

VILLAGE OF BURR RIDGE PLAN COMMISSION/ZONING BOARD OF APPEALS
MINUTES FOR REGULAR MEETING OF MAY 15, 2023

I. ROLL CALL

The meeting of the Plan Commission/Zoning Board of Appeals was called to order at 7:01 p.m. at the Burr Ridge Village Hall Board Room, 7660 County Line Road, Burr Ridge, Illinois by Chairman Trzupsek.

ROLL CALL was noted as follows:

PRESENT: 8 – Irwin, McCollian, Parrella, Petrich, Broline, Stratis, Morton, and Trzupsek

ABSENT: 0 – None

Community Development Director Janine Farrell was also present.

II. APPROVAL OF PRIOR MEETING MINUTES – MAY 1, 2023

A **MOTION** was made by Commissioner Parrella and **SECONDED** by Commissioner McCollian to approve the minutes of the May 1, 2023 meeting.

ROLL CALL VOTE was as follows:

AYES: 8 – Parrella, McCollian, Irwin, Petrich, Broline, Stratis, Morton, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 8-0.

III. PUBLIC HEARINGS

Chairman Trzupsek 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 Trzupsek introduced the case. Director Farrell stated that the case was continued on April 17th and May 1st agendas due to questions about the ownership of the outlots on Lakeside Pointe. The Village's legal counsel spoke with the petitioner's legal counsel. The petitioner is a Class B member per the Declaration, and Class A members are owners of the individual lots. All of the individual lots have been sold. For McNaughton to convey a

portion of outlots to the Villas corner parcel and to combine the two subdivisions under one HOA, the Declaration must be amended which requires 50% of the Lakeside Pointe owners to approve the amendment. Director Farrell showed the aerial image of the site. Both properties are zoned R-5 and within PUDs, the prior Weekly Homes proposal and the current Lakeside Pointe development. The site is in the Burr Ridge Corporate Park and within their Declaration, parcels along the Frontage Rd. must be 3 acres for them to be developed. McNaughton seeks to combine a portion of the Lakeside Pointe outlots with the Villas parcel to meet that requirement. Both the Weekly Homes and Lakeside Pointe PUDs must be amended. Director Farrell noted the variation, special use, and Preliminary Plan requests. The Preliminary Plan noted variations from the Zoning and Subdivision Ordinances, contained a market analysis, and density information. There are five blocks of three units with stormwater detention in the corner and connected to Lakeside Pointe's detention. Director Farrell noted the variations from the Subdivision and Zoning Ordinances requested. The density is 4.19 units per acre, 4.7 units per acre net density without the road included. Floorplans and elevations were provided in the packet. For the landscape plan, the petitioner is proposing to plant trees on the southern property line and a portion on the Marriott's property, so a condition requiring an easement has been added. The petitioner provided Findings of Fact for the Commission to adopt if they are in agreement. Director Farrell reviewed the suggested conditions, including a condition that the amended and approved Declaration should be provided along with the Final Plan, 60-days after Board approval.

The petitioner, John Barry of McNaughton Development, stated that the property is located on the corner of Burr Ridge Pkwy and Bridewell Dr., measures 5.38 acres, is zoned R-5, and the adjacent land uses are Lakeside Pointe, Marriott, mixed-office building, and I-55 to the north. This is a private residential development with the HOA maintaining detention and the street. There is now a preference to not include the development in the Lakeside Pointe Subdivision. Existing pathway connections will be maintained, the water main, sanitary sewer connections, and storm sewer will pass through Lakeside Pointe with the ultimate connection to the lake to the south. The existing landscape material on the corner and the buffer on Lakeside will remain and will be supplemented. An easement will be provided on the Marriott property for landscaping. There will be 15-units around a cul-de-sac. The building materials will be masonry, SmartSide siding, and architectural grade asphalt shingles. Each unit will have a two car garage and unfinished basements. Mr. Barry presented floorplans. A fiscal impact study was provided and showed net real estate values over first 20 years at 3.7 million to the taxing districts. The Village Center has changed since it was built. The density is appropriate for the site, this is a good product that meets the demand and has a positive impact on the Village Center, functions well, poses no undue burden on the community or neighbors, is not detrimental to neighboring property values, and is a complementary use on the site.

Chairman Trzupsek stated that the Commission is aware of the ownership issues to the east. The Village has permission from the Village Attorney to hold a public hearing and direction that the Declaration must be amended for the property to the east. The Commission is aware of McNaughton's performance issues concerning what has not been

done in Lakeside Pointe, and that there were comments made about stormwater. The Commissioners are not engineers and the plans will have to be reviewed by the Village Engineer. Chairman Trzupke requested comments be kept to the plan itself.

Chairman Trzupke asked for public comment.

Dawn Kluchenek, 7238 Lakeside Circle, had previously submitted a letter to staff. Ms. Kluchenek was concerned about who would be responsible to maintain the portion of the outlot conveyed to the Villas since there will be two HOAs. Ms. Kluchenek was concerned about the stormwater capacity and infrastructure of Lakeside Pointe and if it was adequate to take on the additional burden.

Chairman Trzupke stated that the two HOAs was new, questioned if the Lakeside Pointe PUD had to be amended, and noted that the Village Engineer commented on the stormwater.

George Spindler, lot 44 in Lakeside Pointe, stated that the new conditions specify that the petitioner will amend the Declaration of Lakeside Pointe but the petitioner is McNaughton Development LLC; the party to the Lakeside Pointe Declaration is McNaughton Development INC. The petitioner cannot amend the Declaration. Mr. Spindler stated that the outlot parcel should not be counted as part of the proposal and that this is only to meet the 3 acre requirement, which distorts the density calculation. Mr. Spindler stated that the articles of the Declaration require only 22 signatures, not votes.

Chairman Trzupke confirmed that the outlot is only to gain acreage and is not clear what roles INC or LLC play with amending the Declaration.

Mike Glynn, lot 19 in Lakeside Pointe, asked what gives McNaughton the right to claim ownership of the outlots. Chairman Trzupke reiterated that amending the Declaration is required as a condition. Mr. Glynn stated that the proposal does not meet any requirements such as street design, setbacks, and density. Mr. Glynn suggested that the development should be reduced by 4-units since it does not meet any requirements.

Roy Pikus, 7296 Lakeside Circle, stated that the stand-alone HOA for the Villas raises questions about liabilities for stormwater on the Lakeside Pointe property and asked how this would work.

Chairman Trzupke responded that he expected easements and agreements to be created between the two entities.

Roy Pikus asked why Lakeside Pointe has to accept the responsibility of downstream water.

Mark Thoma, 7515 Drew, was disappointed in the amount of variances requested. Mr. Thoma stated that Burr Ridge Parkway is the gateway to the Village Center and it is not appealing to have backsides of homes and yards facing Burr Ridge Parkway.

There was no additional public comment. Chairman Trzupke asked for Commissioner discussion.

Commissioner Morton stated that it was wise to have two separate HOAs, that the architecture was monotonous, and the plan is to maximize density. Side-loaded garages and different details would be preferred. Commissioner Morton asked about drainage. John Barry confirmed that downspouts and gutters will be pulled away 10 ft. from home into swales and there should not be standing water. Commissioner Morton stated that the density for the 2.77 acres is 5.41 units per acre which exceeds R-5 significantly and the outlot is key to bring the density down. Commissioner Morton does not see age and marketability as a compelling reason to approve or not approve. Commissioner Morton expressed concern about the road width and the turn radius of the fire truck. If vehicles were parked on the street, this would restrict the movement and turning capability of emergency vehicles.

Commissioner Stratis asked for history of outlot C and why it was kept out. John Barry stated that outlot C encompasses a larger area including the lake. Commissioner Stratis did not see a reason to take Lakeside Pointe out of compliance by re-drawing lot lines. Commissioner Stratis stated that using the outlots subverts the density calculations and homes could potentially be lost if the outlot was not used. Commissioner Stratis stated that there are too many requests for deviations from the code. John Barry stated that the 28 ft. width road was approved for Lakeside Pointe. Commissioner Stratis asked about snow plowing. Mr. Barry stated that snow would be plowed to the cul-de-sac or on the private road towards Burr Ridge Parkway. Commissioner Stratis objected to the decks overhanging the setback. Director Farrell confirmed deck setback requirements were not the same as the principal residence. Commissioner Stratis asked why the bridge and remaining work is lingering. Mr. Barry stated it is the MWRD approval and the lead time to fabricate the bridge. Permits have been received and installation of the abutments will occur in the upcoming weeks. The bridge will be installed at end of October. Commissioner Stratis asked if there was any sense if 22 yes votes will be received and what's the strategy. John Barry stated that the project is conditioned upon their approval and would like to get Plan Commission recommendation first. Commissioner Stratis was concerned that the entitlement is granted and approval from the neighbors is not received, so McNaughton builds anyway and says, "sue us." Jim Olguin, attorney for McNaughton Development, stated that it is hard to ask for approval for a project when they do not know what it will end up looking like. For the HOAs, the overall assessments will be less and the costs can shift to the new HOA. There would be a master agreement between the two HOAs regarding the shared areas and easements. The Declarations should not be amended if there is no development. Commissioner Stratis supported the use, the architecture, but preferred 12 homes versus 15 which would eliminate a number of variances from code.

Chairman Trzuppek asked about the 3-acre requirement. Director Farrell confirmed that this is part of the Covenant for the business park. John Barry stated that it was a condition of the annexation agreement. Director Farrell stated that this language was a first amendment to the Declaration and does not know what the language states in the annexation agreement. Jim Olguin stated that the Village and everyone in the Corporate Park would have to amend that Declaration and this is a reason why the property has sat vacant since additional land has to be added.

Commissioner Broline asked about the history of why the corner lot was not included in Lakeside Pointe. John Barry stated that there was a different owner of the corner lot and they could not agree on the price. Commissioner Broline stated that smaller units could reduce the number of setbacks. Mr. Barry stated that it would make it less marketable. Commissioner Broline struggles with allowing variations in one place and not permitting them in another. Mr. Barry stated that this is a unique property.

Commissioner Petrich agreed with the previous comments made and that townhomes are a good idea, but the number and degree of variations is too many. Commissioner Petrich preferred a different layout and less homes and that there are a lot of unknowns regarding stormwater.

Commissioner Parrella agreed with previous comments made and was concerned about life/safety and emergency vehicle access, snow plowing, and limited guest parking. Commissioner Parrella supported the use of townhomes with master bedrooms on the first floor, but the aesthetics were too uniform and did not support all front facing garages. Commissioner Parrella supported reducing the development to 10-12 units.

Commissioner McCollian had no issue with the use, but there is too little guest parking, the exterior is monotonous, and it is too dense.

Commissioner Irwin stated that there was no evidence that the petitioner met the Findings of Fact for the variation requests. Commissioner Irwin stated that there is no hardship, no evidence that the property cannot yield a reasonable return, has not seen anything unique to this property, the request is based primarily on financial gain, it will be detrimental to property values, and that the whole area is commercial. Commissioner Irwin stated that the use is not appropriate for the lot and should be a commercial use. In the Comprehensive Plan, the nature of the development does not fit with the requirements of wooded and unique residential uses, and that office use is the preferred use in the Corporate Park.

John Barry and Jim Olguin confirmed that the property is zoned residential, that I-55 is to the north which is not tranquil and poses a hardship for the residential use. Commercial use would be more impactful than residential use to the neighbors. The Village Center has struggled to get tenants and more people are needed in the downtown.

Commissioner Irwin stated that there could be an appropriate commercial use, that these homes will not save the Village Center, and did not support looking at the backs of homes along Burr Ridge Parkway.

Chairman Trzupek supported the use and stated that there is no suburban office or commercial coming to this lot. Chairman Trzupek did not support the backs of homes facing Burr Ridge Parkway and that the variations are due to too much density, but removing units does not change the development. Chairman Trzupek agreed with the comments about front load garages, the architectural monotony, and that it is too dense.

John Barry requested that they be continued until June 5 and take back the feedback they received.

Commissioner Irwin asked what the basis was that commercial would not work on the property. Chairman Trzupek stated that there are vacancies in the Village Center and the TCF property would develop first.

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner McCollian to continue Z-05-2023 to June 5, 2023.

ROLL CALL VOTE was as follows:

AYES: 8 – Morton, McCollian, Irwin, Parrella, Petrich, Broline, Stratis, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 8-0.

IV. CORRESPONDENCE

There was no discussion on the Board Report.

V. OTHER CONSIDERATIONS

There were no other considerations.

VI. PUBLIC COMMENT

Mark Thoma, 7515 Drew, stated that for the previous petition, McNaughton’s acquisition of land seemed abusive and manipulated the codes. Mr. Thoma asked to see something changed in the codes.

Commissioner Stratis and Chairman Trzupek expressed concern about the strip of land from the outlots and about the conditions requiring amendment of the Declaration.

VII. FUTURE MEETINGS

Director Farrell noted that the denials of Z-02-2023 and PC-04-2023 are on the May 22nd Board agenda. Director Farrell stated that Pella has since changed their plans, so the proposal may be remanded back to the Commission for reconsideration.

Director Farrell noted that on June 5th, the continuation of Z-05-2023 and Z-06-2023 will be on the Plan Commission agenda. Commissioners Stratis and Irwin will likely not be able to attend the June 5th meeting.

Commissioner Irwin asked the Commission if they wished to explore amending the regulations for detached garage door height, increasing it from 9 ft. to 10 ft. The Commissioners and staff discussed the Zoning Ordinance amendment from a few years ago where attached garage door height was increased, permitting one door, up to 10 ft. in height.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Petrich to request Board of Trustees direction to hold a public hearing on amending the regulations for detached garage door height, increasing it from 9 ft. to 10 ft.

ROLL CALL VOTE was as follows:

AYES: 7 – Stratis, Petrich, McCollian, Parrella, Broline, Morton, and Trzupsek
NAYS: 0 – None
ABSTAIN: 1 – Irwin

MOTION CARRIED by a vote of 7-0 with one abstention.

VIII. ADJOURNMENT


A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Petrich to adjourn the meeting at 8:29 p.m.

ROLL CALL VOTE was as follows:

AYES: 8 - Irwin, Petrich, Parrella, McCollian, Broline, Stratis, Morton, and Trzupsek
NAYS: 0 - None

MOTION CARRIED by a vote of 8-0

Respectfully Submitted:



Janine Farrell, AICP
Community Development Director