

**LICENSE HEARING MINUTES**  
**Metro Diesel Mechanic, 475 Como Avenue**  
**Monday, November 16, 2020, 10:00 a.m.**  
**Remote Hearing Due to COVID-19**  
**Nhia Vang, Deputy Legislative Hearing Officer**

In light of the COVID-19 health pandemic, a remote hearing was held by telephone or other electronic means. It was called to order at 10:00 a.m. A roll call was made to confirm attendees.

Staff Present: Jeffrey Fischbach, Department of Safety and Inspections (DSI),  
Janis Peterson, License Hearing Secretary

Licensee: Abdi Abdi, Applicant/Owner

License Application: Auto Repair Garage

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 during the notification period of October 7, 2020 and November 6, 2020, 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 and respond to questions asked. 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.

There are three possible outcomes 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

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.

*(The hearing commenced.)*

Ms. Vang: Mr. Abdi, do you have any questions for me this morning about the process?

Mr. Abdi: No, I don't.

Ms. Vang: Ok. Mr. Fischbach, please walk us through the department's review and recommendation.

Mr. Fischbach: I'm with the Department of Safety and Inspections. This is regarding 475 Como Ave. Metro Diesel Mechanic LLC DBA same. They have applied for an Auto Repair Garage license and DSI has reviewed this and recommended some conditions be placed on the license.

These are standard conditions. The only difference is we didn't specify a dated approved site plan because we did not have one, but all vehicles have to be parked in accordance with the dated approved site plan. Parking lot will have to be striped and maintained including any improvements that will be required under the site plan review approval process through DSI. There are 12 total conditions. We received a letter from the NorthEnd Neighborhood Organization District 6 on Nov. 5<sup>th</sup> in support. The Fire Inspector went out there and is in the process of completing the Certificate of Occupancy. Licensing approves with conditions. Zoning – there was a variance applied for and that was approved per 20-067232 with a condition attached that it was subject to change of use building permit as obtained by DSI. The intent of that condition was that the Fire Inspector go out there. This building was certified for them to do some repair of equipment for an existing business that was there. They just wanted to make sure that the Fire Inspector went through the space to ensure that it could support an auto repair business open to the general public. He was just wanting to confirm with our DSI staff that there was not a building permit needed.

Ms. Vang: I do have a question. You indicated that the zoning board put in a condition to ensure that there was a Fire inspections Certificate of Occupancy in process so there really isn't a condition added to this license per say, correct?

Mr. Fischbach: Correct. That was through the variance process so that's not really a condition, I think the person at the zoning variance that did the staff report just wanted to make sure that the applicant was aware that if a building permit was needed, he would need to get that. There will be some paving that is required so there would be a separate permit, but we can get into that as we go through this. But the actual building itself, to occupy the building, it appears that the Fire Inspector determined that it could be used for auto repair.

Ms. Vang: OK, great. When was that determination made?

Mr. Fischbach: I believe it was sometime in October.

Ms. Vang: Ok, please continue.

Mr. Fischbach: As part of the variance review process there was a conceptual site plan submitted. There were several multiple pages and the intent was for the applicant to come up with a complete site plan on one page shown where all the parking was going to be, properties involved and all access points. There is some parking in front of the building and just to the east of the building there's also some property. However, to get to that parking you have to enter off of Topping St. and that access point is not currently paved. That would require a building permit. But when I checked a week or two ago there was no site plan submitted. And that site plan would have to go through DSI Zoning Inspector– Matt Graybar and he can be reached through 651-266-9080. He's the person that did the board of zoning appeals BZA staff report for that variance.

Ms. Vang: So, then the conceptual site plan will not formally be approved until Mr. Abdi submits a new site plan that would combine all the pages into one page that indicates parking spaces. Was he given a timeline to submit a new final site plan?

Mr. Fischbach: We would not approve issuance of the license until a site plan was approved. There was no timeline but there will be a timeline for when the improvements seem to be completed and that will be worked out in the site plan review, the finalized site approval process.

Ms. Vang: You also indicated that the access point to the other parking lot through Topping has not been paved and given that winter is coming, do you or the building inspector foresee a hold up?

Mr. Fischbach: I talked to Matt in zoning and no, there would be no paving in the winter. Most likely the deadline for completion would probably be a year from granting a variance.

Ms. Vang: Thank you.

Mr. Fischbach: That completes the review and DSI recommends approval of the license with conditions. As I said before, the license would not be issued until there is a finalized dated stamped approved site plan.

Ms. Vang: I do have another question. Given that there is another area to access the parking lot, do you know if there was any discussion with Mr. Abdi during the process about signage? Business or direction signage. Or would that be part of the approved site plan?

Mr. Fischbach: Mr. Abdi would have to go over that, it would probably be employees who park there and yes, they would have to get signage zoning approval.

Ms. Vang: Mr. Abdi, do you have any questions about the 12 conditions being placed on your license and the expectations regarding a new site plan and submission as well as any other work that needs to be done. Perhaps you can walk me through that, and I can ask you some more questions.

Mr. Abdi: The building owner and I have been working on those conditions.

Ms. Vang: Do you agree on those conditions that are being imposed?

Mr. Abdi: Yes.

Mr. Fischbach: We do have a signed license condition affidavit agreeing to the 12 conditions.

Ms. Vang: So, Mr. Abdi, it sounds like you already submitted the signed condition affidavit so it would represent that you have agreed to the conditions listed here. Do you have any questions?

Mr. Abdi: This is my first time doing this, and the building owner has been very helpful walking me through, so I have an idea for what's happening. My goal is to just fulfill those conditions. I have no questions.

Ms. Vang; So, do you know what it means when a complaint comes in and say you violate one or two or three of the conditions, do you understand what that would mean for your business?

Mr. Abdi: Yes, I do understand if I violate any of those conditions for instance, parking on the street side where I'm not supposed to be parking on the street.

Ms. Vang: Just to repeat, are there any of the conditions that you don't understand?

Mr. Abdi: No

Ms. Vang: Ok, do you understand according to the report from zoning that you have to resubmit a new site plan from the conceptual site plan, now they want a more revised version. Where are you with that process?

Mr. Abdi: Yes, I am almost done with that site plan by next week and I will send it in.

Ms. Vang: Will you inform Matt that we (licensing) would like a copy of that for our records depending on what his approval is. We would like to have an approved site plan as part of our recommendation. When you meet with Matt and he has approved that, be sure to let him know that we need a clean copy for our records.

Mr. Abdi: Sure.

Ms. Vang: We talked about this already but given that you will have an access point to Topping Street for three parking spaces there, what are your intentions for those three parking spaces?

Mr. Abdi: Our main idea because we are very small will be based on appointments to come in. The back will be used for employees and the front will be for customers.

Ms. Vang: So, you said it is by appointment only, will there be any signs that you're open for business or how do you intend to attract customers.

Mr. Abdi: We will have a website and we will have a sign out there because our shop space does not allow for walk-in business.

Ms. Vang: Now, I would like to know a little bit about your background, how many staff you will employ, your hours of operation, things of that nature that would help me understand how you will be operating. If you could walk me through that I would appreciate it.

Mr. Abdi: I have an IT background, I'm a programmer but I was helping my little brother, he's a mechanic. He graduated from St. Paul Technical College five years ago. He worked different jobs so he had an idea, "Let's start a shop" so I thought it was a good idea and since he is a mechanic, I could fund him the money to start this small business. So that's how it started. Our hours will be 8-6 M-F, 10-3 on Sat. and closed on Sun.

Ms. Vang: So, my understanding is that your brother is the manager Mr. Nabil Abdi and he will be managing as well as a mechanic. Will you be hiring other staff?

Mr. Abdi: Yes, depending on business and how it picks up. For now, he's the only employee.

Ms. Vang: So, one of the conditions in here is that there will be no painting of vehicles.

Mr. Abdi: Yes, correct.

Ms. Vang: How will you handle overflow vehicles if customers do not pick them up?

Mr. Abdi: Our space will not allow for overflow; we can only handle two cars at a time. We need that space open so we can continue seeing cars.

Ms. Vang: Since you are in a residential area, I just want you to be mindful of that should in the future your business expand that you consider how to handle those overflow vehicles. Have you been in touch with Ramsey County regarding hazardous waste?

Mr. Abdi: Ok. Yes, we did.

Ms. Vang: Are you going to be the sole owner?

Mr. Abdi: Yes, I am the sole owner.

Ms. Vang: So, you have been in contact with the property owner and received approval.

Mr. Abdi: Yes.

Ms. Vang: Are you storing vehicle parts on site?

Mr. Abdi: No. We will order parts as needed.

Ms. Vang: In terms of garbage pickup. I see that there is a garbage bin on your property outside the fence. Is this your garbage bin?

Mr. Abdi: That is a residential bin. Ours is enclosed in our property.

Ms. Vang: So, to get access to trash pickup, the hauler would have to go through the fence, correct? And the fence is locked, so how often would they come to pick up trash?

Mr. Abdi: Once a week.

Ms. Vang: Now, in terms of lighting. Is there lighting outside your building, or just interior lighting or ambient streetlights? Are you putting up lighting?

Mr. Abdi: No. We will only have a sign for our business outside, that's all.

Ms. Vang: Do you intend to put up any security lights or cameras?

Mr. Abdi: We will be installing Smart phone cameras and will be working with a consulting company to decide how many and where they will be placed.

Ms. Vang: I'm looking at the Stamp report and it looks like the last time this business was used for an auto repair garage license was back in 2007 so you had to go through zoning for a variance because the site was too small for this type of license. Can you talk to me about that process and since the site plan is part of that, and the Certificate of Occupancy was also part of that review process, when Mr. Fischbach did the staff report he indicated that a fire inspector took a look at it already. Is there anything outstanding from that report?

Mr. Abdi: The fire inspector had some minor items for us to fix light sockets, update the fire extinguisher, and some other cosmetic stuff.

Ms. Vang: So, this shouldn't hold up your business issuance?

Mr. Abdi: No.

Ms. Vang: When do you plan to open?

Mr. Abdi: In two weeks, let's say Dec. 1<sup>st</sup>.

Ms. Vang: Ok. I hope you understand that notwithstanding that everything else passes city requirements, you may not get your license in time for your Dec. 1<sup>st</sup> opening date.

Mr. Abdi: Correct.

Ms. Vang: I'm looking at two overhead doors that slide up right, which only allow two cars to come in a be fixed at any one time. Your shop floor is your space to work.

Mr. Abdi: Yes.

Ms. Vang: Do you have any auto bays to lift a car up?

Mr. Abdi: We have one bay to lift cars.

Ms. Vang: How is your ventilation especially in the summer when it gets really hot? Are there going to be doors or windows that will be open?

Mr. Abdi: There will be a vent on those doors that go up. Theresa (the property owner) was working on that.

Ms. Vang: I only ask because you are in a residential area and wondered if you are using heavy machinery and just to be aware of the surroundings so as not to make a lot of noise.

Mr. Abdi: No, we are not using any heavy machinery, we have a vent for the doors, we're not painting, and we are not selling any tires either.

Ms. Vang: I see in this plan that there will be some bushes and a ten-foot fence? Is it all around the building?

Mr. Abdi: No, just one side.

Ms. Vang: What kind of landscaping are you going to be using?

Mr. Abdi: Yes, Theresa the owner has a landscaping business, so she is helping me with that.

Ms. Vang: I also see container planters on the other side.

Mr. Abdi: Yes.

Ms. Vang: It seems like it's going to be a tight space. Does that have any effect on vehicles that have to maneuver in the parking spaces?

Mr. Abdi: No, we originally had six parking spaces, but we took 2 spaces out.

Ms. Vang: I see you have a four-foot buffer, a handicap parking space and four other spaces for customers. And you're using the three spaces on Topping St. for employees to access.

Mr. Abdi: Yes.

Ms. Vang: Mr. Fischbach, has Mr. Abdi done the SAC determination or has that been paid or determined yet?

Mr. Fischbach: That won't be required.

Ms. Vang: I don't have any more questions at this time. I would like to open this part of the meeting for public input. I see that Mr. Tran, who has submitted a letter of objection, is on the line. Mr. Tran could you please state your name for the record.

Ms. Peterson: Mr. Tran was on the line at the beginning of the meeting for several minutes, then he hung up, and he never returned.

Ms. Vang: Alright, then in his absence I will read his letter of objection for the record. I will also read a letter of support from District 6. Our first letter from Mr. Vincent Tran received on 10-15-2020 is a letter of objection. Mr. Tran's business address is 2599 Cleveland Ave. N. Roseville, MN and he has residential rental property in the vicinity of 475 Como Ave. It reads: I am sending this letter to voice my objection to the license proposal. We feel this business would cause property value in the area to decline as well as increase traffic, neither of which is appealing to us. My phone number is 651-379-5003, please call us if there is further need for communication regarding this matter. Mr. Abdi, did you receive this letter of objection and would you like to respond to it?

Mr. Abdi: Yes, I have the letter. My main objection to this is that I picked Como Ave. because it is an industrial area and I thought it would be a great place to do this type of business. The city also approved it, so they didn't have any problems. Como is also 2 lanes on each side plus a bike lane. We only see two cars at a time, we are a small business. You might see traffic from other businesses, not from us

Ms. Vang: Seeing that Mr. Tran is not with us today we want you to feel free to reach out to him and explain any issues with him. Just do the neighborly thing.

Mr. Abdi: OK, I would love to do that. I just wasn't sure if I was supposed to call him. Now that I know I would be happy to invite him to our business and walk him through our business plan.

Ms. Vang: And also, to the surrounding neighbors. It would reassure them too. I would also suggest getting ahold of the District 6 organization because they are focused on your particular area and are familiar with northend issues. If you don't have anything else to add I will move on to the next letter.

Mr. Abdi: OK

Ms. Vang: We received a letter of support from the NorthEnd Neighborhood Organization regarding your application. The NorthEnd Neighborhood Organization met on Monday, Nov. 2, 2020 and recommends approval of the requested license and site plan. They said if you have any further questions to contact Kerry Antrim at 651-488-4485. Did you receive this letter Mr. Abdi?

Mr. Abdi: Yes, I did.

Ms. Vang: Well, the Executive Director is Kerry Antrim and she is a very easy person to reach out to. So, I would recommend that you reach out to her to establish yourself and develop a relationship with her.

Mr. Abdi: Sure, I will.

Ms. Vang: I don't have anything else to add. The only thing that I would ask of you before I conclude today's hearing is that you follow up with Matt in zoning and get the new site plan approved and make sure that we get a copy of that and also CC Mr. Fischbach as well so we will all have a copy of that for our records. And I would also request from Mr. Fischbach a signed copy of the site conditions affidavit to move this process further.

Mr. Fischbach: I just e-mailed Janis a copy for your records.

Ms. Vang: Ok. And while I understand that Mr. Tran's concern is a valid concern, I feel that Mr. Abdi has followed and satisfied all of the legal requirements for this license application. He does have a legal authority to operate an Auto Repair Garage license. I therefore believe that it would not prevent my ability to recommend the issuance of this license application. I will be recommending to the City Council that they approve of this license application. Mr. Abdi, do you have any questions for me before I conclude?

Mr. Abdi: No, I don't.

Mr. Fischbach: Could you explain the process. He shouldn't be operating until the license is actually issued. Are you going to hold up sending this to the City Council before the actual approved site plan is obtained or can I e-mail that to you after the fact?

Ms. Vang: As long as I know the plan is under way, in the past I've always waited for that signed approval to go through. Mr. Fischbach, do you have a sense that there will be no substantial change to what he's submitted so far other than to compile into one document per your conversation with the zoning inspector?

Mr. Fischbach: Correct, based on my conversations with zoning inspector Matt Graybar it's just to get it all on one page and drawn in a more professional manner unlike the landscaping sketch that was submitted.

Ms. Vang: If that's the stance that Mr. Graybar has given you than I feel comfortable that we can move this forward without waiting for that to be approved.

Mr. Fischbach: When would you anticipate this getting on the City Council agenda then?

Ms. Vang: I would say within the next two weeks, except we have a Thanksgiving holiday next week and there is no Council meeting on the Nov. 25<sup>th</sup>. So, I would like to shoot for Dec. 2<sup>nd</sup> if at all possible, Ms. Peterson?

Ms. Peterson: Ok.

Ms. Vang: But if the Dec. 2<sup>nd</sup> doesn't work, then Dec. 9<sup>th</sup> would be the next choice. Mr. Abdi, do you understand what we are talking about. We're trying to get a time frame for when I can get my recommendation for the City Council to approve with the upcoming holiday, I'm hoping to get



your item approved by Dec. 2<sup>nd</sup> or Dec. 9<sup>th</sup>. I know you want to open sometime in December but just so you know, you won't be able to open your license until your license has been issued by the Department of Safety and Inspections pending Council's approval.

Mr. Abdi: Sure.

Ms. Vang: OK, so either Dec 2<sup>nd</sup> or Dec. 9<sup>th</sup> are the two dates we are shooting for.

Mr. Abdi: OK

Ms. Vang: I'm hoping nothing holds it up because I'm hoping we can get this as soon as we can to expedite it.

Mr. Abdi: Sure.

Ms. Vang: Are there any other questions for me?

Mr. Abdi: No.

Ms. Vang: Ok. Mr. Fischbach, did I miss anything else?

Mr. Fischbach: No.

Ms. Vang: Then we are good to go. I'll be recommending approval and hoping to get this item under consent on Dec. 2<sup>nd</sup> or Dec. 9<sup>th</sup> and I will work with Ms. Peterson to develop my recommendation and then Mr. Abdi you will stay in touch with us and let us know how it goes with your site plan.

Mr. Abdi: Sure.

Ms. Vang: Thank you and I wish you luck especially starting this business under a pandemic. You are very brave to do that and I'm glad that you choose to do business in St. Paul. Have a good day. Thank you.

Meeting adjourned at 10:41 a.m.