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**SYCAMORE PLAN COMMISSION MEETING**  
**MINUTES OF JANUARY 12, 2004**

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**CALL TO ORDER AND ROLL CALL**

Chairman John Lewis called the meeting to order and City Clerk Candy Smith called the roll. Those Commissioners present were: George Bridgewater Tom Brotcke, Bill Davey, Pat David, Dave Hamilton, Cindy Henderson, Bill Lorence, Chuck Stowe, Larry Steczo and Chairperson John Lewis. Commissioners Steve Doonan and John McBride were absent. Other staff members present were City Manager Bill Nicklas, City Engineer John Brady, and Commission Attorney Kevin Buick.

**APPROVAL OF MINUTES OF DECEMBER 8, 2003**

**Motion**

Commissioner Lorence moved to approve the Minutes of December 8, 2003 and Commissioner Davey seconded the motion.

**Voice Vote**

Chairman Lewis called for a voice vote to approve the motion. All Commissioners present voted aye. Motion carried 10 - 0.

**APPROVAL OF AGENDA**

**Motion**

Commissioner Brotcke moved to approve the agenda and Commissioner Bridgewater seconded the motion.

**Voice Vote**

Chairman Lewis called for a voice vote to approve the motion. All Commissioners present voted aye. Motion carried 10 - 0.

Commissioner John McBride arrived at 7:03 p.m.

**ACTION ITEMS**

- A. Consideration of a Petition From DeKalb Clinic Chartered for an Amendment to the Annexation Agreement Between the City of Sycamore and DeKalb Clinic Chartered, Dated October 20, 1999.**

City Manager Nicklas said this would define reciprocal responsibility between DeKalb Clinic Chartered and the North Grove Crossing P.U.D. property, now owned by Dave Fagenal, regarding provisions for a north-south road running along the eastern boundary of the property. He said the provisions are as follows:

- a) The DeKalb Clinic will donate the land for the right-of-way for that portion of Luther Lowell Drive that runs north and south along the east boundary of the Clinic property;
- b) The developer, John Clare, or its successors and assigns, will pay for the entire cost of the construction of that portion of Luther Lowell Drive that is contiguous with the Clinic property;

- c) The DeKalb Clinic will pay for the lesser of \$30,000 or 40 percent (40%) of the cost of the intersection improvements at Luther Lowell Drive and Plank Road, including a turn lane and widening of Plank Road;
- d) The DeKalb Clinic will pay up to 50 percent (50%) for any future traffic signals at the intersection of Plank Road and Luther Lowell Drive, once warrants are established.

Mr. Nicklas said City staff wants this understanding memorialized as the source for funding.

**Motion**

Commissioner Lorence moved to approve a favorable recommendation and Commissioner Hamilton seconded the motion.

**Roll Call Vote**

Chairman Lewis called for a roll call vote to approve the motion. George Bridgewater, Tom Brotcke, Bill Davey, Pat David, Dave Hamilton, Cindy Henderson, Bill Lorence, John McBride, Chuck Stowe, Larry Steczo and Chairperson John Lewis voted aye. Motion passed 11 - 0.

**B. Consideration of a Petition from John Clare for an Amendment to the Annexation Agreement Between the City of Sycamore and John Clare, LTD. and the Kocher Trusts #102 and #102, Dated May 19, 2003.**

Manager Nicklas explained this as the other side of the understanding as well as a revised preliminary plat to reflect the following changes:

- a) A reconfiguration of the relationship between house lots 1 through 8 and the commercially zoned Kocher farmstead. On the original plan, the house lots backed up to the commercial zoning and the roadway ran between the houses and the park. In the revised plan, the lots are separated from the commercial zoning by the roadway, and the house lots now back up to the park. The staff believes this revision will reduce potential conflicts between the commercial and residential zoning districts and afford a safer access to the interior park from the adjacent house lots.
- b) A separate preliminary plat is created to give more definition to the R-3-zoned townhouse area. Brian Grainger, a local builder, who introduced himself to the Commission on December 8, will be working with Dave Fagenal to build the townhouses. Now that more extensive engineering has been completed, typical layouts have been refined. There are 110 townhouses on 15.64 acres for a gross density of 7.03 units per acre. The original plan showed 106 townhouses on 10.83 acres, or a gross density of 9.79 units per acre. The two interior roads, Buckboard Lane and Overland Road, will be privately owned and maintained.
- c) The overall gross density of the combined townhouse and single-family development areas is 2.84 units per gross acre (164 single family detached; 110 townhouses on an acreage of 96.275 acres), slightly less than the original gross density of 2.98 units per gross acre.

**Motion**

Commissioner David moved to approve a favorable recommendation and Commissioner Brotcke seconded the motion.

**Roll Call Vote**

Chairman Lewis called for a roll call vote to approve the motion. George Bridgewater, Tom Brotcke, Bill Davey, Pat David, Dave Hamilton, Cindy Henderson, Bill Lorence, John McBride, Chuck Stowe, Larry Steczo and Chairperson John Lewis voted aye. Motion passed 11 - 0.

**C. Consideration of a Petition from Charles Laing for a Final Plat for the Willows Subdivision.**

Manager Nicklas explained this final plat comprised the entire development featuring 90 attached townhouses and 288 one-or two-bedroom apartments.

Commissioner Lorence asked why common areas were shown where the future Airport Road will go and Engineer Brady said they could show reserve for future right-of-ways. Mr. Lorence said there is a reserve plat already on file, and this plat must show the reserve right-of-ways.

**Motion**

Commissioner Bridgewater moved to approve a favorable recommendation with reserve right-of-ways shown and Commissioner Brotcke seconded the motion.

**Roll Call Vote**

Chairman Lewis called for a roll call vote to approve the motion. George Bridgewater, Tom Brotcke, Bill Davey, Pat David, Dave Hamilton, Cindy Henderson, Bill Lorence, John McBride, Chuck Stowe, Larry Steczo and Chairperson John Lewis voted aye. Motion passed 11 - 0.

**D. Consideration of a Petition from Norm Adshade and Castle Bank, N.A. Trust No. 2169 for a Special Use Permit and Resubdivision of the Duplex Lot at 1633 Oak Lane and 2207 Highland Drive in Sycamore, Illinois.**

Manager Nicklas said Mr. Adshade needed this special use in order to sell each of the duplex units in fee simple.

**Motion**

Commissioner Lorence moved to approve a favorable recommendation and Commissioner Bridgewater seconded the motion.

**Roll Call Vote**

Chairman Lewis called for a roll call vote to approve the motion. George Bridgewater, Tom Brotcke, Bill Davey, Pat David, Dave Hamilton, Cindy Henderson, Bill Lorence, John McBride, Chuck Stowe, Larry Steczo and Chairperson John Lewis voted aye. Motion passed 11 - 0.

**E. Consideration of a Petition from Kishwaukee Health Systems for a Plat of Subdivision for a Nine-Lot Commercial Subdivision on Gateway Drive.**

Manager Nicklas said Kishwaukee Health Systems is interested in developing this small commercial subdivision for health-related uses. He said this initiative is welcome.

Commissioner Brotcke asked if it is their intent to connect Gateway Drive to Oakland Drive and Mr. Nicklas said eventually there would be a connecting street.

## **Motion**

Commissioner Bridgewater moved to recommend a favorable recommendation and Commissioner Davey seconded the motion.

## **Roll Call Vote**

Chairman Lewis called for a roll call vote to approve the motion. George Bridgewater, Tom Brotcke, Bill Davey, Pat David, Dave Hamilton, Cindy Henderson, Bill Lorence, John McBride, Chuck Stowe, Larry Steczo and Chairperson John Lewis voted aye. Motion passed 11 - 0.

### **F. Consideration of a Petition from B&B Development L.P. for the Annexation, Rezoning, and Planned Development of 366 Acres Along Plank Road, to be Known as Sycamore Creek, Phase Two.**

Manager Nicklas said this plan envisions what has been discussed in recent months in concept form and was presented in a very general way at Council level because it originally was conceived at twice this size. He said the traffic patterns, retentions issues, density issues, and fiscal impact have been addressed. Mr. Nicklas reviewed the principal terms of the agreement as follows:

1. The Name. At the Plan Commission meetings of November 10 and December 8, the proposed development was known as "Harvest Lakes." In keeping with the Comprehensive Plan's preference for a gateway development on the northeast side that suggested one is arriving in "Sycamore," the staff and the developer have cooperated on a change in name to "Sycamore Creek, Phase Two." The subdivision name "Sycamore Heights" has already been taken. "Sycamore Creek" has been taken, as well, but since this development proposal can be seen as an extension of Sycamore Creek in style, layout, and amenities, since the two development areas are under common ownership, and since any other "Sycamore" names carry the potential for confusion at the City's planning edge, "Sycamore Creek" seemed the logical name. For legal purposes, the name of the subdivision will be "Sycamore Creek Phase Two (similar to Mr. Krpan's successive "Grandview" subdivisions). To the observer, there would be a unified entry scheme with "Sycamore Creek" on the upscale entry features that will eventually be built along Plank and Lindgren Roads.
2. The agreement runs for twenty years.
3. The eventual development of the "R-3" zoned property for townhouses shall only be permitted after a public hearing to consider a mini-development plan for such acreage.
4. The developer shall provide an irrevocable letter of credit for the public improvements on the site.
5. The developer shall donate 22.09 acres for a school site. In addition, the developer shall voluntarily contribute \$750 per lot to the Sycamore School District over and above the impact fee per lot, as it may be amended during the life of the agreement. The net combination of these contributions, not including impact fees as they may change over time, is \$2,855,900 (22.09 acres x \$110,000 = \$2,429,900; plus \$750 x 568 = \$426,000). By way of comparison, the net Sycamore Creek voluntary contribution for 352 single-family homes was \$606,000, excluding impact fees. The Sycamore Creek formula was calculated as follows: the developer got a land credit for 7.04 acres of \$528,000 [7.04 x \$75,000 per acre]; the District got an offsetting contribution of \$528,000 [\$1,500 per lot x 352 lots]; and the developer donated the remaining 8.08 acres for the school site [8.08 x \$75,000 = \$606,000].
6. Impact fees shall be assessed at the rate in effect at the time a permit is issued, allowing the rates to float upward over time as the City Council determines their appropriate levels, with the advice of local taxing bodies. At the rate recently proposed by School Superintendent Bob Hammon for a four-bedroom house, the school impact fee revenue from this development would yield an additional \$2,701,976 (\$4,757 x 568). Assuming the proposed fee of \$4,757 per four-bedroom home is enacted in the coming

months, it will represent an increase of \$1,893 (66%) over the April 2002 level of \$2,864 per four-bedroom home. If we assume a conservative increase of 10% per year until 2010, the School impact fee per four-bedroom single family detached home would be \$7,611. Given this assumption, it would be more realistic to assume that the developer is assuring the City that the development might generate at least an additional \$4,323,048 in School impact fees after permitting begins in 2010.

7. The developer shall donate 18.90 acres of public park space to the Park District, with a value of about \$2,079,000 calculated on the current basis of \$75,000 per acre of developed land suitable for neighborhood park purposes. According to the Park fee ordinance, the developer is required to dedicate, not donate, land. In the event that the District does not want to develop park space in the subdivision, the developer must make a cash contribution.

Based on consultation with Park Director David Peek, the developer will likely be asked for a land donation since the likely population of the proposed subdivision justifies significant public park space. How much space is required? The dedication requirement is 11.5 acres per 1,000 population. Using the ordinance formula of 3.5 persons per single family detached home and 2.25 persons per two-bedroom townhouse, the overall land requirement is 24.93 acres ( $3.5 \times 568 = 1,988$  plus  $2.25 \times 80 = 180$ , or a total of 2,168, at 11.5 acres per 1,000 population, the total is  $2.168 \times 11.5 = 24.93$ ). Since *the developer is not asking for a "credit" for the 18.9 acres donated, and is offering to provide the park space fully built rather than in a raw shape*, it is not likely that the District will expect the developer to donate additional acreage. The Board will review the developer's proposal on January 20.

If the negotiation is carried forward on the basis of the cash value of dedicated land per the ordinance, the developer's credit would be 18.9 times \$75,000 = \$1,417,500. The dedication required by the District in this instance would be 24.93 acres, with a value of \$1,869,750 according to the impact fee ordinance ( $24.93 \times \$75,000 = \$1,869,750$ ). The developer would typically "owe" 6.03 acres, or \$452,250. But since the developer in this case is donating the land and saving the District the "credit", the developer is actually contributing a net value of \$965,250 if all of the proposed donated land is accepted by the District.

8. The developer shall donate a 4.55-acre site at the northwest corner of the development, abutting Whipple Road, for a future City water tower.
9. The developer shall contribute \$750 per lot or a value of \$426,000 ( $568 \times \$750$ ) to the City to offset the cost of future City services to the development.
10. Roadways. The developer will be responsible for all improvements to Lindgren Road to the easternmost portion of the Sycamore Creek Phase One frontage. Lindgren Road will be reconstructed to urban standards along this stretch, with a width that is 35 feet measured from the backs of the facing curbs.
11. Bike Paths. The developer has the option of building standard sidewalks along both sides of Lindgren Road, or creating a 10-foot wide bituminous bike path/sidewalk with an additional five feet of dedicated right-of-way to create a sufficiently wide parkway. A series of additional 10-foot wide paths will course through the subdivision (see the preliminary plat) to afford connections for walkers or bicycle enthusiasts with the public and private parks, as well as the original Sycamore Creek planned development to the south. In all, 3.9 miles of bike paths will be constructed according to the plan.
12. Recapture. The intersection on Plank Road that is roughly halfway between the realigned Lindgren Road and Moose Range Road will be the subdivision's main entrance. It will also serve as a major outlet for contiguous land areas over time. Accordingly, the developer will be allowed to recover 25% of the intersection costs from the developers of the Wallis/Mapes farms and 25% from whoever develops the 284-acre Wolfenberger parcel to the east.

13. Signals. The developer will also pay a pro rata share of any signal costs, when warranted, at the main subdivision entrance at Plank Road (Springfield Street). The cost will be determined by the percentage of traffic generated by the development at the intersection.
14. Water and Sewer main extensions. Section 7 details the developer's responsibility for water and sewer main extensions. To avoid the surcharging of City sewer mains with storm water before houses are weather-tight, Section 7.7 recapitulates the City's new policy of requiring builders to use sewer ejector units in basements if they wish to connect the building drain to the City system in the early stages of construction.
15. Variations. There are no proposed variations from City policies or practices.

Chuck Hanlon of Land Vision said he was joined by Ken Blood and Patrick Griffin of B & B Development, John Wills, project engineer, and Tom Halstune, a consultant on the project. Mr. Hanlon presented slides of the proposal. He said there were 568 single-family lots with a minimum lot size of 10,000 square feet and 13 acres would be zoned R-3 for townhomes. The plan dedicated 77 acres of private parks and open space, 18.9 acres of public parks, 22.09-acre school site, and a water tower site for the City. He said they had planned around the intersection provisions written to reconfigure Plank Road. Mr. Hanlon said they had linked the parks with bike trails and some of the trails would be within the right-of-way of a street with trees between the trail and the street. He said this development would not be able to acquire a building permit for 6 years after approval and then would buildout at 75 units per year.

Commissioner Lorence suggested reserving a right-of-way to connect roads after the realignment of Plank Road. Mr. Hanlon said he could add that into the plan.

Commissioner McBride inquired if the retention around the school site was wet or dry and Mr. Hanlon said they would be pre-engineered and pre-constructed by the developers and they would be willing to work the School District regarding their preferences.

Chairperson Lewis opened the meeting to audience comment.

Ann Thompson, 15350 Whipple Road said her property was next to the water tower sight and she thought this development was too aggressive. She said she thought it would be irresponsible to approve the development before the curve in Plank Road was realigned.

Carolyn Watson, 1863 Kerrybrook Court, said that petitions with 1,028 signatures have been submitted for referendum to defer the approval of anymore housing development for a period of 7 years and asked Plan Commission to refrain from approving any further expansion until the voters have the opportunity to advise them. Ms. Watson said she felt the public notices were published on Christmas Eve and last Friday and she felt the City was acting "sneaky."

Chairperson Lewis clarified that this item has been on the Plan Commission agenda since October and has been discussed for 4 months.

Robert Cizarre, Plank Road, said he was not aware of this development until he received the City's notice in the mail. He said he did not understand how the City could take farmland to build houses. He said he would like to be called when there is a meeting of this nature.

Doug Morgan, Plank Road, said he just bought his property and said he could have animals and wondered if the City would change his zoning. Chairperson Lewis said the City would only zone what was inside the corporate

limits. Mr. Morgan asked if it would be a problem if he built a barn and raised hogs and Mr. Lewis said that would be a county issue. Commissioner Lorence said he cannot raise hogs at his address because it is located too close to his neighbors to comply with EPA regulations.

David Larson, 27707 Moose Range Road, said he enjoys his private life and wondered if this would impact his A-1 zoning. He said his zoning might allow uses that might not be consistent with the proposed plan.

Chairperson Lewis reiterated that any existing zoning outside the proposed subdivision would remain the same.

Peter Barick, 433 W. High Street, said he learned of the project recently through the real estate transition notices in the newspaper. He said the seven men listed in the Wolfenberger transaction were actually B & B Development and he thought that by using their names they were disguising the purpose of the sale. Mr. Barick said that impact fees are too low and therefore encourage growth and a 20-year project is too long. He said that according to the Mayor the City has enough development in the pipeline to keep contractors busy for six years.

Scott Short, 1742 Briggs Street, said he hoped the Plan Commission could assure the impact fee and voluntary contributions are in line with other communities. Mr. Short read excerpts from the Comprehensive Plan regarding bike path width and the desired look of Sycamore and said he did not think the new developments followed the plan.

Ross Niebergall, 27561 Moose Range Road, said he lives right on the Plank Road curve and since the curve signs have been installed accidents have decreased. Mr. Niebergall said he thought it was time to relax for a few years to see how the City handles the current buildout.

Mr. Hanlon asked that it be kept in mind that the development would not begin for 6 years and the fastest it could buildout would be 13.5 years. He said that the City had worked diligently at many public meetings towards a growth management policy that is in effect now. Mr. Hanlon said regarding inuendo to cookie-cutter development, B & B strives to avoid that by working with a variety of semi-custom builders – many of which are local.

Manager Nicklas said he had deferred his recommendation until people had had the opportunity to comment. He said he wanted to address a couple of questions and misconceptions about how the City will deal with the current development on the books and future developments. He said they spent the summer months working with that challenge and assigned limitations on buildout in an ordinance adopted by Council in September 2003. He said that impact fees can be raised during the life of an agreement, but the fee must be able to be legally defended. He said he hoped people would linger to hear the attorney talk about the legal parameters of impact fees. Mr. Nicklas said that Sycamore has a growth management program with inventory control. He said the plan complies with our Comprehensive Plan and Regulatory Ordinance and recommended passing this proposal on to Council favorably.

Chairperson Lewis added that impact fees were paid at time of permitting.

Commissioner McBride said that since the City has in place the permitting pace regulation with postponement of permitting and if the City is inclined to annex, the School District feels this is the type of development they are in favor of because of the additional voluntary contributions. Mr. McBride said he would vote in favor of a favorable recommendation.

Commissioner Steczo said that B & B has been and is generous to the Park District in going above and beyond ordinance. He said they would ideally want a 200-acre park, but since they do not see that happening they appreciate the satellite parks of 5 to 10 acres. He said he would vote yes to recommend this plan to Council.

Commissioner David said she would be concerned also if she was hearing of this for the first time, but she said this is a public body and this project has been out here for several months. Ms. David said they worked hard at regulating and striking a fair balance between the developers, builders, and no-growth groups.

**Motion**

Commissioner David moved to approve a favorable recommendation to City Council and Commissioner Henderson seconded the motion.

**Roll Call Vote**

Chairman Lewis called for a roll call vote to approve the motion. George Bridgewater, Bill Davey, Pat David, Dave Hamilton, Cindy Henderson, Bill Lorence, John McBride, Chuck Stowe, Larry Steczo and Chairperson John Lewis voted aye. Tom Brotcke voted nay. Motion passed 10 - 1.

Chairperson Lewis thanked the Commission for their thought and deliberation given to this issue over the past several months. He also thanked the Community for their willingness to attend meetings and share their opinions.

**G. Consideration of a Petition from John Castle for a Preliminary Plat for Heron Creek Townhomes, Unit Two.**

Manager Nicklas said this 4.45-acre section of Sycamore Creek was zoned and designated for townhouses in August 2002. He said Mr. Castle's Heron Creek Townhomes, Unit One is adjacent to the west of this parcel. He said these townhomes will be consistent with the established loop of the area and will result in a looped access arrangement that serves the present and future townhouses.

**Motion**

Commissioner Davey moved to approve a favorable recommendation and Commissioner Lorence seconded the motion.

**Roll Call Vote**

Chairman Lewis called for a roll call vote to approve the motion. George Bridgewater, Tom Brotcke, Bill Davey, Pat David, Dave Hamilton, Cindy Henderson, Bill Lorence, John McBride, Chuck Stowe, Larry Steczo and Chairperson John Lewis voted aye. Motion passed 11 - 0.

**H. Consideration of a Petition from Hickory Terrace, L.L.C., Bruce Leonard, Timothy Clark and Laura Clark for Annexation of the Property at the Southeast Corner of Peace Road and Freed Road, a Zoning Classification of "R-1" One Family Residence District and "R-3" Multiple Family Residence District, and a Special Use Permit for a Planned Unit Development.**

Manager Nicklas recommended a continuation of the public hearing opened on December 8 until the February 9 Plan Commission meeting because issues between the petitioner and the Born family have not been resolved.

## **Motion**

Commissioner Lorence moved to continue the public hearing until February 9, 2004 and Commissioner Steczo seconded the motion.

## **Roll Call Vote**

Chairman Lewis called for a roll call vote to approve the motion. George Bridgewater, Tom Brotcke, Bill Davey, Pat David, Dave Hamilton, Cindy Henderson, Bill Lorence, John McBride, Chuck Stowe, Larry Steczo and Chairperson John Lewis voted aye. Motion passed 11 - 0.

### **I. Consideration of a Petition from Kevin Wynn for the Annexation, Rezoning and Preliminary Plan for a Townhouse Development Known as Prairie Ridge Townhomes on Coltonville Road.**

Manager Nicklas said this was discussed in concept form the possible development of a 5-acre site, previously known as Total Lawn Care, for townhouse purposes. He said they now have a preliminary plan with the following features:

- Nine, 4-unit buildings for a total of 36 units on a 5.02-acre site, or a gross density of 7.17 units per acre.
- The units would be served by privately owned and maintained streets.
- A total of 26 guest parking spaces are provided, or .72 spaces per unit. The minimum expectation has recently been around .75 spaces per unit (e.g. Roncon; Castle, etc.).
- A detention area is located at the northwest corner of the property.
- Sidewalks are to be provided along the Coltonville Road frontage.
- No open space for organized recreation is shown.
- There is a 25-foot setback from the west and east parcel lines.
- There is no entry feature or turn lane shown.

Mr. Nicklas stressed that the detention must be engineered to do a better job than the current detention. He said the staff recommends a favorable recommendation. Mr. Nicklas said because of the previous use as a trucking firm with fuel tanks, Mr. Wynn has completed a Phase I and Phase II environmental report that found no underground storage tanks.

Jim Stoddard, 122 S. Locust Street, said he was representing the petitioner and would be available for questions. Mr. Stoddard added that Mr. Wynn had agreed to voluntarily pay the difference between the existing and the newly proposed school impact fees

Commissioner Lorence asked what the purpose of the proposed easement through the middle of the property and Mr. Wynn said it was an existing easement.

Kevin Wynn, 12326 North Grove Road, said he also offered to donate to the school district a small piece of property adjacent to the middle school.

Commissioner Henderson asked about access and Mr. Stoddard said the entry would remain as it exists now.

Chairperson Lewis asked for audience comment.

Carl Wallin, 2211 Coltonville Road, said he owned property to the north and east and said he hoped they would address the water problem. Mr. Stoddard said it was Mr. Wynn's intention to correct the problem and the engineering would have to be approved by City staff.

## **Motion**

Commissioner Brotcke moved to approve a favorable recommendation and Commissioner Bridgewater seconded the motion.

Commissioner McBride said he would abstain until the formal proposal was taken up by Mr. Hammon and a letter was written.

## **Roll Call Vote**

Chairman Lewis called for a roll call vote to approve the motion. George Bridgewater, Tom Brotcke, Bill Davey, Pat David, Dave Hamilton, Cindy Henderson, Bill Lorence, Chuck Stowe, Larry Steczo and Chairperson John Lewis voted aye. Commissioner John McBride abstained. Motion passed 10 – 0 - 1.

## **Workshop Items**

### **A. Consideration of a Concept Plan from Pacific Midwest Homes for the Development of 96.54 Acres North of Bethany Road, to the East of the Entrance to Krpan's Parkside Estates.**

Manager Nicklas said this parcel was an infill area in the City's Comprehensive Plan zoned for residential development. Mr. Nicklas said this infill area is mostly floodplain and only about 31 of the 96 acres could be developed. He said that as presently drawn, they would need to dig the east ditch line substantially deeper to remove a number of lots from the floodplain and to provide adequate detention volume outside the floodplain.

Commissioner Lorence asked if the City required 110% mitigation and Engineer Brady said typically 1 to 1.

Michael Mondus, P.E., Spaceco Inc., 9575 W. Higgins Road, Rosemont, IL, said he was joined by George Haviar of Pacific Midwest Homes. He said the plan proposed 87 single-family homes on an average lot size of 11,400 square feet. He said the sales prices would range from \$290,000 to \$350,000. Extending Joan Place and Schmidt Lane would provide the roadway access and there would be no access off Bethany Road. He said they proposed storm water detention in a centralized basin in the southeast corner, public sanitary sewer and water main will be extended from existing stub locations in Parkside Estates, and the Park District has indicated acquiring the flood plain and flood way. Mr. Mondus said he thought this development should be viewed as infill because the roadway and infrastructure have been provided.

Commissioner Lorence said they had discussed ambiance and vista along the road adjacent to the floodplain and asked if they should insist on that. Chairperson Lewis said they had discussed single-loaded streets on the east side of the area to preserve the view for the public.

Commissioner David said she thought the proposal was too dense and the lots were too small for a smooth transition to surrounding developments.

Commissioner Davey said he thought they were discouraging 9,000 square-foot lots.

Commissioner Stowe said he also thought the lots were too small to match the existing lots.

Commissioner McBride inquired about Mr. Nicklas' recommendation comments in his background and said that from a School District standpoint, they preferred larger developments. He said these smaller developments would add to the bulge of existing buildout.

Mr. Nicklas said that in deference to the petitioner, this would be considered infill. He said the challenge for the Plan Commissioners is whether they want to add numbers to the inventory before 2008. He said that at staff level, they are ready to enforce the regulatory ordinance by not adding to the inventory before 2008. He said this project, if approved, could begin in 2005 or 2006. He said he is anticipating hiring another inspector after May 1, 2004 to enhance the City's ability to continue quality inspection as it will increase over the next two years. He said that regarding this project, he thought timing was the key and perhaps this might not be the time for this development.

Commissioner Bridgewater said the City is looking for quality, not quantity, and this is not the time for this development.

Commissioner Steczo said he would like to see a road connecting Somonauk Road with Airport Road between Route 64 and Bethany. He said he wants access to softball diamonds and he said the southern section of town needs access to the park. Mr. Nicklas said there will be a walking path to the park through Parkside Estates at some undetermined time.

Chairperson Lewis said this should be connected by at least foot access to Parkside Estates and the main Park.

Commissioner Stowe said he did not think the proposed design is acceptable. He said the lots should be bigger and the street should be single-sided.

Chairperson Lewis summarized the issues as single-loaded streets on the east side of the property, access to Parkside Estates and the Park plus circulation throughout the subdivision through a bike path, lot size, and lots 15-22 and 31, 32, 35 building into flood plain.

Commissioner McBride said he would like to pursue the discussion regarding smaller development criteria.

Chairperson Lewis asked for background regarding the Commission's latitude for ability to deny if the proposals meet the City's subdivision codes. He asked about the legality of turning down this type of proposal.

Mr. Nicklas said the development ordinance cannot be ignored, but he would conduct a brief workshop to discuss whether the Plan Commission follows the ordinance.

Chairperson Lewis said the Commissioners should know the legal parameters of denying a proposal that meets development codes.

Mr. Haviar said he understands the single-sided issue, but asked if it would be acceptable to eliminate portions of lots for parking. Chairperson Lewis said that would be an improvement, but Commissioner David said it would not be acceptable.

**B. Consideration of a Report From City Attorney Kevin Buick Concerning the Legal Parameters Surrounding the Imposition of Impact Fees in the State of Illinois.**

Mr. Nicklas said it is budget time and there are several departments that are development related and said regarding the previous workshop, he could not envision in good faith adding to the buildout until the bulge had relaxed.

Mr. Nicklas said another concern is the legal parameters of impact fees in the state of Illinois.

Kevin Buick explained that impact fees have been around in some form since the 1920's and they are designed to defray the cost of providing facilities for growth. He said in Illinois the key phrase is "impact fees must be specifically and uniquely attributable to a developer's activities that otherwise would be cast upon the public." Mr. Buick cautioned against adopting impact fees as a growth control measure. He said a fee is the recovery for cost for services over time. Mr. Buick cited case studies and concluded that Illinois Courts still look at whether they are specifically and uniquely attributable to the developer's activity. He said that Illinois is more restrictive than some other states, yet the Supreme Court is setting the groundwork to soften the requirement. Once again, Mr. Buick cautioned using impact fees to bar development.

Commissioner Lorence asked if Home Rule gave more latitude and Mr. Buick said yes it does, in that a non Home Rule municipality was not allowed to impose school impact fees for capital improvements.

Chairperson Lewis said that the Land-Cash Ordinance has been upheld in court in Illinois and asked if Mr. Buick could summarize his report to paper for review.

Chairperson Lewis allowed public comment.

Scott Short, 1742 Briggs St., said he did not think increasing impact fees was for growth management, he said he wanted to increase them so he was not subsidizing new development.

Tom Meyer, 1318 John St., said when the City wanted the school to approve the tax abatement for CCI, the School Board was questioning the legality of it and the argument was that nobody follows that law in Illinois. Mr. Nicklas said that was incorrect. Mr. Nicklas said the argument was that the interpretation of 101 out of 102 counties in Illinois did not regard it as the School Board was being advised. Mr. Meyer said he did not understand why Sycamore was not joining other Illinois communities in increasing impact fees to cover the cost of new development.

Chairperson Lewis said that Plan Commission was not responsible for dealing with impact fees. Mr. Lewis said impact fees, transition fees, land cash ordinances were not the same thing so they needed to be aware of the definitions.

## **REPORTS**

None

## **PERSONS TO BE HEARD FROM THE FLOOR ON OTHER THAN AGENDA ITEMS**

None

## **ADJOURNMENT**

**Motion**

Commissioner Stowe moved to adjourn the meeting at 9:40 p.m. Commissioner Steczo seconded the motion.

**Voice Vote**

Chairman Lewis called for a voice vote to approve the motion. All Commissioners present voted aye. Motion carried 11 - 0.

Approve:

\_\_\_\_\_  
Chairman – John Lewis

Attest:

\_\_\_\_\_  
Candy Smith, City Clerk