

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Chong Vang **FILE #:** 18-064-689
  2. **APPLICANT:** Chong Vang **HEARING DATE:** June 7, 2018
  3. **TYPE OF APPLICATION:** Rezoning
  4. **LOCATION:** 494 Farrington St, and 308-310 Sherburne, SE corner of Farrington and Sherburne
  5. **PIN & LEGAL DESCRIPTION:** 36.29.23.13.0177; 36.29.23.13.0175; 36.29.23.13.0173; Lots 7 through 9 Block 27, Warren Rice's Addition
  6. **PLANNING DISTRICT:** 7 **EXISTING ZONING:** RT1
  7. **ZONING CODE REFERENCE:** §61.801(b)
  8. **STAFF REPORT DATE:** May 29, 2018 **BY:** Tony Johnson
  9. **DATE RECEIVED:** May 22, 2018 **60-DAY DEADLINE FOR ACTION:** July 21, 2018
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- A. **PURPOSE:** Rezone from RT1 two-family residential to T2 traditional neighborhood.
- B. **PARCEL SIZE:** 20,683 sq. ft. = 127.75 ft. of frontage on Farrington Street x 164.6 ft. of frontage on Sherburne Ave.
- C. **EXISTING LAND USE:** Single family home (494 Farrington St), Vacant (310 Sherburne Ave), multi-family residential 4-plex (308 Sherburne Ave)
- D. **SURROUNDING LAND USE:**
  - North: Single- Family Residential and Two- Family Residential (RT1)
  - East: Single- Family Residential (RT1)
  - South: Commercial (T2)
  - West: Commercial parking lot (T2) and two- family residential (RT1)
- 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 owner has requested a rezoning to T2 in order to construct a parking lot on the subject parcels. At the time of this staff report a conceptual site plan was submitted, but the project has not yet gone through site plan review.
- G. **PARKING:** Zoning Code § 63.207 (b) reduces the minimum parking requirement by 100% for parcels zoned traditional neighborhood within a quarter mile of University Avenue. The maximum number of parking spaces for the food and beverage uses that the proposed parking will serve is roughly 65 parking spaces. Under zoning code section 63.304 surface parking on a separate lot is permitted provided it is in the same or a less restrictive zoning district as the principal use and it is within 300 feet of the building it is intended to serve.
- H. **DISTRICT COUNCIL RECOMMENDATION:** No recommendation from District 7 at the time of this staff report.
- I. **FINDINGS:**
  1. The applicant is requesting a rezoning to T2 traditional neighborhood in to construct a new parking lot for his multi-tenant commercial building south of the subject parcels located at 307 University Avenue.

2. The proposed zoning is consistent with the way this area has developed. The T2 traditional neighborhood district is designed for use in existing or potential pedestrian and transit nodes. Its intent is to foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage. It encourages, but does not require, a variety of uses and housing types, with careful attention to the amount and placement of parking and transitions to adjacent residential neighborhoods. The proposed zoning will allow the development of a surface parking lot to the rear of the principal structure that the parking will be serving. The proposed T2 zoning to Sherburne is consistent with other larger commercial and mixed-use developments within the central corridor with the traditional neighborhood zoning to Sherburne.
  3. The proposed zoning is consistent with the Comprehensive Plan. The subject parcels are within a mixed use corridor and as such the subject parcels are suitable for a range development types. The rezoning to T2 of the subject parcels will allow them to be redeveloped over time, while increasing the viability of the existing businesses in the near term because they are not currently served by any off-street parking facilities. Providing off-street parking to make the current businesses viable is consistent with policy LU-1.50 of the comp plan which calls for facilitating the redevelopment of commercial areas where existing buildings are no longer considered functional to accommodate viable retail and businesses. The placement of the proposed parking is consistent with policy L3 of the District 7 neighborhood plan, which calls for improving parking by encouraging parking in back of buildings.
  4. The proposed zoning is compatible with the surrounding commercial and residential development in the immediate area. T2 zoning permits all of the adjacent 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.”* Rezoning the subject parcels to T2 traditional neighborhood would not constitute spot zoning. The T2 Traditional neighborhood zoning district along University Avenue is simply being extended to north to Sherburne Avenue, similar to other nearby places where this is the case.
  6. The petition for rezoning was found to be sufficient on May 11, 2018, 18 parcels eligible; 12 parcels required; 13 parcels signed.
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from RT1 two-family residential to T2 traditional neighborhood.