

LICENSE HEARING MINUTES
PET Auto Repair, 44 Acker Street East
Thursday, August 8, 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: Larry Zangs, Department of Safety and Inspections (DSI)

Applicant: Patrick Takuanyi, Owner/Applicant; Jon Paulson, attorney representing Mr. Takuanyi

Others Present: Kerry Antrim, District 6 Planning Council; Terry Jasinski, 11 Acker Street E

PET Auto Repair: Auto Body Repair/Painting Shop

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. Zangs stated that the recommended license conditions were as follows:

1. All customer cars waiting for pick-up, employee, and "for-sale" display vehicles must be parked in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI) dated June 20, 2013.
2. Maximum number of vehicles for sale on the lot shall not exceed fourteen (14).
3. Twenty-three (23) parking spaces on the property must be provided for customers and employees at all times.
4. Chains and bollards must be installed and maintained at the property line, along Acker St., to provide a controlled vehicular access to the property and to prevent vehicle from encroaching in the public right-of-way. This installation must be completed within 60 Days of the issuance of this license.
5. The customer/employee parking area shown on the site plan, on the south side of the building, must be installed with a Class 5 gravel surface within 60 days of the issuance of the license and paved with asphalt or concrete within 2 years from the date the license is issued. Installation of the asphalt or concrete shall be in accordance with the approved site plan with the work performed under a paving permit issued by the Department of Safety and Inspections (DSI). The development of this area is required to meet off-street parking requirements of the City's zoning code.

6. Customer/employee cars shall be striped in accordance with the approved site plan on file with DSI. The striping of the parking spaces shall be completed on the front (northern) portion, within 60 Days of the issuance of this license; and on the parking lot south of the building when the pavement is installed.
7. There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business. Trash and discarded vehicle parts will be stored in a covered dumpster. Licensee shall obtain and maintain an active Hazardous Waste Generator License from Ramsey County Solid Waste Division and; shall abide by the provisions of that license with respect to the safe handling and disposal of waste oil, filters, tires, batteries, etc.
8. Customer, employee, and for-sale vehicles shall not be parked or stored on the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.). This includes cars which have been repaired and are awaiting pick-up by their owners.
9. All repair work must occur within an enclosed building. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way.
10. Vehicle salvage, a principal activity of obtaining and dismantling motor vehicles to salvage and sell usable parts, is expressly not permitted.
11. Customer and/or employee 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.
12. Maintain maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward.
13. The business activities on the licensee premises shall operate in compliance with all federal, state, and local laws. Failure to remain in compliance will result in adverse action against the license.

The district council submitted a letter objecting to the length of time given to complete the parking lot improvements and wished to see the applicant complete the project within a one-year timeframe. The Zoning Code permits the applicant two years to surface the lot with asphalt or concrete and to make other necessary improvements. DSI recommended approval with the proposed conditions.

Mr. Takuanyi stated that he had owned a secondhand dealer business at 1333 University Avenue and when that property was sold, he needed to find a new location to sell used vehicles. He currently leased 18 Acker and operated an auto repair garage. When he found out 44 Acker was available, he approached the owner of the building to inquire whether he could rent this space to expand his business (*the buildings are located next to each other; see aerial photo for reference*). He planned to hire approximately six employees, preferably from the neighborhood, as well as lease part of the space to auto-related, independent operators. Ms. Vang, including staff, asked whether Mr. Takuanyi understood that he would be responsible for the actions of those independent operators if any of the conditions failed to be met and he stated that he understood and that he would make sure that operators were in compliance. The planned hours of operation were 8 a.m. to 7 p.m. Monday through Saturday; closed on Sunday.

Ms. Vang reviewed the site plan and asked about the parking. Mr. Zangs responded that parking was an issue in this area as Acker was heavily used for vehicle businesses. There were no curbs or gutters and the street was used as a driveway for access, which businesses include a trucking company and a towing operation. He explained which parking spaces were designated for the 44 Acker building in addition to the area that would need to be paved at a future point in time.

Mr. Takuanyi then explained his plans for the layout of the building. He indicated to Ms. Vang where he planned to install the paint booth; he indicated the area where he had room for approximately 40 vehicles which also included pathways to maneuver vehicles in and out of the building. He had a trailer located outside the building which he planned to use for his office. There was also a back lot area that he was interested in retaining at some future time so that he could expand his business to provide towing services in addition to his auto repair and second hand dealer licenses.

Mr. Zangs referred to the map and indicated where there was a very large parcel of land behind the buildings at 14, 18 and 44 Acker that seemed to be a “no-mans” land with vehicles, trucks and trailers parked and scattered throughout the site. He believed some of those vehicles belonged to Mr. Takuanyi and to Rapid Recovery, the towing business at 14 Acker. This area definitely needed to be cleared of the improperly stored vehicles and a site plan for this area needed to be developed.

Mr. Tankuanyi acknowledged that some of the vehicles in this area were moved from his previous business on University Avenue. He promised that he would have those vehicles removed as soon as possible.

Ms. Antrim stated that the district council was opposed to allowing the applicant a two-year timeframe to pave the lot with asphalt or concrete. It was the boards’ contention that if the business applicant at 33 Acker was agreeable to paving the lot within one year, Mr. Takuanyi should be held to the same standard. Discussion ensued as to what the city’s position is regarding the appropriate timeframe for paving and Mr. Zangs referenced zoning code which allows for two years when approving a site plan. Mr. Zangs had offered a year timeframe for both owners of 33 Acker and 44 Acker but Mr. Tankuanyi had some issues and asked for additional time. Because zoning code does allow for two years to put in pavement, Mr. Zangs did not see that as an issue in granting more time; however, he required that, in the interim, Mr. Tankuanyi put in a Class 5 early to provide some kind of surface. The intention is to put in some surface instead of mud and the applicant has agreed to do that with within 60 days of the license issuance. Also, the northern part of 44 and 18 Acker had hard surfaces and pavement on them. 33 Acker only had a drive lane or approach to the building is hard surface with a mixture of concrete and asphalt but the storage lot on the north-side only had about 25% or 30% strip of asphalt going up the center and one of the reason Mr. Zangs pushed for paving (only on the wings of either side of the strip and to a certain depth) was because he did not want cars being double-loaded or triple-loaded which would make it impossible to enter the lot. His goal at both 44 Acker and 33 Acker is to ensure that there is a single loaded maneuvering lane that is well defined with a clear line of sight unobstructed by double-loaded or triple-loaded vehicles. It may seem unequal in granting more time to Mr. Tankuanyi but in this case, Mr. Zangs gave both of the owners the same option. In giving Mr. Tankuanyi more time, he was also asked to put down, in the interim, Class 5 surface. Also, Mr. Zangs is only giving him what the code allows for and felt that it was appropriate.

Mr. Jasinski stated that he was very much opposed to the issuance of this license since the business owner, Mr. Takuanyi, had failed to abide by the license conditions for his business at 18 Acker. He complained that there were cars parked all over the place, some illegally parked across the sidewalk. He said he had several confrontations with Mr. Takuanyi regarding his business operation and that the police had been involved in one particular incident.

Mr. Tankuanyi provided photographs of the property occupied by Mr. Jasinski asserting that he believed he was operating a vehicle repair business without a license. He also said that the problems

experienced at 18 Acker happened because of a problematic tenant which he was forced to evict and who now operates at 33 Acker. He said he would abide by all of the laws and rules in operating his businesses at 18 and 44 Acker Street.

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

1. All customer cars waiting for pick-up, employee, and "for-sale" display vehicles must be parked in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI) dated June 20, 2013.
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The hearing adjourned at 3:15 p.m.

The Conditions Affidavit was signed and submitted on June 26, 2013.