

Minutes of the Land Use and Development Committee

The Land Use and Development Committee of the McLean County Board met on July 1, 2004 at 4:45 p.m. in Room 700, Law and Justice Center, 104 W. Front Street, Bloomington, Illinois.

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

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. Mike Behary, County Planner, Building and
Zoning, Mr. Tom Anderson, Sanitarian, Health
Department, Mr. Jeff Tracy, Project Manager,
Highway Department

Others Present: Mr. Bud Hall, Developer, Brookside Farms,
Mr. William Wetzel, Attorney, Residents of
Crestwicke Subdivision

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 June 3, 2004 minutes. Hearing no corrections, Chairman Gordon placed the Land Use and Development Committee minutes of the June 3, 2004 meeting on file as presented.

Chairman Gordon presented the bills from June 30, 2004, which have been reviewed and recommended for transmittal to the Land Use and Development Committee by the County Auditor. The total is \$17,246.57, with the prepaid total being the same.

Motion by Cavallini/Rackauskas to recommend approval of the June 30, 2004 bills as presented by the County Auditor. Motion carried.

Chairman Gordon presented the first item for action, which is a request by Cloud Family Partnership, Skade Family Limited Partnership, Paul Kroger and Kelly Sibert for a waiver of preliminary plan requirements and a one lot final subdivision plat for the D. Darrah Subdivision. Chairman Gordon asked Mr. Dick to present this item to the Committee. Mr. Dick stated that the proposed subdivision is a 1.37-acre one-lot subdivision, which is essentially a farmhouse set aside from the farm. Mr. Dick stated that the only issue with this request is that there is an easement, which goes through the property and accesses the farm buildings. Mr. Dick stated that this proposed subdivision meets the minimum requirements of the Subdivision Ordinance. The McLean County Health Department and the McLean County Highway Department have signed off on this request. The applicants have received the Plat Access Certificate from the Road Commissioner. Mr. Dick stated that the Building and Zoning Department would recommend approval of this request. Mr. Dick stated that Mr. Thornton from the Cloud Family Partnership is present and can answer any questions that the Committee may have.

Motion by Segobiano/Cavallini to recommend approval of a waiver of Preliminary Plan Requirements and a one-lot final Subdivision plat for the D. Darrah Subdivision, File No. S-04-10. Motion carried.

Chairman Gordon stated that the second and last item for action is a Subdivision Hearing on a request by Brookside Farms, Inc. for approval of a Preliminary Plan for the Crestwicke South Subdivision First Addition. Chairman Gordon advised the Committee that this is a public hearing. Chairman Gordon called the public hearing to order at 4:55 p.m. Chairman Gordon advised the Committee that there is one editorial change in the staff report for this item. The first sentence of the closing paragraph reads: "*Staff recommends that the preliminary plan, as amended, for the Crestwicke South Subdivision First Addition be approved provided a road agreement with the Bloomington Township Road Commissioner to repair damage caused to Township Roads in the area during construction of the proposed subdivision.*" Chairman Gordon advised that the words "*is reached*" should be added after the words "road agreement".

Chairman Gordon asked Mr. Dick to present this item to the Committee. Mr. Dick informed the Committee that public notice of this public hearing was published in *The Pantagraph* on June 12, 2004. Property owners within 250 feet of the property have also been notified of the public hearing. Mr. Dick stated that the proposed Subdivision has 46 residential lots and 3 out-lots. Currently the 26-acre property is vacant. Mr. Dick stated that staff and members of the Bloomington Township Water District have reviewed the proposed preliminary plan. There will be public water and sewer for this development. Mr. Dick stated that the County Highway Department raised some concerns with the acreage and the drainage for the property. Mr. Rolland Block, Engineer for the Developer has addressed this issue. Mr. Block has informed the Highway Department that the property drains 147 acres. Mr. Dick noted that the Building and Zoning Department has requested a sketch showing the topography of the retention area near the road. Mr. Block has supplied a letter indicating that will be incorporated into the plans provided this preliminary plan is recommended for approval. Mr. Dick stated that Mr. Jeff Tracy and representatives from the Bloomington Township Water Department are present to answer any questions that the Committee may have.

Chairman Gordon thanked Mr. Dick. Chairman Gordon invited the applicant and his attorney to address the Committee. Mr. Bud Hall, Developer, Brookside Farms, Inc. and his attorney, Mr. William Wetzel introduced themselves to the Committee. Mr. Wetzel informed the Committee that Mr. Rolland Block, Engineer for this project is also here if the Committee has additional questions. Mr. Wetzel informed the Committee that the land in question is already zoned for single-family residential use. For many years it has been anticipated that this land would be devoted to single-family use. Mr. Wetzel explained that this subdivision will be served with public water and public sewer. Mr. Wetzel stated that he is under the impression that the main concern of the current homeowners in the subdivision relates to the existing roadway, which will be the gateway into the addition to this subdivision. Mr. Wetzel stated that Mr. Hall is willing to

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negotiate with the Bloomington Township Road Commissioner regarding the upkeep and potential repair to the road leading into the subdivision.

Chairman Gordon thanked Mr. Wetzel and asked Mr. Hall if he would like to address the Committee. Mr. Hall stated that this development has been anticipated since the inception of Crestwicke Subdivision in the 1960's. Mr. Hall stated that because public sewer and water are now available in this area, this is a very opportune time to begin this proposed subdivision addition.

Chairman Gordon thanked Mr. Hall for his input. Chairman Gordon announced that he will open the floor to any Committee Members who may have questions for the applicant or for County Staff.

Mr. Cavallini asked Mr. Hall how many lots will this proposed addition have. Mr. Hall responded he is proposing 46 lots in the addition.

Mr. Segobiano asked Mr. Wetzel what is holding up negotiations between the Bloomington Township Road Commissioner and the Developer regarding the road agreement. Mr. Wetzel responded that there are some details that are still unknown, such as, how long Mr. Hall will be expected to repair/maintain the road. Mr. Wetzel stated that there are also a variety of ways and reasons that a road deteriorates. Mr. Wetzel noted that he is not aware of another agreement like this that has been made between two such parties in the past. Mr. Segobiano asked Mr. Dick how such an agreement should work. Mr. Dick responded that is really up to the two parties entering into the agreement. Mr. Dick asked Mr. Tracy if he was aware if there had ever been an agreement like this in the past. Mr. Tracy responded that there was a similar agreement when the Sherwood Lakes Subdivision was built. Mr. Tracy added that if the Developer doesn't come to an agreement with the Road Commissioner, the Road Commissioner can shut the operation down due to weight limits and such.

Ms. Ahart asked Mr. Hall if he had any timetable for completion of the infrastructure. Mr. Hall responded that if he is fortunate, he will be able to get it roughed in this fall, surfaced next fall, put the utilities in, then pave the road a year from now and it will probably be nearly ready to go. Mr. Hall added that the existing road has been in the subdivision for 30 years, but he has no problems with maintaining the road while construction is under way. Mr. Hall added that he had received a message from Mr. Dick instructing him to call the Bloomington Township Road Commissioner and discuss the issue. Mr. Hall stated that he called and spoke to the Bloomington Township Road Commissioner, Mr. Charles Fitzgerald. Mr. Hall stated that Mr. Fitzgerald did not have any issues or concerns at that time. Mr. Hall further noted that he wants to be fair in these negotiations.

Mr. Cavallini asked what are the weight limits on the road in question. Mr. Tracy responded that oil and chip roads are 26,000 lbs. for a single axle, 36,000 lbs. for a tandem and 46,000 lbs. for a semi.

Chairman Gordon asked if there were any further comments or questions from members of the Committee. Hearing none, Chairman Gordon stated that he would open the hearing to public comment. Chairman Gordon asked if there were a spokesman for the group. Mr. Al Blair introduced himself as the spokesman for the group. Mr. Blair stated his address is 8759 North 1550 East Road in the Crestwicke Subdivision. Mr. Blair stated that residents of the subdivision got together last night to discuss this matter and he is presenting a brief synopsis of their thoughts and concerns. Mr. Blair noted that Crestwicke Subdivision is much quieter and the lots were much larger than where he and his wife were previously living. They have been in Crestwicke for three years now. Mr. Blair stated that one of the issues that the current residents are objecting to is the smaller lot sizes that are proposed for the addition. The feel of the subdivision will be changed if there are a group of new homes with much smaller lots. If the proposed plan is approved, there will be 46 houses on a dead end street with no other access road or entrance. Currently, there are only 18 houses on that road. Road traffic will increase dramatically. Mr. Blair stated that this is an old tar road covered with pea gravel and that the road is not meant for heavy travel. Mr. Blair stated that another large concern the current residents have is the need for more room for fire trucks, such as a large turn around area. With only one entrance for all of those homes, it could be hazardous if there were a tree down on the road or a car accident.

Mr. Blair stated that the residents want to know if and when there would be additional entrances or roads into this subdivision. Mr. Blair thanked the Committee for their time and consideration of this matter.

Chairman Gordon thanked Mr. Blair for his comments and asked if there was anyone else from the gallery who wanted to address the Committee. Hearing none, Mr. Gordon asked Mr. Wetzel and Mr. Hall if they wanted to respond to Mr. Blair's comments.

Mr. Wetzel stated that Mr. Hall is not looking to re-zone the property or a waiver of lot size. Mr. Wetzel noted that the reason that the lot size is smaller than the previous lots because the Subdivision Ordinance lot size requirement is smaller when there is public water and public sewer available to the subdivision. Mr. Wetzel stated that the County's Subdivision Ordinance requires lots to be 100 ft. X 150 ft. when they have public water and sewer. Mr. Wetzel stated that he went out and drove on the road today. He stated that the road seems to be in very good shape as it is right now. Mr. Wetzel stated that he does not see that there will be a problem negotiating an agreement with Mr. Fitzgerald.

Mr. Hall stated that the existing road is an oil and chip road and is the same surface as most Township Roads throughout the County. Mr. Hall stated that the additions will not change the "flavor" of the Subdivision and he is more than willing to work with Mr. Fitzgerald to make arrangements for damages to the existing road which may result from construction.

Ms. Rackauskas asked what is the current lot size in Crestwicke. Mr. Hall replied that it is 150 ft. square. Mr. Hall admitted that there are some larger, but that is probably the average. Ms. Rackauskas asked Mr. Hall how he would compare the quality and price range of the proposed additions to the current homes. Mr. Hall responded that the covenants are the same as the additions to the East Side of the Subdivision, which are minimum of 2,000-sq. ft. for a ranch a 2,600-sq. ft. minimum for a two-story. Ms. Rackauskas asked if these new additions will accommodate basements. Mr. Hall replied that will depend upon the water table. The homes on higher elevations could accommodate basements. Ms. Rackauskas asked if staff would address the fire department concerns that the residents had raised. Mr. Dick stated that because the Subdivision will be afforded public water, they will be much better protected than before. There will be fire hydrants located directly in this subdivision. The lot sizes are also larger than in town so there is not as much chance for a fire to spread to other surrounding homes. On the downside, the call time is longer because of the location of the subdivision and the subdivision is part of the Bloomington Township (volunteer) fire department.

Chairman Gordon asked if there were any other comments from County staff or the Committee. Mr. Segobiano stated that this plan meets the minimum requirements of the County's Subdivision Ordinance and the County's Building and Zoning Department along with the County's Health Department and Highway Department have recommended approval of this proposed preliminary plan. Mr. Segobiano stated that he concurs with the recommendation of staff (as amended) to say that agreement "*is reached*" between the Bloomington Township Road Commissioner and the Developer.

Motion by Segobiano/Rackauskas to recommend approval of a preliminary plan for the Crestwicke South Subdivision First Addition, (as amended) File No. S-04-08.

Ms. Rackauskas stated that she is in agreement with Mr. Segobiano that this proposed preliminary plan meets all Subdivision requirements and that the Committee should recommend approval. Ms. Rackauskas asked if there were any variances requested. Mr. Dick replied that there are two variances requested. There is a request to allow public utilities in the public road right-of-way. There is also a request to have a detention basin 10 feet from the right-of-way, rather than the usual 20 feet as required.

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Mr. Dick stated that staff has no problem with either request. Mr. Segobiano asked if, for the record, the two variances would be put in writing and presented to the Committee at a short Stand-up Committee Meeting prior to the County Board Meeting. Mr. Dick stated that he would have no problem presenting that information to the Committee at a Stand-up Meeting.

Chairman Gordon asked for a vote on the previous motion. Member Kalapp requested a roll call vote. Chairman Gordon stated that the Chair will vote.

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

Chairman Gordon announced that the motion carries by a vote of 4-2. Chairman Gordon stated that this item will be forwarded to the full County Board for consideration on July 27th.

Mr. Segobiano asked that the topic of road maintenance be brought up in the Land Use – Zoning Board of Appeals workshop for discussion. Mr. Dick stated that that type of discussion usually occurs between the developer and the affected road commissioner. Mr. Segobiano stated that he felt that it would be a good topic for discussion at the workshop.

Chairman Gordon stated that there are no other items for action. Chairman Gordon noted that there are two items for information. The first item is a progress report on the Prairieland Subdivision from Mr. Jeff Tracy. Chairman Gordon asked Mr. Tracy if he had any follow-up information to present to the Committee. Mr. Tracy replied that he has received a call from one of Mr. Nesbit's neighbors. There seems to be a boundary line dispute. Mr. Tracy stated that he referred the neighbor to the Sheriff's Department, as he could not assist this individual with this particular problem.

Ms. Rackauskas asked if the reports that are handed out to the Committee could be a bit more detailed. Ms. Rackauskas noted that she would like to see more date and time specific information included in these reports.

Mr. Al Rochelle, Chairman of the Bloomington Township Water District introduced himself. He informed the Committee that he was in attendance at the meeting to answer any questions regarding the Crestwicke South Addition. He added that he is also familiar with Mr. David Nesbit's work on the Prairieland Subdivision and that he would be happy to address either issue with the Committee. Chairman Gordon responded that this setting is probably not the

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time or place, but that the Committee Members can feel free to contact him at his office after the meeting. Chairman Gordon thanked him for his input.

Chairman Gordon stated that the last item for information is a memo from Mr. John Hamann, Enforcement Officer, Building and Zoning regarding the Scharf Gravel pit. Chairman Gordon asked Mr. Dick to present this item. Mr. Dick stated that more than half of the dirt has been moved and Scharf will move the next layer at harvest time this year. Mr. Dick stated that Mr. Joe Scharf has been working with The Farnsworth Group to be certain that the berm is being built correctly. Chairman Gordon asked if there were any further questions regarding this matter. Hearing none Chairman Gordon announced that the Land Use – Zoning Board of Appeals workshop date has been tentatively moved until after the September County Board Meeting. Chairman Gordon stated that Mr. Bill Yoder, State's Attorney was unable to make the workshop that had been scheduled in July and August was not going to work for him. Chairman Gordon asked the Committee if September 21st would work for the Committee. There were no objections from the Committee.

Chairman Gordon asked if there were any other items to come before the Committee.

Hearing none, Chairman Gordon adjourned the meeting at 6:36 p.m.

Respectfully submitted,

Christine Northcutt
Recording Secretary