

**SYCAMORE CITY COUNCIL
AGENDA
February 4, 2008**

CITY COUNCIL COMMITTEE MEETINGS

No Committee 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 January 21, 2008.**
 - B. Payment of the Bills for February 4, 2008.**
- 7. PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.**
- 8. REPORTS OF OFFICERS**
- 9. REPORTS OF STANDING COMMITTEES**
- 10. PUBLIC HEARINGS--None**
- 11. ORDINANCES**

A. Ordinance No. 2007.48—An Ordinance Concerning the Recommendation of the Plan Commission with Regard to the Petition of Jack and Darla Mapes for the Approval of an Annexation Agreement, Annexation and Rezoning to “R-3” Multiple Family Residence of a 6.25-Acre Parcel Located Approximately 3,300 Feet North of the Intersection of Lindgren Road and Plank Road. Second Reading.

This ordinance was heard on first reading on January 21, 2008. A public hearing was also held on January 21. Jack and Darla Mapes have petitioned for the annexation of a 6.25-acre in-fill area sandwiched between a pie-shaped slice of 3.28 acres to the north that was annexed with the Sycamore Creek II subdivision in February 2004; a number of separately owned and un-annexed single family parcels to the south; and the low-density single family zoning of B&B Development’s future “Commons” subdivision to the west. Diagonally across the intersection of Plank and Springfield, one finds a 6.64-acre parcel that is part of the Sycamore Creek II project and is zoned “R-3” Multiple Family Residence for townhouse development. Attached exhibits portray the location of the Mapes homestead within the context of contiguous developments.

Jack and Darla Mapes want to relocate their home and develop their property. They hope to merge their parcel with the 3.28-acre parcel owned by B&B Development to the north to create a small development area suitable for townhouse development. If the Mapes homestead were to be developed, no access would be permitted to Plank Road so access through the B&B retention area to the north would be critical (see the attached excerpt from the Sycamore Creek preliminary plan). Jack and Darla Mapes have proposed an “R-3” zoning which is logical in terms of the proximity to Plank Road and the townhouse area to be developed on the east side of Plank Road.

Exhibits

The exhibits attached for the Council’s review include the following:

- a copy of the public notice;
- 1. a map of annexation;
- 2. a zoning plat;
- 3. an annexation agreement;
- 4. findings of fact.

No development plan has been proposed because no plan exists at this time. However, any future development would require the Commission’s review and the City Council’s approval in the same fashion as the John Hall Homes interest in the Herst farm required such scrutiny and approval in the winter of 2007. Excerpts from the detailed UDO requirements affecting any future development plan are attached. The provision of such a detailed plan without a buyer and in ignorance of a future builder’s preference for site layout and unit design would require thousands of dollars in engineering and architectural fees that would likely be irrelevant to the shape of a future project.

Annexation Agreement

The principal features of the annexation agreement are as follows:

- 1. Land Use and Zoning. The proposed land use is “R-3” Multiple Family Residence District.” This land use is consistent with the nearby uses and fits more economically

- in the odd-shaped parcel than the alternative of detached residences on a cul-de-sac. The particular multiple family use would be townhouses.
2. Fees. The proposed agreement commits the future developer of the small parcel to comply with impact fee levels as they may change from time to time (Articles 15 & 16). Additionally, the agreement commits the future developer to comply with the provisions of any transportation fee ordinance, if one should be imposed, so long as such ordinance is equally applicable to all property similarly zoned (Section 7.4).
 3. Access. The only access to the site will be from the future Springfield Street, which requires a cooperative development arrangement with the B&B parcel that abuts Springfield Street. If the Council approves the annexation, a follow-up rezoning of the B&B parcel abutting the north boundary from “R-1” to “R-3” would be necessary to provide consistency in the zoning of the merged parcels.
 4. Private Streets. As is typical in townhouse developments, the streets, driveways and common parking areas would be privately owned and maintained by a homeowners’ association.
 5. Detention. Once combined with the B&B parcel to the north, a revised drainage plan would be a necessary part of any future development plan to re-shape the detention pond shown on the excerpted Sycamore Creek II plan (see attached). Although no detailed engineering has been completed, it is likely that some portion of the detention would be shifted to the Mapes parcel to allow for an attractive entranceway.

If not for the desire of the Mapes family to reside a while longer on their homestead, the subject property would have been incorporated with the design of B&B Development’s Sycamore Creek II project in 2004. The plan is compatible with adjacent uses. The Plan Commission considered this proposal on January 14 and recommended its approval by a vote of 10-0 (Commissioner Henderson arrived after the vote).

Public Hearing Comments

A number of persons heard from the floor at the Council meeting on January 21 spoke emotionally against the Mapes petition. Some of the claims were polemical in nature and covered topics not directly related to the project in question. Criticisms specific to the project were made, however, and included the following:

- a. The proposed annexation will aggravate the local slump in housing starts;
- b. The proposed annexation will have a negative impact on the City’s school system;
- c. The proposed annexation will have a negative impact on the City’s downtown business district;
- d. The proposed annexation will contribute to the deterioration of streets in the City’s older residential neighborhoods;
- e. The proposed annexation involves a city “subsidy” to the future developer in terms of inadequate impact fees and developmental exactions in general.
- f. There was an effort to “sneak in” the proposed annexation.

None of these concerns were raised in the Plan Commission hearing on January 14 and so were not addressed in the background that was provided to the Council. Additionally, at the Council meeting on January 21 the Mapes petition was heard on first reading only, leaving

no opportunity to address the public comments with care and in detail. The brief assessment that follows considers the merit of each argument in terms of the public record.

1. The local housing market. There may be some confusion about current market pricing and its relation to the inventory of platted but unbuilt lots in Sycamore's planning area. As noted in the summary above, the Mapes farmstead would be zoned for townhouses. Townhouses are selling in the local market, although the length of time either a new or "pre-owned" unit sat on the market in 2007 was longer than in 2006 (see the attached summaries from the DeKalb Area Association of Realtors). These units are now more affordable for move-up buyers and empty nesters than the general market for detached single family homes, as evidenced by the profound drop in new home permits in the past 16 months. The longer time on the market is not due to the mortgage interest rate (fixed rates remain attractive). It is also not dependent on the number of platted but unbuilt homes in the Sycamore area. The average days on the market is profoundly influenced by the present shortage of easy credit which fueled the local market and the national housing market in the period 2004-2006. It is also influenced by the understandable reluctance of sellers to reduce their asking price, and thus their equity, whether inflated or not. No final plats have been proposed or recorded for Sycamore Creek II, Sycamore Creek III, the Herst Farm, or the Whitwell Farm on Sycamore's northeast side, so no lot sales can occur in those subdivisions. The land areas described by the recorded preliminary plans for these future developments are in corn and beans and do not compete with the pricing or supply of homes currently on the local real estate market.
2. School impacts. The findings of Dr. Emanuelson's 2007 study support Building department records which reveal that, since 2004, ninety-one percent (91%) of all townhouses and condominiums occupied in Sycamore have generated no school children. There is no evidence to assume that the demographics of the proposed townhouses would depart from this trend.
3. The Downtown. One speaker from the audience on January 21 exhorted the Council to focus on the Downtown rather than new development. There is no evidence to suggest that persons or couples with sufficient household income to purchase townhouses in the Sycamore market would resist shopping in our Downtown shops or eating at our Downtown restaurants. Certainly, the Sycamore Chamber of Commerce would not argue this point. Has the City Council disregarded the economic vitality of the Downtown business district? Since 2000, the City government has invested about \$5.2 million in the Downtown streetscape and the capital plan that the Council will consider on February 18 will propose spending another \$1 million in 2008. This total does not include downtown façade grants, parking lot improvements, or annual marketing and tourism grants to the Sycamore Chamber over the same period.
4. Street maintenance. The proposed streets on the Mapes property would be privately owned and maintained by a future home owners association and pose no future replacement or repair liability in and of themselves. Will traffic from the proposed subdivision one day cross a public street and possibly contribute to its maintenance burden? Yes. The access to the proposed subdivision would be from Springfield Street, which is a future street in the Sycamore Creek II development. The

annexation agreement binds the owner or developer of the Mapes farmstead to the payment of any transportation impact fees that the City may impose one day. It is understood that such an imposition will not be arbitrary, and will apply equally to the proposed subdivision and other developments in town. What about the impact of a car that might be driven from the Mapes farmstead to some remote location in an older Sycamore residential district? In terms of the provisions of state statutes and the case law affecting impact fees, no rational nexus or connection could be drawn between the impact of traffic originating in the Mapes farmstead and a remote neighborhood several miles to the south. Traffic impacts on Springfield Street would qualify, and would be covered by any future transportation fee.

5. Impact fees. Some of the public comments on January 21 moved freely across agenda topics. After the items relating to the Mapes project, there was a consideration on the January 21 agenda relating to Park District impact fees. However, in the context of the Mapes petition, it is important to note that the annexation agreement binds the owner and any future developer to pay whatever level of fees the City Council imposes in behalf of any local taxing body.
6. Public notice. It was surprising and disappointing to hear the insinuation that there might be some intention to “sneak” the Mapes project through the Council approval process. Since the City staff and City Clerk are responsible for public notice and background information, it must be assumed that this criticism was leveled toward them. Public notice was advertised for public hearings at both the Plan Commission and Council levels instead of the one public hearing that is legally required at the Council level. The official public notice was run on a Sunday as is typical, because that is the day when readership is highest. By state law, the notice may not appear less than 15 days before a public hearing (the first hearing was before the Plan Commission on the 14th), so the timing of the notice on December 30 was entirely appropriate. The larger point is: do we rely on people to read small legal notices in the back pages of a paper to be informed about new development projects? Of course not. To make sure that any proposed annexation or subdivision receives a thorough public review, workshop meetings are held prior to more formal public hearings. The Mapes project was brought to the Plan Commission for a workshop in October when no citizens appeared to speak for or against the project. All Plan Commission agendas are public and posted on the City’s website, as are Council agendas. Moreover, the Council decides the pace of any ordinance and can at any time move to receive an item on first reading only. If any “sneaking” was to occur, it would have been through the actions of the Council and not the administrative staff. Additionally, the Council and public were well-served by a thoughtful background report, which many of the public speakers apparently did not read or seriously consider. Anyone familiar with public agendas of taxing bodies in this community knows that the Council agenda packets have far more detail and background than any others. Finally, our city manager, city clerk and all administrative officers pride themselves on their accessibility and willingness to take time with citizen inquiries. If someone wants information that is rooted in the public record of factual detail, public minutes and public documents, these public officials are ready to serve. Vulgarizing questions of some complexity through innuendo and derision does not advance rational public discourse.

Recommendation

The principal reason to support the Mapes proposal relates to City policy rather than any particular detail of the proposed annexation agreement. The City's policy is to effectively control the pace of residential growth with a heightened sensitivity to the fiscal impacts of development, not to stop all residential growth. Such control and sensitivity has been brought to the terms and conditions of the Mapes annexation agreement. Saying "no" to a minor infill project that (a) conforms to the Comp Plan, (b) is not likely to develop for many years (and well beyond 2010), given the lack of utilities to this portion of Plank Road, and (c) would produce new EAV without public service demands will be very puzzling to any firm seeking to invest in the community. On the basis of opinions expressed in the Council Chambers by commercial development firms in recent years, we know the chilling effect which talk about a moratorium on residential development can have. Comments offered in the public hearing for the Mapes project on January 21 made it very clear that some support a policy of no new residential development for an indeterminate period, despite the considerable City constraints on the pace of new development and the serious present downturn in new housing starts. In the case of this townhouse proposal, the increase in new EAV would one day broaden the local tax base and would have more positive fiscal impact than a small commercial strip center, without the potential traffic impacts, because of the higher per-square-foot development investment. If this project cannot stand on its merits, how do the City staff persuade commercial brokers that the City is open for business?

City Council approval of the Plan Commission recommendation is requested.

B. Ordinance No. 2007.49—An Ordinance Annexing a 6.25-Acre Property Located Approximately 3,300 Feet North of the Intersection of Lindgren Road and Plank Road in the City of Sycamore, Illinois. Second Reading.

This ordinance separately considers the Mapes annexation for recording purposes. Final action on this ordinance will be contingent upon action on Ordinance No. 2007.48.

C. Ordinance No. 2007.50—An Ordinance Concerning the Recommendation of the Plan Commission with Regard to a Revision to Section 6.8.4 of the Unified Development Ordinance in the City of Sycamore, Illinois. Second Reading.

This ordinance was also heard on first reading on January 21 at the request of the City Manager to afford time for the City Attorney and Building Commissioner to address some questions raised about the wording of the ordinance. Building Commissioner and Zoning Officer Lyle Doty originally proposed a revision to Section 6.8.4 of the Unified Development Ordinance ("UDO") to prohibit off-premises signs unless they are specifically approved within the UDO or by prior Council action. His focus was the following:

1. Temporary signs that bloom in clusters and typically on weekends at intersections and on properties remote from the specific development they are advertising. For example, at the intersection of Bethany Road and Somonauk Street, the signs may advertise developments or lots in Cortland. At the intersection of Bethany Road and Peace Road, it is not unusual to see groups of signs for developments in DeKalb. Despite contacts with promoters of such remote developments, the signage continues to be displayed.

2. Signage appearing on trailers or vehicles that are parked on prominent properties to advertise goods or services offered at other locations.

Sycamore police officers can more effectively cite violators with some changes in the code language. It was not intended that any changes would compromise the responsible placement of open house, yard sale, and garage sale signs that have long been abided on a day-by-day basis. Without changing the general description of the types of sign that were discussed with the Plan Commission on January 14, the ordinance language has been revised to prevent unintended hardship to persons who wish to display such acceptable signs. The revised code language is detailed below:

1. Section 6.8.4, "Prohibited Signs," subsection E should be deleted in its entirety and replaced with the following language:

"Signs mounted, painted or otherwise applied on trailers or motor vehicles, provided that vehicle lettering containing the name, address, or business identification (e.g. logo) of the owner or user and displayed on a motor vehicle in use is exempt from this Section."

2. Section 6.8.4, "Prohibited Signs," a new subsection N should be added and read as follows:

"Off-premises real estate, garage sale, and yard sale signs." **Exceptions:** signs for real estate open houses, garage sales, and yard sales with an area of less than 6 square feet per side, and which do not present a visibility hazard for motorists. Such signs may not be placed before 7:00 a.m. and must be removed by 5:00 p.m. on each day of the event they are advertising.

City Council approval is recommended.

12. RESOLUTIONS--None

13. CONSIDERATIONS

A. Consideration of a Draft Intergovernmental Agreement Between the City of Sycamore and the Sycamore Park District.

At the January 21 Council meeting, in the context of the discussion of a proposed increase in the Park District impact fee schedule, the City Manager suggested that any revisions to the Park fee schedule in the UDO should be accompanied by indemnification language committing the Park District to the full reimbursement of any City costs arising from legal challenges as to the appropriateness, amount, or timing of any impact fee contribution. The attached letter from the Park District's attorney, Derke Price of Ancel, Glink, Diamond and Bush of Chicago, acknowledges the District's concurrence with this expectation in principle. A draft of an intergovernmental agreement accomplishing this end has been prepared by City Attorney Keith Foster and forwarded to the Park District attorney for review (see the attachment). At this writing (January 30), a response has not been received. Until the Park review is complete, it is recommended that this item be tabled. Upon the execution of an intergovernmental agreement and indemnification arrangement, the consideration of the proposed Park fee schedule recommendation can be taken up.

**B. Consideration of an Administration Request for a Closed Session Regarding
Collective Bargaining and Personnel Matters.**

14. OTHER NEW BUSINESS

15. APPOINTMENTS

16. ADJOURNMENT