

**MINUTES
ZONING BOARD OF APPEALS
FEBRUARY 12, 2014**

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, February 12, 2014 at City Hall, 312 ½ N. Main Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

Baranski	Present
Bochniak	Present
Cook	Present
Holman	Absent
Nybo	Present
O'Keefe	Absent
Rosenthal	Absent

A quorum was declared.

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

APPROVAL OF MINUTES

MOTION: Baranski moved, seconded by Bochniak to approve the minutes from the January 8, 2014 meeting.

Motion carried on voice vote.

OLD BUSINESS

None.

NEW BUSINESS

Cal. No. 14A-01, Applicant: City of Galena, 312 ½ North Main Street, Galena, IL 61036. Request for Text Amendment to Zoning Ordinance Section §154.015 Definitions, Table 154.403.1 Permitted Land Uses, §154.406 (D) Principal Commercial Land Uses and §154.406(H) Accessory Residential Land Uses to allow for Tour of Homes by right in certain commercial zoning districts and as an accessory residential use by Special Use Permit only in residential zoning districts.

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

MOTION: Bochniak moved, seconded by Cook to open the Public Hearing on Cal. No. 14A-01.

Motion carried on voice vote.

Oldenburg said as the City is the applicant he would present. Last month the Board heard a concept plan to allow for home tours. The Board discussed different options such as rezoning as well as looking into why the City did away with licenses for tour homes. Oldenburg researched what the State allows. Non-home rule communities have specific licenses that are allowed – tour homes are not one of them. Rezoning creates spot zoning districts; the Board didn't think this was the best way to possibly allow tour homes. Oldenburg thought the best way to address this was via text amendment. The ordinance would be defensive in nature so as to preserve neighborhoods. In commercial districts it would be allowed by right. In residential neighborhoods you would have to apply for a Special Use Permit which gives the City control over factors such as number of tours, number of people per tour, and time of day for the tours. In general Oldenburg tried to address all aspects and detrimental factors.

Nybo asked about controls and inspections. Would this become part of the annual guest house licensing? The Special Use Permit could have conditions to control the use.

Baranski asked how parking requirements would be dealt with.

Oldenburg said a tour home would be an accessory use to the guest house SUP. Each application would be approved on its own merits and have its own set of controls to protect residential districts. Many times in Commercial Districts there is on premise parking. The number of persons allowed in a building at one time would be determined by the building code and addressed with the SUP.

Oldenburg said the use could be added to commercial properties with approval of the fire inspector.

Baranski asked if a program was presented rather than a tour does this fall under the same SUP.

Oldenburg said he considered this. A home tour is entertaining and does, in a sense, perform a program. The Board could look at these on a case by case basis.

Baranski said the limiting factor would be the number of people allowed in the home.

Oldenburg said occupancy numbers would be included as conditions for approval. He likes involving the fire inspector.

Bochniak asked why this was dropped in the ordinance rewrite. Were there problems?

Oldenburg said he was not sure.

Baranski said a consultant did the rewrite – it might have been overlooked.

Bochniak said when granting a SUP the Board can place conditions on the approval to protect the surrounding properties.

Oldenburg said that is true for residential districts only.

Nybo asked those in favor of the request to come forward and testify.

Wendy Heiken, 1004 Park Avenue, Galena said she would like to bring those on her tour into the parlor, dining room and porch and then give a program. She agrees that a limit should be placed on the number of persons allowed in a home at one time. Many safety issues are covered with the Small Inn License and inspection.

Dianne Marsh, 309 Park Avenue, Galena said she supports Heiken and all historic home owners who have taken on the preservation of Galena's history.

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

No one did.

MOTION: Baranski moved, seconded by Bochniak to close the Public Hearing on Cal. No. 14A-01.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Bochniak to draft a positive a Finding of Fact to allow the text amendment as written for Cal. No. 14A-01.

Discussion: Baranski said this is a good idea. The ordinance might need tweaking as applications come in, but as with all SUP's the City has a lot of control.

The Board then reviewed the approval criteria:

- (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 Board determined that the request complied with #3, #4 and #7. The Board could not determine if this had been purposely omitted from the ordinance during the rewrite and they agreed they would look at each application and determine how #6 and #7 would be impacted. #2 was not applicable.

As Roll Call was:

Bochniak	Yes
Cook	Yes
Holman	Absent
Nybo	Yes
O’Keefe	Absent
Baranski	Yes
Rosenthal	Absent

Motion carried.

Cal. No. 14HCO-01, Applicant and Owner: City of Galena, 312 ½ North Main Street, Galena, IL 61036. Location: Parcel: 13-001-075-10, Galena Fire Department Subdivision, comprised of parts of Lots 6 and 7 of the Galena Industrial Park, and part of the North half of the Southeast Quarter of Section 11, T28N, R1W of the 4th P.M., County of Jo Daviess in the State of Illinois. Common address is 11525 Technical Drive, Galena, IL 61036. Request for Non-Administrative Highway 20 Development Permit to construct a new 3-section training simulator structure and associated site improvements at the Galena Fire Department Training Center.

MOTION: Bochniak moved, seconded by Cook to open the Public Hearing on Cal. No. 14HCO-01.

Motion carried by voice vote.

Oldenburg said he would present for the City and noted he is a member of the fire department. For about ten years the fire department has looked for a suitable site to build a training facility. Recently they acquired property in the Industrial Park area for this facility. This facility will be a great asset for Galena and the department. The building would be aesthetically pleasing as well as functional and would be a first class training facility. The request is for approval of a Highway 20 Development Permit to construct a new 3-section training simulator structure with associated site improvements. The plan as proposed includes one three-story tower, one two-story residential/commercial section with gabled roof and one one-story annex section with flat roof. The structure will contain two burn rooms where Class A materials such as wood and straw can be burned in accordance with NFPA Training Tower regulations. Various features will enable the fire department, as well as other local emergency services and law enforcement agencies, to train in a controlled environment with state-of-the-art facilities. Associated site improvements include a 500 foot paved asphalt driveway and loop around the training structure, water main service with 3 hydrants from an eight inch water main, storm sewer, curb and gutter, street lights and retention pond. The site improvements will add to the realistic training environment as it replicates existing features found throughout the community. Access is from Technical Drive, just north of Dandar. The site plan renderings show they are very close to 1200 feet boundary. There would be a 500 foot drive from Technical Drive that would protrude to the east. This would continue into the curb and gutter loop drive which is basically a standard street. The training structure would sit inside the loop and is outside the vista corridor. It will sit lower on the contours, but will be slightly higher than the barn that is located on the property. They have proposed the lowest possible profile visible from Highway 20. The preliminary colors are red and charcoal gray. Most training structures are not built from scratch; Galena's will be concrete and steel and therefore very rigid and durable. They had proposed five street lights, but have reduced that to four. These will be LED cobrahead design with 1 ½ footcandle. The lights are downcast and shielded and would be installed for security and ambience. The west portion of the structure is a three story tower section for stairway rescues that has a parapet roof and rappelling anchors. There is a standpipe assembly inside this tower and doorways that lead to the second section which is meant to resemble residential and commercial spaces. This would be similar to Galena's downtown structures with gabled roofs of varied pitches. The second story roof will be covered in shingles and there will be a consumable panel where the department can practice roof cut-ins. Everything would have safety hand rails. The three story tower section will have a parapet roof with repelling anchors so they can practice rope rescues. The third section will be a one story annex with a flat working roof that provides access to the second story roof and attic area. It will be grated to allow for proper drainage. The single story annex as well as a room in the two story structure will be 'burn rooms.' These burn rooms only burn organic material so smoke is not an issue. These types of fires use Class A materials. There will be a balcony off the 2nd story with access to the north side of the building. This area will have a three foot inverted culvert tube so they can practice close quarters rescues. The facility needs to be constructed of durable materials due to the activities that will take place. The floors will be concrete and the exterior will be powder coated steel which stands up to the rigors of the training exercises. The building is very comprehensive and will provide training for all types of scenarios that the department sees.

Baranski asked about parking.

Oldenburg said rarely would a great deal of parking be needed. Most times department members would not be coming on site with private vehicles. There are plans for an extrication pad on the northeast corner. This would provide more parking if private vehicles were on scene. There may be an opportunity to add classroom space in the future.

Baranski asked how many trucks the department had.

Oldenburg said four. The department has Monday meetings as well as weekend practice. Three times a month they are involved in the type of training that would take place at this location.

Nybo asked if they would be using foam.

Oldenburg said a Class A, non-hazardous, foam would be used. He added there will be a five to six foot deep, 50-60 foot diameter retention pond in the southeast corner as well as a swale and storm sewer pipe. The department wants to retain the water they use so they can practice other types of rescues. This area will be fenced for safety.

Nybo asked those wishing to testify to come forward.

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

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing on Cal. No. 14HCO-01.

MOTION: Bochniak moved, seconded by Baranski to issue a Non-Administrative Highway 20 Development Permit as requested in Cal. No. 14HCO-01.

Discussion: Baranski said this request is not inconsistent with the zoning guidelines.

The Board reviewed the approval criteria.

- (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 board determined that the request met the requirements for #1, #2, #6 and #7; #3 and #4 were not applicable and #5 would be addressed with next agenda item.

As Roll Call was:

Cook	Yes
Holman	Absent
Nybo	Yes
O’Keefe	Absent
Baranski	Yes
Bochniak	Yes
Rosenthal	Absent

Motion carried

Cal. No. 14S-01, Applicant and Owner: City of Galena, 312 ½ North Main Street, Galena, IL 61036. Location: Parcel: 13-001-075-10, Galena Fire Department Subdivision, comprised of parts of Lots 6 and 7 of the Galena Industrial Park, and part of the North half of the Southeast Quarter of Section 11, T28N, R1W of the 4th P.M., County of Jo Daviess in the State of Illinois. Common address is 11525 Technical Drive, Galena, IL 61036. Request for Special Use Permit to use discouraged wall materials, i.e. steel siding, for buildings within 1200 ft. of the Highway Corridor Overlay District.

MOTION: Cook moved, seconded by Bochniak to open the Public Hearing on Cal. No 14S-01.

Motion carried on voice vote.

Oldenburg said the reason this requires a Special Use Permit is because the requested siding material is a discouraged material within the Highway 20 Corridor Overlay District. Metal siding is required in order to withstand the rigors of firefighter training. The siding material has to be durable and long lasting. Replacing or repairing the facility’s exterior would ultimately cost taxpayers. Fake brick façade would work but that too is discouraged and is expensive. EFIS, stone or brick are the recommended materials but they will not work due to the proposed use of the facility. They do not want to be setting a precedent for future building projects in this area.

Baranski asked what the rib size of the siding would be.

Olenburg said it would be 3’-4” vertical rib.

Nybo asked about heat transfer.

Oldenburg said the siding would be prefabricated powder coated panels. The paginate panels, which are a couple inches from the steel siding, would absorb the heat preventing damage to the steel siding.

Nybo asked how far the building sits from Highway 20.

Oldenburg said the building would be 1050 feet from Highway 20 and 150 feet from Technical Drive. The proposed color will complement the already existing barn.

Nybo asked those wishing to testify to please come forward.

Fred Kuhle, owner of Top Notch Plumbing and Heating, 11420 Dandar Street Galena said he is in favor of the request. The project looks great and he understands why steel siding is necessary. His only concern is that he would like to see to it that discouraged wall materials are not used in future projects in this area – for either new buildings or improvements to existing buildings. He wants the look of the area to keep improving.

Oldenburg said when businesses in the Highway 20 Corridor decide to make changes they will have to meet the design manual guidelines. The only way to use a discouraged material would be with approval of a Special Use Permit.

No one spoke in opposition to the request.

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing on Cal. No 14S-01.

MOTION: Bochniak moved, seconded by Baranski to grant the SUP request for Cal. No. 14S-01.

Discussion: Bochniak thought it was a great fit. There was nothing adverse about the requested material considering the use.

Baranski said it is a neat building and it keeps the rural/ agricultural look with the red barn.

The Board reviewed the approval criteria:

- 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 Board determined that the request complied with all of the approval criteria.

As Roll Call was:

Holman	Absent
Nybo	Yes
O'Keefe	Absent
Baranski	Yes
Bochniak	Yes
Cook	Yes
Rosenthal	Absent

Motion carried.

Concept Plan Review – Carole Sullivan & Jan Lavacek, review of a proposed *Galena Center for the Arts* on the property at 219 Summit Street (former Medical Associates Clinic) to allow for Indoor Commercial Entertainment, Indoor Sales and Service and possible Artisan Studio uses. Proposed concept includes a 250 seat performing arts theatre addition, as well as preserved green space on the grounds surrounding the principal structure.

Baranski said he would need to step away from the table as he is presenting for the applicant.

Nack advised the Board that they did not have a quorum to hear this agenda item.

Carol Sullivan, 7211 W Buckhill Road Galena, IL asked if she could briefly tell the Board a few things about their plans.

The Board agreed, but said they would not comment on the plan until March when they had a quorum.

Sullivan briefly told the Board what their plans were for the former Medical Associates Clinic on Summit Street.

COUNTY ZONING

None

WORKSESSION/OTHER

None

PUBLIC COMMENTS

None

MOTION: Bochniak moved, seconded by Cook to adjourn the meeting at 7:35.

Motion carried on voice vote.

Respectfully submitted by

Deb Price
Zoning Board Secretary