

TO: The Sycamore Plan Commission

FROM: Bill Nicklas
City Administrator

DATE: May 8, 2002

RE: May 13, 2002 Plan Commission Meeting

The Plan Commission agenda includes three action items. A public notice has been published for a hearing on the proposed Sycamore Creek planned development, but at this writing some engineering details remain to be resolved. Consequently, the Administrator asks the Commission to continue the public hearing for the Sycamore Creek development until the June 10 meeting.

The Plan Commission will also note that this agenda contains three action items that could otherwise be handled by an administrative hearing officer—an approach discussed at earlier meetings. The City Attorney is presently researching such an approach and an ordinance establishing an administrative review procedure for such minor actions will be presented at the June 10 Plan Commission meeting for review.

I Action Item

A. Consideration of a Petition from John Castle Builders, LLC for a Special Use Permit and Subdivision Plats for the Properties Known as 1173, 1175, 1189 and 1191 Penny Lane in the Townsend Woods Planned Unit Development.

Mr. Castle has petitioned the Plan Commission for a special use permit to subdivide two parcels in Phase One, Unit Two of the Townsend Woods subdivision into duplex lots. Lot 41 would be subdivided to create “Castle of Sycamore, Unit One,” Lots 1 and 2. Lot 41 would be subdivided to create “Castle of Sycamore, Unit Two,” Lots 1 and 2. As the Plan Commission is aware, in the case of duplexes and attached townhouses the Sycamore Zoning Code allows for the transfer of each unit in fee simple under the following conditions:

- a) the property must be zoned “R-2” Two Family Residence District or “R-3” Multiple Family Residence District;
- b) The overall structure must be legally subdivided into saleable parcels, as depicted on a plat of subdivision;

- c) a special use permit must be granted according to the provisions of Section 8.02.10 of the Zoning Code. Such provisions require findings of fact, a common wall agreement, and a declaration of cross easements for necessary maintenance and access.

The submittal in all respects complies with the City codes and ordinances, including common wall agreements, declarations of cross easement, and findings of fact. A favorable Plan Commission recommendation is requested.

B. Consideration of a Petition from Brian Grainger Construction for a Special Use Permit and Subdivision Plat for the Properties Known as 1149 and 1151 Penny Lane in the Townsend Woods Planned Unit Development.

Mr. Grainger appeared before the Plan Commission in February for a similar resubdivision of two parcels in the Townsend Woods development. In this instance, Mr. Grainger wishes to subdivide Lot 44 of Phase One, Unit Two to enable the sale of both sides of a duplex dwelling in fee simple. The new subdivision would be platted as “Grainger of Sycamore, Unit Four,” Lots 1 & 2.

The attachments include the plat of subdivision, a common wall agreement and cross easements, and findings of fact. A favorable Plan Commission recommendation is requested.

C. Consideration of a Petition from Milan Krpan for the Re-Subdivision of Lot 9 in Unit Two of the Grand View Townhouse Planned Unit Development.

The Grand View Townhouse development, Phase II, consists of about 16 acres and lies south of Yorkshire Drive South and Devonshire Drive. When the development is completed, it will contain 52 townhouse units. Phase III, comprising about 18 acres, was approved in February of 2001 and will ultimately contain 74 townhomes.

When the Grandview Unit Two project was approved in October 1998, a special use permit was also approved for townhouse development. Accordingly, only a subdivision plat is needed to legally define the saleable parcels. The subdivision plat depicts the creation of Lots 111, 112, 113, 114, 115, 116, 117, 118, 119, and Lot 10 out of the former Lot 9. Lot 10 is a common area. Lots 111 through 119 are single-family townhouses. The common wall agreements, declarations of cross easements, and related schedules of real estate for the Grandview development extend to about 50 pages in length, so they are not reproduced herein but are available through the City Engineer or City Clerk. The staff has reviewed these documents and find them consistent with the City’s standards.

A favorable Plan Commission recommendation concerning the re-subdivision is requested.

The Commission will take note that the attached subdivision plat also dedicates some additional right-of-way for Peace Road with the width varying from 0’ at the south line of

the property to 15' at the north line of the property. The proposed dedication is subject to the County Engineer's approval.