

**MINUTES  
ZONING BOARD OF APPEALS  
JANUARY 8, 2020**

**CALL TO ORDER:**

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, January 8, 2020 at City Hall, 101 Green Street, Galena, IL.

**ROLL CALL AND DECLARATION OF QUORUM:**

As Roll Call was:

Baranski	Absent
Bochniak	Present
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:** Bochniak moved, seconded by Cook to approve the December 11, 2019 minutes.

Motion carried.

**UNFINISHED BUSINESS**

Cal. No. 19S-15, Applicant and Owner: Fotis Investments, LLC, 201 N Main, Galena, IL 61036. Parcel: 22-100-485-00, Lots 2 of the Subdivision of 1<sup>st</sup> National Bank between Commerce and Water Streets in the City of Galena, Jo Daviess County, Illinois. Common address is 115 Perry Street, Galena, IL 61036. Request for Special Use Permit to allow Adult-Use Cannabis Dispensing Organization in the Downtown Commercial district.

**MOTION:** Bochniak moved, seconded by Jansen to approve the Finding for Cal. No. 19S-15.

As Roll Call was:

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

Motion carried.

Cal. No. 19V-05, Applicant: pb2 architecture + engineering, 2809 Ajax Avenue, Suite 100, Rogers, AR 72758; and Owner: Walmart Real Estate Business Trust, 10000 Bartell Blvd. – Walmart #5044, Galena, IL 61036. Parcel: 13-001-106-11, Lot 1 of Block 1 of Galena Scenic Meadows Unit 2, Galena, Jo Daviess County, Illinois. Common address is 10000 Bartell Blvd., Galena, IL 61036. Request for Variance to allow a second internally-illuminated wall sign on the building for new Pick-up business.

**MOTION:** Jansen moved, seconded by Calvert to approve the Finding for Cal. No. 19V-05.

As Roll Call was:

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

Motion carried.

**NEW BUSINESS**

Cal. No. 20S-01, Applicant and Owner: MB Geronimo, LLC d/b/a Bard Materials, 11375 Industrial Drive, Galena, IL. Location: Parcel: 13-001-078-39, Lot 1 of the Re-subdivision of Lot 6, Galena Industrial Park Subdivision, Section 11, T28N, R1W, Galena, Jo Daviess County, Illinois. Common Address is 11375 Industrial Drive, Galena, IL 61036. Request for approval of corrugated steel siding in the Highway 20 Corridor Overlay District.

**MOTION:** Calvert moved, seconded by Cook to open the Public Hearing for Cal. No. 20S-01.

Motion carried on voice vote.

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

Ben Schroeder and Jacob Krieg, Bard Materials of Dyersville Iowa made the presentation. Bard acquired the plant from Flynn Ready Mix several years ago. The plant was recently rebuilt and the

office roof replaced. They would like to continue improving the site by installing new tin siding. The drab tan/brown siding would be replaced with gray metal and red trim. They really want to clean this up and improve the overall appearance of the plant.

Bochniak asked about the lean to. Would this be gray as well.

Schroeder and Krieg said it would. Both buildings would be gray with red trim. It's a good building but it is showing its age.

Bochniak said the building was probably built before the Highway 20 Corridor requirements were in place.

Oldenburg said there were no guidelines when it was constructed.

Rosenthal said the lean to was not part of the original build.

Bochniak said the packet information shows that the building is barely visible from the highway.

Oldenburg said the building is within 1200 feet of the Highway 20 corridor, so the applicant must go thru the process. It is only visible for a fleeting moment when you are near Scadden's Corner but they still need to comply or make the request. The building has been here for decades with this material so the request is appropriate.

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

**MOTION:** Bochniak moved, seconded by Cook to close the Public Hearing for Cal. No. 20S-01.

Motion carried on voice vote.

**MOTION:** Jansen moved, seconded by Bochniak to draft a positive Finding of Fact for Cal. No. 20S-01.

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.**

The request meets the approval criteria.

As Roll Call was:

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

Motion carried.

Cal. No. 20S-02, Applicant: UHCC LLC d/b/a Bridge City Collective, 4312 N. Williams Avenue, Portland, OR 97217; and Owner: Xochi, LLC, 216 S. Commerce Street, Galena, IL 61036. Location: Parcel: 22-100-491-00, Lot 68, S 22' of Lot 67 & S ½ of Lot 76, Lots between Commerce and Water Streets, Galena, Jo Daviess County, Illinois. Common Address is 216 South Commerce Street, Galena, IL 61036. Request for Special Use Permit to allow Adult-Use Cannabis Dispensing Organization in the Downtown Commercial district.

**MOTION:** Bochniak moved, seconded by Cook to open the Public Hearing for Cal. No. 20S-02.

Motion carried on voice vote.

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

James Straus 1675 Cranshire Court Deerfield Illinois was representing Bridge City Collective for their request for a Special Use Permit in the Downtown Commercial District. The submitted application was quite extensive and he will answer any questions the Board may have.

Bochniak asked how many other stores the company has.

Straus said they have two operating dispensaries in Portland, Oregon and one operating dispensary in Ohio.

Bochniak asked if any of these have grow operations.

They have a grow facility in Ohio and were just awarded a grow license for Missouri.

Rosenthal asked if the dispensary would have a smoking room.

Straus said they do not have consumption plans.

Rosenthal asked if it might in the future.

Straus said he wasn't going to say it might develop in the future, but they see consumption as a separate business. They are not engaged in consumption anywhere else in the country at this point.

Rosenthal asked Oldenburg if the applicant wanted future on site consumption would they need to come back for a permit.

Oldenburg said yes. They would have to go through the Special Use Permit process again to add approval of that use.

Nybo asked if they had projected the traffic impact of the dispensary.

Straus said they estimate that the average user of their dispensary would spend about 30 minutes at their facility. It is hard to estimate the amount of traffic that would be driving through. They anticipate about 20-30 employees with 8-10 persons per shift. The first of the licenses will be issued on May 1, 2020. If they receive a license they would then build out the space. The initial fervor over the availability of adult use cannabis will have faded by the time their dispensary is operational and so will the huge crowds. Their boutique style store will fit with the downtown area and their approach is towards pharmacy and consultation to serve those persons who have been unable to obtain medical marijuana use status as well as the recreational users. Staffing would ultimately depend on sales.

Nybo asked Oldenburg if the police department had submitted any impact statements.

Oldenburg said they had not.

Straus said their company is very excited about Galena and the opportunity of participating in the downtown area.

Rosenthal asked if there was any onsite parking.

Straus said there was not.

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

**MOTION:** Bochniak moved, seconded by Cook to close the Public Hearing for Cal. No. 20S-02.

Motion carried on voice vote.

Rosenthal asked Oldenburg to clarify the parking. There are no parking requirements to be met in the downtown district. Does the Board have the right to require parking?

Oldenburg said there are no parking requirements, but the Board can place conditions upon approval such as increasing the intensity. Conditions above or beyond the minimum standards can be imposed. Generally, in the Downtown Commercial District the code exempts parking requirements even when there is a change of use for an existing building.

Cook asked who owned the 44 parking spaces available for public use.

Oldenburg said the parking adjacent to the building is owned by the City and there is additional parking in the City Hall lot.

Cook asked if the Coatsworth residents had parking in this area.

Oldenburg said they have 8-10 reserved spaces along what used to be Washington Street.

Cook asked about parking when the building operated as a restaurant.

Oldenburg said the restaurant did not own the parking.

Nack said the City has always owned the parking lot.

Cook asked about when the bank owned it.

Nack said the bank owned the drive thru area. Currently the property includes about 10-12 feet behind the building.

Oldenburg said at some point Kraft vacated the former Washington Street property between their building wall and the parking stalls on Commerce.

Bochniak said there is after hours parking in the City Hall lot.

Oldenburg said both the City Hall lot and the Commerce Street lot - 44 parking spaces referred to in the application - are paid parking.

Cook said there is always parking in the street.

Oldenburg said street parking is free for now.

**MOTION:** Bochniak moved, seconded by Jansen to draft a positive Finding of Fact for Cal. No. 20S-02.

Bochniak 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.

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The request meets the approval criteria.

As Roll Call was:

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

Motion carried.

### **OTHER BUSINESS**

None

### **PUBLIC COMMENTS**

None

**MOTION:** Bochniak moved, seconded by Cook to adjourn the meeting at 6:55 pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price  
Zoning Board Secretary