



## Legislation Details (With Text)

**File #:** 22-029-O **Name:**

**Type:** Ordinance **Status:** Passed

**File created:** 8/11/2022 **In control:** Planning and Economic Development

**On agenda:** 8/22/2022 **Final action:** 9/12/2022

**Title:** AN ORDINANCE AMENDING THE RESIDENTIAL PLANNED (R-P) REGULATING PLAN FOR HARBOR VIEW/CENTRAL HILLSIDE TRADITIONAL NEIGHBORHOOD DEVELOPMENT CODE AFFECTING THREE LOTS ON THE WEST SIDE OF CENTRAL ENTRANCE SOUTH OF EAST 13TH STREET TO REPLACE THE CURRENTLY ALLOWED BUILDING TYPES, LOT CONFIGURATION AND DESIGN STANDARDS.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A\_Map, 2. Exhibit B\_Staff Report

Date	Ver.	Action By	Action	Result
9/12/2022	1	City Council	adopted	
8/22/2022	1	City Council	read for the first time	

AN ORDINANCE AMENDING THE RESIDENTIAL PLANNED (R-P) REGULATING PLAN FOR HARBOR VIEW/CENTRAL HILLSIDE TRADITIONAL NEIGHBORHOOD DEVELOPMENT CODE AFFECTING THREE LOTS ON THE WEST SIDE OF CENTRAL ENTRANCE SOUTH OF EAST 13TH STREET TO REPLACE THE CURRENTLY ALLOWED BUILDING TYPES, LOT CONFIGURATION AND DESIGN STANDARDS.

**CITY PROPOSAL:**

The city of Duluth does ordain:

Section1. After reviewing the Planning Commission File PL22-114 and the record pertaining thereto and based on the recommendation of the Planning Commission at its meeting of August 9, 2022, the City Council hereby finds that the application:

- A. Is consistent with the Comprehensive Land Use Plan;
- B. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use;
- C. Is required by public necessity, convenience, or general welfare, or good zoning practice; and.
- D. Will not create material adverse impacts on nearby properties.

Section 2. That the Residential-Planned (R-P) Zone District Traditional Neighborhood Development Code for Harbor View/Central Hillside, as it relates to the subject property located on the west side of Central Entrance south of East 13th Street, be amended to allow Type I (Apartment Building) and Type II (Mixed-Use Multi-Family Building) on Tracts D and E and Type I, II, III, IV, V, and VI (Apartment Building, Mixed-Use Multi-Family Building, Multi-Family Grand House, Triplex Residential, Duplex Residential, Single Family Detached) on the lower portion of Tract D and Tract F on the subject property shown in Exhibit A and described as follows:

RLS NO. 82, Tract D, E, and F, PIDs: 010-3921-00040, 010-3921-00050, 010-3921-00060

Section 3. That the general lot criteria for the Residential-Planned (R-P) Zone District Traditional Neighborhood Development Code for Harbor View/Central Hillside be amended to allow parking spaces to be 9'x17' for standard parking and 8.5' x 15' for small/compact spaces while allowing the area set aside for parking space to encroach beyond the face of a curb a minimum of 1.5' under certain conditions, accessible parking spaces shall be 8'x18' with an 8' access aisle on one side for head-in parking, 8'x20' for parallel parking with a 8' access aisle, and porches to project into the required side yard setbacks between developments.

Section 4. That Building Type I (Apartment Building) of the Residential-Planned (R-P) Zone District Traditional Neighborhood Development Code for Harbor View/Central Hillside be amended to allow structures up to 70 units, a four-floor maximum, and a building width of 80'-245' with L configurations allowed.

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 for changes to the allowed building types allowed in three tracts consisting of three lots each located west of Central Entrance and south of East 13th Street to allow construction of a 70-unit affordable senior apartment and up to 40 units of affordable housing (2, 9, and 10-plex buildings). Additionally, the ordinance would allow changes to general lot criteria in relation to parking dimensions and exterior porches to project into the required side yard setback between developments. Lastly, this ordinance would allow changes to Building Type I (Apartment Building) to allow greater density, a four-floor maximum and a larger width building with an opportunity for L building configuration. The Harbor View/Central Hillside Revitalization Traditional Neighborhood Development Code was enacted November 15, 2002. In 2003, the Duluth HRA was awarded a \$20 million HUD HOPE VI grant for the revitalization of the Harbor View Homes public housing development. This has acted as a catalyst for significant housing development in Duluth over the last several years, including the construction of mixed-income rental developments. These properties offer rental units at market rates, below-market rates, and income-based public housing rental rates.

This property is zoned R-P Residential-Planned and has a previously adopted regulating plan governing uses and structures in the R-P zoned property. The applicant is requesting a change to the allowed structures and uses in the existing regulating plan which, according to Section 50-14.7.J of the Duluth Legislative Code, requires approval by the City Council through the rezoning process provided for in Section 50-37.11.

On August 9, 2022, the Duluth City Planning Commission held a public hearing on the proposed regulating plan amendment and considered the findings in the staff report with file number PL 22-114 (Exhibit B) and voted 5 yeas, 0 nays, 0 abstentions, to recommend that the city council approve the regulating plan amendment requested for the following reasons:

The proposal is consistent with the Comprehensive Plan Future Land Use Map classification of Urban Residential.

Material adverse impacts on nearby properties are not anticipated as the applicant has constructed four- and eight-unit structures of similar design and appearance in the immediate neighborhood.

The motion to approve an amendment to the concept by the city council must prevail with a simple majority.

If approved, the overall zoning designation of R-P (Residential-Planned) will remain for this area. There will be no change to the City of Duluth official zoning map; the changes will be noted in the files related to the Harbor View/Central Hillside Traditional Neighborhood Development Code.

Date of application: July 5, 2022

Action deadline: November 2, 2022