

city of saint paul
planning commission resolution
file number 16-51
date October 28, 2016

WHEREAS, Schurmeier Lofts LLC, Ed Conley, File # 16-085-721, has applied for a rezoning from I1 industrial to B5 central business-service under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 328 – 330 9th St E, Parcel Identification Number (PIN) 31.29.22.41.0183 et seq, legally described as CIC No 366 The Schurmeier Loft; and

WHEREAS, the Zoning Committee of the Planning Commission, on October 20, 2016, 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 owner of the structure, Edward Conley, representing Schurmeier Lofts LLC, has submitted a request to rezone the property at 328 - 330 9th Street E from I1 light industrial to B5 central business-service in order to accommodate the use of the property as 36 to 42 market-rate rental units. Rezoning is required because I1 light industrial does not permit strictly residential uses.
2. The proposed zoning is consistent with the way this area has developed. This property is located adjacent to downtown and near the Lowertown area, an area that has redeveloped from mostly industrial uses to a mix of uses including residential, offices, and services, a change in use that has started to spill over to the area known as “Lafayette Park,” in which this property is located. The intent of the B5 central business-service district is to provide necessary services for the population area which is served by all of the previous business districts. Such service establishments often involve objectionable influences, such as noise from heavy service operations and large volumes of truck traffic, and are thus incompatible with the previous business districts. The district provides for wholesaling, restricted manufacturing and other business uses which are needed in proximity to the central business district and require central location to permit serving of the entire city. Rezoning to B5 central business district would permit the structure to be used as a multi-family structure, as proposed, and retain the ability to use the property for the use(s) for which it was originally constructed.
3. The proposed zoning is consistent with the Comprehensive Plan. The 2010 City of Saint Paul Comprehensive Plan guides this area for “Mixed Use Corridor,” which includes areas where two or more of the following uses are or could be located: residential, commercial,

moved by Edgerton
seconded by _____
in favor Unanimous
against _____

retail, office, small scale industry, institutional and open space uses. The uses in these corridors may be within a building or in buildings that are in close proximity to each other. It is consistent with Land Use Policy 1.2 *"Permit high density residential development in Neighborhood Centers, **Mixed-Use Corridors**, the Central Corridor, and Downtown."*

Residential development in Mixed-Use Corridors should be at a density of 30-150 units per acre. This project will be about 45 units per acre. The proposed zoning is also consistent with the Northeast Corridor Development Plan Summary (2005) which seeks infill development in the area known as Lafayette Park, including a more pedestrian-friendly environment. More residential uses and the ability to have fewer industrial uses in this area may facilitate such infill development and improve the pedestrian environment.

4. The proposed zoning is compatible with surrounding uses. As stated in Finding 3, this property is located adjacent to downtown and near the Lowertown area, an area that has redeveloped from mostly industrial uses to a mix of uses including residential uses and service businesses, a change in use that has started to spill over to the area known as "Lafayette Park" where this property is located. The surrounding uses are light industrial, office, service, retail, and residential uses that are listed in the use table as "permitted" in the B5 central business service district. B5 permits all uses in the previous business districts and all I1 uses.
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."* This is not spot zoning and, in fact, permits the use of an existing vacant building as its intended use.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Ed Conley, representing Schurmeier Lofts LLC, to rezone property at 328 – 330 9th Street E from I1 light industrial to B5 central business-service district be approved.