



**REGULAR MEETING  
PLAN COMMISSION/ZONING BOARD OF APPEALS  
JUNE 19, 2023 - 7:00 PM  
VILLAGE HALL - BOARD ROOM**

The Plan Commission/Zoning Board of Appeals hears requests for zoning text amendments, rezoning, special uses, and variations and forwards recommendations to the Board of Trustees. The Commission also reviews all proposals to subdivide property and is charged with Village planning, including the updating of the Comprehensive Plan for Land Use. All Plan Commission actions are advisory and are submitted to the Board of Trustees for final action.

**I. ROLL CALL**

**II. APPROVAL OF JUNE 5, 2023 MEETING MINUTES**

**III. PUBLIC HEARINGS**

- A. Z-05-2023: 1400 Burr Ridge Parkway/Portions of Outlots A, C, and D of Lakeside Pointe Subdivision/PINs 18-30-303-016-0000, 18-30-101-048-0000, 18-30-101-045-0000, and 18-30-101-047-0000 (McNaughton Development LLC); PUD Amendment, Special Use, Variations, Preliminary Plan approval, and Findings of Fact [CONTINUED FROM APRIL 17, MAY 1, and MAY 15, 2023]**

***REQUEST BY PETITIONER TO CONTINUE UNTIL JULY 17, 2023.***

Requests to (1) amend Planned Unit Development Ordinances A-834-21-17 and A-834-20-16, (2) for variations to permit a planned unit development on less than 20 acres and less than 800 ft. of lot width per Zoning Ordinance sections VI.H and XIII.H, (3) a special use for a Planned Unit Development pursuant to Zoning Ordinance sections VI.H and XIII.L, (4) preliminary plan approval of the PUD in accordance with Zoning Ordinance section XIII.L.2, and (5) variations from Subdivision Ordinance sections VII.D and (6) VIII.I for minimum street right-of-way width from 60 ft. to 28 ft. and to permit sidewalks on one side of the street instead of both, pursuant to Subdivision Ordinance section III.C. The petitioner is proposing a 15-unit townhome development called The Villas of Lakeside Pointe.

- B. Z-06-2023: Zoning Ordinance Amendments for Swimming Pool Fences (Village of Burr Ridge); Text Amendment and Findings of Fact [CONTINUED FROM MAY 1 & JUNE 5, 2023]**

Request to consider text amendments to Section IV of the Zoning Ordinance to amend regulations to include the Building Ordinance requirement for a perimeter fence for a swimming pool.

**IV. CORRESPONDENCE**

- A. Board Report**  
No report – June 12 meeting was canceled
- B. Building Report**  
No report

**V. OTHER CONSIDERATIONS**

**A. PC-06-2023: 9200 Kingery Highway (QuikTrip); Extraterritorial Review of Rezoning and Conditional Use for a Planned Development**

Review of a DuPage County requests for rezoning from R-4/Single-Family Residential and O-R/Office Research to B-2/General Business and a Conditional Use for a Planned Development to construct a gas station with truck fueling, convenience store, and car wash.

**VI. PUBLIC COMMENT**

**VII. FUTURE MEETINGS**

**June 26 Village Board**

Commissioner Petrich is the scheduled representative.

**July 3 Plan Commission (no meeting was scheduled due to holiday)**

**July 10 Village Board**

Chairman Trzupek is the scheduled representative.

**July 17 Plan Commission**

**A. Z-02-2023: 60 Shore Drive (Naddaf – Coda Motors); Special Use Amendment, Special Use, and Findings of Fact [REMANDED FROM BOARD OF TRUSTEES MAY 22, 2023 & CONTINUED JUNE 5, 2023]**

**B. Z-05-2023: 1400 Burr Ridge Parkway/Portions of Outlots A, C, and D of Lakeside Pointe Subdivision/PINs 18-30-303-016-0000, 18-30-101-048-0000, 18-30-101-045-0000, and 18-30-101-047-0000 (McNaughton Development LLC); PUD Amendment, Special Use, Variations, Preliminary Plan approval, and Findings of Fact [CONTINUED FROM APRIL 17, MAY 1, MAY 15, JUNE 5, JUNE 19, 2023]**

**C. V-01-2023: 6301 S. County Line Rd. (Zaffar); Variations and Findings of Fact**

Variations (4) from Zoning Ordinance Section IV.I to permit a deck in the front yard, a driveway gate on a parcel less than two acres in lot area, a driveway gate exceeding 6 ft. in height, and a driveway gate within the minimum 30 ft. corner side yard setback. Variation (1) from Zoning Ordinance Section IV.J to permit a fence in the corner side yard setback.

**July 24 Village Board**

Commissioner Parrella is the scheduled representative.

**VIII. ADJOURNMENT**

**VILLAGE OF BURR RIDGE PLAN COMMISSION/ZONING BOARD OF APPEALS**  
**MINUTES FOR REGULAR MEETING OF JUNE 5, 2023**

**I. ROLL CALL**

The meeting of the Plan Commission/Zoning Board of Appeals was called to order at 7:00 p.m. at the Burr Ridge Village Hall Board Room, 7660 County Line Road, Burr Ridge, Illinois by Chairman Trzupek.

**ROLL CALL** was noted as follows:

**PRESENT:** 6 – McCollian, Parrella, Petrich, Broline, Morton, and Trzupek

**ABSENT:** 2 – Irwin and Stratis

Community Development Director Janine Farrell was also present.

**II. APPROVAL OF PRIOR MEETING MINUTES – MAY 15, 2023**

Commissioner Morton requested that his comments on page four be updated to reflect that emergency vehicle access only becomes problematic when there are vehicles parked on the street.

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner McCollian to approve the minutes of the May 15, 2023, meeting as amended.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Morton, McCollian, Parrella, Petrich, Broline, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 6-0.

**III. PUBLIC HEARINGS**

Chairman Trzupek conducted the swearing in of all those wishing to speak during the public hearings on the agenda for the meeting.

**A. Z-05-2023: 1400 Burr Ridge Parkway/Portions of Outlots A, C, and D of Lakeside Pointe Subdivision/PINs 18-30-303-016-0000, 18-30-101-048-0000, 18-30-101-045-0000, and 18-30-101-047-0000 (McNaughton Development LLC); PUD Amendment, Special Use, Variations, Preliminary Plan approval, and Findings of Fact [CONTINUED FROM APRIL 17 & MAY 1, 2023]**

Chairman Trzupek introduced the case and noted that the petitioner is requesting a continuation until June 19.

A **MOTION** was made by Commissioner McCollian and **SECONDED** by Commissioner Morton to continue Z-05-2023 to June 19, 2023.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – McCollian, Morton, Parrella, Petrich, Broline, and Trzupek  
**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 6-0.

**B. Z-06-2023: Zoning Ordinance Amendments for Swimming Pool Fences (Village of Burr Ridge); Text Amendment and Findings of Fact [CONTINUED FROM MAY 1, 2023]**

Chairman Trzupek introduced the case and asked for a summary. Director Farrell stated the case was continued on May 1<sup>st</sup> agenda due to requests from Commissioners for more information regarding power safety covers and safety information regarding pools. Director Farrell referenced packet information from nationwide organizations for pool safety. Director Farrell stated there is no regulation in the Zoning Ordinance which stipulates a fence is required for a pool. The Ordinance defaults to the barrier requirements under the Building Ordinance. Within the Building Ordinance there are two conflicting provisions within the adopted codes. In the ISPS, a powered safety cover is permitted to be used as a barrier. However, Appendix G in the IRC states a fence is required to meet the barrier requirement. The Zoning Ordinance refers to these Building Code provisions.

Director Farrell relayed discussions she had with the Village Plan Reviewer from Don Morris Architects regarding above ground pools. An above ground pool of at least 48” in height can serve as a barrier itself meaning no additional fence or rail is required on the pool itself, or the property. Should the Commission determine that a fence is required, around the pool itself or on the property, the Zoning Ordinance language will need to be updated to reflect it.

Chairman Trzupek asked for public comment. Resident, Joe Pizzuto, 10S231 Vine Street, stated he is considering having a pool installed and asked if a power safety cover would be sufficient. Director Farrell responded that a fence would be required.

Chairman Trzupek asked for Commissioner discussion.

Commissioner Morton requested to have a few questions clarified regarding this Ordinance. Commissioner Morton asked if retention ponds are covered under this section. Director Farrell commented that retention ponds are in the Zoning Ordinance but are not part of this section and a fence is not required around a retention pond. Commissioner Morton inquired about the height of the pool counting as a barrier and if soil is compacted around the pool, is the barrier lost due to the grading. Director Farrell responded that the grade of the adjacent area is taken into consideration when determining the barrier.

Commissioner Morton stated that some existing pools would become noncompliant if the Ordinance is changed and asked how that would be handled. Director Farrell stated it would depend on what is decided by the Commission. A “sunset” provision could be built into the language to give residents time to become compliant with the new Ordinance.

Commissioner Broline offered a comment that he believes safety barrier guidelines for residential pools recommend a fence with above-ground pools.

Commissioner Petrich expressed similar concerns regarding fences around pools or ladders, having a removal ladder or a ladder which could be closed off. Commissioner Petrich is not in favor of removing fence requirements and commented on the need for a barrier with a self-locking gate and fence with spacing which would not allow children to get underneath. Commissioner Petrich further stated that an alarm or cover adds some protection but is not in favor of it as a safety measure, and he believes the State of Illinois requires a fence.

Commissioner Parrella agrees with keeping the fence language for the protection of children and pets as well.

Commissioner McCollian stated that she is in favor of powered safety covers. Commissioner McCollian added she had spoken with insurance agents regarding fences and powered safety covers and was informed that they are viewed the same, do not cost more to insure, and are not riskier.

Chairman Trzupsek stated a pool cover adds a layer of protection but is not the only safety measure for a pool. Chairman Trzupsek recommended that before the Village adopts an either/or policy, the Village attorney should be consulted to weigh any potential liability the Village may have if a powered safety cover alone is acceptable.

Director Farrell added that she could not comment on the legality or liability consideration, but if the Village’s standards are consistent with the adopted Codes, it may be covered. Industry standards recommend powered safety covers in addition to fencing, but not the only measure.

The Commission generally discussed fencing vs barriers, pool alarms, and powered safety covers. The Commission requested additional information regarding barriers and implications of pool covers. It was mutually agreed to continue the discussion to June 19, 2023.

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Broline to continue Z-06-2023 to June 19, 2023.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Morton, Broline, McCollian, Parrella, Petrich, and Trzupsek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 6-0.

**C. Z-02-2023: 60 Shore Drive (Naddaf – Coda Motors); Special Use Amendment, Special Use, and Findings of Fact [REMANDED FROM BOARD OF TRUSTEES MAY 22, 2023]**

Chairman Trzupsek introduced the case and noted that it was remanded from the Board of Trustees. The petitioner is requesting a continuation until July 17.

A **MOTION** was made by Commissioner McCollian and **SECONDED** by Commissioner Parrella to continue Z-02-2023 to July 17, 2023.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – McCollian, Parrella, Morton, Petrich, Broline, and Trzupsek  
**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 6-0.

**IV. CORRESPONDENCE**

Chairman Trzupsek stated that he was present at the Board meeting when the painting of Pella Restaurant was discussed. There was a discussion about the original plan design and that Pella is now proposing a plan similar to what was originally presented.

Commissioner Petrich requested confirmation of the proposed structure to be built at 8311 Fars Cove. Director Farrell confirmed that a detached garage is what was approved.

**V. OTHER CONSIDERATIONS**

**A. PC-05-2023: 15W730 90<sup>th</sup> Street/PINs 10-01-101-010/10-01-101-011 (Malinin); Extraterritorial Review of Variations**

Chairman Trzupsek introduced the case and asked for a summary. Director Farrell stated the petitioner is requesting variations to reconfigure the orientation of the parcels. The petitioner intends to have a north/south division. Staff contacted DuPage County to inquire why the petitioner is pursuing this zoning action and received a response that there is a floodplain on the north lot which restricts development. Director Farrell consulted FEMA maps and the National Wetland Inventory but did not find a floodplain or wetland on the property. DuPage County will be holding a hearing on the zoning case on June 7, 2023. Director Farrell plans to attend the meeting virtually but has a conflict with scheduled adjudication the same day.

Chairman Trzupek asked for public comment.

Joe Pizzuto, 10S231 Vine St., stated that the Vine Street water main was paid for by private citizens, including himself. Mr. Pizzuto added that there is a Recapture Agreement with the Village to reimburse the residents who paid for the main originally. The lots in question are currently on well. Mr. Pizzuto expressed concern about future residents trying to avoid paying for the recapture by connecting to the 90<sup>th</sup> Street water main. Mr. Pizzuto wants the ordinance upheld.

Chairman Trzupek asked for Commissioner discussion. The Commissioners discussed the reconfiguring of the lots and did not take issue with the request apart from trying to avoid paying the recapture fee. The front/main entrance of the proposed configuration would be on 90<sup>th</sup> Street. It was agreed to respond back to DuPage County that there is no objection regarding the configuration of the parcels, but to refer to the Ordinance of the recapture fee.

#### **B. QuikTrip Proposal in DuPage County**

Director Farrell introduced information regarding an upcoming DuPage County Public Hearing on June 15, 2023, regarding the proposed development of a QuikTrip at the southwest corner of 91<sup>st</sup> Street and IL Route 83. The plans for the QuikTrip location include semi-truck refueling, car refueling, a convenience store, and car wash. The Commission discussed and expressed concerns regarding additional truck traffic, truck fueling behind a residential area, the lack of additional turn lanes, what the intent is for the residence left on the south end of the site, and concluded there is no value to the community.

Objections as discussed will be submitted to DuPage County prior to the hearing on June 15, 2023.

#### **VI. PUBLIC COMMENT**

Joe Pizzuto commented that QuikTrip has a location on 25<sup>th</sup> Avenue in Hillside if anyone wanted to visit the location. Based on the existing traffic on 91<sup>st</sup> Street, he agreed this would not be an ideal location for this type of development.

#### **VII. FUTURE MEETINGS**

Director Farrell noted that Z-05-2023 and Z-06-2023 will be on the June 19<sup>th</sup> Plan Commission agenda. The remand of Z-02-2023 is scheduled for the July 17<sup>th</sup> agenda along with two text amendments if the schedule permits.

#### **VIII. ADJOURNMENT**

A **MOTION** was made by Commissioner McCollan and **SECONDED** by Commissioner

Parrella to adjourn the meeting at 8:21 p.m.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 - McCollian, Parrella, Petrich, Broline, Morton, and Trzupek

**NAYS:** 0 - None

**MOTION CARRIED** by a vote of 6-0

**Respectfully Submitted:**

---

Janine Farrell, AICP  
Community Development Director



**Z-06-2023: Request to consider text amendments to Section IV of the Zoning Ordinance to amend regulations to include the Building Ordinance requirement for a perimeter fence for a swimming pool.**

**Prepared for:** Village of Burr Ridge Plan Commission/Zoning Board of Appeals  
Greg Trzupek, Chairman

**Petitioner:** Village of Burr Ridge

**Prepared by:** Janine Farrell, Community Development Director

**Date of Hearings:** May 1, June 5, and June 19, 2023

On February 13, 2023, the Board of Trustees directed the Plan Commission to hold a public hearing on potential Zoning Ordinance text amendments regarding fences for swimming pools. This was part of the annual zoning review from 2022. The Plan Commission held public hearings at the May 1 and June 5, 2023 meetings.

***Current Regulations:***

Under current Zoning Ordinance regulations, section IV contains the regulations for accessory uses including fences and pools. There is no explicit mention of a fence or barrier requirement for a pool in this section. The current requirement for a fence around a swimming pool is within the Building Ordinance. Village of Burr Ridge Building Ordinance Section 702.27 adopted Appendix G of the 2012 International Residential Code (IRC). It is within that code that a “barrier” (a fence, wall, building wall or combination thereof) is required. The barrier regulations from the 2012 IRC are included as Exhibit A. Section IV.J of the Zoning Ordinance references this code by stating, “Fences for Swimming Pools - As regulated in the other codes and ordinances of the Village.” Section IV.I of the Zoning Ordinance details the setbacks and location of the pool and does not mention a fence requirement.

***Conflicting Regulations:***

Village of Burr Ridge Building Ordinance Section 715 adopted the 2012 International Swimming Pool and Spa (ISPS) Code. Section 305 of that code details the barrier requirements for pools which are very similar to the barrier requirements in Appendix G of the 2012 IRC. There is one noted exception – the barrier requirement does not apply to swimming pools with a powered safety cover that complies with ASTM F1346. While IRC Appendix G requires a barrier, the ISPS does not. It is important to note that the Building Ordinance will likely be updated in the upcoming year to eliminate this conflict. At the May 1 meeting, the Commission requested additional information about powered safety covers. While the ASTM F1346 standard is available for purchase, many powered safety cover companies have basic information about what is included in these standards. Four of the qualifications include: a cover should be able to support 485 lbs. of weight, the cover must prevent small objects from being entered between the cover and pool, the cover prohibits a dangerous amount of water from collecting on the surface, and the cover must have a label with warnings. Information about pool safety barriers has been included as an attachment.

After the May 1 meeting, staff consulted with the Village's architectural plan reviewer and inspector to clarify a provision in Appendix G. It was confirmed that for an above ground pool that measures at least 48" in height, no barrier would be required since the pool itself can be used to satisfy the "barrier" requirement.

At the June 5 meeting, the Commission generally agreed to require a fence enclosure around a pool. The fence requirement could be in addition to a powered safety cover, but a powered safety cover alone was not generally supported. Staff was directed to contact the Village Attorney about the Village's liability if only a powered safety cover was permitted. The Village Attorney stated that as long as the Village legally adopts and enforces Building Codes which are industry standards, such as those from the International Code Council, the Village is not liable should an accident occur.

### **Findings of Fact**

The findings of fact for a text amendment are limited to assessing whether the amendment is compatible with other standards of the Zoning Ordinance and if the amendments fulfill the purpose and intent of the Zoning Ordinance.

### **Attachments**

- Exhibit A – Petitioner's Materials
  - Application
  - Findings of Fact
  - Section AG105 of Appendix G of the 2012 International Residential Code
  - Existing Zoning Ordinance Language pertaining to pools and fences
  - U.S. Consumer Product Safety Commission Safety Barrier Guidelines for Residential Pools
  - Pool and Hot Tub Alliance information about protection
- Exhibit B – Proposed Language for Zoning Ordinance Section IV



# VILLAGE OF BURR RIDGE

## PETITION FOR PUBLIC HEARING PLAN COMMISSION/ZONING BOARD OF APPEALS

### GENERAL INFORMATION (to be completed by Petitioner)

PETITIONER (All correspondence will be directed to the Petitioner): Janine Farrell, Community Development Director  
Village of Burr Ridge

STATUS OF PETITIONER: Village of Burr Ridge/municipality

PETITIONER'S ADDRESS: 7660 S. County Line Road, Burr Ridge, IL 60527

ADDRESS OF SUBJECT PROPERTY: N/A

PHONE: (630) 654-8181 x. 6100

EMAIL: jfarrell@burr-ridge.gov

PROPERTY OWNER: N/A

PROPERTY OWNER'S ADDRESS: N/A PHONE: N/A

PUBLIC HEARING REQUESTED:  Special Use  Rezoning  Text Amendment  Variation(s)

#### DESCRIPTION OF REQUEST:

Request to amend section IV of the Zoning Ordinance to require a fence enclosure for swimming pools. The fencing requirement is currently codified under the Building Ordinance.

### PROPERTY INFORMATION (to be completed by Village staff)

PROPERTY ACREAGE/SQ FOOTAGE: N/A EXISTING ZONING: N/A

EXISTING USE/IMPROVEMENTS: N/A

SUBDIVISION: N/A

PIN(S) # N/A

The above information and the attached Plat of Survey are true and accurate to the best of my knowledge. I understand the information contained in this petition will be used in preparation of a legal notice for public hearing. I acknowledge that I will be held responsible for any costs made necessary by an error in this petition.

  
Petitioner's Signature

2/14/2023  
Date of Filing



**FINDINGS OF FACT  
FOR AN AMENDMENT TO THE  
VILLAGE OF BURR RIDGE ZONING ORDINANCE**

Section XIII.J of the Village of Burr Ridge Zoning Ordinance requires that the Plan Commission determine compliance with the following findings in order to recommend a text amendment to the Zoning Ordinance. The petitioner must respond to and confirm each of the following findings by indicating the facts supporting such findings.

- a. The amendment is compatible with other standards and uses of the Zoning Ordinance;

Section IV of the Zoning Ordinance details accessory uses such as swimming pools and fences. Within these regulations, a reference is made to the Building Code requirement for a fence for a swimming pool. Since the fence regulations (height, transparency, material) are within the Zoning Ordinance, a cross-reference to the Building Code requirement would create clarity for residents.

- b. The amendment fulfills the purpose and intent of the Zoning Ordinance;

The Zoning Ordinance section IV.J. states that fences for swimming pools are "as regulated in the other codes and ordinances of the Village." Building Code section 702.27 adopts Appendix G of the International Residential Code which details the fencing requirement for swimming pools. Amending the Zoning Ordinance language will allow for greater clarity to residents instead of simply referring to another Ordinance regulation.

(Please transcribe or attach additional pages as necessary)

## 2012 International Residential Code (IRC) Appendix G

<https://codes.iccsafe.org/content/IRC2012/appendix-g-swimming-pools-spas-and-hot-tubs>

### SECTION AG105 BARRIER REQUIREMENTS

#### AG105.1 Application.

The provisions of this appendix shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs.

#### AG105.2 Outdoor swimming pool.

An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa, shall be surrounded by a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1219 mm) above *grade* measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).
2. Openings in the barrier shall not allow the passage of a 4-inch-diameter (102 mm) sphere.
3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions, except for normal construction tolerances and tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed  $1\frac{3}{4}$  inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed  $1\frac{3}{4}$  inches (44 mm) in width.
5. Where the barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed  $1\frac{3}{4}$  inches (44 mm) in width.
6. Maximum mesh size for chain link fences shall be a  $2\frac{1}{4}$ -inch (57 mm) square, unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than  $1\frac{3}{4}$  inches (44 mm).
7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than  $1\frac{3}{4}$  inches (44 mm).
8. Access gates shall comply with the requirements of Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool, and shall be self-closing and have a self-latching device. Gates, other than pedestrian access gates, shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:
  - 8.1. The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate; and
  - 8.2. The gate and barrier shall have no opening larger than  $\frac{1}{2}$  inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.
9. Where a wall of a *dwelling* serves as part of the barrier, one of the following conditions shall be met:
  - 9.1. The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346;
  - 9.2. Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed and *labeled* in accordance with UL 2017. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or
  - 9.3. Other means of protection, such as self-closing doors with self-latching devices, which are *approved* by the governing body, shall be acceptable as long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described herein.
10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps:
  - 10.1. The ladder or steps shall be capable of being secured, locked or removed to prevent access; or
  - 10.2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

#### AG105.3 Indoor swimming pool.

Walls surrounding an indoor swimming pool shall comply with Item 9 of Section AG105.2.

#### AG105.4 Prohibited locations.

Barriers shall be located to prohibit permanent structures, *equipment* or similar objects from being used to climb them.

#### AG105.5 Barrier exceptions.

Spas or hot tubs with a safety cover which comply with ASTM F 1346 shall be exempt from the provisions of this appendix.

## **BUILDING ORDINANCE:**

The current requirement for a fence around a swimming pool is within the Building Ordinance. Village of Burr Ridge Building Ordinance Section 702.27 adopted Appendix G of the 2012 International Residential Code. It is within that code that a barrier (fence, wall, or combination) is required. <https://codes.iccsafe.org/content/IRC2012/appendix-g-swimming-pools-spas-and-hot-tubs>

## **CURRENT ZONING ORDINANCE RELATED LANGUAGE, SECTION IV:**

### **I. PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES - LOCATION & REGULATION**

#### **28. Ponds (Private)**

Ponds (private) and related features with water depths greater than 2 feet may be located in the rear buildable area and are permitted in the required rear yard, but not closer than 10 feet to the rear lot line. **Ponds are subject to issuance of a grading permit by the Village and shall meet the regulations for Swimming Pools (Private) including the requirement for a perimeter fences as adopted by the Village of Burr Ridge Building Ordinance.** Related equipment shelters may encroach into the required rear yard but not closer than 10 ft. to the rear lot line.

#### **33. Swimming Pools (Private)**

Swimming pools (private) may be located in a rear buildable area and are also permitted in the required rear yard, but not closer than 10 feet to the rear lot line.

### **J. FENCES**

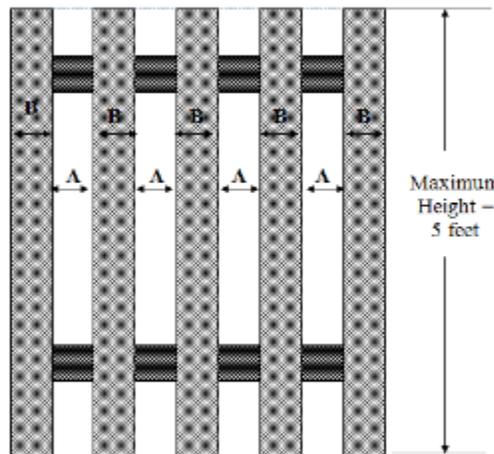
Fences are permitted and may be obstructions in yards (for purposes of this Section the term "yards" shall not be limited to the required yards set forth in this Zoning Ordinance but also shall include all unobstructed open areas on a lot) or courts as regulated herein.

#### **1. Fences, Open -- in residence districts only**

1. Fences in residential districts shall be not more than five feet in height measured from the ground level at the lowest grade level within five feet of either side of the fence.
2. Such fences shall be permitted, unless otherwise provided herein, along the rear lot line and along the side lot lines extending no further toward the front of the lot than the rear wall of the principal building on the lot. Except, however, on corner lots such fences shall extend not nearer to the corner side lot line than the required corner side yard setback. (Amended by Ordinance A-834-13-11)
3. All fence posts and all supports must face the interior of the property on which it is located.

4. Chain link, solid, barbed wire and fences which are electrically charged to produce a shock when touched are specifically prohibited.
5. All fences in residential districts shall be open fences as defined by Section XIV and as depicted below (Amended by Ordinances A-834-09-01 and A-834-13-11). Open fences are defined as a fence, including gates, which has, for each one foot wide segment extending over the entire length and height of the fence, 50 percent of the surface area in open spaces which afford direct views through the fence.

**Figure IV.J.1.e Graphic Definition of Open Fence**



**“A” must be equal to or greater than “B”**

2. Fences -- in non-residence districts

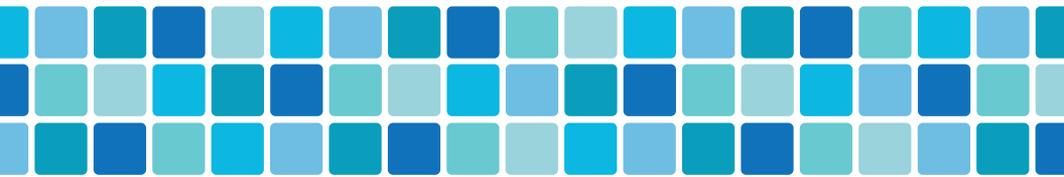
Fences in non-residential districts, unless specifically required by other provisions of this Ordinance, may only be provided if they comply with the following provisions:

1. Fences in non-residential districts, unless otherwise required by this Ordinance, shall be considered special uses and shall be subject to compliance with Section XIII.K of this Ordinance except as modified herein.
2. The standards for consideration of a special use pertaining to a non-residential fence shall be limited to the standards referenced as b, c, d, and h in Section XIII.K.7 of this Ordinance and reiterated as follows:
  1. The establishment, maintenance, or operation of the special use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare.

2. The special use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood in which it is to be located.
  3. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
  4. The special use shall, in other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission or, if applicable, the Zoning Board of Appeals.
3. The location, height, design, and type of fence shall comply with the standards for residential fences contained in Section IV.J.1 above, except as may be specifically authorized by conditions for approval of the special use.

### 3. Fences for Swimming Pools

As regulated in the other codes and ordinances of the Village.



# Safety Barrier Guidelines for Residential Pools

**Preventing Child Drownings**

U.S. Consumer Product  
Safety Commission





This document is in the public domain. Therefore it may be reproduced, in part or in whole, without permission by an individual or organization. However, if it is reproduced, the Commission would appreciate attribution and knowing how it is used.

For further information, write:

**U.S. Consumer Product Safety Commission**  
**Office of Communications**  
**4330 East West Highway**  
**Bethesda, Md. 20814**  
**[www.cpsc.gov](http://www.cpsc.gov)**

CPSC is charged with protecting the public from unreasonable risks of injury or death associated with the use of the thousands of consumer products under the agency's jurisdiction.

Many communities have enacted safety regulations for barriers at residential swimming pools—in ground and above ground. In addition to following these laws, parents who own pools can take their own precautions to reduce the chances of their youngsters accessing the family or neighbors' pools or spas without supervision. This booklet provides tips for creating and maintaining effective barriers to pools and spas.



Each year, thousands of American families suffer swimming pool tragedies—drownings and near-drownings of young children. The majority of deaths and injuries in pools and spas involve young children ages 1 to 3 and occur in residential settings. These tragedies are preventable.

This U.S. Consumer Product Safety Commission (CPSC) booklet offers guidelines for pool barriers that can help prevent most submersion incidents involving young children. This handbook is designed for use by owners, purchasers, and builders of residential pools, spas, and hot tubs.

The swimming pool barrier guidelines are not a CPSC standard, nor are they mandatory requirements. CPSC believes that the safety features recommended in this booklet will help make pools safer, promote pool safety awareness, and save lives. Barriers are not the sole method to prevent pool drowning of young children and cannot replace adult supervision.

Some states and localities have incorporated these guidelines into their building codes. Check with your local authorities to see what is required in your area's building code or in other regulations.



## Swimming Pool Barrier Guidelines

Many of the nearly 300 children under 5 who drown each year in backyard pools could be saved if homeowners completely fenced in pools and installed self-closing and self-latching devices on gates.

Anyone who has cared for a toddler knows how fast young children can move. Toddlers are inquisitive and impulsive and lack a realistic sense of danger. These behaviors make swimming pools particularly hazardous for households with young children.

CPSC reports that child drownings are the second leading cause of accidental death around the home for children under 5 years of age. In some southern or warm weather states, drowning is the leading cause of accidental death in the home for children under 5.

CPSC staff has reviewed a great deal of data on drownings and child behavior, as well as information on pool and pool barrier construction. The staff concluded that the best way to reduce child drownings in residential pools is for pool owners to construct and maintain barriers that will help to prevent young children from gaining access to pools and spas.

The guidelines provide information for pool and spa owners to use to prevent children from entering the pool area unaccompanied by a supervising adult. They take into consideration the variety of barriers (fences) available and where each might be vulnerable to a child wanting to get on the other side.

The swimming pool barrier guidelines are presented with illustrated descriptions of pool barriers. The definition of pool includes spas and hot tubs. The swimming pool barrier guidelines therefore apply to these structures as well as to above ground pools, and may include larger portable pools.

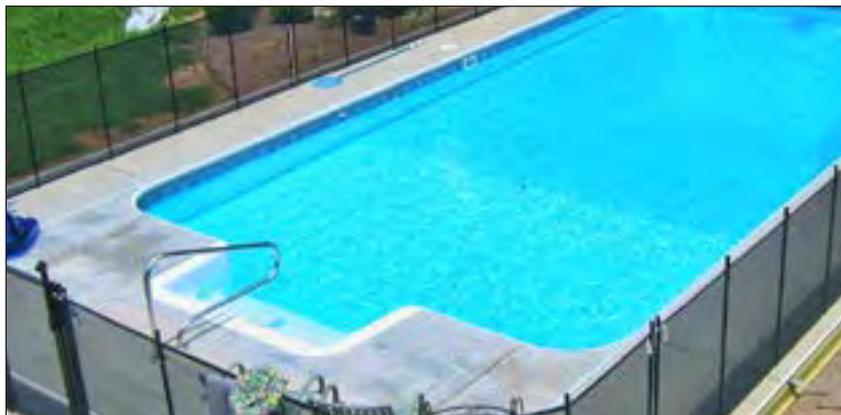
## ***Pool and Spa Submersions: Estimated Injuries and Reported Fatalities\****

CPSC publishes an annual report on submersion incidents. Key findings from the 2012 report include:

- Nearly 300 children younger than 5 drown in swimming pools and spas each year representing 75 percent of the 390 fatalities reported for children younger than 15.
- Children aged 1 to 3 years (12 months through 47 months) represented 67 percent of the reported fatalities and 66 percent of reported injuries in pools and spas.
- Over 4,100 children younger than 5 suffer submersion injuries and require emergency room treatment; about half are seriously injured and are admitted to the hospital for further treatment.
- The majority of drownings and submersion injuries involving victims younger than 5 occur in pools owned by the family, friends or relatives.
- The majority of estimated emergency department-treated submersion injuries and reported fatalities were associated with pools.
- Portable pools accounted for 10 percent of the total fatalities (annual average of 40) for children younger than 15.

*\*The report presents average annual estimates for emergency department-treated injuries for 2009 through 2011 and average annual estimates for fatal submersions for 2007 through 2009, as reported to CPSC staff. The years for reported injury and fatality statistics differ due to a lag in fatality reporting.*





## Barriers

Barriers are not child proof, but they provide layers of protection for a child when there is a lapse in adult supervision. Barriers give parents additional time to find a child before the unexpected can occur.

Barriers include a fence or wall, door alarms for the house, and a power safety cover over the pool. Use the following recommendations as a guide.

### Barrier Locations

Barriers should be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

### Fences

A fence completely surrounding the pool is better than one with the house serving as the fourth side. Fences should be a minimum of 4 feet high, although fences 5 feet or higher are preferable.

If the home serves as one side of the barrier install **door alarms** on all doors leading to the pool area. Make sure the doors have self-closing and self-latching devices or locks beyond the reach of children to prevent them from opening the door and gaining access to the pool.

**Pool covers** add another layer of protection and there are a wide variety of styles on the market. Keep pool covers well-maintained and make sure the control devices are kept out of the reach of children.

A successful pool barrier prevents a child from getting **OVER**, **UNDER**, or **THROUGH** and keeps the child from gaining access to the pool except when supervising adults are present.

### How To Prevent a Child from Getting OVER a Pool Barrier

A young child can get over a pool barrier if the barrier is too low or if the barrier has handholds or footholds to use when climbing. The top of a pool barrier should be at least 48 inches above grade, measured on the side of the barrier which faces away from the swimming pool. Some states, counties or municipalities require pool barriers of 60 inches.

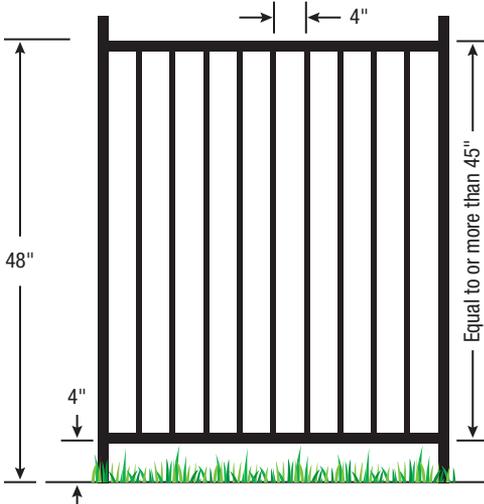


Figure 1

Eliminate handholds and footholds and minimize the size of openings in a barrier's construction.

### For a Solid Barrier

No indentations or protrusions should be present, other than normal construction tolerances and masonry joints.

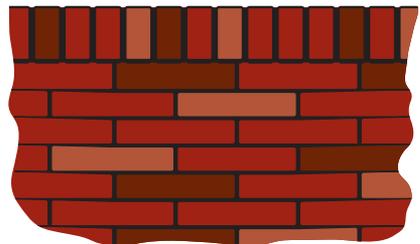


Figure 2

## For a Barrier (Fence) Made Up of Horizontal and Vertical Members

If the distance between the top side of the horizontal members is less than 45 inches, the horizontal members should be on the swimming pool side of the fence.

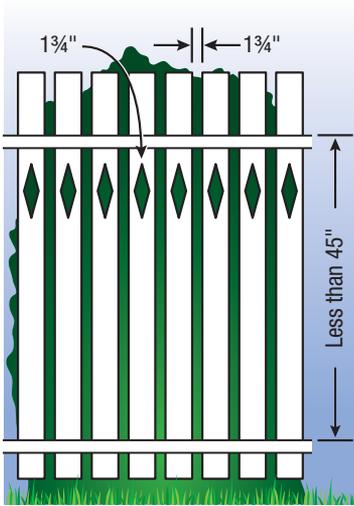


Figure 3

The spacing between vertical members and within decorative cutouts should not exceed  $1\frac{3}{4}$  inches. This size is based on the foot width of a young child and is intended to reduce the potential for a child to gain a foothold and attempt to climb the fence.

If the distance between the tops of the horizontal members is more than 45 inches, the horizontal members can be on the side of the fence facing away from the pool. The spacing between vertical members should not exceed 4 inches. This size is based on the head breadth and chest depth of a young child and is intended to prevent a child from passing through an opening. If there are any decorative cutouts in the fence, the space within the cutouts should not exceed  $1\frac{3}{4}$  inches.

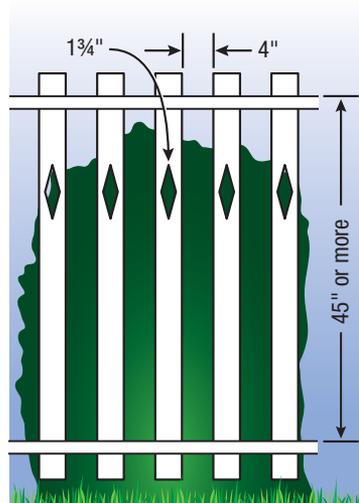


Figure 4

### For a Chain Link Fence

The mesh size should not exceed 1¼ inches square unless slats, fastened at the top or bottom of the fence, are used to reduce mesh openings to no more than 1¾ inches.

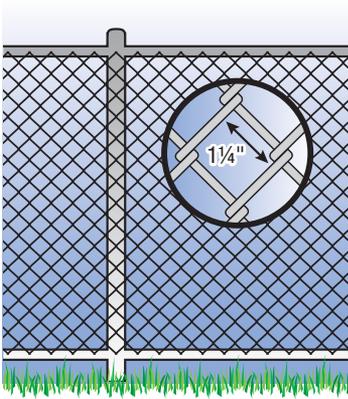


Figure 5

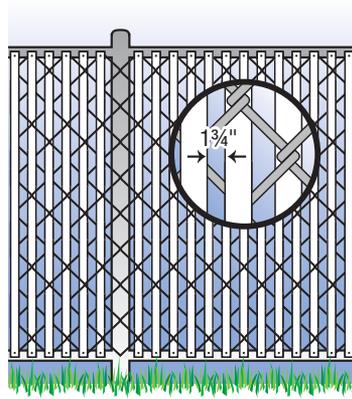


Figure 6

### For a Fence Made Up of Diagonal Members or Latticework

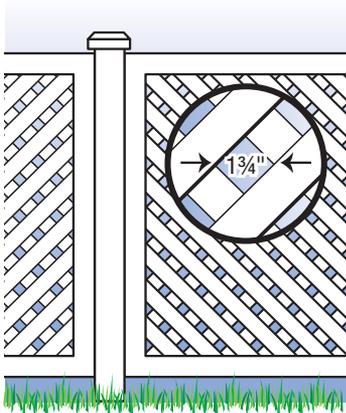


Figure 7

The maximum opening in the lattice should not exceed 1¾ inches.

## For Above Ground Pools

Above ground pools should have barriers. The pool structure itself serves as a barrier or a barrier is mounted on top of the pool structure.

There are two possible ways to prevent young children from climbing up into an above ground pool. The steps or ladder can be designed to be secured, locked or removed to prevent access, or the steps or ladder can be surrounded by a barrier such as those described in these guidelines

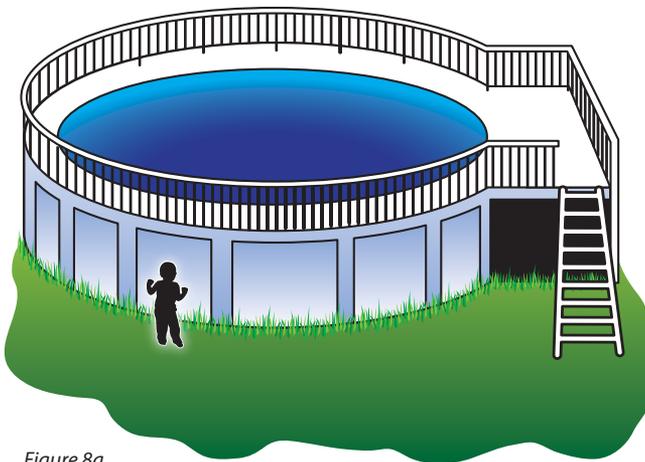


Figure 8a



Figure 8b



Figure 8c

## Above Ground Pool with Barrier on Top of Pool

If an above ground pool has a barrier on the top of the pool, the maximum vertical clearance between the top of the pool and the bottom of the barrier should not exceed 4 inches.

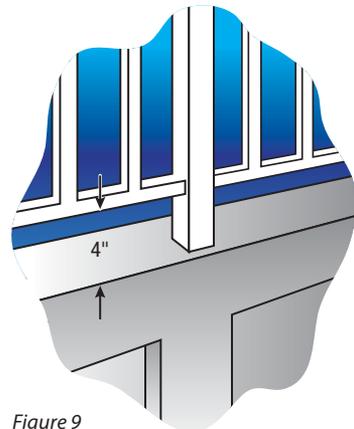


Figure 9

## How to Prevent a Child from Getting UNDER a Pool Barrier

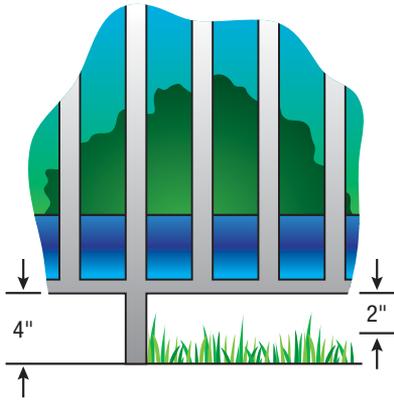


Figure 10

For any pool barrier, the maximum clearance at the bottom of the barrier should not exceed 4 inches above the surface or ground when the measurement is done on the side of the barrier facing away from the pool. Industry recommends that if the bottom of the gate or fence rests on a non-solid surface like grass or gravel, that measurement should not exceed 2 inches.

## How to Prevent a Child from Getting THROUGH a Pool Barrier

Preventing a child from getting through a pool barrier can be done by restricting the sizes of openings in a barrier and by using self-closing and self-latching gates.

To prevent a young child from getting through a fence or other barrier, all openings should be small enough so that a 4-inch diameter sphere cannot pass through. This size is based on the head breadth and chest depth of a young child.

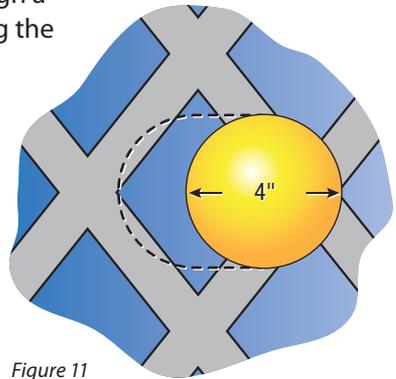


Figure 11

## Portable Pools



Portable pools are becoming more popular. They vary in size and height, from tiny blow-up pools to larger thousands-of-gallons designs. Portable pools present a real danger to young children.

Never leave children unsupervised around portable pools. It is recommended that portable pools be fenced, covered or emptied and stored away. Instruct neighbors, friends and caregivers about their presence and the potential dangers of a portable pool in your yard.

## Removable Mesh Fences

Mesh fences are specifically made for swimming pools or other small bodies of water. Although mesh fences are meant to be removable, the safest mesh pool fences are locked into the deck so that they cannot be removed without the extensive use of tools.



Like other pool fences, mesh fences should be a minimum of 48" in height. The distance between vertical support poles and the attached mesh, along with other manufactured factors, should be designed to hinder a child's ability to climb the fence. The removable vertical support posts should extend a minimum of 3 inches below grade and they should be spaced no greater than 40 inches apart. The bottom of the mesh barrier should not be more than 1 inch above the deck or installed surface.

*For more information on Removable Mesh Fencing see ASTM standard F 2286 – 05.*

## Gates

There are two kinds of gates which might be found on a residential property: pedestrian gates and vehicle or other types of gates. Both can play a part in the design of a swimming pool barrier. All gates should be designed with a locking device.



### Pedestrian Gates

These are the gates people walk through. Swimming pool barriers should be equipped with a gate or gates which restrict access to the pool.

Gates should open out from the pool and should be self-closing and self-latching. If a gate is properly designed and not completely latched, a young child pushing on the gate in order to enter the pool area will at least close the gate and may actually engage the latch.



Figure 12

The weak link in the strongest and highest fence is a gate that fails to close and latch completely. For a gate to close completely every time, it must be in proper working order.

When the release mechanism of the self-latching device on the gate is less than 54 inches from the bottom of the gate, the release mechanism for the gate should be at least 3 inches below the top of the gate on the side facing the pool. Placing the release mechanism at this height prevents a young child from reaching over the top of a gate and releasing the latch.

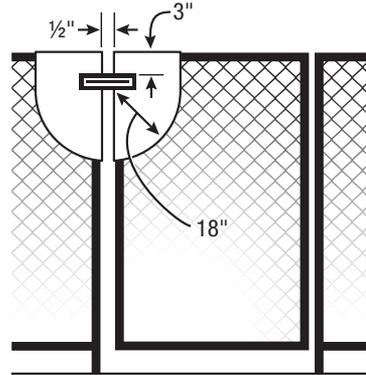
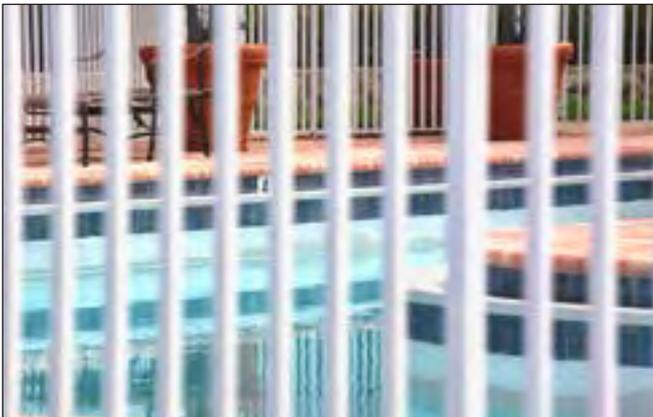


Figure 13

Also, the gate and barrier should have no opening greater than 1/2 inch within 18 inches of the latch release mechanism. This prevents a young child from reaching through the gate and releasing the latch.

### All Other Gates (Vehicle Entrances, Etc.)

Other gates should be equipped with self-latching devices. The self-latching devices should be installed as described for pedestrian gates.



## When the House Forms Part of the Pool Barrier

In many homes, doors open directly from the house onto the pool area or onto a patio leading to the pool. In such cases, the side of the house leading to the pool is an important part of the pool barrier. Passage through any door from the house to the pool should be controlled by security measures.

The importance of controlling a young child's movement from the house to pool is demonstrated by the statistics obtained in CPSC's submersion reports. Residential locations dominate in incidents involving children younger than 5 accounting for 85% of fatalities and 54 percent of injuries (from *CPSC's 2012 Pool and Spa Submersion Report*, see page 3).



Figure 14

### Door Alarms

All doors that allow access to a swimming pool should be equipped with an audible alarm which sounds when the door and/or screen are opened. Alarms should meet the requirements of *UL 2017 General-Purpose Signaling Devices and Systems, Section 77* with the following features:

- Sound lasting for 30 seconds or more within 7 seconds after the door is opened.
- The alarm should be loud: at least 85 dBA (decibels) when measured 10 feet away from the alarm mechanism.
- The alarm sound should be distinct from other sounds in the house, such as the telephone, doorbell and smoke alarm.
- The alarm should have an automatic reset feature to temporarily deactivate the alarm for up to 15 seconds to allow adults to pass through house doors without setting off the alarm. The deactivation switch could be a touchpad (keypad) or a manual switch, and should be located at least 54 inches above the threshold and out of the reach of children.

Self-closing doors with self-latching devices could be used in conjunction with door alarms to safeguard doors which give access to a swimming pool.

## Pet or Doggy Doors

Never have a pet or doggy door if the door leads directly to a pool or other backyard water. An isolation barrier or fence is the best defense when pet doors are installed. Remember, pet door openings, often overlooked by adults, provide curious children with an outlet to backyard adventure. Locking these doors is not sufficient and could lead to accidents and tragedies. Children regularly drown in backyard pools, which they were able to access through pet doors. Some municipalities have building codes that prohibit doggy doors in homes with pools unless there is an isolation fence around the pool.

## Power Safety Covers

Power safety covers can be installed on pools to serve as security barriers, especially when the house serves as the fourth wall or side of a barrier. Power safety covers should conform to the specifications in the *ASTM F 1346-91 standard*, which specifies safety performance requirements for pool covers to protect young children from drowning.



Figure 15

## Indoor Pools

When a pool is located completely within a house, the walls that surround the pool should be equipped to serve as pool safety barriers. Measures recommended for using door alarms, pool alarms and covers where a house wall serves as part of a safety barrier also apply for all the walls surrounding an indoor pool.

# Barriers for Residential Swimming Pool, Spas, and Hot Tubs

The preceding explanations of CPSC’s pool barrier guidelines were provided to make it easier for pool owners, purchasers, builders, technicians, and others to understand and apply the guidelines to their particular properties or situations. Reading the following guidelines in conjunction with the diagrams or figures previously provided may be helpful. For further information, consult your local building department or code authority.

## Outdoor Swimming Pools

All outdoor swimming pools, including inground, above ground, or onground pools, hot tubs, or spas, should have a barrier which complies with the following:

1. The **top of the barrier** should be at least 48 inches above the surface measured on the side of the barrier which faces away from the swimming pool (figure 1).
2. The maximum **vertical clearance between the surface and the bottom of the barrier** should be 4 inches measured on the side of the barrier which faces away from the swimming pool. In the case of a non-solid surface, grass or pebbles, the distance should be reduced to 2 inches, and 1 inch for removable mesh fences (figures 1 and 10).
3. Where the top of the **pool structure is above grade or surface**, such as an above ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier should be 4 inches (figure 9).
4. **Openings in the barrier** should not allow passage of a 4-inch diameter sphere (figure 11).
5. **Solid barriers**, which do not have openings, such as a masonry or stone wall, should not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints (figure 2).
6. Where the barrier is composed of **horizontal and vertical members** and the distance between the bottom and top horizontal members is less than 45 inches, the horizontal members should be located on the swimming pool side of the fence (figure 3).
7. **Spacing between vertical members** should not exceed 1¾ inches in width. Where there are decorative cutouts, spacing within the cutouts should not exceed 1¾ inches in width (figure 4).
8. **Maximum mesh size for chain link fences** should not exceed 1¼ inch square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than 1¾ inches (figures 5 and 6).
9. Where the barrier is composed of **diagonal members**, such as a lattice fence, the maximum opening formed by the diagonal members should be no more than 1¾ inches (figure 7).
10. **Access gates** to the pool should be equipped with a locking device. Pedestrian access gates should open outward, away from the pool, and should be self-closing and have a self-latching device (figure 12). Gates other than pedestrian access

- gates should have a self-latching device. Where the release mechanism of the **self-latching device** is located less than 54 inches from the bottom of the gate,
- (a) the release mechanism should be located on the pool side of the gate at least 3 inches below the top of the gate and
  - (b) the gate and barrier should have no opening greater than ½ inch within 18 inches of the release mechanism (figure 13).
11. Where a **wall of a dwelling** serves as part of the barrier, one of the following should apply:
- (a) **All doors with direct access to the pool** through that wall should be equipped with an **alarm** which produces an audible warning when the door and its screen, if present, are opened. Alarms should meet the requirements of *UL 2017 General-Purpose Signaling Devices and Systems, Section 77*. For more details on alarms, see page 13.
  - (b) The pool should be equipped with a **power safety cover** which complies with ASTM F1346-91 listed below.
  - (c) Other means of protection, such as **self-closing doors with self-latching devices**, are acceptable so long as the degree of protection afforded is not less than the protection afforded by (a) or (b) described above.
12. Where an **above ground pool structure is used as a barrier** or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps (figure 8a), then
- (a) **the ladder** to the pool or steps should be capable of being secured, locked or removed to prevent access (figure 8b), or
  - (b) **the ladder or steps should be surrounded by a barrier** (figure 8c). When the ladder or steps are secured, locked, or removed, any opening created should not allow the passage of a 4 inch diameter sphere.

## For more information on

### Fencing:

- **ASTM F 1908-08** *Standard Guide for Fences for Residential Outdoor Swimming Pools, Hot Tubs, and Spas*: <http://www.astm.org/Standards/F1908.htm>
- **ASTM F 2286-05** *Standard Design and Performance Specifications for Removable Mesh Fencing for Swimming Pools, Hot Tubs, and Spas*: <http://www.astm.org/Standards/F2286.htm>

### Covers:

- **ASTM F 1346-91** *Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs*: <http://www.astm.org/Standards/F1346.htm>

Note: ASTM Standards are available for a fee. You may want to contact a pool contractor.

### And:

- **ASTM Standards**, contact ASTM online at: <http://www.astm.org/CONTACT/index.html>
- **UL** (Underwriters Laboratories) Relevant Pool and Spa Standards <http://www.ul.com/global/eng/pages/>, look for Life Safety and Security Product



CPSC's **Pool Safely: Simple Steps Save Lives** campaign provides advice and tips on drowning and entrapment prevention. Installing barriers is just one of the *Pool Safely* Simple Steps for keeping children safe around all pools and spas. Here are others:

## **Rule # 1: Never leave a child unattended around a pool, spa, bath tub, or any body of water.**

### **At pools, spas, and other recreational waters:**

- Teach children basic water safety skills.
- Learn how to swim and ensure your children know how to swim as well.
- Avoid entrapment by keeping children away from pool drains, pipes, and other openings.
- Have a phone close by at all times when visiting a pool or spa.
- If a child is missing, look for them in the pool or spa first, including neighbors' pools or spas.
- Share safety instructions with family, friends, babysitters, and neighbors.

### **If you have a pool:**

- Install a 4-foot fence around the perimeter of the pool and spa, including portable pools.
- Use self-closing and self-latching gates; ask neighbors to do the same if they have pools or spas.
- If your house serves as the fourth side of a fence around a pool, install and use a door or pool alarm and/or a pool or spa cover.
- Maintain pool and spa covers in good working order.
- Ensure any pool or spa you use has anti-entrapment safety drain covers; ask your pool service representative if you do not know.\*
- Have life saving equipment such as life rings, floats or a reaching pole available and easily accessible.

*\*The Virginia Graeme Baker Pool & Spa Safety Act, a federal law, requires all public pools and spas to have anti-entrapment drain covers and other devices, where needed. Residential pools are not required to install these but it is recommended that they do so.*

Visit **[www.PoolSafely.gov](http://www.PoolSafely.gov)** for more information. See CPSC's latest submersion reports: *Submersions Related to Non-pool and Non-spa Products, 2012* and *Pool and Spa Submersion Report, 2012*.

U.S. Consumer Product Safety Commission  
4330 East West Highway  
Bethesda, MD 20814

**Twitter:** @poolsafely

[www.PoolSafely.gov](http://www.PoolSafely.gov)

**Email:** [poolsafely@cpsc.gov](mailto:poolsafely@cpsc.gov)



# The **first** layer of protection is **Constant Adult Supervision.**

The Pool & Hot Tub Alliance (PHTA) believes that the home pool, spa, or hot tub provides a healthy, relaxing recreational opportunity for families in their own backyard. PHTA has worked with nationally recognized safety groups to provide information to assist pool, spa, and hot tub owners in meeting their safety needs.

While the number of pools, spas, and hot tubs grows significantly each year, child drownings have been declining. Nevertheless, parents should be aware that any body of water poses a risk, especially for children under five years of age. A well-motivated toddler will eventually overcome a fence, barrier, or alarm when left unsupervised.

---

*Parents should know that **adult supervision is the first and best way to prevent accidents. They should maintain constant visual contact with children whenever they are near, or can get near, any body of water. Unfortunately, most accidents occur when there is a lapse in supervision, even for a short time.***

---

**Recognizing this, PHTA supports the concept of “Layers of Protection” for pools, spas, and hot tubs—an idea that is widely embraced by safety experts. “Layers of Protection” means that, in addition to supervision, the pool, spa, or hot tub is equipped with several devices to delay a child’s unsupervised access, or warn of the child’s presence.**

These layers should be aimed at protecting the area between the house and pool, since studies show that children are most at risk in their own backyard, when parents believe they are safely inside the house.

Primary barriers are devices that keep a child away from a pool, spa, or hot tub; for example, barriers that completely surround a pool, or a locking automatic safety cover. Owners should always check and comply with state and local codes and ordinances requiring fences or other barriers.



*Watch your children at all times.*

Other devices should always be used in combination with **at least one** primary barrier. PHTA suggests that all pools, spas, and hot tubs should be protected.

For aboveground pools always make sure to remove the ladder whenever the pool is not in use.

The information in this brochure lists a number of options that should be evaluated as possible components of a layered approach to safety. PHTA cannot endorse or evaluate the effectiveness of any individual product, but encourages parents to investigate several of the listed options in the context of the type of pool, spa, or hot tub they have, the ages of children likely to be in the area, and neighborhood and topographical factors. Some of the products listed here are new and represent significant technological advances over what was available just a few years ago.

For additional information, see ANSI/APSP/ICC-8 Model Barrier Code for Residential Swimming Pools, Spas, and Hot Tubs, and the International Swimming Pool and Spa Code (ISPSA).

---

*Don't be lulled into a false sense of security. PHTA reminds parents that these options are **backups to the primary means of accident prevention: Constant Adult Supervision.***

---



# Layers of Protection Start with You.

## Members of the Pool & Hot Tub Alliance (PHTA)

are committed to the safe use and enjoyment of pools, spas, and hot tubs, and adhere to a code of business ethics.

To maximize your enjoyment, deal with an PHTA member firm. To locate an PHTA member in your area, visit [www.PHTA.org/memberlocator](http://www.PHTA.org/memberlocator).

For more free consumer safety information, visit:

[www.PHTA.org](http://www.PHTA.org)  
[www.PoolSafely.gov](http://www.PoolSafely.gov)  
[www.CDC.gov/healthywater/swimming](http://www.CDC.gov/healthywater/swimming)



To Help Protect Pool, Spa, and Hot Tub Users—Especially Children Under Five Years of Age

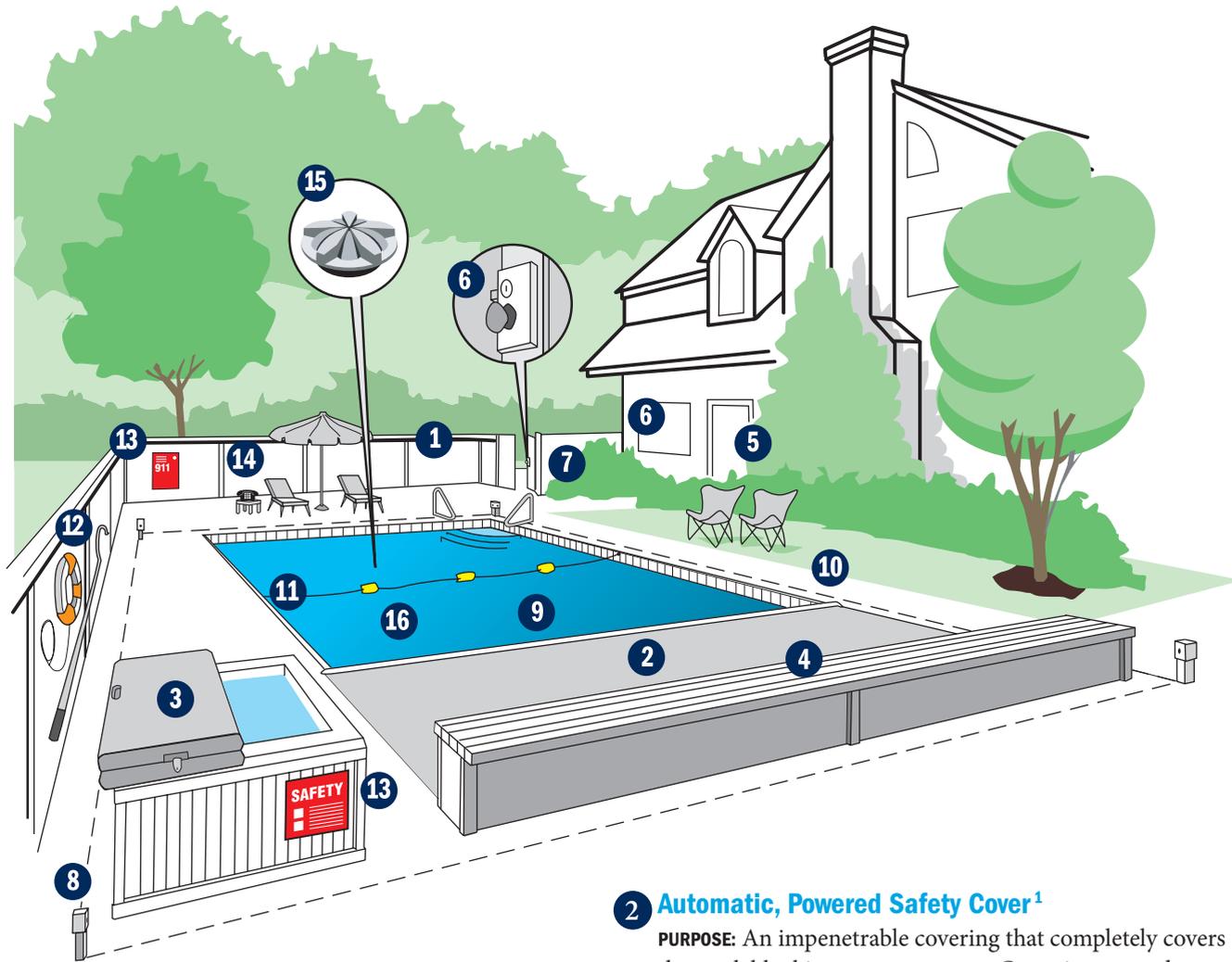


2111 Eisenhower Avenue, Suite 500  
Alexandria VA 22314

4775 Granby Circle  
Colorado Springs, CO 80919



**PHTA reminds parents that these barriers and devices are not a substitute for Constant Adult Supervision.**



**1 Fencing<sup>1</sup>**

**PURPOSE:** Designed to isolate the pool or spa with a minimum 4-foot-high (122-cm-high) enclosure. Where the dwelling forms one of the sides, and there are doors or windows leading from the dwelling to the pool area, one or more additional methods should be used. Fences must be non-climbable, have self-closing and self-latching gates, and comply with state and/or local requirements.

**TYPES:** Can include chain link, wooden picket, mesh, or other materials as permitted by local code. In some cases, natural topography can provide part of the barrier.

**2 Automatic, Powered Safety Cover<sup>1</sup>**

**PURPOSE:** An impenetrable covering that completely covers the pool, blocking access to water. Cover is operated electronically or by a key, independent of all other pool equipment. If relied on as the primary safety barrier, the cover should be always be closed and locked whenever the pool or spa is not in use.

**TYPES:** Must meet ASTM F1346 Standard performance specification for safety covers and labeling requirements for all covers for swimming pools, spas, and hot tubs

<sup>1</sup> Primary barrier    <sup>2</sup> Secondary barrier    <sup>3</sup> Additional devices

Secondary barriers and additional devices should be used in combination with at least one primary barrier.

**3 Lockable Hot Tub Safety Cover<sup>1</sup>**

Factory-built hot tubs are typically equipped with a lockable safety cover. If relied on as the primary safety barrier, the cover should be always be closed and locked whenever the hot tub is not in use.

**TYPES:** Must meet ASTM F1346 Standard

**4 Manual Pool or Spa Safety Cover<sup>2</sup>**

**PURPOSE:** An impenetrable covering that completely covers the pool, spa, or hot tub, blocking access to water.

**TYPES:** Must meet ASTM F1346 Standard

**5 Door, Screen, or Window Alarms<sup>2</sup>**

**PURPOSE:** Sounds when the door, screen, or window is opened.

**TYPES:** Should be listed in compliance with UL 2017. The deactivation switch should be located at least 48–54 inches (122–137 cm) above the door threshold.

**6 Self-closing/self-latching devices for doors and latching devices for windows<sup>2</sup>**

**PURPOSE:** Keeps all doors and windows leading to the pool, spa, or hot tub area securely closed, limiting access by children.

**TYPES:** a. Hinge pin replacement; b. Sliding glass door closer; c. Swing arm

**7 Fence Gate Alarm<sup>3</sup>**

**PURPOSE:** Sounds when fence gate is open.

**8 Infrared Detectors<sup>3</sup>**

**PURPOSE:** Wireless detection alarm that sounds when the area around the pool perimeter is entered.

**TYPES:** a. Light-beam; b. Body energy

**9 Pool Alarm<sup>3</sup>**

**PURPOSE:** An alarm placed in the pool that sounds upon detection of accidental or unauthorized entrance into the water.

**TYPES:** a. Surface water (wave motion); b. Pressure waves (acoustic); c. Electronic monitoring system

**10 Child Alarm<sup>3</sup>**

**PURPOSE:** An alarm clipped on the child that sounds when the child exceeds a certain distance or is submerged in water.

**TYPE:** Clip-on transmitter with in-home receiver

**11 Rope & Float Line<sup>3</sup>**

**PURPOSE:** Intended to warn children and non-swimmers of a change in the slope of the pool floor toward deeper water. Rope lines should remain in place, especially when children or non-swimmers are using the pool.

**12 Life Ring, Shepherd's Hook<sup>3</sup>**

All rescue equipment should be placed near the pool in an easily accessible spot, and should be kept in good condition. These can be used to pull someone in trouble to safety.

**13 Posted Emergency Information<sup>3</sup>**

Post all CPR, other emergency information, and warning signs, as well as the emergency phone number (911 or other emergency medical service number), near the pool, spa, or hot tub.

**14 Outside Telephone<sup>3</sup>**

A cordless or poolside telephone means parents don't have to leave children unattended while they answer the phone. Also, it's a good idea to have one handy to summon help, if needed.

**15 Anti-Entrapment Drain Covers and Fittings**

Current grates and covers help prevent body or hair entrapment. Make sure that drain covers meet the latest revision of ANSI/APSP-16. Safety doors should be installed in all pool cleaner wall suction lines.

*Never allow children to play in or near drains, suction outlets, or jets. Pools, spas or hot tubs with drain covers that are broken, missing, or not adequately secured, should not be used until the proper replacement has been installed.*

**There is no backup layer of protection for a missing or broken drain cover, that will protect against all types of suction entrapment.**

**16 Water Clarity**

Clear water aids in identifying soakers and swimmers in distress, helps swimmers avoid collisions, and is an indicator that the sanitizer and circulation and filtration systems are working. Poor water clarity suggests the presence of bacteria and/or algae or nutrients for their growth, and that the circulation and filtration systems may not be working efficiently to remove contaminants from the water.

## EXHIBIT B

### PROPOSED ZONING ORDINANCE RELATED LANGUAGE, SECTION IV: *(in red and highlighted yellow)*

For reference:

- Zoning Ordinance Section XIV defines a fence as “a structure which is a barrier and is used as a boundary or means of protection or confinement, which is made of manufactured material.”
- 2012 IRC Appendix G defines a barrier as “a fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.”
- 2012 ISPSC defines a barrier as “a permanent fence, wall, building wall, or combination thereof that completely surrounds the aquatic vessel and obstructs the access to the vessel. Permanent shall mean ‘not being able to be removed, lifted, or relocated without the use of a tool.’”

#### I. PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES - LOCATION & REGULATION

##### 33. Swimming Pools (Private)

Swimming pools (private) may be located in a rear buildable area and are also permitted in the required rear yard, but not closer than 10 feet to the rear lot line. **Section IV.J details fence requirements for outdoor swimming pools.**

#### J. FENCES

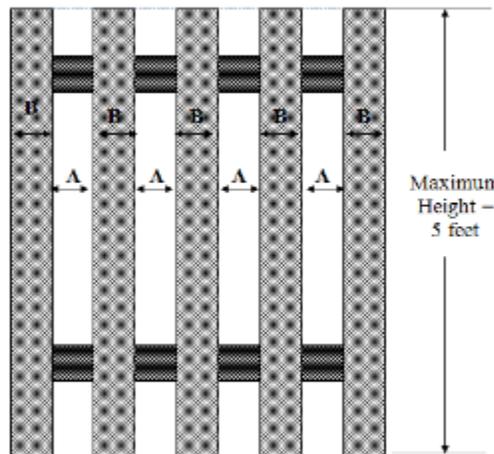
Fences are permitted and may be obstructions in yards (for purposes of this Section the term "yards" shall not be limited to the required yards set forth in this Zoning Ordinance but also shall include all unobstructed open areas on a lot) or courts as regulated herein.

##### 1. Fences, Open -- in residence districts only

1. Fences in residential districts shall be not more than five feet in height measured from the ground level at the lowest grade level within five feet of either side of the fence.
2. Such fences shall be permitted, unless otherwise provided herein, along the rear lot line and along the side lot lines extending no further toward the front of the lot than the rear wall of the principal building on the lot. Except, however, on corner lots such fences shall extend not nearer to the corner side lot line than the required corner side yard setback. (Amended by Ordinance A-834-13-11)
3. All fence posts and all supports must face the interior of the property on which it is located.

4. Chain link, solid, barbed wire and fences which are electrically charged to produce a shock when touched are specifically prohibited.
5. All fences in residential districts shall be open fences as defined by Section XIV and as depicted below (Amended by Ordinances A-834-09-01 and A-834-13-11). Open fences are defined as a fence, including gates, which has, for each one foot wide segment extending over the entire length and height of the fence, 50 percent of the surface area in open spaces which afford direct views through the fence.

**Figure IV.J.1.e Graphic Definition of Open Fence**



**“A” must be equal to or greater than “B”**

2. Fences -- in non-residence districts

Fences in non-residential districts, unless specifically required by other provisions of this Ordinance, may only be provided if they comply with the following provisions:

1. Fences in non-residential districts, unless otherwise required by this Ordinance, shall be considered special uses and shall be subject to compliance with Section XIII.K of this Ordinance except as modified herein.
2. The standards for consideration of a special use pertaining to a non-residential fence shall be limited to the standards referenced as b, c, d, and h in Section XIII.K.7 of this Ordinance and reiterated as follows:
  1. The establishment, maintenance, or operation of the special use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare.

2. The special use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood in which it is to be located.
  3. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
  4. The special use shall, in other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission or, if applicable, the Zoning Board of Appeals.
3. The location, height, design, and type of fence shall comply with the standards for residential fences contained in Section IV.J.1 above, except as may be specifically authorized by conditions for approval of the special use.

### 3. Fences for Swimming Pools

An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, shall be surrounded by a permanent fence, wall, building wall, or combination thereof that completely surrounds and obstructs the access to the swimming pool. The fence shall also comply with Building Ordinance regulations including but not limited to height, openings, and access gates. A hot tub or spa does not require a fence but must adhere to Building Code barrier regulations including but not limited to requiring a safety cover which complies with ASTM F1346.



# VILLAGE OF BURR RIDGE

## MEMORANDUM

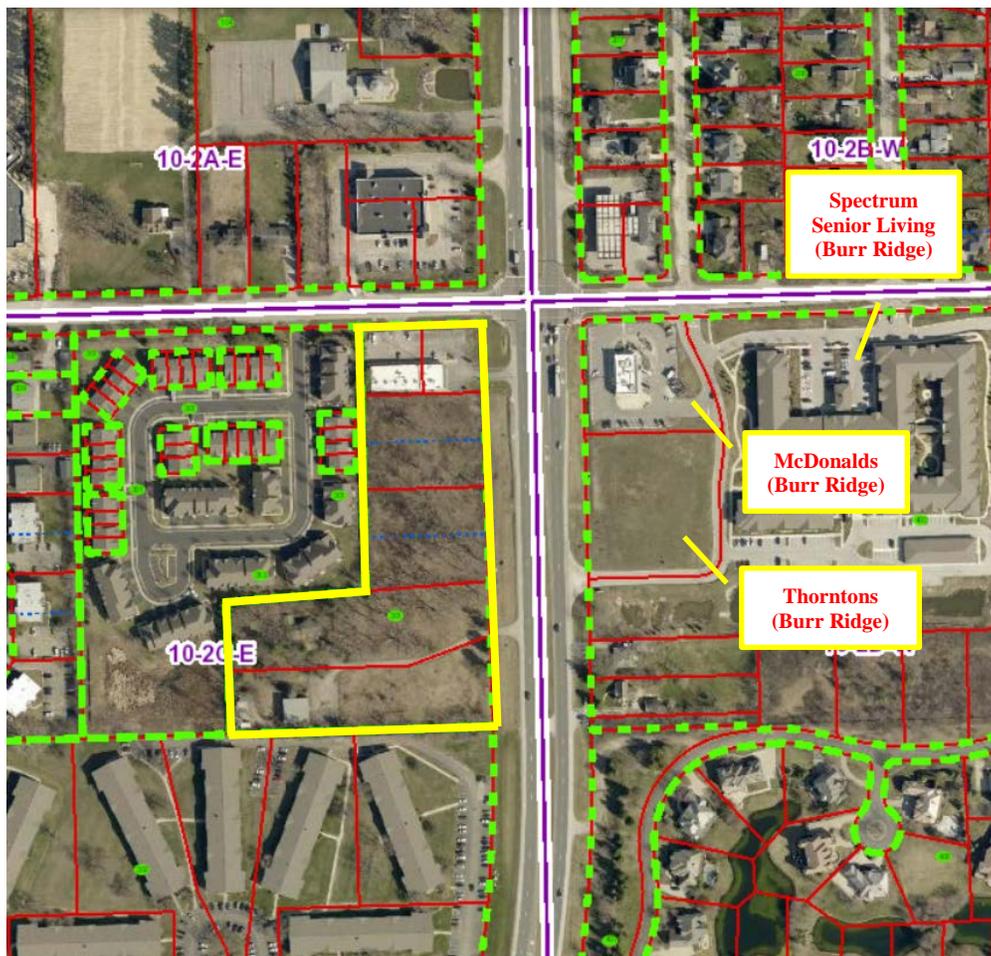
**TO:** Village of Burr Ridge Plan Commission  
Greg Trzupke, Chairman

**FROM:** Janine Farrell, AICP, Community Development Director

**DATE:** June 14, 2023

**RE:** Extraterritorial Review of 9200 S. Kingery Highway (QuikTrip) Rezoning and Conditional Use for Planned Development Requests

The Village received notification of rezoning and Conditional Use for Planned Development requests for the properties identified with PINs 10-02-301-005, 10-02-301-006, 10-02-301-007, 10-02-301-008, 10-02-301-009, and 10-02-301-010. The property (6 individual parcels) is addressed as 9200 S. Kingery Highway and 10S410 Route 83 in the petition and is improved with a multi-tenant commercial development, a residence, and a pole building. The total site is 6.42 acres. The properties are in unincorporated DuPage County; Village of Burr Ridge municipal limits are directly to the east across Route 83/Kingery Highway.

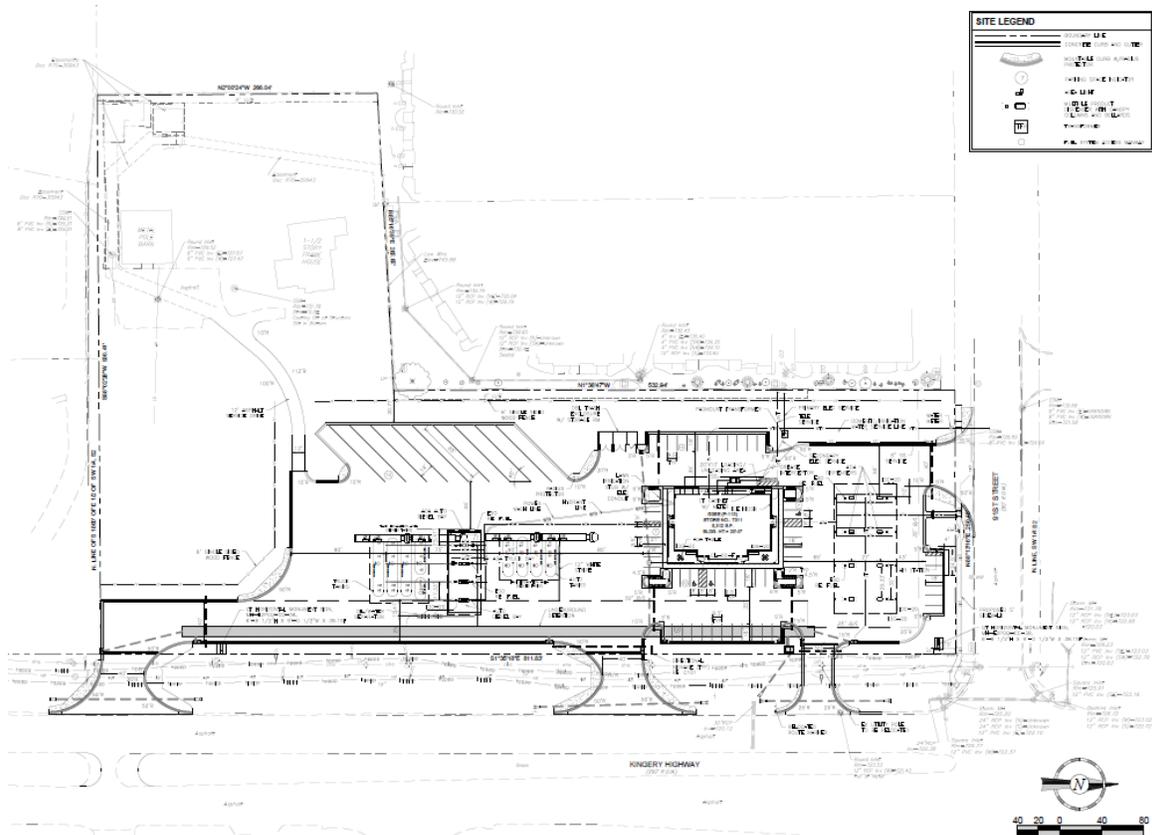


*Aerial image of the properties outlined in yellow.*

The petitioner is requesting a rezoning from R-4/Single Family Residential and O-R/Office Research to B-2/General Business. The two parcels with the residence and pole barn are zoned O-R while the remaining four parcels are zoned R-4. The petitioner is also requesting a Conditional Use for a Planned Development for a gas station, convenience store, car wash, and fuel sales. There are five exceptions or variations within the Planned Development as follows:

1. Exception (Variation) to reduce the north front yard setback from required 50' to approximately 11.5'.
2. Exception (Variation) to reduce the east corner side setback from required 30' to approximately 10'.
3. Exception (Variation) to reduce the south rear setback from required 12' to approximately 0'.
4. Exception (Variation) to reduce the street right-of-way setback for northeast sign from require 15' to 5' and eastern sign from required 15' to approximately 0'.
5. Exception (Variation) to increase the area for a pole sign from 50'/per face to approximately 77.5 sq. ft./per face.

On the site plan provided, there is no indication of a car wash, only a convenience store, automobile fueling station area, semi-truck parking, and semi-truck fueling station area. The site plan shows the residence and pole barn remaining on the site, which may indicate the future location of a car wash. There is no additional information included in the online agenda documents related to this proposal.



*Proposed site plan*

At the June 5, 2023 Plan Commission meeting, this case was discussed. The notification from DuPage County was not received until the afternoon of Thursday, June 1, which was after the Plan Commission's agenda had been posted. The DuPage County public hearing on the proposal is June 15, before the Plan Commission's June 19<sup>th</sup> meeting. At the June 5 discussion, the Commission objected to the semi-truck parking and fueling which will negatively impact the adjacent residential neighbors. The Commission also expressed a concern about the lack of deceleration or turn lanes on Route 83/Kingery Highway or 91<sup>st</sup> Street which will increase traffic congestion. The Commission noted that the amount and extent of variations requested indicate that the development is too large to be accommodated on the parcel and questioned the public benefit of the proposal. The Commission questioned the future intent of the portion of the property with the pole barn and residence and if it might be used for long-term, overnight semi-truck storage. The Commission directed staff to submit a letter to DuPage County objecting to the request.

After discussion with the Village Administrator, it was decided to file a written protest or legal objection to the case due to the potential negative impact on the area. This letter, signed by Mayor Grasso (see attachments), was sent to DuPage County staff on June 13 and included the objections noted by the Commission on June 5. Since the request includes a rezoning and the Village is within 1.5 miles, State Statute authorizes the municipality to file a written protest or legal objection. This process is not available for variations or conditional (special) uses. Once the Board passes a Resolution objecting to the proposal at their next meeting on June 26, the Resolution will be filed with the DuPage County Clerk. For the DuPage County Board to pass the request after filing the legal objection, it will require a 3/4th majority vote, not just a simple majority.

## **Evaluation**

### *Zoning:*

The properties are currently zoned single-family residential and office research within DuPage County. The B-2 or Local Business zoning district is proposed. For reference, the multi-tenant commercial development to the south of the site is zoned B-1 while the Speedway across the street from the site is zoned B-2.

### *Uses:*

Directly adjacent to the site to the west and south are residential uses, townhomes and multi-family. Within 1,000 ft. of the site on the west side of Kingery Highway are two mosques, a school, a church, single-family residences, and a Walgreens. To the east across Kingery Highway is a Speedway gas station, the proposed Thorntons gas station, and a McDonald's. Within 1,000 ft. of the site on the east side of Kingery Highway are single-family residences, including the Fallingwater Subdivision in Burr Ridge, and a senior living facility. The nearest truck intensive uses are located in the industrial park to the south of the site, along the Des Plaines River, over 3/4<sup>th</sup> of a mile away.

The vicinity contains sensitive uses, such as an elementary school, religious assembly, and senior living. Adding and encouraging truck traffic will be detrimental to these uses, particularly for the school and mosque which directly access 91<sup>st</sup> St. Truck related uses are not found in this area which is characterized by business uses which cater to the residents. The gas stations in the area

(Speedway, Clarks, Thorntons, Shell) are small in scale and do not have car washes or dedicated truck fueling bays.

### **Legal Authority for Review and Recommendation**

According to the State of Illinois, the Village is notified of certain zoning actions and may have the legal authority to review certain zoning actions or subdivision proposals up to 1.5 miles outside of its boundaries. The public hearing for this proposal is scheduled to occur on June 15, 2023 with DuPage County.

Should the Commission concur with the points set forth in the attached letter (Exhibit B), it is recommended that a motion be made, and a vote taken to recommend that the Board file a written protest or legal objection against DuPage County zoning case ZONING-23-000022 QuikTrip Store 7311, located at 9200 S. Kingery Highway and 10S410 Route 83.

### **Attachments**

Exhibit A – Petition Materials from DuPage County

Exhibit B – Letter submitted to DuPage County

# EXHIBIT A

## BUILDING & ZONING DEPARTMENT

630-407-6700  
Fax: 630-407-6702

[www.dupageco.org/building](http://www.dupageco.org/building)

**DUPAGE  
COUNTY**

Building  
Division

Zoning &  
Planning Division

Environmental  
Division

### DU PAGE COUNTY ZONING BOARD OF APPEALS Zoning Petition ZONING-23-000022 QuikTrip Store 7311

**Please review the information herein and return with your comments to:**

Jessica Infelise, DuPage County Building and Zoning Department, 421 North County Farm Road, Wheaton, Illinois 60187; or via email at [Jessica.Infelise@dupageco.org](mailto:Jessica.Infelise@dupageco.org) or via facsimile at 630-407-6702 by **June 14, 2023**.

COMMENT SECTION:	
: OUR OFFICE HAS NO JURISDICTION IN THIS MATTER	
: NO OBJECTION/CONCERNS WITH THE PETITION	
: NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION. ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION	
: I OBJECT/ HAVE CONCERNS WITH THE PETITION.	
COMMENTS:	
MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT:	
GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-23-000022 QuikTrip Store 7311
ZONING REQUEST	<ol style="list-style-type: none"> <li>1. Rezoning from R-4 Single Family Residential and O-R Office Research to B-2 General Business.</li> <li>2. Conditional Use for a Planned Development for a gas station, convenience store, carwash, and fuel sales.               <ol style="list-style-type: none"> <li>a. Exception (Variation) to reduce the north front yard setback from required 50' to approximately 11.5'.</li> <li>b. Exception (Variation) to reduce the east corner side setback from required 30' to approximately 10'.</li> <li>c. Exception (Variation) to reduce the south rear setback from required 12' to approximately 0'.</li> <li>d. Exception (Variation) to reduce the street right-of-way setback for northeast sign from require 15' to 5' and eastern sign from required 15' to approximately 0'.</li> <li>e. Exception (Variation) to increase the area for a pole sign from 50'/per face to approximately 77.5 sq. ft./per face.</li> </ol> </li> </ol>
OWNER	9200 KINGERY, LLC., 131 ST FRANCIS CIRCLE, OAK BROOK, IL 60523 AND MENDI FAROKHIAN, 14 CARRIAGE WAY DRIVE APT. C218, BURR RIDGE, IL 60527 /AGENT: QUIK TRIP CORPORATION, 5725 FOXRIDGE DRIVE, MISSION, KS 66202
ADDRESS/LOCATION	9200 S KINGERY ROAD, WILLOWBROOK, IL 60527 AND 10S410 ROUTE 83, HINSDALE, IL 60521
PIN	1002301005, 1002301006, 1002301007, 1002301008, 1002301009, 1002301010



**DUPAGE  
COUNTY**

Building  
Division

Zoning &  
Planning Division

Environmental  
Division

## BUILDING & ZONING DEPARTMENT

630-407-6700  
Fax: 630-407-6702

[www.dupageco.org/building](http://www.dupageco.org/building)

<b>TWSP./CTY. BD. DIST.</b>	DOWNERS GROVE	DISTRICT 3
<b>ZONING/LUP</b>	B-2 GENERAL BUSINESS / R-4 SF RES	MULTI- FAMILY/ 5-15 DU AC
<b>AREA</b>	6.42 ACRES (279,655 SQ. FT)	
<b>UTILITIES</b>	WATER/SEWER	
<b>PUBLICATION DATE</b>	Daily Herald: May 31, 2023	
<b>PUBLIC HEARING</b>	Thursday, June 15, 2023	

**PLEASE NOTE: FILING OF THIS FORM DOES NOT SUBSTITUTE FOR A FORMAL  
OBJECTION PURSUANT TO THE ILLINOIS STATE STATUTES.**



**DUPAGE  
COUNTY**

Building  
Division

Zoning &  
Planning Division

Environmental  
Division

## BUILDING & ZONING DEPARTMENT

630-407-6700  
Fax: 630-407-6702

[www.dupageco.org/building](http://www.dupageco.org/building)

**DU PAGE COUNTY ZONING BOARD OF APPEALS  
JACK T. KNUEPFER ADMINISTRATION BUILDING  
421 NORTH COUNTY FARM ROAD WHEATON, ILLINOIS 60187/ 630-407-6700**

**Zoning Petition ZONING-23-000022 QuikTrip Store 7311**

**The DuPage County Zoning Board of Appeals will conduct the following public hearing:**

**PUBLIC HEARING:** 6:00 p.m. **THURSDAY, JUNE 15, 2023**, 3-500 B, JACK T. KNUEPFER ADMINISTRATION BUILDING 421 NORTH COUNTY FARM ROAD WHEATON, ILLINOIS 60187

**PETITIONER:** 9200 KINGERY, LLC., 131 ST FRANCIS CIRCLE, OAK BROOK, IL 60523 AND MENDI FAROKHIAN, 14 CARRIAGE WAY DRIVE APT. C218, BURR RIDGE, IL 60527 /AGENT: QUIK TRIP CORPORATION, 5725 FOXRIDGE DRIVE, MISSION, KS 66202

**REQUEST:**

1. Rezoning from R-4 Single Family Residential and O-R Office Research to B-2 General Business.
2. Conditional Use for a Planned Development for a gas station, convenience store, carwash, and fuel sales.
  - a. Exception (Variation) to reduce the north front yard setback from required 50' to approximately 11.5'.
  - b. Exception (Variation) to reduce the east corner side setback from required 30' to approximately 10'.
  - c. Exception (Variation) to reduce the south rear setback from required 12' to approximately 0'.
  - d. Exception (Variation) to reduce the street right-of-way setback for northeast sign from require 15' to 5' and eastern sign from required 15' to approximately 0'.
  - e. Exception (Variation) to increase the area for a pole sign from 50'/per face to approximately 77.5 sq. ft./per face.

**ADDRESS OR GENERAL LOCATION:** 9200 S KINGERY ROAD, WILLOWBROOK, IL 60527 AND 10S410 ROUTE 83, HINSDALE, IL 60521

**LEGAL DESCRIPTION:** LOTS 2 AND 3 IN THE OAKS, BEING AN ASSESSMENT PLAT OF LANDS OF THE LOWE FOUNDATION, IN THE EAST ½ (EXCEPT THE SOUTH 1800.0 FEET THEREOF) OF THE SOUTHWEST ¼ OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 18, 1952, AS DOCUMENT 659666, IN DUPAGE COUNTY, ILLINOIS.

LOTS 4, 5, 6, AND 7 IN THE OAKS, BEING AN ASSESSMENT PLAT OF THE LAND OF THE LOWE FOUNDATION, IN THE EAST HALF (EXCEPT THE SOUTH 1800.0 FEET THEREOF) OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 18, 1952, AS DOCUMENT 659666, IN DUPAGE COUNTY, ILLINOIS.

LOTS 8 AND 9 IN THE OAKS, BEING AN ASSESSMENT PLAT OF THE LAND OF THE LOWE FOUNDATION, IN THE EAST HALF (EXCEPT THE SOUTH 1800.0 FEET THEREOF) OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANNGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 18, 1952, AS DOCUMENT 659666, IN DUPAGE COUNTY, ILLINOIS.



**DUPAGE  
COUNTY**

Building  
Division

Zoning &  
Planning Division

Environmental  
Division

## BUILDING & ZONING DEPARTMENT

630-407-6700  
Fax: 630-407-6702

[www.dupageco.org/building](http://www.dupageco.org/building)

**Respectfully Submitted,  
ROBERT J. KARTHOLL, CHAIRMAN,  
DUPAGE COUNTY ZONING BOARD OF APPEALS**

Notice of this hearing is being sent to property owners within 300 feet of the subject property and as one of them you are invited to attend the meeting and comment on the petition. A reduced scaled sketch or drawing of the petitioner's request is included for your review. If you have any questions or require a full-scale version of the site plan, please contact the Zoning Division at (630) 407-6700.

**Please be advised that access to the 421 JACK T. KNUEPFER ADMINISTRATION BUILDING is limited to the main entrance located in the center on the east side of the building.**



DUPAGE COUNTY

Building Division

Zoning & Planning Division

Environmental Division

BUILDING & ZONING DEPARTMENT

630-407-6700 Fax: 630-407-6702

www.dupageco.org/building



FILE LOCATION: C:\Civil\_3D\Projects\Q17311 Willowbrook\89-7311 Civil.dwg TAB NAME: Overall Plan Layout USER: daniel SKETCHED: 4/26/2023 9:11 AM PLOTTED: 4/26/2023 9:12 AM



  
 DARLA K. HOLMAN  
 062-072191  
 PROJECT NO.: 89-7311

  
**MG**  
 Midwest Design Group  
 Kansas City  
 PO Box 860015  
 Shawnee, KS 66286-0015  
 P 913.248.9385

**QuikTrip No. 7311**  
 91ST STREET & KINGERY HWY (HWY 83)  
 DUPAGE COUNTY, ILLINOIS 60527

  
© COPYRIGHT QUIKTRIP CORPORATION 2011  
 ANY UNAUTHORIZED USE, REPRODUCTION,  
 PUBLICATION, DISTRIBUTION, OR SALE IN  
 WHOLE OR IN PART, IS STRICTLY FORBIDDEN.

PROTOTYPE: P-113 (02/01/23)
DIVISION: 89
VERSION: 001
DESIGNED BY: DKH
DRAWN BY: CSH
REVIEWED BY: JKL

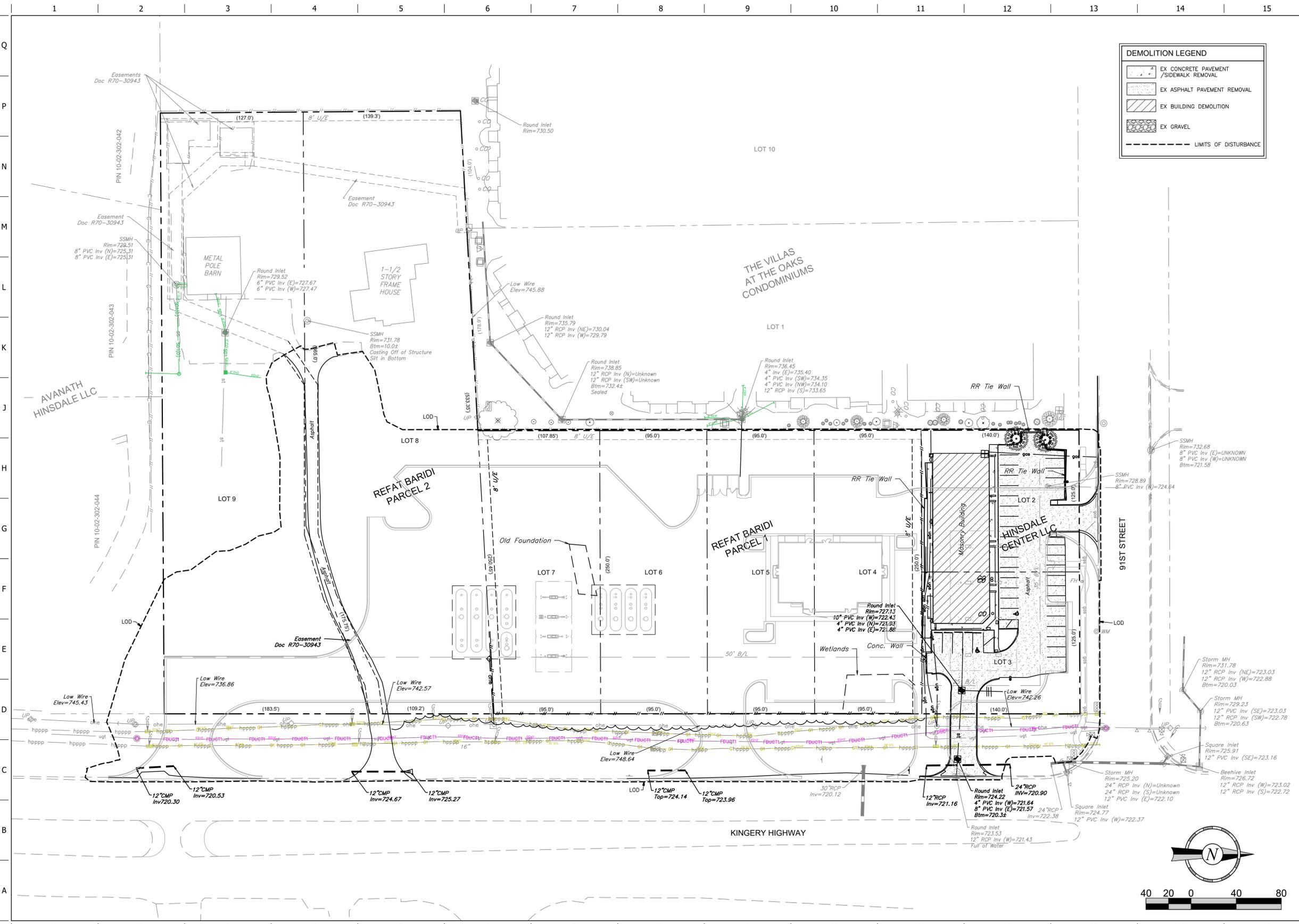
REV	DATE	DESCRIPTION

ORIGINAL ISSUE DATE: 04/26/2023

SHEET TITLE:  
 OVERALL SITE PLAN

SHEET NUMBER:  
**C010**

FILE LOCATION: C:\Projects\QT7311 Willowbrook\89-7311 Civil.dwg TAB NAME: Demo USER: dkh DATE: 04/26/2023 9:13 AM PLOTTED: 4/26/2023 9:13 AM



**DEMOLITION LEGEND**

- EX CONCRETE PAVEMENT / SIDEWALK REMOVAL
- EX ASPHALT PAVEMENT REMOVAL
- EX BUILDING DEMOLITION
- EX GRAVEL
- LIMITS OF DISTURBANCE

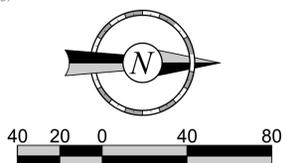
**DARLA K. HOLMAN**  
 062-072191  
 42623  
 PROJECT NO.: 89-7311  
**MDG**  
 Midwest Design Group  
 Kansas City  
 PO Box 860015  
 Shawnee, KS 66286-0015  
 P 913.248.9385

**QuikTrip No. 7311**  
 91ST STREET & KINGERY HWY (HWY 83)  
 DUPAGE COUNTY, ILLINOIS 60527

**QT**  
 © COPYRIGHT QUIKTRIP CORPORATION 2011  
 ANY UNAUTHORIZED USE, REPRODUCTION,  
 PUBLICATION, DISTRIBUTION, OR SALE IN  
 WHOLE OR IN PART, IS STRICTLY FORBIDDEN.  
 PROTOTYPE: P-113 (02/01/23)  
 DIVISION: 89  
 VERSION: 001  
 DESIGNED BY: DKH  
 DRAWN BY: CSH  
 REVIEWED BY: JKL

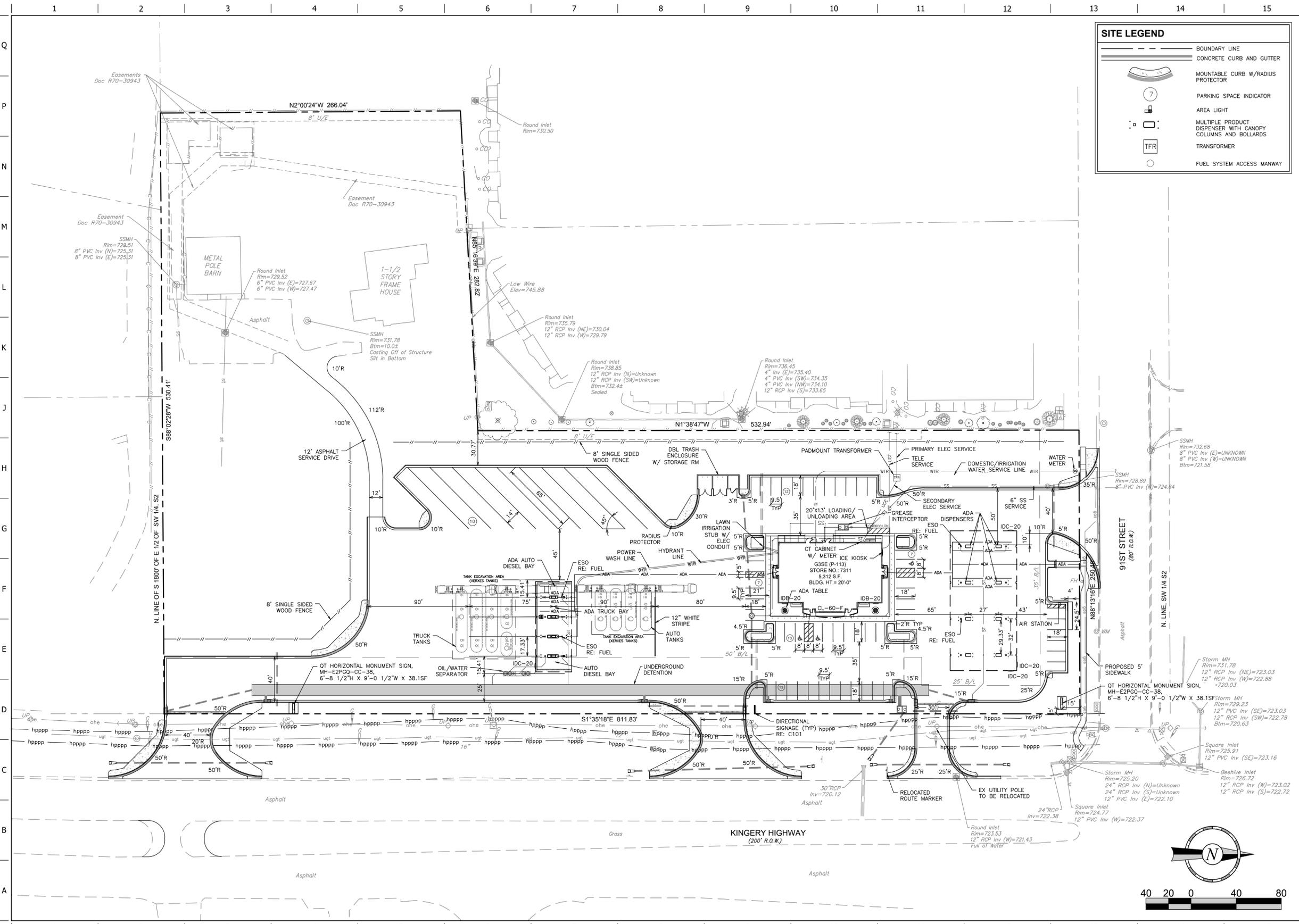
REV	DATE	DESCRIPTION

SHEET TITLE:  
**DEMOLITION PLAN**  
 SHEET NUMBER:  
**C030**



ORIGINAL ISSUE DATE: 04/26/2023

FILE LOCATION: C:\Civil\_3D\Projects\Q17311 Willowbrook\99-7311 Civil.dwg TAB NAME: Site SAVED: 4/26/2023 9:11 AM PLOTTED: 4/26/2023 9:13 AM



**SITE LEGEND**

- BOUNDARY LINE
- CONCRETE CURB AND GUTTER
- MOUNTABLE CURB W/RADIUS PROTECTOR
- PARKING SPACE INDICATOR
- AREA LIGHT
- MULTIPLE PRODUCT DISPENSER WITH CANOPY COLUMNS AND BOLLARDS
- TRANSFORMER
- FUEL SYSTEM ACCESS MANWAY

**DARLA K. HOLMAN**  
 062-072191  
 42623  
 PROJECT NO.: 89-7311

**MDG**  
 Midwest Design Group  
 Kansas City  
 PO Box 860015  
 Shawnee, KS 66286-0015  
 P 913.248.9385

**QuikTrip No. 7311**  
 91ST STREET & KINGERY HWY (HWY 83)  
 DUPAGE COUNTY, ILLINOIS 60527

**QT**

© COPYRIGHT QUIKTRIP CORPORATION 2011  
 ANY UNAUTHORIZED USE, REPRODUCTION,  
 PUBLICATION, DISTRIBUTION, OR SALE IN  
 WHOLE OR IN PART, IS STRICTLY FORBIDDEN.

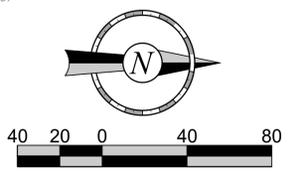
PROTOTYPE: P-113 (02/01/23)  
 DIVISION: 89  
 VERSION: 001  
 DESIGNED BY: DKH  
 DRAWN BY: CSH  
 REVIEWED BY: JKL

REV	DATE	DESCRIPTION

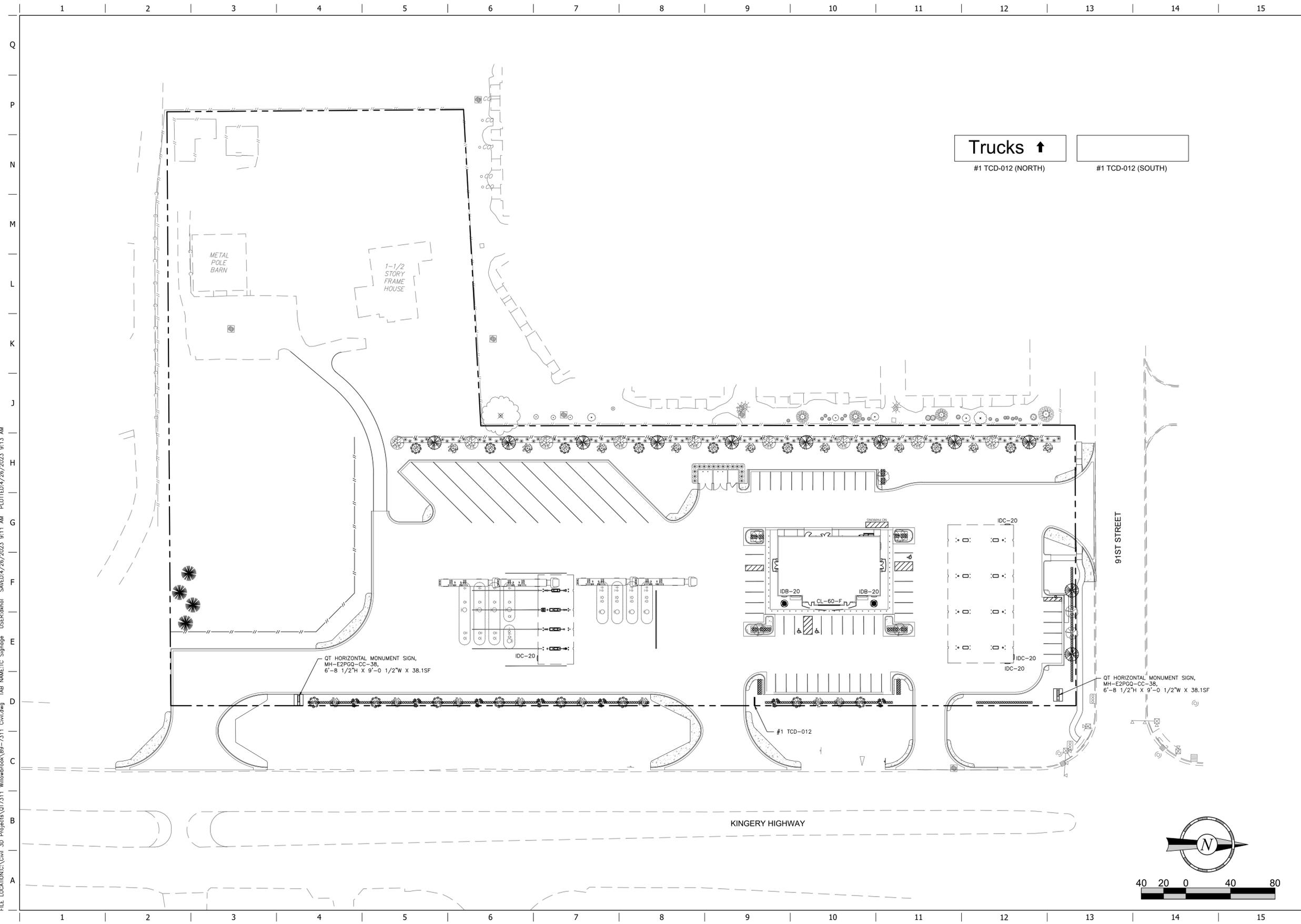
SHEET TITLE:  
 SITE PLAN

SHEET NUMBER:  
 C100

ORIGINAL ISSUE DATE: 04/26/2023



FILE LOCATION: C:\Civil 3D Projects\Q17311 Willowbrook\89-7311 Civil.dwg TAB NAME: TC Signage USER: dkhall SAVER: 4/26/2023 9:11 AM PLOTTED: 4/26/2023 9:13 AM



**Professional Seal:** DARLA K. HOLMAN, 062-072191, State of Illinois, License No. 42623

**PROJECT NO.:** 89-7311

**MG**  
Midwest Design Group  
Kansas City  
PO Box 860015  
Shawnee, KS 66286-0015  
P 913.248.9385

**QuikTrip No. 7311**  
91ST STREET & KINGERY HWY (HWY 83)  
DUPAGE COUNTY, ILLINOIS 60527

**QT**  
© COPYRIGHT QUIKTRIP CORPORATION 2011  
ANY UNAUTHORIZED USE, REPRODUCTION,  
PUBLICATION, DISTRIBUTION, OR SALE IN  
WHOLE OR IN PART, IS STRICTLY FORBIDDEN.

PROTOTYPE: P-113 (02/01/23)  
DIVISION: 89  
VERSION: 001  
DESIGNED BY: DKH  
DRAWN BY: CSH  
REVIEWED BY: JKL

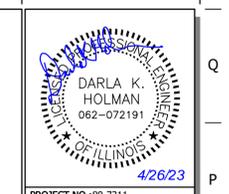
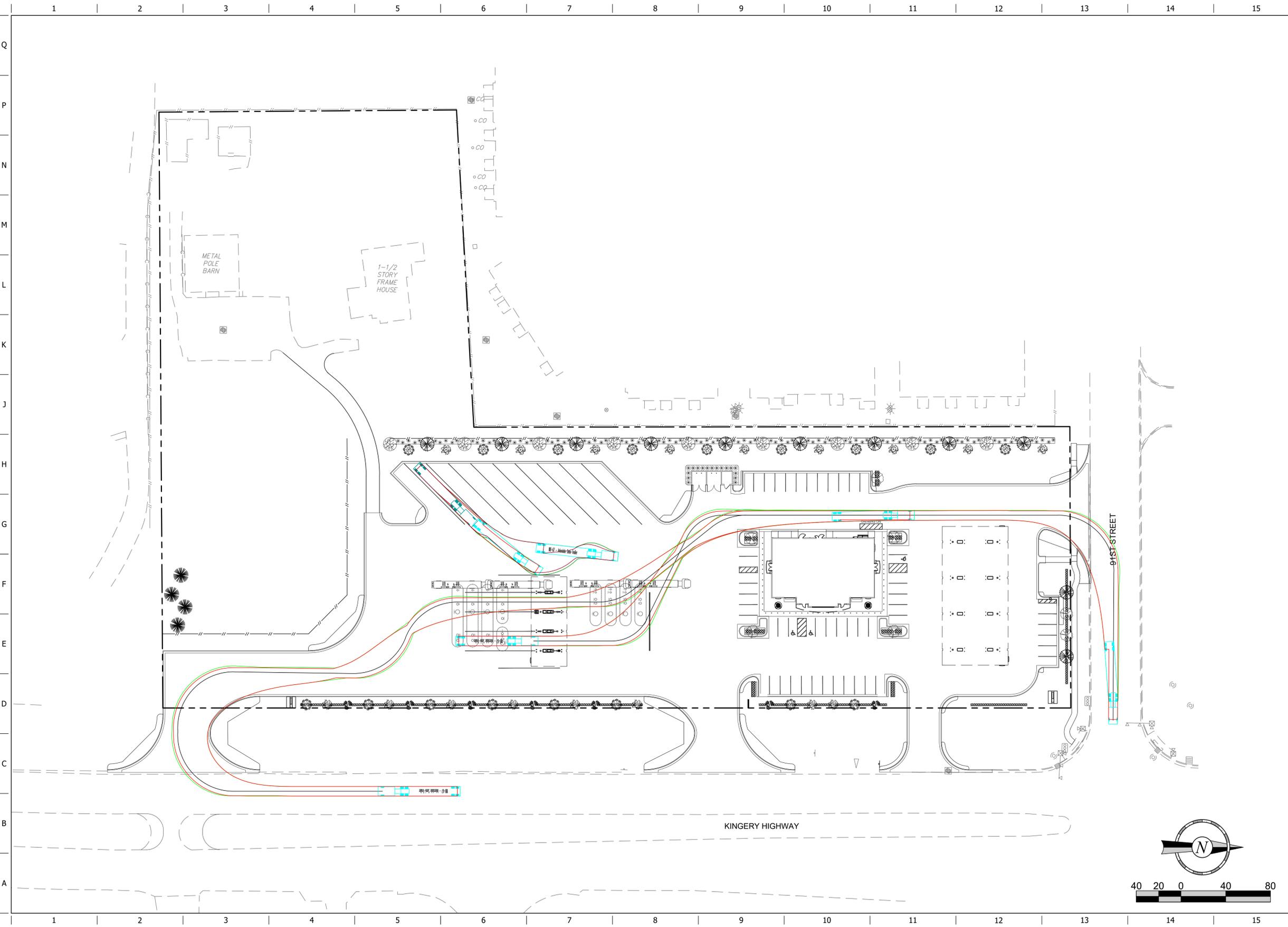
REV	DATE	DESCRIPTION

ORIGINAL ISSUE DATE: 04/26/2023

SHEET TITLE:  
SIGNAGE PLAN

SHEET NUMBER:  
**C101**

FILE LOCATION: C:\Civil\_3D\Projects\Q17311\Willowbrook\89-7311\Civil.dwg TAB NAME: Vehicle Tracking USER: Rabihah SAVED: 4/26/2023 9:11 AM PLOTTED: 4/26/2023 9:13 AM



PROJECT NO.: 89-7311  
**MDG**  
Midwest Design Group  
Kansas City  
PO Box 860015  
Shawnee, KS 66286-0015  
P 913.248.9385

**QuikTrip No. 7311**  
91ST STREET & KINGERY HWY (HWY 83)  
DUPAGE COUNTY, ILLINOIS 60527

© COPYRIGHT QUIKTRIP CORPORATION 2011  
ANY UNAUTHORIZED USE, REPRODUCTION,  
PUBLICATION, DISTRIBUTION, OR SALE IN  
WHOLE OR IN PART, IS STRICTLY FORBIDDEN.

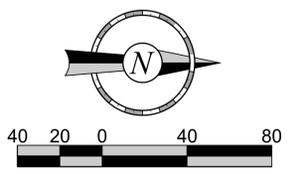
PROTOTYPE:	P-113 (02/01/23)
DIVISION:	89
VERSION:	001
DESIGNED BY:	DKH
DRAWN BY:	CSH
REVIEWED BY:	JKL

REV	DATE	DESCRIPTION

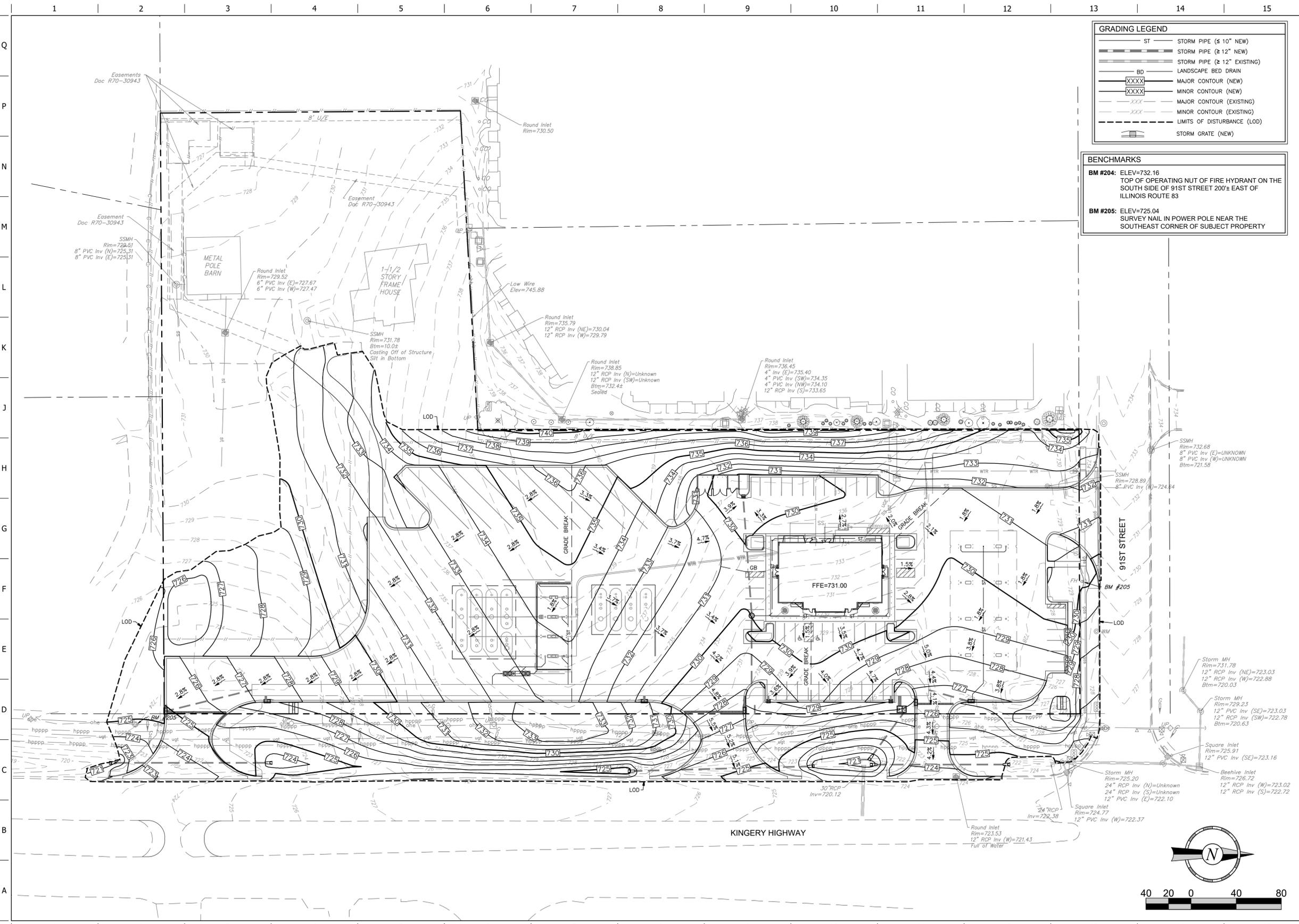
ORIGINAL ISSUE DATE: 04/26/2023

SHEET TITLE:  
VEHICLE TRACKING - WB67

SHEET NUMBER:  
**C102**



FILE LOCATION: C:\Civil 3D Projects\Q17311 Willowbrook\98-7311 Civil.dwg TAB NAME: Grading USER: daniel SAVEd: 4/26/2023 9:11 AM PLOTTED: 4/26/2023 9:13 AM



**GRADING LEGEND**

ST	STORM PIPE (≤ 10" NEW)
ST	STORM PIPE (≥ 12" NEW)
ST	STORM PIPE (≥ 12" EXISTING)
BD	LANDSCAPE BED DRAIN
XXXX	MAJOR CONTOUR (NEW)
XXXX	MINOR CONTOUR (NEW)
XXX	MAJOR CONTOUR (EXISTING)
XXX	MINOR CONTOUR (EXISTING)
---	LIMITS OF DISTURBANCE (LOD)
SG	STORM GRATE (NEW)

**BENCHMARKS**

**BM #204:** ELEV=732.16  
TOP OF OPERATING NUT OF FIRE HYDRANT ON THE SOUTH SIDE OF 91ST STREET 200± EAST OF ILLINOIS ROUTE 83

**BM #205:** ELEV=725.04  
SURVEY NAIL IN POWER POLE NEAR THE SOUTHEAST CORNER OF SUBJECT PROPERTY

**DARLA K. HOLMAN**  
 062-072191  
 42623  
 PROJECT NO.: 89-7311

**Midwest Design Group**  
 Kansas City  
 PO Box 860015  
 Shawnee, KS 66286-0015  
 P 913.248.9385

**QuikTrip No. 7311**  
 91ST STREET & KINGERY HWY (HWY 83)  
 DUPAGE COUNTY, ILLINOIS 60527

© COPYRIGHT QUIKTRIP CORPORATION 2011  
 ANY UNAUTHORIZED USE, REPRODUCTION,  
 PUBLICATION, DISTRIBUTION, OR SALE IN  
 WHOLE OR IN PART, IS STRICTLY FORBIDDEN.

PROTOTYPE:	P-113 (02/01/23)
DIVISION:	89
VERSION:	001
DESIGNED BY:	DKH
DRAWN BY:	CSH
REVIEWED BY:	JKL

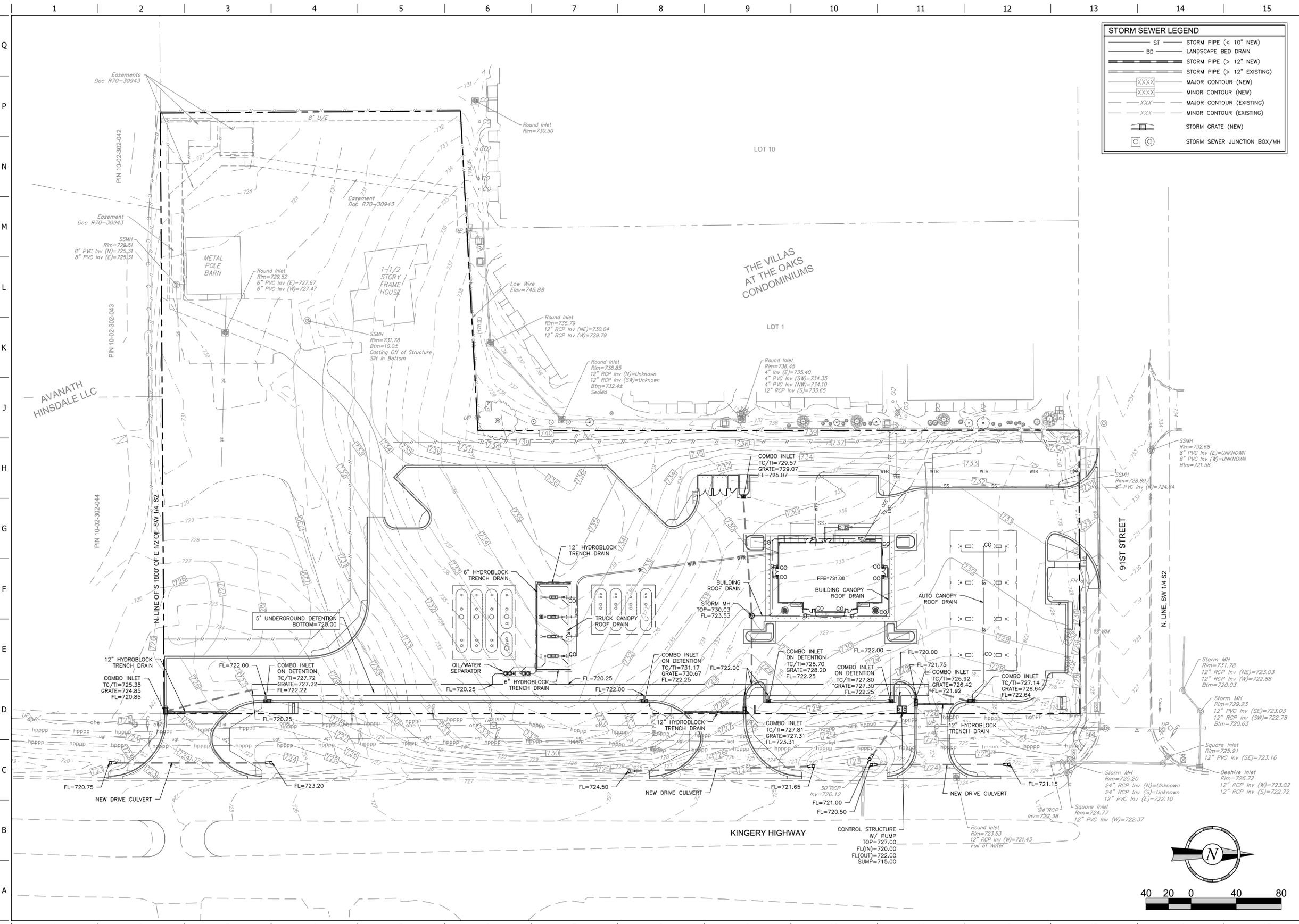
REV	DATE	DESCRIPTION

ORIGINAL ISSUE DATE: 04/26/2023

SHEET TITLE:  
**GRADING PLAN**

SHEET NUMBER:  
**C110**

FILE LOCATION: C:\Civil\_3D\Projects\QT7311\WIP\Book\89-7311\_Civil.dwg USER: dclm Storm TAB NAME: Storm PLOTTED: 4/26/2023 9:13 AM



**STORM SEWER LEGEND**

- ST - STORM PIPE (< 10" NEW)
- BD - LANDSCAPE BED DRAIN
- STORM PIPE (> 12" NEW)
- STORM PIPE (> 12" EXISTING)
- XXXX - MAJOR CONTOUR (NEW)
- XXXX - MINOR CONTOUR (NEW)
- XXX - MAJOR CONTOUR (EXISTING)
- XXX - MINOR CONTOUR (EXISTING)
- Storm Grate (NEW)
- Storm Sewer Junction Box/MH

**DARLA K. HOLMAN**  
 PROJECT NO.: 89-7311  
**MDG**  
 Midwest Design Group  
 Kansas City  
 PO Box 860015  
 Shawnee, KS 66286-0015  
 P 913.248.9385

**QuikTrip No. 7311**  
 91ST STREET & KINGERY HWY (HWY 83)  
 DUPAGE COUNTY, ILLINOIS 60527

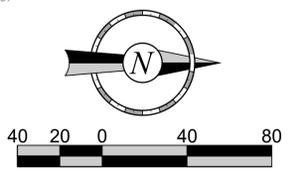
**QT**  
 © COPYRIGHT QUIKTRIP CORPORATION 2011  
 ANY UNAUTHORIZED USE, REPRODUCTION,  
 PUBLICATION, DISTRIBUTION, OR SALE IN  
 WHOLE OR IN PART, IS STRICTLY FORBIDDEN.

PROTOTYPE: P-113 (02/01/23)  
 DIVISION: 89  
 VERSION: 001  
 DESIGNED BY: DKH  
 DRAWN BY: CSH  
 REVIEWED BY: JKL

REV	DATE	DESCRIPTION

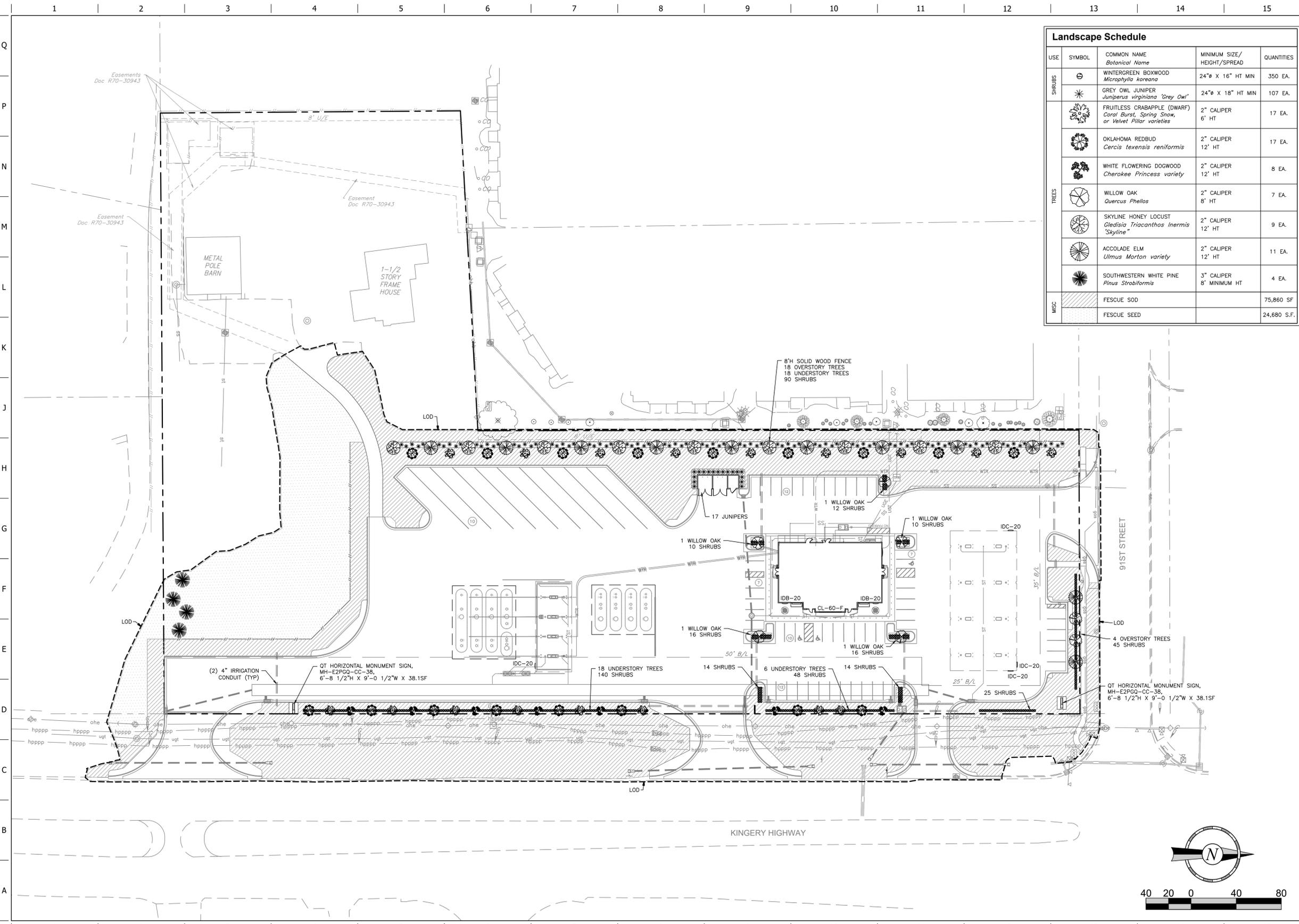
SHEET TITLE:  
**PRELIMINARY STORM SEWER PLAN**

SHEET NUMBER:  
**C120**



ORIGINAL ISSUE DATE: 04/26/2023

FILE LOCATION: C:\Civil 3D Projects\Q17311 Willowbrook\89-7311 Civil.dwg TAB NAME: Landscape USER: daniel SAVED: 4/26/2023 9:11 AM PLOTTED: 4/26/2023 9:13 AM



Landscape Schedule				
USE	SYMBOL	COMMON NAME <i>Botanical Name</i>	MINIMUM SIZE/ HEIGHT/SPREAD	QUANTITIES
SHRUBS		WINTERGREEN BOXWOOD <i>Microphylla koreana</i>	24"ø X 16" HT MIN	350 EA.
		GREY OWL JUNIPER <i>Juniperus virginiana 'Grey Owl'</i>	24"ø X 18" HT MIN	107 EA.
		FRUITLESS CRABAPPLE (DWARF) <i>Coral Burst, Spring Snow, or Velvet Pillar varieties</i>	2" CALIPER 6" HT	17 EA.
TREES		OKLAHOMA REDBUD <i>Cercis texensis reniformis</i>	2" CALIPER 12' HT	17 EA.
		WHITE FLOWERING DOGWOOD <i>Cherokee Princess variety</i>	2" CALIPER 12' HT	8 EA.
		WILLOW OAK <i>Quercus Phellos</i>	2" CALIPER 8" HT	7 EA.
		SKYLINE HONEY LOCUST <i>Gledisia Triacanthos Inermis 'Skyline'</i>	2" CALIPER 12' HT	9 EA.
		ACCOLADE ELM <i>Ulmus Morton variety</i>	2" CALIPER 12' HT	11 EA.
		SOUTHWESTERN WHITE PINE <i>Pinus Strobliformis</i>	3" CALIPER 8" MINIMUM HT	4 EA.
	MSC		FESCUE SOD	
		FESCUE SEED		24,680 S.F.

**DARLA K. HOLMAN**  
 062-072191  
 42623  
 PROJECT NO.: 89-7311

**Midwest Design Group**  
 Kansas City  
 PO Box 860015  
 Shawnee, KS 66286-0015  
 P 913.248.9385

**QuikTrip No. 7311**  
 91ST STREET & KINGERY HWY (HWY 83)  
 DUPAGE COUNTY, ILLINOIS 60527

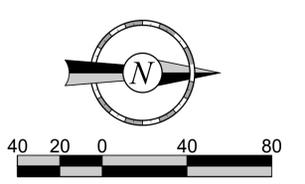
© COPYRIGHT QUIKTRIP CORPORATION 2011  
 ANY UNAUTHORIZED USE, REPRODUCTION,  
 PUBLICATION, DISTRIBUTION, OR SALE IN  
 WHOLE OR IN PART, IS STRICTLY FORBIDDEN.

PROTOTYPE: P-113 (02/01/23)
DIVISION: 89
VERSION: 001
DESIGNED BY: DKH
DRAWN BY: CSH
REVIEWED BY: JKL

REV	DATE	DESCRIPTION

SHEET TITLE:  
**LANDSCAPE PLAN**

SHEET NUMBER:  
**L100**



ORIGINAL ISSUE DATE: 04/26/2023



# Village of Burr Ridge

Mayor Gary Grasso

June 13, 2023

Jessica Infelise  
DuPage County Building and Zoning Department  
421 North County Farm Rd.  
Wheaton, IL 60187

Via email to [jessica.infelise@dupageco.org](mailto:jessica.infelise@dupageco.org)

Re: Zoning Petition ZONING-23-000022 QuikTrip Store 7311

Dear Ms. Infelise,

On June 5, 2023, the Village of Burr Ridge Plan Commission/Zoning Board of Appeals performed an extraterritorial review of the QuikTrip Store proposal located at 9200 Kingery Highway, PINs 1002301005, 1002301006, 1002301007, 1002301008, 1002301009, and 1002301010. Village of Burr Ridge limits are located across the street to the east of Route 83/Kingery Highway, within 1.5 miles of the site. The petitioner is requesting a rezoning and a Conditional Use for a Planned Development with associated variations to operate a gas station with auto and truck fueling stations and a convenience store.

The Village hereby submits its objection to the proposed use. Please be advised that at the next Board of Trustees meeting on June 26, 2023, the Village intends to pass a Resolution formally objecting to the proposal, which will then be filed with the DuPage County Clerk, thus officially submitting a written protest against the petition in accordance with DuPage County Zoning Ordinance Article XIV, section 37-1412.5.

- The proposed use of a truck travel center is not appropriate in this area and will negatively impact residents and other businesses. The area is characterized by single- and multi-family residential, religious assembly uses, and neighborhood business uses. The area's sensitive uses located close to the site include a large senior living facility, four religious institutions (including a mosque with a preschool), and a public elementary school.
- Nearby gas stations in the vicinity, from Shell at the I-55 interchange, Speedway across the street, to Clark at Bluff Rd., are small-scale without car washes and without truck fueling stations. When the Village approved a Thorntons gas station located directly across Route 83/Kingery Highway from the site in 2022, it was in part because the proposal expressly did not include a car wash or truck fueling pumps.
- The Village is concerned about the impact that the increased truck traffic will have on both Route 83/Kingery Highway and 91<sup>st</sup> Street. There are no deceleration or turn lanes proposed which will exasperate an intersection which is already dangerous, experiencing multiple fatal car accidents a year. Eastbound traffic to the intersection is further exacerbated by the presence of a hill which creates short sightlines leading to the traffic signal.
- The Village is concerned about the amount and the degree of the variations requested, which indicates that the development is too large as well as inappropriate to be accommodated on the existing land. The Village questions the benefit of and lack of hardships present to justify the variations requested through the Planned Development compared to the impacts on the surrounding neighborhoods and uses (DuPage County Zoning Ordinance Article XIV, section 37-1414.3).
- The Village believes that the petitioner is likely incorporating the small multi-tenant commercial development on the corner to meet the minimum lot size requirement to qualify as a truck stop in order

to have video gaming. Encouraging the prolonged parking and idling of semi-trucks that occurs with video gaming uses will be environmentally detrimental to the adjacent neighborhoods and uses, including the 2,500-acre Waterfall Glen.

- The Village questions the future intent of the property where the home and pole barn are located. It is unclear if this will be used for the car wash mentioned as part of the proposal. Due to the size of the property and the proposed use, the Village is concerned that this land will be converted into long term, overnight parking of semi-trucks in the future. Semi-truck parking is highly out of character for the area and will be detrimental to the adjacent uses if developed.

Sincerely,

A handwritten signature in black ink that reads "Gary A. Grasso". The signature is written in a cursive style with a prominent loop at the end.

Mayor Gary Grasso

Copy:

Plan Commission Chairman Greg Trzupiek  
Village Administrator Evan Walter  
Community Development Director Janine Farrell, AICP