

LICENSE HEARING MINUTES
Ricky's Auto Sales, 80 Arlington Avenue East
Thursday, June 21, 2012, 2:00 p.m.
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: Kris Schweinler and Corinne Tilley, Department of Safety and Inspections (DSI)

Applicant: Vicente Romero, owner/applicant; Jim McGovern, Consultant to Mr. Romero

Others Present: Kerry Antrim, District 6 Planning Council; Randy Rogers, First Student

Ricky's Auto Sales: Application for a Second Hand Dealer – Motor Vehicle license

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 two (2) letters of concern 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 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. McGovern spoke on Mr. Romero's behalf explaining that he is not Mr. Romero's attorney but that he is acting as Mr. Romero's consultant. He believes that since Mr. Romero had difficulty speaking English even though he understands the language well, it would be easier if Mr. McGovern spoke on his behalf since Mr. McGovern has knowledge of Mr. Romero's application and intention. Ms. Vang stated that if she had received prior information regarding Mr. Romero's language needs, a Spanish interpreter would have been requested for Mr. Romero. However, since Mr. Romero is satisfied with Mr. McGovern speaking on his behalf, the hearing should continue and she clarified that Mr. Romero would be ultimately responsible for understanding and agreeing to the conditions from the hearing since he is the owner and applicant of the business. Mr. McGovern and Mr. Romero responded that they understood.

Ms. Schweinler stated that the recommended license conditions were as follows:

1. The maximum number of vehicles associated with the Auto Repair Garage business (operating under license ID #20100003012) and the Second Hand Dealer - Motor Vehicle Sale business (operating under license ID #20120001287) shall not exceed a maximum cumulative total of twenty-two (22) vehicles on the property.
2. The maximum number of vehicles parked on the property associated with the auto sales business shall not exceed a total of nine (9) vehicles. This includes parking for up to four (4)

- customer/employee vehicles, and five (5) vehicles displayed for-sale. The maximum number of for-sale vehicles displayed outdoors shall not exceed five (5). For-sale vehicles shall at all times be clearly identified with appropriate signage placed on or inside the vehicle.
3. The parking lot shall be striped, and the striping shall be maintained, in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI) dated (blank). The maximum five (5) for-sale vehicle parking spaces shall be clearly designated with appropriate signage at all times.
 4. All customer, employee, and for-sale vehicles shall be parked in accordance with and in the area designated on the approved site plan on file with DSI dated (blank). This includes but is not limited to vehicles which are awaiting repair, and which have been repaired and are awaiting pick-up by their owner. No customer, employee, or for-sale vehicles will be stored or parked in the driveway, drive aisles, or public right-of-way (e.g., street, sidewalk, boulevard, etc.).
 5. There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business. Trash will be stored in a covered dumpster. Storage of vehicle fluids, batteries, etc. shall be in accordance with Ramsey County Hazardous Waste Regulations and pursuant to a Hazardous Waste Generators License, issued by the County Solid Waste Division.
 6. All vehicles parked outdoors must appear to be fully assembled with no major body parts missing.
 7. Licensee shall provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street or on to the street is prohibited.
 8. Auto body repair and auto body spray painting is not permitted.
 9. 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.
 10. Vehicles which are not clearly identified as for-sale vehicles (and parked in the designated for-sale parking spaces) 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.
 11. Any auto repair performed at this location which is associated with this business will be conducted under the Auto Repair Garage license held by Minuteman Minneapolis Auto Repair LLC, doing business as Minuteman Auto Repair (License ID #20100003012). If this Auto Repair Garage license is ever canceled or becomes invalid, there shall be no auto repair performed at this location.

Ms. Schweinler stated that DSI was not making a recommendation at this time, pending approval by Zoning, as there were multiple site plans that had been submitted which were under review.

Mr. McGovern stated that he had prepared a new site plan map that included all of the businesses on the property: Ricky's Auto, First Student, and Brac's Auto.

Ms. Schweinler stated that when First Student applied for their license at this location, staff had requested a new site plan to be submitted which would incorporate the location of all three businesses on this lot. She said Mr. Brackey, the owner of Brac's Auto, would also need to submit a new application since it appeared that the operation of his business had changed. Since the amended site plan map was just first being submitted at the hearing, staff would need time to review it before it could be approved for Ricky's Auto.

Ms. Tilley stated that since First Student was now going to be occupying a majority of the site, she believed that Zoning would require 15,000 square feet of the lot be dedicated for the auto sales and auto repair businesses. In making a zoning determination as to the uses on the lot, it would avoid the need to go through the Planning Commission or the Board of Zoning Appeals to make those determinations. The plan would also need to indicate vehicle ingress and egress for each business. Mr. McGovern argued that they had not been informed of this at the time the application had been made. Ms. Tilley responded that at that time of Mr. Romero's application, First Student had not submitted a license application which now shows they will be using a large part of the lot.

Ms. Antrim stated that the District 6 Planning Council had dealt with Mr. Brackey, the owner of the property, on other matters and Mr. McGovern was Mr. Brackey's attorney of record. She had hoped she would not have had to reveal this at this hearing; however, she wanted to make sure Mr. Romero was being fairly represented. Mr. McGovern took issue with Ms. Antrim making this revelation as he did not see his representation at the hearing as being any sort of conflict of interest.

Ms. Antrim stated that District 6 requested the Jackson Street gate be locked and that all ingress and egress be routed through Trout Brook Circle. Ms. Tilley responded that it was her understanding from Public Works that they would not be agreeable to closing access on Jackson Street.

Ms. Vang stated that since the application and the site plan needed to be amended to reduce the number of vehicles that would be allowed for Ricky's Auto Sales and Brac's Auto, she was going to continue the hearing. Mr. Romero would need to submit an amendment to his application and the site plan would need to be amended accordingly to show the uses for all three businesses on this site. All documentation would need to be submitted in a timely manner for staff to review prior to conducting another hearing.

Ms. Schweinler added that Mr. Brackey would also need to submit a new application for Brac's Auto since the number of vehicles allowed on the site would also need to be reduced.

The hearing was adjourned at 2:50 p.m. and will reconvene on Thursday, July 26, 2012 at 2:00 p.m.