

Minutes of the Land Use and Development Committee

The Land Use and Development Committee of the McLean County Board met on Thursday, October 5, 2000 at 5:30 p.m. in Room 700, Law and Justice Center, 104 W. Front Street, Bloomington, Illinois.

Members Present: Chairman Salch, Members Lawlis, **Rodman**, Gordon, Bostic

Members Absent: None

Staff Present: Mr. John **Zeunik**, County Administrator; Ms. Martha B. Ross Executive Secretary, County Administrator's **Office**

Department Heads/
Elected Officials
Present:

Mr. Charles Wunder, Director, Building and Zoning;
Mr. Phil Dick, County Planner, Building and Zoning;
Mr. Jeff Tracy, Highway Engineer II, Highway Department

Others Present: Mr. Bill Custer, Road Commissioner for the Old Town Road District; Mr. Joseph **McCarron**, Attorney; Mr. Bill Foley, son of Mr. Eva Foley, applicant; Mr. Larry Bielfelt, Developer of Sherwood Subdivision; Dr. Bruce Anderson, resident of Lara Trace Subdivision

Chairman Salch called the meeting to order at 5:35 p.m. The minutes of the September 7, 2000 Committee meeting were accepted and placed on file as presented.

Chairman Salch presented the bills, which have been reviewed and recommended for transmittal to the Land Use and Development Committee by the County Auditor.

Motion by **Gordon/Bostic** to recommend approval of the bills as presented by the County Auditor. Motion carried.

FINANCIAL SYSTEM

MCLEAN COUNTY BOARD COMMITTEE REPORT
AS OF 9/30/2000
EXPENDITURE SUMMARY BY FUND

PAGE 1
COMREPR
AUD7

FUND	FUND TITLE	PENDING TOTAL	PREPAID TOTAL	FUND TOTAL
0001	GENERAL FUND		\$16,566.28	\$16,566.28
COMMITTEE REPORT TOTALS		=====	\$16,566.28 =====	\$16,566.28 =====

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Chairman Salch opened the public hearing for Case S-00-17, a request for approval to amend **the Preliminary** Plan for the Sherwood Subdivision to modify the Right-of-Way line. Chairman Salch advised that he will follow the Land Use and Development Committee's Subdivision Hearing Procedure. Mr. Wunder stated that he consulted two (2) experts in an attempt to become more fully informed regarding landscaping with native trees and the potentially destructive effects of allowing the root systems of established trees to be disturbed. He remarked that both experts recommended maintaining the root-to-diameter ratio of an **established, mature** tree. Removing an additional three (3) feet of growth space would be deleterious to the life of the tree.

Mr. Wunder stated that he visited the location of Lots 18 and 19 in the Sherwood-Subdivision in McLean County. At the time of his visit, there were no exposed roots at the base of the trees in Lots 18 and 19. However, following heavy rains recently, he noticed that erosion had progressed to the point of exposing **6-8 inches** of the root systems of the subject trees.

Chairman Salch stated that pursuant to a new procedure, he would swear in those who wish to testify before the Committee. Chairman Salch administered the oath to Mr. Larry Bielfelt, real estate developer of the Sherwood Subdivision.

Mr. Bielfelt explained that there are five (5) large oak trees located inside the 30 foot right-of-way near Lots 18 and 19 in the Sherwood Subdivision. He is concerned that configuring the right-of-way to the dimensions required by the County Highway Department will threaten the oak trees established there.

Mr. Bielfelt stated that he would like to upgrade the pavement on the roads in the Sherwood Subdivision, from 6 inches of concrete to 8 inches of concrete. He cited increased durability as the primary reason for this option.

Mr. Bielfelt stated that he would propose placing a deed restriction on the two (2) lots in question, and would erect a decorative block wall in order to provide protection for the root system of the trees located there. The deed restriction would require the owner (s) of the lots to maintain the decorative wall protecting the oak trees, at their own expense. This way there would be no cost to the County or the Township.

Mr. Bielfelt remarked that the decorative wall would not be a safety hazard to either homeowners or subdivision visitors. He again stated that it is his objective to preserve as many of the trees on Lots 18 and 19 as possible.

Mr. Wunder stated that he had spoken to Civil Assistant State's Attorney Brian Hug with regards to the proposed deed restrictions. Mr. Hug responded that such a solution to tree

preservation is problematic. **Mr. Wunder** replied that the right-of-way should be reduced from 60 feet to 57 feet in order to keep the wall out of the right-of-way.

Ms. Bostic asked whether the solution would be to push the right-of-way over and take space from the lots that are across the street from the lots in question. Mr. Bielfelt stated that the surveyors put pins in during the survey process, and then were asked to move those pins. Mr. Bielfelt noted that this action had little to no effect in terms of benefits for the trees.

Mr. **Rodman** asked what is the lifespan of a retaining wall. Mr. Bielfelt responded that a well-built retaining wall would last indefinitely.

Mr. Gordon asked, in the event that Mr. Bielfelt's request is honored, how would the width of the right-of-way be affected. Mr. Bielfelt responded that there would be no effect on the width of the road itself. The right-of-way would be decreased by three (3) feet, from 60 feet to 57 feet.

Mr. **Rodman** asked how Mr. Bielfelt's proposal would effect the local taxpayers. Mr. Bielfelt responded that the taxpayer pays to maintain the roads.

Mr. Phil Dick stated that the Building and Zoning Department has not received a vacation plat for the property in question. Therefore, there is no document for the Committee to approve regarding this issue.

Mr. Wunder suggested that this issue be tabled until a final plat is received from Mr. Bielfelt. Mr. Bielfelt stated that he would like to get a **final** approval from the Committee before incurring the additional expense of securing a final plat.

Mr. Bill Custer, Road Commissioner of the Old Town Road District, was sworn in by Chairman Salch. He stated that he is opposed to narrowing the right-of-way.

Mr. Custer remarked that approval of Mr. Bielfelt's request will place an extra burden on the Township and will set a precedent for future requests.

Mr. **Rodman** asked how approval of Mr. Bielfelt's request would create more work for the Township.

Mr. Custer replied that excavations for the purpose of underground repairs would be more difficult. He also remarked that a **homeowner's** failure to maintain the wall could potentially create an unsafe condition near the roadway.

Mr. **Rodman** stated in regards to setting a precedent for approval, the Public Hearing process is not an automatic endorsement.

Mr. Lawlis asked for the location of the sewer. Mr. Custer replied that it is located within the right-of-way. Mr. Lawlis stated that there should still be plenty of room to accommodate the trees and their root system.

Mr. Lawlis stated that if there are no extenuating circumstances, he is in favor of granting Mr. Bielfelt's request to change the dimensions of the right-of-way to accommodate the trees.

Mr. Bielfelt explained that there must be a liner to support the retaining wall. He would incorporate the liner into the wall's design and construction. ,

Chairman Salch stated that he will close the public hearing and the Committee can consider provisional approval of Mr. Bielfelt's request.

Mr. Gordon asked Mr. Custer why there would be a problem if the right-of-way were to be narrowed. Mr. Custer stated that not all possible situations can be anticipated, but one potential problem situation is the lack of room to repair the storm sewer. He further stated that the Old Town Township has rules in place for developers, however, if rules are changed, Road Commissioners must abide by the changes without the opportunity to give their input.

Mr. Gordon asked whether it would be more difficult to move the right-of-way to the other side of the road. Mr. Beilfelt responded that it could be done but that would make an uneven right-of-way on either side. Mr. Gordon then asked whether a 60 foot **right-of-way** could be kept. Mr. Beilfelt replied that such a choice would require both sides of the street to be pinned again.

Mr. **Rodman** asked what could be gained by making a change. Mr. Wunder replied that because the Public Notice only specified 2 lots to be modified, the Notice must be republished if there is to be other changes.

Mr. Lawlis stated that the road is now in place and common sense would dictate that to save the trees, the Committee should be flexible. The issue involves only two lots within the subdivision and the area in question is very small.

Mr. **Rodman** stated that he agreed with Mr. Lawlis, The County has a Subdivision Ordinance but it is not an absolute. Sometimes flexibility is needed, and it is the Committee's job to access such needs. Mr. **Rodman** noted that he is in favor of installing

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a retaining wall but would like to add additional reinforcement to assure stability and longevity.

Ms. Bostic stated that she agreed with both Mr. Lawlis and Mr. **Rodman**.

Motion by Mr. Lawlis and Mr. **Rodman** to accept a 57 foot right-of-way at Lots 18 and 19 of the Sherwood Subdivision, with the added contingency of extra reinforcement for the retaining wall that is to be built by Mr. **Larry** Bielfelt, the subdivision developer. Mr. Wunder is to approve the final plat and then work can commence. Motion carried.

Mr. Bielfelt asked what he needed to provide to the Building and Zoning Office. Mr. Phil Dick stated that he needed an Amendment to the Preliminary Plan and a final plat that will reflect the changes that have been approved by the Committee.

Chairman Salch called Case **5-00-18**, a vacation of Thompson Avenue in Bloomington, Illinois. Mr. Joseph **McCarron**, attorney, appeared in place of Mr. Frank Miles, attorney for Eva Elizabeth Foley.

Mr. Wunder stated that the County Highway Department and City of Bloomington do not oppose the vacation. The Bloomington Township Road Commission has not responded.

Mr. Gordon stated that the report filed in this case indicates that the Building and Zoning recommends the vacation if there is no opposition from the Road Commissioner. Mr. Dick noted that a letter from the Road Commissioner is needed indicating that he is in favor of vacating Thompson Avenue.

Mr. Lawlis asked what business is located on a particular parcel of land nearby. Mr. Dick replied that Murphy Auto Sales is located on the parcel in question, but that the lot has no frontage without Thompson Avenue. Mr. Murphy currently uses Washington Street to access his property.

Mr. Lawlis asked what advantage approval of this case would provide. Mr. Dick replied that there would be a larger front setback and that one-half of the right-of-way could be retained.

Motion by Mr. **Rodman** to approve the vacation of Thompson Avenue contingent upon the approval of the Road Commissioner.

Motion fails for a lack of a second.

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Mr. Bill Foley, son of Eva Elizabeth Foley, stated that his mother owns the property located in Section 112 and up to Section 106, and that a part of her property is being considered in this action. Mr. Foley asked why this doesn't include Mrs. Foley's property and Mr. Murphy's property. Mr. **McCarron** stated that based upon what was described, Mr. Murphy would not have ingress to his property.

Mr. Foley asked why the vacation request doesn't include the entirety of Thompson Avenue. Mr. Dick responded that the application that was filed did not request such action. Mr. Foley responded that it was his understanding that initially the entire road was to be vacated, and not just a portion was to be vacated. Mr. **McCarron** stated that the vacation would include all of the road north of Washington Street and south of Jefferson Street.

Mr. Dick stated that the Building and Zoning Department spoke with Mr. Frank Miles, attorney for Eva Foley, prior to publication of the notice. There was a concern that Mr. Murphy would not have access to his property if such perimeters were placed upon the location of the land to be vacated.

Mr. **Rodman** suggested that the Committee table this issue so that the applicants can confirm the scope of their request with counsel.

Motion by **Lawlis/Rodman** to postpone further action on Case 5-00-18, vacation of Thompson Avenue, to await further clarification of such request. Motion carried.

Chairman Salch called Case Number 5-00-19, regarding a 56 acre tract of land in Empire Township. The applicants wish to subdivide the tract into two (2) subdivisions. Mr. Wunder stated that the staff of the Building and Zoning **Office** recommends approval of the application.

Mr. **Rodman** asked what the small lots were on the map of the tract of land. Mr. Phil Dick responded that those lots are chancery lots for descriptive purposes. They are not recognized as deeded lots.

Mr. **Rodman** asked whether the 56 acre tract is farmed. Mr. Dick responded that it is currently fallow.

Mr. Gordon asked what was the Zoning Board of Appeals vote regarding this request. Mr. Dick responded that the vote was 5-0 in favor of granting the request.

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Motion by **Lawlis/Bostic** to approve the applicant's request to subdivide the 56 acres tract at Bossingham Subdivision into two (2) subdivisions.
Motion carried.

Mr. Zeunik presented the Fiscal Year 2001 Recommended Budget for the Building and Zoning Department. He stated that the projected revenue is slightly down from Fiscal Year 2000, and that there is a 5% increase in expenses. He noted that Personnel costs and Employee Medical costs drive the increase. The total Net Salary expense is up 7% and Employee Medical costs are up 17%. The budgeted amount for employee medical expenses, currently at **\$1,800.00 per FTE**, will increase to **\$2,100.00 per FTE**.

Mr. Zeunik explained that the Supply line items have experienced minor changes in that gas and oil costs have risen. Several Contractual line items have increased, specifically advertising and legal expenses.

With regard to Capital Outlay, the replacement of a vehicle is requested. Mr. Zeunik explained that all vehicles are listed in the County Board budget and this requested vehicle is included.

Mr. Lawlis asked what kind of vehicle is requested. Mr. Wunder responded that he is requesting a Crown Victoria. Mr. Zeunik remarked that the first vehicle that the department had was a smaller vehicle that could not endure the wear and tear that it was required to withstand.

Mr. Lawlis asked why a four wheel drive vehicle was not requested. Mr. Wunder stated that the inspector, who utilizes the vehicle most frequently, does not want a truck or a four wheel drive vehicle.

Mr. **Rodman** noted that the seasonal employee rate shows a marked increase. Mr. Zeunik replied that the increase is due to the PAS study.

Motion by **Rodman/Gordon** to recommend tentative approval the Fiscal Year 2001 Recommended Budget for the Building and Zoning Department and forward it to the full County Board for approval. Motion **carried**.

Mr. Wunder stated that a Building Code Study is proposed for consideration. He noted that other counties are currently considering the passage of building codes. He noted that McLean County may wish to consider such action for the future. Mr. Zeunik responded that the Committee should take this issue under advisement and report their findings and recommendations after careful consideration. The issue could then be considered during next summer's budget process. He noted that such a far-ranging policy change, such as adopting a building code will take time and planning.

Mr. **Rodman** stated that there is some value in adopting a building code. He remarked that there would be some value in gathering information to study.

The Committee gave their common consent to consider the idea of a building code for McLean County.

The Committee viewed a videotape on "Wastewater Alternatives for Your Community." The videotape addressed alternatives for small rural communities to have a central sewer system as opposed to individual septic tanks.

Ms. Bostic stated that the Prairieland Subdivision is using a gravity system **similar** to the type described in the vi&o. The effluent, she explained, is treated, but it is still wastewater.

Chairman Salch remarked that expansion within the County may be slowed if the problem of adequate wastewater treatment is not addressed. He noted that the McLean County Health Department has grappled with many changing regulations, but that they are the final authority with regard to permit approval for septic systems.

Mr. **Rodman** asked what is the status of the Prairieland Subdivision. Mr. Wunder stated that there is currently a stop work order in effect.

Dr. Bruce Anderson, a resident of the Lara Trace subdivision, stated that the McLean County Health Department is not influential when wastewater effluent is over 1500 gallons per day. He remarked that the Prairieland subdivision is projected to produce 18,000 gallons of effluent per day, which will be routed through the backyards of the lots in the Apollo Acres subdivision.

Dr. Anderson stated that residents of Apollo Acres were told that the effluent will be clean, but he questions that statement. Dr. Anderson explained that he would like the Committee to look into placing sewer effluent streams in other locations. He further explained that presidents of homeowner's associations can be fined heavily if they are aware of effluent discharged in the subdivision that is not clean enough.

Mr. Phil Dick stated that this discussion should not be before the Land Use and Development Committee. He stated that testimony should be heard at a public hearing before the Illinois EPA.

Mr. Zeunick stated that there is still a permit process going on for the Prairieland Subdivision. Mr. Dick stated, in reference to the Prairieland system, that there is some unique feature about every large septic system. However, this application is working

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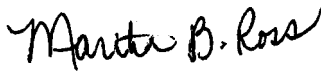
better than anticipated. Mr. Dick remarked that to characterize this situation as a hazard about to happen is unfair at this time.

Mr. Wunder asked Dr. Anderson what he is asking from the Land Use and Development Committee. Dr. Anderson responded that he would like the Committee to check with EPA to determine whether the Land Use Committee has a role in determining the future of the sewage treatment situation at the Prairieland subdivision.

Mr. Dick stated that there is a process, including a public hearing, where concerns such as those voiced by Dr. Anderson can be heard. He stated that such a forum would be the most appropriate place for a discussion regarding Dr. Anderson's concerns.

There being nothing further to come before the Committee at **this** time, Chairman Salch adjourned the meeting at 8: 10 p.m.

Respectfully submitted,



Martha B. Ross

Recording Secretary