

PUBLISHED DECEMBER 19, 2013

OFFICIAL PROCEEDINGS

Excerpt from the minutes of the Duluth City Council meeting held on Monday, December 16, 2013, at 7:00 p.m. in the Council Chamber, City Hall, Duluth, Minnesota.

ORDINANCE NO. 10271

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM RESIDENTIAL-PLANNED (R-P) TO MIXED USE-PLANNED (MU-P) THE PROPERTY LOCATED AT 201 CLOVER STREET.

The city of Duluth does ordain:

Section 1.

(a) The property located at 201 Clover Street includes the eastern portions of the 900 through 1200 blocks of Woodland Avenue, the northern portions of the 200 block of Clover Street, the northwestern portions of the 2500 through 2700 block of Eighth Street East, and the southern portions of the 100 block of Elizabeth Street;

(b) The property was previously zoned R-1 and R-2 in 2012;

(c) BlueStone Commons, LLC, BlueStone Lofts, LLC, Woodland Commons, LLC, and Village Center Development, LLC (the "property owner") petitioned the city of Duluth to rezone the properties from R-1 and R-2 to Residential-Planned (R-P) in 2012;

(d) As a requirement of the R-P district, the property owner submitted a regulating plan dated May 24, 2012, and amendments dated August 27, 2012, December 21, 2012, and June 19, 2013, containing all items required under UDC Section 50-14.7;

(e) The city of Duluth land use supervisor approved property owner's regulating plan on May 24, 2012, which governs the location, type, intensity of proposed development and a description of public amenities or benefits to be constructed at the property following rezoning to R-P;

(f) In accordance with Ordinance No. 10150, the property was rezoned to Residential-Planned (R-P) on April 23, 2012;

(g) The property owner (or its affiliated entities), acting in accordance with the approved regulating plan, have caused the construction of Phase 1 and Phase 2 of the development at the property (BlueStone Lofts and the Shops at Bluestone) in accordance with the regulating plan, as amended.

Section 2. That the subject property described below:

LOT 1, BLOCK 6, MOUNT ROYAL DIVISION OF DULUTH AND LOT 8, BLOCK 19, WILLARD'S ADDITION TO DULUTH

LOTS 2 & 3, BLOCK 6, MOUNT ROYAL DIVISION OF DULUTH

LOTS 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 & 26, BLOCK 2 AND LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 & 14, BLOCK 3 AND 7, 8, 9, 10, 11 & 12, BLOCK 8, CLOVER HILL DIVISION OF DULUTH

LOTS 4, 5, 6, 7, 8 & 9, BLOCK 9, CLOVER HILL DIVISION OF DULUTH

LOTS 1, 14, 15, 16 & EASTERLY HALF OF LOT 13, BLOCK 18, WILLARD'S ADDITION TO DULUTH AND LOTS 15, 16 & EASTERLY HALF OF LOT 14, BLOCK 4, CLOVER HILL DIVISION OF DULUTH

LOTS 11 & 12, BLOCK 9, CLOVER HILL DIVISION OF DULUTH

LOT 3, BLOCK 9, CLOVER HILL DIVISION OF DULUTH

ALL OF BLOCK 5, CLOVER HILL DIVISION OF DULUTH

LOTS 1 & 2, BLOCK 4, CLOVER HILL DIVISION OF DULUTH

LOTS 1 THRU 5, BLOCK 8, CLOVER HILL DIVISION OF DULUTH

LOT 5, BLOCK 2, CLOVER HILL DIVISION OF DULUTH

LOTS 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 & WEST HALF OF 14, BLOCK 4, CLOVER HILL DIVISION OF DULUTH AND LOTS 12 & WEST HALF OF LOT 13, BLOCK 18, WILLARD'S ADDITION TO DULUTH

LOT 6, BLOCK 8, CLOVER HILL DIVISION OF DULUTH

LOTS 1 & 2, BLOCK 9, CLOVER HILLS DIVISION OF DULUTH

LOT 10, BLOCK 9, CLOVER HILL DIVISION OF DULUTH

LOTS 1, 2, 3, & 4, BLOCK 2, CLOVER HILL DIVISION OF DULUTH
VACATED JACKSON STREET, SUMMIT PLACE AND ALLEYS IN CLOVER HILLS DIVISION OF
DULUTH

BLOCKS 18 AND 19 MOTOR LINE DIVISION OF DULUTH, EXCEPT THAT PART DESCRIBED AS
FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 11, BLOCK 18 OF SAID MOTOR
LINE DIVISION OF DULUTH; THENCE NORTH 89° 52' 08" WEST, ALONG THE NORTH LINE OF SAID
BLOCK 18 A DISTANCE OF 8.22 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00° 08' 28"
WEST, ALONG A LINE PARALLEL WITH THE EAST LINE OF SAID LOT 11 AND ITS SOUTHERLY
EXTENSION A DISTANCE OF 133.04 FEET TO THE CENTERLINE OF THE ALLEY LYING BETWEEN
SAID BLOCKS 18 AND 19; THENCE SOUTH 00° 07' 55" WEST, ALONG A LINE PARALLEL WITH THE
EAST LINE OF SAID LOT 11, BLOCK 19, AND ITS NORTHERLY EXTENSION A DISTANCE OF 87.00
FEET; THENCE NORTH 89° 52' 08" WEST; ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID
BLOCK 18 A DISTANCE OF 451.64 FEET TO THE NORTHWESTERLY LINE OF SAID BLOCK 18; THENCE
NORTHEASTERLY AND EASTERLY, ALONG SAID NORTHWESTERLY AND NORTHERLY LINES OF
SAID BLOCK 18 A DISTANCE OF 557.03 FEET TO THE POINT OF BEGINNING.

ALL THAT PART OF SUMMIT STREET (a.k.a. MANITOBA STREET), CLOVER HILL DIVISION OF
DULUTH, LYING EASTERLY OF THE EASTERLY LINE OF WOODLAND AVENUE

ALL THAT PART OF EAST GRIGGS PLACE (a.k.a. CODDING STREET), CLOVER HILL DIVISION
OF DULUTH AND ALL THAT PART OF EAST GRIGGS PLACE (a.k.a. CODDING STREET), MOTOR LINE
DIVISION OF DULUTH LYING EASTERLY OF THE EASTERLY LINE OF WOODLAND AVENUE, CLOVER
HILL AND MOTOR LINE DIVISIONS OF DULUTH

ALL THOSE PARTS OF PROSPECT AVENUE, MOTOR LINE DIVISION TO DULUTH AND
PROSPECT AVENUE, MOUNT ROYAL DIVISION OF DULUTH LYING SOUTHERLY OF THE SOUTHERLY
LINE OF ELIZABETH STREET, MOTOR LINE AND MOUNT ROYAL DIVISIONS OF DULUTH

27TH AVENUE EAST, WILLARD'S DIVISION TO DULUTH, LYING NORTHWESTERLY OF THE
NORTHWESTERLY LINE OF EAST 8TH STREET, WILLARD'S DIVISION TO DULUTH

ALL THAT PART OF THE ALLEY BETWEEN BLOCKS 8 AND 9, CLOVER HILL DIVISION OF
DULUTH FROM THE NORTHERLY LINE OF CLOVER STREET TO A LINE 50 EASTERLY OF THE
EASTERLY PROPERTY LINE OF LOT 3, BLOCK 8, CLOVER HILL DIVISION OF DULUTH

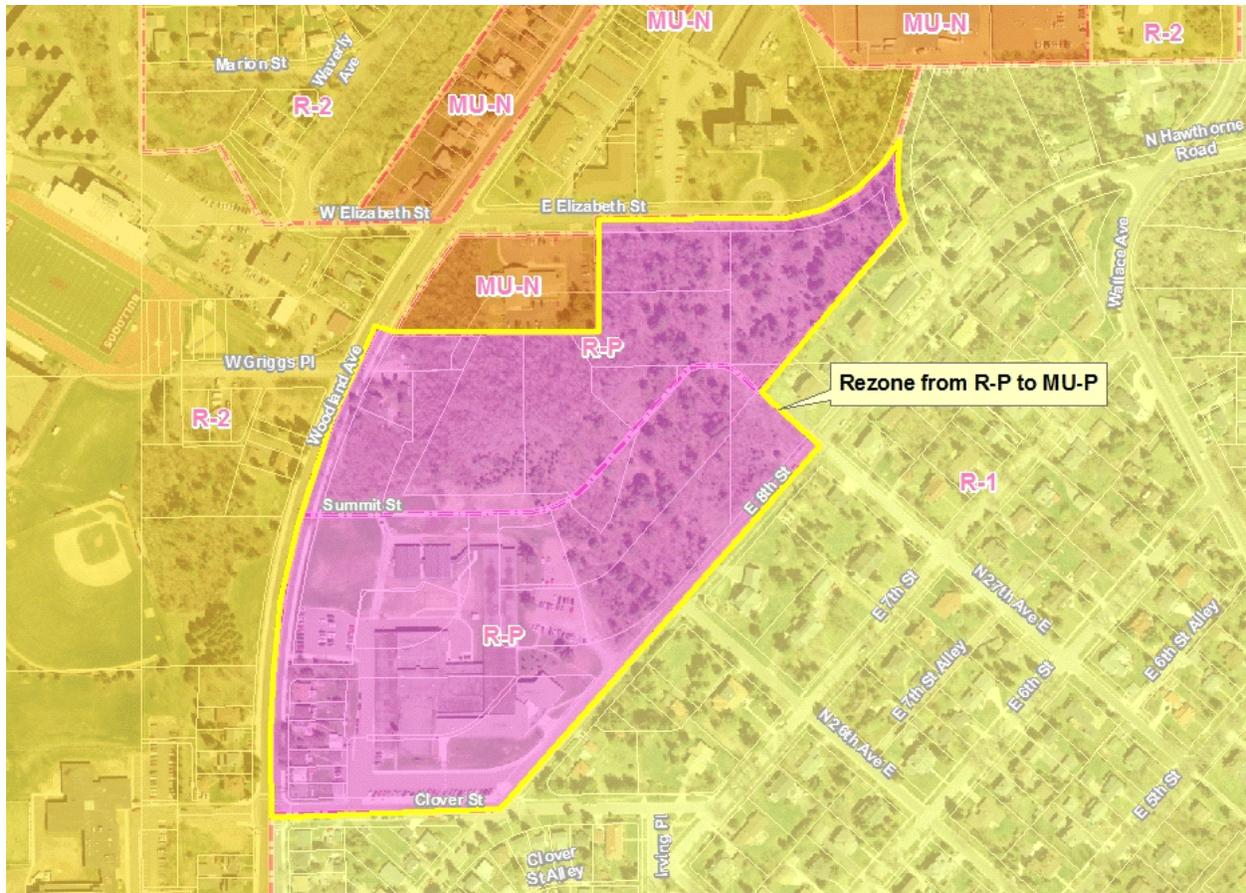
ALL THOSE LANDS ENCUMBERED BY BUILDING LINES AFFECTING BLOCKS TWO (2), FIVE
(5) AND EIGHT (8), CLOVER HILL DIVISION OF DULUTH

THE NORTHWESTERLY ONE-HALF OF THE ALLEY IN BLOCK 19, WILLARD'S DIVISION TO
DULUTH

THE NORTHWESTERLY ONE-HALF OF THE ALLEY IN BLOCK 6, MOUNT ROYAL DIVISION TO
DULUTH

ALL THOSE PARTS OF CLOVER STREET AND EAST EIGHTH STREET, CLOVER HILL DIVISION
OF DULUTH ADJACENT TO THOSE PARTS OF LOTS 4 THRU 9, BLOCK 9, SAID CLOVER HILL DIVISION
OF DULUTH LYING NORTHERLY OF THE NORTHERLY LINE OF CLOVER STREET EXTENDED AND
NORTHWESTERLY OF THE NORTHWESTERLY LINE OF EAST EIGHTH STREET EXTENDED

Now known as Tracts A through W, inclusive, Registered Land Survey No. 114;
be reclassified from R-P to MU-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:



Section 3. The regulating plan submitted by the property owner in 2012, and as subsequently amended on August 27, 2012, December 21, 2012, and June 19, 2013, by the land use supervisor, contains all required regulating plan content required for the MU-P district under UDC Section 50-15.7(G).

Section 4. The city of Duluth acknowledges and agrees that the existing phasing plan, proposed uses, dimensional standards, development standards, building height and setback restrictions, site plans including drive-throughs, road plans, utility plans, sewer plans, water plans, storm water plans, runoff plans, grading plans, preservation plans, circulation plans, maintenance plans, conservation plans, parking plans and parking ratios, traffic management plans and studies, natural features, open space features, public and private amenity features, building types, form based regulations, architectural design requirements and any other plan submitted or approved under the regulating plan, as well as any and all assurances, protections, agreements and R-P amendments are “grandfathered” and shall continue in full force and effect and remain applicable to the properties following the rezoning to MU-P. Furthermore, the property owner shall not be required to satisfy or comply with those added requirements or standards of the MU-P regulating plan or the Higher Education Overlay District.

Section 5. Should the property owner desire to further amend the regulating plan, property owner may do so in accordance with Section 50-37.11 “Planning review--general.”

Section 6. For definitional purposes, under Chapter 50 of the Duluth City Code, 1959, as amended, the properties shall, in their entirety, be considered “redevelopment.”

Section 7. That this ordinance shall take effect 30 days after its passage and publication.
(Effective date: January 18, 2014)

Councilor Stauber moved passage of the ordinance and the same was adopted upon the following vote:

Yeas: Councilors Fosle, Gardner, Hanson, Hartman, Julsrud, Krug, Larson, Stauber and President Boyle -- 9

Nays: None -- 0

ATTEST:
JEFFREY J. COX, City Clerk

Passed December 16, 2013
Approved December 16, 2013
DON NESS, Mayor