

**CITY OF LEXINGTON  
COUNTY OF ANOKA  
STATE OF MINNESOTA**

**ORDINANCE #20-02**

**AN ORDINANCE OF THE CITY COUNCIL OF LEXINGTON, MINNESOTA,  
CHANGING ZONING DISTRICTS**

WHEREAS, LEXINGTON LOFTS, LLC, (“Applicant”), owns or has agreements to purchase the following parcels of real estate (the “Subject Parcels”):

**TRACT 1:**

**Parcel 1:**

Outlots B and C, Lexington Center 2<sup>nd</sup> Addition.  
Anoka County, Minnesota.  
Torrens Property.  
Located in Zoning District Multiuse-1.

**Parcel 2:**

Lot 13, Block 3, Lexington Center.  
Anoka County, Minnesota.  
Torrens Property.  
Located in Zoning District Residential-3.

**Parcel 3:**

Easement for the benefit of Outlot C of Parcel 1 as created in Declaration Access Easement dated October 30, 2015, filed November 5, 2015, as Document No. 534589.001 for pedestrian and vehicular ingress and egress purposed.  
Located in Zoning District Multiuse-1.

**TRACT II:**

Lot 14, Block 3, Lexington Center.  
Anoka County, Minnesota.  
Torrens Property.  
Located in Zoning District Residential-3.

**TRACT IV:**

**Parcel 1:**

Lot 15, Block 3, Lexington Center.  
Anoka County, Minnesota.

Torrens Property.  
Located in Zoning District Residential-3.

Parcel 2:

That portion of Gerald Avenue as dedicated on the plat of Lexington Center to be vacated described as being South and East of Outlot C, Lexington Center 2<sup>nd</sup> Addition, lying between the Westerly extension of the Northerly line of Lot 15, Block 3, Lexington Center, and the Westerly extension of the Southerly line of Lot 13, Block 3, Lexington Center.

Anoka County, Minnesota.

Torrens Property.

Located in Zoning District Residential-3.

WHEREAS, the Planning and Zoning Commission held a public hearing regarding an application presented by the Applicant. The purpose of this hearing would combine, plat, and rezone the Subject Parcels into the Plat, Lexington Lofts, as a single parcel in the Multiuse-1 zoning district.

WHEREAS, the City Council approved the preliminary plat for Lexington Lofts that combine all of the Subject Parcels.

WHEREAS, several parcels on the preliminary plat remain in the Residential-3 zoning district, while the rest of the plat is in the Multiuse-1 zoning district. This creates inconsistent zoning within the preliminary plat.

WHEREAS, portions of several parcels on the preliminary plat contain the right-of-way for an unconstructed portion of Gerald Avenue. The proposed project eliminates the need for a street at this location.

WHEREAS, the Planning and Zoning Commission RECOMMENDS the City Council to 1) combine, plat, and rezone all of the Subject Parcels into the Plat, Lexington Lofts, as a single parcel in the Multiuse-1 zoning district; and 2) vacate the Gerald Avenue right-of-way.

WHEREAS, the Planning and Zoning Commission made the following FINDINGS with respect to the land use application submitted by the Applicant. These findings are based on City criteria for granting changes to the zoning designation of real property in the City of Lexington:

1. Application for approval of a change in a district uses and regulations.

The intent of the Residential-3 zoning district is to accommodate the construction of “4 Plex” units or townhouses, and overall, residential development at a maximum density of 10 dwelling units per acre. The intent of the Multiuse-1 zoning district is to accommodate mixed medium density residential with businesses, this includes multiple-family units or apartment buildings.

It is due to a historical accident that four parcels zoned Residential-3 (Lexington Center, Block 3, Lots 13- 15, and portions of Gerald Avenue) are surrounded on three-sides by parcels zoned Multiuse-1. The City rezoned the surround properties to Multiuse-1 as part of its overall development strategy to attract business and development intended to increase taxable value. The parcels along the undeveloped Gerald Avenue remained zoned as Residential-3 because the City Council decided not to incorporate them into the surrounding parcels which were all owned by a property development company. The owner of one of these parcels along Gerald Avenue wanted the option to develop that parcel under the Residential-3 zoning standards. Given the contiguous nature of these Residential-3 parcels, the City left their zoning unchanged to accommodate that owner's objection. That owner now joins the Applicant in asking the City to rezoning his parcel so it may joint the surrounding Multiuse-1 parcels. Had this owner not expressed his objections when the surround parcels where zoned Multiuse-1, these remaining Residential-3 parcels would also have been changed to the Multiuse-1 zoning district. Changing these parcels to the Multiuse-1 zoning district is consistent with the City's longstanding goals for this area of the City.

The Applicant's proposed development for this area is consistent with the 2030 Comprehensive Plan except for those parcels currently zoned for the Residential-3 district. Rezoning these parcels into the Multiuse-1 district will make them consistent with the 2030 Comprehensive Plan. This project is consistent with zoning in a multiuse district as it allows for high density residential development. This project is also consistent with the Plan as it is located within the City's Commercial Redevelopment District. This project fulfills the Plan's stated goals and policies as follows:

- Maintain distinct land use districts that minimize the conflict between residential and commercial/ industrial areas.
- Identify and target specific areas of the community that are appropriate for new housing and commercial opportunities, including infill and redevelopment.
- Maintain a variety of housing opportunities for all income and age groups.
- Enforce land use policies to prevent incompatibility of housing and commercial/ industrial land uses.
- Prioritize and redevelop vacant, deteriorated or abandoned properties.

Rezoning R-3 to M-1 – The three existing R-3 lots are undeveloped lots that sit like an island inside the existing M-1 district. (Lexington Center, Block 3, Lots 13- 15, and portions of Gerald Avenue). Rezoning these lots to M-1 makes the entire area one consistent zoning district and has no negative impact on the surrounding area given how the parcels are undeveloped.

2. Application to Vacate Gerald Avenue:

Since none of the parcels on the preliminary plat along the unconstructed portion of Gerald Avenue will be developed into residential homes, they no longer need roadway access. Accordingly, there is no longer a need to continue holding the right-of-way for Gerald Avenue. The Gerald Avenue right-of-way belongs to the surrounding parcels. If the City were to vacate that right-of-way, full ownership rights to this property would revert to the owners of these parcels.

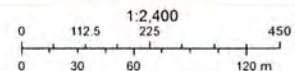
Minnesota law requires a City to find that vacating a city street is the “in the interest of the public.” The Commission can make this conclusion after hearing testimony at the public hearing. Ultimately, the Council must pass a resolution vacating Gerald Avenue. That public hearing was held before the Planning and Zoning Commission which recommended that the City vacate the Gerald Avenue right-of-way.

The Applicant and surround property owners request the City to vacate that portion of Gerald Avenue within its project site. (See, ‘pink shaded’ area on Map.) That section of the street remains undeveloped such that a roadway or utilities have never been constructed on this section of the street. This section of Gerald Avenue is not a thru street, and only exists on plat maps. Vacation of the street would cost nothing to the taxpayers. Vacation of this section of the street would facilitate a more productive use of the land. For these reasons, the Commission found that vacation of this section of Gerald Avenue is “in the interest of the public.”

Anoka County, MN



October 2, 2019



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

WHEREAS, the Planning and Zoning Commission made the following RECOMMENDATIONS with respect to the land use applications submitted by Lexington Lofts:

1. The Commission RECOMMENDS the City Council approve rezoning Lexington Center, Block 3, Lots 13, 14 & 15 and portions of Gerald Avenue from the R-3 district to the M-1 district, and revised the City’s 2030 Comprehensive Plan to accept this zoning redistricting change; and,

2. The Commission RECOMMENDS the City Council vacate Gerald Avenue within the project site because it is in the interest of the public.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEXINGTON, MINNESOTA, that it adopts the aforementioned findings of fact related to the requested land use applications for the Subject Parcels, and DOES ORDAIN the adoption of each recommendation of the Planning and Zoning Commission for “Lexington Lofts”. This approval by the City Council is subject to the additional conditions:

- a. Applicants shall be subject to a Conditional Use Permit to be approved at the time of final plat approval.
- b. Applicants shall enter into a Development Agreement with the City for the purpose set forth above and as otherwise dictated by law.
- c. Applicants shall pay all applicable building permit fees and other appropriate fees to the City.


The first reading of this Ordinance occurred on February 6, 2020. The second reading of this Ordinance occurred on February 20, 2020.

Effective Date. This ordinance shall be effective immediately upon its passage.

PASSED AND DULY ADOPTED this 20th day of February 2020 by the City Council of the City of Lexington.

  
\_\_\_\_\_  
Mike Murphy, Mayor

Attest:

  
\_\_\_\_\_  
Bill, Petracek, City Administrator

Published in the Quad Press on \_\_\_\_\_, 2020