

## **Minutes of the Land Use and Development Committee**

The Land Use and Development Committee of the McLean County Board met on Thursday, May 3, 2007 at 4:45 p.m. in Room 400, Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Gordon, Members Segobiano, Caisley, Rackauskas and Ahart

Members Absent: Member Baggett

Other Board Members Present: None

Staff Present: Mr. John Zeunik, County Administrator;  
Ms. Christine Northcutt, Recording Secretary,  
County Administrator's Office

Department Heads/  
Elected Officials  
Present:

Mr. Phil Dick, Director, Building and Zoning;  
Mr. Bill Wasson, Director, Parks and  
Recreation

Others Present:

Mr. Brian Hug, Assistant State's Attorney;  
Mr. Mike Behary, County Planner, Building and  
Zoning; Mr. Jeff Tracy, Project Manager,  
County Highway Department; Mr. John  
Hendershott; Environmental Protection  
Program Supervisor, Health Department; Ms.  
Michelle Covi, Director, Ecology Action Center;  
Mr. Rickardo Ramirez, Applicant; Mr. David  
Brown, Engineer, Lewis, Yockey and Brown

Chairman Gordon called the meeting to order at 4:50 p.m. Chairman Gordon stated that the first order of business is consideration of the April 5, 2007 minutes.

Motion by Segobiano/Ahart to recommend approval of the April 5, 2007 minutes of the Land Use and Development Committee. Motion carried.

Chairman Gordon presented the bills from April, 2007 which have been reviewed and recommended for transmittal to the Land Use and Development Committee by the County Auditor. The prepaid total and the fund total is \$21,509.78. He asked for a motion to approve the bills.

Motion by Segobiano/Caisley to recommend approval of the April, 2007 bills as presented by the County Auditor. Motion carried.

Chairman Gordon stated that the first item for the Committee's consideration is a request by the McLean County Solid Waste Management Technical Committee to approve grant awards from the McLean County Solid Waste Management Fund. Chairman Gordon noted that Ms. Michelle Covi, Director, Ecology Action Center (EAC), will also present the EAC quarterly report.

Ms. Covi informed the Committee that she and her husband will be moving to North Carolina in December. The Committee expressed regret that the EAC will be losing such a dedicated Director and wished her luck in her future endeavors.

Ms. Covi stated that she will present the quarterly report first. Ms. Covi advised the Committee that the majority of the presentations were made to the schools in the fall of last year. However, the EAC has continued to make presentations this spring. The EAC tries to make a presentation to every school in the County. In addition, the EAC has made many recycling presentations to after school programs. The battery recycling program is going "gangbusters" and growing every year.

Ms. Covi informed the Committee that there was an article in *The Pantagraph* in February which reported the recycling rate in McLean County is at 32%. That is about a 1% increase over last year.

There were two "Recycling and Waste Reduction" awards presented just before Earth Day. Those awards were presented to Bill's Key and Lock Shop in Uptown Normal and to Brigham Elementary School. Bill's Key and Lock Shop does a lot of recycling including recycling of all of his metals. Brigham Elementary School started a very aggressive recycling program including an extensive waste recycling education program for students.

Ms. Covi advised the Committee that the recommended Resolution approving the grant awards of the Solid Waste Technical and Policy Committee (SWTPC) is included in the Committee's agenda packet. The SWTPC Committee met last week and recommended approval of the proposed awards. Ms. Covi stated that she would be happy to address any questions that the Committee may have regarding these proposed awards.

Mr. Caisley asked why some of the rural communities receive this funding while others do not. Ms. Covi replied that every year she sends letters to all of the small towns and communities in McLean County advising them that this grant is available for qualifying programs. Some choose not to apply or do not have a recycling program.

Motion by Segobiano/Rackauskas to recommend approval of the grant awards recommended by the McLean County Solid Waste Management Technical Committee from the McLean County Solid Waste Management Fund.  
Motion carried.

Chairman Gordon thanked Ms. Covi for her presentation.

Chairman Gordon stated that the next item to be presented to the Committee will be in the form of a Public Hearing. The item for consideration is an application of Rickardo Ramirez and Spencer Vatterrodt to approve a preliminary plan for the Kings Mill Acres Subdivision which is located in Dry Grove Township immediately southwest of the intersection of 975 East Road and the Old Peoria Road.

Mr. Segobiano asked if all of the information that has been requested from the applicant has been received and if the County Health Department and County Highway Department have signed off on this project. Chairman Gordon responded that all of the requested information has been received and the County Health Department and County Highway Department have signed off on the request.

Chairman Gordon called the Public Hearing to order at 4:58 p.m. He invited Mr. Phil Dick, Director, Building and Zoning, to present this item to the Committee.

Mr. Dick informed the Committee that the preliminary plan is available for the Committee to view via the overhead projector. This is a 23 lot subdivision with two out lots and a requested waiver of the design requirements of public improvements in Section 702.C of the Subdivision Ordinance which states that the developer shall provide access to an Illinois Department of Public Health (IDPH) common collector or an Illinois Environmental Protection Agency (IEPA)

common collector for sewage disposal. The applicants are providing lots which are at least one acre in area. Therefore, they can conceivably qualify for a sand filter system if the sites do not percolate. The Farnsworth Group, representing the Bloomington Township Public Water District (BTPD), wrote a letter to Mr. Dave Brown, Engineer, Lewis, Yockey and Brown. The letter spells out several concerns of the BTPD. Mr. Dick read the letter into the record. See Exhibit "A." There have been some items indicated in the staff report and in a letter from Mr. Tom Anderson, Director of Environmental Health and Mr. John Hendershott, Environmental Protection Program Supervisor, which have been addressed by the applicant. In addition, there was a reference that Mr. Hendershott had not received the covenants, but that issue has been resolved as well. Mr. Dick asked Mr. Hendershott to address the Committee.

Mr. Hendershott informed the Committee that the Health Department has received all of the information that they have requested. He advised the Committee that the septic systems for the lots on this proposed subdivision will be considerably more expensive than a normal lot.

Chairman Gordon thanked Mr. Hendershott for his preliminary observation and stated that he will be given a chance to explain more in just a moment.

Chairman Gordon, in accordance with public hearing procedures, invited the applicant and the applicant's engineer to address the Committee.

Mr. Rickardo Ramirez, applicant and Mr. David Brown, Engineer, Lewis, Yockey and Brown introduced themselves to the Committee.

Mr. Brown informed the Committee that he was present at the Land Use and Development Committee meeting in September, 2006 with Attorney Robert Lenz representing Regions Bank. Regions Bank owned this piece of property at that time. At that meeting, Mr. Lenz informed the Committee that there was a pending contract for sale to Mr. Ramirez. The purpose of the visit in September was to request a reinstatement of the preliminary plan for Prairieland Subdivision, which had expired. The Committee granted a reinstatement for a pre-determined period of time.

All parties agreed that if and when a different development proposal originated for the Prairieland property, the new development proposal would be subject to the preliminary plan procedures.

Mr. Brown stated that the staff report is very accurate and thorough. He stated that he will do a quick comparison between the previously proposed Prairieland Subdivision and the proposed Kings Mill Acres Subdivision. The original development proposal for the Prairieland Subdivision included the following:

- 54 residential lots approximately a half acre in size with two out lots.
- There were four public streets that interconnected and that connected externally to Old Peoria Road and Delta Circle of Apollo Acres Subdivision.
- Water service was going to be provided by Bloomington Township Public Water District (BTPWD).
- Private waste water facilities were being proposed.

The Kings Mill Acre Subdivision includes the following:

- 23 residential lots (a minimum of 1 acre each) and two out lots constituting 14 acres of the total 57 acre land area.
- There is a public pedestrian trail along the common border of the Apollo Acre Subdivision. A 40 foot wide right-of-way will be dedicated for a pedestrian walk way trail along the south boundary of the proposed subdivision. The developer will construct the trail and dedicate the right-of-way property to the public and the County will maintain the trail.
- The lots will be served by the BTPWD.
- Each lot will provide a private waste water treatment system to be approved by the McLean County Health Department.
- The proposed development will have three public streets that will be internal to the subdivision. These streets, like the proposed Prairieland Subdivision, will connect externally to Old Peoria Road and Delta Circle in Apollo Acres at the same locations.
- Storm water detention will be provided on site in areas to be maintained by the homeowners association.

Mr. Brown asked Mr. Ramirez if he had anything to add. Mr. Ramirez did not.

Chairman Gordon thanked Mr. Brown and Mr. Ramirez. He asked if there were any members of County staff who wished to address the Committee. Hearing none, he asked if any Committee Members would care to ask questions to the applicant or staff.

Mr. Segobiano stated that if the County Health Department and County Highway Department have reviewed this plan and recommend approval, he would agree that it is time to move forward with this proposed subdivision.

Ms. Rackauskas asked if the covenants have been reviewed. Mr. Hendershott responded that he has reviewed the covenants.

Ms. Rackauskas asked what will be done with the sewer system that was installed by the former developer. Chairman Gordon stated that was among the issues that addressed in the letter from the Farnsworth Group. Mr. Brown responded that he has written a letter responding to Mr. Mikulecky, Engineer, Farnsworth Group, and addressed each of his concerns. Mr. Brown stated that the previously installed sewer systems will be dealt with on the applicant's construction plan in a manner approved by the County Health Department and the County Highway Department.

\*\*Mr. Segobiano left the meeting.

Mr. Caisley asked why the applicant is changing the name of the street. Mr. Caisley noted that it is Delta Circle in Apollo Acres, and as it moves into the proposed Kings Mill Acres Subdivision, it is changed to Edinborough Drive. He stated that he feels that it would cause a lot of confusion. Mr. Ramirez stated that he was under the impression that he had to change the name of the street. He stated that he would be happy to leave the street name as Delta Circle. Mr. Dick stated that he has a communication from the E-911 technician stating that the street name is okay as proposed.

Chairman Gordon asked Mr. Hendershott why the septic systems in this Subdivision will be more expensive than the typical septic systems. Mr. Hendershott replied that based upon the preliminary soil borings, the majority of the lots in the proposed subdivision will need a sand filter system that may be unusually expensive because of liners, pumps, and effluent reduction methods they use. Mr. Hendershott said these systems could be \$10,000.00 - \$20,000.00 more expensive than typical septic systems. There is a perched water table that is located in the north-east corner of the property where water is sitting in soil. If you put a sand filter in that area, water will seep into the sand filter. That would need to be prevented by putting in a liner. In addition, the sand filter will be located in the ground, so the discharge will need to be pumped to the surface. At that point, the Health Department requires some type of effluent reduction, which may be a small seepage field or something similar. When NPDES regulations became the standard, the discharge will need to be sent to an evaporation trench. The discharge will need to be pumped to the highest point in the lot, and even then, there is no guarantee that there will not be a wet spot in the yard year-round.

Chairman Gordon asked the applicant if he is aware of these issues. The applicant responded that he is aware. Chairman Gordon asked Mr. Hendershott why the Health Department was concerned that some of the lots may not be buildable. Mr. Hendershott stated that the Health Department's concern is that Mr. Ramirez may sell a lot to someone and neglect to tell them that the septic system will cost \$20,000.00, leaving the applicant not wanting to build on the lot.

Chairman Gordon asked if there were any parties present who wish to be heard. Chairman Gordon invited Mr. Mark Jones to address the Committee.

Mr. Jones introduced himself and informed the Committee that he lives at 9580 Delta Circle in the Apollo Acres Subdivision. Mr. Jones informed the Committee that the preliminary plan shows that nearly all of the water flow, through the various detention basins etc., will end up directly in his yard. He stated that he has a few concerns, and in addition, he has a letter from his neighbors, Chris and Mary Bohne, that he would like to read into the record.

Mr. Jones stated that his main concern with this development is that the previous developer failed to provide run-off protection for this area. As a result, the area marked "sanitary sewer" on the preliminary plan has virtually been silted to half of the pipe diameter that discharges from the existing subdivision.

Mr. Jones stated that he suspects that his yard is catching run-off from areas as far away as Deer Ridge. He stated that he believes that they have sand filters that he suspects are not being treated properly. He thinks that water tests would prove this point. He stated that, hopefully, proper procedure will be followed when new sewage systems are installed. Mr. Jones stated that he and fellow homeowners in Apollo Acres have asked Mr. Dick whose responsibility is it to follow up on these and other current problems in the proposed Kings Acre Mills Subdivision. Mr. Dick has responded that it is the Apollo Acres homeowners' responsibility. Mr. Dick has stated that due to the fact that the former developer failed to follow regulations, it is now up to the homeowners to remedy. Mr. Jones stated that it is the County's responsibility to inspect the sewer and drainage systems as they are being installed, so why does this responsibility fall to the homeowners. Mr. Jones stated that there so much silt in his yard that it has raised the ground level. Mr. Jones stated that with all of the excess water coming through his yard, he would like some assurance that his property will not be declared a flood zone. In addition, he noted that he would like some assurance that the homeowners will not be held responsible to clean up any future problems that may be caused by the proposed development.

Mr. Dick replied that Mr. Brown or Mr. Jeff Tracy, Project Manager, County Highway Department can explain how the detention process for the proposed development will slow the water down. The same amount of water that flows through the Apollo Acres Subdivision will continue. The rate at which it will flow will continue to remain constant. There has been some siltation that has occurred due to the disturbance to the land by the previous developer. The property has not been properly seeded and erosion control has not been performed on this site. Once the applicant begins construction, they will be required to provide erosion control, so that the siltation should stop or at least be minimized. When the applicant provides storm water detention, the water cannot

leave the site any faster than it does for a three-year storm. There still will be water running through both subdivisions, but the development shouldn't cause the flow of water to increase.

Mr. Brown stated that Mr. Jones' property is right at the end of a detention basin. He also noted that the proposed Kings Mill Acres Subdivision is in a horrific state at the present time. It is not detaining any water that comes on the property and there has been bare dirt on the property for approximately five years. Mr. Brown stated that Mr. Dick is correct, the applicant will, according to the Subdivision Code, install erosion control devices to prevent siltation. Mr. Brown does not have the storm water design, so he cannot say exactly what the volume is coming through the drainage pipe, but the applicant is allowed to discharge the Subdivision's water through that culvert. The downstream landowner has a responsibility to take that water. He summed it up by saying that the applicant will be releasing the Subdivision's runoff in a manner that is consistent with the Subdivision Ordinance and good engineering practices.

Mr. Jones stated that he understands Mr. Brown's position and added that he has spoken with Mr. Ramirez on several occasions. Mr. Jones stated that he wishes Mr. Ramirez well with this endeavor. At the same time, some of these issues have become problematic. He stated that he understands that drainage pipe sizing is based on the volume of water that is expected to flow through it. He asked if the existing drainage pipe meets requirements. Mr. Tracy responded when he reviewed the drainage calculations for the previous subdivision, the pre-existing runoff would have required a 42 inch pipe through the rail road right of way. The existing pipe is a 30 inch pipe. To help relieve some of the pressure on the downstream homeowners, he advised the applicant to maintain the 30 inch pipe and to build a detention basin to accommodate the extra water that they would have to detain. The applicant has agreed to do that.

Mr. Jones asked if the existing silt will be removed from the drainage pipe so that it can function properly. Mr. Tracy responded that the excess silt will have to be removed from the pipe for it to function properly. Mr. Jones asked whose responsibility is it to remove the silt from the pipe. Mr. Tracy replied that is Mr. Ramirez's responsibility.

Mr. Jones stated that his next question deals with the proposed bike trail. He asked if Mr. Ramirez would consider repositioning the bike trail toward the north end of the property along Old Peoria Road. Currently, it borders the back side of his property. Mr. Brown responded that the bike trail is located where County staff has requested it.

Mr. Jones read Mr. and Mrs. Bohne's letter into the record. See Exhibit B.

Mr. Jones stated that he would like to ask if Health Department tested the water for sand filter effluents in this Subdivision. Mr. Hendershott responded that no testing has been done for sand filter effluents. Mr. Jones requested that the water be tested. Mr. Hendershott responded that the only way to do that would be to perform a dye-test and the Health Department does not have the resources to perform that type of test. The water could be tested for things such as e-coli, but e-coli is present in goose droppings and other things that could be found in the creek. It would be very difficult to get a definitive answer as to where any contamination was coming from.

Chairman Gordon reminded Mr. Jones that he or any other citizen of McLean County can feel free to visit the Health Department and request information or assistance at any time.

Chairman Gordon asked if there was any other interested party that wished to address the Committee.

Mr. Steve Fletcher introduced himself to the Committee. Mr. Fletcher stated that he lives at 9697 Delta Circle. He stated that he wanted to thank Mr. Ramirez for taking the time to attempt to develop this proposed subdivision correctly. He stated that his main concern is with traffic. There are a lot of young children in the Apollo Acres Subdivision. Many of the residents of Apollo Acres are concerned that Delta Circle is going to become a main road. Currently, the main road throughout the various four additions of Apollo Acres is Apollo Road. Mr. Fletcher asked the Committee to consider two options:

- Please do not route construction traffic through the current Apollo Acres Subdivision.
- Consider placing two or three stop-signs in the Apollo Acres Subdivision as indicated on his map (see Exhibit C). These roads will be used much more as traffic increases with the addition of the new proposed subdivision.

Mr. Fletcher stated that the change in the name of the street "Delta Circle" will be a bit confusing. He asked where the street signs will be placed.

Chairman Gordon asked if there were any other questions from any other interested parties, Committee Members, or County staff. Ms. Rackauskas stated that Mr. Fletcher's letter (Exhibit C) states that "...The drainage tin diverting water between Challenger Drive and Delta Circle has really never met code..." Ms. Rackauskas asked if staff would address that statement. Mr. Caisley asked if Delta Circle and Challenger Drive are County Roads. Mr. Tracy responded that they are Township Roads.

Chairman Gordon asked Mr. Tracy if he would clarify where the responsibility lies for installing stop signs on the roads in question. Mr. Tracy responded that the request would need to be made by the Township Road Commissioner. All of these roads are under the jurisdiction of the Dry Grove Township Road Commissioner. The County Engineer approves all requests made by Township Road Commissioners. Mr. Tracy stated that he cannot remember a request made by a Road Commissioner that was turned down by the County Engineer. After the request is approved by the County Engineer, it is the responsibility of the Road Commissioner to erect the sign and to maintain the sign.

Ms. Rackauskas stated that her previous question regarding the drainage tin between Challenger Drive and Delta Circle was never answered by staff. Ms. Rackauskas noted that when she sees a letter stating that the County is not meeting "code" it should be addressed.

Chairman Gordon responded that given the background of what led up to the creation of the Apollo Acres Subdivision, there were some difficulties as it came to fruition.

Ms. Rackauskas replied, in any event, she would like for someone to address Mr. Fletcher's statement. Mr. Tracy responded that all of the individuals at the County Highway Department who would have been involved in approving the Fourth Addition to Apollo Acres are no longer employed there. Mr. Tracy stated that the word "code" is really used incorrectly in this case. The subdivision standards, at that time, stated that if you have an 18 inch ditch, a culvert would be sized for a 25 year storm event. He stated that he would assume that the culverts were inspected by the County before they were turned over to the Township.

Ms. Rackauskas asked if Mr. Nesbit, the previous developer of the proposed Prairieland Subdivision, caused a greater silt problem for the current homeowners of the Apollo Acres Subdivision. In addition, who is responsible for bringing it back to the condition it was before Mr. Nesbit began. Mr. Caisley responded that it seems that Mr. Jones would have a cause of action against the person that caused the problem. Mr. Caisley noted that there is a specific statute that requires barriers to be put in place on construction sites to avoid the runoff of silt to adjacent properties.

Chairman Gordon stated that it seems that the County's responsibility is primarily to approve a preliminary plan for a proposed subdivision. What happens after the preliminary plan is approved is mainly the responsibility of the developer.

Mr. Brian Hug, Assistant State's Attorney, informed the Committee that there have been water problems in Apollo Acres long before Mr. Nesbit started his work on the proposed Prairieland Subdivision. Water has risen in homeowners' yards, and there have been problems with the ditch on the north side of Apollo Acres. Over the years, there have also been problems with homeowners landscaping and building fences very close to the berm near the ditch. Therefore, there are many different issues which have contributed to the situation that exists today in the Apollo Acres Subdivision.

Ms. Rackauskas asked if developing the proposed Kings Mill Acres Subdivision will exacerbate the water problems. Mr. Brown responded that this will not compound the problems. The erosion control measures and the detention basin will help alleviate the water problems within the proposed subdivision.

Chairman Gordon asked if there were any further questions or concerns at this time. Hearing none, he declared the Public Hearing closed at 6:16 p.m.

Chairman Gordon asked if there was any discussion from Members of the Committee. Mr. Caisley stated that this is a much less dense subdivision than what initially was proposed by Mr. Nesbit. It seems that lowering the density will make the sanitary treatment of effluent easier and drainage methods more effective.

Motion by Caisley/Rackauskas to recommend approval of an application of Rickardo Ramirez and Spencer Vatterrodt to approve a preliminary plan for the Kings Mill Acres Subdivision which is located in Dry Grove Township immediately southwest of the intersection of 975 East Road and the Old Peoria Road with the stipulation that Edinborough Road remain Delta Circle into the Kings Mill Acres Subdivision. In addition, construction traffic should be restricted from traveling through Apollo Acres Subdivision.

Chairman Gordon asked why Mr. Caisley requested that the street name remain Delta Circle. Mr. Caisley responded that he lives on a street that is named Summit Street which becomes Shelbourne Drive a block from his home. Summit Street continues one half block farther south. It causes nothing but chaos and confusion. Chairman Gordon asked if there was any further discussion. Hearing none, he called for a roll call vote. He stated the Chair will vote.

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Member Ahart	"Yes"
Member Caisley	"Yes"
Member Rackauskas	"Yes"
Chairman Gordon	"Yes"

Motion carried.

Mr. Brown and Mr. Ramirez thanked the Committee for their time.

Chairman Gordon thanked everyone for their attendance and input. He asked if there was anything further from any Members of the Committee. Hearing none, he declared the meeting adjourned at 6:21 p.m.

Respectfully submitted,

Christine Northcutt  
Recording Secretary

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