

**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF ZONING, PLANNING AND APPEALS**

CASE NUMBER: 19-ZPA-01-001

HEARING DATE: February 14, 2019

PETITIONER: Village of Cary

REQUEST: 1. Text Amendment: New Unified Development Ordinance and
2. Map Amendment: Zoning Map for the Village of Cary

MEMBERS PRESENT: O’Laughlin, Khoury, Jasper, Williams, Graziano

MEMBERS ABSENT: Phippen, Kretschmer

STAFF MEMBERS PRESENT: Brian Simmons
Director of Community Development

Chairman Khoury called the meeting to order at 6:05 PM. After hearing one additional case, Chairman Khoury called Village Case No. 19-ZPA-01-001.

Director Simmons stated the Village of Cary has undertaken a comprehensive review and update to the Village’s Development regulations in order to adopt a new Unified Development Ordinance (UDO) and Zoning Map. The Village of Cary retained the services of Houseal Lavigne Associates, LLC to assist with the process of updating both the overall structure and individual content of the Village’s development regulations. The last comprehensive update to the Zoning Ordinance was performed in 1997 and Sign Ordinance in 2001. Since this time development patterns have changed that the existing code does not adequately address current market trends. The review of the existing code was coordinated through a series of public workshops with the consultant team, Board of Zoning Planning and Appeals (ZPA), and Village staff. The proposed draft ordinance is a culmination of discussions during these workshops. The ZPA hearing was properly noticed in the January 19, 2019 edition of the Northwest Herald newspaper. Additionally, the Village has provided information on the proposed Unified Development Ordinance on the Village’s website and copies for viewing at Village Hall.

Director Simmons stated an open house was held on January 24th to allow residents and other interested parties to review the code and proposed zoning changes. The Village has also published information on the UDO, open house, and public hearing in the Village’s weekly email newsletter the Cary News Weekly. A written notice to property owners was not required for the proposed text amendment. However, several property owners who may be affected by the proposed Zoning Map amendments were notified of the public hearings and proposed changes. In total over 3,500 letters of public notice were distributed to affected or adjacent property owners.

Chairman Khoury entered into the Public Record correspondence received regarding the petition.

Chairman Khoury opened the floor to Public Comment.

Mr. Dave Miller, of Lake Julian Trout Farm, Northwest Highway, Cary asked if the UDO is approved would his business require conditional use and variance petitions in order to remain in operation. Director Simmons

answered that existing uses on the property would be grandfathered in. Only an expansion or change to the use would require additional approvals.

Mr. Lynde Anderson, Galloway Dr., Woodstock, stated he was not in favor of the reduction of zoning classes as they reduce the number of permitted uses. He stated a longer list of permitted uses would allow for future opportunity and growth.

Mr. Jim Sutton, Candlewood Trail, stated he is not in favor of the Village making zoning changes to allow for more flexibility to develop commercial property. He is not in favor of the petition.

Ms. Linda Stelle, Stonegate Rd. stated concern about the Village Hall and Two Penny Farm buildings being rezoned. She stated she is not in favor of this property being rezoned.

Ms. Nancy Homer, Trout Valley, stated the Village Hall building reflects the history of the area and should be protected. She is not in favor of the rezoning petition for the Village Hall location.

Mr. Fran Laliberte, Haber Ct., is not in favor of the proposed zoning petition for property near his home.

Ms. Smita Torgal, Haber Ct. is in favor of consolidation of zoning classifications but is not in favor of the proposed zoning change to property adjacent to her home.

Ms. Patricia Howe, Haber Ct. stated she lives directly behind the Two Penny Farm. She is not in favor of the petition to rezone the property near her home.

Mr. Lawrence Hoffman, Blazing Star Trail, asked for clarification on the definitions of Business Park zoning and the proposed B3 zoning. Director Simmons reviewed the zoning definitions. Mr. Hoffman stated he would like to see Cary remain a small town with less large development near residential.

Director Simmons reviewed for those present a request from the Cary Park District to include additional park properties to the proposed park zoning classification and revise some of the proposed language within the UDO as they relate to Park District owned property. Mr. Simmons stated staff is proposing additional modifications to the ordinance based on this feedback.

Ms. Kathleen Park, Carlisle Ct., asked the Zoning Board Members to postpone a decision on the proposed zoning changes to allow for further inspection by the public.

Ms. Mary Vanstell, Firenze Drive, has concerns regarding increased traffic and is not in favor of the petition to rezone the property near her home.

Ms. Marilyn Lefager, Harper Ave., stated she agrees with the other speakers and is not in favor of the petition to rezone the property.

Mr. Bruce Kaplan, Bell Dr., stated he believes the existing zoning is very restrictive for the units in Cary Oaks Plaza and limits certain business types to only be located on Industrial Drive. Mr. Kaplan would ask the Zoning Board Members to review allowing additional uses in the proposed zoning classes.

With no further comment from those present, Chairman Khoury closed the Public Comment portion of the meeting.

Chairman Khoury asked Zoning Board Members for a fifteen-minute recess at 8:02 p.m.
All Members agreed.

Chairman Khoury restarted the hearing at 8:18 p.m.

Chairman Khoury entertained a motion to end the public hearing at 9:00 p.m. should discussion continue until that time.

All Ayes by voice vote.

Chairman Khoury discussed with the Board members and Director Simmons the process to call each of the motions for proposed zoning changes separately.

Discussion:

Member Graziano asked for clarification on the location of Two Penny Farm. Director Simmons stated it was the property just north of the Cary Oaks Plaza along Cary Algonquin Road.

Member Williams asked John Houseal of Houseal Lavigne and Associates for a review of each of the proposed zoning classifications.

Mr. Houseal stated based on the discussion during the hearing, he would like to revise the permitted uses tables of some zoning classes to include items that have been inadvertently left off the draft copy list. It was his opinion that some of the concerns exposed could be revised within the proposed ordinance.

Zoning Board Members discussed some of the revisions to be made to the permitted uses list for the proposed zoning classifications.

Chairman Khoury entertained a motion.

Member O'Laughlin moved, seconded by Member Graziano, to approve a motion to continue the hearing on cases 19-ZPA-01-001 through 19-ZPA-01-008 and re-open the hearing at 6:30 p.m. on April 11, 2019 to allow the Village consultant an opportunity to make minor revisions to the Draft Unified Development Ordinance and Proposed Zoning Map for the Village of Cary.

Aye: Khoury, Jasper, Graziano, Williams, O'Laughlin

Nay: None

Abstain: None

Absent: Pippen, Kretschmer

Motion Passed: 5-0

Chairman Khoury entertained a motion to adjourn at 8:39 pm. Member O'Laughlin moved, seconded by Member Graziano to adjourn at 8:39 pm.

All Ayes by Voice Vote

Motion Passed

Respectfully submitted,


Susan Greene, Deputy Village Clerk