

**MINUTES  
ZONING BOARD OF APPEALS  
JUNE 8, 2016**

**CALL TO ORDER:**

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:40 PM on Wednesday, June 8, 2016 at City Hall, 101 Green Street, Galena, IL.

**ROLL CALL AND DECLARATION OF QUORUM:**

As Roll Call was:

Baranski	Present
Bochniak	Present
Cook	Absent
Holman	Present
Jansen	Absent (Arrived at 6:45)
Nybo	Present
Rosenthal	Present

A quorum was declared.

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

**APPROVAL OF MINUTES**

Bochniak moved, seconded by Holman to approve the January 2016, April 2016 and May 2016 minutes as submitted.

Motion carried on voice vote.

**OLD BUSINESS**

Cal. No. 16S-02, Applicant: Adam Johnson – 211 Fourth Street, Galena, IL 61036 and Owner: Daniel Balocca, 125 South Prospect Street, Galena, IL 61036. Location: Parcel: 22-100-565-00, Lots Fifteen (15) and Sixteen (16) in Block Number Three (3) in the City of Galena on the West side of the Galena River in the County of Jo Daviess in the State of Illinois. Common address is 125 South Prospect Street, Galena, IL. Request for Special Use Permit to allow an eighth, room for the Small Inn. The property currently operates with a Special Use Permit as a seven-room Small Inn.

**MOTION:** Bochniak moved, seconded by Baranski to approve the Special Use Permit for Cal. No. 16S-02.

As Roll Call was:

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

Motion carried.

**NEW BUSINESS**

Cal. No. 16HCO-02, Applicant: Adam Johnson – 211 Fourth Street, Galena, IL 61036 and Owner: Tim Leibold, 9836 US Hwy 20 W, Galena, IL 61036. Location: Parcel: 06-500-008-06, a tract of land located in the Southwest Quarter of Section 21 and a tract of land on the Southeast side of Section 20, Township 28 North, Range 1 East of the Fourth Principal Meridian, East Galena Township, Jo Daviess County, Illinois. Common address is 9836 US Hwy 20 W, Galena, IL 61036. Request for Non-administrative Highway 20 Development Permit to allow an addition to the existing structure and associated site improvements. **\*\*\*A PUBLIC HEARING WILL BE HELD FOR THIS ITEM\*\*\***

**MOTION:** Baranski moved, seconded by Jansen to open the Public Hearing on Cal. No. 16HCO-02.

Motion carried on voice vote.

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

Rosenthal asked the applicant to come forward and make their presentation.

Adam Johnson 211 Fourth Street, Galena said the applicant is requesting approval of a Highway 20 Development Permit to build an addition and make site improvements to expand the business. The property is zoned General Commercial and the use is allowed by right. Johnson said the request meets all the criteria listed in 154.914C and satisfies all adopted policies and plans, and supports the goals of the Comprehensive Plan. It meets the bulk standards, standards for the zoning district, land use regulations, natural resource protection standards, parking, lighting and landscaping standards, performance standards and quality site design standards. Any additional storm water runoff from the impervious surface will be directed to the detention pond.

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

Rick Fjelde 721 Park Avenue, Galena said he is in favor of the application. This is a quality operation that provides very good service.

Rosenthal 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. 16HCO-02.

Motion carried on voice vote.

**MOTION:** Baranski moved, seconded by Bochniak to approve a Positive Finding of Fact to approve Cal. No. 16HCO-02.

Discussion: Baranski said when looking at the criteria the plan meets those standards.

**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](#); *Proposal meets all site plan review criteria.*

- (2) The overall context of the corridor and the goals for new development as described in Chapter [III](#) of the Design Manual; *The addition and site improvements support the goals of: Promote residential and business diversity and vitality; Create a quality image of development; Enhance the onsite experience of occupants and visitors of development; and Coordinate access and traffic between properties.*
- (3) The corridor development concepts described in Chapter [IV](#) of the Design Manual; *This improvement supports the encouragement of denser and more highway-oriented development adjacent to limited highway access points. Regarding the Galena “Edge Corridor” Design Character, “the design character outside of the historic district should be unique, unified and high-quality and create the image of a stable edge corridor for the historic community of Galena. This supports the encouraged design character that respects the historic character of Galena, yet does not confuse or detract from the authentic qualities of the original structures and urban fabric of the Galena National Register Historic District”.*
- (4) The proposed character of the applicable design districts as described in Chapter [V](#) of the Design Manual; *This request supports the character of the Southeast Hilltop Commercial District by: Visually unifying through consistent use of brick as a design element; coordinated and shared access and parking, higher density development and controlled access points, high quality site design and amenities; and high quality materials.*
- (5) The proposed pattern of development for the Highway 20 Corridor as described in Chapter [VI](#) of the Design Manual; *n/a, site is under 10 acres in size.*
- (6) The standards for building orientation, design and materials as described in Chapter [VII](#) of the Design Manual; and *Building siting is established with existing; addition extends to create denser development towards the nodal area to the appropriate setback distances for building and parking (20 feet from Highway 20 and 10 feet from Boggess Street. Parking areas meet appropriate setbacks of 20 feet from Highway 20 and 8 feet from Boggess Street. Access points from Boggess are existing; Highway 20 access is existing and approved by IDOT District 2. Architectural building standards are met by upholding Midwest regional character with simple forms in a rectangular configuration. Articulated gabled-roof line and setback corner customer entrance provide aesthetic appeal from the Westbound direction of travel. Public entry is visible from the street and parking areas. Windows and doors meet the 30% minimum requirement. Wall materials are high-quality brick on highway and cross street sides; rear side will be vinyl siding. Brick detailing will be used on the front and side of addition.*
- (7) The standards for site features and elements as described in Chapter [VII](#) of the Design Manual. *Site signage has existing freestanding sign; proposed wall sign appears to be compliant and will require a sign permit. Landscaping points are met and placement is adequate to create buffer between development and adjacent rear residential land uses. No additional site*

*features are proposed. Storm water pond is existing and capacity will be verified at Building permit level.*

The zoning board agreed that the application met the approval criteria.

As Roll Call was:

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

Motion carried.

Cal. No. 16S-03, Applicant: Adam Johnson – 211 Fourth Street, Galena, IL 61036 and Owner: Charles Fach, 418 Spring Street, Galena, IL 61036. Location: Parcels: 22-100-687-10 & 22-100-687-00, Lots 3,4 & 5 in Block 12 of the Original City of Galena, Jo Daviess County, Illinois. Common Address is 412 & 414 Spring Street, Galena, IL 61036. Request for Special Use Permit to allow a 6-room Small Inn. The property at 414 Spring Street currently has a permit for a 4-room Bed & Breakfast. **\*\*\*A PUBLIC HEARING WILL BE HELD FOR THIS ITEM\*\*\***

Nybo asked Chairperson Rosenthal to allow him to recuse himself from the agenda item as he is a guest house owner.

Rosenthal granted the request.

**MOTION:** Bochniak moved, seconded by Jansen to open the Public Hearing on Cal. No. 16S-03.

Motion carried on voice vote.

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

Rosenthal asked the applicant to come forward and make their presentation.

Adam Johnson 244 Fourth Street, Galena said the owners of the four room bed and breakfast would like to expand to a six rooms small inn. Currently these two spaces are offered as apartments. The proposed intensity would be less as the rooms would not be occupied every day.

Baranski asked if the Highway 20 project would affect the off street parking.

Johnson said the owner indicated the parking would not be affected.

Rosenthal asked those in favor of the request to come forward and testify. No one did.

Rosenthal asked those opposed to the request to come forward and testify. No one did.

**MOTION:** Jansen moved, seconded by Bochniak to close the Public Hearing on Cal. No. 16S-03.

Motion carried on voice vote.

**MOTION:** Baranski moved, seconded by Bochniak to approve a Positive Finding of Fact to approve Cal. No. 16S-03.

Discussion: Baranski said there is ample parking to accommodate the additional rooms and more guest lodging is located on Spring Street.

**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 Board agreed that the request met the approval criteria.

As Roll Call was:

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

Motion carried.

Nybo returned to the table.

Cal. No. 16PD-02, Applicant: Adam Johnson, 211 Fourth Street, Galena, IL 61036 and Owner: 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 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. **\*\*\*A PUBLIC HEARING WILL BE HELD FOR THIS ITEM\*\*\***

**MOTION:** Bochniak moved, seconded by Baranski to open the Public Hearing on Cal. No. 16PD-02.

Motion carried on voice vote.

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

Rosenthal asked the applicant to come forward and make their presentation.

Adam Johnson 244 Fourth Street, Galena presented the application and read a prepared statement

Nybo asked what the capacity of the existing church is?

Johnson said 155.

Nybo asked with the addition how many people could attend an event.

Johnson said the number really doesn't increase.

Baranski said it seems as though people would either be at church or at the fellowship hall.

Baranski asked if the top of the hill, where it flattens out, is the grade of the hill about the height of the addition.

Johnson said it would be about four feet higher than the back property line but the slope continues to go up.

Rosenthal asked how far into the bluff would they be excavating.

Johnson said about 20 feet.

Rosenthal said the current church would remain as is – it is built into the hillside right?

Johnson said there is open space all around the church but it is solid rock behind.

Baranski said the topography behind the current church is very steep.

Johnson said it is 14-16 feet up – a very steep slope. Maintenance such as mowing is not possible.

Baranski said the slope seems to change as you progress along the site.

Johnson said as you go the slope flattens and is walkable.

Rosenthal said there would no excavation behind the current church.

Johnson said that is correct.

Rosenthal said the foundation of the addition would be concrete.

Johnson said yes. He expects everything will be sitting on bedrock.

Baranski said the addition will act as a retaining wall.

Bochniak asked if the roof of the new would be lower than existing church roof.

Johnson said the peak of the addition will be lower than the peak of the nave.

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

Pete Stryker 3 Arcadia Court, Galena spoke in favor of the request. He stated that the church is the only one in downtown that doesn't have a basement to hold its activities. Instead, they have to use the parish house across the street. They looked into making a basement but the bedrock, on which it sits, took the option off of the table. They have come up with a design that was approved by the HPC and is compatible with the surrounding properties. The proposed addition will be nothing less than compatible with the existing land use. The need for the addition was based on a simple observation that their parishioner's could not make it to events at the house across the street and they do not meet ADA standards due to the topography. They are just as concerned about construction methods as the surrounding neighbors – no one stands to lose more than the church if something goes wrong during the process. The methods are calculated by certified professionals to ensure the best possible outcome. The parish has provided a list of amenities and works that the church provides to the community and is prepared to answer any questions. It is a giving church and its wish is for the giving spirit of the community to grow. They will ensure the proper process is executed for the relocation of the cremains. The site is an old quarry that was cut over 166 years ago and remains unchanged, giving credibility to the solid bedrock and everything has lasted over this time without damage. Their utmost concern, regarding maintenance, is to ensure the property

is well taken care of. The importance of the vibrancy of the congregation is that it will help to cover the cost of the ongoing maintenance of the church, so the addition will lend to that vibrancy. The Cullen house is 120 feet away plus 50 feet higher; the Checkers are 133 feet away plus 50 feet higher; the Dierks' house is 220 feet away plus the elevation change; Mr. Pariser is 255 feet plus 76 feet higher, Mr. Wirth's house is 290 feet away and higher. If you look at the DeSoto House, the rear is 42 feet high as a comparison of height. The neighbors are not very close in a straight line distance and a vertical height differential. There was a notion that the ground behind the fire house was not stable enough to construct an addition without reinforcement and that the ground near Grace was the same. To add perspective to this implication, the rock behind the firehouse is approximately 30 feet below the plane that Grace sits upon. In sedimentary rock formation timelines, that equates to about 100 million years to form that amount of rock. To say the cross section of the rock does not change in 100 million years, it is not supported by the science of sedimentation. They intend to address the concerns of the surrounding neighbors and hire a structural engineer consultant to ensure the construction is done properly, which has been the plan from the start. As you consider the deviations requested, the hope is that the City considers that the health and well-being of all of its churches is invaluable to the vibrant soul of the community. What they request is simply the opportunity to provide accessibility to plan their future so they remain vibrant. Sustainability is a way we plan forward for our children's future; accessibility is the way we plan today to allow a full life for the parents and grandparents of these children. The answer is not to sit down because you are old, the answer is to get up, get out and enjoy your life and keep adding value to our Galena community. Accessibility helps toward these goals.

Gloria Hopewell 1022 Fourth Street, Galena spoke concerning the relocation of the buried remains. There are 52 burial spaces; 27 of them are occupied. Their proposal is for a columbarium to hold these remains. The area would be very peaceful and would be both indoor and outdoor. It would be much more attractive and there would be an increase in the number of available spaces for burial. The church believes in providing service and support for its members from birth to death and beyond.

Kathy Leonard 102 N Bench Street, Galena is a neighbor to the church but not a member. The church is a jewel in our community and needs our support. We need to do whatever is necessary to keep the church viable.

Joan Klaus 320 N Clarke Lane, Galena said he has experienced first-hand the difficulties with accessibility. She and her husband are members of Grace but over the years as his health has declined it has become more and more difficult to attend activities and even church service. Her husband is in a wheelchair and it is very challenging to get from the car to the church. Other members have offered to assist them but she is reluctant to accept for fear that one of them will be injured during the process.

Steve Barg 32 Heatherdowns, Galena said the current accessibility issues cause families and church members to often be separated during functions or gatherings. The proposed improvements would not allow this to happen. The church is a good neighbor. The Jo Daviess County Conservation has supported the plan. The church has supported The Galena Rotary's efforts at collecting furniture for families who are in need. Many families lack beds for their children and the church helps the Rotary meet these needs.

Joe Terry 236 S Division Street, Galena joined the church choir 20 years ago. He is appalled that others say the elderly should find another place to go. It seems the zoning board should be allowed to make a decision and then the engineering studies can be completed and studied.

James Baran 511 Park Avenue, Galena said Grace Episcopal is the oldest church in Galena and the oldest Episcopal church in the state. The church is very conscientious. They are stewards of history but are encouraging for the future. The church was built before the Civil War and was rehabilitated in 2000. The members serve the lord in various ways to the best of their abilities. At coffee after services they meet amongst themselves – they get to know each other and find out if anyone is in need. Currently this can't be done – many of the parishioners don't got to coffee because of the location of the parish house. If not approved who will the church family and structure serve. It will be Galena's loss.

Mary Nelson, 518 Summit Street, Galena has difficulty getting around. She struggles to participate in the activities held at the parish house particularly during inclement weather.

Lynn Giles 230 Poplar Avenue, Galena started attending Grace Church in 1974; in 1980 she began a member of Grace Church Her children and grandchildren are part of the church. They need to have all their activities on one campus. Currently you have to navigate thru the three-way intersection in order to get to the parish house.

Phil Jackman 3529 S River Road, Galena said his Dad started attending Grace Church in the 70's – he's now 91. His mobility is not good and his disabilities do not allow him to attend church services – services that he loves. His Dad has given to the community, to the church – to his country as a World War II veteran and now all he wants to do is to enjoy the church he loves just like many of the other members. It is a fact of life that at some point we will all have difficulty getting around. This needs to be addressed.

Jenna Couch 9544 Jupiter Drive, Galena said she in November she became the new pastor for The Lord of Love Church in here Galena. She is very much in favor of the request. While serving county churches in rural Iowa many of the buildings had similar accessibility issues as Grace. She witnessed older men carrying wheelchair bound parishioners down stairs so they could attend activities or meals. Often this was not possible and a separate isolated area was set up for those

who could not access the gathering area. People should not be excluded. Disabilities come in all ways, shapes and forms; it's not just an issue with older people.

Jennie Fjelde 721 Park Avenue, Galena said she cannot access the parish house. She is looking forward to being able gather with everyone else.

Rick Fjelde 721 Park Avenue, Galena said none of us are youngsters anymore. No one understands what a crack in a sidewalk can do. Unfortunately, he very painfully remembers.

The Board recessed for a short break at 8:30.

The Board resumes its meeting at 8:40.

Dan Balocca 125 S Prospect Street, Galena said his property is 100 feet away. He is in favor of the request. This is an accessory structure that would make the church viable and have a united campus. There is no danger. The church's architectural team as well as City staff will make sure the project stays on track and follows all guidelines and permit specifications and is safe. The Zoning Board's duty is to see that a request meets the guidelines and approval criteria.

Teresa Hannaman 610 1/2 Gear Street, Galena has been a member of the church for eight years. It was just the right place for her after her divorce. In 2009 she began running the nursery which is on the second floor of the parish house. She graduated to running the Sunday school program. The children do need help getting across the street.

Carmen Ferguson 900 Alexander Street, Galena has been a member of Grace for 34 years. At that time there were hardly any members. It is amazing the amount of work and growth that has occurred in that time. The parish house was not a part of the church at first, but as the outreach programs grew more successful the house was necessary and now has become an issue.

Mary Lou Smith 301 S Prospect Street, Galena said she agreed with other had said and is in favor of the request.

Richard Luther 32 W Cemetery Road, Galena said this is a great project. The historic church is for the community. It is a good investment as it will allow the church to remain a vibrant and integral part of Galena. As for the deviations – they provide opportunities for areas with topography concerns, lot size challenges, historical sites . . . this provides some flexibility.

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

Eric Lieberman 751 Dewey Avenue, Galena said the original issue was the safety of the quarrying and subsequent construction. After reviewing the Zoning Administrator's memo that was included in the zoning packet he feels somewhat better. The building, zoning and engineering departments would make sure that the project proceeds with the appropriate studies. He appreciates the language in the memo. The neighbors' concerns are real. If there is a vote to approve he would like to see language included that addressed soil, bedrock and slope stability. He is not against the project. He feels there are safety risks involved. As for the PUD deviations he feels the testimony has been very emotional it would be a poor precedent to accept zoning deviations with no tangible gained amenities. Continuing good work is not something tangible. It is inappropriate to ask others what good works one does. Lieberman asked if not for the parking additions could the memorial garden remain in place.

Jackie Dyrke 311 Hill Street, Galena feels very hurt that the church members think those opposed have no feelings. The homeowners are simply looking to save their houses from harm. Who will listen to them – the HPC did not. She is still worried that her house will shift. What methods will be used to remove the rock. Recently a nearby retaining wall came down on Prospect Street. How will construction affect it? Her house is 100 years old. Are there problems with the hillside?

Baranski asked Dyrke if an appropriate engineering study was completed and showed no problems would this alleviate the concerns.

Dyrke said it would help but she is still concerned.

Rick Pariser 113 S High Street, Galena said no one is opposed to the addition only where it is located as well as the site excavation; eleven households have concerns. There needs to be a stability report done by a reputable engineering firm.

Lieberman asked that the report be made available to the public within 72 hours after the city receives it.

Randall Cullen 108 S High Street, Galena has attended all the meetings concerning this project. The deviations – lot size, height, and set back in Low Density Residential District – never has there been a PUD like this before. The exceptions seem quite extreme. The deviations don't warrant a plan of this type. He supports the church and the idea but cannot support the PUD that appears to be getting around the rules.

Mike Doyle 201 S High Street, Galena is the trustee for his parent's property with a garage and house that sit to the immediate left of the church. He is supposed to preserve and protect the assets of the estate as trustee. He is happy that a clause will be added addressing the engineering for the project. He asked what the scope of the study would involve. It should have something

stating what the stability of the slope is and what happens if the project starts and then problems are found. He doesn't have an issue with the project itself.

Joan Wallace 703 S Bench Street, Galena said she thought the HPC was not right in allowing Board member Carl Johnson to participate as his son is the architect for the project. Likewise, Zoning Board member Jim Baranski really should not be involved in these discussions as he was the architect the last time Grace made an application that was denied several years ago. She does feel better with the inclusion of the new language.

Jim Wirth 121 S High Street, Galena said the Jo Daviess County Conservation and Mike Mallon were not aware of the project – they should have been notified as it is state statute. They are an outside entity that would be impartial in their opinions.

Rosenthal asked if the applicant wished to rebut any of the testimony.

Johnson said the addition of the requirement that a geotechnical study be completed before a building permit is issued has helped with many concerns.

**MOTION:** Jansen moved, seconded by Bochniak to close the Public Hearing on Cal. No. 16PD-02.

Motion carried on voice vote.

**MOTION:** Jansen moved, seconded by Baranski to draft a Positive Finding of Fact to approve Cal. No. 16PD-02 and to include language that a geotechnical study be completed before a building permit is issued.

Discussion: Baranski said the approval criteria should be reviewed.

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;

Baranski said it could be argued that the church should be part of the Bench Street zoning because of the elevation change and its neighbors. Maps are drawn in two dimensions the third dimension is not considered. He is sensitive to the neighbors' concerns.

Jansen said he previously mentioned that this is the typical area you find churches and schools and fire departments – in neighborhoods not in industrial parks or commercial districts.

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.;

Baranski said in general no - the use is very consistent.

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;

Baranski said it is and that is what their use is in a neighborhood district. Other churches have attached parish houses or even schools.

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

Baranski said it is very much consistent. The building is historic and it is a significant and essential part of Galena's historical architectural fabric. If we can keep this functioning it is consistent with our Comprehensive Plan. 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;

Baranski said this is true.

6. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs; or

Baranski said the addition fits comfortably on the site alongside the church.

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.

Baranski said certainly there is a need within the church for the proposal. He is sensitive to the neighbors and their geotechnical concerns, but he is sensitive of the need for handicapped accessibility too. That need is not going to go away.

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;

**Baranski said this would certainly help the with issues of the difficult intersection and crossing the street.**

- (2) Reduced traffic demands;

**Baranski said the addition of off street parking spaces would help reduce the congestion.**

- (3) A greater quality and quantity of public and/or private open space;

**Baranski said this does not apply.**

- (4) Other recreational amenities;

**Baranski said this does not apply.**

- (5) Needed housing types and/or mix;

**Baranski said the existing parish house will be abandoned of that use and could again become a private single family residence.**

- (6) Innovative designs; and/or

**Baranski said the design is right and appropriate for the site.**

- (7) Protection and/or preservation of natural resources.

**Baranski said they have met these criteria as well**

**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; **Baranski said the plan does meet the criteria.**
- b. The applicable preliminary plat criteria in [Chapter 153](#), Subdivision Regulations; **Baranski said this is not applicable.**
- c. The applicable site plan review criteria in § [154.914](#); **Baranski said if the deviations are approved, plan meets site plan review criteria.**
- d. The approved ODP, if applicable; **Baranski said this is not applicable.**
- e. An appropriate, specific density/intensity of uses for all areas included in the preliminary plan approval; and Baranski said **Return of the 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](#). **Baranski said this is not applicable.**

**Deviations from Default District Standards** - The Zoning Board of Appeals may recommend that the City Council deviate from the default district standards subject to the provision of any of the community amenities listed below. In order for the Zoning Board of Appeals to recommend, and the City Council to approve, a deviation from the default district standards, the listed amenities shall be provided in excess of what would otherwise be required by this code. These amenities include:

- a. Transportation amenities including but not limited to: off-street trails, bike and pedestrian amenities, or transit oriented improvements, including school and transit bus shelters; **Baranski said this does not apply.**
- b. Open space, agricultural land reservations, or land dedication of 20% or greater; **Baranski said this does not apply.**
- c. Community facilities or provision of public services beyond those required for development within the PUD; Baranski said the **The church presently provides community facilities as well as additional outreach for helping those in need and providing space for AA meetings.**

- d. The provision of affordable housing for moderate, low and very low income households pursuant to HUD definitions for no less than 15 years; **Baranski said this does not apply.**
- e. Other amenities, in excess of the minimum standards required by this code, that the City Council specifically finds provide sufficient community benefit to offset the proposed deviation. **Baranski said the case has been made for this.**

As Roll Call was:

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

Motion carried.

**COUNTY ZONING**

None.

**WORKSESSION/OTHER**

None

**PUBLIC COMMENTS**

None.

**MOTION:** Bochniak moved, seconded by Baranski to adjourn the meeting at 8:55 pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price  
Zoning Board Secretary