

**MINUTES
ZONING BOARD OF APPEALS
FEBRUARY 12, 2020**

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, February 12, 2020 at City Hall, 101 Green Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

Baranski	Present
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 January 8, 2020 minutes.

Motion carried.

UNFINISHED 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: Bochniak moved, seconded by Cook to approve the Finding for Cal. No. 19S-20.

As Roll Call was:

Bochniak	Yes
Calvert	Yes
Cook	Yes
Jansen	Yes
Nybo	Yes
Baranski	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 Jansen to approve the Finding for Cal. No. 20S-02.

As Roll Call was:

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

Motion carried.

NEW BUSINESS

Cal. No. 20A-01, Applicant: City of Galena, 101 Green Street, Galena, IL 61036. Request for Text Amendment to Zoning Code of Ordinances to amend §154.015 Definitions, Adult-Use Cannabis Business Establishment, to establish a 1500 feet separation requirement.

MOTION: Jansen moved, seconded by Bochniak to open the Public Hearing for Cal. No. 20A-01.

Motion carried on voice vote.

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

Matt Oldenburg, Zoning Administrator for the City of Galena presented the application. Last fall the city council directed the zoning board to craft an ordinance allowing adult use cannabis businesses in certain districts. The city can regulate time, manner, place and number of these

businesses. In that process the city omitted a separation requirement because one existed at the state level as part of the State Cannabis Act. The council always intended to have only one dispensary in the downtown district. The State's 1500-foot separation rule means the first one to get a state license would be the only one allowed downtown. With the application for a second downtown dispensary we learned thru the municipal league and the state that it is possible that in the future the 1500-foot separation requirement could be removed. In order to eliminate that possibility and maintain the council's intent of having only one downtown operation we are initiating this text amendment to include a 1500 feet separation requirement in the definition section of Adult-Use Cannabis Business Establishment. This also gives us a lesser density should other requests come in for the industrial park area. This requirement would be exempt for a co-location.

Baranski asked if this was already happening.

Oldenburg said it is not, but the separation requirement was not included in our ordinance, so we wanted to protect our original intent in case the state made a change.

Cook asked for clarification on co-locations.

Oldenburg said if a business wants to operate dispensary and transportation businesses out of the same building thru our ordinance and the state act they can. In some cases, multiple operations can be in one building which is more practical, but they would have to apply for separate licenses thru the state.

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. 20A-01.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Jansen to send a positive recommendation to the City Council to approve a request for a Text Amendment to the Zoning Code of Ordinances to amend §154.015 Definitions, Adult-Use Cannabis Business Establishment, to establish a 1500 feet separation requirement, Cal. No. 20S-01.

Discussion: Baranski reviewed the approval criteria:

Approval Criteria & Recommendation for Text 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; **Not applicable**
 - (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.; **This could. With the change it will an area from multiple operations.**

- (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; **It does.**
- (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; **It does.**
- (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; **It does.**
- (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; **Not applicable.**
- (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. **It does.**

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 field 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.

As Roll Call was:

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

Motion carried.

OTHER BUSINESS

None

PUBLIC COMMENTS

None

MOTION: Bochniak moved, seconded by Cook to adjourn the meeting at 6:50 pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price
Zoning Board Secretary

MOTION: Baranski moved, seconded by Bochniak to send a positive recommendation to the City Council to approve amending the design guidelines as stated with the inclusion of using 2,000 square feet of solar panels for the cut off for administrative approval and Zoning Board approval.