
SYCAMORE PLAN COMMISSION MEETING
MINUTES OF OCTOBER 13, 2008

CALL TO ORDER AND ROLL CALL

In the absence of Chairperson John Lewis City Clerk Candy Smith called the meeting to order at 7:00 p.m. and asked for a motion to nominate an Acting Chairperson.

Motion

Commissioner Henderson moved to nominate Chuck Stowe as Acting Chairperson and Commissioner George seconded the motion.

Voice Vote

City Clerk Smith called for a voice vote to approve the motion. All Commissioners present voted aye. Motion carried 8 - 0.

City Clerk Candy Smith called the roll. Those Commissioners present were: Marvin Barnes, Ron Bemis, Lowell Evans, Ken George, Cindy Henderson, Steve Nelson, Michelle Schulz, and Chuck Stowe. Commissioners George Bridgewater, Bill Davey, John Lewis, and Bill Lorence were absent. Other staff members present were City Manager Bill Nicklas, Municipal Engineering Corporation John Brady, Building Commissioner/Zoning Officer Lyle Doty, and Commission Attorney Kevin Buick.

APPROVAL OF MINUTES OF SEPTEMBER 8, 2008.

Motion

Commissioner Nelson moved to approve the Minutes of September 8, 2008 and Commissioner Evans seconded the motion.

Voice Vote

Acting Chairperson Stowe called for a voice vote to approve the motion. All Commissioners present voted aye. Motion carried 8 - 0.

APPROVAL OF AGENDA

Motion

Commissioner Evans moved to approve the agenda and Commissioner Schulz seconded the motion.

Voice Vote

Acting Chairperson Stowe called for a voice vote to approve the motion. All Commissioners present voted aye. Motion carried 8 - 0.

CONSIDERATIONS

- A. Consideration of a Petition from Gambino Homes for a Special Use Permit to Re-subdivide Certain Duplex Lots for the Sale of Individual Units in Fee Simple with a Common Wall Agreement, Per the Requirements of Article 4.3.4, 13 and Article 6.5 of the Unified Development Ordinance.**

City Manager Nicklas said the duplex units are presently sold as condominiums with occupants owning just the space within the unit. He said the petitioner is simply asking to be able to sell the units

in fee simple with a divided lot for each unit. He said that a homeowners association will maintain the yard areas even though they will be owned individually. He said no additional units were requested.

Motion

Commissioner Schulz moved to forward with a favorable recommendation to Council and Commissioner George seconded the motion.

Roll Call Vote

Acting Chairperson Stowe called for a roll call vote to approve the motion. Commissioners Marvin Barnes, Ron Bemis, Lowell Evans, Ken George, Cindy Henderson, Steve Nelson, Michelle Schulz, and Acting Chairperson Chuck Stowe, voted aye. Motion passed 8 - 0.

B. Consideration of a Revision of Article 6.11.2 of the Unified Development Ordinance to Amend the Park District Land/Cash Fee Schedule.

City Manager Nicklas explained that Park District Land/Cash Fee Schedule has been a matter of Council debate since about a year ago. He said spring 2008 the Council and the Park Board voted on an intergovernmental understanding with respect to liability for any claims that may be brought against decisions made on the fee schedule. He said that indemnity agreement was ultimately passed in August and in September Council took an interim step toward the revision of the Park District Land/Cash Fee Schedule with the support of the Park Board. He said the primary fee schedule ordinance is codified in the Unified Development Ordinance which requires Plan Commission review.

Ken Anderson, President of Building and Development Association of DeKalb County, said the Park District was using impact fees improperly so his association along with 140 taxpayers sued the Park District. He said his association felt that in these economic times this was not the time to increase fees and in fact, felt they should be reducing them. He said at the time he was on the Park Board he cautioned the Board they were taking in too much land. He said Sycamore Park District allows for 25 acres per 1000 population and the national average is 11.5 acres per 1000 population. He said that Heron Creek parks that were donated to the Park District are being maintained by Heron Creek. He said land values are dropping significantly so the price of a developed acre has changed since the study. He suggested tabling this for one year as recommended by the Mayor's Ad Hoc Committee and said the Park District needs a plan on how to spend impact fees.

Ted Strack, Sycamore Park Board representative, said he was in the audience to answer questions and said Mr. Andersen painted a picture that was in favor of his group and he did not know if that picture was the most accurate one that could have been presented.

Commissioner Schulz said she invited Mr. Strack to attend the meeting. She said she understood economic turmoil, but the Park District has been on hold for many years and they need to find money to catch up.

Ted Strack said the ordinance is an equation with variables and if emotion is removed and the variables define the outcome of the equation then the bias is removed and facts remain. He said they researched actual acres of park land per 1000 residents and it was 25 and said that was part of what he thought makes our town so nice. He said they hired appraisers to come up with the value of an acre of land and they said our fees are about one-third of what they should be. He said he agreed that if the value of land decreases, then the equation should reflect that. He said going forward the Park

District will require that the neighborhood park space come in the form of dirt in that neighborhood and the community park fee should come in the form of dollars.

Commissioner George said that Heron Creek's central park has been taken over by the association.

Ted Strack said they petitioned to take over the maintenance and he said he was embarrassed by that.

Commissioner Evans asked why they took it back.

Ted Strack said there were not happy about how it was being maintained.

Commissioner Schulz said the Board's view has changed and this Board has higher expectations than in the past.

Commissioner George asked if the money was paid back that was used for renting the community center.

Mr. Strack said yes he thought that was resolved.

Commissioner Bemis asked if the biggest variable 11.5 to 25 caused the impact fees to double.

Mr. Strack said it was. He said he wanted to raise the price of a community park acre, but in the compromise he chose not to.

Commissioner Bemis asked for some history.

Mr. Strack said he felt growth was good for the city, but it has to pay for itself. He said his was the lone dissenting vote to keep Park District impact fees the same at the Mayor's Ad Hoc Committee.

Commissioner Schulz said historically there have been 20 acres per 1000 population and they did not want to dilute that.

Commissioner Bemis asked if the Park District felt any differently today than in 2005.

Mr. Strack said this decision is not whether builders can pay their bills, it is about what the numbers say the impact figures should be. He said the issue is not what the economy is, but what the facts are. He said if the land is reappraised and is worth less, then you move it down.

Commissioner Bemis asked if that was built into the ordinance.

Mr. Nicklas said it is not built in and either body can initiate this process at any time.

Mr. Strack said the appraisal was done about 18 months ago.

Commissioner George said it was hard to support an 18-month-old appraisal in this economy.

Commissioner Bemis asked if this was needed.

Commissioner Schulz said they conducted a survey over the summer that said that people would use the Sycamore pool if our pool could have a fun slide and other water accessories. She said they are starting strategic planning meetings tomorrow.

Commissioner Henderson said since Council has already given their consent what would be the next step if the Commission's vote was not affirmative.

Mr. Nicklas said this will go to Council whether the Plan Commission recommends approval or not.

Commissioner Barnes said Plan Commission is an advisory board.

Motion

Commissioner Barnes moved to forward with a favorable recommendation to Council and Commissioner Schulz seconded the motion.

Roll Call Vote

Acting Chairperson Stowe called for a roll call vote to approve the motion. Commissioners Marvin Barnes, Ron Bemis, Lowell Evans, Cindy Henderson, Michelle Schulz, and Acting Chairperson Chuck Stowe voted aye with Ken George voting nay and Steve Nelson abstaining. Motion passed 6 – 1 - 1.

Plan Commission Attorney Kevin Buick explained that if there was no conflict of interest there should be no abstentions.

Motion

Commissioner Barnes moved to reconsider the vote and Commissioner Schulz seconded the motion.

Roll Call Vote

Acting Chairperson Stowe called for a roll call vote to approve the motion. Commissioners Marvin Barnes, Ron Bemis, Lowell Evans, Ken George, Cindy Henderson, Steve Nelson, Michelle Schulz, and Acting Chairperson Chuck Stowe voted aye. Motion passed 8 - 0.

Roll Call Vote on Original Motion

Acting Chairperson Stowe called for a roll call vote on the original motion. Commissioners Marvin Barnes, Ron Bemis, Lowell Evans, Cindy Henderson, Michelle Schulz, and Acting Chairperson Chuck Stowe voted aye with Ken George and Steve Nelson voting nay. Motion passed 6 – 2.

C. Consideration of a Final Plat for Phase Three of the Stonegate Townhouse Development.

City Manager Nicklas said this is for the third and final phase with no change from the preliminary plat.

Chris Youssi, Youssi Real Estate Development of Rockford, said there were no changes and they would like to continue building through the winter.

Motion

Commissioner George moved to forward with a favorable recommendation to Council and Commissioner Schulz seconded the motion.

Roll Call Vote

Acting Chairperson Stowe called for a roll call vote to approve the motion. Commissioners Marvin Barnes, Ron Bemis, Lowell Evans, Ken George, Cindy Henderson, Steve Nelson, Michelle Schulz, and Acting Chairperson Chuck Stowe, voted aye. Motion passed 8 - 0.

WORKSHOP ITEMS

A. Consideration of a Request by Larry Patton for a Conceptual Review of an Annexation and Rezoning of the 22-Acre Torbett Farm.

City Manager Nicklas said that Larry and Barbara Patton recently purchase the 22.64-acre Torbett farm located just south of the Eng Farm at 1700 N. Main Street. He said the Pattons want to annex the farm and develop the front parcel for neighborhood commercial purposes and the larger rear parcel for self-service storage garages. He said the UDO allows storage units in some commercial and light manufacturing zoning. He said the nearest zoning is C-1 of the Engh Farm. He said Mr. Patton would be requesting C-3 zoning which is more intense than the C-1 zoning.

Larry Patton asked Plan Commission to consider C-3 zoning which is Highway Commercial zoning and the property is located on Route 23. He said the City's project on the Engh Farm is zoned C-1 which creates a good buffer between his property and Heron Creek. He said the storage facility would require a special use in the C-3 zoning and he felt that many people require storage these days. He said he thought a big box retailer would find it attractive enough to build in the City. He said the land up the road at the corner of Peace and Route 23 was already zoned C-3 and his property's highest and best use was no longer agricultural. He asked for Plan Commission's input.

Commissioner Barnes asked for an example of the C-3 he had in mind.

Mr. Patton said he has always been told to ask for the highest zoning and he thought perhaps Home Depot. He said the storage facility was in the back out of the way, but he did anticipate some complaints from Heron Creek residents. He said there would be flood plain issues to address.

Commissioner Bemis asked what was to the east of the property.

Mr. Patton said there was a holding pond.

Commissioner Schulz asked how close it was to Swanson Road.

Mr. Patton said there was a lot of land between his land and Swanson Road. He said he has watched this land over the past three years and it has not experienced any flooding.

Commissioner Schulz said she thought one of the most interesting things about entering Sycamore was that you enter at a business on the corner of Peace and Route 23 and then come through classy farms, and the Engh Farms. She said she did not think this was the place for a Home Depot and storage units.

Mr. Patton said he lives in one of those classy houses and the storage facility will need to go somewhere. He said he looks at Jewel from his back yard.

Commissioner Henderson asked if the 6.4 acres would be neighborhood commercial.

Mr. Patton said no, they are not near residential housing.

Mr. Nicklas said as Plan Commission reviews this they are looking at what is projected on the Comp Plan and this is shown as green space. He said access is another concern and IDOT would require turn lanes and probably would not allow traffic signals. He said stormwater and what the City wants as an entryway would need to be addressed

Mr. Patton said there is already a turn lane there.

Mr. Nicklas said the southbound traffic would need a left turn lane and IDOT might not determine the widening at the northbound entrance as a turn lane.

Acting Chairperson Stowe said Mr. Patton needed the Commissioners feedback.

Commissioner Evans said with so much C-3 available on Peace Road he did not see any need for additional C-3. He said that Home Depot would not fit in with the scenery at this location and suggested considering multi-family housing.

Commissioner Henderson asked if he had talked with Bill Lorence.

Mr. Patton said he did not think multi-family would ever fly in this town again.

Commissioner Nelson said he thought the storage area could be screened, but he was not sure he wanted to see a big box there and suggested a couple of restaurants. He said he would want to be sensitive to the approach to town.

Mr. Patton asked if restaurants were C-3.

Mr. Nicklas said restaurants were allowed in C-2.

Mr. Patton said he was not in negotiations with Home Depot, but he thought that was a logical choice.

REPORTS

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

ADJOURNMENT

Motion

Commissioner George moved to adjourn the meeting at 7:58 p.m. and Commissioner Nelson seconded the motion.

Voice Vote

Acting Chairperson Stowe called for a voice vote to approve the motion. All Commissioners present voted aye. Motion carried 8 - 0.

Approve:

Acting Chairperson – Chuck Stowe

Attest:

Candy Smith, City Clerk