Passed and Approved this 25th Day of July 2022 by the City Council.

AYES:	NAYS:	ABSENT:
Wienen, Bernstein, Hahn, Kieffer, McCoy, Westemeier, Renner	None	None

Terry Renner
Mayor

ATTEST:

Mary Beth Hyde
City Clerk

CITY OF GALENA, ILLINOIS

101 Green Street, Galena, Illinois 61036

Resolution No. R.20.05

ZONING BOARD OF APPEALS

DETERMINATION & RECOMMENDATION TO THE CITY COUNCIL OF THE CITY OF GALENA

REGARDING

CALENDAR NUMBER:	Cal. No. 22A-04
APPLICATION BY:	Jeff West and Adam Johnson, 211 Fourth St., Galena, IL 61036.
FOR:	Request for a Text Amendment to the Zoning Code of Ordinances to allow the land use of Indoor Commercial Entertainment by Special Use Permit in the Heavy Industrial Zoning District.

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on July 13, 2022. The hearing was advertised in an edition of the Galena Gazette, in a quarter-page sized ad, that was available to the general public between 15 and 30 days prior to the hearing. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed and all persons were heard who desired to testify.

NATURE OF APPLICATION

The applicant is requesting a text amendment to allow the land use of Indoor Commercial Entertainment by Special Use Permit in the Heavy Industrial Zoning District. The applicant is also requesting a Special Use Permit to allow Indoor Commercial Entertainment at 11471 Industrial Dr.

The applicant is proposing to use the current structure at the subject site for an indoor climbing wall facility. The indoor climbing wall facility would be considered an Indoor Commercial Entertainment land use per section 154.406 of the Code of Ordinances. The subject property is located in a Heavy Industrial zoned district. The proposed land use is currently not allowed in this zoning district.

The applicant is proposing a text amendment to allow this land use in Heavy Industrial zoned

districts so that they may open their climbing wall gym at the subject location. If the land use is allowed, they are requesting a Special Use Permit for the use.

The applicant does not believe that the proposed climbing wall gym will contribute any more traffic from the public than the current permitted land uses such as an office, outdoor sales and service, or artisan studios. Other present allowed Special Uses, Adult Entertainment and Cannabis Dispensary, would also attract the public and visitors to the HI district. The proposed use of a climbing wall gym requires a large open space, such as the existing building, making this building a good fit for the applicant.

If the text amendment and special use permit are approved, the applicant will provide the adequate parking, landscaping, and stormwater detention on the site. The building will be updated accordingly, providing proper ADA restrooms, among other upgrades.

The subject property is bordered on all sides by Heavy Industrial Zoned parcels. There is an office to the North, Montgomery Trucking to the South, Storage to the East, and open land to the West.

Staff feels that the Climbing Wall Gym would be in character with the current district and recommends approval of this request.

At their regular meeting on July 13, 2022, the Zoning Board of Appeals voted to recommend approval of the request.

Testimony Presented on Behalf of the Applicant:

- **Adam Johnson, 211 Fourth Street** – Johnson stated he is working with the prospective buyer. They feel the property looks good for the use they are proposing, however, zoning will not allow it. A text amendment is the best way to allow the use in the Heavy Industrial District. They would need a Special Use Permit for Indoor Commercial Entertainment. The business will be a low traffic business. Johnson feels this use will be a good fit for Heavy Industrial. Johnson advised the applicant is working on refurbishing the building and bringing it up from where it is now.
- Nybo questioned if there are any EPA issues due to underground tanks. Johnson was unsure if there were any underground tanks. He questions if they are not disturbed if anything would have to be done. They plan to define a parking area and include better landscaping.
- Miller advised the special use permit would run with the property. Should this business close, it could open up as a restaurant with a new Special Use Permit, for example.
- Baranski questioned if it could be specified that the special use is for a climbing gym which would then require any other use to come back. Miller advised it could be specified in the motion.
- **Jeff West, 229 Council Fire Circle, Applicant** – West advised there are no underground tanks. The building fits what most climbing gyms are based on and fits the style of what customers are expecting. He does not feel the use would be out of place. West advised he would be purchasing the building.

- **John Wilson, 1570 Seippel Road, Dubuque** – Wilson stated he and his wife purchased the building from Sproule Construction. He stated he would be in favor of the climbing gym and feels it would be a good use for the building.

No further testimony was presented in support of, or objection to, the proposal.

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Article 0, Section 154.005 through 154.008 sets forth the Purpose, Separability and Non-Liability, Abrogation and Rules of Interpretation of the Zoning Ordinance.
- Article 1, Section 154.102 describes the map of standard Zoning Districts.
- Article 2, Section 154.201(C) describes the standard Nonresidential Zoning Districts.
- Article 4, Table 154.403.1 lists the land uses permitted by right or by special uses for each zoning district.
- Article 9, Section 154.920 describes Zoning Code Amendments and Rezoning.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Jeff West and Adam Johnson for a Text Amendment to Zoning Code of Ordinances to allow the land use of Indoor Commercial Entertainment by Special Use Permit in the Heavy Industrial Zoning District should be approved for the following reasons:

Text Amendment to the Zoning Code of Ordinances- In order to maintain internal consistency within this code and on the zoning map, proposed amendments to the text and zoning map must be consistent with the purposes stated herein. In determining whether the proposed amendment shall be approved, the following factors shall be considered:

1. Whether the existing text or zoning designation was in error at the time of adoption; *NO*

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.; *NO*

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; *NO*

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; *YES*

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; *YES*

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 *YES*

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. *YES*

RECOMMENDATION

NOW, THEREFORE BE IT RESOLVED, that this Zoning Board of Appeals does recommend to the City Council of the City of Galena that this request by Jeff West and Adam Johnson for a Text Amendment to the Zoning Code of Ordinances to allow the land use of Indoor Commercial Entertainment by Special Use Permit in the Heavy Industrial Zoning District should be approved.

PASSED AND APPROVED this 13th day of July, A.D. 2022, by the Galena Zoning Board of Appeals by a vote of 7 ayes, 0 nays, 0 absent, 0 abstain, 0 recused.

John Rosenthal, Chairperson