

AS APPROVED NOVEMBER 15, 2007

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61801

DATE: August 30, 2007

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

TIME: 7:00 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Doug Bluhm, Debra Griest, Joseph L. Irle, Richard Steeves, Melvin Schroeder

MEMBERS ABSENT : Dennis Goldenstein, Roger Miller

STAFF PRESENT : John Hall, Leroy Holliday, J.R. Knight

OTHERS PRESENT : Mark Hardy, Julie Hardy

1. Call to Order

The meeting was called to order at 7:03 p.m.

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present.

3. Correspondence

None

4. Approval of Minutes

None

5. New Public Hearings

Case 587-S-07 Petitioner: **Mark and Julie Hardy d.b.a. Hardy's Reindeer Ranch and Richard Hardy**
Request: **Authorize the use and expansion of a Major Rural Specialty business previously authorized in Case 223-S-00 as a Special Use in the AG-1 Zoning District, with waivers of the standard conditions for Major Rural Specialty Businesses limiting building area devoted to sales display or recreational commercial use to less than 5,000 square feet and prohibiting the sale of alcoholic beverages not produced on the premises. Location: A 5.24 acre tract and portions of adjacent tracts totaling 23.4 acres in the South half of the Southwest Quarter of the Southeast Quarter of Section 5 in Township 21N, Range 9E in Rantoul Township and commonly known as Hardy's Reindeer Ranch located at**

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

11
12 Mr. Hall distributed a Supplemental Memorandum dated August 30, 2007 and a copy of Ordinance No. 714,
13 Ordinance Establishing the Rules and Regulations Governing the Sale and Consumption of Alcoholic
14 Liquor in Champaign County, Illinois, for the Board's review. He said that the new memorandum has
15 attached to it the definition of Rural Specialty Business straight from the adopting ordinance just to make
16 sure that they did not mistype anything in the memorandums that were included in the packets. He said that
17 the new memorandum also reviews new information for the Summary of Evidence. He said that a new Item
18 #10.D. summarizes some very brief requirements of the Liquor Ordinance and Item #13 regards the
19 proposed waivers of standard conditions. He said that Item #13.A. is in regard to the waiver of the limit of
20 5,000 square feet and to be fair he and Mr. Knight have considered that probably the restrooms could be
21 excluded from that because restrooms are required regardless of whether it is in a recreational area or not
22 therefore this waiver may not be necessary and may need to be deleted. He said that Item #13.B. regarding
23 the sale of alcoholic beverages is what actually triggered this case and this waiver is necessary. He said that
24 staff does not have a lot of information regarding this waiver and all that can be said at this point is included
25 in Item #13.B.2. which states the following: Regarding whether the waiver will be injurious to the District,
26 there is no evidence at this time that alcoholic sales will be injurious to the district. However, the income
27 from the sale of alcohol will not be counted as coming from goods produced on the premises, which may
28 affect whether Hardy's Reindeer Ranch can continue to be authorized as a Major Rural Specialty Business.
29 He said that this goes back to staff's concerns that by definition a Rural Specialty Business has to have more
30 than 50% of its gross income from goods produced on site and he understands that the meals are catered in
31 from offsite. He does not believe that this would qualify as produced on site but this is an issue for the Board
32 to consider.

33
34 Mr. Hall stated that the Supplemental Memorandum dated August 30, 2007, includes staff's proposed
35 special conditions of approval. He said that Condition A. indicates the following:

36
37 **The proposed Special Use shall receive less than 50% of its gross business income from the sale**
38 **of goods produced off the premises and such goods must constitute less than 50% of the total**
39 **stock in trade to ensure that the proposed Special Use continues to qualify as a Rural Special**
40 **Business.**

41
42 He said that if the business currently meets the conditions for a Rural Specialty Business then staff would
43 propose this condition which is nothing more than what the *Ordinance* requires. He said that once the Board
44 comes to terms with whether this is a Rural Specialty Business or not detail should be added as to the kinds

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1 of things that the Board considers as being produced on site so that the Petitioners have very clear guidance
2 about where they can grow their business and where they probably shouldn't grow their business. He said
3 that Condition B. is in regard to sales of alcoholic beverages and there appears to be at least three conditions
4 that seem to be reasonable. He read the proposed Special Conditions as follows:

5
6 **B.(1) Sales of alcohol shall be limited to on-premises consumption only and only if**
7 **accompanying a meal served at Hardy's Reindeer Ranch to ensure that the operation of**
8 **Hardy's Reindeer Ranch is not altered to more resemble a bar or liquor store.**

9
10 **B.(2) The Petitioners must obtain a valid Champaign County liquor license, and must renew**
11 **it every year as detailed in the Champaign County Liquor Ordinance to ensure that the**
12 **proposed Special Use complies with all local and state regulations governing the sale of**
13 **alcoholic beverages.**

14
15 Mr. Hall noted that a State Liquor License is also required and Item B.(2) should indicate such.

16
17 **B.(3) Hardy's Reindeer Ranch shall not serve alcohol before 11:00 A.M. and will stop selling**
18 **alcoholic beverages at 8:00 p.m. daily to ensure that limited hours of operation are**
19 **established.**

20
21 Mr. Hall stated that staff does not have a clear reason to limit the hours and yet the Hardy's have claimed
22 that they are going to have limited hours. He said that these hours appear to track the Hardy's regular
23 business hours although they may actually open before 11:00 a.m. He said that this is one instance where he
24 does not see any compelling interest to limit it but the stated purpose is to have limited hours.

25
26 Mr. Hall stated that a third condition has to do with life safety in the banquet hall. He said that the banquet
27 hall is a public assembly area and in previous cases of public assembly the Board has included a condition
28 verifying compliance with the State Fire Marshal's Life Safety Code. He said that when staff visited the site
29 there was a door with an exit sign above it that did not appear to be operational and in terms of life safety a
30 door with an exit sign that can't open is probably the worst thing that they can possibly have. He read
31 Condition C. as follows:

32
33 **C. The Zoning Administrator shall not issue a Compliance Certificate for Zoning**
34 **Use Permit Application 162-02-01 until the Petitioners submit a statement from**
35 **an Illinois Licensed Architect certifying that the meeting hall is in compliance**
36 **with the life safety standards of the State Fire Marshal to ensure that the meeting**
37 **hall is in compliance with the life safety standards of the State Fire Marshal.**

38
39 Mr. Hall stated that these are all draft conditions for review by the Board. He said that he did include a copy
40 of the Liquor Ordinance so that the Board can become familiar with that and there may be other conditions
41 proposed based on the Liquor Ordinance but by and large the Liquor License is one requirement that they
42 have to meet and the Special Use Permit is another.

43
44 Ms. Julie Hardy, who resides at 1356 CR 2900N, Rantoul stated that one of the reasons they wanted to make

1 the changes at Hardy's Reindeer Ranch is because they are very active in promoting tourism in the area and
2 it is the major staple of their banquet facility. She said that 80% of the groups that come in to the banquet
3 hall come from all over the nation. She said that what they are seeing in the tourism trends in the industry is
4 that there is a new generation of baby boomers that are going to be traveling and wineries are a very popular
5 tourism trend for that age group. She said that they want to attract tourism to the County and bring visitors
6 in from all over the place and she wants to stay on top of what the visitors expect from the facility. She said
7 that they bring in catered food to the banquet hall but they sell the reindeer experience and atmosphere to the
8 customer. She said that they were only thinking of doing beer and wine in the banquet hall because it would
9 blend in to their created theme atmosphere. She said that they wanted to come up with their own signature
10 label which would add to their atmosphere and perhaps sell in their gift shop as souvenir items.

11
12 Ms. Griest asked Ms. Hardy if she would not make the wine on site but would have it made for the facility
13 and have their private label placed on it for sale by the glass or by the bottle as a souvenir.

14
15 Ms. Hardy stated that she would like to look into that aspect of it. She said that because they are a tourism
16 attraction the visitors want a souvenir item with the Hardy's Reindeer Ranch name on it. She said that it
17 would be a nice addition to be able to offer the wine for sale if possible.

18
19 Mr. Hall asked Ms. Hardy if beer would also be included for sale.

20
21 Ms. Hardy stated that she has considered it and thought that they could call it Alaskan Ale or something fun
22 like that. She said that there is a new brewery that is opening up in Champaign and she thought that maybe
23 they could work with them to see if they would make something special for their facility. She said that beer
24 and wine are the only two products that they desire to have at the facility and not hard liquor products.

25
26 Mr. Hall stated that once the decision is made it would be good to know if both beer and wine are desired or
27 if just wine is desired. He said that if beer is included would it just be beer with the Hardy's label on it and
28 not selling beer that someone could purchase anywhere else. He said that stipulating this matter would
29 make it clear for the Board during their decision.

30
31 Mr. Steeves stated that giving them the opportunity to sell the beer or wine at the gift shop would change
32 one of the proposed special conditions which indicates that consumption must take place on site.

33
34 Ms. Hardy stated that Mr. Steeves is correct. She said that people may want the opportunity to purchase the
35 beer or wine at the gift shop to give as a gift. She said that because they are a tourism attraction people do
36 want souvenirs and she just thought that it might be a nice addition to offer.

37
38 Mr. Irlle stated that the Board would be throwing back one of the conditions requiring a Class B Liquor
39 License.

40
41 Mr. Hall stated yes.

42
43 Mr. Irlle asked Ms. Hardy if she is considering putting in a small vineyard.

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1 Ms. Hardy stated no. She said that another tourist attraction, Rockome Gardens, sells beer and wine in their
2 restaurant because it is demanded from the tourists. She said that they are agricultural tourism and they
3 would like to utilize wineries which are located in central Illinois. She said that the facility is not open to
4 the general public and group reservations are required. She said that a majority of their groups come in on
5 motor coaches.

6
7 Mr. Hall stated that the Board may want to consider is, if the sale of alcohol would only be to people who
8 are in groups. He asked Ms. Hardy if she intends to sell someone who is on their way home from work, a
9 bottle of wine from the gift shop.

10
11 Ms. Hardy stated no. She said that the banquet hall is just that a banquet hall and it is not a restaurant that is
12 open to the general public and the beer and wine is just something that they would like to include with their
13 meals. She said that they have a chuck wagon theme meal and the banquet hall has a wild west look to it
14 with a neat old bar and it would work well with that theme.

15
16 Mr. Bluhm stated that Mr. Hall is more concerned with the gift shop area because it is open to the general
17 public.

18
19 Ms. Hardy stated that the gift shop is open to the general public.

20
21 Mr. Steeves asked Ms. Hardy how she will tell the difference between only selling to the visitors and selling
22 to the general public.

23
24 Ms. Hardy stated that if selling the private label beer and wine in the gift shop is a problem then they will
25 just limit the sale of the items within the banquet hall.

26
27 Mr. Mark Hardy, who resides at 1356 CR 2900N, Rantoul stated that he is also a co-petitioner and they
28 desire to sell the private label wine in the gift shop but they do not intend to serve it in the gift shop.

29
30 Ms. Griest stated that the Board understood that the wine would not be sold by the glass in the shop. She
31 asked Mr. and Mrs. Hardy if they produce a packaged product that becomes very popular and the visitors
32 desire to be a repeat customer by mail have they investigated which license would be required to legally
33 supply that customer with their order.

34
35 Mr. Steeves asked if Hardy's Reindeer Ranch does any mail order sales.

36
37 Mr. Hardy stated that someone may call and request that they send them an item from the gift shop. He said
38 that it is more of a hassle than it is worth but they will do it if someone requests a particular, unique item.
39 He said that they are busy enough that they do not need a mail order business and that is not what they are
40 after. He said that he would be really surprised if the private label wine takes off to that point although they
41 may be surprised.

42
43 Mr. Steeves asked if the Hardy's have done any projection to try to determine just how much business they
44 would do in this new area and what percentage of their sales would come from the wine.

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Mr. Hardy stated that the percentages would be fairly small. He said that most of the bus tours that come to the facility now are senior groups and he believes that if beer and wine were offered the visitors would probably go for it. He said that they do not offer beer and wine now and the visitors are fine with it but if it were offered probably only 15 out of a group of 50 would order it. He said that if in a regular tourist group there is small percentage of people that would probably order the wine or beer but if it was a special party, such as a Christmas party, then there would probably be a bigger percentage of drinkers.

Ms. Hardy stated that they are just trying to be proactive because she can see the changes that are occurring in the tourism industry. She said that they are only open from August to December 31st and the one or two buses which come per day is what keeps them afloat for the rest of the year. She said that tourism is a very important market to them and they have worked very hard to be included in the National Tourist Association. She said that she believes that with the trend this will be very helpful to accommodate the visitors that will be coming to facility in the future.

Mr. Bluhm asked if the meals are currently catered in to the facility.

Ms. Hardy stated yes.

Mr. Bluhm asked if the kitchen is under construction.

Mr. Hardy stated that the kitchen is complete and he has worked with the Health District in getting everything approved. He said that the kitchen is a kitchen for re-serve and the reason that they do not cook there is because they would be required to purchase a hood with a fire retardant system and it would be very expensive to go the next step. He said that currently they work with Hickory River and Meijer's and a lot of other local places so that they can put together a very good meal and it is consistent and easier for them to do. He said that it works well and people really enjoy it. He said that to cook on site is very involved and very expensive.

Mr. Bluhm stated that it appeared that the meals were included under the home-raised income.

Mr. Hardy stated that this issue has already been covered. He said that the majority of their income is derived from tours, services and activities that are on premises.

Ms. Hardy stated that people do not just come in to eat at the restaurant but are buying a package which includes the cost of the meal and the ranch experience.

Mr. Irlle stated that there is a cost to having the reindeer, providing the fencing, and planting of the trees and another part of the cost is the meal that is provided. He said that instead of fixing the meal onsite the meal is prepared offsite and catered to the banquet hall therefore perhaps that meal should be included as part of the total package and included as part of the services provided.

Ms. Griest stated that there is a difference between provided onsite and delivered or produced onsite.

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1 Mr. Irle stated that the distinction is whether the meal is charged separately or included in the package.

2
3 Mr. Hardy stated that they sell a package and a percentage of that cost includes the meal. He said that if the
4 general public comes to the facility and they desire to tour the reindeer facility then there is a specific charge
5 for that tour. He said that all of the different tours have different charges attached unless the public desires
6 to tour everything and then there is one specific charge for the entire facility tour. He said that a package is
7 produced for whatever age group or desire.

8
9 Ms. Hardy stated that the meal is offered if someone desires to eat at the banquet hall but the meal is not
10 always part of the package.

11
12 Mr. Irle stated that the beer, wine and other items for sale in the gift shop are sold as individual items but
13 when someone comes to the facility on a package tour then the price of the meal is included in that package
14 therefore it should be reflected in the retail sales.

15
16 Mr. Hardy stated that if someone comes out to visit the facility and they decide to purchase a Hickory River
17 sandwich and a drink then those items should be included as part of the income.

18
19 Mr. Hall stated that Mr. Hardy did provide to staff the cost of the catered meals in 2006. He said that staff is
20 focusing on the total income from sales of goods not produced on site.

21
22 Mr. Hardy stated that the cost for catering in 2006 was \$28,600. He said that he also submitted the cost of
23 purchasing Christmas trees and merchandise in the gift shop.

24
25 Mr. Hall stated that the total submitted for merchandise was \$70,000.

26
27 Mr. Hardy stated that the \$70,000 included the Christmas trees and merchandise for the shop and the
28 \$28,600 was for the cost of the caterer in 2006.

29
30 Mr. Hall stated that if you look at just the 2006 gross sales the 50% point would come at the point of which
31 the value of the catered meals reached \$39,600. He said that based on the cost they are at \$28,000 which is
32 well below that and they have 1/3 growth area to still be within that 50%. He said that if they think that the
33 sale of alcohol would be 5% they will be very close to exceeding the limit with very little room to grow.

34
35 Mr. Hardy stated that the alcohol is not going to be that critical. He said that it could help the ranch get a
36 group, which they can always use, but of the group that is brought out only a percentage of the sales would
37 be alcohol because we still have the meals and tours to bump up the rest of the figures. He said that people
38 do not expect beer and wine to begin with but if they were to find a special item that was not for sale
39 anywhere else then they might be intrigued to purchase it at the Reindeer Ranch. He said that the sale of
40 alcohol in the banquet hall would only help a small percentage because the bus tours that they serve now do
41 not have the option. He said that they believe that the next generation of bus tours would like the option of
42 having a glass of beer or wine with their meal and being allowed to serve these customers should bump up
43 the bus tours they currently cannot accommodate.

- 1 Mr. Steeves asked Mr. Hardy how he planned to incorporate the sale of alcohol into their package.
2
- 3 Mr. Hardy stated that the alcohol would have to be sold by the glass and not included in the package.
4
- 5 Mr. Irle stated that the alcohol will not have a huge growth rate and everything else will stay static. He said
6 that the alcohol sales will go up in proportion with everything else therefore they will still be within their
7 rural specialty business category.
8
- 9 Mr. Hardy stated that the kid groups, which have nothing to do with liquor, are all geared towards the things
10 that are produced on site. He said that the 5 or 10 percent of groups that would like to have alcohol would
11 bump up their package price.
12
- 13 Ms. Griest stated that it was mentioned that the sale of a specialty wine or beer would be for sale in the gift
14 shop.
15
- 16 Mr. Hardy stated that these sales would be under merchandise purchased.
17
- 18 Ms. Griest stated that it would still be growth in the non-produced onsite category.
19
- 20 Mr. Hardy stated that he would be very surprised if the beer or wine is a big seller. He said that the gift shop
21 is only open five months out of the year and the other business is open year around. He said that October
22 through December is the gift shop's busiest time.
23
- 24 Mr. Hall stated that he would like to hear the Board's concern whether all alcohol shall have the Hardy's
25 Reindeer Ranch logo. He said that he would like the Board to be specific as to whether they do or do not
26 have a concern about this issue.
27
- 28 Mr. Steeves stated that he understands that they would like to have a specialty label but is that the only
29 product that would be served.
30
- 31 Mr. Hardy stated that in practicality they could just sell the specialty label but it would be hard to be
32 competitive in the banquet hall if they only sell the specialty product. He said that in the gift shop they
33 would only sell the private label. He said that they could only sell the private wine but it would be very hard
34 to only sell one type of beer. He noted that they are not interested in becoming a package liquor store but
35 would like to be able to serve this product to the tour groups if desired. He said that in the gift shop he
36 would only sell the novelty beer and wine but in the banquet hall he would like to be able to sell the novelty
37 wine and a beer that he could afford to purchase and resale.
38
- 39 Ms. Griest asked Mr. Hardy if it would place any hardship if they placed a condition indicating that they
40 could only sell the private label alcohol in the gift shop.
41
- 42 Ms. Hardy stated that it would not be a hardship and that they would prefer not to sell products other than
43 their own private label.
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1 Ms. Griest asked if the gross sales data is an estimation or was it what was actually reported on their tax
2 returns.

3
4 Mr. Hall stated that the 2006 catering bill was \$28,441.38.

5
6 Mr. Hardy stated that the gross sales data is an estimation.

7
8 Ms. Hardy stated that the estimation is pretty close to the actual figures.

9
10 Ms. Hardy stated that they rounded some of the numbers but they could give the Board the exact figures if
11 required.

12
13 Mr. Irle asked Mr. Steeves if Mr. and Mrs. Hardy were his clients would he want them to submit financial
14 statements for public review.

15
16 Mr. Steeves stated no.

17
18 Mr. Irle stated that he would assume that the gross sales were based on sales tax which would be easier for
19 administrative staff to keep track of because otherwise how would we enforce something like that.

20
21 Ms. Griest stated that a lot of the items are non-taxable and they are probably paying taxes on the food that
22 they are repackaging so that they can distribute it after tax.

23
24 Mr. Steeves asked if we are really that concerned that we have to get down to the nickels and dimes. He
25 said that the fewer than 50% requirement would almost have to be approved yearly because sales could
26 change.

27
28 Mr. Hall stated that staff will not be keeping track of anything and that responsibility will be placed on the
29 petitioner.

30
31 Mr. Hardy stated that he believes that it will take some time for people to realize that they even offer the
32 wine because it will be a novelty item. He said that the sale of the wine as a novelty item in the gift shop
33 will be a small percentage of sales and in the banquet hall there will be a small percentage of the visitors
34 who will want to purchase wine with their meal.

35
36 Mr. Steeves stated that he was thinking more in line of what the difference is between a good year when
37 they have Christmas trees and a bad year when they have to bring in more trees for purchase.

38
39 Mr. Hardy stated that they have been doing this for approximately twelve years and the growth has been
40 fairly steady. He said that their growth has been very consistent and he orders the same amount of trees
41 every year. He said that they advertise consistently and the growth follows along but a lot of things can
42 change in a year's time.

43
44 Ms. Hardy stated that in the twelve years that they have been doing this that there have been many things

1 that affects the tourism industry, such as the 911 tragedy. She said that they believe that there will be an
2 increase in traffic and the groups that are booked at the banquet hall. She said that they have worked really
3 hard to bring in other types of groups, such as the University of Illinois students. She said that there are
4 many different aspects to what they do but their intention is not to have a bar on the premises. She said that
5 they only want to be able to offer the beer or wine with the meals or as a novelty item.
6

7 Mr. Steeves stated that in his mind it seems that the Hardy's are hoping for growth in an area that is going to
8 increase their product sales.
9

10 Mr. Hardy stated that it is his opinion that it will go hand in hand with the groups that visit the facility and if
11 they drink alcohol with their meal they are also doing the tours which will help the aspects of the ranch.
12

13 Mr. Steeves stated that if someone is buying a meal for \$7 dollars and they are doing a tour which costs \$2
14 dollars then it will mean more people being brought in at \$7 dollars versus the \$2 dollars.
15

16 Mr. Hardy stated that he understands the percentage but he does not believe that they have that many groups
17 that will want a meal with alcohol versus the tour demand.
18

19 Ms. Hardy stated that she would estimate that maybe 30% of the senior groups will purchase a glass of wine
20 with their meal.
21

22 Mr. Bluhm requested a description of a typical package and the price of the package.
23

24 Ms. Hardy stated that currently they have a \$23 dollar package which includes the sandwich meal,
25 entertainment on stage, reindeer ranch tour. She said that when she promotes the ranch she is not promoting
26 the meal but promotes the Alaskan Reindeer tour.
27

28 Mr. Steeves asked if there are packages without the entertainment.
29

30 Ms. Hardy stated yes.
31

32 Mr. Hall stated that the standards indicate that at least 50% of the income must come from goods produced
33 on site but there is no limit on how much can be commercial recreation. He said that it is not a complete
34 equation but it is all that staff has to work with at this point.
35

36 Mr. Irlle stated that what the Petitioner is requesting is different from what they are doing now and if the
37 entire package is only \$23 dollars and of that less than \$12 dollars is collected from off-site sales then it is a
38 no-brainer because it is less than 50%.
39

40 Ms. Griest stated that this works fine if you only look at the tour data but at this point, based on the
41 submitted data, the Petitioner only has approximately \$10,000 dollars of room to play with. She said that
42 depending upon their existing head count they will probably not exclude their existing tours from having the
43 beer and wine option so if they say that 15% of those existing participants that come in on the tour groups is
44 going to partake in the beer and wine package and they are also going to have private label beer and wine for

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1 sale then it will up the gift shop and the ratio on the current traffic. She said that the addition of three or
2 more tours isn't where they are going to get their heavy impact but it will be from the existing customers
3 that will be offered the addition of beer and wine.

4
5 Mr. Steeves asked who will figure out this percentage each year and whose responsibility will it be to check
6 to see where the 50% balances.

7
8 Mr. Hall stated that no one in the zoning office will have this responsibility. He said that it is the
9 responsibility of the petitioner.

10
11 Mr. Steeves asked if the Board is wasting its time if no one is going to keep check on the 50% ratio.

12
13 Ms. Griest asked Mr. Hall what the penalty was if over a ten year period the receipts indicate that they
14 average over the 50% for off-site produced products. She said that there is no enforcement capability if no
15 one is checking.

16
17 Mr. Hall stated that nobody has to go out and do what the Board authorizes in the first place because they
18 could turn around and do something completely different. He said that everything that the Board authorizes
19 is done by taking the applicants word that they will do what they are supposed to do.

20
21 Mr. Steeves stated that no one is going to be able to determine if they are over the 50% standard.

22
23 Mr. Hall stated that this is a great weakness in the Rural Specialty Business. He said that if someone starts
24 out borderline and they have a successful business then how will anyone know if they are over the standard.

25
26 Mr. Hardy stated that they live on the premises and they do have neighbors. He said that he is very
27 considerate with any music that is in the hall and late hours. He said that he does not want to aggravate his
28 neighbors and since he lives on the premises he does not want late hours because they have to get up the
29 next morning to start another day. He said that they do not intend on changing their hours to a later time
30 because it would not serve the facility. He said that they are open for five months straight and everyday
31 requires them to get up early the next day to serve another group.

32
33 Mr. Steeves stated that he understands Mr. Hardy's comments but no one other than their attorney or
34 accountant reviews their finances. He said that since there is no reporting requirement for the business there
35 is no way of knowing if the facility is in violation of the Ordinance.

36
37 Ms. Hardy stated that it has not always been easy to operate the Rural Specialty Business and they worked
38 for seven months to advertise the facility. She said that if the Board knew her reputation over the last twelve
39 years she continues to work with the area to bring in tourism. She said that she has been on the Board with
40 the Visitor's Commission and has been involved with the community and it has consistently been a place
41 where kid groups and families desire return visits. She said that they do not intend to change their operation
42 in any way because they like what they do and they want to keep it that way.

43
44 Mr. Hall stated that his concern is not that the Hardy's are changing their operation but that if the Petitioner

1 came in today as a new person requesting a new Rural Specialty Business and they indicated that they
2 desired to serve catered food he would tell them that such a practice is not allowed for a Rural Specialty
3 Business.

4
5 Mr. Hardy asked if the percentage could be proven would it be allowed.
6

7 Mr. Hall stated yes, the percentage would have to be met but right off the bat it is not what would be
8 expected for a Rural Specialty Business. He said that it is not because it is not a good business and not that
9 it is not good for area and not because the facility is not a good neighbor but it is because it is a simple
10 requirement of the Ordinance. He said that the last thing that he would like to see is have the Board give
11 authorization for a use that does not have room to grow.
12

13 Mr. Hardy stated that he does not mind submitting records indicating that they can stay at the less than the
14 50% level.
15

16 Mr. Hall stated that there are other options, other than a Rural Specialty Business, for the Hardys to do their
17 business at their location. He said that these options would involve a different Special Use Permit and they
18 would involve rezoning but once they receive this the concern about the limits will go away. He said that
19 they would be free to do their business the way that the business takes them.
20

21 Mr. Hardy stated that they are a small business on a very small budget and even doing this process was
22 expensive and the only reason that they are trying to do different things is because they believe it will help
23 them keep their head above water. He said that they would like to remain a Rural Specialty Business
24 because that is what they are. He said that they are selling the country atmosphere whether it is touring the
25 corn maze, buying Christmas trees, etc. He said that the liquor is merely an addition and is mainly to serve a
26 percentage of the groups who would like to have beer and wine available and it shouldn't increase their
27 percentage much. He said that the private label wine would be a unique novelty and the gift shop is only a
28 big seller for three months out of the year and any other time it hardly exists.
29

30 Mr. Hall stated that another possibility that the Board might want to consider is to require a statement at the
31 end of each year. He said that the statement would need to be submitted to the Planning and Zoning
32 Department for review.
33

34 Mr. Hardy stated that he has no problem in submitting this information.
35

36 Mr. Hall stated that the statement does not to be more detailed than necessary. He said that if there appears
37 to be a problem then we will deal with it at that time.
38

39 Mr. Schroeder stated that he has been fortunate to attend three unique anniversary parties at Hardy's
40 Reindeer Ranch and he can say that it is one of the most unique places that he has ever eaten a meal and he
41 would not like to see it stymied therefore he would like the Board to do whatever it can to help this facility
42 succeed.
43

44 Ms. Griest stated that she does not want to see the Petitioners back in here visiting the Board again in three

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1 or four years because we haven't given them the best guidance and service on getting them the kind of
2 zoning that they need to be able to grow their business effectively. She said that she hates to see people
3 come before the Board with a specific plan and be disappointed down the road when they find out that
4 maybe there was a different or better plan that might have served them better and the Board did not
5 effectively get them to where they needed to go to get the best deal. She said that Mr. Hall makes a good
6 point that there are other classifications that would keep them from needing to visit the Board again. She
7 said that the Board has shown support for this activity in the past and she does not see any real reluctance
8 but she would encourage the Petitioners that before they settle in on this request their zoning classification
9 does not mean that they have to market their experience any differently it only means that their letters and
10 numbers on a document, that is a matter of legal record, are a little different. She said that what they sell
11 does not have to change. The Board desires to get them to the point where they can sell what they need to
12 sell and be able to grow. She said that she is an accountant by training and frankly if someone came to her
13 and said that they had this much room to negotiate and they wanted to introduce beer and wine she would
14 not see how they could make it work and stay within the required ratio. She encouraged the Petitioners to
15 listen to Mr. Hall and consider the other options where the 50% ratio limit is not a factor because then the
16 business can grow without a restriction. She said that she is not interested in requiring the Petitioners to
17 submit a yearly financial report.

18
19 Mr. Hall stated that requiring the Petitioners to submit a yearly financial report would be a way to have a
20 review process although if he was the petitioner he would rather not be required to mind the 50% limit and
21 wondering what the Zoning Administrator would determine next year.

22
23 Mr. Steeves stated that last weekend he participated in a beer tent event and the distributor estimated that
24 approximately five kegs of beer would be sold although 23 kegs of beer were sold and the distributor was
25 shocked. He said that the distributor is an expert in the business of selling the beer and his percentage of
26 beer to be sold was way off base. He said that the Petitioners are in an unknown area as to what will be
27 expected.

28
29 Mr. Hardy stated that he agrees. He said that if they were limited to only selling a private label wine to be
30 sold in the gift shop and banquet hall he would think that it wouldn't be that big of a demand. He said that
31 he would prefer, because it is already August and it is a heavy time of the year for the facility, to pursue this
32 specific request for one or two years. He said that because they are in such a busy time of the year they do
33 not have time to pursue a different option. He said that he would like to give this approach a try to see if it
34 will work or not.

35
36 Ms. Hardy stated that she believes that she has the room to raise some of the costs of the packages to where
37 more money will be brought into the facility by the offered tours.

38
39 Mr. Irlé asked the Petitioners if they would like to hear the available options.

40
41 Mr. Hardy stated yes.

42
43 Mr. Hall stated that after staff review a workable option would be to re-zone to AG-2, Agriculture. He said
44 that under the current Ordinance someone could be a Private Indoor Recreational Development with an

1 outside component but Private Indoor Recreational Development focusing on the banquet hall with the
2 outside activities is a Special Use Permit in the AG-2 district. He said that a Special Use Permit would
3 perhaps be a re-advertisement of this Special Use Permit which would cost \$100. He said that the cost for
4 rezoning to AG-2, is based on the acreage and if it is a 25 acre rezoning the cost would be over \$1000
5 dollars just for the 24 acres. He said that it is not cheap but once someone has it there are no limits. He said
6 that there are no limits in the Zoning Ordinance on a Private Indoor Recreational Development and he would
7 presume that the Board would still be concerned about life/safety issues, outdoor lighting, outdoor music,
8 etc, but there are no limits on what the business consists of. He said that the Petitioner could make it what
9 they need to make it as long as it is primarily a Private Indoor Recreational Development.

10
11 Mr. Hall stated that another option would be to go with an Outdoor Commercial Recreational Enterprise in
12 the AG-2, district with an indoor component. He said that he is not sure which way would be the best way
13 to go but as the Zoning Administrator his big concern is the importance of food that is not produced on site.
14 He said that this concern is why he focused on the Private Indoor Recreational Development with an
15 accessory component that consists of the farm tour. He said that the property is currently in the AG-1
16 District and the rezoning would place it in the AG-2 District. He said that the farmland abuts to Rantoul
17 therefore rezoning to AG-2 should be a no-brainer. He said that if they just rezone the 24 acres they are not
18 adjacent to the Village of Rantoul but they are only one-half mile away. He said that one of the problems at
19 the Zoning Board is that things are not always as simple as they appear and this is not because of the Board
20 but because of other issues. He said that the ZBA is not the final voice on a re-zoning request but the
21 County Board is the final voice.

22
23 Mr. Hardy stated that it doesn't seem like it should be that big of an issue to incur the costs and time that
24 would be required for a rezoning. He said that the sale of a private label wine or beer is a trial and error
25 opportunity for the facility and it may fail therefore the expense and time to go to the full County Board
26 does not make sense at this point. He said that if the product is successful then he would not mind coming
27 back before this Board to request a rezoning that would eventually go to the full County Board.

28
29 Mr. Hall stated that he wonders if the Board would still want to consider the end of the year statement.

30
31 Ms. Griest stated that in this type of a scenario it would make sense to require submission of an end of year
32 statement. She said that this would give the Petitioners a track record of success in documenting why the re-
33 zoning would be required.

34
35 Ms. Hardy stated that the private label wine is not something that they will pursue this year because they are
36 entering a very busy time of the year. She said that they anticipate finding sources for the private label and
37 beginning this venture next year.

38
39 Ms. Griest asked Mr. Hardy if they would be selling any beer and wine this year.

40
41 Ms. Hardy stated that they do not anticipate selling any beer or wine this year because she has no idea how
42 long it will take to obtain the other required permits.

43
44 Mr. Hardy stated that this Board was their first step and they have no idea what other steps will be

1 necessary.
2
3 Mr. Steeves asked the Petitioners if not serving alcohol after 8:00 p.m. is a concern.
4
5 Ms. Hardy stated that it is a concern. She said that people can rent the banquet hall during the lunch hour
6 for a four hour period or they can rent the banquet hall in the evening until 10:00 p.m. She said that many
7 times the hall will be rented at 6:00 p.m. and people would not leave until 10:00 p.m. She said that she
8 closes the facility at 8:00 p.m. for the general public but the groups at the banquet hall would be on the
9 premises until at least 10:00 p.m.
10
11 Mr. Bluhm asked the Petitioners if 10:00 p.m. would be reasonable.
12
13 Ms. Hardy stated that 11:00 p.m. would give them a cushion in case people arrived late.
14
15 Ms. Griest noted that the 10:00 p.m. limitation would be placed on the serving of alcohol not when the
16 people need to vacate the premises.
17
18 Mr. Bluhm stated that he would feel more comfortable with 10:00 p.m. rather than 11:00 p.m. because many
19 times if the limitation is placed on 11:00 p.m. it will be more like 11:15 p.m. or 11:30 p.m.
20
21 Mr. Steeves stated that if last call is at 10:00 p.m. they could have until 11:00 p.m. to get everyone out of the
22 facility.
23
24 Ms. Griest stated that she agrees with Mr. Bluhm regarding 10:00 p.m. rather than 11:00 p.m.
25
26 Mr. Hall asked if the Board is only concerned about the time in which the serving of alcohol would be stop.
27
28 Ms. Griest stated yes.
29
30 Mr. Hardy stated that another issue that he would like clarify is that the exit door opens and is marked
31 properly but it does not have a handle.
32
33 Mr. Hall asked Mr. Hardy if the door complies with the requirements for the door hardware.
34
35 Mr. Hardy stated that this would be the handle that he was discussing.
36
37 Mr. Hall noted that it is not to be a levered handle but should be a push handle.
38
39 Mr. Hardy stated that he will get this taken care of.
40
41 Ms. Hardy stated that when they originally built the banquet hall they had State inspectors go through the
42 building.
43
44 Mr. Bluhm asked if there were conditions regarding life/safety issues.

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Mr. Hall stated that the proposed condition is regarding life/safety issues.

The Zoning Administrator shall not issue a Compliance Certificate for Zoning Use Permit Application 162-02-01 until the Petitioners submit a statement from an Illinois Licensed Architect certifying that the meeting hall is in compliance with the life safety standards of the State Fire Marshal to ensure that the meeting hall is in compliance with the life safety standards of the State Fire Marshal.

He said that an architect would determine if there is adequate door width in terms of the numbers of doors and width of the doors and then determine if the panic hardware is necessary or not. He said that generally the panic hardware is necessary because there should be no hesitation for the door to open if people need to get out of the facility. He said that even if the Board does not require it by law the Petitioners do have to comply with the State Fair Marshal requirement. He said that the County does not require but State law requires it and it is not enforced until a citizen makes a complaint and then the State Fire Marshal comes out and does an inspection after the fact.

Ms. Griest asked if that compliance certification is only available through an Illinois Licensed Architect.

Mr. Hall stated that it could also be a structural engineer.

Ms. Griest asked if the fire chief could do it.

Mr. Hall stated that staff only worries about the accessibility code up to the doors from the outside. He said that the other part of complying with the accessibility code is having the right number of exits but that is an interior consideration that we do not do. He noted that there is no panic hardware on those doors and he does not know what the capacity requirements are but there are two single doors on each side of the hall and one set of double doors on the front.

Mr. Hardy stated that he spoke to the local fire chief when they built the hall.

Ms. Griest stated that from a cost perspective getting that certification from a licensed certified architect is going to be costly as to where the fire chief may be able to provide that same level of certification at considerable less or no cost.

Mr. Hall asked the Board if they would consider a statement from the fire department chief of the district which covers the property as sufficient.

Ms. Griest stated yes.

Mr. Hall asked the Board if the fire chief determines that the facility meets the State Fire Marshal requirements then that would be sufficient for the Board.

Ms. Griest stated yes.

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Mr. Steeves moved, seconded by Mr. Irlle to recess the meeting for a five minute break. The motion carried by voice vote.

**The Board recessed at 8:25 p.m.
The Board resumed at 8:32 p.m.**

Ms. Hardy stated that they have received a lot of positive feedback from the Visitor’s Bureau and the Illinois Tourism Board because their attraction is so different.

Ms. Griest stated that the Petitioners previously mentioned that there is music at the facility and asked if the music was indoor or outdoor.

Mr. Hardy stated that an indoor stage is utilized for a Branson type show. He said that during the day there may be a small band outside with a few musicians playing during the daytime hours but never at night.

Ms. Griest stated that one of the conditions for Curtis Orchard was that there would be no amplified music outdoors.

Mr. Hardy stated that they try to be good neighbors therefore they do not have amplified music outdoors.

Ms. Griest asked Mr. Hall if he required any additional information at this point.

Mr. Hall stated that at this point he has everything that he needs although each of the proposed conditions will require revision. He said that he would like the Hardy’s to review the revised conditions prior to the next meeting so that any of their concerns can be addressed prior to the next meeting.

Ms. Griest asked Mr. Hall if he would draft a condition requiring an annual statement of revenue distribution.

Mr. Hall stated yes.

Mr. Hardy stated that they would like to have a sign on the exterior of the banquet hall indicating a fun type name such as “Reindeer Ranch Saloon.”

Mr. Steeves stated that he would not have any objection to such a sign as long as it does not make the facility appear to be a bar.

Ms. Griest stated that the Board intends to limit the serving of liquor to be onsite with a meal only and package sale within the gift shop would be for private label only.

Mr. Hall stated that the only consumption of liquor will be in the banquet hall with a meal.

Mr. Hall asked Mr. Hardy if they conduct outdoor barbeques and if so will liquor be sold.

1
2 Ms. Hardy stated no.
3
4 Mr. Hardy stated that they did think about allowing someone to buy a sandwich and a beer outside but it
5 really does not fit in to what they do. He said that they had considered having outdoor events but they got
6 scared away from it because of the costs and they are so busy promoting groups in the banquet hall.
7
8 Ms. Hardy stated that the Chamber of Commerce did meet in the banquet hall and the food and drinks were
9 donated. She said that a group in the banquet hall is where they want to go with for services available.
10
11 Mr. Bluhm asked if the Chamber of Commerce were allowed to take their drinks outside.
12
13 Ms. Hardy stated yes, but they were not open to the public at that time. She said that it was a fund-raising
14 event and it is called "Business after hours."
15
16 Mr. Bluhm stated that he would have a problem with having the liquor taken outside of the banquet hall
17 even if the facility was open to the general public. He said that if it is a closed, private event where the
18 facility was closed to the general public then that might be different.
19
20 Ms. Griest asked Mr. Bluhm if he would approve indoor consumption while the outdoor events are open to
21 the public.
22
23 Mr. Bluhm stated yes. He said that it will be the Petitioner's responsibility to police someone going outside
24 the banquet hall with liquor because it would only take one parent to call and complain.
25
26 Mr. Hardy stated that most of the kids are gone by 6:00 p.m.
27
28 Mr. Hall stated that the Liquor Ordinance limits the sale of liquor outdoors on such a facility.
29
30 Mr. Bluhm stated that it appears that the Liquor Ordinance will address his concern.
31
32 Ms. Griest asked if the liquor can be outside if a large group rents the banquet hall.
33
34 Mr. Hall stated that it is not prohibited completely by the Liquor Ordinance therefore the Board could
35 propose such a condition.
36
37 Mr. Hardy stated that the facility is closed at 8:00 p.m. to the general public and after that time the private
38 group has the use of the outdoor area.
39
40 Ms. Hardy stated that if someone is renting their facility when it is closed to the general public then they
41 should be allowed to travel outdoors with their glass of wine.
42
43 Mr. Steeves asked if the private group would be allowed to travel down to the area where the reindeers are
44 located with a beer in their hand.

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Mr. Hardy stated that there is a wrap around porch attached to the banquet hall and generally most people stay within that area although there are times when someone might want to take their beer with them. He said that the kid groups are gone from the facility around 6:00 p.m. and the larger groups do not appear until after 7:00 p.m. He said that if the general public is gone from the facility then it would nice if the private party could venture out on the porch with their drink.

Ms. Griest asked if the Ordinance would allow this request especially if there is no outside consumption allowed during public hours.

Mr. Hall stated that staff needs to do some follow up on the Liquor Ordinance. He said that staff could include a condition that outdoor alcohol consistent with the Liquor Ordinance and provided that it is not open to the general public, perhaps that addresses the Board’s concerns. He said that the alcohol would not be allowed outdoors when the general public is present on the grounds and first and foremost it must be consistent with the Liquor Ordinance.

Ms. Griest stated that she would agree to such a condition.

Mr. Bluhm agreed.

Mr. Irlle moved, seconded by Mr. Steeves to continue Case 587-S-07, to the November 15, 2007, ZBA meeting. The motion carried by voice vote.

6. Staff Report

Mr. Hall stated that staff has successfully relocated their office to the old Supervisor of Assessments office.

Mr. Hall stated that the September 13, 2007, ZBA meeting has been cancelled due to a conflict with the County Board and it is not advisable to hold the ZBA meeting in Meeting Room 2 and a County Board meeting in the Lyle Shields Meeting Room at the same time.

Mr. Hall stated that a new meeting room is being developed and this new meeting room will be the new location for the ZBA meetings.

Ms. Griest stated that she spoke to Mr. Goldenstein and he is recuperating very well.

7. Other Business

None

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

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None

9. Adjournment

The meeting adjourned at 8:52 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

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ZBA //

DRAFT SUBJECT TO APPROVAL DRAFT

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