

**Lewisville Planning Board Meeting Minutes**  
**Special Called Meeting Continued as authorized by Session Law 2020-3**  
**Digitally originating in Town Hall Council Chambers 1<sup>st</sup> flr 6510 Shallowford Road**  
**Monday, June 3, 2020 - 6:30 p.m.**

1. **Call to Order**

- a. Chair Tom Lawson opened the continued meeting being simultaneously streamed electronically at 6:31 p.m.

2. **Roll Call**

- a. Board members attending electronically were Joseph Hamby, Jessica Higgins, Meghan Flow, Michael Sullivan, Bill Scantland, and Joseph Sloop. Also attending electronically were Town Manager Hank Perkins, Planner Stacy Tolbert, Attorney Bo Houff, and Town Clerk Joyce Walker.
- b. In addition, Jeff Zenger and Luke Dickey were electronically present for the continuation of discussion stemming from the public hearing for Solomon Development's L-096 on June 1, 2020.

3. **Public Hearing Considerations** (continued as authorized by Session Law 2020-3)

- a. L-097 - rezoning property at 7632 Warren Park Drive for Town of Lewisville from RS-40 to IP and is a General Use rezoning.
- i. The Public Hearing was closed on June 1, 2020.
  - ii. Staff advised that no additional written comments have been received.
  - iii. Mr. Lawson advised more information on this property can be found in minutes on the Town's web site.
  - iv. Mrs. Tolbert advised what these letters in the Permitted Use Table mean:
    - (1) Z = a use by right.
    - (2) P = Planning Board review and Planning Board for technical review
    - (3) E = Special Use by the Elected Body
    - (4) A = Special Use by the Zoning Board of Adjustment
  - v. Bill Scantland moved to recommend approval to Town Council of the rezoning of L-097 from RS-40 to IP. The motion was seconded by Joseph Sloop and approved unanimously with a roll call vote of ayes from Board members Flow, Hamby, Higgins, Scantland, Sloop, Sullivan and Chair Lawson.
  - vi. Board members were advised that this case will be heard by Town Council at their briefing tomorrow night, Thursday, June 4, 2020.
- b. L-096 - Solomon Development Site Plan amendment for property located off the Great Wagon Road (GWR)
- i. Mr. Lawson reminded everyone that he was previously advised (at the meeting on June 1<sup>st</sup>) that he did not have to recuse himself because he had worked with the developer in the past when he was on Planning Board and Council.
    - (1) Attorney Houff reiterated that Mr. Lawson has no monetary or property interest in the project and therefore is not in conflict and is required to vote.
  - ii. Mrs. Tolbert reminded everyone that this is a multi-family, combination use with a restaurant, which is allowed and that the property fronts the Great Wagon Road.
  - iii. Mrs. Tolbert further explained her findings, interpretation and recommendation, noting the inconsistencies in the UDO. She noted it doesn't matter if a building is 1, 2, 3, or 4 stories, the height is 48 feet max. She also noted if the property falls outside of the Downtown Overlay, the height could be a max of 60 feet.
  - iv. Mr. Lawson advised that the Preferred land use category for downtown is LD1 and

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- LD2 and that it is rare to receive a request for PB-S. He noted that Council has allocated funds to review and assess the conflicts in the UDO.
- v. Attorney Houff clarified that Chapter B, Section 7-5.6 is not appropriate to use as a site plan amendment because the original site plan has sunset.
- (1) He cited Article 6-2.2(k) as the method on how to amend.
  - (2) The Planning Board should be looking at Article 6-1.3(A)(1) for review.
  - (3) He reiterated that this request is a **Special Use District Permit amendment** and not a site plan amendment.
  - (4) The project must comply with all standards.
  - (5) Uses for this project are not before the Board; the original uses remain.
  - (6) The amendment is for a Special Use Zoning District Permit.
- vi. Mr. Lawson noted that this is a use by right.
- vii. Mrs. Higgins liked the mixed use in the downtown with residential and restaurant but was concerned about the height, number of units, parking and placement, i.e. close to houses in the surrounding area.
- viii. Mr. Hamby echoed Mrs. Higgins concerns. He thought the building seemed massive and felt it would be better placed further down the Great Wagon Road.
- ix. Mr. Scantland echoed the same concerns; however, he felt the overall concept was good. He noted that people have been talking about getting a restaurant in the downtown but that retail would not be available until the downtown would be walkable. He noted that residents were concerned about the scale and wondered if the project could be scaled back. Beyond meeting criteria, what can be more compatible.
- x. Mr. Zenger noted his dates on the Board. He stated he had the first two projects in downtown, also noted that his project at 6614 Shallowford Road, 10,000 sq. ft., and when passed, had homes on both sides. This project was built to downtown scale. He pointed out that Dr. Liner's building is almost 48 ft. Mr. Zenger pointed out he didn't want to bring this project forward while he was on Council. He advised that the property was already zoned when he bought it and that there is another property next to the Square also zoned multi-family.
- xi. Mr. Hamby noted that the first site plan is smaller and challenged how this conforms with the surrounding area.
- xii. Mrs. Flow agreed and felt the mass with 39 units was too great; however, she liked the multi-use. She expressed her concerns about parking and traffic.
- xiii. Joseph Sloop asked about the 2 ½ stories.
- xiv. Mr. Sullivan was looking at information on the GWR parking spaces and noted that shared spaces can be used in the parking calculations.
- xv. Mr. Lawson provided background on the reason behind selecting height as the measurement rather than the number of stories. He noted going for a smaller scale might not make the project viable. He also noted that sewer was not available when the original project was approved. The project is not inconsistent with what has already been built in the downtown.
- xvi. Mr. Hamby pointed out that a small area plan is needed for the downtown to codify. He sees issues across all documents that don't agree. He can't find anything to show this as a desired building.

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- xvii. Mr. Zenger pointed out that his building has the same footprint as the funeral home and the same height. This building is on the Great Wagon Road (GWR).
- xviii. Mr. Lawson advised that discussions have always been about what fronted the GWR and this property fronts it.
- xix. Mrs. Higgins noted that information is compelling history but Planning Board members have questions about the project, its size and scope, and the difference in the old and new plans.
- xx. Mr. Hamby stated this property is in the downtown core and doesn't conform with the document in place. It is imperative to create a small area plan for downtown.
- xxi. Mr. Lawson reminded everyone that plans and guides are not law. The town has been fairly consistent regarding height on past projects. He asked if this project is being treated as consistent as others.
- xxii. Mr. Zenger reminded everyone: when the Square passed with a 4-3 vote, it was about *vision*. If you are saying *no* to this development, then you are saying *no* to downtown development.
- xxiii. Mr. Hamby said he has plans, documents and ordinances to uphold. He sees issues with the plan.
- xxiv. Having no other discussion, Mr. Hamby moved to recommend denial of this site plan to the Town Council. The motion was seconded by Meghan Flow and approved with a roll call vote of six (6) ayes from Board members Flow, Hamby, Higgins, Scantland, Sloop, and Sullivan and one (1) nay vote from Chair Lawson.

4. **Next Steps**

- a. This case will keep the development schedule and move to the Elected Body, calling for the public hearing in July and having the public hearing in August as noted on the schedule.
- b. Everyone was reminded that the next meeting of the Planning Board will be next Wednesday, June 10, 2020 at 6:30 p.m. for the presentation by Chad Sary from Stewart.
- c. Everyone was also reminded that the Board has cancelled the June 24<sup>th</sup> meeting.
- d. The next regular meeting for the Board will be on July 8, 2020 at 6:30 p.m.

5. **Adjournment**

- a. Having no other business to discuss, Jessica Higgins moved to adjourn the meeting at 8:20 p.m. The motion was seconded by Tom Lawson and approved unanimously with a roll call vote of ayes from Board members Hamby, Scantland, Sloop, Sullivan, Flow, Higgins and Chair Lawson.

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Tom Lawson, Chair

ATTEST:

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Joyce C. McWilliams Walker, Town Clerk