

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

The Land Use and Development Committee of the McLean County Board met on Thursday, February 1, 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, Baggett and Ahart

Members Absent: None

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

Others Present:

Mr. Jeff Tracy, Project Manager, County Highway Department; Mr. Mike Behary, County Planner; Building and Zoning; Mr. John Hendershott, Environmental Health Protection Program Supervisor; Ms. Michelle Covi, Director, Ecology Action Center; Mr. John Atherton, Applicant; Mr. Duane Yockey, Engineer, Lewis, Yockey & Brown; Mr. Frank Miles, Attorney representing Mr. Atherton

Chairman Gordon called the meeting to order at 4:47 p.m. Chairman Gordon stated that the first order of business is consideration of the January 4, 2007 minutes. Hearing no additions or corrections, he placed the minutes of the January 4, 2007 Land Use and Development Committee meeting on file as submitted.

Chairman Gordon presented the bills from December, 2006 and January, 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 for December is \$1,695.72 and for January the total is \$21,524.03. He asked for a motion to approve the bills.

Motion by Ahart/Rackauskas to recommend approval of the December, 2006 and the January, 2007 bills as presented by the County Auditor. Motion carried.

Chairman Gordon stated that the first item for action is a public hearing for file number S-06-28. He informed the Committee that this is a request for approval of a preliminary plan for 12 residential lots and two out lots in the Indian Springs Subdivision Phase II which is located in Cheneys Grove Township immediately west of the 3700 East Road, immediately south of the Indian Springs Subdivision and approximately 1/3 mile north of the 1000 North Road. Chairman Gordon declared the public hearing open at 4:50 p.m. This public hearing was continued from the January 4<sup>th</sup> meeting of the Land Use Committee. He asked Mr. Phil Dick, Director, Building and Zoning to present new and relevant information to the Committee.

Mr. Dick informed the Committee that he will not go through the presentation as he did last time. He informed the Committee that the Health Department has received the information that was requested from the applicant. Mr. Tom Anderson, Director of Environment Health, Health Department, has issued a letter which was included in the agenda packets stating that the Health Department recommends approval of the plan at this time. Mr. Dick stated that Mr. Hendershott is present at today's meeting to address any questions that the Committee may have. Mr. Dick noted that that applicant, his attorney and his engineer are also present at the meeting this evening.

Minutes of the Land Use and Development Committee Meeting  
February 1, 2007  
Page Three

Chairman Gordon invited the applicant, his attorney and engineer to address the Committee. Mr. John Atherton, applicant, Mr. Frank Miles, attorney for the applicant and Mr. Duane Yockey, engineer for the applicant greeted the Committee. Mr. Miles stated that they have nothing to present at this time.

Chairman Gordon asked if any County staff wished to make any additional comments at this time. Hearing none, he asked if there were any questions from Members of the Committee.

Mr. Caisley stated that are four lots proposed on Arrowhead Trail which are zoned R-2. There is one lot on the opposite side of the street that is also zone R-2. Mr. Caisley asked why is there one R-2 lot on that side of the street with all of the other R-1 zoned lots. Mr. Yockey explained that the initial proposal for this subdivision was for 17 dwelling units. The reason for having five R-2 zoned lots, is to have the potential to build 17 dwelling units in this revised subdivision plan. These lot could be single family or multiple family.

Mr. Segobiano stated that he missed the last Committee meeting due to the fact that he was on a trip to New Orleans, Louisiana. He informed the Committee that he came back with a great appreciation for building and zoning regulations. He stated that McLean County is very fortunate to have zoning rules and regulations in place which create a very inviting place to live. He stated that this Committee has an obligation to uphold that quality of life.

Mr. Segobiano stated that the big question before the Committee is whether or not to grant the waiver of the curb and gutter street requirements. Mr. Segobiano asked if Mr. Miles will guarantee the Committee that he will not come before them requesting such a waiver at some point in the future. Mr. Segobiano suggested that if this is approved, this will it open the door for Mr. Miles and many others to request such a waiver. Mr. Segobiano advised the Committee that if this waiver is granted, it will only open the door to many more requests of this kind.

Mr. Segobiano reminded the Committee of the photos of the standing water in the existing Indian Springs Subdivision that were presented as evidence at other meetings. He stated that the Committee has an obligation to uphold the standards that were adopted by the County many years ago.

Chairman Gordon asked if Mr. Miles would like to respond to Mr. Segobiano's comments. Mr. Miles stated that he would like to respond after all concerns have been stated.

Chairman Gordon asked if there were any other parties present who wish to be heard. Hearing none, he invited the applicant and/or the applicant's representative to respond. Mr. Miles informed the Committee that Mr. Segobiano

was attempting to personalize this situation. He stated that this situation should not be personalized. This is about Mr. Atherton's application. He noted that every application which comes before the Land Use Committee requires some amount of discretion. There are often requests for waivers or modifications. The Ordinance is not locked in stone. There has been considerable movement on the part of Mr. Atherton to try to bring this project more in line with the County's Subdivision Ordinance and the neighbors who opposed this project from the start.

Mr. Miles stated that he agrees with Mr. Segobiano that approval of this project comes down to a decision of whether to grant a waiver for the curb and gutter requirement of the Subdivision Ordinance. He asked the Committee to please consider this application on its merits.

Mr. Yockey informed the Committee that a way to resolve the problem with storm water run off is to have storm water off run through ditches and vegetative cover areas. Mr. Yockey stated that approximately a year and a half ago, the County hosted a Development Impact Study. Mr. Doug Farr, Farr and Associates, addressed the issue of land development. At that time, Mr. Farr advised that developments should not have curb and gutter, they should have more rural cross sections with ditches so that storm water will travel through the grassy ditches and filter out the contaminants. Mr. Yockey stated that when the County changed the Subdivision Ordinance to require curb and gutter streets there were many objections. Mr. Yockey stated that he believes the County should revisit this issue, but now is not the time for that discussion.

Chairman Gordon asked if there were any other comments. Hearing none, he declared the public closed at 5:06 p.m.

Chairman Gordon asked if there were any questions or discussion from members of the Committee.

Ms. Ahart stated that she understood that the reason for the curb and gutter requirement in the County's Subdivision Ordinance was mainly because there were a lot of developments which were contiguous with Bloomington and Normal. Therefore Bloomington, Normal and the County decided to adopt the same standards so that contiguous developments could be easily annexed to the City or Town. Ms. Ahart stated that in this particular situation, it would be contiguous to use ditches with rural cross sections because that is what exists in the existing Indian Springs Subdivision.

Ms. Rackauskas stated that some time ago, she attended a continuing education class in which this was the topic of discussion. That is what makes this a tough decision for her. There were experts on both sides of this issue.

Ms. Rackauskas stated that the thoughts have changed during recent times. There is more research that supports the use of ditches with rural cross sections as a means of slowing the flow of storm water run off.

Mr. Caisley stated that the water apparently flows out lot "B" of the proposed subdivision into the original Indian Springs Subdivision. It also flows from the ditches on both the north and south sides of Arrowhead Trail into Indian Springs Subdivision. If there are curbs and gutters in the proposed subdivision, the flow of surface drainage into the existing Indian Springs will be accelerated. Mr. Caisley stated that he does not think that speeding up the flow of surface discharge will help the proposed subdivision or the existing Indian Springs Subdivision.

Mr. Segobiano stated that the Members of this Committee may not be experts, but they certainly are elected to represent the citizens of McLean County. He noted that he will vote his conscience this evening and hopes that the other members of the Committee will do the same. He added that subdivisions with curbs and gutters look much more finished and add to the quality of life in a community.

Ms. Rackauskas stated that this seems to be more of a question of improving the flow of surface drainage. She feels that improving the surface discharge problem in this area would essentially improve the quality of life.

Mr. Caisley stated that if this proposed subdivision was being built adjacent to an existing subdivision with curbs and gutters, he would feel that would be the best option. This situation is exactly the opposite; the existing subdivision has ditches and a rural cross section. It makes sense to approve an adjacent subdivision with ditches and a rural cross section.

Ms. Ahart stated that she agrees with Mr. Segobiano's comment that Committee Members should vote their conscience. She noted that her conscience tells her that the surface drainage issues would be much better served by approving ditches with rural cross sections. The ditches and vegetation will slow the flow of surface drainage to the existing Indian Springs Subdivision.

Mr. Segobiano stated that there will be problems with vegetation and landscaping that is planted by homeowners in this proposed subdivision. Mr. Paul Bottles testified at an earlier hearing that homeowners landscape their yards into the Township right of way, which causes problems when trying to drain the ditches.

Mr. Baggett stated that ordinances are made to serve the people, not the other way around. The Committee should always keep in mind the people that will be affected by its decisions.

Minutes of the Land Use and Development Committee Meeting  
February 1, 2007  
Page Six

Chairman Gordon asked if there was any further discussion. Hearing none, he called for a motion.

Motion by Ahart/Rackauskas to recommend approval of a Preliminary Subdivision plan for 12 residential lots and two out lots in the Indian Springs Subdivision Phase II, with a waiver of the County Subdivision Ordinance's curb and gutter requirements.

Chairman Gordon stated that the Chair will vote and called for a roll call vote.

Member Ahart	"Yes"
Member Baggett	"Yes"
Member Caisley	"Yes"
Member Rackauskas	"Yes"
Member Segobiano	"No"
Chairman Gordon	"Yes"

Motion carried by a vote of 5-1.

Chairman Gordon thanked everyone for their testimony and informed the Committee that this item will go before the County Board at their February Meeting.

Chairman Gordon stated that the only other item on the agenda is the Ecology Action Center (EAC) Annual Solid Waste Report. He invited Ms. Michelle Covi, Director, EAC, to present her report.

Ms. Covi stated that the Committee has been provided a copy of the EAC's Annual Solid Waste Report. She gave a brief summation of this year's activity:

- Presentations to fourth grade classes at various schools.
- School presentations to schools that offer after school recycling programs (primarily in Bloomington and Normal).
- Activities for the Boys and Girls Club.
- Activities for Catholic Charities.
- Presentations for the State Farm Garden Club.
- Ms. Covi spoke at the "Lois Club".
- The EAC holds recycle programs at the Children's Discovery Museum.
- Battery recycling programs held at Interstate Batteries and Batteries Plus.
- Organize the Household Hazardous Waste Event each year.

- Work with “Freecycle” which is a *Yahoo* group in which people can exchange items, request items or offer items to one another.

Ms. Covi stated that most programs are done by request. There is a standard letter that is sent out to teachers every year offering to make presentations to their classes to promote the recycling program.

Ms. Covi stated that she would be happy to answer any questions that the Committee may have.

Mr. Segobiano asked how the community increases the longevity of a landfill through recycling. Ms. Covi responded that as a community grows, the waste grows. The more affluent the community, the more waste it has. Educational efforts help to take the edge off of the waste. The Town of Normal did a study of the increase of waste verses growth of their community. The results of their study showed that while the population was increasing, the amount of waste in their landfill did not increase or decrease. She noted that those results suggest that recycling is having an impact on the amount of waste.

Mr. Segobiano asked if the EAC has ever considered trying to push for mandatory recycling. Ms. Covi responded that the EAC does not serve as an advocacy agency. It is more an informational agency. It does compare some of the different programs available to find which are working more optimally.

The Committee discussed the differences between curbside recycling and drop-off recycling.

Chairman Gordon asked if there were any other comments or questions from the Committee. Hearing none, he adjourned the meeting at 5:46 p.m.

Respectfully submitted,

Christine Northcutt  
Recording Secretary