

## ZONING COMMITTEE STAFF REPORT

**FILE NAME:** 576 N Lexington Parkway Rezoning

**FILE #:** 21-292-480

**APPLICANT:** Abah A Mohamed

**HEARING DATE:** September 9, 2021

**TYPE OF APPLICATION:** Rezoning

**LOCATION:** 576 Lexington Pkwy N, NE corner at Edmund Avenue

**PIN & LEGAL DESCRIPTION:** 35.29.23.23.0111; Peck's Addition, Lots 8 And 9, Block 1

**PLANNING DISTRICT:** 7

**EXISTING ZONING:** RT1

**ZONING CODE REFERENCE:** §61.801(b)

**STAFF REPORT DATE:** September 2, 2021

**BY:** Tony Johnson

**DATE RECEIVED:** August 11, 2021

**60-DAY DEADLINE FOR ACTION:** October 7, 2021

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- A. **PURPOSE:** Rezone from RT1 two-family residential to RM2 multiple-family residential.
- B. **PARCEL SIZE:** 88.6 ft. of frontage on Lexington Parkway x 120 ft. of frontage on Edmund Avenue = 10,632 sq. ft.
- C. **EXISTING LAND USE:** Single Family Dwelling
- D. **SURROUNDING LAND USE:**  
North: Duplex  
East: Multi-family Residential  
South: Multi-Family Residential  
West: Single Family
- 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 property was originally constructed in 1888, as a single-family dwelling. In 1922 when the first zoning code was enacted the subject property, along with other properties fronting Lexington Parkway were zoned "C" residential. The 1922 "C" residential district permitted a range of housing types, including multi-family residential. From the 1920 to 1940s, the multi-family apartments adjacent to the subject property were built under the standards of the 1922 zoning code. In 1975 when the modern zoning code was adopted, the subject property, along with the apartments in close proximity to it were zoned RT1, two-family residential.
- G. **PARKING:** Zoning Code § 63.207 requires a minimum of 0 spaces for the proposed multi-family development. Per section 63.207 (b), the minimum number of off-street parking spaces as determined in section 63.207(a) shall be reduced by one hundred (100) percent in RM1—RM3 multiple-family residential districts when more than fifty (50) percent of both the building and the parcel are within one-quarter (¼) mile of University Avenue.
- H. **DISTRICT COUNCIL RECOMMENDATION:** There is no recommendation from District 7 at the time of this staff report.
- I. **FINDINGS:**
1. The applicant is seeking a rezoning to RM2 in order to accommodate future multi-family development on the subject parcel. Under the RM2 zoning designation, a building with a maximum of 15,948 sq. ft. GFA. could be built with surface parking, and a building with a maximum of 26,580 sq. ft. GFA. building could be built with structured parking.

2. The proposed zoning is consistent with the way this area has developed. The area adjacent to the subject parcel has developed with a mix of one-, two-, and multifamily residential uses, which are permitted uses in the proposed RM2 multi-family residential zoning district. When the first zoning code was enacted, parcels fronting Lexington, Parkway were zoned "C" residential, which permitted a range of housing types including multi-family residential. This historic pattern of development of parcels that were zoned "C" residential is consistent with the uses permitted in the RM2 zoning district.  
Rezoning this parcel to RM2 is also consistent with the intent of the zoning district, which is to foster and support pedestrian- and transit-oriented residential development and provide for infill housing to meet a variety of housing needs. The proposed RM2 zoning designation on the subject will enable additional transit supportive density to be developed on the subject parcel within a quarter mile of the Lexington Avenue Light rail station and a block from the 83 local bus route stop.
  3. The proposed zoning is consistent with the Comprehensive Plan. The subject parcel is in an area defined by the comprehensive plan as a neighborhood node and it is within a quarter mile of high frequency transit. Policy LU-1 of the comprehensive plan calls for encouraging transit-supportive density and directing the majority of growth to areas with the highest existing or planned transit capacity. Rezoning this parcel to RM2 will enable transit supportive density to developed in this neighborhood node at 50 – 200 units per acre, consistent with policy LU-1 and the density range called for in neighborhood nodes.
  4. The proposed zoning is compatible with the surrounding one- family, two- family, and multi- family residential land uses. The residential land uses in the immediate area are permitted uses in the RM2 multi-family residential district. The multi-family residential uses adjacent to the subject parcel are legally non-conforming under the current RT1, two family residential district zoning designation, but would be permitted uses in the proposed RM2 zoning district. The proposed RM2 zoning district would enable a multifamily use to be established on the subject parcel that is compatible with the adjacent legally non-conforming multi-family residential land uses, and the historic C residential zoning classification.
  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 parcel to RM2 would not constitute spot zoning and would not establish a use classification inconsistent with the surrounding uses. In 1922, the subject property along with the properties fronting Lexington Avenue, were zoned "C" residential, which permitted uses that are comparable to what is permitted in the RM2 zoning district today. From the 1920's to the 1940's multi-family apartments were constructed under the 1922 "C" residential district standards establishing a multi-family uses adjacent to the subject the parcel. RM2 zoning is consistent with these established multi-family uses surrounding the subject parcel.
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from RT1 two-family residential to RM2 multiple-family residential.