

Minutes of the Land Use and Development Committee

The Land Use and Development Committee of the McLean County Board met on February 6, 2002 at 5:30 p.m. in Room 700, Law and Justice Center, 104 W. Front Street, Bloomington, Illinois.

Members Present: Chairman Gordon, Members Cavallini, Segobiano, Ahart

Members Absent: Members Johnson and Rackauskas

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. Mike Behary, County Planner, Building and Zoning

Others Present: Ms. Christine Brauer, McLean County Regional Planning Commission, Mr. Jeff Tracy, McLean County Highway Department

Chairman Gordon called the meeting to order at 5:37 p.m. Chairman Gordon placed the Land Use Committee minutes of January 9, 2003 on file as presented.

Chairman Gordon presented the bills from January 31, 2003, which have been reviewed and recommended for transmittal to the Land Use and Development Committee by the County Auditor. 

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

Chairman Gordon welcomed Ms. Christine Northcutt, as new secretary to the Land Use and Development Committee Meeting.

Chairman Gordon stated that there is only one Item for Action on the Agenda, which is the Proposed Storm Water Management Plan. He turned the meeting over to Mr. Phil Dick, Director, Building and Zoning, for explanation.

Mr. Dick informed the Committee that it has become necessary for the County to create a Stormwater Management Plan due to E.P.A. requirements. The Plan has six minimum control measures, which are expected to result in reductions in pollutants discharged within McLean County. These six minimum controls are: 1) Public Education/Outreach, 2) Public Participation/Involvement, 3) Illicit Discharge Detection/Elimination, 4) Construction Site Runoff Control, 5) Post Construction Runoff Control, and 6) Pollution Prevention/Good Housekeeping.

Mr. Dick stated that he, Mr. Jeff Tracy, McLean County Highway Department, and Mr. Mike Behary, County Planner, Building and Zoning, have been working with the City of Bloomington, Town of Normal, and the Bloomington and Normal Water Reclamation District. They have been attending weekly meetings at the County Highway Department to come up with a mutual plan. The area that is designated to be a part of the plan is the area designated in the 2000 Census as the "Urbanized Area". The area includes both Bloomington and Normal. There is an area outside of Bloomington and Normal that follows along Colonial Road, to Crestwicke and then Shirley, Illinois. The later portion is the only unincorporated area which will be the County's responsibility, with the exception of the portion along Towanda-Barnes Road.

This is an unfunded mandate for Bloomington and Normal. They will have to do a large amount of work that will be costly. The County has taken the position that they will not implement this County wide. It would be too costly and the County is not required to do so. Mr. Cavallini asked why the area extended down to Shirley. Mr. Dick stated that it may not be logical. It may be simply that the computer program picked up certain areas due to population. Mr. Dick continued that he did not know what the map was going to look like until after a year of work on the plan. There was input from the State's Attorney's Office, the County Administrator's Office, the Health Department, the County Highway Department and Building and Zoning as to how to resolve the requirements from the E.P.A.

Chairman Gordon asked for any other questions. He then asked Mr. Dick how far west of Towanda-Barnes Road is the County's responsibility. Mr. Dick stated that a large part of that area is the Airport. He also added that another major part was Bloomington's responsibility. The County would be responsible for all of the ditches along Towanda-Barnes, as they are considered to be storm sewers under E.P.A. guidelines. The County Highway Department may have to implement some changes as to how the Towanda-Barnes Road is maintained. Chairman Gordon stated that the scope of the County's responsibility is fairly narrow. Mr. Dick replied that that is true. He then asked Mr. Jeff Tracy to expand on this issue.

Mr. Tracy explained that, basically, the only responsibility the County has are the ditches along its Highways. He stated that the Townships will split that responsibility with the County. He said he has sent letters to the four Townships that will be affected by this plan. He anticipates that they will be receptive to this due to the fact that their portion of the costs will be small and it will be to their advantage to collaborate with the County. Mr. Segobiano asked if the Committee is charged with reviewing and approving the plan so it can be sent before the County Board. He also asked if this proposal will need to wait until the funds are available. Mr. Dick replied that The County plans to try to implement this plan with existing funds. Mr. Cavallini asked if this plan had to be submitted to the E.P.A. Mr. Dick replied that it did, indeed, need to be submitted to the E.P.A. by March 10, 2003. Mr. Cavallini asked what would happen if the E.P.A. rejects the proposal. Mr. Dick replied that the guidelines were very broad and he anticipates that as long as the six minimum controls were met that the plan will be approved. Chairman Gordon asked if there were any other comments or questions from the Committee.

Motion by Segobiano/Cavallini to recommend approval of the Stormwater Management Plan to the County Board. Motion carried.

Chairman Gordon opened the floor for discussion of an agreeable time for a fieldtrip of County Development areas. He mentioned that with one-third of the Committee missing, it may be best to postpone the discussion until the next meeting. The Committee agreed.

Chairman Gordon moved on to the development review from the Department of Building and Zoning perspective which was continued from the January meeting. Mr. Dick handed out a memo (which was also handed out at the January Land Use Meeting) and began to explain that his Department handles zoning and subdivision matters which are consistent with the Comprehensive Plan. He said he didn't want to go through the memo again, but would like to explain the Zoning Ordinance.

He passed out copies of the ordinance for the Committee Members to review and follow along. The Zoning Ordinance was completely overhauled in the year 2000. There was one amendment in 2001 and one in 2002. The first section explains how things are regulated in the County. The amendment in 2001 allowed the Zoning Board to have an alternate member. It also explains how and where the members must come from (Townships, Cities, Towns) and how the ordinance is derived from State Law. There are a long list of definitions to aide in understanding. There is a section on *Non-Conforming Uses*. If a "use" was lawfully established before 1966 you could keep "using" that property in that way, even if it wasn't consistent with the Zoning Ordinance adopted after 1966. Another term for *Non-Conforming Uses* is *Grandfathered*.

The next section has to do with the different zoning districts, including the *flood plain overlay district*. Most of the property in the County is an Agricultural District. A majority of this section explains what you can do within that district. It clarifies when you can build a residential dwelling in an Ag District. There are some definitions in the Ordinance to clarify when property is agricultural. If money is derived from the use of the property then it is an agriculture use property. Typically, it must be 40 acres. The Assistant State's Attorney has made the interpretation that if there is a hog-confinement on a five acre property, then that is an agricultural use as well. This section also explains single-family residences, multi-family, commercial, and manufacturing districts, what their uses are and how they are established.

The Flood Plain District had been very strictly regulated from 1985 – 2000. In 2000, the County adopted some slightly different regulations. It is designed after the State sample ordinance with some minor changes. It allows you to build in a Flood Plain District as long as your first floor elevation (including a basement) is at least a foot above the flood plane.

The next section discussed zoning "uses". It is fairly simple. If the code in front of the use is a "P", that means it is a permitted use. An "S" stands for special use, and if it is blank, it is not permitted.

The next section has to do with Supplemental Regulations. Set backs from roadways are regulated within this district. There are different standards as to how far a building has to be from the roadway. It depends on the building, the specified zone, etc.

The next section has to do with Special Use permits.

The next section has to do with parking. Each different use has a different number of parking spaces and handicapped spaces required.

The next section has to do with signs. Billboards are only allowed in a commercial district.

Chairman Gordon asked when this section was amended. Mr. Dick replied that it was amended in June, 2002. He said that both County and State jurisdictions are involved in regulating billboard signs.

Chairman Gordon asked if large billboard signs located in the middle of an Agricultural District were grandfathered after the ordinance was amended. Mr. Dick stated that those are a "non-conforming use" and that they will be done away with after a certain number of years.

The last section describes land evaluation and site assessment and LESA system. Whenever land is taken out of farm production, the Zoning Ordinance requires that a LESA report be completed. This is to help give an idea of what land should be preserved for farm ground. This was altered in 2000. The Zoning Board of Appeals receives the LESA report as a part of the staff review of the pending case. The Zoning Board Members are not happy with the way that the LESA score has been changed.

Mr. Dick stated that he would present a report on the Sub-division Ordinance at next month's meeting. The Committee agreed that this would be helpful. The Committee had nothing else for him at this time.

Chairman Gordon said that he realized that he had forgotten to present the bills from December 31, 2002. Chairman Gordon presented the bills from December 31, 2002, which have been reviewed and recommended for transmittal to the Land Use and Development Committee by the County Auditor.

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

Chairman Gordon noted that the next item was the Permit Activity Report. Mr. Dick handed out the monthly report. He stated that the building and permit activity are very slow in the winter time.

Mr. Segobiano asked how many unlicensed vehicles are out in the County. Mr. Dick said that Building and Zoning received an application to create a used car lot, but he ended up making it into a junk yard. Mr. Dick stated the County is in the process of taking him to court.

The Committee had no further questions for Mr. Dick.

Chairman Gordon stated that there is one other item. Ms. Rackauskas has a conflict with the meeting time due to a class she is currently taking. Chairman Gordon stated that he knew it would be difficult to change due to conflicting schedules. The Committee reviewed several options, none of which were feasible. The Committee Meeting will remain at 5:30 p.m. on the first Thursday of each month.

There being nothing further to come before the Committee at this time, Chairman Gordon adjourned the meeting at 6:13 p.m.

Respectfully submitted,

Christine Northcutt
Recording Secretary