

LICENSE HEARING MINUTES
AD Services, 924 Mackubin Street, Unit 3
Thursday, May 10, 2012, 2:00 p.m.
330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 2:10 p.m.

Staff Present: Larry Zangs, Department of Safety and Inspections (DSI)

Applicant: Anthony Dawson, business owner; Lee Mixson, relative and business investor

Ad Services: Auto Repair Garage license (ID# 20120000968) at 924 Mackubin St, Unit 3

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 one (1) letter of concern/opposition from the district council which triggered the hearing. There were three possible results from this hearing: 1) recommend that the City Council issue this license without any conditions; 2) recommend that the City Council issue this license with agreed upon conditions; or 3) 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 discuss their 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 the proposed license conditions were as follows:

1. The licensee shall schedule customer vehicle repairs by appointment to minimize the number of vehicle on the site.
2. Customer vehicles shall not be parked or stored on the street or encroach into public right-of-way. This includes cars which have been repaired and are awaiting pick-up by their owners. The "vehicle parking" area shown on the approved site plan on file with the Department of Safety and Inspections (DSI) dated 03/28/2012 (south side of the building) may be used as stack spacing for no more than four vehicles. There shall be no parking of vehicles on the grass or other unimproved paved surfaces.
3. All vehicles parked outdoors must appear to be completely assembled with no major body parts missing. 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.
4. 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 Ramsey County Hazardous Waste

Regulations. Vehicle salvage, auto body repair and/or painting are not permitted. Vehicle sale is not permitted.

5. 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.
6. 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 licensee.

The District 6 Planning Council submitted a letter stating they did not support the application request for this license. DSI recommended approval of the license with the proposed conditions.

Mr. Zangs stated that the issue with this particular property was unique in that there was a duplex on the property with a commercial garage. When the permit was pulled to build the commercial garage back in the early 1980s, the zoning requirements permitted a commercial use on the same lot as a residential use. The zoning determination still stands today as a permitted use, or in other words, is grandfathered in due to the zoning requirements at that time. The zoning requirements had since been modified to allow only one type of use on a single property. He said the original owner of the property had built the garage to do repairs of vehicles, however, the record was rather sketchy as to the actual use as a license to operate any type of business on the property was never applied for. He explained that DSI now had better oversight of properties, such as this one, as licensing, zoning and fire certificate of occupancy (C of O) had previously each been separate entities and were now combined under one department. The fire C of O inspector had alerted him to this property because the type of activity being conducted did require a license. Mr. Dawson was issued a temporary license and was currently operating his business. He noted that the issuance of the C of O was contingent upon the outcome of this hearing. No complaints had been received.

Ms. Vang asked Mr. Dawson to explain his business plan; his career experience, his intended hours of operation, clientele, etc. Mr. Dawson responded that he had been an automotive technician for the past 15 plus years and wanted to start his own business. He did no advertising and his customer base was simply by word of mouth and primarily by appointment only. He was responsible for taking his children and picking them up from school every day so his general hours of operation were from 9:30 a.m. to 3:00 p.m., Monday through Friday. Since he did not have the capacity to work on a number of vehicles at one time, it was his intention to take in one, and possibly up to four cars per day, depending upon the level of service required for each vehicle. He was the sole proprietor and operator of his business and did not plan to hire any employees.

Mr. Mixson stated that he had invested in the start up of the business for his son-in-law and was helping him make sure he had the appropriate licenses to operate his business. He said that Mr. Dawson was a fine mechanic, as was his father before him, and he wanted him to be successful in his business.

Ms. Vang reviewed the floor plan and asked whether there was alley access to the business from Mackubin. Mr. Zangs responded that there was not. Ms. Vang asked about parking. Mr. Zangs responded that there was limited street parking and the area was primarily zoned industrial. The area is paved and allows for stack spacing of up to four (4) vehicles that are waiting to be repaired.

Ms. Vang asked about the location of the dumpster and whether he had experienced any illegal dumping. Mr. Dawson responded that the dumpster was on the opposite side from the parking area with pick-up service one time per week. So far, he had not experienced any illegal dumping.

Ms. Vang asked Mr. Dawson whether he understood all of the conditions on his license. Mr. Dawson responded that he did understand and did agree to the conditions.

Ms. Vang read into the record the letter of opposition received from the District 6 Planning Council, a copy of which is made a part of this record. Mr. Dawson submitted his response, in writing, to the issues raised by the district council, a copy which is made a part of this record. He also submitted copies of his Hazardous Waste Generator License issued by Ramsey County Department of Public Health which is also made a part of this record.

After reviewing all of the documents of record, Ms. Vang said she will recommend to the City Council that they approve the license with conditions. The proposed conditions were agreed to by Mr. Dawson and are as follows:

1. The licensee shall schedule customer vehicle repairs by appointment to minimize the number of vehicle on the site.
2. Customer vehicles shall not be parked or stored on the street or encroach into public right-of-way. This includes cars which have been repaired and are awaiting pick-up by their owners. The "vehicle parking" area shown on the approved site plan on file with the Department of Safety and Inspections (DSI) dated 03/28/2012 (south side of the building) may be used as stack spacing for no more than four vehicles. There shall be no parking of vehicles on the grass or other unimproved paved surfaces.
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5. 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.
6. 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 2:50 p.m.

The Conditions Affidavit was signed and submitted on March 30, 2012.

Submitted by: Vicki Sheffer