



City of Galena, Illinois

AGENDA

ZONING BOARD OF APPEALS

WEDNESDAY, FEBRUARY 13, 2019
6:30 P.M. – CITY HALL 101 GREEN STREET

ITEM	DESCRIPTION
19Z-2001	Call to Order by Presiding Officer
19Z-2002	Roll Call
19Z-2003	Establishment of Quorum

APPROVAL OF MINUTES

ITEM	DESCRIPTION	PAGE
19Z-2004	Approval of the Minutes of the Regular Meeting of January 9, 2019.	3-10

UNFINISHED BUSINESS

ITEM	DESCRIPTION	PAGE
19V-01	Lock-it and Leavit - Request for Variance to allow decreased front yard setback to match adjacent property's front yard setback. Ratification of Findings of Fact.	11-14

NEW BUSINESS

ITEM	DESCRIPTION	PAGE
19S-01	Dino Rigopoulos – Request for Special Use Permit to allow Accommodations, Vacation Rental as a Principal Commercial Land Use in the Downtown Commercial District at 209 N. Main Street.	15-19
19A-01	City of Galena – Proposed Text Amendment to Zoning Code of Ordinances to add clarification of solar array and alternative energy applications in the Highway 20 Corridor Design Manual.	20-24

OTHER BUSINESS

ITEM	DESCRIPTION	PAGE
19Z-2005	Public Comments Not to exceed 15 minutes as an agenda item Not more than 3 minutes per speaker	
19Z-2006	Adjournment	

CALENDAR INFORMATION

BOARD/COMMITTEE	DATE	TIME	PLACE
Zoning Board of Appeals	Wednesday, March 13, 2019	6:30 P.M.	City Hall, 101 Green Street

Posted: February 8, 2019 at 4:00 p.m. Posted By: Matt Oldenburg

**MINUTES
ZONING BOARD OF APPEALS
JANUARY 9, 2019**

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, January 9, 2019 at City Hall, 101 Green Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

Baranski	Present
Bochniak	Present
Calvert	Present
Cook	Present
Jansen	Present
Nybo	Present
Rosenthal	Present

A quorum was declared.

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

APPROVAL OF MINUTES

MOTION: Bochniak moved, seconded by Cook to approve the December 12, 2018 minutes.

Motion carried.

UNFINISHED BUSINESS

Cal. No. 18PD-02, Adam Johnson – Request for approval of Preliminary Plan and Rezoning for a site, with an underlying default district of Low Density Residential at 413 South Bench Street. Reconsideration and clarification of recommendation directed by City Council.

Rosenthal said it appears the City Council has an issue with proposed use #5.

Oldenburg said the City Council wanted the Zoning Board to reconsider their recommendation and remove use #5.

MOTION: Baranski moved, seconded by Bochniak to remove – “5. Proposed pool in Patio will be allowed by Special Use Permit and will be subject to the Special Use review process and may be revoked in the future should use of the pool become a disruption in the neighborhood. Use of the Patio would be limited to use by lodging guests from sunrise to 10 pm weekends, 9 pm weekdays from the recommendation for the City Council approval.

Discussion: Jansen asked if the reasoning was because it was in the front yard.

Oldenburg said they did not like the pool and asked that the Zoning Board reconsider.

Jansen asked if the applicant was still interested in going forward.

Oldenburg said he has indicated that he would like to continue the process.

Baranski asked if the Council discussed the bufferyards and landscaping.

Oldenburg said the minutes do not reflect any discussion concerning those issues.

Baranski said it appears the pool itself was the problem.

Cook said the Council was concerned about liability.

Bochniak said some wanted parking installed in the pool area.

Rosenthal said they are adding four parking stalls that aren't there now.

As Roll Call was:

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

Motion carried.

Cal. No. 18A-04, 18S-16 & 18V-02, Applicant & Owner: Paul Pendola, 306 South Prospect Street, Galena, IL 61036. Location: Parcel: 22-100-201-00, S 25' x 100' Lot 21, NW 25' x 40' Lot 21, SW 5' x 40' Lot 22, W 50' x 50' Lot 20, West Side of Bench Street, Galena, Jo Daviess County, Illinois. Common Address is 306 South Prospect Street, Galena, IL 61036. Request for Text Amendment to allow Artisan Studio as a land use only by Special Use Permit in Low Density and Medium Density Residential Districts; Special Use Permit to allow Artisan Studio in the Low Density Residential District; and Variance for off-street parking requirement.

MOTION: Bochniak moved, seconded by Cook to approve the Finding as written for Cal. No. Cal. No. 18S-16 & 18V-02.

As Roll Call was:

Calvert	Yes
Cook	Yes

Jansen	Yes
Nybo	Yes
Baranski	Yes
Bochniak	Yes
Rosenthal	Yes

Motion carried.

NEW BUSINESS

Cal. No.19HCO-01 & 19V-01, Lock-it & Leave-it – Request for Non-administrative Highway 20 Development Permit to allow construction of storage buildings and associated site improvements; and Variance to allow decreased front yard setback to match adjacent property’s front yard setback at 11401 Dandar Street.

MOTION: Cook moved, seconded by Baranski to open the Public Hearing for Cal. No. 19HCO.

Motion carried on voice vote.

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

Ben Wiene, 144 Stone Quarry Lane Galena is representing Lock It and Leave It Storage Company. They would like to build additional storage structures with the minimum setback to allow for maximum building size as well as parking. The new buildings will match the existing structures in style and color.

Rosenthal asked if the new structures would be in front of the current sheds.

Wiene said they would - one large building and a smaller unit.

No other testimony was heard for this request.

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing for Cal. No. 19HCO-01.

Motion carried on voice vote.

MOTION: Jansen moved, seconded by Cook to approve Cal. No. 19HCO-01 as presented.

Discussion: Cook asked about the landscaping points – is this something that will need to be fulfilled.

Oldenburg said it is.

As Roll Call was:

Cook	Yes
Jansen	Yes
Nybo	Yes
Baranski	Yes
Bochniak	Yes

Calvert Yes
Rosenthal Yes

Motion carried.

MOTION: Baranski moved, seconded by Bochniak to open the Public Hearing for Cal. No. 19V-01.

Motion carried on voice vote.

Ben Wiene said his previous testimony for Cal. No. HCO-01 was applicable to this request.

No other testimony was heard for this request.

MOTION: Bochniak moved, seconded by Baranski to close the Public Hearing for Cal. No.19V-01.

Motion carried on voice vote.

MOTION: Jansen moved, seconded by Calvert to approve the request for Cal. No. 19V-01 as presented.

Discussion: Jansen reviewed the approval criteria:

Approval Criteria & Recommendation for Variance:

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.

Jansen and the Board agreed that the applications met all the approval criteria.

As Roll Call was:

Jansen	Yes
Nybo	Yes
Baranski	Yes
Bochniak	Yes
Calvert	Yes
Cook	Yes
Rosenthal	Yes

Motion carried

Cal. No. 19-HCO-02, Eagle-Point Solar – Request for Non-administrative Highway 20 Development Permit to allow installation of an unscreened, roof-mounted solar array at Miller Storage, 11401 A Street.

Oldenburg said this needs a simple approval by the zoning board

MOTION: Baranski moved, seconded by Calvert to approve Cal. No. 19-HCO-02 as presented.

Discussion: Baranski said we have talked about this at a couple previous meetings. He believes we should be promoting this type of development. If you have to screen this, it becomes not very effective. In general, we should be looking at ways to promote alternative energy use.

Bochniak agrees. He wondered about the 23-degree angle. Is this the slope of the roof?

Baranski asked if the panels were lying flat on the roof.

The applicant indicated the angle was the slope of the roof and the racking system would be about three inches off the roof.

Baranski reviewed the approval criteria:

Approval Criteria & Decision:

Highway 20 Development Permit - The application shall demonstrate that the proposed development will comply with the following:

- (1) All applicable site plan review criteria in § [154.914](#);
- (2) The overall context of the corridor and the goals for new development as described in Chapter [III](#) of the Design Manual;
- (3) The corridor development concepts described in Chapter [IV](#) of the Design Manual;
- (4) The proposed character of the applicable design districts as described in Chapter [V](#) of the Design Manual;

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

Baranski and the Board agreed that the application met all the approval criteria.

As Roll Call was:

Nybo	Yes
Baranski	Yes
Bochniak	Yes
Calvert	Yes
Cook	Yes
Jansen	Yes
Rosenthal	Yes

Motion carried.

WORK SESSION

Cal. No 19WS-01PV Solar Arrays Discussion – Highway 20 Corridor, continued.

Oldenburg said we have had two worksessions over the past few months and he wanted to have another with the full board present. Solar applications are going to be coming in from all areas of town. The Highway 20 Manual has language that is prohibitive in nature as it requires screening mechanical and utility equipment in certain applications especially within the highway corridor. To relieve that and promote green infrastructure it seems it would benefit the city to change the ordinance to allow this more administratively. What he is proposing is adjusting the highway corridor manual on the last page as a table of approval authorities and he is recommending that we allow things that are integral with a building’s forms such as a solar roof array that follows the roof pitch to be something that the zoning administrator could administratively approve. If it was something like a large ground array or something that doesn’t match the form of the building or the aesthetics of the site it would be sent to the zoning board for approval. This could be a discouraged element – no public hearing would be held but it would need zoning board approval.

Rosenthal asked if we should be concerned about these facing the highway.

Baranski said he isn’t worried about that.

Rosenthal said doesn’t bother him if they do.

Baranski said there are a few historic structures in the Highway 20 corridor. The zoning board would want to be sensitive to how these are impacted with installations.

Oldenburg said The Ryan Mansion is a landmarked historical structure on Highway 20 that would have to have approval from the historic preservation commission.

Nybo asked about vacant land installations.

Oldenburg said since the last work session the county approved a request from Blue Stem Energy Solutions for a south facing multi acre 2-megawatt solar array on Norris Lane. This was a special use request within the 1.5

mile, but the City only has control over things such as subdivisions or amendments. As the City continues to grow we could develop right into this area.

Baranski said we could have a kilowatt limit to determine what would be administratively approved or what would go to the zoning board for approval.

Oldenburg said his proposal is for page 42 of our Highway 20 Design Manual: Service Areas, Utility Equipment:

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

If the request falls in the discouraged section it would be sent to the Zoning Board.

Baranski said many of the systems are being integrated into the building’s design element and become integral to the architecture.

Bochniak thought anything related to wind was not harmonious to the structure and should come before the Board.

Baranski suggested 20 kilowatts or less could be approved administratively and anything over that would need to come before the Board.

Oldenburg said the proposed ordinance change would require a text amendment public hearing and City Council approval.

Baranski said technology will continue to evolve and the architecture should incorporate this – many of these issues may not be a concern in the future. Wind energy is evolving as well and we shouldn’t rule it out.

Oldenburg will initiate a text amendment.

OTHER BUSINESS

None

PUBLIC COMMENTS

None

MOTION: Bochniak moved, seconded by Jansen to adjourn the meeting at 7:30 pm.

Motion carried on voice vote.

Respectfully submitted by
01-09-2019

Deb Price
Zoning Board Secretary

DECISION

**ZONING BOARD OF APPEALS
OF THE CITY OF GALENA**

REGARDING

CALENDAR NUMBER: 19V-01

APPLICATION BY: Tom Wienen, Lockit & Leavit Storage, Inc., 11401 Dandar Street, Galena, IL 61036.

FOR: Request for a variance to allow construction of storage buildings with a decreased front yard setback to match adjacent property's front yard setback.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on January 9, 2019. 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 constructing storage units at their property on Dandar Street. They are requesting approval of a variance to reduce the front yard setback from 27 feet to 17 feet in order to match the front yard setback of the adjacent property at Miller Storage Units. This request was made concurrently with a Highway 20 Corridor Development Permit.

The circulation area will take access from two curb cuts along Dandar Street. The site has approximately 400 linear feet of street frontage.

A site plan review was conducted and it was determined that the request meets all criteria listed in §154.914(C). This request satisfies all adopted policies and plans, and supports the goals of the Comprehensive Plan. It also meets the bulk standards, with the exception of the variance request, the standards for the Zoning District, land use regulations; natural resource protection standards; parking, lighting and landscaping standards; performance standards and quality site design standards.

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 Variance 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:

- **Ben Wiene, 144 Stone Quarry Lane Galena,** represented Lock It and Leave It Storage Company. They would like to build additional storage structures with the minimum setback to allow for maximum building size as well as parking. The new buildings will match the existing structures in style and color.

Rosenthal asked if the new structures would be in front of the current sheds.

Wiene said they would - one large building and a smaller unit.

Testimony Presented in Opposition to the Proposal:

- No one spoke in opposition to the request.

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154.201 (C) (9) provides a definition and description of the Heavy Industrial District.
- Section 154.204 sets forth the Nonresidential Principal and Major Accessory Structures and Bulk Standards.
- Section 154.919 sets forth the non-administrative development review common elements of procedures.
- Section 154.925 sets forth the Purpose, Applicability, Review Criteria, Decision-Maker, Application and Review Procedures for Variances.

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 Heavy Industrial District.

2. In cases of infill development, it is appropriate to match the character of surrounding properties.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Tom Wiene for a Variance to allow construction of storage units with a decreased front yard setback should be approved for the following reasons:

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.

DECISION

NOW, THEREFORE, BE IT RESOLVED that this Zoning Board of Appeals has determined that this request by Tom Wienen for a Variance to allow construction of storage units with a decreased front yard setback should be approved.

PASSED AND APPROVED this 9th day of January, A.D. 2019, by the Galena Zoning Board of Appeals by a vote of 7 ayes, 0 nays, 0 absent, 0 abstain, 0 recused.

John Rosenthal, Chairperson

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: February 8, 2019

RE: Cal. No. 19S-01, Applicants & Owners: Dino & Sotiri Rigopoulos, 209 North Main Street, Galena, IL 61036. Location: Parcel: 22-100-163-00, N 19' of Lot 35 & SW 8.5' of Lot 36, E Side of Main Street, Original City of Galena, Jo Daviess County, Illinois. Common Address: 209 North Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

Summary:

The applicant is requesting a Special Use Permit for a vacation rental unit in the Downtown Commercial District. This property is located in the 200 block of North Main Street between Main & Commerce Streets.

The upper story of the building contains a 1,366 square feet apartment space. The ground level has a mercantile occupancy. The owners wish to convert this space into one vacation rental unit.

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 is six (6) guests total. 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 3,100 square feet, or 0.071 acres. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties.

Availability and impact of parking: There is no off-street parking requirement in the Downtown Commercial District.

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 apartments, commercial and downtown tourist attractions.

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:

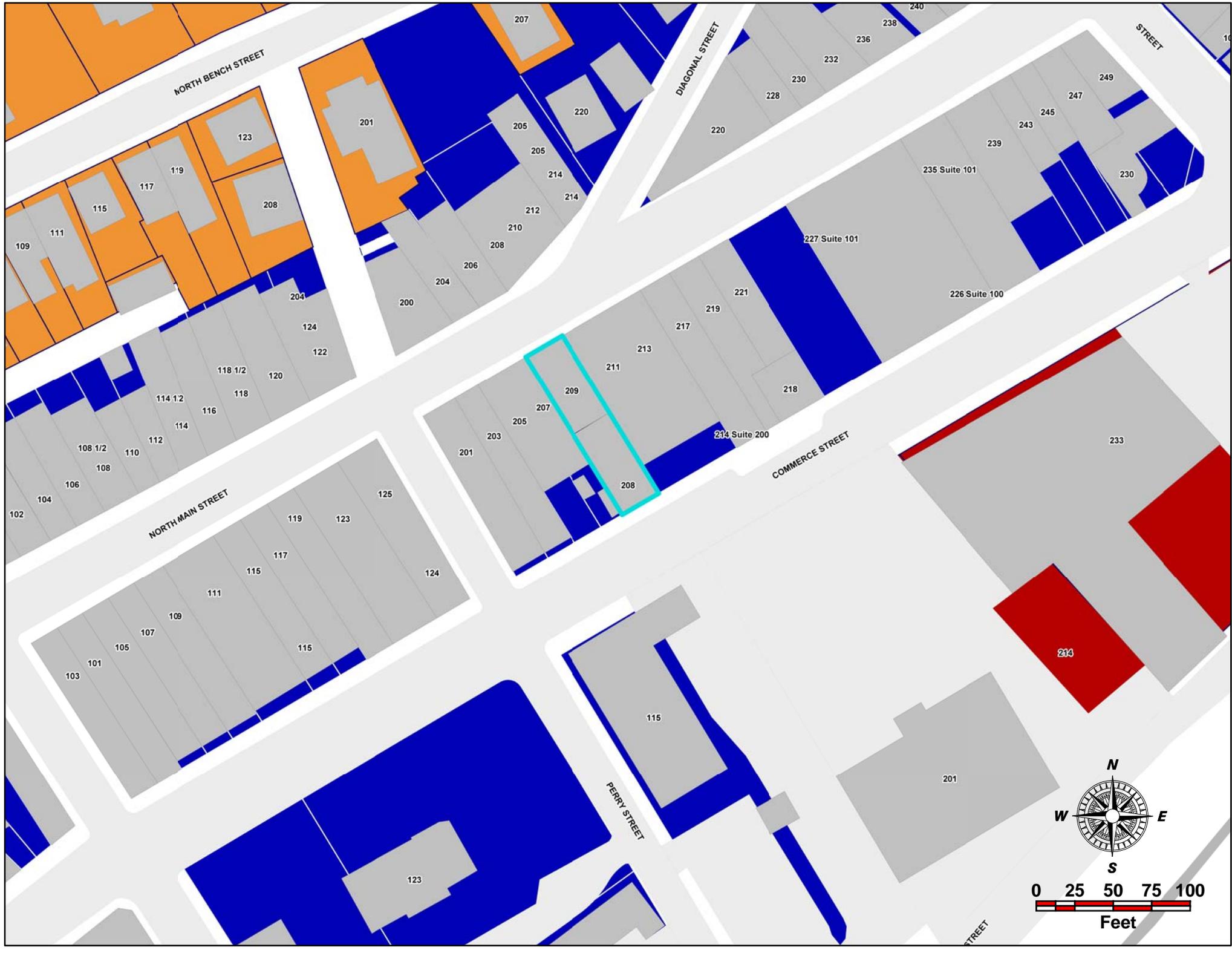
(a) *Protection of privacy.* The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and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

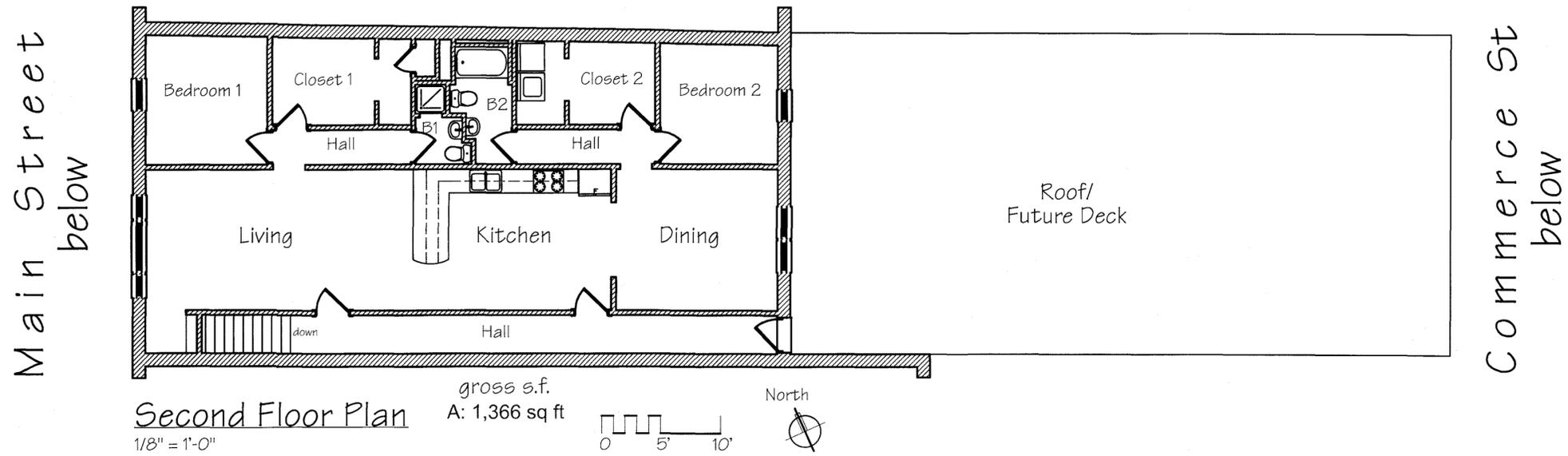
(b) *Protection of use and enjoyment.* All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property. *There is no change to the physical aspect of the existing development and therefore should have a minimal impact on 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 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.



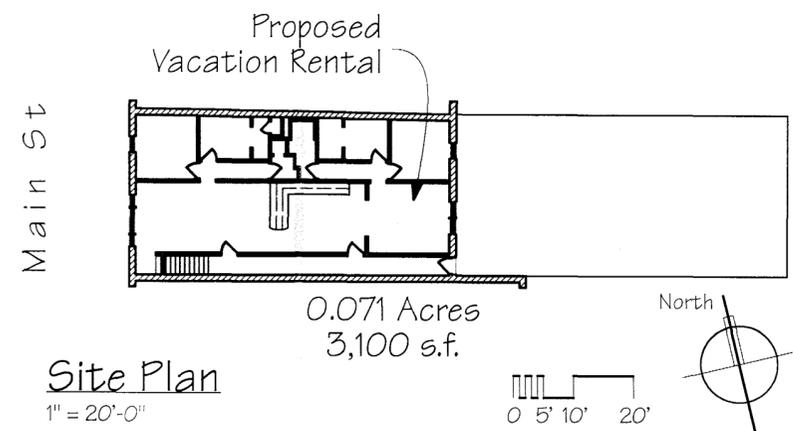




Vacation Rental Unit
2 Bedroom, 2 baths
1,366 sq ft in Downtown Commercial
with no parking requirement
6 guests allowed

Building Classification
Zoning DC Downtown Commercial,
Vacation Rental Special Use permit
Construction Type V A, Historic Building, 2 stories, +/-2,800 sq. ft. gross
Occupancy Change East Apartment from R2 to R1
Project type: Change of occupancy from R2 to R1
No alterations

General Notes
1. Existing conditions for bedrooms to be grandfathered.
Electrical
1. Verify existing Smoke Detectors & 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.



Permit Plans for Vacation Rental Accommodations
209 1/2 N. Main St.
Galena, Illinois 61036

11/19/18 revisions:
sheet
A1
of 1

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 prepared by me & to the best of my knowledge conform to Local, State, & National Codes of Practice.
Adam C. Johnson
Licensed Architect
Illinois Registration No. 117072016
Expiration Date 11/11/18

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: February 8, 2019

RE: Cal. No. 19A-01, Applicant: City of Galena, 101 Green Street, Galena, IL 61036. Request for Text Amendment to Zoning Code of Ordinances to define process and regulations for solar arrays and alternative energy applications in the Highway 20 Corridor Design Manual.

After three work sessions with the ZBA, we are initiating a text amendment to clarify and define processes for alternative energy applications.

Please refer to the January ZBA Minutes for discussion at the last work session.

Ultimately, the Board directed me to draft the amendment with a 20 kW threshold for array size. After further research, it is noteworthy to mention that solar panels are increasingly becoming more efficient. A benchmark based on performance is difficult to nail-down because, as solar panels become more efficient, the square footage of the array will decrease. The Highway 20 Corridor design manual relates to the aesthetics of development, therefore the prudent approach is to establish a benchmark based on occupied space. According to research, the current number of 72-cell panels to generate 20 kW requires 70-80 panels, which are approximately 3.5' x 6.5' in size.

I propose the benchmark for administrative review be limited to 80 panels. The proposed language in the amendment reflects this number.

**AN ORDINANCE AMENDING ARTICLE 3, SECTION 154.303, CITY OF GALENA
HIGHWAY 20 CORRIDOR DESIGN MANUAL, CHAPTERS VII & X
OF THE CODE OF ORDINANCES 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: Chapter VII, Section A, Site Development Standards, is hereby amended as follows:

- **Add** text, “Alternative energy equipment that is not integrated with site design” to the *Discouraged* section of Subsection 5. Site Features on page 33. See Exhibit 1A.

SECTION II: Chapter VII, Section B, Architectural Building Standards, is hereby amended as follows:

- **Add** text, “Alternative energy equipment that is integrated with building design” to the *Preferred* section of Subsection 7: Service Areas, Utility Equipment on page 42. See Exhibit 1B.
- **Add** text, “Alternative energy equipment that is not integrated with building design” to the *Discouraged* section of Subsection 7: Service Areas, Utility Equipment on page 42. See Exhibit 1B.

SECTION III: Chapter VII, Section B, Architectural Building Standards, is hereby amended as follows:

- **Add** text to Table X.1, under *Site Improvements*, page 47:
- *Additions are underlined, see Exhibit 1C.*

Type of Development	ZA	ZBA	CC
<u>Energy Equipment</u>			
<u>Integrated PV Solar Arrays 80 panels (72 cell) or less</u>	<u>D</u>		
<u>Non-integrated; or more than 80 panels; or wind devices</u>	<u>R</u>	<u>D</u>	

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

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

SECTION VII: Passed on the ___th day of _____, A.D., 201__, in open Council.

AYES:

NAYS:

ATTEST:

TERRY RENNER, MAYOR

MARY BETH HYDE, CITY CLERK

5. Site Features

Site features include site furniture, special design elements, and features that are not considered accessory structures (see Architectural Building Standards: Accessory Structures) or a part of the building architecture.

PREFERRED

- Patios and other activity areas
- Walkways with high-quality materials at building entry and approaches
- Bicycle parking
- Bench seating
- Low fencing (painted or finished (no bare materials))
- Stone, brick, rural wood fencing
- Features that “tell the story” of Galena’s history and natural setting

DISCOURAGED

- Unscreened mechanical/utility equipment (visible from on or off-site)
- Alternative energy equipment that is not integrated with site design
- Chain link fencing
- Tall fencing

PROHIBITED

- Outdoor storage



Quality materials



Stone features and fencing



Activity areas



Low fencing



Screened service areas



Visible outdoor storage

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 integrated with building design

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 Responsibilities⁽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		
Energy Equipment			
Integrated PV Solar Arrays 80 panels (72 cell) or less	D		
Non-integrated; or more than 80 panels; or wind devices	R	D	
Structures			
New Minor Accessory Structures and Additions	D		
New Major Accessory Structures and Additions	R	D	
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.