

Lewisville Town Council
Regular Meeting Minutes
June 13, 2019 - 7:30 p.m.
Town Hall - 6510 Shallowford Road - Room 110

1. Call to Order

- a. Mayor Mike Horn called the meeting to order at 7:30 p.m. Council Members present were Fred Franklin, Marci Gallman, Robert Greene, Sandra Mock, and Ed Smith. Council Member Jeff Zenger advised he would not be able to attend. Also present were Town Manager Hank Perkins, Attorney Bo Houff, Finance Officer Pam Orrell, Public Works Director George Hauser, Planner Stacy Tolbert, and Town Clerk Joyce Walker.
- b. Invocation was led by Attorney Bo Houff and the Pledge of Allegiance by Council Member Ed Smith.
- c. Adoption of Agenda
 - i. Council Member Smith moved to approve the agenda. The motion was seconded by Council Member Mock and approved unanimously.

2. Consent Agenda

- a. Consent Items for Approval
 - i. [Resolution 2019048](#) - Acceptance and Approval of Monthly [Financials for April 2019](#)
 - ii. Approval of Council Briefing and Action [Minutes - May 2, 2019](#)
 - iii. Approval of Council Budget and Action [Minutes - May 2, 2019](#) (continued from April 15, 2019)
 - iv. Approval of Council Meeting [Minutes - May 9, 2019](#)
 - v. Approval of Council Tomahawk Creek Financial Obligation Special Meeting [Minutes - May 20, 2019](#)
 - vi. Approval of Council Community Center Special Meeting [Minutes - May 20, 2019](#)
- b. Council Member Franklin moved to approve the Consent Agenda. The motion was seconded by Council Member Mock and approved unanimously. Resolution 2019048 is herein incorporated by reference into the minutes.

3. Introductions, Presentations, Recognitions and/or Proclamations

- a. Mayor Horn recognized Abby Hill, Yasmin Horner, Jade Moreno, Cole Moser and Robert Reidy-Bialobok as Student Leadership graduating seniors.

4. Public Forum

- a. Mayor Horn opened the Public Forum at 7:36 p.m.
 - i. Matthew Rogers, 7512 Divaldi Street, Lewisville, expressed concerns about a house that has been abandoned on Divaldi Street for a long time and wanted to know if Council could do something about it.
 - ii. Sara Bolin-Rogers, 7512 Divaldi Street, Lewisville, also expressed concerns about the abandoned house because of the health hazards being introduced by predators and wild life.
 - iii. Louise Aaron, 7514 Divaldi Street, Lewisville, said that there is a health hazard at 7506 Divaldi Street with snakes and rats. She said this has been on-going for about two years and wanted to know if there is a time-line for what will happen next.
 - (1) Mayor Horn advised that the Planner had been involved with this property and asked the Planner to bring everyone up to date.

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- (2) Planner Tolbert first advised of the limits of what the Town can do and the process used with overgrown grass of 8" or more: inspect, send letters to the owners, 10 days to rectify, re-inspected by Town, contract to mow and contractor to schedule mowing. The property in question was mowed this past Tuesday. Lewisville has no minimum housing code. The Town's default is to the County for enforcement and the County has a back-log of cases. Environmental Health has also been to the address to treat the pool for mosquitos. She will check on the vermin with Environmental Health. If Town offenders had 3 letters the previous year, they are considered a repeat offender and the Town can take action. The owners are assessed the cost of mowing plus \$50.⁰⁰ and a lien is placed on the property. The next time it is overgrown, Mrs. Tolbert asked residents to let her know.
- (3) Attorney Houff also noted the property can be sold to satisfy the tax obligations.
- (4) Mayor Horn has asked staff to follow up on the situation.
- (5) Attorney Houff also suggested the residents contact an attorney about what is considered a private nuisance and this might move the situation forward more quickly. He also suggested contacting the County.
- iv. Ken Byrd, 7508 Divaldi Street, Lewisville, said this has been going on for ten years. He has contacted the County and each department has a one-man department handling the entire county. Lewisville needs someone in this area.
- v. Jason Hooker, 7507 Divaldi Street, Lewisville, said he just adopted four children along with his two and other family members and he is worried too. He can't go outside because of the mosquitos and he has killed three snakes this year and multiple mice.
- vi. Unidentified person said this is the second house that has been abandoned in the neighborhood.
- b. Having no other speakers, Mayor Horn closed the Public Hearing at 7:55 p.m.

5. **Appointments**

- a. None.

6. **Public Hearings**

- a. Public hearing to receive comments on the 2019-2020 budget
 - i. [Staff Presentation](#)
 - (1) Mr. Perkins read a synopsis of the following Budget Message:

June 13, 2019

To: Mayor Mike Horn
Mayor Pro Tempore Sandra Mock
Council Member Robert Greene
Council Member Jeff Zenger

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Council Member Ed Smith
Council Member Fred Franklin
Council Member Marci Gallman

Subject: Fiscal Year 2019-2020 Budget Message

Honorable Mayor and Town Council:

Budget Message for Budget as Adopted

Executive Summary

As Town Manager, I am pleased to present the proposed General Fund budget of \$4,656,325 for fiscal year 2019-2020. The budget as proposed includes maintaining the current tax rate of 17.7 cents per \$100 of valuation. This budget shows an increase in the General Fund budget from the previous year budget, as adopted for July 1, 2018, of \$130,082 or 2.87%. This budget as proposed is balanced with \$75,505 in fund balance from the General Fund. This fund balance appropriation represents the costs associated with projects that are not recurring operational costs.

The tax base for the Town, as of April 1, 2019 was \$1,403,317,047 producing estimated Ad Valorem tax revenue of \$2,409,350 with one cent of the tax rate equaling approximately \$136,121.

The Town of Lewisville also collects a levy for a municipal service district. The current tax rate is 4.5 cents per \$100 of valuation. The proposed tax rate for the municipal service district for fiscal year 2019-2020 is increased to 5 cents per \$100 valuation.

The Town Council has been diligent and used sound financial planning to continue its commitment to the citizens of Lewisville to provide the highest standard of services. They have done this while maintaining a level of fund balance to secure future funding opportunities. The unassigned fund balance was \$5,405,088 as of June 30, 2018. This represents a fund balance at approximately 116.08% based on the projected upcoming fiscal year budget for 2019-2020. This measure is well within the guidelines established in the Comprehensive Financial Management Policy adopted by the Town Council in the current fiscal year.

As for another notable point for the economic outlook of the Town, the North Carolina League of Municipalities is predicting increases in sales tax revenue in the State. They report that near-term economic projections are generally positive and consumer confidence in the economy is high.

Town Services

The Town of Lewisville stays committed to the continuation of all of its existing services for the upcoming fiscal year to include, parks and recreation, finance, administration, planning and zoning, public works, residential garbage and recycling, storm water management, community policing, and beautification. All services are proposed to continue at current service delivery levels for the upcoming fiscal year.

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Capital Reserve Funds

The Town has four capital reserve funds. Currently, annual appropriations to all these funds total \$405,000.

At the Town Council capital planning session, recently held on February 2, Council re-affirmed its desire to proactively support the development of the downtown area, and road and sidewalk improvements throughout the Town, as well as its desire to develop future capital facilities such as a new community center.

During fiscal year 2017-2018, the Town Council learned that the North Carolina Department of Transportation plans to assume financial responsibility for the remaining work to be done on the Great Wagon Road to include design, right-of-way acquisition, and construction. As construction of the Great Wagon Road progresses, we anticipate that the Town of Lewisville will participate financially with the NC Department of Transportation on enhancements such as sidewalks, trees, and streetlights.

Funding for all of the capital reserves is proposed to remain as follows:

Storm Water Capital Reserve	\$95,000
GWR ROW/Construction Capital Reserve	\$115,000
Sidewalks/Bike Paths/Greenways Capital Reserve	\$25,000
Municipal Buildings/Land Capital Reserve	<u>\$170,000</u>
Total	<u>\$405,000</u>

Capital Projects

The Capital Projects that remain in the budget during Fiscal Year 2019-2020 are as follows.

Active Projects

Great Wagon Road ROW/Construction
Gateway Project
Heritage Drive Regional Storm Water Pond #1
Community Center

Non-Active Projects

JWP Maintenance Facility/Playground Expansion

Storm Water Project

In order to keep up with development in the downtown area, the Town decided to move forward with suggestions made in the 2006 Storm Water Study. Council authorized the Heritage Drive Regional Storm Water Pond #1 Capital Projects Fund. The project authorized is the purchase of land and/or easements, design and engineering, and construction of a BMP (Best Management Practice) wet pond for storm water

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treatment in the downtown area of the Town of Lewisville. The pond will be located just southwest of the intersection of Shallowford Road and Heritage Drive.

Transportation Projects

The Town will continue design work on the Gateway Project along with right-of-way and construction work in the coming fiscal year. This project is a roadway project to make improvements from the Highway 421 Interchange on Williams Road with improvements continuing on Williams Road between the interchange and the newly constructed roundabout at Shallowford Road and Williams Road. This is a project utilizing federal STP-DA funds. This project has an estimated cost of approximately \$1.5 million. The project will be paid for with 80% of the expected costs coming from federal aid with a 20% match from the Town. The Town's contribution is expected to be approximately \$298,936.

The Town has also been approved for a CMAQ (Congestion Mitigation & Air Quality) project to extend the sidewalk along Lewisville-Clemmons Road from Jack Warren Park to Leons Way. The project will be paid for with 80% of the expected costs coming from federal aid with a 20% match from the Town. The total cost of the project is estimated at \$726,645 which includes the Town's participation of \$145,329.

The Town has also been awarded funding for another CMAQ project to extend the sidewalk along Lewisville-Vienna Road from Riverwood Drive to Robinhood Road. As with the other sidewalk project mentioned above, the project will be paid for with 80% of the expected costs coming from federal aid with a 20% match from the Town. The total cost of the project is estimated at \$1,234,411 which includes the Town's participation of \$246,882.

The Town has also been awarded funding for the construction of a single lane roundabout at Robinhood Road and Lewisville-Vienna Road. The project would include necessary sidewalk connections at the roundabout and streetscape, lighting, and landscaping. The project has an estimated cost of approximately \$1,270,000. The project will be paid for with 80% of the expected costs coming from federal aid with a 20% match from the Town. The Town's contribution is expected to be approximately \$254,000.

Community Center

On April 15, 2019, Council authorized the Community Center Capital Projects Fund. The project authorized is the construction of a new community center building. The project will be financed using funds from the Town's Municipal Buildings/Land Capital Reserve Fund and transfers from the General Fund as needed. The project will also be financed by installment financing proceeds as approved by application to the Local Government Commission.

Planning

In the 2017-2018 fiscal year, the Planning Board working with staff and the Town Council completed a planning process that has resulted in the presentation and acceptance by Council of the Northeast Area Plan. This plan has been years in development ahead of a new public middle school in the vicinity of the intersection of Lewisville-Vienna and Robinhood Road. This new school is anticipated to have a significant

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impact on the growth and development of the northeast area of the Town. This plan serves as a template or guide to help plan for and guide future developmental and transportation activities in this area.

Now that this has been completed, the Planning Board and staff desire to engage in work related to two core project areas. The first area would be preliminary work ahead of the Town's next 5 year Comprehensive Plan update. The second area of work would provide what they feel are significant enhancements to Lewisville's Unified Development Ordinance. It is envisioned that all of this proposed work once completed, would go to improve the overall land development processes for the Town.

The budget as proposed contains proposed funding support to facilitate this work.

Conclusion

In conclusion, this budget reflects the desire of Council to address the needs of the Town, while being cognizant of economic conditions. Choices made in expenditures were done to meet the priorities and goals of the Council established during the year with the assistance of numerous advisory boards and committees. Over the past few weeks, the Council met to deliberate the budget set forth, and made adjustments as deemed necessary.

I would like to thank the staff for their assistance with the development of this budget and the Town Council for their continued guidance and support.

If I may be of any assistance, please feel free to contact me.

Sincerely,

William H. Perkins, Jr.
Town Manager

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- ii. Council Discussion
 - (1) Finance Director Orrell advised of the monies in capital reserves and unrestricted funds showing that the Town is in sound financial shape.
 - (2) Mr. Franklin also reminded everyone that Council adopted a financial management plan that ties together all of the Town's financial policies as support.
 - iii. Public Hearing
 - (1) Mayor Horn opened the Public Hearing at 8:00 p.m.
 - (2) Having no speakers, the Public Hearing was closed at 8:01 p.m.
 - iv. Council Consideration - [Ordinance 2019001](#)
 - (1) Council Member Mock moved to approve Ordinance 2019001. The motion was seconded by Council Member Greene and approved unanimously. Ordinance 2019001 is herein incorporated by reference into the minutes.
- b. Public hearing to receive comments on Case L-086 changing the zoning jurisdiction from

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Forsyth County RS40 to Lewisville RS40 on the 5 ft strip of land associated with the Lake at Lissara Phase II Section V that was annexed into the town in April

- i. **Staff Presentation**
 - (1) Planner Tolbert explained that Lissara Phase II Section V that was annexed in April was contiguous to the Town because of this 5' strip of land; however, the letters to adjoining owners and the newspaper ad had already been placed and this strip did not meet advertising and notification requirements. This strip was added to the annexation to make it contiguous to the Town. (The annexation was advertised with this strip included.) This 5' x 129' strip is 740 sq. ft. and needs to be changed from County zoning jurisdiction to Town jurisdiction.
 - ii. Public Hearing
 - (1) Mayor Horn opened the Public Hearing at 8:03 p.m.
 - (2) Having no speakers, the Public Hearing was closed at 8:04 p.m.
 - iii. Council Discussion
 - (1) None.
 - iv. Council Member Smith moved to approve **Ordinance 2019025** to change the zoning. The motion was seconded by Council Member Franklin and approved unanimously. Ordinance 2019025 is herein incorporated by reference into the minutes.
- c. The Lake at Lissara Phase II Section VI
- i. Public hearing to receive comments on zoning case L-088 rezoning request by Lissara Partners, LLC and others to rezone annexed property from RS40 Forsyth County jurisdiction to RS40-S Lewisville jurisdiction
 - (1) **Staff Presentation** (Ms. Tolbert provided a slide show to visualize the property. Staff report included below.)
 - (a) Tonight there's going to be three things before you that we will considered individually.

The first one is a rezoning to accept zoning contingent on annexation. The second one is that same property requesting a special use permit and evidentiary hearing for a planned residential development subdivision that will include a site plan, also contingent on an annexation. And then the last one will be the actual request for the annexation into the corporate limits of the Town of Lewisville.

The first one is Ordinance 2019026. But the properties are identified as PIN numbers, for the record, 5876-31-1390, 5876-20-8331, 5876-20-6061, and then a portion of 5876-22-3851. This request is for a rezoning contingent on annexation to accept jurisdiction for zoning from RS40, Forsyth County, to RS40-S, the Town of Lewisville zoning jurisdiction.

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April 10, 2019, the planning board voted to recommend approval for this rezoning, again, contingent on annexation. (Forwarding one slide) The portion in yellow outlined on the map in front of you is the portion for the rezoning. Any questions that you have, I'll be willing to answer.

- (b) Mayor Horn: Council members?
- (c) Council Member Franklin: The total amount of property?
- (d) Ms. Tolbert: The total amount of property is 26.42 acres.
- (e) Council Member Franklin: Okay. Thank you.
- (f) Mayor Horn: Any questions for Stacy? Ladies and gentlemen, this is the beginning of the public hearing for this particular action by the Council. Anybody have any comments in support of or in opposition to?
- (g) Mayor Horn opened the Public Hearing at 8:06 p.m.
 - (i) Mr. Wilcox: Good evening, Council, Mr. Mayor. I'm Lang Wilcox, 1210 Forest Wood Drive, Lewisville, and developer of the property. And I'm just here as you all know. But I want to make a point to let you know that I'm here to answer any questions if you have any about the property. Other than that, it's just the addition to Lissara as you've seen us do thus far. And it's consistent with everything that we've done to this day.
 - (ii) Mayor Horn: Thank you. Anybody else wish to speak in support of or in opposition to? If not, we'll close the public hearing.
- (h) Mayor Horn closed the Public Hearing at 8:08 p.m.
- (i) Mayor Horn: Council members, what's your pleasure?
 - (i) Council Member Greene moved to approve [Ordinance 2019026](#) (contingent on approval of the annexation). The motion was seconded by Council Member Smith. Ordinance 2019026 is herein incorporated by reference into the minutes.
 - (ii) There was no additional discussion.
 - (iii) The motion was approved unanimously.

ii. An evidentiary public hearing to receive comments on zoning case L-088 by Lissara Partners, LLC and others requesting a Special Use Permit for a Planned Residential Development (PRD)

- (1) Mayor Horn: Ladies and gentlemen, these sound very complicated, and they are complicated because we have a series of ordinances and procedures that we have to follow. This is not the first time the Council has been briefed on any of these. So we came prepared tonight. We've done our homework. We've heard from our Planning Board. And so if we're moving through them, it's not because we're moving through them without due course of consideration. We've been briefed several times on this. Bo,

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our next public hearing is actually an evidentiary hearing. Would you please give us a primer on that.

- (2) Mr. Houff: This is a quasi judicial evidentiary hearing in consideration of a special use permit issued by the Elected Body. That is a relatively rare thing in the Unified Development Ordinances. It's only allowed presently for PRDs, I think some mining kinds of things, some off-site private access easements. The bottom line being that this is not something that comes before the Council very often. And I have to advise the public that this is a very difficult process for Council in that they are used to having citizens be able to approach them with questions about issues that are arising before the Council. And I've had to advise them that they are not to speak to anyone about the pendency of this special use permit application. And so please excuse them for not having responded if you have been one of the folks that have asked them questions about it. And so I must now ask this question: Have any of you sitting on the Council had any communications with other persons regarding the substance of this PRD special use permit application that will in any way affect your ability to hear the evidence and make unbiased findings of fact at the conclusion of the evidence?
- (3) Mayor Horn: No.
- (4) Council Member Franklin: No.
- (5) Mr. Houff: Very good. Please keep an open mind until all of the evidence from both sides, considering whether or not there may be both sides tonight -- don't know -- is presented. And as I understand it, the first -- the findings that we need that will need to be found following the staff presentation and the hearing of evidence are as follows -- and, again, the evidence that you'll be considering is only evidence as it relates to these four findings of fact.
 - (a) The first one is that the use will not materially endanger the public health or safety if located where proposed and developed according to the application and the plan as submitted and approved. And that burden would be on the opponent, if there is one, to the application.
 - (b) That the use meets all the required conditions and specifications. And that burden is upon the applicant to prove that to you.
 - (c) That the use will not substantially injure the value of the adjoining or abutting property or that the use is a public necessity. And the burden would be on an opponent to make that proof.
 - (d) And finally that the location and the 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 the Lewisville comprehensive plan. And that burden is on the applicant.
- (6) Mr. Houff (continued): The presentation of evidence tonight, any motion to grant the special use permit will be deemed to include an affirmative finding as to all of those required findings of fact. If there is a motion to

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deny the special use permit, then the person making that motion will need to state which of the four findings of fact you believe are not or have not been properly met. When we begin, each of the presenters of evidence will be sworn. And then following their presentation of what they have to say, the council will have an opportunity to ask questions. And if there are any people on the opposite side of those presenters of evidence, they will have an opportunity to ask questions as well. And we'll proceed on accordingly. I'm not sure that we're going to need that level of specificity for tonight's hearing. My understanding is the first presenter is the Planning staff and I'll swear her in.

- (7) Mayor Horn: Any questions for Bo about how we're going to proceed?
- (8) Mayor Horn stated at 8:15 p.m. that this is the opening of the public hearing.
 - (a) This is an evidentiary hearing. The Council will hear matters of fact only. Those people that wish to participate in this hearing will be asked to come up if you're a proponent or opponent. And you'll have an opportunity to ask your question, make your statement, and also provide rebuttal should you wish at a later time. Stacy?
 - (b) Mrs. Tolbert was sworn.
 - (c) **Staff Presentation:** The second portion tonight is a special use permit evidentiary public hearing for a request for a planned residential development. This is Ordinance 2019029. The development includes 12 lots. Three of those lots front on an existing private street, and the other lots will be along two new additional proposed streets that go along with the development. The streets are to remain private. They will not become town streets as the other streets remain that way in the Lake at Lissara. There's a site plan before you. You can see the two new proposed streets. In green on the site plan, that is new additional open space. And the yellow that you see is already existing open space. For the record, it is the same pin numbers as it was in the previous public hearing. So the applicant is requesting for the property to be annexed to the Town of Lewisville for a planned residential development. This special use permit would be contingent upon that annexation. The property is currently zoned RS-40 under now the Lewisville jurisdiction contingent upon the annexation as we go through this process tonight.

The property, it does meet all of the requirements of the UDO. There is one particular thing that the applicant is requesting relief from. The PRD requires that there are one linear foot of sidewalk, greenways, or bike paths in the development per one center line linear foot of actual road. The applicant exceeds that ratio. However, that ratio -- there are some of those greenways that do

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not meet standards and requirements. So he is asking for that relief tonight. And the Town Council is the Elected Body that may give him that relief. There was a letter issued to you on his behalf that he wrote that is in your packets tonight requesting that relief.

The plan does meet the requirements and proposed of the Lewisville Comprehensive Plan and also the Legacy for Forsyth County, Winston-Salem, the Legacy Development Guide.

Before you, you will see the seven findings that the Planning Board found at their April 10, 2019, technical review that they had of the development. And then tonight, along with those seven findings of the Planning Board, they also recommended to you to include staff's place conditions, that all comments from the Technical Review Committee would be remedied. This would be prior to the signing of a final plat. A staff change shall be completed with the City/County Planning and Development Services Department to reallocate open space required for the County-approved Planned Residential Development that already exists for the Lake at Lissara to a new location prior to the signing of final plat. And then, lastly, the PRD pedestrian access requirements regarding ADA compliance --- be waived by the Elected Body.

So those are the four findings that you should find tonight if you decide to approve the special use permit. Again, this is contingent on the annexation. If anybody has any questions for me.

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 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)

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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 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

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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 sq ft.

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 TOWN COUNCIL MEETING:

Findings of the Town Council accompanying a favorable recommendation shall include:

- (1) That 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;
- (2) That the use meets all required conditions and specifications;
- (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and,
- (4) 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

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conformity with Legacy.

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.

On April 10, 2019, the Planning Board voted by a unanimous vote to recommend approval, with staff placed conditions, to the Town Council.

Staff also recommends the Town Council approve the application with conditions as recommended by the Planning Board or additional conditions as specified to assure that the site will be developed in a manner conducive to the public health, safety and welfare, and direct issuance of the special use permit.

-
- (d) Mayor Horn: Council members, any questions for Stacy? Is there anybody here who is the proponent of this request who has any questions for Stacy? Is there anybody here who is a opponent this request who has any questions of our planner? At this time we'll ask the proponent to come forward and make a presentation should you wish.
- (e) Lang Wilcox: Council and Mayor, again, I'm Lang Wilcox, 1210 Forest Wood Drive in Lewisville and the developer of the property. And, again, we're doing the same thing on the project. If you have any questions, I'll be glad to answer your questions regarding the open space, the trails. We do exceed the two-to-one requirement on the trails versus the roads. We've got about a thousand feet of roadways and 3,300 feet roughly of new trails. We're thankfully going to be the keeper of a beautiful stream at the bottom of the glen. The property owner is here with us tonight watching this process. And it's just an absolutely gorgeous stream down on one of the protected areas below the lots in this section. So we're excited to be the custodian of that in the future. And the neighbors are excited to be able to have that trail to go walk down there and enjoy it. So if you have any other questions, I'll be glad to answer them.
- (f) Mayor Horn: Very good. Is there anybody here who has any questions? Anybody here in opposition who has any questions for

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the proponent or the petitioner? Anybody have any questions for the petitioner? Okay. Very good. Council members, any questions for the petitioner? Very good. Thank you.

(g) Mr. Wilcox: Thank you very much.

(h) Mayor Horn: This would be the final opportunity if anybody in the audience has any comments they wish to make, either the proponents or opponents. Anybody have any comments that they wish to make at this particular time? Good. Council members, discussion up to us. And pending a motion -- your consideration of a motion.

(9) The Public Hearing was closed at 8:19 p.m.

(10) Council Discussion

(a) None.

(11) Mr. Franklin: Mayor, I'll make a motion that I believe that the petitioner has met all four of the needed findings and also that the waiver of the ADA requirements is reasonable for the trails that have been set forth without the handicap access to those trails. So with that, I'll make a motion to approve ([Ordinance 2019029](#)).

(12) Mr. Smith: I'll second that.

(13) Mayor Horn: Mr. Franklin makes the motion. Mr. Smith makes the second. Any further discussion? All those in favor, please say aye. Any opposed? Thank you. That is unanimous. Ordinance 2019029 is herein incorporated by reference into the minutes.

(14) Mayor Horn: Stacy, we're down to your last presentation on the actual annexation.

iii. The Lake at Lissara Phase II Section VI

(1) [Staff Presentation](#)

(a) Ms. Tolbert: Okay. So the last thing before you, what all things have been contingent on is the actual annexation of the property for the Lake at Lissara Phase II, Section VI. And you'll see the pin numbers before you of what that annexation would entail and to the corporate limits of the Town of Lewisville. For the record, this is [Ordinance 2019030](#).

(2) Mayor Horn: Very good. Any questions for Stacy?

(3) Mayor Horn opened the Public Hearing at 8:20 p.m.

(a) Ladies and gentlemen, this is a public hearing on the annexation request by the petitioner. Anybody wish to speak? Opponents or proponents?

(4) Having no speakers, the Public Hearing was closed at 8:21 p.m.

(5) Mayor Horn: Council Members?

(6) Mr. Franklin: Mayor, I've always said we always welcome people that want to voluntarily annex into the Town of Lewisville. So with that I'll make a motion to annex this property ([Ordinance 2019030](#)).

(7) Mr. Smith: I will second.

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- (8) Mayor Horn: Mr. Franklin makes the motion. Mr. Smith makes the second. Any further discussion?
- (9) Council Discussion
 - (a) None.
- (10) Mayor Horn: All those in favor, please say aye. Any opposed? Thank you. That is unanimous. [Ordinance 2019030](#) is herein incorporated by reference into the minutes.
- (11) Mayor Horn: And, Mr. Wilcox, a quick calculation here. It looks like that potentially can bring in approximately 5 and a half to \$6 million in property tax value. That will help maintain our property tax rate at the rate it's at. And thank you very much for your consideration. And certainly thank you for asking to be part of Lewisville.

7. **Annexation Requests**

- a. See above.

8. **Site Plan Amendments**

- a. None.

9. **Unfinished Business**

- a. None.

10. **New Business**

- a. Lewisville-Vienna Road/Robinhood Road Roundabout Project
 - i. [Ordinance 2019027](#) - Capital Project Fund Ordinance for the Lewisville-Vienna Road/Robinhood Road Roundabout Project
 - (1) Council Member Smith moved to approve Ordinance 2019027. The motion was seconded by Council Member Mock and approved unanimously. Ordinance 2019027 is herein incorporated by reference into the minutes.
 - ii. [Ordinance 2019028](#) - Amending Budget Ordinance 2018001 in the amount of \$254,000.⁰⁰ to transfer Town's 20% share in the roundabout at Lewisville-Vienna Road and Robinhood Road Capital Project
 - (1) Council Member Franklin moved to approve Ordinance 2019028. The motion was seconded by Council Member Smith and approved unanimously. Ordinance 2019028 is herein incorporated by reference into the minutes.
 - iii. [Resolution 2019045](#) - approving the contract with the NC Department of Transportation for the construction of the Lewisville-Vienna Road/Robinhood Road Roundabout and authorizing the Town Manager to execute the contract
 - (1) Council Member Smith moved to approve Resolution 2019045. The motion was seconded by Council Member Mock and approved unanimously. Resolution 2019045 is herein incorporated by reference into the minutes.
- b. [Resolution 2019046](#) - setting a public hearing for Thursday, July 11, 2019 to receive

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comments on L-090 rezoning request to rezone 7675 Yadkinville Road from RS-40 to YR

- i. Council Member Franklin moved to approve Resolution 2019046. The motion was seconded by Council Member Smith and approved unanimously. Resolution 2019046 is herein incorporated by reference into the minutes.
- c. **Resolution 2019047** - setting an evidentiary public hearing for Thursday, July 11, 2019 to receive comments on L-091 requesting a special use permit for a planned residential development (PRD) located off Shallowford Road, Avendell Subdivision
 - i. Council Member Smith moved to approve Resolution 2019047. The motion was seconded by Council Member Mock and approved unanimously. Resolution 2019047 is herein incorporated by reference into the minutes.
- d. **Ordinance 2019024** - amending Chapter 13-8, the Lewisville Utilities and Stormwater Committee Charter of the Lewisville Town Code
 - i. Item IX. B. was corrected to read, “.....special called meeting(s).....”
 - ii. With that addition, Council Member Franklin moved to approve Ordinance 2019024. The motion was seconded by Council Member Mock and approved unanimously. Ordinance 2019024 is herein incorporated by reference into the minutes.
- e. **Resolution 2019013** - supporting the current ABC Control System for the sale of liquor
 - i. Mayor Horn moved to approve Resolution 2019013. The motion was seconded by Council Member Smith and approved unanimously.

11. Administrative Reports

- a. Upcoming **Events at Shallowford Square** and Town Holidays were reviewed.
- b. Manager’s Report
 - i. The Forsyth County Historic Resources Commission (HRC) has one appointment this term. This particular seat is an **Archaeologist, Landscape Architect/Designer, Planner, Surveyor, or Arborist position**, which requires the member to demonstrate that they have professional experience in one of the fields listed above and have a demonstrated interest or competence in, or knowledge of, historic preservation.
 - ii. Town Council Briefing for July will be held on Tuesday, July 2, 2019 since the holiday falls on the regular briefing night and Town Hall will be closed. Please refer to the Town’s meeting calendar that was approved in January.
 - iii. Anyone interested in running for mayor or council in the November election can apply to the Forsyth County Board of Elections between noon on Friday, July 5, 2019 and noon on Friday, July 19, 2019. The filing fee for both offices is \$5. The Board of Elections will provide all requirements.
- c. **Approvals at the Briefing and Action Meeting on June 6, 2019**
 - i. **Letter of support** for Shallowford Road Sidewalk Project - approving the estimated cost of \$700,000.⁰⁰ with a 20% match by the Town in the amount of \$140,000.⁰⁰
- d. **Resolution 2019049** - amending the Town of Lewisville’s Alcohol Policy

12. For the Good of the Order:

- a. Public Comments

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- i. Public Comments were opened at 8:36 p.m.
- ii. Having no speakers, Public Comments were closed at 8:37 p.m.
- b. Council Comments
 - i. The road repairs on Shallowford Road due to the water main break should be completed by July 19th.
 - ii. Council Members Smith and Franklin commented that the budget get better each year.
 - iii. It was reported that of the 5,423 surveys that were mailed, 1,774 have been returned, about a 34% return rate. The contractor is working on a report.
- c. Adjournment
 - i. Having no other business to discuss, Council Member Mock moved to adjourn the meeting at 8:42 p.m.

Mike Horn, Mayor

ATTEST:

Joyce C. McWilliams Walker, Town Clerk