

MINUTES OF THE NORTH BARRINGTON PLAN COMMISSION MEETING WHICH WAS HELD OCTOBER 11, 2004 AT THE NORTH BARRINGTON VILLAGE HALL, 111 OLD BARRINGTON ROAD, IN SAID VILLAGE

1. Call to Order and Roll Call

At 7:35 P.M. Vice Chairman Banach called the meeting to order and the Clerk called the roll:

Present: Vice Chairman Banach, Bill Bishop, Eleanor McDonnell, Jason Hagen, Dan Nass, Denis Taillon  
Absent: Chairman Pais, Jim Archer  
Also Present: Trustee Sidney Bartlett  
Deborah Ashen, 217 N. Jefferson, Chicago  
Tim Pattison, 182 Kimberly Road  
Terry Cahill, 2099 Stonington Ave., Hoffman Estates  
Kelly Rafferty, Building and Zoning Officer  
Natalie Karney, Village Health Officer  
Andrea Pracht, Village Engineer  
Chuck and Pam Jacobs, 571 Chateaux, Deer Park

2. Approve Minutes: Plan Commission Meeting, September 13, 2004

The Minutes of the 9/13/04 Meeting were made available to the Commission.

Motion: Eleanor McDonnell moved that the Minutes of the 9/13/04 Meeting be approved as presented; seconded by Dan Nass.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Bill Bishop, Vice Chair Terry Banach, Dan Nass, Eleanor McDonnell, Denis Taillon and Jason Hagen  
Nays: None  
Absent: Chairman Pais, Jim Archer  
Abstain: None

Vice Chairman Banach declared the Minutes of the 9/13/04 Meeting approved and put on file.

3. Bickerstaff Subdivision, Final Plat Approval

Vice Chairman Banach explained that Mr. Pattison had previously presented the Preliminary Plat of Bickerstaff Subdivision to the Plan Commission at a Public Hearing in April of 2004. Vice Chairman Banach explained that the Preliminary Plat was approved by the Commission as well as the Village Board, and Mr. Pattison was here for Final Plat Approval. He invited Mr. Pattison to address the Commission and give an overview of the proposed subdivision.

Tim Pattison, 182 Kimberly Road, addressed the Commission. Mr. Pattison explained that he is a North Barrington resident and currently lives at 182 Kimberly Road. Mr. Pattison explained that approximately three years ago he approached the owner of the property, Mr. Manfred Schwan, also a North Barrington resident, about purchasing the property, and after sometime, Mr. Schwan agreed to sell the property, but for an amount that was too much for a single family home site. After some negotiating, there was an agreement that Mr. Pattison would purchase the property contingent upon getting subdivision approval for the property. He said that he was proposing to build 6 homes on the property, one of which would be for himself. He said that the other homes would not be spec homes, but built for individual homeowners. He said that the development would solve many outstanding problems on the property, including policing the vacant property and drainage issues. He explained that the site was 17.8 acres and each lot would be at least two acres which followed the Village's Comprehensive Plan.

He noted that the Plat had changed little since the Preliminary Plat stage, except that a portion of Lot 1 was added to Lot 2 to allow more area for Lot 2's septic system. Mr. Pattison explained that he would purchase the property after the Final Plat was approved by the Village Board. Mr. Pattison explained that the road into the subdivision, Kaitlins Way, would be constructed as soon as possible, as well as the clean up of the site and removal of the gated area at the entrance to the property at Rainbow Road. There were some questions for Mr. Pattison from the Commission.

Building and Zoning Officer Kelly Rafferty addressed the Commission. He explained that his job was to determine if the Final Plat was in compliance with the applicable provisions of the Village Zoning Ordinance and consistent with the previously approved Preliminary Plat. He explained that the Final Plat, from a Zoning perspective, was ready for Village approval and outlined his recommendations for the approval and subsequent recording of the Final Plat. These items included documents for a homeowners association, covenants, conditions and restrictions, a special service area, as well as other matters. He explained that the Village's attorney was working with Mr. Pattison and his attorney with the preparation of the documents.

Village Engineer Andrea Pracht addressed the Commission. She explained that their job as Village Engineers was to review the submitted documents for compliance with the Village ordinances and standards, and good engineering design practices. She outlined the issues that were still outstanding as outlined her memo dated 10/6/04, but noted that some of the issues did not require response at this time as these were matters were involved with the start of construction. Ms. Pracht explained that, based on their review, there were no objections to the Plan Commission's approval of the Final Engineering and Plat of Subdivision, contingent upon their comments being satisfactorily addressed. There were some questions from the Commission. Commission member Jason Hagen expressed his concern for safety at the intersection of Kaitlins Way and Rainbow Road, and suggested a three-way stop be installed. The Commission decided to recommend that Bruce Sauer, Trustee responsible for road issues, look into the safety issues at the corner where Kaitlins Way will intersect with Rainbow Road

and the possibility of installing a three-way stop. It was noted that a stop sign did not have to be part of the Final Plat approval, and could be installed in the future if needed.

Village Health Officer Natalie Karney explained that she had no objections to the Final Plat submittal and had no concerns with the minor changes that were done with the septic fields at Lot 1 and Lot 2. There were some questions from the Commission. She noted that each home built will require its own reviews by Village Staff.

Motion: Eleanor McDonnell moved to recommend to the Village Board approval of the Final Plat of Subdivision for the Bickerstaff Subdivision, subject to the review of safety issues and the possibility of the installation of a three way stop at the corner of Kaitlins Way and Rainbow Road; seconded by Denis Taillon.

Discussion: There was lengthy discussion.

Vote on Motion

By Roll Call: Ayes:	Bill Bishop, Vice Chair Terry Banach, Dan Nass, Eleanor McDonnell, Denis Taillon and Jason Hagen
Nays:	None
Absent:	Chairman Pais, Jim Archer
Abstain:	None

Vice Chairman Banach declared the motion approved and the recommendation for approval would be made to the Village Board. It was noted that the Board would hear the request at their October 25, 2004 meeting.

#### 4. Pool, Hot Tub, Fence discussion

Commission member Jason Hagen explained that he had researched the hot tub/spa portion of the draft version of the revised fence ordinance. He explained that he found in his research that it was very uncommon to require a fence around a hot tub provided the hot tub has a locking cover that is weight bearing. Eleanor McDonnell said that she looked into the Village of Long Grove's code and found that fencing, or protective covers were not required for any property which had a swimming pool, spa or hot tub. In general the Commission agreed that the draft ordinance was too confusing and lengthy.

The Commission discussed pool fencing. It was noted that the Village used the International Residential Code as well as its own Code to regulate pools and pool fencing. A recap was provided to the Commission as to why the fence ordinance was referred back to the Commission for some fine tuning. First, the Commission was to review the current fence ordinance, especially the provision which allows for a natural barrier, hedge, pool cover or other protective device to be used if approved by the Village Board. The question to the Commission was whether or not to continue with this practice. Building and Zoning Officer Kelly Rafferty explained that this discussion has come before the Village Board for many years, and this provision had been allowed to remain in the Code. There was further discussion about pool

safety and fencing requirements. Commission member Jason Hagan said that he would work with Chairman Pais to simplify the section regarding hot tubs and pools for discussion at the next meeting. There was also lengthy discussion about how to require all swimming pools in the Village to be Code compliant.

The Commission was also to review fencing in front yards. Building and Zoning Officer Kelly Rafferty explained that the current ordinance prohibits fencing in front yards, except for “decorative” or “ornamental” fences. Kelly Rafferty said that these definitions needed to be defined for enforcement issues. He explained that the Board of Trustees had recently passed a Resolution which placed a moratorium on the enforcement of one section of the current Fence Ordinance, which stated: “No fence shall be permitted in front yards except ornamental fences. An ornamental fence is one which is for decorative purposes and the primary function of which is not an enclosure, barrier or means of protection or confinement.”

Building and Zoning Officer Kelly Rafferty explained that the problem arises, when a homeowner wishes to install, or repair, a small picket fence in the front of the home which typically encloses either a garden or entranceway to the house and by the strict definition of the fence ordinance, the fence is classified as an enclosure. It was noted that this moratorium would reduce the number of smaller fence issues that would have to be heard by the Zoning Board of Appeals. This moratorium will be in effect until April 1, 2005. There were many questions and lengthy discussion.

The Commission decided to split the pool, spa and hot tub discussion of the fence ordinance from the general discussion of the fence ordinance. This split would enable the Commission to work on the pool section for immediate action and a possible amendment to the current ordinance, while continuing to work on the general fence ordinance.

## 5. Old/New Business

Vice Chairman Banach reminded the Commission about recent discussions about the possibility of forming an Architectural Review Committee (ARC). The ARC topic came up during discussions about enacting a teardown ordinance. There was lengthy discussion about how an architectural review committee can help to control “extreme” situations, but can be difficult to enforce, and extremely difficult to form after a community has been established. Trustee Bartlett asked Kelly Rafferty for suggestions for the Commission with regards to a teardown ordinance. Mr. Rafferty suggested that any teardown ordinance should be very specific as to when a home would fall under the ordinance. For instance, definitions on what constitutes a teardown or what constitutes an addition or alteration must be specific. He explained that if a teardown ordinance is very limiting, there is the possibility for a person to try not to fall under the ordinance. There was lengthy discussion. The Commission decided to work on the teardown ordinance after the fence ordinance was finished.

## 6. Adjournment

Motion: Eleanor McDonnell moved the meeting be adjourned; seconded by Bill Bishop.

Discussion: There was no discussion.

Vote on Motion:

The voice vote was unanimous in favor.

At 9:20 P.M. Vice Chairman Banach declared the Meeting adjourned.

These Minutes were approved at the Plan Commission Meeting held November 8, 2004.

ATTEST:

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Kathy Nelander, Village Clerk

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