

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

11-010-0

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH LEGISLATIVE CODE TO PROVIDE FOR THE REMOVAL OF A PORTION OF GREY'S CREEK DESIGNATED AS GENERAL DEVELOPMENT SHORELAND FROM THE NATURAL RESOURCES OVERLAY DISTRICT LOTS 13, 14, 15 AND 16 OF BLOCK 26, LAKEVIEW DIVISION OF DULUTH.

CITY PROPOSAL:

The city of Duluth does ordain:

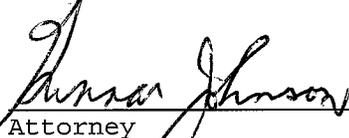
Section 1. That the general development shoreland within 300 feet of Grey's Creek crossing Lots 13, 14, 15, and 16 of Block 26, Lakeview Division, be removed from the NR-0 map identified in Section 50-18.1.A.2(a).

(MAP)

(Ref. File No. 11-023)

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

Approved as to form:



Attorney

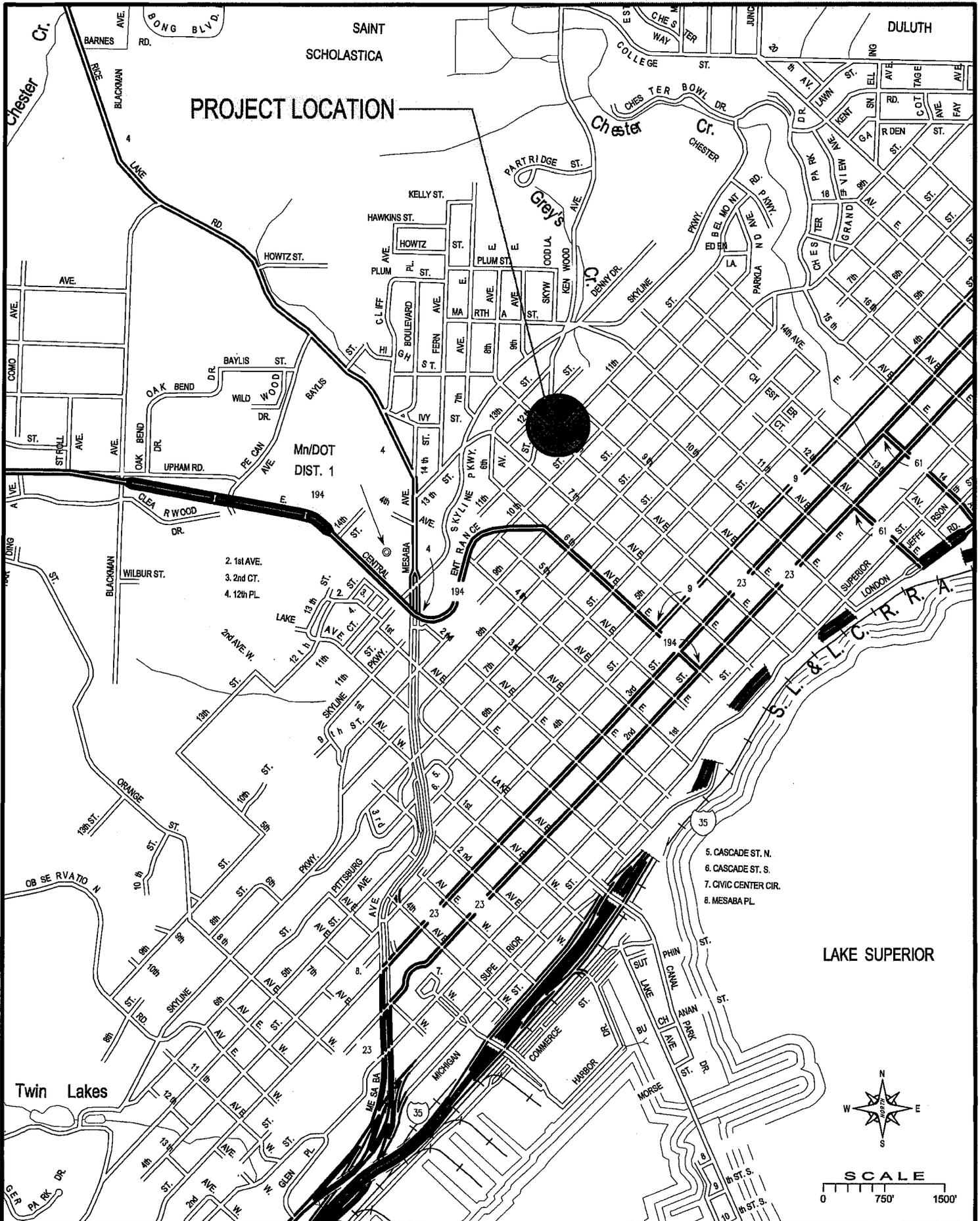
PC/PLNG SR:eu 3/11/2011

STATEMENT OF PURPOSE: This proposal provides for a UDC map amendment, removing the designation of general development shoreland of the Natural Resources Overlay District for an approximately 150 feet segment of Grey's Creek. The sections of Grey's Creek that are directly above and below stream of the proposed area are contained in culverts and are not classified general development shoreland. This section of creek has recently been culverted, as approved by the city engineer.

On March 8, 2011, the city planning commission held a public hearing on the proposal and voted to recommend that the city council approve the UDC map amendment, without conditions.

Date of application: January 25, 2011
Action deadline: May 25, 2011

Petitioner:
Kerry Leider, ISD 709
215 North First Avenue East
Duluth, Minnesota 55802
218-336-8773



PROJECT LOCATION

- 2. 1st AVE.
- 3. 2nd CT.
- 4. 12th PL.

- 5. CASCADE ST. N.
- 6. CASCADE ST. S.
- 7. CIVIC CENTER CIR.
- 8. MESABA PL.

ENGINEERS - SURVEYORS - PLANNERS
SALO ENGINEERING, INC.

Aug 2010	1			
DATE	2			
E-1872	3			
PROJ. NO.	NO	DATE	REVISION	BY

**EXHIBIT 1
 PROJECT LOCATION MAP**

RECEIVED JAN 25 2011

4560 Norway Pines Place • Duluth, Minnesota 55811 • 218/727-8796



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	FN 11-023	Contact	Steven Robertson	
Application Type	UDC Map Amendment	Planning Commission Date	March 8, 2011	
Deadline for Action	Application Date	January 25, 2011	60 Days	N/A
	Date Extension Letter Mailed	February 15, 2011	120 Days	N/A
Location of Subject	US Grant Elementary School, 1027 East 8th Street			
Applicant	ISD #709	Contact	Kerry Leider	
Agent	John Erickson, DSGW	Contact	jerickson@dsgw.com	
Legal Description	Lot 13 and 14 and portions of lot 15 and 16, Block 26, Lakeview Division of Duluth			
Neighbor Letter Date	February 15, 2011	Number of Neighbor Letters Sent	69	

Proposal

The applicant would like to amend the UDC Map. According to the applicant: "Under the former zoning code the identified section of Grey's Creek was not identified as a shore land. It is piped consistent with up flow and down flow conditions through property". The applicant also states in the attached document that, "The timing of this permitted work is such that the new UDC identifies this section of Grey's Creek as a Shore Land Management area. Even though the permitted work to install the storm pipe in the open section of Grey's Creek is complete, the Shore Land designation still remains on the Natural Resources Overlay Map which affects further permitting and construction of the Grant Elementary School addition and renovation".

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	N/A	Traditional Neighborhood
North	R-1	Institutional/Recreation	Traditional Neighborhood
South	R-1	Institutional	Institutional
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

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

Code Requirements are found in the UDC Section 50-37.3. 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.

III DI

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

Governing Principles:

- Principle #7 - Create and maintain connectivity.
- Principle #12 - Create efficiencies in delivery of public services.

The Comprehensive Plan defines "Traditional Neighborhood" as characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

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

Staff finds as follows:

1. This proposal is the result of discussions last year concerning the expansion of US Grant Elementary. Grey's Creek is piped above and below the 140 foot section identified in this proposal. The proposal is pipe this section to connect with the existing storm pipe and then to petition the City to remove this section of Grey's Creek from the UDC's Natural Resources Overlay Zone. This would allow for the expansion of the structure and the construction of a bus drop off (with the goal of improving traffic flow and safety for citizens).
2. The only affected property owner is the applicant (Independent School District #709).
3. One citizen comment, but not directly related to this specific proposal. Citizen comment was forwarded to staff at DSGW and ISD#709. No other comments were received from residents, other city departments, other utilities, or governmental agencies.
4. The applicants were informed that the Planning Commission would not consider this proposal unless the section of Grey's Creek under consideration was piped per City Engineer Staff direction. According to John Erickson, Project Leader, on February 28, 2001, "The pipe work is coming along....they are finishing up with the manhole structures above the fill level. I would expect they'll be done in the next day or so".

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Staff recommends that the Planning Commission recommend approval to the City Council, based on the findings above, that the UDC Map Amendment be approved as submitted.

III 02

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



City Planning

FN 11-023, ISD #709
UDC Map Amendment
Zoning Map



Legend

Subject Property

Trout Stream (GPS)

Other Stream (GPS)

Shoreland Overlay Zone

Cold Water

Natural Environment

General Development

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Aerial photography flown 2007

Prepared by: City of Duluth Planning Division, February 1, 2011. Source: City of Duluth.



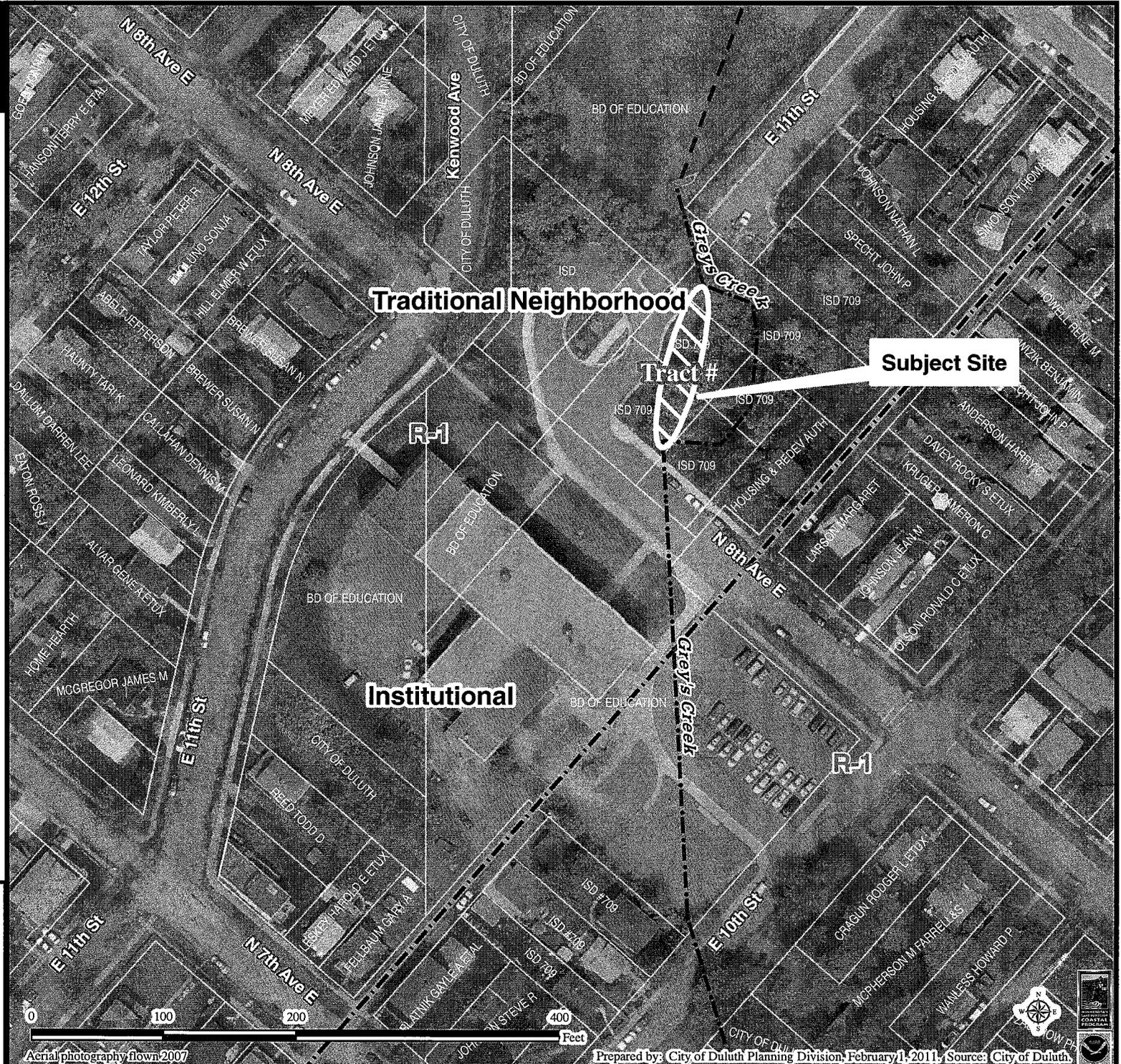


City Planning

FN 11-023, ISD #709
UDC Map Amendment
Zoning Map

Legend

- Subject Property
- Trout Stream (GPS)
- Other Stream (GPS)
- Zoning (Final)
- 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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