

Lewisville Planning Board Meeting Minutes
March 14, 2018
6510 Shallowford Road - 1st Floor Council Chambers - 6:30 pm

I. Call to Order

- A. Chair Jeanne Marie Foster called the meeting to order at 6:33 p.m.. Board members present were Joseph Hamby, Tom Lawson, and Meghan. Bill Scantland was out of town and Michael Sullivan was unable to attend. Also present were Attorney Bo Houff, Planner Josh Harrold and Town Clerk Joyce Walker.
- B. Approval of Agenda
 - 1. Mrs. Foster asked to add the West Area Suburban Plan regarding *Transportation* recommendation as Item A. under Unfinished Business and to move Items A. to B. and B. to C.
 - 2. Joseph Hamby moved to approve the agenda as amended. The motion was seconded by Meghan Flow and approved unanimously.

II. Approval of Minutes

- A. February 21, 2018
 - 1. Tom Lawson moved to approve the February 21, 2018 minutes. The motion was seconded by Joseph Hamby and approved unanimously.

III. Technical Review

- A. None scheduled.

IV. Public Hearings

- A. Village Crossing Rezoning (RS-9 to RM-12-S)
 - 1. Attorney Houff reminded everyone that this is **not** a quasi-judicial matter, but it is instead only to consider the use of the property and to make a recommendation of approval or denial to Council. Conditions can also be identified and made part of the process. It is not appropriate ask questions about ownership or rental prices in rezoning cases.
 - 2. The Public Hearing was opened at 6:40 p.m.
 - a. Josh Harrold read the staff report and noted that there is a site plan associated with the rezoning:

ZONING STAFF REPORT

DOCKET: L-083
STAFF: Josh Harrold, AICP

Petitioner: John Shelton & Susan Shelton
Ownership: Same

REQUEST:

From: RS-9 (Residential Single Family, minimum lot size of 9,000 sq.ft.)

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To: RM-12-S (Residential Multifamily, maximum 12 units/acre)

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

PIN#: 5885-91-8088 & 5895-01-1016

Acreage: 5.27 acres

LOCATION:

Street: 4989 & 4999 Styers Ferry Rd

Jurisdiction: Town of Lewisville

PROPERTY SITE/IMMEDIATE AREA:

Existing Structures on Site: The site has an existing home place as well as a manufactured home.

Adjacent uses:

- * North - Single family residence, 6550 Pegram Farm Rd, zoned RS-9
- * East - Single family residence, 4988 Styers Ferry Rd, zoned RS-9
- * South - Religious institution, 5041 Styers Ferry Rd, zoned RS-9
- * West - Single family residence, 1175 Lewisville Clemmons Rd, zoned RS-9

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 west portion of the site.

Vegetation/habitat: The majority of the property is wooded except for areas around the existing structures.

Impact on Existing Features: Impacts are to be expected. The wooded areas are likely to be removed due to the request to build 60 apartments.

WATER AND SEWER FACILITIES:

Public water and sewer are available to the site. All lines are sized to provide domestic water service to the site and meet minimum fire protection requirements. All sewer lines are sized to provide adequate service to the property.

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TRANSPORTATION:

Direct Access to Site: Styers Ferry Rd
Street Classification(s): Styers Ferry Rd, major collector
Average Daily Traffic Count/Estimated: 15,000 (source: NCDOT AADT 2016)

HISTORY/RELEVANT ZONING CASES:

- * L-029; RS-9 to RM-5-S and RM-12-S (Single-Family and Attached Residential Housing); approved 8-14-03; south side of Shallowford Road west of Summerglen Drive; 54.86 acres; Planning Board and staff recommended approval.
- * L-078; RS-20 to RS-9-S (Single-Family Residential Housing) approved 4-13-2017; south side of Lewisville Clemmons Rd and near Lalanda Drive; 10+/- acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS:

Lewisville Comprehensive Plan Update 2015 - The Plan describes this area as being where higher density uses are appropriate, particularly where sewer is available. This area is shown as activity center on Map 9 of the comprehensive plan. This area would be suitable for multifamily development due to ease of access to surrounding complementary uses.

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.

Legacy Development Guide - *Legacy* recommends increasing residential densities along growth corridors and in activity centers.

ANALYSIS:

The applicant is requesting a change from RS-9 to RM-12-S zoning; as a "special use" request, a preliminary site plan has been submitted for review by staff and the Board. Both the RS-9 and RM-12-S zoning districts are intended to accommodate residential uses. RS-9 is intended to accommodate single family and the RM-12-S is intended to accommodate multi-family. Multi-family usage is not permitted in RS-9 zoning. The applicant is sensitive to concerns that may exist for those non-residential uses that are allowed as uses by right in the RM-12 zoning district. It is for this reason that he has asked that only multi-family apartments be approved for construction.

The major difference between RS-9 and RM-12-S zoning is the multi-family component. The lot size and dimensional differences are summarized below:

RS-9

RM-12-S

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Minimum Lot Size -	9,000 sq.ft.	7,000 sq.ft.
Minimum Lot Width -	65 ft	70 ft
Minimum Front Yard -	20 ft	25 ft
Minimum Rear Yard -	25 ft	25 ft

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. RM-12-S is primarily intended to accommodate multi-family uses at a maximum of 12 units per acre. This district is appropriate in GMAs 1, 2 and 3 and may be suitable for metro activity centers where public water and sewer are available.

The Town's *Comprehensive Plan* 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-12-S zoning would support the uses in the nearby activity center. The requested density is more than that found immediately surrounding the subject property. The majority of the lots in the area are 3/4 acre or more with RS-9 zoning. The proposed rezoning, if approved, would allow multi-family use in and around the activity center at Lewisville Clemmons Rd/Styers Ferry Rd/US 421. Although the density and use may differ from the existing uses in the area, the proposed land use (multi-family residential units) is appropriate for the area and would complement the existing commercial uses in the area.

Town staff is of the opinion that the request is consistent with the Town's *Comprehensive Plan* for the area and complements the uses in the activity center.

FINDINGS:

1. The request is for special use 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 uses allowed under either RS-9 or RM-12 are similar in that they are residential in nature; however, different types of residential uses are allowed in RM-12.
3. 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*.
4. 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

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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.

- (1) There were no questions for Mr. Harrold.
 - b. Charlie Heritage, South Creek Development, 7204 West Friendly Avenue, Greensboro, North Carolina, 27410, reiterated some of the information in the staff report:
 - (1) This will be a 60-unit multi-family development consisting of 1, 2 and 3 bedroom units.
 - (2) Meetings have been held with neighbors and adjacent property owners.
 - (3) There will be a fence on the northwest and south side of the property and a decorative fence on Styers Ferry Road.
 - (4) A change will be made on the position of the dumpsters based on a request in one of the meetings.
 - (5) There will be different exterior materials used.
 - (6) A trip generation report has been made and provided to Board members.
 - (a) The total trip volume was less for this type of development as opposed to a commercial/retail type development.
 - (7) There was a comment from the DOT that the entrance line up with Kinney Road and with that, a turn lane into the development.
 - (8) There will be a gazebo, playground, community building and open space.
 - (9) There is an area for erosion control.
 - (10) Most landscaping is along the buildings and the trees are tall for visibility.
 - (11) South Creek is working on changing the name of the development since there is already a development known as Village Crossing.
 - (12) The entrance sign will follow the Town's ordinance.
 - c. Board comments:
 - (1) The road angle is acute. There was a suggestion for low plantings so that vision won't be obscured.
 - (2) Internal median should be grass or low landscaping.
 - (3) Lighting embraces *Dark Sky* and should be low but safe and secure.
 - (a) Mr. Heritage agreed that this can be part of the special use.
 - d. Speakers FOR - none came forward.
 - e. Speakers AGAINST - none came forward.
- 3. The Public Hearing was closed at 7:06 p.m.
 - 4. Tom Lawson moved to recommend approval to Council. The motion was seconded by Meghan Flow and approved unanimously.
 - a. Mrs. Foster suggested that the developer provide market studies to Council

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on why this is a good project for the area.

The Board recessed to the second floor at 7:10 p.m. and reconvened at 7:20 p.m.

V. Discussion

- A. There was discussion on future public meetings:
 - 1. Remind the audience that previous discussions and meetings have occurred on a project.
 - 2. New Board member Jessica Higgins was present and Attorney Houff explained the process used by the Planning Board for the earlier public hearing and what and how the project will move forward to Council.

VI. New Business

- A. Set public hearing for Wednesday, April 11, 2018 on L-084 changing the planning jurisdiction of a 5.75 acre property off Twin Oaks Lake Drive from Forsyth County planning jurisdiction to Town of Lewisville planning jurisdiction
 - 1. Joseph Hamby moved to set the public hearing for L-084 for Wednesday, April 11, 2018 at 6:30 p.m. on changing the planning jurisdiction of property located on Twin Oaks Lake Drive from Forsyth County to Town of Lewisville. The motion was seconded by Meghan Flow and approved unanimously.

VII. Membership

- A. Jessica Higgins was appointed to the Planning Board at the Town Council meeting on March 8, 2018. She was present and will be seated at the April meeting per the charter. (All appointments run April to March.) She was welcomed by all.

VIII. Unfinished Business

- A. West Suburban Area Plan regarding *Transportation* recommendation
 - 1. Mrs. Foster advised the Board that the Lewisville Planning authority will be the authority for the area.
 - 2. There was discussion on possibly sending a statement to the Winston-Salem Planning Department on *Transportation*.
 - a. During discussion, Mr. Harrold advised that he will become more involved in Winston-Salem's transportation planning (CTP).
 - 3. After discussion, there was consensus to send general language to Winston-Salem Planning for the West Suburban Area Plan asking to coordinate transportation planning with adjacent municipalities.
- B. Lighting Ordinance
 - 1. Mr. Harrold provided a PowerPoint on *Dark Sky* and light(ing) changes throughout the world, lighting fixtures and glow.
 - 2. The ordinance presented provides for *Dark Sky* by minimizing sky glow and light trespass.
 - a. As an aside discussion, there was a suggestion to ask the County to revisit making HWY 421 a View Corridor and to ask Council to make this a

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- formal request.
- b. Mr. Harrold will make a contact with City/County Planning on this issue and will provide an update on the 28th.
- 3. Residents need to be educated on lighting.
- 4. The ordinance being presented was for commercial.
 - a. There was also discussion on regulating lighting in new residential developments.
 - (1) After discussion, information to be added to the ordinance:
 - (a) Residential.
 - (b) A section on single family lighting.
 - (c) Non-attached lights above x number of feet.
 - (d) Enforcement.
 - (e) Existing light replacements.
 - (2) New member Jessica Higgins commented that she prefers street lights for safety.
 - b. After discussion, Joseph Hamby moved to set a public hearing on the lighting ordinance for Wednesday, April 11, 2018. The motion was seconded by Meghan Flow and approved unanimously.
 - c. Mrs. Foster asked that sport fields be addressed.
- C. Northeast Area Overlay Ordinance (Sidewalks and Private Roads)
 - 1. This will be the discussion item for the meeting on the 28th.
 - a. References to sidewalks and private roads have been added to the overlay.
 - (1) Attorney Houff and Planner Harrold will prepare language on allowing private roads under limited conditions where connectivity and greenways are not affected.

IX. Board Discussion

- A. Action Item Consensus/Next Steps
- B. Next Meetings
 - 1. Next Regular Public Hearing meeting - **April 11, 2018** (2nd Wednesday of the month)
 - 2. Next Work Session meeting - **March 28, 2018** (4th Wednesday of the month)

X. Reports - Updates

- A. Chair
 - 1. Having one meeting a month will be discussed and determined in April.
- B. Planner
 - 1. Mr. Harrold advised Board members that there is a planning regional workshop that members can attend.
- C. Manager
 - 1. No report.
- D. Clerk
 - 1. Mrs. Walker advised everyone that all charters have been updated and will be provided to members once the Mayor returns from vacation and signs the

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paperwork. These changes allow boards and committees with unorthodox meeting schedules to elect their chair and vice chair earlier than April if need be.

XI. Adjournment

- A. Having no other business to discuss, Meghan Flow moved to adjourn the meeting at 8:41 p.m. the motion was seconded by Jeanne Marie Foster and approved unanimously.

Jeanne Marie Foster, Chair

Joyce C. McWilliams Walker, Town Clerk