

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

The Land Use and Development Committee of the McLean County Board met on Thursday October 6, 2017 at 3:30 p.m. in Room 400, Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Gordon, Members, Erickson, Wendt, Harris, Johnson, Murphy and Barnett

Members Absent: None

Other Board Members Present: Member Soeldner

Staff Present: Ms. Hannah Eisner, Assistant County Administrator, Mr. Don Knapp, First Assistant State's Attorney Civil, Ms. Diana Hospelhorn, Recording Secretary

Department Heads/  
Elected Officials  
Present: Mr. Phil Dick, Director of Building and Zoning,

Others Present: Ms. Jo Morrison, Land Owner Mr. David Howell, Duncan Manor Owner, Mr. Gordon Ropp, Land Owner

Chairman Gordon called the meeting to order at 3:34 p.m. He presented the Minutes from the Land Use and Development Committee for the September 1, 2016 meeting. He asked for any additions or corrections.

Mr. Barnett noted that he was present at the September 1, 2016 Land Use and Development Committee Meeting.

Motion by Harris/Johnson to recommend approval of the September 1, 2016 Land Use and Development Committee Meeting Minutes as amended.  
Motion carried.

Chairman Gordon presented the bills from September 30, 2016 which have been reviewed and recommended for transmittal to the Land Use and Development Committee by the County Auditor. The prepaid total and fund total for September 30, 2016 is \$655.25. He asked for any objections to the bills.

**MCLEAN COUNTY BOARD COMMITTEE REPORT**

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AS OF 9/22/2016

**EXPENDITURE SUMMARY BY FUND**

Land Use Committee

FUND	FUND TITLE	PENDING TOTAL	PREPAID TOTAL	FUND TOTAL
0001	GENERAL FUND		\$655.25	\$655.25
			<hr/>	
			\$655.25	\$655.25

  
COMMITTEE CHAIRMAN

Motion by Erickson/Murphy to recommend approval of the September 30, 2016 Land Use and Development Committee bills.  
Motion carried.

Chairman Gordon stated that we have received requests for appearances by Ms. Jo Morrison, Dave and Randi Howell and by Mr. Gordon Ropp in reference to item B- Text Amendment of the Zoning Ordinance. He invited them to the table. He advised that they will be given five minutes each to speak to the Committee.

Ms. Morrison introduced herself and thanked the Committee for the opportunity to speak on proposed amendments to the zoning language. Her property is 3.5 acres outside of Towanda and is zoned agriculture. She advised that rules which applied in their time may not be applicable today. She is looking at rules that meet the needs of today. Ms. Morrison stated that Mr. Howell and she have received numerous request to host events, however the County Zoning language is too restrictive to allow this. Her goal is for:

- Ongoing preservation of historical property
- More frequent events that benefit the Community
- Generate income for ongoing restorations.

Ms. Morrison advised that to be able to accomplish these goals they are asking for the following amendments:

- AgriTourism to require 3 acre minimum instead of 40. She presented a barn in Rockfalls selected as one of the 30 best barn venues in the United States. This barn sets on 3.5 acres.
- She referred to her handout listing general ideas of the types of events they would host.
- Unlimited events open to public and private. Currently limited to 4 Special Use events a year.

- Land owners may rent property and receive supplemental income. Currently not able to rent; making this a business
- Restroom may include traditional, alternate and portable. Such facilities and hand washing stations sanitary and accessible in accordance with Health Department/Property owner/visitors and guests. Currently waste water disposal by Health Department regulations.

Ms. Morrison continued with the benefits of the amended language. She stated that barns are a unique, historical and meaningful structure. Preservation is a benefit to the community. Barn uses over time have changed. She is asking that the Zoning language be changed to accommodate these changes.

Mr. Gordon Ropp expressed his concern that in some cases it appears that we are not allowing farmers to expand their income. With the prices of corn, a farmer needs to be able to provide a better income for their family, to share agriculture and to educate the public on farm living. Country living is something to be enjoyed by even people from the city. He encouraged the Committee to not make it difficult for farms to be able to expand their income. He thanked the Committee for the opportunity to speak.

Mr. David Howell, owner of the historical property, Duncan Manor, Towanda, IL thanked the Committee for their time. He purchased the historical landmark property 2 years ago. He advised that they are a Nonprofit Organization dedicated to historic preservation through community involvement. He stated that their goal is to amend current agricultural tourism zoning or create a special use zoning for Duncan Manor and the property on which it sits. Current zoning regulations limit the uses of the property. He asked to;

- amend the language "working farm"
- add to the list of uses to include but not limited to: receptions, weddings, cultural arts, historical, live music etc.
- amend a minimum of 40 acres of land to a minimum of 3 acres of land

Mr. Howell advised that these changes would provide a source for supplemental income to continue restoration efforts to restore this historical landmark to its original grandeur, as well as required future maintenance. The desire is to reconnect the present and future with the past.

Mr. Howell presented the benefits and types of activities he is requesting to regularly allow the community access to the Manor and its property. The community support shows a definite interest in the property as well as an interest in the ability to rent the property for private events. He stated that changes in the zoning language is the opportunity to set a new standard that benefits and preserves historical properties.

Chairman Gordon thanked the presenters for the information provided to assist the Committee as they move forward.

Mr. Johnson stated that he grew up in Towanda. He has visited Duncan Manor and seen the restoration Mr. Howell is doing. The mansion is in dire need of restoration. The ability to use the property in a way to generate income for restoration would be an amazing achievement.

Chairman Gordon informed the Committee that the first item for action on the agenda should have been listed as a public hearing. He called for public hearing at 3:58 p.m. and presented the request by Aron and Melissa Klein to vacate a portion of the front setback area of Lot 30 in Old Town Timber Subdivision First Addition, File No. S-16-15.

Mr. Phil Dick, Director of Building and Zoning, referred to an aerial photo distributed to the Committee members. The 2.5 acre property is located at 10167 Wolf Hill Road, in Old Town Township. The one lot subdivision is zoned R-1 Single Family Residence. He noted that the applicants plan to build a detached garage in part of the front setback area to be vacated.

Mr. Dick reported that the County Health Department, County Highway Department and Staff recommend approval of the request to vacate a portion of the front setback area of Lot 30 in Old Town Timber Subdivision First Addition.

Mr. Zack, Hoffman, builder for the Kleins, stated that with the current setback, in order to build the detached garage, the garage would set on the newly planned driveway.

Chairman Gordon asked if there were any comments or questions. Hearing none he closed the public hearing at 4:04 p.m.

Motion by Wendt/Murphy to recommend approval of the request by Aron and Melissa Klein to vacate a portion of the front setback area of Lot 30 in Old Town Timber Subdivision First Addition, File No. S-16-15.  
Motion carried.

Chairman Gordon continued with the review of the FY 2017 Recommended Budget for the Department of Building and Zoning.

Mr. Dick presented:

Highlights of the Recommended Budget:

Fund: General 0001 - Department: Building & Zoning 0038

Highlights of the Recommended Budget:

REVENUE:

401.0016 Filing Fees/Subdivisions: This line item is budgeted at \$5,680 in the FY 2017 Recommended Budget; \$5,680 was budgeted in the FY 2016 Adopted Budget.

401.0017 Filing Fees/Zoning: This line item is budgeted at \$221,000 in the FY 2017 Recommended Budget. \$11,200 was budgeted in the FY 2016 Adopted Budget. It is anticipated that a special use application for a wind farm will be submitted that will increase the

revenue by approximately \$200,000 over FY 2016 Adopted Budget. This would be a onetime fee.

401.0027 Permit Fees: This line item is budgeted at \$49,900 in the FY 2017 Recommended Budget. \$49,900 was budgeted in the FY 2016 Adopted Budget.

EXPENDITURES:

Personnel:

There are no Full-Time Equivalent staffing changes for the FY 2017 Recommended Budget.

Materials and Supplies:

Materials and supplies are budgeted at \$7,459 in the FY 2017 Recommended Budget; \$7,459 was budgeted in the FY 2016 Adopted Budget.

Services:

Services are budgeted at \$71,969 in the FY 2017 Recommended Budget; \$72,655 was budgeted in the FY 2016 Adopted Budget. The decrease of 2% for those accounts is primarily due to a decrease of \$2,000 from contract services that had previously been for SHOW BUS which no longer is coordinated through this department.

Capital Assets:

He noted that if the windfarm is approved the Department will need to purchase a GPS unit for \$5,000. This is an amended change that has been included in the FY 2017 Recommended Budget.

Motion by Harris/Johnson to recommend approval of the FY 2017 Recommended Budget for the Department of Building and Zoning.  
Motion carried.

Mr. Dick reviewed the FY 2017 Solid Waste Management Recommended Budget

Solid Waste Management Fund 0001-0159 Department: County Board/Solid Waste Management

Highlights of the Recommended Budget:

REVENUE:

410.0575 Landfill Host Fee: This line item is budgeted at \$137,200 in the FY 2017 Recommended Budget; \$137,200 was budgeted in the FY 2016 Adopted Budget.

400.0000 Unappropriated Fund Balance: This line item is budgeted at \$20,000 in the FY 2017 Recommended Budget; \$20,000 was budgeted from this line in the FY 2016 Adopted Budget.

EXPENDITURES:

Contractual Services:

706.0001 Contract Services: This line item is budgeted at \$137,200 in the FY 2017 Recommended Budget; \$137,200 was budgeted in the FY 2016 Adopted Budget.

999.0001 Interfund Transfer: This line item is budgeted at \$20,000 in the FY 2017 Recommended Budget, unchanged from the FY 2016 Adopted Budget. The proposed transfer will fund the composting and educational programs on resource conservation by the Parks and Recreation Department as well as recycling and shredding at the Law & Justice and Government Centers.

Mr. Dick advised that this is the last year we will be able to depend on income from the landfill. He stated that the landfill is projected to close in 1 ½ years - 2018. Other options will need to be considered for revenue.

Ms. Harris asked where the solid waste would go. Mr. Bill Wasson, County Administrator responded that the waste will have to be transported to another landfill or solid waste facility. Thierer is no other facility in McLean County.

Chairman Gordon advised that he serves as the County representative to the Board of Directors of the Ecology Action Center. He stated that the EAC is in consultation with the three local governments supporting EAC as to what comes next. There will be a loss of revenue.

Motion by Harris/Barnet to recommend approval of the FY  
2017 Recommended Budget for Solid Waste Management  
Program.

Motion carried.

Chairman presented the Text amendment of the Zoning Ordinance for public use facilities in the Agriculture District. No new language has been presented. He advised that at the September, 2016 Land Use and Development Committee staff was asked to develop possible options to be considered. He stated that specific ideas have been presented to the Committee by the public. He referred to page 2 of the Zoning Ordinance concerning the Ag District which was created 50 years ago. He asked the Committee to consider the purposes of the Ag District and if they have changed.

Chairman Gordon referred to Section 350-35.A Agriculture District of the Zoning Ordinance noting that this deals with intent and is a statement of guidelines. The language in (4) does not set in place ridged standards. Page three makes references to Agriculture Tourism including Standard Uses which includes temporary use and Special Events. - Type 1 Special Events

and Type 2 Special Events. These standards have been in place for a number of years. A good understanding of where we start from is important to sensible consideration of the possible proposals. Page nine refers to Special Uses in the Agriculture District which requires a Public Hearing before the Zoning Board of Appeals for approval. Page 15 refers to Permitted Uses in the Agriculture District requiring only administrative approval by the Director of Building and Zoning.

Mr. Wasson advised that staff evaluated options to be discussed based upon needs and factors. He presented some options noting possible expansion or modification to:

1. Temporary Uses – Special Events Type 1 restriction requiring application be made by a not-for-profit.
2. Special Event Type 2 events are restricted to Commercial or M-2 Districts
3. Currently Special Events are limited to four such events a year.

He noted that this may be an option the Committee may consider but may also not accomplish what the presenters' goals are.

Mr. Wasson referred to page three Agricultural Tourism. Restrictions permitting the utilization of Ag tourism for the presenters speaking today are:

- Being a Working farm
- On a minimum of 40 acres in agricultural production

He stated that at the time this was passed the mission was to provide additional opportunities for working farms to generate income. Staff has discussed expansion of these specific areas that are restricting. Mr. Wasson advised that an option may be to provide for an adjoining farm land provision to allow these types of activities for individual locations. Provisions for historic structures have been discussed. A possible provision for historic structures, formerly part of working farms now not on a working farm would allow for these types of activities.

Mr. Wasson referred to page 11 Recreation and Entertainment Outdoor. He advised that indoor/outdoor activities were discussed. An expansion of these sections providing a better definition is also a possibility. He stated that these are all included in the County Code as Special Uses which go through the public hearing process. A new Special Use specific to public gathering at an historic structure is another option.

Mr. Don Knapp, First Assistant State's Attorney, Civil added that modifying Type 2 Special Events to include events in the Agricultural District and then increase the number of events that would not go through the Special Use process was considered. But increasing events for 365 days a year is inconsistent with a special event.

Mr. Knapp stated that there have been questions about getting a variance for a use. Not a setback or such. Our code allows for variances for the use of land heard by the ZBA. To do so standards need to be met. Standards applying are:

- The conditions upon which the petition for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property within the same zoning classification.
- The request is not based upon a desire to make more money out of the property.

He advised that, with the requested use of the property for these types of events, a variance would not apply.

Ms. Harris stated that this is a categorical shift we are hearing today. These are different kinds of structures than have historically been used for agriculture. She suggested a possible change in definition. Possibly not have them as expansions of Special Use but define them as an independent category or cultural use with restrictions that would not require a ZBA hearing.

Mr. Erickson stated that Ms. Morrison provided examples from other Counties. He noted that in example #5 she referenced an historic barn in Macon County which resolved the zoning issues. He asked if we have had the opportunity to look at Macon County's zoning code. Mr. Knapp responded that he has not had the opportunity as yet. Mr. Erickson stated that Macon County's zoning code would give the Committee some guidance.

Mr. Wasson added that the information was requested for Macon County to identify some similar facilities for evaluation. Time has not permitted us to fully identify the codes for guidance in moving forward.

Mr. Erickson is intrigued with Ms. Harris' idea of a primary use. He encouraged staff to consider it as well.

Mr. Murphy expressed his concerns. He stated that having been a farmer and having lived in the Ag community he does not want to see us put things in the agricultural community that would disrupt regular agriculture. A facility conducting weddings may also be dealing with harvest or other farming business. We do not want to have to deal with deciding what the primary use of the agricultural district is in the future. How do you stop this situation before it becomes an issue? Mr. Murphy added that the 40 acre requirement eliminated the situations causing these types of separation problems.

Mr. Erickson stated that Macon County's code may answer some of these questions.

Mr. Barnett stated that tweaks could be made. He is intrigued with Ms. Harris' idea as well. He is in favor of encouraging and empower the entrepreneur to be able to create business and economic development within the community. He agrees that we need to honor our farm heritage and remember the primary use of the land. There has to be a middle ground allowing for a use to meet the needs of the presenters today while balancing the needs of the farmer.

Chairman Gordon suggested that the Committee ask staff to prepare language specific options in light of public suggestions and the concerns and ideas of the Committee.

Mr. Wasson stated that he has heard general support for provisions to allow for this type of use considering:

- If it should be a permitted use or a special use
- Such use would not negatively impact the surrounding agricultural use



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Specific language will be prepared for the November, 2016 Committee Meeting. He asked if there was a desire to specifically deal with historic and/or agriculturally related structures.

Mr. Wendt asked that staff consider both stand points. Farming is a way of life that needs to be considered. He added that 40 acres is a large number of acres.

Ms. Harris noted that there is a national movement towards historic preservation. She asked that other precedence also be considered.

Chairman Gordon requested the Committee to consider the specific kinds of concern they have and convey them to Mr. Wasson within the next week. Mr. Wasson will have staff prepare a presentation to the Committee at the November, [type your text here]2016 Committee meeting. Ms. Harris asked to see the precedence before she makes a statement. Mr. Wasson is available to the Committee to discuss this.

Chairman Gordon stated that the next meeting of the Land Use and Development Committee will be November 3, 2016 at 3:30 p.m.

Chairman Gordon asked if there was any other information to come before the Committee. Hearing none, he adjourned the Land Use and Development Committee Meeting without objection at 4:50 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Diana Hospelhorn".

Diana Hospelhorn  
Recording Secretary