

KANE COUNTY DEVELOPMENT DEPARTMENT
 Zoning Division, Kane County Government Center
 719 Batavia Avenue
 Geneva, Illinois 60134
 Office (630) 444-1236 Fax: (630) 232-3411

4509

<i>Received Date</i> <div style="font-size: 24pt; font-weight: bold; margin: 10px 0;">MAY 01 2019</div> Kane Co. Dev. Dept. Zoning Division

APPLICATION FOR ZONING MAP AMENDMENT
 AND/OR SPECIAL USE

Instructions:

To request a map amendment (rezoning) for a property, complete this application and submit it with all required attachments to the Subdivision and Zoning Division.

When the application is complete, we will begin the review process.

The information you provide must be complete and accurate. If you have a question please call the subdivision and zoning division, and we will be happy to assist you.

1. Property Information:	Parcel Number (s): 12-30-300-039 11-25-400-011
	Street Address (or common location if no address is assigned): 2S976 Deerpath Road Batavia, Illinois 60510

2. Applicant Information:	Name Anton T. Marano, Trustee of the M CLUB Trust dated March 23, 2018	Phone 630-584-6800
	Address c/o Attorney James F. Cooke 215 W. Illinois Street St. Charles, Illinois 60174	Fax 630-584-6103
		Email jcooke@jimcookelaw.com

3. Owner of record information:	Name	Phone
	Address	Fax
		Email

Zoning and Use Information:

2030 Plan Land Use Designation of the property: Countryside/Estate Residential

Current zoning of the property: F-Farming

Current use of the property: Agriculture, animal husbandry

Proposed zoning of the property: Special Use to expand existing Public Stable

Proposed use of the property: Agriculture, horse paddocks, storage/meeting room

If the proposed Map Amendment is approved, what improvements or construction is planned? (An accurate site plan may be required)

Horse paddocks will be constructed and a new building for storage and an equestrian oriented meeting room with parking and a new access to Seavey Road.

Attachment Checklist

- Plat of Survey prepared by an Illinois Registered Land Surveyor.
- Legal description
- Completed Land Use Opinion application (Available in pdf form at www.kanedupageswed.org/luo.pdf), as required by state law, mailed to: The Kane Dupage Soil and Water Conservation District, 545 S. Randall Road, St. Charles, IL 60174.
- Endangered Species Consultation Agency Action Report (available in pdf form at www.dnr.state.il.us/orep/nrrc/aar.htm) to be filed with the Illinois Department of Natural Resources.
- List of record owners of all property adjacent & adjoining to subject property
- Trust Disclosure (If applicable)
- Findings of Fact Sheet
- Application fee (make check payable to Kane County Development Department)

I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.

Record Owner _____ Date _____

J. Cooke
Applicant or Authorized Agent _____ Date 5/1/19

LAW OFFICES
OF
JAMES F. COOKE, LTD.
A PROFESSIONAL CORPORATION

215 WEST ILLINOIS STREET
ST. CHARLES, ILLINOIS 60174-2850

FACSIMILE (630) 584-6103
TELEPHONE (630) 584-6800
EMAIL: JCOOKE@JIMCOOKE.LAW.COM

May 1, 2019

Kane County Zoning Board of Appeals
Attn: Zoning Enforcing Officer
719 Batavia Avenue
Geneva, Illinois 60134

**Re: Petition for Special Use
Legal Description of Subject Property is attached hereto
Commonly known as 2S976 Deerpath Rd., Batavia, Illinois 60510 (the Subject
Property)**

**PETITION FOR SPECIAL USE IN THE F DISTRICT
FOR A PUBLIC STABLE**

Members of the Kane County Zoning Board of Appeals:

The Petitioner does hereby state as follows:

1. The titleholder/Petitioner of the Subject Property is Anton T. Marano, Trustee of the M CLUB Trust dated March 23, 2018.
2. The Subject Property is zoned F District Farming and has been used for farmland and residential use and is adjacent to a highly regarded public stable for the boarding and training of horses in excess of fifty (50) years.
3. Petitioner requests: a) that the Subject Property be granted a Special Use in the F District for a Public Stable to expand the existing Deerpath Equestrian Stable with paddocks, pasture and a storage/meeting room building, and to accommodate no more than ten (10) additional horses.

Petition for Special Use

May 1, 2019

Page 2

4. The Petitioner is operating a high-end public training facility for hunter/jumper horses. The Petitioner's expanded training operation and facility will not increase traffic to and from the farm since the requested Special Use is for a lesser number of horses than the previous permitted use.

5. The Petitioner has shown on the site plan, attached hereto as Exhibit A, the improvements proposed for the Subject Property. These improvements include a storage and meeting room building (attached hereto as Exhibit B), additional paddocks, and upgrades to the perimeter fencing.

It is the Petitioner's position that the Special Use for a Public Stable expansion requested herein is reasonable and consistent within the parameters of the Kane County Zoning Ordinance and the Kane County Comprehensive Land Use Plan.

Respectfully submitted,



James F. Cooke

Attorney for the Petitioner

FINDING OF FACT SHEET – REZONING

ADDENDUM

Deerpath Stables
Special Use for an expanded Public Stable
April 24, 2019

#1: The existing uses in the general area are large lot residential estate, many with horses, agriculture and open space.

#2: The zoning classification of properties in the general area is F-Farming and E-3, E-2A, E-2 and E-1, Estate Residential.

#3: The Subject Property is suitable in size, configuration and location for the proposed use. The existing stable use is perfect for the proposed expansion of the public stable use.

#4: Large lot residential estate, farming, equine uses, and open space.

#5: The proposed Special Use is compatible with the 2040 Plan and enhances the implementation of the goals, objectives and policies of the Plan.

FINDING OF FACT SHEET – SPECIAL USE

ADDENDUM

Deerpath Stables
Special Use for an expanded Public Stable
April 24, 2019

#6: The operation of the expanded public stable will not be detrimental to the public health, safety, morals, comfort or general welfare of the surrounding population or land uses since it is a self-contained operation and relates to an agricultural/equestrian use which is consistent with the surrounding area and continues the stable use that has been in operation next to the property for several decades.

#7: The operation of an expanded public stable will not be injurious to the use, enjoyment or value of other property in the immediate vicinity, since the agricultural utilization of the property is consistent with the primarily agricultural and estate residential uses adjoining the farm on the north, south, west and east sides of the property.

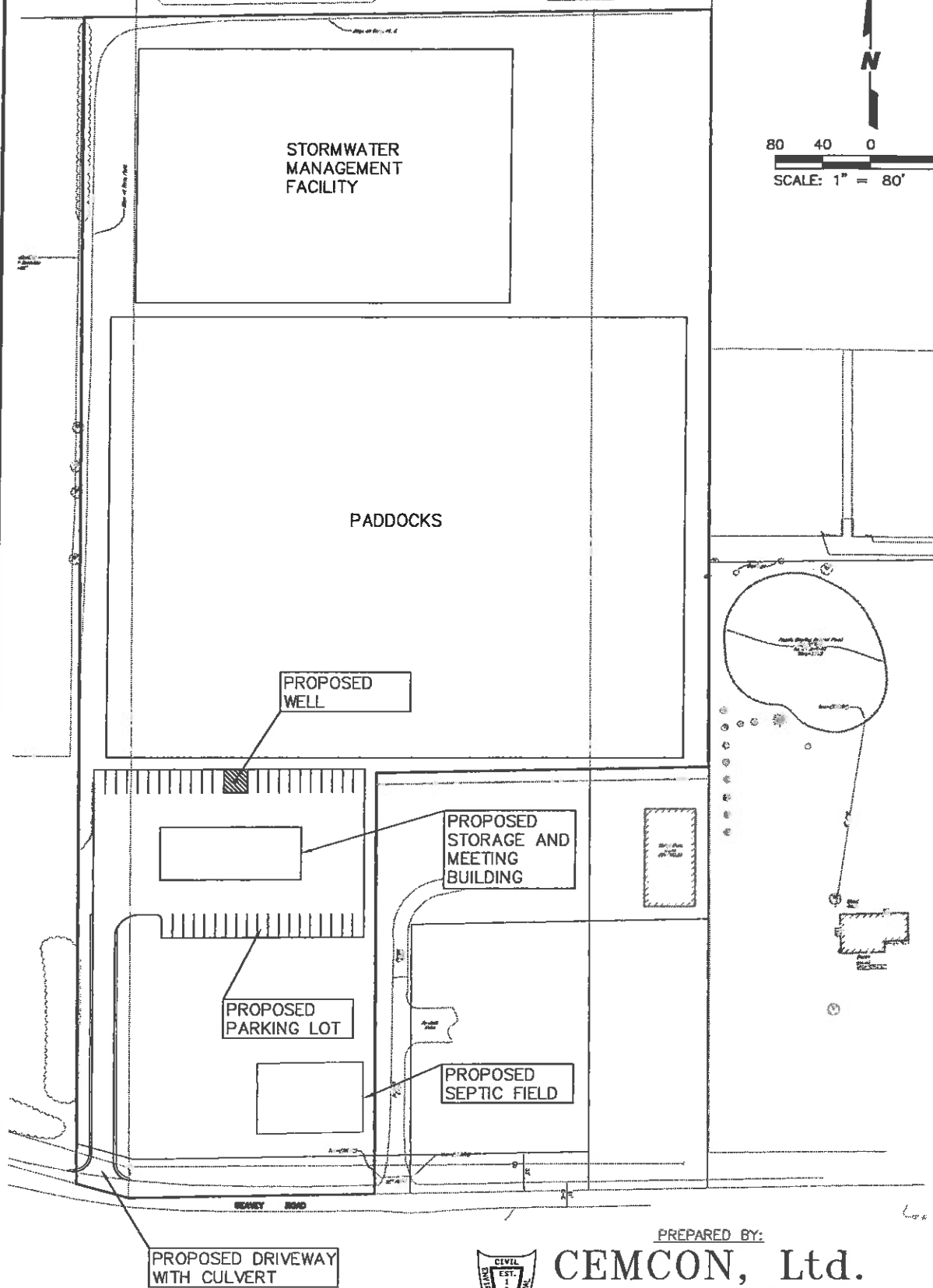
#8: The surrounding property will not be impeded in its development and/or improvement since the proposed expanded public stable will not substantially impact any future uses of the surrounding property. The property to the north and east of the special use is owned by the petitioners, and to the east of that are established large lot estate residential subdivisions which are already fully developed and many include horses and equine facilities. Adjacent to the west and south are agricultural farm operations or large lot estate uses which will not be impacted by the proposed use.

#9: The expanded public stable, storage and meeting room building will be serviced by a new well and septic, which will be adequately accommodated on the 10.005 acres of the property. The drainage and other facilities will also be developed on the 10.005 acres and the parcel to the west owned by the stable and will be consistent with the Kane County Storm Water Regulations. The primary access to the expanded Deerpath Stables shall be from the two (2) existing access points on Deerpath and Seavey Roads, a new Seavey Road access, and given the limited amount of traffic anticipated for the operation of the stable, there will be no significant increase in traffic and the road shall be sufficient in its present configuration to accommodate the existing and anticipated traffic.

#10: It is anticipated that the proposed new access and the existing accesses to the stable will be the only accesses necessary for the operation of the expanded stable. The nature of the training operation dictates a minimum amount of additional traffic to and from the stable, since this is not a public livery but rather a private training operation where the customers tend to be absentee.

#11: The special use will conform to all regulations of the district in which it is located, specifically it shall be developed consistent with the Kane County Storm Water Regulations and the Kane County Building Code. As stated above, the operation of the public stable will not significantly increase the traffic load on Deerpath and Seavey Roads and will be consistent with the zoning and use parameters of the Kane County Zoning Ordinance.

EXHIBIT "A"
SITE PLAN EXHIBIT
DEERPATH EQUESTRIAN STABLES



P:\A\904305\DRAWINGS\EXHIBITS\SITE PLAN.DWG

PREPARED BY:



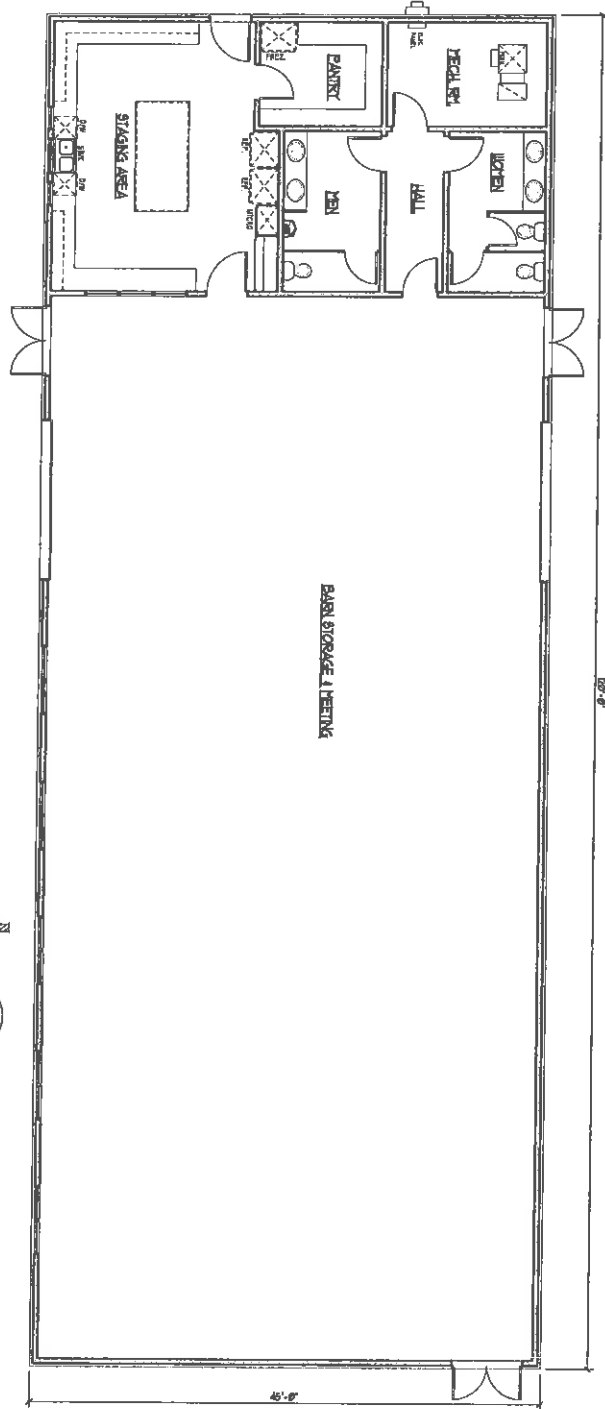
CEMCON, Ltd.

Consulting Engineers, Land Surveyors & Planners
 2280 White Oak Circle, Suite 100
 Aurora, Illinois 60502-9675

PH: 630.862.2100 FAX: 630.862.2199
 E-Mail: cadd@cemcon.com Website: www.cemcon.com

DISC NO.: 904305 FILE NAME: SITE PLAN
 DRAWN BY: HAG FLD. BK. / PG. NO.: BK./PG.
 COMPLETION DATE: 04-24-19 JOB NO.: 904.305
 XREF : PREEVER PROJECT MANAGER : KTS

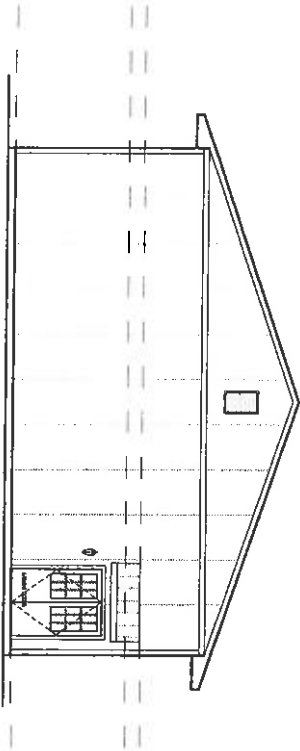
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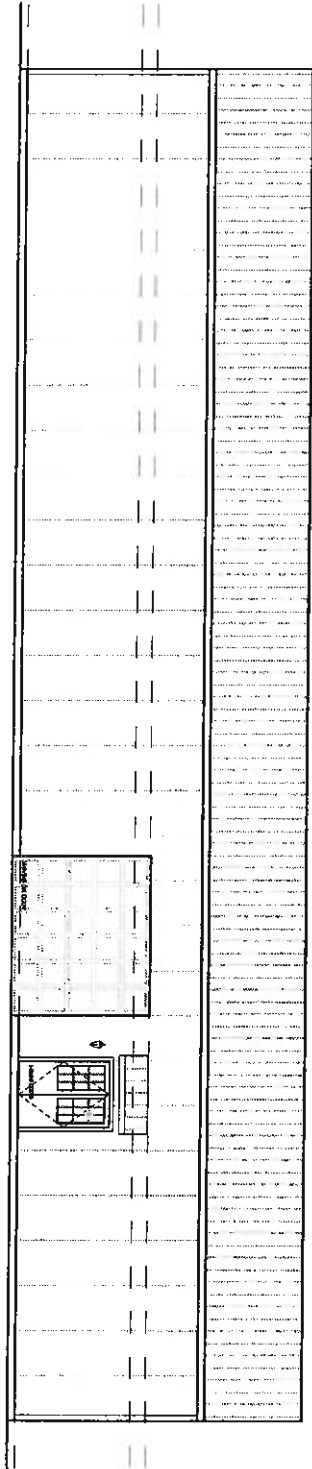


1 FLOOR PLAN
 SCALE: 3/32" = 1'-0"

A-1.0	DATE	REVISION	BARN & STORAGE / MEETING BUILDING	DEERPETH EQUESTRIAN STABLE SEAVEY ROAD, BATAVIA, IL PERMIT IN: KANE COUNTY, IL	DAVID A. SCHULZ architects 2204 4TH EASTING PARK BLVD., NAPERVILLE, IL 60563 SEALING ARCHITECTS P.O. BOX 70 NAPERVILLE, IL 60563 PHONE (630) 765-1800 FAX (630) 765-6886
	03-06-15	PRELIM. SITE & BUILDING			
	04-29-19	UPDATED SITE & BUILDING			
SHEET					

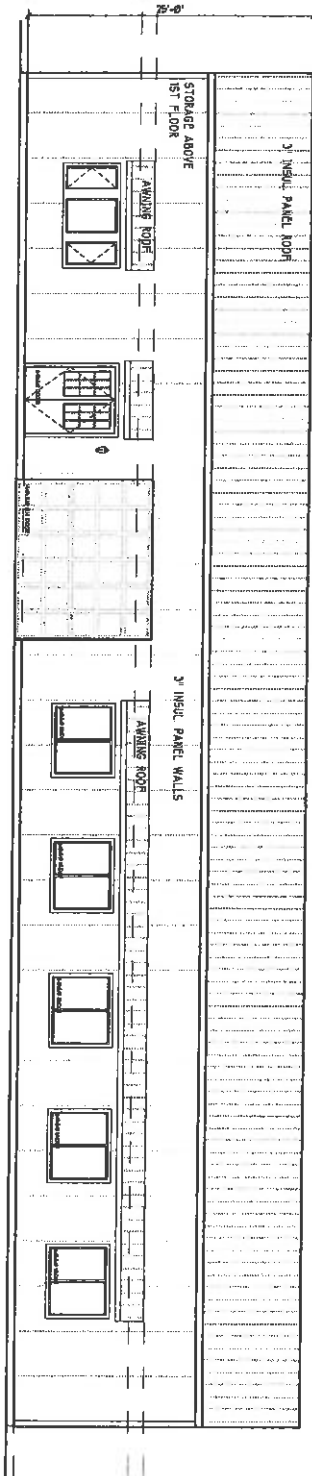


2 EAST ELEVATION
SCALE: 3/32" = 1'-0"

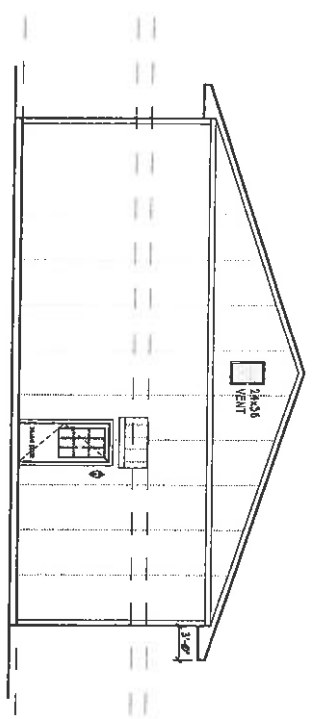


1 NORTH ELEVATION
SCALE: 3/32" = 1'-0"

A-1.2	DATE	REVISION	BARN & STORAGE / MEETING BUILDING	DEERPATH EQUESTRIAN STABLE SEAVEY ROAD, BATAVIA, IL PERMIT IN: KANE COUNTY, IL	DAVID A. SCHULZ -architects- 2214 874 IRVING PARK RD., MICHIGAN, IL 60137 MAMLET / MUMFORD P.O. BOX 78 MICHIGAN, IL 60137 PHONE: (815) 362-1182 FAX: (815) 362-1184
	SHEET				
	03-06-10	PRELIM. SITE & BUILDING			
	04-29-10	UPDATED SITE & BUILDING			



1 SOUTH ELEVATION
SCALE: 3/32" = 1'-0"

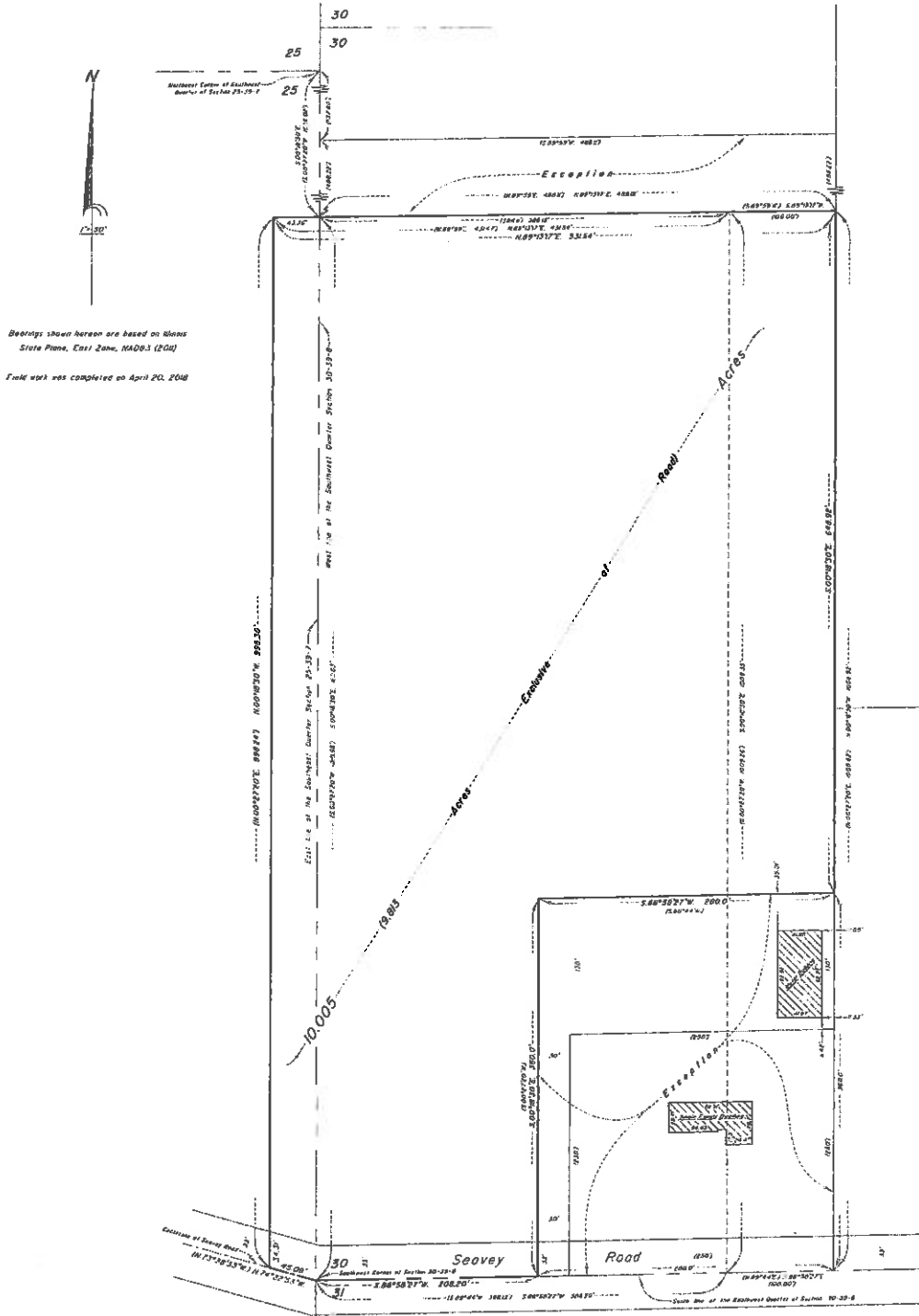


2 WEST ELEVATION
SCALE: 3/32" = 1'-0"

A-1.1	DATE	REVISION	BARN & STORAGE / MEETING BUILDING	DEERPETH EQUESTRIAN STABLE SEAVEY ROAD, BATAVIA, IL PERMIT IN: KANE COUNTY, IL	DAVID A. SCHULZ architects <small>2704 W. HYUNING PARK III, MERRIDALE, IL 60457</small> MAILING ADDRESS: P.O. BOX 79 MERRIDALE, IL 60457 PHONE (630) 762-1182 FAX (630) 762-1184
	03-05-19	PRELIM. SITE & BUILDING			
	04-28-19	UPDATED SITE & BUILDING			

Plot of Survey of
 Part of Sections 25-39-7 and 30-39-8
 Blackberry and Batavia Townships
 Kane County

Illinois



State of Illinois
 County of Kane

That part of the Southeast Quarter of Section 25, Township 39 North, Range 7 East of the Third Principal Meridian and that part of the Southwest Quarter of Section 30, Township 39 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the Northwest corner of the Southeast Quarter of said Section 25; thence South 0 Degrees 27 Minutes 20 Seconds West along the East line of said Southeast Quarter 1026.00 feet; thence South 89 Degrees 59 Minutes West 43.36 feet to the Point of Beginning; thence North 89 Degrees 59 Minutes East 43.47 feet; thence South 0 Degrees 27 Minutes 20 Seconds West 1009.26 feet to the South line of said Section 30; thence South 89 Degrees 44 Minutes West along said South line 388.13 feet to the Southwest corner of said Section 30; thence North 73 Degrees 38 Minutes 35 Seconds West along the center line of Seovey road 45.09 feet to a line drawn South 0 Degrees 27 Minutes 20 Seconds West from the Point of Beginning; thence North 0 Degrees 27 Minutes 20 Seconds East 998.24 feet to the Point of Beginning; in the Township of Batavia and Blackberry, Kane County Illinois

Also:
 That part of the Southwest Quarter of Section 30, Township 39 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of the Southeast Quarter of Section 25, Township 39 North, Range 7 East of the Third Principal Meridian; thence South 0 Degrees 27 Minutes 20 Seconds West along the West line of said Southwest Quarter of Section 30, a distance of 1626.00 feet; thence North 89 Degrees 59 Minutes East, 368.8 feet to the Point of Beginning; thence South 0 Degrees 27 Minutes 20 Seconds West, 1009.26 feet to the South line of said Section 30; thence North 89 Degrees 44 Minutes East along said South line 100.00 feet; thence North 0 Degrees 27 Minutes 20 Seconds East, 1008.82 feet to a line drawn North 89 Degrees 59 Minutes East from the Point of Beginning; thence South 89 Degrees 59 Minutes West, 100.00 feet to the Point of Beginning, in the Township of Batavia, Kane County, Illinois.

Excepting from the above two parcels the following described property: that part of the Southwest Quarter of Section 30, Township 39 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of the Southeast Quarter of Section 25, Township 39 North, Range 7 East of the Third Principal Meridian; thence South 0 Degrees 27 Minutes 20 Seconds West along the West line of the said Southwest Quarter of Section 30, a distance of 1626.00 feet; thence North 89 Degrees 59 Minutes East, 368.8 feet; thence South 0 Degrees 27 Minutes 20 Seconds West, 1009.26 feet to the South line of said Section 30; thence North 89 Degrees 44 Minutes East along said South line 100.00 feet to the Point of Beginning; thence North 0 Degrees 27 Minutes 20 Seconds East 360.0 feet; thence South 89 Degrees 44 Minutes West parallel with the South line of said Southwest Quarter, 260.0 feet; thence South 0 Degrees 27 Minutes 20 Seconds West 360.0 feet to the South line of said Southwest Quarter; thence North 89 Degrees 44 Minutes East 280.0 feet to the Point of Beginning, in the Township of Batavia, Kane County, Illinois.

And:
 That part of the Southwest Quarter of Section 30, Township 39 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of the Southeast Quarter of Section 25, Township 39 North, Range 7 East of the Third Principal Meridian; thence South 0 Degrees 27 Minutes 20 Seconds West along the West line of the Southwest Quarter of said Section 30, a distance of 837.80 feet to the Point of Beginning; thence South 0 Degrees 27 Minutes 20 Seconds West along said West line, 488.22 feet; thence North 89 Degrees 59 Minutes East, 488.13 feet; thence North 0 Degrees 27 Minutes 20 Seconds East, 488.22 feet to a line drawn North 89 Degrees 59 Minutes East from the Point of Beginning; thence South 89 Degrees 59 Minutes West, 488.13 feet to the Point of Beginning, in the Township of Batavia, Kane County, Illinois.

Dated at Batavia, Illinois, April 30, 2018

 Donahue and Thorarrell
 16 E. Wilson Street
 Batavia, Illinois 60510
 (630) 561-1567



Map Title

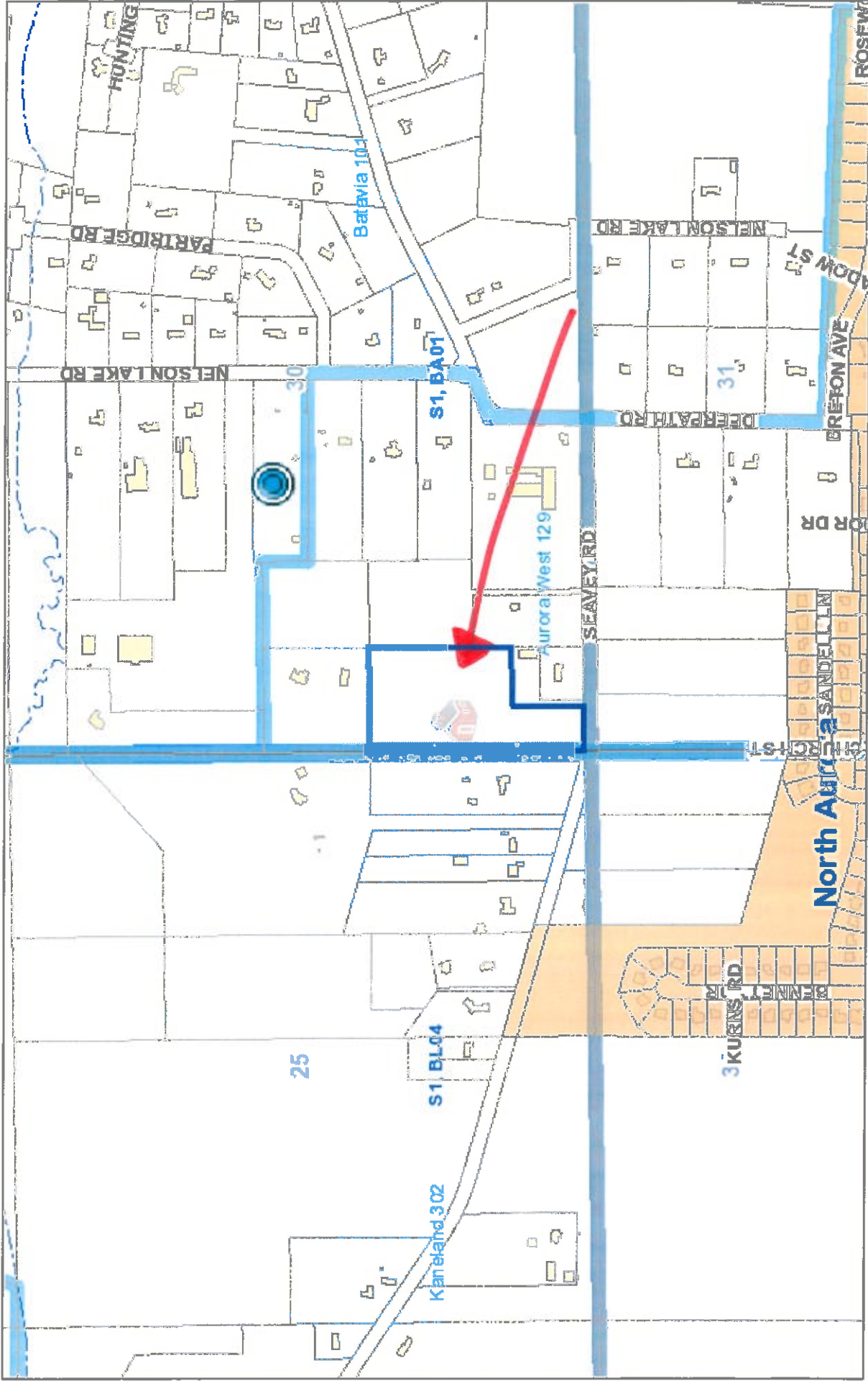


May 28, 2019

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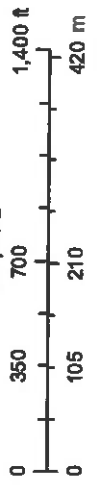
GIS-Technologies
Kane County Illinois

Map Title



May 28, 2019

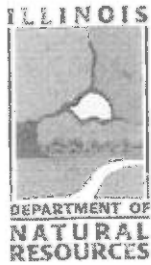
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GIS-Technologies

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GIS-Technologies
Kane County Illinois



Illinois Department of Natural Resources

JB Pritzker, Governor
Colleen Callahan, Director

www.dnr.illinois.gov

Mailing address: State Historic Preservation Office, 2 Old State Capitol Plaza, Springfield, IL 62701

Kane County
Batavia
NW of Seavey Road & Deerpath Road, Section:30-Township:39N-Range:8E
CEMCON-904.305, IEPA
New construction, Deerpath Equestrian Club & Stable

PLEASE REFER TO: SHPO LOG #005041119

April 24, 2019

Chad Barber
CEMCON, Ltd
2280 White Oak Circle, Suite 100
Aurora, IL 60502-9675



Dear Mr. Barber:

The Illinois State Historic Preservation Office is required by the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420, as amended, 17 IAC 4180) to review all state funded, permitted or licensed undertakings for their effect on cultural resources. Pursuant to this, we have received information regarding the referenced project for our comment.

Our staff has reviewed the specifications under the state law and assessed the impact of the project as submitted by your office. We have determined, based on the available information, that no significant historic, architectural or archaeological resources are located within the proposed project area.

According to the information you have provided concerning your proposed project, apparently there is no federal involvement in your project. However, please note that the state law is less restrictive than the federal cultural resource laws concerning archaeology. If your project will use federal loans or grants, need federal agency permits, use federal property, or involve assistance from a federal agency, then your project must be reviewed under the National Historic Preservation Act of 1966, as amended. Please notify us immediately if such is the case.

This clearance remains in effect for two (2) years from date of issuance. It does not pertain to any discovery during construction, nor is it a clearance for purposes of the IL Human Skeletal Remains Protection Act (20 ILCS 3440).

Please retain this letter in your files as evidence of compliance with the Illinois State Agency Historic Resources Preservation Act.

If further assistance is needed please contact Jeff Kruchten, Chief Archaeologist at 217/785-1279 or jeffery.kruchten@illinois.gov.

Sincerely,

Robert F. Appleman
Deputy State Historic
Preservation Officer

Applicant: David A Schulz Architects
Contact: David Schulz
Address: 22W074 Irving Park Road
PO Box 70
Medinah, IL 60157

IDNR Project Number: 1909498
Date: 04/08/2019
Alternate Number: 904.305

Project: Deerpath Equestrian Club & Stable
Address: West of Seavey Road / Deerpath Road Intersection, Batavia

Description: Development of a pole barn, parking lot, and equestrian paddocks on a 10.0 Acre existing agricultural property. Improvements include mass grading, paving improvements, and stormwater management.

Natural Resource Review Results

Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Nelson Lake Marsh INAI Site
Nelson Lake Marsh Nature Preserve
Black Tern (*Chlidonias niger*)
Black-Crowned Night Heron (*Nycticorax nycticorax*)
Blanding's Turtle (*Emydoidea blandingii*)
Common Moorhen (*Gallinula chloropus*)
Least Bittern (*Ixobrychus exilis*)
Yellow-Headed Blackbird (*Xanthocephalus xanthocephalus*)

An IDNR staff member will evaluate this information and contact you to request additional information or to terminate consultation if adverse effects are unlikely.

Location

The applicant is responsible for the accuracy of the location submitted for the project.

County: Kane

Township, Range, Section:

39N, 7E, 25

39N, 8E, 30



**IL Department of Natural Resources
Contact**
Bradley Hayes
217-785-5500
Division of Ecosystems & Environment

Government Jurisdiction
IL Environmental Protection Agency
Alan Keller, Permit Section Manager
1021 North Grand Avenue East
PO Box 19276
Springfield, Illinois 62794 -9276

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

Terms of Use

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.
2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.
3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

Security

EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.