R.22.02

Passed and Approved this 28th Day of March 2022 by the City Council.

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

Terry Renner
Mayor

ATTEST:

Mary Beth Hyde
City Clerk

CITY OF GALENA, ILLINOIS

101 Green Street, Galena, Illinois 61036

Resolution No. R.22.02

ZONING BOARD OF APPEALS

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

REGARDING

CALENDAR NUMBER: Cal. No. 22PDA-01

APPLICATION BY: Archer Endeavors, 2054 Blue Heron Dr., Springville, IA 52336, and James Sullivan General Trust, 399 E. Hanover Rd., Elizabeth, IL 61028.

FOR: Request for an amendment to a Planned Unit Development Plan to amend the allowable land uses on Parcel 2 to also allow Accommodations Hotel/Motel.

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on March 9, 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 subject property is located to the Southeast of the City of Galena. The entire Gateway Park PUD includes 6 lots totaling approximately 32.852-acres. Lot 4 is the current location of a salon and spa, and lot 5 is the current location of Ashton Hills wedding venue, owned by the applicant. The entire PUD is zoned Planned Commercial. The subject parcel 2 is located on the corner of Wild Indigo Ln. and Powder House Hill Rd. Maps are included for site reference.

The subject property is bordered on the Northeast side of the property by Agriculture zoned property which is used as Gateway Park. It is bordered on the Southwest by Powder House Hill Road and residential property not located in the city limits.

The applicants are requesting an amendment to the Planned Unit Development Plan to amend the allowable land uses on Parcel 2 to also allow Accommodations Hotel/Motel. No other changes are being requested by the applicant, which includes FAR, Landscaping requirements, etc. The use of Accommodations Hotel/Motel is consistent with other uses currently allowed in the PUD, specifically being allowed currently in parcel 1.

The existing allowed uses on parcel 2 include Office, Personal or Professional Service, Artisan Studio, Sales and Service, Indoor Entertainment, Indoor Commercial.

It is my opinion that the proposed PUD amendment would be in character with the existing approved PUD.

At their regular meeting on March 9, 2022, the Zoning Board of Appeals voted to recommend the approval of the request for an amendment to the Planned Unit Development Plan to allow the uses of Accommodations Hotel/Motel on Parcel 2 of the Gateway Park Subdivision.

Testimony Pertaining to 22PDA-01:

Testimony Presented on Behalf of the Applicant:

- Robert Michael Chimsno of 2054 Blue Heron Dr. Springville, Ia. 52336. I am the General manager of Archer Endeavers the owner of wedding venue called Ashton Hills Farm. First wanted to just thank the board for their consideration and time. Seeking a PUD / Felt the property was consistent with the hotel/ motel use. Seeking to build a small complimentary hotel. Knows it is the first of many steps. Appreciated time and attention by the board

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 2, Section 154.201(C) describes the Standard Nonresidential Zoning Districts.
- Article 2, Table 154.204.1 lists the Bulk Standards for Nonresidential Structures.
- Article 2, Table 154.208.1 lists the Intensity Standards for Nonresidential uses.
- Article 3, Section 154.301 sets forth the criteria for Planned Unit Developments (PUD).
- Article 4, Table 154.403.1 lists the land uses permitted by right or by special uses for each zoning district.
- Article 6, Section 154.601 sets forth the criteria for Off-Street Parking and Traffic Control Standards.
- Article 6, Section 154.604 sets forth the criteria for private-development Lighting Standards.
- Article 6, Section 154.605 sets forth the criteria for Landscaping and Buffer yard Standards.
- Appendix A provides the City's Lighting Standards and Requirements.
- Article 9, Section 154.914 lists and describes the elements for Site Plan Review
- Article 9, Section 154.918, and Table 154.918.1 set forth the procedure for Required Non-Administrative Development Review.
- Article 9, Section 154.919 lists and describes the Non-Administrative Development Review Common Elements of Procedure.
- Article 9, Section 154.920 sets forth the purpose, applicability, approval criteria, decision-maker, and application and review procedures for Rezoning.
- Article 9, Section 154.923 sets forth the criteria for approval of PUD Rezoning and Plan Review.
- Article 9, Section 154.923 (F) sets forth the criteria for approval of an amendment to an approved PUD plan.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Archer Endeavors and James Sullivan General Trust for an amendment to the Planned Unit Development Plan to amend

the allowable land uses on Parcel 2 to also allow Accommodations Hotel/Motel should be approved for the following reasons:

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; *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.; *YES*

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 Not Pertain.*

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; *It is in conformance.*

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 Archer Endeavors and James Sullivan General Trust for an amendment to the Planned Unit Development Plan to amend the allowable land uses on Parcel 2 to also allow Accommodations Hotel/Motel should be approved.

PASSED AND APPROVED this 9th day of March, A.D. 2022, by the Galena Zoning Board of Appeals by a vote of 5 ayes, 0 nays, 1 absent, 0 abstain, 1 recused.

John Rosenthal, Chairperson