

SYCAMORE CITY COUNCIL
AGENDA
October 17, 2005

City Council Committee Meetings

No Meetings are Scheduled

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Regular City Council Meeting
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 Regular City Council Meeting of October 3, 2005.
 - B. Payment of the Bills for October 17, 2005.
 - C. Plan Commission Minutes for the Meeting of September 12, 2005.
7. **PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.**
 - A. Presentation by the Sycamore Economic Development Commission. Commissioner Don Paulsen will introduce the owners of Mojo Brewing who will briefly describe the expanded range of goods and services offered by their business.
 - B. Proclamation Supporting the Sycamore Historical Museum.
8. **REPORTS OF OFFICERS**
9. **REPORTS OF STANDING COMMITTEES**
10. **PUBLIC HEARINGS--None**

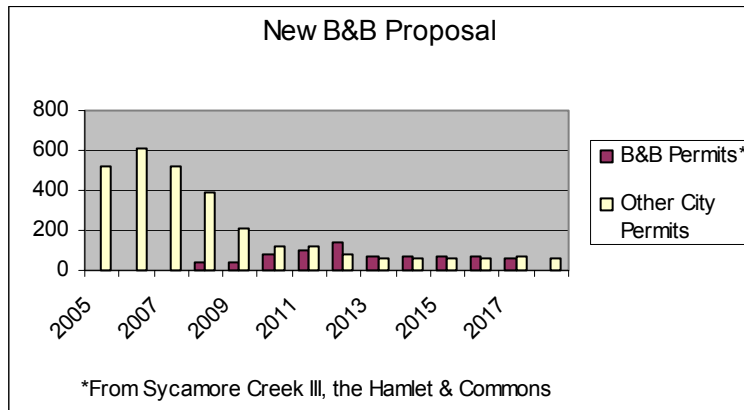
11. ORDINANCES

A. Ordinance No. 2005.42—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to the Petition of Wolf Lake Development Corporation for an Annexation Agreement, Annexation and Rezoning to “R-1” One Family Residence District for Property Known as the The Hamlet of Sycamore Creek (Lindgren Farm) in the City of Sycamore, Illinois. Second Reading.

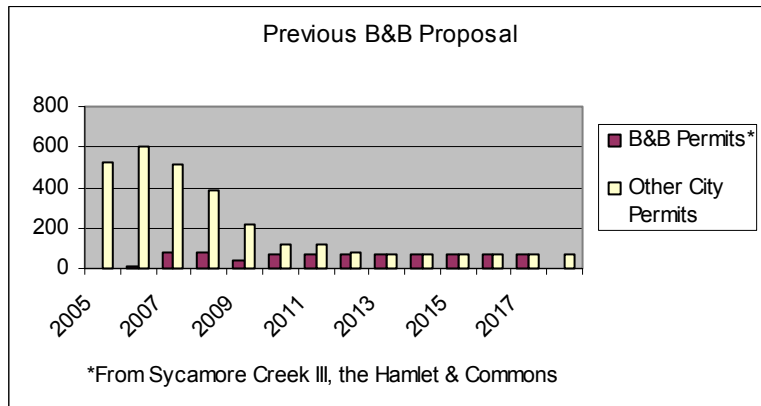
Since the last regular City Council meeting of October 3, the principals of B&B Development, LLC have suggested a revised “timeline” for the Council’s consideration. The City staff request a reconsideration of this ordinance, and Ordinances 2005.43, 2005.44, 2005.45, 2005.46 and 2005.47 on the basis of the changes proposed by the petitioner.

Before the October 3 vote on Ordinance 2005.42 on second reading, the differences of opinion among Council members primarily centered upon the timing of the first permits for each of the three B&B development projects. B&B Development has proposed pushing 121 of the 201 lots originally planned for the period 2007-2010 back to October 2010. Spreadsheets portraying the difference between the timeline presented on October 3 and the new proposed timeline are attached for the Council’s review. For the benefit of readers who may only read this memo rather than the full Council packet prior to the Council meeting on the October 17, the graphs below illustrate the comparative impact of the new B&B proposal:

Graph 1: New B&B Proposal



Graph 2: B&B Proposal on October 3, 2005



The revised development proposals effectively slide the first permits for the Mapes and Lindgren parcels backward. The 2010 threshold is suggested for the Lindgren farm in line with the 2010 threshold already proposed for the larger Wolfenberger farm. The first permits on the Mapes farm, on which the new school site is found, are likewise moved back but to October 2008 rather than 2010, because the upfront investment on this parcel for public purposes is enormous. Not only will the school site be graded and retention provided at the developer's expense, but a road will need to be built to it, and water and sewer extended to it, also at the developer's expense. In addition, the same water and sewer lines will need to be extended all the way to Whipple Road to provide service to the new water tower that we hope to construct in 2008. The principals of B&B would be willing to re-submit their proposals on this basis. A revised timeline is attached, along with the timeline proposed on October 3, for comparison. **You'll note that 121 of the 201 lots originally planned for the period 2007-2009 have been pushed back to 2010 or beyond.**

If a Council member from the prevailing side of the vote on second reading on October 3 will move to reconsider, discussion of this revised proposal can proceed. The City staff encourage the Council to reconsider these ordinances in light of the petitioner's new proposal.

The staff reasons are as follows:

1. The general consensus is that we should go slow, slow, slow with residential growth, but we do real damage to our commercial prospects if our community appears to say "no" to all growth. A headline in a local newspaper on Tuesday, October 4 read: "Sycamore Says No To Growth." Not "no" to B&B's proposals, but "no" to growth. This bald headline does not help our cause in the commercial arena. Of course, we do not write the headlines. Can we trust that all readers have the time to read below the headlines? Can we afford to rely on that assumption? The wide and instantaneous play that the internet gives such headlines in our region and beyond is impossible to counter.
2. It is fiscally responsible to approve the B&B subdivisions as is, but some adjustments in the timing of first permits would be a further enhancement.
3. The School and Park Districts stand to gain substantial value at a savings to the taxpayers. School officials will tell you that the planning process in progress today for future school space will be short-circuited if there is no prospect of securing the larger school site on the Mapes farm by about 2008. The 30-plus acres the District prefers for a middle school is not available elsewhere, except at a cost of about \$25,000 per undeveloped acre in today's dollars, not including the cost of preparing the site, building road access, etc.
4. At the revised pace suggested above and in consideration of B&B's prior performance, fiscal contributions, and the opportunities given to local contractors on the lots B&B sells, all our department heads support the approval (they supported the approval on the terms proposed on October 3 as well).
5. As important as the foregoing reasons, a compromise will help bring together lively minds that have not been engaged cooperatively, and to our mutual advantage, on development questions and other public issues in recent years. If the revised B&B proposals are approved, then the starting point for new permits for any future

residential developments will be 2010, for all intents and purposes. In addition, to remain consistent with the assumptions of our recent fiscal study, we will continue to aim for an average of no more than 250 permits per year from 2010 onward. This appears to be a middle ground that most participants in the October 3 meeting can occupy.

City Council direction is requested.

B. Ordinance No. 2005.43—An Ordinance Annexing the 41.09-Acre Property on the North Side of Lindgren Road East of Plank Road in the City of Sycamore, Illinois. Second Reading.

If the Council approves Ordinance No. 2005.42, the Council’s support for the attached ordinance is also requested. This ordinance separately considers the act of annexation for recording purposes.

City Council approval is recommended.

C. Ordinance No. 2005.44—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to the Petition of Wolf Lake Development Corporation for an Annexation Agreement, Annexation and Rezoning to “R-1” One Family Residence District for Property Known as Sycamore Creek III (Yvonne Wolfenberger Farm) in the City of Sycamore, Illinois. Second Reading.

See the notes to Ordinance 2005.42, above.

D. Ordinance No. 2005.45—An Ordinance Annexing the 282.98-Acre Property Located South and East of Plank Road and North of Lindgren Road in the City of Sycamore, Illinois. Second Reading.

If the Council approves Ordinance No. 2005.44, the Council’s support for the attached ordinance is also requested. This ordinance separately considers the act of annexation for recording purposes.

City Council approval is recommended.

E. Ordinance No. 2005.46—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to the Petition of Wolf Lake Development Corporation for an Annexation Agreement, Annexation and Rezoning to “R-1” One Family Residence District for Property Known as The Commons of Sycamore Creek (Mapes Farm) in the City of Sycamore, Illinois. Second Reading.

See the notes to Ordinance 2005.42, above.

F. Ordinance No. 2005.47—An Ordinance Annexing the 114.09-Acre Property Located Northwest of the Intersection of Plank Road and Lindgren Road. Second Reading.

If the Council approves Ordinance No. 2005.46, the Council’s support for the attached ordinance is also requested. This ordinance separately considers the act of annexation for recording purposes.

City Council approval is recommended.

G. Ordinance No. 2005.55—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to the Petition of Arthur and Julie Bingham for a Rezoning of 126 Sabin Street from “C-1” Neighborhood Business District to “R-2” Two Family Residence District in the City of Sycamore, Illinois. First and Second Reading.

The Binghams own the property at 126 Sabin Street. The property has a residential look with a mansard roof. As the attached memorandum from Lyle Doty explains, the structure was built to offer a beauty shop on the first floor level and a residence on the second floor. Such an arrangement has been permitted in “C-1” Neighborhood Business Districts. More recently, a succession of owners has tried to keep the building rented for the competing uses but have not been successful.

The Binghams are willing to add some substantial improvements that will create the fire separations necessary for two dwelling units. The property has an abundance of room in the rear yard for the required residential parking, although the current gravel parking area will need to be paved to satisfy the City’s ordinance requirements. As Mr. Doty observes, the proposed rezoning would be more compatible with the essential character of the neighborhood south of the State Street frontage than the mixed zoning that is currently in place.

At their regular meeting of October 10, the Plan Commission voted 10-0 to recommend the Council’s approval, with the condition that the required off-street parking surface be paved appropriately. City Council approval of the Plan Commission recommendation is requested.

H. Ordinance No. 2005.56—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to the Petition of Territorial Development to Rezone Property Located at 1235 Hathaway Drive from “C-3” Highway Business District to “C-4” Mixed Use Commercial District for a Planned Unit Development with Thirteen Office/Warehouse Units and Thirty-Two Residential Townhouse Units with a Minimum Front Yard Setback of Thirty-Five Feet from Hathaway Drive in the City of Sycamore, Illinois. First and Second Reading.

In June of this year, representatives of the commercial development firm, Territorial Development, presented a revised, conceptual development plan for Lot 5 of the Farm & Fleet Subdivision to the Plan Commission. The parcel comprises 4.64 acres on Hathaway Drive immediately south of the Farm & Fleet store and is presently zoned “C-3” Highway Business District.

The principal owner of Territorial Development, Randy Yock, originally presented a concept plan for a rezoning to “R-3” Multiple Family Residence District in a Plan Commission workshop on January 13, 2004 and presented a similar plan on April 12, 2004. On both occasions, the Commission identified two key concerns:

- a) the rezoning would result in the loss of about 5 acres of commercially-zoned land, and
- b) the proposed townhouse development appeared rather dense for the area (8.7 units per acre), although two different multifamily subdivisions had been developed to the east of the property (the Foxpointe Townhome Association and the Foxpointe Condominium Association).

At the June 13 2005 meeting, the petitioner noted that 4.64-acre lot remains undeveloped so none of the allowable commercial uses in the underlying “C-3” Highway Business zoning are in play. No bona fide commercial retail business tenants have shown interest in the lot since the Farm & Fleet subdivision was approved about ten (10) years ago. Recently, however, there has been some interest in storage garages and also in commercial condos for small contractor shops. However, the residential zoning of the vacant land to the east and the developed properties to the south have concerned commercial prospects who would not be interested in risking complaints about their commercial activities. After consultation with the City staff, Mr. Yock presented a hybrid “mixed use” concept to provide a zoning transition on the lot, and commercial uses that would be more compatible with adjacent residential neighbors.

The concept plan presented on June 13 depicted twelve (12) commercial condos facing west, or toward the private drive that extends from Hathaway Drive to Walgreen, the Country Inn & Suites, and Farm & Fleet. These condos could be used for retail purposes, but the local market presently leans toward professional offices or contractor shops. The east half showed “stacked” or up-and-down residential condos that would be buffered by landscaping from the new commercial uses to the west and Farm & Fleet to the north, and would offer two-car garages with ample guest parking. The overall property tax and potential sales tax generated per acre would likely exceed that generated from a single warehouse or commercial user. The residential condos would probably be valued at about \$80-plus per square foot, versus \$55 per square foot for warehouse/office or retail space.

In contrast with the earlier option of a dense residential development, the Commission felt that the mixed-use plan had merit and encouraged the petitioner (by a straw poll of 9-2) to proceed with a rezoning plan. The attached plan essentially conforms to the mixed use plan presented on June 13 with the following revisions:

- a) the number of commercial condos has increased from 12 to 13;
- b) more guest parking spaces have been added;
- c) the overall zoning has been changed to “C-4” Mixed-Use Commercial. A copy of the UDO table describing the allowable commercial uses in a “C-4” district is appended for the commission’s review.
- d) The front-yard setback on Hathaway is 35 feet. The Unified Development Ordinance (UDO) normally requires a front yard setback of 25 feet for residential and 50 feet for commercial. In this case, the staff felt that a uniform setback for both types of uses would be more presentable to passerby.

At their regular meeting on October 10, the Plan Commission voted 8-2 to favorably recommend this rezoning proposal to the Council. City Council approval of the Plan

Commission recommendation for the proposed rezoning to “C-4” Mixed-Use Commercial is requested, on the assumption that all of the townhouse units will be limited to two bedrooms.

I. Ordinance No. 2005.57—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to the Petition of Gracious Living Homes-Sycamore, LLC for a Final Plat for a Planned Unit Development South of Bethany Road and West of the Bethany Road Retention Pond in the City of Sycamore, Illinois. First and Second Reading.

On June 7, 2004 the City Council approved a preliminary plat for a residential development targeting persons 55 years of age or older. Gracious Living Homes is the developer, and intends to abide by 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 development was approved with the following features:

- The plan area comprises 16.79 acres, including about 3 acres of commercially-zoned property along the Bethany Road frontage.
- The entire plan area is zoned “C-4,” Mixed Use, Commercial Business District. 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 may also feature some type of “community” facility, such as the clubhouse proposed by the developer.
- 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 is 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.

The attached final plat depicts the entire plan area. On October 10, the Plan Commission voted 8-2 to recommend the Council’s approval. City Council approval of the Plan Commission recommendation is requested.

J. Ordinance No. 2005.58—An Ordinance Approving a Contract with WRT Technology for the Installation and Maintenance of Radium Treatment Facilities at Wells 6, 8 & 9 in the City of Sycamore, Illinois. First and Second Reading.

As discussed at the last regular City Council meeting of October 3, the City is obliged to proceed with a radium treatment method to satisfy its agreement with the Illinois IEPA. The City staff propose that the Council consider a contract with Water Remediation Technology (WRT) for the installation and annual maintenance of radium removal systems at Wells 6, 8 & 9. The approval of WRT’s proposal would move the Council and our community closer to compliance with EPA-mandated levels of radium in our drinking

water. The issues here are not driven by development, but by regulatory decisions made at the federal level.

Based on the Council's direction at the October 3 Council meeting, the attached WRT contract has the following key features:

1. the City pays the set up costs for the installation of zeolite treatment facilities at Wells 6, 8 & 9. The set up costs are as follows:
 - Well #6: \$375,000
 - Well #8: \$460,000
 - Well #9: \$460,000
 - Total: \$1,295,000
2. the City pays an annual maintenance cost of an estimated \$196,000 per year over ten years.
3. The City pays additional costs of about \$10,000 per well to a local plumbing firm that would make the mechanical connections between the WRT equipment and the roughed-in piping in the wellhouses.

The funding for the set-up charges would be drawn from the reserves in the Water Fund and the Water Impact Fee Fund as follows:

Well #9. The \$460,000 in set-up fees for the radium treatment equipment would be taken from the Water Impact Fee Fund, since the new well principally serves new growth areas on the City's southeast side. Our auditor's trial balance for the Water Impact Fee Fund is \$1,653,912 as of April 30, 2005.

Well #6: About 20% (\$75,000) of the \$375,000 in set-up fees would be taken from the Water Impact Fee Fund. The gallons pumped from each well flow throughout the system, so it is difficult to draw the line between gallons serving new and established residential areas. However, over the next twenty years, Well #6 is expected to account for about 20% of the gallons pumped from Wells 5, 6, 7, 8, & 9. The balance (\$300,000) would be taken from the Water Fund reserve (which was \$4,308,375 as of April 30, 2005 according to the auditors' trial balance for FY05).

Well #8: About 25% (\$115,000) of the \$460,000 in set-up fees would be taken from the Water Impact Fee Fund, based on the percentage of gallons pumped to the city system. The balance (\$345,000) would be taken from the Water Fund reserve.

Total Water Impact Fee funding:	\$650,000
Total Water Fund reserve funding:	\$675,000 (includes \$10,000 per well for local plumbing connection work)

City Council approval is recommended.

12. RESOLUTIONS--None

13. CONSIDERATIONS

A. Consideration of a Request from Kishwaukee Community Hospital for Relief From a Portion of the Water and Sewer Connection Fees Associated with the New Hospital Facility.

The City Code provides that all new building connections to the City's water and sewer systems are assessed connection fees in addition to any relevant tap fees and, of course, user fees. The connection fees are one-time charges to build the reserves in the Sewer and Water Funds for system improvements. In the case of commercial and industrial businesses which typically pay higher connection fees on the basis of their anticipated number of openings and employees, the cost of new connections can be offset by credits for the number of full-time jobs created or retained (see Section 8-4-2, C, 6).

Kishwaukee Community Hospital has been a customer of Sycamore's water system since the facility opened in December, 1975. Since the hospital is located within the County's political jurisdiction, it has paid one-and-a-half times the applicable rate for water usage. As the Council has observed, the Hospital and its contractors have been kept to a brisk pace in the development of the new, 240,000 square-foot, \$102 million hospital complex which will be located on a 23-acre campus to the south and east of the present facility. As the earth-work and infrastructure work continues, the construction of the new building nears. At this point, the final permit fees are typically paid. Though the County of DeKalb assesses the engineering and building fees, the City of Sycamore will assess the connection fees and additional charges for taps and water and sewer inspections.

Based upon a 100-bed facility, with maximum allowable credits (75%) for jobs created and retained, and using the 1.5 multiplier for service in an unincorporated area, the hospital's connection fees are as follows:

Sewer: \$75,000
Water: \$44,850
Total: \$119,850

The fees are calculated as follows:

Sewer: 100 patients x 4 units per patient = 400 units @\$500 per unit = \$200,000
\$200,000 – 75% credit based on # of employees = \$50,000
\$50,000 @1.5 times for unincorporated users = \$75,000

Water: 100 patients x 4 units per patient = 400 units @\$299 per unit = \$119,600
\$119,600 – 75% credit based on # of employees = \$29,900
\$29,900 @ 1.5 times for unincorporated users = \$44,850

The fee of \$119,850 for the combined water and sewer connection charges, after deductions, seems extraordinary in terms of the hospital's history as a customer and in view of the fact that the hospital will continue to pay 1.5 times the applicable rate for water

usage. At the request of the KCH administration, the Council is asked to consider a modification that takes the following into account:

1. the new hospital represents the continuation of an existing service for a not-for-profit entity.
2. the new hospital building will feature a wing with a new medical office facility that is a new user and a for-profit entity. This 40,350 square foot wing represents about 17% of the total square footage of the hospital building. For this new service, the connection charges would be around \$22,000.

In view of the hospital's longstanding usage and its service to the Sycamore community as an employer and a health provider, the City Manager recommends a reduction in the connection fees to \$22,000. City Council approval is recommended.

14. APPOINTMENTS

15. ADJOURNMENT