

**VILLAGE OF WOODRIDGE
PLAN COMMISSION MEETING
Regular Meeting of March 16, 2015**

A regular meeting of the Plan Commission for the Village of Woodridge was held at 7:30 p.m. on Monday, March 16, 2015 in the Board Room of the Village Hall, Five Plaza Drive Woodridge, Illinois.

I. CALL TO ORDER

Chairman Zawacki called the meeting to order at 7:31 p.m.

II. ROLL CALL

Upon roll call the following were:

Present: Balogh, Hendricks, Mast, Przepiorka, Zawacki

Absent: Gaspar and Page

Director of Community Development Michael Mays, Senior Planner Jenny Horn, Planner Jason Zawila, and Recording Secretary Peggy Halper were also present.

III. APPROVAL OF MINUTES FOR THE FEBRUARY 2, 2015 SPECIALLY CALLED AND REGULAR MEETINGS

Commissioner Hendricks made a motion, seconded by Commissioner Balogh to approve the minutes from the February 2, 2015 Specially Called meeting with no changes. A roll call vote was taken:

Ayes: Hendricks, Balogh, Mast, Przepiorka, Zawacki

Nays: None

Motion passed

Commissioner Gaspar entered the meeting at 7:32 p.m.

Commissioner Balogh made a motion, seconded by Commissioner Przepiorka to approve the minutes from the February 2, 2015 Regular meeting with no changes. A roll call vote was taken:

Ayes: Balogh, Przepiorka, Gaspar, Hendricks, Mast, Zawacki

Nays: None

Motion passed

IV. CONSIDERATION OF A MINOR AMENDMENT TO A PLANNED UNIT DEVELOPMENT – WATERBURY OF WOODRIDGE – 2501 SPRING STREET- WATERBURY IMPROVEMENT ASSOCIATION

A. Staff Presentation

Jenny Horn, Senior Planner, showed on the overhead screen the location of Waterbury. It is located on the west side of Janes Avenue, north of the Janes Avenue/83rd Street intersection. The complex consists of 64 buildings with each containing 6 dwelling units. Common areas include open air parking, a retention pond, a pool with an associated pump room and bathrooms. The maintenance and improvements of common areas within the complex is the responsibility of three different associations. The exterior improvements are maintained by the Waterbury Improvement Association.

Mrs. Horn stated the development was granted approval in 1974. She then showed an aerial view of the pool. The aging pool structure is about 35 years old and the associated equipment is about 10 to 18 years old, both are in need of full replacement. The pool has been closed since 2012. The pool amenity is a required amenity per the approved PUD, therefore the Association is required to either rebuild the pool or obtain Village approval to replace the pool with a new amenity.

The Waterbury Improvement Association has submitted an application to replace the pool with a splash pad play area, playground equipment, fitness stations, a seating area, and associated drainage, lighting, and landscaping improvements. Mrs. Horn then showed on the overhead the proposed site plan. The existing pump house is proposed to remain. The proposed splash pad is a flow through system. The sprayed water will be potable water which will be collected in surface drains and then conveyed to the existing sanitary sewer system. Water used by the splash pad will not be reused; therefore, it will not be chlorinated.

Mrs. Horn said the Association is proposing to install new low growth shrubs, as well as eight new trees to provide shade and beautify the space. As far as lighting, they are proposing five new light poles and fixtures throughout the area as well as replacing five wall fixtures on the pump house. The lights are designed to provide adequate lighting to the area between dusk and dawn. The proposed lighting plan meets the code requirements. The lighting will provide for better visibility and security. The landscaping proposed will allow for adequate view lines throughout the amenity area.

Mrs. Horn stated in the packet were the results of a survey conducted by the Association last year to gauge the support for either rebuilding the pool or replacing the pool with a new amenity. There were 99 responses received from the survey – 34 in support of rebuilding the pool and 65 in support of a new water feature amenity. In terms of maintenance costs, the Association anticipates that replacement of the pool with the new amenities will reduce the overall annual maintenance costs by approximately \$15,000 to \$20,000. The cost to rebuild the pool, deck and mechanical equipment is expected to be approximately \$175,000. The cost for the proposed new amenities is \$248,000.

Mrs. Horn said based on staff's research and conversations with the Lisle Township Assessor as well as a real estate expert, there is minimal difference in terms of the value a pool versus splash pad/play area would have on the overall development's equalized assessed value. Another point staff made in its report is the appeal of the amenity

would have with residents, potential buyers and renters. A pool would provide recreation opportunities for all ages, while the splash pad would mostly appeal to families with little children.

In reviewing this request, Mrs. Horn stated staff recommends that the Plan Commission consider the overall Village goal for the development. The goal is for the investors and owners to continue to reinvest within the development to improve the quality of life and increase property values. Staff also outlined some questions to consider when making their recommendation. She then read through the questions that were provided in staff's report. Also, provided for each Commissioner tonight was a letter of support from Kurt Mach, who is a Board Member for the Association who could not attend the meeting tonight. She said the property manager is present tonight as well as several Board Members from the Association.

Chairman Zawacki asked if any of the Commissioners had any questions.

Commissioner Balogh asked why they are keeping the pump room.

Mrs. Horn said that will serve the water feature.

Commissioner Przepiorka asked if the water used for the splash pad is just tap water.

Mrs. Horn stated yes.

Commissioner Przepiorka asked with the trees that will be planted around the splash pad is there a chance of mildew or algae building up.

Mrs. Horn asked for the engineer to step up to the podium.

Joseph Pizzuto, President of Landworks Limited, said he is the design consultant for the project. In response to the algae growth, the pad is using potable water. Potable lake water is treated and there are drains that are built into the deck for runoff water. The water will not be standing around and the runoff is very quick. On hotter days the water tends to evaporate quickly. The shade trees that will be used in the area will be light shade trees.

Commissioner Przepiorka asked what the deck material of the splash pad would be.

Mr. Pizzuto stated it is concrete.

Commissioner Hendricks asked if the equipment would be motion activated.

Mr. Pizzuto said there is a control component. A child would push a button to activate a random spray which creates an element of surprise for the child. There are different buttons so you can set it up in different ways.

Commissioner Mast stated the report mentions that there are three different Associations. She asked what is the nature of the three different Associations.

Mrs. Horn said one is the Improvement Association so they maintain all of the exterior improvements. Then there are two Associations that maintain the interior common elements for a portion of the buildings. There are some buildings that are owned by one owner so there is not an interior common area Association covering those particular buildings.

Commissioner Mast stated there are two Associations that reflect residents and then one maintenance association. She just wants to make sure that representation from all of the Associations was reflected in the survey.

Mrs. Horn said this might be a good time for the applicant to make their presentation and speak to these questions.

B. Applicant Presentation

Mallori Scott, Property Manager for Waterbury, said what the Improvement Association is proposing is the replacement of the pool with the new amenity.

Commissioner Mast said if the Improvement Association oversees the management of the property, but there are two other Associations that represent the residents.

Ms. Scott stated every Association represents the residents. The Improvement Association represents all external common elements. She said they did survey everyone.

Commissioner Balogh asked how many residents are there total.

Ms. Scott stated there are 1,000 plus residents. There are some buildings that are owned by one entity but they did send the surveys to everyone.

Chairman Zawacki asked if there was anything else she wanted to add.

Ms. Scott said she has been a property manager there for about two years. When she started the pool was already closed. The pool would have to be replaced or there has to be a new amenity so that is how this all came about. Around the winter of last year or early spring is when the survey went out. Out of all the surveys that went out, the response they had received was that the majority wanted the new amenity. She stated she is present tonight to represent the intention of the Board and the intention of residents.

Commissioner Balogh asked how old is Waterbury.

Ms. Scott stated in 1978 residents started moving into the buildings.

Commissioner Balogh said it sounds like this amenity would be lower maintenance than the pool.

Ms. Scott stated yes it would. With a pool you have to open and close the pool and then the maintenance is ongoing while it is open.

Commissioner Gaspar asked if the bylaws fully support changing a feature like this.

Ms. Scott said yes it does.

Commissioner Balogh asked if there was anyone who strongly opposes the new amenity.

Ms. Scott stated yes, absolutely.

Commissioner Hendricks asked if she had a diagram of what the fitness equipment would look like and would there be any moving parts.

Mr. Pizzuto said there was a diagram in the original packet. He stated there would be no moving parts, but there would be four different stations. He then found a diagram of what they would look like and passed it around so all Commissioners could see. There will be also some game tables which would be handicap accessible. The structure to the west is ages 5 to 10 year olds; to the south is the 2 to 5 year old area so the areas are designed for their ages. Right now there is a wrought iron fence around the pool and that would come down and the area will be more wide open which will create better sight lines.

Mrs. Horn stated the Police did state that the removal of the fence will improve the sight lines and in terms of safety it would be an improvement.

Mr. Pizzuto said the new lighting will create a more secure area. The children in the area are excited to have something. The new play area will be able to be utilized whenever the weather is good, with a pool you are limited from Memorial Day to Labor Day and that is it.

Commissioner Balogh asked what happens to the splash pad in the winter.

Mr. Pizzuto stated they would turn off the water and there are a couple of hours of maintenance you would have to do.

Commissioner Balogh asked if it will be an open area where the kids can still play on it even when the water is not on.

Mr. Pizzuto said it will not be gated off.

Commissioner Mast asked if it was similar in design to the one on Hobson.

Mr. Pizzuto stated it is but less extensive and they are not spending as much money on this one.

Commissioner Mast said one thing she has noticed at the one on Hobson is it encourages a lot more socialization and more social connection.

Ms. Scott mentioned that particularly since they don't have a clubhouse, this would provide a sense of community.

Commissioner Mast asked if this design would have an impact on liability insurance in a positive way.

Ms. Scott stated that is what their insurance representative tells them. It will definitely not increase but she does not know the amount that it will decrease.

Commissioner Gaspar asked if it will have a shut-off time.

Ms. Scott said it will be like pool hours. From 9 to 10 in the morning to about sundown in the evening.

Mr. Pizzuto stated the splash pad will have a timer on it so it will not operate after a certain time.

Chairman Zawacki said the thing with the splash pad is nobody can drown and you can have it on a timer. The timer should discourage people being there after hours. He then asked if there were any further questions for the applicant. None responded.

C. Public Comments (opportunity for public questions and comments)

Dan Ryan, Board Member for the Waterbury Association, said he has been on the Association Board for two years. He stated he is against the splash pad and feels they should rebuild the pool as it is. The reason why he bought a building there was because there was a swimming pool in the complex. He is concerned about property values and feels this will not be as attractive. Advertisements always advertise whether it is selling property or renting that they have a pool.

Mr. Ryan stated when this started happening they were under a set of by-laws from 2005 and there were three board members. He said he had abstained from voting and so there were only two people who had voted for this splash pad. He also has a problem with the surveys that went out. It was not looked at by the Board members and he did not see them until after they were mailed out. He feels the surveys were trying to sell the splash pad by saying it will be saving money. The first survey was sent to the owners and then the Village requested that the residents be surveyed as well. So all the renters received a survey as well. He stated he did not see that survey before

it went out and it stated that rents might not go down if they went with the splash pad option. The Board has no control over the rents and he feels that the survey was invalid.

Mr. Ryan said all of the complexes in the area have swimming pools. If he feels he will have a difficult time renting them if there is no pool. He stated two buildings have sold recently at a much lower price which was less than what he paid for his building. In regards to the question about the by-laws supporting this change, he is not convinced. A lawyer looked at the 2005 by-laws and he saw a loophole that says they could do this if they take the money out of the reserve fund without having to get $\frac{3}{4}$ approval of the ownership. He said he wanted to get more evidence or further information but was told to wait because the Village might not approve anything. The 2005 by-laws that this lawyer made his comment about has been rescinded or no longer valid because they determined there were problems with the by-laws. Now they are back to a previous set of by-laws that now brings them back to a seven member board which might have a different opinion about this.

Mr. Ryan stated in regards to gating the area, the pool had controlled access. The people that used it had to be residents and had to have a pass. This would not have controlled access so anyone can walk up to it. It can be a hang out area for people who live two blocks away and feels it could be a problem.

Chairman Zawacki asked given your objections why didn't you have your attorney file an injunction to stop this.

Mr. Ryan said he did not want to spend the money. He stated he supposes he could if the Commission approves this.

Chairman Zawacki stated he feels he should have done it before if he was strongly against this.

Mr. Ryan said why should he spend money on a lawyer if he didn't have to.

Chairman Zawacki stated when looking at the surveys and the results on the owners, you have 28 to 14 in favor and the residents you have 37 to 20 which is a majority and majority rules.

Mr. Ryan said if you take a look at the by-laws it states you need $\frac{3}{4}$ of the ownership to make a change to a PUD like this. He stated he does not feel that the survey was enough people.

Sandra Ozier, Board Member for the Waterbury Association, stated she is for the pool because when she bought out there it did have a pool. If you have a pool everyone can use it and with the splash pad you are kind of limited. With the pool you have to have someone there to watch the kids, but with the splash pad she feels they will not be watching the kids. There is nobody else that has a splash pad so is everyone going to

want to come and use it. There is a Village park just west of the property where the kids can go and play. She feels that the pool was a good place for people to meet. The pool did have lifeguards but the splash pad would have nobody watching it. The pool did have lighting so it was never dark in that area. She said she feels the kids will get tired of the splash pad after a while. In regards to the sight lines, the pool had a chain link fence which you can see through it. Again, other condo associations have pools in the area so it could reduce the property value if we don't have one. The pool is only certain hours for only a few months and she feels it is a safe place for people to be.

Irene Moore, a resident of Waterbury, said she has always enjoyed the pool. It is a place for adults and children. The splash pad will create too much noise for people like her who do not have small kids. She feels she will never be able to sit out in the open area and enjoy. If you count the school playgrounds there are 13 within walking distance of Waterbury. The property values will go down and they will have a hard time selling because there is not one other complex without a pool.

Chairman Zawacki asked if there were any other questions. None responded.

D. Plan Commission Discussion

Chairman Zawacki stated in regards to Mr. Ryan's comment about the by-laws being changed, it is not the Plan Commission's job to get involved in a battle with the Homeowner's Association. The Plan Commission's job is to look at the project and determine whether it is appropriate or not. He understands that some like a pool, but there are also people who do not like them. He asked given what they heard tonight, is there some reason to postpone their recommendation based upon asking them if they want to file an injunction or do we move forward with the surveys.

Mr. Mays stated it is a private matter among the Association regarding whether they complied with the by-laws or not. It is not something the Plan Commission should judge. You can look at the testimony that was provided by the audience, look at the factors that staff has provided and what they feel will be most valuable to the complex and the community in terms of amenities. That is why these types of decisions are brought before the Plan Commission and Village Board because of the importance these amenities have on the quality of life for the developments.

Commissioner Balogh asked if there was any idea of the median age of the residents. Based on the survey it is clear that the majority are in favor of the amenities. She feels it seems to be focused on the very young.

Ms. Scott said she is not sure of the exact number but she feels it represents Woodridge. There are definitely children but there are also young families and older residents. With the exercise amenities, the walking path around it, and the picnic tables/game tables, she feels it is multigenerational. What the Board wanted was to create an area for all age groups.

Commissioner Balogh stated she is one that loves a pool however this is such a nice idea.

Ms. Scott said she is a neutral party for the Board and the residents. There are some that feel strongly and want the pool, but there are many others that want a sense of community. There are limited days with the pool and she was told it was always the same people using the pool. The pool can only hold 40 people so on the hot days not everyone can get in. Before being a property manager she used to be a real estate agent and for every amenity there is a plus and a minus. She can not say 100% whether a pool sells or does not sell.

Commissioner Przepiorka asked how many members are on the Board.

Ms. Scott stated currently there are seven. At that time there were three.

Commissioner Przepiorka asked when was the decision made to contract for the plan and the new amenity.

Ms. Scott said at that time it was a three member Board and it was about a year ago.

Commissioner Przepiorka asked if the pool was out of commission since 2012 and it cost \$75,000 less to fix the pool and deck then the new amenity, what was the reasoning of the Board to spend the extra money.

Ms. Scott stated that was an estimate and the actual cost could be a lot higher. However the biggest cost is the maintenance contract for the pool each year. The last contract for the pool was about \$35,000 which would just increase each year.

Commissioner Przepiorka asked if it was her understanding that the current by-laws require the majority of the residents to approve an amenity.

Ms. Scott said it is her understanding as to what the attorney told them was, at that time the by-laws that were in place, is that the Board could approve it.

Commissioner Gaspar asked how are unit owners counted. He asked is it counted as one or for how many units that they own.

Mr. Ryan stated he counted as 6 because he owns 6 units.

Commissioner Hendricks said this comment is for staff, that if they are going to provide results for a survey, it would be in the best interest to provide the survey.

Mrs. Horn stated the Village did not partake in the survey and the Association just provided them with the results.

Mr. Mays said in the future with Associations, they could provide a copy of the survey.

Discussion continued in regards to providing a copy of the survey.

Commissioner Mast asked if it was discussed among the Association Board to seek an injunction.

Ms. Scott stated, as someone who goes to every Board meeting, that was not brought up.

Mr. Ryan said there were originally three people on the Board. There are now new people on the Board and it consists of seven members. He stated he is not sure what their opinion would be.

Commissioner Mast asked if he was currently on the board and how often does the Board meet.

Mr. Ryan stated yes he is and it meets once a month.

Commissioner Mast asked has this come up on the agenda at all.

Mr. Ryan said whenever it comes up he voices his opinion.

Chairman Zawacki stated that was not the question. He asked has it come up recently.

Mr. Ryan said he does not think they have had a discussion since the new Board has been in place.

Chairman Zawacki asked why is that when it is such an issue.

Mr. Ryan stated they were waiting to see what was going to happen with the Village. It had never come up and it was never on the agenda. He said he did miss the February meeting.

Ms. Scott said at the February meeting there was an updated preliminary cost for the new amenity. The Board agreed to go with the cost and if there was a dispute that would have been the time to voice an opinion.

Chairman Zawacki asked if that discussion was with the new seven member Board.

Ms. Scott said yes it was.

Mr. Ryan asked how many members were there.

Ms. Scott stated they were not all there, but there was enough for a quorum.

Chairman Zawacki asked if there were any further questions. None responded. He then asked if staff had any further comments.

E. Staff Recommendation

Mrs. Horn said that the Plan Commission should make a recommendation to the Mayor and Village Board regarding the request for a minor amendment to the Planned Unit Development for Waterbury, subject to the plans and conditions listed on pages 3 and 4 of staff's report.

Chairman Zawacki then called for a motion.

F. Plan Commission Recommendation

Commissioner Mast stated she appreciates hearing all the concerns and interest tonight. Sometimes things happen that don't make everyone happy. She is comfortable tonight with the evidence that this is a majority decision. She feels that there are no EAV impacts and safety issues and there is no reason to not approve this.

Commissioner Mast made a motion, seconded by Commission Hendricks to recommend to the Mayor and Village Board approval of the request for a minor amendment to the Planned Unit Development for Waterbury of Woodridge, subject to the plans listed on page three of staff's report, and subject to the conditions listed on page four of staff's report. A roll call vote was taken:

Ayes: Mast, Hendricks, Balogh, Przepiorka, Zawacki

Nays: Gaspar

Motion passed

V. PUBLIC COMMENT (ITEMS NOT RELATED TO THE AGENDA)

None

VI. DISCUSSION ITEMS

Mrs. Horn stated there are no items for the April 6th meeting so that meeting will most likely be cancelled.

VII. UPDATE OF PREVIOUS PLAN COMMISSION CASES

Mrs. Horn said on March 5th the Village Board approved the text amendments for the lighting ordinance, sign code, and vehicles in residential districts.

Chairman Zawacki asked if there were any further questions from the Plan Commission. None responded.

VIII. ADJOURNMENT

Commissioner Hendricks made a motion, seconded by Commissioner Balogh to adjourn the meeting. A voice vote was taken:

Ayes: Hendricks, Balogh, Gaspar, Mast, Przepiorka, Zawacki

Nays: None

Motion passed

Chairman Zawacki
Chairman

Peggy Halper, Secretary