

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 1st 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 Vode 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 additional protection when a wall forms part of the barrier but is not in favor of it as the sole safety measure. Commissioner Petrich 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 Trzuppek 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 Trzuppek
NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

IV. CORRESPONDENCE

Chairman Trzuppek 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 90th Street/PINs 10-01-101-010/10-01-101-011 (Malinin); Extraterritorial Review of Variations

Chairman Trzuppek 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 90th 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 90th 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 91st 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 25th Avenue in Hillside if anyone wanted to visit the location. Based on the existing traffic on 91st 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 19th Plan Commission agenda. The remand of Z-02-2023 is scheduled for the July 17th 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