

**MINUTES  
ZONING BOARD OF APPEALS  
NOVEMBER 8, 2017**

**CALL TO ORDER:**

Acting Chairperson Nybo called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, November 8, 2017 at City Hall, 101 Green Street, Galena, IL.

**ROLL CALL AND DECLARATION OF QUORUM:**

As Roll Call was:

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

A quorum was declared.

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

**APPROVAL OF MINUTES**

**MOTION:** Cook moved, seconded by Holman to approve the October 11, 2017 minutes.

Motion carried on voice vote.

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

Cal. No. 17HCO-04, Applicant: SGA Design Group and Owner: Walmart, 10000 Bartell Blvd., Galena, IL 61036. Request for Highway 20 Development Permit to use a discouraged color on the front facade of the building.

Zoning Administrator Oldenburg presented the application as the representative that handles these matters for Wal Mart is in Tulsa. A manager from the Galena Wal Mart was in attendance.

Oldenburg said nationally the company is updating its colors to blue and orange with a gray accent color. When the applicant inquired about repainting the building Oldenburg advised them that part of the original approval included a limited number of paint options for the trim; the brick had to stay the original color. The proposed blue needed approval as only historic and earth tones are allowed. No public hearing is necessary as the applicant only needs to come before the Zoning Board for approval. When Oldenburg heard that the building was being painted he contacted the applicant. The painters are not local but a contract company showed up at 3AM and started painting. Oldenburg said the Zoning Administrator can approve the paint color if it is from the approved paint chart but now that the paint is up they are asking the ZBA to approve what has been used. Oldenburg has been communicating with the firm in Tulsa, Oklahoma who handles these matters for Wal Mart. One of the managers from the Galena store is here tonight. Oldenburg said the paint colors are proprietary, meaning the formula is theirs alone. Wal Mart will need to confirm that the color on the building is the proprietary color; that the paint was mixed according to their specifications. The zoning board can approve or deny the paint color that has been applied to the building or, if that color is not the proprietary color, they can approve or deny use of the proprietary color. Wal Mart would prefer that the blue color be allowed. The Dubuque Iowa store has been painted blue and gray. The gray has been used on the cornices.

Nybo asked where the orange color would be used.

Oldenburg said the Galena store will not be using orange but instead will be utilizing a pick up. The orange color indicates that customers can order groceries and other products on line - staff will pick the order and customers can pick up merchandise in a couple hours. They will come back to the Zoning Board if they want the sign illuminated.

Nybo suggested discussing this more before making a motion.

Discussion: Oldenburg said the Board should look at the criteria.

Nybo said the color that has been used is on the discouraged list.

Oldenburg said that was his interpretation. There used to be a similar blue on our historic paint charts but those colors were changed to the Sherwin Williams Historic paint chart.

Baranski said he had no problem with the paint. This is a huge facade; the area to be painted is small and has the Wal Mart sign in the middle plus this is 1000 feet off the highway.

Bochniak said he does have an issue. The paint has a metallic appearance - it didn't stand out before like it does now.

Nybo said he is not going to lose any sleep over the color but we are chipping away at the design manual. Lots of hours and money were spent on developing these guidelines. We are eroding the plan. Personally he would say no.

Baranski said he doesn't think of it as a primary color; this would be a secondary. Paint is not permanent - it will change again.

Nybo said the prior agreement with Wal Mart was to abide by the Highway 20 Corridor Design Manual which was written to protect the viewshed not just for today but for 20, 30, 40 years from now.

Baranski said the building is primarily brick which meets the guidelines almost perfectly.

Cook said this paint really stands out. It seems to bright and doesn't fit in.

Holman agrees that they should stick to the guidelines. Even though the store is set back from the highway he doesn't like the way it looks.

Jansen said he takes his grandkids to school about 7:45 in the morning. The kids said they painted it pirate blue. He doesn't think it is a big deal. He doesn't know the degree of erosion the design manual has seen. As it looks right now the letters stand out to him. He appreciates the work that was done when crafting the ordinance.

Baranski said he feels the ZBA enforces and/or interprets the design manual quite well.

Oldenburg said the Board can approve the color that is up there now, deny the color that is on the building, conditionally approve the request for a different color or deny the request instructing them to use one of the approved paint colors.

Cook asked about the colors that were allowed when the development went in.

Oldenburg said historic or earth tones colors were to be used per the design manual. Generally bright or garish colors are not allowed.

Baranski said determining what colors are garish or bright is very subjective.

**MOTION:** Bochniak moved, seconded by Cook to deny the request for Cal. No. 17HCO-04.

As Roll Call was:

Bochniak	Yes
Cook	Yes
Holman	Yes
Jansen	No
Nybo	Yes
Baranski	No
Rosenthal	Absent

Motion carried.

**COUNTY ZONING**

None

**WORKSESSION/OTHER**

None

**PUBLIC COMMENTS**

None

**MOTION:** Jansen moved, seconded by Bochniak to adjourn the meeting at 7:20 pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price  
Zoning Board Secretary