

**Lewisville Planning Board Meeting Minutes**  
**January 24, 2018**  
**6510 Shallowford Road - Council Room 110**  
**6:30 pm**

**I. Call to Order**

- A. Chair Jeanne Marie Foster called the meeting to order at 6:38 p.m. Board members present were Owen Calvert, Michael Sullivan and Bill Scantland. Also present were Planner Josh Harrold, Attorney Bo Houff and Town Clerk Joyce Walker. Mrs. Flow, Mr. Hamby and Mr. Lawson were not present.
- B. Approval of Agenda
  - 1. Mrs. Foster indicated there will be a recess following item III to continue the meeting in the upstairs conference room.
  - 2. Bill Scantland moved to approve the agenda. The motion was seconded by Owen Calvert and approved unanimously.

**II. Approval of Minutes**

- A. November 29, 2017
  - 1. Mrs. Foster asked to add to item G on page 5 “.....frustration *of the board*.....” .
  - 2. Bill Scantland moved to approve the November 29, 2017 minutes as amended. The motion was seconded by Mike Sullivan and approved unanimously.
- B. December 13, 2017
  - 1. Mike Sullivan moved to approve the December 13, 2017 minutes. The motion was seconded by Bill Scantland and approved unanimously.
- C. January 10, 2018
  - 1. Mrs. Foster pointed out the written amendment dated January 24, 2018.
  - 2. Bill Scantland moved to approve the January 10, 2010 minutes as amended. The motion was seconded by Owen Calvert and approved unanimously.

**III. Technical Review**

- A. L-PBR 2018001 (Glad Acres PRD)
  - 1. Attorney Houff reminded everyone that this is a technical review for a Planned Residential Development (PRD) Special Use Permit.
    - a. This review will be in two (2) parts: tonight being the first public step.
    - b. The Planning Board will be listening to the seven (7) different matters that *must* be shown for a Special Use Permit and asking questions to the applicant.
    - c. The property was recently annexed into the Town and the zoning jurisdiction changed from the County to the Town of Lewisville.
    - d. He noted that this is unique in that the existing RS-20 and RS-9 zoning will remain as the zoning and will allow for a more dense development in trade for more green space.
    - e. The seven items are:
      - (1) That the development will be in conformity with *Legacy* and the *Lewisville Comprehensive Plan*;
      - (2) That water and sewer will be available in adequate capacity;
      - (3) That buildings greater than 35 feet have adequate access for aerial

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- fire-fighting equipment (*this does not apply since there are no buildings greater than 35 feet in this project*);
- (4) That the streets and highways do not create a traffic hazard;
  - (5) That the general layout and design of the development meet all requirements of this ordinance;
  - (6) That there is safe and adequate vehicular and pedestrian movement within the development; and finally
  - (7) If the Planning Board imposes any conditions upon the developer.
- f. He noted that this is NOT technically a public hearing.
- g. The next step is to refer this to Council at which time the Council will have a formal quasi-judicial hearing where they will be sitting as a court hearing testimony.
- (1) Council members will not be able to discuss this case with citizens until the hearing.
  - (2) Citizens were asked not to contact Council members.
- h. When the matter comes before Council, citizens will be sworn in.
- (1) Letters are not admissible.
  - (2) Council will be reviewing four (4) evidentiary (proof - not opinion, i.e. experts) facts:
    - (a) The use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
    - (b) That the use meets all required conditions and specifications;
    - (c) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
    - (d) That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with *Legacy*.
2. Planner Josh Harrold read the definition of a Planned Residential Development (PRD), the TRC meeting results and the staff report:

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**PLANNED RESIDENTIAL DEVELOPMENT.** A residentially zoned area, planned and developed as a unit, which is characterized by environmentally sensitive design through the use of flexible development standards.



See TRC (Technical Review Committee) Notes attached. Also note that the site plan has been revised since

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the TRC meeting and some items have been changed.



**MAJOR SUBDIVISION STAFF REPORT**

**DOCKET:** L-PBR 2018001  
**STAFF:** Josh Harrold, Town Planner

**Petitioner:** Ronnie Parker Sr./RS Parker Homes, LLC  
**Ownership:** Gladys C. Doub

**REQUEST:**

A PRD Preliminary Subdivision in the RS-20 and RS-9 districts. The request requires meetings of both the PB and the Town Council for approval of a special use permit.

**PIN#** 5896-04-3563  
**Acreage:** 63.20 Acres

**LOCATION:**

**Street:** Off Glad Acres Rd & Robinhood Rd

**Jurisdiction:** Town of Lewisville

**PROPERTY SITE/IMMEDIATE AREA:**

**Existing Structures on Site:** The site has no existing structures on site.

**Adjacent uses:**

- \* North - Single family residence, 5881 Robinhood Rd, zoned RS-20
- \* East - Single family residence, 1180 Uniondale Ct, zoned RS-20
- \* South - Single family residence, 5930 Glad Acres Rd, zoned RS-9
- \* West - Single family residence, 5905 Twin Meadows Dr, zoned RS-9

**GENERAL AREA:**

**Character/Maintenance:** The homes in this area are mainly single family medium to large lots. The existing subdivision northwest of the subject property is an established neighborhood with ~41 homes.

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**PHYSICAL FEATURES:**

Topography: The site slopes gently from the northern portion to the creek then gains elevation at the southern portion.

Vegetation/habitat: The property has historically been used for farming grain crops on the north side of the creek and forested areas south of the creek.

**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. There is no public sewer available at this time. The Tomahawk Creek sewer line expansion will serve this property upon completion in 2019.

**TRANSPORTATION:**

Direct Access to Site: Robinhood Road

Street Classification(s): Robinhood Road - Minor Thoroughfare, Glad Acres Road

Interconnectivity: NC Fire Code Appendix D requires there to be two entrances for ingress and egress purposes. Section 4 (B)(1)(f) & (g) of the Town's UDO requires interconnectivity and connection of stub streets to adjoining properties.

**CONFORMITY TO PLANS:**

*Lewisville Comprehensive Plan Update 2015* - The Plan describes this area as being single family residential. To control sprawl and preserve open space and environmentally significant land, the comprehensive plan encourages the clustering of housing (PRDs) and sets mandatory open space requirements within subdivisions. The plan does conform to the PRD requirements as well as the open space requirements.

*Legacy Development Guide* - *Legacy* recognizes this area as being in GMA-3 Suburban Neighborhoods. *Legacy* states GMA-3 should be used for planned residential developments that require purposeful open space. This project does exceed the town's open space requirements.

**ANALYSIS:**

The applicant is requesting a special use permit for a PRD (planned residential development) in the RS-20 & RS-9 zoning district. The applicant is also going through the major subdivision process as well. The findings of fact as seen below represent the responses to the questions during the planning board meeting on January 24, 2018. The town council will hear the special use permit request on March 8, 2018. The Town Council will make the determination at the hearing whether or not the project meets the findings of fact.

Town staff is of the opinion that the request is in general conformance with the Town's *Comprehensive Plan*

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*and Legacy* for the area. The developer has meet the PRD requirements and the RS-20 & RS-9 requirements for overall density of the tract of land.

**FINDINGS OF FACT AT PLANNING BOARD MEETING:**

1. Is the development in conformity with Legacy?
2. Are water and sewer available in adequate capacity?
3. If buildings greater than 35 feet are proposed, is there adequate access for aerial fire-fighting equipment?
4. 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?
5. Does the general layout and design of the development meet all requirements of this ordinance?
6. 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?
7. Planning Board recommends conditions as identified in B.6-1.3(A)1:

**RECOMMENDATION:**

The project does meet the overall density requirements of the RS20 & RS9 zoning district as well as the PRD requirements as stated in Section 2-5.59. The block length requirement of 600 feet found in Section 4 (B)(1)(g) hasn't been met; however, given site specific circumstances the developer requests these requirements be waived to allow them to construct the block lengths to around 500'. Staff recommends the project be approved if the following requirements are met:

1. Right and left turn lanes with 50' of storage space on Robinhood Rd per NCDOT;
2. 12' lane width within the project area on Robinhood Rd;
3. Adherence to the common recreation area requirements as found in Lewisville UDO B.3-6;
4. Emergency apparatus turnarounds designed to meet NC Fire Code Appendix D;
5. Town Council approval of block length requirement exemption;

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Tom Lawson arrived at 6:59 p.m.

- a. There was a question about fire truck turnaround that would have to be provided.
- b. For prospective, there was a comparison of lot size for visualization.
- c. Mr. Harrold's recommendation was that the project does meet the overall

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density even though some of the lots may be smaller and the requirements of RS-9 and RS-20 zoning districts as well as for PRD's as described in the Unified Development Ordinances (UDO). The 600 foot block length has not been met; however the developer will comment on that and ask that the length be waived to 500+ feet due to site circumstances.

3. Stephen Owen, Stimmel Associates, is assisting RS Parker on the site plan and described the project. He stated that:
  - a. This zoning is a permitted use by right and if the property were developed as a convention development, there could be two hundred thirty-four (234) lots.
    - (1) There is no open space requirement for conventional development nor are buffers required.
  - b. This is a low density project with half of the site undeveloped.
    - (1) Forty (40) % will be buffers, open space and common recreation area.
  - c. The developer has agreed to a dedicated greenway easement along the flood plain.
4. There was an explanation of how the number of lots are determined in a conventional project and there was a question whether a possible design could have been provided for comparison to a PRD.
5. The site plan has been revised from 96 homes to 92 homes to meet block length and turnarounds.
6. Mr. Lawson reiterated the this is not a question of likes or dislikes for the project; it is does the project meet the requirements for the PRD and Special Use Permit. He also explained how the site would have been developed under the County rather than the Town.
7. Speakers from the audience:
  - a. Dan Kornelis, 6013 Fairfield Oaks Lane, Pfafftown, asked whether there was a question of rezoning before annexation. He said he thought a person could look at CAD to determine the number of usable lots on the property. His main comments centered around traffic on Robinhood Road and the traffic impact on the area. He wanted to know if there was a traffic impact study. He said he wasn't opposed to the project but was still concerned about the traffic. He also wanted to know where the beltway will go; storm and run-off ponds. He again stated he thought this will be a great project but his main concern was about safety.
    - (1) Since this is a low density project, storm run-off ponds are not required.
    - (2) The Planning Board members have expressed the need for a north-south connector to help to relieve the traffic problems in the area and that the DOT is always behind when planning roads around new schools being built.
    - (3) There is a traffic impact analysis for the new middle school;

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- however the results have not been provided to the Planning Board since the study is not yet complete.
- (4) The Town's agreement with the City of Winston-Salem and the Winston-Salem/Forsyth County West Suburban Plan and the Town's Northeast Area Plan's cohesiveness were explained.
- b. Rob Hall, 5950 Twin Meadows Drive, asked if the turnarounds would encroach on others property. He also wanted to know why there couldn't be fewer lots with more expensive houses. He thought fewer lots would help to address the traffic issue. He said he thought people could wander onto his property.
- (1) All four stubs will have a turnaround and are in the right of way.
- (2) Buffers are placed to help separate property areas.
- c. Ramon Valez, 5975 Glad Acres Rd, wanted to know if Mr. Owen had personally walked the property based on the topography. He felt there are problems based on the topography.
- (1) The design is based on minimizing the impact on the wooded areas.
- d. Joel Gendelman, 1955 Indian Wells Trail, expressed concerns regarding the traffic on Chickasha and Robinhood. He wanted to know if there are any plans to have a light placed there. He identified traffic and turning problems at Vienna Elementary School. He was concerned about the safety of the parents picking up children.
- (1) There was a comment that the DOT needs to build more collector roads to help mitigate some of the traffic problems.
- e. Jack Steelman, 1045 Greenly Drive, asked about the 25 permitted uses on the plan.
- (1) It was noted that the uses have been corrected on this amended plan.
8. Casey Otis, attorney with Hendrick Bryant in Winston-Salem, presented the Findings of Fact information:
- a. The development is in conformity with *Legacy*.
- (1) Mr. Owen has talked about this being a PRD and less intense than what would have been developed under the County. Forty percent of the property will be dedicated to green space.
- b. Water and sewer service are available in adequate capacity.
- (1) There is water available on Robinhood Road with a future tie into the Tomahawk Creek interceptor coming in 2019.
- c. Where buildings greater than thirty-five (35) feet in height are proposed within the Lewisville Town limits, there is adequate access for aerial fire-fighting equipment;
- (1) This can be skipped. There are no buildings greater than 35 feet.
- d. Streets and highways, both within and in the vicinity of the development, are of such design and traffic-carrying capacity that the development will

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- not create a traffic hazard;
- (1) The developer is working with the DOT to build the roads to DOT standard and with recommended changes to Robinhood Road that include a left turn lane and the widening of Robinhood Road at the development site.
- e. General layout and design of the development meet all requirements of this ordinance;
  - (1) The Technical Review Committee has met on the plan and the developer has made changes to the plan based on those comments including the block length. The lot sizes conform and forty percent of the development is dedicated to green spaces.
- f. Adequate, safe and convenient provision is made for vehicular and pedestrian movement on the site with particular attention paid to the needs of public safety equipment and personnel (fire, police, etc.) and service vehicles and personnel (sanitation, postal delivery, etc.);
  - (1) The turnaround for emergency vehicles has been addressed and the plan will address all of those concerns.
- g. The Planning Board may recommend to the Elected Body conditions as identified in Section B.6-1.3(A)(1) for the issuance of the special use permit to reduce impacts associated with the project.
- 9. Planning Board members had no questions regarding the Findings of Fact.
- 10. Board members were advised that the next steps would be to recommend as presented; recommend with conditions or recommend denial to the Town Council.
  - a. Attorney Houff reviewed the conditions in 6-1.3 that the Planning Board may recommend to Council and identified items that were discussed during the presentation as being met or identified on the site plan.
    - (1) There were conditions mentioned in the staff report.
- 11. Planning Board discussion:
  - a. The proposal addresses all standards.
  - b. There was a question about how this development fits holistically with the area and the traffic on Robinhood Road.
    - (1) It was commented that as long as there is a question of traffic on DOT roads, the results lie solely with the DOT.
    - (2) It was also mentioned that the Board will look at addressing this concern in the Northeast Area Plan.
  - c. Having no other discussion on this project, Tom Lawson moved that this project meets the seven (7) required Findings of Fact and recommends to Council for approval. The motion was seconded by Bill Scantland and approved unanimously.
    - (1) Note: Mr. Lawson advised members of the audience that the Planning Board has added meetings with developers prior to official acceptance of a project at which anyone is welcome to attend.

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12. Staff clarified the difference between a *public hearing* and *public meeting*.

At 8:08 p.m., Mrs. Foster announced a recess to reconvene in the second floor conference room.

The Board reconvened at 8:26 p.m. with Board members Jeanne Marie Foster, Tom Lawson, Michael Sullivan and Bill Scantland, Planner Josh Harrold, Attorney Bo Houff and Town Clerk Joyce Walker. Board member Owen Calvert was not present.

**IV. Public Hearings**

- A. None

**V. New Business**

- A. None

**VI. Unfinished Business**

- A. Northeast Area Overlay Ordinance
1. There was discussion on how the twelve (12) development guidelines in the Comprehensive Plan could be utilized in moving forward.
    - a. One suggestion was to table an item and move on if there is an impasse and to come back to that item later.
  2. There were five (5) items to be defined in the overlay for single family residential new development:
    - a. Density
      - (1) All new developments shall not exceed three (3) units per acre.
    - b. Uses
      - (1) Single family residential.
      - (2) What else beside school? Commercial?
        - (a) Staff is to send the Davidson neighborhood uses.
    - c. Greenway connectivity
      - (1) Use the *Greenways Plan* when possible.
      - (2) Differentiate between types: connecting, internal in subdivision, etc.
      - (3) Focus on the requirements at the next meeting.
        - (a) Board members are to review the Greenways Plan for the next meeting. Staff will email to all.
    - d. Streetscape
      - (1) What requirements?
        - (a) Sidewalk on one or both sides.
          - i) Preferred - 1 linear foot on one (1) side.
          - ii) Two linear feet pedestrian way on both sides or greenways.
        - (b) Type of trees and set back.
          - i) Prefer street trees on both sides or 30% open

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space.

a) It was mentioned that the sidewalks in existing subdivisions are creating problems for maintenance since the roots are tearing up sidewalks. (Placement and type)

(2) Assess individual projects and look at what trade-offs can be made.

e. Open space

(1) A minimum of twenty-five percent (25%) of open space with more detail and definition on the how the space can be used.

(a) The planner will bring information on these uses to the next meeting (see Mr. Houff's email on 1-13) with percentages.

i) The three types of common open space are internal, environmental and scenic.

ii) The other type of open space is defined as recreational and might depend on topography.

(b) Board members were asked to provide their ideas on this to the planner and to include Mr. Calvert.

B. Northeast Area Plan Review

1. Goal is to get the Plan to Council in March.

2. Communicate with the focus group saying thank you for your thoughts and input.

C. Lighting Ordinance

1. Future meeting.

**VII. Board Discussion**

A. Action Item Consensus/Next Steps

1. Developer for apartments will be present at the next meeting to present the project.

a. Staff was asked to take a look at the Land Use Map. It may have an impact on the proposal.

b. Further discussion is needed on how to communicate with the public when developers bring projects forward.

2. Mr. Scantland provided an example of software that will assist in keeping up with multiple projects.

a. This will be discussed at a future meeting.

3. Budget information will be available for the next meeting.

B. Next Meetings

1. Next Regular Public Hearing meeting - **February 14, 2018** (2<sup>nd</sup> Wednesday of the month)

2. Next Work Session meeting - **February 28, 2018** (4<sup>th</sup> Wednesday of the month)

**VIII. Reports - Updates**

A. Chair

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- B. Planner
- C. Manager
- D. Clerk

**IX. Adjournment**

- A. Having no other business to discuss, Bill Scantland moved to adjourn the meeting at 9:14 p.m. The motion was seconded by Mike Sullivan and approved unanimously.

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Jeanne Marie Foster, Chair

ATTEST:

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Joyce C. McWilliams Walker, Town Clerk

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**January 16, 2018  
2<sup>nd</sup> Floor Conference Room  
6510 Shallowford Road  
Lewisville, NC**

**TRC Meeting**

Attendees: Josh Harrold, Lewisville Planning, Stephen Owen, Stimmel Associates, David Haddock, RS Parker Homes, Ronnie Parker, Jr., RS Parker Homes

**PRELIMINARY SITE PLAN REVIEW RECORD**

- 1) SITE PLAN TITLE AND NUMBER: Glad Acres, L-PBR 2018001
- 2) TYPE OF DEVELOPMENT: PRD Preliminary Subdivision Plan Review
- 3) ACREAGE: 63.20 Acres (31.75+- Lot to Land, 6.73+- Pavement to Land, 24.72+- Open Space)
- 4) ZONING: Existing: RS20 & RS9  
Proposed Review: PRD
- 5) # UNITS/LOTS: 96
- 6) DENSITY, IF RESIDENTIAL: 1.52 Units Per Acre
- 7) LOCATION OF DEVELOPMENT: Subdivision is located south of Robinhood Road and east of Glad Acres Road
- 8) SITE PLAN PREPARER: Stimmel Associates, PA  
601 N. Trade Street Winston-Salem, NC 27101  
(336) 723-1067
- 9) OWNER AND/OR AGENT: Gladys C Doub  
5934 Glad Acres Road, Pfafftown, NC 27040
- 10) PRELIMINARY CONDITIONS: (Conditions on the following pages are additional requirements for development. All other city or county code regulations still apply.)

**NCDOT-** Jeff Moncus, Assistant District Engineer [jwmoncus@ncdot.gov](mailto:jwmoncus@ncdot.gov) , #336-747-7900

- " NCDOT would require a right turn lane with 50' of storage with appropriate taper along with a left turn lane with 50' of storage and appropriate tapers.
- " 12' lanes would also be a requirement with a complete overlay within the project limits.
- " We will need a driveway permit, an encroachment agreement for the widening and any utility ties within the right of way.

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**Planning and Zoning**, Josh Harrold, #336-945-1023

- " Block Lengths on Roads A, B, D, & E are shorter than 600 ft, Subdivision ordinance requires between 600' and 1200' (D.4.B.1.h)
- " UDO requires connectivity between subdivisions D4(b)(1)(f) as shown on plat
- " Street names must be provided, (D.4.B.1.r)

Elizabeth R. Coyler

- " Add the Zoning district line from the RS20 and RS9 zoning to the Site Plan
- " Label the Site Data column "North Recreation Area" and "South Recreation Area" as "Common Recreation Area 1" and "2", per what is labeled on the Site Plan
- " Common Rec Area requires one large variety tree planting per every 2,500 sf of space, please show that this requirement is met

**Erosion Control**, Matthew Osborne- Phone # - (336) 747-7453 [matthewo@cityofws.org](mailto:matthewo@cityofws.org)

1. If the proposed project creates more than 10,000 sq. feet of land disturbance, an Erosion Control Permit will be required prior to the start of work. In order to obtain this permit you must submit three (3) hard copies of a professionally designed Erosion and Sedimentation Control Plan along with an original signed/notarized Financial Responsibility/Ownership (FRO) form review and approval. The Financial Responsibility/Ownership (FRO) form can be found at the following link:  
<http://www.cityofws.org/Departments/Stormwater-Erosion-Control/Erosion-Control>

2. There are regulated floodplain areas running through the center of this parcel. Be aware that encroachment of development into regulated floodplain areas will require approval of a Floodplain Development Permit and compliance with the Town of Lewisville UDO, Chapter C, Article II - Floodway, Flood Fringe Regulations and Flood Damage Prevention. Please be mindful of this ordinance requirement as you continue with plans to develop this parcel. Please contact Matthew Osborne (336-747-7453, [matthewo@cityofws.org](mailto:matthewo@cityofws.org)) with any questions you may have about the floodplain areas on this parcel or the Floodplain Development Permit requirements. Floodplain Development Permit application form can be downloaded at the following link:  
<http://www.cityofws.org/Departments/Stormwater-Erosion-Control/Erosion-Control>

**Public Works/Stormwater**, George Hauser, #(336) 945-1020 / (336) 399-7373  
Linda Pass,[linda.pass@stantec.com](mailto:linda.pass@stantec.com)

- " Roads must be constructed to DOT standards
- " Low Density
- " Must follow Stormwater Runoff Control in UDO Environmental (3-5.2) as well as all low density requirements (A-F)

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**Fire**, Michael King #336-703-2546

- " Fire hydrants aren't shown
- " Roads A, C, & D will require approved turnarounds for emergency apparatus

**Utilities**, Chris Jones, #336-747-7309 charlesj@cityofws.org

- " Submit water extension plans to Utilities Plan Review for permitting/approval.
- " Water Meters purchased through the City of Winston-Salem.

**Addressing**, Stacy Tolbert, tolbersy@forsyth.cc