

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

09-0707R

RESOLUTION DENYING A REQUEST TO AMEND CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ZONING DISTRICT MAP NO. 30 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1-C, ONE-FAMILY RESIDENTIAL, TO R-3, APARTMENT RESIDENTIAL, PROPERTY LOCATED BETWEEN MINNESOTA AVENUE AND SAINT LOUIS AVENUE, 16TH STREET AND 200 FEET SOUTHERLY (PARK POINT PROPERTIES).

CITY PROPOSAL:

RESOLVED, that the city council finds as follows:

(a) The comprehensive plan - future land use map identifies the site as "traditional neighborhood," which is described as houses oriented with shorter dimensions to the street and detached garages, 4-8 dwellings per acre density, a mix of housing types at corners (i.e. town homes and four-plexes), and limited commercial (i.e. corner store), home-businesses, churches, schools; and

(b) The petitioned for R-3 zoning allows apartment buildings at a density of approximately 29 units per acre, which is much more intense than the comprehensive plan recommends (4-8 units per acre); and

(c) In addition to apartment buildings, uses permitted in R-3 include apartment hotels, nursing homes, residential and commercial rooming houses (by special use permit), which are all more intense than the "traditional neighborhood" future land use designated in the comprehensive plan; and

(d) Rezoning to R-3 would not be consistent with good zoning practice as provided for in the Minnesota Municipal Planning Act and relevant case law.

RESOLVED FURTHER, that based upon the above findings, the petition submitted by Park Point Properties LLC, to rezone 0.9 acres located south of 16th

Street between Minnesota Avenue and Saint Louis Avenue, from R-1-c, one-family residential, to R-3, Apartment Residential, is denied.

Approved as to form:

Attorney

PLNG/PC KD:jab 11/13/2009

STATEMENT OF PURPOSE: This zoning map amendment would provide a zoning change from R-1-c (One- and Two-Family Residential) to R-3 (Apartment Residential) for 0.9 acres of land on Minnesota Point. The applicant states "the purpose of this rezoning is to make this property available for redevelopment into modest density multi-family use." See statements from the applicant for more information. City planning staff recommends denial of the rezoning petition for the reasons listed in the resolution.

On November 10, 2009, the Duluth city planning commission held a public hearing on the proposal and voted 11-0 to recommend that the city council deny the rezoning request. Prior to acting the commission received more than two dozen letters and emails from surrounding property owners opposed to the rezoning to R-3.

The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the comprehensive plan and appellate courts have opined that zoning decisions should be consistent with the comprehensive plan or risk being considered arbitrary and capricious.

Application date: September 9, 2009
Date certified: October 6, 2009
Action deadline: January 27, 2010