

MINUTES OF THE NORTH BARRINGTON PLAN COMMISSION "CONTINUED" PUBLIC HEARING WHICH WAS HELD MONDAY, NOVEMBER 13, 2006 AT THE NORTH BARRINGTON VILLAGE HALL, 111 OLD BARRINGTON ROAD, IN SAID VILLAGE

1. Call to Order & Roll Call

At 7:39 P.M. Chairman Martin Pais called the "Continued" Public Hearing to order and the Deputy Clerk called the roll:

Present: Chairman Martin Pais, Vice Chairman Dan Nass,
Bill Bishop, Camille Koertner, Mark Kolar
Absent: Mark Hampton, Denis Taillon, David Wilford
Also Present: Jim Moran, Village Trustee
Village Attorney J.W. Braithwaite
Robert Best, 70 W. Madison Street, Chicago
Bill Denison, 226 Kimberly Road
Earle Combs, 108 Old Oak Drive
Karla Combs, 108 Old Oak Drive
Sara Peterson, 462 Signal Hill Road
Tom Erickson, 464 Signal Hill Road
Sharon Sickal, 450 Signal Hill Road
William Sickal, 450 Signal Hill Road
Sue Manko, Deputy Village Clerk

2. Legal Notice

Chairman Martin Pais requested that a copy of the published notice of the "Continued" Public Hearing be incorporated into record.

3. Public Input – Request to Amend Planned Unit Development
464 Signal Hill Road, Village of North Barrington

Chairman Martin Pais explained the protocol of the meeting to the audience.

Chairman Martin Pais explained to the Commission and audience that Mark Kolar would be recusing himself from the proceedings related to 464 Signal Hill Road since he is the listing realtor for the property, thus causing a conflict of interest. Mr. Kolar left the Commission table and sat in the audience.

Mr. J.W. Braithwaite swore in speakers present in the audience.

Mr. Robert Best, with Bell, Boyd and Lloyd, LLC, 70 W. Madison Street, the attorney representing Mr. Erickson, the property owner of 464 Signal Hill Road, approached the Commission and gave a brief synopsis of the events leading up to this presentation. Mr. Best tendered the return receipt postcards signifying the certified mail notification given to the neighboring properties, referring to the addresses on the plat exhibited on the easel. Mr. Best pointed out the piece of property in question, 464 Signal Hill Road. The plat displayed on the easel and in the possession of the Commission were confirmed to be the same. The original subdivision was the "Old Oaks" estate of the Mervis family, approximately 180 acres and 90 lots, located north and south of Signal Hill Road and partially fronting to Honey Lake. Mr. Best explained that there were some variations between the original subdivision plat that Mr. Mervis had approved in 1962 and the actual final layout of the subdivision.

Mr. Best distributed the Lake County Assessment tax map to illustrate the changes made by Mr. Mervis when he began developing the property, due to the topography and site conditions. It was noted that the property at 464 Signal Hill Road is designated as parcel number 023 on this map.

Mr. Best also submitted a certified copy of the bank deed conveying the property at 464 Signal Hill Road, from Harriet P. Mervis(a widow and not since remarried) to Thomas Erickson and Patricia S. Erickson, his wife.

Mr. Tom Erickson, 464 Signal Hill Road, approached the Commission and identified Document Number 1927806 recorded June 29, 1978 and Document Number 2072365 recorded August 11, 1980, upon Mr. Best's request. Mr. Erickson explained that he originally thought he was purchasing one lot, number 023, with a house on it in 1978. Mr. Erickson explained that he later exercised an option to purchase lot number 022 in 1980. At the time, the Title Company and Lake County certified the lots as two separate properties with two separate pin numbers. It was later discovered, when Mr. Erickson decided to sell his property at 464 Signal Hill Road, that the Village of North Barrington had the two properties listed as a single property, and that the original purchase was illegal. The subsequent purchase of the second piece of property, lot number 022, made the purchase legal.

Mr. Braithwaite asked Mr. Erickson if he had the representation of an attorney at the time of his purchase, and if he was made aware at the time that a Title Policy issued by the Title Company does not guarantee matters of zoning. Mr. Erickson stated that he did not recall being informed of this.

Mr. Braithwaite asked Mr. Erickson the purchase price of lot number 022; Mr. Erickson responded that he recalled it as the difference between the negotiated full price of \$259,500 and the \$250,000 paid initially.

Mr. Braithwaite explained the nature of the proceedings was to allow the Plan Commission and attorneys to question the person testifying first, and members of the audience could also

question the witness.

Mr. Robert Best concluded stating that the changes related to the development of the property by Mr. Mervis were signed off by the Village, and building permits issued. Although Mr. Mervis moved lot lines somewhat during the development, the amount of lots north of Signal Hill Road remained at nine and it was the intent of Mr. Erickson, as well as Mrs. Mervis, to purchase two of those nine parcels. Mr. Best believes it is not necessary to amend the PUD Ordinance, but rather to clarify that Mr. & Mrs. Erickson purchased two lots, as carved out by the Mervis family.

There were no questions from the Plan Commission Members.

Mr. J.W. Braithwaite explained that the number of lots on the property north of Signal Hill would remain the same whether or not the PUD Ordinance was amended.

Mr. Best confirmed the amount of 650 feet Honey Lake property frontage with Mr. Erickson, and reiterated, based on the footage, it was apparent that Mr. Mervis intended the property to be made up of, and purchased of, two separate lots.

Chairman Martin Pais inquired as to how such a conveyance of property was made, and not noticed by the Village of North Barrington.

Mr. Braithwaite explained that the Lake County Recorder's Office has no system to inquire into local zoning. The County basically reviews the technicality of the deed, and nothing further. He also stated that this hearing is being held in the assumption that, if the PUD Ordinance is amended, the necessary soil tests and setback requirements would be approved.

There was extensive discussion.

Mr. Mark Kolar, 560 Golfview Drive, identified himself as the listing Realtor for 464 Signal Hill Road, and clarified that there is no validity to the rumor that there is a purchase contract on the property.

Mrs. Sara Peterson, 462 Signal Hill Road, approached the Commission to voice her opposition to this proposed change to the PUD Ordinance. Mrs. Peterson feels that it is inconsistent with the Village Comprehensive Plan, as well as the neighborhood of Oaksbury Estates.

Mr. Bill Denison, 226 Kimberly Road, approached the Commission and voiced his concern that this hearing is being held prior to the process of determining whether the piece of property is buildable.

Mr. Earle Combs IV, 108 Old Oak Drive, approached the Commission and stated that it is his belief that Mr. Mervis did not intend 464 Signal Hill Road to be made up of two buildable lots.

Mr. William Sickal, 450 Signal Hill Road, approached the Commission and was sworn in. Mr. Sickal expressed his concern about a second home possibly being built on the property at 464 Signal Hill Road.

There was extensive discussion about the feasibility of building a second home on the property. Mr. Tom Erickson stated that he has had preliminary tests and measurements conducted.

Chairman Martin Pais asked Mr. Erickson for clarification of the acreage of the property and the percentage of dry land and wetlands. Mr. Erickson responded that out of a total of approximately 5.065 acres, close to 3.1 acres is dry property.

Mr. J.W. Braithwaite asked Mr. Erickson if a purchase contract for the property currently exists, and whether he is aware of any discussions about a future tear down project. Mr. Erickson responded that he did not. Mr. Erickson stated that the property is currently listed as one piece of property.

Mr. Bill Bishop questioned the size of the potential lot sizes in the event the property is subdivided.

Vice Chairman Daniel Nass clarified that the Honey Lake frontage is 535 feet, not 650 feet. Mr. Nass feels he has insufficient information at this point to make a judgment.

4. Adjournment of "Continued" Public Hearing

Motion: Vice Chairman Daniel Nass moved the "Continued" Public Hearing be adjourned; seconded by Camille Koertner.

Discussion: There was no discussion.

Vote on Motion:

The voice vote was unanimous in favor.

At 8:50 P.M. Chairman Martin Pais declared the "Continued" Public Hearing adjourned.

These Minutes were approved at the Plan Commission Meeting held December 11, 2006.

ATTEST:

Sue Manko, Deputy Village Clerk