

CASE 182-S-25

PRELIMINARY MEMORANDUM

January 8, 2026

Petitioner: Lauren and Jeffrey Brokish, Brokish Properties LLC, d.b.a Prairie Fruits Farm and Creamery

Request: Authorize a Major Rural Specialty Business as a Special Use Permit in the AG-2 Agriculture Zoning District, with waivers of standard conditions including, but not limited to, the prohibition of sales of alcohol not produced on the premises.

Location: 37.52 acres and is comprised of 4 tracts of land, including Lot 1, of Jamestown Subdivision, Lot 1 of Illinois Farm to Table Subdivision and 16.58 acres located in the Northwest Quarter of the Southeast Quarter of Section 29, Township 20 North, Range 9 East of the Third Principal Meridian, in Somer Township with PIN's 25-15-29-400-019, 022, 023 and 024, commonly known as the property with an address of 4410 N. Lincoln Ave., Champaign, farmland owned by Brokish Properties LLC and farmland owned by the City of Urbana.

Site Area: 37.52 acres

Time Schedule for Development: Currently in use

Prepared by: **Charlie Campo**, Zoning Officer
John Hall, Zoning Administrator
Trevor Partin, Associate Planner

BACKGROUND

Prairie Fruits Farm and Creamery currently operates their business on the subject property under a Special Use Permit (SUP) approved in 2010 for a Major Rural Specialty Business with a waiver of standard conditions to prohibit the sales of alcohol not produced on the premises. The original SUP only included the 6-acre property where the buildings are located. The additional three parcels included in the subject property are used for agriculture, parking, tours and hiking trails. The petitioners applied for a Zoning Use Permit to Construct a new building on the property for a retail store, workspace and education area in July 2025. After a review of the properties used for the business and the type of operations on the property, Staff determined that the Petitioner would require a new Special Use Permit to encompass the expanded business area and operations on the site.

EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Municipalities with zoning are notified of Special Use Permit cases, but do not have protest rights in these cases.

The subject property is located within Somer Township, which does not have a Plan Commission.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Prairie Fruits Farm and Creamery	AG-2 Agriculture
North of buildings	Single Family Residential	AG-2 Agriculture
North	Agriculture	AG-2 Agriculture
East	Agriculture/Drainage Ditch	CR Conservation-Recreation and AG-2 Agriculture
West	Agriculture	AG-2 Agriculture
South	Single Family Residential and Agriculture	AG-2 Agriculture and CR Conservation Recreation

PUBLIC COMMENTS

Notices about the case were sent to surrounding landowners, Somer Township, City of Urbana, Eastern Prairie Fire Protection District and Beaver Lake Drainage District and no comments have been received.

PROPOSED SPECIAL CONDITIONS

A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Major Rural Specialty Business until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

That the proposed Special Use meets applicable state requirements for accessibility.

B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

That the proposed use is in compliance with the Zoning Ordinance.

C. **The petitioners shall ensure that no parking related to the special use permit shall occur in any public right-of-way.**

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

There is no unreasonable risk to public safety caused by on street parking.

D. **The proposed Major Rural Specialty Business shall conform to all relevant Champaign County Ordinances including the following:**

- (1) **The Champaign County Health Ordinance, including, but not limited to, any required licenses for the food service portion of the use, and any required permits for onsite wastewater treatment and disposal.**

- (2) The Champaign County Liquor Ordinance, including any required liquor license.
- (3) The Champaign County Recreation and Entertainment Ordinance, including any required Recreation and Entertainment License.

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

The Major Rural Specialty Business conforms to all relevant Champaign County Ordinances.

E. Any non-agricultural building or use must be fully consistent with the approved site plan, testimony, and evidence given in this public hearing, as required by Section 9.1.11 B.6. of the Zoning Ordinance.

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

The Major Rural Specialty Business conforms to the approved site plan, testimony, and evidence given in the public hearing for Case 182-S-25

F. The business operated on the property must remain in compliance with the definition of a Rural Specialty Business.

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

The business maintains the rural nature of the area and is compliant with the Zoning Ordinance.

G. The Zoning Administrator shall not issue a Compliance Certificate for the proposed Special Use until the Eastern Prairie Fire Protection District is satisfied with the accommodations for public safety in regard to the following:

- (1) The gravel drive must be kept clear of obstructions, including parked vehicles for a minimum width of 24 feet for its entire length; and
- (2) An adequate space for maneuvering of emergency vehicles at the end of the gravel drive.

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

The gravel drive provides adequate emergency vehicle access to the subject property.

H. The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

I. The terms of approval are the requirements of the current Section 6.1.5 of the Zoning Ordinance as amended October 23, 2025.

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

That the current version of the Zoning Ordinance has been referenced.

ATTACHMENTS

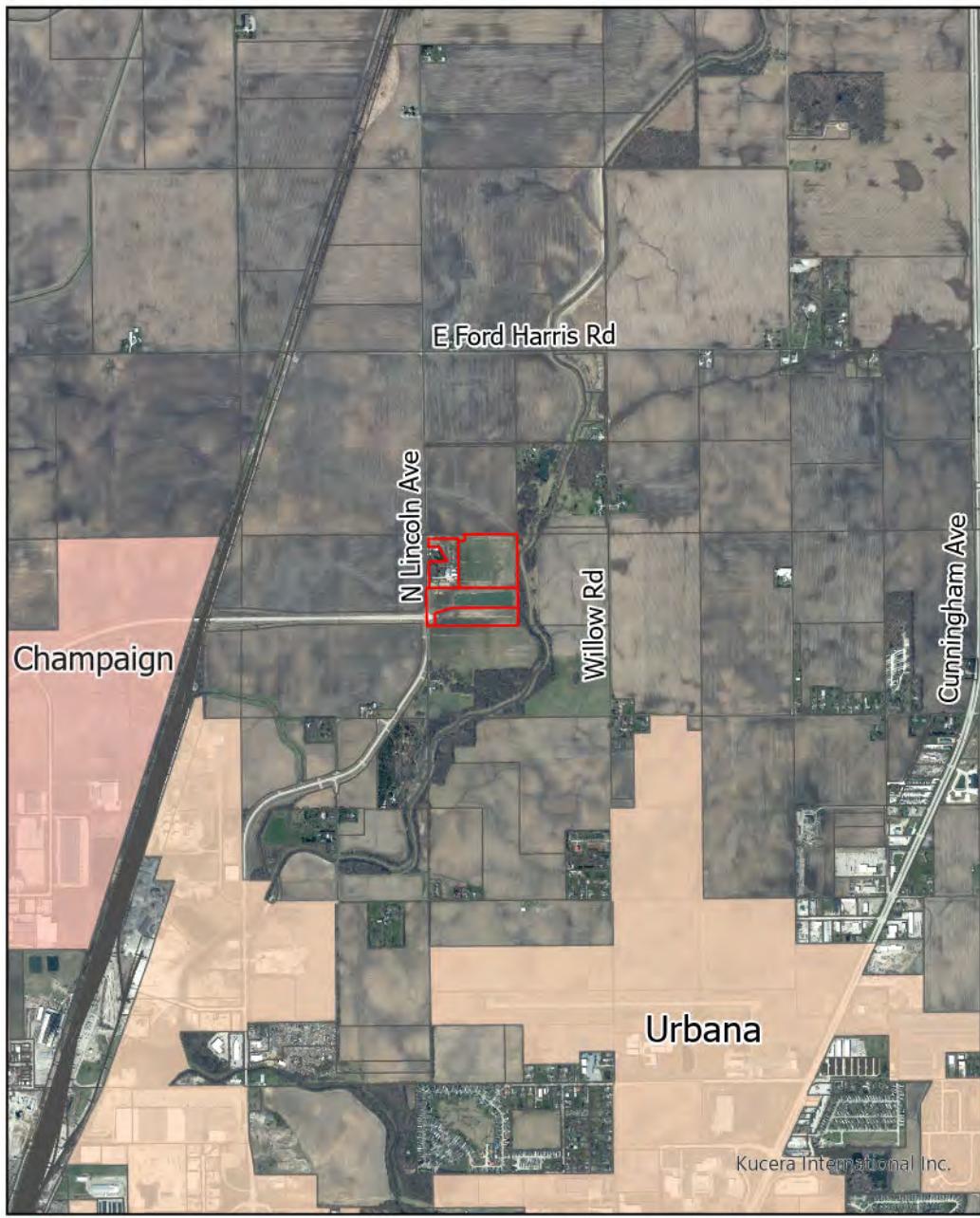
- A Case Maps (Location, Land Use, Zoning)
- B Site Plan and Building Plans for the new building and Renovation Plans for the existing building received October 7, 2025:
- C Email from Max Beedle, C-U Public Health District received January 5, 2026, with Application and Plan
- D 2023 Annotated Aerial Photo showing new building and parking
- E 2014 Aerial Photo
- F Site photos taken January 6, 2026
- G Summary of Evidence, Finding of Fact, and Final Determination dated January 15, 2026

Location Map

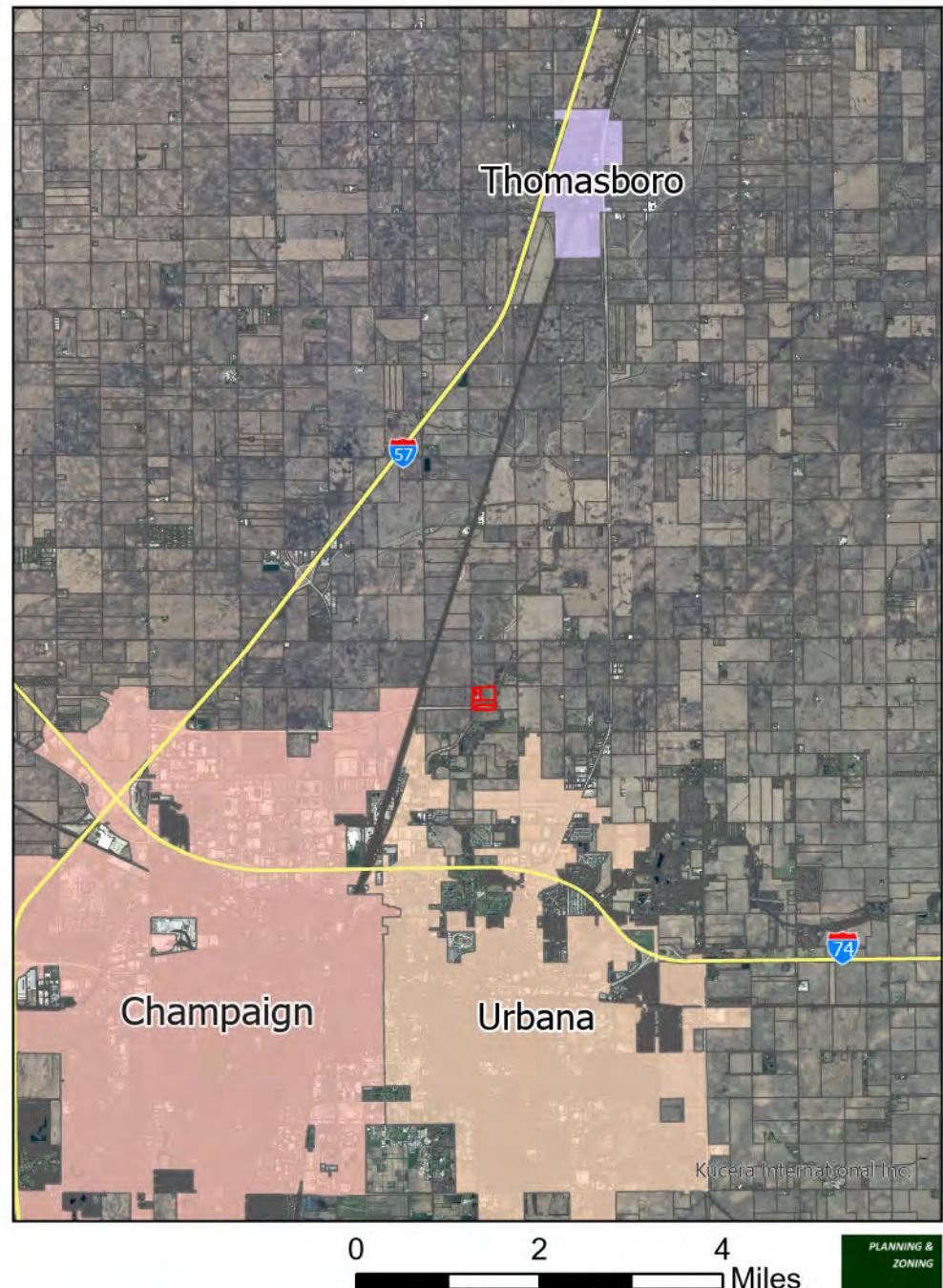
Case 182-S-25

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Subject Property



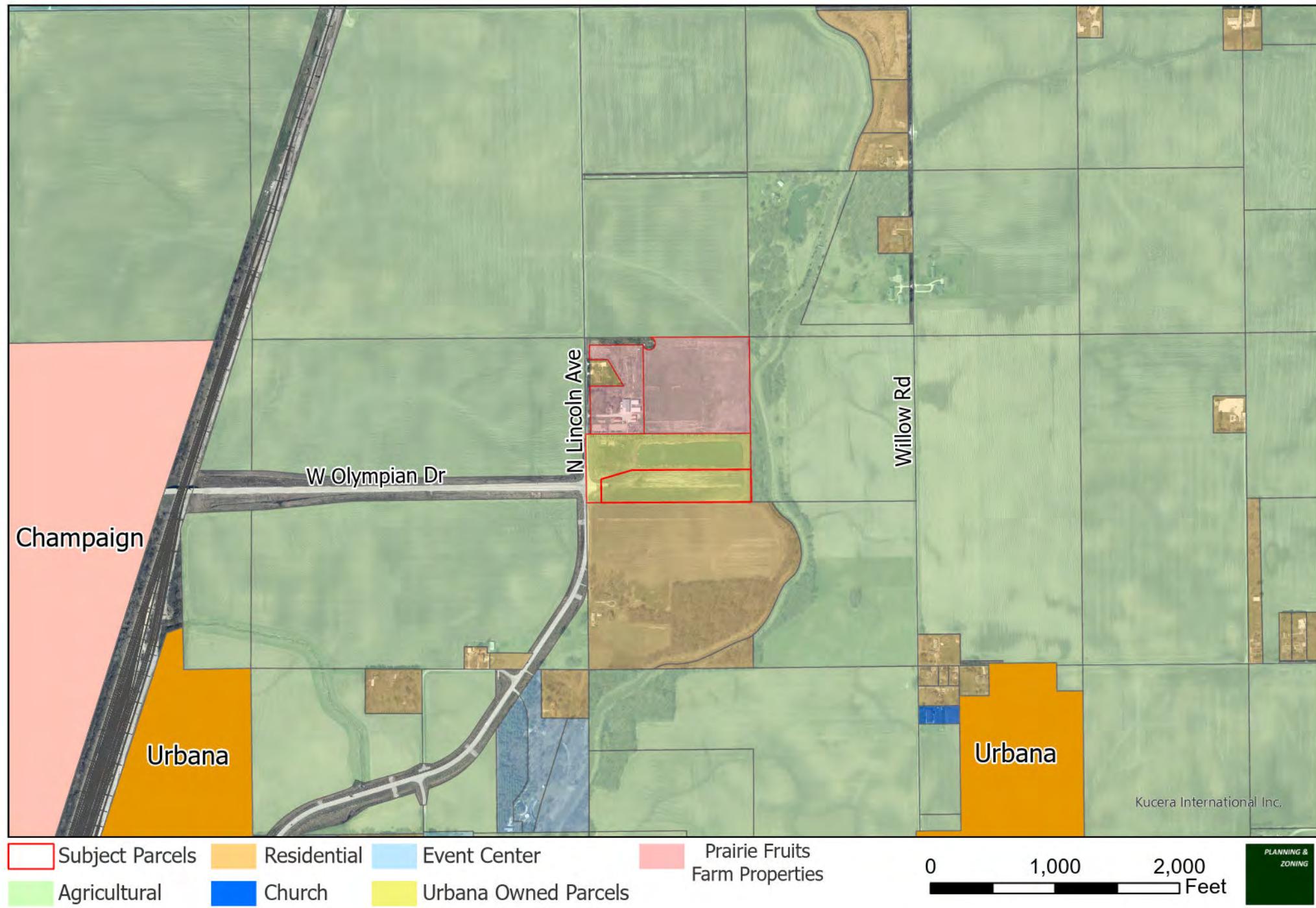
Property Location in Champaign County



Land Use Map

Case 182-S-25

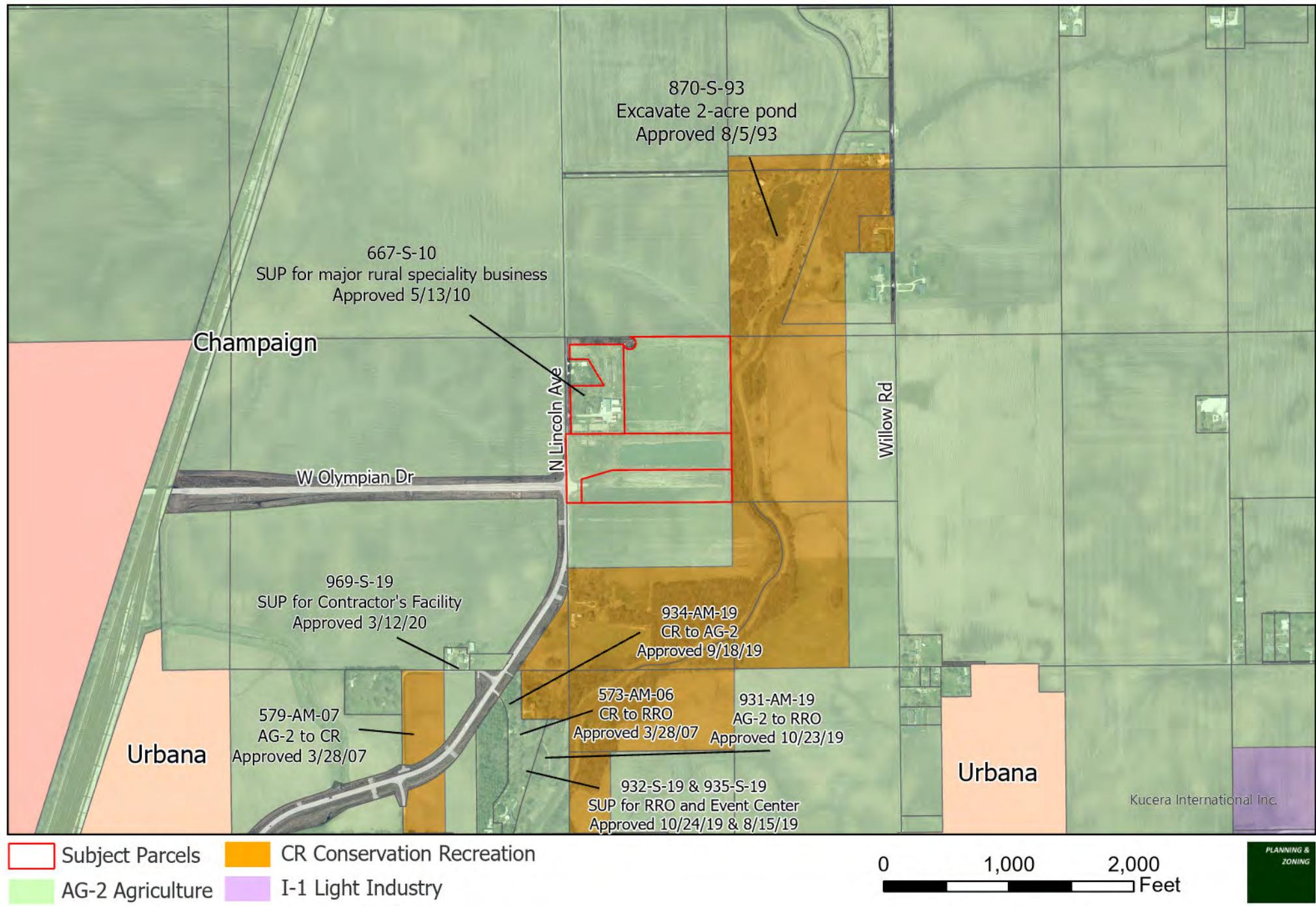
January 15, 2026



Zoning Map

Case 182-S-25

January 15, 2026



RECEIVED
OCT 7, 2025
CHAMPAIGN COUNTY
PLANNING & ZONING

PROJECT # 24018
DATE : 2024
REVISION :
ANDREW FELL
ARCHITECTURE AND DESIGN
615 NORTH HICKORY STREET, SUITE 101
CHAMPAIGN, ILLINOIS 61820
PHONE: 217.363.2880
WWW.ANDREWfell.COM
EMAIL: andrew@andrewfell.com

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of Andrew F.ell Architecture and
Design and shall not be used on
any other work except by written
agreement with the Architect.
Only written dimensions shall be
used. Do not scale drawings.
Dimensions shall be verified on
the job site. Any discrepancy
shall be brought to the notice of
the Architect, prior to the
commencement of any work.

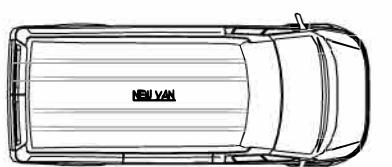
PRAIRIE FRUIT FARM AND CREAMERY

REMODEL

4410 N LINCOLN AVE
CHAMPAIGN, ILLINOIS

SHEET

A1



EQUIPMENT SCHEDULE			
ITEM NO.	ITEM	EQUIPMENT CATEGORY	MANUFACTURER
1	LAND SINK	ADVANCE TRADE	42-3600-3000
2	3 COMPARTMENT SINK	ADVANCE TRADE	42-3600-3000
3	4 COMPARTMENT SINK	ADVANCE TRADE	42-3600-3000
4	ICE MACHINE	INTERSTATE ICE SERVICE	405-1000-1000
5	REFRIGERATOR	INTERSTATE ICE SERVICE	405-1000-1000
6	WALK-IN COOLER	BK RESOURCES	305-1000-1000
7	REFRIGERATOR	FEDERAL KITCHENES	305-1000-1000
8	WALK-IN COOLER	MILCAN	1000-1000-1000
9	WALK-IN COOLER	WCA 3006	1000-1000-1000
10	WALK-IN COOLER	BK RESOURCES	305-1000-1000
11	WALK-IN COOLER	WCA 3006	1000-1000-1000
12	WALK-IN COOLER	BK RESOURCES	305-1000-1000
13	WALK-IN COOLER	WCA 3006	1000-1000-1000
14	WALK-IN COOLER	BK RESOURCES	305-1000-1000
15	WALK-IN COOLER	WCA 3006	1000-1000-1000
16	WALK-IN COOLER	BK RESOURCES	305-1000-1000
17	WALK-IN COOLER	WCA 3006	1000-1000-1000
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132	WALK-IN COOLER	BK RESOURCES	305-1000-1000
133	WALK-IN COOLER	WCA 3006	1000-1000-1000
134	WALK-IN COOLER	BK RESOURCES	305-1000-1000
135	WALK-IN COOLER	WCA 3006	1000-1000-1000
136	WALK-IN COOLER	BK RESOURCES	305-1000-1000
137	WALK-IN COOLER	WCA 3006	1000-1000-1000</td

Charles W. Campo

From: Max Beedle <mbeedle@c-uphd.org>
Sent: Monday, January 5, 2026 9:44 AM
To: Charles W. Campo
Subject: Permit info for Prairie Fruit Farms
Attachments: scan_2026-01-05-09-12-00.pdf; scan_2026-01-05-09-15-52.pdf

CAUTION: External email, be careful when opening.

Hello- please see attached for the permit information for Prairie Fruit Farms. It was designed with excess capacity in mind.

If any other information is needed from me let me know.

Regards,

Max Beedle, B.S., LEHP
Environmental Health Specialist
Direct: 217-531-2920
Fax: 217-373-7905
Champaign-Urbana Public Health District
201 W. Kenyon Rd.
Champaign, IL 61820
www.c-uphd.org

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APR 19 2024

Date: _____

LOG/PERMIT NUMBER 24-017-19 COUNTY Champaign (Office Use Only)

1. Owner: Prairie Fruits Farm Telephone No.: 217-778-7775
Address: 4410 N. Lincoln Ave Urbana IL Champaign

2. Contractor: Berg Tankes License Number: 049-806425 Telephone No: 217-367-8672
Address: 210 E. Lovett Rd City, State, Zip: Champaign IL 61821

FAX Number: _____

NOTE: Work not done by homeowner (must own & occupy personal single family residence) must be done by a licensed contractor.

3. Location-County: _____ City: Urbana Street: 4410 N. Lincoln Ave.
Subdivision & Lot #: _____ Township Name: _____
Township: 20N Range: 9E Section #: 29 • Section: _____ Local Identification Information _____

4. Detailed Directions to Site: Highway Number, Secondary Roads, Signs to Follow, Etc.:

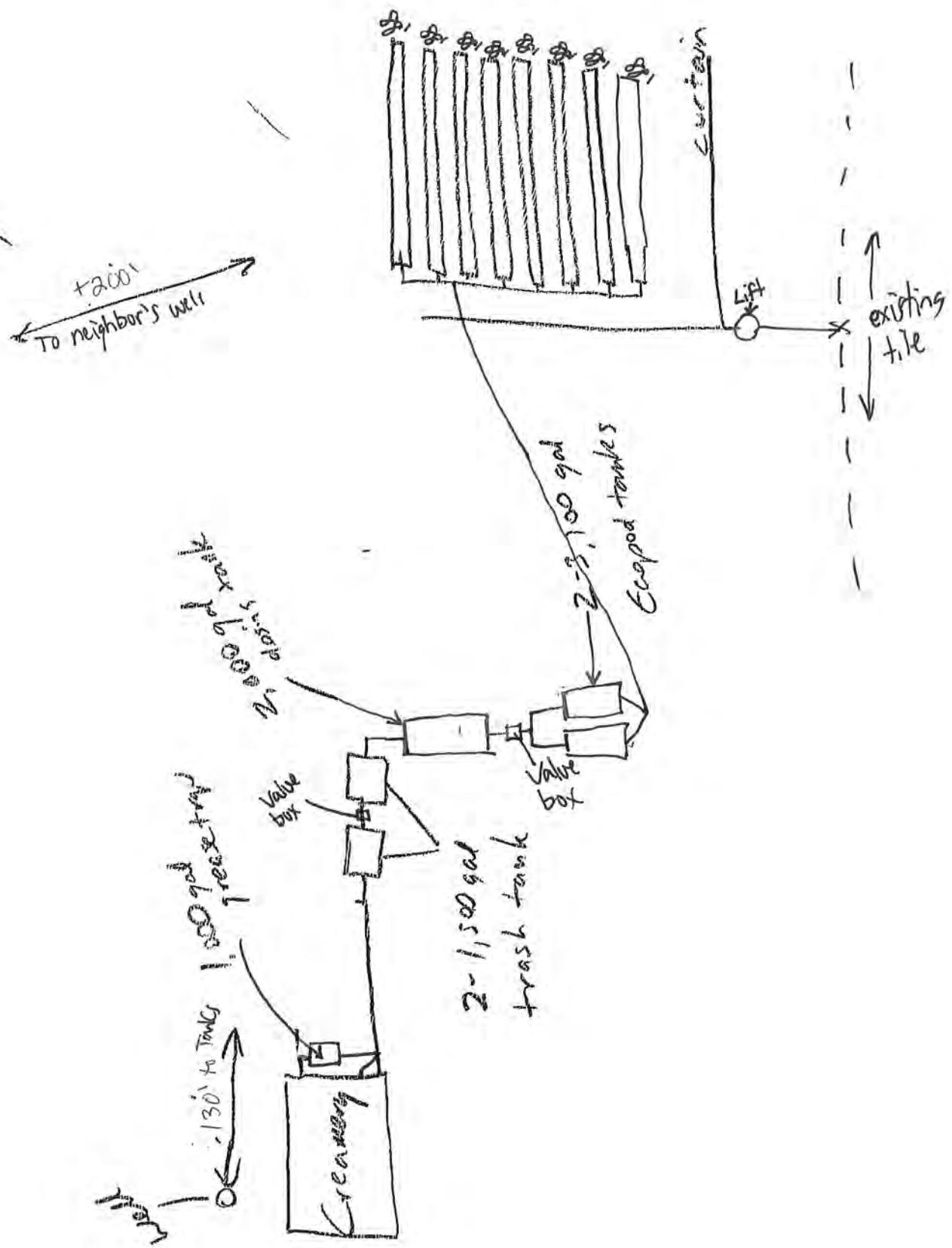
5. Site Information: Renovation: X New System: _____
Residential Dwelling: _____, Seasonal: Yes _____ No. of Residents: _____ No. of Bedrooms: _____
Garbage Grinder: Yes _____ Basement: Yes _____ Water Softener: Yes _____ Hot Tub: # Gallons _____
Non-Residential: X No. of Employees: 40 or less Design Flow: 1,825 Other Wastewater Generators: _____
Water Supply: _____ Private Well: X Semi-Private Well _____ Non Community: _____ Municipal: _____
Percolation Tests: Date(s): _____ Conducted By: _____
Hole No. 1 Depth: _____, _____ min./6" Hole No. 2 Depth: _____, _____ min./6" Hole No. 3 Depth: _____, _____ min./6"
Average min./6" Fall: _____ (Rerun or use highest value if difference is greater than 30 minutes)
Depth of Limiting Layer: _____ Soil Type: _____
Soil Scientist Data: _____ Name of Soil Investigator: _____
(Attach copy of Soil Data Report to application)

6. Proposed Private Sewage System: Gallons To Be Treated Per Day: 1825

a. Septic Tank Size 6,300 Gallons, Illinois #: _____ h. Wisconsin Mound Basal Area _____ Sq. Ft.
b. Surface Seepage Field/Bedroom _____ Sq. Ft., i. Chlorination Tank _____ Gallons (if required)
Total Subsurface Seepage Field _____ Sq. Ft., Lin. Ft. _____, Width _____ j. Aerobic Treatment Plant: 2-Ecoped 6250
c. Gravel-less Seepage Field: 8" _____ Lin. Ft. 10" _____ Lin. Ft. Manufacturer & Model: Infiltrator
d. Chamber System: Manufacturer: Infiltrator Treatment Capacity: _____ Gallons per day
Sq. Ft. per Lin. Ft., 5 Total Lin. Ft. 704 k. Location of Audio and Visual Alarms _____
e. Seepage Bed _____ Sq. Ft. _____ (Garage, Basement, Stairwell, Etc.)
f. Waste Stabilization Pond _____ Length _____ Width _____ Depth _____
g. Buried Sand Filter/Recirculating Sand Filter _____ Sq. Ft. l. Effluent Discharge to: _____
Width _____ Length _____ m. Pump Chamber Size _____

Other: Engineered Drawings 5 separate
* 702' required.

4-29-24



Annotated 2023 Aerial

Case 182-S-25

January 15, 2026



Subject Parcels

New Building

0 200 400
Feet

PLANNING &
ZONING

Annotated 2014 Aerial

Case 182-S-25

January 15, 2026



 Subject Parcels

0 200 400
Feet

PLANNING &
ZONING

182-S-25 Site Images



From N. Lincoln looking east toward Subject Property



From entrance of Subject Property looking north along N. Lincoln

182-S-25 Site Images



From entrance of Subject Property looking south along N. Lincoln



From N. Lincoln looking east toward new building

182-S-25 Site Images



From N. Lincoln looking toward parking lot entrance



From adjacent property looking southeast toward subject property

PRELIMINARY DRAFT

182-S-25

**SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

Final Determination: ***{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}***

Date: ***{January 15, 2026}***

Petitioner: **Lauren and Jeffrey Brokish, Brokish Properties LLC, d.b.a Prairie Fruits Farm and Creamery**

Request: **Authorize a Major Rural Specialty Business as a Special Use Permit in the AG-2 Agriculture Zoning District, with waivers of standard conditions including, but not limited to, the prohibition of sales of alcohol not produced on the premises.**

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 15, 2026**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioners Lauren and Jeffrey Brokish, Brokish Properties LLC, d.b.a Prairie Fruits Farm and Creamery and the City of Urbana are the owners of the subject property.
2. The subject property totals approximately 37.52 acres and is comprised of 4 tracts of land, including Lot 1, of Jamestown Subdivision, Lot 1 of Illinois Farm to Table Subdivision and 16.58 acres located in the Northwest Quarter of the Southeast Quarter of Section 29, Township 20 North, Range 9 East of the Third Principal Meridian, in Somer Township with PIN's 25-15-29-400-019, 022, 023 and 024, commonly known as the property with an address of 4410 N. Lincoln Ave., Champaign, farmland owned by Brokish Properties LLC and farmland owned by the City of Urbana.
3. Lot 1 of Jamestown Subdivision is the current location of Prairie Fruits Farms & Creamery and has a Special Use Permit to operate a Major Rural Specialty Business on the property. The Petitioner wants to expand operations to include the use of the adjacent properties which requires a new Special Use Permit.
4. The Petitioner is the owner of the 6.08 acre tract that is Lot 1 of Jamestown Subdivision and the current location of Prairie Fruits Farms & Creamery as well as the 14.86 acre tract that is Lot 1 of Illinois Farm to Table Subdivision. The Petitioner has a 10-year lease for two lots totaling 16.58 acres that are owned by the City of Urbana.
5. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located within the one-and-one-half miles of the City of Urbana, a municipality with zoning.
 - B. The subject property is located within Somer Township, which does not have a Planning Commission. Townships with Planning Commissions do not have protest rights on a Special Use Permit. Notification was sent to Somer Township.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

6. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The 37.52-acre subject property is zoned AG-2 Agriculture. The 6.08-acre property has a Special Use Permit Approved in 2011 for a Major Rural Specialty Business. The remaining 31.44 acres are used for pasturing animals, agricultural production.
 - B. To the northwest of the existing buildings is a 1-acre property that is bordered on three sides by the subject property that is zoned AG-2 Agriculture and contains a single-family residence.
 - C. Land to the north is zoned AG-2 Agriculture and is in agricultural production.

- D. Land to the south is zoned AG-2 Agriculture and CR Conservation-Recreation and is in agricultural production and residential.
- E. Land to the east is zoned CR Conservation-Recreation and AG-2 Agriculture and contains the Saline Branch Drainage Ditch and is in agricultural production.
- F. Land to the west is zoned AG-2 Agriculture and is in agricultural production.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

- 7. Regarding the site plan and operations of the proposed Special Use:
 - A. The Site Plan received October 7, 2025, indicates the following existing and proposed features:
 - (1) A single-family residence.
 - (2) An existing 5,500 sf. creamery and dining building.
 - (3) Multiple barn buildings.
 - (4) A covered patio.
 - (5) A new 5,000 sf. building to house a retail store, workspace and education area.
 - B. Previously approved Zoning Use Permits for the subject property include:
 - (1) ZUPA #154-91-01 was approved on June 6, 1991, to construct a single-family home with attached garage.
 - (2) ZUPA #262-08-02 was approved on November 30, 2009, for a 1-day temporary use for a beer and cheese event.
 - (3) ZUPA 314-11-02 was approved on November 18, 2011, for a Change of Use for a Major Rural Specialty Business.
 - (4) Zupa 204-25-01 was approved on July 24, 2025, to construct a 5,000 sf. building for a retail store, workspace and education area.
 - C. Zoning case 667-S-10 was approved on May 13, 2010, to authorize a Special Use Permit for a Major Rural Specialty Business with a waiver of standard conditions to prohibit the sales of alcohol not produced on the premises.
 - D. Prairie Fruits Farm and Creamery operates as a goat dairy, producing dairy products from animals kept on-site in addition to fruits and vegetable grown on-site. An on-site kitchen and restaurant serves ticketed farm to table dinners in addition to a limited menu of food produced from ingredients produced on and off-site as well as beer and wine. The business also hosts private events, provides site tours, agriculture related recreation including hiking trails around the property, and educational workshops.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

8. Regarding authorization for “Self-Storage Warehouses not providing heat and utilities to individual units” in the B-5 Central Business Zoning DISTRICT in the *Zoning Ordinance*:
 - A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
 - (1) “ACCESSORY BUILDING” is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.
 - (2) “ACCESSORY STRUCTURE” is a STRUCTURE on the same LOT within the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE or the main or principal USE.
 - (3) “ACCESSORY USE” is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
 - (4) “AGRICULTURE” is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
 - (5) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:

- a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
- b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
- c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.

(6) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.

(7) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.

(8) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.

(9) “DISCRETIONARY DEVELOPMENT” is a non-agricultural land USE that may occur provided that a SPECIAL USE permit and/or a rezoning request is granted by the BOARD and/or by the GOVERNING BODY following a DISCRETIONARY review process and additionally provided that the USE complies with provisions of the Zoning Ordinance and other applicable ordinances and regulations.

(10) “DWELLING” is a BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.

(11) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.

(12) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.

(13) “RURAL SPECIALTY BUSINESSES” are establishments that sell, principally at retail, agricultural products, foods or traditional handicrafts produced on the PREMISES together with ACCESSORY recreational or educational activities and which may also sell related goods produced off of the PREMISES provided that sale of such goods constitute less than 50 percent of the total gross business income, that such goods constitute less than 50 percent of the total stock in trade, that less than 50 percent of the total LOT AREA is devoted to commercial BUILDING AREA, parking or loading areas or outdoor sales DISPLAY

(14) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.

(15) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.

(16) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:

- (a) MAJOR STREET: Federal or State highways.
- (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
- (c) MINOR STREET: Township roads and other local roads.

(17) “STRUCTURE” is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.

(18) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:

- a. The site features or site location will not detract from the proposed use;
- b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
- c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
- d. Necessary infrastructure is in place or provided by the proposed development; and
- e. Available public services are adequate to support the proposed development effectively and safely.

(19) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.

(20) “WELL SUITED OVERALL”: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be WELL SUITED OVERALL if the site meets these criteria:

- a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
- b. The site is reasonably well-suited in all respects and has no major defects

B. Section 5.2 authorizes a Major Rural Specialty Business as a Special Use only in the CR, AG-1, and AG-2 Zoning Districts, and as a by-right use only in the B-1, B-3 and B-4 Zoning Districts.

C. Section 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:

(1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:

- a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
- b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
- c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
- d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
- e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.

(2) Section 6.1.3 indicates the following standard conditions for Major Rural Specialty Businesses:

- a. Minimum Lot Area of five acres;
- b. The total BUILDING AREA devoted to sales DISPLAY or recreational commercial USE shall not exceed 5,000 square feet;
- c. Outdoor entertainment requiring the use of sound amplification equipment shall be permitted not more often than 5 consecutive or non-consecutive days in any three month period and only if a Recreation and Entertainment License shall have been obtained as provided in Champaign County Ordinance No. 55 Regulation of Businesses Offering Entertainment and/or Recreation;
- d. The site shall not be located within 500 feet of a Residential zoning District;
- e. Businesses located in the CR, AG-1, or AG-2 Zoning Districts shall not ACCESS STREETS located within a recorded SUBDIVISION; and
- f. Alcoholic beverages not produced on the PREMISES shall not be sold.

D. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:

(1) That the Special Use is necessary for the public convenience at that location;

- (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
- (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
- (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
- (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- (6) Approval of a Special Use Permit shall authorize use, construction and operation only in a manner that is fully consistent with all testimony and evidence submitted by the petitioner or petitioners agent.

E. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:

- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - a. That the waiver is in accordance with the general purpose and intent of the ordinance; and
 - b. That the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.

E. Paragraph 9.1.11. D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS NECESSARY FOR THE PUBLIC CONVENIENCE AT THIS LOCATION

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
 - A. The Petitioner testified on the application, **“PFFC serves an important public role by providing direct access to locally produced food, agricultural education, and rural recreation within Champaign County. The farm connects residents and visitors to the region’s farming heritage and demonstrates sustainable practices that support soil health, biodiversity, and local food security.”**

Through our on-farm creamery, educational tours, workshops, and dining experiences, we offer opportunities for the public to learn about and participate in Illinois agriculture in an authentic, working-farm setting. These activities foster community well-being, support local economic development, and strengthen the relationship between rural producers, urban consumers and the many visitors to our area.

With the integration of production, education, and hospitality we are working to create a gathering place that enriches the cultural and economic life of the region, making it a clear asset to the public convenience and consistent with the County’s broader goals for compatible agricultural and community uses.”

- B. The proposed Major Rural Specialty Business has been an existing business on the subject property for nearly 20 years.
 - C. The subject property has had both agricultural and residential uses since the adoption of the Champaign County Zoning Ordinance in 1973.

GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE

10. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
 - A. The Petitioners have testified on the application, **“PFFC is a long-established agricultural enterprise operating in full alignment with the character and intent of our District. All activities occurring on the property are rooted in agricultural production and value-added processing. The farm’s layout, scale, and operational practices are carefully designed to preserve rural character, maintain open space, and protect neighboring properties from adverse impacts. We actively work with local municipalities and non-profits to restore our lands to native landscapes and ensure that our farming activities are environmentally sound and beneficial.”**

Visitor activities are managed within defined hours and designated areas to minimize traffic, noise, and light pollution. The majority of infrastructure—parking, dining, retail, and educational spaces—are clustered near existing farm buildings to reduce sprawl and maintain productive agricultural land. All wastewater and waste

management systems meet or exceed County and State standards, and the farm's regenerative grazing and land stewardship practices actively improve soil health, water retention, and biodiversity.

The land use directly supports public welfare by demonstrating sustainable agriculture, providing educational opportunities, and contributing to the local economy through agritourism and food production. By integrating public access in a controlled and environmentally responsible manner, the farm remains fully compatible with surrounding agricultural uses and consistent with the County's goals of promoting rural vitality without compromising environmental or community well-being”

B. Regarding surface drainage:

- (1) Based on the amount of improvements shown on the site plan there should not be a significant increase in stormwater runoff and does not require a Stormwater Drainage Plan.
- (2) A Natural Resource Information Report by the Champaign County Soil and Water Conservation District was done for the original 6 acre property and applied for by the petitioner for the remaining 31 acres. The remaining 31 acres will be used for agriculture, recreation and parking.

C. Regarding impacts on traffic:

- (1) The subject property is located on the east side of North Lincoln Ave. with an entrance approximately 500 ft. north of Olympian Rd.
 - a. North Lincoln Ave is a two-lane asphalt road beginning approximately 50 ft south of the entrance drive continuing south.
 - b. To the north of the subject property, North Lincoln Ave is an oil and chip Township road.
- (2) Regarding the general traffic conditions on North Lincoln Ave. at this location, the level of existing traffic, and the likely change from the proposed Special Use:
 - a. The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). North Lincoln Ave. had an ADT of 1,350 near the subject property in 2021.
 - b. The proposed expansion of the business to include limited weekend hours, event rentals, and workshops and tours should not cause a significant increase in traffic.
 - c. North Lincoln Ave. is indicated as a Minor Arterial Street by the Urbana Comprehensive Plan.
 - c. Notice was sent to the Somer Township Supervisor and Somer Township Road Commissioner.

- d. No comments have been received from Somer Township.
- D. Regarding fire protection on the subject property, the subject property is located approximately 3.2 road miles from the Eastern Prairie Fire Protection District station. Notice of this zoning case was sent to the Fire Protection District, and no comments have been received.
- E. The eastern edge of the subject property is located within a mapped floodplain. The area in the floodplain is used for agriculture and recreation. No improvements are proposed in the floodplain.
- F. Soil on the subject property is Best Prime Farmland and consists of 152A Drummer silty clay loam, 154A Flanagan silt loam, 233B Birkbeck silt loam, 234A Sunbury silt loam, 618D2 Senachwine silt and, 3107A Sawmill silty clay, and has an average Land Evaluation (LE) of 94.5.
- G. Regarding outdoor lighting on the subject property:
 - (1) Information regarding new lighting on the site was not included with the application.
 - (2) A special condition has been added to ensure compliance with Section 6.1.2.
- H. Regarding wastewater treatment and disposal on the subject property:
 - (1) All buildings on the subject property use septic systems for wastewater treatment and disposal.
 - (2) The new building will connect to existing septic tanks and leach field that were installed in 2024 and were sized with sufficient capacity for the new building constructed in 2025.
- I. A Natural Resource Information Report by the Champaign County Soil and Water Conservation District has been applied for.
 - (1) The property that contains the buildings has been operating as Prairie Fruits Farm for almost 20 years.
 - (2) The approximately 15-acre property to the west will continue to be used for agriculture.
 - (3) The approximately 16 acres to the south that is leased from the City of Urbana is used for parking and agriculture.
- J. Regarding life safety considerations related to the proposed Special Use:
 - (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - a. The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire

Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.

- b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
- c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
- d. Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
- e. Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
- f. The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
- g. The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
- h. The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
- i. When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
- j. Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the

required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.

- k. The plans submitted have been signed and sealed by an Illinois licensed architect that state that the project will comply with the International Building Code, International Fire Code, and the Illinois Accessibility Code.
- (2) The Eastern Prairie Fire Protection District has been notified of the proposed Special Use and no comments have been received.
- K. Regarding whether the waiver of the standard condition in Section 6.1.3 requiring Major Rural Specialty Businesses prohibiting the sale of alcoholic beverages not produced on the premises will be injurious to the District:
 - (1) The current Special Use Permit for Prairie Fruits Farm and Creamery approved in case 667-S-10 included a waiver to allow the sale of alcoholic beverages not produced on the premises.
- K. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT

- 11. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
 - A. The Petitioner have testified on the application, “**Yes.**”
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) Section 5.2 authorizes RURAL SPECIALTY BUSINESS, Major as a Special Use only in the CR, AG-1 and AG-2 Zoning Districts, and as a by-right use only in the B-1, B-3 and B-4 Zoning Districts.
 - (2) Regarding parking on the subject property:
 - a. Paragraph 7.4.1 C.3.c. requires that retail establishments for the sale of food and/or beverages to be consumed on the premises provide one off-street parking space for every 100 square feet of floor area or portion thereof.
 - (a) The proposed 4,821 sf. of retail space requires 49 parking spaces. An existing 32,000 sf gravel parking lot provides sufficient parking for at least 92 vehicles.
 - (3) Regarding the required LOADING BERTHS:

- a. Section 7.4.2 requires one LOADING BERTH for the proposed Rural Specialty Business.
 - (a) There is sufficient paved area for the required loading berth.
- (4) The definition of a Rural Specialty Business in Section 3.0 of the *Zoning Ordinance* (see Item 8.A.(13), above) states that a Rural Specialty Business must primarily sell goods that are produced on the premises. It lists three requirements that an operation which sells goods not produced on the premises must meet if it can be considered a Rural Specialty Business and granted a Special Use Permit:
 - (a) Any goods not produced on the premises must constitute less than 50 percent of the total gross business income;
 - (b) Any goods not produced on the premises must constitute less than 50 percent of the total stock in trade; and
 - (c) Less than 50 percent of the total lot area shall be devoted to commercial building area, parking or loading areas, or outdoor sales display.
 - (d) The proposed Major Rural Specialty Business appears to sell a limited amount of items that are produced off-site. The main products, farm produce, foods and farm experiences, are produced on site.
 - (e) A special condition has been added to ensure the business continues to operate within the definition of a Rural Specialty Business.
- (5) Regarding compliance with standard conditions of approval for Major Rural Specialty Businesses indicated in Section 6.1.3, as follows:
 - (a) The total BUILDING AREA devoted to sales DISPLAY or recreational commercial USE shall not exceed 5,000 square feet.

A waiver of this standard condition is not necessary based on the Site Plan and the petitioners' testimony that their indoor retail, and dining area is less than 5,000 square feet in area.
 - (b) Outdoor entertainment requiring the use of sound amplification equipment shall be permitted not more often than five consecutive or non-consecutive days in any three-month period and only if a Recreation & Entertainment License shall have been obtained as provided in the Champaign County Ordinance No. 55 *Regulation of Business Offering Entertainment and/or Recreation*.

A waiver of this standard condition does not appear to be necessary because the Petitioners have not proposed any outdoor entertainment which requires sound amplification equipment.

 - (c) The site shall not be located within 500 feet of a residential zoning district.

A waiver of this standard condition is not necessary because there is no land in any R districts within 500 feet of the subject property.

(d) Businesses located in the CR, AG-1, or AG-2 Districts shall not access streets located within a recorded subdivision.

A waiver of this standard condition is not necessary because the subject property is accessed from North Lincoln Avenue, which is not located within a platted subdivision.

(e) Alcoholic beverages not produced on the premises shall not be sold.

A waiver of this standard condition is included to allow the petitioners to sell alcoholic beverages not produced on the premises.

E. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*:

(1) Based on the amount of impervious area shown on the Site Plan the proposed improvements do not trigger the requirement for a Storm Water Drainage Plan.

C. Regarding the *Special Flood Hazard Areas Ordinance*, the eastern edge of the subject property is located within a mapped floodplain. The area in the floodplain is used for agriculture and recreation. No improvements are proposed in the floodplain.

D. Regarding the Subdivision Regulations, the subject property is located in the City of Urbana subdivision jurisdiction and the subject property is in compliance.

E. The proposed Special Use must comply with the Illinois Accessibility Code, which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in any required permit drawings. The plans submitted for Zoning Use Permit 204-25-01 for the new building comply with the Illinois Accessibility Code.

A special condition has been added to ensure compliance with the Illinois Accessibility Code.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

12. Regarding the *Zoning Ordinance* requirement that the proposed Special Use be in harmony with the general intent and purpose of the Ordinance:

A. Regarding the proposed Special Use:

(1) In the AG-2 Zoning District, Section 5.2 authorizes Major RURAL SPECIALTY BUSINESSES only via Special Use.

B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:

(1) Subsection 5.1.11 of the Ordinance states the general intent of the AG-2 District as follows (capitalized words are defined in the Ordinance):

The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant, and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.

(2) The types of uses authorized in the AG-2 District are in fact the types of uses that have been determined to be acceptable in the AG-2 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:

(1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance, and the proposed site plan appears to be in compliance with those requirements.

(2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

a. The proposed Special Use could only have an effect on the value of real estate in the immediate vicinity. Regarding the effect on the value of real estate in the immediate vicinity other than the subject property.

(a) It is not clear whether the proposed Special Use will have any impact on the value of nearby properties without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.

(b) A Major Rural Specialty Business is authorized by Special Use Permit in the AG-2 Zoning District and therefore the Zoning Ordinance apparently has a presumption of no inherent incompatibilities between agricultural and residential use and a Major Rural Specialty Business. Provided that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent properties, there should be no significant effect on the value of nearby properties.

- b. In regard to the value of the subject property, it also is not clear if the requested Special Use Permit would have any effect.
 - (a) If the petitioners are denied the expansion of the existing special use permit, the property can still be used as a Major Rural Specialty Business under the previous Special Use Permit.
- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.
 - a. Probable traffic impacts are reviewed under Item 8.C. of this Summary of Evidence.
 - (a) The increase in traffic volumes should be minimal
- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.
 - a. The eastern edge of the subject property is located within a mapped floodplain. The area in the floodplain is used for agriculture and recreation. No improvements are proposed in the floodplain.
 - b. Based on the area of the Subject Property and the amount of impervious area, the subject property is exempt from requiring a Storm Water Drainage Plan.
- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
 - a. Regarding public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
 - b. Regarding public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
 - c. No comments have been received regarding the proposed Special Use.
- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits.

(7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate any problematic conditions.

(8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed Special Use will have to be conducted in compliance with those requirements.

(9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

- a. The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
- b. No land will be removed from agricultural production.

(10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

- a. There are no natural features on the subject property and property has been developed for many years.
- b. The Saline Branch Drainage Ditch runs along the east edge of the subject property. The proposed improvements and livestock operations are more than 800 ft. from the ditch.

(11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan. The subject property is located in the AG-2 Agriculture District and is, by definition, a rural use.

(12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The subject property is located in the AG-2 Agriculture District and is, by definition, a rural use.

(13) Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed Special Use will not hinder the development of renewable energy sources.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

13. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:

- The Petitioner testified on the application: “**It is currently conforming**”
- The proposed use is not an existing non-conforming use.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

14. Regarding proposed special conditions of approval:

- The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Major Rural Specialty Business until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

That the proposed Special Use meets applicable state requirements for accessibility.

B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

That the proposed use is in compliance with the Zoning Ordinance.

C. **The petitioners shall ensure that no parking related to the special use permit shall occur in any public right-of-way.**

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

There is no unreasonable risk to public safety caused by on street parking.

D. **The proposed Major Rural Specialty Business shall conform to all relevant Champaign County Ordinances including the following:**

- (1) **The Champaign County Health Ordinance, including, but not limited to, any required licenses for the food service portion of the use, and any required permits for onsite wastewater treatment and disposal.**
- (2) **The Champaign County Liquor Ordinance, including any required liquor license.**
- (3) **The Champaign County Recreation and Entertainment Ordinance, including any required Recreation and Entertainment License.**

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

The Major Rural Specialty Business conforms to all relevant Champaign County Ordinances.

E. **Any non-agricultural building or use must be fully consistent with the approved site plan, testimony, and evidence given in this public hearing, as required by Section 9.1.11 B.6. of the Zoning Ordinance.**

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

The Major Rural Specialty Business conforms to the approved site plan, testimony, and evidence given in the public hearing for Case 182-S-25

F. **The business operated on the property must remain in compliance with the definition of a Rural Specialty Business.**

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

The business maintains the rural nature of the area and is compliant with the Zoning Ordinance.

G. **The Zoning Administrator shall not issue a Compliance Certificate for the proposed Special Use until the Eastern Prairie Fire Protection District is satisfied with the accommodations for public safety in regard to the following:**

- (1) The gravel drive must be kept clear of obstructions, including parked vehicles for a minimum width of 24 feet for its entire length; and**
- (2) An adequate space for maneuvering of emergency vehicles at the end of the gravel drive.**

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

The gravel drive provides adequate emergency vehicle access to the subject property.

- H. The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

- I. The terms of approval are the requirements of the current Section 6.1.5 of the Zoning Ordinance as amended October 23, 2025.**

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

That the current version of the Zoning Ordinance has been referenced.

DOCUMENTS OF RECORD

1. Application for Special Use Permit received October 7, 2025, with attachments:
 - A Site Plan and Building Plans for the new building and Renovation Plans for the existing building.
2. Email from Max Beedle, Champaign-Urbana Public Health District received January 5, 2026, with attachment:
 - A Private Sewage Disposal System Plan Review Application with System Plan
3. City of Urbana lease with Petitioner effective June 9, 2025
4. Preliminary Memorandum dated January 8, 2026, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan and Building Plans for the new building and Renovation Plans for the existing building received October 7, 2025:
 - C Email from Max Beedle, C-U Public Health District received January 5, 2026, with Application and Plan
 - D 2023 Annotated Aerial Photo showing new building and parking
 - E 2014 Aerial Photo
 - F Site photos taken January 6, 2026
 - G Summary of Evidence, Finding of Fact, and Final Determination dated January 15, 2026

DRAFT FINDINGS OF FACT FOR CASE 182-S-25

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **182-S-25** held on **January 15, 2026**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit **{IS / IS NOT}** necessary for the public convenience at this location because:
 - a. ***The petitioner has testified on the application that there is a community need for access to locally produced food, agricultural education and rural recreation in Champaign County.***
 - b. ***The subject property is located along North Lincoln Avenue, less than 1 mile from Urbana and Champaign near West Olympian Dr.***
2. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}** is so designed, located, and proposed to be operated so that it **{WILL NOT / WILL}** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has **{ADEQUATE / INADEQUATE}** traffic capacity, and the entrance location has **{ADEQUATE / INADEQUATE}** visibility because:
 - a. ***The proposed expansion should not create significant additional traffic.***
 - b. ***Notice was also sent to the Township Supervisor, Township Road Commissioner and the City of Urbana and no comments have been received.***
 - b. Emergency services availability is **{ADEQUATE / INADEQUATE}** because:
 - a. ***The subject property is located approximately 3.2 road miles from the Eastern Prairie Fire Protection District station. Notice of this zoning case was sent to the Fire Protection District, and no comments have been received.***
 - b. ***A special condition has been added requiring sufficient access for emergency vehicles along the access driveway.***
 - c. The Special Use **{WILL / WILL NOT}** be compatible with adjacent uses because:
 - a. ***The subject property has been used as Major Rural Specialty Business for almost 20 years.***
 - d. Surface and subsurface drainage will be **{ADEQUATE / INADEQUATE}** because:
 - a. ***No improvements are proposed in the floodplain and based on the amount of impervious area shown on the Site Plan the proposed improvements do not trigger the requirement for a Storm Water Drainage Plan.***
 - e. Public safety will be **{ADEQUATE / INADEQUATE}** because:
 - a. ***The subject property is located approximately 3.2 road miles from the Eastern Prairie Fire Protection District station. Notice of this zoning case was sent to the Fire Protection District, and no comments have been received.***

- b. *A special condition has been added requiring sufficient access for emergency vehicles along the access driveway.*
- c. *Notice was also sent to the Township Supervisor and Township Road Commissioner, and no comments have been received.*
- d. *A special condition has been added to prohibit parking on any public right-of-way.*
- f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* because:
 - a. *Sufficient parking exists for the uses on-site.*
- g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements because:
 - a. *The property is currently in use as a Major Rural Specialty Business.*
- h. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense because:
 - a. *All services are in place for this property, and no new public services are needed for the proposed use.*
- i. Existing public infrastructure together with the proposed development *{IS/IS NOT}* adequate to support the proposed development effectively and safely without undue public expense because:
 - a. *Adjacent roads have sufficient capacity to handle traffic volumes with no improvements necessary, and no new utilities are required for the proposed use.*

The Board may include other relevant considerations as necessary or desirable in each case.

The Board may include additional justification if desired, but it is not required.

- 3a. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to ***{CONFORM / NOT CONFORM}*** to all relevant County ordinances and codes.
 - b. The Special Use ***{WILL / WILL NOT}*** be compatible with adjacent uses.
 - c. Public safety will be ***{ADEQUATE / INADEQUATE}***.
- 4. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {IS / IS NOT}*** in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit ***{IS / IS NOT}*** necessary for the public convenience at this location.

- c. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}** is so designed, located, and proposed to be operated so that it **{WILL / WILL NOT}** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
- d. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}** preserve the essential character of the DISTRICT in which it is located.

5. The requested Special Use **IS NOT** an existing non-conforming use.

6. **SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:**
Per Section 7.15 of the Champaign County ZBA Bylaws, “waivers may be approved individually or *en masse* by the affirmative vote of a majority of those members voting on the issue, and shall be incorporated into the Findings of Fact with the reason for granting each waiver described.”

- A. Regarding the waiver of the standard condition in Section 6.1.3 of the Zoning Ordinance to prohibit the of sales of alcohol not produced on the premises:
 - (1) The waiver **{IS / IS NOT}** in accordance with the general purpose and intent of the Zoning Ordinance and **{WILL / WILL NOT}** be injurious to the neighborhood or to the public health, safety, and welfare because:
 - a. ***The requested waiver was a part of the existing Special Use Permit approved in case 667-S-10.***
 - b. ***No concerns or complaints regarding the sale of alcohol not produced on the premises have been received.***
 - (2) Special conditions and circumstances **{DO / DO NOT}** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
 - a. ***The petitioners have demonstrated through their operation of the business that sales of alcohol not produced on the premises supports their business model.***
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because:
 - a. ***Without the proposed waiver, the petitioners could not continue to operate their business as they have under their current Special Use Permit.***
 - (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant.
 - (5) The requested waiver **{IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure.

7. **{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA}**

FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:

A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Major Rural Specialty Business until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

That the proposed Special Use meets applicable state requirements for accessibility.

B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

That the proposed use is in compliance with the Zoning Ordinance.

C. **The petitioners shall ensure that no parking related to the special use permit shall occur in any public right-of-way.**

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

There is no unreasonable risk to public safety caused by on street parking.

D. **The proposed Major Rural Specialty Business shall conform to all relevant Champaign County Ordinances including the following:**

(1) **The Champaign County Health Ordinance, including, but not limited to, any required licenses for the food service portion of the use, and any required permits for onsite wastewater treatment and disposal.**

(2) **The Champaign County Liquor Ordinance, including any required liquor license.**

(3) **The Champaign County Recreation and Entertainment Ordinance, including any required Recreation and Entertainment License.**

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

The Major Rural Specialty Business conforms to all relevant Champaign County Ordinances.

E. **Any non-agricultural building or use must be fully consistent with the approved site plan, testimony, and evidence given in this public hearing, as required by Section 9.1.11 B.6. of the Zoning Ordinance.**

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

The Major Rural Specialty Business conforms to the approved site plan, testimony, and evidence given in the public hearing for Case 182-S-25

F. The business operated on the property must remain in compliance with the definition of a Rural Specialty Business.

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

The business maintains the rural nature of the area and is compliant with the Zoning Ordinance.

G. The Zoning Administrator shall not issue a Compliance Certificate for the proposed Special Use until the Eastern Prairie Fire Protection District is satisfied with the accommodations for public safety in regard to the following:

- (1) The gravel drive must be kept clear of obstructions, including parked vehicles for a minimum width of 24 feet for its entire length; and**
- (2) An adequate space for maneuvering of emergency vehicles at the end of the gravel drive.**

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

The gravel drive provides adequate emergency vehicle access to the subject property.

H. The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

I. The terms of approval are the requirements of the current Section 6.1.5 of the Zoning Ordinance as amended October 23, 2025.

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

That the current version of the Zoning Ordinance has been referenced.

FINAL DETERMINATION FOR CASE 182-S-25

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval *{HAVE/ HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case **182-S-25** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}* to the applicants, **Lauren and Jeffrey Brokish, Brokish Properties LLC, d.b.a Prairie Fruits Farm and Creamery**, to authorize the following:

Authorize a Major Rural Specialty Business as a Special Use Permit in the AG-2 Agriculture Zoning District, with waivers of standard conditions including, but not limited to, the prohibition of sales of alcohol not produced on the premises.

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}

- A. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Major Rural Specialty Business until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**
- B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**
- C. The petitioners shall ensure that no parking related to the special use permit shall occur in any public right-of-way.**
- D. The proposed Major Rural Specialty Business shall conform to all relevant Champaign County Ordinances including the following:**
 - (1) The Champaign County Health Ordinance, including, but not limited to, any required licenses for the food service portion of the use, and any required permits for onsite wastewater treatment and disposal.**
 - (2) The Champaign County Liquor Ordinance, including any required liquor license.**
 - (3) The Champaign County Recreation and Entertainment Ordinance, including any required Recreation and Entertainment License.**
- E. Any non-agricultural building or use must be fully consistent with the approved site plan, testimony, and evidence given in this public hearing, as required by Section 9.1.11 B.6. of the Zoning Ordinance.**
- F. The business operated on the property must remain in compliance with the definition of a Rural Specialty Business.**

- G. **The Zoning Administrator shall not issue a Compliance Certificate for the proposed Special Use until the Eastern Prairie Fire Protection District is satisfied with the accommodations for public safety in regard to the following:**
 - (1) **The gravel drive must be kept clear of obstructions, including parked vehicles for a minimum width of 24 feet for its entire length; and**
 - (2) **An adequate space for maneuvering of emergency vehicles at the end of the gravel drive.**
- H. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**
- I. **The terms of approval are the requirements of the current Section 6.1.5 of the Zoning Ordinance as amended October 23, 2025.**

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals
Date