

From: Michael Kyba [mailto:michael.kyba@gmail.com]  
Sent: Monday, February 11, 2019 1:10 PM  
To: #CI-StPaul\_Ward2 <Ward2@ci.stpaul.mn.us>  
Subject: rezoning of 770 Grand Ave - in favor!

Dear Councilmember Rebecca Noecker,

I have heard that there is organized opposition to rezoning of 770 Grand to prevent a food establishment (teahouse) from setting up shop.

I wish to record my strong support for this 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 cafe. I think it would fit in well with what is around this strip of Grand.

Thank you,

Sincerely,

Michael Kyba

**From:** Deborah Wentworth [mailto:[wentw001@umn.edu](mailto:wentw001@umn.edu)]  
**Sent:** Monday, February 11, 2019 2:04 PM  
**To:** #CI-StPaul\_Ward2 <[Ward2@ci.stpaul.mn.us](mailto:Ward2@ci.stpaul.mn.us)>  
**Subject:** rezoning 770 Grand Ave

Dear Councilmember Noecker,

I'd like to express my support for the rezoning of 770 Grand Avenue. I live on that block, and 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 and won't foster a late night bar scene.

Thanks very much!

Deborah Wentworth

**From:** Owasso Guitars [<mailto:owassoguitars@gmail.com>]  
**Sent:** Friday, February 8, 2019 10:18 AM  
**To:** Noecker, Rebecca (CI-StPaul) <[Rebecca.Noecker@ci.stpaul.mn.us](mailto:Rebecca.Noecker@ci.stpaul.mn.us)>  
**Subject:** 770 Grand Ave. Rezoning

Dear Councilwoman Noecker,

My name is Adam Wilson, I am a guitar-maker and member of Mount Zion Temple since 1986. I'm writing to you to express my opposition to the rezoning of 770 Grand Ave. I was a tenant of the garage at 770 Grand from 2012-2018 where I started my business, Owasso Guitar Co..

During my tenure at 770, the building was listed as for sale the entire time and is currently still listed. The landlord, Shab Shakibi, expressed interest in rezoning the property and selling it almost immediately after inheriting the property from her Mother, Rosie, who was a very good landlord to me for the 4.5 years prior.

In six years as a tenant, I was there nearly every day, I simply do not see how this will work with the surrounding neighbors and the logistics of running a restaurant. If the neighbors knew a food dumpster was going where the recycling currently is, they would be livid. This isn't the first time that something like this has happened to them either.

I briefly read through the 770 proposal and what struck me right away were the similarities to the Wild Onion's patio permit in 2009-11, particularly the time of year, the haste, and the public conflicts of interest. Arriving on Grand Ave. in 2012, I heard all about it from the neighbors and what a huge mistake it was for the city to let the Onion have a patio permit.

As someone who knows the area, the people, and how those people do business, this proposal does not seem to be at face value. I encourage that extra-consideration and caution be given to what can be allowed on that property after this, particularly in conjunction with adjacent properties, because that is the likely intention.

Currently, my shop is located at 407 Grand and I love the new shop. But I plan on returning to the top of the hill again someday and I would like some preservation of the area. It is my understanding that condo's, corporate chains and real estate offices often make their way onto Grand Ave. though hasty zoning deals just like this.

I know the neighbors and I know they are already committed to revitalizing the area, but keeping it's tradition. Now that the Wild Onion is gone, people feel safe being in the alley again and I know some of them had gardening plans back there. The fact that neither the tenant in the apartment above 770 Grand, nor the neighbors behind it were informed of this rezoning, suggests to me that extra speculation should be given to this proposal on behalf of those people in the community.

Thank you for your time and your service to the City of St. Paul.

Sincerely,  
-Adam F. Wilson

**From:** Shannon O'Toole [<mailto:sotoole.esq@gmail.com>]  
**Sent:** Sunday, February 10, 2019 7:39 AM  
**To:** Noecker, Rebecca (CI-StPaul) <[Rebecca.Noecker@ci.stpaul.mn.us](mailto:Rebecca.Noecker@ci.stpaul.mn.us)>  
**Subject:** 770 Grand Avenue Up Zoning/Spot Zoning

Hi Rebecca, I have been reading about the desired up-zoning at 770 Grand Avenue, and I have talked to Grand Ole Creamery owner Gary Huffman who is a business owner down the block at 750 Grand and who is leading the charge against this spot zoning. I have also read Lori Brostrom's excellent letter of January 30, 2019, to Kady Dadlez and Dan Edgerton which succinctly lays out the law and suggests a better and more logical option - change the zoning of that house from B2 to B1. Unfortunately, I did read what the Summit Hill Association published in conjunction with its very tardy notice (Friday before a Sunday meeting) of the meeting to be held outside the district, and it was gibberish (more on that later). As every business owner on Grand is discussing, and as evidenced by the increasing number of commercial vacancies on Grand Avenue, this is an extremely difficult time for small businesses, particularly on Grand Avenue with its excessive property taxes and rents. Given the boost Grand Avenue gives to the city's and the county's coffers, I would expect you and the city council to listen to its small business owners like Gary Huffman and not allow this spot zoning, which is, of course, illegal.

The intended tea house (so named by the Summit Hill Association) can proceed, despite having no off street parking, if the property is rezoned to B-1. This should be acceptable to the building owners and the potential lessees, unless their actual plans are something other opening a tea house. I know how important Grand Avenue is to you, and I hope to see some strong leadership from you on this critical issue. Thank you for your efforts.

Shannon O'Toole  
223 Avon Street South  
Saint Paul, MN 55105-3319

February 7, 2019

Re: #19-003-730 Reza Inc.

I am writing to request that the Planning Commission deny the requested rezoning of 770 Grand Avenue from BC to T2 zoning at tomorrow's meeting. I and my associates presented our case to the Zoning Committee meeting last week during the public hearing and were disappointed by the vote in favor of the rezoning. We feel that there were errors in the staff findings which were presented, as well as misunderstandings and faulty conclusions in the subsequent discussion by Zoning Committee members, which should lead to a vote by the Planning Commission to deny the requested rezoning.

1. **This would qualify as spot zoning.** The staff report acknowledges this under Finding #5, stating: *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."* The report goes on to conclude that this would not be spot zoning because *"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 to the commercial uses permitted in*

*the B2 adjacent community business district on the other side.”* This is an erroneous conclusion for several reasons:

a. It ignores the explicit intent of the current BC zoning code which states (emphasis added):

**Sec. 66.413. - Intent, BC community business (converted) district.**

The BC community business (converted) district is a business district expressly for existing residential structures in commercial areas, which will permit the operation of businesses which do not generate large amounts of traffic and at the same time will retain the visual character of the building forms and open space associated with residential uses. This includes a limited height on buildings and front and side yards. It is further the intent of this district to provide parking for employees who work in buildings which are converted from residential to business use.

The current allowed uses preclude any type of food service or food-related businesses, which—for a successful business—are inherently more intensive and generate vastly more traffic than the previous uses of this property. The last use—a salon with two chairs—would have allowed for no more than two customers per hour, with minimal associated demand for employee or customer parking.

b. It ignores the intent and impact of T2 zoning which, on the other hand, allows and encourages several more intensive uses, including food-related and bar businesses. For a property of this size and configuration, with minimal and inadequate parking accessible only from an alley which serves, along one entire side, single-family residential properties with RM2 zoning, T2 zoning would not only be inappropriate but also, potentially harmful (see #2 below).

2. Should this property be rezoned T2, which would run with the property, there are several potentially negative longer-term impacts which would be detrimental to the neighborhood and public well-being.

a. A more intensive use which is not appropriate for the property in its current configuration:

- 1) There is inadequate space for the current required parking, as cited in Section G of the staff report, which requires “a minimum of 4 off-street parking spaces for the proposed units in the building.” This comprises 1 full space for the dwelling unit and 3 spaces for the commercial space. One of those spaces is within a garage. However, the configuration of the property would preclude providing such spaces, taking into account the need for unfettered access to the garage, as well as for an ADA-compliant space, which is currently non-existent but would take up the equivalent of 2 regular parking spaces. Furthermore, with unfettered access to that space, the provision of 2 additional regular-sized spaces with adequate access from the alley is not possible.
- 2) The Summit Hill Association, in its letter to the Zoning Committee, expressed legitimate concerns around a) sufficient space for snow storage, which could only occur, given the current property configuration, with the elimination of at least one parking space; b) provision for trash storage—which would be at least dumpster-sized for the proposed use--and access for removal, which would further eliminate parking capacity because there is no provision for it currently on the property; and c) ADA-compliant parking, which as noted above, is non-existent currently.
- 3) Added traffic compared to the previous less-intensive uses on the alley, which has more than 50% residential uses considering both sides of the alley, and children with unrestricted access to the alley—which presents a significant safety hazard.

b. More intensive use at 770 Grand will have negative impacts on surrounding residents AND businesses, including:

- 1) More demand for already strained parking in the surrounding residential permit parking areas on Lincoln between Avon and Grotto (no parking on the north side and restricted parking on the south side) and on Avon (restricted parking between Summit and Goodrich). A survey conducted by the Summit Hill Association in the spring of 2018 related to proposed changes by the City found that illegal overflow parking from Grand Avenue is a serious problem and concern, and is largely unenforced; this would only increase with more intensive use for 770 Grand, regardless of zoning designation.
- 2) This block of Grand between Avon and Grotto has nothing but off-street business parking lots which are restricted exclusively to the customers of those businesses—and are already at full capacity, especially at peak times. With inadequate parking already, a more intensive use for 770 Grand would result in more unauthorized parking in those lots by customers of the business at 770 Grand.
- 3) More competition for the existing but limited unrestricted on-street parking on Grand Avenue, plus even more traffic—and the resulting pedestrian safety issues which are becoming more prevalent. Despite these issues, it is noteworthy that the City has conducted no parking studies in this area since the early 90s, nor any traffic studies for decades along East Grand. As a consequence, as noted above, the recent residential permit parking study conducted by the Summit Hill Association showed continued problems with an overflow parking burden from Grand, illegal patron parking in residential permit parking areas, and little or no enforcement.

c. The clear potential for the current building to be torn down and replaced with a building with even more intensive uses cannot be ignored. The negative impact on neighborhood character/aesthetics, not to mention the likely exacerbation of the issues noted above, would be untenable. Most concerning, T2 zoning would allow for fast food/chain operations in an area that clearly values and is still known for local small businesses, non-chain and/or national brands, and more than anything, NO fast food. It is difficult to imagine what would happen if a Noodles & Co or other fast food or fast/casual outlet with its high turnover and customer and employee counts were to be located at the current site.

**3. Any up-zoning is at odds with the recommendations of the current Summit Hill Neighborhood Comprehensive Plan.** The plan states:

*G4 Commercial and Housing Mix. Retain B2-C (commercial uses in residential structures) and residential zoning on Grand Avenue.*

More intensive zoning potentially detracts from the charming, historic and neighborhood-friendly character of Grand Avenue which makes it a unique and attractive destination for neighborhood residents and visitors alike.

**4. There is a more appropriate zoning classification which would allow for the current proposed intended use of this property.** The proposed new use of a “tea house” would be allowed under B1 zoning. This zoning is more congruent with the small-scale, neighborhood character of this area and block of Grand Avenue, per the zoning code:

***Sec. 66.412. - Intent, B1 local business district.***

The B1 local business district is intended to permit those uses as are necessary to satisfy the basic convenience shopping or service needs of persons residing in nearby residential areas.

B1 zoning allows for a tea house as a permitted or conditional use.

**5. Inadequate notification of neighbors for comment by the Summit Hill Association, and nonexistent notification by the Planning Commission ahead of the Zoning Committee public hearing.**

The SHA Zoning and Land Use (ZLU) Committee notification cards for their public meeting and comment were not mailed out to residents and business owners within 350 feet of 770 Grand until January 23, by their own admission. As a business owner in the notification area, I did not receive my postcard until the afternoon of Friday, January 25. Furthermore, the SHA ZLU meeting was held on Sunday, January 27, which is highly unusual as most of such meetings are held during the normal work week, and equally unusual, was at a location outside of the SHA district at the Palace Recreation Center, rather than at the Linwood Recreation Center, which is the long-established usual location which is within the district and convenient for Summit Hill neighbors. This allowed less than 24 hours to offer written comment, and less than 48 hours notification to prepare and attend the meeting.

I have talked to many neighbors who did not have adequate notification—or did not receive any notification at all—so they could not attend or offer comment. Thus, neighboring businesses and residents were prevented from exercising their right to learn about this proposed rezoning and express their concerns and opinions.

Aside from the late notice, which is inexcusable because the City's ENS system sent out the first alert on this on January 11, there is absolutely no reason why this meeting could not have been held on Monday, January 28 or Tuesday, January 29, with commensurately longer periods for written comment. This would have also made it possible to hold the meeting at the Linwood Recreation Center while still allowing time for the ZLU to send a letter of recommendation to the Zoning Committee.

This also might have allowed time for the ZLU committee members to do more due diligence on this matter, as some members acknowledged that they did not have adequate information about the proposed rezoning. That being the case, they would have served their constituents better by not taking a vote or taking a position on this matter.

Similarly, on the Rezoning page of the City website it says: *The [Planning Commission](#) is a 21-member citizen board appointed by the Mayor with the consent of the City Council. Their 8-member Zoning Committee holds the public hearing and makes a recommendation to the full Planning Commission. All property owners within 350 feet of the subject property and the [Citizen Participation District Council](#) for the area are notified by mail at least 10 days prior to the public hearing.*

However, neither I, as the property owner of 752 Grand Ave, nor any of the surrounding business and residential property owners within 350 feet of 770 Grand who I have spoken with, have received any such notification. I, myself, only learned about this proposed rezoning from an outside source on January 18, who forwarded the January 11 ENS notice to me.

This was a significant error on the part of the City of St. Paul which effectively denied many people their rights to learn more about this issue and to express their opinions and concerns ahead of the Zoning Committee vote.

For these many reasons, I am respectfully requesting that the Planning Commission vote to deny this rezoning request.

Thank you,  
Gary Huffman  
Huffman Enterprises Inc.  
752 Grand Ave.  
St. Paul, 55105

**From:** Meridith O'Toole [<mailto:mmotoole28@gmail.com>]

**Sent:** Tuesday, February 12, 2019 1:07 PM

**To:** Dadlez, Kady (CI-StPaul) <[Kady.Dadlez@ci.stpaul.mn.us](mailto:Kady.Dadlez@ci.stpaul.mn.us)>; Noecker, Rebecca (CI-StPaul) <[Rebecca.Noecker@ci.stpaul.mn.us](mailto:Rebecca.Noecker@ci.stpaul.mn.us)>

**Subject:** Re: rezoning of property at 770 Grand Ave -

Hello,

I live directly behind 770 Grand Ave at 773 Lincoln Ave. I was unable to attend the meetings but I wanted to voice my concerns over rezoning 770 Grand Ave. from BC to T2.

Currently, the property has been a salon under the BC code and as I understand under the T2 the property could be a business such as a restaurant, tea house, fast food restaurant etc. These types of businesses would attract more cars and longer operating hours resulting in more noise and disturbance within the neighborhood.

My biggest concern is additional vendor deliveries using the alley which creates more wear and tear and increased blockage during these deliveries. Parking overall is a huge concern! We pay for permits to park on our street whereas the businesses and their customers do not.

There are enough restaurants, coffee shops, pizza and ice cream shops on that block already and across the street where there vacant businesses right now!

I am also very concerned with the growth of these businesses amidst what used to be a good mix of business and residential is doing to my property value.

I don't believe this rezoning is best for Grand Ave. and my surrounding neighbors choosing to raise their families here. The traffic and parking problems alone should confirm the decision NOT to rezone 770 Grand Ave.

Thank you,

Meridith M. O'Toole

From: Jeff Young [<mailto:jsy@10x-computing.com>]  
Sent: Thursday, February 14, 2019 8:23 AM  
To: #CI-StPaul\_Ward2 <[Ward2@ci.stpaul.mn.us](mailto:Ward2@ci.stpaul.mn.us)>  
Subject: 770 Grand Ave zoning request

Ms Noecker,

I am writing with regards to the proposed zoning change for 770 Grand Ave from BC to T2. Since I live at 753 Lincoln Ave (across the alley from Grand Ave), I have an interest in this process.

I believe that the proposed change is ill advised for this block. A more suitable zoning change would be from BC to B2. Having a single T2 on the block is not necessary at this time. The stated reason for the zoning change is to accommodate a tea shop at the location. This can be accomplished via a B2 zoning change. (In fact, a B2 zone would allow the owners to expand into a full restaurant in the future.)

Upzoning to a T2 is a dramatic step which is not necessary at this time. We should take an incremental approach to zoning changes which take into consideration the residential neighbors and the business needs of Grand Ave. In this case, both can be served by a B2 zone change.

Please reconsider the application for the T2 zoning change.

Sincerely,  
Jeff Young  
753 Lincoln Ave

**From:** topho [<mailto:topho@usinternet.com>]  
**Sent:** Monday, March 4, 2019 3:40 PM  
**To:** #CI-StPaul\_Ward2 <[Ward2@ci.stpaul.mn.us](mailto:Ward2@ci.stpaul.mn.us)>  
**Subject:** re: rezoning on Grand Ave

Dear Rebecca,

I would like to add our voice to the upcoming consideration in changing the zoning on 770 Grand Ave. We do not believe it prudent to change the zoning to T2. It would not be in the interest of Grand Ave businesses nor the surrounding community.

Thank you.

Sincerely,  
Tom/Anita Ophoven  
774 Lincoln Ave

**From:** Gary Huffman [<mailto:ghuffmanmmm@gmail.com>]  
**Sent:** Saturday, March 2, 2019 7:34 PM  
**To:** #CI-StPaul\_Ward7 <[Ward7@ci.stpaul.mn.us](mailto:Ward7@ci.stpaul.mn.us)>  
**Subject:** Spot Zoning of 770 Grand Ave

Dear Councilwoman Prince,

It was nice seeing you recently at the Downtowner restaurant. Please review and consider the following request and the findings of Chuck Repke in the attached file. Your vote against this spot up-zoning will



be greatly appreciated. Please consider the ramifications this could have in terms of re-zoning any vacant property on Grand and opening the door for mass commercialization of properties into fast food entities with corporate franchises.

Chuck is a former planning commission member and consultant and has assessed the consequences of spot up-zoning of 770 Grand Ave from BC, which it has been for 30 years, to a high traffic mode of T2. Note that this property is a residential house that is located in the middle of the block between Avon and Grotto. There are other zoning options that conform to the rest of Grand Ave, where there are no T2 properties because it is at odds with the character of the neighborhood. This radical up-zoning for a fast food business could result in a "tear down" situation. There is very limited parking at this residence and handicap parking does not exist. A task force has been formed by SHA and GABA to study the situation further. It should behave the city to conduct a similar study of the zoning situation on Grand Ave before voting on the property. Thank you for your time.

Gary Huffman

submitted by Chuck  
Repke 1/31/19

Proposed Replacement  
Language

Findings:

1. – Same as staff findings
2. The proposed zoning is not consistent with how the **area has developed**. The Community Business converted (BC) Zoning on Grand Avenue is unique in the City of Saint Paul. **Sec. 66.413. - Intent, BC community business (converted) district. The BC community business (converted) district is a business district expressly for existing residential structures in commercial areas, which will permit the operation of businesses which do not generate large amounts of traffic and at the same time will retain the visual character of the building forms and open space associated with residential uses. This includes a limited height on buildings and front and side yards. It is further the intent of this district to provide parking for employees who work in buildings which are converted from residential to business use.**

As Grand Avenue went through a renaissance in the 1970's and early 1980's concern about the **pressures to demo** Victorian Styled homes for commercial development or parking became a major concern. After a long planning process and considerable discussion and efforts in the business and residential

communities the BC zoning designation was developed. The BC designation allowed the structures to be either mixed use residential and commercial or commercial uses that have limited parking requirements and low impact on the adjacent residential properties on Summit or Lincoln. The types of uses allowed **were retail** and office in nature that anticipated limited hours of operation. **Restaurant uses are prohibited.** T2 zoning district is **not as narrow in scope and** will allow more intense uses than are allowed in the BC zoning district.

3. The proposed zoning is not consistent with the Comprehensive Plan. Grand Avenue is a primary thoroughfare through the city that is served by public transit and includes areas where two or more uses could be located in the same building or close proximity. Policy 1.23 in the land use plan calls for guiding **development** along mixed use corridors. Policy 1.24 calls for a mix of uses on mixed used corridors. Policy 1.47 supports compatible mixed use within single buildings and in separate buildings in close proximity. The BC zoning district **was designed** for Grand Avenue to accomplish all of those goals in this neighborhood. To eliminate **BC zones threatens that guided/planned development of the area.**

The Summit Hill/District 16 Neighborhood Plan's vision for Grand Avenue is an eclectic mix and balance of housing and small scale shops, **restaurants and services**, both locally and nationally owned for residents and visitors. **Strategy G1** of the plan states, Maintain Grand Avenue as a continuous neighborhood retail and residential corridor **and contain commercial uses and accessory** parking with existing boundaries. **Strategy G4 states, retain BC (commercial uses in residential structures) and residential zoning on Grand Avenue. Discourage rezoning of residential uses to more intensive uses.** Rezoning from BC to T2 directly violates **strategy G4** and would be inconsistent with the neighborhood plan. Every owner of BC property on Grand Avenue **who loses an** existing tenant may find it more profitable to rent to a coffee house or **restaurant use.** Rezoning to T2 further could allow the demolition of the Victorian styled home and replace with a more modern office/retail or mixed use building.

#### **4. – Same as staff findings**

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 surrounding uses and create an island of nonconforming use within a larger zoned property."* Grand Avenue within the District 16 area has

been consistent in how it was developed mixed use development exists in the BC zoning districts. Piecemeal rezoning of one parcel of 40 foot wide BC zoned property to T2 which **does not exist** on the block **could be considered spot zoning**.

**Based on findings 2, 3 and 5, the petition to rezone from BC community business (converted) to T 2 traditional neighborhood at 770 Grand Avenue should be denied.**

I live on the SW corner of Grand and Avon, and so, I live very close to 770 Grand ( ½ a block away), and I strongly disapprove of this rezoning request. I don't see why the tea /Ice cream shop can't exist with the current BC zoning that presently exists. I understand that opening it up to T2 zoning could eventually, down the line, even make it possible for a McDonalds to move in. I see no good reason, for this request, and so, I would strongly urge that you, Council members, vote against this change. Our neighborhood cares about the make- up of Grand Ave., and we have no desire to change the tone of the place, just because one buyer finds the need to alter things to their likes, and not the neighborhood's character. We are not that hard up to fill empty spots on Grand Ave. that we need to allow zoning changes, just to suit the wishes of a single buyer. Please think about long range consequences and don't just satisfy the needs of one.

Thanks for your consideration concerning this matter .

Sincerely Betsy Turner/ 51 S. Avon/ St. Paul, MN. 55105

Please add my opinion to that of Betsy Turner. Tho I live a few blocks farther away I too cherish the Ice Cream store part of Grand Avenue's mix of services. I grew up some 90 years ago on Grand Hill, walking to Logar's pharmacy, playing records at McGowans, riding my bike to school, now enjoy the many local restaurants.

Leila D J Poullada, 854 Linwood Ave, St Paul 55105

**From:** Heather Huffman [<mailto:hbhuffman@gmail.com>]

**Sent:** Monday, March 11, 2019 3:41 PM

**To:** #CI-StPaul\_Ward7 <[Ward7@ci.stpaul.mn.us](mailto:Ward7@ci.stpaul.mn.us)>

**Subject:** Spot Zoning of 770 Grand Ave

## Spot Up-Zoning of 770 Grand Avenue from BC to T2

First and foremost, upzoning of 770 Grand is at odds with The Comprehensive Plan for St Paul, adopted by the Planning Commission and City Council. Spot zoning is also illegal in the State of Minnesota.

Second, the Summit Hill Neighborhood Comprehensive Plan clarifies why this property should remain zoned BC. Section G4 “Commercial and Housing Mix” states: **Retain BC (commercial uses in residential structures) and residential zoning on Grand Ave. Discourage rezoning of residential uses on Grand Ave to more intensive uses. The intent is clear: maintain the charming, unique character of Grand Avenue and promote small, locally-owned businesses vs. high-intensity uses including businesses selling food and/or beverages.** Allowing this property to be rezoned would create a dangerous precedent for the many other BC-zoned properties along Grand Avenue all the way to Ayd Mill Road, potentially allowing fast food and chain operations that rely on much higher foot and vehicle traffic to meet their performance benchmarks.

Third, and as important, according to the St. Paul Zoning Code, Article III, Section 66.313: T2 is a designation to be used in existing high-transit nodes (such as the Snelling and Grand Avenue intersection, as approved by the City Council last year), to increase and encourage mass transit usage. This is not a transit node; in fact, 770 Grand Ave. is located in the middle of the block and is a typical 40-foot residential lot, as befitting the house which has a residential unit on the second floor and, up until recently, had low-intensity usage as a small beauty salon on its first floor.

Fourth, what little parking it has is accessed off the alley, across from the single-family houses along Lincoln Avenue. T2 rightly calls for careful attention to the amount and placement of parking. As illustrated in the photos, there is a garage in back of the 770 structure and very little room for any additional parking, other than for the ADA-compliant parking that it has not previously provided, plus the property rental unit on the second floor, and maybe one space for an employee. Given the heavy snowfall this year, even this parking would not be available at times, nor would access to it be easy along the narrowed alley abutting the homes and their garages along Lincoln Avenue. The lack of parking will be a burden year-round and create parking problems for neighbors and customers. Moreover, the alley is the narrowest behind this property, as illustrated in the photos. This will be problematic for commercial deliveries needed for a more intensive use, commercial-level trash and recycling, and snow removal or storage. Clearly, there is no room for a dumpster or commercial-sized recycling receptacles, in addition to piles of snow AND parking. To date, the owner has yet to demonstrate any regard for snow removal of both the back parking and the front sidewalk on Grand. Another consideration is that street parking on this block of Grand is already limited and the adjacent streets of Lincoln Avenue

and Avon Street have permit parking only for residents--which is routinely not enforced. Furthermore, the fire department should be consulted regarding emergency vehicle accessibility to this property via the alley, especially during winter months.

This should be evaluated further before any rezoning. However, rather than T2, a more fitting zoning option for the use which the property owner wishes is B1 or T1, which would preserve the low-intensity intent of the BC zoning and also pre-empt the much higher-intensity uses T2 allows, such as fast food or chain operations, as well as bars and restaurants--all of which would overwhelm a property of this size.

Lastly, this property does not need to be rezoned considering the numerous vacant commercial properties on Grand that are already zoned properly for the business applicant.

Thank you for your time.

--

Heather B. Huffman, MPP  
1283 Lincoln Ave  
St. Paul, MN



To Whom It May Concern,

I am writing in support of bids to change zoning to facilitate new development on Grand Avenue in Saint Paul, in the interest of maintaining the positive retail energy and family-friendly environment Grand Ave is known and admired for.

I grew up in the Summit Hill neighborhood, graduated from Central High School, and have watched how the collective risks—taken by multiple small business owners and developers over the years—have slowly transformed the neighborhood, bringing jobs, stability, and vibrancy. I have spent a lot of time on Grand Avenue—shopping, working, attending events. I have a great appreciation for the engaged community, and value having locally-owned businesses and passionate owners giving job opportunities to young workers close to home. I am a great supporter of small businesses in Saint Paul; the dedication and spirit of the individuals who run them contribute to making our city more attractive, connected, and unique.

Above all, I would like to encourage entrepreneurship and the realization of big ideas. It is important to be discerning in our evaluation of new business ventures and their potential impact on the character of the neighborhood without losing sight of the bigger picture. It is natural to be wary of change and important to discuss potential repercussions that any prospective business may have on the character of Grand Ave and the surrounding neighborhood. That being said, in our sincerity and earnest concern, we sometimes run the risk of stymieing progress. I am a big proponent of creating easily navigable pathways that allow many new businesses to spring up, positive promotion of the new additions, and maintaining a respectful, *laissez-faire* attitude that allows the neighbors decide which new offerings they want to keep around through their patronage. Longevity cannot be predicted, but it can be earned.

I have seen a number of articles in the *Pioneer Press* and *Highland Villager* during the past few months about lack of business momentum and increasing commercial vacancies on Grand Ave as of late. I do hope that you put to consideration the prospect of evaluating zoning changes to give life to new ideas and the opportunity for new concepts to hit the ground running. A business & development-friendly attitude can help reverse vacancy trends and gives newcomers the chance to add to the character and vibrancy of Grand Ave, the unique blend of residential & commercial that we longtime residents so cherish. The last thing I would want to see is business development and growth on Grand stagnate (or worse: slowly recede) as new developments in other parts of the city gain traction and interest.

Thank you for your time and consideration.

Sam Andrastek  
774 Ashland Avenue  
Saint Paul, MN 55105

March 13, 2019

To whom this may concern:

I'm writing to support the rezoning of 770 Grand Avenue. As a member of the J.W. Hulme team which recently announced the opening of our store located at 867 Grand Avenue, to much public support and excitement, I support turning any vacant space into a locally owned and operated small business.

Until the announcement by J.W. Hulme the headlines that surrounded Grand Avenue were of more and more businesses closing than opening. It is no small task to have the dedication and determination it takes to open a small business and those who have the courage to do so deserve our support.

Imagine if in 1905 John Willis Hulme was denied the opportunity of manufacturing his products because of bureaucratic red tape, let's send a positive message that encourages small business growth because you never know when the next St. Paul tradition will make history.

Sincerely,

Hilary Werre

Dear Councilmember Noecker;

As a resident of Ward 2 who lives just a block from the subject property, I am writing to ask that you oppose the requested upzoning of 770 Grand Avenue from BC to T2, for several reasons:

- **T2 zoning is inappropriate for a 40-foot residential lot in the middle of the block abutting single-family houses in a national historic district along Lincoln Avenue:**
  - It would allow much more intensive uses which BC zoning--rightly--was intended to avoid and which would be unsupportable by this property given its size and location limitations.
  - There is woefully insufficient parking for any but the most low-intensity uses. As it is, there is barely room for the 4 required spaces (including one which is ADA-compliant), accessible only through an already-crowded alley which was rendered almost impassable by this winter's snows. That's not even enough to accommodate the resident upstairs and the employees of any business in the existing space, much less customers.
  - The T2 zoning designation barely exists along the East Grand area between Dale and Ayd Mill Road. The only T2 is a converted residential single-family property which was expanded at some point, and currently houses New Life Contracting; it is arguable that this was necessary or desirable whenever that zoning was changed.
  - T2 zoning barely exists on other areas of Grand. Continuing on to Snelling, T2 is found only on commercial or apartment buildings on the block of Grand directly to the east of Snelling, which were rezoned as part of the South Snelling rezoning passed last year, and done explicitly to encourage greater density along the very busy Snelling Avenue transit corridor. There is also the new mixed use building across from Kowalski's at Grand and Saratoga, where the developer took 4 lots on a corner to combine into a larger lot which could support T2. That this lot is just one block off the Ayd Mill transit corridor adds further validity to that rezoning. This small residential lot which is most certainly not on

a transit corridor (Grand Avenue could barely accommodate two lanes of traffic this winter) does not meet any of these criteria and should not be rezoned T2.

- This would set an unfortunate, character-changing precedent along East Grand, where there are approximately 40 other parcels zoned BC which, if they were upzoned to T2, would have multiple unfortunate consequences and impacts on an already-congested stretch of Grand.
- **There are more appropriate alternatives to T2 zoning for that property and the stated use which the owner and prospective tenant have put forward. Either B1 or T1 zoning would allow for the "tea house" which the prospective tenant proposes for that building.**
  - Again, as noted above, the concern for even such a less-intensive use than a typical restaurant or bar is the complete lack of sufficient parking. All parking lots on that block of Grand are reserved for use solely by customers of those businesses. Street parking on that block is severely limited due to all the curb cuts, plus the bus stops and no-parking zones within 30 feet of the crosswalks; surrounding neighborhoods are residential permit parking only. Indeed, the last parking study done by the City in 1992 found a deficit of over 1500 parking spaces just between Dale and Milton, and since then the demand has only increased since that time. The City is long-overdue for an updated parking study and until such time as that is done, anything that increases parking demand needs to be looked at very carefully.
- **The letter to your office from the owner of REZA Inc. contains many troubling inaccuracies and misleading assertions.**
  - While there are, indeed, many properties with B2 and B3 zoning in the area surrounded by her property, most also have considerably more dedicated off-street parking to support their more intensive uses, with most accessible from Grand. For instance, based on Google satellite maps, Red Rabbit directly adjacent to her property has a lot with 45 spaces; Brasa has 14 spaces, Punch Pizza has 30, Caribou Coffee 25, and the less-intensive retail at the corner of Grand and Avon with space for 4 stores has 30 spaces. Many of these parking lots are still inadequate to serve the needs of the current businesses, but were grandfathered in with lower requirements which would likely not pass muster otherwise. So, there are several existing businesses--some of which little or no off-street parking--competing for what little on-street parking exists for their customers and their employees (who, contrary to claims by many business owners, do not all bike or take the bus to work, as many residential neighbors can attest to).
  - Her repeated assertions that T2 zoning is compatible with current zoning and uses of surrounding buildings is true--but, they completely ignore the fact that these surrounding properties are also much larger in terms of acreage/lot size and, again, have more available--and dedicated--parking. It does not mean that it is appropriate or compatible with this particular property and its very real limitations. This is also true of the nearly 40 currently BC-zoned properties between Dale and Ayd Mill Road. In fact, PED's "Zoning Applications, Petitions and Affidavits Packet" explicitly states that in addition to compatibility issues, they will also consider *"Suitability of the property for the uses permitted under the existing zoning classification."* (Emphasis as reflected in the document:  
<https://www.stpaul.gov/sites/default/files/Media%20Root/Planning%20%26%20Economic%20Development/Rezone%20packet.pdf>) The intent of BC zoning, as stated in Sec. 66.413 is: *The BC community business (converted) district is a business district expressly for existing residential structures in commercial areas, which will permit the operation of businesses which do not generate large amounts of traffic and at the same time will*



*retain the visual character of the building forms and open space associated with residential uses. This includes a limited height on buildings and front and side yards. It is further the intent of this district to provide parking for employees who work in buildings which are converted from residential to business use. The notions of "do not generate large amounts of traffic" and "provide parking for employees who work in the buildings" would not be met by even a modestly successful "tea house" much less a more intensive food/beverage use.*

- Grand Avenue could indeed benefit from "fresh new businesses" to fill the many vacancies which currently exist. However, many of these vacant spaces already have more expansive zoning which would accommodate this proposed business/use of this prospective tenant without rezoning/upzoning. However, that tenant has stated that these spaces are too expensive for them. However, economic considerations have never been a valid reason for any zoning-related variance, CUPs, or similar use determination.
- 770 Grand is not designated as historic, nor is any part of Grand Avenue, currently, although there are certainly properties which should be so designated. So, there would be few, if any, barriers to tearing it down and putting in fast food or any of the uses allowed under T2. However, Grand Avenue in this section is surrounded by historic-designated properties. Summit Avenue directly to the north is locally- and nationally-designated, and Lincoln Avenue and several other blocks to the south have national designation. A teardown and reconfiguration of the existing lot might allow for some fast-food and chain uses. This is a real concern given that the proposed tenants already are chain store franchisees and these would be allowed under T2. Again, the impact of any rezoning and accompanying intensification of use for this and other BC-zoned properties would be detrimental.
- It is true that rezoning is the only way a "tea house" would be allowed on this property. However, as noted earlier, T2 is not the only option which this property owner has available, so her assertion is misleading at best. B1 or T1 would allow this use while preventing more intensive future uses.
- Contrary to the statement that the Huffman family are the only ones opposed to this proposed rezoning, I am aware of several neighbors who have serious and valid concerns--and many have joined me in sending in letters.
- The many economic concerns the owner of this property cites are shared by many, if not most, of the commercial and residential property owners along Grand and in the surrounding areas, regardless of their zoning. They are not a valid rationale for rezoning. It would, however, make the value of this property greater should the owner choose to sell it at any point, which makes her insistence on T2 zoning--rather than the more appropriate B1 or T1--suspect.

I would request that the City Council deny this application and to ask PED to suggest the much more appropriate B1 or T1 zoning should the applicant continue to ask for rezoning of her property.

Thank you for your consideration.

Lori Brostrom  
710 Summit Avenue

**From:** Eric L [<mailto:eric@apts.cc>]  
**Sent:** Monday, March 18, 2019 8:15 PM  
**To:** #CI-StPaul\_Ward2 <[Ward2@ci.stpaul.mn.us](mailto:Ward2@ci.stpaul.mn.us)>  
**Subject:** Please OPPOSE Rezoning of 770 Grand -- RE: ORD 19-12

Dear Councilmember Noecker,

I am writing in OPPOSITION to the proposed rezoning of 770 Grand (ORD 19-12) from BC to T2.

- For "mixed uses" (commercial/residential), the Saint Paul zoning code's minimum front yard setbacks are: BC = 25-feet; T2 = 0-feet.
- Today's existing front yard setback at 770 Grand aligns with its two easterly neighbors, is attractive, and is very much in keeping with Grand Avenue's historic character. Owners of 770 Grand should NOT be allowed to fill that parcel's front yard with new construction.
- If zoning at 770 Grand is changed from BC to T2, **all future owners of that property will have been granted very strong incentives to eliminate the front yard** by adding unattractive and inappropriate new construction. EXAMPLE: See attached Google streetview photos of 814 Grand (showing a former house that was remodeled years ago to its current zero-foot setback) and 770 Grand.
- As a lifetime resident of St. Paul's Summit Hill and Ramsey Hill neighborhoods, and as the owner of four apartment buildings on Grand Ave. near Milton St., I sincerely hope that you will vote to DENY THIS REZONING REQUEST.

Sincerely,  
Eric Lein  
361 Summit Ave, St. Paul, MN 55102

Owner of 894-902-908-934 Grand Ave.

.  
814 GRAND (left bldg)



770 GRAND (right bldg; adjacent to commercial parking lot)



**From:** Sara Jouzdani [mailto:jouzd001@umn.edu]  
**Sent:** Monday, March 18, 2019 10:40 AM  
**To:** Dadlez, Kady (CI-StPaul) <Kady.Dadlez@ci.stpaul.mn.us>  
**Subject:** Support Letter for 770 Grand Ave. rezoning

To whom this may concern:

I'm writing to voice my support for the approval of rezoning [770 Grand Ave.](#), since moving to Minnesota in 2008, I have frequently visit Grand Avenue, I actually met my husband waiting in line at Café Latte. My husband is Arash Shakibi, whose family has owned [770 Grand Ave.](#) since the early 1990's, Arash and his sister Shab Shakibi have shared all of the wonderful memories they have of Grand Avenue. Growing up working at their mother's hair salon, riding their bikes up and down the friendly streets but in recent years their happy memories have turned into nightmares.

In the early winter months of 2017, two pipes burst causing more than \$30,000 in damages which ultimately forced them to close the salon. All of the salon equipment was damaged, the entire basement that was recently renovated was torn out and although insurance paid for some of the cost, it did not cover everything. During this time, a long-time tenant Adam Wilson also started causing problems. Shab was constantly receiving calls from neighborhood residents and business owners about his bizarre behavior, to the point where he was banned from The [Wild Onion](#). Shab told me she felt unsafe being alone with him because of this I urged her to end their lease agreement.

Arash and Shab Shakibi want nothing more than to keep this property in their family, but the financial burden is taking a crippling toll on them becoming fearful that they had no other option but to sell the property. Until they met Treats, LLC; who have the same vision and admiration for Grand Avenue as they do. Neither party wants to change Grand Avenue, they want to continue the historical charm that Grand Avenue is known for. Denying this rezoning, will not just result in another vacant building on Grand Avenue but it's denying two families from continuing their dreams of being small business owners, it's denying the basic principle idea of what Grand Avenue is known for having.... Locally owned mom and pop shops.

Thank you for your time and consideration on this matter that is of great importance.

Sincerely,  
Sara Jouzdani

**From:** Colleen Halpine [mailto:colleenhalpine@gmail.com]  
**Sent:** Tuesday, March 19, 2019 4:21 PM  
**To:** #CI-StPaul\_Ward2 <[Ward2@ci.stpaul.mn.us](#)>  
**Subject:** I am opposed to Spot Up-Zoning of 770 Grand Ave from BC to T2!

Dear Council Member Noecker,

I am opposed to spot zoning. The current character of Grand should remain the way it is. We don't need more developments like the CVS on Grand. Minneapolis and other areas of St Paul have made big mistakes by tearing down existing businesses, houses and consequently the neighborhood identity is decimated. People come to St Paul because it has a small town feel.

Please retain the current business zoning.

Colleen Halpine  
Homeowner Cathedral Hill Area

**From:** Alisa Lein [<mailto:alisalein@gmail.com>]  
**Sent:** Tuesday, March 19, 2019 6:23 PM  
**To:** #CI-StPaul\_Ward2 <[Ward2@ci.stpaul.mn.us](mailto:Ward2@ci.stpaul.mn.us)>  
**Subject:** 770 Grand Ave

Dear CM Noecker -

I am writing today with concerns around the proposed re-zoning of 770 Grand Ave, St. Paul, MN 55105. Please weigh all of the public comments equally before voting on the applicants request.

I understand there are many vacant store fronts and properties along Grand Ave and that issue does concern me not only for today but also looking into the future. As you know, there is a task force which has been set up, at your request, and is about to begin to address zoning, business development, ordinances, and more along Grand Ave.

770 Grand Ave should be part of the task force discussions and so for now, I would respectfully request you deny the application to allow the zoning to change from BC to T2. A full review of Grand Ave needs to be done and this will hopefully be accomplished by the task force.

Even if the developer says "fast food" isn't moving in with a T2 license, who is to say it won't in a matter of months if the current developer changes their mind. At that point, the existing building may be torn down and a new property built which is right up to the sidewalk with no front yard setback.

A lot of the charm of Grand Ave is the mixed use look and feel as you drive, walk, bike, or run along it. It's not a wall of store fronts at the sidewalk which all look and feel the same. My concern is the precedent being set if 770 Grand is allowed to be changed to T2, who will be next, and next, and next and is this what the neighbors and businesses on Grand Ave want? They need their voices heard and not told by the council "this is what we think is best and just trust us".

Does something need to be done to keep Grand Ave thriving? 100% yes. Spot zoning isn't the answer in this particular case at this time. If the current proposal is for 770 Grand Ave to be a "tea house", can't that be done with the existing and current zoning in place for that block of Grand Ave and not upzone it to T2? Or is a conditional use permit more appropriate vs. upzoning to T2?

770 Grand Ave does fall in the 2040 Comprehensive Plan "neighborhood node" according to the map in that document, so that does also need to be taken into consideration.

To conclude, I would encourage you at this time to deny the request and let the new task force you asked for do its role at this time. Perhaps in the future it will be a different outcome, but for March 20, 2019, I believe this is the right decision.

Thanks for your efforts in helping to ensure Grand Ave is a vibrant street for decades to come. Alisa Lein  
1467 Grand Ave  
Property Manager of 5 multifamily properties in Summit Hill, 4 of them on Grand Ave at Victoria/Milton)

**From:** Turner, Betsy E <[Betsy.E.Turner@HealthPartners.Com](mailto:Betsy.E.Turner@HealthPartners.Com)>  
**Sent:** Friday, March 22, 2019 12:53 PM  
**To:** #CI-StPaul\_Ward1 <[Ward1@ci.stpaul.mn.us](mailto:Ward1@ci.stpaul.mn.us)>  
**Subject:** Wed night

The reasons for these current laws made good, neighborhood sense, as was spelled out, last night, in the council meeting. I was shocked to hear that [Council Member for Ward 2](#) favored the rezoning of the 770 Grand property, regardless of what was so clearly explained to be detrimental to the future feel of Grand Ave. ! To me, it is really short sighted not to foresee how such a zoning change could change the makeup of the surrounding area. After hearing what this store plans to carry, I, myself, don't feel as though this restaurant/ store will be very popular and last for that long, and if that is the case, then, the owner of the property eventually could move the storefront to the sidewalk, etc., with the T2 zoning, and a fast order restaurant could move in. The future is key, and I live very close to 770, and so, this is a huge consideration. [We just got through dealing with the Wild Onion for 20 years, and so, we certainly don't need any further changes to the tone of the avenue that was established when BC was enacted.](#)

Please consider the people who live nearby and not just the businesses who are investing, for the sake of making money.

Thanks, Betsy Turner/ 51 S. Avon/ St. Paul, MN. 55105

**From:** Betty S. Andrews [<mailto:BETTSANDRE@msn.com>]  
**Sent:** Saturday, March 23, 2019 2:31 PM  
**To:** #CI-StPaul\_Ward2 <[Ward2@ci.stpaul.mn.us](mailto:Ward2@ci.stpaul.mn.us)>  
**Subject:** Vote no on zone change for 770 Grand Ave

Rebecca,

I am pleading for you to reconsider you vote on the zoning change for 770 Grand Ave.

I read the SPPP 3/22.

It is across the street from where I live and it's very important to not degrade the block and the neighborhood by lowering the zoning too the level of T2.

It will allow so much more traffic in the block.

Even if they say it is only a ice cream shop going in,  
the reality is that in the future it can be changed to something much less desirable at any time in the future.

As a resident PLEASE VOTE NO.

BETTY S ANDREW  
745 GRAND AVE  
ST PAUL, MM 55105



**From:** Terry Shaw [<mailto:terryleeshaw1@gmail.com>]  
**Sent:** Monday, March 25, 2019 6:36 PM  
**To:** #CI-StPaul\_Ward2  
**Subject:** Do not change zoning for 700 block of Grand A e

Dear Ms. Noecker,  
I live at 745 Grand Ave. My husband and I oppose the zoning change to accommodate the ice cream, tea house. This would set a dangerous precedent for spot zoning.  
Thank you,  
Terry and John Shaw  
745 Grand Ave  
St. Paul, MN. 55105

Please review the attached memo prior to casting your vote tomorrow regarding the Up Zoning of 770 Grand. Thank you,  
Gary Huffman

To: Dear Rebecca and other city council members and Mayor  
From: Gary Huffman

After reviewing our notes and watching the recording of the city council hearing on March 20th there were a lot of concerns, recommendations and thoughts on the rezoning of 770 Grand. It is very important to us that you make this decision diligently and intelligently for the future of Grand Avenue.

Jane Prince was the only council member to ask Katie how this is not spot zoning and why there are no other T2s in the adjacent area. There are several other businesses on this part of Grand Avenue such as Red Rabbit, Brasa, Punch Pizza, Caribou, India House, the Grand Ole Creamery & Pizzeria all these businesses are full-scale restaurants and some of these businesses even serve liquor and all of their zoning is B2. So T2 is not necessary for the best interest for Grand Avenue's future. Rebecca stated in her closing comments that she would like to preserve the historic characteristic of Grand Avenue. If this is true, then a different zoning is all that is needed for 770 Grand not T2.

Rebecca also said in her closing statements that she is waiting to hear from the task force of Grand Avenue on how to appropriately deal with this rezoning request. Voting on this rezoning without hearing from the Grand Avenue task force which has been assembled but has not had one meeting on this topic is very premature. So, to make a zoning decision without the task force input could take us down a slippery slope.

As Dave Thune was quoted Grand Avenue is a Golden Goose but you can kill the Golden Goose by plucking one feather at a time. Giving businesses T2 zonings when they do not need it could kill Grand Ave. as we know it. If businesses needed T2 all the businesses in this area would have it. It is obvious when 8 different businesses in this adjacent area have B-2 zoning but this business is going to be given T2 this will allow structural changes down the road if they desire and change the characteristic of Grand.

We want to be transparent and up front that we have no concern of this business opening on Grand Avenue, but for the future of Grand Avenue and preserving its' characteristics giving 770 a T2 zoning will allow them to make major modifications to this building and destroy the characteristic that it brings to Grand Avenue. They could build out to the sidewalk. We are aware that they would need permission from the historic Association to modify 60% or more of the building. But after seeing how easy it is to get up zoning it apparently would be easy to change the structure as well. Please consider a moratorium on any zoning changes on Grand until a study and research has been conducted by the Grand Avenue Task Force has had a chance to meet and provide input. However, the first meeting of the Task Force is scheduled for March 28. Please do not get the horse before the cart.

If the Council members decide to vote yes for the T2 of 770 Grand Ave I expect the same zoning for our building, and we will lead the charge with all businesses on Grand Ave with GABA for T2 zoning.