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St. Paul, MN 55105
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March 3, 2023

Zoning Committee
Of the Saint Paul Planning Commission
City of Saint Paul
VIA EMAIL

To Whom It May Concern:

On Wednesday, February 22nd, 2023 the Housing and Land Use Committee (“HLU”) of the Macalester Groveland Community Council (“MGCC”) held a public eMeeting via Zoom, at which it considered a rezoning application, concerning the property located at 1416 Grand Avenue (Ref. #23-015-210). The applicants appeared to speak to the application and to answer questions.

Prior to the meeting, MGCC received 2 letters from community member against the variance application and 7 non-voting members of the community attended the meeting with 3 speaking against the application.

After speaking with the applicant, considering neighborhood feedback, consulting the Macalester Groveland Long Range plan, and assessing the merits of the application, the Housing and Land Use Committee passed the following resolution by a final vote of 13-1:

***** The Housing and Land Use Committee of the Macalester-Groveland Community Council recommends the City of Saint Paul does not approve the rezoning application for the property at 1416 Grand Avenue from OS to T2*****

The HLU Committee also passed the following resolution by a final vote of 12-0:

***** MGCC supports the office operation of Lucky 888 LLC within Macalester-Groveland and will commit to support the business owner in seeking an appropriate retail location in our neighborhood**.***

If you have questions or concerns, please do not hesitate to contact me.

Alexa Golemo
Executive Director
Macalester-Groveland Community Council

cc (via email): Ward 3, City of Saint Paul
Rob Yang, Property Owner

February 23, 2023

City of Saint Paul
Planning and Economic Development
Planning Commission
Zoning Subcommittee

RE: Rezoning request for 1416 Grand Avenue, Saint Paul, MN 55105; zoning item number 23-015-210

Zoning subcommittee Members:

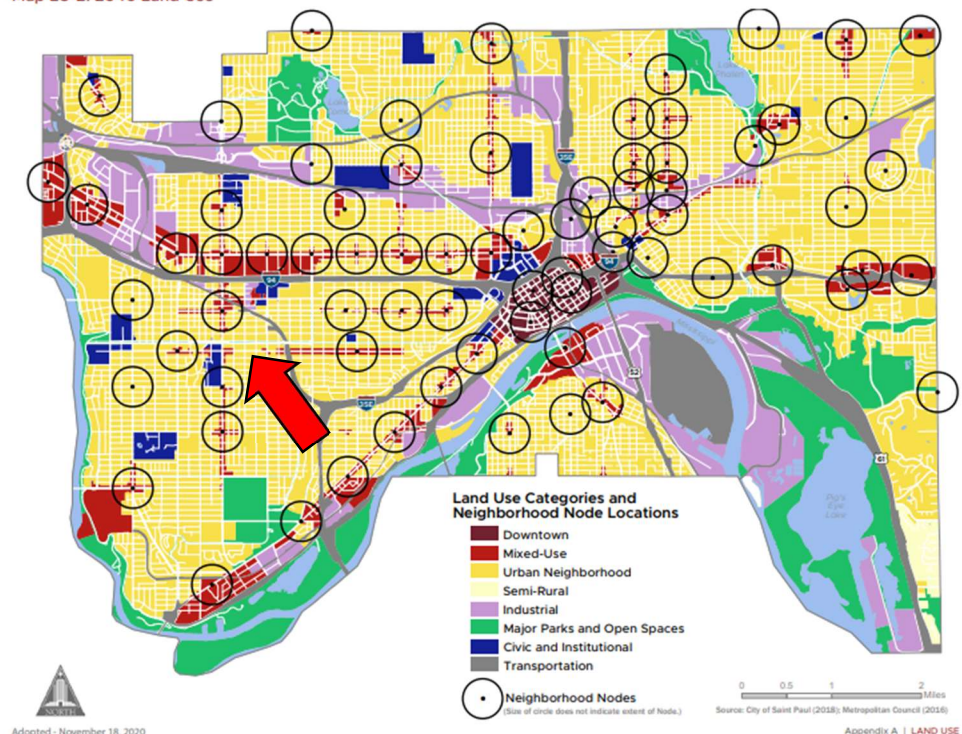
I am requesting the Zoning Subcommittee of the Saint Paul Planning Commission **reject the proposed rezoning of 1416 Grand Avenue, Saint Paul, MN 55105**, from the current zoning category of Office Service (OS) to Traditional Neighborhood 2 (T2).

I am the occupant of the adjacent residential property, and the rezoning of this lot to T2 will have an immediate, negative impact on the use of my home and on the surrounding neighborhood. Unlike a conditional use permit or variance, zoning is a permanent legislative action; the negative effects of this rezoning will carry on after Mr. Yang and Phenom Global. Keeping the zoning OS is the best fit for the surrounding neighborhood and it still allows Mr. Yang's use of the property for conforming businesses. These are the reasons to keep this property zoned OS:

1) This rezoning conflicts with the Saint Paul comprehensive plan and land use goals LU-30 and LU-36:

- It promotes middle block commercial development at a lot away from a neighborhood node/intersection:
 - The Land Use chapter of the 2040 Comprehensive Plan outlines several nodes throughout Saint Paul where mixed-use development should be fostered (such as Grand/Fairview or Grand/Victoria).
 - The block where 1416 Grand Ave is located is not a node, and the lot is in the middle of the block.
- It promotes commercial development that is not compatible with the scale and character of the surrounding neighborhood.
 - Future uses allowed by T2 are expansive compared to OS and not appropriate for this residential block.
- The Macalester Groveland Housing and Land Use Committee rejected this request by a 13-1 vote on Feb. 22, 2023.
- The block on which 1416 Grand Ave sits is planned for *Urban Neighborhood* on the future use map (below). Zoning T2 makes this block mixed-use, not *Urban Neighborhood*.

Map LU-2: 2040 Land Use



*Urban Neighborhood is defined as “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.**”*

2) Rezoning this property would make it the only T2 lot along Grand Ave surrounded by residential properties:

- The zoning ordinance intent of T2 states:
“The T2 traditional neighborhood district is designed for use in existing or potential pedestrian and transit nodes.
 Its intent is to foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage. It encourages, but does not require, a variety of uses and housing types, with careful attention to the amount and placement of parking and transitions to adjacent residential neighborhoods.”
- All lots along Grand Ave zoned T2 are either on an intersection/node or share at least one property line with an adjacent commercial zoned lot when not on an intersection/node.

3) There are no retail stores on Grand Avenue between residential zoned properties:

- This lot is one of only five commercial lots on Grand Ave with residential-zoned properties on both sides and not on at an intersection/node (see table below).
- None of the four other properties are general retail use.
- Rezoning this property to T2 would set a precedent for these four properties, and likely others throughout Saint Paul beyond Grand Ave.

Table of all commercial lots of Grand Ave with residential properties on both sides not on corner/node:

	Lot	Zone	Neighboring Zones	Use	Neighbors
1	1725 Grand Ave	OS	RM2 (west) R3 (east)	Friends Meeting Building	SFH/school
2*	1416 Grand Ave	OS	RM2 (west) RM2 (east)	Proposed retail store	SFH/triplex
3	821 Grand Ave	B3	RM2 (west) RM2 (east)	Coldwell Banker Realty	Apartments
4	715 Grand Ave	BC	RM2 (west) RM2 (east)	Apartment Building	Apartments
5	585 Grand Ave	T1	RM2 (west) RM2 (east)	Apartment Building	Apartments

Figure showing the location of these properties along Grand Ave:

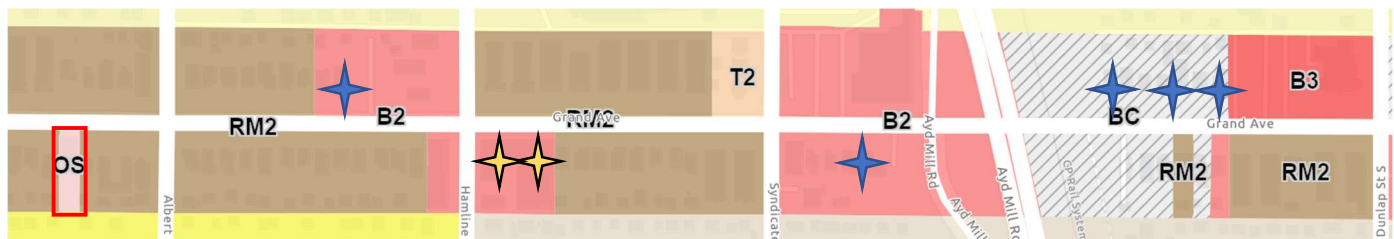


4) Phenom Global should be welcomed to Grand Ave in a conforming location:

- Conforming commercial property remains vacant on Grand Ave (e.g. former Grandview Café, at a priority node).
- 1416 Grand Ave is just one of several commercial properties that have come up for sale in recent years.
- Mr. Yang could have purchased several different commercially zoned properties that already allow for general retail as a conforming use.
 - There are leasing opportunities for Phenom Global at the moment as well.

- **Saint Paul PED should help guide Mr. Yang to a properly zoned property that is better aligned with the city's comp plan land use goals.**
 - Many of these locations identified below have complementary retail uses at neighboring businesses and offer higher visibility for retail foot traffic than 1416 Grand Ave.
 - In addition to the numerous opportunities to open Phenom Global on other parts of Grand Ave, retaining the existing OS zone of 1416 Grand Ave does not deprive Mr. Yang of productive use of the property.
 - Mr. Yang has already remodeled the property and would have no issue filling the space with a conforming use tenant in short order.

Map showing the location of several opportunities within nearby areas of Grand that have been for sale or lease:



1416 Grand Ave was purchased by Mr. Yang on June 25, 2021, for \$575,000



Properties sold since June 25, 2021:

- 1217 Grand Ave (zoned BC), sold 6/29/21, sale price \$425,000.
- 1197 Grand Ave (zoned BC), sold 12/8/21, sale price \$515,000.
- 1205 Grand Ave (zoned BC), sold 4/26/22, sale price \$585,000.
- 1264 Grand Ave (zoned B2), sold 5/20/22, sale price \$535,000
- 1363 Grand Ave (zoned B2), sale pending on 1/24/23, \$525k.



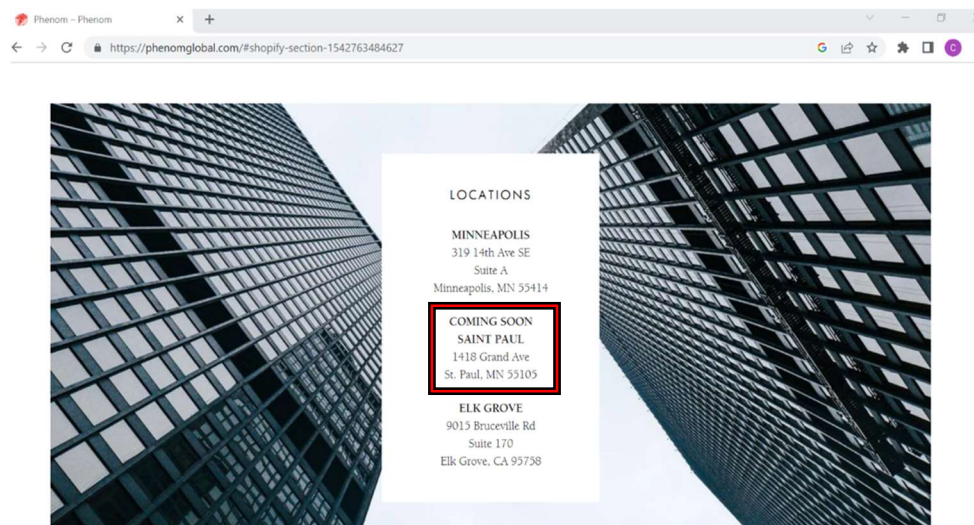
Property leased since June, 25 2021 or still available:

- 1332 Grand Ave (Em Que Viet, leased in 2022)
- 1326 Grand Ave (Hellbent Forever Tattoo, leased in 2022)
- Current vacancies (not shown above):
 - 1017 Grand Ave
 - 1672 Grand Ave (former Grand Catch)
 - 1652 Grand Ave (former Avalon on Grand)
 - 1818 Grand Ave (former Grandview Café)

5) Rezoning will promote disregard for the rezoning process:

- Approving this rezoning would send a message to commercial property owners that they should make plans to first occupy spaces with non-conforming uses and then retroactively seek rezoning or variance approvals once they are ready to open their business.
- City of Saint Paul PED and MacGrove Community Council staff were approached in 2021 about allowing a general retail use in the space at 1416 Grand Ave. Both organizations informed Mr. Yang the use was non-conforming, and that rezoning would be necessary.
 - Instead of applying for rezoning at that time, Mr. Yang continued with significant remodel work on the property throughout 2022 fully intending to open the general retail space and **treated the rezoning outcome as a foregone conclusion.**
 - The building is already filled with inventory and is currently being used for shipping online sales of products via shipping partners. The Phenom Global website even indicates the shoe store is “coming soon” despite no zoning approvals granted (see screenshot below).

Screen shot from Phenomglobal.com showing promotion of the Grand Ave location (from 2/18/23):

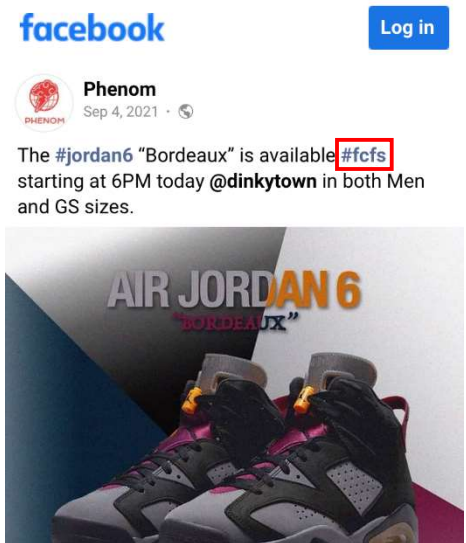


6) Rob Yang chose to evict the existing OS conforming use commercial tenants:

- The property was fully leased when Mr. Yang purchased it in 2021. The two tenants included:
 - Kent Chiropractic, a woman owned and operated business, at 1418 Grand Ave for over a decade.
 - Hairitage Beauty and Barber Lounge, a BIPOC owned and operated business, arrived in 2021.
- Mr. Yang chose to not renew the Kent Chiropractic lease with Dr. Kent in 2021 and offered no negotiation on raising rents to improve his income as the new property owner.
 - Dr. Kent relocated to a new space within Union Park on Prior Ave which indicates a local demand for her services.
- Mr. Yang has recently terminated the lease with Hairitage, who were great neighbors.
 - Hairitage is relocating and resuming operations in Minneapolis, which is an unfortunate loss of a good business for the Grand Ave community and Saint Paul.

7) The proposed immediate use of retail and future T2 uses will negatively impact parking:

- The surrounding neighborhood consists primarily of renters who use Grand Ave for their parking needs.
- Salons and chiropractors can generally see one customer at a time per employee, and foot traffic is controlled with appointments.
- The normal traffic for a retail store is typically higher than a service industry and customer arrivals are less predictable.
- According to their social media pages, Phenom Global regularly introduces rare products as “First Come First Served” that are likely to draw a crowd, which will reduce the already scarce parking availability for nearby residents along Grand.
 - During rare product releases, Phenom Global customers may congest the sidewalks while queuing to purchase limited release products impacting neighborhood pedestrians.



8) Spot zoning of commercial property is inequitable

- This rezoning request highlights the inequities inherent in the rezoning petition system, which requires a neighbor petition for residential to commercial zoning changes, but a petition is not required for a commercial property surrounded by residential zone properties when changing a limited use commercial zone to a more expansive use commercial zone.
 - If an adjacent residential property on Grand Ave wanted to rezone to T2 to start a catering business in a converted home, it could be vetoed by the surrounding community due to the mandatory petition process.
- The rezoning of this lot should take place as part of a broader rezoning plan for the entire block to ensure equitable and harmonious uses for the surrounding residential lots. **Changing the zoning of this lot alone is spot zoning.**
- Mr. Yang wasn't required to engage with any neighbors as part of this process despite being surrounded by residential zoned lots, and he has not volunteered to proactively reach out to the surrounding neighbors to communicate about the rezoning plan.
- Mr. Yang has already displaced two community-serving businesses since 2021, putting commercial landlord interests ahead of commercial tenant interests.

9) Rezoning to T2 unfairly penalizes existing residents and businesses:

- I did my due diligence when finding my home in 2019 and understood the uses of the OS zone of the neighboring property, I found it unthinkable that a more intensive commercial zone would be allowed in such a residential neighborhood, especially for a lot in the middle of the block.
- If the 1416 Grand Ave had been zoned T2 at the time, I would have not made my home where I did.
- The service-oriented businesses at 1416/1418 Grand Ave (Roberto's Salon, Kent Chiropractic, and Hairitage Beauty and Barber Lounge) have been great neighbors and **the zoning should remain OS.**
- Rezoning this property to T2 would clearly prioritize commercial property owner interests above neighboring residents and commercial tenants, despite the impacted residents and Mr. Yang's former tenant businesses being in the neighborhood before he purchased the property.

Based on the numerous concerning zoning reasons outlined above the Zoning subcommittee should reject Rob Yang's request to rezone 1416 Grand Ave from OS to T2.

Respectfully submitted,



Caleb Johnson
1422 Grand Ave
Saint Paul, MN 55105

From: [Jeanne Frisk](#)
To: [*CI-StPaul_PED-ZoningCommitteeSecretary](#)
Subject: Public Testimony for file #ZF 23-015-210
Date: Tuesday, March 7, 2023 10:31:59 AM
Attachments: [image001.png](#)
[image002.png](#)

New Horizon Academy located at 1457 Grand Ave in St Paul hereby opposes the rezoning of 1416 Grand Avenue from OS to T2.



Jeanne Frisk

Facilities & Construction Administrative Assistant

New Horizon Academy
3405 Annapolis Lane N, Suite 100, Plymouth, MN 55447
PH: 763-383-6203

[NewHorizonAcademy.net](#) | [Facebook](#) | [Instagram](#) | [Indeed](#)

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From: [Brian Vinero](#)
To: [*CI-StPaul_PED-ZoningCommitteeSecretary](#)
Subject: Fwd: 1416 Grand Avenue
Date: Wednesday, March 8, 2023 5:35:16 PM

My original email did not include some information:

My full address is

Brian Vinero
1414 Grand Avenue
St. Paul, MN 55105

In regards to **1416 grand zoning change application 23-015-210**

-----Original Message-----

From: Brian Vinero <gryffindor249@cs.com>
To: PED-zoningcommitteesecretary@ci.stpaul.mn.us <PED-zoningcommitteesecretary@ci.stpaul.mn.us>
Cc: Rebecca.Noecker@ci.stpaul.mn.us <Rebecca.Noecker@ci.stpaul.mn.us>
Sent: Wed, Mar 8, 2023 5:30 pm
Subject: 1416 Grand Avenue

I am a resident on the 1400 block of Grand Avenue and have some concerns about the possibility of re-zoning, particularly due to some suspicions regarding the landlord. It just seems very strange why anyone would be so focused on opening any kind of retail, particularly an athletic shoe store (the space is woefully small for such a venture) at that location. Why would anyone want to have a store "in the middle of nowhere" when there are no other stores for blocks in either direction? If someone wanted to legitimately open a shoe store on Grand, there are easily a dozen empty storefronts on blocks with heavy retail foot traffic between Dale and Cleveland that could accommodate them, in a building that is already zoned for retail--they could have opened long ago at this point. This is not even to mention so many other spaces on Selby, St. Clair and up and down Snelling, Hamline and Lexington. Why oh why would someone go to the time and trouble to "fight City Hall" just to open a store at this space? What possibly makes it so "unique?"

I believe the only logical explanation is that the landlord has other plans for the space and this claim of "opening a shoe store" is just a smokescreen to weaken the zoning laws. There simply is no rationale that would explain why someone would want to move heaven and earth and put the plans to open a store for many months just to inhabit this small space that certainly is not designed for retail--shoe stores specifically require a great deal of wall space and stock space that this location simply cannot provide. I truly hope the current zoning standards of this block of Grand are maintained.

Brian Vinero
651 788 7504

RE: 1416 grand zoning change application
Item # 23-015-210

I am in opposition to rezoning due to:

1. The applicant's request is to forever change the zoning - not simply for a conditional use permit that can be changed if it doesn't go well. If this property is rezoned, it can, without any further approval of the city or input from neighbors, be used for things such as a:
 - tobacco product shop
 - liquor store
 - Laundromat
 - mortuary, etcThe uses available under the proposed zoning is horribly incongruent with the adjacent neighbors and our families,
2. Rezoning would likely be a slippery slope to further development on the subject property which already has no setbacks on the front or sides of the property.
3. Rezoning would make this building the only retail type zoning in the area that is completely surrounded by residential homes.
4. Under its current zoning classification, the traffic for the building was professional in nature and not unreasonable, yet at times, was still difficult to find parking in front of my house. Not only was it used by people with appointments but the offices were closed in the evenings.
5. It makes me ask the question of what is the point of a zoning plan if spot zoning is to be allowed for no reason other than an owner bought a building they knew was not zoned for the intended retail business. The owner does not have clean hands in this matter.
6. The character of our neighborhood will be negatively changed forever.
7. It is clearly in conflict with the St. Paul comprehensive plan land use goal LU-30 by promoting development in the middle of a residential block

Additionally, if this change to zoning were approved it would only encourage others who don't live on our street, or even in the City of St Paul, to attempt to rezone in order to make their properties more valuable as a retail property.

The applicant's behavior by already essentially running a shoe store, and delivery business, has been disrespectful of the neighbors (and neighborhood) and the city itself. It was well known by the applicant what the zoning was when he bought the building and applicant has had no regard for the neighbors or the city by simply doing as he pleases flouting the zoning laws of the city. In my experience those that take those types of liberties, especially when unlawful, keep pushing boundaries and taking further liberties.

The applicant has not taken into account that the building is in a residential area right between two homes. Real people live in our homes and yards, not just occasional folks that drop in from time to time.

I have owned my property for over 25 years and I considered the professional use of the business next door when I bought my home. I would never have purchased there if it had been a retail business where people with no tie to the community would be coming and going every day and night of the week. When I eventually sell my property, it will very

likely negatively affect my sales price, or who is willing to buy it. Just like it would have when I bought it.

I think it is imperative for the city to protect the character of the block, and the residents that the City of St Paul represents.

Thank you,

Dan Witucki
612.384.8058
Owner
1414 Grand Av
St. Paul, MN 55105

From: [Molly McMahon](#)
To: [*CI-StPaul_PED-ZoningCommitteeSecretary](#)
Subject: ZF# 23-015-210, 1416 Grand Rezoning
Date: Tuesday, March 7, 2023 4:03:13 PM

Dear Committee Members,

My name is Margaret (Molly) McMahon at 1450 Grand Avenue. I write you today to submit a written testimony regarding the rezoning of 1416 Grand. I've owned my home for nearly 30 years which is a half block west of 1416 Grand. It is my understanding that the owner of 1416 Grand wants to use the property for a shoe store, and is interested in putting an apartment building on that lot in the future. I'm against rezoning this property for four main reasons:

1. This block of Grand is primarily residential, including single family homes and brownstone apartment buildings. There is currently a parking problem on the block. When I have visitors, they have trouble finding parking nearby which is extremely worse in the winter. Putting a retail store at 1416 will only make this problem worse.
2. Adding a retail store on this block will increase car traffic in the alley. Some people drive through the alley at higher speeds than they should. There are children who live on the block, and sometimes play near the alley or play basketball in the alley. Some residents also walk up the alley to their homes. To protect the residents, we shouldn't encourage more traffic into the alley.
3. If the property is rezoned, that opens up the current or future owners to potentially use the property in a way that significantly impacts our neighborhood due to permitted uses of rezoning, i.e. build an apartment building with retail and a number of other undesired uses. I am 100% against any possibility of an apartment building being put on this lot. This property is too narrow for an apartment building, and it wouldn't fit with the neighborhood and surrounding properties. It is my belief that we need to preserve the charm, uniqueness and beauty of Grand Avenue, but one by one that is going away with homes/buildings being torn down by people who don't live in the neighborhood and very unattractive apartment buildings going up. I know that may or may not happen with 1416, but if we rezone this property that opens up the opportunity and it will be too late for homeowners like myself to stop any future uses.
4. The 1416 building owner should have made sure the building was zoned for his desired use before buying it. All the residents surrounding this property shouldn't be asked or expected to live with a retail store, traffic and any future uses because he decided to buy a property that wasn't zoned for his desired use. People who live in the neighborhood shouldn't be asked to give up quality of life for one person who doesn't even live there.

As a side note, the owner has been in this building for 1 ½ years, and he has blocked out the windows and doors on the righthand side unit the entire time he's owned it so you can't see

inside. Now that the hair salon has moved out of the lefthand side unit, he has covered those windows as well. It feels a bit suspicious to me. What kind of business is he running out of that space, is he operating his retail store and trying to hide it, and it doesn't provide a very welcoming trustworthy neighborhood feeling. Somebody may want to make an unannounced visit to see what kind of business he's running, and whether or not he's abiding by the current zoning uses.

Thank you for reading my testimony, and I ask that you do NOT approve rezoning 1416 Grand Avenue.

I would appreciate a response back confirming you received this email.

Sincerely,
Margaret McMahon
1450 Grand Avenue