

**MINUTES
ZONING BOARD OF APPEALS
MAY 10, 2017**

CALL TO ORDER:

Acting Chairperson Nybo called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday May 10, 2017 at City Hall, 101 Green Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

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

A quorum was declared.

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

APPROVAL OF MINUTES

MOTION: Baranski moved to approve the April 12, 2017 minutes.

Cook asked that a correction be made on page 3 for the vote on 17S-14. The minutes say Baranski abstained but it should say he voted yes.

Baranski agreed

MOTION: Cook moved, seconded by Bochniak to approve the April 12, 2017 minutes as corrected.

Motion to approve the amended minutes carried on voice vote.

UNFINISHED BUSINESS

Cal. No. 17S-18, Applicant and Owner: Karl & Angela Stodden, 102 Third Street, Galena, IL 61036. Location: Parcel: 06-500-219-00, Part of Lot 6, Block 37, Original Town, East of the Galena River, Galena, Jo Daviess County, Illinois. Common Address is 102 Third Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Low Density Residential District.

MOTION: Bochniak moved, seconded by Cook to ratify the Findings of Fact as presented.

As Roll Call was:

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

Motion carried.

Cal. No. 17S-19, Applicant and Owner: Cynthia Jacobson, 713 South Bench Street, Galena, IL 61036. Location: Parcel: 22-100-271-00, Lots 13, 14 and South ½ of Lot 12, Lots between Bench and Prospect Streets, Galena, Jo Daviess County, Illinois. Common Address is 713 South Bench Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental – Single Room in the Low Density Residential District.

MOTION: Baranski moved, seconded by Cook to ratify the Findings of Fact for Cal. No. 17S-19 as presented based on the criteria, conclusions and determination of those set forth in Cal. No. 17S-18.

As Roll Call was:

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

Motion carried.

NEW BUSINESS

Cal. No. 17PD-01, Applicant: Galena-Jo Daviess County Historical Society & Museum, 211 South Bench Street, Galena, IL 61036 and Owners: David & Bernadine Anderson, 513 Bouthillier Street and Crow Family, 517 Bouthillier Street, Galena, IL 61036. Location: Parcels: 06-500-276-00, Part of Lot 13, North half of Section 20 and 06-500-276-03, Part of Lot 13, North half of Section 20, Township 28 North, Range 1 East of the Fourth Principal Meridian, City of Galena, Jo Daviess County, Illinois. Common Address is 513 & 517 Bouthillier Street, Galena, IL 61036. Request for Preliminary Plan approval and Rezoning for a Planned Unit Development with an underlying district of Medium Density Residential to allow construction of a new Museum. **This is a Public Hearing.**

MOTION: Bochniak moved, seconded by Cook to open the Public Hearing for Cal. No.17PD-01.

Motion carried on voice vote.

Nack swore in those wishing to testify at any of tonight's public hearings.

Charles Marsden, 9320 Saturn Lane Galena said he is before the Zoning Board as chair of the museum project committee and represents the Galena Jo Daviess County Historical Society. The society is in the process of acquiring the Stillman Inn and the Guy Crow property. The Crow property as well as some of the Stillman's outbuildings would be demolished. This has been approved by the HPC. The 1880 Carriage House, which is part of the wedding chapel at the Stillman Inn, will be further examined to determine its overall condition. If all goes as planned the projected opening of the new facility would be Spring 2021. The Historic Preservation Commission as well as the Zoning Board would be involved during the entire process. The committee looked at over twenty potential locations and it was determined that this would be the best site. Having the museum at this location will enhance Bouthillier Street, the State's historical sites and continue down to Grant Park and across to downtown Galena. There will be a high level of sustainability which may include LEED certification. The project would improve stormwater control, comply with Highway 20 materials and siting regulations and create a museum district to enhance the overall experience for visitors. The architecture of the Stillman Inn property will be improved by the removal of historically inaccurate additions done in the 1920's

Baranski asked about the 98 parking spaces.

Marsden said this would be shared with all museum facilities. The goal is to promote an overall visit to the entire area including Grant's Home. They are hoping to reduce the amount of area that is paved. Currently they have between 55,000-60,000 people visit the museum annually. They are thinking many of those who come to the museum campus will also make the very short walk to visit Grant's Home. They are not planning on having street parking but diagonal parking on museum property.

Baranski asked about the three possible sites for the new building.

Marsden said the desired plan is to build the museum on Bouthillier street after acquiring the Crow property. If this is not possible they would need to build on the Stillman property, but the Stillman Mansion would remain the focal point – the mansion would continue to be the predominate feature.

The Board asked about tree removal.

Marsden said a tree study would be completed. There are some invasive species on the site. The goal would be to look at this more in depth during the design phase.

The Board asked about the timeline.

Marsden said the exhibits take two years to design and complete. The estimated overall project cost is \$8-9 million. The committee wants to make sure everything is done in the right order. The Coach House, which is inside the Wedding Chapel will be evaluated to determine what, if any, portion can be saved. If it can be saved they will need to determine how the building will fit into the museums plan. Will it be fully restored or simply an artifact on the property. They are not anticipating any environmental concerns. Geotechnical studies will be completed to assess the topography and where best to install the geothermal system.

Bochniak asked if a traffic survey was needed either for Park Avenue and Bouthillier or Bouthillier and Highway 20.

Marsden said they would do a traffic study but wasn't sure if there would be enough traffic to warrant an actual intersection. The museum holds many evening events and will continue to do so. These times of higher traffic volume would come when the state sites are closed. The visit patterns for the museum are different than the state sites. Most patrons spend 1 ½ to 2 hours at the museum and with expanded exhibits this could increase. The museum site would be on the trolley route as is Grant's Home.

Baranski asked about high traffic weekends especially in the fall.

Marsden said the museum is averaging 50,000 visitors during the 200 days a year they are open. They find that on the weekends when a city-wide event is being held – Oktoberfest or Country Fair the number of people who visit the museum decreases.

Jansen asked about signage.

Marsden said they have had marketing meetings addressing signage, internet, GPS. They would like to minimize the onsite signage impact and instead increase wayfinding signage. There is IDOT signage at Bouthillier and Highway 20, but they would be looking to change that type of identification.

The Board asked what would happen to the current museum.

Marsden said the building is owned by the City. The painting Peace and Union is owned by the citizens of Galena. The former residential home would be given back to the city as the museum transitions in 2021.

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

No one did.

Nybo 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. 17PD-01.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Bochniak to approve the Preliminary Plan approval and Rezoning for a Planned Unit Development with an underlying district of Medium Density Residential to allow construction of a new Museum.

Discussion: Baranski said conceptually he thought this was a great - he loves the idea of a museum campus in this location. Marsden answered many of his questions especially concerning the natural resources survey. Baranski would prefer that the area below the Stillman Inn and the state parking area be left as is. He understands there are ways to design the building so it will blend into the topography but site #3 would be his preferred location. The Board will see this project again as it progresses. The parking is manageable – these are not huge sites - the building is only 15,000 square feet, 5,000 of which is the Stillman Inn. A 10,000-square foot building on multiple levels means a smaller footprint and bulk standards. When you drive up through the rock cut on Highway 20 you want to see the Stillman and have the addition behind the Inn itself.

Baranski 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; **Not applicable**
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.; **In a way, this street has changed from a more residential to a mixed use with traffic to the State sites.**
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; **Does comply**
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; **Does comply**
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; **Does comply**
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; **Does comply**

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; **Does comply**

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; **Yes**
- (2) Reduced traffic demands; **Not applicable**
- (3) A greater quality and quantity of public and/or private open space; **Yes**
- (4) Other recreational amenities; **Yes**
- (5) Needed housing types and/or mix; **Not applicable**
- (6) Innovative designs; **Yes**
- (7) Protection and/or preservation of natural resources; **Yes**

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; **Not applicable**
- b. The applicable preliminary plat criteria in [Chapter 153](#), Subdivision Regulations; **Not applicable**
- c. The applicable site plan review criteria in § [154.914](#); **Yes**
- d. The approved ODP, if applicable; **Not applicable**
- e. An appropriate, specific density/intensity of uses for all areas included in the preliminary plan approval; **Yes**
- 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](#). **Yes**

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;
- b) Open space, agricultural land reservations, or land dedication of 20% or greater;

(c) Community facilities or provision of public services beyond those required for development within the PUD;

(d) The provision of affordable housing for moderate, low and very low income households pursuant to HUD definitions for no less than 15 years; and

(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.

The Zoning Board of Appeals can recommend to the City Council, in the form of a motion, approval or denial of requests for Map Amendments and Preliminary PUD plans. If the Board would like to recommend approval of the requests, motions to approve which include pertinent facts in the cases and reasons for the recommendations should be entertained. The recommendations will then be forwarded to the City Council for final action.

As Roll Call was:

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

Motion carried.

Cal. No. 17S-21, Applicant and Owner: Raechelle & Ikhlas Ahmed, 219 South Main Street, Galena, IL 61036. Location: Parcel: 22-100-043-00, 23' of Lot 31, Lots between Main & Bench Streets, Galena, Jo Daviess County, Illinois. Common Address is 219 South Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District. **This is a Public Hearing**

MOTION: Bochniak moved, seconded by Cook to open the Public Hearing on Cal. No. 17S-21.

Motion carried on voice vote.

Raechelle Ahmed, 66 Stony Point Galena said they would like to have approval to operate a short-term vacation rental at 219 South Main Street. Currently there are traditional long term rentals on both the third and fourth floor of the building. The second floor is being used as part of the retail operation that also occupies the Main Street level. The second floor is the area they would like to convert to a vacation rental. In the future, they would like to extend this to the third and fourth floors.

Oldenburg said this application is only for the second floor as no other architectural floor plans were turned in. The applicant would need to make application to the Zoning Board at a future meeting if they wished to use the third and fourth floor as short term vacation rental.

Baranski said the square footage allows for eight occupants.

Oldenburg said it does and the final inspections would need to confirm this.

No one spoke in opposition to the request.

MOTION: Baranski moved, seconded by Bochniak to close the Public Hearing on Cal. No. 17S-21.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Jansen to pass a positive Finding of Fact to approve the Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District as requested.

Discussion: Baranski reviewed the Approval Criteria:

Approval Criteria & Recommendation:

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

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

- (1) *Site plan review standards.* All applicable site plan review criteria in § 154.914. *The proposed plan meets the site plan review standards.*
- (2) *District standards.* The underlying zoning district standards established in § 154.201 through § 154.209 including the defining characteristics of the district; *This proposed use meets the district standards.*
- (3) *Specific standards.* The land use regulations established in § 154.406; *The proposed use meets the specific standards established in §154.015, §154.403.1 and §154.406(D)(18).*
- (4) *Availability of complementary uses.* Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities. *Complimentary uses are available to the project.*
- (5) *Compatibility with adjoining properties.* Compatibility with and protection of neighboring properties through measures such as:
 - (a) *Protection of privacy.* The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants. *The proposed use will protect the privacy of adjacent properties.*

(b) *Protection of use and enjoyment.* All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property. *There is no change to the physical aspect of the existing development and therefore should have a minimal impact on the use and enjoyment of adjacent properties.*

(c) *Compatible design and integration.* All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include: buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties. *The design and integration of the proposed use has no projected impact on adjacent properties regarding nuisances. The impact of the number of guests is congruent with a residential use at the site.*

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

As Roll Call was:

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

Motion carried

Cal. No. 17S-22, Applicant and Owner: Andresen Family Trust, 221 South Main Street, Galena, IL 61036. Location: Parcel: 22-100-041-00, North 15.5' of Lot 30 and South 6' of Lot 31, Lots between Main & Bench Streets, Galena, Jo Daviess County, Illinois. Common Address is 221 South Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District. **This is a Public Hearing.**

MOTION: Bochniak moved, seconded by Cook to open the Public Hearing on Cal. No. 17S-22.

Motion carried on voice vote.

Don Andresen, 7752 North Indian Ridge Road, East Dubuque manages Union Leather, 221 South Main Street, one of the Honest John's properties. They would like to convert 221 ½ South Main Street to a short-term vacation rental.

Bochniak asked if the unit was on one floor.

Andresen said it was.

No one spoke in opposition to the request.

MOTION: Jansen moved, seconded by Bochniak to close the Public Hearing on Cal. No. 17S-22.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Cook to approve the approve the Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District as written based on the criteria, conclusions and determination of those set forth in Cal. No.17S-21.

As Roll Call was:

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

Motion carried.

Cal. No. 17S-23, Applicant and Owner: Sean & Amy Loberg, 304 South Main Street, Galena, IL 61036. Location: Parcel: 22-100-124-00, North 19.5' of Lot 4, East Side of Main Street, Galena, Jo Daviess County, Illinois. Common Address is 304 South Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District. **This is a Public Hearing.**

MOTION: Bochniak moved, seconded by Cook to open the Public Hearing on Cal. No. 17S-23.

Motion carried on voice vote.

Sean Loberg, 789 Menzemer Road Elizabeth said he would like to convert the second and third floor apartment at 304 South Main Street to short-term vacation rental.

Baranski asked if this was one or two units.

Oldenburg said two units and each unit would allow four guests.

No spoke in opposition to the request.

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing on Cal. No. 17S-23.

Motion carried on voice vote.

MOTION: Jansen moved, seconded by Bochniak to approve the request for the Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District as written based on the criteria, conclusions and determination of those set forth in Cal. No.17S-21.

As Roll Call was:

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

Motion carried.

COUNTY ZONING

None

WORKSESSION/OTHER

None

PUBLIC COMMENTS

None

MOTION: Cook moved, seconded by Jansen to adjourn the meeting at 8:10 pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price
Zoning Board Secretary