

Minutes of the Land Use and Development Committee

The Land Use and Development Committee of the McLean County Board met on Thursday January 8, 2009 at 4:45 p.m. in Room 400, Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Gordon, Members Cavallini, Rankin, Segobiano and Soeldner

Members Absent: Member Ahart

Other Board Members Present: None

Staff Present: Mr. Terry Lindberg Assistant County Administrator, Mr. Bill Wasson, Director of Administrative Services and Ms. Diana Hospelhorn Recording Secretary

Department Heads/
Elected Officials
Present:

Mr. Phil Dick, Director, Building and Zoning

Others Present:

Mr. Jerry Stokes, Assistant County Engineer,
Mr. Mike Behary, County Planner, Department
of Building and Zoning

Chairman Gordon called the meeting to order at 4:48 p.m.

Chairman Gordon presented the Minutes of the December 4, 2008 Meeting to the Committee for approval. Hearing no objections or corrections, Chairman Gordon accepted and placed the minutes on file as submitted.

Chairman Gordon presented the bills from December 31, 2008 which have been reviewed and recommended for transmittal to the Land Use and Development Committee by the County Auditor. The prepaid total and fund total for December 31, 2008 is \$18,266.05. He asked for a motion to approve the bills as presented by the County Auditor.

Motion by Segobiano / Rankin to recommend approval of the December 31, 2008 bills as presented by the County Auditor.
Motion carried.

Chairman Gordon informed the Committee that there are no Items for Action.

Chairman Gordon stated that the first Item for Information is the Department of Building and Zoning Activities. He asked Mr. Phil Dick, Director of Building and Zoning to address the Committee.

Mr. Dick distributed copies of the McLean County Zoning Ordinance and the McLean County Subdivision Ordinance to the Committee. He stated that the Department of Building and Zoning regulates non-farm development in the unincorporated area of McLean County. He explained that zoning is what can be done on a property and Subdivision is how the property is divided up. This is done through the Zoning Ordinance, the Subdivision Ordinance and the Comprehensive Plan. The County Comprehensive Plan is being updated and is in the final stages of a comprehensive amendment. He pointed out that under Illinois Statute you are not required to approve developments consistent with your Comprehensive Plan although the County makes every attempt to do that. This gives the County more authority in terms of the right to say "yes" or "no" to development.

Mr. Dick referred the Committee to the County Zoning Ordinance. He noted that zoning relates to the regulation of how a property or structure can be used and where improvements can be made on a property. Incorporated with zoning is the Flood Plain Regulations. The County does have Flood Plain Regulations that are consistent with what the Federal Emergency Management Agency (FEMA) requires. Zoning Applications include variances, special uses, text amendments and zoning map amendments. Public hearings for zoning cases are held before

the Zoning Board of Appeals (ZBA). All zoning cases are decided by the County Board after receiving Findings of Fact and Recommendations from the ZBA.

Mr. Soeldner asked if each County had their own Zoning Ordinance. Mr. Dick answered that each County does have their own individual Zoning Ordinance. He pointed out that the authority granted to Counties is provided through State Statute. Home Rule Municipalities have more power than do the Counties

Mr. Dick explained that subdivision cases involve the division of land into more than one part in order for it to be developed or conveyed. Subdivision cases are decided by the County Board after review by the Land Use and Development Committee. A public hearing for a subdivision case and notice of the public hearing, published in the newspaper, is required if a street or alley is vacated or if a proposed subdivision has a preliminary plan. Notice of the public hearing must also be sent to property owners within 250 feet of the property. Mr. Dick continued to explain the process once the subdivision's preliminary plan has been approved. After all construction is completed, to the satisfaction of the County Engineer, a letter of credit for 15% of the total cost of construction is held by the County for two years. After two years, an inspection is completed of the construction. When necessary improvements are made, the 15% letter of credit is released. The letter of credit may be held much longer than the two years, because the subdivision has remaining punch list items not completed to the satisfaction of the Township Road Commissioner and/or the County Engineer.

Mr. Segobiano asked Mr. Dick to explain to the Committee the process used by the County to take over the roads of newly developed subdivisions. Mr. Dick stated that until the subdivision has been completed to the Satisfaction of the County Engineer, the roads in that subdivision are not the responsibility of the Township or the County.

Chairman Gordon introduced Mr. Jerry Stokes, Assistant County Engineer for further comments. Mr. Stokes explained that once the roads are inspected and have been accepted by the County Engineer and the Township Commissioner, they are maintained by the Township. If the City annexes the subdivision, the roads are then the responsibility of the City of Bloomington.

Mr. Soeldner asked why some subdivisions are curb and gutter and some are not. Mr. Dick answered that curb and gutter was adopted in 1999.

Mr. Dick continued to go through the Zoning Ordinance familiarizing the Committee with where standards and regulations can be found.

Mr. Soeldner asked what, apart from testimony, does the Zoning Board of Appeals (ZBA) use when making their decisions. Mr. Dick answered that, to a large extent, they rely on staff to interpret what the Zoning Ordinance says. If someone does not agree with the Department of Building and Zoning, they can appeal the

decision to the Zoning Board of Appeals. The ZBA would then have to make the interpretation.

Mr. Rankin asked if anything existed for the general public, such as “most frequently asked questions” or is the Zoning Ordinance the only reference. Mr. Dick stated that there is a pamphlet available. Mr. Lindberg, Assistant County Administrator stated that the brochure deals with the procedures. There are risks in trying to reduce the law to a summary. The County has the responsibility to comply with the entire law. The Department of Building and Zoning encourages the public to call the office or, for more difficult cases, come into the office with any questions they might have.

Mr. Dick continued with the McLean County Subdivision Ordinance explaining the first part is procedural and the second part is called the “Manual of Practice”.

Mr. Dick informed the Committee that Chairman Gordon, County Board Member Diane Bostic, the McLean County Soil and Water Conservation District and the Natural Resources Conservation Service (NRCS) and he are members of the Heartland of Illinois RC&D (Resource, Conservation and Development Area). McLean County works with DeWitt, Macon, Moultry, Piatt, and Shelby Counties in the Heartland RC&D. This group of counties works with the U.S. Department of Agriculture on projects of common interest. Periodically, the Committee will receive information on the Heartland of Illinois RC&D.

Mr. Dick noted that the Department of Building and Zoning also helps coordinate federal and state funding for rural public transportation delivered by Show Bus to rural residents in McLean, Livingston, Ford and Iroquois Counties. He stated that funding for Show Bus goes through the Finance Committee.

Mr. Cavallini stated that he has been approached by an organization called “Pour” as a result of the City of Bloomington’s decision to explore for water sources. He asked if this is something that will require any type of zoning regulations. Mr. Dick answered that no zoning approval is required to do water wells in the County. There is concern if the City does put in a large well that would draw down already established wells. Mr. Dick stated that he is working with the Water Department and the City Council to provide a contract stating the City of Bloomington will make right any problems that they create and if it is a long term problem, that they provide new wells and or some other remediation.

Chairman Gordon asked if there were any other items of information that needed to come before the Committee.

Mr. Lindberg noted that the County Board has approved a Contract with General Code Publishers to standardize the structure of the County Code. The Zoning Ordinance is Chapter 40 and the Subdivision Ordinance is Chapter 36 of the County Code. When General Code is finished, the County Code will be uniform,

easier to update, easier to see electronically and easier to search by key words. The project should be completed in 2009.

Chairman Gordon stated that the next item of information is to discuss a time for a field trip of County development areas.

Mr. Dick stated that Apollo Acers, Deer Ridge, Crestwicke, Charter Wood Farms and possibly Lake Bloomington are the areas the Committee would visit. Mr. Eric Schmitt, County Highway Engineer, is interested in the Transportation Committee going also. Mr. Dick noted that a Show Bus would be used to transport the Committees. Friday, February 13, 2009 or Friday, March 13, 2009 were the dates tentatively set. Mr. Stokes will check with Mr. Schmitt and notify the Mr. Dick.

Chairman Gordon asked if there were other items of information to come before the Committee. Hearing none he adjourned the meeting at 6:00 p.m. He stated that the next Land Use and Development Committee meeting will be on Thursday, February 5, 2009.

Respectfully Submitted

Diana Hospelhorn
Recording Secretary