PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

12-025-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 RESIDENTIAL-TRADITIONAL (R-1), TO MIXED USE-NEIGHBORHOOD (MU-N), THE PROPERTY LOCATED AT 1819 & 1831 EAST 8TH STREET (CARLA BLUMBERG - 1831 LLC, 12-025)

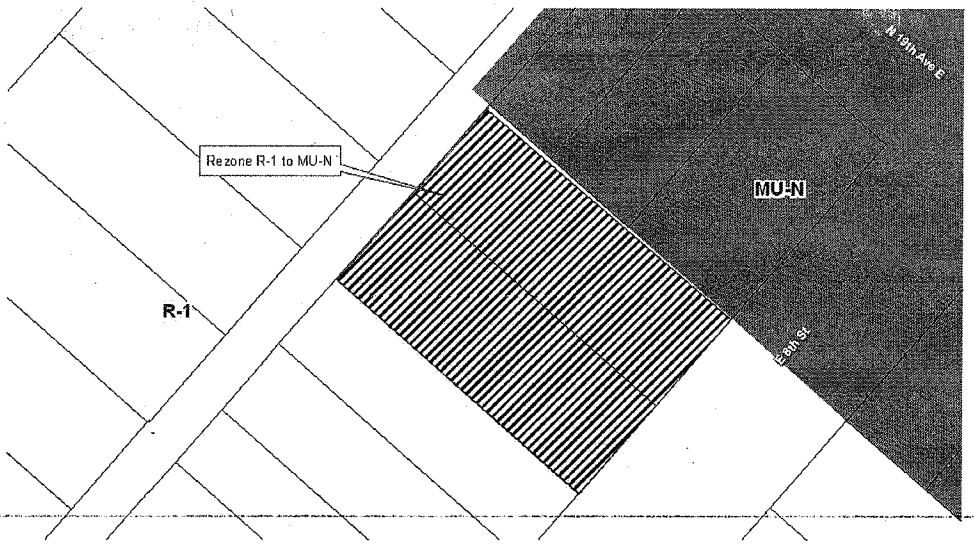
CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That .32 acres of the subject property located at 1819 and 1831 East 8th Street between North 19th Avenue East and North 18th Avenue East and as more particularly described as:

Lots 11 and 12, Block 28, Highland Park Addition of Duluth

Be reclassified from R-1, to MU-N, 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. 12-025)

2. That this ordinance shall take effect 30 days after its passage and publication.

Approved as to form:

Attorney

PC:plng JK:eu 4/12/2012

STATEMENT OF PURPOSE: This zoning map amendment provides a zoning change from R-1 to MU-N for the property located at 1819 and 1831 East 8th Street.

On April 11, 2012, the Duluth City Planning Commission held a public hearing on the proposal and voted 5 yeas, 2 nays, and 0 abstentions, to recommend that the city council approve the rezoning requested for the following reasons:

1) The subject property was previously utilized for commercial and residential uses. The proposed rezoning is consistent with the Comprehensive Land Use Plan Governing Principle to reuse previously developed lands.

2) Rezoning to MU-N will allow a mix of uses that are reasonably related to the existing land uses in the area 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 proposed mixed use building with residential use 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 MU-N must prevail with an affirmative vote of 2/3 by the city council.

Date of application: February 28, 2012
Action deadline: June 27, 2012

Petitioner:
Carla Blumberg - 1831 LLC
1924 East 8th Street
Duluth, MN 55812

PL 12-025

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 12-025	**Contact**	John Kelley, jkelley@duluthmn.gov	
Application Type	Rezone: R-1 to MU-N	**Planning Commission Date**	April 10, 2012	
Deadline for Action	**Application Date**	February 28, 2012	**60 Days**	April 28, 2012
	Date Extension Letter Mailed	March 27, 2012	**120 Days**	June 27, 2012
Location of Subject	Northwest corner of 19th Avenue East and East 8th Street			
Applicant	Carla Blumberg - 1831 LLC	**Contact**	Carla Blumberg, carla.blumberg@astccc.net	
Agent	William Scalzo	**Contact**	wscalzo@scalzoarchitects.com	
Legal Description	Lots 11 and 12, Block 28, Highland Park Addition of Duluth			
Site Visit Date	March 29, 2012	**Sign Notice Date**	March 27, 2012	
Neighbor Letter Date	March 23, 2012	**Number of Letters Sent**	83	

Proposal

Applicant requests the Rezoning of their property on the northwest corner of 19th Avenue East and East 8th Street (1831 and 1819 East 8th Street), from R-1 (Residential-Traditional) to MU-N (Mixed Use-Neighborhood).

The applicant's proposal is to accommodate the development of additional open space and planting beds arranged to retain the existing mature trees/shrubs in conjunction with a proposed mixed-use building to include retail, residential and office use.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Undeveloped	Traditional Neighborhood, Urban Residential
North	MU-N, R-1	Residential, Undeveloped	Traditional Neighborhood, Urban Residential
South	R-1	Residential	Traditional Neighborhood
East	MU-N	Undeveloped	Urban Residential
West	R-1	Residential	Traditional Neighborhood

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 #1 - Reuse previously developed land; #8 - Encourage mix of activities, uses and densities

2) The Comprehensive Plan-Future Land Use Map identifies the area proposed for rezoning as Urban Residential and Traditional Neighborhood.

Urban Residential is characterized by a variety of building types, medium to high density, is applicable to larger infill areas close to downtown, entertainment or activity centers. May include student housing areas, live/work units, and limited neighborhood retail.

Traditional Neighborhood is 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):

Staff finds as follows:

1) The site has split zoning with MU-N on the east half of the site and R-1 on the western portion of the property.

2) Lot 11on the eastern portion of the site proposed for rezoning was used as a parking lot for the previous office building located on the northwest corner of East 8th Street and19th Avenue East.

3) Rezoning this site to MU-N is not completely consistent with the Comprehensive Land Use Plan because it designates the area of the site to be rezoned as "Traditional Neighborhood" which limits the site's uses to single-family houses, churches, schools, and parks. The MU-N district is established to accommodate a mix of neighborhood-scale, neighborhood serving non-residential uses and a range of residential uses located in close proximity. Non-residential uses may include small-scale retail, service and professional offices that provide goods and services to the residents of the surrounding neighborhood

4) Rezoning to MU-N will allow for the proposed mixed use building and is reasonably related to the existing land uses in the area such as residential and commercial uses including Sara's Table Chester Creek Cafe, and a VIP Pizza. Multi-family dwellings are also a permitted use in the MU-N district. Residential development, if proposed, will require a plan review by the Planning Commission due to its proximity to UMD and St. Schoolatica as per section 50-15.2.D of the UDC.

5) This rezoning will provide uses that may include small-scale retail, service and professional offices that provide goods and services to the residents of the surrounding neighborhood and would result in a development that provides a greater level of public benefit than would be required under the existing R-1 zone district.

6) Material adverse impacts on nearby properties are not anticipated as the proposed mixed use building with residential use will require a plan review by the Planning Commission, which will allow for mitigation of any potential impacts to surrounding property. Therefore, the proposed rezoning will not create material adverse impacts on nearby properties.

7) No comments were received from other city departments, other utilities, or governmental agencies. See attached emails from residents regarding the rezoning.

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 subject property was previously utilized for commercial and residential uses. The proposed rezoning is consistent with the Comprehensive Land Use Plan Governing Principle to reuse previously developed lands.

2) Rezoning to MU-N will allow a mix of uses that are reasonably related to the existing land uses in the area 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 proposed mixed use building with residential use 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)

City Planning

PL 12-025

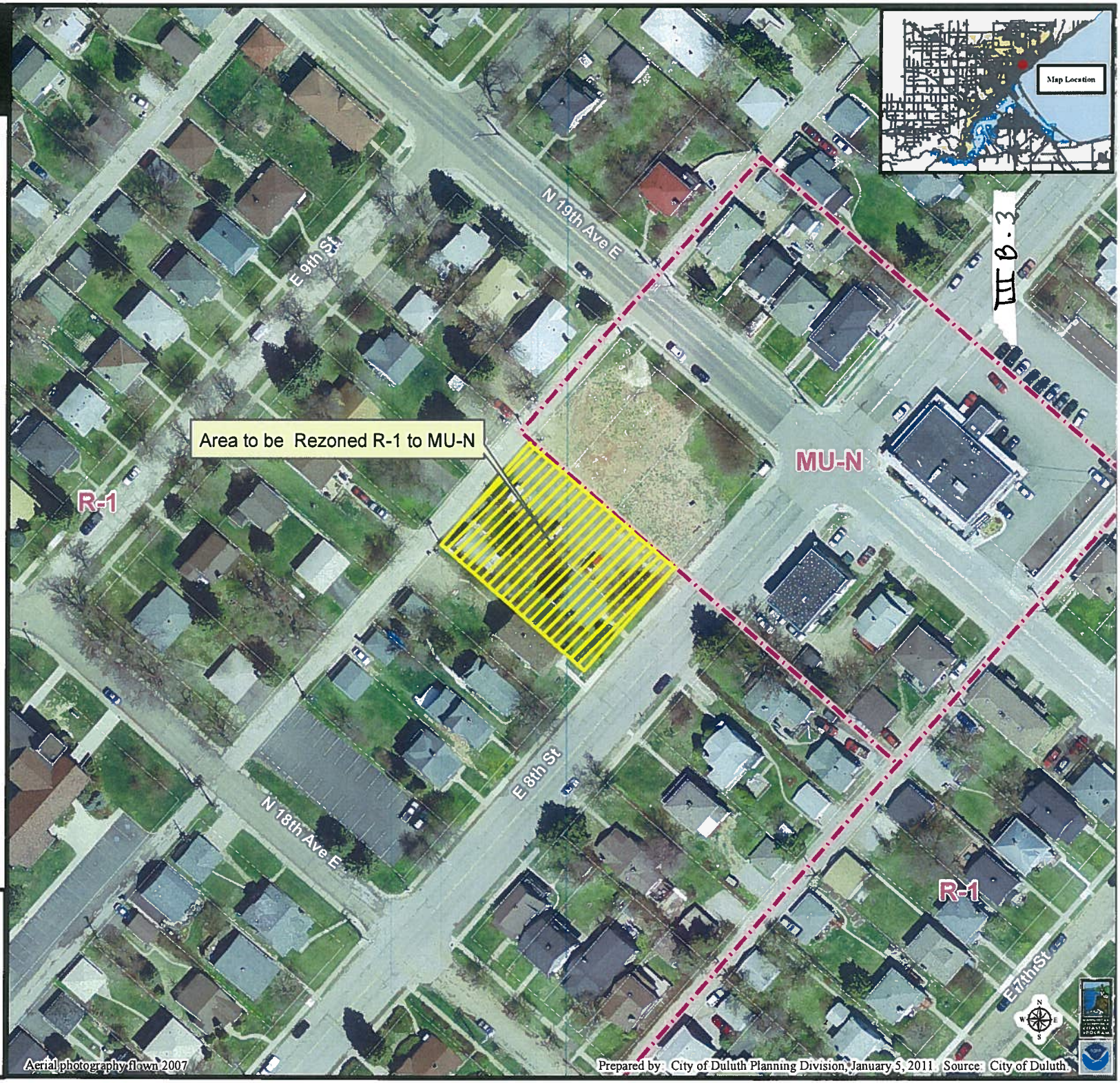
Carla Blumberg

Rezone R-1 to MUN

Zoning Map

Legend

Zoning (Final)



III B-3

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.

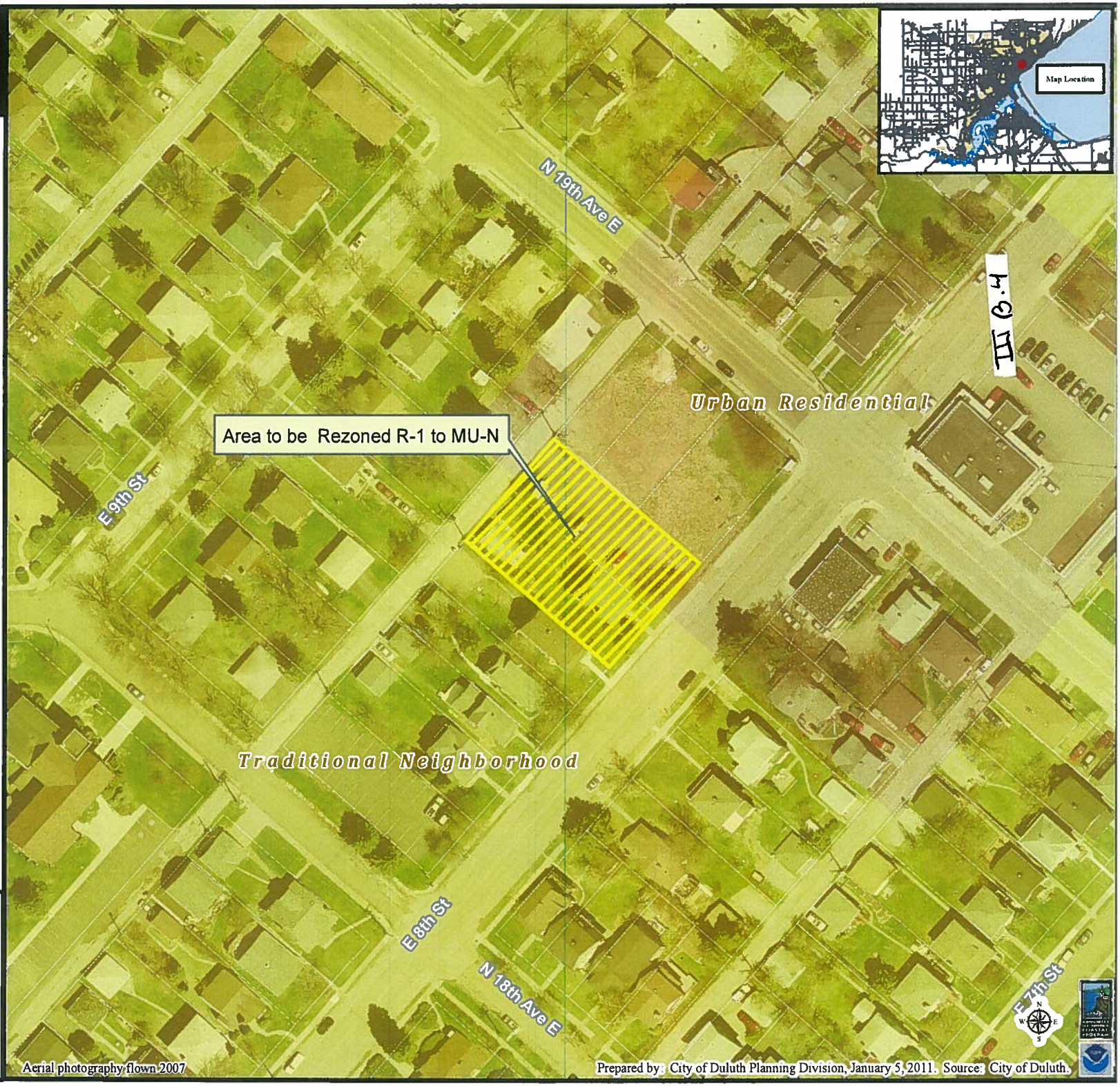
City Planning

PL 12-025

Carla Blumberg

Rezone R-1 to MUN

FLU 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

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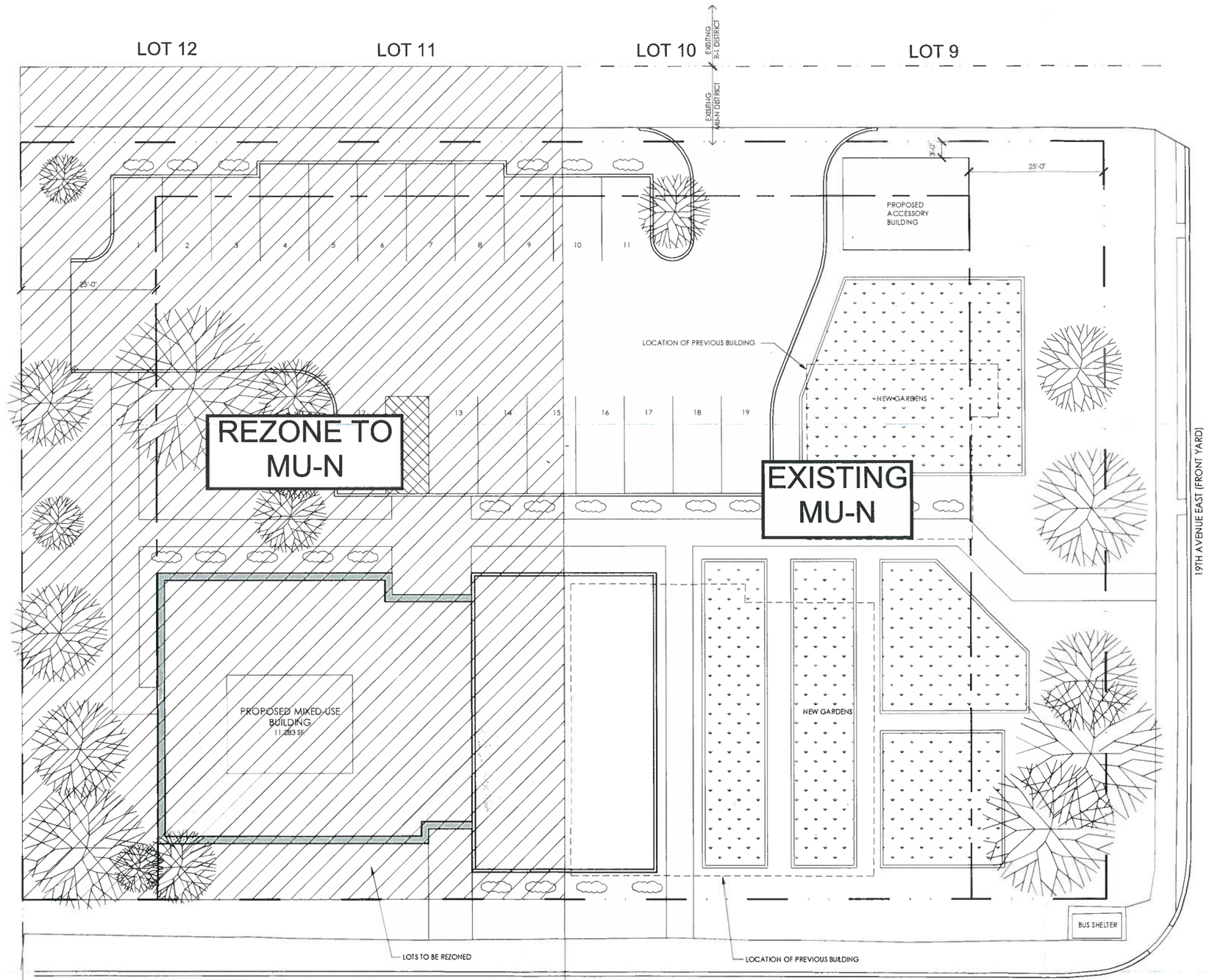
EXISTING
R-1

LOTS TO BE REZONED:
LOTS 11 AND 12, BLOCK 28, HIGHLAND PARK ADDITIONS OF DULUTH



1 A0.0 **PRELIMINARY SITE PLAN** 1"=10'

RECEIVED
APR - 3 2012

III B.5

SCALZO architects
SCALZO ARCHITECTS, LTD.
1901 South Street
Duluth, Minnesota 55812
Tele: 218.722.4319
Fax: 218.722.3535

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Architect under the laws of the State of Minnesota.

WILLIAM B. SCALZO
DATE: FEBRUARY 28, 2012
LICENSE NO: 18130

PROJECT:
MIXED-USE DEVELOPMEMT
1831 EAST 8TH STREET
DULUTH, MINNESOTA 55812

OWNER:
1813 LLC
1924 EAST 8TH STREET
DULUTH, MINNESOTA 55812

ZONING COMPLIANCE PLAN

REVISIONS:
REVISED 4-3-12

DATE:	FEBRUARY 28, 2012
DRAWN BY:	RJA
CHECKED BY:	WBS
PROJECT NO:	1208

SHEET NO.
Z0.0

III B.6

III B-7

III B-8

III B-9

III 13-10

Carla Blumberg

From: Richard Hansen [richard@provegallery.com]
Sent: Friday, February 17, 2012 1:13 PM
To: carla.blumberg@astccc.net
Subject: Re: 1831 SD

Thanks Carla- We are looking it over. Thanks for providing it.

You can feel pretty confident that we will support the change in zoning, we just need to make sure. We value transparency, diligence and hard work, and you're doing your best to exhibit and accomplish those qualities.

Best
Richard

On Fri, Feb 17, 2012 at 10:48 AM, carla.blumberg@astccc.net <carla.blumberg@astccc.net> wrote:
> Here are the PDF files of site sketches.
> You can see the size of the retail spaces.
> Thanks,
> Carla

--
--
Richard Hansen
Co-Founder
PRØVE Collective and Gallery
612-227-8015
www.facebook.com/ProveCollective

III B.11

RECEIVED FEB 28 2012

Bill

From: Carla Blumberg [carla.blumberg@astccc.net]
Sent: Wednesday, March 07, 2012 6:16 PM
To: 'Bill'
Subject: FW: 1831 SD

Follow Up Flag: Follow up
Flag Status: Flagged

From: Richard Hansen [mailto:richard@provegallery.com]
Sent: Wednesday, March 07, 2012 5:23 PM
To: Carla Blumberg
Subject: Re: 1831 SD

Sorry for the delayed response. Thanks for the clarification Carla.

We're willing to support a reasonable, attractive development that adds to the value of our neighborhood. It would be nice to have another locally owned, non-chain/corporate restaurant within walking distance of our house. I come to Sara's for coffee and meetings at least once a week and we are addicted to VIP.

I'd be remiss, though, if I didn't relay concerns of increased traffic, additional student population, and noise. Simply a NIMB situation. 19th and 8th is already a bit nasty for foot traffic, especially with a dog and very young child in tow. I'd really support any idea to slow traffic and increase foot traffic awareness in that hot spot. Neighborhood beautification would also add much to any proposed development.

Thanks for your diligence.

Best
Richard Hansen

On Mon, Feb 20, 2012 at 5:19 PM, Carla Blumberg <carla.blumberg@astccc.net> wrote:
Richard
After I thought about our conversation I wanted to make sure you understood what I was aksing for. The way the zoning is now, the northeast end of the lot (toward 19th) is zoned commercial and the southwest end is zoned residential. Because of that, the city wants us to put the building on the 19th Ave. end and the garden and parking lot on the other end.
I want to put the building in the front, towards 8th, on the southwest end with the parking lot behind it and the garden on the northeast end towards the restaurant.
So we need a zoning change to relocate the building farther southwest and a variance to put the garden in front of the builing more to the northeast.
Hope this is clear.
It's not about whether to have a garden or whether to have retail. It's about where to put the stuff on the lot.
Thanks,
Carla

III B. 12

5438 165th LN NW
Ramsey MN 55303
March 7, 2012

Dear Ms. Blumberg,

I am writing a reply to the letter you left in our mailbox. My husband and I own the green house across the alley where you intend to build. I appreciate the proposed drawings however, I disagree with your plans for a three story building. Look around the neighborhood and you will find only small two story homes and one two story building. That houses a pizza place. I feel a three story building will be out of place.

That is my first objection. The second, I thought the city had a moratorium against any more rental properties in that neighborhood. Two stories of retail seem ok, but no more rental properties.

I think the garden a terrific idea. Maybe you could rent out plots for people to plant their own gardens.

I will be contacting the city counsel regarding your plan.

Sincerely,

Wila Heger

Wila Heger
Property Owner

III B.13