

LICENSE HEARING MINUTES
Kito Auto Sales & Repair LLC, d/b/a Kito Auto Sales, 1103 Arcade St
Thursday, October 26, 2:00 PM
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Legislative Hearing Officer

The hearing was called to order at 2:00 PM

Staff Present: Jeff Fischbach, Department of Safety and Inspections (DSI) Licensing Inspector; Frances Birch, DSI Zoning Inspector (remote participation)

Licensee: Laura Becerril, Applicant/Owner; Everardo Aguilar, Co-Owner

License Application: Auto Repair Garage and Second Hand Dealer - Motor Vehicle licenses

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:

Jeff Fischbach, Department of Safety and Inspections (DSI) - Licensing, gave a staff report for licensee Kito Auto Sales & Repair LLC (License ID# 20230001593), d/b/a Kito Auto Sales, located at 1103 Arcade St. The application is for Auto Repair Garage and Second Hand Dealer - Motor Vehicle licenses. DSI is recommending approval with the following license conditions:

1. The number of vehicles displayed "for sale" outdoors shall not exceed five (5), the number of cars stacked at the rear of the property awaiting repairs or that have been repaired shall not exceed seven (7), as shown on the approved site plan on file in DSI.
2. Customer and employee vehicles shall not exceed five (5) and must be parked in the area designated on the DSI approved site plan. No customer vehicles under the control of the licensee

can be parked and or stored in the public right-of-way. This includes vehicles waiting for repairs and vehicles waiting to be picked up by the customer.

3. There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business. Trash will be stored in a covered dumpster.

4. The license holder agrees to maintain the fencing, vehicle location and vehicle barriers in a manner consistent with the approved site plan.

5. All vehicles parked outdoors must appear to be completely assembled with no major body parts missing.

6. Vehicle salvage is not permitted.

7. Auto body and painting are not permitted.

8. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way. All repair work must occur within an enclosed building.

9. Customer 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.

10. Provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward.

11. Licensee must comply with all federal, state, and local laws.

12. Storage of vehicle fluids, batteries, etc. shall be in accordance with Ramsey County Hazardous Waste Regulations.

Note: The Second Hand Dealer Motor Vehicle License is issued on the condition that the State of Minnesota Dealer Number is submitted to DSI upon issuance by the State of Minnesota Dealer Unit.

The Payne Phalen Community Council submitted an email acknowledging the application. Building conditions, not applicable; License approved with conditions; and Zoning approved with conditions.

Hearing Officer Vang asked if the applicant understood and agreed to the conditions. Becerril and Aguilar answered in the affirmative.

Fischbach: I will also add that some kind of barrier will be needed to separate the vehicles on your property from the sidewalk. Zoning will need to approve that.

Aguilar: We are willing to do that. We have spoken with the person who will buy the property and he is willing to do that.

Fischbach: For context, a person named Charles Belcher has signed a purchase agreement with the current owner of the property. The applicants here today would be the tenants if that sale goes through. The purchase won't happen until the City Council gives DSI the authorization to issue a license to the applicant here today. The applicant will finalize their lease once the purchase is completed.

Hearing Officer Vang: I see that the site plan was last approved in 1995. Did it not comply with the barrier requirement?

Fischbach: I can't speak to that. Perhaps they were there, and they were removed from plowing or something like that. All I know is the situation we're in right now. The plan you see is what they will be operating under.

Hearing Officer Vang: I see that it was signed today.

Fischbach: Yes. When an applicant is proposing to reuse a site plan, we have a statement on here that we ask them to fill out, saying that they have looked at it and agree to operate under that site plan.

Hearing Officer Vang asked about the Zoning review.

Frances Birch, Department of Safety and Inspections (DSI) - Zoning, gave a staff report. This was previously zoned B3, where this use was allowed through a 1994 conditional use permit, which stayed with the property. The property is okay to keep being used for auto repair and auto sales. Since nothing is changing here through a continuation of the old site plan, no new parking requirements are needed. If they wanted to change the physical distribution of the parking, we would need to approve that.

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

Becerril: We had a tire shop in Chicago years ago.

Aguilar: We have a tree service business as well. I know some about mechanics as well, but my son is the main mechanic. Any auto body work will be done elsewhere. We know people who can do that for us.

Hearing Officer Vang asked about hours.

Aguilar: We are thinking 9am – 7pm, every day, though we will likely be closed most Sundays.

Hearing Officer Vang asked about advertising and signage.

Becerril: We are planning to have a sign in the front and a website.

Hearing Officer Vang asked them to follow up with DSI – Zoning about signage if they are considering putting in signage.

Aguilar: The sign will be the same size, just a different name and different bulbs.

Hearing Officer Vang then asked about lighting.

Aguilar: We are planning on having motion activated lighting around the building with 7 cameras all around the building, facing out. There will be front lights always on in the front as well. Behind us and to the side are residential properties so we won't have lights always on there.

All lights will face downward. We will also have posted signs about not parking in the alley. We know this has been an issue and so we want people from our business not to do that.

Hearing Officer Vang asked about parking.

Aguilar: The site plan details where we would have customer parking, cars waiting for repair, and for-sale car display spaces. We would do repair by appointment only, since this is such a small space. We don't have a lot of room to store cars for long periods.

Hearing Officer Vang asked about separating the parking lot from the sidewalk and neighborhood properties.

Aguilar: We are thinking of having a fence on the north side go to the end of the building and then have a low chain separating the lot from the sidewalk. We will not have a fence on the south side where the alley is.

Hearing Officer Vang asked how cars would be maneuvered within the space.

Aguilar: To get cars from the back to the front, we will use the alley.

Hearing Officer Vang indicated that her question is to ensure that no cars related to the business are parked on the sidewalk. She then asked about the lease agreement.

Aguilar: We have a lease with the new owner who doesn't own the property yet.

Hearing Officer Vang asked if the camera feeds are accessible.

Aguilar: They will be connected to our phones and alert us when they see something.

Hearing Officer Vang asked whether the garage door be open while work is being done on the cars.

Aguilar: Possibly in the summer, yes.

Hearing Officer Vang asked how snow would impact car storage on the property.

Aguilar: We may have to remove some of the cars to make room for snow, depending on the weather. Customers may have to park in the back if the spots in the front are used for snow storage.

Hearing Officer Vang asked about waste disposal and recycling.

Aguilar: I don't know if we need a big dumpster or if just garbage cans will be enough. We will have to see.

Fischbach: You will need to contact Ramsey County to get a Hazardous Waste Generator license.

Hearing Officer Vang then asked staff how an inspector would know if a car belonged to a customer or is for sale.

Fischbach: Based on the spots indicated in the site plan.

Becerril: We will also have signs that say if a car is for sale.

Hearing Officer Vang then asked if they plan to have flags or pennants like other used car businesses.

Aguilar: Yes.

Fischbach: Make sure you check with Zoning before doing that, just to make sure you are complying with City requirements.

Hearing Officer Vang read into the record the letter of objection from Maykao Chongtouna, 808 Jessamine Ave E, who voiced concerns over traffic, parking, crime, and trash. She then gave the applicant the opportunity to respond.

Aguilar: We think illegal parking and illegal dumping are largely happening because the lot is empty right now. Our business will handle these things with signage, camera, and being good neighbors. We can't control the alley, but we can tell our customers not to put cars there. That is not our property. Appointments should help with those concerns.

Hearing Officer Vang asked how long the property has been without a tenant.

Aguilar: I don't know. I know the new property owner is trying to clean the space up.

Hearing Officer Vang asked when they would be ready to open.

Aguilar: Sometime around November 15. We can go in there to see the space, but we don't have keys.

Hearing Officer Vang asked whether the parking lot is striped.

Aguilar: It will be done before we open. Then once we get the license, we will get cars and use the space. We won't be filling it up right away.

Hearing Officer Vang next walked them through agenda packet and highlighting the police incidents and STAMP activities reports to inform them of past and current issues related to the property address. This is also to remind them to be mindful of past complaints like garbage debris and to take care of the matter.

Fischbach: Regarding the dealer license, we won't sign off on the state zoning form until the City Council has approved and authorized DSI to issue the license and we have verified that Mr. Belcher has purchased the property. Has he yet?

Aguilar: We don't know. He was out of the state and just got back.

Fischbach: Just be sure to check with him. Once those two things are done, we can sign off on the state dealer form, allowing you to take your application to the state. Once you get a dealer number, you would give us that dealer number and then we could issue all your licenses.

Hearing Officer Vang stated that she wants to make sure that Ms. Becerril and Mr. Aguilar have the resources they need to move forward. There were a couple of follow-ups that they need to follow-up with the city before opening their business such as their lighting plan, signage, and fence. She then said 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. The number of vehicles displayed "for sale" outdoors shall not exceed five (5), the number of cars stacked at the rear of the property awaiting repairs or that have been repaired shall not exceed seven (7), as shown on the approved site plan on file in DSI.
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The hearing adjourned at 2:55 PM.

The Conditions Affidavit was signed on October 3, 2023, and submitted on October 26, 2023.