

**MINUTES
ZONING BOARD OF APPEALS
JULY 9, 2014**

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, July 9, 2014 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
Nybo	Present
O'Keefe	Absent
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

MOTION: Baranski moved, seconded by Cook to approve the minutes for the May 14, 2014 meeting.

Motion carried on voice vote.

MOTION: Bochniak moved, seconded by Cook to approve the minutes for the June 11, 2014 meeting.

Motion carried on voice vote.

OLD BUSINESS

Cal. No. 14S-07, Applicant: Adam Johnson – 211 Fourth Street, Galena, IL 61036 and Owner: Dave Anderson, 513 Bouthillier Street, Galena, IL 61036. Location: Parcel: 06-500-276-00, Located in the North half of Section 20, Township 28 North, Range 1 East of the Fourth Principal Meridian, City of Galena, East Galena Township, Jo Daviess County, Illinois. Common address 513 Bouthillier Street, Galena, IL 61036. 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 Findings of Fact for the Special Use Permit for Cal. No. 14S-07 as presented.

As Roll Call was:

Bochniak	Yes
Cook	Yes
Holman	Absent
Nybo	Recused
O'Keefe	Absent
Baranski	Yes
Rosenthal	Yes

Motion carried.

NEW BUSINESS

Cal. No. 14PD-01, Applicant: Galena Center for the Arts – 7211 W Buckhill Rd., Galena, IL 61036 and Owner: Midwest Regional Medical Center, 1 Medical Center Drive, Galena, IL 61036. Location: Parcel: 22-200-075-00, Located in Lots 1-28 in Block 2 of the Harris Addition in the East half of the Southwest quadrant of Section 13, Township 28 North, Range 1 West of the Fourth Principal Meridian, City of Galena, West Galena Township, Jo Daviess County, Illinois. Common address 219 Summit Street, Galena, IL 61036. Request for Map Amendment to rezone approximately 6.68 acres to a Planned Unit Development, with an underlying district of Neighborhood Commercial, and approval of the Preliminary Plan and Plat of the PUD. This request is in conjunction with a Subdivision Request to subdivide a parcel into two lots for the purpose of creating the PUD.

Baranski asked to be recused from the next two agenda items as he is involved with the project.

Rosenthal granted his request.

MOTION: Cook moved, seconded by Nybo to open the Public Hearing on Cal. No. 14PD-01.

Motion carried on voice vote.

City Attorney Nack swore all those in who wished to testify at this public hearing.

Carole Sullivan, 7211 West Buckhill Road, Galena said the Center for the Arts is an Illinois Not for Profit Organization and they have applied for 501C3 status. The idea for the center came from the Vision 20/20 study. They were to develop plans for a performance center along with gallery and educational space and they determined it should be financially feasible. Their vision is to elevate and celebrate regional art and artists. As Galena becomes an arts destination it will benefit the community and artists as well. They are hoping the former Medical Associates building can be their site. Repurposing this vacant building, adding a theatre and preserving the surrounding acreage as an inner city green space will be a tremendous asset. The footprint is adequate and the acreage sufficient to accommodate parking. The main floor gallery will provide

space to exhibit art from past and present Galena artists, contemporary art displays and sales as well as rotating exhibits and historical photo presentations. Administrative office space, a small gift shop and café would be located here also. Approximately fifteen art studio spaces could be provided for artists to rent so they could produce and show their art. They would like to include 2 small apartment like accommodations for visiting guest artists. The lower level that formerly housed the physical therapy department would have a black box theatre for performing arts and a flexible audience area of 60-80 seats. This area could also be used for screenings of vintage films, documentaries, educational and art films. There will be a ticket office and concessions area for the theatre as well as dressing and make-up rooms, restrooms and a meeting room which would be available for the public to rent and for the art center to use as class or workshop space for both adults and children. The long term need for a true performance venue would be met by the construction of a 250 seat theatre addition wrapped around the back of the building near the old helipad. This theatre would provide quality theatrical and musical events on a regular basis by a resident professional company and visiting artists. Support areas for the theatre would remain mostly in the original building. This space could also be used for larger meetings, conventions and musical events. Outdoors they anticipate developing a sculpture garden as well as paths and places to sit and an inner city prairie. The arts are good for the community: young and old, residents and tourists. They have approached the neighbors and have listened to their concerns. The beauty of the project is that it is not just for tourists or the economy or education – it is for us.

Jim Baranski, 1015 S Bench Street, Galena, said the original design was about 100 feet longer than the one presented tonight. That design negatively impacted the view for one of the neighbors. The plan was redesigned so the addition wraps around the side and back of the building with the majority of the addition to the rear. Architecturally this is very consistent with the original 1960's construction. There is adequate parking on site for the entire project as they are working with the hospital to come to an agreement that would allow the arts center to use their parking. With the theatre addition they would need about 90 parking spaces – those are available right now. If at some point they would need additional parking there is ample space for expansion to the south of the current parking lot. They are asking for a PUD is because there are building size restrictions with Neighborhood Commercial. The property is over six acres and with the building addition they would be over the allowed floor area ratio limits. With a PUD the floor area ratio allows a larger addition. They have created the necessary landscaping bufferyards between the additions and the residential district.

Nybo asked about the temporary housing.

Sullivan said it would be two units where a visiting artist would be allowed to stay. They would be very spartan rooms with the bathroom down the hall. The resident company productions may involve a visiting artist. Providing housing or expecting an artist to pay for temporary housing can become very expensive and may limit who they can attract to Galena.

Sullivan added there is an agreement to agree to share the parking with the nursing home and hospital.

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

Tara Roddick, 304 Summit Street, Galena lives directly across the street from the proposed Arts Center and she supports this project. She has a ten year old and six year old and this would benefit them greatly while they progress through school. Their family often goes out of town to see productions so it will be great to experience these programs in Galena. Galena has always supported the arts. She feels the traffic would be no worse than when the hospital and Medical Associates were here. This is a safe neighborhood and visitors will want to come see what is offered. This will benefit Galena now and for the future.

Dennis Waltman, 310 Park Avenue, Galena said he and his wife moved here about a year ago, but have been coming to Galena since 2002. They attend many of the events sponsored by the Center of the Arts and Waltman is in charge of its mailing list. He has seen a great increase in the interest and support for this group.

Mark Haman, 4 Irvine Court, Galena lives just around the corner from the proposed site. He and his wife are very excited that the Arts Center will have a permanent space where both young and old can appreciate the offerings. A center for the arts says a lot about Galena and who we are: that we value creativity and are willing to offer our citizens, especially our youth, the opportunity to be involved in and appreciate the arts. Repurposing the Medical Associates building makes a lot of sense as does the idea of beautifying the property with a prairie, walking paths and a sculpture garden. As neighbors of the center they greatly support the project.

Steve Coates, 304 Elk Street, Galena is President of the Board of Directors of the Galena Jo Daviess Historical Society. When discussing the Arts Center, the Board said they wanted to go on record as being in support of this project.

Leslie Waltman, 310 Park Avenue, Galena worked on the Alfie Mueller show. There were many Galena residents that attended the show but many out of town people came too. Galena is very much into repurposing. Many of our historic buildings serve a different purpose now than when they were built. Repurposing this building for the Art Center would be great benefit for Galena.

Diann Marsh, 309 Park Avenue, Galena was on the original Vision 2020 committee and is on the Arts Committee. One year ago they were searching for property that would meet their needs. This group has a track record of successful shows and productions that relies on volunteers, hard work, minimal grant money and lots of donations. That a permanent space for the Arts Center may happen is truly a miracle.

Kathy Pearson, 715 McBreams Street, Galena said it has been proven that the arts are an economic benefit, but we benefit other than monetarily. The arts lift us up from our everyday lives. Galena is unique in its offerings. The arts need to be in our lives and they affect how we lead our lives.

Al Elsbree, 2 Obadiah Drive, Galena sees this request as a good thing. It is a great opportunity to take an existing building and convert it into something good. He is an artist and a middle school art teacher for many years. He is looking forward to possibly renting a space in the center.

Tracy Bauer, 577 Snipe Hollow, Galena is the CEO of Midwest Medical Center which currently owns the property where the proposed Arts Center would be located. For six years the building has been empty. There have been others who have approached them about renting or purchasing the property, but it was never quite right. This group is very passionate about the possibility of having a permanent location for the Arts Center. She has no doubts that the Arts Center will be successful in this location.

Lisa McCarthy, 1104 North Clark Lane, Galena is the Executive Director of the Tri County Economic Development Alliance (TCEDA.) She travels to many of the small towns located in Jo Daviess, Carroll and part of Whiteside counties to encourage economic development. Many of those communities would love the opportunity to have an Arts Center. Everyone is so excited about the space, the opportunity for professional touring companies even the building owner is excited to sell to this group. Many groups are fundraising or trying to obtain grant money just to get to the development stage. Sullivan is very serious and a devoted professional who has done a tremendous amount of work toward the end goal. McCarthy has offered her assistance to the group in helping them develop their business plan.

Jo Freund, 4700 N Council Hill Road, Galena has been part of this group for over twenty years. They have always provided top quality performances so this would be beneficial for Galena today and for the future. This is a very thoughtful plan as it will attract children as well as their parents.

Amanda Kevern, 402 S Bench Street, Galena is an artist born and raised in Galena. Both the City and the arts depend on the seasonal tourist revenue. Many of the art events are held outdoors during the warmer months. This indoor facility will provide the arts community the opportunity to hold events year round.

Charlene Price, 810 Shadow Bluff Drive, Galena has been in Galena for over twenty years and has been involved with three different artist groups. This has been a dream - until Sullivan and Lavacek took charge and now it looks like it really will happen.

Susan Harris, 815 Spare Street, Galena is the neighbor who expressed concern about the new addition blocking her views. She wanted to thank the group for changing the plan after talking to her. Something needs to happen with this building and this is a wonderful plan.

John Pinto, 243 ½ N Main Street, Galena said he is new to Galena but this already feels like home because of the arts and the creativity that comes from these people.

Carmen Ferguson, 900 Alexander Street, Galena is in favor of the request. She said often times the artists joke about the arts being divided. This is a way for everyone to come together. Sullivan and Lavacek have experience and passion for the arts and this center. They know what is needed. All the reasons are there for this to be a good project.

Lloyd Gronner, 1009 Spring Street, Galena has lived in Galena for seventy one years and has seen lots of good and bad. He is in favor of the request but has questions. He asked about the site plan. What will happen with the easement to Washington Street?

Jann Lavacek, 7211 West Buckhill Road, Galena has talked with the easement owner, Tom Wiener. The easement is left from an agreement with the hospital. At this point he has no interest in the property. The Arts Center would like to purchase the property and maintain it appropriately.

Nybo asked if there was a detention pond on this easement.

Gronner said there is a large culvert and a ditch that are inadequate.

Oldenburg said the detention pond would be addressed in Phase Two when the group built the new theatre.

Gronner said when the hospital was built in the 1960's the land was given to the hospital for them to expand. The tax payers supported the hospital; what's going to happen to the money? As for the retention basin - this has never worked. He loses more soil every year. He never had water in his pasture until the hospital and a berm were built and the water diverted. Gronner is for the project and he's a good neighbor, but he doesn't want a bad neighbor owning the land creating more problems.

Rosenthal said Gronner should speak to City staff or the City Council to resolve these issues.

Ron Pearson, 715 McBreams Street, Galena is a retired Galena school teacher. Over the years he has witnessed many, many talented student artists who would have had a great opportunity to showcase their talents if this Arts center had been operational. This will be a great resource.

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

No one did.

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing on Cal. No.14PD-01.

Motion carried on voice vote.

MOTION: Bochniak moved, seconded by Cook to recommend the City Council approve the request for Map Amendment to rezone approximately 6.68 acres to a Planned Unit Development, with an underlying district of Neighborhood Commercial, and approval of the Preliminary Plan and Plat of the PUD. This request is in conjunction with a Subdivision Request to subdivide a parcel into two lots for the purpose of creating the PUD.

Oldenburg said the Board should review the Zoning Map Amendment Approval Criteria as well as the Preliminary PUD Plan Approval Criteria.

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;

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.;
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;
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;
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;
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
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.

Discussion: Bochniak and the Board determined the following:

#1: The map is not in error – a change in need and use are driving the request.

#2: The center for the arts is a new growth trend. It is a great use for the deteriorating facility, the green space will be improved and will enhance and increase the value of the area.

#3: The new use will be a much quieter use than the previous helipad and is a complimentary use for Galena and its future.

#4: There will not be any adverse impacts concerning the safety. Parking has and will continue to be addressed.

#5: The City will work with the Arts as they are concerned about environmental impact such as storm water runoff.

#6: The project is exactly what the comprehensive plan was looking for when it was written.

#7: This will bring in additional visitors.

#8: There is an adequate amount of land for the project.

#9: There is definitely a need for this and it will benefit Galena.

Bochniak said this will be the dock for this organization and for its success. It will not only benefit the mature artist, but the young artist and performer 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;
- b. The applicable preliminary plat criteria in [Chapter 153](#), Subdivision Regulations;
- c. The applicable site plan review criteria in § [154.914](#);
- d. The approved ODP, if applicable;
- e. An appropriate, specific density/intensity of uses for all areas included in the preliminary plan approval; and
- 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](#).

Bochniak and the Board determined the following:

- a: The ODP was not required
- b: complied
- c: complied
- d: not applicable
- e: complied
- f: There is plenty of land

Nybo said he thought it was a great idea that the Art Community would have a permanent home. Repurposing this large empty structure is good for the community. A PUD allows the City additional control as the project progresses.

Rosenthal agreed this was good for the Arts, for the City, for the vacant structure and for the neighborhood.

As Roll Call was:

Cook	Yes
Holman	Absent
Nybo	Yes
O’Keefe	Absent
Baranski	Recused
Bochniak	Yes
Rosenthal	Yes

Motion carried.

Cal. No. 14SUB-01, Applicant: Galena Center for the Arts – 7211 W Buckhill Rd., Galena, IL 61036 and Owner: Midwest Regional Medical Center, 1 Medical Center Drive, Galena, IL 61036. Location: Parcel: 22-200-075-00, Located in Lots 1-28 in Block 2 of the Harris Addition in the East half of the Southwest quadrant of Section 13, Township 28 North, Range 1 West of the Fourth Principal Meridian, City of Galena, West Galena Township, Jo Daviess County, Illinois. Common address 200-219 Summit Street, Galena, IL 61036. Request to approve a Preliminary

Plat for a subdivision of a metes and bounds parcel into 2 lots. Lot 2 of this new subdivision is proposed in conjunction with a Planned Unit Development request.

MOTION: Bochniak moved, seconded by Cook to open the Public Hearing on Cal. No. 14SUB-01.

Motion carried on voice vote.

City Attorney Nack swore all those in who wished to testify at this public hearing.

Jim Baranski, 1015 S Bench Street, Galena said the concept is to divide the existing parcel into two parcels: one for the hospital and one for the arts center. It has been planned out in the most creative and simple way. This is pretty straightforward.

No one testified in favor of or in opposition to the request.

MOTION: Cook moved, seconded by Bochniak to close the Public Hearing on Cal. No. 14SUB-01.

Motion carried on voice vote.

MOTION: Cook moved, seconded by Nybo to recommend the City Council approve the request to approve a Preliminary Plat for a subdivision of a metes and bounds parcel into 2 lots. Lot 2 of this new subdivision is proposed in conjunction with a Planned Unit Development request.

Discussion: None

As Roll Call was:

Holman	Absent
Nybo	Yes
O'Keefe	Absent
Baranski	Recused
Bochniak	Yes
Cook	Yes
Rosenthal	Yes

Motion carried.

Baranski returned to the table.

COUNTY ZONING

Mary M Vincent and Sarah Newton, trustees, to request a special use permit and a one (1) lot subdivision for the purpose of allowing a single family residence on a lot less than forty (40) acres zoned agricultural. Property located: 11765 West Chetlain Lane, Galena.

Oldenburg said the agenda item is for discussion only. The City becomes involved when a County request for a text amendment or rezoning is within the mile and half boundary. When it is a Special Use or a Variance request the City can forward their opinion to the County but they may or may not take that into consideration. The applicants wish to subdivide their father's property so they can separate the house and 4.43 acres to sell separately from the 40 acre agricultural zoned property. The property has been identified on the Planned Area Use Map in the Comprehensive Plan as residential use in the mile and half so this subdivision would be consistent and appropriate. Oldenburg will send a recommendation to the County saying the request is consistent with the Comprehensive Plan and the Board approves.

WORKSESSION/OTHER

None

PUBLIC COMMENTS

MOTION: Bochniak moved, seconded by Cook to adjourn the meeting at 7:40 pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price
Zoning Board Secretary