

LICENSE HEARING MINUTES
Shepard Parking LLC, 1468 Davern Street
Thursday, September 12, 2013, 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: Tom Beach and Jeff Fischbach, Department of Safety and Inspections (DSI)

Applicant: Deborah Grocholski and Larry Kaiser, Applicant Representatives

Others Present: Frank Jossi, Highland District Council

Shepard Parking LLC: Parking Lot license (*Note: this is for a change of ownership of an existing licensed parking lot.*)

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 letters 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 stated that recommended license conditions were as follows:

1. The property along the length of Shepard Road will be planted with a variety of native plant species as shown on the approved site plan on file with the Department of Safety and Inspections (DSI).
2. On Davern Street from Shepard Road to Stewart Street, appropriately spaced native ornamental shrubbery not to exceed 4' in height will be planted in accordance with the approved site plan on file with DSI.
3. The licensee and/or property owner shall maintain all landscaping.
4. The licensee and/or property owner shall ensure that landscaping does not encroach into the public right-of-way.
5. The licensee will operate airport shuttles in such a manner that they will not need to back up to enter or leave the parking lot.
6. The licensee shall have the address and a copy of the parking lot license posted in a conspicuous place at the entrance serving the parking lot.
7. The licensee shall obtain prior approval of a landscaping plan from the Department of Safety and Inspections (DSI) before planting begins.

8. The licensee and/or property owner will move the portion of the fencing in the southwest corner of the property that's located in the public right-of-way onto their property by May 1, 2014. The licensee and/or property owner agrees to have a fence permit obtained through DSI to complete this work, and call for all required inspection approval(s) associated with this fence permit.
9. All landscaping shall be planted by May 1, 2014.

The Highland District Council submitted a letter of support subject to additional conditions being placed on the license: 1) landscaping be planted with native plant species along Shepard Road and Davern Street; and 2) airport shuttles will be encouraged to use Davern Street and Shepard Road for egress and ingress rather than through the residential neighborhood. Mr. Fischbach stated that it was difficult to enforce specific egress and ingress routes of travel. DSI recommended approval with the recommended conditions. He also said that this license application was in conjunction with a parking ramp application for which there were no objections and the license had been issued.

Ms. Vang asked the applicants to explain their business plan and respond to the letter of concerns from the district council and resident (*which were made part of the record*). Ms. Grocholski said that she was the representative and not the applicant; however, Mr. Kaiser was the manager of the parking lot operation and would be responsible for the requirements specified under the license conditions.

Mr. Kaiser stated that he had met with a landscaper and would be ordering the plants to be planted next spring. The reason planting was not being done this fall was because the landscaper could not obtain the number of plants needed according to the plan. He had already taken action concerning the route the shuttles were taking and they were no longer driving through any of the residential neighborhood. They operated on a 24/7 basis and employed approximately 28 people with a manager and assistant manager on duty at all times. They were in the process of installing new equipment which included new ticket dispensers, credit card readers, lift arms, computers, security cameras, and online parking reservations.

Mr. Jossi, representing district council, stated that he had talked to the applicant's representatives prior to the hearing. Since the applicants were agreeable to the district council's requests concerning the landscaping and the egress/ingress, the district council was in support of granting the license with the conditions proposed by DSI.

After reviewing all of the documents of record, Ms. Vang said she will recommend to the City Council that they approve the license with recommended conditions. The proposed conditions were agreed to by Ms. Grocholski and Mr. Kaiser and are as follows:

1. The property along the length of Shepard Road will be planted with a variety of native plant species as shown on the approved site plan on file with the Department of Safety and Inspections (DSI).
2. On Davern Street from Shepard Road to Stewart Street, appropriately spaced native ornamental shrubbery not to exceed 4' in height will be planted in accordance with the approved site plan on file with DSI.
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9. All landscaping shall be planted by May 1, 2014.

The hearing adjourned at 2:15 p.m.

The Conditions Affidavit was signed and submitted on September 12, 2013.