

Tarra Jolly

Subject: FW: [EXTERNAL] Re: Application 3545 (Simpson University Pkwy Oil Change)

From: Marc Allred <marca@cityofws.org>
Sent: Thursday, September 8, 2022 12:13 PM
To: Tarra Jolly <tarraj@cityofws.org>
Cc: Chris Murphy <chrism@cityofws.org>
Subject: FW: [EXTERNAL] Re: Application 3545 (Simpson University Pkwy Oil Change)

Opposition e-mail to W-3545.

Marc Allred
Winston-Salem/Forsyth County Planning & Development Services
100 E First St, Winston-Salem, NC, 27101
336-747-7069

From: Joe Sandor <jsandor@larockcapital.com>
Sent: Thursday, September 8, 2022 11:29 AM
To: Marc Allred <marca@cityofws.org>
Cc: Joe Judge <jjudge@larockcapital.com>; clarock larockcapital.com <clarock@larockcapital.com>; clarock2 larockcapital.com <clarock2@larockcapital.com>
Subject: Re: [EXTERNAL] Re: Application 3545 (Simpson University Pkwy Oil Change)

Mr. Allred,

Thank you for your time and information you provided with regards to application 3545 - Simpson CRE University Parkway Oil Change. As you suggested, I reached out to Stimmel and spoke with Mr. Luke Dickey on 9/6 about the rezoning and project proposal. I wanted to provide you with a summary of our discussion to both keep you informed and document our concerns.

As discussed, we are the new owners of the Parkway Apartment complex adjacent to this proposed development. Our team is very excited about being one of the newest members of your community. LaRock Capital intends to invest well over \$1M to enhance many features of our complex that we feel directly align with Legacy 2030 and the North Suburban Area Plan and are in the process of evaluating other acquisitions within Winston-Salem.

I would like to state upfront that *LaRock Capital Partners is opposed to the project at this time*. We assert that the use is not appropriate for the site and not in keeping with Legacy 2030 and the North Suburban Area Plan Update, and I intend to show City Council evidence of this on 10/3. I understand from Mr. Dickey that recommendation by the Planning Board tonight is likely. I will focus these notes squarely on the design and its impact to the sensitive residential uses directly adjacent.

As I mentioned earlier, I unfortunately will not be able to attend the Planning Board meeting this evening. Will these outstanding items be brought up at the hearing by Planning Board staff? I would like to make our concerns known and documented. We received notice of the project on 8/24 while the notices were dated 8/16, so we had a late start to our outreach back to Stimmel; it appears the reason for our late notice is not because of a mishap on Stimmel's part, but rather we acquired the property on the same day, and the seller (who may have received the notice) neglected to inform us. That said, we would like these items to be incorporated into the design and possible approval and expect further engagement with Stimmel and the applicant as we approach the City Council meeting on 10/3.

1. Topography:

- a. *Screening.* The topography falls from east to west. There is a proposed retaining wall (approximately 4'-6' in height) on the west side of the property, and the landscape buffer is located on the low side of the wall.
 - i. *Landscaping.* While I understand the landscape buffer to be Type III, the first 4'-6' feet will screen only the retaining wall and will not functionally contribute to the intended purpose. I had suggested moving the landscape buffer to the high side of the retaining wall, to which Mr. Dickey informed me of conflicts with the retaining wall and storm drain. I believe changes can be incorporated into the design for landscaping the be on the high side of the wall and serve the intended purposes.
 - ii. *Fence.* I asked Mr. Dickey if a fence was contemplated in the design, and he informed that it was not. I noted that the topography shows headlights from cars will be directed towards our residents of Buildings #106 and #107 as they enter the site and make the first turn heading south. I understand Stimmel will obtain the hours of operation to fully understand when cars will be entering the site and will look further into incorporating a fence into the design to address this issue. As stated above, the landscape buffer is on the low side of the wall, so the plantings alone will not screen.
- b. *Drainage.* We are concerned about contamination of our residential property and harm to our residents, either by chemical-laden surface or subsurface runoff. By the nature of oil change operations, harmful chemicals will be exchanged and risk that these chemicals will not be contained is much higher than that of other uses where chemicals remain contained within cars, such as retail, bank, etc. Since the site generally pitches to the west toward our property, Stimmel has understandably located curb inlets along the western curb, minimizing the height of the retaining wall. My concern is two-pronged:
 - i. *Surface:* When a drainage inlet is clogged, chemical-laden surface runoff can overtop the curb and run down the slope into our property. Furthermore, there will be little incentive to quickly address the clog as the 26' wide driveway still allows for the business to operate normally. Over the long term, cracks will form in the curb due to vehicles (including a trash truck) hitting it, further contributing to the risk that chemical-laden runoff will seep through the curb and contaminate our property as surface runoff. Again, there is little incentive to replace the curb to address this issue.
 - ii. I discussed with Mr. Dickey the possibility of relocating the drainage inlets to the middle of the site rather than on the west side. The benefit is that if the drainage inlet clogs, it will pond *within the site* and remain more contained within the property, and the facility operator will be inclined to properly clean the drainage inlet as it could impact operations. This would reduce risk of hazardous surface runoff to our residential property.
 - iii. *Subsurface:* Cracks will inevitably form in the asphalt, at which time chemical-laden runoff will seep into the subbase, underlying soils, and groundwater. At this time, we do not know the depth of groundwater or direction of groundwater flow as geotechnical

and environmental reports have not been provided. Furthermore, this risk of leak can occur from a drainage inlet, or conveyance pipe.

- iv. Mr. Dickey last informed me via email on 9/7 that he will verify with the owner if *geotechnical and environmental reports* have been completed and can be shared. This is imperative to ensure containment of the hazardous materials at the site.

2. Operations

- a. *Hours of Operation*. Mr. Dickey did not have the hours on hand and noted he will request it from the applicant. It is important to understand when cars would be entering the site as the most disruptive hours to our residents.
- b. *Peak hours of business*. Mr. Dickey did not have the hours on hand and noted he will request it from the applicant.
- c. *Queueing*. Mr. Dickey did not have the queueing information on hand and noted he will request it from the applicant. It appears there is capacity for at least 20 cars to be queued upstream of the oil change facility. How many cars queue at their other facility locations and at what hours? Is there the potential for 20+ cars to be sitting idling as close as 12 yards from our residents' bedrooms/kitchens?
- d. *Trash Collection*. When and how often will trash be collected?
- e. *Hazardous Materials Storage*. How and where is new and old oil stored? How is it ensured that leakage will not occur?
- f. *Hazardous Materials Delivery and Hauling*. How and when is oil delivered and hauled off site, and how can it be ensured that leakage and spill will not occur?

3. Synergy of Uses and Enhancing the Buffer

- a. *Driveway Connection to Retail Development to the South*. Mr. Dickey and I discussed the prospect of connecting the drive from the oil change facility to the new retail development to the south (application #3489). The benefit of this connection is that cars would not need to loop around, and paving could be reduced, thereby increasing the buffer to the adjacent residential use. I understand from Mr. Dickey that NCDOT has resisted a driveway connection, citing that cars exiting the retail property may use the oil change driveway to make a left turn onto University Parkway north-bound (a future median will prevent left turns from the retail site, reference NCDOT TIP#U-2729). NC DOT is apparently concerned of this activity even if the driveway within the oil change facility property is one-way only so vehicles can only exit, citing that the likelihood vehicles will drive upstream the one-way driveway to make the desired turns is high. I appreciate that Mr. Dickey has provided me with email correspondence with NCDOT stating so. I do not, however, see if options have been considered to provide a gate that will only let cars exit or reorienting the building 180 degrees from its current layout so that cars entering illegally from the south would only have the option to drive through the oil change facility and would not be able to proceed to the University Parkway curb cut. These are just two methods for satisfying NC DOT's concern.

I appreciate your efforts on this application, and of course the support and guidance you have provided.

Respectfully,

Joe Sandor P.E., LEED Green Associate



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From: Marc Allred <marca@cityofws.org>
Sent: Thursday, September 1, 2022 1:10 PM
To: Joe Sandor <jsandor@larockcapital.com>
Subject: RE: [EXTERNAL] Re: Application 3545 (Simpson University Pkwy Oil Change)

Just provide the PowerPoint to me by the September 30th so the presentation can be loaded into the system.

Yes, Planning Board is streamed at <https://www.cityofws.org/1090/Planning-Board-City-County>.

Marc Allred
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100 E First St, Winston-Salem, NC, 27101
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From: Joe Sandor <jsandor@larockcapital.com>
Sent: Thursday, September 1, 2022 11:32 AM
To: Marc Allred <marca@cityofws.org>
Subject: Re: [EXTERNAL] Re: Application 3545 (Simpson University Pkwy Oil Change)

Marc,

Thank you so much. I likely won't be able to make the 9/8 Planning Board meeting, but I will plan for the 10/3 City Council meeting. Is the Planning Board meeting streamed online so that I may tune in?

Thanks,
Joe

Joe Sandor P.E., LEED Green Associate

Analyst

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From: Marc Allred <marca@cityofws.org>
Sent: Thursday, September 1, 2022 10:45 AM
To: Joe Sandor <jsandor@larockcapital.com>
Subject: RE: [EXTERNAL] Re: Application 3545 (Simpson University Pkwy Oil Change)

Here is the site plan for the neighboring property.

<https://lffportal.cityofws.org/PLZoning/DocView.aspx?id=5912265&dbid=0&repo=CITYWS-PROD&searchid=5ebd75e5-c2b3-414e-9898-bc5b3905f9a7>

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From: Joe Sandor <jsandor@larockcapital.com>
Sent: Wednesday, August 31, 2022 2:22 PM
To: Marc Allred <marca@cityofws.org>
Subject: [EXTERNAL] Re: Application 3545 (Simpson University Pkwy Oil Change)

Good afternoon Mr. Allred,

I just left you a voicemail to follow up on my email below. Please call me back at your convenience to discuss application 3545. Thanks so much.

Respectfully,
Joe

Joe Sandor P.E., LEED Green Associate

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From: Joe Sandor
Sent: Tuesday, August 30, 2022 11:44 AM
To: marca@cityofws.org <marca@cityofws.org>
Subject: Application 3545 (Simpson University Pkwy Oil Change)

Good morning Mr. Allred,

I left you a voicemail earlier this morning, and wanted to follow up in email with some more information.

On 8/16/22, LaRock Capital Partners acquired an apartment community called Parkway Place I Apartments, located at 104 Penner Street in Winston-Salem. We received the attached outreach document (also dated 8/16/22) on 8/24/22 from our property manager, who had determined that the tenants were receiving this notice. We, as the owner, did not receive the notice directly and are grateful our property manager found out about it.

As the proposal to rezone from R9 to HB-S and construct an oil change facility is directly adjacent to our parcel, we are highly engaged and would like to learn more about the project. **For reference, I have prepared an exhibit overlaying the proposed site plan sketch on an aerial with annotations.**

I would appreciate the opportunity to discuss the project with you to find out more about the proposal, process, and schedule. Initially, I do have concerns for how this would affect the quality of life for our residents and how this proposal may or may not be aligned with Winston-Salem's vision for the University/Hanes Mill Activity Center.

Looking forward to speaking, and thank you.

Respectfully,
Joe

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