



City of Galena, Illinois

AGENDA

ZONING BOARD OF APPEALS

WEDNESDAY, JANUARY 9, 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 December 12, 2018	3-17

UNFINISHED BUSINESS

ITEM	DESCRIPTION	PAGE
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.	18-24
18S-16 & 18V-02	Paul Pendola – Request for Special Use Permit to allow Artisan Studio in the Low Density Residential District; and Variance for off-street parking requirement at 306 S Prospect Street. Ratification of Findings of Fact.	25-29

NEW BUSINESS

ITEM	DESCRIPTION	PAGE
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.	30-39
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.	40-43

WORK SESSION

ITEM	DESCRIPTION	PAGE
19WS-01	PV Solar Arrays Discussion – Highway 20 Corridor, continued.	44-48

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, February 13, 2019	6:30 P.M.	City Hall, 101 Green Street

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

**MINUTES
ZONING BOARD OF APPEALS
DECEMBER 12, 2018**

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, December 12, 2018 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 November 14, 2018 minutes.

Motion carried.

UNFINISHED BUSINESS

Cal. No. 18S-15, Applicant and Owner: Tanya Billmeyer-Finn, 104 North Dodge Street, Galena, IL 61036. Location: Parcel: 22-100-850-00, Lot 3 of Temple's Subdivision of Lot 8 in Block 21 of the Original City of Galena, Jo Daviess County, Illinois. Common Address is 104 North Dodge Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District.

MOTION: Jansen moved, seconded by Baranski to approve the Special Use Permit for Cal. No. 18S-15.

As Roll Call was:

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

Motion carried.

Cal. No. 18PD-02, Applicant: Adam Johnson, 211 Fourth Street, Galena, IL 61036 and Owner: Galena Art & Recreation Center, 413 South Bench Street, Galena, IL 61036. Location: Parcel: 22-100-191-00, Lots 13, 14, 15 & 3-3/4' of Lot 16, West Side of Bench Street, D.O.R. Docket No. 85-43-20 Community Center, Original City of Galena, Jo Daviess County, Illinois. Common Address is 413 South Bench Street, Galena, IL 61036. Request for approval of Preliminary Plan to rezone to Planned Unit Development for a site, with an underlying default district of Low Density Residential, to allow proposed uses.

MOTION: Baranski moved, seconded by Bochniak to re-open the Public Hearing for Cal. No. 18PD-02.

Motion carried on voice vote.

City Attorney Nack swore in all those who wished to testify at any of tonight's Public Hearings.

Adam Johnson, 211 Fourth Street Galena said after last month's meeting they focused on four areas of concern:

1. The dipping pool. This aspect is important to the proposal. For the owner to have the ability to install the dipping pool means having something that is currently not available in Galena. If the pool is not approved he will still want to have an exterior patio and lounge area on the north side. There are no plans to install additional parking here.
2. On site manager. During overnight use staff from Schlenker's other business, Victorian Mansion, will be available. An overall video surveillance system will be installed that can be viewed at the Mansion. The applicant definitely doesn't want the guests to get out of hand nor does he want damage done to his property.
3. Event use. They have five proposed uses for the building – one of these being the dipping pool which would only be used by those staying overnight. The other four uses are: Gym use without accommodations; large gathering for tournaments, festivals, concerts; accommodations with use of entire building and accommodations with out use of building.
4. Parking was discussed in #1.

Rosenthal asked if the pool where approved what would the six-foot fence be constructed of.

Mark Schlenker, 348 Snipe Hollow Road Elizabeth said he is looking to offer high-end rentals. The dipping pool is unique – it would be about the size of the city council table. It is not a swimming pool and is more of a water feature. It would not be noisy like a hot tub and the area would be a tranquil garden area to relax in. It is an elevated area and you cannot see it from ground level. He wants to get rid of the rusty chain link fence as well as the large concrete slab. If he needs a fence he will comply with historic preservation.

Johnson said there would be a hedge in front and the fence would be on the south side.

Baranski asked if they had been before the historic preservation board.

Johnson said yes.

Baranski asked what they said about screening the pool.

Johnson said they would like to provide a solid fence and landscape buffering on the north side. They would like to install a hedge along the sidewalk and a metal fence around the pool for security. Preservation indicated they wanted a fence that would still allow the building to be seen from the sidewalk.

Baranski said the safety bufferzone was his concern. If the hedge and the fence provide that and historic preservation is fine, he is too.

Oldenburg said he believes it does. The ordinance provides for a combination of fencing and landscaping as bufferyard.

Baranski asked about the events per year – three events per year with as many as 100 persons. What is the occupant load of the building? Is this a reasonable number?

Building official Jonathon Miller who was in attendance addressed this. Miller said without running the square footage he thought 100 persons was reasonable.

Rosenthal said in recent use there probably weren't that many people on site at one time.

Oldenburg said in the past pageants and recitals have had that many in attendance.

Schlenker said these types of events are not meant to be money makers but to provide something for the community or offer a philanthropic event. When he referred to three he was thinking three of any event – concerts, plays, tournaments, etc.

Baranski said he is also trying to get an idea about events that would have smaller numbers attending.

Schlenker said he wants to use the building as it was designed and if the use needs to be more defined he is fine. He's not planning on having tournaments every week.

Baranski read the use description as provided by the applicant:

Use of the building for a festival event such as a sports tournament, music event, theater event, or other social gathering or event which may occur over a weekend, up to 3 events a year. These events may gather a large groups of people, as many as 100. These events will be planned and scheduled events such as a recital or a theater performance. Or, an event could be a sporting tournament in which teams gather for a series of games. Or, an event could be a graduation from a group or class, an anniversary party, or other similar large, celebratory party.

Schlenker said he was probably thinking three events outside of sporting events. Sports usage is pretty much the norm right now as the schools are short of space. It's almost like an open gym.

Baranski said it appears the applicant has a clear vision as to what needs to happen for the development to succeed, but he's not exactly sure.

Rosenthal said it is like an open gym - there are sports practices going on all the time as well as other small events.

Bochniak said he thought 100 persons for a single event seems reasonable.

Oldenburg said for assembly occupancy standards temporary seating means seven square feet per person. You would need 700 square feet for 100 people. The gym alone has 3,700 square feet.

Bochniak asked if there was a limit to the number of persons who could use the lounge or gym if they were staying overnight.

Johnson said if a group of people were staying overnight they could use the inside building space all day.

Schlenker said as for on site management he does not want to have someone staffed there all day. He knows what kind of red flags to look for when someone is booking or when they are arriving. He always has someone near address any concerns. He does not want issues.

Baranski read from the proposed uses provided by the applicant:

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.

Baranski said if the pool and patio area are an issue the use could be revoked.

Schlenker said he was amenable to that.

Bochniak asked how deep the pool would be.

Schlenker said about three feet to four feet.

Cook said lodging with gym use had a maximum capacity of twenty persons. What's the capacity if a group is not using the gym.

Schlenker said the maximum use is twenty persons is pretty much the max regardless of whether they are using the gym or not.

Cook said due to bulk standards pools are not allowed in front yards in residential districts.

Oldenburg said approval would mean a deviation from the typical bulk standard, so you would need to see if there were some benefit to the community in order to allow. Is the dipping pool integral in moving the development forward?

Schlenker said the elevation of the pool area means it really won't be visible.

Baranski said for some neighbors it will be.

Oldenburg said you could also reference historic front yard setbacks along Bench Street are about five to ten feet off the street so technically the pool would be out of the front yard.

Schlenker said this is a unique plan for a peaceful and relaxing area to experience a historic building.

Nybo asked how he would be marketing the basketball tournaments.

Schlenker said he would probably look at junior high/middle school teams from Iowa farm communities and the quad cities as well as inner city schools so he can create an atmosphere where students who normally would not interact would be able to come together. This building has a pre-'Hoosier' feeling to it. He wants people to come to Galena, study our community, take historic field trips and be able to participate in sports and recreational activities. This building is an asset to the surrounding area.

No other testimony in favor of the request was presented.

Rosenthal asked those opposed to the request to come forward and testify.

Nick Hyde, 1429 Elm Street Galena said he was representing some adjacent property owners and specifically John Carey. They are not opposed outright to the development but to certain aspects of it. The main concern is the pool as allowing it would be a deviation from the standards. It is not an integral part of the request nor is there a benefit to the community and there are historical and safety issues associated with the pool. If the water structure was not built this area could be used for parking. Seven guest rooms mean seven parking spaces, an ADA space and an employee/manager space - four spaces aren't enough. Using the pool area for parking allows the property to be used appropriately and eases parking demands. This facility is different than a vacation rental. With the ability to rent to twenty people it is more for party groups than family rentals and should have an onsite manager. The idea of using this for festivals and other events still needs clarification. School type events and sporting tournaments are amenable to the neighbors, but other events would be questionable and could become an issue.

Baranski asked if opposition to the pool would lessen if they knew there would be a one-year review to address any issues.

Hyde said the pool will be expensive to install - maybe the developer should reserve an area for the pool in the lounge and garden space and then any issues with that area can be addressed before the pool goes in.

Baranski said the pool will be expensive and it appears the owner would be very diligent in making sure things go well.

Hyde said the neighbors would welcome the one-year review, but they want the zoning board to realize that this is a substantial deviation.

Ilisa Farrell, 505 South Bench Street Galena said some of her questions had been answered by the applicant. She still is concerned about overnight parking for twenty guests and three spots plus an ADA space just doesn't seem like enough. Many residents in this area do not have off street parking and rely on street parking. She questioned how many rooms the Victorian Mansion has that warrants an on-site manager but the potential for twenty guests does not. This large seven room facility should require on site supervision. When activities are happening at ARC there are personnel on site. Looking at the property and the buffers to the south there is only about three feet - a sidewalk - between the building and the neighbor's property. It is pretty much the same on the north side. Where is the buffering going to go?

John Carey, 501 South Bench Street Galena has concerns with the buffering. The criteria indicate that all negative impacts on neighboring property would be mitigated to the greatest extent. There have been no problems with the ARC but with the proposed commercial use they would like to see some buffering, screening and landscaping. He is concerned about self-management of a 14,000 square foot building doesn't seem reasonable.

Rosenthal asked the applicant if they would like to address any of the objector's concerns.

Schlenker said the noise created by a few people sitting by the dipping pool will be far less than that created by a group playing basketball as it is now as well as children playing all day. There are events all over town that create parking issues so providing four off street parking spaces will certainly help the area. While as many as twenty people can rent at once he anticipates that typically it will be ten or twelve persons and who could all be together but may not be. If he has a large group he will certainly be monitoring them and there are times when he knows he will have to have someone on site, but it's not financially feasible to always have someone there.

Baranski asked about supervision for daily events like gym activities. During tournaments it would seem you would need the organizer or someone in charge of the event to be present.

Schlenker said during tournaments and other large events someone would be there.

Rosenthal said someone would need to be present to lock up the gym and pool area.

Schlenker said the pool and patio would be an outside area where people can relax and use the grill. People cannot splash around and jump in the dipping pool. He's not sure how including the pool will add more noise to the area than if it was only the patio and garden area. How different is his proposal than having people in a front yard or on a porch at your home?

Baranski said the addition of alcohol can always influence these situations.

Johnson said to the north there would be buffering. The HPC wanted the driveway throat to be narrow but they could install more buffering and landscaping.

Schlenker said parking on the south side will eliminate areas to lounge and visit.

MOTION: Jansen moved, seconded by Bochniak to close the Public Hearing for Cal. No. 18PD-02.

Motion carried on voice vote.

Rosenthal said he isn't as concerned about the noise created by people sitting around the pool as he is for the buffering for those who must look at the pool especially to the north. The pool itself doesn't make people get loud. Parking on the south does provide some buffer. The surveillance camera is a good idea to protect both the guests and the owner.

Baranski said his motion made at the last meeting was still on the table. That motion read, "Baranski moved, seconded by Jansen to approve the request with conditions for Cal. No. 18PD-02."

MOTION: Baranski moved, seconded by Jansen to amend his original motion to specifically include the conditions that are spelled out in items #1-5 under the proposed uses for the building for Cal. No. 18PD-02:

Proposed Uses for the building will include:

1. Use of the gymnasium for all typical gym sports, including basketball, volleyball, dodge ball, etc. and for active training or exercise classes or groups, such as martial arts or aerobics classes. Use of gymnasium may also include use of the stage for rehearsals for plays or similar activities. This may be use by renters, local groups using the gym for practices, open gym periods for public use. The ARC intends to continue some gym use. Use of music or amplifiers will be limited to levels that are not distracting from the exterior. Hours for use

will be 6 am to 10 pm all year. This use may include up to 30 or 40 people depending on the size of teams for the sport. Separate lodging use would not occur during this use, the building would be otherwise empty.

2. Use of the building for a festival event such as a sports tournament, music event, theater event, or other social gathering or event which may occur over a weekend, up to 3 events a year. These events may gather large groups of people, as many as 100. These events will be planned and scheduled events such as a recital or a theater performance. Or, an event could be a sporting tournament in which teams gather for a series of games. Or, an event could be a graduation from a group or class, an anniversary party, or other similar large, celebratory party.

3. Use of whole building by groups which will stay in the lodging and use the building facilities during that stay. This would include the use of the Gym and Lounge. There would be no day of time limit to the use of the Gym or Lounge and guests may use the facilities all night if desired as long as no outside noise disruption occurs. Use of the Patio would be limited to sunrise to 10 pm weekends, 9 pm weekdays. Lodging is limited to All year use when building is not otherwise in use

4. Lodging without use of gym limited to 20 guests. Rooms may be rented in groups or individually to separate parties. All year use when building is not otherwise in use.

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.

Discussion: Baranski said buffering to the north and east has been resolved if the HPC agrees. He also wants to keep the provision for a review of the special use permit in one year to address any issues the neighbors may be having. We've had these concerns before and it's hard to know how this is going to play out.

Rosenthal asked one year from when.

Oldenburg said he would say one year from the day this has been established as a use – the day the pool opens.

Cook asked if the review would only be for the pool.

Baranski said he is not as concerned about the noise. Over the years this area has had a lot of noise and with the proposed use after 10PM everyone would be inside. If the noise becomes excessive there is a city noise ordinance and the police would deal with these complaints just as they would anywhere else in Galena. The lodging maximum of twenty persons does involve overnight parking but for gym activities and events those cars would likely be coming and going all day and most likely clear out overnight. He realizes this is not a vacation rental but if you were to figure parking on that basis they would need five spaces - they are only two spaces short.

Jansen said currently there are three reserved ARC spaces on Bench Street and those will revert to public parking. He's comfortable with the amount of parking that will be provided. He said the listed proposed activities in #1 are consistent with the current use. He is not sure how the board regulates the three times per year 100 plus attendees for Use #2. If there are no problems and they want to come back to request more, they can do so.

Rosenthal said he thought the applicant was asking for events other than sports – that tournaments and such would be a part of #1.

Baranski said the proposed uses show tournaments as part of the requested three events to be held each year.

Bochniak asked what is meant by large group. One hundred isn't necessarily a large group. Is someone going to count?

Baranski said he thinks this is a good provision and this is what was provided by the applicant. He thinks this is a good limit to start with and let's see how it plays out.

Oldenburg said three would be allowed by right if he wants more he can come back before the board.

Jansen said the three events per year with more than 100 people attending would include sporting events. The applicant is indicating that he thought the sporting events would not be included in this count.

Baranski said we can take out the language relating to sporting events in #2:

2. Use of the building for a festival event such as a **(sports tournament,)** music event, theater event, or other social gathering or event which may occur over a weekend, up to 3 events a year. These events may gather large groups of people, as many as 100. These events will be planned and scheduled events such as a recital or a theater performance. Or, an event could be a sporting tournament in which teams gather for a series of games. Or, an event could be a graduation from a group or class, an anniversary party, or other similar large, celebratory party.

The language in parenthesis will be omitted.

Bochniak asked if the pool could be installed after the facility has been open for a year.

Rosenthal said building plans and logistics would probably make that difficult and costlier if installed later.

Baranski said he doesn't feel the dipping pool is a typically outlandish use especially with the close time. Any issues will be addressed in one year. As to setting precedent anyone wanting a pool in the front yard would have to apply for a special use permit and the merit of the request would determine if the board approved it. Each application stands on its own.

Rosenthal said this property is land locked and is different than most residential properties.

Baranski said let him fulfill his plan and give him a year to see what happens. If the neighbors say it is a disaster, then we will deal with it.

Calvert thought #2 needed to be further amended by removing the second to last sentence which refers to sporting events:

2. Use of the building for a festival event such as a **(sports tournament,)** music event, theater event, or other social gathering or event which may occur over a weekend, up to 3 events a year. These events may gather large groups of people, as many as 100. These events will be planned and scheduled events such as a recital or a theater performance. **(Or, an event could be a sporting tournament in which teams gather for a series of games.)** Or, an event could be a graduation from a group or class, an anniversary party, or other similar large, celebratory party.

The language in parenthesis will be omitted.

The Board agreed.

Baranski reviewed the approval criteria:

Approval Criteria & Recommendation:

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; **Not relevant.**
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.; **Does not apply.**
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; **This has been addressed.**
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; **It is conformance with.**
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; **This is true.**
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; **It does.**
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. **There is.**

Preliminary PUD Plan – A preliminary development plan application shall demonstrate conformance with all of the following:

- a. The ODP review criteria in division (B); **It does.**
- b. The applicable preliminary plat criteria in [Chapter 153](#), Subdivision Regulations; **Not applicable.**
- c. The applicable site plan review criteria in § [154.914](#); **It does meet.**
- d. The approved ODP, if applicable; Not applicable.
- e. An appropriate, specific density/intensity of uses for all areas included in the preliminary plan approval; **It does.**
- f. For a PUD/TND District, the area of the plan is at least five acres in size or as specified in an applicable approved ODP, or as identified in § [154.301](#). **Not applicable.**

As Roll Call was:

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

Motion carried.

NEW BUSINESS

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 open the Public Hearing for Cal. No. 18A-04.

Motion carried on voice vote.

Adam Johnson, 211 Fourth Street Galena said the request is for a text amendment to allow an artisan studio by right with a special use permit in MDR and LDR. Johnson said he was surprised this use was not already allowed. This is a significant opportunity for persons with historical homes to operate a studio, after obtaining a special use permit which oversees the application and provide a nice complimentary use for these areas.

Paul Pendola, 306 South Prospect Street Galena said he is often working outside when pedestrians on Prospect Street stop to visit and inquire about his work. Many ask if they can purchase his product, but he is currently not allowed to sell from his home. The home was originally built as a grocery or candy store utilized by those living in the neighborhood or attending the former school. The use is well suited to the location. His studio would not be so much a destination but a discovery for those visiting the area.

Rosenthal asked those in favor of the request to come forward.

Anna Hemm, 226 South High Street Galena said her home is very close to Pendola's. He is a very nice, considerate neighbor and his business will be an asset to the neighborhood.

Dan Krenz, 311 Jackson Street Galena is a friend of Pendola's and sometimes helps him out. He thinks this a good idea and would have little impact on the area.

No one spoke in opposition to the request.

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

Motion carried on voice vote.

MOTION: Bochniak moved, seconded by Nybo to recommend the City Council approve the Special Use Permit for Cal. No. 18A-04 as presented.

Bochniak said this is a good use for this building.

Baranski said this would only be allowed only thru special use. This use is already found in these areas as some have been grandfathered in.

Discussion: Bochniak reviewed the approval criteria:

Approval Criteria & Recommendation for Text Amendment:

In order to maintain internal consistency within this code and on the zoning map, proposed amendments to the text and zoning map must be consistent with the purposes stated herein.

In determining whether the proposed amendment shall be approved, the following factors shall be considered:

(1) Whether the existing text or zoning designation was in error at the time of adoption; **Bochniak and Baranski agreed that this could have been an oversight when the ordinance was written.**

(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.; **Yes, there has been a change in the whole city.**

(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; **N/A**

(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; **It is in conformance.**

(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; **There is for tourism.**

(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; **Yes it does.**

(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. **There is a need and it is a good fit.**

The Zoning Administrator and Zoning Board of Appeals shall make recommendations and the City Council shall take final action.

As Roll Call was:

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

Motion carried.

MOTION: Bochniak moved, seconded by Cook to open the Public Hearing for Cal. No. 18S-16.

Motion carried on voice vote.

The applicant indicated that his previous testimony for Cal. No. 18A-04 was applicable to this request.

No other testimony was heard for this request.

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing for Cal. No. 18S-16. Motion carried on voice vote.

MOTION: Baranski moved, seconded by Cook to recommend approval for a Special Use Permit for Cal. No. 18S-16 as written contingent upon City Council approval of text amendment Cal. No. 18A-04.

Discussion: Baranski said sup's give property specific uses and he thinks this location would be a perfect spot for this type of use. The foot and car traffic make this ideal.

Baranski reviewed the approval criteria:

Approval Criteria & Recommendation for Special Use Permit:

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.

Baranski said the request complies with all criteria requirements.

As Roll Call was:

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

Motion carried.

MOTION: Bochniak moved, seconded by Jansen to open the Public Hearing for Cal. No. 18V-02.

Motion carried on voice vote.

Adam Johnson said they are asking for a parking variance due to the topography of the site as there is no opportunity for off street parking and there is plentiful parking directly in front of the house.

No other testimony was presented.

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing for Cal. No. 18V-02.

Motion carried on voice vote.

MOTION: Jansen moved, seconded by Cook to approve the variance for Cal. No. 18V-02 as written contingent upon City Council approval of text amendment Cal. No. 18A-04.

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.

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.

Jansen said the request meets 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

None

OTHER BUSINESS

None

PUBLIC COMMENTS

None

MOTION: Bochniak moved, seconded by Calvert to adjourn the meeting at 8:10 pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price
Zoning Board Secretary

DRAFT

18C-0489 – DISCUSSION AND POSSIBLE ACTION ON ZONING CAL. NO. 18PD-02, A REQUEST BY THE GALENA ART AND RECREATION CENTER, 413 S. BENCH STREET, TO REZONE TO PLANNED UNIT DEVELOPMENT WITH AN ASSOCIATED PRELIMINARY PUD PLAN

Discussion: Renner stated he was not happy with the water feature in front. He felt it was a safety and maintenance issue. He was not in favor of any type of water feature in the front yard. Bernstein agreed.

Westemeier stated he is in favor of the plans for the inside of the building. He recommended waiting a year on the water feature. He is concerned it will be a liability issue. He noted the plan includes 4 parking spaces on the left side. He is concerned that isn't enough when they could potentially have 20 people there at a time.

Nack advised the preliminary plan came to the council with five recommendations. If the Council agrees, it will go back to the Zoning Board and they will approve the final plan. The Council can deny, approve or modify the preliminary plan.

Motion: Hahn moved, seconded by Allendorf, to send the preliminary plan back to the Zoning Board with the recommendation to look at items 1-4 with the elimination of number 5 under the conditions.

Discussion: None.

Roll Call: AYES: Fach, Hahn, Kieffer, Westemeier, Allendorf, Bernstein, Renner
NAYS: None

The motion carried.

Resolution No. _____

ZONING BOARD OF APPEALS

**DETERMINATION & RECOMMENDATION TO THE CITY COUNCIL
OF THE CITY OF GALENA**

REGARDING

CALENDAR NUMBER: Cal. No. 18PD-02

APPLICATION BY: Adam Johnson and Galena Art & Recreation Center – 413
South Bench Street, Galena, IL 61036

FOR: Request for Preliminary Plan approval and Rezoning for a
Planned Unit Development with an underlying district of
Low Density Residential to allow proposed uses.

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on November 14, 2018 and by directed continuance on December 12, 2018. The hearing was advertised in an edition of the Galena Gazette, in a quarter-page sized ad, that was available to the general public between 15 and 30 days prior to the hearing. 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 subject property is located at 413 South Bench Street and is commonly known as the Art & Recreation Center. The property consists of approximately 0.77 acres or 30,015 square feet and is situated along South Bench Street overlooking the Downtown Commercial area. A narrative is included with locational and district maps from the applicant to describe the scope of the project for your understanding. The district map colors are explained as: orange = LDR zoning and blue = DC zoning.

The applicant is requesting rezoning of the property from Low Density Residential to Planned Unit Development for a site with an underlying default district of Low Density Residential and approval of a Preliminary PUD Plan which includes changes to land use and associated site improvements. Rezoning to a PUD is the most appropriate process to address the proposed land uses and intensity standards for the site and district. The existing site, structure and use of the property are existing, non-conforming and, unless a proposed use matched the existing use, it would be difficult to find an adaptive use allowable in the Low Density Residential district to suit the property due to its vast scale and original purpose.

As a point of reference, the existing land use on the property is Indoor Institutional with accessory outdoor recreational uses on the playground. The current intensity at the site is as follows:

1. Floor Area Ratio: 0.47
2. Daily intensity:
 - a. Summer months (10 weeks): 50 children, 12 staff, Mon.-Fri. 8AM-6PM;
 - b. Remaining months: 20 children, 7 staff, Mon.-Fri. 8AM-6PM;
 - c. Daily classes: 10-15 people, all year extending into the evenings until 8PM;
 - d. Basketball: Sunday evenings, 6PM-8PM;
3. Parking: No off-street parking, three spaces reserved on-street, day-care and classes mostly drop-offs and pick-ups on-street.

The property sits within an existing transitional area from downtown land uses to the East to residential, guest accommodations and indoor institutional land uses to the North, South and West.

Proposed land uses:

Essentially, the applicant proposes to market the property to bring interest groups to Galena to stay at the property and use amenities such as a large kitchen, gymnasium and proposed plunge pool. Groups could include a variety of interests and demographics for a proposed maximum occupancy of 20 persons. The breakdown of uses relative to our standard table include:

1. Guest Accommodations – this proposal requests transient lodging for up to 20 persons.
2. Indoor Commercial Entertainment –the amenities of the structure would provide accessory entertainment to the guests. The applicant lists indoor entertainment on the drawings and narrative as cooking classes, sporting activities in the gym and performances on the stage.
3. Outdoor Recreation – the applicant proposes an outdoor plunge pool, approximately 5’ wide x 10’ long x 3’ deep, in the North lot in the front yard.

At their regular meeting on November 14, 2018, the Zoning Board of Appeals directed a continuance of the public hearing in order for the applicant to clarify the proposed plan and return with the update at the December 12th meeting. The presentation of new information and testimony required the public hearing to be re-opened. Items to be clarified were: indoor entertainment activities and the details of the proposed plunge pool.

At their regular meeting on December 12, 2018, the Zoning Board of Appeals re-opened the public hearing and subsequently voted to recommend approval of the rezoning and preliminary plan of the Planned Unit Development with an underlying district of Low Density Residential. The ZBA made the approval with certain conditions for each of the proposed land uses, listed in the recommendation below.

Testimony Presented on Behalf of the Applicant:

Refer to minutes from November 14 and December 12, 2018 ZBA meetings, attached.

- Adam Johnson, Architect, 411 Fourth Street, Galena, IL, presented on behalf of the applicant.
- Dave Decker, 413 S Bench Street, Galena, IL spoke in favor as the Director of the ARC.
- Mark Schlenker, 348 Snipe Hollow Rd, Elizabeth, IL spoke in favor as the applicant.

Testimony Presented in Opposition to the Request:

- John Carey, 501 S Bench Street, Galena, IL spoke in opposition to the request.
- Dennis Dunton, 407 S Bench Street, Galena, IL spoke in opposition to the request.
- Ilisa Farrell, 505 S Bench Street, Galena, IL spoke in opposition to the request.
- Diane Chekkin, 414 S Bench Street, Galena, IL spoke in opposition to the request.
- Christy Wheatley, 518 Hill Street, Galena, IL spoke in opposition to the request.
- Nick Hyde, 1429 Elm Street, Galena, IL spoke in opposition to the request on behalf of the neighbors.

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Article 0, Section 154.005 through 154.008 sets forth the Purpose, Separability and Non-Liability, Abrogation and Rules of Interpretation of the Zoning Ordinance.
- Article 2, Section 154.201(B) describes the Standard Residential Zoning Districts.
- Article 2, Table 154.204.1 lists the Bulk Standards for Nonresidential Structures.
- Article 2, Table 154.208.1 lists the Intensity Standards for Nonresidential uses.
- Article 3, Section 154.301 sets forth the criteria for Planned Unit Developments (PUD).
- Article 3, Section 154.301(E) lists and describes the criteria for Planned Unit Development Types which include Planned Unit Development Districts and Planned Unit Development Sites.
- Article 4, Table 154.403.1 lists the land uses permitted by right or by special uses for each zoning district.
- Article 6, Section 154.601 sets forth the criteria for Off-Street Parking and Traffic Control Standards.
- Article 6, Section 154.604 sets forth the criteria for private-development Lighting Standards.
- Article 6, Section 154.605 sets forth the criteria for Landscaping Standards.
- Appendix A provides the City's Lighting Standards and Requirements.
- Article 9, Section 154.914 lists and describes the elements for Site Plan Review
- Article 9, Section 154.918 and Table 154.918.1 set forth the procedure for Required Non-Administrative Development Review.
- Article 9, Section 154.919 lists and describes the Non-Administrative Development Review Common Elements of Procedure.
- Article 9, Section 154.920 sets forth the purpose, applicability, approval criteria, decision-maker, and application and review procedures for Rezoning.
- Article 9, Section 154.923 sets forth the criteria for approval of PUD Rezoning and Plan Review.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Adam Johnson and Galena ARC to rezone to Planned Unit Development for a site, with an underlying default district of Low Density Residential, and Preliminary Plan to allow proposed uses should be approved for the following reasons:

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.; *N/A*
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; *This has been addressed.*
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.*
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; *This is true.*
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 *The design fits within the site and is appropriate.*
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. *There will be a benefit to the community.*

And;

Preliminary PUD Plan – A preliminary development plan application shall demonstrate conformance with all of the following:

- a. The ODP review criteria in division (B) above; *Plan meets the ODP criteria.*
- b. The applicable preliminary plat criteria in [Chapter 153](#), Subdivision Regulations; *n/a*
- c. The applicable site plan review criteria in § [154.914](#); *Plan meets site plan review criteria.*
- d. The approved ODP, if applicable; *n/a*
- e. An appropriate, specific density/intensity of uses for all areas included in the preliminary plan approval; and *The proposed intensity of use is appropriate for the site.*

- f. For a PUD/TND District, the area of the plan is at least five acres in size or as specified in an applicable approved ODP, or as identified in § [154.301](#). *n/a*

RECOMMENDATION

NOW, THEREFORE BE IT RESOLVED, that this Zoning Board of Appeals does recommend to the City Council of the City of Galena that this request by Adam Johnson and Galena ARC to rezone to Planned Unit Development for a site, with an underlying default district of Low Density Residential, to allow proposed uses should be approved with the following conditions:

1. Use of the gymnasium for all typical gym sports, including basketball, volleyball, dodge ball, etc. and for active training or exercise classes or groups, such as martial arts or aerobics classes. Use of gymnasium may also include use of the stage for rehearsals for plays or similar activities. This may be used by renters, local groups using the gym for practices and open gym periods for public use. The ARC intends to continue some gym use. Use of music or amplifiers will be limited to levels that are not distracting from the exterior. Hours for use will be 6 am to 10 pm all year. This use may include up to 30 or 40 people depending on the size of teams for the sport. Separate lodging use would not occur during this use, the building would be otherwise empty.
2. Use of the building for a festival event such as a music event, theater event, or other social gathering or event which may occur over a weekend, up to 3 events a year. These events may gather large groups of people, as many as 100. These events will be planned and scheduled events such as a recital or a theater performance. Or, an event could be a graduation from a group or class, an anniversary party, or other similar large, celebratory party.
3. Use of whole building by groups which will stay in the lodging and use the building facilities during that stay. This would include the use of the Gym and Lounge. There would be no day of time limit to the use of the Gym or Lounge and guests may use the facilities all night if desired as long as no outside noise disruption occurs. Use of the Patio would be limited to sunrise to 10 pm weekends, 9 pm weekdays. Lodging is limited to All year use when building is not otherwise in use
4. Lodging without use of gym limited to 20 guests. Rooms may be rented in groups or individually to separate parties. All year use when building is not otherwise in use.
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.

PASSED AND APPROVED this 12th day of December, A.D. 2018, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 0 absent, 1 abstain, 0 recused.

John Rosenthal, Chairperson

DECISION

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

REGARDING

CALENDAR NUMBER: 18S-16 & 18V-02

APPLICATION BY: Paul Pendola, 306 South Prospect Street,
Galena, IL 61036.

FOR: A Special Use Permit to allow Artisan Studio in a Low Density Residential District and Variance request for off-street parking requirement.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on December 12, 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 has approached the Staff about opening his spoon-carving studio at his residence for the public to enjoy. He currently resides at the property, but also owns another on High Street. His intent is to keep the shop open in the basement, but to also display his spoon carvings and possibly have a studio / small residence for another visiting artist on the main level of the house. He will then reside in his other residence on High Street. The land use that best describes his proposal is *Artisan Studio*. The property is located in the Low Density Residential district and Artisan Studio is not allowed. As we further discussed his proposal, we were able to note other residences around town that have artists who allow the public to visit their studios and purchase items. However, this land use is not currently allowed in residential districts. It seems fitting to allow *Artisan Studio* as an allowable land use in residential districts as the use has proven to be compatible in those districts with other “grandfathered” properties existing for many years. The applicant wishes to propose an amendment to our ordinances to allow *Artisan Studio* as a land use allowed only by Special Use Permit in the LDR and MDR districts. This would be a nice feature for residents and visitors to enjoy and it also supports the Comprehensive Plan goals for our local tourism economy.

The following pages include the proposed text amendment changes. Essentially, it is proposed to allow *Artisan Studio* as a principal commercial use or an accessory residential use by Special Use Permit in LDR and MDR districts, in addition to the currently allowed districts.

Next, the applicant would like to concurrently request a Special Use Permit for his specific property to allow *Artisan Studio* as a principal commercial use. A variance request is also necessary because the *Artisan Studio* land use requires one off-street parking space per 300 square feet of gross floor area. The applicant's house is situated on a bluff and there is no practical way to provide off-street parking. There are three on-street parking spaces across the street and two on-street spaces in front of the house. The applicant expects most visitors to be those who venture by foot from the Green Street Stairs.

A site plan review of the proposed request has been conducted per the criteria listed in §154.914.

Staff recommends approval of this request. The ZBA can make a recommendation to the City Council for decision on the text amendment. The ZBA can also make a decision on the Special Use Permit and Variance with a condition that the text amendment is approved by the Council.

Land uses in the vicinity of the property includes: residences, Linn-Mar Gardens, Galena Green Condos and the Victorian Mansion Small Inn.

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:

SPECIAL USE PERMIT

- **Adam Johnson, 211 Fourth Street Galena** said the request is for a text amendment to allow an artisan studio by right with a special use permit in MDR and LDR. Johnson said he was surprised this use was not already allowed. This is a significant opportunity for persons with historical homes to operate a studio, after obtaining a special use permit which oversees the application and provide a nice complimentary use for these areas.

- **Paul Pendola, 306 South Prospect Street Galena** said he is often working outside when pedestrians on Prospect Street stop to visit and inquire about his work. Many ask if they can purchase his product, but he is currently not allowed to sell from his home. The home was originally built as a grocery or candy store utilized by those living in the neighborhood or attending the former school. The use is well suited to the location. His studio would not be so much a destination but a discovery for those visiting the area.
- **Anna Hemm, 226 South High Street Galena** said her home is very close to Pendola's. He is a very nice, considerate neighbor and his business will be an asset to the neighborhood.
- **Dan Krenz, 311 Jackson Street Galena** is a friend of Pendola's and sometimes helps him out. He thinks this a good idea and would have little impact on the area.

VARIANCE

- **Adam Johnson, 211 Fourth Street, Galena,** said they are asking for a parking variance due to the topography of the site as there is no opportunity for off street parking and there is plentiful parking directly in front of the house.

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 154.201 (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 154.405(I) sets forth the number of land uses per building and residential uses allowable in commercial occupancies.
- Section 154.406 (D) defines and outlines the regulations for Artisan Studio.
- 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.
- Section 154.925 sets forth the Purpose, Applicability, Approval Criteria, Decision-Maker and 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 Low Density Residential District.
2. The Zoning Ordinance provides for Artisan Studios as follows:

- a. Artisan Studio 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 an Artisan Studio as a principal commercial land use in a Low Density Residential District.
5. The property is meets the detailed regulations for Artisan Studio
6. There is no physical room on the property for an off-street parking space. Therefore, there is a physical hardship that was not created by the owner.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Paul Pendola for a Special Use Permit to allow Artisan Studio 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 Artisan Studio 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.

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Paul Pendola for a Variance to exempt the off-street parking requirement, for Artisan Studio 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 Paul Pendola for a Special Use Permit to allow Artisan Studio as a principal commercial land use in a Low Density Residential District and Variance request for off-street parking requirement should be approved.

SPECIAL USE PERMIT: PASSED AND APPROVED this 12th day of December, A.D. 2018, by the Galena Zoning Board of Appeals by a vote of 7 ayes, 0 nays, 0 absent, 0 abstain, 0 recused.

VARIANCE: PASSED AND APPROVED this 12th day of December, A.D. 2018, 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: January 4, 2019

RE: Cal. No. 19HCO-01 & 19V-01, Applicant & Owner: Tom Wiene, Lockit & Leaveit Storage, Inc., 11401 Dandar Street, Galena, IL 61036. Location: Lots 7 & 8 of the Chains & Links Subdivision, part of Section 11, Township 28 North, Range 1 West of the Fourth Principal Meridian, City of Galena, Rawlins Township, Jo Daviess County, Illinois. Common Address: 11401 Dandar Street, Galena, IL 61036. Request for Non-administrative Highway 20 Development Permit to allow construction of storage buildings and associated site improvements; and Variance to allow a decreased front yard setback to match adjacent property's front yard setback.

Project Summary:

The applicant is requesting approval of a Highway 20 Development Permit to construct additional storage buildings and associated site improvements in order to expand their Personal Storage land use. A variance is also requested 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. The property is currently zoned as Heavy Industrial and the land use is allowed by right. The Highway 20 Design Manual requires non-administrative review or any new principal structures. The additional buildings are indicated on the engineer's site plan. The applicant already has a Special Use Permit from the ZBA to continue with the same style of buildings (including materials) as existing on the site.

The circulation area will take access from two curb cuts along Dandar Street. No additional parking is needed because the Code requires one per employee on the largest work shift – there are no employees at the site. The site has approximately 400 linear feet of street frontage. 840 total landscaping points are required with 50% dedicated to tall / climax trees and 50% dedicated to medium trees / spruces. All lighting will be wall-mounted with downcast and shielded lights.

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. Additional storm water generated from new impervious area will be directed toward a new detention pond, which will be improved to the appropriate capacity as calculated by Tom Golden, P.E.; capacity will be verified by the Building Dept. The request also meets the Highway 20 Design Manual criteria listed in the section below. The Variance criteria are also listed below.

Staff has made a site visit and the following comments are included as part of the record to ensure compliance before a building permit is issued: Proposed lighting and landscaping is adequate to provide safe travel by foot and safe circulation of vehicles. The landscaping improvements meet the requirements of the Code with plantings within 10 feet of the right-of-way to provide a visual break at the street frontage.

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; *n/a, site is under 10 acres in size.*
- (6) The standards for building orientation, design and materials as described in Chapter [VII](#) of the Design Manual; and
- (7) The standards for site features and elements as described in Chapter [VII](#) of the Design Manual.

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

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.

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.

**ASSUMPTIONS AND CALCULATIONS FOR SIZING STORM WATER
DETENTION FOR TWO NEW STORAGE UNITS IN CHAINS AND LINKS
SUBDIVISION: GALENA INDUSTRIAL PARK.**

The owner wishes to erect two storage units which will have access from Dandar Street. Assumptions for detention pond sizing to accommodate this plan are as follows:

The site location is on a high area fronting Dandar Street. Flows along Dandar Street are served by curb and gutter and do not run across this property. No other exteranneous flows run across this property.

The total area which passes through the detention site is 1.37 acres. Therefor:

Undeveloped original flow (Q) = $cia = 0.2 \times 3.1 \times 1.37 = \underline{0.85 \text{ cfs}}$ where:

c = runoff coefficient

i = 100 year rainfall intensity for 1 hour in inches

a = area in acres

DEVELOPED CONDITIONS:

0.20 acre of roofs @ c = 0.9

0.54 acre of gravel drive @ c = 0.6

0.63 acre of grassy area @ c = 0.2

Composite runoff coefficient (Cc):

$$[(0.20 \times 0.9) + (0.54 \times 0.6) + (0.63 \times 0.2)] / 1.37 = 0.46$$

Therefor: Flows at full development = $Ccia = 0.46 \times 3.1 \times 1.37 = \underline{1.95 \text{ cfs}}$

Size detention pond to hold 1 hour flow at a 100year intensity:

$(1.95 \text{ cfs} - 0.85 \text{ cfs}) \times 60 \text{ sec. per min.} \times 60 \text{ min. per hr.} = 3960 \text{ cubic feet}$

increase by 15%: $3960 \times 1.15 = \underline{4554 \text{ cubic feet}}$

That is equivalent to a pond 40 feet by 40 feet and 3 feet deep.

Enclosed with these calculations is a site plan. The owner will assure that all flows off the buildings will be directed to the detention pond.

James N. Gold F.E.
12/10/18

SUBDIVISION

LOTS 6 AND 7 IN
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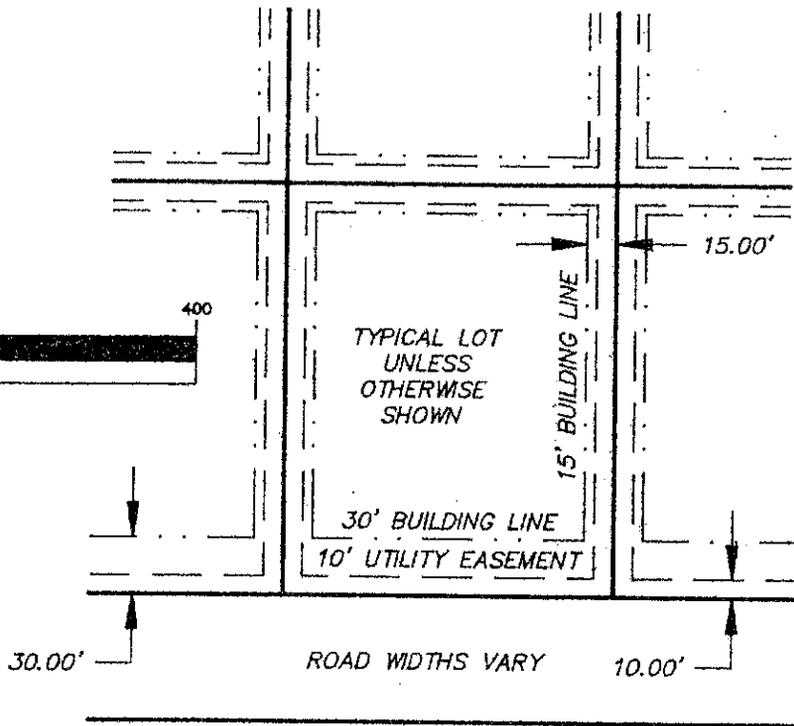
THOMA

GRAPHIC SCALE



(IN FEET)

1 inch = 100 ft.



SURVEYORS CERTIFICATE

STATE OF ILLINOIS)

SS

COUNTY OF JO DAVIESS)

NOTAR

STATE

COUNT

THIS IS TO CERTIFY THAT I, ROBERT L. YARBROUGH, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-2886, HAVE SURVEYED, SUBDIVIDED, AND PLATTED THE FOLLOWING DESCRIBED PROPERTY, DESCRIBED AS FOLLOWS:

I, THE
AFORS
PERSON
SUBSC
PERSON
FOREGC
AND US

PART OF LOT 6 AND 7 IN THE PLAT OF "GALENA INDUSTRIAL PARK", A SUBDIVISION LOCATED IN PART OF SECTION 11, TOWNSHIP 28 NORTH, RANGE 1 WEST OF THE FOURTH PRINCIPAL MERIDIAN, COUNTY OF JO DAVIESS AND STATE OF ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

IN TES
ON TH

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 6; THENCE NORTH 00°17'29" WEST, 1023.01 FEET ALONG THE WEST LINE OF SAID LOT 6 TO THE POINT OF BEGINNING; THENCE NORTH 00°17'29" WEST, 1010.90 FEET CONTINUING ALONG SAID WEST LINE OF LOT 6 TO THE NORTH WEST CORNER THEREOF; THENCE SOUTH 87°56'29" EAST, 135.96 FEET ALONG THE NORTHERLY LINE OF SAID LOT 6 TO A POINT; THENCE NORTH 72°26'38" EAST, 175.00 FEET ALONG THE NORTH LINE OF SAID LOT 6 AND IN PART ALONG THE NORTH LINE OF LOT 7; THENCE SOUTH 00°26'10" WEST, 495.09 FEET; THENCE NORTH 71°55'51" EAST, 58.36 FEET; THENCE SOUTH 29°14'06" EAST, 122.40 FEET; THENCE NORTH 60°45'54" EAST, 424.05 FEET TO THE NORTHWEST CORNER OF "FORREST RESUBDIVISION OF LOT 6", GALENA INDUSTRIAL PARK; THENCE SOUTH 29°11'31" EAST, 184.29 FEET ALONG THE WEST LINE OF SAID RESUBDIVISION TO THE SOUTH WEST CORNER THEREOF; THENCE NORTH 60°45'54" EAST, 216.37 FEET ALONG THE SOUTH LINE OF SAID RESUBDIVISION TO A POINT OF CURVE; THENCE ALONG THE ARC OF THE CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 20.00 FEET, THE CHORD OF WHICH BEARS NORTH 15°45'54" EAST, 28.28 FEET TO A POINT ON THE WESTERLY LINE OF SAID STREET; THENCE SOUTH 15°45'54" WEST, 28.28 FEET TO THE WESTERLY LINE OF SAID STREET; THENCE NORTH 15°45'54" EAST, 28.28 FEET TO THE POINT OF BEGINNING.

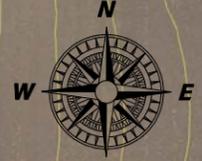
NOTAR

JO DAV

STATE

COUNTY

I, JEAL
STATE





DANDAK ST.

Driveway

74'x192' Building + -

20'x192' Building + -

Detention Pond

TECHNICAL ST.

100 0 100 200 300 400 500

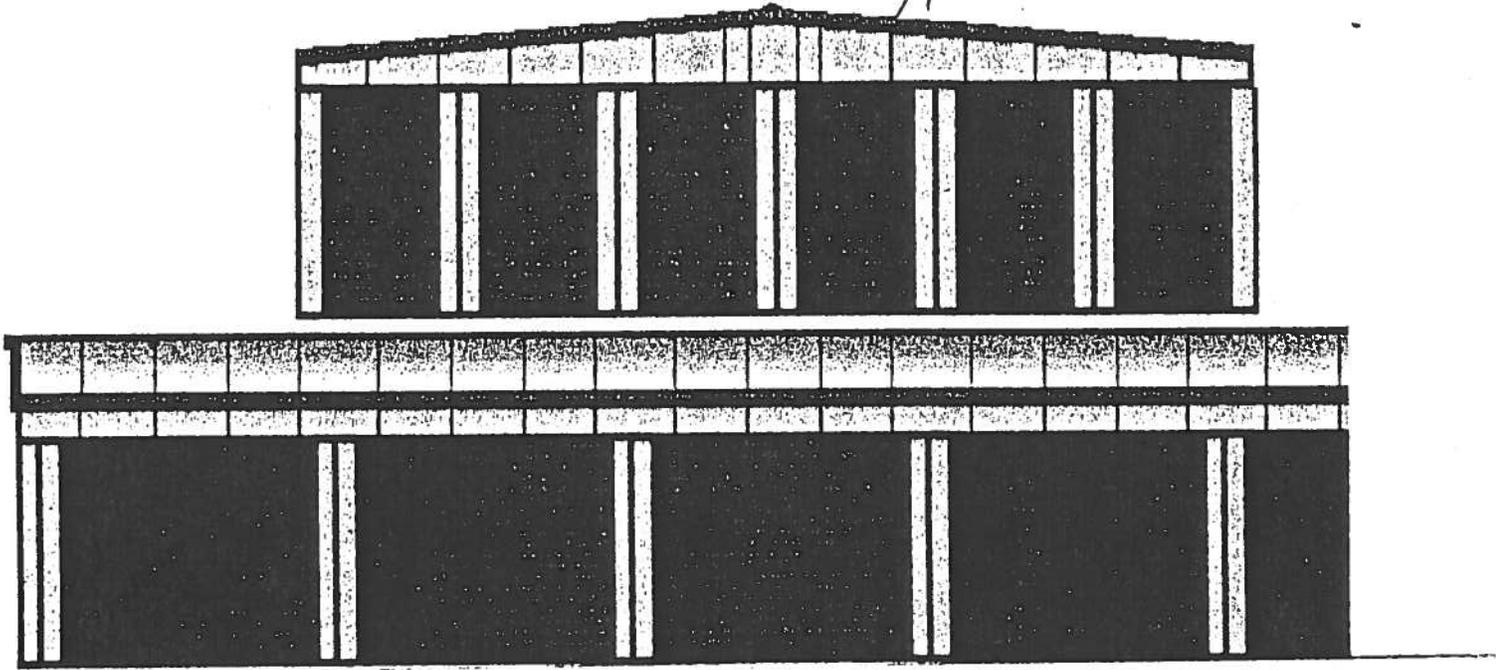
SCALE IN FEET + -



1" = 50' + -

Tom Wiewew

2/12



Charcoal Gray

Ash Gray

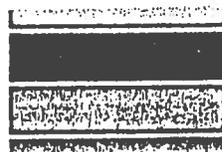
Cedar Red



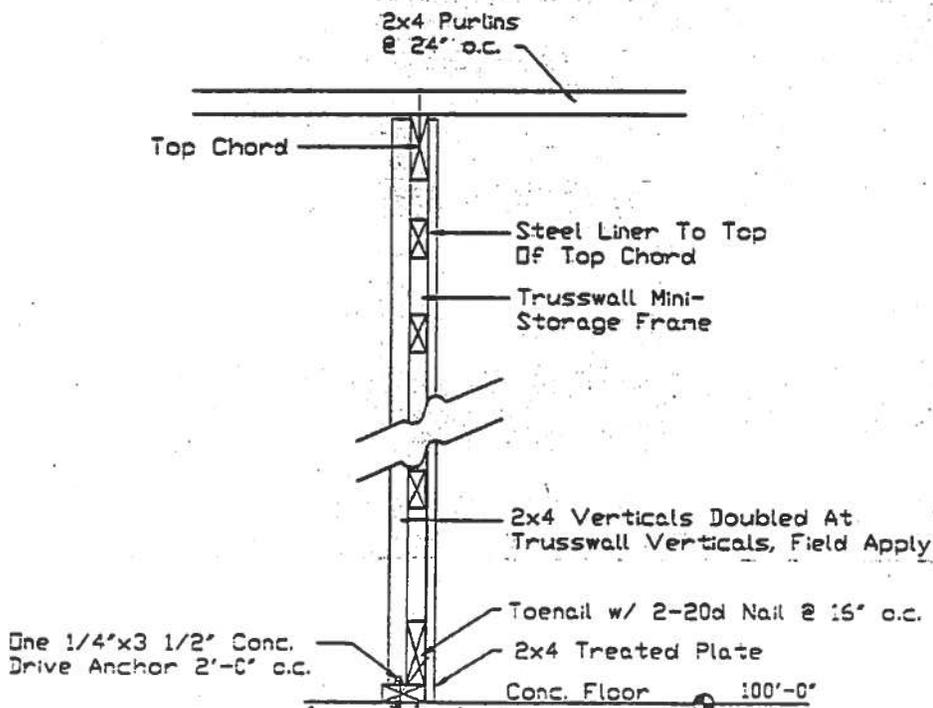
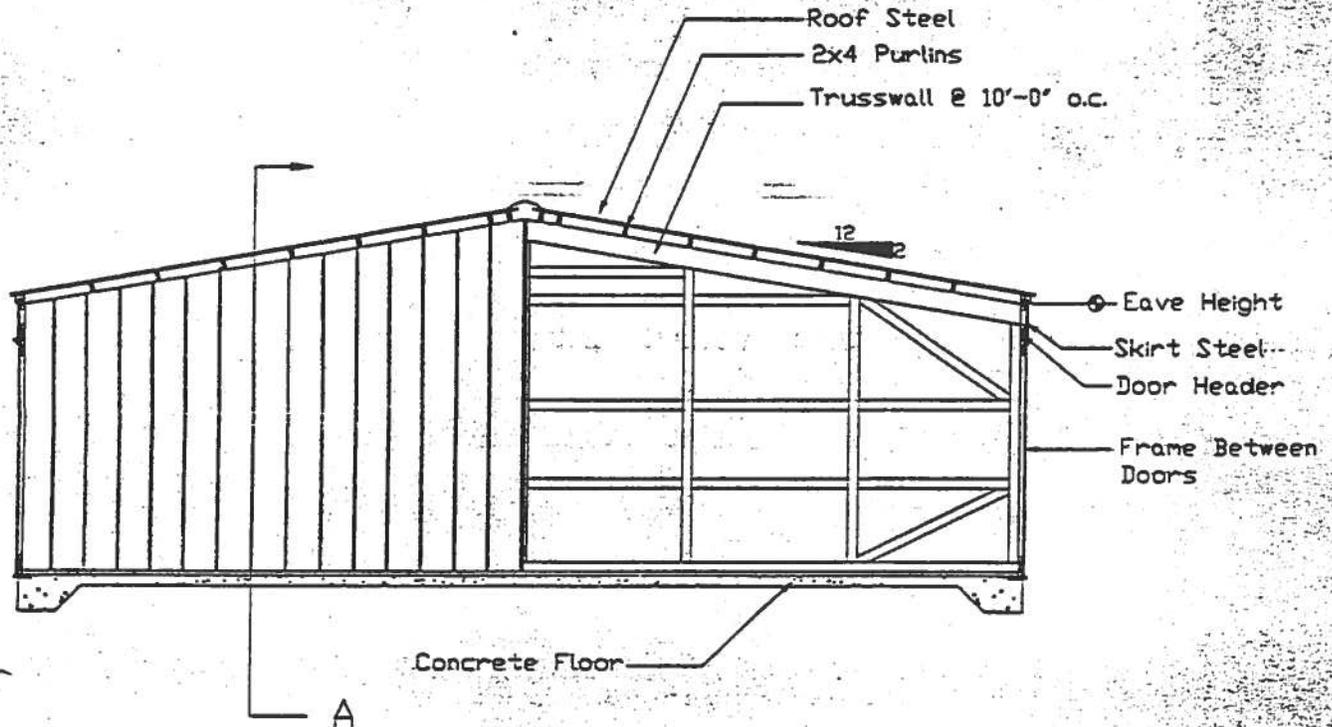
Bronze

Sunset Orange

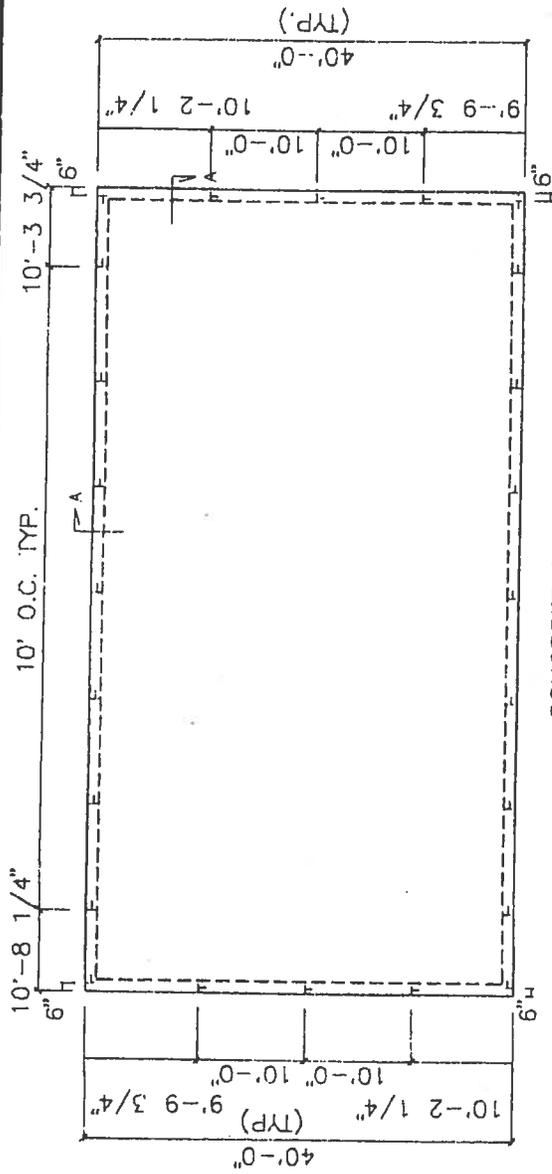
Cedar Red



TRUSS WALL Mini-Warehouse

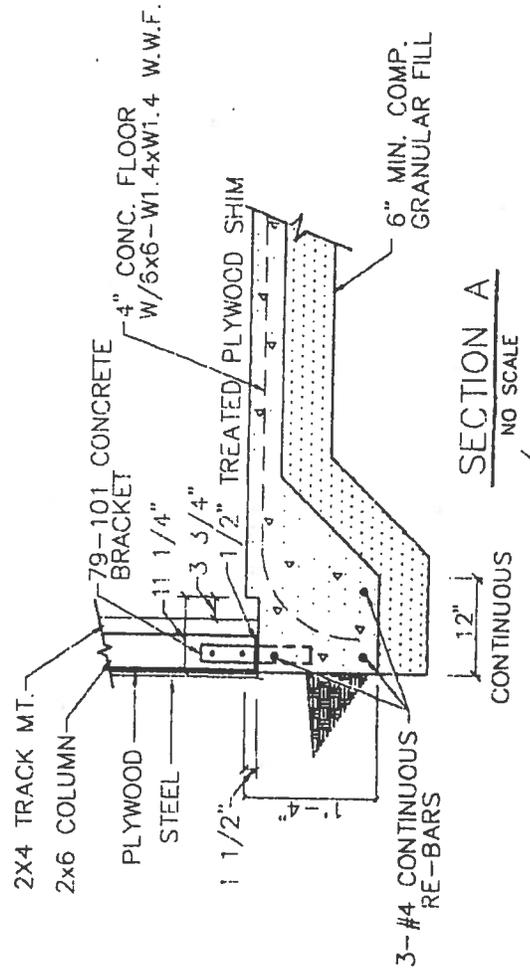


Section A



CONCRETE PLAN
NO SCALE

NOTE: 1 1/2" X 11 1/4" NOTCH IS DESIGNED FOR TRAC-RITE DOOR SYSTEM, WITH ANY OTHER DOOR NOTCH SIZE MUST BE CONFIRMED



SECTION A
NO SCALE

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: January 4, 2019

RE: Cal. No. 19HCO-02, Applicant: Eagle Point Solar and Owner: Miller Storage, 11401 A St., Galena, IL 61036. Request for Highway 20 Development Permit to allow installation of an unscreened, roof-mounted solar array.

Project Summary:

The applicant is requesting approval of a Highway 20 Development Permit to install a 15.34 kW solar array on the South slope of the roof on the building nearest Dandar Street. The highway view of this section of roof is only visible from the Westbound lane for a brief moment when in front of the Ramada Inn. I recommend approval; as of now, I cannot approve administratively because the Highway 20 Design manual requires ZBA approval of discourage elements.

No public hearing is needed for this request, a simple decision is needed by the ZBA.

The applicable ordinance is the Highway 20 Design Manual, Chapter VII (B)(7) Service Areas, Utility Equipment.

Table X.1, Footnote (3) states: “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.”

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.

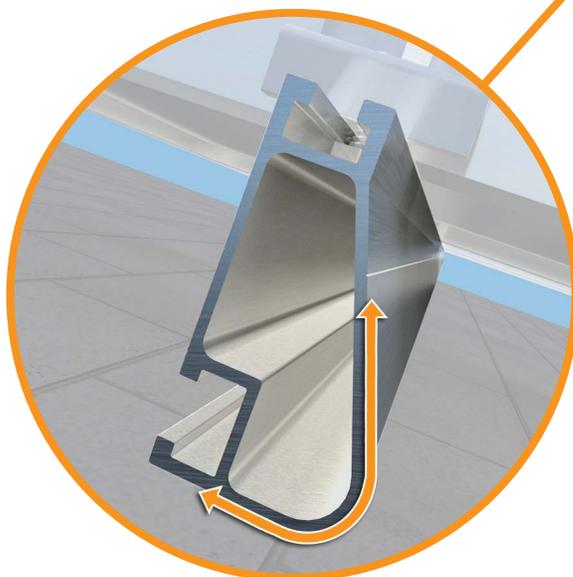
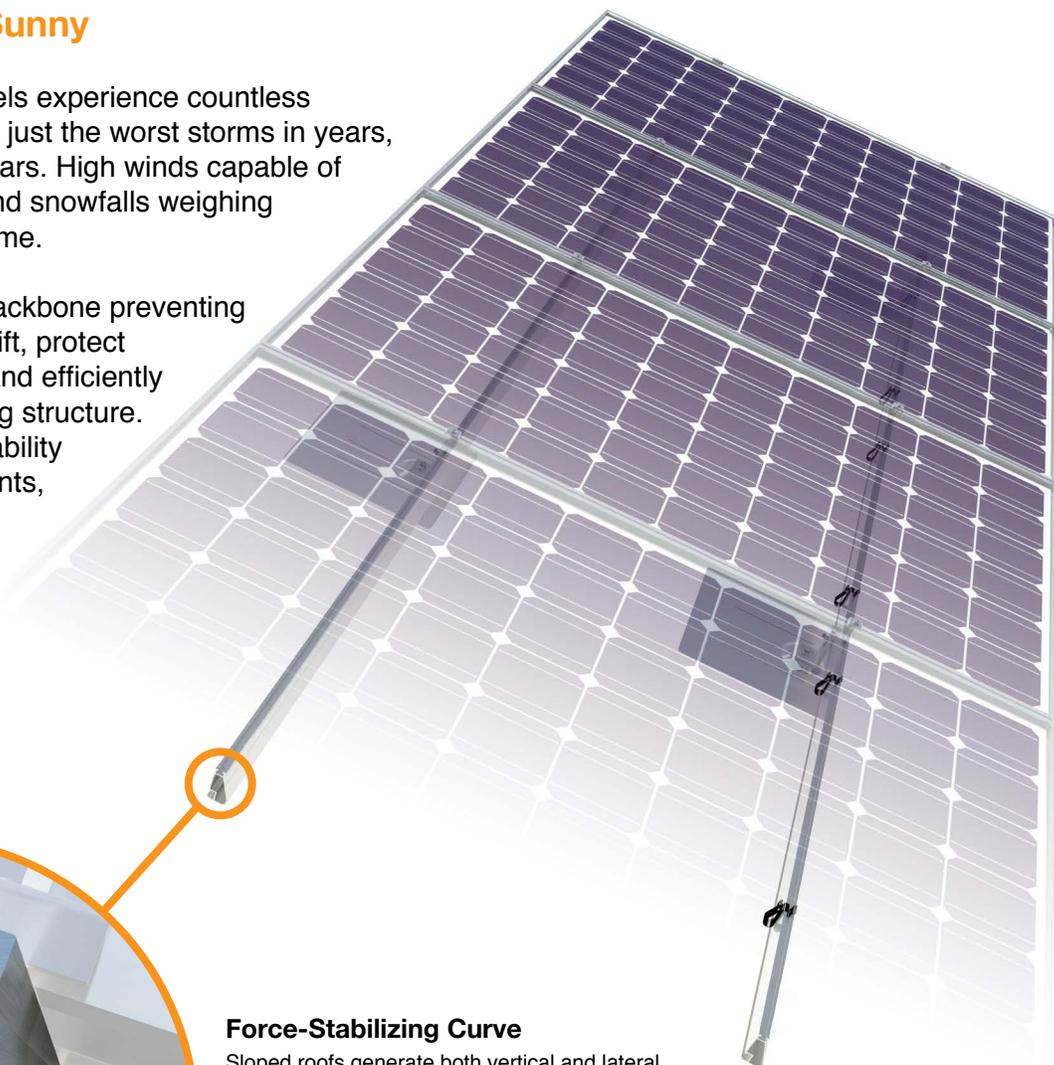
The Zoning Board of Appeals can approve, conditionally approve, or deny all applications for a Highway 20 development permit.



Solar Is Not Always Sunny

Over their lifetime, solar panels experience countless extreme weather events. Not just the worst storms in years, but the worst storms in 40 years. High winds capable of ripping panels from a roof, and snowfalls weighing enough to buckle a panel frame.

XR Rails are the structural backbone preventing these results. They resist uplift, protect against buckling and safely and efficiently transfer loads into the building structure. Their superior spanning capability requires fewer roof attachments, reducing the number of roof penetrations and the amount of installation time.



Force-Stabilizing Curve

Sloped roofs generate both vertical and lateral forces on mounting rails which can cause them to bend and twist. The curved shape of XR Rails is specially designed to increase strength in both directions while resisting the twisting. This unique feature ensures greater security during extreme weather and a longer system lifetime.

Compatible with Flat & Pitched Roofs



XR Rails are compatible with FlashFoot and other pitched roof attachments.



IronRidge offers a range of tilt leg options for flat roof mounting applications.

Corrosion-Resistant Materials

All XR Rails are made of marine-grade aluminum alloy, then protected with an anodized finish. Anodizing prevents surface and structural corrosion, while also providing a more attractive appearance.



MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: January 4, 2019

RE: Work session #3 regarding PV solar arrays in the Highway 20 Corridor

At the August 8, 2018 ZBA meeting, the Board elected to table discussion until the entire Board is present.

I've included my last memo and the minutes from that meeting for a refresher.

I'd like to end the work session with enough direction to craft and initiate a text amendment that would come back before the ZBA and Council for approval.

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.

- (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.

As Roll Call was:

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

Motion carried.

WORK SESSION

PV Solar Arrays Discussion – Highway 20 Corridor

The Board continued their discussion.

Baranski said the criteria is prescriptive – it is telling you what we prefer but it doesn’t specify exactly what is to be used. It is open to interpretation by the designer, the city and the board. Compatible is open to

interpretation. In areas that overlap in the historic district those guidelines will determine what is allowed. The proposed language is consistent with the rest of the ordinance and is ample enough to make decisions.

Cook left at 7:20 due to a family commitment.

Oldenburg said anything in the historic district transitional zone would have to meet the guidelines and have HPC approval.

Nybo does have concerns about the historic integrity of Galena and he does not want this jeopardized by this type of progress.

Baranski said solar is a part of the future and to have a future you must recognize solar. There is a huge demand for solar installation in Illinois right now. The financial pay back on these systems has been reduced from 10, 12 and 15 years to 4 or 5 years. At some point we are going to have to look at people wanting to install these systems. It also doesn't have to be new construction – they can be installed on buildings that are already present. We have to determine how we want things to look.

Nybo asked if Oldenburg was getting requests for solar installation.

Oldenburg said yes. Galena Chrysler and the new wedding venue will both be built this year and have expressed an interest in solar.

Baranski thought it should include language or examples of what would be harmonious. It would be nice if there was an additional check in place to make sure things are done correctly.

Oldenburg said the bulk standards are also limiting. Maybe there is a way for something to be included here.

Nack said it could be limited to a certain size array.

Oldenburg said we could add items, such as windmills, to the discouraged list and as such they would need Zoning Board approval.

Baranski said that might make sense.

Jansen said as the industry changes the laws and guidelines can be changed.

Oldenburg said the type of alternative energy and the density of the area could also be an issue.

Baranski said access to the sun, bulk standards and setbacks should protect the neighbors.

Oldenburg said he could include a limit on the number of panels allowed.

Nybo asked if we should have another worksession so we could get input from Rosenthal and Bochniak.

Oldenburg said he will continue to work on this.

Baranski wondered if graphics would help define what is allowed or discouraged.

OTHER BUSINESS

None

PUBLIC COMMENTS

None

MOTION: Jansen moved, seconded by Baranski to adjourn the meeting at 7:47pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price
Zoning Board Secretary