R.24.10

Passed and Approved this 26th Day of August 2024 by the City Council.

AYES:	NAYS:	ABSENT:
Westemeier, Wienen, Johnson, Kieffer, Tegtmeyer, Renner	None	Bernstein

Terry Renner
Mayor

ATTEST:

Mary Beth Hyde
City Clerk

CITY OF GALENA, ILLINOIS

101 Green Street • P.O. Box 310 • Galena, Illinois 61036

R.24.10

ZONING BOARD OF APPEALS

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

REGARDING

CALENDAR NUMBER:	Cal. No. 24A-03
APPLICATION BY:	BTK Group LLC, 2059 N. Mulford Rd., Rockford, IL 61107
FOR:	Request for Zoning Map Amendment to Rezone from Limited Agriculture to Planned Commercial.

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on August 14, 2024. 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 requesting a Map Amendment to rezone the property at 9808 US Route 20 West from Limited Agriculture to Planned Commercial district as part of their annexation into the City of Galena.

The current use of the property is a single-family residence located outside of the city limits of Galena. The applicant is looking to purchase this property for the future use of a real estate office. The appropriate district to make this use compliant is Planned Commercial.

The applicant and purchaser of the property plans to remodel the exterior entrance and interior of the structure to modernize the interior spaces, including ADA restrooms. The footprint of the structures will remain the same, and they plan to add parking, lighting, and signage to the

property. All will be staff reviewed prior to permitting. All current landscaping will be maintained to enhance the curb appeal.

Currently all bulk standards are met except for the rear setbacks to the principal structure. The rear setback of the existing principal structure is as close as approximately 10 to the rear property line. The prescribed rear setback in table 154.204.1 (Nonresidential Bulk Standards) of the City of Galena Code of Ordinances is to be 30 feet. Since the structure already exists with nonconforming setbacks, we would follow section 154.107 of the City of Galena Code of Ordinances. This does allow for some expansion and/or renovation within the guidelines of this section. A property is essentially not permitted to become more noncompliant. The accessory structure to the Northeast of the property is also closer than 5' to the rear property line. All other setbacks appear to be compliant.

Land uses surrounding the property are county commercial properties to the North, General Commercial to the South on the other side of the highway, General Commercial to the West, and County residential to the East.

Staff recommends approval of this request.

The ZBA conducted the public hearing on the Rezoning (Map Amendment). The ZBA voted to recommend approval of the map amendment to the City Council upon approval of the annexation agreement of 9808 US Hwy 20 W.

Testimony Presented on Behalf of the Applicant:

Mike Sproule 12901 Norris Ln., Galena, IL. Spoke that they intend to improve the property and do the landscaping & adding parking in front.

Ken Redeker 4201 Galleria, Loves Park IL. They plan to move the real estate office from Spring St. to Hwy 20.

No further testimony was presented in support of, or objection to, the 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) describes the standard Commercial Zoning Districts.
- Article 2, Section 154.201(C)(4) describes the definition and description of the Planned Commercial District.
- Article 2, Table 154.208.1 lists the Intensity Standards for Nonresidential uses.
- Article 9, Section 154.914 lists and describes the elements for Site Plan Review
- 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 BTK Group LLC to rezone 9808 US Hwy 20 W from Limited Agriculture to Planned Commercial upon annexation for the following reasons:

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; *NO, not included in city limits.*

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, Commercial all around*

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, it is compatible, and NO, there will be no adverse impacts.*

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, provided it is annexed.*

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 BTK Group LLC to rezone 9808 US Hwy 20 W from Limited Agriculture to Planned Commercial upon annexation should be approved.

PASSED AND APPROVED this 14th day of August, A.D. 2024, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 1 absent, 0 abstain, 0 recused.

John Rosenthal, Chairperson