

**LICENSE HEARING MINUTES**  
**Global Auto USA, 357 & 365 Como Avenue**  
**Thursday, January 18, 201, 10:00 a.m.**  
**Room 330 City Hall, 15 Kellogg Boulevard West**  
**Nhia Vang, Deputy Legislative Hearing Officer**

The hearing was called to order at 10:00 a.m.

Staff Present: Jeff Fischbach, Department of Safety and Inspections (DSI)

Licensee: Raimund Dombrowski, Applicant/Owner

License Application: Add an Auto Body Repair Garage, and Auto Repair Garage licenses to the existing Second Hand Dealer - Motor Vehicle license to permit vehicle repair in the building with address number 357.

Other(s) Present: James McGovern, business consultant to Mr. Dombrowski

Ms. Vang provided information about the hearing process: This is an informal legislative hearing for a license application. This license application required a Class N notification to inform neighbors and the District Council about the application and provide them the opportunity to submit comments. The City received a letter of concern/objection, which triggered this hearing.

The hearing will proceed as follows: DSI staff will explain their review of the application, and state their recommendation. The applicant will be asked to discuss their business plan. Members of the community will be invited to testify as to whether they object to or support the license application. At the end of the hearing, Ms. Vang will develop a recommendation for the City Council to consider.

There are three possible results from this hearing: 1) a recommendation that the City Council issue this license without any conditions; 2) a recommendation that the City Council issue this license with agreed upon conditions; or 3) a recommendation that 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 City Council is the final authority on whether the license is approved or denied.

Mr. Fischbach said the license application involved a property with two buildings: the building on the northwest end of the site (365 Como Avenue) is an office for the existing Second Hand Dealer license for auto sales use and detailing, and the building on the southeast end (357 Como Avenue) is currently used for storage and the applicants wants to add an auto body and repair licenses to this building. He reviewed the license conditions that would be applied for addresses:

1. All customer/employee, for-sale, and/or other vehicles associated with this business must be parked in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI) and only on a paved durable surface (e.g., asphalt or concrete). The maximum number of vehicles parked outdoors on the premises shall

not exceed the total number shown on the approved site plan. All vehicle parking spaces (including the vehicle sales display areas, customer/employee parking spaces) shall be striped and maintained with painted lines on a paved durable surface (e.g., asphalt or concrete) in accordance with the approved site plan. All customer and employee parking spaces shall be designated with weather resistant signage stating, "Customer and employee parking only". Vehicles may not be parked on an existing unapproved surface area (e.g., grass, class V gravel, etc.) until all site improvements (including paving, landscaping, vehicle barriers, fencing, etc.) for the property have been completed in accordance with an approved site plan on file with DSI

2. Vehicles for sale shall be designated with a price tag or similar form of marking in the windshield. For-sale vehicles and/or vehicles held in inventory for the business shall not be displayed and/or parked in the parking spaces intended for customer and employee parking.
3. Customer, employee, for-sale, and/or other vehicles associated with this business shall not be parked or stored in a maneuvering lane, or in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.). This includes vehicles awaiting repair, or that have been repaired and are awaiting pick-up by their owner. Clear unobstructed maneuvering lanes must be maintained at all times in compliance with emergency access, traffic safety requirements, and the approved site plan on file with DSI. Backing a vehicle from the street or on to the street is prohibited.
4. 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.
5. Only detailing of the vehicles (washing, waxing, cleaning the interiors) is allowed in the building on the west side of the property having an address number of 365. No repair of the vehicle engines, drive train, or repair to the body of the vehicles is allowed in this building.
6. Auto repair and/or auto body repair is permitted only within the building on the east side of the property having an address number of 357. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.). All repair work must occur within an enclosed building.
7. Painting of vehicles and/or vehicle parts is not permitted without prior written authorization and additional licensing from DSI. Licensee acknowledges that in addition to requiring an additional license, the painting of vehicles and/or parts requires the installation of an approved paint booth under issuance of permit(s) from DSI.
8. Vehicle salvage, a principal activity of obtaining and dismantling motor vehicles to salvage and sell usable parts, is expressly not permitted. All vehicles parked outdoors must appear to be completely assembled with no major body parts missing.
9. 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 or inside the building.
10. 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.

11. The business activities on the licensee's 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.
12. The conditions herein established do not reduce or diminish the City's ability to impose additional restrictions, conditions or enforce other regulatory requirements of City ordinance should site condition or other review approvals (such as City Zoning approval under the site plan approval process) warrant such action. Licensee acknowledges that upon final approval of a site plan for the expansion of the business the licensee will be required to sign a revised license condition affidavit acknowledging any limitations or conditions placed on this approval.

LICENSE CONDTIONS #13-15 PER ZONING VARIANCE #17-206726

13. The auto body shop must remain an accessory use to the auto sales business and there can only be one licensee holder for both uses.
14. No more than 20 vehicles can be in the display area of 'for sale' vehicles along the front property line abutting Como Avenue (subject to site plan approval and completion of site improvements).
15. A detailed site plan is submitted to the Department of Safety Inspections for site plan approval.

Conditions 2 - 11 would remain the same as those on the existing license.

Condition 1 would address the number of vehicles allowed, which would be determined through site plan review process. A key point of Condition 1 was that no vehicles could be parked in the new area until it was completed and paved in late spring or early summer of this year. Licensee was required to make a site plan modification to expand the parking area along Como for additional auto sales. This request required approval of a setback variance by the Board of Zoning Appeals (BZA).

Ms. Vang verified that in the meantime the existing spaces can continue to be used for auto sales and that once the additional spaces were paved in the spring, the additional spaces can be used to display vehicles for sale. Mr. Raimund Dombrovski stated that they would never put cars in the unpaved portion; he said it would look terrible. Also, the unpaved portion still have trees in that area and parking cars there is not possible.

Condition 12 would address additional conditions placed on the license through site plan review, such as landscaping. Mr. Fischbach said those conditions would be added later and shared that Mr. Dombrovski had agreed to accept that possibility. Mr. Fischbach said

Conditions 13 - 15 were conditions from the BZA for the zoning variance.

Mr. Fischbach stated that if the license was issued, the conditions related to the site plan would not prevent Mr. Dombrovski from doing auto repair and auto body repair. Ms. Vang verified that Conditions 1 -15 would be attached to the whole business with Mr. Fischbach and confirmed with Mr. Dombrovski who stated that he understood.

Ms. Vang then asked Mr. Dombrovski to talk about his plan. Mr. Dombrovski said he planned to expand the auto sales by adding more parking spaces which he got approval for a zoning variance from the BZA. He reiterated that he will not use the unpaved portion of the parking lot for vehicle sales until the space was paved with asphalt. He referenced the site plan and noted the location of additional landscaping that had been required. He is awaiting approval from Zoning staff Larry Zangs and anticipates final approval by the end of the week. (He was asked to submit the plan once it has been approved.) Discussion ensued about current and proposed areas for customer parking, accessible parking, and for-sale parking spots. In response to questions from Ms. Vang, Mr. Dombrovski and Mr. McGovern reviewed the current and proposed locations for display of cars for sale, employee parking, customer parking, and handicapped parking. Mr. Dombrovski said with the new plan, they would have ten customer/employee spots and 36 spots dedicated to for-sales vehicles. Ms. Vang asked about overflow parking for cars waiting to be sold. Mr. Dombrovski said he had off-site parking but there was plenty of space inside the buildings for storage. Ms. Vang asked about storage of cars being repaired. He indicated that the building is also large enough to store cars needing repairs. Mr. Dombrovski said cars that came in missing parts would go inside the building. He said he was very efficient in buying cars, and didn't usually buy more than what he needed. There wouldn't be any overflow of cars parked on the street or anywhere else. He intends to only have a few cars and when they are sold, he will restock. He next described his process of buying and selling cars, and, in response to a question from Ms. Vang, he explained his warranty process. Mr. Dombrovski added that he had been in business in that location since 2014 and had purchased the property in late 2016. He said owning the property has allowed him to expand and make improvements. His main goal is to make the property look as good as possible.

Mr. Dombrovski was asked if he had any questions about the conditions placed on his business. He responded that the conditions have been on his license since he opened in 2014 and are not new to him except for a few new ones. He asked Mr. Fischbach for clarification regarding condition #8 and whether it could be modified, which stated that "All vehicles parked outdoors must appear to be completely assembled with no major body parts missing" would still apply for cars on the property since they would be doing auto body repair. Mr. Fischbach said cars with missing parts would have to be moved inside. Following further discussion about the rationale, practicality, and enforceability of the condition, Mr. Fischbach invited Mr. Dombrovski to submit modified language for the condition for his and Ms. Vang's approval. Mr. McGovern said they would do that as long as it didn't delay the issuance of the license. Mr. Fischbach said it would delay the issuance because the conditions would not be finalized until it has been reviewed and approved. Ms. Vang also agreed with Mr. Fischbach's assessment. Her recommendation normally takes anywhere from 4-6 weeks before it can be reviewed by the City Council. Mr. McGovern said they wanted the license approval to be on the Consent Agenda for the next available City Council meeting, and if a change to the conditions delayed that, they didn't want a change. Ms. Vang indicated that she and her staff would do their best to move this recommendation forward to the City Council for their consideration. Mr. Dombrovski said he just wanted everyone on the same page. He was okay with getting the cars in by the end of the day.

Mr. McGovern asked for further explanation of what situations would delay having the license application on the Council agenda sooner than later. Ms. Vang explained the steps of the process and said for her to expedite this file for Council consideration, she would need to provide the Councilmembers with a complete file, including a revised conditions affidavit and a clean copy of

the site plan with approval signed off by the zoning inspector. Mr. Dombrovski said he would ask Mr. Zangs to email it to Ms. Vang. Ms. Vang asked whether the prepared conditions affidavit had been signed. Mr. Fischbach said it had not been signed yet. Mr. Fischbach edited the original condition #8 and read language he had drafted for the modification to stipulate that vehicles with missing parts be inside by the end of day. Mr. Dombrovski accepted the revised language.

Ms. Vang asked if there were questions about any of the other conditions. Mr. Dombrovski said he didn't have any further questions. Ms. Vang said Mr. Dombrovski had been in the location since 2014 with no enforcement action taken against the business, which was a good sign.

Ms. Vang asked how many employees there were. Mr. Dombrovski said he ran the business himself. He had one person helping him. Eventually, he hoped to hire three people to support his business. His sales office was open from 10:00 to 6:00 Monday through Friday, 10:00 to 3:00 on Saturday, and closed Sunday. He said the repair garage would have the same hours. In response to additional questions from Ms. Vang, Mr. Dombrovski described lighting and security, advertising, and his auto repair background. He said he would be doing mostly oil changes and brake work and that cars needing repairs would be parked inside. Ms. Vang asked about disposal of materials, Mr. Dombrovski said oil would be picked up by the supplier, and tires would be recycled by Walmart. The 357 building did not need any interior upgrade since it was used previously for repair work. Ms. Vang asked about SAC. Mr. Fischbach said that was addressed when the building was originally constructed. He said 365 used to be a Minnesota State inspection facility, and 357 had auto repair licenses previously.

Ms. Vang asked Mr. Dombrovski whether he had reviewed the contested letter and whether he wanted respond to the concerns raised. Mr. Dombrovski said there had never been objections to licenses at that location in the past and he was surprised that a letter was received. Mr. McGovern said the concern about parking in the neighborhood was addressed by a license condition, the concern about exposure to toxic chemicals and pollution didn't apply specifically to the business, and the concern about illegal dumping of toxic materials was also covered in the license conditions. He said Mr. Dombrovski was required to have a hazardous waste license; he said the license conditions and hazardous waste license already addressed the concerns from the neighbor and the City served as enforcement mechanism.

Mr. Dombrovski said he believed the concerned neighbor's address was multiple properties back from his and he was surprised about the objection. Ms. Vang stated that she understood the frustration but the concerns needed to be addressed.

Ms. Vang said it seemed like Mr. Dombrovski ran a very tight shop and she encouraged him to continue to manage it well. She said she would recommend to the City Council that they approve the license without any additional conditions other than those discussed. Mr. Fischbach said he had drafted a final version of the modified condition #8. He read the condition as follows:

“Vehicle salvage, a principal activity of obtaining and dismantling motor vehicles to salvage and sell usable parts, is expressly not permitted. Damaged vehicles needing repair that are delivered missing major body parts shall be moved inside the building by the end

of the business day so there are no vehicles missing major body parts parked outside after the business has closed.”

Mr. Dombrovski and Ms. Vang said it was acceptable. Mr. Dombrovski said he would sign the revised conditions affidavit and return it to Ms. Vang as soon as he received it from Mr. Fischbach, and that he would request a copy of the approved site plan from Mr. Zangs. He said he hoped Ms. Vang would have everything by the end of the day; he said any delay would hurt his business. Ms. Vang said she would try to move her recommendation forward as soon as possible.

Ms. Vang asked Mr. Dombrovski when they thought they would be do the paving. Mr. Dombrovski hope to pave as soon as he could and was thinking of April. He said he hadn't spoken to any asphalt people and had never done it before, and wasn't sure what the proper time would be. He said the additional 12 spaces were huge for him. Ms. Vang confirmed with Mr. Dombrovski that the fence would remain the same. Mr. Dombrovski said nothing would change but the asphalt. He estimated early April or late March if possible.

Mr. Fischbach asked how long Ms. Vang thought it would be before the application would come before the Council. Ms. Vang said it was normally four to six weeks but she would try to get it as soon as possible. She said the minutes would need to get done that day, and she would need the revised conditions affidavit. Mr. Dombrovski said they would try to get everything that day. Mr. Fischbach said he could take Mr. Dombrovski to see Mr. Zangs, if he was in, to get the site plan approved.

Ms. Vang stated that after reviewing the records and testimony presented, she will recommend to the City Council that they approve the license with the agreed-upon license conditions:

1. All customer/employee, for-sale, and/or other vehicles associated with this business must be parked in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI) and only on a paved durable surface (e.g., asphalt or concrete). The maximum number of vehicles parked outdoors on the premises shall not exceed the total number shown on the approved site plan. All vehicle parking spaces (including the vehicle sales display areas, customer/employee parking spaces) shall be striped and maintained with painted lines on a paved durable surface (e.g., asphalt or concrete) in accordance with the approved site plan. All customer and employee parking spaces shall be designated with weather resistant signage stating, “Customer and employee parking only”. Vehicles may not be parked on an existing unapproved surface area (e.g., grass, class V gravel, etc.) until all site improvements (including paving, landscaping, vehicle barriers, fencing, etc.) for the property have been completed in accordance with an approved site plan on file with DSI.
2. Vehicles for sale shall be designated with a price tag or similar form of marking in the windshield. For-sale vehicles and/or vehicles held in inventory for the business shall not be displayed and/or parked in the parking spaces intended for customer and employee parking.
3. Customer, employee, for-sale, and/or other vehicles associated with this business shall not be parked or stored in a maneuvering lane, or in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.). This includes vehicles awaiting repair, or that have

- been repaired and are awaiting pick-up by their owner. Clear unobstructed maneuvering lanes must be maintained at all times in compliance with emergency access, traffic safety requirements, and the approved site plan on file with DSI. Backing a vehicle from the street or on to the street is prohibited.
4. 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.
  5. Only detailing of the vehicles (washing, waxing, cleaning the interiors) is allowed in the building on the west side of the property having an address number of 365. No repair of the vehicle engines, drive train, or repair to the body of the vehicles is allowed in this building.
  6. Auto repair and/or auto body repair is permitted only within the building on the east side of the property having an address number of 357. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.). All repair work must occur within an enclosed building.
  7. Painting of vehicles and/or vehicle parts is not permitted without prior written authorization and additional licensing from DSI. Licensee acknowledges that in addition to requiring an additional license, the painting of vehicles and/or parts requires the installation of an approved paint booth under issuance of permit(s) from DSI.
  8. Vehicle salvage, a principal activity of obtaining and dismantling motor vehicles to salvage and sell usable parts, is expressly not permitted. Damaged vehicles needing repair that are delivered missing major body parts shall be moved inside the building by the end of the business day so there are no vehicles missing major body parts parked outside after the business has closed.
  9. 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 or inside the building.
  10. 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.
  11. The business activities on the licensee's 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.
  12. The conditions herein established do not reduce or diminish the City's ability to impose additional restrictions, conditions or enforce other regulatory requirements of City ordinance should site condition or other review approvals (such as City Zoning approval under the site plan approval process) warrant such action. Licensee acknowledges that upon final approval of a site plan for the expansion of the business the licensee will be required to sign a revised license condition affidavit acknowledging any limitations or conditions placed on this approval.

LICENSE CONDITIONS #13-15 PER ZONING VARIANCE #17-206726

13. The auto body shop must remain an accessory use to the auto sales business and there can only be one licensee holder for both uses.

14. No more than 20 vehicles can be in the display area of ‘for sale’ vehicles along the front property line abutting Como Avenue (subject to site plan approval and completion of site improvements).
15. A detailed site plan is submitted to the Department of Safety Inspections for site plan approval.

The hearing was adjourned at 10:50 a.m.

The Conditions Affidavit was signed and submitted on January 18, 2018