

ZONING COMMITTEE STAFF REPORT

FILE NAME: 959 Payne Ave Rezoning

FILE #: 25-010-953

APPLICANT: Matt Kenevan, Rob Clapp

HEARING DATE: 2/27/2025

TYPE OF APPLICATION: Rezone

LOCATION: 959 Payne Avenue, SW Corner of Case Avenue and Payne Avenue

PIN & LEGAL DESCRIPTION: 29-29-22-42-0037, Lot 1, Block 25, Chas Weide's Subdivision of Arlington Hills Addition

PLANNING DISTRICT: 5

PRESENT ZONING: B2

ZONING CODE REFERENCE: § 61.801(b)

STAFF REPORT DATE: 2/21/2025

BY: Stefan Hankerson

DATE RECEIVED: 2/6/2025

60 DAY DEADLINE FOR ACTION: 4/6/2025

A. **PURPOSE:** Rezone from B2 Community Business to T2 Traditional Neighborhood District.

B. **PARCEL SIZE:** 4356 sq. ft.

C. **EXISTING LAND USE:** General retail.

D. **SURROUNDING LAND USE:**

To the west is a vacant residential lot (H2); to the north, east, and south along Payne Avenue are retail, office, and food and beverage uses with some residential above (B2)

E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.

F. **HISTORY/DISCUSSION:** The property at 959 Payne Ave has been used as general retail store specializing in shoe sales since 1948. It has been zoned B2 since 1975. The property was sold to the applicant in September of 2024.

G. **DISTRICT COUNCIL RECOMMENDATION:** The Payne-Phalen Community Council has not submitted a recommendation as of this writing.

H. **FINDINGS:**

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;

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.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends **approval** of the rezoning from B2 Community Business to T2 Traditional Neighborhood.



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 # 25-010-953

Fee Paid \$ _____

Received By / Date _____

Tentative Hearing Date _____

PD=5

APPLICANT

Property Owner(s) Matt Kenevan & Rob Clapp 959 Payne LLC
Address 959 Payne Ave City St Paul State Mn Zip 55130
Email MKenevan@thebeerdabbler.com Phone 612-269-1674
Contact Person (if different) _____ Email _____
Address _____ City _____ State _____ Zip _____

(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 959 Payne Ave
PIN(s) & Legal Description 292922420037
(Attach additional sheet if necessary.)
Lot Area 4356 Current Zoning B2

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Saint Paul Zoning Code § 61.801 and Minnesota Statutes § 462.357, _____

owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a
B2 zoning district to a T2 zoning district, for the purpose of:

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 2/5 2025

Heather Rupp
Notary Public
1-31-2028



By: [Signature]
Fee owner of property

Title: President

Subscribed and sworn to before me

Date 2/5 2025

Heather Rupp
Notary Public



By: [Signature]
Fee owner of property

Title: Secretary

Paul Dubruiel

From: Stefan Hankerson
Sent: Tuesday, February 11, 2025 3:28 PM
To: Matt Kenevan; Paul Dubruiel
Cc: Bill Dermody
Subject: RE: 959 Payne application 2nd request FW: Message from "PE-14Copier"

Thank you, Mr. Kenevan!

This information will be incorporated into the staff report.

Best,
Stefan Hankerson

From: Matt Kenevan <mkenevan@thebeerdabbler.com>
Sent: Tuesday, February 11, 2025 3:13 PM
To: Paul Dubruiel <paul.dubruiel@ci.stpaul.mn.us>
Cc: Bill Dermody <bill.dermody@ci.stpaul.mn.us>; Stefan Hankerson <Stefan.Hankerson@ci.stpaul.mn.us>
Subject: Re: 959 Payne application 2nd request FW: Message from "PE-14Copier"

You don't often get email from mkenevan@thebeerdabbler.com. [Learn why this is important](#)

Think Before You Click: This email originated outside our organization.

Hi Everyone,

To include in the application:

I'm currently renting 949 & 951 Payne Ave. 949 Payne is a low dose cannabis retail store called Dabbler Depot THC which pending licensing will become a full dispensary. 951 is a grow supply, podcast studio & education center for Cannabis. The request to change zoning for 959 is to become a small grow & processing facility for cannabis.

My businesses and brands are driven on doing things by the books with community driven focus to make better neighborhoods than they were prior to moving in. I'm creating meeting and education meet up spots, fixing up vacant buildings and winning St Paul's Good Neighbor Award in the process. My team and I thrive on being the best and most responsible neighbors we can be. Since moving onto Payne ave I've lead large scale cleanups, was awarded a parking lot star grant to fix up the back parking lot ally and reclaimed the block from being a garbage dumping zone. This is the 3rd location that was vacant on the block and we put new life in the block once again. By doing so 3 other vacant buildings on the street have begun construction or are opening new businesses.

Matt Kenevan

Gray Duck Media | Beer Dabbler
Dabbler Depot | Metro Cold Stor

c: [612.269.1674](tel:612.269.1674)

w: beerdabbler.com, dabblerdepot.com, grayduck.media, metrocoldstor.com

CITY OF ST PAUL - ASSESSMENTS

Owners Report

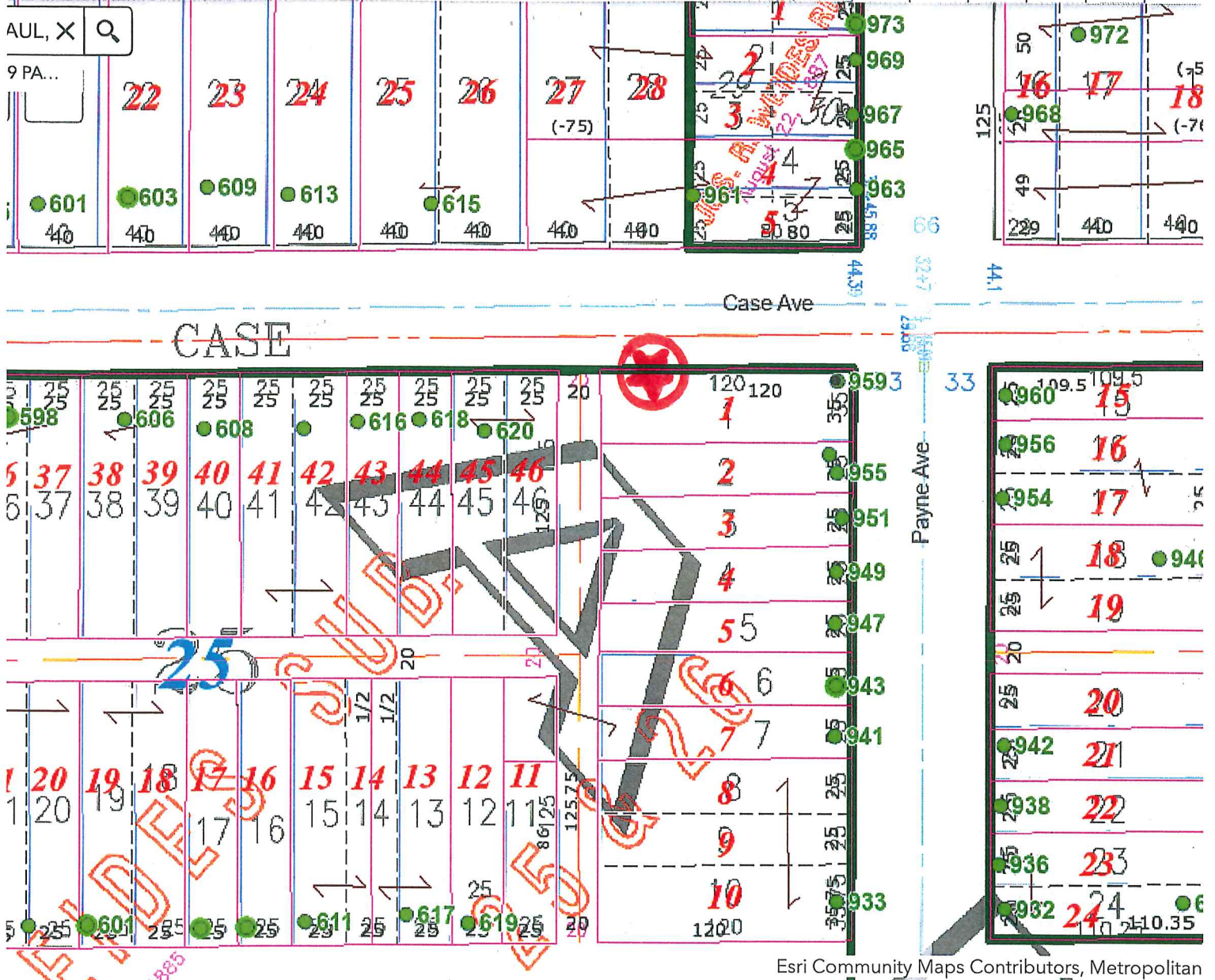
PID: 29-29-22-42-0037

Property Address: 959 PAYNE AVE 55130-4003

959 Payne Llc
1545 7th St
St Paul MN 55102-4243

Owner
Taxpayer

CHAS. WEIDES SUBDIVISION OF BLOCKS 25 AND 26 OF ARLINGTON HILLS ADD. TO ST. PAUL LOT 1 BLK 25



Esri Community Maps Contributors, Metropolitan

APPLICANT Matt Kenevan & Robb Clapp
 PURPOSE Rezone
 FILE # 25-010-953 DATE 2-7-25
 PLNG. DIST. 5 Land Use Map # _____
 SCALE 1"=400' Zoning Map # _____

959 Payne LLC

LEGEND

- zoning district boundary
- subject property
- one family
- two family
- multiple family
- commercial
- industrial
- vacant

PEB
 PLANNING & ZONING DEPARTMENT
 CITY OF ALBANY

north

Application of
Matt Kenevan et al
 Zoning map

application number: 25-010-953 ▪ type: Rezone ▪ date: 02/12/2025 ▪ planning district: 5



Subject parcel(s) are outlined in blue

Other parcels are outlined in pink

RL One-Family Large Lot	T1 Traditional Neighborhood	B3 General Business	F1 River Residential
H1 Residential	T2 Traditional Neighborhood	B4 Central Business	F2 Residential Low
H2 Residential	T3 Traditional Neighborhood	B5 Central Business Service	F3 Residential Mid
RM1 Multiple-Family	T3M T3 with Master Plan	IT Transitional Industrial	F4 Residential High
RM2 Multiple-Family	T4 Traditional Neighborhood	ITM IT with Master Plan	F5 Business
RM3 Multiple-Family	T4M T4 with Master Plan	I1 Light Industrial	F6 Gateway
	OS Office-Service	I2 General Industrial	VP Vehicular Parking
	B1 Local Business	I3 Restricted Industrial	PD Planned Development
	BC Community Business (converted)		CA Capitol Area Jurisdiction
	B2 Community Business		

This map was prepared for the zoning application by the Saint Paul Planning & Economic Development Department. It is not a legal document. The map is for informational purposes only. The map is not intended to be used as a legal document. The map is not intended to be used as a legal document. The map is not intended to be used as a legal document.



SAINT PAUL
 PLANNING & ECONOMIC
 DEVELOPMENT

0 15 30 60 90 120
 Feet



application number: 25-010-953 ▪ type: Rezone ▪ date: 02/12/2025 ▪ planning district: 5



Aerial map



Payne Ave



Other parcels are outlined in pink



A