

LICENSE HEARING MINUTES
Ricky's Auto Sales, 80 Arlington Avenue East
Thursday, July 26, 2012, 2:00 p.m.
330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was reconvened from June 21, 2012 at 2:05 p.m.

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

Applicant: Vicente Romero, owner/applicant; Jim McGovern, Consultant to Mr. Romero

Others Present: Jose Sanmartin, Betmar Languages, Spanish interpreter for Mr. Romero; Kerry Antrim, District 6 Planning Council

Ricky's Auto Sales: Application for a Second Hand Dealer – Motor Vehicle license

The hearing was continued from the June 21, 2012 legislative hearing. Ms. Vang again explained the legislative hearing process and the possible outcomes from this hearing. She said the City Council had the final authority on whether the license was issued. At the last hearing, the site plan was discussed and it was determined that a new site plan needed to be submitted for review and approval by staff.

Mr. McGovern again stated that he was a consultant to Mr. Romero. Ms. Vang asked Mr. McGovern whether he had legal authority to speak on Mr. Romero's behalf. Mr. McGovern responded that he had the legal authority to speak on any person's behalf as this was not a court proceeding. Ms. Vang responded that this was a quasi-judicial proceeding and she wanted it noted for the record whether Mr. Romero had given Mr. McGovern the legal authority to speak on his behalf. Mr. Romero responded that he was giving Mr. McGovern permission to speak on his behalf.

Mr. McGovern explained that the amended site plan regarding signage, parking spaces of vehicles outside and parking of vehicles inside the building that could accommodate those vehicles for sale and those being repaired.

Ms. Tilley stated that the minimum required parking of vehicles was 18 spaces; five for sale under the state dealer's license and 13 for customers and employees. In reviewing the amended plan, it appeared that there were 14 exterior parking spaces; the three spaces designated for parking along the driveway on Jackson Street would not be acceptable parking spaces as this was a landscaped area.

Mr. McGovern responded that he had not prepared the map to scale; however, he believed there would be 18 spaces for parking vehicles, excluding the landscaped area. He suggested that he could prepare a map to scale that would accommodate the 18 required spaces and submit it for approval subsequent to the hearing.

Ms. Vang stated that as long as it was understood that if Mr. Romero could not meet the requirement of 18 parking spaces, he would need to seek a variance.

Mr. McGovern responded that they would want to avoid having to seek a variance if at all possible. He suggested that additional vehicles could be parked inside the building. He asked Mr. Romero how many vehicles could be parked inside the building.

Mr. Sanmartin, the Spanish interpreter for Mr. Romero, responded that Mr. Romero could easily park 10 to 12 vehicles inside the building, including any vehicles that he was in the process of repairing to avoid vandalism at night.

Ms. Tilley stated that a plan would need to be submitted to show how vehicles are maneuvered within the building without having to move a single vehicle that are parked inside. Ms. Schweinler cautioned that the license to be able to sell vehicles was incidental to the auto repair business. If vehicles were stored for more than 10 days, it would give the appearance of a salvage operation which was not permissible under this type of license.

Mr. Sanmartin responded that Mr. Romero did not keep any vehicles for repair for more than three days. If they could not be repaired, he junked the vehicle.

Mr. McGovern clarified that if they could prove they had 18 exterior parking spaces available, they would not have to submit a plan indicating parking and maneuverability inside the building. Ms. Tilley responded that this was correct. Ms. Schweinler added that the exterior parking plan would need to indicate the dedicated spaces for employee parking, handicapped parking and for-sale vehicle parking.

Ms. Antrim stated that the District 6 Planning Council supported the application for sale of vehicles by Mr. Romero. The planning council's approval was solely for this applicant and solely for his business at this property.

Ms. Vang asked Mr. Sanmartin to interpret for Mr. Romero the conditions being proposed on his license. She also asked him to explain to Mr. Romero that if he cannot meet the parking requirements, he would need to seek a variance. If he violates any of the license conditions, the city will take adverse action against his license.

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 recommended conditions pending the submission of a new site plan and approval by staff. The proposed conditions were agreed to by Mr. Romero and are as follows:

1. The maximum number of vehicles parked in this leased area shall not exceed a maximum total of eighteen (18) vehicles. This includes parking for thirteen (13) customer/employee vehicles (including one (1) handicap parking space) and a maximum of five (5) vehicles displayed for sale. Minuteman Auto Repair and Rick's Auto Sales must share the thirteen (13) customer/employee parking spaces. 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 September 24, 2012.
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 vehicles associated to 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. Auto body repair and auto body spray painting is not permitted.
8. 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.
9. Licensee must comply with all federal, state and local laws.
10. 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 3:45 p.m.

A new and improved site plan was submitted and approved by DSI. The Conditions Affidavit was signed and submitted on October 4, 2012.

Submitted by: Vicki Sheffer