

**ALTON PLAN COMMISSION MINUTES**

**ALTON CITY COUNCIL CHAMBERS**

**MARCH 15, 2016 – 1:15 p.m.**

(As unapproved by the Plan Commission)

**PRESENT:** Mark Hackworth (Chairman), John Rain, Joe Blair, Barry Clayton Gary Doerr, Terry Dooley, Todd Harpole, Martha Kane, James Rogalsky

**ABSENT:** Eva Perkins

**OTHERS PRESENT:** Matt Asselmeier (Deputy Director of Development and Housing), Jim Schrempf (Corporation Counselor), Charles Brake (Alderman 5<sup>th</sup> Ward), 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 Terry Dooley and seconded by Todd Harpole to approve the minutes of the regular meeting of March 8, 2015.**

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

Thomas G Blake and T Gaynor Blake GST Trust petitioned for a text amendment and special use permit to operate a motion picture and sound recording business at 115 Market, Alton, Illinois.

**Motion was made by Barry Clayton and seconded by Terry Dooley to open the public hearing.**

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

Jim Schrempf explained the public hearing procedures.

Alexander St Cin, 907 Hopp Hollow, stated they wish to open a sound studio at 115 Market. He showed illustrations and explained:

- Sound input (equivalent to a small conversation outside a door)
- OSHA graph
- Acoustic treatment
- Isolated control room
- Vocal booth
- Door and window acoustic insulation
- Double insulated wall and windows
- Photo of broad view layout

Mr. St. Cin stated they have tested at peek volumes and all was fine with the neighbors next door and the condos above. They did not hear anything.

Questions from the Plan Commission:

- Would there be bands? Yes, including choirs, voiceovers, films, videos, recordings. The sound would be isolated.
- Hours of operation? Probably 9:00 a.m. to 5:00 p.m., but maybe as late at 8:00 p.m.
- There would be no audience, just when they have their open house that might be on May 14, 2016.

Those in audience with questions – none.

Those in audience in favor – none.

Those in audience in opposition – none.

Matt Asselmeier read his attached memorandum. One question – if the sound is disturbing, what would be done? Mr. Asselmeier stated to remedy the problem, the city would revoke the special use permit and business license.

The owner of the sound studio stated he has discussed the parking issues with the neighboring businesses.

**Motion was made by Barry Clayton and seconded by Terry Dooley to close the public hearing.**

**Vote was 9 to 0 in favor**

**Motion was made by Terry Dooley and seconded by Martha Kane for a text amendment to Section 13 D of Chapter 5 of Title 11 by adding Motion Picture and Sound Recording Industries (uses within NAICS Code 512) to the list of special uses within the MR Marina Recreation Zoning District, subject to the special conditions listed on Page 3 of the attached memorandum.**

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

**Motion was made by Terry Dooley and seconded by Joe Blair for a special use permit to operate a motion picture and sound recording business at the property identified by parcel ID number 23-2-07-14-07-203-025, more commonly known as 115 Market Street Alton, Illinois, subject to the special conditions listed on Page 5 of the attached memorandum.**

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

Attachments

Adjourned 1:40 p.m.

## MEMORANDUM

**TO:** The Alton City Plan Commission

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

**DATE:** March 8, 2016

**RE:** Zoning Text Amendment for Motion Picture and Sound Recording Industries in the MR District.

Thomas G. Blake, on behalf of T. Gaynor Blake GST Trust, petitioned the Alton City Council to add Motion Picture and Sound Recording Industries (uses within NAICS Code 512) to the list of special uses within the MR (Marina Recreation District) and for a special use permit to have a motion picture and sound recording studio 115 Market Street (P.I. #: 23-2-07-14-07-203-025) (see second memo).

### Background

According to information provided to the City, the petitioner has signed a lease with representatives of Lighthouse Sounds for the purposes of having a recording studio at the subject property. The proposed studio would provide both audio and visual record services to prospective musical customers.

The properties zoned MR (Marina Recreation District) that are located north of Landmarks Boulevard are classified as "Downtown" on the Future Land Use Map. A copy of the Future Land Use Map is included as Exhibit A. The majority of the properties classified as "Downtown" on the Future Land Use Map are currently zoned C-2 (General Commercial), C-4 (Downtown Commercial) and MR (Marina Recreation District).

The definition of "Downtown" on the Future Land Use Map can be found on page 58 of the Comprehensive Plan and states the following:

"This land use category is designed to accommodate an extensive range of retail and service commercial uses (including hotels), **selected light industrial uses that are typically found in downtown environments** (emphasis added), residential development with densities up to or exceeding 12 dwelling units per acre with the maximum controlled by the city's zoning regulations. The mix of housing will include single-family attached (or townhouse) dwellings, duplexes, accessory apartments, and multi-family developments. This land use classification includes areas with an existing development pattern that would be

consistent with these uses as well as other appropriate lands. In addition to the allowed residential uses, public and semi-public uses, parks, and religious uses will also be allowed. The exact land uses allowed in this category will be regulated by the city's zoning regulations."

A copy of the Zoning Map is included as Exhibit B. According to Section 13(A) of Chapter 5 of Title 11 of the City's Zoning Ordinance,

"The purpose of the MR, marina recreation district, is to permit selected retail sales, various service activities, and recreational uses in appropriate areas. The MR district is considered consistent with and designed to implement provisions of the comprehensive plan for lands in close proximity to the Mississippi River that are designated as parks and open space, public/semipublic and commercial on the city's future land use map."

NAICS Code 512 contains a variety of uses related to motion picture and sound recordings. These uses include motion picture and video production, motion picture and video distribution, motion picture and video exhibition, motion picture theaters (except drive-ins), drive-in motion picture theaters, postproduction services and other motion picture and video industries, teleproduction and other postproduction services, other motion picture and video industries, record production, integrated record production/distribution, music publishing, sound recording studios and other sound recording industries. Motion picture and video production, motion picture and video distribution, postproduction services and other motion picture and video industries, and sound recording industries are permitted uses in the M-1 (Light Industrial District) and M-2 (General Industrial District). The only use within NAICS Code 512 that is currently allowed in the MR (Marina Recreation District) is motion picture theaters (except drive-ins); this use is a permitted use.

### **Findings**

Very few properties within the MR (Marina Recreation District) are large enough to do motion picture and sound recording related industries at a large scale. In addition, the majority of structures within this zoning classification possess little to no separation from adjoining structures. Concerns regarding noise level, noise vibration, and light pollution could arise, but these concerns could be addressed with the placement of appropriate restrictions on special use permits.

Off-street parking is not required in the MR (Marina Recreation District) per Title 11, Chapter 9, Section 1 of the City Code. If allowed by special use permit, the owners of motion picture and sound recording industries would have to take the limited parking situation into account when considering opening this type of business in this portion of the City.

Based on the information provided by the petitioners and their tenants, no desire exists to operate a movie theater or drive-in movie theater at this location. Since movie theaters, except drive-in theaters, are a permitted use, the proposed text amendment should take this fact into account.

Taking into account the language contained in the Comprehensive Plan and the unique layout of certain buildings zoned MR (Marina Recreation District), Staff believes that this use would be appropriate only in **extremely** limited, specific instances within this zoning classification and **always** with appropriate restrictions to ensure that health, safety, and welfare of the general public is not endangered. Therefore, the proposed uses should be classified as special uses within the zoning classification.

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 13 of Chapter 5 of Title 11 of the City Code of the City of Alton “Special Uses” adding the following:

“Motion picture and sound recording industries including only the following:

1. Motion Picture and Video Production (uses within NAICS Code 51211).
2. Motion Picture and Video Distribution (uses within NAICS Code 51212).
3. Postproduction Services and Other Motion Picture and Video Industries (uses within NAICS Code 51219).
4. Sound Recording Industries (uses within NAICS Code 5122).”

If the above text amendment is approved as proposed, Motion Picture Theaters (except Drive-Ins) (uses within NAICS Code 512131) would remain a permitted use within this zoning district and Drive-In Motion Picture Theaters (uses within NAICS Code 512132) would not 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:** March 8, 2016

**RE:** Special Use Permit for a Motion Picture and Sound Recording Industry at 115 Market Street (P.I. #: 23-2-07-14-07-203-025).

Thomas G. Blake, on behalf of T. Gaynor Blake GST Trust, petitioned the Alton City Council for a special use permit to operate a motion picture and sound recording studio (uses within NAICS Code 512) at 115 Market Street (P.I. #: 23-2-07-14-07-203-025) (see previous memo regarding the requested text amendment).

### Background

According to information provided to the City, the petitioner signed a one (1) year lease with representatives of Lighthouse Sounds in January 2016. The owner of Lighthouse Sounds, Jay Stanley, desires to operate an audio and visual recording studio at the subject property. Mr. Stanley and his associates envision bands, vocalists, choirs, and other related musical acts coming to the subject property and recording, both audio and visual, their performances for placement on DVDs and CDs. Mr. Stanley believes that the subject property fits his needs and its location near in downtown is ideal for his proposed business.

As previously noted, the name of the business would be Lighthouse Sounds. Mr. Stanley possesses several years of experience in the hotel and gas station management businesses; his associates are professionals in the sound industry. Mr. Stanley would be the only employee of the business; his associates are independent contractors. The anticipated hours of operation are 8:00 A.M. until 8:00 P.M., seven (7) days a week. If approved, Mr. Stanley hopes to open the business as quickly as possible. Lighthouse Sounds possesses a domain name, [www.lighthousesounds.com](http://www.lighthousesounds.com); the website is still under construction. The business also possesses a Facebook page, <http://www.facebook.com/lighthousesounds>. Mr. Stanley is self-financing this business venture.

The subject property is owned by Thomas G. Blake and T. Gaynor Blake GST Trust. Constructed around 1920, the building contains approximately 1,550 square feet on two stories. Based on the information provide to the City, Mr. Stanley would use the top floor (Market Street level) for the main portion of the business with offices in the basement. On the top floor, the room located in the northeast corner of the building would be the "live" room where musicians would play and sing. The room located on the southeast side of the top floor would be the

control room. A small room located on the southwest side of the building would be used for vocal recording. The top floor also has two (2) restrooms. The basement has an open floor plan for the most part with two (2) storage areas, one (1) restroom, and one (1) water heater closet. Patrons of the business would not be allowed in the basement area. Mr. Stanley has invested approximately Twenty-Five Thousand Dollars (\$25,000) in the building; a portion of this investment includes the installation of Roxul manufactured fire proof/sound proof insulation. Pictures of the property are included as Exhibit A. Mr. Stanley envisions a maximum of twenty (20) people, both musicians and Lighthouse Sounds staff and contractors, in the building at one (1) time.

Previous uses for the subject property included liquor establishments. A liquor license expired in 2005. Efforts to obtain another liquor license since 2005 were unsuccessful. The Lighthouse Media Center, a banquet facility, possessed a business license at this address from 2009 until December 2010 and, most recently, Piasa Armory operated a sporting goods store at this location.

The property is zoned MR (Marina Recreation District). All of the adjoining properties share this zoning classification. Oasis Women's Center, Frenz Hair Salon, Stifel Nicolaus & Company, Buffalo Jump Design, and Lincoln-Douglas Square are located in the 100 block of Market.

According to the City's records, there are 21 permitted residential units in the block bounded by the 100 block of Market, the first block of Front Street, the first block of Alby Street, and the first block of East Broadway. The maximum occupancy of these units is 20 persons. These figures do not include the residency statistics for Mississippi Landing at 7 Alby Street.

Noise and vibration are the largest concerns raised by the proposed business. Large noise vibrations, if loud enough and sustained long enough, could damage the structural integrity of the building and adjoining buildings. Many existing businesses in the MR (Marina Recreation District), particularly antiques stores, have merchandise on the walls or shelves; this merchandise could be damaged if noise vibrations rattle the walls. A barbershop/beauty salon is located adjacent to the subject property; care should be taken to prevent noise and vibrations from causing injuries to patrons of this business while receiving a haircut. Proper restrictions should also be placed on the special use permit to ensure that the peace and quiet of the residents of Oasis Women's Center and the nearby residential units are not disturbed. Mr. Stanley and his associates intend to do all of their business inside the building; they do not want any sounds to emanate from the building. Mr. Stanley and his associates also indicated that the anticipated noise caused by their activities will be no louder than semi-trucks that currently drive past the building. No video recording shall occur outside the subject building.

Pursuant to Title 11, Chapter 9, Section 1 of the City Code, no off-street parking requirements exist within the MR (Marina Recreation District). There are 22 parking spaces and one handicapped parking space in the 100 block of Market. These parking spaces are restricted to two hours between 9:00 A.M. and 5:00 P.M., Monday through Saturday. There are eight parking spaces in the first block of Front Street with two hour parking restrictions between 8:00 A.M. and

5:00 P.M., Monday through Friday. Since parking in this area is first-come-first-served, the owners of the business should advise patrons that they may need to walk one (1) block or more if parking is not available in front of the building.

Mr. Stanley intends to keep the existing signage located on the building; this signage was one (1) of the reason why he chose to name his business Lighthouse Sounds. The sign will remain lit. No additional lighting or signage is planned. Any changes in signage would have to be approved by the Appearance Review Commission.

Presently, there is no garbage pickup at this location. One of Mr. Stanley's associates plans to take any trash and garbage to his residence and disposes it with the rest of his garbage.

No toxic materials will be stored onsite.

On March 3, 2016, representatives from Lighthouse Sounds met with Matt Asselmeier, Sam Shaw, and Fire Captain Rick Orban of the City of Alton. A tour of the building 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.

The Telegraph printed an article about the subject proposal on February 20<sup>th</sup>; a copy of this article is included as Exhibit B.

### **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 MR (Marina Recreation District) and, provided that appropriate restrictions are implemented, the placement of the proposed use shall not impede the normal, orderly development of the neighborhood.

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

Comment: Provided that no noise comes from the property, that no video recordings are made outside of the property, and that the patrons of the proposed business understand the existing parking situation, the proposed use would have minimal impact on surrounding properties and businesses.

- 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: Any additional traffic generated by the proposed use can be handled by the surrounding streets.

- 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: The potential for added noise level requires appropriate restrictions.

- 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: No additional night lighting is planned at this location.

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

Comment: Any landscaping on the Market Street level must be approved by the City.

- 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: Little change has occurred to the interior walls or floorplan of the building. If the proposed use relocates from the building, the building could be used for a variety of uses currently allowed in the MR (Marina Recreation District).

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

Comment: Oasis Women Center and Lincoln-Douglas Square are located next to and across the street from property. Appropriate restrictions are required to ensure that the peace of the neighborhood is unchanged.

- 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: Appropriate restrictions should be placed on the special use permit to minimize any negative impacts of noise and vibration.

#### OTHER ISSUES & COMMENTS

The proposed special use permit shall allow the applicant to operate the following uses within NAICS Code 512:

1. Motion Picture and Video Production (uses within NAICS Code 51211).
2. Motion Picture and Video Distribution (uses within NAICS Code 51212).
3. Postproduction Services and Other Motion Picture and Video Industries (uses within NAICS Code 51219).
4. Sound Recording Industries (uses within NAICS Code 5122).

In addition, 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 any noise created by the uses allowed by this special use permit to be audible inside any adjoining structure or from the Market Street right-of-way.
2. The owners of the special use permit awarded by this ordinance shall not cause any vibrations created by uses allowed by this special use permit to be felt inside any adjoining structure or from the Market Street right-of-way.
3. The owners of the special use permit awarded by this ordinance shall not record any audio or visual activity allowed by the special use permit outside of the structure located on the subject parcel.
4. The owners of the special use permit awarded by this ordinance shall not cause any lighting from the uses allowed by this special use permit to be visible outside of the building. This restriction shall not apply to any signage normally allowed within the MR (Marina Recreation District). This restriction also shall not prevent the owners of the special use permit from using the existing light located inside the front door of the building.

5. The operation of the businesses allowed by this special use permit shall be done in accordance with all applicable Federal, State, and local laws in accordance with the standard operating practices of this type of business.
6. 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).

The above restrictions in no way prevent the applicant from operating a Motion Picture Theater (excepts drive-ins) or any other permitted use allowed within the MR (Marina Recreation District).

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.