SYCAMORE PLAN COMMISSION MEETING
MINUTES OF MAY 10, 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, Ken George, Bill Lorence, John McBride, Cindy Henderson, Larry Steczo, Chuck Stowe and Chairperson John Lewis. Commissioners Pat David and Dave Hamilton were absent. 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 APRIL 12, 2004.

Commissioner Lorence asked the word "time" be changed to "term" of discontinues on page 6. Clerk Smith said she would make the change.

Motion
Commissioner Lorence moved to approve the Minutes of April 12, 2004 with the change and Commissioner George seconded the motion.
Voice Vote
Chairman Lewis called for a voice vote to approve the motion. All Commissioners voted aye. Motion carried 10-0.

APPROVAL OF AGENDA

Motion
Commissioner George moved to approve the agenda and Commissioner Davey seconded the motion.
Voice Vote
Chairman Lewis called for a voice vote to approve the motion. All Commissioners voted aye. Motion carried10-0.

CONSIDERATIONS

A. Consideration of a Petition from Pacific Midwest Homes for an Annexation Agreement, Annexation, Rezoning and Preliminary Plat for "The Settlement" Planned Unit Development.

Manager Nicklas explained this 96.275-acre parcel is located northeast of the intersection of Parkside Drive and Bethany Road. He said Mr. Haviar, the developer, agreed to begin construction in 2005 with 35 homes the first year, and 22 homes each the second and third years. He detailed the Preliminary Plan as follows:

- As noted above, the plan depicts 79 detached single-family lots comprising 23.44 acres of the approximately 96 acres in the annexation parcel.
- The gross density is .82 units per acre, which is considerably less dense than the 2 units per acre average of the past few years.
- The proposed subdivision name is "The Settlement."
- The portion (Outlot A) to be donated to the Park District for nature trails constitutes 45.32 acres.

- The portion (Outlot B) to be donated to the School District for a possible school site comprises 18.20 acres.
- Access to the subdivision from the south would enter Parkside Drive at Bethany Road and move into the development area on one of two public streets (Joan Place and Hanna Lane).
- Access to the subdivision from the north would likewise approach the development area from Parkside Drive.
- The stormwater detention pond wraps around the east boundary of the area to be developed for residential purposes.

Mr. Nicklas listed the annexation agreement features as follows:

- A twenty year term.
- The requirement of a concurrent Park District annexation.
- All watermains shall be properly looped at the developer's expense.
- The portion of Bethany Road adjacent to the developable area (the westerly 450 feet) will be reconstructed by the developer during the first phase to a minimum width of 41 feet measured from back to back of the curbing. The School District will be responsible for the cost of the road improvements along the balance of the Bethany Road frontage.
- Model homes must be served by city utilities and paved temporary parking before they are occupied.
- The developer will <u>donate</u> about 45 acres of land (Outlot A) to the Sycamore Park District, in exchange for which no impact fees will be assessed. Based on the current Park District impact fee ordinance, the developer's obligation for a land dedication for 79 homes with an average of 3.5 persons per home is 3.18 acres. At the Park District rate of $75,000 per acre, such a dedication would be valued at $238,500. The developer has instead agreed to donate the land with a statutory value of $3,399,000 ($75,000 x 45.32 acres). If impact fees were requested instead of the land donation, the Park would only receive $62,252 ($788 x 79).
- The developer will <u>donate</u> about 19 acres (Outlot B) to the Sycamore School District for a future school site. In addition, the developer will be responsible for all applicable impact fees as well as a voluntary contribution of $750 per lot. *(Mr. Nicklas said the voluntary contribution has been withdrawn)* Based on a value of $100,000 per acre in the School Fee Ordinance and an average of 4 bedrooms per home, the total developer exactions will be worth about $2,355,277.
- The developer shall make a voluntary contribution of $750 per lot to the City of Sycamore to help offset the cost of City services. *(Mr. Nicklas said the voluntary contribution has been withdrawn)*
- The developer shall install bike paths as shown on the preliminary plat to link the entrance to the conservation area at the northeast corner of the parcel. The paths shall be 10 feet wide and their maintenance shall be the responsibility of the homeowners association.
- The developer would be limited to a maximum of 35 permits in year one, and 22 permits per year in years two and three.
- A homeowners association is required to maintain the common areas.

Mr. Nicklas said the fiscal impact spreadsheet has been revised to reflect no voluntary contributions. He said the traffic study results conform to the engineering standard of about 10 trips per day per single-family house.

Mr. Nicklas in the context of extraordinary contributions for this size of P.U.D. he offers a favorable recommendation.

Commissioner Brotcke asked why the voluntary contributions were withdrawn. Mr. Nicklas said because of the small size of the development and infill nature the City never requested voluntary contributions. He said the parcel would not create any hardship for City services. Mr. Nicklas said the land donated to the School District and the actual contribution was substantial at $2.296 million.

Mr. Nicklas said outlot "B" will need a lift station to pump sewage to the treatment plant. He said language should be included to "a privately maintained" lift station when building would take place. Commissioner McBride verified that the School District is willing to maintain a lift station.

Commissioner McBride said page 14, #28 paragraph should disappear and Mr. Nicklas said it would. Commissioner McBride said page 10, section 15.1 the School District would like to see the language read impact fees to be paid "at the time of permitting," because previously a developer tried to pay before a final plat was approved in order to beat the increase. Mr. Nicklas said the fail safe for that is for the School District staff not to accept them. He said the City would uphold the agreement as written. Commissioner McBride said page 6, item 75, 4th line should read "the owner of record at the time of development." He said this refers to the lift station and Mr. McBride said the School District does not want to be identified as responsible because there is a slim chance they may not build on that site or may not keep the property.

Commissioner Brotcke said only 3 or 4 months earlier a proposal was rejected because of a lift station and he wondered why the School or Park Districts would want to accept lots in the flood plain.

Commissioner Steczo said the Park District might not have buildings in the flood plain, but they were good for bike paths and walking trails. He said this particular acreage abuts the 80-acre main park right across the river.

Commissioner McBride said that much of Lot "B" is not in the flood plain and Commissioner Lorence said 75% is not in the flood plain.

Commissioner Brotcke asked about the lift station and Engineer Brady said the City would not own and maintain this lift station. Commissioner Lorence said if a public lift station fails, many people are affected, but this station would only affect one building.

Commissioner Stowe asked if the retention pond was on the property donated to the Park District and Commissioner Steczo said they would be ok with a dry retention and like the area for paths that will give a southern entrance to the Park.

Motion
Commissioner Steczo moved to approve a favorable recommendation with the findings of fact to Council and Commissioner Davey 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, Ken George, Bill Lorence, John McBride, Larry Steczo, Chuck Stowe and Chairperson John Lewis voted aye. Commissioner Cindy Henderson voted nay. Motion passed 9 - 1.

B. Consideration of a Petition from Gracious Living Homes for an Annexation Agreement, Annexation, Rezoning, and Preliminary Plat for Property Near the Southwest Corner of Bethany Road and Somonauk Street.

Manager Nicklas said this request is for a residential development of 16.79 acres targeting persons 55 and older. He listed the details of the Preliminary Plan as follows:

- The plan area comprises 16.79 acres, including about 3 acres of commercially zoned property.
- The entire plan area shall be zoned "C-4," Mixed Use, Commercial Business District. The Commission will recall that the "C-4" district was created with the Comp Plan of 2000 and maintained in the Comp Plan of 2003 to accommodate planned unit developments that feature low-impact commercial uses that serve, or are adjacent to, housing units such as the type proposed in this plan. "C-4" districts also feature some type of "community" facility, such as the clubhouse proposed by the developer. Since the zoning goes with the land, the City staff felt the "C-4" designation was a better fit with respect to the Comp Plan's designation of commercial uses for the area.
- The gross density is 4.76 units per acre. A total of seventy-six (76) attached townhouses are featured in the residential area.
- Access to the residential use would be through the commercial zoning along the Bethany Road frontage. All streets south of the Bethany Road right-of-way serving the property shall be private streets maintained by a homeowner's association.

Mr. Nicklas said the annexation agreement has the following features:

- A twenty year term.
- The requirement of a concurrent Park District annexation.
- All watermains shall be properly looped at the developer's expense.
- The developer shall be responsible for fifty percent (50%) of the reconstruction of the portion of Bethany Road that is adjacent to the subject property. The roadway shall be widened to a width of forty-one feet (41') measured from back-to-back of the curbing. The developer's share of the cost will be obligated in the form of a letter of credit that will be updated annually.
- No occupancies will be permitted until the interior roadways are improved with at least the base course of asphalt at a thickness approved by the City Engineer.
- The developer shall make a cash donation to the Park District as required by Ordinance.
- The developer requests a variance from the land-cash ordinance provisions defined by the revised School Fee Ordinance in view of the age-related restrictions on ownership in the complex.
- The developer agrees to comply with Ordinance 2003.65 regarding the timing of building permits. If approved, the developer would have to wait one year before any permits could be issued.

Mr. Nicklas said the School District and the City would see a modest positive fiscal impact. He said the traffic study showed average daily trips of vehicles below the engineering standard for condominiums and townhouses.

Mr. Nicklas gave reasons to approve this plan as:

- The developer's agreement to reserve the Bethany Road and Somonauk Street frontages for commercial purposes and the relative scarcity of senior-oriented housing in our development area.
- The developer's acquiescence in a "C-4" commercial zoning.
- The small scale of the residential use, 12.86 acres, which does not appear to significantly diminish the City's future prospects for commercial office uses along the adjacent frontages.

Mr. Nicklas said there seems to be local appeal for this type of housing and asked the Commission to review the proposed School impact fee variation before taking action. He recommended a favorable recommendation of the project.

Commissioner Lorence asked if the age restriction would be in affect after the 20-year agreement life and Attorney Buick said Zoning could not be conditional. Mr. Lorence said he was concerned that elderly people will sell to younger buyers and Mr. Nicklas said they could firm up the language to deal with the 20 years of the agreement.

Chairperson Lewis asked if a 55-or-older restriction is legal and Attorney Buick said it is and there must be uniform application. Mr. Lewis said there may be children or grandchildren.

Commissioner McBride said his only experience is Twin Gables and there return for a waiver from the age restriction. He said he does not see any language in the agreement addressing the restriction and Mr. Nicklas said they would have the petitioner add that language. Mr. McBride questioned if the Homeowners' Association could vote to remove the restriction.

Commissioner Davey asked about the commercial property and said they had turned another petitioner down and thought they needed to be consistent. Mr. Nicklas said the intention is to be more conservative to preserve area for market demand. Mr. Nicklas said the zoning goes with the land and not the annexation agreement, so after 20 years the zoning remains.

Commissioner McBride agreed that they needed to be consistent in applying the Comprehensive Plan. He said it is the framework for decision-making. He said commercial and industrial development are critical to the economic vitality to our community and the recommendation for the use of this site should be consistent with the high value placed on commercial and industrial development.

Commissioner Brotcke inquired if the request to waive fees is for the School District only and Mr. Nicklas said yes, they felt their development would not impact the schools. Mr. Brotcke said he would not see any reason to waive those fees.

Chairperson Lewis asked Mr. Nicklas for the definition of C-4 uses. Mr. Nicklas said they could only be used for a Planned Unit Development. He said it is a mixed use of commercial and residential on at least 10 acres. The purpose is to accommodate compatible residential and commercial uses on larger tracks of land and to maximize opportunities for orderly economic development. Mr. Nicklas listed permitted uses out of the Zoning Ordinance.

Gigi Walker, Gracious Living Homes, LLC, said the HOPA (Housing for Older Persons) Act of 1995 allows to legally discriminate about age. She said that under law it stipulates that every household must be occupied by at least one person age 55 and no person under the age of 18 can occupy a condominium. She said the Declaration of Condominium allows visits of up to 30 days and not more than 45 days in six month for guests under 18. Ms. Walker said the Homeowners' Association can change the age restriction with a 75% vote.

Chairperson Lewis asked if the ownership of condominium forbid subleasing and Ms. Walker said they define ownership and occupancy.

Mr. Nicklas asked if the petitioner would agree to place the language mirroring her statement about federal age restriction into the annexation agreement. Ms. Walker said they would because they feel this community is lacking this type of housing. Mr. Nicklas also asked about eliminating the ability for the Homeowners' Association

to lift the age restriction. Ms. Walker said she would need to discuss that with her counsel, but would be willing to raise the 75% vote to a 90% vote.

Commissioner Henderson asked if inheritance is covered in the covenants and Ms. Walker said under the HOPA Act 80% of the units must be inhabited by someone 55 and older. She said that 20% of the units can be inhabited by those 21 to 54 years old and they only market to 55 and older.

Commissioner Steczo asked if his grandchild had to live with him would he have to sell the condominium and Ms. Walker said he would not be able to live there and they stress those scenarios in their marketing.

Commissioner McBride asked if they anticipate future owners to be current Sycamore residents or out-of-towners. Ms. Walker said they would primarily market the Sycamore-DeKalb area. Mr. McBride asked if those wanting to downsize would be their target and Ms. Walker said that has been their experience.

Commissioner Davey asked if this development could be added on to and Ms. Walker said the emergency access at the south of the edge of the lot is for connection to a potential future road.

Commissioner Henderson said that the market studies identified Sycamore and DeKalb residents wanting to downsize and she surmised that the purchasers of those homes might be families with children who would impact the schools. She asked how adamant the organization is regarding the school impact issues. Ms. Walker said they felt there is a legal issue that there is not a direct impact on the schools. She said there may be shifting of people in the community, but there is no direct impact.

Chairperson Lewis said the law states rational nexus and in Naperville subdivisions of 55-and-older have paid school impact fees. He strongly urged the developer to rethink the payment of the school impact fees.

Commissioner McBride said the School District would entertain a voluntary contribution.

Ms. Walker said that over time this development would be paying taxes through property taxes that will benefit the schools without the impact of children in the schools

Commissioner McBride said the issue is not the need for this project, but whether this is a better use than commercial in the area. He said he is struggling to see this as a better development than commercial.

Commissioner George said the area is zoned Office Research and Light Industrial not Commercial. Ms. Walker said their market analysis showed a significant economic benefit for this project.

Chairperson Lewis asked for audience comment.

Dawn Lynch, 605 Bethany Road, inquired if the street widening would affect the existing homes and Engineer Brady said it would be widened from the middle of the road to both sides and would be in the right-of-way.

John Lynch, 605 Bethany, asked about an emergency exit and Ms. Walker said they will have an access road in case the entrance road is blocked. She said there are a limited number of curb cuts for Bethany Road. Mr. Lynch also inquired about the type of commercial and Mr. Nicklas said it would be professional offices and he said he had asked the Commission earlier for direction regarding any retail. Mr. Lynch said he understood the Bethany Retention Pond was going to be a rolling area with a walking path and it turns out to have birms with no trespassing signs. Mr. Lynch asked how long the widening of Bethany Road had been planned because he was a

little skeptical. Engineer Brady said the widening has been in planned for 7 to 10 years. Commissioner Stowe said they want to make sure this is in the agreement to make sure the developer is responsible for half the cost. Commissioner Lorence said it would not be done until the commercial is developed. Mr. Nicklas said no public works project is in the works now. Engineer Brady said the confusion with the Bethany Retention Pond might have come from the time of purchasing that property the owners did not want any soccer fields or ball diamonds, but would have conceded to a walking path. Mr. Brady said the City chose not to put that in the plan.

Commissioner McBride asked Mr. Milner, a commercial realtor, who was in the audience if having residential on the southern border of the City would enhance or diminish prospects for commercial development. Mr. Milner said it would enhance the prospect because it would increase the rooftops.

Chairperson Lewis asked for further discussion and hearing none asked for action on the item.

Mr. Nicklas asked if the Commission would address several issues before taking a vote to recommend to the City Council. He said those issues are the School District impact fees, the separation between commercial and residential, a paragraph added to the agreement reflecting the age restriction, and whether retail is desired.

Commissioner Stowe suggested approving as written and making amendments.

Commissioner Lorence said when they originally were doing the comp plan they made this area purple which is mixed use and he thinks C-4 is an accepted use in the purple area.

Motion
Commissioner Bridgewater moved to approve a favorable recommendation with findings of fact and Commissioner George seconded the motion.

Amended Motion
Commissioner Lorence moved to restrict commercial zoning to exclude retail and Commissioner Davey 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, Ken George, Cindy Henderson, Bill Lorence, John McBride, Larry Steczo, Chuck Stowe and Chairperson John Lewis voted aye. Motion passed 10 - 0.

Amended Motion
Commissioner Henderson moved to place age restriction language in the agreement and to increase the percentage of the Homeowner's Association votes to eliminate age restriction to 90% 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, Ken George, Cindy Henderson, Bill Lorence, John McBride, Larry Steczo, Chuck Stowe and Chairperson John Lewis voted aye. Motion passed 10 - 0.

It was the consensus of Plan Commission to leave the whole development as C-4.

Amended Motion
Commissioner Davey moved to revise paragraph 15 to the typical language of the land cash fees ordinance requirement for School District impact fees and Commissioner Steczo seconded the motion.

Chairperson Lewis asked Attorney Buick if it is legal to have a 55-and-older restriction and Attorney Buick said that in and of itself the restriction is legal.

Commissioner McBride said he would like more information

Roll Call Vote
Chairman Lewis called for a roll call vote to approve the motion. Commissioners Tom Brotcke, Bill Davey, Cindy Henderson, Bill Lorence, John McBride, Larry Steczo, and Chairperson John Lewis voted aye. Commissioners Chuck Stowe, George Bridgewater, and Ken George voted nay. Motion passed 7 - 3.

Roll Call Vote (for original motion)
Chairman Lewis called for a roll call vote to approve the original motion. Commissioners George Bridgewater, Ken George, Cindy Henderson, Bill Lorence, Chuck Stowe and Chairperson John Lewis voted aye. Commissioners John McBride, Larry Steczo, Tom Brotcke, and Bill Davey voted nay. Motion passed 6 - 4.

I. Workshop Items

A. Consideration of a Concept Plan for a Commercial Subdivision Known as the Prairie Professional Park South of Bethany Road and East of the Monsanto Headquarters.

Manager Nicklas explained that Dr. Dennis Collins is developing this 12.25 parcel for commercial office space. He said the development will feature a new dental clinic for Dr. Collins as well as a variety of complimentary commercial uses dedicated to medical and other professional office uses. Mr. Nicklas explained that the parcel falls under the conditions of the Sycamore-DeKalb boundary agreement of 1995 and would be annexed to Sycamore, but Sycamore and DeKalb would equally share all tax revenues until the boundary agreement expires in 2015.

Steve Milner, 517 Joanne Lane, Commercial Realtor representing Dr. Collins, said the plan has unique features like a water feature and ornate street lighting and a development owner association. He said they hoped to get the development going by the summer building season.

Commissioner Lorence asked if the road would be public and Mr. Milner said it would, but they did not want to connect with Gateway Drive which has mixed industrial zoning. Mr. Lorence said he was concerned with the cul de sac and safety vehicles. Mr. Nicklas said the size of the cul de sac is ok for staging emergency vehicles.

Commissioner Henderson asked about the existing framed building to the south and Mr. Milner said it would be demolished. Mr. Milner said the center building of the 3 buildings on the site would by the only one salvaged.

Commissioner McBride said this parcel is not in the School District.

Commissioner Stowe expressed concern about the boulevard entrance and said they have discouraged boulevards in the past. Mr. Nicklas said the plan is still evolving and it is a wide street. Commissioner Lorence

said they would need a catch basin to accommodate the melting snow and rain. Mr. Milner said they have a plan in place.

Commissioner McBride said he would consider having a special Plan Commission meeting to expedite the project and Mr. Milner said they were not asking for any special consideration.

B. Consideration of a Concept Plan for a Commercial Subdivision Proposed by the Three Sula Investment Company for Property South of Bethany Road and East of the Proposed Prairie Professional Park.

Manager Nicklas explained that this is a 52-acre site the Three Sula Investment Company is proposing to develop for commercial office purposes.

Commissioner Lorence asked if since this is adjacent to Voluntary Action Center, would they be willing to help give them some parking. Mr. Milner said they have discussed parking with VAC and will return with a more specific plan to help alleviate their problem.

Commissioner Brotcke inquired about the street to the north of Bethany and Mr. Nicklas said that street goes to Dr. Glasgow's development. He said the City staff encouraged the Three Sula to align their street with that street.

C. Consideration of Chapter Four in the Proposed Unified Development Ordinance, As Well as Section 6.2.1, D, 2, "Fences and Walls."

Manager Nicklas said he included a draft created by Zoning Commissioner Lyle Doty of an ordinance revising the fence regulation in the Municipal Code. He said the draft lists the following changes:

a) Fences that are 75% or more open may be installed to a height of three feet (3') at the property line in a front or corner side yard (secondary front yard).
b) Fences that are 75% or more open may be installed to a height of five feet (5') if more than ten feet from a property line or street right-of-way.
c) Fences that are 50% or more open may be installed to a height of six feet (6') in the side yard or corner side yard setback area if they are behind the required setback line.

Commissioner Davey said he was concerned about the setback and Commissioner Lorence said he thought it was reasonable and the rest of the Commission agreed.

Manager Nicklas said Chapter 4 defines who does what. He said it lays out the review process for site plans and defines conditions and procedures for variations.

Chairperson Lewis asked if there were any significant changes to any procedures currently in place and Mr. Nicklas said his intent was not to change any relationships or procedures.

Commissioner McBride suggested making aerial photographs mandatory for the review process. Mr. Nicklas said the City is inching its way toward CAD capability to print our own aerial views. He said developers usually get that type of information from a public body and they should be reasonable priced.

Commissioner McBride expressed concern about the timing of when retention pond location is fixed and asked if that could be done by final platting. Mr. Nicklas agreed that buyers should be aware of retention pond location and the preliminary plan typically identifies a general area. He said it should be represented faithfully on the final plat. Mr. McBride said he would like language on page 68 to reflect that.

Commissioner Lorence said the difference between the plat and plan is the plat only identifies ownership. He said the engineering plan would identify location and that should be part of the approval process before it leaves the Plan Commission. Mr. Nicklas said the final engineering is not complete before leaving the Plan Commission. Mr. Nicklas said he is sympathetic that the buyer should be aware of retention placement.

Engineer Brady said the whole development is not generally engineered before final platting. Mr. Nicklas said a bubble diagram showing where a pond or other common area features would be located could be requested at the time of final platting.

Ms. Krogman said that Townhome Associations were not clearly defined and Mr. Nicklas said he was just making reference to a need for those associations and he wanted to leave it open for different types.

Marilyn Looney, Zoning Board of Appeals, asked if the findings of fact for variances would now need to meet 7 hardships. Mr. Nicklas said the City will continue to follow the 3 hardships identified and defined by the State Statutes. He said he would go back and review that section for clarity.

Ms. Krogman asked if the UDO would replace the City Code, Zoning Code, and the Building Code. Mr. Nicklas explained the UDO would replace the Zoning Code, but the City Code is comparable to the State Statutes. He said the Building Code is a national code they will deal with by reference.

REPORTS

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

ADJOURNMENT

Motion
Commissioner Lorence moved to adjourn the meeting at 9:15 p.m. 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 10–0.

Approve:

_____
Chairman – John Lewis

Attest:

_____
Candy Smith, City Clerk