





PAYNE PHALEN DISTRICT FIVE PLANNING COUNCIL

STRONG  SAFE  WELCOMING  CONNECTED  NEIGHBORHOODS

506 Kenny Rd. Suite 130, Saint Paul, MN 55130 Phone: 651-774-5234 Fax: 651-774-9745 d5-director@visi.com www.paynephalen.org

Community Planning & Economic Development Committee (CPED) Draft Minutes

Tuesday, August 11th, 2009 – 6:30 p.m.
722 Payne Avenue (Payne and Minnehaha)
Eastern District Police Department Community Room
Chair: David Syers

Present: Chair, David Syers, Ryan Kapaun, Jerry Livesay, Ted Hecht, Buzz Wilson, Mike Venem, Al Oertwig, Ed Davis, Roy Evans. David Theisen, Trista Matascastillo.

Excused Absence: Cheryl Peterson, Daniel Garcia-Velez, Ray Sammons

Staff: Executive Director / Organizer Leslie McMurray

Community Guests and Participants: Linda Jungwirth (Ramsey County Commissioner Janice Rittman's Office), Jimmy Gerding, Mike Dreyer, Vacharee Peterson, DDS., Maggie Yang, Michael D. Klemm, Esq.

Chair Syers called the meeting to order, greeted guests and initiated introductions. The CPED Committee reviewed the agenda; the order of agenda items was adjusted to accommodate the expected later arrival of an applicant.

The July CPED minutes were approved with the corrective addition of adding Jerry Livesay to the list of attendees.

1. Chair Syers introduced the matter of the proposed Hmong Village development at 1001 Johnson Parkway. McMurray noted that there had been confusion about which District this plat falls in; District 2, 5 or 4. It was determined finally that this was in District Four. She noted the applicant was not present and that an article had been published in the East Side Review. The Site Plan was recently received at the District Five office at D5's request. David Syers passed around a print copy of the Site Plan and invited comments from all who were interested. McMurray noted it was published that the site was intended to house numerous small retail venues. Mr. Mike Dreyer (1351 Ames Avenue) spoke of his concerns about the potential impact on residential parking. He liked the CUB food store and could envision success for the Hmong Village complex. But he felt that more attention to traffic control on Johnson Parkway was indicated. His concern was with ingress and egress onto Johnson Parkway. He expects that traffic will greatly expand from current levels. He noted that traffic connections to Phalen Boulevard might relieve the concern on Johnson Parkway. These comments will be forwarded to Tom Beach who conducts Site Plan Reviews. Chair Syers and members of CPED discussed the possibility of attending another meeting on the matter of Hmong Village in conjunction with Districts Two and Four, or alternatively, finding out when or if these District Councils planned to have the applicant to an upcoming meeting. This item will be pursued by staff to see what is feasible.

2. Chair Syers turned the floor over to staff to offer updates on key issues being addressed by District Five.

Payne Maryland Partnership: CPED recently heard from Arlington Hills Lutheran representative Barbara Schmidt on progress towards funding the public private partnership that will combine uses in a

campus at Maryland and Payne. In the interim weeks, the Mayor's Budget has been announced with a considerable 8 million assigned to the proposed development of a joint Library and Recreation Center at Maryland and Payne. The source of the funding was cited as ISP bonding funds. McMurray and Oertwig attended the Mayor's Budget Address. This was the signature capital improvement project highlighted in the address. Al Oertwig spoke of the need for District Five to help shepherd the project through the funding debates ahead. Oertwig moved to send a letter from District Five thanking Mayor Coleman for his support on this issue which will greatly impact District Five. Theisen seconded. Approved by vote.

3M Site Redevelopment: McMurray offered an update of the most recent 3M Advisory Taskforce Meeting, wherein the group worked for consensus on prioritizing those buildings suitable for re-use. Factors of marketability, cost/benefits, and historic significance were considered in the debate which was informed by a set of reports on the site. These materials are available for public review at the St. Paul Port Authority website at sppa.org/3M. Committee members Kapaun and Oertwig concurred with the report.

Kapaun spoke of the need to carefully weigh re-use potential with the considerable holding costs of mothballing buildings. Given the current economic downturn, opportunities may not exist for mothballed properties for some 6-10 years, according to the Port's projections. There is a cost to the community of holding vacant properties for this length of time. Oertwig noted the planning process was extended into the year. He observed that the upcoming EPA hearing would give information on how interested parties can weigh in on the 106 historic review processes. This information has been published in the East Side Review. David Syers discussed holding costs and also noted some concern about the upkeep of the property currently. He was disturbed by the appearance of the lot on the west side of Arcade. McMurray noted she would communicate the concern to the Port Authority. Oertwig passed on the information that the fencing and signage were to provide security at the lot. .

MAC Zoning Ordinance – Holman Field: McMurray noted the Public Hearing was closed and that the Joint Zoning Committee would now enter a review period of input received. She thanked all who submitted letters and input and noted that the next community venue for discussion of the MAC ordinance was at the August Rail Road Island Task Force, where MN Rep. John Lesch was invited to hear community concerns about the MAC ordinance impact to redevelopment in the area. McMurray asked Jerry Livesay to report on his recent work on the issue. Mr. Livesay noted that two Watershed Districts are located in Payne Phalen District Five. He also spoke of the great natural resource areas of Swede Hollow and the Bruce Vento Sanctuary. He attended the recent Watershed District meetings and found that the members appeared in unaware of the significant environmental impact that the MAC Zoning Ordinance (as proposed) will have upon these natural resources. He was pleased with the concerned response and has secured a copy of the strongly worded letter from the Watershed District. This letter will be shared with CPED members. The Committee thanked Mr. Livesay for his work and advocacy on the issue.

Low Aircraft Approach over Neighborhood: David Theisen spoke on the related issue of aircraft elevation. He stated he "could read the pilot's name" when an aircraft made a dangerously low approach over the neighborhood towards Holman Field. He is familiar with the safe operation of aircraft and knows this incident clearly violated those standards. McMurray noted that Theisen should register his concern to the MAC, and will put him in touch with Cheryl Peterson, the D5 representative on the MAC Citizen Advisory Board for Holman Field. Logging incidents, times, and observations of aircraft will help when registering a complaint.

1236 Arcade: Re-Zoning from R-4 to VP and Zoning Variance Application. At this point, the applicant for the Heartland Auto zoning ordinance arrived and Chair Syers moved to the agenda item related to 1236 Arcade. Mr. Klemm introduced himself as the attorney representing Community Dental which hopes to purchase the lot at 1236 Arcade and which is pursuing a zoning variance. The zoning variance is dependent upon a re-zoning applied for by the present owner, Mr. Nasseh Ghaffari, owner of Heartland Auto. Mr. Klemm has the agreement of Ghaffari's legal counsel to speak for both parties in this application matter. Ms. Vacharee S. Peterson, DDS., and Ms. Maggie Yang of Community Dental

(828 Hawthorne Avenue East) were present. Resident Sarah McDougall of 839 Hawthorne was present to speak to her interests as the adjacent property owner.

Mr. Syers opened discussion by noting appreciation for Community Dental Care clinic's interest in building their business at Arcade Street. He made mention of the successful expansion in Maplewood and thanked them for their commitment to the Payne Phalen neighborhood.

The immediate issue was raised of the adverse impact of Heartland Autos' repeated license condition violations on the surrounding neighborhood. The repeat nature of the enforcement actions and complaints against the business has left many residents alarmed about a re-zoning from R4 (residential) to VP (Vehicular Parking) if the property remains owned by Heartland Auto.

Mr. Klemm offered that a purchase agreement was signed. The lot is currently zoned R4. The lot owner is required to be the re-zoning applicant. The Community Dental business is pursuing the zoning variance that would permit 22 cars instead of 18 cars on the lot.

Ms. Peterson spoke of Community Dental Care's intent to expand parking to meet the City's requirement. They have invested considerable funds already into the process and cannot move forward without the re-zoning and the variance. They are interested in being a contributing business in the neighborhood. The parking area would be directly across Hawthorne from their business entrance. Many clients are elderly and in winter it is impossible for them to walk from distant parking spaces to the clinic.

Chair Syers moved the discussion to the Site Plan drawing offered in the ENS application received by District Five. The resident with property to the west of the lot spoke. She has long been working with the applicants. She stated that her house is above grade by 3 feet. She felt that the 6 foot privacy fence erected as a buffer between the business lot and her property should somehow accommodate the fact that her house is above grade. For example, the 6 foot fence would appear to be a 3 foot fence since her house is 3 feet above grade. Her hope is that the applicant would re-grade the lot so that there is a rise of 3 feet at the western edge. Then the fence would appear as a six foot fence from her property.

This plan would reduce the footprint of useable parking space on the lot and would add unplanned for costs. The sidewalk that connects the properties is at grade. Alternatives may be considered.

Points of discussion included:

- A landscaping plan would be helpful.
- Lighting can be shown on the site plan.
- Light fixtures with downward directed light reduce light pollution. Standard fixtures of this type were installed at CVS and Walgreen's.
- Motion sensors on lights may reduce light pollution.
- Some buffer with the residence is desirable.
- If there are bollards they should appear on the site plan.
- Maintenance plans should conform to code. .
- There should be no use other than customer or employee parking for Community Dental.
- Some residents have suggested a cooperative shared parking use for businesses that struggle with parking issues. This was a suggestion if there were days/ hours the clinic would not use the lot.
- No one is interested in extending the footprint of Heartland Auto based on experience with repeated enforcement of violated conditions.
- Is some form of security access planned for the lot to prevent parking of cars for repair?

Following discussion, CPED determined to ask the applicant to return to its September meeting – several days prior to the proposed September 10th, 2009 hearing at the Zoning Committee. The applicant agreed

to consider the input they heard and to assess the feasibility of modifying the site plan and also specifying in greater detail on the current site plan. The applicant was thanked for their consideration of the neighborhood interests and will be welcomed back at the September CPED meeting.

The license violation matter at Mallard Teal's 860 Payne Avenue business was discussed. Jerry Livesay moved that a letter expressing strong concern with the violations be sent to the owner at 860 Payne Avenue. Ryan Kapaun seconded the motion. Motion passed by vote. The matter has repeatedly been discussed at CPED and there continue to be apparent license violations and failure to comply with inspectors orders.

Roy Evans brought forward an observation and **concern that Pronto Auto Repair on Payne** appeared to be parking cars for repair at the Family Dollar lot across from their business. Staff asked him to call in those observations to the Citizen Service office 651-266-8989 or Kristine Schweinler or Jeff Hawkins at DSI. It is important that inspectors get calls or e-mails that they can quickly investigate. Board members agreed to monitor that area.

The matter of **Frank's Dairy's license violation** at 1201 Edgerton Street was discussed. The business has had violations before CPED before. Ryan Kapaun moved to send a letter to the owner. Oertwig seconded. Motion passed by vote.

Ryan Kapaun noted that his workplace had conducted a comparison survey of various metro communities and their penalty matrix for license violations. He felt a policy discussion was indicated on **whether Saint Paul's penalties were a significant deterrent to business owners**. He moved to have this topic discussed by CPED at an upcoming meeting. Seconded by Oertwig. Motion passed by vote. Chair Syers asked that Ryan Kapaun lead the discussion and he agreed to do so.

Chair Syers asked that the informational items be continued.

McMurray noted an **ISP Task Force resolution was proposed by Lee Helgen**. The goal would be to have broader oversight and coordination of ISP funding and activities. Ed Davis asked to pursue the matter and bring information to CPED.

McMurray reported that **September 20, 2009 is scheduled for the Housing Tour which will feature Category 2 vacant home and other homes in the area**. A planning meeting was convened by SPAAR (St. Paul Area Association of Realtors) and Dayton's Bluff and Payne Phalen will be held on the 20th and Frogtown and North End will host an event on the 27th. This allows some continuity in the marketing outreach. The National Association of Realtors awarded SPAAR with \$9,000 and Wells Fargo has contributed \$4,500. Marketing efforts will consume much of the funding and this is directly in line with Payne Phalen's ISP efforts. The Board will ask for all hands on deck for the September 20th event. There was much excitement about how the neighborhood can positively highlight housing values and assets through this event. Ryan Kapaun will be a point leader on the effort but all members will be recruited to lead this event.

A Property Task Force of city dept. staff is convened for the purpose of tracking those properties that are just emerging as problems in the area. Neighborhood (block clubs, committees or grid groups) groups will be asked to prioritize the issues they want the Exec Director to pursue and track. This monthly venue is working across Ward Five and is for staff from Districts 6 and 5. The meeting will provide a useful forum to exchange information and leverage various resources to improve code compliance and address behavior issues at properties.

District Five's youth organizing has created the East Side Tennis Coalition – a group of young advocates for the development of tennis courts on the East Side. The group plans to present at the September District Five Board meeting as part of their first stage of organizing. The group is effectively researching their issue and has identified needs and analyzed options on the East Side. The group is

diverse and enthusiastic. It was a surprise to staff that this issue was the one picked as their priority. They have led a good organizing process and are keenly analytical in their organizing approach. It is a very energizing group to work with.

COMMUNITY VICTORY!! Seeger Square is taken off the list of possible cuts to contract postal stations by USPS Tony Williams. Conversations with Mr. Williams from Congresswoman McCollum's office helped secure the win. The input of many Payne Phalen residents, who wrote postcards, called in concerns and voiced their opposition really turned the curve on this potential cut to public services. McMurray reported on her conversation with Congresswoman McCollum on a recent Lake Phalen Walk with the Cops.

Jerry Livesay noted that **being diligent will accomplish community goals.**

The Chair noted no other business and Trista Matascastillo moved to adjourn. Seconded. Passed by vote.