



# City of Galena, Illinois

## AGENDA

### ZONING BOARD OF APPEALS

WEDNESDAY, JANUARY 11, 2023  
6:30 P.M. – CITY HALL 101 GREEN STREET

ITEM	DESCRIPTION
22Z-2001	Call to Order by Presiding Officer
22Z-2002	Roll Call
22Z-2003	Establishment of Quorum

### APPROVAL OF MINUTES

ITEM	DESCRIPTION	PAGE
22Z-2004	Approval of the Minutes of the Regular Meeting of December 14, 2022.	1-8

### UNFINISHED BUSINESS

ITEM	DESCRIPTION	PAGE
22S-07	Owner and Applicant: Midwest Regional Medical Center. Ratification of the finding of fact of a request for a Special Use Permit to exceed the max building size allowed without a Special Use Permit at 1 Medical Center Dr.	9-13

### NEW BUSINESS

None.

### OTHER BUSINESS

ITEM	DESCRIPTION	PAGE
22Z-2005	Public Comments Not to exceed 15 minutes as an agenda item Not more than 3 minutes per speaker	
22Z-2006	Adjournment	

**CALENDAR INFORMATION**

BOARD/COMMITTEE	DATE	TIME	PLACE
Zoning Board of Appeals	Wednesday, Feb. 8, 2023	6:30 P.M.	City Hall, 101 Green St.

Posted: January 6, 2023 at 12:00 p.m. Posted By: Sue Simmons

**MINUTES OF THE ZONING BOARD OF APPEALS MEETING OF DECEMBER 14, 2022**

**22Z-2001 – CALL TO ORDER**

Chairperson Rosenthal called the regular meeting to order at 6:30 p.m. in the Board Chambers at 101 Green Street on 14 December 2022.

**22Z-2002 – ROLL CALL**

**Roll Call:** AYES: Baranski, Laity, Gates, Monahan, Nybo, Rosenthal  
NAYS: None  
ABSTAIN: None  
ABSENT: Jansen

The motion carried.

Upon roll call, the following members were present: Bill Laity, Roger Gates, Steve Monahan, Jim Baranski, Bill Nybo, & John Rosenthal

Absent was Dave Jansen

**22Z-2003 – ESTABLISHMENT OF QUORUM**

Chairperson Rosenthal announced a quorum of board members were present to conduct city business.

**APPROVAL OF MINUTES**

**22Z-2004 – APPROVAL OF THE MINUTES OF THE REGULAR ZONING BOARD OF APPEALS MEETING OF November 9, 2022**

Baranski recused himself and left the room.

**Discussion:** City Attorney Nack explained that corrections were requested by Wendy Clark by email today at 4:41 P.M. Joe stated the secretary writes a summary of what is spoken and it's not appropriate for the public to be amending the minutes. Nack does not believe any amendment should be made unless the members of the board choose to.

**Motion:** Gates moved, seconded by Monahan to approve the minutes of the regular Zoning Board of Appeals meeting of November 9, 2022.

**Roll Call:** AYES: Laity, Gates, Monahan, & Rosenthal  
NAYS: None  
ABSTAIN: Nybo  
ABSENT: Jansen  
Recused: Baranski  
The motion carried.

## UNFINISHED BUSINESS

None.

## NEW BUSINESS

**22PD-03, 22S-07, & 22HCO-03 (PUBLIC HEARING)** Owner and Applicant: Midwest Regional Medical Center. Request for an amendment to the final development plan to construct an expansion to Midwest Medical Center, a Special Use Permit to exceed the max building size allowed without a Special Use Permit, and approval of a non-administrative Highway 20 Development Permit to allow the construction of an addition to Midwest Medical Center in the Highway 20 Corridor.

Nack noted Baranski rejoined the meeting.

**Motion:** Gates moved, seconded by Laity, to Open the Public Hearing on item 22PD-03.

Nack swore those in that wanted to speak. Everyone had signed in that wanted to speak.

Motion carried.

Each item was discussed separately as follows-

**22PD-03** Midwest Regional Medical Center. Request for an amendment to the final development plan to construct an expansion to Midwest Medical Center.

### **Speaking in Favor of the Application**

#### **Applicant**

Tracy Bauer, 577 S Snipe Hollow Rd, Elizabeth, IL 61028. Tracy thanked the zoning board for reviewing their request. She is the CEO of Midwest Medical Center (MMC) and introduced the people in the audience that were with her. Steve Campbell from River Valley Architects, Nick Lange from MSA, Jason Frank, hospital maintenance director, Deb Hoppman hospital director of nursing, and two of the board members John Lorenzen and Tim Vincent.

We are very happy to be here as this is exciting. The Turn Lane Project and main entrance has been in the works since 2006. MMC got approval in 2019 from IDOT. MSA and IDOT worked together to get turn lane project approved. MMC couldn't acquire the needed additional land, so were allowed to decrease the turn lane length by 600 feet, which does not require extra land. Expecting official IDOT approval by end of this month or early January.

MMC wants to work with City of Galena on the escrow agreement. Budgeted funds are set aside with escrow agreement at First Community Bank.

Second is an expansion project, which includes plans for new clinic entrance, new surgery center, improved office space, indoor track, physical therapy, occupational therapy, speech therapy. The expansion will allow providers to be in a collaborative space. This all started in 2019, but the design has improved since the pandemic. This expansion allows 26 additional physicians who will be hired over 3

years. The Illinois Department of Health has approved their certificate of need as of yesterday (12/13/22) and the USDA loan soon will be obligated for expansion project. MMC has updated our timeline to approve bids by the board all at once to assure the City that one project will not be done without the other.

I'd be happy to answer any questions?

Gates – Can you clarify the reduced turning lane length is from the West?

Bauer – The 600 feet decrease came in because they could not obtain the needed property to the North.

Laity- So the 600 feet is on the east side of the Highway?

Monahan- What changed IDOT to ok this? How did it come about.

Bauer- After unable to purchase additional land it became the only option. MSA worked with IDOT on the design.

Rosenthal- Will you know by January if IDOT gives final approval?

Bauer-Yes, MSA is working with them. Turnaround time has been going quickly.

Rosenthal- Will the turn lane be done at the same time as you are doing construction on the expansion.

Bauer- Yes

Laity- Will the turn lane be first?

Bauer – Yes, that is plan, but MMC wants the ability to dig for expansion also.

Monahan- In the perspective it says the lane will be done first. I have an issue with the expansion coming first.

Nack- This would be dirt work only.

Monahan- So we are not at risk? They can't move forward if the lane is not done.

Nack- Turning Lane cost estimated at 2.5 million. The city should ask for an estimated \$3.4 Million performance bond, letter of credit from a local bank/escrow to make sure lane is complete. This protects the city.

Baranski- Suggested the turning lane is constructed before the building permit is issued.

Nack- No. They would have to obtain all the IDOT permits to move forward.

Baranski- If they want to build before turning lane is completed then the city could withhold the occupancy permit.

Nack -It must be completed, or the city takes over at no cost to the city. In August or September of 2023, the escrow contract could end. There would be no cost to City to complete the turn lane using the money in the escrow.

Baranski- Asked if this was a 24-month time frame for expansion?

Bauer- Said they will ask for occupancy at 12-14 months for the 1<sup>st</sup> phase. There are 3 phases and MMC wants all bids at once approved by board. Project 34.5 million total want to be set. 3–4-month completion of turning lane.

Baranski- Joe, once the permits from IDOT are issued they can move ahead on construction? How does projections fit timeline?

Bauer- The timeline changed for bids on the turn lane based on getting information back from City and having bids to fulfill promise to City. Timeline changed by about a month and a half.

Nack- Based on recommendation they are going to bid before they have IDOT permits.

Rosenthal- Said the City is covered with the surety bonds.

Baranski- Said the plan to put the shovel in the ground won't be until late March?

Bauer- Said they are looking at a May- June start date contingent on bids.

Baranski- Had a question for Nack. He asked if he could ask questions about other parts of plan?

Nack- Yes

Baranski- Said the hospital did a great job with lighting, are you extending this to new area?

Bauer- Yes

Baranski- The hospital has been open 15 years? Do you have matching brick?

Bauer- The rendering shows a match.

Steve Campbell stepped up and was sworn in.

Steve Campbell, 914 Ridge Pass, Hudson, WI. - To the best of his knowledge the brick is readily available. There could be a slight color change. The transition area should help this.

Baranski- Rendering shows elevator with vision glass.

Campbell- There would be some variance.

Baranski- Day light is more of a concern.

Campbell- The finished material should be a very close match.

Baranski- Said that is good.

Bauer- Stated that MSA built the Southwest Health Clinic in Platteville and the one in Cuba City.

Rosenthal asked if anyone else wanted to speak in favor of the request.

No one.

Rosenthal asked if anyone else wanted to speak in opposition to the request.

No one.

**Motion:** Gates moved, seconded by Baranski, to close the Public Hearing.

Motion carried.

**22S-07** Midwest Regional Medical Center. Request for a Special Use Permit to exceed the max building size allowed without a Special Use Permit.

**Motion:** Baranski moved, seconded by Monahan, to open the Public Hearing.

Motion carried.

Tracy Bauer, 577 S Snipe Hollow Rd, Elizabeth, IL said her testimony was unchanged.

Rosenthal asked if anyone else wanted to speak in favor of the request.

No one.

Rosenthal asked if anyone else wanted to speak in opposition to the request.

No one.

**Motion:** Baranski moved, seconded by Gates to close the Public Hearing.

Motion carried.

**22HCO-03** Midwest Regional Medical Center, request for approval of a non-administrative Highway 20 Development Permit to allow the construction of an addition to Midwest Medical Center in the Highway 20 Corridor.

**Motion:** Baranski moved, seconded by Gates, to Open the Public Hearing

Motion carried.

Tracy Bauer, 577 S Snipe Hollow Rd, Elizabeth, IL, said her testimony was unchanged.

Rosenthal asked if anyone else wanted to speak in favor of the request.

No one.

Rosenthal asked if anyone else wanted to speak in opposition to the request.

No one.

**Motion:** Gates moved, seconded by Monahan, to Close the Public Hearing

Motion carried.

**22PD-03** Midwest Regional Medical Center. Request for an amendment to the final development plan to construct an expansion to Midwest Medical Center.

**Motion:** Baranski moved, seconded by Gates, to approve the final development plan as presented with the condition that the applicant enter into an escrow agreement with the city to cover the cost of the turn lane, and that MMC receive the necessary IDOT permits as they pertain to the turning lane prior to construction.

**Discussion:** Baranski- This is an ambitious and great project for the hospital. It meets all the requirements. The architecture is perfectly blended. The scales good, and it meets all the requirements.

Baranski went through criteria.

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

- (a) The approved ODP, if applicable; *not applicable.*
- (b) The approved preliminary development plan; *The proposed expansion plan is in character with previously approved preliminary and final development plans.*
- (c) The approved preliminary plat; *not applicable.*
- (d) The approved PUD/TND rezoning ordinance; *The amended final development plan is in conformance with the approved standards of the rezoned PUD ordinance.*
- (e) All other applicable development and construction codes, ordinances, and policies; *The amended final development plan meets all other applicable codes.*
- (f) The applicable site plan review criteria in § [154.914](#); and *The amended final development plan meets the applicable site plan review criteria.*
- (g) The applicable final plat criteria in [Chapter 153](#), Subdivision Regulations. *Not applicable.*

**Discussion:** Rosenthal said it is a great addition and a great job on the part of the hospital.

**Roll Call:** AYES: Gates, Monahan, Nybo, Baranski, Laity & Rosenthal  
NAYS: None  
ABSTAIN: None  
ABSENT: Jansen

The motion carried.

**22S-07** Midwest Regional Medical Center, A request for a Special Use Permit to exceed the max building size allowed without a Special Use Permit.

**Motion:** Baranski moved, seconded by Laity, to allow a special use permit to exceed the max building size allowed without a Special Use Permit.

**Approval Criteria (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. *Meets criteria.*
- (2) *District standards.* The underlying zoning district standards established in § 154.201 through 154.209 including the defining characteristics of the district; *Meets standards.*
- (3) *Specific standards.* The land use regulations established in § 154.406; *Meets standards.*
- (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. *Meets with complimentary uses.*
- (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. *Yes.*
  - (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. *Yes.*
  - (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. Yes.

**Roll Call:** AYES: Monahan, Nybo, Baranski, Laity, Gates, & Rosenthal  
NAYS: None  
ABSTAIN: None  
ABSENT: Jansen

The motion carried.

**22HCO-03** Midwest Regional Medical Center, Request for approval of a non-administrative Highway 20 Development Permit to allow the construction of an addition to Midwest Medical Center in the Highway 20 Corridor.

**Motion:** Baranski moved, seconded by Gates, to grant a non-administrative development permit for the construction of an addition to Midwest Medical Center.

**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](#); Yes.
- (2) The overall context of the corridor and the goals for new development as described in Chapter [III](#) of the Design Manual; Yes.
- (3) The corridor development concepts described in Chapter [IV](#) of the Design Manual; Yes.
- (4) The proposed character of the applicable design districts as described in Chapter [V](#) of the Design Manual; Yes.
- (5) The proposed pattern of development for the Highway 20 Corridor as described in Chapter [VI](#) of the Design Manual; *Does not apply.*
- (6) The standards for building orientation, design and materials as described in Chapter [VII](#) of the Design Manual; Yes.
- (7) The standards for site features and elements as described in Chapter [VIII](#) of the Design Manual. Yes.

**Roll Call:** AYES: Nybo, Baranski, Laity, Gates, Monahan, & Rosenthal  
NAYS: None  
ABSTAIN: None  
ABSENT: Jansen

The motion carried.

**22Z-2005 – PUBLIC COMMENTS**

Jim Boho, 1477 South Rocky Hill Rd, I came here tonight to say you are bringing disrespect (except Bill) to EMS, Police and Fire to say they have no problem with the Parker Project. Fourth St and Hwy 20, they would not approve of the use of this intersection. It's a problem there is a Class A critical warning on this intersection. This board is 100% wrong and stepping out of oath. Hwy department has asked you to address issues. The hospital here knows about turning lanes. There are laws to protect citizens. You are breaking laws. You are not following the Highway 20 corridor. You are creating a new corridor. You are sending the wrong message and sending your citizens into this dangerous intersection. You are breaking the laws. I am calling for the resignation of the 5 board members that voted for this Project.

**22Z-2006 – ADJOURNMENT**

**Motion:** Monahan moved, seconded by Gates to adjourn.

The motion carried on a voice vote.

The meeting adjourned at 7:13 p.m.

Respectfully submitted,

Sue Simmons  
Zoning Secretary

# CITY OF GALENA, ILLINOIS

101 Green Street, Galena, Illinois 61036



## DECISION

### ZONING BOARD OF APPEALS OF THE CITY OF GALENA

#### REGARDING

**CALENDAR NUMBERS:** 22S-07

**APPLICATION BY:** Midwest Regional Medical Center, 1 Medical Center Dr., Galena, IL 61036.

**FOR:** A Special Use Permit to exceed the max building size allowed without a Special Use Permit at 1 Medical Center Dr.

## FINDINGS OF FACT

### PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on December 14, 2022. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. 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 requested an amendment to the final development plan to construct an expansion to Midwest Medical Center (MMC), a Special Use Permit to exceed the max building size allowed without a Special Use Permit, and approval of a non-administrative Highway 20 Development Permit to allow the construction of an addition to MMC in the Highway 20 Corridor.

The applicant received their original approvals for the MMC project in 2006, which then included a Special Use Permit to exceed the Max Building Size without a Special Use Permit, a Special Use Permit to allow the helicopter pad, Non-Administrative Highway 20 Development Permit review, and PUD approval, which included the relocation of the historic home previously located on the site. The project was permitted for construction in late 2006. Since the original approvals in 2006, MMC has received approval in 2011 to combine lots 1 and 2 in order to install their monument sign at the corner of Norris Lane and Hwy 20. MMC applied for and received a variance in 2007 to allow additional directional signage and to allow periodic pageantry banners on the light poles. As a point of reference, the existing general land uses

will not change and the zoning district of PUD with an underlying zoning district of General Commercial will not change.

The expansion of MMC consists of an additional 46,669 square foot of facilities and expanded parking and traffic circulation. MMC also plans to add a new entrance from Hwy 20 on the East side of the property. The proposed expansion will provide surgery expansion, fitness/rehabilitation facilities expansion, and expand on the general care at the facility. The proposed expansion will also include an additional primary entrance into the facility on the South Side of the structure, additional parking, lighting, and signage.

The additional square footage to the MMC structure, expansion of the parking, and traffic circulation require an amendment to the previously approved PUD in 2006. The expansion and additional parking are being proposed primarily on the South side of the current building while a new entrance from Hwy 20, including a turn lane/intersection, will be located towards the center of the parcel on the East side of the property aligned with Golf View Dr.

The additional square footage from the expansion requires a Special Use Permit to exceed the allowable Max Building Size (MBS) in General Commercial zoning districts without a Special Use Permit. There is not a limit to the MBS in General Commercial with a Special Use Permit as long as the site, post expansion, still meets all other bulk density/intensity standards. In 2006, MMC was approved to exceed the allowable MBS of 25,000 square feet by nearly 55,000 square feet. At that time, the MMC site remained well under the .5 max floor area ratio at .09 and 72% of the parcel remained green space. The new expansion will further add to the previously approved MBS. The applicant is proposing an additional 46,669 square feet within the expansion. MMC will remain well under the max floor area of .5 at .198, and 74% of the site will still remain green space after the expansion due to the past combining of lots 1 and 2 for the install of the monument sign.

### **PUBLIC SUPPORT AND/OR OBJECTIONS**

In accordance with Article 9, Table 154.918.1 of the City of Galena Zoning Ordinance, a public hearing was held for the Special Use Request. The Zoning Board of Appeals heard testimony regarding the application from the applicant and the public.

Since the Zoning Board of Appeals is not bound by the strict rules of evidence, substantial latitude is procedurally given in all cases to the kind of evidence that may be made a part of the record. In this case, all testimony and exhibits entered into the record were evaluated and given weight by Board members on the basis of credibility and factuality.

The following persons presented testimony during the public hearings. Their testimony was recorded in the official minutes of the hearing, which are hereby made a part of the findings.

### **Testimony Presented on by the Applicant and in Support of the Proposal:**

#### **Applicant**

Tracy Bauer, 577 S Snipe Hollow Rd, Elizabeth, IL 61028. Tracy thanked the zoning board for reviewing their request. She is the CEO of Midwest Medical Center (MMC) and introduced the people in the audience that were with her. Steve Campbell from River Valley Architects, Nick Lange from MSA, Jason

Frank, hospital maintenance director, Deb Hoppman hospital director of nursing, and two of the board members John Lorenzen and Tim Vincent.

We are very happy to be here as this is exciting. The Turn Lane Project and main entrance has been in the works since 2006. MMC got approval in 2019 from IDOT. MSA and IDOT worked together to get turn lane project approved. MMC couldn't acquire the needed additional land, so were allowed to decrease the turn lane length by 600 feet, which does not require extra land. Expecting official IDOT approval by end of this month or early January. MMC wants to work with City of Galena on the escrow agreement. Budgeted funds are set aside with escrow agreement at First Community Bank.

Second is an expansion project, which includes plans for new clinic entrance, new surgery center, improved office space, indoor track, physical therapy, occupational therapy, speech therapy. The expansion will allow providers to be in a collaborative space. This all started in 2019, but the design has improved since the pandemic. This expansion allows 26 additional physicians who will be hired over 3 years. The Illinois Department of Health has approved their certificate of need as of yesterday (12/13/22) and the USDA loan soon will be obligated for expansion project. MMC has updated our timeline to approve bids by the board all at once to assure the city that one project will not be done without the other.

I'd be happy to answer any questions?

Gates – Can you clarify the reduced turning lane length is from the West?

Bauer – The 600 feet decrease came in because they could not obtain the needed property to the North.

Laity- So the 600 feet is on the east side of the Highway?

Monahan- What changed IDOT to ok this? How did it come about.

Bauer- After unable to purchase additional land it became the only option. MSA worked with IDOT on the design.

Rosenthal- Will you know by January if IDOT gives final approval?

Bauer-Yes, MSA is working with them. Turnaround time has been going quickly.

Rosenthal- Will the turn lane be done at the same time as you are doing construction on the expansion.

Bauer- Yes

Laity- Will the turn lane be first?

Bauer – Yes, that is plan, but MMC wants the ability to dig for expansion also.

Monahan- In the perspective it says the lane will be done first. I have an issue with the expansion coming first.

Nack- This would be dirt work only.

Monahan- So we are not at risk? They can't move forward if the lane is not done.

Nack- Turning Lane cost estimated at 2.5 million. The city should ask for an estimated \$3.4 Million performance bond, letter of credit from a local bank/escrow to make sure lane is complete. This protects the city.

Baranski- Suggested the turning lane is constructed before the building permit is issued.

Nack- No. They would have to obtain all the IDOT permits to move forward.

Baranski- If they want to build before turning lane is completed then the city could withhold the occupancy permit.

Nack -It must be completed, or the city takes over at no cost to the city. In August or September of 2023, the escrow contract could end. There would be no cost to City to complete the turn lane using the money in the escrow.

Baranski- Asked if this was a 24-month time frame for expansion?

Bauer- Said they will ask for occupancy at 12-14 months for the 1<sup>st</sup> phase. There are 3 phases and MMC wants all bids at once approved by board. Project 34.5 million total want to be set. 3–4-month completion of turning lane.

Baranski- Joe, once the permits from IDOT are issued they can move ahead on construction? How does projections fit timeline?

Bauer- The timeline changed for bids on the turn lane based on getting information back from City and having bids to fulfill promise to City. Timeline changed by about a month and a half.

Nack- Based on recommendation they are going to bid before they have IDOT permits.

Rosenthal- Said the City is covered with the surety bonds.

Baranski- Said the plan to put the shovel in the ground won't be until late March?

Bauer- Said they are looking at a May- June start date contingent on bids.

Baranski- Had a question for Nack. He asked if he could ask questions about other parts of plan?

Nack- Yes

Baranski- Said the hospital did a great job with lighting, are you extending this to new area?

Bauer- Yes

Baranski- The hospital has been open 15 years? Do you have matching brick?

Bauer- The rendering shows a match.

Steve Campbell stepped up and was sworn in.

Steve Campbell, 914 Ridge Pass, Hudson, WI. - To the best of his knowledge the brick is readily available. There could be a slight color change. The transition area should help this.

Baranski- Rendering shows elevator with vision glass.

Campbell- There would be some variance.

Baranski- Day light is more of a concern.

Campbell- The finished material should be a very close match.

Baranski- Said that is good.

Bauer- Stated that MSA built the Southwest Health Clinic in Platteville and the one in Cuba City.

**No further testimony was presented in support of, or opposition 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 Non-Residential Zoning Districts.
- Article 2, Section 154.201(C)(5) describes the definition and description of the General Commercial District.
- Article 2, Table 154.208.1 lists the Intensity Standards for Nonresidential uses.
- Article 4, Table 154.403.1 lists the land uses permitted by right or by special uses for each zoning district.
- Article 9, Section 154.914 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.

## **CONCLUSIONS**

In applying the regulations and pertinent performance standards of the Zoning Ordinance to this particular case, the following conclusions are reached:

1. The subject property is located in a previously approved PUD with an underlying dual zoning district of General Commercial and Planned Commercial.
2. The applicant seeks a Special Use Permit to exceed the max building size allowed without a Special Use Permit in a General Commercial Zoning District.
3. There is no limit to building size with a Special Use Permit in General Commercial Zoning Districts if the site continues to meet all other intensity and density standards.
4. All remaining Nonresidential Intensity Standards in Table 154.208.1 are met.

## **DETERMINATION**

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Midwest Regional Medical Center for a Special Use Permit to exceed the max building size allowed without a Special Use Permit in a General Commercial zoning district should be approved for the following reasons:

1. The site plan review met the criteria for this request.
2. The request is compatible with the district standards for the General Commercial Zoning District and is consistent with the defining characteristics of the district.
3. The specific standards for the district are met.
4. Complimentary uses are available.
5. The request is compatible with adjoining properties through:
  - a. The protection of privacy;
  - b. The elements of the plan are designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining properties;
  - c. The elements of the plan will coexist in a harmonious manner with nearby existing properties.

## **DECISIONS**

### **Cal. No. 22S-07**

NOW, THEREFORE BE IT RESOLVED, that this Zoning Board of Appeals has determined that this request by Midwest Regional Medical Center for a Special Use Permit to exceed the max building size allowed without a Special Use Permit at 1 Medical Center Dr. should be approved.

PASSED AND APPROVED this 14<sup>th</sup> day of December, A.D. 2022, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 1 absent, 0 abstain, 0 recused.

---

John Rosenthal, Chairperson