



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

**Proposal**

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

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

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**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.

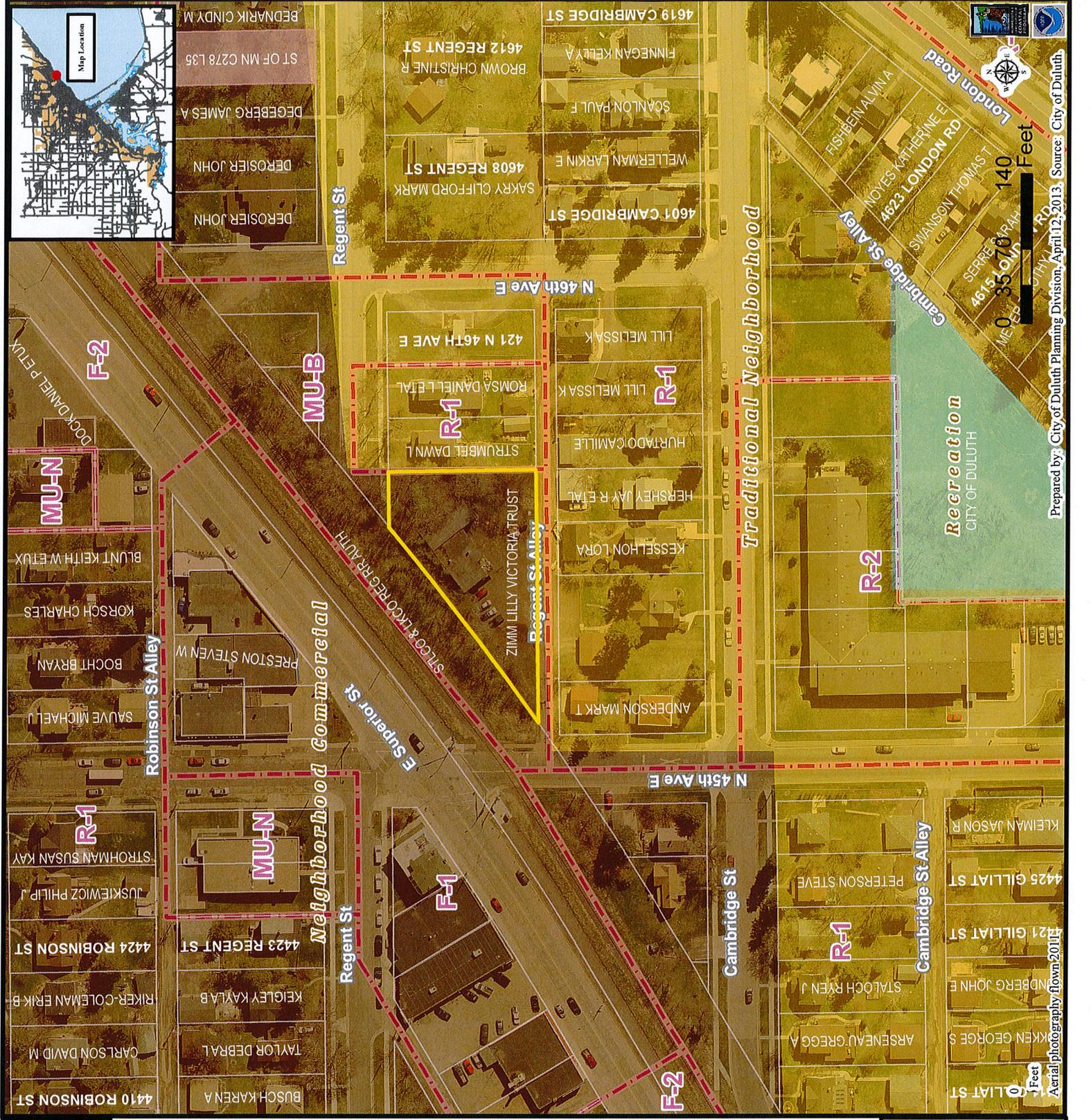
**Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)**

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**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

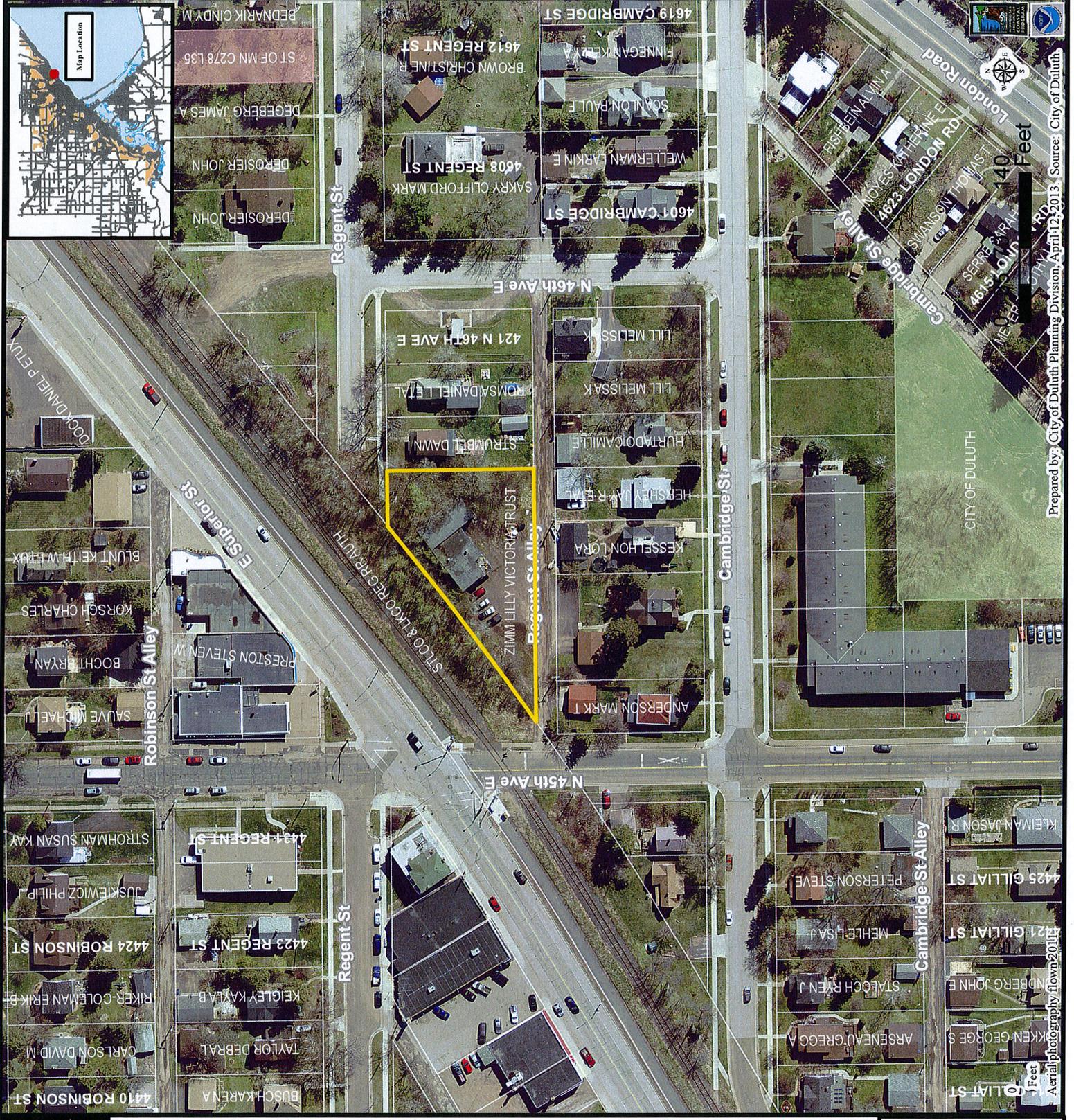


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**City Planning**  
 PL 13-057  
 Zoning Map Amendment  
 4502 E Superior Street



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