

City of Saint Paul
Planning Commission Resolution
File Number 25-14
Date April 4, 2025

WHEREAS, 959 Payne LLC, Matt Kenevan and Rob Clapp, File # 25-010-953, have applied to rezone from B2 community business to T2 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 959 Payne Avenue, Parcel Identification Number (PIN) 29.29.22.42.0037, legally described as Lot 1, Block 25, Chas Weide's Subdivision of Arlington Hill Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on March 27, 2025, 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 requests a rezoning from B2 Community Business to T2 traditional neighborhood to establish a grow and processing facility for cannabis at 959 Payne Ave.
2. The proposed T2 zoning is consistent with the Comprehensive Plan. The 2040 Comprehensive Plan designates the future land use of this parcel as Mixed-Use, which allows commercial uses that are compatible with nearby residential uses. The intent of the T2 district is "... to foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage." The permitted uses in T2 reflect the purpose of the Mixed-Use designation.

The property is located at the center of the Lawson-Payne-Wells Neighborhood Node. The Comprehensive Plan promotes denser concentrations of mixed-use development at Neighborhood Nodes. The permitted uses in T2 support the direction for commercial growth at Neighborhood Nodes.

2040 Comprehensive Plan:

Policy LU-6. Foster equitable and sustainable economic growth by:

- Facilitating business creation, attraction, retention and expansion;
- Growing Saint Paul's tax base in order to maintain and expand City services, amenities and infrastructure;
- Supporting business, real estate and financial models that keep more money locally, such as locally owned businesses, local-prioritized employment, employee-owned business and commercial land trusts;

moved by Taghioff
seconded by _____
in favor 7-0-2 (Houmas, Ortega abstained)
against _____

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

Policy LU-33. Promote amenities that support those who live and work in Neighborhood Nodes, including transit services, vibrant business districts, a range of housing choices, and neighborhood-scale civic and institutional uses such as schools, libraries, and recreational facilities.

District 5 Plan:

4.1.1. To promote a healthy economy in District 5 and Saint Paul.

3. The proposed zoning is compatible with the surrounding uses. The proposed T2 zoning permits commercial uses similar or complimentary to the existing businesses on Payne Ave and the surrounding residential uses. *“The T2 traditional neighborhood district is designed for use in existing or potential pedestrian and transit nodes.”* Payne Ave is an existing commercial corridor with established bus service.
4. The proposed zoning is consistent with the way this area has developed. The commercial uses allowed in T2 Traditional Neighborhood are similar to the existing uses on Payne Ave. The surrounding blocks of Payne Ave are zoned B2 and B3, and T2 allows similar or complimentary uses to those allowed in B2 and B3. Furthermore, areas of Payne Ave are zoned T2 three blocks south of the proposed rezoning.
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 proposed T2 zoning would not constitute spot zoning because the permitted uses in T2 are consistent with the existing commercial uses along Payne Ave, and consistent with the broader zoning patterns along Payne Ave.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of 959 Payne LLC for rezoning from B2 community business to T2 traditional neighborhood for property at 959 Payne Avenue be approved.