

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

13-068-O

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 AND R-P TO R-2 AND MU-B THE PROPERTY LOCATED AT 800 EAST CENTRAL ENTRANCE (INDEPENDENT SCHOOL DISTRICT 709).

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the approximately six acres of the subject property located at 800 East Central Entrance (former Central High School site) and as more particularly described in Exhibit A and by the following:

Part of the East Half of the Southeast Quarter of Section Twenty-One (21), Township Fifty (50) North, Range Fourteen (14) West of the Fourth (4th) Principal Meridian, City of Duluth, St. Louis County, Minnesota; excepting therefrom REGISTERED LAND SURVEY No. 82 (R.L.S. 82), and lying south of the following described line:

Commencing at the Southeast Corner of Section 21, Township 50 North, Range 14 West; thence North 5 degrees 00 minutes 00 seconds West along the east line of said Section 21, a distance of 410.24 feet; thence North 89 degrees 57 minutes 00 seconds West, a distance of 451.75; thence North 5 degrees 00 minutes 00 seconds West, a distance of 275.00 feet; thence South 5 degrees 00 minutes 00 seconds East, a distance of 72.73 feet to the northern most corner of REGISTERED LAND SURVEY No. 65 (R.L.S. 65) and the POINT OF BEGINNING of the line to be described; thence South 51 degrees 34 minutes 29 seconds West, a distance of 1038.35 feet more or less to a point on the west line of said East Half of the Southeast Quarter being 100.00 feet northerly of the Southwest Corner of said East Half of the Southeast Quarter, as measured along said west line, and said line there terminating;

be reclassified from R-1 to R-2.

Section 2. That the approximately 65 acres of the subject property located at 800 East Central Entrance (former Central High School site) and as more particularly described in Exhibit A and by the following:

Block Two (2), CLEARVIEW PARK, according to the recorded plat thereof on file and of record in the office of the Register of Deeds, St. Louis County, Minnesota, together with those portions of streets and alleys appurtenant thereto;

AND

Lots One (1) and Seventeen (17) and the east one-half of Lots Two (2) and Sixteen (16), Block Three (3), CLEARVIEW PARK, according to the recorded plat thereof on file and of record in the office of the Register of Deeds, St. Louis County, Minnesota, together with those portions of streets and alleys appurtenant thereto;

AND

GREAT VIEW ADDITION TO DULUTH, according to the recorded plat thereof on file and of record in the office of the Register of Deeds, St. Louis County, Minnesota, together with those portions of streets and alleys appurtenant thereto;

AND

The East Half (E1/2) of the Southeast Quarter (SE1/4) of Section Twenty One (21), Township Fifty (50) North, Range Fourteen (14) West of the Fourth (4th) Principal Meridian, EXCEPT those parts described as follows:

1. That part of REGISTERED LAND SURVEY No. 82 (R.L.S. 82), being more particularly described as follows:

That part of the SE1/4 of the SE1/4 of Section 21 Township 50 North of Range 14 described as follows:

Commencing at a Granite Monument at the Southeast corner of said Section 21, thence North 5 degrees 00 minutes West (magnetic bearing) along the common section line of said Section 21 and Section 22 a distance of 410.24 feet to a concrete monument, said monument being the point of beginning, thence North 89 degrees 57 minutes West a distance of 451.75 feet to a concrete monument; thence North 5 degrees 00 minutes West a distance of 275.00 feet to a concrete monument, thence North 19 degrees 24 minutes East, a distance of 649.90 feet to a concrete monument on the North line of said SE1/4 of SE 1/4,

thence North 83 degrees 59 minutes East along said North line, a distance of 80.00 feet to a concrete monument, thence South 53 degrees 55 minutes East, a distance of 134.61 feet to a point on the common section line of Section 21 and Section 22, thence South 5 degrees 00 minutes East along said Section line, a distance of 819.50 feet to the point of beginning;

2. That part of the Easterly 1/2 of the SE1/4 of Section 21 in Township 50 North of Range 14 West of the Fourth Principal Meridian lying Northerly of the Central Entrance, a public highway, as the same is laid out and constructed over and across said SE1/4;

3. That portion thereof bounded as follows:

On the Northwest by the Southeasterly line of Fourteenth Street, produced Southwesterly in the same straight line until it intersects the Northeasterly line of First Avenue East produced Northwesterly in the same straight line; on the Southwest by the Northeasterly line of First Avenue East produced Northwesterly in the same straight line until it intersects the Southeasterly line of Fourteenth Street produced Southwesterly in the same straight line; and on the East by the Westerly line of Block 193, Duluth Proper, Third Division according to the recorded plat thereof on file and of record in the office of the Register of Deeds;

4. That portion of the above described premises bounded by the following described lines:

The Westerly line of the E1/2 of SE1/4 of Section 21 Township 50 North, Range 14 West of the Fourth Principal Meridian; the Southerly line of Swan Lake Road (also known as Sundby Road) and The center line of Highway 194;

5. Part of the East Half of the Southeast Quarter of Section Twenty-One (21), Township Fifty (50) North, Range Fourteen (14) West of the Fourth (4th) Principal Meridian, City of Duluth, St. Louis County, Minnesota; excepting therefrom REGISTERED LAND SURVEY No. 82 (R.L.S. 82), and lying south of the following described line:

Commencing at the Southeast Corner of Section 21, Township 50 North, Range 14 West; thence North 5 degrees 00 minutes 00 seconds West along the

Section 4. That this ordinance shall take effect 30 days after its passage and publication.

Approved as to form:


Attorney

PC/PLNG CRM:cs 10/17/2013

STATEMENT OF PURPOSE: This zoning map amendment provides a zoning change from R-1 and R-P to R-2 and MU-B for the property located at 800 East Central Entrance (former Central High School).

On October 8, 2013, the Duluth city planning commission held a public hearing on the proposal and voted 7 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 MU-B zone district is consistent with the future land use category "Business Park" and the proposed R-2 zone district is consistent with the future land use category "Urban Residential".
- 3) Material adverse impacts on nearby properties are not anticipated.

The motion to approve the rezoning by the city council must prevail with a simple majority.

Date of application: September 24, 2013
Action deadline: January 22, 2014



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 13-117	Contact	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	UDC Map Amendment	Planning Commission Date	10/8/13	
Deadline for Action	Application Date	9/24/13	60 Days	11/23/13
	Date Extension Letter Mailed	9/25/13	120 Days	1/22/14
Location of Subject	800 E Central Entrance - Former Central High School			
Applicant	Independent School District #709	Contact	218-343-2894	
Agent	Kerry Leider	Contact	Kerry.Leider@duluth.k12.mn.us	
Legal Description	See attached			
Site Visit Date	9/26/13	Sign Notice Date	9/24/13	
Neighbor Letter Date	9/19/13	Number of Letters Sent	33	

Proposal

Rezoning of 800 E Central Entrance (former Central High School) to R-2 and MU-B to allow for future development on the site.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Former school site	Business Park, Recreation
North	MU-N, MU-C	Commercial	Central Business Secondary, General Mixed Use
South	R-1	Res./Undev/Tower Farm	Traditional Neighborhood
East	R-P	Residential (Harbor Highlands)	Urban Residential
West	R-1	Residential	Urban Residential

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.

A-1

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

Governing Principle #1: Reuse previously developed lands.

Governing Principle #7: Create and maintain connectivity.

Future Land Use - Urban Residential: Medium to high densities. 8 units/acre and up. May include student housing areas, live/work units, and limited neighborhood retail. Commercial uses that serve neighborhood market.

Future Land Use - Business Park: Primarily office and light industrial areas developed in a unified manner, with standards for site design and circulation patterns, signage, landscaping, and building design.

Future Land Use - Recreation: Park and open space areas dedicated to active recreation, such as neighborhood parks, community centers, downhill ski areas, playgrounds...and associated facilities such as parking.

Current History: In 2011, Central High School closed and students were relocated to one of the other area high schools.

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

Staff finds that:

- 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) In May 2012, after an extensive process that included two public meetings, the City of Duluth amended the Future Land Use Map for the subject property from Institutional to a mixture of Business Park, Urban Residential, and Recreation.
- 3) ISD #709 has dedicated a 20' wide trail easement in the area shown as Recreation, satisfying the intent of the Future Land Use designation.
- 4) Good zoning practice requires that zone districts be consistent with the future land use category identified for the area. This application is reasonably related to the future land uses in the Comprehensive Land Use Plan.
- 5) No negative impacts to the surrounding area are anticipated. This site was formerly used as a school with adjacent sports facilities, uses that included high traffic volumes.
- 6) The size and characteristics of this site make it a candidate for future rezoning to Mixed Use-Planned. For this reason, staff is supportive of rezoning the area shown as Recreation to MU-B, as it leaves maximum options for the City to work with the future property owner regarding development on this site.
- 7) No City, agency, or public comments have been received.

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

Based on the above findings, Staff recommends that Planning Commission recommend approval of the UDC Map Amendment, for the following reasons:

- 1) This proposal is consistent with the Comprehensive Land Use Plan.
- 2) The proposed MU-B zone district is consistent with the future land use category "Business Park" and the proposed R-2 zone district is consistent with the future land use category "Urban Residential"
- 3) Material adverse impacts on nearby properties are not anticipated.

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

A-2

Central High School Property



NOTE: Parcel Code 010-2710-06120



Easement No. 436177
 Book 488 Page
 1(2/8/81)
 Granted to City of
 Duluth for a 20' wide
 bikeway easement

Minnesota State Highway Department

Water Reservoir

New 20' wide bikeway
 easement to be granted to
 City of Duluth providing
 bikeway across the entire
 property.

Property sold to HRA, Duluth December 2002

**Central Acres
Second Division**

4	Oak	42
3	Knoll	44
2		47
1	Sub	45

49
48
47
46

**MU-B Mixed Use
Business Zoning**

Zoning to remain
unchanged R-1

76.84 Acres

Swenson's

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
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Division

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
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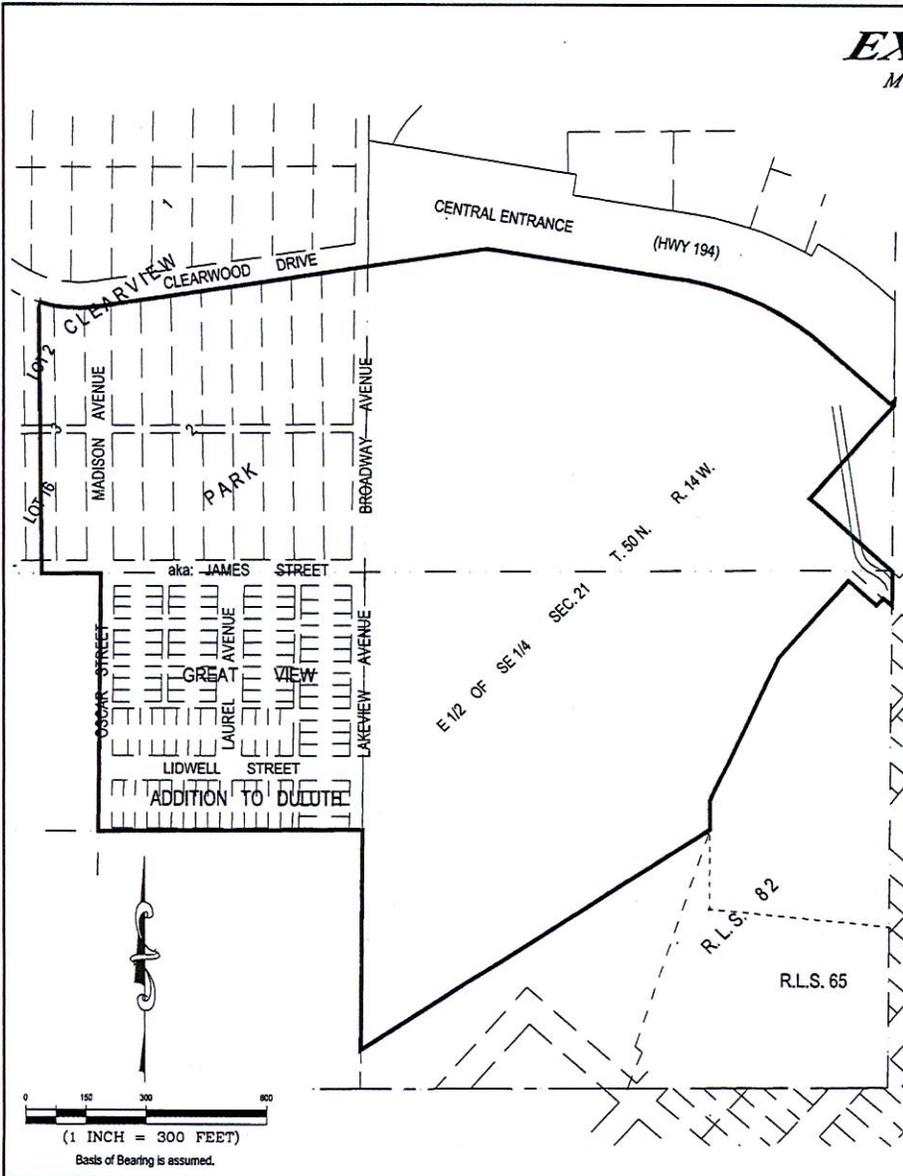
R-2 zoning or MU-P

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EXHIBIT

MU-B ZONING



LEGAL DESCRIPTION:

BLOCK TWO (2), CLEARVIEW PARK, ACCORDING TO THE RECORDED PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE REGISTER OF DEEDS, ST. LOUIS COUNTY, MINNESOTA, TOGETHER WITH THOSE PORTIONS OF STREETS AND ALLEYS APPURTENANT THERETO.

AND

LOTS ONE (1) AND SEVENTEEN (17) AND THE EAST ONE-HALF OF LOTS TWO (2) AND SIXTEEN (16), BLOCK THREE (3), CLEARVIEW PARK, ACCORDING TO THE RECORDED PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE REGISTER OF DEEDS, ST. LOUIS COUNTY, MINNESOTA, TOGETHER WITH THOSE PORTIONS OF STREETS AND ALLEYS APPURTENANT THERETO.

AND

GREAT VIEW ADDITION TO DULUTH, ACCORDING TO THE RECORDED PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE REGISTER OF DEEDS, ST. LOUIS COUNTY, MINNESOTA, TOGETHER WITH THOSE PORTIONS OF STREETS AND ALLEYS APPURTENANT THERETO.

AND

THE EAST HALF (E1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION TWENTY ONE (21), TOWNSHIP FIFTY (50) NORTH, RANGE FOURTEEN (14) WEST OF THE FOURTH (4TH) PRINCIPAL MERIDIAN, EXCEPT THOSE PARTS DESCRIBED AS FOLLOWS:

1. THAT PART OF REGISTERED LAND SURVEY NO. 82 (R.L.S. 82), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF THE SE1/4 OF THE SE1/4 OF SECTION 21 TOWNSHIP 50 NORTH OF RANGE 14 DESCRIBED AS FOLLOWS:

COMMENCING AT A GRANITE MONUMENT AT THE SOUTHEAST CORNER OF SAID SECTION 21, THENCE NORTH 5 DEGREES 00 MINUTES WEST (MAGNETIC BEARING) ALONG

THE COMMON SECTION LINE OF SAID SECTION 21 AND SECTION 22 A DISTANCE OF 410.24 FEET TO A CONCRETE MONUMENT, SAID MONUMENT BEING THE POINT OF BEGINNING, THENCE NORTH 89 DEGREES 57 MINUTES WEST A DISTANCE OF 451.75 FEET TO A CONCRETE MONUMENT; THENCE NORTH 5 DEGREES 00 MINUTES WEST A DISTANCE OF 275.00 FEET TO A CONCRETE MONUMENT, THENCE NORTH 19 DEGREES 24 MINUTES EAST, A DISTANCE OF 649.90 FEET TO A CONCRETE MONUMENT ON THE NORTH LINE OF SAID SE1/4 OF SE 1/4, THENCE NORTH 83 DEGREES 59 MINUTES EAST ALONG SAID NORTH LINE, A DISTANCE OF 80.00 FEET TO A CONCRETE MONUMENT, THENCE SOUTH 53 DEGREES 55 MINUTES EAST, A DISTANCE OF 134.61 FEET TO A POINT ON THE COMMON SECTION LINE OF SECTION 21 AND SECTION 22, THENCE SOUTH 5 DEGREES 00 MINUTES EAST ALONG SAID SECTION LINE, A DISTANCE OF 819.50 FEET TO THE POINT OF BEGINNING;

2. THAT PART OF THE EASTERLY 1/2 OF THE SE1/4 OF SECTION 21 IN TOWNSHIP 50 NORTH OF RANGE 14 WEST OF THE FOURTH PRINCIPAL MERIDIAN LYING NORTHERLY OF THE CENTRAL ENTRANCE, A PUBLIC HIGHWAY, AS THE SAME IS LAID OUT AND CONSTRUCTED OVER AND ACROSS SAID SE1/4;

3. THAT PORTION THEREOF BOUNDED AS FOLLOWS:

ON THE NORTHWEST BY THE SOUTHEASTERLY LINE OF FOURTEENTH STREET, PRODUCED SOUTHWESTERLY IN THE SAME STRAIGHT LINE UNTIL IT INTERSECTS THE NORTHEASTERLY LINE OF FIRST AVENUE EAST PRODUCED NORTHWESTERLY IN THE SAME STRAIGHT LINE; ON THE SOUTHWEST BY THE NORTHEASTERLY LINE OF FIRST AVENUE EAST PRODUCED NORTHWESTERLY IN THE SAME STRAIGHT LINE UNTIL IT INTERSECTS THE SOUTHEASTERLY LINE OF FOURTEENTH STREET PRODUCED SOUTHWESTERLY IN THE SAME STRAIGHT LINE; AND ON THE EAST BY THE WESTERLY

LINE OF BLOCK 193, DULUTH PROPER, THIRD DIVISION ACCORDING TO THE RECORDED PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE REGISTER OF DEEDS;

4. THAT PORTION OF THE ABOVE DESCRIBED PREMISES BOUNDED BY THE FOLLOWING DESCRIBED LINES:

THE WESTERLY LINE OF THE E1/2 OF SE1/4 OF SECTION 21 TOWNSHIP 50 NORTH, RANGE 14 WEST OF THE FOURTH PRINCIPAL MERIDIAN; THE SOUTHERLY LINE OF SWAN LAKE ROAD (ALSO KNOWN AS SUNDBY ROAD) AND THE CENTER LINE OF HIGHWAY 194;

5. PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION TWENTY-ONE (21), TOWNSHIP FIFTY (50) NORTH, RANGE FOURTEEN (14) WEST OF THE FOURTH (4TH) PRINCIPAL MERIDIAN, CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA; EXCEPTING THEREFROM REGISTERED LAND SURVEY NO. 82 (R.L.S. 82), AND LYING SOUTH OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 21, TOWNSHIP 50 NORTH, RANGE 14 WEST; THENCE NORTH 5 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 410.24 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 00 SECONDS WEST, A DISTANCE OF 451.75 FEET; THENCE NORTH 5 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 275.00 FEET; THENCE SOUTH 5 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 72.73 FEET TO THE NORTHERN MOST CORNER OF REGISTERED LAND SURVEY NO. 65 (R.L.S. 65) AND THE POINT OF BEGINNING OF THE LINE TO BE DESCRIBED; THENCE SOUTH 51 DEGREES 34 MINUTES 29 SECONDS WEST, A DISTANCE OF 1038.35 FEET MORE OR LESS TO A POINT ON THE WEST LINE OF SAID EAST HALF OF THE SOUTHEAST QUARTER BEING 100.00 FEET NORTHERLY OF THE SOUTHWEST CORNER OF SAID EAST HALF OF THE SOUTHEAST QUARTER, AS MEASURED ALONG SAID WEST LINE, AND SAID LINE THERE TERMINATING.

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I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Print Name: Paul A. Vogel License # 44075

Signature: *Paul A. Vogel* Date: 09/23/2013

DATE PREPARED: 9/23/13

PROJ NO: 130316

FILE: 130316_VRE-Z

SHEET 1 of 1 SHEETS



21 W. Superior St., Ste. 500 | Duluth, MN 55802 | 218.727.8446

FILE: J:\3101\8600 Drawings\Survey\130316_VRE-ZONE_MU-B.dwg

A-4

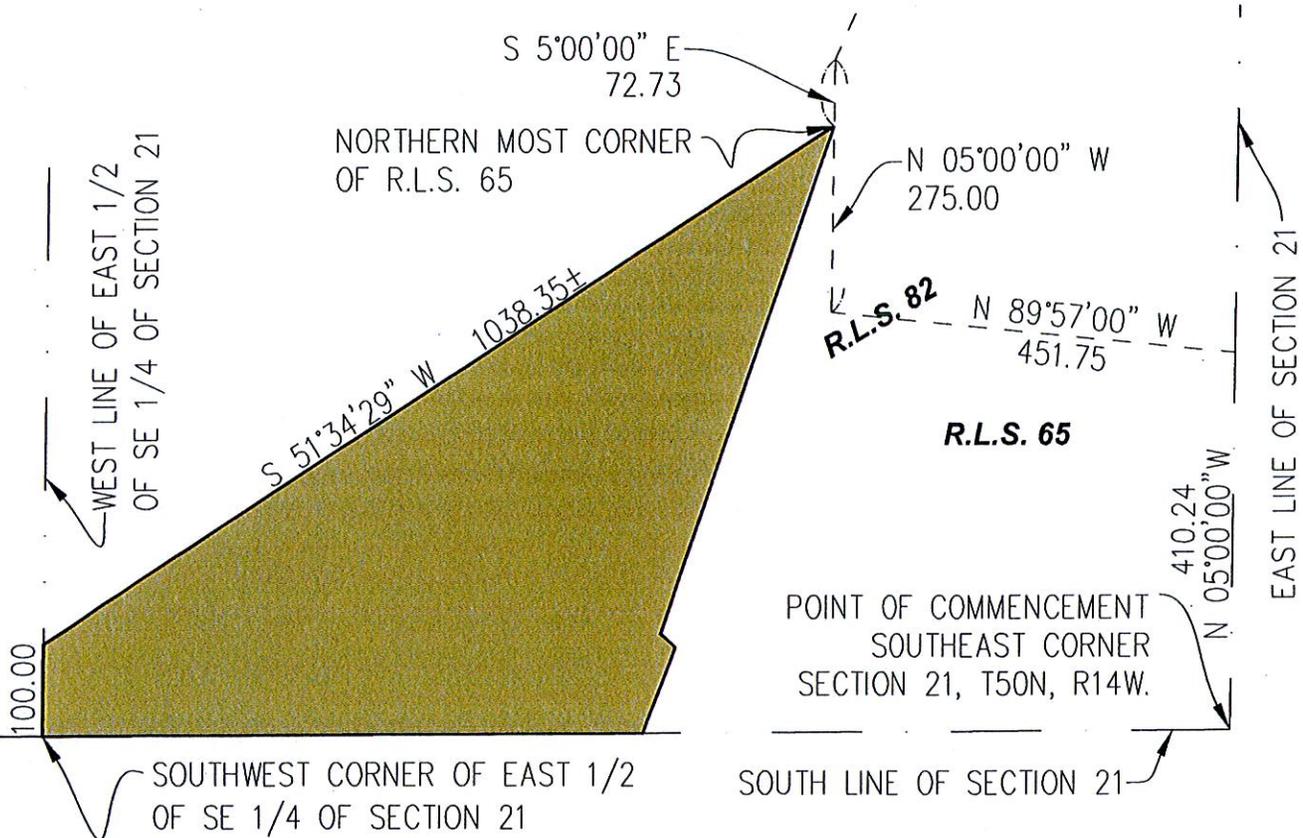
EXHIBIT

R-2 ZONING

LEGAL DESCRIPTION:

PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION TWENTY-ONE (21), TOWNSHIP FIFTY (50) NORTH, RANGE FOURTEEN (14) WEST OF THE FOURTH (4TH) PRINCIPAL MERIDIAN, CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA; EXCEPTING THEREFROM REGISTERED LAND SURVEY No. 82 (R.L.S. 82), AND LYING SOUTH OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 21, TOWNSHIP 50 NORTH, RANGE 14 WEST; THENCE NORTH 5 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 410.24 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 00 SECONDS WEST, A DISTANCE OF 451.75; THENCE NORTH 5 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 275.00 FEET; THENCE SOUTH 5 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 72.73 FEET TO THE NORTHERN MOST CORNER OF REGISTERED LAND SURVEY No. 65 (R.L.S. 65) AND THE POINT OF BEGINNING OF THE LINE TO BE DESCRIBED; THENCE SOUTH 51 DEGREES 34 MINUTES 29 SECONDS WEST, A DISTANCE OF 1038.35 FEET MORE OR LESS TO A POINT ON THE WEST LINE OF SAID EAST HALF OF THE SOUTHEAST QUARTER BEING 100.00 FEET NORTHERLY OF THE SOUTHWEST CORNER OF SAID EAST HALF OF THE SOUTHEAST QUARTER, AS MEASURED ALONG SAID WEST LINE, AND SAID LINE THERE TERMINATING.



I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Print Name: Paul A. Vogel License # 44075

Signature: Date: 09/23/13

DATE PREPARED: 09/23/13

PROJ NO: 130316

FILE: 130316_vRE-Z

SHEET 1 of 1 SHEETS



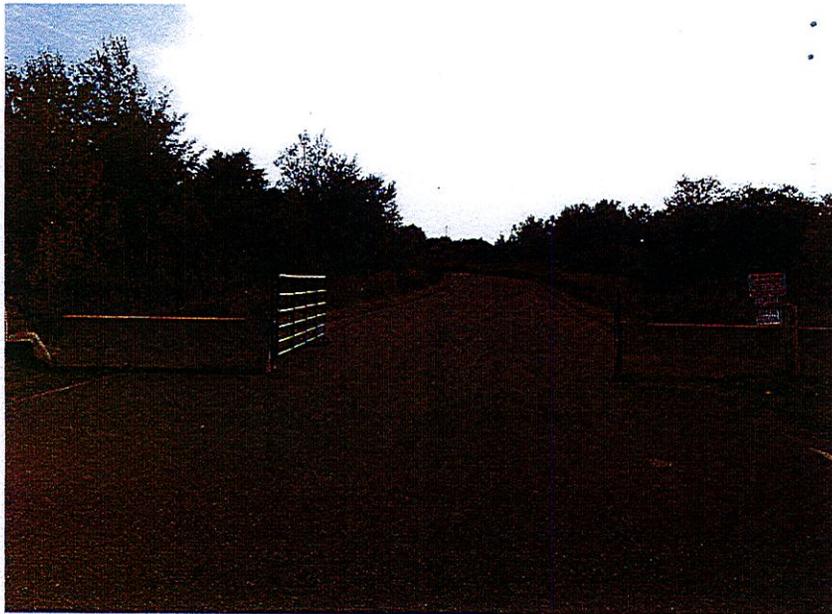
**PERFORMANCE
DRIVEN DESIGN.**
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A-5

800 E. Central Entrance

Site Photos



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