

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

10-0350R

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 M-1, MANUFACTURING AND R-2, TWO-FAMILY RESIDENTIAL, TO R-4, APARTMENT RESIDENTIAL, PROPERTY LOCATED BETWEEN LAKE AVENUE AND MINNESOTA AVENUE, TENTH STREET AND 240 FEET SOUTHERLY (JOHNSON, LAKEHEAD BOAT BASIN).

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, four-eight 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-4 zoning allows apartment buildings at a density of approximately 87 units per acre, which is much more intense than the comprehensive plan recommends (four-eight units per acre); and

(c) In addition to apartment buildings, uses permitted in R-4 include hotels, commercial rooming houses, rowhouses, nursing homes, elderly congregate housing facilities and private clubs, which are all more intense than the "traditional neighborhood" future land use designated in the comprehensive plan; and

(d) Rezoning to R-4 would not be consistent with good zoning practice as provided for in the Minnesota Municipal Planning Act and relevant case law; and

(e) On June 8, 2010, the Duluth city planning commission held a duly noticed public hearing on the proposal and voted 9-0 to recommend that the city council deny the rezoning request (FN 10043).

RESOLVED FURTHER, that based upon the above findings, the petition submitted by Joy and Joel Johnson, Lakehead Boat Basin, Inc., and Marine Service, Inc., to rezone 1.1 acres located south of Tenth Street between Lake Avenue and Minnesota Avenue, from M-1, Manufacturing, and R-2, Two-family Residential, to

R-4, Apartment Residential, is denied.

Approved as to form:

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Attorney

PC:PLNG KD:eu 6/18/2010

STATEMENT OF PURPOSE: This resolution This zoning map amendment would provide a zoning change from M-1 (Manufacturing) and R-2 (Two-family Residential) to R-4 (Apartment Residential) for 1.1 acres of land on Minnesota Point. City planning staff recommends denial of the rezoning petition for the reasons listed in this resolution.

The applicant states the rezoning will be in the public's interest because it "creates an appropriate transition from M-1 to residential, combines M-1 and R-2 to R-4 to create a parcel sufficient to build an approximately 50 unit hotel, recognizes that this area of Park Point is essentially mixed commercial and residential, has the secondary impact of expanding the tax base, creating jobs, . . . , provides a positive attribute to a marina, with a focus on business generated by marina users, would include a convenience store-type operation within the hotel . . . , design and landscaping will sensitively address the single-family area."

On June 8, 2010, the Duluth city planning commission held a public hearing on the proposal and voted 9-0 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-4.

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: April 27, 2010  
Action deadline: August 28, 2010