

ALTON PLAN COMMISSION MINUTES

ALTON CITY COUNCIL CHAMBERS

OCTOBER 20, 2015 – 1:15 p.m.

(As unapproved by the Plan Commission)

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

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 Anne Doucleff and seconded by Terry Dooley to approve the minutes of the regular meeting of July 21, 2015.

Vote was 10 to 0 in favor.

Steve and Dee Gehrs and James, Rita, Marion, and Anita Velloff petitioned to amend Section 3 D of Chapter 5 of Title 11 by adding Limited Service Restaurants (a use within NAICS Code 722513) and Caterers (a use within NAICS Code 722320) to the list of special uses within the R-2 Single-Family Residential Zoning District and for a special use permit to operate a limited service restaurant and catering business at the property at 1801 State Street and for a waiver to Title 11, Chapter 9, Section 5 C d regarding the number of off-street parking spaces required for the special uses in question.

Jim Schrempf explained the public hearing procedures.

Motion was made by John Rain and seconded by Terry Dooley to open the public hearing.

Vote was 10 to 0 in favor.

Steve and Dee Gehrs showed renderings to the Plan Commission. They stated they have been looking for property for years. Mrs. Gehrs worked for the St. Louis Post Dispatch for 10 years in advertising and marketing. She opened a catering business in the basement of her home in Godfrey and delivered to St Louis. She sold the business in 2009 and went back to work for the Post Dispatch. Her husband has been a contractor for 20 years. They liked this location. It has good traffic and would be a good neighborhood restaurant; similar to St Louis Bread Company, not fast food but higher end. No alcohol.

The Plan Commission reviewed the floor plan. It will be handicap accessible. The Madison County Health Department are reviewing the plans and they have to inspect.

Parking was discussed. The side yard parking lot will accommodate 7 spaces and 4 more spaces behind the building. Sanborne Street on the side will accommodate 2 more vehicles. They want to repave the lot next to the building. The parking lot will be 38' wide. Employees will park behind the building, taking 2 to 3 spaces. Mr. Asselmeier stated the city would allow street parking. The side lot line privacy fence would stay and the trees would stay. They will make improvements to the building. Landscaping was discussed.

- Hours of operation? 11:00 am to 8:00 pm, 7 days a week.
- Seating capacity? 20.
- The catering business she had before had over \$1 million in delivery sales in 5 years from the basement of her home.
- City will get tax money from the business.

Matt Asselmeier listed what can go there without a special use permit (see attached memorandum).

- Lighting will be on timers and on the sign in the front.
- Building will be repaired.
- 6500 vehicles pass that building every day.

There were no questions from the public. Mr. Gehrs stated they had talked to the owner of 1803 State, the building next door, and they passed out their responses to the commissioners.

Stan Gula, realtor for the sellers, stated the area supports this special use permit. You have Johnsons Corners a few blocks away. This would be beneficial to the community. This building has been for sale for a few years.

Those in audience in favor:

- Tammy Kaus, a neighbor who lives across street, has lived there 28 years and lived on McKinley prior to that. She used to go in the building when it was a grocery store. She is in favor of the request. It is a very busy street with the football field and the neighbors are used to the traffic.

Those in opposition in audience:

Scott Kelly, 1803 State, has invested in his property and lives there with his wife and son. His concerns were:

- The pizza ovens; what would they do to the air quality with the windows open, and also the smell.
- Where would the kitchen staff take their breaks and where would they smoke?
- When he sits in his living room, he would hear pots and pans.
- Would there be music or noise from the kitchen staff?
- What would it do to his property value?
- He is pleased that they are going to keep the trees.

Questions from the Plan Commission to Mr. Kelly included:

- Did you contact anyone with the city with your concerns prior to this meeting? Yes, Mr. Asselmeier.
- Ms. Doucleff stated this gentleman took time out of his schedule to come to this meeting to speak.
- Neighborhood concerns were discussed.
- Did Mr. Kelly purchase the home when the Velloff's business was there? Yes.
- He understood this was zoned residential and was hoping it would go back to a residential house when it was sold.
- Did he approach the Velloff's to buy the property? Yes, did call but was anonymous.
- Mr. Kelly was asked if he had concerns or was he in opposition? He did say he was in opposition.

Motion was made by Terry Dooley and seconded by Martha Kane to close the public hearing.

Vote was 10 to 0 in favor

Motion was made by Terry Dooley and seconded by Barry Clayton to amend Section 3 D of Chapter 5 of Title 11 by adding Limited Service Restaurants (a use within NAICS Code 722513) and Caterers (a use within NAICS Code 722320) to the list of special uses within the R-2 Single-Family Residential Zoning District.

Vote was:

3 in favor: Terry Dooley, Todd Harpole, Martha Kane

7 in opposition: Mark Hackworth, John Rain, Bill Stoutenborough, Joe Blair, Barry Clayton, Anne Doucleff, Gary Doerr

Attachments

Adjourned 2:20 p.m.

MEMORANDUM

TO: The Alton City Plan Commission

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

DATE: October 13, 2015

RE: Zoning Text Amendment for Catering Businesses and Limited Service Restaurants in the R-2 District.

Steve and Dee Gehrs and James, Rita, Marion, and Anita Velloff petitioned the Alton City Council to amend Title 11, Chapter 5, Section 3 D by adding Limited Service Restaurants (uses within NAICS Code 722513) and Caterers (a use within NAICS Code 722320) to the list of special uses within the R-2 (Single-Family Residential District) and for a special use permit to operate a limited service restaurant and catering business at 1801 State Street (P. I. # 23-2-07-02-17-301-019) and for a waiver to Title 11, Chapter 9, Section 5 (C) (d) regarding the number of off-street parking spaces required for the special uses in question (see second memo).

Background

According to information provided to the City, the petitioners believe that the property located at 1801 State Street would be ideal for a catering business and limited service restaurant, more specifically a pizza restaurant. The applicants like the potential for their business to succeed in the neighborhood and have been looking for a location to operate their business for three (3) years.

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

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, Caterers are ". . . establishments primarily engaged in providing single event-based good services." Food is prepared at one location and transported to another location for consumption. Caterers are permitted uses within the C-1 (Neighborhood Commercial District), C-2 (General Commercial District), C-4 (Downtown Commercial District), C-5 (Heavy Commercial District), MR (Marina Recreation District), and M-1 (Light Industrial District). Caterers are not included in the list of permitted home occupations in residential areas.

According to the NAICS Code, Limited Service Restaurants include the following examples:

- Delicatessen Restaurants
- Pizza Delivery Shops
- Family Restaurants, Limited-Service
- Takeout Eating Places
- Fast-Food Restaurants
- Takeout Sandwich Shops
- Limited Service Pizza Parlors

Limited Service Restaurants are permitted uses in the MED (Medical District), C-1 (Neighborhood Commercial District), C-2 (General Commercial District), C-4 (Downtown Commercial District), C-5 (Heavy Commercial District), MR (Marina Recreation District), M-1 (Light Industrial District) and M-4 (Planned Business Park District).

The Comprehensive Plan dedicates an entire chapter on the topic of New Urbanism. The elements of New Urbanism and associated goals and objectives can be found on pages thirty-four to forty-three (34-43) of the Comprehensive Plan. Among the elements specifically included are Mixed-Use Developments and Pedestrian Orientation. In describing Mixed Use Developments, the Comprehensive Plan states, “while inconsistent with the traditional zoning concept of the 20th century, mixed use development allows neighborhood commercial uses in neighborhoods, promotes residential uses over retail and offices, and promotes pedestrian travel (page 34).” The Comprehensive Plan contains the following objective, “the strengthening and expansion of a pedestrian-scale community, shall be continued” (page 37).

Findings

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

The 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 1801 State Street, existed in areas zoned (R-2 Single-Family Residential District). Many of these buildings previously housed grocery stores, gas stations, and other businesses which served the needs of the immediate neighborhood. As business and consumer needs changed, the original commercial use for these buildings became obsolete. However, in certain specific instances, modern commercial establishments could locate in these businesses and provide service to the local neighborhood.

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

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

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:

Limited Service Restaurants (uses within NAICS Code 722513)
Caterers (a use within NAICS Code 722320)

CORRESPONDENCE RECEIVED

Favorable: None as of the date of this Memo
Unfavorable: None as of the date of this Memo