

**ORDINANCE NUMBER 2002- 16**

**GRANTING SPECIAL USE  
3478 ROUTE 52  
SHARON VUINOVICH**

WHEREAS, Sharon Vuinovich, owner and intended developer, filed a petition to amend a Special Use within the A-1 District, for property located on the south side of US Route 52 in Section 16 of Seward Township; and

WHEREAS, said petition is for a horse training facility with two residential trailers to be replaced within five (5) years with permanent housing for agricultural labor, as provided in Section 7.01.D.2 of the Kendall County Zoning Ordinance at the time of application; the continuation of an existing apartment for a groomsman/trainer as provided in Section 7.01. D.18 of the Kendall County Zoning Ordinance and as previously approved by Ordinance #00-21; an the addition of a run-in shed; and

WHEREAS, said property is zoned A-1 Agricultural District with a special use for an existing residential unit (apartment) for a stable employee in accordance with the terms and conditions as specified Ordinance #00-21 granting the special use; and

WHEREAS, said property is part of a parcel identified with the tax identification number 09-16-300-006 and is legally described as:

The Northwest Quarter of the Southeast Quarter of Section 16, Township 35 North, Range 8 East of the Third Principal Meridian, except the easterly 882.24 feet of the northerly 987.51 feet as measured along the North and East line thereof, in Seward Township, Kendall County, Illinois; and

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, findings of fact, and recommendation by the Zoning Board of Appeals; and

WHEREAS, the Kendall County Board finds that said petition, along with the conditions specified in this ordinance, is in conformance with the provisions and intent of the Kendall County Zoning Ordinance.

THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit on for property legally described as:

The Northwest Quarter of the Southeast Quarter of Section 16, Township 35 North, Range 8 East of the Third Principal Meridian, except the easterly 882.24 feet of the northerly 987.51 feet as measured along the North and East line thereof, in Seward Township, Kendall County, Illinois; and

Said special use is hereby amended to allow for one (1) horse training facility with groomsmen

quarters and two (2) residential trailers to be replaced within five (5) years with permanent housing for agricultural labor in conformance with the Kendall County Zoning Ordinance and Building Codes, subject to the following conditions:

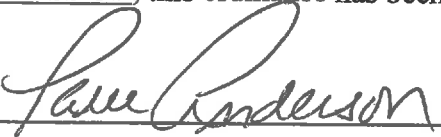
1. No more than two (2) separate buildings for the purpose of providing housing to the owner, groomsmen/trainers, or any employees shall be constructed or located on the property at any time. These buildings include the existing apartment above the training facility and a future multi-use building. The latter will be subject to the following:
  - a. A multi-use building may be permitted as shown on Exhibit "A".
  - b. Commercial code requirements and Illinois accessibility codes will apply and inspections shall be required for this structure.
  - c. The building shall be substantially similar to the floor plan proposed in the attached Exhibit "B".
  - d. In no event shall the number of bedrooms for this facility be more than seven (7);
2. The use of the existing dwelling unit (apartment) above the training facility shall comply with condition (a) of Ordinance #00-21 which limits the occupancy of this unit to either two (2) un-related stable employees without families or one (1) employee and immediate family;
3. No more than two (2) mobile homes shall be permitted on the property. Said mobile homes shall serve as housing for agricultural laborers until such time that the multi-use building is constructed. *In no case shall any mobile home be located on the property beyond December 31, 2006;*
4. A small shed with run-in capacity shall be permitted as shown on the site plan attached as Exhibit "A";
5. The facility shall be limited to employing no more than eighteen (18) persons at one time;
6. Permits must be obtained for all structures located on the property;
7. Occupancy of the existing apartment unit and residential component of the future multi-use building shall be restricted only to the operator of the business and any individuals actively engaged in operation of the facility. The rental of individual rooms or buildings for the lodging of any person not employed or actively engaged in the day to day operation of this horse training facility shall be prohibited;
8. The combined occupancy of the existing apartment and multi use building shall be restricted to a maximum of eleven (11) occupants, consisting of eight (8) permanent employees and three (3) temporary employees including but not limited to ferriers, veterinarians and other support personnel;
9. The owner shall be required to submit documentation to the Zoning Administrator on an annual basis that all individuals residing on the property are members of the

owner/operator's immediate family or are employed or actively engaged in the day to day operation of this horse training facility;

10. The special use granted to this property shall terminate upon the sale of the property, or any subsequent change in ownership to individuals other than those persons currently listed as owners in interest of Ingenuity LLC or Northern Tradition Farms at which time the use of all buildings shall be devoted only to those uses expressly listed as "permitted" uses in the Agricultural District unless and until any new owner(s) apply for and are granted the necessary special use approvals;
11. No retail sales of non-agricultural products shall be permitted on the site; and
12. Expansion of permitted agricultural activities shall not result in an amendment to the special use.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on August 20, 2002.

  
\_\_\_\_\_

Attest:

Paul Anderson  
Kendall County Clerk

  
\_\_\_\_\_

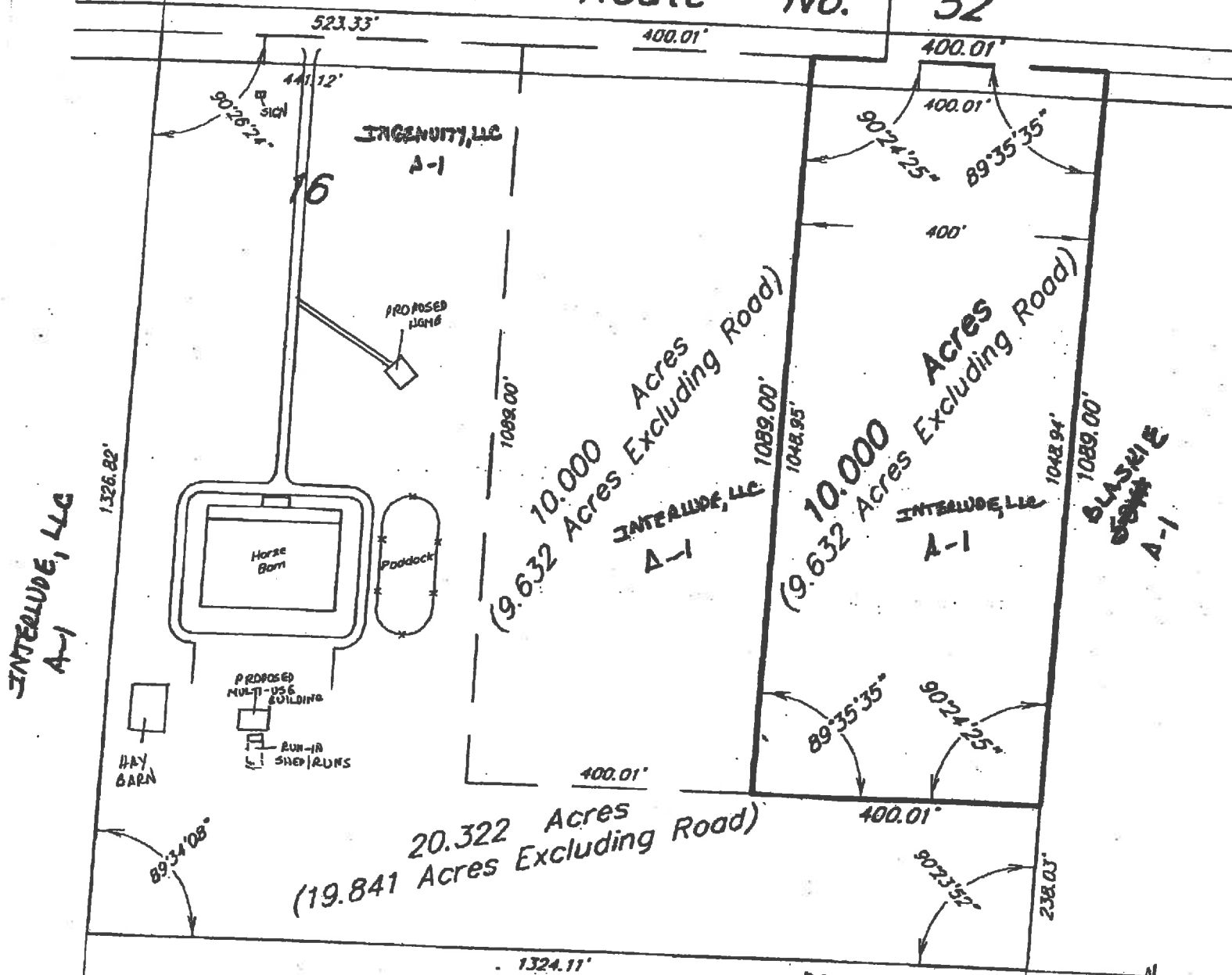
John A. Church  
Kendall County Board Chairman

EXHIBIT A  
 NORTHERN TRADITION FARM  
 INGENUITY, LLC

Sketch of  
 Part of the Southeast Quarter of Section 16-35-8  
 Seward Township Kendall County Illinois



U.S. Route No. 52

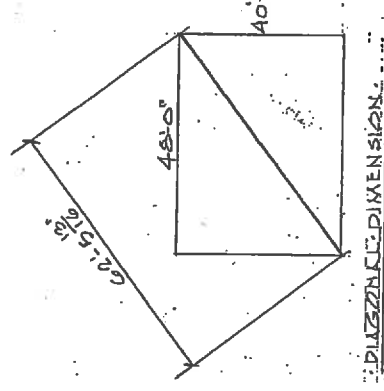
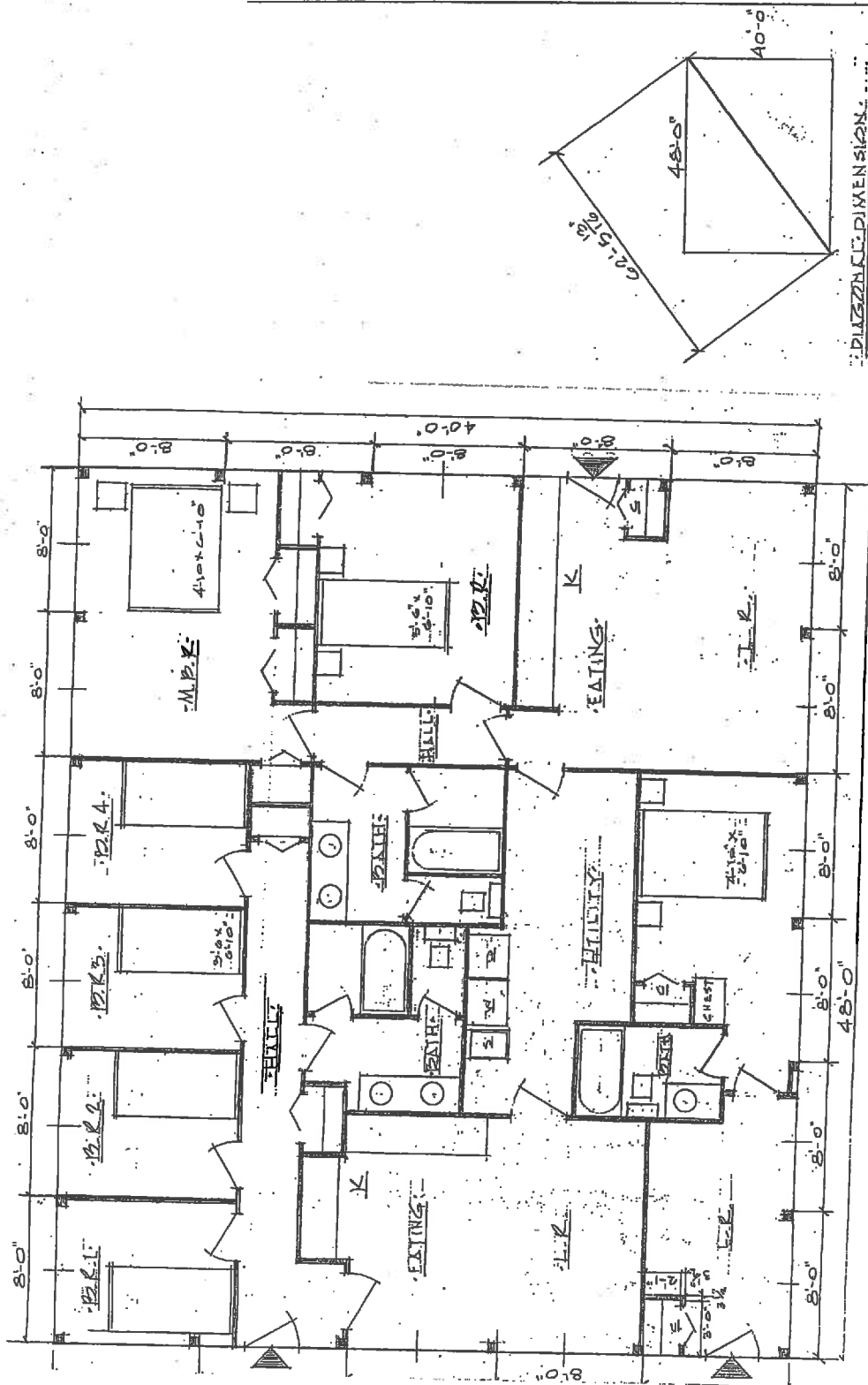


**Legal Description:**  
 The East 400.0 feet, as measured perpendicular to the East line, of the North 1089.0 feet, as measured along the East line, of the Northwest Quarter of the Southeast Quarter of Section 16, Township 35 North, Range B East of the Third Principal Meridian, Seward Township, Kendall County, Illinois and containing 10.000 acres.

SCALE 1" = 200'

DATE: JANUARY 30, 2002

SHARON VUINOVICH - INGENUITY, LLC, OWNER



FLOOR PLAN  
74-3-2

PRELIMINARY, NOT FINAL,  
SUBJECT TO CHANGE

NORTHERN TRADITION TRAINING STABLE  
MULTI-PURPOSE BUILDING

Exhibit "B"

ORDINANCE NUMBER 2000- 21

GRANTING SPECIAL USE  
SHARON VUINOVICH  
Residential Unit for Stable Employee

WHEREAS, Sharon Vuinovich, owner and intended developer, filed a petition for a Special Use within the A-1 District, for property located on the south side of US Route 52 in Section 16 of Seward Township; and

WHEREAS, said petition is for a residential unit for a stable employee, as provided in Section 7.00 B. 24. of the Kendall County Zoning Ordinance at the time of application; and

WHEREAS, said property is zoned A-1 Agricultural District; and

WHEREAS, said property is part of a parcel identified with the tax identification number 09-16-300-006 and is legally described as:

The Northwest Quarter of the Southeast Quarter of Section 16, Township 35 North, Range 8 East of the Third Principal Meridian, except the easterly 882.24 feet of the northerly 987.51 feet as measured along the North and East line thereof, in Seward Township, Kendall County, Illinois; and

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, findings of fact, and recommendation by the Zoning Board of Appeals; and

WHEREAS, the Kendall County Board finds that said petition, along with the conditions specified in this ordinance, is in conformance with the provisions and intent of the Kendall County Zoning Ordinance.

THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit on for property legally described as:

The Northwest Quarter of the Southeast Quarter of Section 16, Township 35 North, Range 8 East of the Third Principal Meridian, except the easterly 882.24 feet of the northerly 987.51 feet as measured along the North and East line thereof, in Seward Township, Kendall County, Illinois; and

Said special use shall be for one (1) residential unit for stable employee(s) in conformance with the Kendall County Zoning Ordinance, Building Codes, subject to the following conditions:

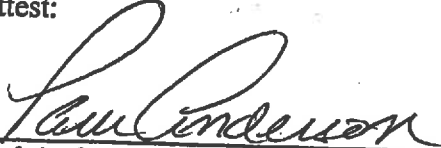
- a. Said dwelling unit shall be utilized for two (2) un-related stable employees without families or one (1) employee and immediate family;
- b. Said development shall be as presented in Sheets 1, 2 & 3 of the site plan and details by Gambrel Construction Management, Inc., dated November 10, 1999 as attached Exhibit "A";

- c. The living facilities shall be subject to building code inspections;
- d. The petitioner shall provide a right-of-way dedication of fifty (50) feet for US Route 52 along the length of Parcels A, B & C as indicated on Zoning Sketch as indicated in attached Exhibit "B";
- e. The petition shall provide an easement dedication of ten (10) feet immediately south of the above right-of-way dedication. Said easement shall be for the purposes of a multi-use recreational trail;
- f. No retail sales of non-agricultural products shall be permitted on the site; and
- g. Expansion of permitted agricultural activities shall not result in an amendment to the special use.

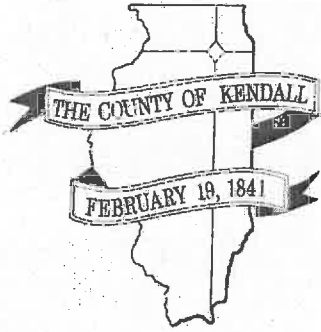
Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on June 20, 2000.

Attest:

  
\_\_\_\_\_  
Paul Anderson  
Kendall County Clerk

  
\_\_\_\_\_  
John A. Church  
Kendall County Board Chairman




---



---

**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

---



---

**0205 – 3478 ROUTE 52**

**INGENUITY, LLC**

Hearing # TBD

**SITE INFORMATION**

PETITIONER Ingenuity, LLC

ADDRESS 3478 Route 52

LOCATION South side of US Route 52; west of Aux Sable Creek

TOWNSHIP Seward Township

PARCEL # 09-16-300-007

SIZE 19.916 acres

EXITING LAND USE Horse training facility & grooms quarters

ZONING A-1 Special Use for residential unit for a stable employee

LRMP Agriculture

REQUESTED ACTION Amend special use (Petition 00-18) to include a horse training facility with two residential trailers to be replaced within five (5) years and replaced with permanent housing. Also to permit construction of a run-in shed.

APPLICABLE REGULATIONS 7.01.D.18 - Living quarters for a groomsman  
13.07 - Special Uses

**SURROUNDING LAND USE**

Location	Adjacent Land Use	Adjacent Zoning	LRMP	Zoning within ½ Mile
North	Agriculture	A-1	Public Open Space	A-1
South	Agriculture	A-1	Private Open Space & Agriculture	A-1
East	Agriculture	A-1	Private Open Space & Agriculture	A-1
West	Agriculture	A-1	Private Open Space & Agriculture	A-1



**PHYSICAL DATA**

**ENDANGERED SPECIES REPORT** A completed report in the previous petition file (00-18), the petitioner has checked with IDNR who stated that report is current.

**NATURAL RESOURCES INVENTORY** A report was filed with the previous petition and a new NRI does not need to be performed. (Petition 00-18 had a LE of 81.)

LESA Land Evaluation: 81  
Site Assessment: 122  
TOTAL: 203

LEVEL OF PROTECTION: MEDIUM

**ACTION SUMMARY**

**TOWNSHIP 04/09/02** The Township Planning Commission recommended approval of this petition subject to several conditions on 03/20/02. The Township Board subsequently recommended approval, subject to the same conditions, on 04/09/02. The conditions are as follows:

1. Two residential mobile home trailers for no more than five years to be replaced by permanent housing as set forth in the petition.
2. The construction of a single family residence.
3. The construction of a run-in shed.

**MUNICIPAL NA**

**ZPAC 03/05/02** The petitioner's representative, Tom Zanck, stated that the special use pertains to a 20-acre area owned by Ingenuity LLC. Other adjacent properties are owned by a separate limited liability company and are not included with this petition. Sharon Vuinovich, the managing member of Ingenuity LLC, discussed the nature of the business and their plans for the facility. The petitioner has indicated that the current special use requests will serve their needs presently and in the future.

Staff expressed some concerns regarding traffic and the intensity of use on the property. Ms. Vuinovich explained that the barn is closed all day on Mondays and also Thursday afternoons. She stated that days with the most activity are Saturdays & Sundays. She estimates that the visitors range between 5-20 cars a day. Often times, during the week, there are fewer visitors. They do not anticipate holding special events, other than barn parties for staff. There are currently eight full-time employees. The facility has added one employee since they moved to this property from Oswego.

Staff also expressed concern over the expansion possibilities of the facility, especially the number of employees and the scale of the operation. Ms. Vuinovich stated their anticipated expansion includes possibly hiring one more full-time person and possibly building another small barn for lessons. However, the small barn is not currently requested as a part of this special use and an amendment to Special Use would later be required.

Nancy Martin was concerned about the number of people living on the property in the two trailers and the future possibility of bunk houses being built. The petitioner stated they would like to replace the two trailers within five years with permanent housing.

Steve Curatti asked about the septic facilities on the property. A memo from Steve dated 3/15/02 states the current facilities are adequate, however, any additions or alterations of structures would require a review from the Health Department.

There was no more discussion. The petition was forwarded to the KCRPC.

KCRPC 04/24/02 Staff summarized the requested action, the facts, and the history of the case. The current facility employs eight (8) full-time staff with seven (7) currently living on the property. The petitioner intends to add one (1) additional full-time staff who may live on site. The petitioner, however, does not want to be limited to the number of staff that could be hired. Staff indicated that as the number of staff increases, the traffic to and from the site will increase as well. Staff questioned if the proposed density promoted the agricultural intent of the Land Resource Management Plan. Concerns were also expressed with the number of dwelling units proposed versus that which is permitted under the Zoning Ordinance.

Tom Zanck, representing the petitioner explained the nature of the current living arrangement along with the duties of the employees on site. He further stated that they disagree with the suggestions that they apply under the groomsmen condition, because they feel that the ordinance provides for agricultural housing. He also stated that the petition was unanimously approved by the head of the Seward Township and Seward Township Board of Trustees.

Sharon Vuinovich, the managing member of Ingenuity LLC, discussed the activities of the barn, and indicated that the proposed mobile homes would be out by 2006. She also explained why the employees must live on-site.

Annette Hattner expressed her concern with the long-term consequences of approving a multi-use facility in the agricultural area and setting a precedence for non-agricultural uses in agricultural districts. Randy Mohr agreed.

A motion was made by Don Martin, seconded by Bill Ashton to recommend approval subject to the following conditions:

1. No more than two (2) separate buildings for the purpose of providing housing to the owner, grooms/trainers, or any employees shall be constructed or located on the property at any time. These buildings include the existing apartment and either a multi-use building or a single-family home. The latter would be subject to the following:
  - a. A multi-use building may be permitted as shown on Exhibit "A". Commercial code requirements and Illinois accessibility codes will apply and inspections shall be required for this structure. The building shall be substantially similar to the floor plan proposed in the attached Exhibit "B". In no event shall the number of bedrooms for this facility be more than seven (7).
  - b. A single-family home may be constructed on the zoning lot, provided it complies with all zoning ordinance requirements, as per Exhibit "A". In no case shall the residence have more than four (4) bedrooms. This residence shall be subject to all required inspections.
2. Two (2) mobile homes shall be permitted on the property until such time that a multi-use building is constructed or a single-family residence is constructed. In no case shall any mobile home be located on the property beyond December 31, 2006.
3. A small shed with run-in capacity shall be permitted as shown on the site

plan attached as Exhibit "A".

4. Permits must be obtained for all structures located on the property.

The motion carried on with a vote of four (4) ayes and three (3) nays.

ZBA 7/23/02 Staff initiated the discussion with review of the existing special use on the subject site (Ordinance 00-21). Staff reviewed the site plan to explain the location and intended use of the proposed multi-use facility and run-in shed. Staff has also provided an overview of the conditions recommended by KCRPC regarding the proposed special use amendment.

Attorney Tom Zanck, representing the petitioner, stated the conditions presented by staff were appropriate for the project. He also passed around comments from Seward Township indicating their approval of the proposed special use.

Sharon Vuinovich, the managing member of Ingenuity LLC, described the multi-use building as having six (6) bedrooms. She stated that the building was designed with quality and intended to house stable employees on the subject property. She also mentioned that the run-in shed is 12' X 24' in dimension.

Wade Joyner stressed that the existing special use (Ordinance 00-21) described all residents as employees of the subject property.

The ZBA committee recommended retaining and modifying the current conditions imposed under Ordinance 00-21 and the additional conditions recommended by KCRPC regarding the new special use petition. Their comments included:

- To omit "immediate families" & "single family residence" from the special use conditions
- To modify the description of the occupants allowed in the existing apartment unit and proposed residential component of the multi-use building as being restricted only to "the operator of the business and individuals actively engaged in operation of the facility".
- To limit the number of occupants allowed in the proposed multi-use building to eleven (11) occupants, consisting of eight (8) employed occupants directly engaged in the operation of the facility and three (3) additional "support" employees.

The motion was declared carried with a vote of five (5) ayes and one (1) nay (Mr. Scholtes).

Petition forwarded to PBZ.

PBZ 08/13/02 PBZ committee has reviewed staff comments and following the discussion it was noted that condition #1d should be modified to indicate a maximum limit to seven (7) bedrooms for the facility. Also to correct the spelling error of "furriers" to ferriers in condition #8.

With no other comments regarding the petition, PBZ declared a motion and it carried with a vote of four (4) ayes and one (1) nay (Mr. William Wykes).

#### REQUESTED ACTION

GENERAL The petitioner owns the real estate on which Northern Tradition Farms currently

operates a riding stable on (riding stables are permitted as a conditional use per section 7.01.E.1.a of the Zoning Ordinance). The narrative submitted by the petitioner states that eight full-time employees currently work on the property.

The petitioner obtained a special use on June 20, 2000 for living quarters for a stable employee (Ordinance 2000-21, Petition 00-18). The following highlights discussions regarding petition 00-18:

- ❖ ZPAC (04/04/00): The living quarters would be for either a full-time employee and family or a pair of single, full-time employees.
- ❖ KCRPC (04/26/00): It was noted that one trainer would live in the apartment (being requested with the special use) and one would live in the mobile home. The camper would be used for visitors. It was also stated that a house might be built in the future. The idea was that two (2) trainers would live in the apartment and the assistant trainer would live in the mobile home.
- ❖ ZBA (05/25/00): The petitioner stated they have plans of establishing the premiere American Saddle-bred facility in the Chicagoland area. This facility would be mainly for housing personal horses, show horses and training for youngsters in the area.
- ❖ PBZ (06/12/00): The Committee voted to approve the special use with several conditions which included prohibiting retail sales and that the groom's quarters pass all Kendall County Ordinance inspections.

Since the special use was granted several permits have been issued, including:

- (a) Horse Barn (08-00-008);
- (b) Hay Storage Building (08-00-384);
- (c) Location for Mobile Home (10-00-386);
- (d) Apartment over horse barn (05-00-447) - including inspections; and
- (e) Sign (09-02-051)

The petitioner currently has two (2) mobile homes on the property, as well as a camper. On June 1, 2000 the petitioner requested a permit for a mobile home, and it was granted (MH00-04 and permit 08-00-384). On January 2, 2001 the petitioner applied for renewal of the mobile home (per the Zoning Ordinance), requesting renewal for two (2) mobile homes. The Planning, Building & Zoning Committee voted to approve the renewal of one (1) mobile home, subject to removal or otherwise satisfactory resolution of the second mobile home on the premises. The petitioner was informed, in writing, of this decision on January 9, 2001. The mobile home was not removed, nor was a petition requesting zoning relief submitted. Therefore, after confirming that two mobile homes remained on the property, a violation was issued (V01-048) and the State's Attorney sent a letter regarding the violation on April 18, 2001. On December 11, 2001 the petitioner applied for renewal of the mobile homes, again requesting approval of two (2) mobile homes. On February 11, 2002, the PBZ Committee granted approval of one (1) mobile home (MH00-04) and denial of the second. Enforcement action will be stayed pending the result of this special use amendment petition, which was filed February 5, 2002.

Petition 02-05 requests a special use permit to allow two (2) mobile homes on the property. These would be replaced within five (5) years with permanent housing. The petitioner has indicated this housing would be in the form of a six-bedroom multi-use building. The attached floor plan shows that the petitioner is requesting permission to construct a run-in shed on the property. The petition also requests a single-family residential unit. The property appears to be able to meet the requirements of the A-1 zoning district in order to build a house as the overall

zoning lot contains 40 acres. Although a single-family residence does not require a special use in the A-1 District, its proposed location has been depicted on the site plan attached to the special use permit.

It should be noted that the application and attached legal description submitted for this petition includes 20 acres, which is only a portion of the overall 40-acre property owned by Ingenuity LLC. The petitioner has confirmed that they wish to obtain a special use for only the 20-acre site currently occupied by the stable. It was further represented that Ingenuity LLC will likely transfer ownership of the property to Northern Tradition Farms at some yet to be determined date. Once that transaction occurs, each party will own 20 acres of the original 40 acre tract, at which point neither parcel would have adequate acreage to allow a single family residence.

#### FACTORS IMPACT on PUBLIC WELFARE

The property is currently being used as a horse training facility. It is not anticipated that the two (2) requested mobile homes and subsequent multi-use building would endanger the public health, safety, morals, comfort or general public welfare.

#### IMPACT on ADJACENT PROPERTY

The nearest residential dwelling appears to be northeast of the property. All adjacent properties are currently being used for agricultural purposes.

The current facility employs eight (8) full-time staff, with seven (7) currently living on the property. The petitioner has indicated they only anticipate adding one (1) additional full-time staff member who may or may not live on-site. However, they have expressed a desire not to be limited to the number of employees that could be hired, as they would like to consider the possibility of hiring part-time staff. Should the number of staff increase, whether they are full-time, part-time, on-site residents, or off-site residents, the traffic to and from the site will increase. This may have an impact on adjacent properties.

#### IMPACT on DEVELOPMENT

There are a number of residential dwellings approximately ½-mile east of the property. This facility appears to be fairly isolated at this time. The Land Resource Management Plan calls for residential development to occur approximately one mile east, but not in the immediate vicinity of this property. Residential development would not be supported, at this time, near the property in question.

The petitioner's desire to eventually have a total of three (3) housing units (the apartment above the barn, a multi-use building, and a house) could be considered as encouraging residential development in the area. The A-1 zoning district does however, allow for the development of various residential uses provided certain conditions can be met. Deviating from these standards would likely encourage development of surrounding properties since landowners often desire to obtain the highest and best use for their property.

#### PROVIDING ADEQUATE FACILITIES

It appears that appropriate facilities were provided for the structures on the property. The Environmental Health Department has indicated that the septic facilities are adequate for the current operation.

If the amended special use were granted, staff would expect all construction to be in conformance with County requirements for a permit.

#### IMPACT on TRAFFIC

The 1998 traffic counts do not include the current special use. Staff expressed some concerns regarding traffic generated by this use at the ZPAC meeting. Ms. Vuinovich explained that the barn is closed all day on Mondays and also Thursday afternoons. She stated that days with the most activity are Saturdays & Sundays. However, she estimates that the visitors range between 5-20 cars a day, even on the weekends. Often times during the week there are fewer visitors. They do not anticipate holding special events, other than barn parties for staff.

There are currently eight (8) full-time employees, with seven (7) currently living on the property. According to a Trip Generation manual published by the Institute of Transportation Engineers, the average trip generation per person for a single-family detached house on a weekday is 2.55 trips per person. On a weekend the average is 2.54 trips per person. It is estimated then, that the number of trips generated is 17.85 on the weekdays and 17.78 on weekends. This does not include the 5-20 cars per day to the site nor does it include the trips generated by part-time or full-time staff living elsewhere and coming to the property. The 1998 average daily traffic counts along Route 52 between Grove Road and Will County is between 2,700-4,000 vehicles per day. The trips generated by current employees should not cause a sharp increase in the number of vehicles traveling in the area, however adding employees (full-time, part-time, living on-site, or living off-site) will increase the number of trips to and from the site, not only by employees but also those coming to the facility to train.

Training sessions (or lessons) usually consist of 2-3 people (with their horses) for half-hour intervals. The petitioner has indicated that during busier days, such as Saturdays and Sundays, the lessons run frequently and are usually scheduled one right after the other. However during weekdays, there are fewer people training. The petitioner has indicated during weekdays no more than eight (8) cars have been observed in the parking lot at one time. It is not uncommon for people to stay on the site longer than just for a riding lesson.

#### CONFORMANCE to OTHER REGULATIONS

The Land Resource Management Plan calls for the area to remain agricultural in nature. Staff questions whether the proposed density on the site promotes the spirit and intent of the LRMP and the Zoning Ordinance.

Section 7.01.D.18 states that living quarters are permitted as a special use. However it also places some limitations on living quarters, stating "a residential dwelling unit not to exceed two thousand (2,000) square feet, for a groomsman or an employee-watchman and immediate family in conjunction with a permitted use or an approved conditional or special use. The living quarters shall be limited to one (1) home, apartment, or dwelling unit per zoning lot or zoning parcel." This provision expressly addresses situations with groomsman. The existing unit above the stable meets this requirement.

Section 7.01.D.2 provides for agricultural labor housing, subject to several restrictions. These include: "(a) Shall be used in connection with a use permitted in this district; (b) Shall provide for adequately screened off-road parking for the occupants; (c) Shall

meet all requirements of the Kendall County Health Department.” The definition of agriculture includes horse stables. Commercially approved, horse stables are permitted as a conditional use provided the lot is not located nearer than five hundred (500) feet from an existing dwelling or a Residence District. The site meets this requirement. The petitioner has indicated that there is adequate parking for visitors and employees and the multi use building will be located where it will be screened behind the main building. The facility is currently in compliance with all Kendall County Health standards and requirements. As such the proposed multi use building would qualify under the provisions of 7.01.D.2. as additional agricultural housing.

**CONCLUSION** Below is a brief summary of the existing and proposed structures on the property:

Existing:

- ❖ Horse barn
- ❖ Living quarters for groomers/trainers on the second floor of the horse barn
- ❖ Hay barn
- ❖ Two mobile homes (one permitted under MH00-04).

Proposed:

- ❖ Retain the two existing mobile homes on the property for use as AG labor housing until the multi use building is constructed (December 31, 2006 at the latest).
- ❖ Permit a multi-use building, with living quarters for groomers/trainers, behind the existing horse barn (to replace the mobile homes).
- ❖ Permit construction of a run-in shed.
- ❖ Permit construction of a single-family residence to serve as a dwelling for groomers/trainers.

Staff is concerned with the number of dwelling units being proposed on the overall 40 acre zoning lot, especially since it will likely become two 20 acre parcels at some future date (the existing apartment, a multi-purpose building, and a single family residence). One single-family residence is permitted per 40 acre zoning lot. In addition, the current Zoning Ordinance permits one dwelling unit as living quarters for a groomer, etc. as a Special Use (7.01.D.18.). “Living quarters” includes any of the following: a home, apartment, or other dwelling unit. A mobile home is thereby included in that definition. As a result, a maximum of two dwelling units would be permitted on the property. Section 7.01.D does not state that two living quarters (two trailers) would be permitted for groomer, etc (7.01.D.18) or that a special use could be obtained to construct an additional dwelling unit on a property. Section 7.01.D.2 does however provide for agricultural labor housing, as discussed earlier. Because section 7.01.D.18 expressly addresses housing for “groomsmen”, staff believes the intent of the ordinance may have been to permit groom quarters on a limited basis and this provision should apply to petition 02-05. The Zoning Ordinance also attempts to provide adequate alternatives for various situations and it is the responsibility of the boards and commissions to review and consider petitions with respect to the Zoning Ordinance. That is why the AG labor housing is included as an available special use under the County Ordinance. Given the nature of this particular operation, we believe the request to allow additional housing for AG labor is appropriate. The request for an additional single family home is not. The petitioner is agreeable to this and has dropped the request for a separate single family home.

**RECOMMENDATION** Based on the input received from KCRPC, ZBA & the special needs of this operation as presented by the petitioner, staff recommends approval subject to the

following revised conditions:

1. No more than two (2) separate buildings for the purpose of providing housing to the owner, groomsmen/trainers, or any employees shall be constructed or located on the property at any time. These buildings include the existing apartment above the training facility and a future multi-use building. The latter will be subject to the following:
  - a. A multi-use building may be permitted as shown on Exhibit "A".
  - b. Commercial code requirements and Illinois accessibility codes will apply and inspections shall be required for this structure.
  - c. The building shall be substantially similar to the floor plan proposed in the attached Exhibit "B".
  - d. In no event shall the number of bedrooms for this facility be more than seven (7);
2. The use of the existing dwelling unit (apartment) above the training facility shall comply with condition (a) of Ordinance #00-21 which limits the occupancy of this unit to either two (2) un-related stable employees without families or one (1) employee and immediate family;
3. No more than two (2) mobile homes shall be permitted on the property. Said mobile homes shall serve as housing for agricultural laborers until such time that the multi-use building is constructed. *In no case shall any mobile home be located on the property beyond December 31, 2006;*
4. A small shed with run-in capacity shall be permitted as shown on the site plan attached as Exhibit "A";
5. The facility shall be limited to employing no more than eighteen (18) persons at one time;
6. Permits must be obtained for all structures located on the property;
7. Occupancy of the existing apartment unit and residential component of the future multi-use building shall be restricted only to the operator of the business and any individuals actively engaged in operation of the facility. The rental of individual rooms or buildings for the lodging of any person not employed or actively engaged in the day to day operation of this horse training facility shall be prohibited;
8. The combined occupancy of the existing apartment and multi use building shall be restricted to a maximum of eleven (11) occupants, consisting of eight (8) permanent employees and three (3) temporary employees including but not limited to ferrriers, veterinarians and other support personnel;
9. The owner shall be required to submit documentation to the Zoning Administrator on an annual basis that all individuals residing on the property are members of the owner/operator's immediate family or are employed or actively engaged in the day to day operation of this horse training facility;
10. The special use granted to this property shall terminate upon the sale of the property, or any subsequent change in ownership to individuals other than



those persons currently listed as owners in interest of Ingenuity LLC or Northern Tradition Farms at which time the use of all buildings shall be devoted only to those uses expressly listed as "permitted" uses in the Agricultural District unless and until any new owner(s) apply for and are granted the necessary special use approvals;

11. No retail sales of non-agricultural products shall be permitted on the site; and
12. Expansion of permitted agricultural activities shall not result in an amendment to the special use.

**ATTACHMENTS**

1. Application Form
2. Ordinance 2001-21
3. Site Location Map
4. Site Map
5. Zoning Map
6. Aerial Map
7. Topographical Map
8. Soils Map
9. Situation Assessment narrative
10. Multi-purpose building floor plan proposal
11. Site photo (of existing horse barn)
12. Amended Special Use Ordinance #02-05