

**MINUTES  
ZONING BOARD OF APPEALS  
May 11, 2022**

**CALL TO ORDER:**

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, May 11, 2022, at City Hall, 101 Green Street, Galena, IL.

**ROLL CALL AND DECLARATION OF QUORUM:**

As Roll Call was:

Baranski	Present
Bochniak	Present
Gates	Present by phone
Cook	Present
Jansen	Present
Nybo	Present
Rosenthal	Present

Rosenthal wanted the record to show that Roger Gates was participating by cellphone. Gates had given sufficient notice of his in-person absence and had the permission of Jonathan Miller to participate by phone. He requested a motion be made to allow the phone participation.

A motion was made by Jansen to allow Gates to participate by phone, seconded by Cook.

A quorum was declared.

Zoning Administrator Jonathan Miller and City Attorney Joe Nack were also present.

**APPROVAL OF MINUTES**

**MOTION:** Cook moved, seconded by Bochniak to approve the April 13, 2022, minutes.

Motion carried on voice vote.

**UNFINISHED BUSINESS**

**Item 22S-02 & 22V-01:** Trolley Depot Coffee, 315 S. Commerce St.- Ratification of the finding of fact for a request for a Special Use Permit to allow Outdoor Dining as an accessory commercial land use in the Downtown Commercial Zoning district and a Variance from the required 10’ separation requirement from vehicular circulation for Outdoor Dining as an Accessory Commercial land use.

**Item 22S-02:** Trolley Depot Coffee, 315 S. Commerce St.- Ratification of the finding of fact for a request for a Special Use Permit to allow Outdoor Dining as an accessory to commercial land use in the Downtown Commercial Zoning district

Rosenthal read Conclusions, Determinations, and the Decision to approve.

**MOTION:** Jansen moved, seconded by Cook to approve.

As Roll Call was:

Bochniak	Yes
Gates	Yes
Cook	Yes
Jansen	Yes
Nybo	Yes
Baranski	Yes
Rosenthal	Yes

Motion Carried

**22V-01:** Trolley Depot Coffee, 315 S. Commerce St.- Ratification of the finding of fact for a request for a Variance from the required 10' separation requirement from vehicular circulation for Outdoor Dining as an Accessory Commercial land use.

Rosenthal read Conclusions, Determinations, and the Decision to approve.

**MOTION:** Bochniak moved, seconded by Cook to approve.

As Roll Call was:

Gates	Yes
Cook	Yes
Jansen	Yes
Nybo	Yes
Baranski	Yes
Bochniak	Yes
Rosenthal	Yes

Motion Carried

### **NEW BUSINESS**

**Item - 22HCO-01, 22S-03, & 22V-02 (PUBLIC HEARING)** Galena Prime Hotels LLC, 1183 US Hwy 20 W. - Request for approval of a Non-Administrative Highway 20 Development Permit to allow modifications to the exterior of the hotel, a Special Use Permit for the use of discouraged wall materials in the Highway 20 Corridor, and a Variance to allow a roof sign.

Rosenthal entertained a motion to open public hearing.

**MOTION:** Bochniak moved, seconded by Baranski to open public hearing.

Motion carried.

Nack swore those in that wanted to speak. Everyone had signed in that wanted to speak.

Rosenthal asked if anyone wanted to speak in favor of request.

Betsy Achett, 11383 US HWY 20 W., Betsy explained that she is looking to rebrand the hotel. The improvements require a new façade for the branding. Adding wood looking cement board that was not available in 2005. It is widely used and is a Wyndham Gardens requirement for their branding. The facade will have sign that sits below roof on this structure.

Bochniak - What is currently on building?

Discussion that it is currently vinyl siding on this area. A sample of the new proposed siding was passed around.

Baranski asked if it was material specific to the branding?

Betsy said Yes, it is required. Betsy stated that the siding will be replaced by EIFS.

Bocniak asked if the sign was part of Wyndham's requirement and if the sign was lit from the back?

Betsy said Yes and lit with Channel letters.

Baranski asked if it would be vertical.

Betsy said yes, it is the Logo. It is on vertical surface not on the slope of roof.

Nybo asked why a variance when not replacing. Composite goes on feature not replacing existing.

Baranski asked what is the height of the sign?

Betsy said it was a significantly smaller sign but not sure of final dimensions. Working on that, but it will be to code.

Nybo asked What would happens if not approved?

Betsy explained that this is not going against code, and it has benefits. This is just a branding that has values in line with her values, the community values. It's more of a lifestyle focus, a focus on community, and a better value for tourists.

Nybo asked what happens to the existing red beautiful sign?

Betsy said the sign frame stays just with new logo design. Dimensions will not change.

Bill Zwack, 11405 US HWY 20. Stated he is the next-door neighbor directly to the West of the property and Betsy has shared the plans. Bill feels it will be very appropriate, and fully supports the plans.

Rosenthal asked if anyone wanted to speak in opposition of the request.

Richard Auman, 801 Shadow Bluff. He stated he wanted to speak in opposition of sign on the roof but may be in favor if not on roof. He was confused on the sign. Is it on wall or roof? He wants to know what is happening here. If on the roof that would set a bad precedence.

Baranski stated that felt the sign is on the façade, not the roof.

Cook interjected that. She needs clarification on the large new format tiles /squares, are they just on the sign?

Jonathan explained the picture. The panes are on the sign, little wall area by entries, and the portico around front.

Rosenthal asked if anyone else wanted to speak?

No one spoke up.

**MOTION:** Jansen moved, seconded by Baranski to close public hearing.

### **Voted on separately**

**Item 22HCO-01:** Galena Prime Hotels LLC, 1183 US Hwy 20 W. request for approval of a Non-Administrative Highway 20 Development Permit to allow modifications to the exterior of the hotel

Rosenthal entertained a motion.

Baranski made a motion to approve, seconded by Bochniak.

Baranski wanted to discuss more on the design. It is consistent with, in respect to material very high-quality new material for building sign is part of architecture wall extends above roof and that is where sign is appropriate.

Baranski went through criteria:

### **Approval Criteria & Decision for Cal No. 22HCO-01:**

**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](#); It meets all.

- (2) The overall context of the corridor and the goals for new development as described in Chapter [III](#) of the Design Manual; Is consistent.
- (3) The corridor development concepts described in Chapter [IV](#) of the Design Manual; Is consistent.
- (4) The proposed character of the applicable design districts as described in Chapter [V](#) of the Design Manual; Is consistent.
- (5) The proposed pattern of development for the Highway 20 Corridor as described in Chapter [VI](#) of the Design Manual; *n/a, site is under 10 acres in size. constant*
- (6) The standards for building orientation, design and materials as described in Chapter [VII](#) of the Design Manual; Meets standards
- (7) The standards for site features and elements as described in Chapter [VII](#) of the Design Manual. Meets standards.

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

**ROLL CALL**

Cook	Yes
Jansen	Yes
Nybo	Yes
Baranski	Yes
Bochniak	Yes
Gates	Yes
Rosenthal	Yes

Motion carried.

**Item 22S-03:** Galena Prime Hotels LLC, 1183 US Hwy 20 W. - Request for approval of a Special Use Permit for the use of discouraged wall materials in the Highway 20 Corridor

Rosenthal wanted to entertain a motion.

Baranski made a motion to approve **Item - 22S-03**, Special Use Permit for the use of discouraged wall materials in the Highway 20 Corridor, seconded by Jansen.

Baranski went through criteria:

Discussion that it meets standard site plan review / district standards.

**Approval Criteria & Recommendation for Special Use Permit Cal No. 22S-03:**

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. Meets standards
- (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: It does.
  - (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.**

**ROLL CALL**

Jansen	Yes
Nybo	Yes
Baranski	Yes
Bochniak	Yes
Gates	Yes
Cook	Yes
Rosenthal	Yes

Motion carried.

**Item 22V-02:** Galena Prime Hotels LLC, 1183 US Hwy 20 W. - Request for approval of a Variance to allow a roof sign.

Rosenthal wanted to entertain a motion.

Baranski made a motion to approve a Variance to allow a roof sign, Item- 22V-02, seconded by Bochniak.

Baranski discussed what he considered a roof sign, He feels it is appropriate and not on the roof but on wall facade that comes out of building / not supported by roof, it becomes part of the architecture. He was not sure if they even need to grant a variance, he then went through approval criteria:

**Approval Criteria & Recommendation for Variance Cal No. 22V-02:**

A variance is not a right. It may be granted to an applicant only if the applicant establishes that strict adherence to this code will result in practical difficulties or undue hardships because of site characteristics that are not applicable to most properties in the same zoning district. Such variances shall be granted only when the applicant establishes that all of the following criteria, as applicable, are satisfied:

- (1) *Hardship unique to property, not self-inflicted.* There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property; true
- (2) *Special privilege.* The variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district; true

- (3) *Literal interpretation.* The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant; true
- (4) *Reasonable use.* The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance; doesn't apply
- (5) *Minimum necessary.* The variance is the minimum necessary to make possible the reasonable use of land or structures; Yes
- (6) *Compatible with adjacent properties.* The variance will not be injurious to, or reduce the value of, the adjacent properties or improvements or be detrimental to the public health, safety, or welfare. In granting a variance, the decision-maker may impose conditions deemed necessary to protect affected property owners and to protect the intent of this code; it is
- (7) *Conformance with the purposes of this code.* The granting of a variance will not conflict with the purposes and intents expressed or implied in this Code; Not in
- (8) *Conformance with the Comprehensive Plan.* The granting of a variance will not conflict with the goals and principles in the adopted Comprehensive Plan. True

**The Zoning Board of Appeals can approve, approve with conditions, or deny requests for variances. If the Board would like to approve the request, a motion to draft Finding of Facts should be entertained. The Findings of Facts will then be presented for final consideration at the next Board Meeting.**

**ROLL CALL**

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

Motion carried.

**Item - 22PD-02 (PUBLIC HEARING)** True North Quality Homes, LLC, 1304 Park Ave., 1308 4<sup>th</sup> St., and 2190 N. Blackjack Rd., Galena, IL 61036. - Request for Phase 1A Final Approval for a Planned Unit Development with an underlying district of Planned Commercial contingent on final approval of the annexation into the corporate boundaries of the City of Galena.

Baranski recused himself.

Rosenthal asked for a motion to open public hearing on Phase 1A only.

**MOTION:** Jansen moved, seconded by Bochniak to open public hearing.

Motion carried.

Nack swore those in that wanted to speak. Everyone had signed in that wanted to speak.

Rosenthal asked if anyone wanted to speak in favor of request.

Rosenthal called the first applicant to come forward.

Sandy Lawrence, 3638 Ice Age Dr., Madison, WI. President of Bien Vie.  
Planning on planting 4 acres with 2500 vines where there is currently grass and alfalfa.

Beth Baranski 1015 S Bench, Galena, IL.  
Spoke about storm water management / watershed management of drainage. Referred to map on screen / pointed out specific areas of interest. Topographical image referred to. Plan is no additional runoff from property during this phase.

Jim Baranski 1015 S Bench, Galena, IL.  
Gave a more accurate explanation about division of watershed areas.  
47 1/2% of entire property is part of the Blackjack sub watershed.  
52 1/2% of entire property is part of the Downtown sub watershed.  
In reference to the Vineyard, 7% is in Blackjack watershed and 93 % is in Downtown watershed.  
He referred to the city storm water ordinance formula and the Fehr Graham Civil engineer's calculation and stated that there was no additional watershed due to this stage.  
4 grape varieties will be planned out and planted by Brad Beam. Pictures of rows with strips of alfalfa between the rows to minimize the erosion were shown.  
Site suitability slides shown and said the soil samples were tested. Planting where there is currently alfalfa and grass so they would till strips and place bamboo stakes at 100 ft increments.  
Lastly, he addressed Vineyard management- insect and weed control.  
Use of minimal herbicides with low drift and droplet specific.

Baranski stated the request is consistent with the preliminary PUD plan from February 2022. He read through final PUD plan.

Nybo said he was confused on insect control?

Baranski said they are consistent with neighboring AG use.

Nybo asked where do the fertilizers and pesticides go?

Baranski said an expert will be applying them and keep it minimal to cause the least amount of harm to the environment.

Rosenthal said they would mist the plants.

Baranski said they would not use a fine mist that would drift, but rather larger droplets that don't float.

Rosenthal asked if it is like anhydrous, like spraying corn?

Baranski said Yes, the same used in AG. Barnaski stated they are seeking Final approval on this phase that is consistent of the PUD from the council.

Rosenthal asked if anyone wanted to speak in opposition of request.

**Jim Boho 1477 S Rocky Hill Rd.**

He stated he was the Safety Director of Lake and Cook County farm chemicals. He disagrees with everything just said.

He stated farmers in this area are being asked to not spray in these areas and to self-control as chemicals travel by water. The chemicals will affect the birds and fish. There is an endangered species act. The pallet shiner is endangered in this area.

He showed a book from the IDNR of the Galena River that speaks of every acre in 2018.

He said the City of Galena is a shepherd of the plan with the Jo Daviess Conservation Group.

He said Bats will be affected because they eat bugs that the spray is meant to kill. The bats are federally protected as an endangered species. Not hard to follow this path. We are endangering the endangered bats.

He has been speaking to the DNR about this endangered species since the plan was developed in September of 2018.

Rosenthal asked Boho to stay on vineyard plan.

Boho said in 2018, a 4-state coalition began on this plan. The people involved do not understand why this is happening.

The second thing with endangered species was not put in front of public in November/ December. Why are we deterring from this plan? Showed some books from Mark Moran's office and a flyer. Said nice brochure to Beth Baranski and asked her why she is not sticking with this plan she was part of. The books ask farmers to be self-restrictive. He asked the board to read at least the introduction in each of these books, before they vote. Jo Daviess Conservation is the keeper of these plans.

**Darron Burke 6833 Stalter Dr. Rockford, IL 61108.**

Partner in Law firm of Barrick, Switzer, Long, Balsley & Van Evera in Rockford, IL. He explained the firm.

Four of the partners represent local governments. Not here on behalf of any government entity but representing adjacent property owners. Wanting to put a legal and concise explanation to the basis of their concerns that need to be considered.

History of the approval phases.

- 1- Memos on the projects/ all phases of the ordinances-7 parts that the zoning board went through.
- 2- PUD general suited to a PUD need to go line by line to finding of facts
- 3- Factors required sited in memorandum. Six factors need conformance with all.

No discussion was held on these six factors for the PUD. This is a potential problem! February 28<sup>th</sup>, Council went through the same memorandum. Again, from review of the minutes the Council never got the factors of the six requirements. Logistics – they were never addressed so concern is reviewing the required factors. Requesting the required factors to be considered. Why all this matters? It is a general sense to do the right thing. Importance of substance. Asking members of board to look at factors for those nearby property owners. Citizens have right to have findings of fact reviewed to see why it is in favor or not in favor. Plans – 7 factors all have to be met / conclusions on the PUD What is the ordinance referring to? Not in plan documents or plan approval. PUD final -Ordinance references as the rezoning. When the ordinance is not showing rezoned? Not talking about impacts on the people that are neighbors. Legal requirement to Applicants VS the Relation to property owners. Diminishing property values for the owners? Urged to reconsider. Applying to hardship of neighbors.

**Jim Boho - 1977 Rocky Hill Galena, IL.**

Partners for conservation / cost sharing. Said call them tomorrow.

**David Hannah - 1107 Fourth St. Galena, IL.**

Parts of Ordinance 154-918 preapplication conference is required and there was none.

Recommendation for neighborhood meeting. Why was there none?

Wants an application review by City staff agencies- all comments directed to applicant. The hearing only happens after that was done? Why was none of this done before hearing with no records.

Memo-conformance criteria was not done / noted.

All is applicable to the plan.

Storm Water development – reasons comprised of Storm water. Limitations of Storm water runoff. Application states roads on the map legend.

Ripping for the vineyard can cause significant runoff. Napa Valley reports show it will cause runoff / differences in use from California. He noted there is nothing showing in the design review of runoff.

There should be an archeological survey done prior to moving ahead on plan and it has not been done.

He asked if the HWY 20 Corridor standards were addressed?

Noted Access is not in PUD for this plan for planting. Fourth St. cannot be used to access the planting of vineyard since it is local residential street. Asked board to consider that there is no statement about access for planting.

Not clearly defined on winery and pesticide intense agriculture. Standards of mitigation of the sub chapters 154.503 site prep & improvement resource protection plan. No resource protection plan in place so it is not in conformance.

Agenda packet includes phase 4 plan in it, but this was not there prior to meeting. Why is it now there??

He said the city must provide a zoning map by March 31<sup>st</sup> of each year, but the last map was done in 2018. We are working with outdated information.

He left paperwork about Napa River and Sonoma Creek Watershed referencing water sheds and vineyards.

Rosenthal asked if anyone had questions for Mr. Hannah?

There were no questions.

**Wendy Clark - 1107 Fourth St. Galena, IL.**

Started out saying she will skip parts of her presentation since she had little time to prepare between meetings.

Reason for decision making finding of fact

Questions have alluded to memo on final phase 1A-Narrative property owner is as 1A or is 4 part of it? UNCLEAR? What are we approving??

Property owners did not get part 4 in latter 15 days prior to meeting.

She said "Shall demonstrate conformance" breaks down to

Shall = means it has to,

demonstrate = means need supportive documentation. It does not do this/ No phase 1A was in original plan, it was not in plan as a partial phase. How do they follow all of this?

Phase 1A has different area than the preliminary plan. Does the developer have other plans such as 1B or 2C , etc? The acre of woodland had come up before. Are we putting things off because they are too hard?

Compliance check lists are used in government. Nothing in this plan to demonstrate any kind of compliance.

Completeness-vineyard management and pesticides were not in application.

Why not? They should have been?

A coffee shop would need everything approved. A vineyard approval is like a coffee shop getting approval of just the walls.

She stated she is working on spraying for fire/ droplets get in rainwater runoff.

Not anti-pest control; as she is planning to round-up her fence line for poison ivy.

Discussion on one AG to another form of AG? No longer AG if it is in the city limits.

There are 2 wells below the development the pesticide can get into the aquifer and to the 800 yards of river.

There are concerns for walking paths, cabins next to the vineyards because of spraying.

Putting vineyard in middle of resort area is not good.

How will operational side get looked at later?

Winery aspect- Will you grow grapes so it goes with other phases as it is noted from prior meetings that there will be a wine making shelter & the winery itself?

Federal planning-connection of actions of growing, cultivating., wine making, and winery.

It takes 5.5 gallons of water to make 1 gallon of finished wine. Another connected activity is wastewater. Wine making = lots of wastewater. There are 100's of thousands of gallons of wastewater from wine making. You need to know what is involved in the whole process if you say yes.

There are other missing pieces like building to store farm equipment. Approval of a site to unload and mix chemicals for spraying. Who will regulate this? How much water will be used in chemical mixing?

How come there is a breakdown of Phase 1? Like 1A what else 1B?

Mentioned the federal endangered bats, the Indiana bats, long ear bat on property.

This is a big deal that can have a big effect on her and her neighbors. She has concerns with all of it.

Left spray schedules for board from an 8-acre Jo Daviess County vineyard.

**Darlene Farrey - 1974 N Blackjack Rd.**

She said she didn't have fancy maps or slide shows.

She just is worried about being 700 Ft downhill from vineyard. She is worried about her well. Wants a study done on how MSDS chemicals will affect her water and the animals that drink from the creek. What about bees? Creek already floods and they will be ripping for vineyard. Asked board to please vote NO.

**Kathleen Webster - 2170 N Blackjack Rd.**

Said she was giving feelings not facts. She said proposals are subject to consistent change on these plans and not given all the facts prior. She mentioned Googling Dave Hooten and up popped the Hooten's son's Linked in page with a video of an Ariel view Illustration of the Marine Hospital property. Lots of awful pictures. Showed Hospital as being whitewashed. She said that Mr. Hooten's projects change all the time constantly day to day.

**Paul Sipiera - 10 Winterwood Lane**

Daughter recently purchased a B&B on High St. so his family has a vested interest in this project. He said he has a PHD in Natural Science and Geology. No one has mentioned the 2 dirtiest words not addressed "Climate Change" and that there is a water shortage out west. We need to look ahead 10 years of water usage. Then ask yourself these three questions. Where does water come from? Where does water go? What quality is the water? He asked the board to consider all things with an open mind.

**Vonda Wall – 928 Clinton St.**

She stated she is anti-chemical.

Zoning board list- Doesn't meet criteria.

Doesn't provide a necessity? Does it cause harm? It will matter in the future.

Will it be harmonious? No- no one wants this.

Will it cause property value to decline? Yes, a vineyard belongs in country not in city.

Not good to have chemicals in the city.

Rosenthal asked if anyone else wanted to speak in opposition.

Finding no one. He said there could be a rebuttal.

**Beth Baranski - 1015 S Bench St stepped forward.**

She stated vineyards are allowed use in all city districts.

Galena River watershed plan is something she backs. There seems to be some misunderstandings on different aspects of it. Farmers nutrient loss strategies required in all states. Will talk to anyone that wants to discuss.

Ground cover is important. Need the tillage to get started. Minimal disruption of land. Grapes are a perennial plant so there will be no more future tillage. A discharge permit needs reviews by DNR & EPA. Endangered animals will be studied, archeological study will be done.

Formula shows no increase in run off.

In reference to the PUD and connected actions. The PUD is the connected action/they are only presenting the planting of the vineyard.

Rosenthal asked about the picture that was shown of the vineyard area. He wanted to know if it was corn field.

Jim Baranski said yes, and the crops there have been rotated over the years.

Nybo asked if they were going to irrigate the grapes.

Jim Baranski said no irrigation. Rain seems good here. They will use a water wagon to start.

Gates pointed out that the City of Galena has no restrictions on chemically treating lawns. So essentially the chemicals are already used in the city.

Jim Baranski said the goal is to use best practices for the chemical treatment of property.

Gates said best practices seem same as for chemical treating of property.

Rosenthal asked if there was there was rebuttal from one of those against.

**Darren Burke 6833 Stalter Dr , Rockford, IL.** spoke on behalf of neighboring property owners and asked the board to reconsider this final plan.

He said there are procedural concerns / no findings of facts or plan. Mr Hannah's speech told why this should not be approved. No plan, no requirements met. Does not comply with the ordinance.

Noted the Natural Resource Plan was not presented. This needs to be addressed.

Lots not in review. Why was plan 1A not in the preliminary plan. This did not meet the requirements or standards.

Baranski left the room after rebuttal.

**MOTION:** Jansen moved, seconded by Cook to close public hearing.

Motion carried.

Rosenthal wanted to entertain a motion on **Item - 22PD-02** True North Quality Homes, LLC, 1304 Park Ave., 1308 4<sup>th</sup> St., and 2190 N. Blackjack Rd., Galena, IL 61036. - Request for Phase 1A Final Approval for a Planned Unit Development with an underlying district of Planned Commercial contingent on final approval of the annexation into the corporate boundaries of the City of Galena.

Gates made a motion approve **22PD-02** Phase 1A Final Approval for a Planned Unit Development with an underlying district of Planned Commercial contingent on final approval of the annexation into the corporate boundaries of the City of Galena., seconded by Jansen.

Nybo asked Jonathan Miller exactly what we are voting on tonight? He was confused on the Phase 4 page.

Jonathan explained that he added the phase 4 page as a reference to the preliminary layout to see where 1A is located. The planting of the vineyard is the only thing in 1A and the only thing being voted on.

Rosenthal said the packet has application that say's 1A vineyard, that is all that is being voted on. He asked to discuss the criteria.

Gates read through the criteria:

**Final PUD Plan** – A final development plan application shall demonstrate conformance with all of the following:

Nack said to discuss and each make comments.

- (a) The approved ODP, *not applicable. Jansen said he concurs, Cook disagrees- She said that the vineyard has moved. Bochniak said change is location only. Rosenthal explained it was moved, but not hidden or deceptive. Nack asked the crowd to be polite while board discusses. Bochniak said the plan can change but not substantially. Nybo said both sides made excellent presentations, but he still has ?'s on runoff and chemicals.*
- (b) The approved preliminary development plan; *Final plan Phase 1A has no change from approved preliminary plan and adheres to the PUD district standards set forth by the City Council. Not applicable, Jansen concurred. Cook stated that the plat has moved. Bochniak and Rosenthal stated the location moved, but it was in plan.*
- (c) The approved preliminary plat; *not applicable. Jansen concurred, Cook said plat moved, Rosenthal and Bochniak said location only changed.*
- (d) The approved PUD/TND rezoning ordinance; *Final plan Phase 1A(only 1A) is in conformance with the approved standards of the rezoned PUD ordinance. In conformance. Nack pointed out condition is not approved yet but if approved it is good. Rosenthal said if approved it will be fine. Nybo said no comment, Cook and Jansen agreed on conformance.*
- (e) All other applicable development and construction codes, ordinances, and policies; *Final plan Phase 1A meets other applicable codes. Jansen agreed, Cook agreed, Nybo -no comment, Rosenthal agreed that 1 thing only discussed is vineyard and it is not construction. Bochniak agreed.*
- (f) The applicable site plan review criteria in § [154.914](#); and *Final plan Phase 1A meets the applicable site plan review criteria. Jansen agreed, Cook agreed, Nybo agreed, Rosenthal agreed, Bochniak agreed.*
- (g) The applicable final plat criteria in [Chapter 153](#), Subdivision Regulations. Gates said *Not applicable. . Jansen agreed, Cook agreed, Rosenthal agreed, Nybo agreed, Bochniak agreed.*

Bochniak said this has been hard on all sides. His hope is that the company doing project remembers Galena and it's citizens.

Nybo thinks that the vineyard is putting the cart before the horse. Wants more engineering plans on runoff.

Rosenthal said Planting grapes is comparable to planting corn. Corn would have more runoff and chemicals have been around a long time. Not any worse than spraying corn and going in ground water.

Gates said people would be shocked that more chemicals are used on grass in yards.

Kathleen Webster asked if the planting grapes would only happen if City approved annexation?

**ROLL CALL**

Baranski	Recused
Bochniak	Yes
Gates	Yes
Cook	Yes
Jansen	Yes
Nybo	No
Rosenthal	Yes

Motion carried.

**OTHER BUSINESS**

None

**PUBLIC COMMENTS**

None

**MOTION:** Bochniak moved, seconded by Cook to adjourn the meeting at 9:04 pm.

Motion carried on voice vote.

Respectfully submitted by  
Sue Simmons  
Zoning secretary