

LICENSE HEARING MINUTES
Benzel Motors, 985 Randolph Avenue
Monday, May 14, 2018, 11:00 a.m.
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 11:10 a.m.

Staff Present: Kristina Schweinler, Department of Safety and Inspections (DSI)

Licensee: Thess Benzel and Andy Tomaschko, Applicant/Owners

License Application: Auto Repair Garage

Legislative Hearing Officer Nhia Vang gave the following information about the hearing: 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, Ms. Vang will develop a recommendation for the City Council to consider. Her recommendation will be on the Consent Agenda at the City Council meeting.

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. The City Council is the final authority on whether the license is approved or denied.

Minutes:

Kristina Schweinler, Department of Safety and Inspections (DSI) gave a staff report. She said Building, Zoning and Licensing recommended approval with the following eleven (11) existing conditions:

1. All customer and employee vehicles must be parked in the area designated on the DSI approved site plan dated 04/09/2010. A maximum of nineteen (19) vehicles may be parked on the property at any time.
2. The parking lot shall be striped in accordance with the DSI approved site plan dated 04/09/2010, and the striping, vehicle barriers, fencing, and landscaping shall be maintained as shown the approved site plan. This includes, but is not limited to the six (6) foot high obscuring wood fence along the western and alley property lines, and the chain link fence along the southern and eastern property lines.

3. 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 the Ramsey County Hazardous Waste regulations.
4. At no time shall customer and/or employee vehicles be parked in the driveway, alley, sidewalk, or public right of way. This includes vehicles which have been repaired and are awaiting pick-up, and/or are awaiting repair.
5. The storage of vehicles for the purpose of salvaging parts is expressly forbidden. All vehicles parked outdoors must appear to be completely assembled with no major body parts missing. Vehicle salvage is not permitted.
6. No auto repair of vehicles may occur on the exterior of the lot or in the public right-of-way. All repair work must occur within an enclosed building.
7. Auto body repair and/or auto body spray painting is not permitted.
8. Customer vehicles 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.
9. Vehicle sales is not permitted.
10. 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.
11. Licensee must comply with all federal, state and local laws.

Ms. Vang confirmed with Ms. Schweinler that they were standard conditions for that type of business.

Ms. Vang then asked the applicants to talk about the business: history, hours of operation, number of employees, etc.

Mr. Benzel said his plan was to fix cars. He said he did a lot of dealer work, specifically with the dealer at 560 Randolph. He said he had a shop in Randolph, MN, and brought cars from the dealer on Randolph Avenue all the way down there (to his shop in Randolph, MN). He said he'd had the business for two years. Mr. Tomaschko said they'd been 50-50 business partners at the old location but now he had a full-time job and just helped to keep things going. Mr. Benzel said he planned to hire some employees in the future.

Ms. Vang asked whether there had been any issues at the previous location and how they had been addressed. Mr. Tomaschko said Randolph was a small town, and there weren't as many regulations, but they understood things like parking within the striped areas, no junk cars outside, and work having to be done inside.

Ms. Vang asked whether they understood the conditions and whether they had questions about any of them. Mr. Benzel said they understood the conditions, but he had a question about condition 8. He said occasionally it took longer than a week or two to get parts, and he asked if there was any flex on the 10 days. Ms. Schweinler said, per Zoning, anything after five days was considered storage. She said they (inspectors) were not there every day counting and it would only be an issue if there were complaints. She said they were willing to work with the applicants as long as there was compliance with other conditions.

Mr. Tomaschko asked about fence tape. He said there was a chain link fence there now. Ms. Schweinler said she didn't have a problem with it as long as it was maintained, and thought masking was a good idea for the business as well as for the neighborhood. Ms. Vang asked whether they were referring to condition 2. Ms. Schweinler said it was just something they could do, but it didn't need to be addressed as a condition. She said her only concern was that they didn't use it (fence tape) to hide things behind.

Ms. Vang referred to the site plan and asked about the shed. Mr. Benzel said that was where garbage was stored; he said parts were stored there previously. Ms. Schweinler clarified that no outdoor storage was allowed within 300 feet of a residential use. Ms. Vang asked whether there had been any changes to the site plan approved in April 2010. Mr. Benzel said nothing had changed. Ms. Vang said they were limited to 19 parking spaces. She referred to recent photographs and said the striping was visible now.

Ms. Vang asked the applicants when they intended to open the business. Mr. Benzel said as soon as possible. Mr. Tomaschko said June 1st or earlier. Ms. Vang asked whether the business in Randolph, MN was still open. Mr. Benzel said they had moved the business entirely to St. Paul.

Ms. Vang asked how parts and fluids would be disposed of. Mr. Benzel said disposal of parts depended on the part; he gave some examples. He said oil went into an underground tank that someone came and emptied out when it was full. He said he had given metal to someone who collected. Ms. Schweinler said illegal scrapping was a problem in the City and she recommended that the applicants scrap their own metal. She said there was organized garbage hauling in St. Paul and several metal recyclers.

Ms. Vang asked whether there was outside lighting. Mr. Benzel described the location; Ms. Schweinler said it was visible in the photos. Mr. Benzel said they kept it on all night.

Ms. Vang asked if the fence was closed at night. Mr. Benzel said they hadn't been, and he had asked neighbors and they didn't mind. He said he had heard people were stealing catalytic converters. Ms. Schweinler said they encouraged businesses to use fences to reduce visibility and discourage theft. Mr. Benzel said part of the reason they left it open was in case someone wanted to drop off a car. Ms. Schweinler said a problem with other places was with towing companies leaving cars on the street which was a no-no. She said if they worked with one towing company she could see where they would leave the fence open; she reiterated the importance of keeping it closed for their own protection.

Ms. Vang asked the hours they were going to open. Mr. Benzel said 8:00 a.m. to 8:00 p.m. – Mr. Benzel. Ms. Vang said that allowed plenty of time for cars to be dropped off. Mr. Benzel said someone. Mr. Benzel said if someone broke down at 2:00 a.m. it was expensive for them to be towed home and then towed to the shop.

Ms. Vang asked the applicants if they had received the letter of complaint from Luke Boyd and Jenny Shea, 990 James Avenue, and whether he wanted to comment on it. She noted that Mr. Benzel had inherited some concerns from the previous business at the site. Mr. Benzel said when they first got to the location and ordered parts by address, the vendors apparently assumed it was the previous business. He said there was never any intent to be the other business, and it was just a clerical error. Mr. Tomaschko said nothing was charged to them (previous business). He said

they (Benzel) paid cash up front. He said they had accounts with all the vendors from the Randolph, MN business.

Ms. Vang referred to bullet point 2 in the complaint letter. Mr. Benzel said he originally wasn't clear on parking up to the bay door, but it was apparent now that the back of his truck did block the sidewalk. He said he parked in the lot now.

Ms. Vang said there was to be no fixing of vehicles in the parking or on the sidewalk. Mr. Benzel asked whether she was referring to the 4th on the email. He said he assumed what they were talking about was when someone broke down in front of Roosters and couldn't get the tire off, because the lug nut was broken. He said he had repaired it in the driveway, but knew now that it wasn't allowed.

Ms. Vang asked whether the garage door would be open at all. Mr. Benzel said if it was an issue it could be closed. He said having it open helped with airflow, but it wasn't a problem to close it. Ms. Schweinler said it depended on the tools being used. She said if they were just using hand tools, it was fine to have it open.

Ms. Vang asked the applicants if they had anything else to add. Mr. Benzel said he had reached out to neighbors and let them know he'd be responsive to complaints. Mr. Tomaschko said most neighbors seemed happy they were there. Ms. Vang said they were right in the middle of a residential neighborhood.

Ms. Vang asked how parking space use would be broken down. Mr. Benzel said there was a total of 19, and they would be used for employees' cars, finished cars, and cars dropped off and not in the garage yet.

Mr. Benzel asked if they could do mechanical work on cars that needed body work and would be going to a body shop after the mechanical work was done. Ms. Schweinler said that was fine.

Ms. Vang referred to the incident report and said the complaints referenced the previous business. Ms. Schweinler clarified that 985 Randolph, 475 Chatsworth, and 983 Randolph were all the same property. Ms. Vang noted that there were old incidents related to parking on street and storage of tires. Mr. Benzel said he was not doing tires.

Ms. Vang said she had no further questions and was satisfied with what they presented and with the background in car repair and understanding of St. Paul regulations. She asked that they be cognizant that they were in a residential neighborhood. She said she would recommend that the City Council approve the license with the agreed upon conditions.

The hearing was adjourned at 11:36 a.m.

The Conditions Affidavit was signed on May 14, 2018.