

**Maryville Planning Commission  
November 12, 2008  
Special Meeting**

A special meeting of the Maryville Planning Commission was called to order at 7:00 p.m. on November 12, 2008 in the Village Hall by Chairperson R. Covarrubias.

**Roll Call**

Members Present: R. Covarrubias D. Drobisch, M. Floyd, S. Frey, D. Keene,  
C. Vincent  
Members Absent: T. Nemsky  
Additional Attendees: J. Dutton

Chairperson Covarrubias thanked the members of the Planning Commission who attended the special meeting.

**Site Development Plan Review – Pinnell/Cain Building**

Seth Netemeyer, Engineer for the developer, was present to answer any questions from the Planning Commission.

Chairperson Covarrubias asked J. Dutton to present the review memo from Juneau Associates, Inc., P.C. for the site development plan of the Pinnell/Cain Building. Mr. Dutton presented a review memo dated November 10, 2008 in which the original 6 comments from the review memo dated October 6, 2008 were presented as well as 6 additional review comments for a total of 12 review comments. Mr. Dutton stated that all 12 of the comments were corrected with the new set of plans received from the developer dated November 11, 2008 for Job No. E-080715. Mr. Dutton presented a review memo from Juneau Associates, Inc., P.C. Dated November 12, 2008 stating this.

A letter requesting 2 variances from the developer was received by the Planning Commission. The letter was addressed to K. Flaughner and dated October 29, 2008 the letter was subsequently dated as received on November 11, 2008 by Juneau Associates, Inc.

**Variance 1**

A reduction in the number of required parking spaces from 53 (8 spaces per 1000 sft. of building) to 29 spaces (4.4 spaces per 1000 sft. of building).

The proposed building is to be a professional office building, not retail.

**Variance 2**

A reduction in the required width of the 50 ft. buffer zone between residential and commercial property to a varying width of 19 ft. to 29 ft.

The adjacent existing commercial lot and building has a 10 ft. strip between the residential lot and the edge of the parking lot. Adjusting the proposed layout would result in a further loss of parking spaces, rotating the building (as was done on the adjacent lot) would reduce the sound

barrier from Ill Rte 162 created by the building for the residential area. The developer is proposing a 30 ft. wide planting of evergreen trees and shielding the parking lot lights to contain light spillage from the parking lot.

Discussion ensued regarding the reduction in the buffer zone from 50 ft.

J. Dutton stated that he was told by K. Flaughner that when the adjacent 2 commercial lots were developed a reduction in the buffer zone to 10 ft. was granted on all 4 of the commercial lots. S. Frey stated that she did not believe this to be correct, that the variance was granted on the first 2 commercial lots at the entrance only, the developer agreed to turn the buildings to face East and West, and did not believe that the reduction in the buffer zone would be detrimental to the future salability of the adjoining residential lots. At this time, Autumn Oaks had not been started as a residential development. J. Dutton asked if the adjoining property owners were notified regarding the development of this lot. S. Frey stated that she was not aware of any notification to them. Further, it would be reasonable for the present residential property owners to expect the Village to adhere to the ordinance. The developer could have contacted the adjoining property owners, stated that a reduction in the buffer zone was being requested and obtained statements from the adjoining residential property owners that they did not care if the buffer zone was reduced. The engineer for the developer, Seth Netemeyer stated that he thought Kevin had notified the adjoining property owners. S. Frey stated that K. Flaughner had not stated that this was done, and that the Village was not required to notify adjoining property owners for variance requests.

D. Drobisch asked the developer if he had considered sitting the building differently such that the parking and required lighting was eliminated from the rear of the building. S. Frey stated that this lot sits lower than the adjoining residential property and that lighting in the rear could shine directly into the homes. R. Covarrubias asked the developer what type of lighting is being proposed for the development. The developer stated that shielding directional lighting would be used and that no lighting would shine onto the adjoining residential lots. The lights would shine straight down onto the parking lot. The engineer stated that if the building were to be moved to the rear of the lot, more parking spaces would be lost. The developer stated that the rear of the lot would be a raised berm with the additional planting of pine trees atop the berm.

A comment was made that if the building were smaller, then the number of parking spaces could be increased, and it would be likely that the buffer zone ordinance could be maintained. Chairperson Covarrubias stated that we may get a worse building developed if the size were reduced, this building fits in with the architecture of the area.

D. Keene questioned if the buffer zone ordinance was in place when the subdivision was developed. S. Frey stated that it was.

R. Covarrubias stated that we should strike a decent middle ground between what the developer desires and what the ordinance states. Chairperson Covarrubias stated that if a decent landscaping plan were shown, then the residential lots would be protected from the commercial development. Raising the rear of the lot and planting the pine trees atop the raised berm would further protect the adjoining residential property owners. The developer would have to engineer the drainage required for this.

R. Covarrubias asked J. Dutton if the light poles had to be a minimum height. J. Dutton stated that there was no minimum, but that the maximum was 25 ft. The shortest pole is 14 ft. J. Dutton recommended that the pole not be less than 20 ft. in height.

Discussion continued regarding the possible future use of the building should the current owner/developer choose to sell or lease the property to a retail business. It was noted that a retail business with longer hours, more traffic, and the need for a greater number of parking spaces could occupy the building. The developer argued that a retail business would not want to occupy this building because of the limited parking. The developer further stated that the former owner of the lot, D. Osborn stated that a larger building could be put on this lot than what is being shown.

Chairperson Covarrubias stated that the plan the developer is showing is respectful of the adjacent residential property owners with the lighting, landscaping, and balance between the 50 foot buffer required and the 10 foot buffer on the adjacent property. Chairperson Covarrubias further stated that the reduced parking would further protect the adjacent residential property owners by reducing the traffic in the development. S. Frey disagreed with the latter statement regarding fewer parking spaces, she felt that if someone wanted to purchase something, they would park somewhere in the immediate area if no parking spaces were available and that fewer spaces would not reduce the traffic in the development.

S. Frey recommended that the height of the light poles in the rear of the building should not be at the 25 foot maximum. J. Dutton recommended that the height not be less than 20 feet.

C. Vincent recommended that the trees in the development be non-fruit bearing. The developer agreed to plant non-fruit bearing trees. Chairperson Covarrubias recommended that the trees also be on the Villages approved list of trees.

S. Frey questioned the use of cedar to construct the dumpster enclosure. It was recommended that the developer use brick walls with PVC or Aztek gates on a steel frame.

D. Drobisch made a motion to recommend to the Zoning Board of Appeals the approval of the variance requests for a reduction in parking from 53 to 29 spaces and the approval of a reduction in the buffer strip between residential and commercial property from 50 feet to varying widths of 29 / 19 feet. The motion was seconded by D. Keene. Roll Call: Covarrubias-aye; Drobisch-aye; Floyd-aye; Frey-aye; Keene-aye; Vincent-aye. Motion carried, all ayes.

D. Drobisch made a motion made to recommend the Village Board the approval of the Site Development Plan for the Cain and Pinnell Building contingent upon the light poles in the parking lot not exceeding 20 feet in height, the plantings in the landscape plan not include any fruit bearing trees and be from the approved list of trees per Village ordinance, and the dumpster enclosure be constructed of brick with Aztec gates. The motion was seconded by M. Floyd. Roll Call: Covarrubias-aye; Drobisch-aye; Floyd-aye; Frey-aye; Keene-aye; Vincent-aye. Motion carried, all ayes.

### **Other Business**

There being no further business to discuss, C. Vincent made a motion to adjourn the meeting at 7:44 p.m. The motion was seconded by D. Drobisch. The motion carried – all ayes.