

**AGENDA**  
**ZONING BOARD OF APPEALS**  
**February 12, 2014**  
**6:30 PM**  
**CITY HALL, 312 ½ N. MAIN ST., GALENA, IL**

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Approval of January 8, 2014 Meeting Minutes

**OLD BUSINESS**

4. None

**NEW BUSINESS**

5. Cal. No. 14A-01, Applicant: City of Galena, 312 ½ North Main Street, Galena, IL 61036. Request for Text Amendment to Zoning Ordinance Section §154.015 *Definitions*, Table 154.403.1 *Permitted Land Uses*, §154.406 (D) *Principal Commercial Land Uses* and §154.406 (H) *Accessory Residential Land Uses* to allow for Tour of Homes by right in certain commercial zoning districts and as an accessory residential use by Special Use Permit only in residential zoning districts.
6. Cal. No. 14HCO-01, Applicant and Owner: City of Galena, 312 ½ North Main Street, Galena, IL 61036. Location: Parcel: 13-001-075-10, Galena Fire Department Subdivision, comprised of parts of Lots 6 and 7 of the Galena Industrial Park, and part of the North half of the Southeast Quarter of Section 11, T28N, R1W of the 4<sup>th</sup> P.M., County of Jo Daviess in the State of Illinois. Common address 11525 Technical Drive, Galena, IL 61036. Request for Non-Administrative Highway 20 Development Permit to construct a new 3-section training simulator structure and associated site improvements at the Galena Fire Department Training Center.
7. Cal. No. 14S-01, Applicant and Owner: City of Galena, 312 ½ North Main Street, Galena, IL 61036. Location: Parcel: 13-001-075-10, Galena Fire Department Subdivision, comprised of parts of Lots 6 and 7 of the Galena Industrial Park, and part of the North half of the Southeast Quarter of Section 11, T28N, R1W of the 4<sup>th</sup> P.M., County of Jo Daviess in the State of Illinois. Common address 11525 Technical Drive, Galena, IL 61036. Request for Special Use Permit to use discouraged wall materials, i.e. steel siding, for buildings within 1200 ft. of the Highway Corridor Overlay District.
8. Concept Plan Review – Carole Sullivan & Jan Lavacek, review of a proposed *Galena Center for the Arts* on the property at 219 Summit Street (former Medical Associates Clinic) to allow for Indoor Commercial Entertainment, Indoor Sales and Service and possible Artisan Studio uses. Proposed concept includes a 250 seat performing arts theatre addition, as well as preserved green space on the grounds surrounding the principal structure.

**COUNTY ZONING**

9. None

**WORKSESSION & OTHER**

10. None

**PUBLIC COMMENTS**

11. Public Comments

10. Adjourn

*Persons who have difficulty using the front stairs are invited to use the lift located at the Bench Street entrance to City Hall. Anyone who may require special assistance or special accommodation should contact City staff during office hours at 777-1050, prior to the meeting.*

*Posted February 6, 2014  
By Matt Oldenburg*

**MINUTES  
ZONING BOARD OF APPEALS  
JANUARY 8, 2014**

**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, 2014 at City Hall, 312 ½ N. Main Street, Galena, IL.

**ROLL CALL AND DECLARATION OF QUORUM:**

As Roll Call was:

Baranski	Present
Bochniak	Present
Cook	Present
Holman	Present
Nybo	Present
O'Keefe	Present
Rosenthal	Present

A quorum was declared.

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

**APPROVAL OF MINUTES**

**MOTION:** Holman moved, seconded by Cook to approve the minutes from the December 11, 2013 meeting.

Roll Call for those members that had attended the December meeting was:

Baranski	Yes
Bochniak	Yes
Cook	Yes
Holman	Yes

Motion carried.

## OLD BUSINESS

Cal. No. 13S-05, Applicant: Eric Dregne, Prairie Ridge of Galena, LLC – PO Box 6425, Galena, IL 61036. Owner: Midwest Medical Center, 1 Medical Center Drive, Galena, IL 61036. Location: Lot Three (3) of Midwest Regional Medical Center Subdivision, being a part of the South Half of the SW Quarter of Section 2, T28N, R1W of the 4<sup>th</sup> P.M., Rawlins Township, County of Jo Daviess in the State of Illinois. Request for Special Use Permit to allow a new 60-unit, Senior Living Community, Large Group Residential Use in a General Commercial District.

**MOTION:** Baranski moved, seconded by Bochniak to approve Cal. No. 13S-05 as requested.

As Roll Call was:

Bochniak	Yes
Cook	Yes
Holman	Yes
Nybo	Yes
O'Keefe	Abstain
Baranski	Yes
Rosenthal	Abstain

Motion carried.

## NEW BUSINESS

Concept Plan Review – Wendy Heiken, review of a proposed rezoning and special use permit request on the property at 1004 Park Avenue to allow for Indoor Commercial Entertainment use. Applicant would like to offer an educational and entertaining program about Annie Wiggins At Home: A Woman's Life during the Civil War – this would be an accessory use to the Small Inn use currently at this property.

Wendy Heiken, 1004 Park Avenue, Galena said she has operated a guest house at this location for fifteen years with a Special Use Permit. She is interested in conducting a program that would detail the lives of women during the Civil War. This would be held at the home and she would charge admission. During the week, almost all year round, the house is vacant. This would be a new source of income for these down times. As the ordinance is written they would need another Special Use Permit for this business. Her property is Low Density Residential and that use is not allowed. Heiken said there are seven parking spots in front of her guest home. She would not conduct the program on the weekend as that would compete with the overnight guests.

Oldenburg said because the property is in LDR and what she is proposing, Indoor Commercial Entertainment as an Accessory Use, is not allowed at all in LDR. Part of the concept would be to rezone from LDR to Neighborhood Commercial and then apply for a SUP to allow an Indoor Commercial Entertainment Use. There is limited parking potential due to the lot restrictions so

on street parking is the only option. With the SUP the parking requirements will not be able to be met so a Variance may need to be considered also.

Rosenthal asked what would be rezoned.

Oldenburg said only her property.

Baranski asked how many rooms she had.

Heiken said she has seven rooms and there are seven parking spaces in front of the inn.

O'Keefe asked why this would need to be Indoor Commercial Entertainment. What about a tour home license.

Oldenburg said the ordinance has no provision for a tour home license. One of these operates next door to 1004 Park Avenue, but is non-conforming.

Baranski asked if it would be more logical to create a use for something like this in Low Density Residential rather than spot zone this property.

Rosenthal said it appears as though a lot is being made out of this request. It doesn't seem like it would be much of a problem.

Nybo said it doesn't seem as though there would be any negative impact on the neighbors if she had this use.

Baranski said if you were going to spot zone her house wouldn't you change the zoning on the house next door which has the non-conforming use. Can we write a text amendment which would allow this use in Low Density Residential? She could then apply for a SUP to operate.

Nybo asked about tours at the Ryan Mansion.

Heiken said tours were allowed there as it was commercially zoned.

Oldenburg said the Zoning Board can initiate an application for a text amendment.

Baranski said you want to make sure there are conditions on the permit. You don't want everyone to be able to just open up their homes.

O'Keefe suggested looking at the old ordinance which had a tour home permit which was similar to the trolley permits.

Oldenburg said he would investigate to see what was previously allowed. He will also have to refer to the State's list of allowable licenses and permits. The State may not have a provision for this.

**COUNTY ZONING**

None

**WORKSESSION/OTHER**

None

**PUBLIC COMMENTS**

None

**MOTION:** Bochniak moved, seconded by Cook to adjourn the meeting.

Motion carried on voice vote.

Respectfully submitted by

Deb Price  
Zoning Board Secretary

**MEMO**

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: February 6, 2014

RE: Cal. No. 14A-01, Applicant: City of Galena, 312 ½ North Main Street, Galena, IL 61036. Request for Text Amendment to Zoning Ordinance Section §154.015 *Definitions*, Table 154.403.1 *Permitted Land Uses*, §154.406 (D) *Principal Commercial Land Uses* and §154.406 (H) *Accessory Residential Land Uses* to allow for Tour of Homes by right in certain commercial zoning districts and as an accessory residential use by Special Use Permit only in residential zoning districts.

**Project Summary:**

This amendment to the Zoning Ordinance is a result of the Concept Plan Review from the January 8, 2014 ZBA Meeting for a proposal to offer tours of a large historical residential structure. The Board directed the Zoning Administrator to research the old Ordinance, when Tour Homes were allowed, and to draft an amendment to reinstitute the use.

The old Ordinance was very general and allowed a variety of tourist-oriented commercial uses in residential districts. In lieu of reinstating the old language, which allowed other uses, such as antique and gift shops, private museums, etc., I researched other tourist destinations such as Savannah, GA and Charleston, SC. Savannah had a comprehensive approach that seemed to work with our community, so I used that as my template for the proposed amendment.

The attached amendment will allow Tour of Homes as an allowed use by right in certain commercial districts and only by Special Use Permit in certain residential districts as an accessory use. The detailed regulations in the land use descriptions are placed to keep the use within reason while giving prospective Tour Home owners flexibility in their operations. It is our intent that these regulations are defensive in nature to protect the integrity of the residential neighborhoods, while providing a way for large historic homes to be toured, if so desired by the owner.

**Approval Criteria & Recommendation:**

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;
- (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.;
- (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;

(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;

(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;

(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; or

(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.

**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 filed 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.**

# CITY OF GALENA, ILLINOIS



## Request for Amendment to Zoning Ordinance

Request Details:

Name of Applicant: City of Galena Phone #: 815-777-1050

Address of Applicant: 312 1/2 N. Main Street, Galena, IL 61036

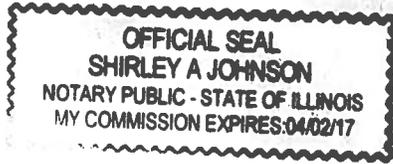
List land and/or property uses that this proposal would affect: Add new land use to Zoning Ordinance for Tour of Home.

General describe the amendment being sought (attach additional pages if necessary): Amendment to allow Tour of Home land use as principal commercial use by right in certain zoning districts and as accessory residential use by special use permit in certain zoning districts.

Specifically describe the proposed amendment word for word (attach additional pages if necessary): See attached.

Explain why the amendment is being sought in terms of public need, health, safety, and/or general welfare (attach additional pages if necessary): Tour of Home land use was allowed as a tourist-oriented use in Galena in previous zoning ordinances. The adoption of the 2005 ordinance left-out this land use. The ZBA wishes to revive the land use for the benefit of the community.

1/17/14



Applicant's Signature

Date

*Shirley Johnson* 1.17.14  
Notary's Signature Date

My commission expires: \_\_\_\_\_

For Office Use Only:

Date Filed: 1/17/14 Amendment Calendar #: 14A-01

Fee Paid: N/A Receipt #: N/A Amount \$: N/A Date: N/A

Date set for public hearing: 2/14/14 Date hearing held: \_\_\_\_\_

Date of published notice: 1/21/14 Newspaper: Galena Gazette

Name of municipality where published: Galena, IL

Action by zoning board on amendment request: \_\_\_\_\_

Comments: \_\_\_\_\_

**Attachment A – Specific language for Text Amendment**

**§154.015 DEFINITIONS.**

**Tour House:** A large, originally residential structure that is historically significant and has been in existence before 1900. A tour house is allowed by right in certain commercial districts and by special use permit in certain residential districts.

**Tour of Home (Land Use):** See section 154.406 (D) and (H).

**Table 154.403.1. Permitted Land Uses**

LA	CSR	LDR	MDR	HDR	NO	PO	NC	PC	GC	DC	PI	LI	HI	Type of Land Use  Principal Commercial Land Uses (154.406 (D))
					P	P	P	P	P	P	P	P	P	(1) Office
					S	S	P	P	P	P	S			(2) Personal or Professional Service
S	S				S		P	P	P	P	P	P	P	(3) Artisan Studio
						S	P	P	P	P	S			(4) Sales and Service, Indoor
									P				P	(5) Sales and Service, Outdoor Display
									P					(6) Sales and Service, In-Vehicle
	S	S	S	S	S									(7) Accommodations, Bed & Breakfast
		S			S		S	S	S	S				(8) Accommodations, Small Inn
						S		S	P	S	S			(9) Accommodations, Hotel/Motel
						S	S	P	P	P	S			(10) Entertainment, Indoor Commercial
S									S			S		(11) Entertainment, Outdoor Commercial
												S	S	(12) Entertainment, Adult
								S	P	S	P	P	P	(13) Maintenance Service, Indoor
									S				P	(14) Maintenance Service, Outdoor
S									S				S	(15) Commercial Animal Boarding
									P			P	P	(16) Vehicle Repair and Maintenance
					<u>P</u>		<u>P</u>		<u>P</u>	<u>P</u>				<u>(17) Tour of Home</u>

**P** = Permitted by Right (See section 154.402(A)) **S** = Permitted by a Special Use (See section 154.402 (B))

LA Limited Agricultural	HDR High Density Residential	PC Planned Commercial	LI Light Industrial
CSR Countryside Residential	NO Neighborhood Office	GC General Commercial	HI Heavy Industrial
LDR Low Density Residential	PO Planned Office	DC Downtown Commercial	
MDR Medium Density Residential	NC Neighborhood Commercial	PI Planned Industrial	

**Table 154.403.1. Permitted Land Uses**

LA	CSR	LDR	MDR	HDR	NO	PO	NC	PC	GC	DC	PI	LI	HI	Type of Land Use  Accessory Residential Land Uses (154.406 (H))
P	P	P	P	P	P	P	P	P	P	P				(1) Day Care Home, Serving 3 to 12 Children
P	P	P	P	P	P	P	P	P	P	P				(2) Home Occupation, Minor
S	S	S	S	S	S	S	S	S	S	S				(3) Home Occupation, Major
P	P	P	P	P	P	P	P	P	P	P				(4) Private Kennel
P	P	P	P	P	P	P	P	P	P	P				(5) Outbuildings and Recreation Facilities
P	P	P	P	P	P	P	P	P	P	P				(6) Recreational Vehicle Storage
P	S													(7) Private Stable
<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>										<b>(8) Tour of Home</b>
														Accessory Agricultural Land Uses (See 154.406(I))
														Accessory Recreational & Institutional Land Uses (See 154.406(J))
														Accessory Commercial Land Uses (154.406(K))
						P		P	P	P	P	P	P	(1) Company-Provided Cafeteria
					S	S	S	S	S	S	S	S	S	(2) Company-Provided Day Care
						S		S	P		S	P	P	(3) Company-Provided On-Site Recreation
					P	S	P	S	S	P				(4) Dwelling Units Above Ground Floor
						S		S	P		P	P	P	(5) Fleet Vehicle Storage
								S	S	S				(6) Light Industrial Incident to Indoor Sales
							S	P	P	S	S			(7) Outdoor Dining
							S	S	P	S				(8) Outdoor Display, Removable
									P					(9) Outdoor Display and Storage, Permanent
								S	P					(10) Outdoor Entertainment
<b>P = Permitted by Right (See section 154.402(A)) S = Permitted by a Special Use (See section 154.402 (B))</b>														

LA Limited Agricultural  
 CSR Countryside Residential  
 LDR Low Density Residential  
 MDR Medium Density Residential

HDR High Density Residential  
 NO Neighborhood Office  
 PO Planned Office  
 NC Neighborhood Commercial

PC Planned Commercial  
 GC General Commercial  
 DC Downtown Commercial  
 PI Planned Industrial

LI Light Industrial  
 HI Heavy Industrial

## **§154.406 DETAILED LAND USE DESCRIPTIONS AND REGULATIONS.**

The land use categories employed by this Chapter are defined in this section. Land uses which are not listed in this Chapter are not necessarily excluded from locating within any given zoning district. Section 154.903 empowers Zoning Administrator to make interpretations on matters regarding specific land use proposals which are not addressed by this Chapter.

### **(D) Principal Commercial Land Uses.**

(17) **Tour of Home.** Tour of Home land uses include on-site tours of structures, constructed as single-family residences that are relevant to Galena's heritage and have historical significance. Structures used for Tour of Home purposes must have been in existence before 1900. Such activities include guided tours of appropriate structures and grounds of the property.

#### **(a) Regulations:**

- (1) Tours may be conducted by the owner of the structure, an operator, or other agent of the owner.
- (2) No more than 20 persons, including the residents of the dwelling, shall be inside the tour house or on the property at any one time.
- (3) No signs advertising the tour house shall be displayed on the site.
- (4) The owner of the tour house shall maintain a registry which shall show the date, time and number of persons involved in each tour.
- (5) Tours shall be given only between the hours of 9:00 a.m. and 4:30 p.m., and between 6:30 p.m. and 9:00 p.m. during the peak tourist season between May 1 and November 30. A tour house shall receive no more than two tours per day between the hours of 9:00 a.m. and 4:30 p.m., and no more than three tours per week between the hours of 6:30 p.m. and 9:00 p.m. During the off peak tourist season between December 1 and April 30, a tour house shall receive no more than three tours per day, either morning or night, provided however, a tour house shall not be open for tours more than three days per week.
- (6) The owner of the tour house or his / her authorized agent shall be on the premises at all times during the tour.
- (7) The owner shall be responsible for compliance with these regulations.

### **(H) Accessory Residential Land Uses.**

(8) **Tour of Home.** Tour of Home land uses include on-site tours of structures, constructed as single-family residences that are relevant to Galena's heritage and have historical significance. Structures used for this purpose must have been in existence before 1900. Tour of Home activities include guided tours of appropriate structures and grounds of the property.

#### **(a) Regulations:**

- (1) Maximum number of persons allowed on tours shall be determined on case-by-case basis with Special Use Permit.
- (2) No signs advertising the tour house shall be displayed on the site.
- (3) The owner of the tour house shall maintain a registry which shall show the date, time and number of persons involved in each tour.
- (4) Tours shall be given only between the hours of 9:00 a.m. and 4:30 p.m., and between 6:30 p.m. and 9:00 p.m. during the peak tourist season between May 1 and November 30. A tour house shall receive no more than two tours per day between the hours of 9:00 a.m. and 4:30 p.m., and no more than three tours per week between the hours of 6:30 p.m. and 9:00 p.m. During the off peak tourist season between December 1 and April 30, a tour house shall receive no more than three tours per day, either morning or night, provided however, a tour house shall not be open for tours more than three days per week.
- (5) The owner of the tour house or his / her authorized agent shall be on the premises at all times during the tour.
- (6) The owner shall be responsible for compliance with these regulations.

## **MEMO**

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: February 7, 2014

RE: Cal. No. 14HCO-01, Applicant and Owner: City of Galena, 312 ½ North Main Street, Galena, IL 61036. Location: Parcel: 13-001-075-10, Galena Fire Department Subdivision, comprised of parts of Lots 6 and 7 of the Galena Industrial Park, and part of the North half of the Southeast Quarter of Section 11, T28N, R1W of the 4<sup>th</sup> P.M., County of Jo Daviess in the State of Illinois. Common address 11525 Technical Drive, Galena, IL 61036. Request for Non-Administrative Highway 20 Development Permit to construct a new 3-section training simulator structure and associated site improvements at the Galena Fire Department Training Center.

### **Project Summary:**

The applicant is requesting approval of a Highway 20 Development Permit to construct a new 3-section training simulator structure with associated site improvements. The plan as proposed includes one three-story tower, one two-story residential/industrial section with gabled roof and one one-story annex section with flat roof. The structure will contain two burn rooms where Class A materials such as wood and straw can be burned in accordance with NFPA Training Tower regulations. Various features will enable the Galena Fire Department, as well as other local Emergency Services and Law Enforcement agencies, to train in a controlled environment with state-of-the-art facilities. Associated site improvements include a 500 foot asphalt paved driveway and paved loop around the training structure, water main service with 3 hydrants, storm sewer, curb and gutter, street lights and retention pond. The site improvements will add to the realistic training as it replicates existing City features found throughout the community.

The site plan indicates access from Technical Drive on the Western boundary and the driveway extends to the East. An existing barn will be used by the Fire Dept. for storage purposes.

The training structure meets the bulk standards for non-residential use as well as the intensity standards for Limited Agricultural Districts. The structure and use will also comply with performance standards of Chapters 6 & 7.

Staff has performed review of plans, has provided input during design of concept and is satisfied with proposed site improvements based on City standards.

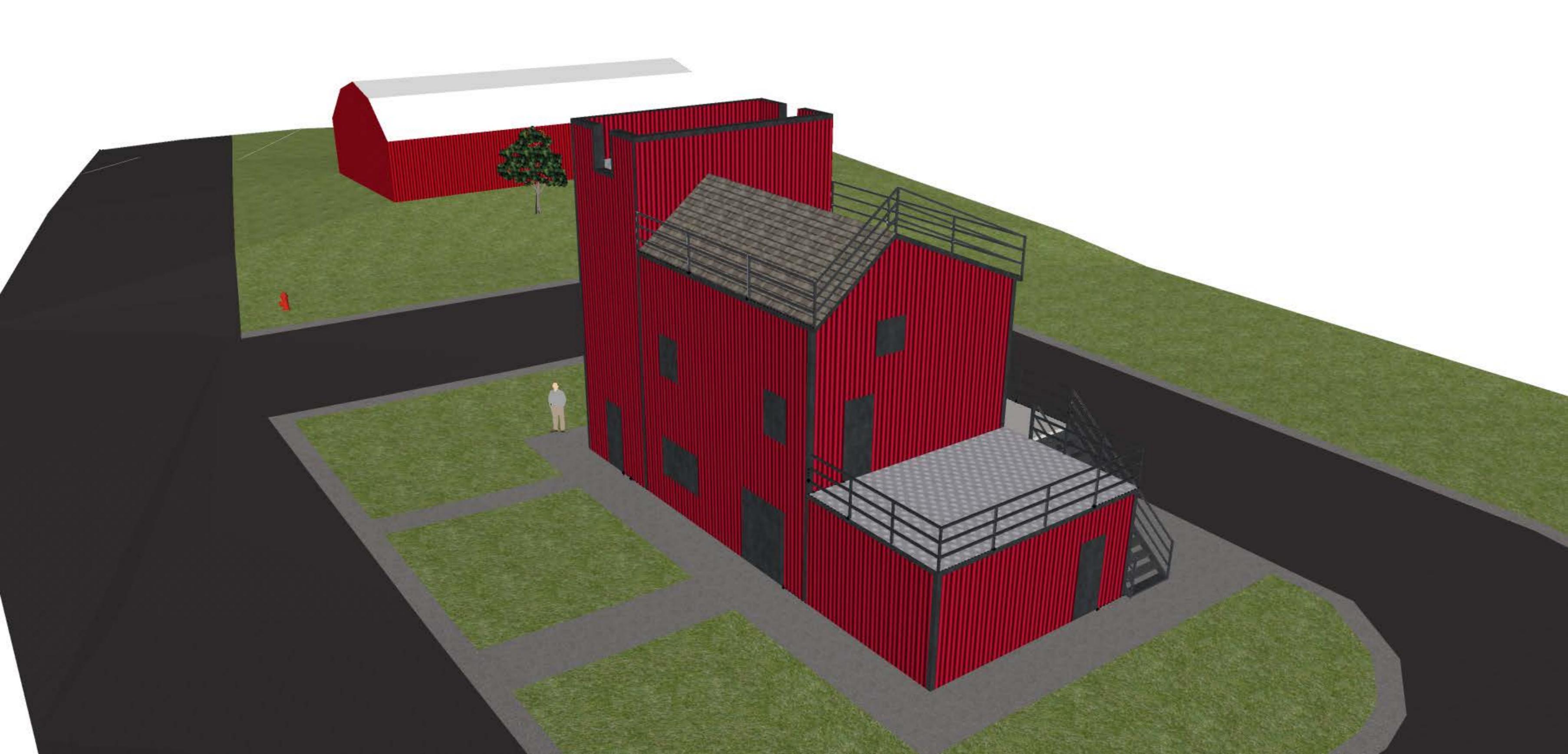
### **Approval Criteria & Decision:**

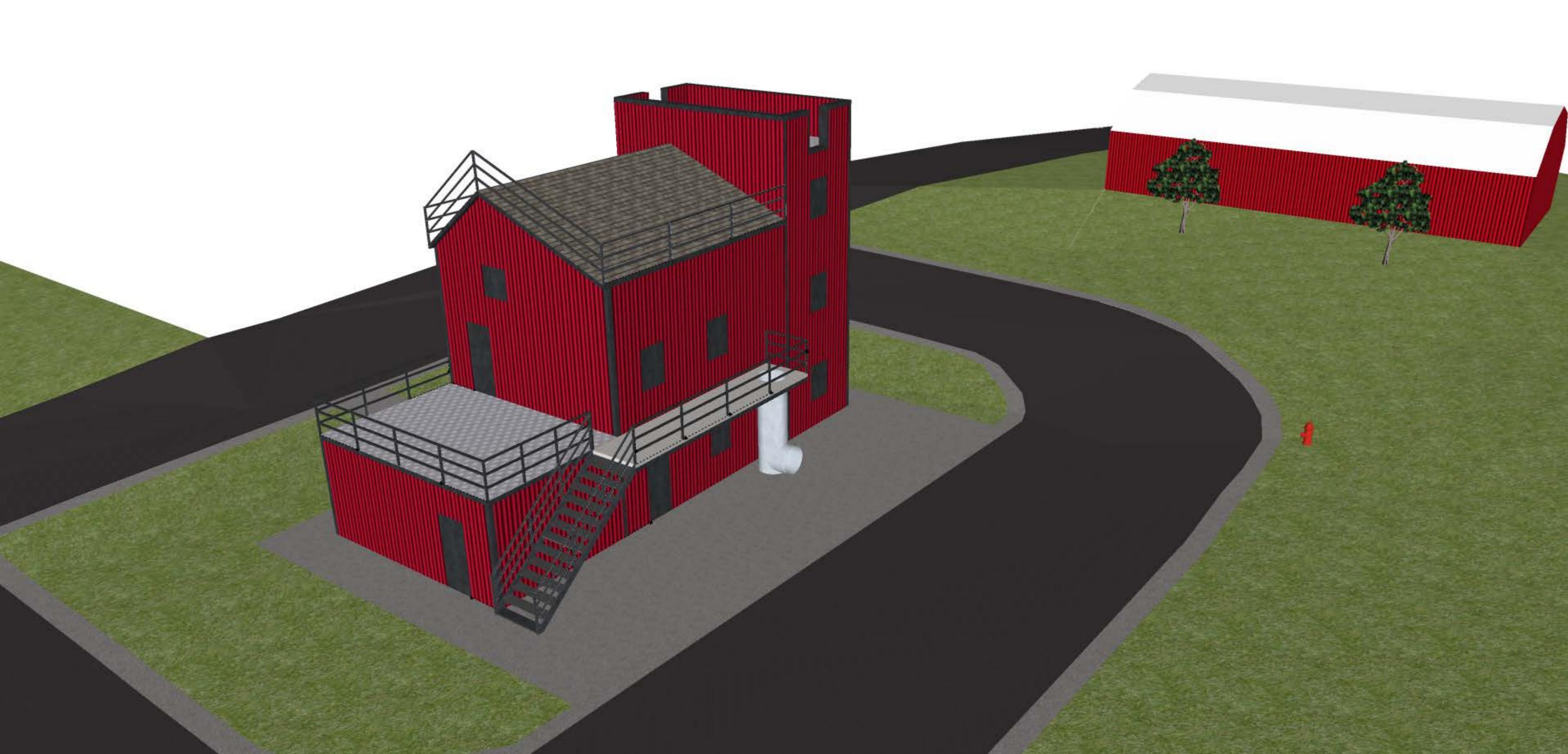
**Highway 20 Development Permit (Cal. No. 14HCO-01)** - The application shall demonstrate that the proposed development will comply with the following:

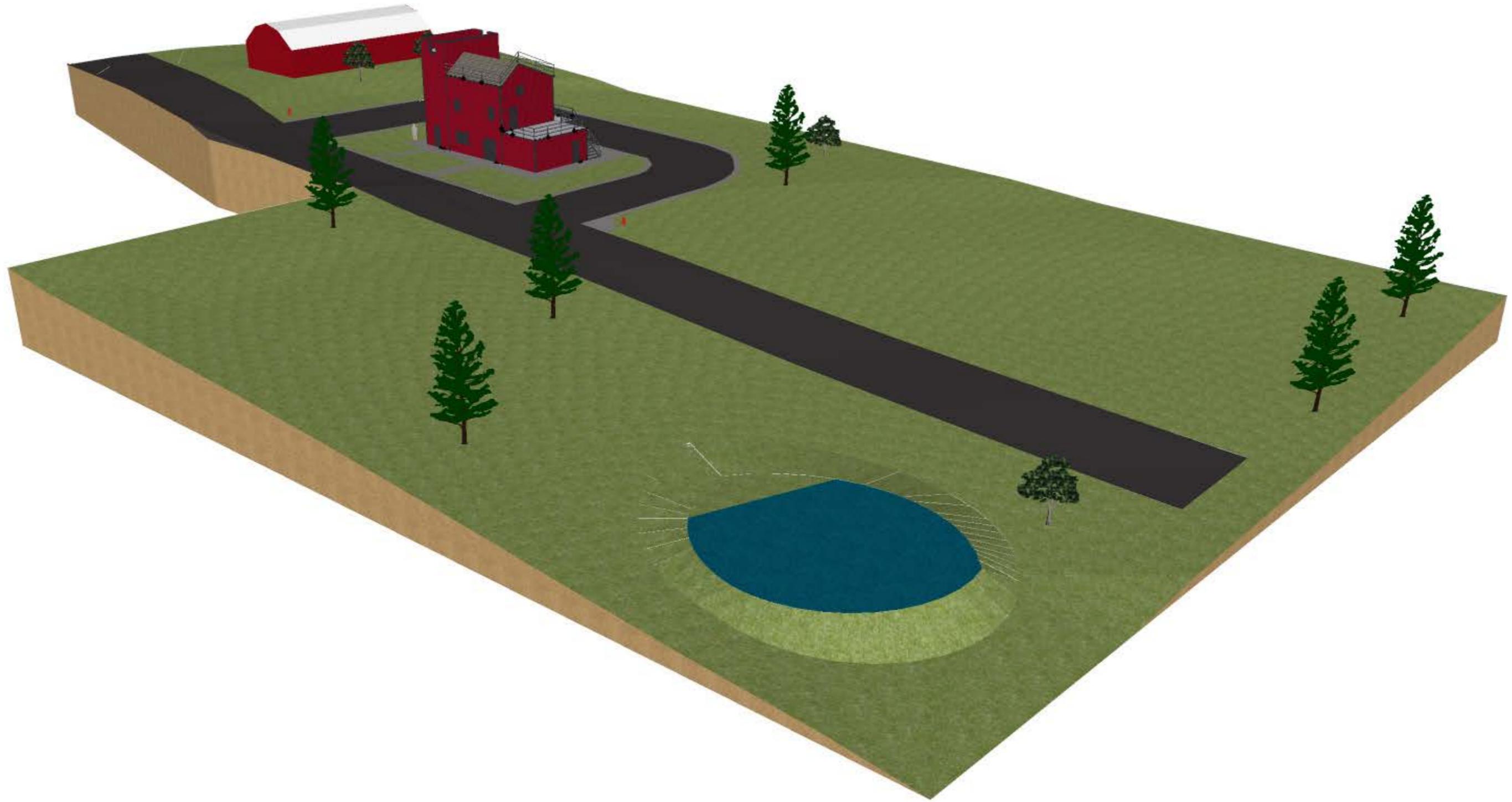
- (1) All applicable site plan review criteria in § [154.914](#);
- (2) The overall context of the corridor and the goals for new development as described in Chapter [III](#) of the Design Manual;

- (3) The corridor development concepts described in Chapter [IV](#) of the Design Manual;
- (4) The proposed character of the applicable design districts as described in Chapter [V](#) of the Design Manual;
- (5) The proposed pattern of development for the Highway 20 Corridor as described in Chapter [VI](#) of the Design Manual;
- (6) The standards for building orientation, design and materials as described in Chapter [VII](#) of the Design Manual; and
- (7) The standards for site features and elements as described in Chapter [VII](#) of the Design Manual.

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







# CITY OF GALENA, ILLINOIS

312 1/2 North Main Street, Galena, Illinois 61036



## REQUEST FOR HIGHWAY 20 DEVELOPMENT PERMIT

**For Office Use Only**

Date Filed: 01/17/2014 Highway 20 Development Permit Cal. No.: 14HCO-01

Fee Paid: N/A Receipt No.: N/A Amount: \$ N/A Date: 01/17/2014

Date Set For Public Hearing: 02/12/2014 Date Hearing Held: 02/12/2014

Date of Published Notice: 01/21/2014 Newspaper: Galena Gazette

Name of Municipality Where Published: Galena, IL

Administrative Review  or Non-Administrative Review

Action by Zoning Board on Permit Request: \_\_\_\_\_

### APPLICANT AND PROPERTY DATA

- Name of Applicant: City of Galena Telephone Number: 815-777-1050
- Address of Applicant: 312 1/2 N. Main Street, Galena, IL 61036
- Proposed Development Site Address or Legal Description: 11525 Technical Drive, Galena, IL 61036
- Name of Property Owner(s): City of Galena
- Current Use of Property: Public Service & Utilities Proposed Use: Public Service & Utilities
- 0-1,200 ft from Centerline of Highway 20  or 1,200 to 2,400 ft from Centerline of Highway 20

### SUPPLEMENTAL DATA

- Complete Site Plans including all criteria in Site Plan Review checklist and in Section 154.914.
- Complete Building Plans with licensed stamp/seal if required.
- Written narrative including all required review criteria listed in Section 154.922 (C).
- Names and Addresses of all surrounding property owners within 250 ft. of proposed site.

Signature of Applicant: \_\_\_\_\_ Date: 1/17/2014

Signature of Property Owner: \_\_\_\_\_ Date: 1/17/2014

Notary Public: Shirley Johnson Date: 1/17/2014

My Commission Expires: 1/2/17



## PUBLIC NOTICE

The City of Galena Zoning Board of Appeals will hold a public hearing on the following item(s) at **6:30 PM** on Wednesday, **February 12, 2014** at City Hall, 312 ½ N. Main Street, Galena, Illinois:

1. Cal. No. 14HCO-01, Applicant and Owner: City of Galena, 312 ½ North Main Street, Galena, IL 61036. Location: Parcel: 13-001-075-10, Galena Fire Department Subdivision, comprised of parts of Lots 6 and 7 of the Galena Industrial Park, and part of the North half of the Southeast Quarter of Section 11, T28N, R1W of the 4<sup>th</sup> P.M., County of Jo Daviess in the State of Illinois. Common address 11525 Technical Drive, Galena, IL 61036. Request for Non-Administrative Highway 20 Development Permit to construct a new 3-section training simulator structure and associated site improvements at the Galena Fire Department Training Center.
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The applications and supporting materials are on file and available for review at City Hall. Persons wishing to express opinions on the above request should attend the public hearing relative to that item.

Matt Oldenburg  
Zoning Administrator

January 27, 2014

Dear Applicant, Surrounding Property Owner or Interested Party:

You may be interested to know about the Public Hearing scheduled for the regular meeting of the Zoning Board of Appeals as noted on the back of this letter.

**Please note the date of this meeting: Wednesday, February 12, 2014 at 6:30 PM, at City Hall, 312 1/2 N. Main Street.**

Applicants must attend the hearing. Surrounding property owners and interested parties are encouraged to attend the public hearing to express their views. Letters offering support or objecting to an application will not be accepted as an exhibit unless the author is available for cross-examination at the public hearing.

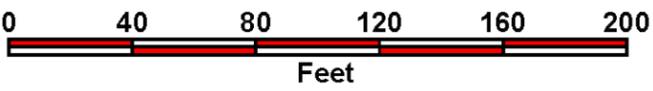
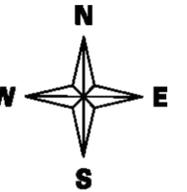
**Plans and applications are available for viewing at the Office of the Zoning Administrator, City Hall, 312 1/2 N. Main Street, Galena, Illinois.** Please plan to review the information prior to the meeting in order to familiarize yourself with the issues before participating in the public hearing.

Sincerely,



Matt Oldenburg  
Zoning Administrator

(OVER)



## MEMO

To: The Zoning Board of Appeals  
From: Matt Oldenburg, Zoning Administrator  
Date: February 6, 2014

RE: Cal. No. 14S-01, Applicant and Owner: City of Galena, 312 ½ North Main Street, Galena, IL 61036. Location: Parcel: 13-001-075-10, Galena Fire Department Subdivision, comprised of parts of Lots 6 and 7 of the Galena Industrial Park, and part of the North half of the Southeast Quarter of Section 11, T28N, R1W of the 4<sup>th</sup> P.M., County of Jo Daviess in the State of Illinois. Common address 11525 Technical Drive, Galena, IL 61036. Request for Special Use Permit to use discouraged wall materials, i.e. steel siding, for buildings within 1200 ft. of the Highway Corridor Overlay District.

### Summary:

The applicant is requesting a Special Use Permit to use a discouraged material, large scale metal siding, on the Galena Fire Department Training Tower. The property is not located within the City's Historic District and is within the Highway 20 Corridor Overlay District. The materials required to withstand the rigorous training of firefighters and local emergency and law enforcement agencies must be durable such as heavy gauge steel. The specially designed training towers are made with heavy gauge steel siding and also powder coated with paint that can withstand the tough training environment. Normal siding materials would deteriorate over time and cost more money to maintain or replace. This material is being requested in the interest of training for public safety and will only be used on the training structure. Future structures on the property will use materials that are consistent with the Highway 20 Corridor Design Manual.

Land uses include Agriculture / Residential to the North and West, Commercial and Agricultural to the East and Industrial / Commercial to the South.

### 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 § [154.405](#);
- (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.**

# CITY OF GALENA, ILLINOIS



## Request for Special Use Permit

Name: City of Galena

Address of Applicant: 312 1/2 N. Main Street Galena IL 61036

Phone #: 815-777-1050 City State Zip  
Email: mjoldenburg@cityofgalena.org

Name of Property Owner (if different from applicant): City of Galena

Address of Interest: 11525 Technical Drive, Galena, IL 61036

Present Use of Property: Public Service Proposed Use: Public Service

Zoning District: Limited Agriculture Within Historic District?:  Yes  No

### Reason for Special Use

Please Note: The following questions must be answered completely. If additional space is needed, place attach extra pages to the application.

Please provide a written statement explaining the nature of the proposed special use: The Galena Fire Department Training Center is seeking approval to construct a training tower on this property. The siding materials required to withstand above average temperatures and the extreme wear & tear that accompany fire training must be durable material such as steel.

Explain how the propose use or expansion is necessary or desirable to provide a service or facility which is in the interest of the public convenience: The training tower is in the utmost interest of the public as it provides a training venue for the fire department and other local emergency services and law enforcement agencies. This center will be a great benefit to the community.

**Explain how the proposed use or expansion will contribute to the general welfare of the neighborhood or community:** The steel siding is powder coated and of a sufficient gauge to withstand the rigorous training needed by the local agencies. Normal building materials would not be able to handle this use, so it is necessary to use steel siding, which is listed as discouraged in the Hwy 20 design manual.

**Will the proposed use or expansion create noise, glare, vibration, odor, or in any other way be detrimental to the health, safety, morals, or general welfare of persons working or residing in the vicinity?**

Yes  No If yes, please explain: \_\_\_\_\_

Supplemental Data

1. Provide photographs showing various pertinent views of the existing site and buildings.
2. Provide a map that shows the location of the property in the broad context of the City or neighborhood.
3. Provide building, structure, and sign plans to such a scale that all pertinent features are legible, if applicable.
4. Identify the general land use, zoning, and any special characteristics of the adjacent properties to the north, south, east, and west.

North: Agricultural

South: Industrial

East: Agricultural / Commercial

West: Agricultural

Names of Surrounding Property Owners

Following are the names and addresses of surrounding property owners from the property in question for a distance of two-hundred-fifty (250) feet in all directions, and the number of feet occupied by all public roads, streets, alleys, and public ways have been excluded in computing the 250 feet requirement. Said names are as recorded in the office of the County Recorder (or the Registrar of Titles of the County) and as appear from the authentic tax records of this County. If additional space is needed, please attach extra pages.

Name	Address
See Attached with HCO Permit	

I (we) certify that all of the above statements and the statements contained in any papers or plans submitted here with are true to the best of my (our) knowledge and belief.

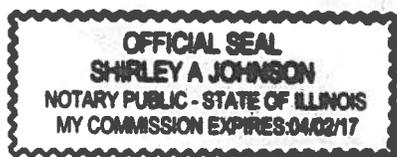
I (we) consent to the entry in or upon the premises described in this application by any authorized official of the County of Jo Daviess for the purpose of posting, maintaining, and removing notices as may be required by law.

  
 \_\_\_\_\_ 1/17/2014  
 Applicant's Signature Date

  
 \_\_\_\_\_ 1/17/2014  
 Property Owner's Signature Date

  
 \_\_\_\_\_ 1/17/14  
 Notary's Signature Date

\_\_\_\_\_ April 2, 2017  
 Commission Expiration



## Notice to Applicants

The issuance of special use permits is intended to provide a mechanism whereby certain structures and/or uses that are necessary and desirable but are of a unique, special, or nonrecurring nature may be permitted within certain zoning districts. In all cases the focus of the decision to grant the special use is on the perceived benefit the public interest.

In order for your special use request to receive a positive recommendation from the Zoning Board of Appeals, and for the City Council to approve the permit, you must provide evidence during the public hearing to establish that:

1. The proposed special use is identified in the ordinance as appropriate to the district under consideration.
2. The proposed use complies with all regulations set forth in the Zoning Ordinance.
3. The establishment and operation of the proposed use will not be detrimental to or endanger the health, safety, morals, or general welfare of persons residing or working in the vicinity.
4. The proposed use will provide a necessary or desirable service of facility in the interest of public convenience.
5. The proposed use will be harmonious and compatible with other property in the immediate vicinity.
6. The proposed use will not be injurious to property values or improvements in the immediate neighborhood.
7. The proposed use will contribute to the general welfare of the neighborhood and the community at large.
8. The proposed use will further community development in accordance with the comprehensive plan.

If you have any questions about the application form, the checklist, or the public hearing; please contact the Zoning Department at 777-1050.

City of Galena Use Only

Date Filed: 1/17/2014 Site Visit?:  Yes  No If yes, date: Multiple visits

Fee Paid: N/A Receipt #: N/A Amount: \$ N/A

Original Special use Permit Calendar #: 14S-01 Change-of-Ownership Cal. #: \_\_\_\_\_

Date of published notice: 1/21/2014 Newspaper: Galena Gazette

Name of municipality where published: Galena, IL

Action by Zoning Board on special use request: \_\_\_\_\_

\_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

## MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: February 6, 2014

RE: Concept Plan Review: Carole Sullivan & Jan Lavacek, review of a proposed *Galena Center for the Arts* on the property at 219 Summit Street (former Medical Associates Clinic) to allow for Indoor Commercial Entertainment, Indoor Sales and Service and possible Artisan Studio uses.

### Concept Plan Review:

The purpose of the concept plan review is to allow an optional process that may provide an applicant with a general, non-binding direction from the Zoning Board of Appeals prior to submittal of a development application.

A copy of the letter submitted by the applicant is included in the packet for your use. The concept plan for this development as proposed by the applicant during our preliminary meetings includes the following elements:

1. A Zoning Map Amendment request (rezoning request) to change the zoning district for the property at 1004 Park Avenue from Low Density Residential (LDR) to a Neighborhood Commercial (NC) to allow for an Indoor Commercial Entertainment Use by Special Use Permit as well as Artisan Studio and Indoor Sales & Service uses by right. This property is located in a transitional zoning area, where there is a peripheral transition from Planned Commercial uses, High Density Residential uses and Agricultural to the West. The property to the North is LDR and large group residential use. The property to the East is MDR and residential use. The property to the South is MDR and residential use.
2. A Special Use Permit request for an Indoor Commercial Entertainment use in order to allow the applicant to offer theatre performances in a 250 seat theatre. This request would be contingent upon approval of the above mentioned rezoning request. The performance standards for off-street parking will need to be considered as the theatre will require 84 parking spaces, including 4 ADA accessible spaces.
3. A Special Use Permit request for building size. The maximum building size allowed in Neighborhood Commercial for a non-residential use is 10,000 sq. ft. without a Special Use Permit or up to 20,000 sq. ft. with a Special Use Permit. The proposed structure as currently planned meets the bulk standards for non-residential use as well as intensity standards for Neighborhood Commercial District.

The following section of the Zoning Ordinance on the Concept Plan Review process is included for your use:

## § 154.921 CONCEPT PLAN.

(A) *Purpose.* The concept plan review is an optional process that may provide an applicant with a general, non-binding direction from the Zoning Board of Appeals prior to submittal of a development application. Although it is the intent of this process to be as helpful as possible to an applicant in designing a proposed project, applicants should not rely on the direction as an indication of any future decision-making by the Zoning Board of Appeals on any subsequent requests for development permits. The city explicitly disclaims any direction or the outcome of any future decision-making.

(B) *Applicability.* A concept plan review may be requested for any type of development that requires a recommendation or final action by the Zoning Board of Appeals.

(C) *Review criteria.* The concept plan shall be evaluated using the criteria required for the type of development. The ability of the Zoning Board of Appeals to apply the criteria may be limited based on the amount of information provided with the application.

(D) *Decision-maker.* The individual members of the Zoning Board of Appeals may provide any and all comments, questions, critiques and direction they deem appropriate to assist the applicant with preparing a subsequent application for a development permit. These comments are strictly advisory and should not be taken as an indication of how the individual members or Zoning Board of Appeals as a whole may vote on any subsequent application for a development permit. The Zoning Board of Appeals shall not take a formal vote on any portion of the concept plan.

(E) *Application and review procedures.* Application requirements and processing procedures are those described in [Table 154.918.1](#) and § [154.919](#) with the following modifications:

(1) *Staff review, report and recommendations.* The Zoning Administrator shall not be required to review the plan, circulate the plan to other agencies, produce a report, or make recommendations but may do any or all of these at said Administrator's discretion.

(2) *Notice.* Notice is not required unless requested by the applicant. Requested notice shall be the same as that required for the development permits necessary to allow the proposed type of development.

(3) *Appeal.* Because there is no decision, there is no appeal of any direction given by the Zoning Board of Appeals; however, in its discretion, City Council may elect to provide direction of its own on any concept plan.

## **The Galena Center for the Arts**

Our vision is to elevate and celebrate regional arts and artists----by offering high quality art in an atmosphere and presentation found in leading art institutes and theaters.

The new Galena Center for the Arts will be a unique multifaceted facility for the presentation of the fine arts to the Galena area and its visitors. By reinforcing the outstanding artistic and historical qualities of the community, it will increase the viability of Galena as an arts destination and benefit the local and regional economies. The gallery space will include work by past Galena artists, rotating special exhibits, and contemporary work by regional artists. The long term need for a true performance venue will be filled by a new 250 seat theatre, which will provide quality theatrical and musical events to the area on a regular basis by means of a resident professional company and visiting artists. The benefits of exposure to the fine arts and arts education are well documented and this facility will provide new opportunities in that area.

We are considering the Medical Clinic building on Summit Street, vacant for the past five years, as a possible site. Repurposing this building, adding on a new performance facility and preserving the surrounding acreage as an inner city green space would be a tremendous benefit to the community. This site is of particular interest because of the assets it already has including a large enough foot print and the availability of parking.

# Rezoning Concept Map

High Density Residential

Low Density Residential

Planned Commercial

Proposed Neighborhood Commercial  
(Currently Low Density Residential)

Medium Density Residential

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