

Amended Staff Report



Planning & Development Division Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PLUMA-2502-0001	Contact	Jason Mozol, jmozol@duluthmn.gov	
Type	UDC Map Amendment- MU-B to R-1	Planning Commission Date		May 13, 2025
Deadline for Action	Application Date	March 12, 2025	60 Days	May 11, 2025
	Date Extension Letter Mailed	March 26, 2025	120 Days	July 10, 2025
Location of Subject		421 N 46 th Ave E		
Applicant	3 Stooges LLC	Contact	Jason Kleiman	
Agent	N/A	Contact	N/A	
Legal Description		010-3010-00120		
Site Visit Date		April 18, 2025	Sign Notice Date	April 28, 2025
Neighbor Letter Date		April 15, 2025	Number of Letters Sent	47

Proposal

Applicant is requesting a UDC Map Amendment (rezoning) from Mixed-Use Business (MU-B) to Residential-Traditional (R-1).

Staff Recommendation

Staff recommends that the Planning Commission recommend approval of the rezoning amendment to the City Council (via ordinance).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-B	Undeveloped	Traditional Neighborhood
North	MU-B	Undeveloped	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	P-1	Residential	Traditional Neighborhood

Summary of Code Requirements

- 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.

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):Governing Principles**Governing Principle #9 – Support private actions that contribute to the public realm.**

Rezoning this property will align the zoning and comprehensive plan designations. This change will support compatibility of future neighborhood uses.

Future Land Use

Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys.

History

This property was previously occupied by private gas utility infrastructure. That equipment was removed in the mid-2010's. The site has remained undeveloped since.

Review and Discussion Items:

Staff finds that:

1. The area is currently zoned Mixed-Use Business (MU-B).
2. The applicant proposes to rezone to Residential-Traditional (R-1) to support anticipated residential development. The future land use map in the comprehensive plan identifies this area as Traditional Neighborhood.
3. This proposal is consistent with the comprehensive plan and implements several governing principles including reuse of existing developed area; investing in neighborhoods; and supporting private actions that contribute to the public realm.
4. It is good zoning practice for adjacent areas with similar characteristics to have the same zone designation. This proposal will align the subject area with the zoning on three sides of it.
5. Permitted uses are identified in Table 50-19.8. Dimensional standards are identified in Sec 50-14.5.
6. Adverse material impacts are not anticipated since this will align the property with the adjacent zoning and subject the property to the same regulations as those within the neighborhood.
7. One public comment was submitted in support.

Staff Recommendation:

Based on the above findings, staff recommends to Planning Commission that the proposed amendment to change the zoning as depicted in the attached Exhibits be recommended for approval by City Council for the following reasons:

- 1) This proposal is consistent with the Comprehensive Land Use Plan.
- 2) The proposed amendment is consistent with the future land use category of "Traditional Neighborhood", as well as the character of the neighborhood.
- 3) Material adverse impacts on nearby properties are not anticipated or will be mitigated.



PLUMA-2503-0002

Rezone to R-1
N 46th Ave E

Legend

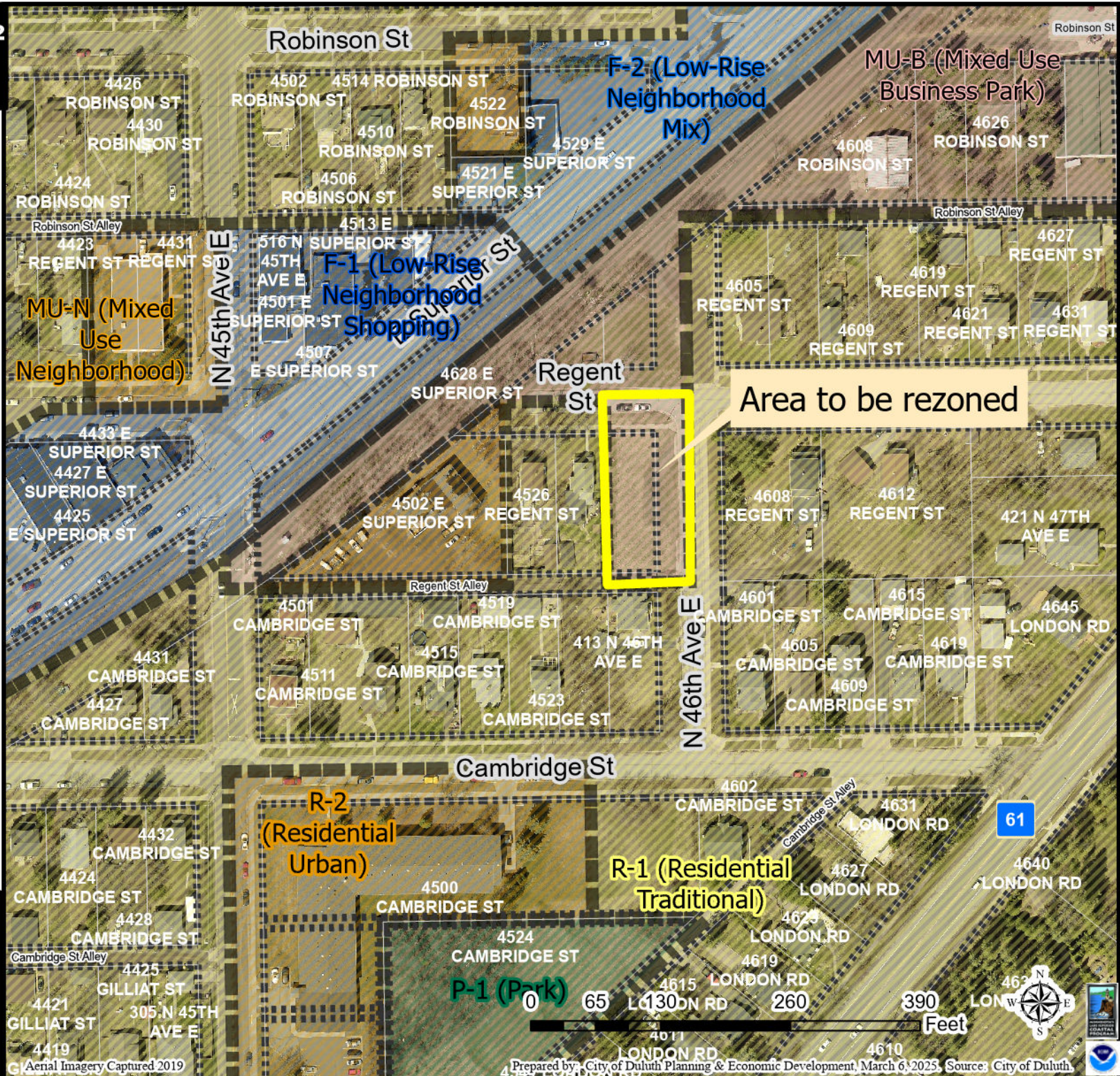
- Zoning Boundaries
- Road or Alley ROW
- County Parcel Data

Zoning

UDC Zoning

- F-1 (Low-Rise Neighborhood Shopping)
- F-2 (Low-Rise Neighborhood Mix)
- R-1 (Residential Traditional)
- R-2 (Residential Urban)
- MU-N (Mixed Use Neighborhood)
- MU-B (Mixed Use Business Park)
- P-1 (Park)

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PLUMA-2503-0002

Rezone to R-1
421 N 46th Ave E

Legend

County Parcel Data

County Parcel Data

Future Land Use

- Open Space
- Traditional Neighborhood
- Neighborhood Commercial



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305 N 45TH
Aerial Imagery Captured 2019



Outlook

FW: Rezoning Notice for 421 N 46th Ave E

From: Randy Peterson [REDACTED]
Sent: Friday, April 18, 2025 3:32 PM
To: planning <planning@DuluthMN.gov>
Subject: Rezoning Notice for 421 N 46th Ave E

Hello City Planning,

Receiving today your rezoning notice for the subject property at 421 N 46th Ave E (PLUMA-2503-0002) from MU-B to R-1, as owner of the neighboring property immediately across the alley at 413 N 46th Ave E my household and I wish to express our agreement with that change.

Along with that, for this subject property the City needs to understand if it doesn't already, that through long standing circumstance a significantly sized, fenced off and fully maintained portion of the subject property for their own use and enjoyment by the immediately adjacent property to the West of the subject property was established by permission of the subject property's prior owner, that now favors adverse possession well beyond the allowable timeframe for such possession to take effect, leaving the subject property with well below the required size to provide allowable setbacks for building a single family or greater home on the property, and to which we and others would oppose any variance attempt to change those setback requirements for the property.

Thank you very much

Randy Peterson
413 N 46th Ave E
Duluth MN 55804
[REDACTED]