

AS APPROVED APRIL 17, 2008

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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**

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9 **DATE: April 03, 2008**

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

10  
11 **TIME: 7:00 p.m.**

**Urbana, IL 61802**

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13 **MEMBERS PRESENT:** Doug Bluhm, Debra Griest, Joseph L. Irle, Richard Steeves, Melvin  
14 Schroeder, Eric Thorsland

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16 **MEMBERS ABSENT :** Roger Miller

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

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21 **OTHERS PRESENT :** Mark Hardy, Charles Stites

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24 **1. Call to Order**

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26 The meeting was called to order at 7:00 p.m.

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

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30 The roll was called and a quorum declared present.

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32 **3. Correspondence**

33  
34 None

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36 **4. Approval of Minutes (November 15, 2007)**

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38 **Mr. Irle moved, seconded by Mr. Thorsland to approve the November 15, 2007 minutes as submitted.**  
39 **The motion carried by voice vote.**

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41 **5. Continued Public Hearing**

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43 Ms. Griest stated that Case 587-S-07 and Case 602-AM-07 will be called concurrently.

44  
45 **Case 587-S-07: Petitioner: Mark and Julie Hardy d.b.a. Hardy's Reindeer Ranch and Richard Hardy**  
46 **Request: Authorize a Private Indoor Recreational Development with accessory outdoor recreational**  
47 **activities. Location: The South 23.4 acres except for the South 233.71 feet of the West 208.71 feet in**  
48 **the West Half of the Southeast Quarter of Section 5, Township 21North, Range 9 East, Rantoul**

**Township, and commonly known as Hardy’s Reindeer Ranch at 1356 CR 2900N, Rantoul.**

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

**Case 602-AM-07: Petitioner: Mark and Julie Hardy d.b.a. Hardy’s Reindeer Ranch and Richard Hardy Request: Amend the Zoning Map to change the zoning district designation from AG-1 Agriculture Zoning District to AG-2 Agriculture Zoning District. Location: The South 58.88 acres except for the south 233.71 feet of the West 208.71 feet in the West Half of the Southeast Quarter of Section 5, Township 21 North, Range 9 East, Rantoul Township and commonly known as Hardy’s Reindeer Ranch and the field to the north all located at 1356 CR 2900N, Rantoul.**

Mr. Hall stated that Case 487-S-07 is a continued case and has been re-advertised. He said that the case was previously before the Board as a Major Rural Specialty Business in the AG-1 Zoning District. He said that the Petitioner followed the recommendation of the Board and revised the special use to be a “Private Indoor Recreational Development” therefore there is also a rezoning case before the Board tonight. He said that Case 602-AM-07 is a request to rezone all of the area of the Special Use Permit plus the rest of the land that is owned jointly to the AG-2 Zoning District. He said that this land is approximately 600 feet from the Village of Rantoul, which as expanded since the *Zoning Ordinance* was adopted; therefore the AG-2 Zoning District is appropriate for this request because it is the zoning district which was built around the urbanized areas. He said that the County has not expanded the AG-2 Zoning District as the urbanized areas have expanded over the years therefore in terms of whether this is a proper location for AG-2 it would certainly meet the purpose and intent statements included in the *Ordinance*. He said that “Private Indoor Recreational Development” is not allowed in the AG-1 Zoning District therefore establishing the AG-2 Zoning District would allow this “Private Indoor Recreational Development” to be considered.

Mr. Hall stated that the Board has not seen the rezoning case before tonight and staff’s preliminary review, included in the Preliminary Memorandum dated March 28, 2008, indicates that the proposed rezoning achieves all of the goals and conforms to all of the relevant policies. He said that staff could not find any areas where the Board would have any difficult choices in regard to the requested rezoning.

Mr. Hall stated that the Supplemental Memorandum dated March 28, 2008, included a revised condition and three new conditions for the Board’s consideration. He said that the revised condition was in regard to the sales of alcohol and it was not revised in regard to the intent but only some minor word changes. He said that staff proposed three new conditions which would make it clear as to what exactly the Board is approving. He said that the whole point of the condition relating to the limit of sales of goods not produced

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1 on the premises is that the Board is being asked to approve a "Private Indoor Recreational Development"  
2 and certainly incidental sales are expected but no where in the AG-2 district does it allow retail sales as a  
3 Special Use. He said that one thing that this business will not be able to do over time is to become a  
4 completely retail business because it is not allowed in the AG-2 district. He said that while the "Private  
5 Indoor Recreational Development" doesn't have all of the limitations of a "Major Rural Specialty Business"  
6 there are still some limits.

7  
8 Mr. Hall stated that the Petitioner had previously testified that there is some outdoor music as part of their  
9 current activities therefore staff has proposed a condition that would allow the Petitioner to carry on with  
10 what they have testified that they are doing in regard to amplified music. He said that the condition states 1)  
11 that amplified music shall not be audible at the property line at any time; and 2) outdoor music shall not  
12 occur in the evening more often than as allowed as a Temporary Use, which is five times within any 90 day  
13 period, and then only as authorized by a Champaign County Recreation and Entertainment License. He said  
14 that as far as staff knows this condition will let Hardy's Reindeer Ranch continue with outdoor music, as  
15 they are currently doing, but more importantly it does establish some type of limit for the future in case the  
16 property would be sold to a different owner.

17  
18 Mr. Hall stated that staff added detail to the proposed condition to provide reliable and safe emergency  
19 access to the meeting hall. He said that staff suggested this condition at the last hearing in which the Board  
20 reviewed the Summary of Evidence. He said that the condition indicates that 1) the width of the driveways  
21 that provide access to the subject property shall be a minimum of 20 feet wide with at least six inches of  
22 gravel across the entire width to provide adequate access for emergency vehicles; and 2) there shall be a fire  
23 lane outside the meeting hall that shall be marked "Fire land no parking" except for required handicapped  
24 parking and shall be a minimum of 20 feet wide with at least six inches of gravel across the entire width.

25  
26 Mr. Hall distributed a Supplemental Memorandum dated April 3, 2008 regarding Case 587-S-07, for the  
27 Board's review. He said that the purpose of the new memorandum is to add a new Item 9.B.(2)(c) to the  
28 Summary of Evidence as follows:

29  
30 **A condition is proposed that will limit the goods not produced on the premises to**  
31 **50 percent of the total stock in trade or gross business income. There are two current**  
32 **activities at Hardy's Reindeer Ranch which fall under that condition: the sale of**  
33 **pumpkins not grown on the site; and the sale of all items in the gift shop, including**  
34 **future alcohol sales. The sale of food in conjunction with recreational activities is**  
35 **not intended to be limited by the proposed condition.**

36  
37 Mr. Hall stated that in terms to the activities that are currently going on with the Special Use Permit, these  
38 are the only two things that the Petitioner has to be careful not to allow those sales to become the major  
39 generator of income.

40  
41 Mr. Bluhm questioned the Christmas tree sales.

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43 Mr. Hall stated that Christmas tree sales lots are allowed "by-right" in the AG-1 and AG-2 Zoning Districts.

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Mr. Hall stated that an Item 12.A.(3) has been added to the Summary of Evidence to make it very clear that the sale of food in conjunction with recreational activities is not intended to be limited by the proposed condition. He said that the activity of having the tour groups with a meal is not limited in any way by the proposed conditions. He said that there are several conditions but most of them have been included in previous memorandums when the request was for a “Rural Specialty Business”.

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

Ms. Griest called Mark Hardy.

Mr. Hardy stated that occasionally they will host a company picnic where they will have a three piece band perform outside but most generally the band will play inside the banquet hall on the stage. He said that he is very considerate of his neighbors in regard to outside noise. He asked if the rezoning is approved and he decided to build an indoor play area, as may be required in the fall or Christmas time due to inclement weather, would he need to obtain a building permit.

Mr. Hall stated that the construction of an indoor play area would be an expansion and if this construction is planned within the next five years he would recommend that the Petitioner take the time to revise his site plan to include the new building.

Mr. Hardy stated that he would rather not have to build such an area but if he does decide to do so it would be within the next five years. He said that to date he could only estimate as to the size and location of the building.

Mr. Hall stated that it would be his recommendation that the Board continue the cases to allow Mr. Hardy to submit a carefully revised site plan and a floor plan of the proposed building. He said that an Indoor Recreational building is something that he would like the Board to be completely comfortable in what they are approving.

Mr. Hardy stated that he would like to have some type of indoor play area for the kids to enjoy during inclement weather. He said that the building would not be particularly heated or air conditioned but would have walls that could function in several different ways. He said that the building could potentially be placed on his father’s land or behind the banquet hall.

Ms. Griest asked Mr. Hardy if he is actually speaking about an additional structure to be placed on the site.

Mr. Hardy stated yes. He said that he does not have a lot of storage and they are lacking any shelter for the tourists during inclement weather.

Ms. Griest informed Mr. Hardy that it will cost him less to make those decisions now and include those changes in this application rather than having to come back before the Board for additional requests.

Mr. Hardy stated that he can revise the site plan to include any proposed expansions but noted that it will

1 only be an estimate.

2  
3 Ms. Griest asked Mr. Hall if Mr. Hardy’s request will be limited by the size of building or expansion that he  
4 submits on the revised site plan but if he chooses to go smaller he would be allowed to do so without  
5 revisiting the Board.

6  
7 Mr. Hall stated that when it comes time to build the Zoning Administrator does not want to see anything  
8 more than 10% larger than what the Board approves. He said that the location of the proposed expansion or  
9 building is not as critical provided that no additional driveway entrances are added but noted that additional  
10 parking may be required. He said that this is why he has recommended that the case be continued to allow  
11 time for a revised site plan to be submitted and reviewed.

12  
13 Ms. McGrath stated that the location of the expansion or building may be critical in this case due to ingress  
14 and egress issues.

15  
16 Ms. Griest asked Mr. Hall if he would recommend that the Board move forward with Case 602-AM-07,  
17 while the Petitioner and Staff works out any concerns related to Case 587-S-07.

18  
19 Mr. Hall stated the Board could move forward with Case 602-AM-07, but staff has an ELUC mailing going  
20 out next week and he does not intend forwarding this case to ELUC in April. He said that the Board could  
21 move forward with the map amendment but it will not gain the Petitioner anything in doing so. He said that  
22 he is glad that Mr. Hardy mentioned any possible expansion or proposed buildings at tonight’s meeting. He  
23 reminded Mr. Hardy that the Board will be approving the Special Use Permit based on a specific site plan as  
24 well as a description of the activities therefore it is not like someone who is in a business district where  
25 someone can almost do anything “by-right”. He said that Mr. Hardy’s plan should include any expansion  
26 foreseen within the next five to ten years.

27  
28 Mr. Hardy asked Mr. Hall if he could build additional shelters for the animals.

29  
30 Mr. Hall stated yes. He said that if a farm building, used exclusively for agricultural use, is required on the  
31 farmland the construction of that building would not be an issue but anything that is part of the “Indoor  
32 Recreational Development” needs to be included on the revised site plan.

33  
34 Mr. Irle asked Mr. Hardy if he had spoken to the Village of Rantoul.

35  
36 Mr. Hardy stated that he spoke to the Chief of Police for the Village of Rantoul and they appear to be very  
37 supportive of their business. Mr. Hardy said that personally he is concerned about the prospect of having  
38 light industry businesses proposed towards his property.

39  
40 Ms. Griest asked Mr. Hardy if had reviewed the proposed conditions and if so did he have any concerns  
41 regarding the proposed conditions.

42  
43 Mr. Hardy stated that he had reviewed the proposed conditions and had no concerns at this time.

44

- 1 Ms. Griest asked the Board if there were any additional questions for Mr. Hardy and there were none.  
2  
3 Ms. Griest asked if staff had any questions for Mr. Hardy and there were none.  
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5 Ms. Griest asked the audience if anyone had any questions for Mr. Hardy and there was no one.  
6  
7 Ms. Griest asked the audience if anyone in attendance would like to present testimony regarding Case 587-  
8 S-07 or Case 602-AM-07 and there was no one.  
9  
10 Ms. Griest asked Mr. Hall if he had a recommendation for a continuance date.  
11  
12 Mr. Hall stated that if Mr. Hardy would only need a week to prepare the revised site plan the cases could be  
13 continued to April 17, 2008. He said that if Mr. Hardy cannot submit a site plan within this time period the  
14 next opening for a continuance date would be May 29, 2008.  
15  
16 Mr. Hardy stated that he would need to check his calendar to see if the April 17<sup>th</sup> meeting would be an  
17 acceptable date for continuance. He stated that he could call Mr. Knight tomorrow to confirm the date.  
18  
19 Mr. Griest informed Mr. Hardy that the Board must continue the cases to a specific date at this meeting.  
20  
21 Mr. Hall recommended that the Board continue the cases to the April 17, 2008, meeting and if Mr. Hardy is  
22 not available staff cannot report this information to the Board and the case can be continued to a later date.  
23 He informed Mr. Hardy that he will need a site plan and a schematic building plan so that the Board knows  
24 if there are going to be any significant life/safety issues.  
25  
26 Ms. Griest asked Mr. Hall if Mr. Hardy should submit a statement of purpose and intended use of the  
27 building.  
28  
29 Mr. Hall stated the Board will need to know the type of activities that are planned for the building. He said  
30 that staff would need all of the requested information by April 3<sup>rd</sup>. He said that it will be better to over  
31 estimate the building size so that there is a little bit of latitude. He said that this information is only for the  
32 Special Use Permit and when the Petitioner decides to construct the building a Zoning Use Permit and fees  
33 will be required.  
34  
35 Mr. Hardy stated that at this point he is not sure whether he will locate the building on his land or his  
36 father's land.  
37  
38 Mr. Hall stated that Mr. Hardy's father's land has been included in the legal advertisement for the Special  
39 Use Permit and the only time the building being placed on his property would be if Richard Hardy decided  
40 to sell the land.  
41  
42 **Mr. Irlle moved, seconded by Mr. Bluhm to continue Cases 587-S-07 and 602-S-07 to the April 17,**  
43 **2008 meeting. The motion carried by voice vote.**  
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**6. New Public Hearings**

None

**7. Staff Report**

None

**8. Other Business**

Ms. Griest stated that a special meeting has been requested on the docket for May 1, 2008. She said that the concern is that there may be a thin Board on that specific date but since it is important to get this agricultural use case on the docket it was decided to go ahead and request a special meeting.

Mr. Irle asked if Grand Prairie Co-op will be constructing a new grain elevator.

Mr. Hall stated that there are two cases docketed for Grand Prairie Co-op. He said that one case is based on what they received approval for previously although they didn't really know what the height would be at the time for the proposed structure. He said that the structure will be over 100 feet in height and the *Zoning Ordinance* requires that a grain bin over 100 feet in height requires a Special Use Permit. He said that Grand Prairie Co-op is also proposing a significant expansion of storage in the other case and the Board has some flexibility for these cases. He said that the Special Use Permit for height would be relatively easy because the Board has already dealt with all of the non-height related issues for that case and it would just be going back and considering the proposed height. He said that the case for the expansion and new storage will be a different matter.

Mr. Irle asked if the Village of Sidney will have any issues with the proposed expansion.

Mr. Hall stated that the conditions have changed since the previous case because the Petitioner and the Village of Sidney have worked together and there really may not be any issues left but given the previous experience it is unknown what issues may arise. He said that staff only received the applications last week and approval for both requests is needed for this fall. He said that May 1, 2008, is the quickest date that the Board can review these two cases.

Mr. Bluhm stated that if it is so urgent that Grand Prairie Co-op receives a quick approval for fall then why did they wait until last week to submit the application.

Mr. Hall stated that the Village of Sidney informed Grand Prairie Co-op that it was up to the Village and the Village indicated that the requests would be okay. He said that if the Board will recall the facility is located both within the Village of Sidney and the County and apparently the entire property will never be within just one jurisdiction therefore they have to work with both jurisdictions. He said that the location of the current requests is entirely located within the County therefore the only right that the Village of Sidney has is to comment on the Special Use Permit request.

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2 Mr. Schroeder asked if this is the case where they had originally requested to build two storage facilities but  
3 ended up only building one.

4  
5 Mr. Hall stated that they did want to build two storage facilities in the beginning but what they ended up  
6 doing is building a temporary ring which is now proposed to be removed for the new bin, which requires the  
7 special use permit for height. He said that the Board may desire to review only one of these cases on May  
8 1<sup>st</sup>.

9  
10 Ms. Griest asked the Board if a quorum will be in attendance for a special meeting on May 1<sup>st</sup>.

11  
12 Mr. Irle and Mr. Bluhm indicated that they may be in the field on May 1<sup>st</sup> and are not sure if they will be  
13 able to attend the special meeting.

14  
15 Ms. Griest stated that a quorum of the Board would consist of four members present.

16  
17 **Mr. Irle moved, seconded by Mr. Steeves to schedule a special meeting for May 1, 2008, to hear Cases**  
18 **613-S-08 and 614-V-08, Grand Prairie Co-op. The motion carried by voice vote.**

19  
20 **9. Audience Participation with respect to matters other than cases pending before the Board**

21  
22 None

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24 **10. Adjournment**

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26 The meeting adjourned at 7:35 p.m.

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33 Respectfully submitted

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38 Secretary of Zoning Board of Appeals

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***DRAFT SUBJECT TO APPROVAL DRAFT***

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