MINUTES FOR THE SPECIAL MEETING
OF THE PLANNING AND ZONING COMMISSION
OF THE VILLAGE OF CAMPTON HILLS
July 30, 2025, 6:00 P.M.
Campton Hills Village Hall
40W270 LaFox Road

1. Call to Order.

Chairman Fredrick called the meeting to order at 7:00 p.m.

2. Roll Call.

Secretary Brown called the roll.

PZC Commissioners	Present	Absent
Neil Anderson	x	
Rolf Fredrick (chair)	x	
Jerry Johnson	x	
James Kopec	x	
Andro Lerario	x	
James McKelvie		x
Chris Tiedt	x	

Also present: Village Attorney Carmen Forte.

3. Approval of Minutes of the special meeting of July 9, 2025.

Commissioner Kopec motioned to approve the minutes; Commissioner Tiedt seconded the motion. On a voice vote the motion was unanimously approved.

4. Public comment, non-agenda items.

There was no public comment on non-agenda items.

5. CASE 25-03 Application for a School, 4W420 Campton Hills Rd. (Public hearing continued from meeting of 9 July.)

Chairman Fredrick: He noted that the minutes of the previous meeting were almost verbatim and thus the commissioners had a good understanding of the comments that were made. He urged those desiring to comment not to repeat previous comments.

“So, if you'd like to come forward, that'd be fine. But I just ask you to just try to narrow those points so we're not repeating things over and over.

“One other thing that came up too, it's come up before I mentioned it at the last, meeting, concerning covenants and restrictions for subdivisions. And the Village of Campton Hills did not enforce covenants and restrictions for a subdivision. That is not a purpose and the role that the village plays. Those are in effect, or can be in effect, or could expire, but if a subdivision has a covenants and restrictions in effect, that is up to the homeowners association to enforce those; it is not up to the Village. There are dozens of subdivisions that have all different types of rules and regulations for covenants and restrictions. The village had no input in those, and it's not the village's responsibility to let a arbitrator or a referee go into each different subdivision with all of their rules and enforcing things that they have no input on. So, just trying to make sure everybody's clear and understanding that the homeowner's association is the media that they should, or the entity that should be trying to enforce those covenants and restrictions if the subdivision decides to do that.

“Last time we started off with the petitioner making a presentation, and I would like to invite the petitioner and or the representative of the petitioner to step forward and add any information that they'd like.”

Mr. Hal Franke. “Thank you, Mr. Chairman, members of the commission, ladies and gentlemen. My name is Hal Franke. It's spelled F-R-A-N-C-K-E. I'm an attorney with the law firm of Meltzer, Purtill & Stelle. [Spells firm’s name.] My office is at 1450 American Lane in Schaumburg, and I am pleased to be reporting this evening as the attorney for Headwaters Academy.

“I would like to begin, first of all, by thanking you for accommodating our client's request for continuance at the last meeting and for agreeing to entertain a special meeting for this evening, and we truly appreciate that. We do have a presentation to share with everybody this evening. Our goal is to briefly summarize some of what was said on June 18th, as I believe all of you know, I was not present on June 18th.

“I've asked Sarah Elliott at the beginning of the presentation, the executive director of Headwaters Academy, to again introduce everybody to the academy and plan here for the operation of the school on this property. The remainder of our presentation is to address some of the issues that have been expressed, both at the original public hearing session on June 18th, and also in the public comment that we have seen that has been submitted, and we have reviewed the public comment. So this evening, we're going run through a brief presentation. The only individuals that we have programmed to speak to this evening are myself, Sarah Elliott, and the other is a traffic engineer, recognizing that traffic is a concern for some of the neighbors. We understand that the overarching issue and concern about establishing a school of this nature in this location. We are going to address that a little bit later on in our presentation. And obviously, we understand some of the more detailed concerns about that have been raised in the letters that have come up. So again, this is a brief overview of what we're going to run through tonight. Again, who we are,

Headwaters Academy, a brief summary again for some that might not have been her here on June 18th. Description of the property, its location, its features, things like that.

“Sarah's is going run through that in addition to the information on the current and anticipated enrollment of the school and hours of operation. A little bit of comment on the noise concerns that were expressed at the earlier meeting, concerns about security and students wandering off-site. Then you will hear from our traffic engineer who has prepared a brief memorandum. We shared that; I've given copies to Mr. Brown. Nobody expects you—you're just hearing about it tonight and just receiving the written report. Nobody expects you to read it right now on the fly. And then I will approach you again on the special use standards that are contemplated by your zoning ordinance. I think everybody understands at this point in time that the property is zoned to residential and your zoning ordinance establishes this type of school as an authorized special use in that district.

“So that means you can apply for it and you have to establish the facts that you satisfy the standards for the approval of a special use request. So I'm going to run through that at the end of the presentation. If you look at your zoning ordinance, you know that special uses, as opposed to permitted uses within a zoning district, are considered to be of a unique nature such that in order to allow them to be established, maintained and operated on a given piece of property, it might be appropriate to do all of that, but only if certain conditions are established. So your ordinance says, you know, when the time comes for you to make a recommendation to your village board, you can; make a recommendation to approve as is; you can make a recommendation to deny; or what is most commonly, what most commonly occurs is you can make a recommendation to approve but subject to certain conditions. So I will identify certain possible conditions of approval should you be comfortable, you know, recommending approval of the special use to the building board, which is obviously what we're hoping for. Some of the conditions, when you get there, you'll see they're already in your staff report from the July 9th agenda packet. And then based on the facts you're going to hear tonight we will offer some additional considerations for you to consider. So with that, I'd like to turn the floor over to Sarah Elliott. She's the executive director of Headwaters Academy. She can explain to everybody again exactly what the academy is doing and intending to do in the future, where it's operating, what its development plans are for the future on this property. And with that, I'll turn it over to Sarah.”

Ms. Sarah Elliott, Headwaters Academy. “Thank you, Hal. And I'd like to extend my gratitude also for all of you. I know you are volunteering your time to do this and I appreciate your consideration.

“So last time I was able to share with you some about Headwaters. I'll mention a couple items here. We are a community of parents and educators who really seek to have an alternative and an independent way for students to learn [2-3 words inaudible].

There are very few options. And the academy will prioritize time in nature throughout all the seasons for our students in kindergarten through eighth grade. We put high value on ecological stewardship and sustainable food systems.
This appreciation for agriculture and learning about agricultural aligns very well if the Village of Campton Hills, as does supporting community school. So we are building an educational home where students can develop that love for community.

“Much of this is available in the packet but just for review, the property that you're discussing is located on the north side of Campton Hills Road about halfway between Anderson and Town Hall. It is rectangular with one two-story house and several accessory buildings. A fence encloses two-thirds of the property…

“The following dimensions are noteworthy. It is 305 feet of frontage. It is 720 feet deep. The distance from residents from Campton Hills Road is about 200 feet off the road. And then the distance to the nearest lot line is about 40 more feet. Here is the plat of survey. As you can see, it's marked in yellow. All of that is fenced. And this is a little, maybe on the side would be even better, but this aerial shot shows the distance from the property line to the adjacent houses. And so that's just a straight line To the properties. If you're talking about, to the schoolhouse, all of them are over 150 feet. So some of them are over 300, almost 400 feet away.”

[Ms. Elliott reviewed photographs of the property. She noted that these were from the packet forwarded by Mr. Brown and that photographs had been taken in May.]

“We currently have 18 students enrolled. We will cap it at 25 for the 2025-26 school years. Ultimately, we will not exceed 45 students entirely in our school. We have three teachers and an administrator and three other staff members that help support the standing up of the school, myself included. Our hours of operation will be eight to five. That is not the school day, but it's time for the teachers and administrators to do their before and after work.

“We understood the horse and concerns about noise. We took a decibel meter and we measured it out while ten children were playing in the back. So directly behind the house is where that communication is located. So 100 feet away near the eastern property line, the decibels measured 40 to 45, which is a comparison to the sound level of a quiet library. At 200 feet away near the property line, decibels also measured 40 to 45, and the thing that made it register like 48 is a bird song, just so you understand the loud level we're talking about. And at 350 feet away near the northern property line, decibels were at 37, which is ambient, light wind or distant birds.

“I'll speak a little bit more to the fencing on the property. There's a number of different types of fencing around the property, a chain link and landscaping along the eastern

property, eastern side, and then on the southeast side of the property, there's a metal fence with a locKane gate, a metal fence with a locking gate that will be permanently locked during school hours so the children will not be able to leave. The southwestern side, the fence enclosures are vinyl fencing with a gated entry that can also be locked. The western and northern fences are powder-coated metal agriculture fencing in addition to a thick row of bushes and trees.

“Now, I'm going to talk a little bit about our plans for drop-off and pick-up as it pertains to traffic concerns. Drop-off would begin at 8:45 a.m. and end at 9:00 and then pick-up would begin 3:15 and run until 3:30. [Showing slide with written instructions] So this is what the parents would be, so it's written toward our parents. Children will be prepared to exit quickly to keep the line moving.

“We're yielding to the incoming cars and making all the right turns. We are making sure every year that parents knows not to turn onto other [1 word inaudible] streets like Farmview or Country View. We're asking them not to exit their vehicles during drop-off. If there is a situation where a child needs a little bit more handling from a parent, there are two spaces they could potentially park in front of the house, the schoolhouse, and walk a child into school and that would not impede the drop-off line in any way. We already have placards made for each family to put at the front of their car so when they're coming to pick up their children, they can do it as quickly as possible. We can identify whose family that is.

“We are ensuring that we will install appropriate signage at the police chief’s request, communicating the right movement limitations. We will always include in our parent handbook—that will go out yearly to students and parents—to communicate to them the expectation around drop-off and pick-up so that everyone knows. And then if there are issues, we communicate regularly with parents and we will reinforce the policies and guidelines.”

Mr. Franke: “Thank you, Sarah. At this time, I'd like to introduce you to Andrew Bowen who is a traffic engineer with the firm of KLOA, Inc. Again, Andrew is the author of the traffic memorandum that you received when somebody else from his office came out and inspected the site and provided him some of the information that's included in the memorandum. So, Andrew, if you could please introduce yourself.

Mr. Andrew Bowen. “Like you said, my name is Andrew Bowen from KLOA. We are a traffic consulting company out of Rosemont. We've been doing this for a while. We do lots of stuff like this and I've worked on many school projects in recent times. Many of them are much larger than this, but certainly a lot of the same principles apply.

“The school site, like they've already mentioned, is located on the north side of Campton Hills Road, the driveway off of that roadway. Campton Hills Road is a minor arterial

roadway and traffic counts on the road show that throughout an entire day the road carries about 600 vehicles.

So, during a single hour in the morning or afternoon, during which pickup or drop-off would be occurring, the road is expected to carry around 60 total vehicles, a relatively low volume. Like we said, we went out to this site and looked at the existing driveway and the existing circulation that they have there. [Referring to photographs in the slide presentation] Now, the circle driveway they've added is a recent addition and that alone would help improve operations, but we have some further recommendations on how to ensure that traffic operates efficiently and that pickup and drop-off works. These pictures here show the view from the driveway looking out on the Campton Hill Road. And I'll have some extra comments about this specific view in minutes. All right, getting into our recommendations. These are at the end of the memo that we provided.

“First, we have our estimated trip dimension. Now, this is based on the Institute of Transportation and the air rates. These are based on surveys conducted at other private schools throughout the country and provide rates to estimate about how many vehicles will be using the site. Now, this is the ultimate number of students. And so, these are the maximum amount of traffic we expect to see during a single hour. This is a little lower than the number of students because it's expected that many students will carpool or have children from the same families who are in the waiting line. This also does include some staff that will arrive, but it is important to note that staff will likely arrive outside of those pickup and drop-off periods, already being on site in the morning or after drop-off pickup and drop-off.

“Now getting into some of our recommendations. The first and most important is the widening of the driveway between the start of the circle drive and the end of the road. Widening it to about 20 feet will allow this segment to operate with two lanes. What we don't want to occur is a vehicle leaving the site preventing somebody from entering into the site. It could create issues. If the two-way traffic can flow on this segment here, the entire internal loop can operate with cars traveling through the whole thing, no conflicts, no people blocking another vehicle so that things can keep flowing smoothly even if there are people waiting to exit the site. New cars can continue to enter, preventing backups on Campton Hills [Road]. Next is just a recommendation for the north end of the circular drive just to widen it, the existing pavement, just to promote this circulation that I was talking about, ensure that vehicles can turn and they don't have to wait for anyone else to move or anything like that. Another recommendation we have, and one of the of pictures that we have, is that there is bushes and shrubbery that kind of block some of the sight lines, which can make exiting the site a little difficult. And some of this is in the right-of-way of the road. And so our recommendation is that the existing plant be trimmed within the road right-of-way just to ensure that sight lines actually are sufficient.

“This next one kind of ties into the first two, and that's increasing the radii of the driveway at entry to the road. This just allows for people to enter more smoothly and further promotes the ability for people to enter and exit at the same time.

“So we were looKane at pick-up time as a particular point of concern. Unlike in the morning, parents are expected to arrive early and wait for their students to be done. [Referring to photograph in slide show] Look at the site. And with the improvements I have already suggested, around 13 to 14 cars can easily stack within the site on this circular road before anything flows out of the site. Given the lower trip generation volume you would expect for a school like this, we anticipate this can accommodate most of the students leaving and most of the parents waiting without creating any issues.

“When the site reaches closer to its ultimate number of students of 45, this may be insufficient. And that is where our next point comes into play. Which is we recommend that once they get more students, they're currently at 25 students this year, but if they get 35, 45 students [then in the afternoon] the students be broken into two different groups with a staggered pick-up time. This would allow for 13 to 14 cars to stack, the first group of students to get in their car, all of the cars to leave, and then 15 to 20 minutes later, a new set of 13 to 14 cars could stack. This dramatically increases the amount of cars that could be held on site and would really eliminate the chance that vehicles are queuing out of the site. In the morning, a similar process could be implemented if necessary, but generally that's less of an issue as parents arrive, drop off their students, and the media will leave rather than waiting on site. In the morning, the bigger concern is efficiency and making sure things circulate fast, which is what our other recommendations address.

“Our last recommendation is something we've already mentioned, which is in the evening or in the afternoon when pick-up is occurring, vehicles leaving the site should be restricted to turn right, or at least encouraged to turn right on Camton Hills [Road]. This just makes sure that cars get out quickly. Waiting to turn left could create delays and back things up internally. If people are restricted to turn right, they can exit much faster, and that ensures that things continue to move forward smoothly.”

Mr. Franke: “Thank you, Andrew.”

Someone from the audience as well as Commissioner Larario desired to ask a question. Chairman Fredrick said he desired to allow the completion of the presentation; then questions could be asked.

Mr. Franke: “As I said at the beginning, your ordinance contemplates the consideration of certain standards if one requests the approval of a special use. So I'm going to run briefly through that. That's the reason that we provided the testimony tonight from Sarah and prior testimony and the testimony from Andrew is so that you could decide whether or not these standards—these legal standards have been met--because your ordinance

says in order to establish whether the standards are met, you're supposed to make some findings of that. [Referring to a slide in the presentation] So what you see here first in bold font are the standards, and then in bullets below it are the facts that we think you could point to to say the standard has been met. So very quickly, the first standard is that the proposed special use will not endanger the public health, safety, or welfare, and we would respectfully suggest that that finding could be made based on the following facts.

"The property is five acres in area. The homes to the west are approximately 450 feet or more away from the proposed school, and the homes to the east are at least 200 feet or more away. As you heard and saw this evening, the property is buffered from the surrounding property by heavy vegetation and fences. The applicant obviously has agreed to and will agree to operate and maintain the school and all the improvements on the property in accordance with all village codes and ordinances and regulations, including standards in the village code regulating nuisances, which we are specifically citing here because of the concerns expressed at the first session on June 18th. Our client, we have already been contacted by the local fire protection district and we told that because this will be an elementary [school] use, the building will need to be sprinklered, which is not a problem, obviously, because it's required. You heard about the enrollment current for this coming year, and ultimately, the plan for the future. So there would be limits to how many students could be here at any one time. And then finally, the school will only operate during the week, as you heard, from 8 to 5, and actual class time would be from 9 to 3.

"The next standard—or this is a continuation of the first standard—you heard this evening, and it's also in your agenda packet, the report memo from Mr. Brown, that Campton Hills Road is not a heavy-duty traffic road. It's a local road, I believe. It's under the village's jurisdiction. It carries, on average, only 600 or so vehicles per day. We believe that the limited enrollment and the hours of operation will create minimal impact on traffic. We talked about the drop-off and pick-up procedures tonight, which is something that the Village has the ability to monitor and make sure that those are implemented in a way that also precludes adverse traffic impact on Camton Hills Road. All the activities will occur either indoors or in a closed area, again, an area that's been fenced.

"One of the things I know that came out of the discussion on June 18th and some of the writings, comments that we submitted by neighbors was a concern about after-school events and third-party rentals of the facility. The applicant, Headwaters Academy and Sarah are agreeable to a condition that would say there would not be more than 12 school events in a year, and those would begin after five. In other words, fundraisers, parent-teacher conferences, school performances, and things like that, and she would agree that they would have to be over by 10 o'clock. Again, that's no more than one per month or two per month because of the summer. And then finally, there would be no problem

agreeing to or accepting the condition that the school could not be leased out to third parties for a wedding or something like that. There's no intention to do that.

“The property is zoned, as I said at the beginning, in the Residential Estate 2 zoning district. As I said earlier, your zoning ordinance already acknowledges that an elementary school is an authorized special use, so that means it can go there. It doesn't have to go, but the concept behind this and the village's zoning ordinance is no different than most municipal zoning ordinances in both the Chicago area and around the country it's very common to find schools and churches and other religious institutions as authorized special uses in the residential districts of our communities. Why? Because that's the way the country evolved. People walked to school, they took their characters to school, they wanted to have their kids be able to walk and bike to school. You'll find that the way the Campton Hills zoning ordinance is written is very similar to virtually every zoning ordinance in the area. Not that schools or churches are permitted uses, they're typically authorized special uses in these residential districts.

“There's actually an Illinois Supreme Court case that goes back now almost 25 years that specifically said, the Supreme Court held, that when a municipality identifies a particular use as an authorized special use in a particular district, the village has basically already made a legislative determination that that use is not inconsistent with the public's health, safety, morals, or welfare. I'm citing this because again, I appreciate the fact that a number of residents in the area, a number of neighbors, think it's not an appropriate use in this location. But I would respectfully suggest that the fact that the Village has identified this type of use in elementary school as an authorized special use in the residential districts. I would say the Village, as an entity, has already made the determination that this use can be established—doesn't have to be—but it can be established in this district in a way that is not inconsistent with public health, safety, morals, and general welfare. Does that mean that the Village has to approve every application for every, for any school that comes before you? No, that's not what it means. That's why you still have to evaluate each property and each request for a school, for a special use for a school, on its own merits. And that's why you have to look at the facts. And that's why we have presented those this evening.

“Another standard that is provided for in your zoning ordinance is that the proposed use is compatible with land use of adjacent properties and other property within the immediate vicinity. We think this standard is met by the fact that the area is comprised of estate residential properties and agricultural fields. This is, again, a five-acre parcel that will be, from a use standpoint, a land use category that is totally compatible with residential uses, agricultural uses. As was indicated here, we believe the school can operate with minimal impacts on the surrounding area, given the limited enrollment, limited hours of operation, and the commitments that Headwater Academy is prepared to make.

“Finally, the ordinance asks you to consider whether the use in this location is consistent with the spirit and intent of the zoning ordinance and the Village's adopted land use policies. Again, we would respectfully suggest that that standard is satisfied by the following facts. The ordinance does allow schools in residential districts. This property is zoned residential. Elementary is an authorized special use, and again, that same Illinois Supreme Court case—also separate holding—said that when a municipality identifies a particular use as an authorized special use in a particular district, it has already made the local legislative determination that the use is not out of harmony with the municipality's general zoning plan. It's a slightly different holding than the one we've heard before.

“Going back to my opening comments, one of the benefits of a special use application is that the Village, the Planning Commission, you as the Planning and Zoning Commission have the ability to recommend conditions that make it possible to establish and operate the proposed special use on this property. For the July 9th public hearing, you received a report from Mr. Brown, which identified possible conditions of approval for you to consider: one is the cap on enrollment, we heard about that tonight; a cap on special events, which we heard about; the installation of additional fencing and landscaping, which is something you could consider; increased driveway width, which you actually heard about from our consultant too; addition of parking spaces, if you determine that was necessary; and additional conditions that you might think, based on what you hear tonight, what you heard previously, questions you might have, questions members of the community might have, answers, all of that together may give you some thoughts on some additional possible conditions. We are suggesting, in addition to Mr. Brown's list, that you could add these as conditions of approval for any recommendations you might make.

“One is what we talked about and I talked about earlier, to require compliance with all applicable laws. And in addition, you'll see at the bottom of the first bullet point, that we have received the communication from the Elburn-Countryside Fire Protection District about certain concerns which we intend to sit down and talk to them about. Some of them are consistent with what we heard Mr. Bowman talk about, but there are others that we need to discuss with them. So you could make as a condition of approval that we meet with the Fire Protection District and successfully address their concerns. Again, we've given you a very specific proposal for a cap on enrollment, and we've also given you a specific limitation or restriction on after-school events that I mentioned earlier. That could be a possible condition of approval. Same with leasing out the space to third parties.

“Finally—this is very commonly done by many municipalities where traffic is a concern and it is often a concern, the impact of traffic on neighbors—we have proposed a plan, and Sarah talked about communications to the families and rules of operation to drop off and pick up. But you may find after the school is open and operating, the Village may find, or the neighbors may find that the school is open and operating for six months or a

year or whatever, that there are still some problems. So it's not uncommon to make a condition of approval that a look-back be built into any ordinance of approval, meaning that the Village would have the right to hire its own traffic consultant after the school's been in operation for a while, have that traffic consultant look at what's going on and potentially make some additional recommendations for addressing what are then perceived to be ongoing concerns or problems. Again, this is not what I'm proposing and what we're proposing, it is not me, it is often done. I will tell you, in the many projects I've worked on over the years, I've worked on many projects over many years, I have seen and provided for these look-back provisions, not just for schools, but for commercial developments, grocery stores going into areas near residential communities, high schools with major athletic events taking place. In all the years that I've seen these types of provisions work into ordinances and in all the years that I've seen the villages and the cities, municipalities in the area take advantage of them by doing a look-back, in every single case, the village's traffic consultant has come back and said, it's working fine and we don't have any further new recommendations. So, oftentimes the perceived fears of the neighbors don't pan out, but just to make sure that happens here as well, we're proposing as a condition of approval to include a look-back provision in your recommendation and if the Village requires any ordinance of approval should they decide to adopt an ordinance.

"That concludes our presentation. We thank you very much for letting us run through it in its entirety and we look forward to any questions.

Chairman Fredrick. "Okay, thank you. [Commissioner Larario], do you have a question?"

Commissioner Larario: "I do. [To] the gentleman that did the traffic study…a few questions. One, is the actual drop off of the children up to what point? I've got pictures and some of the pictures are cut off, I see the U-shape or the route, the driveway that comes around, the newer driveway. Is the drop off right where it meets the actual upper driveway near the garage? Where's the actual drop off?"

Ms. Elliott: "Yeah, the drop off would be up towards the house, 150 feet."

Commissioner Larario: "You'll have staff, correct?"

Ms. Elliot: "Correct."

Commissioner Larario: "Where will the handicapped parking be for any staff member or any child or parent? There's going to be, I would assume, some ADA compliance, right? Once we get through this, through the fire district and through the village. Because if you're going to have even 10 kids, 15 kids—"

Ms. Elliott: “By the garage bays, up at that end of the driveway where the kids will walk in, there's a door around the side of the garage—”

[Continued discussion between Commissioner Larario and Ms. Elliott, referring to photographs in the slide presentation, on the location of ADA parking.]

Commissioner Larario: “You'll probably need, I would imagine, at least a minimum one handicapped stall and it cannot interfere with any cars that are going to be coming in and turning. And which also means you're going to need handicapped entrances, handicapped ramps, you're going to need handicapped bathrooms with grab bars. So there's a lot of things to be considered when we get into that.

“The other thing, sir, is you do realize that, I think the first 10 or 15 feet of that apron entrance to the driveway is actually city and you have a culvert there that would have to be thought about and maintained as well, right? And then I think if we get into vegetation and trimming and cutting, we're starting to cut trees and vegetation, which actually technically belong to Campton Hills. So I guess that would come through a permanent approval. The reason why I'm bringing all these things up is because I heard a lot about the traffic study, but these are the things you guys are going to be facing.

And I have not heard any consideration at all to, if you're going to have 25 to 45 kids, I don't think you're going to be a person that's going to want, you know, not allow any handicapped kids into your school, right? [Acknowledged by Ms. Elliot.]

“I think that that's something that I didn't hear anything about. What I'm hearing so far is a lot of traffic studies, and I'm sure there's a lot of people that are living in the neighborhood that are concerned about traffic, right? But I would be more concerned about, yeah, the impact on our roads, because I'm on the Public Works Committee here. So I'm worried about those roads and the fact that nobody talked about the fact that there's a culvert there and shrubbery and there's utility easements. But also once you guys get into this, you're going to have to provide ADA accessibility. And I don't know if that's the fire department that would be involved in that or our engineering department, who exactly would be involved in that. But that's something that's going to have to be considered.”

Mr. Franke: “Again, that's why we said in our presentation and as a condition, that the law requires it. Right. Just like the sprinklers were not anticipated initially, sprinkling the building was not anticipated, but the fire district brought that to Sarah's attention. As I explained to her, that's what the law requires. It's gotta be done.”

Commissioner Larario: “Right. But I think the reason why I'm thinking about all this stuff is because you had mentioned often times the word special use, special use. And I mean, special use in a neighborhood. I'm going to throw this out there, right? I've got a

bunch of letters from people here and a lot of it clearly states, this is zoned as residential. There's even some covenants here that actually state no track nor any structure located there and shall be used for any business or commercial. And so when people move into this neighborhood and they buy the house—I know I live in Fox Mill and before I bought it I had to understand what my HOA was all about. But there are certain things that we allow in Campton for special uses. And so I think from a voting standpoint from us, we really have to consider and think about what the definition of that special use is, because I love the idea of the school and educating these kids. I think it's great, putting them together with nature. I know we have a lot of people here who are involved in open spaces, then they do a great job with that too. So we have a lot of areas for, that the same thing can be done there.

"So my thing is, is that I just, once we define this actual special use, and then we start to sort of play with the words of zoning, what's going to be the next step? Is it going to be, somebody wants to open up a chiropractor office in the neighborhood or a doctor's office? I just think that once we define it—"

Chairman Fredrick: "It's already defined. It is a special use that is allowable with public hearing and special use. It's been defined—"

Commissioner Larario: "But not authorized, it's just defined right now.

Chairman Fredrick: "It is defined."[Additional comments regarding schools in the zoning ordinance and that they are defined and that the petitioner is asKane for a school in a residential neighborhood.] So that's not really an issue."

Commissioner Larario: "No, no, no, I'm not saying it's an issue. What I'm saying is that I'm looKane at the steps that it's going to come in to us, and then at some point beyond us, whether we vote yay or nay, there's going to be all these other things that are coming into play with it, as far as health department, fire marshal, fire department, all these codes and different things that are happening."

Chairman Fredrick: "Right, those are the things that we as a body are going to try to add conditions. And I think that some of the presentation was that they have conditions, they understand what we can do. We can recommend for approval, we can recommend for time, or we can recommend and approve with conditions. So that would be part of the conditions that have to be the road one, or X, or Y, or Z. So we'll be taking some more information and finding out what other concerns there are. And I think the idea is to say, how will those concerns be addressed, or can they be addressed satisfactorily. If they can be then we add those conditions in. That's kind of the layout."

Attorney Forte: "Chair Frederick's right, it's defined in the fact that the applicant has the ability to apply for the use to be considered. If a particular use is not defined in the list of

special uses, an applicant can't come forth and apply for a special use. They'd have to be first applying for an amendment to the zoning ordinance to include that use in the special use matrix, the list of special uses, and then apply for the special use, which is subject to your consideration, the board consideration, and the possibility that conditions could be placed on it.

“It appears that the applicant today has indicated that a number of conditions that they would be willing to agree to, probably also the ones that were included in the traffic study as well. Sometimes applicants can't actually meet those conditions, even after special uses granted. Sometimes it's outside of their control, whether it's financing or another regulatory authority that governs them. So a lot of the things that you discussed would be outside of this process, but it wouldn't be up to the [1 word inaudible] consideration. Just placing the conditions, if that's the decision that you make, and that they're reasonable, is just going to be up there.”

Chairman Fredrick: “One question I do have, and I think this is actually to both of you, I understand that there's some concern about the septic field there, and basically getting the Kane County Department to sign off on that. I'm not 100% sure, but I understand the petitioner has to fill out an application to the village, and then the village submits it to the county. And I don't know where we are in that process.”

Mr. Franke: “Mr. Chairman, I think we're nowhere in the process. We understand that that's going to have to be addressed.”

Chairman Fredrick: “Okay, all right. And then you make it a condition—"

Mr. Franke: “It's an engineering issue, and most of the engineers I've worked with over the years can say anything can be done, it's just a matter of cost.” Further acknowledgement that the issue must be addressed.]

Ms. Elliott: “I have reached out to Kane County. You, the village of Campton Hills, have to make the request, but I couldn't do it as an individual or as a school. Kane County Health Department says the request has to come from the municipality. Once you do that, then I'll do it.”

Chairman Fredrick: “But I thought that the petitioner actually has to make a request to the village first. Once the petitioner makes the request to the village, then the village can do that.”

Mr. Franke: “The bottom line is, as you said correctly before, Mr. Chairman, that would have to be another condition.”

Chairman Fredrick: “Satisfied. Other questions from members up here? We do have more opportunities to ask questions, but just right now, with the petitioner up here if there are more questions that you have. If not at this time, I'd like to open it up to the floor for comments. Like last time, if you would be so kind as to just kind of come up one at a time. I'm not going to call out people or pick people. So, if you'd like to make a comment, please come up to the podium. And I'm not putting a time limit on it, but if you could try to get right to the point where it is, that'd be greatly appreciated. Just for the record, even if you have spoken before, if you could just state your name.”

[There was an objection from the audience of another audience member filming the meeting. Chairman Fredrick advised that this was a public meeting and the filming was authorized. Mr. Forte also explained that the recording was authorized and that the Village was recording the meeting too.]

Ms. Yana Hodges, 4N163 Country View Ln: “I would like to discuss the traffic safety, which falls under the proposed that we not endanger public health and safety or welfare. I feel that by allowing Headwaters to move forward with opening a school will help the safety and well-being of the community. [2 words inaudible] a parcel at home sits right off the Country View Lane with a driveway that is somewhat hidden—this is a fact. It sits down where there is a significant dip in the road as well. The risk of accidents becomes higher given the fact that there will be in here from 25 to 45, in the future, vehicles entering and leaving the driveway early in the morning and at mid-afternoon hours, Monday through Friday.

“These times of days is when traffic in Campton Hills Road is generally higher. There is a high probability that traffic could be backed up on Campton Hills Road if the requirements are not met. This brings me to the point of the speeding, which has not been discussed here. The speed limit on Campton Hills Road and Anderson Road is 50 miles an hour. The vehicles that commonly drive on that road often exceed the speed limit, and I can attest to that because I've lived here for over 28 years. I can guarantee you that most of the vehicles that travel on Campton Hills Road do not abide by the speed limit of 50 miles an hour. They generally exceed that on a regular basis.

“There are a wide variety of vehicles that travel on this road: cars, motorcycles, bicycles, school buses, farming equipment. In addition to this there have been accidents on this road. Some of you have seen these images.

“With this potential hazard, it seems very obvious that we want more accidents or worse, and in closing, it's been said that the headwaters idea is comparable to Ferson Creek School, which is kind of crazy because there's a four-way stop at Ferson Creek, Bolcum and Burr Road. Thank you.”

Mr. Hal Bruten, 42W194 Campton Hills Rd: "I live on Campton Hills Rd. that all traffic going into the drive is going to be making a right-hand turn. Is that right? [Unidentified audience member corrects him and says the right-hand turn is for vehicles coming out of the site.] Okay, so even if you want go east, you still have to make a right-hand turn. Now, the traffic coming into the driveway has to make a right-hand turn, or the people coming from the west have to make a left-hand turn. And then they're doing this between 8 and 8.50 simultaneously, so it's a matter of: I'll let you go, no, I wanna go first. Who is going to make that turn in? And there's going to be cars bacKane up, and they can't stop on the shoulder of the road waiting to make the right-hand turn or the left-hand turn in. And so there's hesitation there, and therefore there's cars who are driving through, all the way through, who get stopped and cause a back-up." [Repeated comments on right-hand turn.]

Chairman Fredrick: "My understanding is if they would be encouraged to take a right-hand turn. That was the terminology that I saw in the statement. They were encouraged to go right, not encouraged to make a left-hand turn."

Unidentified speaker: "In reality, what really happens?"

Chairman Fredrick: "Hopefully the safest thing happens."

Mr. Bruten: "The word 'hopefully' is very good. That's all I have to say."

Mr. Dan Korth, 4N057 Country View Ln:. I'm going to speak on three different topics tonight. The first topic is going to be more of a professional presentation. And if you look on, there should be a packet of information that was handed out earlier. And those should be in the order of speakers. And the first one is mine, and that's right on top, should be addressing the pollution of Mill Creek that runs adjacent to the property, starts south of Staten Hill Road, and extends down through to the north and northeast until it's daylight, about 2,000 feet downstream.

"I'm a professional geologist, retired. I've worked as a professional geologist for about 44 years. And the last 32 years, I focused primarily on groundwater contamination issues in northern Illinois and most of the Midwest. I did a little study on the situation we have here. What I'm concerned about is that this house was built in 1977. There is a residential septic system installed there that was designed back in the 70s, late 70s. And it was designed for four to five people, a four-bedroom house. Now they are proposing to have an enrollment of 25, I heard earlier. And now I heard it increased today, up to 45 students. So if you increase, you add students, faculty, administration staff, parents or whoever visitors come in, at some point, you're going to have over 50 people every day using that septic system. Flushing toilets, running the sinks. And there's no doubt in my mind that that existing system is going to be overloaded and will not be able to handle it.

[Referring to a presentation board] "This is a FEMA map of the defined floodplain by FEMA. [He describes where the flood hazard area is on the map.] I couldn't find any

design or any drawings on the installation of this septic system. I did a FOIA request with the Kane County Water and Environmental, Environment and Water Resources Department. And they had no records of the septic system that exists there. And in fact, one of the representatives there said that any system that's older than 1990, it's very common that there's no records of it. Anyway, I couldn't find one. Assuming that this is just a residential property, you know, and this is a residential system, whenever that ground is saturated, any sewage that's in that system is going to get washed out and go downstream. Now, with a family of four or five, it's probably okay.

“But if you've got 50 people or more, which will happen, this is going to flood up and it's going to go downstream. It's going to pollute up, no treat, every flood of that. And there's no engineering you can do to improve that septic system concept that's going to prevent that. It's going to go into the ground and it's going to go.

“But that's not the biggest problem. [Referring to board with map] This is a geological map that I got from the Illinois State Geological Survey. People who are not familiar with geological maps, they use color coding and symbols to represent different geological formations. [Describes some features on the map.] No treat really starts back here, where I put this blue dash line, but it runs underground. Now, you gotta kind of think in two dimensions in geology. If water moves underground as well as across overground, and you're talking about streams here. [Continues to describe map; refers to the Kahokia formation.] And it's made, it's comprised of mainly sand and gravel. That was deposited during the last glaciers, when that melted away, the glaciers melted off and created this channel through here. It goes all the way around, ends up down in the Fox River. Now, this is a surficial geological map. Now, if you went out to the property, you wouldn't see this, because over the years, the sand is actually buried below us, a thin veneer of soil. It may be one foot, maybe two foot thick, but below there, there's the sand and gravel. So, there's always water running through that underground. And if you look here, this unit is about 250 feet wide, as defined by the Illinois Geological Survey. And at this location, they call this an upland area, it could be up to 10 feet thick, down by the Fox River, it's about 30 feet thick. But there's always water running here. There's a square mile of drainage here coming through here. It's only evident to the naked eye during flood stages. But there's water flowing through here all the time. You just got to get down and find it. I think there's a tile that runs through here. I couldn't find any record of where the tile is located, [but the tile on his property connects to it.]

[Describes possible location of septic system.]

“And again, if there's only four or five people in the household, probably not a big issue. But if you got 50 people using that system every day, every day, every day, that's like 3,000 gallons. It's getting flushed down here every day. So, to continue, let's read my conclusion. Now, a single-family waste stream may not create a significant impact on Mill Creek, but an eight to ten times increase in the wastewater upflow will have a

significant negative impact on Mill Creek groundwater downstream and the surface water as well. Now, groundwater is the water that flows under the ground in the surface water.

“Groundwater is always moving through the Cahokia formation below the surface. The Mill Creek headwaters watershed area is large, big area. The groundwater funnels downgrading from under Campton Hils Rd to a culvert.

“The groundwater quality may already be slightly impacted by the old septic system on the property during normal use, but if usage is increased eight to 10 times in normal volume, the system overload will lead to significant negative impact to groundwater and surface water quality during flood stage flow. But more importantly, the groundwater pollution will occur on a continual daily basis during normal groundwater flow, which will continually pollute surface water and groundwater in Mill Creek downstream. And like I said, enlarging or improving the existing system is not going to do any good because it's that what leech fields are, they drain out. Nothing you can do about it to improve that system.

“Also, just to remind you, I attached an addendum to that packet. It just has a listing of some of the common household pollutants that occur in a septic system. And you can go, I won't go through them all, but you can go through it. And, you know, for the fact that there's pathogens, different nutrients like nitrates, nitrates, phosphorus, pharmaceuticals, chemicals, hormones, flame retardants, microplastics, organic matter, which brings me to the other point.

“If they have a bunch of goats and chickens wandering around out here too, where does all that [fecal waste] go? It goes down in the soil. It's going to affect human health and the local ecosystem without a doubt.

“Now I'm going to put my, my next topic, like, just my personal property. This is my property right here. Now, it's funny how they measure this. 293 feet away from their property, which is my property, to my house. Well, I use all of this. I don't just stay in my house. I'm here.

“On my behalf of my backyard, if you look at my second packet, I have a picture here, a recent picture of my backyard. This is a tall grass prairie that I established over 27 years ago. I've been nurturing that and caring for it. And it's beautiful. We enjoy it. My kids are enjoying it. My grandkids are enjoying it. I have friends over who love it. Take a look at this picture. Here's my backyard on fire. As you all know, in prairie land, you do prescribed burns. And I do this every spring. And I burn it. There, you can see that wall of flame there. And I burn it. It burns right up to the fence line. That's what I've been doing for 27 years. No problem. I've called the fire department before I do it. And I've had no issues with it, ever. But now, if I'm going to have a school full of kids, 30 to 45 kids, 10 adults, someone playing around here, what's that going to do to my tradition? And I

should state, too, that from the last June 18th meeting, it was stressed that the commission or the board makes their decision based on the three criteria that's outlined in Article Three, the Voting Approval Procedure, and Section E Approval Standards. Item one, the proposed special use does not endanger public health, safety, or welfare. Well, that situation definitely affects public safety and welfare. When you are polluting the waters of Mill Creek.

“Now, for me, personally, I have this prairie patch here that I've been nurturing for 27 years. If I do a prairie burn here someday, and I can't control the day that I do it because I need good weather, I need good wind conditions, and I need dry conditions. But when those three things come together, I do it. I don't wait till the weekend or whatever. I just got to do it. Nobody gets notified until I do it, okay? Okay? So, here's my, here's my fear. For item one, panic or frightened kids, parents and teachers, unfamiliar with the prescribed burn occurring next door, is a public health and safety issue. Some of the multitude of kids and adults from outside the neighborhood will complain about the smoke and fire affecting their physical and mental health. So, some of us freak out when they see a fire playing there. It's spectacular. Curious kids and adults approaching too close to the fire is a safety issue. Again, it comes right up to the scent of it. It's not 293 feet away. If I have to literally run through fire to grab a kid out of the way or some knucklehead adult walking out there too close, it's going to definitely affect my health and safety.

“Approval standard number two. It says, proposed special use is compatible with the general land use of adjacent property and other properties in the immediate vicinity. A new school located right across the fence holds children and unfamiliar adults from outside cities and outside counties, they're coming from who knows where. They're not compatible with my long-standing tradition of over 27 years of conducting this annual prairie burn. In fact, parents, teachers, students have complained about the smoke and the fire. Like I said, it's not compatible. And what's going to happen, I see, is they're going to, when I burn that, they're going to be complaining, turning me into the victim. Okay, do you see that? That's going to happen. Because smoke sometimes blows east, sometimes blows west, sometimes blows south. I definitely will have to incur additional expenses to purchase additional liabilities. I'm going to have to put up warning signs, maybe security cameras, I don't know.

“But ultimately, am I going to have to plow under my prairie that's been there for 27 years because I can't use it like I want to anymore?

“The next third special use is the other item. Specific location proposed consistent with the spirit, intent of this ordinance and adopted to its land use policy. In looKane at my situation, my lifetime situation, located right next door to a school for kids with something, you know, unfamiliar adults with the situation, this school is not compatible with our land use. It goes against the spirit and intent of this ordinance. In addition, the

Village of Campton Hills and Campton Township land use policies include restoration, establishment and care for tall grass prairies and open space and wildlife habitat.

“That's what this is to me. I've got a lot of wildlife back here. Injury or outright elimination of our ability to continue to care for and enjoy the beauty of the prairie and wildlife habitat that we've created in our own backyard is also a violation of this ordinance. I got a couple game cameras in there and you can turn page back there and see some of the wildlife that I have captured, you know, roaming around in that prairie, hunting coyotes back there, hunting rabbits. I got all kinds of rabbits, opahs, raccoons. And the last picture I have probably relates to the next topic that's coming up.

“There's a bridle path back there. This was my neighbor's, or my neighbor's riding a horse. On the back side of my prairie, which I think you'll hear about.”

Ms. Dana Merk, Headwaters Academy. “I'm so glad you brought all those points up, Mr. Korth. The mission, the heart of Headwaters Academy is nature and environmental stewardship. We learn in the prairie. We would love an opportunity to witness a burn, a prescribed burn. It would be such an exciting learning opportunity for the students.

“What I do want to address is just some misinformation regarding water use. So on the Environmental Protection Agency's website, we of course projected to use about 82 gallons a day per person, so 320 gallons for a whole family. If you have 25 students washing their hands, going to the bathroom, not taking showers, taking a baths, doing laundry, our school's projected water use, it's only 162 gallons a day, which is about half of a family four. And we're only in session 176 days out of the year. Where a family lives in their home for 365 days a year. We care very, very much about the health of the local ecosystem, and we would never want to do anything to jeopardize that. Thank you so much.”

Scott Fortcamp, 4N091 Country View Ln. “My property is adjacent to the property. One of the things I've discovered, which is consistent with fly-by-the-seat-of-your pants, we don't need septic changes. We use less septic than a family does, [4-6 words inaudible] but that's not my topic.

“I'm looking at the second use case previously, where it's compatible with generally plain use adjacent properties. My issue is, I would not build a horse property next to a school. You just can't do it. When you look at building a horse property, one of the things we tell you to do is look at the zoning laws. Many counties, many villages have zoning laws that say you have to be at least 100 feet away, as far as one mile away, properties from schools and from churches. It's something that makes sense, and it's something that right now, if you look at my property, my horses are 30 feet away from their proposed [use].

[Refers to map and describes distances.] “So, my horses, which is what I'm mostly concerned about, aren't separated by distance. We use the whole property, because the horses use the whole property. I don't really care how far away my house is from their property line. I care about how far away their kids are playing with my horses and what's in between those situations.

“Now, one of the things that we do have is, you know, there is heavy brush, and there's a fence that separates the property. That heavy brush, my kids played in it as kids. They make trails in it. They make forts in it. It just draws kids into that situation. It's not a protection for me, because I know better, but that draws the kids in. Furthermore, once a kid's in the brush, you don't see what they're doing.

So, now I have people that would potentially be with my horses that are no longer visible by the people supervising them. That is a huge concern of ours right now. And also remember that this was an equine property. This five-acre plot they took over was an equine property. The property was meant for horses. It's not meant for kids. I'm also concerned that we're looking at the most ideal situation. Every time with rosy eyes, life is not ideal. Kids don't do everything you tell them to. Parents don't do everything you tell them to. It's not a situation that is overly controllable. The more kids you have, the less control you have over it.

“We bought the property more than 23 years ago and it included that bridle path, which is a big amenity that my kids used themselves. You say that picture of my daughter riding. And it's the nature of children to be loud and play and active. That's what they do at recess. That's on the other side of that brush. Loud noises, spook horses. Horses are afraid of animals. Noises coming from areas that they can't see or expect. It can be very dangerous to the rider. If you can see the kids playing and you ride up to them, that's one thing. If you're riding along that prairie path and all of a sudden there's a big noise coming out of the bushes, that is going to spook the horse and be a very dangerous situation for the riders. The prairie path along that whole side is no longer safe for my kids or others to ride.

“There's normal risk of having a horse property. We have an insurance umbrella policy for the insurance company to cover that. The problem is it's not set up to—it’s not adequate for 20 to 40 children in the adjacent property when my horse is 30 feet away. I would have to increase my insurance—I take more cost. [4-6 words inaudible] …possibly as well which is some people mentioned cameras or other things. I need to protect myself.

“The problem I have is horses are considered an attractive nuisance. Which is a legal term saying if a pig can [1 word inaudible] on my property, no matter what the bonehead or 2-3 words inaudible] fellow, I'm liable for it. That and swimming pools are two things that we can't protect against.

It just materially changes our financial-risk profile. And the reality is you just don't get horse properties next to schools. And it's not reasonable to put a school next to a horse property. My value of my property is it's a horse property. It's in an equine neighborhood. Having a school next door, I'm no longer a [2-3 words inaudible] as equine, horse property. I am not going to be able to sell it as a horse property to a great majority of people that would purchase that being next to the school. It's not a reasonable risk. You do not build a horse property next to the school, you don't put a school next to a horse property. It's just completely outside, completely outside the compatibility with our land. One thing that really disturbed me was in the write-up, James Brown brushed off our concerns, saying they're greatly exaggerated. That was extremely offensive. I can assure the zoning committe that these are valid concerns and they are risks. What I don't understand is what his intention is to overstep [1-2 words inaudible] his biased opinion into something that should be statements and view our concerns. Furthermore, he took the talking point of Headwaters and that has [1 word inaudible] any equine experience or concern in any of those statements. So it concerns me that took place. You do not reach out to us to ask us about our concerns. These are something that's generally greatly exaggerated. And other parts of the reports are just the same. People will address different considerations and concerns.

“What this property is, it's a commercial enterprise. It's selling education to the public and it's inviting the public into our community every day. We're talking about families that aren't in Campton Hills. We're talking about areas around, most people are talking about non--kids aren't farm people, they're not country people. They might like the country and the concept of it, but they're not compatible with what we're doing. And again, comes out to more risk for us.

“Also, we're all residential properties that have people living in them around the clock. This property is not going to be lived in. They want to have live animals on the property. We don't have unattended animals in our neighborhoods, where people are all ten to go home at night and they'll come back in the morning. That doesn't exist, that's not the way it's [1 word inaudible]. Now, it could be that the house next door will take care of them, but there is a suspicion that the adjacent property that they own will end up interacting with the school in a cohesive manner and not be a separate residential property. And that's another concern we have is, not that they're going to join them from a family perspective, because that wouldn't be allowed, but it doesn't mean they won't actually go ahead and marry the two together, because it's similar ownership, parents and daughter. Also, we keep on saying that the proposed property is a farm. It's not a farm. It doesn't produce any income or anything, it should be a definition of a farm. It's a word that makes it sound like it fits in the community. A lot of the things are words that make it sound like they fit into the community, or they're consistent with stuff. It's a lot of words. It don't exist today. This is a brand-new enterprise, it's unproven. It's flying by the seat of its pants. It doesn't look ahead, it's a school that doesn't do its homework, it doesn't research things. It just

jumps forward. Oh, this looks like a good idea, let's go do it. That's also not a responsible partner and neighbor in this situation, especially with so much going on in that area.

“And then the other thing too is, it's really hard to believe that every property and neighbor, other than the owner and the owner's daughter, are against this. Whether it's across the street, whether it's a full neighborhood next to it, a full neighborhood to the other side of it, there is no support for this. And yet it's supposed to be consistent with our neighborhood. Yet all of the surrounding areas do not have that. I think someone else can speak to that. That part of it, I'm sure someone will show you that on the map as well. So if anybody ever asks me, please say no. This isn't just incompatible. It's actually at odds with the equine community, equine residents. The one property started out as an equine property. They removed all equine from it. This school was an equine property. That's gone too now. So they're slowly knocking off all the horse properties that used to be in your neighborhood. And that's not good for anybody. That's not good for anything. And it's just consistent behavior of going down another route that we don’t want to go. So please vote no.”

There was a discussion on moving the presentation boards so the commissioners could see the speaker.

Ms. Nancy Roxworthy, 3N Farmview Rd: “I live on Farmview Road. I've lived there for over 25 years. The back of my property is adjacent to the front and side yards of the proposed special school. I'm directly to the east. I'm closest to the school. And I just wanted to kind of go over the impact of a new school on adjacent properties that are based on several different factors.

“First, any school in a neighborhood has potential positives. Proximity to a school can be attractive for families with children. However, this school is advertising to bring children from far outside the neighborhood and Campton Hills. In fact, both neighborhoods on either side of the school have signed petitions stating they don't want this school. No one from our neighborhood is going there. You could have a positive enhanced community reputation. A well-regarded school can enhance the reputation of the neighborhood.

“However, in this case, the proponents of the school have done nothing to reach out to neighbors. The covenants and restrictions on this property are being ignored. And then, near a school we usually have some improved infrastructure that can lead to new improvements on roads, parks. But this school probably will demand some changes on Campton Hills Road. But are they improvements or changes to pay for by Campton Hills’ taxpayers? There are some potential negatives that have been brought up. The increased traffic and noise. We know there's going to be increased noise during drop-off and pick-up time. In these facts, it's been brought up many times, so I'm not going to dwell on that. But personally, because I'm very close to their driveway, I will see every car, every car light from my back patio.

“The proposed school may put a fence. There's fencing on a lot of properties, but there's no fence between my backyard and their front. There's nothing to block. No landscape, no fence. And they might even propose a privacy fence. But then what will that do? Then, basically, I have an open land space that's lost to that. Right now, I can look through a wide span of land, so either I see cars, or they'll cut it off with some fence. And then what is the negative changes in the neighborhood's character and safety?

“Usually, a school is planned. It's part of a neighborhood. And people move to that area because they want to be close to the neighborhood. But this school is being dropped into a neighborhood. It's going to be worse. It wasn't planned that way. The land surrounding this proposed school is residential. We have protections with covenants and restrictions that I know you don't want to deal with, but you certainly will if we need to. With this commercial venture in my backyard, the peaceful serenity of the community will be changed. I also feel that my personal safety is threatened by 20, 30 unknown cars next to my home every day. That's more cars than in our neighborhood that they're bringing into one area.

“The previous owners of the proposed school were the best neighbors. We looked out for each other. That's what good neighbors in the residential area do. But no one will live in this school. No one's protecting the property like it's their home. And then there is increased liability.

“I have an in-ground pool, and many homeowner policies require a thousand square feet distance between a pool and any commercial property or school. So that's something for the future. In summary, the potential positives in the school have been turned into negatives by this school because the owners have chosen the wrong location for their venture. So what's the bottom line for my property value? There are other properties within the immediate vicinity. Real estate people have told me that my property value will certainly not increase if this school becomes reality next door. Realistically, I should expect a 5% to 10% decrease in my property value if this school is approved. My home is one of my largest investments, which is two for most people. I only pray that the commissioners here do not approve this special use and vote to protect our homes. Thank you.”

Ms. Holly Bauron, 42W500 Foxfield Drive: “I live on Foxfield Drive. I'm slightly just outside of the notice area. I'm approximately 400 feet from this property, and I wasn't going to speak tonight, but now I am. I am for this school because I would like to send my child here, and I'm a local resident. I know there's a lot of people here already in this community, just based on me going live tonight, that are speaKane out about how in support they would be and how they didn't even know this was an option for their local children. We're hearing a lot of scare tactics. The scare tactic about outsiders driving down the cul-de-sac. All these foreign people that don't belong to Camton Hills. That is

not why I moved to Camton Hills. So when I was deputy clerk here, I was sent with village money to the Illinois Municipal League conference. I sat through a talk regarding the NIMBY complaints. And for the average layman, you may not know what NIMBY means, but it stands for Not In My Backyard. So you would be fine with a lot of these things if it wasn't in your backyard. So the talk that I sat through, and I took extensive notes, was basically how—when you're sitting at a plan commission—to distinguish between what is an irrational NIMBY complaint and or fear, and what are the factors here.

“I want to remind this commission to go back and remember what the actual factors are. I'm a little emotional about this, and I didn't expect that. I kind of already knew what to expect, but I'm just shocked that a portion of this community would be so close-minded to something that could be so spectacular for us. We already have the farmhouse school. I already mentioned this in a prior hearing. There are no sprinkler systems there. A lot of the things that they're putting on this school don't exist for a prior special use or variance. I think it's a variance, specifically, but they're extremely similar, as you know. Yeah, so as a resident, I want my 8-year-old to go here at some point. I'm just not ready for it just yet. I'm still homeschooling. I know there's a lot of other parents willing to send their children here. We just didn't know that it was going to be right here in our backyard.

“I do want to touch on the children's polluting Mill Creek, because it drives me crazy. So I am not afraid of children's urine. I mean, how many times when you were in school did you poop at school? Think about it. How many times? One time during the day? Two times a week? So children's poop or urine doesn't scare me. They're not doing laundry with particle chemicals.

“How many people in this room are spraying pesticides on their lawn? That is the true problem. [Inaudible comments from audience.] I sat through a lot of people talking, and now I'm talking. So what are you putting in your laundry detergent? What kind of pharmaceuticals are you people on? I'm not on any. Okay, so that's polluting. You want to bring up pharmaceuticals? Zero in my home. [Commotion and comments from audience; Chairman advises attendees to remain quiet.]

“No more comments. I'm sorry that I'm touching hot buttons for everybody. I'm very sorry. But I think all of this needs to be said and strongly because it's irrational thinking. I'm also sorry that I'm recording this. I'm the reason, by the way, everybody, all the residents here, I'm the reason that the Village now records every meeting because I took a year and a half of my time and my life and I sat here with my damn camera and I recorded everything and put pressure on the Village and they finally do this for you so now you can sit at your home and watch the Village breathe.

“Again to remind the board: you have certain factors to consider and it's none of this noise.”

Chairman Fredrick: " I'd like to remind everybody—I understand it can be emotional, but please no outbursts from the group no matter which side of the aisle you're on. I encourage you to speak. I do want to hear what the concerns are, so next person please.

Ms. Dee McDuffie, 4N156 Country View Lane: "First of all I want to thank you for listening to us once more. I know it was a long procedure last time and here we are again but that just goes to show you the passion of our area and how much we love the residential area that we live in. I want to start off just kind of coming full circle from the first meeting that was on June 18th. I know a bunch of the staff is here and I know Sarah clearly is from Campton Hills but besides Sarah and I know now you, miss, how many of you are from Campton Hills? The staff? You live in Campton Hills? So one. Other. I've lived here for decades as well as most of my neighbors. If you live here you realize why we live here. What our values are and how this school can impact our beautiful residential community. Sarah you mentioned the Farmhouse School, trying to compare it to your proposed school. Basically, that's comparing apples to oranges. The Farmhouse School is an historical property that has many buildings on it from the 1800s. It is actually on the Kane County Historical Register. Comparing that property—which was in place before the Fox Hill subdivision was there. So basically subdivision was after that property unlike the Montessori School where we're residential and they're trying to change a residential long-time home that was built in a residential area to a school. That's a completely different apple than orange. I know Mr. Brown you stated in your memo dated on July 24th just recently your own personal example about Pearson Creek Elementary School. This public school building also has no homes directly next to it very much like the Farmhouse School. It was built to service the geographical area in St. Charles much like Bell Grand Elementary School in the Fox Hill subdivision in St. Charles. Again, you're comparing apples to oranges. The proposed Montessori School property has always been residential and is surrounded by residential properties.

"I know there's been a lot of talk about traffic but I'm going to just kind of pick through what I had written down. We talked about drop-off and pick up times. I mean this might sound great on paper in this beautiful presentation but the fact of the matter is I don't know any parents or children that don't run late. Kids that don't get sick and have to be picked up early in the middle of the day, multiple times a day. Also remember the public school buses run and have lots of stops on Campton Hills Road multiple times a day as well as frequent joggers, walkers, bicycle clubs that travel in groups, farm equipment, rain, semis which would clearly delay the perfect process on paper for drop off and pick up.

"We do live in the Midwest. Let's not forget the many rain and snow storms we have in our area causing power outages. A big question would be your proposed property is unwell and septic. Are you going to have a whole house generator for the safety of the children and the staff? Fallen trees, electrical wires, delayed snow removal would all

disrupt the perfect process of dropping off and picking up on paper. I think they are clearly underestimating the amount of traffic you'll have coming and going and the timing of such traffic. [Addressing traffic consultant Mr. Bowen]: And I do have a question for you sir. When did you do this traffic study?" [Mr. Bowen's response inaudible.] So you did it this week? You did the evaluation this week? So the numbers that you came up with were purely from this week?

Mr. Bowen [stepping to podium]: "We did not perform a full traffic study. It was just a preliminary evaluation. The numbers we have for trip generation are based on Institute of Transportation Engineers numbers that they get from countless surveys that they do throughout the entire country, other private schools. That's where the numbers we presented are from. The only other number we had was the 600 vehicles a day and that is an IDOT provided number for every individual."

Ms. McDuffie: "Okay, so basically there's been no official traffic study to tell exactly how many cars travel on that? At this time of the year there are less cars traffic on that road due to people on vacations not going many places. The kids aren't in school. They're not coming back and forth to their activities. So to estimate a number in an area of which clearly I'm assuming sir you're not from the area either, Mr. Lawyer? I'm sorry I don't remember your name. To know what actually the traffic volume is on any specific given day. Correct? It's an estimate that you've given us?"

Mr. Bowen: "Yes."

Ms. McDuffie: "Okay, thank you. We were talking about the driveway and in the last June 18th meeting Sarah stated on record that the asphalt people who did her extension turnaround which is not a circle, it's a half arc, by the way, was specifically two car. It is not a two car. It's a one car. In front it tapers out to a two plus car in front of the garage only. Other than that it's very narrow everywhere else leading up into the front of the garage. Therefore it has no capacity to have a car coming in and out of the driveway. Cars could be sitting on Campton Hills Road waiting to enter and exit. Again it's a 50 mile an hour road. That's a huge safety concern.

"I actually have a question that came up when I read Mr. Brown your memo again dated July 24th. The approximate number of people and children you had written in your document that would be coming in and out of the driveway on the proposed school. But you never stated anything more about how many people would be coming in and out of the property for the community garden and the special events. That's also written in there and has not been taken into consideration. On the 18th Sarah said that they were specifically going to have a school for the kids and no events. And now all of a sudden I see a community garden and special events that maybe would occur only so many times a week or a month or what not. So again more traffic, more safety concerns especially on a

50 mile an hour road. I would hope that everyone would say that they do not want this: No. And I appreciate your time. Thank you."

Mr. Frank Del Grazi, 4N121 Countryview Lane. "I live at 500 feet of the property that is seeking a special purpose. Just to start off: a residential house supporting 50 people. It's not residential anymore. Traffic going in and out. This property and surrounding properties have been zoned residential. There should be no question that a school or any other designation should apply to this residential community. This is only a residential community. Please let it stay that way. A petition which you all have has been circulated and signed supporting a no vote. And we hope that you will comply with the majority of the community and move it on. "Thank you.

Unidentified speaker from audience: [Referring to map showing those who have signed a petition against the application] "We'll get this out of your way. But the chart itself, all the areas that people have signed against, only one for the property, the CPO and the property itself."

Mr. Vince Kelly, 4N150 Farmview Road. "Well, I'm just going to read my speech. I know you already brought this up, but I feel this is important to be heard again. My name is Vince Kelly and I live at 4N150 Farmview Road with my wife and kids. My parents built this house in 1978 after purchasing 15 acres of land with their mom and two sisters. I was born and raised in this home and have basically lived there my entire life. This issue is very important to myself and neighbors as it concerns the preservation of our neighborhood as a small, uninhabited rural community.

"While we are not questioning the validity, need, or importance of Headwaters Academy, we're definitely questioning the location choice, as it's not legal for the property to be used as a school based on covenants and restrictions attached to the title and land. I know everyone here is aware of this because I've emailed you all the information. But my home, our neighbors' homes, are all part of Campton Hills Farm Subdivision and is bound by covenants and restrictions as to how the property is to be maintained and used. You keep mentioning HOA, but these covenants and restrictions are not HOA rules. They're legal documents that were recorded with Kane County on June 12, 1972, and can be found under Kane County document number 1229233, book number 2762, pages 239-245, as shown on the attachments that I have forwarded to everyone here. The covenants are attached to the title by the warranty deed when purchasing a property in this neighborhood.

"They run with the land, not the owner of the land or the Village of incorporation. It can only be changed by a vote of at least two-thirds of the aggregate landowners. These documents have already been enforced in a court of law in Kane County as well: Kane County case number 04-CA-414 Robert and Denise Clark and Paolo and Carrie

Castellano. The court order rendered on 8-24-04 ruled on the covenants and restrictions in favor of the plaintiff and the court retained jurisdiction of enforcement until compliance was rendered. The owners of Headwaters Academy admitted that they were given a copy of the covenants and restrictions when they purchased the property. In the warranty deed that they signed when purchasing the property, it specifically states that this deed is subject to general real estate taxes not due and paid about the time of closing, covenants, conditions, and restrictions of record and building lines and easements. I'd also like to take a quick minute to read the most applicable rules from the covenants and restrictions that are in place on this piece of property.

"Rule number one: 'No tract nor any structure located thereon shall be used for any business or commercial purpose except farming or in such a manner as to cause noxious odors or create an annoyance or nuisance.' Rule number 11A: 'No structure whatever except structures appurtenant to farming use shall be erected, placed, or permitted on any tract except one private residence to be used only for occupancy as a dwelling by one family only with the necessary customary outputtings appurtenant thereto.'

"'Rule number 14: The covenants and restrictions set forth herein with the exceptions herein stated are for the benefit of all present and future owners of tracts in said subdivision. Declarant and each party who accepts title to any part of said subdivision finds himself, his heirs, legal representatives, successors, and assigns the covenants and restrictions and every other provision herein contained. It is understood and agreed that all the covenants and restrictions shall run with the land and shall bind and endure to the benefit of declarant and all parties requiring an interest in said subdivision, the respective heirs, successors, and assigns.'

"Based on the aforementioned rules, it's clear that a school is absolutely not allowed in this location. Again, I emailed all of you guys on Thursday with these documents so you had time to review and verify these facts. Therefore, it makes no sense to approve a special use permit for the property when there are superseding documents that do not allow the land to be used for such a purpose. And I'd like to make an additional point regarding that statement. During the latest Campton Hills rezoning and land use amendment process over the last couple of years, I've heard multiple times in the meetings from Village officials that if your property contains covenants that strictly allow the use of something or not the use of something, whether it be keeping of animals or something else, the covenants would take precedence over the Village zoning ordinance.

"I did a little research on this and I found a Village zoning ordinance that clearly states this fact. Campton Hills Ordinance Number 020-13, which is an ordinance amending Chapter 5 of Title IX Subdivision Regulations of the Village Code of Campton Hills, Kane County, Illinois. In Article 1, Title Applicability and Interpretation, the title says this chapter is known, cited, and referred to as subdivision ordinance, subdivision regulations, or regulations of the Village of Campton Hills.

“Most importantly, in Article 1.3, which is the interpretation, it states in interpreting and applying of these regulations, they are held to be the minimum requirements for the promotion and effectuation of the purposes set forth herein. Where these regulations impose greater restrictions or requirements than one imposed or required by other provisions of laws, rules, regulations, covenants, or agreements, these regulations control. Where any easements, covenants, restrictions, or agreements between parties impose restrictions greater than those imposed by this chapter, those easements, covenants, deed restrictions, or agreements will control.

“Now at the end, it does say, however, the Village will not enforce any private easements, covenants, deed restrictions, or agreements. So, based on this interpretation, which comes directly from a Village ordinance, it's very apparent that the obvious decision in this case is to deny the special use permit for headwaters again. I do understand that the Village states it won't enforce these covenants or agreements. However, I would argue at this point, it's not requiring any actual enforcement, but just a common sense decision to deny the special use permit for Headwaters, as it is specifically not allowed, based on covenants and land restrictions attached to this piece of property. In fact, I would almost argue that approval would be a willful vote to purposely break the covenants by this commission. Finally, I know your vote is supposed to be based on three factors. I'm specifically going to point to number two, that states the proposed special use is compatible with the general land use of adjacent properties and other properties within the immediate vicinity. This fact is completely untrue for Headwaters Academy. I emphasize again that every parcel within the subdivision is either farmland or owned and occupied by a single family in a single-family residence. This is a fact because that's all the covenants allow. Therefore, a special use permit is absolutely not compatible with adjacent properties as the school has stated that no one will occupy the house as residents. Thank you for your time and consideration in this matter, and I look forward to a satisfactory resolutions to this situation.”

Chairman Fredrick: “A quick question for you, sir. Maybe someone else can answer this for me. Is there an active homeowners association?”

Mr. Kelly: “There is not.”

Mr. Craig McDuffie, 4N156 Country View Lane. “I'm going to keep this short and just summarize things. The proposed special use will not endanger public health, safety, and welfare. You've heard from a number of people today when you think about the category, you think about the septic system, the floodplain, the list goes on, the traffic; the bridle path is a real concern where we've had issues the existing families and children on bridle path and riders and the additional liability. It actually will endanger the whole public in our area.

“Number two—and to Vincent's point—the proposed special uses we have within adjacent properties. It's not, and when you look at and while you say, you know, we don't import covenants or anything like that, to me it would be negligent of you to actually approve the special use knowing the fact that the covenants actually do stand.

“So my recommendation is a vote no. The third piece of that is the special use in specific locations is consistent. Again, it's a school. It's not consistent with a residential neighborhood at all. You know, there's really no valid explanation that anybody here has really put forth that says that it is compatible, it's in the spirit of it. Basically we're a community of residential neighbors that support each other. The school is not part of the residential neighborhood that supports each other. Thank you for your time. I look forward to possibly having somebody recommend now a vote for, so we can hear a vote and then move on.”

Mr. Gene Surrico, 4N129 Countryview Lane. [He asks for a photograph of the subject property’s driveway to be displayed on the screen.]

[Referring to the driveway] “I don't know if there was a permit for that. I don't know. But look at the construction. You can definitely see a difference between the two types of pavements. Will they even hold a car? It looks like they went right over the grass. Now this is typical of some of the maintenance on this owner's property.

Just do whatever you have to do to conform. Not doing it right. And I'm afraid the whole property is going to just go down, down, down. I guess that's all you have to say. I just want to bring it to your attention. They go by and do whatever they have to to comply and that’s it. They are not doing it right.

Mr. Ray Sandefur, 4N028 Country View Lane. “What should we consider as acceptable to be overlooked? As a community, why would anyone, why should anyone object to a school? That's the message that Headwaters Academy would like you to hear at your table. But what type of school is it that's being defined? I'm not sure that it is definitive even in the petitioner's application. We've heard conflicting numbers of enrollment and staff. Per the last meeting minutes, the enrollment was topped at 30 students—the normal criteria which defines a micro school. Tonight, the testimony has changed and that number has been increased to 45. That changes the definition by all normal public domain standards and results in requirements and definitions for a private school. There are distinctions between home school, micro school, private school, and municipal public school. There are requirements and regulations that adhere to all of those criteria.

“The distinguished attorney cited established legal precedent yet conveniently neglects to show or define the equivalence of those precedents to the school as defined by the special use application. Let's look at other things that we may choose to simply overlook. We've

discussed several times this evening that a driveway was modified, yet their own traffic engineer admits that what was constructed is insufficient for the special use.

“The septic system and water use have not been addressed by their own admission, yet was not considered or warranted initially as a concern by the petitioner. The petitioner has found an alternate location in Aurora, Illinois, for the purpose to continue their educational endeavor unimpeded. So my question is this: What makes this special use application and the Campton Hills property superior to the establishment of a school in an alternate location?

“And finally, I should leave my own opinion to myself, but does the outcry of the neighborhood have any less merit than that of the applicant seeking the variance? Thank you.”

Mr. Kaz Katab, DeKalb. “I am one of the two teachers currently at Headwaters, the person who proposed the school. I want to thank you all for listening tonight. I want to thank even the counter-arguments. My goal, I'm going to just speak for myself for a moment, is to come to school every day to teach kids how to live in the world that they live in. And that includes people that are going to be against them. And I'm not trying to speak all saccharine and anything like that, some lofty ideals. I genuinely, when asking the question, why here? This is part of the world. I think we've stated explicitly that we want to preserve your way of life. I think we've stated in our presentation the ways we want to address your concerns. I don't want to argue. I don't want to debate. I want to go into a school with my students and feel like we're not hated from all sides. And maybe that sounds crazy. I mean, how could that realistically take place based on the feelings that have been expressed? I urge the committee to look at two things.

“Number one: when examining the law, that you know far better than me, and looking at our evidence, is public safety, public health, et cetera, being met? Not the sense of public safety and public health. These are two different things. I do, however, want to point out that the sense of public health and public safety is important to me. I swear on everything to me. I swear on my children, on my wife who's here with me today. I want you to not have an outcry. I want to make that clear. And I think that my view is corroborated by what we've presented tonight. I'm very sorry for the negative feeling, but I think what we've presented in my view—and feel free if anyone on my side who wants to counter this, is, oh, we hear you. We hear your concerns. Here's how we've tried to fix it. And when it comes down to it, my main point is that when you're considering this special zoning committee, the considerations of, I think we've given some suggestions, I think we have others open to us. I'm going to echo what my head of school said back on June 18th: We want to work with you. I want you to believe [2-3 inaudible] experiment.

“If you all on the opposition got everything you wanted, we would be happy. If we got everything we wanted, obviously we'd be happy. But if you got everything you wanted

and there was no longer an outcry, we would be really happy. If we had all the money in the world to make electric fences and anything that you needed, we would do that for you. I think I can speak for my team. That's the point of this school, to live peacefully within the world as it exists, not to go out and try to live within different points of view.

“I ask you—and I have no answer to this, only you can answer this—if you got everything that you wanted, would you still not want us there? If we did everything, if we got down on our knees and we could afford it, if we did everything we could for you, would you still have a problem? If that is true then I just want to examine that and I want the zoning committee to advance that. Because as far as I understand, and again, echoing my head of school, we are open to changing whatever we can change to meet your demands. And if you still have a problem with that, then I don't, I feel like that's a [2-3 word inaudible]. Thank you.”

Unidentified speaker [4-5 words inaudible]. From the start of this project, the neighborhood wasn't included. They weren't consulted. They still haven't been consulted. They're still having conversations with neighbors regarding this or hearing their concerns. They have lawyers, they have whatever it is. They have pretty words here saying no, we want to be part of the community. But they have isolated themselves from the community they serve. They haven't reached out to us. They haven't had discussions with us. They haven't heard our concerns. And that is not consistent with the message I just did here at all. It's very inconsistent. It's a fact. It's action, not words. Thank you.”

Commissioner Larario: “Mr. Chairman, point of order. Are we taking closing statements now? Is that it?

Chairman Fredrick: “I'm just going to wrap up here pretty quickly so we can have discussion about it all.”

Ms. Bauron: “I didn't know that we could double dip. So I've been thinking a little bit more about some things. I think it's important for people to understand the process here in any municipality. I didn't know anything about municipal government until I started paying attention about four and a half years ago because I was trying to fight for the rights for Campton Hills residents when Mike Tyrell, our old president, was trying to take them away. The reason that Mike Tyrell wanted to talk about covenants is because he wanted control over people.

“The reality is covenants are private agreements that are generally run by an HOA. If you don't have an HOA, it's okay. You can still uphold the covenants by suing someone individually. So you can bring the money to the table. You can sue them. You can fight it out in court.

“But I will say one thing. I spent about an hour a couple weeks ago, because this really bugged me, and when things bug me, I'm going to get to the bottom of it. I did some research on these two cul-de-sacs, and there are many people that are also in violation of those covenants. You have detached garages. You're not allowed to have those. You're only allowed to have an outbuilding or horses. So, before you throw stones in a glass house, I really recommend and also permits, pools, fences. Did you guys all get pools and fences permits? I don't think you did.”

Commotion from the audience.

Chairman Fredrick: “Hang on. Hang on. I don't want to get into accusations about this stuff, so please stick to the facts.”

Ms. Bauron: “Fair enough, but this is public comment, and I'd really like to see it. If we still had the 2007 zoning ordinance, this was 100% permitted with zero permissions given. The county would have had nothing to do with encampment. This was changed December 3rd, 2024. This was changed. So, before that, because our 2023 ordinance was invalid, because they didn't follow the proper procedures, the statute, we floated with no zoning ordinance. Another thing everybody should know that I'm just going to say, because we deleted in its entirety the Kane County 2007 ordinance, we followed that part of the statute properly. We, however, used the wrong statute and did not put in the 2023 ordinance properly.”
Unidentified speaker from audience: “What are you talking about?”

[Commotion from the audience. Chairman advises crowd to let speaker talk.]

Ms. Bauron: “Well, you don't know. So, this would have been completely legal had we still had the Kane County 2007.”

Chairman Fredrick: “I'm going to ask the commissioners if you've had enough testimony to start to make a decision, if you'd like.”

Commissioner Johnson: “[1-3 words inaudible]…if there's any new points.”

Chairman Fredrick: “Any new points? Any new points at all?”

Commissioner Kopec: “I make a motion to close the public hearing.”

Chairman Fredrick: “Does the applicant wish to make a closing statement at all?”

Mr. Franke: “No, Mr. Chairman, other than to say we agree with your opening statement on the covenants. I don’t think they are relevant for tonight’s discussion. It is a separate issue. Other than that we have no further comment.”

Chairman Fredrick: “Seeing that there's no more comments coming out here. Discussion within the—"

Commissioner Larario: [To Commissioner Kopec]: “Would you mind repeating your motion?

Commissioner Kopec: “I make a motion to close the public hearing.”

The chairman asked for a second.

Commissioner Larario: “I’ll second that.”

Chairman Fredrick: “If you leave the public hearing open, if you have questions then you can ask the petitioner or you can ask questions and get more feedback. If you close it, then you have to reopen the public hearing.”

Commissioner Larario: “My only concern is if one of our commissioners stepped out, maybe he had an opinion, and how do you want to handle that? Do you want to wait on this motion? Or let him come back?”

Chairman Fredrick: “I would just prefer that we not close the public hearing.”

Commissioner Larario: “Okay. I'll withdraw my motion.”

Chairman Fredrick: “Okay. That way if you do have questions, you can ask that and then we can get more consent.”

Commissioner Johnson: “I’m a little confused. Are you saying that we'll have our discussion and then also ask questions of you?

Chairman Fredrick: “Just in case you have questions, if we have a discussion and all of a sudden you have questions about something, then you can ask the petitioner or ask somebody that the public hearing is still open. If you close it, then you have to reopen it.”

Commissioner Johnson: “Does anybody have any further questions?”

Chairman Fredrick: “I suggest that we just basically continue our discussion without closing the public hearing. Do you guys agree?”

Commissioner Tiedt: [Rephrases the chairman’s comments about not closing public comment.]

Chairman Fredrick asks Attorney Forte if he has any questions or comments**.**

Attorney Forte: "Just briefly, because we've had some discussion at the prior meeting. The zoning ordinance is very clear and Mr. Brown was instrumental in working on the new zoning ordinance just this past year. In section 1.3, Applicability, right at the beginning of the zoning ordinance, it discusses the zoning ordinance its relation to private agreements including covenants. And it very succinctly indicates that while covenants can be more restrictive but not less restrictive, the individuals that are charged with the administration and enforcement of the zoning ordinance, which is yourselves, the Village Baord, the staff, do not enforce any private agreements. So there was some discussion tonight about the relation to covenants association rules with regard to the zoning ordinance; completely separate altogether. They're not part of the elements that we would be using. And it's very clear in the zoning ordinance that the building should not only not enforce them but that they could be more restrictive than the zoning ordinance that we enforce."

Commissioner Larario: "We're talking about there are there may be and will be and possibly can be conditions, a list of conditions, that would be added to the ability to open and run the school. And those conditions would come during, I would assume, a permit process and a construction process and a code—so there are
Conditions. On the one side and on the other side obviously you have the homeowners, the current residents there and their covenants. So I think that it's something that we'll think about and talk about and understand that there's a great deal of conditions that they're willing, according to what I heard, I think I heard it, that they they're willing to meet or at least address."

Attorney Forte: "Yes, you could recommend conditions this evening that you can replace if you recommend approval. You can recommend or include conditions in the recommendation. The Village Board can accept all; remove some of them, you can add some add additional ones. If the special use is eventually granted by the Village Board it is a formal document is reported on title those conditions remain on the special use. Any change in that special use, depending on the severity of the term, would potentially require a hearing before the planning and zoning commission and then further board approval…It's a good idea to speak about conditions if you are considering a property."

Mr. Brown: "I just want to add on to what the attorney said and address some of your earlier comments. There's a couple of hurdles that the school has to clear and one is zoning and the other is all of the other rules and regulations that we have. They can have one and get stopped at the other and I've seen that happen before. I think of another community where we approved a car wash, we approved a drive through for Starbucks and none of them came to fruition because other engineering and some other different issues came up and they were never built.

“Mr. Franke indicated the condition of approval would be they fulfill all of the requirements. That would include ADA, that would include the septic fields, that would include all the fire and safety issues that the fire department may bring up or other engineering issues that may arise when we start to evaluate things, building code issues. Those are two related, but they can be separate tracks.”

Commissioner Kopec: “But if we or the board includes those conditions as part of special use, then special use only becomes effective when those conditions are all met.”

Attorney Forte: “Well, the special use if it were granted by the bill for the operation of the use, the beginning of the use and there are several layers to this development and one of the conditions is going to be that all of your ethical codes, regulations, procedures in the village or any other governmental authority having authority over property and use. The village’s in general terms control prior to the beginning of the operation would be a certificate occupancy. The village does not have business license…So that would be another layer of regulatory authority. But there are other governmental authorities as we've heard about tonight that have their activities controlled. The applicant may or may not be able to use those but that is a matter that's outside of the condition that you place on them tonight. Whether or not they can meet the conditions or not, that's up to the applicant.”

Commissioner Kopec: “But if it's required that they meet the conditions or the conditions must be met before the special use becomes effective, therefore that if they don't meet those conditions the special use goes away. As opposed to the special use being granted and then the permitting process doesn't satisfy the conditions to get the special use.”

Attorney Forte: “The use can't begin, the operation could not begin until eventually some of the conditions are met. But similarly, some of the conditions would be required to be met before the next ones in line. Just a matter of simple order of procedure. For instance, like a drive, if one of the conditions was to widen the drive that doesn't mean that after the special use is granted and the drive is widened and after operation the course is sometimes that would be a use on special use but if it changes that would be a violation of the special use and that would likely affect the Village’s allowance for that use to continue.”

Commissioner Kopec: “What I'm trying to understand though is if we grant the special use and then the school decides to move or whatever that special use stays with the property.”

Attorney Forte: “It typically does but sometimes not.”

Commissioner Kopec: “That's what I'd like to try to avoid, that the special use is only granted when all the conditions are met and not depending on the permitting process afterwards bringing the property into compliance.”

Attorney Forte explained some options for approving special uses with conditions.

Chairman Fredrick reminded the public that the commission was a recommending body.

Mr. Franke: “There's a difference between you as a recommending body and the village board as the body that actually adopts the ordinance. I think there's a difference in this discussion about compliance with laws or conditions. You could make a recommendation that says before the village board even adopts the ordinance, the issues raised by the fire protection district must be satisfactorily addressed. That's different than saying if the ordinance is adopted the applicant must comply with all laws, meet permitting requirements. There's a difference between those. For example, you heard the discussion this evening about the septic and the drainage and that kind of stuff. You could easily make it your recommendation that that issue be comfortably resolved before any ordinance is adopted. And then to the last comment that was made, there are some communities that will approve a special use and say it runs with the use and if the use changes, you've got to come back or something like that.”

Chairman Fredrick said he wanted to discuss a motion and noted that the motion in the packet was written in the affirmative.

Mr. Korth: “I was just concerned that the petitioner's lawyer was explaining the rules to you guys. But I want to make something unrelated. If you guys approve this with conditions, say your condition is that you need to have an ADA acceptable. You need to have a commercial grade fire sprinkler system in this beautiful residence. You need to put in some kind of a commercial grade wastewater treatment holding tank or system. Now you're condemning this property to be a commercial property forever. No homeowner is ever going to buy a house with a commercial grade sprinkler system running through the house. No homeowner is ever going to buy something with ADA accessibility when they don't need it. And nobody's going to want to have a commercial grade wastewater treatment system. No homeowner is going to want to have to maintain it, test it, and live with it. You'd be condemning this property to be a commercial property from this point on.”

Chairman Fredrick: “Great, thank you for all that. Alright, so what I would like to do is have a motion that I'll read out of here out of the packet and then some discussion and then see how we want to move forward on this. So here is the motion that I'm going to read: ‘I motion that the Planning and Zoning Commission recommend to vote for the approval of an application for a special lease to allow a school at 42 West 420 Camton Hills Road, which is in a residential zoning district. Additionally, I motion that the

Planning and Zoning Commission forward the three findings as discussed by the Commission at this meeting and stated in the staff memorandum and any additional recommendations by the Planning and Zoning Commission.' That is the motion.

"As I said, it was intentionally stated in the affirmative so that if you want to vote yes, you would have to recommend, vote no. Is there any motion? Or do we have more discussion? I've read the motion and I am asking someone to make that motion. If not..."

Commissioner Larario made a motion to approve the motion as read by Chairman Fredrick. Commissioner Tiedt seconded the motion.

Attorney Forte recommended potential conditions be discussed. Commissioner Tiedt echoed Attorney Forte's recommendation.

There was a general discussion on the sequence of the discussion: decide on conditions then vote on motion with conditions added.

Mr. Fredrick: "We have the conditions in the staff that I guess was the ADA compliant with any accessible ADA compliant. I think that would be a condition that would be in concerns for that Board."

Mr. Tiedt: "I guess one thought I had was, one of my conditions was just meet all required building codes and I think the ADA would fall under that as well as sprinklers, septic, a lot of those things that would fall under that."

Chairman Fredrick: "Alright, how about meet all required building codes including ADA? I think there's a lot of concern with the and I think that's under building codes but I know there was a lot of concern with having the Kane County Health Department sign off on the septic and so that you have to get a certificate of approval by the Kane County Health Department."

Commissioner Kopec: "Usually that means that you have to have a plan that meets the code requirements. They'll have an application, they'll send it to them, they'll bring it back to them, and then they'll have a mitigation plan or whatever. That plan must be in place, not just saying we're going to make a plan."

Commissioner Johnson: "I'm concerned by the fact that under current standards you would not be building in the flood zone with the FEMA. And so by adding potentially more people you're going to be putting even more stress on a bad decision that was made back in the 70s. And also that in itself is a concern right there because—"

Chairman Fredrick: "Wouldn't the Health Department make that determination."

Commissioner Johnson: “I don't know if they would or not. They would probably say because it's existing or something like that, you know, I don't know. But the thing is, a decision by us, but a decision by us as to, because we are concerned about the water quality of Mill Creek. I mean we have all these overlay maps of environmental areas and things like that. And so right off the top, the fact that we have a property that's in a floodplain zone according to FEMA, then are you going to compound that error by adding more to it? And that can be a decision that's more up to us because we are very concerned about floodplain zone areas. In fact, we increased the amount of setback we had to get away from a floodplain flood zone area in our zoning code. So that's right off the top what I'm concerned about because we have stressed. Our water is a big issue here in this village and in our watershed. I don't know what condition there is. I'm just saying this is something for consideration.”

Chairman Fredrick: “I'm saying it's a sign-off by the Kane County Health Department.”

Commissioner Johnson: “No, we can control our own environmental issues here.”

Chairman Fredrick: “Based on our zoning code, based on the environmental mapping we've done of areas where we require setbacks of more than, I think, 250 feet from flood zone areas. And so we're only looking at compounding the problem if you're going to increase that in a situation that should have been built in that area in the first place.”

Commissioner Anderson: “Currently, you cannot built in a floodplain—anything.”

Mr. Brown: “That is not correct. You can build in a floodplain, in a 100-year flood zone has an area you can build. It's the floodway. It's the floodway.”

Commissioner Anderson: “So why has Kane County denied that year after year after year?”

Mr. Brown: “It might have been the floodway and not the floodplain. If you're building in the floodplain, there are certain measures you have to do to mitigate it. But it can be approved. That's going through IDNR and FEMA. And it can be built in a regulatory flood hazard area.”

Commissioner Anderson: “That's not what we've been told.”

Commissioner Larario: “I don't think they're building anything.”

Mr. Brown: “There's nothing that's going to trigger—it’s already built. So if they do something that triggers a review by IDNR or FEMA, then it will go up. And then there's the regulatory 100-year floodplain, commonly referred to. So even if you are building something, there are ways that you can build in that area. You have to ensure that for

example, it's elevated, it's on stilts, whatever, but it can be done. It's a lengthy review process, but it can be done."

[Commotion from audience. Mr. Fredrick asks public to be quiet.]

Mr. Franke: "I just want to clarify, Mr. Brown, that there are regulations that talk about this concern, but there's no proposal to build in the floodplain there. There just isn't. I understand the comments that were made by Mr. Korth. I understand his comments about doing something that could impact land that's in a flood zone, But again, I think that is correct. It's a health department issue. No proposal to build anything in the floodplain is on the table here. And I believe that's what your village regulations address."

Commissioner Larario: "I think if it falls into anything, the concern might be if there has to be, as part of our considerations, and again, through the health department and stormwater, is if there has to be a change to the well, the septic system, and it has to be enlarged, and it enlarges into whatever would be the floodplain. But again, that would be a consideration that would be looked at, and I believe the health department and stormwater would be involved."

Mr. Franke: "And it doesn't have to be limited to the Kane County Health Department. Your recommendation could say that the Board should be comfortable with that issue. That's your recommendation, that the board get comfortable with that entire issue before they adopt an ordinance."

Commissioner Larario: "That's going to easily fall under our consideration when it comes to the health department and stormwater. I would say the other thing on that consideration when it comes to streets and safety is going to be obviously the condition of the traffic in streets and culverts, and that's all going to fall under the permitting process, I would imagine. As far as the driveway, the culvert system that's going to be used. I would recommend the usage and the car traffic over what is considered village the first 15 feet or so in the culvert system, and I would also recommend one of the points that was brought up continuously—and I hope you guys caught on to it—it is a 50 mile an hour road and there will be cars just trying to turn in and out I build roads and parking lots for a living and I put no turn signs and light only signs and stop signs in all the time and so there's going to be, I would imagine some cars on the street trying to turn in with other cars coming in at 50, 55 miles an hour I think that's going to probably be taken into consideration I would say.

Commissioner Tiedt: "I think to answer your comments, as some of what the traffic engineer had identified, this is a widened driveway so it's two lanes in and out, to widen some of the turns."

Commissioner Larario: “A widened driveway is not as effective as you may think unless you have an actual turning lane designated for that driveway.”

Commissioner Tiedt: “The traffic count says it's not warranted.”

Commissioner Larario: “I understand it is not warranted, but what I'm saying is that one of the considerations is that we're going to have a widened driveway, yes, but there are going to be vehicles that are going to at some point be stopped on the road waiting for somebody to come in or out and there are other vehicles coming at 50, 55, 60 miles an hour whatever it is. I promise I won't drive that fast ever on that road, but it's just if we're going to talk about a list of considerations I'm giving you one of my considerations and that is, I think it's a safety thing, right?”

Chairman Fredrick: “Yeah, but we're trying to get consideration of how it would mitigate it. The recommendations that have been provided by the petitioner's study they've got seven bullet points you could include those seven bullet points which include widening to 20 feet and the northern edge of the circle should be widened changing the axis the radii of the turn in front Campton Hills Road. And then dividing the drop-off pickup times. We need to include those recommendations and just leave those seven as part of the recommendations. If there's anything else you'd like to add to that that would be helpful.”

Commissioner Kopec: “I agree with those recommendations; that we should make those mandatory those recommendations.”

Chairman Fredrick: “Any other conditions, traffic wise, that you want? You talked about ADA and all that compliance.”

Commissioner Johnson: “I think there should be some sort of condition that the school bear the cost of this burden that'd be placed on the Village in effect to monitor whether or not their pickup and drop off and turns in and out and all that actually being executed over time. It can't just be okay we agree to that and then two years later it's not being done and then the Village is going to have to come back and spend time and money to approve a case one way or the other. I don't quite understand: if you want to do a look back the village has to hire a traffic study or whatever you want to look back on, so there's a cost to the village and as the Mr. Franke stated that in most cases they've never had a condition that wasn't approved. But yet there's going to be a cost so where does that why should the village that has no taxes we have to start worrying about paying for potential costs in the future like this.”

Mr. Franke: “Adding a condition that the cost of monitoring would be on the applicant would not be a problem. The other thing that I would note is we're proposing that if the board would adopt the ordinance ultimately one of the conditions, we would assume that

the Board would require—and you could recommend it—is that this traffic management plan that the school has committed to would be a condition of the ordinance. The failure to enforce it would be a violation of the ordinance, just like any violation of any zoning ordinance violation that a resident of the Village could be subjected to. That would be a violation of the ordinance. Your ordinance, I'm sure, says if you violate this ordinance in any respect we have the right to give you a ticket enforce it through a code enforcement action and I don't know what yours is, Mr. Forte, but you know in a lot of villages, cities it's like $750 a day it's $500 a day for every day that the violation is taking place so you have penalties. Typically, the ordinances of approval do say any costs of enforcement are on the applicant."

A member of the audience asked to speak. The chairman told her she could not speak at the particular moment.

Commissioner Kopec: "In regard to traffic issues: school zone signs. They need to be addressed for the cost of the school zone signs on the highway.

Both Chairman Fredrick and Mr. Brown noted that a school zone sign would probably not be warranted, whereupon Mr. Kopec asked for a school warning sign. Mr. Brown said that would be possible.

Mr. Forte said another condition could be a more in-depth traffic study. "I've seen that happen before when it's just a preliminary report.

Commissioner Johnson: "I want to address conditions or certain issues that need some sort of condition at the bare minimum, and that is for the adjacent property owners that have both concerns about bridle paths and their horses as well as concern about management of natural hazards. Where do you place the burden on the school to make sure that if someone needs to burn off their prairie, and it's the right day and the right time, that there's no interference and there's no none of the neighboring members of the school are going to be anywhere near it for the sake of the person who's trying to manage his or her property. Likewise what conditions are going to be put out there to ensure that bridle path, which is part of the community, that that bridle path is going to be maintained for safety for the horses and the riders."

Chairman Fredrick [addressing Commissioner Johnson]: "You burn on your property, Garfield Farm, right?"

Commissioner Johnson: "That's irrelevant because or I'm asking what is there to help the people in this neighborhood that want to do natural area management. So how do we put conditions to make sure that there is not any complaints—to prevent whatever of natural area management that is being done on these people's property. What conditions are there to protect them?"

Chairman Fredrick: “What do you propose?”

Commissioner Johnson: “I don't have a specific proposal. I'm trying to put this in front of this commission to think about these factors.”

Chairman Fredrick: “We've got prescribed burns—”

Commissioner Johnson: “That doesn't mean you might not have complaints with a bunch of school children next to someone that's trying to: (a) ride down the bridle path safely; or if they're doing natural area management.”

Attorney Forte: “With regard to the bridal path and safety concerns that the residents have identified with regard to that question, I know that the applicant has spoken about different types of insulation whether it be fencing or landscaping or things like that. Those are likely things that we could consider: what, if anything, could be done to increase the let's say projected distance between an individual on the applicant's property and the surrounding property with regard to the equestrian uses. With regard to school burning obviously [that would be done pursuant to regulations]. In many communities the Village operates on a complaint-based system. Anyone can complain that somebody's just burning something and often times in the fall people do complain that they're burning something. So I'm not sure what kind of restrictions we would be able to place on the applicant…”

Mr. Forte suggested potential conditions regarding the location on the subject property where the children could be—it would be away from the bridle path.

Commissioner Johnson: “One of the big emphases of our comprehensive plan in our zoning has been to try to encourage horse properties and semi-rural ag, etc. Yet here we see a case where we're impacting people who are embracing that lifestyle and have invested their money that way, and now potentially there could be a situation arising where a neighboring property would take away from all those years. How do you deal with that?”

Attorney Forte and Commissioner Johnson discussed the sequence of getting to a vote. Commissioner Johnson thought that if there was no consensus on a positive recommendation in the first place, then the discussions regarding conditions were mute. “Right now we do not know how this commission feels.” Attorney Forte suggested to Chairman Fredrick that he query the members on their thoughts on a positive or negative recommendation.

Chairman Fredrick asked the commissioners how they would feel about conducting a consensus. “It's not a vote, obviously.”

Commissioner Tiedt said that he would be comfortable voting in the positive if conditions were placed on the approval.

Commissioner Kopec: “My vote is definitely a no at this point.”

Commissioner Johnson: “Mine is too.”

Commissioner Larario: “I'm going to go with no.”

Commissioner Anderson: “No.”

Chairman Fredrick: “So we got the motion on the floor.”

Commissioner Anderson: “Can we call the vote?”

Attorney Forte: “Anticipating that the recommendation will be negative I think that would be helpful to have a brief discussion on the elements, the findings. It would be helpful for the Village Board in their discussions.”

There was a brief discussion of the location of the findings in the staff report.

Mr. Forte read the three standards for special uses from the staff report: “the proposed special use will not endanger the public health or welfare; the proposed special use is compatible with the general land use of adjacent properties and other properties in the vicinity; and third, the special use in this specific location proposed a consistent with the spirit and intent of this ordinance and adapted land use policies. These are obviously written in the affirmative. so based on negative recommendations when making a vote indicate which of these three have not been met and briefly why.”

Commissioner Larario: “My no [vote] is based on all three and the fact that it was two gentlemen who and one of the ladies that were the only ones that actually addressed these three points to the fullness and talked about the danger to the endangerment to possibly their horses, their animals their welfare within their house and how their house is set up. I looked at that I looked at the number two, the general land use of the adjacent property. I'm having a real difficult time with the fact that we became a village and we're all of a sudden not supposed to honor covenants that have been there established through these subdivisions and these people have been here longer than we've been a village and we're supposed to just just tell them no and screw you? I'm having a real difficult time with that. They have these houses and they have these animals and these horses and whatever and they were set up a certain way. I would imagine if one day they decide to sell them, they want to sell them in that particular way, and so it just seems to have a negative effect

on their particular property. So my no [vote] is specifically based on [standards] one and two."

Chairman Fredrick: "I'm just trying to verbalize some of the stuff you're saying, so we're going to go through all three of these and then try to add the comments.

"The proposed special use will not in danger of public health, safety and welfare. You believe it will endanger—I'm not trying to put words in your mouth—will endanger the public health, safety and welfare."

Commissioner Larario: "Yea, absolutely."

Chairman Fredrick: "Based on—"

Commissioner Larario: "Based on the fact that these are people who live in these homes, that they have horses. We know that they ride, we know they do what they do and somebody [said] a horse can get startled, somebody can get hurt. A child can get hurt who happens to get away from someone who is not watching them. To me, it just seems like there are a lot of different ways that somebody can get hurt here, be in danger."

Commissioner Johnson: "I still don't understand why we don't have to go into this much depth and detail."

Chairman Fredrick: "We are making a recommendation to the Village Board—"

Commissioner Johnson: "We feel it does not fit—"

Attorney Forte: "The zoning code requires that these applications are addressed on these three standards. Commissioner did provide context for the answer; he did not just simply a conclusory statement: 'I don't feel (2 words inaudible).' It is very helpful for the Village Board to hear it doesn't meet [standards] 1, 2 and 3, but hearing why. That will provide more context for them."

Commissioner Johnson: "Won't the petitioners still come forward to the Village Board and present a similar packet of information?"

Attorney Forte: "They have the right to; they are not required to. People do, sometimes they don't. Obviously, on a positive recommendation, it's a lot less often that an applicant comes on a negative [1-2 words inaudible]. They typically do. But still, it helps the Village Board to have an understanding—not just from the applicant's perspective and those that are objecting to the special use—but why they feel that these elements have not been met—or the standards have or have not been met. But also from your members, to know why you voted the way they did."

Chairman Fredrick: “Any other comments from other members? This is [standard] number one, health, safety and welfare. Is there anything anybody would like to add on that?”

Commissioner Kopec: “So we're going by each of the findings first? I could do all three at once.” [Chairman acknowledges.] I tend to agree that there may be little or no apparent risk due to traffic, noise, or kids at play. However, with the hydrologic-geologic information presented tonight, I question the suitability of increasing the septic system to accommodate the school, and further, the suitability of placing any structure within the Mill Creek floodplain that uniquely covers that parcel.

“Secondly, the proposed special use is not compatible with the general land use of adjacent properties and other properties within the immediate vicinity. The current owners and petitioners failed to perform due diligence before purchasing. Adjacent and surrounding neighbors have abided by the covenants for over 30 years and deserve to maintain the status quo that they all expected.

“Third finding: the special use in that specific location proposed is not consistent with the spirit and intent of the zoning ordinance and adopted Village land use policies. While the RE-2 zoning allows for school versus special use, these are best incorporated when planning new developments where neighborhood and site plans could be optimized. Current and potential surrounding landowners would then be aware of the special use and should provide recommendations to integrate it into the community.”

Commissioner Anderson: “I would ditto what Jim just said for me, times two.”

Chairman Fredrick: “Any other findings of fact? If not, should we take a roll call vote on the motion on the table? I reminder: the motion is to approve, with conditions. And so a yes [vote] would be to approve and a no [vote] would be not recommended.”

Attorney Forte: “Technically, the motion was just to approve. If the majority votes no then it would be a negative recommendation.”

Mr. Brown: “And I believe the motion was to adopt the findings as discussed.”

Chairman Fredrick: “Correct.” He then asked Mr. Brown to call the roll.

The results of the roll call vote:

Chairman Frederick:	Yes.
Commissioner Teidt:	Yes.
Commissioner Kopec:	No.

Commissioner Johnson: No.
Commissioner Larario: No.
Commissioner Anderson: No.

Mr. Brown noted that Commissioner McKelvie was absent. The motion failed 2-4.

Chairman Fredrick asked Mr. Brown if he needed anything else from the commission. Mr. Brown said no.

Attorney Forte: "Just for the applicant's sake and for the public's sake, the public hearing is closed and has resulted in a recommendation we will adjourn. Pursuant to the zoning ordinance, the Planning and Zoning Commission has no more than 60 days to provide its findings and recommendation to the Village Board for its consideration. That does not mean that an action has to be taken at that time…We don't have a set date."

Chairman Fredrick and Attorney Forte advised the audience that they would need to consult the agendas posted on line. They said the Board typically meets the 1st and 3rd Tuesdays each month. The report and recommendation would included in a packet to the Board.

It was noted by Attorney Forte and Mr. Brown that the vote closed the hearing.

7. Adjournment.

Commissioner Tiedt made a motion to adjourn; Commissioner Kopec seconded the motion. On a voice vote the motion was unanimously approved. The meeting ended at 10:12 pm.

Respectfully submitted, James A. Brown, Building and Zoning Officer and Secretary to the Planning and Zoning Commission

Approved, this 13th day of August 2025

Rolf Fredrick
Chairman, Planning and Zoning Commission