

LICENSE HEARING MINUTES
Drive Time Auto Repair, 1324 Arcade Street
Thursday, Aug, 24, 2017, 2:00 p.m.
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 2:00 p.m.

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

Applicant: Michael Frits, Applicant, 651-788-0907

License ID#: 20170002357

Others Present: Simon Yvain, 1328 Arcade Street, Neighbor/Objector; Greg Schneller, Property Owner, 24204 Rutgers Street, Stacy, MN and Claudir Cacy, 24204 Rutgers Street, Stacy, MN

Drive Time Auto Repair LLC (D/B/A Drive Time Auto Repair): Auto Repair Garage license

Ms. Vang stated that this was an informal legislative hearing for a class N license application. This particular license requires neighborhood notification which allows impacted residents to voice their concerns. The City received two letters of concern/objections which triggered the hearing. Objections were received from: Simon Yvain (Se Xiong), 1328 Arcade Street, and Carol Buche, 910 Ivy Avenue E. (*said emails are made a part of this record*). It should be noted that Simon Yvain was present at the hearing to testify.

At today's hearing, Ms. Vang will ask DSI staff to explain their review of the application and state their recommendation. She will then ask the applicant to discuss his business plan and invite interested parties to testify whether they were in opposition or support of the issuance of the license application.

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's office to take an adverse action on the application, which could involve review by an administrative law judge.

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. The applicant will also be required to sign a Conditions Affidavit demonstrating the understanding of the conditions.

Mr. Fischbach discussed the review of the license application and stated the Department of Safety and Inspections' recommended conditions:

1. All business, employee, and customer vehicles awaiting repair (or that have been repaired and are awaiting pick-up) must be parked in the area designated in the plan on file with DSI dated 06/16/2017. Such vehicles may not be parked or stored in the public right-of-way (e.g., alley, street, sidewalk, boulevard, etc.).

2. There shall be no exterior storage or display of vehicle parts, tires, oil or any other similar materials associated with the business. Trash and/or vehicle parts will be stored inside the building. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations.
3. The storage of vehicles for the purpose of salvaging parts is expressly forbidden. All vehicles parked within the premises must appear to be completely assembled with no major body parts missing. Vehicle salvage is not permitted.
4. No auto repair of vehicles may occur on the exterior of the premises or in the public right-of-way. All repair work must occur within an enclosed building.
5. Auto body repair and auto body spray painting is not permitted.
6. Customer vehicles may not be parked longer than ten (10) days within the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the property as permitted by law.
7. Vehicle sales is not permitted.
8. Licensee must comply with all federal, state and local laws.
9. Weather resistant signage shall be installed and maintained on the outside of the building nearby the vehicle entry doors along Ivy Ave E stating "No Parking on the Sidewalk or Boulevard." with a minimum two (2) inch letter height.

Mr. Fischbach noted that building was not applicable; zoning recommended approval with conditions and licensing was recommending approval with conditions of the license application. The Payne-Phalen District 5 Planning Community Council submitted a letter of support noting the applicant's attendance of their recent meeting on August 22, 2017, to answer questions from their board. Previous concerns for this site were addressed and the board voted in support of Mr. Frits' license.

Ms. Vang asked Mr. Michael Frits whether he understood the conditions placed on this license application and whether he had any questions regarding the conditions placed on his license. Mr. Fritz acknowledged that he understood but had questions regarding conditions #1 and #6. Ms. Schweinler replied that these were standard conditions for this type of business license. Some of the conditions stay on the license due to the previous licensed business. With regards to condition #1, Ms. Schweinler stated that in 2012, it was noted to not allow parking on the sidewalk or apron. Discussion ensued as to whether cars could still be parked temporarily on the alley, street, sidewalk, boulevard, etc. and discussed the zoning history with staff and whether there were other businesses in the area or whether it was predominantly residential. Ms. Schweinler responded that there were houses on both sides of Arcade and Ivy; there was also a high school and elementary school across the street on Arcade. The area is zoned T2; however, this property was a non-conforming use and has always operated as an auto-related business. Following Mr. Fischbach's additional explanation, Mr. Frits acknowledged that he understood that parking was prohibited on alley, street, sidewalk, boulevard, etc. and agreed with condition #1 remaining on the license. He also noted that he was a previous resident and had attended the school across the street. So, he understands the issues of safety and traffic congestion at the intersection. When asked how Mr. Frits plans to address vehicle overflow vehicles needing repairs, Mr. Frits discussed his intentions to contract with Rice Street Mini Storage or Schmidt Towing to deal with off-site storage for customers' cars that are not timely picked up. He will add a \$25/day storage fees. In the past, he has contract with them to store vehicles he worked on that needed storage. He wants to maintain a clean and organized shop and hopes to, in time, create a comfortable waiting area encumbered by having too many half-dismantled cars.

Mr. Greg Schneller, property owner of 1324 Arcade, took the stand and testified. He stated that for fifty (50) years, the use had not change. About thirty (30) years ago, zoning allowed them to use the site for parking without the same conditions and wanted to know why it was prohibited now. He also indicated that was going to appeal that to the City to help his tenant and understood that it was a side issue he was working towards. Mr. Greg Schneller noted that the previous tenant made the business difficult for the surrounding neighborhood and that he should have paid closer attention and will work with Mr. Frits to ensure minimal impact to the neighborhood.

Mr. Fischbach then discussed DSI's policy regarding condition #6 being placed as a standard condition for this type of business and how the 10 days came to be part of the process. Staff acknowledged that, condition #6 would already be covered in condition #1 for customer parking per the approved site plan, they were willing to remove condition #6 from the department's proposed recommendation which was agreeable to Mr. Frits:

1. All business, employee, and customer vehicles awaiting repair (or that have been repaired and are awaiting pick-up) must be parked in the area designated in the plan on file with DSI dated 06/16/2017. Such vehicles may not be parked or stored in the public right-of-way (e.g., alley, street, sidewalk, boulevard, etc.).
2. There shall be no exterior storage or display of vehicle parts, tires, oil or any other similar materials associated with the business. Trash and/or vehicle parts will be stored inside the building. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations.
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- ~~6. Customer vehicles may not be parked longer than ten (10) days within the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the property as permitted by law.~~
- ~~7.~~ 6. Vehicle sales is not permitted.
- ~~8.~~ 7. Licensee must comply with all federal, state and local laws.
- ~~9.~~ 8. Weather resistant signage shall be installed and maintained on the outside of the building nearby the vehicle entry doors along Ivy Ave E stating "No Parking on the Sidewalk or Boulevard." with a minimum two (2) inch letter height.

Mr. Frits was then asked to discuss his history/background, business plan, hours of operation, number of employees, response to the contested letters/emails, etc. He stated that he was looking forward to owning his own business in lieu of being an employee. He has twenty-five (25) years experience in this type of business and saw how other owners didn't manage it well. He stated that he is very organized, and customer-oriented. He had previously managed two similar businesses: (1) Mr. Clutch, and (2) Kennedy Transition; they were in Maplewood (MN) and Fridley (MN). He is also a problem-solver, realistic with timelines for customers and willing to work with his customers by managing expectations. He currently does not have employees but would anticipate hiring 3.5 employees (i.e., two mechanics, one person to manage the books/ phones, and himself managing the business full-time on-site during business hours) when business is up and running and when his business generated more customers. The

hours of operations would be Monday to Friday, 7:30 a.m. to 5:30 p.m., and Saturday being opened from 9:00 a.m. to 1:00 p.m. or from 10:00 a.m. to 2:00 p.m. for four hours to do car repairs, catch up on books or cleaning, etc. His business will be closed on Sunday, an only open six (6) days per week. He anticipates opening within one month for full work hours.

Mr. Frits noted that the service he is providing is specialized and would include work contracted for other shops to complete electronic diagnostics and to repair transmissions. The electronic diagnosis could take about 3 to 8 hours; a repair of one transmission could take about 20-40 hours per car depending on the diagnosis and required repairs. Currently, he has been doing this work for 4- 5 years as a contractor for various auto repair business by driving all over the twin cities to complete this same time of work. Thus, he would like to have his own business and develop his own customers to come to his location in Saint Paul.

Ms. Vang invited the members of the public to come forward to testify.

Mr. Simon Yvain, 1328 Arcade Street, addressed the concerns raised in his email (*which was submitted prior to the hearing and is made a part of this record*). He and his wife's home is directly across the alley from this business. The previous operator caused a tremendous number of problems. Parking their customer's cars needing repairs up and down Ivy. Cars were parked on the streets blocking their access to their yard and garage. Customer cars caused traffic congestion particularly around the time school buses were picking up kids at 3:30 p.m.—this made it dangerous for the children. His concern for the 3:30 time frame stems from the school crossing at this intersection was because of the numerous accidents in the highly-traveled neighborhood. He asked that the license be denied as he did not believe the location was suitable for this type of business. He expressed his strong frustration and offered to purchase Mr. Greg Schneller's property as the only way to ensure the peace in the neighborhood and vice versa, if Mr. Schneller would buy his home. [Mr. Schneller acknowledged Mr. Yvain discussed more about this topic and whether any agreement could be made. They tabled the discussion. They all agreed to exchange phone numbers so that Mr. Yvain could communicate directly with Mr. Frits and Mr. Greg Schneller regarding any future issues.] The public hearing was closed.

Ms. Vang stated that she received one letter of support from the district council and two letters objecting to the issuance of the license applications from neighbors who lived next to the business—one from Mr. Simon Yvain (Se Xiong), 1328 Arcade Street, who already testified; and Carol Buche, 910 Ivy Avenue E. (*said emails are made a part of this record*). Ms. Vang asked if Mr. Frits would like to respond to the objections. Mr. Frits acknowledged his familiarity of the issues and stated again that he is an organized person, problem-solver and customer-oriented owner. He will work hard to ensure that mistakes made at this business in the past will not be repeated: he will follow the rules; he does not like negative attention; he will be a courteous shop owner, he understood that the previous license owner was not on site and allowed his business to be mismanaged; and he will run a clean and comfortable shop to attract customers and to be a good neighbor.

Ms. Vang stated after reviewing the testimonies and documents, Ms. Vang will recommend license approval with conditions, including staff recommendation of condition #6 being removed. The conditions were agreed to by Mr. Frits. Ms. Vang will recommend to the City Council that they approve the license with the agreed upon conditions which are as follows:

1. All business, employee, and customer vehicles awaiting repair (or that have been repaired and are awaiting pick-up) must be parked in the area designated in the plan on file with DSI dated 06/16/2017. Such vehicles may not be parked or stored in the public right-of-way (e.g., alley, street, sidewalk, boulevard, etc.).
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- 7. 6. Vehicle sales is not permitted.
- 8. 7. Licensee must comply with all federal, state and local laws.
- 9. 8. Weather resistant signage shall be installed and maintained on the outside of the building nearby the vehicle entry doors along Ivy Ave E stating "No Parking on the Sidewalk or Boulevard." with a minimum two (2) inch letter height.

The hearing adjourned at 2:50 p.m.

The Conditions Affidavit was signed and submitted on August 24, 2017.