ROLL CALL: Mueller, Gunn, Hull, Meehlhause, Bergeron

PUBLIC COMMENT

Citizens may speak to issues not on tonight's agenda. Before speaking, please give your full name and address for the minutes. Also, please limit your comments to three minutes.

AGENDA ITEMS DISCUSSED BY CONSENSUS

1. North Suburban Hospital District - Presentation of funds by Bridgett Lundquist
2. Dana Healy – CTV Update and Maximizing Services
3. Tires N More Discussion – Jon Sevald
5. Green Step Task Force – Don Peterson
6. City Hall Memorial Park - Don Peterson
7. Park Dedication Fees – Introduction and if Time Permits - Jon Sevald/Don Peterson -
City of Mounds View Staff Report

To: Honorable Mayor and City Council
From: Jon Sevald, Community Development Director
Item Title/Subject: Tires N'More Discussion

Introduction:
The City has taken numerous enforcement action against Tires N'More, located at 2832 Mounds View Boulevard. The property is in violation of City Codes pertaining to non-permitted land use (warehouse), outside storage, and Fire Code violations. At times, the property owner, C & N Group LLC, has cooperated with the City, but many times they have not. Staff have nearly exhausted its options for enforcement, and is requesting direction from the City Council, if to pursue revocation of its CUP.

In the Council’s consideration, the Council should consider what its goal is of obtaining compliance from the property owner.

Discussion:
Tires N'More is one of several auto related businesses operated by the Soussi family. Staff believe that this location receives and stores used tires from many of its stores.

The primary concerns the City has relates to improper storage of tires inside and outside of the building, and exterior storage of semi-trailers and inoperable vehicles. The excessive amount of tires creates very hazardous conditions, should a fire occur.

The primary concern the public has expressed is that the property looks “rundown”.

Zoning Code Violations
The property is zoned B-2 Limited Business, and guided for Mixed Use in the Comprehensive Plan. Naoufel Soussi, representing Tires N'More, received a Conditional Use Permit (CUP) for a “Tire and Minor Auto Repair Store” in 2012 (Resolution 7984). To the City’s knowledge, a store was never opened. Instead, the building has been used for the warehousing of tires. “Warehouse” is not a permitted use in the B-2 district.

With cause, the City Council may revoke the CUP. In this case, the property cannot be used for “Tire and Minor Auto Repair” (emphases added). It can be used for “limited retail uses which have, as the principle use, sales with warehousing or display secondary to that use.” Since the property is not used for auto repair, revoking the CUP has no effect on the current use as a warehouse, nor would it affect the appearance of the property (e.g. the public’s concern).
In 2018, the City pursued enforcement action for using the property for an unpermitted use (warehouse). The District Court dismissed the case because the City improperly charged the property representative, Hythem Soussi, rather than the property manager, Naoufel Soussi. In recent years, the City’s primary contact for C&N Group was Hythem Soussi. It is the City’s understanding that Naoufel Soussi does not reside in the U.S.

The District Court could order C&N Group to cease its use of the property as a warehouse, and order compliance with City Codes.

**Fire Code Violations**
The SBM Fire Chief and Fire Marshal have issued corrective orders related to the improper storage of tires. The current property representative, Sami Soussi, has been cooperative, and is taking action to correct these violations, including the removal of stored waste tires from inside the building, semi-trailers, and inoperable vehicles.

**Strategic Plan Strategy/Goal:**
*Continue enforcement & responsiveness to drug problem, traffic, code violations, & petty crimes & support 2nd K-9 unit.*

**Financial Impact:**
The City’s legal fees will continue (criminal and civil prosecution).

**Recommendation:**
Staff is requesting direction from the City Council, if to pursue revocation of the CUP for “Tire and Minor Auto Repair Store”. If yes, it will be scheduled for a Public Hearing.

If the CUP is revoked, auto repair cannot occur on the property. The property can be used for retail (primary use) with warehousing (secondary use).

Staff does not have a recommendation whether or not revocation of the CUP should be pursued. Whether revoked or not, Staff will continue to pursue code enforcement action.

Respectfully submitted,

Jon Sevald, AICP
Community Development Director

ATTACHMENT
Site Photos
1: Tires N'More (photo Mar 27, 2019)

2: Posted hours. Upon Saturday inspections, the store was not open (photo Mar 27, 2019).
3: Posted on front doors. Phone number is for Tires for Less, located at 980 Osborne Rd in Fridley (owned by Fridley Properties LLC, Haythem Soussi registered as Manager). (photo Mar 27, 2019).

4 Rear of Tires N'More (photo Mar 27, 2019).