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**SYCAMORE PLAN COMMISSION MEETING**  
**MINUTES OF FEBRUARY 9, 2009**

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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: Marvin Barnes, Ron Bemis, George Bridgewater, Bill Davey, Lowell Evans, Ken George, Cindy Henderson, Bill Lorence, Michelle Schulz, and Chuck Stowe. Commissioner Steve Nelson was absent. Other staff members present were Assistant City Manager/City Treasurer Brian Gregory, Municipal Engineering Corporation Engineer John Brady, Building Commissioner/Zoning Officer Lyle Doty, and Plan Commission Attorney Kevin Buick.

**APPROVAL OF MINUTES OF JANUARY 12, 2009.**

**Motion**

Commissioner Lorence moved to approve the Minutes of January 12, 2009 and Commissioner Schulz seconded the motion.

**Voice Vote**

Chairperson Lewis called for a voice vote to approve the motion. All Commissioners present voted aye. Motion carried 11 - 0.

**APPROVAL OF AGENDA**

**Motion**

Commissioner Evans moved to approve the agenda 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 11 - 0.

**OLD BUSINESS**

City Manager Nicklas said that St. Mary's had a petition to amend the Special Use Permit for school purposes on Waterman Street a couple of weeks ago that was continued. He said that petition should be continued to the next meeting.

**Motion**

Commissioner Lorence moved to continue the petition until the March meeting and Commissioner Schulz seconded the motion.

**Roll Call Vote**

Chairperson Lewis called for a roll call vote to approve the motion. Commissioners Marvin Barnes, Ron Bemis, George Bridgewater, Bill Davey, Lowell Evans, Ken George, Cindy Henderson, Bill Lorence, Michelle Schulz, Chuck Stowe, and Chairperson Lewis voted aye. Motion carried 11 - 0.

**CONSIDERATIONS**

**A. Consideration of a Petition from the City of Sycamore to Annex Property Owned by Jerome Johnson at 401 N. Main Street and to Rezone the Property to “C-3,” Highway Business District.**

City Manager Nicklas said the action was to continue this until the next meeting. He said there has been further discussion with Mr. Johnson and his attorney that led to an amicable compromise on some of the outstanding issues to get the Plan Commission to understand that compromise was needed to have a revised plat with some zoning meets and bounds for which there was no time to get before this meeting.

**Motion**

Commissioner Barnes moved to continue this item until the next meeting and Commissioner George seconded the motion.

**Roll Call Vote**

Chairperson Lewis called for a roll call vote to approve the motion. Commissioners Marvin Barnes, Ron Bemis, George Bridgewater, Bill Davey, Lowell Evans, Ken George, Cindy Henderson, Bill Lorence, Michelle Schulz, Chuck Stowe, and Chairperson Lewis voted aye. Motion carried 11 – 0.

**B. Consideration of a Petition to Vacate Hollnick Drive and to Re-Subdivide the Tsiagaldis Subdivision in the City of Sycamore, Illinois.**

City Manager Nicklas noted that back in July 2008 Plan Commission recommended rezoning a portion of this property and Council approved it. He said there is a concept plan before them tonight with a proposed right-of-way vacation. He said that Hollnick Drive is not a right-of-way the City ever intends to build a street on. He said that half of the vacated r.o.w. would go to the property owner to the north and half to the property owner in question tonight. Mr. Nicklas said at the July meeting, the Plan Commission had expressed concern about the property being in and near the flood plain. He said the property owner has since contacted an engineering firm that approached the Illinois Department of Natural Resources to see if building on this property was feasible and they have received approval from the IDNR that the project as shown can be authorized by Statewide Permit No. 6.

Jim Sparber of Rempe-Sharpe Consulting Engineers said he was in the audience to answer questions.

Commissioner Davey said he thought it was very close to the flood plain.

**Motion**

Commissioner Lorence moved to forward the vacation of Hollnick Drive and to Re-Subdivide the Tsiagaldis Subdivision 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 Marvin Barnes, Ron Bemis, Bill Davey, Ken George, Cindy Henderson, Bill Lorence, Michelle Schulz, Chuck Stowe, and Chairperson Lewis voted aye with Commissioners George Bridgewater and Lowell Evans voting nay. Motion carried 9 - 2.

**C. Consideration of a Petition to Annex Property at the Northeast Corner of Peace Road and Brickville Road and Rezone the Property to “R-2,” Two Family Residence District, Planned Unit Development, with a Special Use Permit for Single-Family Attached Dwellings and “R-3,” Multiple Family Residence District, Planned Unit Development with a Special Use Permit for an Assisted Living Facility and “R-1,” One Family Residence District in the City of Sycamore, Illinois.**

City Manager Nicklas said the significant difference from the plan that failed at Council in September 2008 is the petitioner has proposed an exclusive development for persons 55 year of age and older with 144 duplex lots. He said the plan still includes the assisted living facility, bike paths, retention, and a Brickville Road bypass. He said the existing Brickville Road would keep its name and the realigned portion would carry a new name. He said the annexation agreement is similar to that of the previous plan, but because of Council interest in a transportation impact fee there is an added provision that if there is an imposition of a transportation impact fee it would apply to this development.

Peter Smith, 1958 Aberdeen Ct., said he was the attorney representing John Pappas who was out of town due to a family obligation. He said Mr. Pappas is looking to create a retirement center on the north side of town with an assisted living facility that would house about 60 people and the majority of the remainder consisting of duplex units restricted in age to people 55 and older. He said there is also park land, green space, bike path, retention/detention, and one lot for an existing single family home. He said there would be no time limit for building permits with regard to the assisted living facility or the duplex units. He said there would be no school impact fees for the senior or assisted living, but there is a Park District fee. He said he thought Mr. Pappas had negotiated the Park District fee. He said there would be a transportation fee should one be enacted.

Chairperson Lewis asked if the School Board had signed off on the school impact fees.

Mr. Smith said he thought it had. He said with this type of development, simply having the real estate appreciate in value with development the property tax payment was a substantial benefit for the School District.

Commissioner Barnes asked again if the School Board had signed off on that.

Mr. Smith said it was his understanding it had been.

Commissioner Stowe said he knew the federal government governs the 55 and older program, but he wondered if the City should put in a provision that if the 55 and older stipulation is removed, school impact fees would apply.

Mr. Smith said he did not think they would object to that, but there is a federal preemption thing.

Mr. Nicklas said there would be a recorder's note placed on each parcel to note that the lots are restrictive.

Commissioner George asked if there would be phasing.

Mr. Smith said there would be, but he was not sure what that order would be. He said he knew that the assisted facility company is very interested in beginning development as soon as possible.

Commissioner George asked about the realignment of Brickville Road.

Commissioner Lorence said that Mr. Pappas indicated the last time that that would be one of the first things.

Mr. Nicklas said the petitioner's interest right now is the assisted living facility which could be done without the realignment of Brickville and much beyond that there will have to be an extension of a public street out to Brickville which would trigger the realignment of Brickville Road.

Jeff Armstrong, 1835 Brickville Road, said he did not have a problem with the single-family homes, but felt there would be a traffic problem at the intersection of Peace and Brickville with all the duplexes.

Commissioner Lorence said the multi-family 55 and older housing would create less trips than families with kids and their timing would be off from rush hour.

Mr. Armstrong said his main concern was if this did not work.

Commissioner Lorence said then they would have to come back to the Plan Commission.

Mr. Armstrong said then he thought they would be so far along that there would be compassion on the Plan Commission to remove the 55 and older stipulation. He said felt this would over populate that part of town.

Robert Whitney, 1850 Brickville Road, said he lives next to the single-family home on the plan, but that is not where the house is.

Mr. Smith said that lot would be reserved for a single-family house.

Chairperson Lewis asked City Manager Nicklas and Plan Commission Attorney Buick for the federal requirements to remove the 55 and older stipulation.

Mr. Nicklas said they would have to return to Plan Commission and if the stipulation were lifted, there would be a recorder's note, but he was not sure if the federal government would have to be petitioned to release that restriction to sell the units to families.

Plan Commission Attorney Buick said it depended on the nature of the instrument. He said if a covenant were to be recorded with each lot, then the vacation of that covenant would need to involve some unanimity of purpose to resolve the nature of the restriction.

Chairperson Lewis asked if the Commissioners wanted to add that school impact fees would apply if the 55 and older stipulation were removed.

Mr. Buick said they could expand the language to memorialize that concept.

Mr. Nicklas said that if there is a revision to the age restriction, the annexation agreement would need to be amended.

Commissioner Stowe said his point was that if the agreement were to be revised he wanted it noted that school impact fees would be due.

Mr. Nicklas suggested a couple of changes to notate in anticipation that the senior living stipulation might be removed.

Mr. Smith said he realized the Commissioners were trying to protect themselves from ghosts of the future so he does not have any problem with any language they might want to add. He said that in order to change the agreement they would have to return to Plan Commission to make that change. He said the fastest growing demographic in the country is 55 and older.

Jeff Armstrong suggested that if the age stipulation were removed, they could reconsider single family homes.

Robert Whitney asked if the agreement noted that the existing Brickville Road would keep its name.

Mr. Nicklas said the concept plan does not show the level of details as the engineering plans that come back to the City at a later time. He said that would be the time to notate the road names.

#### **Motion**

Commissioner Lorence moved to forward the annexation agreement 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 Marvin Barnes, Ron Bemis, George Bridgewater, Bill Davey, Lowell Evans, Ken George, Cindy Henderson, Bill Lorence, Michelle Schulz, Chuck Stowe, and Chairperson Lewis voted aye. Motion carried 11 – 0.

#### **WORKSHOP ITEMS - NONE**

#### **REPORTS**

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

#### **ADJOURNMENT**

#### **Motion**

Commissioner Lorence moved to adjourn the meeting at 8:48 p.m. 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 11 - 0.

Approve:

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Chairperson – John Lewis

Attest:

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Candy Smith, City Clerk