

**VILLAGE OF BARRINGTON HILLS
PLAN COMMISSION MEETING
MARCH 10 2003**

The regular meeting of the Village of Barrington Hills Plan Commission was called to order by Chairman Smithe at 7:35 p.m.

Commission Members Present: Kenneth Bosworth
 Peter Grande
 Lou Anne Majewski
 James O'Donnell
 Michael Schmechtig
 Walter Smithe, III, Chairman
 Daniel Wolfgram

Absent: Patrick Hennelly
 Thomas McGrath

The Attendance Sheet is attached and made part of these Minutes.

PREVIOUS MINUTES: Commissioner Bosworth made the motion, seconded by Commissioner Majewski, to approve the February 10th Minutes. Motion carried unanimously by voice vote.

WAMBERG DEVELOPMENT – FP DEVELOPMENT: Attorney Robert Best, speaking on behalf of the Wamberg family and the limited family partnership, reviewed an intergovernmental agreement draft between the Villages of Barrington Hills and Barrington. Such an agreement was recommended by the Plan Commission at its August and September 2002 meetings to facilitate disconnection of a portion of this 70+ acre parcel and annexation of another portion. He also presented the most recent site plan, the latest traffic study, the lighting plan for the commercial sites, and revisions of the previously presented conservation easement.

Steve Albert, an engineer with Civil Design Group, reviewed the revised version of the site plan. It showed that the land being exchanged between the two Villages was an even exchange of a parcel of some 5.79 acres. On the Barrington portion of the property, the Wamberg family are proposing four parcels with six buildings: Lot 1 - 40,000 square feet for Clark Bardes' headquarters, Lot 2 - 48,000 square feet, Lot 3 - 46,000 square feet, and Lot 4 - three 13,300 square foot buildings. Mr. Albert pointed out that the plan meets all of Barrington's requirements for parking and building setbacks, which are similar or exceed that which is required by Barrington Hills. He briefly went into those details,

followed by a review of the dedicated conservation easements which will be held in trust, managed and maintained by the Wamberg family.

In response to the Plan Commissions' previous concerns, Mr. Albert explained that a second access has been incorporated into the revised plan. The second access would cross over Flint Creek and out along the east property line to a signalized intersection with Barrington High School. It was his understanding that when the third building was constructed, whether on Lot 2 or 3, the second access would be mandated to be constructed.

Access into the Clark Bardes building will include a right turn lane and a left turn lane on Lake Cook Road. This design, in Mr. Albert's opinion, would provide sufficient stacking for through traffic to continue on.

Mr. Albert pointed out that the traffic study calculations were based on the original square footage, which has since been reduced by 30,000 square feet. There was also a concern that high school students would use the property to cut through. Mr. Albert said such through drivers would soon find out that it was not advantageous and would take longer. Also, regarding possible impact on the New Hart Road/Northwest Highway intersection just past the railroad tracks, would receive no more than 5%. Mr. Albert advised that IDOT was in the process of reassessing the timing at that location as well as others along Northwest Highway.

The Old Hart Road area of the Wamberg parcel will be platted into five 5-acre lots, which include a 50 foot conservation easement that extends all the way south to Lake Cook Road.

Landscaping of the property will consist of the preservation and enhancement of the existing tree line along Lake Cook Road and additional landscaping within the development with emphasis on creating an all-season screen in those areas adjacent to Lake Cook Road. Maintenance of the conservation area perimeters, even those located on individual lots, would be the obligation of one entity or steward. The conservation easement references permanent management structure for that obligation.

Mr. Albert explained that storm water management will basically follow existing drainage patterns, with the natural cleansing of the storm water occurring before it gets to the detention systems.

Lighting and signage would be in accordance with Barrington regulations. Mr. Albert distributed an illustration of the type of signage that would be used on the Clark Bardes building as well as the other buildings. Its height would be 2-1/2 feet, pin mounted, possibly with back-lit letters. Lighting of the parking lot would be of higher intensity, no glare, decreasing to zero foot candle at the property line. Also, there will be very little lighting of the building itself.

Mr. Best reviewed the proposed intergovernmental agreement, pointing out revisions made since January: (1) Prohibiting any structures whatsoever in the conservation easements, with the exception of the bridge; (2) Both Barrington and Barrington Hills will have the right, but not the obligation, to enforce a conservation easement on all property owners because every single lot will have a portion of the conservation easement on their property; and (3) Creation of a special service area which would allow Barrington Hills to properly maintain conservation easements in the event the property owners failed to do so, with authority for the Village to levy a real estate tax against the property owners for that purpose. The easement would include as well the portion in the Village of Barrington.

Mr. Best advised that Barrington's Architecture Review Commission has approved the architecture, signage, lighting and landscaping of the Clark Bardes building. The entire proposal is still under review by their Plan Commission, with concerns appearing to be land use and traffic issues. The Barrington Plan Commission will review it again in April.

Special Counsel Douglas Wambach reviewed previous discussions of the intergovernmental agreement. In conclusion, he suggested: (1) The petitioner include in the site area the zoning of the particular parcels to comply with the B-3 office plan development or the B-3 District. Mr. Best replied that if that were only implied, he would make it explicit. (2) Incorporate within the agreement at least some reference to landscaping. Mr. Wambach thought that was an important issue relative to buffering for parcels to the south of Lake Cook Road as well as those to the west of Old Hart Road and north of the Clark Bardes site. (3) Incorporate the drainage plan to preserve the improvements that have been made to date. Mr. Best had no objection to the last two suggestions.

Commissioner Bosworth thought all pertinent areas should be included (i.e., plants, landscaping, lighting, traffic) as well as Barrington agreeing not to annex any of the frontage on the south side of Lake Cook Road between Old Hart Road and New Hart Road extended should they ever decide to disconnect. A discussion followed among the Commission as to whether the agreement should be specific, that is incorporating references to various ordinances and regulations, or remain general. Mr. Wambach pointed out that the proposed agreement included a provision that allowed for review and amendment, but only upon concurrence of both Villages and also the fact that existing rather than future ordinances would apply to the agreement.

In the opinion of the Village Engineer, Mike Lukich believed Barrington's regulations were quite stringent regarding storm water management and lighting; but less so regarding traffic and the number of parking spaces required for commercial properties.

Chairman Smithe asked the Commissioners if they thought the agreement should be more specific. Commissioners Bosworth, Schmechtig, Majewski and Wolfgram thought it

should be, Commissioner Grande thought it should be somewhat more specific, and Commissioner O'Donnell thought it was specific enough.

After the discussion, Mr. Best said he was under the impression the Commission would only require more specificity in issues that were not explicitly dealt with in the Barrington ordinances. He was willing to do that.

No further action was taken on this matter.

SUBDIVISION ORDINANCE AMENDMENT – SECTION 6-3-8: Robert Kosin stated that this matter is a continuation of consideration of an amendment to the Subdivision Ordinance on the subject of impact fees. Three major issues previously discussed have been: (1) Indemnification (legal protection); (2) Calculation of the imposed fees; and (3) The impact itself, which incorporates “uniquely and specifically attributable” to all calculations. He then presented Janet Agnoletti, Executive Director of BACOG.

Ms. Agnoletti reminded the Commission that they had asked her to arrange for a representative of the Attainable Housing Alliance to appear before them, but was unable to do so. Special Counsel Douglas Wambach said he had sent a copy of the model ordinance to the attorney for that association, but had not received a response to date.

Ms. Agnoletti responded to a question asked at the last meeting... if school districts would be willing to assume liability for impact fees imposed on subdivided but unbuilt properties? She had talked to three school districts in the BACOG area, all of which agreed they would assume that liability, and distributed copies of letters from two of them verifying that acceptance. She believed that the benefit of having those fees available to spend on land costs is viewed as far outweighing the liability question.

The point was also made by Ms. Agnoletti that the vast majority of states having impact fees use the standard of rational nexus (reasonable connection), not Illinois' more restrictive specifically and uniquely attributable clause. It is based on the concept that every new house creates additional need.

Commissioner Bosworth asked if being home rule Barrington Hills would be able to collect the fees at the time of building permit issuance rather than plat recordation in exchange for getting the developer to allow the Village to use that money for other than land acquisition. Deb Etzel, USD 220, said they would very much like that amendment added to allow the use of the impact fees for facilities as well as land, adding that it could be implemented by home rule as well as non-home rule communities.

Asked for his comments, Special Counsel Douglas Wambach thought there was some benefit to having consistent provisions from village to village because of the regional nature of the issue. He did think that Attorney Flood, representing the BACOG

committee, should be approached regarding imposition of impact fees on existing Barrington Hills subdivided lots that haven't been built on yet. Ms. Agnoletti responded that the proposed ordinance does allow for such imposition. Mr. Wambach concluded by saying: "...what has been proposed is least likely to result in litigation for the Village and it's most likely to win the indemnification provisions that we (Barrington Hills) can get from the benefiting districts."

Motion: Commissioner Majewski made the motion, seconded by Commissioner Wolfgram, to recommend the adoption of the model BACOG ordinance to the Village Board, asking for direction as to what they would like the Commission to examine further. Mr. Wambach added that it should be looked at again in connection with the Village's own Subdivision Ordinance. All voted aye by roll call.

SETBACK FROM WATERCOURSE 5-3-9(E): Robert Kosin explained that the Board of Trustees enacted an amendment of the Zoning Ordinance regarding the setback from watercourse. It was presented to the Plan Commission so as to review this added feature of a public evaluation before a conservation easement or some similar permanent guarantee is accepted as protection or preservation of a watercourse. No action was required, but a copy was distributed for information.

TRUSTEE'S REPORT: Trustee Sapp reported that the Village Board approved the consolidation of Lots 38 and 39 in the Schewe Subdivision.

It was at the same meeting that the Board of Trustees approved an amendment of Section 5-3-9 (E) of the Zoning Code which was the subject of the earlier presentation to the Plan Commission.

There being no further business, the meeting was adjourned at 10:15 P.M. after being so moved and seconded.

Respectfully submitted,

Lou Anne Majewski
Recording Secretary