



CITY OF DULUTH
Community Planning Division

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File Number	PL 17-145	Contact	Steven Robertson	
Type	UDC Map Amendment, Rezone, from MU-B and R-1 to MU-N and R-1	Planning Commission Date	October 10, 2017	
Deadline for Action	Application Date	N/A, City Action	60 Days	
	Date Extension Letter Mailed		120 Days	
Location of Subject				
Applicant	City of Duluth, Community Planning	Contact		
Agent	N/A	Contact		
Legal Description				
Site Visit Date	September 26, 2017	Sign Notice Date	September 26, 2017	
Neighbor Letter Date	September 19, 2017	Number of Letters Sent	64	

Proposal

The City is proposing to rezone properties in the general area of the south side of East House Street from 98th Avenue West to 95th Avenue East from R-1 and MU-B to MU-N, and west side of 95th Avenue West from East House Street to East Gary Street from MU-B to R-1, in conformance with the future land use map.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-B and R-1	Residential/Undeveloped	Neighborhood Mixed Use and Trad. Neigh.
North	R-1	Residential	Traditional Neighborhood
South	MU-B	Industrial	General Industrial
East	I-G	Railroad/Undeveloped	General Mixed Use
West	R-1 and MU-N	Residential, Limited Comm.	Neighborhood Commercial

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.

5) E-1

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

Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

Neighborhood Mixed Use: A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live-work spaces. May include limited commercial-only space oriented to neighborhood or specialty retail markets.

Governing principle #1 is to reuse previously developed lands, including those adjacent to existing infrastructure.

Recent History: Prior to the adoption of the UDC in November 2010, most of the subject area was zoned M-1, Manufacturing, with a small portion zoned R-2, Two Family Residential.

The Gary New Duluth Small Area Plan was adopted by the City Council in 2014. There was a rezoning action that resulted from that study (rezoning Vintage Acres manufactured housing community in accordance with the future land use plan).

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 map titled Proposed Rezoning Area Map) has a future land use designation of neighborhood mixed use, which translates into the MU-N zoning district. It is currently zoned R-1, and the current land use has several single family homes. It is north of the ME Elecmetal industrial site.
- 4) Area B also has a future land use designation of neighborhood mixed use. It is currently zoned MU-B. The land is city owned, and primarily undeveloped. It is north of the ME Elecmetal industrial site.
- 5) Area C has a future land use designation of traditional neighborhood. It is currently zoned MU-B, and the current land use is one single family homes, and several undeveloped platted parcels.
- 6) The purpose of the R-1 district is to accommodate traditional neighborhoods of single-family detached residences, duplexes and townhouses on moderately sized lots. This district is intended to be used primarily in established neighborhoods. Many of the dimensional standards in this district require development and redevelopment to be consistent with development patterns, building scale, and building location of nearby areas.
- 7) The purpose of the MU-N district is to accommodate a mix of neighborhood-scale, neighbor-hood serving non-residential uses and a range of residential uses located in close proximity. This district accommodates both

E-2

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.

10) Based on the future land use designation, character and development history of this neighborhood and the purpose statements of the R-1, MU-N, and MU-B zone districts, rezoning as proposed in the attached map, titled Proposed Rezoning Area Map, is appropriate for this neighborhood.

11) The city, as of the date this was written, has received no formal written comments in regard to this proposal from a property owner affected by the rezoning. The city has received two phone calls asking for more information about the proposed rezoning (the City's goal with this rezoning, potential development in the future).

Staff Recommendation

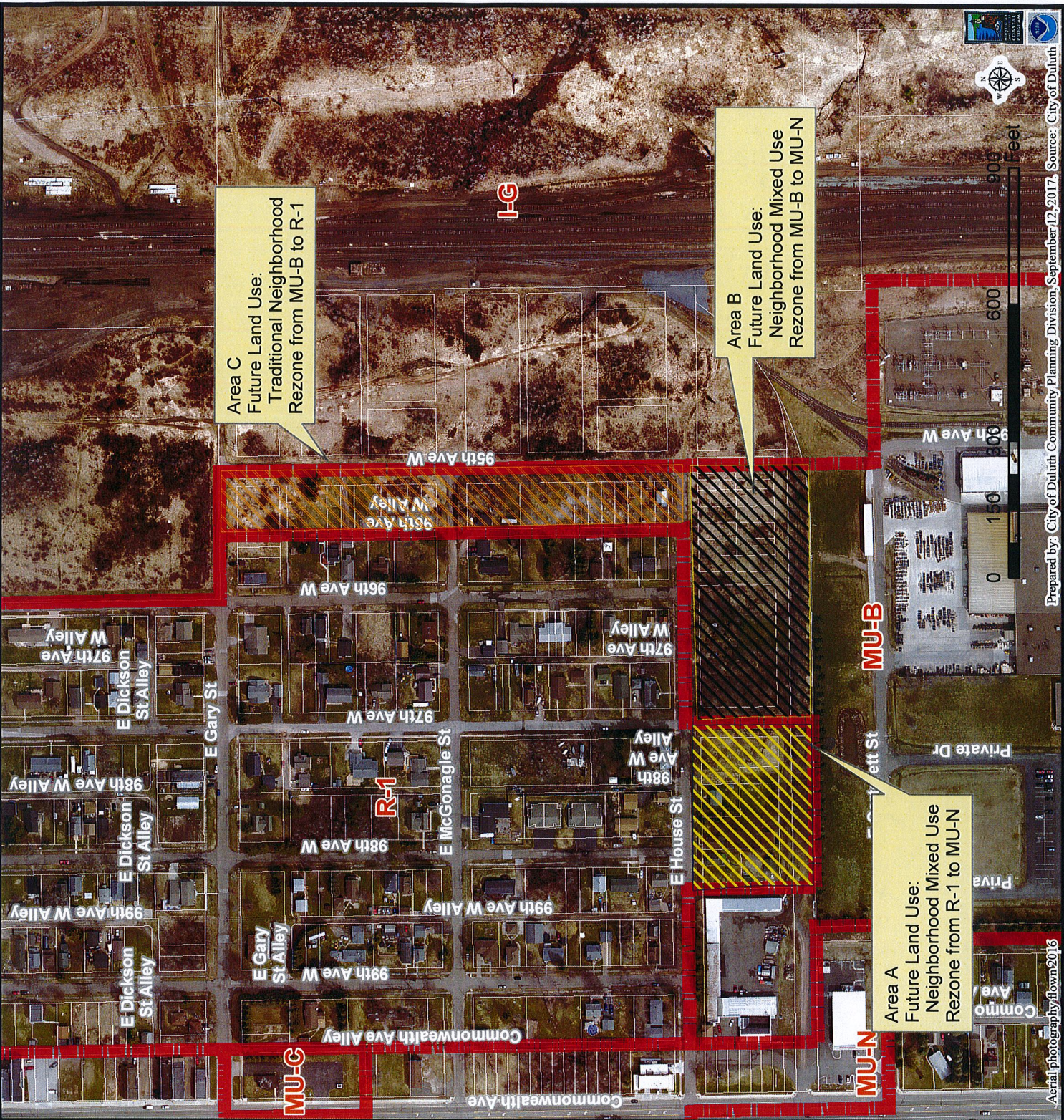
Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning as shown on the map titled Proposed Rezoning Area Map.

- 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.

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Proposed Area Rezoning Map



Legend
Zoning Boundaries

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.

E-L

Aerial photography: flown 2016

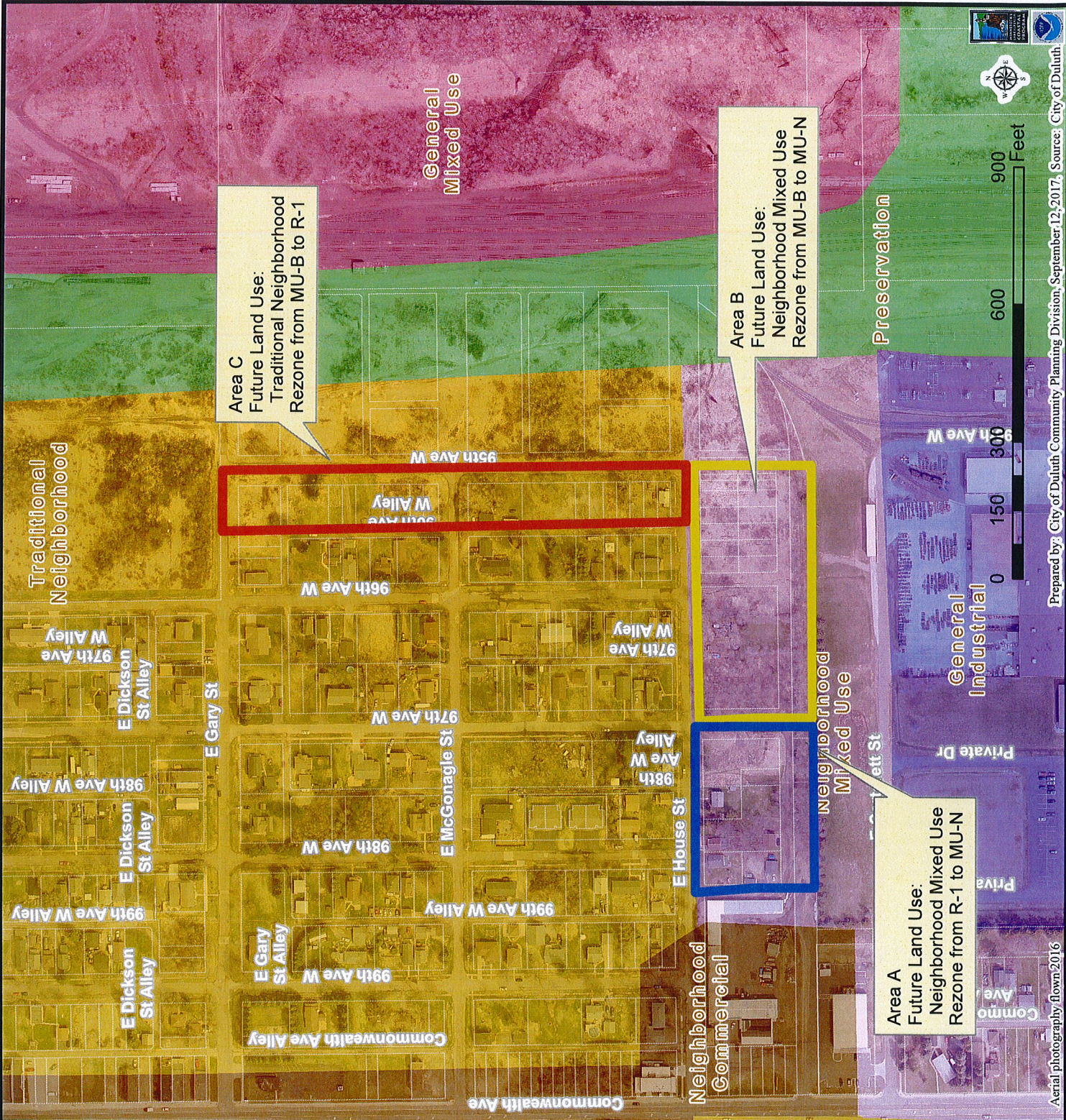
Prepared by: City of Duluth Community Planning Division, September 12, 2017. Source: City of Duluth



Legend

- 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

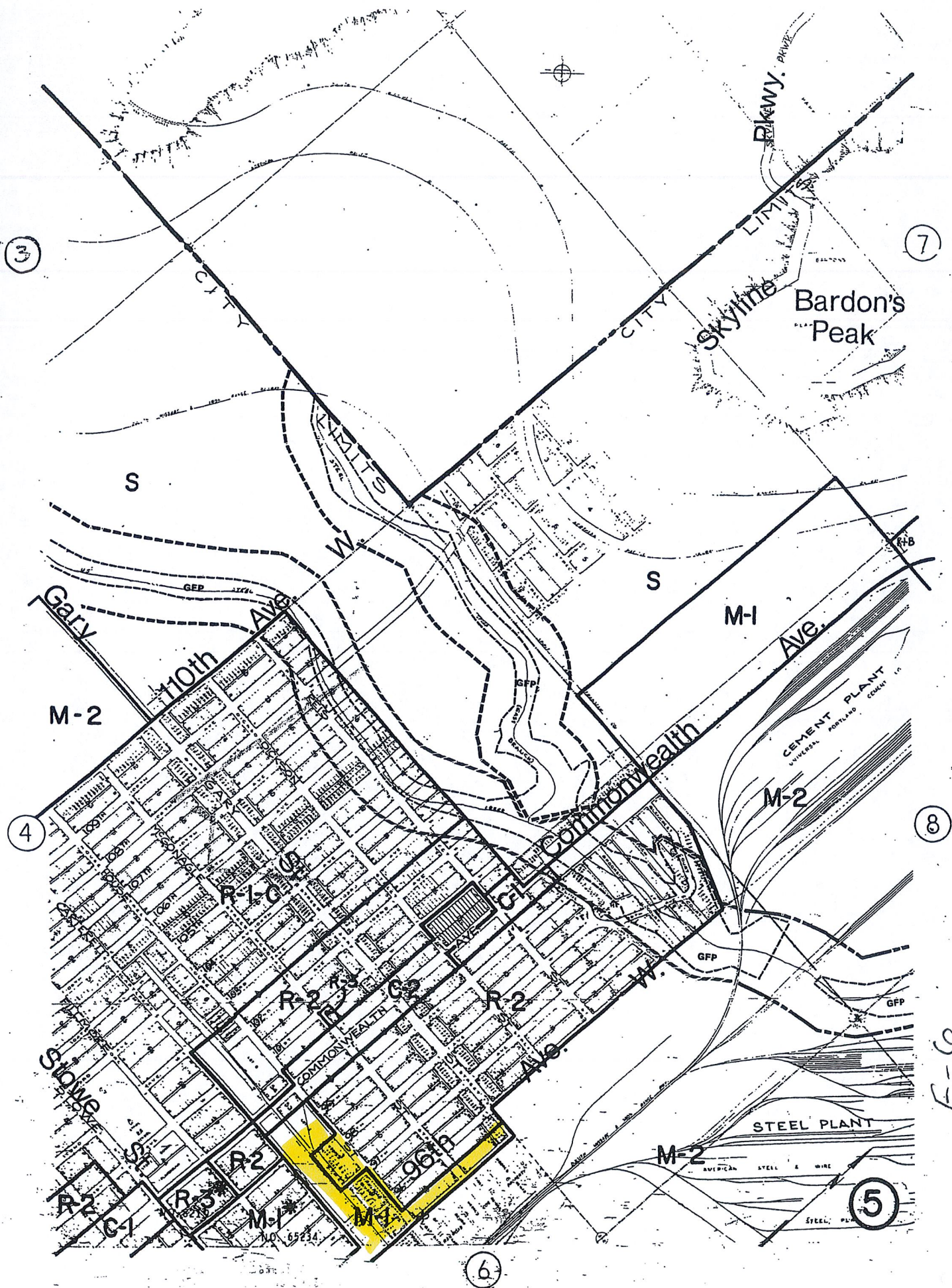
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Area C
 Future Land Use:
 Traditional Neighborhood
 Rezone from MU-B to R-1

Area B
 Future Land Use:
 Neighborhood Mixed Use
 Rezone from MU-B to MU-N

Area A
 Future Land Use:
 Neighborhood Mixed Use
 Rezone from R-1 to MU-N



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Uses Allowed in Mixed Use-Business Park (MU-B) Zone District Revised December 6, 2016

Permitted Uses

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

Special Uses

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

Interim Uses

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

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Uses Allowed in Mixed Use-Neighborhood (MU-N) Zone District

Revised December 6, 2016

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, Urban
- 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
- 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
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs
- Parking Lot (primary use)

Interim Uses

- Vacation dwelling unit

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**Uses Allowed in Residential-Traditional (R-1) Zone District
Revised December 6, 2016**

Permitted Uses

- Dwelling, one-family
- Dwelling, two-family
- Residential care facility/assisted Living (6 or fewer)
- Park, playground or forest reserve
- School, elementary
- Agriculture, community garden
- Day care facility, small (14 or fewer)

Special or Interim Uses

- Dwelling, townhouse
- Manufactured Home Park
- Co-housing facility
- Residential care facility/assisted living (7 or more)
- Cemetery or mausoleum
- Government building or public safety facility
- Museum, library, or art gallery
- Religious assembly, small (less than 50,000 sq. ft. or more)
- Religious assembly, large (50,000 sq. ft. or more)
- School, middle or high
- Agriculture, urban
- Bed and breakfast
- Preschool
- Day care facility, large (15 or more)
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs

Interim Uses

- Vacation dwelling unit
- Accessory vacation dwelling unit

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