

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

12-0582R

RESOLUTION AMENDING THE COMPREHENSIVE PLAN - FUTURE LAND
USE MAP ALONG COMMONWEALTH AVENUE FROM STOWE STREET TO
PRESCOTT STREET IN GARY NEW DULUTH (CITY OF DULUTH).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council adopted the 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 has conducted an analysis of land use in the area along Commonwealth Avenue from Stowe Street to Prescott Street, with the findings showing a mix of commercial and residential properties along a state highway; and

(c) The existing zoning is Mixed Use-Neighborhood, which allows a mixture of commercial and residential uses, while the comprehensive land use plan - future land use map shows the area as Traditional Neighborhood, which would not support these uses; and

(d) The Municipal Planning Act requires that zoning implement a city's comprehensive plan; and

(e) Based on the review conducted by the planning division and public input, the city proposes amending the comprehensive land use plan - future land use map from Traditional Neighborhood and Neighborhood Commercial to Neighborhood Mixed Use, as described and depicted below; and

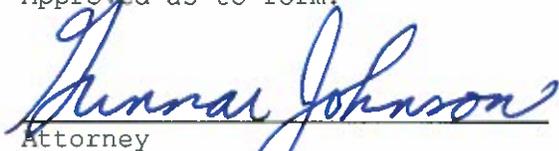


(Ref. File. No. 12-156)

(f) The city planning commission has reviewed the proposal, conducted a public hearing on November 13, 2012, at their planning commission meeting, and recommends adoption of the proposed future land use map amendments; and

(g) The city council of the city of Duluth hereby amends the comprehensive land use plan - future land use map as described above.

Approved as to form:


Attorney

PC/PLNG JRM:cs 11/15/2012

STATEMENT OF PURPOSE: This resolution amends the comprehensive plan - future land use map along Commonwealth Avenue from Stowe Street to Prescott Street.

On November 13, 2012, the Duluth planning commission held a public hearing on the future land use map amendment and voted unanimously (7 yeas, 0 nays, 0 abstentions) to recommend that the city council approve it.

The motion to approve requires affirmative votes of at least two-thirds of those members constituting a quorum.

Petitioner: City of Duluth

PL 12-156



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 12-156	Contact	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Future Land Use Map Amendment	Planning Commission Date	November 13, 2012	
Deadline for Action	Application Date	N/A	60 Days	N/A
	Date Extension Letter Mailed	N/A	120 Days	N/A
Location of Subject	Along Commonwealth Avenue from Stowe Street to Prescott Street			
Applicant	City of Duluth	Contact	Jenn Reed Moses, jmoses@duluthmn.gov	
Agent	Planning Division	Contact	Jenn Reed Moses, jmoses@duluthmn.gov	
Legal Description	See attached			
Site Visit Date	October 12, 2012	Sign Notice Date	N/A	
Neighbor Letter Date	October 22, 2012	Number of Letters Sent	128	

Proposal

Change the current future land use designations from Neighborhood Commercial and Traditional Neighborhood to Neighborhood Mixed Use. Neighborhood Mixed Use is a transitional use between more intensive commercial uses and purely residential neighborhoods.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Residential/ Commercial	Neighborhood Mixed Use
North	R-1, R-2	Elementary School, Industry	General Industrial, Institutional, Recreational
South	RR-1, I-G	Residential/ Undeveloped	Preservation, Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

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. 50-37.2.8 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 60 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.

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

Governing Principle #1 - Reuse previously developed lands
Governing Principle #8 - Encourage mix of activities, uses, and densities

Future Land Use - Neighborhood Mixed Use: a transitional use between intensive commercial use and solely 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) Zoning along this stretch is MU-N (Mixed Use-Neighborhood). Existing land use is a blend of single-family residential, multi-family residential, and commercial.
- 2) The Comprehensive Plan Future Land Use Map shows this area as being primarily Traditional Neighborhood, with a small area of Neighborhood Commercial primarily between Heard Street and McCuen Street.
- 3) Given the area's location along a busy state highway and at the center of the surrounding neighborhood, a future land use of Traditional Neighborhood is unlikely. The most appropriate future land use would allow a mix of residential and commercial as needed to accommodate market demand and provide services to residents.
- 4) The future land use of Neighborhood Mixed Use is a transitional use between more intensive commercial uses and purely residential neighborhoods. Staff finds this land use is appropriate for the area, is supportive of the continuation of existing land uses, and meets Governing Principle #8.
- 5) Because the area is already zoned MU-N, no zoning changes are needed to reflect this land use change.
- 6) A public meeting was held on November 1, 2012, with 7 attendees. Comments are attached. An additional opportunity for comment will be held on November 13, 2012, prior to the Planning Commission meeting.
- 7) No other public, agency, or City comments were received.

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 Comprehensive Plan Amendment from Traditional Neighborhood and Neighborhood Commercial to Neighborhood Mixed Use along Commonwealth Avenue from Stowe Street to Prescott Street, for the following reasons:

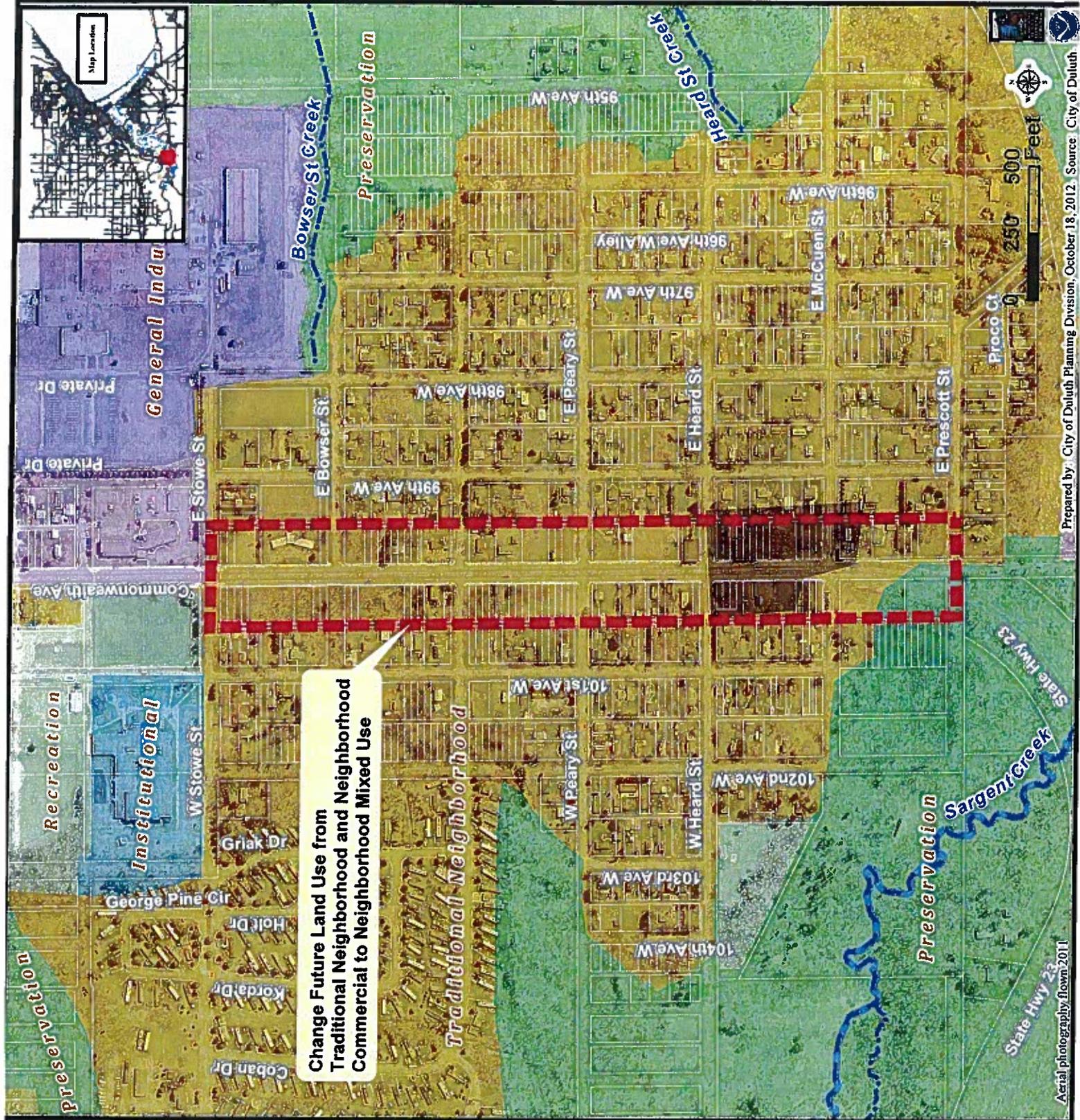
- 1) This future land use is consistent with Governing Principle #8.
- 2) This future land use supports the continuation of existing land uses.
- 3) Given the location along a busy roadway, the current designation of Traditional Neighborhood is unlikely.
- 4) Neighborhood Mixed Use is the most appropriate future land use for this area.

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

Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- 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

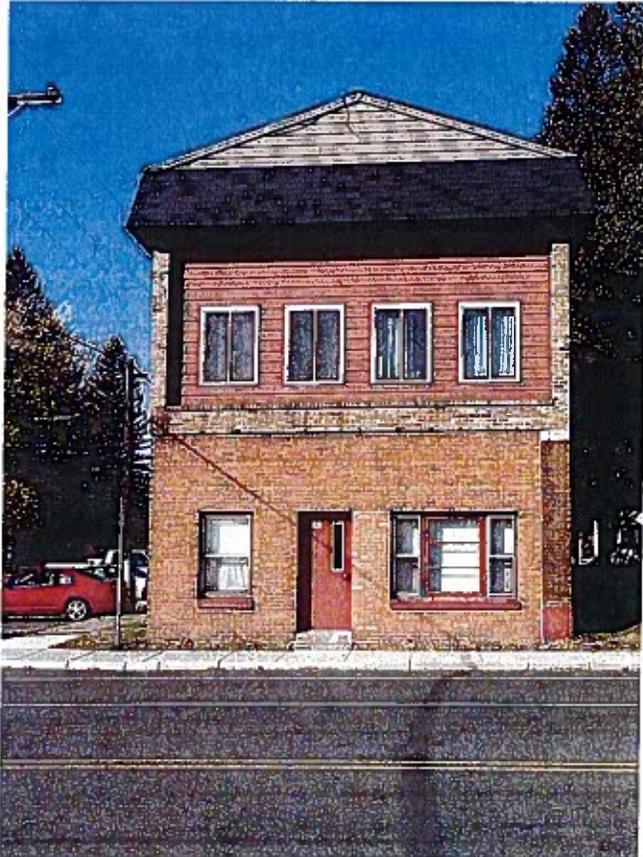
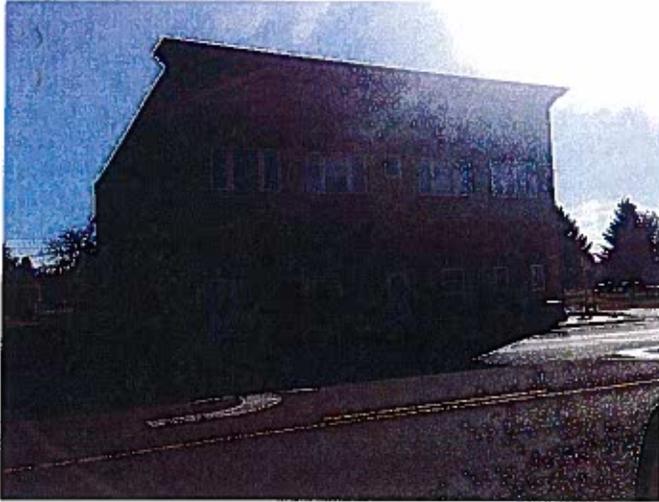
Change Future Land Use from Traditional Neighborhood and Neighborhood Commercial to Neighborhood Mixed Use

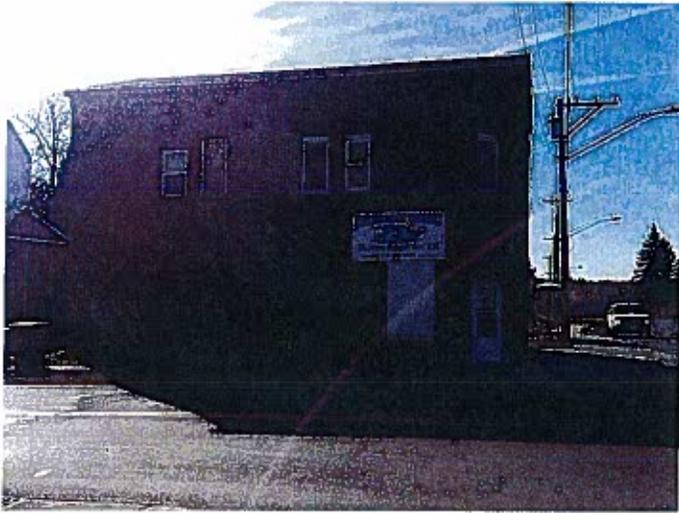
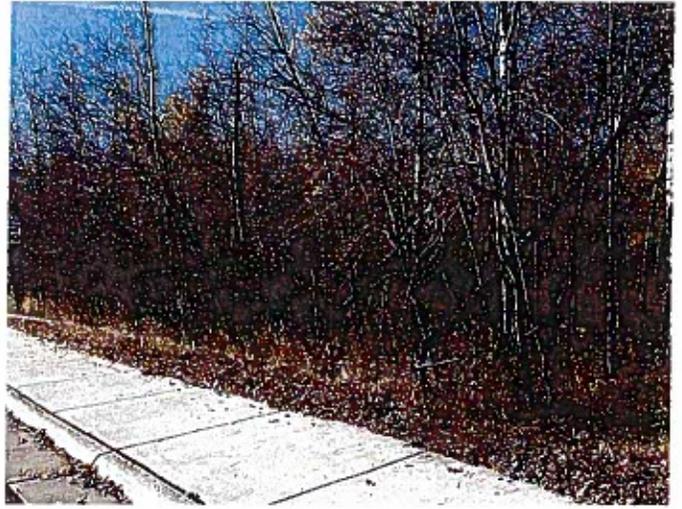
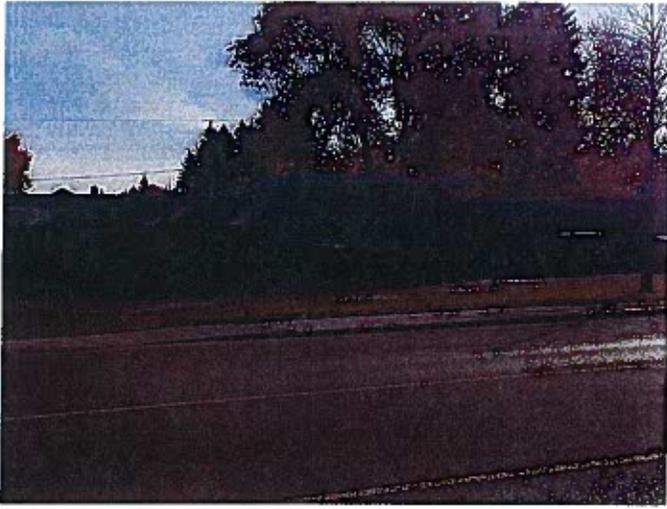


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Commonwealth Avenue Between Stowe Street and Prescott Street

Area Photos





**Comprehensive Plan Amendment –
Commonwealth Ave**

**Public Meeting
November 1, 2012**

Comments

*It would be well received by the
property owners in the area if the business
would bring in a rep to host a meeting to
inform residents of their intention and how
they believe it would enhance the neighborhood*

Name and Contact Info (Optional)

Carl J. Anderson - 218-590-5569

**Comprehensive Plan Amendment –
Commonwealth Ave**

**Public Meeting
November 1, 2012**

Comments

I would like to be kept informed if a
new business, ^{AND} ~~AND~~ what it is, will be
built in my neighborhood.

Tom Borcik

628 101st Ave West 55802

626-1233

Name and Contact Info (Optional)