

## Maryville Planning Commission June 22, 2015

The meeting of the Maryville Planning Commission was called to order by Chairperson Covarrubias at 7:00 p.m. on June 22, 2015, in the Village Hall.

### **Roll Call:**

**Members in Attendance:** R. Covarrubias, D. Drobisch, M. Floyd, D. Keene, T. Nemsy, C. Vincent

**Members Absent:** S. Frey

**Additional Attendees:** K. Flaughner, R. Massa,

Chairperson Covarrubias requested a review of the minutes from the April 27, 2015 meeting. D. Drobisch made the motion to approve the minutes. T. Nemsy seconded the motion. Motion carried all ayes.

Before the first item on the agenda Chairperson Covarrubias reminded the audience that there was no public hearing tonight. Chairperson Covarrubias would accept public comments they would be limited and would like to request that a spokesperson be selected who would speak for the group.

### **Recommendation of Final Plat-Lange Ave. Estate Minor Subdivision:**

K. Flaughner gave a brief summary that because this was a minor subdivision, a preliminary plat was not required. Our Mother of Perpetual Help was subdividing off one lot for sale. The access to this lot would be off of Lange Ave. Steve Staczyk was there representing the church. K. Flaughner stated that all fees had been paid. R. Massa with Juneau Associates stated that there had been a few minor issues but they had all been addressed. The lot meets the building line and size requirements for its zoning which is SR-2.

D. Keene made the motion to recommend to the Village Board approval of the final plat of the Lange Ave. estate minor subdivision. D. Drobisch seconded the motion. Roll Call: R. Covarrubias-aye, D. Drobisch-aye, M. Floyd-aye, D. Keene-aye, T. Nemsy-aye, C. Vincent-aye. Motion passed.

### **Recommendation of Final Plat-Villas at Nottingham Phase I:**

K. Flaughner stated that this was the final plat for the Villas at Nottingham. Documentation had been received and the fees had been paid. K. Flaughner also stated that the Village Board had approved the preliminary plat and the zoning change from SR to PD-R at their last meeting.

R. Massa with Juneau Engineering stated that he had reviewed the final plat, comments were addressed or justified plats for each lot as it goes it. In other words, the total plan lay out and the building footprint is approved but each land plot may be adjusted here or there and its plat filed with Madison County. Madison County is good with the plats being submitted in this way. The plan will not come back for approval with for each building.

M. Floyd asked if there was a settlement agreement in place with the HOA of Nottingham Estates regarding easement access to the clubhouse. D. Gerber with Keller Construction said that a proposal had been given to the HOA this afternoon. The delay was is getting information from Southwestern Electric. The easement will be off of the third cul-de-sac as outlined in the preliminary plat. Access will be platted immediately asphalt/rock and utilities costs needs to be worked out.

D. Gerber went on to say that the condo owner would be responsible for the porch, walk and driveway of their home. An HOA would be responsible for mowing grass, landscaping, snow removal. A lot near the entrance has been left empty with plans for a clubhouse and/or playground. This will be built during the last phase as input from the property owners will be used to determine exactly what to build. There will be covenant restrictions regarding no fences.

Phases 4 and 5 of the development will be later as this property is in Glen Carbon and the developer is working to get it annexed into Maryville.

Ed Votoupal, 85 Santa Anita, Maryville addressed the commission. He is the President of the Nottingham Estate HOA. The HOA requested that if the Planning Commission approves the final plat that it be done with the stipulation that a written agreement is in place between the developer and the HOA regarding easement and access to the Nottingham Estate Lodge (Lodge) before it can go forward. The HOA was access and utilities service at no cost to the HOA during the construction. Mr. Votoupal went on to outline a history of discussions with the developer for the last 18 months.

It was asked if the former property owner had filed an access easement through the property for the Lodge. D. Gerber stated that the plat filed with Madison County shows utility and drainage easements. Walking trails along the utility and drainage easements for access to the Lodge were on the original not vehicular.

C. Vincent stated that the purpose of the planning commission was to review plans and make recommendations for approval or denial based upon whether or not the plats met the Village codes and ordinances. She didn't know if it would be legal for the commission to put a stipulation of a written agreement between the developer and the HOA before approval.

R. Motil, Village Attorney, 33 Foxmoor Dr., Maryville, stated that he would recommend that the Planning Commission not place such a stipulation on the approval because it could lead to litigation. Mr. Motil also commended the residents and the HOA of Nottingham Estates on the beauty of their subdivision and the way they maintain their properties.

E. Votoupal then asked if the final grading plan had been submitted and if it was available for review, when the streets in the new development would be dedicated.

K. Flaughner stated it had been submitted.

D. Gerber stated that he would e-mail the grading plan to "John."

R. Massa stated that the streets in the new development would not be dedicated until they were finished and inspected.

D. Gerber stated that if the weather holds, he would hope the roads would be finished by mid to late November.

The audience asked the process for final approval. K. Flaughner stated that if the planning commission made the recommendation for approval, the plans would go to the next Village Caucus. The Village Caucus would then decide when to place the plans on the Village Board agenda.

The audience asked if the Board could put conditions on the plat. Mayor Larry Gullledge said that the Village Board acted differently than the Planning Commission. The Commission could only make recommendations, the Board granted approval. The Board's action is at their discretion. They may

choose to approve as is, make stipulations or reject. They may choose to heed the advice of legal counsel or go against it.

R. Motil stated that he would recommend that the Village Board not place a stipulation of a written agreement between the two private parties.

Bill Pistiri, 61 Santa Anita, Maryville, Mary Britsch 15 Belmont Place, Maryville and Cal Morris 55 Santa Anita, Maryville all addressed the Commission with questions or statements regarding access and easement to the Lodge. Concerns were for emergency services, the ability of the residents to use the pool and to rent out the Lodge.

R. Covarrubias asked it thought had been given to both developments sharing the Lodge. D. Gerber stated that during initial talks Keller Construction had offered to purchase the Lodge or to share and there was no interest from the HOA. C. Morris stated that he was President of the HOA at that time and that is not what he said. He said that he would be under obligation to take the proposal to the HOA for their vote. His gut feeling was that the majority would not be in favor of selling or sharing.

D. Drobisch made the statement that he understood the concern of the Nottingham Estate HOA and the he would encourage Keller Construction and the HOA to get together and get this settled but he didn't feel it was within the purvey of the Commission to act on an issue between two private parties.

D. Drobisch made the motion to recommend to the Village Board to approve the final plat of the Village of Nottingham Phase I. T. Nemsky seconded the motion. Roll Call: R. Covarrubias-aye, D. Drobisch-aye, M. Floyd-abstain, D. Keene-aye, T. Nemsky-aye, C. Vincent-aye. Motion passed 5 ayes- 1 abstain.

R. Covarrubias asked for any other public comments. There were none.

D. Drobisch made the motioned and was seconded by D. Keene to adjourn the meeting. Motion passed all ayes.

Meeting adjourned at 7:58 p.m.