

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

CASE NUMBER: 19-ZPA-03-002

HEARING DATE: April 25, 2019

PROPERTY ADDRESS: 463 Margaret Terrace

PETITIONER: Vivint Solar Development, LLC

PROPERTY OWNER: Heraclio Angeles

PIN NUMBER: 19-12-329-005

REQUEST: 1. Conditional Use for a Solar Energy System (Sec. 17.20.030)

MEMBERS PRESENT: Khoury, Jasper, Williams, Graziano, Phippen

MEMBERS ABSENT: Kretschmer, O’Laughlin

STAFF MEMBERS PRESENT: Brian Simmons
Director of Community Development

Chairman Khoury called the meeting to order at 7:30 PM. Chairman Khoury recognized and thanked Member Graziano for his thirty-five years of service on the Zoning, Planning and Appeals Board.

Chairman Khoury called Village Case No.19-ZPA-03-002.

Director Simmons stated the Petitioner, Vivint Solar Development, LLC, is seeking approval of a conditional use in order to construct an accessory solar energy system to the single-family residence located at 463 Margaret Terrace. Director Simmons reviewed the proposed plan of solar energy panels being installed on the roof of the residential structure, and stated per the Village’s Zoning Ordinance, accessory solar energy systems require conditional use approval within the R-2 Single-Family Residential District. The ZPA hearing was properly noticed in the Northwest Herald newspaper. In addition, the Petitioner has completed the required written notice to property owners within 250 feet and Village staff posted a public hearing sign on the subject property.

There has been no negative feedback from surrounding property owners.

The Petitioner was present to answer questions.

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 Williams, to recommend to the Village Board of Trustees, approval of a conditional use for an accessory solar energy system for the property located at 463 Margaret Terrace subject to the following conditions:

- 1. The conditional use shall be granted for the property located at 463 Margaret Terrace.*
- 2. The proposed improvements shall substantially conform to the attached plans and exhibits as part of this petition, except as they may be changed to conform to Village Codes and all conditions of approval.*

Aye: Williams, Khoury, Jasper, Graziano, Pippen

Nay: None

Abstain: None

Absent: O'Laughlin, Kretchmer

Motion Passed: 5-0

After hearing three additional cases, Chairman Khoury entertained a motion to adjourn at 9:07 pm. Member Jasper moved, seconded by Member Graziano to adjourn at 9:07 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-03-003

HEARING DATE: April 25, 2019

PROPERTY ADDRESS: 320 Foxford Drive

PETITIONER: Vivint Solar Development, LLC

PROPERTY OWNER: Robert Graf

PIN NUMBER: 20-06-379-007

REQUEST: 1. Conditional Use for a Solar Energy System (Sec. 17.20.030)

MEMBERS PRESENT: Khoury, Jasper, Williams, Graziano, Pippin

MEMBERS ABSENT: Kretschmer, O’Laughlin

STAFF MEMBERS PRESENT: Brian Simmons
Director of Community Development

Chairman Khoury called the meeting to order at 7:30 PM. Chairman Khoury recognized and thanked Member Graziano for his thirty-five years of service on the Zoning, Planning and Appeals Board.

After hearing one case, Chairman Khoury called Village Case No.19-ZPA-03-003.

Director Simmons stated the Petitioner, Vivint Solar Development, LLC, is seeking approval of a conditional use in order to construct an accessory solar energy system to the single-family residence located at 320 Foxford Drive. Director Simmons reviewed the proposed plan of solar energy panels being installed on the roof of the residential structure, and stated per the Village’s Zoning Ordinance, accessory solar energy systems require conditional use approval within the E-1 Low Density Single-Family Residential District. The ZPA hearing was properly noticed in the Northwest Herald newspaper. In addition, the Petitioner has completed the required written notice to property owners within 250 feet and Village staff posted a public hearing sign on the subject property.

The Petitioner was present to answer questions.

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 Williams stated the home is now for sale and verified the conditional use will run with the property and any new owners will not be required to submit a new petition.

Chairman Khoury entertained a motion.

Member Pippen moved, seconded by Member Graziano, to recommend to the Village Board of Trustees, approval of a conditional use for an accessory solar energy system for the property located at 320 Foxford Drive subject to the following conditions:

- 1. The conditional use shall be granted for the property located at 320 Foxford Drive.*
- 2. The proposed improvements shall substantially conform to the attached plans and exhibits as part of this petition, except as they may be changed to conform to Village Codes and all conditions of approval.*

Aye: Williams, Khoury, Jasper, Graziano, Pippen

Nay: None

Abstain: None

Absent: O'Laughlin, Kretchmer

Motion Passed: 5-0

After hearing two additional cases, Chairman Khoury entertained a motion to adjourn at 9:07 pm. Member Jasper moved, seconded by Member Graziano to adjourn at 9:07 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-04-001

HEARING DATE: April 25, 2019

PROPERTY ADDRESS: 403 Wentworth Circle

PETITIONER: Bright Planet Solar

PROPERTY OWNER: Mike Soltis

PIN NUMBER: 20-06-428-005

REQUEST: 1. Conditional Use for a Solar Energy System (Sec. 17.20.030)

MEMBERS PRESENT: Khoury, Jasper, Williams, Graziano, Pippen

MEMBERS ABSENT: Kretschmer, O’Laughlin

STAFF MEMBERS PRESENT: Brian Simmons
Director of Community Development

Chairman Khoury called the meeting to order at 7:30 PM. Chairman Khoury recognized and thanked Member Graziano for his thirty-five years of service on the Zoning, Planning and Appeals Board.

After hearing two cases, Chairman Khoury called Village Case No.19-ZPA-04-001.

Director Simmons stated the Petitioner, Bright Planet Solar, is seeking approval of a conditional use in order to construct an accessory solar energy system to the single-family residence located at 403 Wentworth Circle. Director Simmons reviewed the proposed plan of solar energy panels being installed on the roof of the residential structure, and stated per the Village’s Zoning Ordinance, accessory solar energy systems require conditional use approval within the E-1 Low Density Single-Family Residential District. The ZPA hearing was properly noticed in the Northwest Herald newspaper. In addition, the Petitioner has completed the required written notice to property owners within 250 feet and Village staff posted a public hearing sign on the subject property.

The Petitioner was present to answer questions.

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 proposed UDO sets a maximum roof coverage. Director Simmons stated the proposed UDO allows for a maximum of sixty percent roof coverage.

Chairman Khoury entertained a motion.

Member Graziano moved, seconded by Member Williams, to recommend to the Village Board of Trustees, approval of a conditional use for an accessory solar energy system for the property located at 403 Wentworth Circle subject to the following conditions:

- 1. The conditional use shall be granted for the property located at 403 Wentworth Circle.*
- 2. The proposed improvements shall substantially conform to the attached plans and exhibits as part of this petition, except as they may be changed to conform to Village Codes and all conditions of approval.*

Aye: Williams, Khoury, Jasper, Graziano, Pippen

Nay: None

Abstain: None

Absent: O'Laughlin, Kretchmer

Motion Passed: 5-0

After hearing one additional case, Chairman Khoury entertained a motion to adjourn at 9:07 pm. Member Jasper moved, seconded by Member Graziano to adjourn at 9:07 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-03-001

HEARING DATE: April 25, 2019

PROPERTY ADDRESS: Country Commons Shopping Center
271 Country Commons Road

PETITIONER/OWNER: Mike Lawson, Country Commons, LLC

PIN NUMBER: 19-14-426-001

REQUEST:

1. Conditional Use for a Multi-Family Dwelling (18 units)
2. Variation to Increase Maximum Permitted Density for a Multi-family Dwelling (16 units/acre)
3. Variation to Reduce the Required Number of Parking Spaces (from 40 to 31 spaces)

MEMBERS PRESENT: Khoury, Jasper, Williams, Graziano, Pippen

MEMBERS ABSENT: Kretschmer, O’Laughlin

STAFF MEMBERS PRESENT: Brian Simmons
Director of Community Development

Chairman Khoury called the meeting to order at 7:30 PM. Chairman Khoury recognized and thanked Member Graziano for his thirty-five years of service on the Zoning, Planning and Appeals Board.

After hearing three cases, Chairman Khoury called Village Case No.19-ZPA-03-001.

Director Simmons stated the Petitioner, Country Commons LLC, is proposing to convert existing retail space within the current Country Commons Shopping Center mixed use building into additional residential apartment units. The subject property is located at 217 Country Commons Road on the northeast corner of this roadway’s intersection with Cary Algonquin Road. The Petitioner is seeking to convert four (4) of the existing commercial units into residential immediately and convert the remaining six (6) units at a future date following the end of existing commercial leases for these tenant spaces. Following the conversion of the entire building to residential units the final unit count would not exceed eighteen (18). Director Simmons stated the property currently has a total of thirty-one (31) parking spaces. Per code, multifamily dwellings are required to provide 2.25 spaces per dwelling unit while office uses require 1 space per 300 sq. ft. of gross floor area. The property currently is nonconforming as the existing building configuration requires a minimum of forty-four (44) spaces per code. However, the conversion of the office area to residential will reduce the number of parking spaces required per code to forty (40) spaces. The ZPA hearing was properly noticed in the Northwest Herald newspaper. In addition, the Petitioner has completed the required written notice to property owners within 250 feet and Village staff posted a public hearing sign on the subject property.

The Petitioners, Mike Lawson and Mike Kim, were present to answer questions.

Chairman Khoury opened the floor to Public Comment.

Debra Bertram, Stonegate Rd., stated she has concerns the petitioners do not have a well thought out plan. She would like to see more details on the planned units and the parking.

George Hinkes, Little Stonegate, stated his concerns with traffic safety as traffic will increase, and he believes the number of parking spaces will not be enough for the eighteen units when they are occupied. Mr. Hinkes stated the zoning classification is a B3R, which he feels should be a mix of commercial and residential use.

Mr. Bob Baker, Trout Valley stated residential is more appealing than empty commercial spaces. However, he believes that there is not enough parking being planned for the conversion to residential. Mr. Baker stated his concern that the intersection at Cary Algonquin Road is very dangerous for people to walk across.

Linda Stelle, Stonegate Road, stated she is happy the plan keeps the historic look of the building. Ms. Stelle asked if expanding the gravel drive to provide additional parking would encroach on neighboring property. Director Simmons stated an expansion would conform to existing zoning regulations.

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

Discussion:

Member Phippen asked if the property is historically designated. Mr. Simmons stated it is not formally plaqued as a historic site.

Member Phippen asked for clarification on the parking variation request. Director Simmons reviewed the details of the request.

Member Jasper asked if additional parking spaces are added, would the size of each space meet requirements. Director Simmons stated they would.

Member Graziano questioned the parking lot space size being adequate.

Member Jasper asked if the age of the building would be an issue with construction of the new apartments. Director Simmons stated the permitted work would be done to the Village's building codes that apply to remodeling existing properties.

Chairman Khoury asked if the existing setbacks from Cary Algonquin Road to the building would be allowed. Director Simmons stated the existing setbacks would remain in place.

Mr. Lawson, the Petitioner, stated the electric and plumbing have been updated in the building. Mr. Lawson and Mr. Kim reviewed for the ZPA board the plan for the additional parking.

Member Jasper asked for additional detail on the apartment plans.

Chairman Khoury asked if the Fire Department had any comment or concerns for the project. Mr. Lawson stated Lt. Veath of the Cary Fire Department had no issues.

Member Graziano suggested the petitioner investigate adding an additional parking area that would alleviate any parking issues.

Member Phippen stated he has a concern with the limited parking. He would like to add a condition to the petition to add additional parking.

Member Jasper stated the Petitioners could reevaluate the planned number of units and add parking spaces to the plan. Member Jasper stated he is not ready to vote on each request without a more specific plan in place.

Chairman Khoury asked the Petitioners if they would like to reevaluate their plan. Mr. Lawson stated the plan has been carefully considered. Only four commercial units will be converted at this time. The other units are now occupied by commercial users and will remain in place with existing leases.

Mr. Lawson and Mr. Kim requested a continuation of the petition.

Chairman Khoury entertained a motion.

Member Jasper moved, seconded by Member Graziano, to recommend continuation of case number 19-ZPA-03-001 to May 23, 2019, for a conditional use for a multifamily dwelling and density and parking variances for the property located at 271 Country Commons Road subject to the conditions listed in the staff report.

Aye: Williams, Khoury, Jasper, Graziano, Pippen

Nay: None

Abstain: None

Absent: O'Laughlin, Kretchmer

Motion Passed: 5-0

Chairman Khoury entertained a motion to adjourn at 9:07 pm. Member Jasper moved, seconded by Member Graziano to adjourn at 9:07 pm.

All Ayes by Voice Vote

Motion Passed

Respectfully submitted,


Susan Greene, Deputy Village Clerk