



**CITY OF DULUTH**  
Community Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197  
Phone: 218/730.5580 Fax: 218/723-3559

<b>File Number</b>	PL 17-154	<b>Contact</b>	Steven Robertson	
<b>Type</b>	UDC Map Amendment, Rezone, to MU-I from R-1 and RR-1	<b>Planning Commission Date</b>	October 10, 2017	
<b>Deadline for Action</b>	<b>Application Date</b>	N/A, City Action	<b>60 Days</b>	
	<b>Date Extension Letter Mailed</b>		<b>120 Days</b>	
<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>	September 26, 2017	<b>Sign Notice Date</b>	September 26, 2017	
<b>Neighbor Letter Date</b>	September 19, 2017	<b>Number of Letters Sent</b>	85 (Trinity), 17 (Hwy 23)	

**Proposal**

The City is proposing to rezone properties operated by Lake Superior College (Main Campus on Trinity Road/53 and the Emergency Response Training Center on 23) from R-1 and RR-1 to MU-I in conformance with the future land use map.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1/RR-1	Institutional/Institutional	Institutional/Institutional
<b>North</b>	R-1 & R-2/RR-1 & I-G	Residential/Waste Storage	Urban Residential/General Industrial
<b>South</b>	R-1/RR-1	Residential/Residential	Traditional Neighborhood/Preservation
<b>East</b>	R-1/R-2 & RR-1	Residential/Residential	Traditional Neighborhood/ Trad. Neigh.
<b>West</b>	R-1/RR-1 & R-1	Residential/Residential	Traditional Neighborhood/Low Den. Neigh.

**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)6-1



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

**Preservation:** Lands with substantial restrictions. High natural resource or scenic value, or severe development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: most city parklands and primary viewsheds; shorelands of lake, rivers, streams; wetlands and floodplains; high-value habitat; low-intensity private or public uses.

**Low Density Neighborhood:** Single-family housing with urban services. Typified by curvilinear streets, houses with longer side parallel to street, and attached garages. Includes a range of house sizes and lot sizes. Non-residential uses are mainly uses such as schools and churches. Parks and open space are located within or adjacent to the neighborhood.

**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.

**Institutional:** Applicable to university and college and public school campuses, large religious facilities or governmental campuses, cemeteries, etc. Applies primarily to existing facilities.

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

Governing principle #11 is to include consideration for education systems in land use actions.

**Recent History:** Prior to the adoption of the UDC in November 2010, the main campus on Trinity Road was zoned R-1B, One Family Residential, and the training center was zoned S, Suburban.

## **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) Both proposed rezoning areas have a future land use designation of institutional, which translates into the MU-I zoning district. The main campus is zoned R-1, and the training center is zoned RR-1. Both a "business, art, or vocational school" or "university or college" are permitted use in the MU-I zone district, but are not allowed uses in either the R-1 or RR-1 zone districts.
- 4) 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.
- 5) The purpose the RR-1 district is accommodate large-lot, single-family detached residential uses, typically surrounded by significant open space, on lots of at least 5 acres each. The district encourages distinctive neighbor-



hoods with a semi-rural character. Complimentary uses such as limited agriculture, small-scale institutional uses, parks, minor utilities and certain temporary uses are allowed.

6) The purpose of the MU-I district is to provide for the unique development needs and impacts of major medical, educational and research institutional development. The intent is to give institutional landowners the flexibility to plan and develop their facilities while ensuring that surrounding neighborhoods are protected from adverse impacts, such as traffic, overshadowing buildings, noise and unexpected expansion of institutional uses into residential areas.

7) The city, as of the date this was written, has received one formal written comments in regard to this proposal from a property owner affected by the rezoning. The city has received three phone calls asking for more information about the proposed rezoning (the City's goal with this rezoning, and the potential impact on property owners).

### **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.

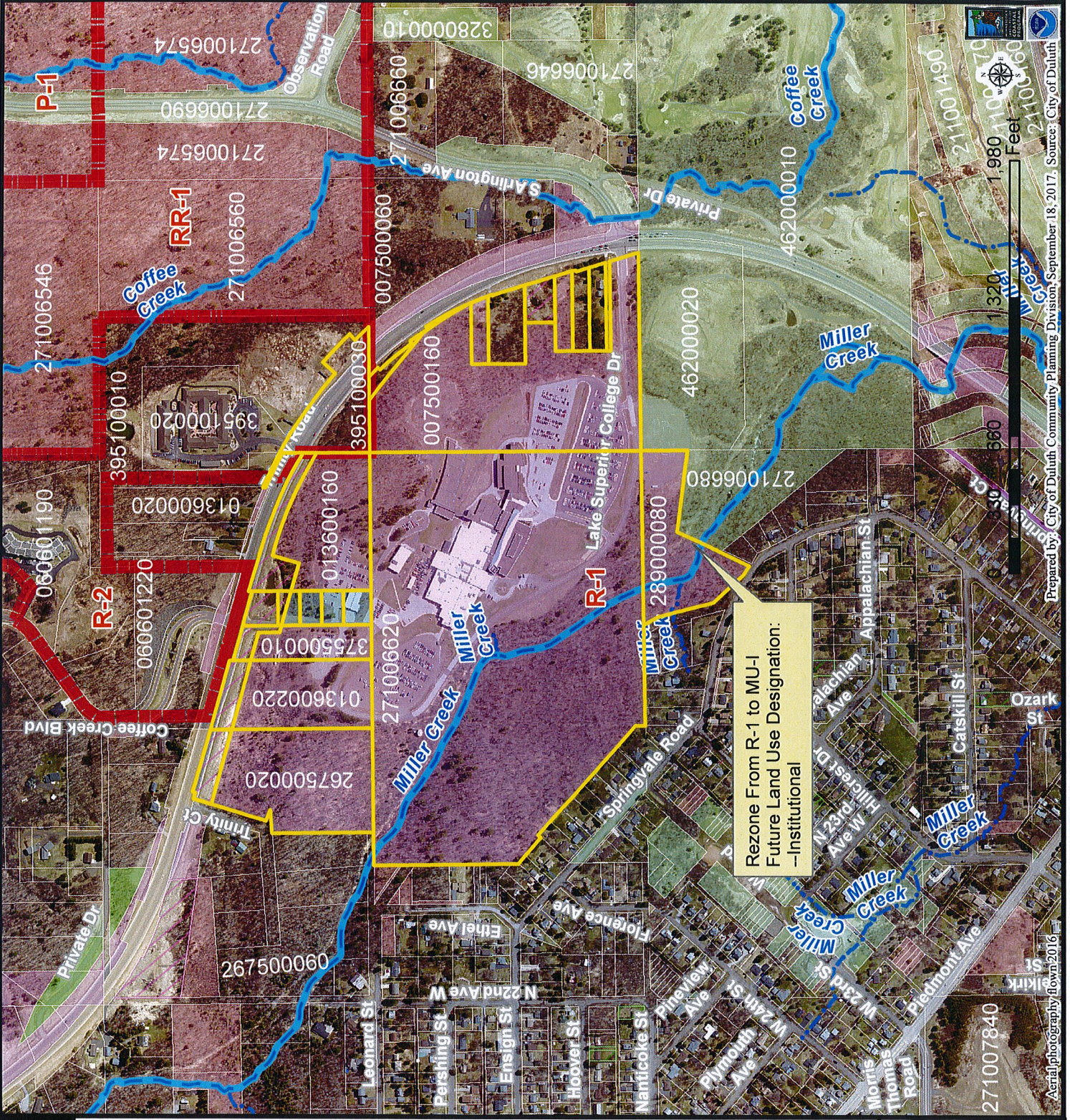
- 1) The rezoning is consistent with the Comprehensive Plan Future Land Use Map.
- 2) The proposed zone districts are the most reasonably able to implement the objectives of the Comprehensive Plan related to the proposed land use for this area.
- 3) Material adverse impacts on nearby properties are not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

6-3





# Proposed Area Rezoning Map



Rezone From R-1 to MU-I  
Future Land Use Designation:  
-Institutional

**Legend**

- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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.

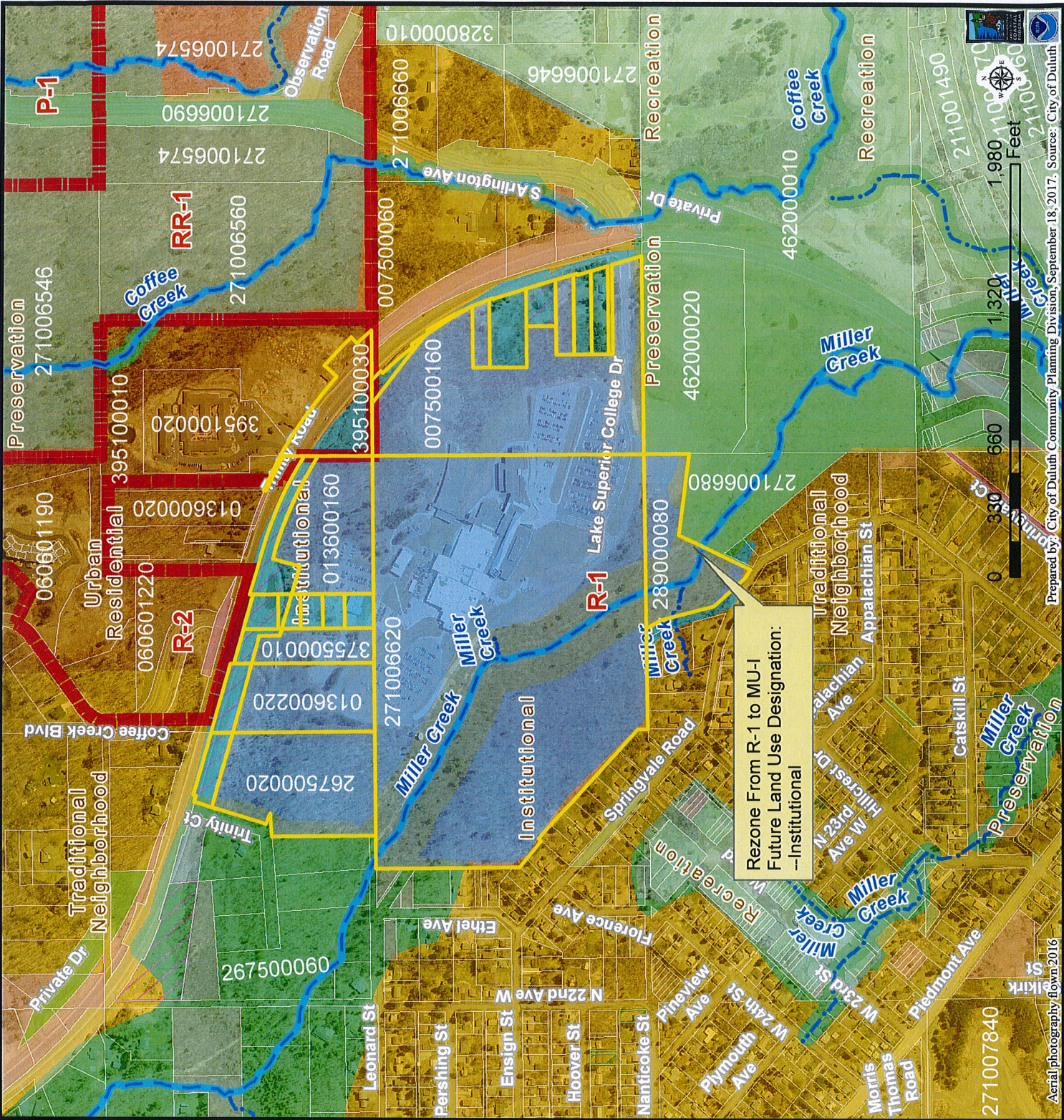
2-4





### Legend

- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)
- 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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# Proposed Area Rezoning Map



## Legend Zoning Boundaries

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Aerial photography flown 2016

Prepared by: City of Duluth Community Planning Division, September 18, 2017. Source: City of Duluth

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### Legend

- Zoning Boundaries
- 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
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- Transportation and Utilities



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62-7

Aerial photography flown 2016

Prepared by: City of Duluth Community Planning Division, September 18, 2017. Source: City of Duluth



## 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

## Uses Allowed in Residential-Rural 1 (RR-1) Zone District, Revised December 6, 2016

### Permitted Uses

- Dwelling, one family
- Residential care facility/assisted living (6 or fewer)
- Government building or public safety facility
- Park, playground, or forest reserve
- Religious assembly, small (less than 50,000 sq. ft.)
- School, elementary
- Agriculture, community garden
- Agriculture, general
- Agriculture, urban
- Seasonal camp or cabin
- Day care facility, small (14 or fewer)

### Special Uses

- Cemetery or mausoleum
- Religious assembly, large (50,000 sq. ft. or more)
- School, middle or high
- Kennel
- Riding Stable
- Veterinarian or animal hospital
- Golf course
- Recreational Vehicle Park
- Other outdoor entertainment or recreation use not listed
- Preschool
- Day care facility, large (15 or more)
- Mini-Storage or Self-Service Storage Facility
- Garden material sales
- Mining, extraction and storage
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Radio or television broadcasting tower
- Solar, geothermal, or biomass power facility (primary use)
- Water or sewer pumping stations/reservoirs
- Wind power facility (primary use)
- Solid waste disposal or processing facility

### Interim Uses

- Vacation dwelling unit

6-8



## Uses Allowed in Mixed Use-Institutional (MU-I) Zone District Revised December 6, 2016

### Permitted Uses

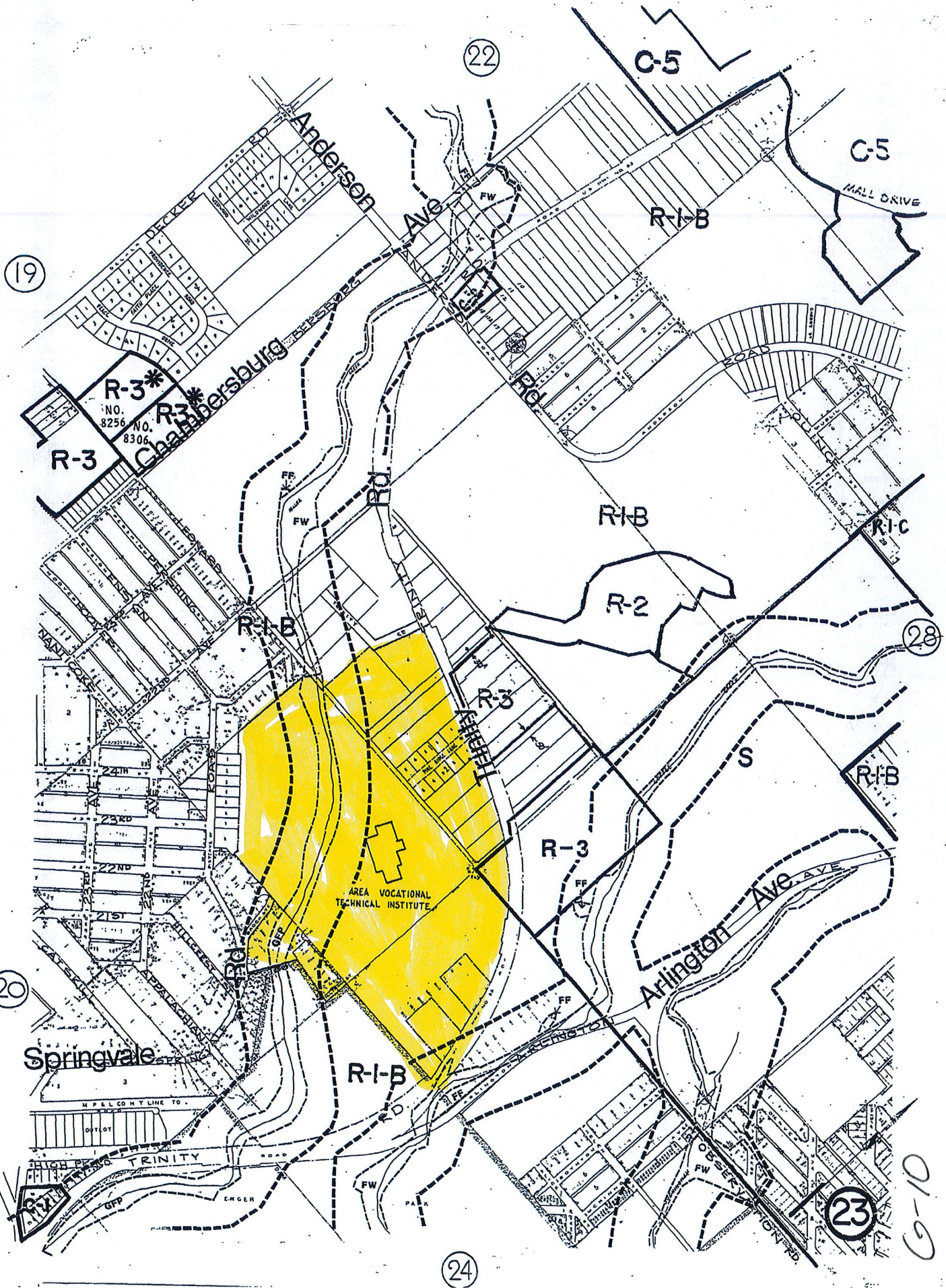
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|---|---|
| <ul style="list-style-type: none"> <li>- Dwelling, multi-family</li> <li>- Dwelling, live-work</li> <li>- Residential care facility/assisted living (7 or more)</li> <li>- Rooming house</li> <li>- Bus or rail transit station</li> <li>- Club or lodge (private)</li> <li>- Government building or public safety facility</li> <li>- Park, playground, or forest reserve</li> <li>- Religious assembly, small (less than 50,000 sq. ft.)</li> <li>- Religious assembly, large (50,000 sq. ft. or more)</li> <li>- Business, art, or vocational school</li> <li>- School, elementary</li> <li>- University or college</li> <li>- Hospital</li> <li>- Medical or dental clinic</li> <li>- Nursing home</li> <li>- Other institutional support uses not listed in this table</li> <li>- Veterinarian or animal hospital</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>- Retail store not listed, small (less than 15,000 sq. ft.)</li> <li>- Parking lot (primary use)</li> <li>- Parking structure</li> <li>- Research laboratories</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>- Preschool</li> <li>- Day care facility, small (14 or fewer)</li> <li>- Day care facility, large (15 or more)</li> <li>- Funeral home or crematorium</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> <li>- Retail store not listed, small (less than 15,000 sq ft)</li> <li>- Research laboratories</li> <li>- Manufacturing, light</li> </ul> |
|---|---|

### Special Uses

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>- Cemetery or mausoleum</li> <li>- School, middle or high</li> <li>- Kennel</li> <li>- Electric power transmission line or substation</li> <li>- Major utility or wireless telecommunication facility</li> </ul> | <ul style="list-style-type: none"> <li>- Solar, geothermal, or biomass power facility (primary use)</li> <li>- Water or sewer treatment facilities</li> <li>- Wind power facility (primary use)</li> <li>- Recycling collection point (primary use)</li> </ul> |
|---|--|

G-9





4-06  
 9-06  
 2-24-05  
 7-22-01  
 -21-05  
 -2-9  
 -2-9  
 -14-58

G-10

23

24

28

22

19

20

R-3\*

NO. 8256

NO. 8306

R-3

Chambersburg Ave

Anderson Ave

C-5

C-5

MALL DRIVE

R-1-B

R-1-B

R-1-C

R-2

R-1-B

R-3

R-3

R-1-B

S

R-1-B

Arlington Ave

Springvale

AREA VOCATIONAL  
TECHNICAL INSTITUTE

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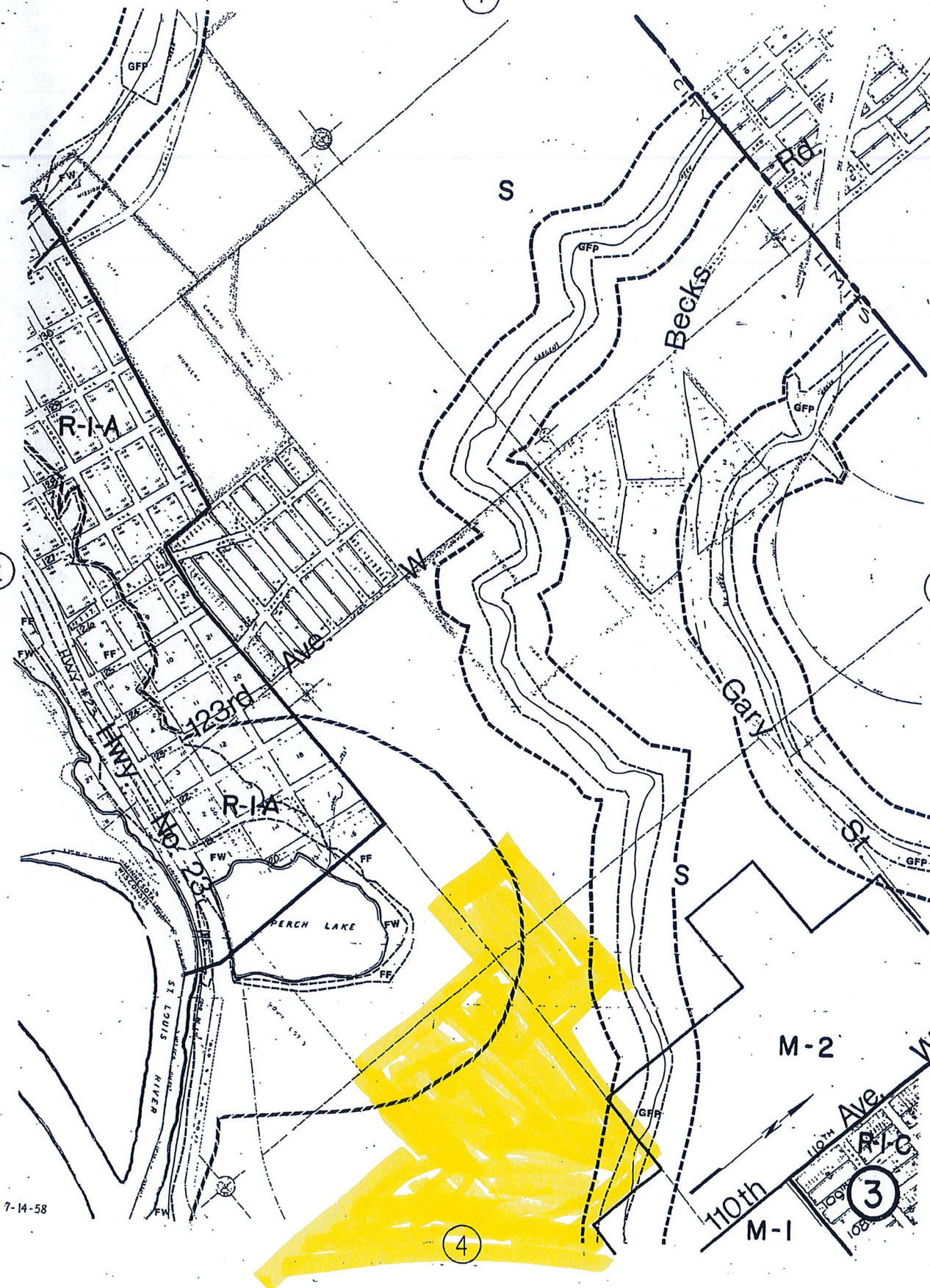
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5

4

3

G-11



7-14-58



## Steven Robertson

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**From:** Melissa Jasper <mjasper650@gmail.com>  
**Sent:** Monday, September 25, 2017 9:43 PM  
**To:** Steven Robertson  
**Subject:** Lake Superior college re zoning project

Hi Steven-

I met with you today, I have the property near the Lake Superior College in FonduLac . They have been very good neighbors to us and we have no problem if they wish to rezone their property. But at this time I want to keep ours how it is - r 1. Also, for some reason, you have some of our property in your plan to rezone as well. I would like you to take our parcels off your list as it shows on the maps. If this is a issue please call me asap Thanks, Mike Jasper

718-590-0590

Sent from my iPhone

G-12