



## Legislation Details (With Text)

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|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------|
| <b>File #:</b>       | 19-015-O                                                                                                                                                                                                                                         | <b>Name:</b>         |                                   |
| <b>Type:</b>         | Ordinance                                                                                                                                                                                                                                        | <b>Status:</b>       | Passed                            |
| <b>File created:</b> | 4/11/2019                                                                                                                                                                                                                                        | <b>In control:</b>   | Planning and Economic Development |
| <b>On agenda:</b>    | 4/22/2019                                                                                                                                                                                                                                        | <b>Final action:</b> | 5/13/2019                         |
| <b>Title:</b>        | AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT 5300 BRISTOL STREET, 202 AND 210 NORTH CENTRAL AVENUE FROM MIXED USE-NEIGHBORHOOD (MU-N) AND FORM DISTRICT 4 (F-4) TO MIXED USE-COMMERCIAL (MU-C). |                      |                                   |

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment 1, 2. Attachment 2, 3. Attachment 3

| Date      | Ver. | Action By    | Action                  | Result |
|-----------|------|--------------|-------------------------|--------|
| 5/13/2019 | 1    | City Council | adopted                 |        |
| 4/22/2019 | 1    | City Council | read for the first time |        |

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT 5300 BRISTOL STREET, 202 AND 210 NORTH CENTRAL AVENUE FROM MIXED USE-NEIGHBORHOOD (MU-N) AND FORM DISTRICT 4 (F-4) TO MIXED USE-COMMERCIAL (MU-C).

**CITY PROPOSAL:**

The city of Duluth does ordain:

Section 1. That the subject property located at the northeast corner of Central Avenue and I-35 extending to Bristol Street, and addressed as 5300 Bristol Street, 202 and 210 North Central Avenue, and surrounding parcels and rights of way, as shown in Attachment 1 and more particularly described in Attachment 2, be rezoned from Mixed Use-Neighborhood (MU-N) and Form District 4, Mid-Rise Community Mix (F-4).

Section 2. 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 3. That this ordinance shall take effect and be in force 30 days from and after its passage and publication.

**STATEMENT OF PURPOSE:** This ordinance provides a proposed zoning change from Mixed Use Neighborhood (MU-N) and Form District 4, Mid-Rise Community Mix (F-4) to Mixed Use-Commercial (MU-C).

On April 9, 2019, 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:

The entire area proposed for rezoning is designated Central Business Secondary (CBS) on the Comprehensive Plan's Future Land Use Map. According to the comprehensive plan, CBS is "an area adjacent to and supporting the central business primary area or a stand-alone area providing a similar mix of

destination land uses, but at a lower intensity than the primary CB area.”

The proposed rezoning area is dominated by two retail operations that are scaled to serve more than just the immediate neighborhood. These uses are more in keeping with the purpose statement of the proposed MU-C zone than the neighborhood focus of MU-N. According to the UDC, MU-C zoning “is established to provide community and regional commercial development along commercial corridors and nodal centers.”

The existing Super One is classified in the UDC as “Grocery Store Large.” It is not a permitted use in MU-N and rezoning to MU-C would eliminate the legal nonconformity and permit its expansion.

The findings above and stated in the staff report (see Attachment 3) support recommending the rezoning to MU-C because doing so is consistent with the comprehensive plan; is reasonably related to the overall needs of the community and existing land use patterns; is required by public necessity, convenience and good zoning practice; and any material adverse impacts will be mitigated to the extent reasonably possible by application of UDC development standards and review of development plans by the planning commission.

A simple majority by the city council is required to approve this ordinance (per 50-37.3.B.3).

Petition Received: February 6, 2019

Action Deadline: June 6, 2019

PL 19-011