

**ALTON PLAN COMMISSION MINUTES**

**ALTON CITY COUNCIL CHAMBERS**

**AUGUST 9, 2016 – 4:30 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, Eva Perkins

**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 10 present and 0 absent.

**Motion was made by Terry Dooley and seconded by Eva Perkins to approve the minutes of the regular meeting of April 12, 2016.**

**Vote was 10 to 0 in favor.**

Mark and Suzan Carpenter petitioned to amend the Alton Comprehensive plan, Current Land Use Map, and Future Land Use Map by correcting the designation of the property at 433 Foulds from Parks and Open Space to Single-Family Residential and that the same property be zoned from CR (Conservation/Recreation District) to R-2 (Single-Family Residential District).

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

**Vote was 10 to 0 in favor.**

Jim Schrempf explained the public hearing procedures.

Suzan Carpenter was present and stated she discovered that in 2003 a clerical error was made on her property at City Hall and that her property was zoned CR (Conservation Recreation) instead of R-2 (Single-Family Residential), being attached to park property.

There were no questions of her from the Plan Commission or the audience.

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

**Vote was 10 to 0 in favor.**

Matt Asselmeier read his memorandum, see attached. The city recommends the amendment.

**Motion was made by Terry Dooley and seconded by Eva Perkins to amend the Alton Comprehensive Plan, Current Land Use Map, and Future Land Use Map by correcting the designation of the property identified by permanent parcel number 23-2-07-11-17-301-018, Section 11, Township 5 North, Range 10 West of the Third Principal Meridian, also known as 433 Foulds, Alton, Illinois, from Parks and Open Space to Single-Family Residential.**

**Vote was 10 to 0 in favor.**

**Motion was made by Barry Clayton and seconded by Terry Dooley to rezone the property identified by permanent parcel number 23-2-07-11-17-301-018, Section 11, Township 5 North, Range 10 West of the Third Principal Meridian, also known as 433 Foulds, Alton, Illinois, from CR (Conservation/Recreation District) to R-2 (Single-Family Residential District).**

**Vote was 10 to 0 in favor.**

**Adjourned 4:35 p.m.**

Frank McAtee petitioned to amend the Alton Comprehensive Plan, Current Land Use Map, and Future Land Use Map by changing the designation of 1623 Main, Alton, Illinois, from Commercial to Single-Family Residential and that the same property be rezoned from C-2 (General Commercial) to R-2 (Single-Family Residential).

**Motion was made by Barry Clayton and seconded by Terry Dooley to open the public hearing.  
Vote was 10 to 0 in favor**

Frank McAtee was present and stated he wants to rezone the property from C2 (General Commercial) to R-2 (Single-Family Residential). When he purchased the dwelling in 1996 it was a residence. At that time there were 4 residential buildings in his block. In 1997, he opened his real estate business there. In 2015, he closed his business and now it is on the market for sale so he would like to rezone it to R-2. All the block behind him is residential.

There were no questions from the Plan Commission or from the audience.

Matt Asselmeier read his memorandum, see attached, and showed the zoning map and the existing land use map and explained. Mr. Asselmeier's only concern is the rezoning for the other properties on the west side of the block, but there is no concern to rezone this property at this time.

**Motion was made by Terry Dooley and seconded by John Rain to close the public hearing.  
Vote was 10 to 0 in favor**

**Motion was made by Terry Dooley and seconded by Joe Blair to amend the Alton Comprehensive Plan, Current Land Use Map, and Future Land Use Map by changing the designation of the property identified by permanent parcel number 23-2-08-07-10-102-023, Section 7, Township 5 North, Range 9 West, also known as 1623 Main Street, Alton, Illinois from Commercial to Single-Family Residential.**

**Vote was 10 to 0 in favor.**

**Motion was made by Terry Dooley and seconded by Todd Harpole to rezone the property identified by permanent parcel number 23-2-08-07-10-102-023, Section 7, Township 5 North, Range 9 West, also known as 1623 Main Street, from C-2 (General Commercial) to R-2 (Single Family Residential).**

**Vote was 10 to 0 in favor.**

**Adjourned 4:43 p.m.**

Sheppard, Morgan & Schwaab, Inc. on behalf of Larry Manns, petitioned for approval of preliminary and final plats of Alton Commerce Park 1 Subdivision, also known as 4521 Alton Commerce Parkway, 2920 Fosterburg Road, and an unaddressed property located in the 2900 block of Fosterburg Road, Alton, Illinois, and for waivers to sections of the Subdivision Ordinance of the City of Alton.

**Motion was made by Terry Dooley and seconded by Barry Clayton to open the public hearing.  
Vote was 10 to 0 in favor.**

John Ledford, with Sheppard, Morgan, & Schwaab, was present and stated they would like approval of the preliminary and final plats of Alton Commerce Park 1 Subdivision including the waivers. It is a 6-lot subdivision with improvements in place.

Questions of the Plan Commission:

Will the road be parallel to Fosterburg Road? No road, just access.

What would the use for the property be? Light industrial/manufacturing. This would allow the lots to be sold.

Matt Asselmeier showed the plat map and the properties.

Larry Manns was present and stated all ground around the property is industrial including the state hospital and prison, Hilltop Sale Barn, Moore Industrial Painting, Storeyland Mobile Home Sales. He wants to sell the property at industrial.

Alderman Gary Fleming asked how far back the property goes? Mr. Manns explained back to North Rodgers, over a mile. Alderman Fleming is concerned of the property being leased. Mr. Manns stated he will only sell the property. Alderman Fleming said the residents on McArthur are bothered with noise from motor cross dirt bikes on the trails. Mr. Manns stated if he sells the lots, they will be sold to appropriate companies and within the scope of the zoning. He does not want to destroy the value of the property.

Matt Asselmeier showed the plat and explained. The plat includes 9.46 acres in size. See attached memorandum. The plat is lawful and Mr. Asselmeier has no objections.

Questions:

- Any new construction will meet all setbacks and utility requirements.
- Mr. Asselmeier listed all uses included in the light industrial zoning. The property is now zoned M-1.

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

**Vote was 10 to 0 in favor.**

**Motion was made by Terry Dooley and seconded by Eva Perkins for approval of preliminary and final plats of Alton Commerce Park 1 Subdivision located in part of Sections 4 and 5 of Township 5 North, Range 9 West of the Third Principal Meridian, as currently identified by permanent parcel numbers 23-1-08-04-01-101-003, 23-1-08-05-00-000-007, and 19-1-08-04-01-101-004, also known as 4521 Alton Commerce Parkway, 2920 Fosterburg Road, and an unaddressed property located in the 2900 block of Fosterburg Road, Alton, Illinois, and for waivers to the following sections of the Subdivision Ordinance of the City of Alton: 12-4-2 (Street and Alley Widths), 12-4-7 (Sidewalks), 12-4-8 (Sanitary Sewers), 12-5-3 (Street and Alley Improvements), 12-5-4 (Sidewalks), 12-5-6 (Sanitary Sewers), 12-5-7 (Storm Sewers and Drainage), 12-5-8 (Installation of Fire Hydrants), 12-5-9 (Installation of Lighting of Public Ways).**

**Vote was 10 to 0 in favor.**

**Adjourned 5:00 p.m.**

Matthew Asselmeier petitioned to amend Title 11, Chapter 2, Section 2, Title 11, Chapter 7, Section 2(B)(2), and Title 11, Chapter 7, Section 2(B)(3) pertaining to Home Kitchen Operations.

**Motion was made by Barry Clayton and seconded by Gary Doerr to open the public hearing.**

**Vote was 10 to 0 in favor.**

Mr. Asselmeier has had requests to operate a home kitchen for preparing bake goods. The city would have to pass an ordinance to do that. He read the attached memorandum including special conditions on Page 1, Illinois Food Handling Regulation Enforcement Act. He stated this would require a text amendment to Title 11, Chapter 7, Section 2. This would be allowed in only residential zoned districts.

Questions:

- Would the county make health inspections? No, Mr. Asselmeier stated only if disease arises or there is a complaint.
- What is allowed to be bake was discussed.
- A business license will be required.

Riley Wilborn was present and stated she has always wanted a store front bakery for pies and cookies. She would like to start baking in her kitchen to sell those items. She lives on Burling Drive in Alton.

Home kitchen operations would have to follow applicable signage regulations.

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

**Vote was 10 to 0 in favor.**

**Motion was made by Gary Doerr and seconded by Joe Blair to amend Title 11, Chapter 2, Section 2, Title 11, Chapter 7, Section 2(B)(2), and Title 11, Chapter 7, Section 2(B)(3) pertaining to Home Kitchen Operations.**

**Vote was 10 to 0 in favor.**

**Adjourned 5:10 p.m.**

Annual election of Plan Commission chairman.

**Motion was made by John Rain and seconded by Todd Harpole to elect Mark Hackworth as chairman.**

**Vote was 10 to 0 in favor.**

**Adjourned 5:13 p.m.**

Attachments

## MEMORANDUM

**TO:** The Alton City Plan Commission

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

**DATE:** July 26, 2016

**RE:** Comprehensive Plan Amendments and Rezoning of 433 Foulds Avenue from CR (Conservation/Recreation District) to R-2 (Single-Family Residential District). (P.I. #: 23-2-07-11-17-301-018).

Mark and Suzan Carpenter petitioned the Alton City Council to amend the Alton Comprehensive Plan, Current Land Use Map, and Future Land Use Map by correcting the designation of the property identified by Parcel ID Number 23-2-07-11-17-301-018, more commonly known as 433 Foulds Avenue, from Parks and Open Space to Single-Family Residential and that the same property be rezoned from CR (Conservation/Recreation District) to R-2 (Single-Family Residential District).

### Background

The petitioners originally contacted the City requesting information on obtaining a special use permit to operate a bed and breakfast at the subject property. Upon review, Staff discovered that the subject property was zoned CR (Conservation/Recreation District) and not R-2 (Single-Family Residential District). The petitioners no longer wish to request a special use permit for a bed and breakfast, but they would like to rezone the property to R-2 (Single-Family Residential District) because single-family residential uses are not allowed as either permitted uses or special uses within the CR (Conservation/Recreation District).

Because single-family uses are not a permitted or special use within the CR (Conservation/Recreation District), the existing use is a lawfully non-conforming use. Pursuant to 11-3-9 of the City Code, restrictions exist on altering and rebuilding non-conforming uses in the event of a natural or man-made disaster. These restrictions could impact the ability of the petitioners to sell and/or insure the property in the future.

### Findings

According to the 2001 Zoning Map, as shown on Exhibit A, the subject property, along with Riverview Park to the south, was zoned R-2 (Single-Family Residential District). Following the Comprehensive Plan and Zoning Ordinance updates in 2003, the subject property and Riverview

Park were zoned CR (Conservation/Recreation District), as shown on Exhibit B. The petitioners did not request this rezoning.

In addition, the Current Land Use Map and the Future Land Use Map classify the current and future land uses as Parks and Open Space. The petitioners do not intend to use the property as Parks and Open Space. They plan to continue using the property as a single-family residence, which they have done since purchasing the property; an approximately two thousand, five hundred fifty square foot (2,550 sq. ft.) home is located on the property. A picture of the property is included as Exhibit C. A copy of the Current Land Use Map is included as Exhibit D and a copy of the Future Land Use Map is included as Exhibit E.

Because the petitioners are not requesting a change in land use, no inspection of the property occurred as part of the application review. The subject property passed an occupancy inspection in 2011 and a maximum of six (6) people may reside in the dwelling.

All of the adjoining properties, except Riverview Park to the south, are zoned R-2 (Single-Family Residential). As noted previously, Riverview Park is zoned CR (Conservation/Recreation District).

When updating a Comprehensive Plan or Zoning Ordinance in a community the size of Alton, accidental reclassifications of property are bound to occur. Since the owners did not originally request the changes to the Comprehensive Plan and Zoning Ordinance and since the petitioners did not change the use of the subject property, Staff recommends making the necessary corrections to remove the non-conformity at the subject property. To that end, Staff recommends the following amendments related to the subject property:

1. The Current Land Use Map of the City of Alton shall be corrected to show that the subject property's current land use is Single-Family Residential.
2. The Future Land Use Map of the City of Alton shall be corrected to show that the subject property's future land use is Single-Family Residential.
3. Any additional references contained in the Alton Comprehensive Plan designating the property as Parks and Open Space shall be changed to designate the property as Single-Family Residential.
4. The Zoning Ordinance of the City of Alton shall be corrected by rezoning the subject property from CR (Conservation/Recreation District) to R-2 Single-Family Residential District).

#### 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:** July 26, 2016

**RE:** Comprehensive Plan Amendments and Rezoning of 1623 Main Street from C-2 (General Commercial District) to R-2 (Single-Family Residential District). (P.I. #: 23-2-08-07-10-102-023).

Frank L. McAtee petitioned the Alton City Council to amend the Alton Comprehensive Plan, Current Land Use Map, and Future Land Use Map by changing the designation of the property identified by Parcel ID Number 23-2-08-07-10-102-023, more commonly known as 1623 Main Street, Alton, IL from Commercial to Single-Family Residential and that the same property be rezoned from C-2 (General Commercial District) to R-2 (Single-Family Residential District).

### Background

According to the information provided to the City, the petitioner has listed the subject property for sale and for lease off and on since October 2014. Since that time, the petitioner has received few offers from commercial prospects. The petitioner has received several offers from students at the SIU School of Dental Medicine to rent the space for residential use. For this reason, the petitioner requested the rezoning and related amendments to the Comprehensive Plan.

### Findings

The subject property has been zoned C-2 (General Commercial District) since at least 1963. All of the properties in the 1600 Block of Main and 2600 Block of College share this zoning classification. To the south of the subject property, 2600 and 2610 Edwards are also zoned C-2 (General Commercial District). To the south and east of the subject property, 2614 Edwards and all but two (2) of the properties in the 1600 Block of Clawson are zoned R-2 (Single-Family Residential District). The Pietown Apartments at 1606 Clawson and the duplex at 1610 Clawson are zoned R-4 (Multiple-Family Residential). To the west of the subject property, the Washington Plaza Shopping Center, also known as the Wilkening Professional Building, is zoned C-2 (General Commercial District).

While the western half of the block is zoned C-2 (General Commercial District), many of the properties are not used commercially. The Quick Stop (2605 College), Formea Animal Hospital

(1639 Main), Tropical Snow (1621 Main) and The Lintz Law Firm, LLC (2600 Edwards) are the only businesses on the west side of the block used commercially. 1629 Main, 1625 Main, 1613 Main, and 1607 Main are commercially zoned but used residentially. 2610 Edwards is also commercially zoned but used residentially. The zoning and use of the properties on Clawson match; single-family uses are zoned R-2 (Single-Family Residential) and multi-family uses are zoned R-4 (Multiple-Family Residential). A copy of the Zoning Map is included as Exhibit A. A copy of the Current Land Use Map is included as Exhibit B.

Constructed around 1923, the subject property was a single-family residence until 1997, when the petitioner started using the property for his appraisal business. Second Change of Springfield, Inc. at Alton occupied the building from December 2014 until January 2016. The property has been vacant since that time.

The subject property is approximately one thousand one hundred (1,100) square feet in size. The building is one (1) story with a basement. On July 15, 2016, the petitioner and his Realtor met with Sam Shaw and Matt Asselmeier. A tour of the subject property occurred at that time. The kitchen, dining area, and three (3) bedrooms could easily be converted to residential use. The petitioner had covered the bathtub to make the area level; once the covering is removed, the bathroom could be usable again. Based on the size of the bedrooms, a maximum of six (6) occupants could live in the house. A more detailed inspection would need to occur as part of the occupancy review process, but, generally speaking, the structure could support a residential use. The property possesses three (3) on-street parking spaces on Main Street, a driveway on the south side of the property, and parking in the rear of the property. The northeast portion of the lot is fenced; the east and south portion are unfenced. A utility easement runs to the east of the subject property. Pictures of the property are included as Exhibit C.

Single-family residential uses are not a permitted or special use within the C-2 (General Commercial District). Because the Future Land Use Map identified the property as Commercial, Staff could not recommend a rezoning of the subject property without addressing the Future Land Use Map classification. A copy of the Future Land Use Map is included as Exhibit D.

If the proposed rezoning is approved, the following uses would be permitted uses at the subject property:

Arts, entertainment and recreation including only the following:

1. Golf courses and country clubs (uses within NAICS code 71391).
2. Parks and playgrounds.

Elementary and secondary schools without residential facilities (uses within NAICS code 6111).

Public administration including only the following:

1. Executive, legislative and other general government support (uses within NAICS code 921).
2. Police protection (uses within NAICS code 92212).
3. Fire protection (uses within NAICS code 92216).
4. Other justice, public order and safety activities (uses within NAICS code 92219).

Religious organizations (uses within NAICS code 8131).

Residential uses including only the following:

1. Single-family dwellings.
2. Community residence, class I.

If the proposed rezoning is approved, the following special uses could be allowed at the subject property, subject to approval:

Beauty salons (uses within NAICS code 812112) or barbershops (uses within NAICS code 812111).

Bed and breakfast inns (uses within NAICS code 721191).

Caterers (a use within NAICS code 722320).

Childcare centers (uses within NAICS code 6244).

Civic and social organizations (uses within NAICS code 8134).

Communication (uses within NAICS code 5133) including only the following:

1. Telecommunications facility (disguised support structure).
2. Telecommunications facility (stealth).

Community residence, class II.

Funeral homes and funeral services (uses within NAICS code 812210).

Guesthouses (a use within NAICS code 721199).

Libraries and archives (uses within NAICS code 519120).

Limited service restaurants (a use within NAICS code 722513).

Museums, historical sites and similar institutions (uses within NAICS code 712).

Nursing care facilities (uses within NAICS code 623110).

Residential uses, including only the following:

1. Single-family attached dwellings provided that no such dwelling is attached to more than one other dwelling.
2. Zero lot line dwellings.

Small solar energy systems.

Utility uses including only the following:

1. Minor public and private utilities, including electrical substations, lift stations, water towers and similar uses.

As of the date of this memo, approximately twenty-four thousand (24,000) square feet of retail and office space in seven (7) commercial units is available for sale or lease in the Upper Alton Business District. This figure does not include the square footage of the subject property, the square footage of the top two (2) stories of the Washington Plaza Shopping Center, or the square footage of the Tropical Snow building.

The loss of the commercial space provided by the subject property should not negatively impact the commercial development of the area. The rezoning should also not negatively impact the property values of adjoining properties because the use of the subject property is not drastically changing and the rezoning probably will not cause neighboring properties to significantly alter their uses. However, the amendment to the Future Land Use Map and rezoning, if approved, could cause other property owners on the east side of Main Street in the 1600 Block to make similar requests as the subject petition. Except for 1605 College and 1639 Main, given current economic conditions and the expansion of Internet-based businesses, Staff believes it is highly unlikely that properties located on the east side of Main Street in the 1600 Block will be primarily used as commercial structures. To that end, Staff recommends the following amendments related to the subject property:

1. The Current Land Use Map of the City of Alton shall be amended to show that the subject property's current land use is Single-Family Residential.
2. The Future Land Use Map of the City of Alton shall be amended to show that the subject property's future land use is Single-Family Residential.
3. Any additional references contained in the Alton Comprehensive Plan designating the property as Commercial shall be changed to designate the property as Single-Family Residential.
4. The Zoning Ordinance of the City of Alton shall be amended by rezoning the subject property from C-2 (General Commercial District) to R-2 (Single-Family Residential District).

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:** July 28, 2016

**RE:** Preliminary and Final Plats of Alton Commerce Park 1 (P.I. #: 23-1-08-04-01-101-003, 23-1-08-5-00-000-007, and 19-1-08-04-01-101-004.000) and Requested Waivers to Various Sections of the Subdivision Ordinance.

Sheppard, Morgan, & Schwaab, Inc. on behalf of Larry Manns petitioned the Alton City Council for approval of preliminary and final plats of Alton Commerce Park 1 Subdivision located in part of Sections 4 and 5 of Township 5 North, Range 9 West of the Third Principal Meridian, as currently identified by Parcel ID numbers 23-1-08-04-01-101-003, 23-1-08-05-00-000-007, and 19-1-08-04-01-101-004, also known as 4521 Commerce Parkway, 2920 Fosterburg Road, and an unaddressed property located in the 2900 block of Fosterburg Road, Alton, Illinois, and for waivers to the following sections of the Subdivision Ordinance of the City of Alton 12-4-2 (Street and Alley Widths), 12-4-7 (Sidewalks), 12-4-8 (Sanitary Sewers), 12-5-3 (Street and Alley Improvements), 12-5-4 (Sidewalks), 12-5-6 (Sanitary Sewers), 12-5-7 (Storm Sewers and Drainage), 12-5-8 (Installation of Fire Hydrants), 12-5-9 (Installation of Lighting of Public Ways).

### Background

The petitioner desires to subdivide the land in question in order to attract potential investment in the area. The existing building at 4521 Alton Commerce Parkway, formerly the offices of the Illinois Department of Natural Resources, and the three (3) buildings at 2920 Fosterburg Road, formerly Matrix Services, are currently vacant. The petitioner indicated that he may have a prospective occupant for a portion of the subdivision, but did not disclose the name or type of business looking to locate at the subject property.

Pursuant to the requirements of Title 12, Chapter 2, Section 2 of the Land Subdivision Ordinance of the City of Alton, on July 6, 2016, a pre-application conference was held with the engineer. A copy of the minutes of that meeting was included as Exhibit A. In the original application, the preliminary and final plats showed a new right-of-way running approximately two hundred thirty-four feet (234') from the west end of Alton Commerce Parkway to the western property line of Lot 1 on the north side of Lot 1. After much discussion internally and with the applicant, the petitioner decided not to plat a right-of-way in this area. The City does not have the funds to construct the right-of-way in question. The petitioner submitted revised preliminary and final plat which are included as Exhibits B and C.

## Findings

Those portions of the subdivision already located within the City are zoned M-1 (Light Industrial District). A small parcel of land, containing approximately 0.20 acres is currently located outside of the City; the petitioner requested annexation of this property and his request went before the City Council on July 27<sup>th</sup>. The portion of the subdivision subject to the annexation is located in portions of Lots 3 and 4 of the proposed subdivision.

Moore Paint Company is located north of Lot 1 of the proposed subdivision; this property is also zoned M-1 (Light Industrial District). The Alton Mental Hospital is located across Fosterburg Road from the proposed subdivision; this land is zoned MED (Medical District).

The proposed subdivision shall create six (6) lots from the existing approximately 9.46 acres (412,129 square foot) parcels.

Lot 1: 2.77 acres (120,550 square feet). An existing approximately 8,000 square foot building that formerly housed offices for the Illinois Department of Natural Resources is currently on site. The property has been vacant since the third quarter of 2015. A picture of the building is included as Exhibit D.

Lot 2: 0.99 acres (43,000 square feet). This portion of the proposed subdivision is currently undeveloped.

Lot 3: 1.07 acres (46,729 square feet). This portion of the proposed subdivision is currently undeveloped.

Lot 4: 1.18 acres (51,386 square feet). This portion of the proposed subdivision is currently undeveloped.

Lot 5: 2.53 acres (110,073 square feet). Three (3) existing buildings that formerly housed Matrix Services are currently located on site. The buildings consist of two (2) warehouses (8,000 square feet and 5,000 square feet) and office space (2,100 square feet total). The property has been unoccupied since the fourth quarter of 2014. A picture of the property is included as Exhibit E.

Lot 6: 0.93 acres (40,411 square feet). This portion of the proposed subdivision is currently undeveloped.

A copy of the aerial of the site is included as Exhibit F.

The petitioner presently owns both proposed Lot 1 and the parcel identified by Parcel ID Number 19-1-08-05-00-000-017 located to the west of the proposed subdivision. In the event that the petitioner sells either of these properties, a right-of-way easement across proposed Lot 1 will be required so as not to land lock the property currently outside the City of Alton.

The Police Department, Fire Department, Public Works Department, and Illinois American Water Company expressed no concerns or comments regarding this proposal as amended.

Even though no new public infrastructure or right-of-way is being created by this proposed subdivision, a preliminary plat is still required because the original parcel was in excess of one acre. Since no public improvements are planned, the final plat is also under consideration at this time. Given that the subdivision involves a small amount of land and does not include public improvements, the petitioner requests a waiver from the following provisions of Title 12:

12-4-2 (Street and Alley Width)

12-4-7 (Sidewalks)

12-4-8 (Sanitary Sewers)

12-5-3 (Street and Alley Improvements)

12-5-4 (Sidewalks)

12-5-6 (Sanitary Sewers)

12-5-7 (Storm Sewers and Drainage)

12-5-9 (Installation of Lighting of Public Ways)

Assuming that the requirements listed above are waived, all of the requirements for preliminary and final plats as required by Title 12 have been met.

#### OTHER ISSUES & COMMENTS

Staff recommends the approval of the proposed preliminary and final plats including the requested waivers.

#### CORRESPONDENCE RECEIVED

Favorable: None as of the date of this Memo.

Unfavorable: None as of the date of this Memo.

## Alton Commerce Park 1 Pre-Application Meeting

Pursuant to 12-2-2 of the City Code of the City of Alton, a pre-application meeting for a proposed light industrial subdivision located in the 2900 block of Fosterburg Road and the 4500 block of Alton Commerce Parkway was held on July 6, 2016, at 2:00 P.M., at Alton City Hall, 101 E. Third Street, Alton, Illinois.

Present:                    John Ledford, PLS (Sheppard, Morgan & Schwaab, Inc. and Developer Larry Manns)  
                                James Schrempf (City of Alton)  
                                Police Chief Jason Simmons (City of Alton)  
                                Matthew H. Asselmeier, MPA, AICP (City of Alton)

The proposed light industrial subdivision would divide the parcels currently identified by parcel numbers 23-1-08-04-01-101-003, 23-1-08-05-00-000-007, and 19-1-08-04-01-101-004. The current proposal splits the parcels into 6 lots, Lot 1 with 2.77 +/- acres, Lot 2 with 0.99 +/- acres, Lot 3 with 1.07 +/- acres, Lot 4 with 1.18 +/- acres, Lot 5 with 2.53 +/- acres, and Lot 6 with 0.93 +/- acres.

The parcel identified by parcel id number 19-1-08-04-01-101-004 is not annexed into the City; the developer desires to annex the parcel and have it zoned M-1 Light Industrial upon annexation. All of the adjoining properties share this zoning classification.

The developer also requested waivers from the following sections of the Subdivision Ordinance 12-4-2 (Street and Alley Widths), 12-4-7 (Sidewalks), 12-4-8 (Sanitary Sewers), 12-5-3 (Street and Alley Improvements), 12-5-4 (Sidewalks), 12-5-6 (Sanitary Sewers), 12-5-7 (Storm Sewers and Drainage), 12-5-8 (Installation of Fire Hydrants), 12-5-9 (Installation of Lighting of Public Ways).

The developer's representative did not divulge if the developer had a prospective buyer or tenant for the any of the lots involved with the proposed subdivision.

Discussion occurred regarding the ROW (right-of-way) and easement north of Lot 1; the City felt this should be a dedicated ROW. The developer's representative said that he would contact the developer and see if he was agreeable to this request.

With regards to other infrastructure, since the area is already partially built and along two existing ROWs, infrastructure items covered by the waivers would be addressed in site plans as each lot was developed.

The developer's representative would prepare a petition to annex and supply this petition to Jim Schrempf.

Matt Asselmeier provided the developer's representative with the regulations regarding preliminary and final plats. The developer's representative must submit documents to Matt Asselmeier by July 13<sup>th</sup> in order to be on the Plan Commission's agenda for August 9<sup>th</sup>.

## MEMORANDUM

**TO:** The Alton City Plan Commission

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

**DATE:** July 26, 2016

**RE:** Zoning Text Amendment for Home Kitchen Operations

Matthew Asselmeier, Deputy Director of Development and Housing petitioned the Alton City Council for text amendments to the Zoning Ordinance of the City of Alton by adding the definition of "Home Kitchen Operation" to a Title 11, Chapter 2, Section 2, adding "Home Kitchen Operation" to the list of permitted Home Occupations as stated in Title 11, Chapter 7 Section (2)(B)(2), and amending Title 11, Chapter 7 Section 2(B)(3)(b) to allow "Home Kitchen Operations" to sell their products from their homes.

### Background

Over the years, the City of Alton received several requests from individuals desiring to manufacture and sell homemade baked goods from their home. The Illinois Food Handling Regulation Enforcement Act (410/ILCS 625) created parameters allowing these types of home occupations to occur. However, the Act required that the local governing body, in this case the City of Alton, allow these types of home occupations through their local ordinances.

According to Section 3.6(a) of the Illinois Food Handling Regulation Enforcement Act, a "Home Kitchen Operation" is ". . . a person who produces or packages non-potentially hazardous baked goods in a kitchen of that person's primary domestic residence for direct sale by the owner or a family member." This section also lists the following conditions for Home Kitchen Operations:

1. Monthly gross sales do not exceed One Thousand Dollars (\$1,000);
2. The food is a non-potentially hazardous baked good;
3. A notice is provided to the purchaser that the product was produced in a home kitchen;
4. The food package is affixed with a label or other written notice that informs the purchaser of the common or usual name of the product and allergen labeling as specified in labeling requirements of the U.S. Food and Drug Administration;

5. The food is sold directly to the consumer;
6. The food is stored in the residence where it is produced or packaged.

Per Section 3.6(a) of the Illinois Food Handling Regulation Enforcement Act, “a Home Kitchen Operation does not include a person who produces or packages non-potentially hazardous baked goods for sale by a religious, charitable, or non-profit organization for fundraising operations.” This activity is exempt from the Act.

In addition, an inspection of a home kitchen operation shall only occur if a complaint or disease outbreak arises.

The Illinois Food Handling Regulation Enforcement Act, in Section 4, describes in great detail foods that are and are not “potentially hazardous baked goods”:

- “(A) The following jams, jellies and preserves are allowed: apple, apricot, grape, peach, plum, quince, orange, nectarine, tangerine, blackberry, raspberry, blueberry, boysenberry, cherry, cranberry, strawberry, red currants, or a combination of these fruits. Any other jams, jellies, or preserves not listed may be produced by a cottage food operation provided their recipe has been tested and documented by a commercial laboratory, at the expense of the cottage food operation, as being not potentially hazardous, containing a pH equilibrium of less than 4.6 or has been specified and adopted as allowed in administrative rules by the Department pursuant to subsection (e) of this Section.
- “(B) The following fruit butters are allowed: apple, apricot, grape, peach, plum, quince, and prune. Pumpkin butter, banana butter, and pear butter are not allowed. Fruit butters not listed may be produced by a cottage food operation provided their recipe has been tested and documented by a commercial laboratory, at the expense of the cottage food operation, as being not potentially hazardous, containing a pH equilibrium of less than 4.6 or has been specified and adopted as allowed in administrative rules by the Department pursuant to subsection (e) of this Section.
- “(C) Baked goods, such as, but not limited to, breads, cookies, cakes, pies, and pastries are allowed. Only high-acid fruit pies that use the following fruits are allowed: apple, apricot, grape, peach, plum, quince, orange, nectarine, tangerine, blackberry, raspberry, blueberry, boysenberry, cherry, cranberry, strawberry, red currants or a combination of these fruits. Fruit pies not listed may be produced by a cottage food operation provided their recipe has been tested and documented by a commercial laboratory, at the expense of the cottage food operation, as being not

potentially hazardous, containing a pH equilibrium of less than 4.6 or has been specified and adopted as allowed in administrative rules by the Department pursuant to subsection (e) of this Section. The following are potentially hazardous and prohibited from production and sale by a cottage food operation: pumpkin pie, sweet potato pie, cheesecake, custard pies, creme pies, and pastries with potentially hazardous fillings or toppings.”

Subsection (e), as referenced above, allows the Department of Public Health to adopt rules to implement this portion of the Act.

### Findings

Since Section 3.6(a) of the Illinois Food Handling Regulation Enforcement Act requires that the kitchen must be in the “person’s primary domestic residence,” the best way to lawfully regulate this proposed use is to classify the use as an allowable home occupation. Under Title 11, Chapter 7, Section 2(B)(3), the following requirements exist of all home occupations in the City of Alton:

- a. The home occupation shall be conducted within the dwelling which is the bona fide residence of the principal practitioner or in any building accessory thereto which is normally associated with a residential use.
- b. No stock in trade shall be displayed or sold on the premises.
- c. No alterations to the exterior appearance of the principal residential building or premises shall be made which changes the character thereof as a residence.
- d. No outside display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.
- e. No persons other than a member of the immediate household occupying such dwelling shall be employed on the premises.
- f. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character thereof.
- g. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street, except for brief periods.
- h. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises. In the case of electrical interference, no equipment

or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.

- i. No signs accessory to such home occupation shall be displayed except for a single identification sign not more than one square foot in size.
- j. A home occupation shall be subject to all applicable city occupational licenses and permits.

The following are permitted home occupations as listed in Title 11, Chapter 7, Section 2(B)(2) of the City Code:

- a. Artists and sculptors;
- b. Authors and composers;
- c. Childcare for not more than three (3) children not related to the occupant of the home;
- d. Data entry and similar computer work;
- e. Dressmakers, seamstresses and tailors;
- f. Home crafts, such as model making, rug weaving, lapidary work, and ceramics;
- g. Office facility of a minister, priest or other similar person associated with a religious organization;
- h. Office facility of a salesman, sales representative, or manufacturer's representative, provided no retail or wholesale transactions are made on the premises;
- i. Telephone sales and similar telephone related uses; and
- j. Similar uses which do not involve retail or wholesale sales transactions on the premises, employment of persons other than occupants of the dwelling, any greater assembly, processing, or fabrication operations.

Staff believes that the restrictions contained in the Zoning Ordinance and the Illinois Food Handling Regulation Enforcement Act allow individuals the opportunity to create "Home Kitchen Operations" without negatively impacting the neighborhoods in which they are located and without jeopardizing the health and safety of the community as whole.

Accordingly, Staff recommends the following text amendment to the Zoning Ordinance of the City of Alton:

1. Amendment to Section 2 of Chapter 2 of Title 11 of the City Code of the City of Alton by adding the following definition:

“HOME KITCHEN OPERATION: A person who produces or packages non-potentially hazardous baked goods in a kitchen of that person’s primary domestic residence for direct sale by the owner or a family member and meets the requirements of a “Home Kitchen Operation” as defined by 410 ILCS 625.”

2. Amendment to Section 2(B)(2) of Chapter 7 of Title 11 of the City Code of the City of Alton by adding the following:

“j. Home Kitchen Operations”

The existing sub-section j shall be re-lettered as sub-section k.

3. Amendment to Section 2(B)(3)(b) of Chapter 7 of Title 11 of the City Code of the City of Alton by deleting the existing language and replacing it with the following:

“No stock in trade shall be displayed or sold on the premises except Home Kitchen Operations may sell their products on the premises.”

Staff would like to point out that the amendment as proposed impacts the Zoning Ordinance only. The Business Ordinance would not be amended and Home Kitchen Operations would not be required to obtain a City of Alton business license.

CORRESPONDENCE RECEIVED

Favorable: None as of the date of this Memo

Unfavorable: None as of the date of this Memo