



Legislation Text

File #: 21-024-O, **Version:** 1

AN ORDINANCE AMENDING THE APPROVED 2014 MIXED-USE PLANNED DEVELOPMENT (MU-P) CONCEPT PLAN AT 800 EAST CENTRAL ENTRANCE TO ALLOW FOR THE CREATION OF TWO SEPARATE DEVELOPMENT SITES, AND THE CONSTRUCTION OF NEW PUBLIC SCHOOL FACILITIES.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the subject property at 800 East Central Entrance, and as depicted in Attachment 1, be rezoned to allow for a change in the existing Concept Plan that was approved by city council on July 14, 2014, via Ordinance 10314.

Section 2. The Concept Plan is amended to show two major development sites, Parcel 1 to be retained by ISD 709, and Parcel 2 to be used for future mixed use development. In addition, a Public School Bus Storage Facility and Related Activities, District Services Center, and Facilities Building, are added as allowed uses for Parcel 1.

Section 3. That as part of the planned development process as outlined in the UDC, an approved Regulating Plan is required prior to the issuance of building permits within this development. Before the Regulating Plan may be approved by the Land Use Supervisor, the following items must have addressed:

- a. Applicant shall apply for, and be granted, approval for a final plat of the entire development by the planning commission, and it must be submitted for recording to St. Louis County; and
- b. The plat of the development site must include dedication of public streets as required by the City Engineer; and
- c. A development agreement for the improvement of public streets, sidewalks, or trails on the site, meeting applicable city standards, shall be reviewed by the City Engineer, approved by the city council, and recorded with St. Louis County; and
- d. The development agreement must require submittal of proof of financial security in the form of an automatically renewing, irrevocable Letter of Credit or cash escrow to ensure the demolition of the former Central High School within two years of the date of approval of the Regulating Plan, or no later than October 2023. If demolition is not undertaken by the Applicant or its assigns within this period, the development agreement shall provide for the City of Duluth to access the financial security, enter the site, demolish the school building, and conduct grading and seeding activities. The required demolition shall not include the Secondary Technical Center Building. The financial security shall be in the amount of \$2,000,000.00; and
- e. Permanent easements shall be dedicated for existing and proposed city trail infrastructure on the site, if not already established.
- f. Open Space established in the concept plan shall be accessible to the public and preserved with an easement or similar protection.

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 property is zoned MU-P Residential-Planned and has a previously adopted Concept Plan governing uses and structures that are allowed to be constructed. The applicant is requesting a change to the previously approved Concept Plan. To amend an approved Concept Plan, according to Section 50-15.7.1 of the Duluth Legislative Code, requires approval by the city council through the rezoning process.

This ordinance changes the vision for the 2014 approved planned development. Instead of having a site that was mostly dedicated for future mixed use residential and commercial development, this proposed amendment reduces the amount of land that could be used for future mixed use development, and instead establishes that the approximate western 1/3 of the site be available for future public school facilities, as referenced in Attachment 1.

A planned development is a zoning designation that provides more flexibility than a traditional zone district. Rezoning to a planned development is a two-step process. The first step involves a Concept Plan, which identifies proposed land uses (such as residential, commercial, industrial, etc.), densities, and heights for structures in these areas. Following the approval of a rezoning ordinance and Concept Plan by the city council, the second step is for the applicant to submit a detailed Regulating Plan for approval by the Land Use Supervisor. Requirements of the Regulating Plan are shown in the attachment included at the end of Attachment 1.

If this ordinance is approved by the city council, the applicant will work with the Land Use Supervisor and the staff in the Planning and Development division to create an appropriate Regulating Plan that reflects the conditions written into this ordinance.

On June 8, 2021, the Duluth city planning commission held a hearing on the proposal as described in Attachment 2, and voted 9 yeas, 0 nays, 0 abstention, to recommend that the city council approve the rezoning requested for the following reasons:

- 1) The proposed concept plan amendment is consistent with the Comprehensive Plan Future Land Use Map.
- 2) Material adverse impacts on nearby properties are not anticipated or will be mitigated through the required provisions of the Regulating Plan.

Petitioner: ISD 709

PL 21-069