

AS APPROVED APRIL 3, 2008

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2  
3 **MINUTES OF REGULAR MEETING**

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5 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

6 1776 E. Washington Street

7 Urbana, IL 61801

8  
9 **DATE:** November 15, 2007

**PLACE:** Lyle Shields Meeting Room  
1776 East Washington Street

10  
11 **TIME:** 6:30 p.m.

Urbana, IL 61802

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13 **MEMBERS PRESENT:** Doug Bluhm, Dennis Goldenstein, Debra Griest, Joseph L. Irle, Richard  
14 Steeves, Melvin Schroeder, Roger Miller

15  
16 **MEMBERS ABSENT :** None

17  
18 **STAFF PRESENT :** John Hall, Leroy Holliday, J.R. Knight, Pius Weibel (County Board  
19 Chairman), Susan McGrath (Senior Assistant State's Attorney)

20  
21 **OTHERS PRESENT :** Mark Hardy

22  
23  
24 **1. Call to Order**

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25  
26 The meeting was called to order at 6:38 p.m.

27  
28 **2. Roll Call and Declaration of Quorum**

29  
30 The roll was called and a quorum declared present.

31  
32 **3. Correspondence**

33  
34 None

35  
36 **4. Approval of Minutes (August 30, 2007)**

37  
38 Mr. Irle moved, seconded by Mr. Bluhm to approve the August 30, 2007, minutes as submitted. The  
39 motion carried by voice vote.

40  
41 **5. Continued Public Hearing**

42  
43 \*Case 587-S-07 Petitioner: Mark and Julie Hardy d.b.a. Hardy's Reindeer Ranch. Request:  
44 Authorize the use and expansion of a Major Rural Specialty Business previously authorized in Case  
45 223-S-00 as a Special Use in the AG-1 Zoning District, with waivers of the standard conditions for  
46 Major Rural Specialty Businesses limiting building area devoted to sales display or recreational  
47 commercial use to less than 5,000 square feet and prohibiting the sale of alcoholic beverages not  
48 produced on premises. Location: A 5.24 acre tract and portions of adjacent tracts totaling 23.4 acres

1 **in the South half of the Southwest Quarter of the Southeast Quarter of Section 5 in Township 21N,**  
2 **Range 9E in Rantoul Township and commonly known as Hardy’s Reindeer Ranch located at 1356 CR**  
3 **2900N, Rantoul.**  
4

5 Ms. Griest informed the audience that this is an Administrative Case and as such the County allows anyone  
6 the opportunity to cross examine any witness. She said that at the proper time she will ask for a show of  
7 hands for those who would like to cross examine and each person will be called upon. She requested that  
8 anyone called to cross examine go to the cross examination microphone to ask any questions. She said that  
9 those who desire to cross examine are not required to sign the witness register but are requested to clearly  
10 state their name before asking any questions. She noted that no new testimony is to be given during the  
11 cross examination. She said that attorneys who have complied with Article 6.5 of the ZBA By-Laws are  
12 exempt from cross examination.  
13

14 Mr. Hall distributed a Supplemental Memorandum dated November 15, 2007, for the Board’s review. He  
15 said that the new memorandum has revised conditions of approval and new evidence which needs to be  
16 added to the Summary of Evidence.  
17

18 Mr. Hall stated that the Supplemental Memorandum dated November 9, 2007, discusses the conformance to  
19 definition of Rural Special Business. He said that the definition of Rural Specialty Business contains the  
20 following three components: A. Sales of agricultural products, foods or traditional handicrafts produced on  
21 the premises and that are sold principally at retail; B. Accessory recreational or educational activities; and C.  
22 Sales of related goods produced offsite subject to limitations that it is less than 50% of total gross business  
23 income and less than 50% of total stock in trade and less than 50% of the total lot area. He read the  
24 definition from the *Zoning Ordinance* regarding ACCESSORY USE. He said that as it was discussed at the  
25 last hearing that the only goods produced on site are the unknown percentages of Christmas trees sales and  
26 the special use appears to principally be a recreational activity. He said that the waiver of the limit of 5,000  
27 square feet for recreational space devoted to sales display or recreational commercial use is necessary  
28 because the banquet hall and gift shop are recreational commercial uses. He said that everything except the  
29 sale of some portion of the Christmas tree sales is a recreational activity and the majority of income is  
30 derived from tours, services and activities. He said that compliance with the Rural Specialty Business was  
31 discussed at the last hearing but after talking to the Liquor Commissioner and hearing concerns about how  
32 the proposed sale of alcohol would need to comply with the Liquor Ordinance revised conditions were  
33 drafted. He said that the revised conditions are discussed in the Supplemental Memorandum dated  
34 November 15, 2007 and are to be added to the Summary of Evidence under Item #14. He noted that the  
35 information under Items #14.A, 14.B(3), 14.C, 14.D will remain as written in the November 9, 2007,  
36 Supplemental Memorandum.  
37

38 Mr. Hall reviewed the new Items under #14.B with the Board. He said in regard to Item #14.B(1)(c) the  
39 Petitioner did not request that alcohol may be served on New Year’s Eve and New Year’s Day morning but  
40 during construction of the conditions it occurred to staff that the facility may have a New Year’s Eve  
41 function and the Champaign County Liquor Ordinance makes special allowances for New Year’s Eve. He  
42 said that Item #14.B(2) does not authorize alcohol in the area of the corn maze or in the area of any of the  
43 farmland. He said that in regard to new Item #14.E the State’s Attorney and the Liquor Commissioner  
44 reminded staff that the Sheriff’s office generally has heightened concerns with public assembly areas where

1 alcohol will be served and recommended that staff provide conditions to ensure good emergency vehicle  
 2 access. He noted that new Item #14.F. relates to new Item #10.B(5) in regard to a placement of a sign on  
 3 the outside of the banquet hall that would indicate a fun type of name for the building. He said that the  
 4 Liquor Commissioner made it very clear that he does not want any misconception that this is a bar, saloon or  
 5 tavern therefore there cannot be any sign on the outside indicating a bar, saloon or tavern but there can be a  
 6 sign indicating "Reindeer Ranch House" or "Reindeer Banquet Hall" but not a sign such as "Reindeer  
 7 Saloon."

8  
 9 Mr. Hall reviewed the additional new evidence which is to be added to the Summary of Evidence. He said  
 10 that revised Item #3 clarifies that notice was sent to the Village of Rantoul on August 1, 2007, but no  
 11 comments have been received at this time. He said that revised Item #9.E(1) reviews emergency services  
 12 access; Item #9.E(2) reviews the condition regarding the width of driveways; and Item #9.E(3) reviews the  
 13 fact that there is currently no specific provision for a fire lane outside of the banquet hall. He said that a  
 14 condition has been proposed which would prohibit parking, except for required handicapped parking, at the  
 15 edge of the gravel parking area nearest the banquet hall in order to create a fire lane. He said that new Item  
 16 #10.B(5) reviews the previously mentioned signage. He said that new Item #10.D(6) indicates that the  
 17 Liquor Ordinance does not clearly limit an establishment's premises to the indoor area only therefore a  
 18 condition has been proposed which limits outdoor consumption of alcohol to the area immediately  
 19 surrounding the banquet hall, gift shop, and the south edge of the reindeer pasture. He said that new Item  
 20 #10.I simply explains the need for a Recreation and Entertainment License.

21  
 22 Mr. Hall stated that staff revised the conditions and believes that all of the conditions address all of the  
 23 issues around the request for the sale of alcohol not produced on site but staff's concern about compliance  
 24 with what a Rural Specialty Business is supposed to be still exists.

25  
 26 Mr. Irlle stated that there may be a need to review the definition of Rural Specialty Business.

27  
 28 Mr. Hall stated that the *Zoning Ordinance* currently authorizes outdoor recreation enterprises in the CR-  
 29 Conservation Recreation zoning district and in the AG-2, Agricultural zoning district but does not allow  
 30 outdoor recreation in the AG-1, Agriculture zoning district. He said that an indoor recreational enterprise is  
 31 only possible in AG-2, in regard to agricultural districts. He said that the AG-1 zoning district has never  
 32 been seen as a district where principally recreational activities of this type are appropriate. He said that  
 33 there is a question of whether the Rural Specialty Business definition, as currently written, overlooks a  
 34 component of agri-tourism. He said that it is not clear to him if this component has been overlooked or if it  
 35 has specifically been decided that this type of activity is not what AG-1 is for.

36  
 37 Mr. Steeves stated that this reindeer ranch which would be considered agriculture and in other areas he has  
 38 seen buffalo ranches and around those ranches there have been other uses built around it to support the  
 39 tourism which is created because of the buffalo. He said that in his mind the reindeer ranch creates the same  
 40 type of environment therefore how will the Board differentiate the exclusion that it is agriculture and the  
 41 side effects of the people that come to see them and the activities that take place during that visit. He said  
 42 that it would be hard to say that it is balanced on economics because the reindeer are not being raised to sell  
 43 as livestock. He said that it is very hard to address this type of activity because it is agriculture.

1 Mr. Hall stated that clearly the raising of reindeer is considered agriculture but a text amendment that would  
2 authorize Rural Specialty Businesses that are primarily recreational in the AG-1 zoning district would mean  
3 that this could be done not just within one-half mile from the Village of Rantoul but could be done in the  
4 most remote parts of the County. He said that this would also mean that recreational businesses would be  
5 drawing traffic out in to the rural area for purely recreational uses. He said that admittedly someone could  
6 have a recreational use in the CR Zoning District but imagine those townships in Champaign County that are  
7 nothing but 40 square miles of row crop agriculture and someone proposes a recreational business. He said  
8 that if Champaign County decided to go with this route it would be a significant policy change. He said that  
9 the benefit of the subject property's location is that it is in the area that is specifically intended for AG-2  
10 zoning. He said that the Village of Rantoul has now gone so far west that this property could actually be  
11 annexed in to the Village of Rantoul therefore there are obviously other options available other than  
12 significantly changing what the County allows in the AG-1 Zoning District. He said that it is certainly the  
13 discretion of the County Board to change the AG-1 Zoning District.

14  
15 Mr. Steeves stated that instead of a special use request the petitioners could request a change in the zoning  
16 designation to AG-2.

17  
18 Mr. Hall stated that the petitioners will still need a special use permit in the AG-2 District but the point is  
19 that the AG-2 District has always allowed a use such as this as a special use permit and the subject property  
20 is in an area where rezoning to AG-2 would make sense. He said that it is not necessary to make a  
21 substantial change in the AG-1 Zoning District to accommodate this use and in his mind it would make more  
22 sense to request that the subject property be rezoned to AG-2.

23  
24 Mr. Steeves stated that if the Board is going to set precedence it would make more sense to rezone the  
25 property to AG-2. He asked if this option has been introduced to the petitioner.

26  
27 Mr. Hall stated that he does not believe that it would be proper to approve the Major Rural Specialty  
28 Business that has been presented to the Board because he does not believe that the use fits the definition. He  
29 said that he cannot speak for the petitioner but he would recommend rezoning all of the land involved  
30 including the farmland that touches the corporate limits of the Village of Rantoul. He said that this would  
31 be a larger rezoning and there would be no questions regarding spot zoning and a special use would be  
32 considered for just the area of the reindeer ranch and corn maze. He said that AG-2 is still agricultural  
33 zoning and it is still a recreational business in the agricultural district although it doesn't quite have the  
34 prestige of a Major Rural Specialty Business but it is not a Major Rural Specialty Business as defined in the  
35 *Zoning Ordinance*.

36  
37 Ms. Griest asked if the petitioner would be giving up anything that they currently have if they requested that  
38 the subject property be rezoned from AG-1 to AG-2 with a Special Use.

39  
40 Mr. Hall stated that the petitioner would only be giving up the limits. He said that an indoor recreational  
41 enterprise with an outdoor component is a special use permit therefore the sale of alcohol should be part of  
42 that special use permit and in order for the Board to approve such a special use permit the Board must  
43 approve all of the major activities. He said that the Board now has an understanding of all of the major  
44 activities and there are no standard conditions for indoor recreational enterprises which means there are no

1 pre-conditions. He said that as with any special use permit when there is a significant change to the  
2 operation or site plan the petitioner must come back before the Board for a new approval.

3  
4 Mr. Steeves stated that if the petitioner requests that the subject property be rezoned from AG-1 to AG-2  
5 would they have to withdraw this case and start over again.

6  
7 Mr. Hall stated that the petitioner would not have to withdraw the case but they would need to revise their  
8 request. He said that the revised request from a Major Rural Specialty Business to a Commercial  
9 Recreational Enterprise would have to be re-advertised, which would incur a small fee, and the new map  
10 amendment would need to be advertised, which too would incur a fee. He said that the case would need to  
11 be continued to the next available meeting which at this point would be some time in January 2008. He said  
12 that given how much time the Board has spent on this case it is very likely that one meeting might be  
13 enough to complete the case and forward it to the Environment and Land Use Committee. He said that  
14 ELUC would review the case and make a recommendation to the County Board for final approval therefore  
15 this case could be finalized some time in March.

16  
17 Mr. Schroeder asked Mr. Hall if the Christmas tree sales are considered agriculture.

18  
19 Mr. Hall stated yes, but it doesn't appear that the Christmas tree sales are the principal activity of the  
20 facility. He said that the petitioner can continue their activities on the subject property during the public  
21 hearing process whether they continue with their present request or revise their request to rezone with a  
22 special use permit.

23  
24 Ms. Griest asked if the Board had any additional questions for Mr. Hall and there were none.

25  
26 Mr. Mark Hardy, who resides at 1356 CR 2900N, Rantoul stated that this process is a lot more involved than  
27 he had initially thought. He said that the business that they operate does center around agriculture because  
28 they sell and raise reindeer, plant and harvest Christmas trees, and plant and harvest the corn for the corn  
29 maze. He said that he feels that their business is an agricultural business although they do offer  
30 entertainment which includes displaying the reindeer, operating the corn maze and offering hay rides which  
31 are all agricultural related. He said that people from urban areas visit their facility because they desire to  
32 come out to the country in the fall and experience the atmosphere. He said that they have many visitors by  
33 motor coach buses and those visitors desire the same experience plus enjoy a dinner show, which may not  
34 appear to be agriculture. He said that the dinner show which is performed is attractive to the older  
35 generation but he is not sure whether the baby boomer era will enjoy the same type of venue therefore he  
36 believes that the facility should perhaps offer wine and cheese and different things that appeal to those baby  
37 boomers. He said that the bottled wine would be a novelty that would be called "Reindeer Ranch Wine,"  
38 which already exists, and would be something that would be neat to have. He said that he believes that the  
39 current request is moving forward as it should and it is not necessary to go through the entire process again  
40 with a different request. He said that he is not concerned with just the expense but he believes that the  
41 Board should trust that what they are doing at the ranch is in the best interest of the County and their  
42 business. He said that they are not going to go overboard with the alcohol sales. He said that they have no  
43 intention of becoming a bar or saloon but the sale of the wine and beer is an option that will help them stay  
44 in business. He said that he will credit the County in allowing them to start their business and do what they

1 need to do to survive at their location. He said that they are very proud of their business because they bring  
2 a lot of people who are not from the area to Champaign County to show them their farm, the Christmas trees  
3 and the reindeer and he does feel that it is agriculture. He said that their facility does provide entertainment  
4 but with the limited number of acres that he, has he has to make a certain amount of money to keep his  
5 business and take care of his family. He said that he would prefer not to change his request and believes that  
6 he can fit in to the limitations that have been proposed. He said that they do not do a lot of big, private  
7 parties but they do have a lot of motor coach tours or anniversaries and they do not involve alcohol although  
8 they do feel that they need the option to offer alcohol if desired.

9  
10 Ms. Griest asked the Board if they had any questions for Mr. Hardy and there were none.

11  
12 Ms. Griest asked if staff had any questions for Mr. Hardy.

13  
14 Mr. Hall stated that he did not have any questions for Mr. Hardy but he did want to make it clear that his  
15 concerns about meeting the definition of a Rural Specialty Business are completely unrelated to the request  
16 for alcohol and are focused on how the business is currently set up even without alcohol.

17  
18 Mr. Hardy asked Mr. Hall if he is indicating that his business is not considered an agriculture related  
19 business.

20  
21 Mr. Hall stated that the business is agricultural related but the problem is that the business is predominately  
22 agricultural recreation related rather than agricultural related or traditional handicrafts related. He said that  
23 if the food was totally prepared on site then it would be fair to call the business a Rural Specialty Business  
24 but the decision to have totally catered food means that the food is not prepared on site and the core thing of  
25 the Rural Specialty Business is that items are being made on-site or adding significant value. He said that  
26 significant value is being added but it is more in a recreational sense which is only supposed to be an  
27 accessory portion of the business.

28  
29 Mr. Hardy stated that from a legitimate stand point in comparison to other restaurants many of them get their  
30 food from the same place as they do. He said that in order to run a business and survive catering the food is  
31 a necessity. He said that they tried to make the food and sell it in their shop and they were cleaned out in one  
32 weekend therefore legitimately it is impossible for them to make the food. He said that they purchase the  
33 food and sell it. He said that in their business they use what is available whether it is someone cutting down  
34 their own Christmas tree or offering a reindeer tour to see how they are raised. He said that legitimately in  
35 the 21<sup>st</sup> Century there are very few who could survive in the definition of a Rural Specialty Business. He  
36 said that people in McLean County cannot even start a business such as their's because McLean County will  
37 not allow them to place parking on their property. He said that Champaign County has two businesses  
38 which do what they do and they would like to continue their agricultural/farm related business and serve  
39 alcohol.

40  
41 Ms. Griest asked Mr. Hall what Mr. Hardy and the Reindeer Ranch would not be able to do that they are  
42 currently doing if they remain AG-1 under the definition of Major Rural Specialty Business. She asked Mr.  
43 Hall that since it is not the requested alcohol sales that is the primary point of discussion could he be more  
44 specific as to what those functions are that they are currently performing which, he feels, goes outside of the

1 boundaries of the current *Ordinance*.

2  
3 Mr. Hall stated that the business is reliant on recreational activities as the principal income generator rather  
4 than the sale of agricultural products, food or handicrafts produced on site. He said that he believes that it is  
5 true what Mr. Hardy said in that they cannot make enough traditional handicrafts to make an income  
6 because making the food is very substantial. He said that the Board has seen the substantial investment that  
7 Curtis Orchard, a Major Rural Specialty Business, had to make in their kitchens and store rooms to produce  
8 their food on site. He said that the degree to which the Hardy's rely on recreational activity exceeds the  
9 limit that the *Ordinance* allows.

10  
11 Ms. Susan McGrath, Senior Assistant State's Attorney stated that the difference is that if the business is in  
12 AG-1 without the Major Rural Specialty Business designation the business could not conduct all of the  
13 activities that are currently being conducted. She said that if the subject property is rezoned to AG-2, all of  
14 the activities could be allowed by a special use permit.

15  
16 Mr. Hall stated that if the business does not fit in the Major Rural Specialty Business in AG-1 then the only  
17 option is to rezone with a special use permit for a Private Indoor Recreational Development.

18  
19 Ms. McGrath stated that in terms of commercial use the advertisement does not restrict the business whether  
20 or not they have this designation. She said that the business can continue to advertise what it does in any  
21 manner that it sees fit without being designated as a Rural Specialty Business. She said that if the business  
22 is not designated as a Major Rural Specialty Business as defined by the Zoning Ordinance then they cannot  
23 operate in AG-1 but they can operate in AG-2 without that designation.

24  
25 Mr. Hardy stated that they have been running the business for 12 years and not one of his neighbors are  
26 upset or have complained therefore he sees no reason to complicate this until there is a reason and at that  
27 point he would be happy to come in. He said that it isn't the expense of the process but the fact that it  
28 involves the surrounding areas and he does have a good relationship with his surrounding neighbors. He  
29 said that it appears unnecessary to fix something that isn't broken. He said that the liquor aspect is not that  
30 big of a deal and they have been surviving without it. He said that he is a farmer and he and his wife have  
31 taken their five acre Christmas tree farm and turned it into a major attraction. He said that they have raised  
32 their children on this farm and they have done well with the business and it seems unnecessary to rezone the  
33 property unless there has been a landowner or municipality that has a problem with their business.

34  
35 Mr. Bluhm stated that Mr. Hardy commended the County for the way that he was allowed to start and  
36 evolve his business. He said that the Major Rural Specialty Business designation is a good area for someone  
37 to get started and Hardy's Reindeer Ranch has a product that could make the business much larger in the  
38 future. He said that it is getting to the point where the business is becoming large enough that it is bouncing  
39 against some of the parameters of what is considered as a Major Rural Specialty Business. He said that the  
40 Hardy's started out and came forward with this specialty business and through a natural progression they  
41 have grown therefore perhaps they should now look in to progressing to the next step and not have  
42 limitations.

43  
44 Mr. Hardy stated that he still maintains that if it isn't broken, why fix it. He said that the operation is

1 primarily run by him and his wife and any additional help when needed. He said that he has two acres of  
2 parking and has no intention of expanding the business and at some point they are considering cutting back  
3 because the business has grown to a point to where it is all they can handle. He said that he can control his  
4 business by not advertising as much, for instance, if he wants to fill a certain time of the year he will  
5 advertise early. He said that what they do is in the best interest of the County and the area and also their  
6 best interest because they have to get up each morning to operate the business. He said that there could be  
7 40 kids on the property at 9:00 a.m. therefore he obviously does not want to be serving alcohol at 11:00 a.m.  
8 He said that the only thing that he is requesting is to be able to serve alcohol during the meal. He said that  
9 some of the buses that arrive at the facility are not full and generally the buses are senior citizens. He said  
10 that they are concerned about the future when most of their senior citizen visitors pass away and the baby  
11 boomers begin arriving at the facility expecting other options than what is currently offered. He said that  
12 being a business person he would like to have the opportunity to offer whatever options the next generation  
13 desires. He said that the business has worked out very well and he is not been made aware of any  
14 complaints. He said that this is a seasonal business which is off the main road and no traffic issues have  
15 been raised.

16  
17 Mr. Steeves stated that the Board is not looking at Hardy's Reindeer Ranch individually but the way that the  
18 current *Zoning Ordinance* is written in regard to the AG-1 Zoning District. He said that the Board is being  
19 placed in the position that either the *Ordinance* needs to be changed to make the business fit within the AG-  
20 1 District, which would affect everyone else in the AG-1 District, or the Board can ask the business to  
21 request rezoning the property. He said that it isn't a simple matter of if it isn't broken don't fix it but is to a  
22 level where if the Board is to approve the Petitioner's request they must abide by the *Ordinance's*  
23 requirements.

24  
25 Mr. Irle asked if the cost of the rezoning is a problem.

26  
27 Mr. Hardy stated that it is his understanding that a request for rezoning of the property would include a lot  
28 of the area.

29  
30 Mr. Hall stated that the rezoning would only include the subject property and a portion of Mr. Richard  
31 Hardy's land. He said that staff has not received any complaints about the business and he would doubt that  
32 there would any be any problems with the neighbors regarding the rezoning. He said that when a request to  
33 rezone property is submitted any neighbor which has land abutting the subject property can be a problem.  
34 He said that his instinct is that the business is valued by the County Board because the business has a good  
35 track record. He said that he does not anticipate any significant problems with the rezoning but, as always,  
36 that is the risk in requesting that a property be rezoned.

37  
38 Mr. Goldenstein stated that he would assume that when Mr. and Mrs. Hardy decide to retire they would sell  
39 the business to someone therefore it would be advantageous to request this rezoning now.

40  
41 Mr. Hardy stated that he isn't sure. He asked if Curtis Orchard had to rezone.

42  
43 Mr. Hall stated no. He said that Curtis Orchard is a Major Rural Specialty Business and the Board reviewed  
44 more detailed data supporting the fact that they do indeed meet those standards. He said that Curtis Orchard

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1 does have a lot of recreational activities but he does not recall any income from the recreational activity that  
2 Curtis Orchard provides. He said that the income is all from sales of products produced on site or has a  
3 lesser component of goods produced off-site. He said that Curtis Orchard proved that their business meets  
4 the standards of a Major Rural Specialty Business.

5  
6 Mr. Hardy stated that Curtis Orchard does have a lot of kid groups visit their facility. He said that Curtis  
7 Orchard can only grow a certain amount of produce on their farm therefore in order to meet the public  
8 demand they may need to obtain apples from another area to make their cider. He said that allowances may  
9 need to be considered to meet the public need. He said that he isn't opposed to rezoning because he does  
10 not believe that there would be any issues raised by the neighbors but if there were issues raised it would  
11 cause a lot of unnecessary headaches.

12  
13 Mr. Bluhm stated that if the business is at the point where it really does not qualify for the Rural Specialty  
14 Business and the Board goes ahead and approves the request as submitted the Board will have set  
15 precedence for everyone else in the County who is pushing the limits.

16  
17 Mr. Hardy stated that he cannot think of any other business which is comparable to what they do because  
18 they are a very unique business.

19  
20 Ms. McGrath stated that even though there have been no complaints or concerns from the neighbors or the  
21 Village of Rantoul the business does not meet the definition of a Rural Specialty Business and it is  
22 considered a nonconforming use. She said that the County does not want to put Mr. Hardy or his family in  
23 the position of operating illegally therefore this Board could recommend to the County Board to rezone the  
24 subject property or amend the *Zoning Ordinance* and redefine the definition of a Major Rural Specialty  
25 Business. She said that given the Zoning Board's comments she finds it unlikely that the definition of a  
26 Major Rural Specialty Business will be amended in the *Zoning Ordinance*. She said that realistically the  
27 choice is not to leave the existing business as a nonconforming use but change the designation so that the  
28 Hardy family can continue the current use of the property.

29  
30 Mr. Hardy asked what type of process is involved in requesting a rezoning.

31  
32 Mr. Hall stated that the request would be for a rezoning of all the land owned by Mark and Julie Hardy and  
33 Richard Hardy to AG-2 Agriculture. He said that the land where the reindeer ranch is being conducted  
34 would be under a different Special Use Permit, called a Commercial Indoor Recreational Enterprise. He  
35 said that the site plan or description of the business would not have to be changed and the limits about the  
36 sales of alcohol or how much is recreation would not exist because there would be no limits. He said that  
37 the business would be free to grow within the confines of the Special Use Permit which would be through  
38 the ZBA approved site plan and ZBA approval for the sale of alcohol. He said that these are the same items  
39 which need approved as a Major Rural Specialty Business but the limits go away.

40  
41 Mr. Hardy asked if a different set of rules and requirements would be presented during the rezoning.

42  
43 Mr. Hall stated no, there would not be any new standards.

44

1 Mr. Hardy asked how the neighbors would be involved in the rezoning process.

2  
3 Mr. Hall stated that all of the neighbors were sent notice of the existing Special Use Permit therefore they  
4 would also receive notice that an Indoor Commercial Recreational Enterprise and rezoning was being  
5 requested for the subject property. He informed Mr. Hardy that there isn't anything that can be done under  
6 AG-2 that cannot be done in AG-1 without a Special Use Permit therefore the neighbors do not have to be  
7 worried that some horrible use is being proposed.

8  
9 Mr. Hardy stated that he has a good relationship with his neighbors and does not feel that they will have a  
10 problem with the new request. He said that he wants to make sure that there will not be a lot of major  
11 expensive changes required.

12  
13 Mr. Hall stated that there should not be any tax issues due to the rezoning but from a zoning perspective the  
14 Hardy's would have a lot more freedom to do what they want to do with their business if the rezoning was  
15 approved. He said that currently the business is considered a Major Rural Specialty Business in the AG-1  
16 Zoning District and it would be going to the AG-2 Zoning District as an Indoor Commercial Recreational  
17 Enterprise with an outdoor component.

18  
19 Mr. Hardy stated that he would need to talk to his neighbors to assure them that the request is not the result  
20 of anticipated changes to the business.

21  
22 Ms. Griest stated that one of more basic ways to explain it to the neighbors would be the following: The  
23 intent is not to change the operation, as it currently exists, but the business has grown to the point where the  
24 business no longer qualifies under the AG-1 Zoning District therefore the zoning designation has to be  
25 changed from AG-1 to AG-2. She said that the operation of the business will not change and it is only a  
26 matter of the zoning classification changing not the operation.

27  
28 Mr. Hardy asked if the Village of Rantoul will have any concerns regarding the rezoning.

29  
30 Mr. Hall stated that the subject property is within one-and-one half miles of the Village of Rantoul and they  
31 could protest the rezoning but it is unlikely. He said that staff did talk to the staff at the Village of Rantoul  
32 and they did not appear to have any concerns about the current activities at the ranch but there is always that  
33 possibility. He recommended that Mr. Hardy speak to his neighbors about the possibility of rezoning the  
34 subject property and contact the Village of Rantoul Community Development Office to let them know that  
35 he is considering rezoning the subject property from AG-1 to AG-2. Mr. Hall stated that he would be happy  
36 to meet with Mr. Hardy and the Village of Rantoul Community Development Office to discuss and review  
37 this case.

38  
39 Mr. Goldenstein stated that it would make sense to go forth with the rezoning and special use request so that,  
40 if desired in the future, the business could be sold with no limits attached.

41  
42 Ms. Griest stated that if the business is in a situation where it is nonconforming and something happens to  
43 the existing structures it will be much more difficult to restore or replace those structures.

44

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1 Mr. Miller stated that the rezoning may also open up some new possibilities which may become apparent in  
2 the future.

3  
4 Mr. Schroeder stated that Mr. Hall should be present at the meeting between Mr. Hardy and the Village of  
5 Rantoul because he may need some backup in regards to questions that may be asked during the meeting.

6  
7 Mr. Hardy stated that he is not concerned about his neighbors but it would probably be very beneficial if Mr.  
8 Hall did attend any meetings that occurred. He asked how much time, from start to finish, is involved with  
9 this process.

10  
11 Mr. Hall stated that once the ZBA makes a recommendation, depending upon the time of the month in which  
12 is occurs, it could take as little as one month to complete. He said that unless something comes out of the  
13 blue after the first ZBA meeting regarding the rezoning and special use case it surely would not take more  
14 than one ZBA meeting. He said that the first open slot on the ZBA docket is January 31, 2008, and if this  
15 case was continued to that date and completed the final approval from the County Board could be possible  
16 by the end of February. He said that it would be very difficult to make this happen any quicker given the  
17 number of cases that are already docketed.

18  
19 Mr. Hardy stated that the sooner the better because the trade shows start in February and they would like to  
20 have an idea of what type of product they can offer at the show.

21  
22 Mr. Hall stated that the case could be added to the December 13<sup>th</sup> or December 27<sup>th</sup>, meeting which would  
23 make the earliest available date for County Board approval during the third week in January, 2008.

24  
25 Mr. Hardy stated that he would rather have his case continued to December 27, 2007.

26  
27 Ms. Griest stated that most generally if there are going to be any objections about a case those objections are  
28 heard at the ZBA meeting. She said that if people are concerned about a case they attend the ZBA meeting  
29 and voice those concerns during the hearing.

30  
31 Mr. Bluhm stated that if Mr. Hardy talks to his neighbors and they have no concerns then there won't be any  
32 problems.

33  
34 Mr. Hardy asked what the cost of the rezoning and special use permit would be.

35  
36 Mr. Hall stated that he would estimate that the fee would be between \$1100 and \$1300 dollars.

37  
38 Ms. Griest asked if the Board or staff had any additional questions for Mr. Hardy and there were none.

39  
40 Ms. Griest asked if anyone in the audience desired to cross examine Mr. Hardy and there was no one.

41  
42 **Mr. Bluhm moved, seconded by Mr. Irlle to continue Case 587-S-07 to the December 27, 2007, ZBA**  
43 **meeting. The motion carried by voice vote.**

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**6. New Public Hearings**

None

**7. Staff Report**

None

**8. Other Business**

Mr. Steeves informed the Board that he would not be attending the November 29, 2007, meeting.

Mr. Miller informed the Board that he would not be attending the November 29, 2007, meeting.

Ms. Griest asked the Board if they would like staff to notice a special meeting/dinner honoring Dennis Goldenstein. She said that the November 29<sup>th</sup> meeting will be Mr. Goldenstein's last ZBA meeting.

Mr. Bluhm stated that since two of the Board members will be absent at the November 29<sup>th</sup> meeting perhaps the Board could have the special meeting/dinner on December 13<sup>th</sup> prior to the regular meeting.

Ms. Griest asked the Board where they would like to have the special meeting/dinner.

Mr. Schroeder suggested Boomerang's.

**The consensus of the Board was to notice a special meeting/dinner to be held at Boomerang's at 5:00 p.m. on December 13<sup>th</sup>.**

Mr. Hall stated that there are two text amendments on the docket. He said that one case is for Township Highway Garages, as a conditional use and one for Exterior Lighting Standards for Special Use Permits. He said that both text amendments were recommended by ELUC.

Ms. Griest stated that since November 29<sup>th</sup> is Dennis Goldenstein's last meeting the Board will have a new member in attendance at the December 13<sup>th</sup> meeting. She said that there was one applicant to fill the vacant position and their application was approved by the Policy Committee and is being forwarded to the County Board. She said that she is fairly confident that the applicant will be approved to fill the vacant position on the Zoning Board.

**9. Audience Participation with respect to matters other than cases pending before the Board**

None

**10. Adjournment**

**11-15-07**

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**ZBA**

1 The meeting adjourned at 8:00 p.m.

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6 Respectfully submitted

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11 Secretary of Zoning Board of Appeals

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ZBA //

***DRAFT SUBJECT TO APPROVAL DRAFT***

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