

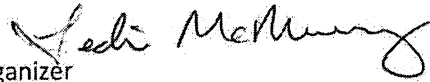
# PAYNE PHALEN DISTRICT FIVE PLANNING COUNCIL

STRONG  SAFE  WELCOMING  CONNECTED  NEIGHBORHOODS

Date: December 2010

To: Legislative Hearing Officer  
Department of Safety and Inspections, City of Saint Paul

From: Payne Phalen District Five Planning Council  
Leslie McMurray, Executive Director / Lead Organizer



Re: Two applications for licenses with Northern Tier, LLC

1. Application for: 390 Maryland Avenue East, Gas Station, Malt Off Sale, Cigarette/Tobacco, Restaurant (1) – No Seats, and Retail Fd (C) – Grocery 1001-3000 sq. ft. Licenses. NOTE: This is for a change in ownership of an existing location. SUPERAMERICA #4038 – APPLICANT: Northern Tier Retail LLC

And,

2. Application for: 1146 Payne Avenue East, Gas Station, Malt Off Sale, Cigarette/Tobacco, Restaurant (1) – No Seats, and Retail Fd (C) – Grocery 1001-3000 sq. ft. Licenses. NOTE: This is for a change in ownership of an existing location. SUPERAMERICA #4039 – APPLICANT: Northern Tier Retail LLC

The Payne Phalen District Five Planning Council's Community Planning and Economic Development Committee's (CPED) meeting included review and discussion of two license applications for SuperAmerica stores at 390 Maryland Avenue East and 1146 Payne Avenue East. Ms. Peggy Perryman of Faegre Benson PA represented Northern Tier Retail, LLC. She asked for input from CPED on these matters. Ms. Perryman explained that Northern Tier LLC has purchased the SuperAmerica stores and this change of business ownership requires license application with the City of Saint Paul.

There was some discussion by CPED members regarding the history of the two businesses in the neighborhood.

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### **1146 Payne Avenue East**

CPED noted that this 1146 Payne Avenue business is situated within what is arguably the most significant re-development area impacting Payne Phalen District Five. The City of Saint Paul's investment of 14 million in the immediate area will change the face of this block and its impact for the surrounding neighborhoods. Northern Tier, LLC is encouraged to consider this new development potential as it reviews its long term investment in this area. CPED projects that there will be a new and emerging customer base from users of the new park/library/community center and surrounding ancillary housing and commercial redevelopment.

Neighbors report that they value having the store as a convenience. They also report frustration with some aspects of the store's impact on the neighborhood. Several CPED members noted they do not shop at this location but travel several blocks to other competitor's stores. Their reasons for doing so included the awkward layout of the site on Payne, awkward traffic flow, frustration with an ongoing problem of litter by SA customers spilling into the neighborhood, a perception of higher crime stats at this address, and a perception that the store is dirty, and that customer service is sometimes mediocre. The appearance of the site has not had any improvements or upgrades in recent years.

CPED approved the license with the following attached conditions.

1. Hours of operation from 5 am - 11 pm Monday through Sunday.
2. No outside advertising, permanent or temporary on the outside of the building or on fencing surrounding the property.
3. On-site consumption of food and/or beverages is strictly prohibited.
4. 3.2 beer or beer products cannot be sold by the individual bottle or can
5. Sale of 40 oz. bottles of beer is not permitted.
6. Interior/exterior security cameras should be installed and records made available upon request to law enforcement.
7. There should be buffer zones at the perimeter of the property and these should be properly landscaped and maintained.
8. Trash receptacles should be well maintained and available on the perimeter of the property.
9. The contact information for the owner should be visible and accessible.

### **390 Maryland**

A motion of support for the 390 Maryland business applications was made and approved with the following additional conditions.

1. No outside advertising, permanent or temporary on the outside of the building or on fencing surrounding the property.
2. On-site consumption of food and/or beverages is strictly prohibited.
3. 3.2 beer or beer products cannot be sold by the individual bottle or can
4. Sale of 40 oz. bottles of beer is not permitted.
5. Interior/exterior security cameras should be installed and records made available upon request to law enforcement.
6. There should be buffer zones at the perimeter of the property and these should be properly landscaped and maintained.
7. Trash receptacles should be well maintained and available on the perimeter of the property.
8. A "Right Turn Only" sign should be placed on the exit directly onto Maryland Avenue.

Please contact District Five if we can provide further information on these matters. I have included the meeting minutes for your review and information. I can be reached by cell phone at 651-366-7300 or a message can be left at 651-774-5324. District Five appreciates your consideration of the neighborhood's input on these two license applications.

# PAYNE PHALEN DISTRICT FIVE PLANNING COUNCIL

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NEIGHBORHOODS

506 Kenny Road, Suite 130, Saint Paul, MN 55130 651-774-5234 [www.paynephalen.org](http://www.paynephalen.org)

## Community Planning and Economic Development Committee (CPED)

DRAFT MINUTES Tuesday, December 7, 2010 , 6:30 p.m.

722 Payne Avenue, Saint Paul

CHAIR: David Syers [Cped@paynephalen.org](mailto:Cped@paynephalen.org)

1. Welcome and Introductions: Chair David Syers
2. Agenda Review and Approval of the November 2010 DRAFT CPED Minutes with proposed corrections. Approved by vote.  
(D5 Staff note: if CPED members do not have an updated Adobe Reader, the CPED pdf files will not be readable or may contain errors that are not visible or present on the original document. There is nothing the D5 office can do about this issue. It is advised that CPED members bring a printout version to the office in order to help staff assist you to diagnose any problem).
3. Signage Ordinance Discussion: Guest presenters were welcomed and each gave a brief presentation.
  - Emily Goodman, City of Saint Paul Staff provided context of the public process being used to assess zoning issues as they pertain to signage. A number of issues were raised in the context of the Dynamic Display Sign issue. The ancillary issues are now being reviewed by the Neighborhood Planning Committee of the Planning Commission. There is no ordinance being proposed at this time but the study has revealed procedural barriers and other issues have been identified around the feasibility of effective enforcement.
  - Three representatives from Ramsey Tobacco Coalition, Association for Nonsmokers-MN spoke about their proposals (attached) which were strategies developed in response to heavy investment by tobacco companies in their targeted advertising towards low-income youth of color in urban communities. The presenters were youth leaders from the Mt. Airy Boys and Girls Club. They spoke of the reasons for implementing a sign ordinance which would prevent more than 25% of store front windows to be covered by advertising. In addition to the content of advertising, the presenters spoke of the Crime Prevention through Environmental Design (CPTED) principles that suggest that a clear sight line from the street into a business will deter or interrupt crime.

Discussion points included various views about how such an ordinance might be implemented and enforced. John Manillo and Jerry Mishke of Scenic St. Paul spoke of his concerns about excessive signage that has deleterious effects in terms of overall aesthetics, CPTED, and he felt that a complaint based system of enforcement would work well. Ms. Goodman spoke of other cities where the sign enforcement is strictly covered under licensing. In Saint Paul the window sign ordinance would require a zoning code amendment as the issue has been governed under Chapter 64 (Zoning).

Ryan Kapaun moved that a letter be sent to a broad number of city staff and officials indicating support for an enforceable change to St. Paul's licensing and zoning regulations so that no more than 25% of a storefronts' windows can be covered by signage. Seconded by Al Oertwig. Approved by vote.

Virginia Rybin thanked the leaders who made the presentation, noting that it was heartening and inspiring to see young leaders emerging in the community who are passionate and eloquent in their

presentation of views. She encouraged them to consider the opportunities that District Councils provide for civic leadership and she welcomed their involvement and skill in bringing forward the debate. The CPED Committee thanked all who presented.

4. Ms. Peggy Perryman of Faegre Benson PA, was represented Northern Tier Retail, LLC on two license applications ( Application 1 for: 390 Maryland Avenue East, Gas Station, Malt Off Sale, Cigarette/Tobacco, Restaurant (1) – No Seats, and Retail Food (C) – Grocery 1001-3000 sq. ft. Licenses. NOTE : This is for a change in ownership of an existing location. SUPERAMERICA #4038 – Northern Tier Retail LLC, Sharon Stevens, Licensing Coordinator 937-863-7191 Deadline December 17, 2010.

Application 2 for: 1146 Payne Avenue East, Gas Station, Malt Off Sale, Cigarette/Tobacco, Restaurant (1) – No Seats, and Retail Food (C) – Grocery 1001-3000 sq. ft. Licenses. NOTE : This is for a change in ownership of an existing location. SUPERAMERICA #4039 – Northern Tier Retail LLC, Sharon Stevens, Licensing Coordinator 937-863-7191 The deadline for registering a concern with the Licensing Staff is December 17, 2010

Ms. Perryman explained that Northern Tier LLC has purchased the SuperAmerica stores and Marathon Oil in MN, part of SD and WI. The name Super America is still in play and the staff are still employed for the present moment. Re-organization is likely. Northern Tier LLC is receptive to hearing community input on how this business site functions within the neighborhood. Presumably, all Super America licenses in Saint Paul will require renewal. This change of business owner leads to a required license application with the City of Saint Paul. There was some discussion by CPED members regarding the history of the two businesses.

#### **1146 Payne Avenue East**

CPED noted that this 1146 Payne Avenue business is situated within what is arguably the most significant re-development area of Payne Phalen District Five. The City of Saint Paul's investment of 14 million in the immediate area will change the face of this block and its impact for the surrounding neighborhood. Now is a good time for Northern Tier, LLC to closely examine its investment in this business and perhaps consider a long term investment that correlates with the emerging customer base from the park/library/community center and surrounding housing redevelopment.

McMurray stated that residents have responded to the news of the license application with very mixed sentiments. She expects residents will likely speak up before the December 17, 2010 deadline for the Legislative Hearing Officer. Many people rely on the service provided at this store site and so welcome the service to the neighborhood. However, many others cite travelling further to Arcade Street to do business with the competitor store Holiday. The reasons for doing so were the awkward layout of the site on Payne, a long frustration with litter by SA customers spilling into the neighborhood, crime stats at this address, and a perception that the store is dirty, service is sometimes mediocre that safety levels are lower than other nearby stores. The appearance of the site has not had any improvements or upgrades in recent years. An investment in this business may be a wise investment at this time. Ms. Perryman noted that she'd carry this message back to the corporate planners.

Ryan Kapaun had reviewed the Class N License folder and had selected several recommended conditions that would put the SA Store on an equivalent footing with other similar businesses in District Five. He moved that CPED approve the license with the following attached conditions.

1. Hours of operation from 5 am - 11 pm Monday through Sunday.
2. No outside advertising, permanent or temporary on the outside of the building or on fencing surrounding the property.
3. On-site consumption of food and/or beverages is strictly prohibited.
4. 3.2 beer or beer products cannot be sold by the individual bottle or can
5. Sale of 40 oz. bottles of beer is not permitted.

6. Interior/exterior security cameras should be installed and records made available upon request to law enforcement.
7. There should be buffer zones at the perimeter of the property and these should be properly landscaped and maintained.
8. Trash receptacles should be well maintained and available on the perimeter of the property.
9. The contact information for the owner should be visible and accessible.

### 390 Maryland

A motion of support for the 390 Maryland business application was made by Ryan Kapaun and seconded by Al Oertwig. The motion stated that CPED would indicate approval of the license application with the following additional conditions. \

1. No outside advertising, permanent or temporary on the outside of the building or on fencing surrounding the property.
2. On-site consumption of food and/or beverages is strictly prohibited.
3. 3.2 beer or beer products cannot be sold by the individual bottle or can
4. Sale of 40 oz. bottles of beer is not permitted.
5. Interior/exterior security cameras should be installed and records made available upon request to law enforcement.
6. There should be buffer zones at the perimeter of the property and these should be properly landscaped and maintained.
7. Trash receptacles should be well maintained and available on the perimeter of the property.
8. A "Right Turn Only" sign should be placed on the exit directly onto Maryland Avenue.

Motion passed by vote.

5. CPED has had an opportunity to review written recommendations for Vacant Housing from East Side Neighborhood Development Company (ESNDC) Sam Hanson could become available to present the report and findings from the ESNDC Invest Saint Paul outreach and housing surveys. CPED members who are on the ESNDC Board were asked if there were development plans for the areas where significant site acquisition can become possible. They were not aware of specific discussions or options for these areas. For example, Cheryl Peterson noted the significant changes proposed on the 600 block of Case and was invested in what happens on this block. District Five has been part of discussions about this block in the past. CPED would like to look further than the immediate proposed demolitions. Plans in the past have been suggested for these areas of District Five in relation to housing rehab and developers. David Syers determined that ESNDC staff and neighbors who participated in the work should present their findings and ideas at the January CPED meeting on January 4<sup>th</sup>, 2010. Leslie McMurray will find out if immediate actions regarding letters of support were desired by the group. The Neighborhood Stabilization Program (NSP) has spending timelines that must be adhered to and it is possible that ESNDC needs a fast turnaround on this type of support. Barring that need, the CPED Committee will look to hearing more about the findings at the January 4<sup>th</sup> CPED meeting.

### INFORMATIONAL ITEMS

- Updates on Payne Maryland Project. The Executive Director has communicated the Board of Directors' vote of general support for the project concept and interest in the projects' ongoing implementation. District Five also communicated a strong commitment to assure that public participation process parallels the project's next design development phase. McMurray also conveyed a message to CPED, on behalf of a local resident. The resident stated that in spite of appearances, she had not initiated the anonymous "survey" which contained her phone number. This was in reference to a survey that was apparently distributed to residents in the peripheral areas surrounding the Payne Maryland Project.
- McMurray offered updates on the Parks and Recreation Commissioners Hearing for January 10, 2010. Virginia Rybin has submitted to Al Oertwig a proposed Letter to the Editor on the issue of proposed closure of the Duluth Case Rec Center. This letter will be submitted following the holidays.

- David Syers noted in closing that all CPED members are warmly welcomed to attend the December Board meeting to be held on Tuesday, December 14<sup>th</sup>, 2010 at 6:30 PM at the Police Station. The agenda will be abbreviated and the social time extended with some planned food on hand. All are welcomed!

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