

FILE
14-199046

Dear Kathy,

Hi my name is Jenny Rogers. My husband and I live in Highland Park on Bayard Ave. It has come to our attention that the business Getten Credit has purchased the building on the corner of Hamline and Bayard (1338 Bayard Ave) and may seek rezoning of this property in order to open up business in this location. It is our understanding that Getten Credit is not approved to operate their business at 1338 Bayard Ave per its current zoning.

We are hoping you might be able to shed some light on this matter. Do you happen to know Getten Credit's intentions with this location? Given the current zoning restrictions, how will Getten Credit be allowed to operate their business? What is your stance on the issue?

We strongly believe opening this type of business would be detrimental to the welfare of the community and are opposed to having Getten Credit operate at this location.

Thank you, in advance, for your attention to this issue.

Sincerely,

Jenny Rogers

Kathy,

Thanks for the time, and thanks for listening!

As I mentioned to you, I grew on on Eleanor Ave, went to Holy Spirit grade school, and currently live at 644 Warwick, since 1976. I live in this neighborhood, and I pride myself on being a good neighbor, both on Warwick, and on Bayard.

All my life, I have tried to do the right thing. I want to be honest, and treat people the way I would want to be treated.

This misinformation about our company is just that, completely wrong. We do not make pay day loans, we are not a pawn shop.

Never have, and never will!

We are licensed by the Minnesota Department of Commerce, Banking Division, as a regulated consumer lending company.

Our company has been around since 1961, and we have never done any other type of lending, period.

I would love to have you, and anyone else that would be interested, come by our office, and actually see what we do, and not just guess, or go by hearsay, and misinformation about our local, family owned (3rd generation) company.

Thanks again Kathy.

Sincerely,

Denny Getten

President and owner, Getten Credit Company

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4-30-2014

I live on Scheffer Ave close to the property in question. I oppose the establishment of a loan office at 1338 Bayard.

Their business model appeals to clientele that may be less than desirable to welcome to our neighborhood

i.e. criminal element. Between the employees and their clients one would think that a parking lot would be required as well.

Thank you for your time.

Eric Lomen

651-698-5280

Ellen Stewart:

I talked to Corinne Tilley with DSI. To summarize and repeat some of what Tracie already clarified:

- Getten Credit's defined by the state as a Licensed Regulated Lender.
- The city defines that use as "Alternative Financial Establishment" which is not permitted by R4 zoning and cannot be considered for approval as a legally non-conforming use within the R4 district.
- The property has had a legally non-conforming use as "office" since the 1970s.
- To allow an Alternative Financial Establishment to operate at 1338 Bayard, the property would require less restrictive zoning. The City does not grant less restrictive zoning. They will move to more restrictive zoning, but not to less restrictive zoning.
- Additionally, to rezone one property differently than the properties surrounding is considered "spot zoning", which is not supported by the City.
- Another path to getting the alternative financial establishment use allowed would be to change the city's definition of alternative financial establishment in the zoning code. That would require a lengthy process.
- The tentative hearing date for Getten's Appeal is 5/28/2014. Public is welcome. The burden is on Getten to prove that they are not an Alternative Financial Establishment as defined by the City. They claim to be an office use.
- During the appeal process, Getten can continue to operate at 1338 Bayard.
- Once the Board Of Zoning Appeals hears this appeal on 5/28/2014, and a decision is made, anyone who does not agree with the decision can appeal that. It would then be something that would end up with the City Council.

I think that covers it. Good to provide letters to DSI. They will provide a short staff report at the hearing on the 28th.

FILE
14-199044

April 30, 2014

This entire problem, should have never have been a problem, let it go.
Thanks Dale Johnson 1263 Scheffer Ave.

It doesn't matter that they don't do pay day loans. This issue is that they are a licensed regulated lender as defined by Minnesota Statute. Mr. Getten himself informed a resident he does "small loans"...

I re-read the letter from City zoning to Getten 4/15 which states unequivocally, "According to the State of Minnesota Department of Commerce, Getten Credit Co. is a licensed regulated lender as defined under Minnesota Statute 47.59. A regulated lender is an alternative financial institution as defined in the Zoning Code Section 65.511 (see enclosed definition). An alternative financial institution is not a permitted use in the R4 zoning district and is not an office use as allowed under the nonconforming use."

Furthermore, "consumer small loan companies" are specifically named in the 9/20/2010 letter from the City Planning Commission to the City Council...

"NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission hereby finds that regulation of the location of consumer small loan companies, industrial loan and thrifts, regulated loan companies, and similar businesses in a manner consistent with currency exchange and pawn shop businesses would more fully realize the intent and purpose of the zoning code as established in Sec. 60.103, including the promotion and protection of the public health, safety, morals, and general welfare"

(go to this location

<https://stpaul.legistar.com/LegislationDetail.aspx?ID=783661&GUID=0D6E5241-B68A-4B90-B29F-4400C279393E> and open the planning commissions actions pdf document)

May 5, 2014

Kathy Carruth -

I am writing to inform you I do not support any rezoning for the property at 1338 Bayard Avenue. I do not feel this property is suitable for general business zoning and I do not believe it is in the best interest of our neighborhood to have a B3 general business operating at this property. I would appreciate your support in this matter.

- Matt

Matt Johnson
1314 Bayard Ave
Saint Paul, MN 55116
(651) 470-7048
nevada.california@gmail.com

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FILE
14-199606

From: Dan Smith <dan_tracie_smith@msn.com>
Subject: dan_tracie_smith@msn.com

Message Body:
May 20, 2014

Dear Highland District Council:

My name is Dan Smith and I live at 1346 Bayard Avenue. Due to business out of town, I am unable to be at tonight's meeting, but I did want you to be aware of my thoughts on this matter. My family and I have lived in this neighborhood for the past 11 years and at our current address for more than three years. We live directly across Hamline Avenue from the building that Getten Credit is occupying.

I do not wish to focus my comments on traffic, noise or any other impacts of this land use in our neighborhood. And I do not believe that the zoning administrator's ruling or the upcoming Board of Zoning Appeals action is a referendum on whether the Gettens are good people or run a good business. Instead, I believe that this is a simple matter of zoning law. And in this regard, this is not a close call. It is an egregious example of a property owner paying no attention to the law. This property owner ignored the change-of-address requirements of their state license in order to begin operating one of the most restricted land uses in one of the least permissive zoning districts available in Saint Paul.

Please consider the following:

- Getten Credit is a licensed Regulated Loan Company under state law. This indisputably qualifies them as an alternative financial establishment under the City zoning code. Furthermore, it also requires them to notify the Department of Commerce that they are moving 30 days prior to changing addresses. In a list of regulated loan companies current as of April 4, 2014, the Department of Commerce still lists Getten Credit's address as 202 Snelling Avenue. Since Mr. Getten's letter states that they have been operating at 1338 Bayard since November, one can only conclude that this license requirement was not met.
- The zoning code only allows alternative financial establishments in a B3 district and then only with a conditional use permit. The B3 district is a general business district and is the most permissive zoning district outside of industrial areas or the downtown central business district. You would find this district along Snelling, West Seventh or University Avenue. For comparison's sake, other uses zoned similarly (allowable only with conditions in a B3 district) include pawn shops, fast food restaurants, adult entertainment uses and car washes.
- In 2009-10, the City's Planning Commission and City Council enacted a moratorium and then spent several months studying zoning changes to determine whether additional restrictions were needed on where alternative financial establishments can be located. The result of this was an additional requirement that these establishments cannot be located within 150 feet of a single family home or duplex. Our home is within 60 feet of this use.
- The property in question is zoned R4 (residential) with a legal nonconforming use as an office. The fact that any commercial use is allowed at this site is because it is "grandfathered in" from its historic use as a

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low-impact office. New commercial land uses are not permitted. Put simply, this is the most restrictive non-residential zoning designation in existence within the City of Saint Paul.

I have not met Mr. Getten. I am sorry to miss this opportunity tonight and undoubtedly look forward to meeting him next week at the Board of Zoning Appeals. I must say though, that I find it difficult to believe that Mr. Getten did not know that proper zoning was required to operate his business when he purchased the building at 1338 Bayard and improved it. The 2010 zoning study listed only 17 businesses in the entire city - including Mr. Getten's - that would be impacted by this well-publicized regulatory effort. In addition, Minnesota State law requires that regulated loan companies notify the State Commerce Commissioner before changing addresses.

You committee members have signed up for perhaps the most thankless job in all of civic engagement: to mediate localized land use disputes. These disputes can be emotionally draining as property rights are weighed against the desires of a community. Most disputes involve business owners seeking permission to build something or do something new. Laws are applied by well-intentioned administrators. Property owners or neighbors appeal to elected or appointed officials, sometimes with facts, sometimes with law and sometimes with pure emotion.

None of that happened here because no one had a chance to comment. The zoning staff, who a few short years ago spent several months carefully crafting a zoning law, did not even know about the move. They couldn't have known because the Commerce Commissioner was not notified. No one got to debate the merits of rezoning this property to B3 with a conditional use permit. I am confident that no one would have supported this result, as it could have effectively allowed the previously mentioned land uses. Instead, Getten just moved in and is now effectively "begging forgiveness."

I don't know if the committee plans to take a position tonight prior to next week's BZA meeting. If so, I hope you all consider the fact that begging forgiveness has no part in zoning or land use planning. In fact, if a City does not enforce its zoning code because someone lives in the neighborhood or seems like a decent person, they can later have difficulty enforcing that same code when those conditions are not present.

This situation is unique in that the property owner is violating not only a local zoning district but also a citywide zoning law. If the City does not enforce the law here, someone who wanted to open a pawn shop, adult entertainment use or fast food restaurant at 1338 Bayard could rightly claim that there is a precedent and that fair treatment and equal protection under the law requires the City to allow them to do so. At the same time, someone who wants to open a check cashing or payday lending shop virtually anywhere in Saint Paul could rightly claim that the City cannot enforce its new ordinance in that case either because it did not do so here.

Thank you for your time and consideration.

Sincerely, Dan Smith; 1346 Bayard Avenue

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This mail is sent via contact form on Highland District Council
<http://highlanddistrictcouncil.org/>

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Hello Kathy.

This is Dan Smith's wife Tracie Harris Smith. I have a prior commitment Tuesday evening and cannot attend the HDC meeting. I will be present with Dan at the zoning meeting 5/28.

I want also to communicate my own view on the Getten zoning issue separate from Dan. I do not support it either.

Getten has been in business for many years. It is understood they are a St Paul family and live in our community. Their canvassed letter states that the location is a *"good fit for their business"* and I'm sure it is quite convenient to work so close to home, but it is not a "good fit" for the people who live in close proximity to the property.

It is an established business in operation for many years. Are we all to believe they had NO IDEA they needed to file with the state when they were vacating their last property? That they would risk purchasing a new property without checking the zoning? That in light of the study Dave Thune requested a couple years back completed by city planning specifically regarding the classification and zoning of alternative financial institutions (of which there are 17 in St Paul and Getten is one) that Getten wasn't aware of the criticality of proper zoning for their business? My belief is that they determined it was easier to ask for forgiveness than permission and the move to Bayard was undertaken with full knowledge of the zoning impropriety.

They now want to say that while they are a "regulated lender" according to the State of Minnesota, they are not an "alternative financial institution" as defined by City of Saint Paul zoning code which specifically lists 'regulated lenders' as alternative financial institutions. They want to operate under the state laws...and flout the city laws...picking and choosing whatever is *"a good fit for their business"*.

Thank you.

FILE
14-199096

Ellen C. Stewart
1388 Bayard Avenue
Saint Paul, MN 55116

20 May 2014

Dear Highland District Council:

My name is Ellen Stewart and I live at 1388 Bayard Avenue. I have lived at this address for over 13 years. Our block is an incredibly idyllic place with the types of neighbors that everyone wishes they had. We know each other, we look out for each other, and we take pride in and value having our neighborhood contribute to the overall well-being of the city.

The purpose of zoning is to ensure that compatible uses are together and incompatible ones are separated. I do not support less restrictive zoning or less restrictive use allowance for this property. Getten did not complete the steps that any business should be certain to follow including due diligence in researching zoning code, allowable uses and the requirement to file their new address with the State Commerce Commissioner. They are not following the law. This does not bode well for an institution in our immediate neighborhood.

As I understand zoning and the law, Getten is required to relocate to a place that does allow their type of business. I appreciate the upgrades to the building and am sure that future tenants or buyers will also.

Sincerely,



Ellen C. Stewart

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Good evening Kathy,

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I am writing to support the letter submitted by Dan Smith. I will not be able to attend the meeting this week regarding the property at 1338 Bayard. However, I feel if the city moves ahead with allowing this business at this property, many other businesses will question many zoning rules and regulations.

I am fairly new to this neighborhood (moved to 1389 Bayard last August) and have been in awe at how this community comes together and supports each other for what we feel is in our best interest as well as the best interest for the city of St. Paul.

Feel free to contact me with for any further questions or clarification.

Sincerely,
Jill Frattallone
612-817-7748

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FILE
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Dear Kathy,

I live on the same block as 1338 Bayard Avenue, the site of a building being occupied by Getten Credit. We have lived in our house (1287 Scheffer Ave.) for 11 years. I could not attend the HDC meeting last night because my wife needed to be at a PTA meeting at our kids's school (Horace Mann Elementary).

I share the concerns of others regarding the mismatch between the type of business that Getten Credit operates and the type of business that 1338 Bayard is zoned for. I am concerned that a dangerous precedent would be set by allowing Getten to continue to operate there. Such a precedent would make it hard or impossible for the city to enforce zoning restrictions on that property or elsewhere.

In addition, I doubt that Getten Credit had no idea of the existing zoning laws or the change of address requirements for alternative financial establishments. It appears the company is trying to push through a project without going through the appropriate channels. As a potential neighbor, this is disturbing and raises concerns about how they might behave regarding city law or neighborhood concerns down the road.

I urge the council to seriously consider the long term consequences when weighing the concerns surrounding the 1338 Bayard property.

Sincerely,
Drew Johnson
1287 Scheffer Ave.