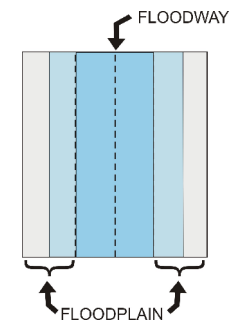


**DOCKET #:** F1508  
(continued from 1/8/09)

**PROPOSED ZONING:**  
LI-S

**EXISTING ZONING:**  
RS40

**PETITIONER:**  
David Lee Lawson  
LLC for property owned  
by Same



**SCALE:** 1" represents 600'

**STAFF:** Roberts

**GMA:** 5

**ACRES:** 17.77

**NEAREST  
BLDG:** 6' south

**MAP(S):** 684882

**F**

February 25, 2009

David Lee Lawson, LLC  
2081 Piney Grove Road  
Kernersville, NC 27284

RE: ZONING MAP AMENDMENT F-1508

Dear Mr. Lawson:

The attached report of the Planning Board to the Forsyth County Board of Commissioners is sent to you at the request of the Commissioners.

When the rezoning is scheduled for public hearing, you will be notified by the Clerk to the County Commissioners, of the date on which the Commissioners will hear this petition.

Sincerely,

A. Paul Norby, FAICP  
Director of Planning

Attachment

pc: County Manager's Office  
John A. Richardson, III, 1531-A Westbrook Plaza Drive, Winston-Salem, NC 27103  
Jack Stewart, 2008 Portia Lane, Kernersville, NC 27284  
Caroline Domenig, 1110 Whispering Pines Drive, Kernersville, NC 27284  
D. Jones, 1021 Pine Knolls Road, Kernersville, NC 27284

**FORSYTH COUNTY**  
**BOARD OF COMMISSIONERS**

**MEETING DATE:** \_\_\_\_\_ **AGENDA ITEM NUMBER:** \_\_\_\_\_

**SUBJECT:-**

- A. Public Hearing on Zoning Map Amendment of David Lee Lawson, LLC from RS-40 to LI-S (Landfill, Land Clearing/Inert Debris, greater than 2 acres; Dirt Storage; Agricultural Production, Crops; and Agricultural Production, Livestock): property is located on the east side of Piney Grove Road, across from Ridge Hill Drive (Zoning Docket F-1508).
- B. Ordinance amending the Forsyth County Zoning Ordinance and Official Zoning Map of the County of Forsyth, North Carolina.
- C. Approval of Special Use District Permit
- D. Approval of Site Plan

**COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-**

**SUMMARY OF INFORMATION:-**

See attached staff report.

After consideration, the Planning Board recommended approval of the rezoning petition.

**ATTACHMENTS:-**     YES         NO

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

County Manager

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of David Lee Lawson, LLC, Docket F-1508

AN ORDINANCE AMENDING  
THE FORSYTH COUNTY  
ZONING ORDINANCE AND THE  
OFFICIAL ZONING MAP OF  
THE COUNTY OF FORSYTH,  
NORTH CAROLINA

---

BE IT ORDAINED by the Board of County Commissioners of the County of Forsyth as follows:

Section 1. The Zoning Ordinance of the *Unified Development Ordinances* of the County of Forsyth, North Carolina, and the Official Zoning Map of the County of Forsyth, North Carolina, are hereby amended by changing from RS-40 to LI-S (Landfill, Land Clearing/Inert Debris, greater than 2 acres; Dirt Storage; Agricultural Production, Crops; and Agricultural Production, Livestock) the zoning classification of the following described property:

PIN #'s 6888-74-4320 and 6888-73-3709

Section 2. This Ordinance is adopted after approval of the site plan entitled David Lee Lawson, LLC, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to David Lee Lawson, LLC.

Section 3. The Board of Commissioners 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 David Lee Lawson, LLC. 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.

COUNTY, SPECIAL USE DISTRICT PERMIT

SPECIAL USE DISTRICT PERMIT

Issued by the Forsyth County  
Board of Commissioners

The Forsyth County Board of Commissioners issues a Special Use District Permit for the site shown on the site plan map included in this zoning petition of David Lee Lawson, LLC (Zoning Docket F-1508). 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 LI-S (Landfill, Land Clearing/Inert Debris, greater than 2 acres; Dirt Storage; Agricultural Production, Crops; and Agricultural Production, Livestock)", approved by the Forsyth County Board of Commissioners the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_" and signed, provided the property is developed in accordance with requirements of the LI-S zoning district of the Zoning Ordinance of the *Unified Development Ordinances* of the County Code, the Erosion Control Ordinance, and other applicable laws, and the following conditions be met:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS:**
  - a. Developer shall update a driveway permit from the North Carolina Department of Transportation.
  - b. Developer shall file a reclamation plan for the reuse of this property with the Inspections Division.
  
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  - a. Developer shall install all improvements as per driveway permit which shall include right-of-way dedication of 35' from centerline of Piney Grove Road.
  
- **OTHER REQUIREMENTS:**
  - a. Should the use of Landfill, Land Clearing and Inert Debris, greater than two acres cease to operate for a period of one calendar year, the zoning of PIN #6888-74-4320 and 6888-73-3709 shall revert back to RS-40 without further public notice, proceedings, hearings, or Board action as per Chapter B, Article VI, Section 6-2.2(H) of the UDO.

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>	
<b>Docket #</b>	F-1508
<b>Staff</b>	<a href="#">Gary Roberts, Jr. AICP</a>
<b>Petitioner(s)</b>	David Lee Lawson, LLC
<b>Owner(s)</b>	Same
<b>Subject Property</b>	PIN #6888-74-4320 and 6888-73-3709
<b>Type of Request</b>	Special Use Rezoning for LI-S
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> RS-40 Residential, Single Family District; 40,000 sf minimum lot size <b>to</b> LI-S Limited Industrial District. The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> <li>• Landfill, land clearing/inert debris, greater than 2 acres; Dirt Storage; Agricultural Production, Crops; Agricultural Production, Livestock</li> </ul>
<b>Continuance History</b>	The subject request was continued from the January 8, 2009 Planning Board meeting to the February 12 Planning Board meeting. The petitioner has added 2.06 acres and the following uses to the original request: Dirt Storage; Agricultural Production, Crops; Agricultural Production, Livestock
<b>Zoning District Purpose Statement</b>	The LI District is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development, and related commercial and service activities which, in their normal operations, have little or no adverse effect upon adjoining properties. The district is established to provide locations for industrial development in Growth Management Areas 1, 2, 3, and 4, and Metro Activity Centers.
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</b>	<b>(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b>
	The site is located within GMA 5 and the heavy equipment involved in the operation of the proposed landfill could have an adverse effect on the adjoining residential properties.
<b>GENERAL SITE INFORMATION</b>	
<b>Location</b>	East side of Piney Grove Road, across from Ridge Hill Drive
<b>Jurisdiction</b>	Forsyth County
<b>Site Acreage</b>	Approximately ± 17.77 acres
<b>Current Land Use</b>	The site is undeveloped with the exception of some farm accessory buildings and an existing Landfill, Land Clearing and Inert Debris, (LCID) 2 acres or less operation. See Relevant Zoning Histories section below. The reason there are two such PBR requests on the subject property is due to the 2 acre limitation of any one such contiguous operation. This use is allowed in most zoning districts as either a PBR item or with a Special Use Permit from the Zoning Board of Adjustment. LCIDs greater than 2 acres are only allowed as a PBR or special use rezoning request in the HB, GB, LI and GI Districts.

Surrounding Property Zoning and Use	Direction	Zoning District	Use	
	North	RS-40	Single family home and undeveloped	
	East	RS-40	Undeveloped	
	South	RS-40	Undeveloped and single family homes	
	West	RS-30	Single family homes and undeveloped	
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</b>	<b>(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</b>			
	The proposed expansion of the landfilling activities could be incompatible with the adjacent single family homes and zoning. The petitioner is showing existing and enhanced buffers (Type IV) on the property.			
<b>Physical Characteristics</b>	The site is partially wooded and has some very steep topography. A portion of the site has been filled in association with the LCID operation.			
<b>Proximity to Water and Sewer</b>	Public water is available; however public sewer is not available.			
<b>Watershed and Overlay Districts</b>	The site is not within a water supply watershed.			
<b>Analysis of General Site Information</b>	The site appears to possess no development constraints for the proposed uses.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Piney Grove Road	Major Thoroughfare	1,232'	5,000	11,100
<b>Proposed Access Point(s)</b>	Driveway onto Piney Grove Road			
<b>Trip Generation - Existing/Proposed</b>	<p><u>Existing Zoning: RS-40</u>  <math>17.77 \times 43,560 \text{ sf} / 40,000 = 19 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 182 \text{ Trips per day}</math></p> <p><u>Proposed Zoning: LI-S</u>  There is no comparable trip rate available for the use of Landfill, Land Clearing and Inert Debris</p>			
<b>Analysis of Site Access and Transportation Information</b>	The site has adequate public road frontage.			
<b>Generalized Recommended Conditions</b>	<b><u>BRIEF DESCRIPTION OF CONDITION(S):</u></b>			
	<ul style="list-style-type: none"> <li>• Driveway permit from NCDOT</li> </ul>			

<b>CONFORMITY TO PLANS AND PLANNING ISSUES</b>	
<b>Legacy GMA</b>	Growth Management Area 5, Rural Growth Area
<b>Relevant Legacy Recommendations</b>	<ul style="list-style-type: none"> <li>• <i>Legacy</i> recommends managing growth and development to reduce sprawl, create a more compact and balanced urban development pattern and preserve open space and rural character. It recommends the Rural Area remains in very low density residential and agricultural uses for the Plan's 15-year time horizon. <i>Legacy</i> also specifically discourages rezoning to more intense districts in the Rural Area.</li> <li>• Protect residential areas from inappropriate commercial and industrial encroachment. (p. 123)</li> </ul>
<b>Relevant Area Plan(s)</b>	The site is not within the boundaries of an area plan or development guide.
<b>Other Applicable Plans and Planning Issues</b>	<p>The County Attorney is of the opinion that if challenged, the request could be considered by the courts to be illegal spot zoning.</p> <p>The petition site is located across from a site in the Voluntary Agriculture District (VAD) program. The VAD program was established by the Forsyth County Commissioners in January 2008 to provide protection and incentives to keep land in agricultural use.</p>
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</b>	<b>(S)(3) - Have changing conditions substantially affected the area in the petition?</b>
	No
	<b>(S)(4) - Is the requested action in conformance with <i>Legacy</i>?</b>
	No
<b>Analysis of Conformity to Plans and Planning Issues</b>	<p>The subject request is to rezone 17.77 acres of RS-40 zoned property in GMA 5 to LI-S. <i>Legacy</i> discourages rezoning to more intense districts in the Rural Area. The County Attorney is of the opinion that if challenged, the request could be considered by the courts to be illegal spot zoning. Planning staff consistently defers to such an opinion in making its recommendations on proposed rezonings.</p> <p>The site has over 1,200' of frontage on Piney Grove Road. In addition to the direct impact on adjacent residential properties, approval of this request may place more pressure for similarly intensive uses and/or districts in the area. On the other hand, the site could provide a continued outlet for construction related fill that is generated in eastern Forsyth County.</p> <p>Should the request be approved, staff recommends a reversion clause condition so that when the current operation ceases, the zoning of the property would revert back to RS-40.</p>
<b>Generalized Recommended Conditions</b>	<p><b><u>BRIEF DESCRIPTION OF CONDITION(S):</u></b></p> <ul style="list-style-type: none"> <li>• Reversion clause condition</li> </ul>



RELEVANT ZONING HISTORIES				
Case	Request	Decision & Date	Direction from Site	Acreage
PBR 02-14	LCID	Approved 5-9-02	Included portion of current site	1.95
PBR 97-16	LCID	Approved 4-10-97	Included portion of current site	1.95
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS				
Building Square Footage	Square Footage		Placement on Site	
	8,770 sf of existing buildings		Front portion	
Parking	Required			
	No spaces required or shown			
Building Height	Maximum		Proposed	
	70'		One story	
Impervious Coverage	Maximum		Proposed	
	90%		1.13%	
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> <li>Chapter B, Article II, Section 2-1.4 (A) Limited Industrial District</li> <li>Chapter B, Article II, Section 2-5.41 Landfill, Land Clearing and Inert Debris (LCID) use conditions</li> <li>Chapter B, Article II, Section 2-5.27 Dirt Storage use conditions</li> </ul>			
Complies with Chapter B, Article VII, Section 7-5.3	(A) <i>Legacy policies:</i>	No		
	(B) <i>Environmental Ord.</i>	NA		
	(C) <i>Subdivision Regulations</i>	NA		
Analysis of Site Plan Compliance with UDO Requirements	The revised site plan complies with the requirements of the UDO.			
Generalized Recommended Conditions	<b><u>BRIEF DESCRIPTION OF CONDITION(S):</u></b> <ul style="list-style-type: none"> <li>Reclamation plan condition</li> </ul>			
CONCLUSIONS TO ASSIST WITH RECOMMENDATION				
Positive Aspects of Proposal			Negative Aspects of Proposal	
Request would allow for the consolidation of a landfilling activity.			County Attorney is of the opinion that if challenged, the request could be considered to be illegal spot zoning.	
Additional buffers have been proposed in the site plan.			Request would allow the expansion of a relatively intense operation using heavy equipment, in close proximity to single family homes.	
The LCID provides a disposal facility for construction related activity.			Request is not consistent with <i>Legacy</i> which recommends protection of residential areas from more intense commercial and industrial encroachment	

#### **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.

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS:**
  - a. Developer shall update a driveway permit from the North Carolina Department of Transportation.
  - b. Developer shall file a reclamation plan for the reuse of this property with the Inspections Division.
  
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  - a. Developer shall install all improvements as per driveway permit which shall include right-of-way dedication of 35' from centerline of Piney Grove Road.
  
- **OTHER REQUIREMENTS:**
  - a. Should the use of Landfill, Land Clearing and Inert Debris, greater than two acres cease to operate for a period of one calendar year, the zoning of PIN #6888-74-4320 and 6888-73-3709 shall revert back to RS-40 without further public notice, proceedings, hearings, or Board action as per Chapter B, Article VI, Section 6-2.2(H) of the UDO.

#### **STAFF RECOMMENDATION: Denial**

**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.**

Gary Roberts presented the staff report.

#### **PUBLIC HEARING**

FOR:

John A. Richardson, III, 1531-A Westbrook Plaza Drive, Winston-Salem, NC 27103

- I'm the attorney for Mr. Lawson.
- Mr. Lawson submitted packets to the Board members which included pictures and information relative to this request.
- This is a 17.7 acre petition. We originally started with a smaller piece of property because only part of it is being used for an LCID.
- The petitioner presently operates a 2-acre LCID on that property.
- The 2-acre LCID is in the center of the property. This request would expand that slightly to the north with a 100-foot buffer between it and the neighbors.

- This current facility serves many small companies and the Town of Kernersville.
- It's been a part of this neighborhood for approximately 15 years.
- The closest LCID to this area is about 4.5 miles away so this is the neighborhood fill area.
- In preparing for this matter, there were five issues we pinpointed for the Board to consider.
- One is the 4.475 acre LCID, a permitted use in the LI district.
- Two is the proposed zoning and whether it's desired by the community. It is of great benefit to the community. The neighbors surrounding the site and the neighbors across the street do not oppose it.
- Three, does the petitioner have experience with the management of an LCID so the Board can feel comfortable in granting this expansion? The petitioner has restored former LCID sites.
- Access will be controlled by heavy security.
- The northern portion will have the 100' buffer from the neighbors as required.
- He'll get the permits as required.
- The petitioner has also agreed to staff's requests which are noted on the site plan for the record.
- Four of the five points: Does the petitioner's request violate the spirit of the Growth Management Area Plan or UDO? Even though this is a rural area, it is not a more intensive use of the land. It's exactly what has been done already and is simply an expansion.
- Finally, does the request violate North Carolina's rules against spot-zoning? We would argue that it does not. The County Attorney may not have had all the information that I thought had been given to her, mainly that this is of great benefit to the community. That becomes a key issue with the Supreme Court because North Carolina has a two-part test on spot zoning. First, is it spot zoning and if so, is it permissible spot zoning? NC has this permissible spot zoning exception.
- Discussed two cases considered by the Court and issues they have to consider.
- Reasonableness was the second part and that was described as something where the potential benefits to owner, neighbors and/or the surrounding community outweigh the potential detriment to those neighbors and the community as a whole.
- The full 17.77 acres will not be used for the LCID. The use will only take 4.47 acres.
- This use and the surrounding properties have all lived in harmony for 15 years.

Jack Stewart, 2008 Portia Lane, Kernersville, NC 27284

- I've been living directly across from this site and use this facility for my branches and leaves.
- Everyone in our subdivision signed this petition of support because he has been such a good neighbor.
- If this isn't approved, I will have a ten-mile round trip to dispose of my branches and leaves. So will everyone else around here.
- He has done an excellent job of keeping this property up.

## AGAINST:

Caroline Domenig, 1110 Whispering Pines Drive, Kernersville, NC 27284

- I live just up the road.
- My concern is because of Piney Grove Road. There are two schools on this road which is already a dangerous road.
- At this point, please consider whether this increases the traffic even more.

D. Jones, 1021 Pine Knolls Road, Kernersville, NC 27284

- Submitted a package and two articles about his comments.
- The petition we submit today has some of the same signatures that Mr. Lawson has. Once they learned a few more details, they wanted to sign this petition.
- Mr. Jones read a statement.
- This is inconsistent with the area plan. It is also inconsistent with the plan's intent to protect residential areas from inappropriate industrial and commercial encroachment.
- This rezoning could be considered a spot zoning. There is sufficient evidence to support this opinion.
- Referred to a status report on infrastructure, a copy of which is on file.
- We are in the condition we are in today because we ignored the warning signs.
- Please uphold your own judgment and recommend that this petition be denied.

## **WORK SESSION**

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

1. In response to a question by a Planning Board member, David Lawson, 2081 Piney Grove Road, Kernersville, NC 27104 stated that the area staff was referring to regarding something not being in compliance was probably a wall on the north portion of the site which was steeper than it ought to be and a section of it fell in. Chris Murphy from Inspections stated that the area which is labeled as a potential recycling area appears to be a dirt stockpile. It does fall outside the realm of previous approvals so that area appears to have been filled with clean fill dirt according to our field staff, which would be an LCID use. This area is in violation of previous approvals. The petitioner responded that the area had been used for storage for quite some time and was clean fill dirt. He also stated that he was not aware that it was not allowable.
2. Wesley Curtis: When I first started out by looking at this, I really don't see a problem with letting the petitioner continue doing what he has been doing. The thing I do like about the zoning is that we are able to limit the uses to those which he is already doing. In my mind, though, when it comes to the Attorney's recommendation that it could be considered an illegal spot zoning, I have to lean toward denying it because of her opinion and recommendation. My goal is to not approve anything that could potentially be a liability to the area.

3. In response to a question from the chair, Paul Norby explained that there is legal spot zoning and illegal spot zoning. If the attorney for the petitioner believes there are some facts which the County Attorney does not have, he is welcome to talk with her. However, until or unless she changes her opinion, that's the opinion we have to work with. If the case despite the County Attorney's opinion is approved, it would only come into play if some party who is against it appealed the case to the court. At that time, the courts would have to determine if it was in fact an illegal spot zoning.
4. Paul Mullican: The zoning they have now cannot be challenged, correct? Paul Norby responded that the UDO allows a limited application of LCID under the RS-40 zoning that the site currently has. The LCID is certainly legal there now except for the violations Chris Murphy talked about. To go beyond that is what triggered this LI-S request.
5. Clarence Lambe: The limit for LCID in RS-40 is 2 acres. What happens when they fill the two acres and seed that over? Do they automatically get another two acres? Gary Roberts responded that they would have to apply for a Planning Board Review. The current ordinance allows him to come in for 2 more acres every time 2 acres is filled up until the entire 17 acres would be used. Mr. Roberts noted that the petitioner has agreed to a reversion clause where if the operation ceases for one year or more to be used as an LCID the property's zoning would revert to RS-40.
6. Clarence Lambe: If our action is challenged as being an illegal spot zoning and if the courts declare it illegal, our responsibility appears to be limited to undoing the deed. Is that correct? Mr. Norby indicated that he thought a court action consistent with the County Attorney's analysis would invalidate the rezoning action under consideration today. Mr. Lambe stated that the real risk would be to the landowner who would have to undo anything that had been done between now and then.
7. Chris Murphy: There are some limitations on that 2-acre LCID. You can't have a 2-acre on a piece of property, close that one and come get another one on that same piece of property. It has to be on a separate piece of property. What oftentimes happens is someone will come in, do a minor subdivision, create a separate lot, and then do another LCID, but you can't do a limitless number on a large piece of property. It has to be on separate tracks.
8. Clarence Lambe: I'm going to support the petitioner's request. I think he's made his case. It's a matter of a legal opinion as to whether it would be a legal or illegal spot zone.

9. Paul Mullican: There is a great need for this. If we turn this down, we're just going to put more traffic on the roads because people will have to drive 9 miles round trip to find a similar place to put their construction waste. I don't know what else you could do with a site like this. He's also willing to do a significant buffer. I have to support this.
10. Arthur King: I think there is a need for this use in this area. Subdividing the property is an option and it seems that would be a better option.
11. Carol Eickmeyer: Staff, why did you encourage him to do the 17 acres when all he's planning to use is 4+ acres? Gary Roberts responded that staff didn't exactly encourage the petitioner to include the whole acreage in this request but the initial request had a driveway shown. To include that driveway there, they either had to include a landscaping bufferyard on either side of it which really impacted the site or to include that property in the petition. It turns out that the two buildings in that portion of the site are part of the operation and really needed to be included in that request. David Reed noted that staff also discussed with the petitioner that if they only wanted to rezone a portion of the lot, they would have to have a survey done of the portion which they wished to rezone. When an entire lot is rezoned, you can use a PIN # and I think that was one of their considerations.
12. Arnold King: I'm familiar with the operation. It provides a service. It's well maintained. The land is not much good for anything else anyway. There's no sewer out there. It won't perk. I will support it.
13. Carol Eickmeyer: I'm going to move approval of this. I actually very much do not like subdividing land to get the separate LCID approvals. This petitioner is being straight up with what he wants to do. He has the history to approve it. I don't think we're encumbering the County with a painful problem if someone decides to sue him or us. An answer to Mr. Jones' observation is that I don't believe this will put any demand on sewer or water that isn't already there. I'm not concerned about additional traffic. It possibly won't have any impact at all on traffic.
14. Wesley Curtis: I will be voting against it for the reasons stated earlier.

MOTION: Carol Eickmeyer 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: Jerry Clark, Carol Eickmeyer, Arnold King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith

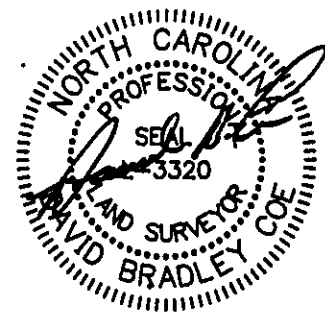
AGAINST: Wesley Curtis, Arthur King

EXCUSED: None

According to information furnished by the Office of the Tax Assessor on February 10, 2009, the subject property was in the name of David Lee Lawson, Betty Lawson, and David Lee Lawson, LLC.

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A. Paul Norby, FAICP  
Director of Planning

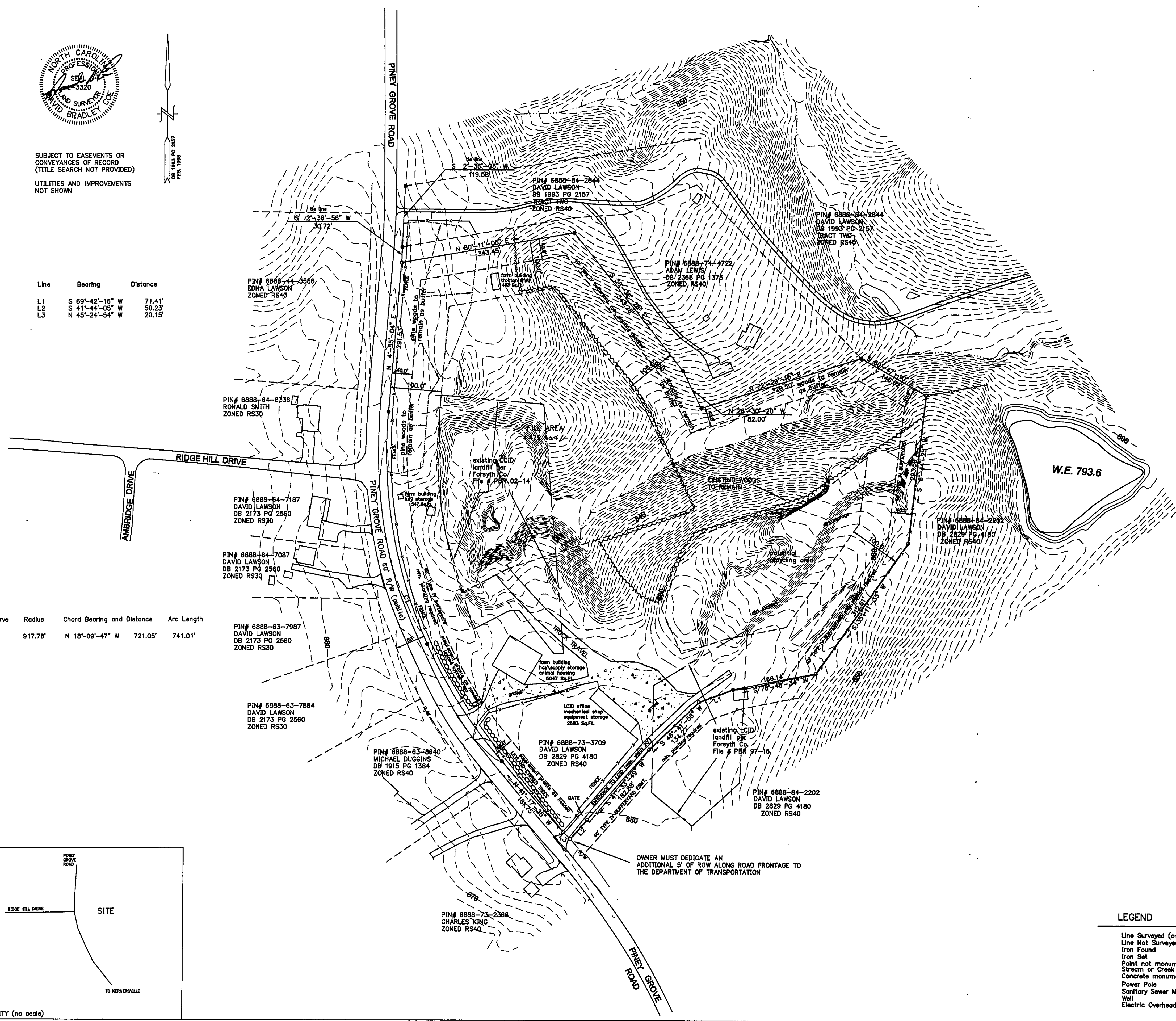


SUBJECT TO EASEMENTS OR CONVEYANCES OF RECORD (TITLE SEARCH NOT PROVIDED) UTILITIES AND IMPROVEMENTS NOT SHOWN



Line	Bearing	Distance
L1	S 69°-42'-16" W	71.41'
L2	S 41°-44'-05" W	50.23'
L3	N 45°-24'-54" W	20.15'

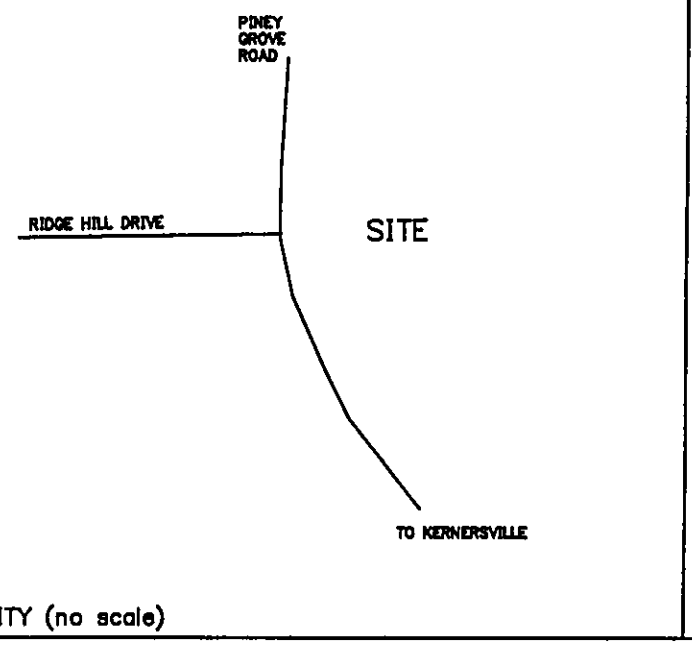
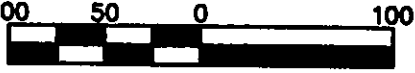
Curve	Radius	Chord Bearing and Distance	Arc Length
C1	917.78'	N 18°-09'-47" W 721.05'	741.01'



ZONING	
Existing Zoning	RS40
Proposed Zoning	L-5 (LCID) land clearing & inert debris, landfill (dirt storage)
Agriculture production, crops, livestock	
Type of Review Requested: Rezoning	
SITE SIZE AND COVERAGES	
Total Acreage:	17.771 Ac. +/-
Site Coverage:	Building to Land 1.13 %
Pavement to Land:	0 %
Open Space:	98.87 %
TOTAL:	100 %
Building Square Footage:	8720 Sq. Ft.
Building Height:	
INFRASTRUCTURE	
Victory:	
Sewer:	
Streets:	
OFF-STREET PARKING	
Proposed Use:	
Parking Calculation:	Spaces
Required Parking:	
Parking Provided:	
BUFFERYARDS	
Adjoining Zoning:	RS40
Type Required:	type IV
Width Provided:	100'
Fence Option:	yes <input checked="" type="checkbox"/> no <input type="checkbox"/>
DENSITY CALCULATIONS	
Number of Units or Lots:	Units/Lots
Density:	Units/Acre or Lots/Acre

THE PURPOSE OF THIS SITE PLAN IS FOR THE REZONING OF THE PROPERTY SHOWN THEREON. THE PETITION WISHES TO EXPAND THE EXISTING LCID LANDFILL TO A SIZE GREATER THAN TWO ACRES, NECESSITATING REZONING.

Owner: DAVID L. LAWSON  
2081 PINEY GROVE RD.  
KERNERSVILLE, NC. 27284  
ph: 336-898-8747  
cell: 336-882-2317



LEGEND

Line Surveyed (or calculated)	---
Line Not Surveyed	---
Iron Found	●
Iron Set	○
Point not monumented	⊙
Stream or Creek	~
Concrete monument	■
Power Pole	⊕
Sanitary Sewer Man Hole	⊗
Well	⊕
Electric Overhead Line	—

MAP FOR:

David Lee Lawson, LLC	
1" = 100'	AREA BY COORDINATES
21 July 2008	PRECISION 1 : 10,000 +
Forsyth County North Carolina	
Ph # 888-74-4320.00 / 888-73-3709	
David Lee Lawson, LLC DB 2829 PG 4180	
COE FORESTRY & SURVEYING	JOB #
P.O. BOX 36	07214RZ
WALLBURG, N.C. 27373 (336) 789-4673	

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