

TO: Sycamore Plan Commission

FROM: Bill Nicklas
City Manager

DATE: November 3, 2010

RE: November 8, 2010 Plan Commission Meeting

The Plan Commission has two workshop items.

I Workshop Items

A. Consideration of a Proposal from Milan Krpan to Redevelop Lot 4 in Brookside Estates (1667 Brickville Road) in Sycamore, Illinois.

Milan Krpan has made an offer to purchase a distressed property in foreclosure at 1667 Brickville Road. The property is located just west of North School and on the opposite side of Brickville Road. A passerby will notice the dilapidated condition of the house and grounds on the property. The site has a severe triangular shape, as depicted on the attached plot plan.

Mr. Krpan would like the Plan Commission's direction regarding the possibility of annexing this property and rezoning it either "R-2," Two-Family Residence District or "R-3," Multiple Family Residence District. The conceptual site plan (attached) shows five units—a three-unit structure and a two-unit structure, which would require "R-3" zoning. There are several duplexes in the neighborhood. The property is contiguous to the Adshade parcel to the south.

Some of the topics for the Commission's discussion include the following:

1. Land Use. The multiple family use would be unique in the immediate vicinity, but a two-family zoning designation would not.
2. Storm Water Management. Some members of the Commission may recall that when Norm Adshade's 11-unit "Brickville Estates" subdivision was considered in 2004 there was neighborhood concern about storm water storage. The Adshade approval hinged on a new storm sewer outfall that would be constructed across a number of backyard easements to Blue Heron Creek. Some of the storm water flow from the Maple Terrace subdivision was also to be conveyed through this new public storm sewer main. At this writing, the Brickville Estates development has not begun, and neither easements nor piping have been established. Mr. Krpan's development would need to be tied to that proposed storm line at the southwest end of the property. Presumably,

the Commission would want to see this piping in place before any occupancy permits would be issued for either Mr. Adshade's development or any new housing on the parcel that Mr. Krpan hopes to purchase and annex.

3. Off-Street Parking. The City's UDO requires two off-street parking spaces per unit, plus .75 spaces per unit. Mr. Krpan shows a one-car garage in front of each unit, with the expectation that there is enough room for the second car to park outside the garage door. Two-car garages would be preferable, as any townhouse or condo occupant discovers after a few weeks of jockeying cars on a daily basis. Seven additional guest spaces are also shown (only four are required). On-street parking would not be allowed at this location on Brickville, so the alternative to on-site parking on holidays and other times when multiple visitors may arrive is the school lot, which is presumably not the school choice as a regular practice.
4. Housing Style and Appearance. The Krpan name has always stood for high quality in terms of housing design and construction in this area, and Mr. Krpan is working on possible designs to meet or exceed the construction standards of the neighborhood.
5. Sidewalk. A sidewalk would be required across the Brickville Road frontage as well as curb and gutter.
6. This property is less than two acres so a planned unit development is not possible under the City's UDO. Presumably this property would be subdivided upon annexation with cross easements established for shared access to all common paved surfaces.

Plan Commission direction is requested.

B. Consideration of a Status Report on the Preparation of a Draft Northwest Sub Area Plan.

Background

At the August Plan Commission the Commission returned to an issue that had dominated the workshop discussion of a possible subarea plan in May. The August discussion focused upon the question: could an enduring legal framework be established to assure that no existing legal use within the County jurisdiction would be compromised by any nearby City annexations within the approximately 370-acre planning area as depicted on the attached color exhibits? More particularly, would the members and officers of the Sycamore Sportsman's Club of 1773 W. Motel Road be protected from legal action for nuisance offenses based on noise associated with the operation of the club's range, shooting stations, or lawful hunting on their property? After some workshop caucusing that included the Club's legal counsel, Scott Larson, and president, Roger James, an interested property owner (Dr. Steve Glasgow) and his legal counsel, Jeffrey Lewis, the Commission was informed that a mutually agreeable document which confirmed the shared intent to "do no harm" would be drafted. Such a document is entitled "Easement Agreement" and is attached to this agenda.

The challenge in drafting this document was to provide an offsetting remedy to the provisions of the Illinois Wildlife Code which restrict hunting or the discharge of firearms in proximity to homes. Specifically, Section 2.33(u) of the Wildlife Code states:

“It is unlawful for any person to discharge any firearm for the purpose of taking any of the species protected by this Act, or hunt with gun or dog, or intentionally or wantonly allow a dog to hunt, within 300 yards of an inhabited dwelling without first obtaining permission from the owner or tenant, except that while trapping, hunting with bow and arrow, hunting with dog and shotgun using shot shells only, or hunting with shotgun using shot shells only, or on licensed game breeding and hunting preserve areas, as defined in Section 3.27, on property operated under a Migratory Waterfowl Hunting Area Permit, on federally owned and managed lands and on Department owned, managed, leased or controlled lands, a 100 yard restriction shall apply.”

By a strict reading of this provision, the members of the Sportsman’s Club would have to cease hunting their east property line, or discharging certain weapons, within 100 yards of any home built on adjoining property if some legal remedy was not perfected.

The attached “Easement Agreement” would acknowledge the proximity of the Club which operated well before the acquisition of most of the adjacent properties, and spells out the intention of an adjacent property owner (in this instance, the Glasgows) to protect the continued enjoyment of the Club’s grounds and facilities by its members. Such an easement would run with the land.

Other Key Plan Components

In addition to this once vexing legal question which seems to be resolved in principle through the goodwill of several of the property owners in the proposed planning subarea, other matters would need to be reviewed before a subarea plan could be presented to the Commission for a formal recommendation to the Council. Specifically, the text of the plan would have to describe in detail what a “rural residential” zoning designation might encompass. The following bullet-points are offered for the Commission’s review and comment:

- The land area comprising the Northwest Subarea will be limited to the “Owners Map” that is attached;
- The area will be described as “Rural Residential” in new map exhibits that will revise the designated area that is currently described on the 2008 Future Land Use Map;
- The minimum lot size for a developed lot will be 3 acres;
- Any of the designated properties must be contiguous to the City’s corporate limits before annexation;
- The City will not extend municipal water and sanitary sewer mains to the area;
- Any public and private roads will have rural, seal-coated surfaces with ditches for storm water conveyance;
- A homeowner’s association would be responsible for maintaining the private interior roadways and common areas of an annexed area.

- All annexed “rural residential” areas must satisfy the stormwater management standards of the 2010 DeKalb County Stormwater Management Ordinance.
- The “rural residential” designation would not permit the commercial pursuit of agriculture, but would permit private stables and accessory buildings for horses or other livestock animals. The devil is certainly in the details, here. Drawing from codes established in other northern Illinois communities such as West Chicago and Wayne, the following specific zoning considerations are offered for Commission discussion:
 - a. There shall not be more than two (2) horses or more than two (2) other livestock animals kept on a lot containing a minimum of three (3) acres of gross area. On lots over three (3) acres in gross area, no more than one additional horse or other livestock animal in excess of two (2) shall be permitted for each acre of gross lot area over three (3) acres.
 - b. Private stables, detached garages and accessory uses incidental to permitted residential uses shall be located in the rear yard.
 - c. All rural residential annexations shall be special uses and subject to the public hearing processes required of special uses.
 - d. Detached Private Garages. Detached private garages shall be for the storage or shelter of motor vehicles with no facilities for mechanical service or repair of a retail nature. All licensed vehicles, trailers, boats and recreational vehicles shall have permanent enclosed garage space. Such buildings may not exceed thirty-five (35) feet in height or one thousand five-hundred (1,500) square feet on the first floor level. Private garages shall not be closer than fifty (50) feet from the rear and side lot lines.
 - e. Private Stables and Livestock Buildings: The stalls in a private stable or livestock building shall be a minimum of ten feet by twelve feet (10’ x 12’). On a three acre parcel, a maximum of five hundred square feet may be in the first floor area of a stable or livestock building. For each additional acre over three acres, the first floor area may be increased by 250 square feet. Private stables or other livestock buildings in excess of one thousand (1,000) square feet on the first floor area shall require a special use permit. Stables or livestock buildings shall not be closer than one hundred (100) feet from the rear or side lot lines.
 - f. Guesthouses. A guesthouse may be constructed as a separate building on a lot of four (4) or more acres and must be located behind the building line of the principal residence. The ground floor area of the guesthouse shall be a minimum of three hundred (300) square feet and a maximum of eight hundred (800) square feet. A guesthouse must be a minimum of fifty feet (50’) from the rear and side lot lines and a minimum of fifty feet (50’) from the principal residence. A guesthouse shall have a maximum of two stories and a maximum total living space of one thousand six hundred (1,600) square feet. The ground floor area of a guesthouse shall not exceed fifty percent (50%) of the ground floor area of the principal residence on the lot.

- Minimum yard setbacks:
 - Front Yard: 50 feet;
 - Corner Side Yard: 50 feet;
 - Side Yard: 25 feet;
 - Rear Yard: 50 feet.
 - Maximum lot coverage: Thirty (30) percent.

- Permitted Uses
 - ✓ Single Family residences.
 - ✓ Private Stables (non-commercial).
 - ✓ Livestock Buildings (non-commercial)
 - ✓ Swimming Pools.
 - ✓ Bath Houses.
 - ✓ Greenhouses (non-commercial)
 - ✓ Guesthouses.
 - ✓ Tennis courts.
 - ✓ Forest Preserves.
 - ✓ Parks and conservation areas.
 - ✓ Home Occupations.

- Tennis courts, swimming pools and accessory uses other than private stables, livestock buildings and guest houses shall be in rear yards only, and shall be no closer than twenty-five (25) feet from a side or rear lot line.

Plan Commission direction is requested.