

# PAYNE PHALEN DISTRICT FIVE PLANNING COUNCIL

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NEIGHBORHOODS

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## Community Planning & Economic Development Committee (CPED)

Draft MINUTES

Tuesday, September 1, 2009 – 7:00 p.m.

722 Payne Avenue (Payne and Minnehaha)  
Eastern District Police Department Community Room

Chair: David Syers

Attendance: David Syers, Chair, Ryan Kapaun, Ed Davis, Buzz Wilson, Cheryl Peterson, Ted Hecht, David Theisen, Jerry Livesay, ray Sammons, Roy Evans, Al Oertwig.

(Executive Director: Leslie McMurray).

Excused Absence: Trista Matascastillo, Mike Venem, Danny Garcia Velez,

Community Guests: Sarah McDonough (Resident), Linda Jungwirth (County Commissioner Janice Rettman's' office) Dr. Vacharee Peterson, DDS, Maggie Yang, Mike Klemm.

**The meeting was called to order by Chair Syers. This meeting was convened at 7:00 p.m. due to a earlier required meeting of the 3M Advisory Task Force.**

1. The August Draft 2009 CPED Minutes were approved with an amendment offered by Jerry Livesay. The amendment affirmed that a letter would be sent requesting that the full weight of the penalty matrix be applied to the property owned by Mallard Teal at 890 Payne. This is in response to a License Violation. The minutes were approved by vote with Al Oertwig moving to approve the minutes as amended. Ed Davis Seconded. Motion approved by vote.

### 2. Re-Zoning and Variance (2 actions). 1236 Arcade. Lot behind Heartland Auto on Arcade.

Issue: Property owner Nasseh Ghaffari Nikou and Gale Ghaffari Nikou submit a Petition to Re-Zone area from R4 (Single Family Residential) to VP (vehicular parking). The owner Ghaffari Nikou is submitting a re-zoning request to change the lot from R4 to VP. Community Dental is seeking to own the lot for vehicular parking by its patrons. The applicants have returned with a revised Site Plan wherein they incorporated CPED's August 2009 suggestions. Mr. Micheal Klemm, Esq. represented his client, Community Dental. He stated that Luis Pereira of Planning and Economic Development (PED) had re-calculated the parking requirements and believed that fewer spots were required for Community Dental. Thus, a variance is no longer being requested. Livesay confirmed that 32 spaces were being confirmed by the City. The need for a re-zoning of the parcel remains on the table and a Zoning Committee Hearing is expected on September 10<sup>th</sup>, 2009.

Mr. Klemm presented the revised Site Plan adding that engineers had reworked the plan to make it as palatable as possible for the neighbors. Ms. Peterson had made a verbal agreement to move the fence back and to allow the existing bushes to remain. Mr. Klemm added that this was a very generous offer which as Counsel, he might not have supported if he had known about the conversation. So the fence will be five feet from the property line. Concerns about grading were addressed by adding a slight rise of 6 inches to raise the fence on the East edge f of the lot. Landscaping plans called for retaining one of the large existing trees on the boulevard and and appropriate plantings to maximize appeal of the lot.

Ms. McDonough sought to confirm that she was looking at the most updated version of the Site Plan. The meeting was halted while this was confirmed. Ms McDonough was concerned that some of the trees had a large span when fully mature and that this would affect her adjacent property. Discussion ensued around trees and potential impact to property. Jerry Livesay moved to approve the Re-Zoning application as it was presented and the Site Plan. He called for communications with the City that would specify that the 8 foot fence on the east side be continuous and

that it be five feet off the property line and that small trees are used in landscaping plan. Dave Theisen seconded the motion. Discussion. Motion passed by vote.

Oertwig moved to send a statement to City officials that the motion of support is contingent upon the full and effective transfer of the property to Community Dental. Cheryl Peterson seconded the motion. Motion passes dby vote. Discussion. Point raised by applicant that municipal law would probably prohibit such a restriction in the context of a re-zoning. Mr. Oertwig replied the District Council exists to offer advisory input only and that in this case the community was communicating its intent and wishes to decision makers.

3. A potential applicant did not appear as planned. McMurray noted his intent was to seek a re-zoning to permit a car detailing business at the parcel near 1000 Edgerton on Jenks off Payne. Syers noted if the applicant wishes, he could appear on a future CPED agenda.

#### 4. Issue Update

**Area Plan:** Readers and commentators are requested in the final review of the District Five Area Plan. City PED staff hoped to take the final plan to the City Council in December. This seems like a fast track and may be possible with help from community members. David Syers volunteered to assist the process.

**3M Advisory Taskforce and Jobs and Work Group (Kapaun, Oertwig, McMurray)** The group reported on the 3M meeting noting the decisions and consensus around certain re-use buildings and those areas where scraping the property made the most sense. David Syers expressed his feelings about the property management of landscaped areas and queried how investors would be attracted to a site in derelict condition. Both Al Oertwig and Ryan Kapaun spoke directly with Port staff and urged more care of the lots. Oertwig noted that complaints should be made with specific details and citing the precise location of the problem. Syers noted there were two foot tall weeds by the Port Authority signs. The group is asked to monitor and promptly and report details for further action.

**Welcome Home Housing Tour - Sunday September 20, 2009 – Noon to 4:00 p.m.** Ryan Kapaun Will be in touch with CPED members about this event. Al Oertwig noted it was his expectation that this event involved all Board Directors as well as other community volunteers.

5. **Recent notices of license violations.** This information is provided as an informational matter to CPED members. CPED will determine what if any action the Committee will take in response to the information. **A motion was made by Ed Davis and seconded by Cheryl Peterson to send a letter to the two businesses below, citing District Five interest and concern that businesses remain fully compliant with the letter of the law in fulfilling their business license conditions. Motion passed by vote.**

- Cigarette/Tobacco license held by Walgreen Co. D/b/a/ Walgreen's #11421 for the premises located at 1180 Arcade Street in St. Paul, First violation for sale of cigarettes to an underage person.
- Cigarette /Tobacco License held by La Palma Market, Inc. d/b/a La Palma market for the premises located at 655 Payne Avenue in Saint Paul , First violation for sale of cigarettes to an underage person.

Discussion ensued around the two following license violation notices. **Al Oertwig moved that a standard letter be sent to A Plus Appliance on the matter of their license violation. Ryan Kapaun seconded. Motion passed by vote.**

- Notice of Violation re all licenses held by A Plus Appliance d/b/a/ A Plus Appliances on the premises located at 745 Payne Avenue License ID #200400005318 \$500.00 penalty matrix.

**Ed Davis moved to send a strongly worded letter that supported the full enforcement of the penalty matrix for the property at 1017 Arcade. Jerry Livesay seconded the motion. Passed by vote.**

- Notice of Violation re all licenses held by Khoa Van Mac d/b/a/ MAC Auto Center for the premises located at 1007 Arcade Street in Saint Paul License ID # 200200005904. 2<sup>nd</sup> Violation - \$1000.00 matrix penalty recommended.

6. Ryan Kapaun led a brief policy discussion on **penalty matrix comparison** for license violations. Notably, he found that St. Paul penalty matrix to be more stringent than some other surrounding municipalities. Ray Sammons suggested that in a month with a light agenda, that the Chair consider inviting city staff to speak on the matter of the penalty matrixes. CPED expressed some interest in pursuing this type of discussion.

#### Other

Community guest Mr. Dreyer spoke of his ongoing interest in the Hmong Village redevelopment off Phalen Boulevard. McMurray noted that a meeting could be organized on the site with interested reps from the 3

different Councils joining in. The site is situated largely where the three jurisdictions intersect. This meeting will not happen in the near future but could possibly be planned in several weeks. McMurray noted that she sent to Ward Six and to Tom Beach (City Staff) the input that Mr. Dreyer first offered regarding traffic flow concerns.

**7. Motion to adjourn. Seconded. Passed by vote.**