June 10, 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, June 10, 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/86526617738?pwd=N1BSek9mMXhpWnBVQlhDQVQ2RW82dz09 (ID: 865 2661 7738), 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/86526617738?pwd=N1BSek9mMXhpWnBVQlhDQVQ2RW82dz09

(ID: 865 2661 7738). 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) – June 10, 2020". The Zoning Secretery 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: 865 2661 7738 Password: 295976

   One tap mobile
   +13126266799,,86526617738#,,1#,295976# US (Chicago)

   Dial by your location +1 312 626 6799 US (Chicago)
   Find your local number: https://us02web.zoom.us/u/keqg3vUtiQ

- **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/86526617738?pwd=N1BSek9mMXhpWnBVQlhDQVQ2RW82dz09 (ID: 865 2661 7738).

- **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, JUNE 10, 2020
6:30 P.M. – CITY HALL 101 GREEN STREET

ZOOM TELECONFERENCE MEETING (ID: 865 2661 7738)
https://us02web.zoom.us/j/86526617738?pwd=N1BSek9mMXhpWnBVQlhDQVQ2RW82dz09

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 May 13, 2020.	3 - 8

UNFINISHED BUSINESS

ITEM	DESCRIPTION	PAGE
20S-04	Adam Johnson & JHTD, LLC – Request for Special Use Permit to allow Multiple - Family Residential land use in a General Commercial district at 1249 N Franklin Street. Ratification of Findings of Fact.	9 - 12

NEW BUSINESS

ITEM	DESCRIPTION	PAGE
	None	

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, July 8, 2020	6:30 P.M.	Zoom Teleconference Meeting: Meeting ID information to be announced.

Posted: June 5, 2020 at 4:00 p.m. Posted By: Matt Oldenburg

MINUTES
ZONING BOARD OF APPEALS
MAY 13, 2020

ZOOM TELECONFERENCE MEETING (ID: 819 6724 4391)
https://us02web.zoom.us/j/81967244391?pwd=YisvZUMyczJQMkYvZVRCU2lkZGVWdz09

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:35 PM on Wednesday, May 13, 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 Zoning Secretary Deb Price were present.

APPROVAL OF MINUTES

MOTION: Bochniak moved, seconded by Cook to approve the March 11, 2020 minutes.

Motion carried.

UNFINISHED BUSINESS

None

NEW BUSINESS

MOTION: Jansen moved, seconded by Cook to open the Public Hearing for Cal. No. 20A-02.

Motion carried on voice vote.

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

Adam Johnson 211 Fourth Street, Galena said the zoning map amendment request is for a change in zoning from Limited Agriculture to General Commercial. The zoning change would allow a mixed-use space. Limited Ag is really not in this area anymore – the area is bound by General Commercial on two sides and Highway 20. The Special Use Permit request would allow for a five-unit multi-family residential dwelling space along with a main level restaurant. This intensity is quite low and makes sense for the location. The Highway 20 Corridor request meets the design guidelines.

Bochniak asked which of the requests would go before the City Council.

Oldenburg said the map amendment would go to the council for final approval.

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

MOTION: Baranski moved, seconded by Calvert to close the Public Hearing for Cal. No. 20A-02.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Bochniak to send a positive recommendation to the City Council for Cal. No. 20A-02.

Baranski said this is a really good project in a good location that makes sense. The commercial use has been established here and the mixed use is a good transition from residential to commercial.

Rosenthal agreed that it makes good sense in this location.

Discussion : Baranski reviewed the approval criteria:

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 field 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

All criteria was applicable.

As Roll Call was:

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

Motion carried.

MOTION: Cook moved, seconded by Bochniak to open the Public Hearing for Cal. No. 20S-04.

Motion carried on voice vote.

Adam Johnson spoke for the applicant. He said his previous testimony applied to this request and added that five units is a good density for the location.

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

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing for Cal. No. 20S-04.

Motion carried on voice vote.

MOTION: Jansen moved, seconded by Calvert to draft a positive Finding of Fact for Cal. No. 20S-04.

Discussion : Jansen reviewed the approval criteria:

Approval Criteria & Recommendation:

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

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

(1) *Site plan review standards.* All applicable site plan review criteria in § 154.914.
(2) *District standards.* The underlying zoning district standards established in § 154.201 through § 154.209 including the defining characteristics of the district;
(3) *Specific standards.* The land use regulations established in § 154.406;
(4) *Availability of complementary uses.* Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities.
(5) *Compatibility with adjoining properties.* Compatibility with and protection of neighboring properties through measures such as:
(a) *Protection of privacy.* The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants.
(b) *Protection of use and enjoyment.* All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property.
(c) *Compatible design and integration.* All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider, include: buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.

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

All criteria was applicable.

As Roll Call was:

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

Motion carried.

MOTION: Bochniak moved, seconded by Cook to open the Public Hearing for Cal. No. 20HCO-01.

Motion carried on voice vote.

Adam Johnson again said his previous testimony applied to this request. All standards will be met and high-end materials will be used.

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

MOTION: Calvert moved, seconded by Cook to close the Public Hearing for Cal. No. 20HCO-01.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Bochniak to approve the request for Cal. No. 20HCO-01.

Baranski said it is a nice building that fits the character of the area. The massing, fenestration and materials are all perfectly consistent with the kinds of things we want to do including site planning.

Discussion : Baranski reviewed the approval criteria:

Approval Criteria & Decision:

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

(1) All applicable site plan review criteria in § 154.914;
(2) The overall context of the corridor and the goals for new development as described in Chapter III of the Design Manual;
(3) The corridor development concepts described in Chapter IV of the Design Manual;
(4) The proposed character of the applicable design districts as described in Chapter V of the Design Manual;
(5) The proposed pattern of development for the Highway 20 Corridor as described in Chapter VI of the Design Manual;
(6) The standards for building orientation, design and materials as described in Chapter VII of the Design Manual; and
(7) The standards for site features and elements as described in Chapter VII of the Design Manual.

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

As Roll Call was:

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

Motion carried.

OTHER BUSINESS

None

PUBLIC COMMENTS

None

MOTION: Cook moved, seconded by Jansen to adjourn the meeting at 6:50 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: Cal. No. 20S-04

APPLICATION BY: Adam Johnson, 211 Fourth Street, Galena, IL 61036 and JHTD, LLC, 3250 Kennedy Circle, Suite 7, Dubuque, IA 52002.

FOR: A Special Use Permit to allow Multiple Family Residential land use in a General 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 May 13, 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 Map Amendment, Special Use Permit and Highway 20 Development permit to rezone the property at 1249 Franklin Street from Limited Agriculture to General Commercial district to facilitate the construction of a new mixed-use building, contingent upon approval of rezoning.

Please refer to the included narrative from the applicant. The detailed land use regulations of the proposed uses are satisfied by the application contents. Subsequent submittals for building permits will be administratively reviewed by City Staff to ensure all applicable and adopted codes are met.

A site plan review of the proposed request was conducted per the criteria listed in §154.914. Siting and orientation of the proposed structure with parking requirements, landscaping requirements, lighting standards, natural protection standards and performance standards all meet the zoning code regulations. On-site stormwater detention is also required and is sized by a licensed P.E.

A review of the Highway 20 Design Manual standards was conducted and the proposed structure and site improvements, including materials, fenestration and form are all within the intent of the Code.

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

Testimony Presented on Behalf of the Applicant:

- **Adam Johnson, 211 Fourth Street, Galena,** said the zoning map amendment request is for a change in zoning from Limited Agriculture to General Commercial. The zoning change would allow a mixed-use space. Limited Ag is really not in this area anymore – the area is bound by General Commercial on two sides and Highway 20. The Special Use Permit request would allow for a five-unit multi-family residential dwelling space along with a main level restaurant. This intensity is quite low and makes sense for the location. The Highway 20 Corridor request meets the design guidelines.

  Bochniak asked which of the requests would go before the City Council.

  Oldenburg said the map amendment would go to the council for final approval.

Testimony Presented in Opposition to the Request:

- No one spoke in opposition to the request.

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154.201 (C)(5) provides a definition and description of the General 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 (A)(9) defines and outlines the regulations for Multiple-Family Residential as a principal residential land use.
- 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 General Commercial District upon approval for the concurrently requested Map Amendment.

2. The Zoning Ordinance provides for Multiple Family Residential uses as follows:

    a. Multiple-Family Residential is permitted only by Special Use Permit as a principal residential land use in a General Commercial District.

    b. General Commercial District is intended to permit both large- and small-scale commercial development at intensities which provide significant incentives for infill and new development. To accomplish this effect, the minimum required landscaped surface area ratio (LSR) is lower than that required in the Planned Commercial District. A wide range of office, retail, and entertainment land uses are permitted within this district, including those with outdoor activities. In order to ensure a minimum of disruption to adjacent residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

3. The applicant seeks a Special Use Permit to allow Multiple-Family Residential land use in the General Commercial District.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by JHTD, LLC for a Special Use Permit to allow Multiple-Family Residential land use 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 Planned Industrial District and is appropriate to the defining characteristics of the district.

3. The request meets the detailed land use regulations established for Multiple-Family Residential 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 JHTD, LLC for a Special Use Permit to allow Multiple – Family Residential land use should be approved.

PASSED AND APPROVED this 13th day of May, A.D. 2020, by the Galena Zoning Board of Appeals by a vote of 7 ayes, 0 nays, 0 absent, 0 abstain, 0 recused.

_____

John Rosenthal, Chairperson