

**LICENSE HEARING**  
**Salas Auto Repair, 433 University Avenue West**  
**Thursday, April 12, 2012**  
**Suite 330 City Hall/Courthouse, 15 Kellogg Boulevard West**  
**Nhia Vang, Deputy Legislative Hearing Officer**

The hearing was called to order at 2:00 p.m.

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

Applicant: Irma Mendez, owner

Others Present: Eleanor B. Mullin, interpreter from Betmar Languages, Martin Paech, 442 Sherburne Avenue; and Sam Buffington, Frogtown Neighborhood Association

Salas Auto Repair: Auto Repair Garage (Note: this is for a change in ownership of an existing location)

Ms. Vang stated that this was an informal legislative hearing for a Class N license application. This particular license required neighborhood notification which means the neighborhood was notified and people had the chance to voice their concerns. Because Ms. Mendez applied for an auto repair The City received one (1) letter 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. Fischbach, DSI, read the application summary, which includes all the recommended conditions for the license. District 7 voted in support of this license. Licensing and Zoning have approved the license with conditions, and DSI recommends approval with the proposed license conditions:

1. Hours of operation shall be no earlier than 7:00 a.m. and no later than 7:00 p.m., Monday through Saturday.
2. Customers shall be served on an appointment-only basis.
3. All repair work shall occur within the building.
4. There shall be no salvage of auto parts.

5. Unassembled vehicles shall not be parked or stored outdoors.
6. The space where the auto repair is conducted shall comply with all building and fire codes and shall maintain a Certificate of Occupancy.
7. Any vehicle parked outdoors must appear to be completely assembled with no major body parts missing. Inoperable vehicles shall not be parked or stored outdoors.
8. There shall be no exterior storage of vehicle parts, tires, oil, batteries, or similar items. All refuse must be placed in a covered dumpster or stored indoors.
9. All vehicles associated with the business (including customer vehicles) shall be parked in the building during times when the business is closed. Customer vehicles shall not be parked in a public street or alley.
10. No customer vehicle shall be stored on the premises for longer than ten (10) days.
11. The business owner/operator shall arrange for the storage of all vehicles unclaimed after ten (10) days by their owners at an off-site, legal storage facility or otherwise removed from the premises in a legal manner.
12. A "Left Turn Only" sign shall be posted on the interior wall near the garage door to the alley. Employees shall be required and customers shall be requested to exit the building and turn left to Arundel rather than going east using the alley.
13. The use shall continue to maintain those features that make it compatible with the Central Corridor Development Strategy: a. Remain part of a row of existing traditional commercial buildings built to the sidewalk with a front door on the street; b. Location of off-street parking in back; c. Additional parking needs are met in an efficient manner by sharing with an adjacent property that has excess parking; and d. Maintain a retail storefront with large windows that animate the sidewalk.
14. It is understood with regards to condition 13c above, that any shared parking arrangement for overflow is approved during hours of operation only. There shall be no overnight vehicle storage in the shared lot. All vehicles associated with this licensed business must be stored indoors at the licensed premises or at the authorized storage facility.

Ms. Vang asked Ms. Mendez if she understood the conditions and whether she had questions about the conditions.

Irma Mendez, owner, stated she bought the garage in January. She understands all the conditions and has put the conditions into practice. She does not leave any car outside. She is trying to do things the way they are listed.

Ms. Vang asked whether she understood what it meant when an applicant violated any of the conditions and Ms. Mendez responded that she understood that her license could be suspended.

Ms. Vang asked about the last sentence on Condition 9: Customer vehicles shall not be parked in a public street or alley. She asked whether the cars were related to those

being fixed or for visitors and Mr. Fischbach responded that condition 9 relates to vehicles being fixed.

Ms. Vang further asked if clarification could be made and whether there were available space for someone to park if they were picking a customer up and Mr. Fischbach said that because of light rail construction, there was no space available. Also, he said that people dropping customer off was not considered a customer and so there was no association with the business activity. He did not see the need for clarification to condition #9 because the intent is clear that it is addressing only the customer.

Ms. Vang asked about the five parking spaces and Ms. Mendez stated in the affirmative that the spaces were reserved for cars being fixed.

Ms. Vang made referenced to the map and asked whether cars being fixed can be parked there and Mr. Fischbach responded in the affirmative. He further added that vehicles cannot be taken apart and/or repaired there. Ms. Mendez expressed that she understood and that only work on the cars can be done on the inside only.

Ms. Vang asked about the bay stations. Agustin Salas, property owner, responded that there are five spaces available for five cars. He said that because the wall was not there anymore, the fifth space for by could be located on the side of the hoist. (Mr. Salas indicated on the map where the fifth bay could be located.)

Ms. Vang asked Ms. Mendez about her experience. Ms. Mendez responded that she has worked for Burger King and because she and Mr. Salas are planning to get married, they will be run the business together. Her plan is that since Mr. Salas has experienced in repairing cars, he will be doing the bulk of car repairs with some assistance from two part-timers. She will manage the administrative side of the business. Ms. Mendez said that her business will open Mondays to Saturdays from 7:00 a.m. to 7:00 p.m. and that business will not open on Sundays.

Martin Paech, 442 Sherburne Avenue, appeared and testified. He is concern about the high volume of traffic and no parking on the city streets. He stated that people who drive through the area ignore the stop sign. He further added that there have been accidents at the corner. Because of that, the business could generate higher volume of traffic that could contribute to the existing problems. He is also concern that because his children go to school by using the southbound traffic, cars traveling in that direction cannot see people at that corner which is also being blocked by a half-dead tree. Mr. Paech asked if a traffic count could be done at that location. Ms. Vang referred him to Public Works for a traffic study. Ms. Vang asked Ms. Mendez whether her business would generate the traffic that Mr. Paech was talking about. Ms. Mendez said that because of light rail construction, business was slow. She currently gets about three or four customers a day and will not see that increasing until light rail construction is finished. Also, her business is by appointment only so she does not see her business generating a lot of traffic. Mr. Paech further asked if the tree could be cut down. Ms.

Vang was not sure if the tree could be cut down but referred him to the City's Parks and Recreation Department for their assessment.

Sam Buffington, District 7 Frogtown Neighborhood Association community organizer, appeared and testified. The district council flyer the neighborhood inviting people to a meeting. At the community meeting on February 28, 2012, fifteen people showed up. The applicant and Mr. Salas were also present. Discussions addressed the pros and cons. No one indicated concerns at the meeting. The district council was in favor of the business because (1) nothing was changing about the business other than a change in ownership, (2) they would like to see the business stay in the neighborhood, (3) they liked that the business was within walking distance of neighbors in the area, and (4) they received one letter that was also addressed to Ms. Vang about parking in the alley because the previous owner parked his car in the back. Mr. Buffington shared that the person who sent the letter was not present at the meeting but that lives directly behind the business in the alley; however, the district council did not see parking as an issue since the business was by appointment only.

Ms. Vang asked about trash and Ms. Mendez said that trash will be placed outside and picked up every Thursday. Mr. Salas responded that all the metal will be placed in a special box and disposed of properly and will not interfere with the usual trash.

Ms. Vang asked about sidewalk snow removal in the winter time in light of complaints received by DSI and about the sign advertisement located on the sidewalk and whether the applicant had knowledge of the City's sign policy and advertisements. Mr. Salas and the applicant expressed awareness of the sign policy. They have only two signs in the window. They were aware of the snow in the sidewalk; however, at that time, they did not have the business yet. They want handle the business correctly and will address the sidewalk snow removal the winter time. Ms. Mendez has already called DSI about putting up advertisements on the sidewalk.

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

The hearing adjourned at 2:31 p.m.

The Conditions Affidavit was signed on February 26, 2012.

*Submitted by:  
Racquel Naylor*