

city of saint paul  
planning commission resolution  
file number 24-2  
date March 15, 2024

WHEREAS, Donalds, Inc., File # 24-011-658, has applied to rezone from H2 residential district to B2 community business under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 964 Payne Avenue, Parcel Identification Number (PIN) 29.29.22.13.0187, legally described as 40-49 S. ft of Lots 16, 17, 18 and all of Lot 19, Block 17, Arlington Hills Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on March 7, 2024, 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 subject parcel is split-zoned B2 and H2. The existing land use is a parking lot, which serves the general retail stores at 972 and 968 Payne Avenue. These two stores are within the B2 zoning district.
2. In December 2023, the Applicant requested that the subject parcel be split. The requested lot split would result in a parking lot in an H2 district and a parking lot in a B2 district. Section 63.303 states that if off-street parking spaces are not on the same parcel as the building they are intended to serve, they must be in the same or a less restrictive zoning district. H2 is a more restrictive zoning district than B2, which means a parking lot on a parcel zoned H2 could not serve a building on a parcel zoned B2.
3. The Applicant is requesting the subject parcel be rezoned from H2 to B2 to allow the proposed lot split. There are no proposed development plans, but the rezoning and lot split would make future changes in ownership simpler.
4. The H2 portion of the parcel is legally non-conforming because this district does not allow parking facilities as a principal use. Allowing the lot split while maintaining the H2 zoning would require ceasing the use of the parking lot, which is logistically challenging. Developing the parcel for a residence would require significant pavement removal as paved parking spaces and driveways can only make up 15% of the parcel and there are few nonresidential uses permitted in H2. Not allowing the lot split would ensure that the parcel remain a parking lot unless it is redeveloped for a use that permitted in both H2 and B2 zoning districts: some congregate living developments (supportive housing, adult day care, etc.) and some institutional uses (churches, schools, libraries, etc.).
5. The proposed B2 zoning is consistent with the Comprehensive Plan. The 2040

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

Comprehensive Plan designates the future land use of this parcel as Mixed-Use and is within the Lawson-Payne-Wells Neighborhood Node. *“The main distinguishing characteristic [of Mixed-Use areas] is a balance of jobs and housing within walking distance of one another.”* B2 districts are *“generally characterized by a cluster of establishments generating large volumes of vehicular and pedestrian traffic.”* The B2 zoning district is more in line with the Mixed-Use designation as it allows for dense, clustered development and it allows most commercial uses as well as mixed residential and commercial buildings.

The intent of H2 districts is to provide for a “variety of housing options along with civic and institutional uses, public services and utilities that serve residents.” This aligns with the allowable uses in H2, which includes very few commercial uses. The H2 zoning district for this parcel is not consistent with the Mixed-Use designation in the Comprehensive Plan.

Neighborhood Nodes are designated for “locations planned for higher-density, mixed-use development,” which require the uses allowed by the B2 district.

While there are no immediate plans for development at the subject parcel, the lot split would allow for changes in ownership and commercial redevelopment in the future.

The following policies apply:

**2040 Comprehensive Plan:**

**Policy LU-8.** Ensure that zoning and infrastructure support environmentally and economically efficient, resilient land use development.

**Policy LU-27.** Provide for land use change and rezoning of land adjacent to Mixed-Use areas to allow for commercial redevelopment and/or expansion fronting arterial and collector streets.

**Policy LU-30.** Focus growth at Neighborhood Nodes using the following principles:

1. Increase density toward the center of the node and transition in scale to surrounding land uses.

Additionally, the City’s Zoning Code and Zoning Map are implementation tools of the Comprehensive Plan. While the Comprehensive Plan does not specifically address split zoning, Section 69.508 in the Zoning Code prohibits them outright.

6. Court rulings have determined that “spot zoning” is illegal in Minnesota. Minnesota courts have stated that this term *“applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property.”* Rezoning to B2 would not be considered spot zoning because many of the adjacent parcels are zoned B2.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Donalds, Inc. for rezoning from H2 residential district to B2 community business for property at 964 Payne Avenue be approved.