

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

**CASE NUMBER:** 19-ZPA-01-001

**HEARING DATE:** April 11, 2019 (Continued from 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, Kretschmer

**MEMBERS ABSENT:** Phippen

**STAFF MEMBERS PRESENT:** Brian Simmons  
Director of Community Development

Chairman Khoury called the meeting to order at 6:30 PM. Zoning Board members approved meeting minutes dated February 14, 2019 by voice vote.

Chairman Khoury recalled Village Case No. 19-ZPA-01-001 and stated the hearing is being continued from the Zoning, Planning and Appeals Board meeting held on February 14, 2019. Chairman Khoury discussed the importance of an updated Unified Development Ordinance. Members of the Zoning, Board of Appeals introduced themselves to those present.

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 24<sup>th</sup> 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.

The UDO was formally reviewed by the ZPA during a public hearing on February 14<sup>th</sup>, 2019 and continued to tonight’s meeting. Director Simmons reviewed discussion points covered at the February public hearing and the minor revisions that were made to the UDO as a result.

Chairman Khoury asked Director Simmons to review zoning changes to commercial property along Cary Algonquin Road. Director Simmons reviewed allowed uses for the B4 and B3 zoning classifications.

Chairman Khoury opened the floor to Public Comment.

James LeFager, Harper Ave., stated he is concerned about maintaining property values adjacent to the commercial property being rezoned to B3. Director Simmons stated a commercial use would be allowed under its existing zoning classification as well as a B3 zoning.

Fran Laliberte, Haber Ct., stated his concern that a large user such as a gas station, garden supply, sit-down restaurant or wholesale retailer would cause traffic concerns and affect the surrounding homeowners use of their property. He believes that the B3 uses allowed are too large and commercial for the surrounding residential area.

Julie Derscher, W. Margaret Terrace, asked for clarification on the zoning change in her neighborhood. Director Simmons reviewed details of home improvements allowed without additional approvals in the R2A district.

Pat Howe, Haber Ct., restated her opposition to the proposed zoning change to Cary Oak Plaza and the Two Penny Farm along Cary Algonquin Road. She believes the B3 zoning will be detrimental to the surrounding residential properties. Ms. Howe stated that property values surrounding Two Penny Farm have remained stagnant while others have risen. Chairman Khoury asked Ms. Howe where the property locations have risen. Ms. Howe stated Sienna Pointe and Haber Ct.

Jim Gleason, Bee Ct., asked if Two Penny Farm ownership has any plans to redevelop the property. Director Simmons stated there has been no discussion regarding any change to the property.

Linda Stelle, Stonegate Rd., restated her concern of Village Hall building being demolished to make way for residential development and believes it should be saved, protected and recognized as a historic building. Ms. Stelle would like to see the Village Hall rezoned to a non-residential classification. Mr. Simmons stated any demolition of the building would be decided by the Village Board at public meetings.

George Hinkus, Stonegate Rd., asked for clarification on what uses will be allowed for the Village Hall location with the zoning change.

Mr. Bruce Kaplan, Bell Dr., stated he believes the existing B4 zoning is very restrictive and limits certain business types for Cary Oaks Plaza and along Industrial Drive. Mr. Kaplan asked Zoning Board Members to change the zoning to allow additional uses for each of those locations.

Dave Miller and Christina Anderson, 65 Northwest Highway, asked for the Lake Julian Trout Farm to be rezoned to Agricultural from a business zoning.

Pat Howe, Haber Ct., stated when she moved to Cary the Cary Oaks Plaza Strip Mall was completely filled and it is possible for it to be again without a change to B3 zoning.

Bill Sobolak, Aberdeen Rd., asked what changes are being made to Park District land. Director Simmons stated the changes being made are to list park district properties as open space/recreation areas.

Colleen Kelly, Brookbridge Rd., stated as a realtor she advises the ZPA board to use caution before changing zoning around the Cary Oaks Plaza and Two Penny Farm.

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

Director Simmons briefly reviewed the proposed residential and commercial zoning changes being made to the code.

Discussion:

Member O'Laughlin asked if the Two Penny Farm and Cary Oaks Plaza could be considered as B3R instead of the proposed B3 zoning. Director Simmons stated the proposed B3 zoning is appropriate for the two properties but a B3R zoning could be considered.

Member Williams asked for clarification on what is allowed on Two Penny Farm and Cary Oaks Plaza as it is zoned currently. Director Simmons reviewed the commercial uses allowed without additional approvals.

Member O'Laughlin believes a B3R zoning would be preferential for the two properties as they abut residential property.

Member Jasper agreed with a B3R zoning for Two Penny Farm but a B3 zoning for the Cary Oaks Plaza. Member Graziano agreed with the separate B3R and B3 zonings for the two properties.

Zoning Board members discussed zoning definitions, uses and classifications regarding various properties in the Village.

***Chairman Khoury entertained a motion.***

***Member Graziano moved, seconded by Member O'Laughlin, to recommend to the Village Board of Trustees approval of Text and Map Amendments to adopt a new Unified Development Ordinance and Zoning Map for the Village of Cary, with the following three criteria:***

- 1. Two Penny Farm, Cary Algonquin Road, to be zoned B3R***
- 2. Cary Oaks Plaza, Cary Algonquin Road, to be zoned B3***
- 3. A Heliport will require a Conditional Use in the M-Manufacturing District***

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

***Nay: None***

***Abstain: None***

***Absent: Pippen***


***Motion Passed: 6-0***

After hearing seven additional cases, 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

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

**CASE NUMBER:** 19-ZPA-01-002

**HEARING DATE:** April 11, 2019 (Continued from February 14, 2019)

**PETITIONER:** Village of Cary

**REQUEST:** 1. Map Amendment Rezoning the Affected Property from the Existing R2 Single-Family Residential District to the R2A Single-Family Residential District

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

**MEMBERS ABSENT:** Phippen

**STAFF MEMBERS PRESENT:** Brian Simmons  
Director of Community Development

Chairman Khoury called the meeting to order at 6:30 PM. After hearing one previous case and a brief recess, Chairman Khoury recalled Village Case No. 19-ZPA-01-002 and stated the hearing is being continued from the Zoning, Planning and Appeals Board meeting held on February 14, 2019.

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 UDO will consolidate all of the Village’s development regulations (i.e. Sign, Zoning, and Subdivision codes) into a single easy-to-use document. Included with the UDO is an update to the Village’s Zoning Districts and Map. In some instances, existing zoning classifications are proposed to be eliminated with new classifications formed. The revisions are intended to more accurately reflect existing development within the community. The subject properties are proposed to be rezoned from the R-2 Single-Family Residential District to the new R-2A Single-Family Residential District. The proposed rezoning will more accurately reflect the existing development within the proposed area to be rezoned. The ZPA hearing was properly noticed in the January 23, 2019 edition of the Northwest Herald newspaper. In addition, the Village has completed the required written notice to all property owners affected by the rezoning and within 250 feet of each parcel. Due to the number of properties subject to rezoning the Director of Community Development has waived the requirement for posting of a public hearing sign on the subject property pursuant to Section 17.80.045 of the Zoning Ordinance.

The UDO was formally reviewed by the ZPA during a public hearing on February 14<sup>th</sup>, 2019 and continued to tonight’s meeting.

Chairman Khoury opened the floor to Public Comment.

Bruce Kaplan, Bell Drive, asked if a new subdivision could be approved under the R2A zoning, pending compliance with zoning requirements. Director Simmons stated that it would be possible.

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

Discussion:

Member Williams stated this was a way to bring non-conforming properties into compliance and will make it easier for homeowners to plan projects. Director Simmons added it would allow homeowners to improve their property without going through a variance process. Director Simmons stated to combine two lots to build a single-family home would still require a variance and a re-subdivision of the lots.

*Chairman Khoury entertained a motion.*

*Member O’Laughlin moved, seconded by Member Williams, to recommend to the Village Board of Trustees approval of Map Amendments to rezone the following affected property, from the R2 Single-Family Residential District to the R2A Single-Family Residential District.*

*Address/PINS: 100-500 ALMA TER, PINS 19-12-379-010 through 19-12-379-014; 19-12-380-003 through 19-12-380-006; 19-12-452-007 through 19-12-452-012; 19-12-454-015 through 19-12-454-030; 19-12-455-001 through 19-12-455-032; 19-12-476-021; 19-12-476-0022 / 100-500 ANN ST, PINS 19-12-326-004 through 19-12-326-008; 19-12-327-002 through 19-12-327-005; 19-12-402-001 through 19-12-402-003; 19-12-405-002 through 19-12-405-015; 19-12-406-002 through 19-12-406-010; 19-12-407-001 through 19-12-407-014; 19-12-426-001 through 19-12-426-004; 19-12-427-001 through 19-12-427-004 / 100-200 BELL DR, PINS 20-18-103-019 through 20-18-103-025; 20-18-104-001 through 20-18-104-008 / 800-900 BRENTWOOD DR, PINS 20-07-405-020 through 20-07-405-027; 20-07-406-002 through 20-07-406-007 / 300-500 BRISTOL WAY, PINS 20-07-404-008; 20-07-408-001 through 20-07-408-015 / 300-900 BURR OAK CIR, PINS 20-07-330-006; 20-07-330-007; 20-07-402-007 through 20-07-402-011; 20-07-403-005 through 20-07-403-011; 20-07-404-001 through 20-07-404-011 / 0-200 BURTON AVE, PINS 19-13-227-001 through 19-13-227-005; 19-13-228-002 through 19-13-228-012 / 300-900 CANDLEWOOD TRL, PINS 20-07-326-007 through 20-07-326-011; 20-07-330-001 through 20-07-330-005; 20-07-401-001 through 20-07-401-005; 20-07-402-001 through 20-07-402-006; 20-07-405-013 through 20-07-405-019; 20-07-406-001 through 20-07-406-014; 20-07-407-001 through 20-07-407-009; 20-07-407-018 through 20-07-407-024 / 0-100 CANDLEWOOD CT, PINS 20-07-407-011 through 20-07-407-017 / 100-200 CHERRY ST, PINS 20-18-153-005; 20-18-153-006; 20-18-154-005; 20-18-155-005 through 20-18-155-014 / 300-600 CREST DR, PINS 20-07-351-012 through 20-07-351-039; 20-07-353-001 through 20-07-353-032 / 104 DAVIS LN, PIN 20-18-105-020 / 300-1000 ELDEN DR, PINS 19-12-407-030; 19-12-408-016; 19-12-408-032; 19-12-409-021 through 19-12-409-024; 19-12-427-005; 19-12-428-001; 19-12-429-001; 19-12-453-019; 19-12-454-028; 19-12-454-029; 19-12-455-033 through 19-12-455-039; 19-12-476-015 through 19-12-476-029 / 100-900 N FIRST ST, PINS 19-12-428-015; 19-12-429-015; 19-12-429-030; 19-12-476-030; 19-12-476-044; 19-12-477-018; 19-13-226-019; 19-13-227-006 through 19-13-227-010; 19-13-228-013; 19-13-228-029; 20-07-351-013; 20-07-351-014 / 0-200 FRANKE AVE, PINS 19-13-226-003 through 19-13-226-018; 19-13-227-004; 19-13-228-001 / 100-200 HILL ST, PINS 20-18-154-001 through 20-18-154-004 / 0-500 W JAMES WAY, PINS 19-12-329-012 through 19-12-329-019; 19-12-378-002 through 19-12-378-010; 19-12-404-004 through 19-12-404-006; 19-12-409-008 through 19-12-409-013; 19-12-429-016 through 19-12-429-029; 19-12-451-001 through 19-12-451-004; 19-12-453-002 through 19-12-453-004; 19-12-476-001 through 19-12-476-014 / 0-200 E JAMES WAY, PINS 20-07-351-001 through 20-07-351-011 / 0-500 LLOYD ST, PINS 19-12-327-007 through 19-12-327-012; 19-12-328-001 through 008; 19-12-402-004 through 19-12-402-006; 19-12-403-001; 19-12-403-002; 19-12-407-015 through 19-12-407-029; 19-12-408-002 through 19-12-408-015; 19-12-427-006 through 19-12-427-019; 19-12-428-002 through 19-12-428-014 / 200-300 E MAIN ST, PINS 20-18-106-029 through 20-18-106-038 / 0-500 W MARGARET TER, PINS 19-12-328-010 through 19-12-328-016; 19-12-329-002 through 19-12-329-009; 19-12-403-004; 19-12-403-005; 19-12-404-001; 19-12-404-002; 19-12-408-017 through 19-12-408-031; 19-12-409-001 through 19-12-409-020; 19-12-428-016 through 19-12-428-030; 19-12-429-002 through 19-12-429-014 / 800-1000 MONTANA DR, PINS 20-07-326-003 through 20-07-326-006; 20-07-328-025 through 20-07-328-030; 20-07-329-020 through 20-07-329-023; 20-07-330-002 through 20-07-330-011; 20-07-403-001 through 20-07-403-004 / 206 MONTANA DR, PIN 20-18-104-036 / 0-100 MONTANA CT, PINS 20-07-329-010 through 20-07-329-019 / 100-500 W ORIOLE TRL, PINS 19-12-378-013 through 19-12-378-020; 19-12-379-004 through 19-12-379-009; 19-12-451-006 through 19-12-451-011; 19-*

12-452-002 through 19-12-452-005; 19-12-453-006 through 19-12-453-020; 19-12-454-002 through 19-12-454-027 / 0-500 PARK AVE, PINS 19-12-380-011; 19-12-455-020 through 19-12-455-059; 19-13-226-002; 19-13-228-014 through 19-13-228-028; 19-13-229-003; 19-13-229-006 / 100-300 PEARL ST, PINS 20-18-104-018 through 20-18-104-035; 20-18-105-002 through 20-18-105-024; 20-18-127-001 through 20-18-127-010 / 800-1000 PIN OAK CIR, PINS 20-07-327-001 through 20-07-327-027; 20-07-328-001 through 20-07-328-006; 20-07-328-019 through 20-07-328-042; 20-07-329-001 through 20-07-329-009 / 0-100 PIN OAK CT, PINS 20-07-328-007 through 20-07-328-018 / 400-900 REDWOOD DR, PINS 20-07-404-012 through 20-07-404-020; 20-07-405-001 through 20-07-405-012 / 0-200 ROSS AVE, PINS 19-13-278-004 through 19-13-278-007; 20-18-151-007 through 20-18-151-011; 20-18-152-008 through 20-18-152-026; 20-18-153-001 through 20-18-153-003; 20-18-155-001 through 20-18-155-003 / 500-900 SANDRA LANE, PINS 19-12-403-003; 19-12-403-006; 19-12-404-003; 19-12-408-001; 19-12-451-005; 19-12-452-006; 19-12-453-001; 19-12-454-001; 19-12-454-014 / 100-400 N SECOND ST, PINS 20-18-103-018; 20-18-105-001; 20-18-105-011; 20-18-106-039; 20-07-353-015 / 0-200 S SECOND ST, PINS 20-18-151-012; 20-18-152-007; 20-18-155-004 / 100-200 SHERWOOD DR, PINS 20-07-353-023 through 20-07-353-030; 20-18-103-001 through 20-18-103-008 / 100-200 SHORT ST, PINS 19-13-229-004; 19-13-229-007; 19-13-229-023 / 400-1100 SILVER LAKE RD, PINS 19-12-326-001; 19-12-326-009; 19-12-327-001; 19-12-327-006; 19-12-328-002; 19-12-328-009; 19-12-329-001; 19-12-329-010; 19-12-329-020; 19-12-378-011; 19-12-378-012; 19-12-378-022; 19-12-379-001 through 19-12-379-003; 19-12-380-002; 19-12-380-002 / 0-100 SUNSET DR, PINS 20-07-351-030 through 20-07-351-035; 20-07-353-016 through 20-07-353-022 / 1000-2200 THREE OAKS RD, PINS 19-12-426-005; 20-07-326-012; 20-07-407-010 / 0-200 WAGNER DR, PINS 19-12-455-040; 19-12-476-031 through 19-12-476-043; 19-12-477-001 through 19-12-477-017 / 100-300 WEAVER DR, PINS 20-18-105-012 through 20-18-105-021; 20-18-106-002 through 20-18-106-040; 20-18-127-011 through 20-18-127-020 / 300-400 WEBER CT, PINS 19-12-455-029 through 19-12-455-036

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

*Nay: None*

*Abstain: None*

*Absent: Pippen*

*Motion Passed: 6-0*

After hearing six additional cases, 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

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

**CASE NUMBER:** 19-ZPA-01-003

**HEARING DATE:** April 11, 2019 (Continued from February 14, 2019)

**PETITIONER:** Village of Cary

**REQUEST:** 1. Map Amendment Rezoning the Affected Property from BP Business Park District to the R1 Single-Family Residential District

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

**MEMBERS ABSENT:** Phippen

**STAFF MEMBERS PRESENT:** Brian Simmons  
Director of Community Development

Chairman Khoury called the meeting to order at 6:30 PM. After hearing two previous cases and a brief recess, Chairman Khoury recalled Village Case No. 19-ZPA-01-003 and stated the hearing is being continued from the Zoning, Planning and Appeals Board meeting held on February 14, 2019.

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 UDO will consolidate all of the Village’s development regulations (i.e. Sign, Zoning, and Subdivision codes) into a single easy-to-use document. Included with the UDO is an update to the Village’s Zoning Districts and Map. In some instances, existing zoning classifications are proposed to be eliminated with new classifications formed. The revisions are intended to more accurately reflect existing development within the community. The subject properties are proposed to be rezoned from the BP Business Park District to the R1 Single-Family Residential District. The proposed rezoning is a result of the proposed elimination of the BP zoning district. The proposed rezoning will more accurately reflect the existing development within the proposed area to be rezoned. The ZPA hearing was properly noticed in the January 23, 2019 edition of the Northwest Herald newspaper. In addition, the Village has completed the required written notice to all property owners affected by the rezoning and within 250 feet of each parcel. Due to the number of properties subject to rezoning the Director of Community Development has waived the requirement for posting of a public hearing sign on the subject property pursuant to Section 17.80.045 of the Zoning Ordinance.

The UDO was formally reviewed by the ZPA during a public hearing on February 14<sup>th</sup>, 2019 and continued to tonight’s meeting.

Director Simmons presented a brief overview of the request.

Chairman Khoury opened the floor to Public Comment.

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

Discussion:

Member Graziano asked if the zoning change affected the adjacent park district property. Director Simmons stated it is not included in this motion.

*Chairman Khoury entertained a motion.*

*Member Graziano moved, seconded by Member Jasper, to recommend to the Village Board of Trustees approval of a Map Amendment to rezone the following affected property from the BP Business Park District to the R1 Single-Family Residential District.*

*Address/PINS: 655 Village Hall Drive, PIN 19-13-302-006*

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

*Nay: None*

*Abstain: None*

*Absent: Phippen*

*Motion Passed: 6-0*

After hearing five additional cases, 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



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

**CASE NUMBER:** 19-ZPA-01-004

**HEARING DATE:** April 11, 2019 (Continued from February 14, 2019)

**PETITIONER:** Village of Cary

**REQUEST:** 1. Map Amendment Rezoning the Affected Property from BP Business Park District and B4 Neighborhood Convenience Business District to the R3 Multi-Family Residential District

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

**MEMBERS ABSENT:** Pippen

**STAFF MEMBERS PRESENT:** Brian Simmons  
Director of Community Development

Chairman Khoury called the meeting to order at 6:30 PM. After hearing three previous cases and a brief recess, Chairman Khoury recalled Village Case No. 19-ZPA-01-004 and stated the hearing is being continued from the Zoning, Planning and Appeals Board meeting held on February 14, 2019.

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 UDO will consolidate all of the Village’s development regulations (i.e. Sign, Zoning, and Subdivision codes) into a single easy-to-use document. Included with the UDO is an update to the Village’s Zoning Districts and Map. In some instances, existing zoning classifications are proposed to be eliminated with new classifications formed. The revisions are intended to more accurately reflect existing development within the community. The subject properties are proposed to be rezoned from the BP Business Park District and the B4 Neighborhood Convenience Business District to the R3 Multi-Family Residential District. The proposed rezoning is a result of the proposed elimination of both the BP and B4 zoning districts. The proposed rezoning will more accurately reflect the existing development within the proposed area to be rezoned. The ZPA hearing was properly noticed in the January 23, 2019 edition of the Northwest Herald newspaper. In addition, the Village has completed the required written notice to all property owners affected by the rezoning and within 250 feet of each parcel. Due to the number of properties subject to rezoning the Director of Community Development has waived the requirement for posting of a public hearing sign on the subject property pursuant to Section 17.80.045 of the Zoning Ordinance.

The UDO was formally reviewed by the ZPA during a public hearing on February 14<sup>th</sup>, 2019 and continued to tonight’s meeting.

Director Simmons presented a brief overview of the request.

Chairman Khoury opened the floor to Public Comment.

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

Discussion:

None

*Chairman Khoury entertained a motion.*

*Member Jasper moved, seconded by Member O’Laughlin, to recommend to the Village Board of Trustees approval of a Map Amendment to rezone the following affected property from the BP Business Park District and B4 Neighborhood Convenience Business District to the R3 Multi-Family Residential District.*

*Address/PINS: 1055 SILVER LAKE ROAD, 19-12-177-009  
880 FEINBERG DRIVE, 19-12-301-047*

*Aye: Khoury, Jasper, Graziano, Williams, O’Laughlin, Kretschmer*

*Nay: None*

*Abstain: None*

*Absent: Pippen*


*Motion Passed: 6-0*

After hearing four additional cases, 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,

A handwritten signature in cursive script that reads "Susan Greene". The signature is written in black ink and is positioned above a horizontal line.

Susan Greene, Deputy Village Clerk

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

**CASE NUMBER:** 19-ZPA-01-005

**HEARING DATE:** April 11, 2019 (Continued from February 14, 2019)

**PETITIONER:** Village of Cary

**REQUEST:** 1. Map Amendment Rezoning the Affected Property from BP Business Park District, B3 Fringe Business District and A1 Agricultural District to the B2 Shopping Center Business District

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

**MEMBERS ABSENT:** Phippen

**STAFF MEMBERS PRESENT:** Brian Simmons  
Director of Community Development

Chairman Khoury called the meeting to order at 6:30 PM. After hearing four previous cases and a brief recess, Chairman Khoury recalled Village Case No. 19-ZPA-01-005 and stated the hearing is being continued from the Zoning, Planning and Appeals Board meeting held on February 14, 2019.

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 UDO will consolidate all of the Village’s development regulations (i.e. Sign, Zoning, and Subdivision codes) into a single easy-to-use document. Included with the UDO is an update to the Village’s Zoning Districts and Map. In some instances, existing zoning classifications are proposed to be eliminated with new classifications formed. The revisions are intended to more accurately reflect existing development within the community. The subject properties are proposed to be rezoned from the BP Business Park District, B3 Fringe Business District, and A1 Agricultural District to the B2 Shopping Center Business District. The ZPA hearing was properly noticed in the January 23, 2019 edition of the Northwest Herald newspaper. In addition, the Village has completed the required written notice to all property owners affected by the rezoning and within 250 feet of each parcel. Due to the number of properties subject to rezoning the Director of Community Development has waived the requirement for posting of a public hearing sign on the subject property pursuant to Section 17.80.045 of the Zoning Ordinance.

The UDO was formally reviewed by the ZPA during a public hearing on February 14<sup>th</sup>, 2019 and continued to tonight’s meeting.

Director Simmons presented a brief overview of the request.

Chairman Khoury opened the floor to Public Comment.

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

Discussion:

Member Graziano asked if the change applies to Meyer property that has been mined. Director Simmons stated it does include some of the mined site.

*Chairman Khoury entertained a motion.*

*Member Graziano moved, seconded by Member Kretschmer, to recommend to the Village Board of Trustees approval of a Map Amendment to rezone the following affected property from the BP Business Park District, B3 Fringe Business District and A1 Agricultural District to the B2 Shopping Center Business District:*

*Address/PINS: 0-100 NORTHWEST HIGHWAY, PINS 20-18-177-025 through 20-18-177-028  
8900-10000 S IL ROUTE 31, PINS 19-15-400-028, part of 19-15-400-029, part of 19-22-201-006  
through 19-22-201-008*

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

*Nay: None*

*Abstain: None*

*Absent: Pippen*

*Motion Passed: 6-0*

After hearing three additional cases, 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

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

**CASE NUMBER:** 19-ZPA-01-006

**HEARING DATE:** April 11, 2019 (Continued from February 14, 2019)

**PETITIONER:** Village of Cary

**REQUEST:** 1. Map Amendment Rezoning the Affected Property from B2 Shopping Center Business District, BP Business Park District and B4 Neighborhood Convenience Business District to the B3 Fringe Business District

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

**MEMBERS ABSENT:** Phippen

**STAFF MEMBERS PRESENT:** Brian Simmons  
Director of Community Development

Chairman Khoury called the meeting to order at 6:30 PM. After hearing five previous cases and a brief recess, Chairman Khoury recalled Village Case No. 19-ZPA-01-006 and stated the hearing is being continued from the Zoning, Planning and Appeals Board meeting held on February 14, 2019.

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 UDO will consolidate all of the Village’s development regulations (i.e. Sign, Zoning, and Subdivision codes) into a single easy-to-use document. Included with the UDO is an update to the Village’s Zoning Districts and Map. In some instances, existing zoning classifications are proposed to be eliminated with new classifications formed. The revisions are intended to more accurately reflect existing development within the community. The subject properties are proposed to be rezoned from B2 Shopping Center Business District, B-P Business Park District, and the B-Neighborhood Convenience Business District to the B3 Fringe Business District. The ZPA hearing was properly noticed in the January 23, 2019 edition of the Northwest Herald newspaper. In addition, the Village has completed the required written notice to all property owners affected by the rezoning and within 250 feet of each parcel. Due to the number of properties subject to rezoning the Director of Community Development has waived the requirement for posting of a public hearing sign on the subject property pursuant to Section 17.80.045 of the Zoning Ordinance.

The UDO was formally reviewed by the ZPA during a public hearing on February 14<sup>th</sup>, 2019 and continued to tonight’s meeting.

Director Simmons presented a brief overview of the request.

Chairman Khoury opened the floor to Public Comment.

Bruce Kaplan, Bell Drive, asked the Zoning Board members to consider rezoning a vacant parcel along Industrial Drive from BP Business Park to M Manufacturing to allow the property owner additional options in selling the property.

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

Discussion:

Zoning Board members discussed the rezoning of the Two Penny Farm to B3R and the Industrial Drive vacant parcel.

*Chairman Khoury entertained a motion.*

*Member O’Laughlin moved, seconded by Member Graziano, to recommend to the Village Board of Trustees approval of a Map Amendment to rezone the following affected property from the B2 Shopping Center Business District, BP Business Park District, and the B4 Neighborhood Convenience Business District to the B3 Fringe Business District, with one exception:*

*1. Two Penny Farm, 8715 Cary Algonquin Road, PIN 19-14-401-008 which will be B3R*

*Address/PINS: 801 GEORGETOWN DR, PIN 19-11-402-002 / 800-1000 INDUSTRIAL DR, PINS 19-11-402-003; 19-11-477-049; 19-11-477-050 / 2600-2700 THREE OAKS RD, PINS 19-12-301-029; 19-12-301-040 / 700-900 FEINBERG CT, PINS 19-12-301-037; 19-12-301-038; 19-12-303-001 through 19-12-303-003 / 700 W MAIN ST, PIN 19-13-101-023 / 100-300 CARY ALGONQUIN RD, PINS 19-13-101-024; 19-14-428-006*

*Aye: Khoury, Jasper, Graziano, Williams, O’Laughlin, Kretschmer*

*Nay: None*

*Abstain: None*

*Absent: Phippen*

*Motion Passed: 6-0*

After hearing two additional cases, 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

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

**CASE NUMBER:** 19-ZPA-01-007

**HEARING DATE:** April 11, 2019 (Continued from February 14, 2019)

**PETITIONER:** Village of Cary

**REQUEST:** 1. Map Amendment Rezoning the Affected Property from BP Business Park District to the M Limited Manufacturing District

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

**MEMBERS ABSENT:** Phippen

**STAFF MEMBERS PRESENT:** Brian Simmons  
Director of Community Development

Chairman Khoury called the meeting to order at 6:30 PM. After hearing six previous cases and a brief recess, Chairman Khoury recalled Village Case No. 19-ZPA-01-007 and stated the hearing is being continued from the Zoning, Planning and Appeals Board meeting held on February 14, 2019.

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 UDO will consolidate all of the Village’s development regulations (i.e. Sign, Zoning, and Subdivision codes) into a single easy-to-use document. Included with the UDO is an update to the Village’s Zoning Districts and Map. In some instances, existing zoning classifications are proposed to be eliminated with new classifications formed. The revisions are intended to more accurately reflect existing development within the community. The subject properties are proposed to be rezoned from BP Business Park District to the M Limited Manufacturing District. The parcels are proposed to be rezoned due to the elimination of the BP district in the proposed UDO. The ZPA hearing was properly noticed in the January 23, 2019 edition of the Northwest Herald newspaper. In addition, the Village has completed the required written notice to all property owners affected by the rezoning and within 250 feet of each parcel. Due to the number of properties subject to rezoning the Director of Community Development has waived the requirement for posting of a public hearing sign on the subject property pursuant to Section 17.80.045 of the Zoning Ordinance.

The UDO was formally reviewed by the ZPA during a public hearing on February 14<sup>th</sup>, 2019 and continued to tonight’s meeting.

Director Simmons presented a brief overview of the request.

Chairman Khoury opened the floor to Public Comment.

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

Discussion:  
None

*Chairman Khoury entertained a motion.*

**Member Graziano moved, seconded by Member O’Laughlin, to recommend to the Village Board of Trustees approval of a Map Amendment to rezone the following affected property from the BP Business Park District to the M Limited Manufacturing District:**

**Address/PINS: 4015 THREE OAKS RD, PINS 19-11-305-004; 19-11-305-005; 19-11-328-002; 19-11-328-003; 19-11-403-002**

**Aye: Khoury, Jasper, Graziano, Williams, O’Laughlin, Kretschmer**

**Nay: None**

**Abstain: None**

**Absent: Pippen**

**Motion Passed: 6-0**

After hearing one additional case, 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



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

**CASE NUMBER:** 19-ZPA-01-008

**HEARING DATE:** April 11, 2019 (Continued from February 14, 2019)

**PETITIONER:** Village of Cary

**REQUEST:** 1. Map Amendment Rezoning the Property from the E1 Single-Family, R1 Single-Family, R2 Single-Family, R3 Multi-Family, A1 Agricultural, B3 Fringe Business, BP Business Park, PO3 Park and Open Space 3, and PO4 Park and Open Space 4 zoning districts to the PO Park and Open Space District.

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

**MEMBERS ABSENT:** Phippen

**STAFF MEMBERS PRESENT:** Brian Simmons  
Director of Community Development

Chairman Khoury called the meeting to order at 6:30 PM. After hearing seven previous cases and a brief recess, Chairman Khoury recalled Village Case No. 19-ZPA-01-008 and stated the hearing is being continued from the Zoning, Planning and Appeals Board meeting held on February 14, 2019.

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 UDO will consolidate all of the Village’s development regulations (i.e. Sign, Zoning, and Subdivision codes) into a single easy-to-use document. Included with the UDO is an update to the Village’s Zoning Districts and Map. In some instances, existing zoning classifications are proposed to be eliminated with new classifications formed. The revisions are intended to more accurately reflect existing development within the community. The subject properties are proposed to be rezoned from the E1 Single-Family, R1 Single-Family, R2 Single-Family, R3 Multi-Family, A1 Agricultural, B3 Fringe Business, BP Business Park, PO3 Park and Open Space 3, and PO4 Park and Open Space 4 zoning districts to the PO Park and Open Space District. The ZPA hearing was properly noticed in the January 23, 2019 edition of the Northwest Herald newspaper. In addition, the Village has completed the required written notice to all property owners affected by the rezoning and within 250 feet of each parcel. Due to the number of properties subject to rezoning the Director of Community Development has waived the requirement for posting of a public hearing sign on the subject property pursuant to Section 17.80.045 of the Zoning Ordinance.

The UDO was formally reviewed by the ZPA during a public hearing on February 14<sup>th</sup>, 2019 and continued to tonight’s meeting.

Director Simmons presented a brief overview of the request.

Chairman Khoury opened the floor to Public Comment.

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

Discussion:

None

*Chairman Khoury entertained a motion.*

*Member O'Laughlin moved, seconded by Member Williams, to recommend to the Village Board of Trustees approval of a Map Amendment to rezone the following affected property from the E1 Single-Family, R1 Single-Family, R2 Single-Family, R3 Multi-Family, A1 Agricultural, B3 Fringe Business, BP Business Park, PO3 Park and Open Space 3, and PO4 Park and Open Space 4 zoning districts to the PO Park and Open Space District:*

*Address/PINS: FEL PRO RRR, 1520 CRYSTAL LAKE AVE, PIN 19-01-276-007 / LIONS PARK, 1200 SILVER LAKE ROAD, PIN 19-01-300-005; 19-12-126-001 / WEST LAKE PARK, WELLINGTON LN, PIN 19-11-277-002 / HAMPTON PARK, PINS 19-14-129-009 THROUGH 19-14-129-011, PINS 19-14-129-018 THOURGH 19-14-129-020 / CAMBRIA PARK, COLLINS DR, PIN 19-11-351-017; 19-11-351-018; 19-14-101-019 / KAPER PARK, GEORGETOWN DR PIN 19-11-477-046; PIN 19-11-452-001 / BRITTANY PARK, ADARE DR, PIN 19-12-201-014 / KIWANIS PARK, DUNLEER DR, PIN 19-12-202-026 / JAYCEE PARK, SILVER LAKE RD, PIN 19-12-301-003 / JAMES WAY PARK JAMES WAY, PINS 19-12-409-014; 19-12-409-022; 19-12-453-005 / CIMARRON BASIN, CARY ALGONQUIN RD, PIN 19-13-104-002 / CARY GROVE PARK, GALWAY DR, PIN 19-12-228-017 / COMMUNITY CENTER PARK, 255 BRIARGATE RD, PINS 19-13-153-007 through 19-13-153-022; 19-13-302-007; 19-13-303-001 / VETERANS PARK, PARK AVE, PIN 19-13-229-024 / VAL BUDD PARK, HIGH ROAD, PIN 19-13-331-018 / HOFFMAN PARK, MAIN STREET, PINS 19-14-100-013; 19-14-100-014; 19-14-103-001; 19-14-300-005 through 19-14-300-010; 19-14-401-018 through 19-14-401-020; 19-14-429-004; 19-14-429-005; 19-15-200-043; 19-15-400-023; 19-15-400-025 / GREENFIELDS PARK, MAIN ST, PIN 19-14-276-001 / CARY OAKS PARK, PEARSON RD, PINS 19-14-276-053 through 19-14-276-057 / FOX TRAILS PARK, S FOX TRAILS DR, PIN 19-14-354-021 / FOX BLUFF, CARY ALGONQUIN RD, PIN 19-14-454-011; 19-14-455-010; 19-14-479-002; 19-14-480-001; 19-14-480-009; 19-23-100-008; 19-23-176-004; 19-23-203-011; 19-23-204-023; 19-23-207-013; 19-23-226-006; 19-23-251-007 / NEW HAVEN PARK, NEW HAVEN DR, PIN 19-15-228-002 / MEYER PROPERTY, IL RT 31, PIN 19-15-400-018, part of 19-15-400-029, parts of 19-22-201-006 through 19-22-201-008 / RACKET CLUB, 9101 S IL RT 31, PINS 19-22-100-003; 19-22-100-009; 19-22-100-019 / WHITE OAKS PARK, DOVE WAY, PINS 20-07-276-001; 20-07-279-011 / CANDLEWOOD PARK, PIN OAK CIR, PINS 20-07-327-030; 20-07-327-031 / KNOTTY PINES PARK, THREE OAKS RD, PINS 20-07-426-001; 20-07-426-017; 20-07-426-018 / BRISTOL PARK, BRISTOL WAY, PIN 20-08-302-001 / HILLSIDE PRAIRIE PARK, HILLHURST DR, PINS 20-07-452-002; 20-07-201-002; 20-18-201-006*

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

*Nay: None*

*Abstain: None*

*Absent: Pippen*

*Motion Passed: 6-0*

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