

**Lewisville Planning Board Meeting Minutes**  
**June 14, 2017**  
**6510 Shallowford Road - Town Council Chambers Room 110**  
**7:00pm**

**I. Call to Order**

- A. Chair Jeanne Marie Foster called the meeting to order at 7:00 p.m. Board members present were Joseph Hamby, Paul Hari and Tom Lawson. Also present were Town Manager Hank Perkins, Planner Josh Harrold, Interim PTRC Planner Jesse Day and Town Clerk Joyce Walker. Attorney Bo Houff will be late as he is returning from court in the eastern part of the state. Board Member Owen Calvert and Interim PTRC Planner Anna Leonard were unable to attend.
- B. Approval of Agenda
  - 1. Mr. Lawson asked to change the Technical Review to Item III. and to make the Public Hearing Item IV which was agreeable to Board members.
  - 2. Tom Lawson moved to approve the agenda as amended the motion was seconded by Paul Hari and approved unanimously.

**II. Approval of Minutes**

- A. May 24, 2017
  - 1. Tom Lawson moved to approve the minutes of the May 24, 2017 meeting. The motion was seconded by Joseph Hamby and approved unanimously.

**III. Technical Review**

- A. [L-PBR 2017002](#) - Conrad Farm (off Yadkinville Road) - subdivision review for compliance on a Special Use Permit for a PRD (**P**lanned **R**esidential **D**evelopment) in the AG zoning district
  - 1. Josh Harrold advised that a Technical Review Committee meeting was held and comments were made that noted changes.
  - 2. Luke Dickey, Stimmel and Associates, 601 N. Trade Street, Winston-Salem, 27101, indicated he had an opportunity to discuss the project with the neighbors as well as the Board.
    - a. The Open Space exhibit was shown to reflect the changes that were made from the original TRC meeting based on other comments:
      - (1) NCDOT requirements off Yadkinville Road;
      - (2) Revised open space with cluster mailbox kiosk;
      - (3) Common recreation area; and
      - (4) Ordinance requirements for 600' between intersections except one for 550' because of topography and which a waiver has been requested.
    - b. Other than those changes, the plan is basically the same with 197 lots. A private sewer treatment on the north side of Yadkinville Road for those lots that do not have their own septic system is still planned.
      - (1) An encroachment agreement with the DOT will allow crossing Yadkinville Road and will be part of their permitting process.
    - c. More open space has been added.
    - d. Traffic concerns were expressed by the neighbors.
      - (1) NCDOT said there was no need to have a second access onto

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- Yadkinville Road.
- (2) Mr. Dickey said the second access would be with the existing neighborhood and see that as beneficial for both developments.
- (a) The existing development has only one entrance in and out of their development. This provides a secondary access and a secondary access for Conrad Farm development as well.
- (b) There were concerns expressed by the neighbors on the connection.
- e. The Homeowners Association will be responsible for the maintenance of the common field on the north side of Yadkinville Road.
- f. Streets are 27' wide, valley curb to valley curb.
- (1) Mr. Dickey was asked to consider a traffic calming measure on the street that comes in off Yadkinville Road.
- (2) Mr. Dickey indicated there had been no comments on this and had not been considered at this time.
3. Mr. Harrold noted that this is not a public hearing and that there are findings of fact (UDO 6-1.5 D) that need to be reviewed for the Special Use Permit in order to be recommended to Town Council: **(Answers in bold by Planning Board)**
- a. Is the development in conformity with Legacy? **Yes**
- b. Are water and sewer service available in adequate capacity? **Water yes, sewer there is none.**
- c. If buildings greater than 35 feet are proposed, is there adequate access for aerial fire-fighting equipment? **Not applicable - not aware of any structures 35 feet or higher**
- d. Will the streets and highways within and in the vicinity of the development be designed to carry traffic adequately and not create a traffic hazard? **By the understanding of the NCDOT and the TRC, they meet the Town's requirements. None of the roads are linear which we seek to achieve. There is nothing with the proposed road plan that is inconsistent.**
- e. Does the general layout and design of the development meet all requirements of this ordinance? **Yes, nothing was seen that didn't meet the requirement of the ordinance.**
- f. Have adequate, safe and convenient provisions been made for vehicular and pedestrian movement on the site with attention being paid to the needs of public safety equipment and personnel and service vehicles and personnel? **Within the subdivision, they have met the requirements of the Town and from the reports received, they've met with DOT in regard to what the DOT will require on their road and they've met those.**
- g. Are there any other conditions as identified in Sections B6-1.3(A)(1) that may reduce impacts associated with this project that can be recommended to the Elected Body? (Mr. Harrold reviewed information from that section, noting that any of the items noted could be recommended to the Town Council.)

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- (1) Mr. Hari suggested the use of a roundabout at one of the intersections instead of a 4-way stop sign.
  - (a) There was a recommendation to go to Council that Public Safety look at that because there may be more than one option there that could work.
- (2) Mr. Hari asked a second question that could not be heard on the tape nor could the answer from a Stimmel representative.

Attorney Houff entered at 7:30 p.m.

4. The floor was opened to public comments.
  - a. Stephanie Holcomb, 2169 Benwicke Drive, across from the stub street who said she hated to see the property developed and didn't want to see any connection to Benwicke Drive. She said people push baby strollers and walk their dogs and thinks there will be issues with speeding.
  - b. Richard Chase, 7258 Pellinor Drive, stated that Benwicke has no lights or sidewalks and has a fair amount of pedestrian traffic. He said people in the neighborhood are respectful of traffic although school buses and delivery trucks aren't. He talked about the speeding on Benwicke Drive. He said that all of the talk during the evening was about the new sub division and not about their existing subdivision. He felt that their subdivision was a victim. He wanted to know why another entrance isn't allowed on Yadkinville Road.
  - c. John Sangimino, 212 Riverwood Drive, stated that one of the solutions for connections in the 2008 proposal was flexible pile-ons on the stub street that would allow for walking traffic but not vehicular except for emergencies. He also urged consideration of a right turn slip-lane into the neighborhood from Conrad Road.
  - d. Jim Rae, 2186 Benwicke Drive, expressed concerns about the connection to Benwicke Drive and speed. He also suggested that the speed limit on Yadkinville Road be reduced from 55 mph to 45 mph. As for the connector, he suggested speed bumps.
  - e. Donna Waterman, 7390 Tristram Drive, mentioned the Rural Overlay and noted that things have changed. She expressed concerns about stormwater run-off and asked if the water flow would connect into Robinhood West's storm drain, noting that the developer wasn't sure and she said that they need to be sure. She's concerned about the residents in the low area. She didn't think the plan was rural. She suggested a roundabout at the entry and agrees with the pile-on and it would be a social place for people to go back and forth. She asked to check the math on the plan's legend.
  - f. Charles Sharpe, 7265 Yadkinville Road, who lived at that address even before Robinhood West was built. He was concerned about speeding on Yadkinville Road and accidents that might occur.
  - g. Buddy Lynons, 308 W. Friendly Avenue, Greensboro, responded to some

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of the comments that were made.

- (1) The stub street is not up to the developer. That is up to the DOT. We submitted a plan and they required the stub and will seek further clarification but it is not up to the developer.
  - (2) A package treatment plant is not being done so there won't be any discharge into the creek.
  - (3) They will look into the speeding.
  - (4) He said the developers will stay after the meeting to answer questions from the Robinhood West residents.
5. The floor was closed to public comments.
  6. Board Discussion
    - a. Mr. Lawson commented that generally adjoining neighborhoods do not like to connect stub streets. By Town ordinance and DOT, it is considered a benefit. The last time there was discussion about adding strips on the stub but there have been modifications to the last plan. Because it was a rezoning, we were in a position to make modifications to the plan. If the developer asks for relief from multiple connections, as long as there is at least one connection, that relief will be considered. In response to Mrs. Waterman's comment, the legislature has restricted what can be done with residential subdivisions. He also explained what could be done by right staying with the AG zoning and open space requirements.
    - b. Mr. Hamby asked about a DOT report but the answer could not be heard on the tape.
    - c. Staff was asked to look into speed reduction on Yadkinville Road with the DOT and also the possibility of a speed bump on the stub connector.
      - (1) Mr. Harrold advised that he could talk to the DOT but the stub connection is fire code. He can see what they have to say.
    - d. Mrs. Foster advised everyone that she appreciated comments and the work of the developers. She noted that there is a disconnect between what the Board is required to do and the understanding of the public. She also mentioned that in many instances, they have their hands tied by things that have been passed by the legislature.
    - e. Mr. Lawson stated that all laws must be administered equitably. Everyone understands their concerns.
    - f. Tom Lawson moved to recommend to Council that the Finding of Fact meets the requirements of the ordinances. The motion was seconded by Mr. Hamby and approved unanimously.
    - g. This will go to Council on the second Thursday in July.

**IV. Public Hearings**

- A. L-080 - Consider rezoning property located at 168 Lewisville-Vienna Rd from RS20 to LD1-S
  1. Interim Planner Jesse Day reviewed highlights of the staff report which was previously discussed at the April meeting and copy provided to the Board members

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(see included). The Preferred Land Use Plan was also discussed at the same time and has been referred to Council. A list of uses NOT permitted in that zoning district were given. There was no information on those uses that are permitted.

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**ZONING STAFF REPORT**

**DOCKET:** L 080  
**STAFF:** Anna Leonard/Jesse Day

**Petitioner:** Ryan Reedy  
**Ownership:** Same

**REQUEST:**

**From:** RS 20 (Residential Single Family, minimum lot size of 20,000 sq.ft.)  
**To:** LD1-S (Lewisville Downtown District 1, no minimum lot size)

\*Both General and Special Use District Zoning were discussed with the applicant(s) who decided to pursue the zoning as requested.

**Tax Block(s)** Tax Lot(s) 5885-18-9608  
**Acreage:** 0.28 acres

**LOCATION:**

**Street:** 168 Lewisville-Vienna Rd  
**Jurisdiction:** Town of Lewisville

**PROPERTY SITE/IMMEDIATE AREA:**

**Existing Structures on Site:** The site has an existing home place with driveway and sidewalk.

**Adjacent uses:**

- \* North Single family residence, 180 Lewisville-Vienna Rd, zoned RS20
- \* East –Pedestrian Business, 171 Lewisville-Vienna Rd, zoned PB
- \* South Single family residence, 150 Lewisville-Vienna Rd, zoned RS20
- \* West Single family residence, Linda Drive, zoned RS20

**GENERAL AREA:**

**Character/Maintenance:** The homes along Lewisville Vienna Road are well maintained and stable at this time.

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**PHYSICAL FEATURES:**

Topography: The site slopes gently from the east to west portion of the site.

Vegetation/habitat: The property is relatively flat with minor landscaping.

Impact on Existing Features: There is no foreseeable impact on existing features.

Side Yards: Buffering may be required in side yards when the adjacent property is zoned residential for single family development.

**WATER AND SEWER FACILITIES:**

Public water is available to the site. All lines are sized to provide domestic water service to the site and meet minimum fire protection requirements. Proposed parking areas have already been confirmed with the County to ensure no conflict with existing utilities.

**TRANSPORTATION:**

Direct Access to Site: Lewisville-Vienna Road

Street Classification(s): Lewisville Vienna Road –Secondary Route, Linda Drive, Local Residential Street, Shallowford Rd - Secondary Route

Average Daily Traffic Count/Estimated:

AADT Lewisville-Vienna Rd: 9,200

AADT Shallowford Rd at L-V Rd: 12,000

\*From NCDOT AADT 2015

Driveways: The existing driveway and parking is located on the side of the house. The UDO requires that any off-street parking, whether located to the front, side, or rear of the primary structure, must be screened from the road. "Front" and "Rear" shall be determined, for the purpose of this subsection, by the orientation of the primary structure(s) to NCDOT Secondary Road, Great Wagon Road, or Jennings Road, and not in relation to the location(s) of entrance(s) to the structure(s).

**HISTORY/RELEVANT ZONING CASES:**

No information available.

**CONFORMITY TO PLANS:**

Lewisville Comprehensive Plan Update 2015 –Residential uses are the predominant feature in the Town’s landscape. Small scale commercial and institutional uses are and should be clustered in the town’s designated commercial districts. The clustered commercial district is located East adjacent to the parcel.

The Plan also contains a number of "Recommended Actions." In the chapter on Land Use, the Goal is to “Facilitate land use patterns that offer a variety of housing and land use choices and convenient access to neighborhood shopping and other services; protect property owners from incompatible land uses; make efficient use of Lewisville’s limited land capacity; and coordinate land uses with infrastructure needs.” This

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goal should be implemented in a number of ways including: Encourage responsible commercial development in the downtown and other established commercial areas by following Map 9 Preferred Land Use and adopted policies.

Legacy Development Guide Legacy recommends protection of agricultural activities while focusing urban/suburban type development(s) where adequate infrastructure and other amenities exist.

**ANALYSIS:**

The applicant is requesting a change from RS 20 to LD1-S zoning; as a "special use" request, a preliminary site plan has been submitted for review by staff and the Board. The RS 20 "Residential Single Family" zoning district is intended to accommodate primarily single family, detached residences.

LD1-S “Lewisville Downtown District 1” applies to the Downtown Core Area and provides a broad array of uses expected in a development pattern which integrates shops, restaurants, services, work places, civic, educational, and religious facilities, single family housing, and multifamily housing and higher density housing in a compact, pedestrian-oriented and safe environment. Due to its location, DCA is primarily for non-auto-dependent uses in an area amenable to easy pedestrian access. Development within the DCA will respect and celebrate the unique historically small town character of Lewisville.

A Music Studio is allowed in the UDO as a Service.

(12) Permitted Uses in LD1-S. ....See Table B.2-6. with the following special exceptions:

(c) Services, Personal (with the following exceptions from SIC Code 7299 "Miscellaneous Personal Services": Coin-operated Service machine operation: scales, shoeshine, lockers and blood pressure; Comfort Station operation; Dating Service; Escort Service; locker rental, except cold storage; Marriage Bureaus; Massage Parlors; Restroom Operation; Steam Baths; Tattoo Parlors; and Turkish baths)

The major difference between RS 20 and LD1-S zoning is property use and setback and other dimensional requirements. The differences are summarized below:

	<u>RS 20</u>	<u>LD1-S</u>
Minimum Lot Size	20,000 sq.ft.	none
Minimum Lot Width	95 ft	none
Minimum Front Yard	30 ft	0 ft
Minimum Rear Yard	30 ft	none

The Town's Comprehensive Plan designates the area within which the project lies is listed as “Outside the Project Area” for proposed Land Use in the Main Street Study Area Map, but is located directly across from the Commercial/Mixed Use Category. The Preferred Land Use Map lists the plot as “Residential” and is located across Lewisville-Vienna Rd from the Preferred “Commercial” Land Use.

Lewisville Downtown District is located across L-V rd in the Preferred Land Use Map #9 in the Comprehensive Plan - and provides a broad array of uses is expected in a development pattern which integrates shops, restaurants, services, work places, civic, educational, and religious facilities, single family

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housing, and multifamily housing and higher density housing in a compact, pedestrian-oriented and safe environment. Due to its location, Downtown Core Area (DCA) is primarily for non-auto-dependent uses in an area amenable to easy pedestrian access. Development within the DCA will respect and celebrate the unique historically small town character of Lewisville. The project area is connected to downtown with sidewalks

**FINDINGS:**

1. The request is for special use zoning; a preliminary draft site plan has been submitted and a specific use requested.
2. The requested zoning would allow commercial expansion in the vicinity of the current and proposed Great Wagon Road.
3. The proposed zoning district would not introduce a use(s) or density of development incompatible with the existing nearby residential development and is complementary to the Downtown Core Area across Lewisville-Vienna Road.

**RECOMMENDATION:**

An updated future land use map to reflect the change to LD1-S is recommended, with inclusion of the property into the Downtown Core Area. The additional parking area will require screening and buffering between residential land uses, which is recommended. The land use buffering should be vegetative according to the ordinance when a chain link fence exists. The proposed use is well served by pedestrian infrastructure and will be complimentary to the future Great Wagon Road extension. Town staff is of the opinion that the request is consistent with the Town's Comprehensive Plan for the area and compatible with the existing residential uses along Lewisville-Vienna Road.

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2. The public hearing was opened at 8:15 p.m.
    - a. Those in favor were asked to speak.
      - (1) Kathryn Smith, Spring Meadow Ct, spoke in favor of the rezoning.
      - (2) Jill Armested, Saddlebrook Circle, spoke in favor of the rezoning and recommended.
      - (3) Josua Holmes, Willow Trace Circle, spoke in favor of the rezoning because of, not just the musical help but the personal help that he has received from the applicant.
      - (4) Jim Tobias, 351 Riverwood Drive, started lessons at age 62. He saw the effort the applicant has made in soundproofing.
      - (5) Ashton McCrae, 1017 Crossgate Road, said that the applicant was an inspiration and brought many skills.
      - (6) Mark Ewald, 6030 Parksdale, Clemmons, said that the applicant was a mentor to his son and would be an asset to the community.
      - (7) Michael McDowell, Davie County, came to support the applicant.

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- b. Attorney Houff permitted the clerk to read an email from a resident that was unable to attend the hearing and who would like to have a statement read as follows:

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My name is Michelle Thompson and I reside at 600 Carrington Place, Lewisville, NC 27023.

I wish to voice my opinion on the rezoning proposed on Lewisville Vienna Road, specifically the property owned by Ryan and Dulce Reedy, both residents of Lewisville, and the owners of Ryan Reedy Music Studio.

I am a student of Ryan's, and have followed his work converting the house into a studio for musicians. He has done extensive work in insulating the house and baffling the noise that the instruments will generate, and continues to make further improvements. He has made sure his neighbors' concerns are addressed and ensures that their quiet enjoyment is not infringed upon. None of these changes are readily apparent from the outside, where Mr. Reedy has made sure the property fits in with its surrounding dwellings in its look and curb appeal. Were it not for the sign that advertises lessons, to any passerby this looks like a single family home, not a business.

These are the types of business owners I want in our town. Those who care about their business and the impact it has on the residents. Since the property is literally across the street from a commercial zone, and with the Town's proposed road development changes, it only makes sense that this rezoning be allowed and serve as an example of what the Town of Lewisville expects and encourages in a local business.

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- c. No one was present to speak against the rezoning.
  - 3. Having no other speakers, the public hearing was closed at 8:25 p.m.
  - 4. Board Discussion
    - a. None.
  - 5. Tom Lawson moved to recommend the rezoning favorably to Council in that it fits with the criteria in several ways: (1) homes converted to commercial applications and there is commercial across the street from the location.
    - a. Attorney Houff asked to confirm that the property is only to be used for music studio since all the LD1 uses were on the application with the exception of the list read that were not allowed.
    - b. Mr. Reedy confirmed the use as a music studio; however, all uses allowable were on the application.
    - c. The motion was seconded by Paul Hari and approved unanimously.

Planning Board recessed at 8:31 p.m. to move upstairs to the second floor conference room.

Planning Board reconvened the meeting in Room 201 at 8:40 p.m.

**V. Reports - Updates since 05/24/2017**

- A. Chair
  - 1. Potential members for Planning Board are being interviewed for a recommendation

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to Council.

2. Suzanne Fawley has submitted her letter of resignation.
  3. School is still a high priority.
  4. Mr. Sangimino was given time to speak since everyone was asked by the Mayor to express ideas for the DOT.
    - a. He asked Council to look at the importance of Ketner Road and he also suggested that a light be placed at Shallowford Road and Lewisville-Vienna Road.
    - b. There was also discussion on whether Ketner Road is part of the school project and also whether there is a progress report for the Board.
    - c. Mr. Perkins explained that there is a Traffic Impact Aalysis (TIA) being done for the project. The Town has been approached to partner with the school system to expand the analysis that would cover more area. With the impending expanded TIA, there will be more information available on traffic data at a later date. He also explained that the Town would not want to enter any projects in the *Call for Projects 5.0* that would compete with the GWR project nor would there be enough time to gather the needed information for a Ketner Road project. He also provided information that was submitted on the three projects that have been submitted to the MPO for approval.
    - d. Mr. Perkins indicated there needs to be research and specifics identified in order to do a Ketner Road project which would be submitted on its merits for prioritization.
      - (1) Everyone was reminded that Ketner Road is not in the Town.
    - e. Currently, the school project is off schedule.
- B. Planner
1. None.
- C. Manager
1. Comments were made above.
- D. Clerk
1. Council officially accepted Suzanne Fawley's resignation.

**VI. New Business**

- A. Attorney Houff advised the Board that Council will be looking at the Conrad Farm subdivision for a Special Use Permit as a quasi-judicial hearing. Speakers will be giving testimony.

**VII. Unfinished Business**

- A. None

**VIII. Old Business**

- A. Land Use Planning
  1. Small Area Plans
    - a. Robinhood Road/Northeast Area Plan

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**IX. Future Discussions**

- A. Draft Lighting Ordinance (Component of Downtown SAP)
- B. Draft Drive -Thru Ordinance (Component of Downtown SAP)
- C. Planning Processes
- D. Signage - Phase 2 - Ordinance Changes

**X. Board Discussion**

- A. Action Item Consensus/Next Steps
- B. Next Meetings
  - 1. Next Regular Public Hearing meeting - **July 12, 2017** (2<sup>nd</sup> Wednesday of the month)
  - 2. Next Regular Work Session meeting - **June 28, 2017** (4<sup>th</sup> Wednesday of the month)

**XI. Adjournment**

- A. Having no other business to discuss, Tom Lawson moved to adjourn the meeting at 9:21 p.m. The motion was seconded by Paul Hari and approved unanimously.

\_\_\_\_\_  
Jeanne Marie Foster, Chair

ATTEST:

\_\_\_\_\_  
Joyce C. McWilliams Walker, Town Clerk