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LICENSE HEARING MINUTES
Professional Auto Body
Thursday, March 27, 2014, 2:00 p.m.
330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 2:00 p.m.

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

Applicant: Neil Huuki, Owner/Applicant

Others Present: Larry Cramer, owner of apartment building at 60 Stevens Avenue

Professional Auto Body: Auto body Repair/Painting Shop, and Second Hand Dealer - Motor Vehicle license

Ms. Vang stated that this was an informal legislative hearing for a license application. This particular license required a Class N notification which means the neighborhood was notified and people had the chance to voice their concerns. The City received a letter of concern/objection which triggered the hearing. There were three possible results from this hearing: 1) recommend the City Council issue this license without any conditions; 2) recommend the City Council issue this license with agreed upon conditions; or 3) recommend the City Council not issue this license but refer it to the city attorney to take an adverse action on the application, which could involve review by an administrative law judge. The applicant will be required to sign a Conditions Affidavit demonstrating the understanding of the conditions.

DSI staff will explain their review of the application and state their recommendation. Ms. Vang said she will then ask the applicant to discuss their business plan. At the end of the hearing, she will make a recommendation for the City Council to consider. Her recommendation will be on the Consent Agenda; the City Council is the final authority on whether the license is approved or denied.

Mr. Fischbach reviewed the license conditions:

1. All customer, employee, and business vehicles must be parked in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI) dated 02/03/2014. A maximum of ten (10) vehicles may be parked on the property at any time.
2. Customer, employee, and business vehicles shall not be parked in the driveway, public street, or boulevard. This includes, but is not limited to vehicles awaiting repair, and/or that have been repaired and are awaiting pick-up by the owner of the vehicle
3. Customer vehicles may not be parked for 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.
4. Licensee agrees to maintain the existing fencing in accordance with the approved site plan on file with DSI dated 02/03/2014.
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. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations.

6. 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.
7. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way (e.g., street, alley, boulevard, etc.). All repair work must occur within an enclosed building.
8. General auto repair is not permitted.
9. The display of vehicles for-sale shall be permitted only within a completely enclosed building. No for-sale vehicles may be parked and/or exhibited for-sale on the exterior of the premises or in the public right-of-way (e.g., street, alley, boulevard, etc.).
10. Licensee must comply with all federal, state and local laws.

No correspondence was received from the district council. Mr. Fischbach explained condition #9. The property is located in a B3 zoning district which does not allow the exterior display of vehicles for sale but does allow for indoor sales. If Mr. Huuki wished to display vehicles outside, he would be required to obtain a conditional use permit. The lot in the front of the building was limited to vehicles needing repair and the lot at the rear of the building was used for customer and employee parking.

Ms. Vang reviewed the site plan and asked Mr. Huuki whether he had designated a space for handicapped parking. Mr. Huuki responded that he did not but would designate one space for handicapped parking.

Ms. Vang asked Mr. Huuki to discuss his plans for operating his business. Mr. Huuki explained that he had purchased the business in June 2013 from Bob Seaton who had owned and operated the business for at least 30 years. He had retained Mr. Seaton to work as a consultant because he has never operated an auto body repair or paint shop in the past. He intended to continue the same business model as Mr. Seaton with two full-time technicians and one part-time technician in addition to himself. The hours of operation will continue to be Monday through Friday, 8 a.m. to 5 p.m., closed on Saturday and Sunday. The only sale of vehicles would be done inside the building with marketing being done, for the most part, via the internet. Mr. Huuki presented photographs of his property.

Ms. Vang asked whether he had attended the district council or neighborhood meeting to present his plans. Mr. Huuki responded that he did attend the district council meeting and obtained the support of the council. Ms. Vang asked whether he understood all of the conditions on his license. Mr. Huuki responded that he understood and agreed to all of the conditions on his license.

Ms. Vang invited Mr. Cramer to testify. Mr. Cramer said he had submitted a letter in opposition to the license as he had issues with the previous owner who never addressed those issues to his satisfaction (*letter is attached and made a part of this record*). He had talked to Mr. Huuki concerning snow that was pushed onto his property by the applicant's contractor who was hired to remove snow from his lot. He believed that trees and other vegetation may not survive as a result. In his conversation, Mr. Huuki had agreed to replace any of the trees/vegetation which may have been damaged due to the improper snow removal. He appreciated Mr. Huuki's willingness to "be a good neighbor" and fix any damage to his property that resulted from the snow being pushed into his property. His bigger concern, as highlighted in his letter, was that he had experienced flooding to his lower-unit apartments due to water runoff from the roof of the body shop's building. He believed it was due to the elevation of his property, as it was lower than the body shop, and that the gutters on the building were not being properly maintained. He wished to see a condition placed on the license that

would make the owner responsible for any damages as a result of his failure to clean out the gutters to keep the water from flowing onto his property.

Mr. Fischbach responded that any water damage caused to Mr. Cramer's property would be a private matter between the property owners. He could suggest a condition on the license that the gutters be cleaned on a routine basis. Ms. Vang asked Mr. Cramer if he had ever filed a complaint with the city. Mr. Cramer responded that he had not and had only complained to the previous owner of the property.

Ms. Vang asked Mr. Huuki if he would be agreeable to adding this condition to his license. Mr. Huuki responded that he did not want to be responsible for any damages caused to Mr. Cramer's building due to water damage to any of the apartment units. He would be agreeable to adding a condition to maintain the gutters.

After reviewing all of the documents of record, Ms. Vang recommended adding a condition to the license that the gutters/downspouts be cleared of any accumulated debris to avoid excess water runoff from the side of the building. The conditions were agreed to by Mr. Huuki. Ms. Vang said she will recommend to the City Council that they approve the license with the proposed conditions which are as follows:

1. All customer, employee, and business vehicles must be parked in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI) dated 02/03/2014. A maximum of ten (10) vehicles may be parked on the property at any time.
2. Customer, employee, and business vehicles shall not be parked in the driveway, public street, or boulevard. This includes, but is not limited to vehicles awaiting repair, and/or that have been repaired and are awaiting pick-up by the owner of the vehicle
3. Customer vehicles may not be parked for 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.
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8. General auto repair is not permitted.

9. The display of vehicles for-sale shall be permitted only within a completely enclosed building. No for-sale vehicles may be parked and/or exhibited for-sale on the exterior of the premises or in the public right-of-way (e.g., street, alley, boulevard, etc.).
10. Licensee must comply with all federal, state and local laws.

Additional condition:

11. Licensee agrees to maintain the existing gutter and downspout on the north side of the building in a serviceable condition, including any necessary routine maintenance to keep it free of debris or leaves.

The hearing adjourned at 2:30 p.m.

The Conditions Affidavit was signed and submitted on April 2, 2014.