



## Memo

**Date:** October 29, 2021  
**To:** Honorable Mayor Armitage; City Council  
**From:** Erin LaPere, City Manager  
**Re:** Resolution 2021-153 – Circuit Court Complaint Filing 221 E Lawrence Ave

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City staff have been receiving complaints about the conditions at the former gas station located at 221 E Lawrence Ave for a number of years. The property is zoned B-3, which allows for commercial uses including sale of new or used vehicles as a conditional use. The owner presented a request for such conditional use approval to the Planning Commission in 2012, at which time he stated the intent was to renovate the building and utilize the space for a “hot rod” shop. This property was the subject of a hearing by the Planning Commission for review of the owner’s compliance with its conditional use approval in 2013. Recently, the city conducted a site visit upon complaint regarding the numerous inoperable vehicles being stored on the property. Administration subsequently reviewed the history of the property, including conditions of approval to determine the appropriate course of action to address the ongoing code violations.

Given the concerns regarding the use of the property and failure by the owners to abide by their own purported plans for the property, Attorney Hitch recommended we move expeditiously to abate this nuisance by filing a complaint in Circuit Court. A copy of the complaint was given to Council for review. As described in the complaint, this property has never been used as a hot rod shop as described to the city when it granted approval for the use as a car sales shop. Further, it has become a nuisance as the owners have been storing inoperable vehicles on-site which is not allowable in this zone district. Finally, the city has discovered there is a person who claims to be residing at the property. As this property is zoned for commercial use, any residential use is not allowed by right or as a conditional use in this zone district. The occupancy as a residence further demonstrates the owner has no intention to use the property for car sales as required by his state licensing and city approval of the conditional use.

Attached is a resolution authorizing the Attorney to take such legal action for Council’s review and consideration of approval.

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