

MINUTES OF THE ZONING BOARD OF APPEALS MEETING OF NOVEMBER 9, 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 9 November 2022.

22Z-2002 – ROLL CALL

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

The motion carried.

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

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 September 14, 2022

Motion: Jansen moved, seconded by Baranski to approve the minutes of the regular Zoning Board of Appeals meeting of September 14, 2022.

Discussion: None.

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

The motion carried.

UNFINISHED BUSINESS

None.

NEW BUSINESS

22PDA-02- (PUBLIC HEARING) Owner and Applicant: True North Quality Homes, LLC, Request for an amendment to a Planned Unit Development Plan to add an additional 18.24 acres upon annexation into the corporate boundaries of the City of Galena.

Baranski requested to recuse himself and left the table.

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

Motion carried

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

Speaking in Favor of the Application

Applicant

Sandy Lawrence, 3638 Ice Age Drive, Madison, Wisconsin, President Bien Vie – Lawrence stated they are very excited to present this amendment since it provides the opportunity to improve the design of the approved preliminary PUD.

Lawrence stated, under current county zoning the additional 18.24 acres are zoned agricultural. If annexed, it will come in as “Limited Agricultural.” They would not be requesting a change to that zoning designation. Because the addition of this acreage will result in dual zoning, they felt an amendment was required.

Jim Baranski, 1015 S. Bench Street, Galena – Baranski stated it is their goal to demonstrate the proposed amendment is consistent with the Zoning Ordinance and with the goals of the Comprehensive Plan. Baranski advised should the amendment not be approved, the project would proceed in accordance with the original approved Preliminary PUD Plan.

Baranski gave an overview of the differences between the original approved plan and the proposed amendment. The differences are as follows:

- Removal of the cottages and the road below the Marine Hospital
- Removal of the original entrance off Blackjack Road
- Removal of the large detention pond
- Removal of 4 acres less trees
- Less paved surfaces
- Additional trails added
- The Winery and main buildings will remain where they are
- Slight adjustments to the roadways and cottage locations
- The landscape surface ratio has increased to 84 percent
- The Floor Area Ratio is at 4.4 percent in the Planned Commercial area and 3.6 percent overall

Baranski gave an overview of the revised phasing plan. The plan is as follows:

Phase 1A will consist of the following:

- 5 acres of vineyards
- The addition of cottages near the vineyard
- Rehabilitation of the Marine Hospital

Phase 1B will consist of the following:

- Widening the existing driveway
- Erosion control on the hillside using infiltration bio-swales
- Construction of the Winery and parking
- Construction of 28 cottages overlooking the vineyards
- Completion of the westernmost portion of the walking trail and connection to the Galena River Trail

Phase 2 will consist of the following:

- The addition of 26 ravine cottages and 22 cottages in a loop below the Marine Hospital

Phase 3 will consist of the following:

- The addition of 18 cottages in a prairie setting
- Addition of the main building with parking and 4 acres of gardens
- Additional trails
- Addition of the café building

Phase 4 will consist of the following:

- The addition of 26 hillside cottages
- The addition of the last section of trail bringing the trails length to 2.5 miles

Beth Baranski, 1015 S. Bench Street, Galena – Baranski summarized the projects conformance with the Comprehensive Plan. Baranski shared the following points:

Baranski stated the amended project will comply with the Galena building regulations, the Highway 20 Overlay District and the Stormwater cross-connection control ordinance requirements as well as the lighting standards. All required permits will be submitted at the appropriate times.

Baranski noted only a small portion of the project falls within the 1,200 feet of the centerline of Highway 20 for which most of the regulations in the Design Manual for the Highway 20 Corridor apply. The bulk of the PUD area falls in the area between 1,200 and 2,400 feet of the centerline for which the only guidance is a listing of wall materials that are discouraged.

The proposed amendment supports the Comprehensive Plan vision statement for “Growth” in the “efficient and attractive development of new land” with the city being “proactive in annexing land to achieve its vision.”

The proposed amendment supports the Comprehensive Plan vision statement for “Physical Environment” by adhering to a high standard of cleanliness, maintaining high air quality, water and soil, protecting our historical and architectural character and protecting and enhancing our natural resources by:

- Areas of the additional 18.24 acres will be planted in prairie
- Changes to the project roadways will reduce the amount of paved surfaces
- Wooded areas that will not be disturbed is increased by approximately 4 acres

The proposed amendment supports the Comprehensive Plan Goals under “10.1 Economic Development” by:

- Increasing the project trail length by one mile and by planting additional prairie, reducing the amount of paved surface.

The proposed amendment supports the Comprehensive Plan Goals under “10.3 Transportation” by

- Providing additional parking outside of the downtown area and developing a shuttle service to and from the downtown area in peak seasons
- Providing an additional one mile of walking trails that are connected to the Galena River Trail.

The proposed amendment supports the Comprehensive Plan Goals under “10.4 Public and Community Facilities, Services and Utilities” by

- Increasing the percentage of open space in the amended project improves stormwater management opportunities
- Providing increased property tax revenues that can be directed by the city to address capital equipment and staffing needs for the Police and Fire Departments

The proposed amendment supports the Comprehensive Plan Goals under “10.6 Natural Resources” by:

- Planting areas of the proposed additional 18.24 acres in prairie
- Changes project roadways and reduces the amount of paved surfaces by 32,554 ft.
- Increases the amount of wooded areas that will not be disturbed by approximately 4 acres.

The proposed amendment supports the Comprehensive Plan Goals under “10.7 Land Use and Development” by:

- Maintaining the default “Limited Agricultural” zoning designation upon the annexation of the proposed 18.24 acre addition.
- Planting 18.24 acres in prairie and vineyards.
- Enhancing the project’s overall park-like atmosphere by increasing the landscape surface ratio by 84 percent
- Reducing the Floor Area Ratio of the overall project to 3.6%.

Andy Reeter, 2366 N. Lynn Avenue, Freeport, Senior Project Engineer with Fehr Graham –

Reeter shared exhibits showing the proposed layout of the site roadways and site water and sanitary utilities at completion of all construction phases. Reeter explained the utility plan has been updated from the previously approved preliminary plan to match the adjustments that have been made to the roadway alignment adding that significant additional changes have not been proposed. The previous and current plan include a sanitary sewer alignment with a crossing of the Galena River.

Reeter identified the following approaches for stormwater management:

- Minimizing ground disturbance
- Minimizing impervious areas
- Incorporating small local BMPs close to the point of discharge like raingardens, infiltration basins, and bio swales to reduce the size of the larger project facilities and minimize slope protection needs.
- Raingardens, infiltration basins, detention basins and wet bottom detention basins will be designed to accommodate runoff in excess of the local BMP capacities.
- Slope protection through a variety of BMPs including minimized disturbance, revegetation, biotechnical stabilization, hard armor, bioretention with stepped pools and bioswales will be incorporated into the site design.
- The final site stormwater design will not increase the peak stormwater discharge rate and will meet local and regional design requirements.

Reeter explained the site inventory exhibit provides the existing boundaries of the site natural resources, including wooded areas, wetland boundaries, and the 100-year floodplain. The proposed project complies with the Natural Resource protection standards for woodland and forest protection and for wetlands protection.

Reeter shared exhibits showing the design steps, investigation, reviews, and approvals that are still anticipated prior to the start of construction as follows:

- The steps include the City of Galena Preliminary PUD Amendment Review and approval. This will be sought before moving forward into the final design and plan development.
- The Final design and plan development phase will include completion of the final stormwater management design where models will help develop the exact details of the stormwater measures previously discussed.
- A Stormwater Pollution Prevention Plan will be developed to ensure compliance with Illinois Environmental Protection Agency regulations regarding construction stormwater discharge.

- A geotechnical investigation will be completed, including soil borings and infiltration testing. The investigation will identify existing soil conditions to assist in the design of the proposed improvements.
- After the final design and plan development are completed, permit packages will be prepared and submitted for review and approval to all applicable local, state, and federal regulatory agencies.
- These include submitting design plans to the Jo Daviess County Highway Department for Access Permit Approval
- Submitting design plans, reports, calculations, and investigations for the City of Galena Final PUD review and approval for Phase 1B
- Plans and permits will be submitted to the Illinois Department of Natural Resources for review and approval related to the Fish and Wildlife Coordination Act, Illinois Endangered Species Protection Act, and the Illinois Historic Preservation approval
- A joint permit application will be prepared and submitted to the Army Corps of Engineers, the Illinois Environmental Protection Agency, and the Illinois Department of Natural Resources. The Army Corps of Engineers will review the project for compliance with the Rivers and Harbors Act, Federal Water Pollution Control Act Amendments, and Section 404 of the Clean Water Act. The Illinois Environmental Protection Agency will review the project for water quality certification pursuant to Section 401 of the Clean Water Act and will also make a determination of additional permit and regulatory requirements pursuant to the Illinois Pollution Control Board rules and regulations. The Illinois Department of Natural Resources/Office of Water Resources will review the Joint Permit Application for compliance with the Rivers, Lakes and Streams Act, The Fish and Wildlife Coordination Act, the Illinois Endangered Species Protection Act, and the Illinois Natural Areas Preservation Act.
- Plans and permits will also be submitted to the Illinois Environmental Protection Agency for review and approval under the National Pollutant Discharge Elimination System (NPDES). This will include the preparation and submittal of a Notice of Intent and a Storm Water Pollution Protection Plan.
- A Sanitary Sewer State Construction and Operating Permit package will be submitted to the IEPA Water Pollution Control division to review the project for compliance with the Environmental Protection Act and the regulations developed by the Illinois Pollution Control Board
- A Public Water Supplies Construction and Operating permit package will be submitted to the IEPA Division of Public Water Supplies to review the project for compliance with agency regulations.

Reeter advised the PUD amendment hearing will be followed by many additional steps and reviews to ensure the project is constructed in compliance with local and state requirements.

Jim Baranski, 1015 S. Bench Street, Galena – Baranski highlighted the following aspects of the project as they relate to the Natural Resources Protection section of the Zoning Ordinance.

- No buffer yard requirements for parcels zoned Limited Ag
- Steep Slopes – Over 30% are in non-residential uses, 80% of the area will be protected. The total protected area within the slopes over 30% at the Parker is 91.38%.

Sandy Lawrence, 3638 Ice Age Drive, Madison, Wisconsin, President Bien Vie – Lawrence gave responses to the following criteria as follows:

Criteria 1.

- Lawrence stated this was not applicable to the amendment as it was already approved through the approved PUD.

- Lawrence stated, although they appreciate the concerns surrounding all the issues mentioned, since there is no change from the approved preliminary PUD they are going to focus their response to issues that are applicable to the amendment.
- Lawrence advised there was no change in the number of units so the question is not germane to the amendment.

Labor shortages.

- Lawrence stated labor shortages in the industry do exist nationwide. Lawrence advised, at their other properties, they have found success by working with international students and providing student housing. They plan to repeat this successful strategy at Galena.

Vineyard as a use of property.

- Lawrence noted planting vineyards is an approved use for limited agricultural zoning. It is a permitted use in all but the industrial zoning districts. She noted there are already existing successful wineries located in the Galena area.

It will be covered in final design phase, not required for PUD amendment.

- Reeter stated they have provided the required materials for the preliminary PUD submittal and added they are not required to provide final design phase information at this state.
- They will provide additional detail as required in the final design phase. This includes analysis required by all regulatory agencies.

Retention Elimination Questions

- Reeter referred to the stormwater detention on the site.

City procedure and/or approval questions.

- Jim Baranski stated they believe they have provided all the information required by city ordinances and met all process requirements and have shown how the amendment meets the seven criteria to be considered for approval.

Traffic volume, flow or entry way on Blackjack.

- A formal traffic study is not required by ordinance. The council already considered the traffic issue in the preliminary PUD.
- Heavy traffic for this development would in the summer, opposite of the heavy traffic for Chestnut in the winter
- During the April 25, 2022 city council meeting, Lawrence noted Jerry Westemeier advised he had talked with the Fire Chief, the Police Chief and EMS and they all have no problem with the development.
- The plan includes mitigation strategies to keep visitors cars on the property by providing a regular shuttle service and connecting walking/bike paths to the downtown
- In addition to the points considered for the approval of the Preliminary UD Plan, Baranski pointed out that traffic that had been generated by Fried Green Tomatoes before it moved to town no longer exists.

Monahan asked if the applicant has spoken with the police, fire, and EMS departments to see how much the development will impact them.

Lawrence responded that the tax base will allow the city to pay for any increases. She stated there was prior discussion at a city council meeting where a council member reported that he had

spoken with the police chief, fire chief and ambulance and they all have no problem with the development.

Gates asked if the Fourth Street entrance is for an emergency purposes only.

Lawrence responded that the Fourth Street entrance would be gated and would not be used by visitors.

Rosenthal asked if there was an issue with erosion or runoff from the vineyard that has been planted.

Baranski responded that there has not been an erosion issue.

Jansen asked if the recent referendum question on an additional hotel tax for EMS would apply to the development.

Gates responded that the question was only advisory to the county board.

Rosenthal asked if there was anyone else to speak in favor to the application. There were no other speakers in favor.

Rosenthal called for any testimony in opposition to the application.

Speaking in Opposition to the Application

Wendy Clark, 1107 Fourth Street, Galena, spoke in opposition to the application. Clark provided a handout to board to follow along with her comments. She explained that she would have preferred to use the city's audio-visual equipment the same as the applicant but was not permitted to do so. She said that she is a neighbor of the development and a property owner. She expressed confusion about the application and explained why she believes the application does not comply with the city zoning code and comprehensive plan. She stated that the application does not address items like traffic, emergency services, and expected benefit to the community. Clark stated that she spoke with an experienced realtor who stated that property values near the development could be expected to fall during the construction of the project. She went on to say that the application lacks information and details necessary for the board to make a decision. She encouraged the board to stop the process and reassess the application and development.

Monahan asked if part of the development is located in the land use plan. Miller responded yes.

James Boho, 1477 S. Rocky Hill Road, Galena, spoke in opposition to the application. He stated that the Fourth Street and U.S. 20 intersection is considered a Class A Critical Intersection by the Illinois Department of Transportation (IDOT). He said that the development cannot use the intersection. He explained that other applications for the applicant's property had been rejected in the past. He referred extensively to the Highway 20 Corridor Overlay District Manual and said that the application does not comply with the manual. He stated that if the board allowed the development to add traffic to the Fourth Street and US 20 intersection, it would be neglecting their duty to protect the public.

Laity asked Boho to clarify if there is a study that determined the intersection is at full capacity. Boho said yes, and that if you call IDOT they will confirm.

Boho read a letter from the Rice Township Board of Supervisors expressing disappointment that the township was not contacted by the City of Galena prior to the decision to approve the development.

Kathleen Webster, 2170 N. Blackjack Rd., Galena, spoke in opposition to the application. She expressed concern as a long-term resident and neighbor that the development would lower her property value and destroy her quality of life, neighborhood and welfare.

Robert Mahan, 900 Third Street, Galena, spoke in opposition to the application. He explained that he is the owner of a Galena lodging business and has an extensive and successful background in the hospitality and service industry. He considers himself an expert in the hospitality and tourism industries. He explained that he reviewed lodging occupancy data from the City of Galena and found that occupancy has fallen since 2017 with the occupancy rate below 50%. He believes The Parker project will reduce occupancy rates and revenue for existing lodging businesses in the city. He provided examples of how the city has made decisions to protect existing businesses and asked that the board act in a consistent manner by rejecting the application to protect existing businesses.

Gates questioned if the 50% occupancy rate is based on 365 days a year.

Mahan stated yes.

Gates asked for the occupancy rate on Fridays and Saturdays.

Mahan explained this is not included in the data.

Gates stated that most lodging establishments have very high occupancy rates on Fridays and Saturdays, April-December.

Mahan agreed that many establishments are full, but that data shows the occupancy continues to drop over time.

Darlene Farrey, 1974 N. Blackjack Rd., Galena, spoke in opposition to the application. She explained that she considers the development urban sprawl. She expressed concern about added traffic on Blackjack Road and creating a dangerous situation on the road, at the proposed access driveway, and at the intersection of Fourth Street and US 20.

Edward Shine, 1952 N. Blackjack Rd., Galena, spoke in opposition to the application. Shine explained that the bridge over Davis Creek on Blackjack Rd. is narrow and dangerous. He said that the proposed access for the development is steep and dangerous coming down to Blackjack Road. He referred to the development as a trailer camp on stilts. He also expressed concern about erosion from stormwater runoff. He said that the proposal violates the comprehensive plan, and will create a nuisance for the neighborhood. He said that the proposed development should be covered by the apparent moratorium on Air BNB licenses in the city.

Adam Johnson, 211 Fourth Street, Galena, spoke in opposition to the application. Johnson stated that the development is not in the contiguous growth area of the comprehensive plan and does not comply with the plan. Johnson stated that the zoning administrator is not being honest in his report to the zoning board by not stating that the development does not comply with the comprehensive plan. He said that the proposal is complicated and extremely dangerous. He said that a traffic study is needed up front. He stated that there needs to be better discussion by the board than at the first hearing on the development. He also said that new development like The Parker should be built on the west end of the city on ground already zoned appropriately and served by infrastructure.

David Hanna, 1107 Fourth Street, Galena, spoke in opposition to the application. Hanna explained that he had something to show on the screen but was not allowed to do so. He asked what the applicant is requesting for zoning on the new parcel. Miller responded Planned Unit Development District with an underlying district of Limited Agricultural. Hanna questioned many aspects of the application, including but not limited to, the use of the former Rigdon house, the use of the maintenance building, whether the maintenance building would be served by sewer,

pesticide use at the vineyard, the zoning classification of wine production and associated buffer yards, and the appropriateness of an access road in the Limited Agricultural district. He stated concerns about light pollution, the public expense of maintaining water and sewer infrastructure, dangerous traffic patterns, and that the development is not in character with the area. He stated that there is not a cost/benefit analysis, no emergency services assessment, no information on the impact on the tax base, or information to prove community benefit.

Monahan stated that in his experience when there is a large investment in an area, the nearby property values increase. He asked for Hanna's opinion.

Hanna stated that during period of construction the values could decline but that we do not know what the values would be after construction.

Gates said that the developer paid a very inflated price for the property and questioned whether that would cause the nearby values to increase.

Hanna could not say for sure but said that what a developer pays is different than what regular people or residents pay for land.

Rosenthal stated that is fair to say that we cannot say what the value of nearby property will be after development.

Clark clarified that the realtor she spoke with is of the opinion that nearby property values will decline during construction of the development.

Monahan stated that he is living next to construction now and will be for three years and it is not and will not decrease his property value.

Rosenthal called for any rebuttal from the applicant to the opposition testimony.

Rebuttal from the Applicant

Lawrence stated that there will be no change in the number of units and that the vineyard use is permitted in the Agricultural district. She said that there are labor shortage issues nationally, but their company has successfully used strategies to find employees, including recruiting international students and providing housing.

Monahan asked how the existing residence and maintenance building would be used.

Jim Baranski stated that the existing residence is meant to be a caretaker residence and that the maintenance building location has changed because of the new entrance location. The maintenance building would be used for storage of maintenance equipment like mowers.

Monahan asked the reason for annexing the 18 acres to the City of Galena.

Lawrence explained that the change in the entrance location is the main reason to annex the property. She said that after discussing with the City, the amendment to the PUD with a public hearing was determined to be the most appropriate process.

Reeter reminded the board that the applicant is not required to provide final design details or plans at this stage, but they will provide during final PUD approval processes. He also stated that the project will not increase stormwater discharge off the property or on neighboring properties. They will use best management practices to collect, treat and detain stormwater. Permitting is not required at this preliminary stage but will be completed in full during the final design phases.

Gates asked if the sewer main planned to run under the river would be similar to the existing sewer main running under the river from the east side of Galena. Reeter responded yes.

Monahan asked if the developer has thought about performing a traffic analysis. Baranski responded that there is no formal requirement for a traffic study but that the developer would perform a traffic study if requested by the city. He said the next phase of the development would be a logical time to perform the study. He stated that the zoning board and city council had previous discussions about the traffic and parking topics. He also said that the heaviest traffic from the development would not correspond with the traffic from the winter season at Chestnut and that the traffic from the former location of Fried Green Tomatoes is no longer on Blackjack Road.

Beth Baranski referred to her earlier comments about how the proposal complies with the comprehensive plan, described the comprehensive planning process, and read from the plan where it explains that the plan is a flexible document. She explained that she believes in the comprehensive planning process and stated that she was the development director when the first plan was adopted, had a community development planning firm that worked with the city and county in the comprehensive planning processes. She explained how changes in the character of the area of the development, including public facilities, are directly pertinent to the development of the property. On water issues, she explained that she has been very involved in watershed planning in the county. The development plans to employ scientist designed best practices for our area and that the stormwater plan will protect the neighboring properties. The designs will be included in the final plans.

Monahan asked if any part of the already approved development in the contiguous growth area. Beth Baranski responded that it is immediately adjacent to the contiguous growth area and that the boundaries are not prescriptive.

Monahan asked if the development could help the runoff situation. Beth Baranski responded that the area is currently untended as it relates to stormwater. The development plans to manage all rainfall and runoff.

Rosenthal called for rebuttal to the applicant.

Clark stated the entire PUD is on trial and affected by the application. She stated that experiences in other labor markets are not relevant, that city rules apply to the vineyards, and that the private residence and maintenance building uses must be defined. She said that the applicant must show community benefit and they have not. She explained that the complexity of the infrastructure makes it inefficient for the city. She also stated that opinions do not make up for an actual traffic study and said there are not good solutions for the Fourth Street and US 20 intersection. She said that the presence of the wastewater plant is not a change of character of the area, that the applicant must show that the development complies with stormwater codes and that the property is not in the contiguous growth area.

Boho stated that there has been a failure to address the intersection of Fourth Street and US 20. He explained that the intersection should be advertised as a dangerous intersection and public education should be provided. He said that it is the oath of the city council and zoning board to address safety. He asked the board to address the safety of the intersection.

Rosenthal asked for a motion to close the public hearing as there was no additional testimony.

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

Motion carried

Motion: Gates moved, seconded by Laity to make a favorable/positive recommendation to the city council to approve the proposed amendment to the Planned Unit Development Plan to add the additional 18.24 acres.

Discussion: Nack advised that he plans to read the seven approval criteria from Chapter 154.920 (C) for zoning code amendments and rezonings. He asked each board member to take into consideration the amendment on the 18 acres and the entire PUD. He explained that he planned to call on each board member to respond to each criteria.

Each board member responded to each of the seven criteria as follows:

Nack read the first criteria: Whether the existing text or zoning designation was in error at the time of adoption.

Laity responded that he does not believe there was an error at time of adoption.

Gates responded that he agrees that there was not an error at time of adoption. He stated that there are constant review and changes. There is no set rule.

Monahan responded that he concurs with his counterparts that the 18.24 acres is correct and belongs in with the already approved PUD.

Jansen responded that he feels the same. The existing text and zoning map was not in error at time of adoption

Rosenthal stated that there was no error at adoption of the zoning ordinance.

Nack read the second criteria: 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.;

Gates responded that he believes there have been some changes. Maybe not on Blackjack, but the new sewer treatment plant to west of project and new development on the east side such as the Irish Cottage and the new planned hotel.

Monahan responded that he concurs with Gates. He believes the character changed with the addition of the wastewater plant that is at less than 50% capacity.

Jansen responded that he also concurs. He stated there have been changes on Blackjack I think about the Old Poor Farm being torn down. This has reduced traffic on Blackjack. This is an example of a change.

Laity responded that he concurs with the other board members for all the same reasons already stated.

Rosenthal responded that there have been changes in the public facilities as well as with the approval of the PUD.

Nack read the third criteria: 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.

Monahan responded that the development could positively affect stormwater runoff.

Jansen responded that he feels the same as Monahan. There will probably be times when storms impact the roadway. Traffic will be a factor that we may not be able to change.

Laity responded by agreeing with the others and said the water runoff problem is resolved. We may have to look at reducing speeds on Blackjack further out.

Gates responded that the water runoff plan is an improvement. The 18.24 acres is helpful to the development. They are able to spread cottages out and reduced the amount of pavement to reduce runoff and will have less tree cutting. The application improves upon the original PUD that was approved by the city council.

Rosenthal responded that he agrees that the additional 18 acres helps with the current runoff that has not been addressed in 50 years. Environmental impact will be taken care of in planning. Noise pollution is an unknown until it happens. It is unknown if property values will go down. People have had complaints about proposals that never happened. No one ever came back to us with complaints. He stated that when he was on the city council Walmart was supposed to be end of Galena and it was not.

Nack read the fourth criteria: 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;

Jansen responded that he thinks all of that is true. He said he thinks that we have statements here by the zoning administrator that staff reviewed the proposed amendment as it complies with 154.920 C-1-7 saying it is meeting the requirements.

Laity responded that he totally agrees with what was just stated. He had nothing more to add.

Gates responded that he also agrees and stated that we will review the final plan for each phase.

Monahan responded that he concurs and that each phase need the required permits and separate approvals at all levels.

Rosenthal responded that the proposal follows the comprehensive plan. The plan does not stop development on the east side of Galena. Nothing is set in stone. It is a guidebook.

Nack read the fifth criteria: Whether adequate public facilities and services are available or will be made available concurrent with the projected impacts of development in the proposed zone;

Laity responded that he believes we have the adequate facilities but that they may need to be improved a little with the addition.

Gates responded that the sewer plant has excess capacity. There has been a concern expressed that we will need to maintain the infrastructure but some infrastructure from the 1800's is just being replaced now.

Monahan responded that he concurs that water and sewer plant has the excess capacity. He said he cannot concur on the fire, police, EMS topic as he has not heard enough on this to concur.

Jansen responded that he concurs with what has been said. He believes the emergency services have adequate emergency services and trusts that will continue.

Rosenthal responded that we have adequate public facilities and the development will put in the new facilities per code. Believes that the fire chief, police chief or EMS would have come forward to say that they do not have the adequate people or equipment to respond. They have not come forward so he believes it will work.

Nack read the sixth criteria: 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

Gates responded that he believes there is adequate land and that the 18.24 acres was acquired by the developer to address the concerns from the community. He also said the he believed the applicant could purchase more land if he needed, showing there is an adequate supply.

Jansen responded that he concurs.

Laity responded that he also concurs.

Rosenthal responded that he agrees with Gates. He does not think there is an issue. With the additional 18 plus acres, this has addressed some of the neighbor's issues, maybe not all but some.

Monahan responded that he views the purchase of the 18.24 acres as a gesture of goodwill to address the issues of neighbors and improve the overall green space.

Nack read the seventh criteria: 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.

Monahan responded that he believes in free enterprise, and as a businessman, he believes this will be good for the community. He understands that change is hard. He believes there is the potential for jobs, this is something new, and that the project will be an attraction that will draw. He has viewed other projects of the developer and they are very tasteful. He believes this will be a tasteful project.

Jansen responded that he concurs. He stated that 50% occupancy could grow as a result of the project and expand the tax base.

Laity responded that he concurs. He stated that the project will be a windfall for Galena with new jobs and tax base.

Gates responded that he agrees. He believes that we are a weekend destination, and that weekend occupancy is very good. As the owner of a vacation rental he is not concerned about competition from the project. He does not believe the project will take business away from existing Galena businesses.

Rosenthal responded that the proposed amendment has benefits. The new driveway location is safer. He stated the tax benefits of tax dollars and such are unknown. He stated that everything that has happened here in the 61 years I he has been here has been a benefit to the town and will continue for another 61 years and longer after he is gone.

Attorney Nack asked board if the project as a whole has benefits greater than negatives or are the negatives greater than the benefits.

Jansen responded that he feels there are more positives than negatives and that over time we will see the benefits.

Gates responded that he thinks this is positive. Tourism wants new places and experiences to keep people coming.

Monahan responded that he concurs that the positives definitely outweigh the negatives. The willingness of the development company to restore the landmark Marine Hospital is phenomenal. He appreciated the fact that they are willing to purchase more space, more greenspace, help with the runoff, and create prairies. He stated the project will help with the tax base. We must continue to do new things as a tourist community and must change to grow and prosper.

Laity responded that he see more positives over negatives. He does want the traffic looked at.

Rosenthal responded that the project is good and that it will grow tourism. He stated that we are a tourism town and that is what people want here. That is what brought many people here to buy homes. He believes the project is a benefit.

Gates commented that he would also like the city council to work with IDOT to explore solutions for the Fourth Street and US intersection.

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

The motion carried.

22Z-2005 – PUBLIC COMMENTS

Jim Boho, 1477 S. Rocky Hill Rd, stated that the board violated their public duty when refusing to address the State of Illinois identified traffic issues of Highway 20 and Fourth Street as a IDOT Class A Critical Intersection.

22Z-2006 – ADJOURNMENT

Motion: Monahan moved, seconded by Gates to adjourn.

Discussion: None.

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

The motion carried.

The meeting adjourned at 11:20 p.m.

Respectfully submitted,

Sue Simmons
Zoning Secretary