

**MINUTES OF THE ZONING BOARD OF APPEALS MEETING OF 13 JULY 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 13 July 2022.

**22C-2002 – ROLL CALL**

Upon roll call, the following members were present: Baranski, Bochniak, Gates, Cook, Jansen, Nybo, Rosenthal

**22C-02003 – ESTABLISHMENT OF QUORUM**

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

**APPROVAL OF MINUTES**

**22Z-0256 – APPROVAL OF THE MINUTES OF THE REGULAR ZONING BOARD OF APPEALS MEETING OF JUNE 8, 2022**

**Motion:** Cook moved, seconded by Gates, to approve the minutes of the regular Zoning Board of Appeals meeting of June 8, 2022.

**Discussion:** None.

**Roll Call:** AYES: Bochniak, Gates, Cook, Baranski, Rosenthal  
NAYS: None  
ABSTAIN: Jansen, Nybo

The motion carried.

**UNFINISHED BUSINESS**

**22S-04 – 222 PROPERTIES (OTTOS RESTAURANT), 100 BOUTHILLIER STREET, GALENA, IL 61036 – RATIFICATION OF THE FINDING OF FACT FOR A REQUEST FOR A SPECIAL USE PERMIT TO ALLOW OUTDOOR DINING AS AN ACCESSORY COMMERCIAL LAND USE IN A NEIGHBORHOOD COMMERCIAL ZONING DISTRICT**

**Motion:** Bochniak moved, seconded by Cook, to approve the Findings of Fact for a request for a Special Use Permit to allow outdoor dining as an Accessory Commercial Land Use in a Neighborhood Commercial Zoning District for 222 Properties (Ottos Restaurant), 100 Bouthillier Street.

**Discussion:** Rosenthal read the conclusions and determination and verified the application met the criteria.

**Roll Call:** AYES: Gates, Cook, Jansen, Bochniak, Rosenthal  
NAYS: None  
ABSTAIN: Nybo, Baranski

The motion carried.

**NEW BUSINESS**

**22A-03 – (PUBLIC HEARING) ANDREW STANGL, 1818 DONEGAN ST., GALENA, IL 61036 – REQUEST FOR ZONING MAP AMENDMENT TO REZONE 0.692 ACRES FROM LIMITED AGRICULTURE TO LOW DENSITY RESIDENTIAL AT 1721 DONEGAN**

**Motion:** Jansen moved, seconded by Cook, to open the public hearing on a request for a zoning map amendment to rezone 0.692 acres from Limited Agriculture to Low Density Residential at 1721 Donegan Street.

The motion carried by voice vote.

**Testimony: Andrew Stangl, 1818 Donegan** – Stangl advised he is requesting to rezone the property at 1721 Donegan Street from Limited Agriculture to Low Density Residential. The property is .692 acres and has a house and two outbuildings. There are surrounding properties that are also zoned Low Density Residential.

Miller advised the potential buyer for the house is aware that they would not be allowed to build any additional accessory buildings or replace any of the existing accessory buildings if one comes down. The potential buyer would have to follow the regulations for non-conforming sites and structures.

**Motion:** Bochniak moved, seconded by Cook, to close the public hearing on a request for a zoning map amendment to rezone 0.692 acres from limited agriculture to low density residential at 1721 Donegan Street.

The motion carried by voice vote.

**Motion:** Baranski moved, seconded by Jansen, to approve the request for a zoning map amendment to rezone 0.692 acres from Limited Agriculture to Low Density Residential at 1721 Donegan Street.

**Discussion:** Baranski read the approval criteria and recommendations.

- (1) Whether the existing text or zoning designation was in error at the time of adoption; *Not applicable.*
- (2) Whether there has been a change of character in the area or throughout the city due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.; *Yes, it provides the addition of single family in the area.*
- (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; *Yes*
- (4) Whether the proposal is in conformance with and in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the policies, intents

and requirements of this code, and other city regulations and guidelines; *Yes*.

- (5) Whether adequate public facilities and services are available or will be made available concurrent with the projected impacts of development in the proposed zone; *Yes*.
- (6) Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs; or *Yes*.
- (7) Whether there is a need in the community for the proposal and whether there will be benefits derived by the community or area by the proposed rezoning. *Yes*.

**Roll Call:** AYES: Nybo, Baranski, Bochniak, Gates, Cook, Jansen, Rosenthal  
NAYS: None

The motion carried.

**2A-04 & 22S-05 – (PUBLIC HEARING) OWNER: MIKE AND LAURIE SPROULE, 12901 W. NORRIS LANE, GALENA, IL 61036 AND APPLICANT JEFF WEST, 229 COUNCIL FIRE CIRCLE, GALENA, IL, 61036 – REQUEST FOR TEXT AMENDMENT TO ALLOW THE LAND USE OF INDOOR COMMERCIAL ENTERTAINMENT BY SPECIAL USE PERMIT IN THE HEAVY INDUSTRIAL ZONING DISTRICT, AND A SPECIAL USE PERMIT TO ALLOW INDOOR COMMERCIAL ENTERTAINMENT AT 11471 INDUSTRIAL DRIVE**

**Motion:** Bochniak moved, seconded by Gates, to open the public hearing on a request for a text amendment to allow the land use of Indoor Commercial Entertainment by Special Use Permit in the Heavy Industrial Zoning District and a Special Use Permit to allow Indoor Commercial Entertainment at 11471 Industrial Drive.

The motion carried by voice vote.

**Testimony: Adam Johnson, 211 Fourth Street** – Johnson stated he is working with the prospective buyer. They feel the property looks good for the use they are proposing, however, zoning will not allow it. A text amendment is the best way to allow the use in the Heavy Industrial District. They would need a Special Use Permit for Indoor Commercial Entertainment. The business will be a low traffic business. Johnson feels this use will be a good fit for Heavy Industrial. Johnson advised the applicant is working on refurbishing the building and bringing it up from where it is now.

Nybo questioned if there are any EPA issues due to underground tanks. Johnson was unsure if there were any underground tanks. He questions if they are not disturbed if anything would have to be done. They plan to define a parking area and include better landscaping.

Miller advised the special use permit would run with the property. Should this business close, it could open up as a restaurant with a new Special Use Permit, for example.

Baranski questioned if it could be specified that the special use is for a climbing gym which would then require any other use to come back. Miller advised it could be specified in the motion.

**Jeff West, 229 Council Fire Circle, Applicant** – West advised there are no underground tanks. The building fits what most climbing gyms are based on and fits the style of what customers are

expecting. He does not feel the use would be out of place. West advised he would be purchasing the building.

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

**Motion:** Jansen moved, seconded by Cook, to close the public hearing on a request for a text amendment to allow the land use of indoor commercial entertainment by Special Use Permit in the heavy industrial zoning district and a special use permit to allow indoor commercial entertainment at 11471 Industrial Drive.

The motion carried by voice vote.

**Motion:** Jansen moved, seconded by Gates, to send a positive recommendation to the City Council for a text amendment to allow the land use of Indoor Commercial Entertainment in the Heavy Industrial Zoning District.

**Discussion:** Jansen read the approval criteria and recommendations for the text amendment.

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

(2) Whether there has been a change of character in the area or throughout the city due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.; *No*.

(3) Whether the proposed rezoning is compatible with the surrounding area and defining characteristics of the proposed zoning district or whether there may be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new zone may generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances; *No*.

(4) Whether the proposal is in conformance with and in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the policies, intents and requirements of this code, and other city regulations and guidelines; *Yes*.

(5) Whether adequate public facilities and services are available or will be made available concurrent with the projected impacts of development in the proposed zone; *Yes*.

(6) Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs; or *Yes*.

(7) Whether there is a need in the community for the proposal and whether there will be benefits derived by the community or area by the proposed rezoning. *Yes*.

**Roll Call:** AYES: Gates, Cook, Jansen, Nybo, Baranski, Bochniak, Rosenthal

NAYS: None

The motion carried.

**Motion:** Baranski moved, seconded by Gates, to approve the Special Use Permit to allow Indoor Commercial Entertainment, specifically a climbing wall gym, at the subject property.

Baranski read the special use permit approval criteria and recommendations.

- (1) *Site plan review standards.* All applicable site plan review criteria in §154.914. *Yes.*
- (2) *District standards.* The underlying zoning district standards established in §154.201 through §154.209 including the defining characteristics of the district; *Yes.*
- (3) *Specific standards.* The land use regulations established in §154.406; *Yes.*
- (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. *Yes.*
- (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: Cook, Jansen, Nybo, Baranski, Bochniak, Gates, Rosenthal  
NAYS: None

The motion carried.

**22CPR-01 – GUYS TOWING, 11380 DANDAR STREET, GALENA, IL 61036 – REQUEST FOR A CONCEPT PLAN REVIEW TO PROVIDE NON-BINDING FEEDBACK ON A PROPOSED PRELIMINARY SUBDIVISION PLAT, A REQUEST FOR THE REZONING OF TWO LOTS TO PLANNED COMMERCIAL FROM LIMITED AGRICULTURE AND ONE LOT TO HEAVY INDUSTRIAL FROM LIMITED AGRICULTURE, A VARIANCE TO THE FRONT YARD SETBACK ON DANDAR STREET, A SPECIAL USE PERMIT TO ALLOW DISCOURAGED WALL MATERIALS IN THE HIGHWAY 20 CORRIDOR, AND A HIGHWAY 20 DESIGN REQUEST TO CONSTRUCT A NEW BUILDING IN THE HIGHWAY 20 COORIDOR**

**Discussion:** Ben Richards, Hazel Green, advised they are presenting this for feedback to help them prepare for the next meeting. They are waiting for the Land and Soil Conservation Survey. They have a couple of concepts for the potential new building. They are hoping to annex the property they would be purchasing. MSA is the engineering company for the project. They propose to add on shop space to the existing building by removing the existing brick portion and adding on. The existing brick portion has a basement which they would eliminate. In a year or two they would propose to construct a new facility. That lot would be zoned Heavy Industrial. The two vacant lots along Highway 20 would be Planned Commercial. They propose to extend AJ Harle Drive to the property line. The new building will be attractive and will bring a nice new life to Industrial Park. If the new building is approved, they would propose to mimic the front of the existing building that faces Highway 20 with the new materials according to the Highway 20 Corridor Standards.

The approximate distance from the building to Highway 20 is 350-400 feet.

The proposal expands Industrial Park with three lots. All three lots would be accessed from AJ Harle Drive.

The addition to the existing building would extend out towards Dandar Street. The Board discussed and did not have a problem with using the same setback as neighboring properties.

Richards advised the bay doors on the new structure would face South towards the existing parking lot. They would move operations into the new facility. The old facility would be for storing equipment. Richards stated while they have a property outside the city, they would prefer to remain inside the city limits and have all of their buildings within walking distance. They would require some parking outside for semis, trailers and commercial vehicles. Richard advised they have been granted a variance to park semis and trailers on Dandar Street as well. Richards noted they would keep the undesirable stuff in their fenced in area on Highway 84.

Baranski cautioned them to be aware of the viewshed. The engineer for the project advised the building would be constructed in the lowest part of Industrial Park. To utilize the area as much as they can, they would propose to put the retention water underground and pave from the existing lot to the new building. Richards advised they would need approximately 140 feet in front of the bay doors of the building to allow them to get semis and trailers in and out.

Nybo questioned if people driving along Highway 20 would see lots of tractors and trailers parked outside. Richards advised while he hopes to grow his business, he does not feel there would be any more than are there currently. They would put in angle parking and would continue to park the longer stuff in the street to keep it hidden.

Miller advised the two lots along the highway would be Planned Commercial and would serve as a buffer to the buildings behind. They propose to move dirt to the front lots to bring those lots up to the same level as the existing Atten Babler property.

The North end of the new building will be buried approximately ten feet and will serve as a retaining wall. The engineer advised the building will sit much lower than the existing Fire Department structure.

Baranski felt removing the brick portion and adding on would promote consistency. Baranski urged them to be cognizant of the use of surface art, windows, etc.

Richards advised they would like to mimic what is there but make it nicer with the use of stone. Baranski cautioned them to be careful with using things that look "pasted" on.

Along with the addition, they plan to put a different façade on the front of the existing building to match the new building.

Baranski stated, from an architectural perspective, he believes they are on the right track, and it is consistent with what he would hope it would be.

**22Z-2005 – PUBLIC COMMENTS**

No comments. Rosenthal thanked Bochniak for his time served on the Board.

**22Z-2006 – ADJOURNMENT**

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

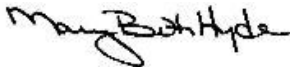
**Discussion:** None.

**Roll Call:** AYES: Jansen, Nybo, Baranski, Bochniak, Gates, Cook, Rosenthal  
NAYS: None

The motion carried.

The meeting adjourned at 7:25 p.m.

Respectfully submitted,



Mary Beth Hyde  
City Clerk