

AGENDA
ZONING BOARD OF APPEALS
March 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 February 12, 2014 Meeting Minutes will be postponed to April ZBA Meeting.

OLD BUSINESS

4. 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 4th 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.
5. 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.

NEW BUSINESS

6. None

COUNTY ZONING

7. None

WORKSESSION & OTHER

8. None

PUBLIC COMMENTS

9. 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 March 4, 2014

By Matt Oldenburg

DECISION

ZONING BOARD OF APPEALS OF THE CITY OF GALENA

REGARDING

CALENDAR NUMBER: 14S-01

APPLICATION BY: City of Galena, 312 ½ North Main Street, Galena, IL 61036.

FOR: A Special Use Permit to use discouraged wall materials, i.e. steel siding, for buildings within 1200 ft. of the Highway 20 Corridor Overlay District at 11525 Technical Drive.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on February 12, 2014. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed and all persons were heard who desired to testify.

NATURE OF APPLICATION

The applicant is asking for a Special Use Permit to use discourage wall materials, i.e. steel siding, for a training simulator structure at the Galena Fire Department Training Center. The applicant states:

The Galena Fire Department is requesting a Special Use Permit to use a discouraged material, large scale metal siding, on the training tower at the new training facility in industrial park. 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.

Staff review indicates that the proposed project is consistent with the objectives of our Comprehensive Plan and that Public Services and Utilities Use is allowed by right in Limited Agricultural Districts. This property lies within the Highway 20 Corridor Overlay District and requires a Non-Administrative Highway 20 Development Permit, which is concurrently being requested (Cal No. 14HCO-01).

The Site Plan Review indicates that the proposed principal structure, parking area and landscaping surface ratio meets all nonresidential bulk and intensity standards as required in §154.204 and §154.208. This proposal is in conformance with and in furtherance of the implementation of the goals and policies of the Comprehensive Plan, the Land Use Map and requirements of the Zoning Ordinance.

PUBLIC SUPPORT AND/OR OBJECTIONS

In accordance with Article 9, Table 154.918.1 of the City of Galena Zoning Ordinance, a public hearing was held for the Special Use Request. The Zoning Board of Appeals heard testimony regarding the application from the applicant and the public.

Since the Zoning Board of Appeals is not bound by the strict rules of evidence, substantial latitude is procedurally given in all cases to the kind of evidence that may be made a part of the record. In this case, all testimony and exhibits entered into the record were evaluated and given weight by Board members on the basis of credibility and factuality.

The following persons presented testimony during the public hearings. Their testimony was recorded in the official minutes of the hearing, which are hereby made a part of the findings.

Testimony Presented on Behalf of the Applicant and in Support of the Proposal:

- **Matt Oldenburg, City of Galena, 312 ½ N Main Street** - spoke as the applicant. He stated that the reason for request of a Special Use Permit is necessary for the Galena Fire Department Training Tower is that large scale metal siding must be used, which is currently listed in the Highway 20 Corridor Design Manual as a discouraged material. This material must be used so it can withstand the rigors of firefighter training and to reduce the frequency of maintenance and replacements costs. The steel siding provided by the tower manufacturer will be the best fit as conventional building materials cannot stand up to public safety training uses. Since this tower will be used in a public safety capacity, it is unique to the surrounding properties in the Industrial Park and therefore requires special consideration. It is not the intent of the City to set a precedent for future developments' building materials in the overlay district, especially the industrial park.
- **Fred Kuhl, Top Notch, 11420 Dandar Street** – spoke in favor of the request. They went through a similar process a few years ago. His only concern is that, moving forward, future development will be compliant with the current standards of the overlay district design materials and that this does not open the door for continued use of large scale metal siding.
- **There was no further testimony either in support or in opposition to the request.**

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154.201 (A) (1) provides a definition and description of the Limited Agricultural District.
- Table 154.204 provides the bulk standards for principal structures for all nonresidential land uses in the Limited Agricultural District.
- Table 154.208 provides intensity standards for all nonresidential land uses within the Limited Agricultural District.
- Table 154.403.1 lists the Permitted Land Uses permitted by right or by Special Use Permit for all Zoning Districts.
- Section 154.406 (C) (8) defines and outlines the regulations for Public Services and Utilities.
- Articles 6 & 7 describe the parking, landscaping and performance standards for new developments.
- Section 154.914 lists the criteria for Site Plan Review.
- Section 154.924 sets forth the Purpose, Applicability, Review Criteria, Decision-Maker, Application and Review Procedures, and Validity for Special Use Permits.
- Appendix C, Chapter VII (B)(5) sets forth the list of preferred, discouraged and prohibited wall materials and colors for the Highway 20 Corridor Overlay District.
- Appendix C, Table X.1, Footnote 5 sets forth the requirement for a Special Use Permit request when “Discouraged” wall materials are used within 1,200 feet of the centerline of Highway 20.

CONCLUSIONS

In applying the regulations and pertinent performance standards of the Zoning Ordinance to this particular case, the following conclusions are reached:

1. The subject property is located in the Limited Agricultural (LA) District as recently annexed into the City of Galena.
2. The Zoning Ordinance provides for Public Services and Utilities use by right in the Limited Agricultural District.
3. Section 154.406 (C) (8) defines Large Group Residential as follows:

(8) *Public Service and Utilities.* Public service and utilities land uses include all city, county, state and federal facilities (except those otherwise noted in this section), emergency service facilities such as fire departments and rescue operations, wastewater treatment plants, public and/or private utility substations, water towers, utility and public service related distribution facilities, and similar land uses.

4. The detailed overlay district regulations (Appendix C, Chapter VII (B) (5)) associated with this principal use are as follows:

5. Wall Materials and Colors

Material and color selections for exterior walls have a major impact on visual appearance of a new structure. Materials and colors should complement the architectural style of the building and should be in keeping with the historic palette of the Galena area. Select a simple palette of high-quality materials.

Discouraged

(Within 1,200 Feet of the Centerline of Highway 20)...

Large scale metal siding.

5. Appendix C, Table X.1, Footnote 5 is as follows:

Footnotes:

5. The use of “Discouraged” wall materials within 1,200 feet of the centerline of Highway 20 shall require Zoning Board of Appeals approval of a Special Use Permit.
6. The applicant seeks a Special Use Permit to be allowed to use a discouraged wall material within 1,200 feet of the centerline of Highway 20.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by the City of Galena to use “Discouraged” wall materials within 1,200 feet of the centerline of Highway 20 should be approved for the following reasons:

1. The site plan met the criteria for this request.
2. The request meets the Limited Agricultural District standards and defining characteristics of the district.
3. The request meets the land use regulations established for Public Services and Utilities.
4. Complimentary uses are available.
5. The request is compatible with adjoining properties through:
 - a. The protection of privacy will be maintained;
 - b. The elements of the plan are designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;
 - c. The elements of the plan will coexist in a harmonious manner with nearby existing properties.

DECISION

NOW, THEREFORE BE IT RESOLVED, that this Zoning Board of Appeals has determined that this request by the City of Galena to use “Discouraged” wall materials within 1,200 feet of the centerline of Highway 20 should be approved.

PASSED AND APPROVED this 12th day of February, A.D. 2014, by the Galena Zoning Board of Appeals by a vote of 4 ayes, 0 nays, 3 absent, 0 abstain, 0 recused.

William Nybo, Vice - Chairperson

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: March 5, 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.

Please refer to your February packets for information regarding this Concept Plan Review. This was postponed due to lack of appropriate amount of Board Members present at that meeting.

If you no longer have the packet, please follow the link below to our website where it is included with the February agenda; it begins on page 30:

http://www.cityofgalena.org/documents/filelibrary/side_tabs/agendas_minutes/zoning_board_agenda/2014/021214_95B529A5E1075.pdf

Path: www.cityofgalena.org click on Agendas & Minutes, then on Zoning Board of Appeals, then on the February 12, 2014 under Agendas.

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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