

May 21, 2025

DAN HALL
dhall@anthonyostlund.com

VIA EMAIL

Zoning Committee
City of St. Paul
ZoningCases@ci.stpaul.mn.us

Dear Zoning Committee:

I represent Clapp Investments, LLC, 688 Minnehaha Management, LLC, 700Fish LLC, and 704 Minnehaha, LLC, which each own property located at the former Theodore Hamm Brewing Company site. My clients object to the proposed re-zoning of five parcels of land in or near 680 and 694 Minnehaha Avenue East in ways that are incompatible with existing uses of the site and that constitute unlawful spot zoning. The Hamm's Site is part of a large, contiguous area that is currently zoned I2, a general industrial designation.

The proposal to re-zone portions of five parcels from I2 zoning to some other classification would create three islands of historic I2 zoning (owned by my clients) at 688, 700 and 704 Minnehaha Avenue East within a small, new T3 zone that would be created especially for this location to facilitate a specific project. The proposed changes are motivated by one developer's proposal to construct a large, multi-family dwelling that would otherwise not be permitted under its current zoning classification at the site. That proposed multi-family residential project, which is explicitly being developed as family-friendly with a focus on housing families with young children, is not well-suited for this industrial location. In addition, locating it at this site would have a devastating impact on existing businesses owned by my clients.¹ The sudden addition of a substantial residential structure onto the eastern side of the Hamm's Site, as well as the proposed market and additional housing units on the western side of the site, will create tremendous, new and unmet parking demands to accommodate commercial and residential visitors and employees to the site, which will exceed current parking availability by hundreds of parking spots. Even the City's own parking study shows a substantial deficit of well more than 100 parking spots compared to what would be needed in necessary parking at the site. The proposed new construction on the eastern portion of the site is not only incompatible with the historic uses of the site and its present zoning, it is also out of character with the existing site buildings.

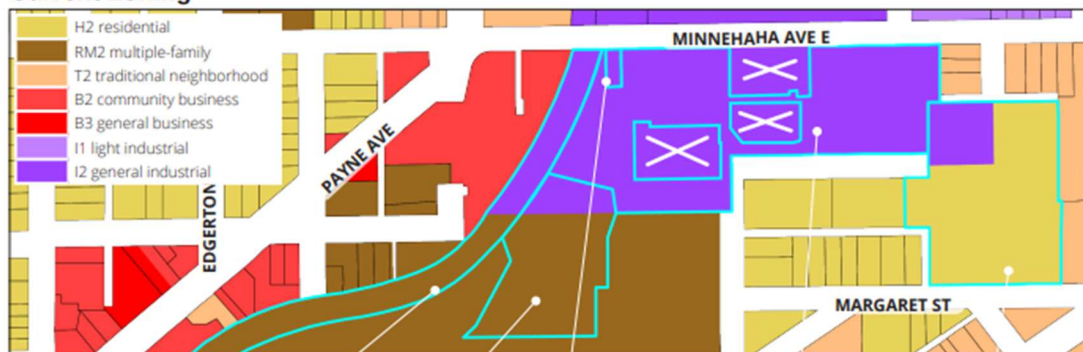
The City of St. Paul and the Housing and Redevelopment Authority repeatedly committed to owning and maintaining a shared, public parking lot amenity at the Hamm's Site, which was intended to benefit

¹ During the community engagement meetings related to this project, at least one community organization requested that the City complete a market feasibility study that would address the impact of the proposed development on existing businesses. My clients joined that request and offered to share the cost of it with the City, but were rebuffed.

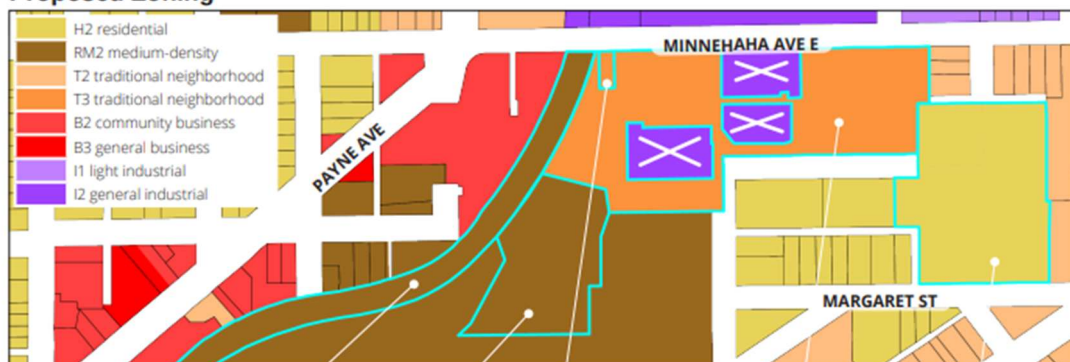
the businesses located at this industrial site. This shared parking amenity was repeatedly referenced and held out as an enticement, which the businesses that developed the Hamm's Site relied on when they acquired these properties and invested in this location. The HRA unanimously approved a resolution, RES 13-1667, on October 23, 2013, which stated that "to coordinate and facilitate the installation and use of utilities and egress and ingress and parking for the Property, the HRA will continue to own streets and the parking lot within the Property." In 2015, St. Paul's Deputy Mayor wrote "The parking lot is, and will remain, owned by the HRA department indefinitely." Likewise, a June 2021 staff report stated that HRA "has maintained an existing shared public parking facility" at this location. The development that has been proposed, which these zoning changes are intended to aid, would abandon those promises in favor of building new construction that is not presently allowed, that is out of character with the neighborhood and existing uses, and that would devastate my clients' businesses. At a fundamental level, it simply is not possible to accommodate the proposed development at the Hamm's Site with existing uses.

As shown in the maps included with the staff report on this proposal, my clients' properties at 688, 700 and 704 Minnehaha Avenue East would become islands of I2 zoning within the new T3 zone that is being proposed. Instead of being a continuous I2 zone, as exists at the site now, portions of the site would be rezoned so that the current I2 zone is now four different zoning classifications: H2, T3, RM2 and I2. The reason for making these changes is explicitly to facilitate a single development project that would not otherwise be authorized.

Current Zoning



Proposed Zoning



In the City's 2040 Comprehensive Plan, the City recognized that industrial land uses "are a major source for employment in St. Paul" and are "a significant net positive payer of property taxes relative to the City services consumed." In recognition of that, the 2040 Comprehensive Plan sets a policy of protecting industrial-zoned land uses. The proposed changes are inconsistent with that goal and the proposed projects cannot be accommodated at this site with its existing infrastructure.

The proposed zoning changes do not fit within other aspects the City's planning. The purpose of the T3 zoning district is described in Section 66.314 of the City's Legislative Code, which further provides as follows:

The T3 traditional neighborhood district provides for higher-density pedestrian- and transit-oriented mixed-use development. It designed for development or redevelopment of land on sites large enough to support:

- (a) A mix of uses, including residential, commercial, civic and open space uses in close proximity to one another;
- (b) A mix of housing styles, types and sizes to accommodate households of varying sizes, ages and incomes;
- (c) A system of interconnected streets and paths that offer multiple routes for motorists, pedestrians and bicyclists, and are connected to existing and future streets;
- (d) A system of open space resources and amenities; and incorporation of environmental features into the design of the neighborhood.

The T3 district is also intended for smaller sites in an existing mixed-use neighborhood center where some of the above elements already exist, or in an area identified in the comprehensive plan as a potential "urban village" site. The above elements may be found within the T3 district or adjacent to it; the intent is that all would be present within a reasonable walking distance.

Put simply, this does not describe the Hamm's Site. The proposed new T3 district is a comparatively small district that is likely to have few, if any, of these features for which the T3 designation is intended. More fundamentally, the Hamm's Site is not pedestrian- or transit-oriented, and the proposed development is not mixed-use development. Instead, there is a proposal to split the 694 Minnehaha Avenue East lot and to designate half of that lot to be part of a new historic district. The eastern side of the lot would then be a multi-family residential structure, which is separated from other residential properties in the area by a bluff that is part of the site's topography. The multifamily residential building would not be connected to the broader Hamm's Site, because it would be intentionally outside the bounds of the proposed historic site and thus set apart. Rather than a coherent development that includes residential and commercial uses, the proposed new residential structure stands on its own, apart from the existing businesses and surrounding properties. This new residential project would be allowed to kill the

existing businesses that have already developed, hollowing out this industrial district in a way that does not serve the needs of the City, the surrounding community or existing businesses.

The Zoning Committee should not approve a change in zoning that is inconsistent with even the stated intent of the proposed new zoning classification. Making arbitrary decisions that are inconsistent with City Zoning provisions solely to benefit a single developer does not make sense.

The proposed changes to the portions of parcels 1, 2 and 5 are unnecessary. They are not being made because there is any belief that these properties require rezoning for any reason, but simply to avoid the appearance of spot zoning, which is exactly what this proposal is.

In addition, this proposal was submitted without first engaging my clients, who own surrounding properties, in any way.

My clients respectfully object and request that the proposed zoning changes, which are inconsistent with the City's Legislative Code and constitute unlawful spot zoning, be denied. My clients reserve all rights.

Very truly yours,

ANTHONY OSTLUND LOUWAGIE
DRESSEN & BOYLAN P.A.

s/ Daniel R. Hall

DAN HALL

DRH/gw