



Legislation Details (With Text)

File #:	17-069-O	Name:	
Type:	Ordinance	Status:	Passed
File created:	11/21/2017	In control:	Planning and Economic Development
On agenda:	12/4/2017	Final action:	1/8/2018
Enactment date:	1/8/2018	Enactment #:	10552

Title: 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.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment 1, 2. Attachment 2, 3. Attachment 3, 4. Attachment 4

Date	Ver.	Action By	Action	Result
1/8/2018	1	City Council	adopted	Pass
12/11/2017	1	City Council	tabled	
12/4/2017	1	City Council	read for the first time	

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 Place and the Allete Inc. and Minnesota Power Utility Line on 010-2741-01010.

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

Section 2. That the subject properties between South Boundary Avenue, US Highway 2, South Elder Drive, and Anchor Street, and identified as Area B in Attachment 1, and as more particularly described as follows:

010-2741-01022

010-2741-01024

be rezoned from Rural Residential (RR-1) and Mixed Use-Commercial (MU-C) to Mixed Use-Neighborhood (MU-N).

Section 3. That the subject properties generally between South Boundary Avenue, US Highway 2, and Arbutus Drive, and identified as Area C in Attachment 1, and as more particularly described as follows:

010-2741-01020

010-2741-01040

The western half of 010-2741-01075

And the portion of 010-4110-01140 to the south and east of the Allete Inc and Minnesota Power Utility Line on 010-2741-01010.

be rezoned from Rural Residential (RR-1) to Residential-Traditional (R-1)

Section 4. That the subject properties generally east of Plum Tree Circle identified as Area D in Attachment 1, and as more particularly described as follows:

010-2741-01076

be rezoned from Residential-Traditional (R-1) to Rural Residential (RR-1).

Section 5. 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 the attached document.

Section 6. 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 Rural-Residential (RR-1), Residential-Traditional (R-1), and Mixed-Use Commercial (MU-C), to Rural-Residential (RR-1), Residential-Traditional (R-1), Mixed Use-Neighborhood for an area of approximately 210 acres near Boundary Avenue and US Highway 2, near the corporate city limits of the city of Proctor.

This rezoning will update the city's zoning map to more clearly reflect the actual usage of much of the subject areas (such as the dense residential development within the manufactured home park), while also rezoning the remaining area to match the Comprehensive Plan's future land use designation. In addition, two portions of subject areas proposed to be rezoned to MU-N will match the development and character of limited commercial and traditional residential development already present in the neighborhood to the south of US 2 and west of Boundary Avenue.

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.

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