

Minutes of the Land Use and Development Committee

The Land Use and Development Committee of the McLean County Board met on November 6, 2003 at 5:30 p.m. in Room 700, Law and Justice Center, 104 W. Front Street, Bloomington, Illinois.

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

Members Absent: Member Segobiano

Other Board Members Present: None

Staff Present: Mr. Terry Lindberg, Assistant County Administrator; Ms. Christine Northcutt, County Administrator's Assistant

Department Heads/
Elected Officials
Present:

Mr. Phil Dick, Director, Building and Zoning

Others Present:

Ms. Christine Brauer, McLean County Regional Planning Commission; Mr. Rick Nolan, McLean County Regional Planning Commission; Ms. Michelle Covi, Ecology Action Center; Mr. Elmo Bland and Mrs. Linda Bland

Chairman Gordon called the meeting to order at 5:34 p.m. He stated that the first order of business is the approval of the October 9, 2003 minutes. Hearing no corrections, Chairman Gordon placed the Land Use and Development Committee minutes of October 9, 2003 on file as presented.

Chairman Gordon presented the bills from October 31, 2003 which have been reviewed and recommended for transmittal to the Land Use and Development Committee by the County Auditor. The total is \$36,458.02, with the prepaid total being the same.

Motion by Rackauskas/Ahart to recommend approval of the bills as presented by the County Auditor. Motion carried.

Chairman Gordon informed the Committee that the only item for action today is a request by Mr. Elmo Bland and Mrs. Linda Bland to vacate a 10 foot portion of a front setback in order to reduce the front setback to 30 feet rather than 40 as recorded, File No. S-03-12. Chairman Gordon declared the public hearing to order at 5:36 p.m. He asked Mr. Phil Dick, Director, Building and Zoning to present the application to the Committee. Mr. Dick explained that the Terrace Lawn subdivision was created with front setbacks of 40 feet, which is 10 feet longer than the required setback. The applicant would like to build a detached storage building on his property and he needs to vacate a 10 foot portion of that set back in order to do so. The yard set back was created by a preliminary plan which included a public hearing and that is why a public hearing is required today. Public notice of this hearing was published in *The Pantagraph* on October 18, 2003 as required by law. All property owners within 250 feet of the premises have been notified as well. The staff from the County Health Department and the County Highway Department has no problems with this proposal, and they have recommended approval. Mr. Dick said he would be happy to answer any questions from the Committee at this time. Chairman Gordon thanked Mr. Dick and stated that according to the procedures of a public hearing he would first like to invite Mr. and Mrs. Bland to address the Committee if they so desire. Mr. Bland stated that there is presently a fence behind their home that is squared out, so if they were permitted to build the detached storage building beside it, they would not have to move the fence. It will also open up some area for the seepage bed for their septic system. Chairman Gordon asked if there was any other comment from the County staff with regard to the proposal. Mr. Dick stated that he forgot to mention that Pioneer Street, near the Bland's property has not been built, so it is vacant. It may be built at a later time.

Chairman Gordon asked if any of the Committee members had any questions. Chairman Gordon asked if there were any housing constructed on the opposite side of Starlight Drive. Mr. Dick replied that there is a house on the other side of Starlight Drive and on the other side of Pioneer Drive. Mr. Dick added that Pioneer Street is not built only adjacent to the Bland's lot line. Chairman Gordon asked if there was any further comment from anyone. Hearing none, he closed the public hearing at 5:40 p.m.

Motion by Cavallini/Rackauskas to recommend approval to vacate a 10 foot portion of a front setback in order to reduce the front setback to 30 feet rather than 40 feet as recorded, File No. S-03-12. Motion carried.

Chairman Gordon stated that the next item is a report by Ms. Michelle Covi, Director, Ecology Action Center (EAC). Ms. Covi stated that this is the first quarterly report for the last year of a three year contract with McLean County. Ms. Covi informed the Committee that, in the fall, the EAC places a lot of emphasis on recycling because America Recycles Day is on November 15th. This is the seventh year for this event. The EAC is currently doing EarthSchools presentations to the fourth grade classes within the County. This program has been presented to several of the District 87 schools and many of the Unit 5 schools. There were a couple of schools from outside of Bloomington-Normal, such as Towanda which participated. There is also an after school recycling program.

The EAC just completed an art contest in the local elementary schools. They are also doing presentations to some grade school classes and at festivals, such as the Corn Festival and the Fell Park Festival. They have also submitted an application to the Illinois Environmental Protection Agency (IEPA) for the Household Hazardous Waste Event. They will not receive approval of the application until February 2004. The EAC has also submitted an inquiry to the IEPA regarding a tire collection event. Ms. Covi noted that she is unfamiliar with how that process is handled and she will find out more information at a later date. The EAC also conducts a business materials exchange. Ms. Covi stated that she would be happy to answer any questions.

Ms. Rackauskas asked Ms. Covi if, in the future, she could be more specific on her reports. Ms. Rackauskas stated that, for example, she would like to know how many children participated in these events and from which schools. Ms. Covi stated that she would be happy to provide that information in the future. Ms. Rackauskas asked what is a business materials exchange. Ms. Covi stated that the EAC sends out a business materials exchange newsletter every other month in the *Business to Business Magazine*. This letter provides a list of materials that local business have which they are willing to give away. Included on the list are businesses and items which they are seeking for donation. Over time, we encourage businesses to make contact with each other and exchange materials between themselves. For example, the Home Sweet Home Mission collects packing peanuts from several business around town for their own packing purposes. Ms. Rackauskas thanked Ms. Covi for the information.

Mr. Cavallini stated that on Ms. Covi's report, it stated that the EAC made a presentation to the children's group at the Lexington Methodist Church. He asked if the church contacted the EAC or if the EAC contacts groups directly. Ms. Covi responded that the church contacted the EAC. That is usually how the program works. Ms. Covi stated that there are several different programs that are available to adult and children's groups alike.

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Chairman Gordon asked Ms. Covi when was the last Household Hazardous Waste Event. She responded that it was May 3, 2003. Chairman Gordon asked if that was the first event in the last ten years. Ms. Covi replied that the last event before May 3rd was in 1998. Ms. Covi noted that they are hopeful that there will be another event soon. There are a number of factors which go into the ranking decision, such as, the size of the community, how long ago was the last collection, the amount of money that the community is committing to the event. Chairman Gordon asked how was the response to the May 3rd event. Ms. Covi replied that the response was very good. She does not have specific information with her, but it was a strong response. There were no other questions for Ms. Covi. Chairman Gordon thanked Ms. Covi.

Mr. Dick directed the Committee's attention to Mr. Rick Nolan, who was seated in the audience. Mr. Dick stated that Mr. Nolan recently started at the McLean County Regional Planning Commission. Mr. Nolan took Ms. Lydia Reynolds job. Mr. Nolan stated that he is familiar with most of the Board Members from when he was employed by the Economic Development Commission.

Chairman Gordon stated that the next item is further discussion on the Scharf Gravel Pit. Chairman Gordon stated that the Committee had been informed that Mr. Scharf was not going to be able to attend this meeting, but intends to be at the December meeting of the Land Use Committee. Mr. Dick stated that, as per the Committee's request, he had sent Mr. Scharf and his attorney an letter inviting them to attend this month's Committee meeting. Mr. Dick stated that both parties indicated that they could not attend the November meeting, but that Mr. Scharf and Mr. Don Adams, Engineer of the Farnsworth Group could attend the December meeting.

Mr. Dick stated that he went out to the site today. Mr. Dick stated that the Scharf's have moved a lot of dirt in order to remedy the problem. Mr. Dick stated that in Mr. Scharf's estimation, they have moved about 40% of the dirt which needs to be moved in order to build the berm back up. Ms. Rackauskas stated that it sounds like the Scharf's are on target to have this situation rectified. Mr. Dick stated that he would agree. Ms. Ahart asked if there was a way to communicate this information to the Zoning Board of Appeals (ZBA) and for them to be invited to the December meeting of the Land Use Committee. Mr. Dick stated that he typically informs the ZBA members, at their meetings, of any pertinent information that transpired at the Land Use Meetings.

Mr. Dick informed the Committee that Mr. Scharf is withdrawing his application for the Special Use Permit. He is going to build the pit back to the original specifications agreed to in 1997. Ms. Rackauskas stated that the Committee is reaching its intended goal and that she is satisfied with Mr. Scharf's progress to this point. She thanked Mr. Dick for his hard work and persistence in this matter.

Chairman Gordon stated that the next item on the agenda is the permit activity report. Mr. Dick passed out the report. Mr. Dick noted that the activity is very similar to last year. There are a few more permits issued this year. There have been 20 more zoning cases this year than last year. The subdivision filing fees are much larger, primarily because of Dr. Koe's application for the Franklin Heights Subdivision. Mr. Dick stated the violations are way up. Building and Zoning's new enforcement officer, Mr. John Hamann, finds that the use of registered letters and persistence works very well. Mr. Cavallini asked how Mr. Hamann is notified about potential problems in the County. Mr. Dick stated that he is notified mostly through complaint calls and sometimes through inspections.

Chairman Gordon reminded the Committee that at the December 4th meeting, the Committee will review the proposed fee increases in the Department of Building and Zoning. Chairman Gordon asked if any of the Committee Members had any problem with changing the December 4th Meeting from 5:30 p.m. to 4:30 p.m. There was no objection by any Committee Member. Ms. Ahart asked that Mr. Segobiano and the proposed new member be made aware of the change since they are not present at this meeting. Mr. Dick stated that he will highlight that change on the agenda when he sends it out.

Chairman Gordon asked if there were any other items to come before the Committee. Mr. Cavallini stated that he had seen an article in *The Pantagraph* regarding a proposed Industrial Subdivision near Tri-Lakes. He mentioned that the article said that this issue was to come before the County Board in November. He asked Mr. Dick if he could brief the Committee on this issue. Mr. Dick stated that there is a recycling operation owned by Mr. Tom Kirk located on Bunn Street, which is near Tri-Lakes. Mr. Kirk is proposing that an Industrial Subdivision be established. He currently has a recycling facility at this site. This issue went before the Zoning Board of Appeals in October and the case was continued in November. The result was a vote of 4 recommending approval, 1 vote for denial and 1 person voting present. Mr. Dick stated that the Board presumed such a vote meant that the motion would move forward with no recommendation because the Ordinance requires a positive vote of 5 members to move forward with a recommendation. That is what was printed in *The Pantagraph*. Since that time, it has been determined that there is a conflict between the State of Illinois statutes, as they have been recently amended, and the Zoning Board's regulations. In the past, State Law has always required 5 votes to move forward with a favorable recommendation. Recently, the State law has been amended. Mr. Dick stated that he still presumed that because the County's regulations were more restrictive that they would hold true. Mr. Dick stated that he sought a legal opinion and Mr. Brian Hug, Assistant State's Attorney, will be sending a letter advising the Board that even though, it was believed that the application would be moving forward with no recommendation, that is incorrect and the application is moving forward with a recommendation for approval.

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Mr. Dick stated that the majority of members of Tri-Lakes are opposed to this change. There were many in attendance at November 5th Zoning Board of Appeals. Ms. Rackauskas stated that this issue has come before the Bloomington Planning Commission, of which she is a member, and that board passed the issue. But, the issue at hand for the Planning Commission is not about the use of the land, it is just about recommendation to subdivide the land.

Ms. Rackauskas asked if the recycling facility has approval from the Environmental Protection Agency. Mr. Dick stated that Mr. Kirk has a mulching operation within the recycling facility. This mulching facility essentially chips wood, creates a lot of dust and makes a lot of noise. This operation does interfere with the Tri Lakes Banquet facility. Mr. Dick stated that Mr. Kirk's operation has been warned by the County on several occasions. Now Mr. Kirk's mulching machine has broken and before he purchases a new one, he is requesting proper zoning. Mr. Dick stated that Mr. Kirk can operate a recycling facility without a special use permit if he does not operate the mulching machine.

There being no further business to come before the Committee, Chairman Gordon adjourned the meeting at 6:47 p.m.

Respectfully submitted,

Christine Northcutt
Recording Secretary