

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>	
<b>Docket #</b>	W-3343
<b>Staff</b>	<a href="#">Gary Roberts, Jr. AICP</a>
<b>Petitioner(s)</b>	Jemsite Development, LLC
<b>Owner(s)</b>	Same
<b>Subject Property</b>	PIN# 6817-83-6864
<b>Address</b>	The address for the proposed bank will be issued prior to permitting.
<b>Type of Request</b>	Site Plan Amendment for a Banking and Financial Services use in a GB-S zoning district.
<b>Proposal</b>	<p>The petitioner is requesting a site plan amendment to the existing GB-S zoned property.</p> <p>The approved uses from the previously approved zoning case (W-3266) for this site are:</p> <p>Residential Building, Townhouse; Residential Building, Multifamily; Combined Use; Life Care Community; Arts and Crafts Studio; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; Nursery, Lawn and Garden supply Store, Retail; Restaurant (without drive-through service); Restaurant (with drive-through service); Retail Store; Shopping Center; Shopping Center, Small; Bank and Financial Services; Bed and Breakfast; Funeral Home; Hotel or Motel; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Offices; Services, A; Testing and Research Lab; Veterinary Services; Recreation Services, Indoor; Recreation Facility, Public; Swimming Pool, Private; Theater, Indoor; Academic Biomedical Research Facility; Academic Medical Center; Adult Day Care Center; Child Care, Drop-In; Child Care Institution; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; College or University; Government Offices, Neighborhood Organization, or Post Office; Hospital or Health Center; Institutional Vocational Training Facility; Library, Public; Museum or Art Gallery; Nursing Care Institution; Police or Fire Station; School, Private; School, Public; School, Vocational or Professional; Park and Shuttle Lot; Parking, Commercial; and Utilities</p>
<b>Neighborhood Contact/Meeting</b>	<p>According to the petitioners representative: “Stimmel Associates mailed notification letters, a vicinity map, and proposed site plan to the 96 property owners outlining the proposed Site Plan Amendment (W-3343) request on Friday, August 25. The area included properties within 500’ of the site and additional properties within the Green Crest Drive, Edgebrook Road and Old Town Road neighborhoods. Please refer to attached documents for detailed information (see Attachment A and B).</p>

	Stimmel received emails from three neighbors north of the site with concerns about stormwater run-off and erosion within the streams north of the site. A meeting on Wednesday, September 6, 2017 has been set-up with City of Winston-Salem Stormwater Division, the developer, and the concerned neighbors to review the stormwater requirements and the neighbor's concerns.		
GENERAL SITE INFORMATION			
Location	West side of Silas Creek Parkway, north of Fairlawn Drive		
Jurisdiction	City of Winston-Salem		
Ward(s)	North		
Site Acreage	± .87 acre		
Current Land Use	The site is currently undeveloped.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RM12-S	Apartments
	East	RM18-S	Undeveloped property
	South	GB-S	Commercial development under construction
	West	RM18-S & GB-S	Apartments and commercial development under construction
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?		
	The approved use of Banking and Financial Services is compatible with the uses permitted on the adjacent GB-S zoned property and less compatible with the uses permitted on the adjacent RM12-S and RM18-S zoned properties.		
Physical Characteristics	The site has been recently graded.		
Proximity to Water and Sewer	Public water and sewer are available to the site.		
Stormwater/ Drainage	<p>A stormwater study was required prior to the issuance of the grading permit. It has been determined that the stormwater management facility which was previously constructed on the multifamily residential development located directly to the northwest, was sized appropriately to handle to the stormwater runoff from the subject property; that's negating the need for the stormwater pond shown on the approved site plan in this location.</p> <p><i>NOTE: The following information has been added to the staff report subsequent to the September 14<sup>th</sup> Planning Board meeting:</i></p> <p><i>The watershed that drains the subject development is a tributary to Monarcas Creek and has relatively steep topography. Developments</i></p>		

	<i>within the watershed often have older or no stormwater treatment .systems. Stream erosion is evident in many locations and city staff have responded to multiple flooding and stream bank erosion complaints in the past 15 years. Degraded stream channels along this tributary and Monarcas Creek are threatening access to property in some locations</i>					
<b>Watershed and Overlay Districts</b>	The site is not located within a water supply watershed.					
<b>Analysis of General Site Information</b>	The subject outparcel site has recently been graded in conjunction with the development of the adjacent commercial development. The site appears to have no development constraints.					
<b>RELEVANT ZONING HISTORIES</b>						
<b>Case</b>	<b>Request</b>	<b>Decision &amp; Date</b>	<b>Direction from Site</b>	<b>Acreage</b>	<b>Recommendation</b>	
					<b>Staff</b>	<b>CCPB</b>
W-3266	GO-S, GB-S, and RM12-S to GB-S, GB-L, and LO-L	Approved 7-20-2015	Included current site	27.23	Approval	Approval
<b>SITE ACCESS AND TRANSPORTATION INFORMATION</b>						
<b>Street Name</b>		<b>Classification</b>	<b>Frontage</b>	<b>Average Daily Trip Count</b>	<b>Capacity at Level of Service D</b>	
Silas Creek Parkway		Expressway	238'	27,000	49,000	
<b>Proposed Access Point(s)</b>		The subject property will utilize the existing access points approved as part of W-3266. No new access points are included with this request.				
<b>Trip Generation - Existing/Proposed</b>		3,321sf / 1,000 x 148.15 (Drive In Bank Trip Rate) = 492 Trips per Day				
<b>Sidewalks</b>		There are no sidewalks along Silas Creek Parkway.				
<b>Transit</b>		Routes 88, 99, and 109 run along Reynolda Road located approximately one half mile to the southwest.				
<b>Connectivity</b>		The subject outparcel site has common access with the remainder of the adjacent commercial development.				
<b>Transportation Impact Analysis (TIA)</b>		In 2015, a Traffic Assessment was submitted in conjunction with the larger 27.23 acre rezoning which included the subject property (W-3266). Improvements along Silas Creek Parkway and Fairlawn Drive are tied to the issuance of a driveway permit.				
<b>Analysis of Site Access and Transportation Information</b>		The proposed site plan does not change the approved access points or internal circulation. The use of Banking and Financial Services will generate more traffic than the stormwater management facility which is shown on the approved plan. However, Silas Creek Parkway has additional capacity and according to WSDOT it is anticipated that the proposed improvements associated with the original approval (W-3266) will accommodate said additional traffic.				

SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS		
Building Square Footage	Square Footage	Placement on Site
	3,321	Central portion of the site
Parking	Required	Proposed
	15 spaces	18 spaces
Building Height	Maximum	Proposed
	60’	One story
Impervious Coverage	Maximum	Proposed
	NA	64.37%
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"><li>Chapter B, Article II, Section 2-1.3 (J) General Business District</li></ul>	
Complies with Chapter B, Article VII, Section 7-5.3	(A) <i>Legacy 2030</i> policies:	Yes
	(B) <i>Environmental Ord.</i>	NA
	(C) Subdivision Regulations	NA
Analysis of Site Plan Compliance with UDO Requirements	The proposed site plan accommodates a 3,321 square foot bank with two drive through lanes. The proposal maintains the 15’ wide Type III bufferyard which separates the site from the adjacent residentially zoned property.	
CONFORMITY TO PLANS AND PLANNING ISSUES		
<i>Legacy 2030</i> Growth Management Area	Growth Management Area 3 - Suburban Neighborhoods	
Relevant <i>Legacy 2030</i> Recommendations	<ul style="list-style-type: none"><li>Encourage convenient services at designated areas to support neighborhoods consistent with the Growth Management Plan.</li><li>Increase infill development in the serviceable land area.</li><li>Consider requiring new buildings to be oriented to both public and internal streets and parking areas located internally on the site or behind buildings.</li></ul>	
Relevant Area Plan(s)	<i>North Suburban Area Plan Update (2014)</i>	
Area Plan Recommendations	<ul style="list-style-type: none"><li>The proposed land use for the subject property is office use.</li><li>The plan recommends the consolidation of office and commercial uses at existing commercial/office locations. All new and redeveloped commercial and office uses should be designed and developed to be compatible with nearby residential uses.</li><li>The subject property is adjacent to the Silas Creek Parkway and Fairlawn Drive Area mixed-use area.</li></ul>	
Site Located Along Growth Corridor?	The site is located along the Silas Creek Parkway Growth Corridor.	

Site Located within Activity Center?	The site is not located within an activity center.	
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(3) - Have changing conditions substantially affected the area in the petition?	
	Yes, after the area plan was approved, the subject property was rezoned as part of a larger 27.23 acre development (W-3266).	
	(R)(4) - Is the requested action in conformance with Legacy 2030?	
	Yes	
Analysis of Conformity to Plans and Planning Issues	The subject property is located at the northwest quadrant of Silas Creek Parkway and Fairlawn Drive which was a portion of a larger 27.23 acre rezoning approved in 2015 (W-3266). The approved site plan shows a stormwater management device to be located on the site. However, it has been determined that the stormwater management facility which was constructed on the adjacent multifamily residential development, was sized appropriately to handle to the stormwater runoff from the subject property. The proposed site plan would allow for a bank with a drive through to be located on the site.	
	The site plan retains the provision of a 15’ Type II bufferyard along the western and northern property lines which abut RM12-S zoning and the originally approved conditions regarding site lighting and common landscaping will be carried forward. Staff recommends approval.	
CONCLUSIONS TO ASSIST WITH RECOMMENDATION		
Positive Aspects of Proposal		Negative Aspects of Proposal
The request would accommodate additional business opportunities within this approved commercial development.		The estimated trip generation is higher for the proposed use than for the use shown on the approved site plan.
The proposed access points onto Silas Creek Parkway and Fairlawn Drive will not change.		
The previously approved conditions, including the perimeter bufferyards, will remain in place.		
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL		
The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.		
<ul style="list-style-type: none"><li>• <b><u>PRIOR TO THE ISSUANCE OF GRADING PERMITS:</u></b><ul style="list-style-type: none"><li>a. Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered stormwater management plan shall be submitted and approved by the Public Works Department. Relocation or installation of any stormwater treatment device into any buffer areas, vegetation designated to remain, or close</li></ul></li></ul>		



proximity to adjacent residentially zoned land shall require a Staff Change approval at minimum, and may require a Site Plan Amendment.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**

- a. The proposed building plans shall be in substantial conformance with the submitted elevations as shown on “Exhibit A” as verified by Planning staff. The brick color of the exterior walls shall be consistent with the brick color of the adjacent LIDL store.
- b. An engineered lighting plan shall be submitted to the Inspections Division which complies with the following: (1) maximum pole height of twenty-five (25) feet; (2) full cut-off fixtures; (3) any wallpacks or attached lighting shall be angled downward and away from all public streets; and (4) no more than 0.5 ft/candle along all public right-of-ways and adjacent to residential zoning. Developer shall select a fixture that will be used throughout all the subject property.
- c. Cross access easements to PIN 6817-83-4588 shall be recorded.
- d. All rooftop HVAC equipment located on the subject property shall be completely screened from view along all public streets.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**

- a. Lighting shall be installed per approved lighting plan and certified by an engineer.
- b. Buildings shall be constructed in substantial conformance with the approved building elevations as approved by Planning staff.

- **OTHER REQUIREMENTS:**

- a. Freestanding signage shall be limited to one (1) monument sign with a maximum height of six (6) feet and a maximum copy area of thirty-six (36) square feet. Freestanding signage for the subject property shall be constructed of the same material as the signage on PIN 6817-83-4588. The monument sign shall consist of a brick base with a brick cap or precast cap.
- b. Streetyard plantings for the entire subject property shall consist of Shumard Oaks (*Quercus shumardi*) or comparable variety for the trees and Carissa Holly (*Ilex cornuta* ‘Carissa’) or comparable variety for the shrubs which shall be the primary plant materials. Additional trees and shrubs may be used to supplement the required species listed above. In addition, a staggered double row of shrubs shall be provided within the required streetyard.
- c. The property shall be subject to the time restrictions governing the operation of front-end loaders for refuse collection, as set forth in Section 46-5(a)(1) of the Code of Ordinances.

**STAFF RECOMMENDATION:** Approval

**NOTE:** These are **staff comments** only; final recommendations on projects are made by the City-County Planning Board, with final decisions being made by the appropriate Elected Body, who may approve, deny, table or request modification for any project. **THE APPLICANT OR**



**REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.**

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# **CITY-COUNTY PLANNING BOARD**

## **PUBLIC HEARING**

### **MINUTES FOR W-3343**

### **SEPTEMBER 14, 2017**

Gary Roberts presented the staff report.

#### **PUBLIC HEARING**

FOR:

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

- Mr. Dickey reviewed the original Sunnynoll rezoning which took place in 1988.
- In 2015, we brought four of the tracts in and repositioned the retail and office. Today we are asking for a Site Plan Amendment for the Tract 1 site north of Fairlawn Drive.
- In 2015, there was a condition placed on the site plan for a stormwater study to be done. We went ahead and showed the locations where stormwater retention ponds would be placed if they were required as a result of the study.
- During the engineering portion of the stormwater study, we learned that there were two ponds constructed in 1998 on the Crowne Park Apartments site.
- It was determined from working with Joe Fogarty and Keith Huff of the City's Stormwater Division, that the stormwater pond on the site for Crowne Park Apartments was sized for this site and we were grandfathered in for stormwater requirements. Therefore we are before you today saying that the pond that was shown on the site in 2015 and which was never constructed opened up the opportunity for another 0.87 acres for development.
- What we have presented today in place of that stormwater pond is this 3,221 square foot bank to go onto the site.
- The buffer is going to remain. The pipe that is going back to this site is already in place.
- As the pipe goes through the buffer you don't want to plant trees right on top of it. You plant trees off to the side and then the shrubs will go on top of the pipe. You make sure you space your plantings so you don't have the big roots of the trees growing on top of the pipe. We still meet the minimum requirements that we have for a Type III bufferyard for the planting ratios back in that location.
- Overall we are not requesting any other changes to the conditions that have already been approved for this site. We will still have the streetyard requirements along the front along Silas Creek Parkway. No access changes are going to take place. The one access is along the service area for the grocery store.
- The site needs to be built up a little bit so there will be about a five (5) foot retaining wall with the plantings between it and Silas Creek Parkway.

- It is only 0.87 acres and is a 3,221 square foot bank with drive-through.
- The area this drainage is going through is about 140 acres of urbanized watershed. This area along Reynolda Road has not been managed for stormwater. The Sunnynoll portions have stormwater in place.
- Overall the system for this area was 452 acres and we're bringing in less than an acre of impervious surface.
- We did have some concerns when we sent out our letter to the neighbors which was everyone we had sent it out to in the 2015 request which was 96 property owners. We received three (3) emails back from citizens concerned about stormwater runoff, rightly so in this area because there is an existing problem that's been going on for quite a while. We set up a meeting with Keith Huff and the residents to go over what the stormwater requirements were. I believe they also had a site visit today with some of the neighbors to show what some of the concerns are with the erosion.
- If you have questions about what the requirements for stormwater are, I'll let Keith Huff answer those since he's going to have much more knowledge on what the rules and procedures are for stormwater.

#### AGAINST:

Mack Roebuck, 1180 Edgebrook Drive, Winston-Salem, NC 27106

- My house backs up to Crowne Park Apartments.
- Two years ago I was president of the Old Town Road Neighborhood Association. At that time I spoke at City Council saying that our neighborhood had no objection to the proposed plan but we were concerned about things being tweaked down the road.
- I had a good meeting today with Keith Huff and he explained a lot of things to me. The two things below the apartments which I thought were catch basins are not catch basins. Under the original design in 1998 they weren't intended to hold water and they don't. Water is speeding down. The creek has eroded about 150' over the last 15 years and is taking out the rip-rap and the plastic.
- That shows how fast the water is running off from just the apartment parking lots.
- The grocery store's drain is not going down to this particular catch basin. Their catch basin was already eroded down to bedrock so there's no clear problem right there. The problem is with the erosion it is causing downstream. It's flooding Bethabara Park more often. It's also routinely flooding houses.
- The problem with stormwater is that there's no clear enemy. It's little things all over the place. There's no major thing you can do to rectify this.
- Yes, you can say it is all complying but the water is still doing what water does.
- I have no objection to something new going there, but to eliminate any detention at all and say this area behind the apartments is going to take care of it, that's just wrong because it's not even taking care of what's there.
- A forested area like what was there before is like a sponge. It soaks up the water and slowly lets it out. There's not a sponge there anymore. The idea of these ponds is to somewhat approximate that. It doesn't do it completely, but it should somewhat.
- Can you just sort of delay this and see what we can do to slow all this water down?

Charles Wilson, 1177 Edgebrook Drive, Winston-Salem, NC 27106

- Referencing the approved site plan from the 2015 zoning, Mr. Wilson showed the location of the stormwater pond which the applicant is requesting be replaced with a bank.
- Their intent is to share a retention basin on Crowne Park Apartments property which may have been adequate when the site was heavily wooded. The site is no longer heavily wooded. It will be almost solid concrete and roofs and they'd like to add even more.
- The stormwater control system is no longer adequate.
- Putting stormwater onto someone else's site will not do the job.
- Showed pictures of current stormwater and erosion situations.
- The goal of a stormwater detention basin is to hold the water from a heavy rain and then release it slowly.
- The stormwater drainage pipes under Crowne Park Apartments have shifted so they are discharging water below the intended discharge area. The system is not working.
- The secondary stormwater control is failing, probably due to the larger stormwater basin above it.
- We need an onsite stormwater detention basin rather than relying on the stormwater system of someone else which is currently not working correctly.
- This is not the solution to the problem.
- We have seen increased stormwater coming down since this grocery store project was built.

Ann Heller, 1125 Edgebrook Drive, Winston-Salem, NC 27106

- I'm here in opposition to this request because of the increase in runoff, not because it is a bank, but because there is increased impervious surface.
- The stormwater system in place is already failing as you have seen.
- At the base of where the riprap is being torn away, there is about three (3) feet deep of stream where tree roots are running on top because that's where the land used to be.
- I have some questions. Are the people developing this site just trying to avoid maintaining a runoff pond? Apparently now it is required to do so. Obviously it should have been because what's there for the apartments has not been maintained and isn't working.
- Please learn from Houston. They have had three (3) one-hundred year floods in the last ten (10) years.
- We need to make plans for the one-hundred year flood. What level of storm has been prepared for? Why isn't that pond being used already that was on the site plan? Why isn't the water from the grocery store already draining in that direction? Why wasn't it required to be used since that was the plan? Why is it coming after the fact? Please, let's slow down. Do not approve this bank at this time and let's get some questions answered and think about our future, knowing what water can do. We have seen it so widespread recently.

## **WORK SESSION**

During discussion by the Planning Board, the following points were made:

The discharge pipe is long and is sized for an estimated seventy (70) percent impervious surface coverage on this site. The impervious coverage for this site is only sixty-four (64) percent.

There is no maintenance and operation agreement for the stormwater pond as it was constructed in the 1990s when such agreement was not required. Sureties and easements were also not required at that time.

A stormwater study showed that the pond on the Crowne Park Apartments property was also sufficient to handle the runoff from this site.

All applicable Phase I conditions were carried forward.

The petitioner requested the ability to make this change and that's why it's before the Board today. It will go to City Council for a final decision.

Keith Huff, Director of City Stormwater Division, addressed stormwater, erosion, and runoff conditions and requirements.

The 1997 study included the dry detention pond on the Crowne Park Apartments property. Stimmel submitted a plan which showed that during that time (1997), the pond was sized to include this development.

Under Chapter 75 of the City Code which is our post-construction ordinance, if a developer makes substantial progress on a site or has a preexisting stormwater facility prior to the new ordinance rules that basically occurred in 2008, they are allowed to make use of that existing facility. This tract was included in their overall planning approval in 1997 which utilized that existing stormwater facility.

We do not have operation and maintenance agreements, sureties, or easements because it's an old rules pond. That's why there's no agreement between the owner and Crowne Park Apartments.

They submitted sealed calculations that show the preexisting pond on the apartment complex property was sized to accept the entire tract eight at the time.

The pond that is on site today controls the post-development rate to the pre-development rate based on the ten-year storm. It's only controlling the rate for a ten-year design storm.

The City does inspect these facilities, but can only issue folks letters. We don't have any codified ordinance provisions to carry out any enforcement.

If the retention basin had been placed where it was shown on the 2015 site plan, the discharge would ultimately have gone to the same place.

If this bank is not approved, there is nothing that requires them to build the pond that is on that site plan.

The stormwater tie-in to the Crowne Park Apartments site is already established.

The Monarcas Creek watershed is over 400 acres in size. It is an urbanized area and does not have a lot of stormwater management.

It has high relief, meaning there are steep slopes resulting in a very fast topography to convey water.

Run-off and flooding has been a long-standing problem that preexists this development. This is a very sensitive watershed and citizens have been voicing concerns for quite a while.

The City has a FEMA buy-out program where a flood ravaged property can be removed. It is an on-going, active program.

The current discharge from the site is muddy. However, this is a development site that is under active construction. That's why we went there today with those folks to reinspect the site. We did find some items that the developer is going to take care of. We will keep active tabs on the discharge.

Based on this being a ten-year pre-post pond designed in the nineties, it is functioning adequately today.

Under current regulations, trees are not allowed to grow on the embankments of stormwater ponds.

The only thing which can be placed on this site at this time is the stormwater pond. However, because of the runoff calculations, it does not have to be constructed.

The two sites making up Tract 1 are maxed out as far as development goes. However, across Silas Creek Parkway on the other original sites are other potential development opportunities.

There are other things that the developer could do to mitigate this situation, such as putting underground retention under the bank.

The 2015 site plan which showed the retention pond may have influenced the decisions to approve this petition.

MOTION: Allan Younger moved denial of the Site Plan Amendment and certified that the site plan (including staff recommended conditions) meets all code requirements if the petition is approved.

SECOND: George Bryan

**VOTE:**

**FOR:** George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Clarence Lambe,  
Chris Leak, Allan Younger

**AGAINST:** Arnold King, Brenda Smith

**EXCUSED:** None