



## Legislation Text

---

**File #:** 19-011-O, **Version:** 1

---

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT THE NORTHEAST CORNER OF TRINITY ROAD AND ANDERSON ROAD FROM MIXED USE-NEIGHBORHOOD (MU-N) TO MIXED USE-BUSINESS PARK (MU-B).

### CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the subject property located at the northeast corner of Trinity Road and Anderson Road, and addressed as 3802 Trinity Road, as shown in Attachment 1, and as more particularly described as follows:

010-0125-00122

be rezoned from Mixed Use-Neighborhood (MU-N) to Mixed Use-Business Park (MU-B).

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) to Mixed Use-Business Park (MU-B).

During the Imagine Duluth 2035 Comprehensive Planning process, based on research and input from the public, 21 sites in the city were identified as warranting a change to their future land use designation. This neighborhood was not among those identified; the future land use designation of urban residential is appropriate. Minnesota state Statute 462.357.2.C states “the land use plan must provide guidelines for the timing and sequence of the adoption of official controls to ensure planned, orderly, and staged development and redevelopment consistent with the land use plan”. This proposal is not consistent with the land use plan designation of urban residential.

On March 12, 2019, the Duluth city planning commission held a public hearing on the proposal as shown in Attachment 2, and voted 6 yeas, 2 nays, 1 abstentions, to recommend that the city council deny the rezoning requested for the following reasons:

1. The proposal is not consistent with the comprehensive land use plan.
2. The proposal is not reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use. The uses allowed by this district are provided for more conveniently elsewhere in the community, and in areas that are clearly designed to function as a business park.
3. The proposal is not required by public necessity, convenience, or general welfare, or good zoning practice; and
4. The proposal can be reasonably be expected to create material adverse impacts on nearby properties, which cannot be mitigated to the extent necessary so as to not result in such material negative impacts, which impacts may include noise, pollution, odor, heavy vehicle traffic, and other potential impacts anticipated from land uses allowed in the MU-B district. The uses allowed are generally not compatible with the adjacent one

and two family zoning and development pattern of the neighborhood.

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

Petitioner's Representative

William Burns

Hanft Fride

1000 US Bank Place

130 West Superior Street

Duluth, MN 55802-2094

PL 19-012