

LICENSE HEARING MINUTES
Pristine Motors LLC, dba Pristine Motors, 378 Como Avenue
Monday, December 18, 11:00 AM
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Legislative Hearing Officer

The hearing was called to order at 10:58 AM

Staff Present: Ross Haddow, Department of Safety and Inspections (DSI) Licensing Inspector; Frances Birch, DSI Zoning Inspector (remote participation); David Eide, DSI Zoning Inspector (remote participation)

Licensee: Brenda Ruelas, Applicant/Owner

License Application: Second Hand Dealer - Motor Vehicle license

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's office to take an adverse action on the application, which could involve review by an administrative law judge.

Minutes:

Ross Haddow, Department of Safety and Inspections (DSI) - Licensing, gave a staff report for licensee Pristine Motors LLC (License ID# 20230002076), d/b/a Pristine Motors, located at 378 Como Avenue. The application is for a Second Hand Dealer - Motor Vehicle license. DSI is recommending approval with the following license conditions:

1. Licensee agrees to comply with the most current site plan approved by the City Zoning Administrator on file with the Department of Safety and Inspections (DSI). This includes but is not limited to the number, manner and/or location that vehicles may be parked and/or displayed for-sale.

2. Licensee acknowledges that use of the public right-of-way fronting the property along Como Avenue requires a written-agreement/encroachment-permit be obtained and maintained in a current status from the City of St Paul Department of Public Works, that such agreement is subject to change/revocation in accordance with applicable ordinances and/or requirements or as stipulated under the agreement, agrees to abide by any terms and/or conditions placed on this agreement, and that they will discontinue use of the public right-of-way if such agreement is no longer valid (which would include restoration of the right-of-way space to standards established by the Department of Public Works). Licensee understands that failure to remain in compliance with the agreement would result in adverse action being taken against their license.
3. Auto repair is not permitted unless the licensee first obtains the required City of St Paul Auto Repair Garage license.
4. No vehicles under the control of the licensee can be parked and or stored in the public right-of-way (except those shown in the specific area on an approved Zoning Site Plan and Public Works Encroachment Permit). This includes for-sale vehicles or sold vehicles waiting to be picked up by the customer.

The District 7 Frogtown Neighborhood Association submitted an email of support. Building conditions, not applicable; Public Works, approved with conditions; License approved with conditions; and Zoning approved.

Hearing Officer Vang asked if the applicant understood and agreed to the conditions.

Ruelas: I would just like clarification on Condition #4.

Haddow: You have an encroachment permit that allows you to use part of the public right of way. What #4 refers to is that cars cannot be parked outside of the site plan or outside the fence.

Hearing Officer Vang: The whole area is fenced in?

Ruelas: Yes, but there are 2 vehicle gates and a walking gate. The gate is open during business hours.

Hearing Officer Vang: The encroachment is on the Como side, right?

Ruelas and Haddow: Correct

Hearing Officer Vang: Is the encroachment permit required annual renewal or is it a permanent permit?

Haddow: The permit was issued on 9/21/21 and expires on 12/31/24, making it 3 year 3 month permit. They can then reapply or apply for a vacation. The permit basically keeps it as City property that they can use. A vacation would make it the property of the landlord.

Ruelas: The owner will handle that decision. I am just a tenant.

Haddow: As of now, they have chosen not to go forward with pursuing vacation.

Ruelas: He said he will make sure he gets a new encroachment permit done before the current one expires.

Hearing Officer Vang asked about the Zoning review.

Frances Birch, Department of Safety and Inspections (DSI) - Zoning, gave a staff report. Zoned B3 – Business. No overlay districts. This is a permitted use. Parking must be done according to the site plan in the encroachment-permitted area or on the property and according to the site plan. The City does not have parking minimum requirements for customer parking.

Hearing Officer Vang asked about signage to designate customer parking.

Ruelas: There was no signage when I visited last, but I know there is a need for that.

Hearing Officer Vang: How do you handle employee parking?

Ruelas: We have four spots for employees and four for customers. If not all the employee spots are used, customers can use them. The remaining ones are for the used cars.

Hearing Officer Vang: Is there lighting inside the lot?

Ruelas: There is lighting on the building and on Como Avenue. The area is very well lit.

Hearing Officer Vang: What are your business hours?

Ruelas: Monday – Wednesday, 9:30am – 7:00pm; Thursday – Saturday 9:30am – 5:30pm. Signage reflecting hours is on the office building, but we need to change it because it doesn't reflect our hours. The place used to be called Suburban Auto, I think.

Haddow: This is not an established business. There was a gap in operation due to a vacancy. This was the existing use before the vacancy, though.

Hearing Officer Vang asked the applicant to talk about the business: history, hours of operation, number of employees, etc.

Ruelas: I have been in the car business for a while now. I own a location on Arcade Street and wanted something bigger with more office space and more room for cars. I intend to keep both locations but have this site be the primary location. I would be managing on-site.

Hearing Officer Vang: What is your plan for overflow of cars?

Ruelas: We usually don't have that problem. I buy cars depending on how they're selling. I have experience doing this.

Hearing Officer Vang: What are some issues you've dealt with in your experience?

Ruelas: We did have to legally park cars on the street for a couple hours while the plows went through to remove snow last year, which was exceptionally bad. I'm not sure how that would work at this location.

Hearing Officer Vang: Have you notified DSI that that could happen, and that complaints could come in?

Ruelas: I have not. I just don't know how I would manage it at the new location. It's something I'm going to have to figure out. Maybe we can move cars around and keep them on the lot to get it done. That was one of the recommendations that our plow guy suggested after we let him know that there was an issue.

Hearing Officer Vang: Will you be using the same person for plowing at this location?

Ruelas: Yes.

Hearing Officer Vang: How many spaces does your other location have?

Ruelas: 25.

Hearing Officer Vang: Is there a fence at the other location?

Ruelas: Yes.

Hearing Officer Vang: Will you be managing the snow plowing or removal?

Ruelas: We will be doing removal. We used to do plowing but lost two spots at our other location because we had to pile the snow.

Hearing Officer Vang: What happens when customers don't know there is on-site customer parking and park on the street?

Haddow: No street parking on Como. Western does have street parking.

Ruelas: We will make sure they know. If they come in and say they parked on the street, we will let them know about our spots and encourage them to move their cars.

Hearing Officer Vang: How many employees will you have?

Ruelas: Three, including myself.

Hearing Officer Vang: What hours will your space be lit?

Ruelas: We haven't started yet, but I assume they will be on overnight for security purposes.

Haddow: The property owner controls them. They're probably on a timer.

Hearing Officer Vang: Did you talk about this with the owner?

Ruelas: No, but I can.

Hearing Officer Vang: It's worth double checking. What is the situation on signage for changing the name from the old business?

Ruelas: We plan on having two new signs. One will be on the building physically and the other will be within the property on the corner of Western Avenue and Como Avenue, which will be bigger.

Hearing Officer Vang: Have you talked to DSI – Zoning about the signage?

Ruelas: I mentioned it to them. They told me the sign on the building was okay. For the bigger sign, I've never had something like a billboard sign before, so I don't know what goes into that or if I need to get a permit for it. That's in the works.

Haddow: There will be a sign permit with requirements. You can reach out to Kazouapang Yang in DSI – Zoning for that. I will send you an email with that info after this hearing. She'll be able to walk you through the process.

Hearing Officer Vang: How long is your current lease for?

Ruelas: Three years. The City should have a copy of it.

Hearing Officer Vang: What are you responsible for as a tenant of the property, such as trash?

Ruelas: We're going to be fully responsible for the property unless we want to make any big changes. When I first looked at it, renovations were still ongoing, but they have since finished. I don't think it needs much work beyond striping the lot. That was one thing we said he needed to get done this coming Spring, according to our lease. I don't think we can do it right now, considering the weather, but he did say he will get it done according to the site plan.

Hearing Officer Vang: How will DSI monitor striping if it's not done on time?

Haddow: They won't be able to stripe until March or April, at the earliest. We typically give businesses in situations like this a 6-month grace period after they open. Birch may know if there is a deadline for having the striping done.

Birch: I'm not aware of a specific date by which striping needs to be completed.

Eide: Given that it's winter, it's too cold to stripe. We will work with the applicant on that.

Haddow: She should have at least through the summer. She just needs to make sure to stay in touch with us about it.

Hearing Officer Vang: Is the parking lot in good shape?

Ruelas: It may need repaving or weed maintenance. The owner said he will get that done along with the restriping.

Hearing Officer Vang next read into the record the letter of objection from Michael Freeth, which voiced concerns over parking, plowing, and uncut grass. She then gave the applicant the opportunity to respond.

Ruelas: I don't know about issues in the past with this property. We will stick to the site plan. I would like to build a relationship with the neighbors. I don't want to be breaking rules.

Hearing Officer Vang: The business's license must be posted publicly, right?

Haddow: Yes, somewhere within customer view.

Hearing Officer Vang: Is the parking plan public?

Haddow: They don't have to post it, but it is public record and City will provide it upon request. I will say that the issues mentioned in the letter are bigger issues with vacant lots. I don't anticipate the objector's issues arising with the lot no longer being vacant. There were issues with the previous owner about the number of cars parked on the lot, but she has agreed to operate according to the site plan.

Ruelas: If customer and employee parking is filled, customers can park on the street?

Haddow: Yes. Don't know about signage about time limits, but make sure customers abide by those. The biggest thing I can stress is to make sure you do abide by the parking plan. Don't get creative with the parking. We've seen instances before where cars get stacked horizontally, perpendicular to the striping, to fit more onto the lot. That will be the number one complaint you get. Even without counting, people can tell. Stacking for a short time to plow is fine, but they cannot be stored like that overnight. Similarly, a customer parking their car outside the site plan for a small amount of time is not a violation. The violation would be if they were your cars or if they were there for a long period.

Ruelas: Can we have a car in front of our gate for security purposes?

Haddow: Yes.

Hearing Officer Vang: Do you have trash pickup scheduled?

Ruelas: We're not sure what we will do yet. Our other location is picked up weekly in the alleyway. Dumpsters are on the property here, so they would have to likely come onto the property.

Hearing Officer Vang next read into the record the letter of support from the District 7 – Frogtown Neighborhood Association.

Hearing Officer Vang next asked about advertising.

Ruelas: Our advertising will be on social media, mostly.

Hearing Officer Vang: Will you have pennants or flags on-site, like those seen with other used car dealerships?

Ruelas: We aren't planning to. We don't use them at our current location.

Hearing Officer Vang stated that the earliest her recommendation could go before Council would be January 10 as the Council's last meeting of the year is this Wednesday, December 20.

She stated that after reviewing the records and considering the testimonies from all parties, she will recommend to the City Council that they approve the license with the following agreed-upon conditions:

1. Licensee agrees to comply with the most current site plan approved by the City Zoning Administrator on file with the Department of Safety and Inspections (DSI). This includes but is not limited to the number, manner and/or location that vehicles may be parked and/or displayed for-sale.
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The hearing adjourned at 11:38 PM.

The Conditions Affidavit was signed and submitted on January 2, 2024.