

August 12, 2020 Galena Zoning Board of Appeals Meeting

Notice of Meeting by Teleconference

Due to the essential nature of public meetings in conducting official City business and in line with the prohibition of gatherings, the upcoming Wednesday, August 12, 2020 Galena Zoning Board of Appeals meeting will take place via teleconference utilizing Zoom Video Communications. The meeting will be conducted at Zoom meeting

<https://us02web.zoom.us/j/84709765100?pwd=aUErcTVKV0dDZ29ncEJsUFFCYUpXUT09>

(ID: 847 0976 5100; Password 438193), with the following opportunities to participate, and reminders:

- **MEETING START TIME** – ZBA meeting will start at 6:30 p.m.
- **PUBLIC COMMENT** – Public Comment will be conducted as usual near the end of the meeting. To ensure the public will be able to participate the city is providing four ways in which the public can submit their comments.
- **PUBLIC HEARING** – The Public Hearing will be conducted at the beginning of the agenda item. To ensure the public will be able to participate the city is providing four ways in which the public can participate in the public hearing.

TELECONFERENCED — Public is invited to participate via Zoom Video Communications, meeting

<https://us02web.zoom.us/j/84709765100?pwd=aUErcTVKV0dDZ29ncEJsUFFCYUpXUT09>

(ID: 847 0976 5100; Password 438193). When the presiding officer calls for public comments during the meeting, an attendee wishing to speak by video and/or audio link will be asked to “raise hand”.

A. If using a PC or Mac:

1. During a meeting, click on the icon labeled "Participants" at the bottom center of your PC or Mac screen.
2. At the bottom of the window on the right side of the screen, click the button labeled "Raise Hand." Your digital hand is now raised. The meeting presiding officer will recognize you to speak for not more than three minutes.
3. After speaking, lower you hand by clicking the same button, now labeled "Lower Hand."

B. If using a mobile device:

1. Tap "Raise Hand" at the bottom left corner of the screen. The hand icon will turn blue and the text below it will switch to say "Lower Hand" while your hand is raised.
2. The meeting presiding officer will recognize you to speak for not more than three minutes.
3. After speaking, lower you hand by clicking the same button, now labeled "Lower Hand."

2. E-MAILED – Public participation can be submitted via email to mjoldenburg@cityofgalena.org with the subject "Public Comment (or Public Hearing) – August 12, 2020". The Zoning Secretary will read emails received out loud into the public record.
3. MAILED – Public participation can be mailed to the Galena Zoning Board of Appeals, 101 Green Street, Galena, IL 61036. Please include "ZBA Public Comment or Public Hearing" on the outside of the envelope. Please know that postage delivery time could cause the mailing to arrive after the meeting time.
4. TELEPHONE – Public participation can be by telephone by dialing the following:

Meeting ID: 847 0976 5100 Password: 438193

One tap mobile
+13126266799,,84709765100#,,,,0#,,438193# US (Chicago)

Dial by your location +1 312 626 6799 US (Chicago)
Find your local number: <https://us02web.zoom.us/j/84709765100>

- **SOCIAL DISTANCING** – Public meetings will be conducted via teleconference/virtually utilizing Zoom Video Communications to insure recommended social distancing. Join the meeting at <https://us02web.zoom.us/j/84709765100?pwd=aUErcTVKV0dDZ29ncEJsUFFCYUpXUT09> (ID: 847 0976 5100; Password 438193).
- **AGENDA** — The meeting agenda follows this page and is posted at www.cityofgalena.org and on the exterior of City Hall, 101 Green Street, Galena, Illinois.
- **NOTICE** – Members of the public participating in the meeting via Zoom will be muted unless recognized by the presiding officer to speak. Participants joining the meeting via Zoom agree that video and/or audio from their computer or device may be broadcast to other meeting participants and may be recorded. By joining the meeting, participants also agree that their video feed to the meeting may be disabled by the presiding officer and their audio feed may be muted. Members of the public participating via Zoom are encouraged to test their system prior to the meeting start time and become familiar with any changes to the Zoom operating environment that may have been made by Zoom.
- **QUESTIONS** — Questions about the teleconference meeting may be directed to Zoning Administrator, Matt Oldenburg at mjoldenburg@cityofgalena.org or 815-777-1050.



City of Galena, Illinois

AGENDA

ZONING BOARD OF APPEALS

WEDNESDAY, AUGUST 12, 2020

6:30 P.M. – CITY HALL 101 GREEN STREET

ZOOM TELECONFERENCE MEETING (ID: 847 0976 5100; Password 438193)

<https://us02web.zoom.us/j/84709765100?pwd=aUErcTVKV0dDZ29ncEJsUFFCYUpXUT09>

| ITEM | DESCRIPTION |
|----------|------------------------------------|
| 20Z-2001 | Call to Order by Presiding Officer |
| 20Z-2002 | Roll Call |
| 20Z-2003 | Establishment of Quorum |

APPROVAL OF MINUTES

| ITEM | DESCRIPTION | PAGE |
|----------|---|-------|
| 20Z-2004 | Approval of the Minutes of the Regular Meeting of July 8, 2020. | 3 - 6 |

UNFINISHED BUSINESS

| ITEM | DESCRIPTION | PAGE |
|--------|--|------|
| 20S-05 | Adam Johnson – Request for a Special Use Permit for Guest Accommodations, Vacation Rental land use in the Downtown Commercial District at 523 S. Main Street. Ratification of Findings of Fact | 7-10 |

NEW BUSINESS

| ITEM | DESCRIPTION | PAGE |
|--------|---|-------|
| 20S-06 | Elisabeth Kempner – Request for Special Use Permit to allow Outdoor Entertainment as an Accessory Commercial Use in the Downtown Commercial District at 116 S. Main Street. This item includes a Public Hearing. | 11-17 |

| | | |
|--------|--|-------|
| 20A-03 | Ramonalisa, LLC – Request for Rezoning from Limited Agriculture to General Commercial upon annexation into the City of Galena at 9372 US Route 20 West, Grant Hills Motel. This item includes a Public Hearing. | 18-20 |
|--------|--|-------|

OTHER BUSINESS

| ITEM | DESCRIPTION | PAGE |
|----------|--|------|
| 20Z-2005 | Public Comments Not to exceed 15 minutes as an agenda item Not more than 3 minutes per speaker | |
| 20Z-2006 | Adjournment | |

CALENDAR INFORMATION

| BOARD/COMMITTEE | DATE | TIME | PLACE |
|-------------------------|---------------------------------|-----------|--|
| Zoning Board of Appeals | Wednesday, September 9, 2020 | 6:30 P.M. | Zoom Teleconference Meeting: Meeting ID information to be announced. |

Posted: August 7, 2020 at 4:00 p.m. Posted By: Matt Oldenburg

**MINUTES
ZONING BOARD OF APPEALS
JULY 08, 2020**

ZOOM TELECONFERENCE MEETING (ID: 821 5841 8843; Password 089311)
<https://us02web.zoom.us/j/82158418843?pwd=RmtjUjNtSXkwSEQzNFZlMkd0RHl5UT09>

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, July 8, 2020 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 Secretary Deb Price were present.

APPROVAL OF MINUTES

MOTION: Cook moved, seconded by Bochniak to approve the June 10, 2020 minutes.

Motion carried.

UNFINISHED BUSINESS

None

NEW BUSINESS

Cal. No. 20S-05, Applicant: Adam Johnson, 211 Fourth Street, Galena, IL 61036 and Owner: Christine White, 9396 West Powder House Hill Road, Galena, IL 61036. Location: Parcel: 22-100-013-00, Lot 10 and Part of W 97' of Lot 11, Lots between Main & Bench Streets of the Original City of Galena, Galena, Jo Daviess County, Illinois. Common Address is 523 South Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

MOTION: Bochniak moved, seconded by Cook to open the public hearing for Cal. No. 20S-05.

Motion carried by voice vote.

Nack swore in all those who wished to testify at tonight's public hearing.

Adam Johnson, 211 Fourth Street Galena spoke on behalf of the applicant. This is a single family home located just outside the floodgates at 523 South Main Street. It has two bedrooms and two off street parking spaces on Bench Street. The owner lives in Galena and their primary business is next door to the propped vacation rental.

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

MOTION: Cook moved, seconded by Calvert to close the public hearing for Cal. No. 20S-05.

MOTION: Baranski moved, seconded by Bochniak to draft a positive Finding of Fact for Cal. No. 20S-05 as written.

Discussion : Nybo asked if the Zoning Board should table this for future discussion due to the stress guest accomodations are feeling right now. The City Council placed a moratorium on the number of allowed vacation rentals – this would be part of that number. It just seems now is not the right time to approve another rental.

Baranski said that consideration really isn't part of our criteria, but rather something the City Council would need to address.

Nybo said it just didn't seem the time for approval of another vacation rental when everyone in the industry is really struggling.

Baranski said he doesn't deny that there are hardships right now but there isn't a provision in the ordinance that addresses this issue.

Nack said he understands Nybo's concerns, but the zoning board's job is to make a decision based on the standards.

Baranski reviewed the approval criteria:

Approval Criteria & Recommendation:

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

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

- (1) *Site plan review standards.* All applicable site plan review criteria in § 154.914. *The proposed plan meets the site plan review standards.*
- (2) *District standards.* The underlying zoning district standards established in § 154.201 through § 154.209 including the defining characteristics of the district; *This proposed use meets the district standards.*
- (3) *Specific standards.* The land use regulations established in § 154.406; *The proposed use meets the specific standards established in §154.015, §154.403.1 and §154.406(D)(18).*
- (4) *Availability of complementary uses.* Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities. *Complimentary uses are available to the project.*
- (5) *Compatibility with adjoining properties.* Compatibility with and protection of neighboring properties through measures such as:
 - (a) *Protection of privacy.* The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants. *The proposed use will protect the privacy of adjacent properties.*
 - (b) *Protection of use and enjoyment.* All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property. *There is no change to the physical aspect of the existing development and therefore should have a minimal impact on the use and enjoyment of adjacent properties.*
 - (c) *Compatible design and integration.* All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include: buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties. *The design and integration of the proposed use has no projected impact on adjacent properties regarding nuisances.*

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

The request met all the approval criteria.

As Roll Call was:

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

Motion carried.

OTHER BUSINESS

None

PUBLIC COMMENTS

None

MOTION: Cook moved, seconded by Calvert to adjourn the meeting at 7:00 pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price
Zoning Board Secretary

DECISION

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

REGARDING

CALENDAR NUMBER: 20S-05

APPLICATION BY: Christine White, 523 South Main Street,
Galena, IL 61036.

FOR: A Special Use Permit to allow Accommodations, Vacation
Rental in the Downtown Commercial District.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on July 8, 2020. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed and all persons were heard who desired to testify.

NATURE OF APPLICATION

The applicant is requesting a Special Use Permit for a vacation rental unit in the Downtown Commercial District. This property is a single-family dwelling, located in the 500 block of South Main Street immediately to the South of the flood gates.

The dwelling is approximately 1,905 square feet, with 1,270 total square feet of living space on the first and second floors. There are two off-street parking spaces located above the house on Bench Street that connect down the hill by an outdoor staircase. The lot size is 0.116 acres, or 5,044 square feet in area.

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

Number of Guests: Maximum occupancy load is six (6) guests total. This is determined by the International Fire Code, International Building Code and NFPA on the basis of minimum 200

square feet per person gross (IFC Table 1004.1.2), with an additional requirement for two means of fire-protected egress for each sleeping area (NFPA 24.2.2.1.1).

Lot Capacity: The lot size is 5,044 square feet, or 0.116 acres. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties.

Availability and impact of parking: There is no off-street parking requirement in the Downtown Commercial District, however, there are two off-street parking spaces provided.

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

Staff recommends approval of this request. Land uses surrounding the property include residential, commercial and downtown tourist attractions.

PUBLIC SUPPORT AND/OR OBJECTIONS

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

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

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

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

- **Adam Johnson, 211 Fourth Street, Galena,** spoke on behalf of the applicant. This is a single-family home located just outside the floodgates at 523 South Main Street. It has two bedrooms and two off street parking spaces on Bench Street. The owner lives in Galena and their primary business is next door to the proposed vacation rental.

Testimony Presented in Opposition to the Proposal:

- There was no testimony in opposition to the request.

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154.015 defines Accommodations, Vacation Rental.
- Section 154.201 (C) (6) provides a definition and description of the Downtown Commercial District.

- Table 154.403.1 lists the Permitted Land Uses permitted by right or by Special Use Permit for all Zoning Districts.
- Section 154.406 (D) (18) defines and outlines the regulations for Accommodations, Vacation Rental.
- Section 154.914 lists the criteria for Site Plan Review.
- Section 154.924 sets forth the Purpose, Applicability, Review Criteria, Decision-Maker, Application and Review Procedures, and Validity for Special Use Permits.

CONCLUSIONS

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

1. The subject property is located in the Downtown Commercial District.
2. The Zoning Ordinance provides for Accommodations, Vacation Rental as follows:
 - a. Accommodations, Vacation Rental is permitted only by Special Use Permit as a principal commercial land use in a Downtown Commercial District.
3. The Downtown Commercial District is intended to permit both large-and small-scale downtown commercial development at an intensity which provides significant incentives for infill development, redevelopment and the continued economic viability of existing development. Accordingly, the district standards are crafted to work in conjunction with the requirements of the Historic District. A wide range of office, retail and lodging land uses are permitted within the district. Consistent with existing development patterns, no requirements for on-site landscaping or parking or required in this district for Permitted Uses. This district is strictly limited to central city.
4. The applicant seeks a Special Use Permit to allow Accommodations, Vacation Rental, as a principal commercial land use in a Downtown Commercial District.
5. The property meets the detailed regulations for a vacation rental.

DETERMINATION

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

1. The site plan review met the applicable criteria for this request.
2. The request meets the district standards for the Downtown Commercial District and is compatible with the defining characteristics of the district.
3. The request meets the detailed land use regulations established for Accommodations, Vacation Rental land use.
4. Complimentary uses are available.
5. The request is compatible with adjoining properties through:
 - a. The protection of privacy will be maintained;
 - b. The elements of the plan are designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;

- c. The elements of the plan will coexist in a harmonious manner with nearby existing properties.

DECISION

NOW, THEREFORE, BE IT RESOLVED that this Zoning Board of Appeals has determined that this request by Christine White for a Special Use Permit to allow Accommodations, Vacation Rental as a principal commercial land use in a Downtown Commercial District should be approved.

PASSED AND APPROVED this 8th day of July, A.D. 2020, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 1 nay, 0 absent, 0 abstain, 0 recused.

John Rosenthal, Chairperson

MEMO

To: The Zoning Board of Appeals
From: Matt Oldenburg, Zoning Administrator
Date: August 7, 2020

RE: Cal. No. 20S-06, Applicant and Owner: Elisabeth Kempner, 116 South Main Street, Galena, IL 61036. Location: Parcel: 22-100-142-00, S 13 Ft. Lot 20 & N 3-1/2 Ft. Lot 19, East Side of Main Street, Original City of Galena, Galena, Jo Daviess County, Illinois. Common Address is 116 South Main Street, Galena, IL 61036. Request for Special Use Permit to allow Outdoor Entertainment as an Accessory Commercial Use in the Downtown Commercial District.

Summary:

The applicant is requesting a Special Use Permit to allow Outdoor Entertainment as an accessory commercial land use in the Downtown Commercial District. This land use is allowed by Special Use Permit only in the Downtown Commercial District.

The applicant proposes to offer the outdoor patio area behind their building at 116 South Main Street. The patio area faces South Commerce Street and is enclosed on three sides behind the principal structure. The applicant would like to accommodate their guests to enjoy the outdoor area in the rear of the building within the parameters of the Special Use Permit regulations. There are multiple land uses within this property; this use serves as an accessory use to the principal commercial land use on the ground and second levels that are considered to be Indoor Commercial Entertainment.

The area of the patio is at the 15% required area of the principal use.

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

Staff recommends approval of this request.

Approval Criteria & Recommendation:

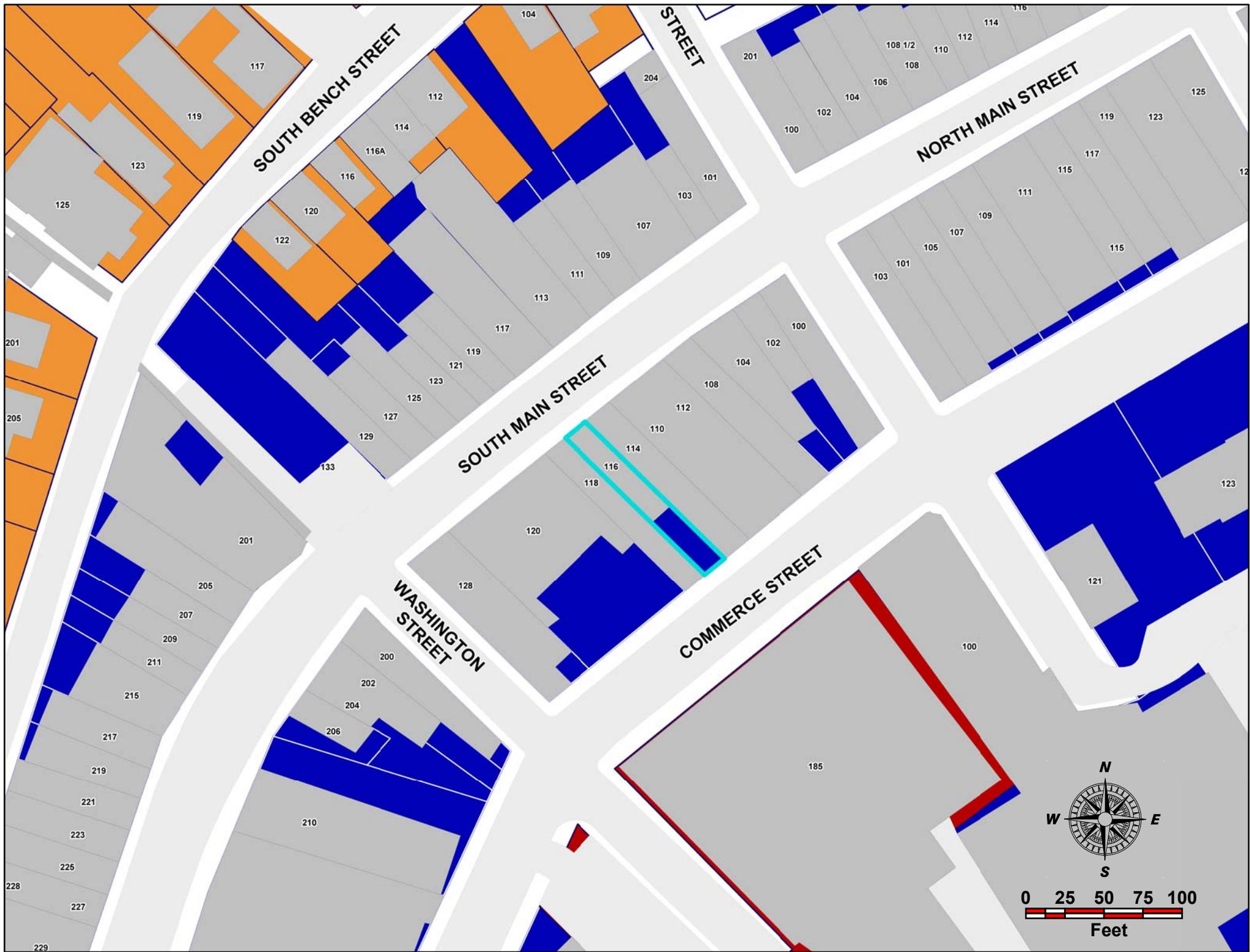
The purpose of a special use review is to provide an opportunity to utilize property for an activity, which under usual circumstances, could be detrimental to other permitted uses and which normally is not permitted within the same district. A special use may be permitted under circumstances particular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

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

- (1) *Site plan review standards.* All applicable site plan review criteria in §154.914.
- (2) *District standards.* The underlying zoning district standards established in §154.201 through §154.209 including the defining characteristics of the district;
- (3) *Specific standards.* The land use regulations established in §154.405;

- (4) *Availability of complementary uses.* Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities.
- (5) *Compatibility with adjoining properties.* Compatibility with and protection of neighboring properties through measures such as:
 - (a) *Protection of privacy.* The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants;
 - (b) *Protection of use and enjoyment.* All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property.
 - (c) *Compatible design and integration.* All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include: buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.

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





KEEL'S
Market
Bakery

BRIO ART GALLERY

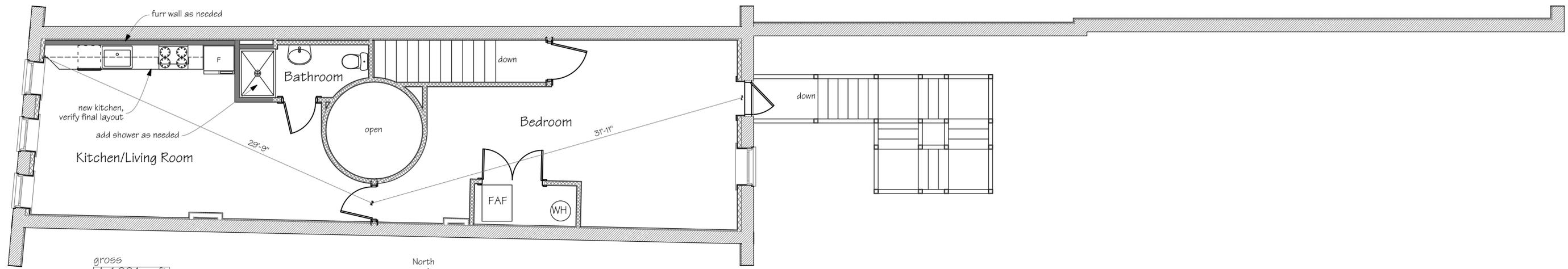
OPEN

At Home in Galena

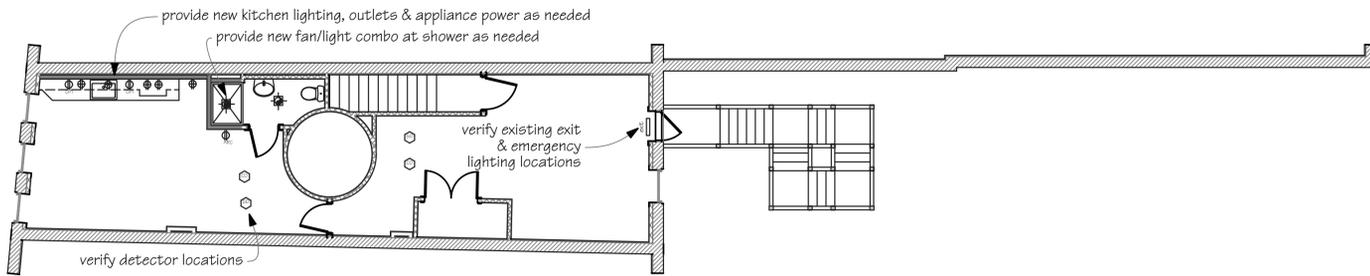
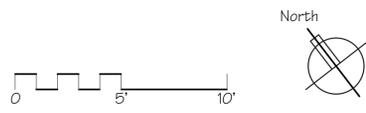


BRIO STUDIO
GALLERY

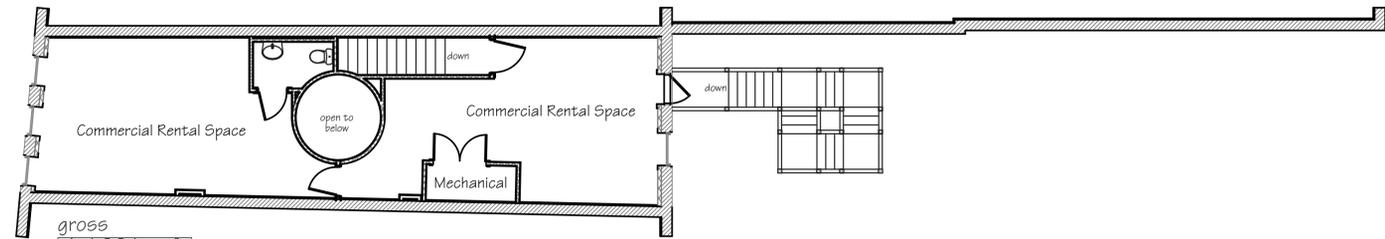




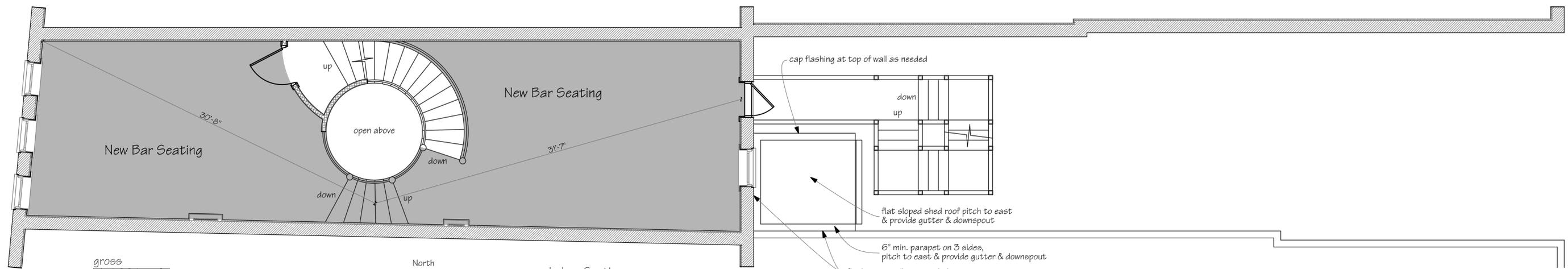
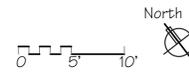
gross
A: 1,004 sq ft
Proposed Third Floor Plan
1/4" = 1'-0"



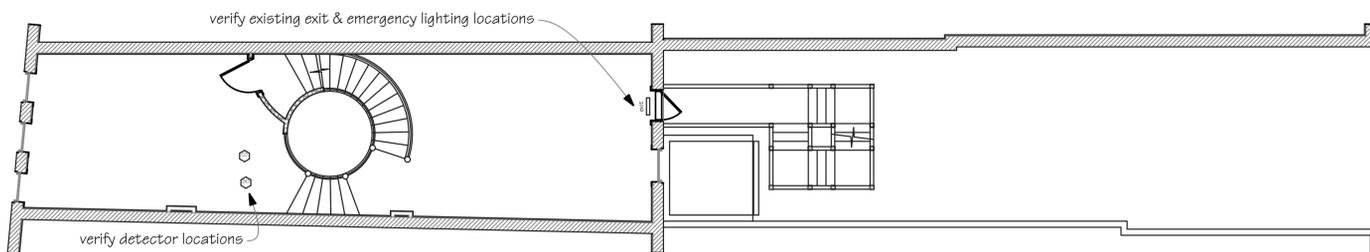
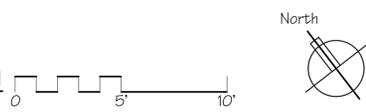
3rd Floor Electrical Plan
1/8" = 1'-0"



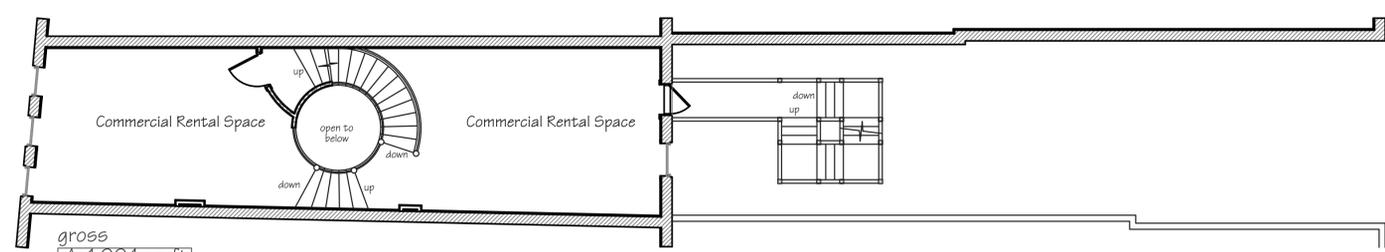
gross
A: 1,004 sq ft
Existing Third Floor Plan
1/4" = 1'-0"



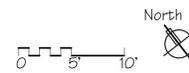
gross
A: 1,004 sq ft
Proposed Second Floor Plan
1/4" = 1'-0"



2nd Floor Electrical Plan
1/8" = 1'-0"



gross
A: 1,004 sq ft
Existing Second Floor Plan
1/4" = 1'-0"



Adam Johnson Architecture
211 Fourth Street, Galena, Illinois 61036-2400
© adam@ahjarchitect.net 815/281-1977
Illinois license number: 00-004566 expiration date: 11/30/2020
Drawings remain the sole property of the architect, reproduction & use by permission only.

Additions & Alterations to
Commercial Building
116 South Main Street, Galena, Illinois 61036

3/26/20
revisions:
4/17/20
8/5/20

sheet
A2
of 3A

2/2/25 adam@ahjarchitect.net

CITY OF GALENA, ILLINOIS

101 Green Street • P.O. Box 310 • Galena, Illinois 61036



MEMORANDUM

TO: The Zoning Board of Appeals

FROM: Matt Oldenburg, Zoning Administrator *MATT*

DATE: August 7, 2020

RE: Cal. No. 20A-03, Applicant and Owner: Ramonalisa, LLC, 1480 US Route 20 W, Elizabeth, IL 61028. Location: Parcel: 06-000-167-00, Part of Lot 1, Grant Hills Motel Place, S21, T28N, R1E, Galena, Jo Daviess County, Illinois. Common Address is 9372 US Route 20 W, Galena, IL 61036. Request for Rezoning from Limited Agriculture to General Commercial upon annexation into the City of Galena.

Summary:

The applicant is requesting a Map Amendment to rezone the property at 9372 US Route 20 West from Limited Agriculture to General Commercial district as part of their annexation into the City of Galena.

The current use of the property is a 33-room motel and also has an outdoor display sales and service U-Haul business. The appropriate district to make these uses compliant is General Commercial district. It is between the Blaum Bros. Distillery and First Galena Corporation, which are also zoned as General Commercial; this will match surrounding zoning districts.

No alterations to the site or structures are planned; the property will annex as-is.

Staff recommends approval of this request. Land uses surrounding the property include agriculture, commercial and residential.

Approval Criteria & Recommendation for Map 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:

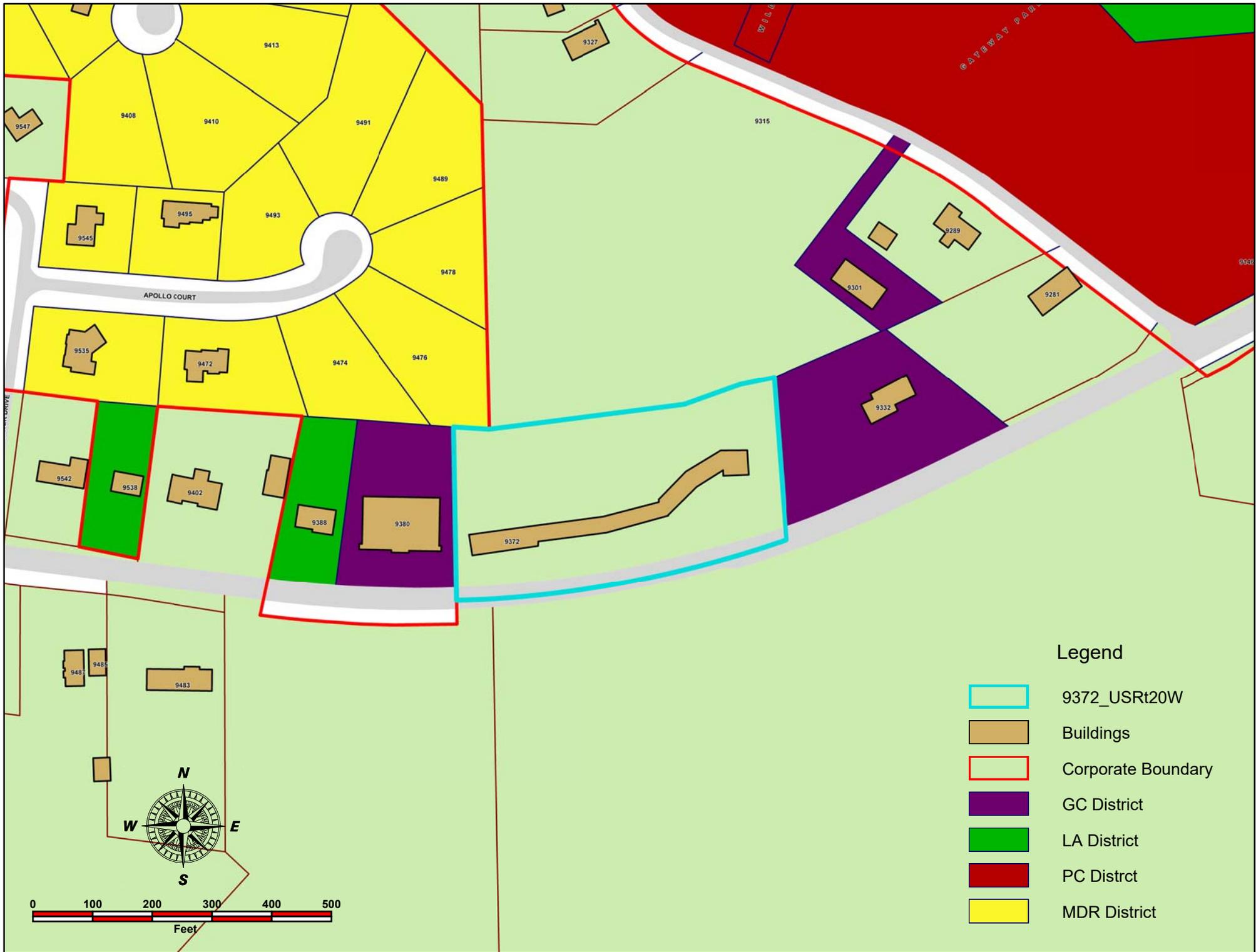
- (1) Whether the existing text or zoning designation was in error at the time of adoption;
- (2) Whether there has been a change of character in the area or throughout the city due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.;
- (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;

- (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;
- (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;
- (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
- (7) Whether there is a need in the community for the proposal and whether there will be benefits derived by the community or area by the proposed rezoning.

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

(1) When the Zoning Board of Appeals or City Council deems it necessary or expedient, additional property in the zoning district may be considered for a zoning change provided that this additional property is also addressed in the public hearing notice, in accordance with § 154.919(F).

(2) In the event of a written protest against a proposed amendment signed and acknowledged by the owners of 20% of the frontage proposed to be altered or by the owners of 20% of the frontage immediately adjoining or across the alley or rear line therefrom or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered as to such regulations or zoning district and filed with the City Clerk, such amendment shall not be passed except by the favorable vote of two-thirds of all of the selected members of the City Council.



Legend

- 9372_USRt20W
- Buildings
- Corporate Boundary
- GC District
- LA District
- PC District
- MDR District