



Council Communication

Office of the City Manager

Date

August 20, 2007

Agenda Item No. 67
Roll Call No. 07-
Communication No. 07-501
Submitted by: Larry Hulse, Community
Development Director

AGENDA HEADING:

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 a vehicle display lot, rental car agency and fleet vehicle operation.

SYNOPSIS:

Recommend approval for the text amendment recommended by the Plan and Zoning Commission and requested by ColorAll Technologies as 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 has reviewed the operations of the local ColorAll Technologies franchise and have determined that the operations comply with the Polk County Air Quality regulations.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

The City Council asked for responses to the following questions at the August 6, 2007 meeting when it set the date for the public hearing:

- What will the structure look like? A photograph is included in the Council packet.
- Does the company have a permanent location in the city? The local Color-All Technologies franchise is operated by Craig Blomquist, PO Box 57388, Des Moines, IA 50317. Mr. Blomquist resides at 6570 SE 6th Avenue, Pleasant Hill, IA 50327.
- How has this worked in other communities? No other similar businesses are operating legally in the Des Moines metro area. The proposed ordinance is based partially upon a text amendment adopted by the City of Ontario, California in January of 2007 to permit such operations. The promotional materials submitted by the applicant indicate there are over 85 franchised locations across the United States
- Will this have an impact on existing business? The proposed mobile operations will compete for business with existing fixed-base auto-body shops in the Des Moines metro area. The proposed mobile operations may make the businesses they contract with more viable if the services are more economical than those provided by traditional fixed base operators.

- Would ColorAll be required to pay property taxes? ColorAll does not currently pay commercial property taxes. The businesses ColorAll contracts with do pay commercial property taxes.
- Why are staff and the P&Z recommending this? Staff determined that the proposed operations are not permitted by-right under the existing zoning code. The Zoning Board of Adjustment did not overturn the staff determination, but recommended that a zoning text amendment might be appropriate if it adequately addressed the aesthetic and environmental impacts of the business. The applicant's request for a text amendment was reviewed and recommended for approval by the Plan and Zoning Commission.

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. None of the individuals who contacted City staff have fixed-base auto body repair shops located within the Des Moines city limits. The most significant objection was 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 allow 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 have 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):

Date: August 6, 2007.

Roll Call Number: 07-1519

Action: Setting date of hearing [on](#) request from ColorAll Technologies, for text amendments to Chapter 134 (Zoning) 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, (8-20-07). [Council Communication No. 07-487](#)) Moved by Hensley to adopt. Motion Carried 7-0.

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: NONE