

## **Minutes of the Land Use and Development Committee**

The Land Use and Development Committee of the McLean County Board met on October 9, 2003 at 5:30 p.m. in Room 700, Law and Justice Center, 104 W. Front Street, Bloomington, Illinois.

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

Members Absent: Members Johnson and Ahart

Other Board Members Present: None

Staff Present: Mr. John Zeunik, County Administrator;  
Ms. Christine Northcutt, County  
Administrator's Assistant

Department Heads/  
Elected Officials  
Present:

Mr. Phil Dick, Director, Building and Zoning,  
Mr. Jeff Tracy, Project Manager, County  
Highway Department; Mr. Brian Hug, First  
Assistant State's Attorney

Others Present: Ms. Christine Brauer, McLean County Regional  
Planning Commission; Dr. Bruce Anderson;  
Dr. Frank Koe, Ms. Sally Rudolph, Chair,  
Zoning Board of Appeals

Chairman Gordon called the meeting to order at 5:40 p.m. He stated that the first order of business is the approval of the September 4, 2003 minutes. Hearing no corrections, Chairman Gordon placed the Land Use Committee minutes of September 2, 2003 on file as presented.

Chairman Gordon presented the bills from September 30, 2003 which have been reviewed and recommended for transmittal to the Land Use and Development Committee by the County Auditor.

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

Chairman Gordon informed the Committee that the first item for business is a request by Mr. David Hruska and Ms. Lynda Hruska for a wavier of preliminary plan requirements and a two lot final subdivision plat for the Hruska subdivision, file no. S-03-10. Mr. Phil Dick, Director, Building and Zoning noted that the need for this subdivision came to the department's attention when Mr. Hruska came in to apply for a permit for a house on lot #2. Building and Zoning took the application. When staff went out to the site to survey, it became clear that there were two houses on one property, which is a violation of the County's Ordinance. We informed Mr. Hruska that he needed to set the two houses off on separate parcels and that is what this request accomplishes. Mr. Dick noted that in the survey, it was also noticed that the platform for the grain bins is too close to the property line. They applied for and received a variance from the Zoning Board of Appeals. It is within a mile and one half from the Town of Normal so Normal reviewed this proposal on October 6<sup>th</sup>. Their staff report recommended the proposal. The Health Department required an additional septic system for the

new house and they feel that everything is now in order. Mr. Tracy of the Highway Department has reviewed this and granted his approval. Mr. Dick noted that the Hruska's are not present at the meeting, but there is really not a need in this case. Ms. Rackauskas asked if there were separate wells. Mr. Dick replied that there are separate wells. Chairman Gordon asked if the Town of Normal approved this request on October 6<sup>th</sup>. Mr. Dick responded that he has not heard what happened at the Council meeting. He did receive a call from the State's Attorney's office regarding how to record this plat with the Town of Normal and McLean County so it would appear that it was approved. Chairman Gordon noted that the chair will vote.

Motion by Segobiano/Rackauskas to recommend approval of a request by Mr. David Hruska and Ms. Lynda Hruska for wavier of preliminary plan requirements and a two lot final subdivision plat for the Hruska Subdivision, File No. S-03-10. Motion carried.

Chairman Gordon stated that the second item for action is a request by Dr. David Koe for a preliminary plan for the Franklin Heights Subdivision, File No. S-03-02. This is a continuation of a public hearing that was recessed at the July meeting of the Land Use and Development Committee. This item was originally approved by this Committee and was referred back to the Committee for review. Mr. Dick stated that this item was recently approved by the Town of Normal and is slightly modified from the original plan that this Committee approved. A street name has been changed and the "Kids Corner" is slightly altered in the center of the subdivision. Mr. Tracy agreed. Mr. Segobiano asked what is "Kids Corner". Dr. Koe replied that it is a playground area. Ms. Rackauskas asked if the "Community Center" was supported by the subdivision or if it was privately owned. Dr. Koe replied that it is privately owned by him and is for subdivision members only. Ms. Rackauskas asked if it was a requirement for all subdivision residents to join the Community Center. Dr. Koe replied that it is a requirement of all subdivision members to join the Community Center. Chairman Gordon asked if there were any questions from any of the Committee members or any comments from Dr. Koe. Hearing none, he adjourned the public hearing at 5:52 p.m. Chairman Gordon noted that the chair will vote.

Motion by Segobiano/Rackauskas to recommend approval of a preliminary plan for the Franklin Heights Subdivision, File No. S-03-02. Motion carried.

Chairman Gordon thanked Dr. Koe for all of his work on this plan.

Chairman Gordon informed the Committee that the last item for action is a request to direct the Department of Building and Zoning to prepare an Ordinance for the November meeting of the Land Use and Development Committee amending the fees as indicated in the FY 2004 Recommended Budget. Mr. Dick explained that during the County Administrator's presentation of the FY 2004 Recommended Budget, fee increases were proposed for the Department of Building and Zoning. In your agenda packet are the proposed fee increases. This will allow for some increased revenue to the County's General Fund. Ms. Rackauskas asked if what was included in the packet was the existing or proposed fees. Mr. Dick replied that they are the existing fees. Ms. Rackauskas asked if Mr. Dick would inform the Committee as to the amount that each will be increased. Mr. Dick stated that Single Family Dwelling Fees will go up \$50.00. All other permit fees will go up \$25.00 each. The Fees for the Zoning Board of Appeals including variances, map and text amendments, Special Use Permits, Concept Plan and Planned Developments, are all going up \$50.00.

Mr. Cavallini asked how long it had been since the fees had been adjusted. Mr. Dick replied that they were adjusted last in 1997. Ms. Rackauskas asked why these fees in particular were being raised. Mr. Zeunik stated that the Resolution that the Board Adopted in May setting the Budget Policy stated that the Board should look at all fees, both existing and new, and when appropriate, make recommendations to increase fees. In this case, these are fees that the County Board has the latitude to increase. It does not require any change in legislation in Springfield. The second reason is that these fees have not been increased since 1997. The Health Department, for example, raises its fees each year, as opposed to allowing a period of time to go by and then assessing a fee increase. Mr. Zeunik noted that when he asked Mr. Dick to look at raising these fees, he asked him to look at where McLean County's fees are in relation to other comparable Counties. McLean County does not necessarily need to be at the top, but we do need to be comparable. Ms. Rackauskas asked how McLean County compared. Mr. Dick stated that McLean County's fees are lower than Peoria County and Champaign County. Ms. Rackauskas asked how these fees compare to permit fees within the City of Bloomington or the Town of Normal. Mr. Dick stated that our fees are much lower, but McLean County does not have a building code. So it does not have as much expense as the City or the Town. Their fees are at least four times more than McLean County's fees. Ms. Rackauskas asked if the additional money collected due to the increase in fees will go to the administration of the Building and Zoning Office. Mr. Zeunik replied that the Building and Zoning's total projected revenue, with the proposed increase, is \$89,930.00 and the projected expense is \$281,160.00. The other departments are still supporting the Department of Building and Zoning.

Motion by Cavallini/Rackauskas to direct the Department of Building and Zoning to prepare an ordinance for the meeting of the Land Use and Development Committee amending fees as indicated in the FY 2004 Recommended Budget. Motion carried.

Chairman Gordon noted that the next item on the agenda is further discussion of the Scharf Gravel Pit. There is a report from Mr. John Hamann, Zoning Enforcement Officer, in the packet. Mr. Brian Hug, First Assistant State's Attorney, is in attendance to answer questions from the Committee. Mr. Dick informed the Committee that since the last Committee meeting, he has received a report from TSC, Inc., summarizing the topographical borings. TSC has determined that the bank is stable. Soon after, a meeting was coordinated between the attorneys, Mr. Hug and Mr. Frank Miles. As a result of that meeting, Mr. Scharf has agreed to build the berm to where it was approved. Ms. Rackauskas asked if that was a written agreement. Mr. Dick replied that it was not. Mr. Hug noted that he is already obligated under his Special Use Permit to build the berm back to the original specifications. Mr. Segobiano noted that he has already violated this permit. Mr. Hug stated that they discussed the violation and that Mr. Scharf has been instructed and has agreed not to do so again. He has also withdrawn his request for a variance. Mr. Scharf will have to move 60,000-70,000 cubic yards of material to put the berm back to specifications. Ms. Rackauskas asked if they are taking this dirt from on site and unmined material. Mr. Dick replied that some of it is part of their mining operation, but they are moving a lot more dirt than they normally would. In addition, Mr. Scharf estimates that he would have this 50% done by December when the weather turns and will have it completely done within a year. Mr. Scharf will provide Building and Zoning with "as built" drawings prepared by the Farnsworth Group. Ms. Rackauskas noted that she would feel more comfortable if this was all in a signed agreement with Mr. Scharf. Mr. Hug stated that he could present Mr. Scharf's attorney with an agreement. Chairman Gordon asked if any of this is being officially reported to the Zoning Board of Appeals (ZBA). Ms. Sally Rudolph, Chair of the ZBA, stated that they discussed this matter briefly and they are in receipt of the report from Mr. Hamann.

Ms. Rackauskas asked who will be monitoring the Scharf's progress on this issue. Mr. Dick stated that the Building and Zoning Department will be checking with Mr. Scharf and the site on or around December 1, 2003 to see how far they have progressed. In October, 2004 we should be in receipt of the "as built" drawings from their engineering firm. Mr. Segobiano asked what if they do not have the work done in a year. Mr. Dick stated that one consequence is that he

will not receive his \$10,000.00 deposit back if he does not complete the work. Ms. Rackauskas asks if he will be shut down at that time if he does not comply. Mr. Hug replied that you would have to go to court to get an injunction in order to shut his operation down. Ms. Rackauskas stated that she feels that Mr. Scharf and his attorney should be presented with a document stating the County's requirements and the consequences should he not comply. Mr. Hug stated that can be done if the Committee desires, but he feels that Mr. Scharf understands the consequences if he fails to comply. Mr. Segobiano said that he would like for Mr. Hug to draw up a document outlining the information discussed. Mr. Hug said that he would do so. Chairman Gordon asked if that document could be available at the next Committee meeting. Mr. Hug said he would provide it at that time. Mr. Hug also mentioned that Mr. Scharf, his attorney and engineer had planned to come before the Committee at the October 2<sup>nd</sup> Land Use Meeting. The meeting was then changed to October 9<sup>th</sup> and they could not make it at that time. Ms. Rackauskas asked if all interested parties could be invited to attend the November meeting so that they may give a report on their progress to that point. Chairman Gordon stated that Ms. Rudolph should be invited to that meeting as well. Ms. Rudolph replied that she would attend. Ms. Rackauskas thanked Mr. Hug and Mr. Dick for their efforts.

The next item is the budget summary for the Department of Building and Zoning.

Motion by Segobiano/Cavallini to tentatively approve the budget for the Department of Building and Zoning as submitted.

Chairman Gordon noted there is no change in full-time staffing, employee medical expenses have increased slightly. There are no significant increases in the operating expenditures. Chairman Gordon noted that the chair will vote.

Motion carried.

Mr. Dick distributed the Permit Activity Reports for September. Mr. Dick noted that he had not distributed the reports for the months of June – August, so he made those available to the Committee, as well. Mr. Dick noted that most fees are slightly above last year. Dwellings year to date is the same as last year.

Mr. Dick informed the Committee that there is a "Partners in Planning" conference sponsored by the Illinois Association of County Board Members and the Illinois Association of County Zoning Officials and the Campaign for Sensible Growth. He noted that all County Board Members are invited to attend.

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There being no further business to come before the Committee, Chairman  
Gordon adjourned the meeting at 6:50 p.m.

Respectfully submitted,

Christine Northcutt  
Recording Secretary  
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