



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Master

File Number: 16-013-O

File ID: 16-013-O

Type: Ordinance

Status: Passed

Version: 1

**Agenda
Section:**

Committee: Planning and
Economic
Development

File Created: 03/03/2016

Subject:

Final Action: 03/28/2016

Title: AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM MU-B TO MU-N PROPERTY ALONG THE SOUTH SIDE OF GRAND AVENUE AND FROM R-1 TO MU-N, PROPERTY ALONG THE NORTH SIDE OF GRAND AVENUE.

Internal Notes: Ordinance by John Judd.

Sponsors:

Enactment Date: 03/28/2016

Attachments: Attachment 1, Attachment 2

Enactment Number: 10441

Recommendation:

Hearing Date:

Drafter: cstafford@duluthmn.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	03/14/2016	read for the first time				
1	City Council	03/28/2016	adopted				Pass

Text of Legislative File 16-013-O

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM MU-B TO MU-N PROPERTY ALONG THE SOUTH SIDE OF GRAND AVENUE AND FROM R-1 TO MU-N, PROPERTY ALONG THE NORTH SIDE OF GRAND AVENUE.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That land fronting the South side Grand Avenue, from North 42nd Avenue West to North 44th Avenue West and the following properties along the North side of Grand Avenue including: 4101, 4105, 4109, 4113 and 4115 and as more

particularly described as follows:

That all of the lots fronting the South side of Grand Avenue between North 42nd Avenue West and North 44th Avenue West be rezoned from Mixed Use Business (MU-B) to Mixed Use Neighborhood (MU-N), described as follows:

Beginning at the intersection of the centerline of Grand Ave and N 44th Ave W in the plat of Oneota Duluth; thence northeasterly on the centerline of Grand Ave to its intersection with the centerline of N 42nd Ave W in the plat of Chandler Park Addition to Duluth; thence southeasterly to the northeasterly extension of the northwesterly line of the platted alley in Block 72 Oneota Duluth; then southwesterly along the northwesterly line or said alley and its extension to the most easterly corner of Lot 4 Block 72 Oneota Duluth; thence southeasterly along the extension of the northeasterly line of lot 4 Block 72 and its extension approximately 64.4 feet; thence deflect 90 degrees to the right to the southwesterly line of block 72 Oneota Duluth; thence northwesterly along the southwesterly line of Block 72 to the northwesterly line of the former Railroad Right-of-way; thence southwesterly along the former northwesterly line of the railroad right-of-way to the centerline of N 44th Ave W; thence northwesterly to the point of beginning.

And:

Those lots fronting the North side of Grand Avenue beginning at North 41st Avenue West and extending to Lot 26, Chandler Park Addition, be rezoned from Residential Traditional (R-1) to Mixed Use Neighborhood (MU-N), described as follows:

Beginning at the intersection of the centerline of Grand Ave and the centerline of N 41st Ave W; thence southwesterly along the centerline of Grand Ave to the southeasterly extension of the southwesterly line of lot 25 Block 3 Chandler Park Addition to Duluth; thence northwesterly along the southeasterly extension of the southwesterly line said lot 25 and it's northwesterly extension to the centerline of the alley in said Block 3; thence northeasterly along the centerline of the alley in Block 3 Chandler Park Addition to Duluth and it's extension to the centerline of N 41st Ave W; thence southeasterly to the point of beginning.

be reclassified from Mixed Use-Business Park (MU-B) to Mixed Use-Neighborhood (MU-N), and Residential-Traditional (R-1) to Mixed Use-Neighborhood (MU-N), 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 shown in attachment 1.

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

STATEMENT OF PURPOSE: This amendment provides a zoning change from MU-B to MU-N, and R-1 to MU-N for the lands described above along Grand Avenue. On February 9, 2016, the Duluth city planning commission held a public hearing on the proposal and voted 6 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 change of these MU-B and R-1 zones to MU-N zone districts are consistent with the future land use category of Neighborhood Mixed Use.

3.) Material adverse impacts on nearby properties are not anticipated.

The motion to approve the rezoning of the R-1 area to MU-N must prevail with an affirmative vote of 2/3 by the city council.

Petition Received: Not applicable

Action Deadline: Not applicable

Petitioner:

City of Duluth
Planning Division
Room 208
City Hall
Duluth, Minnesota

PL 16-005

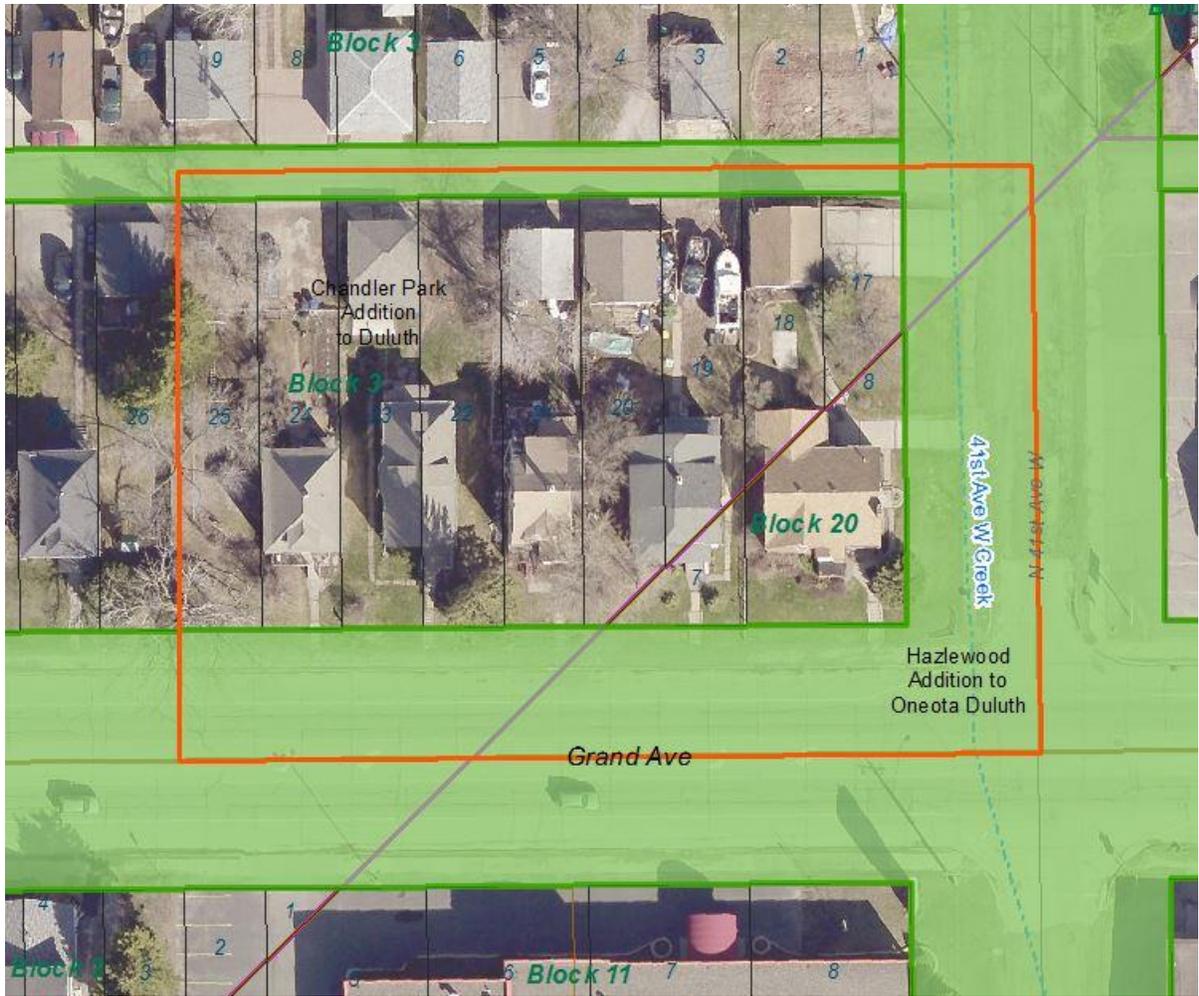
Zoning Area 1

Beginning at the intersection of the centerline of Grand Ave and N 44th Ave W in the plat of Oneota Duluth; thence northeasterly on the centerline of Grand Ave to its intersection with the centerline of N 42nd Ave W in the plat of Chandler Park Addition to Duluth; thence southeasterly to the northeasterly extension of the northwesterly line of the platted alley in Block 72 Oneota Duluth; then southwesterly along the northwesterly line or said alley and its extension to the most easterly corner of Lot 4 Block 72 Oneota Duluth; thence southeasterly along the extension of the northeasterly line of lot 4 Block 72 and its extension approximately 64.4 feet; thence deflect 90 degrees to the right to the southwesterly line of block 72 Oneota Duluth; thence northwesterly along the southwesterly line of Block 72 to the northwesterly line of the former Railroad Right-of-way; thence southwesterly along the former northwesterly line of the railroad right-of-way to the centerline of N 44th Ave W; thence northwesterly to the point of beginning.



Zoning Area 2

Beginning at the intersection of the centerline of Grand Ave and the centerline of N 41st Ave W; thence southwesterly along the centerline of Grand Ave to the southeasterly extension of the southwesterly line of lot 25 Block 3 Chandler Park Addition to Duluth; thence northwesterly along the southeasterly extension of the southwesterly line said lot 25 and it's northwesterly extension to the centerline of the alley in said Block 3; thence northeasterly along the centerline of the alley in Block 3 Chandler Park Addition to Duluth and it's extension to the centerline of N 41st Ave W; thence southeasterly to the point of beginning.





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 16-005	Contact	John Judd, jjudd@duluthmn.gov
Application Type	UDC Map Amendment	Planning Commission Date	February 9, 2016
Deadline for Action	Application Date	N/A	60 Days N/A
	Date Extension Letter Mailed	N/A	120 Days N/A
Location of Subject	North side Grand Ave. 4101 to 4115 & lots fronting South side Grand Ave. from 42nd to 44th Ave. W.		
Applicant	City of Duluth	Contact	John Judd, jjudd@duluthmn.gov
Agent	City of Duluth, Planning Division	Contact	John Judd, jjudd@duluthmn.gov
Legal Description	See attached.		
Site Visit Date	January 22, 2016	Sign Notice Date	January 27, 2016
Neighbor Letter Date	N/A	Number of Letters Sent	N/A

Proposal

Rezoning the areas along the North side Grand Avenue including the following properties: 4101, 4105, 4109, 4113 and 4115 and all of the lots fronting the South side Grand Avenue from North 42nd Avenue West to North 44th Avenue West from Residential Traditional (R-1) to Mixed Use Neighborhood (MU-N).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1, MU-B	Single-family residential, Com.	Neighborhood Mixed Use
North	R-1, MU-N	Single-family residential	Traditional Neighborhood
South	MU-N, MU-B	Commercial	Neighborhood Mixed Use, Business Park
East	MU-N	Commercial	Neighborhood Mixed Use
West	MU-C, MU-N	Commercial	Neighborhood Mixed Use

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.

H. A-1

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

Governing Principle #8 - Encourage mix of activities, uses, and densities.

Future Land Use - Neighborhood Mixed Use: A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live-work spaces. May include limited commercial-only space oriented to neighborhood or specialty retail markets.

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.) Good zoning practice requires that zone districts be consistent with the future land use category identified for the area. The areas proposed for MU-N are consistent with the future land use designation of Neighborhood Mixed Use and reasonably related to the existing adjacent land use.
- 3.) The purpose of the MU-N district is to accommodate a mix of neighborhood-scale, neighborhood serving non-residential uses and a range of residential uses that are located in close proximity. The rezoning on the south side of Grand Avenue would provide a transition between neighborhood-scale mix uses and the business and commercial uses in the MU-B zone to the South.
- 4.) No public, or private, agency/organizations 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-N zone districts are consistent with the future land use category of Neighborhood Mixed Use.
- 3.) Material adverse impacts on nearby properties are not anticipated.

A-2

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



City Planning

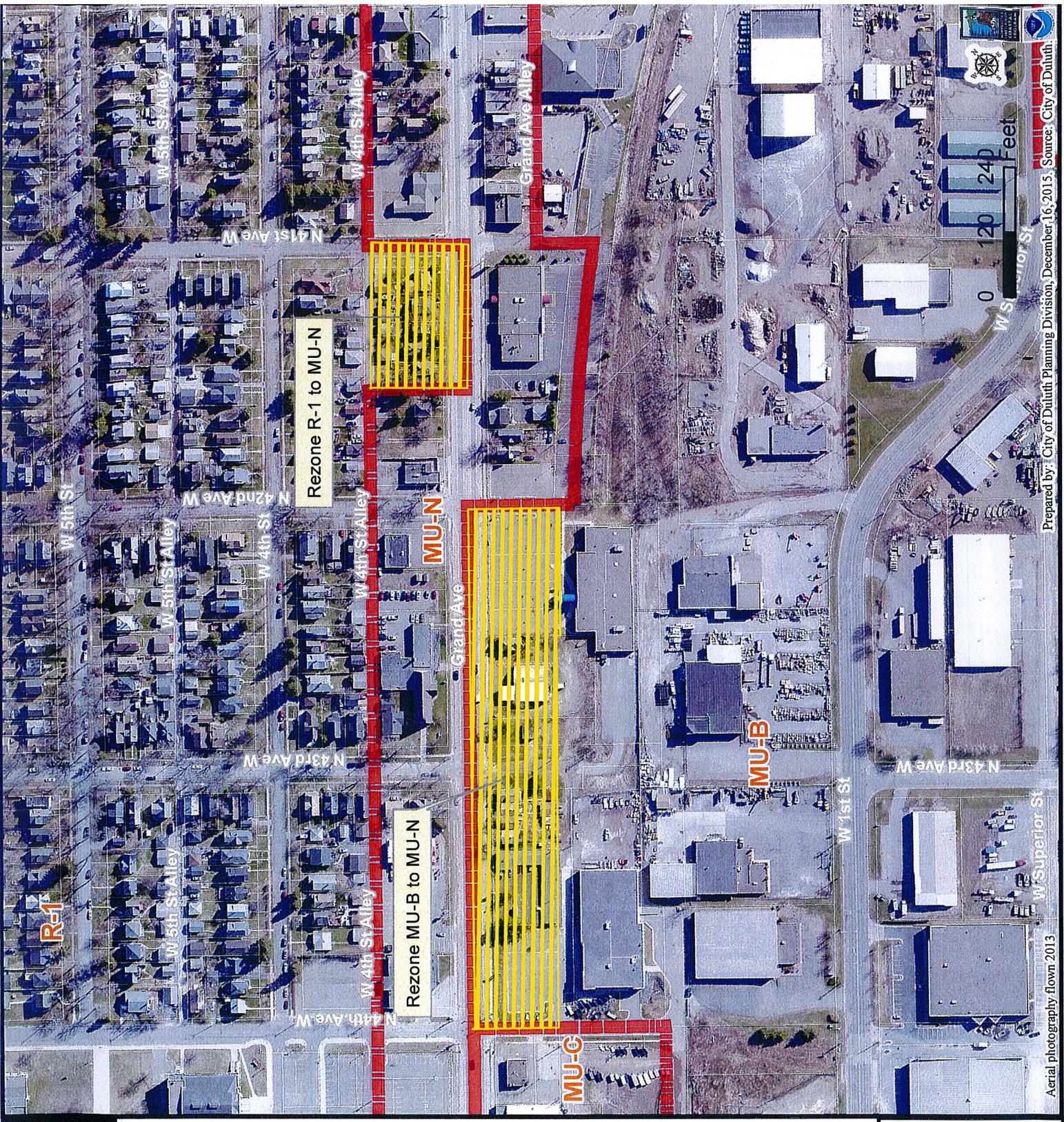
PL 16-005

Rezoning R-1, MU-B to MU-N Zoning Map

Legend



Zoning Boundaries



Aerial photography, flown 2013

Prepared by: City of Duluth Planning Division, December 16, 2015. Source: City of Duluth.

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.

A-3



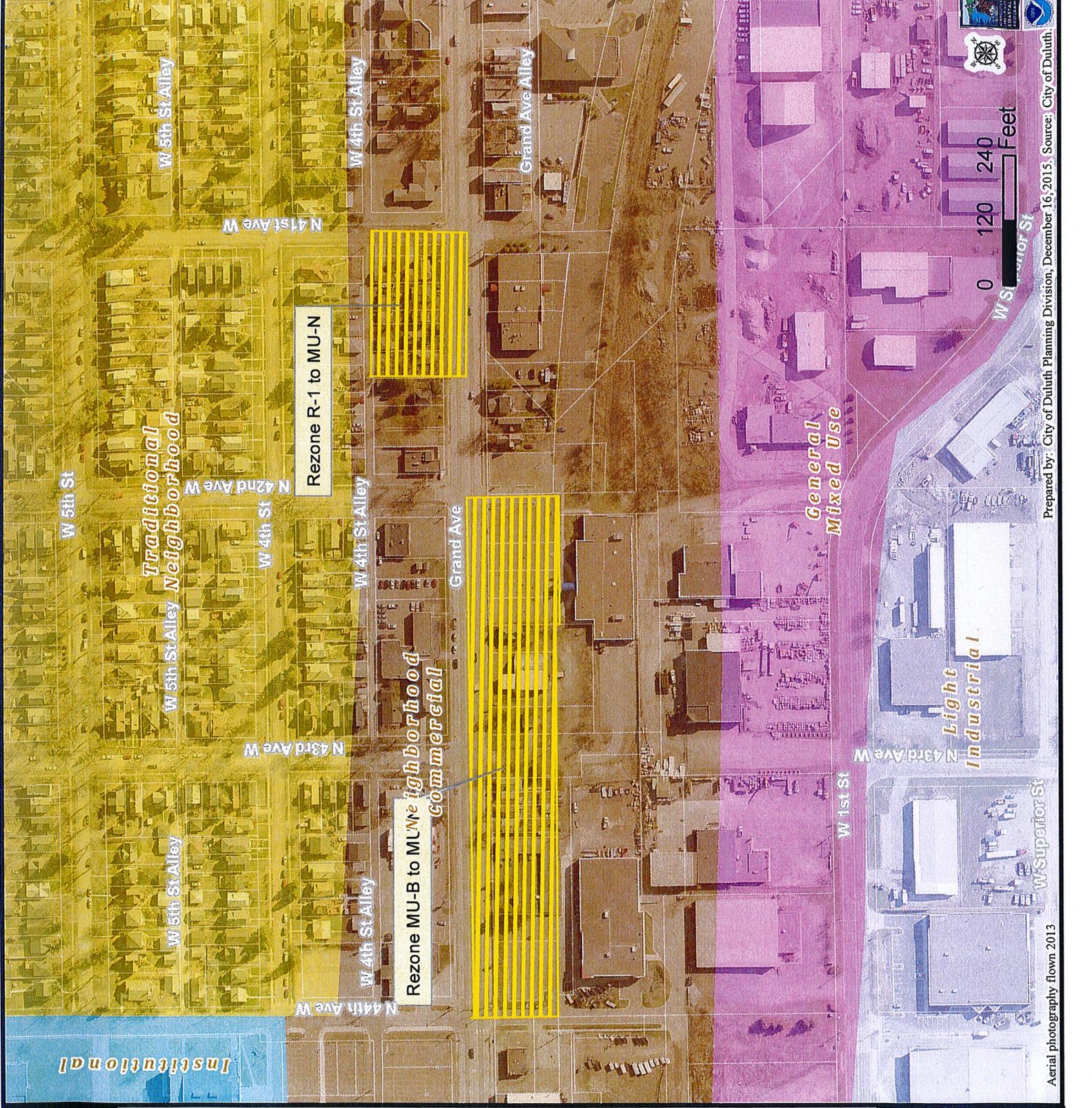
Legend

Future Land Use - Plus

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

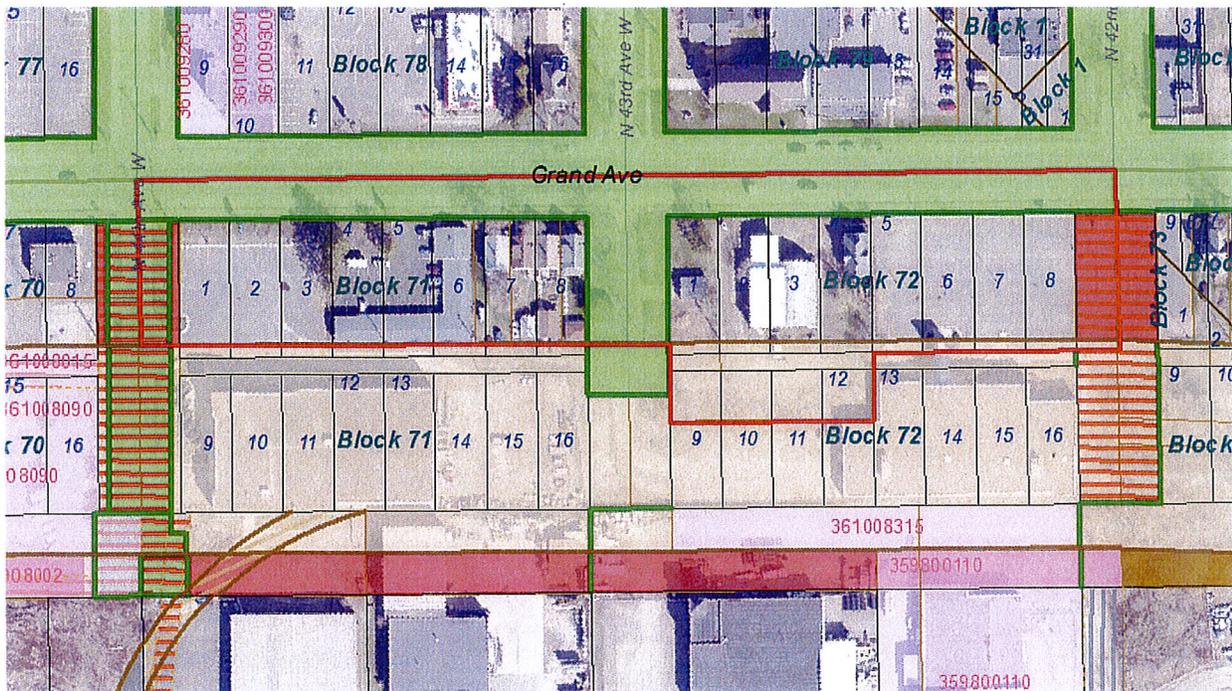
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Aerial photography flown 2013

Zoning Area 1

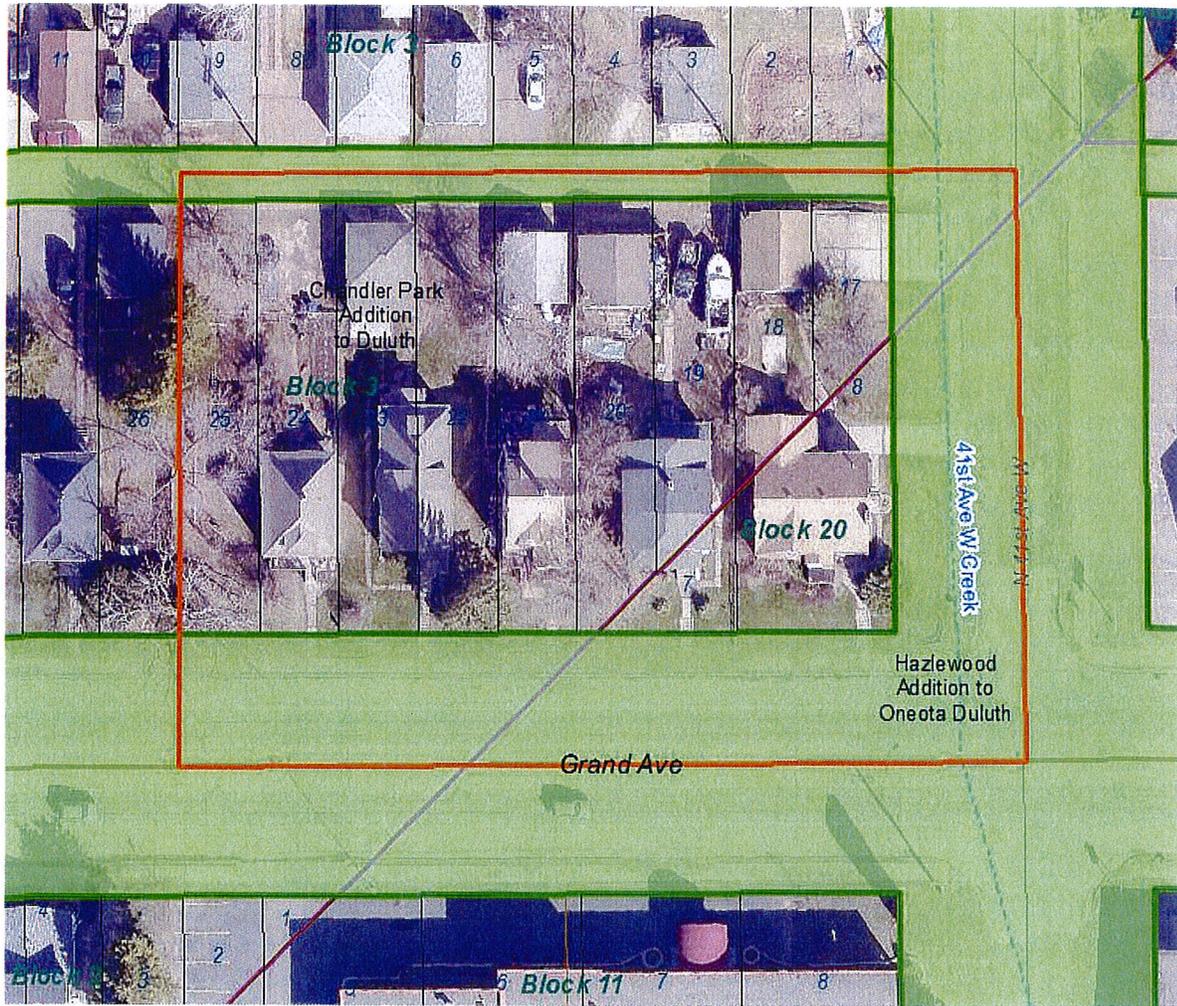
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Zoning Area 2

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A-5



A-6