

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

11-015-0

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH AS REFERENCED IN CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM R-2, RESIDENTIAL URBAN, TO MU-I, MIXED USE INSTITUTIONAL, PROPERTY AT 1001 TO 1025 EAST SECOND STREET (ST. LUKE'S HOSPITAL).

CITY PROPOSAL:

The city of Duluth does ordain:

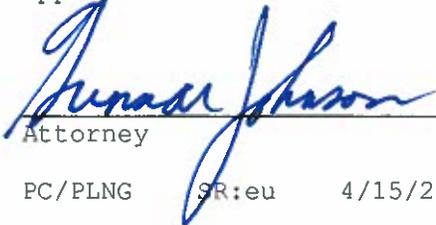
Section 1. That the subject properties, Lots 1 through 13, Block 56, of Portland Division of Duluth, be reclassified from R-2, Urban Residential, to MU-I, Mixed Use Institutional, and that the official zoning map of the city of Duluth as referenced in Chapter 50 of the Duluth City Code, 1959, is amended to read as follows:



(Ref. File No. 11-026)

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 4/15/2011

STATEMENT OF PURPOSE: This zoning map amendment provides a zoning change from R-2 to MU-I for property located at 1001 to 1025 East Second Street.

On April 12, 2011, the Duluth city planning commission held a public hearing on the proposal and voted 6-0 to recommend that the city council approve the rezoning request for following reasons:

- 1) The MU-I zone district rezoning request is consistent with the Comprehensive Land Use Plan description of the Medical District future land use category; and
- 2) Material adverse impacts on nearby properties are not anticipated.

Date of application: February 28, 2011
Action deadline: March 23, 2011

Petitioner:
St. Luke's Hospital
c/o Ron Franzen
915 East First Street
Duluth, MN 5585

Petitioner's Agent:
Kenneth Butler
Ken Butler Law Office
11 East Superior Street, #555
Duluth, Minnesota 55802

FN 11-026



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 11-026	Contact	Steven Robertson	
Application Type	Rezoning	Planning Commission Date	April 12, 2011	
Deadline for Action	Application Date	Feb 28, 2011	60 Days	April 29, 2011
	Date Extension Letter Mailed	March 10, 2011	120 Days	June 28, 2011
Location of Subject	Upper Side of East 2nd Street Between 10th and 11th Avenue East			
Applicant	St. Luke's Hospital	Contact		
Agent	Ken Butler	Contact	kbutler@kenbutlerlaw.com	
Legal Description	Lots 1 through 13, Block 56, Portland Division of Duluth			
Site Visit Date	March 25, 2011	Sign Notice Date	March 25, 2011	
Neighbor Letter Date	March 25, 2011	Number of Letters Sent	55	

Proposal

The applicant wishes to rezone several parcels from R-2 to MU-I. According to the applicant, "the rezoning is recommended under the Unified Development Code adopted by the Duluth City Council".

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2	Residential	Medical District
North	R-2	Homes/Apartments	Medical District
South	MU-I	St. Luke's Hospital	Medical District
East	R-2	Homes/Apartments	Medical District
West	MU-N	Apartments	Medical District

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

-UDC Sec. 50-15.6: The MU-I district is established to provide for the unique development needs and impacts of major medical, educational and research institutional development. The intent is to give institutional landowners the flexibility to plan and develop their facilities while ensuring that surrounding neighborhoods are protected from adverse impacts, such as traffic, overshadowing buildings, noise, and unexpected expansion of institutional uses into residential areas.

III G I

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

- 1) Governing Principles: Principle #4 - Support emerging economic growth sectors
- 2) The Comprehensive Plan defines Medical District, is defined as "an area encompassing the medical campuses and adjacent areas that support them, with related commercial, office uses and residential uses in the fringe areas of the district".

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

Staff finds as follows:

- 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 be considered arbitrary and capricious.
- 2) The Comprehensive Plan - Future Land Use Map identifies the area proposed for rezoning as "Medical District" and (see description above). The uses permitted in the MU-1 zone district are consistent with the Comprehensive Plan description of the "Medical District" future land use category.
- 3) Good zoning practice requires that zone districts be consistent with the future land use category identified for the area.
- 4) St. Luke's future plan for these lots is for parking (either a parking lot or parking garage). The applicant will file an application with the Planning Commission for Plan Review in the future when their plans solidify. In the interim, a portion of the lot will be used for staging area for the construction project ("Temporary Construction Yard", which is limited to one month before construction begins to one month after construction is completed).
- 5) The City has received written consent from 2/3 of property owners whose property is located within 100 feet of the proposed rezoning.
- 6) No comments/questions from citizens, other than on the purpose of the rezoning petition.

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 be recommended for approval by City Council.

III G 2

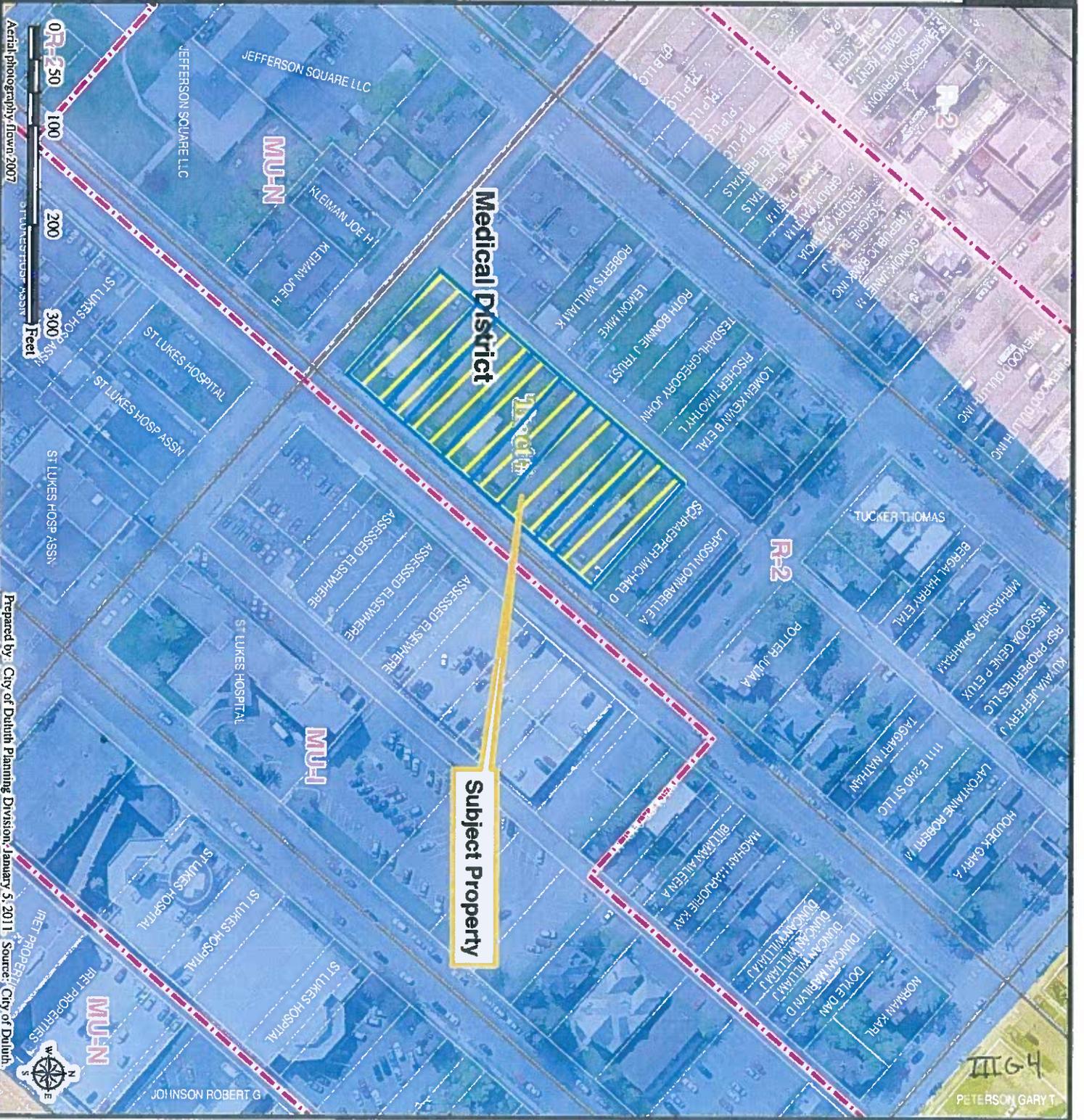
Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

FN 11-026
 Rezoning R2 to MU-1
 Zoning Map



Legend
 Zoning (Final)

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.



Prepared by: City of Duluth Planning Division, January 5, 2011. Source: City of Duluth.