



Legislation Details (With Text)

File #: 21-1079B **Version:** 1

Type: Ordinance **Status:** Passed

File created: 8/26/2021 **In control:** City Council

On agenda: 9/7/2021 **Final action:** 9/7/2021

Title: Pass the ordinance granting approval of a conditional use for an automobile service station/repair facility at 1032 E. Ogden Ave (Alianza Mufflers and Brakes) - PZC 21-1-071

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance, 2. Exhibit A - Legal description, 3. Exhibit B - Plat of Survey, 4. Exhibit C -Response to Standards, 5. Application, 6. Location Map, 7. Public Comment, 8. PZC Meeting Minutes 8-18-2021 DRAFT

| Date | Ver. | Action By | Action | Result |
|----------|------|--------------|--------|--------|
| 9/7/2021 | 1 | City Council | passed | Pass |

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance granting approval of a conditional use for an automobile service station/repair facility at 1032 E. Ogden Ave (Alianza Mufflers and Brakes) - PZC 21-1-071

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Gabrielle Mattingly, Community Planner

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission (PZC) considered PZC 21-1-071 on August 18, 2021 and provided a positive recommendation on the request (approved 6,0). Staff concurs.

BACKGROUND:

The petitioner, Alianza Mufflers and Brakes, submitted an occupancy permit for Suite 112 of the one-story multi-tenant building located at 1032 E Ogden Avenue. Aside from minor interior updates including new furniture and paint, the petitioner did not request any major modifications to the unit prior to occupancy.

Suite 112 has an existing front and back entrance and is equipped with three garage doors on the side of the building. The suite was formerly occupied by Meineke Car Care Center. The subject property is zoned B3 (General Commercial District) and is located along the East Ogden Avenue Corridor.

The business use is identified to be an automobile service station/repair facility. Upon review of the request, staff notified Alianza Mufflers and Brakes that the property is zoned B3 and a conditional use is required for the proposed business in question.

DISCUSSION:

In 2016, a text amendment was processed to update the Municipal Code in accordance with the implementation items identified in the Ogden Avenue Corridor Enhancement Initiative (2008). The text amendment included revision of the B3 zoning district to require conditional uses for automobile service stations/repair facilities. Automobile service stations/repair facilities were identified as a type of use that serves customers and in part requires commercial visibility to be successful, however, these uses have the potential to adversely impact the intended retail nature of commercial corridors as well as adjacent properties. Accordingly, the Code was revised to require conditional use approval to provide an additional level of review by the PZC and City Council in order to determine if the potential use is appropriate for the proposed location based on the specifics of the case presented.

When the B3 zoning district regulations were revised, a provision was included in the Code to accommodate existing auto service stations/repair facilities that were established prior to the amendment. This provision permits operation of nonconforming uses in accordance with the Nonconforming Use regulations (Title 6 - Chapter 10) of the Code. These regulations state that a nonconforming use is not permitted to be renewed if the nonconformity is discontinued for a period of six months. Once the nonconformity is discontinued for a period longer than six months, any subsequent uses are required to conform to the use regulations of the zoning district. The applicant confirmed the prior business, Meineke Car Care Center, left the location in August of 2019 which is more than six months prior to submittal of the occupancy permit. Therefore, the current business use was not permitted without approval of a conditional use.

Conditions of Approval

Alianza Mufflers and Brakes business hours will be 8:30 am to 5:30 pm Monday through Saturday, and closed on Sundays. The business will provide the following services: tune-ups, brakes, exhaust, suspension, tires, battery replacement, alternator replacement, starter replacement, radiator replacement, wiper change, tire rotation, oil change and check engine diagnosis. Given the potential adverse impacts to surrounding properties based on the type of business proposed, staff recommends the following conditions of approval:

- All work is required to be performed indoors, no work is permitted to be performed outside of the building
- All noise levels must be in compliance with Chapter 14 (Performance Standards) of the Municipal Code

Staff finds the conditions proposed will help to mitigate any adverse impacts that the business may have on surrounding properties by reducing the potential noise levels. The petitioner has been informed of the conditions and is agreeable. The PZC supported the proposed conditions and staff has included the recommendations within the ordinance.

Planning and Zoning Commission Action

The PZC opened the public hearing to consider PZC 21-1-071 on August 18, 2021. Nick Petrovski, Grogan Hesse & Uditsky, P.C., spoke on behalf of the petitioner. No member of the public provided testimony. After limited discussion, the Commission closed the public hearing and voted to recommend approval of PZC 21-1-071 with the proposed conditions by staff (approved, 6-0). Staff concurs with the Commission's recommendation.

Response to Standards

The petitioners' responses to the Standards for Conditional Uses are included in the attachments. Staff and the PZC are in general agreement with the petitioner's findings and recommends adoption by the City Council, subject to the conditions noted above and included within the ordinance.

Key Takeaways

- A conditional use request is submitted by Alianza Mufflers and Brakes to occupancy of Suite 112 of the multi-tenant building located at 1032 E. Ogden Avenue
- Staff and the PZC are in support of the conditional use request subject to the conditions that the business comply with the performance standards and all work is required to be performed indoors.

FISCAL IMPACT:

N/A