



**VILLAGE OF BARTLETT  
COMMITTEE MINUTES  
July 20, 2021**

---

**CALL TO ORDER**

President Wallace called the Committee of the Whole meeting of July 20, 2021 of the President and Board of Trustees of the Village of Bartlett to order on the above date at 8:22 p.m.

**ROLL CALL**

**PRESENT:** Chairmen Deyne, Gandsey, Gunsteen, Hopkins, Reinke, Suwanski, President Wallace

**ABSENT:** None

**ALSO PRESENT:** Village Administrator Paula Schumacher, Assistant Village Administrator Scott Skrycki, Sr. Management Analyst Sam Hughes, Management Analyst Joey Dienberg, Finance Director Todd Dowden, Director of Public Works Dan Dinges, Assistant Public Works Director Tyler Isham, Public Works Engineer Bob Allen, Planning & Development Director Roberta Grill, Food and Beverage Manager Paul Petersen, Police Chief Patrick Ullrich, Deputy Chief Jim Durbin, Village Attorney Bryan Mraz and Village Clerk Lorna Giles.

**BUILDING & ZONING, CHAIRMAN HOPKINS**  
**The Residences of Bartlett Station**

Planning and Development Services Director Roberta Grill stated the petitioner was originally requesting a 104-unit apartment building on the corner of Railroad Ave. and Berteau Ave. Since the Joint Review Board meeting of the Plan Commission and Zoning Board of Appeals, held on July 1<sup>st</sup>, 2021, the petitioner has amended his plans to reduce the proposed number of apartment units from 104 to 90. The building would still be five (5) stories in height, but the mix of unit types would now consist of 30 – 1 bedroom and 60 – 2-bedroom units. The parking ratio would increase to 1.34 spaces/unit exceeding the Zoning Overlay District requirement of 1.25 and thereby eliminating a major design exception request. In response to the concerns raised by the adjacent Town Center residents, staff is proposing an on-street parking option along the east side of Berteau Avenue. The 21 parallel parking spaces could be utilized by anyone for 24 hour /overnight parking. These additional spaces further increase the parking ratio to 1.57 spaces/unit. Their original request was 1.16 spaces per unit, the overlay requirement is 1.25, but they have revised their plan and have increased the spaces to 1.34. The staff is also reviewing the possibility of overnight (24 hr.) parking in a village-controlled commuter parking lot north of the tracks. This overnight parking would require a fee during the week, but would be free on holidays and weekends. The village is also looking at utilizing the commuter parking lot north of the tracks for overnight parking. Overnight parking would require a fee during the week, but would be free on nights and weekends.



**VILLAGE OF BARTLETT  
COMMITTEE MINUTES  
July 20, 2021**

---

At the Joint Review Board meeting, the requisite Public Hearing was held. The Plan Commission motioned to approve the second amendment to Ordinance #2003-123 to allow for 104 residential apartments in one building, amending the special use for a PUD, amending the approved preliminary/final PUD plan, amending the exhibits attached to Ordinance #2003-123, the first amendment to Ordinance #2005-124, and amending the exhibits attached to Ordinance #2005-124. Each motion failed by a vote of 0-5. The motion to approve of the plat of consolidation passed. The Plan Commission had concerns with the number of parking spaces provided on the site, the northeast corner of the building located five (5) feet from the property line and the height of the building. The Zoning Board of Appeals motioned to approve the major design acceptance and each of those motions passed based on the conditions and standards outlined in the staff report.

Chairman Deyne stated they spent months working on the TOD Plan.

President Wallace stated it was a year and \$100,000.

Chairman Deyne stated that all this effort has gone into the downtown area to get it to grow and this site has been empty for 40-60 years and the TOD plan made a strong effort to promote business. With the Metra station there, people will take the train to go back and forth to downtown and he knows that parking was an issue. He appreciates what staff and the petitioner have done for getting into compliance with parking. The other issue with the bedroom window being too close to the property line is also easy to work around by adding shrubbery. He asked Ms. Grill what the TOD recommended for this site.

Ms. Grill stated the number one overall planning strategy was to increase the downtown population by focusing on new housing development to fuel commercial growth.

Chairman Deyne asked how many developers we had come in and walk away from this property.

Assistant Administrator Scott Skrycki stated they have had a touch point with about 18 and had several meetings with some of them.

Chairman Deyne asked what the timeframe was.

Mr. Skrycki stated it started in 2017 with the TOD and Strategic Plans. Administrator Schumacher said both pointed to developing this property, so staff went through the RFP process. Through that process they spoke to about 10 developers, only about 7 or 8 were interested and they got one response. That response came in, they went through the process and once they got to the meat and potatoes of the process they realized it was not financially feasible for them because they needed density to have it, make economic sense.



## **VILLAGE OF BARTLETT COMMITTEE MINUTES July 20, 2021**

---

Chairman Deyne stated we have a developer here who wanted 104 units and has dropped it to 90. He is trying to make it work. That site has been vacant for years and now we have the opportunity to put it back in the tax rolls and have people walk and bike downtown. This was the purpose of the TOD. He understands the objections, it's a change and people are afraid of change and he reacts the same way in certain situations. We have business owners that are praying for something like this to help out their businesses and improve the quality of the downtown area.

Chairman Suwanski stated that when the TOD Committee developed the standards, what at that time precluded them from saying five-story buildings were acceptable at that time.

President Wallace stated that's just an ordinance, the TOD is a separate thing, but there were opportunities for everyone in this room to be on that committee. We have tried to work other solutions to get people downtown.

Chairman Reinke clarified it's the zoning ordinance that limits to four stories, correct?

Ms. Grill clarified that the overlay district set the four-story maximum.

Chairman Suwanski asked if they could have allowed a five-story building.

Ms. Grill stated it could have.

Administrator Schumacher stated it sets the base parameters.

Ms. Grill stated it is the form-based code.

Administrator Schumacher stated the form-based code does not eliminate five stories, it requires a variance, which is what we are going through. Just like all of our other zoning districts where there are a set of parameters where the board would need to grant a variance if it fell outside of those parameters. The form-based code is your starting point and if you want something extra, you can go before the board and get it approved.

Chairman Reinke stated the form-based code was designed to be a little more flexible and modern. Its only applicable in the downtown. If we were going to build a four-story building around somewhere on Rt. 59, that would be a different conversation. In the overlay district, the parking requirement is 1.25 parking spots per dwelling unit. He asked if this project was on Rt. 59, what would the applicable ratio be.

Ms. Grill stated for a 1 bed, they would need 1.5 spaces per unit and a 2 bedroom would require 2 spaces per unit.



**VILLAGE OF BARTLETT  
COMMITTEE MINUTES  
July 20, 2021**

---

Chairman Reinke stated the purpose of the overlay is to recognize that a downtown life style based on the TOD plan is different than being on Rt. 59. He asked if the petitioner has proposed a parking easement in the Streets of Bartlett for 16 spots.

Ms. Grill stated she believed so and the petitioner is here. They do not require the 16 spaces anymore because they meet the parking requirements.

Chairman Reinke stated he thought it would be prudent of the petitioner to keep the 16 spaces in the plans. He is opposed to the on street parking spaces and using village streets for parking lots. He is 100% opposed to that.

President Wallace said many communities require on street parking in downtowns.

Chairman Reinke stated he understands that, but does not like it for Bartlett.

Ms. Schumacher stated that staff's recommendation was born out of the eight spots off Prospect Ave. that are permitted for the quads. They expressed some parking issues, so they have four spots on our street that are permitted, and that's where the idea came from.

Chairman Suwanski clarified that those are designated spots and not for just anyone.

Chairman Deyne stated he forgot about those parking spots.

President Wallace asked staff to address some of the safety concerns for the building.

Mr. Skrycki stated when we began the negotiation process with developers including Mr. Rafidia, Paula instructed him to call the fire department on day 1, and he spoke to Chief Falese and now Chief Gabrenya and they gave them full confidence that there would be no problem with the building height.

Ms. Schumacher stated they have five stories at Clare Oaks, so they have the equipment to address that height. They are also part of the villages review process.

President Wallace stated if we do not get density downtown, we could lose some of our businesses. The objective of the TOD plan is to get more density downtown and he asked if any other petitioners are banging down the door to come to this site.

Mr. Skrycki stated that was correct and that other developers they spoke to discussed 6 and 7 story buildings. They cross referenced that with a lot of communities along the train routes and found that there were a lot of 5 and 6 story buildings and a few 7 story buildings. Even the petitioners that declined on the site, staff followed up with on why and many of them said it was density, more stories needed, are they being given the land,



## **VILLAGE OF BARTLETT COMMITTEE MINUTES July 20, 2021**

---

what types of incentives they have, etc. He thought the board has done a good job protecting that land. We went through an RFP, put it up for sale, and staff went to apartment developer conferences to speak to developers. The information staff gathered was that this is the market right now. They need high density to make it make economic sense.

Chairman Gunsteen asked if there was a discussion of making the building smaller or moving some of the setback of the building when they decided to go from 104 to 90 units.

Project Architect, Mr. Haylock from Arch American, stated that when it comes to the feasibility of a project, it is not always strictly the number of units. In this case, the number of units helped with the parking issue, but at a certain point it comes down to square footage and the dollar per foot they can charge. To lessen the number of units they removed the three efficiency units on each floor and absorbed them into the other units. Especially nowadays with more people working from home, a lot of people want offices to work from. Before, they had a much higher density of 1 bedrooms, so going to more 2 bedrooms make its more beneficial for everyone.

Chairman Gunsteen asked if they were able to shrink the building to adjust the setbacks.

Mr. Haylock stated that the most difficult thing with the project is that the site is shaped like a trapezoid, so we are fighting that the whole way. The site is much wider on the western side and tapers down to the east. They wanted to maintain the maximum setback they could from the neighbors. They are at approximately 100 feet from the existing buildings. They have a ramp down to the basement parking and they want to make that a nice easy turn for safety purposes and they also have the pedestrian path on that side. The only variations they are asking for is regarding the northeast corner of the building where they are 5 feet from the property line. Same thing with the parking, it gets squeezed down to 2'8" instead of 7'6" and the other deviation is that the last parking stall cannot project past the end of the building. Technically they are projecting past the closet corner of the building, but are not projecting passed the northern corner of the building on the east side because the site is angled. They are really small deviations, but squeezing into the east side of the site really helped them get an extra parking stall here and there and made the ramp safer, as well as making the pedestrian walk safer. They might be able to squeeze it down a foot or two. He stated that some people think they are stuffing 20 pounds into a 10-pound bag, but it's the shape of the bag that is hurting them. They are trying to put a square into a triangle. That is one of the reasons developers struggle with this site because it is very difficult to make anything fit and if they were to try to do it in four stories and get the square footage that they need to make economic sense, would not be possible. They are squeezed in certain areas, but he did not feel they were asking for much and it made the site work better.

Chairman Gunsteen asked if the parking was permit parking.



**VILLAGE OF BARTLETT  
COMMITTEE MINUTES  
July 20, 2021**

---

Mr. Haylock stated the interior parking could be rented, but the outdoor stalls will be first come, first served.

Chairman Suwanski asked if there was an estimate on how much parking would cost in doors.

Mr. Rafidia stated it would be \$50.

President Wallace asked what the rents would be.

Mr. Rafidia stated they would be \$1.75 per square foot. A one bedroom will be around \$1,500.

Chairman Gandsey stated that she rented in Elmhurst in her mid-twenties and every place she rented at had an assigned spot which she felt really helped with parking.

Chairman Reinke stated that this will become an enforcement issue on the village because someone is going to come home late one night, all the spots are taken and they are going to call the village when in reality they should be calling the tow truck. Assigned parking will help pave the way for that.

Chairman Suwanski stated or they will be parking next door.

Attorney John Pikarski of 55 W. Monroe St. Chicago Ill. stated it is his pleasure to represent the applicant. He is pleased that the two senior members of the Zoning Board of Appeals (ZBA) have appeared at the meeting on behalf of the petitioner. This is a transit oriented develop that puts feet on the street so the businesses can prosper. It is also located immediately across the street from the train station and as most mature suburbs have discovered, this is exactly what we want to happen. We want commuters, we want a central city of some sort and we want to subsidize it. The property is 1.88 acres, has 376 frontage feet and is irregular. After listening to the ZBA, Plan Commission and to the neighbors, we have voluntarily reduced the number of units from 104 to 90. They still need the size of the building, but have reconfigured the units to make them more profitable with less units and therefore allowing for a reasonable rate of return with less units.

Chairman Gandsey asked if it was done because of parking or the market.

Mr. Parkarski stated it was done because of the neighbors and parking. We have now exceeded the amount of parking necessary. He stated they have complied with every request they can. They need to keep the building size and is proposing that the amenities are condo quality. Typical rental buildings are a true benefit to the community because the residents do not require the number of goods and services that the city is required to



**VILLAGE OF BARTLETT  
COMMITTEE MINUTES  
July 20, 2021**

---

provide like schools. In addition, the petitioner is spending upwards of \$20 million dollars that can be added to the tax base of the city. The residents will also provide sales tax.

Chairman Hopkins asked if they can remove the aluminum and make it match the other buildings.

William James, consultant to the petitioner, stated his companies roll on the team is to consult with land use and zoning matters. When the village did the downtown overlay district, he does not think the discussion of a 4 vs. 5 story building was as intense as this is. He can guarantee that there was no analysis done that there was a specific reason that they should not go over 4 stories tall. What they are asking for are only design exceptions, not variances. A variance has a much higher standard to prove and a design exception is more a deviation from a guideline. Downtowns are a place where you have a lot of variety and if you had a historic downtown with a specific feel or look like requiring a pitched roof or use certain building materials, etc. is different than Bartlett's overlay district. Bartlett's overlay district does not go into that kind of detail. The fact that this does not align aesthetically with the buildings next door is not a problem. He thought a combination of buildings including contemporary would benefit the downtown.

Chairman Hopkins stated that he would agree if there was room for more buildings, but the PUD that was put forward in 1999 had 5 or 6 buildings built the same way and he thought it should match those.

Mr. James stated the builder walked away from building those buildings presumably because it was not profitable or did not work out. In some sense it is a failed development and the need to amend that is really unusual because this petitioner has no connection with that prior planned development approval.

Mr. James then spoke about a project his company completed in Evanston. The building was 17 stories tall with 11 story and 7 story buildings around it. His point was there has to be give and take and you can't get everything you want. In Evanston's case, they wanted affordable housing. This was the first building that will be affordable housing in that area and it had to be that tall to make it economically. In Bartlett's case they are only going up 1 story over the design guideline. He thought it was kind of nitpicking in his opinion since it will be so beneficial to the downtown.

Chairman Suwanski asked why there wasn't any reason why this building didn't have the underground parking come in off of Berteau Ave. to move the building west more.

Mr. Haylock stated they looked at that initially, but they need at least a 100-foot-long ramp into the basement. If you push the building over, it pushes them closer to the neighbors and pushes them off of the street, but they do not have the room that they would have on the other side. When working with staff they determined that it would be difficult to make



**VILLAGE OF BARTLETT  
COMMITTEE MINUTES  
July 20, 2021**

---

it fit on the other end based on the shape of the lot and it is the only entrance in and out of the property so they did not want to have a conflict with the ramp coming up and down and people having to pay attention coming in and out of there right at the entrance of the site. They must have had a dozen different site plans that they reviewed with staff to try to make it work well. This seemed to be the best compromise to make everything work well. Staff was also in favor of having the ramp on that side.

Chairman Suwanski asked if they ever considered doing two buildings like the original plan.

Mr. Haylock stated it was a much lower density and by spacing them out, you are losing space and square footage. It is really a matter of economics why they did not build it in the first place.

Chairman Suwanski stated the market also crashed in 2008.

Mr. Haylock stated that is true. It took a long time to come back and, in the meantime, construction prices have sky rocketed.

Mr. Skrycki stated they did advise developers of the original plan when they came in as well.

Chairman Suwanski asked if he was using a management company.

Mr. Rafidia stated they have in-house management and they do not hire outside management companies. He takes every phone call from every shopping center and tenant that rents from him. This will be no different.

Chairman Suwanski asked if there will be pets allowed.

Mr. Rafidia stated he is contemplating that. He is going to survey the community and the area to see how it will work. They are building a solid building, all concrete and very well sound proofed, if that works for them, they will go for it and if not, they will not.

Chairman Suwanski stated she is thinking of where they will be walked.

Mr. Rafidia stated there will be an area for it. He continued that he will personally background check everyone in this building. No one will come in with bad credit or be unable to afford to live there.

Chairman Suwanski asked if anyone has had contact with the associations outside of this chamber.





**VILLAGE OF BARTLETT  
COMMITTEE MINUTES  
July 20, 2021**

---

Mr. Rafidia stated they invited all of the members of the associations to talk. He stated they are proposing the 5-story building because of the parking. As they decided to reduce the number of apartments, they started to come around and agree with their project.

Chairman Gandsey asked if the aluminum will look nice after several years.

Mr. Haylock stated they brought a sample to the last meeting and he thought everyone thought it was a quality material. A lot of buildings have a sheet metal aluminum product, that is not what this is. This is a thick layer of aluminum on the inside and outside and its sandwiched with a composite material in-between. It is extremely durable and is used in the City of Chicago a lot. It is not going to streak.

Chairman Gandsey asked how he would expect his building to be in 10 years.

Mr. Haylock stated he thought it would look exactly how it does when it goes up. There is no wood or painted products. They have a variety of different materials on the building and one is listed as manufactured trim and stone. A lot of buildings that are less expensive use cultured stone which is a cement-based product. This is a calcium silicate which is the same essential properties as limestone except it is manufactured under a high-pressure process. It is designed to look like limestone forever. They are using natural limestone where it makes sense on the building as well. When they started looking at this building since it was 5 stories, they attempted to minimize the impact of that height. The building next door is 100 feet away and it is almost identical height measured from the very peak of each building. By their calculations, their building will be 4 feet taller. What they are trying to do is minimize the impact of the height. There is nothing in the ordinance that says anything about the height of the building as far as he knew. The neighbors building is closer to 4 stories since the parking garage is only partially below ground. He stated if they wanted to match the other building they could put a sloped roof on it and it benefits buildings in a lot of ways, but that would make the building look even taller than it does. The other thing they did when looking at height was the color. The neighbors building is all one color which is fine, and has a large shingle dark colored roof. What we like to do is create a variety of colors on the facade to mask the height. They start with a darker brick, move to a lighter color, and then the top is a light beige color. The building actually has 5 tones. They are not trying to do something that is modern, they are trying to take traditional, classic materials, mix it with some more contemporary materials to liven the building up.

Chairman Gunsteen asked if any alternative material was looked at for under the windows.

Mr. Haylock stated they did not. They were looking for a higher end appearance. Many other buildings use stone under the windows and they wanted to make theirs feel different.



**VILLAGE OF BARTLETT  
COMMITTEE MINUTES  
July 20, 2021**

---

Chairman Gunsteen asked if it was a precast building.

Mr. Haylock stated the floor is precast, the walls are concrete block with stone veneer. Load bearing walls are block, but not every location.

Mr. Hopkins asked if everyone felt comfortable sending this to the board for a vote. He prefers the building to look like the adjacent buildings because it is the only property left to develop over there, but if the rest of the committee wants it at board level, we will forward it on to the village board for a vote.

President Wallace stated he knows this has been challenging for everyone. There is someone who wants to invest a lot of money downtown, there is a lot of benefits to that, but there are also a lot of folks that have lived next to that site for some time and been in Bartlett for many years. He truly believes downtown is downtown and they have been talking about doing something like this since he was on the chamber 20 years ago. He is in favor of this building. It is not perfect, but the site is something that have to work with and it's the petitioners have gone to great lengths to make everyone happy with this project.

Chairman Hopkins stated that to some point he agrees with President Wallace. He thanked Manny Rafidia for what he has done with the Streets of Bartlett and developing this property.

Chairman Deyne stated that he agrees with Chairman Hopkins, but he does not believe the aesthetics of the building are enough to kill the deal.

Chairman Hopkins stated that he thought permit parking should be permit parking. If he rents out 70 units and you are out of parking spaces, you need to sign the lease that they do not have a car because they have nowhere to park. He thought permit parking should be included in the ordinance.

The item was forwarded on for a vote at the Village Board.

**LICENSE & ORDINANCE, CHAIRMAN GUNSTEEN**  
**Incompatibility of Office Amendment**

Village Attorney Bryan Mraz stated that it came to the villages attention that we had a Police Pension Board appointee, Mr. Sias, that was also a board member for the library district. In 2002, the village drafted an ordinance that, in hindsight, was too broad. Usually with incompatibility of office, there is two statutes. The first one is a public officer prohibited activities act and the second is the Illinois Municipal code. Both of those deal with elected offices as opposed to appointed committees. If someone is on a park board, an elected officer, they may be appointed to fill a vacancy, but it is an elected office. If



## **VILLAGE OF BARTLETT COMMITTEE MINUTES July 20, 2021**

---

they are on another taxing districts board, there could be a regular interaction which causes a conflict of interest. As he went back to try to piece together why the ordinance was put in place, there looks like there was a situation when there was a park commissioner who was also the chairman of the Plan Commission. There was direction that they should not have that possibility going forward. It was a broad-based ordinance dealing with all of the villages sub-committees. When you look at case law, it almost entirely deals with elected officials. At that point in time, the case law was if they could enter into a contract, the two bodies, that you could have an incompatibility of office. In almost any situation, two government bodies can enter into a contract. In 2002, there was a case which the mayor of Bolingbrook was also on the toll board and the toll board had annexed some property to Bolingbrook. In that case, they found that the offices were not incompatible, yet they entered into a contract. Since then, the incompatibility definition has changed. He did find some that were incompatible, but those were a park commissioner to a park board and also a village trustee. The case looked at the interaction between the park code and the municipal code and found they interact so often that they were going to find a conflict. In this case we are looking at the Police Pension Board which has no power to contract and a library district, there is no interaction. He suggested looking at it on a case-by-case basis. If someone holds another office, whether it is appointed or elected, there should be a written opinion by the village attorney and the attorney for the other taxing district. If in both cases they do not think they are incompatible, then the appointment could go forward. He is proposing the ordinance be amended.

Chairman Gunsteen asked if that appointment would need to be voted on every time.

President Wallace stated it is common sense, if someone is able to serve in two capacities and there is no instance of any conflict, they should be able to. There will also be two opinions from each organization's attorney.

Chairman Suwanski asked if the appointment would have to go to the board for a vote.

Attorney Mraz stated that was accurate.

Chairman Suwanski asked if they can include a list of every office they hold.

Chairman Reinke stated they should and that none of the board members or the attorney were going to be here forever, so they should make sure there is some type of internal screening process.

Chairman Gandsey asked if the library or school district could write their own policies.

Attorney Mraz stated it's not really our policy, it was our ordinance that over stepped a bit. Based off the new appellate court rulings, he thought this was the way to go.



**VILLAGE OF BARTLETT  
COMMITTEE MINUTES  
July 20, 2021**

---

Chairman Deyne stated back then there were a lot of issues between the park board and the village at the time this ordinance was put into effect. He said Sias has been on the Police and Pension Board for 4 years, and asked why this is just coming up now.

Attorney Mraz stated we did not remember the ordinance.

Chairman Gunsteen stated he agreed that if someone is stepping up to volunteer, it should be on a case-by-case basis.

Attorney Mraz stated that a conflict of interest can be solved by recusing one's self, but repeated conflicts is what the Attorney General's office looked at. At the time, the park district was going through various zoning developments that the village was approving, so he had to keep recusing himself.

Chairman Hopkins stated that if the village is ever in violation of state statute or our ordinance, can we get a memo before it goes to committee.

President Wallace stated that with the new case law, we are not 100% sure we would be in violation.

The item was forwarded to the next board meeting for a vote.

There being no further business to discuss, Trustee Deyne moved to adjourn the regular Board meeting and that motion was seconded by Trustee Suwanski.

**ROLL CALL VOTE TO ADJOURN**

**AYES:** Trustees Deyne, Gandsey, Gunsteen, Hopkins, Reinke, Suwanski

**NAYS:** None

**ABSENT:** None

**MOTION CARRIED**

The meeting was adjourned at 9:31 p.m.

Samuel Hughes  
Deputy Village Clerk