

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	W-3333
Staff	Aaron King
Petitioner(s)	Waughtown Cemetery Inc.
Owner(s)	Same
Subject Property	PIN # 6844-56-6420
Address	N/A
Type of Request	Special use limited rezoning
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS9 (Residential Single Family; 9,000sf lot size) to IP-L (Institutional & Public – Special use limited zoning). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Cemetery <p>NOTE: General, special use limited, and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented.</p>
Neighborhood Contact/Meeting	<p>Per an email from the applicant: “Per your suggestion, I have spoken with some neighbors close to the cemetery property that we are seeking to rezone. On Monday, 6/26, I spoke to Shirley Jones at 1807 East Sprague Street and Pansy Stone at 1827 East Sprague Street. The backyards of each of these properties is adjacent to the lots being rezoned. Both neighbors indicated to me that they had no problem with the rezoning. Further, both of these neighbors have been very cooperative with us as we have been clearing/cleaning the lots we purchased. And, at no cost to them, we have removed trees from their property during this process to help the overall appearance of the total area. They seem to be very supportive of the cemetery initiative.</p> <p>Relative to Waughtown Street properties, 1822 appears to have partially burned and it is vacant. I do not know who owns the house. The house at 1804 Waughtown Street is "bank owned" I am told. Of course, it is vacant. The property at 1814 Waughtown Street is "Habitat" built. I was not able to speak to the owner yesterday concerning the rezoning, but I have spoken to her in the past relative to the work we are doing with clearing/cleaning the land we purchased and she has given us permission, and in fact has encouraged us, to remove trees, etc. from her property as part of the overall beautification effort. I cannot imagine that she would not support what we are doing. The house at 1826 Waughtown is renter occupied. I do not know who owns the house. I spoke to the renters yesterday about the rezoning and they had no problem with it and assured me that the owner would not care.</p>

	As I indicated to you in our phone conversation, I met with Councilman James Taylor on May 23rd and my recollection is that he saw no need for a neighborhood meeting”		
Zoning District Purpose Statement	The IP District is intended to accommodate public and institutional uses which have a limited land use impact or traffic generation potential upon surrounding uses. The district is intended to accommodate smaller, less intensive public and institutional uses which have concentrated service areas and are located in or near residential areas, or larger, less intensive recreational or institutional facilities in rural areas.		
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?		
	Yes, the subject property is adjacent to a cemetery zoned IP and in the same ownership.		
GENERAL SITE INFORMATION			
Location	West side of Leight Street, between Waughtown Street and Sprague Street		
Jurisdiction	City of Winston-Salem		
Ward(s)	Southeast		
Site Acreage	± 0.79 acres		
Current Land Use	The subject property is currently undeveloped.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RS9 & HB	Various commercial uses
	East	RS9	Single family homes
	South	IP & RS9	Single family homes & cemetery
	West	IP & RS9	Cemetery and & single family homes
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?		
	Yes, the only requested use (Cemetery) is compatible with the existing cemetery and the single family homes along Leight Street.		
Physical Characteristics	The subject property is undeveloped and has a favorable topography.		
Proximity to Water and Sewer	The subject property has access to public water and sewer.		
Stormwater/ Drainage	No known issues.		
Watershed and Overlay Districts	The subject property is not located within a water supply watershed.		

Historic, Natural Heritage and/or Farmland Inventories	This vacant site is listed on the National Register of Historic Places in the Waughtown-Belview Historic District adjacent to a cemetery. The National Register of Historic Places listing does not prohibit or limit alterations to buildings or sites, with the exception of federal/state rehabilitation tax credit properties. This historic resource is not a locally designated and therefore does not require an approved Certificate of Appropriateness by the Historic Resources Commission prior to changes to the property and/or site.			
Analysis of General Site Information	The subject property is 0.79 acres in size and is located on the west side of Leight Street between Waughtown Street and Sprague Street. The site is currently vacant and some of the existing vegetation has recently been removed. Staff believes the site is suitable for the proposed IP-L zoning.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D
Leight Street	Local Street	200'	NA	NA
Proposed Access Point(s)	Since this is a special use limited request, the exact location of access points is unknown. However, the site does have access to Leight Street and could also gain access through the existing cemetery property to the west.			
Trip Generation - Existing/Proposed	<u>Existing Zoning: RS9</u> 0.79 x 43,560 / 9,000 = 3 units x 9.57 (Single Family Trip Rate) = 29 Trips per Day <u>Proposed Zoning: IP-L for Cemetery use</u> Staff would not anticipate a significant increase in traffic based on the subject zoning request.			
Sidewalks	There are no sidewalks along this section of Leight Street.			
Transit	Route 108 runs along Waughtown Street and Sprague Street in this area.			
Analysis of Site Access and Transportation Information	Staff would not anticipate any negative transportation impacts associated with the subject request.			
CONFORMITY TO PLANS AND PLANNING ISSUES				
Legacy 2030 Growth Management Area	Growth Management Area 2 (Urban Neighborhoods)			
Relevant Legacy 2030 Recommendations	Ensure appropriate transitional land uses or physical buffering between residential and nonresidential uses to maintain the character and stability of neighborhoods. Quality design of nonresidential uses may negate the need for buffers.			

Relevant Area Plan(s)	Southeast Winston-Salem Area Plan Update (2013)					
Area Plan Recommendations	The Proposed Land Use Map shows the properties for low-density residential land use.					
Site Located Along Growth Corridor?	No					
Site Located within Activity Center?	No					
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?					
	No					
	(R)(4) - Is the requested action in conformance with Legacy 2030?					
	Yes					
Analysis of Conformity to Plans and Planning Issues	The subject request would place IP-L zoning adjacent to an existing cemetery and in close proximity to residential zoning. The proposed rezoning is limited to one proposed use- Cemetery and the applicant has agreed to a condition that limits the size and type of signage that can be placed on the site. Staff believes the proposed IP-L zoning (along with the included signage condition) will be compatible with the surrounding area.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2859	HB to RS7	Approved 6-5-06	300’ north	.16	Approval	Approval
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none">Section 2-1.5(A) IP DistrictSection 2-5.13 Cemetery Use Conditions					
Complies with Chapter B, Article VII, Section 7-5.3	(A) Legacy 2030 policies:			Yes		
	(B) Environmental Ord.			NA		
	(C) Subdivision Regulations			NA		
CONCLUSIONS TO ASSIST WITH RECOMMENDATION						
Positive Aspects of Proposal			Negative Aspects of Proposal			
The request is consistent with the purpose statement of the IP district.			The request would place non-residential zoning behind four existing homes along Sprague Street.			
The request only includes one use: Cemetery.						
The site is adjacent to an existing cemetery that is zoned IP and in the same ownership.						

IP-L zoning for the use of cemetery at this location is compatible with surrounding land uses.	
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL	
<p>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.</p> <ul style="list-style-type: none"> • <u>PRIOR TO THE SIGNING OF ANY PLATS:</u> <ul style="list-style-type: none"> a. Developer shall install a Type II bufferyard adjacent to residentially zoned land as required by the UDO. • <u>OTHER REQUIREMENTS:</u> <ul style="list-style-type: none"> a. Any signage on the subject property shall be limited to a maximum of sixteen (16) square feet. Electronic message board signs shall be prohibited. 	

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.**

CITY-COUNTY PLANNING BOARD

PUBLIC HEARING

MINUTES FOR W-3333

JULY 13, 2017

Aaron King presented the staff report.

PUBLIC HEARING

FOR:

Steve Morgan, 2833 Birchwood Drive, Winston-Salem, NC 27103

- As one of four trustees for the cemetery, I am representing the cemetery today.
- In December we purchased these three vacant lots that had been for sale for a couple of years. We bought them for the protection of the cemetery.
- These three lots had become a dumping ground. A lot of that was spilling over into the cemetery itself.
- The zoning request was initiated when we got a tax bill from the County. This is a 501(c)(3) corporation so it is exempt from paying taxes. The County tax office said the way to get these lots off the tax rolls was to get them rezoned.
- We are clearing the lots and are clearing trees and debris from the cemetery itself to protect gravesites. Some of the trees were dead and dying and as a result were falling onto headstones and breaking them. Removing trees and debris takes away the opportunities to be undetected therefore assisting in fighting the vandalism which is a problem.
- I have spoken to numerous neighbors and to all four property owners whose backyards adjoin these lots. They do not have a problem with the rezoning.
- We're doing a lot of cleaning up of the cemetery itself and of these tree lots. We never intend to bury people on these lots. The purpose of owning the lots is for protection of the existing gravesites.
- We hope to beautify the lots as money permits.

AGAINST:

Sharon D. Anderson, 1901 East Sprague Street, Winston-Salem, NC 27107

- I do not oppose the rezoning. What I talked with Mr. Morgan about is that this was a dumping ground. I appreciate that they are taking down trees and debris, but now that the trees are removed I see directly into the cemetery.
- While I have nothing against the dead, I just really don't want to see these headstones.
- I understand that the cemetery is a 501(c)(3) corporation and there is no money to install trees at this time. However, I would like to have some commitment that at some point there will be a fence or trees of some kind to hide the headstones.

WORK SESSION

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

Melynda Dunigan: Will there be any access to the cemetery through this property? Steve Morgan responded that there is no intent to put a road through these lots at this time. They might plant trees around the perimeter in the future to beautify the area.

Paul Norby reminded the Board that there is not a condition prohibiting new graves on these three lots. Unless the petitioner volunteered a condition to that effect, there is nothing about the zoning that would prohibit that.

Although removing the trees from these lots has reduced the opportunities for vandalism in the cemetery, it has now turned into a clear view of the cemetery for Ms. Anderson. In response to a question from the Board about when a bufferyard would be triggered, Chris Murphy explained that a typical condition would not take care of this concern. It would typically be triggered if they came in to do a plat and that would only be if they opened more plots that aren't already platted and it doesn't sound like they have any intention to do that.

The spacing of trees for a Type II bufferyard is two (2) per every 100 linear feet. The petitioner was asked if he could live with a condition requiring a Type II bufferyard against the right-of-way of Leight Street? The petitioner explained that everything they do is dependent on resources. However, they could commit to it being done in a reasonable time frame.

Aaron King: A thirty (30)' wide Type II bufferyard for the entire length of frontage would be four (4) deciduous trees and 16 primary evergreen plants. If the primary evergreens could go in first and establish that screening, maybe the deciduous trees and whatever else needs to go in could be done at a later date as resources permit.

Steve Morgan: Most of the vandalism and litter problems have occurred along Leight Street. What we don't want to do is put up some type of fence which vandals can tear down and which we then have to spend money to put back up or they destroy trees and we have to spend more money to replant them. What we would like to do is put something there that would be lasting to beautify and protect where we don't have to keep pumping money into it. What I have thought about is an attractive kind of fence which would not block the view, along with shrubs or trees. What I would not want to do is put up a solid block wall.

MOTION: Clarence Lambe moved approval of the zoning petition with an additional condition which staff recommended and a Type II buffer along Leight Street.

The trees shall be planted by December 31, 2017. Said buffer shall be planted anywhere between Leight Street and the burial plots.

The petitioner stated that he is not sure how quickly they can get the plantings done and asked if the deadline could be next year instead.

Jason Grubbs: What if we required the evergreens by the end of this calendar year since they provide better screening and require the deciduous by the end of 2018?

Sharon Anderson agreed to that time table and the petitioner agreed to the revised condition that evergreens be planted by December 31, 2017 and deciduous plantings shall be done by December 31, 2018.

MOTION: Clarence Lambe moved approval of the zoning petition with an additional condition which staff recommended and that evergreens for a thirty (30) foot wide Type II buffer be planted along Leight Street by December 31, 2017 and deciduous plantings for a thirty (30) foot wide Type II buffer shall be planted by December 31, 2018. Said buffer shall be planted anywhere between Leight Street and the burial plots.

SECOND: Allan Younger

VOTE:

FOR: Melynda Dunigan, Jason Grubbs, Tommy Hicks, Arnold King, Clarence Lambe, Chris Leak, Brenda Smith, Allan Younger

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning and Development Services