
SYCAMORE PLAN COMMISSION MEETING
MINUTES OF APRIL 12, 2004

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: Tom Brotcke, George Bridgewater, Bill Davey, Pat David, Ken George, Bill Lorence, John McBride, Dave Hamilton, Cindy Henderson, Larry Steczo, Chuck Stowe and Chairperson John Lewis. Other staff members present were City Manager Bill Nicklas, City Engineer John Brady, Building Commissioner/Zoning Officer Lyle Doty and Commission Attorney Kevin Buick.

APPROVAL OF MINUTES OF MARCH 8, 2004.

Motion

Commissioner Lorence moved to approve the Minutes of March 8, 2004 and Commissioner David seconded the motion.

Voice Vote

Chairman Lewis called for a voice vote to approve the motion. All Commissioners voted aye. Motion carried 12-0.

APPROVAL OF AGENDA

Motion

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

Voice Vote

Chairman Lewis called for a voice vote to approve the motion. All Commissioners voted aye. Motion carried 12-0.

CONSIDERATIONS

A. Consideration of a Petition from Wiseman-Hughes Enterprises for a Final Plat for Unit 2 of the Reston Ponds Planned Unit Development.

Manager Nicklas explained that Unit 2 contains 101 single-family house lots, lot 399 includes 11 acres for park purposes, and lots 395, 400, 401, 402, and 413 are unbuildable open spaces to be maintained by the homeowners' association. Mr. Nicklas suggested the Plan Commission designate the hub park on lot 399 as "Stapleton Park" and urge the developer to cooperate in implementing the proper naming features. He said the late Gary Stapleton served on the Plan Commission and was instrumental in reserving that space for the recreational use of future generations.

Commissioner Lorence said he remembered discussing naming the Park after Gary Stapleton when Reston Ponds was annexed.

Motion

Commissioner Lorence moved to name the park at Lot 399 "Stapleton Park" and Commissioner David seconded the motion.

Roll Call Vote

Chairman Lewis called for a roll call vote to approve the motion. Commissioners George Bridgewater, Tom Brotcke, Bill Davey, Pat David, Ken George, Dave Hamilton, Cindy Henderson, Bill Lorence, John McBride, Larry Steczo, Chuck Stowe and Chairperson John Lewis voted aye. Motion passed 12 - 0.

Commissioner McBride said they had asked the developer to remove "Enclave" from the name of the development and asked at what point the marketing would subscribe to the annexation agreement.

Jason Home, 925 E. 22nd Street, Wheaton, IL said he understood it was only used for marketing purposes and the entrance sign would not use "Enclave."

Commissioner McBride said he thought it was inappropriate to associate "Enclave" with Sycamore.

Motion

Commissioner Lorence moved to approve a favorable recommendation with the name of "Stapleton Park" on the plat and Commissioner Hamilton seconded the motion.

Roll Call Vote

Chairman Lewis called for a roll call vote to approve the motion. Commissioners George Bridgewater, Tom Brotcke, Bill Davey, Pat David, Ken George, Dave Hamilton, Cindy Henderson, Bill Lorence, John McBride, Larry Steczo, Chuck Stowe and Chairperson John Lewis voted aye. Motion passed 12 - 0.

B. Consideration of a Petition from B&B Development, Inc. to Amend the Heron Creek Annexation Agreement to Convert the "R-3" Multiple Family Residence District in Unit 6, North of the DeKalb Clinic Site on Plank Road, to "R-1" One Family Residence District.

Manager Nicklas explained that the 7.946-acre parcel in the northeast quadrant of Heron Creek is presently zoned "R-3" Multiple Family Residence District. He said the developer is proposing to rezone that area to "R-1" One Family Residence District to allow for 15 detached single family lots because it would be more compatible with the adjacent single family lots.

Commissioner Lorence said he remembered that possibility being reserved in the annexation agreement discussion.

Motion

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

Roll Call Vote

Chairman Lewis called for a roll call vote to approve the motion. Commissioners George Bridgewater, Tom Brotcke, Bill Davey, Pat David, Ken George, Dave Hamilton, Cindy Henderson, Bill Lorence, John McBride, Larry Steczo, Chuck Stowe and Chairperson John Lewis voted aye. Motion passed 12 - 0.

C. Consideration of a Petition from Lyle Hyatt and Company for a House Moving Permit.

Manager Nicklas said Everett Hyatt of Lyle Hyatt & Company has requested a special house moving permit to relocate a single family house from Barber Greene Road, east of Somonauk Street, to the Janet Johnson farm at 15550 Bethany Road, east of Somonauk Street, on May 4, 2004. He said according to Code the Plan Commission must review house moving permit applications before they are forwarded to Council in order to determine whether the move would alter the character of a neighborhood. The Building Department is accountable for confirming that all affected utilities and law enforcement agencies have been notified and are in agreement. Mr. Nicklas said the move would disrupt traffic on Somonauk Road and cooperation will be needed with local and county law enforcement agencies as well as Com Ed.

Motion

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

Roll Call Vote

Chairman Lewis called for a roll call vote to approve the motion. Commissioners George Bridgewater, Tom Brotcke, Bill Davey, Pat David, Ken George, Dave Hamilton, Cindy Henderson, Bill Lorence, John McBride, Larry Steczo, Chuck Stowe and Chairperson John Lewis voted aye. Motion passed 12 - 0.

D. Consideration of a Plat of Dedication for Luther Lowell Lane.

Manager Nicklas said Plat of Dedication is for roadway purposes only. He said it is the portion of the lane in the annexation agreement amendments to DeKalb Clinic Chartered and North Grove Crossing.

Commissioner Lorence said he was not pleased with the alignment, but he could live with it.

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. Commissioners George Bridgewater, Tom Brotcke, Bill Davey, Pat David, Ken George, Dave Hamilton, Cindy Henderson, Bill Lorence, John McBride, Larry Steczo, Chuck Stowe and Chairperson John Lewis voted aye. Motion passed 12 - 0.

E. Consideration of a Plat of Dedication for Oakland Drive, Dosen Drive and Wirsing Parkway.

Manager Nicklas said this Plat of Dedication is for roadway and utility purposes. He proposed they name the east leg of the roadway after the late David Wirsing, who served our community from 1993 to November 2003.

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. Commissioners George Bridgewater, Tom Brotcke, Bill Davey, Pat David, Ken George, Dave Hamilton, Cindy Henderson, Bill Lorence, John McBride, Larry Steczo, Chuck Stowe and Chairperson John Lewis voted aye. Motion passed 12 - 0.

I. Workshop Items

A. Third Consideration of a Concept Plan for the Development and Rezoning of Lot 5 of Blain's Farm and Fleet Subdivision.

Manager Nicklas explained that Territorial Development of Batavia, represented by Randy Yock, has requested a third and final consideration to rezone Lot 5 of Farm & Fleet Subdivision from "C-3" Highway commercial to "R-3" Multiple Family. The Plan Commission, on two prior attempts, said they did not want to reduce the limited commercial zoning and also, felt the development was too dense. Mr. Nicklas said Mr. Yock had polled the surrounding residents in the nearby neighborhood to assess their opinion of the most desirable use of Lot 5.

Doug Vandemark, 401 Franklin, Geneva, IL, said he was representing Mr. Yock. He said Mr. Yock has stayed in contact with the realtor trying to market Lot 5 as commercial and there has been no interest. Mr. Vandemark said that neighborhood association representatives would speak on behalf of the proposed townhouse.

Steve Lane, Kephart Architects, 770 Sherman, Denver, CO 80203, said he has been working in the greater Chicago land area for years. He said Mr. Yock approached his firm to design townhomes for the site and asked to keep them affordable. Mr. Lane said the 4.6-acre lot would house 40 units ranging from 12,000 to 15,000 square feet. He said alleys are designed to keep the garage fronts off the streets. Mr. Lane said this residential development would generate more property tax than an office building. He said with the property's setback, the visibility is not good for commercial.

Chairperson Lewis asked with the front doors facing each other, where is the visitor parking. Mr. Lane said guest parking is along the side with 2.75 spaces per unit.

Commissioner Davey asked if there was a driveway and Mr. Lane said there would be no parking in the driveway, but each unit would have a 2-car garage.

Mary Rita Nelson, President of Foxpointe Association, said her association voted unanimously to support this development. She said this development would buffer the unsightly back of Farm & Fleet. Also, Ms. Nelson said that Hathaway Drive is dangerous and expressed concern that a retail business would create more traffic.

Jim Martin, 1201 Hathaway, President of Foxpointe Townhomes Association, said his association would like to see a townhome development on Lot 5.

Commissioner McBride asked if Farm & Fleet was there before the condominiums and townhomes and Mr. Nicklas said it was.

Commissioner Henderson asked if the City has been approached by any commercial interest and Mr. Nicklas said since October 1998 he has fielded no calls of interest in that lot.

Commissioner McBride asked what happens after the 20-year life of an annexation agreement and Mr. Nicklas said the zoning goes with the land, but other conditions might go away.

Commissioner Steczo said he thought they should hold commercial sites sacred and stick to the Comprehensive Plan. He said the Commission has to learn to say no.

Commissioner Henderson asked if the townhomes would need to be permitted and Mr. Nicklas said yes, it would add to the charts, but the proposal has not gotten that far.

Commissioner David said they must look at the broader picture and be aware of the precedents they set.

Commissioner Davey said he thought the proposed plan made sense and said he did not have a problem with it.

Commissioner McBride said they should stick to the Comprehensive Plan, but keep track of these requests when reviewing and revising the Plan.

Commissioner Brotcke said Farm & Fleet probably zoned this commercial because they brought the whole subdivision in as commercial. He said this is infill and they should support the concept.

Commissioner David said not to lose sight of the fact that she thinks the plan is too dense. She said it would just be a matter of time before commercial interest is shown.

Commissioner Stowe said he would not like to see a zoning change and he also felt the proposal was too dense.

Chairperson Lewis asked for a straw poll and 10 Commissioners said they were opposed to the zoning change and 2 were for it.

B. Consideration of Chapters One, Two and Three in the Proposed Unified Development Ordinance, As Well as Section 6.2.1, D, 2, "Fences and Walls."

Manager Nicklas introduced the Board of Zoning Appeals members: Beth Krogman, Marlyn Looney, Steve Lopstein, Dave Finney, and Dave Willey. He said they would join in the review of the Unified Development Ordinance. Mr. Nicklas said they would review the first three chapters and the fence ordinance and would focus on content.

Chapter 1 – General Provisions

Commissioner McBride said that homeowners are doing interesting things with basements and they are no longer necessarily cellars and storage areas. He said he thought the definition in the code was too simple. Mr. Nicklas said the Building Code has a broader definition and that would not be a zoning issue.

Zoning Board Member Krogman said she saw inconsistencies in definitions. Commissioner Brotcke suggested cross-referencing and Commissioner David suggested adding an index. Ms. Krogman said she was looking at things that would constitute a loophole.

Chapter 2 – Decision-Making, Administration and Enforcement Responsibilities

Ms. Krogman expressed concern that the duties of the Plan Commission written in their by-laws as looking after the welfare of the whole community was compromised by having those with vested interest on the commission

such as the Library, Park District, and School District. Chairperson Lewis said he preferred to look at it as affected bodies not vested. He said they are impacted by the decisions. Manager Nicklas said he hopes those commissioners are voting representatives of their taxing bodies and he is pleased with the system and how it has evolved. Commissioner Lorence said this Plan Commission is unique and should be used as a model because issues are aired at this level.

Chapter 3 – Non-Conforming Lots, Building, Structures and uses

Manager Nicklas said he needed clarification for 3.5.3 – Elimination of Non-Conforming Uses of Land. He said if there is a change in ownership and the use is continued, how long would the non-conforming use be good. Commissioner Stowe said if it is an already accepted use he would leave it, but if it is no longer in use then get rid of it. Mr. Stowe said if there was a barbershop in a home and the barber quit cutting hair, then they would lose the use. Commissioner Lorence said the term of “discontinue” needed to be defined to accommodate an illness or other circumstances.

Commissioner Bridgewater said they should keep it simple and should not mess with zoning in the older part of town.

Manager Nicklas said some of the language is extended because it needs to stand up in the court of law.

Fence Wall Requirements

Manager Nicklas said he wanted to review p. 145. He said he is drawing attention to the distinction between an open fence and a screening fence. He asked if they would want any departure from the current code. Mr. Nicklas said there have been suggestions to bring in 4-foot front and side yard fences which would be 75% open. He asked about the allowances and the restrictions.

Commissioner Lorence said he would oppose raising the sight triangle numbers.

Commissioner McBride said the 3-D view is not consistent with the text and Mr. Nicklas said he would try to rework the diagram.

Chairperson Lewis asked if this covered all fences or only residential because he saw inconsistencies regarding barbed wire.

Ms. Krogman said the issue before the Zoning Board of Appeals was a 6-foot fence, but this does not speak to the fact that it is a non-conforming lot. She said they should look at variation requirements and Mr. Nicklas said he did not think State Statute allows such a favorable definition of hardship. Commissioner Lorence said multiple frontages are not uncommon, and the County has had many variations because of that. Mr. Lorence said it is not a matter of definition, but a matter of the variation process.

Zoning Board Member Finney said the problem was not visibility, but the size of the fence.

Manager Nicklas invited a fence variation petitioner into the discussion.

Larry Dibblee, 103 Alma Street, said they did not realize they were going to acquire a high-energy dog when they bought the home. He said that while the Zoning Board of Appeals was sympathetic to his triple-frontage lot

predicament, they could not recommend approval of the fence variance because of the hardship restrictions. Mr. Dibble said Council has postponed action until the Plan Commission addresses the fence ordinance.

Commissioner David said there is actually some landscaping that might be more of a hindrance for safety and visibility than the proposed fence. Mr. Dibblee said they are proposing a turn of the century wrought iron fence.

Manager Nicklas said the issue is height and he is now requesting a 5-foot fence and that some communities do allow a 4-foot see-through fence.

Ms. Krogman said they were discussing fence height, but she felt they needed to deal with the triple-frontage property.

Commissioner McBride said they should have a more flexible definition of front, side and rear yards.

Commissioner Stowe said nobody could have 3 front yards. Mr. Nicklas said for zoning purposes there is one front yard, one back yard, and 2 side yards.

Building Commissioner/Zoning Officer Lyle Doty said the address is given and the front yard defined after the building is placed.

Commissioner Stowe said they should address vegetation around see-through fences.

Commissioner Lorence said there is a safety issue that needed to be addressed.

Chairperson Lewis said the UDO will not address all unique issues, but need some direction for what will come back for review in May.

Mr. Doty said they must maintain a line of vision for safety purposes.

Commissioner Davey said driveways would need to be considered.

Manager Nicklas said they would move at a slower pace as the chapters became denser. He suggested reviewing Chapter 4 at the May 10, 2004 meeting.

REPORTS

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

ADJOURNMENT

Motion

Commissioner Lorence moved to adjourn the meeting at 9:30 p.m. and Commissioner Hamilton seconded the motion.

Voice Vote

Chairman Lewis called for a voice vote to approve the motion. All Commissioners voted aye. Motion carried 12 – 0.

Approve:

Chairman – John Lewis

Attest:

Candy Smith, City Clerk