

Lewisville Planning Board Meeting Minutes
Digitally originating in Town Hall Council Chambers 1st flr 6510 Shallowford Road
August 26, 2020 - 6:30 p.m.

1. **Call to Order**

- a. Chair Tom Lawson called the meeting to order at 6:31 p.m.

2. **Roll Call**

- a. Planning Board members attending electronically were Meghan Flow, Joseph Hamby, Jessica Higgins, Bill Scantland, Joseph Sloop, and Michael Sullivan. Also attending electronically were Attorney Bo Houff, Planner Stacy Tolbert and Town Clerk Joyce Walker.

3. **Regular Business**

- a. Approval of Agenda
- i. Bill Scantland moved to approve the agenda. The motion was seconded by Joseph Hamby and approved unanimously with a roll call vote of ayes from Board members Flow, Hamby, Higgins, Scantland, Sloop, Sullivan and Chair Lawson.
- b. Approval of Minutes
- i. August 12, 2020
- (1) Bill Scantland moved to approve the August 12, 2020 minutes. The motion was seconded by Tom Lawson and approved unanimously with a roll call vote of ayes from Board members Flow, Hamby, Higgins, Scantland, Sloop, Sullivan and Chair Lawson.

4. **Public Hearing(s):**

- a. None.

5. **Technical Review(s):**

- a. None.

6. **New Business**

- a. Briefing on L-PBR 2020001 Lewisville Place Section V
- i. This section will be lots at the end of Kelwyn Lane.
- (1) There will be 6 lots on Kelwyn Lane and 1 lot facing Lewisville-Clemmons Road.
- (2) The ordinance allows the new project to conform to the existing topography.
- (a) The developer has provided a letter requesting an exemption from placing curb and gutter based on the ordinance since the existing road does not contain curb and gutter.
- (3) This area is served by water and sewer.
- (4) This not a rezonig.
- (5) This is a technical review for compliance.
- ii. After discussion, Board members agreed to set the review for compliance for Wednesday, September 9, 2020.
- b. UDO L-161 Pedestrian Connections Overlay (PCO)

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- i. Board members reviewed the amended draft as discussed on August 12th and re-affirmed the language stating to pay a fee which is already in the UDO or language for alternative compliance.
- ii. After discussion, Jessica Higgins moved to set the public hearing for Wednesday, September 9, 2020. The motion was seconded by Tom Lawson and approved unanimously with a roll call vote of ayes from Board members Flow, Hamby, Higgins, Scantland, Sloop, Sullivan and Chair Lawson.
- c. UDO L-162 Downtown Overlay Map
 - i. Once approved, the map will be added as Exhibit 5 in the Appendix of the UDO.
 - ii. To assist in marking the lots to be included in the overlay map, the Great Wagon Road (GWR) shape files were overlaid onto the Town's Downtown Overlay.
 - (1) This will assist in determining properties that should be included/excluded in the overlay since there is no map showing either the Downtown Overlay or the Gateway.
 - (2) Properties that front the Great Wagon Road are to be included in the Downtown Overlay.
 - (3) There were 4 properties discussed on Belnette Drive that were noted as being in the Downtown Overlay by a 1999 ordinance.
 - (a) The map under review will remove some of the properties north of Belnette Drive since they will not front the (GWR).
 - (b) Other properties south of Belnette Drive will be added to the map because of other properties that they touch.
 - (4) There was also discussion of a property on Linda that will touch the GWR; however, it is in a residential neighborhood and would also have to go through the rezoning procedure to become commercial.
 - (a) After discussion, Board members decided not to include this property in the overlay map.
 - (5) Mr. Lawson suggested a separate future discussion be held on Jennings Road and properties behind the Food Lion.
 - iii. After discussion, Tom Lawson moved to set the public hearing for Wednesday, September 9, 2020. The motion was seconded by Bill Scantland and approved unanimously with a roll call vote of ayes from Board members Flow, Hamby, Higgins, Scantland, Sloop, Sullivan and Chair Lawson.
- d. L-096 Solomon Development
 - i. Board members were advised that L-096 went before the Town Council at their meeting on August 13th, at which time they were advised, prior to setting the agenda, that research in the UDO:
 - (1) Found the formula for determining building height took an average of the midpoint of all 4 sides of the building.
 - (a) Using this formula, the building being presented had an average of 51 feet instead of the 48 feet noted in the UDO.
 - (2) The developer had been advised of the discrepancy and prepared a new site plan to conform with the requirements of the UDO.
 - (a) This amended site plan was received the morning of the meeting on

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the 13th.

- (3) Council discussed this change in elevation which also changed site plan elevations.
- (4) Board members also were advised that in doing research on this matter, it was also discovered that this site plan review should have been for compliance only and not a public hearing since no rezoning was involved.
- (5) This project was remanded back to the Planning Board to review the new site plan for compliance.
- (6) Attorney Houff reminded everyone that the rezoning had been approved in 2000, at which time uses were also approved.
 - (a) At that time, there was a 2-part process: rezoning (approved) and then site plan review (approved).
 - (i) Rezoning runs with the land and was approved for a restaurant and combined use multi-family.
 - (b) The site plan is being reviewed because the previous site plan has expired.
 - (c) The new site plan would either be approved or denied and, if denied, each person voting for denial would have to provide the reason.
 - (d) There can be only the following considerations:
 - (i) Approval;
 - (ii) Approval with conditions; or
 - (iii) Denial with reasons stated.
 - (e) Board members were advised how to make the motions.
- (7) Board members were advised to check section 6-1.3 Site Plan Review for compliance standards (PB and mixed use).
 - (a) The site plan must comply with the Downtown Overlay standards.
 - (b) Plans accepted and not adopted such as the Greenway Plan and Downtown Design Guidelines and other plans such as the Comprehensive Plan, and Legacy Plan cannot be considered, only the UDO as ordinance (law).
 - (i) Those plans and guidelines can only be viewed as a consideration but are not law.
 - (c) Board members are being asked to consider this again because the first review used the incorrect process.
- (8) Attorney Houff also noted that Council will not be conducting a public hearing but will be reviewing for compliance with the same considerations as the Planning Board.
- (9) The planner advised that this is in compliance based on the precedents that have been set and the waivers allowed by the Elected Body.
 - (a) One of the board members stated he didn't think the structure belonged where it is being placed.
 - (b) Mrs. Tolbert shared that she had to make her recommendation based on the long term vision of the downtown.

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- (c) She noted that prior to other commercial buildings being built, there were houses on the other side.
- (10) There was a thought that the Preferred Use Map should be the vision of the Town.
- (11) Board members reviewed the original and current site plan elevations.
- (12) There was a question to Mr. Zenger whether an easement would be needed for construction.
 - (a) Mr. Zenger advised that he didn't see a problem, that it just be challenging but not impossible.
- (13) Mr. Scantland advised he thought the revised elevation was more attractive than the first presentation.
- (14) Attorney Houff was asked to review, at the beginning of the case, that L-096 is for site plan compliance and meets the requirements in the UDO.
 - (a) The UDO and Downtown Overlay Standards are to be reviewed for compliance.
 - (b) The Preferred Use May is not to be considered.
 - (c) The Downtown Design Guidelines may be a consideration.
- (15) It was pointed out that there are conflicting areas in the UDO, i.e. 2 ½ stories or 48 feet in height.
- (16) It was noted that this is a by right commercial building in the downtown.
- (17) Questions may be directed to Mrs. Tolbert.
- (18) This will be on the agenda for the meeting on September 9th.

7. Reports & Updates:

- a. Chair/Vice Chair
 - i. No report.
- b. Planner
 - i. Mrs. Tolbert advised the Board that there is a Board and Committee Task Force comprised of the Manager, Council Member Jeanne Marie Foster, Town Clerk Joyce Walker and herself who are working on seeing what is pressing for the groups and why they would need to meet.
 - (1) Board members were advised that the update to the Comprehensive Plan has been approved by Council to move forward and the Parks and Recreation Master Plan will be included.
 - (2) A determination will be made when the Parks and Recreation Board needs to meet to receive their comments on the inclusion of the Parks and Rec Master Plan into the Comprehensive Plan.
 - (a) Currently, that meeting will be scheduled as a virtual meeting pending any changes to the Governor's next executive order.
 - ii. Mrs. Tolbert will be virtually attending the GIS conference and will be in the office.
- c. Clerk
 - i. Everyone was asked to do their Census if they haven't already done so.

8. Continued Business/Work Session

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a. None.

9. **Meeting Review**

a. Action Item Consensus/Next Steps

b. Next Meetings

i. Public Hearing - September 9, 2020

ii. Work Session - September 23, 2020

(1) Instead of holding a special meeting, consideration for the public hearings will be held at the work session on September 23rd to be in compliance with Session Law 2020-3 allowing 24 hours to receive written comments on the public hearings.

10. **Adjournment**

a. Having no other business to discuss, Tom Lawson moved to adjourn the meeting at 8:02 p.m. The motion was seconded by Meghan Flow and approved unanimously with a roll call vote of ayes from Board members Flow, Hamby, Higgins, Scantland, Sloop, Sullivan and Chair Lawson.

Tom Lawson, Chair

ATTEST:

Joyce C. McWilliams Walker, Town Clerk