

ALTON PLAN COMMISSION MINUTES  
CITY COUNCIL CHAMBERS  
JANUARY 5, 2016 – 1:15 p.m.  
(As unapproved by the Plan Commission)

PRESENT: Joe Blair (Vice-Chairman), John Rain, Bill Stoutenborough, Barry Clayton, Anne Doucleff, Gary Doerr, Terry Dooley, Todd Harpole, Martha Kane

ABSENT: Mark Hackworth

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

Vice-Chairman Blair called the meeting to order and asked for a roll call. Roll call was taken with 9 present and 1 absent. Motion was made by Terry Dooley and seconded by Bill Stoutenborough to approve the minutes of the regular meeting of December 15, 2015. Vote was 9 to 0 in favor.

This is a layover request from Charles Wiley petitioning to add motor vehicle towing dispatch centers to the list of special uses within the R-2 district and for a special use permit to operate a motor vehicle towing dispatch center at 826-834 E. 7<sup>th</sup>.

**Motion was made by Gary Doerr and seconded by Todd Harpole to open the public hearing.  
Vote was 9 to 0 in favor.**

Jim Schrempf explained the public hearing procedures. He stated Charles Wiley spoke at the last public hearing. This hearing was for the owner of the business to speak.

Present to speak was John Swengrosch, the owner/operator of the dispatch center. He tows for AAA within the Riverbend Area. Hours of operation are 7:00 am to 8:00 pm. He will have 2 trucks parked around back at night. Maintenance of the vehicles will be in the building.

Plan Commission questions:

- Most of the business will come from AAA (90%), electronically mostly. They work with the Madison County Sheriff's Department and the Alton Police Department to tow damaged vehicles.
- The location of their lot is 2809 E. Broadway, located next to the bait shop on the south side of Broadway. Lot is fenced.
- Will there be people in the building 24/7? No, calls will be transferred to his home after 7:00 pm.
- Will tow trucks be parked on Broadway? They will never be parked on the street after hours. Will have 2 to 3 trucks parked there at night.
- How many trucks total? 9.
- Will there be 17 parking spaces? There could be, but will not.
- Are there any easements going over the property? The owner has a verbal, but can get it in writing.
- Mr. Swengrosch has put a lot of money into the building to this point for construction.
- The company has been in operation since October with no complaints.
- There will be two shift changes a day.
- The property has always been used commercially, even though it is zoned residential.

Charles stated he bought the property in 2011 and thought it was commercial at the time. He got a business license from the city to run his business. He did not know it was residential. He pays commercial taxes now.

Questions from the audience: None.

Those in audience in favor or in opposition: None.

Matt Asselmeier read his attached memorandum with listed restrictions. There was no opposition.

Much discussion incurred.

Jonniece Young was in the audience and stated this could be like Fred's Towing, not a dispatch center. She lives two blocks south of this address, 900 blk Union.

**Motion was made by Barry Clayton and seconded by Bill Stoutenborough to close the public hearing.  
Vote was 9 to 0 in favor.**

**Motion was made by Barry Clayton and seconded by Todd Harpole 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.**

**Vote was:**

**In favor: Gary Doerr, Todd Harpole, Martha Kane**

**In opposition: John Rain, Bill Stoutenborough, Joe Blair, Barry Clayton, Anne Doucleff, Terry Dooley**

Attachments

Adjourned 2:00 p.m.

Edmund Jones and Giant City, LLC petitioned to add Fitness Centers (a use within NAICS Code 713940) to the list of Special Uses within the C-1 Neighborhood Commercial District and for a special use permit to operate a fitness center at 900-918 Union.

**Motion was made by Terry Dooley and seconded by Anne Doucleff to open the public hearing.  
Vote was 9 to 0 in favor.**

Jason Harrison, employee for Giant City, LLC, stated Edmund Jones runs a specialty gym/youth fitness center. They are looking to lease the building in question. This center betters athletes. They specialty train at the center in fields of strength, speed, and specialty areas you want help in. Next Level Sports Performance, LLC, located in Collinsville, works with Dr. Hightower in Edwardsville.

Questions from Plan Commission:

- Will tutoring be done at the facility? They can do their homework, but Mr. Harrison was not sure if they would be tutored.
- How long in operation? The facility has been in operation in Collinsville for less than 1 year. Alton would be an additional location.
- How many trainers? Trainers will be hired as needed, depending on the athlete's needs.
- How many athlete's at this time? They have 60 now, mostly middle class. The location in Alton will provide scholarships. Churches will provide the funding.
- What criteria is needed? Recommendation from the coach.
- Who will be financing the remodeling of the building? Mr. John Simmons will finance. Anyone can use the facility for personal training.

- Mr. Harrison showed a construction plan of the building, interior only. This will be a for-profit business. Ages will be from middle school (12) to adults.
- What about the administration staff? Safety of children? Mr. Harrison was not sure about the staff, the owner will be on site. Edmund Jones owns the business. Will not be allowed to go into the building alone, the trainer must be with the athlete. He could not disclose the owners of Giant City, LLC.
- Edmund Jones is purchasing the property from Lauschke.
- Will there be music outdoors? Only during the athlete's session and not loud.

The Plan Commission discussed this type of training center. They reach out to corporate businesses as well. Jackie Joyner Kersee is involved with Edmund Jones.

Construction of the building and parking were discussed. Everything is in the beginning stages. Fencing, security, and hours were discussed. They will be open Monday through Saturday until 8:30 pm. Opening is up to the trainer and athlete. Could be as early as 5:00 am.

In public was Jonneice Young. She lives next to the property in question. She stated the building was Bell Telephone warehouse, then Argosy. She would like for the building to be updated. She is concerned about the parking on the side. Right now it is greenspace right next to her house. She is concerned about the impact of this on her neighborhood. She wants this to be a profitable business with no problems for the area. She is concerned about the security, it is a very dark area, which she likes. What are the plans for the building? What will it look like? Will there be loud teenagers disrupting the area? What about parking? Mr. Asselmeier stated there will be ample parking. Building entrance and exits were discussed.

Matt Asselmeier read his memorandum, see attached.

**Motion was made by Terry Dooley and seconded by Bill Stoutenborough to adjourn the public hearing. Vote was 9 to 0 in favor.**

**Motion was made by Terry Dooley and seconded by Gary Doerr to add fitness centers (a use within NAICS Code 713940) to the list of special uses within the C-1 neighborhood commercial district. Vote was 9 to 0 in favor.**

**Motion was made by Terry Dooley and seconded by Barry Clayton for a special use permit to operate a fitness center at the properties identified by parcel ID numbers 23-2-07-12-17-306-019, 23-2-07-12-17-306-020, and 23-2-07-12-17-306-021, more commonly known as 900-918 Union Street, Alton, Illinois. Vote was 9 to 0 in favor.**

Adjourned 2:50 p.m.  
Attachments

## 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. 7<sup>th</sup> 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. 7<sup>th</sup> 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. 7<sup>th</sup> 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 23, 2015

**RE:** Zoning Text Amendment for Fitness Centers in the C-1 District.

Edmund Jones and Giant City, LLC petitioned the Alton City Council to amend Title 11, Chapter 5, Section 9 D by adding Fitness Centers (uses within NAICS Code 713940) to the list of special uses within the C-1 Neighborhood Commercial District and for a special use permit to operate a fitness center at 900-918 Union Street (P. I. # 23-2-07-12-17-306-019, 23-2-07-12-17-306-020, and 23-2-07-12-17-306-021) (see second memo regarding the special use request)

### Background

According to information provided to the City, the petitioners believe that the property located at 900-918 Union Street would be ideal for a fitness center because of its size and location.

According to 11-5-9 A and B of the City Code, the purpose of the C-1 (Neighborhood Commercial District) is “. . . to provide areas for the development of offices, selected retail sales and selected service activities at accessible locations” and “. . . to allow professional offices and a narrow range of retail and personal service uses provided that the uses are legal and no outdoor storage is conducted.” According to the Comprehensive Plan, neighborhood commercial development, “. . . is intended to encourage the new urbanism concept of mixed use developments.” Sites within this zoning classification “. . . shall be limited primarily to offices and convenience commercial uses which provide goods and services required by the public on a weekly basis” (page 57).

Fitness Centers are a sub-category of the Arts, Entertainment, and Recreation classification within the NAICS Code (NAICS Code 71). The following Arts, Entertainment, and Recreation uses are permitted in the C-1 (Neighborhood Commercial District):

- Performing arts companies (uses within NAICS code 7111)
- Promoters of performing arts, sports and similar events (uses within NAICS code 7113)
- Agents and managers for artists, athletes, entertainers and other public figures (uses within NAICS code 7114)
- Independent artists, writers and performers (uses within NAICS code 7115)
- Museums, historical sites and similar institutions (uses within NAICS code 712).

- Parks and playgrounds.

No Arts, Entertainment, and Recreation uses are included in the list of special uses within this zoning classification.

The areas zoned C-1 (Neighborhood Commercial District) tend to be adjacent to areas zoned single-family residential. A copy of the City's Zoning Map showing the C-1 (Neighborhood Commercial District) in light purple is included as Exhibit A.

Fitness Centers are permitted uses in the C-2 (General Commercial District), MR (Marina Recreation District), M-1 (Light Industrial District), and M-4 (Planned Business Park District). As of the date of this memo, according to the City Treasurer's Office, four (4) licensed fitness centers/gyms are located in Alton; all of them are located in the C-2 (General Commercial District).

### **Findings**

Traditional zoning ordinances historically separated residential use from commercial and industrial use in order to maintain the health, safety, welfare, and property values of residential neighborhoods and to minimize conflicts created between residential and non-residential uses. However, there has been a push in recent years, as evidenced in the Comprehensive Plan's discussion on New Urbanism, to allow a mixture of commercial and residential use on a limited basis.

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 near 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 C-1 (Neighborhood Commercial District) are not large enough to accommodate modern fitness centers. However, when managed correctly, a fitness center could be an attractive amenity to nearby residential areas. Therefore, Staff believes that proposed use would be appropriate in limited instances within this zoning classification and with appropriate restrictions to ensure that the adjoining residential neighborhood is minimally impacted by fitness 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 9 of Chapter 5 of Title 11 of the City Code of the City of Alton “Special Uses” within the C-1 (Neighborhood Commercial District) adding the following:

Arts, entertainment and recreation including only the following:

Fitness center (uses within NAICS code 713940)

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 23, 2015

**RE:** Special Use Permit for a Fitness Center at 900-918 Union Street (P. I. # 23-2-07-12-17-306-019, 23-2-07-12-17-306-020, and 23-2-07-12-17-306-021)

Edmund Jones and Giant City, LLC petitioned the Alton City Council to amend Title 11, Chapter 5, Section 9 D by adding Fitness Centers (uses within NAICS Code 713940) to the list of special uses within the C-1 Neighborhood Commercial District and for a special use permit to operate a fitness center at 900-918 Union Street (P. I. # 23-2-07-12-17-306-019, 23-2-07-12-17-306-020, and 23-2-07-12-17-306-021) (see previous memo regarding the text amendment request)

### Background

According to information provided to the City, the petitioners plan to operate Next Level Sports Performance at the subject property. Next Level Sports Performance, LLC has been in operation approximately seven (7) months in Collinsville; the Alton location would be an expansion of their existing services. The services offered are described as “elite training” compared to the traditional gym experience. Trainings are by appointment only and the petitioners do not anticipate large numbers of walk-in clients, although that option could expand in the future. Trainings are sport specific and would include both outdoor and indoor trainings. The petitioners envision approximately one hundred (100) people at the facility during the busiest times. Approximately four (4) employees would work at the location. Anticipated hours of operation are 7:00 A.M. until 9:00 P.M. with peak hours between 3:00 P.M. and 8:00 P.M. The proposed fitness center would be placed on the main floor of the building and the basement would be used for storage. If approved, Next Level Sports Performance hopes to open in February 2016. Next Level Sports Performance, LLC possesses a website, <http://www.bnextlevel.com>, and a Facebook page, <https://www.facebook.com/bnextlevel>.

The subject property is owned by the Lauschke Family represented by C Dana Eastman CO TR William F Sherwood CO TR and consists of three (3) parcels. Representatives of the owner submitted a letter supporting the proposed special use permit. Giant City, LLC has a contract to purchase the subject property. If all zoning permits are approved, Giant City, LLC would lease the property to Next Level Sports Performance, LLC.

The property consists of a parking lot, an approximately ten thousand (10,000) square foot building, and a green lot to the east of the building. The total site size is approximately one point five (1.5) acres. Constructed in 1941, Illinois Bell used the building for warehousing until 1990. Argosy used the building for storage and trainings between 1992 and May 2015. The building has been vacant since May 2015. Pictures of the property are included as Exhibit A. The proposed floor plan is included as Exhibit B. The red lines on Exhibit B are concrete block walls.

The existing parking lot possesses one (1) ingress/egress point on Union Street and one (1) ingress/egress point on Arch Street. There is one (1) additional curb cut on Union Street by the parking lot that is currently blocked by the fence. The parking lot is fenced in its entirety and possesses ample space for the required off-street parking. Patrons would park their vehicles in the parking lot and enter the property through the door on Union Street. The existing building possesses two (2) overhead doors facing Union Street and ingress/egress points exist at both doors. Additionally, a curb cut exists for the vacant lot located to the east of the existing building.

The subject property is zoned C-1 (Neighborhood Commercial District). The properties to the south and west share this zoning classification and appear to be commercial structures. The properties to the east and north are zoned R-2 (Single-Family Residential) and are used residentially.

The petitioners plan to install lighting in the parking lot and near the building for security. In addition, the petitioners plan to install a lit sign on the Union Street side of the building. No sign dimensions were provided.

The petitioners plan to broadcast music on the exterior of the building during the day.

All materials and equipment related to the business will be stored inside the building. No toxic materials will be stored onsite.

No odors are anticipated to be generated from the proposed use

The petitioners did not provide financing information.

On December 15, 2015, representatives of the petitioners and a representative of the current owner of the property met with representatives of the Building and Zoning and Fire Departments at the subject property. The petitioners were advised of the necessary steps to take to ensure that the building met all applicable codes. Based on the tour of the facility, assuming that the recommendations of City personnel are met, the building can structurally support the use as proposed.

## 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 was previously used as a warehouse and storage space and possesses ample room to accommodate the proposed used. The proposed special use shall not impede the development of the neighborhood.

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

Comment: Putting the property to a productive use and updating the existing structure should not negatively impact the area. If the redevelopment occurs as proposed, property values should increase or remain stable. If the proposed development does not occur, the building will remain vacant and property values could suffer.

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

Comment: Non-applicable because 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: Union Street is designed to be a heavily travelled street. The proposed use should not negatively impact the ability of Union Street to handle increased traffic.

- 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: Noise, particularly broadcasted music, is a concern. This concern can be addressed by appropriate restriction(s).

- 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: Lighting near the residentially zoned areas is a concern. This concern can be addressed by appropriate restrictions.

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

Comment: The petitioners did not provide landscaping plans.

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 petitioners operate an existing business in Collinsville. If run correctly, the proposed use should remain in existence for a long period of time.

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

Comment: No facilities that require special protection are located near the proposed use.

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 operate the business according to all applicable laws, there should be no adverse impact upon the residents of the area.

#### OTHER ISSUES & COMMENTS

If this special use permit is approved, 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 cause lighting to cross property lines onto residentially zoned properties. With the exception of the sign facing Union Street, all exterior lighting shall be directed down onto the parking lot or onto the building.
2. The owners of the special use permit awarded by this ordinance shall not cause noise or music to be audible on adjacent residentially zoned properties.
3. The owners of the property shall comply with all applicable federal, state, and local regulations regarding this type of business.

4. 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.