

Minutes of the Land Use and Development Committee

The Land Use and Development Committee of the McLean County Board met on Thursday, May 4, 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: 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. 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; Ms. Michelle
Covi, Director, Ecology Action Center; Mr. John
Atherton, Developer; Mr. Duane Yockey,
Lewis, Yockey & Brown; Ms. Ellen Lee,
Attorney for Mr. Atherton

Chairman Gordon called the meeting to order at 4:49 p.m.

Chairman Gordon stated that the first order of business is the approval of the April 6, 2006 minutes. Hearing no additions or corrections, he placed the minutes of the April 6, 2006 Land Use and Development Committee meeting on file as submitted.

Chairman Gordon presented the bills from April, 2006 which have been reviewed and recommended for transmittal to the Land Use and Development Committee by the County Auditor. The pending total is \$290.80 and the fund total is \$26,403.28. The total for the April bills is \$26,694.08.

Motion by Cavallini/Ahart to recommend approval of the April 30, 2006 bills as presented by the County Auditor. Motion carried.

Chairman Gordon advised the Committee that that the first item for action is a request by the McLean County Solid Waste Management Technical Committee to approve grant awards from the McLean County Solid Waste Management Fund and presentation of the Ecology Action Center (EAC) Quarterly Solid Waste Report. Chairman Gordon invited Ms. Michelle Covi, Director, EAC, to present these items to the Committee.

Ms. Covi distributed the 2006 grant award recommendations to the Committee. Ms. Covi apologized that she was not able to get the recommendations to Mr. Dick in time to be included in the Committee's packets.

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

Mr. Baggett asked why the McLean County Solid Waste Management Technical Committee would be awarding a grant to Lincoln College. Mr. Baggett stated that Lincoln College is a private institution, and therefore, should not be allowed to be the recipient of public funds.

Substitute motion by Baggett/ to recommend approval of the recycling grant awards from the McLean County Solid Waste Management fund with the exception of the Lincoln College grant.

The motion died for lack of a second.

Chairman Gordon asked if there were any further questions on this issue. Hearing none, he called for a vote on the original motion.

Motion carried.

Ms. Covi asked if the Committee had any questions on the Ecology Action Center quarterly report. Hearing none, Ms. Covi thanked the Committee for their time.

Chairman Gordon thanked Ms. Covi.

Chairman Gordon stated that the second item for action is an application of John Atherton for approval of a preliminary plan for the Indian Springs Subdivision

Phase II, which is located in Cheney's 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. This request requires a public hearing. Chairman Gordon called the Public Hearing to order at 5:03 p.m. He asked Mr. Phil Dick, Director, Building and Zoning, to present this item to the Committee.

Mr. Dick informed the Committee that this is a request for a 13 lot Subdivision adjacent to the Indian Springs Subdivision in Saybrook. Mr. Dick noted that the parcel is partially zoned as R-1 Single Family Residence District and partially zoned as an Agricultural District. Therefore, the developer, Mr. John Atherton, was required to present an application to the Zoning Board of Appeals (ZBA) for a map amendment to change the zoning classification. That map amendment was recommended for approval at the last ZBA meeting.

Mr. Dick advised the Committee that Mr. Atherton is also requesting waivers to allow oil and chip roads and rural cross sections with ditches in lieu of curb and gutter as required by the McLean County Subdivision Ordinance. The applicant proposed to provide storm water retention on an adjacent property owned by Mr. Timothy Vance and Ms. Julie Vance. Mr. and Mrs. Vance indicated in a memorandum dated April 21, 2006 that they are in agreement with the use of their property as a pond that will provide storm water retention. The existing streets in the Indian Springs Subdivision are oil and chip with rural cross sections. The Cheney's Grove Township Road Commissioner, Mr. Paul Bottles, has indicated that he does not object to oil and chip streets with rural cross sections. He requested that the applicant be responsible to connect the new street pavement to the existing pavement on Arrowhead Trail. Mr. Dick noted that the County Health Department has met with the applicant and the Health Department's concerns have been addressed. However, the County Highway Department does not support the waivers of the curb and gutter requirement and the request for rural cross sections.

Mr. Dick noted that notice of this public hearing was published in *The Pantagraph* on April 15, 2006 as required by law.

Chairman Gordon thanked Mr. Dick and stated that in accordance with the procedures for a public hearing, the applicant and his representatives are invited to make a presentation to the Committee.

Mr. Atherton, his attorney, Ms. Ellen Lee, and Mr. Duane Yockey, Engineer, Lewis, Yockey and Brown greeted the Committee. Mr. Atherton introduced himself and told the Committee about himself and his background. He distributed a diagram and other information to the Committee. Mr. Atherton explained that this proposed subdivision is his dream. He has support from

many members of the community. He explained that the best place for a storm water retention pond would be on the adjacent property owned by Mr. and Mrs. Vance. Mr. and Mrs. Vance have provided the Committee with a memorandum which illustrates their willingness to work with Mr. Atherton and sign a licensure agreement concerning the construction and maintenance of a retention pond to be located on their property. The agreement shall contain a clause that states if and when the Vances sell their property, the successor owners will be required continue with the licensure agreement.

Mr. Atherton informed the Committee that he is seeking a waiver to allow oil and chip streets with rural cross sections with ditches due to the fact that curb and gutter streets are much more expensive. He is trying to keep this project on a tight budget. Mr. Atherton added that the streets in the existing subdivision are oil and chip.

Mr. Atherton informed the Committee that he is interested in requiring all homeowners of the subdivision to use alternative energy sources such as geothermal heating and cooling.

Mr. Duane Yockey, Engineer, Lewis, Yockey and Brown informed the Committee that the retention basin would be large enough to handle storm water drainage from the proposed Indian Springs Phase II Subdivision and a Phase III, should that ever come to fruition. He indicated that drainage from 84 acres of land will flow through the proposed storm water retention basin. He indicated that the proposed retention basin is located on the Vance's property due to the topography of the land. Mr. Yockey explained how the retention basin would function. The release of water from the retention basin during a storm event would be designed to comply with requirements of the County Subdivision Ordinance. He indicated that in Bloomington and Normal, the storm water retention/detention areas are not always located on the subdivision property. Mr. Yockey indicated that the proposed storm water detention plan for the proposed subdivision would not be able to resolve all drainage problems of the existing Indian Springs Subdivision.

Chairman Gordon thanked the applicant for his presentation. He asked County staff if they wanted to address the Committee.

Mr. Tracy advised the Committee that the reason that Indian Springs has oil and chip streets is because it was built in the 1970's before the Subdivision Ordinance was updated. Mr. Tracy explained that concrete or asphalt streets (curb and gutter) are much more durable and require much less maintenance than oil and chip streets. Mr. Tracy noted that the Highway Department would not recommend this project with a waiver of curb and gutter streets and rural cross sections.

Chairman Gordon asked if there were any questions from the Committee.

Ms. Rackauskas noted that she was having a very difficult time reading and understanding Mr. Atherton's plans.

Mr. Segobiano stated that having a detention pond on another homeowner's property is a poor idea and that is not a common practice. Mr. Segobiano noted that he has two questions. First, does Mr. Atherton plan to have his Homeowner's Association work in conjunction with the current Indian Springs Homeowner's Association? Secondly, how steadfast does the Highway Department plan to remain with the refusal to waive the curb and gutter street requirement. Mr. Segobiano questioned why would the County want to approve a plan that doesn't use the most up to date materials that are available. Mr. Segobiano stated that would be a step in the wrong direction.

Mr. Atherton responded that he has spoken with Mr. Eldon Christianson, who is the President of the current homeowner's association and he is very supportive of the Indian Springs Subdivision-Phase II. Mr. Atherton noted that Mr. Christianson seems very affable and easy to work with. On the other hand, Indian Springs Subdivision-Phase II is totally separate from Indian Springs and can be a stand-alone subdivision. Mr. Atherton stated that its covenants will be much different than Indian Springs.

Mr. Yockey added that having a detention or retention basin on an adjacent property from a development has been done before. There are examples in both Bloomington and Normal. Mr. Yockey added that the State's Attorney's office would be able to review and sign off on the proposed contract between Mr. and Mrs. Vance and the homeowner's association. In addition, Mr. Yockey stated that, years ago, when the County changed their Subdivision Ordinance requiring curb and gutter streets rather than oil and chip, they sent around a questionnaire to local engineers asking their opinion about the change. Mr. Yockey informed the Committee that in addition to being much more expensive, curb and gutter streets are much less environmentally friendly than oil and chip. They promote storm water run off and a host of other problems.

Mr. Segobiano replied that the unincorporated areas of the County are not comparable to areas within the City limits of Bloomington and Normal. Furthermore, allowing oil and chip streets in this Subdivision would create an exception to the Subdivision Ordinance and may set a precedent with other developers in the area.

Mr. Baggett asked at what audience is Mr. Atherton targeting to purchase these lots. Mr. Atherton responded that he would probably be looking toward retirees. Mr. Atherton stated that he has been working on marketing with Ms. Sheila Nettleton, Prudential Real Estate Agent.

Minutes of the Land Use and Development Committee Meeting
May 4, 2006
Page Six

Chairman Gordon asked if there were any other parties present who wanted to address the Committee.

Ms. Julie Vance addressed the Committee. Ms. Vance stated that the Village of Saybrook is in desperate need of growth. Mr. Atherton's ideas are just what the village wants and needs. This will bring families with children into the area thus raising the enrollment at the area schools and increasing the property tax base.

Chairman Gordon thanked Ms. Vance and asked if there was anyone else who wished to be heard.

Mr. Eldon Christianson addressed the Committee. Mr. Christianson stated that he developed the original Indian Springs Subdivision in the 1970's. He noted that he is in favor of Mr. Atherton's work and hopes the Committee will find in his favor.

Chairman Gordon asked if there was anyone else who wished to address the Committee. Mr. Brad Long addressed the Committee. Mr. Long stated that he was neither in favor nor against Mr. Atherton's proposal. However, he did state the following concerns:

- ✓ There is no construction time line. When asked, Mr. Atherton stated that it may take 8 months or 18 years.
- ✓ Mr. Atherton's original Preliminary Plan showed 19 lots. The plan presented tonight shows 13 lots. When did that change and why?
- ✓ What happens with the Indian Springs Homeowner's Association. Will it be merged with the Indian Springs Phase II Subdivision or will it stand-alone?
- ✓ There is currently a drainage issue in this subdivision. There is often water standing in the streets.
- ✓ What will be the dam wall height and the depth of the pond?
- ✓ Where will the construction traffic be routed? It appears from viewing the Preliminary Plan that the traffic will be routed through Arrowhead Trail. Mr. Long requested that the construction traffic be routed through the proposed "Dream Catcher Drive" of the new subdivision rather than through Arrowhead Trail.
- ✓ How often is street resurfacing scheduled to be completed?

Chairman Gordon thanked Mr. Long for his comments. He asked Mr. Yockey to address any questions that he could. Mr. Yockey responded the pond will likely be at least eight feet deep and the dam height will be two to three feet.

Chairman Gordon asked Mr. Hug his opinion about the proposed licensure agreement for the storm water retention basin/pond located on Mr. and Mrs. Vance's property. Mr. Hug stated that the Committee is well within their rights to ask for a contract prior to approving this item. Mr. Hug also noted that a

Minutes of the Land Use and Development Committee Meeting
May 4, 2006
Page Seven

licensure agreement would most likely not be proper. However, a binding contract between the two parties would be acceptable.

Chairman Gordon asked if there were any other questions. Ms. Rackauskas asked Mr. Atherton if he had a business plan. Mr. Atherton stated he is working with Ms. Nettelton, the local realtor, on marketing. There will be a hole in one contest to give away one lot in the subdivision.

Ms. Rackauskas asked if he is working with a banker. Mr. Atherton stated that he has sold all of his assets to invest in this life-long dream.

Chairman Gordon asked if there were any other comments or questions. Hearing none, he closed the public hearing at 6:16 p.m.

The Committee discussed this item at length and concluded that they did not have enough information to make a determination on this item at this time. The Committee decided to carry the public hearing over to the June 1st meeting of the Land Use and Development Committee.

Motion by Cavallini/Baggett to continue the Public Hearing for the Application by John Atherton for approval of a preliminary plan for the Indian Springs Subdivision, Phase II to the June 1, 2006 Meeting of the Land Use and Development Committee with the understanding that County Staff be directed to investigate the questions raised by the Committee this evening. Motion carried.

Chairman Gordon asked if there were any other comments or questions from the Committee. Hearing none, he adjourned the meeting at 6:44 p.m.

Respectfully submitted,

Christine Northcutt
Recording Secretary