

**Lewisville Planning Board Meeting Minutes**  
**June 27, 2018**  
**6510 Shallowford Road - 2<sup>nd</sup> Floor Conference Room**  
**6:30 pm**

**I. Call to Order**

- A. Chair Jeanne Marie Foster called the meeting to order at 6:30 p.m. Board members present were Joseph Hamby, Jessica Higgins, and Bill Scantland. Meghan Flow arrived at 6:34 p.m. and Michael Sullivan arrived at 6:36 p.m. Tom Lawson was unable to attend. Also present were Planner Josh Harrold, Attorney Bo Houff and Town Clerk Joyce Walker.
- B. Approval of Agenda
  - 1. Joseph Hamby moved to approve the agenda. The motion was seconded by Jessica Higgins and approved unanimously.

**II. Visitors**

- A. Christopher Eads & Joe Seipel-Parks, Shallowford Animal Hospital and Randy Nofle, Upbeat Music

**III. Approval of Minutes**

- A. June 13, 2018
  - 1. Bill Scantland moved to approve the June 13, 2018 minutes. The motion was seconded by Joseph Hamby and approved unanimously.

**IV. New Business**

- A. Application from Developer to Amend PUT Table to allow Veterinary Services in LD1-S
  - 1. The staff report on the application request was presented.

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**STAFF REPORT**

**DOCKET # UDO L-158**

**REQUEST**

This UDO text amendment was drafted by staff at the request of the developer to amend Chapter B Section 2.6 of the Unified Development Ordinances (UDO) to add veterinary services as a permitted use in LD1-S to the permitted use table (PUT).

**BACKGROUND**

The developer wishes to rezone property on Shallowford Rd in order to construct a new building to house Shallowford Animal Hospital. The developer is proposing to rezone a parcel of land from RS-20 to LD1-S. Veterinary services were a permitted use in LD1-S in the past but were removed in 2013. Without the amendment to the permitted use table the project can not move forward as proposed.

**ANALYSIS**

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Veterinary services were a permitted use in LD1-S until 2013. There are a number of existing service based businesses in LD1-S currently and the town does allow medical services, business services A, personal services and professional offices as permitted uses by right in LD1-S. The developer feels as though veterinary services should be a permitted use since many other service based businesses are allowed in LD1-S.

**SUMMARY**

During conversations with the developer, staff discussed options for the project and believes this option is the best option. Another option available to the developer would be to petition for rezoning to PB-S which does allow veterinary services by right. Staff believes that rezoning to PB-S would fall short of adhering to Lewisville's architectural and design standards for the downtown core area (DCA). The other option would be to extend the LD2-S district further east along Shallowford Rd. Veterinary services are a permitted use by right in LD2-S. The majority of past rezonings in Lewisville's DCA have been LD1-S. LD1-S zoning allows us to regulate the character and feel of the projects and assures they complement Lewisville's small town character and charm.

Staff believes this change to the UDO is a reasonable request since veterinary services were once a permitted use in LD1-S. In addition, the other service based businesses allowed in LD1-S are somewhat similar in that they provide a needed service to the citizens of Lewisville. Staff recommends the change to the permitted use table to allow veterinary services in LD1-S.

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2. Board members discussed the application from Dr. Eads to update the PUT table to allow veterinary service in LD1-S.
    - a. After discussion, Bill Scantland moved to set the public hearing for Wednesday, July 11, 2018 to make the revision to the table. The motion was seconded by Mike Sullivan and approved unanimously.

**V. Public Hearings**

- A. None

**VI. Technical Review**

- A. Shallowford Road Animal Hospital Rezoning (RS-20 to LD1-S)
  1. TRC notes and the staff report were provided and discussed.

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**TRC Notes for Shallowford Rd Animal Hospital 6/18/18 9:00 AM**

**Chris Jones (Utilities)**

Any existing water and/or sewer connections will require evaluation for compliance with backflow preventer requirements, connection serviceability, and/or termination at the main.

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Public water and sewer are available in Shallowford Road.  
All water connections will require a reduced pressure backflow preventer.  
Water meters purchased through COWS.

**Josh Harrold (Lewisville Planning Department)**

Show dimensions of parking and loading areas  
Show building setbacks from property lines and maximum height needs to be indicated  
Other structures, fences, walls, signs, plantings, etc.  
Show required landscaping as stated in LD1-S checklist  
Will there be a driveway cut off new Tom Vass Rd?

**Jeff Moncus (NCDOT)**

Temporary access to the site will be allowed from Shallowford Rd. Removal of this access is required upon construction of the GWR and Tom Vass Rd. Access will then be permitted from Tom Vass Rd or the GWR. (The correct name is Tom Voss **Street** and not Tom Vass Rd.)

**Elizabeth Colyer (WSFC Planning)**

- a scaled Site Plan is required for permit application
- if the signage will be a freestanding ground sign, then this needs to be shown on the site plan and meet the 10' x 70' site distance triangles and in all dimensions not over the property line
- I cannot find a text amendment to allow the use of "Veterinary Services" in LD1-S, but I presume that this has been addressed
- please provide the parcel PIN on the scaled Site Plan
- **ADA parking from 6655 Shallowford Rd Zoned LD1-S is shown to encroach onto the subject property, this will have to be addressed before permits can be issued**
- **There is proposed landscaping planted on the ADA parking that is shown to encroach the subject parcel, please address this**
- **The Special Use Site Plan on file in the City/County Inspections office approved by Lewisville for 6655 Shallowford Rd does not show that this ADA parking encroaches onto the adjacent undeveloped parcel PIN 5875-96-1689.0 (These items were subsequently researched and found that GIS was not exact and these comments did not apply.)**

**Michael King (Fire Marshall)**

Can the driveway be widened to 26'

**Matthew Osborne (WSFC Erosion Control)**

If the proposed project creates more than 10,000 sq. feet of land disturbance, an Erosion Control/Grading Permit will be required prior to the start of work. In order to obtain this permit you must submit a

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professionally designed Erosion and Sedimentation 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 at the following link: <https://winston-salem.idtplans.com/secure/>

**Linda Pass**

A quick area calculation indicates a BUA of 27.3% (high-density) is proposed for this property. A stormwater management plan with a BMP(s) will be required. If any animal waste is anticipated in stormwater runoff, this element should be addressed in the stormwater management plan submittal as well.

**Stacey Tolbert (MapForsyth 911 Addressing)**

We've issued 6637 Shallowford Rd for the site. Also, please have them label the street on the plan.

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**ZONING STAFF REPORT**

**DOCKET:** L-085  
**STAFF:** Josh Harrold, AICP

**Petitioner:** Bettie Wilson & James Wilson  
**Ownership:** Same

**REQUEST:**

**From:** RS-20 (Residential Single Family, minimum lot size of 20,000 sq. ft.)  
**To:** LD1-S (Lewisville Downtown District 1- Downtown Core Area)

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

**PIN#:** 5875-96-1689  
**Acreage:** 1.58 acres

**LOCATION:**

**Street:** Shallowford Road  
**Jurisdiction:** Town of Lewisville

**PROPERTY SITE/IMMEDIATE AREA:**

**Existing Structures on Site:** There are no structures on the site.

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Adjacent uses:

- \* North - Vacant, North of future GWR, zoned RS-20
- \* East - Vacant, 6615 Shallowford Rd, zoned PB-S
- \* South - Medical office, 6630 Shallowford Rd, zoned LD1-S
- \* West - Personal Services (beauty shop), 6655 Shallowford Rd, zoned LD1-S

**GENERAL AREA:**

Character/Maintenance: This area is located in Lewisville's downtown core area surrounded by service type uses.

**PHYSICAL FEATURES:**

Topography: There is very little slope on the site.

Vegetation/habitat: The property consists of wooded areas and grassy fields.

Impact on Existing Features: Impacts are to be expected since the property is currently vacant. The wooded areas will likely be disturbed when construction begins.

**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.

**TRANSPORTATION:**

Direct Access to Site: Shallowford Rd

Street Classification(s): Shallowford Rd, major collector

Average Daily Traffic Count/Estimated: 8,000 (source: NCDOT AADT 2016)

**HISTORY/RELEVANT ZONING CASES:**

\* L-069; NO-S and RS-20 to LD1-S (Lewisville Downtown District); approved 4-12-12; 6630 & 6650 Shallowford Rd; 1.74 acres; Planning Board and staff recommended approval.

\* L-080; RS-20 to LD1-S (Lewisville Downtown District) approved 12-14-2017; 168 Lewisville Vienna Rd; 0.28 acres; Planning Board and staff recommended approval.

**CONFORMITY TO PLANS:**

Lewisville Comprehensive Plan Update 2015 - The Plan describes this area as being in the downtown core and consisting of commercial type uses. The parcels to the west of Shallowford Square are mixed use commercial and business, comprised of assorted retail shops, offices and restaurants in a compact and

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contiguous single development. This area should promote the desire to have a diverse mix of uses in Lewisville's downtown.

The Plan also contains a number of "Recommended Actions." In the chapter on Land Use, recommendations include; enhancing the visual quality in the downtown with the design standards referred to in the Lewisville UDO.

Legacy Development Guide - Legacy shows this area as being located in Growth Management Area 1 (GMA1) City/Town Centers and is defined as promoting 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 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 district is seen as single family residential but does allow other uses such as schools, police stations, bed and breakfast establishments, and recreation facilities. The LD1-S district allows a number of different uses seen to be appropriate for downtowns such as single family residential, restaurants w/o drive through service, banks, professional offices, medical offices, personal services, business services, and dental offices.

The major differences between RS-20 and LD1-S zoning are the service and commercial uses. The lot size and dimensional differences are summarized below:

	RS-9	LD1-S
Minimum Lot Size -	9,000 sq.ft.	No minimum
Minimum Lot Width -	65 ft	No minimum
Minimum Front Yard -	20 ft	0 ft
Minimum Rear Yard -	25 ft	No minimum

RS-20 is generally considered to accommodate single family detached dwellings in suburban areas and is intended for application in GMAs 2 and 3. LD1-S 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 in a compact, pedestrian-oriented and safe environment.

The Town's Comprehensive Plan designates the area within which the project lies as GMA-1 "City/Town Centers." This area is the downtown core area (DCA). Due to it's location, DCA is primarily for non-auto-dependent uses in an area amendable to easy pedestrian access. Development within the DCA will respect and celebrate the unique historically small town character of Lewisville.

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

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**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 RS-20 and LD1-S are considerably different in that RS-20 is mainly seen as residential and LD1-S is seen as more commercial/service based.
3. The requested zoning would allow for more appropriate uses in the Lewisville DCA.
4. The proposed zoning district would not introduce a use(s) or density of development incompatible with the existing nearby uses.

**RECOMMENDATION:**

The proposed rezoning is consistent with the Town's Comprehensive Plan and Legacy. The proposed use for veterinary services is not an allowable use in LD1-S. Should the Lewisville Planning Board approve a change to the UDO to allow veterinary services in LD1-S, staff believes this appropriate due to other service based uses currently allowed in LD1-S such as medical services, dental offices and professional services. Staff recommends this project as long as the following technical review committee conditions are met:

1. This project falls under high density development requirements for stormwater control. A stormwater management plan and BMPs are required. Any animal waste anticipated in stormwater runoff shall also be addressed in the stormwater management plan.
2. The architectural standards for new development in LD1-S shall be complied with.

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2. Mr. Seipel-Parks provided some additional information regarding the site plan:
    - a. A 20' x 70' fence has been added on the west side of the property as a safety precaution when dogs are being walked.
    - b. The plan provides for a 31' side yard set-back, 11' beyond the required 20'.
    - c. The DOT made the applicant aware the Great Wagon Road Project would be building Tom Voss Street next to the animal hospital in about five years and asked that the site plan reflect access from Tom Voss Street in the future.
      - (1) The DOT will currently allow entry from Shallowford Road (2018-2019) until the new street is built.
      - (2) Once the new street is built (2023), the entrance into the site will be from Tom Voss Street.
      - (3) The DOT will provide a connector into the property and the current access will be eliminated.

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- (a) Notations will need to be added to the site plan regarding the proposal from the DOT.
        - (b) There may be an issue on the depth of the access for safety reasons.
      - (4) Mr. Seipel-Parks suggested that a check list be provided to applicants on what should be provided when bringing a project forward.
  - 3. Board members asked for the following:
    - a. A north arrow was requested to be added to the site plan.
    - b. A concept elevation drawing needs to be provided for the meeting on the 11<sup>th</sup>.
    - c. Clarity was asked on closing the Shallowford Road access:
      - (1) Board members were advised that the DOT was asking the property owners to pay for the decommission of the Shallowford Road access.
        - (a) He added he did not agree with the DOT that the property owner pay for this.
        - (b) There was a remark that this change should be included as part of the DOT project.
        - (c) Attorney Houff suggested that the information be added to the site plan (not a condition) and to let the civil engineers work on this with the DOT.
      - (2) Mr. Seipel-Parks recommended adding another street light and tree when this change occurs.
  - 4. There was discussion on scheduling the PUT update and rezoning going forward concurrently and the process the town uses when reviewing rezonings and special use permits.
  - 5. After discussion, Bill Scantland moved to set the public hearing for this site plan and rezoning for Wednesday, July 11<sup>th</sup>. The motion was seconded by Joseph Hamby and approved unanimously.
  - 6. Materials needed for the meeting on the 11<sup>th</sup> will be forwarded to board members by July 9<sup>th</sup> once received from the applicant.
- B. Upbeat Music Site Plan Amendment to Allow for Additional Parking
  - 1. The original site plan that was approved in 2004 stated that this property would connect with the property next door (dentist's office).
    - a. This was never done.
  - 2. When the dentist's office was rezoned in 2001, there was also mentioned that a connection be made.
    - a. This was never done.
    - b. Mr. Nofle has spoken with Dr. Newsome and she does not want to make the connection.
    - c. When the dental office was approved, the music property was a residence

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and a buffer yard was required at the time.

3. The county has been contacted on this connection issue.
4. Mr. Harrold suggested the site plan request be delayed until it is determined if the connection is made.
5. The board reviewed the layout for the two lots and noted that the connectivity would make the traffic functionally flow.
6. After review and discussion, Bill Scantland moved to recommend the additional parking with the understanding, based on the outcome of the investigation, to stub into the parking lot as referenced. The motion was seconded by Meghan and approved unanimously.

**VII. Unfinished Business**

- A. NeAP Overlay District
  1. The Davidson example was reviewed for formatting. (Where are we?)
    - a. The challenge is: the new format is inconsistent with current documentation and it has to be kept in mind that another group has to enforce whatever is written.
      - (1) There was discussion on the enforcement issue and whether City-County would continue to enforce new code in the UDO.
      - (2) There was also discussion on whole area rezoning.
    - b. The NeAP can be used as a pilot.
  2. Discussions with an expert, Craig Lewis, suggested that code replacement be done instead of a code diagnostic (report).
    - a. He will take all the work that has been done and use it for code for that area.
      - (1) This should take about four months.
    - b. Part of this discussion was whether funding this was excessive and whether the monies could be spent elsewhere.
  3. After much discussion, it was decided that the chair and planner will continue discussions with Craig Lewis on what is needed and what it will cost.
- B. Planning Board Actions FY 2018-2019
  1. No discussion.

**VIII. Board Discussion**

- A. Action Item Consensus/Next Steps
- B. Next Meetings
  1. Next Regular Public Hearing meeting - **July 11, 2018** (2<sup>nd</sup> Wednesday of the month)
  2. Next Work Session meeting - **July 25, 2018** (4<sup>th</sup> Wednesday of the month)

**IX. Reports - Updates**

- A. Chair
  1. Mrs. Foster is working on indexing topics that have been discussed by the Planning Board.

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- B. Planner
  - 1. The lighting ordinance passed.
- C. Manager
- D. Clerk

**X. Adjournment**

- A. At 8:41 p.m., Mike Sullivan moved to adjourn the meeting. The motion was seconded by Meghan Flow and approved unanimously.

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Jeanne Marie Foster,  
Chair

ATTEST:

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Joyce C. McWilliams Walker,  
Town Clerk