

Minutes of the Land Use and Development Committee

The Land Use and Development Committee of the McLean County Board met on Thursday, November 2, 2006 at 4:45 p.m. in Room 400, Government Center, 115 E. Washington Street, Bloomington, Illinois.

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

Members Absent: None

Other Board Members Present: None

Staff Present: Mr. John Zeunik, County Administrator;
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. Jon Paulsen; Mr. Trent Davis,
J.J. Swartz Company; Mr. Erik Sloneker;
Mr. Bob Lenz, Attorney for Mr. David Stark, Mr.
David Brown, Lewis, Yockey & Brown
Engineering Firm

Chairman Gordon called the meeting to order at 4:50 p.m. Chairman Gordon stated that the first order of business is the approval of the September 28, 2006 minutes. Hearing no additions or corrections, he placed the minutes of the September 28, 2006 Land Use and Development Committee meeting on file as submitted.

Chairman Gordon presented the bills from October, 2006 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 the October bills is \$22,376.28.

Motion by Cavallini/Rackauskas to recommend approval of the October, 2006 bills as presented by the County Auditor. Motion carried.

Chairman Gordon stated that the first item for action is an application of Mr. Jon Paulsen to vacate the south 15 feet of the north 40 feet of the front yard setback of Lot 10, Prairie Trails Subdivision which is located in Old Town Township at 8737 Prairie Trail, Bloomington, File No. S-06-25. Chairman Gordon stated this is a public hearing. He called the public hearing to order at 4:52 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 the applicant is requesting to build a detached storage building on this area of the yard. The County Health Department and the County Highway Department have both signed off on this request. As mentioned in the staff report, it was originally intended that a road may be built through this area. The lot has changed since it was originally approved in 1975. There is no longer a need for a public road in this area.

Chairman Gordon invited the applicant to address the Committee. Mr. Jon Paulsen introduced himself to the Committee. He stated that the only item that he would add is that he has spoken to his neighbors and there is no objection to the proposed setback vacation. Chairman Gordon thanked Mr. Paulsen and asked if there were any further comments from the County staff. Hearing none, he asked if there were any questions from the Committee Members.

Mr. Cavallini asked how can we be so sure that there will not be a public road built on this parcel at some point. Mr. Paulsen responded that thirty years ago the previous owner had intended to subdivide that property. It has since been sold off as a single lot and now contains a \$3 - \$4 million dollar single family residence.

Chairman Gordon asked if there were any other questions from Members of the Committee. Hearing none, he asked if there were any questions from any other parties interested in the case who wish to be heard. Hearing none, Chairman Gordon declared the public hearing closed at 4:58 p.m.

Chairman Gordon asked what is the pleasure of the Committee with regards to this issue.

Motion by Segobiano/Ahart to recommend approval of an application of Jon Paulsen to vacate the south 15 feet of the north 40 feet of the front yard setback of Lot 10, Prairie Trails Subdivision which is located in Old Town Township at 8737 Prairie Trail, Bloomington, File No. S-06-25. Chairman Gordon stated that the Chair will vote. Motion carried.

Chairman Gordon stated that the next item for the Committee's consideration is the application of Richard and Ann Ramoino to vacate the west five feet of the east 40 feet of the front yard setback of Lot 7 Oakhill Subdivision which is located in Dale Township at 13660 North Oakhill Road, Bloomington, File No. S-06-26. Chairman Gordon stated that this is a public hearing. He called the public hearing to order at 4:59 p.m. Mr. Dick stated that when this plat was originally recorded in 1976, the County had 40 foot front setback requirements. The current requirement is only 30 feet. The applicants would like to build an addition to their master bedroom. Their request is to vacate a five foot portion of the 40 foot setback requirement to complete the addition to their master bedroom. Mr. Dick noted that both the County Health Department and the County Highway Department have signed off on this request.

Chairman Gordon invited the applicant or the applicant's representative to address the Committee. Mr. Trent Davis, J.J. Swartz Company, introduced himself to the Committee. Mr. Davis stated that he represents the applicant in this case. He noted that he was caught off guard by this case. Normally residences have a 30 foot setback in the front, but because this was recorded in 1976 it is a 40 foot setback. Additionally, he noted that the neighbors have been made aware of this request and there has been no opposition.

Chairman Gordon asked if there were any comments from the County staff. Hearing none, he asked if there were any questions from the Members of the Committee. Hearing none, he asked if there are any other parties present with an interest in the case who wish to be heard. Hearing none, he declared the public hearing closed at 5:03 p.m.

Motion by Segobiano/Cavallini to recommend approval of the application of Richard and Ann Ramoino to vacate the west five feet of the east 40 feet of the front yard setback of Lot 7 Oakhill Subdivision which is located in Dale Township at 13660 North Oakhill Road, Bloomington, File No. S-06-26. Chairman Gordon stated that the chair will vote. Motion carried.

Chairman Gordon stated that the next item for action is an application of Larry Ward, Pamela Ward, James Tandy, and Patricia Tandy to approve a waiver of preliminary plan requirements and a three lot final subdivision plat for the Tandy Subdivision which is located in Old Town Township at 19202, 19210, and 19238 US 150 Highway, Bloomington, File No. S-06-18. Mr. Dick stated that there are currently two lots with one residence on each lot. One lot is .54 acres and the other lot is 2.5 acres. The applicants are proposing that this parcel be converted into three lots; Lot 1 to be .51 acre, including the existing residence, Lot 2 is to be 1.09 acres is vacant and lot 3 to be 1.54 and includes the other existing residence. Mr. Dick stated that this separation caused a problem with one of the septic systems. It took nearly a month, but that problem has been resolved by the property owners and the Health Department. The Illinois Department of Transportation (IDOT) has issued an entrance permit for the new lot. Both the Highway Department and the Health Department have reviewed this request and have signed off on this request.

Chairman Gordon asked if there were any questions regarding this request. Ms. Ahart asked if the property owners are requesting to add an additional lot and an additional residence. Mr. Dick responded there are existing dwellings on Lots 1 and 3. At this time Lot 2 is vacant and the property owners propose to add an additional dwelling to it.

Motion by Segobiano/Ahart to recommend approval of an application of Larry Ward, Pamela Ward, James Tandy, and Patricia Tandy to approve a waiver of preliminary plan requirements and a three lot final subdivision plat for the Tandy Subdivision which is located in Old Town Township at 19202, 19210, and 19238 US 150 Highway, Bloomington, File No. S-06-18. Chairman Gordon stated that the Chair will vote.
Motion carried.

Chairman Gordon stated that the next item is an application of Mr. Erik Sloneker for approval of a preliminary subdivision plan for 9 lots on 23 acres with a request to allow storm water detention on site for each individual lot on property which is located immediately east of 1000 East Road, immediately north of Washington Heights Subdivision, immediately south of Heartland Industrial Subdivision and a ¼ mile south of Illinois Route 9, File No. S-06-20. Chairman Gordon stated that this is a public hearing. Chairman Gordon called the public hearing to order at 5:09 p.m. Mr. Dick informed the Committee that this public hearing was continued from their September 28th meeting.

Mr. Dick stated that Mr. Sloneker is requesting a waiver to allow storm water detention on each individual lot. This proposal was discussed with the Engineer

for the City of Bloomington. It was agreed that Mr. Sloneker must inform any potential buyers that they must provide storm water detention on their individual lot before they will be able to obtain a permit from Building and Zoning to build on their lot. The Dale Township Road Commissioner recommends approval of the preliminary plan without the requested waiver. The applicant does have an agreement with Dale Township to improve road 1000 East. This property was rezoned from an Agricultural District to Commercial in case ZA-06-03 by the County Board on May 16, 2006.

Chairman Gordon invited the applicant to address the Committee. Mr. Erik Sloneker informed the Committee that the primary purpose of this commercial subdivision is to provide a place for him to relocate his Bloomington based business, MJE Construction. MJE Construction will occupy Lot 6, which is a nine acre lot. This subdivision includes a seven foot concrete wall on the south side which will provide a visual screen and noise barrier to the residential subdivision to the south. The center M-1 zone lots will be served by an industrial concrete road which terminates at the east property boundary in a turnaround "T". Lots 4 and 5 will be served by the Township Road 1000 East. Evaluation of this lot was begun by collecting 19 soil cores across this property for the purpose of evaluating septic conditions. All 19 cores indicate that septic leach fields can be installed on each of these lots.

Chairman Gordon thanked Mr. Sloneker. He asked if there were any questions from the Committee. Mr. Segobiano asked staff if they knew why Mr. Tom Stokes, Dale Township Road Commissioner supports this request *without* the requested waiver for storm water detention to be provided on each individual lot. Mr. Dick responded that there were conversations between the County Highway Department and the City of Bloomington Engineering Department about this issue. Both entities would prefer to have a common storm water detention for the development. However, there were some logistical problems in providing a common storm water detention. Mr. Stokes approved the proposed subdivision and has signed a road agreement for improvements for 1000 East. He was not, however, on board with the storm water detention waiver. Mr. Dick stated that Mr. Sloneker has agreed to notify potential buyers that they will have to provide storm water detention on each individual lot. No permits will be issued by the Department of Building and Zoning until the storm water detention issue is resolved. Mr. Dick stated that the Department of Building and Zoning would have preferred to have one common detention site as well, but that did not seem possible. Mr. Dick stated that he invited Mr. Stokes to attend the meeting to explain his position, but he was unable to attend. Mr. Jeff Tracy, Project Manager, Highway Department, explained that the storm water detention does not have anything to do with the portion of the subdivision that Mr. Stokes will have to accept as a part of the Township Highway System. Mr. Tracy stated that he was not readily convinced to accept the waiver, but because of other

conditions he did end up accepting the waiver and recommending approval of the subdivision.

Mr. Dick noted that the County Health Department and the County Highway Department recommend approval of this request with the requested waivers. Chairman Gordon asked if there were any other questions from Members of the Committee. Mr. Cavallini asked if there was any objection by neighbors to the seven foot concrete wall. Mr. Sloneker responded that members of surrounding subdivisions were very much in favor of the fence. It will provide an immediate visual and noise screen from the commercial traffic. Mr. Dick responded that there is a requirement in the County's Zoning Ordinance that there is a 30 foot buffer and a screen to provide that the activity on a commercial property is not visible on a residential lot.

Chairman Gordon asked if there were any other interested parties who wish to be heard in relation to this case. Mr. John Williamson stated that he would like to address the Committee. Mr. Williamson stated that he farmed this ground for 50 years and would like to address the concern expressed about this land being located in a flood plain. In the number of years that he farmed this land, Mr. Williamson stated that he never had any problems with flooding. Chairman Gordon thanked Mr. Williamson and asked if there were any further comments. Hearing none, Chairman Gordon declared the public hearing closed at 5:25 p.m.

Motion by Segobiano/Rackauskas to recommend approval of an application of Mr. Erik Sloneker for approval of a preliminary subdivision plan for 9 lots on 23 acres with a request to allow storm water detention on site for each individual lot on property which is located immediately east of 1000 East Road, immediately north of Washington Heights Subdivision, immediately south of Heartland Industrial Subdivision and a ¼ mile south of Illinois Route 9, File No. S-06-20. Chairman Gordon stated that the Chair will vote.
Motion carried.

Chairman Gordon stated that the next item is an application of Mr. David Stark to approve two easement and two road right-of-way vacation plats for the Hickory Hill Subdivision which is located in the Bloomington Township at 9147 Hickory Hill Court, Bloomington, File No. S-06-23. Chairman Gordon stated this is a public hearing. Chairman Gordon called the public hearing to order at 5:27 p.m.

Mr. Dick stated that there are four plats associated with this request. The applicant is requesting approval of two easements and two road right-of-way vacation plats. A final plat for the nine lot Hickory Hill Subdivision was approved by the County Board on July 11, 1978. A final plat for the resubdivision of Lots 4

and 9 was approved by the County Board on September 16, 1980. This was done to resolve easement and right of way-concerns. In order to clean this parcel up, Mr. Dave Brown, Engineer, Lewis, Yockey & Brown has proposed vacating the rights-of-way for the internal streets and easements. In addition, the case immediately following this case is a request by Mr. Stark to create one new lot so the residence will be located on a one lot subdivision. Mr. Dick explained that this home and land has been owned by Mr. Stark for many years, now the goal is to vacate the easements and the right of way and make it a one lot subdivision. The Township Road Commissioner has signed off on this request. The applicant has received communications from all utilities indicating that they have no objection to the request to vacate easements in the Hickory Hill Subdivision. The Emergency Telephone System Board also recommends that the applicant can keep his address on Hickory Hill Court if the County Board approves the vacation of the existing Hickory Hill Court and approves this final plat.

Chairman Gordon asked if the applicant or his representative would care to address the Committee. Mr. Bob Lenz, Attorney for Mr. Stark introduced himself to the Committee. Mr. David Brown, Engineer, Lewis, Yockey & Brown introduced himself to the Committee. Mr. Lenz asked Mr. Brown to give a brief explanation of this item to the Committee. Mr. Brown explained that it is Mr. Stark's desire to relieve himself of these easements and the road right-of-way because of some future planning. The first step in that process is to prepare these vacation plats and obtain the documentation required and present it to this Committee and the County Board for approval.

Chairman Gordon asked if there were any questions from Members of the Committee. Ms. Rackauskas asked why these two items are being handled separately. Mr. Brown responded that the County's Ordinance requires a public hearing for the easement vacation and the subdivision platting does not require a public hearing.

Chairman Gordon asked if there were any parties who were interested in this case who wished to address the Committee. Hearing none, Chairman Gordon declared the public hearing closed at 5:38 p.m.

Motion by Segobiano/Cavallini to recommend approval of an application of Mr. David Stark to approve two easement and two road right-of-way vacation plats for the Hickory Hill Subdivision which is located in the Bloomington Township at 9147 Hickory Hill Court, Bloomington, File No. S-06-23. Chairman Gordon stated that the Chair will vote. Motion carried.

Chairman Gordon stated that the next item for approval is an application of Mr. David Stark to approve a waiver of preliminary plan requirements and a one lot final subdivision plat for the Hickory Hills Estate Subdivision which is located in Bloomington Township at 9147 Hickory Hill Court, Bloomington, File No. S-06-27. Mr. Dick informed the Committee that this request involves the same property as the previous request. The County Highway Department, the County Health Department and the Bloomington Township Road Commissioner recommend approval of this request. The next step for the applicant will be cleaning up the lot lines, etc.

Motion by Segobiano/Rackauskas to recommend approval of an application of Mr. David Stark to approve a waiver of preliminary plan requirements and a one lot final subdivision plat for the Hickory Hills Estate Subdivision which is located in Bloomington Township at 9147 Hickory Hill Court, Bloomington, File No. S-06-27. Chairman Gordon stated that the Chair will vote. Motion carried.

Chairman Gordon stated that there are no items for information listed, but Mr. Dick has indicated that he has an item that he would like to share with the Committee. Mr. Dick informed the Committee that there will be a public hearing in regards to the proposed White Oak Wind Farm on Tuesday, November 21st at 7:00 a.m. at Heartland Community College in the Community Commons Building. He invited the Committee to attend the Meeting. The Committee discussed the meeting and the proposed wind farm.

Chairman Gordon asked if there were any other comments or questions from the Committee. Hearing none, he adjourned the meeting at 5:59 p.m.

Respectfully submitted,

Christine Northcutt
Recording Secretary