

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

**CASE NUMBER:** 19-ZPA-10-001

**HEARING DATE:** December 12, 2019

**PROPERTY ADDRESS:** 134 Northwest Highway, Cary

**PETITIONER:** NIBCARY, LLC

**PROPERTY OWNER:** The Selcke Family Limited Partnership

**PIN NUMBER:** 20-18-176-020, 20-18-327-009

**REQUEST:** 1. Approval of a Preliminary Planned Development and Plat of Subdivision

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

**MEMBERS ABSENT:** Phippen, Jasper

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

Chairman Khoury called the meeting to order at 7:30 PM. After approving minutes from a previous meeting, Chairman Khoury called Village Case No. 19-ZPA-10-001.

Director Simmons stated the Petitioner, NBICARY, LLC, is proposing to redevelop the property located at 134 Northwest Highway, commonly referred to as the Selcke Property. The subject property is located on Northwest Highway to the southeast of its intersection with Jandus Cutoff Road. The petitioner is seeking approval of a preliminary Planned Development and Plat of Subdivision in order to allow for the future commercial development of the property. The ZPA hearing was properly noticed within the November 20, 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 general details of the preliminary plan for the property.

Member Kretschmer asked for clarification on the approval process future development would follow for the additional parcels of the property. Director Simmons stated any potential user would need to petition the ZPA Board for consideration and a positive recommendation.

Member Williams asked if the second lot is developed by the user of the first lot, would additional approvals be required. Director Simmons stated any improvements or development of the second lot would require zoning approval and review by the ZPA and Village Board.

Mr. Brian Maude, Manager of NBICARY, LLC was present to answer questions from the Board.

Member Graziano asked Mr. Maude if the gas station has approval from IDOT. Mr. Maude stated they have applied for and expect final approval soon.

Chairman Khoury opened the floor to Public Comment.

Mr. Dave Miller, Lake Julian, Northwest Highway stated concerns with the site of the gas station property and lack of detail of future plans.

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

Discussion:

Members Williams, Graziano and O'Laughlin each questioned details of the petition and proposed plat of subdivision. Director Simmons reviewed the petitioners request for consideration.

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

***Member O'Laughlin moved, seconded by Member Kretschmer, a motion to recommend to the Village Board of Trustees 1) approval of a preliminary planned development and 2) a final plat of subdivision for the property located at 134 Northwest Highway, subject to the conditions listed in the staff report.***

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

***Nay: None***

***Abstain: None***

***Absent: Pippen, Jasper***

***Motion Passed: 5-0***

After hearing an additional case, Chairman Khoury entertained a motion to adjourn at 8:15

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-10-002

**HEARING DATE:** December 12, 2019

**PROPERTY ADDRESS:** 600 Fox Trails Drive North

**PETITIONER/OWNER:** Village of Cary

**PIN NUMBER:** 19-14-354-005

**REQUEST:** 1. Variance to reduce the front yard building setback from thirty (30) feet to nineteen (19) feet.

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

**MEMBERS ABSENT:** Phippen, Jasper

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

Chairman Khoury called the meeting to order at 7:30 PM. After approving minutes from a previous meeting, and hearing an additional case, Chairman Khoury called Village Case No. 19-ZPA-10-002.

Director Simmons stated the Petitioner, the Village of Cary, is seeking approval of front yard variance related to the replacement of the existing Well #10 building located at 600 Fox Trails Drive North. Per the Village’s Zoning Ordinance, a setback of thirty (30) feet is required along the front lot line along Fox Trails Drive. The Petitioners are seeking a variance in order to reduce the front yard setback for a primary structure from thirty (30) feet to nineteen (19) feet. The ZPA hearing was properly noticed in the November 12, 2019 edition of the Northwest Herald. 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 specifics of the petitioner’s request for consideration.

Public Works Director, Erik Morimoto was present to answer questions from the Board and reviewed the design details of the proposed improvements.

Chairman Khoury opened the floor to Public Comment. With no comment from those present, Chairman Khoury closed Public Comment.

Discussion:

Member O’Laughlin stated the request does allow for adequate space between the Village’s ROW and the space included in the variance.

Member Khoury asked about feedback from surrounding residents. Director Simmons stated there were no negative comments.

Member Kretschmer asked Director Morimoto for detail on the façade of the well house.

*Chairman Khoury entertained a motion.*

*Member O'Laughlin moved, seconded by Member Graziano, a motion to recommend to the Village Board of Trustees Trustees approval of a variation to reduce the required front yard setback from thirty (30) feet to nineteen (19) feet for the property located at 600 Fox Trails Drive North.*

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

*Nay: None*

*Abstain: None*

*Absent: Pippen, Jasper*

*Motion Passed: 5-0*

Chairman Khoury stated the ZPA meeting schedule for 2020 will be the second Thursday of each month and meetings will begin at 7:00 p.m.

Chairman Khoury entertained a motion to adjourn at 8:15 pm.

*All Ayes by Voice Vote*

*Motion Passed*

Respectfully submitted,

  
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Susan Greene, Deputy Village Clerk