

LICENSE HEARING MINUTES
Twin Cities Custom Creations
Thursday, January 16, 2014, 9:00 a.m.
330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 9:10 a.m.

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

Applicant: Simpson Brown, applicant

Twin Cities Custom Creations: Auto Body Repair/Painting Shop 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 a letter of concern/objection 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 the understanding of the conditions.

DSI staff will explain their review of the application and state their recommendation. Ms. Vang said she 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. Fischbach explained the history of the property. It had previously been an auto body repair shop for several years and had a nonconforming use permit. At some point, the business ceased to operate and since it had been vacant for more than one year and was located in a B2 zoning district, it was necessary for the owner to re-establish the nonconforming use of the property. In 2012, the owner filed an application with the Zoning Committee of the Planning Commission to re-establish the use which required a petition in support from the neighborhood. According to the file, all but one of the neighbors within 100 feet of the business had signed the petition in support. The Zoning Committee recommended approval, with conditions, which recommendation was forwarded to the Planning Commission. The Planning Commission also recommended approval of the re-establishment of the nonconforming use permit with the proposed conditions. Mr. Fischbach went on to explain that an auto body repair business had been in operation at this location and closed in October 2013. The applicant, Mr. Brown, applied for the license to operate his business in November 2013. Since the use had not discontinued for more than 365 days, the nonconforming use permit was still in good standing. The license conditions were as follows:

Conditions #1-5 were under the Zoning Nonconforming Use Permit #12-115857:

1. Maximum number of employees is three (3).
2. Hours of operation shall be within the hours of 8:00 a.m. to 7:00 p.m. Monday through Friday, and 9:00 a.m. to 5:00 p.m. Saturday. The business shall be closed on Sundays.
3. Auto body work only; no mechanical/engine work is allowed.

4. All work shall be conducted inside the building. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way.
5. No non-functioning vehicles, vehicles missing parts, or totaled vehicles may be parked outside the building overnight.

Additional license conditions recommended by DSI:

6. Customer and employee parking, on the licensed premises, shall be in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI) dated November 20, 2012. A maximum of six (6) vehicles may be parked on the exterior of the premises at any time.
7. There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business. Trash and discarded vehicle parts will be stored in a covered dumpster. Licensee shall obtain a Hazardous Waste Generator License from Ramsey County Solid Waste Division and; shall abide by the provisions of that license with respect to the safe handling and disposal of waste oil, filters, tires, batteries, etc.
8. Customer and employee vehicles shall not be parked or stored on the street or alley. This includes cars which have been repaired and are awaiting pick-up by their owners.
9. Vehicle salvage, a principal activity of obtaining and dismantling motor vehicles to salvage and sell usable parts, is expressly not permitted.
10. Vehicles may not be parked longer than 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.
11. The business activities on the licensee premises shall operate in compliance with all federal, state, and local laws. Failure to remain in compliance may result in adverse action against this business license.

No correspondence was received from the district council. The applicant was required to obtain Fire Certificate of Occupancy approval; the inspector to contact for that inspection was Dave Bergman. The applicant also needed to obtain a Hazardous Waste Generator License from Ramsey County Solid Waste Division. All of this needed to be completed before the applicant could open for business. Mr. Fischbach also noted that there were six vehicles parked on the property, some with expired license tabs, which was in violation of the code. The complaint had been forwarded to Code Enforcement for action which meant he needed to have the vehicles removed or the city would have them towed off the property at the owner's expense.

Mr. Brown stated that he was awaiting the approval of his license before opening for business. He was aware there were some vehicles parked in the lot and had knocked on the door of several neighbors with no one claiming ownership. Since he was now aware of the city's orders, he would have the vehicles towed off the property if he was unable to contact the rightful owners.

Ms. Vang read into the record an email of concern/objection received from Ed and Devin Creurer, 808 Third Street East (*said email is made a part of this record*). She asked Mr. Brown to discuss his plans for operating his business.

Mr. Brown stated that he did upholstery work on the interior of vehicles and planned to subcontract the auto body repair and painting to associates who were in the business. Customers would be by appointment only so he did not anticipate there would be a backlog of vehicles at any one time. Ms. Vang asked about employee parking and the ability to maneuver vehicles in and out of the lot. Mr. Brown responded that he and his subcontractors would park in the lot and not in the street. As far as

moving in and out of the lot, vehicles would enter on Maple Street and exit onto Third Street. He did not anticipate any vehicles needing to back out of the lot into the street and customers would be directed on where to enter when they drop off their vehicle. There was also enough space for six vehicles to park inside the building. Mr. Fischbach stated that he would need to make arrangements for off-site parking for any overflow vehicles and recommended he contact DSI-Zoning regarding any restrictions before signing an agreement.

Ms. Vang asked whether he intended to change the sign on the outside of the building. Mr. Brown responded that the “Le Painter” sign had been on the building for quite some time. He was aware there were a number of requirements that would need to be met in order to change the sign so he decided to keep the original sign.

Mr. Fischbach stated that DSI was recommending a modification to condition #5 after the recent inspection of the property. The proposed modification would state: “this includes, but is not limited to vehicles with expired license plates.” He also suggested an additional condition concerning the maneuvering of vehicles in and out of the lot. The proposed condition would state: “licensee shall maintain an unobstructed maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street or onto the street is prohibited.” Mr. Brown stated that he was in agreement with the modified and additional condition to the license.

After reviewing all of the documents of record, Ms. Vang agreed to the language modification to condition #5 regarding vehicles with expired tabs and adding a condition regarding the maneuvering of vehicles in and out of the lot. She will recommend to the City Council that they approve the license with the proposed conditions. The proposed conditions were agreed to by Mr. Brown and are as follows:

Conditions #1-5 per Zoning Nonconforming Use Permit #12-115857:

1. Maximum number of employees is three (3).
2. Hours of operation shall be within the hours of 8:00 a.m. to 7:00 p.m. Monday through Friday, and 9:00 a.m. to 5:00 p.m. Saturday. The business shall be closed on Sundays.
3. Auto body work only; no mechanical/engine work is allowed.
4. All work shall be conducted inside the building. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way.

Modified condition:

5. No non-functioning vehicles, vehicles missing parts, or totaled vehicles may be parked outside the building overnight. (NOTE: This includes, but is not limited to vehicles with expired license plates.)

Additional License Conditions:

6. Customer and employee parking, on the licensed premises, shall be in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI) dated November 20, 2012. A maximum of six (6) vehicles may be parked on the exterior of the premises at any time.

7. There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business. Trash and discarded vehicle parts will be stored in a covered dumpster. Licensee shall obtain a Hazardous Waste Generator License from Ramsey County Solid Waste Division and; shall abide by the provisions of that license with respect to the safe handling and disposal of waste oil, filters, tires, batteries, etc.
8. Customer and employee vehicles shall not be parked or stored on the street or alley. This includes cars which have been repaired and are awaiting pick-up by their owners.
9. Vehicle salvage, a principal activity of obtaining and dismantling motor vehicles to salvage and sell usable parts, is expressly not permitted.
10. Vehicles may not be parked longer than 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.
11. The business activities on the licensee premises shall operate in compliance with all federal, state, and local laws. Failure to remain in compliance may result in adverse action against this business license.

Added condition:

12. Licensee shall maintain an unobstructed maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street or onto the street is prohibited.

The hearing adjourned at 10:00 a.m.

The Conditions Affidavit was signed and submitted on January 16, 2014.