Lewisville Town Council

Regular Meeting Agenda

January 12, 2023 – 7:00 PM

Lewisville Town Hall 1st Floor Council Chambers 6510 Shallowford Road

1. Call to Order:

- A. Roll Call
- B. Invocation Retired Pastor Tom Lee, Lewisville United Methodist Church
- C. Pledge of Allegiance Council Member David Smitherman
- D. Adoption of Agenda

2. Consent Agenda

- A. Resolution 2023-001– Financial statements for the five months ended November 30, 2022 (Attachment #1)
- B. Approval of Agenda Briefing Minutes December 1, 2022 (Attachment #2)
- C. Approval of Regular Meeting Minutes December 8, 2022 (Attachment #3)
- D. Approval of Closed Session Minutes December 8, 2022

3. Introductions, Recognitions, Presentations and/or Proclamations

- A. Presentations
 - i. Sheriff's Office
 - ii. I'm One of the Reasons Lewisville is a Great Place to Live
 - a. Maureen Barton (Attachment #4)

4. Public Forum

- A. Residents should register with the Town Clerk and limit their comments to three (3) minutes.
- B. Written comments are also available.

5. Appointment(s) - None

6. Public Hearing(s)

- A. L-104 Site plan amendment and amendment of uses 771 Williams Rd from HB-C to HB-C requested by Stephen Long c/o Williams Rd HQ, LLC (*Attachment #5*)
 - i. Staff presentation
 - ii. Public hearing
 - iii. Council discussion
 - iv. Consideration of Ordinance 2023-002 (Attachment #6)
- 7. Technical Review(s) None
- 8. Preliminary Site Plan Approval(s) None
- 9. Evidentiary Hearing(s) None
- 10. Annexation Request(s) None
- 11. Old Business None

12. New Business

- A. Resolution 2023-002 Qualifications-Based Selection exemption (Attachment #7)
- B. Moser property Lewisville-Vienna Road (Attachment #8)
- C. Resolution 2023-003 L-103 To set a public hearing on February 9, 2023 for conditional district rezoning request of 7.45 acres off future extension of Great Wagon Road (PIN 5875-87-6070) from RS-20 to RM-8-C by Luke Dickey; Stimmel Associates, PA (Attachment #9)
- D. Resolution 2023-004– L-105 To set a public hearing on February 9, 2023 for conditional district rezoning request for 1138 Lewisville-Clemmons Road from RS-9-C to RM-5-C by Ron Davis with Allegro Investment Properties, LLC (Attachment 10)
- E. Resolution 2023-005– Authorizing Town Manager to sign finalized settlement agreement between Town of Lewisville and Solomon Development, LLC (*Attachment #11*)

13. Administrative Reports

- A. Upcoming events at Shallowford Square and Town holidays
 - i. Town offices closed January 16 Martin Luther King Jr. Day
- B. Manager's Report
- C. Planning Report
- D. Attorney's Report
- E. Clerk's Report
 - i. Council retreat January 27-28
 - ii. Town & State Dinner February 22, 5 PM Raleigh Convention Center
 a. Let Town Clerk know by February 1 if plan to attend
 - iii. CityVision April 25-27 Concord
- F. Community Center Facilities & Programming Manager Report
- G. Approvals at Special Called Meeting on December 29, 2022
 - i. Ordinance 2022-067– Amending Budget Ordinance 2022-001 Mediated settlement agreement \$1,975,000
 - ii. Resolution 2022-073 Mediated settlement agreement between Town of Lewisville and Solomon Development, LLC \$1,975,000
- H. Approvals at the Briefing and Action Meeting on January 5, 2023
 - i. Ordinance 2023-003 Amending 2022-001 Budget Ordinance Replenish Parks & Recreation Department Contingency Fund \$10,000
 - ii. Ordinance 2023-004 Amending 2022-001 Budget Ordinance Increase MAWCC maintenance and repairs \$25,000

14. For the Good of the Order

- A. Public Comments
 - i. Residents should limit their comments to three (3) minutes.
 - ii. Written comment forms are also available.
- B. Council Comments

15. Adjournment



RESOLUTION 2023-001 OF THE LEWISVILLE TOWN COUNCIL ACCEPTANCE AND APPROVAL OF MONTHLY DISBURSEMENTS

WHEREAS, the Finance Officer has presented the Town Council with the Revenue Statement Summary and the Encumbrances and Expenditure State Summary of figures for the five months ended November 30, 2022; and

WHEREAS, the Finance Officer did not report any unusual expenditures.

NOW, THEREFORE BE IT RESOLVED THAT the Lewisville Town Council accepts the Revenue Statement Summary and the Encumbrances and Expenditure Statement Summary for the five months ended November 30, 2022 and incorporated herein.

Adopted this the 12th day of January 2023 by the Lewisville Town Council.

ATTEST:

Mike Horn, Mayor

Dora K. Moore, Town Clerk

Town of Lewisville Financial Budget to Actual Report - General Fund Five Months Ended November 30, 2022

General Fund

Revenues	Budget	R	evenue Year to Date	Uncollected	Percentage Collected
Property Tax Collections	\$ 2,883,926.00	\$	543,364.94	\$ 2,340,561.06	18.84%
Sales Tax Revenue	1,057,280.00		323,745.07	733,534.93	30.62%
Other Revenues	1,399,596.00		351,239.55	1,048,356.45	25.10%
Transfer from ARPA Special Revenue Fund	-		-	-	0.00%
Total	5,340,802.00	\$	1,218,349.56	\$ 4,122,452.44	22.81%
Appropriation from Fund Balance	1,513,612.98				
	\$ 6,854,414.98				

Departments	Budget	の時間にあり	Expenditures Year to Date	1000	ncumbrances Year to Date	140.7	nencumbered and Unspent Balance	Percentage of Budget Spent or Encumbered
Governing Body	\$ 311,623.00	\$	147,424.05	\$	8,420.25	\$	155,778.70	50.01%
Administration	916,853.18		306,624.31		35,526.91		574,701.96	37.32%
Finance	266,245.00		118,608.79		1.5		147,636.21	44.55%
Debt Service	232,400.00		232,400.00		-		-	100.00%
Planning & Zoning	465,975.00		89,940.34		8,307.82		367,726.84	21.08%
Beautification	119,302.00		46,623.12		62,046.39		10,632.49	91.09%
Community Policing	786,980.00		194,029.56				592,950.44	24.65%
Public Safety	16,450.00		280.00		-		16,170.00	1.70%
Public Works	508,896.00		183,157.80		84,359.19		241,379.01	52.57%
Streets	250,585.00		15,628.35		5,794.35		229,162.30	8.55%
Powell Bill	385,357.00		18,592.60		i. i		366,764.40	4.82%
Storm Water	183,176.00		34,156.72		89,919.92		59,099.36	67.74%
Solid Waste	917,000.00		295,395.48		() 		621,604.52	32.21%
Recycling	7,595.00		145.00		-		7,450.00	1.91%
Parks and Recreation	565,977.80		170,517.50		173,429.25		222,031.05	60.77%
Transfers to Capital Reserves	920,000.00		920,000.00		20 10			100.00%
Total	\$ 6,854,414.98	\$	2,773,523.62	\$	467,804.08	\$	3,613,087.28	47.29%

General Fund Balance 7/1/2022	\$ 7,943,133.05
Year-to-Date Increase (Decrease) FY 6/30/2023	(1,555,174.06)
General Fund Balance 11/30/2022	\$ 6,387,958.99

Town of Lewisville Financial Budget to Actual Report - Willow Run Municipal Service District Five Months Ended November 30, 2022

Willow Run Municipal Service District

Revenues	Budget	Revenue Year to Date			ncollected	Percentage Collected
Revenues	\$ 36,610.00	\$	8,132.95	\$	28,477.05	22.22%
Total	\$ 36,610.00	\$	8,132.95	\$	28,477.05	22.22%
Appropriation from Fund Balance	\$ -					
	\$ 36,610.00	-				

	Budget	Expenditures Year to Date	VAN PROPERTY	mbrances r to Date	1.	nencumbered and Unspent Balance	Percentage of Budget Spent or Encumbered
Expenditures	\$ 36,610.00	\$ -	\$	-	\$	36,610.00	0.00%
Total	\$ 36,610.00	\$ -	\$	-	\$	36,610.00	0.00%

MSD Fund Balance 7/1/2022	\$ 192,445.34
Year-to-Date Increase (Decrease) FY 6/30/2023	8,132.95
MSD Fund Balance 11/30/2022	\$ 200,578.29

Town of Lewisville Other Funds November 30, 2022

	Capita	al Reserve	Funds		
	Balance 7/1/2022	Transfers In	Transfers Out	Investment Earnings	Balance 11/30/2022
GWR ROW/Construction Capital Reserve	\$ 1,051,083.99	\$-	\$-	\$ 11,070.75	\$ 1,062,154.74
Sidewalks, Bike Paths, and Greenways Capital Reserve	132,269.89	25,000.00	-	1,650.03	158,919.92
Municipal Buildings/Land Capital Reserve	130,369.89	-		1,373.14	131,743.03
Public Works Facility Capital Reserve	330,120.65	495,000.00	, - 2	8,563.06	833,683.71
Parks & Recreation Capital Reserve	-	400,000.00	-	4,048.67	404,048.67
Total	\$ 1,643,844.42	\$ 920,000.00	\$-	\$ 26,705.65	\$ 2,590,550.07

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	Balance 7/1/2022	R	Revenue	E	xpenditures	Tra	nsfers In	Transfers	out out	0.25	nvestment Earnings	Balance 11/30/2022
GWR ROW/Construction Capital Project	\$ 735,968.24	\$	-	\$	-	\$		\$	-	\$	7,751.74	\$ 743,719.9
JWP Maintenance Facility/Playground Expansion Capital Project	20,661.31						-		-		217.61	20,878.9
Gateway Project Capital Project	191,785.19		-		-		-		8 4 0		170.32	191,955.5
Community Center Capital Project	274,674.25				-						1,682.58	276,356.8
Roundabout at Lewisville-Vienna Road and Robinhood Road Capital Project	217,065.93		14,308.96		(17,886.20)		-		-		2,717.57	216,206.2
Total	\$ 1,440,154.92	\$	14,308.96	\$	(17,886.20)	\$	-	\$	-	\$	12,539.82	\$ 1,449,117.5

American Rescue Plan Act Special Revenue	Fund
American Rescue Plan Act funding received	\$ 4,024,471.50
Transferred to General Fund to reimburse for general government services - revenue replacement - Fiscal Year 2021-2022	(1,208,168.14)
Investment earnings	28,999.01
American Rescue Plan Act Special Revenue Fund - Cash Balance 11/30/2022	\$ 2,845,302.37

Lewisville Town Council Briefing and Action Meeting Minutes December 1, 2022 – 6:30 PM Mary Alice Warren Community Center Great Wagon Room

1. Call to Order:

- A. Mayor Horn opened the meeting at 6:30 PM. In attendance were Mayor Mike Horn, Mayor Pro Tem Jeanne Marie Foster and Council Members Fred Franklin, Melissa Hunt, Ken Sadler, and Jane Welch. Also attending were Town Manager James Ayers, <u>Assistant Town Manager/Planning</u> <u>DirectoPlanner</u> Stacy Tolbert, Finance Director Pam Orrell, Town Clerk Dora Moore, and Attorney Bo Houff. Council Member David Smitherman was absent.
- B. <u>Adoption of Agenda</u> Council Member Welch moved to approve the agenda. The motion was seconded by Council Member Hunt and approved unanimously.

2. Introductions, Recognitions and Presentations for December 1, 2022

- A. Presentation
 - i. Voluntary Agricultural District
 - a. Mrs. Tolbert reported that since her tenure with the Town some residents have expressed interest in voluntary agricultural districts (VAD). Contrary to what staff reported to Council last month, Forsyth County will allow municipalities to be a part of their VAD by executing a memorandum of understanding. This would be less burdensome on Town staff.
 - b. Russell Bailey, 7628 Grapevine Road Mr. Bailey shared he is interested in a VAD because he has a small homestead and he feels the VAD is beneficial to the Town by preserving rural heritage farmland.
 - c. Mrs. Tolbert shared zoning restrictions are not applied to VADs. The designation protects heritage farms and agricultural properties by restricting the ability of adjoining properties from filing nuisance claims.
 - d. Sandra Mock, 290 Mock Garden Lane Mrs. Mock has a bon-a-fide farm. Participation as a VAD is a ten-year commitment. The designation allows property owners to apply for grants, provides GIS identification, and gives them a sign so neighbors (and potential neighbors) are alerted of the designation and farm activity. Mrs. Mock also believes the designations are advantageous to the Town in preserving open land.
 - e. Mrs. Tolbert noted participation in VAD is voluntary and all farms are not required to participate.
 - f. Mr. Bailey noted there are properties in the Lewisville area that have had the VAD designation since prior to the Town's incorporation.
 - g. Council consensus was given to secure a memorandum of understanding with Forsyth County.
 - ii. <u>Earth Day event funding request</u> Per the Environmental, Conservation and Sustainability Committee's (ECSC) plan of work, the committee is planning a community Earth Day event for April 29, 2023. Manager Ayers shared that a-\$1,000 in funding is proposed to cover expenses for a banner, disc jockey, LED bulbs, and some contingency. Gretchen Roberts, ECSC Vice Chair, stated the event would be held in conjunction with the Terracycle event and would help educate the community on sustainability. LED bulbs will be given to attendees. Thus far, the Sierra Club, Yadkin River Company, Bee Keepers, and Elderberry Creek Farm and Nursery have agreed to participate. Council Member Welch requested the committee try to secure

an organization like greeNest, who collects usable household items versus the items being placed at the curb or thrown away. Council Member Franklin hopes the EV charging stations will be in place by the event as well. Council consensus was given for a budget amendment be placed on the December 8, 2022 agenda.

3. Items Requiring Council Direction – None

4. Items Requiring Action at Briefing

- A. Williams Road Gateway Project
 - i. Mrs. Tolbert gave a brief history of the project explaining there were six bid openings due to no bids being received. Since the project's funding approval in 2017, project cost has increased significantly. Due to the increased cost, supplemental funding in the amount of \$1,687,483 was requested from the Metropolitan Planning Organization (MPO) and awarded by the Technical Advisory Committee (TAC) on November 17, 2022. Mrs. Tolbert noted the Town does have a twenty percent match.
 - ii. Ordinance 2022-064 Amending Gateway Project Capital Project Ordinance \$2,364,080 Due to the project cost increase, the Gateway Project Capital Project Ordinance needs to be amended to reflect the cost increase. Council Member Franklin moved to approve Ordinance 2022-064. The motion was seconded by Council Member Sadler and passed unanimously. (Ordinance 2022-064 is herein incorporated by reference into the minutes.)
 - iii. Ordinance 2022-065– Amending Budget Ordinance 2022-001 Transfer to Gateway Project Capital Projects Fund - \$3,300,000 – Mrs. Orrell noted the Town must spend the money for the project and is then reimbursed for same. To be in compliance, she requested the full project amount be allocated; however, only what is needed will be transferred this fiscal year. She further noted that another budget amendment may be needed in 2023-2024 fiscal year. Mayor Pro Tem Foster moved to approve Ordinance 2022-065. The motion was seconded by Council Member Welch and passed unanimously. (Ordinance 2022-065 is herein incorporated by reference into the minutes.)
 - iv. <u>Resolution 2022-070 Gateway Project construction contract Branch Civil, Inc.- \$2,848,572</u> Council Member Franklin moved to approve Resolution 2022-070. The motion was seconded by Council Member Sadler and passed unanimously. *(Resolution 2022-070 is herein incorporated by reference into the minutes.)*
 - <u>Resolution 2022-071 Authorizing CEI services contract for Gateway Project Kimley-Horn -</u> <u>\$448,514.79</u> – Council Member Franklin moved to approve Resolution 2022-071. The motion was seconded by Council Member Sadler and passed unanimously. (*Resolution 2022-071 is herein incorporated by reference into the minutes.*)
 - vi. <u>Resolution 2022-072 Preliminary design contract amendment #2 for Gateway Project Kimley-Horn \$21,828.10</u> Mrs. Tolbert reported the amendment to the preliminary contract is due to the additional bid phases that totaled six and a habitat assessment for the northern long-eared bat. Council Member Welch moved to approve Resolution 2022-072. The motion was seconded by Mayor Pro Tem Foster and passed unanimously. *(Resolution 2022-072 is herein incorporated by reference into the minutes.)*
 - vii. Letter of Support CMAQ funding request for Shallowford Road sidewalks Mayor Horn shared that CMAQ (Congestion Mitigation and Air Quality Improvement) funding is available. It is proposed that the Town apply for 3,200 feet of 5-foot sidewalks with curb and guttering on one side of Shallowford Road from the Lowes Foods entrance to about the Shallowford Reserve entrance. The application was submitted on November 30 due to the deadline. Staff did not commit to which side of Shallowford Road the sidewalk and curb and guttering would be constructed. If approved, funding would be in fiscal year 2024 with anticipated construction

completion in 2026. Estimated cost of the project is \$1,314,667 with a local match of approximately \$262,933. Mayor Pro Tem Foster expressed concern about a 5-foot sidewalk and Council Member Franklin requested decorative lights be considered. Staff will make note of these suggestions but cautioned these items could potentially increase project cost. Council Member Hunt moved to approve the Letter of Support for CMAQ funding. The motion was seconded by Council Member Sadler and passed unanimously. *(Letter of Support and map are herein incorporated into the minutes.)*

5. Old Business – None

6. Administrative Reports

A. <u>Manager</u> – Manager Ayers reported staff is deep into the selection process for a Public Works Director and the Town continues to receive applications. He is hopeful to hire someone in December.

Mayor Horn left the room at 7:35 PM and returned at 7:37 PM.

- B. <u>Attorney</u>
- C. Public Works
- D. <u>Planning</u>
- E. Finance
- F. <u>Clerk</u>
 - i. Upcoming events
 - a. Christmas Tree Lighting December 2, 7 PM
 - b. Council and staff Christmas lunch December 7, 12 PM at MAWCC
 - c. Christmas parade December 11, 3 PM Be at staging area by 2:30 PM Mrs. Moore will share more details with Council via email.
- G. <u>Community Center Facilities & Programming Manager</u> Mrs. Moore shared the December calendar for the Mary Alice Warren Community Center showing the magnitude of programs, events and rentals for December.

7. Agenda Items for Regular Meeting on December 8, 2022

- A. Tentative Agenda
 - i. Consent Agenda
 - a. Resolution 2022-066 Financial statements for the four months ended October 31, 2022
 - b. Approval of Closed Session Minutes October 6, 2022
 - c. Approval of Agenda Briefing Minutes November 3, 2022
 - d. Approval of Closed Session Minutes November 3, 2022
 - e. Approval of Regular Meeting Minutes November 10, 2022
 - f. Resolution 2022-067 Accepting resignation of Jennifer Haydon Lewisville Beautification Committee
 - g. Revised 2023 Meeting schedule
 - ii. Introductions, Recognitions, Presentations and/or Proclamations
 - a. Presentations
 - 1. Sheriff's office
 - iii. Appointment(s)
 - iv. Public Hearings
 - v. Technical Review(s)

- vi. Preliminary Site Plan Approvals
- vii. Evidentiary Hearings
- viii. Old Business
- ix. New Business
 - a. Resolution 2022-068 Appointment of Town Attorney Firm
 1. Introduction of Elliot Fus
 - Resolution 2022-069 L-104 To set public hearing for site plan amendment and amendment of uses - 771 Williams Rd from HB-C to HB-C requested by Stephen Long c/o Williams Rd HQ, LLC
 - Mrs. Tolbert shared that 771 Williams Road was rezoned in the past year for Advanced Appliance; however, they have sold the property. The new owner is requesting site plan and use changes, not zoning. The proposed two-story structure will have a deli and retail on the main level with Keller Williams Realtors' offices on the second level. The Planning Board held their public hearing on November 9 with no major community response received.

8. For the Good of the Order

- A. Council Member Welch inquired about the Christmas lights along Shallowford Road in terms of when they were last replaced.
- B. Mayor Pro Tem Foster shared about the call to action related to the Forsyth County Humane Society.
- C. Mayor Pro Tem Foster also shared that she has seen a lot of concerns expressed on social media about tannerite.
- 9. Adjournment Council Member Franklin moved to adjourn the meeting at 7:59 PM. The motion was seconded by Council Member Hunt and approved unanimously.

ATTEST:

Mike Horn, Mayor

Dora K. Moore, Town Clerk

Lewisville Town Council Regular Meeting Minutes December 8, 2022 – 7:00 PM Lewisville Town Hall Council Chambers 6510 Shallowford Road

1. Call to Order:

- A. Mayor Horn opened the meeting at 7:00 PM. In attendance were Mayor Mike Horn, Mayor Pro Tem Jeanne Marie Foster and Council Members Fred Franklin, Melissa Hunt, Ken Sadler, David Smitherman, and Jane Welch. Also attending were Town Manager James Ayers, Assistant Town Manager/Planning Director Stacy Tolbert, Finance Director Pam Orrell, Town Clerk Dora Moore and Town Attorney Bowen Houff.
- B. <u>Invocation</u> Attorney Bo Houff
- C. <u>Pledge of Allegiance</u> Council Member Melissa Hunt
- D. <u>Adoption of Agenda</u> Council Member Hunt moved to approve the agenda as presented. The motion was seconded by Council Member Smitherman and approved unanimously.

2. Consent Agenda

- A. Consent agenda items
 - i. Resolution 2022-066 Financial statements for the four months ended October 31, 2022
 - ii. Approval of Closed Session Minutes October 6, 2022
 - iii. Approval of Agenda Briefing Minutes November 3, 2022
 - iv. Approval of Closed Session Minutes November 3, 2022
 - v. Approval of Regular Meeting Minutes November 10, 2022
 - vi. Resolution 2022-067 Accepting resignation of Jennifer Haydon Lewisville Beautification Committee
 - vii. Revised 2023 Meeting schedule
- B. Council Member Franklin moved to approve the consent agenda. The motion was seconded by Council Member Welch and approved unanimously.

(Resolution 2022-067 is herein incorporated by reference into the minutes. The revised 2023 Meeting Schedule is incorporated into the minutes.)

3. **Presentations, Introductions and/or Proclamations**

- A. <u>Presentations</u>
 - i. <u>Winston-Salem/Forsyth County Schools Performance Update</u> Mayor Horn welcomed <u>Chairman-Board Chair</u> Deanna Kaplan and Superintendent Tricia McManus of the Winston-Salem/Forsyth County School Board. Ms. McManus shared a state of the schools <u>presentation</u> focusing on the Lewisville based and feeder schools. The dual enrollment program on the high school level is priority. It was noted that community involvement is key and encouraged connection with the local schools in the form of volunteerism, grants, and more. Mayor Horn expressed gratitude for all that is being done. *(Ms. McManus' presentation is incorporated into the minutes.)*
 - ii. <u>Forsyth County Sheriff's Office</u> Sergeant Stringer shared current call statistics. On behalf of the Lewisville deputies, Sergeant Stringer thanked Council for the extra position noting it has been extremely beneficial to the Town and has allowed the assigned deputies to answer 66% of the calls. He also noted that Shallowford Road will close around 2:30 PM on Sunday for the Christmas Parade. After the first of the year, Sergeant Stringer would like Council to visit the Forsyth County Sheriff's Office so they can see the new RTIC (Real Time Intelligence Center)

video system. Council Member Hunt inquired about the lights recently purchased for events. Sergeant Stringer stated the lights were used at the Christmas Tree Lighting and seemed to work well. He feels they will be beneficial during the 2023 event season.

2022													
TYPE OF INCIDENT	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	ост	NOV	DEC	TOTAL
Total calls for service	531	532	590	586	492	559	586	612	776	775	801		6840
Security Check	258	253	275	297	177	245	285	293	517	494	498		3592
Traffic Arrest / Violation	26	17	61	39	19	25	37	44	55	24	28		375
Alarm	15	21	14	22	21	21	23	26	14	17	12		206
Priority Call Response Time	6.4	5.5	7.6	5.6	5.3	4.9	5	5.7	5	4.7	4.4		60.1
2021													
TYPE OF INCIDENT	JAN	FEB	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Total calls for service	700	516	590	658	528	727	672	601	568	645	655		
Security Check	408	266	294	337	274	387	346	295	287	313	391		
Traffic Arrest / Violation	50	39	53	67	15	53	47	49	36	97	46		
Alarm	16	39	22	23	26	14	19	17	10	16	6		
Priority Call Response Time	5.2	5.7	4.8	5	5	5.5	5	5	5	4.5	4.2		

- 4. Public Forum None
- 5. Appointment(s) None
- 6. Public Hearing(s) None
- 7. Technical Review(s) for Compliance None
- 8. Preliminary Site Plan Approval(s) None
- 9. Evidentiary Hearing(s) None
- 10. Annexation Request(s) None
- 11. Old Business None

12. New Business

- A. <u>Resolution 2022-068 Appointment of Town Attorney Firm</u> With the upcoming retirement of Town Attorney Bowen Houff, Mr. Ayers presented information related to Elliot Fus with Blanco, Tackabery & Matamoros, PA. Mayor Pro Tem Foster moved to approve Resolution 2022-068. The motion was seconded by Council Member Smitherman and approved unanimously. Mr. Houff shared his gratitude for serving the Town stating he could not say enough good about the Council, staff and community. He further said Lewisville is a favored and beloved client. Mr. Fus looks forward to carrying on Mr. Houff's work and working with the Town. (Resolution 2022-068 is herein incorporated by reference into the minutes.)
- B. <u>Resolution 2022-069 L-104 To set public hearing for site plan amendment and amendment of uses 771 Williams Rd from HB-C to HB-C requested by Stephen Long c/o Williams Rd HQ, LLC Mrs. Tolbert requested Council to set a public hearing on January 12, 2023 for a site plan and uses amendment for the property at 771 Williams Road. The zoning will remain the same but the new</u>

property owners would like the uses to include professional office and a restaurant without a drive thru. Council Member Smitherman moved to approve Resolution 2022-069. The motion was seconded by Council Member Hunt and motion passed unanimously. *(Resolution 2022-069 is herein incorporated by reference into the minutes.)*

C. Ordinance 2022-066 – Amending Budget Ordinance 2022-001 – Earth Day event - \$1,000 - Council Member Franklin moved to approve Ordinance 2022-066. The motion was seconded by Mayor Pro Tem Foster and approved unanimously. (Ordinance 2022-066 is herein incorporated by reference into the minutes.)

13. Administrative Reports

A. <u>Upcoming Town events and holidays</u> – Manager Ayers shared the following events and office closings.

Town Holidays & Events

December 11, 2022	Christmas Parade (Sponsored by Lewisville Civic Club)	3:00 PM
December 16, 2022	Holiday Open House Mary Alice Warren Community Center	4:00-8:00 PM
December 21-30, 2022	Cardboard Recycling Program Lewisville Elementary School	
December 23 and 26, 2022	Offices closed – Christmas holiday	
January 2, 2023	Offices closed – New Year holiday	
January 16, 2022	Offices closed – Martin Luther King, Jr holiday	

- B. <u>Manager's Report</u> None
- C. <u>Planner's Report</u> None
- D. <u>Attorney's Report</u> None
- E. <u>Clerk's Report</u> Mrs. Moore reminded Council to meet at the Animal Hospital of Lewisville on Sunday, December 11 at 2:30 PM for the Christmas Parade.
- F. <u>Community Center Facilities & Programming Manager's Report</u> None
- G. Approvals at the Briefing and Action Meeting on December 1, 2022
 - i. Ordinance 2022-064– Amending Gateway Project Capital Project Ordinance \$2,364,080
 - ii. Ordinance 2022-065– Amending Budget Ordinance 2022-001 Transfer to Gateway Project Capital Projects Fund - \$3,300,000
 - iii. Resolution 2022-070 Gateway Project construction contract Branch Civil, Inc. \$2,848,572
 - Resolution 2022-071 Authorizing CEI services contract for Gateway Project Kimley-Horn -\$448,514.79
 - v. Resolution 2022-072 Preliminary design contract amendment #2 for Gateway Project Kimley-Horn - \$21,828.10
 - vi. Letter of support CMAQ funding request for Shallowford Road sidewalks

$14. \ \text{For the Good of the Order}$

- A. Public comments None
- B. Council comments
 - i. Mayor Horn recognized former Town Clerk Joyce Walker who was in attendance.

- ii. Mayor Horn presented a plaque to Town Attorney Bowen Houff for his amazing contributions to the Town. He noted that Mr. Houff has been a great friend and wonderful attorney.
- iii. Council Member Welch presented a gift signed by Council and staff to Mr. Houff.

The meeting was recessed at 7:50 PM for a small reception honoring Mr. Houff. The meeting resumed at 8:05 PM.

15. For the Good of the Order (continued)

- B. Council comments (continued)
 - iv. Council Member Smitherman apologized for being adamant regarding one nonprofit exemption request last month and not the other.
 - v. Council Member Welch requested a refresher related to the Gateway Project. Mrs. Tolbert stated the project would be along Williams Road from US 421 to the roundabout at the Oaks Shopping Center. The project includes a bike lane, a planted median, refreshing of the medians along the route, and new monument signs on either side of the US 421 interchange. Once the contractor receives notice to proceed, the contractor has 300 days to complete the project. It is hoped this project will not overlap with the Great Wagon Road project.
 - vi. Mayor Pro Tem Foster expressed appreciation for Mayor Horn finding the CMAQ funding opportunity for sidewalks along Shallowford Road and the staff working to complete the application. Mayor Horn noted that as far as he knew, Lewisville was the only request on the local level but and further noted there will be competition on the state level.
 - vii. Mayor Horn wished all a wonderful holiday season.
- viii. Closed Session pursuant to NCGS 143-318.11(a)(3) Mayor Pro Tem Foster moved to enter into closed session related to attorney-client privilege at 8:14 PM. The motion was seconded by Council Member Welch and approved unanimously.
- ix. Adjournment Council Member Welch moved to adjourn the meeting at 9:16 PM. The motion was seconded by Council Member Smitherman and approved unanimously.

ATTEST:

Mike Horn, Mayor

Dora K. Moore, Town Clerk

I'm One of the Reasons Lewisville is a Great Place to Live

Presented to

Maureen Barton

for outstanding contributions to the Town of Lewisville and residents

Lewisville Town Council

Mayor Mike Horn January 12, 2023

Nomination Form for I'm One of the Reasons Lewisville is A Great Place to Live

Purpose of the Award

The "I'm One of the Reasons Lewisville is A Great Place to Live" award is presented to selected individuals who are making Lewisville a great place to live. An individual may be nominated for any reason as long as it can be clearly demonstrated that their activities or other contributions have improved the quality of life for residents or in the town in general.

Nominations should be submitted to staff who will validate the nominee's information and present the information to Council at its next scheduled briefing. If selected to receive the award, the nominee and their nominator will be recognized at a regularly scheduled meeting of the Lewisville Town Council or other official town meeting or event.

Nomination Information (This form may be updated on-line.)

Date: December 29, 2022
Nominator Information Name of Nominator:
Contact telephone number: <u>336-978-7382</u>
Contact email: janewelch 675 ayahoo, com
Nominee Information Name of Nominee: Mayreen Barton
Address of Nominee: <u>6930 Saplar Bedge Road</u> <u>Jewisville</u> Morth Corolina
Telephone Number of Nominee: 336 - 671 - 7332 21023
Contact email: <u>mbarton 33 @att.net</u>
Reason for the Nomination: Manneen has lived in Seweserlle
over 35 years. She is a long time member of
the Servisicele Civic club and has been in
Charge of the town's christman parade for 23 glass
That a gift to our town & sussounding communities !

Form may be returned via email to: <u>townclerk@lewisvillenc.net</u> or mailed to: Town Clerk, PO Box 547, Lewisville, NC 27023. FOR OFFICE USE BELOW:

Date received: 12-29-2022 Presented to Council: 1-5-2023 Approval Date:

Lewisville Technical Review Committee (TRC)

PRELIMINARY SITE PLAN REVIEW

- 1) SITE PLAN TITLE AND NUMBER: Williams Road, L-104
- 2) TYPE OF DEVELOPMENT: Rezoning
- 3) ACREAGE: 3.57 Acres

4) ZONING: Current zoning HB-S Proposed Review: Rezone to HB-C

- 5) # UNITS/LOTS: n/a
- 6) DENSITY, IF RESIDENTIAL: n/a
- 7) LOCATION OF DEVELOPMENT: Property is located at 771 Williams Road

8) SITE PLAN PREPARER:	Kennerly Engineering & Design, Inc. 12133 N. NC Hwy 150, Suite F Winston-Salem, NC 27127
9) DEVELOPER:	Rodney Bentley Salem Commercial Contracting, LLC 8008 Riverview Drive Clemmons, NC 27102

9) OWNER AND/OR AGENT: PIN: 5874-64-3831 Stephen Long c/o Williams Rd HQ, LLC 1100 S. Stratford Rd, BLDG. C; Ste: 200 Winston-Salem, NC 27103

10) PRELIMINARY CONDITIONS: Conditions on the following pages are additional requirements for development. All other city or county code regulations still apply.

Lewisville Planning: Stacy Tolbert planner@lewisvillenc.net

- Development note #5 mentions both entrance points. Only one entrance is shown on the site plan.
- Ensure parking area landscaping meets motor vehicle surface area requirements.
 - UDO section 3-4.3 (C) (5): "No parking space shall be located more than seventy-five (75) feet from the trunk of a required large variety tree... no parking space shall be located more than fifty (50) feet from the trunk of a required small or medium variety tree..."
 - There is a possibility of needing more small to medium variety trees in the islands of the parking lots.
- Be prepared to justify 78 parking spaces being shown when only 27 are required.
- Push landscaping out of 10/70 sight triangle easement.
- Indicate any freestanding/ground signs.
- Show 100-foot thoroughfare overlay on the site plan.
- Need further clarification on the specifics of the wine tasting use.
- Existing zoning is HB-S. Proposed zoning is HB-C.
- Show dumpster location with required screening.
- List utilities.

Addressing: Matthew Hamby https://www.hambyme@forsyth.cc

• Address remains 771 Williams Road

Erosion Control: Matthew Osborne <u>matthewo@cityofws.org</u>

 If the proposed project creates more than 10,000 sq. ft. of land disturbance, a Grading/Erosion Control Permit will be required prior to the start of work. In order to obtain this permit you must submit a professionally designed Erosion Control Plan along with an original signed/notarized Financial Responsibility/Ownership (FRO) form for review and approval. Please submit the plan through the electronic plan review portal as application type 04.02Grading/Erosion Control Permit at the following link: https://winston-salem.idtplans.com/secure/

Fire: Mark Johnson johnsome@forsyth.cc

- Provide the required fire flow per Appendix B
- The hydrant shown on the site plan appears to not be an active hydrant per WS/FC Utilities.
- D104.1 **Buildings exceeding three stories or 30 feet in height**. Buildings or facilities exceeding 30 feet or three stories in height shall have at least two means of fire apparatus access for each structure.
- D104.3 **Remoteness**. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.
- D105.4 **Obstructions.** Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the fire code official.

Conditional Approval with the following requirements. Please ensure the following tasks are completed prior to the final inspection. Should you have any questions regarding these requirements, please call 336-703-2550.

No vertical combustible construction can begin without the fire department access roads and hydrants being in place.

1. At the time of the final fire inspection, provide documentation of measured fire flows from hydrants to demonstrate that available water flows meet or exceed the needed fire flow requirements cited in approved plans. You may schedule a hydrant fire flow test through the Utilities Field Operations Division by calling City Link (311 or 336-727-8000).

2. Post the address on the street side of the building in letters that are **6**" in height with a minimum stroke width of **3/4**". If the business has a rear door in a strip mall-type application the address must also be placed there.

3. If the building is equipped with a fire alarm, sprinkler system, or special hazard, a Knox Box will be required. You can order one online at Knoxbox.com, just make sure you select the Forsyth County fire option. Contact our office if you have questions 336-703-2550.

4. When a building is equipped with an elevator, a Knox elevator key box shall be installed within the building. The elevator key boxes shall be installed at each elevator bank in the lobby nearest the lowest level of fire department access. These boxes shall be mounted to the right side of each elevator bank at a height of *five feet, six inches* above the finished floor. Elevator key sets shall be provided for installation within the box at the time of the final fire inspection. Please

visithttps://www.knoxbox.com for ordering information. *Do not purchase a normal Knox box or an oversized Knox box for this purpose. Fire code requires the use of a box designed specifically for elevator keys and associated items.*

4. Identify the room containing the sprinkler riser and Fire Alarm panel. The sign should be permanently installed and readily visible.

6. Doors into electrical control panel rooms shall be marked with a plainly visible and legible sign stating Electrical Room if you have a separate room.

7. Utilities including gas shut-off valves, electric meters, and service switches shall be labeled, identifying which unit or space it serves.

8. SPRINKLER AND STANDPIPE SYSTEMS: If sprinkler/standpipe system work is performed, please submit plans to fcfdplans@gmail.com for review prior to performing work on the sprinkler/standpipe system. You must have a permit for the installation or upfit of the sprinkler system prior to any work being performed. You must also provide a letter of compliance for sprinkler/standpipe work prior to scheduling your final inspection. *If no work is performed on existing sprinkler/standpipe systems, you must provide a signed letter from a sprinkler system vendor indicating the installed system is compliant and serviceable prior to scheduling your final inspection.* Underground fire lines must be inspected by fire department personnel prior to covering, and flushing of these lines must be witnessed by fire department personnel. Please schedule these activities by contacting our office at 336-703-2550.

9. **FIRE ALARM SYSTEMS:** If fire alarm system work is performed, please submit plans to fcfdplans@gmail.com for review prior to performing work on the fire alarm system. You must also provide a record of completion for fire alarm system work prior to scheduling your final inspection. *If no work is performed on existing fire alarm systems, you must provide a signed letter from afire alarm system vendor indicating the installed system is compliant and serviceable prior to scheduling your final inspection.*

10. AUTOMATIC FIRE EXTINGUISHING SYSTEMS: If automatic fire extinguishing system work is performed, please submit plans to fcfdplans@gmail.com for review prior to performing work on the fire extinguishing system. Documentation of system installation and certification must be provided at the time of final inspection. *If no work is performed on existing automatic fire extinguishing systems, you must provide a signed letter from a fire suppression system vendor indicating the installed system is compliant and serviceable prior to scheduling your final inspection.*

11. **Emergency Responder Radio Coverage:** The North Carolina Fire Code requires that the Local Public Safety Radio System be fully operable in the interior of all new buildings. Some

modern energy-efficient construction techniques and materials (such as Low-E glass, cementitious coatings, and steel roofs) tend to attenuate the radio signals penetrating the exterior of some new buildings. Per North Carolina 2018 Fire Code Section 510, all new buildings permitted after January 1, 2019 (except for one- and two-family residences) are required to ensure that the Public Safety Radio System has sufficient radio signal strength to be fully operable throughout the interior of the building. New building owners/developers/contractors are subject to the NC 2018 Fire Code Section 510, and are required to submit a Radio Signal Strength Study that demonstrates that existing Local Radio System signal levels meet the Code or they will be required to install an Emergency Responder Radio Coverage System (ERRCS) to boost the radio signals up to the required levels. All owners of new and remodeled buildings, as well as their general contractors and ERRCS vendors/installers, should be familiar with all provisions of the relevant codes and standards.

12. **TANK INSTALLATION (If Applicable):** A separate plan submittal is required for the installation of storage tanks for flammable or combustible materials (including generator base tanks, fuel dispensing systems, and other stationary tanks). Prior to submitting these plans, please review the tank plan submittal guidelines found at

https://co.forsyth.nc.us/EmergencyServices/fire/assets/documents/tanks.pdf

13. **ACCESS CONTROL (If Applicable):** A separate plan submittal is required for the installation or modification of electrified locking systems. Coordination between construction and access control contractors, including the scheduling of final inspections, is highly encouraged.

14. **EXITS AND EMERGENCY LIGHTING:** Provide exit signs to direct occupants to exits, interior emergency lighting to illuminate egress paths, and exterior emergency lighting to illuminate areas immediately outside each exit. These fixtures shall be provided with either battery backup or standby power via a generator.

15. **EXTINGUISHERS:** Portable fire extinguishers shall be provided in the path of travel to the exit(s), not to exceed *50 feet* of travel to an extinguisher. The minimum rating for these portable fire extinguishers is 2A:40B:C.

16. **HIGH-PILED COMBUSTIBLE STORAGE:** No combustible storage is allowed over *twelve feet* in height unless the approved plans include all required provisions for high-piled combustible storage.

17. **FINAL FIRE INSPECTION:** You **must** contact our office to schedule a final fire inspection 48 hours in advance. If other trades are involved, coordinate the inspection with the general contractor. Inspections may be scheduled by calling 336-703-2550. At the time of the final fire inspection, the contractor or owner is responsible for having a temporary/permanent electrical current or providing a generator to power the electrical system.

The Construction Document submission for this project has been reviewed for compliance with the North Carolina Fire Code (NCFC), and other portions of the Codes as appropriate for the project. These drawing sand specifications are approved.

The designer is responsible for full compliance with all requirements of the Code, referenced Standards, and other criteria legally applicable to this project. While our reviews are intended to be thorough and accurate, they do not include all aspects of the Code, nor do they relieve the need for designers to thoroughly check their plans for Code compliance before submittal.

Any subsequent Addenda, Change Orders, selection of Alternates, or other actions that may have any possible bearing on Code Compliance or fire/life safety-related features must be submitted to us for review and approval, in accordance with General Statutes. These receive priority handling.

Inspections: Amy Mcbride amym@cityofws.org

- Need the specific landscaping details
- Submit for the commercial building review.

NCDOT: Victoria Kildea <u>vrkildea@ncdot.gov</u>

- The developer needs to verify that this driveway location is not within the Controlled Access (C/A) right of way for the interchange at US 421.
- NCDOT Driveway permit required. Randy Ogburn is the primary point of contact rogburn@ncdot.gov We prefer that the driveway permit be submitted on our online portal, and shall consist of the permit application (form TEB-65-04) and a detailed site plan showing the access points. Review of the permit package will begin after receiving the application, site plan, and Construction Inspection Fee. The Construction Inspection Fee is payable by check, and is \$50 per driveway connection.
- A 16.6 3-party encroachment agreement would be required for any utilities (water and sewer), and sidewalk where applicable.
- All encroachment agreements should be submitted through the online portal. Thomas Scott is the primary point of contact ntscott@ncdot.gov
- If applicable, landscaping should follow the NCDOT Guidelines for Planting Within Highway Right-of-Way manual -https://connect.ncdot.gov/resources/roadside/Aestheti cEngineeringDocuments/Planti ngGuidelines.pdf

Public Works: publicworks@lewisvillenc.net

• No comments at this time.

Stormwater: Linda Pass <u>linda.pass@stantec.com</u>

- Provide Stormwater Management Plan in accordance with Town of Lewisville UDO
- Approx. 26% BUA (>24% BUA = HIGH DENSITY):
 - BMP to control the 2-year, 10-year, and 25-year storm (control postdevelopment runoff to pre-development condition)
 - BMP to have volume control for the 25-year, 6-hour storm at a minimum.
- Protection at Point of Discharge:
 - The proposed stormwater pond is located at the west edge of the property adjacent to a church (cleared with limited vegetation). Avoid stormwater point discharge impacts to adjacent properties.

Utilities: Chris Jones charlesi@cityofws.org

 No public sewer is available for this parcel. Public water is available in Williams Road. NCDOT Encroachment agreement required for water connection in Williams Road. Water meters purchased through COWS. All water connections will require a backflow preventer matching the meter size. System development fees due at the time of meter purchase.

Lewisville Fire: Chief Darin Needham darinN@lewisvillefire.com

• No comments at this time.

Stephen Long

1100 S. Stratford Rd Building C Ste. 100 Winston Salem, NC 27103 (336) 283-8683 stephen@thecarolinacrew.com 6th October 2022

Stacy Tolbert

Town of Lewisville 6510 Shallowford Rd. Lewisville, NC 27023

Mrs. Tolbert,

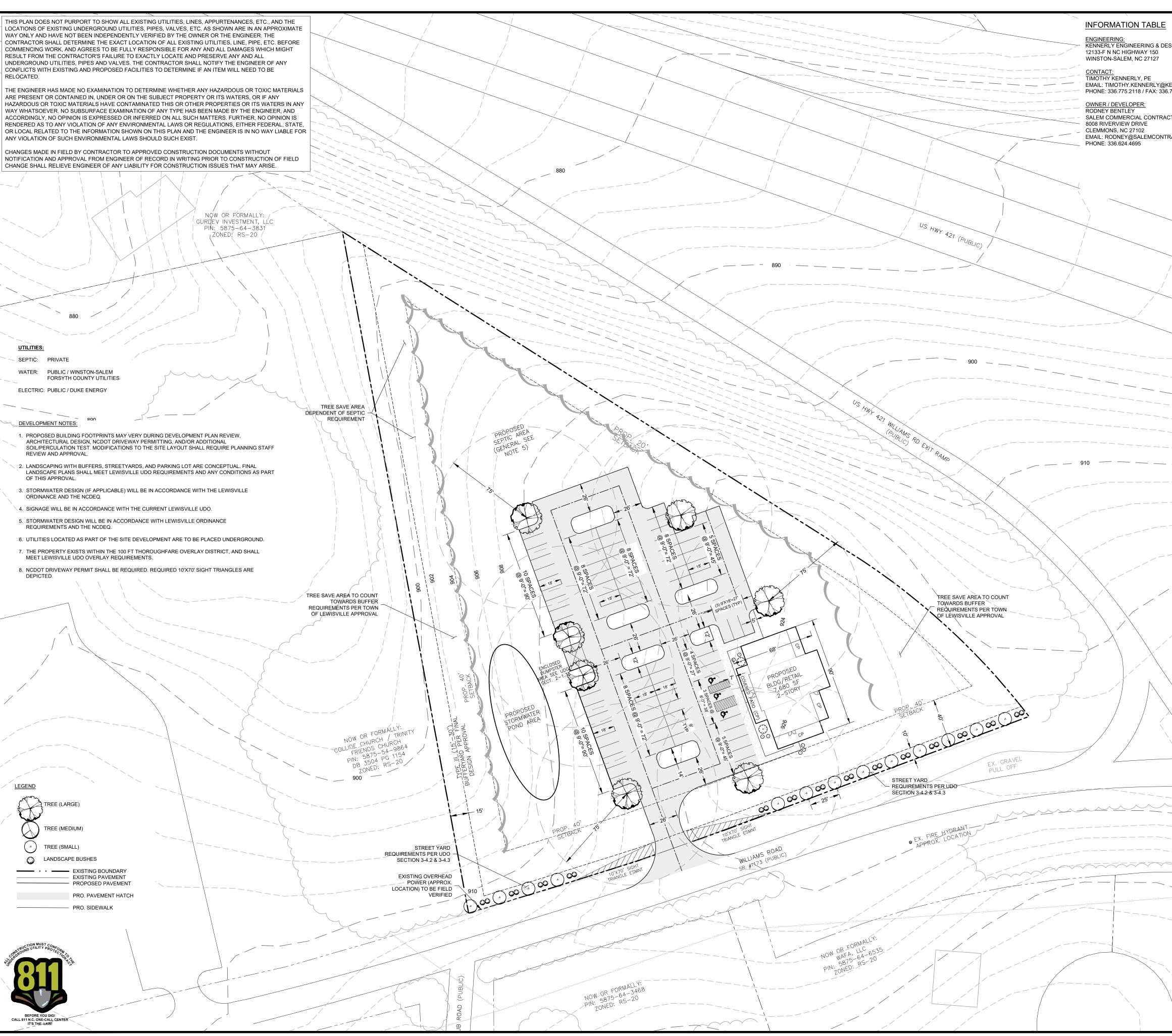
Firstly, I want to thank you and the town for your time and consideration of our proposed project on Williams Rd. It seems the large parking lot and the wine tasting venue needed further clarification per your administrative review.

The oversized parking lot is due to the nature of the businesses that plan to occupy the new building. The second story will be primarily office space for our real estate business. This type of industry does not require a lot of square footage to house a dense population of real estate brokers that come and go throughout the day. Additionally, we have a real estate school that could have as many as 30-40 students in the classroom at any given time. Therefore, the high number of cars for 25-35 brokers as well as for 25-35 students could consume a fair amount of parking at peak times. The lower level tenants will also need parking. Hence the justification for the 72 parking spaces.

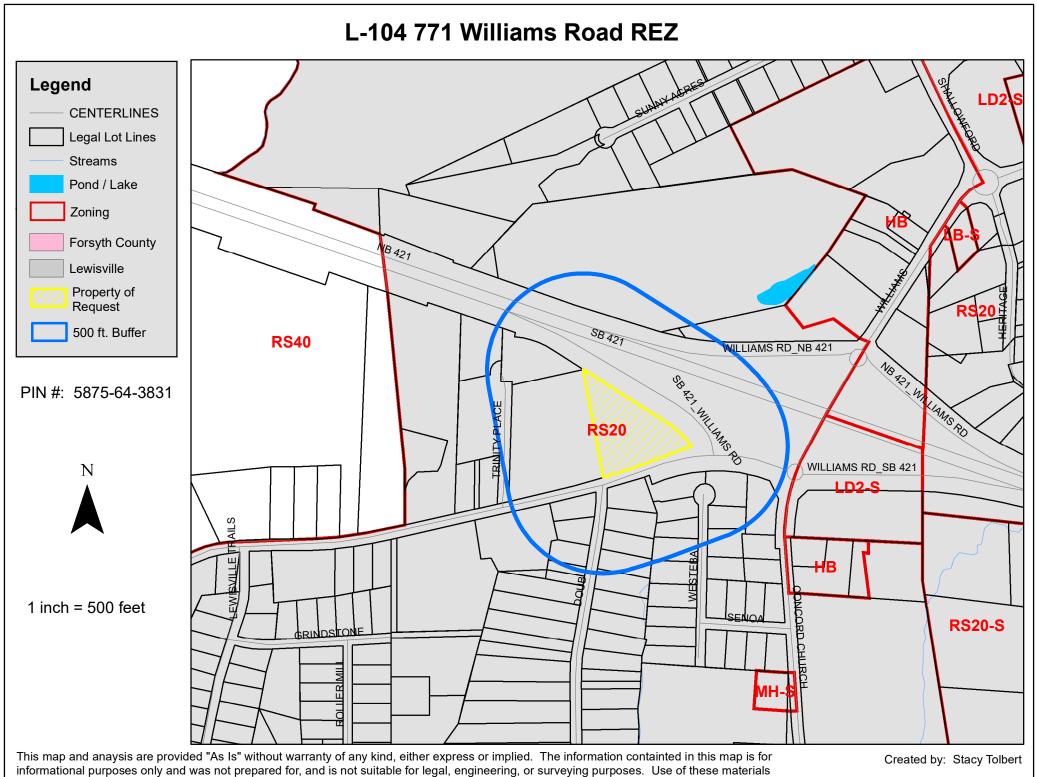
Subsequently there was a request for more information about the wine tasting venue. Admittedly we do not have that tenant nailed down yet but we are in conversation with several local folks about the opportunity. Our vision would be a coffee shop style venue that serves light breakfast foods in the morning. At lunch and dinner times the venue would offer beer and wine along with deli foods and sandwiches. We have not ruled out a discussion with a local micro distillery as well that would possibly offer a tasting room for spirits if allowed.. We want this project to be an attractive value add to the town and the community and not just another stand alone office building.

Sincerely,

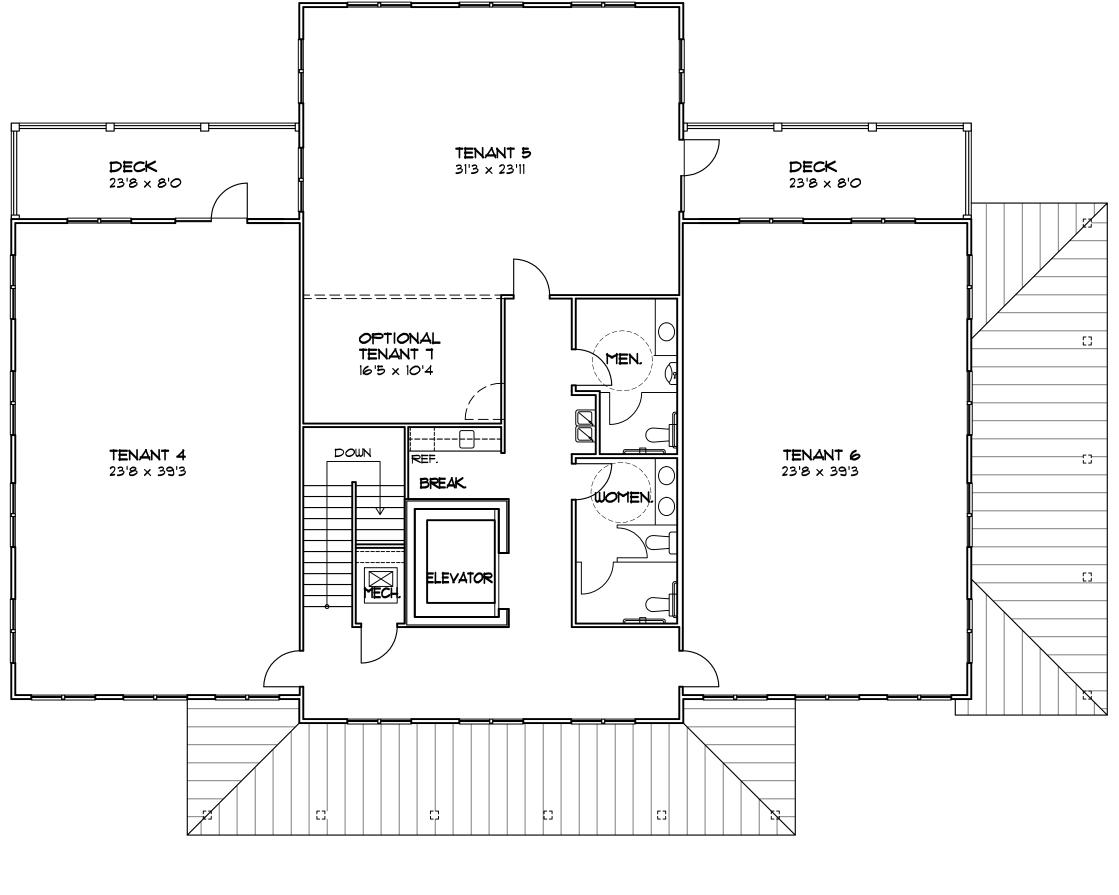
Stephen Long



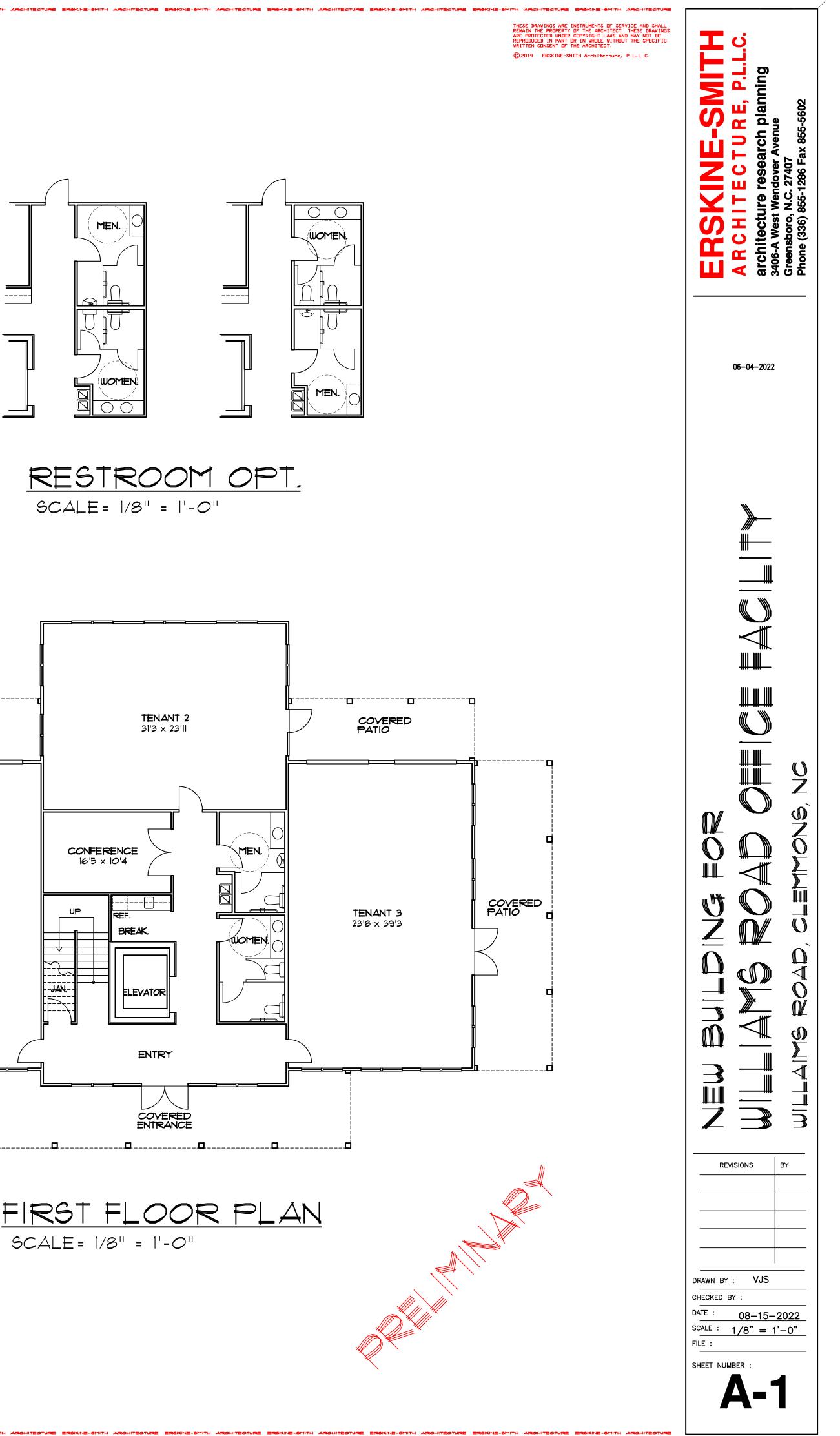
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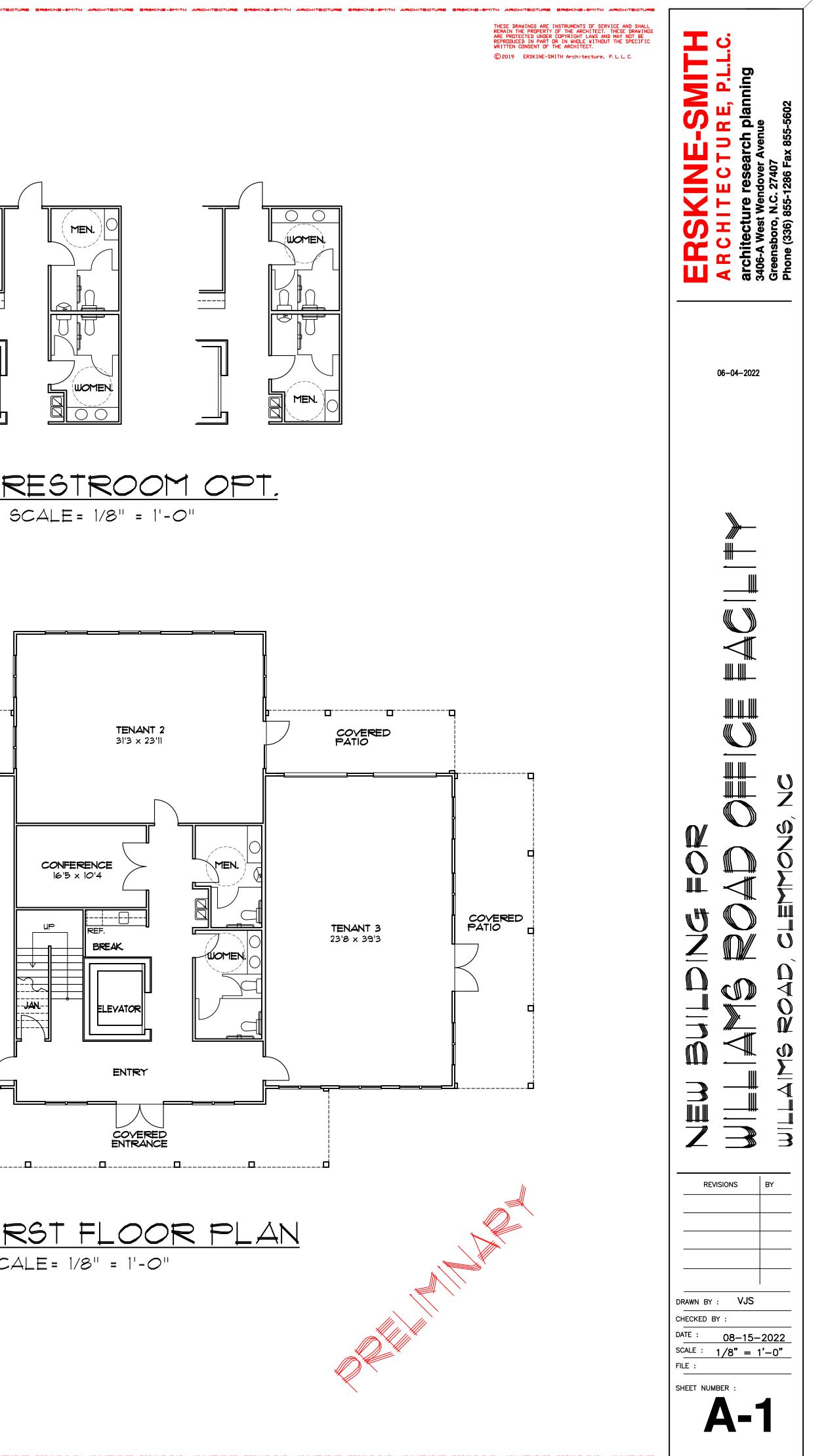


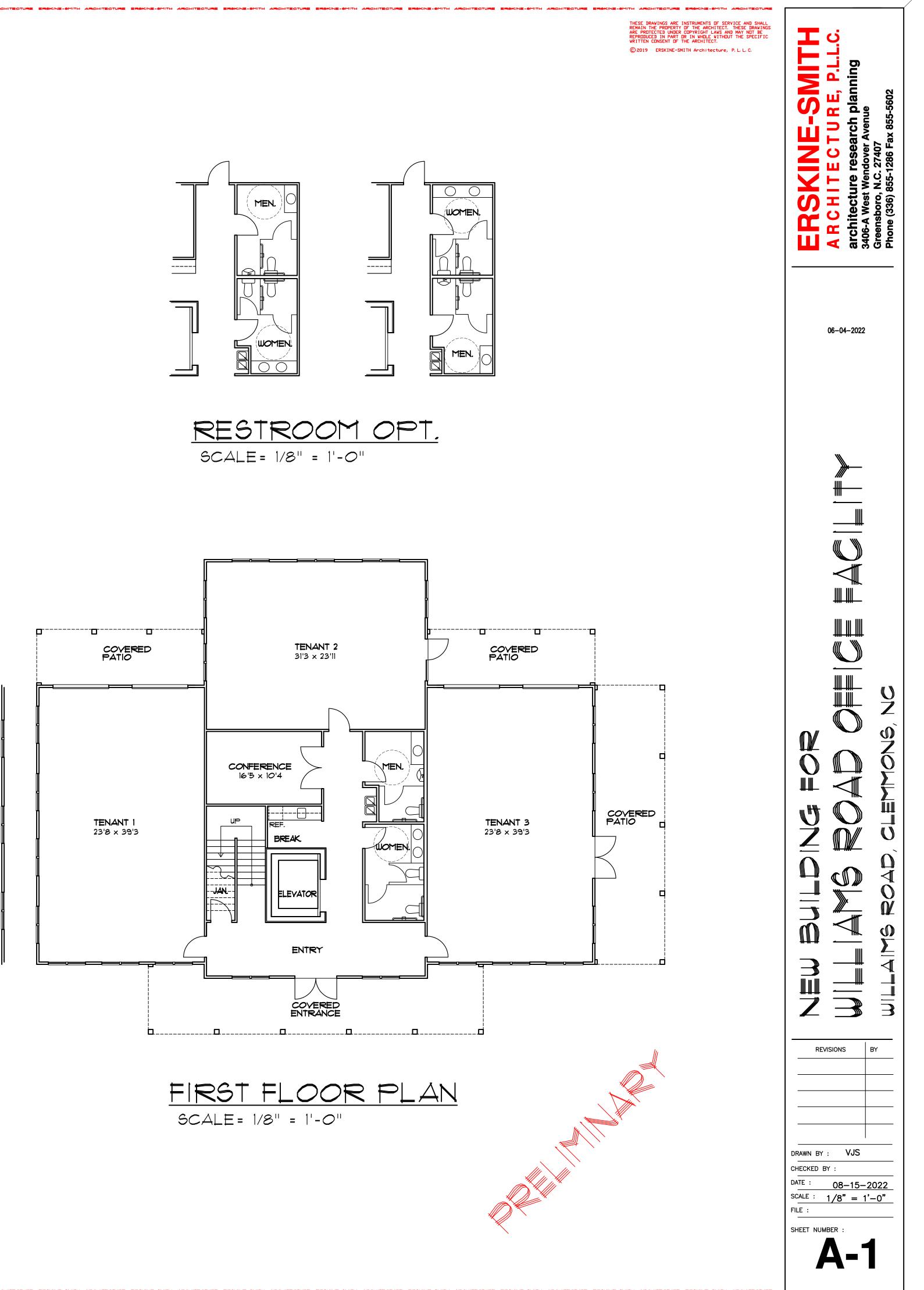
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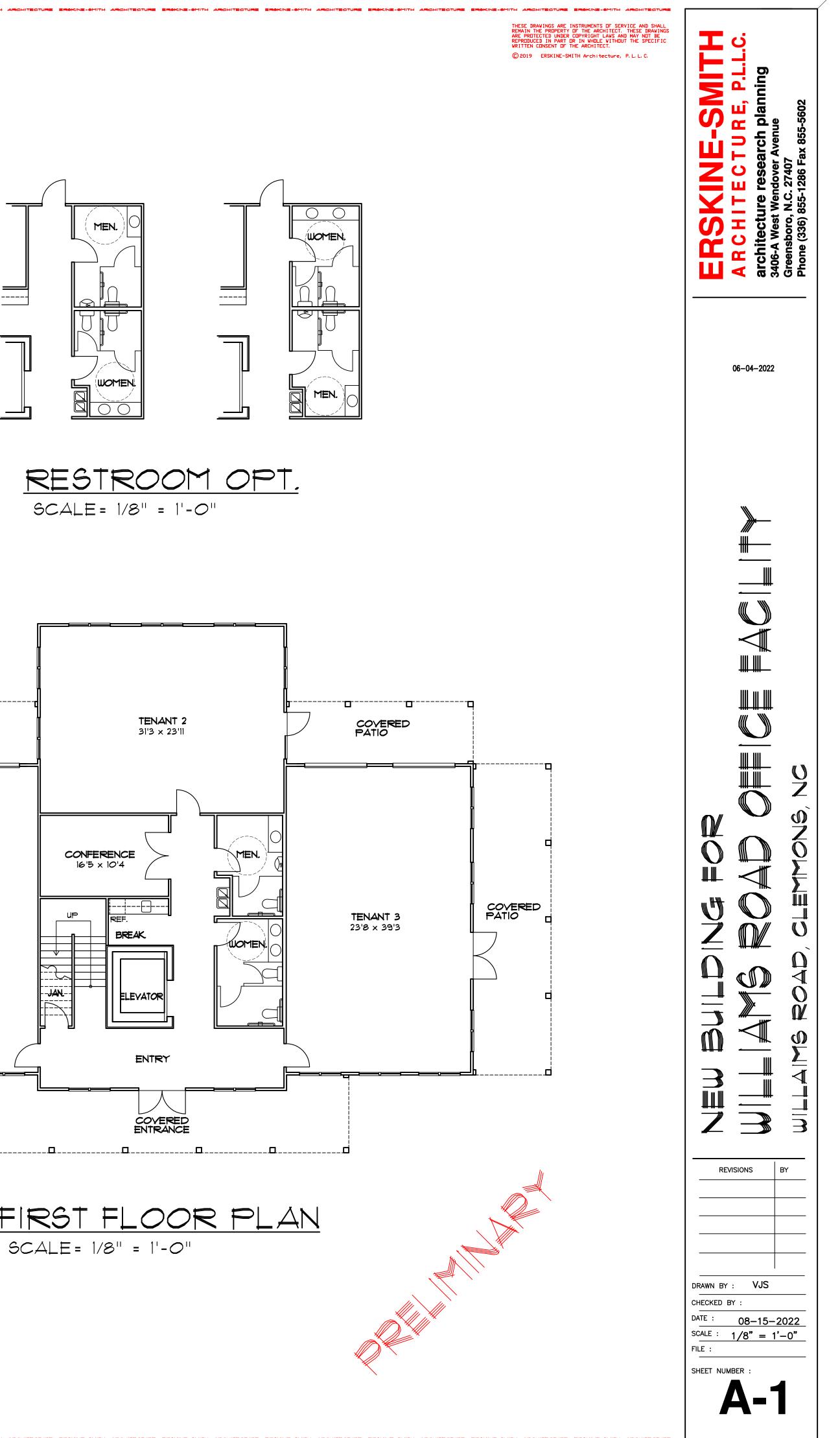


<u>Second Floor Plan</u> SCALE= 1/8" = 1'-0"









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REAR ELEVATION SCALE= 3/16" = 1'-0"



LEFT SIDE ELEVATION SCALE= 3/16" = 1'-0"



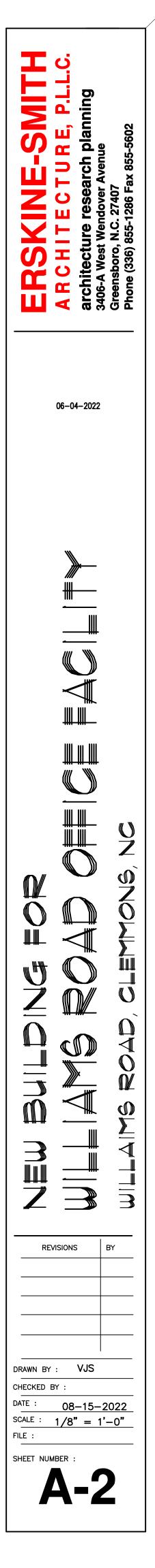
SCALE= 3/16" = 1'-0"



FRONT ELEVATION SCALE= 3/16" = 1'-0"







THESE DRAWINGS ARE INSTRUMENTS OF SERVICE AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT. THESE DRAWINGS ARE PROTECTED UNDER COPYRIGHT LAWS AND MAY NOT BE REPRODUCED IN PART OR IN WHOLE WITHOUT THE SPECIFIC WRITTEN CONSENT OF THE ARCHITECT.

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ORDINANCE 2023-002 OF THE LEWISVILLE TOWN COUNCIL AMENDING THE ZONING ORDINANCE OF THE UNIFIED DEVELOPMENT ORDINANCES AND ZONING MAP OF THE TOWN OF LEWISVILLE

Site plan amendment and amendment of uses HB-C (Highway Business – Conditional) Uses: Professional Office; Restaurant (without drive-through service); Micro-Brewery or Micro-Distillery; General Merchandise Store & School, Vocational or Professional (Zoning Docket L-104) 771 Williams Road

WHEREAS, the Town of Lewisville published notification of this site plan amendment and use amendment request on Sunday, December 25, 2022 and Sunday, January 1, 2023; and

WHEREAS, the Town of Lewisville has received an affidavit of publication for the aforementioned dates; and

WHEREAS, sign posting of the property occurred on November 1, 2022; and

WHEREAS, these procedures have been performed and certified by Town staff in accordance with North Carolina land use regulations found in NCGS 160D-601; and,

WHEREAS, the Lewisville Town Council accepts the staff report; and

WHEREAS, the Lewisville Planning Board held a public hearing on November 9, 2022 and rendered its recommendation of approval to Council at their November 9, 2022 meeting; and

WHEREAS, the Lewisville Planning Board has favorably recommended approval of the request to the Town Council; and

WHEREAS, the uses requested are allowed under Highway Business-Conditional zoning district; and

WHEREAS, commercial development is encouraged in this area by the *Lewisville Tomorrow Comprehensive Plan*.

NOW, THEREFORE, BE IT ORDAINED that the Lewisville Town Council finds the proposed site plan amendment and use amendment is consistent with and conforms to the goals and recommendations of the *Lewisville Tomorrow Comprehensive Plan, Legacy Development Guide* and *Lewisville Greenway and Pedestrian Connections Plan.* Further, we find that the action to be taken is reasonable and in the public interest and therefore approve the amendment.

BE IT FURTHER ORDAINED AS FOLLOWS:

- **Section 1:** The Town of Lewisville Zoning Ordinances of the Unified Development Ordinances and the Official Zoning Map of the Town of Lewisville, North Carolina are hereby amended.
- Section 2: The property is 3.57 acres, PIN 5874-64-3831, located at 771 Williams Road as shown on the attached map.
- **Section 3:** This ordinance shall be effective from and after its adoption.

Adopted this the 12th day of January 2023 by the Lewisville Town Council.

ATTEST:

Mike Horn, Mayor

Dora K. Moore, Town Clerk



STAFF REPORT

ITEM:	RESOLUTION 2023-002
SUBJECT:	QUALIFICATIONS-BASED SELECTION EXEMPTION
PREPARED BY:	JAMES AYERS, TOWN MANAGER
DATE SUBMITTED:	1/5/2023

BACKGROUND/SUMMARY:

North Carolina General Statute 143-64.31, known as the "Mini-Brooks Act," requires local governments to follow a Qualifications-Based Selection (QBS) process for procurement of architectural, engineering, and related services. The process typically uses a Request for Qualifications (RFQ) followed by assessment of the firms' qualifications prior to the negotiation of a fee with the highest-rated firm. However, the use of this multi-step process may inhibit participation by firms, especially on smaller projects, or it may discourage submittals from small or local businesses. As a remedy to this potential situation, NCGS 143-64.32 allows local governments to exempt specified small projects (under \$50,000) from the above-referenced process as long as the selected firm is qualified in the specified profession. In order for this exemption to be valid, the local government's governing body must authorize its use.

STAFF RECOMMENDATION AND REQUESTED ACTION:

Staff recommends approval of the Qualifications-Based Selection Exemption under Resolution 2023-002.

FISCAL IMPACT:

None

ATTACHMENT(S):

Resolution 2023-002



RESOLUTION 2023-002 OF THE LEWISVILLE TOWN COUNCIL DELEGATING THE AUTHORITY TO EXEMPT IN WRITING PARTICULAR CONTRACTS UNDER \$50,000 FROM THE STATUTORY PROCUREMENT PROCESS ESTABLISHED BY ARTICLE 3D OF CHAPTER 143 OF THE NORTH CAROLINA GENERAL STATUTES TO THE TOWN MANAGER

WHEREAS, NCGS 143-64.31, known as the "Mini-Brooks Act," requires local governmental units to announce all requirements for architectural, engineering, surveying, construction management at risk services, design-build services, and public-private partnership construction services, to select firms qualified to provide such services on the basis of demonstrated competence and qualification without regard to fee other than unit price fee; and

WHEREAS, NCGS 143-64.32 provides for units of local government to exempt in writing particular projects from the provisions of Article 3D of Chapter 143 where an estimated professional fee is an amount less than fifty thousand dollars (\$50,000).

NOW, THEREFORE BE IT RESOLVED THAT the Lewisville Town Council hereby delegates authority to the Town Manager to exempt in writing particular projects under \$50,000 in accordance with NCGS 143-64.32.

Adopted this the 12th day of January 2023 by the Lewisville Town Council.

ATTEST:

Mike Horn, Mayor

Dora K. Moore, Town Clerk



STAFF REPORT

ITEM:	DONATION OF REAL PROPERTY
SUBJECT:	MOSER PROPERTY – LEWISVILLE-VIENNA ROAD
PREPARED BY:	JAMES AYERS, TOWN MANAGER
DATE SUBMITTED:	1/5/2023

BACKGROUND/SUMMARY:

North Carolina General Statute 160A-11 indicates a municipality may acquire and hold real property, whether by purchase or donation or other means. The governing body would typically accept or deny a donation of real property. Recent research indicates the Town Council needs to consider the donation of a 0.046-acre tract on Lewisville-Vienna Road from Ms. Dianne Jones Moser. The parcel is very small with an average width of 15.9 feet and an average length of 134 feet. The illustration shown below is an aerial image from Forsyth County records with the boundary of the subject property highlighted in orange.



The Town is grateful to property owners who would consider donation of their property to the Town for public purposes or to serve community needs. Of course, each potential donation should be considered carefully just like any other acquisition of real property by a local government. In this case, research indicates the parcel in question is not adjacent to any Town-owned property, it is not an easement maintained by the Town, it is not large enough for any public use (e.g., park, facility, etc.), and it is not aligned with any public plan or policy. Acquisition of the property appears to incur only liability without any discernible public benefit.

STAFF RECOMMENDATION AND REQUESTED ACTION:

Staff recommends that Town Council should decline donation of the 0.046-acre property on Lewisville-Vienna Road.

FISCAL IMPACT:

None

ATTACHMENT(S):

None



RESOLUTION 2023-003 OF THE LEWISVILLE TOWN COUNCIL SETTING A PUBLIC HEARING TO RECEIVE COMMENTS ON UDO L-103 – CONDITIONAL DISTRICT REZONING FUTURE GREAT WAGON ROAD EXTENSION (PIN 5875-87-6070) FROM RS-20 TO RM-8-C BY LUKE DICKEY; STIMMEL ASSOCIATES, PA

WHEREAS, the Lewisville Planning Board held a public hearing on December 14, 2022 related to a conditional district rezoning request for 7.45 acres off the future Great Wagon Road extension west of David McKee Street and east of Shallowford Road (PIN 5875-87-6070); and

WHEREAS, Chapter 160D-601(a) of the North Carolina General Statutes provides that public notice be given when adopting or amending ordinances pertaining to planning and development; and

WHEREAS, North Carolina General Statute 160D-601(a) requires that notice of a public hearing be published twice in a newspaper of general circulation in the municipality not less than 10 days nor more than 25 days before the date fixed for the public hearing; and

WHEREAS, North Carolina General State 160D-601 provides for Methods for Procedure.

NOW, THEREFORE, BE IT RESOLVED BY THE LEWISVILLE TOWN COUNCIL sets a public hearing for Thursday, February 9, 2023 at 7:00 PM for the purpose of receiving public comment concerning this request.

Adopted this the 12th day of January 2023 by the Lewisville Town Council.

ATTEST:

Mike Horn, Mayor

Dora K. Moore, Town Clerk

CONDITIONAL DISTRICT REZONING STAFF REPORT

Arden Townhomes

DOCKET:	L-103
STAFF:	Adam Barr, Planner
Petitioner:	Luke Dickey; Stimmel Associates, PA
Ownership:	James, Russel, Keith, & Joseph Wilson

REQUEST OF REZONING:

From:	RS-20 (Residential Single Family, minimum lot size of 20,000 sq. ft.)
То:	RM-8-C (Residential Multi Family, maximum 8 units per acre)
PIN#(s):	5875-87-6070
Acreage:	7.45 acres

LOCATION:

Street:	Off the future extension of Great Wagon Road, west of David McKee St, and east of
	Shallowford Rd.
Jurisdiction:	Town of Lewisville

PROPERTY SITE/IMMEDIATE AREA:

Existing Structures on Site: The site is currently vacant.

Adjacent uses:

- * North Single family residences, zoned RS-20
- * East Single family residences, zoned RS-20.
- * South Hayworth Miller, Textures Salon, Shallowford Animal Hospital, zoned LD1-S; Lewisville Drug, zoned LD1-S
- * West The Oaks at Lewisville shopping center, zoned HB

GENERAL AREA:

Character/Maintenance: This area is located in the Downtown Overlay District which includes residential, commercial, and recreational uses.

PHYSICAL FEATURES:

Topography: The site slopes gently from the southeast to the northwest. Vegetation/habitat: The majority of the property is wooded. Impact on Existing Features: Impacts are to be expected. The wooded areas are likely to be removed.

WATER AND SEWER FACILITIES:

Public water and sewer are proposed with the construction of the Great Wagon Road. Site will have direct access once constructed.

TRANSPORTATION:

Direct Access to Site:	Great Wagon Rd
Street Classification(s):	Likely to be a Minor Thoroughfare

Average Daily Traffic Count/Estimated: Not available.

HISTORY/RELEVANT ZONING CASES:

- * L-99001; RS-20 to RS-9-S Planned Residential Development Crafton Creek (Single-Family Residential Housing); 50 homes; west side of Lewisville-Clemmons Road; 13.34 acres.
- L-029; RS-9 to RM-5-S & RM-12-S Shallowford Reserve Development for multiple residential uses approved 08/14/2003; south side of Shallowford Rd and near Summerglen Drive; 27.2 acres.

CONFORMITY TO PLANS:

<u>Lewisville Tomorrow Comprehensive Plan</u> – The Comprehensive Plan's Future Land Use Map identifies the subject property as belonging to the Downtown preferred place type. The Downtown area consists of unique commercial ventures with thoughtful respect to the historic, small town character of Lewisville. This area is intended to combine small town urban characteristics by blending civic uses, retail and entertainment attractions, employment opportunities, open space, and mixed-use residential areas in intentional ways.

<u>UDO</u> – With the site being inside the boundary of the Downtown Overlay District, submitted with the application is also elevations. These elevations show compliance with the standards of the UDO, including the use of the appropriate roofing and siding, and the inclusion of a buffer yard for their perimeter. While not being consider large scale building, the structures still comply with the building height variance standards. The plans are not showing utilization of on street parking for credits.

<u>Legacy Development Guide</u> - Legacy recommends increasing residential densities along growth corridors and in activity centers where serviceable land is located. This property is located in the Growth Management Area (GMA) 1 a City/Town Center, which is intended to promote a dense, mixed-use and pedestrian-oriented urban form and is the hub for government and private employment.

ANALYSIS:

The applicant is requesting a change from RS-20 zoning to RM-8-C; as a conditional request, a preliminary subdivision has been submitted for review by staff and the Board. The preliminary subdivision includes a development with 44 units distributed across 10 structures, showing access off Great Wagon Road.

RM-8 is primarily intended to accommodate low density, pedestrian-oriented sites and communities containing duplexes, twin homes, multifamily, and townhouse residential buildings with three or four units, and similar residential uses at a maximum overall density of 8 units per acre. This RM-8 district is appropriate for GMAs 2 and 3 and may be suitable for GMA 4 and Metro Activity Centers where public water and sewer area available. RS-20 is generally considered to accommodate single family detached dwellings in suburban areas. This district is typically used for single-family development where public water is available. This RS-9 district is appropriate in GMAs 2 and 3.

Legacy designates the area within which the project lies as GMA-1 "City/Town Center." This acknowledges opportunities made available by having access to public water/sewer and proximity to existing thoroughfares such as Shallowford Rd and the Great Wagon Rd. The proposed RM-8-C zoning

would support the uses in the nearby town center. It would complement the existing commercial uses in the area because of the higher density than surrounding residential uses.

The town's 2022 Comprehensive Plan designates this area as "Downtown". Part of the intent of this area is to support multifamily residential and mixed-use development at appropriate scales. This area also seeks to create a grid street network and provide multimodal options that connect to surrounding residential areas.

Town staff is of the opinion that the request is consistent with the Town's *Comprehensive Plan, Legacy, and the Downtown overlay standards* for the area and complements the uses in the downtown. The developer has or will need to follow the major subdivision requirements in Chapter D Section 4, including but not limited to the requirements below:

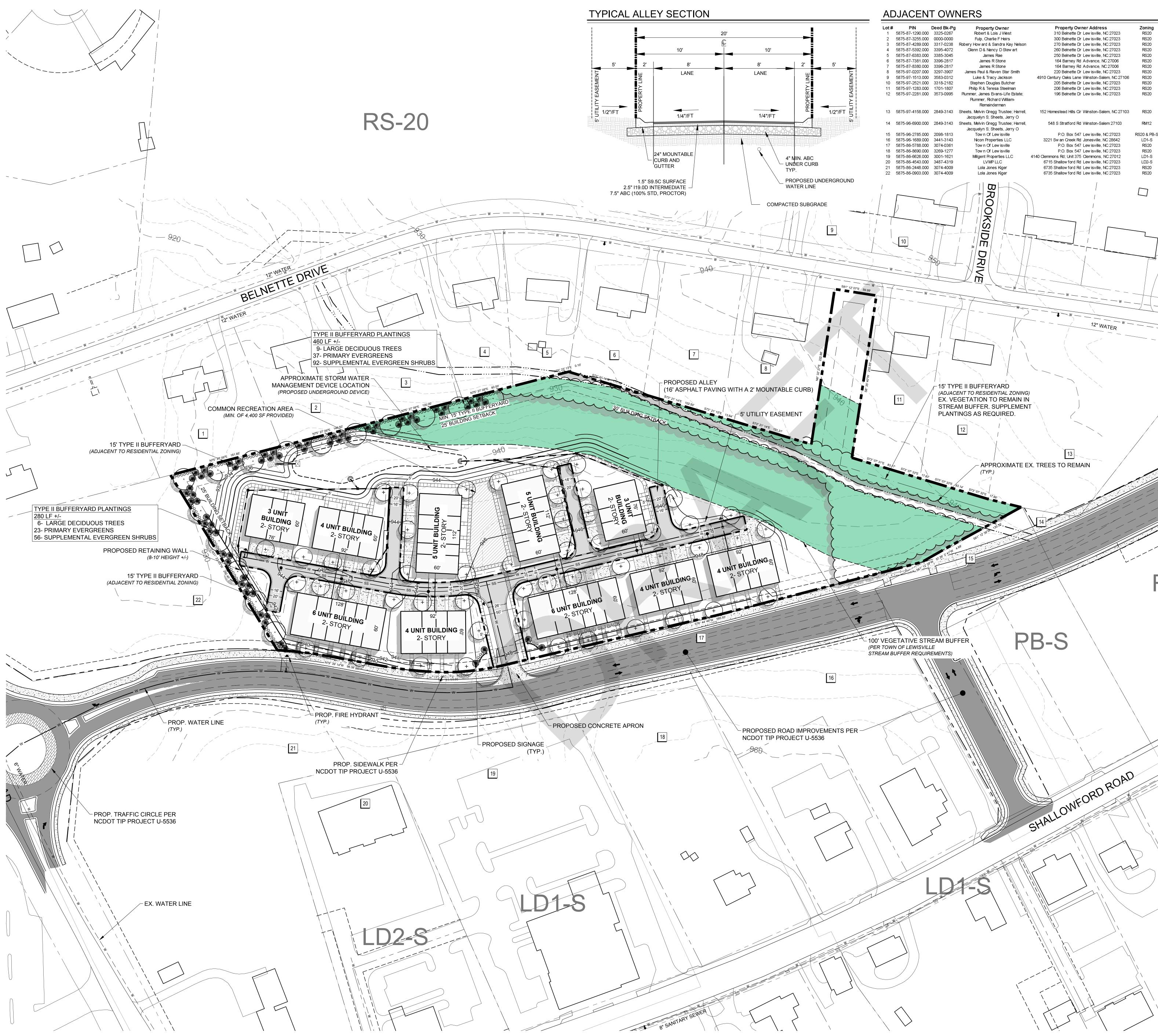
- 1. Erosion control permits shall be obtained through The City of Winston-Salem.
- 2. Stormwater management permits, if required, must be obtained through the Town of Lewisville before issuing building or zoning permits.
- 3. TRC Comments must be remedied.

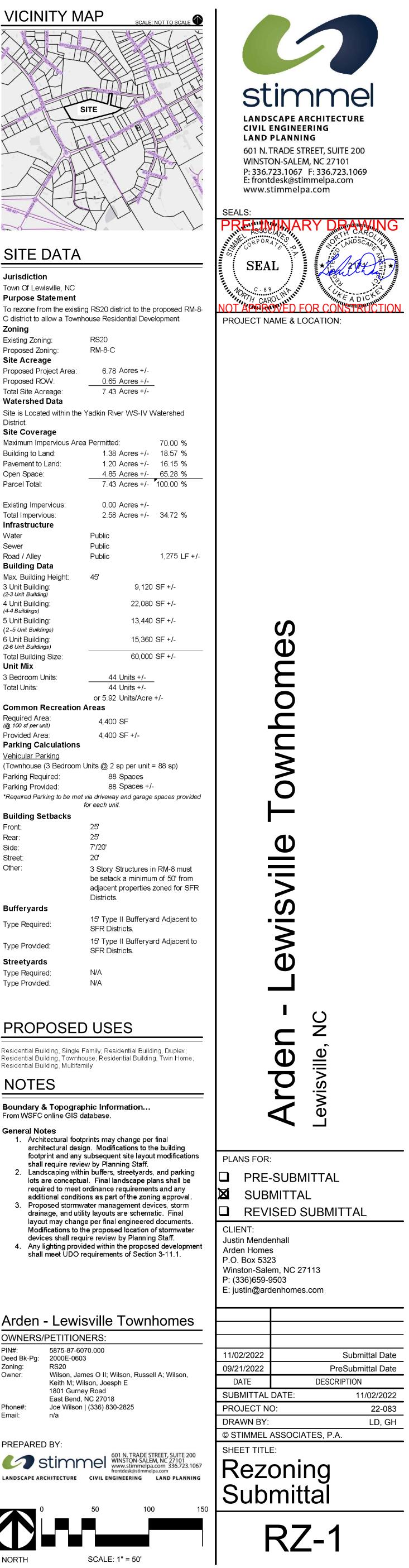
FINDINGS:

- 1. The request is for conditional zoning; a preliminary draft site plan has been submitted and a specific use requested. If the property is later subdivided, the Planning Board and the Town Council will be required to review and approve the subdivision plan.
- 2. The requested zoning would allow residential development at densities higher than most nearby properties. However, the requested density is supported by existing infrastructure and anticipated and encouraged by the Town's Comprehensive Plan.
- 3. The proposed zoning district would not introduce a use(s) or density of development incompatible with the existing nearby residential development.

RECOMMENDATION:

The site has available infrastructure to support the density of development that is being proposed. Statements found in both the *Lewisville Comprehensive Plan* and *Forsyth County Legacy Plan* encourages higher density within a suburban/urban environment along growth corridors or in activity centers. Given these findings and other supporting information found in this report, staff recommends the rezoning to the Planning Board.

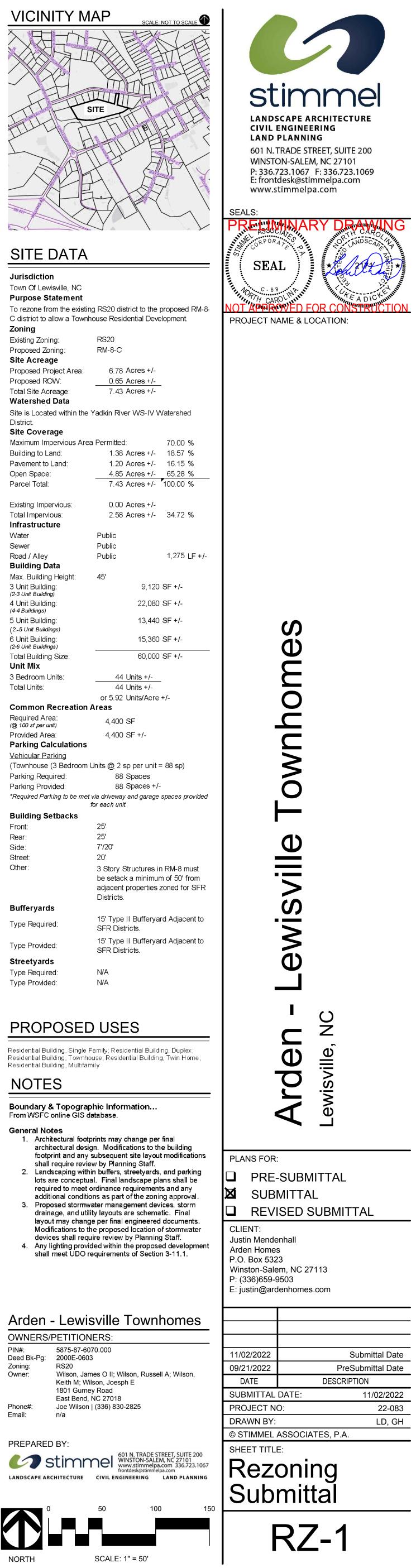


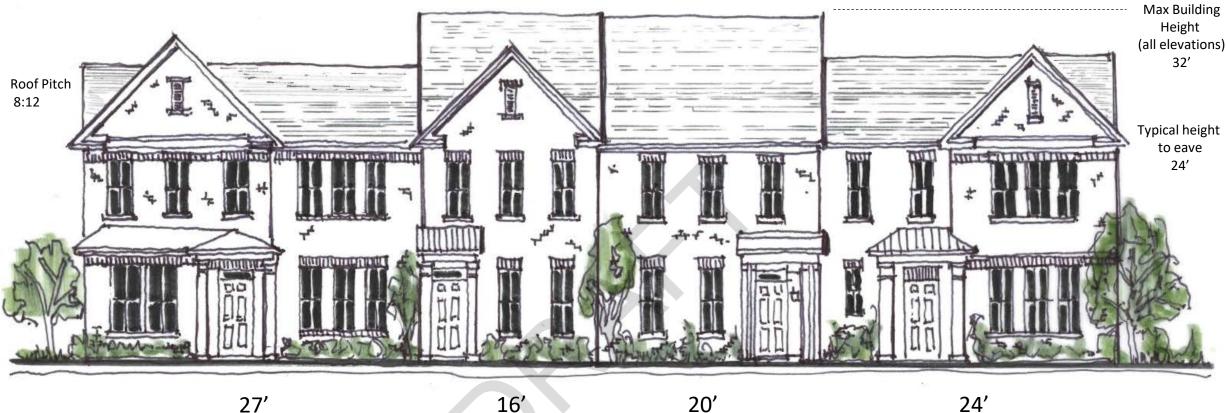


C district to allow a Town	-	
Zoning	nouse residential Deve	elopment.
-	RS20	
Existing Zoning: Proposed Zoning:	RM-8-C	
Site Acreage		
Proposed Project Area:	6.78 Acres +/-	
Proposed ROW:	0.65 Acres +/-	
Total Site Acreage:	7.43 Acres +/-	-
Watershed Data	1.45 / 6100 / 1	
Site is Located within the	Vadkin River M/S-IV/	Vatorshod
District.		valei sheu
Site Coverage		
Maximum Impervious Are	a Permitted:	70.00 %
Building to Land:	1.38 Acres +/-	18.57 %
Pavement to Land:	1.20 Acres +/-	16.15 %
Open Space:	4.85 Acres +/-	65.28 %
Parcel Total:	7.43 Acres +/-	100.00 %
Existing Impervious:	0.00 Acres +/-	
Total Impervious:	2.58 Acres +/-	34.72 %
Infrastructure		
Water	Public	
Sewer	Public	
Road / Alley	Public	1,275 LF
Building Data		
Max. Building Height:	45'	
3 Unit Building:	9,120	SF +/-
(2-3 Unit Building) 4 Unit Building:	22 080	SF +/-
(4-4 Buildings)	22,000	
5 Unit Building:	13,440	SF +/-
(2-5 Unit Buildings)		
6 Unit Building: (2-6 Unit Buildings)	15,360	SF +/-
Total Building Size:	60.000	SF +/-
Unit Mix	00,000	
3 Bedroom Units	44 Units +/-	
Total Units:	44 Units +/-	_
	or 5.92 Units/Acre	+/-
Common Recreation	Areas	
Required Area:	4,400 SF	
(@ 100 sf per unit)		
Provided Area:	4,400 SF +/-	
Parking Calculations		
Vehicular Parking		
(Townhouse (3 Bedroom		= 88 sp)
Parking Required:	88 Spaces	
Parking Provided:	88 Spaces +/-	
*Required Parking to be me	for each unit.	spaces provi
Building Setbacks		
Front:	25'	
Rear:	25'	
Side:	7'/20'	
Street:	20'	
Other:	3 Story Structures i	n PM 8 mus
	be setack a minimu	
	adjacent properties	
	Districts.	
Bufferyards		
		rd Adiacant
-	15' Type II Bufferva	ru Aujaceni
Type Required:	15' Type II Bufferya SFR Districts.	ra Aajacent
Type Required:	SFR Districts.	-
-	•• •	
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Type Required:	SFR Districts. 15' Type II Bufferya	-

OWNERS/PETITIONERS:

PIN#:	5875-87-6070.000
Deed Bk-Pg:	2000E-0603
Zoning:	RS20
Owner:	Wilson, James O II; Wilson, Russell A; Wilson,
	Keith M; Wilson, Joesph E
	1801 Gurney Road
	East Bend, NC 27018
Phone#:	Joe Wilson (336) 830-2825
Email:	n/a





27'

20'

24'

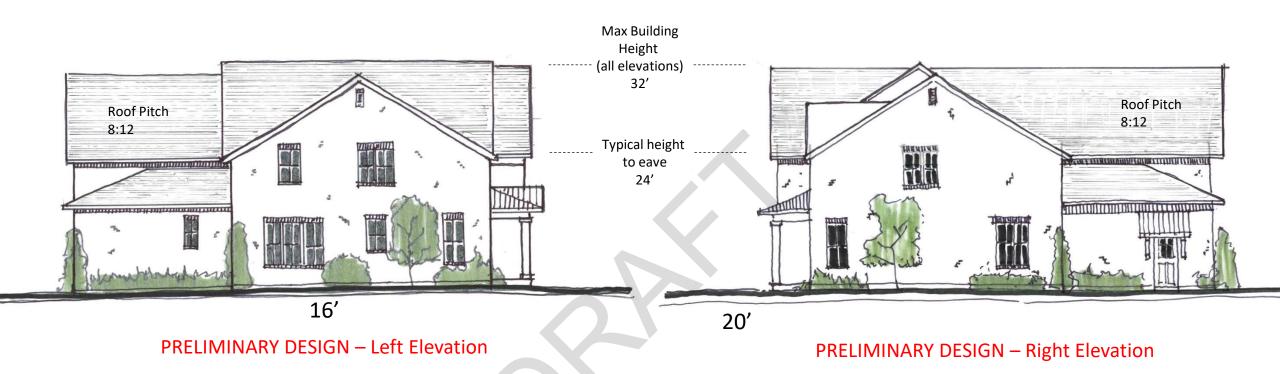
NOTES:

- All elevations to be no higher 1. than 32' from finished grade to apex of roof.
- 2. Roofing material will be Architectural Shingle or Metal
- All sides will be brick with 3. cement board accents
- Roof pitch of primary roof to 4. be a maximum of 8 feet of rise in 12 feet of run
- Eave height may vary 5. depending on grade, but eave will be no higher than 24 feet from finished sidewalk grade

LEWISVILLE TOWNHOMES

PRELIMINARY DESIGN – Street Elevation Initial Elevations (4 Unit Building)

> **Great Wagon Road Project Arden Homes**



LEWISVILLE TOWNHOMES

Great Wagon Road Project Arden Homes

NOTES:

- 1. All elevations to be no higher than 32' from finished grade to apex of roof.
- 2. Roofing material will be Architectural Shingle or Metal
- 3. All sides will be brick with cement board accents
- 4. Roof pitch of primary roof to be a maximum of 8 feet of rise in 12 feet of run
- 5. Eave height may vary depending on grade, but eave will be no higher than 24 feet from finished sidewalk grade

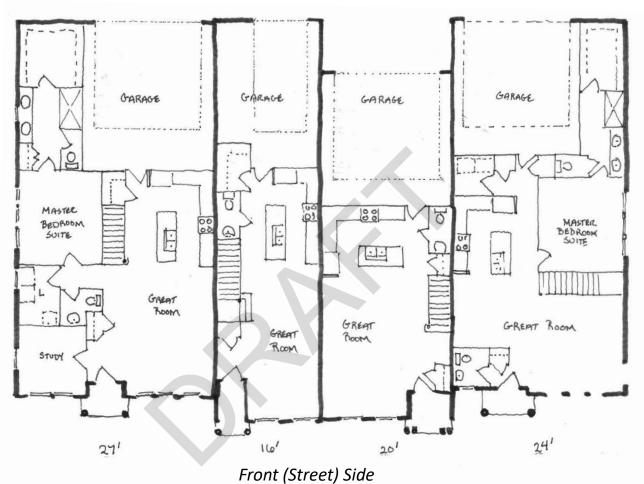


LEWISVILLE TOWNHOMES

PRELIMINARY DESIGN – Rear/Alley Elevation Initial Elevations (4 Unit Building)

> **Great Wagon Road Project** Arden Homes

- All elevations to be no higher than 32' from finished grade to apex of roof.
- 2. Roofing material will be Architectural Shingle or Metal
- 3. All sides will be brick with cement board accents
- 4. Roof pitch of primary roof to be a maximum of 8 feet of rise in 12 feet of run
- 5. Eave height may vary depending on grade, but eave will be no higher than 24 feet from finished sidewalk grade

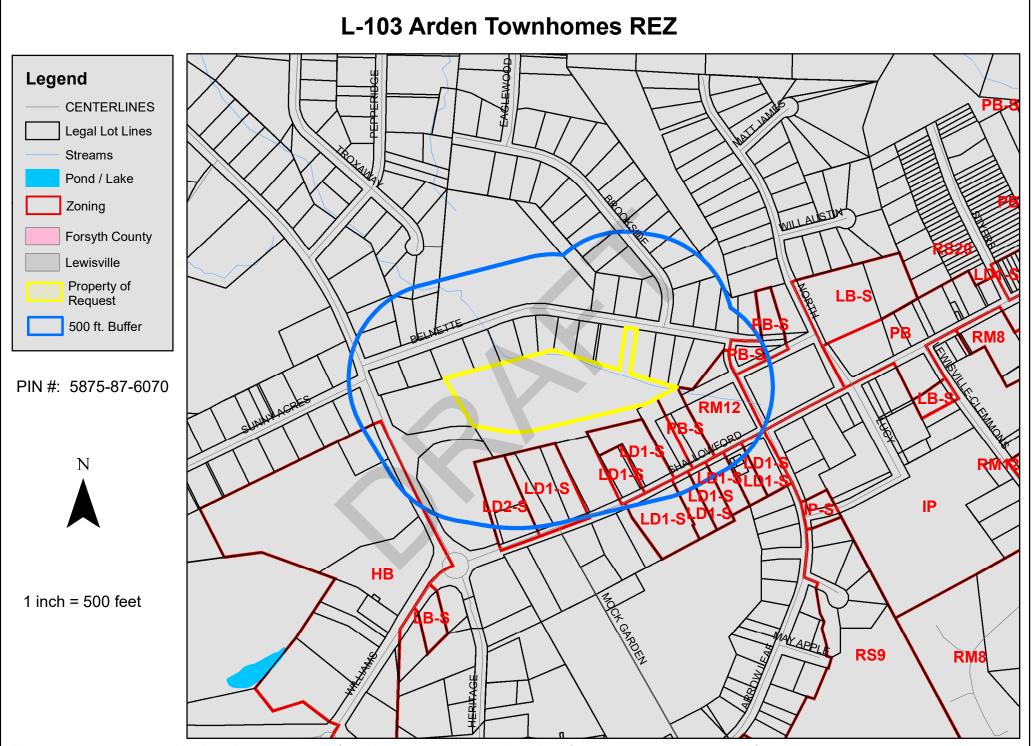


Rear (Alley/Lane) Side

LEWISVILLE TOWNHOMES

PRELIMINARY DESIGN Initial Floor Plans

Great Wagon Road Project Arden Homes



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Created by: Stacy Tolbert



RESOLUTION 2023-004 OF THE LEWISVILLE TOWN COUNCIL SETTING A PUBLIC HEARING TO RECEIVE COMMENTS ON UDO L-105– CONDITIONAL DISTRICT REZONING 1138 LEWISVILLE-CLEMMONS ROAD FROM RS-9-C TO RM-5-C BY RON DAVIS WITH ALLEGRO INVESTMENT PROPERTIES, LLC

WHEREAS, the Lewisville Planning Board held a public hearing on December 14, 2022 related to a conditional district rezoning request for 1138 Lewisville-Clemmons Road; and

WHEREAS, Chapter 160D-601(a) of the North Carolina General Statutes provides that public notice be given when adopting or amending ordinances pertaining to planning and development; and

WHEREAS, North Carolina General Statute 160D-601(a) requires that notice of a public hearing be published twice in a newspaper of general circulation in the municipality not less than 10 days nor more than 25 days before the date fixed for the public hearing; and

WHEREAS, North Carolina General State 160D-601 provides for Methods for Procedure.

NOW, THEREFORE, BE IT RESOLVED BY THE LEWISVILLE TOWN COUNCIL sets a public hearing for Thursday, February 9, 2023 at 7:00 PM for the purpose of receiving public comment concerning this request.

Adopted this the 12th day of January 2023 by the Lewisville Town Council.

ATTEST:

Mike Horn, Mayor

Dora K. Moore, Town Clerk

CONDITIONAL DISTRICT REZONING STAFF REPORT

Longwood Village

DOCKET:	L-105
STAFF:	Adam Barr, Planner
Petitioner:	Ron Davis with Allegro Investment Properties, LLC
Ownership:	Kaplan Partners

REQUEST OF REZONING:

From:	RS-9-C (Residential Single Family, minimum lot size of 9,000 sq. ft.)
То:	RM-5-C (Residential Multi Family, maximum 5 units per acre)
PIN#(s):	5885-70-8928 (portion) & 5885-81-0388
Acreage:	13.57 acres

LOCATION:

Street:	1138 Lewisville-Clemmons Rd
Jurisdiction:	Town of Lewisville

PROPERTY SITE/IMMEDIATE AREA:

Existing Structures on Site: The site has two existing homes on the property as well as some accessory structures.

Adjacent uses:

- * North Single family residences, Fountain Brook Development, zoned RS-20
- * East Single family residence, 1175 Lewisville-Clemmons Rd, zoned RS-9; Family Medical Office, zoned HB-S; both located across Lewisville-Clemmons Rd.
- * South Shallowford Presbyterian Church, zoned RS-9; Kaplan Partners, zoned HB-S
- * West Kaplan Partners, zoned HB-S

GENERAL AREA:

Character/Maintenance: This area is somewhat of a transition zone between residential usage and commercial usage.

PHYSICAL FEATURES:

Topography: The site slopes gently from the east to the west away from Lewisville-Clemmons Rd. Vegetation/habitat: The majority of the property is wooded.

Impact on Existing Features: Impacts are to be expected. The wooded areas are likely to be removed as well as the structures on the property due to the request develop 38 residential lots.

WATER AND SEWER FACILITIES:

Public water and sewer are available to the site.

TRANSPORTATION:

Direct Access to Site:	Lewisville-Clemmons Rd
Street Classification(s):	Lewisville-Clemmons Major Thoroughfare

Average Daily Traffic Count/Estimated: 11000 (source: NCDOT AADT 2017)

HISTORY/RELEVANT ZONING CASES:

- L-048; RS-20 Planned Residential Development Fountain Brook (Single-Family Residential Housing); approved 05/11/2006; west side of Lewisville-Clemmons Road north of and adjacent to Kaplan Partners; 13.38 acres; Planning Board and staff recommended approval.
- * L-078; RS-20 to RS-9-S (Single-Family Residential Housing) approved 04/13/2017; south side of Lewisville-Clemmons Rd and near Lalanda Drive; 10+/- acres; Planning Board and staff recommended approval.
- * L-095 HB-S & RS-20 to RS-9-S approved on June 15, 2020; the current proposed properties were approved for a single-family residential development with 38 lots; Planning Board and staff recommended approval.
- * L-099 A site plan amendment was approved on October 14, 2021 for the current proposed properties. Environmental constraints led to an adjustment to 34 lots and a change in street design; Planning Board and staff recommended approval.

CONFORMITY TO PLANS:

<u>Lewisville Tomorrow Comprehensive Plan</u> – The Comprehensive Plan's Future Land Use Map identifies the subject property as a Neighborhood Center preferred place type. Neighborhood Center areas are smaller-scale mixed-use areas located near existing or planned neighborhoods.

<u>Lewisville Comprehensive Plan Update 2015</u> - The Plan describes this area as being an area where higher density uses are appropriate, particularly where sewer is available. This area is shown as an activity center on Map 9 of the comprehensive plan.

The Plan also contains a number of "Recommended Actions." In the chapter on Land Use, recommendations include; allowing higher density where appropriate, preserving the character of town, and promoting high density development in areas supported by infrastructure.

<u>Legacy Development Guide</u> - Legacy recommends increasing residential densities along growth corridors and in activity centers where serviceable land is located. This property is located in the Growth Management Area (GMA) 3 which gives opportunity for pedestrian-friendly designs and street standards requiring sidewalks.

The Legacy 2030 Update also identifies this area around the intersection of Lewisville-Clemmons Road & Styers Ferry Road, at the US 421 interchange, as an activity center but also identifies the area as an area for suburban neighborhoods.

ANALYSIS:

The applicant is requesting a change from RS-9-C zoning to RM-5-C; as a conditional request, a preliminary subdivision has been submitted for review by staff and the Board. The preliminary subdivision includes a development with 60 units (29 twin homes and 2 single-family homes) with access off Lewisville-Clemmons Road.

RM-5 is primarily intended to accommodate low density, pedestrian-oriented sites and communities containing duplexes, twin homes, multifamily, and townhouse residential buildings with three or four units, and similar residential uses at a maximum overall density of five units per acre. This RM-5 district is appropriate for GMAs 2 and 3 and may be suitable for GMA 4 and Metro Activity Centers where public water and sewer area available. RS-9 is generally considered to accommodate high density single family detached dwellings in urban areas. This district is typically used for single-family development where public sewer is available. This RS-9 district is appropriate in GMAs 2 and 3 and may be suitable for metro activity centers where public water and sewer area available.

Legacy designates the area within which the project lies as GMA-3 "Suburban Neighborhood." This acknowledges opportunities made available by having access to public water/sewer and proximity to existing thoroughfares such as Lewisville-Clemmons Road and US421. The proposed RM-5-S zoning would support the uses in the nearby activity center. The proposed rezoning, if approved, would allow a variety of residential use in and around the activity center at Lewisville Clemmons Rd/Styers Ferry Rd/US 421. Although the use may differ from some of the existing uses in the area, the proposed land use is appropriate for the area. It would complement the existing commercial uses in the area because of the higher density than surrounding residential uses.

The town's 2022 Comprehensive Plan designates this area as "Neighborhood Center". Part of the intent of this area is to incorporate different types of housing that can support the commercial area and reinforce nearby established neighborhoods. These areas can be surrounded by smaller lot, single-family residential and townhomes that emphasize connectivity to and integration with its surrounding area.

Town staff is of the opinion that the request is consistent with the Town's *Comprehensive Plan and Legacy* for the area and complements the uses in the activity center. The developer has or will need to follow the major subdivision requirements in Chapter D Section 4, including but not limited to the requirements below:

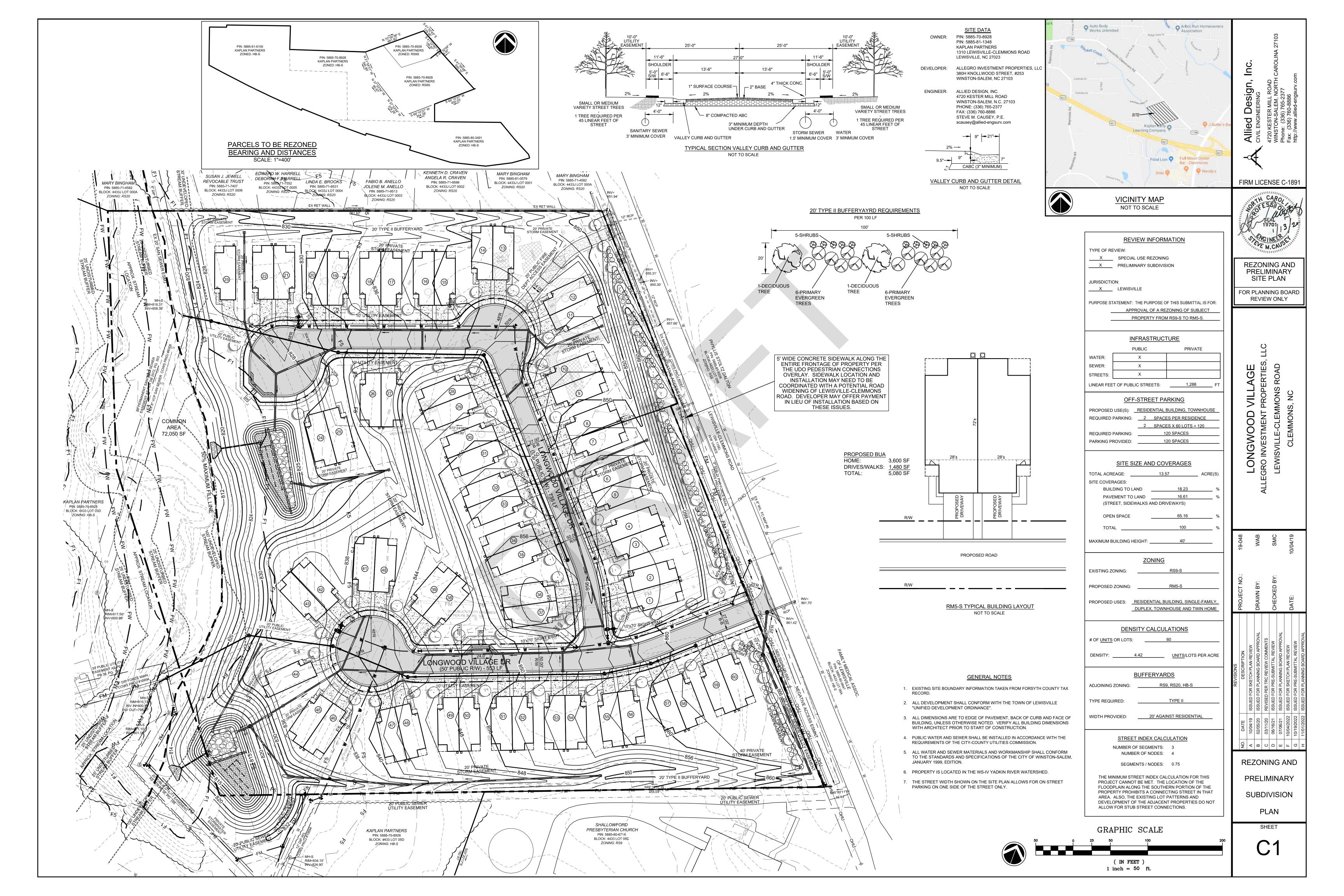
- 1. Erosion control permits shall be obtained through The City of Winston-Salem.
- 2. Stormwater management permits, if required, must be obtained through the Town of Lewisville before issuing building or zoning permits.
- 3. TRC Comments must be remedied.

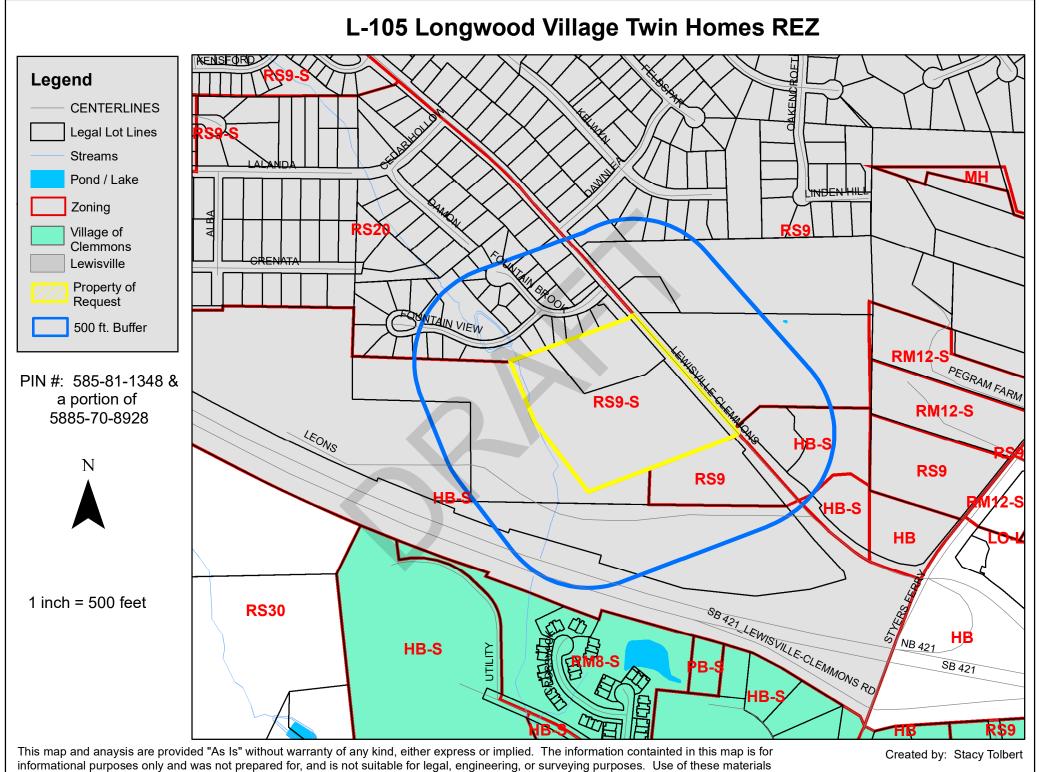
FINDINGS:

- 1. The request is for conditional zoning; a preliminary draft site plan has been submitted and a specific use requested. If the property is later subdivided, the Planning Board and the Town Council will be required to review and approve the subdivision plan.
- 2. The requested zoning would allow residential development at densities higher than most nearby properties. However, the requested density is supported by existing infrastructure and anticipated and encouraged by the Town's Comprehensive Plan.
- 3. The proposed zoning district would not introduce a use(s) or density of development incompatible with the existing nearby residential development.

RECOMMENDATION:

The site has available infrastructure to support the density of development that is being proposed. Statements found in both the *Lewisville Comprehensive Plan* and *Forsyth County Legacy Plan* encourages higher density within a suburban/urban environment along growth corridors or in activity centers. Given these findings and other supporting information found in this report, staff recommends the rezoning to the Planning Board.





constitutes acceptance of this disclaimer of liability.



STAFF REPORT

ITEM:	RESOLUTION 2023-005
SUBJECT:	FINALIZED SETTLEMENT AGREEMENT
PREPARED BY:	DORA MOORE, TOWN CLERK
DATE SUBMITTED:	JANUARY 12, 2023

BACKGROUND/SUMMARY:

A Mediated Settlement Conference on December 20, 2022 at Lewisville Town Hall between the Town of Lewisville and Solomon Development, LLC at which a tentative settlement agreement was reached. Town Council approved terms for a Mediated Settlement Agreement on December 29, 2022. The agreement is between the Town and Solomon Development, LLC.

This resolution allows the Town Manager to sign the finalized settlement agreement upon approval by the Town Attorney.

STAFF RECOMMENDATION AND REQUESTED ACTION:

Staff recommends Resolution 2023-005 be approved by Council.

FISCAL IMPACT:

ATTACHMENT(S):

Resolution 2023-005 – Execution of finalized settlement agreement between the Town of Lewisville and Solomon Development, LLC



RESOLUTION 2023-005 OF THE LEWISVILLE TOWN COUNCIL EXECUTION OF FINALIZED SETTLEMENT AGREEMENT BETWEEN TOWN OF LEWISVILLE AND SOLOMON DEVELOPMENT, LLC

WHEREAS, a voluntary Mediated Settlement Conference was held on December 20, 2022 at Lewisville Town Hall between the Town of Lewisville and Solomon Development, LLC at which a tentative settlement agreement was reached; and

WHEREAS, the Lewisville Town Council unanimously approved the Mediated Settlement Agreement on December 29, 2022; and,

WHEREAS, the finalized agreement will need to be signed by the Town of Lewisville.

BE IT RESOLVED THAT THE LEWISVILLE TOWN COUNCIL authorizes the Town Manager to sign the finalized settlement agreement between the Town of Lewisville and Solomon Development, LLC upon approval of the Town Attorney.

Adopted this the 12th day of January 2023 by the Lewisville Town Council.

ATTEST:

Mike Horn, Mayor

Dora K. Moore, Town Clerk