

JSB Nolan Tire Sales and Service  
CUDP-24-0005 and NVAR-24-0004  
822 W Colorado Ave

A Conditional Use to allow a Minor Automotive Light Vehicle Repair use with Accessory Outdoor Display of Goods in the MX-M zone district, and a non-use variance to allow a 16 feet separation between the nearest point of the building in which the repair activity occurs to any residential zone district where 100 feet is required.

**I. PROJECT STATEMENT:**

The proposed use is a Tire Store that installs, balances, rotates, and fixes flat tires, along with selling and merchandising new and used tires. Hours of operation are Monday through Friday 8 am until 6pm.

**II. CONDITIONAL USE - LAND USE STATEMENT:**

- A. Describe proposed land use and development intensity.

Land use would entail fixing, installing and balancing tires within our automotive bay. Displaying used tires for sale in designated areas of lot

- B. Describe how the proposed land use compatible with adjacent development patterns and uses.

The tire store is in a mix of commercial and residential zoning. There are numerous gas stations, automotive repair, as well as residential zones along Colorado Avenue. Tire sales and Installation would be in line with current land uses in area.

- C. Describe impacts to adjacent developments and uses, including but not limited to light, noise, and traffic.

Impacts to existing and adjacent properties would be low. Parking exists for all customers and employees within the fenced lot. No car storage or long term parking is necessary and no street parking is needed. Tire repair and installation would be done within repair garage to minimize noise. Hours of operation are within normal parameters of like businesses.

**III. CONDITIONAL USE – CRITERIA FOR APPROVAL:**

- A. Describe how the application with any use-specific standards for the use in Part 7.3.3 (Use-Specific Standards) - Automobile and Light Vehicle Sales and Rental Use Standards:

1. If vehicle repair services are provided, this use shall comply with the standards in Subsection 1 above for Automobile and Light Vehicle Repair, Minor and Major.

Work on vehicles will be done inside the existing building. Only light automotive work will be done, replacing, fixing, rotating and balancing tires.

2. Vehicles shall not be displayed in areas designated for landscaping unless otherwise shown on an approved Development Plan.

There will be no vehicles displayed or held for long term storage. All employee and customer vehicles will be parked in designated areas in fenced lot.

3. Outdoor display areas for vehicles are allowed as accessory use or conditional accessory use in those districts where Outdoor Display of Goods, Accessory is permitted in Table 7.3.2-A (Base and NNA-O District Use Table).

*Accessory Outdoor Display of Goods Standards (this use is allowed only after Development Plan review, and areas used for outdoor display of goods shall be clearly identified on an approved Development Plan and subject to the following standards):*

- The outdoor display may not be placed in required vehicular parking, maneuvering, or access areas, and its location must be in proximity to the main entrance of the primary structure.

We do display tires for sale in the back portion of lot. All tires are stacked neatly and are lower than existing fence. Display tires are not in any required parking spaces or access areas. With the existing display we still have ample customer and employee parking on site.

- The outdoor display area shall be delineated on required plans.

Will produce plans for display and location on lot.

- The outdoor display shall be screened from public rights-of-way and from adjacent land uses that are in a different land use category (as shown on Table 7.3.2-A: Base and NNA-O District Use Table) than the subject property (for example, a Retail Sales, Large use in the Retail Sales and Services use category shall be screened from an Entertainment or Recreation, Outdoor use in the Entertainment and Recreation use category.) Buffer screening is considered adequate regardless of topographic conditions if it includes a screening wall or an opaque fence that is at least seven (7) feet in height, and materials and merchandise may not be stacked or stored higher than the wall or fence. Buffer screening is not required for the display of vehicles for sale or rental if permitted by an approved Development Plan.

Tires are stacked below fence line in designated area. Property and display is shielded by decorative wrought iron fencing.

4. Required maneuvering or access areas shall not be used for display or storage of motor vehicles. Display or storage areas shall be delineated on required plans.

No access areas, parking, maneuvering, or rights-of-way are affected by the tire display.

- B. Describe how the size, scale, height, density, traffic impacts, and other impacts of the use are compatible with existing and planned uses in the surrounding area, and any potential adverse impacts are mitigated to the extent feasible; and

Tire store should have no noticeable impact on existing and surrounding area. Traffic and parking are of no concern because of the fact there is plenty of parking for employee and customers. No street parking is needed and there will be no change of traffic flow on Colorado avenue or nearby streets. Work to be performed in garage

- C. Describe how the City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems, have adequate capacity to serve the proposed development and any burdens on those systems have been mitigated to the maximum extent feasible.

No affect to City's current infrastructure and public improvements. Does not affect sidewalks or trails

#### **IV. NON-USE VARIANCE – CRITERIA FOR APPROVAL:**

A Non-Use Variance may be approved if the Planning Commission determines that:

- A. The application complies with any standards for the use in Part 7.3.3 (Use-Specific Standards);

The tire store with current zoning would be to close to residential area standards of 100 feet. The end building which is used for mainly used for storage is 16 feet from residential (across alley). The main building in which majority of the work will be done is approximately 53 feet from the edge of residential property and another 20 feet from houses on property. We would be performing work inside concrete building to minimize noise in the neighborhood. We would only be doing light mechanical (tire repair and installation) on the lot.

- B. The property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zone district;

Tire installation and repair is allowed as a conditional use for this property and although we do not have the 100 feet of separation the area where work is to be performed is approximately 53 feet from edge of residential and another 20 feet to actual housing.

- C. That the extraordinary or exceptional physical condition of the property will not allow a reasonable use of the property in its current zone in the absence of relief;

Because of the proximity and zoning on the west side without relief from the 100 foot setback this property is very limited in use and scope. It was originally a gas station with limited auto repair so has always had a history of light automotive.

- D. That the granting of the Non-Use Variance will not have an adverse impact upon surrounding properties; and

The granting of this Non Use Variance will have minimal impact on surrounding properties. Work will be performed in garage bay. Traffic will not be affected, no off-street parking is necessary. Work will be performed from 8 am until 6 pm. Lot will be maintained for neighborhood aesthetics with decorative rock, trees and fencing around property. Displays will be kept neat and orderly and under fence height, next to existing building and away from street view.