

ALTON PLAN COMMISSION MINUTES

ALTON CITY COUNCIL CHAMBERS

DECEMBER 15, 2015 – 1:15 p.m.

(As unapproved by the Plan Commission)

PRESENT: Mark Hackworth (Chairman), Joe Blair, John Rain, Bill Stoutenborough, Anne Doucleff, Gary Doerr, Terry Dooley, Martha Kane

ABSENT: Barry Clayton, Todd Harpole

OTHERS PRESENT: Matt Asselmeier (Deputy Director of Development and Housing), Jim Schrempf (Corporation Counselor), and Micky Jones (Secretary)

Chairman Hackworth called the meeting to order and asked for a roll call. Roll call was taken with 8 present and 2 absent.

Motion was made by Terry Dooley and seconded by Gary Doerr to approve the minutes of the regular meeting of November 24, 2015, 2015.

Vote was 8 to 0 in favor.

Charles Wiley, Jr. petitioned to add Motor Vehicle Towing Dispatch Centers (a use within NAICS Code 48841) to the list of Special Uses within the R-2 Single Family Residential District and for a special use permit to operate a motor vehicle towing dispatch center at 826-834 E 7th.

Motion was made by Terry Dooley and seconded by Gary Doerr to open the public hearing.

Vote was 8 to 0 in favor.

Jim Schrempf explained the public hearing procedures.

Charles Wiley Jr was present and stated he wants to operate a towing service at that location with minor working on vehicles. No derelict vehicles will be stored on premises. He has done some improvements on the building, but stopped when the city said that he needed the Plan Commission's approval since it was in a R-2 zoning district. He has room to park 17 vehicles on the property. Tow trucks will be parked in the garage.

Questions from the Plan Commission:

- The towed vehicles will not be stored on this lot, this will just be a facility used for paperwork. The vehicles will be stored at 2906 E. Broadway.
- Prior facilities? In Godfrey on Delmar Street and at 2906 E. Broadway.
- Charles Wiley is the owner of the building and the tenant, who wants to buy the property, is John Swengrosh. He will continue to remodel the building.
- Anne Doucleff stated there is not enough space on that lot for 17 vehicles.
- Matt Asselmeier stated he would be required to have 4 to 5 parking spaces. The parking of vehicles was discussed.
- Hours of operation? Mr. Wiley stated it would not be 24/7, but would be there a lot of the time. Would be 8:00 a.m. to 7:00 p.m.
- Number of tow trucks on property? Mr. Wiley stated either 4 or 5, but not all of them would fit in the building.
- Property zoning R-2? Mr. Wiley stated the prior business was Brayndt Auto Service and Car Wash. That closed in 2008 or 2009. Then, it was Liberty Cab in either 2011 or 2012. Then, it was Comfort Cab – their business license was dropped.
- Property would not be used for storage.

Questions from the audience: None.

Mr. Asselmeier read the attached memorandum.

Items discussed:

- Hours of trash pickup.
- Fencing and screening.
- Alton City Code covers a lot of restrictions on special use permits.
- Charles Wiley owns 2900 E. Broadway, 2708 E. Broadway, 230 E. Broadway, 3 houses on Viewland, and 2 houses on Miami.
- The business license issued for the property for a taxi-cab operation was in 2006.
- Talked more about parking.

Motion was made by Gary Doerr and seconded by Terry Dooley to close the public hearing.

Vote was 8 to 0 in favor

Motion was made by Terry Dooley and seconded by (no second) to add Motor Vehicle Towing Dispatch Centers (a use within NAICS Code 48841) to the list of Special Uses within the R-2 Single Family Residential District.

Jim Schrempf stated that if there is no second, the motion fails.

- Gary Doerr questioned the difference between a Dispatch Center and a Dispatch Service. Mr. Asselmeier explained the NAICS Code.
- Anne Doucleff stated she feels there are too many large tow trucks and other vehicles for an R-2 zoning district. That this location should only be for office space.
- John Rain stated this opens up the entire city if voted through.
- Jim Schrempf stated that maybe the applicant should come in to talk to the commission.

Motion was made by Bill Stoutenborough and seconded by Anne Doucleff to adjourn the meeting.

Vote was 2 yes: Bill Stoutenborough and Anne Doucleff

6 no: Mark Hackworth, John Rain, Joe Blair, Gary Doerr, Terry Dooley, Martha Kane

Motion was made by Gary Doerr and seconded by Joe Blair to layover the request until the public hearing on January 5, 2016.

Vote was 8 to 0 in favor.

Attachments

Adjourned 2:05 p.m.

MEMORANDUM

TO: The Alton City Plan Commission

FROM: Matthew H. Asselmeier, MPA, AICP, Deputy Director of Development and Housing

DATE: December 8, 2015

RE: Zoning Text Amendment for Motor Vehicle Towing Dispatch Centers in the R-2 District.

Charles Wiley Jr. petitioned the Alton City Council to amend Title 11, Chapter 5, Section 3 D by adding Motor Vehicle Towing Dispatch Centers (a use within NAICS Code 48841) to the list of special uses within the R-2 Single Family Residential District and for a special use permit to operate a motor vehicle towing dispatch center at 826-834 E. 7th Street (P. I. # 23-2-07-12-17-307-040) (see second memo regarding the special use request)

Background

According to information provided to the City, the petitioner believes that the property located at 826-834 E. 7th Street would be ideal for a motor vehicle towing dispatch center because the location previously housed a taxi service and an auto repair business. The petitioner intends to use the building as a dispatch center and tow vehicles to the lot at 2906 E. Broadway.

According to 11-5-3 A of the City Code, the purpose of the R-2 (Single-Family Residential District) is “. . . to provide areas for single-family residential uses of an urban character. It is further intended to provide for other uses which are customarily found with and are not detrimental to single-family residences.” Very few non-residential uses are allowed by either permitted or special use within this zoning classification.

Permitted non-residential uses allowed include the following:

- Golf courses and Country Clubs
- Parks and Playgrounds
- Elementary and Secondary Schools with Residential Facilities
- Executive, Legislative, and Other General Government Support
- Police Protection
- Fire Protection
- Other Justice, Public Order, and Safety Activities
- Religious Institutions

Non-Residential uses allowed by special use permits include the following:

- Beauty Salons and Barbershops
- Bed & Breakfast Inns
- Childcare Centers
- Civic and Social Organizations
- Telecommunication Facilities (Disguised Support Structures)
- Telecommunication Facilities (Stealth)
- Funeral Homes and Funeral Services
- Guesthouses
- Libraries and Archives
- Museums, Historical Sites, and Similar Institutions
- Nursing Care Facilities
- Small Solar Energy Systems
- Electrical Substations, Lift Stations, Water Towers and Similar Uses
- Caterers
- Limited Service Restaurants

The majority of the residential structures in the City possess this zoning classification. A copy of the City's Zoning Map showing the R-2 (Single-Family Residential District) in yellow is included as Exhibit A.

The majority of the areas zoned R-2 (Single-Family Residential District) are identified in yellow as Single-Family Residential on the Future Land Use Map. A copy of the Future Land Use Map is included as Exhibit B. According to the definition of Single-Family Residential, found on page 56 of the Comprehensive Plan, "This classification is specifically designed to preserve single-family areas in historic districts from encroachment by multiple-family and intensive nonresidential uses such as general commercial and industrial activity. In addition to single-family detached dwellings, public uses, educational uses, parks and open space, and religious land uses will be allowed within the single-family residential classification, although some may be conditional uses within the City's zoning regulations." The Comprehensive Plan contains the following related objective, "no business should interfere with the quality of life in neighborhoods" (page 51).

According to the NAICS Code, Motor Vehicle Towing businesses are ". . . establishments primarily engaged in towing or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as storage and emergency road repair." The petitioners are requesting permission to run only the call center portion of this type of business in the R-2 (Single-Family Residential District).

Motor Vehicle Towing is permitted in the C-2 (General Commercial District), C-5 (Heavy Commercial District), M-1 (Light Industrial District), M-2 (General Industrial District), M-3 (Mining District), and M-4 (Planned Business Park District).

Findings

Unlike catering and limited service restaurants, this proposed commercial use is not a form of New Urbanism because it is highly unlikely that residents from the neighborhood would walk to this business to receive goods and services. Also, the licensing requirements for caterers and limited service restaurants are more stringent than the requirements for dispatch centers for motor vehicle towing operations. In addition, a high risk exists that towing equipment and inoperable vehicles may be stored at the motor vehicle towing center locations and this could negatively impact the residential character of the neighborhood. However, the applicant only intends to use the building as a dispatch center and not for the rest of the uses associated with Motor Vehicle Towing businesses as outlined in the NAICS Code.

The overwhelming majority of Alton, both residential and non-residential areas, was constructed prior to the enactment of modern zoning regulations which separated land uses. Several commercial buildings, like the subject property at 826-834 E. 7th Street, existed in areas zoned R-2 (Single-Family Residential District). Many of these buildings previously housed grocery stores, gas stations, and other businesses which served the needs of the immediate neighborhood. As business and consumer needs changed, the original commercial use for these buildings became obsolete. However, in certain specific instances, modern commercial establishments could locate in these businesses and provide service to the local neighborhood.

The purpose of the special use permit process is to evaluate uses that do not fit neatly in traditional zoning. When considering special use permits for commercial uses in residential areas, it is advisable to consider the historic and recent use of the building, the proposed commercial use, and the potential conflicts between the commercial and the residential neighborhood at large. The City must balance the Comprehensive Plan's objectives "no business should interfere with the quality of life in neighborhoods" (page 51) with "the City should be business friendly" (page 75).

The overwhelming majority of structures zoned R-2 (Single-Family Residential) are not ideal for non-residential uses and very few neighborhoods could accommodate the traffic, lighting, or noise issues raised by businesses. Therefore, taking into account the language contained in the Comprehensive Plan and the issues raised by placing non-commercial uses in residentially zoned areas, Staff believes that proposed use would be appropriate in **extremely** limited, specific instances within this zoning classification and **always** with appropriate restrictions to ensure that the residential neighborhood is minimally impacted by motor vehicle towing call centers.

To that end, Staff recommends the following text amendment to the Zoning Ordinance of the City of Alton:

- Amendment to Sub-Section D of Section 3 of Chapter 5 of Title 11 of the City Code of the City of Alton “Special Uses” within the R-2 (Single-Family Residential District) adding the following:

Dispatch Centers for Motor Vehicle Towing (a use within NAICS Code 488410). A maximum of one (1) Dispatch Center for Motor Vehicle Towing shall be allowed within this zoning classification.

CORRESPONDENCE RECEIVED

Favorable: None as of the date of this Memo

Unfavorable: None as of the date of this Memo

MEMORANDUM

TO: The Alton City Plan Commission

FROM: Matthew H. Asselmeier, MPA, AICP, Deputy Director of Development and Housing

DATE: December 8, 2015

RE: Special Use Permit for a Dispatch Center for Motor Vehicle Towing Business at 826-834 E. 7th Street. (P.I. #: 23-2-07-12-17-307-040).

Charles Wiley Jr. petitioned the Alton City Council to amend Title 11, Chapter 5, Section 3 D by adding Motor Vehicle Towing Dispatch Centers (a use within NAICS Code 48841) to the list of special uses within the R-2 Single Family Residential District and for a special use permit to operate a motor vehicle towing dispatch center at 826-834 E. 7th Street (P. I. # 23-2-07-12-17-307-040) (see previous memo regarding the text amendment request).

Background

According to information provided to the City, the petitioner intends to operate a dispatch center for Alton Area Towing at the subject property. The business owns a lot at 201 Miami (mailing address 2906 E. Broadway Rear) where the vehicles will be towed and stored. The hours of operation at the subject property would be seven days per week 8:00 A.M.-7:00 P.M. The business anticipates employing approximately four (4) people at the subject property. Tow trucks would be parked on the street during normal business hours and off-street or inside the building when the business is closed. No derelict vehicles would be stored outside at this location. Vehicle maintenance would occur inside the building. If all permits are secured, the owner would start operation of the business as soon as possible.

Alton Area Towing has had the same ownership since 2001 and has operated at various locations in the area.

The subject property is owned by the petitioner. The property is zoned R-2 (Single-Family Residential). All of the adjoining properties share the same zoning classification. The properties to the north, west, and south are used residentially. The property to east is a lawfully non-conforming commercial use in a residentially zoned area (Kopp's Korner). The nearest commercially zoned properties are located a half block to the west of the subject property at the southeast and southwest corners of the intersection of E. 7th Street and Ridge Street. Those properties face Ridge Street and are zoned C-2 (General Commercial District).

An approximately one thousand, six hundred square foot (1,600 sq. ft.) building is located on the property. The building has a small office and the rest of the building can be used for parking and storage of vehicles and equipment. Depending on the size of vehicles, three or four (3 or 4) vehicles could fit inside the building. The property also possesses a parking lot located to the east and north of the building. The parking lot can accommodate the five (5) off-street parking spaces required by City Code. The owner has invested approximately Twenty Thousand Dollars (\$20,000) to get the building up to code. The owner plans to install a security system and possibly pave the parking lot. Pictures of the property are included as Exhibit A.

The property was previously used as a call center for taxis. Between 1996 and 2006, the building was used as Bobby Brayndt's Auto Repair Shop.

The petitioner plans to install an additional sign on the east side of the building. The sign would be twice as big as the sign currently located on the front of the building and would be lit. The existing sign is not lit.

No additional lighting is planned for the property.

Since all work on vehicles is planned to occur inside the building, no odors or noise should come from the property.

Motor oil shall be stored per necessary codes. No other toxic materials will be stored at the property.

Presently, there is one (1) private street light that shines on the parking lot. There are two (2) public streetlights located at the intersection of E. 7th and Spring Streets.

The property currently possesses one (1) ingress/egress point from E. 7th Street.

On December 3, 2015, the petitioner met with Matt Asselmeier, Sam Shaw, and Captain Rick Orban of the City of Alton. A tour of the facility occurred at that time. Based on the findings of this tour, the inspectors of the City of Alton expressed no concerns regarding the ability of the building to structurally support the operations as proposed provided the minor building and fire code issues are addressed. The Police Department also reviewed this request and expressed no concerns regarding this proposal.

Findings

The following factors, as detailed in Section 11-11-3 of the Alton Zoning Ordinance, must be reviewed in consideration of the special use permit:

- A) Whether the proposed special use is consistent with the city's comprehensive plan and will not impede normal, orderly development of the neighborhood.

Comment: The property in question is zoned R-2 (Single-Family Residential District), but has been used for other commercial uses previously. Provided necessary restrictions are placed on the proposed use, the proposed use appears consistent with the City's comprehensive plan.

B) The compatibility with surrounding uses and compatibility with the surrounding neighborhood, including any substantial impact on property values.

Comment: Provided that the proposed use follows all restrictions and conditions of the special use permit and provided that the owners comply with all applicable laws, the proposed use should be compatible with the surrounding neighborhood.

C) The comparative size, floor area, mass, and general appearance of the proposed structure in relationship to adjacent and buildings in the surrounding properties and neighborhood.

Comment: Non-applicable; the building is pre-existing.

D) The amount of traffic movements generated by the proposed use and the relationship to the amount of traffic on abutting streets and on minor streets in the surrounding neighborhood in terms of the street's capacity to absorb the additional traffic and any significant increase in hourly or daily traffic levels.

Comment: The traffic generated at the subject location by the proposed use should be handled by the existing public right-of-ways surrounding the property.

E) The added noise level created by activities associated with the proposed use and the impact of the ambient noise level of the surrounding area and neighborhood.

Comment: Provided that all restrictions and conditions of the special use permit are followed, little noise will be added and the ambient noise level of the surrounding area and neighborhood will not be impacted.

F) The impact of night lighting in terms of intensity, duration, and frequency of use as it impacts adjacent properties and in terms of presence in the neighborhood.

Comment: The petitioners plan to install a lit sign facing another commercially used building. Provided they follow all applicable regulations, lighting should not be an issue.

G) The impact of the landscaping of the proposed use in terms of landscaped areas, buffers and screens.

Comment: No landscaping is planned.

H) The potential for the proposed use to remain in existence for a reasonable period of time and not become vacant or unused. Consideration should also be given to unusual single purpose structures or components of a more temporary nature.

Comment: The owners of the property have invested Twenty Thousand Dollars (\$20,000) to improve the property and Alton Area Towing has been in business for several years.

I) Whether there are any facilities near the proposed use (such as schools or hospitals) that require special protection.

Comment: There are no facilities that require special protection.

J) The effect of the requested use on the health, safety, morals and general welfare of the residents of the area in the vicinity of the property in question and the residents of the city generally.

Comment: Provided that all required permits are obtained and that the petitioners implement the plans that were presented to the City Staff, there should be no adverse impact upon the residents of the area.

In addition to the above factors, Section 11-7-1(G) places additional criteria on automotive related uses:

A) Front yard storage is prohibited.

Comment: Petitioner indicates that they will not store any vehicles or equipment in the front yard.

B) Used auto parts and other miscellaneous materials, outdoor storage in any part of a side yard, street side yard, or rear yard shall be within an area screened from the view of the street and surrounding properties by landscaping, fencing, or a combination of materials that provides an opaque screen at least 6' in height.

Comment: Petitioners agree to follow this restriction.

C) All work on automobiles shall be conducted inside a building. No outdoor facilities shall be utilized for automotive services, repair and/or maintenance work, except for minor repairs, that do not require dismantling a vehicle. Major repairs shall include, but not be limited to, removing or replacing engines, transmissions, or vehicle drive trains.

Comment: Petitioners indicate that any vehicle maintenance shall be done offsite or indoors.

- D) No automotive related business, except a salvage yard licensed by the City of Alton, shall have any inoperable vehicle outside for a period exceeding 21 continuous calendar days unless the owner/operator of the automotive related business declares to the City, in writing, that the vehicle has been abandoned or the owner/operator of the automotive related business states to the City, in writing, that a mechanics lien is actively being pursued.

Comment: Petitioner agrees to the above requirement.

- E) The number of vehicles parked and/or stored on the premises of any automotive related business engaged in automotive service, repairs and/or maintenance shall be limited to five (5) per service bay, exclusive of owners' and employees' vehicles that are driven to and from the lot each day and as determined between the hours of five o'clock (5:00) P.M. and eight o'clock (8:00) A.M. any given day. All vehicles parked or stored should be parked neatly, placed parallel to one another, and should include entrance and exit aisles. Stacking vehicles vertically on top of one another is prohibited. Automotive repair businesses that are permitted to engage in vehicle sales must designate a specific location upon their premises for the display or storage of vehicles offered for sale and the total number of vehicles offered for sale shall not exceed five (5) vehicles at any one time.

Comment: Petitioner agrees to the above requirement.

OTHER ISSUES & COMMENTS

Staff recommends the following restrictions and conditions for placement on this special use permit:

1. The owners of the special use permit awarded by this ordinance shall not park any towing equipment or derelict vehicles on City rights-of-way in the 800 block of E. 7th Street or the 700 block of Spring Street during non-business hours.
2. The owners of the special use permit awarded by this ordinance shall not construct any new antennas on the exterior of the building. The owners of this special use permit may repair the existing the antenna on the structure, but an amendment to this special use permit would be required if the antenna is enlarged or expanded.
3. The owners of the special use permit awarded by this ordinance shall work with the waste hauler of their choice to ensure that trash is picked up no earlier than 5:00 A.M. and no later than 9:00 P.M.
4. The owners of the special use permit awarded by this ordinance shall not cause any odors or noise that would negatively impact the residential character of the neighborhood to emanate from the property.

5. The owners of the special use permit awarded by this ordinance shall follow the signage regulations for businesses located in the C-1 (Neighborhood Commercial) District.
6. The owners of the property shall comply with all applicable federal, state, and local regulations regarding this type of business.
7. Failure to comply with the above restrictions and conditions may be interpreted as a failure to comply with the regulations and restrictions of the special use permit. If this occurs, the City of Alton may revoke the special use permit under the procedures outlined in 11-11-4(B).

CORRESPONDENCE RECEIVED

Favorable: None as of the date of this Memo.

Unfavorable: None as of the date of this Memo.

PAST SPECIAL USES FOR SAID PROPERTY

* None.