Champaign County Department of

April 25, 2013

SUPPLEMENTAL MEMORANDUM

CASE NO. 741-AM-13

PLANNING & ZONING Brookens

1776 E. Washington Street Urbana, Illinois 61802 **Administrative Center**

(217) 384-3708

Petitioners: Marcus Harris

Site Area: **1.49** acres

Shop Immediately and Gun Range to Follow Time Schedule for Development: Gun

Prepared by: **Andy Kass** Associate Planner

Zoning Administrator John Hall

> store and indoor shooting range as a "Sporting Goods Sales and of establishing a firearm sales **Zoning District for the purpose** to the B-4 General Business **Light Industry Zoning District** district designation from the I-1 Map to change the zoning Request: Amend the Zoning Service" store.

Section 33 of Somer Township the Southeast Quarter of Location: Lot 3 of Triumph buildings at 1414 Triumph and commonly known as the **Industrial Park Subdivision in**

STATUS

range is also attached. An email dated April 25, 2013, from Matt Deering, Attorney for Tharco Inc., indicates that the sale of the property was completed on April 12, 2013. Also included with the email is attached. A floor plan of the building that is proposed to house the gun shop and the indoor shooting the warranty deed from the sale. This is the first hearing for this case. Additional letters/emails of support have been received and are

New evidence and a special condition are proposed below.

PROPOSED EVIDENCE

9.C. to the Finding of Fact. Add the list of uses authorized in the I-1 and B-4 Zoning Districts as indicated in Attachment A as Item

follows: Add the following as new Item 8.B. to the Finding of Fact and reletter proceeding items under Item 8 as

- house the gun shop and indoor shooting range includes the following: The Floor Plan received April 19, 2013, shows the entirety of the building that is proposed to
- E Four classrooms of various sizes.
- (2) An office and a lounge area.
- (3) The sales area for the proposed gun shop.
- 4 The location of men's and women's restrooms.

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- (5) A storage and vault area.
- 6 include a bullet trap system, concrete walls, and a steel baffle ballistic ceiling. A 10 stall indoor shooting range that is approximately 75' × 46'. This area will also
- 9 A mechanical area

Add the following to Item 8.E. of the Finding of Fact as follows:

- **₽**. E. Additional letters/emails of support have been received from the following individuals:
- Letter from Justus Clinton, dated April 17, 2013.
- Email from Zakary Timm, dated April 17, 2013.
- Email from Bernie Houser dated April 20, 2013
- £ (2) Letter from Dan Bailey received April 22, 2013.
- 5 Email from Dan Sensenbrenner dated April 24, 2013.
- Email from Kirk Bales dated April 24, 2013.
- Letter from Jan King received April 25, 2013.

PROPOSED SPECIAL CONDITION OF APPROVAL

P The smaller building on the subject property shall only be used as an accessory use to the principal buildings. uses and activities in the larger building unless a Special Use Permit is authorized for two

The special condition above is required to ensure the following:

Ordinance. The use of the smaller building shall be in compliance with the Zoning

- List of Authorized Uses in the I-1 and B-4 Zoning Districts
- Email of Support from Bernie Houser dated April 20, 2013
- ATTACHMENTS

 A List of Author

 B Email of Supp

 C Letter of Supp

 D Email of Supp

 E Email of Supp

 F Letter of Supp

 G Email dated A

 H Building Floo Letter of Support from Dan Bailey received April 22, 2013
- Email of Support from Dan Sensenbrenner dated April 24, 2013
 - Email of Support from Kirk Bales dated April 24, 2013
 - Letter of Support from Jan King received April 25, 2013
 - Email dated April 25, 2013, from Matt Deering with Warranty Deed
- Building Floor Plan received April 19, 2013 (included separately)

- $\dot{\Omega}$ zoning districts by Section 5.2 of the Ordinance: Regarding the different uses that are authorized in the existing and proposed
- are 117 types of uses authorized by right in the B-4 District: There are 86 types of uses authorized by right in the I-1 District and there
- District and the B-4 District: The following 49 uses are authorized by right in both the I-1
- SUBDIVISION(s) of three LOTS or less;
- SUBDIVISION(s) totaling more than three LOTS or with new STREETS or PRIVATE ACCESSWAYS;
- AGRICULTURE including customary ACCESSORY
- Commercial Greenhouse;
- Greenhouse (not exceeding 1,000 square feet);
- Plant Nursery;
- Municipal or GOVERNMENT BUILDING;
- Police Station or Fire Station;
- Public Park or Recreational Facility;
- PARKING GARAGE or LOT;
- Telephone Exchange;
- Telegraph Office;
- Railway Station;
- MOTOR BUS Station;
- Drycleaning ESTABLISHMENT; Truck Terminal;
- Laundry and/or drycleaning pick-up;
- Millinery shop;
- Diaper Service ESTABLISHMENT;
- Clothing Repair and Storage;
- Farm Equipment Sales & Service;
- Feed and Grain (sales only);
- Artists Studio;
- unified industrial development and can comprise no more than 25% of the total LOT AREA of the development); Business Office (Only allowed in I-1 when located in a
- Vocational, Trade or Business SCHOOL;
- Major AUTOMOBILE Repair (all indoors);
- Minor AUTOMOBILE Repair (all indoors);
- Gasoline Service Station;
- Automobile Washing Facility;
- Building Material Sales (excluding concrete or asphalt mixing);
- Fuel Oil, ice, coal, wood (sales only);
- Monument Sales (excludes stone cutting);
- Heating, Ventilating, Air Conditioning Sales and Service;

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- Bait Sales;
- Outdoor Commercial Recreational Enterprise;
- Commercial Fishing Lake;
- VETERINARY HOSPITAL;
- Wholesale Business;
- Warehouse;
- Self-storage Warehouses, providing heat and utilities to individual units;
- Self-storage Warehouses, not providing heat and utilities to
- individual units;
- Christmas Tree Sales Lot;
- OFF-PREMISES SIGN;
- TEMPORARY USES;
- Contractors Facilities (with No Outdoor STORAGE Nor Outdoor OPERATIONS);
- Contractors Facilities (with Outdoor STORAGE and/or Outdoor OPERATIONS);
- AGRICULTURAL DRAINAGE CONTRACTOR Facility
- (with no Outdoor STORAGE and/or Outdoor OPERATIONS);
- AGRICULTURAL DRAINAGE CONTRACTOR Facility (with Outdoor STORAGE and/or Outdoor OPERATIONS); and
- SMALL SCALE METAL FABRICATING SHOP
- (b) The following 37 uses are authorized by right in the I-1 District but not in the B-4 District:
- Railroad Yards and Freight Terminals;
- Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer;
- Grain Storage Elevator and Bins;
- Wholesale Produce Terminal;
- Bakery (more than 2,500 SF allowed by SUP in B-4);
- Country club or golf course;
- Country Club Clubhouse;
- Riding Stable;
- Seasonal hunting or fishing lodge;
- THEATER, OUTDOOR;
- Aviation sales, service or storage;
- Pet Cemetery;
- KENNEL;
- Recycling of non-hazardous materials (all storage and processing indoors allowed by SUP in B-4);
- Dairy Products Manufacturing, Processing and Packaging;
- Wool, cotton, silk and man-made fiber manufacturing;
- Manufacturing and Processing Wearing Apparel and

Related Finishing Products Manufacturing;

- Luggage, Umbrellas, and Similar Products; Miscellaneous Finished Products Manufacturing including Home Products, Canvas Products, Decorative Textiles,
- Supplies Manufacturing; Electrical and Electronic Machinery Equipment and
- Instruments Manufacturing; Engineering, Laboratory, Scientific and Research
- Optical Instruments and Lenses Manufacturing; Mechanical Measuring and Controlling Instruments Manufacturing;
- Supplies Manufacturing; Surgical, Medical, Dental, and Mortuary Instruments and
- Photographic Equipment and Supplies Manufacturing;
- Watches, Clocks and Clockwork Operated Devices Manufacturing;
- Printing and Publishing Plants for Newspapers, Periodicals, Books, Stationery, and Commercial Printing;
- Bookbinding;
- Motion Picture Production Studio;
- Household and Office Furniture Manufacturing;
- Building paper, Paper Containers, and Similar Products Manufacturing;
- Prototype Light Manufacturing; Theoretical and Applied Research Development and
- Non-Profit or Governmental Educational and Research Agencies;
- Plated Ware Manufacturing; Jewelry, Costume Jewelry, Novelties, Silverware and
- LIGHT ASSEMBLY;
- Musical Instruments and Allied Products Manufacturing;
- Office and Artists Materials Manufacturing;
- SIGNS and Advertising Display Manufacturing
- <u>O</u> but not in the I-1 District: The following 68 uses are authorized by right in the B-4 District
- HOTEL No more than 15 LODGING UNITS;
- HOTEL Over 15 LODGING UNITS;
- RURAL SPECIALTY BUSINESS, Minor; RURAL SPECIALTY BUSINESS, Major;
- Garden Shop;
- Institution of an Educational, Philanthropic or Eleemosynary Nature;
- Church, Temple or church related Temporary Uses of Church Property;
- Township Highway Maintenance Garage;
- Library, Museum or Gallery;
- Radio or Television Station (allowed by SUP in I-1);

- Barber Shop;
- Beauty Shop;
- Reducing Salon;
- Dressmaking Shop;
- Self-Service Laundry;
- Shoe Repair Shop;
- Tailor and Pressing Shop;
- Medical and Dental Clinic; Mortuary or Funeral Home;
- Roadside Produce Stand;
- Banks, Savings and Loan Associations;
- Insurance and Real Estate Offices;
- Professional Office;
- Private Kindergarten or Day Care Facility;
- Meat and Fish Market;
- Restaurant (indoor service only);
- Supermarket or Grocery Store;
- Drive-In Restaurant;
- Tavern or Night Club;
- Bakery (less than 2,500 SF);
- Dairy Store;
- Delicatessen;
- Confectionery Store;
- Retail Liquor Store;
- Locker, Cold Storage for Individual Use;
- indoors) Automobile, Truck, Trailer and Boat Sales Room (all
- Automobile or Trailer Sales area (open lot);
- Automotive Accessories (new);
- Hardware Store;
- Electrical or Gas Appliance Sales and Service
- Department Store;
- Apparel Shop;
- Shoe Store;
- Jewelry Store;
- Stationery-Gift Shop-Art Supplies;
- Florist;
- Newsstand-Bookstore;
- Tobacconist;
- Variety-Drygoods Store;
- Music Store;
- Drugstore;
- Photographic Studio and Equipment Sales and Service;

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- Furniture Store Office Equipment Sales;
- Antique Sales and Service;
- Used Furniture Sales and Service;
- Pet Store;
- Bicycle Sales and Service;
- Pawn Shop;
- Sporting Goods Sales and Service;
- Lawnmower Sales and Service;
- Billiard Room;
- Bowling Alley;
- Dancing Academy or Hall;
- Lodge or Private Club;
- Private Indoor Recreational Development;
- THEATER, Indoor;
- Auction House (non-animal); and
- SEXUALLY ORIENTED BUSINESS;
- 2 I-1 District and 13 types of uses authorized by SUP in the B-4 District:(a) The following 5 uses may be authorized by SUP in both the I-1 District and B-4 District: There are 19 types of uses authorized by Special Use Permit (SUP) in the
- Adaptive Reuse of GOVERNMENT BUILDINGS for any
- USE Permitted by Right;
- (including antennas) over 100 feet in height; Private or commercial transmission and receiving tower
- Electrical Substation;
- HELIPORT-RESTRICTED LANDING AREAS; and
- **Amusement Park**
- District but not in the B-4 District: The following 14 uses may be authorized by SUP in the I-1
- Artificial Lake of 1 or More Acres;
- Water Treatment Plant;
- Radio or Television Station (by right in B-4);
- Public Fairgrounds;
- AIRPORT;
- RESTRICTED LANDING AREAS;
- HELIPORT/HELISTOPS;
- Slaughter Houses;
- Stadium or coliseum;
- Gas Turbine Peaker;
- BIG WIND TURBINE TOWER (1-3 BIG WIND TURBINE TOWRERS);

- 80,000 gallon capacity in the aggregate; Gasoline and Volatile Oils Storage up to and including
- Gasoline and Volatile Oils Storage of greater than 80,000 gallons but not more than 175,000 gallon capacity in the Aggregate;
- Liquefied Petroleum Gases Storage
- <u>O</u> The following 8 uses may be authorized by SUP in the B-4 District but not in the I-1 District:
- HOSPITAL;
- Bakery (more than 2,500 square feet, by right in I-1);
- KENNEL (by right in I-1);
- VETERINARY HOSPITAL (by right in I-1);
- processing indoors, by right in I-1); Recycling of Non-Hazardous materials (all storage and
- Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS (by right in I-1);
- by right in I-1); and LIGHT ASSEMBLY(by right in I-1) (with Outdoor STORAGE and/or Outdoor OPERATIONS, AGRICULTURAL DRAINAGE CONTRACTOR Facility

From:
Sent:
Connie Berry
Sent:
Monday, April 22, 2013 8:12 AM
To:
Andrew Kass
Subject:
FW: zoningdept@co.champaign.il.us

From: Nick Houser [mailto:bnh58@hotmail.com]

Sent: Saturday, April 20, 2013 2:55 PM

To: zoningdept

Cc: Dean & Roger; Nick Houser
Subject: zoningdept@co.chamr

Subject: zoningdept@co.champaign.il.us

mailto:zoningdept@co.champaign.il.us

In Reference to Zoning Application for D&R Firearms. Address in question-1414 Triumph Drive, Urbana, IL

To those reviewing the zoning for D&R's application, I would like to say that I have been doing business with Dean and Roger for quiet some time. I would like nothing more than to be sitting there with D&R Firearms during this hearing and physically voice my support, however, with my work schedule, it just is not possible, so I choose to send a brief letter of support.

They run their business in a very professional manner, and focus on the safety and legality of all aspects of the business. They are well informed as to the laws and stay informed as to what is happening with new and upcoming legislation, which, in these times, is a full time job all by itself.

I am fully confident, and will continue supporting D&R Firearms, and I am looking forward to having a nice, **SECURE and SAFE** place to continue my range practice, and with their help and knowledge, I will be able to be more affective and better informed in all aspects of this sensative issue. They know there stuff, and are willing and excited to pass their knowledge to those that seek it within the parimeters of the law, and with safety always in focus.

Please make the proper change in the zoning for this to move forward. It will be a great addition to Champaign County Business economics, as well as a safe and convinent business that Champaign County and the City of Urbana can be proud to have as their nieghbor and partner!

Thank you for your taking the time, and reviewing this letter of support. I will be glad to answer any questions that you might have.Please feel free to contact me at bnh58@hotmail.com with any questions.

Thank You....Best regards! Bernie N. Houser

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Fraternal Order of Police Lodge #70 P.O. Box 432 · Urbana, Illinois 61803

Brookens Administrative Center 1776 E. Washington St. Urbana, IL 61802

To Whom It May Concern-

community. With a local indoor gun range, citizens who own firearms can work on their marksmanship and gun handling, which will only serve to increase gun desire to build an indoor gun range here in Champaign County. We, the Urbana Please allow this letter to serve as our support for Harold Dean Hazen and his safety in the area. Lodge 70, believe that an indoor gun range would be highly beneficial to the

Unfortunately the world is becoming more and more unsafe, and officers are called upon to use their firearms on an increasing basis. So, it is extremely officers can frequent to keep their gun skills sharp in the cold, snowy months be the means in which to accomplish this. Further, an indoor gun range will serve as a location that law enforcement important that officers maintain firearm skills and Dean's indoor gun range could

Please do not hesitate to contact me if you need clarification or have questions. Thank you for all you do and for taking your time to read this letter.

Sincerely,

President of Urbana Lodge 70 Officer Dan Bailey

CHAMPAIGN CO. P & Z DEPARTMENT

PHONE: 384-2320 EXT 770. EMAIL: BAILEYDS@CITY.URBANA.IL.US 400 S. VINE STREET . URBANA, IL . 61801



From: Sent: To: Subject: Lori Busboom Wednesday, April 24, 2013 1:18 PM Andrew Kass FW: April 25th D&R Firearms Zoning Hearing

From: Dan Sensenbrenner [mailto:dsensenbrenner@sbcglobal.net]
Sent: Wednesday, April 24, 2013 1:14 PM

To: zoningdept

Subject: April 25th D&R Firearms Zoning Hearing

Dear Zoning Board of Appeals Members,

I'm writing to encourage your efforts to re-zone the D&R Firearms property at 1414 Triumph Dr.; from industrial to an indoor recreational center/retail zone.

The only (to my current knowledge) other indoor gun range nearby is the Police Training Institute; which only benefits U of I faculty/staff and spouses. There are sportsman's clubs in the outlying areas, though, are not indoors.

I'm aware of a population of gun owners that wish nothing more than an opportunity to maintain familiarity with the usage of their firearm(s) in a safe environment. Nowadays, not many have access to a 'family farm' to practice.

Though, not personally acquainted with Mr. Hazen and Mr. Tillman, I do understand that they are nothing less than professional in their knowledge of firearms and safety procedures.

Thank you for your consideration of my objective opinion.

Cordially,

Dan Sensenbrenner 410 Fairview Dr. Champaign, IL

From: Sent: To: Subject: Lori Busboom Wednesday, April 24, 2013 1:05 PM Andrew Kass FW: #741-AM-13 Zoning change proposal

From: kjbales@comcast.net [mailto:kjbales@comcast.net]
Sent: Wednesday, April 24, 2013 1:05 PM

To: zoningdept

Subject: #741-AM-13 Zoning change proposal

To Whom It May Concern,

purchased a firearm I would greatly appreciate having somewhere nearby that I could learn proper handling and safety techniques, and have the ability to practice shooting in a safe, controlled environment, without having to drive to Rantoul, St. Joseph, or other surrounding communities that have sportsmen's clubs and/or ranges. I hope you will consider and grant their proposal. Thank you for taking the time to read my comments. I'm writing to express my support for D&R Firearms proposal for a zoning change for the property on Triumph Drive. I think an indoor shooting range that would allow for safe and proper firearms training for legal gun owners would be a real plus for the community. As someone who has recently

Champaign, IL 61821 1412 Aztec Drive Kirk Bales

April 22, 2013

Sir/Madame;

I am writing to support the proposed zoning change needed to bring an Indoor Firing Range and Training Center to Urbana.

Recently, I completed the NRA Personal Protection class offered by Guns Safe Life. One of the key points they stressed was that practicing the use of a firearm helps assure that I will be a better and safer markswoman if the horrid need arose for me to defend myself and/or my family. Finding a place to practice is nearly impossible, especially in inclement weather. Imposing on friends who have rural properties to use is also difficult. Having a range that is open and accessible based on my schedule and willingness to train would be ideal!

Thank you for your careful consideration of this zoning change. I hope you will make the prudent decision to allow this new business to open and flourish in this difficult economic time. Certainly, the area can benefit from the revenue it will generate and the jobs it will create!

Jan King 1319 N Lincoln Ave #4002 Urbana, IL 61801 217/552-3297

RECEIVED

CHAMPAIGN CO. P & Z DEPARTMENT

From: Matt C. Deering [mdeering@MeyerCapel.com]
Sent: Thursday, April 25, 2013 1:31 PM
To: Andrew Kass
Cc: joediorio@frontier.com; Jeffrey M. Davis
Subject: Case 741-AM-13

Andy:

Attachments:

Corporate Warranty Deed - Recorded.pdf

Pursuant to our telephone conversation this afternoon, this is confirmation that the sale of 1414 Triumph Drive, Urbana by Tharco, Inc. to Big Top Properties LLC - Series LSS (as designee of Marcus Harris) officially closed as of Friday, April 12, 2013 (see attached deed for reference). Consequently, Tharco, Inc. has no further interest in the referenced proceeding and can be removed from the service list.

Thank you, and certainly do not hesitate to contact me with any questions or concerns.

Meyer Capel
A Professional Corporation
306 West Church Street, P.O. Box 6750
Champaign, Illinois 61826-6750
Telephone: (217) 352-1800
Facsimile: (217) 352-1083
E-mail: mdeering@meyercapel.com
Website: www.meyercapel.com

Matt C. Deering

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SOS(2)

SEND TAX BILL TO
BIG TOP PROPERTIES, LLC – SERIES LSS
ATTENTION: MARCUS HARRIS
705 S. GLOVER AVENUE URBANA, ILLINOIS 61802

A PROFESSION AL CORPORATION 306 WEST CHURCH STREET POST OFFICE BOX 6750 MEYER CAPEL, CHAMPAIGN, ILLINOIS 61826-6750 PREPARED BY AND RETURN TO MATT C. DEERING



CHAMPAIGN CO. P & Z DEPARTMENT BARBARA A, FRASCA, RECORDER REC ON: 04/18/2013 1:45:13 PM CHAMPAIGN COUNTY 2013R09170

PLAT AST: DPLAT PAGE: REV FEE: 502.50 PAGES 2 KHSP5 Feet 9,00 REC FEE: 26,00

CORPORATE WARRANTY DEED

series of an Illinois limited liability company, the following described real estate: Dollars (\$10.00) and other good and valuable consideration in hand paid, CONVEYS and THE GRANTOR, THARCO, INC., an Illinois corporation, for and in consideration of Ten WARRANTS to the GRANTEE, BIG TOP PROPERTIES, LLC, - SERIES LSS, a designated

Lot 3 in Triumph Industrial Park in Champaign County, Illinois, as per Plat recorded in Plat Book "P", at Page 38, situated in Champaign County, Illinois.

Commonly Known as: Urbana, Illinois 61801 1414 E. Triumph Drive

Permanent Parcel Index No.: 25-15-33-401-004

Subject to

- 99 Real estate taxes for the year 2012 and subsequent years;
- Covenants, conditions, restrictions and easements apparent or of
- (3) All applicable zoning laws and ordinances.

conveyed hereby is not homestead property pursuant to the laws of the State of Illinois. The undersigned Grantor represents and warrants that the property described herein and



DEPARTMENT OF REVENUE APR 18 15

0000002018 REAL ESTATE TRANSFER TAX FP 102811 00335,00

> Transfer Tax \$_ Champaign County Tax \$ 67,50

Dated this 31st day of Recember, 2012.

THARCO, INC., an Illinois corporation

Attest:

Thelma M. Hoerr, President

Julie K. Diorio, Secretary

COUNTY OF CHAMPAIGN STATE OF ILLINOIS) SS

I, the undersigned, a Notary Public in and for said County and State aforesaid, do hereby certify that Thelma M. Hoerr and Julie K. Diorio, personally known to me to be the same persons whose names are subscribed above, and to be the President and Secretary of Tharco, Inc., an Illinois corporation, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary acts, and the free and voluntary act of said company, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 3/56 day of Mean he e

Notary Public

OFFICIAL SEAL
REBECCA A FOWLER
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 09/23/2013

RECEIVED
APR 2 5 2013

CHAMPAIGN CO. P & Z DEPARTMENT

