

**ORDINANCE AMENDING RESOLUTION 11-07 TO GRANT AN AMENDMENT TO A
SPECIAL USE PERMIT FOR THE BARRINGTON HILLS POLO CLUB
AT 350 BATEMAN ROAD FOR THE CONDUCT OF THE KALAWAY CUP**

WHEREAS, the Board of Trustees of the Village of Barrington Hills (“Board”) adopted Resolution 11-07 granting an amendment to a special use permit (“Permit”) to the Barrington Hills Polo Club (“Club”) for the operation of a Recreational Club-Non-Commercial on the polo field at 350 Bateman Road, Barrington Hills, Illinois, amended and previously approved by Resolutions 09-04 and 08-16; and

WHEREAS, in February 2015, the Club filed a petition to further amend the Permit, specifically as it allows the Club to host the annual Kalaway Cup, to allow for the elimination of the expiration date set forth in Resolution 11-07 and to amend the conditions set forth in the Permit as the pertains to conduct of the Kalaway Cup; and

WHEREAS, the Zoning Board of Appeals (“ZBA”) held a public hearing on the application to amend the Permit, and following said hearing voted 6-0, with one member absent, to approve and adopt Findings of Fact relative to the Application, as set forth in the Findings and Recommendations attached hereto and incorporated herein by reference as Exhibit “A,” and

WHEREAS, following adoption of the Findings and the Recommendations, the ZBA voted to approve the application for amendment to the permit, with specific conditions to attach thereto, on a vote of 3 – 2 in favor, which vote failed, pursuant to application of the Illinois Municipal Code’s vote requirements for such purposes, resulting in a recommendation of denial to the Board; and

WHEREAS, to support a zoning application which has come before the Board on a vote to deny for failure to secure the requisite number of affirmative votes before the ZBA, the vote of the Village Board required for passage is a super-majority vote of the membership.

NOW, THEREFORE, BE IT RESOLVED, by the President and the Board of Trustees of the Village of Barrington Hills, Cook, Kane, Lake and McHenry Counties, Illinois as a Home Rule municipality, that the Permit granted in Resolution 11-07 be amended, solely as set forth in paragraph 10 of Resolution 11-07, to state as follows:

Section 1: The Special Use Permit granted in Resolution 11-17 is hereby amended to state, in paragraph 10, as follows:

10. The Polo Club may hold one Public Event per year, subject to the following:
 - i. Sanitary facilities shall be located at the four corners of the Polo Field and shall be delivered no sooner than two (2) days prior to the Public Event and shall be removed not later than three (3) days following the Public Event.

- ii. Attendees must vacate the event premises no later than 7:30 p.m.
- iii. Live music must cease no later than 6:00 p.m.
- iv. No more than 2,000 adult tickets may be printed and sold for the Public Event.
- v. During the Public Event, the Polo Club shall keep records of attendance and a summary of incidents related to the activities of the Polo Club.
- vi. Sound amplification and air horns must be kept to a minimum in order to limit the negative impact on surrounding properties.
- vii. The Polo Club shall engage traffic control personnel and devices for the Public Event to ensure that no parking shall be permitted on Deepwood Road and Deepwood Court.
- viii. The Special Use Permit for the Public Event only shall expire on December 31, 2035.
- ix. The Polo Club shall provide an acceptable Insurance Certificate to the Village, from an acceptable carrier, naming the Village of Barrington Hills as an additional insured, on a non-primary and non-contributing basis.

SECTION TWO: This Ordinance shall take effect immediately upon its passage and approval as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Barrington Hills, Illinois, this 30th day of March, 2015.

APPROVED:

Village President

ATTEST:

Village Clerk

Ayes: _____

Nays: _____

Absent: _____

March 25, 2015

To: President and Board of Trustees
Village of Barrington Hills

RE: Application for Amendment to
Special Permit Granted Pursuant to
Resolution 11-17 to Allow BHPC to
conduct the Kalaway Cup at 350
Bateman Road

This is to advise you that at a public hearing of the Zoning Board of Appeals (ZBA) held at 7:30 P.M. on Wednesday, March 15, 2015, in the MacArthur Room of the Village Hall, where a quorum was present, the ZBA considered the application of the Barrington Hills Polo Club (BHPC) for the amendment to an existing special use permit granted for use of the property at 350 Bateman Road ("Property") pursuant to Resolution 11-17, to allow the BHPC to conduct the special event known as the Kalaway Cup so long as the owner of the host property permits, and to allow BHPC to use Deepwood Road and Deepwood Court to access the far west entrance of the Polo Field practice area for parking horse trailers and related polo personnel vehicles.

Notice of the hearing was published in a timely manner in the Daily Herald as well as posted in the Village Hall. Proof of individual notice, by registered mail, return receipt requested, was submitted for all property owners within 250 feet as recorded in the office of the tax assessor of Barrington Township, and the notice of the hearing was properly posted on the Property.

The BHPC was represented at the public hearing by its President, John Rosene, who provided testimony supporting the amendment to the special use permit, which information was also provided as part of the application for the amendment. The ZBA also heard testimony from the Property owner, Dr. Benjamin LeCompte, and from neighboring residents in support of the amendment.

FACTS

The Village Board of Trustees granted a Special Use Permit, pursuant to adoption of Resolution 11-07, which amended prior Resolutions regarding the same permit, to allow, among other uses set forth therein, the BHPC to host one annual public event, known as the Kalaway Cup, at the Property, subject to various terms and conditions set forth therein. The BHPC has filed an application for Amendment to the Special Use Permit to remove two of the conditions on approval of the Special Use Permit: to remove the expiration date set forth in paragraph 10 viii., to allow the operation of the special event so long as the owner of the Property permits, and to amend paragraph 1 vii. to allow BHPC to use Deepwood Road and Deepwood Court to access the far west entrance of the Polo Field practice area for parking horse trailers and related polo personnel vehicles.

The BHPC was represented by its President, John Rosene, who presented facts in support of the amendment, and the reasoning therefore. To avoid any appearance of a conflict of interest, ZBA Member Karen Rosene, who is the wife of John Rosene, provided notice in advance of the public hearing that she would recuse herself from any participation as a member of the ZBA in the hearing or consideration of the application.

Questions during the public hearing centered on the following issues: (1) the need for filing the application at this time, considering that the Special Use Permit does not expire until December 31, 2015, (2) whether the Village could restrict or allow use of Deepwood Road or Deepwood Court, which are both private roads, (3) whether the BHPC provided insurance to the Village to protect it against liability for the conduct of the Kalaway Cup on the Property, (4) whether it is proper to place any restrictions on the number of tickets which can be printed and sold for the event, and (5) whether the BHPC provided the records of attendance and summary of incidents related to the activities of the BHPC, as required by Resolution 11-07. Mr. Rosene responded in kind to all questions raised.

Dr. Benjamin LeCompte, spoke on behalf of the Property owner, and several residents spoke in favor of the application. There was no resident who spoke in opposition.

FINDINGS

The ZBA, after having examined the facts as presented, and taking in consideration the testimony set forth during the public hearing, voted 5 – 0, with one member having recused herself from voting, and one member absent, to find that the facts set forth in the application for the amendment are sufficient for the amendment to the Special Use, those facts being:

Standards for Special Use Permit:

1) That the establishment, maintenance, or operation of the special use will not detrimental to endanger the public health, safety, morals, comfort or general welfare.

Public events have taken place on the polo field at 350 Bateman Road since 1996. The Kalaway Cup has taken place once a year since 2005. Until 2008, the entire length of Deepwood Court) and then on Deepwood Road (from Bateman Road to where Deepwood Road connects with Deepwood Court) and then on Deepwood Court to the westernmost easement into the polo field was used for polo traffic on a weekly basis during the polo season without problems or comments. Petitioner is seeking use of these roads for only one day a year. The adjacent neighbors are the Meisters, Drury's, McLaughlins, Yetarians and Robinsons, all of whom are equestrians and use these roads for equestrian purposes.

2) That the special use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish property or impair property values within the neighborhood.

Equestrian uses are permitted uses on every adjoining property of the polo field. Public events have taken place on the polo field almost every year since 1996. The BHPC has hosted Kalaway Cup for 10 years without complaints.

3) That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

Development in the vicinity of the polo field is limited to minimum 5-acre zoning. 100 percent of the properties immediately adjacent to the polo field are 5-acre properties or larger (Google Earth photo provided), all of which have facilities for equestrian purposes. The polo field is used solely for equestrian purposes. The public event is, in fact, a celebration of the equestrian lifestyle and character of Barrington Hills. Accordingly, the special use would have no effect on the normal and orderly development and improvement of surrounding properties for uses permitted in the district.

4) That adequate utilities, access roads, drainage and/or other facilities have been or are being provided.

Adequate utilities, access roads, drainage and other necessary facilities are either already in place or provided. BHPC polo activities at the 350 Bateman Road polo field are temporary in nature, from June 1 thru September 15 each year. The public event is also temporary, being one day only. Other than a scoreboard and an announcer stand, both erected by BHPC's predecessor club who operated the field between 1999 and 2003, there are no permanent fixtures added to the field. No permanent electrical service or drainage is required. Access roads are in place. Sufficient portable toilets are provided for the public event and removed as soon as possible following the event. Traffic is controlled with the help of off-duty police hired for the event. Clean-up crews police the area the evening of the event and the following day. The use of the roads requested by petitioner would have no effect on utilities, access roads, drainage and/or other facilities.

5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets and roads.

Two easements on Deepwood Road and Deepwood Court allow the owners of 350 Bateman Road and their tenants and guests to access the polo field. The BHPC has consistently taken measures to minimize traffic congestion in the public streets and roads. Police records and lack of complaints demonstrate that impact on local residents is minimal. However, BHPC continues to be willing to engage off-duty police officers to address traffic concerns.

6) That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the board of trustees pursuant to the recommendations of the zoning board of appeals.

The BHPC already has a special use permit to use the polo field. As part of that special use, the BHPC has been allowed to hold a public event on the field each year. Said use(s) are clearly contemplated as permitted by Village Zoning Ordinance. The BHPC intends to comply with all village regulations.

RECOMMENDATIONS

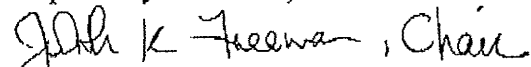
After careful consideration of the aforementioned findings, the application for amendment to paragraph 10 of Resolution 11-07, amending the special use permit for purposes of the conduct of the Kalaway Cup, was moved, and seconded, for approval, subject to the following conditions:

10. The Polo Club may hold one Public Event per year, subject to the following:
 - i. Sanitary facilities shall be located at the four corners of the Polo Field and shall be delivered no sooner than two (2) days prior to the Public Event and shall be removed not later than three (3) days following the Public Event.
 - ii. Attendees must vacate the event premises no later than 7:30 p.m.
 - iii. Live music must cease no later than 6:00 p.m.
 - iv. No more than 2,000 adult tickets may be printed and sold for the Public Event.
 - v. During the Public Event, the Polo Club shall keep records of attendance and a summary of incidents related to the activities of the Polo Club.
 - vi. Sound amplification and air horns must be kept to a minimum in order to limit the negative impact on surrounding properties.

- vii. The Polo Club shall engage traffic control personnel and devices for the Public Event to ensure that no parking shall be permitted on Deepwood Road and Deepwood Court.
- viii. The Special Use Permit for the Public Event only shall expire on December 31, 2035.
- ix. The Polo Club shall provide an acceptable Insurance Certificate to the Village, from an acceptable carrier, naming the Village of Barrington Hills as an additional insured, on a non-primary and non-contributing basis.

When the motion to approve was called for a vote, the vote was 3 – 2; thus failing to secure the necessary four votes for approval. As such, this matter comes before the Village Board on a denial of the application for amendment of the special use permit.

Respectfully submitted,

 John K. Freeman, Chair

Zoning Board of Appeals
Village of Barrington Hills