

SYCAMORE CITY COUNCIL

AGENDA

June 7, 2004

City Council Committee Meetings

A. 6:15 P.M. Meeting of the Streets and Walks Committee to consider the progress of aldermanic walks through the City’s wards in search of sidewalk sections that are in need of replacement. The City’s 2003 Bond proceeds include about \$250,000 targeted for sidewalk replacement and the installation of sidewalk where none had previously existed, as for instance along Somonauk Street south of Turner Place. The City Manager will present a proposal for the Committee’s consideration.

B. 6:45 P.M. Meeting of the Sewer and Water Committee to hear a staff recommendation to proceed with a request for qualifications (“RFQ”) from qualified consultants who could lead the City in its investigation of possible treatment plant improvements to meet new growth demands. Such an investigation—a feasibility study—would be the first step toward a project design that might qualify for IEPA loan assistance. The FY05 Budget allocates \$25,000 for this purpose (Fund 5: #8331).

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 17, 2004;
- B. Payment of the Bills for June 7, 2004;

7. PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.

- A. Consideration of a Presentation by the Sycamore Economic Development Commission.

Sycamore Economic Development Commission member Berni Schelkopf will introduce Steve Braser, owner of Downtown Shoes at 307 West State Street, who will give a brief overview of his store's range of products and services.

8. REPORTS OF OFFICERS

9. REPORTS OF STANDING COMMITTEES

10. PUBLIC HEARINGS

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

This public hearing was opened on May 17 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. 2004.08--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.**

At the request of the developer, Gracious Living Homes-Sycamore, LLC, the City Council deferred action on this ordinance on May 17 to afford more time for the developer to consider the changes suggested at the Plan Commission meeting of May 10.

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 proposes 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. In place of the fee of \$698 per unit ($\$698 \times 76 = \$53,048$), the developer proposes a one-time contribution of \$25,000. See the attached letter to the Mayor and City Council from Murray Jewison in behalf of the developer.
- 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 portrays the impact of the proposed subdivision with the inclusion of the requisite developer exactions for School and Park

purposes. Because no school children are expected, there is also a positive impact on the School District without the required exactions. 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. The annexation agreement before the Council has been revised to prohibit retail uses (see Section 4.1).
- b) the introduction of language in 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. Since the Plan Commission meeting of May 10, the developer has revised the annexation agreement to include such restrictive language (see Section 21).
- 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. The revised agreement proposes a one-time School donation of \$25,000 (see Section 15).

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

City Council approval of the Plan Commission recommendation, with all of the aforementioned qualifications, is requested.

B. 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.

If the City Council approves Ordinance 2004.08, the Council would be obliged to approve the attached ordinance of annexation, which separately considers the actual act of annexation for recording purposes.

C. Ordinance No. 2004.13—An Ordinance Approving a Collective Bargaining Agreement Between the City of Sycamore and the Fraternal Order of Police Labor Council, Representing the City of Sycamore F.O.P. Lodge No. 133. First and Second Reading.

Since late March, City officials have been negotiating a new collective bargaining agreement with the Fraternal Order of Police Labor Council, which represents the Sycamore F.O.P. Lodge No. 133. These negotiations led to a tentative agreement on May 20. In recent days, the membership of Lodge No. 133 has reviewed the proposed agreement and has voted to approve it, pending Council action. The principal features of this agreement are as follows:

- A term of four years (from May 1, 2004 through April 30, 2008).
- A 4% base wage increase in Year 1.
- A 3% base wage increase in Year 2.
- A re-opener after January 1, 2006 to bargain over wages and health benefits for the last two years of the contract.
- Introduction of the “career service” or longevity bonus (p. 23) that was recently approved in the IAFF contract.
- Clarification of language concerning the scheduling of vacations and comp time leave.

The City Council will recall that the IAFF contract approved on April 5, 2004 extends a 3% base wage increase in Year 1 and a 4% base wage increase in Year 2. The proposed FOP contract “flips” the larger increase to Year 1 to bring the top wage step for patrol officers closer to that in comparable communities. However, the overall dollar impact over two years would be the same if the greater annual increase was in FY06.

City Council approval is recommended.

D. Ordinance No. 2004.14—An Ordinance Amending Title 3, “Business and License Regulations,” Chapter 2, “Liquor Control,” Section 3-2-1, “Definitions,” of the City Code of the City of Sycamore, Illinois. First and Second Reading.

At the City Council meeting of May 17, the Council deferred any changes to Title 3 concerning the hours of service at the Sycamore Golf Course until a representative of the Park District could explain the purpose for the extension of serving hours from dusk until 10:00 p.m. Sundays through Thursdays. The attached ordinance includes such an extension for discussion purposes. David Peek, director of the Sycamore Park District, is expected to attend the June 7 meeting to elaborate upon the District’s interest in the extended hours for certain events.

E. Ordinance No. 2004.15—An Ordinance Amending Title 9, “Building Regulations,” Chapter 7, “Fences,” Section 9-7-3, “Height and Location Restrictions,” of the City Code of the City of Sycamore, Illinois. First and Second Reading.

The City Council will recall that over the past year a number of residents has petitioned the Zoning Board of Appeals for variances from the height restrictions on front yard

fences. Late last winter, the Council asked the Plan Commission to consider alternatives to the present regulations for residential uses. Such regulations are detailed in Section 9-7-3 of the City Code. The current code restricts all fences to a height of three feet (3') in the required "front yard", which is the area between the front lot line and the nearest allowable building line of the house (i.e. "building setback").

On May 10, the Plan Commission considered a proposal from Zoning Officer Lyle Doty, which is attached for the City Council's review. The proposal distinguishes between two basic types of fences: (a) those that are more than 75% "open" (e.g. picket fences) and those that are less than 75% open or tending toward a "solid" appearance. The Commission recommended the Council's approval of Mr. Doty's suggestions as an interim step prior to the adoption of the Unified Development Ordinance that is currently under extended review by the Commission.

The attached ordinance would amend the City Code, specifically Section 9-7-3, by establishing two basic types of fencing, plus one "hybrid" that could be installed deeper into a required setback area so long as clear vision is maintained at intersections between alleys and streets, near driveways, and near street corners. The proposed text is as follows:

9-7-3. **FENCE AND WALL REQUIREMENTS.**

A. Residential Zoning. For the purpose of this Section, there shall be two general categories of fences in Sycamore:

1. **TYPE A FENCE.** A Type A fence is primarily a decorative fence and is permitted in all zoning districts. A Type A fence is 75% or more open, except as modified herein.
 - Front Yard. Such fences shall not exceed a height of three (3) feet above the adjoining ground in the required front yard.
 - Corner Side Yard. On corner lots, the front yard is defined as the yard space immediately in front of the main design entrance of the principal structure, facing the public way for which the structure is addressed. The corner side yard runs along the adjacent street frontage. A Type A fence may attain a height of four feet (4') above the adjoining ground in a corner side yard if no closer than three feet (3') to a public sidewalk, two feet (2') to a street right-of-way, or thirty feet (30') to a crossing driveway.
 - Side Yard. In a side yard, a Type A fence may be installed to a height no greater than six feet (6') above the adjoining ground level.
 - Rear Yard. Type A fences shall not exceed six (6) feet in height in rear yards.
 - Through Lots. A through lot is a residential lot with public street frontages on two opposing sides, i.e. both the front yard and rear yard are bounded by a public way. In residential districts, it is permitted to install a Type A or Type B fence along the rear lot line as though the rear yard were a standard rear yard provided that there are no houses facing the street within that particular block. If there are garages and driveways that enter from the back street, then

the fence may not project closer than the average street setbacks for the garages on the adjacent lots.

- Type A fences shall be painted or stained or otherwise maintained in good condition.
- **MODIFIED TYPE A FENCE.** A modified Type A fence is 50% or more open. Such a fence may be installed five feet (5') feet in height above the ground level in corner side yards in all residential zoning districts, provided it is no closer than ten feet (10') to the street right-of-way line.

2. **TYPE B FENCE.** A Type B fence may be a wall or solid fence and shall not exceed six (6) feet in height in residential districts or ten (10) feet in height in all other districts, and is permitted only in rear and side yards, unless otherwise specified or permitted in this Title.
3. Fences and walls shall be located entirely on the lot of the property owner constructing the fence or wall.
4. The finished side of the fence or wall must face out from the property of property owner constructing the fence or wall.
5. No fence or wall shall be constructed or maintained in such a manner as to obstruct, inhibit, impair or otherwise alter land surface drainage across any adjoining lot.
6. Fences may be located on public utility and drainage easements, however the City and the public utility companies having rights to use said easement reserve the right to remove said fence to construct, repair or maintain utility facilities with no obligation to replace or restore said fence, unless so stated in the governing easement document. It shall be the obligation of the property owner to locate all utilities prior to construction of a fence.
7. **ADDITIONAL REGULATIONS FOR FRONT AND SIDE YARD AND CORNER SIDE YARD FENCES AND WALLS:** Chain link fences and walls--except terraces, knee-walls and retaining walls--shall be prohibited in a front yard.

B. **EXEMPTIONS.** The provisions of this Title shall not apply to the following:

1. Fences constructed for the safety of children on park or school playgrounds.
2. Planting material used in the nature of a fence, except as otherwise prohibited by Section 6.2.1(D)2(a)1 herein.

The format of the foregoing text would conform to the format in the Unified Development Ordinance upon completion.

City Council approval is recommended.

F. Ordinance No. 2004.16—An Ordinance Ascertaining the Prevailing Wage for Public Works in the City of Sycamore, Illinois. First and Second Reading.

Each year by July 1 the City must adopt the prevailing wage rate schedule for public works projects within the City's corporate limits. The attached ordinance and schedule satisfy this state statutory requirement.

City Council approval is recommended.

12. RESOLUTIONS

A. Resolution No. 450—Revising the Downtown Improvement Program.

The attached resolution makes some minor changes in the Downtown Improvement Program to reflect the Council's interest in converting the loan program to a grant program. The initial program, instituted in 2003, provided loans at no interest up to \$5,000 with a repayment term of two years. The revised program, pursuant to the Council's direction of May 3, provides up to \$5,000 in matching grant funds for qualified downtown property owners, subject to available capital funding.

To be eligible for funding under the Downtown Improvement Program, the building must be located within the downtown business district. Because this program is primarily focused on the historic preservation of existing downtown buildings, projects consisting largely of new construction, business expansion, or residential improvement may not be considered.

Either a property owner or a business owner in a leased unit may apply for this program. However, the property owner must sign the application form, and grant consent for the tenant to pursue funding for the property as well as the proposed work to occur at the property. In the case of one building owner with multiple tenants or storefronts, a determination as to the eligibility of any or all tenancies will be made on the merits of the proposal.

Grants will be awarded on a competitive basis following a **thirty-day application period beginning on June 1 and ending on June 30, 2004**. An individual property owner or tenant may only receive funding for one project during a two-year cycle. More than one project may be approved for a particular building over time, but not within a two-year period. The availability of funding is annually dependent on the Council's authorization of capital spending for such purposes.

Each application will be reviewed on a case-by-case basis by the Architectural Review Committee appointed by Mayor Swedberg, and this committee will make recommendations to the City Council for their approval. All improvements must generally achieve at least one of two general objectives: (a) restore the historic façade of a downtown structure or (b) bring the structure into compliance with locally-adopted building codes. Only exterior repairs or improvements will be considered, although related interior finish work may be acceptable if integral with the principal exterior work.

The general goal of this program is to provide a unifying and welcoming appearance to the downtown business district, without erasing the diverse architectural styles that

exist. To reach this objective, it is not expected that buildings will be made to look the same; rather, it is assumed that the program will assure that they relate more harmoniously in terms of proportion, materials, color, and architectural heritage.

City Council approval is recommended.

13. CONSIDERATIONS

A. Consideration of a Public Works Department Recommendation to Award the Contract for a Brush Chipper to Vermeer Midwest, Inc. of Aurora for a Vermeer Chipper in the Amount of \$26,747.72.

Public Works Superintendent Fred Busse recently requested bids for a trailer-mounted brush chipper with a capacity that could accommodate limbs with a diameter of 15 inches. Such capacity would provide more flexibility in the aftermath of wind storms such as Sycamore experienced during the Memorial Day weekend. The specifications for the chipper are attached.

Three bids were received on May 26. The lowest responsible bid was received from Vermeer Midwest, Inc. of Aurora, Illinois in the amount of \$26,747.72. The budget for this item was \$34,000 (Fund 6: Line Item #8540). City Council approval of the Superintendent's recommendation is requested.

B. Consideration of a Closed Session to Discuss Closed Session Minutes.

14. APPOINTMENTS

15. ADJOURNMENT