

**PLANNING AND ZONING COMMITTEE
MEETING MINUTES
July 27, 2005**

The Planning and Zoning Committee of the DeKalb County Board met on July 27, 2005 at 7:00 p.m. in the Conference Room East located in the DeKalb County Administration Building. In attendance were Committee Members Roger Steimel, Marlene Allen, Eileen Dubin, Howard Lyle, Steve Slack and Patricia Vary, and staff members Paul Miller and Marcellus Anderson. Audience members included: Doug Dashner, Gerald McArtor, and County Board member Anita Turner.

Mr. Steimel, Committee Chairman, called the meeting to order. He noted that Committee member Vince Faivre was absent.

APPROVAL OF MINUTES

Mr. Lyle moved to approve the minutes of the June 22, 2005 meeting of the Planning and Zoning Committee, seconded by Ms. Vary, and the motion carried unanimously.

APPROVAL OF AGENDA

Mrs. Allen moved to approve the agenda, seconded by Mr. Slack, and the motion carried unanimously.

SPECIAL USE PERMIT -- Request of Jonamac Orchard, Inc. for approval of a large-scale agritainment use on property located on the east side of Shabbona Road in Malta Township, Petition MA-05-10

Mr. Miller explained that Jonamac Orchard, Inc. has filed a petition for a Special Use Permit to allow expansion of an existing "agritainment" use on properties located at 19412 Shabbona Road. The subject properties consist of three parcels totaling 65 acres located on the east side of Shabbona Road, approximately 3/4 mile south of the Village of Malta, in Malta Township. The properties are zoned A-1, Agricultural District.

Mr. Miller noted that the required public hearing was conducted on June 16, 2005 by DeKalb County Hearing Officer Ron Klein. The petitioners provided testimony and exhibits in support of the requested Special Use, including that the orchard has been in place since 1973, and over the years different amenities have been added. The business now includes a store, a "u-pick" orchard, corn maze, pumpkin patch and other entertainments. The petitioner now proposes to expand the store, and later (in 2007) to construct an area for the production of sweet cider, as well as add public washrooms. Staff explained that, because no Special Use Permit for the business has been granted in the past, and because the area of the proposed building additions would exceed 10% of the combined area of the existing buildings on the property, a Special Use Permit is needed, under the category of large-scale agritainment use. No members of the public spoke in favor of or in opposition to the request.

The Hearing Officer had submitted his findings, and recommended approval of the Special Use Permit with conditions.

Ms. Vary inquired whether a condition was included that stated that everything that would be an activity would be listed in the ordinance, because which activities would be included was not clear in the submitted information. Mr. Miller responded that he would be working with the petitioners to craft the ordinance so that it has a comprehensive list of what uses are to be included, and that those uses were articulated in the testimony of the public hearing. Mr. Miller also added that if the petitioners later wished to add any other uses that were not listed in the ordinance, they could always seek an amendment to the Special Use to allow for the change.

Ms. Vary inquired if the landscaping shown in the submitted plans was adequate for the proposed use. Mr. Miller responded that staff considered it adequate because only part of the parking is paved and the rest is gravel, and that the landscaping requirements are mostly for paved parking lots. He noted that staff considers the area devoted by the petitioners, with the existing trees and scrubs, meets the criteria for that requirement.

Ms. Vary noted that plans call for restrooms, along with a new septic field for them, to be built in 2007, however, no soil report had been included evaluating the suitability of those soils for a septic field. Mr. Miller informed her that the Soil Water Conservation District did not do a Natural Resource Inventory Report (NRI) because this use has been in place for so long and this was not a matter of converting agricultural land into non-agricultural uses. He went on to add that the construction of a new septic field comes under the review of the County Health Department, and that they always evaluate the suitability of the soils and the suitability of the septic system for those soils as part of its review. Mrs. Vary asked what would happen if they found the soils to be inadequate at that time. Mr. Miller responded that the County can work with the petitioner to explore alternative locations for the proposed washrooms, as long as what is proposed out is substantially similar to what the County Board had approved. Mr. McArtor informed the Committee that he has been in contact with Bob Drake at the County Health Department and that Mr. Drake has indicated the proposed septic field will work.

Mr. Steimel noted that parking is being provided on a tract of land to the north, and asked whether they had adequate room on their own land to accommodate the parking, if that land became unavailable. Mr. McArtor responded that there are three acres of land that could be used for parking if that need arose. Mr. Miller also noted that unlike some other uses in the County, staff has never received any complaint about parking along the road in front of Jonamac. Mr. McArtor added that they don't allow their customers to park along the road.

Ms. Vary moved to approve the Special Use with conditions, seconded by Mrs. Allen, and the motion carried unanimously.

ADJOURNMENT - *Motion to adjourn by Mr. Lyle, seconded by Mrs. Dubin, and the motion carried unanimously.*

Respectfully submitted,

**Roger Steimel, Chairman
Planning and Regulations Committee Chairman**

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