

AGENDA
ZONING BOARD OF APPEALS

October 14, 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 September 9, 2015 ZBA Meeting Minutes.

OLD BUSINESS

4. 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. 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 October 9, 2015
By Matt Oldenburg*

**MINUTES
ZONING BOARD OF APPEALS
SEPTEMBER 9, 2015**

CALL TO ORDER:

Acting Chairperson Nybo called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, September 9, 2015 at City Hall, 101 Green Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

Baranski	Present
Bochniak	Absent
Cook	Present
Holman	Present
Nybo	Present
O'Keefe	Present
Rosenthal	Absent

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 Baranski to approve the minutes for the July 8, 2015 meeting.

Motion to approve the minutes carried on voice vote.

OLD BUSINESS

None

NEW BUSINESS

Cal. No. 15A-01, City of Galena, 101 Green Street, Request for text amendment to revise Chapter 155: Floodplain Management Standards of the City of Galena Code of Ordinances to meet new requirements of the Federal Emergency Management Agency (44 Code of Federal Regulations Sections 60.3(c)).

MOTION: Baranski moved, seconded by O’Keefe to open the Public Hearing on Cal. No. 15A-01.

Motion carried on voice vote.

Oldenburg presented for the City. He stated that every five years FEMA updates this information for the National Floodplain Insurance System. The City of Galena has participated in this since 1973; the last update was 2010. No changes were made to the maps but changes were made to 60.3C. The changes need to be adopted by December 2, 2015 for the City to participate. This qualifies Galena and its citizens to participate in the insurance program. The City worked with the DNR and the Office of Water Resources for a template that is acceptable to FEMA.

Cooked asked about 155.067 - the entire section is crossed thru.

Oldenburg said this information is now referenced in other sections.

No one was present to testify either in favor of or against the request.

MOTION: O’Keefe moved, seconded by Baranski to close the Public Hearing on Cal. No. 15A-01.

MOTION: O’Keefe moved, seconded by Baranski to approve the request for a text amendment to revise Chapter 155: Floodplain Management Standards of the City of Galena Code of Ordinances to meet new requirements of the Federal Emergency Management Agency (44 Code of Federal Regulations Sections 60.3(c)) as written.

O’Keefe said the federal government is the only one who offers flood insurance. Without the Floodplain Management Standards you would not be able to protect your land – actually you wouldn’t even be able to purchase property in the floodplain.

Baranski agreed.

The Board reviewed the Approval Criteria:

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.

The Board agreed that only # 4 was applicable to this request.

As Roll Call was:

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

Motion carried.

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: Baranski moved, seconded by Cook to open the Public Hearing on Cal. No. 15S-03

Motion carried on voice vote.

Oldenburg presented for the City. Cobblestone Crossing has been in existence for quite some time. There is a new owner and development continues. It may or may not have been the intent when the subdivision was approved but there should be a sign indicating when you are entering a subdivision. The developer approached the city about locating a sign at the entrance to Cobblestone Crossing – where Cobblestone Boulevard begins. The reason for the Special Use Permit is because the property that defines Cobblestone Boulevard does not have any available adjacent land to locate the sign. Typically we would require that the sign be located on premise. When the subdivision street meets all the requirements it will be deeded over to the City as right of way. By recommendation of the developer and with the agreement of the City the logical place to locate the sign would be in a spot that would also screen the sanitary sewer lift station. The developer would purchase the large limestone rock for the monument sign and have Cobblestone Crossing etched in. They will also pay to landscape the area with native perennials and shrubs and maintain the area.

O’Keefe said he believed the previous developer paid for the infrastructure.

Oldenburg said he had.

Oldenburg added that typically we don’t allow off premise signs because of the National Scenic Byways Act. Commercial businesses are not allowed off premise signs. This is a residential development and allowing this sign serves a purpose to the city also.

Cook asked if it would interfere in any way with the lift station.

Oldenburg said both Andy Lewis, City Engineer and Jeff Saylor, American Water manager had signed off on this.

No one was present to testify either in favor of or against the request.

MOTION: Baranski moved, seconded by Cook to close the Public Hearing on Cal. No. 15S-03.

Motion carried on voice vote.

MOTION: O’Keefe moved, seconded by Holman to draft a positive Finding of Fact for a request for a 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.

O’Keefe said the subdivision has struggled but seems to be back on track. The sign won’t necessarily help the development but it will screen the unsightly lift station at the entrance to the subdivision.

As Roll Call was:

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

Motion carried.

COUNTY ZONING

None

WORKSESSION/OTHER

None

PUBLIC COMMENTS

None

MOTION: Cook moved, seconded by Holman 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: 15S-03

APPLICATION BY: The City of Galena, 101 Green Street,
Galena, IL 61036

FOR: A Special Use Permit to allow
an off-premises sign in the right-of-way, off-street, near that
entrance to Cobblestone Boulevard to indicate entrance to
the Cobblestone Crossing subdivision and to provide
screening for the adjacent lift station equipment.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on September 9, 2015. 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 City is currently working with Don Wiene to develop the Cobblestone Crossing Subdivision. Mr. Wiene suggested that a sign be placed at the entrance to the Cobblestone Boulevard in order to notify drivers that they are entering the subdivision. He would have placed it on the Cobblestone property, but there is no space available along the Boulevard that would meet the criteria for a freestanding sign without being on someone's adjacent property. The nearest place with space available would be when you area all the way into the subdivision where the land widens-out after the Boulevard. The alternative place is to place the sign near the entrance that is on the City right-of-way at the corner near the sanitary sewer lift station. This right-of-way was made to accommodate access to the lift station for maintenance purposes. Mr. Wiene will pay for the sign

materials and for the placement of landscaping around the sign. The benefit to the City is that it notifies people of the subdivision entrance as well as screens the unsightly lift station equipment.

The sign will be monument style, made of limestone with Cobblestone Crossing etched into the stone. The dimensions of the sign is 5 feet tall by 8 feet wide, or 40 square feet; well under the limit of 100 square feet for a freestanding sign. No lighting is planned at this time.

PUBLIC SUPPORT AND/OR OBJECTIONS

In accordance with Article 9, Section 154.924 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 applicants 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:

Matthew Oldenburg, City of Galena, applicant, spoke in favor of the request. He stated that Cobblestone Crossing has been in existence for quite some time. There is a new owner and development continues. It may or may not have been the intent when the subdivision was approved but there should be a sign indicating when you are entering a subdivision. The developer approached the city about locating a sign at the entrance to Cobblestone Crossing – where Cobblestone Boulevard begins. The reason for the Special Use Permit is because the property that defines Cobblestone Boulevard does not have any available adjacent land to locate the sign. Typically we would require that the sign be located on premises. When the subdivision street meets all the requirements it will be deeded over to the City as right of way. By recommendation of the developer and with the agreement of the City the logical place to locate the sign would be in a spot that would also screen the sanitary sewer lift station. The developer would purchase the large limestone rock for the monument sign and have Cobblestone Crossing etched in. They will also pay to landscape the area with native perennials and shrubs and maintain the area.

- **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(A) sets forth the regulations and requirements for Off-Premises Signs
- 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 the public right-of-way.
2. The purpose of the sign is to indicate entrance to the Cobblestone Crossing subdivision.
3. The sign will also serve as a screening area for the adjacent sanitary sewer lift station.
4. The placement of the sign will not interfere with utilities or the maintenance of the lift station.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by the City of Galena, for an off-premises sign at the entrance to Cobblestone Boulevard, Galena, IL should be approved for the following reasons:

1. Special Use Permit criteria §154.924(C) 1-3 are not applicable.
2. The request meets the regulations established for off-premises signs per §154.810(A).
3. The request is compatible with adjoining properties through:
 - a. The elements of the plan are designed and arrange to have a minimal negative impact on the use and enjoyment of adjoining property.
 - b. The elements of the plan will coexist in a harmonious manner with nearby existing properties.

DECISION

NOW, THEREFORE BE IT RESOLVED, that this Zoning Board of Appeals has determined that this request by City of Galena, for an off-premises sign located at the entrance to Cobblestone Boulevard, Galena, IL shall be approved.

PASSED AND APPROVED this 9th day of September, A.D. 2015, by the Galena Zoning Board of Appeals by a vote of 5 ayes, 0 nays, 2 absent, 0 abstain, 0 recused.

Mr. William Nybo, Acting Chairperson