

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

13-005-0

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM MIXED USE-NEIGHBORHOOD (MU-N) AND RESIDENTIAL-URBAN (R-2) TO MIXED USE-INSTITUTIONAL (MU-I), PROPERTIES LOCATED BETWEEN NORTH NINTH AVENUE EAST AND NORTH 12TH AVENUE EAST AND BETWEEN EAST SUPERIOR STREET AND EAST THIRD STREET. (ST. LUKE'S MEDICAL CAMPUS AREA).

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the 3.1 acres of the subject properties located between East Third Street and East Second Street, and between East Superior Street and North Ninth Avenue East and North Tenth Avenue East, and as more particularly described in Exhibit A and by the following:

The below parcels, extending to the centerline of East Third Street, East Second Street, North Ninth Avenue East and North Tenth Avenue East, where these parcels abut roadways:

010-3830-07700	010-3830-09320
010-3830-07701	010-3830-09340
010-3830-07710	010-3830-09350
010-3830-07692	010-3830-09370
010-3830-07680	010-3830-09471
010-3830-07730	010-3830-09450
010-3830-09330	

be reclassified from MU-N and R-2, to MU-I, 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:



Exhibit A  
 (Ref. File No. 12-178)

Section 2. That the .42 acres of the subject properties located on the northwest corner of East Second Street and North 11<sup>th</sup> Avenue East, and as more particularly described in Exhibit B and by the following:

Parcels 010-3830-08040 and 010-3830-08060, extended to the centerline of East Second Street, East Third Alley and to the centerline of North 11th Avenue East;

be reclassified from R-2, to MU-I, 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:



Exhibit B  
 (Ref. File No. 12-178)

Section 3. That the 1.7 acres of the subject properties located at the southwest corner of East Second Street and North 12th Avenue East, and as more particularly described in Exhibit C and by the following:

The below parcels, extending to the centerline of East Second Street and North 12th Avenue East, where these parcels abut roadways:

- |                |                |
|----------------|----------------|
| 010-3830-04830 | 010-3830-04740 |
| 010-3830-04840 | 010-3830-04780 |
| 010-3830-04900 | 010-3830-04790 |
| 010-3830-04870 | 010-3830-04820 |
| 010-3830-04700 | 010-3830-04810 |
| 010-3830-04730 | 010-3830-04825 |
| 010-3830-04725 |                |
| 010-3830-04735 |                |

be reclassified from R-2 to MU-I, 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:

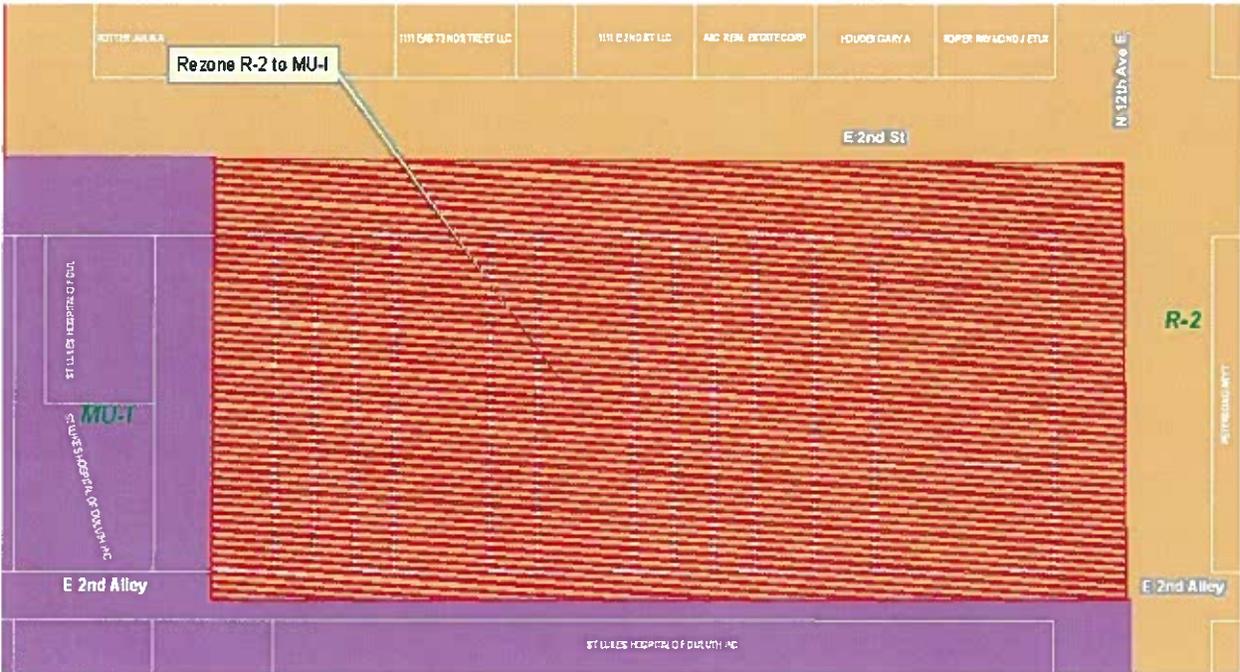


Exhibit C  
(Ref. File No. 12-178)

Section 4. That the 5.8 acres of the subject properties located between North Ninth Avenue East and North 12th Avenue East and along the north side of East Superior Street to the East First Street Alley, and as more particularly described in Exhibit D and by the following:

The below parcels, extending to the centerline of North Ninth Avenue East and North 12th Avenue East and along the north side of East Superior Street to the East First Street Alley, where these parcels abut roadways:

010-0190-00790	010-3830-01190	010-3830-01660
010-0190-00770	010-3830-01220	010-3830-01680
010-0190-00750	010-3830-01230	010-3830-01675
010-3830-01110	010-3830-01240	010-3830-01670
010-3830-01120	010-3830-01250	010-3830-01645
010-3830-01140	010-3830-01530	
010-3830-01150	010-3830-01540	
010-3830-01160	010-3830-01560	
010-3830-01170	010-3830-01600	
010-3830-01180	010-3830-01620	

be reclassified from MU-N to MU-I, 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:

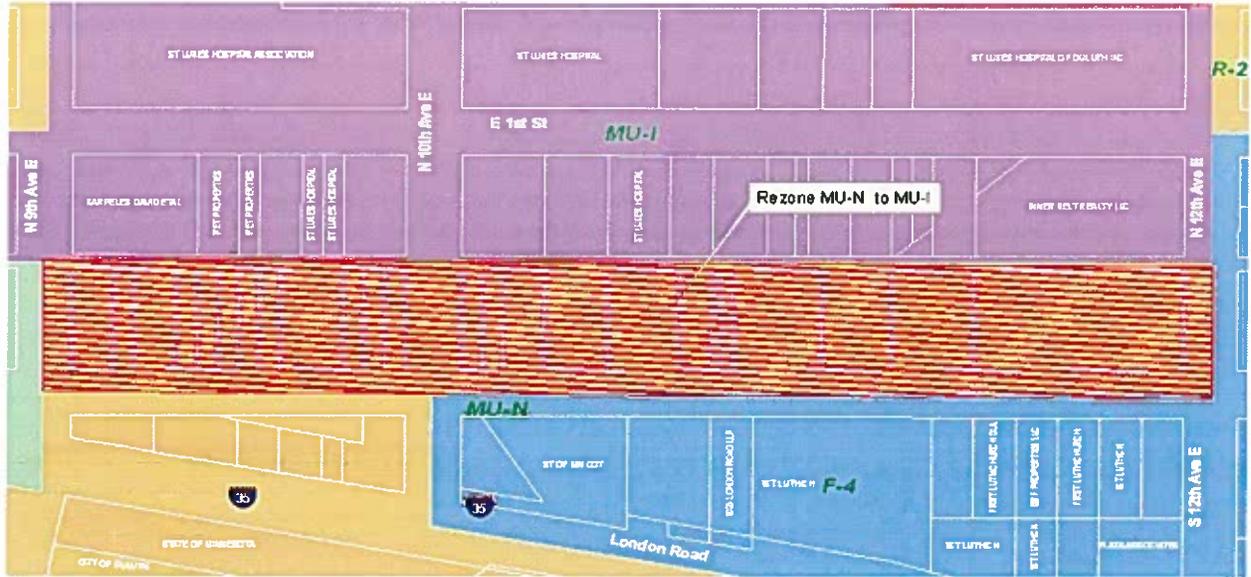
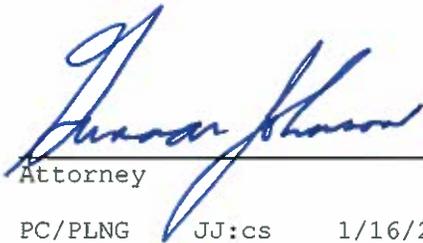


Exhibit D

(Ref. File No. 12-178)

Section 5. 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 JJ:cs 1/16/2013

STATEMENT OF PURPOSE: This ordinance based on these zoning map amendments provide a zoning change from MU-N, R-2 to MU-I, for a number of properties, in four separate areas, located within the St. Luke's Medical Campus area based on the Comprehensive Plan - Future Land Use Map description of "Institutional" and are, therefore, consistent with the Comprehensive Plan.

On January 8, 2013, 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) It is consistent with the Comprehensive Land Use Plan.
- 2) It is reasonably related to the overall needs of the community and to existing land use.
- 3) It is required by public necessity, convenience, or general welfare.
- 4) It is good zoning practice.
- 5) Material adverse impacts on nearby properties are not anticipated.

The motion to approve the rezoning from MU-N, R-2 to MU-I by the city council must prevail with a simple majority.

Date of application: November 26, 2012

Action deadline: N/A



**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 12-178	<b>Contact</b>	John Judd, jjudd@duluthmn.gov	
<b>Application Type</b>	Zoning Map Amendment	<b>Planning Commission Date</b>	January 8, 2013	
<b>Deadline for Action</b>	<b>Application Date</b>	November 26, 2012	<b>60 Days</b>	Not Applicable
	<b>Date Extension Letter Mailed</b>	Not Applicable	<b>120 Days</b>	Not Applicable
<b>Location of Subject</b>	Between North 9th Avenue East & North 12th Avenue East and East Superior Street and East 3rd			
<b>Applicant</b>	City of Duluth	<b>Contact</b>	John Judd, jjudd@duluthmn.gov	
<b>Agent</b>	Not Applicable	<b>Contact</b>	John Judd, jjudd@duluthmn.gov	
<b>Legal Description</b>	See Attached			
<b>Site Visit Date</b>	November 29, 2012	<b>Sign Notice Date</b>	December 18, 2012	
<b>Neighbor Letter Date</b>	December 7, 2012	<b>Number of Letters Sent</b>	132	

**Proposal**

Rezone several parcels of land between North 9th Avenue East & North 12th Avenue East and between East Superior Street and East 3rd from Mixed Use-Neighborhood (MU-N) and Residential-Urban (R-2) to Mixed Use-Institutional (MU-I)

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-N / R-2	Commercial / Residential	Medical District
<b>North</b>	Residential Urban (R-2)	Residential	Neighborhood Mixed-Use
<b>South</b>	Mixed Use-Nbrhd (MU-N)	Commercial / Residential	Central Business Secondary
<b>East</b>	R-2 / Form Based (F-4)	Urban Residential / Commercial	Urban Residential / Commercial
<b>West</b>	Residential Urban (R-2)	Residential / Commercial	Urban Residential

**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. Written Consent or Supermajority Required- (a) Where a proposed amendment to the zoning map would change any property from a Residential district to a Mixed Use, Form, or Special-purpose District, a planning commission hearing and a notice of 3 weeks shall be required. 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 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.



# City Planning

PL 12-178

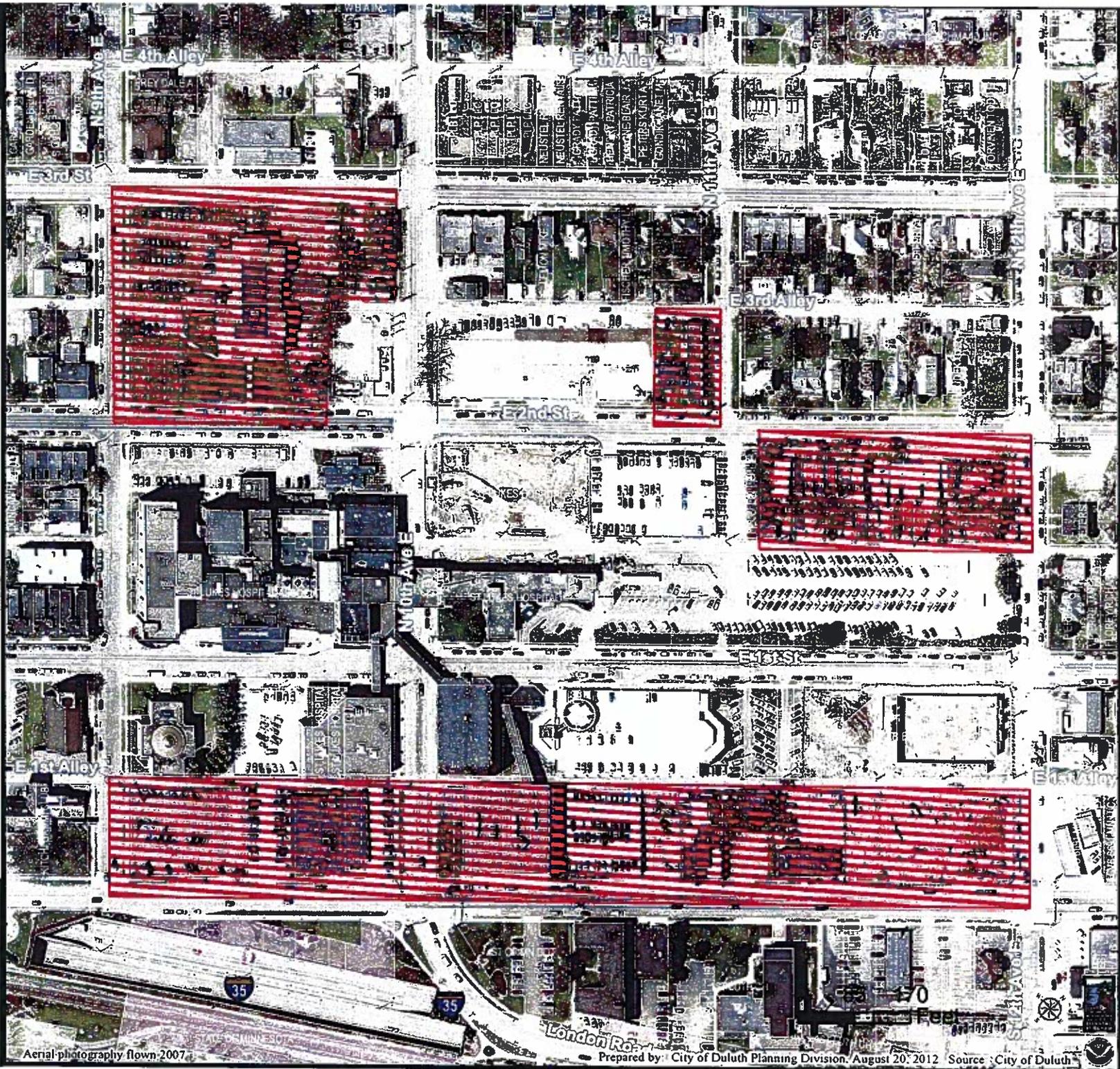
UDC Map Amendment

MUN & R-2 to MU-1

Site Map



Subject Properties  
Proposed Rezoning



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Aerial photography flown 2007



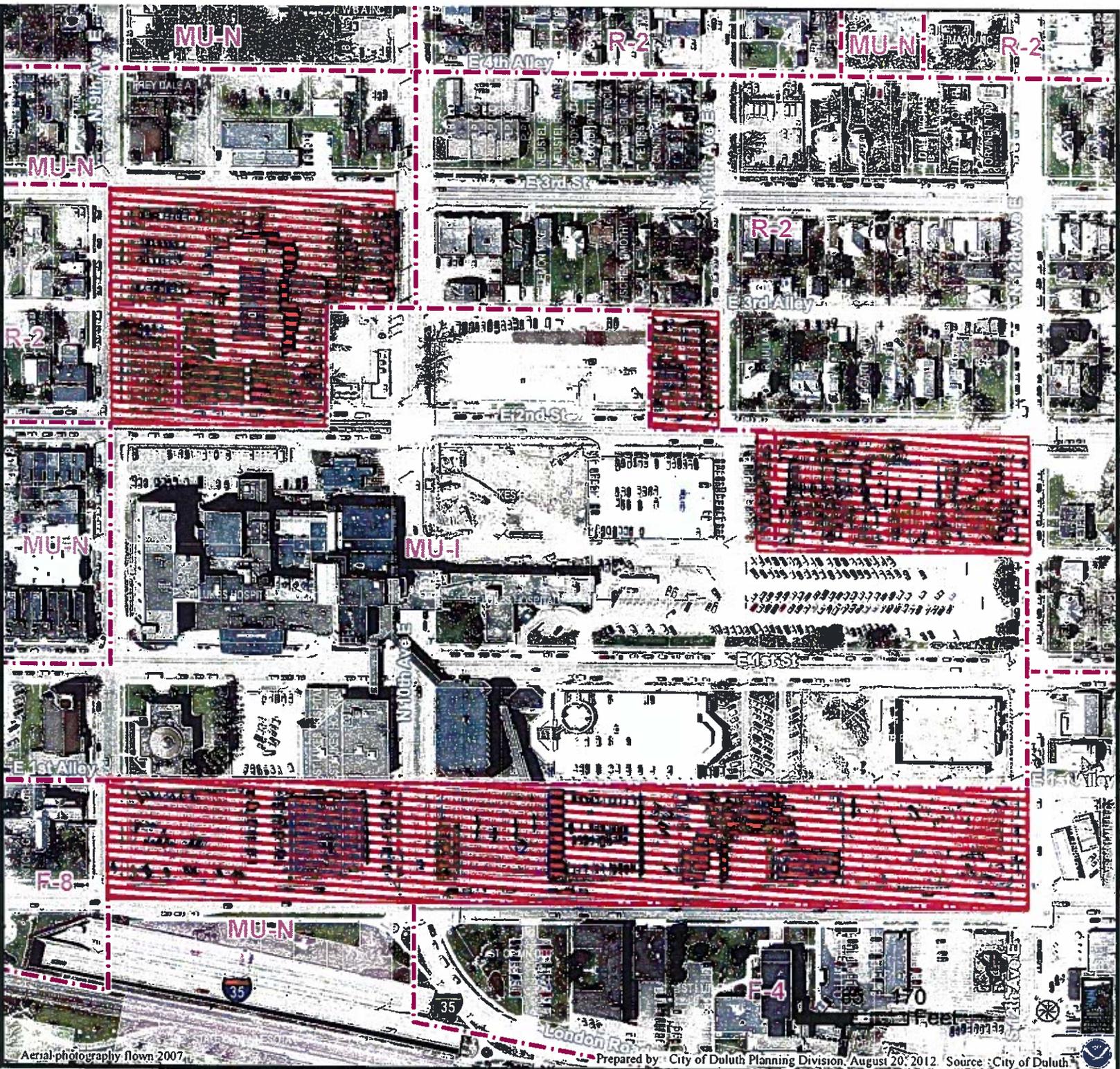
# City Planning

PL 12-178

## UDC Map Amendment MUN & R-2 to MU-1 Zoning Map



Subject Properties  
Proposed Rezoning



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# City Planning

PL 12-178

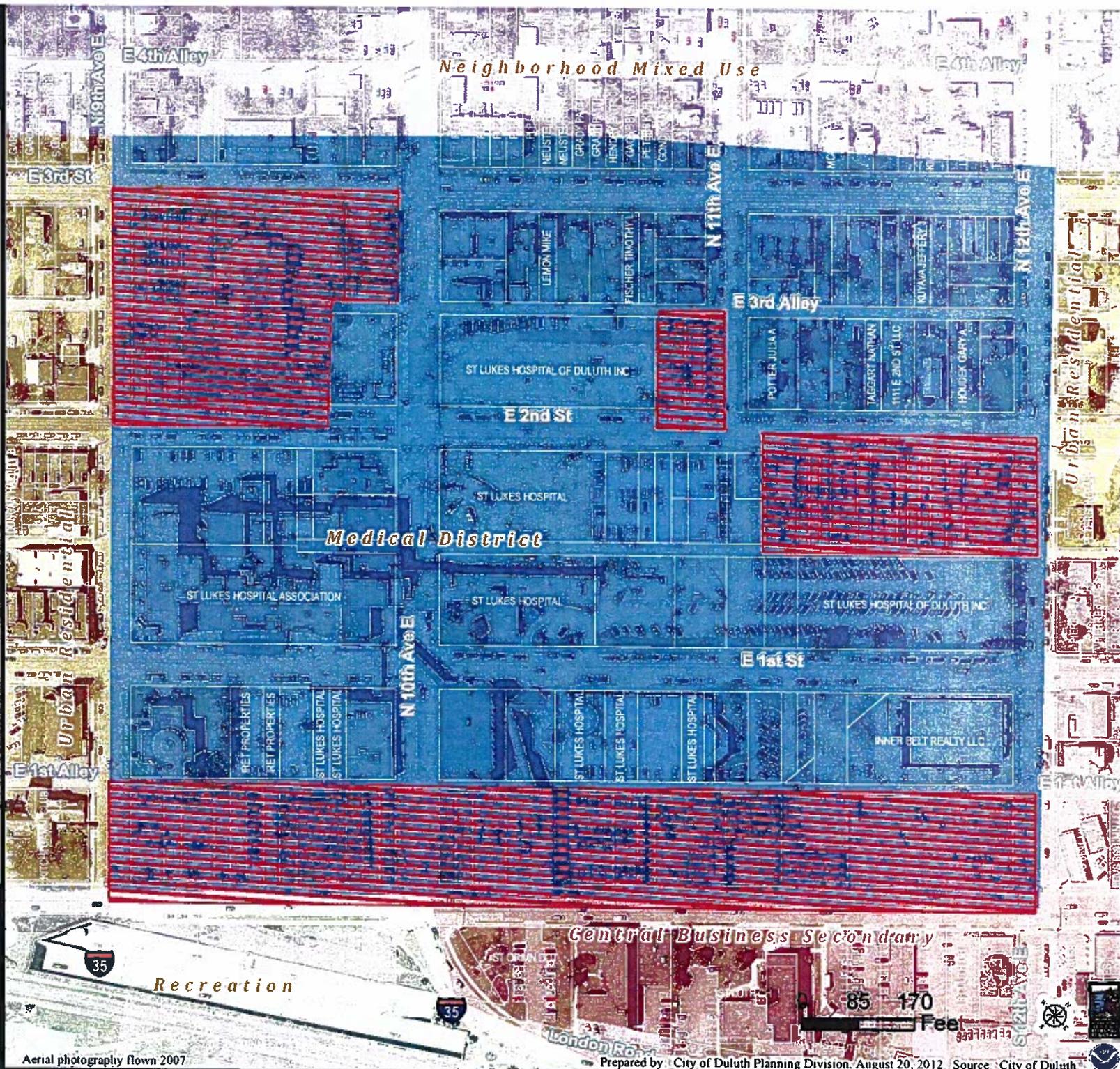
UDC Map Amendment

MUN & R-2 to MU-1

FLU Map



Subject Properties  
Proposed Rezoning



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Prepared by City of Duluth Planning Division, August 20, 2012 Source City of Duluth