

**PLANNING COMMISSION MINUTES OF NOVEMBER 24, 2008****2008-1165 - Title 19 - Amendments to Automobile/Vehicle Service and Repair in Residential Districts DH**

**Dale Huber**, Acting Neighborhood Preservation Manager, presented the staff report. He said that in October 2008 he and Christy Gunvalsen, Neighborhood Preservation Manager (on leave), met with the City Council to consider a Study Issue regarding more aggressive code enforcement. He said one of the issues that came up during the Study Session was that some of the municipal code provisions are hard to enforce. He said Council suggested that staff work with the City Attorney's Office to amend the ordinance regarding automobile/vehicle repair and service on residential properties. He explained the amendments being proposed. He said staff's recommendation is that the Planning Commission recommend to City Council to introduce the ordinance.

**Comm. Klein** said when this subject was previously presented to the Planning Commission there was a lot of discussion about the definition of major and minor service. Mr. Huber said the definitions are covered in the Definitions section of Title 19 of the Municipal Code. Mr. Huber said the definitions were very confusing for Neighborhood Preservation staff and in 2007 the definitions for major and minor were added. Comm. Klein said when the Commission first reviewed this report there were questions about people repairing vehicles outside of garages and the repairs being shielded from public view. Comm. Klein confirmed with staff that the way the ordinance is written that no major work would be allowed outside of a garage. Comm. Klein asked if there has been any public comment regarding this change. Mr. Huber said that there has been no feedback from the public regarding the removal of the "shielded from public view" language and no Neighborhood Preservation cases regarding this issue.

**Chair Rowe** asked staff about the service and repairs being limited to daytime hours with those hours being 7 a.m. to 10 p.m. She asked if construction hours were shorter. Mr. Huber said that construction hours are defined separately. Chair Rowe said she thinks 10 p.m. is late to be working on an automobile as repair work can be noisy. Mr. Huber commented that staff did discuss the issue and felt that people are allowed to do other work around their homes until 10 p.m., i.e. carpentry, and staff did not want to single out the repair and service work.

**Chair Rowe opened the public hearing.**

There were no public comments.

**Chair Rowe closed the public hearing.**

**Comm. Klein moved for Alternative 1 to recommend to Council to introduce the ordinance. Comm. McKenna seconded the motion.**

**Comm. Klein** said that this is a fairly simple update to fix an ordinance. He said the minor changes should make enforcement easier for the City staff. He said he does think there might be some feedback at a later date with someone not having access to a garage and wanting to do major work. He said the clarification about the definitions of major and minor is helpful and the wording in the ordinance works well. He said he thinks the allowed hours are fine.

**Comm. McKenna** complimented staff on recognizing that this could be a problem in neighborhoods and requiring that the repairs be done in an enclosed structure. She said that she lives in a neighborhood where someone built an airplane in their garage (adding the wings later) and no one ever knew about it until the plane was removed. She said that she thinks this is a wonderful, creative solution to address the problem.

**ACTION: Comm. Klein made a motion on 2008-1165 to recommend to City Council to introduce the ordinance. Comm. McKenna seconded. Motion carried unanimously, 7-0.**

**APPEAL OPTIONS: This recommendation will be forwarded to City Council for consideration at the December 16, 2008 City Council meeting.**