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**SYCAMORE PLAN COMMISSION MEETING**  
**MINUTES OF AUGUST 9, 2004**

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**CALL TO ORDER AND ROLL CALL**

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

**APPROVAL OF MINUTES OF JULY 12, 2004.**

**Motion**

Commissioner George moved to approve the Minutes of July 12, 2004 and Commissioner Davey seconded the motion.

**Voice Vote**

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

**APPROVAL OF AGENDA**

Chairperson Lewis added a report of City Council action regarding growth under reports.

**Motion**

Commissioner Lorence moved to approve the agenda with the addition and Commissioner Davey seconded the motion.

**Voice Vote**

Chairperson 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 explained that this property lies immediately east of the Prairie Professional Park presently under development. He said this proposed development, known as Sycamore Bethany Park, consists of about 52 acres and 24 lots that would be zoned "C-3" Highway Business. He said the entire area falls under the conditions of the Sycamore-DeKalb boundary agreement of 1995 and according to the terms of this agreement, the property would be annexed by Sycamore but both Sycamore and DeKalb would equally share all tax revenues until the expiration of the agreement in 2015.

Mr. Nicklas gave the main features as follows:

1. Preliminary Plan

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

2. The Annexation Agreement

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

(Mr. Nicklas said the italics are minor revisions recommended by staff.)

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

4. Variations—None.

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

Commissioner McBride said he recalled Mr. Milner agreeing to discuss the VAC issue with the appropriate parties. Mr. Nicklas said it is not noted in the annexation agreement or shown in the plan. Mr. Nicklas said they could get a letter of intent before this goes to Council.

Commissioner McBride asked if there are criteria in the code for weeds during construction. Mr. Nicklas said during the construction phase, empty lots and common areas grow weeds and upon observation or complaint the City works with the developer to attend to them.

Commissioner Lorence said as far as weeds growing, the NPDES federal requirement says if nothing is done for 7 days, they must seed.

Mark Doherty, 125 N. First Street, DeKalb, attorney representing the petitioner, said they would have no objection to establishing an association and will comply with the UDO landscaping provisions as requested. He said with regard to selling or leasing space to VAC, his client is open for discussion, but does not feel that be made part of the annexation agreement.

Commissioner David asked that the Commission specify that a mutual agreement be reached with VAC. Mr. Doherty said his client will commit to a healthy relationship with VAC, but not whether the land is dedicated or leased.

Mr. Nicklas said he would put reference of the Commission's interest regarding VAC in his background to Council.

Mr. Doherty asked if that would be a requirement of the agreement and Mr. Nicklas said they would be looking for some provision like a letter of intent.

Jim Stoddard, 122 S. Locust, said he was here representing Milan Krpan on an unrelated matter, but wondered if thought had been given to extending the road further south to Mr. Krpan's property to allow access to Bethany Road, Gateway, Oakland, and eventually Peace Road.

Mr. Nicklas said that was considered and Engineer Brady said they considered stubbing it into Tharold Anderson's property to eventually tie into Gateway Drive.

Milan Krpan, 640 Krpan Court, DeKalb, said it would be good planning to have access even though he and Sycamore Bethany Park might lose a lot.

Mr. Doherty said his client has made considerable concessions with street extensions, entrance cuts and retention ponds requested. He said that further extending the road would be unacceptable at this point.

### **Motion**

Commissioner Lorence moved to approve a favorable recommendation to Council with findings of fact, discussion with VAC, provision of maintenance for open areas, and compliance with UDO for any unbuilt lots once it is adopted and Commissioner David seconded the motion.

### **Roll Call Vote**

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

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

Manager Nicklas explained that Mr. MacAlister recently purchased this property and razed a dilapidated single-family residence on the site. He said that Mr. MacAlister is also completing the construction of two duplex structures on the opposite side of North Cross Street. Mr. Nicklas said Mr. MacAlister initially intended to subdivide the property to construct two similar duplex structures, but thought that four units might have a better appearance if attached in a single structure. Mr. Nicklas said a zoning change is necessary to pursue the 4-unit.

Commissioner McBride inquired if zoning is changed for a 4-unit could they return for the second building. Mr. Nicklas said they could.

Commissioner David expressed concern that they were allowing a multi-family structure next to single-family structures. She said that this case was not such an issue, but feared they would be setting precedent.

Matt MacAlister, 160 Ashwood Drive, said he thought the 4-unit was a better use of the land. He said there is plenty of parking in the back.

Commissioner Davey asked if they were front facing with parking in the rear and Mr. MacAlister said they were. Mr. Davey said the duplexes Mr. MacAlister built across the street are very nice and said this will improve the property in the area.

Wendy Sigmores, 239 North Cross, said she lives right next door and thinks this will improve the neighborhood.

**Motion**

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

**Roll Call Vote**

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

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

Manager Nicklas said this final plat depicts 126 single-family lots and two park areas.

Commissioner Lorence asked that a note on the face of the plat reflect the park name as "Stapleton Park."

Commissioner Steczo said he received a call from Park Executive Director David Peek informing him the land cash ordinance in the annexation agreement for the Park District has not been satisfied. He said they have been waiting for 3 years for the land donation from Mr. Krpan and he said he would like to table this action for another month.

Jim Stoddard, 122 S. Locust Street, attorney for petitioner, said the annexation agreement did provide for a schedule and he took responsibility for not having the documents prepared.

Commissioner Steczo said they were reminded at an October meeting to get the land turned over to the Park District and it is now August. He said he would not vote yes on this final plat until the Park District has deed and title.

Mr. Stoddard said the ball is in Mr. Krpan's court and they have an agreement that says they will turn the land over.

Milan Krpan, 640 Krpan Court, DeKalb, said this should be done and he is anxious to turn the property over to the Park Board.

Commissioner David asked how close they were to getting the property and Mr. Steczo said not very. He said Mr. Krpan was asked to get the papers ready last October and they are not ready yet.

Chairperson Lewis asked if this is the last phase of the subdivision and Mr. Nicklas said it is.

Commissioner McBride informed Mr. Krpan that the children moving into units 2 & 3 of Parkside Estates will be assigned to West School and asked him to communicate that to potential buyers. He said he would get a letter stating that to Mr. Krpan.

Commissioner McBride said he hopes the construction traffic for units 2, 3, & 4 will use Bethany as discussed during the approval process.

Mr. Krpan said he stopped cement trucks and told them to use the Bethany route.

Commissioner McBride asked Mr. Krpan to add to his sign that construction traffic use Bethany Road.

Building Commissioner/Zoning Officer Lyle Doty said he spoke with Tom Herst at Floit's and he said he would make sure his drivers use Bethany Road.

### **Motion**

Commissioner Steczo moved to table this item until contractual agreement with the Park District is satisfied and Commissioner McBride seconded the motion.

### **Roll Call Vote**

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

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

Manager Nicklas said this annexation agreement amendment needs clarification. He said one of the triggers for improvements at Mt. Hunger and Route 23 is upon us. He listed the triggers as follows:

- Commencement of the reconstruction of the intersection at Mt. Hunger Road and Rt. 23 "triggered" by one of the following:
  1. when a total of 275 permits had been issued for the Townsend Wood subdivision, inclusive of townhomes and condos; or

2. when a total of 200 permits had been issued along with permits for the development of 10 or more acres on the commercially zoned property on either side of the Mt. Hunger intersection; or
3. when any resurfacing project on Rt. 23 initiated by IDOT would include the intersection of Rt. 23.

Mr. Nicklas said the question is what is meant by improvement. He said Mr. Dahl and his attorney would present their meaning. Mr. Nicklas said to the staff improvement means actual construction activity under way as distinguished from the creation and processing of plans. He said, in fairness, one of the steps along the way to permitting by IDOT for the reconstruction of the intersection is working its way through the IDOT system. He said the Intersection Design Standard (IDS) is under review in Dixon and it is a slow process even under the best conditions. He said upon approval of the IDS the actual intersection construction plans can proceed. Mr. Nicklas said they are looking for direction.

Commissioner McBride asked if the intersection design required the Plat of Dedication approved by the City and School District. Mr. Nicklas said no, the intersection design is separate and has been underway for some time.

Commissioner David said this is an issue for the attorneys to address and suggested that in the future better language be used in original agreements.

Mr. Nicklas said they did go back and revise language and are still in this position. He said Mr. Dahl is willing to post a letter of credit for \$500,000 which ties up developers resources and encourages them to move. He said they cannot speak for IDOT, but it is projected it may be another year before plans are approved.

Commissioner McBride said the triggers are tied to anticipated traffic counts and if permits continue to be issued, it would compound the problem.

Mr. Nicklas said the bottleneck is at the intersection. He said staff feels Mr. Dahl will do whatever he can at the local level, but recent history proves delays through the State process.

Commissioner Lorence said there has been a change of staffing at the IDOT level. He said the County is waiting for approval of an IDS for the intersection of Peace and Route 23. He recommended a letter of credit from developer as full faith, but he thinks improvement is brick and mortar not plans.

Chairperson Lewis asked if commercial development takes place prior to approval by IDOT is there a risk to the integration of the plans.

Mr. Nicklas said approval of any commercial plat would be up to Council and they could say enough is enough. He said the concern is as the threshold is approached that innocent families and professionals would be affected by not issuing permits and we have no legal authority to do that without Plan Commission and Council support.

Commissioner McBride asked why not issuing permits is not an option and Mr. Nicklas said it would be a disaster for our community appeal. Mr. Nicklas said this is not an easy situation and that is why this is before the Commission tonight. He said they need to know if they can make this adjustment, because withholding permits may be considered an extraordinary use of force.

Commissioner Henderson asked if there is any risk that the IDS would not be completed or approved.

Mr. Nicklas said there are different players here with the letter of credit. He said there is no predicting the timetable for the State, but if the developer defaults we could pull the letter of credit and do the work ourselves.

Commissioner Henderson asked if \$500,000 letter of credit is enough to propel the developer to move and Mr. Nicklas said Engineer Brady thought that was adequate.

Commissioner George said he did not think Mt. Hunger intersection compares to Maplewood intersection and he thinks the petitioner is committed to getting it done.

Brett Brown, 115 N. First Street, DeKalb, said he is not aware of public safety issues at Mt. Hunger now, but improvements to be done in the course of good planning. He said a letter of credit is a major issue for a developer. He said Mr. Dahl has \$1 million in letters of credit for Maplewood - \$500,000 for the City and \$500,000 for the State. Mr. Brown said that Mr. Dahl would like to have the City release the \$500,000 for Maplewood to place on Mt. Hunger. He said short of that they are asking for no action because everything is working as it should. Mr. Brown said they should be careful about the language used in annexation agreements to commence the triggering process because IDOT permits are only good for a few months. He said his client is just as frustrated as the City. Mr. Brown said that legally it is not his opinion that the City can withhold permits.

Commissioner David asked the staff's position for releasing the \$500,000 letter of credit for Maplewood.

Mr. Nicklas said they need to take each intersection separately, He said they did not anticipate IDOT requiring a letter of credit and he would need to see documentation of that before considering releasing the City's letter of credit. Mr. Nicklas said his only reservation is that IDOT does not have the interest we have in improving that intersection.

Mr. Brown said that part of the negotiation with IDOT is to get final permission to start the intersection. He said they asked IDOT to accept assignment or right to enforce the City's letter of credit, but they had to have their own letter of credit. He said he is not sure they would be able to procure an agreement with IDOT to allow Sycamore to an enforcement right as an express beneficiary of a redone letter of credit that IDOT has. He suggested they table this until the next meeting to get that agreement procured.

Mr. Nicklas said he was going to suggest tabling this because they have not seen the documents.

Mr. Brown said he wanted time to explore the letter of credit revision with IDOT. He said there is not a sense of urgency and he would like to get better information.

Commissioner Stowe said he keeps hearing there is no sense of urgency or no predictability and with the Maplewood intersection history he told the petitioner he'd better get going. Mr. Stowe asked if sidewalks were on Maplewood yet.

Mr. Brown said those have continued with consensus of staff because they felt they would have to be torn out and replaced after intersection improvements. He said they plan to have something in by this fall. Mr. Brown said the Mt. Hunger intersection does not appear to be a public safety issue.

Chairperson Lewis asked if there is any contention that any 1 of the 3 tripper points is about to be reached.

Mr. Brown said they have heard for months those 275 units are nearly reached and apparently that has not yet happened. He said the market is unpredictable and it is the end of the prime selling season so there might not be another sale on that unit.

Commissioner George said his concern with withholding permits would be the impact it would have on the innocent people.

Mr. Nicklas said they would need initiative at the local level to give the City comfort for what is within control of the local parties.

Commissioner Stowe said if the need is not there now it will be soon, so this should be completed.

### **Motion**

Commissioner Lorence moved to postpone this consideration until the September meeting and Commissioner Steczo seconded the motion.

### **Roll Call Vote**

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

## **WORKSHOP ITEMS**

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

Manager Nicklas said that 6.6 amplifies the landscaping standards addressed in the Zoning Code. He said the Zoning Code focuses on the screening of parking lots and this will also identify the need for screening service yards, dumpsters, utility equipment, and a variety of outdoor storage uses in relation to residential uses. Mr. Nicklas said in 2001 Urban Design Guidelines were prescribed, but were advisory and not compulsory. He said that this document would be part of the code.

Commissioner David asked if there was language to allow for the preservation of tree stands.

Mr. Nicklas said he tried to identify by age, girth, condition, and species, but could not define points of distinctions between trees and shrubs and felt it could not be enforced. He said he excised that language and thought they might grow into that because the City has never even prescribed landscaping in parking lots before.

Commissioner David said she would like to see an effort made to address the girth to identify and preserve that that is already there.

Commissioner Lorence said he was glad to see that Chinese Elm and Box elders were prohibited, but questioned some of the others on the list.

Mr. Nicklas said he welcomed that kind of direction.

Chairperson Lewis said he recalled some statements of philosophy in either the design standards or the comp plan and asked if they wanted to search back and review those for preservation.

Mr. Nicklas said he wrote those documents and thought the insertion of this and extension of detail made these guidelines more prescriptive.

Chairperson Lewis said under 6.6.2 B-1-d "a tree preservation and removal plan must be included" is part of the document.

Mr. Nicklas said that was as far as he went and he meant it should be thought through, but we don't have the staff to get very detailed.

Commissioner David suggested being more definitive to ask developers to give reasonable efforts to preserve.

Commissioner Stowe said they might use the preservation of tree stands to negotiate other requirements.

Mr. Nicklas said staff knows the terrain and will be able to acknowledge that. He said it is up to the Plan Commission to decide how far to go with the requirements.

Commissioner Lorence suggested a goal or concept and require the developer to provide an expert to why one plant is better than another.

Mr. Nicklas said in regard to Commissioner Stowe's comment the document refers to "innovative landscaping treatments are encouraged and shall be considered as a positive attribute in connection with any request for a variation."

Commissioner Stowe asked about planting on the lot line and Mr. Nicklas said planting may be done near the lot line.

Commissioner McBride said that Verizon is coming through with tall and ugly pedestals and asked if they meet the City's requirements.

Mr. Nicklas said they are in their right-of-ways and easements.

Commissioner David asked if Sycamore trees should be on the permitted list and Mr. Nicklas said he would add them.

Chairperson Lewis said that sections 6.7 and 6.8 were not in the packets so Mr. Nicklas said he would work with the Clerk's office to get those distributed for discussion at the next meeting.

## **REPORTS**

Chairperson Lewis asked for an update on the Council growth discussions.

Mr. Nicklas said there has been discussion at the past two Council meetings and at the last regular Council meeting they considered 5 options. He said the option they approved was to stay with the 2003 revised Comprehensive Plan, review each proposal on its merit, enforce ordinance 2003.65, investigate possibility of proposing a real estate transfer fee – which would require a referendum, and solicit proposals from qualified firms for a comprehensive fiscal study for the City, schools, park, and library. Mr. Nicklas said he has tentatively projected a return of those proposals on September 10 to hopefully go to Council for approval on September 20.

Commissioner Lorence gave a brief update on the Cortland corridor study of Somonauk Road south of our agreed boundary. He said the developers are going to pay for the study. He said that every piece of property south of Barber Greene Road to Cortland is owned or committed to by developers. He said the study is to look at Somonauk, Loves Road, and Airport Road. He said the County would most likely turn Somonauk Road south of Barber Greene over to Cortland.

Chairperson Lewis said that this reminds us that actions that Cortland takes will affect the City of Sycamore.

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

### **ADJOURNMENT**

#### **Motion**

Commissioner Lorence moved to adjourn the meeting at 9:00 p.m. and Commissioner Steczo seconded the motion.

#### **Voice Vote**

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

Approve:

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Chairperson – John Lewis

Attest:

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Candy Smith, City Clerk