

ZONING COMMITTEE STAFF REPORT

FILE NAME: 736 Oakdale Ave Rezone

FILE #: 23-103-176

APPLICANT: Khoua Yang

HEARING DATE: December 14, 2023

TYPE OF APPLICATION: Rezone

LOCATION: 736 Oakdale Ave, SE corner of Sidney Street E. and Oakdale Avenue

PIN & LEGAL DESCRIPTION: 08-28-22-31-0081; Lots 2 and 3; Block 7; The West St. Paul Real Estate and Improvement Syndicate Addition No. 1

PLANNING DISTRICT: 3

PRESENT ZONING: H1

ZONING CODE REFERENCE: § 61.801(b)

STAFF REPORT DATE: December 6, 2023

BY: Chris Hong

DATE RECEIVED: November 9, 2023

60 DAY DEADLINE FOR ACTION: January 7, 2024

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- A. **PURPOSE:** Rezone from H1 residential to T2 traditional neighborhood.
- B. **PARCEL SIZE:** 7,840 sq. ft.
- C. **EXISTING LAND USE:** Vacant grocery store
- D. **SURROUNDING LAND USE:**
North: Duplex (H2)
East: Duplex (H1)
South: Single family homes (H1)
West: Single family homes (H2)
- E. **ZONING CODE CITATION:** § 61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** The site currently contains the now vacant Joseph's Market, which was a legal non-conforming use. The store opened in the 1970s, but zoning records do not list the precise date it was opened or when the nonconforming use permit was obtained. The store closed in 2014 and the building has been vacant ever since. The building was sold to the Applicant in 2018.
- G. **DISTRICT COUNCIL RECOMMENDATION:** As of the date of publication, the West Side Community Organization has not made a recommendation.
- H. **FINDINGS:**
1. The Applicant requests a rezoning from H1 residential to T2 traditional neighborhood and plans to sell the property for the relocation of Leather Works Minnesota, a small leather goods retailer. The proposed rezoning would allow workshop and retail sales.
 2. The existing land use is a grocery store, a legally nonconforming use that has been discontinued for over a year. The proposed use is categorized as "limited production and processing", which is a more intensive use than a grocery store. Because the proposed use is more intensive than the existing use, it would not fit the standards of a reestablishment of nonconforming use permit.
 3. The proposed T2 zoning is consistent with the way this area has developed. All historical zoning records indicate that the site has been used for commercial uses. Because the current H1 zoning, any future commercial use would likely need a nonconforming use permit. The traditional neighborhood district would be a better fit for the site as it would allow commercial uses that the site has historically been used for but would allow the

variety of housing densities that surround it.

4. The proposed T2 zoning is consistent with the Comprehensive Plan. The 2040 Comprehensive Plan designates the future land use of this parcel as Urban Neighborhood:

“Urban neighborhoods are primarily residential areas with a range of housing types. Single-family homes and duplexes are most common, although multi-family housing predominates along arterial and collector streets, particularly those with transit. Multi-family housing, schools, neighborhood parks, religious institutions and cemeteries may also be scattered throughout Urban Neighborhoods. Limited neighborhood-serving commercial may also be present, typically at intersections of arterial and/ or collector streets.”

The subject parcel is at the intersection of Sydney Street East and Oakdale Avenue, the latter of which is an urban major collector. It is also within walking distance of the 68 bus route and a future G-Line BRT station.

The following policies apply:

2040 Comprehensive Plan:

Policy LU-36. Promote neighborhood-serving commercial businesses within Urban Neighborhoods that are compatible with the character and scale of the existing residential development.

West Side Community Plan (D3):

Policy B1.2 Attract businesses that will increase the diversity of products and neighborhood services available to residents and visitors.

Policy B1.5 Encourage a broad range of businesses that cater to local and regional markets.

5. The proposed zoning is compatible with the surrounding uses. Because the site has historically been used for commercial use, the rezoning would bring the property into conformity with the zoning code.
 6. 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.”* Rezoning to T2 would not be considered spot zoning because of the interspersed commercial at intersections along nearby Robert Street and the allowed residential density is similar to that allowed in the H1 zoning district that abuts the parcel to the south and east.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from H1 residential to T2 traditional neighborhood at 736 Oakdale Avenue.

**REZONING APPLICATION**

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex, 25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6583

PD=3

Zoning Office Use Only

File # B-103176

Fee Paid \$ _____

Received By / Date _____

Tentative Hearing Date _____

APPLICANTProperty Owner(s) Khoun YangAddress 1497 Clarence St. City St. Paul State MN Zip 55106Email _____ Phone 651-315-9961Contact Person (if different) Lee Begnaud Email leatherworksminn@gmail.comAddress 925 Portland Ave City St. Paul State MN Zip 55071

(Attach additional sheet if necessary to include all of the owners of at least 67% of the area of the property to be rezoned.)

PROPERTY INFOAddress/Location 736 Oakdale Ave St. Paul, MN 55107PIN(s) & Legal Description 082822310081

(Attach additional sheet if necessary.)

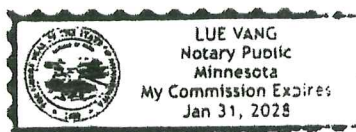
The W. St Paul Reimp Synd 1 lots 2 and 3
Block 7 Lot Area 2 + 3 Current Zoning RT1**TO THE HONORABLE MAYOR AND CITY COUNCIL:**

Pursuant to Saint Paul Zoning Code § 61.801 and Minnesota Statutes § 462.357, _____

owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a
RT1 zoning district to a T2 zoning district, for the purpose of:Making and Selling Handmade Dry Leather Goods. See Attached Form.Attach additional sheets if necessary. Attachments as required: ☐ Site Plan ☐ Consent Petition ☐ Affidavit☐ If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

Subscribed and sworn to before me

Date September 11th 2023

Notary Public
By: Khoun Yang
Fee owner of property

Title: _____

Rev 8.5.2019

The purpose of rezoning 736 Oakdale Ave. Saint Paul, MN 55107 to a T2 Limited Production and Processing category is to make and sell leather goods, such as wallets, belts, bags, coasters, key rings, etc. We started our company Leather Works Minnesota (leatherworksminnesota.com) in 1999 out of our garage in Saint Paul Park then moved to Lowertown St. Paul in 2012. Our goal for the past twenty four years has been to hand make quality leather products in small batches. With so much business being done online, we want to create a destination storefront where people can meet face to face and build real community relationships. For the past eleven years we've occupied a space in the Northern Warehouse ArtSpace building at 308 Prince Street #246. Saint Paul, MN 55101. We have a commercial studio on the second floor with residential artists living on the floors above. We have been looking to own a building to be able to better control our monthly expenses, have more room and give us more exposure for retail sales. When we saw the former Joseph's Mexican and Lebanese market was available it checked all our boxes for the future of Leather Works Minnesota. We feel that it would be a fun, challenging and rewarding venture to fixup this old building. Also following in my fathers footsteps as he moved his drapery shop into an old grocery store as well. There is a history in these old buildings that, if preserved, add value and connection to the past of an area. We would love to revive the old building to its former glory and repair the amazing mural which has been important to the neighborhood. We would also like permission to have a small cafe area, serving just coffee and pre-made baked goods from a local bakery. A place where people can see their leather goods being made, shop in our retail location, enjoy some coffee and visit with friends. We would also in the future like to add a deck off the side of the building for more tables and chairs for gathering. I have seen these quaint places scattered throughout our beautiful city and would love to do the same at 736 Oakdale eventually. In the large spacious attic we would like to add an apartment and office. Thank you for your consideration.

Kind Regards,

Kent & Lee Begnaud

651-458-3500

CITY OF SAINT PAUL**AFFIDAVIT OF PETITIONER FOR A REZONING**

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

The petitioner, Khova Yang, being first duly sworn, deposes and states that the consent petition contains signatures of the owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition and all property contiguous to the subject property that was owned, purchased, or sold by the petitioner within one (1) year preceding the date of the petition; petitioner is informed that the consent petition must contain signatures from each and all owners of jointly-owned property in order to constitute consent from that property and that failure to obtain consent from each and all owners could invalidate the consent petition; petitioner believes that the consent petition was signed by each of said owners and that the signatures are the true and correct signatures of each and all of the parties so described.

Khova Yang
NAME

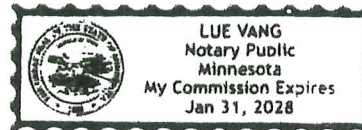
1497 Clarence St.
ADDRESS

651-315-9061
TELEPHONE NUMBER

Subscribed and sworn to before me this

11 day of September, 2023.

[Signature]
NOTARY PUBLIC



10/08

CITY OF SAINT PAUL

AFFIDAVIT OF PERSON CIRCULATING CONSENT PETITION FOR A REZONING

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

Lee Begrand, being first duly sworn, deposes and states that he/she is the person who circulated the consent petition consisting of 2 pages; that affiant is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name, and that each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition and all properties contiguous to the subject property that was owned, purchased or sold by the petitioner within one (1) year preceding the date of the petition; that the consent petition was signed by each said owner; and the signatures are the true and correct signatures of each and all of the parties so described.

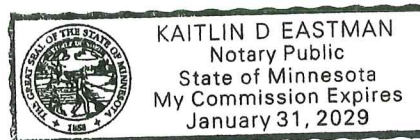
Lee Begrand
NAME Lee Begrand
925 Portland Ave St. Paul
ADDRESS Park,
MN
55071
651-278-4959
TELEPHONE NUMBER

Subscribed and sworn to before me this

8 day of November, 2023.

Kaitlin D Eastman

NOTARY PUBLIC



CITY OF SAINT PAUL
CONSENT OF ADJOINING PROPERTY OWNERS FOR A
REZONING

We, the undersigned, owners of the property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of Lee Begnaud
(name of petitioner)
 to rezone the property located at 736 Oakdale Ave.
 from a RT1 zoning district to a T2 zoning district and;
2. A copy of sections 66.313 through 66.314, inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a RT1 zoning district, and we are aware that any of these uses can be established upon City Council approval of the rezoning. We hereby consent to the rezoning of the property in the petition of

Lee Begnaud to a T2 zoning district.
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
204 Sidney St. 08282231-0080	David Lee Erickson	X	
746 Oakdale 08282231-0082	Robert & Susan Nowak	X Susan M Nowak	9-11-23
752 Oakdale 08282231-0083	Conner P. Luby Ciara Reynolds	X Conner P. Luby X Ciara Reynolds	9/7/23
210 Sidney St. 08282231-0079	James Malody Kathryn Malody	X James Malody X Kathryn Malody	9/7/23
205 Sidney 08282231-0066	Brendan Wind	X	
732 Oakdale 08282231-0065	Oguchukwu Akpati	X	10/3/23
728 Oakdale 08282231-0064	James Cole Robert Warmboc	X James Cole X Robert Warmboc	9/7/23
737 Oakdale 08282231-0155	Zane Striebel	X	
741 Oakdale 08282231-0156	Helen Rae Martin	X Helen Martin	9.7.23
749 Oakdale 08282231-0158	Tracy Smith	X	9.7.23
751 Oakdale 08282231-0159	Taylor Phillips	X	

NOTE: This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signature of this petition may withdraw his/her name therefrom by written request within that time.

CONSENT OF ADJOINING PROPERTY OWNERS

CITY OF SAINT PAUL
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(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
<u>08-28-22-31</u> <u>205 Sidney St E 0066</u>	<u>Brendan Wind</u>	<u>[Signature]</u>	<u>10/31/23</u>

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(name of petitioner)

[illegible]

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ZONING PETITION SUFFICIENCY CHECK SHEET

Zoning File Number: 23-103-176
Applicant: Khouna YANG
Address of Property: 736 OAKdale Ave

☐ CUP

☐ NCUP

☐ Rezone

First Submitted

Date Petition Submitted _____

Parcels Eligible _____

Parcels Required _____

Parcels Signed _____

Checked by: _____

Date: _____

Resubmitted

Date Petition Resubmitted 11-9-23

Parcels Eligible 14

Parcels Required 10

Parcels Signed 10

Checked by: Chris Hong

Date: 11/29/23



File #23-103-176 Zoning Map Application of Khoua Yang

Application Type: Rezone
Application Date: November 9, 2023
Planning District: 3



This document was prepared by the Saint Paul Planning and Economic Development Department and is intended to be used for reference and illustrative purposes only. This drawing is not a legally recorded plan, survey, official tax map or engineering schematic and is not intended to be used as such. Data sources: City of Saint Paul, Ramsey County, Metropolitan Council, State of Minnesota.

Subject Parcel(s) Outlined in Blue

Subject Parcel(s)	RM2 Multiple-Family	BC Community Business (converted)	F1 River Residential
ParcelPoly	RM3 Multiple-Family	B2 Community Business	F2 Residential Low
RL One-Family Large Lot	T1 Traditional Neighborhood	B3 General Business	F3 Residential Mid
R1 One-Family	T2 Traditional Neighborhood	B4 Central Business	F4 Residential High
R2 One-Family	T3 Traditional Neighborhood	B5 Central Business Service	F5 Business
R3 One-Family	T3M T3 with Master Plan	IT Transitional Industrial	F6 Gateway
R4 One-Family	T4 Traditional Neighborhood	ITM IT with Master Plan	VP Vehicular Parking
RT1 Two-Family	T4M T4 with Master Plan	I1 Light Industrial	PD Planned Development
RT2 Townhouse	OS Office-Service	I2 General Industrial	CA Capitol Area Jurisdiction
RM1 Multiple-Family	B1 Local Business	I3 Restricted Industrial	



File #23-103-176 Existing Land Use Map

Application of Khoua Yang

Application Type: Rezone

Application Date: November 9, 2023

Planning District: 3



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Subject Parcel(s) Outlined in Blue

Subject Parcel(s)	Single Family Attached	Mixed Use Commercial and Other	Major Highway
ParcelPoly	Multifamily	Industrial and Utility	Railway
Farmstead	Office	Extractive	Airport
Seasonal/Vacation	Retail and Other Commercial	Institutional	Agricultural
Single Family Detached	Mixed Use Residential	Park, Recreational or Preserve	Undeveloped
Manufactured Housing Park	Mixed Use Industrial	Golf Course	Water



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

File #23-103-176 Aerial Map Application of Khoua Yang

Application Type: Rezone
Application Date: November 9, 2023
Planning District: 3

Subject Parcel(s) Outlined in Blue

- Subject Parcel(s)
- ParcelPoly



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