



Legislation Text

File #: 17-069-O, **Version:** 1

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF BOUNDARY AVENUE AND US HIGHWAY 2, FROM RR-1, R-1, AND MU-C, TO RR-1, R-1, AND MU-N.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the subject properties between South Boundary Avenue, Terminal Avenue, and Park Place, and identified as Area A in Attachment 1, and as more particularly described as follows:

010-4110-00010

010-4110-00030

010-4110-00120

010-4110-00130

010-4110-00140

010-4110-00220

010-4110-00230

010-4110-00240

010-4110-00280

010-4110-00350

010-4110-00360

010-4110-00370

010-4110-00380

010-4110-00390

010-4110-00400

010-4110-00410

010-4110-00420

010-4110-01150

And the portion of 010-4110-01140 between South Boundary Avenue and Terminal Avenue, and Park

large and small, being proposed to the planning commission over the next several months prior to the public hearing and adoption process for the Imagine Duluth 2035 Comprehensive Plan.

Based on the future land use designation of the subject property, purpose statements of the RR-1, R-1, MU-C, and MU-N zone districts, current land use of the subject property, future land use designation, and the character of the surrounding properties in the neighborhood, rezoning to as proposed in Attachment 1 is appropriate. The city received a written comment several days before the planning commission meeting from one of the property owners supporting the rezoning, as shown in Attachment 4.

On September 25, 2017, the city council adopted Ordinance 10526, clarifying 50.37.1.G of the UDC does not apply to the city when rezoning property in conformance with the future land use map.

On September 12, 2017, the Duluth city planning commission held a public hearing on the proposal as shown in Attachment 2, and voted 5 yeas, 1 nays, 0 abstentions, and 3 commissioners absent to recommend that the city council approve the rezoning requested for the following reasons:

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;

As this rezoning is a result of a study of an area containing at least 40 acres of land (Boundary Avenue Future Land Use Study, Council Resolution 17-0245R, approved on 3/27/17, as shown as Attachment 3), and the proposed rezoning is a result of that study, and a finding has been made that that it would be impractical to obtain the written consent of landowners within 100 feet of the area to be rezoned, a simple majority by the city council is required to approve the affirmative vote (per 50-37.3.B.3).

Petitioner:

City of Duluth

PL 17-138