

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

08-0636R

RESOLUTION DENYING A REQUEST TO AMEND CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ZONING DISTRICT MAP NO. 28 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-2, TWO FAMILY RESIDENTIAL, TO C-5, PLANNED COMMERCIAL DEVELOPMENT, PROPERTY LOCATED AT 320 EAST MYRTLE STREET (GORDON AND JUDITH GRANT).

CITY PROPOSAL:

The city council denies a petition submitted by Gordon and Judith Grant, to rezone the subject property located at 320 East Myrtle Street, legally described as the northerly 127.95 feet of Lot 1, and the northerly 127.95 feet of easterly ten feet of Lot 2, Block 5, Central Acres Second Division Duluth, from R-2, Residential to C-5, Planned Commercial Development, based on the following findings *[to be determined by city council]*:

Approved as to form:

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Attorney

PLNG/PC      CF:cm      10/15/2008

STATEMENT OF PURPOSE: This zoning ordinance amendment provides a zoning change, from R-2, Residential, to C-5, Commercial, for property located 320 East Myrtle Street or the southwest corner of Myrtle Street and Stroll Avenue. Reason for the request is to anticipate changes to Central Entrance which will impact the Dairy Queen store located at the northwest corner of Central Entrance and Stroll Avenue.

The Duluth planning commission unanimously (11-0) voted to approve this zoning change following a public hearing held on October 14, 2008. This resolution is a counter to Ordinance 08-087 which is to approve the amendment.

In approving the zoning change the commission made the following findings of fact:

1. The rezoning is consistent with the comprehensive plan.
2. The request is not a spot zone.
3. Rezoning to C-5 allows for the planning commission to review future development of the site.

Date of certification: August 26, 2008

Action deadline: December 24, 2008