



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Master

**File Number: 19-054-O**

**File ID:** 19-054-O

**Type:** Ordinance

**Status:** Passed

**Version:** 1

**Agenda  
Section:**

**Committee:** Planning and  
Economic  
Development

**File Created:** 11/01/2019

**Subject:**

**Final Action:** 11/25/2019

**Title:** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT 2215 SOUTH STREET FROM MIXED USE-COMMERCIAL (MU-C) TO MIXED USE-PLANNED (MU-P) AND WAIVING SIZE AND HEIGHT REQUIREMENTS.

### Internal Notes:

**Sponsors:**

**Enactment Date:** 11/25/2019

**Attachments:** PL 19-139 Ordinance, PL 19-139 Staff Report and Attachments, Excerpt - 100819 PC Meeting for South St.

**Enactment Number:** 10663

**Recommendation:**

**Hearing Date:**

**Drafter:** aauvinen@duluthmn.gov

**Effective Date:**

### History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	11/12/2019	read for the first time				
1	City Council	11/25/2019	adopted				Pass

### Text of Legislative File 19-054-O

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT 2215 SOUTH STREET FROM MIXED USE-COMMERCIAL (MU-C) TO MIXED USE-PLANNED (MU-P) AND WAIVING SIZE AND HEIGHT REQUIREMENTS.

#### CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the subject property at 2215 South Street, as shown in Attachment 1, and

as more particularly described as Lots 11-16, Block 26, Endion Division of Duluth, be rezoned from Mixed Use-Commercial (MU-C) to Mixed Use-Planned (MU-P).

Section 2. That by this ordinance the minimum size site requirement of two acres of Table 50-15.7-2 and the height modification limitation of Table 50-15.7-1 are waived as allowable under Section 50-15.7.F.1, Chapter 50 of the Duluth City Code.

Section 3. 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 4. 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-Commercial (MU-C) to Mixed Use-Planned (MU-P) to facilitate a development of approximately 98 units of multi-family housing. As part of this ordinance, the applicant requests waiver of the minimum size requirements for an MU-P district, reducing the minimum lot size standard of 2 acres from Table 50-15.7.2 to allow for a site size of approximately 1.04 acres.

The applicant also requests waiver from the maximum height variation, limited to a 20% modification by Table 50-15.7-1. The official building height is measured from 22nd Ave. E., at the building's midpoint along the avenue; there, the building's height is 57.5 feet. The MU-P zoning allows for a modification of 9 feet (20% of 45 feet, allowing for 54 feet); waiver is sought to allow for a modification of 12.5 feet to reach 57.5 feet in height. The building is at approximately the same height as the structure immediately to the west (Endi). The approved MU-P district will allow for a building height as fully described in Planning File 19-139.

Good zoning practice requires that zone districts be consistent with the future land use category identified for the area. In this case, the future land use designation of Central Business Secondary calls for a mix of destination land uses at a lower intensity than the primary Central Business area of downtown. This designation supports regional and neighborhood retail, employment center, and medium density residential.

The 2018 Housing Indicator Report (<https://duluthmn.gov/media/8390/2018-housing-indicator-report.pdf>) identifies the continued need for housing units in Duluth. The proposed development provides housing in an area with existing infrastructure and is consistent with the scale of the neighboring development.

On October 8, 2019, the Duluth city planning commission held a public hearing on the proposal as described in the staff report found in Attachment 2. The planning commission voted 6 yeas, 0 nays, 0 abstentions, to recommend that the city council approve the rezoning requested for the following reasons:

- 1) The proposed zone district is reasonably able to implement the objectives of the Comprehensive Plan related to the land use for this area; and

- 2) The proposed rezoning is related to the overall housing and open space needs of the community and the scale of adjacent land uses; and
- 3) Material adverse impacts on nearby properties are not anticipated; and
- 4) The proposed rezoning supports the criteria of UDC 50-15.7.C, the purpose for an MU-P district.

Petitioner: Launch Properties

Request Filed: September 20, 2019

Action Deadline: January 18, 2020

PL 19-139