

Minutes of the Land Use and Development Committee

The Land Use and Development Committee of the McLean County Board met on Thursday, February 2, 2006 at 4:45 p.m. in Room 400, Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Gordon, Members Rackauskas, Segobiano, Ahart, Cavallini, 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;
Mr. Jack Mitchell, County Engineer, County
Highway Department

Others Present: Mr. Jeff Tracy, Project Manager, County
Highway Department; Mr. Mike Behary, County
Planner, Building and Zoning; Mr. Tom
Anderson, Environmental Health Protection
Program Supervisor, Health Department;
Ms. Michelle Covi, Director, Ecology Action
Center; Mr. Doug Smith, Attorney, Mr. Craig
Smith and Mr. Erik Sloneker, Developers

Chairman Gordon called the meeting to order at 4:45 p.m.

Chairman Gordon stated that the first order of business is the approval of the January 5, 2006 minutes. Hearing no corrections, he placed the minutes of the January 5, 2006 Land Use and Development Committee meeting on file as submitted.

Chairman Gordon presented the bills from December, 2005 and January, 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 December bill is \$159.21.

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

Chairman Gordon stated that for the month of January the prepaid total and the fund total is \$14,882.30. He stated that he would entertain a motion to approve the January bills.

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

Chairman Gordon advised the Committee that he would like to switch the order of tonight's agenda. He asked Ms. Michelle Covi, Director, Ecology Action Center (EAC) if she would like to present the EAC's annual solid waste report

before the Committee considers its items for action. Ms. Covi thanked the Committee.

Ms. Covi stated that her Annual Solid Waste Report was included in the Committee's agenda packet. Ms. Covi stated that the EAC has been making an attempt to put numbers on the amount of contacts that the EAC has with the public. The EAC has had a very successful year. The hazardous waste collection was very successful this year. The EAC hosted a compost sale this year. The organization offers a fourth grade recycling program to all area schools. Because the electronics recycling center now has a permanent home at the Town of Normal, the electronics recycling volume has increased. Chairman Gordon asked if there were any questions for Ms. Covi. Hearing none, Chairman Gordon stated that the County could move to tonight's items for action.

Chairman Gordon stated that the first item for action is an application of Knob Hill Development, LLC for approval of a Preliminary Subdivision Plan for 17 residential lots and one out lot in the Knob Hill Acres PUD Subdivision which is located in Randolph Township immediately north of the White Tail Ridge Subdivision, immediately west of Old US Route 51 and approximately half a mile north of 525 North Road. Chairman Gordon noted that this is a public hearing. He declared the public hearing to order at 4:57 p.m. Chairman Gordon asked Mr. Phil Dick, Director, Building and Zoning to present this item to the Committee. Mr. Dick informed the Committee that notice of this public hearing was published in *The Pantagraph* on January 14, 2006 as required by law. As part of the review process, the preliminary plan has been reviewed by Mr. Jeff Tracy, Project Manager, County Highway Department and Mr. Tom Anderson, Environmental Health Protection Program Supervisor, Health Department. Mr. Dick noted that both Mr. Tracy and Mr. Anderson had concerns with the initial draft. Mr. Dick stated that he received a revised draft earlier this week. Mr. Dick stated that he would let Mr. Anderson and Mr. Tracy address any concerns that they may still have since receiving the revised draft. Mr. Dick explained that this is a 17 residential lot proposed subdivision with a couple out-lots and a generous amount of open space which is to be used by the residents of this subdivision. One of the out-lots is a private out-lot which is owned by the owner of lot #1. The rest of the land is an additional out-lot which contains a pond and open space along US 51 to the east. There is a stub street to the north, which will need a T-turn around until the property to the north is developed.

Mr. Dick informed the Committee that the County's Subdivision Ordinance requires a lot over an acre in area to be at least 200 feet in width, and a lot a half acre in area is required to be at least 150 feet in length. Some of these lots do not meet those requirements so there will be a variance application that will go before the Zoning Board of Appeals on Tuesday, February 7th. If both are recommended for approval, they will go before the County Board in February.

Chairman Gordon thanked Mr. Dick and invited the applicant to address the Committee. He asked the three men to introduce themselves to the Committee. They are Mr. Doug Smith, Attorney, Johnson Law Office, Mr. Craig Smith and Mr. Erik Sloneker, Developers of Knob Hill Development, LLC. They had nothing to add at this time. Chairman Gordon asked if the County staff members had any comments or questions for the applicant. Mr. Jeff Tracy, Project Developer, County Highway Department stated that he has expressed concern to the developers about the south access point of the proposed subdivision. Mr. Tracy stated that he had suggested that they obtain an entrance permit from the Illinois Department of Transportation (IDOT) and that has not been done. A site distance study should be completed and approved by IDOT. Mr. Erik Sloneker responded that a site distance study has been done on the property and the position of the entrance is based on the site distance study. Mr. Tracy asked who completed the site distance study. Mr. Sloneker replied that it was completed by The Farnsworth Group. Mr. Tracy asked if it has been approved by IDOT. Mr. Sloneker responded that it has not been presented to IDOT. Chairman Gordon asked if there were any other comments from County staff. Hearing none, he invited Committee Members to ask questions or make comments.

Mr. Segobiano asked if the all of the deficiencies that are noted in the staff report regarding the septic system have been resolved and the only issue remaining is the entrance permit. Mr. Anderson stated that all of the deficiencies have been corrected with the exception of one. That is a provision of locating the future easements for the back-up septic systems to be in an area relevant to where the soil borings were taken. Mr. Anderson stated that he spoke with the Engineer approximately two hours ago and this issue was resolved. This will be very important for the Health Department to see on the construction plans. Mr. Segobiano asked if a motion is made does it need to be contingent upon these two issues being addressed before the construction plans would be approved. Mr. Dick responded that is correct. Mr. Dick added that both the Health Department and the Highway Department must sign off on the preliminary plan before the Building and Zoning Department can sign off on the construction plans.

Mr. Cavallini asked if the entrance needs IDOT's approval because it is coming off of a US route. Mr. Dick responded that is correct. Mr. Cavallini stated that on the preliminary plan he sees a primary and secondary septic field. He asked what, additionally, the Health Department is seeking. Mr. Anderson responded that the Engineer went above and beyond for identifying an area for a primary septic field. That is not essential. What is essential is once the primary septic field fails in 20 – 25 years, that the homeowner has a reserve area to put in another septic field on that property. The problem being is that where those proposed areas are located, not all of those areas are consistently located within 25 feet of the current soil borings. Mr. Craig Smith stated that they plan on taking

more soil borings. Mr. Sloneker stated that they hired a soils engineer to test the soil. The soil that was tested did leach except for the fill areas that were the result of the original pond construction. Mr. Craig Smith stated that now that the layout of the subdivision is complete, the soil will be re-bored in the areas at least 25 feet from the proposed secondary septic area. Farnsworth contacted Mr. Smith today. They have informed Mr. Smith that they contacted IDOT. IDOT has stated that they will not give final approval until the County's Land Use and Development Committee has approved the preliminary plan. Then IDOT will sign off on the construction plans. Mr. Sloneker stated that the line of site study demonstrated that the south entrance does meet IDOT requirements. Chairman Gordon asked if there were any further questions. Ms. Rackauskas asked if the house that is currently on this property will remain on the property. Mr. Sloneker responded that it will not remain. Ms. Rackauskas went through the list of deficiencies with Mr. Sloneker and he explained how each situation was resolved. Chairman Gordon asked Mr. Anderson if all of the deficiencies had been resolved except for the septic issue. Mr. Anderson stated that all deficiencies, with the exception of the septic issue, have been corrected.

Chairman Gordon asked if there were any other parties present who have an interest in this case and wish to be heard. Mr. Doug Smith advised the Committee that this will be a first rate subdivision and he appreciates the Committee's action. Hearing none, Chairman Gordon declared the public hearing closed at 5:18 p.m.

Motion by Segobiano/Rackauskas to recommend approval of an application of Knob Hill Development, LLC for approval of a Preliminary Subdivision Plan for 17 residential lots and one out lot in the Knob Hill Acres PUD Subdivision which is located in Randolph Township immediately north of the White Tail Ridge Subdivision, immediately west of Old US Route 51 and approximately half a mile north of 525 North Road contingent upon the Health Department's soil boring request and final approval from the IDOT on the south entrance to the subdivision. Motion carried.

Chairman Gordon stated that the last item on the agenda is a request for approval of a Resolution to amend the County Comprehensive Plan to indicate the proposed alignment for the East Side Highway Corridor. Chairman Gordon informed the Committee that this item had been postponed at the Last Land Use and Development Committee Meeting. Chairman Gordon noted that all Members of this Committee attended the Joint Land Use and Transportation Committee/Intergovernmental Meeting on January 25th. Chairman Gordon opened the floor for discussion.

Mr. Baggett stated that in listening to all of the arguments at the Joint Meeting on January 25th, most of the concerns could be put into three categories. The first argument was the affect that the proposed highway will have on property values. Mr. Baggett stated that he felt that argument boiled down to the fact that the property owners think they could make more money by selling their land to prospective developers, rather than selling their land to the County. The second concern was should this highway be placed in another area. Those individuals didn't seem truly opposed, they just didn't want their land to be affected. Mr. Baggett noted that neither of those arguments seemed terribly persuasive. But, the last concern was, is this highway really needed right now. Mr. Baggett stated that was the most important argument in his opinion. Mr. Baggett stated that he was persuaded by the arguments from the members of the public that this is not indeed a necessity at the current time.

Mr. Segobiano stated that no one that appeared favored this proposed highway. Mr. Segobiano stated that one gentleman pointed out that the majority of the traffic congestion in this area is on the west side of Bloomington-Normal, not on the east side. Mr. Segobiano stated that he agrees with that sentiment. Mr. Segobiano stated that he believes that the proposed highway would be use for nothing for than an access road at this point. He does not oppose the continued study of this endeavor, but he is opposed to passing a Resolution indicating the alignment of this proposed highway. Mr. Segobiano noted that the members of the congregation that have purchased land within the corridor for a new church were obviously not informed of the plans for a proposed highway in this area. Mr. Segobiano stated that he will oppose this Resolution.

Ms. Ahart stated that she could not go along with a Resolution that places a moratorium on property owner's land. Ms. Ahart stated that she does want to see a study to see if this highway is really needed and what the results of the study would show in terms of where the highway should be placed.

Mr. Cavallini stated that he listened very closely to the people who spoke on January 25th and he didn't hear anyone speak in favor of this proposed highway. Mr. Cavallini agreed with Ms. Ahart that there is a need for a new study to examine this project. Mr. Cavallini noted that he cannot support this Resolution as it is presented to the Committee this evening.

Ms. Rackauskas stated that it is disgraceful that anyone could consider putting a moratorium on an individual's property without notifying the property owner. This is an extremely emotional matter for these residents. Ms. Rackauskas noted that she is not convinced that there is a need for this proposed highway. She agrees with all of the other Committee members that a study does need to take place. The study needs to outline all alternatives to the highway and if a highway is needed, outline all of the alternative alignments where it could be placed. Ms. Rackauskas stated that she would not support this item.

Motion by Segobiano/Cavallini to recommend denial of a Resolution to amend the County Comprehensive Plan to indicate the proposed alignment for an East Side Highway Corridor.

Chairman Gordon suggested that it would be better to make a positive motion rather than a negative motion. Alternatively, Chairman Gordon stated that members of the County's staff have advised him that it would achieve the same goal by simply pulling this item from the Land Use and Development agenda altogether. He explained that the County is currently operating under a Comprehensive Plan and the proposal is to amend that plan in two ways. First, the proposal is to narrow the existing corridor. The second amendment is to oppose the moratorium. If the amendment is defeated or withdrawn, then the plan would simply remain in place as it is.

Ms. Rackauskas asked if the County Comprehensive Plan can contradict the City of Bloomington and the Town of Normal's Comprehensive Plans. Chairman Gordon stated that they do not have to match one another.

Mr. Segobiano stated that he is not opposed to further study of this issue, but he is opposed to putting an alignment into place prematurely. Ms. Rackauskas stated that an alignment is already in place. Mr. Zeunik responded that there is not an alignment in the County's Comprehensive Plan. There is a corridor in the County's Comprehensive Plan. Mr. Zeunik explained that an alignment is much narrower and can be recorded because it specifies where the proposed future road will be built.

Ms. Rackauskas stated that the Resolution that is before the Committee states; "A Resolution to amend the County Comprehensive Plan to indicate the proposed *alignment* for an east side highway corridor..." Therefore, the Resolution is not even written correctly.

Mr. Segobiano asked Mr. Zeunik what terminology should be used in order to vote this Resolution down.

Mr. Zeunik stated that the simplest way to vote this down would be to make a motion to approve this Resolution and to have the Committee vote "no", if that is how they wish to vote.

Mr. Segobiano (with consent of the second) withdrew his original motion to deny the Resolution to Amend the County's Comprehensive Plan.

Motion by Segobiano/Cavallini to recommend approval of a Resolution to amend the County Comprehensive Plan to indicate the proposed alignment for an East Side Highway Corridor. Chairman Gordon called for a roll call vote.

Mr. Baggett asked how this vote will affect the Intergovernmental Agreement that will go before the Transportation Committee. Chairman Gordon responded that they are two separate issues. This Committee deals with the Comprehensive Plan and whether or not to amend it. The Transportation Committee deals with the study itself. Chairman Gordon asked Mr. Zeunik if this Committee votes "no" on this Resolution, can the study still happen. Mr. Zeunik stated that the study could certainly still happen if the Transportation Committee passes the Intergovernmental Agreement which defines that the three local governments will split the 20% local match portion that is required to complete the study

Chairman Gordon called for the vote on the question.

Member Ahart	"No"
Member Baggett	"No"
Member Cavallini	"No"
Member Rackauskas	"No"
Member Segobiano	"No"

Chairman Gordon stated that because he did not state that he would vote before the motion he cannot vote. Chairman Gordon mentioned that he would have joined the Committee in voting "no".

Mr. Segobiano stated that he would hope that if and when this study takes place the organization that completes the study will take a look at the west side of Bloomington because, currently, there is far more congestion on the west side of Bloomington-Normal than there is on the east side.

Ms. Rackauskas stated that she would like to see more specific information on who would be affected by this proposed highway. The map is not specific enough and it leaves people to wonder who would be affected. Mr. Mitchell responded that an alignment study would be more specific and it would show exactly which properties would be affected.

Chairman Gordon asked if there were any other items to come before the Committee. Hearing none, Chairman Gordon adjourned the meeting at 6:03 p.m.

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Respectfully submitted,

Christine Northcutt
Recording Secretary

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