**Passed and Approved this 22nd Day of August 2022 by the City Council.**

| AYES: | NAYS: | ABSENT: |
|---|---|---|
| Westemeier, Bernstein, Hahn, Kieffer, McCoy, Renner | None | Wienen |

Terry Renner
Mayor

ATTEST:

Mary Beth Hyde
City Clerk

**Resolution No. R.22.08**

**ZONING BOARD OF APPEALS**

**DETERMINATION & RECOMMENDATION TO THE CITY COUNCIL OF THE CITY OF GALENA**

**REGARDING**

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|---|---|
| **CALENDAR NUMBER:** | Cal. No. 22A-05 & 22SUB-02 |
| **APPLICATION BY:** | Richard Family Properties LLC, 11380 Dandar St., Galena, IL 61036 |
| **FOR:** | Request for the rezoning of two lots to Planned Commercial from Limited Agriculture and one lot to Heavy Industrial from Limited Agriculture; Preliminary Plan and Plat to subdivide two Planned Commercial lots and 1 Heavy Industrial Lot from the larger parcel. |

**PROCEDURES**

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on August 10, 2022. The hearing was advertised in an edition of the Galena Gazette, in a quarter-page sized ad, that was available to the general public between 15 and 30 days prior to the hearing. 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 looking to purchase approximately 2.92 acres of land to the North of 11380 Dandar St., which is the current location of Guys Towing and annex the subject property into the corporate boundaries of the City of Galena. Guys Towing is looking to expand their operations onto a 1.274-acre parcel that is planned to be zoned Heavy Industrial. 2 additional parcels will be created are proposed to be zoned Planned Commercial for future development. They also plan to dedicate a 50' strip to the city down the center of the newly acquired property to extend AJ Harle Dr.

As part of their expansion, Guys Towing is also looking to remove the current brick portion of the existing building and construct additional garage space in its place that would encroach into the required 40' front yard setback. There is precedent for this on Dandar St. with a previously approved variance for a 10' setback at the location of Galena Climate Control Storage and the property owned by Lock It and Leave It Storage that fronts Dandar St. Guys Towing is looking for approval of a 17' front setback on Dandar St.

Guys Towing is also looking to construct a new building on the new 1.274 acre parcel that is proposed to be zoned Heavy Industrial. This new building will require Highway 20 Design review and a Special Use Permit for discouraged wall materials as they plan to use a type of metal siding on the exterior.

The ZBA shall conduct the public hearing on the rezoning and subdivision. The ZBA shall make recommendation to the City Council on these requests for final action. The Variance, Special Use Permit, and Highway 20 Design request shall include a public hearing and decision with the ZBA

Staff reviewed the proposed plan/plat and recommends approval as the criteria are met, including a Natural Rescource Study from the Soil and Water Conservation District (on file if you wish to review)

At their meeting on August 10, 2022, the Zoning Board of Appeals voted to send a positive recommendation to the City Council to rezone the proposed property from Limited Agriculture to Heavy Industrial and Planned Commercial; and to approve the Preliminary Plan & Plat of Guy's Truck and Tractor Subdivision pending an approved annexation agreement. The ZBA also approved the variance for the front setback on Dandar St., the Special Use Permit for discouraged wall materials in the Highway 20 Corrridor, and the Highway 20 Corridor Design proposal.

**Testimony Presented on Behalf of the Applicant:**

- **Ben Richard of Guys Towing Service, 11380 Dandar St., Galena,** explained there were several requests to build and subdivide on the property they are purchasing from the Svecs. As we discussed at last zoning meeting as to what we are proposing to do, I believe you have everything we presented and talked about. We are in the process of purchasing property from Svecs. We feel it's a good spot for improvements in Industrial Park, the business to grow, and a good spot for Galena to grow. It will also add attractive buildings in this area.

  Baranski asked why Lot 1 is to be Heavy Industrial and lots 2-3 Planned commercial? Do you have any idea what you're going to do with these lots at this time?

  Richards stated Lot 1 is for an addition to the existing building. Lots 2-3 possible office space like other buildings in the area, like what Jackson's have. They are not property managers so they will advertise land for sale, and not develop them. They are going to need to move several yards of dirt need to plateau dirt and try in the future to bury retention pond. Other places are doing this, and it works well. Then you don't have that sight of a detention pond, which isn't nice to look at or keep up.

  Baranski commented that they are allowing an easement for the current street to go through.

  Richard's said yes, he wants to extend AJ Harle Dr. They are hoping to get annexed at some point into the city.

  Baranski asked if the existing building has brick and the addition is being removed. Did you put the brick on there?

  Richard's stated that they bought the building as is.

  Baranski asked if they were removing the brick because they are putting another truck bay on building. Is this why you're asking for set back?

  Richards replied yes. We are asking for the setback to duplicate the neighbor's buildings. Guys would like to follow in same lines as cold storage and future business up the road already has approval for. The new siding/metal panels of new building would match the existing building when they reside it. New might also have some cut stone or dark brick.

  Baranski stated that this was very consistent with what we want to see in the Highway 20 Corridor.

  Rosenthal. The new building will have the same look

Rosenthal asked if anyone else wanted to speak in favor of.

Lorraine Svec, 11410 US HWY 20 W. stated she is in favor of project.

There was no additional testimony and no one spoke against proposal.

## APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Article 0, Section 154.005 through 154.008 sets forth the Purpose, Separability and Non-Liability, Abrogation and Rules of Interpretation of the Zoning Ordinance.
- Article 2, Section 154.201(C)(4) provides a definition and description of the Planned Commercial District.
- Article 2, Section 154.201(C)(9) provides a definition and description of the Heavy Industrial District.
- Article 2, Table 154.204.1 lists the Bulk Standards for Non-Residential Structures.
- Article 2, Table 154.208.1 lists the Density Standards for Non-Residential uses.
- Article 4, Table 154.403.1 lists the land uses permitted by right or by special uses for each zoning district.
- Article 9, Section 154.918 and Table 154.918.1 set forth the procedure for Required Non-Administrative Development Review.
- Article 9, Section 154.919 lists and describes the Non-Administrative Development Review Common Elements of Procedure.
- Article 9, Section 154.920 sets forth the purpose, applicability, approval criteria, decision-maker, and application and review procedures for Rezoning.

## DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Richard Family Properties LLC for the rezoning of two lots to Planned Commercial from Limited Agriculture and one lot to Heavy Industrial from Limited Agriculture; and the Preliminary Plan and Plat to subdivide two Planned Commercial lots and 1 Heavy Industrial Lot from the larger parcel pending an approved annexation agreement should be approved for the following reasons:

## PROCEDURES

**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; *N/A.*

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.; *Yes.*

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; *Yes.*

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; *Yes.*

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; *Yes.*

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 *Yes.*

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. *Yes.*

**RECOMMENDATION**

NOW, THEREFORE BE IT RESOLVED, that this Zoning Board of Appeals does recommend to the City Council of the City of Galena that this request by Richard Family Properties LLC for the rezoning of two lots to Planned Commercial from Limited Agriculture and one lot to Heavy Industrial from Limited Agriculture; and the Preliminary Plan and Plat to subdivide two Planned Commercial lots and 1 Heavy Industrial Lot from the larger parcel pending an approved annexation agreement should be approved.

PASSED AND APPROVED this 10th day of August, A.D. 2022, by the Galena Zoning Board of Appeals by a vote of 5 ayes, 0 nays, 2 absent, 0 abstain, 0 recused.

John Rosenthal, Chairperson