

LICENSE HEARING MINUTES
PET Enterprises Auto Repair, 18 Acker Street East
Thursday, March 3, 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: Patrick Takuanyi, owner/operator

Others Present: Kerry Antrim, District 6 Planning Council, 171 Front Avenue

PET Enterprises Auto Repair: Auto Repair Garage 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 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. Customer and employee parking shall be in accordance with the approved site plan, dated January 5, 2011. Parking spaces shall be delineated on the paved surface with painted lines by July 1, 2011. A maximum of seven (7) total vehicles associated with this business (including both customer and employee vehicles) may be parked on the exterior of the premises at any time. No parking or vehicle storage is allowed in the front of the building (north side) adjacent to Acker St. [refer to site plan for area delineated as no parking areas].
2. 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.
3. 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.
4. 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.

5. Vehicle salvage, a principal activity of obtaining and dismantling motor vehicles to salvage and sell usable parts, is expressly not permitted.
6. 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.
7. 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 referred to the site map and said that he looked at the site and concluded that there were only seven parking spots available on the side of the building for this business with no parking designated in front of the building on Acker Street. He explained that Acker Street contained many industrial businesses and there had been a continuous problem with vehicles blocking the right-of-way since there was no curb or gutter or clear delineation of parking spaces. The proposal was that the applicant could not park his vehicles in front of the building; however the street would be available for parking for customers. Currently, there are no parking signs in front of this building; however, this was something to consider since the only remedy would be if there were complaints against the business, for DSI to take adverse action against the license. It was his observation that the adjoining business, Torgenson Truck Repair, parked what vehicles they did have in the back of the property. It was his understanding from the property owner, Mr. Krawczewski, the area at the rear of the building, which contained storage containers, was going to be cleared out which may also then become available for parking. It was uncertain at this time what the property owner had planned for this area and that part of the building.

Ms. Vang asked Mr. Takuanyi to explain his experience in the business and to discuss his work plan. Mr. Takuanyi responded that he had operated a similar business at 2812 University Avenue SE and had also operated a used car lot at 509 Como Avenue; he no longer operated either business. He said the business across the street, DW Jones Trucking, caused parking problems on the street with double parking vehicles. It was his preference to have parking in front of his building for vehicles that he was waiting to work on so that if he had to push an inoperable vehicle into the garage, it would not have to be moved very far. Ms. Vang asked Mr. Takuanyi to draw the spaces on the map that he envisioned using for parking. Mr. Zangs reviewed Mr. Takuanyi's parking proposal and said that it still did not resolve the parking problem on Acker Street; he also acknowledged the problem of double parking on the street by DW Jones Trucking, which was directly across the street, and believed it was a matter for parking enforcement to keep the street clear. Most of the businesses in this area were auto related with a multitude of vehicles being parked in the public right-of-way which caused an impasse for vehicle traffic. As businesses in this area were changing ownership, DSI was requiring no parking for that business in the public right-of-way. This was also a zoning issue which did not allow parking on the public right-of-way and the previous business had been operating out of compliance.

Ms. Vang asked whether DSI could request a traffic study. Ms. Antrim responded that the district council could and would request a traffic study be done of the area.

Mr. Takuanyi stated that the property owner had indicated to him that he could park vehicles in front of the building; it was his understanding that the previous business had caused problems in the neighborhood with the amount of vehicles parked everywhere. He thought that he would be gaining parking rather than losing it as what was being proposed.

Mr. Zangs responded that it was possible he could gain parking when the other business cleaned up the area and removed the storage containers. The other option would be for him to go before the Zoning Committee of the Planning Commission to request a variance of the zoning code to be able to park in front of the building. He cautioned, however, that it was a costly and time consuming process and the outcome would likely not be in his favor. The parking issue needed to be resolved as soon as possible as the license had been applied for and the business had been operating since October 2010. He said he would not take enforcement action on the parking until late April or May to give time to resolve the parking issue. He suggested he meet with the applicant and the owner within the next two weeks to come to some agreement on the parking issue for the building or that the applicant then pursue applying for a variance.

Ms. Antrim stated that any variance request would have to come before the district council and she was almost certain that the district council would not recommended approving a parking variance to be able to park in front of the building on Acker Street. The district council did agree with the recommended conditions as proposed by DSI and suggested the parking issue be resolved as quickly as possible as it was a “mess” in this area and the applicant had been operating his business without a license sine October 2010. She suggested that if the parking issue could not be resolved, the applicant find another location to operate his business.

Ms. Vang read into the record letters of opposition received from the following: 1) DW Jones Trucking, 33 Acker Street East, concerning parking of vehicles and wished that the license not be granted; and 2) Michael Popehn, 38 Sycamore Street East, concerning trash, discarded vehicle parts and having a locked dumpster; also complained about the appearance of the exterior of the building. Said letters are attached and made a part of this record. Mr. Takuanyi responded that his dumpster was locked and DW Jones Trucking caused the majority of the parking issues in the area.

Ms. Vang asked Mr. Takuanyi who many employees he had, his hours of operation and how many vehicles he typically worked on in any given day. Mr. Takuanyi responded that there was an independent contractor who worked with him but was not his employee; his hours of operation were Monday through Saturday from 8 am to 6 pm; and he could accommodate up to 10 cars in a day, parking four vehicles in the garage.

Ms. Antrim suggested that DSI leave the number of parking spaces open-ended in the conditions so that if additional spaces became available, they could be utilized by the business. Mr. Zang agreed so that the applicant would not have to go through this process again to change this condition on the license.

Ms. Vang stated that she would like an additional condition on the license to place no parking signs on the front of the building facing Acker Street. Mr. Zangs suggested that he meet with Mr. Takuanyi, the license applicant, and Mr. Krawczewski, the building owner, to discuss parking and acceptable location for parking for this building. He would then submit the modified conditions for approval.

Ms. Vang stated that she will recommend to the City Council that they approve the license with the modified conditions proposed by DSI. Modified conditions are as follows:

1. Customer and employee parking shall be in accordance with the approved site plan, dated June 21, 2011. The garage structure must be removed to accommodate required vehicle parking. A permit from the St. Paul Dept. of Safety and Inspection must be obtained to relocate or demolish this structure. Parking spaces including barriers (bollards or curb stops) shall be installed along the front of the building, per the approved plan, by August 1, 2011. A maximum of seven (7) vehicles associated with this business (including both customer and employee vehicles) may be parked on the exterior of the premises at any time.
2. 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.
3. 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.
4. 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.
5. Vehicle salvage, a principal activity of obtaining and dismantling motor vehicles to salvage and sell usable parts, is expressly not permitted.
6. 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.
7. 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 hearing adjourned at 11:20 a.m.

The Conditions Affidavit was submitted on June 22, 2011 which includes the approved site plan dated June 21, 2011.

Submitted by:
Vicki Sheffer