

TO: The Sycamore Plan Commission

FROM: Bill Nicklas  
City Administrator

DATE: August 6, 2003

RE: August 11, 2003 Plan Commission Meeting

The Plan Commission has one action item and four workshop items.

**I. Action Items**

**A. Consideration of a Staff Recommendation to Revise the Sign Provisions of the Zoning Code With Regard to Automobile Dealerships.**

Recent trends in the marketing of new and used cars by major national and international vehicle manufacturers have prompted the City's Building Commissioner, Lyle Doty, to request the Plan Commission's direction regarding a possible change in ground sign requirements. Presently, the City's Zoning Code, revised in 2001, permits the erection of one (1) ground sign along the street frontage of car dealerships—or two ground signs if the dealership has two or more street frontages (Section 11.08.01, A, 1). In recent years, as national and international car makers have consented to share sales lots with each other, dealers have pursued common signage on pylon and ground signs. However, individual car manufacturers have resisted and have instead insisted on their own ground signs. A case in point concerns the new foreign car dealerships that Brian Bemis has moved to DeKalb Avenue. Neither the corporate ownership of Mercedes, Honda, or Volvo will permit a ground sign with more than their own logo and name. They refuse to discuss the matter with local authorities.

In the interest of promoting the success of the Bemis dealerships and other dealerships that feature more than one manufacturer, while at the same time limiting the size and shape of ground signs in highway commercial districts, the City staff recommend a minor change in the sign provisions as they apply to car dealerships only. The sign code already acknowledges the unique signage requirements of car dealerships with respect to the size of pylon signs.

The proposed addition is as follows:

#### 11.08.01 Business Signs—Ground Signs and Pylon Signs

#### 4. Other Ground Sign Regulations.

- d) In addition to a car dealer's identifying ground or pylon sign, new car dealerships shall be permitted to erect not more than one (1) additional **ground sign** with the logo and name of the car manufacturer only, for each manufacturer that the dealer represents.

A favorable Plan Commission recommendation is requested.

## II. Workshop Items

### A. Consideration of a Need for Plan Commission Direction Regarding the Relevance of the Recently-Approved Comprehensive Plan.

The Sycamore community recently completed over a year-long planning process that resulted in a new Comprehensive Plan, Land Use Map, and a regulatory framework to limit the number of lots that may be permitted each year in new residential developments. The application of the new Comp Plan, approved by the City Council on June 2 by a 7-1 vote, was tested immediately in the case of the North Grove Crossing P.U.D. The Council initially voted 5-4 in favor of the annexation, one vote short of the requisite two-thirds vote for annexation approval. Two weeks later, the Council reconsidered this vote and approved the planned development by a vote of 6-3. By the admission of all members, the close vote on both occasions did not reflect a general dissatisfaction with the developer's plan; rather the Council's reaction reflected some indecision about the wisdom of following the new Plan and its implications so soon after its approval.

Why this indecision? Council members responded to this question in different ways. All were aware of the Plan Commission's unanimous recommendation behind the Plan and the Commission's 7-3 vote on regulatory limits regarding annual permitting. Some pointed out that they needed more time to consider the John Clare plan, although it had been the subject of several Plan Commission reviews dating from October of 2002. Only one member, in a principled vote, opposed the developer's plan as well as the Comp Plan in the belief that the Plan was too aggressive in its geographic scope, and insufficiently rigorous in its constraints on residential development vis-à-vis other types of development.

Since the early June Council votes, the City's staff have continued to field inquiries from development firms interested in developing homes in the City's northeast quadrant. This interest was no surprise—it was already well-known in March of 2002 when the Plan Commission agenda featured a recommendation from the City Manager for the initiation of a sub-area plan for the City's northeast planning area, a discussion that soon evolved into a reconsideration of the entire

Comp Plan. No fewer than six major development firms, some with a national presence, have now entered options or contracts for most of the land in the northeast quadrant.

On July 16, Mayor Swedberg and the City Manager visited with Ken Blood, one of the principals in the development firm of B&B Development, LLP. Mr. Blood reported that since the disparate Council and Plan Commission votes on the North Grove Crossing project, his firm and others interested in land options and contracts within the city's Northeast Sub-Area were perplexed about the possibility of developing land in Sycamore. The City staff had matter-of-factly stated to Mr. Blood and other firms that the 6-3 vote on the John Clare plan indicated that further annexations, in the near term, would likely need to exceed the June 2003 Comp Plan expectations, generate positive fiscal results for all local taxing bodies, and guarantee a development pace compatible with the service and debt capacities of the City, the School District, and the Park District.

In response to this challenge, Mr. Blood proposed a novel approach. Without meaning to upstage the Plan Commission, he expressed his firm's interest in proposing some developer contributions and amenities that so far exceed present regulations and planning expectations that they are more correctly a matter of public policy than simply planning considerations. He requested an opportunity to get a sense of the Council on these features and contributions, before proceeding to any elaboration of development plans, which would cost some hundreds of thousands of dollars before a preliminary plan could be formally presented. Given the scope of their proposed contributions, and the scope of the land they were interested in developing, it was agreed that such an informal conversation with the Council could potentially lead to results that would assure the satisfaction of the Comp Plan's more innovative goals (e.g. the green belt, new gateway features, a deliberate pace, etc.).

The conversation opened at the Council meeting of July 21 and closed at the Council meeting of August 4. By the end of the August 4 Council meeting, the Council had not been able to give any specific direction to the developer or staff regarding the "additional" contributions it would expect, or would ask the Commission to consider, as it reviewed the B&B concept or any other conceptual plans. The Council instead voted to pass the matter along to the Plan Commission. On August 5, Mr. Blood informed the City Manager that his firm did not want to proceed under such ill-defined circumstances. His reasons were logical and compelling. The City Council had just enacted new standards. Within two months the Council apparently wanted higher standards for residential development but could not specifically detail what they might be. Mr. Blood and his partners had to assume that the lack of direction from the Council created the risk that the rules might be changed at the end of the plan review process, regardless of the Plan Commission's ultimate recommendations.

Although the Plan Commission will not have the opportunity to enter a dialogue with one of our area's premier developers over growth issues of interest to us all, the additional contributions proposed by B&B should be considered, in their general application. On the basis of the Council's discussion of August 4 we can assume that the combined impact of B&B's proposals still fell short of what the Council expected. Accordingly, **from the staff viewpoint, any development that does not propose to achieve at least the same level of amenities and contributions proposed by B&B should not be seriously considered.**

Here are the B&B notions, for the Commission's general reference, along with some questions for the Commission's direction:

- a) Managing the Pace. To address the anxiety about the pace of development, B&B proposed to stage the development of a 650-acre land area in very gradual increments. First, although not required to do so under the grandfather provisions of the regulatory scheme approved in early June, B&B proposed to include the Sycamore Creek project within the permitting constraints. In addition, B&B pledged to put off any development of the Sycamore Creek project, approved in August 2002, until after all of the lots in the Heron Creek P.U.D. were permitted. This would place the launching of the Sycamore Creek project at about 2006. The Sycamore Creek project would not be completed for 4 years, according to the new permitting guidelines, so the earliest that any lots could be permitted in the proposed B&B plan would likely be 2010. After that point, the permit schedule would apply, and final plats would be presented in piecemeal fashion over the next ten years with the completion about a generation from now. In effect, before the proposed B&B development began, well over 50% of the present inventory of lots would have been built and occupied (see the attached table). By 2010, the City would have collected sufficient impact fees from earlier developments to build a new water tower and well, and could pay for the substantial portion of any new treatment plant capacity. *Questions: Is the Commission willing to ask other developers with new annexation proposals to wait as long (e.g. 2010) before they request permits? Is the B&B model what we are looking for in terms of pace?*
- b) Fees. B&B proposed to pay all impact fees as they now stand, and as they might be increased from time to time, and to provide additional monies per lot that could be used by both the School District and City for operating purposes. Impact fees can only be used for capital purposes; B&B recognized this and offered to help meet operating costs that might arise in response to their development. The level of additional monies was negotiable, within reason. The attached fiscal impact studies use different assumptions about housing costs and "bonus" subsidies per lot and are meant to be illustrative.

The potential contribution of \$750 per unit to the City would have marked the first time that a developer paid a “bonus” fee to the City over and above the City’s impact fee obligation. *Question: Is the City prepared to ask every residential developer to pay an operational “surcharge” in addition to impact fees?*

c) Donations without offsetting costs.

aa) School District. B&B offered to dedicate and donate a new school site of about 22 acres, presumably for a new middle school, and did not expect a credit against its impact fee obligation, as anticipated in the School land/cash ordinance. You’ll recall that when the Sycamore Creek project was approved, B&B offered \$1,500 per lot over and above the impact fee per house, but still received a credit of \$75,000 per acre for 7 of the 15 acres that were dedicated for school purposes (amounting to about \$525,000 or roughly the amount the District would receive in impact fees from 352 homes at \$1,451 per 4-bedroom home). The remaining 8 acres were donated at no cost to the District. So, the extra money per home (\$1,500) provided the net cash for the District (about \$528,000).

Under the new B&B proposal, the developer intended to donate the entire 22 acres worth \$1,650,000 under the present land/cash ordinance. In addition, the developer would pay the impact fee obligation of about \$1,622,500 (1100 units x 1,451) plus another \$750 per household or \$825,000. This extra “bonus” per home would wipe out the District obligation of \$27,500 (the difference between the value of the land donated and the value of the impact fees), and provide an additional contribution to the District of \$797,500 that could be used for operating purposes. At the higher level of \$1,000 per household, the net contribution would be \$1,072,500 ( $\$1100 \times 750 = \$825,000 - \$27,500 = \$1,072,500$ ) that could be used for operating purposes.

bb) Park District. As with the School District, the B&B proposal attempted to raise the bar on contributions to the Park District. The proposed development featured a donation of a 33-acre lake and surrounding park area plus an additional 14 acres of small neighborhood parks for a total of about 47 acres of land contribution to the Park District without an expectation of a “credit” or compensation for the fair market value, as determined by the land/cash ordinance. Now, the District might not have accepted the 14 acres of smaller parks, but the 33-acre

lake and surrounding land would have afforded a variety of recreational activities not presently offered by the District.

The present land/cash ordinance requires either a contribution in cash or a dedication of park lands as follows: 11.5 acres per 1,000 population (10 acres per 1,000 population for the expansion of the community park and 1.5 acres per 1,000 population for neighborhood parks). The developer's land/cash obligation under the existing framework would have been about \$2,850,000 (1100 units times 3 persons per unit times 10 acres divided by 1,000 plus 1100 units times 3 persons per unit times 1.5 acres divided by 1,000 = 38 acres times 75,000 per acre). The donation of only the 33-acre park and lake would have resulted in a credit of \$2,475,000. The difference (\$375,000), owed by the developer, would have been offset by the impact fees of less than one-half of the projected units (using the present impact fee of \$788 per unit times 1100 units). The balance in impact fees—624 units x \$788 = \$491,712—would have been unexpected revenue to the Park District over the life of the project.

*Question: Is the City prepared to ask every new residential developer to forego the value gained from land dedications?*

d). Amenities. The B&B proposal included the green belt anticipated for the Plank Road corridor, plus the large entry feature at the east end (along Plank Road) at the developer's expense. Other amenities included the usual B&B preference for smaller private parks in circle drives and multiple retention areas landscaped with bikepaths and walking paths.

The final question left for the Plan Commission to consider is: *How much in the way of developmental exactions and contributions is enough?* Until this question is answered in detail, the City staff will have no criteria with which to judge new annexation proposals, since the recently-approved criteria are apparently no longer sufficient to the policymaking body of the City.

Some very specific direction from the Plan Commission is needed.

## **B. Consideration of a Petition from Nuemann Homes for the Development of the Wallis and Mapes Farm for Residential Purposes.**

Neumann Homes, represented by Andrew Mouw, has petitioned the Plan Commission for the informal review of a concept plan for the residential development of the 118.24-acre Wallis/Mapes parcel contiguous with the John Clare development area. This production-oriented developer proposes to build 269 detached single-family units for a density of 2.27 units per gross acre. The average lot size would be 12,080 and the expected price range would be \$200,000

to \$235,000. The firm would offer about 18 models with a variety of elevations to simulate a wider variety of designs.

Among the concerns that the Commission might consider are the following:

- The connection of this development with the John Clare development;
- The number of cul de sacs and eyebrow features in the road system;
- The location of the principal access to Plank Road;
- The proposed future connections to other nearby developments;
- The developer's obligations for sanitary sewer main and water main extensions (see the attached letter of November, 2002 from City Engineer John Brady);
- The neighborhood park requirements.

However, in the absence of any Council consensus on the level of developmental exactions and contributions that will be suitable hereafter, the City Manager recommends no Plan Commission direction and the tabling of this matter until further Council direction can be ascertained.

**C. Consideration of a Revised Conceptual Development Plan From Norm Adshade for the Northwest Corner of Freed and Brickville Roads.**

Mr. Adshade has considered the Plan Commission's direction of June 9, 2003 and wishes to propose a single-family development on the 6.17-acre parcel he owns. A concept plan is attached. Some general Plan Commission direction is requested regarding this previously-annexed parcel.

**D. Consideration of a Report from the City Attorney Concerning the Illinois Supreme Court's Klaeren Ruling.**

Attorney Kevin Buick will review the most recent court cases touching on what might be required in terms of hearing procedures for special use, rezoning, and subdivision requests.