



## Legislation Details (With Text)

|                        |            |                      |                                   |
|------------------------|------------|----------------------|-----------------------------------|
| <b>File #:</b>         | 23-044-O   | <b>Name:</b>         |                                   |
| <b>Type:</b>           | Ordinance  | <b>Status:</b>       | Passed                            |
| <b>File created:</b>   | 11/3/2023  | <b>In control:</b>   | Planning and Economic Development |
| <b>On agenda:</b>      | 11/13/2023 | <b>Final action:</b> | 11/20/2023                        |
| <b>Enactment date:</b> | 11/20/2023 | <b>Enactment #:</b>  | 10863                             |

**Title:** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY THREE PARCELS ADJACENT TO 4831 GRAND AVENUE FROM RESIDENTIAL-TRADITIONAL (R-1) TO MIXED USE-NEIGHBORHOOD (MU-N) TO ELIMINATE SPLIT ZONING FOR AN EXISTING USE AND TO CONFORM TO THE COMPREHENSIVE PLAN.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment 1, 2. Attachment 2

| Date       | Ver. | Action By    | Action                  | Result |
|------------|------|--------------|-------------------------|--------|
| 11/20/2023 | 1    | City Council | adopted                 |        |
| 11/13/2023 | 1    | City Council | read for the first time |        |

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY THREE PARCELS ADJACENT TO 4831 GRAND AVENUE FROM RESIDENTIAL-TRADITIONAL (R-1) TO MIXED USE-NEIGHBORHOOD (MU-N) TO ELIMINATE SPLIT ZONING FOR AN EXISTING USE AND TO CONFORM TO THE COMPREHENSIVE PLAN.

### CITY PROPOSAL:

The city of Duluth does ordain:

Section1. After reviewing the planning commission File PL 23-157 and the record pertaining thereto and based on the recommendation of the planning commission at its meeting of October 10, 2023, the city council hereby finds that the application:

- A. Is consistent with the Comprehensive Land Use Plan;
- B. Is consistent with the future land use category of Neighborhood Commercial which includes the rear portion of the church structure at 4825 Grand Avenue, and with existing surrounding land uses;
- C. Material adverse impacts on nearby properties are not anticipated.

Section 2. That the Official Zoning Map of the City of Duluth be amended as depicted in Attachment 1 which shows an area comprising three parcels adjacent to 4831 Grand Avenue, which includes the rear portion of an existing church building.

Section 3. That this ordinance shall take effect and be in force 30 days from and after its passage and publication.

**STATEMENT OF PURPOSE:** The ordinance is to change the zoning of the rear portion of the Our Savior's Lutheran Church building from R-1, Residential-Traditional, to MU-N, Mixed Use-Neighborhood, to place the entirety of the existing church building in a single, consistent zone district.

Approximately 67 feet of the rear portion of the church structure, as well as some of the church's parking area, is currently zoned R-1, Residential Traditional. The applicant originally requested inclusion of a fourth parcel. However, that parcel is vacant and could be sold separately from the church building, and so city staff and planning commission recommended only three parcels proceed for the rezoning process.

The presence of split zoning occurs on parcels in many areas of the city, because zone districts are often established through the use of straight lines across parcels. It is somewhat uncommon that a single structure would feature two zoning districts, as it is best practice to avoid creating specific, differing use restrictions across a single building. In this case, because the use of Our Savior's Lutheran Church has been consistent for many years, it has not previously been noted that the parcel and building both feature split zoning. Rezoning to MU-N, as explained in PL 23-157, will provide conformity to the structure and parcel, and will conform to the Comprehensive Plan and will match other properties immediately to the west to the point of intersection of 54<sup>th</sup> Avenue West and West 4<sup>th</sup> Street.

On October 10, 2023, the Duluth city planning commission held a public hearing on the proposed UDC map amendment and considered the findings in the staff report with file number PL 23-157 (Attachment 2) and voted 7 yeas, 0 nays, 0 abstentions, to recommend that the city council approve the UDC map amendment requested.

The motion to approve an amendment to the concept by the city council must prevail with a 6/9's vote, which differs from some other rezonings. This is due to a statutory requirement of Minnesota Statute 462.357, Subdivision 5, relating to voting thresholds for cities of the first class where property is rezoned from any residential category to any category which includes commercial uses.

Date of application: September 1, 2023

Action deadline: December 30, 2023