

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Dorothy Gherity **FILE #:** 18-093-677
 2. **APPLICANT:** Dorothy E Gherity **HEARING DATE:** August 30, 2018
 3. **TYPE OF APPLICATION:** Rezoning - Consent
 4. **LOCATION:** 418 Sherburne Ave, between Arundel and Western
 5. **PIN & LEGAL DESCRIPTION:** 36.29.23.24.0226; Smith's Subdivision of Stinson's division, lots 20 & lot 21, block 16
 6. **PLANNING DISTRICT:** 7 **EXISTING ZONING:** R4
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** August 22, 2018 **BY:** Tony Johnson
 9. **DATE RECEIVED:** August 10, 2018 **60-DAY DEADLINE FOR ACTION:** October 9, 2018
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- A. **PURPOSE:** Rezone from R4 one-family residential to T2 traditional neighborhood.
- B. **PARCEL SIZE:** 10,000 sq. ft. = 80 ft. of frontage on Sherburne x 125 ft. With the addition of half of the width of the alley for the purpose of calculating density, the total lot area is 10,520.
- C. **EXISTING LAND USE:** Vacant
- D. **SURROUNDING LAND USE:**
 - North: One- family dwelling, two- family dwelling (R4)
 - East: One- family dwelling (R4)
 - South: Commercial (T2)
 - West: Two- family dwelling (R4)
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** The previous use of the property was a single-family dwelling. In December 2016, the property was put on the vacant building list as a Category 3 vacant building. In April 2017, the single-family home and accessory structure were demolished. the property has remained vacant ever since. The applicant is now proposing to construct a 6-unit multifamily structure on the lot.
- 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 applicant has indicated that he intends to provide one space per unit for the proposed 6-unit multifamily structure.
- H. **DISTRICT COUNCIL RECOMMENDATION:** No recommendation from District 7 at the time of this staff report.
- I. **FINDINGS:**
 1. The applicant is proposing to rezone the subject parcel from R4 one-family residential district to T2 traditional neighborhood district in order to facilitate the development of a 6-unit multifamily residential condo structure.
 2. *The proposed zoning is consistent with the way this area has developed.* This finding is met. 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 immediate area has developed with a mix of single-family dwellings, two-family dwellings, multifamily dwellings, and commercial uses south of the subject parcel. The land uses in the immediate area are permitted uses in the T2 zoning district, and therefore the proposed zoning is consistent with the way the area has developed.

3. *The proposed zoning is consistent with the Comprehensive Plan.* This finding is met. The subject parcels are designated by Comprehensive Plan Figure LU-B as part of a Mixed-Use Corridor. Policy LU-1.24 of the Comprehensive Plan calls for supporting a mix of uses on Mixed-Use Corridors. Policy H-1.3 of the comprehensive plan calls for revitalizing the city by developing land-efficient housing. Policy L5 of the District 7 Neighborhood Plan calls for intensifying development along major transportation corridors in order to bring in more jobs and housing units. The Western Station Area Plan calls for maintaining existing character on this block.
4. *The proposed zoning is compatible with the surrounding uses.* This finding is met. The surrounding single family dwellings, two family dwellings, and commercial uses are permitted in the T2 zoning district and the proposed zoning is compatible with these 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.*” The proposed T2 zoning does not constitute spot zoning. The proposed T2 zoning is an expansion of the existing T2 zoning district along University Avenue, and does not create a use classification inconsistent with the surrounding uses.
6. The petition for rezoning was found to be sufficient on 8/8/2018: 21 parcels eligible; 14 parcels required; 17 parcels signed.

J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from R4 One-Family Residential to T2 Traditional Neighborhood at 418 Sherburne Avenue.