

LICENSE HEARING MINUTES
David Heu, dba Fun Auto, 931 Atlantic St Unit I
Monday, December 5, 10:00 AM
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 10:08 AM

Staff Present: Jeff Fischbach, Department of Safety and Inspections (DSI)

Licensee: David Heu, Applicant/Owner

License Application: Auto Repair Garage license

Legislative Hearing Officer Nhia Vang made introductory comments about the hearing process: This is an informal legislative hearing for a license application. This license application required a Class N notification to inform neighbors and the District Council about the application and provide them with an opportunity to submit comments. The City received correspondence of concern/objection, which triggered this hearing.

The hearing will proceed as follows: DSI staff will explain their review of the application, and state their recommendation. The applicant will be asked to discuss their business plan. Members of the community will be invited to testify as to whether they object to or support the license application. At the end of the hearing, the Legislative Hearing Officer will develop a recommendation for the City Council to consider. The recommendation will come before the City Council as a resolution on the Consent Agenda; the City Council is the final authority on whether the license is approved or denied.

There are three possible results from this hearing: 1) a recommendation that the City Council issue this license without any conditions; 2) a recommendation that the City Council issue this license with agreed upon conditions; or 3) a recommendation that the City Council not issue this license but refer it to the city attorney's office to take an adverse action on the application, which could involve review by an administrative law judge.

Minutes:

Jeff Fischbach, Department of Safety and Inspections (DSI) gave a staff report for licensee David A Heu (License ID# 20220001800), d/b/a Fun Auto, located at 931 Atlantic St Unit I. The application is for an Auto Repair Garage license. DSI is recommending approval with license conditions:

The change of nonconforming use (#09-028-679) from auto body shop to auto repair garage is approved by the Planning Commission, subject to Conditions 1 through 3:

1. A site plan showing the building, site access, vehicular circulation, and off-street parking must be reviewed and approved by the Department of Safety and Inspections (DSI).
2. The approved use does not include vehicle sales or vehicle storage.

3. The shop's hours of operation shall be restricted to opening no earlier than 8 am and closing no later than 6 pm daily.

Additional license conditions are as follows:

4. Parking spaces shall be maintained in the area and number shown on the approved site plan for the auto repair business occupying this licensed area. Any changes to the site plan must be approved by the Zoning Administrator.

5. There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business. Trash will be stored in a covered dumpster.

6. The license holder agrees to maintain the fencing, vehicle location and vehicle barriers in a manner consistent with the approved site plan.

7. All vehicles parked outdoors must appear to be completely assembled with no major body parts missing.

8. Vehicle salvage is not permitted.

9. Auto body repair and/or painting are not permitted.

10. No auto repair of vehicles may occur on the exterior of the lot or in the public right-of-way.

All repair work must occur within an enclosed building.

11. Customer vehicles may not be parked longer than 10 days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law.

12. Licensee must comply with all federal, state, and local laws.

13. Storage of vehicle fluids, batteries, etc. shall be in accordance with Ramsey County Hazardous Waste Regulations.

14. Failure to remain in compliance will result in adverse action against the license.

15. Licensee will place laminated placards, that are impervious to weather, in each car's dashboard clearly identifying the cars they have in their possession in order to distinguish one business from another.

There has been no correspondence received from any neighborhood organization to recommend or object. Building conditions, N/A; License approved with conditions; and Zoning approved with conditions.

Ms. Vang asked if Mr. Heu understood and agreed to the conditions. Mr. Heu answered in the affirmative.

Mr. Fischbach stated that these conditions were all in place under the previous license holder.

Ms. Vang stated that the objector had concerns about parking customer vehicles parked on the street and asked Mr. Fischbach to review the conditions related to that and the site plan.

Mr. Fischbach read through the relevant conditions and said the site has nine parking spaces. Stated that all vehicles need to be parked in approved areas.

Ms. Vang asked about storage, and why the certificate of occupancy for storage in the STAMP activity report was still pending. Mr. Fischbach stated that because the larger property is a complex and has several businesses leasing the land, it is hard to say which business that item is related to. Mr. Fischbach said he would verify the status with the fire inspector after the meeting.

[Follow-up communication from Mr. Fischbach indicated that Fire is ok with the Certificate of Occupancy for the space as an auto repair business.]

Ms. Vang asked the applicant to talk about the business: history, hours of operation, number of employees, etc.

Mr. Heu: I've been in the auto repair business for over 30 years. I wanted to be self-employed and open my own garage. This is the first time owning my own business. I previously was an independent contractor for several shops.

Ms. Vang asked about parking customer vehicles using placards.

Mr. Heu: I definitely see placards as being important on the west side of the complex, but I don't see a huge need on our side since we are the only business here.

Mr. Fischbach: It still will help when we do inspections, since we want to uniformly inspect the property as a whole.

Ms. Vang: This is a good way to protect your interests and I see this as a good thing to show that when a car is improperly parked, it is not yours.

Ms. Vang next asked about hours.

Mr. Heu: Hours will be 8am – 6pm, Monday – Saturday.

Ms. Vang then asked about maintaining the parking lot.

Mr. Heu: We keep our parking area clean of trash. The landlord does clear the snow and keeps it out of the reserved spots. They also maintain the overall lot.

Ms. Vang asked about lighting.

Mr. Heu: The space is well lit and fenced for security.

Ms. Vang: Have you opened yet?

Mr. Heu: No. We are waiting for this process to complete.

Ms. Vang asked how many cars would be repaired at one time.

Mr. Heu: 2 or 3. This is not a big operation. I will be there day-to-day doing the repairs and managing. No employees currently.

Ms. Vang asked about waste disposal.

Mr. Heu: The landlord has a dumpster that we use.

Ms. Vang asked if oil changes are done.

Mr. Heu: We can if needed but would like to not do them, because of waste. We do have containers for storage of oil but will mostly focus on replacing parts. Old parts will be recycled or scrapped.

Ms. Vang asked about signage.

Mr. Heu: Once we get the license, we will put up a sign.

Ms. Vang: Check with DSI before you open, to make sure the sign is done properly.

Ms. Vang asked about interior space.

Mr. Heu: The area is an open space so there are no particular bays. There is an office space. The parking outside is for customer parking and customer cars waiting to be worked on.

Ms. Vang next read the letter of objection from Ms. Laura Bateman, property owner at 879 Atlantic St. The letter voiced concerns about parking cars waiting to be worked on being parked in the street. The concern was about nearby auto shops overall, and not specific to this business. Ms. Vang then gave Mr. Heu the opportunity to respond.

Mr. Heu: I'm curious if there are police records of improperly parked cars. It's a public street so how do they know if the car is parked there illegally without any police report? It's not reserved for residents, is it?

Mr. Fischbach: No it is not.

Mr. Heu: Is it possible then that cars on the street are visitors? Either way, this person does not seem super close to the business, so I don't see the issue. We will keep our cars in our space.

Ms. Vang and Mr. Fischbach reiterated that cars waiting to be worked on have to be parked on the property.

Ms. Vang then asked if Mr. Heu had any remaining questions about the conditions.

Mr. Heu: What happens if a condition is violated.

Mr. Fischbach: Violations can lead to adverse action. There is a penalty matrix that escalates penalties based on the number of offenses, which can result in revocation or suspension of a license.

Ms. Vang: I just wanted you to be aware of the City's process. Do we have a signed conditions affidavit?

Mr. Fischbach: Yes. When will this be before the City Council?

Ms. Vang: Likely December 21.

Ms. Vang stated that after reviewing the records and considering the testimonies from all parties, she will recommend to the City Council that they approve the license with the following agreed-upon conditions:

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7. All vehicles parked outdoors must appear to be completely assembled with no major body parts missing.
8. Vehicle salvage is not permitted.
9. Auto body repair and/or painting are not permitted.
10. No auto repair of vehicles may occur on the exterior of the lot or in the public right-of-way. All repair work must occur within an enclosed building.
11. Customer vehicles may not be parked longer than 10 days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law.
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The hearing adjourned at 10:38 AM

The Conditions Affidavit was signed on October 22, 2022 and is on file with the Department of Safety and Inspections.