

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

12-0435R

RESOLUTION AMENDING THE COMPREHENSIVE LANDS USE PLAN - FUTURE LAND USE MAP FOR 1100 WEST GARY STREET.

CITY PROPOSAL:

RESOLVED, that the city council makes the following findings:

(a) The city council adopted the Duluth Comprehensive Land Use Plan on June 26, 2006 via Resolution 06-0491, which outlined the desired arrangement of land uses for the next 20 years; and

(b) The city planning division, which is implementing the Comprehensive Land Use Plan by developing new zoning regulations, looked at how zoning could encourage areas for manufacturing, processing and other activities that may have off-site impacts and are generally isolated from other uses or buffered from them with access to major regional transportation facilities and other infrastructure; and

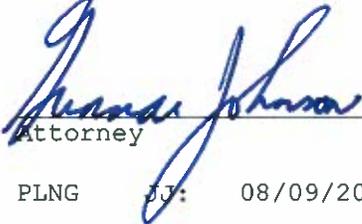
(c) Based on public comments received and the review of the area completed by the city planning division, recommended to the city planning commission that the future land use map be amended for the area 1200 feet by 1200 feet south of West Gary Street to approximately Sargent Creek and 350 feet west of the entrance to the Veit solid waste disposal and processing facility. Low-Density Neighborhood to General Industrial; and

(d) The city planning commission has reviewed this future land use amendment, conducted a public hearing on August 14, 2012 at their regular planning commission meeting, and recommends adoption of the proposed future land use map amendment; and

(e) The city council action shall be by resolution, with the affirmative votes of at least two-thirds of those members constituting a quorum required to take action.

IS IT FURTHER RESOLVED, that the adopted Comprehensive Land Use Plan - Future Land Use Map, is amended as identified in Public Document No. \_\_\_\_\_.

Approved as to form:

  
\_\_\_\_\_  
Attorney

PLNG JJ: 08/09/2012

STATEMENT OF PURPOSE: This resolution amends the Comprehensive Land Use Plan - Future Land Use Map for the area 1200 feet by 1200 feet south of West Gary Street to approximately Sargent Creek and 350 feet west of the entrance to the Veit solid waste disposal and processing facility from Low-Density Neighborhood to General Industrial.

On July 9, 2001, the Duluth City Council approved Resolution 01-0513, amending an existing Special Use Permit for a demolition debris landfill, expanding the facility from 12 acres (of a 30 acre site) to 37.5 acres (of a 74.5 acre site) and the height of the disposal mound from 36 feet to 90 feet and expanding the material accepted to include construction debris (FN 01031).

At their regular public meeting on August 14, 2012, the city planning commission held a public hearing and voted unanimously (7-0) to recommend adoption of the map amendment.

Date of application: July 10, 2012  
Action deadline: Not Applicable

Petitioner:  
City of Duluth  
Planning Division  
Room 208, City Hall  
Duluth, MN 55802

PL 12-117



**CITY OF DULUTH**  
Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197  
Phone: 218/730.5580 Fax: 218/723-3559

**STAFF REPORT**

<b>File Number</b>	PL 12 - 117	<b>Contact</b>	John Judd, jjudd@duluthmn.gov
<b>Application Type</b>	Comprehensive Plan Amendment	<b>Planning Commission Date</b>	August 14, 2012
<b>Deadline for Action</b>	<b>Application Date</b>	July 10, 2012	<b>60 Days</b> N/A
	<b>Date Extension Letter Mailed</b>	N/A	<b>120 Days</b> N/A
<b>Location of Subject</b>	1100 West Gary Street (Gary- New Duluth)		
<b>Applicant</b>	City of Duluth	<b>Contact</b>	John Judd, jjudd@duluthmn.gov
<b>Agent</b>	City of Duluth, Planning Division	<b>Contact</b>	John Judd, jjudd@duluthmn.gov
<b>Legal Description</b>	See Attachment Exhibit A		
<b>Site Visit Date</b>	July 17, 2012	<b>Sign Notice Date</b>	July 31, 2012
<b>Neighbor Letter Date</b>	July 25, 2012	<b>Number of Letters Sent</b>	13

**Proposal**

Amend the Comprehensive Land Use Plan-Future Land use Map as follows: From Low-Density Neighborhood to General Industrial the area 1200 feet by 1200 feet south of West Gary Street to approximately Sargent Creek and 350 feet west of the entrance to the Veit solid waste disposal and processing facility.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	RR - 1	General Industrial	Low-Density Neighborhood
<b>North</b>	R - 1	Preservation / Recreation	Preservation / Recreation
<b>South</b>	R - 1	Preservation / Recreation	Preservation / Recreation
<b>East</b>	R - 1	Preservation / Recreation	Preservation / Recreation
<b>West</b>	I - G	General Industrial	General Industrial

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

- UDC Sec. 50-37.2.A Pursuant to state law, only the planning agency (planning commission or planning staff) or council may initiate amendments to the Comprehensive Land Use Plan.
- UDC Sec. 50-37.2.B The proposal shall be reviewed by the land use supervisor, who shall forward a recommendation to the planning commission. The planning commission shall then review the proposal and make a recommendation to council. Council shall then make a decision to adopt, modify, or not adopt the plan or amendment pursuant to the criteria in subsection C below. Council action shall be by resolution, with affirmative votes of at least two-thirds of those members constituting a quorum required to take action.
- UDC Sec. 50-37.2.C The planning commission shall review the proposal, and council shall make a decision, based on whether the proposal promotes the best interests of the city and the general health, safety, and welfare of the citizens of Duluth.
- MSA 462.355. Adopt, Amend Comprehensive Plan; Interim Ordinance. Subd.3. Adoption by governing body. A proposed comprehensive plan or an amendment to it may not be acted upon by the governing body until it has received the recommendation of the planning agency or until 6 days have elapsed from the date an amendment proposed by the governing body has been submitted to the planning agency for its recommendation. Unless otherwise provided by charter, the governing body may by resolution by a two-thirds vote of all its members adopt and amend the comprehensive plan or portion thereof as the official municipal plan upon such notice and hearing as may be prescribed by ordinance.

*J.H. A.1*

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

- 1) History: May 8, 2000, City Council adopted Res. 00-0336 granting a Special Use Permit for the site per State Court of Appeals ruling. History of landfill uses on this site goes back to 1977 with permits for site grading going back to 1967. July 9, 2001 City Council approved Res. 01-0513, amending an existing Special Use Permit for a demolition debris landfill, expanding the facility from 12 acres (of a 30 acre site) to 37.5 acres (of a 74.5 acre site) and the height of the disposal mound from 36 feet to 90 feet and expanding the material accepted to include construction debris (FN 01031).
2. Comprehensive Plan Policies: P&P8 - "The City will consider performance standards and incentives related to site design . . . to contribute to protection of natural resources through reducing production of toxic materials and their discharge into air, soil, and water." ED9 - "The City will apply eco-industrial principles in economic redevelopment . . ."
3. The Comprehensive Plan Future Land Use Map indicates General Industrial described as areas for manufacturing, processing and other activities that may have off-site impacts and are generally isolated from other uses or buffered from them. Sites should have direct access to major regional transportation facilities and other infrastructure.

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

- 1) The City Council has already established that a landfill in this location is a reasonable use. The Council granted a Special Use Permit in 2001 that allows the landfill operator to place waste material up to 150' from the north and east property lines.
- 2) The Planning Commission Council granted a variance in May 2012 to the 150' setback required by the Use Specific Standards for Solid Waste Disposal and Processing facilities (Sec. 50-20-4J) to allow construction of a new entrance road, scales, scale house, holding tank, and lights 100' from the north property line, a maintenance access road 45' from the north and 16' from the east property line, a leachate load out concrete pad 44' from the north property line, and leachate collection pipes and risers 0' to 110' from the east property line.
- 3) During the process to grant the Variance and Special Use Permit Amendment, the property owner Vonco noted that the eastern half of their site is currently zoned Industrial-General (I-G) and that the western half is zoned Rural Residential (RR-1). However, as previously noted this area has been used for landfill back to 1977 with permits for site grading going back to 1967.
- 4) The above base zoning district labels were applied to these areas based on the City's Comprehensive Plan Future Land Use map.
- 5) However, based on the historic use of the site and past as well as recent approvals by the City Council supporting the ongoing use of the site as a landfill, the designation of the western half of the site as Low-Density Neighborhood appears to be an oversight.
- 6) Comments from other neighbors, public agencies and City departments: None from public agencies, City departments or the general public.

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

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the amendment of the the Comprehensive Land Use Plan-Future Land use Map changing from Low-Density Neighborhood to General Industrial the property shown on the attached map and described in Exhibit A , for the following reasons:

The General Industrial category is the designation which is more in keeping with the 2000 and 2001 City Council actions which allowed for the continuation and expansion of this solid waste disposal and processing facility on and into to he balance of the owners property.

This proposal has been reviewed by the Land Use Supervisor who has concurred with the staff recommendation.

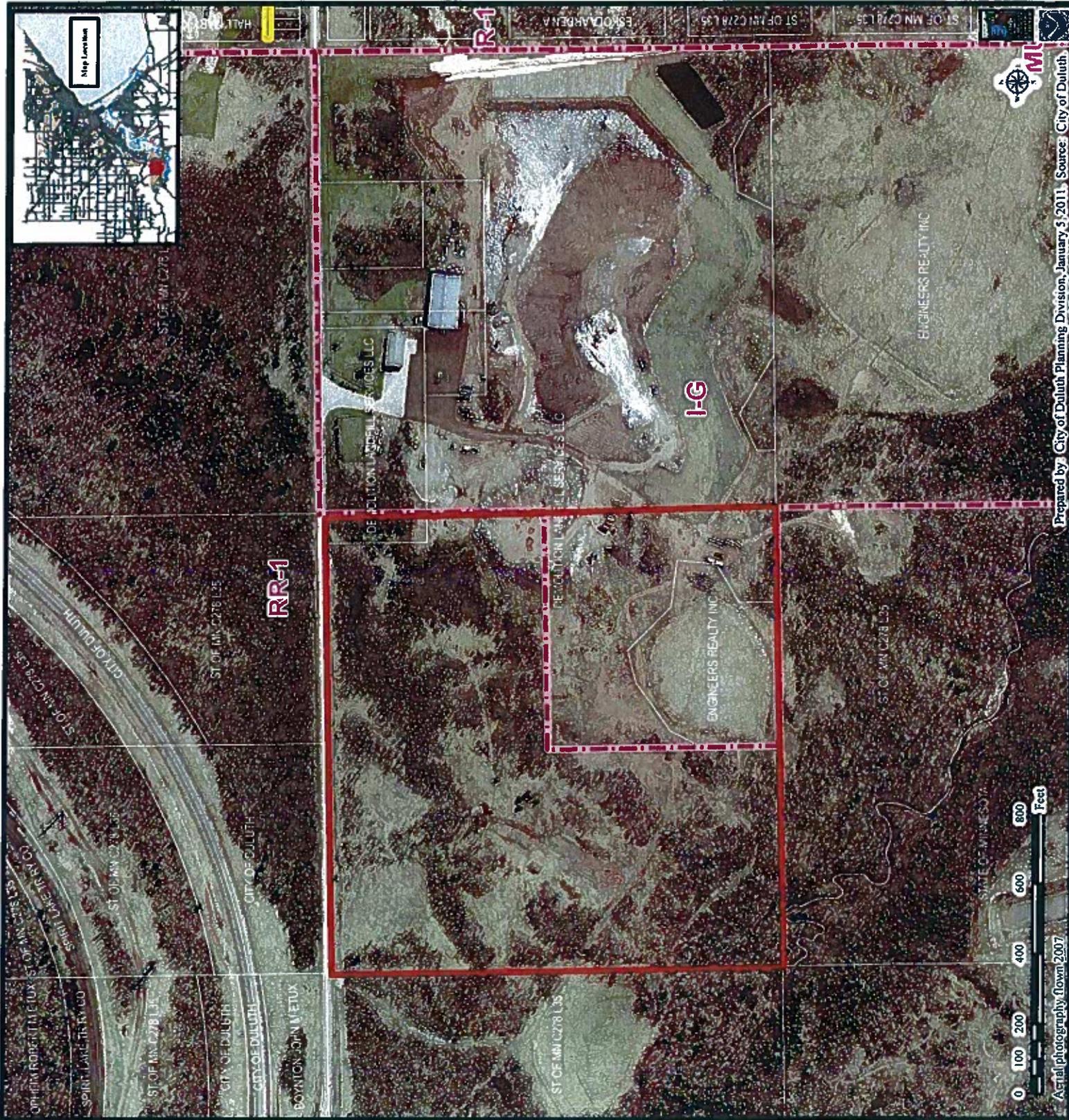
III. A. 2

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



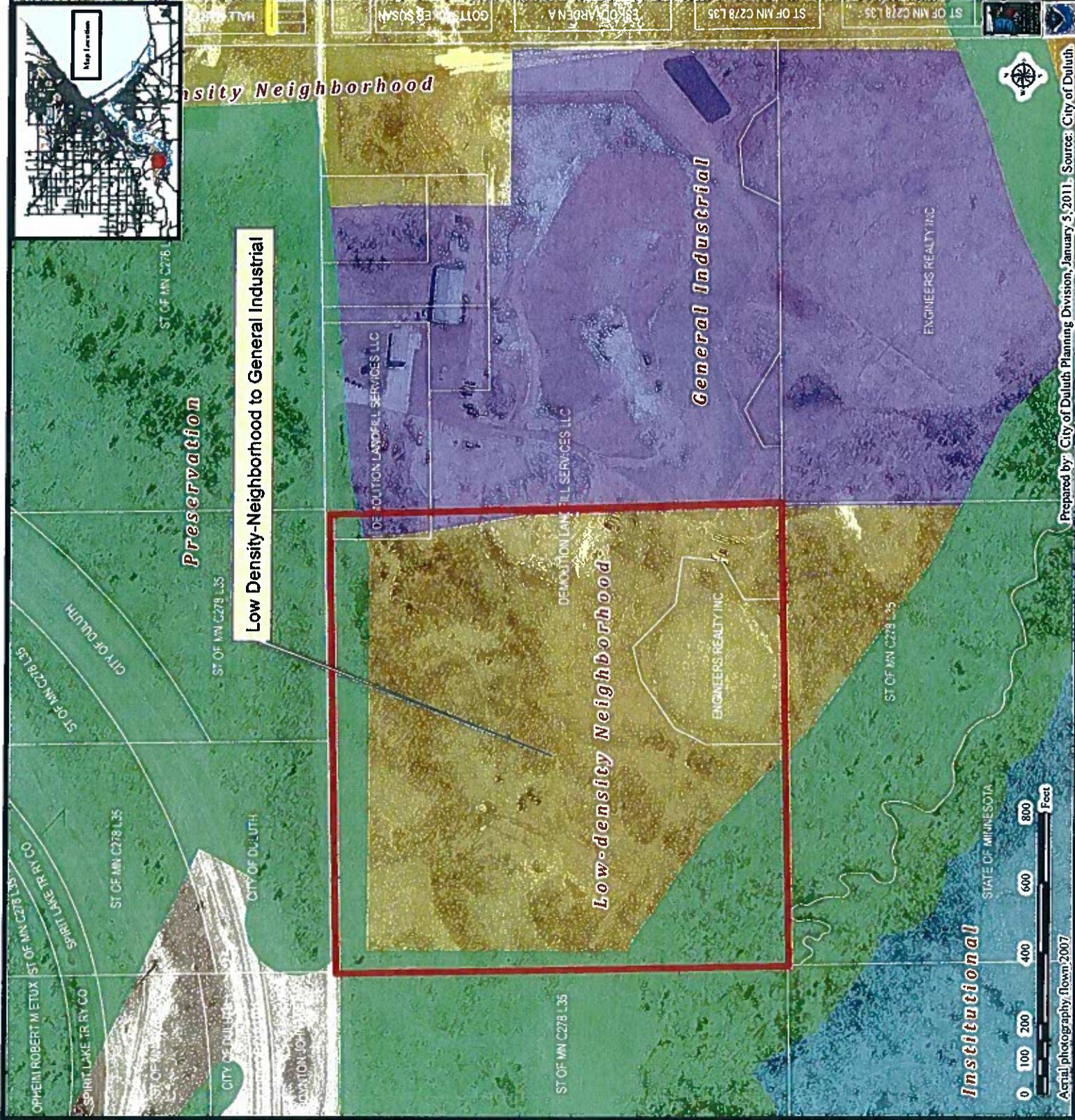
**City Planning**  
 PL 12-117  
 Comprehensive Future Land Use  
 Map Amendment  
 Zoning Map

**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.

**#A.3**



**Legend**

	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

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**III.A.4**