



## Legislation Details (With Text)

**File #:** 17-053-O **Name:**  
**Type:** Ordinance **Status:** Passed  
**File created:** 10/11/2017 **In control:** Planning and Economic Development  
**On agenda:** 10/23/2017 **Final action:** 11/6/2017  
**Title:** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY ON EAST HOUSE STREET FROM 98<sup>TH</sup> AVENUE WEST TO 95<sup>TH</sup> AVENUE WEST FROM R-1 AND MU-B TO MU-N; AND ON 95<sup>TH</sup> AVENUE WEST FROM EAST HOUSE STREET TO EAST GARY STREET FROM MU-B TO R-1.

**Sponsors:**

**Indexes:**

**Code sections:**

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

Date	Ver.	Action By	Action	Result
11/6/2017	1	City Council	adopted	
10/23/2017	1	City Council	read for the first time	

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY ON EAST HOUSE STREET FROM 98<sup>TH</sup> AVENUE WEST TO 95<sup>TH</sup> AVENUE WEST FROM R-1 AND MU-B TO MU-N; AND ON 95<sup>TH</sup> AVENUE WEST FROM EAST HOUSE STREET TO EAST GARY STREET FROM MU-B TO R-1.

### CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the subject properties on the south side of East House Street between 97<sup>th</sup> Ave West and 99<sup>th</sup> Ave West, as shown as Area A in Attachment 1, and as more particularly described as follows:

010-3290-00250	010-3290-00300	010-3290-00310
010-3290-00270	010-3290-00410	010-3290-00360
East 330 Feet of 010-1800-14443	West 33 Feet of 010-1800-14440	

be rezoned from Residential-Traditional (R-1) to Mixed Use-Neighborhood (MU-N).

Section 2. That the subject properties on the south side of East House Street between the southerly extension of the centerline of 95<sup>th</sup> Ave West and 97<sup>th</sup> Ave West, as shown as Area B in Attachment 1, and as more particularly described as follows:

010-1810-00250	010-3290-00470	010-3290-00540
010-1810-14440	010-3290-00480	010-3290-00550
010-3290-00430	010-3290-00490	010-3290-00560

010-3290-00440	010-3290-00500	010-3290-00570
010-3290-00450	010-3290-00520	010-3290-00580
010-3290-00460	010-3290-00530	That portion of 010-3430-11310 contained in Lot K

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

Section 3. That the subject properties on the on the west side of 95<sup>th</sup> Avenue West between East Gary Street and East House Street, as shown as Area C in Attachment 1, and as more particularly described as follows:

010-1800-07560 Lots 16-19 010-1800-07710010-1800-13930		
010-1800-07620	010-1800-13780 Lots 16-19	010-1800-13940
010-1800-07650	010-1800-13860	010-1800-13950
010-1800-07660	010-1800-13900	010-1800-13960
010-1800-07670	010-1800-13910	
010-1800-07690	010-1800-13920	

be rezoned from Mixed Use-Business (MU-B) to Residential-Traditional (R-1).

Section 4. 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 5. 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 zoning change from Mixed Use Business (MU-B) and Residential-Traditional (R-1), to Mixed Use Neighborhood (MU-N) and Residential-Traditional (R-1), for several parcels in the Gary/New Duluth neighborhood.

This rezoning action is being done by the City of Duluth to address a discrepancy between the zoning map and the future land use map, and it is not in anticipation of any specific potential development, proposal, or project. The city is amending the zoning map throughout the city, and this is one of the many zoning projects, both 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.

The future land use designation of the properties in Area C, between East Gary Street and East House Street along 95<sup>th</sup> Avenue West, is traditional neighborhood. It is characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. The future land use designation of the other two subject areas is neighborhood mixed use, which is a transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live-work spaces.

Based on the future land use designation of the subject properties, purpose statements of the R-1, MU-B, and MU-N zone districts, and the character of the surrounding neighborhood, rezoning to R-1 and MU-N is

appropriate for the subject properties.

On October 10, 2017, the Duluth city planning commission held a public hearing on the proposal as shown in Attachment 2, and voted 7 yeas, 0 nays, 0 abstentions, and 2 commissioners absent to recommend that the city council approve the rezoning requested for the following reasons:

- 1) R-1 and MU-N is the zone most reasonably able to implement the objectives of the Comprehensive Plan related to the proposed land use for this area.
- 2) The rezoning is consistent with the Comprehensive-Plan Future Land Use Map.
- 3) Material adverse impacts on nearby properties are not anticipated.

As the rezoning is from a residential district to a mixed use district, a motion to approve must prevail with an affirmative vote of 2/3 of the city council (per 50-37.3.B.3).

Petitioner:

City of Duluth

PL 17-145