

**AGENDA**  
**ZONING BOARD OF APPEALS**

**January 13, 2016**

**6:30 PM**

**CITY HALL, 101 GREEN STREET, GALENA, IL**

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Approval of December 9, 2015 ZBA Meeting Minutes.

**OLD BUSINESS**

4. None

**NEW BUSINESS**

5. Cal. No. 16S-01, Applicant: Straka Johnson Architects, P.C., 3555 Digital Drive, Dubuque, IA 52003 for Owner: John Coulter, 201 South Main Street, Galena, IL 61036. Location: Parcel: 22-100-049-00, Lot 34 between Main and Bench Streets in the original town of Galena, situated on the West side of the Galena River, City of Galena, Jo Daviess County, Illinois. Common address 201 South Main Street, Galena, IL 61036. Request for Special Use Permit to expand an existing, conforming, Outdoor Dining land use. This request is contingent upon a Street Vacation request to vacate part of Washington Street between Main and Bench Streets.
6. Concept Plan Review, Applicant: MSA Professional Services, Inc. for Owner: 997 Galena LLC, 2439 Kruser Rd., Hamilton, NJ 08690. Parcel: 22-200-079-04, Lot 4 of the Galena Square Subdivision, Galena, IL 61036. Request for concept plan review to provide non-binding feedback on proposed development at the outlot for Galena Square. Proposal includes a single-story, 2-3 tenant building to be located in the South parking lot area of the Galena Square Shopping Center.

**COUNTY ZONING**

7. None

**WORKSESSION & OTHER**

8. None

**PUBLIC COMMENTS**

9. Public Comments
10. 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 January 8, 2016  
Updated January 11, 2016  
By Matt Oldenburg*

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

**CALL TO ORDER:**

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, December 9, 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	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 Cook to approve the minutes for the October 14, 2015 meeting.

Motion to approve the minutes carried on voice vote.

**OLD BUSINESS**

None.

## NEW BUSINESS

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.

**MOTION:** O'Keefe moved, seconded by Baranski to open the Public Hearing on Cal. No. 15A-02.

Motion carried on voice vote.

Nack swore in Oldenburg as he was speaking on behalf of the applicant, the City of Galena.

Oldenburg presented for the City and started with a brief history of the Casey's project. In mid-2014 Casey's began exploring the possibilities of building a convenience store on Red Gates Road and spoke with the County and the City. The discussion included site plans, requirements for the Highway 20 Corridor and connecting to city utilities. They understood they would be billed double the standard rate for water and sewer. Annexation was not discussed at that time. Annexing the property was always at the discretion of the City Council. They were advised of the current laws and regulations. Casey's pursued this further and decided to move forward with the County. When the City learned Casey's was going to build on Red Gates Road the City Council discussed annexation and, if in the future, when commercial properties request hook up to utilities that they be required to annex. The Council then did just that – an ordinance was passed requiring such properties to annex when requiring city service. At that time the City and Casey's needed to figure out if that meant they would need to annex. Casey's had already begun the permitting process thru the County so they were allowed to continue and Casey's corporate asked that formal annexation take place in January 2016. During annexation negotiations Casey's said they wanted to be compliant with the current zoning regulations to the furthest extent possible. That's why this is before the Zoning Board. Rezoning to General Commercial allows in vehicle sales and service land use which is only allowed in GC by right only. They did upgrade the building style to be more compatible – gabled roof and brick façade. City code does not allow digital gas signs and only allows two façade wall signs for auto oriented stations. These two items do not meet City standards so they are nonconforming legally existing when they are annexed into the City and they will be able to continue to use those signs. Their temporary signs will have to comply with

temporary signage code and obtain permits. Oldenburg said he understands concerns that a precedent has been set but he feels this is an anomaly. State statute will now require a property in the specified proximity to tie into city utilities and will require annexation as well as compliance with City Code. The City had to wait 60 days after Casey's opened before they could begin the annexation process.

Nybo asked if they would be removing the digital sign after annexation.

Oldenburg said the sign would be a legally existing nonconforming sign – they will be able to keep the sign. In the future if they change the sign the nonconforming regulations would apply.

Bochniak asked about storm water issues. Have there been adverse effects on the neighbors.

Oldenburg said during construction a storm with heavy rain impacted property below the construction site. The engineers, contractors and Casey's remediated and designed a larger retention pond that has sufficiently handled the storm water.

No one was in attendance to testify either in favor of or in opposition to the request.

**MOTION:** O'Keefe moved, seconded by Baranski to close the Public Hearing on Cal. No. 15A-02.

Motion carried on voice vote.

**MOTION:** O'Keefe moved, seconded by Holman to approve the request for a map amendment to rezone approximately 4.08 acres from Limited Agriculture to General Commercial upon annexation into the City of Galena, Cal. No. 15S-03 as written.

Discussion: O'Keefe understood the concern about the application process. The City needed to get the tax and utility revenue. It was unusual but it would have been a shame to lose these monies.

Baranski agreed. It is good for the City but the process was circumvented and it could set a precedent. The Zoning Board of Appeals is supposed to review and recommend before something is built in that corridor.

Rosenthal said future development would need to annex to have access to utilities. New development would conform to city code.

O'Keefe said he understood the concerns but the new ordinance should prevent this from happening again.

Rosenthal said the intent may have been to not annex.

O'Keefe said the building does look better than most convenience type stores.

Nybo said he does not like that the ZBA was kept out of the process.

Rosenthal said from here forward this type of situation would have to comply and the Zoning Board would see it from the start.

The Board discussed 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 the request complies with all but #1 and #2.

The Board also noted the applicant did comply with Jo Daviess County Building and Zoning regulations.

As Roll Call was:

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

Motion carried.

### **COUNTY ZONING**

None.

### **WORKSESSION/OTHER**

None

### **PUBLIC COMMENTS**

None.

**MOTION:** Bochniak moved, seconded by Cook to adjourn the meeting at 7:10 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: January 8, 2016

RE: Cal. No. 16S-01, Applicant: Straka Johnson Architects, P.C., 3555 Digital Drive, Dubuque, IA 52003 for Owner: John Coulter, 201 South Main Street, Galena, IL 61036. Location: Parcel: 22-100-049-00, Lot 34 between Main and Bench Streets in the original town of Galena, situated on the West side of the Galena River, City of Galena, Jo Daviess County, Illinois. Common address 201 South Main Street, Galena, IL 61036. Request for Special Use Permit to expand an existing, conforming, Outdoor Dining land use. This request is contingent upon a Street Vacation request to vacate part of Washington Street between Main and Bench Streets.

### Summary:

The applicant is requesting a Special Use Permit to allow expansion of an existing, conforming Outdoor Dining land use in the Downtown Commercial District. This land use is allowed by Special Use Permit only in the Downtown Commercial District.

The applicant states that, “the proposed project is a re-development of historic Washington Street into a terraced outdoor dining plaza for Vinny Vanucchi’s Italian restaurant. Currently, historic Washington Street is a brick paved pedestrian street that functionally does not extend completely to Bench Street above for either vehicular or pedestrian traffic. The current function of the street is primarily an aesthetic one with a historical throwback to yesteryear.

The development we are proposing is intended to generate new lift while respecting the historical significance of Washington Street as we give new purpose to an otherwise unused space. Our idea is to develop this space into a cascading four tier outdoor dining plaza that allows the public to engage and experience the drama of Washington Street and the views of Galena as they dine at varied levels above Main Street. Our intention is to be respectful of the history and the existing conditions while maintaining minimal disturbance of what is currently in place. We are looking to remove / salvage the historical brick pavers, maintain the existing limestone retaining walls / wall caps & continue to utilize the existing lamp posts. At the same time we will refurbish the existing staircases as required and upgrade all railing assemblies with a more appropriate historic aesthetic than the existing steel tube railings. The existing staircase / pedestrian easement will remain from Main to Bench Street. Also, there will be no building to occupy the space proposed. Each terrace will integrate new large block limestone retaining to match the existing and have new stamped concrete paving with area drains to manage water runoff. The first tier will be level with the existing Main Street sidewalk allowing for ADA accessibility to the new space. A new kiosk is planned to replace the existing lamp post at the bottom pier. This pier is rotated from the others which plays into our idea to create a four sided kiosk that engages the public on two sides. One side is proposed for a menu case for Vinny Vanucchi’s and the other side / case will display and honor historic images of Washington Street for the public to enjoy from Main Street sidewalk / plaza. Ultimately, the goal is to create a dynamic space with thoughtful detailing that the public can enjoy while adding to the existing charm of Galena as a pedestrian enriched community.”

Vinny Vanucchi’s currently has an existing, conforming Outdoor Dining land use, meaning that Outdoor Dining was allowed by right (no Special Use Permit required) in the Downtown Commercial District before the current Zoning Code was adopted. The current Zoning Code requires a Special Use Permit for Outdoor Dining as an accessory commercial land use and sets

forth detailed regulations in §154.406 (K)(7), therefore an expansion of Outdoor Dining area requires a Special Use Permit request per §154.919(L)(2). Furthermore, §154.406 (K)(7) requires that if the area of outdoor dining exceeds 15% of the principal indoor dining land use, then it must meet the detailed requirements of Sales & Service, Outdoor Display land use in §154.406 (D)(5). In my review, I have determined that the proposed 1700 square feet of additional outdoor dining area exceeds the 15% of the indoor dining area and that this proposed request meets the applicable detailed regulations set forth in §154.406 (D)(5).

Staff has conducted review of the proposal and a site visit to determine impact of the project regarding utilities. It has been determined that an abandoned sanitary sewer was under the proposed site and is no longer utilized. There is also a 12 inch storm sewer that runs underneath the site and drains into a manhole on Main Street. The City will require a utility easement at the time of the Street Vacation to maintain these utilities as well as a public easement to continue the use of the sidewalk connecting Main to Bench Streets. No other water or sewer utilities are known to pass through this location.

In review of the Comprehensive Plan, the proposed use generally supports tourism and economic development as indicated in Chapters 2 and 10, however, there are no specific goals / objectives that positively or negatively apply to this request.

At their meeting on January 7, 2016, the Historic Preservation Commission approved the proposed development by their criteria. The grounds for approval was that the existing development was built in 1987 and not based on any historic structure that existed previously. Up until the early 1900's, there was a two-story brick commercial structure that sat where the present day Washington Park is. There was also some sort of farrier shop that sat on the hill behind it near the present day outdoor dining area of Vinny Vanucchi's.

Surrounding land uses include Commercial / Tourism / Apartments / Residential.

#### **Approval Criteria & Recommendation:**

The purpose of a special use review is to provide an opportunity to utilize property for an activity, which under usual circumstances, could be detrimental to other permitted uses and which normally is not permitted within the same district. A special use may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses. A special use is not a use by-right and one that is otherwise prohibited without approval of a special use permit.

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](#).
- (2) *District standards.* The underlying zoning district standards established in §§ [154.201](#) through [154.209](#) including the defining characteristics of the district;
- (3) *Specific standards.* The land use regulations established in § [154.405](#);
- (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.

(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;

(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.

(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.

**The Zoning Board of Appeals can grant, conditionally grant, or deny all applications for a Special Use Permit or an amendment thereof. If the Board would like to grant the request, a motion to draft Findings of Fact should be entertained. The Findings of Fact will then be presented for final consideration at the next Board meeting.**

# CITY OF GALENA, ILLINOIS



## Request for Special Use Permit

Name: STRAKA JOHNSON ARCHITECTS (REPRESENTATIVE)

Address of Applicant: 3555 VITAL DR. DUBUQUE IOWA 52003  
City State Zip

Phone #: 563-556-8877 Email: LANEL@SJARCH.COM

Name of Property Owner (if different from applicant): JACK COULTER

Address of Interest: 201 S. MAIN STREET, GALENA, ILLINOIS 61036

Present Use of Property: HISTORIC STREET Proposed Use: DINING PLAZA

Zoning District: DOWNTOWN COMMERCIAL Within Historic District?:  Yes  No

### Reason for Special Use

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

Please provide a written statement explaining the nature of the proposed special use: \_\_\_\_\_

SEE ATTACHED  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Explain how the propose use or expansion is necessary or desirable to provide a service or facility which is in the interest of the public convenience: \_\_\_\_\_

SEE ATTACHED  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Explain how the proposed use or expansion will contribute to the general welfare of the neighborhood or community: SEE ATTACHED

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Will the proposed use or expansion create noise, glare, vibration, odor, or in any other way be detrimental to the health, safety, morals, or general welfare of persons working or residing in the vicinity?

Yes  No If yes, please explain: \_\_\_\_\_

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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 building, structure, and sign plans to such a scale that all pertinent features are legible, if applicable.
4. Identify the general land use, zoning, and any special characteristics of the adjacent properties to the north, south, east, and west.

North: WASHINGTON PLAZA

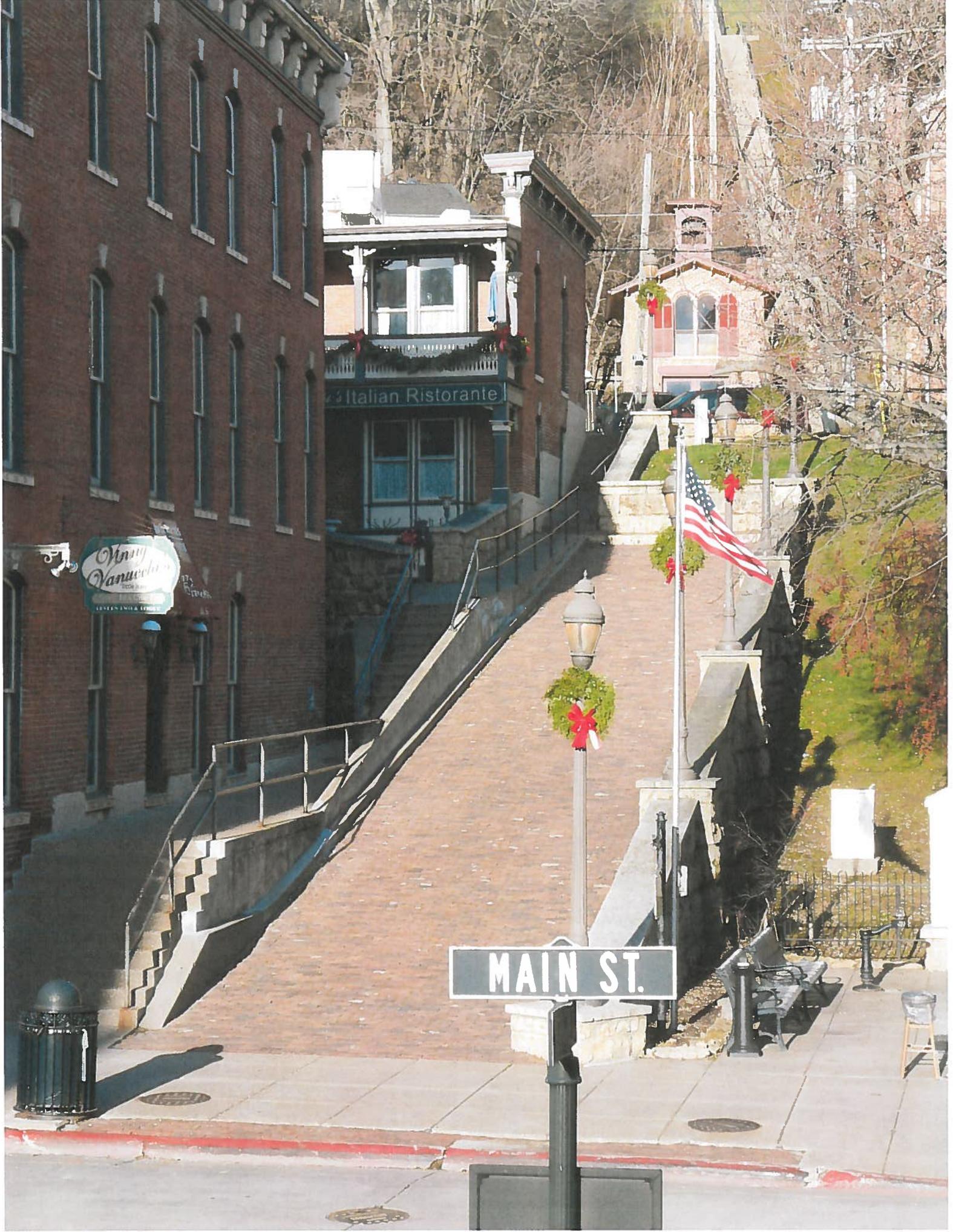
South: ST. LOUIS BLDG. / VINNY YANUCCHI'S RESTAURANT

East: S. MAIN STREET

West: S. BENCH STREET



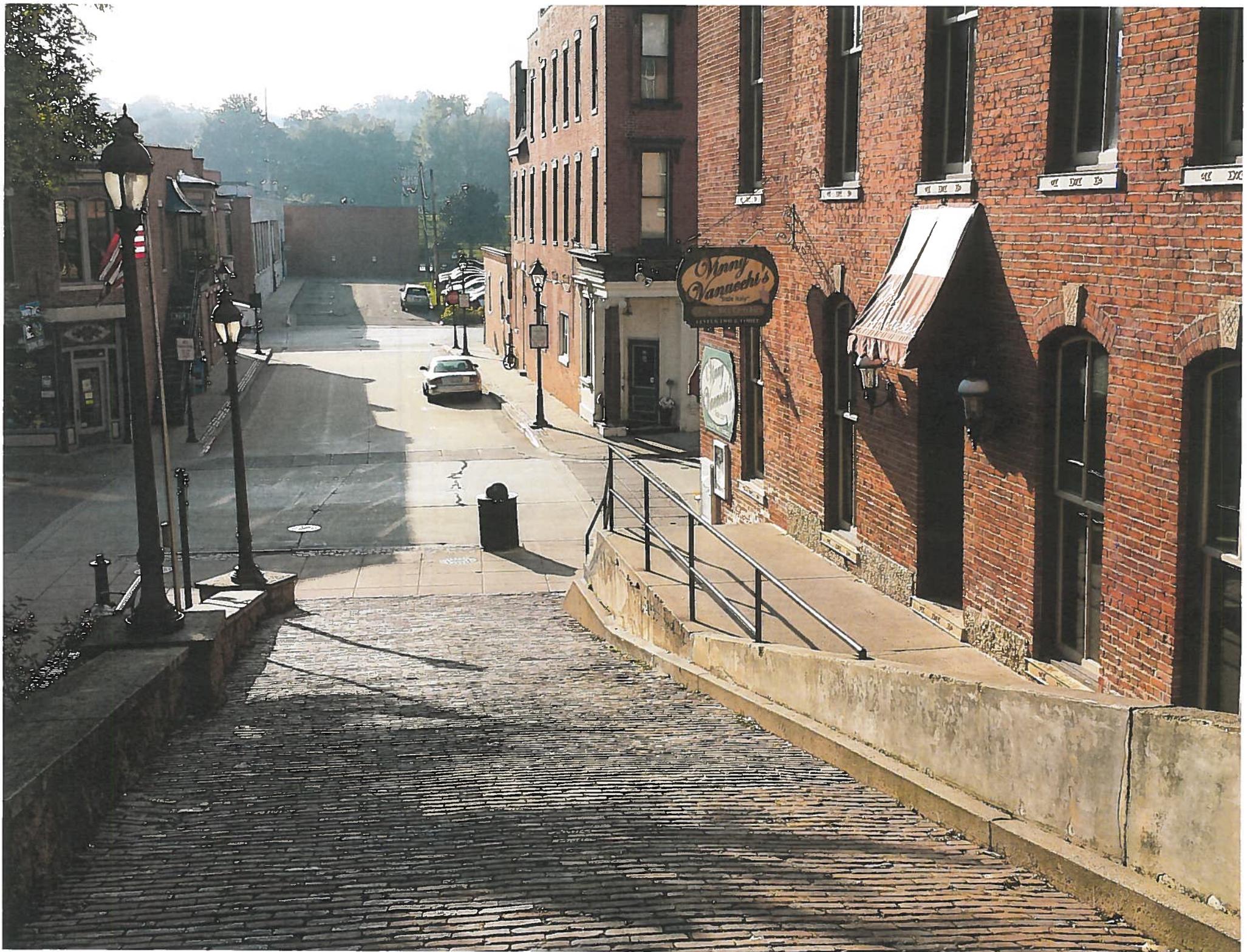




Manny Vanuchin  
EST. 1954

Italian Ristorante

MAIN ST.





CHAMBER OF COMMERCE  
TOURIST INFORMATION

POST









CONCEPT SKETCH

Drawing Name: F:\PROJECTS\15\15042 - Vinny Vanucchi's Galena - Outdoor Dining\Drawings\24x36 Title Block.dwg

**Straka Johnson Architects, P.C.**  
3555 Digital Drive  
Dubuque, Iowa 52003  
Phone (563) 556 - 8877  
Fax (563) 556 - 0367

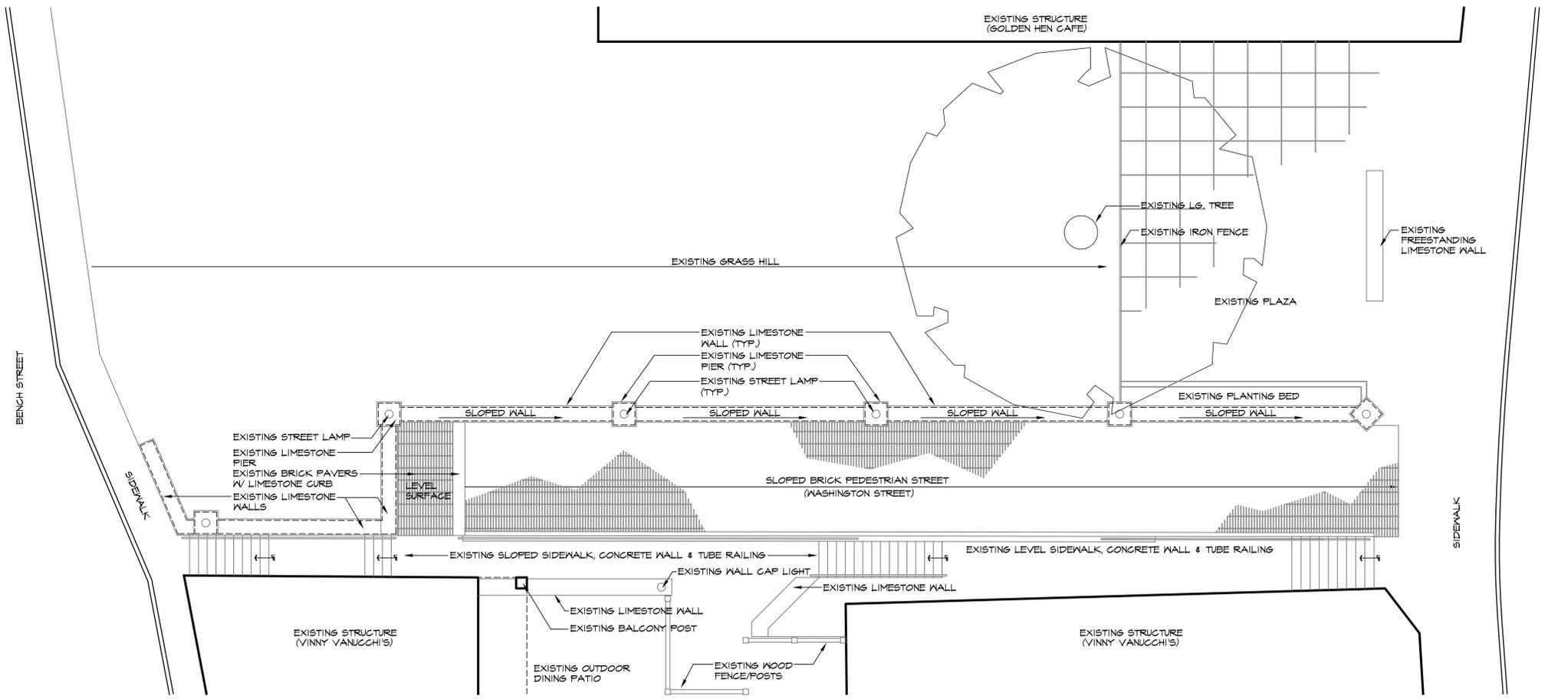
**VINNY VANUCCHI'S RISTORANTE**  
**OUTDOOR DINING**

GALENA, ILLINOIS

Date 10-16-15  
Revision 12-01-15

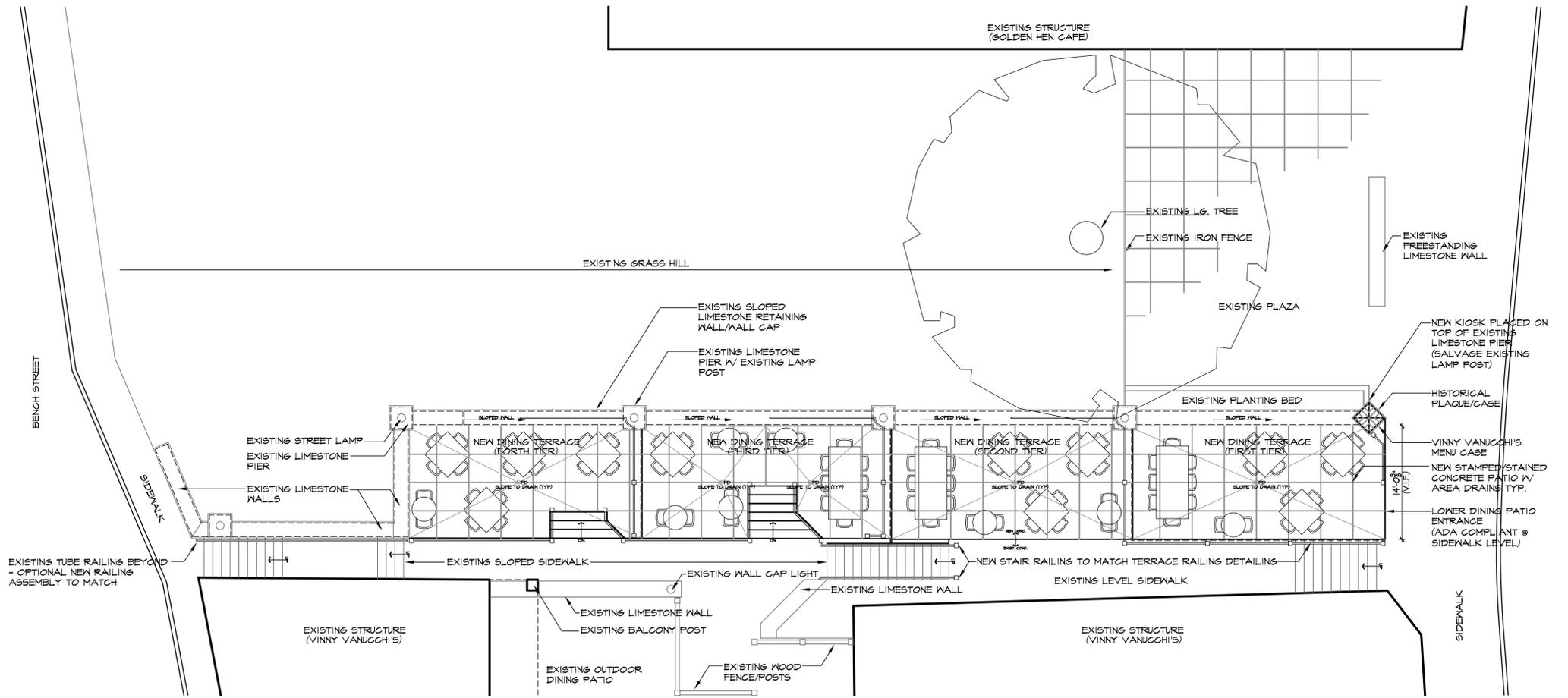
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Sheet  
1 of 3



EXISTING CONDITIONS

SCALE = 1/8" = 1'-0"



PROPOSED PLAN

SCALE = 1/8" = 1'-0"

**Straka Johnson Architects, P.C.**  
 3555 Digital Drive  
 Dubuque, Iowa 52008  
 Phone (563) 556-8877  
 Fax (563) 556-0361

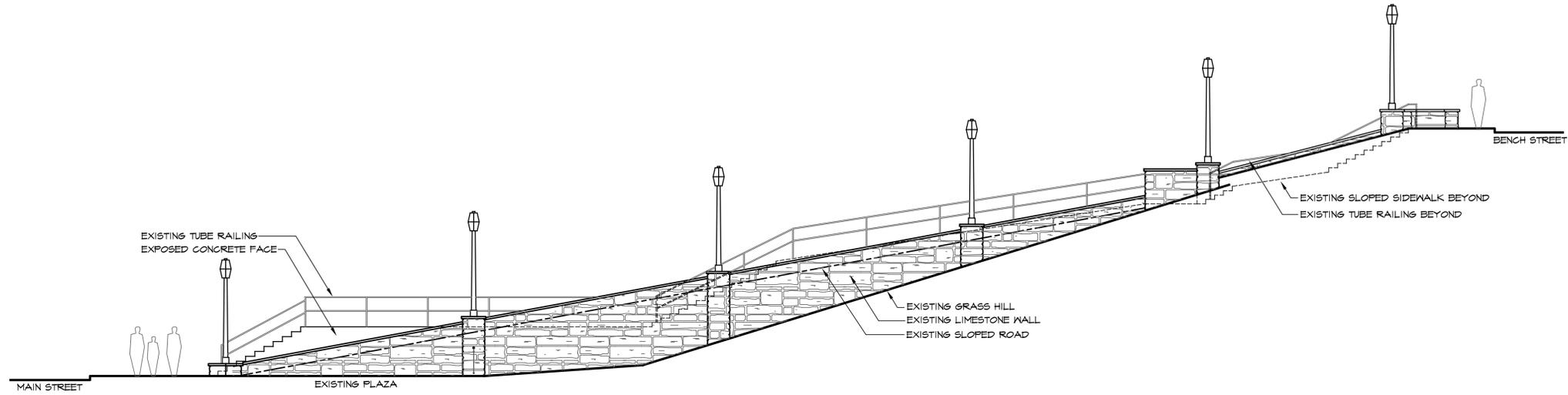
The use of these drawings shall be restricted to the original site for which they were prepared. Any other use without the express written consent of the architect is prohibited. Reproduction, publication or re-use of these drawings by any method in whole or in part, is prohibited. Title to these drawings remains with the architect without prejudice. Visual contact with these plans shall constitute prima facie evidence of the acceptance of these restrictions.

**VINNY VANUCCHI'S RISTORANTE**  
**OUTDOOR DINING**  
 GALENA, ILLINOIS

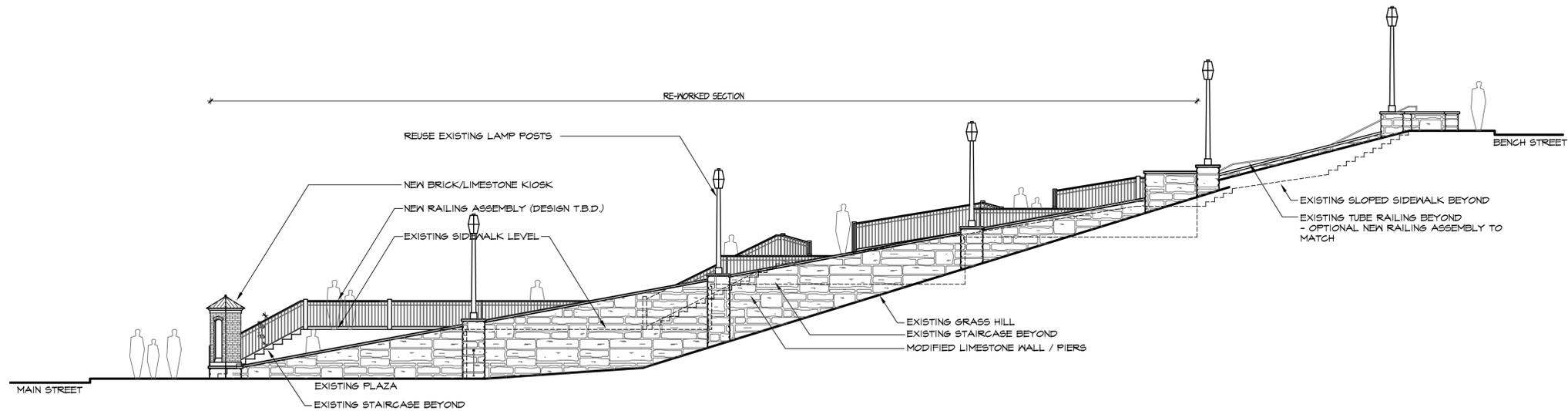
Revision	11-04-15
	12-01-15
Date	10-16-15
Drawn By	LLL
Project Number	15042
Sheet Number	

**C.I.I.**

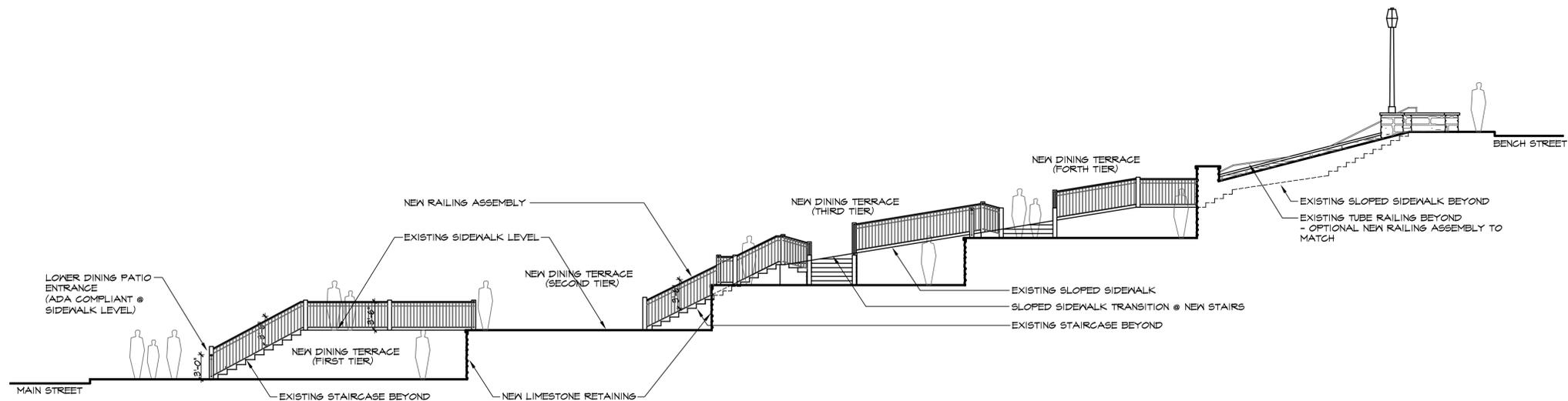
Drawing Name: F:\PROJECTS\15\15042 - Vinny Vanucchi's Galena - Outdoor Dining\Drawings\C1-Garden Plandwg Last Modified: Dec 02, 2015 - 13:18m Plotted on: Dec 03, 2015 - 9:44am by laugesen



**EXISTING ELEVATION**  
SCALE = 1/8" = 1'-0"



**PROPOSED ELEVATION**  
SCALE = 1/8" = 1'-0"



**PROPOSED SECTION**  
SCALE = 1/8" = 1'-0"

## MEMO

To: The Zoning Board of Appeals  
From: Matt Oldenburg, Zoning Administrator  
Date: January 11, 2016

RE: Concept Plan Review, Applicant: MSA Professional Services, Inc. for Owner: 997 Galena LLC, 2439 Kruser Rd., Hamilton, NJ 08690. Parcel: 22-200-079-04, Lot 4 of the Galena Square Subdivision, Galena, IL 61036. Request for concept plan review to provide non-binding feedback on proposed development at the outlot for Galena Square. Proposal includes a single-story, 2-3 tenant building to be located in the South parking lot area of the Galena Square Shopping Center.

### Summary:

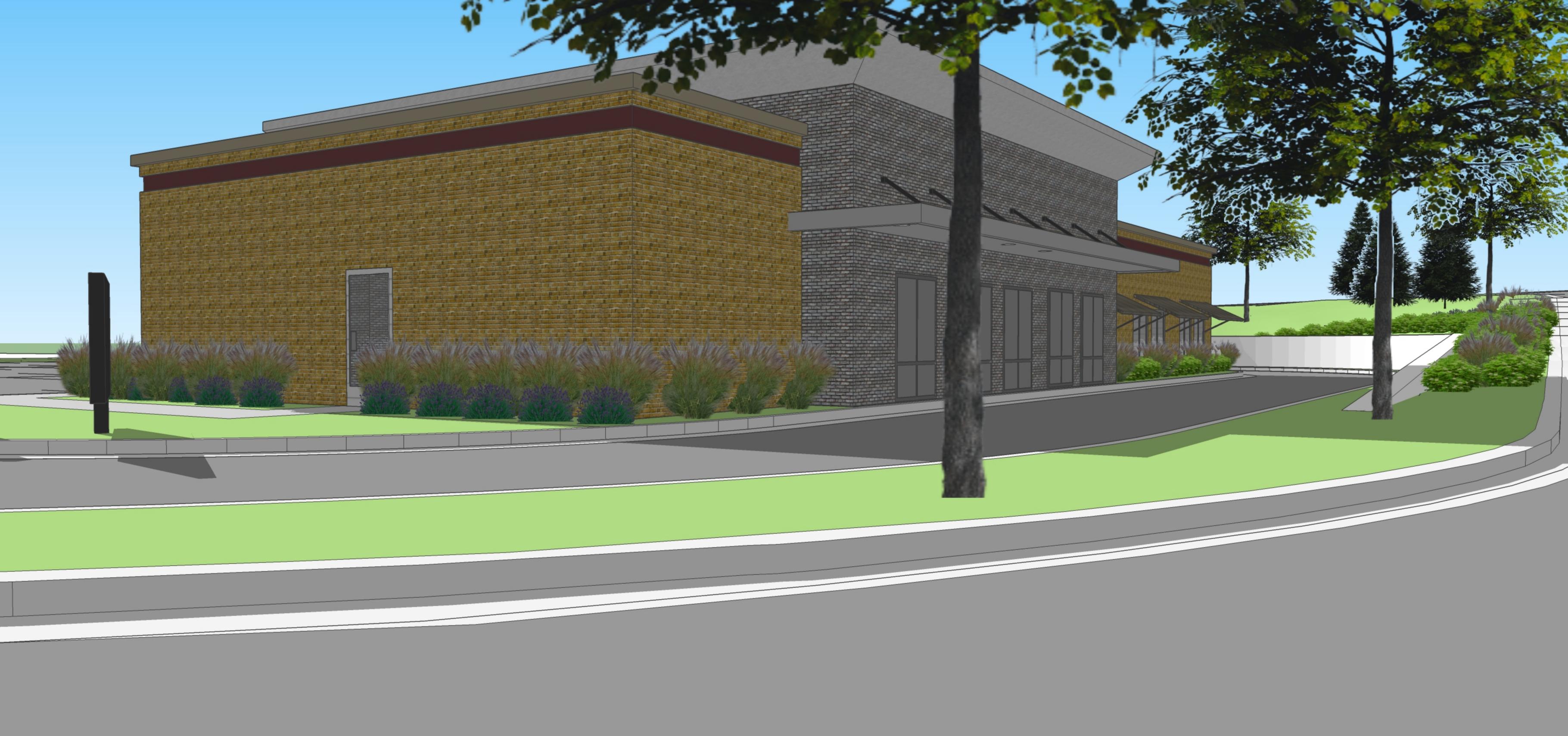
The purpose of Concept Plan Review is an optional process that may provide an applicant with a general, non-binding direction from the Zoning Board of Appeals prior to submittal of a development application.

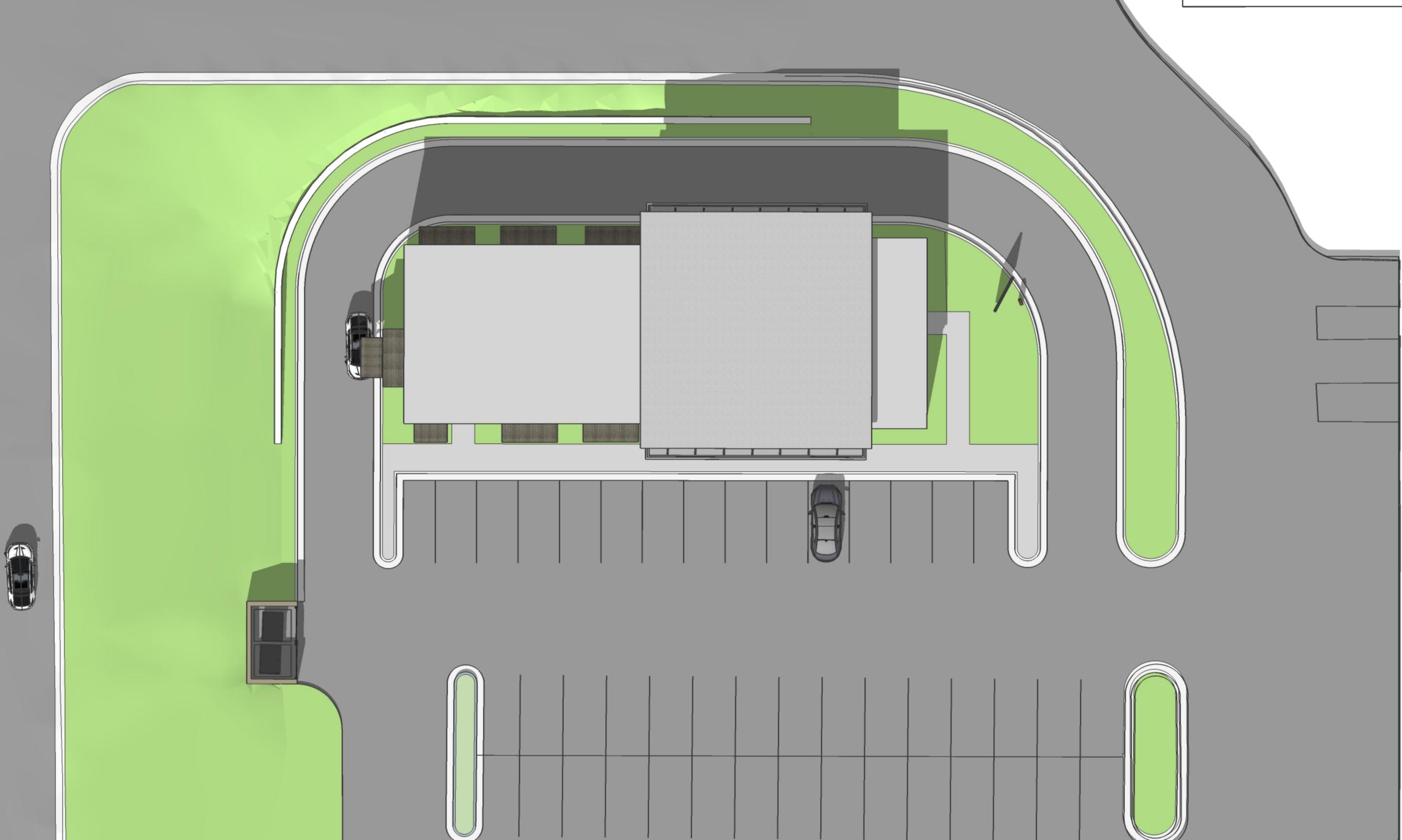
The applicant is working with the owner to design a proposed future development in the outlot of Lot 4 of the Galena Square Subdivision, commonly known as the Galena Square Shopping Center. This lot lies within the Galena Square PUD, approved in 1990, and was noted on the plan to be unrestricted commercial land use; therefore, Sales & Service, In-Vehicle, would be allowable at this location as a land use, to include a drive-through restaurant.

The concept review conducted by the Zoning Administrator in preliminary discussions indicates a total expansion of 6,000 square feet allowed on the site before the minimum required parking spaces amount is exceeded. Due to adherence of the agreement, the Zoning Ordinances in effect at the time of the agreement are applicable to this request. Therefore, only a Non-administrative Highway 20 Development Permit request will be required to be heard at a public hearing with the Zoning Board of Appeals when the applicant is ready.

The purpose of this review with the ZBA is to provide direction on the building siting, orientation and aesthetics per the Highway 20 Corridor Design Manual Standards. Preliminary review of utilities indicate sanitary sewer located across the Southern side of the parking lot. Storm sewer and storm water facilities are connected to the existing detention pond located at the South end of James Street. Due to the existence of impervious area where the proposed development sits, Staff has determined that the proposed development would be a relatively negligible impact on the detention pond as it was sized for a full development of Galena Square and enlarged when Prestwick Apartments went in. The Engineering Department did recommend that the developer contribute to the removal of silt sediment in the pond to restore it to original capacity.

Initial review of the architectural features of the proposed concept indicate a preference for a gabled roof rather than a flat roof to compliment the existing development. Wall materials should also be consistent with the Design Manual and compliment the existing development at Galena Square. The current building siting is similar to that of the McDonald's restaurant in its orientation and visible facades.



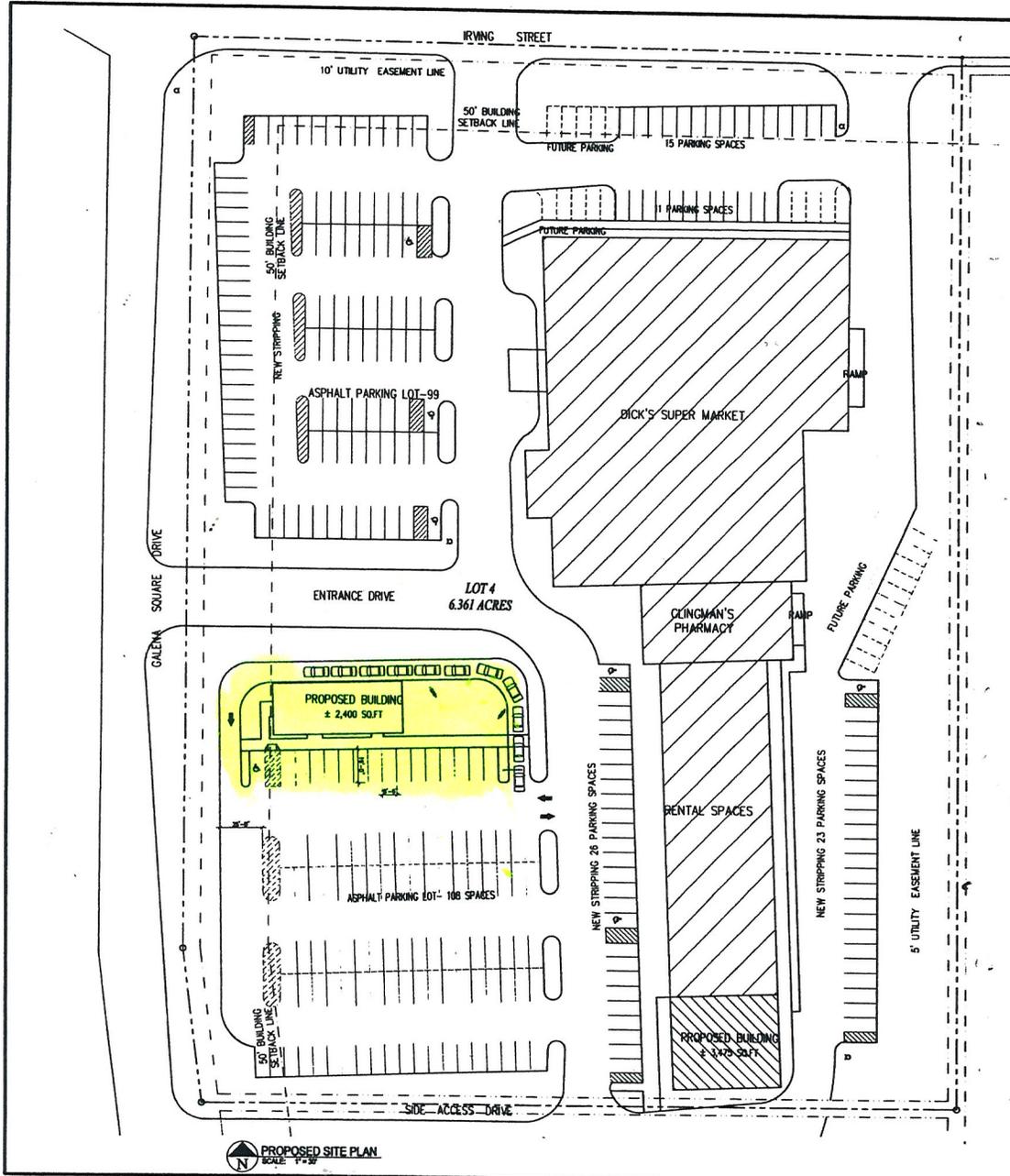




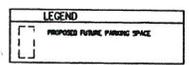








PROPOSED SITE PLAN  
SCALE: 1" = 20'



PARKING REQUIREMENTS	
PARKING SPACE (1) PER 300 SQ. FT ABOVE 2000 SQ. FT.	
EXIST. BUILDING	= 49,724 SQ. FT = 165 SPACES
PROPOSED BUILDING	= 2400 SQ. FT = 8 SPACES
PROPOSED BUILDING	= 3475 SQ. FT = 12 SPACES
<b>TOTAL PARKING SPACE REQUIRED</b>	<b>= 185 SPACES</b>
EXIST. PARKING SPACES AS SHOWN ON SURVEY DATED 9/21/99 PREPARED BY PAUL C. BRASHAW = 286 SPACES	
REVISED ACCESSIBLE SPACES	= 7 SPACES
<b>TOTAL REVISED PARKING SPACES AS SHOWN</b>	<b>= 283 SPACES</b>
PROPOSED FUTURE PARKING SPACES	= 24 SPACES
<b>TOTAL FUTURE PARKING SPACES</b>	<b>= 307 SPACES</b>

**RONALD P. SORCE ARCHITECTS, P.C.**  
 121 S. WILKE RD SUITE 400  
 ARLINGTON HTS., IL 60005  
 PHONE 847.392.8600 FAX 847.394.4872  
 A.I.A. N.C.A.R.B. - A.L.A. S.A.R.A.  
 WWW.RPSARCHITECTS.COM

**GALENA SQUARE S.C.**  
 GALENA SQUARE DR. AND  
 IRVING STREET  
 GALENA, ILLINOIS

NO.	REVISIONS	BY	DATE

PROJECT # 04181  
 DRAWN BY EAC  
 DATE 08.06.04  
 SHEET TITLE PROPOSED SITE PLAN  
 SHEET NUMBER

**A1.00**