

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 gummy 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