

**CITY OF DULUTH**

Community Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

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<b>File Number</b>	PL 17-164	<b>Contact</b>	Steven Robertson	
<b>Type</b>	UDC Map Amendment, Rezone from MU-N to MU-B, and I-G to MU-B	<b>Planning Commission Date</b>	November 14, 2017	
<b>Deadline for Action</b>	<b>Application Date</b>	N/A, City Action	<b>60 Days</b>	N/A, City Action
	<b>Date Extension Letter Mailed</b>	N/A, City Action	<b>120 Days</b>	N/A, City Action
<b>Location of Subject</b>				
<b>Applicant</b>	City of Duluth, Community Planning	<b>Contact</b>		
<b>Agent</b>	N/A	<b>Contact</b>		
<b>Legal Description</b>				
<b>Site Visit Date</b>	October 30, 2017	<b>Sign Notice Date</b>	October 30, 2017	
<b>Neighbor Letter Date</b>	October 24, 2017	<b>Number of Letters Sent</b>	28	

**Proposal**

The City is proposing to rezone properties in the general area of the Oneota Business Park, near the 40<sup>th</sup> Avenue West and I-35 Interchange, from Mixed Use Neighborhood (MU-N) and Industrial-General (I-G), to Mixed Use-Business (MU-B), in conformance with the Comprehensive Plan's Future Land Use Map.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-N/I-G	Business	General Mixed Use/Light Industrial
<b>North</b>	MU-N/MU-B	Business	General Mixed Use/Neigh. Commercial
<b>South</b>	MU-B, I-G	Business	General Industrial
<b>East</b>	P-1, I-G	Business, Recreation	Recreation/Transportation and Utilities
<b>West</b>	MU-B	Business	Light Industrial

**Summary of Code Requirements**

- UDC Sec. 50-37.3.B: Planning Commission shall review the application, conduct a public hearing ... with public notice ... and make a written recommendation to council.
- UDC Sec. 50-37.3.C: The Planning Commission shall review the application, and Council shall approve the application or approve it with modifications, if it determines that the application:
  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.
- The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or else be considered arbitrary and capricious.

**Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):**

Light Industrial- Areas for manufacturing, warehousing and distribution; uses that have few outside impacts, and can be located in relative proximity to non-industrial uses.

General Mixed Use- The broadest mix of uses, including light industrial, office, commercial, and residential use, with performance standards to ensure compatibility. Includes areas that are in transition from industrial uses and large redevelopments that require master plans and phased development. General or heavy industrial can be included when a large site is master planned to allow appropriate separation of uses.

General Industrial-Areas for manufacturing, processing and other activities that may have offsite impacts and are generally isolated from other uses or buffered from them. Sites should have direct access to major regional transportation facilities and other infrastructure.

Principle #1 - Reuse previously developed lands. Reuse of previously developed lands, including adaptive reuse of existing building stock and historic resources, directs new investment to sites which have the potential to perform at a higher level than their current state. This strengthens neighborhoods and is preferred to a dispersed development pattern with attendant alteration of natural landscapes and extensions of public services. Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets, utilities, and transit, fire and police services.

Recent History: Prior to the adoption of the UDC in November 2010, most of the subject area was zoned M-1, Manufacturing, M-2 Manufacturing, C-2 Highway Commercial, or I-P Industrial Park. Included with this staff report is a zoning map from the Duluth Zoning Regulations, 1981, and the Zoning Regulations for City of Duluth, 2009.

**Review and Discussion Items**

Staff finds that:

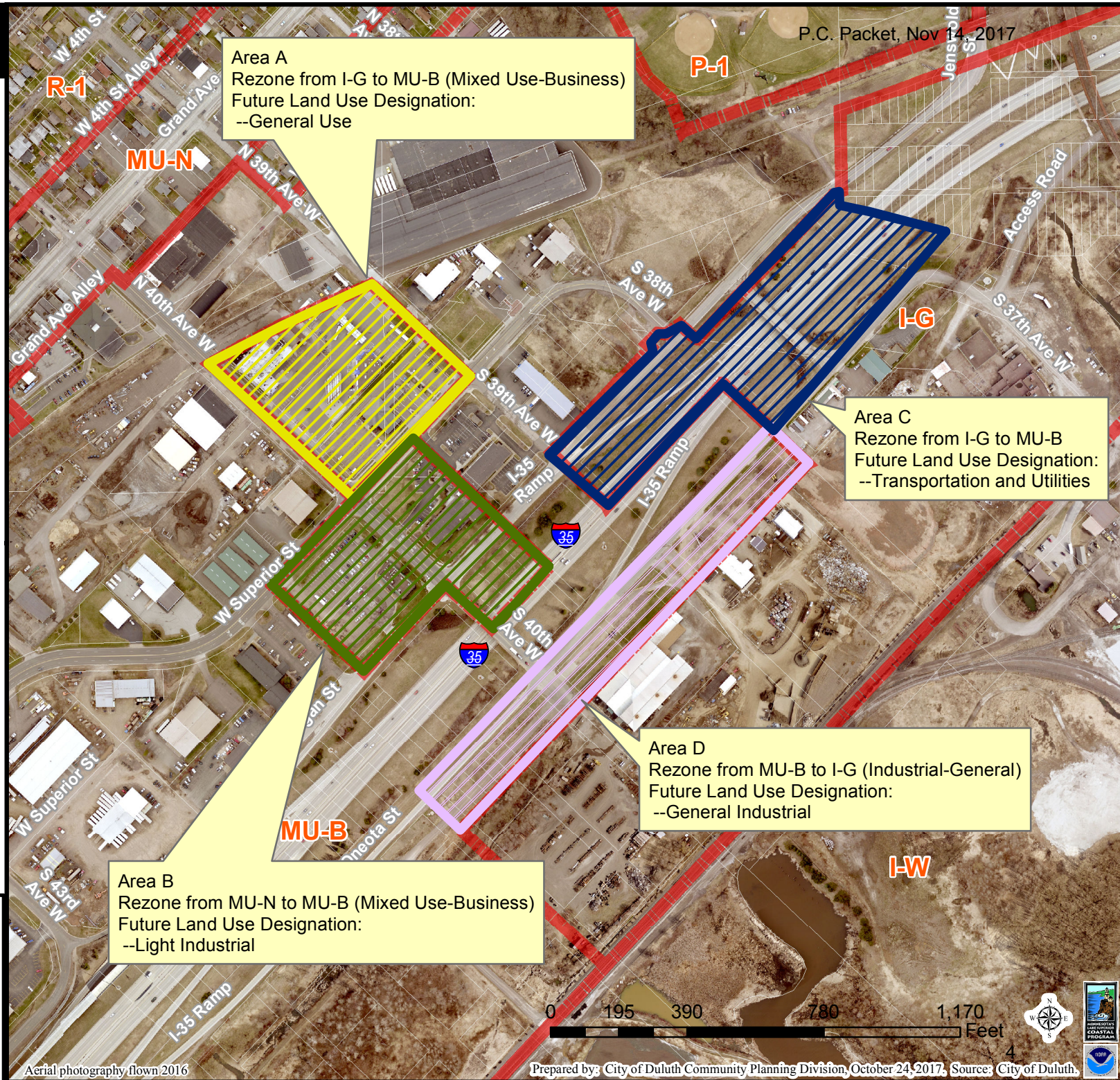
- 1) State Statute requires that a community's zoning map implement the general objectives of the Comprehensive Plan. This proposed rezoning is to update the city's zoning map so that it matches the community's vision from the 2006 Comprehensive Land Use Plan. The City is amending the zoning map throughout the city, and this is one of the many rezoning actions implementing the comprehensive plan, both large and small, being proposed to the Planning Commission over the next several months.
- 2) The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious. Good zoning practice requires that zone districts be consistent with the future land use category identified for the area.
- 3) Area A (in the yellow box of the Proposed Rezoning Area Map) has a future land use designation of General Mixed Use, which does not have any one specific zoning district associated with it. It is currently zoned I-G, and the current land use includes 3 commercial uses: gas station, bank, and appliance sales/service (which are all permitted uses in the MU-B zone). The surrounding properties are zoned MU-B, and rezoning this area also to MU-B will not only be in conformance with the future land use map but also match the surrounding zoning and uses of adjacent properties.
- 4) Area B (in the green box of the Proposed Rezoning Area Map) has a future land use designation of Light Industrial, which can translate into the Unified Development Chapter's Mixed Use-Business (MU-B) zoning district. It is currently zoned MU-N, and the current land use includes two commercial uses: a restaurant and a hotel (which are all permitted uses in the MU-B zone). The surrounding properties are zoned MU-B, and rezoning this area also to MU-B will not only be in conformance with the future land use map but also match the surrounding zoning and uses of adjacent properties.

- 5) Areas C and D (in the dark and light blue boxes respectively) have a future land use designation of Transportation/Utilities and General Industrial, respectively. The current land use of both areas is generally public right of way or street or parking surfaces. By rezoning area C to Mixed Use-Business, and area D to Industrial-General, it will bring the areas in conformance with the adjacent zoning districts.
- 6) The purpose of the I-G district is intended to provide for general- to heavy- impact industrial, processing, assembly, fabrication and manufacturing uses. Office uses are allowed provided they are clearly incidental to and supportive of on-site industrial uses. The district is intended primarily for locations close to major transportation corridors and active commercial centers. This district should be located
- 7) The purpose of the MU-N district is to accommodate a mix of neighborhood-scale, neighborhood serving non-residential uses and a range of residential uses located in close proximity. This district accommodates both horizontal (uses located in separate structures) and vertical (uses located in the same building) types of mixed use. Non-residential uses may include small-scale retail, service and professional offices that provide goods and services to the residents of the surrounding neighborhood.
- 8) The purpose of the MU-B district is intended to accommodate modern light industrial and technology-based developments of attractive integrated design and function. The development standards for this district are intended to ensure that projects minimize adverse impacts on surrounding uses and neighborhoods, reduce impacts on the natural environment, enhance the visual quality of development and ensure the provision of adequate and cost-efficient public facilities. Intended uses include wholesaling, industrial services, research laboratories, and light manufacturing needed to support the community and region at large.
- 9) Based on the future land use designation, character and development history of this neighborhood, and the purpose statements of the I-G, MU-B, and MU-N zone districts, rezoning as proposed in the attached map, titled Attachment 1 Exhibit, is appropriate for this neighborhood.
- 10) The city, as of the date this was written, has received no formal written comments nor phone calls in regard to this proposal.

### **Staff Recommendation**

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning as shown on the map titled Proposed Rezoning Area Map.

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



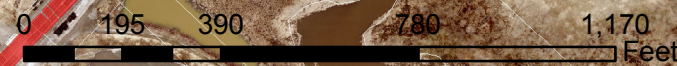
**Area A**  
 Rezone from I-G to MU-B (Mixed Use-Business)  
 Future Land Use Designation:  
 --General Use

**Area C**  
 Rezone from I-G to MU-B  
 Future Land Use Designation:  
 --Transportation and Utilities

**Area D**  
 Rezone from MU-B to I-G (Industrial-General)  
 Future Land Use Designation:  
 --General Industrial

**Area B**  
 Rezone from MU-N to MU-B (Mixed Use-Business)  
 Future Land Use Designation:  
 --Light Industrial

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.





Traditional  
Neighborhood

R-1

P.C. Packet, Nov 14, 2017

Recreation

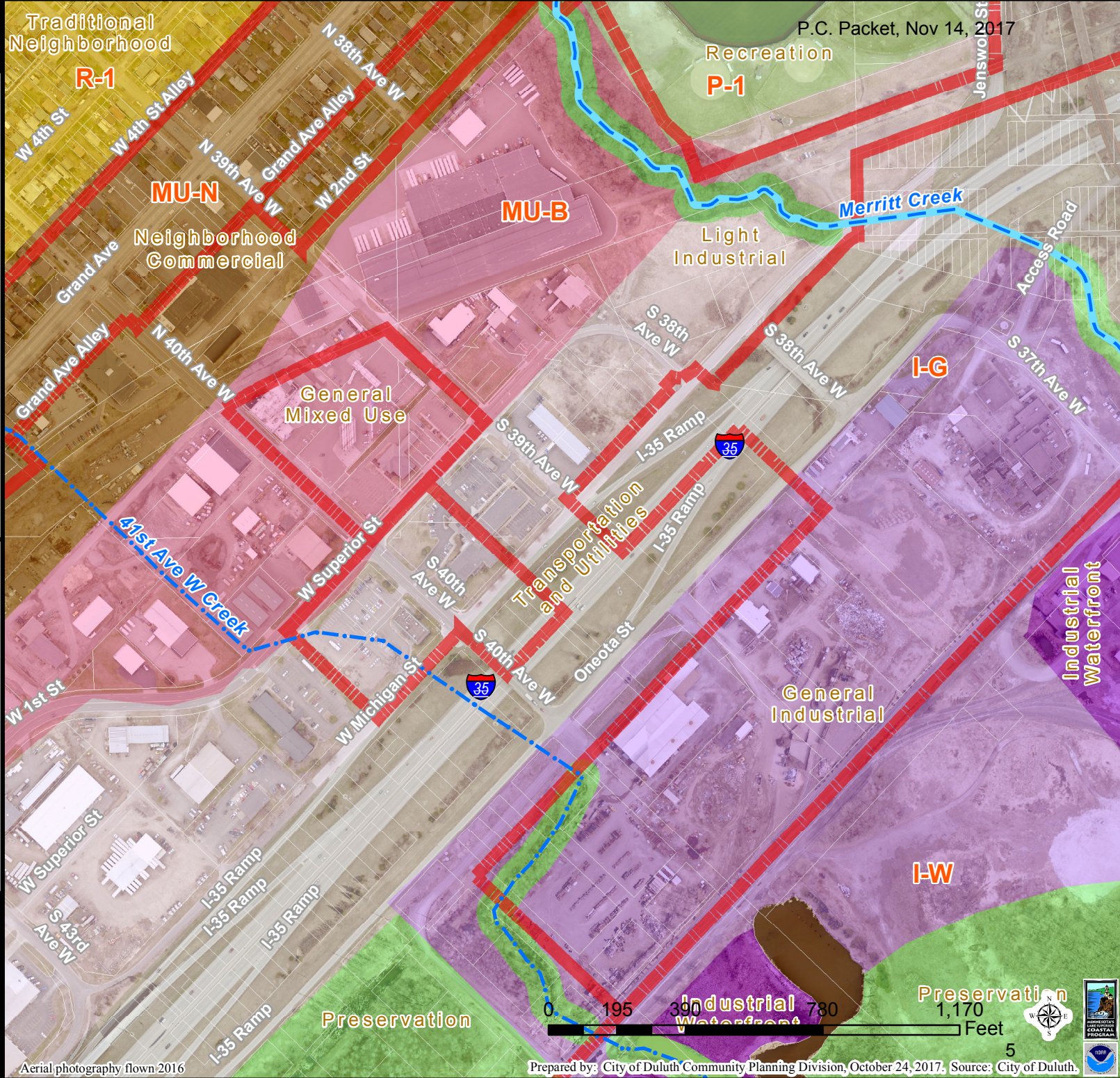
P-1

### Legend

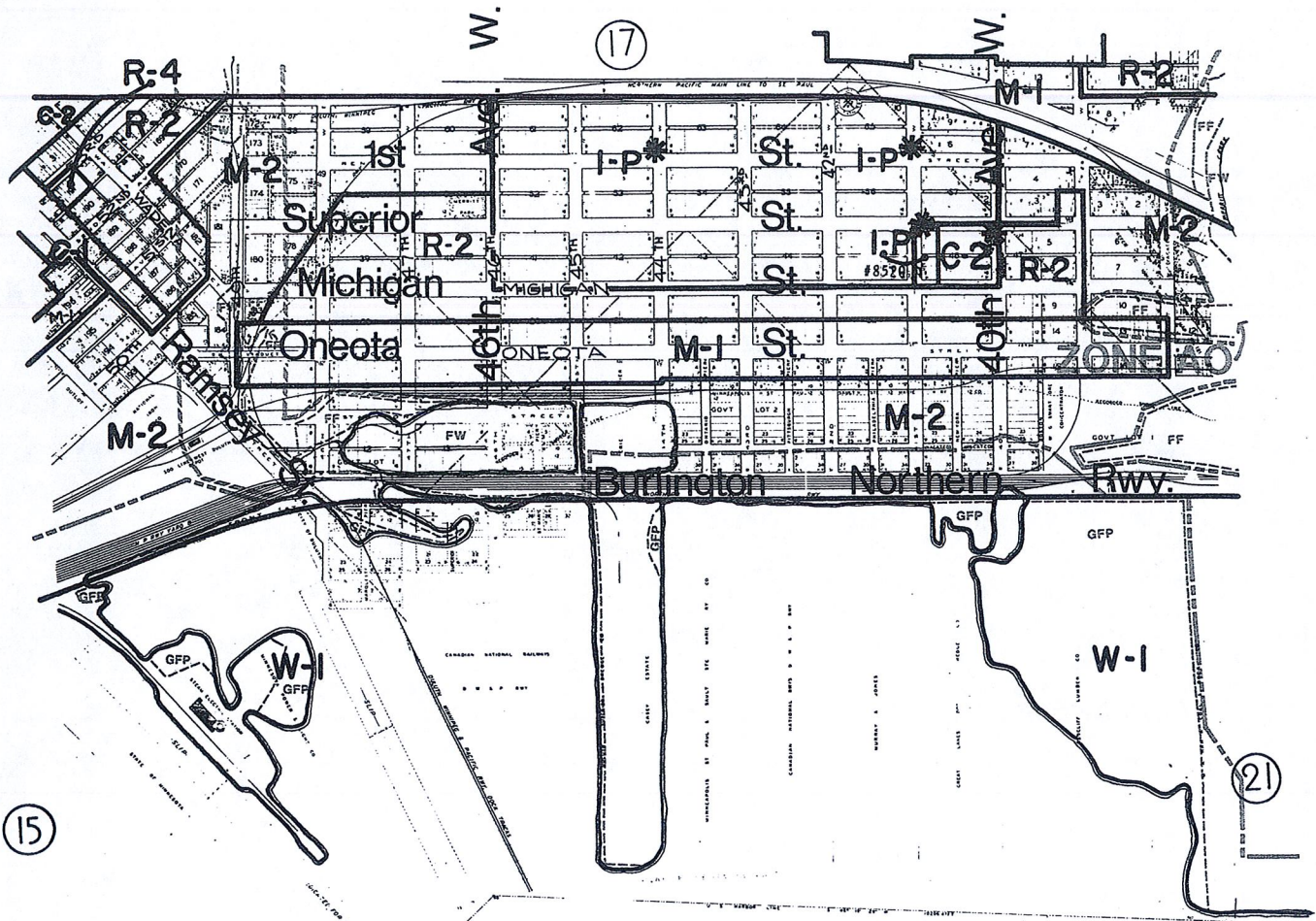
#### Future Land Use - Plus

#### Future Land Use

- Preservation
- Recreation
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District
- Institutional
- Commercial Waterfront
- Industrial Waterfront
- Light Industrial
- General Industrial
- Transportation and Utilities



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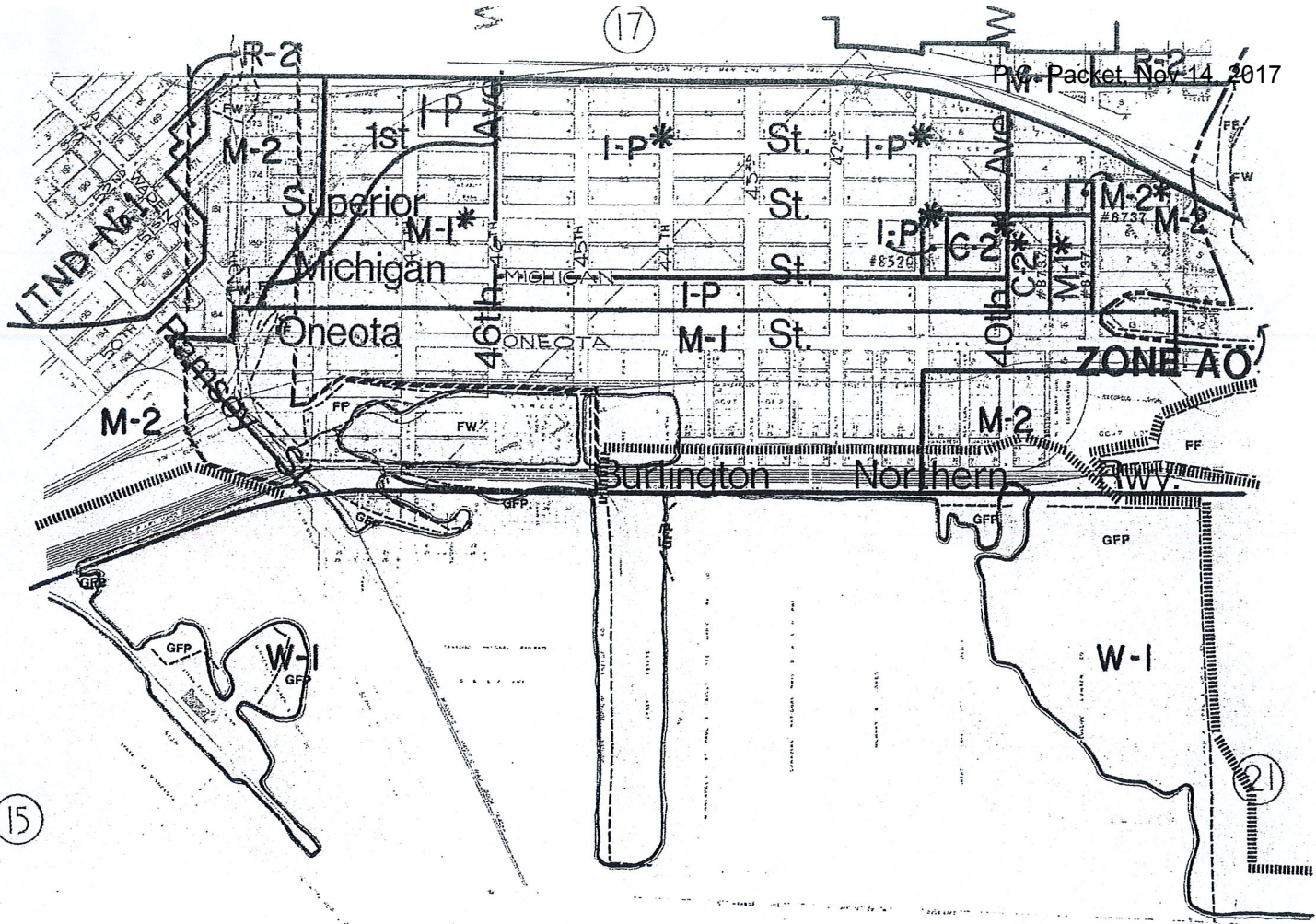
Red indicates approximate area subject to Flood Plain and Shoreland Management Regulations  
 (See chapter 51 of the legislative code. Wetlands are also regulated by chapter 51 but are not shown on this map.)

\* — THIS ZONE IS SUBJECT TO RESTRICTIONS AS SET FORTH IN THE INDICATED ORDINANCE NUMBER

1-16-60  
 7-11-59  
 7-14-58

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(As amended by Ord. No. 7203, 6-8-59; Ord. No. 7222, 12-14-59; Ord. No. 7703, 5-5-69, § 1; Ord. No. 8029, 12-3-73, § 1; Ord. No. 8205, 3-1-76, § 1; Ord. No. 8407, 6-26-78, § 1; Ord. No. 8456, 5-7-79, § 1; Ord. No. 8457, 5-7-79, § 1; Ord. No. 8520, 5-12-80, § 1.)

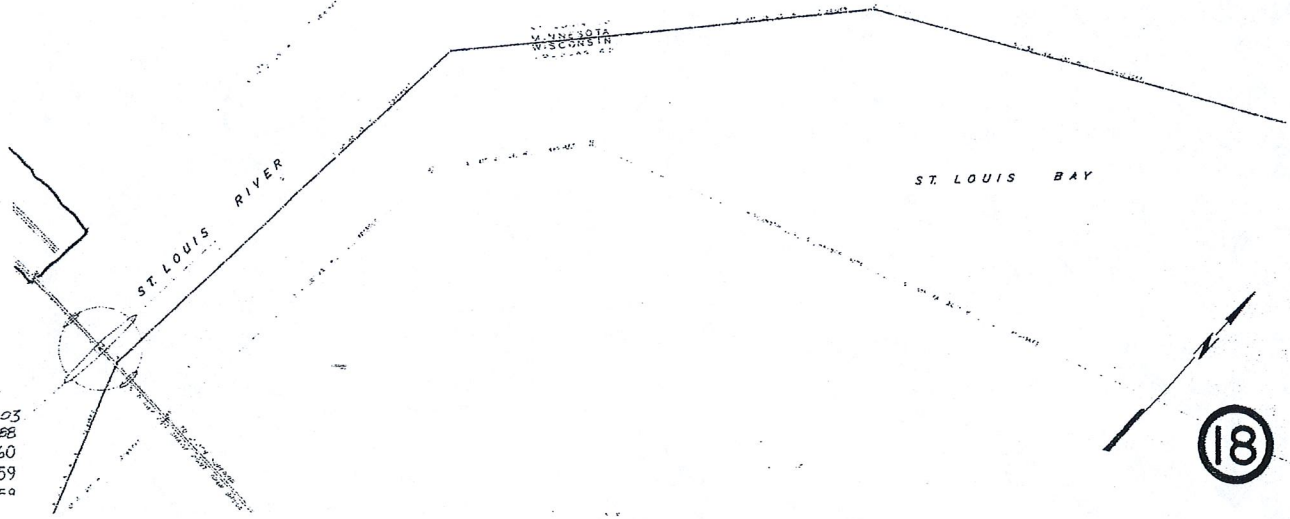


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3-25-03  
 6-5-88  
 1-16-60  
 7-11-59  
 7-14-50



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# OFFICIAL FLOOD PLAIN AND SHORELAND MAPS LEGEND

City of Duluth

<b>FLOOD PLAINS</b>	
General Flood Plain District	GFP
Flood Fringe District	FF
Floodway District	FW
<b>SHORELANDS</b>	
Natural Environment Shorelands	-----
Recreational Development Shorelands	~~~~~
General Development Shorelands	
March 2, 1980	Class One
March 1987 revised	Class Two

## Uses Allowed in Mixed Use-Neighborhood (MU-N) Zone District Revised September 25, 2017

### Permitted Uses

- Dwelling, one family
- Dwelling, two-family
- Dwelling, townhouse
- Dwelling, multi-family
- Dwelling, live-work
- Co-housing facility
- Residential care facility/assisted living (6 or fewer)
- Residential care facility/assisted living (7 or more)
- Rooming house
- Bus or rail transit station
- Club or lodge (private)
- Government building or public safety facility
- Museum, library, or art gallery
- Park, playground, or forest reserve
- Religious assembly, small (less than 50,000 sq. ft. or more)
- Religious assembly, large (50,000 sq. ft. or more)
- Business, art, or vocational school
- School, elementary
- Medical or dental clinic
- Nursing home
- Agricultural, community garden
- Veterinary or animal hospital
- Bed and breakfast
- Office
- Preschool
- Day care facility, small (14 or fewer)
- Day care facility, large (15 or more)
- Personal service and repair, small (less than 10,000 sq ft)
- Grocery store, small (less than 15,000 sq ft)
- Retail store not listed, small (less than 15,000 sq ft)

### Special Uses

- Manufactured Home Park
- Cemetery or mausoleum
- School, middle or high
- Bank
- Data Center
- Agricultural, farmers' market
- Agricultural, urban
- Restaurant (less than 5,000 sq ft)
- Theater
- Hotel or motel
- Funeral Home or Crematorium
- Personal service and repair, large (10,000 sq ft or more)
- Automobile and light vehicle repair and service
- Filling Station
- Parking Lot (primary use)
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs

### Interim Uses

- Vacation dwelling unit



## Uses Allowed in Mixed Use-Business Park (MU-B) Zone District Revised September 25, 2017

### Permitted Uses

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>- Bus or rail transit station</li> <li>- Government building or public safety facility</li> <li>- Business art or vocational school</li> <li>- Medical or dental clinic</li> <li>- Kennel</li> <li>- Veterinary or animal hospital</li> <li>- Convention or event center</li> <li>- Indoor entertainment facility</li> <li>- Restaurant (less than 5,000 sq. ft.)</li> <li>- Restaurant (5,000 sq. ft. or more)</li> <li>- Hotel or motel</li> <li>- Bed and breakfast</li> <li>- Bank</li> <li>- Office</li> <li>- Data center</li> <li>- Business park support activities</li> <li>- Funeral home or crematorium</li> <li>- Mini-storage facility</li> <li>- Personal service and repair, small (less than 10,000 sq. ft.)</li> <li>- Personal service and repair, large (10,000 sq. ft. or more)</li> </ul> | <ul style="list-style-type: none"> <li>- Building material sales</li> <li>- Automobile and light vehicle repair service</li> <li>- Automobile and light vehicle sales, rental or storage</li> <li>- Filing station</li> <li>- Parking lot (primary use)</li> <li>- Parking structure</li> <li>- Truck or heavy vehicle sales, rental, repair and storage</li> <li>- Contractor's shop and storage yard</li> <li>- Dry cleaning and laundry plant</li> <li>- Research laboratories</li> <li>- Industrial services</li> <li>- Manufacturing, craft artisan studio</li> <li>- Manufacturing, craft brewery</li> <li>- Manufacturing, light</li> <li>- Truck freight or transfer terminal</li> <li>- Solar, geothermal, or biomass facility (primary use)</li> <li>- Storage warehouse</li> <li>- Wholesaling</li> </ul> |
|---|--|

### Special Uses

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>- Cemetery or mausoleum</li> <li>- Museum, library or art gallery</li> <li>- Religious assembly, small (less than 50,000 sq ft)</li> <li>- Religious assembly, large (50,000 sq. ft. or more)</li> <li>- Other outdoor entertainment or recreation use not listed</li> <li>- Electric power transmission line or substation</li> </ul> | <ul style="list-style-type: none"> <li>- Major utility or wireless telecommunication facility</li> <li>- Radio or television broadcast tower</li> <li>- Water or sewer pumping stations/reservoirs</li> <li>- Wind power facility (primary use)</li> <li>- Recycling collection point (primary use)</li> <li>- Solid waste disposal or processing facility</li> </ul> |
|---|---|

### Interim Uses

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>- Medical cannabis distribution facility</li> </ul> | <ul style="list-style-type: none"> <li>- Medical cannabis laboratory</li> </ul> |
|--|---|

## Uses Allowed in Industrial-General (I-G) Zone District Revised September 25, 2017

### Permitted Uses

- Adult entertainment establishment
- Data center
- Funeral home or crematorium
- Mini-storage facility
- Personal service and repair, large (10,000 sq. ft. or more)
- Adult book store
- Automobile and light vehicle repair and service
- Automobile and light vehicle sales, rental, or storage
- Filling station
- Parking lot (primary use)
- Parking structure
- Truck or heavy vehicle sales, rental, repair, or storage
- Contractor's shop and storage yard
- Dry cleaning or laundry plant
- Research laboratories
- Industrial services
- Manufacturing, craft, brewery or distillery
- Manufacturing, light
- Manufacturing, heavy
- Airport and related facilities
- Railroad yard or shipyard and related facilities
- Truck freight or transfer terminal
- Electric power or heat generation plant
- Solar, geothermal, or biomass power facility (primary use)
- Water or sewer treatment facilities
- Wind power facility (primary use)
- Recycling collection point (primary use)
- Storage warehouse
- Wholesaling
- Bulk storage not listed elsewhere

### Special Uses

- Government building or public safety facility
- Manufacturing, hazardous or special
- Mining, extraction and storage
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Radio or television broadcasting tower
- Water or sewer pumping stations/reservoirs
- Junk and salvage services
- Solid waste disposal or processing facility

### Interim Uses

- Medical cannabis distribution facility
- Medical cannabis laboratory
- Medical cannabis manufacture