

LICENSE HEARING MINUTES
Brac's Auto, 80 Arlington Avenue East
Thursday, September 20, 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 2:00 p.m.

Staff Present: Kris Schweinler and Corinne Tilley, Department of Safety and Inspections (DSI)

Applicant: Robert Brackey, owner/applicant

Others Present: Kerry Antrim, District 6 Planning Council

Brac's Auto: Request to modify the existing license conditions for a business with an existing Second Hand Dealer – Motor Vehicle license

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 two (2) letters of concern which triggered the hearing. There were three possible results from this hearing: 1) recommend the City Council issue this license without any conditions; 2) recommend the City Council issue this license with agreed upon conditions; or 3) recommend 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 their 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.

Ms. Schweinler stated that the current license conditions were as follows:

1. The number of vehicles for sale displayed outdoors may not exceed eleven (11). The vehicles must be parked in the first row of spaces on the west side of the building, directly across from Suite A
2. All customer and employee vehicles (nine (9) including one (1) handicap parking space) must be parked in the row of parking spaces north of the sales vehicles, west of the building directly in front of Suite A as designated on a LIEP approved site plan.
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. Vehicles intended for sale are prohibited from being parked on any street/public right of way. Vehicles are prohibited from being parked projecting over a public right-of-way.
5. All for-sale vehicles associated with this business must be displayed only on this lot.

6. 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.
7. General auto repair is not permitted.
8. Auto body repair and auto body spray painting is not permitted.
9. 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.
10. Licensee must comply with all federal, state and local laws.
11. Licensee shall install fencing around approved parking area (refer to condition #2) as designated on the approved site plan on file with LIEP by June 1, 2006. Weather resistant signage will be posted to identify vehicles that belong to this business.

The modification request would change license conditions #1, 2, & 11 and are as follows:

1. The maximum number of vehicles parked on this property associated with the auto sales business shall not exceed a maximum total of fourteen (14) vehicles. This includes parking for a minimum of nine (9) customer/employee vehicles (including one (1) handicap parking space), and a maximum of five (5) vehicles displayed for-sale. The maximum number of for-sale vehicles displayed outdoors shall not exceed five (5).
2. All customer, employee, and for-sale vehicles shall be parked in the area designated on the site plan on file with the Department of Safety and Inspections (DSI) dated July 26, 2012. For-sale vehicles shall be parked in the row of spaces immediately to the west of the building directly in front of Suite A. Customer and/or employee vehicles shall be on the north side of the building, adjacent to the fence running along Arlington Ave.
11. The licensee shall install weather resistant signage which clearly identifies which vehicle parking spaces are for this business. Such signage shall contain information including, but not necessarily limited to the following: the name of the business; and which spaces are designated for the display of for-sale vehicles, customer/employee use, and the handicap parking space.

The District 6 Planning Council submitted a letter stating they would not recommend approval of any modifications to the existing license.

Ms. Tilley explained that the number of vehicles for display was reduced due to First Student being co-located on the same lot. The state's minimum requirement for display of sale vehicles was five and with the number of employee parking spaces which needed to be provided (nine), this reduced the number of vehicles that could be parked on the lot for his business.

Mr. Schweinler explained that condition #11 had been modified from installing fencing around the approved parking area, to requiring weather-resistant signage identifying which parking spaces were designated for his business by the types of vehicles that could park in a particular spot (handicapped, employee, for sale, etc.).

Ms. Antrim stated that the district council was concerned with the three separate businesses being located on the same lot and that the application for First Student had been approved; however, the application for Ricky's Auto had not been resolved to date. The basis for concern was that the request by Ricky's Auto would not be approved to have five vehicles on display for

sale because of Mr. Brackey's subsequent modification request. The district council wanted to see all three of the businesses at this location succeed. Since Mr. Brackey did not attend the district council meeting to answer questions, they recommended denial of the modification request.

Ms. Tilley stated that they still had not received an updated site plan for Ricky's Auto and thus, the license application had not yet been approved. The site plans for Ricky's Auto and Brac's Auto needed to be cohesive to show they could co-exist on the same lot under the license conditions being imposed for each business.

Mr. Brackey assured that he would not interfere with Mr. Romero's business plan for Ricky's Auto and would communicate with him that he still needed to submit an updated site plan for his license application. Ms. Antrim responded that since she had this assurance from Mr. Brackey, the district council could then support the request for Brac's Auto.

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

1. ~~The number of vehicles for sale displayed outdoors may not exceed eleven (11). The vehicles must be parked in the first row of spaces on the west side of the building, directly across from Suite A.~~ The maximum number of vehicles parked on this property associated with the auto sales business shall not exceed a maximum total of fourteen (14) vehicles. This includes parking for a minimum of nine (9) customer/employee vehicles (including one (1) handicap parking space), and a maximum of five (5) vehicles displayed for-sale. The maximum number of for-sale vehicles displayed outdoors shall not exceed five (5).
2. ~~All customer and employee vehicles (nine (9) including one (1) handicap parking space) must be parked in the row of parking spaces north of the sales vehicles, west of the building directly in front of Suite A as designated on a LIEP approved site plan.~~ All customer, employee, and for-sale vehicles shall be parked in the area designated on the site plan on file with the Department of Safety and Inspections (DSI) dated July 26, 2012. For-sale vehicles shall be parked in the row of spaces immediately to the west of the building directly in front of Suite A. Customer and/or employee vehicles shall be on the north side of the building, adjacent to the fence running along Arlington Ave.
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. Vehicles intended for sale are prohibited from being parked on any street/public right of way. Vehicles are prohibited from being parked projecting over a public right-of-way.
5. All for-sale vehicles associated with this business must be displayed only on this lot.
6. 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.
7. General auto repair is not permitted.

8. Auto body repair and auto body spray painting is not permitted.
9. 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.
10. Licensee must comply with all federal, state and local laws.
11. ~~Licensee shall install fencing around approved parking area (refer to condition #2) as designated on the approved site plan on file with LIEP by June 1, 2006. Weather resistant signage will be posted to identify vehicles that belong to this business.~~ The licensee shall install weather resistant signage which clearly identifies which vehicle parking spaces are for this business. Such signage shall contain information including, but not necessarily limited to the following: the name of the business; and which spaces are designated for the display of for-sale vehicles, customer/employee use, and the handicap parking space.

The hearing adjourned at 2:30 p.m.

The Conditions Affidavit was signed and submitted on October 15, 2012.

Submitted by: Vicki Sheffer