

**MINUTES
ZONING BOARD OF APPEALS
MAY 8, 2013**

CALL TO ORDER:

Acting Chairperson Nybo called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, May 8, 2013 at City Hall, 312 ½ N. Main Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

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

A quorum was declared.

Nate Kieffer, Zoning Administrator, Joe Nack, City Attorney, and Deb Price, Secretary, were also present.

APPROVAL OF MINUTES

As Baranski and Bochniak were absent for the April meeting Nybo continued approval of the April 10, 2013 minutes to the June 12, 2013 meeting.

OLD BUSINESS

None.

NEW BUSINESS

Cal. No. 13PDA-01, Applicant & Owner: Ron Doser for Jo Daviess County Workshop Inc. – 706 S. West St., Galena, IL 61036. Location: Lot 1 of Jo Daviess Workshop Subdivision in Section 24, T28N, R1W, City of Galena, common address 708 S. West Street, Galena, IL. Request for Map Amendment to a Planned Unit Development Plan to amend the default zoning of the property at 708 S. West Street from Heavy Industrial to Neighborhood Commercial to allow for certain office, commercial, and institutional uses inside the former Public Service building at the site.

MOTION: Baranski moved, seconded by Bochniak to open the Public Hearing on Cal. No. 13PDA-01.

Motion carried on voice vote.

City Attorney Nack swore those in who wished to testify at either of tonight's Public Hearings.

Nack asked that the minutes reflect that a Public Notice was printed in the Galena Gazette two weeks prior to tonight's meeting notifying the public of the agenda items requiring action.

Sandy Callahan, 706 S West Street, Galena was in attendance to answer any questions the Board had. She was in favor of the application.

No one testified in favor of or in opposition to the request.

MOTION: Baranski moved seconded by Bochniak to close the Public Hearing on Cal. No. 13PDA-01.

Motion carried on voice vote.

MOTION: Baranski moved, seconded by Carlisle to approve the request for a map amendment to a Planned Unit Development Plan to amend the default zoning of the property at 708 S. West Street from Heavy Industrial to Neighborhood Commercial to allow for certain office, commercial, and institutional uses inside the former Public Service building at the site.

Baranski said the request was very straightforward. New default zoning could potentially have a lesser negative impact on the neighbors. The allowed uses are compatible with neighboring uses.

Carlisle wanted to make sure there would be no heavy industrial uses.

Kieffer said if this was approved as presented the 10,000 square feet around the building would be bound by the four proposed uses. Outside the 10,000 square feet boundaries the uses would stay the same.

As Roll Call was:

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

Motion carried.

MOTION: Bochniak moved, seconded by Carlisle to open the Public Hearing on Cal. No. 13A-01.

Cal. No. 13A-01, Applicant: Sam Roti – 412 Spring St., Galena, IL 61036. Owner: Lloyd Gronner – 1009 Spring St., Galena, IL 61036. Location: Part of the West Half of the SW ¼ Section 13, T28N, R1W, City of Galena, being immediately south of the property at 1015 Spring Street, Galena, IL. Request for Map Amendment to rezone approximately 0.345 acres from Jo Daviess County Agricultural (AG) District to the City of Galena General Commercial (GC) District. This request is made in conjunction with a petition for annexation.

Motion carried on voice vote.

Sam Roti, 3935 N Council Hill Road, Galena said he is the contract purchaser of this property, the former BP Gas and Convenience Store. He is asking the Board to consider rezoning this property. He would like to redevelop the site. His ideal plan would be for a new gas station with a convenience store business. He is getting mixed reactions from the gas stations that he has contacted so he is keeping his options open for other commercial uses that would be an asset to Galena. There is an open 1999 EPA violation case that Roti is working to close. Everything has passed the Phase 2 inspections. There are seven clean tanks. The reason for the open case is that the submitted documentation was improper.

Carlisle asked about access points. Is this strictly an IDOT decision? What about the Highway 20 Corridor Overlay District requirements?

Roti said he had just met with IDOT. He showed them a proposal with two entrances - one to the east and one to the west. It is consistent with what they would expect at the site and with the proposed Highway 20 improvements.

Baranski said the Highway 20 Corridor District really only applies to a structure built further north or west. The nodal and secondary roads would be part of a development pattern.

Carlisle said he doesn't see anything that excludes this area.

Kieffer said existing or individual sites are exempt from the zoning and access requirements as they relate to the Highway 20 Corridor District. That really applies to properties larger than five acres where developers have control of access points, interchanges, etc. The Board will see Roti and his plans again if the map amendment and annexation are approved when he comes before the Board with a Highway 20 Development Permit. The Board can comment on where they feel the entrances should be. Tonight's request is about whether the property should be rezoned to General Commercial and are the approved uses appropriate for this area.

No one testified in favor of or in opposition to the request.

MOTION: Carlisle moved, seconded by Baranski to close the Public Hearing on Cal. No. 13A-01.

Motion carried on voice vote.

MOTION: Bochniak moved, seconded by Carlisle to approve the request for a map amendment to rezone approximately 0.345 acres from Jo Daviess County Agricultural (AG) District to the City of Galena General Commercial (GC) District contingent upon approval of an annexation agreement from the City Council.

Bochniak said the request meets the regulations and requirements. A new business in this location would be an asset to Galena and Highway 20.

Baranski agreed.

The Board agreed that the request does comply with the following approval criteria:

- 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;
- 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;
- Whether adequate public facilities and services are available or will be made available concurrent with the projected impacts of development in the proposed zone;
- 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
- 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.

As Roll Call was:

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

Motion carried.

COUNTY ZONING

None

Nybo noted that Zoning Administrator Nate Kieffer would be leaving the City of Galena for a position with the City of Dubuque. Nybo and the Board thanked Kieffer for his five years of dedicated, professional service. He will be sorely missed.

WORKSESSION/OTHER

Review and Discussion on Off-Street Parking Requirements for Small Inn use in the Downtown Commercial District.

Nybo continued this agenda item to a future meeting when all board members were present.

PUBLIC COMMENTS

None.

MOTION: Carlisle moved, seconded by Bochniak to adjourn the meeting.

Motion carried on voice vote.

Nybo adjourned the meeting at 7:10 PM.

Respectfully submitted by

Deb Price
Zoning Board Secretary