

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

CASE NUMBER: 19-ZPA-08-001

HEARING DATE: August 22, 2019

PROPERTY ADDRESS: 201 and 203 Jandus Road

PETITIONER/OWNER: True Value Company, LLC

PIN NUMBER: 19-13-282-017, 20-18-156-002, 20-18-301-001, 19-13-426-005

REQUEST:

1. Variance for Directional Sign
2. Conditional Use and an Electronic Message Center Monument Sign

MEMBERS PRESENT: Khoury, Jasper, O’Laughlin, Phippen and Graziano

MEMBERS ABSENT: Kretschmer, Williams

STAFF MEMBERS PRESENT: Brian Simmons
Director of Community Development

Chairman Khoury called the meeting to order at 7:30 PM. After approving previous meeting minutes, Chairman Khoury called Village Case No.19-ZPA-08-001.

Director Simmons stated the Petitioner, the True Value Company, LLC, is seeking to add an additional service to their business offerings at the property located at 201 and 203 Jandus Road. The Petitioner will be adding a factory direct paint store to their existing manufacturing operations. As part of the addition the petitioner is seeking to install new signage on the property in order to advertise the business and guide customers to the new paint store location. Specifically, the petitioner is proposing to replace the property’s existing monument sign with a new sign that will include an electronic message center and install directional signage within the parking lot to customers to the paint store entrance. The message center sign will require conditional use approval while the directional signs will require a variance due to size. Other signage proposed for the paint store (a wall sign above entrance) does not require additional relief from the Unified Development Ordinance. The ZPA hearing was properly noticed in the August 5, 2019, edition of the Northwest Herald newspaper. In addition, the Petitioner has completed the required written notice to property owners within 250 feet and staff posted a public hearing sign on the Subject Property.

The Petitioners were present to answer questions. George Zimmerman, True Value, LLC stated the company is very excited to expand the business in this way. He stated the existing signage is old and needs to be replaced and updated.

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:

Chairman Khoury asked for additional detail on the location and size of the proposed signs.

Member Jasper asked if the proposed signs are larger than other commercial monument signs in the Village. Director Simmons stated they are very similar to what is being requested.

Chairman Khoury entertained a motion.

Member O’Laughlin moved, seconded by Member Graziano, to approve variances for a sixteen (16) square foot directional sign and recommend approval of a conditional use for an electronic message center sign for the property located at 201 and 203 Jandus Road, subject to the conditions listed in the staff report.

Aye: Khoury, Jasper, Pippen, O’Laughlin, Graziano

Nay: None

Abstain: None

Absent: Kretschmer, Williams

Motion Passed: 5-0

Chairman Khoury entertained a motion.

After hearing one additional case, Chairman Khoury entertained a motion to adjourn at 9:15 pm. Member Graziano moved, seconded by Member Williams to adjourn at 9:15 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-07-001

HEARING DATE: August 22, 2019

PROPERTY ADDRESS: 400 Haber Road

PETITIONER: Dave Cook, Elm Tree Properties

OWNER: Elm Tree Properties, LLC (Contract Purchaser)
Community High School District 155 (Owner)

PIN NUMBER: 19-14-429-002, 19-14-429-006 through 014

REQUEST:

1. Map Amendment (Rezone from R-1 to R-3)
2. Approval of a Planned Development (46 Residential Units) Containing Departures from the Unified Development Ordinance

MEMBERS PRESENT: Khoury, Jasper, O’Laughlin, Phippen and Graziano

MEMBERS ABSENT: Kretschmer, Williams

STAFF MEMBERS PRESENT: Brian Simmons
Director of Community Development

Chairman Khoury called the meeting to order at 7:30 PM. After approving previous meeting minutes and hearing one additional case, Chairman Khoury called Village Case No.19-ZPA-07-001.

Director Simmons stated the Petitioner, Elm Tree Properties LLC, is proposing to redevelop the property located at 400 Haber Road, most recently occupied by the District 155 Haber Oaks Campus School, into a residential planned development. The subject property is located on Haber Road just south of its intersection with Harper Avenue. The petitioner is seeking a map amendment to rezone the subject property from R-1 Single-Family to R-3 Multifamily Residential and approval of a forty-six (46) residential unit Planned Development containing departures from the Unified Development Ordinance. The proposed plan incorporates the existing eight (8) unit Harper Pointe duplex project and will add fourteen (14) additional duplex units, for a total of twenty-two (22), and convert the existing school building into a two-story apartment complex with twenty-four (24) apartments for seniors. The ZPA hearing was properly noticed within the August 6, 2019, edition of the Northwest Herald newspaper. In addition, the Petitioner has completed the required written notice to property owners within 250 feet and Staff posted a public hearing sign on the Subject Property.

Director Simmons reviewed the history and previous uses of the property. Director Simmons stated the Cary Fire Protection District has worked with Elm Tree Properties to plan emergency access and egress for the planned development.

The Petitioners, Jeremy Davis School District 155 and Dave Cook Elm Tree Properties, LLC were present to answer questions.

Member Graziano asked for clarification on the location of easements in the setback variance request.

Member O’Laughlin asked for clarification on the Fire Protection Districts’ requirements for emergency vehicle access.

Member Jasper reviewed the setback request for the detached garages on the proposed plan. Member Jasper stated the Petitioner could require modifications to the proposed plan regarding this item.

Member Phippen asked for details on the types of easements in the request. Director Simmons stated that detail is not known at this time.

Dave Cook, Elm Tree Properties, LLC. Park Ridge, presented a brief review of the proposed development and stated the need for senior housing in the planned retrofitted and expanded existing building as well as the age-mixed duplexes. Mr. Cook stated the existing easements do not contain utilities and will be vacated and new easements created in different locations.

Chairman Khoury asked if there was a different option to vacating the existing easements. Mr. Cook stated they have considered options but believe the garage locations as proposed is the very best location.

Member Phippen stated he believes the easement vacation needs to be addressed before a vote and would like to see a preliminary utility plan.

Member Jasper questioned if moving an easement is feasible. Director Simmons stated it is possible as they are not currently being used.

Mr. Cook reviewed some changes to the proposed plans based on feedback he received from a neighborhood meeting held on June 22nd with surrounding homeowners.

Chairman Khoury opened the floor to Public Comment.

Ray Narelany, Harper Court, stated one concern is a precedence that would be set with approving such large setback variances. He is concerned about the potential of additional street parking on Haber and Harper. Mr. Narelany stated his concern with emergency access on the interior roadways of the proposed development.

Bridgette Sanlon, Haber Rd., stated her concern with the potential traffic increase and street side parking from the senior apartments and duplexes onto Haber Road.

Brian Mulville, Harper Court, stated his concern with potential increased traffic accessing Cary-Algonquin Road. He would like the area to remain single family residences.

Janice Kross, Haber Road, stated she would like the senior apartments to be privately owned.

Jeremy Davis, School District 155, stated when the building was used district busses and 60-70 students accessed and parked along the local streets.

Cathy Burley, Fairfield Lane, Cary stated her approval of the proposed plans.

There was no further comment from those present. Chairman Khoury did not close the Public Comment portion of the meeting as the ZPA Board agreed with the Petitioner to continue the meeting until September 12.

Discussion

ZPA Board members asked Mr. Cook to refine the setback requests and present details on the easement relocation.

Chairman Khoury asked for general consent to table consideration of the motion to September 12, 2019.

All Ayes by Voice Vote to table consideration of the motion to recommend to the Village Board of Trustees 1) approval of a map amendment to rezone the subject property, located at 400 Haber Road, from R-1 Single-Family Residential to R-3 Multifamily Residential and 2) approval of a 46-unit planned development with zoning departures, subject to the conditions listed in the staff report, to the Zoning, Planning and Appeals meeting scheduled for September 12, 2019

Chairman Khoury entertained a motion to adjourn at 9:15 pm. Member O’Laughlin moved, seconded by Member Williams to adjourn at 9:15 pm.

All Ayes by Voice Vote

Motion Passed

Respectfully submitted,


Susan Greene, Deputy Village Clerk