

LICENSE HEARING MINUTES

Arcade Auto Body LLC, dba Arcade Auto Repair and Arcade Auto Sales, 1346 Arcade St

Monday, 0January 23, 2023, 10:00 AM

Room 330 City Hall, 15 Kellogg Boulevard West

Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 10:01 AM

Staff Present: Jeff Fischbach, Department of Safety and Inspections (DSI) Licensing Inspector, David Eide, DSI Zoning Inspector (remote participation)

Licensee: Charles Belcher, Applicant/Co-owner

License Application: Add Auto Repair Garage and Second Hand Dealer - Motor Vehicle licenses to the existing Auto Body Repair/Painting Shop license

Other(s) Present:

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 Arcade Auto Body LLC (License ID# 20190001657), d/b/a Arcade Auto Repair and Arcade Auto Sales, located at 1346 Arcade St. The application is to add an Auto Repair Garage and Second Hand Dealer - Motor Vehicle licenses to the existing Auto Body Repair/Painting Shop license. DSI is recommending approval with license conditions:

CONDITIONS #1 - 9 PER NONCONFORMING USE PERMIT #2020-096344:

1. The garage addition behind the house at 1334 Arcade, approved in 1992 to provide classic car storage, shall continue to be used for parking at least 8 vehicles, and shall not be used for auto body or auto repair shop work (vehicle cleaning is permitted in this area). With this area subtracted from the building area for the purpose of calculating required parking, it reduces the number of required parking spaces to 18. Since this condition requires 8 parking spaces be provided in the garage addition, then 10 other parking spaces must be provided on the site to meet the parking requirement.
2. A site plan that reflects these conditions shall be submitted to the Department of Safety & Inspections for review and approval. The 1985 Zoning Administrator order to remove the spray booth addition on the north side of the building, an order that was upheld by the City Council upon appeal, remains in effect unless it is rescinded by the Zoning Administrator upon site plan review and approval. If the former spray paint booth addition remains it shall be used only for cleaning and detailing vehicles, and may not be used for auto body or auto repair shop work. (If the addition were removed, it would reduce the parking requirement by 1 space, and the location of the addition could be used for an additional parking space.)
3. The parking spaces that are required for customers, employees and vehicles on the lot for auto repair shall not be used for display of vehicles for sale.
4. Employee vehicles, for-sale vehicles, repair vehicles, and any other vehicles associated with the business must be parked on-site, and shall not be parked on streets or alleys.
5. The layout of parking spaces must meet the requirements in Zoning Code § 63.308 and § 63.309 for space for any maneuvering of vehicles to be provided on the site and not in public right-of-way.
6. Off-street parking on the site shall meet dimensional and design standards in the Zoning Code to the greatest extent possible, excluding the perimeter and screening landscape requirements in Zoning Code § 63.314 for parking facilities and outdoor auto sales adjoining public streets or sidewalks. A masonry wall or decorative fence (not including chain link), a minimum of three (3) feet in height and a maximum of four and one-half (4½) feet in height, shall be installed and maintained along adjoining Arcade Street and Clear Avenue public sidewalks as required by § 63.314.
7. All auto repair work shall be done within an enclosed building. Paint fumes from the auto body shop shall be controlled so that they are not noticeable on adjacent lots.
8. There shall be no outside storage.
9. At least 100 square feet of additional landscaping shall be provided on the site, to the Arcade Street or Clear Avenue sides of the building at 1346 Arcade Street. Such landscaping need not meet the requirements of Zoning Code § 63.314, and it may result in the loss of for-sale vehicle spaces but it may not result in the loss of customer or employee parking spaces.

ADDITIONAL LICENSE CONDITIONS #10 - 21:

10. The parking lot shall be striped and maintained in accordance with the approved site plan on file with DSI dated 11/21/2022. A maximum of nineteen (19) vehicles may be parked on the exterior of the property at any time. Vehicles shall be parked in accordance with the approved site plan. Site improvements (e.g., parking space striping, masonry-wall/decorative-fencing, landscaping, etc.) shall be maintained in good order and repair.

11. The storage of vehicles for the purpose of salvaging parts is expressly forbidden. All vehicles parked outdoors must appear to be completely assembled with no major body parts missing. Vehicle salvage is not permitted.
12. Customer vehicles may not be parked longer than ten (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.
13. Provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street or on to the street is prohibited.
14. Licensee must comply with all federal, state and local laws.
15. Wheel stops shall be added to the customer parking spaces fronting along Arcade St to ensure that vehicles do not project into and/or obstruct the public right-of-way (i.e., sidewalk).
16. Licensee acknowledges that any activity taking place on the property shall comply with Chapter 293 Noise Regulations of the City of Saint Paul Legislative Code, and agrees to entirely close the rear alley garage doors when grinding tools are in use/operation in order to promote compliance with this Chapter.
17. The hours of operation on Monday thru Friday shall be limited to between 8:00 a.m. and 6:30 p.m.
18. The hours of operation on Saturdays shall be limited to between 8:00 a.m. and 5:00 p.m.
19. The establishment shall be closed on Sundays except that the licensee, employees, and/or staff may be on-site between the hours of 10:00 a.m. and 4:00 p.m. to perform maintenance on the premises, paperwork, etc. No working on vehicles shall occur on Sundays. Any activity taking place on the premises shall not create a disturbance that is discernable from outside the building.
20. All painting will occur within an approved spray paint booth that is maintained in good order and repair.
21. Site improvements in accordance with the approved site plan shall be completed by 06/01/2023.

The Payne Phalen Community Council submitted an email of objection. Building conditions, N/A; License approved with conditions (NOTE: a recent site inspection of operations under the current license and associated approved site plan found the property and surrounding location to be out of compliance with current license conditions.); and Zoning approved.

Mr. Fischbach clarified that Condition #10 listed 18 parking spots on the neighborhood notification, but in reviewing the site plan before the hearing he counted 19 spots. He changed it to 19 spots as reflected in an updated conditions affidavit that was signed immediately prior to the hearing.

Mr. Fischbach: In 2020, Mr. Charles Belcher got approval for a nonconforming use permit to add auto sales and auto repair to the business. He has applied now for the license because the conditional use permit is soon to expire. The pandemic played a role in not previously applying sooner, but he now wants to move forward to establish this auto sales and auto repair use. Conditions 1-9 are the same as those that were in the nonconforming use permit. Conditions 10-21 pertain to things that were already in place for the auto body license and for the increase in parking spots going from 17 to 19 parking spots.

Ms. Vang referenced the site plan and asked about whether there was a difference between customer parking versus parking for cars being worked on.

Mr. Eide: As Mr. Fischbach said, there are two additional spaces. One is by the alley and still on the property. The other is in the southwest corner of the building. Their use is as labeled. It's been a while since I reviewed this site plan, but I know I approved it and any uses listed in each spot is allowed. The planning commission approved this as well.

Ms. Vang asked about the timeline for the inspection.

Mr. Fischbach stated that would occur before the license was issued. It could be before or after Council approves.

Ms. Vang asked Mr. Eide for additional parking details about the site plan.

Mr. Eide: The city no longer has parking minimums. Some spots may say they are for customer parking, but there is no requirement that there be a minimum amount of short-term customer spots.

Ms. Vang asked for clarification on potential street parking.

Mr. Eide: Street parking would only be allowed if a customer was just stopping by or dropping something off. No cars being worked on, waiting to be picked up, or for-sale could be parked on the street. Basically, if the business takes possession of the vehicle it has to be parked on the property.

Mr. Fischbach: I will add that Condition #4 states that all employee vehicles, for-sale vehicles, repair vehicles, and any other vehicles associated with the business must be parked on-site, and shall not be parked on streets or alleys

Ms. Vang asked if changing the parking spots on the site plan in the future would require further zoning review.

Mr. Eide: Yes.

Ms. Vang asked Mr. Belcher if he had questions about the conditions.

Mr. Belcher: No. Regarding parking, that alley parking is used for his tenant who lives in the house at 1344 Arcade Street., which he also owns.

Ms. Vang: Is there garage access from the alley?

Mr. Belcher: Yes, there are 3 or 4 garage doors. Regarding the parking labels, he included multiple in some spots to allow more flexibility. He does not have a big intention to sell cars. He wanted to option to offer maybe 2 or 3 for-sale cars in front to make the business look nice. The parking spaces have all been striped. The only thing left for him to do is to install the decorative

fence on Arcade and Clear, so that cars don't protrude into sidewalk. Some landscaping is also needed and is unsure what it will look like. He hopes to elevate the landscaping to make it better viewable from the street. It will all be done by June 1 of this year. Work on the fence and landscaping will get started as soon as winter ends. The overall concept is not changing much. Regarding the complaint about 2 customer cars on the street, the 2 vehicles were dropped by a tow truck on Clear without notifying him. The cars did not stay out there long.

Ms. Vang asked if they had a relationship with the towing company so that he can educated or prevent those types of situations.

Mr. Belcher: No. The towing companies just call, and he does not know who they are. His number one rule is that cars are never parked in front of a house. Sometimes visitors park on the street to drop something off quickly, but that's it.

Ms. Vang asked about cars parked in front with missing parts.

Mr. Belcher: That is a condition. He tries his best to keep that from happening. If there is any damage to a car out front, he does his best to hide anything unsightly. He will abide by these conditions. He also has his own condition requirements that go beyond the list of stated conditions.

Ms. Vang asked about the painting booth.

Mr. Belcher: It is located inside the building. It's an enclosed brick garage inside the garage. The filtration system was updated prior to his ownership. One neighbor had an issue regarding the paint booth, but it has since been resolved.

Ms. Vang: Is the garage closed when doing body work?

Mr. Belcher: Yes. The garage doors can be up open a couple feet on hot summer days but that's it.

Ms. Vang asked about waste disposal.

Mr. Belcher: The complaint person was right regarding garbage ending up outside the bin. He has since upgraded the trash bin to a larger one with a heavier lid, won't get blown open. The bin is always stored in the alley on his property. The company he uses is called Curbside and the dumpster is a black color dumpster to blend into the background, which he hopes will limit or discourage illegal dumping.

Ms. Vang asked about security.

Mr. Belcher: He did have one woman who accidentally backed into his garage, but that's pretty much it. He has installed 16 cameras which is a good deterrent. Police have used his videos from the cameras for theft in the area.

Ms. Vang asked about lighting.

Mr. Belcher: No changes. He added some when he originally bought the place but that's it. The lights do not create a disturbance to the neighbors across the alley since they are located on a hill which is a bit above the business.

Ms. Vang asked about the potential for Mr. Belcher to hire additional independent contractors with the new licenses.

Mr. Belcher: Nothing is changing staff-wise. He will handle the for-sale vehicles. He may hire a salesperson in the future but that is not currently in the plan. The plan for sales is to sell cars that his customers do not want anymore and if he can fix it, he'll like to take the cars off their hands to fix and sell, which is mainly why he is interested in getting the second hand dealer - motor vehicle license.

Ms. Vang next opened the hearing for public input. She read into the record a letter from Mr. John Crivits at 859 Clear Avenue. He voiced concerns over garbage and sidewalk access. She gave Mr. Belcher the opportunity to respond.

Mr. Belcher: He keeps the sidewalk clean, and snow is stored on his lot. He has some empty spaces without parking spots and will not lose any parking spaces from the storage of snow. No cars will ever back up into the public right of way, and the new fence will ensure that. Regarding trash, as he said earlier, he has a larger dumpster now that has a heavier lid.

Ms. Vang next read into the record a letter from Mr. Eric Jacobson at 838 Clear Avenue. He voiced concerns over street parking, odd hours, and noise. She gave Mr. Belcher the opportunity to respond.

Mr. Belcher: He has only ever had one interaction with this person when he first bought the property and was seeking signatures for a nonconforming use permit. He does not park cars in front of any houses. The cars on the street could be cars for meetings held at this place across the street. He does not know if this person would ever be happy. The hours are spelled out in the conditions, and he completely close on Sundays. Not even paperwork is done on Sundays. The current hours work well. He closes at 6:30pm and sometimes people in the front are wrapping things up until 7pm.

Ms. Vang asked Mr. Fischbach if DSI has ever taken enforcement actions against the business.

Mr. Fischbach: No enforcement actions have been taken.

Ms. Vang next read into the record a letter from Mr. Jack Byers at the Payne Phalen Community Council, which voiced 8 concerns. She gave Mr. Belcher the opportunity to respond.

Mr. Belcher: The district council initially supported him in 2020 on the nonconforming use permit. Where believes that this problem in not getting the district council's support may have something to do with him not notifying Jack beforehand, and it came to him as a shock. He

didn't think he needed to since Jack already knew however Mr. Fischbach did tell him that he was supposed to do that. Jack told him he's "not supporting but not refusing."

Ms. Vang asked why the district council previously supported the permit and now they don't support the license.

Mr. Eide: I was confused too. I'm not sure what changed.

Ms. Vang: A lot of these concerns were ones that have already existed and some, such as the environmental concerns, weren't raised then when Mr. Belcher was seeking the nonconforming use permit. The permitted use was both approved by the Zoning Committee and Planning Commission in 2021 which already allows these activities. She is not in a position to deny the use.

Mr. Belcher: I think he was just shocked and maybe thought he was changing things substantially.

Ms. Vang encouraged Mr. Belcher to connect with Mr. Byers and clarify what this license will allow the permitted use.

Mr. Belcher: We have talked twice since the objection was submitted and that helped him understand. I reminded him of our conversation in 2020 and refreshed his memory.

Ms. Vang asked if this business was within the eligibility window to expand these uses to a full license, and if the process would have to be restarted if the window was missed.

Mr. Eide: If he didn't apply for the license, he could have gotten a 1-year extension or must start the process over again. He did start this license process within the time frame of two years from when the permit was granted, which ends on February 5, 2023.

Mr. Fischbach: The application itself was submitted in October of 2022.

Ms. Vang next read into the record a letter from Mr. Tom Rogge, which voiced support, and gave Mr. Belcher the opportunity to respond.

Ms. Vang next read into the record a letter from Ms. Sharon and Mr. Edward Teske who both voiced their support and gave Mr. Belcher the opportunity to respond.

Ms. Vang next read into the record a letter from Mr. Jason Korstad, which voiced support, and gave Mr. Belcher the opportunity to respond.

Mr. Belcher: He appreciates the note about keeping the alley clean. That is very important to him. He asked if he were to change the parking use in the future, would zoning review be needed?

Mr. Fischbach: Zoning needs to approve the plan. Adding cars would require new notification. Changing labels is a may be in terms of notification.

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

CONDITIONS #1 - 9 PER NONCONFORMING USE PERMIT #2020-096344:

1. The garage addition behind the house at 1334 Arcade, approved in 1992 to provide classic car storage, shall continue to be used for parking at least 8 vehicles, and shall not be used for auto body or auto repair shop work (vehicle cleaning is permitted in this area). With this area subtracted from the building area for the purpose of calculating required parking, it reduces the number of required parking spaces to 18. Since this condition requires 8 parking spaces be provided in the garage addition, then 10 other parking spaces must be provided on the site to meet the parking requirement.
2. A site plan that reflects these conditions shall be submitted to the Department of Safety & Inspections for review and approval. The 1985 Zoning Administrator order to remove the spray booth addition on the north side of the building, an order that was upheld by the City Council upon appeal, remains in effect unless it is rescinded by the Zoning Administrator upon site plan review and approval. If the former spray paint booth addition remains it shall be used only for cleaning and detailing vehicles, and may not be used for auto body or auto repair shop work. (If the addition were removed, it would reduce the parking requirement by 1 space, and the location of the addition could be used for an additional parking space.)
3. The parking spaces that are required for customers, employees and vehicles on the lot for auto repair shall not be used for display of vehicles for sale.
4. Employee vehicles, for-sale vehicles, repair vehicles, and any other vehicles associated with the business must be parked on-site, and shall not be parked on streets or alleys.
5. The layout of parking spaces must meet the requirements in Zoning Code § 63.308 and § 63.309 for space for any maneuvering of vehicles to be provided on the site and not in public right-of-way.
6. Off-street parking on the site shall meet dimensional and design standards in the Zoning Code to the greatest extent possible, excluding the perimeter and screening landscape requirements in Zoning Code § 63.314 for parking facilities and outdoor auto sales adjoining public streets or sidewalks. A masonry wall or decorative fence (not including chain link), a minimum of three (3) feet in height and a maximum of four and one-half (4½) feet in height, shall be installed and maintained along adjoining Arcade Street and Clear Avenue public sidewalks as required by § 63.314.
7. All auto repair work shall be done within an enclosed building. Paint fumes from the auto body shop shall be controlled so that they are not noticeable on adjacent lots.
8. There shall be no outside storage.
9. At least 100 square feet of additional landscaping shall be provided on the site, to the Arcade Street or Clear Avenue sides of the building at 1346 Arcade Street. Such landscaping need not meet the requirements of Zoning Code § 63.314, and it may result in the loss of for-sale vehicle spaces but it may not result in the loss of customer or employee parking spaces.

ADDITIONAL LICENSE CONDITIONS #10 - 21:

10. The parking lot shall be striped and maintained in accordance with the approved site plan on file with DSI dated 11/21/2022. A maximum of nineteen (19) vehicles may be parked on the exterior of the property at any time. Vehicles shall be parked in accordance with the approved site plan. Site improvements (e.g., parking space striping, masonry-wall/decorative-fencing, landscaping, etc.) shall be maintained in good order and repair.
11. The storage of vehicles for the purpose of salvaging parts is expressly forbidden. All vehicles parked outdoors must appear to be completely assembled with no major body parts missing. Vehicle salvage is not permitted.
12. Customer vehicles may not be parked longer than ten (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.
13. Provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street or on to the street is prohibited.
14. Licensee must comply with all federal, state and local laws.
15. Wheel stops shall be added to the customer parking spaces fronting along Arcade St to ensure that vehicles do not project into and/or obstruct the public right-of-way (i.e., sidewalk).
16. Licensee acknowledges that any activity taking place on the property shall comply with Chapter 293 Noise Regulations of the City of Saint Paul Legislative Code, and agrees to entirely close the rear alley garage doors when grinding tools are in use/operation in order to promote compliance with this Chapter.
17. The hours of operation on Monday thru Friday shall be limited to between 8:00 a.m. and 6:30 p.m.
18. The hours of operation on Saturdays shall be limited to between 8:00 a.m. and 5:00 p.m.
19. The establishment shall be closed on Sundays except that the licensee, employees, and/or staff may be on-site between the hours of 10:00 a.m. and 4:00 p.m. to perform maintenance on the premises, paperwork, etc. No working on vehicles shall occur on Sundays. Any activity taking place on the premises shall not create a disturbance that is discernable from outside the building.
20. All painting will occur within an approved spray paint booth that is maintained in good order and repair.
21. Site improvements in accordance with the approved site plan shall be completed by 06/01/2023

The hearing adjourned at 11:08 AM.

The Conditions Affidavit was signed and submitted on January 23, 2023.