

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

The Land Use and Development Committee of the McLean County Board met on July 10, 2003 at 5:30 p.m. in Room 500E, Health Department Building, 200 W. Front Street, Bloomington, Illinois.

Members Present: Chairman Gordon, Members Ahart, Johnson, Segobiano and Rackauskas

Members Absent: Member Cavallini

Staff Present: Mr. John Zeunik, County Administrator; Ms. Lucretia Wherry, Human Resources Assistant

Department Heads/  
Elected Officials  
Present:

Mr. Phil Dick, Director, Building and Zoning;  
Mr. Michael Behary, County Planner

Others Present: Ms. Christine Brauer, McLean County Regional Planning Commission

Chairman Gordon called the meeting to order at 5:31 p.m. Chairman Gordon placed the Land Use Committee minutes of June 5, 2003 on file as presented.

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

Motion by Rackausas/Johnson to recommend approval of the bills as presented by the County Auditor. Motion carried.

Chairman Gordon stated that the first item for action is a request by Corn Belt Energy Corporation for a waiver of preliminary plan requirements for a one lot final subdivision plat for the Corn Belt/Weber Subdivision. Chairman Gordon asked Mr. Phil Dick, Director of Building and Zoning, to present this item.

Mr. Dick stated that Corn Belt would like to establish a sub-station on Raab Road near the new Normal Community High School and Eastview Christian Church. This has already been recommended by the Zoning Board of Appeals and it will go before the County Board this month. This is within a mile and a half of the Town of Normal and they are reviewing this item at a public hearing this evening. This does not require a public hearing on our part because this did not require a preliminary plan. This proposed subdivision does meet the minimum subdivision ordinance requirements and Mr. Dick stated he would recommend approval. Ms. Rackauskas asked how many acres this sub-station will take. Mr. Dick replied that it will only take one acre. A representative from Corn Belt Energy stated that the sub-station is fenced with a 250 X 255 foot fence. He showed the Committee a drawing of the proposed sub-station. He informed the Committee that the fence is a 7 foot high chain link fence with three strands of barbed wire on top at a 45 degree angle. Ms. Rackauskas asked if the High School and the Eastview Christian Church had been notified. Mr. Dick responded that they are not within 200 feet of the sub-station so they are not required to be notified. Providing electricity to those entities is the main reason that the sub-station is being constructed. Mr. Segobiano asked how this would impact future development in this area. Mr. Dick replied that it will allow for more development in that area. Chairman Gordon asked if the County Highway Department was still reviewing the waiver of preliminary plan requirement. Chairman Gordon asked if the County Highway Department's approval is contingent upon the Towanda Township Road Commissioner's approval. Mr. Dick stated that this subdivision will not be recorded without the Towanda Township Road Commissioner signing the plat access certificate. Chairman Gordon advised that he would vote on this item.

Motion by Segobiano/Johnson to recommend approval of Waiver of Preliminary Plan requirement and a Final Subdivision Plat for the Corn Belt/Weber Subdivision File No. S-03-07. Motion carried.

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Chairman Gordon informed the Committee that the next item for action is a request by Dr. Frank Koe for approval of a preliminary subdivision plan for 355 lots in the Franklin Heights Subdivision. This is a continuation of the Committee's discussion from the Stand-Up meeting on June 17, 2003. Mr. Dick stated that the public hearing was conducted on June 5<sup>th</sup> and the discussion was continued to June 17<sup>th</sup>. Now we reopen the subject. Mr. Dick stated that both he and Mr. Jeff Tracy from the Highway Department now recommend approval of Dr. Koe's plan as it meets all minimum requirements. Mr. Tracy could not be in attendance at tonight's meeting. Chairman Gordon asked if the Committee had any questions. Chairman Gordon advised that he would vote on this issue.

Motion by Segobiano/Rackauskas to recommend approval of a Preliminary Subdivision Plan for 355 lots in the Franklin Heights Subdivision, file S-03-02.

Chairman Gordon stated that he wanted to be clear that the one concern that was holding up approval of this project were the road widths and they have been altered and now meet minimum requirements. Mr. Dick replied that was correct.

Motion carried.

Mr. Dick mentioned that there is a public hearing being conducted at the Town of Normal at this time and that is why Dr. Koe could not be at this meeting.

Chairman Gordon stated that there are no other items for action. The next item is the Permit Activity report for the month of June. Mr. Dick stated that the report could not be completed or copied because of ongoing problems with lack of electricity at the Law and Justice Center.

Chairman Gordon asked if there were any other items for business. Mr. Segobiano stated that he attended the last Zoning Board of Appeals (ZBA) meeting. There was a matter regarding Scharf Trucking. He asked how that was resolved. Ms. Rackauskas asked for some clarification on the matter. Mr. Dick explained that, in 1997, Scharf Trucking was approved for a Special Use Permit for a gravel pit south of Highway 136 in the Funks Grove Township. Scharf Trucking began operation in 1998 and have been mining it ever since. They were cited for mining too close to the front property line. Scharf Trucking applied to the Zoning Board of Appeals in June, 2003 to amend their Special Use Permit to allow the additional mining. The ZBA recommended that the application be tabled and Scharf Trucking were told to cease operation immediately.

Mr. Brian Hug, Assistant State's Attorney attended the ZBA meeting representing the County and Mr. Joe Scharf and Mr. Don Adams, an Engineer from Farnsworth Group, were there representing Scharf Trucking. It was decided that Mr. Hug should enter negotiations with Mr. Scharf after the meeting. Mr. Hug, Mr. Scharf and Mr. Adams met after the ZBA Meeting. They negotiated an agreement which stated that if Mr. Scharf wanted to keep operating, he would provide \$10,000.00 to the County to be held in an escrow account and operate in good faith. Since then, Mr. Scharf has retained Mr. Frank Miles to represent him in this matter. Mr. Hug and Mr. Miles are scheduled to meet later this week to discuss this matter.

Mr. Segobiano stated that he would like to see the minutes of the ZBA meeting, so he could see where there was a motion for Mr. Hug to take over negotiations. Mr. Segobiano stated that he only remembered the motion stating that Scharf Trucking should cease operations. He did not feel the negotiations after the meeting were in keeping with the ruling of the Zoning Board of Appeals.

Ms. Rackauskas asked how the \$10,000.00 figure was decided upon. Mr. Dick replied that it is a \$10,000.00 bond which shows that he is serious about negotiating. Mr. Dick stated that he will provide a copy of the signed agreement to each member of the Land Use and Development Committee. Mr. Segobiano stated that several of the ZBA members are very upset with the result of the negotiations. Ms. Rackauskas stated that she would like to have some background information on this situation. She would like to know how long Scharf Trucking has been violating the Special Use Permit and she would like to see the minutes from the last ZBA meeting to see what the ruling was in this matter. Mr. Dick stated that perhaps Mr. Hug should give a report to the Committee as to what transpired in the negotiations with Mr. Scharf.

Ms. Ahart asked who has the ultimate responsibility in enforcing the Zoning Regulations. Mr. Dick stated that the State's Attorney's Office has the ultimate responsibility. Ms. Ahart asked who are they taking direction from. Mr. Zeunik stated that they take direction from the County Board. He informed the Committee that enforcement of ordinance violations is extremely difficult. One of the reasons is that ordinance violations do not rank very high in the priority in a court of law. A judge will generally give the defendant every opportunity to correct the problem before they will actually step in. Something that can be done, and is being done in Peoria County, is that you can establish an Administrative Review process prior to filing charges in a court proceeding. This hearing officer would be responsible to hear these cases and would be empowered to impose fines to move these issues along. This is currently being researched for McLean County.

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Mr. Segobiano stated that he was being asked questions by members of the ZBA Board about this specific incident and that he needed to give them an answer. He now has an answer, but he doesn't think that the proper action took place. He stated he will also look into the minutes of the last ZBA meeting.

Mr. Dick stated that the annual meeting of the Illinois Association of County Zoning Officials will be held at Starved Rock this year on Friday, August 15<sup>th</sup> from 8:30 a.m. to 4:00 p.m. Any member of the Committee interested in attending should advise Mr. Dick and he would be happy to give them information regarding the conference. There is a \$50.00 registration fee.

Chairman Gordon asked if there were any other items for business, hearing none he stated he would entertain a motion to adjourn.

Motion by Rackauskas/Ahart to adjourn. Motion carried.

Chairman Gordon adjourned the meeting at 6:17 p.m.

Respectfully submitted,

Lucretia Wherry  
Recording Secretary  
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