

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION			
Docket	W-3538		
Staff	Marc Allred		
Petitioner(s)	Wachovia Bank, N.A.		
Owner(s)	Same		
Subject Property	PIN 6817-82-2670		
Address	100 Sunnynoll Court		
Type of Request	Site Plan Amendment		
Proposal	The petitioner proposes to amend the previously approved site plan for Zoning Dockets W-3440 and W-3455 for screening of aboveground storage tanks.		
Neighborhood Contact/Meeting	The petitioner’s neighborhood outreach summary is attached.		
GENERAL SITE INFORMATION			
Location	Northwest corner of Sunnynoll Court and Silas Creek Parkway		
Jurisdiction	Winston-Salem		
Ward(s)	North		
Site Acreage	± 8.65 acres		
Current Land Use	There is currently a two-story, 90,250-square foot data center on the site. The facility is used as a data center.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	GB-S	Undeveloped property, Culver’s restaurant, and a Sheetz convenience store
	East	LO-L and RM12-S	Undeveloped property and multifamily residential
	South	GO-S	Offices
	West	RS9	Single-family homes
Physical Characteristics	The developed site is higher in elevation than Silas Creek Parkway and has a downward slope towards Silas Creek Parkway.		
Proximity to Water and Sewer	A public water main follows the eastern property boundary and connects with a main under Sunnynoll Court. The previously approved site plan and elevations depicted a low brick wall topped by a security fence with brick piers that would screen the storage tanks from views from the surrounding rights-of-way. The petitioner is proposing an alternative screen due to the proximity of the water main to the storage area.		
Stormwater/ Drainage	Existing stormwater management facilities are unaffected by this request.		
Watershed and Overlay Districts	The site is not located within a water supply watershed.		

Analysis of General Site Information	The site is developed with a large building and parking area, as well as a storage area for aboveground fuel tanks. Previously approved development (with Zoning Dockets W-3440 and W-3455) is already underway. The request is necessary because the distance between the security wall/screen and the water main is shorter than originally considered. The petitioner proposes a more traditional security fence to account for this reality, as well as for Utilities concerns about safety.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3455	GO-S Site Plan Amendment	Approved 11/12/2020	Current site	8.65	Approval	Approval
W-3440	GO-S Site Plan Amendment	Approved 7/6/2020	Current Site	8.65	Approval	Approval
W-2898	GO-S Site Plan Amendment	Approved 1/3/2007	Current site	8.45	Approval	Approval
W-2199	GO-S and RS9 to GO-S	Approved 1/5/1998	Current site	8.45	Approval	Approval
SITE ACCESS AND TRANSPORTATION INFORMATION						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
Silas Creek Parkway	Expressway	573 feet	30,000	49,000		
Sunnynoll Court	Local Street	625 feet	N/A	N/A		
Proposed Access Point(s)	This request does not propose any changes to the previously approved access.					
Planned Road Improvements	This request does not propose any changes to the previously approved improvements.					
Trip Generation - Existing/Proposed	This request does not propose any changes to the previously approved site plan; thus, the request will have no impact on trip generation.					
Sidewalks	There are sidewalks along Fairlawn Drive approximately 300 feet north, and the <i>Comprehensive Transportation Plan</i> calls for sidewalks on both sides of Silas Creek Parkway.					
Transit	WSTA Routes 88, 99, and 109 serve Reynolda Road approximately 600 feet west.					
Analysis of Site Access and Transportation Information	Staff foresees no transportation-related issues associated with this request.					

SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS			
Building Square Footage	Square Footage		Placement on Site
	96,850		North central portion of the site
Parking	Required	Proposed	Layout
	27 spaces	49 spaces	Three rows of angled parking
Building Height	Maximum		Proposed
	60 feet		Two stories
Impervious Coverage	Maximum		Proposed
	80 percent		53.7 percent
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Section 4.6.4: General Office District 		
Complies with Section 3.2.11	(A) Legacy 2030 policies:	No	
	(B) Environmental Ordinance	N/A	
	(C) Subdivision Regulations	N/A	
Analysis of Site Plan Compliance with UDO Requirements	This request proposes no changes to the previously approved site plan other than the design of the screening fence along Silas Creek Parkway. The site plan is compliant with UDO requirements.		
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. Ensure appropriate transitional land uses or physical buffering between residential and nonresidential uses to maintain the character and stability of neighborhoods. 		
Relevant Area Plan(s)	<i>North Suburban Area Plan Update (2013)</i>		
Area Plan Recommendations	<ul style="list-style-type: none"> The plan recommends office uses at this location. 		
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.		

Rezoning Consideration from Section 3.2.19 A 16	Have changing conditions substantially affected the area in the petition?
	No.
	Is the requested action in conformance with <i>Legacy 2030</i>?
	No.
Analysis of Conformity to Plans and Planning Issues	<p>The proposed amendment would change the design of the screening that was originally approved along Silas Creek Parkway with Zoning Docket W-3440. In addition to the proposed changes to the screening/security fence/wall, the developer proposes to increase the number of primary evergreen plants along the southeastern portion of the property boundary.</p> <p>Silas Creek Parkway, with an average daily travel of 30,000 vehicles, is one of the busiest roads in Winston-Salem and, therefore, an important viewshed for the city’s residents. The originally approved brick wall and piers and landscaping were considered an adequate aesthetic exchange for the loss of vegetative screening along Silas Creek Parkway and an alternative to having inadequate room for a continuous landscaped screen. The petitioner proposes changes to these features because a water main was inaccurately located on the site plan approved with Zoning Docket W-3440.</p> <p>Staff believes that the proposed changes do not promote quality design and could have a negative impact on surrounding development. At the very least, they are not beneficial to the Silas Creek Parkway corridor. Given the site’s elevation above Silas Creek Parkway and the concerns from citizens and the Planning Board during the public hearing(s) for Zoning Docket W-3440 regarding views from Silas Creek Parkway, staff’s opinion is that this request does not do enough to compensate for the loss of aesthetic quality along the viewshed at this location.</p> <p>The petitioner’s alternative is to relocate the existing water main along the eastern property boundary.</p>
	CONCLUSIONS TO ASSIST WITH RECOMMENDATION
	Positive Aspects of Proposal
	Negative Aspects of Proposal
No changes are proposed that would intensify the current use of the site.	The request does not promote quality design along Silas Creek Parkway.
	The petitioner has an alternative solution that would preserve the approved development.
	The proposed fence does not compensate for the loss of aesthetic quality along the viewshed at this location.

SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL

The following conditions are carried over from previously approved amendments to the original Special Use district:

- **PRIOR TO THE ISSUANCE OF ANY PERMITS:**
 - a. The only permitted use for the subject property within the Services, A category is Computer Data Center (Standard Industrial Classification 737).

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS:**
 - 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:
 - Recordation of a negative access easement along the Silas Creek Parkway frontage.
 - b. Developer shall have a stormwater management study submitted for review by the City of Winston-Salem. If required, an engineered stormwater management plan shall be submitted and approved by the Stormwater Division. Such plan may include the establishment of a funded escrow account for maintenance and repair of stormwater controls. Relocation or installation of any stormwater control measure into any buffer areas, vegetated areas designated to remain, or in close proximity to adjacent residentially zoned land shall require a Staff Change approval at minimum and may require review by the Planning Board.
 - c. No encroachment into the right-of-way for Silas Creek Parkway shall be permitted.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
 - a. The proposed walls and security fencing along Sunnynoll Court shall be in substantial conformance with the submitted images as verified by Planning staff.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. Developer shall complete all requirements of the driveway permit.

STAFF RECOMMENDATION: Denial

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-3538 JULY 14, 2022

Marc Allred presented the staff report.

George Bryan asked is the site under construction now. Marc responded that it is. Jason added that this is an expansion project that involves moving or relocating water or fuel tanks on-site. Desmond interjected that the Planning Board has previously reviewed this site twice. This specific request is only to change the form of screening for the storage tanks. Kirk added that the issue before the board is to determine whether the applicant can amend their existing plan on file to allow them to change the fence material. Desmond advised that the original request that was approved showed the existing utility lines in one location, but once construction started, the applicant found out the water line was actually somewhere else. Utilities is concerned that the applicant's wall could be too close to the water main if they ever need to access the main for maintenance. Walter Farabee added he was under the impression there was already a brick wall on-site. Jason advised it is cheaper to swap out screening than to move a water line.

PUBLIC HEARING

FOR:

Jeff Nichols, 3938 Conner Glenn Drive, Huntersville, NC 28078

- Jeff Nichols stated this project consists of replacing an existing underground fuel system with a new above ground fuel system that is environmentally safer, but requires more real estate. This project is probably 90 percent or more complete. The fuel system itself is complete and operational.
- Originally there was a landscape berm on the west side of the property. The shelters in the photos are concrete shelters that provide screening and weather protection for the tanks. Those are basically where the berms were originally located.
- Beyond that, there is a security perimeter which uses an inner and outer fence because we are adjacent to a thoroughfare (Silas Creek Parkway). Also, there is a vehicle barrier that is in between the two fences. It is intended to be able to stop any vehicle that leaves the road for whatever reason before impacting the fuel system.
- There is not enough room to build the brick wall that was originally planned. Our utility locate survey, which was what our design was based on, showed the existing water line about seven feet from where it actually is.
- The first 170 feet or so of the wall, if built where it was originally designed to go, would be right on top of the water line. We worked closely with Utilities on what the

requirements are going to be and how we deal with those requirements. Ultimately, the decision was made that the water line just needed to be moved.

- The issue with moving the water line into the right-of-way is this area is already full of power and data utilities. There is no way to come close to the separation requirements Utilities wants between the water line and existing utilities. It is not that we simply do not want to pay for moving the water line.
- The proposed change is to just eliminate the brick element of the fence material. Originally, the fence was sitting on top of a four-foot brick knee wall in between the brick piers. Now, it would be a 10-foot fence without the brick elements, keeping the same landscaping in front of it. It still would have to be moved and we are pushing it up as tight as we can get to the vehicle barrier that is already installed. We have a situation nobody really wanted, and if we had known this is where we were going to land, we would have done something different to begin with. The intent was to build the brick fence and we would be happy if we could have done this. The issue is beyond just moving a water line, and we feel this is the most practical way to deal with it.
- Brenda Smith asked if the fence is for security. Jeff Nichols answered that this is correct. It is a Wells Fargo requirement. Brenda followed up by asking about the facility's existing brick fence. Jeff responded that fence does not meet security requirements. There are issues with the existing picket fence because it is extremely easy to climb. The proposed fence is a tighter mesh you cannot climb. The proposed change is not to do away with the fence material and change it to this. It is to keep the same fence material that was proposed and originally approved, but to eliminate the brick elements. Other materials were researched to break up the length of the fence that would be lighter than the brick piers, because Utilities had concerns about a heavy wall falling on someone digging up a ruptured water line.
- We looked at faux brick, faux stone, and fiberglass composite materials which look reasonably realistic from 20 feet away, but which look worse over time due to exposure to UV. These materials will probably look passible when first installed, but in five years they will look worse when they get damaged.
- Clarence Lambe asked whether there is enough land to put up a vegetative barrier along the street thick enough to completely obscure the first four vertical feet of the wall so that there is uniformity to the appearance from Silas Creek Parkway. Jeff responded that there is a continuous hedge of four-foot-tall shrubs along the entire frontage of the site that was a part of the original approval, and that is something we are maintaining.
- Wells Fargo wants to maintain security and does not want to give a foot-hold for someone to climb the fence. There is not a lot of room to plant something away from the fence between the fence and the street. We also cannot plant any trees or taller landscape elements on top of the water line.
- Jason questioned whether Wells Fargo security requirements also dictated the barbed wire on top of the fence and asked if there is not a way to go higher with the fence and get rid of the barbed wire. Jeff answered this is a Wells Fargo standard. Jason's concern is that people driving by will go from seeing miles of wrought iron and brick to what you see when you drive by other facilities with barbed wire. Jeff is concerned that even if the water line is moved, this will require relocating all the utilities that are in the right-of-way, which

has not been studied. There are multiple different data providers with lines in the right-of-way which may need to be stacked. Jason asked about the idea of an easement for the water line inside the fence. Jeff stated there is not enough room inside the fence to get the clearance that is needed.

- Mo McRae asked if there is anything you can do to soften the fence, like a mural or something. Jeff stated this has been discussed, the fence material is transparent when you are facing it perpendicular, but is not as transparent as a chain link fence. When you see it at a thirty-degree angle or when you are driving by, you are going to see it as more of an opaque black fence. There is the potential to paint something on the fence and as you are driving by you would see a solid image.
- Brenda Smith stated it seems that since we are the City of Arts, and we place an emphasis on public art, that we should be able to come up with a solution here.
- Jack Steelman added that before we became the City of Arts and Innovation, he worked closely with Wells Fargo and others in the design and development of the data center. Wells Fargo has been a phenomenal corporate citizen for a long time and I cannot see them stopping at this point. Jack stated he does not think either solution proposed tonight is going to make anyone happy. Jack asked Jeff if he would consider continuing this item another month to try to come up with something more desirable. Jeff stated that time has already been spent to study the situation and this proposal is their best option.
- Jeff commented that as an architect, it is hard to say that an anti-climb fence is our best option, but it is in this case due to security requirements. Painting the fence to make it more palatable is probably the best shot and is something that would have to be discussed with corporate security.
- Jack stated he remembered a very boring chain link fence that borders Graylyn and Reynolda Road. They intentionally planted vegetation in front of it and the vegetation grew and now you do not see the fence. Jack wondered if that could be done here. Jeff indicated this would be unlikely, as Wells Fargo prefers to have visibility out through the fence to see threats approaching.
- Melynda asked Kirk to explain staff's position in terms of the recommendation for denial. Kirk responded that the petitioner initially approached us to do a staff change for this fence option. As one of the things that staff tried to achieve with the previous rezonings here was adding aesthetic elements so the site would not be as institutional-looking, we were not comfortable approving this at the staff level. That is why the petitioner filed for a Site Plan Amendment. In the conversations our staff had with utilities staff, moving the utility line was workable. That being said, Wells Fargo has their own security protocols and standards they are trying to achieve that City staff may not have been privy to. If the Board believes what the petitioner is proposing is the most reasonable way to move forward, staff is comfortable with that. However, staff did not feel this request would be something we could adequately defend given where we have tried to move this site to over the last few years to find a balance between the safety they are looking for, but to also reflect that this one of the major corridors into Wake Forest University. There has been a lot of development around here since Sunny Knoll started being developed in 1988 and Silas Creek Parkway was extended. We have really taken extra care in making sure all the building facades and streetscape treatments are attractive as you transition towards North

Point Boulevard. Brenda Smith stated there seems to be some difference in what staff was aware of regarding moving the utilities versus what we just heard. If we can get some clarity before this goes to Council that would help a lot. Kirk stated that staff would schedule a meeting with Utilities and the developer's architect to refine these details before we go to City Council, so we can keep this request on track. It would probably be preferable if we could continue this for a month and keep it at the Planning Board level and send it forward in a nice, neat bow for Council, but it sounds like the architect has exhausted the spare time they have on the project. Chris Leak interjected that if we agree with staff, it is still going to delay the project. If we agree with staff, this goes before Council, and Council can hash this out. Melynda stated she hopes we can come to a better solution than what is being proposed, simply because this does not look just institutional, it looks like a prison. She also noted the work the City has done along Silas Creek Parkway, especially the trees that have been planted in the median. We put a lot of money into improving this corridor and I would hate to see this distract from that, so I am all for trying to come to a better solution. If this were the site plan that I saw when we originally approved this, I would have voted for denial.

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 denial of the ordinance 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

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