

## **Burger, Kathryn (CI-StPaul)**

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**From:** Mark Thieroff <MarkThieroff@siegelbrill.com>  
**Sent:** Friday, November 9, 2018 11:18 AM  
**To:** \*CI-StPaul\_LH-Licensing  
**Cc:** metroauto@metroautomotive.net; Fischbach, Jeffrey (CI-StPaul); Haddow, Ross (CI-StPaul); Hudak, Eric (CI-StPaul); Zacho, Karen (CI-StPaul); Skarda, Therese (CI-StPaul); #CI-StPaul\_Ward4; kate@hamlinemidway.org  
**Subject:** 675 Snelling Ave. N.

Dear Sir or Madam:

This firm represents Metro Automotive, Inc., which has operated the Metro Automotive business at 675 Snelling Ave. N. since 1991. Based on its 27 years of experience at this location, our client has particular insights into the workability of a number of the conditions that have been proposed for the license sought by Lucas Autocare LLC, including the following.

1. Proposed Condition No. 9 states that the "loading and unloading of towed vehicles shall be done entirely within the building and cannot be performed in the public right of way." This requirement is not feasible, as some cars are delivered to the business on flatbed trucks that cannot be unloaded within the building. This proposed condition is also inconsistent with a compromise that was previously negotiated and agreed to between the City and our client. In 2006, the City received a complaint regarding flatbed deliveries. Even though this was a lawful practice, our client was nevertheless willing to explore possible alternatives. In a meeting with then-Western District Commander Douglas Holtz and then-DSI director Bob Kessler, it was agreed that the City would establish a commercial loading zone on the south side of Van Buren Ave., immediately west of Snelling Ave., where flatbed deliveries could take place. This requires more time and effort for our client, but our client was willing to assume those burdens for the benefit of the neighborhood. This system for flatbed deliveries has operated successfully ever since, and there is no reason to change it now. Proposed Condition No. 9 should accordingly be modified to include the following language at the beginning: "Except for vehicles unloaded in a city-designated commercial loading zone, ..."
2. Proposed Condition No. 3 states that at no time shall employee vehicles be parked in the right of way. As operated by our client, the business never has more than 3 employees on site at a given time. Requiring the business to park all three employee vehicles inside would eliminate nearly 25 percent of the indoor vehicle storage space and impose an unreasonable business restriction. Proposed Condition No. 3 should also be modified with respect to customers, who should be allowed to use available street parking for short term parking during drop-offs and pick-ups. There is no reason to treat the customers of this business any differently than the customers of other Snelling Avenue businesses. It is also unreasonable to require the business to use limited indoor work space to provide indoor customer parking.
3. Finally, proposed condition No. 10 requires the rear garage door to remain closed at all times. During our client's operation of the business, the door has remained closed approximately 90 percent of the time, but has been opened up to one-third of the way on warmer days, to provide fresh air for the comfort and safety of the employees. This practice is reasonable and should be allowed to continue.

Please treat these comments as objections to the proposed conditions on the license for Lucas Autocare, LLC, d/b/a Metro Automotive.

Thank you.

**Mark Thieroff**  
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