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**SYCAMORE PLAN COMMISSION MEETING**  
**MINUTES OF FEBRUARY 11, 2008**

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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: Ron Bemis, Bill Davey, Lowell Evans, Ken George, Cindy Henderson, Bill Lorence, Steve Nelson, and Chuck Stowe. Commissioners Marvin Barnes, George Bridgewater, and Michelle Schulz 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 JANUARY 14, 2008.**

**Motion**

Commissioner Lorence moved to approve the Minutes of January 14, 2008 and Commissioner George seconded the motion.

**Voice Vote**

Chairperson Lewis called for a voice vote to approve the motion. All Commissioners present voted aye. Motion carried 9 - 0.

**APPROVAL OF AGENDA**

**Motion**

Commissioner George moved to approve the agenda and Commissioner Davey seconded the motion.

**Voice Vote**

Chairperson Lewis called for a voice vote to approve the motion. All Commissioners present voted aye. Motion carried 9 - 0.

**CONSIDERATIONS**

**A. Consideration of a Petition from Milan Krpan for a Final Plat of Krpan's Thanks America Commercial Subdivision, Phase Three.**

City Manager Nicklas explained that in February 2007, the Plan Commission recommended and Council approved a concept plat for the development of this area. He said this final plat for Phase Three slightly re-configures Lots 11 and 12 to accommodate the interest of a major medical clinic and generally defines 17 lots that are for sale. He noted that all lots are zoned C-3 except Lots 8 and 24 which are zoned M-1.

Milan Krpan, petitioner, said he changed some of the lot sizes from the concept plan.

**Motion**

Commissioner Lorence moved to forward the Final Plat of Krpans' Thanks America Commercial Subdivision Phase Three with 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 Ron Bemis, Bill Davey, Lowell Evans, Ken George, Cindy Henderson, Bill Lorence, Steve Nelson, Chuck Stowe, and Chairperson Lewis voted aye. Motion carried 9 - 0.

**B. Consideration of a Final Plat for the Plank Commercial Center at the Northeast Corner of Plank Road and Illinois Route 23.**

City Manager Nicklas noted that new copies of the final plats were provided that more clearly showed the easements at the west and east ends. He said this plat resolves the ingress/egress to the "notch" parcel in the center of this parcel that is not currently annexed.

Commissioner Lorence said he wanted clarification on the face of the plat that no vehicular traffic access was permitted to Peace Road other than at that 66' easement. He asked if there would be access to the State Route.

Mr. Nicklas said he was not sure.

Commissioner Lorence said the recorded date of July 8, 1966 should be July 8, 1996.

**Motion**

Commissioner George moved to forward the final Plat for the Plank Commercial Center with a favorable recommendation to Council and Commissioner Davey seconded the motion.

**Roll Call Vote**

Chairperson Lewis called for a roll call vote to approve the motion. Commissioners Ron Bemis, Bill Davey, Lowell Evans, Ken George, Cindy Henderson, Bill Lorence, Steve Nelson, Chuck Stowe, and Chairperson Lewis voted aye. Motion carried 9 - 0.

**C. Consideration of a Vacation of Easement for Lots 91 and 92 of the Country Estates Unit of the Heron Creek Planned Unit Development.**

City Manager Nicklas referred to the plat of survey in the background and said the easement is no longer of use to the private utilities and will not be necessary to provide storm water drainage. He said the owner is building a house on Lot 91 and also owns the west half of Lot 92. He said the City has no objection and the private utilities have no objection.

**Motion**

Commissioner Lorence moved to forward the vacation of easement for Lots 91 and 92 of Heron Creek County Estates with a favorable recommendation to Council and Commissioner Nelson seconded the motion.

**Roll Call Vote**

Chairperson Lewis called for a roll call vote to approve the motion. Commissioners Ron Bemis, Bill Davey, Lowell Evans, Ken George, Cindy Henderson, Bill Lorence, Steve Nelson, Chuck Stowe, and Chairperson Lewis voted aye. Motion carried 9 - 0.

**D. Consideration of a Petition from Mike Conro to Rezone the Property at 224 May Street from “M-1” Light Manufacturing District to “R-2” Two Family Residence District.**

He said the owners of the properties for this consideration and the next consideration would like to rebuild their detached garages and they cannot do that because although they were legal non-conforming, the City’s UDO does not permit residential garages in industrial zoning districts. City Manager Nicklas said that R-2 is compatible with nearby zoning and it seems to make sense for the future uses of these lots. He said Mr. Conro has also asked to expand the allowable square-foot area, but that would have to go before the Zoning Board of Appeals as a variance request.

Mike Conro said he was speaking for himself and his neighbor Bruce Hardesty. He said they both want to rebuild their garages. He asked if he would receive a variance tonight.

Mr. Nicklas said he would have to go before the Zoning Board of Appeals because there are different standards of hardship.

Mr. Conro said he might have made a different decision about buying the property if he would have known he had to go through all of this. He said he appreciated the Plan Commissioners time.

**Motion**

Commissioner Lorence moved to forward the rezoning of the property at 224 May Street from M-1 to R-2 with 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 Ron Bemis, Bill Davey, Lowell Evans, Ken George, Cindy Henderson, Bill Lorence, Steve Nelson, Chuck Stowe, and Chairperson Lewis voted aye. Motion carried 9 - 0.

**E. Consideration of a Petition from Bruce Hardesty to Rezone the Property at 220 May Street from “M-1” Light Manufacturing District to “R-2” Two Family Residence District.**

**Motion**

Commissioner Lorence moved to forward the rezoning of the property at 220 May Street from M-1 to R-2 with a favorable recommendation to Council and Commissioner Nelson seconded the motion.

**Roll Call Vote**

Chairperson Lewis called for a roll call vote to approve the motion. Commissioners Ron Bemis, Bill Davey, Lowell Evans, Ken George, Cindy Henderson, Bill Lorence, Steve Nelson, Chuck Stowe, and Chairperson Lewis voted aye. Motion carried 9 - 0.

## **WORKSHOP ITEMS**

### **A. Consideration of a Concept Plan from Dr. Steve Glasgow for the Development of the Fowler Farm.**

City Manager Nicklas said this was prompted by both Dr. Glasgow's interest and the Plan Commission's discussion of the proposed future land use map that no longer shows rural residential zoning in the City's planning area. He noted that this parcel is in the county's planning jurisdiction presently as an agricultural zoning designation and is about four farms away from contiguity with the City of Sycamore. He said in a conventional manner, this could be annexed if the intervening property owners were interested in annexing from a legal standpoint. He noted a State of Illinois enactment HB3597 that addresses issues regarding parcels remote from corporate limits of a municipality that had developed annexation agreements with that municipality. He quoted the relevant passage of the legislation that was specific to DeKalb County and "if the property that is the subject of an annexation agreement is located within 1.5 miles of the corporate boundaries of the municipality, that property is subject to the boundaries of the municipality, that property is subject to the ordinances, control, and jurisdiction of the annexing municipality. If the property is located more than 1.5 miles from the corporate boundaries of the annexing municipality, that property is the subject to the ordinances, control, and jurisdiction of the annexing municipality unless the county board retains jurisdiction by the affirmative vote of two-thirds of its member." He said this parcel is within a 1.5 miles of the City of Sycamore which means it is possible for the City of Sycamore to work out an annexation agreement with the owner of this parcel to agree to provide the essential public services that might be desired by those residents of that parcel. He said they would also have to work out responsibility for police service, whether there would be water and sewer extensions, and snow plowing. He said it is clear that a gravity sanitary sewer line could not be extended to that area and the water supply could be extended but would not be looped which could diminish the quality of the public water. He said there are 6 very large parcels proposed so from a public health stand point the drilling of 6 wells and having 6 separate septic hills would not create any issues. He said the proposed roadways would be privately owned, operated, and maintained. He said we would want to dig a little deeper regarding the legal framework and he has had a number of conversations with the County Planner Paul Miller and would like to open up discussion with Sycamore Township. He said the law tells us that with an annexation agreement to a spot remote from our corporate limits that we would not be required to provide services all along the way to the unincorporated areas, but we want to make sure of this. He said the concept plan does not indicate whether bike paths are planned to connect the proposed subdivision to other bikepaths in the Stonegate or Heron Creek developments, but it is assumed such pathways could be incorporated in a more developed plan. He said this is designed to be a conservation area and this would probably have one parcel that would be a common stable area.

Steve Glasgow, petitioner, said he dabbles in real estate development and this is a new endeavor. He said the first three developments were Midlands Professional Campus, Bethany Road Development (Mediterranean Drive), and Primm Commercial Development north on Route 23. He said he and his wife would like to create a rural community that surrounds horse raising activities. He said they would have someone maintain a small business with respect to the care of horses and giving lessons. He said there would be an indoor arena that would be participated in by the 6

lots, one of which would be his home. He said this would be a conservation community that relates to the flow of water with the ponds catching water which would be pumped up to the higher ponds by windmills. He said they are also going to use solar and they would like to make this a net zero energy community.

Chairperson Lewis said if this happened in some shape or form result in an increase in cost to provide city services there, would a special assessment area be applicable.

Mr. Nicklas said that could be addressed in the annexation agreement. He said they would need to nail down the tax generation and liability that would flow to the taxing bodies that service this as part of a coattail process. He said from a planning stand point this is very interesting and is more unique than anything the City has seen as a proposition for the community's edges.

Chairperson Lewis asked if this was a concept the Plan Commission would be willing to take seriously if it was brought back as a petition or was it something they wanted to stay away from. He said he thought they needed to provide some direction about whether this was something they wanted to talk about.

Mr. Nicklas suggested they might want more information and suggested bringing this back as a second workshop.

Commissioner Davey asked if they could be annexed without being contiguous.

Mr. Nicklas said the actual act of annexation may not occur until some later point, but the annexation agreement defines the terms of the public services that could be provided now according the state statute that he read earlier.

Commissioner Davey asked what the advantage would be to get this pre-annexation agreement.

Dr. Glasgow said the advantage would be that he would be able to start the project. He said this way would be cleaner than getting the properties along the way up to that point to agree to annex to the City.

Chairperson Lewis said as it stands today the County would not allow this annexation.

Mr. Nicklas said if this does not comply with the County or City plans then in the extreme case one or the other taxing bodies might have to buy it.

Commissioner Lorence said when the County adopted their plan they adopted each municipality's plan at the time so the County plan shows this as rural residential this is just not an allowable use in the County zoning because everything is agriculture.

Mr. Nicklas said when he spoke with DeKalb County Planner Paul Miller and he told him there was no place in the County ordinance for this type of development. He said there is a possibility it could be done under the new state statute with an annexation agreement with the City. He said the intervening property owners would not be annexed or pay City taxes nor would the City be paving or plowing the township road in between and it would need to be decided who would provide the law enforcement.

Commissioner Lorence said currently there are many agreements between the Sheriff and the Chief of Police as to who's responding where.

Chairperson Lewis said if it did fall to the City that could be identified in the agreement as a special service area.

City Attorney Keith Foster said they could provide a fee for that in the annexation agreement.

Chairperson Lewis said there are ways to do this that would provide ways not to have an adverse affect on the City's finances.

Commissioner Stowe said annexation agreements are good for 20 years and if that is breached within 20 years who would be in charge of it the County or the City.

City Attorney Foster said that is one of the issues the City will want to look at carefully.

Commissioner Henderson said she thought the concept was great, but she felt the details were messy. She asked if they wanted to even move forward with so many unknown issues because she did not feel that it was workable.

Mr. Nicklas said that was why he suggested another workshop in March to address the concerns raised.

Chairperson Lewis said it is pretty messy right now and if some of those issues could be addressed and they came back with a better idea of exactly what it means for the impact to the City.

Mr. Nicklas said he is still a couple of months from bringing back the revisions of the first three chapters of the Comprehensive Plan which is the backdrop of the future land use map.

**B. Consideration of a Concept Plan for the Development of the Walters & Cambier Farms Located North and West of the Intersection of Peace Road and Brickville Road.**

City Manager Nicklas said this is a proposed residential development of these two small farms and this area is presently contiguous to the corporate limits of Sycamore. He said this is situated north of the Peace and Brickville intersection with 138 single-family lots ranging from 1/3 to 1/2 acre. He said on two different occasions in 2004 and 2005 another developer brought a different concept plan to Plan Commission and some of the issues then were lot size, drainage impacts, traffic impacts and buffering. He said this plan has a number of features that address those concerns.

John Pappas, 3 Fairway Circle, DeKalb, said he was proposing 96 acres of residential subdivision with 2.5 acres of assisted living. He said it would be similar density to Heron Creek Estates which is right across the street.

Mr. Nicklas said the exhibit the Commissioners have has no delineation of the assisted living area.

Mr. Pappas distributed copies of the preliminary plat that included the assisted living area.

Chairperson Lewis asked how many units would be in the assisted living.

Mr. Pappas said 40 units.

Commissioner Nelson said in the write-up there were notes that the alignment of the entry drive off the rotary were too close to the curve and asked if that would be adjusted.

Mr. Pappas said they would be eliminating a lot to the west.

Commissioner Nelson said that other than the inside of the rotary circle, which is not necessarily where he'd want his kids to play, there was no park area. He asked if there was any consideration for adding any green park space to the development.

Mr. Pappas said he was open to it, but his experience with the Park District is that they do not want to maintain small parks all over town and would rather take the cash contribution.

Commissioner Henderson asked if the streets were straight-aways and said the City would prefer curved streets or something to reduce speed. She also noted that there was not parking for residents and visitors.

Commissioner Lorence said this is a single-family residential proposal.

Mr. Nicklas said there are public streets with parking on both sides.

Commissioner Lorence asked about the extension of Motel Road which is on our long range plan.

Mr. Nicklas said that was put in our plan back in 2002-2003 because we were not sure where growth was going to go. He said they thought that might be a major collector, but because of sewer capacity we are not looking for any more residential out there except for these two farms.

Commissioner Lorence said there is a large, regional church on that corner and some substandard curves on Brickville. He said it might behoove us to provide some additional circulation in the area regardless of whether there is growth.

Mr. Nicklas said extending that road would shoot the traffic into the subdivision to the east. He said all of these are legitimate questions.

Commissioner Lorence suggested they could put a road around the retention pond and call it green space.

Commissioner Stowe said that Mr. Pappas should check with the Park District to see if the park space is acceptable.

Chairperson Lewis asked if there was any audience comment.

Fred Peltz, 1504 Sunflower Dr. S, said his major concern was the intersection of Brickville and Peace will be a major problem with 300 extra cars wanting to enter a two-lane road in the morning and in the evening. He suggested perhaps they could widen Brickville Road up to the entrance of the subdivision to make turn lanes. He said he would hate to see a beautiful grove of oak and

hickory trees taken down to make a pond. He said the retention pond would need to be engineered to hold a lot of water because there is already water across the road there and roads and rooftops would create more.

Kent Hayes, 1871 Brickville Road, said he was concerned about the traffic on Brickville Road.

Jim Whitney, 1818 Brickville Road, asked if there was room for turn lanes on Peace Road and he said there is a drain tile where the trees are.

Kim Cubert, 1911 Brickville Road, expressed concern about safety with the lack of a traffic light at the corner of Brickville and Peace. She said the secondary entrance takes traffic by the fire house on Frantum Road which has no traffic light. She asked the City to work with the County to take out the sharp right curve on Brickville Road.

Robert Whitney, 1850 Brickville Road, said the woods in the back are 2/3 swamp and he did not think a retention pond could contain the water. He said that 2 cars per house for 138 houses would create a lot of traffic.

Mark Gephart, Wendler Engineering, said he noted the neighbors' remarks. He said they would work with City Engineer John Brady to address the drainage concerns.

### **C. Consideration of a Rezoning Concept for Lot 12 of the Manor Unit 1 Subdivision.**

City Manager Nicklas explained that the petitioner is proposing to rezone the portion of Lot 12 which has not been developed for parking and merge it with Lots 10 and 11 to create a larger space for multiple family development. He listed a number of planning issues to consider from his background as follows:

- a) The allowable number of structures on a residentially zoned lot. Section 6.1.12A of the UDO allows only one principal building per lot in residential subdivisions unless part of a planned unit development ("P.U.D."). The minimum area for a P.U.D. is 2 acres (Section 4.4.4G), and the proposed apartment area is smaller than 2 acres.
- b) Density. The land area for the proposed apartments is about 0.80 acres, resulting in a gross density of about 10 units per acre. The maximum allowable density for multiple family housing is 9 units per gross acre. If the right-of-way for Hollnick Drive is vacated (see below), the apartment area would be 0.95 acres, and the density would be 8.42 units per gross acre.
- c) Storm water detention. On-site detention is not shown.
- d) Floodplain delineation. The floodplain line runs approximately parallel with the west edge of the proposed interior parking lot. Hollnick Drive is a recorded right-of-way but no roadway has been built. The right-of-way should be vacated since it would fall within the floodplain limits and the City has no intention of building the platted street.
- e) Access. It appears that the garages for the five-unit and three-unit buildings would be approached from the interior of the site, as the Plan Commission prefers, rather than "front-loaded" with access to Kingsway Drive.
- f) Guest parking. No guest parking is shown. The City would require an additional .75 off-street parking spaces per unit, in addition to what appear to be garage spaces on the plot plan (see attached).

- g) Buffering of uses. Additional space needs to be dedicated for a landscape buffer between the proposed residential property and the commercial property to the south.

Jim Sparber, 324 W. State Street, Geneva, IL, said he was representing the petitioner and agreed that this sight has some constraints to it in regard to the flood plain and flood way which run across the northeastern portion of the property. He said that makes it difficult to do standard development type work here so they have had to do some reconfiguration of the property in order to work in those constraints. He said they created two buildings rather than one and felt they could buffer between the commercial and residential.

Commissioner George asked if this was in the flood plain.

Mr. Sparber said there is flood way and flood plain.

City Engineer Brady said they would need to get DNR approval for work in the flood way.

Commissioner Stowe said he did not think a P.U.D. could be done on this lot with two buildings.

Mr. Sparber said they were asking for a little leeway to allow two lots on this property or to allow a P.U.D. of lower size because they were working within the constraints of flood plain property.

Commissioner Henderson asked if there was a density issue here.

Mr. Nicklas said this is right on the line and could achieve 9 units per acre if the City would vacate Hollnick Drive. He said the City has no interest in a public street there so that is probably doable, but the other issues are more challenging.

Chairperson Lewis said he needed clarification about sufficient room in the flood plain to provide required detention.

City Engineer Brady said that would require further engineering and he would need to take a closer look.

Commissioner Lorence said there are other ways to address comp storage.

Mr. Nicklas said this is an area that is zoned for multi-family but invites the need for creative building design.

Mr. Sparber said the owner has indicated he would like an architectural style different than what is adjacent to it. He said he was considering a garden basement area.

Commissioner Stowe said the word basement concerned him.

## **REPORTS**

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

## **ADJOURNMENT**

### **Motion**

Commissioner Lorence moved to adjourn the meeting at 8:22 p.m. and Commissioner Evans seconded the motion.

### **Voice Vote**

Chairperson Lewis called for a voice vote to approve the motion. All Commissioners present voted aye. Motion carried 9 - 0.

Approve:

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Chairperson – John Lewis

Attest:

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Candy Smith, City Clerk