

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

The Land Use and Development Committee of the McLean County Board met on Thursday, December 6, 2001 at 5:30 p.m. in Room 700, Law and Justice Center, 104 W. Front Street, Bloomington, Illinois.

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

Members Absent: Member Hoselton

Staff Present: Mr. Terry Lindberg, Assistant County Administrator; Mr. Brian Hug, Assistant State's Attorney, State's Attorney's Office; Ms. Lucretia Wood, Human Resources Assistant, County Administrator's Office

Department Heads/  
Elected Officials

Present: Mr. Phil Dick, Director Building and Zoning;  
Mr. Jeff Tracy, Highway Department

Chairman Gordon called the meeting to order at 5:30 p.m. Hearing no objections, the minutes of the November 8, 2001 Land Use and Development Committee meeting 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 November 2001.

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

Mr. Phil Dick, Director, Building and Zoning, presented a request made by Central Catholic High School for a Class D Raffle for a house. The affidavit should state that the house is on lot 50 of Fox Lake Subdivision.

Motion by Segobiano/Bostic to recommend a request made by Central Catholic High School for a Class D Raffle for a house. Motion carried.

Mr. Chuck Shanaberger, Director of Development, Central Catholic High School, thanked the Committee for their support. Past raffles have raised \$75,000.00 in scholarship money for the students.

Mr. Segobiano requested that Mr. Shanaberger report back to the Committee after the raffle is complete to present a status report. Mr. Shanaberger replied that he would be happy to return to the Committee with a report.

Chairman Gordon reopened the Public hearing continued from the November 8, 2001 Land use and Development Committee Meeting regarding the request of TomCin Inc. to vacate a portion of Cloverhill Circle, Clover Hill Subdivision, Dry Grove Township, file S-01-01. The applicant, not the applicant's attorney was present.

Mr. Segobiano asked Mr. Hug if allowing the applicants to pay a fine versus removing the sign will cause problems in the future by encouraging others applicants to follow suit. Mr. Hug replied that there is always a risk of setting a precedent, however the fine imposed should lessen the risk. Mr. Hug suggested that future

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problems should be looked at on a case by case basis. Mr. Nuckolls stated that the fine is a deterrent.

Mr. Dick stated that the hearing notice was originally published on March 17<sup>th</sup>, 2001 for the Land Use and Development Committee meeting on April 5, 2001. The case has been continued every month since. The applicant agreed that the subdivision sign was placed in the right-of-way; however, they do not want to move the sign. The applicant has agreed to pay the \$1,500.00 fine. The Dry Grove Township Road Commissioner has agreed to the arrangement as well. Mr. Dick indicated that per Chairman Gordon's request, the applicant will provide a written statement prior to the December 18, 2001 County Board meeting stating that they will apply for the proposed variance and building permit and pay a fine of \$1,500.00 at the time the building permit is issued.

Chairman Gordon stated that if there were no representatives of TomCin, Inc. available for comments or questions, it would be appropriate to hear comments or questions from the staff.

Mr. Dick indicated that there have been signs installed in the past that were not approved by the Enforcement Officer. However, none of these have been placed in the right of way.

Mr. Rodman asked if the applicant would move the sign if a variance is needed for the right-of-way. Mr. Dick stated that if the right-of-way is needed in the future, the County would condemn the sign and remove it.

Chairman Gordon asked if there were any other questions. Being none, Chairman Gordon declared the public hearing closed.

Chairman Gordon asked the Committee if there were any further questions or comments.

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Motion by Segobiano/ Bostic to recommend approval of TomCin Inc. to vacate a portion of Cloverhill Circle, Clover Hill Subdivision, Dry Grove Township, file S-01-01 contingent on the Zoning Board of Appeals concurring with the staff recommendation to allow the variance and the applicant paying a fine of \$1,500.00.

The chair stated that he would vote.

Motion carried.

For the Committee's information, Mr. Dick presented a proposal to be able to administratively reduce fees charged to public entities for zoning cases and building permits to an amount consistent with the actual cost of plan review and inspections. The City of Bloomington does not charge public entities, and the Town of Normal charges actual cost only.

If the County set up a sliding scale, Mr. Dick suggested County staff could administratively approve or deny any requests for amendments to the fees. The sliding scale would benefit all not for profit organizations. Under the current fee schedule, a \$10 million church would be charged \$25,000.00 for a permit. This could be reduced to \$2,000 to \$4,000 on a sliding scale.

Mr. Segobiano stated that the County Board should make the final approval as to whether or not a fee should be amended for an entity. Ms. Bostic stated that the fee schedule needs to be restructured, but the County Board should review each request. Mr. Lindberg suggested that Building and Zoning work with the Administrator's Office and bring recommendations for amendments to the Committee. The Committee discussed the Ellsworth Fire District and the Water Reclamation District projects. The fees for the Water Reclamation District were reduced from \$90,000.00 to \$2,900.00.

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Chairman Gordon asked if a reduction in fees would only be granted for taxing bodies.

Chairman Gordon suggested that there could be separate guidelines as to how a government entity is handled versus a private entity. Mr. Rodman stated that he did not want to have two separate processes. Requests would be handled on a case by case basis. Ms. Bostic and Mr. Segobiano agreed.

Chairman Gordon stated that he favored a sliding scale giving the Committee leave to amend or waive fees for government entities. Mr. Rodman stated that would be too complicated. Chairman Gordon stated that he would like to have some benchmarks.

Chairman Gordon asked if there were any other items for information.

Mr. Dick stated that the Zoning Enforcement Officer, Alan Otto, has written a letter to the Committee explaining his observations of the position and some recommendations. Mr. Dick provided the Committee with copies of the letter. Mr. Otto is suggested that a hearing officer be hired to adjudicate Ordinance Violations. If the Ordinance violations were not settled, they could be referred to the Circuit Court.

Ms. Bostic asked what types of cases would be brought for adjudication. Mr. Dick replied that an example of something that could be brought for adjudication would be junk cars.

Mr. Segobiano stated that although neighbors have rights, he would hate to see the State's Attorney involved in the cases.

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Mr. Hug stated that involving the State's Attorney's Office in prosecuting Ordinance Violations would be time consuming. He suggested the ordinance for junk cars needs to be rewritten. Mr. Otto's proposal is permitted, but setting up a program would take time and money.

If the proposal is approved, then the Enforcement Officer could file an Ordinance Violation and submit the violation to a Hearing Officer. Mr. Segobiano asked if the State's Attorney's Office could work with Building and Zoning to prepare a list of offense that would be referred to a hearing officer.

Mr. Hug stated that there have been some text changes made to the ordinance since it was approved in August of 2000. More changes will be presented to the Committee for review.

Mr. Dick stated that the office has been in contact with Rock Island to review their Ordinance Violation procedures.

Mr. Rodman stated that he would like to know the cost of the program. Mr. Nuckolls asked if more staff would be needed. Mr. Hug indicated that another attorney would be needed. The Attorney for Rock Island works a half day every week or every other week. Mr. Segobiano asked if Rock Island has recovered the costs of the program. Mr. Hug said yes.

Ms. Bostic noted that there are some junkyards that are not in compliance. Mr. Hug stated that they may be "grandfathered" in.

Mr. Hug stated that proposed amendments to the Zoning Ordinance would be presented to the Committee early next year. Mr. Dick indicated that for the next Land Use and Development Committee he would work with the State's Attorney to prepare a list of major and minor ordinance violations.

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There being nothing further to come before the Committee at this time, Chairman Gordon adjourned the meeting at 6:30 p.m.

Respectfully submitted,

Lucretia A. Wood  
Recording Secretary

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