

**ALTON PLAN COMMISSION MINUTES**

**ALTON CITY COUNCIL CHAMBERS**

**FEBRUARY 23, 2016 – 1:15 p.m.**

(As unapproved by the Plan Commission)

PRESENT: Mark Hackworth (Chairman), Joe Blair, Bill Stoutenborough, Barry Clayton, Anne Doucleff, Gary Doerr, Terry Dooley, Todd Harpole, Martha Kane

ABSENT: John Rain

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

Chairman Hackworth 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 Barry Clayton and seconded by Terry Dooley to approve the minutes of the regular meeting of February 2, 2015.**

**Vote was 9 to 0 in favor.**

Chairman Hackworth requested Jim Schrempf to explain the appointment terms of Plan Commission members.

Jim Schrempf stated according to Alton City Code 2-2-2, the members shall serve for a term of 3 years or until their successors have been duly appointed and qualified.

There were no questions or comments regarding this matter.

Jason West and Robert McAfoos petitioned for a text amendment to Section 3 D of Chapter 5 of Title 11 by adding Motor Vehicle Custom Shops (a use within NAICS Code 81112) to the list of special uses within the R-2 Single-Family Residential Zoning District and for a special use permit to operate a motor vehicle custom shop at 2115 College.

**Motion was made by Terry Dooley and seconded by Joe Blair to open the public hearing.**

**Vote was 9 to 0 in favor.**

Robert McAfoos, owner of 2115 College, stated he would like to lease his building to Jason West to operate an artistic shop for household or car customs. There will be no work on vehicles on the site. Photos were shown to the Plan Commission. Mr. McAfoos has been using the building for the trailer park maintenance and office. He will remodel the building. He has consent of the mobile home renters for the new business. The mobile homes will remain. He will use some of the building for his maintenance and office.

Jason West stated he will not work on vehicles or store vehicles there. He will call the customers when the work is done. He will be making decals, glass etching, powder coating, T-shirts, and other custom metal work. Customers will bring the items to him. There will be no odors and will use water base paint. The business will not be allowed in the mobile homes.

Upon further review, it was determined that NAICS Code 332812 Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers was the more appropriate NAICS Code Classification.

Matt Asselmeier stated the parcel ID number would apply to the entire parcel including the mobile homes. Mr. McAfoos will put in the renters lease that the special use permit does not include the mobile homes. Portions of Mr. Asselmeier's memorandum was discussed – "recommended restrictions".

No questions from the public.

Mr. Asselmeier read the attached memorandum. There was submitted a favorable petition signed by the residents of the mobile home park.

**Motion was made by Terry Dooley and seconded by Todd Harpole to close the public hearing.**

**Vote was 9 to 0 in favor**

Anne Doucleff wanted to make some suggestions before leaving the Commission. There are many old commercial buildings in this city that can't be used for residential. The administration wants to encourage business into Alton. The Commission must stop chipping away from the single-family code. She spoke of mixed uses and commercial properties in residential areas. Leave commercial as commercial. Stay with the comprehensive plan or maybe update it. Make limited uses in commercial properties.

Chairman Hackworth stated he sent a letter to Mr. Asselmeier requesting to amend the comprehensive plan. They decided to hold off until the new Commission was in place.

Barry Clayton wanted to make more restrictions on the proposed text amendment. Mr. Asselmeier changed the wording and read the new amendment. No objections.

**Motion was made by Terry Dooley and seconded by Barry Clayton for a text amendment to Section 3 D of Chapter 5 of Title 11 by adding the following language to the list of special uses within the R-2 Single Family Residential District:**

**“Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers (uses within NAICS Code 332812) including only the following:**

**Enameling, lacquering, and varnishing metals and metal products.**

**Engraving, chasing or etching metals and metal products (except jewelry; personal goods carried on or about the person, such as compacts and cigarette cases; precious metal products (except precious plated flatware and other plated ware); and printing plates.**

**Powder coating metals and metal products.”**

**Vote was 9 to 0 in favor.**

**Motion was made by Terry Dooley and seconded by Todd Harpole for a special use permit to operate a metal coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers shop at the property identified by parcel ID number 23-2-08-07-09-102-001, more commonly known as 2115 College, Alton, Illinois, subject to the restriction listed in Matt Asselmeier's memorandum.**

**Vote was 9 to 0 in favor.**

Chairman Hackworth thanked Anne Doucleff and Bill Stoutenborough for their years of service on the commission.

**Bill Stoutenborough made the following motion, whenever there is a request for a building permit on a property for which a non-conforming use has expired, the City shall inspect the property to evaluate whether the condition of the building justifies the cost to restore it to a conforming use or whether it should be demolished.**

**Motion was made by Bill Stoutenborough and seconded by Barry Clayton to approve the above request.**

**Vote was 9 to 0 in favor.**

Attachments

Adjourned 2:10 p.m.

## MEMORANDUM

**TO:** The Alton City Plan Commission

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

**DATE:** February 16, 2016

**RE:** Zoning Text Amendment for a Motor Vehicle Custom Shop in the R-2 District

Jason West and Robert McAfoos petitioned the Alton City Council to amend Title 11, Chapter 5, Section 3 D by adding Motor Vehicle Custom Shops (a use within NAICS Code 81112) 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 custom shop at 2115 College Avenue (P. I. # 23-2-08-07-09-102-001) (see second memo regarding the special use request).

### Background

According to information provided to the City, the petitioners believe that the property located at 2115 College Avenue would be ideal for the proposed decal making, refinishing, powder coating, and hydro-graphics business. The petitioners believe that the majority of their clients will be requesting decaling and powder coating work related to their cars, trucks, and motorcycles, which is the reason that the request was for a Motor Vehicle Custom Shop. However, upon greater consultation with the applicants, the proposed use would be more in agreement with Metal Coding, Engraving (except Jewelry and Silverware) and Allied Services to Manufacturers (uses within NAICS Code 332812). If a text amendment occurred, both uses would allow the petitioners to operate their business in areas zoned R-2 (Single-Family Residential District). However, uses within NAICS Code 332812 would be less intense uses if appropriate restrictions were included with the special use permit.

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 Custom Shops are a use within NAICS Code 81112 and include repair and customization facilities, painting motor vehicles, and replacing,

repairing, and tinting automotive related glass. Motor Vehicle Custom Shops are permitted uses in the C-2 (General Commercial District), C-5 (Heavy Commercial District), M-1 (Light Industrial District), and M-2 (General Industrial District) and are a special use in the C-1 (Neighborhood Commercial District).

NAICS Code 332812 includes enameling, lacquering, and varnishing metals and metal products, galvanizing metals, engraving or etching metals (except jewelry and personal goods), powder coating metals and metal products, and providing similar services related to plastic objects. These uses are permitted uses in the M-1 (Light Industrial District), M-2 (General Industrial District), and M-4 (Planned Business Park District).

### **Findings**

Unlike catering and limited service restaurants, this proposed 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 either of the proposed NAICS classifications. In addition, a high risk exists that inoperable vehicles may be stored at the motor vehicle custom center locations and this could negatively impact the residential character of the neighborhood. However, the applicants only intend to work inside the brick building and minimal work would occur outside the building. In addition, the majority of the work proposed at this facility more neatly fits into NAICS Code 332812, which is a less intense use when properly restricted.

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 2115 College Avenue, 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 building became obsolete. However, in certain specific instances, modern commercial and service related 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 uses within NAICS Code 332812 would be more appropriate than Motor Vehicle Custom Shops. Both proposed uses would be appropriate only in **extremely** limited, specific instances within this zoning classification and **always** with appropriate restrictions to ensure that the residential neighborhood is minimally impacted by either of these uses.

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:

Metal Coating, Engraving (except Jewelry and Silverware) and Allied Services to Manufacturers (uses within NAICS Code 332812).

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:** February 16, 2016

**RE:** Special Use Permit for a Motor Vehicle Custom Shop at 2115 College Avenue. (P.I. #: 23-2-08-07-09-102-001).

Jason West and Robert McAfoos petitioned the Alton City Council to amend Title 11, Chapter 5, Section 3 D by adding Motor Vehicle Custom Shops (a use within NAICS Code 81112) 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 custom shop at 2115 College Avenue (P. I. # 23-2-08-07-09-102-001) (see previous memo regarding the text amendment request).

### Background

According to information provided to the City, the petitioner, Jason West, intends to operate a decal making, refinishing, powder coating, and hydro-graphics business at the subject property which is owned by Robert McAfoos. The petitioners indicated that the majority of the work related to the business will occur inside the brick building located at the subject property. Placing decals on car, trucks, and motorcycles would occur in one (1) of the parking lanes located in front of the building. The petitioners do not believe that vehicles will be located on the property for extended periods of time. The petitioners submitted a letter on January 23, 2016 explaining their intentions and this letter is included as Exhibit A.

As noted in Exhibit A, Jason West intends to operate "Crown of Thorns Customs" at the subject property. The anticipated hours of operation would be Monday through Friday, 10:00 A.M. until 6:00 P.M. The business is a sole proprietorship and Mr. West would be the only employee. Mr. West has been doing similar work out of his home and would like to create a formal business. He selected the subject property as the proposed location for his business because of the lease rate offered by Mr. McAfoos. A copy of the lease is included as Exhibit B. The petitioners have invested at least Eight Thousand Dollars (\$8,000) in equipment and improvements to the building. Mr. West self-financed his portion of the investment.

The proposed use would be located inside the existing brick building located on the property. Photos of the building are included as Exhibit C. The building is approximately eight hundred (800) square feet with an additional five hundred sixty (560) square feet under the canopy in the front of the building. The construction date of the building is unknown but the property has been

used previously as a taxi business. The property possesses a business license for the offices of mobile home park, which it has held since 1988. If this proposal is approved, the offices of the mobile home park would remain housed in the rear portion of the building. The petitioners plan to repair the soffit, power wash the brick, and do some painting if the proposal is approved. Fourteen (14) mobile homes are located on the property. Mr. McAfoos and his wife have owned the subject property since August 2010.

The subject property is zoned R-2 (Single-Family Residential District). The property use was classified as Non-Conforming on zoning maps from the 1960s and early 1970s. By 1981, the property had lost its non-conforming status. The properties to the north, south, east, and west share the same zoning classification. The property to the northwest is Rock Spring Park and is zoned CR (Conservation Recreation District). The Alton School District owns the property directly north of the subject property. The nearest commercially zoned properties are located at the intersection of College and Washington Avenues approximately one thousand seven hundred fifty feet (1750') east of the subject property and Alton Memorial Hospital, which is zoned MED (Medical District), is approximately one thousand five hundred feet (1,500') southwest of the subject property.

As noted in Exhibit A, the petitioners plan to install a three foot by four foot (3'X4') sign on northwest corner of the front of the building. The sign would be ten feet (10') off the ground and eighteen feet (18') from the sidewalk. The sign would have lights shining on it. A photo of the sign is included as Exhibit D.

The brick building has existing lights in each of the lanes under the canopy, by the flagpole, and along the east side of the building (the circuit for these lights does not work). In addition, there are two (2) lights at the entrance to the mobile home park and one (1) private streetlight within the mobile home park. No additional lighting is planned for the property.

The petitioners indicated that the majority of their work would be inside the building. Therefore, no noise or odors should be caused by the proposed use.

The petitioners indicated that all of their paints are water-based and they will not be working on vehicles. Therefore, no toxic materials will be onsite.

Mr. McAfoos currently uses Sanders for trash removal; he plans to continue to use this service.

The brick building has two (2) entrances and exits, on the north and south sides. The basement can only be accessed from the rear (south) side of the building.

The property possesses two (2) ingress/egress points off of College Avenue.

The property possesses adequate parking for the proposed use

On February 2, 2016, the petitioners met with Matt Asselmeier, Sam Shaw, and Fire Department 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 that the minor building and fire code issues are addressed.

### **Findings**

As noted in the previous memo on the proposed text amendment, Staff believes that the proposed use more adequately falls under NAICS Code 332812 Metal Coating, Engraving (except Jewelry and Silverware), and Allied Service to Manufactures. NAICS Code 81112 would allow the petitioners to operate the business as proposed but would be a more intense commercial use. Staff believes that NAICS Code 332812 allows the petitioners to undertake their proposed business in a manner more consistent with surrounding uses and more consistent with the intentions of the petitioners. Accordingly, Staff evaluated this request based on uses allowed in NAICS Code 332812.

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, 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: Provided the petitioners 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 petitioners do not plan to alter the size or footprint of the building. The remodeled interior would not prevent businesses currently allowed in the R-2 (Single-Family Residential District) from locating in the building in the future.

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

Comment: Rock Spring Park, Alton Middle School, and Alton Memorial Hospital are located near the subject property. Appropriate restrictions could be put in place that minimizes any conflicts that could exist between the proposed use and the previously mentioned facilities.

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 followed 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.

#### 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 permit a business allowed by this special use permit to operate in any of the mobile homes located on the property.
2. The owners of the special use permit awarded by this ordinance shall restrict all work related to the use allowed by this special use permit to the interior of the brick building and briefly under the canopy located in the front of the brick building.
3. The owners of the special use permit awarded by this ordinance shall not dismantle or repair any motor vehicles onsite.
4. The owners of the special use permit awarded by this ordinance shall not allow derelict or inoperable motor vehicles or parts of motor vehicles related to the business to be placed on the property.
5. The owners of the special use permit awarded by this ordinance shall not allow any customers' motor vehicles related to the business to be parked outside of the brick building on the subject property overnight.
6. The owners of the special use permit awarded by this ordinance shall not install any additional lighting on the property. The owners of the special use permit awarded by this ordinance may repair and upgrade existing lighting fixtures located on the property provided that the lights do not shine on any mobile home. This restriction shall not include any lighting used solely for the purposes of security within the existing mobile home park.
7. 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.
8. 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 brick building or property.

9. 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.
10. The owners of the property shall comply with all applicable federal, state, and local regulations regarding this type of business.
11. 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: The petitioners submitted a petition signed by the residents of the mobile home park. This document is included as Exhibit E.

Unfavorable: None as of the date of this Memo.

PAST SPECIAL USES FOR SAID PROPERTY

\* None.