

LICENSE HEARING MINUTES
Mini Pac, 1184 Maryland Avenue E.
Monday, January 28, 2019, 10:00 a.m.
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 9:59 a.m.

Staff Present: Jeffrey Fischbach, Department of Safety and Inspections (DSI)

Licensee: Randy Hammad, Applicant/Owner

License Application: Gas Station, Cigarette/Tobacco

Other(s) Present: Amanda Morgan, Office Manager

Legislative Hearing Officer Nhia Vang made introductory comments about the hearing process: This is an informal legislative hearing for a license application. This license application required a Class N notification to inform neighbors and the District Council about the application and provide them with an opportunity to submit comments. The City received correspondence of concern/objection, 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; the City Council is the final authority on whether the license is approved or denied.

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

Minutes:

Jeffrey Fischbach, Department of Safety and Inspections (DSI) read the three conditions (below). He said the Payne Phalen District Council had submitted a letter of support. He said Building was not applicable, License and Zoning approved with conditions, and DSI recommended approval with conditions.

Recommended License Conditions

LICENSE CONDITION #1 PER CONDITIONAL USE PERMIT (CUP) #03-351642

1. The hours of operation of the car wash are limited to no more than from 8:00 a.m. to 8:00 p.m.

ADDITIONAL LICENSE CONDITIONS #2 - 3

2. Access to the car wash from the alley is prohibited. The car wash can only be accessed via the drive lane (immediately south of the building and located entirely on this property). The licensee shall take appropriate actions to ensure vehicle access from the alley to the car wash does not occur.
3. Temporary window signs placed between the height of four (4) to seven (7) feet above grade shall not cover more than thirty (30) percent of this window space area, and cannot block views into the clerk or cashier station.

Ms. Vang asked the licensee whether he had any questions about the conditions being placed on the license. Randy Hammad, owner of Mini Pac LLC, said he did not. He said he reviewed the conditions and agreed with them 100% because he was a neighbor as well as the store owner and store manager. He said he had closed off the entrance from the alley to prevent access to the carwash from the alley. He said they were not allowing trucks to drive through or make deliveries from the alley. He said he had just seen the letter stating a concern about the door to the deli being open, and he would make sure the door was opened only for deliveries. He said he would be glad to immediately address any concerns that arose. He said the signs in the window had been from the previous owner, and there were no longer any signs in the window. He said he thought they were doing a great job from the community meeting they had with the neighborhood. He said they cleaned the store and cleaned even across the street, and made sure there was no loitering or hanging around outside. He said an employee from his company provided security for this and his other stores, and checked the store at midnight. He said they shut down the car wash at 7:00 p.m. instead of 8:00, and opened at 9:00 a.m.

In response to questions from Ms. Vang, Mr. Hammad said the store was open from 5:30 a.m. to 10:00 p.m., and the car wash from 9:00 a.m. to 7:00 p.m. He said there was a door from the parking lot to the alley that had been kept open to provide access for trash pick-up, but it was closed now, and they pushed the trash out to the parking lot for the trash hauler. He said trash was picked up twice a week.

Amanda Morgan, office manager, clarified that it was a wooden fence between the alley and their business, with a sliding gate which was now closed and locked. She said there was a switch in the store to control operation of the car wash and vacuum. She said the previous owner hadn't used that control.

Ms. Vang said truck delivery had been mentioned in the correspondence. Mr. Hammad said trucks could drive through the alley because it was public, but had to park in the parking lot to make deliveries. He said deliveries came as often as twice a day, and there were some big and some small trucks. He said there was plenty of parking to accommodate even large trucks. He said they had sent letters to their vendors, and would not accept deliveries from anyone parked in the alley. He said so far everyone had complied. He said if two came at the same time, one had to wait. Ms. Vang asked whether the trucks drove around the neighborhood while they were waiting. Mr. Hammad said they did. He said they encouraged vendors to make deliveries before 9:00 a.m. when there was no traffic. Ms. Vang asked about the security being provided. Mr. Hammad said a couple of employees went around to the stores every night, and had surveillance cameras watching the parking lots 24/7.

Ms. Vang asked whether the hours were the same on weekends. Mr. Hammad said they were thinking of staying open until 11:00 p.m. in the summer but hadn't decided yet.

Ms. Vang asked about placement of the security cameras. Mr. Hammad said there was one near the car wash entrance, one at the back of the alley, one in the gas station area, and one near the deli door that had been mentioned in the correspondence. Ms. Vang asked Mr. Hammad whether he had worked with police on the placement. Mr. Hammad said the cameras were existing from the previous ownership but they had added one more camera inside. He said he was in the business and felt the placement was adequate to control the parking lot. Ms. Vang asked Mr. Hammad if he'd be willing to share the videos if there was ever an incident. Mr. Hammad said he absolutely would, and could provide the IP number any time.

Ms. Vang asked how many staff members there were. Mr. Hammad said there were five in the store; management staff including himself, his wife, and the assistant; and the security person. He said they went to the store two or three times a day.

Ms. Vang asked Mr. Hammad about his experience in the business. Mr. Hammad said he had a few gas stations and had been in business since 2000. He said he just built a new one in North Minneapolis, and the City of Minneapolis could attest to how much he had cleaned up the neighborhood. He said they had several stores in metro suburbs and two in Wisconsin, and would continue to operate them. He said usually with new stores, family stepped in to help, and his son-in-law and daughter were currently managing it (the St. Paul store) full time. He said he was there at 6:00 a.m. to check on things and sometimes picked up litter in the neighborhood himself. Ms. Vang asked whether staff kept a log of cleaning done around the lot. Mr. Hammad said they would. He said they had a complaint box in the store, and had left their personal phone number with the neighborhood association.

Ms. Vang asked whether the staff was trained in tobacco compliance. Mr. Hammad said they were. Ms. Morgan said they had the We ID calendars.

Ms. Vang confirmed with Mr. Hammad that trash was enclosed but made accessible for pick up. Mr. Hammad said that was correct, and it would have nothing to do with the alley anymore. Ms. Vang reviewed and accepted the four (4) correspondences of objection for the record; she noted that most of the concerns around alley access and delivery trucks had already been addressed at the beginning of the hearing. She said one letter stated that the gas station was a trouble spot, and they worried about speed and about traffic exiting onto Maryland. She referred to the site plan. Mr. Hammad said drivers still cut through the parking to the alley. Mr. Fischbach clarified that the gate Mr. Hammad had locked was by the car wash entrance, and the flow of traffic still took drivers out through the alley onto Duluth. He said there was a median on Maryland that prevented left turns from Duluth onto Maryland. That is the flow of traffic. Ms. Morgan suggested that they could have a sign to inform customers that a left onto Maryland could be made from the exit at the front of the lot. Mr. Hammad said they would consider that, and add a sign if they could. Ms. Vang said it was worth exploring. Mr. Hammad said there was nothing they could do about drivers' speed.

Ms. Vang reviewed another letter which expressed concern about speeding, trash, noise, drug dealing, and people hanging out in the parking lot. She said they had already talked about trash, and using cameras for surveillance. She encouraged Mr. Hammad to call police if they observed problems in the parking lot. Mr. Hammad said they took over on December 10th, and had been monitoring the parking lot and store carefully. He said they wanted neighbors to come and feel safe.

Ms. Vang noted there had been 25 calls for police service in the past year. She said she had followed up with the senior police commander who indicated this was not a location that was on their radar for monitoring for drug dealing. She again encouraged Mr. Hammad to work with the police department. Mr. Hammad said they would. He said the previous owner had been there for ten years and may have had some problems, and the neighbors' concerns might be reflecting those past problems.

Ms. Vang reviewed another email with concerns about the alley access to the car wash, deliveries, and garbage; she said those issues had been addressed.

Ms. Vang reviewed the last letter of objection with concerns about the hours of the car wash, access to the alley, and the acceptable decibel level. She said she had contacted staff about the noise level concern and hadn't heard back. She asked whether DSI had ever measured sound there. Mr. Fischbach said they had tested in response to the objection received, and the applicant had agreed to keep the car wash doors closed while it was running except when vehicles were exiting. He said none of the readings exceeded what was permitted.

Ms. Vang noted past graffiti complaints; she asked Mr. Hammad whether there was any graffiti when he took over. Mr. Hammad said there was not, and they were changing the image for a new company ARCO, including a new exterior, new pumps and a new driveway. He said graffiti was the worst things for a business, especially gas stations.

In response to additional questions from Mr. Vang, Mr. Hammad had a company that came at midnight to do snow removal, and that snow storage took away a couple of parking spaces, but they had enough parking. He said there were three gas pumps, and they could be used with a credit card 24/7. He said there were three handicapped parking spaces.

Ms. Vang said she was satisfied with the solutions Mr. Hammad had proposed, and would welcome any plans they have regarding finding solution to discourage traffic going through the parking lot. She said she would be recommending that the City Council approve the license application.

The hearing adjourned at 10:29 a.m.

The Conditions Affidavit was signed and submitted on January 10, 2019.