



Planning & Development Division
Planning & Economic Development Department

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File Number	PL 19-149	Contact	Steven Robertson	
Type	Rezone from R-1 to R-2	Planning Commission Date	December 10, 2019	
Deadline for Action	Application Date		60 Days	N/A City Application
	Date Extension Letter Mailed	N/A	120 Days	N/A
Location of Subject	Lake Side of Snively Road Approximately Between Glenwood Street and Morningside Avenue			
Applicant	City of Duluth	Contact	Planning and Development	
Agent		Contact		
Legal Description	See Attached Map			
Site Visit Date	November 25, 2019	Sign Notice Date	November 25, 2019	
Neighbor Letter Date	November 22, 2019	Number of Letters Sent	108	

Proposal

The City is proposing to rezone property from the current zoning of Residential-Traditional (R-1), to Residential Urban (R-2).

Staff Recommendation

Staff is recommending approval of the proposed rezoning to R-2

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Undeveloped	Urban Residential
North	R-1	Residential	Traditional Neighborhood
South	R-1	Recreation, Residential	Open Space, Traditional Neighborhood
East	R-1	Recreation, Residential	Open Space, Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

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.B.3 Where a proposed amendment to the zoning map would change any property from a residential district to a mixed use, form or special purpose district, a planning commission hearing and a notice of three weeks shall be required. In addition, the affirmative vote of 2/3 of the council shall be required The city has not received the written consent of the owners of 2/3 of those properties located wholly or partially within 100 feet of the property proposed to be rezoned;
- 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 8 - Encourage mix of activities, uses and densities

Cities have evolved as a mix of land uses, building types, housing types, and activities. Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunity for a diversity of activity that segregated, uniform uses do not provide.

Principle #12 -Create efficiencies in delivery of public services. The costs of public service must be considered in land use decisions. Street construction and maintenance, utilities, libraries, fire, police, snow removal, and recreation facilities are services directly related to the physical location of development. Infrastructure should help direct development location rather than react to it. The integration of public services to maximize efficiencies with all related use decisions should be evaluated.

Future Land Use

Urban-Residential. Greatest variety of residential building types, medium to high densities. Applicable to larger infill areas close to downtown, entertainment or activity centers, and waterfront residential areas. May include student housing areas, live/work units, and limited neighborhood retail. Connected or adjacent to parks and open space.

Site History or Previous Studies

The Imagine Duluth 2035 Comprehensive Land Use Plan was adopted on June 25, 2018. The plan recommended 21 changes to the future land use plan. This area is addressed as Glenwood North (Site 18) "For this site adjacent to Glenwood Street and Snively Road, the land use map is changed from Recreation/Preservation to Neighborhood Mixed Use. This change takes advantage of adjacent utilities to provide additional residential opportunities and services. The Skyline Parkway Overlay District will restrict viewshed obstructions."

Review and Discussion Items:

- 1) The City is proposing to rezone property from the current zoning of Residential-Traditional (R-1), to Residential Urban (R-2), in conformance with the future land use map.
- 2) Prior to the adoption of the Imagine Duluth 2035 Plan, the future land use designation of this area was preservation. Areas with a future land use designation of preservation generally have a zoning designation of R-C or RR-1.
- 3) This area is within the Skyline Parkway Overlay, 50-18.4. New development within the overlay (200 feet of the downhill side of Skyline Parkway), is limited in order to protect the unique character and visual qualities of Skyline Parkway.
- 4) 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. The future land use category of Urban Residential is most commonly reflected in the City's zoning map as R-2. Other criteria for zoning may include considering existing land use patterns and if the rezoning is related to the needs to the community or existing land use.
- 5) The purpose of the R-2 district is to accommodate multi-family apartments and townhouses, in an urban setting. This district also allows for single-family detached dwellings, duplexes and group living accommodations. The district is intended primarily for locations closer to commercial and mixed use activity centers, and may serve as a transition between lower density residential areas and more intense commercial and mixed use neighborhoods.
- 6) Based on the future land use designation and the purpose statement of the R-2 zone district, rezoning as proposed is appropriate for this subject area.

7) No written correspondence has been received as of the date that this memo was printed. One citizen called and voiced opposition to the rezoning and redevelopment of this area. An optional public information meeting is scheduled for the evening of December 5, and comments from the public are anticipated at that meeting.

Staff Recommendation:

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning to R-2, Residential Urban.

- 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.

Legend

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



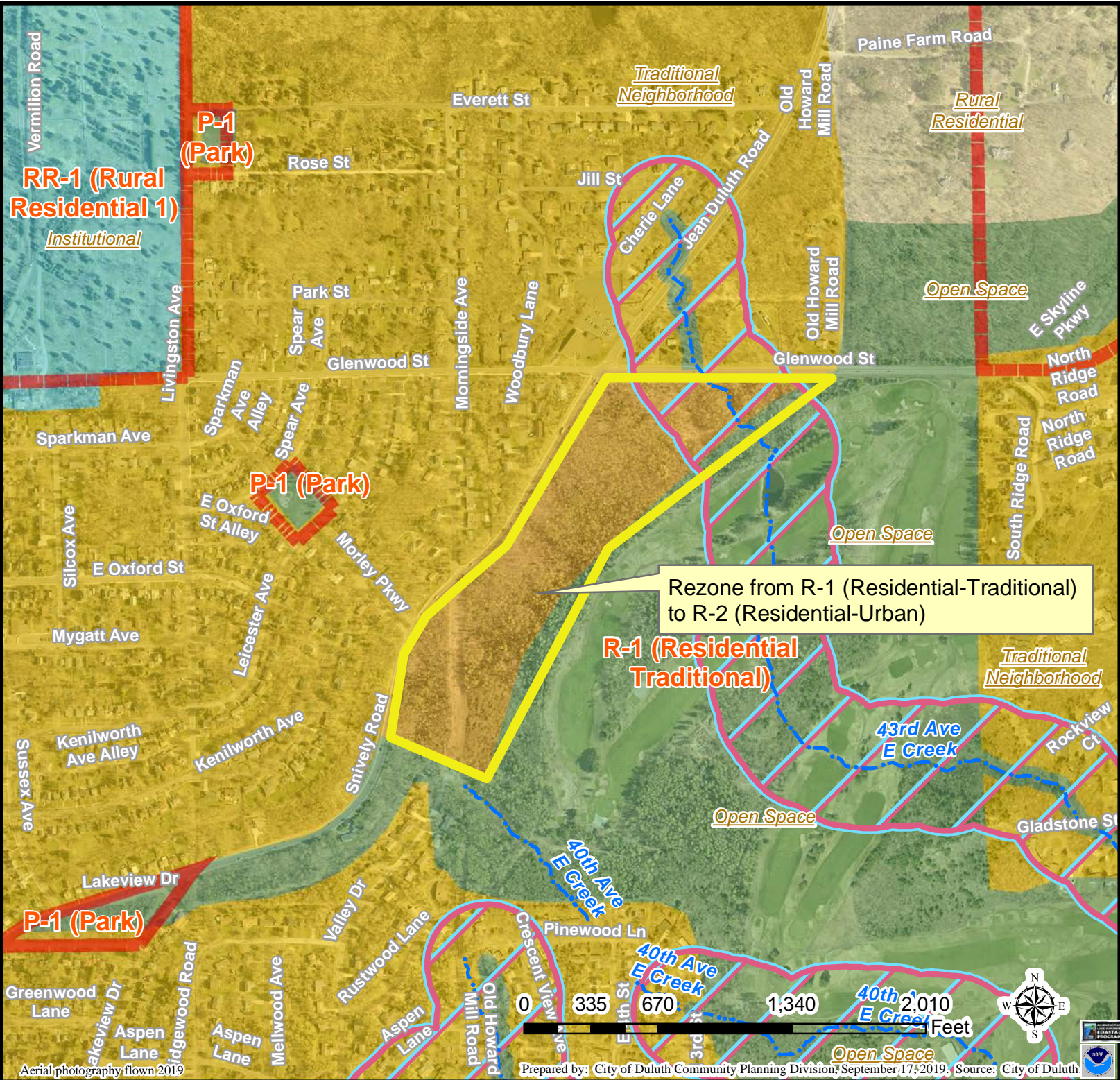
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Legend

- Zoning Boundaries
- Shoreland (UDC)
 - Cold Water
 - Natural Environment
 - General Development
 - Trout Stream (GPS)
 - Other Stream (GPS)
- Open Space
- Open Space/Outside Duluth
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Central Business Secondary
- Central Business Primary
- Large-scale commercial
- Tourism/Entertainment District
- Commercial Waterfront
- General Mixed Use
- Neighborhood Mixed Use
- Light Industrial
- General Industrial
- Industrial Waterfront
- Business Park
- Transportation and Utilities
- Transportation and Utilities/Outside Duluth
- Medical District
- Institutional

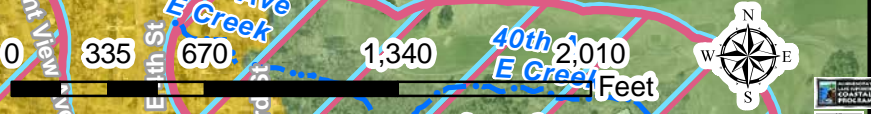


Rezone from R-1 (Residential-Traditional) to R-2 (Residential-Urban)

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Aerial photography flown 2019

Prepared by: City of Duluth Community Planning Division, September 17, 2019. Source: City of Duluth.



Snively and Glenwood



Haines and Arrowhead (Site 12)

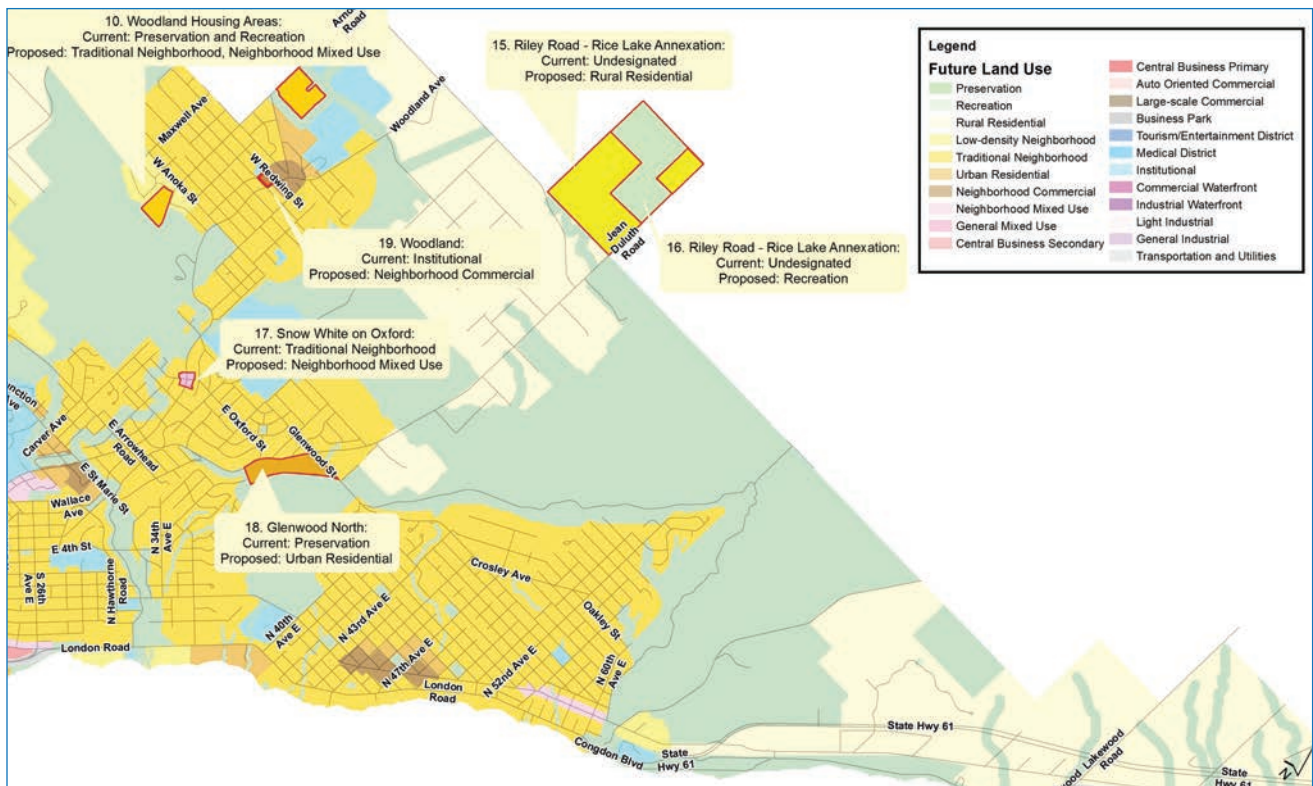
This area had been designated Auto-Oriented Commercial. It is changed to Central Business Secondary to continue to accommodate commercial activities which are complementary to surrounding uses in both Duluth and Hermantown.

Arrowhead & Rice Lake (Site 13)

This study area was originally designated for Auto-Oriented Commercial. Based on surrounding uses and evaluation of opportunities for development, including analysis of surrounding infrastructure, this area is designated Neighborhood Commercial.

Rice Lake and Norton Road (Site 14)

Evaluation of the Rice Lake and Norton area indicates a lack of access to utilities. A portion of the area remains General Mixed Use, but other areas of the analysis area are changed to Rural Residential. Proximity to the airport and changes within the recently created City of Rice Lake may result in some development pressure; however, this area is in the headwaters of Chester Creek and preservation of the low intensity character is appropriate.



Riley Road – Rice Lake Annexation (Site 15)

This action designates land use categories for lands annexed since adoption of the 2006 comprehensive plan. These lands are designated for Rural Residential. There are no utilities available in the area, which has a rural character associated with very low density areas of the city.

Riley Road – Rice Lake Annexation (Site 16)

This action designates land use categories for lands annexed since adoption of the 2006 comprehensive plan. The designation of Open Space is due to the presence of a large sports complex and dog park.

Former Snow White on Oxford Ave (Site 17)

This area was historically a small commercial node. The change will enable additional revitalization in this location to allow for a small area of mixed use types of development.

Glenwood North (Site 18)

For this site adjacent to Glenwood Street and Snively Road, the land use map is changed from Recreation/Preservation to Neighborhood Mixed Use. This change takes advantage of adjacent utilities to provide additional residential opportunities and services. The Skyline Parkway Overlay District will restrict viewshed obstructions.

Woodland, Near Former Cobb School (Site 19)

This change from Recreation to Neighborhood Commercial is consistent with the goal of increasing density, provides new opportunities for housing, and allows a mixture of uses within a Core Investment Area.

Areas for Future Study

During the evaluation process, two areas were designated for future study:

US Steel Site in the Morgan Park Neighborhood

This area is broadly designated General Mixed Use. As continued remediation takes place, additional study may help to clarify the City's preference for continued redevelopment of this site in relationship to surrounding land uses.

50-18.4 Skyline Parkway Overlay (SP-O).

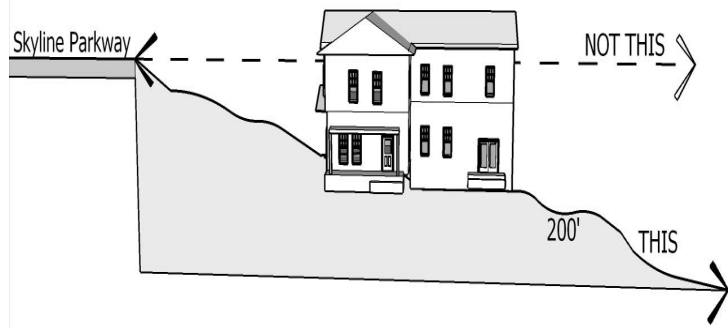
A. Purpose.

The purpose of this Section 50-18.4 is to protect the unique character and visual qualities of Skyline Parkway as documented in the Skyline Parkway corridor management plan and the comprehensive land use plan while protecting the property rights of private property owners affected by these regulations. One key purpose is to protect views from Skyline Parkway toward Lake Superior, the St. Louis River, and the harbor, from a wide variety of vantage points along the Parkway and to encourage the construction of narrower buildings located farther from the Skyline Parkway rather than wider buildings located closer to the parkway;

B. Land affected.

The regulations of this Section 50-18.4 apply to all private and public property located within 200 feet of the downhill side of Skyline Parkway as shown on Exhibits 50-18.4-2 to 4. The 200 foot distance shall be measured from the edge of the right-of-way along the slope of the affected property (not horizontally from the road), as shown in Figure 50-18.4-1. The Skyline Parkway Overlay maps are shown only for illustrative purposes and are not intended to regulate the boundary of the 200 feet distance as described above;

Exhibit 50-18.4-1: Measurement of 200' boundary



C. Construction and reconstruction affected.

This Section 50-18.4 shall apply to (1) all construction of new buildings or additions to buildings, (2) all reconstruction of an existing building or addition, (3) all construction of fences and walls, and (4) all installation and maintenance of landscaping within the SP-O zone district, after November 10, 2010. Buildings, additions, fences and walls that are permitted or exist on November 19, 2010, shall not be required to comply with the provisions of this Section, and shall be considered conforming structures for zoning purposes;

D. Design controls.

When construction of a building or an addition to a building, or reconstruction of an existing building or addition is proposed within the SP-O zone district, the following standards shall apply:

1. The building or addition shall be located at least 50 feet from the right-of-way of Skyline Parkway, or as close to that distance as is reasonably possible without violating required side or rear setbacks;
2. The long axis of a new structure shall be located within 20 degrees of perpendicular to the right-of-way line of Skyline Parkway at the midpoint of the front property line, or if that is not possible due to site or engineering constraints, then as close to that number as is reasonably possible;

Exhibit 50-18.4-6:
Measurement of Long Axis

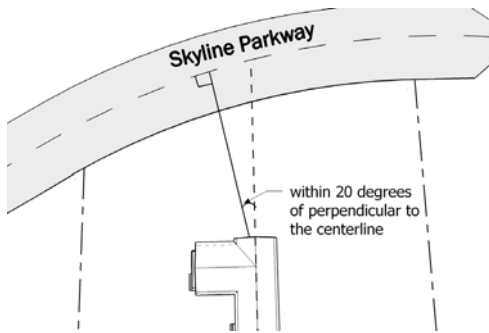
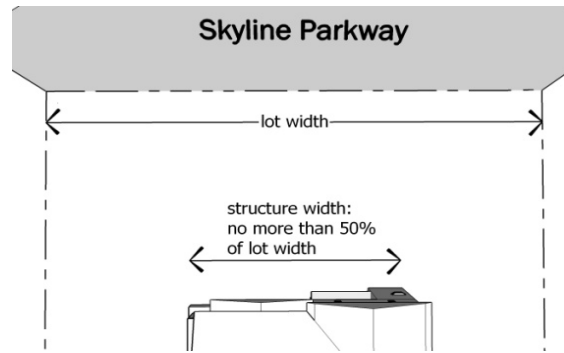


Exhibit 50-18.4-7:
Measurement of 50% of Lot Width



3. The width of a new primary structure closest to Skyline Parkway shall not exceed 50 percent of the width of the lot at the point closest to or adjacent to the Skyline Parkway right-of-way. For purposes of this paragraph, the width shall include all portions of the structure (including attached garages or enclosed porches);
4. Where an addition to an existing structure is proposed, the location of that addition shall not result in the width of structure and addition, taken together, exceeding 50 percent of the width of the lot at the point closest to or adjacent to the Skyline Parkway right-of-way;
5. The provisions of subsections 1 through 4 above shall not apply to any structure located and designed so that no part of the structure (other than chimneys) extends taller than three feet above the elevation of Skyline Parkway closest to the structure;
6. No wall located within 50 feet of horizontal distance from the property line along Skyline Parkway shall exceed a height of three feet above the elevation of the centerline of Skyline Parkway;
7. All portions of a fence located within 50 feet of horizontal distance from the property line along Skyline Parkway and extending more than three feet above the elevation of the centerline of Skyline Parkway shall be at least 75 percent transparent. No more than 25 percent of the area bounded by the top, bottom, and sides of the fence may be constructed of solid or opaque materials;

8. No landscaping located on the 50 percent of the lot width not occupied by the primary structure may be of a species that will have a height at maturity of more than three feet above the elevation of the centerline of Skyline Parkway, and all installed landscaping in those areas shall be maintained so that its height does not exceed three feet above the elevation of the centerline of Skyline Parkway. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10192, 12-17-2012, § 7.)

Uses Allowed in Residential-Traditional (R-1) Zone District
Revised January 2019

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-Urban (R-2) Zone District Revised January 2019

Permitted Uses

- Dwelling, one family
- Dwelling, two family
- Dwelling, townhouse
- Dwelling, multifamily
- Residential care facility/assisted living (6 or fewer)
- Residential care facility/assisted living (7 or more)
- Government building or public safety building
- Park, playground, or forest reserve
- Religious assembly, small (less than 50,000 sq. ft. or more)
- School, elementary
- Nursing home
- Agriculture, community garden
- Veterinarian or animal hospital
- Bed and breakfast
- Preschool
- Day care facility, small (14 or fewer)

Special Uses

- Manufactured Housing Park
- Co-housing facility
- Rooming house
- Cemetery or mausoleum
- Club or lodge (private)
- Museum, library, or art gallery
- Religious assembly, large (50,000 sq. ft. or more)
- School, middle or high
- Agriculture, farmers market
- Agriculture, urban
- Medical or dental clinic
- Restaurant (less than 5,000 sq. ft.)
- Office
- Day care facility, large (15 or more)
- Funeral Home or crematorium
- Retail store not listed, small (less than 15,000 sq. ft.)
- Filling station
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs

Interim Uses

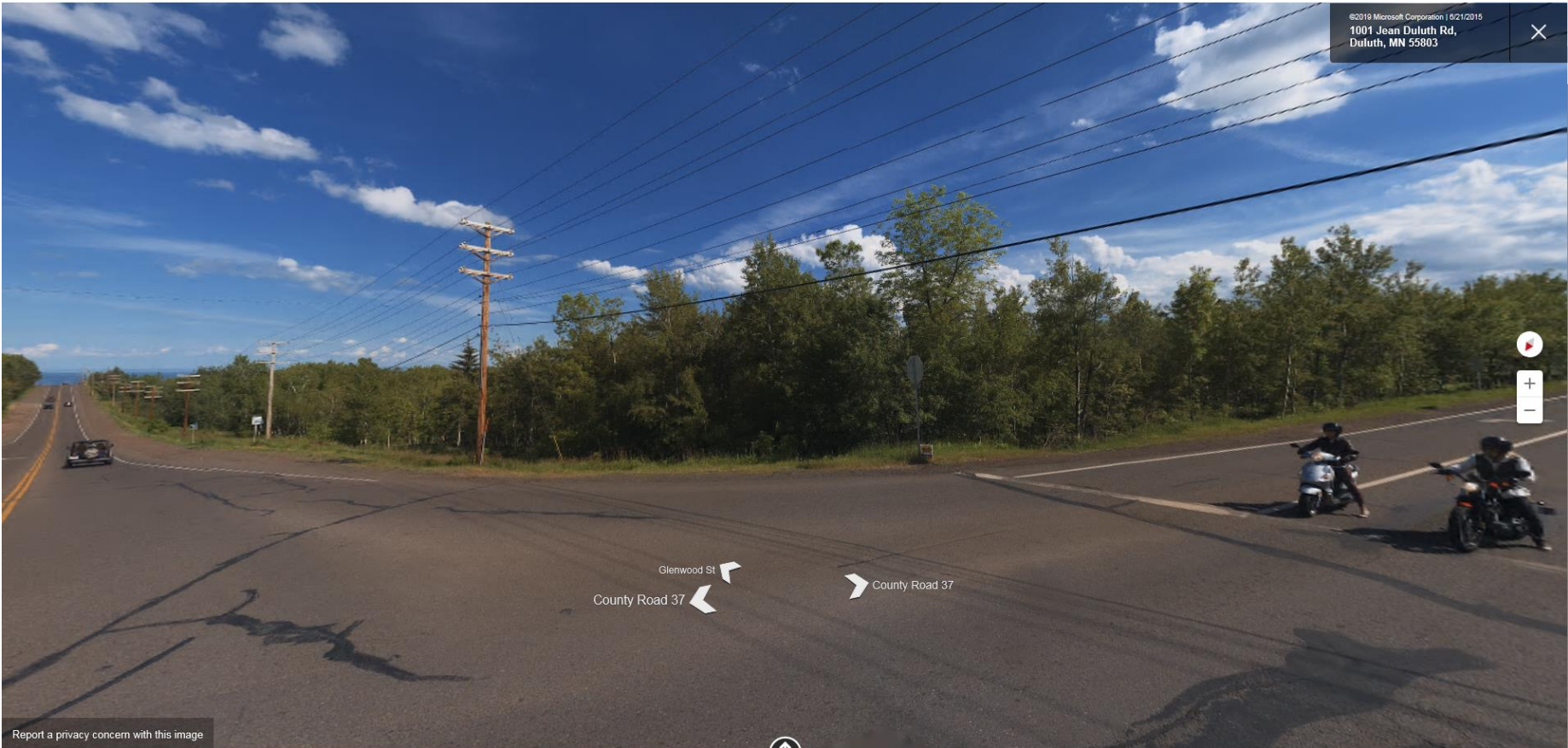
- Vacation Dwelling Unit



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