

LICENSE HEARING MINUTES
AA Auto LLC, 102 Acker Street East
Thursday, June 27, 2013, 10:00 a.m.
330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 10:10 a.m.

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

Applicant: Anthony Newman, Owner/Applicant

AA Auto LLC: 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 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. Vehicles associated with the licensee's business, shall not be parked or left standing in the areas designated as "travel-way" on the approved site plan dated, November 9, 2011. The travel-way includes a 24 foot wide clear passage for vehicles and emergency access within the public right-of way, measured from the centerline of the public right of way.
2. No parking of vehicles in front of the customer entry door to the business (See approved site plan for location) to maintain emergency access to this entry.
3. No parking, standing or loading for vehicles are allowed in that area of Cortland Place, south of the north line of the 15 foot alley way south of lot 33 (See approved site plan for location) so that alley access to other properties is maintained, vehicles have room to turn around and space is available for emergency access to all adjacent properties.
4. Vehicles, associated with the licensee's business, shall not be parked in or shall not obstruct the drive-way access to neighboring property, located on the west side of the Cortland Place Right-of -Way.
5. No more than 12 vehicles, associated with this business, shall be parked in the location, designated on the approved plan as "102 E. Acker Parking Area". Vehicles, in this area, shall be arranged in a single row (not double stacked).
6. 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 a 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.

7. Customer and employee vehicles shall not be parked or stored on the street or alley. This includes cars which have been repaired and are awaiting pick-up by their owners.
8. 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.
9. Vehicle salvage, a principal activity of obtaining and dismantling motor vehicles to salvage and sell usable parts, is expressly not permitted.
10. 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.
11. 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.

No correspondence was received from the district council. DSI recommended approval with the proposed conditions. It was his understanding that Fire still needed to inspect the property before issuing the certificate of occupancy.

Ms. Vang reviewed the site plan and asked about the parking. Mr. Zangs responded that Cortland Place provided access to another business and to a residence; therefore, vehicles being serviced for the business were allowed to be parked in front of the garage doors to the bays.

Ms. Vang read into the record an email of concern received from Jerodine Nall, 101 Acker Street East (*said email is made a part of this record*). Mr. Newman responded that he had talked to Ms. Nall regarding the concerns she had about the previous business operation. He assured her that he was respectful of the neighborhood and would not be open past 7:00 p.m. in the evenings. He gave her his phone number to contact him at any time and she seemed to be satisfied with their conversation.

Ms. Vang asked Mr. Newman if he understood and agreed to the license conditions; she also asked him to explain his business plan. Mr. Newman stated that he understood and agreed to the conditions and had already signed the conditions affidavit. He owned a shop in White Bear Lake and had been in business for approximately 11 years. His plan was to make mechanical repairs to vehicles at his White Bear Lake shop and do all body painting at the shop in St. Paul. His current hours of operation were 9 a.m. to 7 p.m. Monday through Saturday, and 10 a.m. to 5 p.m. on Sunday. He employed two people at his shop in White Bear Lake and was unsure at this time whether he would need to hire additional employees. He had recently closed on the purchase of the property and had done a significant amount of clean up; he was aware of the problems created by the previous tenants in that they were not operating a reputable business.

Mr. Zangs stated that the owner of the property evicted the tenants as it was believed the tenant was not operating a business out of this location and was instead living there, having 'parties' all hours of the day and night.

Ms. Vang asked about trash pick up. Mr. Newman responded that he had ordered a covered dumpster with pick up service one time per week. He also planned to install video cameras around the premises to deter crime. Ms. Vang suggested he contact the St. Paul Police Department who could assist in

recommending locations to install the cameras. The district council was also a good resource to contact concerning crime prevention measures.

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. Newman and are as follows:

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The hearing adjourned at 10:30 a.m.

The Conditions Affidavit was signed and submitted on May 17, 2013.