

I. CALL TO ORDER:

The Planning and Zoning Commission meeting was called to order at 7:30 pm by Chairman Susanke.

II. ROLL CALL:

Present were Chairman Rogers Susanke, Commissioners Rick Gilmore, Ryan Kaufman, Jim Kotleba, Bob Martin, and Rick Magsamen. Commissioner Slovacek arrived at 7:35. Also in attendance were Community Development Director Cathleen Tymoszenko, Village Planner Derek Rockwell and Village Board Liaison Tom Price. There were several people in the audience.

III. PLEDGE OF ALLEGIANCE:

Chairman Susanke led those in attendance in reciting the Pledge of Allegiance.

IV. APPROVAL OF AGENDA:

MOTION: Moved by Commissioner Magsamen and seconded by Commissioner Kaufman to approve the agenda. The motion carried by unanimous roll call vote.

V. APPROVAL OF MINUTES:

1. Regular Meeting – May 28, 2013

MOTION: Moved by Commissioner Martin and seconded by Commissioner Kotleba to approve the minutes of May 28, 2013. The motion carried by unanimous roll call vote.

VI. QUESTIONS FROM THE AUDIENCE: There were none.

VII. NEW BUSINESS:

Petition 13-04 (Public Hearing): Text Amendment and Special Use-Educational services on or below the first floor as a Special Use in the B-3 Business-Service District- 180 S. Eighth Street (Hamilton Academy)

MOTION: Moved by Commissioner Martin and seconded by Commissioner Kotleba to open the public hearing. The motion carried by unanimous roll call vote.

The Public Hearing opened at 7:36 pm.

Planner Rockwell confirmed publication of the legal notice in the newspaper and certified mail notices to all property owners within 250 feet of the subject property.

Planner Rockwell gave a brief summary of the reason for the Public Hearing explaining the contract purchaser is seeking a text amendment and a special use to allow for the

establishment of a therapeutic day school. He said that currently the zoning regulations allow educational services including trade schools, dancing, music and singing schools and daycare centers all above the first floor only as a permitted use in the B-1, B-2 and B-3. There is currently no provision for operating such business on or below the first floor in the business Districts. By creating a special use the Planning and Zoning Commission and the Village Board will review on a case by case basis each application for these types of businesses on or below the first floor.

Planner Rockwell continued to explain that Hamilton Academy is requesting a Special Use to operate a therapeutic day school on the first floor in the B-3 pursuant to the proposed text amendment.

Hamilton Academy owner Barbara Hamilton, Attorney Brian Krajewski, and Architect Dan Roberts were present. Mr. Krajewski gave a brief statement about Hamilton Academy's interest in the site. Barbara Hamilton explained that she has been working in this field for nearly 30 years. Hamilton Academy is an Illinois State Board of Education approved twelve-month private therapeutic day school for fifth through twelfth grade (ages 10-21) with emotional disorders. Daniel Roberts discussed some of the site improvements planned. Mainly the building improvements will be interior and there will be improvements made to the parking lot.

Director Tymoszenko asked Ms. Hamilton to elaborate more on the school. Ms. Hamilton replied that approximately 95% of her students come to her by referral from the school district. After a referral is made an interview is set up between the student and family. The students are selected after the interview and a thorough review of the student's records. Safety and respect are top priorities in the school. Her students are emotionally fragile kids who oftentimes may have been bullied in the school. These students are provided academic instruction but also taught to learn style of coping and life skills. This is accomplished through group, family and individual therapy. Students are usually at the school for 18 month to 2 years and then brought back to the school district. The school is private and receives funds from school districts. Parents can also elect to bring students directly to the school if they have an IEP. The school does not take DCFS. The School District provides transportation. Busses arrive at 8:45 some children arrive in taxis or vans. The drop off and pick up is done in a very orderly manner.

There are 10 staff members for 20-30 children. She presently has 20 kids enrolled. She is comfortable with the 25-28 student enrollments and rarely meets 30 student capacities. The parking for 20 cars will be used by staff and visitors.

Chairman Susanke asked for public comment.

Rick Powell, 806 Royal Lane, asked if the south side fencing would be replaced. He said it is badly deteriorated with damaged sections. Attorney Krajewski replied that if the fence is in need of repair the fence will be repaired. Director Tymoszenko explained that the site will be brought up to code compliance as part of the construction project.

Julie Baird, 723 Oregon Avenue, stated that she was a special needs teacher and she was concerned for safety of residents living near to school. She asked if there would be metal detectors or officers on site. Ms. Hamilton replied that the school has a protocol for safety and the school staffing is trained in student welfare. Ms. Baird asked if the school would be locked from outside and inside. Ms. Hamilton stated the school will be locked from the outside. Director Tymoszenko added that it is a fire code violation and a life safety hazard to lock a building from the inside.

Rick Powell asked if a child needing to leave the school for an emotional outburst would be cognizant to not walk into the intersection. Ms. Hamilton replied yes, the student would know not to walk into the street.

Marybeth Walsh, 18N595 Field Court, teacher at St. Catherine's, expressed concern about the age of the children at the school given the age of the students at St. Catherine's. Ms. Hamilton replied that most students are between 10-21 and dependent upon the IEP, it is rare that the students go beyond 19 years old.

Ms. Walsh also asked if the school location would be quiet enough not to disrupt the students. Ms. Hamilton replied that many students at her school have sensory issues to manage. The children stay inside the building the entire day; no recess but field trips off-site.

Julie Voss, 1146 Pember Circle, mentioned that she was also a special education teacher at D300. She said at D300 there are procedures in place for situations with students and asked Ms. Hamilton to elaborate on her procedures. Ms. Hamilton replies that there is a secretary at the door and all personnel are trained in handling issues. They have soft lockdowns to manage any problems. Mr. Roberts, architect, reiterated that Ms. Hamilton took great effort to design the interior with an open floor plan so teachers and students can see each other easily.

Joe Motyl, 809 Royal Lane, stated that he is not for or against but that he personally thinks that the Commission should postpone the consideration to review the school more. He talked about Lutherbrook which is a residential DCFS facility in Addison and the number of police calls made to the site. He asked for a committee to be assigned to conduct a 60-90 day study to visit these schools and make a decision of what is most beneficial to West Dundee. He also mentioned his concern about the loss of sales tax at the site. Ms. Hamilton replied that she is not familiar with Lutherbrook but that she is not a residential facility and does not take DCFS students. She also said her students are not criminals or violent. Most of them have been bullied. She said she handpicks her students. Attorney Kajewski stated that Hamilton has been in Elgin for 13 years and have had 1 or no police calls per year. He also stated that he understands desire to have sales tax generators but this is a vacant building that has had a difficult time attracting commercial. Hamilton is a for profit entity that pays property taxes.

Commissioner Kotleba stated that Lutherbrook is a completely different facility who is dealing with wards of the state; DCFS placed abused and neglected children. Hamilton is more similar to Summit School in East Dundee where students with emotional disorders. He said some very intelligent and good youngsters have emotional issues and learning disabilities. This is different than troubled kids at Lutherbrook.

Judy Randl, 853 Royal Lane, also the school secretary at St. Catherine's, asked why the school was not notified. Planner Rockwell replied that the legal property owner of the school – The Diocese of Rockford - was notified as required under the law.

Director Tymoszenko spoke on the building challenges pertaining to access and attracting a retailer. In addition, she supplied facts about the Village's due diligence efforts pertaining to understanding the type of facility that Hamilton Academy operates.

Commissioner Kaufman asked when the school was planning to open. Ms. Hamilton said she aims to open in March or June 2014.

MOTION: Moved by Commissioner Kotleba and seconded by Commissioner Kaufman to close the public hearing. The motion carried by unanimous roll call.

Commissioner Gilmore commented that the idea of education above the first floor only is an antiquated concept given ADA regulations.

Commissioners discussed the evidence presented.

MOTION: Moved by Commissioner Martin and seconded by Commissioner Magsamen to recommend to the Village Board adoption of the proposed text amendment to allow education services including trade schools dancing, music and singing schools, and daycare centers on or below the first floor as a special use in Section 10-5D-3.

AYES: Commissioners Gilmore, Kaufman, Magsamen, Kotleba, Martin, Slovacek

NAYS: None

MOTION: Moved by Commissioner Gilmore and seconded by Commissioner Kotleba to grant the Special Use subject to the findings of fact in the July 25, 2013 staff memo and outlined at the Public Hearing.

AYES: Commissioners Gilmore, Kaufman, Magsamen, Kotleba, Martin, Slovacek

NAYS: None

VIII. ADJOURNMENT:

MOTION: Moved by Commissioner Magsamen and seconded by Commissioner Martin to adjourn the Planning and Zoning Commission Meeting.

The meeting was adjourned by unanimous consent at 8:50 pm.

Cathleen Tymoszenko, for Commission Secretary
Christin Mangan