

Minutes of the Land Use and Development Committee

The Land Use and Development Committee of the McLean County Board met on June 9, 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, Ahart and Baggett

Members Absent: None

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. Jeff Tracy, Project Manager, Highway Department; Mr. Tom Anderson, Environmental Health Protection Program Supervisor, Ms. Michelle Covi, Director, Ecology Action Center

Chairman Gordon called the meeting to order at 4:48 p.m.

Chairman Gordon stated that the first order of business is the approval of the May 5, 2005 minutes. Hearing no corrections, Chairman Gordon placed the minutes of the May 5, 2005 Land Use and Development Committee meeting on file as presented.

Chairman Gordon presented the bills from May 31, 2005 which have been reviewed and recommended for transmittal to the Land Use and Development Committee by the County Auditor. The total for May 31, 2005 is \$15,429.64, with the prepaid total being the same.

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

Chairman Gordon stated that the first item for action is in the form of a Public Hearing. It is a request by Daren Markert for approval of a Preliminary Plan for the resubdivision of Lot 1 Gabriel Hills Subdivision on property located in Bloomington Township immediately southeast of the intersection of 1000 North Road (Colonial Road) and 1600 East Road. Chairman Gordon declared the Public Hearing in session at 4:50 p.m. Chairman Gordon asked that Mr. Phil Dick, Director, Building and Zoning, present the application, exhibits and the staff report to the Committee.

Mr. Dick informed the Committee that this lot was originally subdivided as a large lot to be used for church facilities. Subsequently, the land was never used for church facilities. Mr. Dick stated that Mr. Daren Markert is now requesting to divide the land into four residential lots and two outlots. Mr. Dick handed out plat maps to the Committee. Mr. Dick stated that there has been discussion with both the County Highway Department and the County Health Department on this issue. Mr. Dick explained that the two outlots are currently used by some of the other residential lots for drainage and outflows from their septic systems. Ms. Rackauskas asked if this had already been before the Bloomington Planning Commission. Mr. Dick replied that because it is within a mile and a half of the City of Bloomington, the Bloomington Planning Commission was required to review the Preliminary Plan. They did approve the Preliminary Plan. Mr. Dick stated that for many years there has only been one dwelling built in this Subdivision because well water is difficult to find. The City of Bloomington Township line will now provide water to this area, so other dwellings have been built. When this Subdivision is recorded, the two outlots will be owned by the homeowner's association. Mr. Dick stated that the Building and Zoning Department encouraged Mr. Markert to require all members of the subdivision to join the homeowner's association, but Mr. Markert does not wish to force all homeowners to join the association. Therefore, the Building and Zoning Department and Mr. Markert compromised and existing homeowners will not be forced to join the association.

Chairman Gordon invited Mr. Markert, the applicant, to make a presentation if he wished. Mr. Markert introduced himself and stated that he lives at 9821 Gabriel Drive. Mr. Markert stated that he has met with Mr. Dick, Mr. Tom Anderson, Environmental Health Protection Program Supervisor, Health Department, and Mr. Jeff Tracy, Project Manager, County Highway Department several times to work out the best way to subdivide this land. Mr. Markert stated that he will be maintaining the two existing water detention areas to benefit the existing subdivision and for the proposed four additional lots. Mr. Markert stated that the residents of the four new lots will be required to become members of the

homeowner's association. There will also be provisions that the other existing homes in Gabriel Subdivision may join the homeowners association if they so desire. Mr. Markert stated that there will be protective covenants very similar to what already exists in the current subdivision with a few modifications. The dwelling sizes will be the same, etc. Mr. Markert stated that he has established several areas on the plat for primary and secondary septic systems on each of the lots.

Chairman Gordon asked if there were any County staff present who wished to make any additional comments. There were none.

Chairman Gordon asked if there were any Committee Members who had questions for either County staff or of the applicant. Ms. Rackauskas asked if there was a septic sand filter that does subsurface discharge and the leftover then flows into the outlot. Mr. Anderson responded that is not exactly correct. Mr. Anderson stated that the original development of Gabriel Hills Subdivision was built with common collector tiles. There are two common collector tiles. One discharges into Outlot B the other discharges to Outlot A. Outlot B is a detention basin which is intended to receive any discharge from sand filters from the majority of the properties in the original Gabriel Hills Subdivision. Because of the rule change in 1996, Mr. Markert could not use the collector tiles due to the fact that he is replatting this lot. Mr. Markert had to come up with an alternative method for future septic systems after the first septic systems in place had failed. He went to considerable amount of time and resources to have the soil analyzed by Mr. Bob Williamson of Williamson Excavating and discovered that there was some very good soil on the majority of those properties. That is why Mr. Markert has set aside an easement specifically for future septic systems. The primary septic system to be installed on a property will be put outside of the easement. In the future, when those septic systems fail, the second seepage field will be put within the easement. That easement is to protect that ground on the property for the future use for seepage field. There are other lots on that property that did not have very good soil qualities for seepage fields. However, those properties are over an acre of land and under the current rules and regulations, a sand filter can discharge on to that property.

Chairman Gordon asked if there were any other questions from the Committee. Hearing none, Chairman Gordon asked if there are any other parties present who wish to be heard at this time.

Ms. Beverly Miller, introduced herself. She resides at 16030 Emerald Court which adjoins the property in question today. Ms. Miller stated that her primary concern is that the other property owners in that subdivision have not seen a list of the covenants that Mr. Markert is proposing for these four homes on this property. Ms. Miller stated that she wants to be certain that the requirements meet the standards of the current homes in the area.

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Chairman Gordon asked Mr. Dick to respond to Ms. Miller's concern. Mr. Dick stated that this Committee does not usually recommend or place conditions on covenants unless they relate to sewer lines or other regulated type items. Chairman Gordon stated that it sounds as if the adjacent neighbors should confer with Mr. Markert and try to work this out. Chairman Gordon asked Mr. Markert if there were going to be any major changes from the previous covenants. Mr. Markert stated that the changes will be minor. The dwelling sizes will be the same, there will still be an architectural review and the lot sizes are comparable if not larger than the current lot sizes. Mr. Markert stated that the main points in the previous covenants, such as aesthetics and the specific type of animals which are allowed on one's property will remain the same. Ms. Rackauskas asked what are the differences. Mr. Markert stated that the one change that he can think of is a provision in the previous covenant that construction of the home is required to begin within a year of the purchase of the lot. That provision has been taken out simply because Mr. Markert plans on developing a couple of lots for his own personal home at some point and he does not plan on doing that within the first year.

Chairman Gordon asked if there were any other interested parties who wished to address the Committee. Ms. Donna Engel, 9867 Gabriel Drive, stated that she wanted to see the plat because she was interested in seeing where the entrance was to the flag lot. It seemed to have a very long driveway. Ms. Rackauskas invited Ms. Engel to come to the table and view the plat. Mr. Dick showed Ms. Engel the driveway that she was questioning.

Chairman Gordon asked if there were any other questions or comments from members of the public. Hearing none, Chairman Gordon asked Mr. Markert if he had anything to add. Mr. Markert stated that if any of the residents have questions, he would be more than willing to answer them. He mentioned that he has a couple of extra copies of the plat at his house that he can provide to residents. Chairman Gordon declared the Public Hearing closed at 5:07 p.m.

Motion by Segobiano/Ahart to recommend approval of a Preliminary Plan for the Resubdivision of Lot 1 of Gabriel Hills Subdivision on property located in Bloomington Township immediately southeast of the Intersection of 1100 North Road (Colonial Road) and 1600 East Road. Chairman Gordon stated that the Chair will vote. Motion carried unanimously.

Chairman Gordon stated that the second item on the agenda is a request by the McLean County Solid Waste Management Technical Committee to approve grant awards from the McLean County Solid Waste Management Fund. Chairman Gordon stated that Ms. Michelle Covi, Director, Ecology Action Center is present

at tonight's meeting. Chairman Gordon advised the Committee that this item will be forwarded on to the full McLean County Board after recommendation by the Land Use and Development Committee. Ms. Ahart asked if the grant applicants are limited to \$1,000.00. Ms. Covi responded that the rural recycling grants and the school grants are limited to a \$1,000.00 grant. The other grants are not specifically limited by the Solid Waste Management Technical Committee. Mr. Baggett asked how it is determined who receives the grants. Ms. Covi stated that the Solid Waste Management Technical Committee reviews all grant requests and makes a recommendation to this Committee, who then makes a request to the full McLean County Board. Ms. Covi stated that this is the third year for this grant program. When the program began, the Solid Waste Technical Committee decided to offer any of the rural municipalities and schools the opportunity to obtain a \$1,000.00 grant. Ms. Covi stated that the grant is only offered to rural municipalities, not-for-profit groups and schools. Ms. Covi stated that this grant is available to organizations who already have a recycling program in place and it is to help defray costs of their programs. There have also been a couple of special events in the past that this grant has funded such as the tire collection for the City of Bloomington, the battery recycling program that the Ecology Action Center administers. Mr. Dick explained that the funds for this grant come from the tipping fees from the local landfill.

Motion by Segobiano/Cavallini to recommend approval of the Grant Awards from the McLean County Solid Waste Management Fund as Recommended by the McLean County Solid Waste Management Technical Committee.
Chairman Gordon noted that the Chair will vote.
Motion carried.

Chairman Gordon informed the Committee that he did want to make the Committee aware of an item that has come to his attention. A decision of the Zoning Board of Appeals (ZBA) was made at its most recent meeting recommending approval of an application that had drawn substantial opposition from neighbors and against the recommendation of staff. Chairman Gordon advised the Committee that Mr. Dick has copies of the staff report available for any Committee members who are interested. Chairman Gordon stated that at least two members of the Land Use and Development Committee are inclined to have this item pulled from the consent agenda at the June County Board Meeting. Chairman Gordon noted that he is not trying to persuade anyone, he just wants to make the Committee Members aware of this situation. Ms. Rackauskas asked if this item was approved unanimously by the ZBA. Mr. Dick replied the ZBA voted 5-0 to approve, but there were three regular ZBA members were absent and there was an alternate in attendance at that particular meeting.

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Chairman Gordon asked if there were any other items to come before the Committee. Hearing none, Chairman Gordon asked for a motion to adjourn.

Motion by Cavallini/Rackauskas to adjourn the meeting
at 5:24 p.m.

Respectfully submitted,

Christine Northcutt
Recording Secretary

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