

**Lewisville Town Council**  
**Regular Meeting Minutes**  
**July 11, 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, Ed Smith and Jeff Zenger. Also present were Town Manager Hank Perkins, Attorney Bo Houff, Public Works Maintenance personnel Ryan Moser, Planner Stacy Tolbert, and Town Clerk Joyce Walker.
- b. Invocation was led by Attorney Bo Houff and the Pledge of Allegiance by Council Member Jeff Zenger.
- c. Adoption of Agenda
  - i. Mayor Horn added Item 11f.
  - ii. With that addition, Council Member Smith moved to approve the agenda. The motion was seconded by Council Member Zenger and approved unanimously.

**2. Consent Agenda**

- a. Consent Items for Approval
  - i. [Resolution 2019051](#) - Acceptance and Approval of Monthly [Financials for May 2019](#)
  - ii. Approval of Council Briefing and Action [Minutes - June 6, 2019](#)
  - iii. Approval of Council Meeting [Minutes - June 13, 2019](#)
- b. Council Member Mock moved to approve the Consent Agenda. The motion was seconded by Council Member Gallman and approved unanimously. Resolution 2019051 is herein incorporated by reference into the minutes.

**3. Introductions, Presentations, Recognitions and/or Proclamations**

- a. Lewisville Fire Chief Darin Needham was recognized for completing the National Fire Academy.

**4. Public Forum**

- a. The Public Forum was opened at 7:38 p.m.
- b. Having no speakers, the Public Forum was closed at 7:39 p.m.

**5. Appointments**

- a. None.

**6. Public Hearings**

- a. [Ordinance 2019033](#) - Case L-090 rezoning a 1.95 acre tract of land located at 7675 Yadkinville Road from RS40 to YR to conform with overall property acreage totaling 14.59 acres
  - i. Staff presentation.
    - (1) This public hearing is a general use rezoning. The location is 7675 Yadkinville Road. The PIN number is 5877-50-6013. The property is a total acreage of 14.59 acres. The portion to be rezoned is 1.95 acres of that total acreage. The general use request is the portion that is zoned RS-40. That is a residential, single-family zoning district with a minimum lot size of 40,000 square feet. The request is to rezone to YR, which is the Yadkin

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River Conservation District, with a minimum lot size of three acres. The Planning Board has heard this request voted to recommend approval to the Town Council by unanimous vote at their May 8th meeting.

- (a) Council members were presented a map showing the portion being requested for rezoning. The vast majority of the property is YR and this request will be consistent with the majority of the existing property.
- (b) YR is the most restrictive zoning district in the Town of Lewisville. It allows the least amount of uses and it is a low density residential zoning district.
- (c) The property is also located in Lewisville's Rural Overlay District. That is intended to preserve the area along the Yadkin River in a rural setting.
- (d) Also, it is consistent with the Comprehensive Plan.

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**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:**

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

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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 encouraging development which respects the existing natural environment along with other intensions. Some of those other intensions 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

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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:

	YR	RS-40
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.
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.
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.

**STAFF RECOMMENDATION:**

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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.

**PLANNING BOARD RECOMMENDATION:**

The Planning Board voted unanimously to recommend approval of the rezoning to Town Council at their May 8th, 2019 meeting.

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- (2) Mayor Horn opened the Public Hearing at 7:42 p.m.
  - (a) Al Castillejo, owner of 7675 Yadkinville Road, thanked the Council for considering the request. He hopes to take this property and add to the beauty of the Town. He asked if any of the Council members had questions about the request.
- (3) Having no other speakers, the Public Hearing was closed at 7:44 p.m.
- (4) Council Member Zenger moved to approve Ordinance 2019033 approving the rezoning. The motion was seconded by Council Member Franklin and approved unanimously. Ordinance 2019033 is herein incorporated by reference into the minutes.

**7. Evidentiary Hearings**

- a. **Ordinance 2019034** - Case L-091 requesting a Special Use Permit for Avendell Subdivision, a Planned Residential Development (PRD) located off Shallowford Road
  - i. Attorney Houff: Gentlemen of Council, you have coming before you another quasi-judicial evidentiary hearing this evening and staff will make a presentation shortly. Keep in mind as you have been previously advised, this is a quasi-judicial evidentiary hearing, which is required under our UDO and under state law. Let me ask the members of the Council at this time have any of you had any communications with other persons regarding the substance of this PRD Special Use Permit application -- this is for the Avendell Subdivision -- that will in any way affect your ability to hear the evidence and make unbiased findings of fact at the conclusion of the evidence. Have any of you had any such communications?
  - ii. Replies: No.
  - iii. Attorney Houff: Okay. Very good. Let the record reflect that all Council members are indicating they have not had any such communications. Please keep an open mind until all of the evidence from both sides is presented. To advise, again, the Council has been through this process on several occasions but to also let the public know about this, what is about to occur is an evidentiary hearing. It is not much different than what happens in a court of law. And evidence will be presented, witnesses will be sworn, and as a result there will be four findings of fact that need to be dealt with.
    - (1) The first of these findings of fact is 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.

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- (a) In that matter, the burden would be on the opponent to the development.
- (2) That the use meets all required conditions and specifications.
  - (a) And that matter on that finding the burden is upon the applicant.
- (3) That the use will not substantially injure the value of adjoining or abutting property or that the use is a public necessity.
  - (a) And on that finding, the burden is upon the opponent to the development.
- (4) And 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 conformity with the Lewisville Comprehensive Plan.
  - (a) And on that finding, the burden is upon the applicant.
- iv. Attorney Houff: Let me further advise the Council that any motion to grant the Special Use Permit will be deemed to include the above findings of fact as having been met. Any motion to deny the Special Use Permit will require a specific finding as to which of the required findings was not met and for what reason. I'd be happy to answer any preliminary questions from the Council before we continue.
- v. Mayor Horn: Very good. Thank you, Bo. Ladies and gentlemen, we will now open the evidentiary hearing on Case L-091 (at 7:50 p.m.) requesting a Special Use Permit for the Avendell Subdivision. Stacy, you'll please present us with the information as Bo swears you in.
- vi. Mrs. Tolbert is sworn in.
  - (1) I am Stacy Tolbert, Town Planner for the Town of Lewisville. Our second hearing tonight, Council, is an evidentiary hearing for the Avendell Subdivision located off of Shallowford Road. For the record, the PIN numbers are 5885-58-6112 and 5885-57-7105. Tonight's request is for a Special Use Permit for this Avendell Subdivision as a Planned Residential Development in the RS-9 zoning districts. The request came before us as 49 lots to be developed off of Shallowford Road.

The subdivision is also proposing to connect to Shallowford Reserve by way of Woodside Forest Trail, as well as Woodview Ridge Trail, in accordance with the requirements of the Unified Development Ordinances. The new streets are to become town streets.

This proposal also falls under our Greenway and Pedestrian Connections Plan. What this requirement would add is sidewalk along Shallowford Road at the frontage of the property and Town staff is also of the opinion that the request does meet the general conformance of the Town's Comprehensive Plan and the Forsyth County Legacy Plan for the area.

Here before you on the map, you can see in yellow that is the property to be subdivided if approved. And then the next one is the plan. It's, again, 49 lots. The PRDs require some open space, it requires a 30-foot

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landscaped buffer around the perimeter of the property, sidewalks on one side of the roads, per one -- it's a ratio of 1:1. One linear feet of sidewalk per one linear feet of center line. This request does meet that as well as the connectivity that's required by the UDO. This also meets that.

At their May 8th meeting, the Planning Board heard this case. They performed a technical review for compliance and recommended unanimously for approval to the Town Council in those seven findings of fact for the Planning Board. I won't necessarily read those.

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**Planning Board Seven Findings of Fact**

- (1) The development is in conformity with Legacy.
- (2) Water and sewer service are available in adequate capacity.
- (3) Where buildings greater than 35 ft 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 to the needs of public safety equipment and personnel (fire, police, 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.

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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

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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 subdivision 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:**

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

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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.
- (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.

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And the next one, along with those seven findings, the Planning Board recommended to include my staff's conditions. Those conditions would be that all comments from the technical review committee be remedied, include and show on plan a sidewalk along the property frontage of Shallowford Road. Again, that's the connection from our Greenway and Pedestrians Plan. Include and show on the plan, a sidewalk along Woodside Forest Trail.

Staff also recommended the following items just that needed to be updated or added to the site plan. There was a general note on the site plan that needed to be removed. The mail kiosk needs to be added. That is a recommendation and requirement from the U.S.P.S. And then, also, negative access easement along Shallowford Road so that no extra driveway cuts are placed along Shallowford Road.

And then, lastly, the elected body, if you shall issue a Special Use Permit as Bo indicated (above), those were the four findings that must be found. And I'll entertain any questions that you have.

- (2) Mayor Horn: Council members, any questions for Stacy before we move on?
- (3) Council Member Franklin: I do have one. Stacy, the -- that Shallowford Road I know that in that vicinity there's already some three-laned for the Shallowford Reserve. Is this going to continue three-laning the road any or is that already incorporated?
- (4) Planner Tolbert: I do believe -- let's see. Yeah, the -- the three lanes would be extended to provide a left turn lane. I think that is what NC DOT will require.
- (5) Council Member Franklin: Okay.
- (6) Planner Tolbert: That requirement will come from NCDOT.
- (7) Council Member Franklin: All right. I -- I didn't know if they already went down that far or not. I just couldn't quite visualize it.
- (8) Planner Tolbert: I think they do for Shallowford Reserve. I think they would be extended to allow a left turn into this property, as well.
- (9) Council Member Franklin: And I notice on the map there is a property in between this proposed property and Shallowford Reserve. Could I make a safe assumption that the additional three-lane would, you know, make it contiguous?
- (10) Planner Tolbert: I would think so.
- (11) Council Member Franklin: Okay.
- (12) Planner Tolbert: Yeah. I think that would -- that would be a safe assumption.
- (13) Council Member Franklin: All right.
- (14) Planner Tolbert: -- for NC DOT to require that.
- (15) Council Member Franklin: Thank you.

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- (16) Mayor Horn: Stacy, the sidewalks we're requiring along Shallowford Road, they don't connect with anything?
- (17) Planner Tolbert: They do not. It's just in hopes that if -- if future developments happens along Shallowford that it would connect along the way.
- (18) Mayor Horn: Okay.
- (19) Planner Tolbert: Shallowford Road is one of those roads in that plan -- the Greenway and Pedestrian Plan -- that recommends sidewalks in the future. So any development that occurs we ask that they go ahead and put that sidewalk there to be connected as development happens in the future.
- (20) Mayor Horn: Yeah, because we're thinking that particular roadway through there is one of the projects we're asking funding for sidewalks in the future. So maybe we can save a little money and have a little bit of that done for us. Strengthen our case, right? Very good. Do any of the proponents this evening have any questions for Stacy about her presentation? Any of the proponents have any questions for our Town Planner? Do any of the opponents have any questions for our Planner? Yes, sir. Please come up and be sworn -- Bo, do we swear in the questioners at this point?
- (21) Attorney Houff: Not for a question. Make sure it's only a question and not a comment at this time. You'll have an opportunity to add a comment at a later time.
- (22) Mr. Benbow: Okay. Bill Benbow, 341 Shallowford Reserve Road, Lewisville, North Carolina. And I obviously live in Shallowford Reserve. I'm also head of the --
- (23) Attorney Houff: Now, questions only at this time.
- (24) Mr. Benbow: Okay. All right. My question would be with regarding the buffer zone, we have, of course, our own buffer area. Then, is the understanding that there's a 60-foot buffer zone beyond ours to that development?
- (25) Planner Tolbert: What's required around the perimeter on their property is 30 foot. So the 30 foot would be in addition to whatever you already have on the Shallowford Reserve side.
- (26) Mr. Benbow: Okay. Because one presentation we were indicated it was 60 feet. Okay.
- (27) Planner Tolbert: 30 foot is what's required.
- (28) Mr. Benbow: Okay. The second, I guess, is a question regarding the connectivity -- on the road there (pointing). Is it possible to make that or stipulate in some form that it is not used as a construction entrance?
- (29) Planner Tolbert: Yes.
- (30) Mayor Horn: Absolutely.
- (31) Mr. Benbow: Because that's our concern from a safety standpoint. Just that simple.
- (32) Planner Tolbert: Yeah. Yeah, we can -- we can talk to NC DOT about that because they would have to get a construction driveway permit, as well, off of Shallowford from NCDOT.

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- (33) Mr. Benbow: Right.
- (34) Planner Tolbert: But that'd be the only entrance that they'd use for construction traffic.
- (35) Mr. Benbow: Would be off Shallowford?
- (36) Planner Tolbert: Correct.
- (37) Mr. Benbow: That would be fine. That's all we request.
- (38) Planner Tolbert: And if they don't let me –
- (39) Mayor Horn: Let you know. Okay. Thank you, Mr. Benbow. Are there any other individuals who are opponents of this project who have questions for our Planner? Very good. We'll now hear presentation -- thank you, Stacy. We'll now hear presentation from the proponents. Please come forward, be sworn in.

vii. Mr. Garrett was sworn.

- (1) Good evening, Mayor, members of Council. My name is Greg Garrett. I work for Shugart Homes. Our address is 221 Jonestown Road, Winston-Salem 27104.

Pleased to be before you again, tonight. We have another project that we're very excited about here in Lewisville. It is the 18 and a half acres on Shallowford Road. It's a property that we've been talking to the property owners for many, many years. And it finally got to a place where it looks like they're ready to sell their property and we are very much interested in developing the property.

We think we have a really good plan before you tonight. It's a plan that's been looked at by a lot of folks. We started with the planning staff with our plan; got a lot of feedback from them. TRC also had a neighborhood meeting with the neighbors.

Of course, it was there that I learned that a lot of people are a little concerned about the connectivity that's already going into the property. There're currently two stub streets that go into this 18 and a half acres. And so, you know, based on what the ordinance requires us, we we're tying into both of those.

I think it's just a couple of merits of the site plan that's before you tonight. First of all, the density is 2.65 houses per acre, which is significantly below what is currently allowed in the RS-9 zoning district. RS-9 allows over four units an acre so we're at 2.65.

Another merit is one-third -- and I'll repeat that -- one-third of the property is going to be common area. And so we think that's a significant merit of this site plan and the PRD has allowed us to do that, quite frankly. That's a very good tool that you have there in your ordinance.

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The plan for the property is, you know, 49 single-family homes. And we've been around for a long time. We talk to a lot of relators. We look at all kinds of information provided about demographics and what buyers are looking for. Of course, you've got this, you know, aging population of the baby boomers wanting to really kind of downsize or right-size I've heard it referred to. And so our product is going to be geared towards those who are wanting to downsize. So they're going to be patio homes. The yard maintenance is going to be performed by the Homeowner Association. Most of the homes will be one level. We'll probably have some that'll be one and a half stories. But it's a product that is specifically geared to those that are ready to downsize and -- or right-size their home after their kids have moved out.

So looks like at this point, we're going to be in the upper 200s price point-wise, starting off. Would not be surprised to see it go over 300 based on the demand that we're hearing about and, as many of you know, we do a lot of customization to our homes. We have base home plans but then the home buyers can come into our design gallery and pick out all kinds of customizations to their homes. So minimum, you know, upper 200s as far as price point.

And, you know, I'll just point out, you know, the fact that we are in compliance with the Comprehensive Plan of Lewisville, as well as Legacy. You know, staff has given the recommendation of the project as well as your Planning Board which was unanimous. And I would just ask that you would give a favorable vote for the project tonight.

And I'm happy to answer any questions you might have.

- (2) Mayor Horn: Thank you, very much. Is there anybody here in opposition that has a question for Mr. Garrett? Anybody here in opposition that has any questions for Mr. Garrett? Okay. Council members any questions for Mr. Garrett?
- (3) Mayor Horn: I have one quick question. We talked about the density. Translate those into housing numbers for me. I think you said 2.5 is what you're asking in the PRD, but it -- currently under RS-9 -- is four per acre. What is that -- just give me the numbers. My math is not too good.
- (4) Mr. Garrett: Right. I couldn't remember exactly so -- I may need help from Stacy but if it's just four units an acre but I think the actual conversion rate is a little higher than four. But if it was four, it'd be 74 units that you could put on the the property. And we're talking about 49. But I think it's a little higher than four units an acre allowed in the RS-9. Do you have that, Stacy?
- (5) Planner Tolbert: An RS-9 district 18 acres –
- (6) Mr. Garrett: It's 18 and a half.
- (7) Planner Tolbert: It's 184 thousand some odd square feet.

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- (8) Mr. Garrett: Yeah.
- (9) Planner Tolbert: And divided by 9,000 per lot –
- (10) Mr. Garrett: Right.
- (11) Planner Tolbert: -- would be about 87 homes that it would allow by right as it stands right now.
- (12) Mayor Horn: Current zoning?
- (13) Planner Tolbert: Current zoning. Uh-huh.
- (14) Mayor Horn: Council members, any other questions for Mr. Garrett?
- (15) Council Member Gallman: So I -- it sounds like you're going to have the patio-type homes. What would you assume demographic-wise as far as like, I guess, population age-wise? I know it's not going to be a retirement community, of course. So are you looking to have different ages so family with kids? Of course, those looking to right-size.
- (16) Mr. Garrett: Yeah. So to be clear, it's not going to be an age-restricted community.
- (17) Council Member Gallman: Okay.
- (18) Mr. Garrett: But the plans have been designed for folks who their kids have moved out of the home and they're now ready to get out of their large home that they raised their family in and get into a smaller home because it's got all the bells and whistles, one level living and the key is that the Homeowners Association is doing the yard maintenance so that they can go visit grandchildren that may be other places in the country and not have to worry about their yard.
- (19) Council Member Gallman: So the entire community will be homeowners?
- (20) Mr. Garrett: Yeah.
- (21) Council Member Gallman: That will keep up the entire –
- (22) Mr. Garrett: Yeah. So there could be a few folks that come in there and have families. But, like I said, the product that we are offering -- we're going to be offering in this neighborhood is specifically geared to empty nesters, retirees, whatever you want to call them. We're just not putting a restriction to the neighborhood; that you have to be 55 and older. But I would say that demographic group would be the lion's share of the buyers in there are going to be in that 55 and up age range.
- (23) Council Member Franklin: I've got a question, please. You know a lot of folks would like to have privacy fences more for their backyard and would that be something that like the Homeowners Association would standardize or will they be left up the individual property owners to come in sort of haphazardly putting up whatever may be. Since you're planning this community, I just thought I might ask that question.
- (24) Mr. Garrett: Right. Unfortunately, that decision hasn't been made yet but we have done it both ways. And I know exactly what you're speaking about. And it's nice to have that uniformity. We've done it more on the townhomes.
- (25) Council Member Franklin: Okay. Okay. Thank you, very much.
- (26) Mayor Horn: Any other questions for Mr. Garrett? Thank you, Mr.

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Garrett. I believe we now would like to hear from the opposition. And let's see. I am guessing we have three people signed up. I don't know if you have one individual that you have designated to make your statement. Is there one individual that you've designated to make your statement? Okay, well, very good. Then, I guess, Mr. Benbow, you signed up. Do you want to come up again and -- you're good? Okay.

(27) Mr. Benbow: We're good.

(28) Mayor Horn: Shannon Reavis, you signed up to speak. Please come up.

viii. Ms. Reavis was sworn.

(1) My name is Shannon Reavis. I live at 1260 Forest Wood Drive. Last month was 20 years that I've lived in our neighborhood. When we bought our home, we were attracted to Lewisville because of the small town feel that it has. We were attracted to our neighborhood because it is a strong sense of community just like Lewisville.

It was as a single -- at the time a single street. Now, there are three streets and the dead ends. I'm not here to oppose the neighborhood itself. I'm here to oppose the connection to Woodview Ridge Trail.

Our neighborhood is full of younger families, lots of young children. We do not have sidewalks; we do not have curb and gutter; our streets are narrow; there are no speed bumps or, as I said, sidewalks for pedestrians. That forces all of us and our children to take our walks in the already narrow street. Our kids ride our bikes there.

I think we can all agree that kids need to get out of the house and off the screens these days and going outside in our neighborhood has been a safe place for my children to be able to walk to their friends' houses in the back of the neighborhood at the end of Woodview Ridge Trail and not worry about traffic coming through.

I am very concerned that this road connection would allow our neighborhood to become a cut-through for the people that live in the Sequoia neighborhood, which is a very large community. I'm very concerned with the new community center going in at Jack Warren Park, which is just at the end of our neighborhood.

That the school provide a cut-through for people to get from Shallowford Road to Lewisville Clemmons Road to the community center, skirt around traffic during the town events to the town square and make our streets, which already have an issue with people not

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obeying stop signs or speed limits will make it worse endangering the lives of the residents, especially the lives of our children.

So I beg you to not allow the connection to Woodview Ridge Road because of the situation in our neighborhood because it would be dangerous for the children, families and for your town. Thank you.

(2) Mayor Horn: Thank you, very much. Mr. Garrett do you have any questions for Ms. Reavis? No? Very good. Thank you, very much. Grace Warnock.

ix. Ms. Warnock was sworn.

(1) Ms. Warnock: My name is Grace Warnock. I live at 1255 Forest Wood Drive. I came here last year after the death of my husband living for 19 years in Florida in one of these communities that we were speaking of.

I chose to live in Forest Wood because it's multi-generational. I'm very thrilled at my age -- and I'm very old -- to have little children living next door, teenagers across the street, to see people walking and riding. And it is a thrill to not be in a group of people that are all the same age. It's just wonderful.

I like to walk for my health. And I try and walk at least a mile or two a day. And that's one of the reasons why I live in Forest Wood. I am very much against the Woodview Ridge Trail connector because of what Shannon has already beautifully explained. And I feel like it's not a good idea to have people coming through when we do have a narrow street without sidewalks. I just feel like it would be a great mistake.

I know that for a fact at the very end of Woodview Ridge Trail there are about 12 children, including one little deaf girl who's very young, and I just think it's a great mistake for that to go through.

I'm not against the subdivision. I think it's great but I do strongly object to the Woodview Ridge Trail connector. Thank you.

(2) Mayor Horn: Mr. Garrett, do you have any questions for Ms. Warnock? No? Very good. Thank you, Ms. Warnock. Joe Sereika.

x. Mr. Sereika was sworn.

(1) Joe Sereika, 920 Woodview Ridge Trail, Lewisville. We are one of the two properties adjacent to the development. My concern and the concerns of the residents of Woodview Ridge Trail are for the safety of the children, of the parents if the connection to Woodview Ridge Trail is made as proposed in the current site plan.

I'm asking you to consider approving the development plan without the Woodview Ridge Trail connection because of the following facts.

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Number one, as proposed, the connectivity index for the Avendell -- Avendell Development is two. If the connection to Woodview Ridge Trail is eliminated, the connectivity index is 1.5. Forsyth County Winston-Salem's requirement is 1.2 or greater. So it will be met.

The Shugart Construction Company site plan will still be viable with the elimination of the connection to Woodview Ridge Trail. They will just have -- they will just and will adjust the site plan layout and go on with the construction.

Number three, the current state fire requirement for new developments is to have at least two access roads. And this will be met with Avendell connecting to Shallowford Road and to the Shallowford Reserve Development.

If you approve the development with the connection to Woodview Ridge Trail, it'll create a very real safety problem. The people leaving Avendell in their cars will abruptly transition from a neighborhood with no pedestrian traffic on the street, no children playing games on the street, bicycles and pedestrians using sidewalks to a narrower road surface with no sidewalks, filled with our children and grandchildren drawing with chalk on the road, riding their bikes and skateboards down and out of blind driveways onto the road, residents walking dogs in the street because that's the only thing that's there and that they've been doing.

In the first eight houses on Woodview Ridge Trail from the transition line out, there are 22 children under the age of 12, and one -- including one hearing-impaired child who is my grandchild. And they are playing on the street.

So I'm asking that in your consideration of approval for the Avendell Development that you eliminate the connection to Woodview Ridge Trail because number one, it's not required by the developer; number two, it is not necessary to meet the current state fire requirements; and number three, it is not necessary to conform to the current connectivity index numbers. Thank you very much and I hope that we have your consideration in favor in this matter.

- (2) Mayor Horn: Thank you. Mr. Garrett, do you have any questions for Mr. Sereika? Okay. Council members, any questions for Mr. Sereika?
- (3) Mayor Horn: I do. Excuse my ignorance on this but can you explain to me what the connectivity index is and means?
- (4) Mr. Sereika: It -- I would have to defer to Mr. Garrett. The connectivity index from what I understand and from the little I was able to understand about the Lewisville Legacy plans and the ordinances, it has to do with the number of houses, I think length of streets. There's a number of factors that

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go into the equation. And right now, with the connection to Woodview Ridge Trail and to Shallowford and to Shallowford Reserve, that number is two. And if you eliminate the connection to Woodview Ridge Trail, it -- it comes down to 1.5, which -- and I don't know, again, what goes into the equation or the factors for it. But the state requirement is 1.2. So whatever those factors are, it is still pretty good above that number if the connection isn't made.

- (5) Mayor Horn: Planner Tolbert, can you help us; enlighten us at all on the connectivity index? By the way that was a really good explanation.
- (6) Planner Tolbert: It is. Yeah.
- (7) Planner Tolbert: He's on the money. But as far as in our major subdivision ordinance, we don't have any specifics about number of houses, length of street. It may be in the city/county planning for the City and Forsyth County in their ordinance. Lewisville doesn't have something specific for our town as far as the connectivity index. It just speaks to connectivity in the major subdivision chapter of our UDO.
- (8) Mayor Horn: Okay. Thank you. It has more to do with the actual mechanical setup of the development, rather than just a subjective, you know, let's put a street in type of thing. I will Google it tonight, for sure. At your leisure. Mayor Horn: Council members, any more questions for Mr. Sereika? Very good. Thank you, sir.
- (9) Mr. Sereika: Thank you.
- (10) Mayor Horn: Ladies and gentlemen, this is a final opportunity if anybody has any comments that they wish to make. Yes, sir. Please come forward.

xi. Mr. Thutt is sworn.

- (1) My name is Ed Thutt. I live at 1170 Norwood Lane. I believe I put in two forms that may be shuffled at the end.
- (2) Mayor Horn: Okay, great. Great. Would you like to speak now versus at the end?
- (3) Mr. Thutt: I would like to speak now.
- (4) Mayor Horn: That's not a problem.
- (5) Mr. Thutt: I could echo the comments of everyone else. I won't bore you with all of that echoing. I am a school teacher at Reagan High School and I'm also an activity bus driver. Therefore, I know very well how wide our school buses are and how narrow our streets are in Forest Wood. I have a very difficult time imagining construction equipment, and school buses, and vehicular traffic on our roads at the same time.

For that reason, I feel very strongly against this connectivity with the new neighborhood. I have no problem with the new neighborhood being built. I welcome them to Lewisville.

But I do worry about the safety of my children in the street. I brought my children here today because I wanted to see that -- I wanted them to see this meeting. And I wanted you to know that there are children in our

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neighborhoods and we are concerned about their safety, especially with our narrow streets. There are deaf children who live in our neighborhood and I'm concerned about them, as well.

So, again, I don't want to echo everything they've said but I did want to speak to that issue.

- (6) Mayor Horn: Thank you. Mr. Garrett, do you have any questions for Mr. Thutt? Currently, since you're a school bus driver, do school buses currently serve that street?
- (7) Mr. Thutt: Yes, sir, they do.
- (8) Mayor Horn: And so they get down to the cul-de-sac at the end and try to do their turnaround?
- (9) Mr. Thutt: Currently, schools are making a -- or buses are making a turnaround right in front of my house, which means they pull in front of my house, back down onto Woodview Ridge Trail and then do a three-point turn out. However, that's only for summer school. During the regular school year there are elementary, middle and high school buses that all make that right turn onto Woodview Ridge Trail and go down into the dead end areas.
- (10) Mayor Horn: Okay. Thank you. Council members, any questions? Very good.
- (11) Mr. Thutt: Thank you.
- (12) Mayor Horn: Thank you. Amber, I believe you've also signed up to speak or -- okay. Very good. Anybody else wish to speak? Please come forward.

xii. Ms. Lawson is sworn.

- (1) Elizabeth Lawson, 808 Woodview Ridge Trail. So I'm on the last road before the connectivity, which is proposed.

I did review the Winston-Salem, Forsyth County connectivity index dated in 2005, which was well after our development was constructed. 18 foot was the minimum. I think that we are the minimum.

However, it does address topography. If you're not familiar with our neighborhood, there's a lot of hills, a lot of tight turns. So I do have a four-year old, although I'm close to the age of his prospective buyers, which I'm not opposed to his development.

But, again, echoing what everyone says between the topography which is very narrow, even going from -- transitioning from one street to another, oftentimes you have to wait for another car. So vehicles are only getting bigger, children are multiplying in our neighborhood. The safety issue is there.

And because we are bringing this to you, if it's passed and something happens, I mean, it's just going to be a significant reminder of your decision

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to jeopardize safety when it's not necessary. Thank you.

- (2) Mayor Horn: Very good. Thank you. Mr. Garrett, do you have any rebuttal? No?
- (3) Mr. Garrett: No.
- (4) Yes, sir. Please come up, Mr. Benbow.

xiii. Mr. Benbow is sworn.

- (1) Just to comment observation, it might help in this concern about the connectivity. In Shallowford Reserve currently there is just one entrance. And that was the same entrance that was there when it was built. And if I can just imagine with my finger, you come in Shallowford Reserve all the way down straight. But as you come down, you take a left turn, go around and finally to a cul-de-sac and come back out again.

The number of homes in there, there are three condo units with 12 units apiece or three condo buildings with 12 units apiece. There's 37 townhomes and there's about 50 -- either 58 or 59 standalone cottage homes. And all of that -- that's a lot more people living there than what we're talking about in this development -- proposed development.

And as long as you're driving slow, we're having no problems going in and out of there. With the connectivity, I can't imagine that anyone in Shallowford Reserve is going to go over to the new development, nor can I imagine anyone living there coming straight out because the Avendell group isn't -- wouldn't want to take a right turn and come into Shallowford Reserve when it'd be a lot easier just to keep going straight.

So with that in mind, I'm using that simply as information that it looks to me, personally, that you do not need the connectivity into the neighborhood that they're concerned about tonight. And even though I think we all understand the idea of connecting neighborhoods, but when you've got the limited road space there providing -- we're telling you about, I would hope that you might consider just keeping the one connectivity that we have between the two developments. Thank you.

- (2) Mayor Horn: Very good. I'm going to kind of assume that was an opponent viewpoint so is -- Mr. Garrett, would you like to have any rebuttal on that?
- (3) Mr. Garrett: No, thank you.
- (4) Mayor Horn: Very good. Anybody else wish to speak? Yes, ma'am, please.

xiv. Ms. McMurray is sworn.

- (1) My name is Annie McMurray and I live at 921 Woodview Ridge. I'm right across the street from my dad, the one adjacent to this proposed plan. I wasn't going to speak but I'm just the daughter of the deaf grandchild so my kids have grown up in my house. They only know my house. They only know the blind driveways. The streets are their playgrounds because we

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don't have much yards, or sidewalks, or anything so the safety is just one of my -- is my main concern if my children being right there at the threshold of this new transition.

So the other thing I would like to bring before you is we have a neighbor. I'm not exactly sure of her address; she's on Norwood. This family is the Suttons and they couldn't be here tonight because their son just got diagnosed with leukemia. But she wrote something to say so I'm going to speak on behalf of her if that's okay.

(2) Mayor Horn: That's fine.

(3) Ms. McMurry: Her name is Ashley Sutton. A She said, gain, Norwood -- I'm not sure her number. And this is what she wrote.

"To any and all involved in planning the possible connection from Forest Wood into the new neighborhood. As a relatively new resident, I would like to share with you the few reasons that we chose this neighborhood.

Our six-year old daughter, Josie, started kindergarten at Lewisville Elementary just last year. Every morning possible we walk to our school as a family. Our now three-year old little boy has asked every day if he gets to stay at "big" school now.

We have met and come to love our amazing neighbors whose homes we walk to many times a week. We play outside. We visit in the front yards. We do everything we can to make sure that our children get the absolute most out of their childhood and, more than ever, a safe childhood is of the utmost importance to our family.

While we do everything in our power to protect our children, we have learned that protecting them from everything is not possible. Our young son was recently diagnosed with leukemia. We may not be able to stop cancer from disrupting his happy childhood but we can absolutely voice the need to protect every carefree moment that he and every child in our neighborhood have in store.

Allowing a connection from another very large neighborhood will make such an increase of traffic that playing outside will be seriously compromised and unsafe, let alone learning to ride a bike. Please help us protect our kids and their childhoods."

(4) Very good. Thank you. Mr. Garrett, do you have any rebuttal? Okay. Anyone else wish to speak? Anyone at all?

xv. With that, we'll close the evidentiary hearing (8:24 p.m.).

xvi. Council members, it's up to us now for our discussion and our consideration.

(1) Council Member Franklin: I've got a question. I have -- the street that they're talking about that all these folks live on is the adjoining street. Is that a town-maintained street?

(2) Planner Tolbert: Yes, I believe it is.

(3) Council Member Franklin: Because I know when that community was built in there, they were not town maintained. There was street problems that the homeowners were going to have to correct at all before the town would take them over. And I didn't recollect whether that had actually been

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- accomplished or not. But Ms. Walker's nodding her head that -- okay.
- (4) Mrs. Walker: The homeowners actually had to put in money in order to bring the streets up to standard. That standard was to make sure that they would not be compromised as large trucks or whatever come in. But they also had to put in drainage and all kinds of things because the original developer did not build to standard.
- (5) Council Member Franklin: All right. That was my recollection but it is town maintained streets now. Okay.
- (6) Mrs. Walker: Yes, it's been about six or eight years that we've taken over.
- (7) Council Member Franklin: All right. So that leads me to my next question. If the North Carolina DOT can require a construction entrance off of Shallowford Road, can we as a town with our town maintained streets dictate as a condition that construction vehicles cannot enter this as this is being built out through this Wood View?
- (8) Planner Tolbert: Yes.
- (9) Council Member Franklin: I just ask.
- (10) Planner Tolbert: Yes. They also would have to go through driveway permits for the the town streets. That goes through George Hauser, with our Public Works Department. But that could be a stipulation.
- (11) Council Member Franklin: Well, I guess what I'm getting at is during the construction phase, typically I know that where Shugart comes in to build a neighborhood, they typically come in and build the neighborhood and get out. So with that being in mind, even if this is cut-through, maybe either that might be the last thing that's done street-wise is tie this connectivity in so that it ensures the construction vehicles can't come through this particular neighborhood to get to this development as it's being built. And has all traffic has to come in off of Shallowford Road directly. I'd like to see if some way that can be a condition if this is approved.
- (12) Mrs. Walker: I've already made a notation because someone mentioned it earlier.
- (13) Council Member Franklin: Okay.
- (14) Mrs. Walker: So I've already made a notation to update the ordinance.
- (15) Council Member Franklin: I mean, as far as the connectivity, I think that for fire protection purposes, for law enforcement purposes they serve a necessary evil, if you will, to allow emergency vehicles to gain access to our neighborhoods in emergency situations. There's always a down side to that. That was the whole reasoning, if you will, behind interconnected streets from neighborhoods and stub streets is neighborhoods are getting built out. That was when this particular neighborhood was built, that's the reason they ended up with stub streets with adjoining vacant land is because at some point in time, those adjoined vacant lands would develop into neighborhoods and so forth. So I understand the need for the connectivity, but I, again, would like to see it minimized to just residents that commute through the areas if we can keep the construction traffic out while it's actually being built out and all.

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- (16) Mayor Horn: Council Member Franklin, you want to make that a condition should we choose to approve?
- (17) Council Member Franklin: I do. I would like for it to be a condition, yes, ever how we need to go about doing that. That as it's being built if it's only accessed from Shallowford Road until build out. And so, Bo, if I'm stepping out of line, tell me.
- (18) Attorney Houff: No, sir. You're not stepping out of line at all. You know, not to try to foresee how the Council might proceed but if the Council were to proceed to move to approve this Special Use Permit for the PRD, any motion could include in it that condition that you've just mentioned.
- (19) Council Member Franklin: Okay.
- (20) Council Member Greene: I know they've talked about the children that's there, the speeding that possibly could come about. Is there a chance of putting speed bumps in there? Would that make you feel more safer? I mean what Councilman Franklin is saying, I mean, it's -- that's why you've got vacant lots. That's why you've got a stub street. And those streets are up to par. They do meet town -- you know, that's just a thought; maybe a comfort.
- (21) Mayor Horn: Are you suggesting inserting speed bumps in Forest Wood?
- (22) Council Member Greene: Yes.
- (23) Mayor Horn: You give it one more reason not to go through there.
- (24) Council Member Gallman: How many houses on Forest Wood Ridge Drive? Do you guys have an approximate number? Yeah. I'm sorry. I mean Woodview Ridge Trail. Yes.
- (25) From the audience: It's basically one way in. I would say 75. There's one way you can come in on Forest Wood and you turn left, you turn right and there's a cul de sac.
- (26) Council Member Gallman: Okay. Yeah. I live in a neighborhood that has one way in and one way out, too. It was built before. And for emergency reasons, I mean, God forbid, something happens. And I understand today's times have changed and they do need emergency in and out and different connectivity. Joyce, for the sake of history, who was the builder that didn't build up to standard for the roads? Can you tell me?
- (27) Mrs. Walker: I can only remember his last name and that was White.
- (28) Council Member Gallman: I just wanted to make sure it wasn't --
- (29) From the audience: White.
- (30) Council Member Gallman: Okay. Okay. I just wanted to have reference on that. Make sure --
- (31) From the audience: And if you go back, they may not have done (inaudible) to follow up with her about the (inaudible). (Inaudible) homeowners association. But our neighbors (inaudible) neighborhood and want to keep it safe. (Inaudible) \$750 (inaudible) up around that --
- (32) Mayor Horn: Mr. Garrett, did you have a response you wanted to give Council Member Franklin? Certainly.
- (33) Mr. Garrett: About this potential condition, I'm all for it. I would just need

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- help to enforce it so no problem whatsoever during the land development construction work. But once we have physically, you know, made the paving connection, then we would need the town's help in, you know, making sure that's not open for traffic. I mean, we'll do our best; we'll do our part as much as we can. But when -- when you're building houses, you've got a lot of subs in and out. And I think that the Shallowford Road is going to be the preferred access point. It's like a maze going through, you know, Sequoia. But if you would just consider that. If you -- if you're thinking about putting that condition on, I'll need help for enforcement.
- (34) Council Member Gallman: But you guys would use that back end for construction, I'm sure, for your subs and all that. That's what you would really want it for.
- (35) Mr. Garrett: The Shallowford would be what we would use.
- (36) Council Member Gallman: Right.
- (37) Mr. Garrett: Yeah.
- (38) Council Member Gallman: But I also this -- this other connector here. That -- the one that we're talking about.
- (39) Mr. Garrett: I mean it really doesn't matter to me. I mean, I'm totally fine not making the connection at all. What I'm -- what I'm trying to say is if we go ahead and make the connection and there's a condition that we not have construction activity through that connection, then we will need, you know, some -- a barricade there. Concrete barricade.
- (40) Council Member Gallman: Then I say no connection is needed probably at all. If that's what you're saying. Yeah. You just basically summed it up for me. So, yes.
- (41) Mayor Horn: Yeah, I think we've got-- I think we're talking about maybe two different things. There's the connection to the Forest Wood neighborhood.
- (42) Council Member Gallman: So what he's saying he would put concrete barriers up during the construction phase. He would not need any really the connection activity during that phase.
- (43) Mayor Horn: I think Mr. Benbow was talking about the construction traffic coming through Shallowford Reserve; that connection there toward the front.
- (44) Council Member Gallman: Yeah. No, uh-uh. No.
- (45) Mr. Garrett: Let me try to say it again. To be clear, what I understood is that Council Member Franklin was talking about having the condition of this Special Use Permit that no construction traffic use the Woodview Trail access point. And I'm saying if that's a condition, I will need the town's help in enforcing that with concrete barricades. And what could happen is potentially someone could come down there; they'll see they can't make the connection and have to turn around and go back out. So there's really no way for me to physically stop people from at least trying to make that connection if in fact the pavements are tying together.
- (46) Council Member Gallman: So I see this as a moot point. We don't need a

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connection there at all, basically, is what I'm seeing because you're wanting to use that connector actually for your construction activity. Yeah. Yeah. And that's what the people are saying, too, Frank, I mean Fred. That's exactly what's going on here. That's your thoroughfare to bring in the construction activity basically.

- (47) Mr. Garrett: Shallowford Road is –
- (48) Council Member Gallman: That's one of the ways. But also this other connectivity.
- (49) Mayor Horn: Will there be a construction entrance off Shallowford Road in addition to the main entrance to the neighborhood?
- (50) Mr. Garrett: It'll just be the road that we construct off of Shallowford. Yeah.
- (51) Mayor Horn: Okay. And you anticipate that that will be the primary entrance for construction vehicles during the period of time you're doing development?
- (52) Mr. Garrett: Yes. Because it's how you find the neighborhood. I mean it.
- (53) Mayor Horn: Okay.
- (54) Mr. Garrett: I mean I would say that if they had their options -- the subs -- you know, I would say at least 80 to 85 percent are going to come in through Shallowford Road. I've driven it multiple times and I can still get turned around there in Sequoia. So all I'm asking is if the connection is made and you don't want construction traffic using that connection, then let's put some concrete barricades there so that I can comply with that condition.
- (55) Mayor Horn: What's your anticipated build out for the neighborhood?
- (56) Mr. Garrett: I believe that this neighborhood will be built out in two and a half to three years.
- (57) Mayor Horn: Council members, anything else? Anything additional?
- (58) Council Member Smith: I have a question. Stacy, I mean is there an option? I mean, I don't think it is, is it not?
- (59) Planner Tolbert: In our Unified Development Ordinances in the major subdivision chapter, it does state that "All subdivisions shall be designed to have interconnecting streets for a consistent development pattern. In cases where major streams or other physical barriers must be crossed to provide for interconnecting streets, exemptions for this ordinance shall be based on a length, cost and construction difficulties of the connection streets and shall be decided by the elected body." Then it goes on to say in another section in the major subdivision chapter, "Also there is a dedicated right of way and construct stub streets to any adjoining properties to facilitate traffic circulation within the context of the overall transportation network." The reason the stub streets are there is they're designed to be connected to any future development. But it is a requirement of the ordinance; that is why it was required by staff to be put there.
- (60) Council Member Smith: That was my question, yeah.
- (61) Mayor Horn: Council members, any additional comments? Then we are

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at the point where we need to have a motion to approve or not approve. If the motion is to approve, it needs to be stated so. If the motion is to not approve, we need to state the condition by which we would (Attorney Houff interrupted)

- (62) Attorney Houff: If there were to be a motion to not approve, you must include the finding of fact that has not been met.
- (63) Council Member Greene: Explain that again, Bo, please.
- (64) Attorney Houff: There are four findings of fact that must be found. If those four findings of fact have, in fact, been found, then you need to approve the Special Use Permit because that's what the hearing is about. If you wish to move to not approve this Special Use Permit, then you must look to one of those four findings of fact and say that finding, whichever one it may be, has not been found and why it is that you believe that that finding of fact has not been found.
- (65) Council Member Gallman: Would you restate what you just said again, Stacy?
- (66) Planner Tolbert: The part of the ordinance?
- (67) Council Member Gallman: Uh-huh. Re-read it, please.
- (68) Planner Tolbert: It states, "All subdivisions shall be designed to have interconnecting streets for a consistent development pattern. In cases where major streams or other physical barriers must be crossed to provide for interconnecting streets, exemptions for this ordinance shall be based on the length, cost and construction difficulties of connecting streets and shall be decided by the elected body."
- (69) Council Member Gallman: But how many connecting streets?
- (70) Planner Tolbert: It doesn't give a requirement. It just states that if there is a connection that needs -- that is there to be made, then they make the connect -- the stub street is there to be connected to, then the ordinance requires that.
- (71) Council Member Gallman: And that was the difference between the County and then what we in Lewisville -- the difference between the numbers, right?
- (72) Planner Tolbert: Right. We don't have a connectivity index.
- (73) Council Member Gallman: Somebody had said that earlier.
- (74) Planner Tolbert: But one thing that we do require is that -- well, we don't require it but the NC state fire code requires if you have 30 or more homes to be served, then you have to have two forms of ingress and egress into and out of the subdivision.
- (75) Council Member Gallman: It's already met here.
- (76) Planner Tolbert: Right. Correct.
- (77) Council Member Gallman: Okay.
- (78) Planner Tolbert: But then our ordinance does go above that -- that the streets should be interconnected.
- (79) Council Member Gallman: But the two already meet that -- it was already on here that they're interconnected? Would that be correct? The

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- Shallowford Road and then -- from what I understood earlier that this -- the Woodbridge -- I'm sorry I'm -- I don't have my glasses on -- Woodview. That, actually, it's not necessarily we have to have that connectivity.
- (80) Planner Tolbert: Well, to meet the fire code, you don't.
- (81) Council Member Gallman: Right.
- (82) Planner Tolbert: To meet the Unified Development Ordinance for Lewisville, it does require that that connection is made because that stub is already there for future development. If that stub had not been there, then you might could get around it, you know, or if there's a stream, if, you know, it states length, cost, construction difficulty, something like that, then that waiver can be made. I don't -- I'm not sure if any of those apply to this situation. I know there's not a stream through there but I'm not a hundred percent sure on what the topography may be.
- (83) Council Member Franklin: I've got a question for Stacy. On coming down Woodview Ridge Trail from the inception, how many stub streets are to the left toward the vacant property? Before we get to this point where this two -- these two properties. I know there's at least one or more stub streets that's already abutted to some vacant property that adjoins Shallowford Road.
- (84) Planner Tolbert: Yeah. I --
- (85) Council Member Franklin: And so if -- my point here is that if this stub street connection is not tied in at this point in time, if that other vacant property that's between the houses that's on Woodview Trail Ridge and Shallowford Road is ever developed, then there's going to be a requirement for whoever develops that to tie into current stub streets that are off of Woodview Valley -- or, excuse me -- Woodview Ridge Road.
- (86) Planner Tolbert: Correct.
- (87) Council Member Franklin: Do you know how many of those there are at this point in time?
- (88) Planner Tolbert: I do not know for sure.
- (89) Council Member Franklin: I'm seeing -- I'm seeing two so --
- (90) Council Member Gallman: Two.
- (91) Planner Tolbert: Yeah.
- (92) Council Member Franklin: Thank you. So I guess my point is that this street by the fact that it has been surrounded by vacant land for a number of years, when this vacant land develops, which this is the first piece, this neighborhood's going to be impacted because of the fact of regulations that was in place when it was built that require three stub street to vacant land; is that correct?
- (93) Planner Tolbert: Uh-huh.
- (94) Council Member Franklin: Okay. So there -- we could be having conversations like this again in the future; maybe not to this level as an evidentiary hearing depending upon whatever might transpire with this other vacant land between Shallowford Road and this neighborhood.
- (95) Mayor Horn: That would be correct.

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- (96) Council Member Franklin: Yeah.
- (97) Council Member Gallman: Just to make sure I understand here. So the -- the two streets that are actually for the UDO, we can consider Woodside and Shallowford Road. So going back to Woodview Ridge Road, that -- that's our third street, the one that's in question here.
- (98) Planner Tolbert: Right. The two streets meets the requirement for the fire code.
- (99) Council Member Gallman: Right. And the UDO, right? And that should -- that should be the UDO.
- (100) Planner Tolbert: UDO would require all of the stub streets that stub into this vacant property to be connected to. That's what the Unified Development Ordinance says.
- (101) Council Member Gallman: Would require all three of them?
- (102) Planner Tolbert: Well, the two coming in and then the access to Shallowford Road is the access into the main access into the subdivision. But since those two stub streets are currently stubbing into a vacant property, that is when the UDO requires those connections to be made.
- (103) Mayor Horn: Council members? The particular challenge I have with this (overridden by Council Member Gallman)...
- (104) Council Member Gallman: I still have some issues with it. I'm sorry. I'm with you guys. I'm sorry. Yes, I'm with you. Sorry.
- (105) Mayor Horn: Yeah. The challenge I have with this is that the roads in Forest Woods were constructed really early on in town development. They weren't held to any particular --. I guess if you were to build that subdivision today, you would have to have much wider streets, you'd have to have sidewalks, you'd have to have the kinds of things that we require. And this will sound kind of over the top but I've been -- several times I've driven from the end of the cul-de-sac out to 421 and from the entrance point at the Avendell development out to 421 and oddly enough it's exactly the same mileage. The point raised by the opposition this evening that kind of caught my ear is that this could in actuality become a cut-through for Jack Warren Park when we begin to open up the community center and have increased activity there. My challenge with this, Council members, I think is we're applying our connectivity standards for neighborhoods that are building roads to our current width standard with sidewalks to a neighborhood that we didn't require them before. So it creates a kind of this funneling effect of, you know, wider roads down to roads that weren't designed for it. I am a thousand percent supportive of the UDO and I understand the reason we have connectivity and I understand all of the important reasons why we require the stub street connections. But in this particular case, I think we probably create more of a nuisance by requiring that connection. Bo, You have some --
- (106) Attorney Houff: I did. There is a provision in our subdivision ordinance. We have referenced it occasionally that says that the elected body does reserve the right to modify or extend these ordinances as may be deemed

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necessary to provide reasonable service to the public. So if you were inclined based upon -- and I think that was something that was newly mentioned tonight was they're talking about the access to the community center. But in any event, you do have an out if you're so inclined based upon providing reasonable service to the public.

- (107) Mayor Horn: Well, then -- I think about the connection from Oak Grove to Arbor Run. And Arbor Run was built first and Oak Grove was connected to that. And there were stub streets and we required connections there. But you had two communities with wide roads, and sidewalks, and right of ways, and medians that were connecting to another neighborhood with wide roads, sidewalks, medians, and -- and similar types of roads. There's no question the people who live along Ridgecrest today in Arbor Run are very angry that that stub street was required but it didn't create in my mind the same kind of safety issue that potentially could be created in Forest Wood. So at this particular point, I'm going to go ahead and make the motion that we approve the PRD for Avendell, that we do not require the connection to Ridge --
- (108) Planner Tolbert: Woodview Ridge Trail.
- (109) Mayor Horn: -- Woodview Ridge Trail, yeah.
- (110) Council Member Gallman: It's all confusing.
- (111) Mayor Horn: And that the reason that I'm asking for the modification of that stub street is based upon my concern -- hopefully our concern -- for the safety of that neighborhood.
- (112) Council Member Gallman: I second that.
- (113) Council Member Zenger: Mister Mayor, with all due respect, just a caution. You know one of the things with planning is we have to think down the road. We have to live in front of everything. If we decide that roads that don't meet our current standard cannot be stubbed to new subdivisions; if that's going to be our -- what we're going to do, probably in the neighborhood I'm guessing half the roads in our town now that have vacant land surrounding them, cannot be stubbed to. Think about Shallowford Lakes, think about Willow Run, think about all of -- none of those roads -- none of those roads meet our current standards because our standards, just like building codes, changes constantly. So if we're going to say well, they weren't built -- you know, I don't know that their roads originally were not built to whatever standard there was at that time. It just wasn't our standard that we got drafted. And so my caution would be, you know, when we do something like this, what is the unintended consequences? And then, does that automatically mean that those two other stub streets that Council Member Franklin brought up, they can't be connected to either then?
- (114) Council Member Franklin: That -- I guess the part that is, in my mind at this point in time, if the folks tonight on Channel 6 watching us that live in Robinhood West, with Conrad Farm going in beside of them and how -- that they were here just like these folks were.
- (115) Council Member Zenger: Yes, they were.

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- (116) Council Member Franklin: When it came to stub streets coming through Robinhood West to get to satisfy requirements for Conrad Farm. So if we don't do anything else as a Council, as a sitting Council, we need to be consistent with what we're doing. All right?
- (117) Council Member Zenger: And that was 195 houses, not 49.
- (118) Council Member Franklin: So keep that in consideration however how you're thinking to vote and so forth. We need to provide consistency to our planning staff so that when our Planning Board reviews a proposed development, makes a recommendation it meets -- you know, the "I"s are dotted and the "T"s are crossed and it comes to us. And we're charged with finding four findings of fact. And if it meets those four findings of fact, we need to be careful in being consistent from one neighborhood to the other neighborhood.
- (119) Mayor Horn: I completely with you, Council Member Franklin. I think the Robinhood West and the Conrad Farm was somewhat substantially different situation. There were three stub street connections that were to attach from Robinhood West to Conrad Farm. We did require one of them. And that was to provide the second entrance into Conrad Farm. So I'm not sure I can draw a comparison or at least an adequate comparison between the two at this point.
- (120) Council Member Franklin: It was two out of three got tied in over there.
- (121) Planner Tolbert: Just one that's required to Robinhood Woods.
- (122) Council Member Franklin: Just one. The one farthest back, right?
- (123) Planner Tolbert: I think it's the one in the middle of the three.
- (124) Mayor Horn: Middle one, yeah.
- (125) Council Member Zenger: So, again, back to my point, the property that borders this over there is, I think, 45 acres. And so three times the size of the property that's being developed right now with two stubs going into it. Now, those stubs are going to connect to these roads. So are we saying 45 -- you could put 100 -- it can be perfectly conceivable to be a hundred houses there. But we're not going to stub into them because the roads are different? And I'm just -- you know what I mean? You know, because -- because I'm telling you if I'm those folks, and that property sells next week and they come in here, they're going to be coming back and saying hey, well, you said that our roads couldn't have a stub to it.
- (126) Council Member Gallman: Well, if those roads are different, I hold the Planning Board responsible in zoning for letting those roads be approved. So we have to start somewhere.
- (127) Council Member Zenger: I understand the roads already exist. The point was is that their roads -- and correct me if I'm wrong, Mayor Horn. Mayor Horn said that our new road standards are the standards that this one is going to be built to is substantially more than the roads that they're going to join to.
- (128) Mayor Horn: Correct.
- (129) Council Member Zenger: Those roads -- they have two more stubs in their

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neighborhood to vacant land, besides this one. And that's the 45 acres that's the Dahl property that sits right there. They have 45 on one side of the road and 15 on the other. And that will be developed at some point. It's got zero access just like this one does but you could put three times as many houses on there as you could on the one that we're doing tonight. And so are we going to say well, no stub connections? I mean, I just want to know because we -- you know, we're -- we're -- I completely feel with what they're -- I understand where they're coming from but that's why that developer that built their neighborhood was required to put in stub streets. That's why. That's why they're not cul-de-sacs at the end of the road. And so at some point, you know, when that development came, they were told you need three stub streets out to vacant land because some day they're going to be connected. Well, here we are. And we're saying well -- so I'm just -- I'm just asking. We've got to -- as Council Member Franklin pointed out, we've got to have some level of consistency. And I don't want to box ourselves into a situation where now we've got a ton of houses and we're not allowed to connect because we decided well, for what reason? So I just throw that out there.

- (130) Mayor Horn: Point well taken, Council Member Zenger.
- (131) Council Member Franklin: Mayor, since you've made a motion, I would like to point out one thing before a vote is taken, that the developer has proposed to carry the name Woodview Ridge Trail all the way to Shallowford Road. So be careful of the wording of your motion in as far as the tie-in because there is proposed connectivity of names even all the way out. So consider that before we -- I'm not -- for -- what I'm looking at the map here, it turns and goes out to Shallowford, and then coming in from Shallowford Reserve, it doesn't change name. It's like the developer didn't have to come up with any new names is the way it looks to me.
- (132) Planner Tolbert: That's correct. That goes to the map Forsyth Department who is charged with doing the addressing and street naming for the entire county excluding Kernersville.
- (133) Council Member Franklin: I guess my point is is that we don't want to go up and set up a situation like we used to have on Lasley Road before we had where it doesn't connect all the way through is my point.
- (134) Mayor Horn: Right.
- (135) Planner Tolbert: If the connection is not made; if that's the decision that's made tonight, then Shugart would go back before Map Forsyth with a new proposed street to be proposed and to be approved by them.
- (136) Council Member Franklin: Or a different name.
- (137) Planner Tolbert: Right.
- (138) Council Member Franklin: Okay. All right. Thank you.
- (139) Mayor Horn: Thank you, Council Member Franklin. Any additional discussion?
- (140) Council Member Mock: If I can?
- (141) Mayor Horn: Yes, ma'am.

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- (142) Council Member Mock: With your proposal is to not make that connection. In looking at the current site plan that we have, if we don't make that connection, can we request a stub street within this neighborhood would go to that large tract of land that's next door for a future connection.
- (143) Council Member Smith: The Dull property.
- (144) Mayor Horn: Well, no, that's a legitimate question to ask.
- (145) Council Member Franklin: But looking at the map here, it appears that the current layout I would assume that in essence he's losing two lots if you don't build that road right down to where the proposed concrete barriers was. In other words, where it turns to go tie in to the current Woodview Ridge there. I mean so that would change the plat and everything else.
- (146) Planner Tolbert: It would. That could be -- Greg would you want to maybe speak to that? I'm not sure what the topography is like. I'm not -- as far as that area right there.
- (147) Mr. Garrett: All right. Let's see if we can come up with a solution here. So I'd like to draw your attention, first, to the detention pond that's at the southern part of the property. You know this is a requirement of your storm water ordinance. And it is tight to do that storm water detention pond and still make the connection to Woodview Ridge Trail. If you look, each one of those lines along -- once you leave the cul-de-sac and head towards Woodview Ridge Trail, each one of those lines represents two foot of elevation change. So I'm seeing 25 feet drop from Woodview Trail down to the detention pond. To me that's a topographical issue. I'm willing to go back to the drawing board and see what we can do on a reconfiguration down there without the connection if that's the Council's desire. I just ask that I'm not having to go back through the process. It would be something staff can handle.
- (148) Attorney Houff: That would be a staff level modification if that could be worked out.
- (149) Mayor Horn: Mr. Garrett, would you then -- Ms. Mock raised the issue, would you then consider having a stub street connection to the vacant property to the west of you?
- (150) Mr. Garrett: Yeah. I guess I misunderstood that part. I hadn't thought about that part. I was --
- (151) Mayor Horn: You basically lose a lot if you do it that way. Or you can shift them all --
- (152) Attorney Houff: There is one later on Woodview Ridge Trail down there, I think. It's not depicted on this site plan. But the manager showed one --
- (153) Mayor Horn: There's two more going --
- (154) Attorney Houff: There are more as -- I think Council Member Zenger made reference to them. But there are two other ones already in place. So I don't know that that would be required necessarily in order to get the kind of activity that we're talking about.
- (155) Mr. Garrett: If I may, what I think I heard you say was if we eliminate this one, can we also go ahead and address the other two that are coming off of

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- Woodview Trail into the big tract of land. And -- and -- and --
- (156) Mayor Horn: No.
- (157) Planner Tolbert: I think what Mr. --
- (158) Council Member Zenger: If we did -- if we did a connector -- if you've had -- you got one stub street going into the neighborhood this gentleman lives in. If you had another connector that went to that big property and dumped there -- in other words, you --
- (159) MS. SPEAKER: Creating a stub street?
- (160) Council Member Zenger: -- maybe skip the houses -- you kill the road at the end and shift them down and put it through. I mean, I think that, you know, all that does is give us an opportunity for all of these people after they're built here to come and be upset about a connector. But --
- (161) Council Member Gallman: The road would be wider.
- (162) Mr. Garrett: I'm very open to eliminate the connection to Woodview Trail Road -- Woodview Ridge Trail. But to look at another stub, I'm -- I'm not open to that.
- (163) Council Member Gallman: You don't want to do that? Okay.
- (164) Mr. Garrett: Yeah. And just so you can hear my -- just thinking out loud with everyone, it looks like potentially that Lot 25, if they could just have their driveway off of the dead end road of Woodview Ridge Trail, that would help soften the change and potential loss of lots. In other words, that lot would stay there -- It's just a driveway coming off of the dead end road. It would just stay there. You're adding one house on that road versus 49.
- (165) Council Member Mock: But that brings us back to the fact we have two stub streets that are still in that neighborhood that open up to the Dull property for future connectivity issues. So, again, with what Council Member Zenger said, elimination puts that -- those two in jeopardy.
- (166) Mayor Horn: In the future.
- (167) Council Member Mock: In the future.
- (168) Mayor Horn: I mean I would potentially make the same argument to a petitioner in the development of the site plan that they do some consideration there because we're -- but, again, that's just my point of view. And, Jeff, I absolutely understand where you are on this. I mean I understand the consistency Council Member Franklin is talking about, as well.
- (169) Council Member Gallman: And I think with modifications, which are allowed, we can make that --
- (170) Mayor Horn: Mr. Garrett, if you would just put a little stub street there right across from your current stub street, that would solve ever -- all of our problems.
- (171) Council Member Gallman: Yeah.
- (172) Mayor Horn: We'd all be happy campers and we've walked away singing Kumbaya together.
- (173) Council Member Gallman: Yeah. Uh-huh.
- (174) Council Member Zenger: Let me -- you know, the -- the thing is, Mayor

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Horn, is with all of these old neighborhoods, they've been this way for 30, 40 years. The only thing that's consistent is change. And the only thing that people don't like is change. And so there's a lot of vacant land -- there's a lot of vacant land running along old neighborhoods with a lot of dead end stubs. And they were put there for a reason. And so, you know, we -- we just need to be very, very -- we need to be very, very thoughtful about what we're doing. We can do something great for tonight that's horrible for the future. And so, you know, at some point, you know, we've got to -- we've got a small street here now. Wait until we've got, you know, 300 homes that are going to be impacted and then -- you know what I mean? And so that's -- I'm just saying that we've got to really think -- be careful about what we do because we have so -- it'd be one thing if we had a handful of these things and that was it. But we've got a lot. We have an awful lot. So I'll just put that out there.

- (175) Mayor Horn: Thank you, Council Member Zenger. Council members, we have a motion and a second on the floor. Is there any further discussion?
- (176) Council Member Franklin: I'd like to be clear about what the motion is, please.
- (177) Mayor Horn: The motion is to approve the PRD with removing the requirement to connect the stub street to the Forest Wood neighborhood.
- (178) Council Member Franklin: So the motion is that it meets all four conditions. And then you want to place a condition to remove the stub street?
- (179) Mayor Horn: That would be correct. Yes.
- (180) Council Member Franklin: That's correct? Is that -- I wanted to make sure I understood the motion.
- (181) Planner Tolbert: I'd like to just make a comment, Council, that if -- if that is the decision that is made tonight, then is -- is it okay for once, you know, if -- if it is approved without the connection, that it go back through at least planning staff to make sure it still meets all of the requirements of the PRD and everything?
- (182) Mayor Horn: Certainly. That can be done at the staff level, correct?
- (183) Attorney Houff: I believe so because we -- we won't be reconfiguring any lots other than I think possibly a driveway or something like that. But that -- I think that's small enough that'd be at staff level.
- (184) Town Manager Perkins: One further question. Planner Tolbert, I guess the motion also incorporates all the other conditions specified by the Planning Board except for the connection?
- (185) Planner Tolbert: Correct.
- (186) Mayor Horn: Thank you. With that, I'll call the question. You know the motion. You have a second. All those in favor, please say aye?
- (187) Council Member Gallman: Aye.
- (188) Council Member Greene: Aye.
- (189) Mayor Horn: All opposed?
- (190) Council Member Franklin: Nay.

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- (191) Council Member Zenger: Nay.
- (192) Council Member Smith: Nay.
- (193) Council Member Mock: Nay.
- (194) Mayor Horn: That motion fails four to three. We will entertain a subsequent motion.
- (195) Mrs. Walker: It fails three to four because of the way it was stated.
- (196) Mayor Horn: Three to four. Yeah, thank you, Mrs. Walker.
- (197) Council Member Zenger: I make a motion to approve (Ordinance 2019034).
- (198) Mayor Horn: Council Member Zenger makes the motion to approve.
- (199) Council Member Franklin: Second.
- (200) Mayor Horn: Council Member Franklin makes the second. Any further discussion?
- (201) Council Member Greene: Why don't we leave that open to approve this development?
- (202) Mayor Horn: Approve the development without a stub street connection.
- (203) Council Member Zenger: Yeah. And I would just -- I'll add that we will ask the Town of Lewisville to put up some of these fancy barricades that we have all over from the Fourth of July on those stub streets until construction is completed.
- (204) Mayor Horn: Any further discussion? With that, all in favor of the motion, please say aye.
- (205) Council Member Franklin: Aye.
- (206) Council Member Zenger: Aye.
- (207) Council Member Smith: Aye.
- (208) Council Member Mock: Aye.
- (209) Mayor Horn: Any opposed?
- (210) Council Member Gallman: Aye.
- (211) Mayor Horn: Aye.
- (212) Mayor Horn: Mr. Greene?
- (213) Mr. Greene: I'm going to stay with what I had.
- (214) Mayor Horn: Okay. Very good. That motion passes four to three. Okay. Thank you very much, Council for the thoughtful discussion.
  - (a) Ordinance 2019034 is herein incorporated by reference into the minutes.

**8. Annexation Requests**

- a. None.

**9. Site Plan Amendments**

- a. None.

**10. Unfinished Business**

- a. None.

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11. **New Business**

- a. **Resolution 2019050** - authorizing the contract with Sir Speedy for newsletter printing in an amount not to exceed \$12,715.50
  - i. Council Member Mock moved to approve Resolution 2019050. The motion was seconded by Council Member Smith and approved unanimously. Resolution 2019050 is herein incorporated by reference into the minutes.
- b. **Resolution 2019052** - authorizing the Town Manager to award a 3-year contract to EcoLogic Environmental Landscapes, LLC of Pfafftown to provide maintenance of the Perennial Garden at Jack Warren Park for an amount not to exceed \$15,505.<sup>00</sup> for each year of the contract
  - i. Council Member Smith moved to approve Resolution 2019052. The motion was seconded by Council Member Zenger and approved unanimously. Resolution 2019052 is herein incorporated by reference into the minutes.
- c. Conrad Circle Repairs
  - i. **Ordinance 2019035** - amending Budget Ordinance 2019001 for repairs on Conrad Circle in the amount of \$59,603.<sup>00</sup>
    - (1) Council Member Mock moved to approve Ordinance 2019035. The motion was seconded by Council Member Franklin and approved unanimously. Ordinance 2019035 is herein incorporated by reference into the minutes.
  - ii. **Resolution 2019053** -authorizing the manager to award the contract for repairs on Conrad Circle to Russell Construction Company of Advance in an amount not to exceed \$59,603.<sup>00</sup>
    - (1) Council Member Smith moved to approve Resolution 2019053. The motion was seconded by Council Member Mock and approved unanimously. Resolution 2019053 is herein incorporated by reference into the minutes.
- d. **Ordinance 2019037** - amending Chapter 16 Parks, Recreation, and Cultural Development Article 2-14: Facility Use Exemption Policy
  - i. Tealdrops, Inc. and Forsyth Home Educators have requested exempt use of Town facilities.
  - ii. Council Member Zenger moved to approve Ordinance 2019037. The motion was seconded by Council Member Smith and approved unanimously. Ordinance 2019037 is herein incorporated by reference into the minutes.
- e. Yards By Us mowing maintenance contract amendment
  - i. **Ordinance 2019036** - amending Budget Ordinance 2019001 in the amount of \$2,740.<sup>00</sup> to amend the contract with Yards by Us to mow the donated properties on Warren Park Drive and Lewisville-Vienna Road
    - (1) Council Member Smith moved to approve Ordinance 2019036. The motion was seconded by Council Member Gallman and approved unanimously. Ordinance 2019036 is herein incorporated by reference into the minutes.
  - ii. **Resolution 2019054** - accepting Change Order #1 with Yards by Us to include mowing for the donated properties on Warren Park Drive and Lewisville-Vienna Road in the amount of \$2, 740.<sup>00</sup> to bring the total of the contract to \$40,170.<sup>00</sup>
    - (1) Council Member Franklin moved to approve Resolution 2019054. The motion was seconded by Council Member Smith and approved

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unanimously. Resolution 2019054 is herein incorporated by reference into the minutes.

- f. [Resolution 2019055](#) - opposing proposed legislation deannexation certain properties from the village of Clemmons that is being proposed in the State legislature
- i. Council Member Mock asked if she needed to recuse herself because of her ties to the Clemmons village council.
    - (1) Attorney Houff advised that she did not.
  - ii. Mayor Horn asked that Council members review the resolution. His concern was not looking at Clemmons specifically but the precedence it could set on future deannexations and any possible legal entanglements for the Town.
    - (1) If approved, the resolution will be given to the Forsyth delegation (to the legislature) as well as the Forsyth County Commissioners.
    - (2) Mayor Horn also advised that this may be attached to another bill to be passed.
  - iii. Council Member Smith moved to approve Resolution 2019055. The motion was seconded by Council Member Greene and approve unanimously. Resolution 2019055 is herein incorporated by reference into the minutes.

12. **Administrative Reports**

- a. Upcoming [Events at Shallowford Square](#) and Town Holidays were reviewed.
  - i. Mayor Horn commented on the great Independence Day celebration.
- b. Manager's Report
  - i. Town-wide Survey update
    - (1) This has been reviewed by Council and will now be distributed to the boards and committees and placed on the web site.
  - ii. Everyone was reminded of the DOT public meeting for the Great Wagon Road (GWR) Project - Thursday, July 25, 2019 in Council Chambers - 4:00 p.m. to 6:00 p.m.
  - iii. Update on Robinhood Road School Project
    - (1) A representative of the school system attended the briefing to provide a status of the Robinhood Road middle school. The Tomahawk Creek sewer extension is underway and the revised project will be coming to the Planning Board shortly for review. 2021-2022 is the project completion date.
  - iv. Request to Special Projects Review Committee from Leadership Lewisville Clemmons for a \$2,500.<sup>00</sup> grant
    - (1) The Special Project Review Committee reports that this request could not be granted because Leadership Lewisville Clemmons could not meet the requirements set forth in the Town's grant request policy.
- c. **Approvals at the Briefing and Action Meeting on June 6, 2019**
  - i. [Ordinance 2019031](#) - authorizing the Forsyth County Tax Collector to collect taxes for Town of Lewisville for the 2019 tax year
  - ii. [Ordinance 2019032](#) - authorizing the Forsyth County Tax Collector to collect taxes for years 2010 through 2018
  - iii. [Ordinance 2019030 AMENDED](#) - correcting a clerical error to include a PIN

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- iv. number that was omitted from the last line of the metes and bounds description  
[Ordinance 2019026 AMENDED](#) - correcting a clerical error to include a PIN number that was omitted from the last line of the metes and bounds description

13. **For the Good of the Order:**

- a. Public Comments
  - i. Public Comments were opened at 9:19 p.m.
  - ii. Having no speakers, Public Comments were closed at 9:20 p.m.
- b. Council Comments
  - i. Council Member Zenger commented that the deannexation resolution was passed with the reason that it would set a precedence. That is a valid reason; however, he said that is why they must be consistent in planning and zoning. Otherwise, to make a change on a whim means there would be no code. He stated that the planner and planning board are excellent and Council needs to lean on them. It will always come down to compliance because ordinance is law. The town has done an excellent job in planning and PRD's are working well. He said he doesn't want to see it wrecked.
  - ii. Council Member Greene also commended the planning board and wanted to know if the meetings were open.
    - (1) Mrs. Tolbert explained that residents did attend the meeting and were allowed to speak; however, their task was technical review. Because the project met the technical requirements, the request was approved.
- c. Adjournment
  - i. Having no other business to discuss, Council Member Smith moved to adjourn the meeting at 9:22 p.m. The motion was seconded by Council Member Franklin and approved unanimously.

\_\_\_\_\_  
Mike Horn, Mayor

ATTEST:

\_\_\_\_\_  
Joyce C. McWilliams Walker, Town Clerk