

**SYCAMORE CITY COUNCIL**

**AGENDA**

**May 17, 2004**

**City Council Committee Meeting  
No Meetings Are Scheduled**

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**Regular City Council Meeting  
At the Sycamore Center  
7:00 P.M.**

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF AGENDA**
- 5. AUDIENCE TO VISITORS**
- 6. CONSENT AGENDA**
  - A.** Approval of the Minutes for the City Council Meeting of May 3, 2004;
  - B.** Payment of the Bills for May 17, 2004;
  - C.** Plan Commission Minutes for the Meeting of April 12, 2004.
  - D.** Annual Report of the Sycamore Fire and Police Commission.
- 7. PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.**
  - A.** Proclamation declaring May 29, 2004 as World War II Veterans Recognition Day.
  - B.** Presentation of a Plaque to Lester Johnson who is retiring after 41 years of service to the City of Sycamore as a paid-on-call firefighter.
  - C.** Consideration of a presentation by the Sycamore Economic Development Commission.

Sycamore Economic Development Commission member Bill Nicklas will introduce Larry Christensen, store manager of the Door & Window Store at 1733 DeKalb Avenue, who will give a brief overview of his firm's range of products and services.

**8. REPORTS OF OFFICERS**

**9. REPORTS OF STANDING COMMITTEES**

**10. PUBLIC HEARINGS**

**A. Public Hearing Regarding the Issuance of Health Center Revenue Bonds in a Principal Amount Not To Exceed \$4,000,000, To Finance All or a Portion of the Cost of the Expansion and Remodeling of the DeKalb Area Retirement Center.**

On April 7, 2003, the City Council approved Ordinance 2002.91 expressing its intention to approve an industrial revenue bond not to exceed \$4 million to help the DeKalb Area Retirement Center (Oak Crest) complete an expansion project, pursuant to the Illinois Local Government Act. Under the provisions of this Act, the bonds issued by the City would not represent a debt of the City or a pledge of the faith and credit of the City. In addition, issuance of the bonds would not grant to the bond owners any right to have the City levy any taxes or appropriate any funds for the payment of the principal and interest of the debt. Further, the City would have no obligation to pay any expenses associated with the issuance of the bonds.

Because the projects funded from the proceeds of the bond sale would underwrite an investment that has a public benefit in terms of increased employment and better facilities for seniors, the bonds can carry a tax-exempt status and, thereby, a lower interest rate. Practically speaking, the City loans the proceeds of the bond sale to Oak Crest, which in turn issues to the City a promissory note in the same amount. The City completes the process by assigning the note to a local bank or banks without recourse. This last step removes the City from any financial or legal obligation. The tax-exempt status of the bonds allows the bank(s) to loan the proceeds to Oak Crest at a lower-than-market rate of interest.

This public hearing is a statutory prerequisite for the issuance of the bonds. No further Council action is needed.

**B. Public Hearing Regarding the Proposed Residential Development Known as "The Settlement" That is Located North of Bethany Road and East of Parkside Drive.**

This public hearing concerns the proposed annexation of 96.275 acres presently farmed by the Fenstermaker family on the north side of Bethany Road, east of Parkside Drive. The details of the proposed development are outlined in the background notes to Ordinance No. 2004.06.

**C. Public Hearing Regarding the Proposed Mixed-Use Development Located South of Bethany Road and West of the Bethany Road Detention Pond.**

This public hearing will be opened and postponed until June 7 to afford more time for the developer to consider revisions to the annexation agreement that were suggested by the Plan Commission on May 10. The details of this development proposal are outlined in the background notes to Ordinance No. 2004.08.

## 11. ORDINANCES

### A. Ordinance No. 2004.05—An Ordinance Amending Title 3, “Business and License Regulations,” Chapter 2, “Liquor Control,” Section 3-2-1, “Definitions, and Section 3-2-7, “Number of Licenses,” of the City Code of the City of Sycamore, Illinois. First and Second Reading.

At the Ordinance Committee meeting of May 3, the Committee considered two topics: (1) whether an additional package liquor license should be issued and (2) whether the closing hour for the golf course license should be extended. With regard to package good licenses, the Committee considered three options:

- a) leaving the present proration by population (one license per 5,000 persons) as is; or
- b) modifying the population proration by reducing the threshold to one license per 3,000 persons; or
- c) removing the population requirement altogether and, in effect, de-regulating package licenses.

After some discussion, the Committee voted 4-0 to recommend to the Council that the proration be revised to permit one license per 3,000 population, thus creating the possibility of two new licenses. The attached ordinance would accomplish this objective.

The Ordinance Committee also recommended by a vote of 4-0 to extend the hours for serving alcoholic beverages in the Park District clubhouse from dusk to midnight on Friday and Saturday evenings only. The attached ordinance also reflects this recommendation. The Council will note the attached letter of May 10, 2004 from David Peek, executive director of the Sycamore Park District. In his letter, Mr. Peek explains that the District is interested in an adjustment of the serving hours Sundays through Thursdays as well, to accommodate the occasional league outing or other seasonal outings. The District’s preference for a closing hour from Sunday through Thursday would be 10:00 p.m. The Council’s consideration of this Park District request would be appreciated.

City Council action is recommended.

### B. Ordinance No. 2004.06—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to a Petition from Pacific Midwest Homes for an Annexation Agreement, the Annexation of the Property North of Bethany Road and East of Parkside Drive with a Zoning Classification of “R-1” One Family Residence District, and a Special Use Permit for a Planned Unit Development. First and Second Reading.

The developer, Pacific Midwest Homes, represented by George Haviar, has petitioned the Council for approval of an annexation agreement, a preliminary plan, and a plat of

annexation for the residential development of the 96.275-acre Fenstermaker farm parcel located just east of the intersection of Parkside Drive and Bethany Road. The details of this development are as follows:

1. The Preliminary Plan

- The plan depicts 79 detached single-family lots comprising 23.44 acres of the approximately 96 acres in the annexation parcel.
- The gross density is .82 units per acre, which is considerably less dense than the 2 unit per acre average of the past few years.
- The proposed subdivision name is “The Settlement.”
- The development features two “viewing corridors” looking east toward the Kishwaukee River greenway. One is at the end of Hanna Lane and the other is at the northeast corner of the parcel.
- The average lot size is about 12,895 square feet, which is comparable to the average lot size in the adjacent Parkside Estates development.
- The portion (Outlot A) to be donated to the Park District for nature trails constitutes 45.32 acres.
- The portion (Outlot B) to be donated to the School District for a possible school site comprises 18.20 acres. A privately-maintained lift station will be needed to serve this outlot.
- Access to the subdivision from the south would enter Parkside Drive at Bethany Road and move into the development area on one of two public streets (Joan Place and Hanna Lane).
- Access to the subdivision from the north would likewise approach the development area from Parkside Drive.
- The stormwater detention pond wraps around the east boundary of the area to be developed for residential purposes.

2. The Annexation Agreement

The annexation agreement has the following features:

- A twenty year term.
- The requirement of a concurrent Park District annexation.
- All watermains shall be properly looped at the developer’s expense.
- The portion of Bethany Road adjacent to the developable area (the westerly 450 feet) will be reconstructed by the developer during the first phase to a minimum width of 41 feet measured from back to back of the curbing. The School District will be responsible for the cost of the road improvements along the balance of the Bethany Road frontage.
- At the time that Outlot B is developed, either by the School District or its successor, any structures on this outlot will need to be served by a lift station. The agreement (Section 7.1) makes it clear that any such life station would be privately installed, owned, and maintained.
- Model homes must be served by city utilities and paved temporary parking before they are occupied.

- The developer will donate about 45 acres of land (Outlot A) to the Sycamore Park District, in exchange for which no impact fees will be assessed. Based on the current Park District impact fee ordinance, the developer's obligation for a land dedication for 79 homes with an average of 3.5 persons per home is 3.18 acres. At the Park District rate of \$75,000 per acre, such a dedication would be valued at \$238,500. The developer has instead agreed to donate the land with a statutory value of \$3,399,000 (\$75,000 x 45.32 acres). If impact fees were requested instead of the land donation, the Park would only receive \$62,252 (\$788 x 79).
- The developer will donate about 19 acres (Outlot B) to the Sycamore School District for a future school site. In addition, the developer will be responsible for all applicable impact fees as they may change from time to time. Based on a value of \$100,000 per acre in the School Fee Ordinance and an average of 4 bedrooms per home, the total developer exactions will be worth about \$2,296,027 ( $\$5,013 \times 79 = \$396,027$  plus  $\$100,000 \times 19 = \$1,900,000$ ).
- The developer shall install bike paths as shown on the preliminary plat to link the entrance to the conservation area at the northeast corner of the parcel. The paths shall be 10 feet wide and their maintenance shall be the responsibility of the homeowners association.
- The developer would be limited to a maximum of 35 permits in year one, and 22 permits per year in years two and three.
- A homeowners association is required to maintain the common areas.

3. Fiscal Impact. The attached fiscal study depicts the impact of the proposed subdivision without an allowance for the proposed developer exactions. It is clear that with the donation of the land and the agreement to pay both the statutory impact fees and a voluntary contribution per lot, the development will generate a positive return to the School District. The City of Sycamore will see a modest positive impact in terms of general revenues even if the impact fees are not considered.

4. Traffic Study. See attached. The study shows an estimated ADT of 835 vehicles per day. This estimate conforms to the engineering standard of about 10 trips per day per single-family house.

**Recommendation:**

The Plan Commission reviewed this development at its regular meeting of May 10. After suggesting some revisions concerning sanitary service to Outlot B (see above) and some minor corrections to the text of the agreement, the Commission voted 9-1 to recommend the Council's approval of the annexation and annexation agreement. Because of the extraordinary developer contributions to the Park District and School District, the City Manager recommends Council approval of development on this infill property and concurrence with the Plan Commission recommendation, even though the proposed homes would all be permitted within the 2005 to 2007 period of heightened permit activity.

**C. Ordinance No. 2004.07—An Ordinance Annexing the Property North of Bethany Road and East of Parkside Drive in the City of Sycamore, Illinois. First and Second Reading.**

If the City Council approves Ordinance 2004.06, the City Manager recommends that the Council approve the attached ordinance, which separately considers the actual annexation of The Settlement development for recording purposes.

**D. Ordinance No. 2004.08--An Ordinance Concerning the Recommendation of the Plan Commission With Regard to a Petition from Gracious Living Homes-Sycamore, LLC and the W.H.P. Trust #74 for an Annexation Agreement, the Annexation of the Property South of Bethany Road Approximately One-Quarter Mile West of Somonauk Street with a Zoning Classification of “C-4” Mixed Use, Commercial District, and a Special Use Permit for a Planned Unit Development.**

The developer, Gracious Living Homes-Sycamore, LLC, requests the deferral of Council action until the next regular meeting of June 7 to afford more time for the developer to consider the changes suggested at the Plan Commission meeting of May 10. Since a public hearing is required prior to the Council’s consideration, no action on first or second reading is requested. In view of the public interest in this matter, some background notes are provided.

At the Plan Commission meeting of May 10, the developer presented a formal petition for annexation with an annexation agreement, annexation plat, and preliminary plat for a 16.79-acre parcel south of Bethany Road and immediately west of the City’s regional detention pond. The developer has proposed a residential development targeting persons 55 years of age and older. The developer’s ability to restrict ownership by age is based on the provisions of the Fair Housing Act of 1995, and the Housing for Older Persons Act (“HOPA”) of 1995. These federal enactments permit developers to require that buyers be 55 years of age and over, and have no children in their units under the age of 19 for more than 30 consecutive days or 45 days in any six month period. These provisions effectively preclude the possibility that school-age children will remain long enough to be enrolled in the local school system.

The details of the proposed development are as follows:

1. Preliminary Plan
  - The plan area comprises 16.79 acres, including about 3 acres of commercially-zoned property.
  - The entire plan area shall be zoned “C-4,” Mixed Use, Commercial Business District. The City Council will recall that the “C-4” district was created with the Comp Plan of 2000 and maintained in the Comp Plan of 2003 to accommodate planned unit developments that feature low-impact commercial uses that serve, or are adjacent to, housing units such as the type proposed in this plan. “C-4” districts also feature some type of “community” facility, such as the clubhouse proposed by the developer. Since the zoning goes with the land, the City staff felt the “C-4” designation was a better fit with respect to the Comp Plan’s designation of commercial uses for the area.

- The gross density is 4.53 units per acre. A total of seventy-six (76) attached townhouses are featured in the residential area.
- Access to the residential use would be through the commercial zoning along the Bethany Road frontage. All streets south of the Bethany Road right-of-way serving the property shall be private streets maintained by a homeowner's association.

## 2. Annexation Agreement

The annexation agreement has the following features:

- A twenty year term.
- The requirement of a concurrent Park District annexation.
- All watermains shall be properly looped at the developer's expense.
- The developer shall be responsible for fifty percent (50%) of the reconstruction of the portion of Bethany Road that is adjacent to the subject property. The roadway shall be widened to a width of forty-one feet (41') measured from back-to-back of the curbing. The developer's share of the cost will be obligated in the form of a letter of credit that will be updated annually.
- No occupancies will be permitted until the interior roadways are improved with at least the base course of asphalt at a thickness approved by the City Engineer.
- The developer shall make a cash donation to the Park District as required by Ordinance.
- The developer requested a variance from the land-cash ordinance provisions defined by the revised School Fee Ordinance in view of the age-related restrictions on ownership in the complex.
- The developer agrees to comply with Ordinance 2003.65 regarding the timing of building permits. If approved, the developer would have to wait one year before any permits could be issued.

3. Fiscal Impact. The attached fiscal study depicts the impact of the proposed subdivision without the inclusion of the requisite developer exactions. Because no school children are expected, there is a positive impact on the School District. The City of Sycamore would see a modest positive impact as well.

4. Traffic Study. The study shows an estimated ADT of 709 vehicles per day, including traffic from the potential commercial uses along the Bethany Road frontage. The estimate for the townhouses alone (289 ADT) is well below the engineering standard for condominium/townhouses owing to the unique demographics of the development.

### Plan Commission Review:

The Plan Commission reviewed this proposal at its regular meeting of May 10. The Commission recommended the following revisions to the annexation agreement:

- a) a prohibition of any commercial retail uses in the frontage area along Bethany Road that is reserved for commercial purposes. There was some discussion about changing the zoning to show "C-1" Neighborhood

- Commercial on the frontage and “R-3” Multiple Family in the condo area, but no vote was taken to change the proposed “C-4” Mixed Use designation, partly because the “C-1” zoning designation is oriented toward retail uses;
- b) the introduction of language into the annexation agreement to assure that the age restriction proposed by the developer will be maintained for the twenty-year term of the agreement. In addition, the Commission urged the requirement of a private covenant to assure that the age restriction could not be lifted after the annexation agreement expired without the consent of at least 90% of the owners;
  - c) a requirement that the developer or condo purchaser shall be responsible for paying the School impact fees in effect at the time of permitting.

By a vote of 7-3, the Commission recommended the approval of the development plan and annexation agreement with the changes noted above.

At the developer’s request, no Council consideration of this project will be undertaken until June 7.

**E. Ordinance No. 2004.09—An Ordinance Annexing the Property South of Bethany Road and West of the Bethany Road Retention Pond in the City of Sycamore, Illinois.**

No action is requested on this ordinance until June 7. If the City Council were to approve Ordinance 2004.08 on June 7, the Council would be obliged to approve the attached ordinance of annexation, which separately considers the actual act of annexation for recording purposes.

**F. Ordinance No. 2004.10—An Ordinance Transferring the Title for the Community Center to the Sycamore Park District in the City of Sycamore, Illinois. First and Second Reading.**

On March 17, 2003, the City Council voted unanimously in favor of Resolution No. 434. According to the terms of this resolution, the property formerly known as the Sycamore Community Center to the Sycamore Park District upon the satisfactory completion of the \$1.22 million remodeling project performed by TASC contracting, and the approval of a long-term lease between the Sycamore Park District and the Midwest Museum of Natural History.

An occupancy certificate has been issued for the building at 425 West State Street, the Park Board and Museum Board have satisfactorily worked out a landlord-tenant arrangement, and the Park District is prepared to vote on May 18 to accept the title to the structure. City Council action on this ordinance will effectively transfer the title and facilitate the Park Board’s action.

City Council approval is recommended.

**G. Ordinance No. 2004.11—An Ordinance Approving a Plat of Easement for Sanitary Sewer Purposes in the “Get-It” Subdivision. First and Second Reading.**

Four lots along Electric Park Drive (Lots 200, 201, 202 & 203 on the attached plat) have never been served by public sewer. The developer of the “Get-It” subdivision, Bob Clarke, is willing to install a public sewer from his commercial frontage and along his rear lot line to serve these lots, if the City would extend the sewer from Lot 200 to Lot 104 on an adjacent subdivision. The City’s portion of this project would be funded by the Sewer Impact Fee Fund (Fund 5). The attached plat of easement would record the path of the sewer extension.

City Council approval is recommended.

**H. Ordinance No. 2004.12—An Ordinance Amending Title 7, “Public Ways and Property,” Chapter 2, “Street and Sidewalk Construction and Repair,” Section 7-2-10, “Replacement or Extension of Existing Sidewalks,” in the City Code of the City of Sycamore, Illinois. First and Second Reading.**

Presently, the City of Sycamore offers a modest grant program to promote the replacement of sidewalk sections in need of repair or replacement. Since 1997, the City has offered \$2.25 per square foot; at today’s prices this is well under 50% of the actual cost.

The attached ordinance would increase the City’s share to \$3.00 per square foot, which is about one-half the current cost of sidewalk repairs. This threshold was discussed during the review of the operating budget for the Building and Zoning department in mid-March. Now that propertyowners are working in their yards and beginning a variety of home improvements, it is hoped that a higher reimbursement rate will be an incentive for those who might be inclined to invest in sidewalk repairs. City Council approval is recommended.

**12. RESOLUTIONS--None**

**13. CONSIDERATIONS**

**A. Consideration of a Closed Session to Discuss Collective Bargaining Matters.**

**14. APPOINTMENTS**

**15. ADJOURNMENT**