

LICENSE HEARING MINUTES
Carver Auto Sales, 1328 Point Douglas Road South
Thursday, July 11, 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 2:05 p.m.

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

Applicant: David Schreiner, Owner/Applicant

Others Present: Paul Sawyer, 1346 Point Douglas Road South, representing the District 1 Community Council

Carver Auto Sales: Auto Repair Garage and Second Hand Dealer – Motor Vehicle Licenses

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 "for sale" outdoors shall not exceed fourteen (14) vehicles. All display vehicles must be parked as shown on the approved site plan on file with the Department of Safety and Inspections (DSI) dated August 14, 2009. "For sale" vehicles shall be clearly designated with appropriate labeling, and cannot be parked in the spaces designated on the site plan as being for customer and employees. Any changes made to the site plan must be approved by in writing by the DSI Zoning Administrator.
2. The number of required parking spaces for customers and employees is eleven (11) vehicle spaces. These spaces must be designated with appropriate signage for customer and employee use.
3. The maximum number of vehicles permitted on the exterior of the premises at any one time shall not exceed twenty-five (25). All vehicles on the site must be parked in accordance with the approved site plan on file with DSI dated August 14, 2009. Any changes made to this site plan must be approved by the Zoning Administrator.
4. Customer, employee or sale vehicles can not be parked or stored on the street / public right-of-way. This includes cars which have been repaired and are awaiting pick-up by their owners.

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.
6. The license holder agrees to maintain striped parking spaces, landscaping, vehicle location and vehicle barriers in a manner consistent with the approved site plan on file with DSI dated 08/14/2009.
7. All vehicles parked outdoors must appear to be completely assembled with no major body parts missing.
8. Vehicle salvage is not permitted.
9. Auto body and painting are not permitted.
10. No auto repair of vehicles may occur on the exterior of the lot or in the public right-of-way. All repair work must occur within an enclosed building.
11. Customer vehicles may not be parked longer than 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. Provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward as stipulated on the approved site plan.
13. Storage of vehicle fluids, batteries, etc. shall be in accordance with Ramsey County Hazardous Waste Regulations.
14. Licensee must comply with all federal, state, and local laws.

The District 1 Community Council submitted a letter stating their Land Use Committee recommended a gate be installed at the entrances to the lot rather than using vehicles to block those entrances when the establishment is closed. They also requested two additional conditions be added to the license concerning lighting and installation of a fence around the property. Mr. Zangs stated that staff has noted the conditions recommended by the district council but does not recommend adding those conditions to the license.

Ms. Vang asked Mr. Schreiner whether he understood and agreed with the license conditions. She also asked him to address the concerns raised by the district council. Mr. Schreiner responded that he understood the conditions and had already signed the affidavit. He had met with the district council and some of the neighbors earlier in the week to discuss the concerns outlined in their letter. It was determined that the lights shining into neighbors' homes at night were the responsibility of Xcel Energy who came out and adjusted the lights. The district council also raised concerns about cars being used to block the entrances after hours. He had since installed chains to block the entrances and cars were no longer being parked to block the entrance. Another concern was the neighboring property owner had requested a fence be installed along the east property line. Apparently, this neighbor had chickens and the previous business owner's dog had 'captured' one or more of his chickens. He assured this neighbor that he did not have a dog and would not be bringing any pets to the property. This neighbor seemed satisfied with the response.

Mr. Sawyer stated that on behalf of the district council, they had met with Mr. Schreiner and were satisfied with his business plan. Since Xcel Energy had come out and adjusted the angle of the lights, he no longer had lights shining into his home at night. The district council recommended withdrawing the additional license conditions as requested in their letter dated June 17, 2013.

Ms. Vang asked Mr. Schreiner to discuss his business plan and his experience in the business. Mr. Schreiner responded that he had 30+ years experience in auto-related businesses. He had previously co-owned a car dealership and had since sold his interest in that business to open the business at this

location. He planned to lease out the four shop bays to other operators for auto repairs and he would solely operate the used-car sales. The hours of operation will be 9 a.m. to 6 p.m. Monday through Friday and 9 a.m. to 4 p.m. on Saturday; closed on Sunday.

Ms. Vang asked Mr. Zangs whether the city would issue individual licenses for each of the operators of the leased spaces. Mr. Zangs responded that they only issued the license to the one licensee, Mr. Schreiner, and he was responsible for any license violations that may occur in accordance with this business.

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. Schreiner and are as follows:

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The hearing adjourned at 2:20 p.m.

The Conditions Affidavit was signed and submitted on June 10, 2013.