

Minutes of the Land Use and Development Committee

The Land Use and Development Committee of the McLean County Board met on Thursday, April 5, 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. John Zeunik, County Administrator; Mr. Terry Lindberg, Assistant County Administrator; Ms. Lucretia A. Wood, Human Resources Assistant, County Administrator's Office; Carmen I. Zielinski, County Administrator's Office

Department Heads/
Elected Officials

Present: Mr. Charles Wunder, Director, Building and Zoning; Mr. Jeff Tracy, Highway Department;

Others Present: Ms. Chris Bauer; Ms. Susan Brandt, Attorney representing the Bloomington\Normal Water Reclamation District

Chairman Gordon introduced Mrs. Carmen Zielinski, County Administrator's Office. She will be taking minutes of the Land Use Committee beginning with the May cycle.

Chairman Gordon called the meeting to order at 5:45 p.m. Hearing no objections, the minutes of the January 4, 2001 Land Use and Development Committee were approved and placed on file as presented.

Minutes of the Land Use and Development Committee Meeting
April 5, 2001
Page Two

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 March 2001.

Motion by Bostic\Hoselton to recommend approval of the bills as presented by the County Auditor. Motion carried.

Chairman Gordon announced that Item 5-b of the Agenda, the Orientation\Educational Workshop by the McLean County Health Department will be postponed to the May 3, 2001 Land Use Committee Meeting.

Chairman Gordon presented Item 4-a of the Agenda, File Case: S-01-01 Vacation of a portion of Cloverhill Circle, Clover Hills Subdivision, Dry Grove Township. Chairman Gordon invited Mr. Tom Eckles and Mrs. Cindy Eckles to present their request to the Committee. Mr. Eckles announced that because of a previous engagement, the Eckles' attorney, Mr. Frank Miles, was unable to attend this

Minutes of the Land Use and Development Committee Meeting
April 5, 2001
Page Three

Committee Meeting. Mr. Eckles asked for a "continuance" of this issue to the May 3, 2001 Land Use Committee Meeting.

Motion by Bostic\Rodman to Continue the Request of TomCin, Inc., to vacate a portion of Cloverhill Circle, Clover Hills Subdivision, Dry Grove Township to the May 3, 2001 Land Use Committee Meeting. Motion carried.

Chairman Gordon opened the discussion on the Request received from the Bloomington and Normal Water Reclamation District to reduce the Building Permit fee for the Southwest Wastewater Treatment Facility.

Mr. Wunder stated that included with the agenda is a letter from Ms. Susan Brandt, attorney representing the Bloomington and Normal Water Reclamation District. They are requesting that the Building Permit Fee for their new facility be reduced to \$1,000.00. Mr. Wunder explained that the McLean County Zoning Ordinance establishes the building permit fees. In this particular case, the fee is \$2.50 per \$1,000 of the value of the construction. This results in a fee of over \$90,000 for the Bloomington-Normal Water Reclamation District.

Mr. Wunder explained that the Building and Zoning staff will perform three inspections: a stake out inspection, a foundation inspection and an inspection for final occupancy. Mr. Wunder feels that the suggested \$1,000.00 fee would cover the County's costs, with the estimation that the three inspections will take a total of four hours at most, including driving time to and from the site. This being the case, the Building and Zoning Department recommends that the fee be reduced from \$90,000.00 to \$1,000.00.

Mr. Hoselton asked Mr. Jeff Tracy, Highway Department, what action did the Transportation Committee take for the Bloomington\Normal

Minutes of the Land Use and Development Committee Meeting
April 5, 2001
Page Four

Water Reclamation District. Mr. Tracy stated that Jurisdiction was changed on a part of Highway 36. A portion of McLean County Randolph Road is going to be vacated and a new road will be built across the "T" and across the field to Route 51. The entity requesting this project will pay for most of the upgrade.

Mr. Terry Lindberg, Assistant County Administrator, explained that the construction cost of the new section starting from the "T" west to Route 51 and for other improvements east of the bridge will be split 70% to be paid by the Reclamation District and 30% to be paid by McLean County.

Chairman Gordon invited Ms. Susan Brandt to join the Committee. Ms. Brandt advised the Committee that the Executive Director of the Reclamation District would have been present at this meeting but he is on vacation.

Mr. Rodman commented that the approval of this fee reduction could set a precedent. What would prevent other builders from approaching the Land Use Committee with the same request. If the Land Use Committee doesn't reduce this fee, how will the Water Reclamation District pay for this permit fee. Ms. Brandt explained that the Treatment Facility is being built through a loan from the Illinois Environmental Protection Agency (IEPA). The loan would be paid back out of user fees.

Mr. Hoselton asked the County Administrator, Mr. John Zeunik, how other entities handle this type of request. Mr. Zeunik stated that other local governments handle this type of situation in the same manner that the County is being asked to reduce the fee for the Reclamation District. For example, when McLean County built the Juvenile Detention Center, the County asked the Town of Normal for

Minutes of the Land Use and Development Committee Meeting
April 5, 2001
Page Five

a reduction or waiver of certain fees. Usually, this situation does not occur in the Private Sector.

Mr. Hoselton commented that three inspection trips usually is not enough. Mr. Hoselton felt that the \$1,000.00 fee is the base cost. If additional trips are needed, Mr. Hoselton suggested that the Water Reclamation District be billed for the additional trips.

Mr. Rodman stated that previously it was mentioned that 70% of the funding for the road improvement is coming from State and that 30% is coming from McLean County. This adds up to more than \$90,000.00. Those are County tax dollars that will be used to build that road. Mr. Tracy stated that this road will provide year round access.

Mr. Rodman commented that the people using the services should be the base of the funding as opposed to taxpayers providing the funding. The Water Reclamation District can recoup this expense with User Fees. This reduction of fees would not be considered for a Private Sector Company.

Ms. Brandt stated that the facility being built would benefit the majority of the population in McLean County.

Chairman Gordon asked if there is a rationale behind the \$2.50 per \$1,000.00 of the value of the construction. Mr. Wunder answered, it is an standard fee for Building Permits. McLean County does not have a Building Code, so the number of building inspections done by the department is low compared to other counties.

Mr. Wunder explained that the three inspections that the McLean County Building and Zoning Department will make are: 1) Stake-out,

where stakes are placed in all the corners of the building, so they are

Land Use and Development Committee Meeting

April 5, 2001

Page Six

set back from the property lines; 2) Once the foundation is poured, it is checked to confirm that the foundation was poured within the designated stakes; 3) Final Occupancy, which means the checking of window panes for glass and that the water is running. That is the extent of the inspections performed by McLean County.

Chairman Gordon commented that \$90,000.00 was a high number but \$1,000.00 is rather low. Chairman Gordon would like to be fair to both the County and the governmental entity requesting the decrease in the fee.

Motion by Hoselton\Nuckolls to approve the Reduction of the Building Permit Fee for Bloomington\Normal Water Reclamation District's proposed Southwest Wastewater Treatment Facility from \$90,000 to \$2,500. The Chairman announced that he would vote on this motion. Motion carried with a 3/2 vote, Members Rodman and Gordon voting "No".

Mr. Hoselton asked Mr. Zeunik what is the County's liability for the construction of this plant. Mr. Zeunik answered that when the Committee and the Board recommend approval and the plans are submitted to the Building and Zoning Office, the plans are to be submitted in accordance with what the Committee and Board approved in accordance with McLean Ordinance. Since McLean County does not have a Building Code Ordinance, the Building and Zoning Department is inspecting to make sure that the applicants is building what was stated in the plans.

Mr. Rodman stated that the County does not have a Building Code, but the State does. Mr. Rodman asked if the State has a duty to

inspect. Mr. Wunder replied that there is a State Plumbing Code that takes precedence over any local plumbing code. There is a State

Minutes of the Land Use and Development Committee Meeting
April 5, 2001
Page Seven

Plumbing Inspector for this area, but he is responsible for 12 counties in central Illinois.

Mr. Wunder discussed Case File: S-01-02 Request of Mr. Anthony Mangina for approval of the Final Plat of Mangina Subdivision, a one lot Subdivision in Section 21 and 22 of Old Town Township.

Mr. Wunder explained that the applicant, Mr. Anthony Mangina, is requesting a waiver of the requirement for a public hearing. The Building and Zoning Department is recommending that this request be approved. The proposed one-lot subdivision contains approximately 2.5 acres and is located on the north side of Cheneys

Grove Road, Section 21 and 22 of Old Town Township. The property is Zoned A (Agriculture). The proposed subdivision is a "flag lot" with a 1000' long lane to Cheneys Grove Road. This is an existing lane serving a farmstead. The Plat for the Mangina Subdivision was dropped of at the Building and Zoning Office at 11:30 am on March 30, 2001. This Plat has not been reviewed by the McLean County Health Department, the McLean County Highway Department or the Old Town Township Road Commissioner. The proposed lot meets the area requirements of the A Agriculture Zoning District. A front yard setback line needs to be added to the Plat. The Building and Zoning Department staff is reluctant to recommend approval until this plat has been corrected and reviewed by the Health and Highway Departments and the Township Road Commissioner. If the Land Use Committee is inclined to approve the plat it should be a "conditional" approval, with verification that the above concerns be met.

Land Use and Development Committee Meeting Minutes
April 5, 2001
Page Eight

Motion by Rodman\Hoselton to Approve the Request of Anthony Mangina for a Final Plat of the Mangina Subdivision, a one-lot subdivision in Sections 21 and 22 of Old Towne Township, contingent upon the additions to the Plat discussed by the Committee, and review and approval of the proposed plat by the County Highway Department, County Health Department and the Township Road Commissioner.
Motion carried.

Mr. Wunder briefly discussed the Permit Activity Report for February and March 2001. Mr. Wunder noted that the numbers have increased. The Building and Zoning Department was very busy in the first week of April.

Mr. Wunder updated the Committee on the Rezoning of the Crestwicke area and presented the Committee with copies of the informational report. Mr. Wunder stated that the County Planner concluded that this application does not meet all of the standards set forth in Article 2, Section 207 (Standards for Map Amendments) of the Zoning Ordinance until an adequate road connected to an arterial road standard is addressed.

Chairman Gordon showed the Committee members a copy of Mr. Wunder's book, "Regulating Home Businesses in the 21st Century", which was recently published by the American Planning Association.

Chairman Gordon commented on the Public Hearing on the Prairieland Subdivision that is taking place at 6:00 pm in the Osborne Room, Bloomington Police Department. He is planning on attending

this hearing as a citizen. He is not attending as a McLean County Board Member. Chairman Gordon stated that if he is approached and asked for the County Board's opinion on this matter, he will answer

Land Use and Development Committee Meeting Minutes

April 5, 2001

Page Nine

by stating that the County Board has no official position other than the policy already adopted. Chairman Gordon explained that he is attending this hearing to hear, to listen, to learn and to gather information. There will be an official transcript of the IEPA Hearing.

Mr. Rodman stated that based on some of the information he received regarding this hearing, there was a comment that the decision already made was a County decision instead of an IEPA decision. Mr. Zeunik explained that residents have expressed concerns about the wastewater treatment facilities that the County has responsibility for, and the new type of facility being proposed for Prairieland. There could be a gap between what the County has responsibility for and what the IEPA has responsibility for. This could result in a situation where the County is saying it is the IEPA's responsibility and IEPA is saying it is the County's responsibility.

Mr. Rodman asked on what basis could this matter come back to the Land Use Committee. Chairman Gordon stated that if this gap exists, what process would be used to bring this matter back before the Committee. Chairman Gordon asked if the County, under State law, can raise the County's upper limits if the County sees the need.

There being nothing further to come before the Committee at this time, Chairman Gordon adjourned the meeting at 6:42 p.m.

Respectfully submitted,

Carmen I. Zielinski

Recording Secretary

E:\Ann\Min\LandUse\2001