

Minutes of the Land Use and Development Committee

The Land Use and Development Committee of the McLean County Board met on Thursday, September 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, Nuckolls and Hoselton

Members Absent: Member Segobiano

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

Department Heads/
Elected Officials

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

Others Present: Ms. Christine Brauer; Mr. Paul Kieser;
Mr. Larry Beilfeldt

Chairman Gordon called the meeting to order at 5:30 p.m. Hearing no objections, the minutes of the August 21, 2001 Land Use and Development Committee Special Minutes were approved and placed on file as presented.

Motion by Hoselton\Rodman to approve the August 21, 2001 meeting minutes as presented. Motion carried.

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 August 2001.

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Motion by Rodman\Nuckolls to recommend approval of the bills as presented by the County Auditor. Motion carried.

Chairman Gordon noted that Item 4-A of the Agenda, a Request of TomCin Inc. to vacate a portion of Cloverhill Circle, Clover Hills Subdivision, Dry Grove Township, requested in a letter that the hearing be "continued" at this meeting. Mrs. Eckols' father is in the hospital at this time. Chairman Gordon declared the hearing "continued" at the October 4th, 2001 meeting.

Chairman Gordon discussed Item 4-B of the agenda, a request for approval of a waiver of Preliminary Plan requirements and a two-lot subdivision for the Fox Hollow Subdivision, File S-01-10.

Mr. Phil Dick, Director Building and Zoning, stated that the applicant is requesting a waiver of the Preliminary Plan requirement and the Building and Zoning staff is recommending that the request be approved. Mr. Dick presented large plans for the Committee to review as discussion occurred. A single family residence is located on Lot 2 and the applicant want to move the dwelling onto Lot 1 from nearby property that the City of Bloomington recently purchased for road right-of-way. The property is within 1 1/2 miles of the City of Bloomington and has been reviewed by them. Mr. Dick noted that the subdivision meets the minimum requirements of the Subdivision Ordinance. The McLean County Health Department and Highway Department have signed off on the proposed waiver and subdivision.

Mr. Dick introduced Mr. Paul Keiser, 3408 Fox Creek Road, Bloomington, as the party making this request. Mr. Keiser was present in order to answer any questions that the Committee may have, Chairman Gordon stated.

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Motion by Hoselton\Rodman to recommend approval of the request the waiver of the Preliminary Plan and a two-lot subdivision for the Fox Hollow Subdivision, File S-01-10.
Motion carried.

Chairman Gordon discussed Item 4-C, Public Hearing for Approval of a Preliminary Plan for the Sherwood Lake Subdivision, File S-01-09. Chairman Gordon stated that this Item requires that the Committee enter into a Public Hearing. Public Hearing was declared opened.

Mr. Dick presented applications, exhibits and staff report. Mr. Dick explained that notice of this public hearing was published in the Pantagraph on August 18, 2001 as required by law. Adjacent property owners were also notified. Mr. Dick reminded the Committee that approval was received for rezoning of this property at the last County Board.

Mr. Dick explained that one street connection is shown in the proposed subdivision plan to each of the adjacent road. The proposed streets meet the minimum requirements of the subdivision code and they are concrete with curbs and gutters. Road 2000E is an oil and chip road approximately 24 feet wide that directly follows the topography of the hilly terrain. This road is identified in the McLean County Comprehensive Plan as a collector road. The applicant and the Old Town Township Road Commissioner have entered into a road agreement that will provide a means to upgrade Road 2000E where it is adjacent to the subject property.

Mr. Dick stated that the subdivision would use shared wells. Each well would serve six dwellings. The septic system will have to be

approved by the Illinois Environmental Protection Agency (IEPA), septic tanks located on each lot will drain into a common collector which would flow to a tertiary treatment system. The treatment system will be owned and maintained by a homeowners association. Shared wells and a common sewage treatment system make large lots less important. Ten of the forty-nine proposed lots are less than 150 feet wide. These ten lots are greater than 130 feet wide and are greater than 200 feet deep. Two of the lots that are over an acre do not meet the minimum width requirement of 200 feet due to the uneven terrain.

Mr. Dick reviewed the Staff Report recommendation included in the agenda packets. Mr. Dick stated that items in this list have been dealt with. The items are: 1) Drainage easements need to be shown for flood routes through lots; 2) Width of easements need to be shown for tiles; 3) Pavement radius for cul-de-sac should be 55 feet rather than 50 feet; 4) Dedication of right-of-way needs to be shown from centerline of road; 5) Drain tile in front of Lots 23, 24, 33, 35, 36, 37 and 38 should be in easement instead of road right-of-way; 6) No access strip should be shown along Tanglewood Road and on Jared Drive from Tanglewood Road to Janel Drive; 7) General Note 13 should be changed to read "as required" by the McLean County Highway Department; 8) Tertiary treatment area needs to be clearly identified on an out lot, and 9) Approval of the construction plans is contingent upon approval of a permit by the Illinois Environmental Protection Agency for the proposed sewage treatment plant.

Chairman Gordon identified Mr. Larry Bielfeldt, 3004 GE Road, Bloomington, in the audience and stated that he is available to answer any questions.

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Mr. Hoselton clarified that the recommendations named are actually requirements that must be met. Mr. Tracy stated that the recommendations are requirements of the subdivision ordinance.

Mr. Rodman referred to Tanglewood Road. There is a comment on the plans that it would be upgraded. Would most of the traffic out of this subdivision be going out onto that road? Mr. Bielfeldt stated that there would be no additional traffic on Tanglewood because Bluebird Street would tie in and provide a westerly exit for this subdivision.

Mr. Rodman asked if Regional Planning was planning to do something with the collector road in the future. Mr. Dick answered that the Building and Zoning recommendation is to treat this road as a collector road. In a collector road, the requirement is 40 ft. of right-of-way from the centerline instead of 30 ft. As of this time, Mr. Dick is not aware of the Township's plans for this road.

Mr. Rodman asked what the upgrade would be. Mr. Dick explained that as part of the rezoning process, adequate access to arterial roads should be provided. Where there is a substandard road adjacent to the property in question, the Township provides a status of the substandard road. In this case, it was determined to be a substandard road and in order to upgrade this road so it qualifies with the requirements for the subdivision, Mr. Bielfeldt entered into an agreement with the Township where Mr. Bielfeldt will pay half the improvement of Tanglewood Road where it is adjacent to the property.

Mr. Rodman asked when will this agreement be finalized. Mr. Dick answered that the agreement has four years to complete this action.

Mr. Rodman asked where the water flow of this system would go.

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Mr. Dick answered that the flow would go to a downstream creek that flows through the property, Kickapoo Creek. Mr. Rodman asked if the flow would go through someone's property. Mr. Dick confirmed that the flow would go through another property before entering the Kickapoo Creek. Mr. Rodman wondered if there would be any complaints in the future from the other property owners. Mr. Dick referred the question to Mr. Tom Anderson from the Health Department.

Mr. Anderson stated that he has not reviewed the engineers' proposal for discharge points. There may be a potential with the EPA for Public Hearings and that there would be some opposition. EPA is required by Federal law to open a permit application to public hearing if properly requested. The EPA treats the receiving water as water of the state and not that of an individual property.

Mr. Rodman asked how the pathways around the pond would be surfaced. Mr. Bielfeldt answered that he does not have absolute details on this matter but his thoughts leaned toward bark pathways.

Ms. Bostic noticed that in the blueprint map, Mr. Bielfeldt requested a waiver for almost every lot that is less than 150 ft wide or deep. What does the Building and Zoning staff think of this request? Mr. Dick explained that the waivers are not necessary in this case since lots are considered unique circumstances due to the narrow shapes and unique terrain and were reviewed by the Zoning Board in Bielfeldt's request for a Residential Planned Development.

Mr. Nuckolls asked if the streets within the subdivision are concrete and curbed. Mr. Bielfeldt answered that they are concrete and curbed.

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Chairman Gordon asked Mr. Bielfeldt what the quality and quantity of the water supply was. Mr. Bielfeldt stated that the wells have not been drilled yet. He is not aware of any problems incurred by anyone around the area.

Chairman Gordon mentioned that a letter from a citizen was received at the Building and Zoning Department regarding this matter and it should be read for the record. Mr. Dick read: "Please read the enclosed letter for case S-01-09. I am unable to attend said hearing. Thank you, Carman Gresham.

To: George Gordon, Chairman Land Use Committee
RE: Sherwood Lake Subdivision

Please vote NO to above subdivision. Reason being:

1. WATER- There is not enough water to share with another subdivision. Talk to the "locals" and you'll receive a clear cut statement as to the water supply and demand of current residents. Do not rely on expensive water surveys from a firm who does not live/work in the area. Why isn't a water district established if the developer wants this so called up-scale subdivision? Will restrictions be in place – NO. Underground watering system?? Establish a law that all developers be liable for surrounding failed wells – when new subdivisions pulls all the water. How long, with severe heat, no sufficient rains, will water supply sustain? Let us preserve a much needed quantity of life – WATER! When lake is built what will this do to surrounding pastures and sloughs? Isn't a portion of so-called subdivision in a flood plain?
2. ROADS- Why should tax payers' monies be spent for a developer's whim? Let the developer pay for needed road improvements. Do not close said road when other major N-S routes are being rebuilt.
3. SCHOOLS- Tri-Valley is already over-flowing. Again, let up on the tax payers! We cannot continue to raise taxes each year (as it has

been going) and not expect a backlash. Let the developer take up the slack!! The school systems cannot keep up with needed expansion when the County Board allows developers free rein on building subdivisions!

4. TREES- Do not remove existing trees. It takes more than a lifetime to grow a tree. Preserve nature and what God has given us to protect and maintain. Why must a developer clear land of all vegetation and turn the soil into a desert?

I believe a study is needed for this subdivision (Sherwood Lake) as to the water supply and demands; the roads, schools and nature.

Thank you for listening.

How many of you, sitting here tonite, viewed said area in question?

A 49 year resident of Old Towne Township.

Respectfully,

Carman J. (Mrs. Don E.) Gresham

19419 Cheneys Grove Road

Bloomington, IL 61704-4019

(309) 662-1069

Chairman Gordon opened the floor to discussion.

Mr. Bielfeldt responded to the letter by stating that the school system issue was addressed at a previous hearing. Mr. Bielfeldt concurs with the fact that the school systems and the taxpayers are overburdened but in this particular case, this development is an asset. Many of the residents moving into the Sherwood Subdivision pay a lot of taxes but don't have a lot of kids attending school. The value of the average house in the Sherwood Subdivision is estimated around \$400 to \$550. Mr. Bielfeldt clarified that the water supply that is extracted from the ground is very minimal compared to the aquifer.

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Chairman Gordon concluded that after having all the interested parties speak, the public hearing is now closed. Committee members may comment at this time.

Mr. Rodman wanted clarification in regards to the wells and the quantity and quality of the water. Mr. Rodman wondered what does happen in a situation where wells are dug and no water is present. Mr. Dick explained that this issue was discussed at great length between all the parties involved. The investor would not invest in streets and infrastructure until water quantity and availability was solidly established.

Mr. Anderson stated that he was aware of one well that did not provided enough water, since it would not have supplied sufficient water to the specified number of households, so they moved the well to another location and the well provided adequate water supply. Since that one incident, Mr. Anderson has not heard of any other complaints regarding wells and water, especially during the summer with the relatively dry conditions.

Mr. Nuckolls noticed that there are seven well sites. Mr. Bielfeldt stated that there would be nine well sites total. Mr. Anderson stated that the McLean County Health Department has received applications for nine wells to be drilled. Chairman Gordon clarified that each well would serve 6 dwellings.

Motion by Rodman\Nuckolls to recommend approval of a Preliminary Plan for the Sherwood Lake Subdivision, File No. S-01-09 as stipulated. Chairman Gordon voted. Motion carried.

Chairman Gordon briefly discussed the June, July and August Permit Activity Reports. Mr. Dick commented that the three-month report

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shows a large increase on the violation statistics. This is due to the hard work of the new enforcement officer.

Mr. Rodman asked what the philosophy was behind an enforcement officer position. Mr. Dick stated that if a violation has been pointed out to the Building and Zoning Department or an inspector or the enforcement officer has spotted one. The enforcement officer needs to touch base with the offender, and in writing clearly state the offense and what they need to do in order to correct the offense. If no satisfaction is achieved through the written request then the case would be referred to the Mr. Brian Hug from the State's Attorney's Office.

Mr. Hoselton asked if fees are collected. Mr. Dick stated that very few fees have been collected since Mr. Dick has been working in the Building & Zoning Department. Mr. Dick explained that the Building & Zoning Department does not have the authority to collect fees. Under State law, the Building & Zoning Department does not have a lot of authority to enforce and collect fees.

Chairman Gordon wondered if the Building & Zoning Office needs explicit and focused authorization from the Land Use Committee or the County Board. Mr. Dick stated that he would look into the procedures and report back to the Committee in the future.

Ms. Bostic informed the Committee that she will not be present at the October Land Use and Developmental meeting.

Mr. Dick asked the Committee if they would consider changing the November's Land Use and Developmental meeting from the 1st to the 8th. Mr. Dick stated that he would be attending the Regional American Planning Association Meeting.

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There being nothing further to come before the Committee at this time, Chairman Gordon adjourned the meeting at 6:20 p.m.

Respectfully submitted,

Carmen I. Zielinski
Recording Secretary

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