DOCKET #:  W2781

PROPOSED ZONING:  
IP-S (Cemetery, Unlicensed)

EXISTING ZONING:  
RS9

PETITIONER:  
Muslim Association of the Triad for property owned by Same

SCALE:  1" represents 400'

STAFF:  Roberts

GMA:  3

ACRE(S):  2.20

MAP(S):  618842
July 20, 2005

Muslim Association of the Triad
1724 Spring Path Trail
Clemmons, NC  27012-7435

RE:   ZONING MAP AMENDMENT W-2781

Dear Sirs:

The attached report of the Planning Board to the City Council is sent to you at the request of the Council Members. You will be notified by the City Secretary’s Office of the date on which the Council 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
     Julio S. Dibbi, 1411A Millgate Drive, Winston-Salem, NC  27103
# ACTION REQUEST FORM

<table>
<thead>
<tr>
<th>DATE:</th>
<th>July 20, 2005</th>
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<td>TO:</td>
<td>The Honorable Mayor and City Council</td>
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<tr>
<td>FROM:</td>
<td>A. Paul Norby, AICP, Director of Planning</td>
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## COUNCIL ACTION REQUEST:

Request for Public Hearing on Zoning Map Amendment of Muslim Association of the Triad

## SUMMARY OF INFORMATION:

Zoning Map Amendment of Muslim Association of the Triad from RS-9 to IP-S (Cemetery, Unlicensed): property is located on the north side of Salem Crest Lane, south of I-40 (Zoning Docket W-2781).

## PLANNING BOARD ACTION:

<table>
<thead>
<tr>
<th>MOTION ON PETITION:</th>
<th>APPROVAL</th>
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<tr>
<td>FOR:</td>
<td>UNANIMOUS</td>
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<tr>
<td>AGAINST:</td>
<td>NONE</td>
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<td>SITE PLAN ACTION:</td>
<td>CONFORMS</td>
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CITY ORDINANCE - SPECIAL USE

Zoning Petition of Muslim Association of the Triad, Docket W-2781

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 City Council 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 RS-9 to IP-S (Cemetery,
Unlicensed) the zoning classification of the following described property:

Tax Block 1129 Tax Lots 30B, 31, 32B, 33B, 34, 35, 36, 37B, 96B, 97, 98, and 99

Section 2. This Ordinance is adopted after approval of the site plan entitled Muslim
Association of the Triad and identified as Attachment "A" of the Special Use District Permit
issued by the City Council the ______ day of __________________, to Muslim Association of
the Triad.

Section 3. The City Council 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 Muslim Association of the Triad. 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.
The City Council 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 Muslim Association of the Triad, (Zoning Docket W-2781). 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 IP-S (Cemetery, Unlicensed), approved by the Winston-Salem City Council the _____ day of _____________________, 20____" and signed, provided the property is developed in accordance with requirements of the IP-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:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
  a. Developer shall obtain a driveway permit from WSDOT.

- **PRIOR TO THE SIGNING OF PLATS**
  a. Developer shall petition to close Ebert Street and Martin Street.

- **OTHER REQUIREMENTS**
  a. Signage shall be limited to one 6 foot tall monument sign.
DOCKET #  W-2781
STAFF:  Gary Roberts

Petitioner(s): Muslim Association of the Triad
Ownership: Same

REQUEST

From: RS-9 Residential Single Family District; 9,000 sf minimum lot size
To: IP-S Institutional Public District (Cemetery, Unlicensed)

Both general and special use district zoning were discussed with the applicant(s) who decided to pursue the zoning as requested.

Acreage: 2.20 acres

LOCATION:

Street: North side of Salem Crest Lane, south of I-40
Jurisdiction: City of Winston-Salem
Ward: South

SITE PLAN

Proposed Use: Unlicensed cemetery
Square Footage: No structures are proposed.
Parking: Required: 1 space per each full time employee; Proposed: none as no employees are proposed.
Bufferyard Requirements: Type I adjacent to RM-18 and RM-12.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Site is currently undeveloped.
Adjacent Uses:
   North- Interstate 40.
   East- Multifamily residential development zoned RM-18.
   South- Undeveloped property zoned RM-18.
   West- Multifamily residential development zoned RM-12.

GENERAL AREA

Character/Maintenance: Well maintained single family and multifamily residential properties and some undeveloped properties in close proximity to I-40.
Development Pace: Slow to moderate.


**HISTORY**

Relevant Zoning Cases:

1. W-2598; RS-9 to RM-12-S (Residential Building, Multifamily); approved April 4, 2003; northwest side of Ebert Road south of I-40; 12.53 acres; Planning Board and staff recommended approval.

2. W-2135; RS-9 to RM-12; approved March 3; 1997; north and south sides of Salem Crest Lane, east of Ebert Road and south of I-40; 5.83 acres; Planning Board and staff recommended approval.

**PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Removal of vegetation and some grading to accommodate the proposed cemetery.
Topography: Moderate to steep slope downward from the west to the east.
Vegetation/habitat: Site is partially wooded.
Environmental Resources beyond the Site: None identified.
Water Supply Watershed: The site is not within the boundaries of a water supply watershed.

**TRANSPORTATION**

Direct Access to Site: Salem Crest Lane.
Street Classification: Local Street.
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
   No counts available for Salem Crest Lane.
Trip Generation/Existing Zoning: RS-9
   2.2 acres x 43,560/9,000 = 10 units x 9.57 (SFR Trip Rate) = 95 Trips per Day.
Trip Generation/Proposed Zoning: IP-S
   2.2 acres x 4.73 (Cemetery Trip Rate) = 10 Trips per Day.
Interior Streets: Two platted, unopened streets are located either adjacent to or within the site.
Sidewalks: No sidewalks are located along Salem Crest Lane.
Transit: Route 23 along Salem Crest Lane.

**CONFORMITY TO PLANS**

Growth Management Plan Area (*Legacy*): Suburban Neighborhoods (GMA 3).
Relevant Comprehensive Plan Recommendation(s): Permit services near where people live including places of worship and allow institutions to grow to meet their needs in a manner that is compatible with surrounding uses.
Area Plan/Development Guide: The site is not within the boundaries of an area plan or development guide.
ANALYSIS

The subject request is to rezone a 2.2 acre undeveloped parcel located on the north side of Salem Crest Lane from RS-9 to IP-S. The proposed use would be for an unlicensed cemetery. The property is bordered to the north by I-40. Undeveloped property and multifamily residential zoned RM-12 and RM-18 surround the remainder of the site.

The site is somewhat constrained by its general location and configuration as well as by overhead transmission lines and two, platted unopened streets. The site is not within the boundaries of an area plan or development guide. The requested use is for an unlicensed cemetery which is a permitted use, with conditions, in the IP district. No buildings are proposed for the site.

In order to distinguish between the two types of cemeteries: a licensed cemetery is defined as land and facilities used for burial of the dead meeting the requirements of a perpetual care cemetery under State law. Such a facility includes any burial ground, mausoleum, or columbarium operated by a cemetery company and meeting licensing requirements of the State; an unlicensed cemetery is defined as land and facilities used for the burial of the dead, including municipal, private family, farm, church or animal cemeteries which have not been licensed and do not meet licensing requirements of a perpetual care cemetery under State law.

Planning staff sees the subject request as having little impact on the surrounding properties and believes that it is a reasonable use of a somewhat limited site.

FINDINGS

1. Legacy recommends allowing institutions to grow to meet their needs in a manner that is compatible with surrounding uses.

2. The site is not within the boundaries of an area plan or development guide.

3. Planning staff sees the subject request as having little impact on the surrounding properties and believes that it is a reasonable use of a somewhat limited site.

STAFF RECOMMENDATION

Zoning: APPROVAL.
Site Plan: Staff certifies that the site plan meets all code requirements, and recommends the following conditions:

• PRIOR TO THE ISSUANCE OF GRADING PERMITS
  a. Developer shall obtain a driveway permit from WSDOT.

• PRIOR TO THE SIGNING OF PLATS
  a. Developer shall petition to close Ebert Street and Martin Street.
• OTHER REQUIREMENTS
  a. Signage shall be limited to one 6 foot tall monument sign.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Dara Folan moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Clarence Lambe
VOTE:
  FOR: Clark, Curtis, Eickmeyer, Folan, Glenn, King, Lambe, Mullican, Smith
  AGAINST: None
  EXCUSED: None

A. Paul Norby, AICP
Director of Planning