

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION			
Docket	W-3479		
Staff	Gary Roberts, Jr., AICP		
Petitioner(s)	Psi Delta House Corporation		
Owner(s)	Same		
Subject Property	PIN 6827-22-3105		
Address	1101 Polo Road		
Type of Request	Site Plan Amendment for changes related to the addition of an accessory building in the northern portion of the site in a RM8-S zoning district.		
Proposal	The petitioner proposes to amend the previously approved site plan of W-2651. The approved use is Fraternity or Sorority.		
Neighborhood Contact/Meeting	Neighborhood outreach is not required for Site Plan Amendments.		
GENERAL SITE INFORMATION			
Location	North side of Polo Road, west of Long Drive		
Jurisdiction	Winston-Salem		
Ward(s)	North		
Site Acreage	± 1.08 acres		
Current Land Use	A fraternity house is currently located on the site.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	IP-S	Institutional parking
	East	RS9	Undeveloped property
	South	C	Wake Forest University
	West	IP-S	Parking and a campus related building
Physical Characteristics	The developed site has a gentle slope downward toward the northeast.		
Proximity to Water and Sewer	Public water and sewer currently exist on-site.		
Stormwater/ Drainage	Because less than 10,000 square feet will be disturbed on the site, the request will be exempt from the City of Winston-Salem's Post Construction Stormwater Management Ordinance.		
Watershed and Overlay Districts	The site is not located within a water supply watershed.		
Analysis of General Site Information	The site is situated along the northern edge of the Wake Forest University campus. It does not contain any challenging topography and is not located within designated watershed or regulatory floodplain areas.		

RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2710	RM8-S and IP-S to IP-S	Approved 8/2/2004	Included northern portion of the subject property	3.88	Approval	Approval
W-2651	RS9 to RM8-S	Approved 10/6/2003	Subject property	1.85	Approval	Approval
W-2236	RS9 to IP-S	Approved 7/6/1998	Directly northeast	5.12	Approval	Approval
SITE ACCESS AND TRANSPORTATION INFORMATION						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
Polo Road	Minor Thoroughfare	211 feet	14,000	15,800		
Proposed Access Point(s)	The site will continue to be accessed from Polo Road. A driveway permit will be required.					
Planned Road Improvements	Pedestrian accommodations resulting from the 2018 City of Winston-Salem bonds will ultimately result in the installation of a center median in Polo Road. This median will preclude left turning movements into or out of the site.					
Trip Generation - Existing/Proposed	No trip generation rate is available for the use of Fraternity or Sorority.					
Sidewalks	Sidewalk is currently located along both sides of Polo Road. The site plan includes a proposed pedestrian connection from the existing fraternity house to the sidewalk along Polo Road.					
Transit	WSTA Routes 88, 99 and 109 include stops at the intersection of Polo Road and Reynolda Road located approximately 4,300 feet to the west of the site.					
Analysis of Site Access and Transportation Information	The request proposes a modest expansion to the site which is located along a minor thoroughfare and is served with sidewalks. The site will continue to use the existing driveway and staff does not anticipate any transportation related concerns associated with the request.					
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS						
Building Square Footage	Square Footage			Placement on Site		
	3,673 existing + 2,250 = 5,923 total square feet			Rear portion of the site.		
Parking	Required			Proposed		
	27 spaces			30 spaces		
Building Height	Maximum			Proposed		
	45 feet			Existing building – 24 feet Proposed building – 16 feet		

Impervious Coverage	Maximum	Proposed
	70 percent	49.9 percent
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> • Section 4.5.12: RM8 Residential Multifamily District • Section 5.2.33: Fraternity or Sorority (use-specific standards) 	
Complies with Section 3.2.11	(A) Legacy 2030 policies:	Yes
	(B) Environmental Ord.	N/A
	(C) Subdivision Regulations	N/A
Analysis of Site Plan Compliance with UDO Requirements	The proposed site plan displays the existing two-story fraternity house along with the proposed garage/event center accessory building. A Type II Bufferyard is required along the northern property line adjacent to RS9 zoning. The dumpster would be located behind the new building and therefore less visible from Polo Road.	
CONFORMITY TO PLANS AND PLANNING ISSUES		
Legacy 2030 Growth Management Area	Growth Management Area 3 - Suburban Neighborhoods	
Relevant Legacy 2030 Recommendations	<ul style="list-style-type: none"> • Promote quality design so that infill does not negatively impact surrounding development. 	
Relevant Area Plan(s)	<i>North Suburban Area Plan Update (2014)</i>	
Area Plan Recommendations	<ul style="list-style-type: none"> • The subject property is recommended for institutional use. • Existing institutions should be permitted to grow and expand in a manner that is compatible with surrounding neighborhoods. • The plan recognizes existing institutional uses located on Polo Road near University Parkway and notes that Wake Forest University accounts for 25 percent of the institutional land within the plan area. 	
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	The address of the new structure will be 1105 Polo Road.	
Rezoning Consideration from Section 3.2.15 A 13	Have changing conditions substantially affected the area in the petition?	
	No	
	Is the requested action in conformance with Legacy 2030?	
	Yes	

Analysis of Conformity to Plans and Planning Issues	<p>The proposed Site Plan Amendment would permit construction of an accessory building behind an existing fraternity house. This portion of the site is currently used for informal parking. The request includes a building elevation which is complementary to the existing fraternity house. The previously approved condition which prohibits freestanding signage on-site will be carried forward.</p>
CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
<p>The request is consistent with the institutional use of the site recommended in the area plan.</p>	<p>The site is adjacent to an undeveloped lot zoned RS9 which may include a single-family home in the future.</p>
<p>The proposed building elevation is compatible with the existing building and with the nearby structures on the Wake Forest University campus.</p>	
<p>The request should have a minimal impact on traffic.</p>	
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL	
<p>The following conditions are proposed from interdepartmental review comments to meet established standards or to reduce negative off-site impacts:</p>	
<ul style="list-style-type: none"> • <u>PRIOR TO THE ISSUANCE OF ANY PERMITS:</u> <ul style="list-style-type: none"> a. Developer shall obtain a driveway permit from the City of Winston-Salem; additional improvements may be required prior to issuance of the driveway permit(s). Required improvements include: <ul style="list-style-type: none"> • Reconstruction of the existing access from Polo Road including the installation of a concrete apron. • <u>PRIOR TO THE ISSUANCE OF BUILDING PERMITS:</u> <ul style="list-style-type: none"> a. The proposed building plans shall be in substantial conformance with the submitted elevations as verified by Planning staff. • <u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u> <ul style="list-style-type: none"> a. Developer shall complete all requirements of the driveway permit. b. The building shall be constructed in substantial conformance with the approved building elevations as verified by Planning staff. • <u>OTHER REQUIREMENTS:</u> <ul style="list-style-type: none"> a. No freestanding signage is permitted. 	

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.

CITY-COUNTY PLANNING BOARD

PUBLIC HEARING

MINUTES FOR W-3479

JUNE 10, 2021

Gary Roberts presented the staff report.

Melynda Dunigan asked whether there are any limits to the number of participants at an event center. Gary responded that there are not. George Bryan inquired as to whether the garage doors that are depicted on the drawing would open and close and asked whether the public address system would still be considered *inside* if those doors were open. Gary deferred to the petitioner.

George noted that the building was described as an accessory building and asked whether it would be considered an accessory dwelling if someone were to live in it. Chris Murphy indicated that it would not because the use of the property is Fraternity or Sorority. The site plan shows a proposed building but does not go into detail about whether anyone will live there.

PUBLIC HEARING

FOR:

Luke Dickey, Stimmel Associates, 601 North Trade Street, Suite 200, Winston-Salem, NC 27101

- This site plan is for the accessory building on the back side behind the unit and to formalize the gravel parking lot, which creates dust and noise. They propose to have this garage-type building as a meeting space for alumni. The garage doors are facing toward the back of the existing facility. There are no proposed garage doors on the side that would face towards the main parking lot or the neighborhood to the rear. The dumpster is tucked away on the backside of this building and is not visible from Polo Road.
- The site plan shows added fencing along the property line similar to what you see on the Wake Forest campus, with brick piers and metal picket fencing for added security, and an added gate. Currently, the side is completely open where anyone could walk across in or through it, so they are looking to add fencing, from a security standpoint. It also adds extra security when school is out for the summer and no one is there.

Richard L. Malloy, Jr., 1056 West Kent Road, Winston-Salem, NC 27104

- I am an alumni of Wake Forest University; I graduated in 1991. I was the president of this fraternity. I currently help with housing issues, mostly of a financial nature, and was the one who did the rezoning and negotiations with Wake Forest back in 2003 for the initial zoning. I have been involved in this project for many years.

- We hired College Corner Properties two years ago as our property manager. We have done over \$250,000 of internal renovations. The alumni continue to support the organization. We are looking at significant dollars for the project to make it a better place for the community. We want a safer environment for the students that are there. There are a lot of random people that come on the site. We get a lot of break-ins, cars get stolen and broken into, rocks come up in the driveway and hit people and cars, and then there are air quality issues.
- The garage concept is really for the alumni to have a place to gather that is not inside the house, particularly with the pandemic - a type of open-air space to hold meetings. The garage is meant to be a gathering spot and has no bedrooms. Nobody could live in there. The existing basement serves as the party area for the kids. This is more of a relaxed atmosphere outside. I can't say whether they will ever have parties out there, but it is not the intent to have wild, crazy events in that space. It's more for alumni when they come for Homecoming and big college games. The house is really for the undergrads and this space more for alumni.
- We have already raised almost \$300,000. Our objective is to get close to a million dollars, to continually improve that site and make sure that it's a functioning, viable example of what Wake Forest can be doing around fraternities and sororities.

Bobby Patterson, 125 Linker Place Court, Clemmons, NC

- The fraternity has worked very hard to formalize this space for this proposal to enhance security of the site for the students, as well as the neighborhood. I agree with Mr. Malloy's comment that we are looking to improve the alumni experience there with what we are calling the *garage and event center*. We have worked hard to make that building fit in with the building that is there, not only with the original fraternity house that we did, but also with the campus just across the street.
- The garage door openings would be facing towards the existing house and away from the neighborhoods to the back. Those were our design intents, and I think the fraternity has done a good job of being mindful of those in steering this project in a direction that has positive benefits for everyone.

AGAINST:

Kent Stroupe, 1409 Polo Road, Winston-Salem, NC 27106

- I am the president of historic Oak Crest and I represent the Oak Crest Historic District. For a number of years, this fraternity house has been an eyesore and a problem within our neighborhood. There have been a number of trash issues over the years, even before the current facility was built there. There are trash complaints that date back as early as 1994, and it is currently under abatement right now, such that if they have trash, the City is automatically able to come in and clean the trash up immediately, based on the past problems with the property. They are required to comply with the City code enforcement for one year before they are off the list. They have not proven themselves so far.
- Secondly, they have had numerous calls to the police. They have been in trouble with Wake Forest University and, if I am not mistaken, are currently suspended and not

recognized as a fraternity by the university. They will have to go under, I think, a period of about four years without throwing parties or having functions there before they can be reinstated. And each time they do have a function or a party there, the clock starts over for that four-year period. They have been having parties on a regular basis and so the clock has not moved as far as that goes.

- When they do have parties, it's very disturbing. My family has lived in this neighborhood since 1958 and I have resided here since 1964 in the house I grew up in. When they have a party and I'm walking the neighborhood, I can hear it as far as the end of Idlewild Drive, and sometimes further than that. That is at least 1,500 feet away.
- This facility shows four garage doors across the front, and then there is some glass on the west side of that, and I don't know, it appears to be another garage door. I don't know if there are garage doors on the sides of this new building or not, but if they are going to have that open, they will have amplified music and it will reverberate through the neighborhood.
- One gentleman spoke and said this would be strictly for alumni events, but I highly doubt that. I really feel like the current students that live there will be using that on a regular basis to have their regular parties as they have done over the whole time they have ever been there.
- The trash has been a problem for many years, and it continues to be. When they have parties there is foot traffic all over the place, and if you are driving along that stretch of road, you have to be extra alert because when they are having a party, most of them are not sober.
- We do not feel like they have been a positive influence on our neighborhood over the past years. Certainly, the addition of this building does not indicate to us that that would change.

Doug Cunningham, 111 Idlewild Drive, Winston-Salem, NC 27106

- I am a 15-year resident of Forsyth County. Prior to that, I lived in Davie County. I am a 33-year resident of the state of North Carolina. When I moved into the neighborhood, the first thing I noticed was the eyesore of 1101 Polo Road. It's been a constant battle, constant code violation, noise violation. I have probably called in a dozen times in the 15 years I have lived here.
- The report Kent was speaking of was a report generated by Bruce Bailiff and sent to us. It represents 84 different code violations over a period of 27 years that started in 1994, and it includes the most current one that occurred, which was a trash violation on May 18. Based on their history, they don't deserve any kind of addition to this property. The violations that have been reported over the 27 years include eight different categories of violations. Those include housing, solid waste, weeds, trash, curbside trash, graffiti, shrubbery, junk. And I'm sure if there were more categories you could add them to that list. We feel like by adding another building, it's just going to magnify the current problem that we have always had.

WORK SESSION

George asked the neighbors what kind of condition there should be with the garage door arrangement if the case were approved, and there was discussion about noise amplification in relation to the City's noise ordinance.

George then asked Mr. Malloy to explain the history of violations and the relationship of this fraternity with the City of Winston-Salem. He also asked Mr. Malloy if the fraternity has ever tried to work through some of the issues with the neighborhood.

Mr. Malloy indicated that the fraternity has not met with the neighborhood, but they would be open to doing that. He further stated that they were unaware of neighbors because Wake Forest has bought everything around them.

Chris Leak asked Mr. Malloy if this was the first time he had heard that the neighbors are in opposition. Mr. Malloy stated that it was, and that they were prepared to go to the neighbors as they did for the rezoning in 2003-2004, but they were told they were not required to because Wake Forest is the only neighbor. Mr. Malloy indicated that he reached out to Wake Forest and sent their plans and did not receive any opposition.

Chris Leak asked Mr. Malloy who receives the notices when violations occur. Mr. Malloy responded that it would probably be their property manager, College Corner Properties, who would take care of the problem right away.

Jason Grubbs asked staff to review the standards that the Board must use to evaluate this request. Chris Murphy reminded the Board that Fraternity or Sorority was determined to be an appropriate use of this property in 2003. The request before the Board is a Site Plan Amendment, which goes through a similar process to rezoning, but serves as an approval of a revised site plan for additions to the property. As part of that, the Board can consider the impacts that the proposed building may have on the surrounding property owners. This is a fraternity that has been on the property since 2003, so the use determination has been made. The determination that needs to be made here is whether the proposed changes are consistent with the ordinance, as well as what impacts the changes may have on the larger community.

There was further discussion about what the Board is tasked to do with a Site Plan Amendment and what they are not responsible for, in this case. George stated his reasons for encouraging the Board to vote against approval of this case.

MOTION: George Bryan recommended that the Planning Board find that the request is consistent with the comprehensive plan.

SECOND: Melynda Dunigan

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: George Bryan recommended denial of the Site Plan Amendment.

SECOND: Melynda Dunigan

VOTE:

FOR: George Bryan, Melynda Dunigan

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

EXCUSED: None

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

SECOND: Jason Grubbs

VOTE:

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

AGAINST: George Bryan, Melynda Dunigan

EXCUSED: None

Aaron King
Director of Planning and Development Services