

LICENSE HEARING MINUTES
Jake's Auto Mall LLC d/b/a Jake's Auto Mall, 378 Como Avenue
December 6, 2021, 10:00 a.m.
Remote Hearing
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

In light of the COVID-19 health pandemic, a remote hearing was held by telephone or other electronic means. It was called to order at 10:01 a.m. A roll call was made to confirm attendees.

Staff Present: Department of Safety and Inspections (DSI) Licensing Staff Jeff Fischbach and DSI Zoning Staff YaYa Diatta and David Eide ; Nhia Vang, Hearing Officer, Dominique Archiebald, Recording Secretary. [Kristin Koziol did minutes for the hearing 1/11/2022.]

Licensee: Jacob Chial, Owner, Jake's Auto Mall LLC (License ID #20210001428), d/b/a Jake's Auto Mall, located at 378 Como Avenue.

License Application: Second-Hand Dealer – Auto Vehicle license.

Legislative Hearing Officer Nhia Vang made introductory comments about the hearing process: This is an informal legislative hearing for a Class N license application. This license application required notification to nearby residents and businesses, including the affected District Council about the application and provide them with an opportunity to submit comments. The City received correspondence of concern/objection within the notification period, 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, the Legislative Hearing Officer will develop a recommendation for the City Council to consider. The recommendation will come before the City Council as a resolution on the Consent Agenda.

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's office 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.

Minutes:

Jeff Fischbach, Licensing Inspector for the Department of Safety and Inspections (DSI) gave a staff report for licensee Jake's Auto Mall LLC (License ID #20210001428), d/b/a Jake's Auto Mall, located at 378 Como Avenue. Second-Hand Dealer – Auto Vehicle located at 378 Como Avenue.

DSI is recommending the following conditions for the Second-Hand Dealer – Auto Vehicle license:

1. Licensee agrees to comply with the most current site plan approved by the City Zoning Administrator on file with the Department of Safety and Inspections (DSI). This includes but is not limited to the number, manner and/or location that vehicles may be parked and/or displayed for-sale.
2. Licensee acknowledges that use of the public right-of-way fronting the property along Como Ave requires a written-agreement/encroachment-permit be obtained from the City of St Paul Department of Public Works, that such agreement is subject to change/revocation in accordance with applicable ordinances and/or requirements or as stipulated under the agreement, agrees to abide by any terms and/or conditions placed on this agreement, and that they will discontinue use of the public right-of-way if such agreement is no longer valid (which would include restoration of the right-of-way space to standards established by the Department of Public Works). Licensee understands that failure to remain in compliance with the agreement would result in adverse action being taken against their license.
3. Auto repair is not permitted unless the licensee first obtains the required City of St Paul Auto Repair Garage license.

Mr. Jeffrey Fischbach stated that there was no communication received from the Frogtown Neighborhood Association/District 7 Planning Council. Building review is not applicable; Public Works has approved an encroachment-permit with conditions; Zoning is recommending approval; and Licensing is recommending approval with conditions.

Mr. YaYa Diatta, Zoning Manager for the Department of Safety and Inspections gave a staff report on the site plan. Mr. Diatta explained that the site plan had to be revised to include the encroachment-permit from Public Works. He also stated that since the City of St Paul recently removed the minimum parking standards required, this licensee’s site plan did not require a minimum parking amount. Ms. Vang asked Mr. Diatta to walk through the Public Works encroachment-permit, historically the right-of-way has been used to display vehicles by previous owners. Public Works providing a written agreement was satisfactory for approval.

Ms. Vang next asked Mr. Jacob Chial to testify. She asked him to talk about the business: history, hours of operation, number of employees, floor plan etc.

Mr. Jacob Chial gave a brief description of the business. He stated that he has been selling used cars for around 15 years. He owns a second location in Ham Lake where all repairs will take place. The St. Paul location will have 2-3 employees, including an onsite manager. Mr. Chial said he does not plan to fill the lot as much as previous owners did in order to adequately provide customer parking. This location will be open 9:00 a.m. to 6:00 p.m. Monday, Tuesday, Thursday, and Friday, and 10:00 a.m. to 5:00 p.m. on Saturday, and closed Wednesday and Sunday. Ms. Vang next asked about signage and marketing for the business. Mr. Chial stated that they primarily use Google and Facebook; there is also a sign on the door of the building. Ms. Vang encouraged Mr. Chial to work with DSI if he plans to include other signage to remain in compliance with city ordinances.

Ms. Vang next asked for more information about the encroachment-permit from Public Works. Mr. Chial said that the encroachment-permit is good through 2024. Once his business opens, he will work with Public Works to find a permanent solution. Ms. Vang next asked about lighting. Mr. Chial stated that the current lighting seems to be set up to not shine on anyone else’s property, so he plans to keep the existing set up. Next, there were questions about the lot itself and whether it is paved and/or had clear parking spaces marked. Mr. Chial says the lot is paved and the lines are faded; he plans to have the lot resurfaced, and the lines repainted but was waiting for the encroachment-permit with Public Works to be resolved. Ms. Vang asked about whether there would be clear customer parking which Mr. Chial confirmed. Next Ms. Vang inquired as to whether any auto parts were sold there. Mr. Chial stated they are 100% car sales.

Ms. Vang next read the letters and emails of objection into the record for non-present interested parties.

Seregela Abebe, St. Paul (no address provided)

This individual objects to the license application due to a history of no customer parking and employees parking on residential streets. As of November 4th, there was no site plan to show how parking will be handled.

Mr. Chial responded that he understands the concerns from the resident and as stated previously he does not plan to over fill the lot and plans to clearly mark employee and customer parking. Ms. Vang said that she hopes Mr. Chial will continue to be cognizant of neighborhood concerns and appreciates that he plans to manage parking better. Next Ms. Vang asked a question regarding customers testing vehicles and where that would happen. Mr. Chial stated that he does have a traffic flow plan for customers for them to exit the lot with vehicles they are test driving. Ms. Vang also asked about display signs on vehicles which Mr. Chial explained are buyer’s guides in the windows.

Frogtown Neighbors (no name or address provided)

The letter writer states that their family has lived in the neighborhood for 12 years and thinks the area should have more housing instead of car dealerships. They do not appreciate used cars being sold in the area and does not see the need for additional car dealerships along Como Ave. A comparison is made between this neighborhood and Highland and Merriam Park. The writer also states that the previous owner did not clean up trash around the business.

Mr. Chial responded that this business was a car dealership for over 30 years prior to him acquiring it and cannot speak to the previous owner’s business practices. He said that he has someone come once a week to cut the grass and pick up trash that has blown around. Employees will also be responsible for picking up items that are dropped in the lot. Ms. Vang noted that there are previous complaints for this property about tall grass, sidewalks that are not shoveled, and graffiti; she asked how Mr. Chial plans to address those concerns. He stated that he already has someone contracted for snow removal. He was not aware of graffiti complaints but will address any graffiti and have it removed quickly. Ms. Vang asked about abandoned vehicles, Mr. Chial said that if customers leave vehicles for a week after they have tried to contact them the vehicles are impounded.

Next Ms. Vang made sure that Mr. Chial clearly understood that all vehicles on the St. Paul lot are complete without any missing parts and no repairs should be taking place on set. Mr. Chial stated that he clearly understood that, and all vehicles will be repaired and inspected at his Ham Lake location. Ms. Vang encouraged Mr. Chial to work with the neighbors to address concerns that they had with the previous owners surrounding parking that spilled out into the residential streets. There were further questions about vehicles that are not picked up quickly and Mr. Chial stated that he does not like having cars left in customer parking and has an offsite storage lot to hold cars if needed or he will have abandoned vehicles impounded. He also stated that the fence around the lot would be closed and locked when the business was not open. Ms. Vang also asked Mr. Chial to be mindful of general parking restrictions in the city, even though parking minimums were removed by the City of St Paul. She also reminded Mr. Chial to follow up with Public Works about the encroachment-permit and whether he could acquire the parcels from the City of St Paul.

Ms. Vang closed the public hearing. Ms. Vang will recommend to the City Council that they approve the licenses with no new conditions being added to the following existing license condition:

1. Licensee agrees to comply with the most current site plan approved by the City Zoning Administrator on file with the Department of Safety and Inspections (DSI). This includes but is not limited to the number, manner and/or location that vehicles may be parked and/or displayed for-sale.
2. Licensee acknowledges that use of the public right-of-way fronting the property along Como Ave requires a written-agreement/encroachment-permit be obtained from the City of St Paul Department of Public Works, that such agreement is subject to change/revocation in accordance with applicable ordinances and/or requirements or as stipulated under the agreement, agrees to abide by any terms and/or conditions placed on this agreement, and that they will discontinue use of the public right-of-way if such agreement is no longer valid (which would include restoration of the right-of-way space to standards established by the Department of Public Works). Licensee understands that failure to remain in compliance with the agreement would result in adverse action being taken against their license.
3. Auto repair is not permitted unless the licensee first obtains the required City of St Paul Auto Repair Garage license.

The hearing adjourned at 10:48 a.m.

The Conditions Affidavit was signed on October 1, 2021 and submitted on December 6, 2021.