

AGENDA
ZONING BOARD OF APPEALS

September 10, 2014

6:30 PM

CITY HALL, 101 GREEN STREET, GALENA, IL

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Approval of August 13, 2014 ZBA Meeting Minutes.

OLD BUSINESS

4. Cal No. 14S-06, Applicant & Owner: James Wirth – 121 South High Street, Galena, IL 61036. Location: Parcels: 06-500-170-00 & 06-500-174-03 both part of Lot One (1) in Block Number Twenty-nine (29), Original Town East of Galena River in the County of Jo Daviess in the State of Illinois, common address 901 Fourth Street, Galena, IL 61036. Request for Special Use Permit to allow House Tour as an accessory residential land use in a Low Density Residential District. Continuation hearing scheduled for this meeting.

NEW BUSINESS

5. Cal. No. 14PD-01, Applicant: Galena Center for the Arts – 7211 W Buckhill Rd., Galena, IL 61036 and Owner: Midwest Regional Medical Center, 1 Medical Center Drive, Galena, IL 61036. Location: Parcel: 22-200-075-00, Located in Lots 1-28 in Block 2 of the Harris Addition in the East half of the Southwest quadrant of Section 13, Township 28 North, Range 1 West of the Fourth Principal Meridian, City of Galena, West Galena Township, Jo Daviess County, Illinois. Common address 219 Summit Street, Galena, IL 61036. Request for approval of the Final Plan and Plat of the PUD.

COUNTY ZONING

6. None

WORKSESSION & OTHER

7. None

PUBLIC COMMENTS

8. Public Comments
9. Adjourn

Anyone who may require special assistance or special accommodation should contact City staff during office hours at 777-1050, prior to the meeting.

*Posted September 5, 2014
By Matt Oldenburg*

**MINUTES
ZONING BOARD OF APPEALS
AUGUST 13, 2014**

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, August 13, 2014 at City Hall, 101 Green 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.

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

APPROVAL OF MINUTES

MOTION: Bochniak moved, seconded by Cook to approve the minutes for the July 9, 2014 meeting.

Motion carried on voice vote.

OLD BUSINESS

Cal No. 14S-06, Applicant & Owner: James Wirth – 121 South High Street, Galena, IL 61036. Location: Parcels: 06-500-170-00 & 06-500-174-03 both part of Lot One (1) in Block Number Twenty-nine (29), Original Town East of Galena River in the County of Jo Daviess in the State of Illinois, common address 901 Fourth Street, Galena, IL 61036. Request for Special Use Permit to allow House Tour as an accessory residential land use in a Low Density Residential District. Continuation hearing scheduled for this meeting. Applicant has submitted written request for a one month extension for continuation of hearing to be held at the September ZBA Meeting.

MOTION: Baranski moved, seconded by Nybo to grant the one month extension for Cal. No. 14S-06.

As Roll Call was:

Bochniak	Yes
Cook	Yes
Holman	Yes
Nybo	Yes
O'Keefe	No
Baranski	Yes
Rosenthal	Yes

Motion carried.

NEW BUSINESS

Cal. No. 14A-02, Applicant: City of Galena – 101 Green Street Galena, IL 61036. Request for Text Amendment to Table §154.403.1 *Permitted Land Uses* and Section §154.406 (K)(10) *Outdoor Entertainment* to allow Outdoor Entertainment as an accessory commercial land use, by Special Use Permit only, in the Downtown Commercial District and to append regulations to Outdoor Entertainment land use regulations for the DC District.

MOTION: Baranski moved, seconded by Cook to open the Public Hearing on Cal. No. 14A-02.

Motion carried on voice vote.

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

Zoning Administrator Matt Oldenburg presented for the City. He said the City Council initiated this request and asked him to draft a proposal which was then reviewed at the July 14, 2014 City Council meeting. He looked at the current street performer's ordinance which allows acoustic performances on Main Street. He incorporated this with the existing outdoor entertainment land use regulations found under detailed land use descriptions in the ordinance. This is listed as an accessory commercial land use. Outdoor entertainment would have to be an accessory use to a permitted principal commercial use. It is currently allowed in General Commercial by right and allowed in Planned Commercial Districts by Special Use Permit only. For Downtown Commercial it would seem best if allowed by Special Use Permit only which requires someone to come before the Zoning Board and ask permission for outdoor entertainment. The Zoning Board is the decision maker for Special Use Permits. Oldenburg said additional language had been added to:

SECTION II: Section §154.406 (K)(10) – Accessory Commercial Land Uses of the City of Galena Zoning Code, is hereby amended as follows:

- *(Additions are shown as underlined)*

(K) Accessory Commercial Land Uses

(10) **Outdoor entertainment.** These accessory land uses include a variety of entertainment uses, such as volleyball courts, horseshoe pits, and music stages, where the area of such uses does not exceed 15% of the floor area of the principal use.

(a) *Regulations:*

1. Activity areas shall not be located closer than 100 feet to a residentially zoned property.

2. Facility shall provide a Type IV bufferyard along all borders of the property abutting residentially zoned property, as specified in § [154.605](#).

3. Outdoor entertainment uses shall comply with all other city and state regulations regarding such uses, including, but not limited to, those dealing with noise and lighting.

4. Outdoor musical entertainment in Downtown Commercial District shall also be in compliance with the following:

a. Performing is limited to 10:00 am. to 10:00 p.m.

b. No performer shall utilize any speaker, microphone or mechanical amplification device.

c. No performer shall generate any sound by any means so that the sound is louder than 70 decibels (70dB) on the Capital A Scale of an ANSI approved sound level meter measured at a distance of 50 feet or more, either horizontally or vertically from the point of generation.

Oldenburg said street performers are only allowed to perform until 8:00PM. The amplification language in c is taken from the street performers regulations. With a Special Use Permit approach the Board, at its discretion, can add to the regulations by creating other considerations that might be necessary on a case by case basis.

O'Keefe said Gobbie's already went through this process with the Zoning Board only to have the City Council turn it down.

Oldenburg said yes but that was for a text amendment.

O'Keefe said the SUP would go with the land right.

Baranski and Rosenthal both said yes.

Baranski said the property owner would need to follow the detailed regulations and special conditions.

Oldenburg said if a SUP is approved and an operator becomes a nuisance or abandons the use the Zoning Board and the City can revoke the permit.

Baranski said the location and the allowed decibels as they relate to Main Street are all factors the Board would consider before approving a SUP request.

Rosenthal said it seems to make sense that the Zoning Board makes the conditions for Special Use Permits because we are the ones that approve or deny the request.

Cook asked how street performers fit into this.

Oldenburg said street performers are on City property. Outdoor Entertainment has to be within the confines of the SUP holder's private property. A street performer is required to have a one year renewable license that is allowed by non-home rule cities.

Nybo asked if we limit where street performers perform.

Oldenburg said we limit the hours and the locations.

O'Keefe said the street performer license is one of the best gigs in town. Small amount for the permit and you can play and earn money.

Nybo asked about strolling performances.

Oldenburg said that would not be allowed. Any complaints or possible violations would be addressed with the landowner.

No one was in attendance to testify either in favor of or opposition to the request.

MOTION: O'Keefe moved, seconded by Baranski to close the Public Hearing on Cal. No.14A-02.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Bochniak to approve the request for a Text Amendment to Table §154.403.1 *Permitted Land Uses* and Section §154.406 (K)(10) *Outdoor Entertainment* to allow Outdoor Entertainment as an accessory commercial land use, by Special Use Permit only, in the Downtown Commercial District and to append regulations to Outdoor Entertainment land use regulations for the DC District.

Discussion: Rosenthal asked about amplifications. Performers need to stay under 70 decibels, but some performers may need amplification to be heard. Can we change this?

Oldenburg said the Board can make this more restrictive, but not less. Amplification would not be allowed.

Nybo said the amplification limit would be the same for both street performers and outdoor entertainment.

O'Keefe asked if there were any permits allowing this in Galena already.

Oldenburg said it is allowed by right in General Commercial. A permit is not required and amplification is allowed. They would need to follow regulations 1-3 for accessory commercial land uses – outdoor entertainment.

Rosenthal asked about special events and dances held downtown.

Oldenburg said these events are approved by the City Council.

Rosenthal said everything should be on the same level. What is allowed downtown for a public event should be what is allowed for the SUP. The City should at least look at this.

Oldenburg said the special events are held on City property.

O'Keefe said the SUP would run with the land. An owner/applicant could obtain the permit and then sell the property to someone who has different ideas for the SUP. There is the potential for problems if the property sells. He doesn't like the City Council giving this back to the Zoning Board.

Baranski reviewed the Approval Criteria:

(1) Whether the existing text or zoning designation was in error at the time of adoption; Baranski said this is either not applicable or it may be that when rewriting the Ordinance the Board really did not take this into consideration.,

(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.; Baranski and the Board agreed that there been a change in the character of Galena and the Downtown Commercial District.

(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; Baranski said there are areas in the downtown district where this would work. With a SUP application the Board can review and see if it meets the regulation criteria and whether it would have an excessively adverse impact on surrounding properties.

(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; Baranski said yes it is.

(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; Baranski said this is either yes or it is not applicable.

(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;

Baranski and the Board agreed that this would be determined by each individual application.

(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. Baranski said as a benefit to the economy and the community yes. It is a good idea.

O'Keefe said again that he does not like the idea of the City Council kicking this back to the Zoning Board.

Baranski said any land use decision is approved by the Zoning Board. He is okay with the Board being responsible for this type of decision. The Zoning Board is the final decision maker for Special Use Permits and the Board has powerful tools when determining the specifics of a Special Use Permit. The Board looks at all the factors and merits of each application to determine if a permit should be issued.

Rosenthal agreed.

O'Keefe said the opinions and viewpoints of the Zoning Board have changed over the years. He sees where this could be a problem in the future.

Rosenthal said the City Council changes too. Changing the text and requiring a Special Use Permit is a better way to address the outdoor music issue. The Zoning Board has a lot of control and can police this as it evolves.

As Roll Call was:

Cook	Yes
Holman	No
Nybo	Yes
O'Keefe	No
Baranski	Yes
Bochniak	Yes
Rosenthal	Yes

Motion carried.

COUNTY ZONING

None

WORKSESSION/OTHER

None

PUBLIC COMMENTS

None

MOTION: Bochniak moved, seconded by O'Keefe to adjourn the meeting at 7:03 pm.

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: September 5, 2014

RE: Cal No. 14S-06, Applicant & Owner: James Wirth – 121 South High Street, Galena, IL 61036. Location: Parcels: 06-500-170-00 & 06-500-174-03 both part of Lot One (1) in Block Number Twenty-nine (29), Original Town East of Galena River in the County of Jo Daviess in the State of Illinois, common address 901 Fourth Street, Galena, IL 61036. Request for Special Use Permit to allow House Tour as an accessory residential land use in a Low Density Residential District.

Summary:

The applicant has received a continuation of the public hearing from the May 14 ZBA Meeting. The board requested further information from the applicant regarding access to the property and a detailed timeline of improving the property to comply with building and safety codes. As of today, I have not received additional materials or information from the applicant in written form. Included below are my comments from May:

The applicant is requesting a Special Use Permit to operate House Tours as an accessory residential land use in a Low Density Residential District.

The applicant proposes to operate tours during the allotted timeframes in the Ordinance. Per the regulations, this time frame would allow for up to 17 tours per week during the busy season and 9 tours per week during the off-season.

The staff has reviewed his application and conducted a site visit. Staff recommends that a maximum of 10 persons shall be on the tour at one time, excluding the tour guides. This is derived from the NFPA regulations for low-concentration assembly, which allows 15 square feet per person. The smaller rooms of approximately 150 square feet, on the tour, were used for this calculation. Please see attached floor plan for route used on the tour. The building's structural integrity appears to be in stable condition. The buildings masonry, roof and the rest of the property is in poor condition and is not ready for operations as a Tour House. Staff inspection indicates major improvements are needed before anyone is allowed on the property other than the owner, contractors and City Staff/Inspectors. However, the Special Use Permit can be granted on the condition that tours cannot be conducted until this property and structure meet the regulations of applicable Codes in building, life safety, etc at a later date. Parking is not available on the street, so consideration must be given to surrounding parking areas if this is to operate as a Tour House.

Land uses include Residential/Commercial/Tourism in all directions.

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: JAMES WIRTH / THE FOUNDATION FOR U.S. GRANT'S LEGACY, NFP
Address of Applicant: 121 S. HIGH ST. GALENA IL 61036
City State Zip
Phone #: (815) 777-8429 Email: JAMESWIRTH1861@GMAIL.COM
Name of Property Owner (if different from applicant): JAMES W. WIRTH
Address of Interest: 901 FOURTH ST (ALL OF LOT #1 BK 29) GALENA, IL 61036
Present Use of Property: VACANT, Proposed Use: HOUSE TOUR
Zoning District: LOW DENSITY RESIDENTIAL 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: TO PERMIT LIMITED PUBLIC VISITATION TO A SITE OF MAJOR HISTORICAL SIGNIFICANCE (PREVIOUSLY ALLOWED AT THIS LOCATION ON A REGULAR BASIS) AS NOW PROVIDED BY GALENA CODE OF ORDINANCES, INCLUDING, SECTIONS 154.015 AND 154.406.

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: IT IS TO THE PUBLIC'S DESIRE AND CONVENIENCE TO BE ABLE TO ACCESS THE VALUABLE HISTORICAL AND CULTURAL HERITAGE THAT ATTRACTS VISITORS TO GALENA. THIS EXCEPTIONALLY ORIGINAL PROPERTY, INTERIOR, EXTERIOR, & SITING WAS REGULARLY USED FOR YEARS AS A SUCCESSFUL TOUR HOME. (PLEASE SEE ATTACHMENTS)

Explain how the proposed use or expansion will contribute to the general welfare of the neighborhood or community: THE SUBJECT SITE CONTRIBUTES CULTURALLY, HISTORICALLY,

AND EDUCATIONALLY TO THE COMMUNITY, THE REGION, AND OUR NATION.
OPERATION OF THIS BENEFITS THE COMMUNITY & THE STATE OF IL'S

ECONOMY. FURTHERMORE, THE PROPOSED USE OF THIS HISTORIC PROPERTY

AS AN HISTORIC SITE WAS DETERMINED APPROPRIATE BY THE CITY & STATE OF IL WITHIN THE GALENA STATE HISTORIC SITES MASTER

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

Yes No If yes, please explain: ALL NECESSARY INFRASTRUCTURE

ALREADY SURROUNDS THE SUBJECT PROPERTY.

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: NATURE PRESERVE

South: WASHBURNE HSE, IL STATE HISTORIC PROPERTIES

East: NATURE PRESERVE, LDR, U.S. GRANT MEMORIAL HOME.

West: WOODED / NATURE AREA, BED + BREAKFAST.

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
PLEASE SEE ATTACHED STATEMENT FROM JO DAVIESS	
COUNTY GIS OFFICE,	

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.

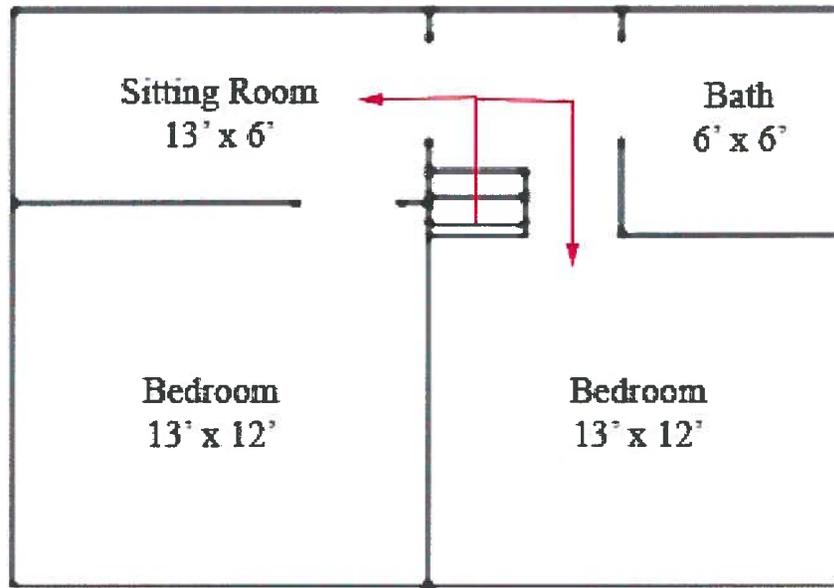
I (we) consent to the entry in or upon the premises described in this application by any authorized official of the County of Jo Daviess for the purpose of posting, maintaining, and removing notices as may be required by law.



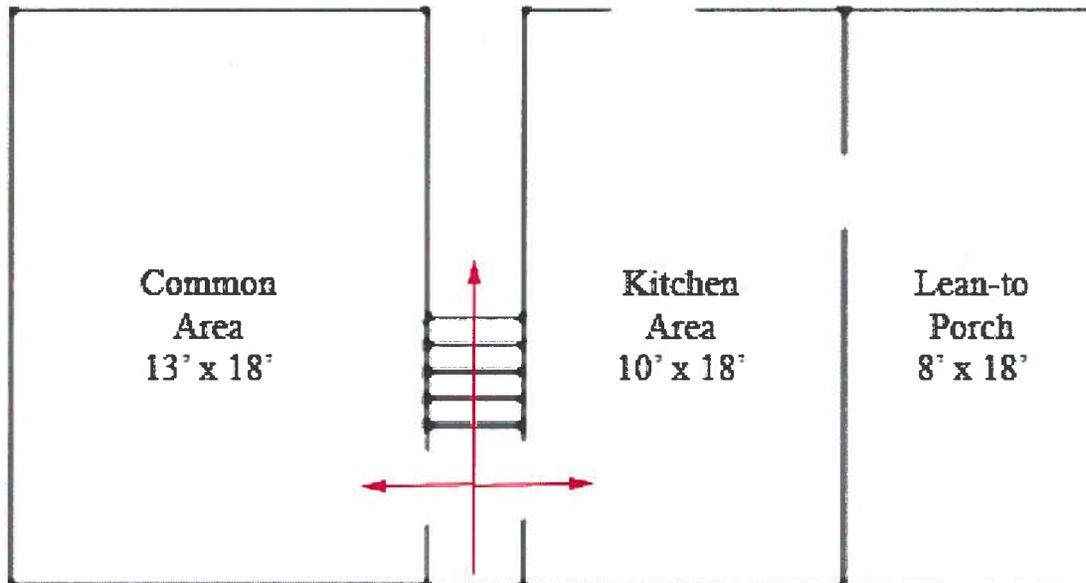
James With
James With Director, Foundation
 Applicant's Signature for U.S. Marine
 Legacy, NFP. 4-25-2014
 Date
James W. With 4-25-2014
 Property Owner's Signature Date

Patricia Glasgow 4-25-14 May 10, 2017
 Notary's Signature Date Commission Expiration

901 Fourth Street Floorplan

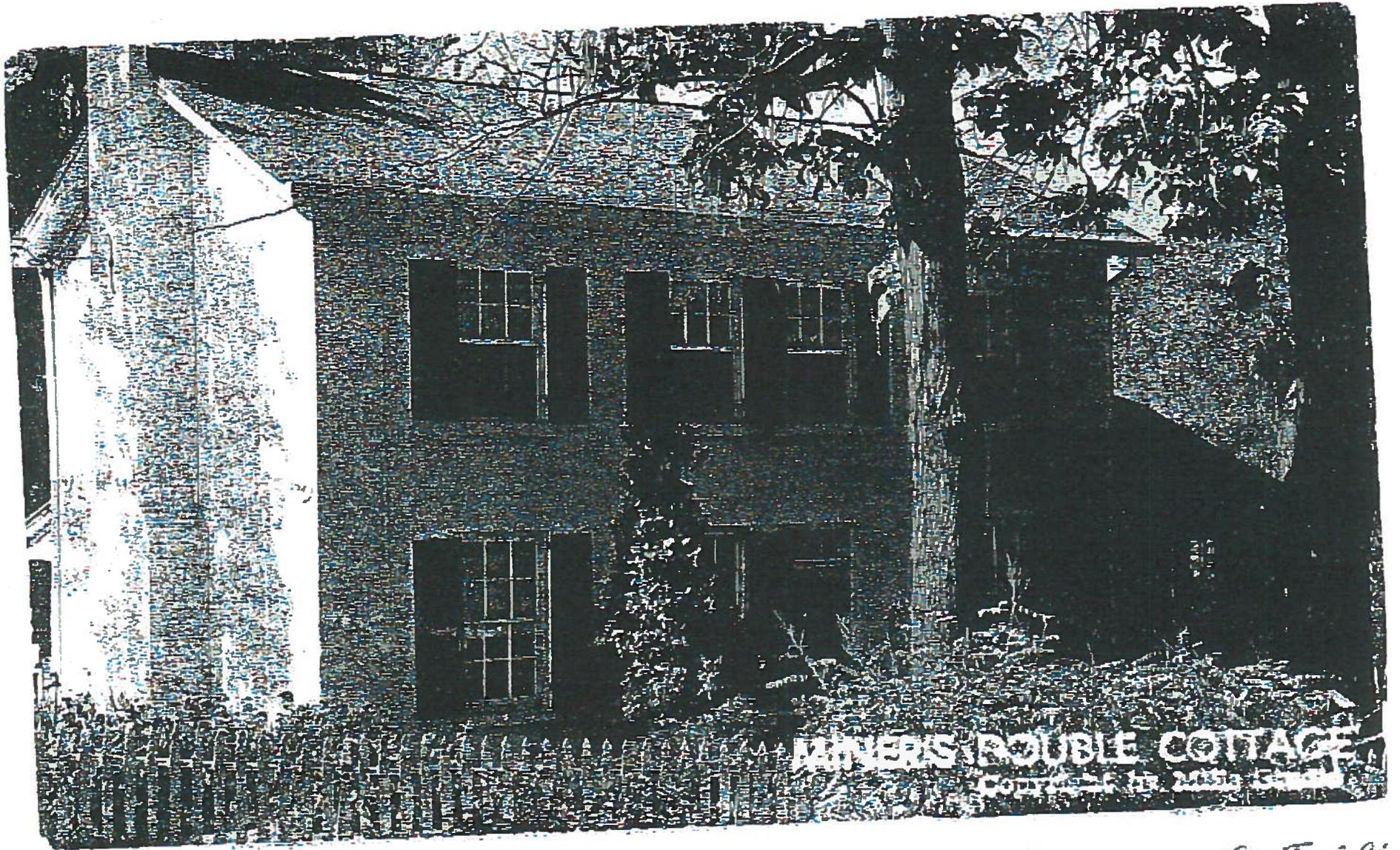


Second Floor

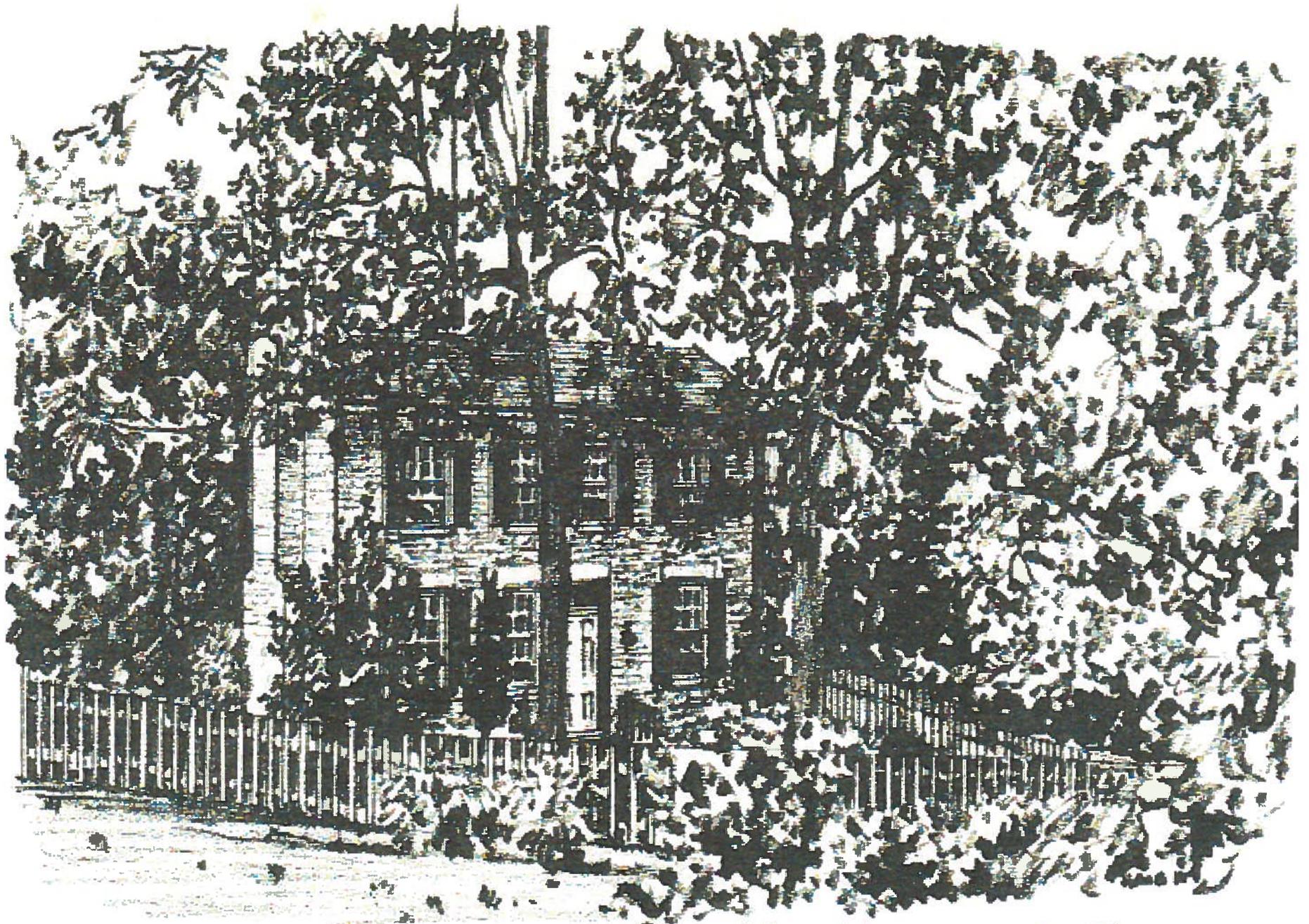


First Floor





THE COTTAGE BECAME A COPYRIGHTED POSTCARD
SOLD IN THE 1950'S & 60'S.



Double Miner's Cottage



*Four Visitors who paid to see
the Double Miners Cottage.*





MEMO

To: The Zoning Board of Appeals
From: Matt Oldenburg, Zoning Administrator
Date: September 5, 2014

RE: Cal. No. 14PD-01, Applicant: Galena Center for the Arts – 7211 W Buckhill Rd., Galena, IL 61036 and Owner: Midwest Regional Medical Center, 1 Medical Center Drive, Galena, IL 61036. Location: Parcel: 22-200-075-00, Located in Lots 1-28 in Block 2 of the Harris Addition in the East half of the Southwest quadrant of Section 13, Township 28 North, Range 1 West of the Fourth Principal Meridian, City of Galena, West Galena Township, Jo Daviess County, Illinois. Common address 219 Summit Street, Galena, IL 61036. Request for approval of the Final Plan and Plat of the PUD.

Project Summary:

The applicant received approval of the Rezoning, Preliminary Plan and Plat approval from the City Council. There is no change to the plan, the highlights of the plan are included below for your reference:

The applicants requested rezoning of the property, designated on the preliminary plat as Lot 2 of the Art and Senior Care Center Subdivision, to a PUD district with a default district of Neighborhood Commercial. They also requested approval of a Preliminary PUD Plan which included several proposed activities within the existing building and a proposed second phase theatre. Rezoning to a PUD was agreed upon by the ZBA and the applicant to help deal with the proposed mixed-uses on the property and to ensure that future uses will follow the PUD plan. As per the PUD section of the City Code, the City allowed deviations from the default district standards because certain amenities are provided in the plan by the applicant.

The property sits within an existing transitional area from commercial land uses to the West in the Galena Square to large group institutional / residential uses to the North. Land uses to the East include residential and uses to the South are residential and Neighborhood Commercial. The proposed uses range from low to medium intensity and are consistent with goals and objectives listed in the Comprehensive Plan under sections 10.5 & 10.6.

The applicant provided a list of proposed uses within the PUD. In Phase I the existing building will be updated to accommodate the following uses:

- (1) Indoor Sales & Service: (Allowed by right in Neighborhood Commercial)
 - a. Gallery to exhibit and sell contemporary art works
 - b. Gift Shop
 - c. Small Café
- (2) Indoor Institutional – General: (Allowed by right in Neighborhood Commercial)
 - a. Special exhibit space for rotating exhibits
 - b. Dedicated exhibit space for Alfie Mueller Collection
 - c. Office space

- d. Studio spaces to rent as arts-related business incubators, artist studios, music studios
 - e. Small events for public, such as Arts Prism
 - f. Meeting Room available for public rental use or for class and workshop space
- (3) Indoor Commercial Entertainment: (Allowed by right per City Council approval of the PUD Preliminary Plan)
- a. “Black Box” Theatre space for performing arts, flexible audience of 60-80. (Approx. 1100 sf space, 560 sf required for 80 occupants in assembly), includes ticket office, concessions area, dressing/make-up rooms, storage
- (4) Accessory Institutional Use: (Reviewed and approved by Zoning Administrator, per §154.406(J))
- a. Outdoor classes for drawing, photography, etc.
 - b. Two temporary guest artist accommodations
 - c. Youth Arts Festival, held annually (Temporary Land Use Permit required for each event unless waived during PUD approval)
 - d. Outdoor Propane Kiln for pottery
 - e. Sculpture Garden integrated with prairie restoration
 - f. Inner city prairie restoration covering approximately 4.76 acres (71%) of the proposed PUD. Improvements will included multiple walking paths.

Phase II will include an addition to the existing structure with a 250 seat performance art theatre. This use would also be considered Indoor Commercial Entertainment and was determined by City Council as an identified use within the PUD by right.

Staff Comments (No Change):

Engineering: Storm water detention facilities will need review and adjustment when Phase II is ready to proceed. Phase II will also need to identify additional needed water and sanitary sewer connections.

Fire Prevention: Additional review will be needed for detailed black box theatre plan to verify occupancy, as well as temporary guest room accommodation placement.

Building: Any structural alterations to the existing structure will require additional plans and permit. Phase II addition will require stamped plans and permit.

Zoning: Proposed Phase II addition will be outside of the 1200’ Highway 20 Corridor and does not need Design Manual considerations. Ensure buffer yard requirements are met with appropriate landscaping points. Parking regulations require 85 stalls for proposed Phase II addition; this can be met with an irrevocable agreement between Midwest Medical Center and Center for the Arts to share existing parking lot which provides for over 90 stalls. Floor area ratio with proposed Phase II addition would be .12, well under maximum allowed .25 in Neighborhood Commercial. Proposed development meets all bulk and intensity regulations of §154.204 and §154.208, except maximum building size (20,000 max sf, 37,447 sf proposed). This was approved by the City Council as a

deviation from the default district standards with mitigation of items (b) & (c) as noted in approval criteria under §154.301(A)(5) at the Preliminary Plan Phase. It is my opinion that the proposed development would exceed the deviation requirements to an amount that justifies this mitigation.

Approval Criteria & Recommendation:

(D) Final development plan.

(1) *Applicability.* The final development plan and final subdivision plat where applicable, the blueprint for development of a PUD/TND project. The plan and the plat ensure consistency with the approved preliminary development plan and specific development and constructions requirements of various adopted codes. No building permit shall be issued until final plan approval is obtained.

(2) *Review criteria.* A final development plan application shall demonstrate conformance with all of the following:

- (a) The approved ODP, if applicable;
- (b) The approved preliminary development plan;
- (c) The approved preliminary plat;
- (d) The approved PUD/TND rezoning ordinance;
- (e) All other applicable development and construction codes, ordinances, and policies;
- (f) The applicable site plan review criteria in § [154.914](#); and
- (g) The applicable final plat criteria in [Chapter 153](#), Subdivision Regulations.

Cal. No. 14PD-01

The Zoning Administrator shall make a recommendation and the Zoning Board of Appeals shall approve, conditionally approve, or deny all applications for a final development plan, unless the City Council in its discretion required the final plan be returned to it for final action. In such cases, the Zoning Administrator and Zoning Board of Appeals shall provide recommendations concerning the final plan.

In this case, the ZBA is the approval authority for the Final Plan. There are no changes to the plan from the preliminary and I recommend approval. A rezoning map amendment ordinance will be read at the subsequent City Council Meeting, I have included it in your packet for review.

SURVEYOR'S REPORT

I, STEVEN J. SCHMIDT, ILLINOIS PROFESSIONAL LAND SURVEYOR NUMBER 2935 AND LAND SURVEYOR FOR MSA PROFESSIONAL SERVICES, INC., DO HEREBY STATE THAT AT THE REQUEST OF AND FOR THE EXCLUSIVE BENEFIT OF GALENA CENTER FOR THE ARTS, I HAVE MADE A BOUNDARY SURVEY ON THE GROUND TO THE NORMAL STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS PRACTICING IN JO DAVIESS COUNTY, ILLINOIS, OF PART OF THE CITY OF GALENA, JO DAVIESS COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

DESCRIPTION OF SUBDIVISION BOUNDARY

BEGINNING AT AN IRON ROD SURVEY MONUMENT FOUND AT THE NORTHEAST CORNER OF LOT 8 OF GALENA SQUARE SUBDIVISION AS RECORDED IN PLAN HOLD C AT NUMBER 246 IN THE JO DAVIESS COUNTY RECORDER'S OFFICE; THENCE NORTH 89 DEGREES 31 MINUTES 52 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 8 A DISTANCE OF 162.21 FEET TO THE SOUTHEAST CORNER OF LOT 9 IN SAID GALENA SQUARE SUBDIVISION; THENCE NORTH 1 DEGREE 55 MINUTES 05 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 9 A DISTANCE OF 261.46 FEET TO THE NORTH EAST CORNER OF SAID LOT 9; THENCE SOUTH 88 DEGREES 38 MINUTES 26 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 9 A DISTANCE OF 106.92 FEET; THENCE NORTH 00 DEGREES 55 MINUTES 50 SECONDS WEST A DISTANCE OF 117.33 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF VACATED HARRIS STREET; THENCE NORTH 89 DEGREES 03 MINUTES 21 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 517.65 FEET; THENCE SOUTH 39 DEGREES 02 MINUTES 26 SECONDS EAST A DISTANCE OF 149.15 FEET; THENCE NORTH 88 DEGREES 14 MINUTES 45 SECONDS EAST A DISTANCE OF 29.22 FEET; THENCE NORTH 55 DEGREES 11 MINUTES 05 SECONDS EAST A DISTANCE OF 102.14 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF RIDGE STREET; THENCE SOUTH 38 DEGREES 50 MINUTES 50 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 20.68 FEET; THENCE SOUTH 53 DEGREES 41 MINUTES 24 SECONDS WEST A DISTANCE OF 115.25 FEET; THENCE SOUTH 60 DEGREES 06 MINUTES 01 SECOND WEST A DISTANCE OF 147.62 FEET; THENCE SOUTH 32 DEGREES 08 MINUTES 12 SECONDS EAST A DISTANCE OF 131.03 FEET; THENCE NORTH 69 DEGREES 14 MINUTES 09 SECONDS EAST A DISTANCE OF 13.46 FEET; THENCE SOUTH 32 DEGREES 08 MINUTES 11 SECONDS EAST A DISTANCE OF 85.51 FEET; THENCE SOUTH 88 DEGREES 51 MINUTES 04 SECONDS EAST 131.89 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF SUMMIT STREET; THENCE SOUTH 18 DEGREES 20 MINUTES 57 SECONDS WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 1143.41 FEET; THENCE NORTH 72 DEGREES 17 MINUTES 51 SECONDS WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF WASHINGTON STREET A DISTANCE OF 382.17 FEET; THENCE SOUTH 89 DEGREES 49 MINUTES 19 SECONDS WEST A DISTANCE OF 85.80 FEET; THENCE NORTH 00 DEGREES 10 MINUTES 41 SECONDS WEST A DISTANCE OF 411.84 FEET; THENCE NORTH 89 DEGREES 49 MINUTES 23 SECONDS EAST ALONG THE SOUTH LINE OF LOT 7 IN SAID GALENA SQUARE SUBDIVISION A DISTANCE OF 314.90 FEET TO THE SOUTHEAST CORNER OF SAID LOT 8; THENCE NORTH 00 DEGREES 02 MINUTES 31 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 8 A DISTANCE OF 566.48 FEET TO THE POINT OF BEGINNING, CONTAINING 15.50 ACRES, MORE OR LESS, ALL SITUATED IN THE CITY OF GALENA, JO DAVIESS COUNTY, ILLINOIS.

I FURTHER STATE THAT ALL DISTANCES ARE SHOWN IN FEET AND HUNDRETHS OF FEET.



I FURTHER STATE THAT BASED UPON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAPS NUMBER 17085C0240C AND 17085C0245C, EFFECTIVE SEPTEMBER 17, 2010, THE ABOVE DESCRIBED TRACT IS WHOLLY WITHIN ZONE X, AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.

ALL BUILDINGS, AND SURFACE AND SUBSURFACE IMPROVEMENTS ON OR ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN HEREON.

SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT.

THE BASIS FOR THE DIRECTIONS SHOWN HEREON IS: THE RIGHT OF WAY OF SUMMIT STREET IS ASSUMED TO BEAR SOUTH 18 DEGREES 20 MINUTES 57 SECONDS WEST.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

SIGNED AND SEALED THIS 28 DAY OF AUGUST, 2014.

Signature of Steven J. Schmidt, Illinois Professional Land Surveyor No. 2935, Date of License Expiration: Nov. 30, 2014.

I, JEAN DIMKE, COUNTY CLERK IN AND FOR JO DAVIESS COUNTY IN THE STATE OF ILLINOIS, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE RECORDS AND FOUND NO DELINQUENT GENERAL TAXES, UNPAID CURRENT GENERAL TAXES, DELINQUENT SPECIAL ASSESSMENTS OR UNPAID CURRENT SPECIAL ASSESSMENTS AGAINST THE TRACT OF LAND DESCRIBED AND PLATTED IN THE ACCOMPANYING PLAT.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE SEAL OF SAID COUNTY AT MY OFFICE IN GALENA, ILLINOIS

THIS DAY OF , 2014.

Signature of Jean Dimke, County Clerk.

THIS INSTRUMENT NUMBER WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF JO DAVIESS COUNTY, ILLINOIS ON THE OF , 2014 AT O'CLOCK .M.

Signature of Jean Dimke, County Recorder.

KNOW ALL MEN BY THESE PRESENTS THAT MIDWEST REGIONAL MEDICAL CENTER TRACY BAUER, PRESIDENT AND CEO, IS THE HOLDER OF RECORD TITLE TO THE PROPERTY DESCRIBED IN THE ACCOMPANYING PLAT FOR THE USES AND PURPOSES THEREIN SET FORTH AS ALLOWED BY THE STATUTE.

IN WITNESS WHEREOF, SAID TRACY BAUER, PRESIDENT AND CEO OF MIDWEST REGIONAL MEDICAL CENTER HAS CAUSED HER NAME TO BE SIGNED TO THESE PRESENTS

THIS DAY OF , 2014.

Signature of Tracy Bauer, President and CEO.

SCHOOL DISTRICT STATEMENT: TRACY BAUER, PRESIDENT AND CEO OF MIDWEST REGIONAL MEDICAL CENTER, HOLDER OF RECORD TITLE TO THE PROPERTY DESCRIBED IN THE ACCOMPANYING PLAT, HEREBY CERTIFY THAT TO THE BEST OF HER KNOWLEDGE "ARTS AND SENIOR CARE CENTER" IS WHOLLY WITHIN THE GALENA SCHOOL DISTRICT #120.

Signature of Tracy Bauer, President and CEO.

I, THE UNDERSIGNED, A NOTARY IN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY STATE THAT TRACY BAUER, PERSONALLY KNOWN TO ME APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT AS SUCH PRESIDENT AND CEO OF MIDWEST REGIONAL MEDICAL CENTER, SHE EXECUTED THE ACKNOWLEDGMENTS AS OWNER FOR THE USES AND PURPOSES HEREIN SET FORTH.

IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY

NOTARIAL SEAL THIS DAY OF , 2014.

Signature of Notary Public.

MY COMMISSION EXPIRES: .

CITY OF GALENA ACCEPTANCE CERTIFICATE: WHEREAS, MIDWEST REGIONAL MEDICAL CENTER, OWNERS OF THE LAND SHOWN ON THE ABOVE PLAT, HAVE ACKNOWLEDGED THE SURVEY AND PLAT AS SHOWN, AND

WHEREAS, THE SAID LAND LIES WITHIN THE CORPORATE LIMITS OF THE CITY OF GALENA, JO DAVIESS COUNTY, ILLINOIS, AND

WHEREAS, THE OWNERS HAVE COMPLIED WITH THE APPLICABLE ORDINANCES OF THE CITY OF GALENA RELATING TO THE LAYOUT OF PERTINENT DIMENSIONS OF LOTS.

NOW THEREFORE, BE IT CERTIFIED BY THE CITY OF GALENA THAT THE ABOVE PLAT BE ACCEPTED AND APPROVED SUBJECT TO ALL THE IMPROVEMENTS BEING CONSTRUCTED AND USED IN ACCORDANCE WITH THE PROVISIONS AND APPLICABLE ZONING ORDINANCES OF THE CITY.

APPROVED THIS DAY OF , A.D., 2014.

Signature of Terry Renner, Mayor.

Signature of Matt Oldenburg, City Zoning Administrator.

Signature of Mary Beth Hyde, City Clerk.

Signature of Andy Lewis, City Engineer.

Table with columns: PROJECT NO., SCALE, DRAWN BY, CHECKED BY, PLOT DATE.

MSA PROFESSIONAL SERVICES logo and contact information.

FINAL PLAT

GALENA CENTER FOR THE ARTS, SUMMIT STREET P.U.D., GALENA, ILLINOIS

FILE NO. 16383000, SHEET 2 OF 2

**AN ORDINANCE AMENDING
THE ZONING MAP OF THE CITY OF GALENA**

BE IT ORDAINED by the City Council of the City of Galena, Jo Daviess County, Illinois as follows:

SECTION I: The official Zoning Map of the City of Galena shall hereby be amended to change the zoning on approximately 6.68 acres in Lot 2 of the Arts and Senior Care Center Subdivision in the East half of the Southwest quadrant of Section 13, Township 28 North, Range 1 West of the Fourth Principal Meridian, City of Galena, West Galena Township, Jo Daviess County, Illinois, Common address 219 Summit Street, Galena, IL 61036, from the Low Density Residential District to the Planned Unit Development District with an underlying district of Neighborhood Commercial.

SECTION II: All other provisions of the Zoning Ordinance and the Zoning Map shall remain in full force and effect.

SECTION III: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV: This ordinance shall be in full force and effect within ten (10) days of its passage and legal publication.

SECTION V: Passed on this ___th day of _____, A.D. 20__, in open Council.

AYES:

NAYS:

ATTEST:

Terry Renner, Mayor

Mary Beth Hyde, City Clerk