

**PLANNING BOARD REGULAR MEETING MINUTES**  
**Wednesday, April 10, 2019 - 6:30 P.M.**  
**Town Hall, 1st Floor Council Chambers**

1. **Call to Order**

- a. Chair Jeanne Marie Foster called the meeting to order at 6:34 p.m.

2. **Roll Call**

- a. Board members present were Tom Lawson, Joseph Hamby, Jessica Higgins and Meghan Flow. Mike Sullivan advised that he would be late and Bill Scantland had advised that he would be unable to attend. Also present were Planner Stacy Tolbert, Attorney Bo Houff and Town Clerk Joyce Walker.

3. **Election of Officers**

- a. Attorney Houff opened the nomination for Chair.  
i. Jessica Higgins nominated Jeanne Marie Foster. The motion was seconded by Tom Lawson who then moved to close the nominations. The motion was seconded by Meghan Flow and approved unanimously.  
ii. Being only one nominee, Attorney Houff declared Jeanne Marie Foster re-elected as Chair.
- b. Attorney Houff opened the floor for nominations of Vice Chair.  
i. Jessica Higgins nominated Tom Lawson for the position of Vice Chair.  
ii. There were no other nominations and Meghan Flow moved to close the nominations. The motion was seconded by Joseph Hamby and approved unanimously.  
iii. Being only one nominee, Attorney Houff declared Tom Lawson re-elected as Vice Chair.
- c. **Mrs. Foster suggested the board discuss succession planning in about six months.**

4. **Regular Business**

- a. Approval of Agenda  
i. Joseph Hamby moved to approve the agenda. The motion was seconded by Meghan Flow and approved unanimously.
- b. Approval of Minutes  
i. March 27, 2019  
(1) Jessica Higgins moved to approve the March 27, 2019 minutes. The motion was seconded by Joseph Hamby and approved unanimously.

5. **Public Hearings**

- a. L-088 The Lake at Lissara Phase II, Section VI  
i. Mrs. Tolbert advised the board that Lang Wilcox is bringing this request and it is similar to the request for Section V that was previously reviewed. It will be in three parts, two of which will be contingent upon an annexation (third). This is a rezoning from Forsyth County RS40 zoning jurisdiction to Lewisville RS40-S zoning jurisdiction. The "S" is to accommodate the request that the site be a PRD. Zoning in both jurisdictions are similar. Following the rezoning hearing, there will be a technical review of the site plan. The property is in the Yadkin River

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- Watershed. There are four properties in the rezoning.
- ii. The Public Hearing was opened at 6:41 p.m.
    - (1) Mrs. Tolbert provided an overview of the process for the rezoning and why they received a letter as an adjoining property owner. She advised that the property being displayed on the map has asked to be annexed into the Town and the process requires that the property must also be rezoned from county planning jurisdiction into Town planning jurisdiction. She also advised that the request includes a PRD site plan which will be on the agenda later.
    - (2) Gene and Eileen Hackney, 300 Conrad Road, had questions regarding the process.
    - (3) Lang Wilcox, 1210 Forest Wood Drive, Lewisville, said this is a neat opportunity to build on this property.
  - iii. Having no other speakers, the Public Hearing was closed at 6:47 p.m.
  - iv. Tom Lawson moved to recommend approval of L-088. The motion was seconded by Meghan Flow and approved unanimously.
- b. L-089 1181 Reynolds Road
- i. This is a rezoning associated with a request to be annexed into the Town. The rezoning will be from RS 30 Forsyth County zoning jurisdiction to RS30 Lewisville zoning jurisdiction.

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**GENERAL REZONING STAFF REPORT**  
**ACCEPTANCE OF ZONING FOR ANNEXATION**  
**1181 Reynolds Road**

**DOCKET:** L-089  
**STAFF:** Stacy Tolbert, Town Planner

**Petitioner:** Brian & Tracy Shumack  
**Ownership:** Brian & Tracy Shumack

**REQUEST OF REZONING:**

**From:** RS-30 (Residential Single Family, minimum lot size of 30000 sq.ft.) Forsyth County  
**To:** RS-30 (Residential Single Family, minimum lot size of 30000 sq.ft.) Town of Lewisville  
**PIN#:** 5884-59-1356  
**Acreage:** 0.47 acres

**LOCATION:**

**Street:** 1181 Reynolds Road  
**Jurisdiction:** to be annexed into the Town of Lewisville

**ANALYSIS:**

As described in NC § 160A-360(f): *When a city annexes, or a new city is incorporated in, or a city extends its jurisdiction to include, an area that is currently being regulated by the county, the county regulations and*

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*powers of enforcement shall remain in effect until (i) the city has adopted such regulations, or (ii) a period of 60 days has elapsed following the annexation, extension or incorporation, whichever is sooner. During this period the city may hold hearings and take any other measures that may be required in order to adopt its regulations for the area.*

The zoning district classifications contained in the Zoning Ordinances of Forsyth County and the Town of Lewisville are very similar and the permitted uses and development standards are in most cases equivalent, if not identical. The purpose of this zoning map amendment is to continue a similar type of zoning within the Town of Lewisville as previously applied under Forsyth County jurisdiction.

This request is a general use rezoning for the purposes of accepting a Lewisville zoning district due to annexation.

**RECOMMENDATION:**

Staff recommends the approval of the rezoning to the Planning Board.

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- ii. The Public Hearing was opened at 6:50 p.m.
- iii. Having no speakers, the Public Hearing was closed at 6:51 p.m.
- iv. Joseph Hamby moved to recommend approval of L-089. The motion was seconded by Tom Lawson and approved unanimously.

**6. Technical Review**

- a. L-088 The Lake at Lissara Phase II, Section VI
  - i. Review for Compliance
    - (1) This PRD request requires a technical review by the Planning Board and an evidentiary hearing by the Elected Body. This development consists of 26.42 acres and will have public water and private sewer. Two streets will be added and expanded to 14 lots. They are all large lots. There is a report in the staff report regarding the trails that exceed linear feet; however, they do not meet ADA requirements. Mr. Wilcox has provided a letter to the Council requesting a waiver regarding the trails.

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**PLANNED RESIDENTIAL DEVELOPMENT (PRD) STAFF REPORT**

**The Lake at Lissara Phase II, Section VI**

**DOCKET:** L-088  
**STAFF:** Stacy Tolbert, Town Planner

**Petitioner:** Long Hill Properties, LLC  
**Ownership:** Nancy L Glander, Lissara Partners LLC

**REQUEST:**

A PRD in the RS-40S district. The request requires meetings of both the PB and the Town Council for

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approval of a special use permit.

PIN(s): 5876-31-1390, 5876-20-8331, 5876-20-6061, & 5876-22-3851 (portion of)

Acreage: 26.42 ac

**LOCATION:**

Street(s): Lissara Lodge Dr, Street "A" (not yet named), Street "B" (not yet named)

Jurisdiction: Town of Lewisville (consecutive annexation)

**PROPERTY SITE/IMMEDIATE AREA:**

Existing Structures on Site: The site is vacant of structures and is predominately wooded.

Adjacent uses:

- \* North - Vacant property, accessed off Conrad Rd. and existing open space allocation for The Lake at Lissara, zoned AG & RS-40
- \* East - Vacant property and large lot single family residences, zoned AG
- \* South - Single family residences accessed by Plemmons Rd, zoned RS-40
- \* West - single family residences, Existing phase of The Lake and Lissara, zoned RS-40

**GENERAL AREA:**

Character/Maintenance: The homes in this area are mainly single family medium to large lots. The existing subdivision east of the subject property is an established neighborhood with approximately 100 approved lots.

**PHYSICAL FEATURES:**

Topography: The site slopes from a hilltop in about the middle of the property outward in an eastern and western direction.

Vegetation/habitat: The property is predominately wooded.

**WATER AND SEWER FACILITIES:**

The lots are to be served by public water where all lines are sized to provide domestic water service to the site and meet minimum fire protection requirements. The sewer provided to the lots is a private system consisting of a low pressure pump collection system of sewer lines.

**TRANSPORTATION:**

Direct Access to Site: Shallowford Road, Lissara Lodge Drive  
Street Classification(s): Shallowford Road - Major Thoroughfare  
Lissara Lodge Drive - Private street

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 between adjacent subdivisions. This plan meets this requirement because the development includes a 25ft. gated emergency vehicle access easement along Plemmons

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Rd.

**CONFORMITY TO ORDINANCE/PLANS:**

*Town of Lewisville Unified Development Ordinance* - The Unified Development Ordinance Planned Residential Development Use Conditions requires pedestrian access be provided. The UDO states that all new PRDs shall provide sidewalks, greenways or bikeways at a ratio of one (1) linear foot of sidewalk, greenway or bikeway per linear, centerline foot of public/private streets when considering the PRD as a whole. This development has 987 linear feet of centerline and 3,318 linear feet of natural trails. The UDO PRD requirements also state the sidewalks, greenways or bikeways shall meet or exceed ADA standards and shall otherwise be constructed of concrete, asphalt or other all-weather surface. The overall *Lakes at Lissara* subdivision has existing sidewalks and greenways/nature trails; however the greenways/nature trails do not meet ADA standards. In a separate document enclosed with this staff report, the applicant has requested an exemption from the ADA standards requirement of the greenways/nature trails, to be exempted by the Elected Body.

*Lewisville Comprehensive Plan Update 2015* - The Plan describes this area as being single family residential and being classified as rural due to being located in the Yadkin River watershed. The minimum lot size is 2 acres, 1 acre if clustered and 20% of the site is left in open space. The proposed plan does meet the minimum 1 acre as stated in the plan and does conform to the PRD requirements as well as the open space requirements.

*Legacy Development Guide* - *Legacy* recognizes this area as being in GMA-5 Rural Area. *Legacy* states GMA-5 includes development goals encouraging subdivisions that conserve open space and not zoning property to more intense districts. This project does exceed the town's open space requirements and is a lateral zoning request to remain RS-40.

**ANALYSIS:**

The applicant is requesting for the property to be annexed in to the Town of Lewisville for a Planned Residential Development. The property is currently zoned RS-40 under the Forsyth County zoning districts. Through this process, if approved, the property will be annexed into the Town, rezoned to RS-40 under the Town of Lewisville zoning districts and allowed a special use permit, approved by the Elected Body, for a PRD in the RS-40 zoning district.

The Town's *Comprehensive Plan* designates the area within which the project lies as rural due to it being located in the Yadkin River Watershed. This area is mainly seen as very low density and agricultural. The RS-40 zoning district requires lots to be a minimum of 40,000 sqft.

Town staff is of the opinion that the request is in general conformance with the Town's *Comprehensive Plan and Legacy* for the area. The developer has met the PRD requirements and the RS-40 requirements for overall density of the tract of land.

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

Findings of the Planning Board accompanying a favorable recommendation shall include:

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- (1) The development is in conformity with Legacy
- (2) Water and sewer service are available in adequate capacity
- (3) 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
- (4) Streets and highways, both within and in the vicinity of the development, are of such design and traffic-carrying capacity that the development will not create a traffic hazard
- (5) General layout and design of the development meet all requirements of this Ordinance
- (6) 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.)
- (7) 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.

**RECOMMENDATION:**

The project meets the overall density requirements of the RS-40 zoning district as well as the PRD requirements as stated in Section 2-5.59. Staff recommends the project be approved as long as any conditions placed are met including the staff placed conditions below:

1. All comments from the Technical Review Committee shall be remedied.
2. A Staff Change shall be completed with the City|County Planning & Development Services Department to re-allocate open space required for the County approved Planned Residential Development to a new location prior to the signing of a final plat.
3. The PRD Pedestrian Access requirements regarding ADA compliance are waived by the Elected Body.

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- (1) Tom Lawson moved to recommend that the seven Findings of Fact have been met as presented and recommend approval as stated in the staff report. The motion was seconded by Meghan Flow and approved unanimously.

A brief recess was called at 6:57 p.m. The board will reconvene in the 2<sup>nd</sup> floor conference room.

The board reconvened at 7:07 p.m. in the 2<sup>nd</sup> floor conference room at Town Hall.

4. **Reports & Updates**
  - a. Chair
    - i. None.
  - b. Planner

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- i. Mrs. Tolbert reported that an architectural firm (ADW) has been chosen to assist in pre-planning for the new community center.
- ii. Town Council will be hearing Lissara Section V, Pegram Landing Section II and Reynolds Road at their meeting on the 11<sup>th</sup>.
  - (1) An email has been received from the DOT on Pegram Landing II and a right in-right out will be the access. Phase I will have full access.
- iii. The DOT has provided information to Council on updates to the Gateway Project and the Great Wagon Road.

Mike Sullivan arrived at 7:23 p.m.

- (1) The Great Wagon Road Project is no longer a Town project. It is now a DOT project.
  - iv. The community center is not in the PUT table.
  - v. The board will be briefed on 2 more public hearings on the 24<sup>th</sup>.
- c. Attorney
  - i. Mr. Houff explained the Forsyth County Fire Tax Overlay District.
  - ii. A *Declaration of Road Withdrawal* has been received for approval by Council. (Roads that appear on site plans older than 15 years that have not been built and are not part of a Thoroughfare Plan must follow G. S. Section 136-66.2 stating the approval of the municipality that there are no plans to use the right-of-way on the plan.)
- d. Town Clerk
  - i. None.

**5. New Business**

- a. None.

**6. Continued Business/Work Session**

- a. Neighborhood Outreach Requirements
  - i. Mr. Hamby provided outreach information used by the Greensboro MPO and their process.
  - ii. The Board discussed Mr. Sullivan's thoughts on outreach that were written on the blackboard.
    - (1) After extensive discussion, one comment was that citizens need more education than engagement.
  - iii. After much discussion, Mr. Lawson suggested voting on the ideas listed by Mr. Sullivan at the next meeting.
  - iv. It was again reiterated that more resources are needed.
- b. Land Use - Defining Map Sections
  - i. ACTION: Review basin maps and others available. Determine additional maps needed to finalize sections.
- c. Uses/Ordinance Assignment
  - i. ACTION: Review concerns and determine next steps.

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7. **Meeting Review**

- a. Action Item Consensus/Next Steps
- b. Next Meetings
  - i. Work Session- April 24, 2019
  - ii. Public Hearing- May 8, 2019

8. **Adjournment**

- a. Having no other business to discuss, Joseph Hamby moved to adjourn the meeting at 8:53 p.m. The motion was seconded by Jessica Higgins and approved unanimously.

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Tom Lawson, Vice Chair

ATTEST:

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Joyce C. McWilliams Walker, Town Clerk