over a 2.5-hour timespan.
- The following Saturday night, and random nights during the week, there were significant increases in the number of participants and firing rounds, resulting in infinite gunfire noise. The gunfire noise was unbearable for neighboring families and us. Weekly shooting continued from December 19, 2020, until their 60-day permit expired in February 2021. Ongoing gunfire noise is very disruptive, frightening and distressing. Several homes, including ours, are located within just a few hundred yards of the firing point, with one home within 100 yards of the firing point.
- A few homes and a concrete business border the shooting range. During the two months of the permit that is in effect, we are unable to relax and unwind in our home. In order to escape gunfire, our only option was to turn up the TV or leave the area. Several neighbors, including myself, were forced to sedate our pets weekly as a constant barrage of gunfire caused them undue stress.
- I just leave this final note: Based on the current turkey shoot ordinance, permits are renewable twice per year, bringing the total to six months (or 180 days) per year of noise disruption. We support Mr. Nichols' proposed amendment changes.

AGAINST:

Aaron Carruth, 1355 Morgan Way, Winston-Salem, NC 27127

- I am a resident of Forsyth County and a patron of Little Cedar Grocery. First and foremost, this proposed change, as reported by Tyler Hardin of *Fox8 News*, was introduced specifically to target Little Cedar Grocery. The individual behind the proposal operates a commercial wedding venue and event center on his residential property, adjacent to where the turkey shoot takes place. Clearly this is about Mr. Nichols protecting his business venture and limiting evening noise to serve his paying clientele. This is more of a noise issue than anything.
- The reason the regulation hasn't needed to be changed in 54 years is because the physics behind turkey shoots has not changed. We use the same guns and the same ammunition. This is yet another example in our community when irrational fears overrule both common sense and science. Common sense would tell us that if 150 people were shooting shotguns every Saturday night and none of the adjacent properties have any damage to them, then people on that property are probably safe. In 54 years, how many cases has this Board heard of someone upset that their property was shot up by a turkey shoot? I'm going to guess zero.
- For generations, turkey shoots have been bringing our communities together. They have been safe and fun. Nothing has changed from that generation to this one. It changed a little now because of a few irrational fears and because a local resident doesn't want to hear shotguns during weddings he is performing. There is a huge injustice to future generations. There are very few spots in Forsyth County that legal turkey shoots could happen, and clearly the only applicant that would be affected is Little Cedar Grocery. In consideration, this seems like a community against Little Cedar Grocery, so please consider the whole of the County, and future generations, trying to do turkey shoots.

Thomas Sells, Post Office Box 653, Wallburg, NC 27373

- My dad and his three nephews built Little Cedar in 1951 and it opened in 1952. I inherited the store when my dad died March 29, 1996. Little Cedar is zoned Agricultural. Little country stores have a tough time staying open in this day and time competing against convenience stores. We got a permit for a turkey shoot and it helped our income.
- This turkey shoot has become a family event. I've seen grandfathers, sons, grandsons together, seen mothers and daughters shooting, and a lot of friends getting together. There were only shotguns at the turkey shoot, no rifles, no pistols. I contradict Mr. Nichols, there was no gunfire whatsoever on this property except the day of the turkey shoot, Saturday from 6:00 to 9:00.
- The Kiwanis Club has a turkey shoot at the Raleigh State Fair every year, and if it's good enough for the Raleigh State Fair, it ought to be good enough for the people of Forsyth County. There is a fire department in Davidson County that has a turkey shoot and raised a considerable amount of money, and other fire departments are considering it too. They have other fundraisers and work hard and don't raise near enough money. I'm 74 years old, and I've never heard of an accident in a turkey shoot.

- I have a petition of people for the turkey shoot where 214 people have signed it. The measurements that Mr. Nichols gave on the distance from the house are not correct, either. Any consideration you can give us is greatly appreciated.

## **WORK SESSION**

Melynda stated that she could appreciate the issues expressed by Mr. Nichols. She also added that the 1967 rules seem outdated for today's development pattern in Forsyth County. She expressed that this amendment does not go far enough to really ensure public safety and was concerned about abutting roads within the 300-foot distance. She stated that she felt five acres was not sufficient and that a larger piece of land with a larger abutting setback of 500 feet would still be minimal. She would like to see someone in the future bring an ordinance that addresses the larger issues, as these are still minimal.

MOTION: Clarence Lambe recommended approval of the text amendment with an amendment that the permitted duration be extended to 90 days.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

12. An ordinance amendment proposed by Planning and Development Services modifying Chapter 6 and Chapter 11 of the *Unified Development Ordinances* pertaining to the change rate of electronic message board signs; adding brightness standards to the regulation of electronic message board signs; and extending the amortization period by two (2) years for nonconforming on-premises signs (UDO-CC14) (Case starts at 2:07:45).

Steve Smotherman presented the staff report.

## **PUBLIC HEARING**

FOR: None

AGAINST: None

## **WORK SESSION**

George referenced the 733 freestanding signs that were noncompliant and asked what they were noncompliant for. Steve stated that it was for area and/or height, which was covered in the ordinance change from 2007. George then asked how many signs were noncompliant for the electronic message portion. Chris Murphy stated that there was a list when the sign ordinance was adopted in 2007, and at that time, the number of electronic message board signs was between 25

and 30. Permits have been issued since then that have been subject to the imposed change rate. The 733 are not included in that number.

George asked what is hindering people from changing their sign size. Chris Murphy discussed the two components of changes in more detail. George asked how hard it would be for those with electronic message signs to change their rate of change and brightness by June 2022. Chris Murphy indicated that that would be based on the particulars of each sign.

Melynda asked what prompted this proposed amendment. Steve stated that some business owners had reached out to City Council members, particularly about the amortization period and the rate of change on electronic message boards, and the brightness issues came from multiple sources. Melynda expressed concern that the end of the amortization period could be further extended. According to the chart Steve presented, peer cities mentioned “only static messages,” and Walter Farabee asked if the change rate being proposed had the same application regarding flashing signs. Chris Murphy indicated that the ordinance already has standards regarding how the message is transitioned.

George indicated that he felt that this issue resurfacing is disingenuous in terms of the promises made in light of negotiations that occurred 14 years ago. He expressed his nonsupport of the text amendment.

MOTION: Clarence Lambe recommended approval of the text amendment.

SECOND: Jason Grubbs

VOTE:

FOR: Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: George Bryan

EXCUSED: None

## **C. SPECIAL USE PERMITS**

1. W-3492; Johanne Mary Mitchell (Aussie Joh’s); northwest side of West End Boulevard, across from Summit Street; Elected Body Special Use Permit for parking exemption; Winston-Salem, 0.05 acres (Case starts at 30:37).

Desmond Corley presented the staff report.

George recommended that a parking study be conducted before voting on W-3492 and stated that this was not downtown Winston-Salem, where there are parking decks, and he does not want to see a decision made that would hurt retail that has been in place for a long time in that area. Jason stated that the Board is being asked to make a very limited finding as to whether, except for the conditions requiring the Special Use Permit, the site plan complies with the UDO. Desmond explained that, when one applies for a Special Use Permit for parking reduction, the reason they would be applying for the Special Use Permit isn’t necessarily taken into account when the Board considers whether the plan meets UDO requirements.

## **PUBLIC HEARING**

FOR: None

AGAINST: None

## **WORK SESSION**

MOTION: Clarence Lambe moved to certify the site plan meeting UDO requirements.

SECOND: Jack Steelman

VOTE:

FOR: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

### **D. PRELIMINARY SUBDIVISION APPROVALS**

1. #2021080; Jimmy Lee Barrow (Barrow Farms); east side of Reidsville Road and west side of Old Flat Rock Road, north of Vance Road; 33-lot subdivision; Forsyth County; 34.1 acres. (Case starts at 42:34).

Desmond Corley presented the staff report.

MOTION: Clarence Lambe recommended approval of the Preliminary Subdivision.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

### **E. PLANNING BOARD REVIEWS**

1. PBR 2021-12; Strawberry Lane Limited Partnership, Marianne Anderson, and Mark D. Anderson (Lake Forest); south side of Strawberry Lane, west of Milhaven Road; 18-lot Planned Residential Development; Winston-Salem, 13.3 acres (Case starts at 44:22).

Desmond Corley presented the staff report.

MOTION: Clarence Lambe recommended approval of the Planning Board Review.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

2. PBR 2021-13; Greater Life Church (Greater Life Church Childcare); north side of Lansing Drive and eastern terminus of Berl Street; Child Day Care Center in existing church; Winston-Salem, 15.19 acres (Case Starts at 45:44).

Desmond Corley presented the staff report.

MOTION: Clarence Lambe moved approval of the Planning Board Review.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

**F. STAFF REPORT**

Twelve applications have been received for the September public meeting. August Work Session will be canceled.

**G. FOR THE GOOD OF THE ORDER**