

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

12-019-0

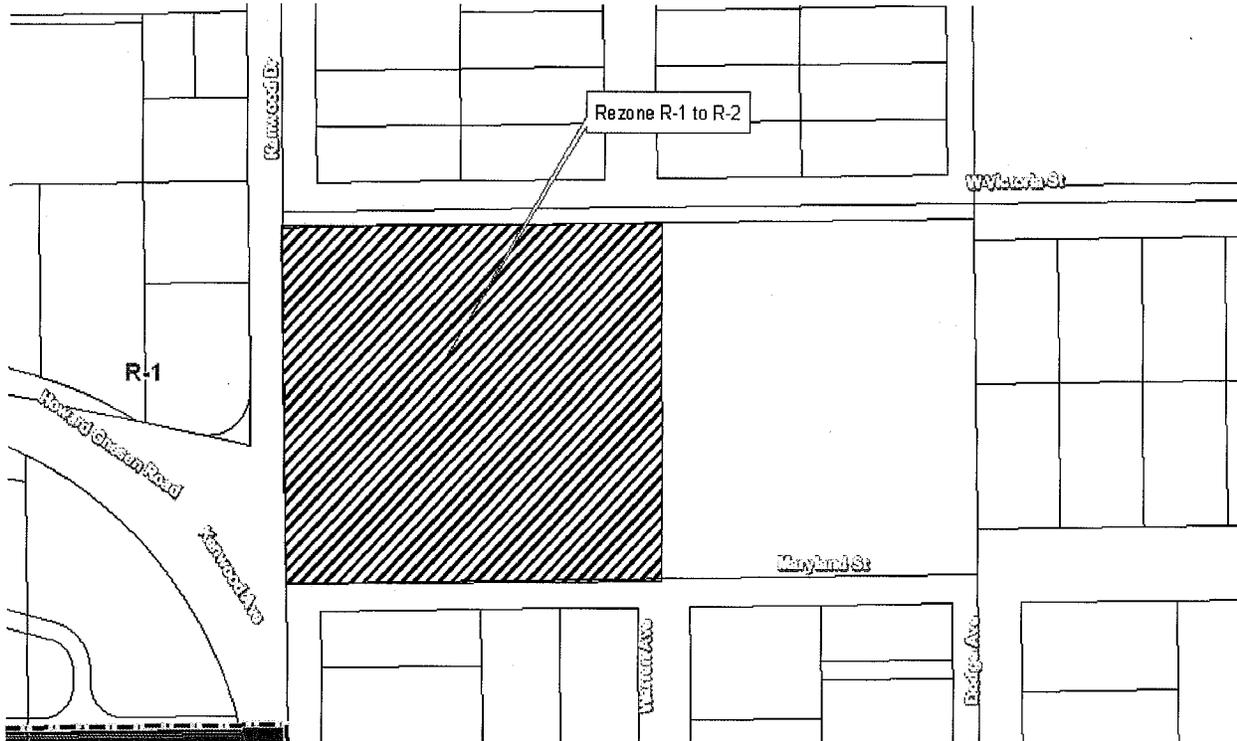
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH AS REFERENCED IN CHAPTER 50, OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1, RESIDENTIAL-TRADITIONAL, TO R-2, URBAN-RESIDENTIAL, ON THE WEST PORTION OF THE PROPERTY LOCATED AT 1750 KENWOOD AVENUE (CARLSON).

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the west portion of the subject property located at 1750 Kenwood Avenue and as described as: westerly 300'-0" of: N1/2 of NW1/4 of SW1/4 of the SE1/4 of Section 10, Township 50, Range 14 West; be reclassified from R-1, Traditional Neighborhood, to R-2, Urban-Residential, and that the official zoning map of the city of Duluth as referenced in Chapter 50 of the Duluth City Code, 1959, is amended to read as follows:



(Ref. File No. 12-008)

Section 2. That this ordinance shall take effect and be in force 30 days from and after its passage and publication.

Approved as to form:

  
Attorney

PC:plng JK:eu 03/28/2012

STATEMENT OF PURPOSE: This zoning map amendment provides a zoning change from R-1 to R-2 for the west portion of the property located at 1750 Kenwood Avenue.

On March 27, 2012, the Duluth city planning commission held a public hearing on the proposal and voted 8-0 to recommend that the city council approve the rezoning request for following reasons:

- 1) The reuse of the existing school building is consistent with the Comprehensive Land Use Plan Governing Principle to reuse previously developed lands and adaptive reuse of the building.
- 2) Rezoning will provide housing options that are needed by the public and will result in a final product that provides a greater level of public benefit than would be required under the existing R-1 zone district.
- 3) Material adverse impacts on nearby properties are not anticipated as the reuse of the building and site will require a plan review by the Planning Commission, which will allow for mitigation of any potential impacts to surrounding property.

The motion to approve the rezoning from R-1 to R-2 by the city council must prevail with a single majority.

Date of application: January 31, 2012  
Action deadline: May 30, 2012



**CITY OF DULUTH**  
Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197  
Phone: 218/730.5580 Fax: 218/723-3559

**STAFF REPORT**

<b>File Number</b>	PL 12-008 Kenwood/Edison School	<b>Contact</b>	John Kelley
<b>Application Type</b>	Zoning Map Amendment	<b>Planning Commission Date</b>	March 27, 2012
<b>Deadline for Action</b>	<b>Application Date</b>	January 31, 2012	<b>60 Days</b> March 31, 2012
	<b>Date Extension Letter Mailed</b>	March 12, 2012	<b>120 Days</b> May 30, 2012
<b>Location of Subject</b>	Kenwood/Edison School, 1750 Kenwood Avenue		
<b>Applicant</b>	Greg Carlson	<b>Contact</b>	gregcarlson1@aol.com
<b>Agent</b>	Greg Strom	<b>Contact</b>	gps.foundations@northlc.com
<b>Legal Description</b>	See attached		
<b>Site Visit Date</b>	February 27, 2012	<b>Sign Notice Date</b>	March 13, 2012
<b>Neighbor Letter Date</b>	March 7, 2012	<b>Number of Letters Sent</b>	31

**Proposal**

The applicant is requesting a rezoning of the western portion of the property located at 1750 Kenwood Avenue from Residential-Traditional (R-1) to Residential-Urban (R-2). The applicant is seeking to re-use the existing school building and create 25-apartments.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1, Residential Traditional	Former School Site	Traditional Neighborhood
<b>North</b>	R-1, Residential-Traditional	Open Space/Recreation	Low-Density Neighborhood
<b>South</b>	R-1, Residential Traditional	Housing	Traditional Neighborhood
<b>East</b>	R-1, Residential Traditional	Housing	Traditional Neighborhood
<b>West</b>	R-1, Residential Traditional	Housing	Traditional Neighborhood

**Summary of Code Requirements (reference section with a brief description):**

Section 50-37.3 UDC Text or Zoning Map Amendments

A. Application 1. The planning commission may, upon its own motion, propose and hear amendments to the text of the UDC or the boundaries of the official zoning map.

B. Procedure 1. Planning Commission Review - The planning commission shall review the application, conduct a public hearing pursuant to Section 50-37.1, with public notice as required by Section 50-37.1.H, and make a written recommendation to council based on the criteria in subsection C below. 3. When Written Consent or Supermajority Required The following provisions shall apply after the initial adoption of the zoning map reflecting the zone district consolidations reflected in this UDC. In addition, the affirmative vote of 2/3 of the council shall be required if: (ii) The planning commission has completed a study of an area containing at least 40 acres of land surrounding the applicant's property and the proposed rezoning is a result of that study, and a finding is made that it would be impractical to obtain the required written consent.

C. Criteria - The planning commission shall review the application, and council shall approve the application, or approve it with modifications, if it determines that the application: 1) Is consistent with the Comprehensive Land Use Plan; 2) Is reasonable related to the overall needs of the community, to existing land use, or to a plan for future land use; 3) Is required by public necessity, convenience, or general welfare, or good zoning practice; 4) Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.

III B.1

**Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):**

1. Comprehensive Land Use Plan Governing Principles:

Principle #1- Reuse previously developed lands

Adaptive reuse of existing building stock

Principle #5- Strengthen neighborhoods

Strengthen neighborhood identity through neighborhood scale commercial areas, neighborhood parks with links to the larger city- wide parks and trails system, varieties of housing.

Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

**Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):**

1. Currently the former school site is zoned R-1. The Future Land Use Map for the Kenwood/Edison School site was amended from Recreation/Traditional Neighborhood to Traditional Neighborhood in July of 2011.

2. Principle #1 of the Comprehensive Land Use Plan Governing Principles, reuse of previously developed lands, including adaptive reuse of existing building stock and historic resources, directs new investment to sites which have the potential to perform at a higher level than their current state. This strengthens neighborhoods and is preferred to a dispersed development pattern with attendant alteration of natural landscapes and extensions of public services. Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets, utilities, and transit, fire and police services.

3. The property is immediately north of a future land use category for Urban Residential. The reuse of the existing school building is consistent with the Comprehensive Land Use Plan Governing Principle to reuse previously developed lands and adaptive reuse of the building.

4. The R-2 district was established to accommodate multi-family apartments and townhouses. It also allows for single-family detached dwellings, duplexes, day care facilities, nursing homes, as permitted uses. The R-2 zone district is intended primarily for locations closer to commercial and mixed-use activity centers, and may serve as a transition between lower-density residential areas and more intense commercial and mixed-use neighborhoods.

5. The applicant is proposing to rezone the westerly half of the property adjacent to Kenwood Avenue to R-2. This area of the property is occupied by the former school building and will be renovated for apartments. The site is in close proximity to existing R-2 zone districts to the east and across Kenwood Avenue. The eastern half of the property would remain as R-1 and will act as a buffer between the existing building and single family homes to the east. The proposed apartment use will require a plan review by the Planning Commission due to its proximity to UMD and St. Schoolatica as per section 50-14.6.D of the UDC.

6. No comments were received from residents, other city departments, other utilities, or governmental agencies.

**Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):**

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning from Residential-Traditional (R-1) to Urban-Residential (R-2) for the westerly portion of the property located at 1750 Kenwood Avenue for the following reasons:

1) The reuse of the existing school building is consistent with the Comprehensive Land Use Plan Governing Principle to reuse previously developed lands and adaptive reuse of the building.

2) Rezoning will provide housing options that are needed by the public and will result in a final product that provides a greater level of public benefit than would be required under the existing R-1 zone district.

3) Material adverse impacts on nearby properties are not anticipated as the reuse of the building and site will require a plan review by the Planning Commission, which will allow for mitigation of any potential impacts to surrounding property.

III B.2

**Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)**

Legal Description

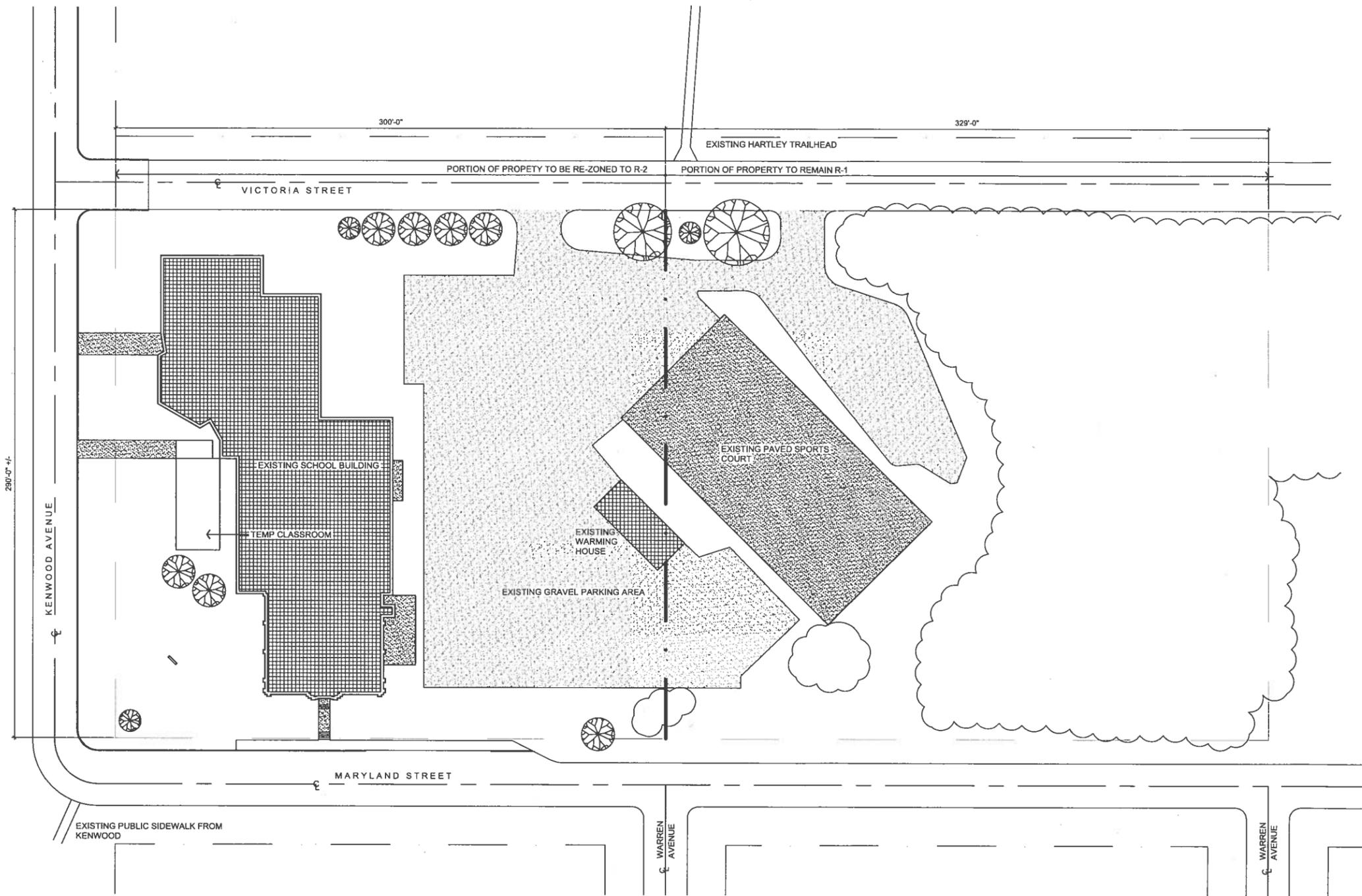
WESTERELY 300'-0" OF: N  $\frac{1}{2}$  of NW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 10, Township 50, Range 14 West.

PROPOSED RE-USE FOR:  
**KENWOOD SCHOOL**  
 1750 KENWOOD AVENUE  
 DULUTH, MINNESOTA

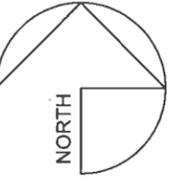
SHEET TITLE:  
**SITE PLAN**

DATE:	3-19-12
JOB NO.:	1201
DRAWN BY:	GPS
REVISED:	X
APPROVED BY:	GPS

SHEET:  
**SI-PLAT**  
 1 OF 1



**SITE PLAN**  
 SCALE: 1/64" = 1'-0"



LEGAL DESCRIPTION OF RE-ZONED PARCEL:  
**WESTERLY 300'-0" OF: N1/2 of NW1/4 of SW1/4 of the SE1/4, Section 10, Township 50 North, Range 14 West**



III B.4



**City Planning**  
 PL 12-008  
 Rezone R-1 to R-2  
 Zoning Map

**Legend**

- Subject Property
- Zoning (Final)



The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

Aerial photography flown 2007

Prepared by: City of Duluth Planning Division, January 5, 2011. Source: City of Duluth.



# City Planning PL 12-008

## Rezone R-1 to R-2 Future Land Use



### Legend

- Subject Property
- Preservation
- Recreation
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District
- Institutional
- Commercial Waterfront
- Industrial Waterfront
- Light Industrial
- General Industrial
- Transportation and Utilities

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III B.7

111 B. 8





III 13.9



III B.10

III B.11





III B. 12



III B.13