DRAFT COPY - SUBJECT TO COMMITTEE APPROVAL

BOARD:	TAZEWELL COUNTY
COMMITTEE:	LAND USE
DATE/TIME:	Tuesday, April 10, 2012 at 5:00 p.m.
PRESENT:	Vice-Chairman K. Russell Crawford, Terry Hillegonds, Dude Meisinger, Rosemary Palmer, Mel Stanford and Sue Sundell
ABSENT:	Chairman Carroll Imig, Paul Hahn
STAFF PRESENT:	Kristal Deininger, Community Development Administrator; Kyle Smith, Land Use Planner; James Newman, ZBA Chairman; Dan Parr, Tazewell County Highway Department
OTHERS PRESENT:	Gene Pflederer, Mary Ingram, Diane Ingram, Nancy Ridgway, Attorney Thad Kuhfass, Andrew Ogburn, Delbert Wood, Maggie Martino, Tri-County Regional Planning Commission

---

CALL TO ORDER: Vice-Chairman K. Russell Crawford called the meeting to Order at 5:00 p.m.

MINUTES: Moved by Meisinger, seconded by Sundell, to approve the minutes of the March 13, 2012 Land Use Meeting. On voice vote, **motion declared carried.**

CASES:

LU-12-06
Case No. 12-04-Z

The petition of Joseph LaHood for a Map Amendment to the Official Washington Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to a R-1 Low Density Residential Zoning District.

Moved by Sundell, seconded by Meisinger, to recommend approval of LU-12-06, Case No. 12-04-Z, to the Tazewell County Board. On voice vote, **motion declared carried.**

PLATS: Administrator Deininger presented a Preliminary Plat for Royal Point Estates located in Elm Grove Township. Moved by Palmer, seconded by Hillegonds, to recommend approval of the preliminary plat as submitted and directing the Plat Officer to sign off on the Final Plat subject to compliance with the Subdivision Code.

Ms. Deininger stated that the proposal was for a 27 lot subdivision consisting of one acre plus lots. Ms. Deininger added that a Waiver of the Subdivision Code would be needed due to the fact that the proposed roads within the subdivision, Royal Point Court and Lost Creek Court, exceeded the required road length. Ms. Deininger reviewed with the Committee her report of the Plat Review Committee Meeting held on April 5, 2012. Ms.

Deininger noted other recommendations suggested by Land Use Planner Kyle Smith for improvements to the proposal. (See Attached Report)

Discussion followed with regards to placing the retention areas into common ownership, the length of the road and the establishment of road right-of-way between Lots 16 and 17 to secure inter parcel access for future utility and traffic circulation.

Member Hillegonds stated that when considering a longer road length it is primarily due to topography and in his opinion it did not appear that topography was an issue. Mr. Hillegonds stated that he likes the proposal as submitted for the retention basin and that they remain under single ownership, therefore making the property owner responsible for maintenance.

Land Use Planner Kyle Smith stated that road length was not due to topography and it was preferred to have Lost Creek "loop" onto Mayflower Drive allowing for better access for the neighborhood. Mr. Smith also stated that leaving the retention basins under private ownership could lead to individuals not maintaining the basins and he had never seen proposals where the lot size encompasses the basin within the lots square footage calculations. Mr. Smith also stated that it was not totally unforeseeable for future development east of the subdivision and by requiring the road right-of-way between Lots 16 and 17 it would allow for inter parcel connection reducing the possibility of additional curb cuts onto Illinois Route 9.

Developers Gene Pflederer and Glen Gullette addressed the Committee regarding the additional recommendations for changes to the proposal as submitted. Mr. Pflederer stated that they had looked at numerous ways to lay out the subdivision and the proposal as submitted was the best economically and financially. To "loop" Lost Creek Court out onto Mayflower Drive would eliminate lots and also increase the cost of the lots and their initiative was to provide affordable lots and to allow for growth of the Tremont community. Mr. Gullette said that placing another access onto Mayflower so close to the intersection of Route 9 and Mayflower was not in the best interest of the area and could create unsafe traffic conditions. Mr. Gullette stated the Homeowner's Restriction would state that each homeowner will be responsible for maintenance of the retention basins. Mr. Gullette added that the two basins on the east side of the subdivision will be grassed and two feet deep. The basin proposed on the southern edge of the subdivision will be 10' deep with the intention to be a lake.

Administrator Deininger added it would be a violation of the Erosion, Sediment and Stormwater Ordinance should a homeowner fill in the retention basins.

Administrator Deininger commented that the Township Road Commissioner did not have concerns and approved the road length. Ms. Deininger stated that approving the road length is not setting precedent as the Committee has approved other proposals of this nature for other subdivisions. Ms Deininger further added that there has been discussion to amend the Subdivision Code to allow for longer road lengths as the current requirement is too excessive.

Following further discussion and questions, **on voice vote motion declared carried.**

COMMUNITY DEVELOPMENT ADM.

Subdivision Modification Point Est.LU-12-07:

Administrator Deininger stated the proposed Resolution was in combination with the Preliminary Plat for Royal Point Estates and all the discussion regarding the Modification had just been discussed and addressed during the Royal Point presentation. The Resolution was to waive the requirements of 7TCC 2-6 (I) (1), which states Dead-end streets designed to be so permanently shall not be longer than 600' unless limitation of site by reason of topography or existing development makes development impractical except with a longer length. To allow a dead end street (Royal Point Court) to be approximately 930' +/- in length to the cul-de-sac and to allow a second dead end street (Lost Creek Court) to be approximately 1,167 +/- in length. Moved by Hillegonds, seconded by Palmer, to recommend approval of the Subdivision Modification for Royal Point Estates as proposed. On voice vote, **motion declared carried.**

LU-12-03 Resolution Newport Dr. Vacation:

Administrator Deininger stated that at the March Land Use Meeting a Resolution was presented for the vacation of Newport Drive in Royal Colony Subdivision in Elm Grove Township. Ms. Deininger said that the Land Use Committee postponed a decision regarding the Resolution to allow for the adjacent property owners to be notified. Ms. Deininger stated 2 adjacent property owners on each side of Newport Drive, Mr. Ogburn and Mr. Wood, were requesting the vacation as the street was never developed and the Township never maintained it as a roadway. Ms. Deininger said each property owner would take half of the 50' Right-of-way and would continue to maintain the property as they have been doing all along. Ms. Deininger added Newport Drive was originally set aside for future development to the North. Ms. Deininger said the Road Commissioner and Township Supervisor agreed to the vacation of the roadway.

Andrew Ogburn, one of the property owners requesting the vacation addressed the Committee regarding the reason they were pursuing the vacation. Mr. Ogburn stated that he has lived in his home since 2010 and he was not aware at the time that he purchased his home that the Right-of-Way between him and his neighbor existed. It shocked him that a street could be located between him and the neighbor as they have been maintaining the property via mowing, etc. Mr. Ogburn stated that he and

Mr. Wood attended an Elm Grove Township Meeting with their vacation request and the Township therefore prepared a letter stating the Township would vacate Newport Drive and by doing so they had no interest, responsibility or obligation to the property. Mr. Ogburn added that if a new road would be constructed it would infringe on the current use of his property and would increase traffic and safety issues for his children. Mr. Ogburn said that the current Right-of-Way does not meet current code regulations for a new road. Mr. Ogburn also stated that he currently has water runoff issues and if he were to own a portion of the road he could correct the issues more appropriately.

Mr. Wood the other property owner wishing to have the road vacated indicated that he concurred with Mr. Ogburn's comments.

Attorney, Thad Kuhfass appeared to represent the adjacent property Mrs. Ingrim who would be most affected by the vacation of Newport Drive. Mr. Kuhfass stated Mrs. Ingrim owns the property to the North and should future development occur Newport Drive was the only access to a portion of her property and if vacated her property would be directly affected and impacted therefore reducing future development. Mr. Kuhfass said that when the street was platted in 1976 it was also placed in the Covenant and Restrictions of Royal Colony that Newport Drive, along with all other roads within Royal Colony, had been dedicated to the public and did not have to be improved at that time. Although he appreciated the concerns of Mr. Wood and Mr. Ogburn with regards to a street being constructed between their two properties the Covenants expressly says that in addition to the 50' Right-of-Way width there is an additional 15' easement along each side of Newport to allow for utilities and widening of the street. Ultimately vacating Newport Drive would hinder his client's right for future development of her property.

Mary Ridgeway the daughter of Mrs. Ingrim read a statement to the Committee regarding her Mother's concerns for the vacation of Newport Drive.

Land Use Planner Kyle Smith noted, while he understands Mr. Wood and Mr. Ogburn request, the ROW was initially set aside and platted with the intent for future development and was opposed to the vacation request.

Following discussion, moved by Stanford, seconded by Meisinger to recommend approval of the resolution to allow for vacation of Newport Drive.

Following further discussion, **motion declared failed.**

BILLS:

Moved by Hillegonds, seconded by Sundell, to approve the bills for the Community Development Department as submitted. On voice vote, **motion declared carried.**

NEXT MEETING: The next meeting of the Land Use Committee will be held on **Tuesday, May 8, 2012 at 5:00 p.m.** in the 3rd Floor Jury Meeting Room of the McKenzie Building.

RECESS: There being no further business, the meeting recessed at 6:00 p.m.

Kristal Deininger, Secretary

DRAFT COPY - SUBJECT TO COMMITTEE APPROVAL

BOARD:	TAZEWELL COUNTY
COMMITTEE:	LAND USE
DATE/TIME:	Tuesday, April 10, 2012 at 5:00 p.m.
PRESENT:	Vice-Chairman K. Russell Crawford, Terry Hillegonds, Dude Meisinger, Rosemary Palmer, Mel Stanford and Sue Sundell
ABSENT:	Chairman Carroll Imig, Paul Hahn
STAFF PRESENT:	Kristal Deininger, Community Development Administrator; Kyle Smith, Land Use Planner; James Newman, ZBA Chairman; Dan Parr, Tazewell County Highway Department
OTHERS PRESENT:	Gene Pflederer, Mary Ingram, Diane Ingram, Nancy Ridgway, Attorney Thad Kuhfass, Andrew Ogburn, Delbert Wood, Maggie Martino, Tri-County Regional Planning Commission

---

CALL TO ORDER: Vice-Chairman K. Russell Crawford called the meeting to Order at 5:00 p.m.

MINUTES: Moved by Meisinger, seconded by Sundell, to approve the minutes of the March 13, 2012 Land Use Meeting. On voice vote, **motion declared carried.**

CASES:

LU-12-06
Case No. 12-04-Z

The petition of Joseph LaHood for a Map Amendment to the Official Washington Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to a R-1 Low Density Residential Zoning District.

Moved by Sundell, seconded by Meisinger, to recommend approval of LU-12-06, Case No. 12-04-Z, to the Tazewell County Board. On voice vote, **motion declared carried.**

PLATS: Administrator Deininger presented a Preliminary Plat for Royal Point Estates located in Elm Grove Township. Moved by Palmer, seconded by Hillegonds, to recommend approval of the preliminary plat as submitted and directing the Plat Officer to sign off on the Final Plat subject to compliance with the Subdivision Code.

Ms. Deininger stated that the proposal was for a 27 lot subdivision consisting of one acre plus lots. Ms. Deininger added that a Waiver of the Subdivision Code would be needed due to the fact that the proposed roads within the subdivision, Royal Point Court and Lost Creek Court, exceeded the required road length. Ms. Deininger reviewed with the Committee her report of the Plat Review Committee Meeting held on April 5, 2012. Ms.

Deininger noted other recommendations suggested by Land Use Planner Kyle Smith for improvements to the proposal. (See Attached Report)

Discussion followed with regards to placing the retention areas into common ownership, the length of the road and the establishment of road right-of-way between Lots 16 and 17 to secure inter parcel access for future utility and traffic circulation.

Member Hillegonds stated that when considering a longer road length it is primarily due to topography and in his opinion it did not appear that topography was an issue. Mr. Hillegonds stated that he likes the proposal as submitted for the retention basin and that they remain under single ownership, therefore making the property owner responsible for maintenance.

Land Use Planner Kyle Smith stated that road length was not due to topography and it was preferred to have Lost Creek "loop" onto Mayflower Drive allowing for better access for the neighborhood. Mr. Smith also stated that leaving the retention basins under private ownership could lead to individuals not maintaining the basins and he had never seen proposals where the lot size encompasses the basin within the lots square footage calculations. Mr. Smith also stated that it was not totally unforeseeable for future development east of the subdivision and by requiring the road right-of-way between Lots 16 and 17 it would allow for inter parcel connection reducing the possibility of additional curb cuts onto Illinois Route 9.

Developers Gene Pflederer and Glen Gullette addressed the Committee regarding the additional recommendations for changes to the proposal as submitted. Mr. Pflederer stated that they had looked at numerous ways to lay out the subdivision and the proposal as submitted was the best economically and financially. To "loop" Lost Creek Court out onto Mayflower Drive would eliminate lots and also increase the cost of the lots and their initiative was to provide affordable lots and to allow for growth of the Tremont community. Mr. Gullette said that placing another access onto Mayflower so close to the intersection of Route 9 and Mayflower was not in the best interest of the area and could create unsafe traffic conditions. Mr. Gullette stated the Homeowner's Restriction would state that each homeowner will be responsible for maintenance of the retention basins. Mr. Gullette added that the two basins on the east side of the subdivision will be grassed and two feet deep. The basin proposed on the southern edge of the subdivision will be 10' deep with the intention to be a lake.

Administrator Deininger added it would be a violation of the Erosion, Sediment and Stormwater Ordinance should a homeowner fill in the retention basins.

Administrator Deininger commented that the Township Road Commissioner did not have concerns and approved the road length. Ms. Deininger stated that approving the road length is not setting precedent as the Committee has approved other proposals of this nature for other subdivisions. Ms Deininger further added that there has been discussion to amend the Subdivision Code to allow for longer road lengths as the current requirement is too excessive.

Following further discussion and questions, **on voice vote motion declared carried.**

COMMUNITY DEVELOPMENT ADM.

Subdivision Modification Point Est.LU-12-07:

Administrator Deininger stated the proposed Resolution was in combination with the Preliminary Plat for Royal Point Estates and all the discussion regarding the Modification had just been discussed and addressed during the Royal Point presentation. The Resolution was to waive the requirements of 7TCC 2-6 (I) (1), which states Dead-end streets designed to be so permanently shall not be longer than 600' unless limitation of site by reason of topography or existing development makes development impractical except with a longer length. To allow a dead end street (Royal Point Court) to be approximately 930' +/- in length to the cul-de-sac and to allow a second dead end street (Lost Creek Court) to be approximately 1,167 +/- in length. Moved by Hillegonds, seconded by Palmer, to recommend approval of the Subdivision Modification for Royal Point Estates as proposed. On voice vote, **motion declared carried.**

LU-12-03 Resolution Newport Dr. Vacation:

Administrator Deininger stated that at the March Land Use Meeting a Resolution was presented for the vacation of Newport Drive in Royal Colony Subdivision in Elm Grove Township. Ms. Deininger said that the Land Use Committee postponed a decision regarding the Resolution to allow for the adjacent property owners to be notified. Ms. Deininger stated 2 adjacent property owners on each side of Newport Drive, Mr. Ogburn and Mr. Wood, were requesting the vacation as the street was never developed and the Township never maintained it as a roadway. Ms. Deininger said each property owner would take half of the 50' Right-of-way and would continue to maintain the property as they have been doing all along. Ms. Deininger added Newport Drive was originally set aside for future development to the North. Ms. Deininger said the Road Commissioner and Township Supervisor agreed to the vacation of the roadway.

Andrew Ogburn, one of the property owners requesting the vacation addressed the Committee regarding the reason they were pursuing the vacation. Mr. Ogburn stated that he has lived in his home since 2010 and he was not aware at the time that he purchased his home that the Right-of-Way between him and his neighbor existed. It shocked him that a street could be located between him and the neighbor as they have been maintaining the property via mowing, etc. Mr. Ogburn stated that he and

Mr. Wood attended an Elm Grove Township Meeting with their vacation request and the Township therefore prepared a letter stating the Township would vacate Newport Drive and by doing so they had no interest, responsibility or obligation to the property. Mr. Ogburn added that if a new road would be constructed it would infringe on the current use of his property and would increase traffic and safety issues for his children. Mr. Ogburn said that the current Right-of-Way does not meet current code regulations for a new road. Mr. Ogburn also stated that he currently has water runoff issues and if he were to own a portion of the road he could correct the issues more appropriately.

Mr. Wood the other property owner wishing to have the road vacated indicated that he concurred with Mr. Ogburn's comments.

Attorney, Thad Kuhfass appeared to represent the adjacent property Mrs. Ingrim who would be most affected by the vacation of Newport Drive. Mr. Kuhfass stated Mrs. Ingrim owns the property to the North and should future development occur Newport Drive was the only access to a portion of her property and if vacated her property would be directly affected and impacted therefore reducing future development. Mr. Kuhfass said that when the street was platted in 1976 it was also placed in the Covenant and Restrictions of Royal Colony that Newport Drive, along with all other roads within Royal Colony, had been dedicated to the public and did not have to be improved at that time. Although he appreciated the concerns of Mr. Wood and Mr. Ogburn with regards to a street being constructed between their two properties the Covenants expressly says that in addition to the 50' Right-of-Way width there is an additional 15' easement along each side of Newport to allow for utilities and widening of the street. Ultimately vacating Newport Drive would hinder his client's right for future development of her property.

Mary Ridgeway the daughter of Mrs. Ingrim read a statement to the Committee regarding her Mother's concerns for the vacation of Newport Drive.

Land Use Planner Kyle Smith noted, while he understands Mr. Wood and Mr. Ogburn request, the ROW was initially set aside and platted with the intent for future development and was opposed to the vacation request.

Following discussion, moved by Stanford, seconded by Meisinger to recommend approval of the resolution to allow for vacation of Newport Drive.

Following further discussion, **motion declared failed.**

BILLS:

Moved by Hillegonds, seconded by Sundell, to approve the bills for the Community Development Department as submitted. On voice vote, **motion declared carried.**

NEXT MEETING: The next meeting of the Land Use Committee will be held on **Tuesday, May 8, 2012 at 5:00 p.m.** in the 3rd Floor Jury Meeting Room of the McKenzie Building.

RECESS: There being no further business, the meeting recessed at 6:00 p.m.

Kristal Deininger, Secretary