

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

12-024-O

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 MIXED USE-BUSINESS PARK (MU-B) TO RESIDENTIAL-TRADITIONAL (R-1) THE PROPERTY LOCATED AT 4526 & 4528 REGENT STREET (DAWN STRUMBEL & DANIEL ROMSA, 12-023)

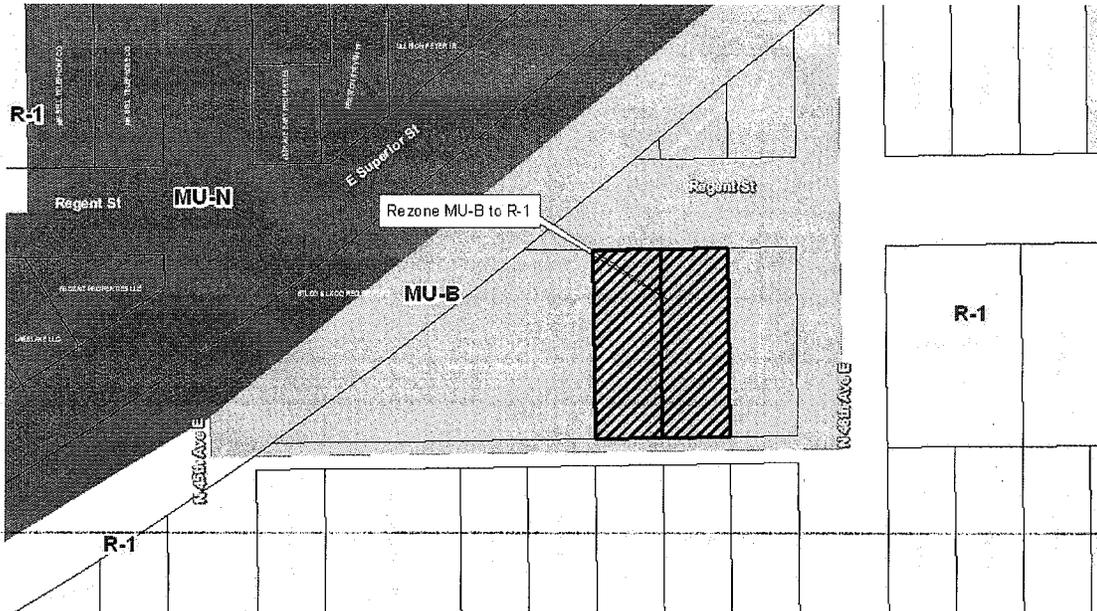
CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That .32 acres of the subject property located at 4526 and 4528 Regent Street between N 46TH Avenue East and N 45TH Avenue East south of Superior Street and as more particularly described as:

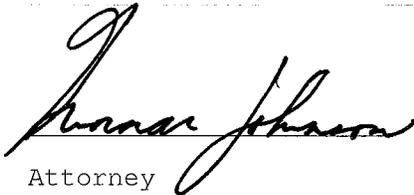
Lots 6 and 7, Block 28, London Addition to Duluth

Be reclassified from MU-B, to R-1, 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:



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:



Thomas Johnson

Attorney

STATEMENT OF PURPOSE: This zoning map amendment provides a zoning change from MU-B to R-1 for the property located at 4526 and 4528 Regent Street.

On April 10, 2012, the Duluth City Planning Commission held a public hearing on the proposal and voted 7 yeas, 0 nays, and 0 abstentions, to recommend that the city council approve the rezoning requested for the following reasons:

- 1) The proposed rezoning from MU-B to R-1 is consistent with the Comprehensive Land Use Plans future land use category of Traditional Neighborhood.
- 2) The residential use is reasonably related to the existing land uses in the area.
- 3) Good zoning practice requires that zone districts be consistent with the future land use category identified for the area.
- 4) Material adverse impacts on nearby properties are not anticipated.

The motion to approve the rezoning from MU-B to R-1 by the city council must prevail with a simple majority.

Date of application: February 23, 2012
Action deadline: June 22, 2012

Petitioner:
Dawn Strumbel
4526 Regent Street
Duluth, MN 55804

Daniel Romsa
4528 Regent Street
Duluth, MN 55804

PL 12-023



CITY OF DULUTH

Planning Division

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

STAFF REPORT

File Number	PL 12-023	Contact	John Kelley, jkelley@duluthmn.gov	
Application Type	Rezone: MU-B to R-1	Planning Commission Date	April 10, 2012	
Deadline for Action	Application Date	February 23, 2012	60 Days	April 23, 2012
	Date Extension Letter Mailed	March 26, 2012	120 Days	June 22, 2012
Location of Subject	4526 and 4528 Regent Street			
Applicant	Dawn Strumbel & Daniel Romsa	Contact	Dawn Strumbel, dstrumbel@hotmail.com	
Agent		Contact		
Legal Description	See attached description - Tax Parcel ID #'s 010-3010-00100 & 010-3010-00110			
Site Visit Date	March 29, 2012	Sign Notice Date	March 28, 2012	
Neighbor Letter Date	March 26, 2012	Number of Letters Sent	46	

Proposal

Applicants request the Rezoning of their property at 4526 and 4528 Regent Street, from MU-B (Mixed Use-Business) to R-1 (Residential-Traditional).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-B	Single Family Dwelling	Traditional Neighborhood
North	MU-B	Undeveloped	Traditional Neighborhood
South	R-1	Single Family Homes	Traditional Neighborhood
East	MU-B	Fuel Oil Depot	Traditional Neighborhood
West	MU-B	Commercial	Neighborhood Commercial

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

UDC Sec. 50-37.3.C: 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 reasonably 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.

UDC Sec. 50-14.7.A: The R-P district is established to provide a flexible development option for residential projects that integrate creative site design, provide a variety of housing types, provide unique on-site amenities, conserve natural features, increase pedestrian connectivity, or otherwise result in a final product that provides a greater level of public benefit than would be required under the existing zone district. Each R-P district requires approval of an R-P regulating plan that includes the location, type, intensity of proposed development and a description of public amenities or benefits included. Different R-P standards are required for projects in identified high-density and low-density residential areas. Single-family residences, two-family residences, townhouses, group living and apartments, as well as accessory uses, are permitted, as shown in Table 50-19.8, provided projects are compatible in scale and character with the surrounding neighborhood and are included in the approved district plan.

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

- 1) Governing Principles: Principle #5 - Strengthen neighborhoods
The present city is an historical amalgam of villages and other independent units of government, contributing to the present condition of Duluth being strongly defined by its neighborhoods. This condition should be reinforced through land use, transportation and public service delivery patterns which strengthen neighborhood identity. New institutional expansions, major public infrastructure or large commercial or industrial uses should not divide historic neighborhood patterns.
- 2) Future Land Use Map: 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.
- 3) Current History: The applicants property is currently zoned Mixed Use-Business Park (MU-B). The two properties are depicted on zoning maps since 1954 as zoned commercial.

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

- Staff finds as follows:
- 1) The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious.
 - 2) The Comprehensive Plan - Future Land Use Map identifies the area proposed for rezoning as "Traditional Neighborhood" (see description above).
 - 3) Rezoning this site to R-1 is consistent with the Comprehensive Land Use Plan because the existing land use is residential and is consistent with the classification of Traditional Neighborhood.
 - 4) No comments specific to the rezoning have been received.

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

- Based on the above findings, staff recommends to Planning Commission that the proposed rezoning be recommended for approval by City Council for the following reasons:
- 1) The proposed rezoning from MU-B to R-1 is consistent with the Comprehensive Land Use Plans future land use category of Traditional Neighborhood.
 - 2) The residential use is reasonably related to the existing land uses in the area.
 - 3) Good zoning practice requires that zone districts be consistent with the future land use category identified for the area.
 - 4) Material adverse impacts on nearby properties are not anticipated.

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

III A. 2

Legal Description

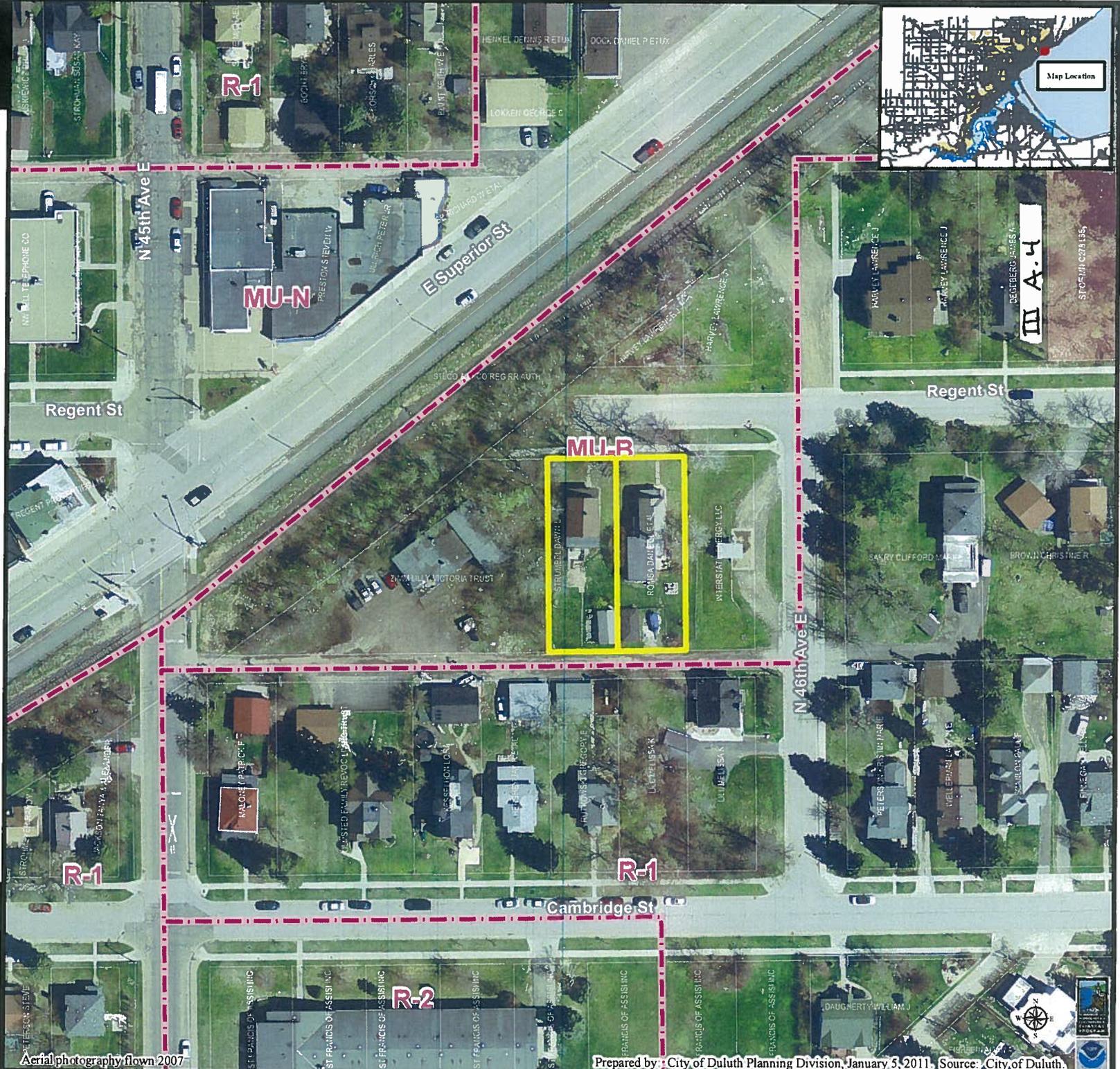
London Addition to Duluth; Lot 6 Block 28 and Lot 7 Block 28

City Planning

4526 & 4528 Regent Street
Rezoning MU-B to R-1
Zoning Map

Legend

 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

4526 & 4528 Regent Street
 Rezoning MU-B to R-1
 Future Land Use Map



Legend	
Future Land Use	
	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



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.



III A.6



ZONING NOTICE
By Order of the Board of Zoning Appeals
Meeting held on 11/13/13 at 7:00 PM
at the City of St. Louis, Missouri
The Board of Zoning Appeals has reviewed the application for a Special Use Permit for a
[illegible] and has determined that the proposed use is
[illegible] and is in the public interest.
The Board of Zoning Appeals has granted the Special Use Permit for a
[illegible] for a period of [illegible] years.
The Board of Zoning Appeals has also determined that the proposed use is
[illegible] and is in the public interest.



III A.7



III A.8





III A. 9