

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

12-068-0

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM RR-2 TO R-P THE PROPERTY LOCATED AT THE NORTHERN SHORES TOWNHOMES LOW DENSITY PLANNED DEVELOPMENT (CITY OF DULUTH).

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the 16 acres of the Northern Shores Townhomes low density planned development property located on the north side of Congdon Boulevard and as more particularly described as follows:

Lots 32, 33 and 34, Block 3, Hyde Park and that part of Government Lot 2, Section 26, Township 51 North, Range 13 West, Saint Louis County, Minnesota, described as follows:

Commencing at the point of intersection of the southerly right-of-way line of the Saint Louis and Lake County Railroad authority right-of-way (f.k.a. D.M.&I.R. Railroad) and the east line of said Government Lot 2; thence south 51 degrees 26 minutes 36 seconds west, along said southerly right-of-way line a distance of 1,037.71 feet to the point of beginning; thence north 51 degrees 26 minutes 36 seconds east, along said southerly right-of-way line a distance of 422.90 feet; thence south 20 degrees 33 minutes 24 seconds east a distance of 199.79 feet; thence south 51 degrees 26 minutes 36 seconds west a distance of 348.37 feet to the point of intersection with a line that bears south 42 degrees 20 minutes 11 seconds east from the point of beginning; thence south 42 degrees 20 minutes 11 seconds east a distance of 446.0 feet to the northerly right-of-way line of Congdon Boulevard (Scenic Highway 61); thence westerly, along said northerly right-of-way line a distance of 1,162.0 feet to the west line of said Government Lot 2; thence northerly, along said west line a distance of 655.0 feet to the southerly right-of-way line of the Saint Louis and Lake County Railroad authority right-of-way (f.k.a. D.M.&I.R. Railroad); thence north 51 degrees 26 minutes 36 seconds east, along said southerly right-of-way line a

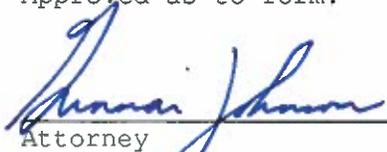
distance of 679.0 feet to the point of beginning. Subject to and together with any valid easements, restrictions and reservations, if any; be reclassified from Rural-Residential (RR-2) and Residential-Traditional 2 (R-1), to Residential-Planned (R-P), and that the official zoning map of the city of Duluth as referenced in Chapter 50 of the Duluth City Code, 1959, is amended to read as follows:



(Ref. File No. 12-159)

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

Approved as to form:



Attorney

PLANNING JK:ek 11/14/2012

STATEMENT OF PURPOSE: This zoning map amendment provides a zoning change from RR-2 and R-1 to R-P for the property located at the Northern Shores Townhomes low density planned development.

On November 13, 2012, the Duluth 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) The proposed R-P zone district is consistent with the future land use category of "rural residential";
- (3) Section 50-14.7.H of the UDC requires that all residential developments approved prior to November 19, 2010, as low density planned developments pursuant to sections 50-36.1 through 50-36.3 of the previous zoning code shall be treated as approved low density R-P developments, and will be rezoned to the R-P zone district;
- (4) Material adverse impacts on nearby properties are not anticipated.

The motion to approve the rezoning from Rural-Residential 2 (RR-2) and Residential-Traditional (R-1) to Residential-Planned (R-P) by the city council must prevail with a simple majority.

Action deadline: Not applicable

PL 12-159



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 12-159	Contact	John Kelley, jkelley@duluthmn.gov	
Application Type	UDC 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	Northern Shores Townhomes- north side of Congdon Boulevard.			
Applicant	City of Duluth	Contact	John Kelley, jkelley@duluthmn.gov	
Agent	Planning Division	Contact	John Kelley, jkelley@duluthmn.gov	
Legal Description	See Attached Exhibit A			
Site Visit Date	November 2, 2012	Sign Notice Date	October 30, 2012	
Neighbor Letter Date	October 22, 2012	Number of Letters Sent	17	

Proposal

To rezone the Northern Shores Townhomes (Bob Bissel) Low Density Planned Development (LDPD) to construct five two-family dwellings each with two-car attached garages, five detached two-car garages, and landscaping along a private roadway that accesses Congdon Boulevard on 16 acres from Residential-Rural 2 (RR-2) to Residential-Planned (R-P).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	RR-2	Residential	Rural Residential, Preservation
North	RR-2	Residential	Rural Residential, Preservation
South	RR-2	Residential	Rural Residential, Preservation
East	RR-2	Residential	Rural Residential, Preservation
West	RR-2	Residential	Rural Residential, Preservation

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

Section 50-37.3 UDC Text or Zoning Map Amendments

A. Application 1. The planning commission may, upon its own motion, propose and hear amendments to the text of the UDC or the boundaries of the official zoning map.

B. Procedure 1. Planning Commission Review - The planning commission shall review the application, conduct a public hearing pursuant to Section 50-37.1, with public notice as required by Section 50-37.1.H, and make a written recommendation to council based on the criteria in subsection C below. 3. When Written Consent or Supermajority Required The following provisions shall apply after the initial adoption of the zoning map reflecting the zone district consolidations reflected in this UDC. In addition, the affirmative vote of 2/3 of the council shall be required if: (ii) The planning commission has completed a study of an area containing at least 40 acres of land surrounding the applicant's property and the proposed rezoning is a result of that study, and a finding is made that it would be impractical to obtain the required written consent.

C. Criteria - 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 reasonable 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.

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

The Comprehensive Plan Future Land Use Map indicates Low-Density Neighborhood as the land use categories for the area proposed for rezoning.

Governing Principles: Principle #10 Take Sustainable Actions

Urban Design (UD) Policies

UD#7. The City will identify priority areas and set standards for conservation and low impact development. Areas designed within the Sensitive Lands Overlay shown on the future land use map should enhance the qualities of the landscape and natural systems: A. protect the connectivity of undeveloped lands adjacent to stream corridors and that protect core areas of high quality natural stands, B. provide a buffer between development and public preservation areas, C. ensure that new subdivisions or neighborhood extensions include access to trails or alignments for designated trail extensions, D. retain reasonable tree cover on development sites to protect viewsheds and mitigate stormwater risk, E. create parkland dedication standards for areas with limited access to appropriate park and recreation facilities.

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

- 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) On February 26, 2007 the City Council adopted Resolution No. 07-0159 granting a Low Density Planned Development (LDPD) Special Use Permit to construct five two-family dwellings each with two-car attached garages, five detached two-car garages, and landscaping along a private roadway that accesses Congdon Boulevard.
- 3) The proposed R-P district is established to provide a flexible development option for residential projects that integrate creative site design, provide a variety of housing types, provide unique on-site amenities, conserve natural features, increase pedestrian connectivity, or otherwise result in a final product that provides a greater level of public benefit than would be required under the existing zone district.
- 4) Section 50-14.7.H of the UDC requires that all residential developments approved prior to November 19, 2010, as low density planned developments pursuant to Sections 50-36.1 through 50-36.3 of the previous zoning code shall be treated as approved low density R-P developments, and will be rezoned to the R-P zone district.
- 5) This rezoning will bring the proposed area into compliance with the City's Comprehensive Land Use Plan-Governing Principles and Policies, and the Future Land Use Map .
- 6) Comments received: None from residents or 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 of the Northern Shores Townhomes (Bissell) Low Density Planned Development as described in Exhibit A from RR-2 to R-P be recommended for approval by City Council for the following reasons:

- 1) This proposal is consistent with the Comprehensive Land Use Plan.
- 2) The proposed R-P zone district is consistent with the future land use category of "Rural Residential".
- 3) Section 50-14.7.H of the UDC requires that all residential developments approved prior to November 19, 2010, as low density planned developments pursuant to Sections 50-36.1 through 50-36.3 of the previous zoning code shall be treated as approved low density R-P developments, and will be rezoned to the R-P zone district.
- 4) Material adverse impacts on nearby properties are not anticipated.

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