

LICENSE HEARING MINUTES
The Lift Garage, d/b/a The Lift, 1669 University Avenue W.
Monday, February 27, 10:00 AM
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Legislative Hearing Officer

The hearing was called to order at 10:01 AM

Staff Present: Jeff Fischbach, Department of Safety and Inspections (DSI) Licensing Inspector

Licensee: Cathy Heying, Applicant/Executive Director

License Application: Auto Repair Garage license

Other(s) Present: Elisa Rogers, property owner (remote participation) of 1636 University Avenue W, St Paul, MN 55104

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

Minutes:

Jeff Fischbach, Department of Safety and Inspections (DSI) gave a staff report for licensee The Lift Garage (License ID# 20220002172), d/b/a The Lift, located at 1669 University Avenue W. The application is for an Auto Repair Garage license. DSI is recommending approval without license conditions.

No correspondence was received from the district council. Building has a pending permit application and plan submission; License is approved; and Zoning is approved subject to final parking/stripping plan approval.

Ms. Vang asked about the building permit status.

Ms. Heying: We are renting from Tim Suggs, who owns the property and operates Turbo Tim's right next-door to where we will be. They are responsible under the terms of our lease for making all these changes and getting all the permits. I know that I have seen an updated parking plan that has been submitted. I am less familiar with the other parts of the building permit process.

Ms. Vang asked about the parking plan.

Ms. Heying: I'm indirectly involved through Tim's business partner, Rachel Grewell, who is also his wife but has a different last name. She has consulted me about that. Our lease designates two parking spots for our purposes. She said she was in conversation with the city about that and has submitted a plan, I think. I don't know the status of it.

Ms. Vang referred to the site plan, asking for clarification on the layout.

Ms. Heying: The green space on the plan is ours. We are renting two indoor vehicles bays. No customers will be entering here. They won't know it exists. This is an overflow space for our Minneapolis Lake Street location. We will shuttle cars over here. There will two parking spots available for staff, but only one space will be used for the one technician. The parking lot is shared with Turbo Tim's. They don't use the rest of the parking lot, and they will only rent 2 spots from their use. Inside the garage, there are three bays, but the 3rd bay on the side she is leasing will still be used by Turnbo Tim.

Ms. Vang asked Ms. Heying to talk about her experience and history in managing the business from the Minneapolis location.

Ms. Heying: She has been in the business for 10 years and the current location at Lake Street and Hiawatha Avenue in Minneapolis has existed for 5 years. They primarily serve low-income customers for affordable car repair. They are aware that they are unique as a nonprofit auto repair garage. They charge \$15 per hour for labor and at-cost parts. They don't do any heavy transmission or heavy engine work, including no body work. Mostly, they deal with brakes, exhaust pipes, or small engine parts.

Ms. Vang asked about the physical connection between The Lift and Turbo Tim's.

Ms. Heying: There is an interior door between our bays and theirs that is human sized, not car sized.

Ms. Vang asked about waste disposal and trash.

Ms. Heying: They share waste disposal with Turbo Tim's who will handle everything. No tire work will be done at this location so there will be no tire disposal. Tire changes will be handled

at the Minneapolis location. Turbo Tim will also handle all waste/trash, lighting, and snow removal. The lease agreement is for 2 years.

Ms. Vang asked Mr. Fischbach about the previous business and the change of use for the leased space.

Mr. Fischbach: It was a business that did trophies and things like that. It needs to be converted to allow this use.

Ms. Heying: Turbo Tim's is responsible for the permits to convert the space. They have put up two lifts already.

Mr. Fischbach: I don't know what other work needs to be done there, though. Licensing staff rely on the fire inspector to determine whether it's a change of use. Then it will be up to the Construction Services Division to review and approve plans submitted by the applicant.

Ms. Vang: She verified that should she recommend Council approval of the license application, DSI would withhold issuance until all permits have been satisfied.

Mr. Fischbach: The building permit would need to be obtained and signed off. He is not sure what work still needs to be done on that to comply with code requirements. He doesn't know where they are in the process. They may be waiting to see how the license application goes before they submit for the building permit application, which is not uncommon.

Ms. Vang asked about the zoning status.

Mr. Fischbach: He spoke with the zoning inspector, Farhan Omar, and understand that, last week, a plan was submitted and could be approved soon. He will follow-up to see if the site plan can be available for the record after the hearing. (Following the hearing, the parking/stripping plan was approved by Zoning Inspector Farhan Omar on February 27, 2023, which denotes the two parking spaces for The Lift. The approved site plan is made part of the record.)

Ms. Vang said that it would be helpful and would appreciate getting the approve site plan when DSI has it.

Ms. Vang then asked about hours of operation from Ms. Heying.

Ms. Heying: They are open M-F, 9am - 5pm. Work will be performed indoors with no interruptions to the community. There is AC so no doors will open. They also do not have windows.

Ms. Vang next invited other attendees to testify.

Dr. Elisa Rogers (property owner of 1636 University Avenue W, St Paul, MN 55104), joined remotely from Palm Springs, CA.

Dr. Rogers: She rents the building to the Bank of America which is nearby. She has a contract to business there for about a year and a half, almost two years. Her business is important to her. She was not aware that an auto repair business was there when she initially signed the contract. She has 2 big concerns: First is the parking. There is not enough space for customers with this auto repair business for parking, and this will make it harder for the bank's clientele to find parking. Second is that the auto repair business will attract homeless people and this clashes with the clientele of the bank. She acknowledged that the non-profit sounds like a good organization, but she does not want it near her building which will hurt her income. She is concern that her bank leaves the area, she is not sure who will want to rent the business from her.

Ms. Vang asked Dr. Rogers for the address of the bank she is renting to.

Dr. Rogers (through the bank manager): 1636 University Avenue W, St Paul, MN 55104.

Ms. Vang: Does the bank have their own parking?

Dr. Rogers: Yes, but customers rely on street parking as well.

Ms. Vang: I just want to make sure that you are aware that there is no street parking on University Avenue. I also want to make sure you are aware that the city no longer has parking minimums. Also, this auto repair business location will not be open to the public. She asked if Dr. Rogers understand that this location will not serve any customers, and that this is an overflow space for the Minneapolis location?

Dr. Rogers: Yes.

Ms. Vang: She then inquired if Dr. Rogers understood that Turbo Tim's is located next door to The Lift and that the auto repair business is not new to the location. She asked Mr. Fischbach if an auto repair garage was an allowed use for the location.

Mr. Fischbach: It is considered a nonconforming use.

Ms. Vang asked Dr. Rogers if they had experienced nuisance activity tied to the automotive business.

Dr. Rogers: She said not yet.

Ms. Vang thank Dr. Rogers for her testimony and closed the public input. She then gave Ms. Heying the opportunity to respond.

Ms. Heying: She said that the business is not opened to customers or the public. All cars being worked on will be customers from the Minneapolis location. Regarding the lease and the future, the use will not change. The business does not even have a waiting room. She believes the concerns are unfounded.

Ms. Vang asked Mr. Fischbach to walk through the city's complaint process.

Mr. Fischbach: DSI will investigate all complaints and recommend adverse action if needed. There is a penalty matrix that begins with financial penalties. It could eventually lead to revocation but there are other penalties imposed prior to that.

Ms. Vang asked Ms. Heying if they had faced any enforcement actions at the Minneapolis location.

Ms. Heying: They have had no complaints from neighbors, or the city and no enforcement action taken against them from the city. Their customers stopped there and drop off their vehicles. Sometimes, they pay for Ubers to get their customers home after the cars are dropped off so that they aren't waiting around. Their staff are all certified mechanics and service advisors. They have a good relationship with their neighbors, i.e., sharing parking, sharing donuts, etc. There is a health clinic and two apartment complexes nearby. Their business has not experienced vandalism, burglary, or other nuisance activity in the years they've operated there. The services they provide are by appointments only and they don't accept walk-ins.

Ms. Vang: She referenced the STAMP activities report and noted that since Ms. Heying is not the property owner, she will not address complaints related to graffiti since it is the responsibility of the property owner. Regarding the police incident report, there is one instance in the past year and overall, there does not seem to be a nuisance concern.

Ms. Vang stated that after reviewing the records and testimonies from all parties, she will recommend to the City Council that they approve the license without conditions at this time.

The hearing adjourned at 10:44 AM.