

Minutes of the Land Use and Development Committee

The Land Use and Development Committee of the McLean County Board met on April 7, 2005 at 4:45 p.m. in Room 400, Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Gordon, Members Segobiano, Cavallini, Rackauskas and Baggett

Members Absent: Member Ahart

Other Board Members Present: None

Staff Present: Ms. Christine Northcutt, Recording Secretary, County Administrator's Office

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

Others Present: Mr. Mike Behary, County Planner, Building and Zoning; Mr. Jeff Tracy, Project Manager, County Highway Department; Mr. Ward Snarr, Christopher Birk Engineering; Mr. Jim Finnegan, Zoning Board of Appeals (and developer); Mr. Jim Kieser; Mr. Chris Hauptman; Dr. Bruce Anderson; Mr. Don Adams; The Farnsworth Group

Chairman Gordon called the meeting to order at 4:49 p.m.

Chairman Gordon stated that the first order of business is the approval of the February 3, 2005 and the March 15, 2005 minutes. Hearing no corrections, Chairman Gordon placed the minutes of the February 3, 2005 and the March 15, 2005 Land Use and Development Committee meetings on file as presented.

Chairman Gordon presented the bills from March 31, 2005. The total for March 31, 2004 is \$21,027.71 with the prepaid total being the same.

Motion by Cavallini/Rackauskas to recommend approval of the March 31, 2005 bills as presented by the County Auditor. Motion carried.

Chairman Gordon stated that there are two items for action on today's agenda. The first item is a request by K.F. Farms for approval of a Preliminary Plan for the Whitetail South Subdivision. This proposed subdivision includes 52 residential lots, one lot for an existing cellular tower and three outlots in property located in Randolph Township immediately southwest of the intersection of 525 North Road and 1475 East Road. Chairman Gordon stated that this action requires a Public Hearing. Chairman Gordon declared the Public Hearing in session at 4:55 p.m. Chairman Gordon asked Mr. Phil Dick, Director, Building and Zoning to present this item to the Committee.

Mr. Dick informed the Committee that this property is located between old 51 and new 51 immediately to the south of the original Whitetail Subdivision which was developed by the same applicants. Mr. Dick stated that public notice of the public hearing was published in *The Pantagraph* on March 19, 2005 as required by law. This is a somewhat unique subdivision in that it has easements where back-up septic systems can be placed when initial septic systems fail. This proposed subdivision will not require an Environmental Protection Agency (EPA) septic system permit because the entire site perks. The Health Department has worked with Mr. Ward Snarr, Christopher Birk Engineering to develop the locations for the auxiliary septic systems. Mr. Dick informed the Committee that the Health Department and the Highway Department have both signed off on this development and recommend approval.

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Mr. Dick noted that this subdivision includes 40 acres of area. Mr. Dick stated that he and the developer have been in touch with the Randolph Township Road Commissioner and the road that leads to the proposed subdivision (525 North Road) is in relatively poor shape. Mr. Dick advised that they would expect the Preliminary Plan to be approved contingent upon a road agreement between the developer and the Township Road Commissioner. Mr. Dick stated that Mr. Dennis Powell is the Randolph Township Road Commissioner. Mr. Powell has been in touch with Mr. Jim Finnegan and Mr. Jeff Tracy, Project Manager, County Highway Department about a road agreement. Mr. Powell is in support of this recommendation.

Chairman Gordon thanked Mr. Dick for his presentation. Chairman Gordon invited the applicant and/or his representatives to make a presentation to the Committee. Chairman Gordon asked the gentlemen to introduce themselves. The three gentlemen introduced themselves: Mr. Jim Finnegan, Mr. Ward Snarr, Christopher Birk Engineering and Mr. Joe Kieser. Chairman Gordon asked the gentlemen if they wanted to add anything to what Mr. Dick has already presented. Mr. Snarr stated that the Preliminary Plan is fairly extensive and shows the development in depth. Mr. Snarr stated that he would be happy to answer any questions that the Committee may have.

Chairman Gordon asked if any other County staff had any other comments. Mr. Tracy stated that he has reviewed the plan and would recommend approval. Chairman Gordon stated that it would be appropriate to address questions from the Committee at this time. Ms. Rackauskas asked who takes care of snow removal in this development. Mr. Dick responded that this is a planned development, but the streets will be public so they will be accepted by the Township and the Township will be responsible for snow removal.

Mr. Segobiano stated that he is pleased to see that the developers have had discussions with the Township Road Commissioner, but he would ask in the future for the Committee to have a draft copy of any agreement that the developer and Road Commissioner are proposing. Mr. Rackauskas stated that she would agree with Mr. Segobiano. She asked why the Committee would be reviewing this Preliminary Plan without the road agreement being in place. Mr. Jeff Tracy replied that these agreements are strictly between the township and the subdivider. The County staff is available to give advice as needed, but the County tries not to get involved in these agreements. Therefore, the County has no control in the manner or timeframe during which these agreements are reached. Typically these agreements have to go before the Township Boards and the process is not always swift. Ms. Rackauskas asked if the Committee could stipulate that the proposal does not come before the Land Use Committee until the road agreement is in place. Mr. Tracy responded that he didn't know if that could be done, as the agreement is between two entities that are not related to the County in any way.

Mr. Segobiano stated that he would be satisfied if the Committee was provided a draft copy of the road agreement.

Chairman Gordon asked the developers if they thought that they were close to an agreement with the Township Road Commissioner. Mr. Finnegan replied that he does not foresee any problems with this agreement. Mr. Finnegan stated that he has worked with Mr. Powell in the past and he has always been fair.

Ms. Rackauskas stated that she has one other question. She asked what type of septic system was going to be used in this proposed subdivision. Mr. Finnegan responded that they will be installing conventional systems, so it will be a leachate septic system. Mr. Finnegan explained that each resident will have to install their own unit when they build their home. The subdivision association has started a fund for future septic systems. Mr. Finnegan stated that whenever a lot is sold, \$500.00 will be put into this fund. In addition, each resident will have to pay \$150.00 per year into the fund. Hopefully over a period of about 20 – 25 years, when the original septic systems begin to fail, there will be enough money in the fund to construct new septic systems so it will not place a hardship on the residents. Mr. Segobiano asked if this fund was going to be an “iron-clad” fund that will not be drawn from to make other improvements in the area.

Mr. Finnegan responded that would not be a risk. Mr. Finnegan explained that there will be two separate funds. There will be one for the septic systems. The other fund is to run the Association. It will include maintenance of the trail and general maintenance. If and when a septic system begins to go bad, the funds will need to be released by a member of the Association. A licensed contractor will need to verify that the septic system is bad and install a new one.

Ms. Rackauskas thanked the developers for their input. Chairman Gordon asked if there were any other questions from staff. Hearing none, Chairman Gordon asked if there were any other parties who had questions on this proposed subdivision. Hearing no other comments, Chairman Gordon declared the public hearing closed at 5:17 p.m.

Chairman Gordon asked if there were any other questions or comments.

Motion by Segobiano/Cavallini to recommend approval of a Preliminary Plan for the Whitetail South Subdivision in Randolph Township, File No. S-04-15 contingent that a road agreement is reached between the developer and the township road commissioner. Chairman Gordon noted that the chair will vote. Motion carried.

Chairman Gordon stated that the next item is a request by Mr. Don Owen and Ms. Carol Owen for approval of waiver of preliminary plan requirements and a one-lot final subdivision plat for the L&F Circle Subdivision on property located in Dry Grove Township immediately south of Old Peoria Road and approximately one-half mile west of Mitsubishi Motorway. Chairman Gordon asked Mr. Dick to present this item to the Committee.

Mr. Dick advised the Committee that this is a zoning case and a subdivision case. Mr. and Mrs. Owen own 40+ acres of agriculturally zoned property behind this residential subdivision. Mr. and Mrs. Owen wish to set one lot aside for their daughter and son-in-law to build a new home. It is within 1½ miles of the City of Bloomington so the subdivision will have to be reviewed by the City of Bloomington as well. Originally, the City of Bloomington wanted a preliminary plan for this property, but this land is still out in the County and it is not designated for development as of yet. The County does not want a preliminary plan for this project because this land has not gone through the comprehensive planning process yet. The applicants did need to show where the proposed road would be and that is what you see on the map listed as William Drive. The City of Bloomington is requiring the applicants to bond for improvements to that proposed road so that when it is constructed, there will be monies available to do so. Mr. Dick stated that Mr. Don Adams from The Farnsworth Group is here representing the applicant if the Committee has questions. Mr. Dick stated that the County Health Department, the County Highway Department and the Township Road Commissioner have signed off on this subdivision plat and staff recommends approval of this proposal.

Motion by Segobiano/Rackauskas to recommend approval of waiver of preliminary plan requirements and a one lot final subdivision plat for the L & F Circle Subdivision on property located in Dry Grove Township, File No. S-05-04. Chairman Gordon noted that the Chair will vote. Motion carried.

Chairman Gordon stated that the next item on the agenda is for informational purposes. It is a note that no progress is reported on the Prairieland Subdivision and the Preliminary Plan expires on April 20, 2005. Chairman Gordon stated that there has been no communication between Mr. Nesbit, the developer, and the Building and Zoning Office or to any other County staff.

Chairman Gordon stated that he had an item for the Committee's information. Chairman Gordon informed the Committee that Mr. Bob Keller, Director, County Health Department, has alerted him that there has been some debate in the State Legislature between the Illinois Environmental Protection Agency (IEPA) and the Illinois Department of Public Health (IDPH) regarding subdivision and

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housing construction. It may behoove this Committee to organize some type of forum for the IEPA to present information to this Committee to update them on any changes that are being proposed. Chairman Gordon stated that these are rules that are being passed down by the Federal Environmental Protection Agency to the State Environmental Protection Agency. One possible change being proposed is that the minimum lot size in subdivisions may have to be increased due to the type of sewage discharge systems that are currently being used. The EPA is also speculating about using only one type of sewage discharge system.

Chairman Gordon noted that the IDPH and the IEPA are currently at odds about these proposals. Chairman Gordon stated he will keep the Committee apprised as he receives information from Mr. Keller and others.

Ms. Rackauskas informed the Committee that she attended the annual meeting of the Resource Conservation and Development Area. Ms. Rackauskas informed the Committee that the theme of the meeting was tourism in the agricultural community. Ms. Rackauskas informed the Committee that it was a very informative evening.

Chairman Gordon asked if there were any other items to come before the Committee. Hearing none, Chairman Gordon adjourned the meeting at 5:34 p.m.

Respectfully submitted,

Christine Northcutt
Recording Secretary