

AGENDA
ZONING BOARD OF APPEALS

November 12, 2014

6:30 PM

CITY HALL, 101 GREEN STREET, GALENA, IL

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Approval of October 8, 2014 ZBA Meeting Minutes.

OLD BUSINESS

4. Cal No. 14S-08, Applicant: Galena Center for the Arts (Carole Sullivan) – 219 Summit Street, Galena, IL 61036. Request for Special Use Permit to install off-premises signage near the intersection of US Highway 20 (Spring Street) and Summit Street to notify residents and visitors about the location of the Galena Center for the Arts, a 501(c)(3) organization. The signage will require a Special Sign Permit to the City of Galena by the Illinois Department of Transportation. Ratification of Findings of Fact.

NEW BUSINESS

5. None

COUNTY ZONING

6. None

WORKSESSION & OTHER

7. None

PUBLIC COMMENTS

8. Public Comments
9. Adjourn

Anyone who may require special assistance or special accommodation should contact City staff during office hours at 777-1050, prior to the meeting.

Posted November 7, 2014

By Matt Oldenburg

**MINUTES
ZONING BOARD OF APPEALS
OCTOBER 8, 2014**

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, October 8, 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	Present
Nybo	Present
O'Keefe	Present
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: Bochniak moved, seconded by Baranski to approve the minutes for the September 10, 2014 meeting.

Cook pointed out that the City Attorney in attendance was Tom Nack not Joe Nack.

Motion to approve the corrected minutes carried on voice vote.

OLD BUSINESS

None

NEW BUSINESS

Cal No. 14S-07, Applicant: Galena Center for the Arts (Carole Sullivan) – 219 Summit Street, Galena, IL 61036. Request for Special Use Permit to install off-premises signage near the intersection of US Highway 20 (Spring Street) and Summit Street to notify residents and visitors about the location of the Galena Center for the Arts, a 501(c)(3) organization. The signage will require a Special Sign Permit to the City of Galena by the Illinois Department of Transportation.

Baranski asked to be recused from this agenda item as he is involved with the project.

Rosenthal granted Baranski's request.

MOTION: O'Keefe moved, seconded by Cook to open the Public Hearing on Cal. No. 14S-07.

Motion carried on voice vote.

Nack swore all those in who wished to testify at tonight's public hearing.

Carole Sullivan, 7211 W Buckhill Road, Galena spoke on behalf of the Galena Center for the Arts. The Center, a non-profit 501(c)(3) organization, is progressing very well. They have three artists' studios rented with inquiries on the other spaces, the Winter Farmer's Market will operate at this location November thru April, a poetry event, as well as a wine study and the premier of an original documentary film are already scheduled. Also planned are an original music night and a radio play in December. The next special event - Galena Pottery: Old and New will open in November. The Center operates in the former Medical Associates building and recently received PUD approval from the City. The current and proposed land uses are harmonious with the neighborhood. However no one is going to just stumble upon the Center. Directional signs are needed so patrons can locate the Center. If approved these signs will help direct tourists and residents alike from Highway 20 onto Summit Street and to the new cultural arts center which is a part of the City's Comprehensive plan. The signs are about 7 ½ square feet in size which is similar to a stop signs square footage. They will be visible when traveling Highway 20 from both east and west in accordance with Illinois Department of Transportation guidelines. They will be brown in color and similar to other roadway signs allowed by IDOT for cultural attractions. Most tourists have found the Center with the help of local residents and even some locals have needed assistance in finding it. It is the hope that the signs will be approved so that many others can enjoy and appreciate this new, free attraction in Galena.

Rosenthal asked if the signs would be in the highway right of way.

Oldenburg said they would. The State has a tourist oriented directional sign program which allows the signs to be located here, but also requires State approval. This is not the typical Special Use Permit where the Zoning Board is the decision maker. In this case the City Council needs to approve it. After approval, and when the final locations are determined, the City will submit an application to IDOT, who designed the presented signs.

Nybo asked if there would be two signs.

Oldenburg said yes. IDOT recommends having one sign in each direction of travel with lettering on one side only.

Cook asked how these signs differ from businesses being denied signage along Highway 20.

Oldenburg said the code allows not for profit organizations, such as cultural centers, to have signs on the highway. For profit businesses do not fall under this provision. For profit businesses are not allowed off premise signs because Highway 20 is identified by the Federal Government as part of the National Scenic Byways. The federal government has a law that

states commercial businesses cannot have an off premise sign along National Scenic Byways. IDOT subsequently adopted this and does not allow the off premise signs for commercial businesses. The City then adopted the State's law.

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

MOTION: O'Keefe moved, seconded by Holman to close the Public Hearing on Cal. No.14S-07.

Motion carried on voice vote.

MOTION: O'Keefe moved, seconded by Bochniak to send a positive Find of Fact to approve Cal. No. 14S-07, a Special Use Permit to install off-premises signage near the intersection of US Highway 20 (Spring Street) and Summit Street to notify residents and visitors about the location of the Galena Center for the Arts, a 501(c)(3) organization. The signage will require a Special Sign Permit to the City of Galena by the Illinois Department of Transportation.

Discussion: None

As Roll Call was:

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

Motion carried.

Oldenburg said the Board should review the approval criteria.

Nybo said there is some historical precedence as other signs are or have been used for not for profit organizations.

Oldenburg agreed.

O'Keefe said even many locals would have a problem finding the Center.
Rosenthal read the criteria.

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](#).

Not applicable.

- (2) *District standards.* The underlying zoning district standards established in §§ [154.201](#) through [154.209](#) including the defining characteristics of the district;

Not applicable.

- (3) *Specific standards.* The land use regulations established in § [154.405](#);

This would apply. There is a precedent as this type of sign has been located along Highway previously for the hospital and currently for historic sites. It makes good sense to have these signs.

- (4) *Availability of complementary uses.* Other uses complementary to, and to: schools, parks, hospitals, business and commercial facilities, and transportation facilities.

There are signs for these things in the area.

- (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;

Not applicable.

- (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.

This would apply. The signs would notify you how to get to the Galena Arts Center which provides enjoyment of the property.

- (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.

IDOT has designed the sign and will have the final say in design and location.

MOTION: O’Keefe moved, seconded by Bochniak to amend the motion to include review of the Approval Criteria.

As Roll Call was:

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

Motion carried.

Baranski returned to the table.

COUNTY ZONING

None

WORKSESSION/OTHER

Oldenburg asked the Board for input on the November 2015 meeting which will fall on Veteran’s Day.

The Board agreed that they would like to hold the meeting on November 11, 2015 rather than November 11, 2015.

PUBLIC COMMENTS

None

MOTION: Bochniak moved, seconded by O’Keefe to adjourn the meeting at 6:50 pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price
Zoning Board Secretary

DECISION

ZONING BOARD OF APPEALS OF THE CITY OF GALENA

REGARDING

CALENDAR NUMBER: 14S-08

APPLICATION BY: The Galena Center for the Arts, 219 Summit Street, Galena, IL 61036

FOR: A Special Use Permit to install off-premises signage near the intersection of US Highway 20 (Spring Street) and Summit Street to notify residents and visitors about the location of the Galena Center for the Arts, a 501(c)(3) organization.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on October 8, 2014. 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 is requesting a Special Use Permit to install off-premises signage along Highway 20 near Summit Street to notify residents and visitors where to turn onto Summit Street.

The signage would be in two locations, one in the Eastbound lane and one in the Westbound lane, and will be in the standard brown highway sign format. Images of the sign concept are attached and they will be approximately 36 inches tall by 30 inches wide, comparable to a speed limit sign's dimensions. The wording on the sign will read as "Center for the Arts".

This request qualifies under the Zoning Ordinance as an Official Sign of the City, Chapter §154.810 (B)(1)(g). The Galena Center for the Arts was recently approved as part of a Planned Unit Development

that is consistent with our Comprehensive plan (Section 10.5), providing a Community Center for local arts groups. The signage will help direct tourist traffic to the location of the Center for the Arts. If approved by the ZBA, the City Council will also need to approve final design and placement. If approved locally, the City will request permission from IDOT under the Special Signs program. The applicant will pay for the application, sign materials and installation.

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 Behalf of the Applicant and in Support of the Proposal:

- **Carole Sullivan, 7211 W Buckhill Road, Galena, IL 61036**, applicant, spoke in favor of the request. She stated that the Center for the Arts is a non-profit organization and is progressing very well. The Center operates in the former Medical Associates building and recently received PUD approval from the City. The current and proposed land uses are harmonious with the neighborhood, however, no one is going to just stumble upon the Center. Directional signs are needed so patrons can locate the Center. If approved, these signs will help direct tourists and residents alike from Highway 20 to Summit Street and to the new cultural arts center, which is a part of the City's Comprehensive Plan.
- **There was no further testimony either in support or in opposition to the request.**

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154.810 sets forth the requirements for an Off-premises Sign.
- Section 154.914 sets forth the applicable criteria for Site Plan Review.
- Section 154.924 sets forth the Purpose, Applicability, Review Criteria, Decision-Maker, Application and Review Procedures, and Validity for Special Use Permits.

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 Planned Unit Development with an underlying default district of Neighborhood Commercial on Summit Street. The off-premises signage will be located on US Highway 20 West, one on each side of the road to notify both lanes of traffic where to turn onto Summit Street.
2. An off-premises sign is allowed by Special Use Permit as an Official Sign of the City with approval from the Illinois Department of Transportation under their Special Signs program.
3. The applicant is requesting a Special Use Permit for off-premises signage to be located at the intersection of US Highway 20 West (Spring Street) and Summit Street.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by The Galena Center for the Arts, for off-premises signage located near the intersection of US Highway 20 (Spring Street) and Summit Street, Galena, IL should be approved for the following reasons:

1. The request meets the regulations established for Off-premises signs.
2. The site plan review met the applicable criteria for this request.
3. The request meets the specific standards. There is a precedent as this type of sign has been located along Highway 20 for the hospital and currently for historic sites. It makes good sense to have these signs.
4. There are complementary uses available in the development for the community.
5. The signs would notify you how to get to the Galena Arts Center which provides enjoyment of the property.
6. The signs are compatible with design and integration of the area as they are designed and ultimately approved by IDOT.

DECISION

NOW, THEREFORE BE IT RESOLVED, that this Zoning Board of Appeals has determined that this request by The Galena Center for the Arts, for off-premises signage located near the intersection of US Highway 20 (Spring Street) and Summit Street, Galena, IL should be approved.

PASSED AND APPROVED this 8th day of October, A.D. 2014, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 0 absent, 0 abstain, 1 recused.

Mr. John Rosenthal, Chairperson