

From: shab shakibi [<mailto:rezaincproperty@gmail.com>]
Sent: Monday, March 4, 2019 4:19 PM
To: Noecker, Rebecca (CI-StPaul) <Rebecca.Noecker@ci.stpaul.mn.us>
Cc: #CI-StPaul_Ward2 <Ward2@ci.stpaul.mn.us>
Subject: 770 Grand Ave. rezoning

Hello council member Noecker,
I'm the property owner at 770 Grand Ave., I wanted to submitted a written statement prior to the hearing for the City Council to review. I will be attending the hearing on March 20th but to ensure all of the concerns are addressed, I thought this might be helpful. I have also attached a few letters in support of the rezoning. Please let me know if there is anything I can provide to help the City Council in making their decision. I look forward to meeting you!

Sincerely,
Shab Shakibi
Reza Inc.

Reza Inc.

2933 West Hwy 13
Burnsville, MN 55337

There have been a few areas of concerns that as the property owner I have not been able to address during the hearings but would like to before the City Council. The following are questions and concerns brought up during the previous rezoning hearings. The findings stated in this letter come directly from The Summit Hill Association, City of St. Paul Zoning Committee and the Planning Commission reports, all of the committees have approved the rezoning.

A neighborhood petition is NOT required, as the existing zoning is already commercial.

- Is rezoning 770 Grand Ave. consistent with area?

- Summit Hill Association Committee Report: Adjacent properties on the south side of Grand Ave. are zoned as: B2 (corner building with Bruegger's, Red Rabbit), RM2 (2-story apartments), B2 (commercial buildings with India House, Grand Old Creamery, ReMax). Opposite properties on the south side of Grand Ave. are zoned as B2 (Corner building with North Face, vacant Loft Space), B2 Brasa, B3 Punch Pizza and Caribou.
- Zoning Committee Staff Report, Section D: The property is surrounded by commercial uses on the north, east, and west that include restaurants, retail and service, and coffee and ice cream shops in BC, B2, and B3 zones.
- Zoning Committee Staff Report, Section I (2): The proposed zoning is consistent with the way this area has developed. Traditional neighborhood districts are intended to foster the development and growth of compact, pedestrian-oriented mixed housing and commercial development along major streets. The districts are intended to encourage a compatible mix of commercial and residential uses within buildings, sites and blocks. **The proposed T2 zoning is a more appropriate zone than a B2 zone because of the existing residential structure on the property. T2 allows both residential and commercial uses and offers greater flexibility for future use of the residential structure.**
- Zoning Committee Staff Report, Section I (4): The proposed zoning in this stretch of Grand Ave. is compatible with surrounding uses which include restaurants, retail, service, and coffee and ice cream shops. The zoning is also compatible with the transit corridor that runs along Grand Ave.

Each Committee report has found rezoning 770 Grand Ave. from BC to T2 is consistent with the area. Neighbors and business are encouraging the rezoning simply because they are tired of seeing vacant buildings on Grand Ave. and in St. Paul. Grand Ave. is in desperate need of a “face lift” having a fresh new business such as Treats, LLC to open in this space will bring old and new consumers back to Grand Ave. and the city of St. Paul.

Email from neighbor in support of rezoning: “There has been a lot of business turnover, and actually a loss of commercial activity, in this stretch of Grand Ave. Anything we can do to accommodate a new business that wants to move in should be done, especially for an interesting independent café. I think it would fit in well with what is around this strip of Grand.” – Michael Kyba

“I support new, local businesses moving into the vacant store fronts that are becoming more common on Grand Avenue- especially businesses that are not chains that won’t foster a late-night bar scene.” – Deborah Wentworth

- Is the rezoning considered to be “Spot Zoning”?

- Zoning Committee Staff Report, Section I (5): Court rulings have determined that “spot zoning” is illegal in Minnesota. Minnesota courts have stated that this term *“applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property.”* Uses permitted under the proposed T2 zoning are similar to the residential uses permitted in the adjacent RM2 multiple-family residential district on one side, and the commercial uses permitted in the adjacent B2 community business district on the other side. T2 zoning is consistent with the comprehensive plan and compatible with surrounding land uses and zoning and is not spot zoning.

- Will the rezoning of 770 Grand Ave. allow for a fast food or drive thru restaurant to open in the future? An issue brought forward by a member of the Planning Commission.

- Historical Preservation: 770 Grand Ave. is a Historical Preservation property, therefore remodeling or tearing down the existing property to open a fast food restaurant would be incredibly difficult. If not impossible.
- Lot Size: The lot size does not meet the requirements for parking, construction of a drive thru, kitchen size, etc. In other words there is absolutely no way the city codes and requirements would allow for a fast food or drive thru restaurant to open at 770 Grand Ave.

- Parking

- Summit Hill Association Committee Report: The current use as a hair salon (“General retail, service business”) requires 1 space for 400 square feet Gross Floor Area (GFA); the requirement for a teahouse is the same. Since there is no increase in the amount of required parking, whatever the existing provided parking will be sufficient for the new use.
- Zoning Committee Staff Report, Section G: Minimum of 4 off-street parking spaces for the proposed uses in the building: 1 Space for the dwelling unit and 3 spaces for commercial floor area (1 space per 400 square feet of GFA of 1,400 square feet). The previous residential/salon uses also required 4 spaces. There are 4 parking spaces on site; 1 space in the garage and 3 surface spaces at the rear of the property that are accessible from the alley.

Summit Hill Association Committee Report: Most food and beverage uses are not allowed in BC zoning. Restaurant, bar, coffee/tea shop are not allowed in BC. Most food and beverage uses are allowed in T2. **Rezoning is the appropriate and only procedure for the applicant to seek to allow food service use (a tea house) on this property.**

Summit Hill Association Committee meeting minutes from January 27, 2019:
“I support the rezoning of 770 Grand Ave. for a few reasons. Parking, a primary concern, has been evaluated by the city and no additional spaces are necessary. The property owner is also open to demolishing the garage in the future if necessary. The property owner also agreed trash receptacles and snow removal, additional concerns, will not impact navigation of the alley. ADA compliance is also a concern, but there are other governing bodies to address those issues. **In my view, all concerns seem to be short-term and/or have solutions. I believe any hiccups that arise from a new tenant and zoning are outweighed by the long-term benefits of adding a new, family owned business to Grand Ave.** I also do not feel it is my place to judge where a business can or cannot operate based on other businesses in the area. The request for rezoning also appears to meet the four criteria used by the City of St. Paul when reviewing such requests.”

- Anthony Swichtenberg, Director, Summit Hill Association Zoning and Land Use Committee

“The applicant/owner stated that she has had a hard time leasing the commercial property; wants to keep the property in her family; plans to keep intact the residential unit; does not plan to expand the commercial space at this time. Her comments reflect many values of the Neighborhood Comp Plan. **While sympathetic to the concerns of neighbors and businesses in the area, the issues they raised do not fall into the category of the criteria set forth by the City for approving or not approving a zoning change. The proposed change is compatible with land use and zoning classifications in the general area and in-line with the trend of development: The proposed T2 zoning is LESS intense than other B2 and B3 zoned properties in the neighborhood and immediate vicinity**

(compliant with Neighborhood Comp Plan item G5). The proposed change supports Grand Ave as a transit corridor. No further parking is required by City code."

- Denise Aldrich, Chair, Summit Hill Association
Zoning and Land Use Committee

The only opponents of the rezoning have been from the Huffman family and their associates. Although they don't mention it in their emails or in the hearings, the Huffman's own the Grand Ole Creamery, they aren't concerned with maintaining the integrity of Grand Ave they are only concerned with one aspect, the financial implications the rezoning will have on their own business.

I only mention this because I want the City Council to be aware of the Huffman's unethical behavior. Members of the family have been harassing and threatening me since submitting the rezoning application to the City. I have received threatening and intimidating text messages, my family and I have been personally insulted during the hearings, they have yelled and cursed at me outside of the hearings, all attempts to stop me from pursuing the rezoning. Their behavior is completely unethical; no business owner should be allowed to threaten another business from opening a business that would benefit the community and city.

Gary Huffman who is on the GABA board, whose sole interest is to "growing the strength and vitality of our historic Avenue and its community". Instead of supporting small businesses and owners, Mr. Huffman and the GABA board are only concerned with the financial growth of their own business, which is why there are so many small businesses closing their doors on Grand Ave.

As another way of intimidating and harassing me the Huffman family contacted a previous tenant of mine, Adam Wilson to oppose the rezoning. Mr. Wilson's lease was terminated after receiving several complaints from surrounding neighbors and business owners of his belligerent behavior. In addition, to disturbing our neighbors Mr. Wilson represented himself as the property owner at 770 Grand Ave. during these disturbances'. After several warning's and being banned from The Wild Onion, he continued this behavior at which point we informed him to vacant the premises. Mr. Wilson does not own a business on Grand Ave., he doesn't own a home on Grand Ave. therefore his opinions on the rezoning are irrelevant.

My mother's hair salon closed in October 2017, since then the space has been vacant, during this time we had two pipes burst causing \$20,000+ in water damage. Our property tax has continued to increase substantially during this time:

2017 property tax \$13,716

2018 property tax \$16,106

2019 proposed increase of 9.0%

Rezoning not only allows us to open a business that would benefit the neighborhood but we need this to keep the building in my family. The financial burden of maintaining a vacant building is causing extreme financial hardship. Through the years we have received multiple offer to sell this property to large investors or to neighboring businesses all of whom are eager to build a parking lot. Our goal is not to change or tear down the building; our goal is to add to the community, to provide

something new and a place where families can continue to make great memories together. That is why I ask the City Council to approve the rezoning so that more small businesses can continue to flourish in the City of St. Paul.

Thank you for your time and consideration.

Sincerely,

Shab Shakibi
Reza Inc.

Dear Councilmember Rebecca Noecker,

I'm writing to show my support for rezoning 770 Grand Ave. from a vacant building to a locally owned and OPERATING business.

I have lived at 770 Grand Ave. (the site of the proposed rezoning) for five years with my two young children. During my time living on Grand Ave. I have seen more and more big name stores open while locally owned small businesses close leaving the building's vacant, the property owner's are a perfect example of this.

While there are a few coffee shops on Grand Ave. there is no "tea house", having a family owed business, which offers tea and other non-alcoholic beverages, is much needed. I encourage the City Council to approve the rezoning and continue to support small businesses and development in the city of St. Paul.

Sincerely,

Melissa Cundieff

770 Grand Ave.

Dear Councilmember Rebecca Noecker and the St. Paul City Council;

I'm writing to show my support for the rezoning at 770 Grand Avenue, having worked on Grand Avenue for nearly forty years, I have seen the highs and lows of everything Grand Avenue has to offer. Right now, Grand Avenue is hurting, small businesses are closing while big businesses are thriving. The Grand Avenue Business Association (GABA) is ran by a handful of individuals who are only concerned with continued profits for *their* own business investments. GABA, who's responsibility is to maintain the integrity of Grand Avenue has turned their back on small businesses which has resulted in so many businesses closing. Almost every day the paper reports of another small business closing. It's now time for the city and residents to say enough is enough! We need to continue to support small business growth in our community, that is why I fully support the rezoning so that more small business owners are able to thrive and do business on Grand Avenue and in the city of St. Paul.

Sincerely,

Nancy Barden

725 Hague Ave.

I'm writing to show my support for rezoning 770 Grand Ave., as someone who works and lives in the area, Grand Ave is in need of a change. Having a new locally owned business open is much needed. I think a tea house would be a great addition to the neighborhood, somewhere I can bring my young children, meet a friend, or have some alone time. I ask that the city council approves the rezoning so we can make vacant buildings on Grand Ave a thing of the past!

Regards,
Cosette Olivarez
987 Lincoln Ave.