

LICENSE HEARING MINUTES
Go Auto Sales and Repair, 1445 Arcade Street
Thursday, June 13, 2019, 2:00 p.m.
Room 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: Jeff Fischbach, Department of Safety and Inspections (DSI)

Licensee Gary Yang:, Applicant/Owner

License Application: Second Hand Dealer Motor Vehicle, Auto Repair Garage

Other(s) Present: no others present

Legislative Hearing Officer Nhia Vang made introductory comments about the hearing process: 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 correspondence 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, the Legislative Hearing Officer will develop a recommendation for the City Council to consider. The recommendation will come before the City Council as a resolution on the Consent Agenda; the City Council is the final authority on whether the license is approved or denied.

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.

Minutes:

Jeff Fischbach, Department of Safety and Inspections (DSI), gave a staff report on the application for Second Hand Dealer Motor Vehicle and Auto Repair Garage licenses. He said these were the same licenses held by the current licensee. He said the current owner also had a Second-Hand Dealer Motor Vehicle Parts license for the sale of used tires; applicant Mr. Yang had stated he was not going to sell used tires. He said the conditions were pretty much standard and were the same as the conditions on the existing license, except for removing those related to used tire sales. He said Condition 4, prohibiting test-driving on residential streets, and Condition 6, specifying where new tires could be displayed for sale, were slightly different from the normal ones. He said sale of new tires was allowed under the license. He said Condition 12 set out the

hours of operation from 9:00 a.m. to 6:00 p.m. Monday through Saturday, and Conditions 13 and 14 prohibited banners and stringers, and required DSI approval for signage. Ms. Vang asked about changing the name on the signage. Mr. Fischbach said Condition 14 referred to any signage. He said there was no correspondence received from the neighborhood organization; License approved with conditions, Zoning approved with conditions, and DSI recommended approval with conditions.

Recommended conditions:

1. A maximum of seventeen (17) vehicles may be parked on the property at any time. The number of vehicles displayed "for sale" outdoors shall not exceed eleven (11) and there shall be a minimum six (6) on-site parking spaces provided for customers and employees. Business, customer/employee, and for-sale vehicle display parking areas shall be parked in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI) dated 11/01/2010. (Any changes to the site plan must be approved by the Zoning Administrator).
2. Street access and internal traffic maneuvering lanes must remain unobstructed, as shown on approved site plan, to allowed safe vehicular access to the site.
3. All vehicles parked outdoors must appear to be completely assembled with no major body parts missing. All repair work must occur within an enclosed building. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way.
4. There will be no test driving of vehicles on residential streets. Customer, employee or for-sale 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.
5. There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business. This restriction includes the area on the north side of the building which is hi-lighted on the approved site plan. Trash shall be stored in a covered dumpster only which shall be located in accordance with the approved plan. Storing of trash or parts in the vehicles is expressly forbidden. Storage and disposal of vehicle fluids, batteries, etc. shall be in accordance with Ramsey County Hazardous Waste Regulations.
6. The outdoor tire display area on the lot is restricted to against the east building wall that is on either side of the northern most repair bay entry door. All tires must be brought inside the building at night. Outdoor display of tires on the lot is permitted during business hours only, and is limited to a maximum of thirty (30) tires. Tires or vehicle parts may not be stored on the building roof or any other place on the lot not designated for tire storage.
7. The license holder agrees to maintain the fencing, landscaping, vehicle location and vehicle barriers in a manner consistent with the approved site plan. There shall be no parking of vehicles in the landscaped, non-paved areas. Fencing and landscaping shall be maintained in good order and repair.
8. Vehicle salvage is not permitted.
9. Auto body work and painting are not permitted.
10. Excluding "for-sale" vehicles and commercial/business vehicles associate with the licensee's auto repair business (e.g. tow truck), all other vehicles may not be parked longer than 10 days on the premises. It shall be the responsibility of the licensee to

ensure than any vehicle not claimed by its owner is removed from the lot as permitted by law.

11. Licensee must comply with all federal, state, and local laws.
12. The hours of operation shall be limited to 9:00 a.m. to 6:00 p.m. Monday thru Saturday. The business will be closed on Sunday.
13. No banners, pennants, or stringers shall be permitted.
14. Prior written approval and the necessary permit(s) shall be obtained from DSI before the installation of any signage.

Ms. Vang referred to the site plan and asked about the total number of vehicles allowed. Mr. Fischbach said there could be a total of 17 vehicles on the property, including 11 vehicles displayed for sale, and six spaces for customers and employees. They reviewed the specific parking space numbers on the site plan. He said this was the previously approved plan. Ms. Vang noted a fence all the way around. Mr. Fischbach said there was a chain link fence around part of it, and a wood fence on some of the other parts. Ms. Vang confirmed with Mr. Fischbach that the site plan was approved in 2010 and Mr. Yang had agreed to it.

Ms. Vang asked Mr. Yang to talk about his business and his background with running this kind of establishment.

Mr. Yang said he did not have business experience but had always wanted to own his own business. He said he had a two-year degree in IT and planned to take business management courses. He saw the opportunity to own his own business came along and he jumped on it, and was trying to apply for his license. He said his wife had a Master's in accounting and his sister-in-law was doing payroll.

Ms. Vang asked about staffing to help with day-to-day operations. Mr. Yang said he would be doing everything. He said he would have a full-time mechanic who is his brother-in-law, who had been working for the previous owner. Ms. Vang asked Mr. Yang if he was familiar with the rules for Second-Hand Dealer license. He said he had been learning for the past month and was still learning. Ms. Vang asked whether the previous owner's license had expired. Mr. Fischbach said the current owner was still in operation, and Mr. Yang was working as his employee and being mentored. Ms. Vang asked whether there would be a formal announcement of the new business. Mr. Yang said he would just transition and keep everything as-is. He said he was going to keep the name and everything the same, because most of the customers were returning customers.

Ms. Vang asked Mr. Yang if he was going to be the primary owner. Mr. Yang said he was. Ms. Vang noted that Mr. Yang had agreed to the hours of operation; she asked whether sales and repair would both be taking place. Mr. Yang said it was both sales and repair. Ms. Vang asked about garage space, and whether there was a secondary site for parking overflow cars. Mr. Yang said there was no off-site storage; he said there were two garage bays. Ms. Vang asked how Mr. Yang would manage inventory so that cars being repaired, have been repaired or for-sale cars didn't have an impact in the community. Mr. Yang said he only had four or five cars for sale, and didn't plan to fill the space. He said he wanted to leave open space because he'd seen how crowded it had gotten.

Ms. Vang said she didn't see that there had been any complaints about garbage or trash or proper maintenance; the only complaint was about over-parked cars. She said she was glad to hear Mr. Yang didn't plan to over-park cars there.

Ms. Vang asked about exterior lighting. Mr. Yang said he was going to leave it as-is for now until he made some profit, and then he would fix the signs and the surroundings. Ms. Vang said it was important that lighting not be disruptive but that there be enough to deter theft; she recommended consulting with DSI for their input before changing lighting.

Ms. Vang noted there was fence all around the business except for the entries. Mr. Yang said it wasn't really fences, it was just posts around the property. Ms. Vang asked whether there had been issues with people driving through the lot. Mr. Yang said there's been some accidents where people had run into the posts. He said some of the posts were bent, and he intended to replace them first. He said it was a busy intersection and accidents couldn't be prevented because of snow and ice.

Ms. Vang noted that there had been no graffiti.

Ms. Vang asked Mr. Fischbach whether this application involved a SAC determination. Mr. Fischbach said it didn't.

Ms. Vang read the letter of objection received on May 15th from Robert Erickson who lived at Nevada and Arcade. She said his concerns had to do with the lack of maintenance of barriers and pylons adjacent to the sidewalk, the sidewalk not being maintained in winter, and weeds that were not cut or trimmed, and garbage that landed and stayed there.

Ms. Vang asked Mr. Yang whether he owned or leased the property. Mr. Yang said he rented it. Ms. Vang asked whether maintenance of the property was part of the lease agreement. Mr. Yang said it was. Ms. Vang asked Mr. Yang how he was going to address the issues raised. Mr. Yang said he understood image was very important for a place of business, and to attract customers he had to keep the place clean. He said it was different from the way the current owner used to have it; he had cleaned and updated the office, cut down trees around the building, trimmed weeds, and planned to replace the posts. Ms. Vang asked whether Mr. Yang intended to do that soon. Mr. Yang said he would as soon as he could; maybe within the next two weeks. He said he was going to find a way to eliminate the weeds coming through the cracks of the pavement. Ms. Vang said she hoped Mr. Yang would maintain the property so the business would attract customers and not negatively impact the community.

Ms. Vang confirmed with Mr. Yang that he understood the conditions being placed on the license, and what it meant if he violated the conditions. Mr. Yang said he did and did not disagree with conditions.

Ms. Vang said she had no other conditions to recommend, and was happy to hear Mr. Yang was going to maintain the property, and continue to operate the business as it had been. She said she hoped Mr. Yang would be a part of the community, and attend district council meetings so he

was aware of issues that might arise and create preventative strategies to be successful. She said she would recommend that the City Council approve the license application.

The hearing was adjourned at 2:21 p.m.

The Conditions Affidavit was signed and submitted on May 15, 2019.