

MEMORANDUM
COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

TO: City Manager

SUBJECT: Special Use Permit Public Hearing for 2612 38th Street

Date: June 1, 2011

Steve Hanna has filed an application for a Special Use Permit to operate an attorney's office out of an existing vacant single family residential structure in an R-2 (one family residence) district. Mr. Hanna will convert the entire 1,148 square foot structure (except for the attached two car garage) into office space.

Nature of the Request:

The proposed attorney's office will operate from 8:00 a.m. to 5:00 p.m., Monday through Friday. Some Saturday hours may also be scheduled by appointment only. The business will employ four full-time employees.

Parking:

The Zoning Ordinance requires one parking space for every 250 square feet of office area. The Ordinance would require a total of five spaces for the proposed use. The applicant will maintain the two car attached garage for parking and it has four additional spaces on the existing driveway. He also proposes to add three additional parking spaces adjacent to the driveway (two along the west property line and one extending into the east front yard (see case map to identify specific locations).

Signs:

The applicant proposes a 15 square foot unlighted freestanding sign to be located at the corner in the east and south front yards.

Analysis:

Mr. Hanna had originally proposed to use the property as a residence (for his son) and office. After renovation work was started and a stop work order was issued by the Inspection Division, he modified his request for the use to be strictly office, with additional parking on the site as described above.

This nonresidential use is incompatible with the surrounding neighborhood and will adversely impact property values.

Staff believes that the proposed use does not meet the seven conditions for approving a Special Use Permit identified in the Zoning Ordinance as it will have detrimental effects on public health, safety, welfare and property values in the area and will also have a negative impact on the character of the surrounding residential neighborhood adding traffic congestion to the area.

The criteria are:

1. That the granting of a Special Use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
2. That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, not substantially diminish and impair property values within the neighborhood;
3. That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
4. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;

5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. Restrictions for the use should be consistent with the district in which the use would normally be located except as may be modified by the City Council.
7. That the Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by City Council.

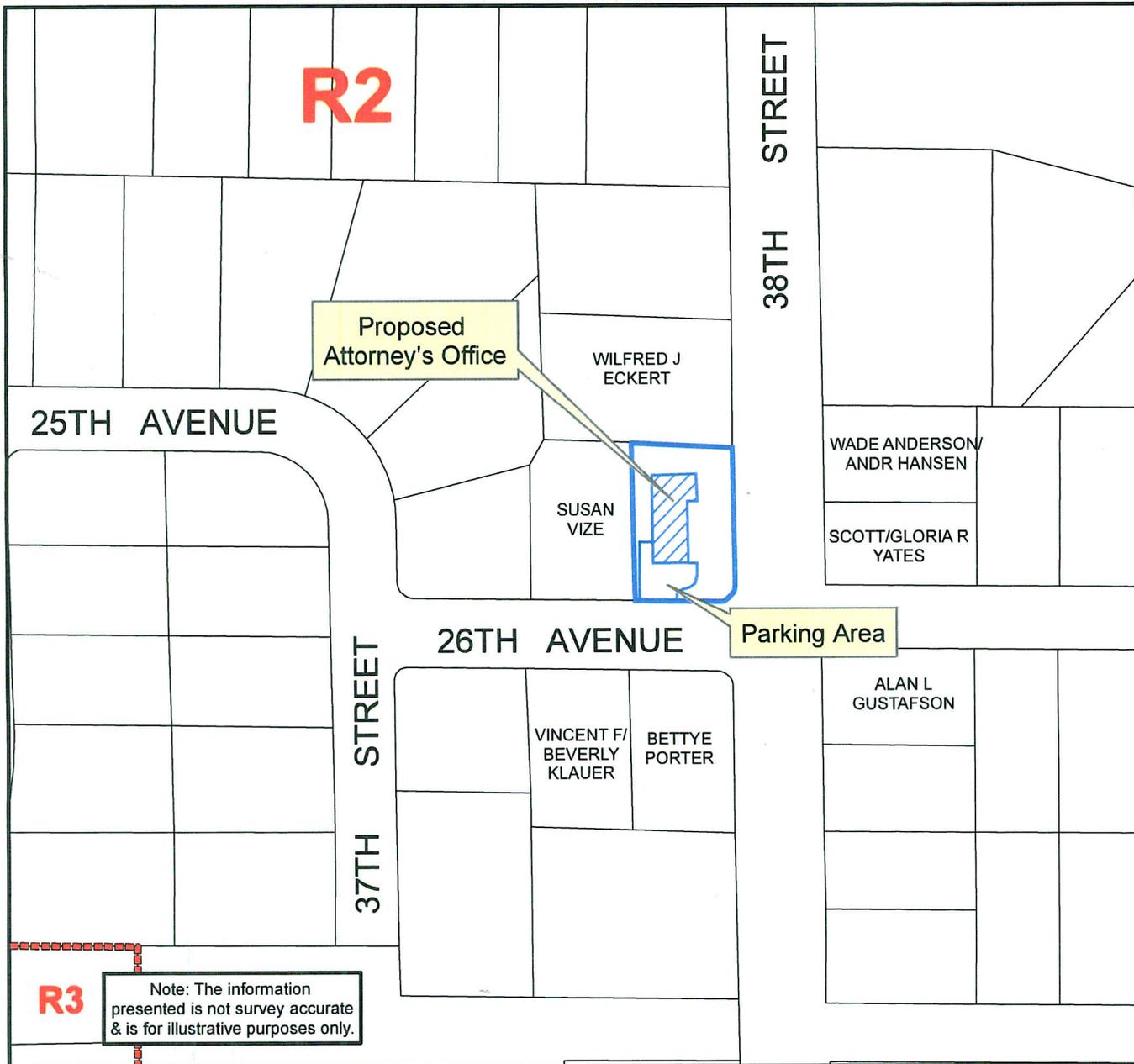
Recommendation:

That the request be denied because it does not meet the seven conditions for approving a Special Use Permit and will alter the character of the surrounding residential neighborhood.

Submitted by: Alan Fries, Urban Planner II
Alan M. Carmen, Planning and Redevelopment Administrator
Gregory S. Champagne, Community and Economic Development Director

APPROVED: John C. Phillips, City Manager

SPECIAL USE PROPOSAL



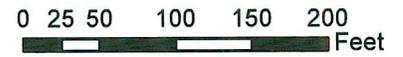
SPECIAL USE PROPOSAL 2011-5 Revised

Legend

- R2 Zoning District
- Subject Property
- Zoning District Line

DR. BY: K. G. D.

APPR. BY: A.M.C./A.F.



City of Rock Island

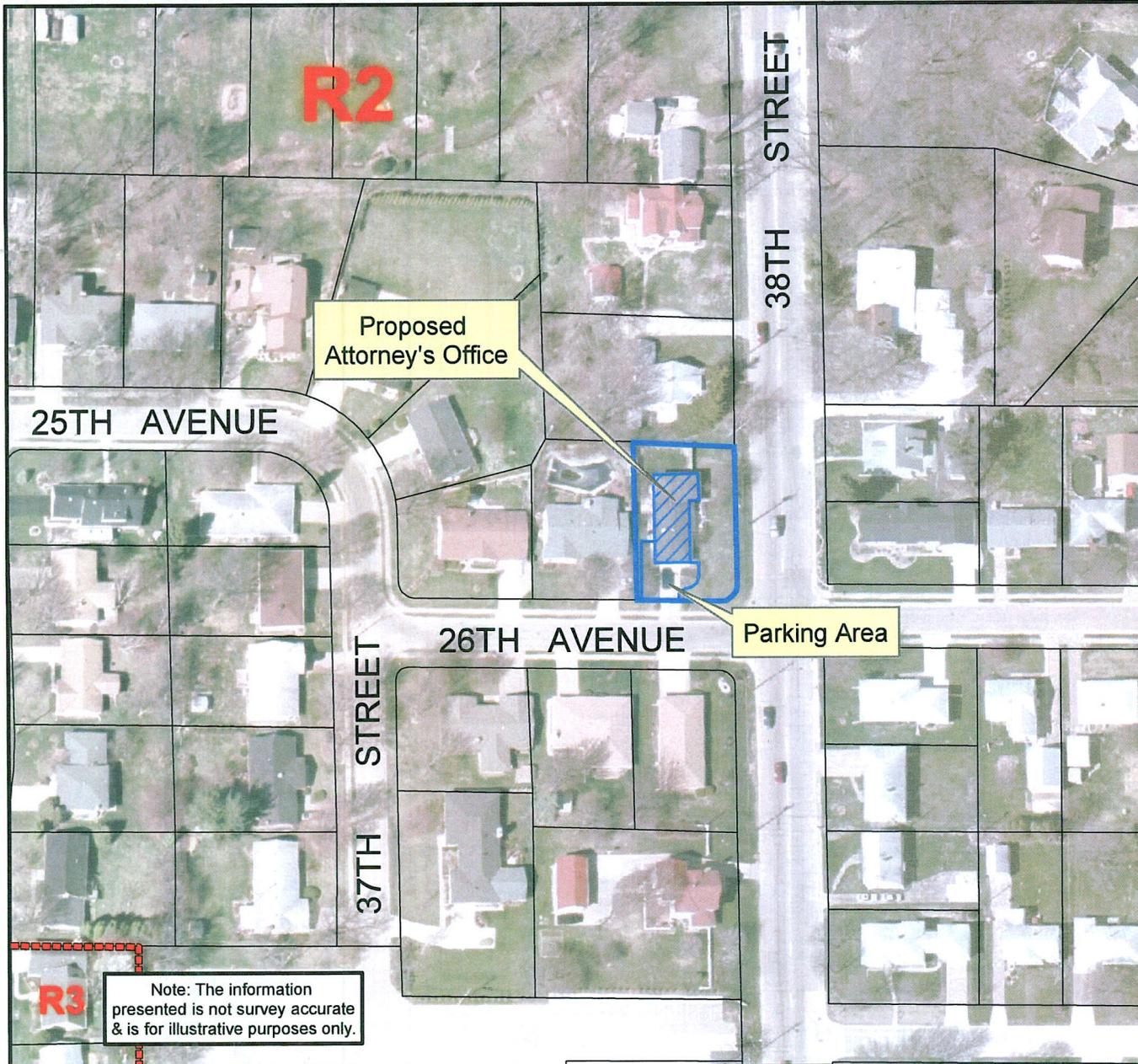
COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
Planning and Redevelopment



R3

Note: The information presented is not survey accurate & is for illustrative purposes only.

SPECIAL USE PROPOSAL



SPECIAL USE PROPOSAL
2011-5 Aerial Revised

Legend

- R2** Zoning District
- Subject Property
- Zoning District Line

DR. BY: K. G. D.

APPR. BY: A.M.C./A.F.

0 25 50 100 150 200 Feet

City of Rock Island

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning and Redevelopment

May 3, 2011

Dear Mr. Carmen and the Planning and Redevelopment Committee:

This letter is in regard to the application for a special use permit by Steve Hanna at 2612 38th Street Rock Island Il to operate an attorney's office in a residential dwelling.

I live next door to that property and I have multiple sclerosis so I will be unable to attend the hearing on Monday May 9. Aleisha Patchin assured me by phone that my letter would be duly noted in my absence.

First, with all due respect to Mr. Hanna, the changing of a residential property to a commercial office space, especially on the corner of a very well travelled thoroughfare, will not only lower property values, but also will cause a traffic hazard. I'm also fairly certain our taxes will not go down, but may probably go up. The signs alone will bar visibility, as people try to turn the corner from either direction. They will also be an eyesore, even nonlighted.

As stated in the letter to neighbors, Mr. Hanna proposes to hire four non-resident employees for the business area of the home, in addition to leasing part of the house to a resident. As Mr. Hanna will also be driving to work, the four parking spaces on the south side of the house adjacent to the garage, and, by the way, right around the corner about three feet off of 38th Street, will not provide enough parking for those six people, let alone for any customers. Where will the client cars park?

Since the property has been in rehab, a number of cars have already parked across the street from my driveway, right next to my driveway, and very close to the driveways and across from the driveways of other neighbors. Due to my disability, many persons who pick me up, back into my driveway, and this is very difficult with cars across from the driveway and so close to the driveway on a very narrow two lane street.

In addition to the parking problems and traffic problems, the added noise and invasion of residential privacy from 8:00 to 5:00 every day will be especially distracting as the distance between houses on this street is about as close as city statutes allow. I can literally see through the kitchen door of the house in question next door through to their front door from my family room, and I am sure they can see into my residence as well.

On a more personal note, I watched as men who were doing yard work on the corner literally blew leaves into my yard while cleaning up at the house next door. With difficulty, I went outside and asked them to please not do that as I have trouble enough getting my own leaves raked.

To be as precise as possible, the law office will be an imposition to privacy, a traffic hazard, and a detriment to property values. Please do not allow this permit.

Thank you sincerely,

Susan M. Vize

June 1, 2011

To: Mayor Mr. Pauley, City Manager Mr. Phillips, and Council Members

Ref. Case SUP 2011-05 (attachment # 1)

We are submitting petitions with 86 names, representing 61 homes, all of which are in the surrounding neighborhood of 2612 38th Street, Rock Island. The signed petitions represent names of individuals who are opposed to the Special Use Permit requested by Steve Hanna for the establishment of a business at stated address. (petition attachment # 2 pages 1 thru 6)

We are opposed to the request because of the following reasons:

1. It is in violation of the City's Zoning Ordinances Article VI - District Changes and Ordinance Amendments. Refer to Section 6.5 - special Use Permits, by sub section 6.5 - Standards, Items 1, 2, 5, 6, & 7. (attachment # 3)
2. It would remove the privacy of an adjoining resident, namely Sue Vize who has multiple sclerosis. She uses her back yard pool for therapeutic exercise. Having a business next door with a floor level well above her back yard pool would be an invasion of privacy and detrimental to her comfort and general welfare. *This appears to be in violation to item # 1* Reference her letter to Mr. Carman and the Planning and Redevelopment Committee dated May 23, 2011. (attachment # 4)
3. Homes located by a business are more difficult to sell and consequently sell for less. Real Estate agents have verified this fact. *This appears to be in violation to # 2.*
4. We see no reason to mix business into neighborhoods. *This appears to be in violation to Items # 6 & 7.*
5. We have a nice neighborhood and want to keep it that way. Per letter by Mr. Ray Lind, who is a realtor in Rock Island, states that the house was purchased from HUD whose mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. Specifically not a business. *This appears to be in violation of Items # 6 & 7.* Reference Mr. Lind's letter. (attachment # 5)
6. We see no reason for a business to be located in a neighborhood when there are several empty commercial buildings along 18th Avenue, Rock Valley Plaza, and other parts of the city.
7. The request calls for adding three concrete surfaces next to the existing driveway. These added concrete surfaces would supposedly allow double spacing for nine vehicles. Parked cars would undoubtedly extend over the sidewalk. This parking arrangement would not last long before cars would be parked all along 26th Avenue. *This appears to be in violation of Item # 5.*

In summary:

You are our city fathers. You are to do what is right for its citizens. Yes, adding businesses is part of your job, but not at the expense of the taxpaying citizens. We are asking that you do what is right for our neighborhood and not cater to the special interest of one business owner who possibly has only his special interest in mind. Allowing the special permit would do nothing but disrupt a good neighborhood. Thank you for your attention on this matter. We respectfully request your "NO" vote on the requested Special Use Permit.

Respectfully Submitted,

Members of the neighborhood



REVISED NOTICE TO INTERESTED PROPERTY OWNER

Rock Island City Council
Rock Island, Illinois

May 5, 2011

Refer to Case SUP 2011-05

Dear Property Owner:

An revised application has been submitted by Steve Hanna for a Special Use Permit under the Rock Island Zoning Ordinance as it pertains to Lot 3 of Carriage Place 2nd Addition to the City of Rock Island, also known as 2612 38th Street, Rock Island, Illinois.

The revised request is for a Special Use Permit to operate an attorney's office out of an existing single-family residential structure in an R-2 (one family residence) district (there will no longer be a residence on the property). The applicant will convert the approximate 1,148 square foot residence into office space, maintaining the attached two car garage as a parking area. Hours of operation will be 8:00 a.m. to 5:00 p.m., Monday through Friday. The business will employ four non-resident employees. The applicant will add three additional parking spaces adjacent to the existing driveway (see revised case map). Total off-street parking provided will be nine spaces. The applicant proposes a 15 square foot unlighted freestanding sign to be located in the east and south front yards.

Prior to forming a decision and in accordance with statutes pertaining thereto, it is hereby announced that a public hearing will be held a 6:45 p.m., Monday, June 6, 2011, in Council Chambers, City Hall, Rock Island, Illinois. All persons in attendance at the public hearing shall have an opportunity to be heard.

A Special Use Permit does not change the zoning of a property, but allows a specific use to operate that would not otherwise be allowed by the zoning ordinance. The permit is issued to the property owner, not the property itself, and it is not transferable. The City Council has the authority to set strict stipulations on the use and may also revoke the permit if the property owner does not comply with the stipulations.

If you know of any interested property owners who, for any reason have not received a copy of this letter, it would be greatly appreciated if you would inform them of the time and place of the hearing.

Sincerely,

Aleisha Patchin
City Clerk

This notice is available to qualified, disabled persons in an accessible format by making arrangements with Alan Carmen, 1528 3rd Avenue, Rock Island, Illinois 61201; (309) 732-2900.

We the undersigned are voting against the passage of Revised Case SUP 2011-05.
A revised application for a Special Use Permit under the Rock Island Zoning Ordinance as it pertains to Lot 3 of Carriage Place 2nd Addition to the City of Rock Island, also known as 2612 38th Street, Rock Island, Illinois.

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Name

Address

- 1- Robert L. Hanna 2602 37th St. R.I. IL.
- 2- Anne N. Brian 2520-37th R.D. Ill.
- 3- Sharon L. Hanna 2602-37th St. R.I. IL.
- 4- J. G. 3608 25th AVE RI IL
- 5- Vincent Klauer Jr. 3608 26 AVE RI IL
- 6- Susan M. Vize 3709 26 Ave. RI, IL
- 7- J. G. 2608 37th St. RI, IL
- 8- Cynthia Scapron 2608 37th St. R.I., IL
- 9- Marc Hanna 2615-37th St RI IL
- 10- Mary Lemor 2615-37th St. R.I. Ill.
- 11- J.P. Wells 2616-37th St R.I. Ill
- 12- Sonja Caldwell Sigler 3608 25th AVE RI IL
- 13- Tony Guntter 2702-38th St. R.I. Ill.
- 14- Kim Marie Amick 2702-38th St. R.I., Ill.
- 15- John Pieris 2620 38th St Rock Island IL
- 16- Laurie Edmondson 3704 26th Ave. Rock Island, Ill.
- 17- J. Edmondson 3704 26 AVE ROCK ISLAND IL
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- 19-

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- | Name | Address |
|--------------------------------|--|
| 1- Kevin Mitchell | 2515 37th St Rock Island IL 61201 |
| 2- Lori Mitchell | 2515 37th St. Rock Island IL 61201 |
| 3- Kris Novak | 3537-25 th Ave Rock Island, IL 61201 |
| 4- Gili Narrows | 2515-36 th St. Rock Island IL |
| 5- Dale Candler | 3609-25 th Ave. Rock Island 61201 |
| 6- Janet Hansen | 3607-25 th Ave. Rock Island IL 61201 |
| 7- Steve Novak | 3537-25 th Ave. Rock Island, IL 61201 |
| 8- R Eckert | 2600-38 th St. Rock Island |
| 9- Tom South | 2530 38 th St Rock Island IL |
| 10- Claire South | 2530-38 th Street Rock Island, IL |
| 11- Jeff Rasmussen | 2615-36 th Street Rock Island, IL 61201 |
| 12- Geri Narrows | 2515-36 th Street Rock Island IL 61201 |
| 13- Alice J. Melas | 2607-36 th St. Rock Island, IL 61201 |
| 14- Joan O Eustrom | 2705-36 th ST ROCK ISLAND, IL |
| 15- Wanda Eustrom | 2705 36 th Rock Island, IL. |
| 16- Ron Beswick | 2709 36 th R1 |
| 17- Kari Beswick | 2709 36 th R1 |
| 18- Bonnie Hansen | 2711 36 th R1 |
| 19- Beth Gerber | 2711 36 th R1 |
| Mrs James M. Hansen | 2726-36 th St. R1. |
| JERRY BRAUGHTON | 3603-25 th Ave R.I. |
| Emilie Braughton | 3603 25 th Ave. R.I. |
| Corinne Paaske | 2605 36 ST RI |

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	Name	Address
1-	Sandra Fischer	3611 25th Ave. RI
2-	G. William Owens	3703-26 th Ave - Rock Island, IL
3-	Mary R. Owens	3703-26 th AVE Rock ISLAND, IL.

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	Name	Address	
1-	Lavin Alarji	3570 - 25 AVE.,	R.I.
2-	Linda Alarji	3510 - 25 Ave.,	R.I.
3-	Tom Lawrence	2521 - 35 th St,	RI.
4-	Julie Lawrence	2521 - 35 th St.,	R.I.
5-	Pat Lee	2611 33 Street	RI
6-	JoAnn Schmid	2611 35 Street	RI
7-	George VandeMortel	2709 34 th	RI
8-	Debra	2705 35 th	RI
9-	Frank Labadie	2701 35 th	P9
10-	Ellen Eberling	2701 35 th St	RI
11-	Russell Lewis	2709 35 th St	RI
12-	Chris Miller	2715 35 th St	RI.
13-	Michael	2801 35 th St	RI
14-	Paul Sherman	2805 35 th	RI
15-	Cecilia Vanel	2713 34 th	- RI
16-	Sheila	2713 34 th	- RI
17-	Pamela Shrake	2709 - 34 th St	RI
18-	Linda McDuffy	2701 - 34 th St.	R.I.
19-	Chris Yung	2612 34 th St	RI.

14 May 2011

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	Name	Address
1-	Joseph D. Beizer	2611 34 th St RI.
2-	Harry Beizer	2611-34 th St; RI
3-	Linda Cooley	3411 26 th Ave R.I.
4-	Meghan Cooley	3411 26 th Ave RI.
5-	Bobby James Mraz	2607-35 th St RI
6-	Bob VCF	2607-35 th St. RI/IL
7-	Ann Bayard	2576-35 th St. R.I. IL
8-	Jerry DeBane	2570 - 35 St. R.I. IL
9-	Richard DeBane	2570-35 th St. R.I. IL
10-	Debra DeBane	3517 25 th Ave RI IL
11-	Dan DeBane	3521-25 th Ave RI IL 61201
12-	Catherine Fedak	3521-25 th Ave RI IL 61201
13-	Amenda Alongi	2516 36 th St RI
14-	Tom Alongi	2516 - 36 th St RI
15-	Mark DeBane	3517 25 th Ave R.I.
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Name	Address
1- <i>Thomas L. Davis</i>	3814 - 26 AVE ROCK ISLAND, IL
2- <i>Greg Barnes</i>	3825 26 AVE RI
3- <i>Dorner Wilson</i>	3815 26 th Ave R.I.
4- <i>July [unclear]</i>	3819 26 AVE RI
5- <i>James + Holly Parkney</i>	3846 - 26 th Ave RI, IL.
6- <i>Carl Blough</i>	3820 - 26 th ave R.I.
7- <i>Craig + Sherann Berich</i>	3826 26 th Ave RD
8- <i>Scott & Gloria Yates</i>	3807 26 th Ave R.I.
9- <i>CRAIG L. ASKAM</i>	3606 - 24 th AVE R.I.
10- <i>GUS & Angie Kachevas</i>	2613 - 38 th ST. R.I.
11- <i>Wade + Anden Anderson</i>	2603 38 th ST R.I.
12- <i>Ancher Anders</i>	2603 38 th & RI
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hearing shall be conducted and a record of such proceedings shall be preserved in such a manner as the City Council, by rule, prescribes.

- F. Notice of Hearing:** The Council shall fix a reasonable time for the hearing of an application of an appeal. It shall give at least fifteen (15) days notice of the time and place of such hearing by insertion in a daily newspaper published in the City of Rock Island, and shall also give notice delivered personally or by mail at least five (5) days before the time fixed for such hearing to the applicant or appellant and to the Building Official, and to the respective owners of record of property adjoining or adjacent to the premises in question. Any party may appear at such hearing in person or by agent or by attorney. The Council shall decide the application or appeal within a reasonable time.
- G. Standards:** No Special Use shall be recommended for approval by the City Council unless such Council shall find:
1. That the granting of a Special Use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
 2. That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, not substantially diminish and impair property values within the neighborhood;
 3. That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 4. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;
 5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
 6. Restrictions for the use should be consistent with the district in which the use would normally be located except as may be modified by the City Council.
 7. That the Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by City Council.
- H. Conditions and Safeguards:** Prior to the granting of any Special Use, the City Council shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the Special Use as deemed necessary for the protection of the public interest and to secure compliance with the standards specified in Section 6.5g. In all cases in which Special Uses are granted, the City Council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being complied with.
- I.** The City Council shall not authorize a Special Use Permit unless the Council specifically finds that the condition or situation of the special piece of property for which the Special Use is sought is not of so typical or recurrent a nature as to make reasonably practicable the formulation of a general regulation, under an amendment to this Ordinance, for such conditions or stipulations.
- J.** Said Special Use Permit, when granted, shall be in full force and effect only as long as the applicant of the property affected retains ownership of said property.

ARTICLE VII - DISTRICTS AND MAP

- 7.1** For the purpose of this Ordinance, the City of Rock Island is hereby divided into twenty-four (24) classes of districts as follows:

May 23, 2011

Dear Mr. Carmen and the Planning and Redevelopment Committee:

This letter is in regard to the application for a special use permit by Steve Hanna at 2612 38th Street Rock Island Il to operate an attorney's office in a residential dwelling. I live next door to that property and I have secondary progressive multiple sclerosis so I will be unable to attend the hearing. Aleisha Patchin assured me by phone that my letter would be duly noted in my absence.

With all due respect to Mr. Hanna, the changing of a residential property to a commercial office space, especially on the corner of a very well travelled thoroughfare, will not only lower property values, but also will cause a traffic hazard. Taxes will not go down, but may probably go up. The advertising signs Hanna proposes will bar visibility, as people try to turn the corner from either direction.

Mr. Hanna proposes to hire four employees for the business. As Mr. Hanna will also be driving to work, the four parking spaces on the south side of the house adjacent to the garage, and, by the way, right around the corner about five feet off of 38th Street, will not provide enough parking for those five people, let alone for any customers. Where will the client cars park? If he adds parking spaces, as he proposes, they will be right on my property line. Clients will not park behind other cars on the drive. They will park on 26th Ave.

Since the property has been in rehab, a number of cars have already parked across the street from my driveway, right next to my driveway, and very close to the driveways and across from the driveways of other neighbors. Due to my disability, many persons who pick me up, back into my driveway, and this is very difficult with cars parked across from my driveway and so close to the driveway on a very narrow two lane street.

In addition to the parking problems and traffic problems, the added noise and invasion of residential privacy from 8:00 to 5:00 every day will be especially distracting as the distance between houses on this street is about as close as city statutes allow. I can literally see through the kitchen door of the house next door through to their front door from my family room, and I am sure they can see into my residence as well.

In addition, I have a pool because swimming is the only exercise a person with MS can do without tiring. I need help getting in and out of the pool. It's one thing to have a neighbor see this, but to have dozens of strangers a week witnessing what should be a private exercise is not acceptable. To be as precise as possible, the law office will be an imposition to privacy, a traffic hazard, a danger to children, and a detriment to property values. Please do not allow this permit.

Thank you sincerely,
Susan M. Vize

I am Ray Lind and I am a lifelong resident of this City and a real estate agent. I sincerely love this city and the residents in it. I am usually open to progress but this is not in my opinion, progress. This is a dangerous step away from progress. You are going to consider setting a dangerous precedent which I will explain later. I very much believe it is good to be pro business but we also have to be fair and prudent.

This neighborhood is just that, it is a neighborhood. It is not a business district. For so very many years families have raised their children here and housing in this area is very desirable. I remember when I was young this was an area where people were proud of their homes, neighbors, and neighborhood and it hasn't changed. Driving down the street you can see the pride of ownership in the lawns and condition of the houses. This is a wonderful family oriented area.

I believe if you allow this business to move into this HOME and make no mistake, this is a HOME, HUD says so, you risk changing the dynamics of a terrific neighborhood. You will replace green grass and trees with yet more concrete. Resident and children's safety will now be more of an issue. I believe the residents of this area who have worked hard to maintain a beautiful neighborhood will experience a decrease in property value. We owe them so much more. With their hard work and dedication to keeping their neighborhood beautiful all these years I believe they have earned the right to continue to living the American Dream that comes with pride of ownership of a nice home in a nice neighborhood.

Unless the information given to me is incorrect, the most disturbing part about all of this is and why I feel it sets a precedent is the fact that this home, and I reiterate, HOME was purchased as HUD home. HUD's mission statement is as follows: "HUD's mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. HUD is working to strengthen the housing market to bolster the economy and protect consumers; meet the need for quality affordable rental homes: utilize housing as a platform for improving quality of life; build inclusive and sustainable communities free from discrimination; and transform the way HUD does business."

I believe HUD's mission statement says it all. "to create strong, sustainable, inclusive communities and quality affordable homes for all". This was supposed to be a HOME! This was supposed to be an affordable HOME! Also "HUD's missions statement says they are working to strengthen the housing market and protect consumers". I ask you, are you going to do this? Will you protect the consumer? Will you protect these neighbors? Will you protect their neighborhood? How about the part "utilize housing as a platform for improving quality of life?" Will you please have the courage to stand up and do this? Again this home was bought as a HUD home. The buyers bought this home at a very low price with the trust of HUD behind them and the responsibility to make this house a home. Not a business, a HOME! That is what HUD expects and that is what we should expect. If you do not know how this process works there would have been bids put on this home. Did the present owners outbid someone who had intentions to fulfill HUD's expectations? Did they take this home away from someone who could have had an affordable home? This is what HUD wanted. And this is what HUD is all

about. HUD expects to stimulate neighborhoods with affordable housing, not affordable businesses. This is where the dangerous precedent is set? Think about it. You will now allow every business owner to purchase an inexpensive HUD home and turn it into a business. This is wrong. And this is extremely dangerous to our housing market.

There is a time and place for everything. There are options open in this city. There are vacant buildings in this city that are crying out to be put in use. Let them move this office to downtown. How about the west side. Let's stimulate the west side with a business. Let's do something creative not destructive. Most importantly let's give these neighbors who deserve a peaceful neighborhood the respect they've earned. Keep this neighborhood great. Keep the pride flowing. HUD says this is a home. Please do the same. Thank you for your time.