

PLANNING BOARD REGULAR MEETING MINUTES
Wednesday, May 8, 2019 at 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 6:31 p.m.

2. **Roll Call**

- a. Board members present were Jessica Higgins, Tom Lawson and Mike Sullivan. Meghan Flow arrived at 6:35 p.m. Joseph Hamby and Bill Scantland had advised that they would not be able to attend. Also present were Attorney Bo Houff, Planner Stacy Tolbert and Town Clerk Joyce Walker. Past Planning Board member Randy Henning was welcomed.

3. **Regular Business**

- a. Approval of Agenda
i. Tom Lawson moved to approve the agenda. The motion was seconded by Jessica Higgins and approved unanimously.
- b. Approval of Minutes
i. April 24, 2019
(1) The minutes for the April 24th meeting will be on the agenda for approval at the May 22, 2019 meeting.

4. **Public Hearings**

- a. L-090 7675 Yadkinville Road
i. Staff report

GENERAL USE DISTRICT REZONING STAFF REPORT
Portion of 7675 Yadkinville Road

DOCKET: L-090
STAFF: Stacy Tolbert, Town Planner

Petitioner: Stephen Castillejo
Ownership: Alvaro Castillejo

REQUEST OF REZONING:

From: RS-40 (Residential Single Family, minimum lot size of 40,000 sqft.)
To: YR (Yadkin River Conservation, minimum lot size 130,680 sqft. or 3 acres)
PIN#: 5877-50-6013 (portion of)
Acreage: portion to be rezoned = 1.95 acres; total of parcel = 14.59 acres

LOCATION:

Street: 7675 Yadkinville Road
Jurisdiction: Town of Lewisville

PROPERTY SITE/IMMEDIATE AREA:

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Existing Structures on Site: The site has an existing home place as well as some accessory structures. In the area to be rezoned, there are no structures.

Adjacent uses:

- * North - Single family residence, 2311 River Run Dr, zoned YR
- * East - Single family residence, 2301 River Run Dr, zoned RS-40
- * South - Single Family residence, 7660 Yadkinville Rd, zoned RS-40 in Forsyth County Jurisdiction
- * West - Single family residence and remainder of parcel being rezoned, 7675 Yadkinville Rd, zoned YR; further west - large lot subdivision, Stattgate Drive, zoned YR-S

GENERAL AREA:

Character/Maintenance: This area is an area of large lot residential usage.

PHYSICAL FEATURES:

Topography: The area to be rezoned is generally level ground.

Vegetation/habitat: The area to be rezoned is open space, previously a pasture.

Impact on Existing Features: Impacts are expected to be minimal.

WATER AND SEWER FACILITIES:

Public water is available to the site and it is to be served by a private septic system.

TRANSPORTATION:

Direct Access to Site: Yadkinville Road

Street Classification(s): Yadkinville Road, major thoroughfare

Average Daily Traffic Count/Estimated: 3,500 (source: NCDOT AADT 2017)

HISTORY/RELEVANT ZONING CASES:

* L-047; RS-40 to RS-20 (Single Family Residential Housing) approved February 2006; along Lewisville-Clemmons Rd near Jack Warren Park; Planning Board and staff recommended approval.

* L-078; RS-20 to RS-9-S (Single-Family Residential Housing) approved 04/13/2017; south side of Lewisville Clemmons Rd and near Lalanda Drive; 10+/- acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS:

Lewisville Unified Development Ordinance – The Yadkin River Conservation District (YR) is intended primarily to protect the community’s main water supply, preserve the historic features of this area, and preserve the natural beauty of a continuous conservation corridor along the Yadkin River. This zoning district is the most restrictive, with low density residential development the primary use allowed.

The property is also located in the Lewisville Rural Overlay (LRO) which is intended to preserve and enhance the appearance and special character of those rural areas located within the Town of Lewisville by

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encouraging development which respects the existing natural environment along with other intentions. Some of those other intentions of the LRO is to recognize these characteristics as a major part of the Town's identity and positive image, and thereby enhance the visual quality of the surrounding areas, to stabilize and improve property values and to promote open space in new neighborhoods. This request meets these requirements.

Lewisville Comprehensive Plan Update 2015 - The Plan describes this area as being an area of single family residential properties. In the chapter on Land Use, recommendations include; maintaining large lot patterns for the remaining portions of the community where existing development patterns are firmly established and where sewer may not be practical or attainable. The Plan also contains a number of "Recommended Actions." In the chapter on Land Use, recommendations include; developing Lewisville in accordance with Map 9 Preferred Land Use, and encouraging the preservation of the natural character of the Yadkin River/Conrad Road corridor.

Legacy Development Guide – This property lies within the Growth Management Area 5 (Rural Area) which is located at the fringes of Forsyth County and is beyond the area that can be provided with public sewer and other services in a cost effective manner. This area is intended to remain very low-density residential and agricultural in character. The development goals of GMA 5 include preserving agricultural uses, provide limited rural services, and no to rezone property to more intense districts. Rezoning the property to YR meets the intent and goals of the *Legacy*.

ANALYSIS:

The applicant is requesting a change from RS-40 to YR zoning; as a "general use" request. Both the YR and RS-40 zoning districts are intended to accommodate residential uses, they are similar in nature, however, YR allows less uses by right than the RS-40 district. The lot size and dimensional differences are summarized below:

	<u>YR</u>	<u>RS-40</u>
Minimum Lot Size -	130,680 sq.ft.	40,000 sq.ft.
Minimum Lot Width -	300 ft	100 ft
Minimum Front Yard -	45 ft	35 ft
Minimum Rear Yard -	50 ft	40 ft

The proposed YR zoning would support the uses in the nearby properties which are currently zoned YR and RS-40.

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 surrounding neighborhoods and properties.

FINDINGS:

1. The request is for general use zoning. No site plan has been submitted and no specific use requested. If the property is later developed, the Planning Board and the Town Council will be required to review and approve the plan.

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2. The uses allowed under either YR or RS-40 are similar in that they are residential in nature; however, different types of uses that are generally more intense are allowed in RS-40.

(Board members were advised that there was a use comparison list of YR and RS-40 provided.)

3. The requested zoning would allow residential development at densities similar to surrounding properties and 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 lower density within a rural environment in the Yadkin River area. Given these findings and other supporting information found in this report, staff recommends the rezoning to the Planning Board.

ii. Discussion

- (1) No questions by members of the board regarding the staff report.
- (2) Attorney Houff reminded everyone that this is a general use zoning instead of a special use zoning which is the type of zoning that usually comes before the board. Because this a general use zoning, no questions can be made regarding the use of the property.
- (3) Mr. Sullivan pointed out that the change makes this property consistent with itself.

iii. Public Hearing

- (1) The Public Hearing was opened at 7:44 p.m.
 - (a) Steven Castillo, 1670 Bandolier Court, Clemmons, NC 27012, said he was present to represent his father who purchased the property in October or November and lives in Elkin. He could not be present. His father is petitioning to make the property consistent with itself.
 - (b) Jack Raven, 212 Fernham Place, Lewisville, was interested in the Moser gifted property but after listening to the information, noted that this is separate from the Moser property. He also stated that after listening, and based on what he heard, he was in support of the request. (Attorney Houff will speak with Mr. Raven after the meeting.)
 - (c) Nancy Davis Mock, 2361 River Run Drive, Lewisville, said that she had heard rumors that the property would be used for a bed and breakfast. She just wanted to know if the owner could start a business on the property. She wanted to know what they were

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going to do with the property.

- (d) Mike Norman, 2413 Sattsgate Drive, Lewisville, wanted to know what was going to be done with the property. He wanted to know if they were going to put in a lot of other houses.
 - (i) Attorney Houff reiterated that one cannot ask the use of property in a general use rezoning; however, he did note that the use being requested is more restrictive and would not allow the bed and breakfast. He reminded everyone that if it is a use by right, the property owner can proceed with permits without coming to the board or town.
- (2) Having no other speakers, the Public Hearing was closed at 7:52 p.m.
- iv. Tom Lawson moved to recommend approval to Council for Case L-090 rezoning from RS40 to YR. The motion was seconded by Mike Sullivan and approved unanimously.

5. Technical Review

- a. Case L-091 - Avendell Subdivision on Shallowford Road
 - i. The developer has advised that he met with residents the night before.
 - ii. This is not a public hearing but a review for technical compliance.
 - iii. The developer is requesting a Planned Residential Development (PRD) which is already zoned RS9.
 - (1) He does not have to go through the rezoning process.
 - (2) At this meeting, there will be seven Findings of Fact that must be met.
 - (3) The next step for the case is for the case to go to the Elected Body where they will hold a quasi-judicial hearing.
 - (4) Mrs. Tolbert explained the notification process as defined by State statutes.
 - (a) Members of the audience who were not required to receive notification asked to be notified.
 - (b) Attorney Houff explained that they could be added to the "Sunshine List" for notification.
 - iv. Attorney Houff explained the quasi-judicial hearing process and that the Town Council will be acting as in a court, with evidence presented and arguments in favor of or against.
 - (1) The Town Council will have four Findings of Fact that have to be met.
 - (2) Assuming that the Findings of Fact are met and all of the requirements of the UDO are met, then the Town Council will be required to pass the request.
 - (a) There were questions from the audience about connectivity and about hearing evidence.
 - (3) Mr. Lawson explained about connectivity and that it is in the Town's UDO (ordinance) and that the decision is based on professional opinion.
 - (4) Mr. Houff suggested meeting with everyone after the meeting to explain the process.
 - v. Mrs. Tolbert provided the staff report:

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PLANNED RESIDENTIAL DEVELOPMENT (PRD) STAFF REPORT

Avendell Subdivision

DOCKET: L-091
STAFF: Stacy Tolbert, Town Planner

Petitioner: Greg Garrett with Shugart Homes, LLC
Ownership: B H Mock Jr. Heirs, Julia M. Doub, Michael L. Mack, Wayne Hester & Pamela M. Langill

REQUEST:

A Planned Residential Development (PRD) in the RS-9 district.
The request requires meetings of both the PB and the Town Council for approval of a special use permit.
PIN(s): 5885-58-6112 & 5885-57-7105
Acreage: 18.48 ac

LOCATION:

Street(s): Shallowford Road, Woodside Forest Trail, Woodview Ridge Trail

Jurisdiction: Town of Lewisville

PROPERTY SITE/IMMEDIATE AREA:

Existing Structures on Site: There are structures to the north of the property to be removed. The remainder of the property is wooded.

Adjacent uses:

- * North - Single family residences across Shallowford Road, zoned RS-9
- * East - Shallowford Reserve, zoned RM-12S & Single family residences, zoned RS-9
- * South - Single family residences access off Saskatoon Ln & Chockecherry Ln, zoned RS-9
- * West - Woodview Ridge Trail sibdication of single family residences, zoned RS-9 & large tract of land zoned RS-9

GENERAL AREA:

Character/Maintenance: The homes in this area are mainly single family 9,000 square foot lots. The existing subdivision west of the subject property is a large established neighborhood with small lots.

PHYSICAL FEATURES:

Topography: The site slopes from a hilltop in about the middle of the property to the south of the property.
Vegetation/habitat: The property is heavily wooded.

WATER AND SEWER FACILITIES:

The lots are to be served by public water and sewer.

TRANSPORTATION:

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Direct Access to Site: Shallowford Road
Street Classification(s): Shallowford Road - Major Thoroughfare

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 connection to Woodside Forest Trail and Woodview Ridge Trail.

CONFORMITY TO ORDINANCE/PLANS:

Town of Lewisville Unified Development Ordinance - Planned Residential Developments are allowed in the RS-9 Zoning district with required Use Conditions. This development meets the overall density requirements of one lot per 9,000 sq ft and does conform to the PRD requirements as well as the open space requirements. The property also falls under the Pedestrian Connections Overlay District. This overlay applies to "all single-family residential development which is a major subdivision of ten (10) or more single-family homes;" in which sidewalks are required for any project adjacent to sidewalk alignments as shown in the *Greenway and Pedestrian Connections Plan*. Shallowford Road is identified in the *Greenway and Pedestrian Connections Plan* as being a street with proposed sidewalks.

Lewisville Comprehensive Plan Update 2015 - The Plan proposes this area to be single family residential. The Plan also encourages Planned Residential Developments as a method to preserve open space and explains that policies, combined with landscaping standards found in the UDO will help ensure that the character and identity of Lewisville are not compromised. This development meets the intent of the *Lewisville Comprehensive Plan*.

Legacy Development Guide - Legacy recognizes this area as being in GMA-3 Suburban Neighborhood Area. Legacy states GMA-3 includes opportunities for pedestrian-friendly designs, new street standards requiring sidewalks and PRDs that require purposeful open space. The GMA-3 area encourages connectivity between subdivisions. This development meets the intent of the *Winston-Salem|Forsyth County Legacy Plan*.

ANALYSIS:

The applicant is requesting to develop a Planned Residential Development in the RS-9 zoning district. The development includes a total of 49 lots with connectivity to neighboring properties.

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-9 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:

- (1) The development is in conformity with Legacy.
- (2) Water and sewer service are available in adequate capacity.

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- (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-9 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. Include and show on plan, sidewalk along property frontage of Shallowford Road.
3. Include and show on plan sidewalk along Woodside Forest Trail.

Staff also recommends the following items be updated or added to the site plan.

1. Under general notes, remove note #5.
2. Include a mail kiosk on the plan.
3. Show a Negative Access Easement along Shallowford Road.

-
- i. Mrs. Tolbert addressed the connectivity issue and explained that existing developments were built with stubs in anticipation of connecting to new adjacent developments being built as well as being a safety issue. State Fire Code says they have to connect. That is not something the town has authority over.
 - ii. Mr. Lawson further explained why stub streets are built.
 - iii. From the audience, many of those present talked about children playing in the street because there are no sidewalks or lights.
 - iv. Mr. Lawson again reiterated that these are objective rules so that everyone is treated fairly.
 - v. Mrs. Foster suggested the Public Safety Committee look at the connectivity issue.
 - vi. The outstanding issues noted in the TRC notes must be remedied for approval.
 - (1) Stormwater is not done until after approval.
 - vii. Greg Garrett, Shugart Homes, said he met with the neighbors and heard the same

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concerns that were voiced tonight. The plan has 2.6 density. The addition of sidewalk will be taken care of. Comments have been slow to come in and as soon as all of them are received, they will be taken care of also. Trees will be part of the street scape. The target market is for retirees in the \$280,000.⁰⁰ range, 1700 to 2500 sq. ft., 1 to 1 ½ stories similar to Shallowford Reserve.

- viii. It was explained that the PRD will have fewer homes than a conventional subdivision and had the conventional subdivision been selected, there would not be an opportunity for anyone to comment.
- ix. Tom Lawson moved to recommend to Council that the site plan presented affirmatively meets the seven Findings of Fact (as read by Attorney Houff). Mrs. Higgins amended the motion to include the recommendations made by the Planner and who also seconded the motion. The vote was unanimous.
- x. Everyone was reminded that when this goes to Council, evidence must be shown on their four Findings of Fact.
- xi. Mr. Lawson encouraged everyone to participate in the upcoming Comprehensive Plan.

The Board recessed at 7:52 p.m.

The Board reconvened in the second floor conference room at 8:14 p.m.

4. Reports & Updates

- a. Chair
 - i. No report.
- b. Planner
 - i. Two conventional subdivisions are in the works that do not require rezoning.
 - ii. The regional stormwater retention pond for the downtown is moving forward. This will be a wet retention pond (BMP) to treat stormwater.
 - iii. Lissara Phase II Section VI will be going before Council on June 13th.
 - iv. There will also be public hearings on the 13th before Council regarding the budget.
 - v. The 5' strip that made Lissara Phase II Section V contiguous to the Town will also be on June 13th.
 - (1) The date erroneously said for the public hearing was 5-22. This needs to be corrected.
 - (2) Mike Sullivan moved to set the public hearing for the 5' strip for June 12, 2019. The motion was seconded by Meghan Flow and approved unanimously.
- c. Clerk
 - i. Surveys are being returned but there is no date for completion.

5. New Business

- a. None.

6. Continued Business/Work Session

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- a. NEAP Overlay
 - i. Mrs. Tolbert provided maps of the Northeast area for review.
 - ii. She also noted that the (Pedestrian Connections Plan (PCO) was not cross-referenced in the Overlay Districts index nor in the Subdivision Section of the UDO.
 - iii. It was suggested that the board start to look at commercial in the circle identified on the NeAP map.
 - (1) **Confirm with the consultant (Craig Lewis) why an overlay is not a good idea.**
 - b. Neighborhood Outreach Requirements
 - i. **Mrs. Foster will forward information from Mr. Hamby on citizen engagement.**
 - c. IP - Community Center Text Amendment
 - i. Mrs. Tolbert will have a draft available for the May 22nd meeting.
7. **Meeting Review**
8. **Next Meetings**
- a. Vacation schedules are to be sent to Mrs. Foster.
 - b. Work Session - May 22, 2019
 - c. Work Session - June 12, 2019
9. **Adjournment**
- a. Having no other business to discuss, Tom Lawson moved to adjourn the meeting at 8:39 p.m. The motion was seconded by Meghan Flow and approved unanimously.

Jeanne Marie Foster, Chair

ATTEST:

Joyce C. McWilliams Walker, Town Clerk