

LICENSE HEARING MINUTES
Balta's Auto Towing Services, 102 Acker Street East
Thursday, February 24, 2011, 10:00 a.m.
330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

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

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

Applicant: Baltazar Garcia, owner/operator

Others Present: John Castro, building owner; Duane Barnes, Sr., Able Fence, 78 Acker Street East; and Kerry Antrim, District 6 Planning Council, 171 Front Avenue

Balta's Auto Towing Services LLC: Auto Body Repair/Painting Shop (*note: this is for a change in ownership of an existing location*)

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 letters of concern. There were three possible results from this hearing: 1) she may recommend that the City Council issue this license without any conditions; 2) she may recommend that the City Council issue this license with agreed upon conditions; or 3) she may recommend 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 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 talk about the 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 DSI recommends approval, subject to the completion of an opening inspection by DSI licensing staff to verify the site is in compliance, with the proposed license conditions:

1. No parking, stopping or standing shall be allowed within a 24 foot wide travel way for clear passage of vehicles and emergency access within the public right-of way. The 24 feet shall be measured on center from the centerline of the public right of way. [Refer to Site Plan approved with this license, dated 1/4/11].
2. In addition no vehicles shall be parked south of the north line of the 15 foot alley way south of lot 33 so that alley access to other properties is maintained, vehicles have room to turn around in and space is available for emergency access to all adjacent properties. [Refer to Site Plan approved with this license, dated 1/4/11].
3. 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.

4. 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.
5. 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.
6. Vehicle salvage, a principal activity of obtaining and dismantling motor vehicles to salvage and sell usable parts, is expressly not permitted.
7. 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.
8. 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.

The District 6 Planning Council submitted a letter of support subject to the licensee agreeing to the conditions recommended by DSI, and that the license conditions be modified to reflect the number of parking spaces as required under the City's Zoning Code.

Mr. Zangs explained the site plan map referring to Cortland Place extending to the railroad tracks where it ended (see hash marks on map). This right-of-way was up to the face of the buildings and generally, a parking lot would be located at the end of the street. He contacted Public Works to see if they would be willing to issue an encroachment permit to use the land and the response was that it wasn't possible as there needed to be access to the alley for the business, Able Fence, to the west and for the residential properties to the east. The only parking available for this business was essentially in the public right-of-way in front of the garage doors to the buildings; parking was not permitted in the hash-marked area on the map. He had written the conditions as clearly as possible to describe where there needed to be clear access since parking spaces where vehicles were allowed to be parked could not be clearly delineated.

Ms. Vang asked Mr. Garcia when he purchased the business; whether he had operated such a business in the past and where; how many people he employed, and what his hours of operation will be. Mr. Garcia responded that he purchased the business in August 2010 and he previously ran a business of this nature in Farmington. He planned to be open Monday through Saturday from 7 a.m. to 5 p.m. and employed a manager and two other people.

Ms. Vang asked whether Fire Prevention had inspected the building and the painting operation. Mr. Zangs responded that Dave Bergman, Fire, had inspected the building and had approved the C of O.

Ms. Antrim stated that Mr. Garcia had attended the land use committee meeting in January and the committee supported the license for this business; however, they were concerned about the lack of parking and acknowledged that there was no actual solution to this problem. She pointed out that the district council was working with PED staff on a 40-acre study for a small area plan for this area to address zoning and the businesses in this area.

Mr. Barnes stated that he built the building and operated an auto repair business until he sold the property to John Castro. Parking had been a continuous problem since he sold the property as cars were parking everywhere and when he had semi deliveries to his business, Able Fence, the semis could not gain access because vehicles would block the entrance to the alley. There were also vehicles scattered all over the place that didn't seem to be moved.

Mr. Zangs asked Mr. Garcia whether he was buying cars at auction for resale. Mr. Garcia responded that he did not purchase vehicles for resale and the basis for his business was towing and repairs. He was aware that the previous business was a problem with too many cars.

Ms. Antrim stated that it appeared from the conversation that all the parking problems were being attributed to this one business when in fact the vehicles could be from other businesses or even the residents in the area. Mr. Zangs agreed that essentially, Cortland Place was one big parking lot where no one owned any places for parking since it was all public right-of-way.

Mr. Castro stated that he did have a multitude of problems with the previous tenant and discontinued the lease with that tenant. When he operated his business at this location, whenever Mr. Barnes contacted him to move a vehicle for access through the alley or such, he would take care of it immediately. As far as maintenance of Cortland Place and the adjoining alley, he and Mr. Barnes took on the responsibility to keep this area cleared of snow; the neighboring residents and the city did nothing to maintain this area at all.

Mr. Zangs stated that there needed to be an agreement between the two businesses that when deliveries were being made to Able Fence, Mr. Garcia would need to move vehicles to allow access to and from Mr. Barnes property. He said there was no condition he could put on the license concerning the parking of vehicles and number of parking spaces; there needed to be cooperation and communication between the two business owners to accommodate each others operations.

Ms. Vang stated that she will recommend to the City Council that they approve the license with the conditions proposed by DSI.

The hearing adjourned at 11:05 a.m.

The Conditions Affidavit was submitted on February 2, 2011.

Submitted by:
Vicki Sheffer