

TO: The Sycamore Plan Commission

FROM: Bill Nicklas
City Administrator

DATE: July 3, 2002

RE: July 8, 2002 Plan Commission Meeting

The Plan Commission agenda for July 8 has eight action items and three workshop items. None of the action items involves housing units that are not already anticipated in our “inventory” of residentially-zoned land. However, one workshop item (Somerset Farms) introduces the prospect of further residential development on the city’s southeast side.

I Action Items

A. Consideration of an Amendment to the City Code to Create a Plat Officer.

The Plan Commission will hold a public hearing on July 8 to invite public response to a staff proposal to create authority for the administrative processing of certain limited resubdivisions of land. The Commission will also be asked to make a recommendation to the City Council regarding this proposal.

According to the attached ordinance, a new position is not created but new authority is established that can be delegated to current staff members who are familiar with minor resubdivisions to permit the sales of duplex and townhouse units in fee simple. In the past year, the number of townhouses and duplex units offered for sale in fee simple has increased, and the present code provisions require a process of Plan Commission review and Council approval. Based on the Commission’s direction of June 10, the attached ordinance was drafted to permit the authorization of minor resubdivisions. The new staff authority would not extend to special use permitting, annexation, rezoning or other actions for which public hearings and Council action are required by state statute.

A favorable Plan Commission recommendation is requested.

B. Consideration of a Petition from Lance Klinger to Revise Section 9.03.01 of the Sycamore Zoning Code to Permit the Consumption of Alcoholic Beverages in an Outdoors Area Associated with a Restaurant.

The Plan Commission informally reviewed Mr. Klinger’s petition on June 10 without giving specific direction. This matter has been brought back to the Plan Commission for a public hearing and formal action specific to his request.

Mr. Klinger is the owner of Ski’s Pub at 1001 West State Street in Sycamore. He is interested in constructing a patio on the west side of his building to provide outdoor dining that includes the consumption of alcoholic beverages. Such outdoor liquor sales and consumption are presently prohibited in Sycamore, according to the commercial zoning provisions of the Sycamore Zoning Code (Section 9.03.1). The only exception to this rule is the special one-day permits that can be issued no more than three times a year to licensed liquor establishments. The detailed rules concerning such special events are found in the City Code (Title 3, Chapter 2, Section 3-2-6, D).

Mr. Klinger approached the City Council on May 20 and the City Council referred further consideration to the Plan Commission. Because the public notice requirement could not be met for the June Plan Commission meeting, a formal hearing was deferred to the July 8 Plan Commission meeting.

Aside from practical considerations concerning the public safety that are typically laid out in any local regulations concerning outdoor liquor consumption, the Commission will need to consider this policy question in the light of past practice and community sentiment. Commissioners can probably list any number of communities, large and small, that permit the serving of alcoholic beverages in discreetly separated sidewalk cafes and other controlled circumstances. There is no universal test of the value of such recreational opportunities for the community. It is ultimately a lifestyle choice—a “community lifestyle” choice.

The Commission might consider the following options:

1. Decline to recommend any code changes at this time.
2. Recommend removing the code language prohibiting the outdoor consumption of alcoholic beverages and prescribe specific guidelines for such consumption.
3. Recommend removing the code language prohibiting the outdoor consumption of alcoholic beverages without recommending specific guidelines for such consumption, but recommending that the Council’s Ordinance Committee should take up this matter with the assistance of the Police Department and City Administrator. Guidelines could be modeled after those in place in other northern Illinois communities.

The City Administrator recommends Option #3. Plan Commission direction is requested.

C. Consideration of a Petition from Yvonne Wolfenberger for an Annexation Agreement, Rezoning, and Annexation for the Property Located at 215 Plank Road.

Ms. Wolfenberger has petitioned the Commission for the annexation of a 1.83-acre parcel that is bounded on three sides by property owned by the DeKalb Clinic Chartered (at the northeast corner of Plank Rd. and IL Rt. 23). The property, which is distinguished by a

single-family residence, is presently within DeKalb County's zoning jurisdiction and is zoned residential.

Ms. Wolfenberger has no development purpose in mind at this time, but would like to re-zone the property to "C-3" Highway Business to be consistent with the commercial zoning of the surrounding DeKalb Clinic parcel. The proposed commercial use is also consistent with the City's Land Use Plan.

The principal planning issue is how access to the site should be configured if it is used for commercial purposes. The DeKalb County Highway Department must issue an access permit before a commercial use can be established on the Wolfenberger parcel. In weighing such a decision, actions taken by the City Council and County Board to limit commercial access to Plank Road as part of the Peace Road access agreement of April, 1999 have to be honored. That document (see attached) permits only two access points on the north side of Plank Road between IL Rt 23 and the future connection of Airport Road: one provides the commercial access to the DeKalb Clinic and the other commercial access point exists at the east end of the Clinic's property. So long as a residential use continues on the Wolfenberger property, the current residential drive can be used.

Another legal document relevant to the access issue is the annexation agreement of March 1999 between the City of Sycamore and DeKalb Clinic Chartered. In the negotiations leading to that agreement, the City and the County Engineer insisted that the only access to Plank Road from the farm property to the east of the Clinic's property would be through a north/south roadway running along the eastern boundary of the Clinic property. This commercial access point aligns with Lowell Drive in the Heron Creek subdivision and is identified in the later Peace Road access agreement. The Clinic is responsible for funding 40% of the cost of that roadway and the adjacent propertyowner is responsible for funding 60% of the roadway when it is eventually constructed. The DeKalb Clinic agreement anticipates that if commercial access to the Wolfenberger property is through the east end of the Clinic property easements effecting such access would have to be granted by the Clinic, which would be in a position to recover some economic benefit for the access. Cross-easements would also be necessary if the Clinic agreed to allow commercial access to the Wolfenberger property through their existing driveway.

In the Wolfenberger annexation agreement, the question of commercial access is generally addressed in paragraph 4, "Development," where it states that the owner shall be responsible for obtaining all road access permits from the DeKalb County Highway Department prior to establishing a commercial use on said Real Estate." More detailed language with reference to the DeKalb Clinic may be useful to address the documentary precedents noted above. So long as commercial zoning is desired, the identity of the commercial access point is a necessary ingredient.

Aside from the access question, the text of the agreement addresses all relevant regulatory concerns in sufficient detail.

Plan Commission direction is recommended.

D. Consideration of a Petition from DahlKo, LLC for Approval of a Final Plat for Phase 1, Unit Four of the Townsend Woods Subdivision.

The attached final plat depicts 72 single-family lots to the east of the retention pond on Mt. Hunger Road. The plat conforms to the preliminary plat approved on March 27, 1996. It should be noted that according to the revised Townsend Woods annexation agreement approved in January, 2002 (Ordinance 2001.64), the approval of this plat will trigger the widening and reconstruction of Mt. Hunger Road eastward from the retention pond to the east end of the Townsend Woods development. Such improvements must be completed within 120 days of the completion of the plat approval. The stretch of Mt. Hunger Road from a point 500 feet east of the intersection with Rt. 23 eastward to the west boundary of this plat must be reconstructed and widened in 2002.

A favorable Plan Commission recommendation is requested, with the condition that street names for the two cul-de-sacs and the street stub between Lots 181 and 182 must be established on a revised version of the plat prior to recording.

E. Consideration of a Petition from William Olsen and James W. Yagen for Approval of the Final Plat for the Somonauk Gardens Townhome Project.

Messrs. Olsen and Yagen have submitted the final plat for the planned development that was approved by the City Council on January 21, 2002. The development will feature twenty townhomes (5 buildings with 4 units each) on Lot 2 and neighborhood commercial uses on the .32 acre corner parcel identified as Lot 1. Lot 2 will be further divided as townhomes are built for sale in fee simple, and such re-subdivisions would fall to the "plat officer," if that authority is ultimately established.

During the Council discussion in January, the City Council directed the developer to prepare a final plat that identified the allowable commercial uses. Such uses were to be a short list of the range of uses currently allowed in the "C-1" zoning provisions. The Commission will recall that such a short list was required of Wiseman-Hughes in accordance with the Bethany Road Regional Plan. That short list was as follows: antique shops, beauty shops, drug stores, florist shops, gift or novelty shops, ice cream shops, professional laundries, convenience grocery stores without gasoline sales and service, professional offices, and day care centers. The Commission may wish to discuss the developer's interest in amending the final plat in conformance with this shorter list of neighborhood commercial uses.

A favorable Plan Commission recommendation is requested.

F. Consideration of a Petition from William Olsen and James Yagen for a Special Use Permit and Subdivision Plat for the Property Known as Lot 96 in the Townsend Woods Subdivision to Create Lots 1 & 2 of the Olsen and Yagen Subdivision.

Messrs. Olsen and Yagen are also involved in the construction of a duplex on Lot 96 in Phase One, Unit Two of the Townsend Woods subdivision. Until or unless a plat officer

is established in the City Code, the re-subdivision of this lot to enable the builder/developers to sell the two units in fee simple requires Plan Commission review and Council approval. Such matters presently require a plat of subdivision, a common wall agreement and cross easements, and findings of fact.

The documents are in order and the staff request a favorable Plan Commission recommendation.

G. Consideration of a Petition from John L. Castle Builders, LLC to Approve the Final Plat for the Townhouse Development Located at the Northeast Corner of Heron Creek Drive and Charles Waite Street.

The City Council approved the preliminary plat for Mr. Castle's townhouse development on April 15, 2002. The Commission will recall that the development plan consisted of 7.6 acres and featured 44 units. The area had been annexed and zoned for attached single-family housing in March 1999.

Mr. Castle has returned with a final plat for the entirety of his townhouse development. The plat conforms to city regulations. If the authority for minor plat revisions is established at the administrative level, no further Plan Commission reviews will be necessary in order to convey the individual units in fee simple.

A favorable Plan Commission recommendation is requested.

H. Consideration of a Petition from Milan Krpan for Approval of the Final Plats of Units Two and Unit Three of the Parkside Estates Planned Unit Development.

The annexation agreement for the Parkside Estates planned unit development was approved on July 16, 2001 and the final plat for phase one that depicted 15 lots at the northeast corner of the development was approved on January 21, 2002. According to the terms of the annexation agreement (see the attached excerpt), the developer was obligated to begin the construction of the north/south street connecting the project to Bethany Road no later than the date that the fifteenth building permit is issued for the first phase. Mr. Krpan proposes to begin the north/south road well in advance of that deadline.

Substantial infrastructure improvements (stormwater retention ponds, water and sewer main extensions, etc.) will need to be in place before any roadway is built, so Mr. Krpan has forwarded two final plats to provide a blueprint for how such improvements will be sequenced. Unit Two would bring the underground improvements and the roadway to the connection with the back of Sycamore Park. Unit Three would continue the north/south roadway to Parkside Drive. The annexation agreement did not detail a precise picture of the sequencing. Mr. Krpan is aware of the Commission's earlier preference for another way into the Cloverlane subdivisions, without creating a straight raceway to Bethany Road. The two plats attempt to meet the performance standards of the annexation agreement with some practical challenges facing the developer.

In order to assure that the north/south roadway is completed to Parkside Drive in the foreseeable future, the Commission might recommend approval of the two final plats on

the condition that a roadway with curb and gutter and at least the first lift of asphalt was completed to Parkside Drive within 2-3 years, regardless of the number of house permits issued.

A favorable Plan Commission recommendation, with the condition outlined above, is requested.

II Workshop Items

A. Consideration of a Concept Plan for Stonegate Townhomes of Heron Creek.

Ron Stonebreaker of Stonebreaker Builders has proposed a concept plan for the development of the “R-3” Multiple Family zoning in the Heron Creek planned development, north of Peace Road. This area was annexed and zoned in March of 1999, with a special use permit for attached townhouses. Mr. Stonebreaker could theoretically appear with a completed preliminary plan for the development. His preference, with the encouragement of the staff, was to propose a conceptual plan for the development to invite Commission comments before any substantial engineering was completed.

The attached concept plan depicts a 14.83-acre site featuring 27 buildings and 130 units. The plan also shows the following:

- Two small private parks of less than one-half acre apiece;
- A publicly dedicated east/west roadway of standard City design (66’ ROW; 35’ back-to-back of curb);
- Private drives connecting the unit garages with the public road;
- Additional guest parking of 109 spaces (about 24 more spaces than the recent standard applied to such complexes, which calls for .65 spaces of additional parking per unit);
- A density of 8.77 units per gross acre, which is within the allowable 12 units per acre.

The Commission may wish to recommend a widened sidewalk to accommodate a combination bikepath and pedestrian walkway on the south side of the east/west public street. Such a pathway would conform to the Comp Plan’s preference for such “links” along public ways that will ultimately connect subdivisions with one another.

Plan Commission direction is recommended.

B. Consideration of a Concept Plan for the Somerset Farms Planned Unit Development.

Consideration of the Somerset Farms P.U.D., conceived by Burnside Homes in affiliation with the Lannert Group, was postponed at the developer’s request in order to allow time for some re-configuration of the housing clusters. At the workshop meeting on July 8, Burnside Homes will be represented by Jeffrey Hyman, and the Lannert Group will be represented by Chris Lannert.

Burnside Homes proposes to build 425 to 470 housing units on a 155-acre site at the southwest corner of Bethany Road and Somonauk Street, adjacent to the City’s regional retention pond. The packet distributed at the June 10 Plan Commission provided some

analysis of the drainage patterns, a suggested traffic flow pattern, and architectural views of a variety of single family homes primarily priced and designed for a targeted market of “active adults.” The revised concept plan (attached) incorporates the existing farm house and surrounding structures as a part of the development.

In preliminary discussions with the City staff, the developer was made aware that the proposed land use conflicts with the current City Land Use Plan, which suggests “office research” uses for the area. The selection of office and research land uses in the Comprehensive Plan that was adopted on May 15, 2000 followed a series of community discussions and hearings. Among the themes repeated by participants in these hearings was an interest in preserving opportunities for light industrial and commercial land uses, that would in turn provide career paths for local residents and their families. The Bethany Road corridor from IL Rt. 23 to Somonauk Road was considered a viable location for such uses, partly because of existing uses and the promise of the nearby Sycamore Prairie Business Park. It was also reasoned that the further extension of the northeast/southwest runway of the DeKalb Taylor Airport (Runway 2-20) in the direction of the Strong Farm would create economic and political disincentives to the construction of quality homes.

Since the Comp Plan was approved in the spring of 2000, the interest in residential development at the edges of the Sycamore community has grown steadily, and the market for light industrial and research-oriented businesses has remained soft. The proposition brought by Burnside Homes raises some challenging planning issues:

- a) what is a realistic time frame for determining the ultimate best use of an undeveloped area? Should our planning horizon be two years? five years? or twenty years?
- b) as one studies the mix of uses envisioned in the Comp Plan of 2000 (see the attached table), would the conversion of 155 acres intended for office/research development to residential development adversely tip the desired balance of land uses? Given the available road network, patterns of commercial growth, and utilities, the City’s planning area contains substantially fewer land parcels that will be suitable for commercial and light industrial/office-research development, as opposed to residential development. Once these limited areas are developed, the potential for continuing nonresidential growth is further limited.

The focus of this workshop will be the proposed land use. Once some direction is given concerning the land use question, other related questions such as access and traffic flows, storm water retention, fiscal impact, development density, capacity of the sanitary system, etc. may be addressed. If the Commission is strongly inclined to stand by the Comp Plan vision of May 2000, then further effort to plan a residential development in this area would be ill advised. If the Commission is inclined to accept the proposed land use in the suggested layout, or some variation of that layout, direction to that effect should be provided.

C. Consideration of the Representative Role of Plan Commissioners Serving Taxing Bodies.

Commissioner John McBride has asked the Commission's direction on the extent to which an appointee representing a taxing body may speak for himself or herself during Plan Commission deliberations. A copy of Mr. McBride's letter and attachment is appended.

At the last regular meeting of June 10, the City Administrator offered the opinion that persons representing taxing bodies were bound by the protocol found in the Commission's by-laws (see attached). The by-laws establish an expectation that such special appointees shall be "members of and represent" one of four taxing bodies (the Council, the Sycamore Board of Education, the Sycamore Park District, and the Sycamore Public Library). In July 1999 the Commission approached the topic of representation from a slightly different perspective. In that meeting, commissioners weighed whether or not institutional affiliations created an inherent conflict that prevented certain members from taking a broad view on matters before the Commission. At that time Commissioner McBride noted the potential confusion that might result if a person representing a taxing body spoke alternately for that taxing body and, at times, for himself.

Then, as now, the Commission structure welcomes a unique role for local taxing bodies to assure that their interests and needs are represented on development matters. The Administrator believes that any dilution of those representative roles alters the intent of the by-laws and the taxing bodies that participated in the re-structuring of the Commission many years ago and, practically speaking, can lead to confusion. Other commission models exist and have merit; probably the most common model has all members appointed at large. The merit of re-visiting other models is ultimately a matter for the City Council to decide.