City of Galena, Illinois

AGENDA

ZONING BOARD OF APPEALS

WEDNESDAY, AUGUST 8, 2018
6:30 P.M. – CITY HALL 101 GREEN STREET

ITEM	DESCRIPTION
18Z-2001	Call to Order by Presiding Officer
18Z-2002	Roll Call
18Z-2003	Establishment of Quorum

APPROVAL OF MINUTES

ITEM	DESCRIPTION	PAGE
18Z-2004	Approval of the Minutes of the Regular Meeting of July 11, 2018	3-13

UNFINISHED BUSINESS

ITEM	DESCRIPTION	PAGE
18A-03 & 18S-04	Mary Proietti – Request for rezoning from Low Density Residential to Neighborhood Commercial district and Special Use Permit to allow small scale dining and Accommodations, Vacation Rental at 701 S Bench Street. Ratification of Findings of Fact.	14-19
18S-08	Craig Martin – Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District at 425 Franklin Street. Ratification of Findings of Fact.	20-23

NEW BUSINESS

ITEM	DESCRIPTION	PAGE
18S-09 & 18V-01	Dennis & Ruth Ann Dunton – Request for Special Use Permit to allow Accommodations, Vacation Rental and Variance for off-street parking requirement at 407 South Bench Street.	24-29

WORK SESSION

ITEM	DESCRIPTION	PAGE
18WS-01	PV Solar Arrays Discussion – Highway 20 Corridor	30-32

OTHER BUSINESS

ITEM	DESCRIPTION	PAGE
18Z-2005	Public Comments Not to exceed 15 minutes as an agenda item Not more than 3 minutes per speaker	
18Z-2006	Adjournment	

CALENDAR INFORMATION

BOARD/COMMITTEE	DATE	TIME	PLACE
Zoning Board of Appeals	Wed. September 12, 2018	6:30 P.M.	City Hall, 101 Green Street

Posted: August 3, 2018 at 4:00 p.m. Posted By: Matt Oldenburg

MINUTES
ZONING BOARD OF APPEALS
JULY 11, 2018

CALL TO ORDER:

Acting Chairperson Baranski called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, July 11, 2018 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
Jansen	Present
Nybo	Absent
Rosenthal	Absent

A quorum was declared.

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

APPROVAL OF MINUTES

MOTION: Bochniak moved, seconded by Cook to approve the June 20, 2018 minutes.

Motion carried with Jansen abstaining.

UNFINISHED BUSINESS

Cal. No. 18S-06, Applicant: Robin & John Vaughn, 17 Rapids Drive, Galena, IL 61036 and Owner: Richard Burlingame, 128-130 South Main Street, Galena, IL 61036. Location: Parcel: 22-100-138-00, Lot 16, East side of Main Street, Original Lots of Galena, Galena, Jo Daviess County, Illinois. Common Address is 230 South Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

MOTION: Cook moved, seconded by Bochniak to approve the recommendation for Cal. No. 18S-06.

As Roll Call was:

Bochniak	Yes
Cook	Yes
Holman	Yes
Jansen	Yes
Nybo	Absent
Baranski	Yes
Rosenthal	Absent

Motion carried

Cal. No. 18S-07, Applicant and Owner: Virginia Smirnoff & Jackson Andres Acevedo Valencia, 800 Park Avenue, Galena, IL 61036. Location: Parcel: 22-100-421-00, Part of Lot 20 and North 8 feet of Lot 21, West side of Broadway, Original Lots of Galena, Galena, Jo Daviess County, Illinois. Common Address is 510 Dewey Avenue, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District.

MOTION: Cook moved, seconded by Holman to approve Cal. No. 18S-07 based on the criteria for Cal. No. 18S-06.

As Roll Call was:

Cook	Yes
Holman	Yes
Jansen	Yes
Nybo	Absent
Baranski	Yes
Bochniak	Yes
Rosenthal	Absent

Motion carried.

NEW BUSINESS

Board member Rosenthal was now in attendance via electronic device. Rosenthal had given proper notice that he would not be in attendance but that he would attend electronically.

Cal. No. 18A-03 & 18S-04, Applicant and Owner: Mary Prioetti, 701 South Bench Street, Galena, IL 61036. Location: Parcel: 22-100-263-00, Lot 8, Lots between Bench and Prospect Streets, Galena, Jo Daviess County, Illinois. Common Address is 701 South Bench Street, Galena, IL 61036. Request for Rezoning from Low Density Residential to Neighborhood Commercial and Special Use Permit to allow small scale dining and Accommodations, Vacation Rental.

City Attorney Nack swore in all those who wished to testify at this Public Hearing.

MOTION: Rosenthal moved, seconded by Bochniak to open the Public Hearing for Cal. No. 18A-03.

Motion carried by voice vote.

Mary Prioetti 701 South Bench Street, Galena said that her plan is to offer her carriage house on the property as a guest house for a couple to visit. She also wishes to provide cultural culinary experiences at her home for no more than eight (8) people. She wants to bring people to Galena that have not been here before so they can experience it. The most important thing to her, though, is to hire people from Galena who are interested in the hospitality business or the culinary business. If she can hire them and train them and mentor them, then she can help them reach their goals. That's what she'd really like to do.

Bochniak asked that she is talking about up to eight (8) people possibly; how many nights per week is she looking at?

Prioetti stated that it would only be on weekends, never during the week; generally during the Summer months as she winters in Florida. She plans to have some of her friends and mentors that are chefs and historians to come and give lectures at the dinners. They will have different types of foods, including food that would have been served in the 1800's here; they could lecture on that as well.

Bochniak asked what is the difference between what she proposes and a restaurant? Will she be charging people to come to her establishment?

Proietti stated that there would be a donation for the lecturer and food. It will be more private.

Bochniak asked about alcohol?

Proietti stated that she would serve wine or whatever would be appropriate for the culture of the dinner being served.

Oldenburg stated that she would have to also get permission from the City & State to serve alcoholic beverages with a liquor license.

Bochniak also asked about the parking, that it is proposed to be at the Galena Gazette?

Prioetti stated that she will coordinate with the Gazette to have additional parking there.

Baranski asked if they were amenable to that?

Prioetti stated that they've discussed it. She told them that if this is approved, then she would be back to finalize the agreement. She doesn't believe it will be a problem with them.

Oldenburg stated that the City Staff will require the agreement with the Gazette property in writing before the occupancy permit will be granted.

Prioetti added that it is only up to eight people for the gatherings, so there will be times that it will be less people and her driveway can handle the parking. She has private dinner parties at her house that has way more than that.

Baranski asked how people will find-out about her dinners?

Prioetti said that they will find-out through acquaintances and friends in the industry from the Chicago area. She has friends from Greece, Africa, Italy and Spain that could come and do lectures on their food. The network through those people would get the word around.

Baranski asked if there was a website that would promote it?

Proietti said that there would be a website that will post the dinners and allow reservations.

Baranski asked if she is doing this only on the weekends; does she mean Friday night and Saturday night?

Proietti said most likely Saturday night and Sunday afternoon.

Baranski asked if that was a self-imposed restriction? Would it be a problem for you if it was restricted to only the weekends? If it was on a Wednesday, you wouldn't be able to do it.

Proietti said yes, she understands that. She will be working with people to work in the food industry that have to work during the week, so they will usually only be able to work on the weekends.

Baranski added that with the Gazette, because parking is an issue on her site, if you were talking about number of parking spaces with eight guests and staff, would it be able to accommodate everyone.

Cook also added that she had a concern about that, especially if you consider the staff vehicles as well.

Proietti said she plans to have about 5 people help as staff. She also has two spaces off-street on Prospect Street. Her driveway on Bench can accommodate 3-4 cars.

Bochniak asked that she was planning to accommodate cars so that it doesn't disturb the neighbors?

Baranski spoke through a typical scenario for the proposal: eight people, a lecturer, a cook, employees, etc. Thirteen or fourteen people. So, parking requirements are one per three guests.

Oldenburg stated that it is expected that there will be about 10 vehicles total at maximum capacity for the event. The driveway in front is counted for the vacation rental, which requires one vehicle space. She could also be parked there with her personal vehicle. There are two spaces up on Prospect Street for her staff and the remainder would require spaces available in the Gazette lot.

Rosenthal stated that it sounds like this all revolves around the Gazette lot – is there a guanantee on those spaces? What about busy tourist weekends when that is filled-up?

Proietti stated that those weekends when parking are tied-up, then she would not have dinners or reduce patrons to four guests. She would most likely not have events on those weekends because she would have personal guests there for Country Fair and Halloween, etc.

Baranski asked about the front driveway and whether it was shared with the next door neighbor; is there an easement for that?

Oldenburg stated that the shared portion is on State R.O.W.

Proietti concluded that these dinners are very casual, she is not a restaurant. So, it doesn't have to happen every weekend. It's very casual, and when dinners are scheduled, her guests will be notified that they are going to happen.

Baranski said he assumes she will have to meet Health Department standards.

Oldenburg stated she'll need to meet Health, Fire, Building, ADA, Pluming, etc. An architect will have to be involved with final construction plans.

No one spoke either in favor of or in opposition to the request.

MOTION: Rosenthal moved, seconded by Bochniak to close the Public Hearing for Cal. No. 18A-03.

Motion carried by voice vote.

MOTION: Bochniak moved, seconded by Jansen to recommend the City Council approve the request for Cal. No. 18A-03 with the conditions that they will only operate on weekends and that they have a parking agreement with the Galena Gazette.

Discussion: Bochniak said is it obvious that the applicant has thought this through and has a good plan. Her home is very close to others and yet no one came to the meeting with concerns.

Baranski said his general feeling is that this is just the type of use for general commercial. The Board can impose restrictions to protect the neighborhood. This property is an area with an eclectic mix of uses.

Bochniak review the approval criteria:

Zoning Map Amendment - In determining whether the proposed zoning map 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; *N/A.*

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.; *There has been a change over the years in the character of that neighborhood.*

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; *The proposed uses are compatible with the characteristics of that area.*

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; *This proposal is consistent with the Comprehensive Plan, especially as it supports the tourism industry.*

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; *N/A*

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 *There is an adequate supply of land available for this request.*

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 business will provide additional inventory and revenues to support the tourism industry and will provide more jobs.*

As Roll Call was:

Holman	Yes
Jansen	Yes
Nybo	Absent
Baranski	Yes
Bochniak	Yes
Cook	Yes
Rosenthal	Yes

Motion carried.

Cal. No. 18S-04; A request for a Special Use Permit to allow small scale dining and Accommodations, Vacation Rental.

MOTION: Bochniak moved, seconded by Holman to open the Public Hearing for Cal. No. 18S-04.

City Attorney Nack swore in all those who wished to testify at this Public Hearing.

Mary Prioetti 701 South Bench Street, Galena said all testimony given for the previous request would apply to this request.

No one spoke either in favor of or opposition to the request.

MOTION: Rosenthal moved, seconded by Jansen to close the Public Hearing for Cal. No. 18S-04.

Motion carried on voice vote.

MOTION: Jansen moved, seconded by Bochniak to draft a positive Finding of Fact approve the request for Cal. No. 18S-04.

Discussion: Jansen reviewed the approval criteria.

Approval Criteria & Recommendation:

The purpose of a special use review is to provide an opportunity to utilize property for an activity, which under usual circumstances, could be detrimental to other permitted uses and which normally is not permitted within the same district. A special use may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses. A special use is not a use by-right and one that is otherwise prohibited without approval of a special use permit.

The application shall demonstrate that the proposed development will comply with the following:

(1) *Site plan review standards.* All applicable site plan review criteria in § 154.914.

(2) *District standards.* The underlying zoning district standards established in § 154.201 through § 154.209 including the defining characteristics of the district;

(3) *Specific standards.* The land use regulations established in § 154.406;

(4) *Availability of complementary uses.* Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities.

(5) *Compatibility with adjoining properties.* Compatibility with and protection of neighboring properties through measures such as:

(a) *Protection of privacy.* The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants.

(b) *Protection of use and enjoyment.* All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property.

(c) *Compatible design and integration.* All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include: buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.

The Zoning Board of Appeals can grant, conditionally grant, or deny all applications for a Special Use Permit or an amendment thereof. If the Board would like to grant the request, a motion to draft Findings of Fact should be entertained. The Findings of Fact will then be presented for final consideration at the next Board meeting.

As Roll Call was:

Jansen	Yes
Nybo	Absent
Baranski	Yes
Bochniak	Yes
Cook	Yes
Holman	Yes
Rosenthal	Yes

Motion carried.

Rosenthal ended his participation.

Cal. No. 18S-08, Applicant and Owner: Craig Martin, 425 Franklin Street, Galena, IL 61036. Location: Parcel: 22-100-342-00, Lot 54, North side of Franklin Street, Original Lots of Galena, Galena, Jo Daviess County, Illinois. Common Address is 425 Franklin Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District.

City Attorney Nack swore in all those who wished to testify at this Public Hearing.

MOTION: Cook moved, seconded by Holman to open the Public Hearing for Cal. No. 18S-08.

Craig Martin, 425 Franklin Street, Galena said he would like to request a special use permit for a vacation rental and he would use the income to further improve and maintain the home. He bought it ten years ago and spent the first four years removing the mid-century modern décor and returning it to Victorian era and one of the big problems for the home is that it is very expensive in terms of square footage because they closed off the two attic bedrooms. One of his goals, to make the property viable after he is gone, is to open up the two other bedrooms and put in a bathroom so that a family could live there. The house sat on the market for about a year before he got it; it's a really special place.

Bochniak asked if it was a one-bedroom now?

Martin stated that there is only one bedroom now; there were two bedrooms in the attic that was closed-off at some point. They're large rooms; Jane closed them off because they didn't have kids and didn't need the room. He's young enough where he can turn it into a 3-bedroom, 2-bath and the revenue from a vacation rental could help him accomplish this.
No one spoke either in favor of or opposition to the request

MOTION: Jansen moved, seconded by Bochniak to close the Public Hearing for Cal. No. 18S-08.

Motion carried by voice vote.

MOTION: Bochniak moved, seconded by Cook to draft a positive Finding of Fact to approve the request for Cal. No. 18S-08.

Discussion: Bochniak reviewed the approval criteria.

Approval Criteria & Recommendation:

The purpose of a special use review is to provide an opportunity to utilize property for an activity, which under usual circumstances, could be detrimental to other permitted uses and which normally is not permitted within the same district. A special use may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses. A special use is not a use by-right and one that is otherwise prohibited without approval of a special use permit.

The application shall demonstrate that the proposed development will comply with the following:

(1) *Site plan review standards.* All applicable site plan review criteria in § 154.914.

(2) *District standards.* The underlying zoning district standards established in § 154.201 through § 154.209 including the defining characteristics of the district;

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(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.

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(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.

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The Zoning Board of Appeals can grant, conditionally grant, or deny all applications for a Special Use Permit or an amendment thereof. If the Board would like to grant the request, a motion to draft Findings of Fact should be entertained. The Findings of Fact will then be presented for final consideration at the next Board meeting.

As Roll Call was:

Nybo	Absent
Baranski	Yes
Bochniak	Yes
Cook	Yes
Holman	Yes
Jansen	Yes
Rosenthal	Absent

Motion carried.

WORK SESSION

PV Solar Arrays Discussion – Highway 20 Corridor

Zoning Administrator Oldenburg said that over the years there had been some requests for solar panel use. There are some installations in the City, including City Hall and a large array at the wastewater treatment plant. As they become more popular there is the possibility of panels being used in the highway 20 corridor – he has already had inquiries. The Design 20 manual does require all utilities and mechanical equipment be screened – this was written in 2005 and he is not sure if the use of solar panels had been consdisdered. He would like clarification from the Board as to whether these should be approved administratively through his office of if the Board would like to review the requests for solar panels. Would it depend on the size and placement of the panels as to whether the Board wanted to review or did they think all requests or no requests should be reviewed? Would it matter if the array could or could not be seen from the highway?

Baranski asked if there was some crossover between the Highway 20 corridor and the historice district.

Oldenburg said the Highway 20 focuses on the areas to the east and west of the downtown on the hillsides away from the downtown. He said he had received an inquiry for property near the 1st Community Bank for a ground array that would not be seen from the highway. If they needed to provide screening it would potentially block the southern exposure necessary for effective solar capture. He wanted the Board's opinion on how to handle these requests. Maybe essethitics don't matter. Solar is green and a good use for the environment and will continue to grow in popularity.

Holman said he would like to see these come before the Board for now – at least for a while since it is new.

Oldenburg said the roof panel arrays integrate quite well with the slope and aren't too intrusive as long as the colors aren't too crazy.

Baranski asked if the Board should look at the ordinance to see if the language can be modified to incorporate the technology changes. Having solar panels visible on historic buildings may not be desired but to have panels visible in in the industrial plant where we are encouraging develelopment doesn't seem like a bad thing.

Sometimes you just can't hide it – they have to face south in order to be efficient. Technology keeps changing and it seems we should update the ordinance. It seems a text amendment would be the best way to address the issue.

Oldenburg asked if the Board wanted him to come back with language that would facilitate the use of solar panels in the Highway 20 Corridor District. Outside the district they are already allowed.

Baranski said it does seem to be an ordinance issue that does not allow them.

Bochniak agrees with Baranski.

The Board agreed they would like to have another work session where they can review proposed text amendment language that Oldenburg compiles. After review a Public Hearing could be held at another meeting.

Oldenburg asked about including wind energy.

The Board said yes as well as any other alternative energy sources.

Oldenburg said he would prefer being proactive about the issue.

Jansen agreed that the Board should not put the Zoning Administrator on the hot seat by having interpret what is allowed. Let's work on it and then open it up to public coment.

Oldenburg said he would draft language and bring this back to the board.

OTHER BUSINESS

None

PUBLIC COMMENTS

None

MOTION: Bochniak moved, seconded by Cook to adjourn the meeting at 7:25pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price
Zoning Board Secretary

DECISION

ZONING BOARD OF APPEALS
OF THE CITY OF GALENA

REGARDING

CALENDAR NUMBER: 18S-04

APPLICATION BY: Mary Prioetti, 701 South Bench Street
Galena, IL 61036.

FOR: A Special Use Permit to allow small-scale dining and Accommodations, Vacation Rental in a Neighborhood Commercial District.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on July 11, 2018. 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 requesting a map amendment and Special Use Permit to rezone from Low Density Residential to Neighborhood Commercial to facilitate a quasi-Indoor Institutional / Indoor Commercial Entertainment Land use and to operate as a one-dwelling unit vacation rental in a Neighborhood Commercial District, contingent upon approval of rezoning.

The applicant plans to hold private cultural / educational dinners, 5-10 people per dinner, periodically each month. These dinners have two purposes: to provide a cultural and educational dining experience to her invited guests; and to provide an opportunity for local individuals to learn how to provide fine dining service and be trained while working at these dinners. This is a quasi-educational / entertainment-type of land use.

I've asked the applicant to request a Special Use Permit for this type of use because it is a lesser intensity than a full-scale education facility or restaurant; however, it is a significant enough intensity that non-administrative review is needed. In my opinion, the size of the proposed dinner party is relative to the size of a dinner party that a normal residential household could potentially have at any given time. However, the frequency of periodical activity during each month in the evening hours would need approval from the Board. If approved, the applicant will also need further review by the Building Department and Fire Department for compliance with building and life safety codes. The applicant plans to install a commercial grade kitchen in the house to facilitate the dinners and meet health department codes. The dining area is

within the house and also in the attached three-season room during good weather months. This special use request should be contingent upon approval of rezoning to Neighborhood Commercial.

Additionally, the applicant wishes to convert her detached carriage house into a single-unit vacation rental. The parking for the vacation rental would require one space off-street as the building can hold up to three guests. An additional space for the owner is needed as she still resides in the principal house. Lastly, the applicant has arranged with the Galena Gazette to utilize parking spaces at their location across the street for the dinner events. A legally binding instrument will be provided to the City that ensures the joint parking arrangement continues into perpetuity as long as the applicant's request is in use.

A site plan review of the proposed request has been conducted per the criteria listed in §154.914. All exterior development is existing and no further development is needed.

Number of Guests: **Vacation Rental:** Maximum occupancy load for this dwelling unit is three (3) guests. This is determined by the International Fire Code, International Building Code and NFPA on the basis of minimum 200 square feet per person gross (IFC Table 1004.1.2), with an additional requirement for two means of fire-protected egress for each sleeping area (NFPA 24.2.2.1.1).

Lot Capacity: The lot size is 10,033 square feet, or 0.24 acres. The structure is situated along Highway 20, Bench Street and also abuts South Prospect Street. The site is already properly landscaped with well-established vegetation and lighting. The lot can absorb the impact of this land use with minimal impact on surrounding properties.

Availability and impact of parking: The proposed off-street parking can accommodate up to three vehicles. The parking regulations require one (1) off-street space per four (4) guests for a vacation rental, plus one additional space is needed for the homeowner.

Emergency measures: Staff will ensure that emergency lighting, exits, posted floor plans and emergency telephone are in place before license is issued for the vacation rental.

Staff recommends approval of this request. Land uses surrounding the property include residences, guest accommodations and tourist attractions.

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:

Mary Proietti, 701 South Bench Street, Galena said that her plan is to offer her carriage house on the property as a guest house for a couple to visit. She also wishes to provide cultural culinary experiences at her home for no more than eight (8) people. She wants to bring people to Galena that have not been here before so they can experience it. The most important thing to her, though, is to hire people from Galena who are interested in the hospitality business or the culinary business. If she can hire them and train them and mentor them, then she can help them reach their goals. That's what she'd really like to do.

Bochniak asked that she is talking about up to eight (8) people possibly; how many nights per week is she looking at?

Prioetti stated that it would only be on weekends, never during the week; generally during the Summer months as she winters in Florida. She plans to have some of her friends and mentors that are chefs and historians to come and give lectures at the dinners. They will have different types of foods, including food that would have been served in the 1800's here; they could lecture on that as well.

Bochniak asked what is the difference between what she proposes and a restaurant? Will she be charging people to come to her establishment?

Proietti stated that there would be a donation for the lecturer and food. It will be more private. Bochniak asked about alcohol?

Proietti stated that she would serve wine or whatever would be appropriate for the culture of the dinner being served.

Oldenburg stated that she would have to also get permission from the City & State to serve alcoholic beverages with a liquor license.

Bochniak also asked about the parking, that it is proposed to be at the Galena Gazette?

Prioetti stated that she will coordinate with the Gazette to have additional parking there.

Baranski asked if they were amenable to that?

Prioetti stated that they've discussed it. She told them that if this is approved, then she would be back to finalize the agreement. She doesn't believe it will be a problem with them.

Oldenburg stated that the City Staff will require the agreement with the Gazette property in writing before the occupancy permit will be granted.

Prioetti added that it is only up to eight people for the gatherings, so there will be times that it will be less people and her driveway can handle the parking. She has private dinner parties at her house that has way more than that.

Baranski asked how people will find-out about her dinners?

Prioetti said that they will find-out through acquaintances and friends in the industry from the Chicago area. She has friends from Greece, Africa, Italy and Spain that could come and do lectures on their food. The network through those people would get the word around.

Baranski asked if there was a website that would promote it?
Proietti said that there would be a website that will post the dinners and allow reservations.

Baranski asked if she is doing this only on the weekends; does she mean Friday night and Saturday night?

Proietti said most likely Saturday night and Sunday afternoon.

Baranski asked if that was a self-imposed restriction? Would it be a problem for you if it was restricted to only the weekends? If it was on a Wednesday, you wouldn't be able to do it.

Proietti said yes, she understands that. She will be working with people to work in the food industry that have to work during the week, so they will usually only be able to work on the weekends.

Baranski added that with the Gazette, because parking is an issue on her site, if you were talking about number of parking spaces with eight guests and staff, would it be able to accommodate everyone.

Cook also added that she had a concern about that, especially if you consider the staff vehicles as well.

Proietti said she plans to have about 5 people help as staff. She also has two spaces off-street on Prospect Street. Her driveway on Bench can accommodate 3-4 cars.

Bochniak asked that she was planning to accommodate cars so that it doesn't disturb the neighbors?

Baranski spoke through a typical scenario for the proposal: eight people, a lecturer, a cook, employees, etc. Thirteen or fourteen people. So, parking requirements are one per three guests.

Oldenburg stated that it is expected that there will be about 10 vehicles total at maximum capacity for the event. The driveway in front is counted for the vacation rental, which requires one vehicle space. She could also be parked there with her personal vehicle. There are two spaces up on Prospect Street for her staff and the remainder would require spaces available in the Gazette lot.

Rosenthal stated that it sounds like this all revolves around the Gazette lot – is there a guanantee on those spaces? What about busy tourist weekends when that is filled-up?

Proietti stated that those weekends when parking are tied-up, then she would not have dinners or reduce patrons to four guests. She would most likely not have events on those weekends because she would have personal guests there for Country Fair and Halloween, etc.

Baranski asked about the front driveway and whether it was shared with the next door neighbor; is there an easement for that?

Oldenburg stated that the shared portion is on State R.O.W.

Proietti concluded that these dinners are very casual, she is not a restaurant. So, it doesn't have to happen every weekend. It's very casual, and when dinners are scheduled, her guests will be notified that they are going to happen.

Baranski said he assumes she will have to meet Health Department standards.

Oldenburg stated she'll need to meet Health, Fire, Building, ADA, Pluming, etc. An architect will have to be involved with final construction plans.

Testimony Presented in Opposition to the Proposal:

No one spoke in opposition to this request.

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154.015 defines Accommodations, Vacation Rental.
- Section 154.201 (C) (3) provides a definition and description of the Neighborhood Commercial 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) (6) defines and outlines the regulations for General Indoor Institutional.
- Section 154.406 (D) (10) defines and outlines the regulations for Indoor Commercial Entertainment.
- Section 154.406 (D) (18) defines and outlines the regulations for Accommodations, Vacation Rental.
- 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.

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 Neighborhood Commercial District.

2. The Zoning Ordinance provides for Accommodations, Vacation Rental as follows:

    a. Accommodations, Vacation Rental is permitted only by Special Use Permit as a principal commercial land use in a Neighborhood Commercial District.

3. The Neighborhood Commercial District is intended to permit small-scale commercial development which is compatible with the desired overall neighborhood community character of the area in general, and with adjacent residential development in particular. The desired neighborhood community character of the development is attained through landscape surface area ratio (LSR) requirements, and by restricting the maximum building size (MBS). Significant areas of landscaping are required in this district to ensure that this effect is achieved.

4. The applicant seeks a Special Use Permit to allow small-scale dining and to operate as a one-dwelling unit vacation rental in the Neighborhood Commercial District.

5. City Council has approved rezoning of the property from Low Density Residential to Neighborhood Commercial District.

6. The property meets the detailed regulations for a vacation rental and for the indoor dining use.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Mary Prioetti for a Special Use Permit to allow small-scale dinding and Accommodations, Vacation Rental as a principal commercial land use in a Neighborhood Commercial District should be approved for the following reasons:

1. The site plan review met the applicable criteria for this request.

2. The request meets the district standards for the Neighborhood Commercial District and is appropriate to the defining characteristics of the district.

3. The request meets the detailed land use regulations established for small-scale dining and Accommodations, Vacation Rental land use.

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 Mary Proietti for a Special Use Permit to allow small-scale dining and Accommodations, Vacation Rental as a principal commercial land use in a Neighborhood Commercial District should be approved with the following condition:

1. This approval is contingent upon approval of rezoning the property from Low Density Residential to Neighborhood Commercial.
2. Small-scale dining use shall operate on weekends only.
3. Off-street parking requirement for the dining use shall be satisfied by a joint parking agreement with 716 South Bench Street (currently The Galena Gazette).

PASSED AND APPROVED this 11th day of July, A.D. 2018, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 1 absent, 0 abstain, 0 recused.

_____

Jim Baranski, Acting Chairperson

DECISION

ZONING BOARD OF APPEALS
OF THE CITY OF GALENA

REGARDING

CALENDAR NUMBER: 18S-08

APPLICATION BY: Craig Martin, 425 Franklin Street, Galena, IL 61036.

FOR: A Special Use Permit to allow Accommodations, Vacation Rental in a Low Density Residential District.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on July 11, 2018. 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 requesting a Special Use Permit to operate as a one-dwelling vacation rental in a Low Density Residential District.

A site plan review of the proposed request has been conducted per the criteria listed in §154.914. All exterior development is existing and no further development is needed.

Number of Guests: Maximum occupancy load for this dwelling unit is four (4) guests. This is determined by the International Fire Code, International Building Code and NFPA on the basis of minimum 200 square feet per person gross (IFC Table 1004.1.2), with an additional requirement for two means of fire-protected egress for each sleeping area (NFPA 24.2.2.1.1). Although the house can hold more than four guests, the parking is limited to one off-street space and is therefore a limiting factor.

Lot Capacity: The lot size is 9,801 square feet, or 0.23 acres. The structure is situated along Franklin and North Dodge Streets. The site is already properly landscaped with well-established vegetation and lighting. The lot can absorb the impact of this land use with minimal impact on surrounding properties.

Availability and impact of parking: The site can accommodate up to one vehicle off-street in the existing garage. The parking regulations require one (1) off-street space per four (4) guests.

Emergency measures: Staff will ensure that emergency lighting, exits, posted floor plans and emergency telephone are in place before license is issued.

Staff recommends approval of this request. Land uses surrounding the property include residences and Vacation Rentals.

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:

- **Craig Martin, 425 Franklin Street, Galena** said he would like to request a special use permit for a vacation rental and he would use the income to further improve and maintain the home. He bought it ten years ago and spent the first four years removing the mid-century modern décor and returning it to Victorian era and one of the big problems for the home is that it is very expensive in terms of square footage because they closed off the two attic bedrooms. One of his goals, to make the property viable after he is gone, is to open up the two other bedrooms and put in a bathroom so that a family could live there. The house sat on the market for about a year before he got it; it's a really special place.

  Bochniak asked if it was a one-bedroom now?

  Martin stated that there is only one bedroom now; there were two bedrooms in the attic that was closed-off at some point. They're large rooms; Jane closed them off because they didn't have kids and didn't need the room. He's young enough where he can turn it into a 3-bedroom, 2-bath and the revenue from a vacation rental could help him accomplish this.

Testimony Presented in Opposition to the Proposal:

- There was no testimony 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 154.015 defines Accommodations, Vacation Rental.
- Section 154.201 (B) (2) provides a definition and description of the Low Density Residential 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 (D) (18) defines and outlines the regulations for Accommodations, Vacation Rental.
- 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.

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 Low Density Residential District.

2. The Zoning Ordinance provides for Accommodations, Vacation Rental as follows:

    a. Accommodations, Vacation Rental is permitted only by Special Use Permit as a principal commercial land use in a Low Density Residential District.

3. The Low Density Residential District is intended to permit development which primarily has detached, single family community character. Density and intensity standards for this district are designed to ensure that the Low Density Residential District shall serve as a designation which preserves and protects the residential community character of its area.

4. The applicant seeks a Special Use Permit to allow a one-unit Vacation Rental as a principal commercial land use in a Low Density Residential District.

5. The property meets the detailed regulations for a vacation rental.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Craig Martin for a Special Use Permit to allow Accommodations, Vacation Rental as a principal commercial land use in a Low Density Residential District should be approved for the following reasons:

1. The site plan review met the applicable criteria for this request.

2. The request meets the district standards for the Low Density Residential District and is appropriate to the defining characteristics of the district.

3. The request meets the detailed land use regulations established for Accommodations, Vacation Rental land use.

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 Craig Martin for a Special Use Permit to allow Accommodations, Vacation Rental as a principal commercial land use in a Low Density Residential District should be approved.

PASSED AND APPROVED this 11th day of July, A.D. 2018, by the Galena Zoning Board of Appeals by a vote of 5 ayes, 0 nays, 2 absent, 0 abstain, 0 recused.

_____

Jim Baranski, Acting Chairperson

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: August 3, 2018

RE: Cal. No. 18S-09 & 18V-01, Applicant and Owner: Dennis & Ruth Ann Dunton, 407 South Bench Street, Galena, IL 61036. Location: Parcel: 22-100-193-00, North ½ of the North 46 ¼ feet of the East ½ of Lot 16, West side of Bench Street, Galena, Jo Daviess County, Illinois. Common Address is 407 South Bench Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District and Variance request for off-street parking requirement.

Summary:

The applicant is requesting a Special Use Permit to operate as a one-dwelling vacation rental in a Low Density Residential District. This dwelling unit is part of a duplex along South Bench Street near the Galena ARC.

A site plan review of the proposed request has been conducted per the criteria listed in §154.914. All exterior development is existing and no further development is needed.

Number of Guests: Maximum occupancy load for this dwelling unit is four (4) guests. This is determined by the International Fire Code, International Building Code and NFPA on the basis of minimum 200 square feet per person gross (IFC Table 1004.1.2), with an additional requirement for two means of fire-protected egress for each sleeping area (NFPA 24.2.2.1.1). In this case, the two bedrooms can each sleep two guests. The limiting factor for guests is the availability of off-street parking, which will require a variance for on-street parking.

Lot Capacity: The lot size is 2,525 square feet, or 0.06 acres. The structure is nestled against the rising topography and the property has access to South Bench Street. The site is already properly landscaped with well-established vegetation and lighting. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties.

Availability and impact of parking: The parking regulations require one (1) off-street space per four (4) guests. There is no available space to fit an off-street parking area, therefore there is a physical hardship due to the building existing the entire width of the lot. If a variance is granted for one vehicle to be parked on-street, the maximum guest occupancy of the unit is four (4) guests. Potentially, this variance of one on-street parking space could reduce the impact of parking for the property as regular tenants could have multiple vehicles per unit.

Emergency measures: Staff will ensure that lighting, exits, posted floor plans and emergency telephone are in place before license is issued.

No other alterations will be done on the outside and no further site improvements are required as the site has adequate landscaping and lighting already.

Staff recommends approval of this request.

Land uses surrounding the property include residences, indoor institutional and commercial uses.

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. *The proposed plan meets the site plan review standards.*

(2) *District standards.* The underlying zoning district standards established in § 154.201 through § 154.209 including the defining characteristics of the district; *This proposed use meets the district standards.*

(3) *Specific standards.* The land use regulations established in § 154.406; *The proposed use meets the specific standards established in §154.015, §154.403.1 and §154.406(D)(18).*

(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. *Complimentary uses are available to the project.*

(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. *The proposed use will protect the privacy of adjacent properties.*

(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. *There is no change to the physical aspect of the existing development and therefore should have a minimal impact on the use and enjoyment of adjacent properties.*

(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 design and integration of the proposed use has no projected impact on adjacent properties*

regarding nuisances. The impact of the number of guests is consistent with a residential use at the site.

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.

<u>Variance Approval Criteria & Recommendation:</u>

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

(1) *Hardship unique to property, not self-inflicted.* There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property;

(2) *Special privilege.* The variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district;

(3) *Literal interpretation.* The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant;

(4) *Reasonable use.* The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance;

(5) *Minimum necessary.* The variance is the minimum necessary to make possible the reasonable use of land or structures;

(6) *Compatible with adjacent properties.* The variance will not be injurious to, or reduce the value of, the adjacent properties or improvements or be detrimental to the public health, safety or welfare. In granting a variance, the decision-maker may impose conditions deemed necessary to protect affected property owners and to protect the intent of this code;

(7) *Conformance with the purposes of this code.* The granting of a variance will not conflict with the purposes and intents expressed or implied in this Code; and

(8) *Conformance with the Comprehensive Plan.* The granting of a variance will not conflict with the goals and principles in the adopted Comprehensive Plan.

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

1886

SOUTH PROSPECT STREET
SOUTH BENCH STREET
SOUTH MAIN STREET
WARREN STREET
WATER
411
413
309
311
313
315
403
405
407
409
413
501
503
505
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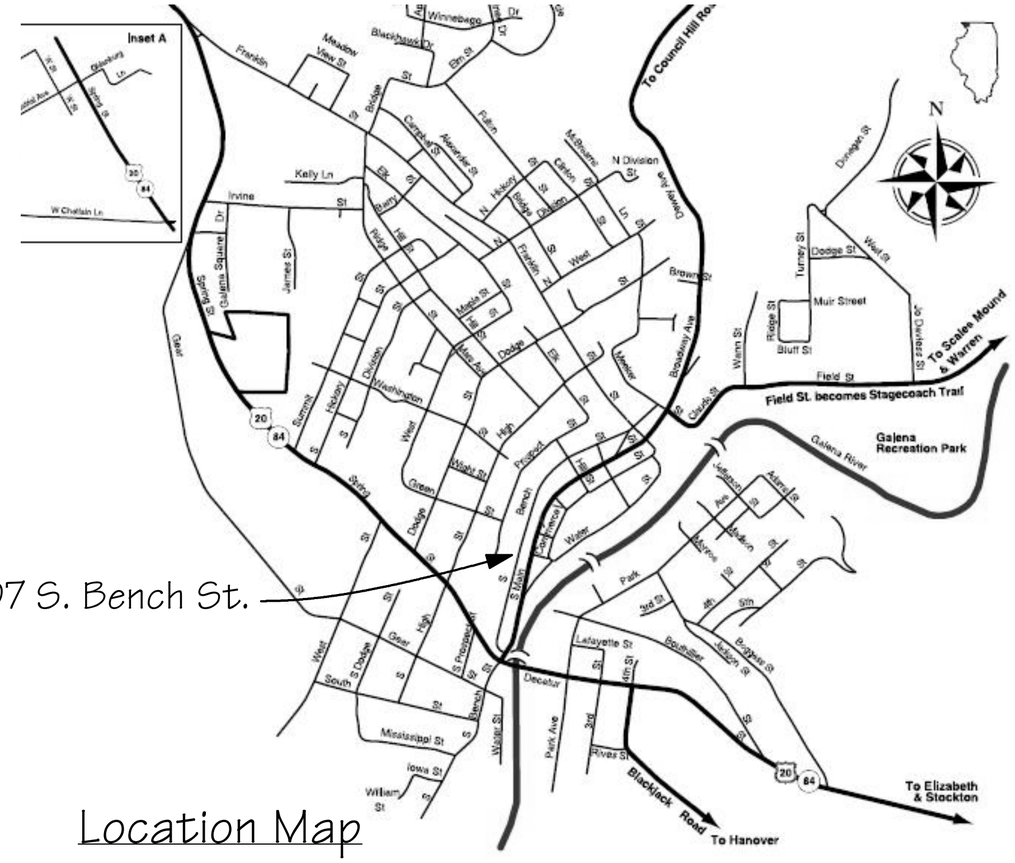
Feet



Location Map

Vacation Rental Unit
2 Bedroom, 1-1/2 baths
1,475 sq ft in Low Density Residential
with Zoning Variance for no Parking for one car
4 guests allowed

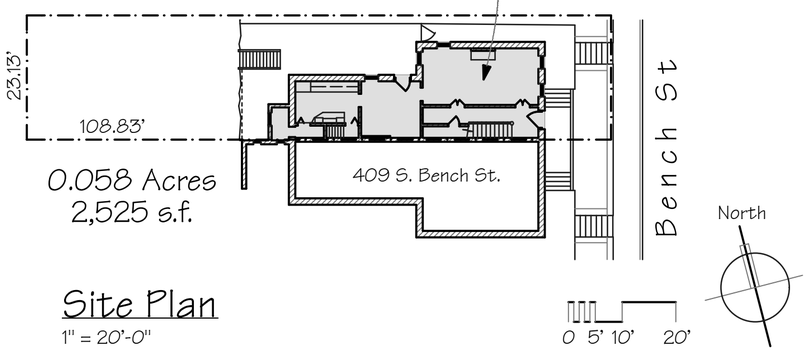
Building Classification

Zoning	LDR Low Density Residential, Vacation Rental Special Use permit
Construction Type	V A, Historic Building, 2 stories, 1,475 sq. ft. gross
Occupancy	Change East Apartment from R3 to R1
Project type:	Change of occupancy from R3 to R1
	No alterations

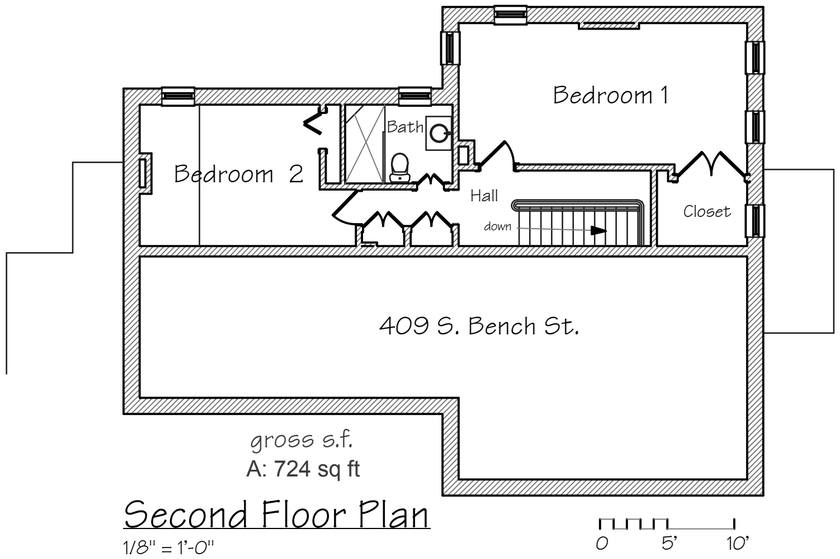
General Notes
1. Existing conditions for bedrooms to be grandfathered.

Electrical
1. Verify existing Smoke Detectors and provide new as needed throughout all areas, within each new bedroom, with in 15' of each bedroom door, & carbon monoxide detector within 10' of bedroom. Hardwire all new detectors with battery back-up as needed.

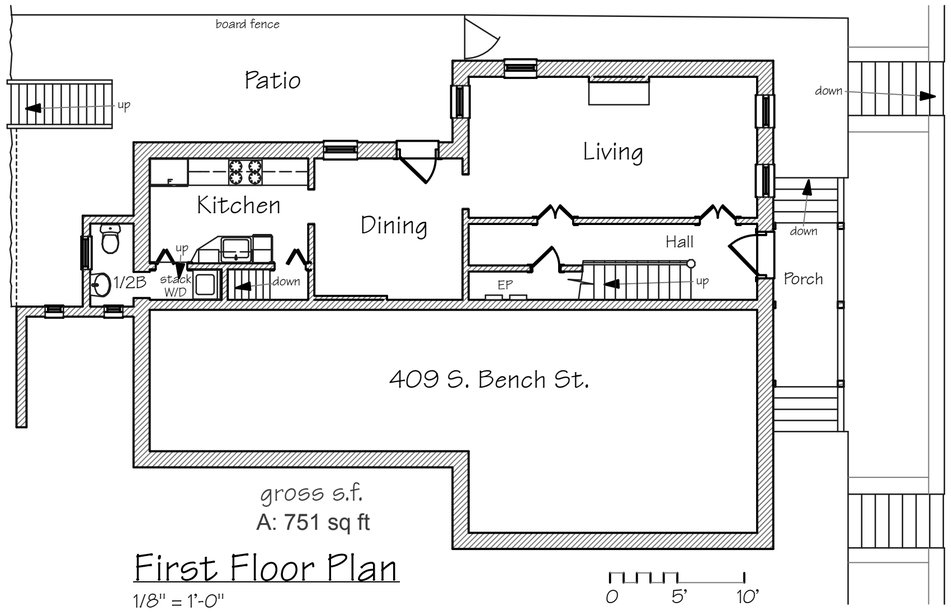
Proposed Vacation Rental
407 South Bench Street



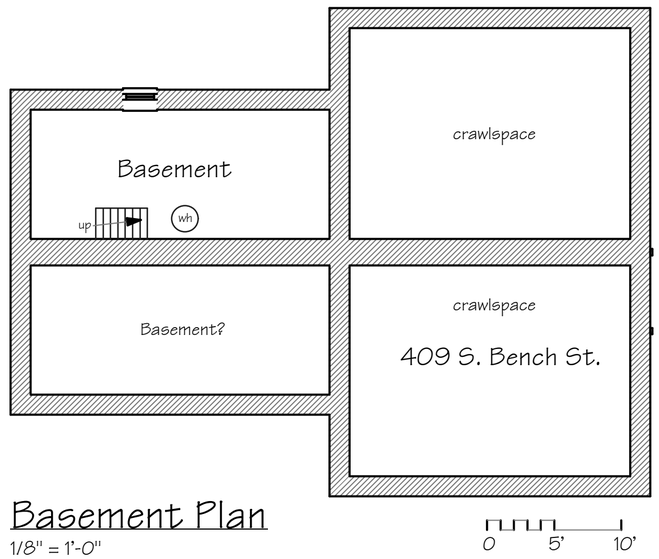
Site Plan
1" = 20'-0"



Second Floor Plan
1/8" = 1'-0"



First Floor Plan
1/8" = 1'-0"



Basement Plan
1/8" = 1'-0"

Adam Johnson Architecture
211 Fourth Street, Galena, Illinois 61036-2400
@adamizso333@gmail.com 815/281-1577
Drawings remain the sole property of the Architect, reproduction & use by permission only.

Certification Statement:
I certify that these plans were prepare: by me or under my direct supervisor & conform to Local, State, & National Codes
Licensed Architect: Adam Johnson
Illinois license number: 001-049862
expiration date: 11/30/2018

Permit Plans for Vacation Rental Accommodations
407 South Bench Street
Galena, Illinois 61036

7/20/18
revisions:

sheet
A1
of 1

1824 adamizso333@gmail.com

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: August 3, 2018

RE: Work session #2 regarding PV solar arrays in the Highway 20 Corridor

Currently, the Highway 20 Design Manual requires screening of mechanical and utility equipment on buildings within the corridor. An interpretation of this could be that the solar arrays would need to be screened, which is impractical on most roof-top applications.

Last month, the ZBA work session concluded that we should further explore a text amendment to the Highway 20 Design Manual by having another work session to include newly proposed language based on research by the Zoning Administrator.

I have reviewed the American Planning Association's *Planning Advisory Service (PAS)* document, titled "Planning and Zoning for Solar Energy". This document is a compilation of ordinances and policies throughout the United States and shows how communities are planning for solar.

At first glance, it appears that most ordinances and policies are very complex and overly complicated; they try to address every possible scenario. I would recommend a different approach based-on the ZBA's direction at the last work session. As a community, we want to encourage the use of alternative energy solutions and to facilitate their use in our ordinances and policies, rather than discourage or prohibit them.

I've placed two items on page 42 of our Highway 20 Design Manual: Service Areas, Utility Equipment.

- In the "Preferred" section, I recommend something like, "Alternative energy equipment integrated with building design."
- In the "Discouraged" section, I recommend, "Alternative energy equipment that is not harmonious or integral to the site and / or building form."

This approach would generally allow administrative approval by the Zoning Administrator in most applications. However, according to the table on Page 47, if the proposed application for alternative energy equipment falls under the "Discouraged" description, then we can utilize footnote (3) and request a simple approval by the ZBA without a public hearing at the next available meeting.

One interesting item in the PAS document came to my attention that could result in future issues with regards to solar energy, which is solar access. If a property in a densely developed area placed solar panels on the roof of their building and, later, the adjacent property built a structure or had landscaping that encroached or blocked the solar access of the panels within their field of orientation, there could be problems. I recommend we discuss this possibility further and perhaps consider further adjustments to our bulk, density and intensity standards in the 154.200 section of the Code of Ordinances.

7. Service Areas, Utility Equipment

Every building is served by deliveries, waste pick-up, utilities, and mechanical equipment. These service areas and pieces of equipment can detract from the primary uses and desired appearance of a building without proper placement and screening.

PREFERRED

- Service and delivery areas located away from highway and building entry areas
- Screened mechanical and utility equipment
- Alternative energy equipment integrated with building design

DISCOURAGED

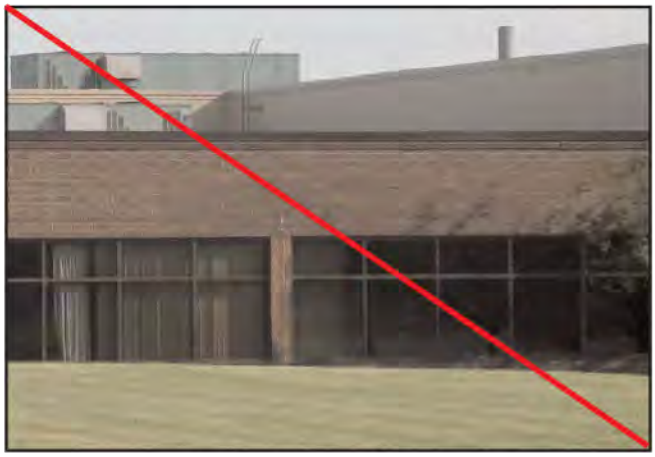
- Service and delivery areas visible from highway and building entry areas
- Satellite dishes and antenna visible from highway
- Exhaust and vent stacks visible from highway
- Alternative energy equipment that is not harmonious or integral to the site and / or building form

PROHIBITED

- Mechanical equipment visible from the highway

Screened mechanical and utility equipment

Service area located away from highway and entry areas



Visible rooftop mechanical equipment and vents

Table X.1.
Highway 20 Development Permit
Review Body Authority and Responsibilites[1]

Type of Development	ZA[2][3]	ZBA	CC
Land Disturbance			
Grading and Filling	D		
Natural Resource Disturbance	D		
Site Improvements			
Paving of Vacant Lots	R	D	
Paving Expansions			
5,000 square feet or less	D		
More than 5,000 square feet	R	D	
Landscape Plan Alterations			
25% or less of plant materials	D		
More than 25% of plant materials	R	D	
Walls and Fences	D		
Mechanical Equipment	D		
Structures			
New Minor Accessory Structures and Additions	D		
New Major Accessory Structures and Additions			
2,500 square feet or less	D		
More than 2,500 square feet	R	D	
New Principal Structures	R	D	
Additions to Principal Structures			
2,500 square feet or less	D		
More than 2,500 square feet	R	D	
Principal and Major Accessory Structure Elevation Changes			
Change in Colors	D		
Change in Materials[5]	D		
Administration[4]			
Annexation	R	R	D
Rezoning	R	R	D
Subdivision	R	R	D
Special Use	R	D	

Legend:
CC = City Council; ZA = Zoning Administrator; ZBA = Zoning Board of Appeals
D = Decision Maker; R = Recommends

Footnotes:

[1] Where a development proposal contains two or more items shown on this table, the entire development shall be reviewed as one proposal and shall be acted upon by the highest review body required. For example, the Highway 20 Development Permit for a 1,000 square foot addition to a major accessory structure for a use that requires a special use permit shall be acted upon by the Zoning Board of Appeals.

[2] The Zoning Administrator may defer his or her decision making authority on any development proposal to the Zoning Board of Appeals where he or she believes the purpose and intent of the Design Manual would be furthered by a public hearing.

[3] Projects which would otherwise be acted upon by the Zoning Administrator but which include a discouraged element shall be acted upon by the Zoning Board of Appeals. No public hearing will be held. A simple approval by the Zoning Board of Appeals is all that is required.

[4] This table presents only a summary of administrative procedures covered in Article 9 of the Zoning Ordinance.

[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.