

From: [Jill Andersen](#)
To: [Plan Commission Comments](#); [Punt, Colin](#); [Abbas, Syed](#)
Subject: Application for Demolition Permit and Conditional Use at 2402-2410 Packers Ave. 1-11-20 Virtual Meeting
Date: Monday, January 11, 2021 12:01:53 PM

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To the Planning Commission, Planner Punt and Alderman Abbas,

I was very disappointed to see no response to my previous comments in the revised staff report presented to the Plan Commission this evening. In fact the staff report does not discuss at all the impacts of the proposed demolition and expansion of the auto use on our home or the other single family homes next to the property. We have still never been contacted by the applicant or by the staff. There is nothing in the staff report about the effects of the application on our neighborhood.

If the Commission approves this application, we will all be much more exposed to all the negative effects of the existing business – floodlights, loudspeakers, black oily soot. The existing storage shed shields our home from the auto business and from Packers Avenue, and if this application is approved as proposed, you will put our property on Packers Ave. next to a parking lot and essentially a junk yard. We did not purchase this property to be next to an auto body shop, or to be on Packers Ave. Our property values will plummet as this private and quiet back yard will not be usable. If the Commission is inclined to approve this despite the effects on our property, , the owners should at least be required to build a concrete block wall at least 6 feet high on the property line next to our home and the other single-family homes to replace the shielding provided by the storage shed. Without this our backyard will be unlivable. Also hours of the body shop should be 7:00 am to 6:00 pm, not until 7:00 pm as you have noted.

I also have these comments and questions:

1. The staff report states that the auto repair is a non-conforming use and says that this is an expansion of a nonconforming use. The city's Zoning Code Section 28.191(1)(b) states that a "nonconforming use shall not be extended or expanded." How can the City approve an expansion of a nonconforming use when this is not permitted?
2. The conditions of approval would allow vacuuming and cleaning of autos to take place in the parking lot.

However, in the CC-T zone, Zoning Code Section 28.067(5)(a) does **not** allow vacuuming and cleaning to take place outside an enclosed building. How can the City allow this to take place outside an enclosed building when this violates the Zoning Code? [See copy of Section 28.06 7(5)(a) below.] Also, the application states that the owners intend to use the area for detailing and for disassembling cars for re-calibration because this requires a large open area. The conditions should clearly state that the area **cannot** be used for these planned uses.

3. The staff report states that staff is “unaware of complaints or issues,” but in the email I previously sent to the Commission I said that, “The existing operation creates many nuisances in the area. In particular, it has high floodlights that flood the neighborhood, it creates noise from its "blowers", also creates noise from moving cars around the lot, parks cars all over the neighborhood, and we get black oily soot in our screened in porch (having to cover the screens with plastic).” If this nonconforming use is to be allowed to expand, all the lighting should be required to meet the City’s existing standards and the business should be required to park all cars on site.

To approve a conditional use permit, the Commission must find that “the uses, values, and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.” (Zoning Code Section 183(6).) If this use permit is approved, it will substantially impair our home, our property value, and the enjoyment of our property. We would ask the Commission not to approve the demolition and the use permit as it is now recommended for approval.

Section 28.067(5)(a):

(5)Site Standards: New and Existing Development.

(a) All business, servicing or processing shall be conducted within completely enclosed buildings, except:

1. Off-street parking and off-street loading.
2. Outdoor display and outdoor storage.
3. Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
4. Bicycle-sharing facilities.
5. Auto service stations.
6. Vehicle access sales and service windows.
7. Walk-up service windows.
8. Solar energy systems and wind energy systems.
9. Cemeteries.
10. Yard sales.

- 11.Vending machines.
- 12.Composting.
- 13.Outdoor recreation.
- 14.Keeping of chickens and keeping of honeybees.

In addition, we have spent thousands of dollars in landscaping to improve our back yard. The exposure to Packers Ave. will destroy everything we have invested in. It will expose our backyard and those of our neighbors to noise, pollution and unsightly vehicles.

Thank you,
Jill Andersen
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