

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Schurmeier Lofts LLC **FILE #:** 16-085-721
  2. **APPLICANT:** Schurmeier Lofts LLC **HEARING DATE:** Oct. 20, 2016
  3. **TYPE OF APPLICATION:** Rezoning
  4. **LOCATION:** 328 - 330 9th Street E, SW corner at Pine
  5. **PIN & LEGAL DESCRIPTION:** 312922410183 et seq. CIC No 366 The Schurmeier Loft
  6. **PLANNING DISTRICT:** 4 **EXISTING ZONING:** I1
  7. **ZONING CODE REFERENCE:** §66.417; §61.801(b)
  8. **STAFF REPORT DATE:** Oct. 13, 2016 **BY:** Jake Reilly
  9. **DATE RECEIVED:** Sept. 29, 2016 **60-DAY DEADLINE FOR ACTION:** Nov. 28, 2016
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- A. **PURPOSE:** Rezone from I1 light industrial to B5 central business-service district.
- B. **PARCEL SIZE:** An irregular parcel with ~2012 feet of frontage on 9<sup>th</sup> Street E and ~207 feet of frontage on Pine Street totaling approximately 36,000 square feet or 0.83 acres.
- C. **EXISTING LAND USE:** Vacant
- D. **SURROUNDING LAND USE:** The building is surrounded by a mix of light industrial use properties, highway right-of-way (on two sides), and other uses common in an I1 light industrial district.
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner. §66.417 describes the purpose and intent of the B5 central business-service zoning district. §66.512 describes the purpose and intent of the I1 light industrial district. Tables 66.421 and 66.521 describes the uses in B5 and I1 districts respectively.
- F. **HISTORY/DISCUSSION:** The structure known as the Schurmeier Building at 328 - 330 9<sup>th</sup> Street E was constructed in approximately 1885 as a horse-drawn wagon manufacturing operation, although city records show it was constructed in approximately 1910. It was used as such up until the mid 1920s. Subsequently, the structure was used as a wholesale grocery operation. Between 1950 and the 1990s it has a variety of uses, including as a boarding house, studio, and "flop house." In the late 1990s it was converted into a conventional apartment building. In 2006 it was converted into owner condominium units (30). AMANDA records show that the building was categorized as a Category 2 vacant building in 2014. The zoning has been I1 since 1975.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 4 had not provided a response at the time this staff report was prepared.
- H. **FINDINGS:**
  1. The owner of the structure, Edward Conley, representing Schurmeier Lofts LLC, has submitted a request to rezone the property at 328 - 330 9<sup>th</sup> Street E from I1 – light industrial to B5 – central business-service in order to accommodate the use of the property as 28 ownership condominiums. 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 include areas where two or more of the following uses are or could be located: residential, commercial, 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 is 34 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
  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.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning of the property at 328 – to 330 9<sup>th</sup> Street E (PID 312922410183; CIC No. 366) from I1 light industrial to B5 central business-service district.

PETITION TO AMEND THE ZONING CODE



PETITION TO AMEND THE ZONING CODE  
Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6589

Zoning Office Use Only  
File #: 16-055721  
Fee: 1200.00

SD=4  
#312922410183 et al

APPLICANT

Property Owner SCHURMEIER LOFTS LLC.  
Address 1599 SELBY AVE, SUITE 201  
City ST. PAUL State MN. Zip 55104 Daytime Phone 612-328-0457

PROPERTY LOCATION

Address/Location 328/330 9TH ST. E  
Legal Description SEE ATTACHED

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes, EDWARD CONLEY, owner of land proposed for rezoning, hereby petitions you to rezone the above described property from a I 1 zoning district to a BS zoning district, for the purpose of:

(Attach additional sheets if necessary)

Attachments as required:  Site Plan  Consent Petition  Affidavit

Subscribed and sworn to before me

Date 9/29 2016

Marianne Kipp  
Notary Public

By: [Signature]  
Fee owner of property





www.ccipropertiesmgmt.com

**EDWARD CONLEY**

CCI Properties  
1599 Selby Ave #201  
Saint Paul MN 55104-  
6263

651.225.4164 Office  
651.225.4166 Fax  
612-328-0457 Cell

cci430@yahoo.com

*"CONSTANTLY STRIVING TO MAKE OUR BEST, BETTER"*

September 29, 2016

Mr. Allan Torstenson, AICP  
City of St. Paul  
1400 West Fourth Street  
St. Paul, MN 55102-1634

Dear Allan,

This is my historical understanding of the uses of the property called Schurmeier Bldg. The building was constructed on or around 1885 as a horse drawn wagon manufacture and was used in that application till the early or mid 1920's. It was at that time the mid 1920-1940 or early 1950 it was a wholesale grocery warehouse application. From the mid 1950's through 1990's it was used as boarding room, studio, flop house. It was in the 1990's it was conformed into a more conventional; apartment building. In 2006 it was converted into 30 residential condominium units. Then in 2013-2014 all 30 units were condemned.

Sincerely,

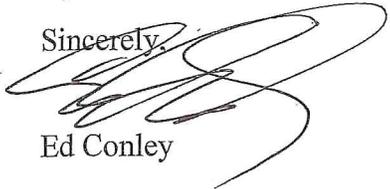
  
Ed Conley

EXHIBIT A TO DECLARATION  
COMMON INTEREST COMMUNITY NO. 366  
Condominium

THE SCHURMEIER LOFTS

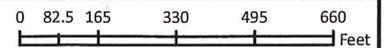
LEGAL DESCRIPTION OF THE PROPERTY

Lots 1, 2, 3, 4, 5, 6, 7 and 8, Block 14, Kittson's Addition, together with that part of the adjoining Alley in Block 14, lying easterly of the East right-of-way line of Interstate Highway No. 94, vacated, accruing thereto by reason of the vacation thereof,

And together with an encroachment license over that part of the adjoining Ninth Street, accruing thereto per vacation document no. 2432544,

except those portions of said Lots 4, 5, and 6, Block 14, Kittson's Addition, taken for highway purposes as shown in the Final Certificate filed April 20, 1968 in Book 2146, Page 945 and as Document No. 527344 and further described as follows: That part of Lots 4, 5, 6 and Alley, Block 14, Kittson's Addition to Saint Paul, lying northwesterly of the southeasterly 14.00 feet of said Lots 5 and 6 and lying southwesterly of a line beginning at the Northwest corner of said Lot 4, thence southeasterly to a point on the southeasterly line of said Lot 4, distant 33 feet southwesterly of the southeast corner thereof, thence southeasterly to a point on a line parallel with and distant 20 feet southwesterly of the northeast line of Lot 5, said Block 14, distant 35 feet southeasterly of its intersection with the northwest line of said Lot 5, thence southeasterly to a point on a line run parallel with and distant 1 foot southwesterly of the northeast line of Lot 6, said Block 14, distant 3 feet northwesterly of its intersection with the northwest line of the southeast 14 feet of said Lot 6; thence southeasterly on said 1 foot parallel line to the northwest line of the southeast 14 feet of said Lot 6 and there terminating.

Also excepting all right of access, being the right of ingress to and egress from those portions of said Lots 4, 5 and 6 not acquired herein, to Trunk Highway No. 94.



FILE NAME: Schurmeier Lofts LLC

Aerial

APPLICATION TYPE: Rezone

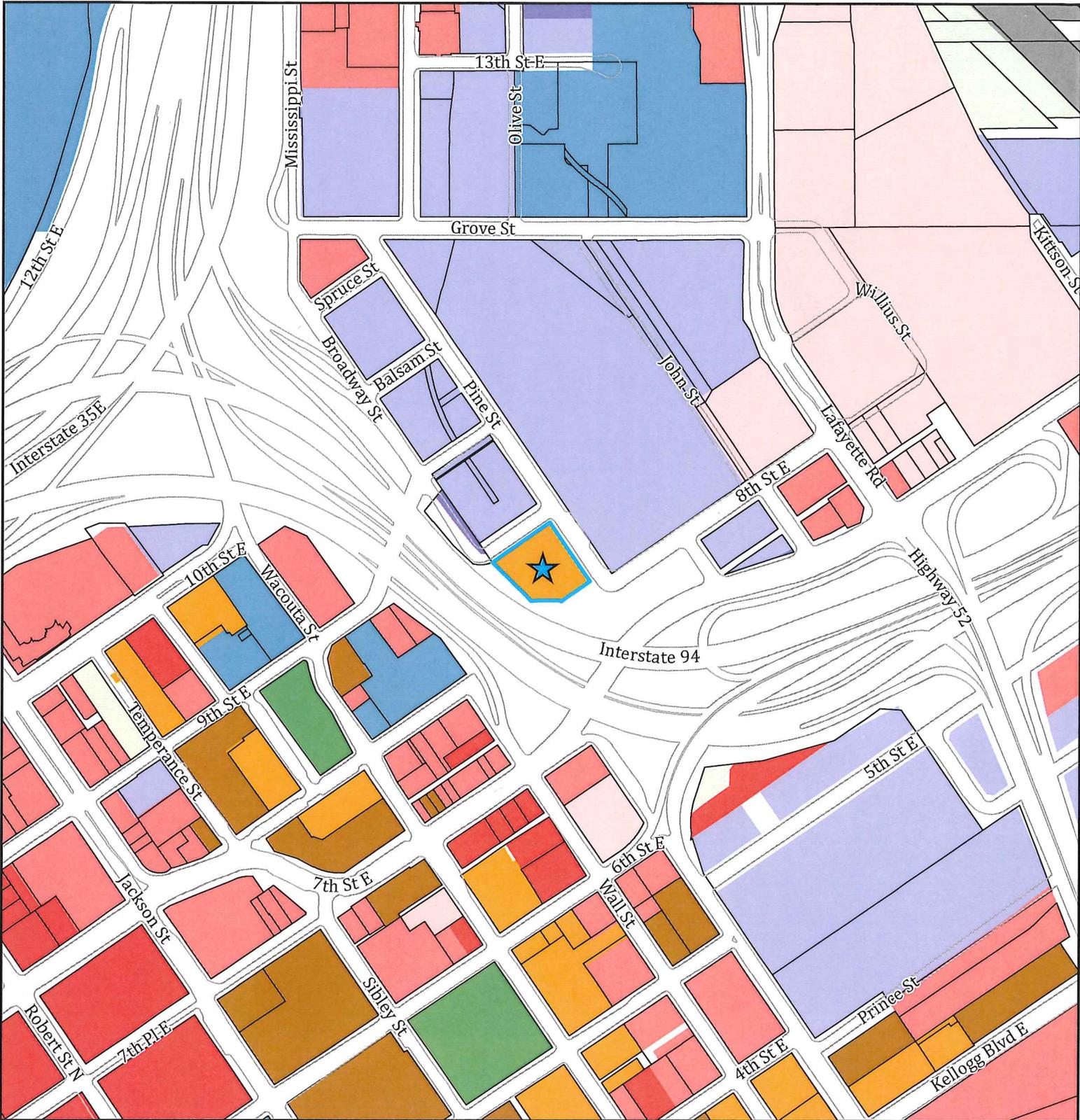
 Subject Parcels

FILE #: 16-085721      DATE: 10/13/2016

PLANNING DISTRICT: 4

ZONING PANEL: 16





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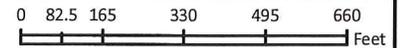
DATE: 10/13/2016

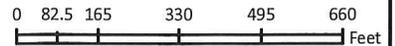
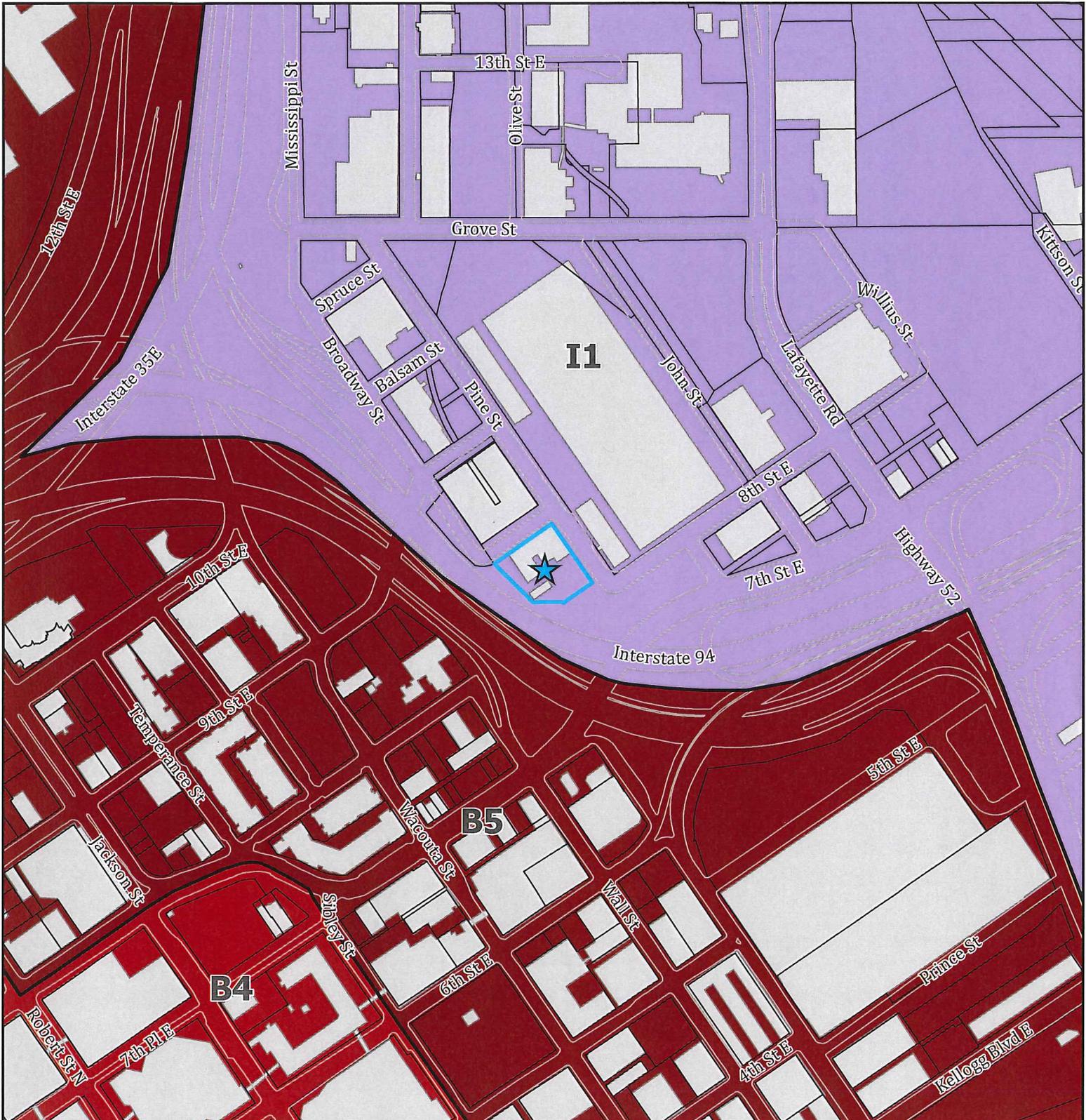
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**Aerial**

- Multifamily
- Office
- Retail and Other Commercial
- Mixed Use Residential
- Mixed Use Industrial
- Mixed Use Commercial and Other
- Industrial and Utility
- Institutional
- Park, Recreational or Preserve
- Railway
- Undeveloped
- Subject Parcels





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ZONING PANEL: 16

**Zoning**

- Subject Parcels
- B4 Central Business
- B5 Central Business Service
- I1 Light Industrial

