

LICENSE HEARING MINUTES
SuperAmerica #4151, 1580 Ford Parkway
Thursday, December 23, 2010, 10:00 a.m.
330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 10:00 a.m.

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

Applicant: Lesley Zaun, attorney, Faegre & Benson; and Matt Skobrak, District Manager, representing Northern Tier Retail LLC, owner

SuperAmerica #4151: Gas Station, Cigarette/Tobacco, Restaurant (1) – No Seats, and Retail Food (C) – Grocery 1001-3000 sq. ft.

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 two letters of concern. There were three possible results from this hearing: 1) Ms. Vang may recommend that the City Council issue this license without any conditions; 2) she may recommend that the City Council issue this license with agreed upon conditions; or 3) she may recommend that 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 that the understanding of the conditions.

DSI staff will explain their review of the application and state their recommendation. Ms. Vang will then ask the applicant to talk about the 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 stated that the following was a zoning condition which resulted when the store was rebuilt in 1996:

1. Zoning File 96-080 Special Condition Use Permit to allow redevelopment of an existing auto convenience market is approved with the condition that an eight (8) foot high wood privacy fence shall be installed from the southeastern corner of the building to a point 10 feet west of the sidewalk at Snelling Avenue.

Mr. Fischbach stated that he had inspected the property and found the fence to be in good, stable condition.

Ms. Vang read into the record letters of opposition received from the following: 1) Patty Reilly, 1615 Hillcrest Avenue, concern about on-street parking on Snelling Avenue; and 2) Brent and Kimberly Harder, 1589 Hillcrest Avenue, concerns about noise and requested a brick fence be installed in place of the wood fence, enforcement of the noise ordinance, hiring of a security officer, earlier closing times, continued no sale of alcohol, and scheduling regular meetings between the neighbors and store manager. Copies of said letters are attached and made a part of this record.

Mr. Fischbach stated that he had forwarded the concern from Ms. Reilly to Public Works to contact her directly since Licensing did not have any authority over on-street parking issues.

Ms. Zaun stated that the current hours of operation were 6 a.m. to 12 a.m. and they were unwilling to reduce the hours as the pumps did not operate on a 24-hour basis. She also assured that no sale of alcohol would occur at this location. As far as replacing the current wood fence with brick, she believed it was too cost prohibitive and it was her opinion that the fence was in good condition. She said the sign ordinance was posted on the fence and staff did tell customers to turn down radios if they were too loud. As far as hiring a security guard, it would be cost prohibitive and she did not believe it was warranted given that criminal activity was very minimal at this store. She said that the manager of this store had worked there since August 2009 and in that time, no one from the neighborhood had ever approached him concerning any issues of noise or otherwise and she did not believe scheduling regular meetings with neighbors was necessary.

Mr. Skobrak stated that vendor deliveries at this store were limited to day-time hours and the only delivery after 5 p.m. may be fuel which was delivered on an as-need basis. There were three or four full-time employees with approximately five part-time employees. As far as litter on the property, this did not seem to be an issue as employees routinely monitored the grounds and picked up any trash.

Ms. Vang suggested that they possibly consider doing some additional landscaping work along the fence to act as a noise buffer to the neighboring properties. She asked whether they had met with the district council to discuss any neighborhood issues or concerns. She also asked whether there were security cameras on the inside and outside of the store.

Mr. Skobrak responded that there were security cameras on the inside and outside of the store and that the security manager for the company had worked with the police department concerning the appropriate location of the cameras. He said they had not met with the district council and he was unaware of any formal complaints from any of the neighbors. He said they, or specifically the store manager, would be willing to meet with the district council or neighbors to discuss any concerns whenever necessary.

Ms. Zaun stated that Northern Tier had recently purchased approximately 167 stores in Minnesota and it was their desire to be a good neighbor to the community as they wanted to continue to operate a successful business.

Ms. Vang stated that she will recommend to the City Council that they approve the license with the condition proposed by DSI.

The hearing adjourned at 10:30 a.m.

The Conditions Affidavit was signed on December 30, 2010.

Submitted by:
Vicki Sheffer