

## Minutes of the Land Use and Development Committee

The Land Use and Development Committee of the McLean County Board met on Thursday, April 6, 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, and Baggett

Members Absent: Member Ahart

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: None

Chairman Gordon called the meeting to order at 4:47 p.m.

Chairman Gordon stated that the first order of business is the approval of the March 2, 2006 minutes. Hearing no corrections, he placed the minutes of the March 2, 2006 Land Use and Development Committee meeting on file as submitted.

Chairman Gordon presented the bills from March, 2006 which have been reviewed and recommended for transmittal to the Land Use and Development Committee by the County Auditor. The pre-paid total and the fund total for the March bills is \$13,052.31.

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

Chairman Gordon advised the Committee that that the first item for action is an application of Charlotte and Terry Gaddy for waiver of preliminary plan requirements and a two lot final subdivision plat for the Gaddy Subdivision First Addition which is located in Gridley Township at 26011 and 26013 N. 1925 East Road, Lexington. Chairman Gordon asked Mr. Phil Dick, Director, Building and Zoning, to present this item to the Committee.

Mr. Dick informed the Committee that this proposed two lot subdivision has been reviewed by the County Health Department and the County Highway Department. The County Highway Department has signed off on this request. At the time of the staff report, the County Health Department had not signed off on this request due to the fact that the parcel located immediately south of this parcel had a septic system that extended into part of this lot. The Health Department requested that the easement be shown on the plat before they sign off on this request. The plat has subsequently been amended to show the easement. The two residences that are proposed on this two-lot subdivision would be for Mr. Terry Gaddy's children. They would be able to build in the ag district as a permitted use if this request is approved. Both lots are three acres in area. This proposed sub-division has access to a County Highway, but will be using the easement of access as shown on the plat because the County Highway Department does not want additional accesses to the public road at that location.

Mr. Segobiano asked if the County Health Department has signed off on this request. Mr. Dick responded that the Health Department has signed off on this request.

Motion by Segobiano/Cavallini to recommend approval of an application of Charlotte and Terry Gaddy for waiver of preliminary plan requirements and a two lot final subdivision plat for the Gaddy Subdivision First Addition which is located in Gridley Township at 26011 and 26013 N. 1925 East Road, Lexington, IL File No. S-06-06. Motion carried.

Chairman Gordon stated that the second item for action is an application of Ronald and Yvonne Fitchhorn for a waiver of preliminary plan requirements and a two lot final subdivision plat for the Fitchhorn Subdivision which is located in Funks Grove Township at 2390 and 2418 N. 675 East Road, McLean. He asked Mr. Dick to present this item to the Committee.

Mr. Dick stated that this is a bit of a complicated situation. Currently this lot is being used for grain production. This lot houses a farm dwelling, grain storage and drying bids and a machine shed. The remainder of the property surrounding the lot is a farm field. The Fitchhorns wish to remain in their dwelling and add an additional lot to house the grain bins, shed and the crop production equipment. This process will also require a variance in order to divide the residential tract from the farm buildings since there is not enough separation between the buildings to provide the required setbacks. Mr. Dick stated that the Zoning Board of Appeals (ZBA) recommended approval of this variance last night. In addition, a Special Use is also required for the use of agricultural processing buildings. The Special Use request was also recommended for approval last night at the ZBA Meeting. Mr. Dick noted that the Health Department does not have a record of the septic system on this lot. Therefore, if the Committee chooses to recommend approval of this item, it will need to be contingent upon the Health Department's approval and approval of the Special Use and Variance by the County Board.

Motion by Segobiano/Rackauskas to recommend approval of an application of Ronald and Yvonne Fitchhorn for a waiver of preliminary plan requirements and a two lot final subdivision plat for the Fitchhorn Subdivision which is located in Funks Grove Township at 2390 and 2418 N. 675 East Road, McLean contingent upon approval by the McLean County Health Department and approval by the McLean County Board for the proposed Special Use and the proposed variance in connection to this case. Motion carried.

Chairman Gordon stated that the last item for action is the application of Mark Freed for a waiver of preliminary plan requirements and a one lot final subdivision plat for the Pederson Woods Subdivision which is located in Lexington Township at 29725 E. 2100 North Road, Colfax. Chairman Gordon asked Mr. Dick to present this item to the Committee.

Mr. Dick advised the Committee that this is a proposed one-lot subdivision in Lexington Township. The County Health Department and the County Highway Department have signed off on this request. This lot will meet the Zoning Ordinance to have a single family dwelling placed on it based on the criterion that the land is undesirable for crop production. Once this is approved, the applicant will be able to sell the property to an interested individual and the lot will be suitable upon which to build a dwelling. It is 2.76 acres in area. Mr. Dick stated that he would be happy to answer any questions that the Committee may have.

Motion by Segobiano/Cavallini to recommend approval of the application of Mark Freed for a waiver of preliminary plan requirements and a one lot final subdivision plat for the Pederson Woods Subdivision which is located in Lexington Township at 29725 E. 2100 North Road, Colfax, IL, File No. S-06-08. Motion carried.

Chairman Gordon stated that there are no items for information listed on the agenda, but Mr. Dick has a hand out regarding a meeting of the Illinois Association of County Zoning Officials (IACZO) on April 25, 2006. The meeting will be held in Room 400 of the Government Center. The topic of this meeting is "*The Sangamon County-Chatham Case: History, Current Status, Future of Extended Municipal Authority in Illinois, etc.*"

Mr. Segobiano asked if this meeting concerns annexation. Mr. Dick responded that it does concern annexation. Specifically, the Village of Chatham began issuing building permits to properties in unincorporated areas of Sangamon County (within a 1½ miles of the Village) with only a preannexation agreement. Mr. Dick informed the Committee that a similar situation existed in McLean County when Dr. Frank Koe sought a preliminary plan for the Franklin Heights Subdivision. The Franklin Heights Subdivision was originally located completely in the unincorporated area of McLean County. Dr. Koe had a preannexation agreement in place with the Town of Normal, but Dr. Koe had to get approval from both the County and the Town of Normal before he could begin construction.

Mr. Dick stated that Mr. Brian Hug, Assistant State's Attorney and Mr. John Zeunik, County Administrator have indicated that they will attend. It should prove to be a very interesting meeting. Mr. Dick invited all Committee Members to attend.

Mr. Segobiano asked if there is pending legislation regarding this case. Mr. Zeunik responded that there was a Bill, which came out of DeKalb County, which would lend some clarity to this issue. The Illinois Municipal League rose up in opposition to this Bill stating that this Bill takes away authority granted to municipalities under State Law. The Sponsor of the Bill agreed to pull the Bill this session with the understanding that a study committee would be formed prior to the next legislative session after the November election. The study Committee would be convened with representatives from the Municipal League and County Government and they would address the issues raised in this bill.

Ms. Rackauskas asked if other cities annex land into their cities. Mr. Zeunik responded that the Village of Downs has annexed larger tracts of surrounding into the Village.

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Mr. Baggett asked if individual property owners can refuse to be annexed by a municipality. Mr. Dick replied that if a municipality adjoins the property on three sides and can meet the other requirements under State law, then the municipality can annex the property and the property owner cannot object or refuse to be annexed. Mr. Dick noted that the Zoning Officials meeting on April 25<sup>th</sup> should be interesting and informative.

Chairman Gordon noted that Mr. Dick has been nominated to serve as President of the Heartland RC & D district. Chairman Gordon also advised the Committee that, unless additional funding is appropriated by the Congress, it is very unlikely that the RC & D will receive any federal funds to begin operations.

Chairman Gordon asked if there were any other comments or questions from the Committee. Hearing none, he adjourned the meeting at 5:24 p.m.

Respectfully submitted,

Christine Northcutt  
Recording Secretary

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