

May 13, 2020 Galena Zoning Board of Appeals Meeting

Notice of Meeting by Teleconference

Due to the essential nature of public meetings in conducting official City business and in line with the prohibition of gatherings, the upcoming Wednesday, May 13, 2020 Galena Zoning Board of Appeals meeting will take place via teleconference utilizing Zoom Video Communications. The meeting will be conducted at Zoom meeting <https://us02web.zoom.us/j/81967244391?pwd=YisvZUMyczJQMkYvZVRUCU2lkZGVWdz09> (ID: 819 6724 4391), with the following opportunities to participate, and reminders:

- **MEETING START TIME** – ZBA meeting will start at 6:30 p.m.

 - **PUBLIC COMMENT** – Public Comment will be conducted as usual near the end of the meeting. To ensure the public will be able to participate the city is providing four ways in which the public can submit their comments.

 - **PUBLIC HEARING** – The Public Hearing will be conducted at the beginning of the agenda item. To ensure the public will be able to participate the city is providing four ways in which the public can participate in the public hearing.
1. TELECONFERENCED — Public is invited to participate via Zoom Video Communications, meeting <https://us02web.zoom.us/j/81967244391?pwd=YisvZUMyczJQMkYvZVRUCU2lkZGVWdz09> (ID: 819 6724 4391). When the presiding officer calls for public comments during the meeting, an attendee wishing to speak by video and/or audio link will be asked to “raise hand”.
 - A. If using a PC or Mac:
 1. During a meeting, click on the icon labeled "Participants" at the bottom center of your PC or Mac screen.
 2. At the bottom of the window on the right side of the screen, click the button labeled "Raise Hand." Your digital hand is now raised. The meeting presiding officer will recognize you to speak for not more than three minutes.
 3. After speaking, lower you hand by clicking the same button, now labeled "Lower Hand."
 - B. If using a mobile device:
 1. Tap "Raise Hand" at the bottom left corner of the screen. The hand icon will turn blue and the text below it will switch to say "Lower Hand" while your hand is raised.



City of Galena, Illinois

AGENDA

ZONING BOARD OF APPEALS

WEDNESDAY, MAY 13, 2020
6:30 P.M. – CITY HALL 101 GREEN STREET

ZOOM TELECONFERENCE MEETING (ID: 819 6724 4391)

<https://us02web.zoom.us/j/81967244391?pwd=YisvZUMyczJQMkYvZVRlY2lkZGVWdz09>

ITEM	DESCRIPTION
20Z-2001	Call to Order by Presiding Officer
20Z-2002	Roll Call
20Z-2003	Establishment of Quorum

APPROVAL OF MINUTES

ITEM	DESCRIPTION	PAGE
20Z-2004	Approval of the Minutes of the Regular Meeting of March 11, 2020.	3 - 6

UNFINISHED BUSINESS

ITEM	DESCRIPTION	PAGE
	None	

NEW BUSINESS

ITEM	DESCRIPTION	PAGE
20A-02, 20S-04 & 20HCO-01	Adam Johnson – Request for Map Amendment to rezone from Limited Agriculture to General Commercial district to allow Indoor Commercial Entertainment (Restaurant) and In-Vehicle Sales & Service land uses. Request for Special Use Permit to allow Multiple Family Residential land use. Request for Non-administrative Highway 20 Corridor Permit to construct a new principal structure and site improvements in a General Commercial district at 1249 N Franklin Street. This item includes a public hearing.	7-18

OTHER BUSINESS

ITEM	DESCRIPTION	PAGE
20Z-2005	Public Comments Not to exceed 15 minutes as an agenda item Not more than 3 minutes per speaker	
20Z-2006	Adjournment	

CALENDAR INFORMATION

BOARD/COMMITTEE	DATE	TIME	PLACE
Zoning Board of Appeals	Wednesday, June 10, 2020	6:30 P.M.	Zoom Teleconference Meeting: Meeting ID information to be announced.

Posted: May 7, 2020 at 4:00 p.m. Posted By: Matt Oldenburg

**MINUTES
ZONING BOARD OF APPEALS
March 11, 2020**

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, March 11, 2020 at City Hall, 101 Green Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

Baranski	Present
Bochniak	Absent
Calvert	Present
Cook	Present
Jansen	Present
Nybo	Present
Rosenthal	Present

A quorum was declared.

Zoning Administrator Matt Oldenburg, City Attorney Joe Nack and Zoning Secretary Deb Price were present.

APPROVAL OF MINUTES

MOTION: Cook moved, seconded by Calvert to approve the February 12, 2020 minutes.

Motion carried.

UNFINISHED BUSINESS

None

NEW BUSINESS

Cal. No. 20S-03, Applicant and Owner: ILWAB Farms, LLC, 13275 Chetlain Lane, Galena, IL 61036. Parcel: 13-001-106-13, Lots 1 through 6 in Block 2 of Galena Scenic Meadows Unit 2; and Lot 7 in Block 1 of Galena Scenic Meadows Unit 2, and vacated Morel Court, in the City of Galena, Jo Daviess County, Illinois. Common address: 20000 Bartell Blvd., Galena, IL 61036. Request for Special Use Permit to allow Adult-Use Cannabis Industrial land uses in a Planned Industrial District.

MOTION: Jansen moved, seconded by Cook to open the Public Hearing for Cal. No. 20S-03.

Motion carried on voice vote.

Nack swore in all those who wished to testify at this public hearing.

Brad Heying 2100 Asbury Road, Dubuque, represented applicant ILWAB Farms. They are requesting a Special Use Permit for the same parcel of property that was previously approved as a Special Use Permit for Adult-Use Cannabis Craft Grower and Dispensary last November. All of the information, presented previously, remains accurate. All of the uses previously contemplated are included, however there is a State license for transport and infusion. Under Galena's zoning those are Industrial land uses, so they are asking for this additional Special Use Permit. It's the same plan, the same number of employees, the same number of uses as before. The applicant thought all of this was covered previously but didn't realize that these are actually separate licensed uses with the State.

Baranski asked if he could explain the infusion process. The transportation use is pretty self-explanatory.

Heying stated that as he understands, the infusion process is when they take the product of the craft grow oils and they make other products with it. In the industrial sense, they are processing the stuff from the plant.

Rosenthal asked if that is when they make the gummi bears, etc?

Heying stated that yes, this is the stage when products are made.

Rosenthal asked Oldenburg if this gives them the right to transport within 15 miles.

Oldenburg stated that this would actually allow them to go outside of 15 miles; with the Craft Grower, they're able to transport up to 15 miles. If they go outside of that, they'll need a special Transporter license with the State. They have to meet all the criteria with the State.

Baranski confirmed, if you're a transporter, they've created these products and then they'll be shipped to other dispensaries around the State. He asked how often that would happen?

Heying stated that, operationally, he doesn't know the frequency of transporting. It's a function of how fast you're making it and the demand. Here, it's not on the scale that we're normally used to – it's transported in small vans rather than loads of pallets on semis.

Rosenthal asked if this request takes care of all that they need?

Oldenburg said that he believes this request will handle all of the scope of operations needed at this property.

No one else spoke in favor of or in opposition to the request.

MOTION: Cook moved, seconded by Calvert to close the Public Hearing for Cal. No. 20S-03.

Motion carried on voice vote.

MOTION: Jansen moved, seconded by Baranski to approve the request for Cal. No. 20S-03.

Discussion : Jansen reviewed the approval criteria :

Approval Criteria & Recommendation:

The purpose of a special use review is to provide an opportunity to utilize property for an activity, which under usual circumstances, could be detrimental to other permitted uses and which normally is not permitted within the same district. A special use may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses. A special use is not a use by-right and one that is otherwise prohibited without approval of a special use permit.

- The application shall demonstrate that the proposed development will comply with the following:
 - (1) *Site plan review standards.* All applicable site plan review criteria in § 154.914.
 - (2) *District standards.* The underlying zoning district standards established in § 154.201 through § 154.209 including the defining characteristics of the district;
 - (3) *Specific standards.* The land use regulations established in § 154.406;
 - (4) *Availability of complementary uses.* Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities.
 - (5) *Compatibility with adjoining properties.* Compatibility with and protection of neighboring properties through measures such as:
 - (a) *Protection of privacy.* The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants.
 - (b) *Protection of use and enjoyment.* All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property.
 - (c) *Compatible design and integration.* All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include: buildings, outdoor storage areas and equipment, utility

structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.

The Zoning Board of Appeals can grant, conditionally grant, or deny all applications for a Special Use Permit or an amendment thereof. If the Board would like to grant the request, a motion to draft Findings of Fact should be entertained. The Findings of Fact will then be presented for final consideration at the next Board meeting.

As Roll Call was:

Bochniak	Absent
Calvert	Yes
Cook	Yes
Jansen	Yes
Nybo	Yes
Baranski	Yes
Rosenthal	Yes

Motion carried.

OTHER BUSINESS

None

PUBLIC COMMENTS

None

MOTION: Cook moved, seconded by Jansen to adjourn the meeting at 6:40 pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price
Zoning Board Secretary

CITY OF GALENA, ILLINOIS

101 Green Street • P.O. Box 310 • Galena, Illinois 61036



MEMORANDUM

TO: The Zoning Board of Appeals

FROM: Matt Oldenburg, Zoning Administrator

DATE: May 6, 2020

MATT

RE: Cal. No. 20A-02, 20S-04 & 20HCO-01, Applicant: Adam Johnson, 211 Fourth Street, Galena, IL 61036; and Owner: JHTD, LLC, 3250 Kennedy Circle, Suite 7, Dubuque, IA 52002. Parcel: 22-200-064-30, Part of NW ¼ of Section 13, T28N, R1W of the Fourth Principle Meridian, Galena, Jo Daviess County, Illinois. Common address: 1249 North Franklin Street, Galena, IL 61036. Request for Map Amendment to rezone from Limited Agriculture to General Commercial district to allow Indoor Commercial Entertainment (Restaurant) and In-Vehicle Sales & Service land uses. Request for Special Use Permit to allow Multiple Family Residential land use. Request for Non-administrative Highway 20 Corridor Permit to construct a new principal structure and site improvements in a General Commercial district.

Summary:

The applicant is requesting a Map Amendment, Special Use Permit and Highway 20 Development permit to rezone the property at 1249 Franklin Street from Limited Agriculture to General Commercial district to facilitate the construction of a new mixed-use building, contingent upon approval of rezoning.

Please refer to the included narrative from the applicant. The detailed land use regulations of the proposed uses are satisfied by the application contents. Subsequent submittals for building permits will be administratively reviewed by City Staff to ensure all applicable and adopted codes are met.

A site plan review of the proposed request was conducted per the criteria listed in §154.914. Siting and orientation of the proposed structure with parking requirements, landscaping requirements, lighting standards, natural protection standards and performance standards all meet the zoning code regulations. On-site stormwater detention is also required and is sized by a licensed P.E.

A review of the Highway 20 Design Manual standards was conducted and the proposed structure and site improvements, including materials, fenestration and form are all within the intent of the Code.

Staff recommends approval of this request. Land uses surrounding the property include other agriculture, commercial and institutional.

Approval Criteria & Recommendation for Map Amendment:

In order to maintain internal consistency within this code and on the zoning map, proposed amendments to the text and zoning map must be consistent with the purposes stated herein.

In determining whether the proposed amendment shall be approved, the following factors shall be considered:

- (1) Whether the existing text or zoning designation was in error at the time of adoption;
- (2) Whether there has been a change of character in the area or throughout the city due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.;
- (3) Whether the proposed rezoning is compatible with the surrounding area and defining characteristics of the proposed zoning district or whether there may be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new zone may generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances;
- (4) Whether the proposal is in conformance with and in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the policies, intents and requirements of this code, and other city regulations and guidelines;
- (5) Whether adequate public facilities and services are available or will be made available concurrent with the projected impacts of development in the proposed zone;
- (6) Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs; or
- (7) Whether there is a need in the community for the proposal and whether there will be benefits derived by the community or area by the proposed rezoning.

The Zoning Administrator and Zoning Board of Appeals shall make recommendations and the City Council shall take final action.

(1) When the Zoning Board of Appeals or City Council deems it necessary or expedient, additional property in the zoning district may be considered for a zoning change provided that this additional property is also addressed in the public hearing notice, in accordance with § 154.919(F).

(2) In the event of a written protest against a proposed amendment signed and acknowledged by the owners of 20% of the frontage proposed to be altered or by the owners of 20% of the frontage immediately adjoining or across the alley or rear line therefrom or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered as to such regulations or zoning district and filed with the City Clerk, such amendment shall not be passed except by the favorable vote of two-thirds of all of the selected members of the City Council.

Approval Criteria & Recommendation:

The purpose of a special use review is to provide an opportunity to utilize property for an activity, which under usual circumstances, could be detrimental to other permitted uses and which normally is not permitted within the same district. A special use may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses. A special use is not a use by-right and one that is otherwise prohibited without approval of a special use permit.

The application shall demonstrate that the proposed development will comply with the following:

- (1) *Site plan review standards.* All applicable site plan review criteria in § 154.914.
- (2) *District standards.* The underlying zoning district standards established in § 154.201 through § 154.209 including the defining characteristics of the district;
- (3) *Specific standards.* The land use regulations established in § 154.406;

- (4) *Availability of complementary uses.* Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities.
- (5) *Compatibility with adjoining properties.* Compatibility with and protection of neighboring properties through measures such as:
 - (a) *Protection of privacy.* The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants.
 - (b) *Protection of use and enjoyment.* All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property.
 - (c) *Compatible design and integration.* All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider, include: buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.

The Zoning Board of Appeals can grant, conditionally grant, or deny all applications for a Special Use Permit or an amendment thereof. If the Board would like to grant the request, a motion to draft Findings of Fact should be entertained. The Findings of Fact will then be presented for final consideration at the next Board meeting.

Approval Criteria & Decision:

Highway 20 Development Permit - The application shall demonstrate that the proposed development will comply with the following:

- (1) All applicable site plan review criteria in § 154.914;
- (2) The overall context of the corridor and the goals for new development as described in Chapter III of the Design Manual;
- (3) The corridor development concepts described in Chapter IV of the Design Manual;
- (4) The proposed character of the applicable design districts as described in Chapter V of the Design Manual;
- (5) The proposed pattern of development for the Highway 20 Corridor as described in Chapter VI of the Design Manual;
- (6) The standards for building orientation, design and materials as described in Chapter VII of the Design Manual; and
- (7) The standards for site features and elements as described in Chapter VII of the Design Manual.

The Zoning Board of Appeals can approve, conditionally approve, or deny all applications for a Highway 20 development permit.

Zoning Map Amendment Narrative for
1249 Franklin Street, Galena, Illinois 61036
Adam Johnson

This request is to changing the zoning of this property from Limited Agriculture LA to General Commercial GC. This change in zoning will benefit the City of Galena and further commercial development along Highway 20. The current zoning of Limited Agriculture is too restrictive to allow for the development that the current owner desires and does not provide an adequate revenue for the property to support investment. The agricultural field behind the property continues its agricultural use, but this property had contained some agricultural buildings, which have been gone for some time, and so was sold off as a separate lot. Besides the revenue from the non-conforming billboard on the property, it does not have a current or future use as Limited Agricultural. Changing the zoning of the property would allow for new development and investment.

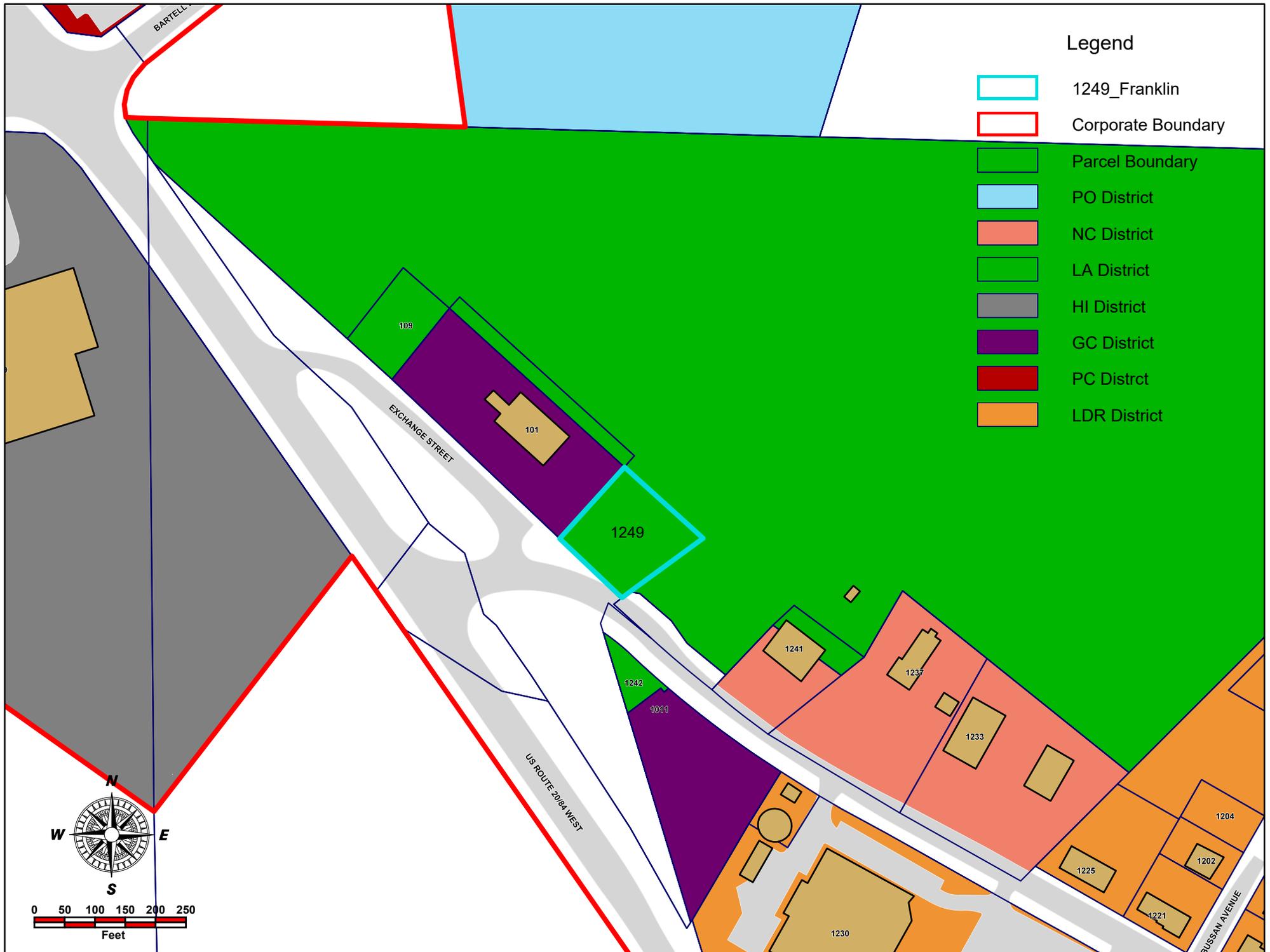
General Commercial zoning will allow for the development of the proposed mixed use commercial building through private investment. The main level of the new building would be a new restaurant, which would provide services for the community and visiting tourists as well as new jobs. The building would also provide one, one bedroom ADA accessible apartment in the walk-out basement level and four, two bedroom apartments on the second floor above the restaurant. Covered tenant parking would also be provided in basement area, as well as the storage for the restaurant and mechanical space for the sprinkler system and building services. Proposed parking exceeds the requirement by 2 spaces with 29 surface spaces and 3 covered tenant spaces. The site would allow for outdoor seating and a drive through facility for the restaurant. A Screened dumpster enclosure would be to the rear of the property.

Storm water management would be designed and provide with the building permit drawings.

This new use is not contrary to any planned public improvement, the zoning ordinance, or any established land use. The city services and improvements are in place in this location, with water & sewer lines running in Franklin Street. This new use would continue the current development pattern in the area with commercial building on both sides of the subject property, First Community Bank to the North & Veterinary Associates building to the South on Franklin. This zoning would abut two current properties with General Commercial zoning and would not be a case of "spot zoning."

The traffic pattern on Franklin Street would not be adversely effected. The entry to the property will be through a new curb cut into a parking lot with sufficient parking for the intended uses. The throat to the parking lot

This would increase property values in the vicinity and promote the general welfare of the community. The living condition & property values for nearby properties will not be adversely effected.





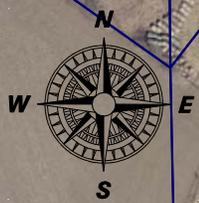
BARTELL

EXCHANGE STREET

1249

US ROUTE 200 WEST

BUSSAN AVENUE



Best Wishes
First Community Bank
In Your New Location
from your neighbor



GALENA STATE BANK
AND TRUST CO.
MEMBER HEARTLAND FINANCIAL USA, INC.
Great Things Happen!™

Member
FDIC





Southwest Elevation

Building signage to conform to zoning requirements. Final design to be approved by city zoning.

Facing the Highway



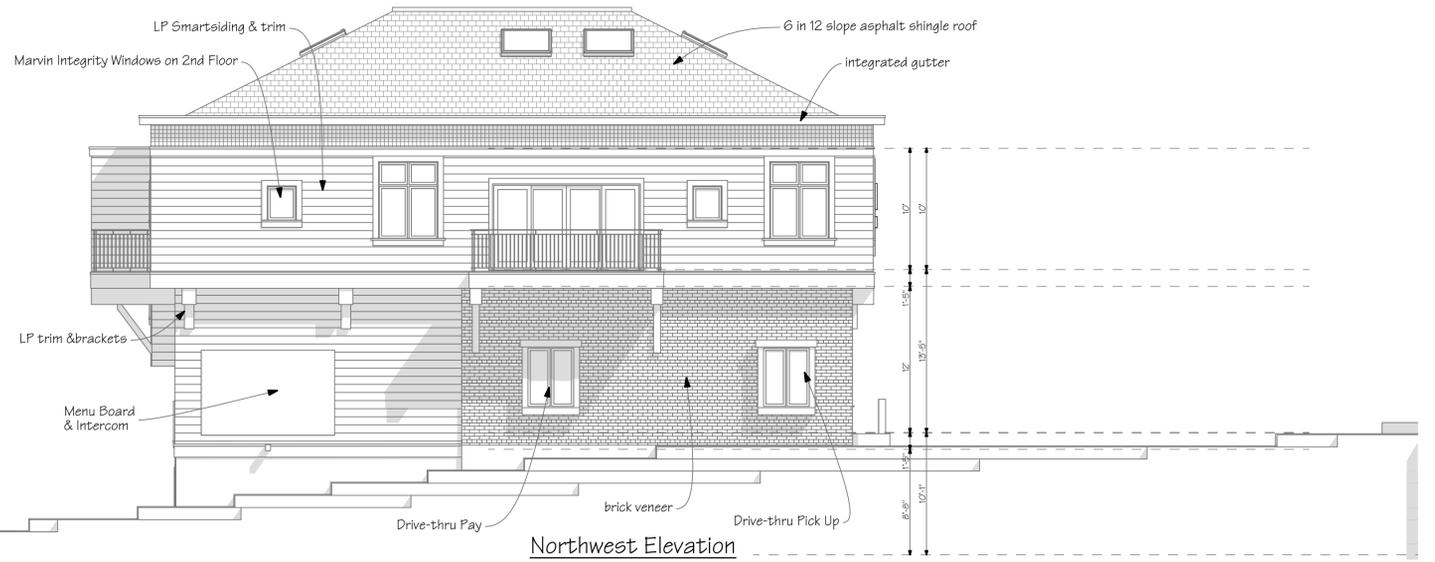
Northeast Elevation

Facing the fields



Southeast Elevation

Facing Veterinary Associates Building



Northwest Elevation

Facing First Community Bank



Facing West



Facing Southwest



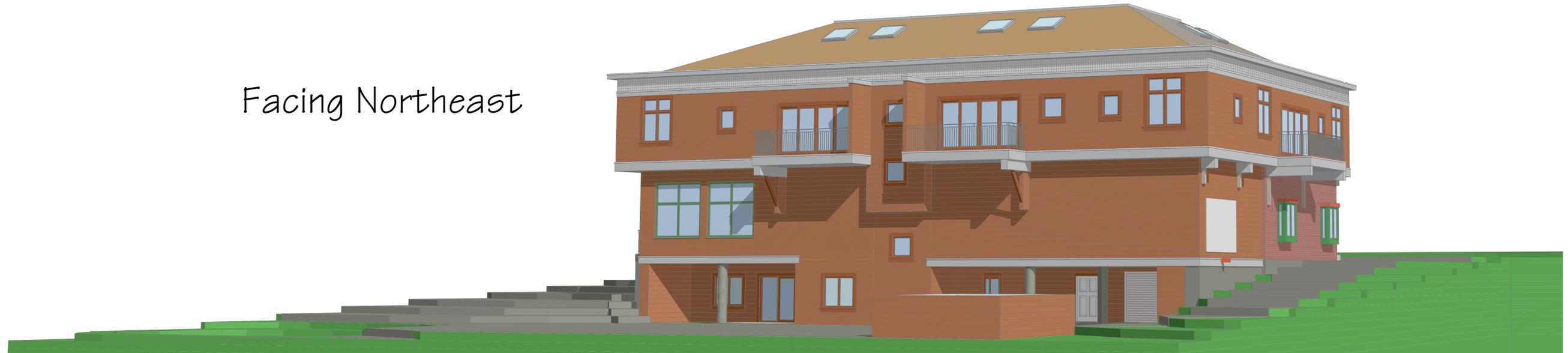
Facing South



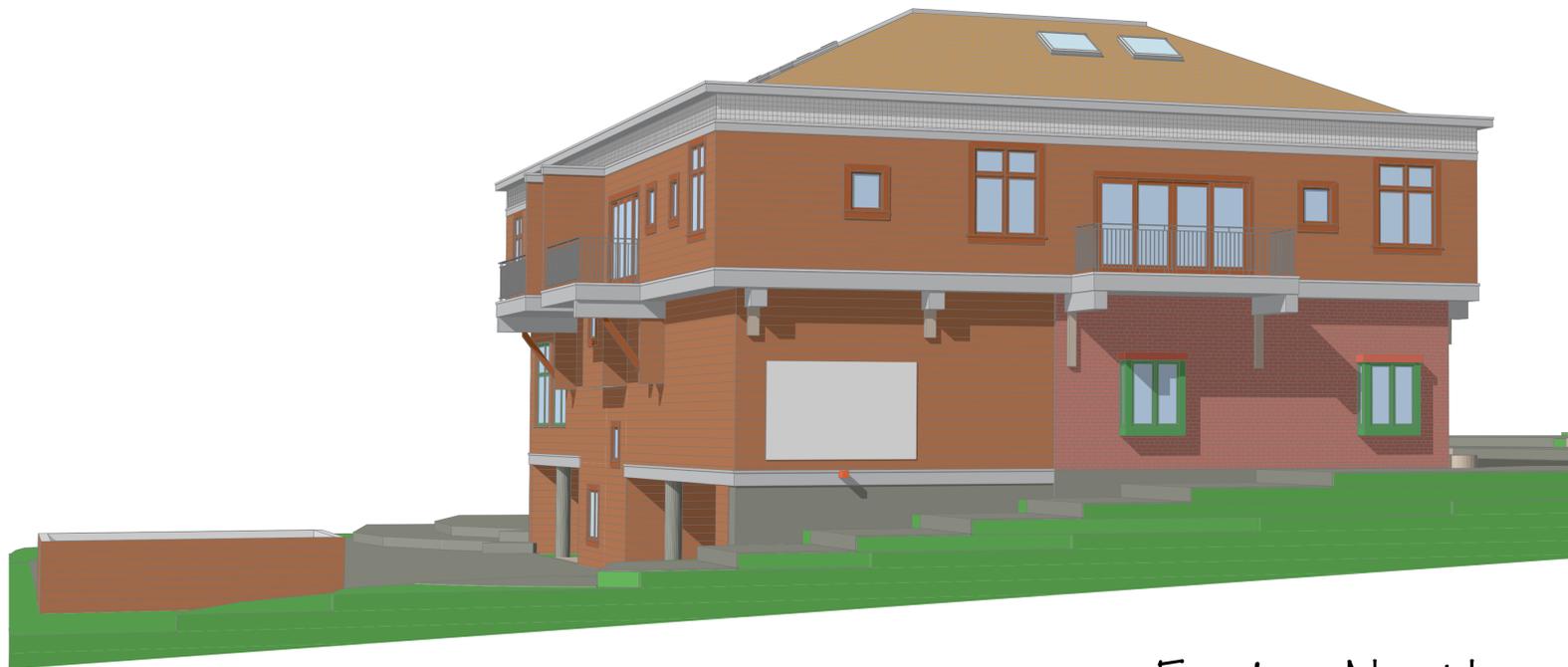
Facing Southeast



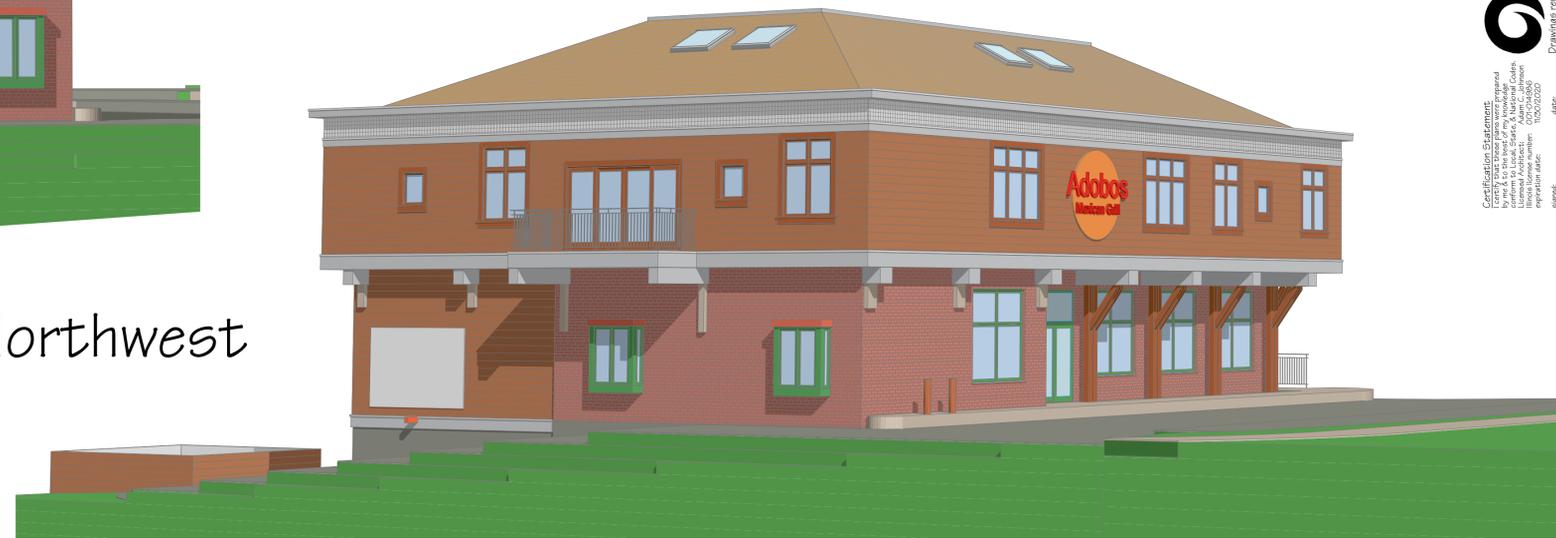
Facing East



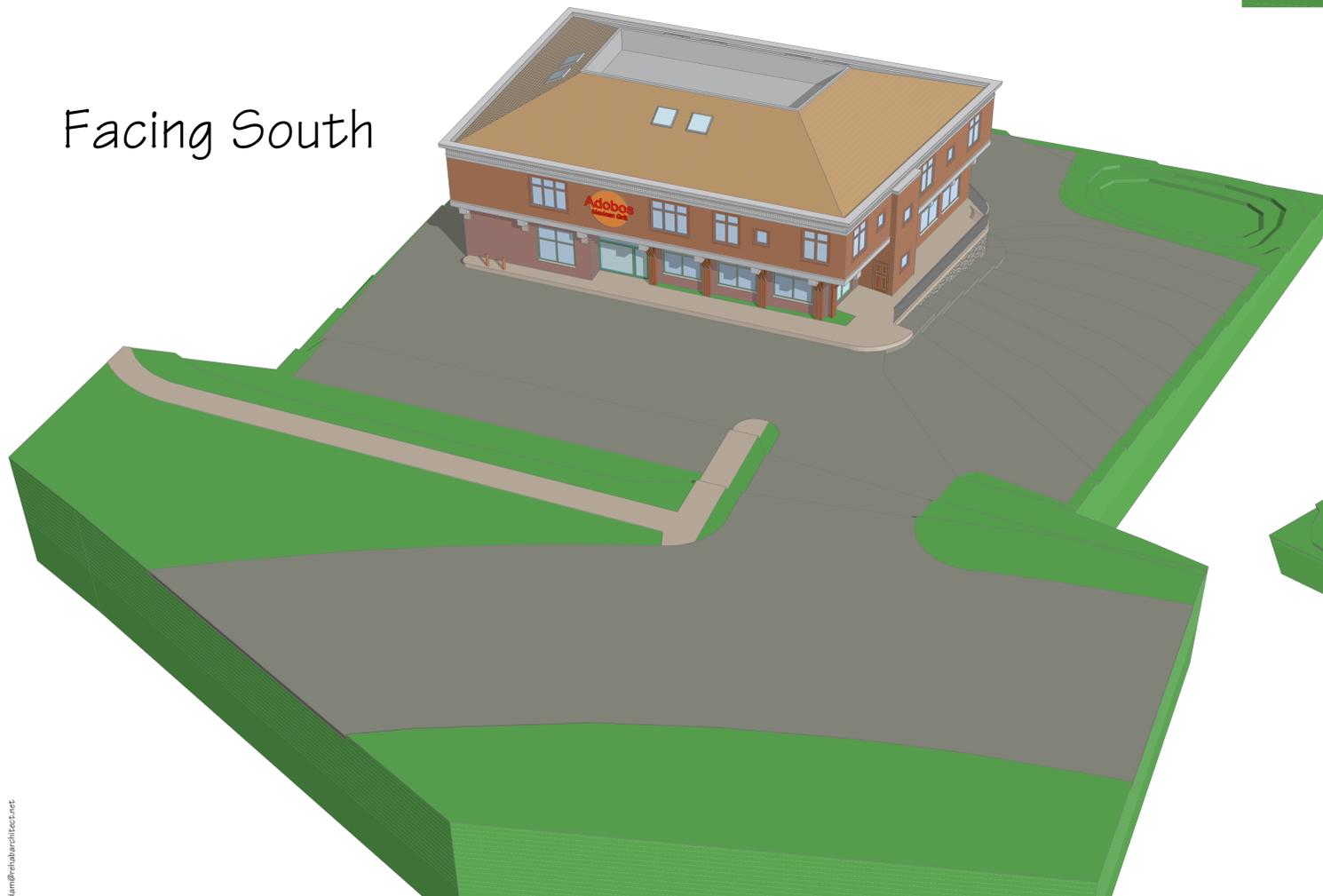
Facing Northeast



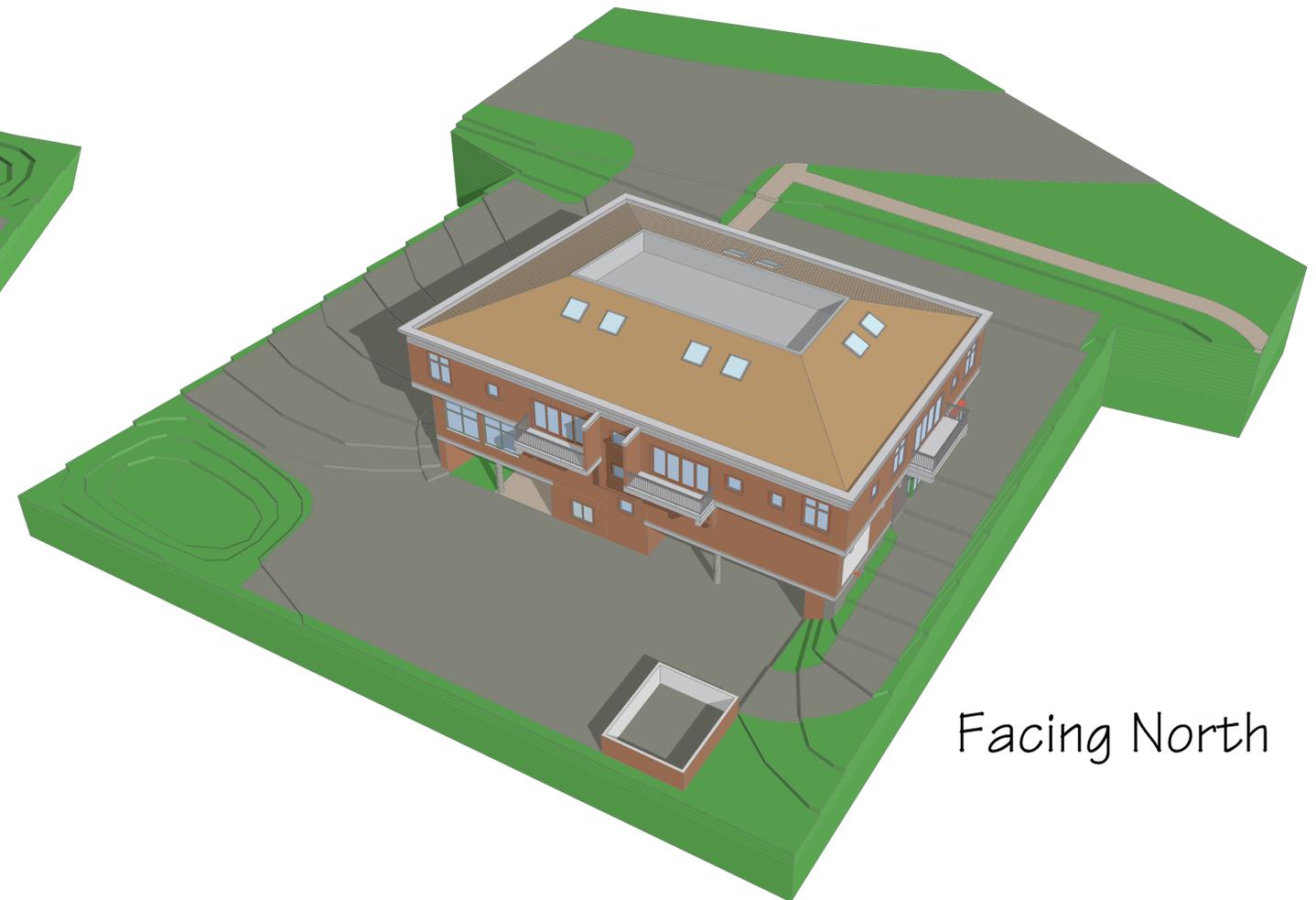
Facing North



Facing Northwest



Facing South



Facing North