

ZONING COMMITTEE STAFF REPORT

FILE NAME: 1416 Grand Rezoning

FILE #: 23-015-210

APPLICANT: Lucky 888 LLC

HEARING DATE: March 9, 2023

TYPE OF APPLICATION: Rezoning

LOCATION: 1416-1418 Grand Ave, between Albert Street and Pascal Street

PIN & LEGAL DESCRIPTION: 03.28.23.31.0108; Lot 5, Block 5, Wann's Addition

PLANNING DISTRICT: 14

EXISTING ZONING: OS

ZONING CODE REFERENCE: § 61.801(b)

STAFF REPORT DATE: March 6, 2023

BY: Anton Jerve

DATE RECEIVED: February 16, 2023

60-DAY DEADLINE FOR ACTION: April 17, 2023

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- A. **PURPOSE:** Rezone from OS office-service to T2 traditional neighborhood.
- B. **PARCEL SIZE:** 6,000sf (40 ft x 150 ft)
- C. **EXISTING LAND USE:** Service-oriented Commercial
- D. **SURROUNDING LAND USE:** North – Single-family and multi-family residential (RM2)
East – Single-family and multi-family residential (RM2)
West – Single-family and multi-family residential (RM2)
South – Single-family residential (R4)
- 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 was originally zoned “C – Commercial” in 1921. The site was rezoned to RM2 with the adoption of the 1975 Zoning Code. The site was zoned OS between 1979-1987.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The Housing and Land Use Committee of the Macalester-Groveland Community Council, on a vote of 13-1, passed a resolution recommending denial of the rezoning. H. **FINDINGS:**
1. The applicant is currently rehabbing the building and would like to establish a retail business in the storefront.
 2. The proposed zoning is generally consistent with the way Grand Avenue as a whole has developed with a mix of uses that are part of the unique character of the street. Over time, retail uses have remained more common at intersections in this section of Grand Avenue, which has more residential uses than segments to the east or west. In 1975 the section of Grand between the commercial corner at Grand & Snelling and the commercial corner at Grand & Hamline was rezoned RM2 residential to be consistent with the way this specific section of Grand had developed (the one exception being an OS lot at the corner of Grand & Pascal. The building at 1416-1418 Grand Avenue was originally built as a drug store in 1931 (see attached photo). It has existed as a retail or service commercial business among its residential neighbors for over 90 years. There is no documentation of when the use changed from retail to service commercial use.
The current OS Zoning District is not an ideal fit for the site. The building is built up to the sidewalk (see Attachment A), which does not conform with the 15' front yard setback requirement in the OS district (see Attachment A). The OS office service districts have

gradually been replaced by the T1 traditional neighborhood district because of the broader utility and pedestrian-friendly design requirements in T1. For example, there are more uses allowed through a “home occupation” in residential districts than are allowed by OS (Sec. 65.141).

The traditional neighborhood districts would be a better fit for the site in general. The general intent of T districts is “*to encourage a compatible mix of commercial and residential uses within buildings, sites and blocks.*” The T1 traditional neighborhood district would be a better fit for the building and is *intended for compact mixed-use areas of limited size, with a variety of residential, office and service uses that primarily serve neighborhood needs*, but like OS permits more limited retail uses than T2. The intent of T2 is:

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 [BOLD ADDED].

In other words, the intent of T2 is to allow pedestrian-oriented mixed-uses in existing or potential pedestrian and transit nodes while maintaining transitions to residential neighborhoods.

3. The proposed zoning is consistent with the Comprehensive Plan. The future land use designation for this site is Urban Neighborhood. Urban Neighborhoods are 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 [BOLD ADDED].**”*

Grand Avenue is an arterial street served by transit and generally characterized as mixed-use and pedestrian-friendly. Additionally, supporting Policy LU-36 states:

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

It is clear that mid-block commercial is atypical in a citywide context, but Grand Avenue is an atypical street, and the current building is part of the character of the neighborhood. T2 would allow development at a scale allowed by the adjacent RM2 district also fronting Grand Avenue on this block.

The proposed T2 zoning is supported by the following policies from the District 14 Plan:

LU1. Support land use that preserves Macalester Groveland as a connected, walkable, mixed-use, sustainable neighborhood with a pedestrian-oriented, human scale streetscape.

LU1.1 Maintain and/or establish zoning that encourages compact development along mixed-use corridors that incorporates a mix of uses (commercial, residential, office, intergenerational housing, etc.).

LU1.4 Promote the retention and recruitment of a diverse array of small, locally owned businesses that provide a variety of goods and services, and serve a range of income levels.

T2 zoning supports walkability with pedestrian-friendly design standards. It supports mixed-use through a wider variety of uses than OS. This expanded variety of commercial uses promotes business diversity generally and increases the likelihood of having a locally-owned business at this location.

4. The proposed zoning is compatible with the surrounding uses. A commercial use has existed in this location for over 90 years. The mix of commercial and housing uses on this several block segment of Grand Avenue have developed organically together over time. Allowing retail at this location is not anticipated to have a substantial negative impact. T2 zoning would allow development on a scale similar to what is already allowed in the surrounding RM2 zoning districts. Recent changes to RM2 zoning have made the scale of development comparable the T2 zoning district. T2 zoning would allow more flexibility of land uses in the long term, including allowing for single-family, duplex, and townhome residential uses and as well as pedestrian-oriented commercial uses, many of which already exist within walking distance to the site. The increased flexibility in uses will support the ongoing commercial viability of the site (see Attachment B).

One could perceive the increased potential uses allowed by T2 by right as a threat to the character of the neighborhood, or as incompatible with the surrounding residential uses. Though T2 offers many more use options, as a midblock site surrounded by residential uses it is unlikely to be an attractive site for many of the additional uses. Furthermore, there is the same potential incompatibility with many uses that are already allowed in the OS district.

5. Court rulings have determined that “spot zoning” is illegal in Minnesota. Minnesota courts have stated that this term *“applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property.”* The site is currently zoned OS, a limited commercial zoning district, and is surrounded by residential zoning. The proposed change to T2 zoning better supports the City Council adopted policy goals for a mixed-use pedestrian-oriented street, is a better match for the existing building, and may help to ensure commercial viability as well as compatibility with the surrounding neighborhood in the long run. The nexus between the intent of the T2 zoning district and the adopted future land use policy for this site suggests that T2 would not be spot zoning.

- I. **STAFF RECOMMENDATION:** Based on the balance of considerations in the above findings, staff recommends approval of the rezoning from OS office-service to T2 traditional neighborhood at 1416-1418 Grand Avenue.

Attachment A: Simplified Density and Dimensional Comparison Table.

Zoning District	Floor Area Width (FAR)	Building Height Maximum	Yard Setbacks Minimum (feet)		
	Maximum	Feet	Front	Side	Rear
OS	1.0 FAR	30 (3 stories)	15	0	0
RM2 multiple-family	1.5 FAR (surface parking)	50	25	9	9
T2 mixed-use	2.0 FAR (surface parking)	35	0	0	0

Attachment B: Comparison of Principal Uses in OS and T2 Districts

Use	OS	T2	Definition (d) Standards (s)
Residential Uses			
<i>Dwellings</i>			
One-family dwelling		P	(d), (s)
Two-family dwelling		P	(d)
Townhouse		P	(d)
Multiple-family dwelling	P	P	(d)
Carriage house dwelling		C	(d)
Housing for the elderly	P	P	(d)
<i>Mixed Commercial—Residential Uses</i>			
Home occupation	P	P	(d), (s)
Live-work unit		P	(d), (s)
Mixed residential and commercial use	P	P	
<i>Congregate Living</i>			
Foster home	P	P	(d)
Supportive housing facility	P	P	(d), (s)
Community residential facility, licensed correctional		C	(d), (s)
Emergency housing facility	P	P/C	(d), (s)
Shelter for battered persons	P/C	P/C	(d), (s)
Sober house	P/C	P/C	(d), (s)
Roominghouse		C	(d), (s)
Adult care home	P	P	(d), (s)
Dormitory		P	(d), (s)
Fraternity, sorority		P	(d), (s)
Civic and Institutional Uses			
Club, fraternal organization, lodge hall		P	(d)
College, university, seminary, etc.	P	P	(d), (s)
Community center	P	P	(d), (s)
Day care	P	P	(d), (s)
Homeless services facility		P/C	(d), (s)
Museum		P	(s)
Public library	P	P	
Public and private park, playground	P	P	
Religious institution	P	P	(d)
School, primary & secondary	P	P	
Trade school, arts school, dance school, etc.	P	P	
Public Services and Utilities			
Antenna, cellular telephone	P/C	P/C	(d), (s)
Municipal building or use	P/C	P	(s)
Solar energy generation facility, community		P/C	(d), (s)

Utility or public service building	C	C	(d), (s)
Commercial Uses			
<i>Offices</i>			
Administrative office	P	P	
Artist, photographer studio, etc.	P	P	(d)
Insurance office, real estate office, sales office	P	P	
Professional office	P	P	(d)
<i>Medical Facilities</i>			
Clinic, medical or dental	P	P	(d)
Hospital		C	(d)
Medical laboratory	P	P	
Veterinary clinic		P	(d), (s)
<i>Retail Sales and Services</i>			
General retail		P/C	(d), (s)
Bank, credit union	P	P	
Business sales and services		P	(d)
Drive-through sales and services, primary and accessory	C	C	(s)
Dry cleaning, commercial laundry		P	(s)
Farmers market	P/C	P/C	(d), (s)
Food and related goods sales		P/C	(d), (s)
Food shelf	P	P	(d)
Garden center, outdoor		P	(d), (s)
Laundromat, self-service		P	
Liquor store		P/C	(s)
Massage center		P	(d)
Mortuary, funeral home		P	
Outdoor uses, commercial		P/C	(d), (s)
Post office		P	
Service business	P	P	(d)
Service business with showroom or workshop		P/C	(d), (s)
Small appliance repair		P	
Tattoo shop		P	
Tobacco products shop		P/C	(d), (s)
<i>Food and Beverages</i>			
Bar		P/C	(d), (s)
Brew on premises store		P	(d), (s)
Catering		P	

Coffee shop, tea house		P/C	(d), (s)
Restaurant		P/C	(d), (s)
Restaurant, carry out, deli		P/C	(d), (s)
Restaurant, fast food		P/C	(d), (s)
Restaurant, outdoor		P	(s)
<i>Commercial Recreation, Entertainment and Lodging</i>			
Bed and breakfast residence		P	(d)
Hotel		P	(d)
Health/sports club		P	(d)
Indoor recreation		C	(d), (s)
Reception hall/rental hall		C	
Short term rental dwelling unit	P/C	P/C	(d), (s)
Theater, assembly hall		P/C	(s)
<i>Automobile Services</i>			
Auto convenience market		C	(d), (s)
Auto service station		C	(d), (s)
<i>Parking Facilities</i>			
Parking facility, commercial		C	(d), (s)
<i>Transportation</i>			
Railroad right-of-way	C	C	(s)
<i>Limited Production and Processing</i>			
Agriculture	P/C	P/C	(d), (s)
Brewery, craft		P/C	(d), (s)
Distillery, craft		P/C	(d), (s)
Limited production and processing		P/C	(d), (s)
Mail order house		P	
Printing and publishing		P/C	(s)
Winery, craft		P/C	(d), (s)
<i>Accessory Uses</i>			
Accessory use	P	P	(d), (s)
Dwelling unit, accessory	P	P	(d), (s)



01/21/2019



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

Zoning Office Use Only	
File #	<u>23-015-210</u>
Fee Paid \$	<u>1260.00</u>
Received By / Date	_____
Tentative Hearing Date	_____

APPLICANT

Property Owner(s) <u>Lucky 888 LLC</u>			
Address	<u>2431 Carver Ave E</u>	City	<u>Maplewood</u> State <u>MN</u> Zip <u>55119</u>
Email	<u>robayang232345@gmail.com</u>	Phone	<u>651-802-2690</u>
Contact Person (if different)	<u>Rob Yang</u>	Email	<u>rob@phenomglobal.com</u>
Address	<u>2431 Carver Ave E</u>	City	<u>Maplewood</u> State <u>MN</u> Zip <u>55119</u>

(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 INFO

Address/Location	<u>1416 Grand Ave, St. Paul, MN 55105</u>
PIN(s) & Legal Description	<u>032823310108 WANN'S ADDITON TO, ST. PAUL LOT 5 BLK 5</u>
(Attach additional sheet if necessary.)	
Lot Area	<u>6098</u>
Current Zoning	<u>OS</u>

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Saint Paul Zoning Code § 61.801 and Minnesota Statutes § 462.357, Lucky 888 LLC.

owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a OS zoning district to a T2 zoning district, for the purpose of:

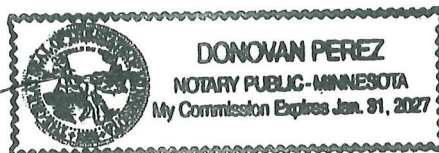
allowing the building to be used as general retail of footwear and apparel. Recent changes to the adjacent RM2 zoning district make it very similar in building form to what is allowed in T2 zoning districts and the 2040 Comprehensive Plan which allows for neighborhood retail like along streets like Grand.

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 02/03/ 2023

Donovan Perez
Notary Public



By: Rob Yang
Fee owner of property
Title: President

CK0043

pdf 2-9-23

Rev 8.5.2019



File #23-015-210 Zoning Map Application of Lucky 888 LLC

Application Type: Rezone
Application Date: February 9, 2023
Planning District: 14



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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 #23-015-210 Existing Land Use Map

Application of Lucky 888 LLC

Application Type: Rezone

Application Date: February 9, 2023

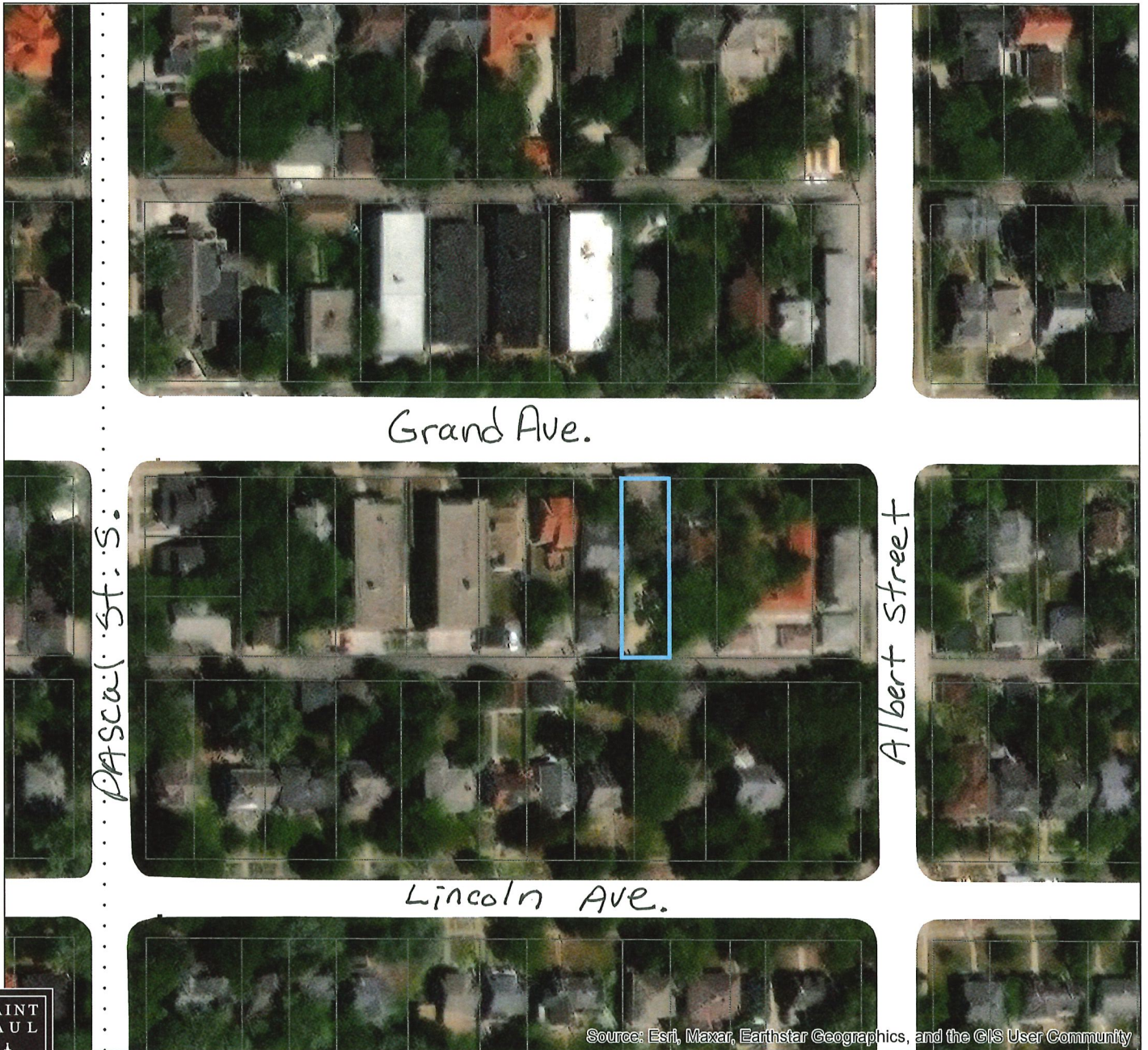
Planning District: 14



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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 #23-015-210 Aerial Map Application of Lucky 888 LLC

Application Type: Rezone
Application Date: February 9, 2023
Planning District: 14

Subject Parcel(s) Outlined in Blue

-  Subject Parcel(s)
-  ParcelPoly



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