

**LICENSE HEARING MINUTES**  
**Erag Auto LLC d/b/a Erag Auto, 1033 Thomas Avenue**  
**July 19, 2021, 10:21 a.m.**  
**Room 330 City Hall, 15 Kellogg Boulevard West**  
**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 10:21 a.m. A roll call was made to confirm attendees.

Staff Present: Department of Safety and Inspections (DSI) Licensing Staff Jeff Fischbach and Eric Hudak; Zoning Staff David Eide and Farhan Omar; Nhia Vang, Hearing Officer; and Recording Secretaries Janis Peterson and Dominique Archiebald.

Licensee: Erag Auto LLC (License ID# 20210000368), d/b/a Erag Auto – Abdulkadir Abdi, Applicant/Co-owner

License Application: Auto Repair Garage license, 1033 Thomas Avenue.

Other(s) Present: Dan Kennedy, Esq. – Attorney for Co-owner Abdulkadir Abdi

Legislative Hearing Officer Nhia Vang made introductory comments about the hearing process: This is an informal legislative hearing for a Class N license application. This license application required notification to nearby residents and businesses, including the affected District Council about the application and provide them with an opportunity to submit comments. The City received correspondence of concern/objection within the notification period, 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.

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. The City Council is the final authority on whether the license is approved or denied.

Minutes:

Jeff Fischbach, Licensing Inspector for the Department of Safety and Inspections (DSI) gave a staff report for licensee Erag Auto LLC (License ID# 20210000368), d/b/a Erag Auto, located at 1033 Thomas Avenue. The application is to add an Auto Repair Garage license. There are twelve (12) existing conditions:

Conditions per Zoning Conditional Use Permit (CUP) # 2020-073203 (1-2):

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.
2. Vehicles awaiting repair, or that have been repaired and are awaiting pick-up, shall be stored on-site.

Additional License Conditions (3-12):

3. All vehicles must be parked in accordance with the most recently approved site plan on file with the Department of Safety and Inspections (DSI).
4. The parking lot shall be striped and maintained in accordance with the approved site plan on file with DSI.
5. 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.
6. Provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street or on to the street is prohibited.
7. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.). All repair work must occur within an enclosed building.
8. The storage of vehicles for the purpose of salvaging parts is expressly forbidden. Vehicle salvage is not permitted.
9. All vehicles parked outdoors must appear to be completely assembled with no major body parts missing.
10. Vehicle sales is not permitted.
11. Auto body repair and/or painting of vehicles is prohibited.
12. Licensee must comply with all federal, state and local laws.

DSI is recommending approval with conditions for the Auto Repair Garage license. There has been no correspondence received from any neighborhood organization to recommended or object. Building Fire Inspection Certificate of Occupancy review is currently in process. Zoning has approved with Conditional User Permit (CUP) # 2020-073203, and DSI recommends approval of the Auto Repair Garage license with conditions for Erag Auto LLC (License ID# 20210000368), d/b/a Erag Auto.

Ms. Vang next asked for a Zoning review from Mr. Farhan Omar. She asked him to talk about the Zoning review of the business, and to walk her through the current site plan.

Mr. Omar stated that he conducted a Zoning review of Erag Auto LLC (License ID# 20210000368) d/b/a Erag Auto, located at 1033 Thomas Ave. The business currently meets the Parking requirement as there are twenty-two (22) parking spaces available, but only thirteen (13) parking spaces are required. Mr. Omar walked through the formula for determining the parking and square footage requirements:

The business has four (4) vehicle repair lift stalls, which requires 1 parking space calculated at 400 feet of gross square footage for each of the stalls, making this four (4) parking spaces total

for the lifts. The Auto repair space is 3,251 divided by 400 feet of gross square footage, which totals nine (9) parking spaces. Those 9 parking spaces will be added to the 4 parking spaces designated as the repair stalls total thirteen (13) parking spaces, which meets the parking requirement. Also, the property currently has twenty-two (22) parking spaces and with required 13 parking spaces do meet the parking requirement.

Mr. Omar also advised that the business does have trash on-site in the corner of Thomas Ave. and Oxford St. intersection. However, the existing trash enclosure needs repair as it does not meet the five (5) foot height requirement of a trash enclosure. Mr. Omar has received an updated and approved site plan for a new trash enclosure. There is currently no timeframe put in place for replacement of the trash enclosure.

Ms. Vang also asked Zoning Staff Mr. David Eide if there were any outstanding conditions that she needed to be made aware of or any conditions that have been resolved based on the Conditional Use Permit (CUP)# 2020-073203. Mr. Eide stated that there is an issue with the curb cut going into the parking lot and that it does not align with the parking lot driveway. This will need to be done by a licensed sidewalk contractor. This condition was placed on the previous owner but was never completed. Mr. Eide also stated that there needs to be a Bike parking stand that needs to be erected, which has not yet been done. He stated that there is parking is not permitted on the opposite side of the building, on Oxford St., as there is only gravel in place now. It would be best for that area to be restored to turf.

Ms. Vang then asked Mr. Abdi if he understood or had any questions regarding the conditions placed on the license under the previous plan. Mr. Abdi's representative, Mr. Kennedy, spoke on his behalf.

Mr. Kennedy testified that numbers one (1) and two (2) of the conditions listed are already in the Conditional Use Permit, so they're already conditioned on the property. As such, Mr. Abdi does not object to those conditions being continued. If there are other conditions in the Conditional Use Permit, those will be followed as well. Mr. Kennedy stated that Mr. Abdi bought the property at 1033 Thomas Ave. over the winter and hasn't had a chance to look at some of the issues that are listed in the DSI conditions, aside from fixing the dumpster enclosure. Mr. Kennedy states that the area on the West side of the building is used as an entry to the garage space itself, and the other space will need to be addressed as it was an old loading dock. Mr. Kennedy also mentioned that this is the first he's hearing of the parking lot entry needing to be aligned, which will also need to be addressed.

Mr. Abdi testified that Mr. Omar did not see an issue during his site visit when he came to do a visually inspection of the parking lines and entrance. Mr. Abdi also stated that they measured the space, and the only concern of Mr. Omar's was whether there was enough space for two cars to pass in the entrance/exit.

Ms. Vang asked Mr. Omar how this situation could be resolved.

Mr. Omar stated that the City previously repaired the curb-cut, which should be twenty-two (22) feet wide, and while the curb-cut is twenty-two (22) feet wide, it doesn't align exactly how it

should. Mr. Eide advised that the previous owner of the building had a curb cut that was likely installed by the City sometime prior to 2017, that led to a gravel lot that was there prior to having this improved parking lot. And when they proposed that parking lot in 2017, through the site plan process, the engineer proposed lining up the curb cut with the driveway. That is a requirement that the City's site plan review team would have. So yes, the curb-cut that is there was built by the City or a city contractor, but the City requires that it lines up the new curb, and that an installation of a new curb cut requires a city licensed sidewalk contractor to make sure that it lines up properly with that driveway. It's a City requirement to make sure that that driveway operates correctly. Because the way the driveway is right now, there's a high potential for vehicles to cut the corner, drive over the City boulevard and damage the boulevard. So that does need to be moved to align. The former owner agreed to these updates when that site plan was done in 2017. Mr. Eide also stated that the work needs to be done according to the former site plan, although he is not sure if the owners have seen the site plan from 2017.

Ms. Vang asked whether Mr. Abdi or his attorney has seen the plan. Discussion ensued and Ms. Vang advised that issues regarding curb cut installation will be deferred to Zoning for resolution. She then asked Mr. Kennedy to discuss conditions three (3) through twelve (12).

Mr. Kennedy testified that there were a great number of conditions that were placed on this property at the time that the predecessor obtained its license. And those were in the form of a CUP (Conditional Use Permit), and Mr. Abdi has agreed to all those conditions. However, conditions three (3) through twelve (12) are new conditions that would be placed on this owner but not on the previous owner. Mr. Kennedy discuss each of the conditions as follows:

#3 All vehicles must be parked in accordance with the most recently approved site plan on file with the Department of Safety and Inspections (DSI).

Mr. Kennedy states that condition 3 is a good idea in theory but adds that if a customer were to park outside of the space, Mr. Abdi could be in jeopardy of losing his license. He states that it is not fair to make one person or that licensee responsible.

#4 The parking lot shall be striped and maintained in accordance with the approved site plan on file with DSI.

Mr. Kennedy also disagrees with condition 4. He believes having a parking lot striped and maintained at all times is unreasonable. He also stated that he is confused as to why this condition is attached to the license.

#5 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.

Both Mr. Kennedy and Mr. Abdi agree to condition 5.

#6 Provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street or on to the street is prohibited.

Mr. Kennedy stated that condition 6 is unreasonable as this garage has one entrance and one exit, and it is necessary to back out of the driveway to exit the property.

#7 No repair of vehicles may occur on the exterior of the lot or in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.). All repair work must occur within an enclosed building.

Both Mr. Kennedy and Mr. Abdi agree to condition 7.

#8 The storage of vehicles for the purpose of salvaging parts is expressly forbidden. Vehicle salvage is not permitted.

Both Mr. Kennedy and Mr. Abdi disagree to condition 8. Mr. Kennedy states that he is unaware of the public policy that would lead to this condition or any prohibitive law for such a condition to be imposed. He also stated that the garage may have a salvaged part from one vehicle that may be used in another vehicle.

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

Both Mr. Kennedy and Mr. Abdi disagree to condition 9. Mr. Kennedy states that Mr. Abdi is not in control of the condition of the vehicles that are brought to his garage to be fixed, and therefore, should not be held responsible if a car is missing a part such as a bumper.

#10 Vehicle sales is not permitted.

Both Mr. Kennedy and Mr. Abdi disagree to condition 10. Mr. Kennedy states that vehicle sales are legally permitted for up to four vehicles per year without a license. He further states that it is not unusual for an auto repair garage to have vehicles that are either abandoned by the owner, or a vehicle lien or repair lien placed on the title. So, the owner may end up with a car that he can sell. Mr. Kennedy also states that the area is also zoned for indoor and outdoor auto sales.

#11 Auto body repair and/or painting of vehicles is prohibited.

Mr. Abdi would like the wording changed for condition 11. Mr. Kennedy submitted this proposed language: *Auto body repair and/or painting of vehicles that requires a separate license will not be conducted unless that separate license is issued by the City of St. Paul.*

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

Mr. Kennedy states that Mr. Abdi will comply with condition 12, but also states that it should not be a condition of the license.

Ms. Vang then asked DSI staff to discuss whether these conditions were on the previous license or current license. Mr. Fischbach confirmed that the conditions listed were attached to the previous license. He advised that these conditions are essentially coming from the ordinance, and that the conditions were placed on the site for the previous licensee. Mr. Fischbach also stated that these are standard conditions that had been previously placed on licenses based on review of applications. Mr. Fischbach also advised that a City license is required for auto body repair and painting of vehicles based on the current I-1 Zoning and would refer those questions to Zoning staff.

Ms. Vang then inquired about condition 6. She asked that Mr. Abdi demonstrate how he could maneuver vehicles that need to be fixed inside the garage and how vehicles would be parked in the parking lot. If Mr. Abdi can demonstrate how cars could be maneuvered safely, the condition should be removed. Ms. Vang asked licensing staff to follow-up with Mr. Abdi to review how vehicles of different sizes could be properly maneuver.

Ms. Vang inquired about condition 4 and whether this condition has been satisfied. Mr. Fischbach agreed to do a bit more research into this condition and how it applies and whether it needs to remain as a condition of the license.

Ms. Vang then asked Mr. Fischbach to discuss conditions 8 and 9. Mr. Fischbach stated that Motor vehicle salvaging requires a license to be issued from the City of St. Paul. He also advised that this licensing keeps businesses from keeping vehicles stored and salvaging for parts. Ms. Vang asked Mr. Omar to describe the area where the vehicles will be repaired. Mr. Omar advised that the building on Oxford St. would be used for vehicle repair and that the other building on the property is in use.

Ms. Vang then asked Mr. Abdi to testify and to walk her through his business plan.

Mr. Abdi stated he will only have this Auto repair garage to fix cars and that he is not salvaging or selling cars to customers. He stated if a customer has left a vehicle in his care for a long period of time and does not want it returned, he will inquire about using the parts to fix another vehicle. He stated that he lived in Chicago for fourteen (14) years before moving to Minnesota – he currently resides in Minneapolis. He stated that he's been doing auto repair since 2007 and knows a great deal about repairing vehicles, which is why he wants to open an Auto repair garage. Mr. Abdi advised that he takes full responsibility to ensure the safety of everyone in the surrounding business area, his customers, and the neighborhood. Although he has never owned a business, he is a certified mechanic and would like to expand his experience.

Mr. Abdi stated that he co-owns the property with Mr. Kemal Ahmad. The business will be open Monday through Thursday from 9:00 a.m. to 6:00 p.m., Saturday from 9:00 a.m. to 1:00 p.m., and closed on Friday and Sunday. They will be hiring two employees initially and will hire more if the business grows successfully. Security cameras have been installed in places where the previous owner placed cameras, and the current building lights will be used. As of now, Mr. Abdi has not gotten advice from the St. Paul Police Department where to place the Security cameras. Mr. Ahmad owns a body shop in St. Paul and previously owned a body shop in

Minneapolis. This venture with Mr. Abdi is an expansion of sorts. Both Mr. Abdi and Mr. Ahmad will be onsite until a manager is hired to oversee the day-to-day business. Mr. Abdi stated that the business will be open within a week or two of the Auto Repair Garage license being issued. Mr. Abdi advised that the brick building will be used for the auto repairs, and the metal building will be used for indoor soccer. It will not be combined with the Auto Repair Garage license. He will be applying for a different license for the use of the second building.

Ms. Vang asked about trash and garbage pickups. Mr. Abdi advised that the trash will be dumped every two weeks and he has already signed a contract with a provider. She also mentioned lighting and advised Mr. Abdi to be mindful of the brightness of the building lights emitting that can affect the neighbors.

Mr. Eide of DSI advised that DSI isn't requiring a trash enclosure because the previous business was operating as an auto repair, and they didn't have one either. So Erag Auto is grandfathered in that way. However, if Mr. Abdi wants to build and install an enclosure, Erag Auto will need to apply for a building permit and DSI will need to take a look at it to ensure the doors don't swing over the sidewalk, and that the trucks can empty it, and that it is up to Zoning code.

Ms. Vang reviewed complaints associated with the building with Mr. Abdi, mentioning graffiti and parking on the boulevard. She reminded Mr. Abdi to be cognizant of these issues. She also mentioned snow complaints and asked how Mr. Abdi would handle the snow removal and placement come winter. Mr. Abdi stated that he will have the snow moved to the Thomas Avenue side and the back of the building to not impeded existing parking spaces.

Ms. Vang then open the next part of the hearing for public input. There were two (2) letters/emails of objections which triggered the hearing. Given that there are no objectors on the call, she will read the letters and emails into the record. She noted that Mr. Abdi would be given an opportunity to respond to the objection letters. Ms. Vang noted that Ms. Fencel's email of objection was received into the record.

Christopher Fencel, Thomas Ave., St. Paul, states in his email that he objects to the Auto Repair Garage license at Erag Auto due to noise issues. He's concerned that the business will be doing auto repairs with the large garage doors open which will create a lot of noise.

Ms. Vang gave Mr. Abdi the opportunity to respond to Mr. Fencel's concerns.

Mr. Abdi stated that the door will be closed as much as possible to minimize the noise coming out of the garage, and of course the garage doors will be closed during the winter to keep in the heat. Mr. Kennedy advised that there is only one garage door for access to each of the four (4) auto bays, so that will also minimize the noise.

Mr. Eric Hudak of DSI advised that noise complaints are commonplace for auto repair garages, especially during the summer. He stated that the establishment would be subject to Section 293 of the St. Paul Legislative code, which limits the amount of noise that can be emanated from any establishment or person.

Ms. Vang then accepted and read into the record the remaining submitted email of objection. She provided Mr. Abdi an opportunity to respond to the raised concerns.

Yun Ma, 1004 Lafond Ave., St. Paul, references noise and parking as his reasons for objecting to the license for Erag Auto. He states that the business is not environmentally friendly, affects public security, poses safety concerns, and affects the quality of life and safety of the neighborhood residents.

Mr. Abdi stated that he understands Mr. Ma's concerns and that he will be conducting repairs inside the shop so there won't be issues with safety and cleanliness on the exterior of the building.

Ms. Vang closed the public hearing and noted that she will follow-up with the City Attorney's office regarding conditions being asked to be removed and the proposed language drafted by Mr. Abdi's attorney for condition 11. She will review those conditions and ask licensing staff to work with the applicant regarding condition 6. A new conditions affidavit will need to be drafted following discussions with the City Attorney's office, DSI staff and Mr. Abdi and his attorney Mr. Kennedy.

The hearing adjourned at 12:07 p.m.

Following the hearing, Ms. Vang recommends approval with the following conditions which was agreed to by Mr. Abdi:

**CONDITION #1 & 2 PER ZONING CONDITIONAL USE PERMIT (CUP) #2020-073203:**

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.
2. Vehicles awaiting repair, or that have been repaired and are awaiting pick-up, shall be stored on-site.

**ADDITIONAL LICENSE CONDITIONS #3 – 6:**

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. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations.
4. Any vehicle entering or exiting the repair garage must be driven by the license holder, his employees or his business contractors. To the extent possible, any vehicle entering or exiting the repair garage must be driven in a forward motion. License holder will maintain a motion activated light that will automatically illuminate the exterior driveway when it is dark as vehicles enter and exit the garage.
5. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.). All repair work must occur within an enclosed building.
6. Auto body repair and/or painting of vehicles that requires a separate license will not be conducted unless that separate license is issued by the City of St. Paul.