

**AN ORDINANCE GRANTING AN AMENDMENT TO A SPECIAL USE PERMIT  
ALLOWING A POLO FIELD AND IN-DOOR RIDING ARENA  
AT 170 OLD SUTTON ROAD**

WHEREAS, Section 5-10-7 of the Zoning Code of the Village of Barrington Hills ("Village") authorizes the Village Zoning Board of Appeals ("ZBA") to recommend, and the Board of Trustees to approve, special uses within the zoning districts of the Village; and

WHEREAS, on October 28, 2013, the Village Board adopted Resolution No. 13-18 captioned "Resolution Granting a Special Use Permit 170 Old Sutton Road" granting a special use permit to allow construction of polo field and accessory building riding arena on the property commonly known as 170 Old Sutton Road in Barrington Hills and legally described in Exhibit A attached hereto and made a part hereof ("Property"); and

WHEREAS, Passion for Polo, LLC by its managing member, Jan-Dirk Lueders, ("Applicant"), is the owner of the Property and has applied for an Amendment to the Special Use Permit to allow the reconfiguration of the polo field and accessory riding arena and the removal of a planned 2-story barn to avoid deforestation of a significant number of trees and habitat area located on the east side of the Property, and to avoid substantial changes to the topography of the site; and

WHEREAS, Section 5-5-3(A) of the Village Zoning Code classifies polo fields and accessory buildings and structures located on the grounds of polo fields as a special use within the residential zoning district; and

WHEREAS, on November 17, 2014, the ZBA held a public hearing on the application for amendment, prior to which time all notice of the public hearing was published in a timely manner in the Daily Herald as well as posted in the Village Hall, and individual notice was provided to all property owners within two hundred fifty feet (250) of the Property, as recorded in the office of the Barrington Township Tax Assessor and notice was properly posted on the Property; and

WHEREAS, Section 5-10-7(E) of the Village Zoning Code establishes standards which must be met before the ZBA may recommend approval of a special use; and

WHEREAS, at the close of the public hearing, the ZBA made all necessary findings of fact as to compliance with the standards set forth in Section 5-10-7(E) of the Village Zoning Code, and recommended, on a vote of 5-2, that the special use be granted, to run with the land, as is set forth in the Findings of Fact and Recommendations in Exhibit B attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of Barrington Hills, Cook, Kane, Lake and McHenry Counties, Illinois, as a home rule municipality the following;

**Section One:** The amendment to the special use permit granted by Resolution No. 13-18 is hereby granted as set forth in the Application for Amendment filed by Applicant, and as contained in the Village's records as to this permit, in keeping with the standards set forth in Section 5-10-7(E). Except as altered by the amendment, all plans previously submitted in support of the permit granted in Resolution No. 13-18 shall remain in full force and effect.

**Section Two:** The special use permit, as amended hereby, is to run with the land.

**Section Three:** If any part or provision of this Ordinance shall be held or deemed invalid, such invalidity shall not have the effect of rendering another part or provision of this Ordinance invalid.

**Section Four:** This Ordinance shall be in full force and affect from and after its passage and approval as provided by law.

APPROVED THIS 18th DAY OF DECEMBER, 2014.

AYES \_\_\_\_\_; NAYS \_\_\_\_\_; ABSENT \_\_\_\_\_.

\_\_\_\_\_  
Village President

ATTEST:

\_\_\_\_\_  
Village Clerk

December 10, 2014

To: President and Board of Trustees  
Village of Barrington Hills

RE: Application for Amendment to  
Special Permit Granted Pursuant to  
Resolution 13-18 for a Polo Field  
and Indoor Riding Arena at 170 Old  
Sutton Road

This is to advise you that the Zoning Board of Appeals (ZBA) held a public hearing at 7:30 P.M. on Monday, November 17, 2014, in the MacArthur Room of the Village Hall, where a quorum was present, to hear public comment on an application (“Application”) by Passion for Polo LLC, made by its managing member Jan-Dirk Lueders, for the amendment to an existing special use permit to allow reconfiguration of the layout of the polo field and accessory indoor riding arena permitted at 170 Old Sutton Road, pursuant to Resolution 13-18, duly adopted by the Village Board of Trustees.

Notice of the required public 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.

The ZBA heard testimony, statements and reviewed exhibits from the Applicant’s attorney, architect, and managing member and from interested residents. The public hearing was following by a meeting of the ZBA, during which meeting the ZBA discussed the facts set forth in the Application, and the testimony taken at the public hearing.

### **FACTS**

The Village Board of Trustees granted a special use permit to construct a private polo field and accessory indoor riding facility on an approximately 41.8 acre parcel bearing the common address 170 Old Sutton Road (“Property”), pursuant to adoption of Resolution 13-18. The owner of the Property, Passion for Polo, LLC, by its managing member, Jan-Dirk Lueders, filed the Application, requesting the amendment to the special use permit to allow the reconfiguration of the layout of the polo field and arena and the removal of a two-story barn from previously approved plans to accommodate avoidance of the deforestation of a significant number of trees and habitat area located on the east side of the Property, and to avoid substantial changes to topography of the site.

During the public hearing, the Applicant’s attorney set forth the facts in support of the special use permit, and amendment thereto, which facts were also submitted in writing, as required by Section 5-10-7(E) of the village code. The Applicant’s architect, Melody

Soos, presented the revised plans for the Property as set forth in the Applicant's application.

Several residents spoke in favor of the application. There was no resident who spoke in opposition.

During the public hearing, and in the public meeting which followed, discussion ensued regarding the Application, and the hearing conducted in July 2014 on a prior request for amendment to the special use permit (withdrawn by the Applicant prior to action being taken by the Village Board of Trustees). Considerable discussion ensued relative to including the conditions on the grant of the amendment, which the ZBA in July 2014 recommended be applicable to approval of the amendment. Discussion also ensued as to whether the grant of the special use permit should run with the land, or with the current owner, which is a Limited Liability Company. Discussion also centered on the protections the Village could afford itself and local residents to ensure that the construction to be undertaken would not negatively impact on the Village or the surrounding residents.

### **FINDINGS**

The ZBA, after having examined the facts as presented, and discussion of the effects of whether the special use permit should run with the land, or the current owner, found on a unanimous vote of 7-0 that the facts set forth in the Application, and as amplified during the presentation made during the public hearing meet the requirements for a special use permit, and amendment. The facts as set forth in the Application are attached hereto as Exhibit 1.

### **RECOMMENDATION**

After consideration of the aforementioned Findings, the Application for amendment of the special use permit was approved on a vote of 5-2 as presented. Accordingly, the ZBA recommends that the Village Board approve the Amendment to the Special Use Permit, previously granted in Resolution 13-18.

Respectfully submitted,

Zoning Board of Appeals  
Village of Barrington Hills