



DOCKET #: W2478

PROPOSED ZONING:
Site Plan Amendment

EXISTING ZONING:
GO-S (Multiple Office Uses)

PETITIONER:
Robert A. Team
for property owned
by Linwood Davis, et al

SCALE: 1" represents 200'

STAFF: Reed

GMA: 3

ACRE(S): 7.44

MAP(S): 612870, 618870



June 27, 2001

Carolina Investment Properties, Inc.
Attn: Robert A. Team, Jr.
16 S. Main Street
Lexington, NC 27292

RE: ZONING MAP AMENDMENT W-2478

Dear Mr. Team:

The attached report of the Planning Board to the Board of Aldermen is sent to you at the request of the Aldermen. You will be notified by the City Secretary's Office of the date on which the Aldermen will hear this petition.

Sincerely,

A. Paul Norby, AICP
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102
Richard Redding, 147 S. Cherry Street, Suite 200, Winston-Salem, NC 27101
Neal Tucker, 305 W. 4th Street, Winston-Salem, NC 27101
David Pillsbury, 2631 Greencrest Drive, Winston-Salem, NC 27106
Emily Allen, 1466 Old Town Road, Winston-Salem, NC 27106
Linwood L. Davis, P. O. Drawer 84, Winston-Salem, NC 27102-0084

Board of Aldermen — Action Request Form

Date: June 27, 2001

To: The City Manager

From A. Paul Norby, AICP, Director of Planning

Board Action Requested:

Zoning map amendment of Carolina Investment Properties, Inc., attn. Robert A. Team, for property owned by Linwood Davis, et al.

Summary of Information:

Zoning map amendment of Carolina Investment Properties, Inc., attn. Robert A. Team, for property owned by Linwood Davis et al. from GO-S (Medical or Dental Laboratory; Hospital or Health Center; Health Services, Miscellaneous; Medical or Surgical Offices; Offices, Miscellaneous; Professional Office; Banking and Financial Services) to Site Plan Amendment: property is located at the southwest corner of Silas Creek Parkway and Fairlawn Drive (Zoning Docket W-2478).

Committee Action:

Committee _____ **Action** _____

For _____ **Against** _____

Remarks:

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Carolina Investment Properties, Inc., attn Robert A. Team, for property owned by Linwood Davis, et al., Docket W-2478

AN ORDINANCE AMENDING THE
WINSTON-SALEM CITY
ZONING ORDINANCE AND THE
OFFICIAL ZONING MAP OF
THE CITY OF WINSTON-SALEM, N.C.

BE IT ORDAINED by the Board of Aldermen of the City of Winston-Salem as follows:

Section 1. The Winston-Salem City Zoning Ordinance and the Official Zoning Map of the City of Winston-Salem, N.C. are hereby amended by changing from GO-S (Medical or Dental Laboratory; Hospital or Health Center; Health Services, Miscellaneous; Medical or Surgical Offices; Offices, Miscellaneous; Professional Office; and Banking and Financial Services) to Site Plan Amendment the zoning classification of the following described property:

Tax Block 3444, Tax Lot 10N

Section 2. This Ordinance is adopted after approval of the site plan entitled Sunnynoll Office Complex and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to Carolina Investment Properties, Inc., attn Robert A. Team, for property owned by Linwood Davis, et al.

Section 3. The Board of Aldermen hereby directs the issuance of a Special Use District Permit pursuant to the Zoning Ordinance of the *Unified Development Ordinances* for a development to be known as Sunnynoll Office Complex. Said Special Use District Permit and site plan with associated documents are attached hereto and incorporated herein.

Section 4. This Ordinance shall be effective from and after its adoption.

CITY - SPECIAL USE DISTRICT PERMIT

SPECIAL USE DISTRICT PERMIT

Issued by the Board of Aldermen

of the City of Winston-Salem

The Board of Aldermen of the City of Winston-Salem issues a Special Use District Permit for the site shown on the site plan map included in this zoning petition of Carolina Investment Properties, Inc., attn Robert A. Team, for property owned by Linwood Davis, et al., (Zoning Docket W-2478). The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use District Permit for GO-S (Medical or Dental Laboratory; Hospital or Health Center; Health Services, Miscellaneous; Medical or Surgical Offices; Offices, Miscellaneous; Professional Office; and Banking and Financial Services - Site Plan Amendment), approved by the Winston-Salem Board of Aldermen the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of the GO-S zoning district of the Zoning Ordinance of the *Unified Development Ordinances*, the Erosion Control Ordinance, and other applicable laws, and the following additional conditions be met:

C PRIOR TO THE ISSUANCE OF GRADING PERMITS

- a. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If a storm water management plan is required on the property, the plan shall be approved by the Public Works Department. This storm water retention pond shall be sized to accommodate the storm water run-off from both the subject site and the Wachovia Data Center. This plan must also meet all the special requirements for storm water management approved in the rezoning petition for the "Sunnynoll Development".
- b. There shall be a 75-foot undisturbed buffer along the rear of the homes on the east side of Green Crest Drive as shown on the site plan. This area shall not be graded

and shall be cordoned off. All trees located in these areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).

- c. Developer volunteers to upgrade the storm water management devices to accommodate the two year storm, the ten year storm, and the 25 year storm.

C PRIOR TO THE ISSUANCE OF BUILDING PERMITS

- a. On site fire hydrants will be required in locations approved by the Winston-Salem Fire Department in writing to the Inspections Division.

C PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS

- a. Developer shall install a 25-foot type III bufferyard in the 25-foot area adjacent to the 75-foot undisturbed buffer and any other additional landscaping as shown on the site plan.
- b. Any required storm water management devices shall be installed. This storm water retention pond shall be sized to accommodate the storm water run-off from both the subject site and the Wachovia Data Center.
- c. Fire hydrants shall be installed in accordance with the Winston-Salem Fire Department.
- d. Developer volunteers to plant street yard shrubs, which are a minimum of two feet high at planting instead of the UDO requirement of 18 inches at planting.

C OTHER REQUIREMENTS

- a. Development may have one sign. Said sign shall be a monument type with a maximum height of five (5) feet.
- b. Developer volunteers to ensure the overall square footage of the entire Sunnynoll development will not exceed the original overall square footage approved in the original rezonings.
- c. Developer volunteers to upgrade the storm water management devices to accommodate the two year storm, the ten year storm, and the 25 year storm, for all future development phases of Sunnynoll.

ZONING STAFF REPORT

DOCKET # W-2478
STAFF: David Reed

Petitioner(s): Carolina Investment Properties, Inc., attn. Robert A. Team, Jr.
Ownership: Linwood Davis, et al.

REQUEST

From: GO-S General Office District (Medical or Dental Laboratory; Hospital or Health Center; Health Services, Miscellaneous; Medical or Surgical Offices; Offices, Miscellaneous; Professional Office; and Banking and Financial Services)
To: Site Plan Amendment

Acreage: 7.44 acres

LOCATION

Street: Southwest corner of Silas Creek Parkway and Fairlawn Drive.
Jurisdiction: City of Winston-Salem.
Ward: Northwest.

SITE PLAN

Proposed Use: Professional office and banking and financial services.
Square Footage: 75,000 square feet.
Building Height: Four stories.
Parking: Required: 250 spaces; Proposed: 325 spaces.
Bufferyard Requirements: A 75-foot undisturbed buffer is required in conjunction with a 25-foot type III bufferyard adjacent to the rear property lines of the properties fronting on Green Crest Drive as required under the original Sunnynoll rezoning.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Vacant, wooded lot that has a high bank on the Fairlawn Drive side.
Adjacent Uses:

- North - Vacant land zoned GO-S and the Crowne at Fairlawn Apartments zoned RM-12-S.
- East - Across Silas Creek Parkway is vacant land zoned GB-S.
- South - Wachovia Data Center zoned GO-S.
- West - Single family homes zoned RS-9 and vacant land zoned RM-18.

GENERAL AREA

Character/Maintenance: Well maintained office and residential uses.

Development Pace: Fast.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Topography: GIS maps indicate a downward slope of approximately 50' toward the west.

Streams: None.

Vegetation/habitat: Site will be cleared and graded.

Floodplains: None.

Wetlands: None.

Natural Heritage Sites: This site exists within ½ mile of Historic Bethabara, a site of county significance containing 35 acres of forest, 30 acres of alluvial bottom, and at least three wetlands. It is owned by the Moravian Church and maintained by the City of Winston-Salem Department of Parks and Recreation Department. It also exists within ½ mile of Mill Creek Wetland, a privately owned site of county significance containing at least 40 acres.

TRANSPORTATION

Direct Access to Site: Silas Creek Parkway and Fairlawn Drive.

Street Classification: Silas Creek Parkway - major thoroughfare; Fairlawn Drive - major thoroughfare.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):

Silas Creek Parkway between Fairlawn Drive and Wake Forest Road = 29,000/26,000

Fairlawn Drive between Reynolda Road and Silas Creek Parkway = 12,000/26,000

Sight Distance: Good.

Interior Streets: Private.

Sidewalks: Staff recommends that sidewalks be built along the entire frontage on the south side of Fairlawn Drive.

Transit: Route #16 at Fairlawn and Reynolda; Route #44 (Northside Connector) at Fairlawn and Columbine and Old Town Road.

HISTORY

Relevant Zoning Cases:

1. W-2206; RM-8-S (Residential Building, Multifamily) to RM-12-S (Residential Building, Multifamily); approved February 2, 1998; northwest corner of Fairlawn Drive and Silas Creek Parkway (excluding corner parcel); 19.56 acres; Planning Board and staff recommended approval (Crowne at Fairlawn Apartments).
2. W-2199; GO-S and RS-9 to GO-S (Services, Business A); approved January 5, 1998; west side of Silas Creek Parkway between Fairlawn Drive and Polo Road; 8.45 acres; Planning Board and staff recommended approval (Wachovia Data Center).

3. W-1518; R-4 to R-1-S (Multiple office and other uses - TWO PHASE); approved September 6, 1988; southwest corner of Fairlawn Drive and Silas Creek Parkway (including subject site); 14.6 acres; this petition was for Tract 4 of the Sunnynoll Development. This tract was reclassified in the UDO to GO-S.

ANALYSIS

The subject property was included in the Sunnynoll Development Guide, which laid out a master plan for a multiple use development including office, residential, and commercial elements. The site is within the original Tract 4 of Sunnynoll, which was approved for office uses in 1988 (zoning docket W-1518). The proposed Site Plan Amendment would increase the building height from three to four stories and increase the overall building square footage on Tracts 2 and 4 by approximately 6%. It is still possible to build out the remainder of Sunnynoll and stay within the square footage allocated for the entire project.

Since the various phases of Sunnynoll were approved in the late 1980s, some parcels of land have been rezoned to permit uses and site plan changes that were not consistent with the original master plan. For instance, the Wachovia Data Center, which is adjacent to the subject site, was rezoned to allow the use "Services, Business A" and to reduce the original rear building setback (zoning docket W-2199). The Wachovia parcel lies partially within Tract 2 and partially within Tract 4 of the original Sunnynoll master plan.

Three issues which have been of concern to some of the neighbors living near the Sunnynoll development are the total building square footage of the entire project, building size and setbacks, and storm water management. Under the original Sunnynoll rezoning, Tract 4 allowed 165,000 sf of office which is the equivalent of 11,301 sf per acre. The subject proposal is for 75,000 sf of office or 10,081 sf per acre. The overall square footage of Tracts 2 and 4 including the current proposal would total 397,500 sf as compared to the 375,000 sf approved in the original Sunnynoll rezoning. Although the overall proposed square footage is greater, the Wachovia rezoning dramatically reduced the intensity of the land use from office to a computer data center with relatively few employees, and the required parking for that 173,000 sf building was reduced from 433 spaces to 78 spaces.

The proposed building is four stories high and would be located at the front of the property at the intersection of Silas Creek Parkway and Fairlawn Drive. Proposed height is one story higher (15'±) than the three stories allowed. The building location would be approximately 520 feet from the rear lines of the properties which front on Green Crest Drive. The proposed building location far exceeds the original Sunnynoll condition which required a minimum 160 foot building setback from the properties to the rear.

The storm water management pond which would be used for the proposed development was constructed when the Wachovia Data Center was developed and would be shared by the two developments. The pond was designed to accommodate both sites and straddles the property line. Staff recommends all of the special requirements for storm water management approved in the original Sunnynoll rezoning be met. The developer has volunteered additional conditions to enhance the effectiveness of the storm water management pond.

Staff is of the opinion that although it exceeds the total square footage allocated for Tracts 2 and 4 by approximately 6%, the proposed Site Plan Amendment is within the maximum square footage per acre requirement, exceeds the minimum building setback requirement, and, with the proposed conditions, will meet the storm water management conditions as approved in the original Sunnynoll rezoning.

FINDINGS

1. The site is within the original Tract 4 of Sunnynoll which was approved for office uses in 1988 (zoning docket W-1518).
2. Since the various phases of Sunnynoll were approved in the late 1980s, some parcels of land have been rezoned to permit uses and site plan changes that were not consistent with the original master plan.
3. Three issues that some of the neighbors living near the Sunnynoll development are concerned about are the total building square footage of the entire project, building size and setbacks, and storm water management.
4. Staff is of the opinion that the proposed Site Plan Amendment is within the maximum square footage per acre requirement, exceeds the minimum building setback requirement, and with the proposed conditions will meet the storm water management conditions as approved in the original Sunnynoll rezoning.

STAFF RECOMMENDATION

Site Plan Amendment: **APPROVAL**. (Site Plan Amendment approval will suffice for the Final Development Plan of the two-phase rezoning.) Staff certifies that **the site plan meets all code requirements**, and recommends the following conditions:

C PRIOR TO THE ISSUANCE OF GRADING PERMITS

- a. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If a storm water management plan is required on the property, the plan shall be approved by the Public Works Department. This storm water retention pond shall be sized to accommodate the storm water run-off from both the subject site and the Wachovia Data Center. This plan must also meet all the special requirements for storm water management approved in the rezoning petition for the "Sunnynoll Development".
- b. There shall be a 75-foot undisturbed buffer along the rear of the homes on the east side of Green Crest Drive as shown on the site plan. This area shall not be graded and shall be cordoned off. All trees located in these areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).
- c. Developer volunteers to upgrade the storm water management devices to accommodate the ten year storm and the 25 year storm.

C PRIOR TO THE ISSUANCE OF BUILDING PERMITS

- a. On site fire hydrants will be required in locations approved by the Winston-Salem Fire Department in writing to the Inspections Division.

C PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS

- a. Developer shall install a 25-foot type III bufferyard in the 25-foot area adjacent to the 75-foot undisturbed buffer and any other additional landscaping as shown on the site plan.
- b. Any required storm water management devices shall be installed. This storm water retention pond shall be sized to accommodate the storm water run-off from both the subject site and the Wachovia Data Center.
- c. Fire hydrants shall be installed in accordance with the Winston-Salem Fire Department.

C OTHER REQUIREMENTS

- a. Development may have one sign. Said sign shall be a monument type with a maximum height of five (5) feet.
- b. Developer volunteers to ensure the overall square footage of the entire Sunnynoll development will not exceed the original overall square footage approved in the original rezonings.

David Reed presented staff report. Staff certifies that the site plan meets all code requirements and suggested some conditions.

David Reed stated that he had heard of two instances where this pond had failed. According to the erosion control staff, the pond did not actually fail. One time during construction there was a strong rain that eroded part of the earthen wall that they were building before it was stabilized and that soil went down stream and went into a pond down stream. Since the pond was finished being built, they said that there had been no report of any other problem with the integrity of the pond.

The Board discussed the storm water run off in the area.

PUBLIC HEARING

Philip Doyle and Kem Schroeder were excused from participating in this hearing.

FOR:

Richard Redding, 147 S. Cherry Street, Suite 200, Winston-Salem, NC 27101

Representing the petitioner, and the developer of the proposed site.

Originally approved in 1988.

Mix of office, retail and residential uses on the various tracts.

Now, 13 or 14 years later I am not aware of any more exhaustive research and set of conditions that have been put on a zoning case since this one.

The site plan is a combination of tract 2 and tract 4. (Pointed this area out on map.)

Everything but Marriott drains into the storm pond. Marriott drains in to its own tributary.

The way that he and Ronnie Grubbs had figured along the way, it appeared that they had over 100,000 square foot left for this last tract, which is more than needed.

When they looked at the Marriott square footage, they realized that 26,500 square footage shown on the site plan seemed awfully small for that building. At this time they realized that was the foot print square footage of the three story building (in other words, just the ground floor).

Marriott actually has 75,000 square feet of space, not 26,500.

Looking at the zoning as it was approved in 1988, tract 4, the subject site, is zoned for 11,301 square feet per acre, for a total of 165,000 feet.

Variance that was given by the staff, there was 170,000 square feet of building area that went into the Wachovia Data Center on slightly over 8 acres of land.

Current zoning requires that buildings be set-back 165 feet from the neighborhood, 100 foot buffer, and a 65 foot undisturbed area. Wachovia received a variance to get as close as about 100 feet on the one corner. We have moved this proposed new building from the 165 foot set-back, out to as we calculated about 570 feet away from the back of the neighborhood. (Over three times what the minimum requirement is.)

According to the limits, the way that it was proposed to be built, from the site plan, shows 155 foot building set back and the square footage as proposed, it is a plan that had 37% open space, vs. how it is being proposed today with the Data Center and the new office building, it is 56% open space.

Ms. Powell asked if when he was talking about open space, was that including the parking lot?

Mr. Redding answered no. On this one there was 32% pavement and 12% building, that is on as it is being proposed, and 56% open space. As the plan originally showed, there was 11% building, 52% parking lot.

Robert A. Team Jr., 102 Auchachious Circle, Lexington, N.C. 27292

Developer of project.

Showed an artists rendering of the Qual Choice building as example of what the proposed plan will look like.

In this market, less than 3% vacancy rate at this time.

Biggest issue with neighborhood is storm water.

Done extensive and exhaustive research on this issue over the past few weeks.

Feels that neighbors have a good point.

Did not prepare for smaller storms in original storm water pond built for Phase IV.

Neal Tucker, 305 W. 4th St., Winston-Salem, N.C., 27101

Stimmel & Associates

He was called in to look at original zoning conditions and evaluate the existing storm water management pond on the site.

Met with some of the neighbors.

25 year storm pond has not been beneficial to the neighborhood during more frequent storm events.

What we recommend is to retrofit the existing pond, not only to handle a 10 and 25 year event, but a 2 year storm event as well.

The developers have agreed to add in the 2 year storm event to the design requirements in addition to the 10 and 25 year storm event.

This will provide a much broader range of storm water management and should be beneficial to the neighborhood.

AGAINST:

Mr. David Pillsbury, 2631 Greencrest Dr., Winston-Salem, N.C. 27106

Wants CCPB to honor and affirm the original Sunnynoll plan that the Aldermen approved on a tract by tract basis.

Neighborhood compromised on the Wachovia Data Center.

Want the development to be a quality development.

Proposed site plan is too dense; would be okay if buildings on both corners were 68,000 sf.

Meridian should have caught the error on the Marriott square footage.

Disappointed that staff recommended approval.

Water flow is a concern to the community.

Water going to Bethabara.

Suggested a parking deck as a way to compromise and allow the higher square footage.

Was turned down due to expense.

Past approvals varying from the original rezoning are irrelevant.

Emily Allen, 1466 Old Town Rd., Winston-Salem, N.C., 27106

Owns 6.5 acres, most of which is under easement with Piedmont Land conservancy.

Apartment project above her feeds into her tributary.

Before construction started, the Piedmont Land Conservancy measured flow of water as it came through so we could offer suggestions as to how to build the holding pond for the apartments above us.

None of the communities suggestions were taken.

That pond acts like a funnel to push more water through our area downstream.

Construction stripped off too many trees.

Wants to lessen impact on streams.

Mr. Pillsbury asked for a show of hands from people in the audience who were opposed to this petition. Approximately 12-15 people raised their hands in the audience.

Mr. Snelgrove asked Mr Pillsbury, in light of all of the statements that you have made and the changes that have now been volunteered today and the engineering study, can you give me the bullet points of the key issues? I understood the size of the building from 75,000 to 68,000 is a thing that you have requested, but has not been considered. What were the other main issues?

Mr. Pillsbury stated that without a parking deck, leave the building the same so that they could have something that they would consider economically or size appropriate. Everything is

related, basically, to the amount of impervious surface and the parking lot behind it. Anything to reduce the impervious surface. We don't want to be standing in the way of Sunnynoll build out. Originally this tract was proposed for a shopping center.

Paul Norby asked Mr. Pillsbury if, even though he spoke strongly about square footage, his fundamental concern is really impervious surface since he seemed willing to compromise on square footage if a parking deck was built.

Mr. Pillsbury said that you cannot consider one without the other, they are all linked. We understand that we are in a compromising circumstance and we just want to do what is best for the community.

WORK SESSION

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

1. The Board considered the impervious surface calculations.
2. Mr. Snelgrove asked if this is going to generate more water into the storm water drainage system or less compared to the original zoning. Richard Redding replied that it would be about 15% less than what it was zoned for and in addition, would provide better storm water control for all of the Sunnynoll.
3. Mr. Snelgrove noted his understanding that there have been a number of storms beyond the original construction that have allowed silt to enter some of the ponds that were existing and those ponds have either dried up or are diminished. Would this improvement in the storm water system have protected those ponds from the storms that did occur? Mr. Tucker stated that stream degradation occurs when you have excessively high flows within a stream and yes, this plan would help remedy that situation. Implementing what we are recommending, the 2 year and the 10 year storm detention will release a slower and lower flow rate during a given storm event for the more regular storms.
4. Mr. Snelgrove asked if over time that would restore the damage that has been done? Mr. Tucker stated that it probably would not, but it would help remedy any future degradation.
5. Mr. Snelgrove noted his realization this was a development that was probably studied more than anything else that has been done in this community. However, just because something was planned 10 years ago doesn't guarantee the accuracy of projections regarding what will occur in the future. Ronnie Grubbs noted that the site plan included with the original rezoning was intended for illustrative purposes.
6. The per acre square footage allowance already approved is higher than what is currently proposed for this site.

7. Mr. King stated that exceeding the square footage is not as much a concern as the possibility that the use of the Wachovia Center could someday change.
8. Mr. Johnson stated it could not change. The specifications of that building are so specialized, it would not allow for any other use. For all intensive purposes it is a bunker. Mr. Johnson indicated that since his firm is part owner of two buildings on the opposite side of the Wachovia Data Center, he is aware of the history of the Sunnynoll Development. Since his firm is not connected in any way to this proposed project and will not benefit in any way from it, he feels it is appropriate for him to participate in this case. He also indicated he is concerned about the storm water system because the buildings that he owns contribute to that existing storm water pond. I want to be a good neighbor and I want to see that rectified. I have a lot of confidence in the Stimmel folks and their assessment of the situation and I think that what they have proposed is a solution. As the gentleman said, it may not go back and repair some of the past damage, but it will keep it from happening in the future. As far as the height of the building, when you start adding height to the buildings and moving them to the corner, what you are effectively doing is taking it another 400 feet away from the residential property and putting it on a very busy intersection, which is the appropriate use. The impervious surface does go down, we have more open space, we have got less paved surface than we did before. As far as the usage is concerned, if you recall when Sunnynoll's plan was first approved, there was envisioned a method of inner-connectivity between the tracts. You were going to have not only driveways, but walking paths that interconnected all the way from Polo Road all the way down to Fairlawn. But, when this board approved the rezoning for the Wachovia Data Center, and allowed the Data Center to occur, that precluded that concept. There is no inner-connectivity anymore. This building will only empty onto Fairlawn, if I am looking at the site plan correctly. To Mr. Pillsbury's comment about how this is irrelevant, it couldn't be more relevant, because everything has changed. The UDO has changed everything, from a parking standpoint. The Data Center is the best neighbor that anyone could have. There is no activity there. It is like a ghost town. Their parking lot is a fraction of what it would be if it were an office building. Our property at the other end of Sunnynoll is actually developed at a lower density than what was originally planned. I can't quote the numbers exactly, but I think that it was well over 100,000 square feet that could have been built on that tract and we built 60,000 in three small buildings. All of that having been said, what is being asked for here certainly complies with original plans for Sunnynoll. So my only issue comes back to the storm water. Are we being good stewards? Are we being good neighbors? I would like some assurance from the developers that those issues are going to be taken care of, that we won't have another failure of the pond, that we can make sure it is policed properly and that all of the sedimentation damage that has been done up to now, will be the last damage that we will have from it.
9. The notification that staff received earlier did not mention a two year storm water plan. However, that requirement can be added as a condition if the Board desires.

10. Mr. Snelgrove asked if there was any requirement for the developer to go back in and fix what has failed and been disturbed? Ronnie Grubbs stated that if it were negligence on the part of the developer it would be their responsibility. This was just a heavy storm that would be considered an act of God, so they would not be responsible for it.
11. Ms. Powell asked if the neighborhood supported the changes necessary for the Wachovia Data Center? David Reed stated that they did speak in favor of that.

MOTION: Avant moved for approval with condition of additional 2 year and 10 year storm ponds in addition to the conditions that the developer volunteered.

SECOND: Johnson

Mr. King asked what they would do about the total square footage? We are making an exception here, but are we still saying that we should stay within that total square footage for the entire Sunnynoll development?

Mr. Snelgrove stated that was a condition that the developer volunteered. That is informally in the conditions that the whole site would stay within that total.

Mr. King stated that if Sunnynoll had come before this board today we may have allowed more square footage than what was allowed in 1988 when you start talking about in fill and higher densities and all of that. If they are still willing to stay within that total, then I certainly support it.

Mr. Snelgrove stated that this was an interesting concept about how principles and planning values have changed.

Paul Norby stated that he wanted to keep the record straight. His understanding is that the petitioner is offering a commitment to stay within the overall square footage approved for the entire Sunnynoll development. So that would be reflected in a specific condition that would be on record. Richard Redding acknowledged that as the intent of the applicant.

VOTE:

FOR: King, Norwood, Johnson, Avant

AGAINST: Snelgrove, Powell.

EXCUSED: Doyle, Schroeder.

A. Paul Norby, AICP
Director of Planning