

LICENSE HEARING MINUTES
JJ Autos, 520 Front Avenue
Thursday, May 9, 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 2:10 p.m.

Staff Present: Larry Zangs, Department of Safety and Inspections (DSI)

Applicant: Jerrold Ford, Owner/Applicant

Others Present: Kerry Antrim, District 6 Planning Council

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

1. The number of vehicles displayed outdoors for sale, shall not exceed (3) three and shall be located as shown on the approved site plan, dated March 6, 2013. There are (2) two additional spaces in the building, adjacent to the outdoor display area for a total of (5) five vehicles allowed to be displayed for sale on the property.
2. No vehicle repair is allowed unless and until the licensee first obtains an auto repair license from the City of Saint Paul.
3. No spray painting or priming allowed at this location.
4. 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 maintain the 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.
5. Customer and employee vehicles shall not be parked or stored on the street or alley.
6. Vehicle salvage, a principal activity of obtaining and dismantling motor vehicles to salvage and sell usable parts, is expressly not permitted.

7. 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 6 Planning Council submitted a letter stating their Land Use Task Force voted unanimously to recommend denial because there are no conditions regarding buffering, fencing, or landscaping; and the current Comprehensive Plan “Encourages existing auto related business to upgrade the appearance of their buildings and properties; discourage the growth of new auto related industry”. Mr. Zangs explained that the conditions being placed on the license were standard conditions imposed on all second-hand dealer licenses.

Ms. Vang asked Mr. Ford if he understood the license conditions and to discuss his business plan. Mr. Ford responded that he understood the license conditions and had already signed the conditions affidavit. He explained that he owned a landscaping business and wanted to buy vehicles for less cost at dealer auctions. In order to do so, the state mandates that he hold a second-hand dealers license through the city even though his intention is not to run a used-car sales business. He currently employed 15 people at his landscaping business, Village Green Landscapes, and had plenty of business to keep him and his employees busy.

Mr. Zangs went on to explain that the state required there be five spaces for vehicles to display for sale even though there was no intention to sell vehicles. The site plan showed there were three exterior spaces for vehicles and two interior spaces to park if necessary. It was his understanding from Mr. Ford that vehicles purchased would be absorbed into his fleet of vehicles. There was no need to delineate customer parking since the only parking necessary was for the employees and the owner, Mr. Ford. He noted that there was a fence surrounding the property.

Ms. Antrim stated that at the land use task force meeting, the members noted opposition because the proposed conditions did not address buffering, fencing or landscaping. It was the position of the district council that any license application concerning a second-hand car dealer license be subject to those conditions as they wished every business to be treated the same without differentiation of the circumstances. She noted that the district council was advisory only and merely made recommendations for consideration.

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

1. The number of vehicles displayed outdoors for sale, shall not exceed (3) three and shall be located as shown on the approved site plan, dated March 6, 2013. There are (2) two additional spaces in the building, adjacent to the outdoor display area for a total of (5) five vehicles allowed to be displayed for sale on the property.
2. No vehicle repair is allowed unless and until the licensee first obtains an auto repair license from the City of Saint Paul.
3. No spray painting or priming allowed at this location.

4. 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 maintain the 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.
5. Customer and employee vehicles shall not be parked or stored on the street or alley.
6. Vehicle salvage, a principal activity of obtaining and dismantling motor vehicles to salvage and sell usable parts, is expressly not permitted.
7. 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 hearing adjourned at 2:40 p.m.

The Conditions Affidavit was signed and submitted on March 11, 2013.