

CASES 830-AM-16 and 831-S-16

SUPPLEMENTAL MEMORANDUM #6

March 23, 2017

Petitioner: Traci Lipps and Victor Fuentes, d.b.a. Lipps Family, Inc, d.b.a. Willow Creek Farm

Case 830-AM-16

Request: Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to operate the proposed Special Use in related Zoning Case 831-S-16.

Case 831-S-16

Request: Authorize the remodeling of existing farm buildings for the establishment and use of an Event Center as a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related zoning case 830-AM-16.

Location: A 37 acre tract in Somer Township in the Southwest Quarter of the Northeast Quarter of Section 36 of Township 20 North, Range 9 East of the Third Principal Meridian and commonly known as the farmstead located at 1766 CR 1850 North, Urbana.

Site Area: [Map Amendment Area: 37 acres / Special Use Permit Area: 6 acres](#)

Time Schedule for Development: As soon as possible

Prepared by: **Susan Burgstrom**
Senior Planner

John Hall
Zoning Administrator

STATUS

At the March 2, 2017 public hearing, discussion included whether the event center kitchen would be a full commercial kitchen or simply a prep kitchen. Testimony from previous ZBA meeting minutes clarified that the petitioners only propose a prep kitchen with a commercial range hood, not a full service kitchen. After the hearing, staff requested verification of approval for the event center kitchen by Champaign County Public Health Department. In an email received March 16, 2017, Mike Flanagan responded with the letter of approval sent to the petitioners on June 27, 2016 (Attachment A).

On March 15, 2017, staff requested a revised Site Plan from the petitioners that reflects the discussion from the March 2, 2017 public hearing. They requested a more accurate Special Use Permit area and a note that the driveway lighting will be full cutoff. On March 21, 2017, staff received a revised Site Plan that shows those requested updates (Attachment C). On March 22, 2017, staff emailed the petitioners regarding this revised site plan and the south gravel parking area (Attachment D). In response, on March 22, 2017, Mr. Fuentes submitted a revised site plan that excludes the south gravel parking area from the Special Use Permit Area (Attachment B).

PRIOR APPROVAL OF EVENT CENTER AS A FOOD SERVICE ESTABLISHMENT

In the approval letter forwarded by Mike Flanagan, dated June 27, 2016 and received March 16, 2017, Jim Roberts classified the Willow Creek Farms establishment as a Category II facility. 77 *Illinois Administrative Code 750.10* defines a Category II facility as the following:

“Category II facility means a food establishment that presents a medium relative risk of causing food-borne illness, based upon few food handling operations typically implicated in food-borne illness outbreaks. Category II facilities include those where the following operations occur:

Hot or cold foods are held at required temperatures for no more than 12 hours and are restricted to same-day services;

Foods are prepared from raw ingredients, using only minimal assembly; and

Foods that require complex preparation (whether canned, frozen or fresh prepared) are obtained from approved food-processing plants, high-risk food service establishments or retail food stores.”

Category II facilities are subject to a minimum of one inspection per year by Public Health.

REVISED SITE PLANS RECEIVED MARCH 21, 2017 AND MARCH 22, 2017

The revised Site Plan received March 21, 2017, showed a refined Special Use Permit (SUP) area that included the eastern 100 feet of the south gravel area (Attachment C). It also showed a clearer SUP limit on the north side by the parking area, whereas the previous version unintentionally included a corner of the garden located west of the parking area. A picture of the proposed cutoff lighting was added to the site plan, and a notation was added next to the driveway lights on the south end stating they will be full cutoff.

Staff sent an email to the petitioners on March 22, 2017, recommending that they reconsider having the south gravel area within the SUP area based on discussion at the March 2, 2017, public hearing (Attachment D). In a phone call shortly after, Susan Burgstrom told Mr. Fuentes that whether to include the south gravel area in the requested SUP area was his and Mrs. Lipps' decision, but they need to show what they intend to occur on the Site Plan. She added that if they intend to use the east 100 feet for event center parking, then that area must be within the SUP area.

On March 22, 2017, Mr. Fuentes submitted a revised Site Plan that removes the south gravel parking area from the SUP area (Attachment B). He indicated in the phone call that they do not intend to remove the gravel from the south end of the property. The proposed SUP area is approximately 6 of the 37 subject property acres.

DRIVEWAY LIGHTING SPECIFICATIONS

The petitioners propose replacing the existing residential post lights along the driveway with full cutoff fixtures mounted on the existing posts. A specification summary is included as Attachment E to this memo.

REVISED SPECIAL CONDITIONS DATED MARCH 23, 2017

Based on the testimony to date, staff revised the proposed special conditions for the Special Use Permit.

The number and frequency and events has been a principal point of discussion for this case. Discussion of this at the March 2, 2017, public hearing included establishing limits to small events as well as larger events. In an attempt to provide a range of options that encompasses that discussion, staff offers options “J” and “Alt J”. This option would create a hybrid of former conditions J and K.

- A. **The Petitioner may continue ongoing operations on the subject property provided the Petitioner complies with the following:**
 - (1) **The Petitioner shall apply to the Department of Planning and Zoning for a Change of Use Permit within four weeks of receiving a final determination by the County Board in related Case 830-AM-16; and**
 - (2) **A Zoning Compliance Certificate certifying compliance with all special conditions in this zoning case shall be received within 12 months of an application for the Change of Use Permit ~~a final determination by the County Board in related Case 830-AM-16; and~~**
 - (3) **Failure to meet any of the above deadlines shall be a violation of the Zoning Ordinance and subject to normal enforcement procedures including appropriate legal action.**

The special condition stated above is required to ensure the following:

The ongoing operations may continue but will comply with all special conditions by a date certain.

- B. **All onsite Special Use activities shall be in compliance at all times with the Champaign County Health Ordinance, the Champaign County Liquor Ordinance, and the Champaign County Recreation and Entertainment Ordinance.**

The special condition stated above is required to ensure the following:

That the proposed Special Use is in ongoing compliance with all applicable County requirements.

- C. **The Petitioner shall ensure that the guests are made aware of the County Ordinance prohibiting nuisance noise past 10 pm and that the use of the facility requires compliance to avoid complaints from neighboring residences. Music and other nuisance noise shall not be audible at the property line past 10 pm, and all events shall end no later than 11:00 pm.**

The special condition stated above is necessary to ensure the following:

That events held on the subject property adequately consider prior noise complaints and current neighbors.

- D. **The petitioner shall not allow any parking in the public street right of way.**
~~No parking shall occur in the public street right of way.~~

The special condition state above is required to ensure the following:

That the proposed Special Use is not injurious to the neighborhood.

~~E. Within 6 months of approval of Special Use Permit 831-S-16, the gravel parking area adjacent to Oaks Road (CR 1850 N) must be screened with a Type D Screen and this screening must be maintained over the lifetime of the Special Use Permit.~~

~~The special condition stated above is required to ensure the following:~~

~~That the parking area is in compliance with the Zoning Ordinance.~~

E. All activity related to the Special Use Permit shall occur only within the Special Use Permit area shown on the approved Site Plan for Case 831-S-16.

The special condition stated above is necessary to ensure the following:

That neighborhood noise, traffic, privacy, and safety concerns are taken into consideration when holding events.

F. The Special Use is subject to the approval of Case 830-AM-16.

The special condition stated above is necessary to ensure the following:

That it is consistent with the intent of the ordinance and the ZBA recommendation for Special Use.

G. This Special Use Permit shall expire if no events are held during any consecutive 365 day period.

The special condition stated above is required to ensure the following:

To provide both a sense of continuity and a sense of closure to the neighbors.

~~H. No additional residential lots may be created from the 37 acre Lipps property.~~
This Special Use Permit shall expire with the development of any additional residential lots on the subject property.

The special condition stated above is required to ensure the following:

To ensure that traffic conditions do not deteriorate by permitting additional residential development while the Special Use is in effect, and to ensure that potential future owners may develop the property as allowed by-right.

I. This Special Use Permit authorizes an “event center” and not a restaurant and shall operate within the following requirements:

1. All guests shall be invited and “walk in” guests shall not be allowed.

2. The number of guests shall be limited to 150 due to the size of the septic system and maximum interior capacity for fire safety.

~~A list of invitees shall be prepared for each event and both the invited guest list and a guest sign-in list shall be maintained as an official business record.~~

~~3. Both the invited guest list and the guest sign-in list for each event shall be maintained onsite for at least 5 years and shall be made available to the Champaign County Zoning Administrator when requested.~~

The special condition above is required to ensure the following:

~~**That the event center never operates as a restaurant.**~~

~~A permanent record of attendance that can at all times substantiate the operation as an event center and not simply a restaurant.~~

~~**Combine previous version of J and K into one hybrid condition – options “J” and “Alt J” are shown below. Also please see Attachment F, the Comparison Table for proposed special condition “J” versus “Alt J”.**~~

~~J. For events with 20 vehicles or fewer (includes shuttles and buses), there are no limits to the number of events that may be held at the proposed special use and no limit as to when events may occur during the calendar year.~~

The special condition stated above is required to ensure the following:

~~A clear understanding that there are no limits on the number of smaller events or limits on when smaller events may occur.~~

~~K. Larger events with more than 20 guest vehicles at the subject property shall be limited as follows:~~

~~(1) The total number of larger events shall be limited to no more than 20 events in any 365-day period.~~

~~(2) No larger event shall occur during planting season (mid-April to end of May) or during harvest season (mid-September to end of October).~~

~~(3) Willow Creek Farm shall notify the Zoning Administrator of each larger event at least one week prior to the event.~~

The above special condition is necessary to ensure the following:

~~That neighborhood noise, traffic, privacy, and safety concerns are taken into consideration when holding events, and that larger events can be tracked to ensure they occur at an approved frequency and do not occur during planting and harvesting season.~~

~~**J. Limits on the number of events, guest attendance, and traffic shall be limited as follows:**~~

~~**(1) For events with no more than 20 guest vehicles (including shuttles and buses), there are no limits to the number of events that may be held at the proposed special use and no limit as to when events may occur during the calendar year and the guest attendance at each event shall be limited to no more than 150 guests based on the septic system capacity.**~~

~~**(2) “Larger” events with more than 20 guest vehicles at the subject property shall be limited as follows:**~~

~~**a. The guest attendance at each event shall be limited to no more than 150 guests based on the septic system capacity.**~~

- b. The total number of larger events shall be limited to no more than 20 events in any 365-day period.
- c. No larger event shall occur during planting season (April 15 to May 31) or during harvest season (September 15 to October 31).
- d. The number of guests at events shall be kept on file by the petitioner and be available for inspection by the Zoning Administrator when requested.

Alt J. The number of events, event attendance, and traffic shall be limited as follows:

- (1) Events with no more than 20 guest vehicles (including shuttles and buses) shall be limited as follows:
 - a. There shall be no more than 100 guests per event and no more than 150 attendees per day based on the septic system capacity; and
 - b. There shall no more than one event of any size every two days.
- (2) "Larger" events with more than 20 guest vehicles at the subject property shall be limited as follows:
 - a. There shall no more than one event of any size every two days; and
 - b. The guest attendance at each event shall be limited to no more than 150 guests based on the septic system capacity.
 - c. The total number of larger events shall be limited to no more than 26 events in any 365-day period.
 - d. No larger event shall occur during planting season (April 15 to May 31) or during harvest season (September 15 to October 31).
 - e. The number of guests served at events shall be kept on file by the petitioner and be available for inspection by the Zoning Administrator when requested.

~~L. Only the eastern 100 feet of the existing 100 feet by 250 feet gravel area on the south end of the property may be used for event center overflow parking, and a divider must be placed to show where no parking is permitted.~~

~~The above special condition is necessary to ensure the following:~~

~~That parking for the events center complies with the Zoning Ordinance.~~

K. The revised Site Plan received March 22, 2017, and the revised Floor Plan received July 28, 2016, comprise the official site plan for approval in Case 831-S-16. The standard Special Use Permit limitations regarding no expansion unless indicated on the approved site plan shall not apply to the dwelling on the subject property.

The above special condition is necessary to ensure the following:

That it is clear which version of the Site Plan submitted by the petitioners is the approved Site Plan.

L. No firearms shall be discharged on the property during scheduled events.

The above special condition is necessary to ensure the following:

That life safety concerns and public welfare are adequately considered in management of the proposed Special Use.

M. The Zoning Administrator shall not authorize a Zoning Compliance Certificate on the subject property until the existing driveway lights are retrofitted to be full-cutoff or are replaced with full-cutoff lights.

The special condition stated above is required to ensure the following:

That exterior lighting for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance.

N. All necessary construction required to make the Special Use compliant with the Illinois Accessibility Code shall be completed within 180 days and shall be documented by an approved partial Zoning Compliance Certificate within 180 days of the County Board approval of related Case 830-AM-16.

The special condition above is required to ensure the following:

That the on-going operations are compliant with the Illinois Accessibility Code.

O. The private sewage disposal system serving the Special Use Permit shall be maintained as necessary or as recommended by the County Health Department but maintenance shall occur on at least a triennial basis and all maintenance reports shall be made available for review by the Zoning Administrator. Failure to provide copies of maintenance reports when requested shall constitute a violation of this Special Use Permit approval and the Zoning Administrator shall refer the violation to the Champaign County State's Attorney for legal action.

The special condition stated above is required to ensure the following:

That the septic system continues to be of sufficient capacity and in operation for the event center.

ATTACHMENTS

- A Email from Mike Flanagan, Champaign-Urbana Public Health Department, received March 16, 2017
- B Revised Site Plan received March 22, 2017
- C Revised Site Plan received March 21, 2017
- D Email from Susan Burgstrom to petitioners dated March 22, 2017
- E Driveway lighting specification summary received March 22, 2017
- F Comparison Table for proposed special condition J dated March 23, 2017
- G Revised Floor Plan received July 28, 2016 (included again as attachment because it will become part of Approved Site Plan)

Susan Burgstrom

From: Michael Flanagan <mflanagan@c-uphd.org>
Sent: Thursday, March 16, 2017 11:05 AM
To: Susan Burgstrom
Cc: Sarah Michaels
Subject: RE: Lipps property health permit?
Attachments: Scanned from a Xerox Multifunction Device.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Susan,
Attached you will find the food permit approval/opening letter that we sent to Willow Creek Farm/Lipps Event Center. This letter has the food permit number attached and references the classification of kitchen they have.

Regards,

Michael Flanagan, LEHP
Program Coordinator
Champaign-Urbana Public Health District
201 W. Kenyon Rd.
Champaign, IL 61820
Phone: 217-531-2908 Secure Fax: 217-373-7905
mflanagan@c-uphd.org
www.c-uphd.org
www.stock2for1u.com

RECEIVED

MAR 16 2017

CHAMPAIGN CO. P & Z DEPARTMENT



Public Health

Champaign-Urbana Public Health District



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From: Susan Burgstrom [<mailto:sburgstrom@co.champaign.il.us>]
Sent: Thursday, March 16, 2017 10:10 AM
To: Michael Flanagan
Subject: RE: Lipps property health permit?

Hi Mike,

I am looking for the date a Health Permit for a Retail Food Establishment was issued by County PHD for Traci Lipps' event center, and whether such a permit would include approval of the kitchen. Do you know who I can contact to get that information?

Thanks!
Susan

Susan Burgstrom, AICP, PCED
Senior Planner
Champaign County Planning and Zoning
1776 East Washington Street
Urbana, IL 61802
217-819-4086
www.co.champaign.il.us



Public Health
Prevent Promote Protect

**Champaign County
Public Health Department**

June 27, 2016

Traci Lipps
Willow Creek Farm #C-2404
1766 CR 1850N
Urbana, IL 61802

RECEIVED

MAR 16 2017

CHAMPAIGN CO. P & Z DEPARTMENT

Dear Traci Lipps:

Congratulations on the opening of your food establishment! On behalf of the Champaign County Public Health Department's (CCPHD) Environmental Health Division, I would like to welcome you.

Jeff Blackford will contact you soon after you open to schedule an appointment to review your food handling practices and procedures. This review will not be scored and is for reviewing foodborne illness risk factors and public health interventions prior to your upcoming first routine inspection.

All food establishments within Champaign County are inspected by CCPHD on a regular basis. Your food establishment has been classified as a Category II facility. After your first routine inspection, a color-coded inspection placard will be issued by the inspector. Although participation is voluntary at this time, we strongly encourage you to post the placard for easy public viewing to promote consumer awareness. Contact Sarah Michaels if you have any questions.

Category II food establishments shall employ a minimum of one full-time certified food service sanitation manager (FSSMC) at each establishment. Additionally, all food handlers (non-FSSMC) in food establishments are required to obtain a Food Handler Certificate (FHC) within 30 days of employment. For more information about FSSMC and FHC, including definitions of food handlers, restaurants and non-restaurants, please visit our website (<http://c-uphd.org/food-worker-training.html>).

Please note that if you intend to make future changes or modifications to your approved menu and/or equipment, you must contact our office for review and approval beforehand.

Our office hours are 8:00 a.m. to 4:00 p.m., Monday through Friday.

We appreciate your cooperation, and wish you success in your endeavor.

Sincerely,

Jim Roberts, MS, LEHP
Director of Environmental Health



SHEET LEGEND

- SECTION LINE
- - - PROPERTY LINE
- x - x - x - EXISTING FENCE LINE
- EXISTING TREE

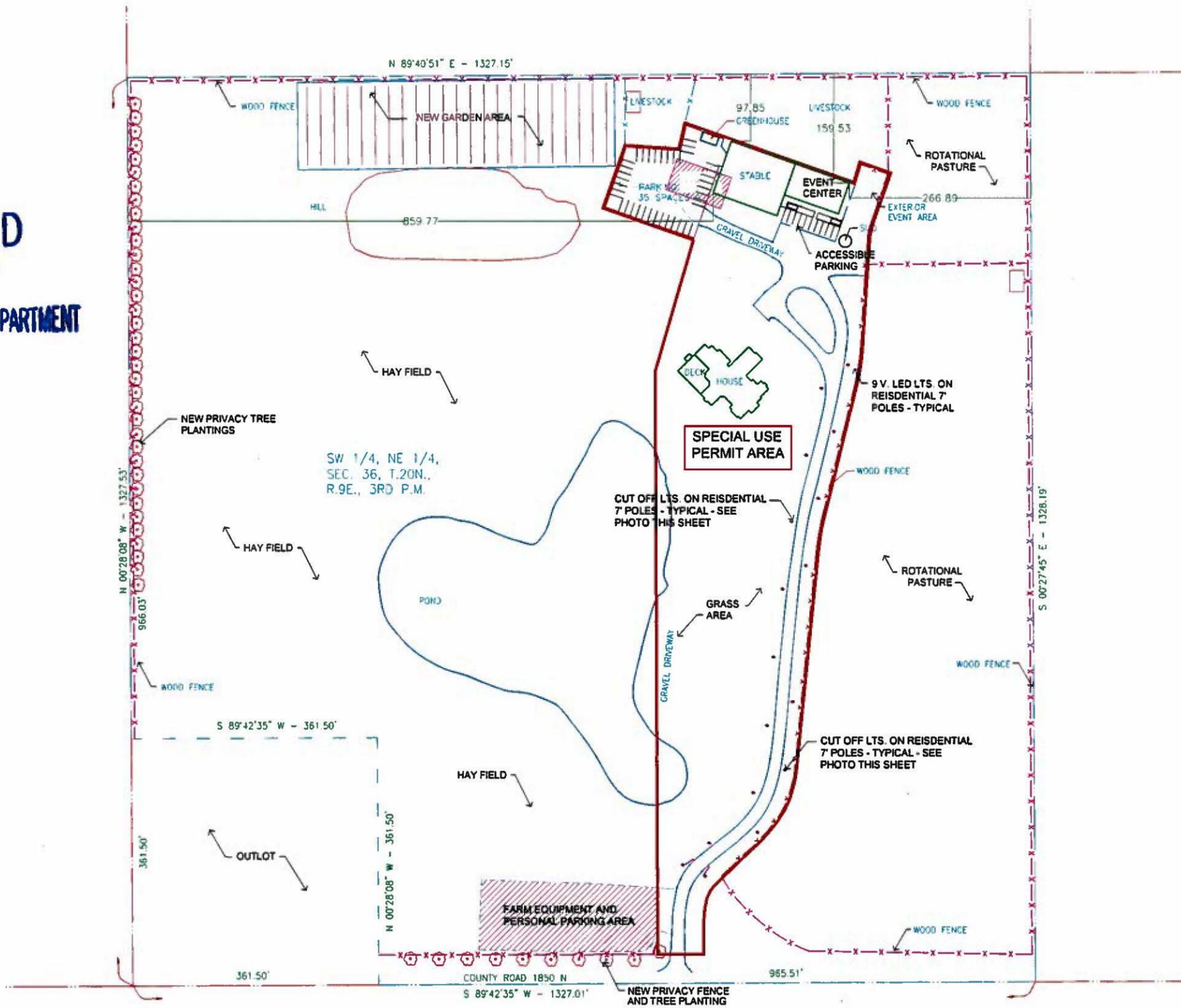
RECEIVED
MAR 22 2017
CHAMPAIGN CO P & Z DEPARTMENT

NOTES:

1. LEGAL DESCRIPTION: THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 20 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, SITUATED IN CHAMPAIGN COUNTY, EXCEPT THE FOLLOWING DESCRIBED TRACT.
 BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 20 NORTH OF THE BASE LINE, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, THENCE EAST A DISTANCE OF 361.5 FEET ON THE SOUTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 361.5 FEET PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE WEST 361.5 FEET PARALLEL WITH SAID SOUTH LINE; AND THENCE SOUTH 361.5 FEET ON SAID WEST LINE TO THE POINT OF BEGINNING, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.
2. THE PROPERTY LINE BEARINGS AND DISTANCES ARE BASED ON FOUND MONUMENTATION AND PLAT OF SURVEY PREPARED BY ROBERT MOORE, PLS DATED DECEMBER 14, 2004. THIS PLAT DOES NOT CONSTITUTE A BOUNDARY SURVEY.
3. THE FIELD WORK FOR THIS SURVEY WAS COMPLETED ON JUNE 14, 2016.



**POLE LIGHT FIXTURE
 FULL CUT OFF**



Revised on: 3/22/17 - SPECIAL USE AREA

Date: 11/16/16

drawing number:

title: SITE PLAN

GAYLORD H. SWISHER, ARCHITECT
 Savoy, IL 61874
 900 Pleasant Lane

WILLOW CREEK FARM
 1766 N. 1850 COUNTY ROAD
 URBANA, ILLINOIS

sheet number:

S-1

Susan Burgstrom

From: Susan Burgstrom
Sent: Wednesday, March 22, 2017 8:46 AM
To: 'victor fuentes'
Cc: Traci Lipps
Subject: full cutoff post lights and revised site plan

Hi Victor,

I see the picture of the fixture on the site plan, but the ZBA requires the spec sheet for that fixture. I looked for that particular one on the list of lights you sent, but didn't see it (or I would have just printed the spec sheet from there).

Regarding the site plan, several members of the ZBA stated during the meeting that they do not want the south parking lot there at all. Based on this, John recommends that this plan be revised to not indicate any parking by the street and also indicate the gravel will be removed. A revised site plan showing the removal of the gravel, removal of the parking notation, and a Special Use Permit area that does not include any of that south parking area would definitely make the ZBA's decision process shorter at the hearing.

To be clear, in my request for the site plan update, I did state that you could keep the east 100 feet within the SUP area on the site plan, and that is still your right to request. If you want to keep the gravel and the parking area as you have it on the site plan you just sent, then discussion at the hearing will be based on that concept.

If you would like to re-submit a revised site plan, please let me know. Could you please send it as soon as possible?

Thanks,
Susan

-----Original Message-----

From: victor fuentes [mailto:fuentes.victor11@gmail.com]
Sent: Wednesday, March 22, 2017 8:24 AM
To: Susan Burgstrom <sburgstrom@co.champaign.il.us>
Cc: Traci Lipps <tracilipps@yahoo.com>
Subject: Re: full cutoff post lights.

Hello Susan,
In the email I sent you yesterday with the revised site plan it shows the full cutoff lights. Please let me know if you have any problems with that one.
Thanks,

Victor Fuentes

The Great Outdoors by Minka Lavery 8106-A138 Kirkham Dark Sky Post Mount Light



Product Overview

"the great outdoors by Minka Lavery" Post-Mount 1-Light Outdoor Lantern is fully Dark Sky approved. Featuring a hammered metal shade, the finish is Aspen bronze. Install this delightfully rustic fixture in any outdoor location.

- Rugged yet lightweight, the aluminum housing is perfect for installation outdoors
- Recessed bulb is fully shielded, IDA dark sky approved
- Uses one 60-Watt medium base bulb, also accepts CFL
- ETL listed for installation in wet locations

Dimensions

Product Depth (in.)	11.75
Product Length (in.)	11.75
Product Height (in.)	11
Product Width (in.)	8.5

Comparison Table Proposed Special Condition J

	J	Alt J	No Action*
Number of Events			
Max # of large events (annual)	20	26	20
Max # of small events (annual; minus large events)	345	156	0
Number of guests			
Max # of guests at large events	150	150	150
Max # of guests at small events	150	100	0
Max # of guests (annual)	54,750	19,500	3,000
Number of vehicle trips			
Max # of vehicle trips per large event	300	300	300
Max # of vehicle trips per small event	40	40	0
Max # of vehicle trips - large events (annual)	6,000	7,800	6,000
Max # of vehicle trips - small events (annual)	13,800	6,240	0
Max # of vehicle trips - all events (annual)	19,800	14,040	13,300

*The "no action" option refers to the petitioner only having a Temporary Use Permit plus 2 additional residential lots, rather than the Special Use Permit. We assume that all events would be large. The two additional residential lots would create 20 vehicle trips every day of the year (7,300 annual trips) in addition to vehicle trips for events, for 13,300 annual vehicle trips.

