



City of Galena, Illinois

AGENDA

ZONING BOARD OF APPEALS

WEDNESDAY, DECEMBER 13, 2017
6:30 P.M. – CITY HALL 101 GREEN STREET

ITEM	DESCRIPTION
17Z-2001	Call to Order by Presiding Officer
17Z-2002	Roll Call
17Z-2003	Establishment of Quorum

APPROVAL OF MINUTES

ITEM	DESCRIPTION	PAGE
17Z-2004	Approval of the Minutes of the Regular Meeting of November 8, 2017	3-6

UNFINISHED BUSINESS

ITEM	DESCRIPTION	PAGE
	No Unfinished Business	

NEW BUSINESS

ITEM	DESCRIPTION	PAGE
17S-37	Lauren Knapp – Request for Special Use Permit for Guest Accommodations, Vacation Rental at 233 Diagonal Street.	7-10

OTHER BUSINESS

ITEM	DESCRIPTION	PAGE
17Z-2005	Public Comments <ul style="list-style-type: none">• Not to exceed 15 minutes as an agenda item• Not more than 3 minutes per speaker	
17Z-2006	Adjournment	

CALENDAR INFORMATION

BOARD/COMMITTEE	DATE	TIME	PLACE
Zoning Board of Appeals	Wed. January 10, 2018	6:30 P.M.	City Hall, 101 Green Street

Posted: December 8, 2017 at 1:30 p.m. Posted By: Matt Oldenburg

**MINUTES
ZONING BOARD OF APPEALS
NOVEMBER 8, 2017**

CALL TO ORDER:

Acting Chairperson Nybo called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, November 8, 2017 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
Jansen	Present
Nybo	Present
Rosenthal	Absent

A quorum was declared.

Zoning Administrator Matt Oldenburg, City Attorney Joe Nack and Secretary Deb Price were also present.

APPROVAL OF MINUTES

MOTION: Cook moved, seconded by Holman to approve the October 11, 2017 minutes.

Motion carried on voice vote.

UNFINISHED BUSINESS

None

NEW BUSINESS

Cal. No. 17HCO-04, Applicant: SGA Design Group and Owner: Walmart, 10000 Bartell Blvd., Galena, IL 61036. Request for Highway 20 Development Permit to use a discouraged color on the front facade of the building.

Zoning Administrator Oldenburg presented the application as the representative that handles these matters for Wal Mart is in Tulsa. A manager from the Galena Wal Mart was in attendance.

Oldenburg said nationally the company is updating its colors to blue and orange with a gray accent color. When the applicant inquired about repainting the building Oldenburg advised them that part of the original approval included a limited number of paint options for the trim; the brick had to stay the original color. The proposed blue needed approval as only historic and earth tones are allowed. No public hearing is necessary as the applicant only needs to come before the Zoning Board for approval. When Oldenburg heard that the building was being painted he contacted the applicant. The painters are not local but a contract company showed up at 3AM and started painting. Oldenburg said the Zoning Administrator can approve the paint color if it is from the approved paint chart but now that the paint is up they are asking the ZBA to approve what has been used. Oldenburg has been communicating with the firm in Tulsa, Oklahoma who handles these matters for Wal Mart. One of the managers from the Galena store is here tonight. Oldenburg said the paint colors are proprietary, meaning the formula is theirs alone. Wal Mart will need to confirm that the color on the building is the proprietary color; that the paint was mixed according to their specifications. The zoning board can approve or deny the paint color that has been applied to the building or, if that color is not the proprietary color, they can approve or deny use of the proprietary color. Wal Mart would prefer that the blue color be allowed. The Dubuque Iowa store has been painted blue and gray. The gray has been used on the cornices.

Nybo asked where the orange color would be used.

Oldenburg said the Galena store will not be using orange but instead will be utilizing a pick up. The orange color indicates that customers can order groceries and other products on line - staff will pick the order and customers can pick up merchandise in a couple hours. They will come back to the Zoning Board if they want the sign illuminated.

Nybo suggested discussing this more before making a motion.

Discussion: Oldenburg said the Board should look at the criteria.

Nybo said the color that has been used is on the discouraged list.

Oldenburg said that was his interpretation. There used to be a similar blue on our historic paint charts but those colors were changed to the Sherwin Williams Historic paint chart.

Baranski said he had no problem with the paint. This is a huge facade; the area to be painted is small and has the Wal Mart sign in the middle plus this is 1000 feet off the highway.

Bochniak said he does have an issue. The paint has a metallic appearance - it didn't stand out before like it does now.

Nybo said he is not going to lose any sleep over the color but we are chipping away at the design manual. Lots of hours and money were spent on developing these guidelines. We are eroding the plan. Personally he would say no.

Baranski said he doesn't think of it as a primary color; this would be a secondary. Paint is not permanent - it will change again.

Nybo said the prior agreement with Wal Mart was to abide by the Highway 20 Corridor Design Manual which was written to protect the viewshed not just for today but for 20, 30, 40 years from now.

Baranski said the building is primarily brick which meets the guidelines almost perfectly.

Cook said this paint really stands out. It seems to bright and doesn't fit in.

Holman agrees that they should stick to the guidelines. Even though the store is set back from the highway he doesn't like the way it looks.

Jansen said he takes his grandkids to school about 7:45 in the morning. The kids said they painted it pirate blue. He doesn't think it is a big deal. He doesn't know the degree of erosion the design manual has seen. As it looks right now the letters stand out to him. He appreciates the work that was done when crafting the ordinance.

Baranski said he feels the ZBA enforces and/or interprets the design manual quite well.

Oldenburg said the Board can approve the color that is up there now, deny the color that is on the building, conditionally approve the request for a different color or deny the request instructing them to use one of the approved paint colors.

Cook asked about the colors that were allowed when the development went in.

Oldenburg said historic or earth tones colors were to be used per the design manual. Generally bright or garish colors are not allowed.

Baranski said determining what colors are garish or bright is very subjective.

MOTION: Bochniak moved, seconded by Cook to deny the request for Cal. No. 17HCO-04.

As Roll Call was:

Bochniak	Yes
Cook	Yes
Holman	Yes
Jansen	No
Nybo	Yes
Baranski	No
Rosenthal	Absent

Motion carried.

COUNTY ZONING

None

WORKSESSION/OTHER

None

PUBLIC COMMENTS

None

MOTION: Jansen moved, seconded by Bochniak to adjourn the meeting at 7:20 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 8, 2017

RE: Cal. No. 17S-37, Applicant and Owner: Lauren Knapp, 233 Diagonal Street, Galena, IL 61036. Location: Parcel: 22-100-118-00, Part of Lot 6, Lots in Wedge of Block C, Original City of Galena, Galena, Jo Daviess County, Illinois. Common Address is 233 Diagonal Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

Summary:

The applicant is requesting a Special Use Permit for a vacation rental units in the Downtown Commercial District. This property is located at the corners of Bench Street, Diagonal Street and Franklin Street and currently operates as a retail store.

The building was originally a single family residence and renovated in 2015-2016. Near the end of 2016, it was further upgraded to serve as a retail space. The retail / building owner would now like to discontinue the business at that location and use it as a vacation rental instead.

A site plan review of the proposed request has been conducted per the criteria listed in §154.914. All exterior development is existing and no further development is needed.

Number of Guests: Maximum occupancy load for the nine units is 7 guests. This is determined by the International Fire Code, International Building Code and NFPA on the basis of minimum 200 square feet per person gross (IFC Table 1004.1.2), with an additional requirement for two means of fire-protected egress for each sleeping area (NFPA 24.2.2.1.1).

Lot Capacity: The lot size is 1,395 square feet, or 0.032 acres. The lot can easily absorb the impact of this land use with minimal impact on surrounding properties.

Availability and impact of parking: There is no off-street parking requirement in the Downtown Commercial District.

Emergency measures: Staff will ensure that emergency lighting, exits, posted floor plans and emergency telephone are in place before license is issued.

Staff recommends approval of this request. Land uses surrounding the property include residences, commercial and tourist attractions.

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. *The proposed plan meets the site plan review standards.*

(2) *District standards.* The underlying zoning district standards established in § 154.201 through § 154.209 including the defining characteristics of the district; *This proposed use meets the district standards.*

(3) *Specific standards.* The land use regulations established in § 154.406; *The proposed use meets the specific standards established in §154.015, §154.403.1 and §154.406(D)(18).*

(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. *Complimentary uses are available to the project.*

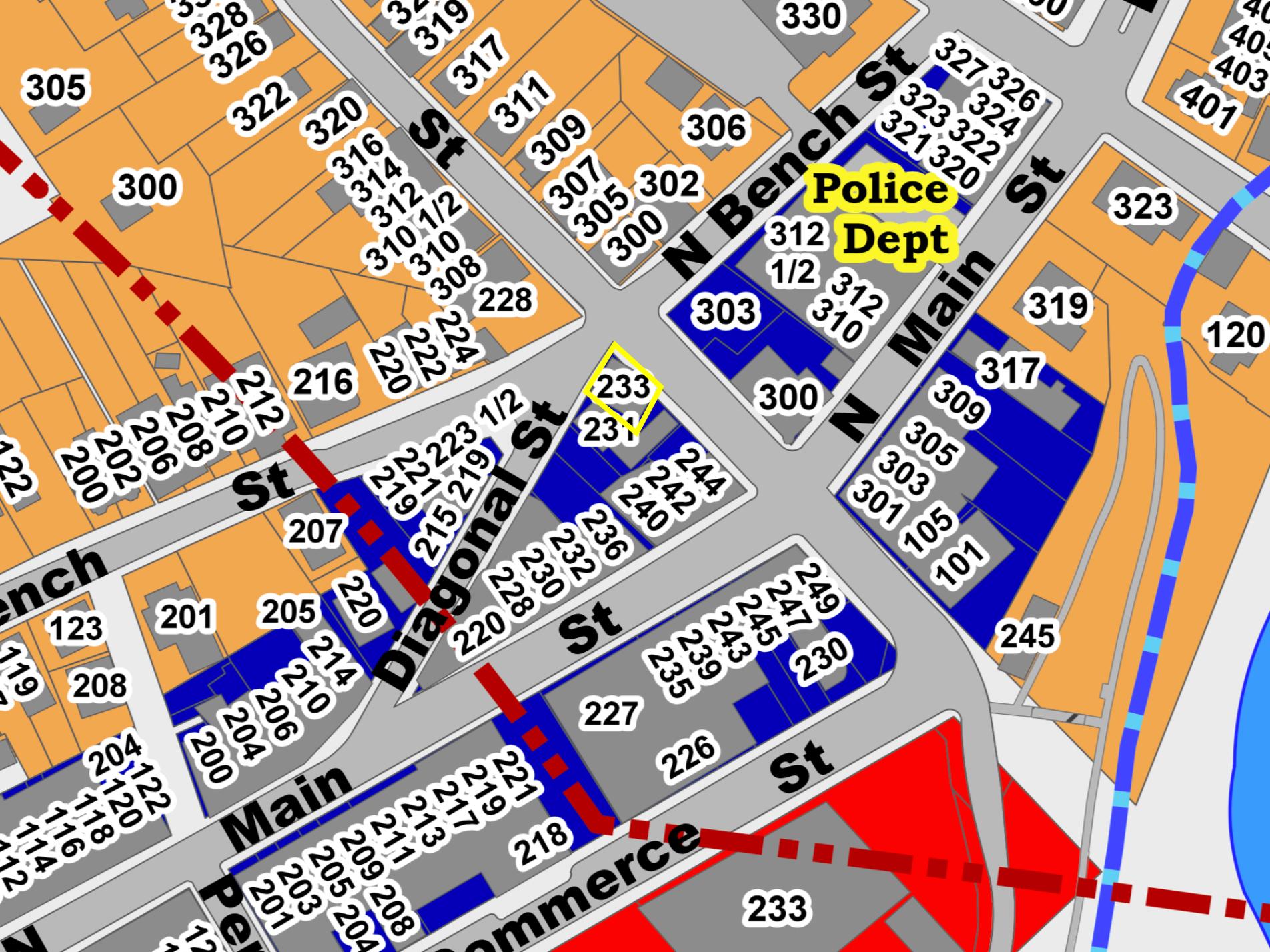
(5) *Compatibility with adjoining properties.* Compatibility with and protection of neighboring properties through measures such as:

(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. *The proposed use will protect the privacy of adjacent properties.*

(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. *There is no change to the physical aspect of the existing development and therefore should have a minimal impact on the use and enjoyment of adjacent properties.*

(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 design and integration of the proposed use has no projected impact on adjacent properties regarding nuisances. The impact of the number of guests is congruent with a residential use at the site.*

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.



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