

**MINUTES  
ZONING BOARD OF APPEALS  
APRIL 13, 2016**

**CALL TO ORDER:**

Acting Chairperson Nybo called the regular meeting of the Zoning Board of Appeals to order at 6:35 PM on Wednesday, April 13, 2016 at City Hall, 101 Green Street, Galena, IL.

**ROLL CALL AND DECLARATION OF QUORUM:**

As Roll Call was:

Baranski	Present
Bochniak	Absent
Cook	Present
Holman	Absent
Jansen	Present
Nybo	Present
Rosenthal	Absent

A quorum was declared.

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

**APPROVAL OF MINUTES**

Baranski moved, seconded by Cook to approve the February 10, 2016 minutes.

Nybo asked that on page 3 his comments be changed to simply read he liked the idea.

Approval of the amended minutes carried on voice vote with Jansen abstaining.

**OLD BUSINESS**

None

## NEW BUSINESS

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

Cal. No. 16HCO-01, Applicant and Owner: Galena Prime Hotels, LLC (Betsy R. Achett), 11383 US Hwy 20 W, Galena, IL 61036. Location: Parcel: 13-001-079-00, Lot 2 of the Scholz Addition to the City of Galena, Section 11, Township 28 North, Range 1 West of the Fourth Principal Meridian, Galena, Jo Daviess County, Illinois. Common Address: 11383 US Hwy 20 W, Galena, IL 61036. Request for Non-administrative Highway 20 Development Permit to construct a 136-stall parking area to the Northeast of the hotel to facilitate on-site parking required for patrons at the event center.

**MOTION:** Baranski moved, seconded by Jansen to open the Public Hearing on Cal. No. 16HCO-01.

Motion carried on voice vote.

Betsy Achett 11383 W US Highway 20, Galena is the owner of the hotel. She asked if she could have Steve Schmidt explain the application.

Steve Schmidt 210 S Dodge Street, Galena works for MSA Professional Services and prepared the parking proposal. The hotel itself has adequate parking but the event center does not. When a reception or event is held here attendees are parking at DuPaco, Holland Heating - wherever they can find a spot and then walking across the street or highway both to and from the event often in the dark. This proposal will alleviate safety concerns on the highway where there are no crosswalks. Emergency vehicles will be able to access the back of the building where currently they cannot. There has already been a land trade with the owners of the Bedford House so there is room for the driveway. They are planning to use a permeable product for everything except the driveway. This parking area would be used 15-30 times a year. There will be considerably less storm water runoff with the permeable product. One of the products they are looking at shows that a six-inch rain results in almost zero runoff. The parking area would be lit and fenced.

Baranski asked how the lot is marked.

Schmidt said some systems come with inserts that are colored and reflective, some have stakes and some can have paint applied.

Baranski asked if they were planning to mark the lot.

Schmidt said they were.

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

**MOTION:** Cook moved, seconded by Jansen to close the Public Hearing on Cal. No. 16HCO-01.

Motion carried on voice vote.

**MOTION:** Baranski moved, seconded by Jansen to approve the Non-Administrative Highway 20 Development Permit as requested for Cal. No. 16HCO-01.

Discussion: Baranski said the Board had previously discussed the use of permeable surfaces and how important these will be with regard to our storm water detention ponds. He applauds the plan to use these materials.

**Approval Criteria & Decision:**

**Highway 20 Development Permit (Cal. No. 14HCO-02)** - 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.

Approval criteria #3, #5 and #6 do not apply. The request does meet the site plan criteria, the additional parking will ensure proper site development and better accommodations for visitors, the parking is located at the rear of the property and is not directly visible from the highway corridor, and the parking and circulation standards are met including proper screening, protection by use of bollards and fencing and landscaping and lighting features.

As Roll Call was:

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

Motion carried.

Grace Episcopal Church, 107 S Prospect Street, Galena, IL 61036. Location: Parcel: 22-100-561-00, Lots 7, 9, 11 and South Half of Lot 5, Block 3 of the Original City of Cal. No. 16PD-01, Applicant: Adam Johnson, 211 Fourth Street, on behalf of Owner: Galena, Jo Daviess County, Illinois. Common Address: 107 South Prospect Street, Galena, IL 61036. Request to rezone to Planned Unit Development for a site, with an underlying default district of Low Density Residential, to allow a building addition with associated site improvements.

**MOTION:** Jansen moved, seconded by Cook to open the Public Hearing on Cal. No. 16PD-01.

Motion carried on voice vote.

Adam Johnson 211 Fourth Street, Galena is the architect for Grace Episcopal Church. The rezoning is necessary as the church has a need for accessible facilities and parking. The design has already been before the Historic Preservation Commission and gained approval. If the request is not approved, it is likely the church will not continue as membership is aging and declining. Other churches have basements and have made modifications to meet the needs of its congregation. Grace cannot modify. Historic Commission agreed that the addition was sited correctly. Moving it would not be appropriate. The rear of the addition is aligned with the existing building. The accessibility is an issue that needs addressing and the addition would be a great benefit. The church is especially concerned about maintaining what they already have. They are sensitive to the memorial garden and preserving those remains. Johnson reviewed the approval criteria. He noted that the church is more in character with Turner Hall and the Fire Department – older properties on Bench Street. The proposal is in line with the Comprehensive Plan in that it is in the City’s best interest to preserve the building and have it remain a church. The request meets the approval criteria.

Baranski asked about the functionality of the rectory.

Johnson said currently they have space for small fellowship meetings but accessible facilities are lacking. They are unable to modify the building enough to accommodate their needs. If approved they would have a larger gathering space, an office, storage (which they lack now), a classroom, and accessible facilities. Access from the church to the rectory is difficult due to the topography and accessibilities and it only gets worse in winter months.

Baranski asked about the churches community outreach programs.

Johnson said at its most basic outreach should mean that that the church is accessible to parishioners and their families so they feel welcome and to community members for programs and events.

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

Pete Stryker 3 Arcadia Court, Galena said Grace Church does understand the neighbors' concerns. The church invited the neighbors to a meeting where the project was discussed and the neighbors could express their concerns prior to the application being submitted. They have listened to the HPC and their input for the addition. The church, the parking, the parish hall - none of them are accessible. The church is planning for the future so they can have a future. The accessibility hurdles are many and they need to overcome those in order to remain a viable facility to Galena. The architecture and history of the church are important and they want to take of these matters properly. There is nothing easy about caring for an historic building like the church. Of course there are excavation concerns for all the neighboring homes but also for the church too. The lot behind the church is as it was when the church was built 166 years ago. This is a testament to the strength of the limestone.

Gloria Hoppewell 1022 Fourth Street, Galena said outreach for the church is very important. They have Sunday worship, bible study, Christian education for adults as well as children. Pastoral care and ministry to others who are not members of our church. They are part of the United Churches of Galena and as such are expected to hold meetings and activities at Grace on rotation like the other members do. They are the only church who cannot do this due to the lack of adequate space and accessibility. They would like to hold vacation bible school but again the lack of appropriate space does not allow this. As for the lack of accessible facilities it feels as though the church is disenfranchising their parishioners. As a pastor to see that parishioners cannot participate is very disheartening. In order to remain vibrant, you must plan for the future. They are not interested in becoming a mega church.

Kathy Leonard 102 N Bench Street, Galena is a neighbor to the church. She very much agrees that the church needs to remain viable or we will lose this church and possibly other historic churches in the historic district. She is in favor of the addition but does not want dynamite used.

Baranski asked if she saw any negative effects of the project.

Leonard said no. It seems the church could sell the home as a single family residence. People will still walk by her house when going to services or events.

Karen Cerwich 10 Wallflower Rim, Galena said she has been a member of Grace for about three years. When she joined there were only five people in bible study; now there are ten. They meet in a tiny room that is barely adequate. The church holds AA meetings and they meet in a larger room. They need a little more space for their activities and outreach programs.

Mary Lou Smith 301 S Prospect Street, Galena has been in Galena and a member of the church since 1988. They purchased their historic home because it was close to the church and they like to walk to services. Bible study is held in the parish house and it is difficult to navigate from Prospect Street to Hill Street and many people cannot attend anymore. She would hate to see the church have to move. The planning committee has worked hard to keep the historic church viable. Many visitors come to services just to see the historic structure.

Steve Coates 304 Elk Street, Galena is a member of Grace Church. The church's outreach programs play an important role in the community. It is the site of the Galena Festival of the Performing Arts. The acoustics in the church are great.

Greg Cerwich explained what church means. He moved to the Galena Territory and Grace Church became their anchor. They are at the church three times a week which led to him becoming involved in the Elks and his portrayal of Elihu Washburne. Recently his wife fell when going to church. There will come a day when they will not be able to access the church as it is.

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

Jacqueline Dyrke 311 Hill Street, Galena lives above the church. She can't understand why the Historic Commission approved this. We need to preserve the church and the house. When the house that used to sit next to Turner Hall was removed the whole area shook. The houses in the neighborhood are on bedrock and this type of work could cause the mortar to loosen. There was no real damage done back then but this is much closer. The church spent a lot of money to repair their foundation about ten years ago. Looking at the addition it may say it is only 30 feet tall but on the plans it looks more like 35 feet tall. The plan states that Louie's Trenching will be hauling the rock away but no one says how the rock will be loosened. She appreciates the need the church has. The church was built before most of the houses in the neighborhood were. No one seems to be able to tell the neighbors how the rock will be removed. What will the addition's foundation be built of? They indicate that the runoff will be redirected – redirected where and how? There are so many unanswered questions. The church has said that construction companies will have insurance

to compensate the neighbors for any damage done to their homes during the process, but it doesn't seem as though they know how that will work. She thinks the real concern should be for the church and what might happen to it. She realizes that damage can happen, but she needs to know that things will be protected.

Baranski asked Dyrke if the project engineers – structural, geotechnical, civil – reported that the project was able to go forward would it change your feelings.

Dyrke said she doesn't see a problem with the accessibility concerns. She believes it may be a problem in the winter.

Gina Cullen 108 S High Street, Galena lives directly above the church. She agrees with Dyrke 100%. She is just not sure how this could be approved – just nonsense when you look at what could possibly happen to the church or neighboring properties. Once the project is started and problems are found it will be too late. It's not enough for contractors to have insurance homeowners would have to file a claim. If your house was totaled or damage done to the foundation you cannot repair. There would undoubtedly be a huge discrepancy between what the insurance company would pay and what a home is really worth. The amount of stress and hardship that these neighbors will go through during this process is enormous. It is very selfish of the church to only think of themselves by attempting this project. It would seem that there should be something in writing before the project starts guaranteeing the homeowners that they will be compensated if anything should happen. Access to the rectory is downhill from the church. She feels sorry for persons who are unable to get to the rectory but this should not be a reason for the addition. A Logical solution could be for the church to purchase the green home that is for sale on Hill Street or Mrs. Doyle's home. This would provide more space. Maybe the church should by the neighboring homes, complete the project and if everything is oaky they can resell the homes.

Baranski asked why she thought the church was selfish in trying to make their facilities accessible so the congregation could be better served. There are methods of rock extraction that are less problematic and would have no ill effect on properties.

Cullen said she would take something that someone said as trustworthy – only if it is writing.

Rick Pariser 113 S High Street, Galena said he lies behind the church and is concerned that the addition will negatively impact the wonderful view afforded those who live on High Street or travel the area. As for zoning going from A Low Density Residential to a Planned Unit Development gives him personal concern. The church people are good people; he doesn't have an issue with the church jus the plan. The biggest investment most people have is their home. The neighbors spend money every day in this community. They are worried about the integrity of their homes when something happens. Currently a retaining wall has failed on Prospect Street – walls all over town

fail. There is a big concern about the rock, the soil, the fill. There needs to be a compromise. He suggests that a professional engineering firm be hired to evaluate the site. They must have credentials and they must be able to perform the necessary studies. Defer the application until the study is done. With all the concerns it seems premature to act on this. Our homes are our concern. He does not want the church to be destroyed. He strongly urges that an engineering study be completed. This would put many people at ease.

Baranski said he understands the general concerns but asked if there was evidence that the site is not suited for the addition or of other problems.

Pariser said there are mine shafts and crevices in the area – anecdotal evidence. Have a geotechnical engineer study the site and submit a report. If they say it's okay, then he is okay.

Randy Cullen 108 S High Street, Galena said the zoning is existing non-conforming. The proposal cannot proceed because of the current regulations and standards. This would create further zoning exceptions. There is adequate space and the resources may not be destroyed but they will be changed. The church can stay the way it is. The setback places more burden on other properties. Zoning can cause or reduce problems. Zoning of the building is causing problems. Parking can be created without the addition. A small addition still changes the view. We can help them create parking. There are no guarantees for what is going to happen to the current rectory. He just can't see proceeding with this project.

Jim Wirth 121 S High Street, Galena said he has met with Building official Jonathon Miller and Zoning Administrator Matt Oldenburg and submitted requests for additional information related to the application. He has received some of this material but is still waiting for the request to be complete. He still has questions regarding the number of people that can be in the church at one time – what is the capacity. What is the capacity of the proposed addition? Will they have theatre style seating or tables and chairs. This would relate to the number of parking spaces would it not. The City and the ZBA has an obligation to make sure that when granting a request for rezoning, such as this one for the PUD, that it not have an adverse impact on the neighboring properties. His view from High Street will be obstructed if the addition is allowed to be built. How kind of mitigation is there for this? Who would reimburse him. The list of deviations and mitigation result – how will the applicant address or solve these. Some type of environmental studies should be completed to see how this will be impacted. Normally engineering work is done first before seeking approval to see if the project is viable. If there are questions or concerns those can be pursued. Previously there we no engineering studies completed. This area of Galena – Quality Hill is known to contain mine shafts, crevices and tunnels. Word is that you could travel from Franklin Street to the Galena High School via an underground tunnel. There could be all kinds of things that show up during excavation – timbers, bracings, rock, vibrations. Engineering studies must be seen before approval is given. During construction the lateral support will be lessened in this area

that may impact the church as well as the surrounding homes. Wirth emphasized that as owner and caretaker of General Grant's family home on High Street it is his duty to protect the historic site. Considering the project would be one thing if it was not going to impact the historic homes, including Grant's. It is irresponsible of the applicant and this should not be before the Board. When the fire department was proposing an addition they withdraw their request due to engineering concerns. He would like to know where the studies are - civil, geotechnical, structural. It is his right to protect these homes. What type of protection is the City going to provide for anyone who has a financial interest here? These properties are priceless. Has anyone considered the risks without an engineering study? The project will also disinter 25 bodies or cremains. This was their final resting place. What actions has the City taken concerning the removal of the cemetery. These families should be notified. This was their loved one's final resting place. It should have been mandated by the City that these families be notified.

Janet Checker 115 S High Street, Galena said she has been concerned about the mine shafts – especially under the Doyle house. Supposedly Dale Hillary who had lived at 108 S High Street said he had walked in the mine shaft under the Checker's home. She would like some sort of guarantee that this will not damage her home.

Jacqueline Dyrke 311 Hill Street, Galena said she had forgotten about the mines and the many hidden crevices. The house for sale on Hill Street near her home has a retaining wall collapse. How secure is this.

Janet Checker 115 S High Street, Galena came back to add that she has a sincere concern about the age and safety of the Church. No one who goes to the church lives in this area.

Nybo asked Johnson if he would like to rebut any of the testimony.

Johnson said the building foundation is the building itself. It will sit on the bedrock. Many are concerned with studies being done before approval and seeming special treatment of the church. There is no special treatment - no rules have been changed. Since the mining ceased how many issues have there been in this area. This is solid Bedrock. Schablowsky's home, which is for sale on Hill Street, has solid bedrock under it. The retaining wall there is a good example of just how stable the area is. If he had concerns he would have his engineer testify. They do not anticipate any problems with the surrounding homes. Just like other projects contractors have insurance. The applicant should not have to do more to obtain approval than others have done in the past. The way in that the addition is situated will not block the views on High Street. Turner Hall will block the addition. There will be an historic impact if the church has to close. What else could conceivable go in there. Who would maintain it? The Church has a big financial impact to the historic district.

Baranski asked about the alley behind the church and about the height of the addition at the peak.

Nybo asked if any of the objectors had additional comments pertaining to Johnson's rebuttal.

Pariser asked for more details about the stability. Would Johnson guarantee the stability?

Johnson said even he would not rely on just one person's credentials.

Baranski asked if they would have a structural or geotechnical engineer involved in the project.

Johnson said structural yes. He was not sure about the geotechnical.

James Wirth questioned the zoning change and if it would then result in spot zoning. He was still questioning the density and maximum occupancy numbers.

Oldenburg said the final occupancy numbers were determined by the Fire Department/Chief. He said the first floor would hold approximately 60 people. The second floor would have around 10 people at the day care and another four or so for the offices. The third floor would house classrooms and could hold approximately 36 people for a total of about 110 people. These numbers would be posted by the fire officials.

Wirth asked if this is approved how will this zoning district differ from that of the current zoning.

Johnson said you cannot make parking requirement under the new zoning. Historic structure district – you would have to level the site and you still would not have enough space the necessary parking. That's why the change to a PUD is desired. Turner Hall and the downtown district do not have enough parking.

Wirth asked if this would exacerbate the parking issues.

Johnson said if the church closes parking issues will certainly be lessened.

Baranski asked if there would be an increase in parking needs with the addition.

Johnson said you would hope the parish would grow but plans are to continue with the same functions, events and outreach programs.

Wirth said specifically each default standard needs to be looked at and detailed as to how it is going to be mitigated – parking, traffic, height of the addition.

Checker asked Johnson about the retaining wall at the back of the alley.

Johnson said there really is no retaining wall. The wall of the addition is the retaining wall per se. The height will be the same that is currently there. The runoff is already collected by storm water drains and this will be similar.

Gina Cullen asked about the stability of the addition. Is the building separate from the hill?

Johnson said the building will be set into the ground. They will backfill around this and that will act as the retaining wall just as it does with the existing building. It's basic engineering.

Cullen asked about the gap between the hillside and the addition.

Johnson said there is no gap; no water comes out of the wall – it is solid. These matters are not zoning issues. The building will be built into the hillside. The hillside holds itself up. The building could hold up the hillside. Bench Street is held up similarly.

Eric Lieberman, 751 Dewey Avenue, Galena asked if the applicant objects to having geotechnical and engineering studies completed.

Johnson said he doesn't know of anyone who would 100% guarantee what type of rock is on the site. You are excavating 20 feet into the hillside. He objects to money being spent before approval is given for the project. This is needless spending that is being asked of the church.

Gina Cullen said not if problems are found.

Johnson said they are planning on following all the City rules just as the City requires.

Gina Cullen asked how the applicant will assure the property owners that they will be compensated monetarily if there is damage.

Nybo said that the City Council would be a better venue for that discussion.

Johnson said normal liabilities will apply and they will meet all the city requirements for that.

James Wirth said the applicant keeps stating that they are not changing the rules but they are asking for a change from Single Family Residential zoning to Planned Unit Development with special circumstances.

Johnson said the church is applying just like others before them. He doesn't want to do things that others do not – they will follow the rules just like others have. He thanked the Board for hearing the request – which is a good project.

**MOTION:** Jansen moved, seconded by Cook to close the Public Hearing on Cal. No. 16PD-01.

Motion carried on voice vote.

**MOTION:** Baranski moved, seconded by Jansen to pass a positive recommendation for Cal. No. 16PD-01.

Discussion: Baranski said when looking at the Zoning Map it seems this property has more in common with the properties below it – the zoning map is not three dimensional – you cannot see that there is a hillside and that the church is not on the same level as the properties above it. The building associates itself more with Turner Hall or the Fire Department and Hill Street – that is a deficiency in the map. This property may have been overlooked when the zoning districts were reworked. As for the technical issues he has a lot of faith in the engineers. If approved, there is a time when everything has to be assessed and designed. It is best if any engineering issues are dealt with at that time. The addition would result in a better facility for the congregation. Accessibility becomes more and more important with an aging population. There is a deficiency with the current parish house – this is being addressed in a good way. Parking is an issue here – the creation of five off street parking spots is always a benefit. The approval of this request is essential for the long term health of the church and for Galena.

Jansen agreed with Baranski. He does understand the concerns of the neighbors, but said we should rely on the experts that do these jobs to undertake the project. There are crevices and mine shafts all over Galena. He had an abandoned well on his property on West Street with about 100 years of stuff in it so he filled it in. Twenty years later when they moved it was starting to settle a bit but that's Galena. We have to accept what Galena is – these issues will always be there. He added that in most towns churches are not in the downtown or industrial districts – they are in residential areas where people live. The church was built before most of the houses. The plan is a good one. The church and the contractors need to be cognizant of the neighbors' concerns. Schablowski's property is next door to the church and his wall did fall down in the 70's. The wall was rebuilt. Whose fault was it that it fell down? It was fixed and is still standing. He respects what the church is doing and they satisfy most of the concerns of those living in the neighborhood.

Cook said she empathizes with the homeowners and she does hear a lot of concerns about all the cars on Prospect Street. The addition of off street parking will help alleviate those complaints. They plan to have the proper professionals working on the project to survey and engineer the project so the job is done correctly.

Nybo commends the church for trying to expand its congregation and meet its needs. What do the guidelines for the natural resources protection standards for steep slopes? Do we know what the percentage is?

Oldenburg said it is over 30%. The architect has identified the area of the slope that is over 30% and it has been identified on the site plan. It is required to preserve 80% - this plan has 84% being preserved.

Nybo asked if we are following residential or nonresidential land use standards.

Oldenburg said nonresidential standards.

Nybo said there are common boundaries with residential districts. Would a residential property neighboring the church be required to preserve 85% of the slope?

Oldenburg said if they were residential land use. That's why there are two sections of the bulk standards with different standards for both nonresidential and residential lands uses.

Nybo asked about performance standards being met. It says that temporary quarrying operations will have some residual vibrations but is necessary to construct the addition.

Oldenburg said the performance standards are for permanent land uses. There are vibration protections that limit how long this activity can occur each day. Those are for permanent uses that have been approved into perpetuity. The Grace Church project is a temporary construction activity that will most likely produce some vibrations unless an alternative method is used.

Nybo asked about the deviations and the offsetting community benefits.

Baranski said the outreach work done by the church is the benefit to the community. Approval of the project would provide a facility to house these programs that may have nowhere else to go if not served by Grace Church. This is an overriding benefit. The church will be maintained and continue as a historic property and will be of service to not only the congregation but to the entire community and visitors alike.

Nybo said there is good work being done by the Church now with its current facilities.

Baranski said may be more can be done if they have additional space and an accessible facility.

Nybo asked about the suggestion that the church buy a couple of the neighboring properties that were for sale in place of the addition.

Baranski said the synergy of the rectory being attached to the church is hard to replace. If you have to constantly go between buildings - either across a street or up and down a hill – to attend events or programming, you still have accessibility issues.

The Board 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;
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 (#1) there could have been an error or oversight when the map was done. An argument could be made that the topography puts the church on a level closer to the downtown district than with the residential homes on High Street. #2 is not applicable.

The change would be compatible with the surrounding area and would provide off street parking as a benefit. The map amendment definitely complies with #4 as they are maintaining and utilizing an historic structure. There are adequate facilities to comply with #5 and adequate land for #6. The community does benefit as a whole if the amendment is approved so #7 is met.

And:

Planned unit development zoning should be used only when long-term community benefits, which may be achieved through high quality planned development, will be derived. Specific benefits that would support a PUD zoning include, but are not limited to:

- (1) More efficient infrastructure;
- (2) Reduced traffic demands;
- (3) A greater quality and quantity of public and/or private open space;
- (4) Other recreational amenities;
- (5) Needed housing types and/or mix;
- (6) Innovative designs; and/or
- (7) Protection and/or preservation of natural resources.

The application meets all the approval criteria for a PUD. It would definitely clean up a lot of the pedestrian issues that occur between the church and the rectory. Also the historic building would be protected as encouraged by the Comprehensive Plan.

**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](#); *If deviations are approved, 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 *Density / Intensity of proposed may be appropriate for a land use that has existed for over 160 years. Return of rectory to LDR will reduce intensity of use at that property and relocate it to the main site where the same intensity of use is already present when the congregation meets. The bulk of intensity of development at the site can be determined with this process by the Council – deviations from the default district standards can be approved.*
- 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*

The approval criteria for the Preliminary PUD plan is generally met; some are not applicable. Many of the criteria are covered by the criteria for the change to a PUD. The upkeep of the church and the ability to keep the historic structure open and useful is a great benefit – we don't want to lose that.

As Roll Call was:

Bochniak	Absent
Cook	Yes
Holman	Absent
Jansen	Yes
Nybo	No
Baranski	Yes
Rosenthal	Absent

Motion to approve or forward to the City Council failed with a 3-1 vote; 4 votes are necessary.

**COUNTY ZONING**

None.

**WORKSESSION/OTHER**

None

**PUBLIC COMMENTS**

None.

**MOTION:** Jansen moved, seconded by Cook to adjourn the meeting at 9:45 pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price  
Zoning Board Secretary