



Council Communication

Office of the City Manager

Date

August 6, 2007

Agenda Item No. 30

Roll Call No. 07-

Communication No. 07-487

Submitted by: Larry Hulse, Community
Development Director

AGENDA HEADING:

Set Hearing on request from ColorAll Technologies represented by Dustin Smith (agent), for text amendments to Chapter 134 (Zoning Ordinance) to permit limited transient automobile scratch and dent repair services within a tent as an accessory use to vehicle display lot, rental car agency and fleet vehicle operations, (8/20/2007).

SYNOPSIS:

Recommend approval to set the date of hearing for August 20, 2007, for the zoning ordinance changes described above. On June 21, 2007, the Plan and Zoning Commission voted 10-3 in support of a motion to recommend approval of the text amendment requested by ColorAll Technologies as more specifically described in the accompanying communication. Staff for the Polk County Air Quality Commission have reviewed and approved the proposed text amendment on the basis that it requires the operations to comply with all applicable federal, state, county and local laws, regulations, ordinances and orders. Staff for the Polk County Air Quality Commission have also reviewed the operations of the local ColorAll franchise and have determined that the operations comply with the Polk County Air Quality regulations.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

The roll call letter from the Plan and Zoning Commission and draft ordinance are attached. After the June 21, 2007, Plan and Zoning Commission meeting, staff received calls from representatives and members of the Iowa Collision Repair Association voicing opposition to the proposed operations by ColorAll Technologies. The most significant objection was based on the perception that ColorAll was not being required to comply with the same air quality regulations as fixed base auto body repair shops. Consideration of the proposed text amendment was delayed to give staff for the Polk County Air Quality Commission the opportunity to review the operations of the local ColorAll franchise. Staff for the Polk County Air Quality Commission has assured City staff that the ColorAll operations are subject to, and comply with, the same air quality regulations as fixed base auto body repair shops.

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S):

Date: June 21, 2007

Roll Call Number: N/A

Action: The Plan and Zoning Commission voted 10-3 in support of a motion to recommend approval of a request from ColorAll Technologies for text amendments to Chapter 134 (Zoning Ordinance) to permit limited transient automobile scratch and dent repair services within a tent as an accessory use to vehicle display lot, rental car agency and fleet vehicle operations as more specifically described in the accompanying communication.

Date: May 23, 2007

Docket Number: ZON2006-00194

Action: A motion by the Zoning Board of Adjustment to overturn that Zoning Enforcement Officer's determination that the proposed operations are prohibited by current code, failed by a vote of 3-3. The Zoning Board of Adjustment encouraged the applicant to pursue a text amendment to allow such a use.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Hold public hearing and first reading on August 20, 2007.