

**Maryville Planning Commission
August 28, 2006**

**Public Hearing #1
Request for Rezoning – B & K Auto From MR-2 to B-2**

Public hearing #1 was opened at 7:06 p.m. K. Flaugher gave a brief history of the recent ownership and re-zoning requests for the property at 197 Anthony Drive.

1. In October, 2003 the previous owner (Terry) petitioned for a re-zoning from MR-2 to B-2. A public hearing was held and the Planning Commission recommended to the Village Board to deny the petitioner's request for re-zoning.
2. The property was subsequently sold in November, 2003 to B & K Auto Sales.
3. In May, 2005 a public hearing was held at the request of B & K Auto for a special use permit to use the property as a temporary storage yard for towed vehicles. The Planning Commission recommended approval to the Zoning Board of Appeals contingent upon a) B&K constructing a storm water detention system if the parcel is covered with asphalt, b) installation of a dusk to dawn lighting system, and c) construction of a solid white vinyl fence, 6 feet in height.
4. In June, 2005 the Zoning Board of Appeals failed to approve the B&K application for a special use permit.

A request was made for the petitioners and objectors to the petition to identify themselves. There being no objectors, the petitioner was allowed to present evidence for their request for re-zoning. Mr. D. Wrigley for the petitioner reviewed the special use permit application as noted in #2 and #3 above, and the subsequent action of the Zoning Board of Appeals in #4. Mr. Wrigley explained to the Planning Commission the unsuitability of the present zoning due the size of the lot. Mr. Wrigley then presented 4 arguments advocating the petitioners request for re-zoning to B-2.

1. The property is surrounded on 3 sides by commercial property and the highest and best use of the property would be for commercial purposes.
2. The most recently updated comprehensive plan for the Village shows the planned use of the property to be for commercial purposes.
3. The property cannot be used with the current MR-2 zoning classification as it does not meet the minimum 25,000 sq. footage of area for a MR-2 development and has a 50' width at the street and a depth of 140'.
4. B&K was denied a special use permit for the original intent of operating a towing / vehicle storage area. B&K would like to sell, have received many inquiries, but potential purchasers are not interested in the property with the current zoning classification of MR-2.

L Benesh questioned the original intent for the lot. K. Flaugher responded that it was originally platted as a street. Subsequently, the lot was purchased many years ago for back taxes.

R. Covarrubias questioned what was shown on the comprehensive plan for the development. Mr. Wrigley and K. Flaugher supplied a comprehensive plan which shows the property zoned as commercial.

R. Covarrubias called for any additional questions from the Planning Commission or registered members of the audience. There being none, public hearing #1 was closed at 7:25 p.m.

Public Hearing #2
Amendment to the Subdivision Code regarding Green Space Fees

Public Hearing #2 was opened at 7:25 p.m.

K. Flaughner stated that a recommendation from the Village Board and the Park Committee had been received to change the green space fees to \$750 per lot for the zoning classifications of SR-1 and SR-2; additionally, that the green space fees for MR-1 and MR-2 should also be changed to \$750 per dwelling unit.

A request was made for those present who wished to speak on the proposed changes to the green space fees to identify themselves.

R. Shoup, President of the Park Advisory Committee, was present and stated that he wished to speak for the proposed change. Mr. Shoup gave a brief history of the green space fees. He stated that the fees were very much needed and that many projects had been completed with the assistance of the fees collected to date. The recent dredging of the lake was given as an example. Mr. Shoup stated that the fees were the sole source for park improvements and maintenance. Further, Mr. Shoup stated that the Park Committee had originally recommended that the fees be doubled from their current amounts in each of the zoning classifications, but that the committee would be agreeable to the change to \$750.

L. Benesh questioned what other communities were currently doing with respect to the collection of fees. Mr. Shoup responded that he was not sure, but that originally, the Village was in line with the other surrounding communities. He stated that they were not making anymore land and that the funding was needed for the purchase of additional park land. He stated that the Village is not receiving any funding from CARD.

R. Covarrubias inquired as to how long the park committee had been realizing funds. K. Flaughner stated that the ordinance was recorded in 2002. R. Covarrubias stated that it was probably some time after that before any funds were realized as the ordinance only applied to new developments. Furthermore, he stated that many positive and worthwhile projects had been completed.

C. Vincent inquired as to what some of the future improvements might be. R. Shoup replied that ½ of the lake had been dredged and that the other ½ needed to be done, an increase to the walking path around the lake with connection to other Village property has been proposed, the installation of a 3rd permanent dock on the lake, the development of 4 acres of park ground located off of the bike path with restroom and water facilities, and the purchase of additional park ground.

K. Flaughner corrected his opening statement to reflect that the Park Committee had recommended doubling the fees in each zoning category, but that the Village Board was recommending the increase to \$750 in each zoning category.

R. Covarrubias called for any additional questions from the Planning Commission or registered members of the audience. There being none, public hearing #2 was closed at 7:33 p.m.

Public Hearing #3
Zoning for Summit Ridge Corporation to SR-2 and PD-R

Public Hearing #3 was opened at 7:33 p.m.

K. Flaughter gave a brief introduction stating that the development was concurrently being annexed by the Village. All properties annexed are automatically given a zoning classification of SR-1 unless otherwise requested by the developer. The developer is requesting SR-2 and PD-R zoning on two parcels and a public hearing is required for such. The property is located on the West side of Pleasant Ridge Road; the southernmost line of the property is alongside Interstate 55-70.

A request was made for those present who wished to speak on the proposed changes to the green space fees to identify themselves.

Forrest Lerch, developer, was present to speak for the re-zoning.

Mr. Lerch stated that originally he had intended to develop the property with villas similar to Stonebridge because the more products you have in one subdivision, the better you are. But, because there are currently several villa developments in the area, he decided to reconsider his initial plans for the property. He decided to develop it similar to a development he had in O'Fallon, Illinois on Old Collinsville Road. He stated that he would be doing basically the same style / square footage of home on a smaller lot for that part of the property to be zoned PD-R this would prevent him from having to request a variance on every lot. He stated that he is trying to come up with extra density to make the subdivision work as a whole between the two parcels because this is a very rough piece of ground. He stated that the development would be advantageous for the city as it would allow for a looping of the water line and access to the bike trail. Basically, that it would take a useless piece of property and make it work with both parcels.

K. Flaughter stated that the SR-2 lots would have 80 ft. frontage, the PD-R lots would be 60 ft. at the building line. The developer concurred. S. Frey questioned whether the same house would be built in both parcels, the PD-R and the SR-2. The developer agreed. S. Frey questioned if this was a hearing for the zoning and preliminary plat or just the zoning. K. Flaughter stated that the hearing was for the zoning only, the Village is currently in discussions with the developer regarding an annexation agreement. After a recommendation from the Planning Commission, the Village Board will hold 2 (two) public hearings, one on the annexation agreement, a second on the zoning petition. After the public hearings, the Village will pass 3 (three) ordinances. The first ordinance will approve the annexation agreement, the second ordinance will annex the property, and the third ordinance will approve the zoning of the property. K. Flaughter further stated that the developer would have to return to the planning commission for approval of the preliminary and final plat.

S. Frey requested that the developer clarify the reasons for requesting a PD-R zoning on one of the parcels if the same house is going to be built in both parcels. The developer stated that the property is very rough and that the interstate is located to the south. The SR-2 parcel homes will have three car garages, the PD-R parcel homes, 2 car garages. He stated that he has done this in other subdivisions. He summarized by saying that this helps the city, helps the developer and all around is a win-win. If 80 foot lots were done in the PD-R parcel, 20 lots would be lost and the \$750 green space fees associated with them. He stated that it is a win-win because he picks up the increased density, and the village gets the additional fees and when you drive down the street, you cannot tell the difference. The only difference is that the houses are deeper and taller instead of longer and narrower. S. Frey stated that the benefits of the one time fees versus the long term impact of the additional lots on the school district and city resources should be

considered. Further, property taxes may not be that much different due to the lower valuation on the PD-R parcel development. Mr. Lerch stated that you also have to consider that the developer has to make money, and if you can't, it may not be worth doing. Further, this is a great concept that is being done in every other city. O'Fallon has 410 lots on 135 acres that has been the number one selling community in the last 5 years. S. Frey stated that O'Fallon has been trying to pass a referendum for additional property taxes for their school district because of overcrowding. The developer agreed.

R. Covarrubias called for any additional questions from the Planning Commission or registered members of the audience. There being none, public hearing #3 was closed at 7:49 p.m.

Regular Meeting

The regular meeting of the Maryville Planning Commission was called to order at 7:50 p.m. on August 28, 2006 in the Village Hall by Chairperson R. Covarrubias.

Roll Call

Members present: L. Benesh R. Covarrubias, D. Drobisch, M. Floyd S. Frey, C. Vincent
Members absent: C. Short
Additional Attendees: J. Dutton, K. Flaughner, R. Limberg

Approval of Minutes

Chairperson Covarrubias called for a review of the minutes from the July 24, 2006 meeting. C. Vincent made a motion to approve the minutes as presented. The motion was seconded by D. Drobisch. Motion carried all ayes.

New Business

Zoning Request – B & K Auto from MR-2 to B-2

Mr. B. Kneedler, B & K Auto and Mr. D. Wrigley, attorney for B & K Auto were present to answer any questions from the Planning Commission.

S. Frey questioned Mr. Wrigley regarding why B & K requested the B-2 zoning classification as opposed to the B-1 classification. Mr. Wrigley replied to allow for more uses, and allow for some of the uses prospective purchasers have inquired about.

R. Covarrubias and K. Flaughner clarified for everyone that the B-2 zoning classification is the least restrictive. K. Flaughner summarized recent re-zoning requests on the property that have come before the Planning Commission and Zoning Board of Appeals.

S. Frey noted that in the minutes from October 27, 2003 K. Flaughner reported that the properties to the North, South and East were all zoned B-1 commercial, the property to the West was zoned MR-2. Further discussion followed regarding the zoning of the surrounding property with question as to whether the Ameritech property was B-1 or B-2 and whether or not this property abutted Charter Communications. The general consensus was that this could be a mixed use property but that it was predominantly surrounded by B-1 and MR-2.

C. Vincent questioned what types of businesses had been inquiring about purchasing the property. Mr. Wrigley replied that Mr. Kneeder did not remember what businesses had been inquiring about the property.

Mr. Wrigley commented that the planning commission should not be overly concerned with the B-1 or B-2 designation. When definitive plans are presented by a developer, the Planning Commission would have adequate oversight in controlling the development of the property.

R. Covarrubias expressed concern regarding the type of commercial business which may occupy the lot with a B-2 zoning classification. With the MR-2 development in the area and the families living nearby, safety has to be and important consideration.

R. Covarrubias made a motion to recommend to the Village Board the denial of the petitioners request for rezoning the property at 197 Anthony Drive from MR-2 to B-2. Motion was seconded by S. Frey. Roll Call: Benesh – nay; Covarrubias-aye; Drobisch-aye; Floyd-aye; Frey-aye;-aye; Vincent-nay. Motion carried - 4 ayes to 2 nays.

Amendment to the Subdivision Code Regarding Green Space Fees

R. Limberg stated that the Village Board held a lengthy discussion regarding raising the subject fees. Some members wanted to raise them higher; however, they did not want the fees to be a detriment to developers in the Village. The Village Board researched the fee structure in surrounding communities and found the \$750 to be about average.

R. Shoup commented that the fees do not appear to have discouraged or prevented builders from constructing developments in the Village. Furthermore, Maryville is land-locked by intergovernmental agreements. Further expansion is limited and at some point all the land will be developed and no additional fees will be collected.

D. Drobisch made a motion to recommend to the Village Board approval of the increase in fees to \$750. S. Frey seconded the motion. D. Drobisch withdrew his motion and made another motion with additional clarification. The motion was changed to recommend to the Village Board the approval of the increase in fees to \$750 for the SR-1, SR-2, MR-1, MR-2 and PD-R zoning classifications. S. Frey seconded the motion. Roll Call: Benesh - aye; Covarrubias-aye; Drobisch-aye; Floyd-aye; Frey-aye;-aye; Vincent-aye. Motion carried – all ayes.

Zoning Request of Summit Ridge

Mr. Lerch, the developer, was present to answer any questions from the Planning Commission.

The agenda for the meeting stated that a recommendation was to be considered on the annexation and zoning. S. Frey questioned if the review to take place was for the annexation and zoning or just the zoning. K. Flaughner responded that only the petitioners request for re-zoning was being considered tonight. R. Covarrubias further clarified that the petitioners request was for re-zoning from A to SR-2 on tract #1 and PD-R on tract #2.

S. Frey noted for the Planning Commission members that the intent and purpose of the PD districts was to encourage a more imaginative and innovative design of land development; and to promote a more desirable a more community development. The conceptual plat is showing cul-de-sac roads, no connection between the two tracts and no connection to the bike trail. There has not been a community center, pool, or other amenities presented by the developer. Further, the ordinance states that the PD regulations are not intended to allow excessive densities, or the development of incompatible land uses, either within the development, or as the development

relates to the general neighborhood. The PD-R development, as presented, appears to have the primary purpose of putting more homes on smaller lots. The developer was asked why he requested the PD-R zoning; the reply was that so he can market more of the same house on more lots. He did not state that this piece of property could not be developed in any other way.

Mr. Lerch stated that he had approached Village Board members with a concept for the property that initially included Villas such as Amberleigh. In further consideration of those discussions, and in taking into consideration the competition with other developments in progress in the area that would contain Villas, the developer decided to go with houses that would make the piece of ground usable. He stated that the Village only had so much land and that in conversations with Mr. Keller, in order to get more commercial development in the Village, more houses/heads were needed. The developer further stated that he did not like density and that he did not live in a dense subdivision, but that there was a certain need for everyone out there. He commented to the planning commission that as you drive down through the two tracts of land after they are developed, there would be the same distance between homes in both developments. The only difference would be a three car garage on the homes in the SR-2 tract vs. a two car garage on the homes in the PD-R tract. S. Frey questioned why the tract needed to be PD-R if the tract of land would be identical to the SR-2 development. Mr. Lerch replied that you would have to ask your Village Attorney that question because he is the one who recommended the PD-R zoning designation. The developer further stated that he could not develop the PD-R tract as SR-2 because fewer lots would make the development economically not doable.

R. Covarrubias questioned the developer as to how he intended to use the out lots shown on the plat. The developer replied that they are woods and deep terrain and would probable stay as they were. R. Covarrubias asked if the out lots would be offered to the homeowners. The developer stated that they would not, that they would be used to meet the green space requirements of the development. R. Covarrubias expressed concern that along interstate 55-70 you would see a string of houses, one right after the other and that he would like to see something different there. He further questioned if a dwelling existed between tract #1 and tract #2. The developer stated yes, and that the dwelling would remain. There is a barn behind this property that will be removed. S. Frey questioned whether Pleasant Ridge Road could accommodate the additional traffic that would result from a development of this size. K. Flaughter stated that the Village will collect impact fees from the development to improve Pleasant Ridge Road and that there are plans to do so with the annexation agreement. R. Covarrubias questioned the developer on what his plans were to buffer the noise from interstate 55-70. The developer stated that there was a tree line in that area that he thought would mitigate the noise from the interstate, but that there would be noise from the interstate.

M. Floyd made a motion to recommend to the Village Board the approval of the developers request for re-zoning from A to SR-2 and PD-R on the property called Summit Ridge. Motion was seconded by C. Vincent. Roll Call: Benesh - aye; Covarrubias-aye; Drobisch-aye; Floyd-aye; Frey-nay; Vincent-aye. Motion carried – 5 ayes to 1 nay.

A discussion followed in which the members of the Planning Commission were advised that the annexation agreement with the Village and this developer would not preclude the developer from his requirement to come before the Planning Commission for preliminary development plan approval. Further, it was remarked that the Planning Commission had a greater degree of control with the PD designation in that the Commission would be able to request specific design requirements on the dwellings in addition to the lay out of the development.

Preliminary Development Plan – Villa Marie

There being no plans or individual present for the development; no discussion or action occurred or was taken.

Other Business

On behalf of the Village Board, R. Limberg thanked the Planning Commission members for their input. A brief discussion followed regarding the ability of the Village to withdraw from CARD. K. Flaughner stated that CARD would have to be dissolved in its entirety in order for the Village to withdraw. No recommendation was given or action taken.

Adjournment

With no further business to discuss, C. Vincent made a motion to adjourn. D. Drobisch seconded the motion. Motion carried all ayes and the meeting was adjourned at 8:51 p.m.