

INTERGOVERNMENTAL RELATIONS COMMITTEE

08-0534R

RESOLUTION AMENDING COMPREHENSIVE PLAN PERTAINING TO CERTAIN PROPERTY ON PARK POINT, RECLASSIFYING THE USE THEREOF FROM RECREATIONAL TO TRADITIONAL NEIGHBORHOOD.

BY COUNCILORS FEDORA, FOSLE AND KRAUSE:

WHEREAS, the administration has proposed the sale of certain vacant, substantially unused property located on Park Point for residential development to help the city meet its current financial needs and to restore said property to use and to taxable status; and

WHEREAS, said property is currently classified for "recreational uses" under the city's comprehensive land use plan; and

WHEREAS, in order be able to sell such land for such redevelopment, it must be determined that a classification which will allow such use is, in fact, the appropriate and correct classification therefore consistent with the long term development and use of property in the city; and

WHEREAS, the city planning commission at its meeting of August 12, 2008, reviewed the administration's request to reclassify certain property including the above-referenced property from "recreational" to "traditional neighborhood" and voted to recommend against approving such reclassification; and

WHEREAS, the administration has revised its request for such reclassification to exclude from its proposed reclassification certain sensitive property along the shoreline of the St. Louis River estuary and certain property north of the property proposed for sale, thereby alleviating many concerns related to the proposed re-classification; and

WHEREAS, the city council believes that the approving of the proposed amendment to the comprehensive plan is consistent with the appropriate development and use of the property on Park Point and is in the best interests of the neighborhood and the city as a whole.

RESOLVED, that the Duluth City Council hereby finds that the proposed amendment to the city of Duluth comprehensive plan reclassifying the property described on Public Document No. _____, on file in the office of the city

clerk, from "recreational" to "traditional neighborhood" is appropriate and consistent with the long-term objectives of the city for the development and use of the property in question and that such reclassification will be in the best interests of other property in the area and of the city as a whole.

RESOLVED FURTHER, that the city of Duluth comprehensive land use plan is hereby amended to reclassify that property described on Public Document No. _____ from "recreational" to "traditional neighborhood."

Approved as to form:

Attorney

CC REQUEST/ATTY REA:cm 8/15/2008

STATEMENT OF PURPOSE: The purpose of this resolution is to approve an amendment to the city's comprehensive land use plan which would change the designation of certain property on Park Point from "recreational" which is its present designation to "traditional neighborhood" which will facilitate its sale for redevelopment. This is substantially the same property as that designated as surplus to the city's needs and approved for alienation by Resolution No. 08-0457.

The property being considered for sale was acquired by the city in fee and without limitations in the 1930's but has remained undeveloped and substantially unused since its acquisition. One of the two parcels is adjacent to the park property developed for that purpose near the beach house but this property has never been used for that purpose and the two parcels are separated by two properties developed and used for residential purposes. The administration has proposed selling this unused property to assist the city in funding its deficits.

By statute, now that we have a comprehensive land use plan in place, any proposed land sale must be consistent with that plan. The planning commission considered amending the comprehensive plan to reclassify the property for "traditional neighborhood" uses but voted not to do so. One of the significant consideration in their decision was that the legal description of the property included property adjacent to St. Louis Bay which was inadvertently included in the legal description of the property to be reclassified. Another factor was the inclusion of property to the north of the subject property not being considered for sale. These matters has now been corrected and the property to the west of the east line of Minnesota Avenue, including the bay side, and the property to the north have been excluded from the request.

By statute, the council has exclusive authority to amend the comprehensive plan. It is the function of the planning commission to make its recommendation on the desirability of any amendments but the decision is up to the council.

Key to the city's determination that the property in question is surplus to the city's needs and that it should be sold is that the property has never really been used for park purposes, it is separated by two existing homes, a fact that is unlikely to change in the foreseeable future, and that there is already a very large amount of land on the southern extent of park point that is already available and used for park purposes. In addition, this property is uniquely situated from a market standpoint, making it capable of making a significant contribution to the city's financial needs, both through the sale proceeds and through property taxes as the property goes on the tax roles and is developed for tax-paying residential uses.

With the modification of the request to delete the bay-side portion of the property and the property to the north from the re-classification, the proposed reclassification meets the city's overall, long-term needs, both from a planning and a financial standpoint and will promote the best long-term use of the property.