

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** 315 Fisk St N and 820 Concordia Ave Rezone **FILE #:** 20-004-207
  2. **APPLICANT:** Rondo Center Of Diverse Expression **HEARING DATE:** January 30, 2020
  3. **TYPE OF APPLICATION:** Rezoning
  4. **LOCATION:** 315 Fisk St, western side of Fisk St. between Concordia Ave. and Carroll Ave.
  5. **PIN & LEGAL DESCRIPTION:** 35.29.23.43.0138 and 35.29.23.43.0001; Edwin Dean's Second Addition, Lots 1 and 18, Block 5
  6. **PLANNING DISTRICT:** 8 **EXISTING ZONING:** RT1
  7. **ZONING CODE REFERENCE:** § 61.801(b)
  8. **STAFF REPORT DATE:** January 22, 2019 **BY:** Tony Johnson
  9. **DATE RECEIVED:** January 9, 2020 **60-DAY DEADLINE FOR ACTION:** March 9, 2019
- 
- 

- A. **PURPOSE:** Rezone from RT1 two-family residential to T1 traditional neighborhood.
- B. **PARCEL SIZE:** 820 Concordia: 40 ft. frontage on Concordia x 133 ft. frontage on Fisk = 5320 sq. feet; 315 Fisk: 40 ft frontage on Carrol x 143 ft. frontage on Fisk = 5,730 sq. feet.
- C. **EXISTING LAND USE:** Rondo Commemorative Plaza (820 Concordia) and a church (315 Fisk)
- D. **SURROUNDING LAND USE:**
  - North:** Interstate 94 (RT1)
  - East:** Multi-family and single- family residential (RT1)
  - South:** Single Family Residential (RT1)
  - West:** Single 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 subject properties are located on Concordia Ave (Rondo St), which prior to the construction interstate 94 had historically a mix of commercial and residential uses along the corridor. The subject properties both have historically had commercial uses on them. In 1911, three structures were originally built on the 315 Fisk parcel, a single-family dwelling, an accessory structure, and a what appears to be a small cigar factory. In 1915, a store was built on the 820 Concordia (Rondo St) parcel. In 1922 when the first zoning code was enacted, the subject properties were zoned b residential, and the commercial uses became legally non-conforming. It is unclear exactly when the original three structures developed on the 315 Fisk were demolished and the church was built. County records indicate that the church was originally built in 1940, however, historic building permits for the structure date back to 1929. In 1975 when the modern zoning code was adopted the parcels were rezoned to RT1. After the adoption of the modern zoning code, the commercial use on the 820 Concordia parcel remained non-conforming and the church was a permitted use in the district. Certificate of occupancy records for the commercial use on the 820 Concordia parcel go back as far as 1985. The records indicate that it was a VFW/restaurant from at least 1985 until 2010 when it went on the vacant buildings list. In 2013, the structure was demolished and the vacant parcel was acquired by Rondo Ave Inc. in 2014. In 2017, the current use of the parcel, the Rondo Commemorative Plaza was developed. In 2018, the church was acquired by the Rondo Center of Diverse Expression to create a museum/office/gallery as a complementary use to the plaza. These uses are not permitted in the RT1 zoning district, necessitating this application to rezone the parcels to T1.

- G. **PARKING:** The last use of 315 Fisk Street was church, which requires 1 space per 250 sq. ft. of GFA of the main unit of worship. The previous church use would have required 9 off-street parking spaces. There are currently no off-street parking spaces on site, so the church use had a legal non-conforming parking deficiency of 9 spaces. The minimum parking requirement for the proposed museum/office/gallery is 1 per 400 sq. ft. of GFA which would require 5 off-street parking spaces. Because the new use requires less off-street parking than the previous use, the legally non-conforming parking deficiency may remain and no additional parking is required to establish the proposed use.
- H. **DISTRICT COUNCIL RECOMMENDATION:** No recommendation from District 8 at the time of this staff report.
- I. **FINDINGS:**
1. Rondo Center of Diverse Expression is applying to rezone the parcels to T1 in order to construct a museum/office space/gallery at 315 Fisk.
  2. The proposed zoning is consistent with the way this area has developed. Before the first zoning code was adopted in 1922, Concordia Ave (Rondo Ave) developed with a mix of housing types and commercial uses. Commercial uses that are first permitted in the T2 zoning district still exist along the corridor today, including a restaurant, a private club, and a funeral home. The proposed T1 zoning district at a corner is consistent with this historic land use pattern.
  3. The proposed zoning is consistent with the Comprehensive Plan. The subject parcels are in an area defined by the 2030 comprehensive plan as an established neighborhood. Established neighborhoods are characterized primarily by single family houses, duplexes, and small scale multifamily housing, with scattered commercial uses along arterial and collector streets such as Concordia Avenue. Policy LU 1.7 of the 2030 land use chapter calls for permitting neighborhood serving commercial businesses compatible with the character of established neighborhoods, such as the proposed use. The proposed zoning is also consistent with the 2040 comprehensive plan. Policy LU-6 (6) calls for fostering equitable and sustainable economic growth by encouraging cultural and arts-based businesses and business districts such as Rondo. The proposed zoning district is located in the heart of the historic Rondo neighborhood and mixed-use corridor, and is consistent with this policy. Policy LU-61 calls for lessening the negative impacts of interstate highways by supporting design interventions, such as "land bridges". The proposed T1 zoning district will allow the development of a commercial/institutional use that will support the future Rondo Land Bridge and this project is intended to be a preliminary project for the larger land bridge project. The proposed T1 zoning is therefore consistent with this policy. Policy 17. of the district 8 neighborhood plan calls for fostering cultural tourism as an economic driver for business and workforce development. The proposed zoning district will provide a new commercial/institutional land use that will support cultural tourism in the rondo neighborhood. Policy 22 calls for fostering minority business start-ups, retention, and expansions from within the community. The proposed zoning district will enable an expansion of the Rondo Commemorative project and is therefore consistent with this policy.
  4. The proposed zoning is compatible with mix of residential uses and commercial uses on corners along Concordia Avenue. The T1 traditional neighborhood district is intended to provide for compact, pedestrian-oriented mixed-use areas of limited size, with a variety of residential, office and service uses that primarily serve neighborhood needs. The proposed zoning is more restrictive than the T2 zoning district where the nearby

commercial uses would first be allowed and it would permit residential uses compatible with the scale and mix of nearby residential 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 district, and which dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property.”* The proposed T1 zoning would not constitute spot zoning. Along Concordia Avenue the commercial uses are first allowed in the T2 zoning district, and the proposed T1 zoning permits uses consistent with this established land use pattern. The range of residential uses permitted in T1 are consistent with the existing mix of housing types in the immediate area. There is a parcel zoned B1 within close proximity to the subject parcels. The B1 zoning district is less restrictive than the T1 zoning district and permits a range of commercial uses that are more intensive than what is permitted in T1.
  6. The petition for rezoning was found to be sufficient on January 2, 2020: 13 parcels eligible; 8 parcels required; 8 parcels signed.
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from RT1 two-family residential to T1 traditional neighborhood at 315 Fisk and 820 Concordia.