

## Minutes of the Land Use and Development Committee

The Land Use and Development Committee of the McLean County Board met on Thursday, June 8, 2006 at 4:45 p.m. in Room 400, Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Gordon, Members Segobiano, Rackauskas, Cavallini, Ahart and Baggett

Members Absent: None

Other Board Members Present: None

Staff Present: Ms. Christine Northcutt, Recording Secretary, County Administrator's Office

Department Heads/  
Elected Officials  
Present: Mr. Phil Dick, Director, Building and Zoning

Others Present: Mr. Brian Hug; Assistant State's Attorney; Mr. Mike Behary, County Planner; Building and Zoning; Mr. Jeff Tracy; Project Manager; Mr. John Hendershott, Environmental Health Protection Program Supervisor; Mr. John Atherton, Developer; Mr. Duane Yockey, Lewis, Yockey & Brown; Ms. Ellen Lee, Attorney for Mr. Atherton; Mr. Paul Bottles, Cheneys Rove Township Road Commissioner

Chairman Gordon called the meeting to order at 4:48 p.m. Chairman Gordon stated that the first order of business is the approval of the May 4, 2006 minutes. Hearing no additions or corrections, he placed the minutes of the May 4, 2006 Land Use and Development Committee meeting on file as submitted.

Chairman Gordon presented the bills from May 4, 2006 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 the May bills is \$18,127.30.

Motion by Cavallini/Ahart to recommend approval of the May 31, 2006 bills as presented by the County Auditor. Motion carried.

Chairman Gordon stated that the only item for action is an application by John Atherton for approval of a preliminary plan for the Indian Springs Subdivision Phase II, which is located in Cheneys Grove Township immediately west of 3700 East Road, immediately south of the Indian Springs Subdivision and approximately 1/3 mile north of 1000 North Road, File S-06-09. Chairman Gordon reminded the Committee that this public hearing has been continued from May 4, 2006. He reopened the public hearing at 4:49 p.m.

Mr. Phil Dick, Director, Building and Zoning, stated that he has distributed a revised copy of the preliminary plan to the Committee as well as a letter from the County Health Department. Mr. Dick advised the Committee that they will find a letter from the Cheneys Grove Township Road Commissioner, a staff report and a proposed construction timeline in their agenda packets. Mr. Dick stated there are significant changes in the preliminary plan. The storm water detention will be provided on out lots within the proposed subdivision. Mr. Dick asked Mr. John Hendershott, Environmental Health Protection Program Supervisor, Health Department to explain the concerns that were addressed in his letter to the Committee.

Mr. Hendershott informed the Committee that he has received a copy of the covenants. The Health Department is recommending one change to the covenant. There is also a concern with the locations of the wells on each individual lot, but that will further be analyzed by a well-driller. Mr. Hendershott noted that there are two lines on the site drawing that were incorrect. Mr. Dick stated that Mr. Yockey would be able to address that issue. Mr. Dick stated that he would also request that the acreage of each lot listed on the Preliminary Plan.

Chairman Gordon thanked staff for their presentation. He invited the applicant and his representatives address the Committee. Mr. John Atherton, Developer, Mr. Duane Yockey, Engineer, Lewis, Yockey & Brown and Ms. Ellen Lee, Attorney for the developer introduced themselves to the Committee. Mr. Yockey stated that the proposed subdivision has been changed from having 13 lots to 12 lots and two out lots. The reason for this change is the detention was moved from offsite to out lots A and B. The ideal spot for the detention would be offsite, but because the Committee had concerns with the detention pond being located off site, the detention area was moved. Lot A would be a wet basin (or a pond) and would contain most of the detention. Out lot B would be a dry basin and would basically handle detention from the backyards of Lots 2, 3, and 4.

Mr. Yockey informed the Committee that the developer is still requesting a waiver of the street requirements to allow an oil and chip surface with rural cross sections. That is the same street surface that is located in the adjacent subdivision and all of the Township Roads in the area. Mr. Yockey stated that there is a letter from Mr. Paul Bottles, Cheneys Grove Township Commissioner, in the Committee's packet stating that he supports the use of oil and chip streets with rural cross sections.

The subdivision road will connect to the existing Arrowhead Road. Per the Committee's request, the Developer has submitted a construction timeline. In regards to the Health Department's concerns, Mr. Yockey stated that the Health Department must not be in receipt of the latest revision of the Preliminary Plan dated June 6<sup>th</sup>. All of their concerns were addressed on the revision. There was a dimension that was incorrect on the site map, and that has been corrected. Mr. Yockey stated that he added a note regarding the drilling of the wells. The note indicates that the wells will be located in the front yard of each lot, unless the best location of the seepage bed is in the front yard. In that case, the well will be in the back yard. The note also indicates that the exact proposed well location will be indicated when the sewage disposal system permits are issued by the Health Department. The Health Department also requested the proposed covenants, and those have been provided. Mr. Yockey stated that he would be happy to answer any questions that the Committee may have.

Chairman Gordon asked if there were any comments from the County staff or other agencies. Hearing none, he invited Committee Members to ask any questions they may have. Ms. Rackauskas asked if the Health Department was satisfied with the modifications that the applicant has made. Mr. Hendershott answered that the Health Department is satisfied. Mr. Segobiano asked Mr. Jeff Tracy, Project Manager, County Highway Department, to explain the difference in cost between oil and chip roads versus hot mix with curb and gutter. Mr. Tracy responded that an A-3 surface is basically oil and rock. When originally built, it is three coats of oil and three coats of rock. Ideally, these surfaces should be redone every five to six years. On a hot mix surface, a harder asphalt is used. On lighter traveled roads, the road could last 20 – 25 years without maintenance. Mr. Tracy stated that one of the main reasons that the County Code was updated is because with rural cross sections, the ditches need to be cleaned every 15 – 20 years. In order to efficiently clean out the ditches, all of the driveways within a subdivision must be torn out and reinstalled. That is a very costly endeavor. If you have curb and gutter with storm sewers, there are no ditches to be cleaned. You must maintain the storm sewers. However, those maintenance fees are much less.

Chairman Gordon asked who bears the expense of tearing out and reinstalling the driveways when ditches are cleaned. Mr. Tracy responded that is the

highway authority's responsibility. In this case it would be the responsibility of the Township.

Mr. Baggett asked if there would be any cost to the County if the waiver is granted. Mr. Tracy stated there would be no effect to the County.

Ms. Rackauskas asked why the Subdivision Ordinance was changed several years ago and why would staff be recommending a waiver of its requirements. Mr. Tracy replied that the main reason that the Ordinance was changed was to contend with the increasing cost of maintenance on the oil and chip roads. In addition, it was felt that the upgrade of the streets was a plus for the townships. Mr. Tracy stated that the Highway Department is not recommending a waiver of the surface requirements or the curb and gutter requirement. Their recommendation is that the County Subdivision Ordinance be followed.

Mr. Yockey asked if he could respond to that question. Chairman Gordon invited him to do so. Mr. Yockey stated that part of the reason that the Subdivision Ordinance was changed was to maintain uniformity within the Town of Normal, the City of Bloomington and the County of McLean. Mr. Yockey stated that, at that time, the local engineers and developers were concerned because the lot size in subdivisions in the County are much larger than lots in the City or the Town. Therefore, the cost is much larger to develop a subdivision in the County. Mr. Yockey indicated that since the codes were changed for curb and gutter streets, only large very expensive homes are built in rural subdivisions since the cost of streets is so high. He said that the street cost of Lot 11, which is a corner lot, would be as much as \$57,000 which is too expensive for lots in this part of the County.

Chairman Gordon asked if there were any further questions from Members of the Committee. Mr. Baggett asked for a comparison of the initial investment and maintenance costs between hot mix roads with curb and gutter and oil and chip roads with rural cross sections. Mr. Tracy responded that it is very difficult to give any estimates for the maintenance costs due to the difference in depth of ditches and the topography of the land. He estimated that the initial installation of hot mix with curb and gutter is probably at least seven times more expensive than oil and chip with rural cross sections. Mr. Yockey stated that he agreed with Mr. Tracy's assessment that hot mix is at least seven times more expensive upon initial installation. However, he stated that he does not believe that the maintenance is substantially less expensive. It is cheaper to reseal an oil and chip road every four to five years than to overlay a wider asphalt road approximately every fifteen years.

Mr. Cavallini asked when was the Subdivision Ordinance updated to include asphalt surface and curb and gutter requirements, and since that time, has a waiver ever been approved. Mr. Dick responded the change in the Ordinance

was adopted in January, 1999. The County Board has never approved of a waiver of the asphalt surface and the curb and gutter requirements. Ms. Rackauskas asked what is Building and Zoning recommending. Mr. Dick responded that Building and Zoning is not making a recommendation with respect to the requested waivers.

Chairman Gordon asked if there were any other questions. Hearing none, he asked if there were any other parties interested in this case who would like to address the Committee. Mr. Marty Benningfield addressed the Committee. Mr. Benningfield stated that he lives on Lot #9 in the current Indian Springs Subdivision. His first concern is that there are current drainage issues in Indian Springs Subdivision. It is his understanding that a berm will be placed along his lot to the south with the drainage flowing to northwest corner. After a sizeable rainfall, there is water standing in his yard, ditch and even over the road. He would like to understand how Mr. Atherton's proposed drainage plan is going to make this problem any better.

Mr. Yockey responded that as indicated in the preliminary plan, Lots 2, 3, and 4 were diverting the drainage so that the front half goes toward the street and the back half goes toward the back property line where there is a drainage swale between the golf course and Lots 2, 3, and 4. So, basically, all of the water that comes toward Lot #9 now will funnel down into that area and to out lot B where there will be a storm water detention area. The total amount of water will not be reduced, but the maximum flow rate will be reduced and controlled.

Mr. Benningfield stated that he is also concerned about the proposed Indian Springs Subdivision Phase II using asphalt streets. Mr. Benningfield stated that to the general public, the two Subdivisions will appear as one. If the addition has asphalt streets and the original portion has oil and chip streets, it will lessen the aesthetic value of the original portion of the Subdivision. Frankly, it may also lessen the resale value of his home.

Chairman Gordon asked if there were any other interested parties who wished to address the Committee. Mr. Brad Long stated that he lives on Lot #17 of the Indian Springs Subdivision. He thanked the Committee for hearing his comments this evening. Mr. Long stated that he wants the Committee to be aware that he has always supported residential development and expansion of Indian Springs. It would be beneficial for the community. Mr. Long stated that after the May 4<sup>th</sup> Meeting of the Land Use Committee he approached Mr. Atherton and Mr. Atherton verbally assaulted him. He further stated that Mr. Atherton does not show a cooperative attitude toward the existing residents of this area. Mr. Long stated that his other concerns are as follows:

- There are current water drainage issues in this area.
- On last month's preliminary plan there was a two acre retention pond with an 8 – 12 foot dam wall that has since been revised to one or two one-third acre detention basins.
- A construction time-line should be shared with the residents.
- Will Dream Catcher Drive be built first to carry construction traffic?
- Will the covenants differ greatly from the covenants of the original Indian Springs Subdivision?
- There is not regular ditch clean up or resurfacing of roads. The Township has always stated that there is not enough money in the maintenance fund. How will the Township be able to fund even more maintenance if this proposed Subdivision is built?

Chairman Gordon thanked Mr. Long for his comments. He asked if the applicant would like to respond. Mr. Yockey stated that he does not feel that oil and chip roads will save the Township any money over the long haul. The timeline that was provided to the Committee shows that construction traffic would be routed through Dream Catcher Drive. Mr. Yockey stated that the basin that was proposed at last month's meeting was never intended to have 8-12 foot high berms. They were proposed to have had 3-4 foot maximum berms. Mr. Yockey stated that he will not debate that there are drainage issues in the Indian Springs Subdivision, but that has nothing to do with the proposed addition. The County Health Department is in receipt of the proposed subdivision covenants as well as the construction timeline. The two subdivisions should have separate homeowner's associations as they will have different requirements and the Phase II Subdivision will have out lots to maintain.

Ms. Rackauskas asked Mr. Long if he and other members of the Indian Springs Subdivision have consulted with an engineer regarding their current drainage problems. Mr. Long responded that they have not.

Chairman Gordon asked if there were any other comments. Hearing none, he declared the public hearing closed at 5:52 p.m. He asked if there were any comments from members of the Committee. Mr. Segobiano stated the County Board adopted the street standards based on the information that it was provided. It would be a step backward to allow a waiver of these standards. Allowing this waiver would set a negative precedent and Mr. Segobiano stated that he will not support the waiver.

Motion by Segobiano/Rackauskas to recommend approval of a Preliminary Plan for the Indian Springs Subdivision Phase II in Cheney's Grove Township without a waiver of the Subdivision Ordinance's requirement for asphalt streets and curb and gutter drainage. File No. S-06-09.

Chairman Gordon asked if there was any discussion. Mr. Baggett stated the street surface requirement adds a substantial financial burden to developers in rural areas.

Hearing no other discussion, Chairman Gordon called for a roll call vote and noted that the Chair will vote.

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

Motion carries by a vote of 4-2.

Chairman Gordon thanked the Committee, staff and Mr. Atherton.

Chairman Gordon stated that he had a quick item for information. He will be unavailable to attend the July Land Use and Development Committee Meeting. He will miss the July County Board Meeting as well.

Chairman Gordon asked if there were any other comments or questions from the Committee. Hearing none, he adjourned the meeting at 6:08 p.m.

Respectfully submitted,

Christine Northcutt  
Recording Secretary