

## REZONING OF 1784 LACROSSE SHOULD BE APPROVED

- RT2 zoning is appropriate. The zoning classification is little different than R4.
- The uses permitted in R4 and RT2 are the same, except 1, 2, 3, and 4 family residences and townhouses are also allowed in RT2. (Compare principal uses permitted table, Sec. 66.221).
- The zoning code uses identical language to describe the purposes and uses of R4 and RT2.

### Sec. 66.212. - Intent, R1—R4 one-family residential districts.

The R1—R4 one-family residential districts provide for an environment of **predominantly low-density, one-family dwellings** along with **civic and institutional uses, public services and utilities** that serve the residents in the districts. Because of their residential nature, these districts are **not intended for more intensive uses** such as small conference centers, private retreat centers and reception houses.

### Sec. 66.214. - Intent, RT2 townhouse residential district.

The RT2 townhouse residential district provides for **two-, three-, and four-family and townhouse structures**, along with **civic and institutional uses, public services and utilities** that serve residents in the district. It is intended to provide for a variety of housing needs and to **serve as zones of transition between one- and two-family residential districts and multiple-family residential districts and business districts**. The district recognizes the existence of older residential areas of the city where larger houses have been or can be converted from single-family to two-, three-, or four-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization. The RT2 district further provides for housing that has many of the amenities of single-family dwellings arranged in a low-density, multiple-family pattern. Because of its residential nature, this district is **not intended for more intensive uses** such as small conference centers, private retreat centers and reception houses.

- RT2 is actually more appropriate than R4, because it serves as a zone of transition between single family residential and the business districts.

- **The rezoning is not “spot zoning”.**

“Spot zoning” is a label applied to certain zoning amendments invalidated as unsupported by any rational basis related to promoting public welfare.

The term applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with surrounding uses and create an island of nonconforming use within a larger zoned district, **and which dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property.**

Spot-zoning amendments [are] those which result in total destruction or substantial diminution of value of property affected thereby.

See: Rochester Ass'n of Neighborhoods v. City of Rochester, 268 N.W.2d 885 (Minn. 1978).

**There has been no showing of:**

- 1. any substantial diminution in property values, or**
- 2. that the rezoning would create an island of nonconforming use.**

- **The CUP was approved by the Planning Commission and that approval was not appealed. Therefore People, Inc. has the right to use the property for a licensed facility. Opposition to the use by People, Inc. should not be used as a reason to deny the rezoning.**

- **The City Council should approve the rezoning to RT2.**

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