



CITY OF DULUTH
Community Planning Division

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File Number	PL 17-156		Contact	Steven Robertson	
Type	UDC Map Amendment, Rezone, from R-1 to MU-C		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	174	

Proposal

The City is proposing to rezone properties in the general area of Central Entrance between Pecan Avenue to Mall Drive from R-1 to MU-C in conformance with the Comprehensive Plan Future Land Use Map

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Mix Residential/Commercial	Central Business Secondary
North	R-1	Generally Residential	Traditional Neighborhood
South	R-1	Generally Residential	Traditional Neighborhood/Urban Res
East	MU-C	Generally Residential	Central Business Secondary
West	MU-C	Generally Residential/Comm.	Central Business Secondary

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)H-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

Central Business Secondary: An area adjacent to and supporting the primary central business area or a stand-alone area providing a similar mix of destination land uses but at a lower intensity than the primary CB area. Includes mixed regional and neighborhood retail, employment centers, public spaces, medium density residential, and public parking facilities.

Large Scale Commercial: Mall, shopping center and big box retail development, with associated surrounding retail and service uses, but only ancillary office uses and no residential uses. Oriented primarily to the motorist, with planned internal circulation patterns while still accommodating pedestrian movement. Requires access to regional transportation routes. May include regional green infrastructure for watershed protection.

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 C5, Planned Commercial District, with a small portion zoned R-2, Two Family Residential, or R-1 B, One Family Residential.

The Central Entrance Small Area Plan was adopted by the City Council in 2009. There were several recommendations from the study, including changes to the future land use designations along the Central Entrance corridor.

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 Large Scale Commercial, which translates into the MU-C zoning district. It is currently zoned R-1, and the current land use has one stormwater detention pond.
- 4) Area B has a future land use designation of Central Business Secondary. It is primarily R-1 (one large parcel has split R-1/MU-C zoning). The north portion is used by one business, with related parking, with some three lots with no active land use. The southern portion has five single family homes. Some residential uses are permitted in the MU-C, but new single family homes are not an allowed use in the MU-C district.
- 5) Area C also has a future land use designation of Central Business Secondary. It is primarily R-1 (several parcels have split R-1/MU-C zoning). The land is used by one single family homes, with the remaining lots primarily commercial businesses or undeveloped.
- 6) Area D also has a future land use designation of Central Business Secondary. It is currently zoned R-1, and the current land use is three single family homes and two undeveloped platted parcels (one with a billboard) along

H-2

Upham Road, and three single family homes along North Blackman Street. The area on the other side of Central Entrance is zoned MU-C, and has been the site of a several potential or proposed commercial projects (hotel, office building). Future redevelopment of Area D would have to use Upham Road for street access as no new access off Central Entrance would likely be allowed by MnDOT.

7) 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.

8) The purpose of the MU-C district is to for community and regional commercial development along commercial corridors and nodal centers. Intended nonresidential uses include retail, lodging, service, and recreational facilities needed to support the community and region. Development should facilitate pedestrian connections between residential and non-residential uses.

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

10) 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, possibility of a vacation rental license in a single family home zoned MU-C).

Staff Recommendation

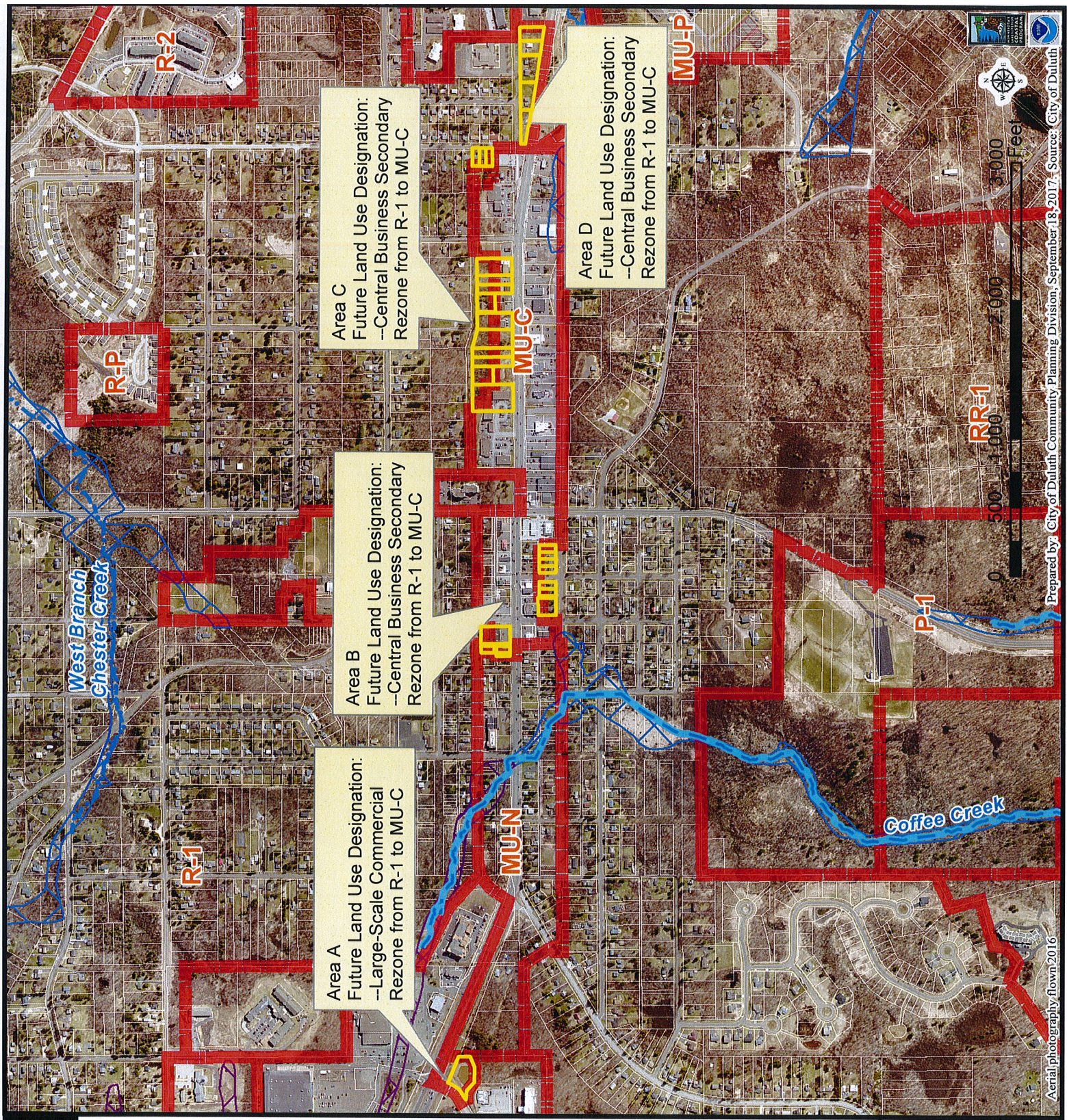
Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning as shown on the map titled Proposed Rezoning Area Map.

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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Area A
Future Land Use Designation:
--Large-Scale Commercial
Rezone from R-1 to MU-C

Area B
Future Land Use Designation:
--Central Business Secondary
Rezone from R-1 to MU-C

Area C
Future Land Use Designation:
--Central Business Secondary
Rezone from R-1 to MU-C

Area D
Future Land Use Designation:
--Central Business Secondary
Rezone from R-1 to MU-C

Legend

- Zoning Boundaries
- Floodplain Type
 - General Flood Plain
 - Flood Way
 - Flood Fringe
- Trout Stream (GPS)
- Other Stream (GPS)

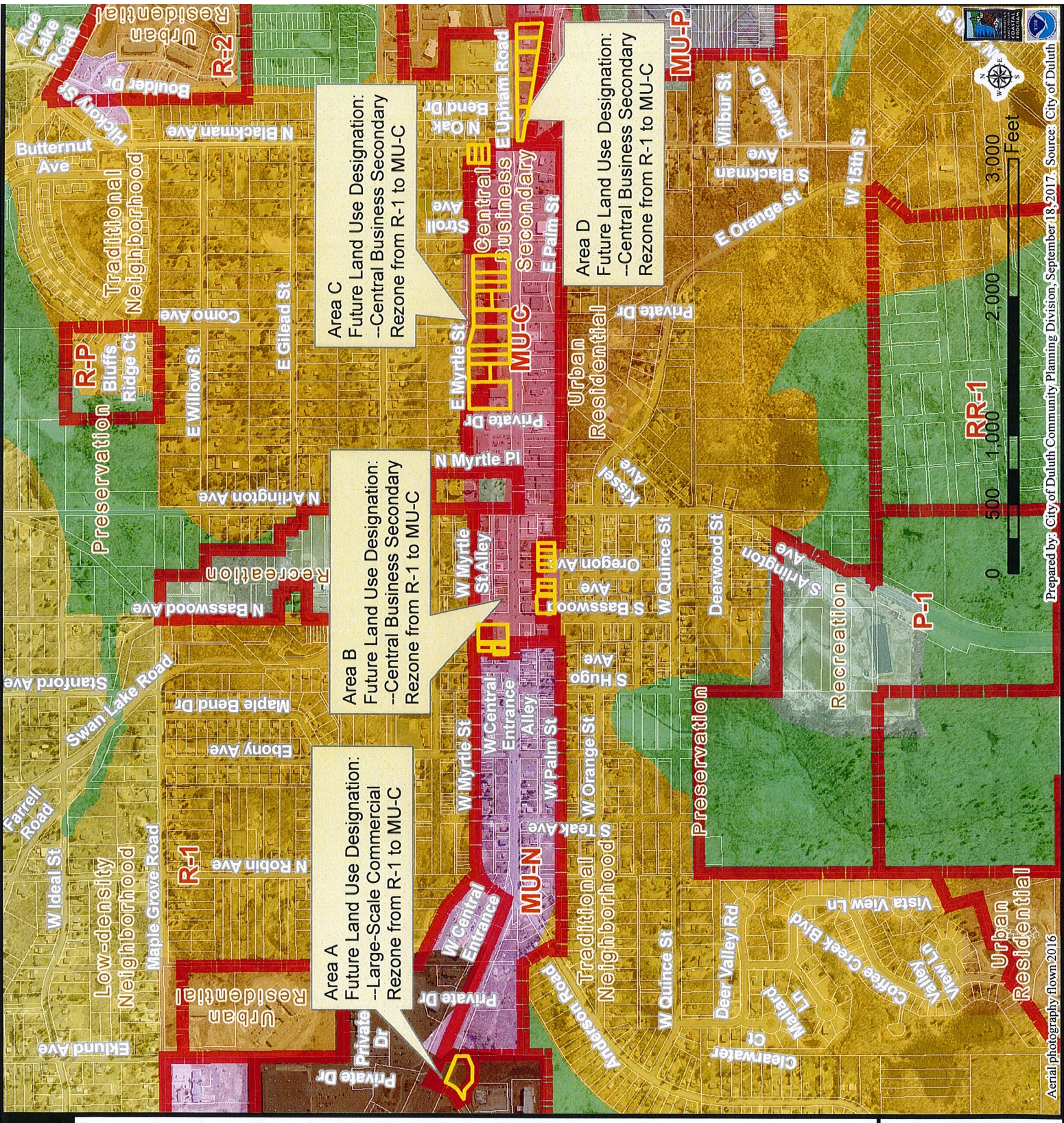
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Proposed Area Rezoning Map

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
 - Light Industrial
 - General Industrial
 - Transportation and Utilities



Area A
 Future Land Use Designation:
 --Large-Scale Commercial
 Rezone from R-1 to MU-C

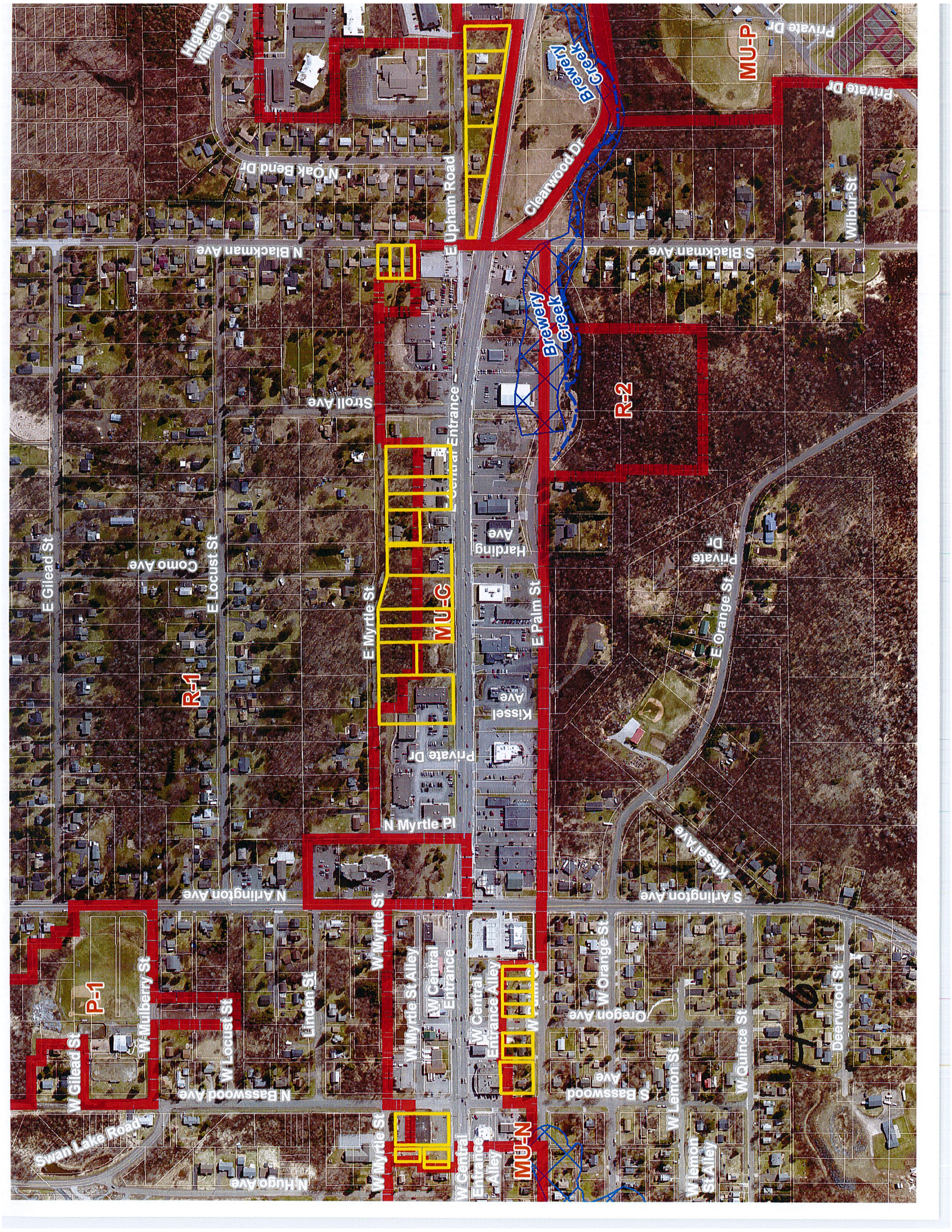
Area B
 Future Land Use Designation:
 --Central Business Secondary
 Rezone from R-1 to MU-C

Area C
 Future Land Use Designation:
 --Central Business Secondary
 Rezone from R-1 to MU-C

Area D
 Future Land Use Designation:
 --Central Business Secondary
 Rezone from R-1 to MU-C

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FL-5



R-1

R-2

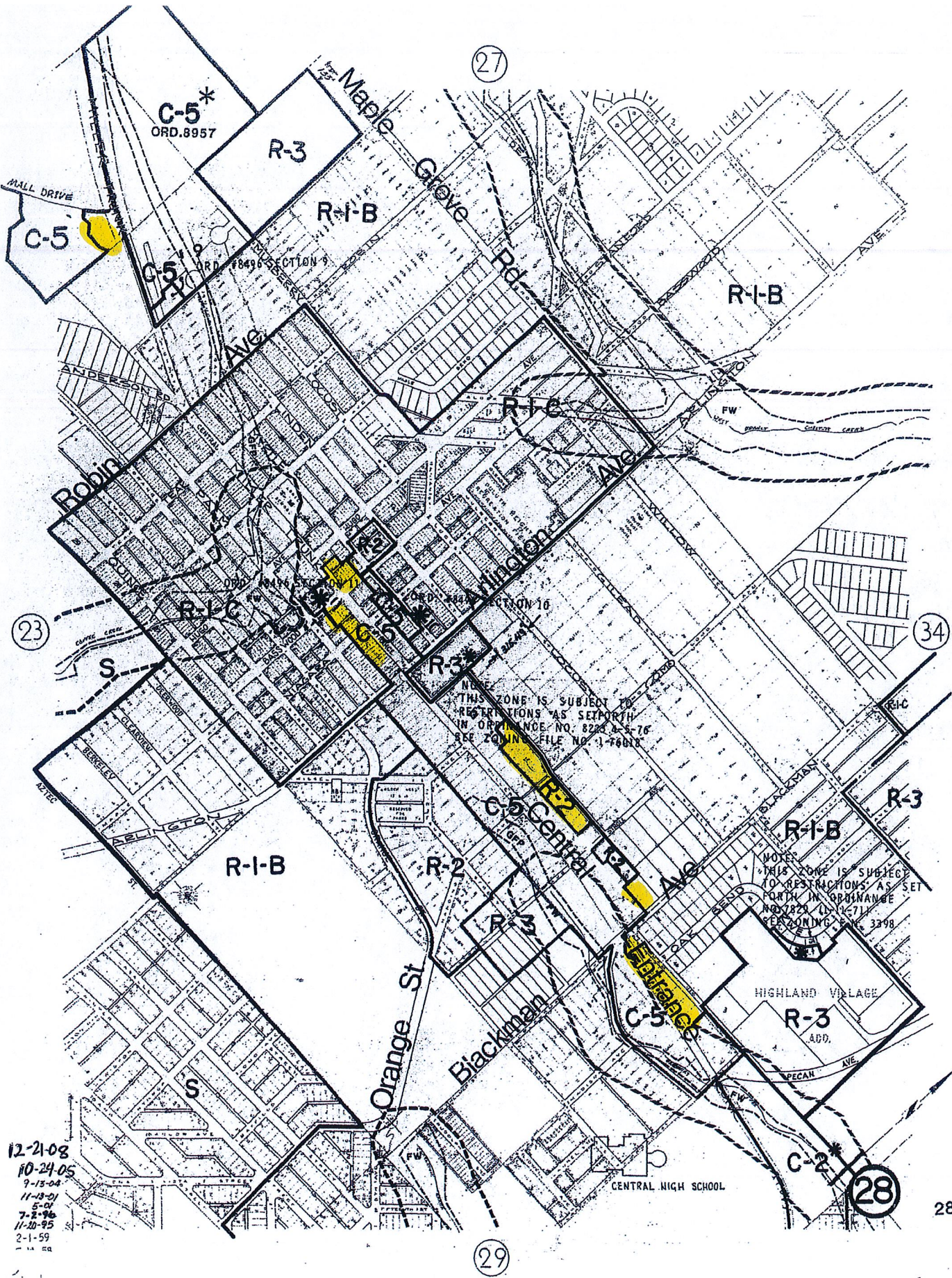
MU-P

MU-G

MU-N

P-1

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**Uses Allowed in Mixed Use-Commercial (MU-C) Zone District
Revised December 6, 2016**

Permitted Uses

- Dwelling, multi family
- Dwelling, live-work
- 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)
- Religious assembly, large (50,000 sq ft or more)
- Business, art or vocational school
- School, elementary
- Medical or dental clinic
- Nursing home
- Veterinary or animal hospital
- Convention or event center
- Indoor entertainment facility
- Restaurant, small (less than 5,000 sq. ft.)
- Restaurant (5,000 sq. ft. or more)
- Theater
- Hotel or motel
- Bed and breakfast
- Bank
- Office
- Data center
- Preschool
- Day care facility, small (14 or fewer)
- Day care facility, large (15 or more)
- Funeral home or crematorium
- Personal service and repair, small (less than 10,000 sq. ft.)
- Personal service and repair, large (10,000 sq. ft. or more)
- Garden material sales
- Grocery store, small
- Grocery store, large
- Retail store not listed, small (less than 15,000 sq. ft.)
- Retail store not listed, large (15,000 sq. ft. or more)
- Automobile and light vehicle repair and service
- Automobile and light vehicle sales, rental, or storage
- Filing station
- Parking lot (primary use)
- Parking structure

Special Uses

- Cemetery or mausoleum
- School, middle or high
- Kennel
- Other outdoor entertainment or recreation use not listed
- Building materials sales
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Solar, geothermal, or biomass power facility (primary use)
- Water or sewer pumping stations/reservoirs
- Recycling collection point (primary use)

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**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

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