



**CITY OF SAINT PAUL
OFFICE OF THE CITY COUNCIL**

310 CITY HALL
15 WEST KELLOGG BOULEVARD
SAINT PAUL, MN 55102-1615
Nhia Vang, Deputy Legislative Hearing Officer
EMAIL: LH-Licensing@ci.stpaul.mn.us
PHONE: (651) 266-8567 FAX: (651) 266-8574

January 17, 2018

Ramon Rosas
c/o Metro Automotive
675 Snelling Avenue N.
St. Paul, MN 55104

VIA EMAIL: lnjgutierrez@yahoo.com

RE: Metro Automotive, 675 Snelling Avenue N.

Mr. Rosas:

You attended a legislative hearing before me on November 15, 2018. After the hearing, I withheld recommendation pending additional research from Mr. Jeffrey Fischbach, Department of Safety and Inspection Licensing Staff, regarding conditions #3, #9 and #10.

On January 15, 2019, Mr. Fischbach sent me his research, including modification to the proposed license conditions discussed at the hearing. After reviewing Mr. Fischbach's Interdepartmental Memo (See, Attachment A) and the information and testimonies from the legislative hearing, I accept his assessment and find no basis to recommend a denial of your license application.

Since your business is similar and will operate in the same manner to that of an already established business with no enforcement actions within the last 5 years, I believe, at this time, that your business will not have an overly burdensome impact on the surrounding neighborhood in terms of trash, noise, traffic and parking. Your business also meets zoning requirements per a nonconforming use permit zoning file# 91-274 for an auto repair facility. Having reviewed Mr. Fischbach's staff report and research, testimonies from you and interested parties, the police report and STAMP activities report, and balancing the issues/concerns raised against your right to operate an auto repair garage license, I am recommending that the Council grant you the Auto Repair Garage license with the following changes in conditions 9 & 10 as shown below and in the attached condition affidavit (See, Attachment B):

9. Except for vehicles unloaded in the designated Loading Zone on the south side of Van Buren Street just west of Snelling Avenue North the loading or unloading of towed vehicles shall be done entirely within the building, and cannot be performed in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.).
10. The rear alley garage door shall may be open up to eighteen (18) inches to permit airflow within the building closed at all times except for when vehicles are entering or exiting the building. Licensee acknowledges that any activity taking place on the property shall comply with Chapter 293 Noise Regulations of

the City of Saint Paul Legislative Code, and agrees to close the door entirely when power/pneumatic tools are in use to promote compliance with this Chapter.

If you agree, please sign and return the enclosed license condition affidavit acknowledging your understanding of the conditions that will be placed on your license to Mr. Jeffrey Fischbach, 375 Jackson Street, Suite 220, Saint Paul, Minnesota 55101-1806. You may also email us a copy so that we can begin the process of forwarding my recommendation to the City Council for their consideration. Also, while I did not add a condition requiring that you post signage directing the delivery of parts or oversized towed vehicles to the front of your business or in the commercial loading zone on Van Buren, I remind you that you did agree at the legislative hearing that you would act to minimize negative impact to your neighbors. As such, I encourage you to take the most appropriate action to ensure minimal impact. For example, you may want to post information about delivery and oversized towed vehicles be conducted in the commercial loading zone on your website and in your voice messages, and to remind vendors/towed companies to use the commercial loading zone on Van Buren, or post visible signage in the back and/or rear of your business to limit impact in the alley, etc.

If you have any questions or would like an interpreter to orally translate this letter and the accompanying documents, please contact Ms. Katie Burger at 651-266-8567. You may also want to contact Mr. Jeffrey Fischbach at 651-266-9106 for other questions not addressed as part of the legislative hearing process.

Sincerely,

/s/

Nhia Vang
City Council Offices

cc: DSI Staff: Jeffrey Fischbach, Eric Hudak, Ross Haddow, Karen Zacho
Therese Skarda (or CAO), City Attorney's Office
LH-licensing@ci.stpaul.mn.us

Attachment(s):

Attachment A (Mr. Fischbach's Interdepartmental Memo)

Attachment B (Condition Affidavit)

Attachment C (Class N Notification)

Attachment D (Nonconforming Use Permit)

Letter Emailed: 1/17/2019 by Katie Burger



CITY OF SAINT PAUL
INTERDEPARTMENTAL MEMORANDUM

DATE: 01/14/2019

TO: Nhia Vang, Legislative Hearing Officer

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

RE: 675 Snelling Ave N - Lucas Autocare LLC / DBA Metro Automotive – Pending Auto Repair Garage Lic. ID #20180003362

You recently requested DSI provide written correspondence regarding the following:

1. Clarification on DSI's administration of license condition #3 regarding the parking of customer vehicles in the public right-of-way which states as follows:

At no time shall customer, employee, and/or business vehicles be parked in the public right of way (e.g., street, alley, sidewalk, boulevard, etc.). This includes, but is not limited to vehicles awaiting repair, and/or that have been repaired and are awaiting pick-up by the owner of the vehicle. NOTE: This is a clarification to condition #1 above from NCUP #91-274.

Clarification:

DSI reviews the circumstances of customer vehicle(s) parking in the public right-of-way based on facts present at that time. It's difficult to anticipate all variables that could be involved in any given situation. Reasonable consideration is given to all determining factors on whether enforcement action would be warranted, including the licensee's extent of responsibility for a vehicle. Under City Ordinance, a licensee is afforded an opportunity to present their case for disagreement with any license enforcement action to an independent body (Administrative Law Judge who would then make a recommendation to the City Council), or directly to the City Council. The City Council has final authority on determining if the administration of license conditions by DSI has been done in a reasonable manner and in accordance with applicable regulations.

2. Draft for review modified condition language to license condition #9 that includes:
 - a) Allowing for the unloading of towed vehicles on Van Buren St in the Commercial Loading Zone signage designated area located at the southwest corner of Snelling Ave N and Van Buren St.
 - b) Changes to the license condition and Commercial Loading Zone signage for the area at the southwest corner of Snelling Ave N and Van Buren St to a designated 24-hour Loading Zone area that would authorize the unloading of towed vehicles outside the current signage posted hours of 7:00 a.m. to 6:00 p.m. Monday thru Saturday, and outside the hours of operation authorized under NCUP #91-274.

Per City records this Commercial Loading Zone area was established in 2006 by the City's Department of Public Works at the request of the 2006 DSI (f.k.a., LIEP) Director and neighborhood property owners/residents to accommodate commercial loading/unloading activity that included the unloading of towed vehicles by the business at 675 Snelling Ave N (Metro Automotive) due to unique circumstances surrounding this specific location, and within

the business hour of operation restrictions placed on NCUP #91-274 (DSI does not have the authority to modify NCUP hours of operation limitations) for the business at 675 Snelling Ave N. However, it should be noted this was not intended to be the granting of an exclusive use of the Commercial Loading Zone area by this or any other business. And, any unloading of vehicles must comply with applicable regulations that would apply to any activity customarily taking place in a Commercial Loading Zone: this includes a time limit for vacating the Commercial Loading Zone area after the vehicle unloading activity has ceased taking place. Public Works has informed DSI that a Commercial Loading Zone may only be occupied during active loading/unloading and the Loading Zone must be vacated within 30 minutes after such activity has ceased. These rules are enforced by the City of Saint Paul Police Department Traffic Enforcement Unit.

Based on this information, **DSI drafts for consideration the following revised condition #9 language** (underlined new language):

Except for vehicles unloaded in the designated Loading Zone on the south side of Van Buren Street just west of Snelling Avenue North the loading or unloading of towed vehicles shall be done entirely within the building, and cannot be performed in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.).

3. Draft for review modified condition language to license condition #10 that includes:
 - a) Permitting the business owner to have the alley door open eighteen (18) inches to accommodate airflow within the building on warmer days during the summer.
 - b) Placing reasonable limits on activity when the alley door is open to lessen the impact on residential properties and promote compliance with Chapter 293 - Noise Regulations of the City of Saint Paul Legislative Code.

DSI drafts for consideration the following revised condition #10 language (underlined new language, strike-out removed):

The rear alley garage door ~~shall~~ may be open up to eighteen (18) inches to permit airflow within the building closed at all times except for when vehicles are entering or exiting the building. Licensee acknowledges that any activity taking place on the property shall comply with Chapter 293 Noise Regulations of the City of Saint Paul Legislative Code, and agrees to close the door entirely when power/pneumatic tools are in use to promote compliance with this Chapter.



CITY OF SAINT PAUL

Department of Safety & Inspections

Ricardo X. Cervantes, Director

375 Jackson Street, Suite 220

Saint Paul, MN 55101-1806

Web Site Address: www.stpaul.gov/dsi

Telephone: 651-266-8989

Facsimile: 651-266-9124

I agree to the following conditions being placed on the following license(s):

License #: 20180003362
Type of Business: Auto Repair Garage
Applied for by: LUCAS AUTOCARE LLC
Doing Business As: METRO AUTOMOTIVE
at: 675 SNELLING AVE N
ST PAUL MN 55104

Conditions are as follows:

PER NONCONFORMING USE PERMIT (NCUP) ZONING FILE #91-274 TO RE-ESTABLISH AN AUTO REPAIR FACILITY:

1. Customers cars and any trucks used by the business shall be parked inside the building.
2. The hours of operation shall be limited to 7:00 am to 7:00 pm Monday through Friday and 8:00 am to 3:00 pm Saturday.

ADDITIONAL LICENSE CONDITIONS:

3. At no time shall customer, employee, and/or business vehicles be parked in the public right of way (e.g., street, alley, sidewalk, boulevard, etc.). This includes, but is not limited to vehicles awaiting repair, and/or that have been repaired and are awaiting pick-up by the owner of the vehicle. NOTE: This is a clarification to condition #1 above from NCUP #91-274.
4. There shall be no exterior storage and/or placement of vehicle parts, tires, oil or any other similar materials associated with the business on either private property or public right-of-way (i.e., street, alley, sidewalk, boulevard, etc.). Trash and/or other materials associated with the business will be stored inside the building. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations.
5. No repair and/or diagnosis of vehicles may occur outside the building or in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.). All repair work must occur within an enclosed building.
6. Vehicle sales is not permitted.
7. Auto body repair and/or painting of vehicles is prohibited.
8. Licensee shall provide maneuvering space within the building to allow vehicles entering and exiting the site to proceed forward. Backing from the street and/or alley or on-to the street and/or alley is prohibited.
9. Except for vehicles unloaded in the designated Loading Zone on the south side of Van Buren Street just west of Snelling Avenue North the loading or unloading of towed vehicles shall be done entirely within the building, and cannot be performed in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.).
10. The rear alley garage door may be open up to eighteen (18) inches to permit airflow within the building except for when vehicles are entering or exiting the building. Licensee acknowledges that any activity taking place on the property shall comply with Chapter 293 Noise Regulations of the City of Saint Paul Legislative Code, and agrees to close the door entirely when power/pneumatic tools are in use to promote compliance with this Chapter.
11. Licensee must comply with all federal, state and local laws.

Licensee

Date



CITY OF SAINT PAUL

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1024

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

Dear Resident and/or Neighborhood Organization:

The Department of Safety and Inspections (DSI) has received an application for a license for a business in your area. You are being notified because this request requires neighborhood notification.

Details regarding this matter are given on the reverse side of this letter. You will have 30 days from the date this notice was mailed to express any objections. The response deadline is given on the reverse side of this document. If you have any objections to the application as described on the reverse side, **please send your objection(s) (with your telephone number) in writing to:**

Legislative Hearing Officer
310 City Hall
15 West Kellogg Blvd.
Saint Paul, MN 55102

Or email to: LH-Licensing@ci.stpaul.mn.us

If objections are received, a hearing will be scheduled before a legislative hearing officer. If you have sent in an objection, you will receive notice of the time, place and date of the scheduled hearing. At that hearing, the Legislative Hearing Officer will take testimony from all interested persons. At the end of this hearing, the Legislative Hearing Officer will make a recommendation to the City Council as to whether the license request should be approved or be referred to an administrative law judge for further review. The City Council will have the final authority to grant or deny the license.

If you have any questions regarding this matter, please contact Kris Schweinler, DSI Inspector III, at 651-266-8989, or me at 651-266-9106.

Sincerely,

Jeff Fischbach
DSI Inspector III

LICENSE APPLICATION NOTIFICATION

License Number: 20180003362

Application for: Auto Repair Garage. *NOTE: This is for a change in ownership of an existing licensed location.*

License at: 675 Snelling Ave N

Licensee: Lucas Autocare LLC, doing business as Metro Automotive
Ramon Rosas, owner, 651-206-2104

Recommended License Conditions:

PER NONCONFORMING USE PERMIT (NCUP) ZONING FILE #91-274 TO RE-ESTABLISH AN AUTO REPAIR FACILITY:

1. Customers cars and any trucks used by the business shall be parked inside the building.
2. The hours of operation shall be limited to 7:00 am to 7:00 pm Monday through Friday and 8:00 am to 3:00 pm Saturday.

ADDITIONAL LICENSE CONDITIONS:

3. At no time shall customer, employee, and/or business vehicles be parked in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.). This includes, but is not limited to vehicles awaiting repair, and/or that have been repaired and are awaiting pick-up by the owner of the vehicle. *NOTE: This is a clarification to condition #1 above from NCUP #91-274.*
4. There shall be no exterior storage and/or placement of vehicle parts, tires, oil or any other similar materials associated with the business on either private property or public right-of-way (i.e., street, alley, sidewalk, boulevard, etc.). Trash and/or other materials associated with the business will be stored inside the building. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations.
5. No repair and/or diagnosis of vehicles may occur outside the building or in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.). All repair work must occur within an enclosed building.
6. Vehicle sales is not permitted.
7. Auto body repair and/or painting of vehicles is prohibited.
8. Licensee shall provide maneuvering space within the building to allow vehicles entering and exiting the site to proceed forward. Backing from the street and/or alley or on-to the street and/or alley is prohibited.
9. The loading or unloading of towed vehicles shall be done entirely within the building, and cannot be performed in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.).
10. The rear alley garage door shall be closed at all times except for when vehicles are entering or exiting the building.
11. Licensee must comply with all federal, state and local laws.

Response Date: Friday, November 9, 2018 at 4:30 p.m.

If you have any objections to the license application, you must respond in writing by Friday, November 9, 2018 to:

Legislative Hearing Officer
310 City Hall
15 West Kellogg Blvd.
Saint Paul, MN 55102

Or email to: LH-Licensing@ci.stpaul.mn.us

If you have any questions, please contact DSI Inspectors Kris Schweinler or Jeff Fischbach at 651-266-8989.

Notice Mailed: Tuesday, October 9, 2018



CITY OF SAINT PAUL

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9040
Web: www.stpaul.gov/dsi

October 9, 2018

Metro Automotive
Attn: Ramon Rosas
675 Snelling Ave N
St Paul MN 55104

RE: License Application for Lucas Autocare LLC, doing business as Metro Automotive, ID # 20180003362,
Located at 675 Snelling Ave N / **Auto Repair Garage**

Dear Applicant:

Our review of your application for a license is in process. Notification has been sent to the community organization and neighbors for the area in which you intend to operate giving them until **Friday, November 9, 2018** to voice any objections to your license application. If no objections are received, your license will be issued (pending any requirements not completely met) approximately one week past the date given above.

If objections are received a hearing will be scheduled before a legislative hearing officer. You will receive notice of the time, place and date of the scheduled hearing from the Legislative Hearing Officer. At that hearing, the hearing officer will take testimony from all interested persons and will make a recommendation to the City Council as to whether the license(s) should be approved or be referred to an administrative law judge for further review. The City Council will have the final authority to grant or deny this license application.

Requirements including the following must be met prior to the issuance of your licenses:

- Sign and return one copy of the enclosed license condition affidavit acknowledging the conditions that will be placed on your license(s). A return envelope has been included for your convenience.
- Obtain DSI Fire Inspection Certificate of Occupancy (CofO) inspection approval. Please contact DSI Fire Inspector Dave Bergman at 651-266-8944 to schedule an inspection if you have not already done so.
- Contact DSI Inspector David Eide at 651-266-9088 to schedule the required on-site opening inspection to review the enclosed license conditions and your method of operation.

If you have any questions, please contact DSI Senior License Inspector Kris Schweinler at 651-266-9110, or me at 651-266-9106.

Sincerely,

Jeff Fischbach
DSI Inspector III
enc.

Disclaimer: This letter is not an indication that your application will be granted. This letter is intended simply as notice of the ongoing process of your pending application.

CITY OF SAINT PAUL, MINNESOTA
NONCONFORMING USE PERMIT

ZONING FILE #91-274

APPLICANT: Brian McConnon

PURPOSE: To re-establish an auto repair shop.

LOCATION: 675 Snelling Avenue North

LEGAL DESCRIPTION: Lot 3, Block 2; Hopkins 2nd Addition

ZONING COMMITTEE ACTION: Approval

PLANNING COMMISSION ACTION: Approval

CONDITIONS OF THIS PERMIT:

1. Customers' cars and any trucks used by the business shall be parked inside the building.
2. The hours of operation shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 to 3:00 p.m. Saturday.

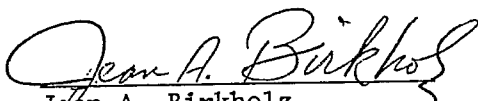
APPROVED BY: James Christenson, Planning Commission Chairperson

I, the undersigned Secretary to the Zoning Committee of the Planning Commission for City of Saint Paul, Minnesota, do hereby certify that I have compared the foregoing copy with the original record in my office; and find the same to be a true and correct copy of said original and of the whole thereof, as based on minutes of the Saint Paul Planning Commission meeting held on December 20, 1991 and on record in the Saint Paul Planning and Design Division Office, 25 West Fourth Street, Saint Paul, Minnesota.

This permit will expire one year from the date of approval if the use herein permitted is not established.

The decision to grant this permit by the Planning Commission is an administrative action subject to appeal to the City Council. Anyone affected by this action may appeal this decision by filing the appropriate application and fee at the Zoning Office, 1100 City Hall Annex, 25 West Fourth Street. Any such appeal must be filed within 15 calendar days of the mailing date noted below.

Violation of the conditions of this permit may result in its revocation.


Jean A. Birkholz
Secretary to the Saint Paul
Zoning Committee

Copies to: Applicant
File
Zoning Administrator
License Inspector
District Council

city of saint paul
planning commission resolution
file number _____
date _____

WHEREAS, BRIAN MCCONNON, file # 91-274, has applied for a nonconforming use permit under the provisions of Sections 62.102(e)(5) and 60.544(19) of the Saint Paul Legislative Code for the purpose of reestablishing an auto repair shop on property located at 675 SNELLING AVE. N., legally described as Lot 3, Block 2, Hopkins 2nd Addition; and

WHEREAS, the Zoning Committee of the Planning Commission held a public hearing on December 12, 1991 at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of Section 64.300 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing, as substantially reflected in the minutes, made the following findings of fact:

1. The three required findings specified in Section 62.102(e)(5) for reestablishing a nonconforming use, and the ability of the proposed use to meet those findings, are as follows:

- a. *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.*

This condition is met. The structure is designed to be used as an auto repair garage. It is equipped with the following: an alignment pit, an exhaust ventilation system, a hydraulic hoist, and air lines connected to a compressor. To rehabilitate the structure for another use would be costly. It makes a relatively poor location for retail or other commercial uses because there is no off-street parking while it provides indoor parking as an auto repair garage.

- b. *The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use.*

The proposed use is the same as the previous use and is, therefore, equally appropriate. In addition, conditions can be attached to a nonconforming use permit which may make the proposed use more appropriate

moved by _____
seconded by _____
in favor _____
against _____

than the previous use.

- c. *The proposed use is consistent with the health, safety, morals, and general welfare of the community and is consistent with the reasonable use and enjoyment of adjacent property.*

This condition is met. It is in the general welfare of the community to have buildings occupied and productive, rather than vacant, if the uses are compatible. The proposed use will be consistent with the reasonable use and enjoyment of adjacent property if appropriate conditions are attached limiting parking and hours of operation.

2. The four conditions specified for auto repair in Section 60.544(19) of the zoning code, and the ability of the proposed use to meet them, are as follows:

- a. *The minimum lot area shall be fifteen thousand (15,000) square feet.*

The lot area is 6,000 square feet. The building covers the entire site.

- b. *A ten-foot landscaped buffer with screen planting and an obscuring fence shall be required along any property line adjacent to an existing residence or adjacent to land zoned residential.*

There are residential uses across the alley to the west of the site. There is no room for a landscaped buffer and fence as the building is built out to the property line. The building wall and alley provide a reasonable buffer.

- c. *All repair work shall be done within an enclosed building.*

The applicant understands and agrees to this condition.

- d. *There shall be no outside storage.*

The applicant understands and agrees to this condition. In addition, there is no space on the site for outdoor storage.

3. The lot area and landscaped buffer conditions specified in finding 2 above should be modified. The proposed use meets all the conditions and requirements of Section 64.300(e), modification of special conditions.
4. The off-street parking requirement for auto repair shops is two spaces for every rack, stall, or pit. It is not known exactly how many racks, stall, and pits the shop will have. The applicant intends, however, to park all customers' and employees' cars inside the building and will agree to such a condition.

The building can accommodate 20+ cars. The applicant expects that he and his partner will work on four to eight cars per day. This number will increase if and when they hire additional mechanics but will be limited by the amount of parking available.

5. The proposed use, on balance, conforms to the comprehensive plan.

NOW, THEREFORE; BE IT RESOLVED, by the Saint Paul Planning Commission, that under the authority of the City's Legislative Code, the application for a nonconforming use permit to allow reestablishment of an auto repair shop at 675 SNELLING AVE. N. is hereby approved subject to the following conditions:

1. Customers' cars and any trucks used by the business shall be parked inside the building.
2. The hours of operation shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 3:00 p.m. Saturday.