
SYCAMORE PLAN COMMISSION MEETING
MINUTES OF JULY 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, Bill Davey, Pat David, Ken George, Dave Hamilton, Bill Lorence, John McBride, Cindy Henderson, and Chairperson John Lewis. Commissioners George Bridgewater and Larry Steczo and Chuck Stowe were absent. Other staff members present were City Manager Bill Nicklas, City Engineer John Brady, and Commission Attorney Kevin Buick.

APPROVAL OF MINUTES OF JUNE 14, 2004 AND JUNE 28, 2004.

Motion

Commissioner George moved to approve the Minutes of June 14, 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 9-0.

Commissioner Stowe arrived at 6:31 p.m.

Motion

Commissioner George moved to approve the Minutes of June 28, 2004 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 10-0.

APPROVAL OF AGENDA

Motion

Commissioner Lorence moved to approve the agenda and Commissioner McBride seconded the motion.

Voice Vote

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

CONSIDERATIONS

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

Manager Nicklas said this project is moving along but necessary items for the Plan Commission review were not in order. He asked Chairperson Lewis to open the Public Hearing and continue it until the next meeting.

Chairperson Lewis opened the Public Hearing and hearing no public comment asked the Plan Commissioner to continue the item until the August meeting.

Motion

Commissioner Lorence moved to continue this item until the August meeting and Commissioner McBride seconded the motion.

Voice Vote

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

B. Consideration of a Final Plat for the Sycamore Well No. 7 Resubdivision.

Manager Nicklas explained the well is situated on a larger parcel owned by the City that, except for the well, has no municipal value. He said it would afford the Park District sufficient land for a small park and the city staff is interested in cooperating with the Park District's ambition to create such space.

Commissioner Brotcke asked the actual acreage and Engineer Brady said Lot 2 is approximately 2.25 acres. Mr. Brotcke asked about access and Mr. Brady said an easement is provided and the Park District would be responsible for any street.

Motion

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

Roll Call Vote

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

Manager Nicklas said this item may go to Council in August in order to have time to get a Plat of Dedication prepared.

I. Workshop Items

A. Consideration of the Entire Chapter Five As Well As Chapter 6, Articles 6.1 Through 6.5, in the Proposed Unified Development Ordinance.

Manager Nicklas said he kept all the use districts names the same with the exception of two overlay districts – the downtown overlay and the flood plain overlay. Mr. Nicklas said the current Zoning Code contains a pyramidal zoning structure and the problem with that is having to piece back through zoning districts to find uses. He said he has changed that to a chart system that identifies all uses for each zoning district. Mr. Nicklas said Zoning Board of Appeals Member Marlyn Looney called expressing concern that 5 pages were dedicated to adult uses and no pages dedicated to things we want in this town. Mr. Nicklas said the Supreme Court has ruled that a community of our size must allow adult uses somewhere in the City. He said he would refer this to the City attorney for review.

Chairperson Lewis asked for comments on Articles 5.1 and 5.2.

Beth Krogman, Zoning Board of Appeals member, said she wanted the record to say that she supports the email sent to Mr. Nicklas from Zoning Board of Appeals member Marlyn Looney. Ms. Krogman said Mr. Nicklas left out

a driving school and blood bank. She said that osteopaths and naturopaths and chiropractors should be included in the list. Ms. Krogman said she needed to leave the meeting because of family issues.

Commissioner Steczo arrived at 6:50 p.m.

Manager Nicklas moved to p. 119 and asked for direction regarding how much development they would allow in the flood plain. He said their history is to follow the FEMA guidelines.

Chairperson Lewis asked for clarification between Flood Way and Flood Plain. Commissioner Lorence said there should be nothing in the flood way. Mr. Brady said that paths and open space would be acceptable. Engineer Brady said the flood plain is the area necessary to convey the 100-year flood.

Commissioner Bridgewater arrived at 6:55 p.m.

Commissioner Lorence said there should not be pavilions or fences in the flood way or anything that would catch debris and Mr. Nicklas said he would delete that.

Mr. Nicklas said he would add flood plain and flood way to the definitions at the beginning of the document.

Mr. Nicklas suggested not going through every table for permitted uses, but asked the Commissioners to let him know if they find something they don't like or something he has missed.

Commissioner Lorence said he thought that all medical offices should be permitted in C-4 and Mr. Nicklas said C-4 is more restricted.

Mr. Nicklas said he has taken the residential caretaker out of all uses except C-2.

Commissioner Brotcke asked if they were going to address garage sales. Mr. Nicklas said it is not a development issue and could be addressed in the City Code. Commissioner McBride said p. 153 states that the number of garage sales may not exceed 6 days in a calendar year.

Mr. Nicklas explained that Article 5.4 – Performance Standards- deals with Hazmat and is not related to all zoning areas. He said he will rely on Public Safety staff to review.

Mr. Nicklas said 6.1 is relevant to basic information about the community.

Mr. Nicklas said that Building Commissioner/Zoning Officer Lyle Doty needs to review this document, but this is his busiest time of year.

Commissioner Lorence said that swimming pools are not allowed in front and side yards and thought they should address corner lots. Mr. Nicklas said that accessory structures are addressed in the text.

Commissioner McBride said pool specifications should be addresses and Mr. Nicklas said they are in the Building Code and he would talk with Mr. Doty.

Commissioner McBride requested clarification of basements that are residential and Mr. Nicklas said they are addressed in the Building Code and he would look into that.

Chairperson Lewis asked the Commissioners to review the document and pass comments on to Mr. Nicklas.

B. Joint Plan Commission and City Council Meeting Regarding the City's Growth Management Policies.

City Council Roll Call

Mayor John Swedberg called the meeting to order at 7:33 p.m. and Clerk Candy Smith called the roll. Those Alderpersons present were: Alan Bauer, Barbara Leach, Cheryl Maness, Pete Paulsen, Chuck Stowe and Janice Tripp. Alderpersons Terry Kessler and Andrew Larson were absent.

Chairperson Lewis said the Plan Commission is looking for reaffirmation of Council Policy with regard to residential development. He said the Plan Commission refers to the Comp Plan and Ordinance 2003.65 to provide direction to see if developers' plans meet those guidelines. Chairperson Lewis said the Commissioners feel an obligation to petitioners to reduce the risk of incurring cost. He said it is in the best interest of the community to have policies in place and to follow them for the most part.

Commissioner Lorence complimented the City for having School District, Park District, and Library representatives as members of the Plan Commission.

Mayor Swedberg asked if the no vote on the last subdivision prompted the question of policy. Chairperson Lewis said it did because that proposal fell into all the guidelines of permitting timeline, it was infill property and the School District was satisfied. Chairperson Lewis said the Commissioners need to know if they need to be more restrictive.

Mayor Swedberg said the Plan Commission is the body that makes sure the proposals comply and City Council is a political body that has the right to approve or disapprove their recommendations. He said he may be seeing a need to change policy regarding buildout. Mayor Swedberg said the residential buildout timeline bubble declines around 2015 and there is no guarantee the bubble will even be built and will certainly not be built earlier but could be built later. According to the population table the annual population increase is 4.7%. Mayor Swedberg said he has been told for years that commercial development needs rooftops, but he hasn't seen the corresponding commercial buildout. He said a regional chain is coming to DeKalb Avenue and Culver's built a few years ago, but we are not seeing commercial development. Mayor Swedberg proposed a slight policy change – he said that Mr. Nicklas has laid out that any development approved in 2005 cannot get permits until 2010.

Manager Nicklas said he threw something out for conversation and using the guideline they can see where the permit bubble is and using the permitting ordinance they know how long people have to wait and how many units they can have as that wait expires. He said because of the last vote of the Council on the Haviar Development, it appeared that something else is desired and he prepared an option. Mr. Nicklas said that option is to allow expansion to occur on its merit and to urge the developer to slide the permit start to 2010 if approved this year and slide another year if approved in 2005. He said there appears to be no boom in commercial activity, but he cautioned Council not to think they aren't related.

Mayor Swedberg continued with his proposal he wanted everybody to consider. He proposed developments approved in 2005 push the allowable permitting to 2014 with a 3% rate of growth for the whole City.

Chairperson Lewis said they would need to decide how to implement the 3% growth.

Manager Nicklas asked Mayor Swedberg that even though the break in the bubble is 2009, they should go for 2 or 3 years with no permits. Mayor Swedberg said he did not believe the buildout would be completed by 2010.

Alderson Maness said no building permits will be issued for 2011, 2012, and 2013 except for Sycamore Creek Two and Mayor Swedberg said he did not think it was physically possible for the buildout to be complete by 2010. Ms. Maness said developers could annex now, but would have to wait 10 years to get any return on their money.

Commissioner McBride said this would not be codified and only suggested to the petitioner and how voluntary contributions would be handled. Chairperson Lewis said if Council places a moratorium on new permits it would be the Plan Commission's responsibility to get the allowable permitting dates into the annexation agreement.

Mayor Swedberg said City Council and staff would monitor this.

Commissioner David said because of the time and money spent on planning, she felt the Plan Commission should be informed if the political climate has changed.

Commissioner McBride said that staff needs to know what the City Council is thinking.

Alderson Leach said it is important staff know where Council stands, but it does not matter for Plan Commission because they review the set guidelines.

Commissioner Steczo said the Plan Commission's job is to review and recommend; let City Council be the heavy to approve or disapprove.

Alderson Leach said she feels bad about the petitioner's spending money, but those costs are the risk of doing business.

Commissioner Davey said part of this meeting is to help Mr. Nicklas know where City Council stands so he can convey to the developer whether to invest in a project. Mr. Davey said they need to be fair to the developers and he thinks 10 years is a long time, but it does give direction.

Mayor Swedberg said that once the 3% level is reached, growth is self-policed and keeps the City on an even buildout and maintains services.

Commissioner McBride asked about the plans for the Future Growth Committee.

Mayor Swedberg said a lot of the discussion focused on limiting building permits for those developments already approved until they realized that was illegal. They are looking at ways of slowing growth. Mayor Swedberg said they have scheduled a meeting for July 29th because the Park District will have completed its Strategic Plan by then.

Commissioner McBride said at the January meeting he had mentioned a lot of the fiscal impact information came from assumptions and he wants to be sure everybody agrees with those assumptions. He said all the taxing bodies should mesh their assumptions and their forecasts to get a better tool for decision-making. He said he did not think the School District is as prepared as the City.

Commissioner David said she understood City Council saying no, but she felt they need to search for balance in communication to have an understanding of what they are trying to accomplish.

Alderson Stowe suggested that once an option is chosen the developer would have to decide whether or not to go to Plan Commission.

Mr. Nicklas said that 2014 is effectively saying we have a moratorium on growth. He said that building involves the local economy and he would like to avoid the possibility of being the person to say no to that person that exceeds the 3% annual growth. Mr. Nicklas said that with regulations we have in place now, we can keep the population growth below 4% unlike the unregulated lots that are borrowed from the past. He said he did not think we have to slam the door to control growth. Mr. Nicklas asked Commissioner McBride if no new developments annexed to the City, would the School District need to go to referendum for an elementary school.

Commissioner McBride said his understanding is that the issue is on the capital side and the operational side has not been focused on. He said in all likelihood they will go to referendum. He said in his opinion the vote for the non-binding referendum showed organization that makes a School Board member shutter because they got the people out there to vote. Mr. McBride said he would like to see the City and the School work together to gather and compile information.

Chairperson Lewis said as they move forward they need other pieces of information. He said Table 7 demonstrates that taxes have increased because property value has increased and not because tax rates have increased. He said by restricting lots available lot price will increase and therefore the price of all property in the taxing area will go up faster than if you allow development.

Commissioner McBride said the taxing bodies have to decide with the EAV going up will they keep tax rates constant or declining and the City's are declining and because of tax caps the School District is declining.

Alderson Leach asked how many permits the staff can keep up with and Mr. Nicklas said to date around 250. She asked how they would accommodate the heavier permitted years and Mr. Nicklas said they would accommodate what they can and figure out a way to staff the rest. Ms. Leach asked if they would continue to add staff.

Commissioner George inquired about the number of people per household and where they were coming from and Mr. Nicklas said the Building Department is conducting a survey that has thus far demonstrated 2.55 people per household on new homes. Mr. Nicklas said if the EAV flattens, tax rates will increase.

Commissioner George suggested considering a real estate transfer tax which could be used for operating costs.

Commissioner McBride said that is being discussed at the School District.

Commissioner George said the year 2014 is drastic and not a good thing for Sycamore.

Alderson Larson said he agreed with Commissioner David that better communication is needed and suggested a joint meeting semi-annually. Mr. Larson asked Mr. Nicklas if the Comprehensive Plan and the permitting ordinance have had time to demonstrate their capabilities. Mr. Nicklas said more than 1 year is needed to test a plan and 4 to 5 years to assess.

Chairperson Lewis opened discussion to the public.

Dave Faganel, 1387 Winterview Pass, Batavia, said he purchased North Grove Crossing last year and has since bought another farm in the area. He said he appreciates meetings of this type to learn the political climate. He

said that Sugar Grove and Yorkville are growing and since Yorkville is growing more rapidly they are getting the commercial development and therefore getting the tax benefits.

Grace Adee, 1469 Longwood, said that City taxes are only part of the taxes and the taxes will increase. She said the increase in new housing will drive up the prices of all houses. She said the referendum passed by a 71% vote to slow growth. She asked Mr. Nicklas who constituted staff and Mayor Swedberg began naming all the department heads and workers. Mr. Nicklas said his use of staff in the background reports refers to those that touch the development proposals as they percolate. He said most often it is John Brady, Lyle Doty, and the attorney. Ms. Adee asked about the merits and aesthetics of proposals and Mr. Nicklas said they look at details conforming to traffic projections, regulations, and comprehensive plan. Ms. Adee said we don't want to be St. Charles, or Geneva, or a big City.

Barbara Andree, 220 W. Kerr, said by the market driving up the value of homes people may have to sell their homes because they cannot meet the mortgage. She asked if commercial meant industrial as well as retail and Mr. Nicklas said that industrial is a different grouping of uses. She said she would like to see more of that kind of development. She said she would be willing to tell developers no, because the residents own the community.

Peter Barick, 433 W. High Street, said he is a 35-year resident and wants growth constrained.

Don Linneman, Maple Park, said Sycamore should not be concerned about the builders and said he was in favor of controlled growth. He said to make sure the developers pay for the growth.

Ken Blood, B & B Enterprises, said they have quite a commitment to Sycamore and reminded City Council that when Sycamore Creek 2 was proposed, there were many residents in attendance in favor of growth. He said that the City's economy is driven a lot by residential development. He said they are not a production developer and suggested they might be better served by calling a moratorium for one year.

Joyce Smith, 1514 Kennicott, read a portion of a book regarding the catch 22 of growth, in that the better you grow your community the more attractive it becomes.

Ken Andersen, 680 Hopkins Lane, representing DeKalb County Builders and Developers Association, commended City Council, Plan Commission, and the City Manager for this discussion. He said it seems like the biggest problem is property taxes and funding schools and asked Council to consider a real estate transfer tax. He said his association would be happy to continue to sit in on these discussions.

Chairperson Lewis, upon hearing no further public comment, asked for final words from the City Council.

Mayor Swedberg thanked the Plan Commission for inviting the Council to this discussion and said he liked Alderperson Larson's suggestion of annual or semi-annual joint discussions.

Manager Nicklas said he had anticipated this would be the opening of a dialog and rather than the beginning and the end and asked direction of each body.

Alderperson Stowe said he thought the City Council should have this same meeting to make some decisions about what they expect.

Mayor Swedberg said there used to be a Board of Local Improvements and he thought he should appoint Council to that board and said he would discuss this at the next Council meeting.

Commissioner Brotcke said the charge of Plan Commission is simple to work within the Comprehensive Plan's constraints and then the monkey is on City Council's back.

Chairperson Lewis said he agrees, but he said on occasion as the Commissioners go through workshops with developers they make suggestions that come from perceptions of what Council might desire. He said they want to avoid inconsistencies.

Commissioner Lorence said they don't want to mislead developers.

Aldersperson Leach said if the developers have done their homework, they know what the political climate is.

Mr. Nicklas said there are shades of gray and the point of intake is at the staff level not the Plan Commission. He said he gives them the Comprehensive Plan as their guidelines. Mr. Nicklas said that he needs to know policy and right now in his opinion they are heading toward a moratorium yet that is not written as policy.

Mayor Swedberg said they should have this discussion at the next Council meeting.

Chairperson Lewis said he appreciated City Council's time and felt the discussion was fruitful. He said he will look forward to Council getting information to Plan Commission regarding residential development policy.

Manager Nicklas said we are the only Illinois community setting boundaries and the challenge is not how big we'll grow, but how fast we grow.

REPORTS

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

ADJOURNMENT

Motion

Commissioner Lorence moved to adjourn the meeting at 9:11 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 12-0.

Approve:

Chairman – John Lewis

Attest:

Candy Smith, City Clerk