

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, REZA Inc., File # 19-003-730, has applied to rezone from BC community business (converted) to T2 traditional neighborhood, under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 770 Grand Avenue, Parcel Identification Number (PIN) 02.28.23.42.0079, legally described as Lot 8, Block 8, Summit Park Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on January 31, 2019, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

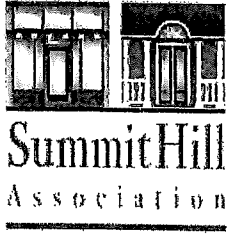
1. The applicant owns the property and is requesting rezoning to allow a prospective tenant to establish a tea house serving ice cream, treats, and hot beverages. The building on site is a single family home converted to commercial and residential use. The commercial space in the building is currently vacant but was most recently used as a salon. There is a single residential dwelling unit on the second floor of the building that is occupied and will continue to be occupied for residential use.
2. The proposed zoning is consistent with the way this area has developed. Traditional neighborhood districts are intended to foster the development and growth of compact, pedestrian-oriented mixed housing and commercial development along major streets. The districts are intended to encourage a compatible mix of commercial and residential uses within buildings, sites and blocks. The T2 traditional neighborhood district is designed for use in pedestrian and transit nodes. Its intent is to foster and support compact pedestrian-oriented development that in turn can support and increase transit usage. Grand Avenue is an existing transit corridor. The proposed T2 zoning is a more appropriate zone than a B2 zone because of the existing residential structure on the property. T2 allows both residential and commercial uses and offers greater flexibility for future use of the residential structure. If the property were rezoned to B2 there would be more restrictions on residential uses than there would be in T2.
3. The proposed zoning is consistent with the Comprehensive Plan. Grand Avenue is identified on the land use map as a mixed use corridor. It 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 in close proximity. Policy 1.23 in the land use plan calls for guiding development along mixed use corridors. Policy 1.24 calls for support of a mix of uses on mixed use corridors. Policy 1.47 supports compatible mixed use within single buildings and in separate buildings in close proximity.

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

The Summit Hill/District 16 Neighborhood Plan's vision for Grand Avenue is as 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 within existing boundaries.* Strategy G4 states, *Retain BC (commercial uses in residential structures) and residential zoning on Grand Avenue. Discourage rezoning of residential uses on Grand Avenue to more intensive uses.* Strategy G7 states, *the Summit Hill Association recommends implementing mechanisms for supporting and retaining small, locally-owned businesses.*

4. The proposed zoning in this stretch of Grand Avenue is compatible with surrounding uses which include restaurants, retail, service, and coffee and ice cream shops. The zoning is also compatible with the transit corridor that runs along Grand Avenue. While the T2 dimensional standards allow building heights of 35 feet, and a maximum height of 45 feet with a conditional use permit, the East Grand Avenue Overlay District, § 67.602, limits commercial building heights to three stories and 30 feet, mixed commercial-residential building heights to three stories and 36 feet, and residential or institutional building heights to three stories and 40 feet. No additional height based on setbacks is allowed.
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.*" 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 adjacent B2 community business district on the other side. T2 zoning is consistent with the comprehensive plan and compatible with surrounding land uses and zoning and is not spot zoning.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of REZA Inc. to rezone property from BC community business (converted) to T2 traditional neighborhood at 770 Grand Avenue be approved.



860 St Clair Ave  
St Paul MN 55105  
651.222.1222  
SummitHillAssociation.org

Kady Dadlez, Senior City Planner, City of Saint Paul: Kady.Dadlez@ci.stpaul.mn.us  
Paul Dubruiel, Planning Tech for Zoning, City of Saint Paul: paul.dubruiel@ci.stpaul.mn.us

CC: Shab Shakibi, Reza Inc.: RezaIncProperty@gmail.com

RE: Zoning Application file #19-003-730 for 770 Grand Ave

January 29, 2019

Ms. Dadlez and Mr. DuBruiel,

At a public meeting of the Zoning and Land Use (ZLU) Committee held on January 27, 2019,  
by a vote of 3-2, the **ZLU committee voted in support of the rezoning of 770 Grand Ave from BC to T2.**

Neighbors present at the meeting raised several concerns that we would like to bring to your attention:

- Is there adequate space on the property to store snow without infringing on the public right of way in the alley behind the business?
- Is there adequate space on the property for the storage of new, larger garbage bins (as will be required for food service) and for garbage trucks to access the bins without infringing on the right of way in the alley behind the business?
- Is the existing ADA parking space and wheelchair ramp/access compliant with applicable codes?

Please let me know if you have any questions.

Monica Haas  
Director,  
Summit Hill Association

Hayden Howland  
President,  
Summit Hill Association

## Langer, Samantha (CI-StPaul)

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**From:** Mike Killa <mkill@authconst.com>  
**Sent:** Thursday, January 31, 2019 3:27 PM  
**To:** Langer, Samantha (CI-StPaul)  
**Subject:** 770 Grand Ave.

I, as a business owner and homeowner with-in the same block as 770 Grand Ave. oppose to a rezoning of this property.

Mike Killa

*740 Grand Avenue*



This email has been checked for viruses by Avast antivirus software.

[www.avast.com](http://www.avast.com)

Dear Ms. Dadlez and Commissioner Edgerton;

I am writing to express my concern about the proposed rezoning of 770 Grand Avenue from BC to TN2 for the purpose of allowing the current building's use as a teahouse, ahead of the Zoning Commission meeting scheduled for tomorrow, January 31.

My reasons are several:

- Any upzoning is at odds with the recommendations of the current Summit Hill Neighborhood Comprehensive Plan, which states:

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

- Changing the zoning to TN2 would open the door to a much more intensive use of a property which has minimal on-site parking (accessible only through the alley, which abuts a residential-only neighborhood to the south). Furthermore, it is at odds with this stretch of Grand Avenue which is already extensively burdened by a known parking deficit, traffic, and pedestrian safety issues.
- The practice of spot-zoning is at best detrimental and per Minnesota case law, potentially illegal. In this case, zoning allowing a more intensive use would be detrimental to the public welfare, as it clearly opens the door for the existing building, which is emblematic of and critical to the unique character of Grand Avenue, to be torn down and replaced by something larger and more burdensome to the surrounding infrastructure, not to mention at odds with the adjacent commercial and residential properties. In fact, the City of Saint Paul's website, in the Zoning section, specifically states with regard to nonconforming use permits:

*Before the Planning Commission can grant a Nonconforming Use Permit, they must make the following findings:*

- *The use occurs entirely within an existing structure;*
- *The use is similar to other uses permitted within the district;*
- *The use has been in existence continuously for a period of at least 10 years prior to the application;*
- *The off-street parking is adequate to serve the use;*
- *Hardship would result if the use were discontinued;*
- ***Rezoning the property would result in "spot" zoning or a zoning inappropriate to the surrounding land uses;***
- *The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare;*
- *The use is consistent with the comprehensive plan; and*

- *That a notarized petition of two-thirds of the property owners within 100 feet of the property has been obtained stating support for the use.*

*The Planning Commission may impose such **reasonable conditions and limitations in granting an approval as are determined to be necessary to fulfill the spirit and purpose of the zoning code and to protect adjacent properties.***

Per the bolded sections, there is acknowledgement that this request is at odds with the current zoning and past use. Given that a nonconforming use permit is a tool which by its nature can be granted or rescinded--with or without conditions--and is specific and limited to a property and owner, the bar for rezoning which runs with the land and thus, gives a much more expansive permission that could lead to outcomes at odds with the intent of the current zoning, should be much higher.

In fact, there is a better solution that would address the applicant's desire to put this building to a new use as a teahouse, namely to rezone this property not to TN2, but rather B1, for which a teahouse would be either a permitted or conditional use. B1 zoning is much more congruent with the intent and impact of the current BC zoning. Per the St. Paul Legislative 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.*

**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.*

Finally, before any change in use of this property is approved, I would suggest that a comprehensive parking and traffic study be done before any more intensive zoning or use is allowed and, specific to this property, that sufficient off-street parking be required per the code, taking into consideration that access to whatever exists will be burdensome and potentially present a hazard to the adjacent residents on Lincoln Avenue who share and rely upon that alley.

Thank you for your consideration.

Lori Brostrom  
710 Summit Avenue

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.**



Google Maps 770 Grand Ave



Imagery ©2019 Google, Map data ©2019 Google 20 ft





814  
~~821~~ Grand Ave  
816 Grand Ave

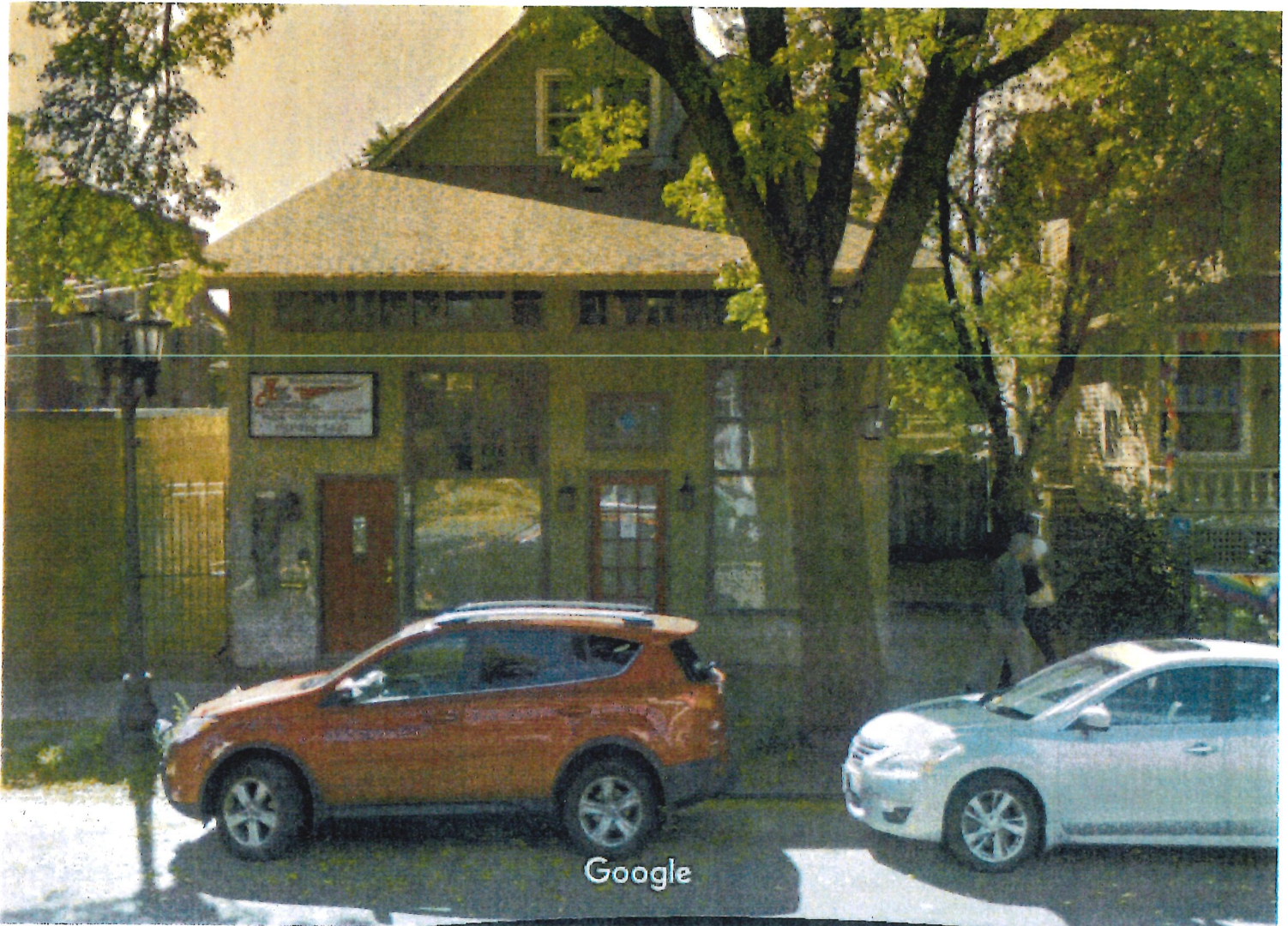


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St Paul, Minnesota



Street View - Sep 2017





Google Maps 841 Grand Ave



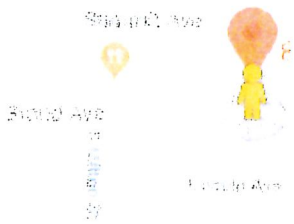
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St Paul, Minnesota



Street View - Sep 2017

Street View





Google Maps 818 Grand Ave



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St Paul, Minnesota



Street View - Sep 2017







841 Grand Ave

840 and 844 Grand



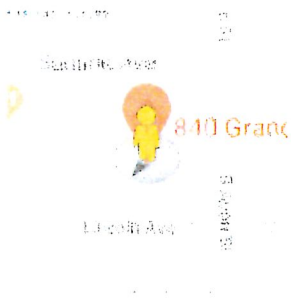
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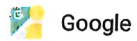
### 649 W Grand Ave

Three properties on the north side of Grand between St Albans and Grotto



Image capture: Oct 2017 © 2019 Google

St Paul, Minnesota



Street View - Oct 2017





Google Maps 764 W Grand Ave



Image capture: Sep 2017 © 2019 Google

St Paul, Minnesota



Street View - Sep 2017





Google Maps

~~769 W Grand Ave~~

770 Grand



Image capture: Sep 2017 © 2019 Google

St Paul, Minnesota



Street View - Sep 2017



Submitted by  
Chuck Repke  
1/31/19



city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, Francesco O’Ryan, File # 19-003-542, has applied for a conditional use permit for a reception hall / rental hall under the provisions of § 61.501 of the Saint Paul Legislative Code, on property located at 786 University Avenue W, Parcel Identification Number (PIN) 35.29.23.42.0200, Chute Brothers Division No. 9 Addition, Lots 13, 14, and 15; and

WHEREAS, the Zoning Committee of the Planning Commission, on January 31, 2019, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The site is located in the Summit-University neighborhood and is within the Victoria Station Area. The applicant is seeking a conditional use permit in order to convert the retail portion of the building to a reception/rental hall. According to the materials submitted by the applicant, they intend to use the rental hall to host various community gatherings, corporate meetings, and other events.
2. Zoning code § 61.501 lists five standards that all conditional uses must satisfy:
  - (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The proposed reception hall/rental hall to host a variety events and community gatherings is consistent with the intent of the T2 traditional neighborhood district and the use meets several policies from the Comprehensive Plan, Summit-University (District 8) Plan, and Victoria Station Area Plan. The property is located within a Mixed-Used Corridor as identified in the Saint Paul Comprehensive Plan. The proposed is consistent with strategies LU 1.46 which calls for encouraging the expansion of compact commercial areas in neighborhood centers and Mixed-Use Corridors to further the objectives of both categories of neighborhoods and policy LU 1.49 which calls for continuing to promote principles of traditional urban form in the design of new or renovated commercial buildings. The proposed use is also consistent with the following policies from the Victoria Station Area Plan:

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

*4.1.2 (a) A greater mix of uses should be encouraged along the edges of the Avenue where they afford an easy connection to public transit, and benefit from the visibility and profile of being located on a major transportation corridor.*

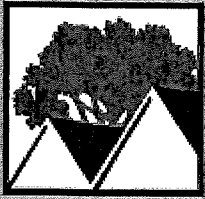
*4.1.2 (f) Developments within the Priority Active Frontage should provide entrances and spaces for active uses at grade to support greater levels of activity adjacent to the LRT.*

*4.3. (b) Discourage new surface parking fronting on University, which detracts from the vitality and pedestrian-friendly "main street" character of the Avenue.*

- (b) The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met. The site plan submitted with this application indicates that 14 existing surface parking spaces on the west side of the building will remain. There are curb cuts off of University Avenue and off of Avon Street, which will provide adequate ingress and egress from the site.
- (c) The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare. This condition is met. The proposed use will not be detrimental to the existing character of development. The property is located on a on a mixed-use corridor that has expanded with transit-oriented uses along University Avenue. The proposed use for a reception hall/rental hall will not threaten the public health, safety, and general welfare.
- (d) The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. This condition is met. The proposed use will not prevent the development and improvements of the neighboring properties in the area, nor will it affect the development and improvement of the commercial and residential uses in the surrounding districts.
- (e) The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. This condition is met. The proposed complies with applicable regulations for the proposed use and the T2 zoning district.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Francesco O'Ryan for a conditional use permit for a reception hall / rental hall at 786 University Avenue W is hereby approved with the following condition:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.



**SUMMIT-UNIVERSITY  
PLANNING COUNCIL**

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January 23, 2019

Zoning Committee  
25 West 4th Street  
City Hall Annex  
Suite 1400  
Saint Paul, MN 55102

Dear Mr. Johnson,

The Summit-University Planning Council voted to support the Conditional Use Application at 786 University Avenue at our January 22, 2019 Board meeting.

Mr. Francesco and representatives from NDC joined us at our January 15, 2019 Neighborhood Development Committee to talk about his project and answer questions from the committee members.

Please feel free to contact me if you have any further questions.

Thank you,

Jens Werner  
Executive Director  
Summit-University Planning Council  
627 Selby Ave Suite A  
Saint Paul, MN 55102