

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

12-059-0

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM I-W, TO MU-W, THE PROPERTIES LOCATED AT 1119, 1123 AND 1127 MINNESOTA AVENUE (RAY ROBBINS).

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the .46 acres of the subject properties located at 1119, 1123 and 1127 Minnesota Avenue and as more particularly described as follows:

Upper Duluth; Lots 145, 146, 148, 150 and 152;

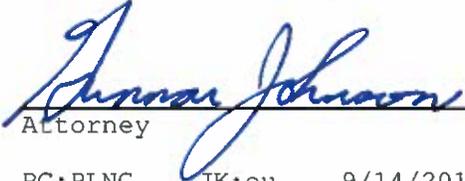
be reclassified from Industrial-Waterfront (I-W), to Mixed Use-Waterfront (MU-W), and that the official zoning map of the city of Duluth as referenced in Chapter 50 of the Duluth City Code, 1959, as amended, is amended to read as follows:



(Ref. File No. 12-119)

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 JK:eu 9/14/2012

STATEMENT OF PURPOSE: This zoning map amendment provides a zoning change from I-W to MU-W for the properties located at 1119, 1123 & 1127 Minnesota Avenue.

On September 11, 2012, the Duluth City Planning Commission held a public hearing on the proposal and voted 8 yeas, 0 nays, and 0 abstentions, to recommend that the city council approve the rezoning requested for the following reasons:

- 1) This proposal is consistent with the Comprehensive Land Use Plan.
- 2) Rezoning to MU-W will allow a mix of uses that are reasonably related to the existing land uses in the area.
- 3) The proposed MU-W zone district is consistent with the future land use category "Commercial Waterfront".
- 4) Material adverse impacts on nearby properties are not anticipated.

The motion to approve the rezoning from I-W to MU-W by the city council must prevail with a simple majority.

Date of application: July 12, 2012  
Action deadline: Not Applicable



**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 12-119	<b>Contact</b>	John Kelley, jkelley@duluthmn.gov
<b>Application Type</b>	Rezoning: I-W to MU-W	<b>Planning Commission Date</b>	August 14, 2012
<b>Deadline for Action</b>	<b>Application Date</b>	July 12, 2012	<b>60 Days</b> September 10, 2012
	<b>Date Extension Letter Mailed</b>	February 21, 2012	<b>120 Days</b> November 9, 2012
<b>Location of Subject</b>	1119, 1123 & 1127 Minnesota Avenue		
<b>Applicant</b>	Ray Robbins	<b>Contact</b>	Ray Robbins, (218) 428-0908
<b>Agent</b>	Ray Robbins	<b>Contact</b>	
<b>Legal Description</b>	Upper Duluth Minnesota Avenue; Lots 145, 146, 148, 150 and 152		
<b>Site Visit Date</b>	July 26, 2012	<b>Sign Notice Date</b>	July 31, 2012
<b>Neighbor Letter Date</b>	July 17, 2012	<b>Number of Letters Sent</b>	25

**Proposal**

Applicant requests the Rezoning of their property, on the harbor side of Park Point (1119, 1123 and 1127 Minnesota Avenue), from I-W (Industrial Waterfront) to MU-W (Mixed Use Waterfront).

The applicant has stated that the purpose of the rezoning is to allow for more permitted uses on the properties than currently allowed in the I-W zone district.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	I-W, Industrial Waterfront	Residential	Commercial Waterfront
<b>North</b>	MU-W, Mixed Use-Waterfront	Marina	Commercial Waterfront
<b>South</b>	I-W, Industrial Waterfront	U. S. Coast Guard Station	Transportation And Utilities
<b>East</b>	R-1, Residential	Residential	Traditional Neighborhood
<b>West</b>	I-W, Industrial Waterfront	Marina	Commercial Waterfront

**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-W district is intended to provide for waterfront-dependent commercial uses. Intended non-residential uses in the MU-W zone district include visitor-related retail and services, lodging, recreational facilities, and maritime uses.

J.C.L.

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

- 1) Governing Principles:
  - Principle #1 - Reuse previously developed land
  - Principle #4 - Support emerging economic growth sectors
  - Principle #8 - Encourage mix of activities, uses and densities
- 2) The Comprehensive Plan defines "Commercial Waterfront" as: Waterfront-dependent commercial uses, sometimes mixed with residential or adjacent to higher density residential. Includes tourist or recreation-oriented uses. Commercial areas can be adjacent to industrial waterfront. Abuts other commercial uses and recreation areas, preservation areas. Access to regional arterial traffic and water access.
- 3) Policies: ED2. Duluth will protect location-dependent economic uses, including port, railroad, and airport facilities, from encroachment by uses that are incompatible or not location dependent.
- 4) On March 13, 2012 the Duluth City Council rezoned the adjacent property, northwest of this site, from I-W to MU-W.

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

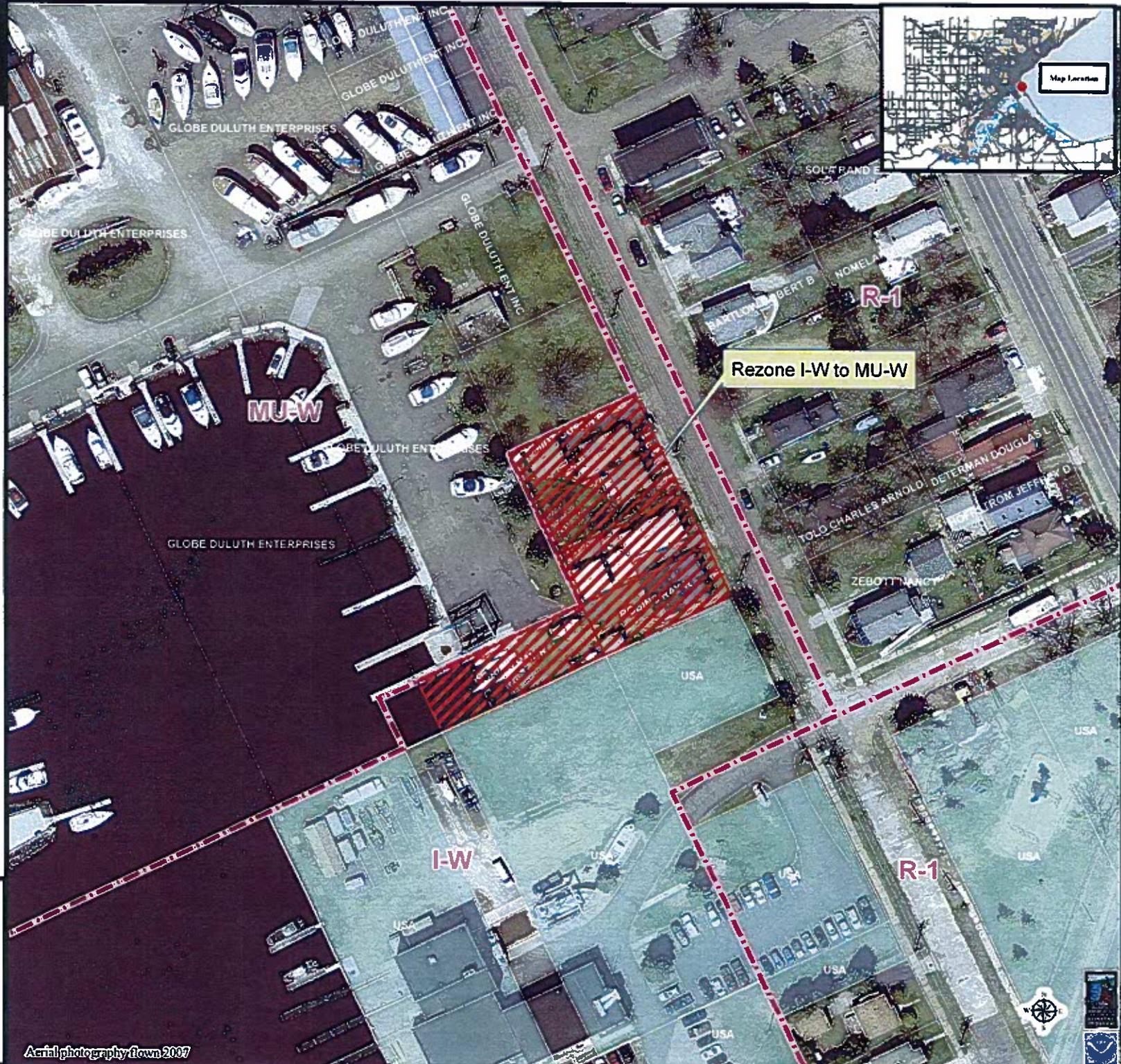
- Staff finds as follows:
- 1) The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or else be considered arbitrary and capricious.
  - 2) The Comprehensive Plan - Future Land Use Map identifies the area proposed for rezoning as "Commercial Waterfront" (see description above). The uses permitted in the MU-W zone district are consistent with the Comprehensive Plan description of the "Commercial Waterfront" future land use category.
  - 3) The MU-W zone district is reasonably related to the existing land use in the immediate area.
  - 4) UDC Sec. 50-15.6 (D) A planning review by the planning commission, pursuant to the procedures in Article 5, shall be required for all development, redevelopment and expansions in the MU-W district, including but not limited to construction of driveways or other access from public streets and construction of off-premises signs, but excluding the following: 1. Building construction or expansion of less than 500 sq. ft. in area; 2. Building renovations that affect the exterior of structures that do not result in an increase in building square footage; 3. Grading and construction of parking areas less than 3,000 sq. ft.
  - 5) Good zoning practice requires that zone districts be consistent with the future land use category identified for the area.
  - 6) Comments from other neighbors, public agencies and City departments: None received from neighbors, public agencies/City departments.

**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 for the following reasons:
- 1) This proposal is consistent with the Comprehensive Land Use Plan.
  - 2) Rezoning to MU-W will allow a mix of uses that are reasonably related to the existing land uses in the area.
  - 3) The proposed MU-W zone district is consistent with the future land use category "Commercial Waterfront".
  - 4) Material adverse impacts on nearby properties are not anticipated.
- IV.C.2*

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

**Legend**  
 Zoning (Final)



IV.C.3

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.





**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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