



License Hearing Office

CITY OF SAINT PAUL
OFFICES OF THE CITY COUNCIL

15 West Kellogg Boulevard, 310 City Hall
Saint Paul, MN 55102-1615
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February 17, 2023

Mr. Patrick O'Shaughnessy
P & S Enterprises Inc, d/b/a HAAS Collision & Glass
1400 St. Clair Avenue
Saint Paul, MN 55105

VIA EMAIL: patrick@haascollisionandglass.com

Re: P & S Enterprises Inc, d/b/a HAAS Collision & Glass (License ID #20220000638)
1400 St. Clair Avenue
Auto Body Repair/Painting Shop license

Dear Mr. O'Shaughnessy:

The License Hearing Office has finished reviewing your application request for an Auto Body Repair/Painting Shop license. To summarize and based on the information presented thus far, you applied for an Auto Body Repair/Painting Shop license under a change in ownership in April 2022. You worked for your uncle Paul R. Lorsung, who previously owned and operated HAAS Collision & Glass, as a manager for seven years before you purchased the business from him when he retired. You have been in the automotive business for more than 38 years; you live in the community, and you want to continue to provide automotive services to the community. During the notification period, objections were received which triggered a hearing review and letters of support were also received from Ms. Mary Wilmes (1393 Berkeley Avenue), and the Macalester-Groveland Community Council.

A hearing was conducted on October 6, 2022. Department of Safety and Inspection (DSI) licensing and zoning staff reviewed and considered your request. They provided a staff report and recommended approval with conditions. During the hearing, some matters came up that required research and further consideration:

- Whether it is legal to have parked cars in front of garage doors, and whether there is a condition that would accommodate such a situation and would such a situation create a fire safety issue.
- Whether it is possible to remove Condition #9.
- Whether there is a correlation between health and environmental risks and auto body repair/painting shop.

What follows are my findings and recommendation for you to consider before the City Council vote on the matter.

FINDINGS:

Whether it is legal to have parked cars in front of garage doors, and whether there is a condition that would accommodate such a situation and would such a situation create a fire safety issue. St. Paul



Leg. Code [SPLC Sec. 157.03](#) prohibits street parking that blocks a private driveway or parking within the driveway itself between the property line and the street, i.e., on any portion of the boulevard or over a sidewalk. In addition, a research of police records and follow-up interview with Crime Prevention Specialist Patricia Lammers did not yield that (a) the practice of using customer vehicles to block overhead garage doors was used at other similar type of businesses to protect property damage and deter burglary activities nor does it aligns with the city's crime prevention through environmental design, and (b) no burglary or property damage complaints specific to the business located at 1400 St. Clair Avenue were reported. Please contact Specialist Lammers to assist you with crime prevention through environmental design. You may email Ms. Patricia Lammers at patricia.lammers@ci.stpaul.mn.us, 651-266-5455 (Office), or 612-322-3209 (mobile).

As such, the following recommended condition would be in keeping with crime prevention through environmental design standards:

No vehicles that are in the possession of the business can be parked in front of overhead garage doors or boulevard, sidewalk, street, alley and/or private driveway spaces. Instead, retractable bollards or other protection mechanism that meets the crime prevention environmental design standards may be installed. Nothing shall be placed in the public right-of-way without Public Works' review and approval.

Whether it is possible to remove Condition #9. St. Paul Leg. Code [SPLC Sec. 310.06\(b\)](#) provides a basis for adverse licensing action. Portions of the code cover the city's ability to pursue adverse action in the event state or federal regulations relevant to the license holder's personal behavior and/or as they relate to the operation of the business are violated. As such, the following Condition #9 is unnecessary and would be removed as requested:

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

Whether there is a correlation between health and environmental risks and auto body repair/painting shop. At the hearing, DSI Staff testified that, to their knowledge, the city has not conducted a study to examine the correlation. A data request and follow-up interview with the Minnesota Pollution Control Agency (MPCA) did not yield any supplemental information that supports the allegation. MPCA was also unable to verify that environmental pollution or health risks complaints were received for the property address of 1400 St. Clair Avenue, Saint Paul (MN) and that there have not been any prior investigations conducted. In addition, as verified in the city's STAMP system, no enforcement action was taken against HAAS Collision & Glass. Several hazardous complaints were entered in the STAMP system between 1973 and 2015. Many of the inspections resulted in an annual service of fire suppression system. As noted at the hearing, the paint booth was upgraded and approved in 2020 and many reported incidents following were unfounded with insufficient evidence as the filtering equipment was working properly and no odor was detected outside during the inspections. Despite the very serious allegation raised here, the matter is outside the scope of the city's license hearing process. A complaint or any future complaints can be made to the MPCA to initiate an investigation.

RECOMMENDATION:

My recommendation to the City Council is to approve your application for an Auto Body Repair/Painting Shop with conditions as there are no reasonable cause, at this time, to deny license issuance. In addition, HAAS Collision & Glass, located at 1400 St. Clair Avenue, does not have a history of discipline. This application is under a change in ownership, and you have demonstrated a willingness to work with the city and neighbors to resolve raised issues as reflected in the [to be agreed] conditions affidavit.

As such, the application for an Auto Body Repair/Painting Shop is to be approved with the following conditions:

1. All customer vehicles must be parked in accordance with the approved site/parking plan on file with the Department of Safety and Inspections (DSI). Appropriate measures shall be taken so that vehicles do not project into the public right-of-way (i.e., sidewalk).
2. 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. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations.
3. Customer Vehicles, which include vehicles that are awaiting repair or that have been repaired and are awaiting pick-up by their owner, shall not be parked in the public right of way (e.g., street, alley, sidewalk, boulevard, etc.).
4. The storage of vehicles for the purpose of salvaging parts is expressly forbidden. Vehicle salvage is not permitted.
5. General auto repair is not permitted.
6. 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.
7. 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.
8. Vehicle sales is not permitted.
9. ~~Licensee must comply with all federal, state and local laws.~~
10. Paint guns will be cleaned immediately following use.
11. Licensee will continue to use high-volume, low-pressure paint gun technology, or a technology that is equal to or better than the one that is already in use.
12. Licensee will use a high solid, low vapor paint or a system of equal or better technology.
13. Hours of operation shall be limited to 7:00 AM - 7:00 PM, Monday through Saturday.
14. No vehicles that are in the possession of the business can be parked in front of overhead garage doors or boulevard, sidewalk, street, alley and/or private driveway spaces. Instead, retractable bollards or other protection mechanism that meets the crime prevention environmental design standards may be installed. Nothing shall be placed in the public right-of-way without Public Works' review and approval.

(NOTE: The attached conditions affidavit for conditions #10-#14 above has been renumbered.)

If you agree to my recommendation with conditions, please sign it and return it to us. You may email us the signed conditions affidavit provided the scanned copy is legible or you may email it to us. Questions should be directed to Legislative Hearing Coordinator and Executive Assistant Greg Weiner at 651-266-8512 or email LH-Licensing@ci.stpaul.mn.us.

Sincerely,
/s/
Nhia Vang
Legislative Hearing Officer

cc: Ferdinand Peters VIA EMAIL: ferdpeters@ferdlaw.com
DSI Staff: Eric Hudak, YaYa Diatta, Jeffrey Fischbach, Ross Haddow, and Luis Romero
Therese Skarda, City Attorney's Office
Patty Lammers (CCPS, CPD), Crime Prevention Specialist-Community Partnerships Unit
Hearing Folder

Attachments: [Sec. 157.03](#), [SPLC Sec. 310.06\(b\)](#), Conditions Affidavit, and License Hearing Packet [SR 22-182](#)