

VILLAGE OF BURR RIDGE PLAN COMMISSION/ZONING BOARD OF APPEALS
MINUTES FOR REGULAR MEETING OF JUNE 19, 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: 7 – Irwin, McCollian, Petrich, Broline, Stratis, Morton, and Trzupsek
ABSENT: 1 – Parrella

Community Development Director Janine Farrell was also present.

II. APPROVAL OF PRIOR MEETING MINUTES – JUNE 5, 2023

Commissioner Petrich requested that his comments on page three be updated to clarify that when a wall forms a portion of the barrier for the pool, an alarm or powered safety cover adds some additional protection.

A **MOTION** was made by Commissioner McCollian and **SECONDED** by Commissioner Broline to approve the minutes of the June 5, 2023, meeting as amended.

ROLL CALL VOTE was as follows:

AYES: 5 – McCollian, Broline, Morton, Petrich, and Trzupsek
NAYS: 0 – None
ABSTAIN: 2 – Irwin and Stratis

MOTION CARRIED by a vote of 5-0 with 2 abstentions.

III. PUBLIC HEARINGS

Chairman Trzupsek noted that there were no members of the public to swear in for the public hearings on the agenda.

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, MAY 15 & JUNE 5, 2023]

Chairman Trzupsek introduced the case and noted that the petitioner is requesting a continuation until July 17. Chairman Trzupsek asked for an update on the progress of the case and if the petitioner has been working with the Lakeside Pointe residents. Director Farrell stated that she is unaware of the status of the revised plans or if the petitioner is working with the Lakeside Pointe residents; she has only received a request to continue. The Commissioners discussed tabling the case indefinitely as opposed to continuing to a specific date. Director Farrell and the Commissioners discussed public notifications regarding tabling indefinitely and continuation. The Commissioners generally agreed that the continuation to July 17 would be the final one and if substantially revised plans were not received and if there was a lack of progress in discussions with the Lakeside Pointe residents, then the case would be tabled indefinitely.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollian to continue Z-05-2023 to July 17, 2023.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 7-0.

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 & JUNE 5, 2023]

Chairman Trzupsek introduced the case and asked for a summary. Director Farrell stated that at the last meeting, the Commission generally supported requiring a fence for swimming pools regardless of having a powered safety cover. Director Farrell consulted with the Village's legal counsel regarding the liability perspective if powered safety covers were required without a fence. The Village Attorney communicated that if the standards are within vetted codes (International Residential Code, International Swimming Pool and Spa Code, etc.) the Village would not be liable. Director Farrell introduced draft Zoning Ordinance draft regulations to include the Building Ordinance requirement for a perimeter fence for a swimming pool. A hot tub or spa does not require a fence and a safety cover is all that is required. There is no reference or consideration of a safety cover which may be in addition to a fence. Director Farrell read the draft regulation language.

There was an open discussion and comments by the Commissioners regarding existing fences, using neighbors' fences to satisfy the requirement, and if existing pools needed to meet the amended regulation. A concern regarding private detention ponds and whether a fence is required was brought up and confirmed a fence is not required.

Other safety alternatives were also discussed to provide additional safety measures such

as infrared perimeter detectors and pool alarms. It was suggested that the use of technology with a powered safety cover may provide an option to satisfy a fence requirement. It was discussed that there may be a State of Illinois fence requirement per the Private Swimming Pool Enclosure Act. There was some opposition to fences in general and the idea of using a combination of safety measures should be explored. It was suggested there are other technologies which may offer more effective monitoring for perimeter protection beyond what a fence could provide.

Director Farrell clarified the proposed Ordinance would not be effective retroactively unless there is a provision requiring it. Director Farrell stated Commissioner Parrella was not present at the meeting and was previously in favor of a fence requirement. Director Farrell indicated she would draft language for further discussion to include other safety measures in addition to or in lieu of a fence requirement.

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Irwin to continue Z-06-2023 to August 7, 2023.

ROLL CALL VOTE was as follows:

AYES: 7 – Morton, Irwin, McCollian, Petrich, Broline, Stratis, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

IV. CORRESPONDENCE

There were no Board or building reports.

V. OTHER CONSIDERATIONS

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

Chairman Trzupek introduced the case and asked for a summary. Director Farrell stated that the Commission discussed their concerns about the proposed QuikTrip at 9200 Kingery Highway at the June 5, 2023 meeting. Director Farrell explained that she discussed the proposal and objections with the Village Administrator, who in turn discussed the proposal development with the Mayor. It was decided to send a letter of objection signed by the Mayor to DuPage County prior to the County's Zoning Meeting on June 15, 2023. The letter included the concerns and objections raised by the Commission at the June 5th meeting.

A question was asked of Director Farrell as to who has the right to file a protest regarding zoning. Director Farrell answered that municipalities within a 1.5-mile radius, and residents that occupy at least twenty percent of the boundaries of the site, have protest

rights. Some of the Commissioners questioned which other municipalities are within the protest boundary. There was an open discussion as to whether Darien is within the boundary, and it was determined that it is.

It was discussed by the Commission whether there were any additional concerns or objections not previously addressed in the Mayor's letter regarding the 9200 S. Kingery Highway location and if the Board of Trustees should file a written protest.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Irwin to recommend that the Board of Trustees file a written protest against DuPage County zoning case ZONING-23-000022 QuikTrip Store 7311, located at 9200 S. Kingery Highway and 10S410 Route 83, based upon the points made in the letter dated June 13, 2023, by Mayor Grasso.

ROLL CALL VOTE was as follows:

AYES: 7 – Stratis, Irwin, McCollian, Petrich, Broline, Morton, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

VI. PUBLIC COMMENT

There were no public comments.

VII. FUTURE MEETINGS

Director Farrell noted that the July 3 Plan Commission meeting was not scheduled due to the holiday and that the next meeting is July 17. Commissioner McCollian stated that she will not be able to attend.

Director Farrell noted that on for the June 26 Board meeting, the minor amendment for Pella Restaurant and the Resolution for QuikTrip will be on the agenda.

VIII. ADJOURNMENT

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollian to adjourn the meeting at 8:03 p.m.

ROLL CALL VOTE was as follows:

AYES: 7 – Irwin, McCollian, Petrich, Broline, Stratis, Morton, and Trzupek
NAYS: 0 - None

MOTION CARRIED by a vote of 7-0

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Janine Farrell", written over a horizontal line.

Janine Farrell, AICP
Community Development Director