

TO: The Sycamore Plan Commission

FROM: Bill Nicklas  
City Administrator

DATE: October 8, 2003

RE: October 13, 2003 Plan Commission Meeting

The Plan Commission has four action items and four workshop items on its regular agenda.

**I. Action Items**

**A. Consideration of a Petition From Dr. Steven Glasgow for a Final Plat for the Bethany Business Campus.**

The first two items on the Commission's agenda are related. On February 17, 2003 the City Council approved the preliminary plat for the 16-acre Bethany Business Campus. The petitioner, Dr. Steven Glasgow, has returned with a final plat that delineates a slightly different configuration for the interior public street running north and south through the subdivision. The southern end of the interior roadway has been shifted somewhat to allow for three lots with frontage on Bethany Road. This will add market value to three of the sixteen lots available for commercial uses (Lot #1 has been dedicated for retention purposes). At the same time, the eastward shift of the roadway will require a shift in the road easement in the Menard subdivision that abuts the north boundary of the subject property (see the attached plat). Menard's Inc. is supportive of this shift in their easement and has agreed to the plat vacation referenced in the next agenda item.

The City staff have reviewed the petitioner's request and recommend favorable Plan Commission action.

**B. Consideration of a Staff Recommendation to Vacate a Street Easement in the Menard Subdivision and Dedicate a Street Easement at a New Location.**

As noted above, Menard's Inc. has petitioned the Commission to vacate the present road easement that would connect with an interior roadway in the Bethany

Business Campus, so that a new road easement can be legally established immediately to the east of the present location. The proposed easement would be 66 feet in width, as with the current easement. Proper public notice has been given, and the City Engineer is satisfied that the proposed plat of dedication has been properly drawn to accomplish the petitioner's purpose.

A favorable Plan Commission recommendation is requested.

**C. Consideration of a Petition From Joe Heyob for a Resubdivision of Lots 130 and 131 in Phase Four of the Heron Creek Planned Unit Development.**

Mr. Heyob owns Lots 130 and 131 in Phase Four of the Heron Creek P.U.D. He proposes to reconfigure the common boundary between the two lots to accommodate a unique architectural layout that would otherwise be in violation of the side yard setback requirement. The new subdivision would be known as the "J.C.H. Land Resubdivision." The Plat Officer could not make this minor adjustment because side yard and rear yard utility easements are involved.

A favorable Plan Commission recommendation is requested.

**D. Consideration of a Petition from DeKalb Associates for a Final Plat for Unit One of the Peace Road Crossings Commercial Subdivision.**

On December 18, 2000 the City Council approved a revised preliminary plat and final plat for the commercially-zoned frontage of the former Ward property, which is presently owned by DeKalb Associates. The purpose of the one-lot final plat (see attached copy) was to satisfy a contract purchaser who intended to construct a food and fuel outlet on the east side of the entrance from Peace Road. Subsequent to the Council's action, the purchaser chose not to follow through with the intended use.

The attached final plat and written instrument describing the vacation of the plat of December 2000 would create a seven lot subdivision consisting of six buildable lots and one lot (Lot 101) dedicated for stormwater detention and drainage. The access point from Peace Road remains the same and is in conformance with the access agreement between the City of Sycamore and DeKalb County.

A favorable Plan Commission recommendation is requested.

**II. Workshop Items**

**A. Consideration of a Staff Recommendation to Revise Section 13.10 Paragraph 5 of the Sycamore Zoning Code to Revise the Schedule for the Allowable Number of Annual Permits Per Each New Planned Unit Development.**

At the second of two joint meetings between the Plan Commission and the City Council in September, 2003, the Commission reminded all concerned of its

various responsibilities under the Plan Commission by-laws. Such roles primarily involve preparing and recommending a Comprehensive Plan, recommending changes to the Plan as needed, and reviewing annexations, subdivisions and zoning classifications that would further the local planning program. The Commission’s purview does not extend to the setting of policy regarding the fiscal impact of new development although Commissioners are keenly interested in this aspect of development. This responsibility lies with the City Council.

In furtherance of its role as the arbiter of measures to regulate the pace and thereby the fiscal impact of new development, the City Council on October 6 considered a revision to Ordinance 2003.04 that aimed to control the pace of new residential construction. The provisions of Ordinance 2003.04 were defined by a table, illustrated below:

<b>Number of Dwelling Units on the Preliminary Plan</b>	<b>Dwelling Units Permitted Per Year As A Percentage of the Total Lots on the Preliminary Plan*</b>
0 to 50 dwelling units	No Limit
51 to 100 dwelling units	No More Than 35 Per Year
101-200 dwelling units	25% or 40, whichever is greater
201-300 dwelling units	20% or 50, whichever is greater
301 to 400 dwelling units	18% or 60, whichever is greater
401-500 dwelling units	15% or 70, whichever is greater
Over 500 dwelling units	10% or 75, whichever is greater

**\*excludes unoccupied model homes**

This regulation, approved on June 2, 2003, in effect established a “circuit breaker” that provided insurance against the prospect of one or several developments overwhelming the ability of the City or other taxing bodies to provide essential services at a price—i.e. the composite property tax rate—that local residents are willing to pay. Although innovative in terms of Sycamore’s approach to managed growth, the June 2 ordinance (Ordinance 2003.04) did not link the impact of new development with the incremental impact of permits issued for lots that had been platted in earlier years. It is estimated that at the end of 2003 a total of 1,525 single family parcels in previously annexed subdivisions could be permitted in future years if the approved development plans for those subdivisions are followed, and no new subdivisions are approved. Using the 2002 pace of 113 single-family permits as a guide, this inventory of lots (excluding townhouses) could take about 13.5 years to be built.

To address the lack of a connection between the regulated permitting of new subdivisions and the unregulated permit pace that applied to older subdivisions, the City Manager proposed a new regulatory framework on September 2 and again on September 8. According to this framework, a certain number of parcels in the City’s inventory would have to be permitted, built, and occupied before any final plats in newly annexed developments could be approved and recorded.

The regulation would apply to all units, whether attached or detached. Under the new regulation, a new annexation would encounter at least a three-to-four year wait before any final plats could be approved and recorded, if our recent experience is a reliable guide. By way of reference, the Parkside Estates, Reston Ponds, Sycamore Creek, and North Grove Crossing developments offered 265, 391, 352 and 269 units, respectively. However, none of these developments would be retroactively tied to the proposed regulation.

The Plan Commission will note that additional language has been added to the new regulatory framework to prevent a certain gamesmanship from undermining the desired effect. It is theoretically possible, for example, that the owner of a 500-acre farm could enter a contractual relationship that would yield a 250-acre development in one year, and another 250-acre development in another year to the same developer, thereby lessening the wait before permits could be issued in either subdivision. To address this possibility, the following language was added to the text of the ordinance:

*“In order to plan for orderly growth and to discourage the submittal of a series of annexation plats and preliminary plats from tracts of 100 or more acres held by the owner of record as of the effective date of this ordinance, the City Council shall only consider, unless otherwise approved by a 2/3 vote of the corporate authorities, a single petition for annexation and preliminary plat approval for said tract and will only consider another petition for annexation and preliminary plat approval for said tract after a period of at least five years has elapsed.”*

Otherwise, the framework illustrated below appears as it did at the joint meetings in September:

**Revised Residential Growth Control Regulation**

<b>Number of Dwelling Units on the Preliminary Plan</b>	<b>Dwelling Units Permitted Per Year as a Percentage of the Total Lots on the Preliminary Plan</b>	<b>Time Limit Before New Building Permits Are Issued Following Annexation</b>
0 to 50 dwelling units	No Limit	No Time Limit
51 to 100 dwelling units	No More Than 35 per Year	One Year
101-200 dwelling units	25% or 40, whichever is <b>lower</b>	Two Years
201-300 dwelling units	20% or 50, whichever is <b>lower</b>	Three Years
301 to 400 dwelling units	18% or 60, whichever is <b>lower</b>	Four Years
401-500 dwelling units	15% or 70, whichever is <b>lower</b>	Five Years
Over 500 dwelling units	10% or 75, whichever is <b>lower</b>	Six Years

The “Development Bank” established in the June 2 ordinance also continues in place. That language is as follows:

*“The annual allowance for issuance of dwelling unit permits shall commence on January 1 of each year. The owner or developer of the*

*planned unit development may carry over dwelling units not permitted from year to year and add those lots to following years, so long as the “bank” does not exceed one year’s allowance. For example, if a developer is allotted 40 dwelling units per year, but receives permits for only 20 dwelling units in the first year, then 40 permits plus 20 unused permits would be allowed in the second year. In the year of annexation, the owner or developer of the planned unit development shall receive only a pro-rata allowance of permitted dwelling units, e.g. if a planned unit development is annexed on November 30, then the allowance for the first year would be 1/12<sup>th</sup> of the allowance for the year. This ordinance shall apply only to planned unit developments annexed after its adoption and approval by the City Authorities.”*

Why does this matter come before the Plan Commission? Although its passage by the Council on October 6 makes it law, the provision should arguably be introduced into the City’s subdivision codes as well, including the Zoning Code. Any revisions to the Zoning Code require Plan Commission review prior to Council action. Section 13.02, Paragraph 5 of the Zoning Code would have to be revised to accommodate this new measure.

Before the Commission can take action on this proposed revision to Section 13.02 of the Zoning Ordinance, a public notice must be published. The City staff will publish such a notice according to statutory requirements before the November Plan Commission meeting, at which formal action by the Commission will be requested. For the purposes of the October 13 meeting, this matter is introduced for discussion only.

**B. Consideration of a Petition from Norm Adshade for a Preliminary Plat for the Brickville Estates Residential Subdivision.**

Mr. Adshade has prepared a preliminary plat based on the direction of the Plan Commission on August 11. The plat shows a conventional subdivision of 11 single family lots with an R-1 zoning. The density is 1.78 units per gross acre, which is well within the 3 unit per acre allowance for R-1 zoning. Access is from Freed Road.

In the Commission’s consideration of the development potential for this 6.17-acre parcel, and in its review of specific and various development proposals from Mr. Adshade and others in recent years, one of the principal issues has been the stormwater detention and drainage. The proposed stormwater release from the detention area would cut across the adjacent Overton property in the approximate location of two existing drain tiles. While this is a logical engineering solution, it confronts the practical difficulty of Ms. Overton’s opposition to a trench through her property at that point, especially since she has recently improved the black top surface leading to the rear of her property. An alternative path would be through the front of the Overton property, about midway between Brickville Road right-of-way and the front of Ms. Overton’s home. Again, this would involve

considerable disruption, although in both cases the inconvenience and disruption could be minimized if Mr. Adshade bored the drainage pipe under the property rather than making an open cut. With either option, an easement from Ms. Overton is needed and none has been granted at this writing. Until this matter can be resolved, the Council would not be in a position to approve the plat. Accordingly, Mr. Adshade's petition has not been placed on the action agenda, and has been put in a workshop for the Commission's further review.

In late September, Mr. Adshade, through his attorney, approached Ms. Overton for a meeting to discuss the drainage matter. A copy of that letter is attached. It is not known whether a meeting has been scheduled, but Mr. Adshade can report on the status of his inquiry at the meeting.

**C. Consideration of a Concept Plan Submitted by Brad and Dave Sanderson for a Residential Subdivision at Peace Road and Freed Road.**

Brad and Dave Sanderson are local builders who have also developed some commercial property in Sycamore, including the Prairiefeld Plaza on Plaza Drive, across from Farm and Fleet. They are interested in developing a portion of the farm at the southeast corner of Freed Road and Peace Road for residential purposes. A concept plan is attached depicting 47 single family home sites, as well as 26 townhouse units.

The other features of their plan include:

- ◆ A gross density of 2.42 units per gross acre.
- ◆ A widened sidewalk/bikepath along the Peace Road frontage.
- ◆ Interior bikepaths to connect the townhouse area with the public sidewalk on both sides of the public street that serves the detached single family lots.
- ◆ Detention facilities at the southwest corner of the site which is near the floodplain boundaries.
- ◆ A pool and clubhouse serving the development.
- ◆ A future road connection to Susan Street in the Windfield Meadows development to the northeast.
- ◆ A 50'-wide landscape easement at the entrance along Freed Road.

The 2003 Comprehensive Plan depicts this area as floodplain/agriculture. During the recent comprehensive planning process, no particular attention was given to this parcel or adjacent parcels, so the designation may have been rather arbitrary. The Sandersons have surveyed the floodplain boundaries and have determined, with the City Engineer's concurrence, that their concept would conform with the required base flood elevation.

Plan Commission direction is requested.

**D. Consideration of a Concept Plan Submitted by David Bowen for a Mixed Commercial and Residential Development on North Sacramento Street.**

David Bowen has requested the Plan Commission's direction on a redevelopment proposal for about 2.25 acres on North Sacramento Street, approximately across from the intersection with Sycamore Street. Presently, the parcel is vacant except for some piles of construction material. Mr. Bowen proposes to build storage garages with second story apartment units on this site, which is presently zoned "M-1" Light Manufacturing. In such zoning districts, second story residential uses are permitted.

The site was formerly the Leader Oil Company's fuel depot, and underwent some extensive clearing and mitigation in the 1980's. The current zoning of the Sacramento Street corridor from Exchange Street to Page Street is a mix of nonresidential zoning and R-2 Two Family Residence zoning.

The neighbors have been advised that the Commission will be discussing Mr. Bowen's proposal and some will hopefully be present to voice their opinions. The opinion of Floit Redi Mix Concrete Co. is especially important. While the storage garages might be acceptable to the neighboring propertyowners, the introduction of apartments next to the sounds, truck traffic, and dust created by the batch plant potentially creates a classic and irresolvable conflict between a long-time and legal industrial use and a newer, legal use.

Plan Commission direction is requested.