

Minutes of the Land Use and Development Committee

The Land Use and Development Committee of the McLean County Board met on Thursday, February 7, 2002 at 5:30 p.m. in Room 700, Law and Justice Center, 104 W. Front Street, Bloomington, Illinois.

Members Present: Chairman Gordon, Members Rodman, Hoselton, Segobiano and Nuckolls

Members Absent: Member Bostic

Staff Present: Mr. Terry Lindberg, Assistant County Administrator; Mrs. Carmen Zielinski, Administrator's Office

Department Heads/
Elected Officials

Present: Mr. Phil Dick, Director Building and Zoning; Mr. Alan Otto, Zoning Enforcement Officer, Building and Zoning Department; and Mr. Michael Behary, Planner, Building and Zoning Department; Ms. Jennifer Sicks, Transportation Planner, Regional Planning Commission

Chairman Gordon called the meeting to order at 5:35 p.m. Hearing no objections, the minutes of the December 6, 2001 and January 15, 2002 Land Use and Development Committee meetings were approved and placed on file as presented.

Chairman Gordon presented the bills, which have been reviewed and recommended for transmittal to the Land Use and Development Committee by the County Auditor. These bills are for December 31, 2001 and January 31, 2002.

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Motion by Rodman/Nuckolls to recommended approval of the December 31, 2001 bills as presented by the County Auditor. Motion carried.

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Motion by Rodman/Nuckolls to recommended approval of the January 31, 2002 bills as presented by the County Auditor. Motion carried.

Mr. Phil Dick, Director, Building and Zoning, updated the Committee regarding subdivisions activities in McLean County. Mr. Dick stated that the EPA approved the permit for the Prairie Land Subdivision so progress has started on the issuance of bonds to complete the subdivision agreements so they can start the infrastructure. Sherwood Lake Subdivision is still waiting for the EPA permit. All construction was contingent upon the permit, so no construction has occurred. The process of permits has been very slow in Springfield, Mr. Dick stated. The County Board does not have to approve the Final Plans for these subdivisions because there had been no changes from the approved preliminary plan.

Mr. Phil Dick presented a memo regarding previously discussed Zoning Issues. Mr. Dick stated that at the December 6, 2001 Land Use and Development meeting, amending fees for certain building

permits that are based on the value of construction was discussed. The consensus seems to be in agreement with Mr. Rodman's proposed fee schedule. The proposed schedules stated that Building Permits that are figured at \$2.50 per thousand should taper off above a certain values for a proposed structure. For example, the permit cost for a \$10 million church is currently \$25,000.00 and would be reduced to \$4,000.00 using this schedule. Mr. Dick specified the following rates:

\$2.50/\$1,000 up to \$500,000	= \$1,250.00
\$.50/\$500,000 up to \$5 million	= \$2,250.00
\$.10/\$5 million and up	

Issues related to the enforcement of the Zoning Ordinance were also discussed at the December 6th Committee meeting. As part of this discussion, a list of major and minor ordinance violations was requested. Mr. Alan Otto, Zoning Enforcement Officer for the Building and Zoning Department, provided a list in response to this request.

Mr. Dick noted that Mr. Brian Hug, Assistant State's Attorney, indicated that he would work with the Department of Building and Zoning to suggest amendments to the Zoning Ordinance that would make it easier to enforce violations of the Zoning Ordinance. Mr. Hug particularly addressed problems regarding junkyards and junk cars. Mr. Hug suggested that the Building and Zoning Department amend several definitions and the section on penalties for violations.

Mr. Rodman asked what type of action the Land Use and Development Committee needs to take on this issue. Mr. Dick stated that no action is needed from the Committee at this time. If there is a sense of agreement within the Committee, the Building and Zoning

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Department will move forward with a text amendment and a Public Hearing in front of the Zoning Board of Appeals.

Mr. Segobiano is concerned that at the last County Board meeting, there were a few members who showed some disagreement to the user fees. Anytime a fee structure is changed within the County there is an understanding that as the cost rises for the County, the fee structures will be reviewed accordingly.

Chairman Gordon asked if the Committee had further thoughts regarding the drawing of distinction between applications for building permits submitted by private entities as opposed to private, governmental entities. Mr. Rodman preferred to keep the system simple by having one mechanism used by everyone.

Chairman Gordon noted that there have been times when waivers have been granted between government entities, and asked if this practice will be within the realm of possibilities in this new fee structure, even though it has not been specifically mentioned. Mr. Dick answered that it is the prerogative of the Committee to recommend to the County Board that a fee be lowered.

Mr. Dick stated that permit fees or other parts of the Zoning Ordinance require a Public Hearing that is conducted by the Zoning Board of Appeals (ZBA) before the County Board can approve any amendments. Mr. Dick stated that an amendment could be prepared for Public Hearing before the ZBA on April 2, 2002 and presented to the Lands Use and Development Committee, on April 4, 2002.

Mr. Dick informed the Committee that the Building and Zoning staff had identified additional items that need to be addressed if an amendment of the Zoning Ordinance is considered. Mr. Dick listed the items as: 1) Maximum tower height allowed in the Agriculture

District; 2) Setback requirements for subdivision identification signs; 3) Application requirements to include disclosure of beneficial interest for land trusts; 4) Total number of non-farm residences allowed as special uses in the Agricultural District on large properties; 5) Maximum square footage of a guest household unit; 6) Construction of a building to maintain the premises as a principal use; 7) Require parking to allow permeable brick as a hard surface in addition to other pavement; 8) Require handicap parking, and 9) Allow appointments of two alternate members of the Zoning Board of Appeals.

Mr. Segobiano asked Mr. Otto what process the Building and Zoning Department follow aside from writing letters to ordinance offenders. Mr. Otto explained that on complaints or violations that he may notice while driving around town, he would stop and discuss the issue with the property owner. Mr. Otto would then follow up the conversation with a letter. If no response is achieved with the letter, Mr. Otto sends out a "Stop Order" that is more stern because it specifies that they only have so much time to comply or the matter would be turned over to the State's Attorney's Office.

Mr. Hoselton asked if this process is used for incorporated areas in McLean County. Mr. Otto answered that it is only used for unincorporated areas only.

Mr. Otto noted that the Stop Order usually works better than the first letter. Mr. Segobiano asked what is the time frame between the first formal letter and the involvement of the State's Attorney's Office. Mr. Otto answered about 90 days. Mr. Segobiano asked what time frame does the County give these violators on the first letter for them to comply. Mr. Otto answered that it depends on the type of violation. For construction without a permit, about two weeks. For

junk cars or salvage, the first letter would request that they comply immediately.

Mr. Rodman asked if the cases Mr. Otto listed had been pending for more than 90 days. Mr. Otto answered that they are all over 90 days, with some for over a year.

Mr. Rodman asked how the proposed ordinance changes will help these types of situations. Mr. Dick answered that the changes would help mostly when the case was presented in front of a Judge.

Mr. Hoselton asked how many people from this list are people with minimum income. Mr. Otto answered that, as it relates to the inoperable vehicles and salvage yards, about 50% of them might be low income. Mr. Hoselton suggested that a local towing service be approached by McLean County to set up a system where the violators release the vehicle titles and the towing service removes the vehicles, and dispose of them properly. Two things would occur: 1) The vehicles would be removed, and 2) There would be no charge to anyone because the towing service would keep any money made from recycling the vehicles. Mr. Otto noted that most of the folks on the list presented to the Committee consider themselves salvage/recyclers. It is Mr. Otto's opinion that if the County cleared out a dozen cars off their property they would have another dozen cars in a few months. They do this for a living and they are keeping more vehicles at this time in that the price of metal is down.

Mr. Dick noted that the feasibility of administratively adjudicating zoning ordinance violations is a long-term project. Administrative

adjudication of zoning violations is allowed under State statute. Mr. Dick commented that McLean County has had preliminary conversations with staff in Kankakee County, Rock Island County, City of Bloomington and the Town of Normal with regards to administrative adjudication. In Kankakee and Rock Island Counties, the counties coordinate administrative adjudication with municipalities. The City of Bloomington and the Town of Normal were interested in further discussion of this method of zoning enforcement.

Mr. Segobiano asked why the City of Bloomington and the Town of Normal aren't ready to move forward with adjudication. Mr. Dick stated that they presently have their own procedures as to how to deal with violations. The Town of Normal has an enforcement program in place but is not sure of how well it is working. They are waiting to see, as time passes, what kind of results they achieve with the present enforcement program. Mr. Dick noted that Kankakee and Rock Island Counties use collection agencies or their own County system to collect the fines. Mr. Dick explained that if a fine is not paid, a lien can be placed on the violator's property.

Mr. Hoselton asked Mr. Dick why this proposal is being considered with Bloomington and Normal and the rest of the County is not being considered in the ordinance. Mr. Dick agreed to contact other communities in McLean County. Mr. Dick noted that by sharing the enforcement efforts with the different jurisdictions, the expense becomes more reasonable and the enforcement of the ordinance can be achieved by-weekly or monthly.

Mr. Rodman commented that the removal of junk cars by the County is a long-term project. He asked, what would happen to those who

can not afford to comply with the ordinance? Mr. Dick stated that it is

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common knowledge that a junk car has a value of \$20.00 and there is always someone who would come and remove the junk car for \$20.00. If a situation arises that clearly demonstrates that the violator can not afford to remove the junk car, the County can approach them with some aid.

Chairman Gordon referred to Mr. Otto's memo that showed some cases with more than one ordinance violation per site. Mr. Otto explained that multiple ordinance violations is basically a judgement call by the enforcement officer. Mr. Otto estimated that around 25 to 30% are multiple ordinance violation cases.

Mr. Hoselton wanted more clarification on the Powerhouse issue mentioned in Mr. Dick's memo. Mr. Hoselton commented that he had done some research on windmills. The tower heights for the windmills are 210 ft. and the blade is 100 ft. long. Mr. Dick explained that if someone in McLean County asked permission to put up a Wind Farm, the Building and Zoning Department would classify it as a "major utility" and issue a "special use" permit. A special use permit means that they would have to submit site plans showing the locations and elevations of everything and what type of structures are being placed. With regards to any type of towers, engineering certifications have to be provided that meet standard wind load capacities. They also need to present a letter that states that the Federal Aviation Administration (FAA) has no problems with aviation approach patterns. Mr. Dick noted that a permit could be issued if the applicant went through the "special use" process of a public hearing and approval by the County Board.

Mr. Hoselton stated that he provide the windmill company representative with Mr. Dick's phone number.

Mr. Segobiano asked for clarification on the Handicapped Parking
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Mr. Dick listed on the report. Mr. Dick explained that the County requires handicapped parking for commercial facilities, but actually handicapped parking is not in the County's Zoning Ordinance. Handicapped parking is under the State handicapped requirement under ADA Act. Mr. Dick stated that every once in a while, Building and Zoning runs into an issue that is not in the Zoning Ordinance, so this topic is placed on a list to be discussed, once a year, when the zoning ordinance is reviewed and changed, and the handicapped parking issue is one that has been placed on this year's list.

Mr. Dick presented Ms. Jennifer Sicks, Transportation Planner with the McLean County Regional Planning Commission. She is with the Eastside Corridor project.

Ms. Sicks stated that the McLean County Regional Planning Commission has been working with Bernandin Lochmueller, a consultant based out of Indiana, on the Eastside Corridor Feasibility Study. Ms. Sicks informed the Committee that they are at the stage where the consultant is considering a recommendation. At a Public Hearing on January 31, 2002, a set of five potential corridor alignments for a possible eastside interstate grade bypass down to local road level of construction to provide relief to anticipated congestion on the eastside of Bloomington and Normal, additional connections between north and south at I-55 and I-74. This project is under the aegis of and funded by a coalition of Bloomington, Downs, Normal, Towanda and McLean County with substantial funding from IDOT. As a result all of these governments would have an opportunity, once the study is completed and the report is finished, to take a look, make some determinations as to preferences and wishes for the future, and act accordingly. In the meantime, three of the five corridors use one of the two possible interchanges with I-74,

and an interchange with I-55 located between the existing Towanda and Veterans' Parkway interchanges. The simplest and cheapest
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option creates these two interchange access points and connects them to Towanda-Barnes Road, at about \$158 million. The next two options use this central corridor, connecting one of two interchanges with I-74 and interchange with I-55. The next option connects through this corridor and instead of going west it goes east and north into the northeastern side of Towanda to connect with I-55. Finally, in the eastern part of the study area, the final option which connects independently to the two interstate highways and runs almost to the edge of the study area originally proposed.

Ms. Sicks noted that in the larger, environmental feature map that describes the study area, a dotted line encloses the area in which the consultants considered placement of such a facility. The simple map and the environmental features map represent the same alignment corridors. The lines on the simplified map are simply the center of the corridor under consideration, each of which is approximately 1,000 ft. across.

Mr. Hoselton noted that the option connecting Towanda-Barnes Road to the interstates with interchanges does not meet the criteria. Ms. Sicks answered that this was not intended to be an enhancement of Towanda-Barnes Road passed its current programming. In other words, it would be widened pursuant to the current enhancement program now underway, and would be connected through interchanges to the two interstates. Towanda-Barnes Road would remain an at-grade, four-lane facility throughout. It is no longer eligible to be expanded into an interstate grade facility. That limitation would not apply to the remaining options, which are regarded as freeway grade, limited access facilities. The circles on the map represent interchanges. The predominant ones are Ireland Grove Road, Route 9, Fort Jesse Road and Towanda-Barnes Road.

Final design of the facility would to some extent be contingent upon local negotiation.

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Mr. Rodman noted that Options A,B,C and D mention about 3,000 ft. east of Towanda-Barnes Road, a little more than half a mile. How far is it from Towanda-Barnes Road out to Option E? Ms. Sicks answered that it depends on which side of the corridor you are on, there is about a 1,000 ft. leeway. It is roughly 2½ to 2¾ miles. The section of the study area, from Towanda-Barnes Road to the edge, is about 3 miles, so this comes fairly close.

Mr. Nuckolls asked what the cost of the other options was? Ms. Sicks stated that Option A was \$266 million, Option B was \$158 million, and the rest of the options are pretty close in numbers, between \$235 and \$250 million. The most expensive, Option A, is actually the closest-in, from the new interchange west of Towanda to the western most interchange on I-74, near the current interchange at South Main Street/U.S.51, which Bernardin Lochmueller are pricing out around \$266 million. The remaining freeway options run between \$235 and \$250 million. To some extent it is a function of length and the engineering complexity of the interchanges.

Ms. Sicks noted that the proposed interchange between the existing Towanda and Veterans' Parkway interchanges requires a change in the routing of the main line of I-55. This is included in the cost estimates, but does add an element of complexity that is not true of the other possible interchange with I-55. Rather than curving down from the Towanda interchange, the line would have to run straight through because of the proximity of the railroad tracks and Route 66, to the current line of the interstate. Building an interchange would be impossible in its current location so it would have to be move roughly 1/8 of a mile. There is space between the existing Towanda interchange and the planned reconfiguration of the Veteran's

Parkway interchange in which to do this, but it would require this additional change, which would not be cheap or without

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complications. Ms. Sicks mentioned that it has been accounted for in the cost provided by the consultant.

Mr. Segobiano asked how much discussion occurred regarding how far east the developers are going to take this, and how soon would this become another road on the eastside of Bloomington. Ms. Sicks stated that this issue has been a major concern. Part of the reason that Towanda-Barnes is not eligible for an upgrade to interstate status is because there is too much development along it, there is not enough right-of-way to permit for that. Part of the reason for moving along on the study at this time, is if more westerly options are preferred, that same concern obtains for the right-of-ways preservation and control development in that area. That is somewhat less of a concern at this level but that brings up the other concerns from Planners of how far to push the development and how well can it be controlled. Some Planners would state that planning a roadway three miles out from the current leading edge of development encourages sprawl, and it invites people to plant things that the County Board would not like to see for McLean County.

Ms. Sicks referred to the concern of what happened to Veterans' Parkway. It was once seen as the interstate by-pass on the east side of Bloomington-Normal, which we now know is a very congested, very crowded, heavy with intersections, large scale arterial. The prospect for Towanda-Barnes Road to turn into the same thing has also been discussed.

Mr. Rodman wondered if it was really a by-pass or is it more of a way of dealing with traffic within and around Bloomington-Normal. Someone coming down from Chicago, would not come down to

Bloomington, but would take I-57, if they wanted to go east on I-74. How much traffic would be by-passed or is it primarily for local traffic? Ms. Sicks answered that the goals of the project address both

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the notion on a by-pass and the relieving of congestion in this part of the urbanized area, and providing better access throughout this increasingly developed part of town. Ms. Sicks agrees that this does not look particularly by-pass like, as seen on the map. Bernardin Lochmueller has done a series of traffic modeling studies. They have a basic traffic model that they have been using throughout the project to project the employment and population growth, and the rate of change of growth throughout the urbanized area. It was determined that each of those facilities have different characteristics with respect to diverting interstate traffic away from Veterans' Parkway, but also in moving traffic around what is projected to be growth areas on the eastside of town. Each of the alignments has different results. Ms. Sicks referred to the chart handout provided. The chart discussed the cost and environmental factor of each of the options. It also discussed the project goals for the study. Option D does the best job of diverting traffic away from Veterans' Parkway and out into the outlying areas.

Mr. Rodman commented that if the County chose to say "that is a boundary and we are not going to allow farm land to be used up in the eastside" the County is allowed to do that, right? Ms. Sicks answered "yes".

Chairman Gordon commented that looking at the connection where Cheney's Grove Road is, where Option A, B, C and D come together, isn't there a leap-frog development already in progress there. The County and this Committee would need to take a look at the patterns of development that are already in motion, in order to consider setting any type of boundary. Chairman Gordon is concerned that if

the County does not move on this quickly development may leap-frog over Option E. The Committee should consider using a pro-active, prospective way. Ms. Sicks agreed that those patterns would have an impact for each of the jurisdictions involved on which of those routes

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is most favorable. Mr. Jack Mitchells', County Highway, thought of moving quickly to look for funding and reserve right-of-way in order to preserve the corridor is important. The last of the Public Hearing regarding the Eastside Corridor is scheduled for late March. At that point, the consultant would provide a draft of their final report that would provide a recommendation as to which one or two options are best suited based on the project criteria and their research. This would include the traffic and demographic research and all the work done over the last year. Later in the Spring, once the final public hearing is held, and the input has been processed, a final report would be provided to all of the jurisdictions involved and then it would be presented to the Land Use and Development Committee for their review and recommendation to the County Board.

Mr. Hoselton commented that he had seen a drawing that displayed a road being directed to the west side of town, from Mitsubishi down to Shirley. Mr. Hoselton thinks that both sides of town need to be researched. West and Southwest of Bloomington is rolling country side. Mr. Dick noted that Mr. Hoselton may be referring to an actual Mitsubishi Study that has been completed. The alignment that was decided by them has been preserved. To some extent, that is what is happening here at this time, preserving an area that may need to have some kind of corridor further in the future. Mr. Dick noted that the Mitsubishi Study is part of the comprehensive plan and no development would be allowed upon it. The City of Bloomington is including it in their Development Plans.

Mr. Rodman asked Ms. Sicks to show the other map. Ms. Sicks stated that this map contains the same graphics, the same set of alignments

and it shows geographical and topographical features as well as local landmarks that may have an impact either on traffic generations or potential barriers to an alignment. This is aerial photography that is a bit out of date. The blue lines show the same version of the map that

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show where the interchanges would be placed with the major crossroads. Ms. Sicks's understanding is that it would be freeway standard which means grade separations at all crossings and interchanges, and overpasses at non-interchanges. One of the major concerns, when looking at all of the employment generation data, was having an interchange down by Ireland Grove Road to provide easier access to State Farm's largest facility, access to the airport and as development shifts in these parts of the cities and the County, enhanced access throughout this area without over-congesting either Towanda-Barnes Road or Veterans' Parkway.

Chairman Gordon noted that on Page Two there was reference to "major inter-modal transportation facilities." That is a term now used for the exchange points in the Town of Normal Revitalization Committee. Ms. Sicks stated that looking at the traffic generation patterns and the rate of employment growth throughout the urbanized area was intended to determine where the congestion would occur. What happened, when looking at the road network as it exists, in 15 or 20 years Veterans' Parkway would be completely overloaded and that effect would start to creep out in other directions. This is all based on data given to the consultants by local government officials, local business leaders, Chambers of Commerce, and Steering Committees.

Chairman Gordon asked how far apart would the two interchange sites Option D versus Options A& C be along Fort Jesse Road.

Ms. Sicks answered that there isn't significant difference given that those are the centerlines for 1,000 ft. wide corridors, maybe 500 ft. from edge to edge.

Chairman Gordon thanked Ms. Sicks for her presentation.

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There being nothing further to come before the Committee at this time, Chairman Gordon adjourned the meeting at 6:38 p.m.

Respectfully submitted,

Carmen I. Zielinski
Recording Secretary

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