

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

13-037-0

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM MIXED USE BUSINESS (MU-B) TO MIXED USE NEIGHBORHOOD (MU-N) FOR PROPERTIES LOCATED AT 4502 EAST SUPERIOR STREET (GREG KLEIN).

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the 22,000 square feet of the subject property located at 4502 East Superior Street and as more particularly described in Exhibit A and by the following:

010-3010-00050

be reclassified from MU-B 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, as amended, is amended to read as follows:

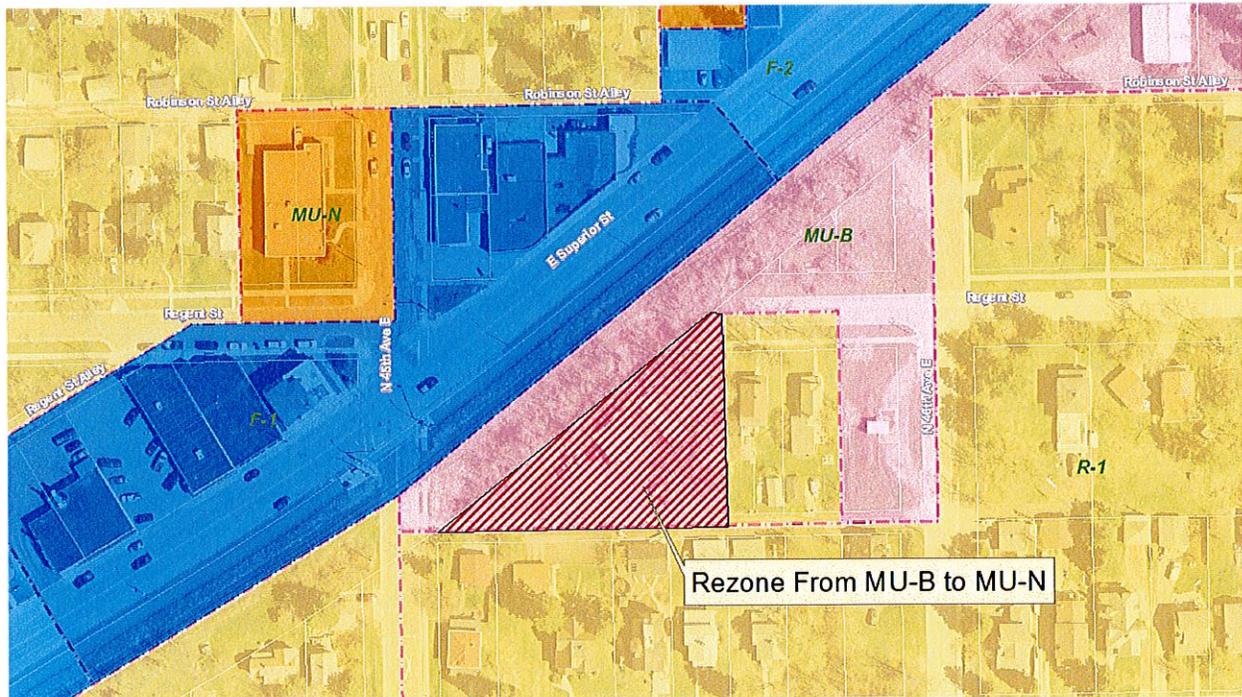


Exhibit A
(Ref. File No. 13-057)

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

Approved as to form:


Attorney

PC/PLNG SR:cs 5/15/2013

STATEMENT OF PURPOSE: This zoning map amendment provides a zoning change from MU-B to MU-N for property owned by Greg Klein.

On May 14, 2013, the Duluth city planning commission held a public hearing on the proposal and voted 9 yeas, 0 nays and 0 abstentions to recommend that the city council approve the rezoning requested for the following reasons:

- 1) This proposal is consistent with the comprehensive land use plan;
- 2) The proposed MU-N zone district is consistent with the future land use category "neighborhood mixed use";
- 3) Material adverse impacts on nearby properties are not anticipated.

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

Date of application: April 4, 2013

Action deadline: August 2, 2013



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 13-057	Contact	Steven Robertson	
Application Type	Rezone: MU-B to MU-N	Planning Commission Date	May 14, 2013	
Deadline for Action	Application Date	April 4, 2013	60 Days	June 3, 2013
	Date Extension Letter Mailed	April 19, 2013	120 Days	August 2, 2013
Location of Subject	4502 East Superior Street			
Applicant	Greg Klein	Contact	greg@klein.net	
Agent		Contact		
Legal Description	010-3010-00050			
Site Visit Date	May 2, 2013	Sign Notice Date	April 29, 2013	
Neighbor Letter Date	April 22, 2013	Number of Letters Sent	49	

Proposal

The applicant is requesting a rezoning from MU-B to MU-N.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-B	Commercial	Neighborhood Commercial
North	MU-N/MU-N	Transportation/Commercial	Neighborhood Commercial
South	R-1	Residential	Traditional Neighborhood
East	MU-N/MU-B	Residential	Traditional Neighborhood
West	R-1/F-2	Residential	Neighborhood Commercial

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

UDC Sec. 50-37.3.A: Any property owner may petition the planning commission to amend the district boundaries in which the property is located.

UDC Sec. 50-37.3.B: Planning commission shall review the application, conduct a public hearing ... with public notice ... and make a written recommendation to council.

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.

C-1

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

Neighborhood Mixed Use. Small- to moderate scale commercial, serving primarily the adjacent neighborhood(s). May include specialty retail; community gathering businesses such as coffee shops or lower intensity entertainment; offices; studios or housing above retail (storefront retail with vertical mixed use). Typically situated in or adjacent to residential neighborhoods. May transition to neighborhood mixed use.

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

- 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 else be considered arbitrary and capricious.
- 2) Good zoning practice requires that zone districts be consistent with the future land use category identified for the area. The MU-N zone district is reasonably related to the existing land use.
- 3) The future land use Neighborhood Commercial supports the rezoning request from MU-B to MU-N. The MU-N allows for residential and limited small commercial uses, which would be a better fit for the adjacent R-1 properties.
- 4) No comments were received from public agencies and City departments.

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 to MU-N be recommended for approval by City Council for the following reasons:

- 1) This proposal is consistent with the Comprehensive Land Use Plan.
- 2) The proposed MU-N zone district is consistent with the future land use category "Neighborhood Mixed Use".
- 3) Material adverse impacts on nearby properties are not anticipated.

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

C-2



City Planning

PL 13-057

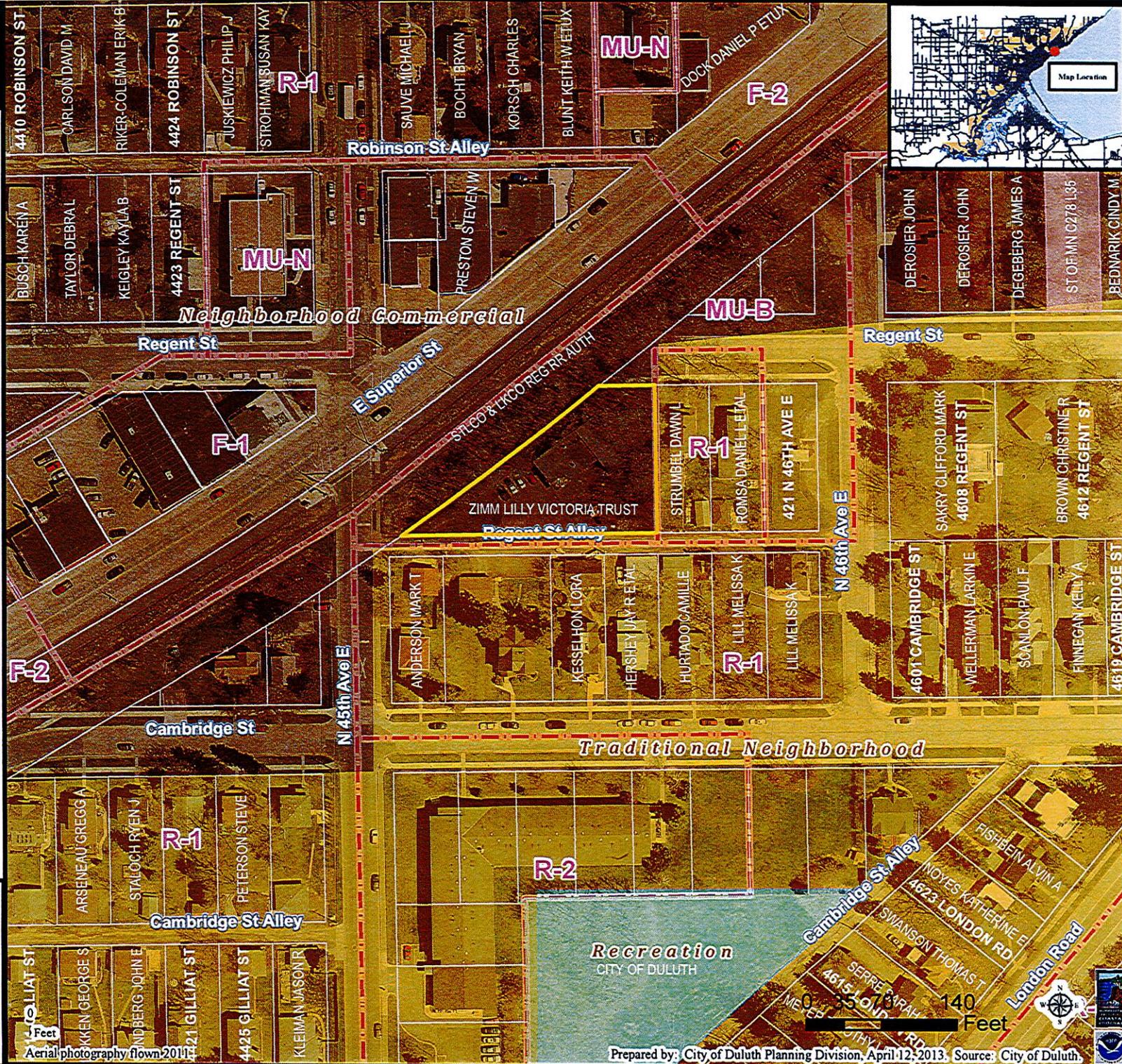
Zoning Map Amendment
4502 E Superior Street

Legend

- Zoning (Final)
- 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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Aerial photography flown 2011

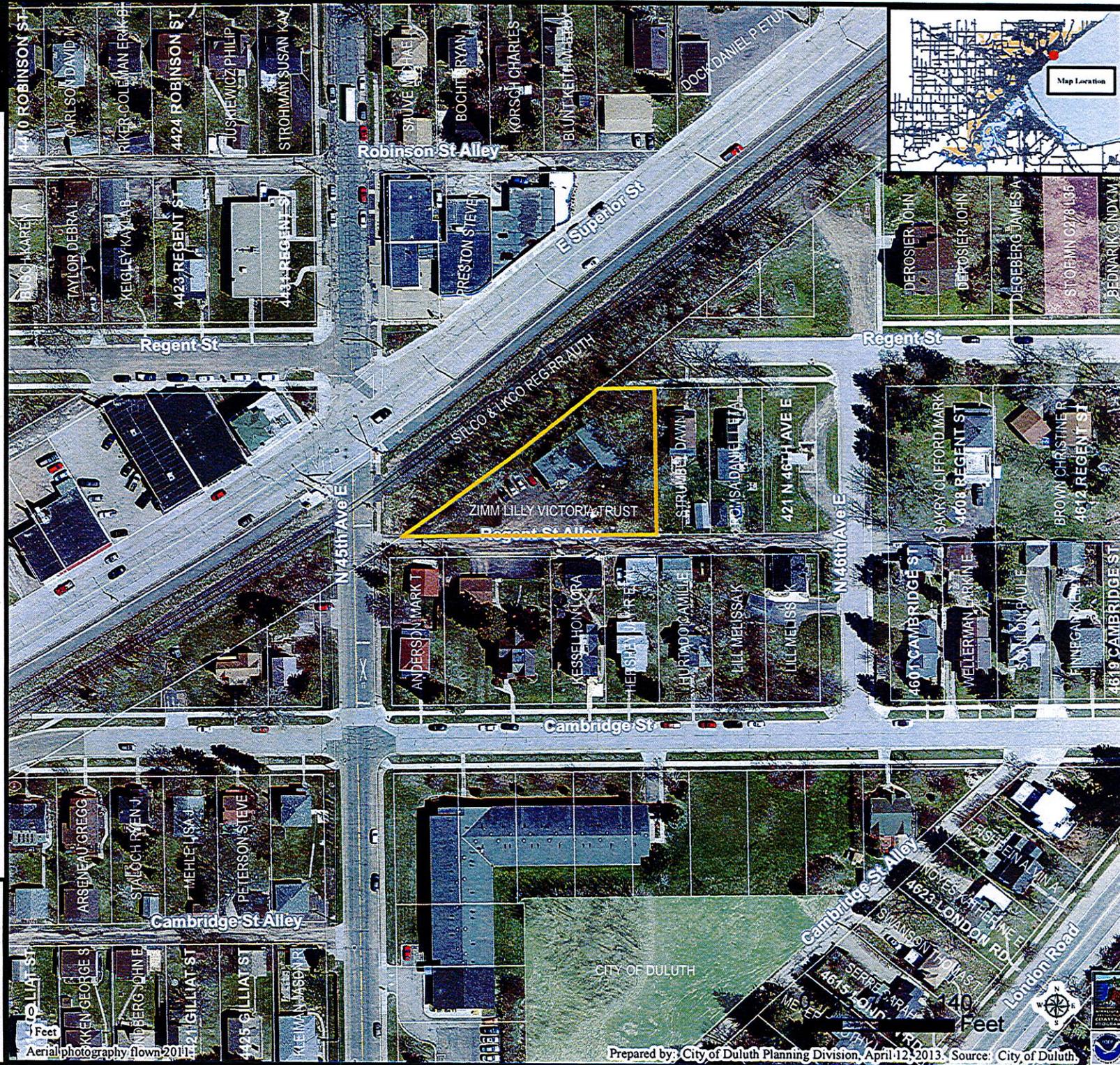
Prepared by: City of Duluth Planning Division, April 12, 2013. Source: City of Duluth.



City Planning

PL 13-057

Zoning Map Amendment
4502 E Superior Street



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C-4

Aerial photography flown 2011

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