

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

12-033-0

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 RESIDENTIAL-TRADITIONAL R-1), TO MIXED USE-NEIGHBORHOOD (MU-N), THE PROPERTY LOCATED AT 1102 MAPLE GROVE ROAD (ZMC HOTELS, 12-064)

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the subject property located at 1102 Maple Grove Road (approximately 15 acres) and as more particularly described as:

The Northwest Quarter of the Northwest Quarter of the Northwest Quarter and the West Half of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 20, Township 50 North, Range 14 West

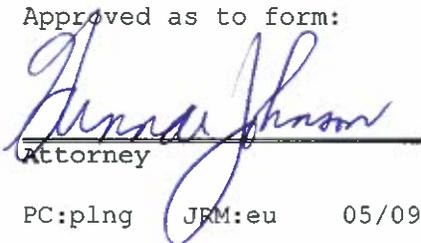
Be reclassified from R-1, to MU-N, and that the official zoning map of the City of Duluth as referenced in Chapter 50 of the Duluth City Code, 1959, is amended to read as follows:

(Ref. File No. 12-064)



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 JRM:eu 05/09/2012

STATEMENT OF PURPOSE: This zoning map amendment provides a zoning change from R-1 to MU-N for the property located at 1102 Maple Grove Road.

On May 8, 2012, the Duluth City Planning Commission held a public hearing on the proposal and voted 9 yeas, 0 nays, and 0 abstentions, to recommend that the city council approve the rezoning requested for the following reasons:

- 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 "Neighborhood Mixed Use." This transitional use is appropriate for this property, as it lies between an MU-C district to the south and an R-1 district to the north.
- 3) Applicants have submitted a petition with more than 2/3 of the surrounding properties supporting the rezoning.

The motion to approve the rezoning from R-1 to MU-N must prevail with an affirmative vote of a majority of the city council.

Date of application: April 6, 2012
Action deadline: August 4, 2012

Petitioner:
ZMC Hotels
2305 West Superior Street
Duluth, MN 55806

PL 12-064



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 | PL 12-064 | Contact | Jenn Reed Moses, jmoses@duluthmn.gov | |
| Application Type | Zoning Map Amendment | Planning Commission Date | May 8, 2012 | |
| Deadline for Action | Application Date | April 6, 2012 | 60 Days | June 5, 2012 |
| | Date Extension Letter Mailed | April 18, 2012 | 120 Days | August 4, 2012 |
| Location of Subject | 1102 Maple Grove Road | | | |
| Applicant | ZMC Hotels | Contact | | |
| Agent | Todd Torvinen, 529-7701 | Contact | ttorvinen@zmchotels.com | |
| Legal Description | NW 1/4 OF NW 1/4 OF NW 1/4 and W 1/2 OF NE 1/4 OF NW 1/4 OF NW 1/4, S20, T50N, R14W | | | |
| Site Visit Date | April 12, 2012 | Sign Notice Date | April 24, 2012 | |
| Neighbor Letter Date | April 16, 2012 | Number of Letters Sent | 24 | |

Proposal

Zoning Map Amendment from Residential-Traditional (R-1) to Mixed Use-Neighborhood (MU-N). Applicant is planning to build a hotel on this property.

| | Current Zoning | Existing Land Use | Future Land Use Map Designation |
|----------------|-----------------------|--------------------------|------------------------------------------|
| Subject | R-1 | Undeveloped | Neighborhood Mixed Use |
| North | R-1 | Residential | Low-density Neighborhood |
| South | MU-C | Commercial | Large-scale Commercial |
| East | R-1 | Church | Urban Residential |
| West | MU-C, R-2, and R-1 | Multi-family, commercial | Large-scale Commercial, N'hood Mixed Use |

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

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. 50-15.2: The MU-N district is established to accommodate a mix of neighborhood-scale, neighborhood serving non-residential uses and a range of residential uses located in close proximity.

IV B.1

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

Principle #4: Support emerging economic growth sectors, which includes "visitor services."

Future Land Use - Neighborhood Mixed Use: A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live-work spaces. May include limited commercial-only space oriented to neighborhood or specialty retail markets.

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

Staff finds that:

- 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 "Neighborhood Mixed Use" (see description above). This transitional use is appropriate for this property, as it lies between an MU-C district to the south and an R-1 district to the north.
- 3) Applicants have submitted a petition with more than 2/3 of the surrounding properties supporting the rezoning.
- 4) No public or staff comments were received.

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

Based on the above findings, staff recommends that Planning Commission recommend approval of the Zoning Map Amendment to City Council.

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

IV B.2

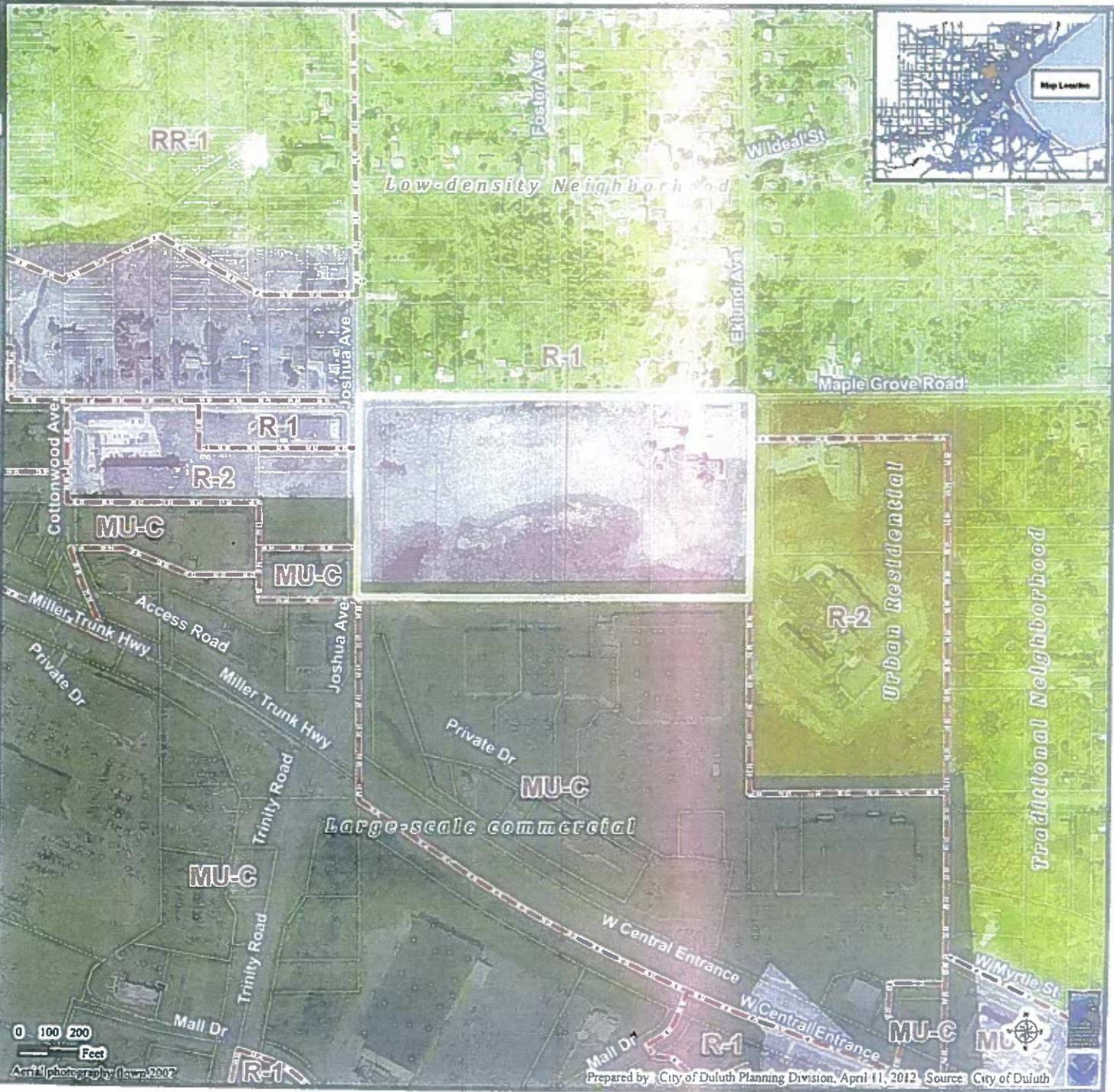


City Planning

1102 Maple Grove Rd
Zoning and Land Use

Legend

- Zoning (Final)
- Future Land Use**
- 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



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.

IR B.3

MU-N

- Dwelling, one family
- Dwelling, two-family
- Dwelling, townhouse
- Dwelling, multi-family
- Dwelling, live-work
- Co-housing facility
- Residential care facility/assisted living (6 or fewer)
- Residential care facility/assisted living (7 or more)
- Rooming house
- Bus or rail transit station
- Club or lodge (private)
- Government building or public safety facility
- Museum, library, or art gallery
- Park, playground, or forest reserve
- Religious assembly
- Business, art, or vocational school
- School, elementary
- Medical or dental clinic
- Nursing home
- Veterinary or animal hospital
- Restaurant (no drive-in/drive through)
- Theater
- Hotel or motel
- Bed and breakfast
- Office
- Preschool
- Day care facility, small (14 or fewer)
- Day care facility, large (15 or more)
- Personal service and repair, small
- Grocery store, small
- Retail store not listed, small
- Filling station

Special Uses

- Cemetery or mausoleum
 - School, middle or high
 - Bank
 - Data Center
 - Funeral Home or Crematorium
 - Personal service and repair, large
 - Automobile and light vehicle repair and service
 - Electric power transmission line or substation
 - Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs