

TO: The Sycamore Plan Commission

FROM: Bill Nicklas
City Manager

DATE: August 4, 2004

RE: August 9, 2004 Joint Meeting of the Plan Commission and City Council

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

I Action Items

A. Consideration of a Petition from the Three Sula Investment Company for an Annexation Agreement, Rezoning, Annexation and Preliminary Plat for the Sycamore Bethany Center, Located on the South Side of Bethany Road Approximately 0.40 Miles East of Illinois Route 23.

The Plan Commission opened and continued a publicized public hearing on the Three Sula petition at its last regular meeting on July 12. The proposed commercial subdivision, known as the Sycamore Bethany Center, was first discussed in a workshop session of the Plan Commission on May 10. Because the necessary documents were in need of further revision, the Plan Commission opened the advertised public hearing at its July meeting and continued the hearing until the August 9 Plan Commission meeting.

The Sycamore Bethany Center would lie immediately east of the Prairie Professional Park, presently under development by Dr. Dennis Collins. The proposed development consists of about 52 acres and 24 lots that would be zoned "C-3" Highway Business. The entire area falls under the conditions of the Sycamore-DeKalb boundary agreement of 1995. According to the terms of this agreement, the property would be annexed by Sycamore, but Sycamore and DeKalb would equally share all tax revenues until the expiration of the agreement in 2015, unless the agreement is extended.

The main features of the proposed commercial development are outlined below:

1. Preliminary Plan

- Conforms to the 2003 Comprehensive Plan which depicts the Bethany Road corridor as a locus for commercial office, research, and light industrial uses.
- Depicts 24 commercial lots of various sizes.
- Locates storm water detention ponds along the Bethany Road frontage on lots 17 and 24, in the rear of the backyards of Lots 11, 12, 13, 14, 15 and 16; and south of Sula Drive on Lots 6 and 7.
- Depicts two access points at Bethany Road (Drake Street and Mediterranean Street), with a central cul-de-sac (Penna Court), and an eastward extension of Sula Drive to the common property line with the Thorald Anderson farm. All internal streets will be built to the City's urban standards and publicly-dedicated upon completion.
- Shows Portland cement sidewalks running along both sides of the public streets.

2. The Annexation Agreement

- A twenty-year term.
- The concurrent requirement of a Park District annexation.
- Calls for "C-3" Highway Business zoning.
- Requires the payment of an annexation fee (presently \$2,000 per gross acre).
- Requires connection to the public water and sanitary sewer mains on Bethany Road.
- Acknowledges the City's plans for the widening and reconstruction of Bethany Road, and provides necessary right-of-way and easements to support that project.
- Provides for the mowing of all open areas and retention areas during construction (Section 16). *This section needs to be amended to include a provision for continuing maintenance upon completion by the Owner or an association.*
- Requires compliance with the City's landscape requirements for parking lots (Section 24). *This section also needs to be amended to provide for compliance with any successors to the codes that are enumerated. For instance, once the UDO is adopted, any unbuilt lots that will eventually have permitted buildings will need to comply with the landscaping provisions of the UDO, and not the Zoning Code of 2001, which the UDO will supersede.*

3. Traffic Study. The required study is attached. Because the consultant assumed the presence of a free-standing discount store on Lot 7 with an area of over 67,000 square feet, the traffic projections are likely to be substantially overstated. It is very unlikely that a discount store of that size would locate on an interior lot well away from the view of motorists on IL Route 23.

4. Variations—None.

Recommendation:

During the May 10 workshop meeting on the concept plan for this development, the Plan Commission asked if there had been any consideration of selling or leasing space adjacent to the Voluntary Action Center for bus parking by that agency. The annexation agreement is silent on this point, and the Commission may wish to inquire if such an arrangement has been made. The City Manager requests a favorable Plan Commission recommendation with the minor changes outlined above.

B. Consideration of a Petition from Matt MacAlister to Rezone the Property at 247 North Cross Street from “R-2” Two Family Residence District to “R-3” Multiple Family Residence District.

Matt MacAlister recently purchased the property at 247 North Cross. As Lyle Doty’s background memorandum explains, upon the purchase of the property Mr. MacAllister razed a dilapidated single-family residence on the site. Mr. MacAlister is also completing the construction of two duplex structures on the opposite side of North Cross Street.

Mr. MacAlister’s original intention was to subdivide the property at 247 North Cross to construct two similar duplex structures. However, it occurred to him that the total of four units might have a better appearance if attached in a single structure. In order to pursue a four-unit design, the parcel at 247 North Cross Street would have to be re-zoned from “R-2” Two Family Residence to “R-3” Multiple Family Residence. Mr. MacAlister has proposed such a re-zoning.

The lot area—15,902 square feet—would actually support four, 2-unit buildings within the R-2 zoning conditions. The proposed re-zoning would appear to facilitate a more compatible design and one that is consistent with the mixed zoning of the North Cross Street corridor. For example, immediately to the north of the property are the multiple family structures owned by the DeKalb County Housing Authority.

Plan Commission direction is requested.

C. Consideration of a Petition from Milan Krpan for Approval of a Final Plat for Unit Four of the Parkside Estates Subdivision.

The attached final plat depicts 126 detached single family lots and two park areas, Lots 601 and 602. Lot 601 forms the east portion of the larger “hub” park required in the Reston Ponds development. On July 15, 2002, the City Council approved final plats for Units Two and Three of the Parkside estates Planned Unit Development. As the Commission may recall, Unit One consisted of 15 lots in a cul-de-sac at the end of the eastward extension of Fairway Lane, and the approval of Units Two and Three assured that Parkside Drive and its attendant water and sewer mains would be extended from Bethany Road to Fairway Lane.

City Engineer John Brady has reviewed the attached plat and has concluded that it satisfies the City's applicable codes and ordinances. A favorable Plan Commission recommendation is requested.

D. Consideration of a Petition from Dahlko, LLC for Further Revisions to the Amendments to the Annexation Agreement Approved on January 21, 2002 for the Townsend Wood Subdivision.

The City staff lack administrative authority to resolve a dilemma relating to the timing of the completion of certain improvements at the intersection of Mt. Hunger Road and Illinois Route 23. A difference of opinion has recently arisen between the City staff and the developer, Dahlko LLC, regarding the definition of an "improvement." This difference has serious financial and administrative implications. Since the meaning of certain passages in the revised Townsend Wood annexation agreement is at the root of this difference, and since changes in the agreement may be required, the City Manager seeks the direction of the Plan Commission and City Council.

The Townsend Wood annexation agreement was last revised on January 21, 2002. At that time, both the Landahl and Townsend Wood agreements were revised to provide more detailed expectations regarding the completion of road and traffic signal improvements at the corner of Maplewood Drive and IL Route 23, and the corner of Mt. Hunger Road and IL Route 23. The revised Townsend Wood agreement required the following:

- Construction of sidewalks on the commercially zoned property along Maplewood Drive was to be completed by July 1, 2003;
- Installation of temporary amber flashing traffic control signals at the Maplewood intersection;
- Establishment of an irrevocable letter of credit in favor of the City in the amount of 100% of the estimated contract cost of the permanent Maplewood/IL Rt. 23 intersection and traffic signal improvements;
- **Commencement of the reconstruction of the intersection at Mt. Hunger Road and Rt. 23 "triggered" by one of the following:**
 1. **when a total of 275 permits had been issued for the Townsend Wood subdivision, inclusive of townhomes and condos; or**
 2. **when a total of 200 permits had been issued along with permits for the development of 10 or more acres on the commercially zoned property on either side of the Mt. Hunger intersection; or**
 3. **when any resurfacing project on Rt. 23 initiated by IDOT would include the intersection of Rt. 23.**
- Widening and reconstruction of Mt. Hunger Road (except for the final asphalt lift) from a point 500 feet east of the east right-of-way line of Rt. 23 to the east end of the retention pond was to be completed by November 1, 2002;

- Widening and resurfacing (except for the final lift) of the remainder of Mt. Hunger Road to about Hopkins Lane was to be completed by November 1, 2004;
- Installation of the final asphalt lifts on Mt. Hunger Road by November 1, 2005 (or, alternatively, one year after the completion of the Mt. Hunger/Rt. 23 intersection improvements if required).
- Completion of sidewalk improvements on Mt. Hunger Road, either in the conventional form of Portland cement sidewalks on both sides; a widened (10-foot) sidewalk/bikeway on the south side only; or a standard cement sidewalk on the south side only with a separate asphalt bike path from Mt. Hunger Road in a southwest direction through the condo area to the bridge.
- Establishment of a letter of credit in the amount of 100% of the contract cost of the required Mt. Hunger public improvements.

A second amendment to the Townsend Wood Farm agreement was approved by the Council in March 2003 to address improvements on Hopkins Lane.

The aforementioned dilemma pertains to the fact that we are approaching one of the thresholds for the commencement of the Mt. Hunger intersection improvements, namely the issuance of a total of 275 building permits. Because of the active construction pace associated with ARC Design's condominiums, we are about a dozen permits shy of that threshold at this writing. More permit applications are expected during the balance of this construction season.

In behalf of developer Keven Dahl of Dahlko, LLC, attorney Brett Brown recently reasoned in a letter to City Attorney Keith Foster that "upon the occurrence of a triggering event (his client) would be required to commence the required improvements by initiating completion of the final construction plans for the (Mt. Hunger) intersection." It should be noted that a precondition for the submittal of construction plans—the completion of an intersection design study ("IDS")—is in process, meaning that a draft of an "IDS" is under review by the District 2 office of IDOT. If recent history is a guide, the actual approval of construction plans, assuming nearly perfect concurrence between the developer's engineer and IDOT during the plan review process, will not be achieved until the end of the 2005 construction season, according to City Engineer John Brady.

The questions before the Commission include:

- Should the City distinguish between plans and "improvements?" If the answer is "yes," then one can assume that improvements will await IDOT's approval of plans, which may take another year or so.
- If a distinction exists between "plans" and "improvements," should a new revision to the Townsend Wood annexation agreement be approved to allow the City's Building department to continue to issue housing permits beyond the 275 previously authorized?

- How should the developer be held accountable for completion of the desired traffic signal and road improvements at the intersection of Mt. Hunger and IL Route 23?

The Commission may wish to consider the following options:

- a. the establishment of a letter of credit for the Mt. Hunger intersection and traffic signal improvements in the amount of \$500,000. This action would encourage steady efforts on the part of the developer, although it would not necessarily impel IDOT to proceed more expeditiously;
- b. the requirement of a monthly report to the Council by the developer or his representative to keep the Council informed about the process of plan review and approval by IDOT.

Plan Commission direction is requested.

II Workshop Item.

A. Consideration of Chapter 6, Articles 6.6 Through 6.8, in the Proposed Unified Development Ordinance.

The Commission will continue its review of the proposed Unified Development Ordinance with a look at revised landscaping regulations and more familiar off-street parking and sign regulations that are presented in a more graphic framework.

Article 6.6 Landscaping Standards

The City's present landscaping regulations are found in Section 12.07 of the Zoning Code. Their focus is the screening of parking lots. The proposed landscaping regulations address the need for screening parking areas as well, but also identify the need for screening service yards, dumpsters, utility equipment, and a variety of outdoor storage uses in relation to residential uses. In addition, the proposed landscaping regulations point toward the "greening" of parking lots through interior plantings.

A further "new" feature of the proposed landscaping regulations is the first effort to implement the City's advisory "Urban Design Guidelines" (October 2001) by prescribing very specific street landscaping standards and new foundation landscaping guidelines for commercial, industrial and multiple family uses.

Article 6.7 Off-Street Parking and Loading

These regulations likewise run afield of those in the Zoning Code. For the first time there is a systematic and detailed approach to "shared" parking that may arise from more than one commercial use on a lot or in a shopping center. In addition, like the lists of permitted and special uses in Article 5.3, this draft contains tables of uses arranged in a topical fashion to aid the reader in finding familiar uses. The schedule of loading requirements is unchanged.

Article 6.8 Signs

The proposed sign regulations pose no dramatic departures from present regulations in the Zoning Code, but do offer more illustrations and detail.