

LICENSE HEARING MINUTES
Ivy Auto and Repair at 45 Ivy Avenue W.
Thursday, March 1, 2018; 10:00 a.m.
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 10:00 a.m.

Staff Present: Kristina Schweinler, Department of Safety and Inspections (DSI)

Licensee: Raymond Trong, Applicant/Owner

License Application: Auto Body Repair, Auto Repair (change of ownership)

Other(s) Present: Property Owner Jake Koenig; District 6 Executive Director Kerry Antrim

Legislative Hearing Officer Nhia Vang gave the following information about the hearing: This is an informal legislative hearing for a license application. This license application required a Class N notification to inform neighbors and the District Council about the application and provide them with an opportunity to submit comments. The City received a letter of concern/objection, which triggered this hearing.

The hearing will proceed as follows: DSI staff will explain their review of the application, and state their recommendation. The applicant will be asked to discuss their business plan. Members of the community will be invited to testify as to whether they object to or support the license application. At the end of the hearing, Ms. Vang will develop a recommendation for the City Council to consider. Her recommendation will be on the Consent Agenda at the City Council meeting.

There are three possible results from this hearing: 1) a recommendation that the City Council issue this license without any conditions; 2) a recommendation that the City Council issue this license with agreed upon conditions; or 3) a recommendation 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 City Council is the final authority on whether the license is approved or denied.

Kristina Schweinler gave a staff report. She said the nine conditions were the same as on the previous license, and DSI was recommending approval of the application with the existing conditions. She said zoning staff approved, and there was no building permit. License conditions are as follows:

1. All auto repair and/or auto body repair work shall be done within an enclosed building. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way. Auto body spray painting is not permitted (there is no approved paint booth).
2. Customer and employee vehicles shall be parked in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI) dated, October 18, 2011 (Site Plan File #08-110651). A maximum of eleven (11) vehicles associated with the business may be parked on the premises at any time, with the site plan showing these spaces located in the northeast corner of the property.
3. Space on the lot shall be maintained at all times to provide maneuvering space to allow vehicles to proceed forward, when entering and exiting the site. Backing from the street or on to the street is prohibited.
4. Employee and customer vehicles may not be parked or stored in the public right-of-way (e.g., alley, sidewalk, boulevard, street, etc.).

5. Customer 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. At no time shall vehicles be parked in the driveway or in the public Right-of-Way.
6. There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business, unless placed in a covered dumpster. Storage and disposal of vehicle fluids, batteries, tires, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations.
7. Vehicle salvage, the collection or acceptance of vehicles for the purpose of salvaging parts for re-sale and/or re-use is expressly forbidden.
8. Auto sales are not permitted.
9. Licensee must comply with all federal, state and local laws.

In response to a question from Ms. Vang, Ms. Schweinler said there was no change to the site plan, and no need for the new owner to go through an additional site plan review.

Ms. Vang asked Mr. Trong whether he had any questions about the conditions and whether he agreed to the conditions. She asked him to introduce himself and tell her about his business.

Ms. Vang took a recess to get a Vietnamese interpreter for Mr. Trong.

The hearing reconvened at 10:54 a.m.

Interpreter Dan Tran introduced himself. He reviewed the license conditions with the Mr. Trong. Mr. Trong said he understood the conditions, and what it would mean if any conditions were violated.

Ms. Vang asked Mr. Trong to describe the business plan in terms of staffing and hours, etc. Mr. Tran read a written description prepared by Mr. Trong: He said repairs would include such items as engine repair, body work, brakes, removing and installing transmissions and engines, maintenance such as oil changes, spark plugs, air filters, tune-ups, etc. He said he would not sell new or used cars. He said he did not sell cars. He said the hours were Monday through Friday, 10:00 a.m. to 7:00 p.m.; and Saturday and Sunday from 10:00 a.m. to 7:00 p.m. as needed but often closed. He said he had no employees, but that there may be another person who use his space and will be operating under his license. He said this happened over the last five months and might happen more often. He said he was always responsible for operations that occurred there. He referred to the site plan and said there was no more than 11 vehicles parked on the property. Ms. Vang clarified that the plan would also include Mr. Trong's own vehicle and that of the person who worked with him. Mr. Trong said he understood. Ms. Vang verified that Mr. Trong understood that cars being worked on couldn't be parked in the alley or street, and that all repair work had to be done indoors. Mr. Trong said he understood those things.

Ms. Vang asked Ms. Schweinler if there was SAC fee. Ms. Schweinler there was not a SAC fee since it was an ongoing business, and the property owner would be the one paying the SAC fee.

Ms. Vang asked Mr. Trong whether he had past business experience. Mr. Trong said he'd worked in the business for 22 years, but had never owned his own business. Ms. Vang said this was important because she and DSI staff wanted to be able to explain anything Mr. Trong should be aware of in terms of City requirements and expectations of the community.

Ms. Vang asked about trash pick-up and fluid disposal. Mr. Jake Koenig (property owner) said the business used Gene's Disposal and had weekly pick-up on Monday.

Ms. Vang asked about lighting. Mr. Trong said there was adequate light. Ms. Vang asked whether the lights would be bright and disruptive to the community. Ms. Schweinler said it was in an industrial area. Mr. Koenig said the business was at the end of a cul de sac with no residential nearby. Ms. Vang asked about surveillance cameras. Mr. Trong said he had cameras but hadn't installed them. Ms. Vang suggested that Mr. Trong reach out to the police for suggestions about placement of the cameras.

Mr. Trong said he had no additional questions.

Ms. Kerry Antrim, Executive Director with District 6 Planning Council, said the applicant couldn't attend any of the meetings. She said they had felt 11 spots was a small number for his type of business and the location. She said they had photographs of cars parked there, and neighbors were assuming they were coming from his business, or possibly waiting to get in to be fixed. She said it was always a concern with any business that used the public right-of-way as parking, when their license stated parking had to be within the footprint. She said she wanted it to be on the record that that had come up as a concern. She said cars should only be dropped off when the business was open. She stressed that this did not apply only to Mr. Trong's business but was a standard expectation from the neighborhood. She said there was a second question related to storage of cars on site plan. She referred to the site plan and asked what was being stored. Mr. Koenig said this was land that Koenig Properties rented from the railroad, and there was nothing there now. He said it used to be leased by a person who stopped paying the rent. He said the railroad offered it to them (Koenig) and they leased it to protect their space. Ms. Antrim asked whether there was any way there could just be not storage there. She also noted an area of parking, storage, gravel. Mr. Koenig said that was an unrelated business. Ms. Schweinler and Ms. Vang pointed out where the boundary of Ivy Auto was indicated. Ms. Antrim said across from Ace Auto they had had shared parcels before. Mr. Koenig said there was a permanent fence around Mr. Trong's business. Ms. Antrim said if there were parking problems they wanted to go back to the appropriate operator. She referred to a past issue with adjacent auto businesses on Sycamore and Rice. She said she wanted to be sure there was adequate delineation so Mr. Trong wasn't penalized for things he was not responsible for. She asked if a handicapped spot was required in this situation. Ms. Schweinler said it was a code requirement. Ms. Antrim asked whether the lot was striped. Mr. Koenig said it was hard to see because it was covered with snow, but it was striped. Ms. Antrim reiterated that she thought it might be kind of messy with two business owners. Ms. Schweinler said there was a chain link fence all the way around Ivy. She said she wanted to make it clear that if there were cars parked around Sullivan Street cul de sac she would probably be looking for Mr. Trong, although there had been vehicles abandoned there too. Mr. Koenig said there had been a lot abandoned vehicles and illegal dumping in that area in the 14 years they'd been there. Ms. Schweinler encouraged them to call the emergency number if there were abandoned cars or dumping.

Ms. Vang asked whether there was a secondary location for storage of cars if they ran out of space to which Mr. Trong said he didn't think they would have the need for that.

Ms. Vang she had no additional questions and do not see a need to add additional conditions to those already being recommended by DSI. She would recommend that the City Council approve the license with the existing conditions that Mr. Trong has agreed to and anticipate her recommendation being forwarded to the Council within the next two to four weeks.

Mr. Koenig asked whether there was anything else for him to do. Ms. Schweinler provided a copy of the conditions affidavit to be signed.

The hearing adjourned at 11:14 a.m.

The Conditions Affidavit was signed and submitted on 3/1/18.