

AGENDA
ZONING BOARD OF APPEALS

December 9, 2015

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 14, 2015 ZBA Meeting Minutes.

OLD BUSINESS

4. None

NEW BUSINESS

5. Cal. No. 15A-02, Applicant: City of Galena, 101 Green Street, for Owner: Casey's Retail Company, 10889 W Red Gates Road, Galena, IL 61036. Location: Parcel: 22-000-067-00, that part of the Southwest Quarter of Section 13 and part of the Southeast Quarter of Section 14 in Township 28 North, Range 1 West of the Fourth Principal Meridian, City of Galena, West Galena Township, Jo Daviess County, Illinois; and Parcel: 22-000-069-10, that part of the Southwest Quarter of Section 13 in Township 28 North, Range 1 West of the Fourth Principal Meridian, City of Galena, West Galena Township, Jo Daviess County, Illinois. Common address 10889 W Red Gates Road, Galena, IL 61036. Request for Map Amendment to rezone approximately 4.08 acres from Limited Agriculture to General Commercial upon annexation into the City of Galena.

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 December 4, 2015
By Matt Oldenburg*

**MINUTES
ZONING BOARD OF APPEALS
OCTOBER 14, 2015**

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, October 14, 2015 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	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: Cook moved, seconded by O'Keefe to approve the minutes for the September 9, 2015 meeting.

Motion to approve the minutes carried on voice vote.

OLD BUSINESS

Cal. No. 15S-03, City of Galena, 101 Green Street, Request for Cal. No. 15S-03, City of Galena, 101 Green Street, Request for Special Use Permit to allow an off-premises sign in the right-of-way, off-street, near the entrance to Cobblestone Boulevard to indicate entrance to the Cobblestone Crossing subdivision and to provide screening for the adjacent lift station equipment.

MOTION: O’Keefe moved, seconded by Cook to approve the Findings of Fact for Cal. No. 15S-03.

As Roll Call was:

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

Motion carried.

NEW BUSINESS

None.

COUNTY ZONING

None.

WORKSESSION/OTHER

None

PUBLIC COMMENTS

None.

MOTION: Bochniak moved, seconded by Cook to adjourn the meeting at 6:39 pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price
Zoning Board Secretary

MEMO

To: The Zoning Board of Appeals
From: Matt Oldenburg, Zoning Administrator
Date: December 4, 2015

RE: Cal. No. 15A-02, Applicant: City of Galena, 101 Green Street, for Owner: Casey's Retail Company, 10889 W Red Gates Road, Galena, IL 61036. Location: Parcel: 22-000-067-00, that part of the Southwest Quarter of Section 13 and part of the Southeast Quarter of Section 14 in Township 28 North, Range 1 West of the Fourth Principal Meridian, City of Galena, West Galena Township, Jo Daviess County, Illinois; and Parcel: 22-000-069-10, that part of the Southwest Quarter of Section 13 in Township 28 North, Range 1 West of the Fourth Principal Meridian, City of Galena, West Galena Township, Jo Daviess County, Illinois. Common address 10889 W Red Gates Road, Galena, IL 61036. Request for Map Amendment to rezone approximately 4.08 acres from Limited Agriculture to General Commercial upon annexation into the City of Galena.

Project Summary:

The subject property is located at 10889 W Red Gates Road and is pending annexation into the City of Galena. The property consists of approximately 4.08 acres and is adjacent to Red Gates Road and US Route 20 West.

The applicant is requesting rezoning of the property, designated on the attached plat and legal description, from Limited Agriculture to General Commercial upon annexation into the City of Galena. The Owner is requesting property be annexed to the City of Galena, subject to and conditioned upon the property being rezoned to General Commercial.

The property sits within an existing transitional area from commercial land uses to the East in the Galena Square to agricultural and residential uses to the West. Land uses to the North include residential, agricultural and industrial and uses to the South are residential and commercial. The current use is high intensity and is consistent with uses associated in the General Commercial District. The rezoning is compatible with the surrounding area and the existing development works harmoniously with the adjacent commercial properties. There was an initial issue with storm water management, but it was subsequently addressed and appears to be working properly. This property's use meets the goals and objectives listed in the Comprehensive Plan under sections 10.1 & 10.7.

Staff Comments:

Engineering: Any future site development will require review by the City Engineer.

Fire Prevention: Any alterations to the existing structure or site will require review by the Fire Inspector.

Building: Any structural alterations to the existing structure will require additional plans and permit.

Zoning:

1. According to the City's Contiguous Growth Area map, the subject property is located in an identified contiguous growth area.
2. According to the City's Plan Area Proposed Land Use Map, the subject property is located in an area identified as "City Proposed Land Use – Agriculture".
3. According to the City's Zoning Map, the subject property is located within 1200 feet of the center line of Highway 20 and, if annexed in the future, would be included in the Highway 20 Corridor Overlay District.
4. According to the City's Highway 20 Corridor Overlay District Design Manual, Chapter 154 Zoning, Appendix C, the following considerations would apply:
 - a. Siting of Buildings & Parking – Complies with minimum setback requirements. Access to cross street (Red Gates Rd.) is at least 150 feet from intersection with Highway 20.
 - b. Site Signage & Lighting – Monument sign is consistent with architecture of building.
 - c. Landscaping – Consistent with design manual intent.
 - d. Site Features – Consider further screening of roof utility/mechanical equipment with solid back wall rather than handrails. Proposed brick dumpster enclosure meets design standards.
 - e. Storm Water Management Features – concept meets design manual intent, underground storage integrates well with site design elements.
 - f. Hip roof, articulated façade, wall materials, detailing and window/door ratio are consistent with architectural building standards.
5. According to the City's Zoning Ordinance (Chapter 154), the following considerations apply to the subject property when using General Commercial as the underlying district:
 - a. Proposed structure and canopy meet the bulk standards for nonresidential structures. Retaining wall standards indicate 6 ft. height maximum with terraced slopes to have 3 ft. horizontal distance minimum.
 - b. Proposed structure and site meet nonresidential intensity standards.
 - c. Proposed land use is allowed by right in a General Commercial District and meets all detailed land use description regulations for Indoor Sales & Service with an accessory commercial land use as In-Vehicle Sales & Service.
 - d. Natural Resource Protection – Retained as many mature trees as possible.
 - e. Parking regulations require 1 stall per 300 square feet of gross floor area for Indoor Sales & Service.

- f. Visibility Triangle distance requirements are met at the Highway 20 intersection with the monument sign.
- g. Landscaping points required: 540, proposed landscaping plan is over 1000 points.
- h. Monument sign meets sign regulations except for digital gas prices, changeable gas price signs are allowed in analogue format. This will be legally existing nonconforming upon annexation.
- i. A maximum of two wall signs per automobile service station shall be permitted, placed on separate walls of the building, §154.806 (I)(1). These wall signs will be legally existing nonconforming upon annexation.
- j. Storm Water Management Features – updated concept meets design manual intent, underground storage integrates well with site design elements. Proposed update appears to address concerns of the downstream property protection.

Approval Criteria & Recommendation:

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.

Cal. No. 15A-02

The Zoning Board of Appeals can recommend to the City Council, in the form of a motion, approval or denial of requests for Map Amendments. If the Board would like to recommend approval of the requests, motions to approve which include pertinent facts in the cases and reasons for the recommendations should be entertained. The recommendations will then be forwarded to the City Council for final action.

CITY OF GALENA, ILLINOIS

101 Green Street, Galena, Illinois 61036



CITY OF GALENA, ILLINOIS ZONING BOARD OF APPEALS

REQUEST FOR ZONING MAP AMENDMENT

For Office Use Only	Date Filed <u>12/2/15</u> Amendment Calendar No. <u>15A-02</u>
	Fee Paid <u>N/A</u> Receipt No. <u>N/A</u> Amount \$ <u>N/A</u> Date <u>N/A</u>
	Date Set For Public Hearing <u>12/9/15</u> Date Hearing Held <u>12/9/15</u>
	Date of Published Notice <u>11/24/15</u> Newspaper <u>GALENA GAZETTE</u>
	Name of Municipality Where Published <u>GALENA, IL</u>
	Action by Zoning Board on Amendment Request _____
Comments: _____	

ADDRESS, USE, ZONING, AND DESCRIPTION OF PROPERTY

Address 10889 W. RED GATES RD., GALENA, IL 61036

Present Use of Property SALES & SERVICE, IN-VEHICLE Proposed Use SALES & SERVICE, IN-VEHICLE

Current Zoning District LA (AFTER ANNEXATION) Proposed Zoning District GC

Historic District? Yes _____ No X

Total area, in square feet, of the subject lot 173,925.86 SF

Floor area of all existing or proposed buildings on the subject lot 4223 MAIN BLDG; 4176 CANOPY

DATA ON APPLICANT AND OWNER

Name of Applicant(s) CITY OF GALENA

Address of Applicant(s) 101 GREEN STREET, GALENA, IL 61036

Property Interest of Applicant(s) 10889 W. RED GATES RD., GALENA, IL 61036

Name of Property Owner(s) CASEY'S RETAIL COMPANY

REASON FOR MAP AMENDMENT REQUEST

NOTE: The following questions must be answered completely. If additional space is needed, please attach extra pages to the application.

1. Please provide a written statement explaining why the property should be rezoned to a different zoning district.

2. Explain why the property is not suitable for zoned purposes. SALES & SERVICE LAND USE IS EXISTING, NONCONFORMING WHEN PROPERTY IS ANNEXED. PER ANNEXATION AGREEMENT, OWNER WISHES TO BE CONFORMING BY CURRENT CODE, THEREFORE A REZONING TO GENERAL COMMERCIAL IS REQUIRED.

3. Explain how the proposed use or expansion will contribute to the general welfare of the neighborhood or community. PROPOSED ANNEXATION WILL BRING THE PROPERTY INTO CORPORATE BOUNDARIES AND PROVIDE ADDITIONAL REVENUES FOR UTILITIES AND PROPERTY & SALES TAX.

4. Describe the hardship imposed on you by the current zoning regulations. THE DEFAULT ZONING FOR NEWLY ANNEXED PROPERTY IS LIMITED AGRICULTURE (LA). THIS WILL MAKE THE PROPERTY'S USE NON-CONFORMING, WHICH WILL LIMIT FUTURE POTENTIAL. THE ANNEXATION AGREEMENT REQUIRES REZONING.

SUPPLEMENTAL DATA

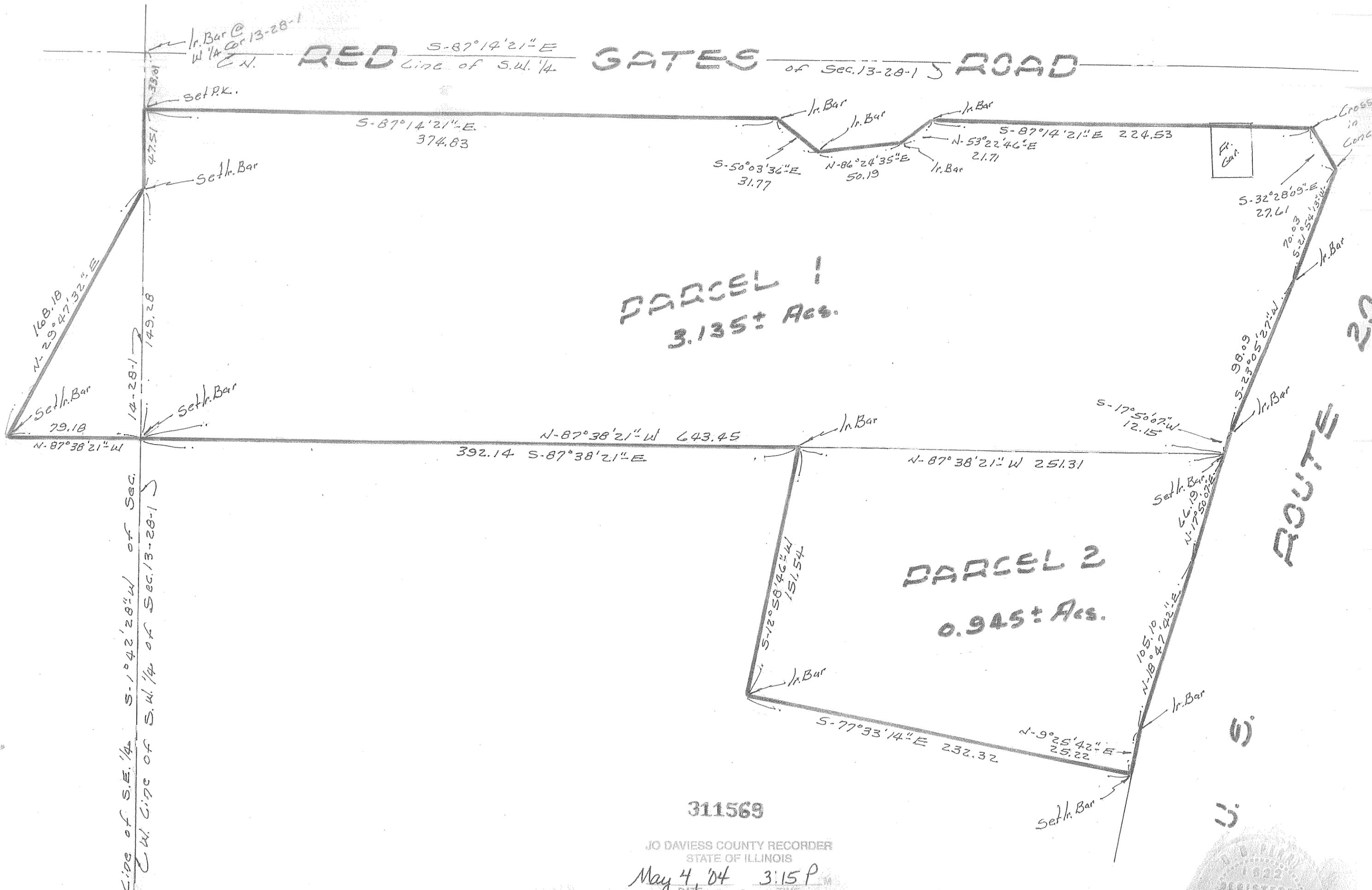
1. Provide photographs showing various pertinent views of the existing site and buildings.
2. Provide a map that shows the location of the property in the broad context of the City or neighborhood.
3. Provide a site plan to such a scale that all pertinent features are legible, if applicable.
4. Provide building, structure, and sign plans to such a scale that all pertinent features are legible, if applicable.
5. Identify the general land use, zoning, and any special characteristics of the adjacent properties to the north, south, east, and west.

North: COUNTY AG

South: CEMETERY, RESIDENTIAL, LA

East: PLANNED COMMERCIAL, SCHOOL

West: COUNTY AG & RESIDENTIAL



Line of S.E. 1/4 S-1°42'20"W of Sec.
E.W. Line of S.W. 1/4 of Sec. 13-28-1

1/2 In. Bar @
W 1/4 of 13-28-1

S-87°14'21"E
Line of S.W. 1/4

S-87°14'21"E
374.83

In. Bar
S-50°03'36"E 31.77
N-86°24'35"E 50.19
In. Bar
N-53°22'46"E 21.71
In. Bar
S-87°14'21"E 224.53

S-32°28'09"E 27.61
10.03
S-21°54'13"E
In. Bar

N-87°38'21"W 643.45
392.14 S-87°38'21"E

N-87°38'21"W 251.31

S-12°58'46"W 151.54
In. Bar
S-77°33'14"E 232.32
N-9°25'42"E 25.22
Set In. Bar

S-17°50'07"W 12.15
In. Bar

Set In. Bar
66.19
N-17°50'07"E

105.10
N-18°47'42"E
In. Bar

Pr. Car.

Cross in Comp.

168.18
N-29°47'32"E
Set In. Bar
79.18

33.81
47.51
149.28
14-28-1

Set In. Bar

Set In. Bar

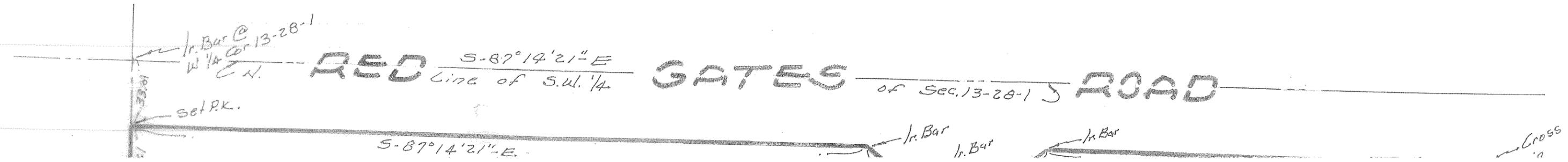
U.S.



PLAT OF SURVEY OF

PARCEL ONE: THAT PART OF THE SOUTHWEST QUARTER OF SECTION 13 AND PART OF THE SOUTHEAST QUARTER OF SECTION 14, ALL IN TOWNSHIP 28 NORTH, RANGE 1 WEST OF THE FOURTH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST QUARTER CORNER OF SECTION 13: THENCE SOUTH 01 DEGREE, 42 MINUTES AND 28 SECONDS WEST ON THE WEST LINE THEREOF, 33.01 FEET TO A POINT FOR THE PLACE OF BEGINNING; THENCE SOUTH 87 DEGREES, 14 MINUTES AND 21 SECONDS EAST, 374.83 FEET; THENCE SOUTH 50 DEGREES, 03 MINUTES AND 36 SECONDS EAST, 31.77 FEET; THENCE NORTH 86 DEGREES, 24 MINUTES AND 35 SECONDS EAST, 50.19 FEET; THENCE NORTH 53 DEGREES, 22 MINUTES AND 46 SECONDS EAST, 21.71 FEET; THENCE SOUTH 87 DEGREES, 14 MINUTES AND 21 SECONDS EAST, 224.53 FEET; THENCE SOUTH 32 DEGREES, 28 MINUTES AND 09 SECONDS EAST, 27.61 FEET; THENCE SOUTH 21 DEGREES, 54 MINUTES AND 13 SECONDS WEST, 70.03 FEET; THENCE SOUTH 23 DEGREES, 05 MINUTES AND 27 SECONDS WEST, 98.09 FEET; THENCE SOUTH 17 DEGREES, 50 MINUTES AND 07 SECONDS WEST, 12.15 FEET; THENCE NORTH 87 DEGREES, 38 MINUTES AND 21 SECONDS WEST, 722.63 FEET; THENCE NORTH 29 DEGREES, 47 MINUTES AND 32 SECONDS EAST, 168.18 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 13; THENCE NORTH 01 DEGREE, 42 MINUTES AND 28 SECONDS EAST, 47.51 FEET TO THE PLACE OF BEGINNING IN JO DAVIESS COUNTY, ILLINOIS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

PARCEL TWO: THAT PART OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 28 NORTH, RANGE 1 WEST OF THE FOURTH PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST QUARTER CORNER OF SECTION 13; THENCE SOUTH 01 DEGREE, 42 MINUTES AND 28 SECONDS WEST ON THE WEST LINE OF SAID SOUTHWEST QUARTER, 229.80 FEET; THENCE SOUTH 87 DEGREES, 38 MINUTES AND 21 SECONDS EAST, 392.14 FEET TO A POINT FOR THE PLACE OF BEGINNING; THENCE SOUTH 12 DEGREES, 58 MINUTES AND 46 SECONDS WEST, 151.54 FEET; THENCE SOUTH 77 DEGREES, 33 MINUTES AND 14 SECONDS EAST, 232.32 FEET; THENCE NORTH 09 DEGREES, 25 MINUTES AND 42 SECONDS EAST, 25.22 FEET; THENCE NORTH 18 DEGREES, 47 MINUTES AND 42 SECONDS EAST, 105.10 FEET; THENCE NORTH 17 DEGREES, 50 MINUTES AND 07 SECONDS EAST, 66.19 FEET; THENCE NORTH 87 DEGREES, 38 MINUTES AND 21 SECONDS WEST, 251.31 FEET TO THE PLACE OF BEGINNING IN JO DAVIESS COUNTY, ILLINOIS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.





Map Scale - 1" = 350'

Legend

- Countryside Residential (CSR)
- Downtown Commercial (DC)
- General Commercial (GC)
- High Density Residential (HDR)
- Heavy Industrial (HI)
- Limited Agriculture (LA)
- Low Density Residential (LDR)
- Medium Density Residential (MDR)
- Neighborhood Commercial (NC)

