

city of saint paul
planning commission resolution

file number 14-55

date September 5, 2014

WHEREAS, Premier Storage LLC, File # 14-319-416, has applied for a nonconforming use permit (reestablishment and change) for an indoor rental storage facility under the provisions of §62.109(c) and §62.109(e) of the Saint Paul Legislative Code, on property located at 543 James Ave, Parcel Identification Number (PIN) 122823230131, legally described as Schmidt Brewery Addition Lot 5 Blk 2; and

WHEREAS, the Zoning Committee of the Planning Commission, on August 28, 2014, 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 application requests reestablishment of nonconforming use as warehousing and storage, and a change of nonconforming use to an indoor rental storage facility.
2. The proposed use would occupy the eastern portion of the subject site and building, and would create two levels of storage within the former warehouse space. No building addition is proposed.
3. Ingress/egress are proposed via an overhead door north to Palace Drive, and south to the existing parking lot along James Avenue and the railroad tracks.
4. Section 62.109(e) states: *When a legal nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of more than one (1) year, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*
 - (a) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met. The building is constructed of tilt-up concrete and steel with few windows, and placed in the portion of the former Schmidt Brewing property farthest from West Seventh Street with poor visibility – both the building construction and its location make it uneconomical to use for the commercial and residential uses allowed in T3 rather than the proposed reestablished warehousing and storage use.
 - (b) *The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use.* This finding is met. Warehousing and storage are the previous legal nonconforming use.

moved by Nelson

seconded by _____

in favor 9

against 8 (Noecker, Lindeke, Makarios, Ochs, Wickiser, McMahon, Oliver, and Wencil)

(c) The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare. This finding is met. The warehousing and storage use is part of the area's existing development character.

(d) The proposed use is consistent with the comprehensive plan. This finding is met. The Comprehensive Plan in Figure LU-B designates the entire Schmidt Brewing complex, including the subject site, as both a Neighborhood Center and a Mixed Use Corridor, which call for more dense and compact mixed commercial and residential uses, with only small-scale production or industrial uses, such as warehousing. Viewed in isolation, the proposed use would not meet the aims of a Neighborhood Center or Mixed Use Corridor designation. However, viewed as part of the larger Schmidt Brewing campus project, it contributes to the feasibility of the rest of the site to allow it to meet the aims of a Neighborhood Center or Mixed Use Corridor designation with higher density housing and commercial uses that make use of the established historic buildings and site layout.

(e) A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the use. This finding is met. The petition was found sufficient on August 14, 2014: 24 parcels eligible; 16 parcels required; 17 parcels signed.

5. Section 62.109(c) states: *The planning commission may allow a nonconforming use to change to another use permitted in the district in which the existing nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the existing nonconforming use is first allowed, or permit another, related nonconforming use at the same location if the commission makes the following findings:*

(a) The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use. This finding is met. The indoor rental storage facility use is more appropriate to the neighborhood than the previous warehousing and storage use due to the significantly lesser traffic impact, especially truck traffic. Since the proposed rental storage facility is completely indoors, no significant noise or visual impacts are anticipated, as compared to warehousing and storage with its truck traffic impacts.

(b) The traffic generated by the proposed use is similar to that generated by the existing nonconforming use. This finding is met. The application provides a traffic generation analysis showing that the proposed indoor rental storage facility use will generate an estimated 41 customer trips per day, compared to an industry average for warehouse uses of 283 daily truck trips.

(c) 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. This finding is met. The proposed indoor rental storage facility use will not be detrimental to the existing character of development nearby, nor endanger the public health, safety, or general welfare.

(d) The use is consistent with the comprehensive plan. This finding is met. As stated in Finding 4(d), the Comprehensive Plan designates the entire Schmidt Brewing complex, including the subject site, as both a Neighborhood Center and a Mixed Use Corridor, which call for more dense and compact mixed commercial and residential uses, with only small scale industrial-type uses such as storage. However, if the proposed indoor storage facility use is viewed as part of the larger Schmidt Brewing campus project, it contributes to the feasibility of the rest of the site to allow it to meet the aims of a Neighborhood Center or Mixed Use Corridor designation with higher density housing and commercial uses that make use of the established historic buildings and site layout. The proposed use serves as an

effective transition from the more dense uses envisioned for the rest of the Schmidt Brewery campus and the adjacent neighborhood to the north.

6. The subject site is located within the Jacob Schmidt Brewing Company Historic 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 Premier Storage LLC for a nonconforming use permit (reestablishment and change) for an indoor rental storage facility at 543 James Ave is hereby approved subject to the following conditions:

1. Substantial compliance with the site plan and floor plan submitted as part of this application, including the lack of building expansion.
2. Heritage Preservation Commission (HPC) approval or HPC staff approval of any changes within their purview.