

MR. KNOUFF: If not, I will ask Mr. O'Laughlin to present the proposed changes in the zoning map as presented to the Village Board by the Plan Commission. Will you be sworn, Mr. O'Laughlin?

(Mr. O'Laughlin sworn in by the
Chairman)

MR. JOHN O'LAUGHLIN, JR.: Mr. Chairman, members of the Board, ladies and gentlemen, there has of course been a Plan Commission in existence in the Village of Barrington Hills since it was formed. The original official map of the Village was filed on the 12th of May, 1959. Since that point there has been no changes in that, though we have been besieged in various areas with petitions to do one thing or another.

With me, having the pleasure to serve on the Plan Commission besides myself were Mr. Arnold, Mr. Bateman, Mr. Benninghoven, Mr. Daubenspeck, Mr. Hartman, Mr. Knouff, Mr. Koonz and Mr. Mortimer.

We have been considering this problem of the map for approximately a year and a half or two years, and I am sure you can appreciate it has been a very difficult time. Somebody has to start something and bring this thing out into the open in a public hearing so everybody can see what the problems are. Some of you have had an

opportunity to see previously these maps so that you could come here prepared to comment on them, and I don't believe there will be a dearth of comments when I get through. So let us proceed if I may go down here.

First, an explanation of the size, the initial map of the Village was not quite as large as one of these maps and was very difficult to work with when a subdivision came in and you were trying to see where roads would go together and where one piece of property abutted another. So we had these maps drawn that are drawn to scale of one inch equal 500 feet. Now, the map is in four sections. Perhaps it will be difficult for some of you to see the bottom. This is the northwest quadrant, this would be McHenry County. Just to orient you here, here is County Line Road right here.

Here is Ridge Road right here. Now, in this particular area we are confronted with two problems: One, that we have not tackled yet at all is the problem of Middlebury, but as you know, recently Middlebury has just been combined with the Village of Barrington Hills. By law, everything that was in Middlebury came into the Village of Barrington Hills at five acres, though it was not zoned as five acres in the Middlebury plan. They had a buffer zone here, they had some commercial property

here along State Route 25, then some two acre and then some three acre, and then into five acres in the village of Middlebury.

This we are not proposing anything at the present time. This the Plan Commission will study when we get through with this.

Now, in this particular area we are confronted with subdivisions that have been already reported. By law, we are required to have these people use this property as it was recorded and subdivided.

Now, here is one group of one acre lots on Lake Cook Road. Here is another one up here on Brayburn Road. Here on Plum Tree Road is one acre, some are one acre, some are two acre, followed by some one acre back here and some of these lots actually are less than one acre, they are a half or less. But the lowest classification that we have is one acre, and that is one acre, not 40,000 square feet.

So this is something that we have to live with and this is the proposed zoning in this particular area.

Now, if you go over to this particular point, this is the southwest quadrant which would be below this. Again, you have the same problem of Middlebury. This we have left all five acres and have not touched anything

because of the Middlebury situation in studying that, and also there is now, because of the gravel pits a suit that we don't know what is going to happen on, and when we get some final determination and some facts in that matter, then this particular area will be given study and consideration. LAUGHLIN: Yes, it is.

MRS. Now, if you will go over to this, just to orient yourself again, here is Lake Cook Road or County Line Road. Here is Hart Road, the North Western Railroad tracks. LAUGHLIN: I have a copy in my briefcase which

will show. Now, we are fortunate in having a natural boundary of the railroad tracks and U. S. 14, so that we would try--we don't feel we can get encroachment that way--and we will maintain that as five acres. Village.

Now, this particular point along here, to orient you further, this is UARCO, at this point here. Now, when this property was annexed into the Village an agreement was signed between the owners of the property and the Village stating that that property would have light industrial zoning from 300 feet from the center line of Hart Road to the border of the Village of that. Barrington Hills and two acre zoning along Hart Road. So this is a prior agreement that was made by annexation. completed. If we reneged on this agreement, then the record.

property owner has the right to withdraw from the Village.

MR. JOHNSON: Pardon me, I don't mean to interrupt you, but isn't that--I don't think that is Barrington Hills at all. That is not in Barrington Hills. And this

MR. KNOUFF: Yes, it is. Barrington Hills

MR. O'LAUGHLIN: Yes, it is. try and bring some

MRS. ARNOLD: Where was that in the agreement? Right There was nothing about it in the Board of Trustees' meeting. and the five acres.

MR. O'LAUGHLIN: I have a copy in my briefcase which I will show you. feet was arrived at, that is, the

MR. BORAH: Who owns the property? it is. So it

MR. O'LAUGHLIN: I don't know. I don't know who owns any of this property, luckily, in the whole Village.

But the Village of Barrington Hills is like this, it just goes around UARCO. It is definitely in the Village, Tom. sometime ago petitioned to have this

MR. CALLANAN: Originally, the boundary line was to the east of your company, was it not, that came in later and the shape of the Village was changed? yet, and there

MR. O'LAUGHLIN: I'm sorry, I am not sure of that.

MR. KNOUFF: I don't want to interrupt, but would you hold your questions until the presentation is completed, otherwise your name will be lost on the record.

MR. O'LAUGHLIN: Now, down below County Line Road we are faced with a problem that on this side, which is the Village of Barrington, they have Quaker Oats, and other-- well, just Quaker Oats in this particular area. And this is zoned for whatever zoning classification Barrington Hills calls that. And in order to try and bring some rhyme or reason into this thing it was our feeling, right or wrong, that there should be a buffer zone between the industrial and the five acres.

So we put a 300 foot strip of two acres zoning in here. The 300 feet was arrived at, that is, the square foot of two acres, is roughly what it is. So it would be square lots, and that is provided as a buffer zone in this particular area.

Down below that and here you are down on Otis Road, the owners of this particular property, due to the house arrangement, sometime ago petitioned to have this changed to three acres. The Plan Commission acted favorably on that.

The Board has not acted on it as yet, and there will be some annexation from the Village of Barrington required too, to do that.

Then, if you will look at this blue spot which now really is the top of the blue square up here, this

is now in small tracts at the present time, and we felt that this should be zoned for one acre zoning. That is not in the village.

Now, we, of course, can not zone outside of the limits of Barrington Hills. This is up to the Cook County Zoning Board of Appeals. We can say what we think it should be and recommend what we think it should be. But if I get my words mixed up, we are not zoning that as such.

Now, you get over here to the southeast quadrant, which will be below this. To orient you further, here is 59, here is Dundee Road, Dundee Road is going along here. Here is Barrington Road. At the present time, the County has zoned all this area in blue 40,000 square feet. This is zoned like this and has been since the Comprehensive Amendment was passed, and I think even prior to that time, if I am not mistaken.

MR. JOHNSON: I don't think your statement is correct. I have here before me the last map issued by the County and corrected to January 15, 1962, and that land that you have indicated there is zoned as R-1, five acre. I don't know where you get the basis of the statement that it currently is being zoned as 40,000 square feet.

MR. KNOUFF: You are correct. He did not state it correctly. If my own recollection is correct, it is zoned one acre east of Barrington and five acres west of Barrington Road.

MR. O'LAUGHLIN: Yes.

MR. JOHNSON: Well, the blue extends quite a bit.

MR. O'LAUGHLIN: Well, Tom, my statement was that east of Barrington Road it is zoned one acre right now. That is this area right in here. That is not this area here.

A VOICE: Could you run your finger down Barrington Road? Thank you. It is pretty hard to tell where it is.

MR. ZIMMERMAN: Henry has a map of it right there.

JUDGE DIERINGER: Right up to the minute too. You can bet on that.

MR. O'LAUGHLIN: Is that correct?

JUDGE DIERINGER: East of Barrington is two, which is 40,000 square feet and west of that Barrington Road is five acres. So that the blue west of Barrington Road is incorrect. If blue designates 40,000. That is your recommendation.

MR. O'LAUGHLIN: That is our recommendation, yes, sir.

JUDGE DIERINGER: But it is not that way now according to the county zoning as you just stated.

MR. O'LAUGHLIN: I did not state that. here. So we have JUDGE DIERINGER: You said all the blue was according to the county. of Barrington Road. We have put a

MR. O'LAUGHLIN: I said the blue to the east of it Barrington Road-- This is all outside of the

JUDGE DIERINGER: That is correct.

MR. O'LAUGHLIN: Is 40,000 square feet at this time.

JUDGE DIERINGER: That's correct. a buffer. Here,

MR. O'LAUGHLIN: According to the map, there is some east of Barrington Road here, the pink. and we have

JUDGE DIERINGER: That is correct, but further north than the blue offset as you have there--

MR. O'LAUGHLIN: Yes. Now, this is the particular area that we feel is the most vulnerable in the Village. If you will look at the Village as an overall picture for a moment, we have natural boundaries by the railroad on one side, by the Toll Road on the other, and by villages on the other side. This is the area where we have had people come and talk about what is going to be done in this particular area. a week ago, and now is the

time to go. So what we have attempted to do, believe it or not, is to try and protect the five acre zoning in the Village of Barrington Hills. or indifferent, is the

thinking Now, first, let us look at the outline of the

Village of Barrington Hills. That is over here. So we have tried to create a buffer, we have extended the one acre zoning west of Barrington Road. We have put a buffer strip of two acre zoning around that, some of it outside of the Village. This is all outside of the here Village. *could outline the boundaries of Barrington Hills?*

It is a This is in the Village. And then in the Village we have put some three acre zoning as a buffer. Here, this is South Barrington which is now zoned two acres in South Barrington at this particular point, and we have then put a buffer of three acres before you get to the five. *WILL KNOWFF: Will the members of the Board give any*

questions So that basically is what we are trying to do, what we are basically trying to do as much as possible is to get a buffer of as high an acreage as we possibly can to try and maintain the five acre zoning. *West of*

Barrington Well, now, that is the thinking. There has been much thinking and much discussion on this thing for quite a period of time. There has been discussion here since this map was shown about a week ago, and now is the time to get it out in the open as to what our approach is going to be, to try and protect the five acre zoning.

Commissioner This, right, wrong or indifferent, is the *Village* thinking of the members of the Plan Commission. *Cook*

MR. JOHNSON: May I ask a question?

MR. KNOUFF: Would you wait for Mr. O'Laughlin to finish?

MR. O'LAUGHLIN: I am finished.

MR. KNOUFF: Does anyone have a colored crayon here that you could outline the boundaries of Barrington Hills? It is a little difficult to see the limits across the room. Can everyone see that? It does not show that.

A VOICE: Are you on Dundee Lane now when you mark that?

MR. O'LAUGHLIN: Yes, ma'am.

MR. KNOUFF: Will the members of the Board give any questions that they may have to Mr. O'Laughlin?

(No questions by the Board)

MR. JOHNSON: All right, Tom.

MR. JOHNSON: The entire area in blue west of Barrington Road is outside of the Village limits?

MR. O'LAUGHLIN: Yes, sir.

MR. JOHNSON: And is presently zoned five acre single family under Cook County Zoning Ordinance?

MR. O'LAUGHLIN: Yes, sir.

MR. JOHNSON: You have already stated that the Plan Commission has no authority to zone outside of the Village limits. All you can do is to recommend to the Cook

County Board a zoning agreeable to you within a mile and a half?

MR. O'LAUGHLIN: Well, off the record.

(Discussion held off the record)

MR. JOHNSON: Now, presently the Cook County zoning is five acres. This Plan Commission, you say rightly or wrongly, and it seems to me that there could be no question of what it is, has taken upon itself in the face of universal five acre zoning throughout the Village, to advise the Cook County Board to downgrade a substantial piece of property that now they have zoned as five acres.

MR. O'LAUGHLIN: Yes, sir.

MR. JOHNSON: In addition to that, we have then gone ahead and put buffers in our present area, which is now five acres, to make a buffer against a proposed change.

Now, it seems to me asinine, to say the least-- with due respect to my dear friends on the Plan Commission-- to ask the County Board on our behalf to lower the zoning that they already have, and that is what we are already doing when we, ourselves, have no authority to do it and then we are now downgrading our own property to accommodate something that we are asking the County Board to do. Now, why does our Village Plan Commission go

to such extreme steps?

It seems to me that this is an awful thing to do. I can see sense to put buffer zones against one acre, but I can't see sense to create one acre and then make buffer zones in addition to that.

MR. KNOUFF: Tom, are you asking a question or making a speech?

MR. JOHNSON: I am making a statement and asking a question too. I am trying to find out why this is being done.

MR. KNOUFF: I wish you would hold your statements for the record so we can do this in an orderly fashion. If you have a question to ask, please ask it.

MR. JOHNSON: The question is, in view of these facts which I have set forth in my statement, why the Plan Commission took it upon itself to advise the County Board to downgrade what now is five acres so that we then can cut further into our territory by one and two acres which we don't have to do when we are abutted up against five acres.

MR. O'LAUGHLIN: Well, the basic reason, Tom, against that is that there was a petition at one time, I believe it was presented to the Zoning Board of Appeals, to make this entire area in here 40,000 square feet.

MR. JOHNSON: Well, we are doing that in effect, and aren't we?

MR. O'LAUGHLIN: No, we are going to one acre. If you will allow me that difference between 40,000 square feet and an acre, and we are putting a buffer zone of two acres around that.

JUDGE DIERINGER: A petition by whom and where?

MR. O'LAUGHLIN: By Walter LaBuy.

JUDGE DIERINGER: Before whom?

MR. O'LAUGHLIN: Cook County Zoning Board of Appeals, as far as I know.

JUDGE DIERINGER: I would like to ask some questions. The mere fact that Mr. LaBuy happens to be a good friend of mine, that does not enter into my home and my community. I have great respect for the judge, don't misunderstand me, but he is an outsider to this Village. I would like to know why we should be concerned because he at one time petitioned for 40,000 square feet. Why should we get panicky, then, and start giving him what he asks? Why can't we go and do what we are supposed to do and defend this Village at any time, any place, in any manner that we see fit as we have in South Barrington, over on the Rook property, in one of the McHenry instances, when we have fought to maintain our five acres?

Now, the County Board has not changed this, and I will go farther and tell you that we have a letter here back in 1959--when the Comprehensive Ordinance was passed this Village Board, mind you, asked that some of the property east of Barrington Road be rezoned from R-1 to R-2, that is, from five acres to 40,000 square feet. I would like to know why.

Why are we accommodating people outside our borders and why don't we stand up and fight against it as we are supposed to do? I can't understand the thought that because somebody asks for it, he should have it.

MR. O'LAUGHLIN: He has not asked us for anything.

JUDGE DIERINGER: So why do we take any action? Why not stand still and defend it and wait until something happens? This is our home and we ought to defend it like a fortress.

MR. KNOUFF: Mr. Truninger, the Village Attorney, is here, and he is quite familiar with the existing legal situation on the eastern boundary. I wonder if it would not be illuminating to these folks, Dave, if you gave them some statement of the present status of the suit in which this Village is involved with the Village of Hoffman Estates as co-plaintiff with South Barrington in this matter to get it all before the house.

MR. JOHNSON: If we stick to what we are talking about now you will see that--that does not apply to what

MR. KNOUFF: Mr. Johnson, if you will just wait a moment you will see that this is what we are talking about if you will only stop interrupting. I will now swear in Mr. Truninger.

MR. KNOUFF: One (Mr. David Truninger sworn in by the Chairman)

MR. TRUNINGER: We are now engaged in some litigation with Hoffman Estates in a quo warranto suit. Hoffman Estates has annexed across the Tollway and has come up right up to here, including most of Section 36, and coming up around over to Palatine Road. Now, they have rezoned that into, I think, 70 foot lots. I think it is the feeling of the Board that all of this fits in together from the standpoint of this possibly encroaching Hoffman Estates. You understand, ladies and gentlemen,

That suit is now pending. We probably won't get a decision until perhaps this Fall.

MR. JOHNSON: But Dave, that is another village.

MR. TRUNINGER: Yes, that is another village.

MR. JOHNSON: That is not property that is in the county zoning.

MR. TRUNINGER: That is not county zoning.

MR. JOHNSON: So then, that does not apply to what we are talking about by Judge LaBuy's property since it is not contiguous to Judge LaBuy's property.

MR. TRUNINGER: No, it is off over here, probably about a quarter of a mile, right about here.

MR. KNOUFF: One point the Board would like to be advised on, what is the present status of Judge Lupe's decision with respect to the mile and a half jurisdiction, has there been any appeal taken from that?

MR. TRUNINGER: No. As the judge ruled, Judge Lupe ruled in favor of the cities and villages and stated that we do have authority to regulate lot sizes within a mile and a half of our borders. The judge ruled that this is a valid law. The state's attorney of Cook County did not appeal that case.

MR. KNOUFF: You understand, ladies and gentlemen, that within a mile and a half area of the Village limits, as Mr. O'Laughlin stated, the Village has no authority to zone, it merely has authority to file a map with the particular county in which it places on that map what the recommendation is as to proper zoning for that area. And that, at the moment--and it is off again, on again, because at one stage of the game here, due to an opinion, I

believe, of the eminent district attorney of Cook County, the Municipal Code Amendments which were recently enacted were supposed to have abolished that jurisdiction or quasi-control which villages had of that area.

Now, it is back on again, at least unless this case is appealed.

Were you finished with your statement, Mr. Truninger?

MR. TRUNINGER: Yes.

MR. JOHNSON: I don't know about Judge Lupe's decision, but I have the statute which says that in any county where the county has adopted a comprehensive zoning plan all the village can do to control zoning outside its border is to make a recommendation to the County Board, and in such event it requires a three-fourths vote of the County Board members to overrule that objection.

MR. KNOUFF: I am sure you are aware of the litigation and the opinions written on this point.

MR. JOHNSON: Yes, but I have no right to control the zoning outside the board.

MR. TRUNINGER: I said we control lot size, I refer you to Section 11-12-4 of the Cities and Villages Act.

JUDGE DIERINGER: It seems to me we are talking about

the same thing. The point I made before is that this Village is protesting the encroachment of Hoffman Estates. Now, my point was that we are fighting. And that is what I think we ought to do. Now, the right-hand border there--Dave, will you stand up and just below there on the right-hand side, below the yellow where you had your finger, that right now is zoned five acre on the County ordinance, below where your finger is, right in there all the way down, that is five acres zoning.

MR. TRUNINGER: Since that map is issued today, it does not show Hoffman Estates in there, does it?

JUDGE DIERINGER: Yes, I have everything in here up to the minute. I had the zoning people in my chambers this morning with all the books and records right up to the minute. It shows R-1, not Palatine Road. You have a little offset there. From there down is five acres. Where you have your finger. It is R-1.

MR. TRUNINGER: It is correct.

JUDGE DIERINGER: So we are preserving that five acre on our border line there, and you want to give up that five acre on that blue. Why give it up there and fight it up there?

MR. O'LAUGHLIN: The Village of Barrington has

indicated that as one acre on their official plan.

JUDGE DIERINGER: But that is only a suggestion. The zoning by the County Board which is controlling now is five acre, and I refer you back to a letter, and I have a photostatic copy, which you wrote to the County Board asking that they preserve that, which they did that. Anybody who wants to read the letter, it is very interesting.

MR. KERBER: My name is Kerber. May I clarify some of these things. I could answer some of your questions, I think, Judge, as to why that property--or why the Village of Barrington Hills at the time of the comprehensive zoning recommended that one acre be put into that area north of Dundee Road.

This is in spite of the fact that there was very vigorous protest by a lot of people, including myself, that this be retained in five acres. However, some people with political influence had proposed that anything east of Barrington Road be made one acre. This was the proposition of the county rezoning. Some of the trustees of Barrington Hills, exactly our late Andy Dallstream, did some political maneuvering and asked that sacrificed something to gain something. He sacrificed that north of Bradwell Road and

forced them to push the five acre back to the Barrington Township line south of Bradwell Road.

This was largely due to the fact that your good friend has a terrific political clout--

JUDGE DIERINGER: Well, Mr. Chairman--

MR. KERBER: I am trying to clarify a few things.

JUDGE DIERINGER: I am taking exception for Judge LaBuy. This is totally out of order. Judge LaBuy is a very fine gentleman and a very fine judge. He would not stoop to such a thing, he would win on his own merits, and I can't stand here as a fellow judge and let you accuse him or even question his integrity. You are also questioning the integrity of Andrew Dallstream and the County Board.

Mr. I say to you the record does not bear you out. I will show you here in black and white that what you stated is wrong if you will take the trouble to come over here. That part which was above Dundee Road was R-2 since way back in 1940. Immediately below it was R-2 to the crick; and below that was R-1.

And the County Board proposed to keep it R-1 until this Village by its trustees came in and asked that the east half of that section be changed to R-2. Why? We don't know. But I don't think you have any right to

get up here and make these statements in the face of the record and to question the integrity of some very fine people. I am standing on the record.

MR. KNOUFF: I agree with Judge Dieringer, and I would like to have the remarks, both of Mr. Kerber with respect to Judge LaBuy and Judge Dieringer with respect same, stricken from the record.

MR. BAUGHMAN: I am here in behalf of Judge LaBuy, and I reserved the statement for later because I thought that was the order. Now there have been several statements made, and if it is in order I would like to clarify Judge LaBuy's position.

MR. KNOUFF: Would you like to make that as a sworn statement?

MR. BAUGHMAN: Yes, I would.

MR. KNOUFF: Can you all hear this gentleman back there?

(Mr. Baughman sworn in by the Chairman)

MR. BAUGHMAN: The statements I will make--

MR. KNOUFF: May I interrupt to ask you a question first? You are appearing on behalf of the property owner, Walter J. LaBuy?

MR. BAUGHMAN: Yes.